



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE: FEBRUARY 22, 2018

Date: February 15, 2017
Case No.: **2015-015846DRPVAR**
Project Address: **520 28th Street**
Zoning: RH-1 [Residential – House, One-Family]
40-X Height and Bulk District
Block/Lot: 6604/008
Project Sponsor: Anthony Pantaleoni, Kotas/Pantaleoni Architects
70 Zoe Street, Suite 200
San Francisco, CA 94107
Staff Contact: Elizabeth Jonckheer – (415) 575-8728
elizabeth.gordon-jonckheer@sfgov.org
Recommendation: **Do Not Take Discretionary Review and Approve as Revised**

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project proposes vertical and horizontal additions to the existing 1,200 square-foot, one-story, single-family home. Work includes a new 2-car garage at the front of the subject lot. The project has been modified since the original proposal – the two lower levels above the proposed garage have been removed and a tiered landscaped open space area is now proposed in the existing hillside. The front wall of the house will be removed and replaced with a new facade. The roof will be removed and a new second floor added.

Public-Initiated Discretionary Review

A Public-Initiated request for Discretionary Review was filed during the Building Permit Notification period.

Variance

The project requests a Variance for the demolition and replacement of the roof of the existing noncomplying structure at the rear, constituting an increase in the volume of the building envelope in the required rear yard (Planning Code Section 134).

Withdrawal of Staff-Initiated Discretionary Review (DR)

The Staff-Initiated DR associated with this project has been withdrawn. On January 16, 2018, the Project Sponsor submitted revised plans that modified the proposed design to meet the comments specified by the Residential Design Team (and thereafter the Residential Advisory Design Team) by modifying the massing of the project at the street to reinforce the 2-story-building-perched-on-a-hill feeling through removal of the originally proposed two lower levels above the garage. The proposal now includes a tiered landscaped open space area to emphasize a landscaped hillside. After additional review with Design Staff, based on these modifications, the Department determined that the project is now consistent

with the Residential Design Guidelines. Therefore, a Staff-Initiated Discretionary Review is no longer required.

SITE DESCRIPTION AND PRESENT USE

The project is located on the north side of 28th Street, between Castro and Diamond Streets, Block 6604, Lot 008. The subject property is approximately 2,850 square feet. The lot slopes steeply upward to the north and the building sits well above street grade. The subject building abuts the neighbor to the west but is separated from the neighbor to the east as that property faces Castro Street. From the sidewalk, a cobblestone pathway winds up the hillside and meets a path that accesses the primary entrance to the right side of the existing building. The depth of the lot is 114 feet, and the overall width of the property is 25 feet. The site is located within the RH-1 (Residential – House, One Family) Zoning District and the 40-X Height and Bulk District. The property is developed with a rectangular plan, one-story, single-family, wood-frame building, constructed circa 1908. The subject property has a front setback of 15 feet and a rear yard of 26 feet 6 inches.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The adjacent properties are primarily single-family structures, also located within the RH-1 Zoning District. The subject property abuts a RM-1 (Residential-Mixed, Low-Density) and RH-2 (Residential-House, Two Family) Zoning Districts to the east and south that contain higher density structures. The site is located in the western section of the Noe Valley neighborhood on a block that exhibits a wide variety of architectural styles and of heights – from one to four stories. Original construction dates in the immediate area range from 1900 to 1988. Most of the buildings are vernacular or Modern. Many of the older buildings in the area have undergone significant or modern alterations.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	March 29, 2017 – April 28, 2017	April 27, 2017 (Staff-Initiated DR filed January 1, 2017)	July 6, 2017 (original date) February 22, 2018	70 231

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	June 16, 2017	June 16, 2017*	20 days
Mailed Notice	10 days	June 26, 2017	June 16, 2017*	20 days

* Item continued on the Commission calendar: 5/18/17; 6/22/17; 9/28/17; 11/16/17; 1/11/18

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent Neighbor	0	1 (owners + tenants)	--
Other neighbors on the block or directly across the street	--	1	--
Neighborhood groups	--	--	X

As of the publication date of this packet, the Planning Department has received inquiries in opposition from an adjacent neighbor and Georgia Schuttish.

DR REQUESTOR(S):

- Discretionary Review Application 2015-015846DRP was filed by Jerry Tergis, owner of 524 28th Street a one-story single family residence located to the west of the subject property.

PUBLIC-INITIATED DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Please note that the Public-Initiated DR references the originally proposed design with the massing at street level above the garage. As of the date of this report, the Department has not received revised DR concerns from the DR Requestor -- based on the new design. Any after packet comments from the DR Requestor will be provided to the Planning Commission if received.

Issue #1: *The proposed project is out of character and scale with the rest of the neighborhood.* The north side of the block is unusual in that it composed of houses on top of a hill reached by long stairways with large, publicly visible gardens between the houses and the street. The proposed project would effectively replace a one-story building perched on top of a hill with a five-story building starting at street level — thereby eliminating the garden. The scale of the proposed building is not compatible with surrounding buildings. Surrounding buildings are two stories. The architectural features and building material proposed do not enhance the neighborhood character or provide visual interest and texture. The neighboring houses are two story wood houses with extensive greenery in front of them. The proposed building is not responsive to this neighborhood context and does not respond to the topography of the site and surrounding area.

The three additional floors added underneath the existing house should be eliminated to maintain the current front yard, open space, reduce some light and privacy issues, as well as eliminate the stepped concrete wall bordering 524 28th Street. Any front porches/decks should be no higher than the neighboring front porch or lower to respect the topography and the facade of the proposed house should extend no farther than the front of neighboring houses.

Issue #2: *Mid-block open space/Privacy & light and air.* The proposed building will impinge on mid-block open space by adding a second story reaching nearly to the back of the lot. The extensions in the front and

the back will significantly block light to neighbors. The additional second story, reaching almost to the rear property line, will double the height of the wall bordering the back yard of 524 28th Street, impact light and air and privacy. The protruding concrete block of "master bedroom #2" with its roof top deck will be significantly above grade and above and in front of the house at 524 28th Street, shading the front porch and entryway and boxing in the front of the house. The stepped concrete retaining wall running the property line all the way down to the street will enclose 524 28th Street's front yard in an unsightly concrete wall. This wall looks to actually wrap around the front of the house at 524 28th Street. The additional second story should extend no farther into the back yards than the second stories of neighboring houses to protect the mid-block open space and allow light into neighboring yards.

Reference the *Discretionary Review Application* for additional information. The *Discretionary Review Application* is an attached document.

PROJECT SPONSOR'S RESPONSE

Response to 524 28th Street DR Request

The project has been modified to respond to the DR request. The massing of the proposal has been modified to reinforce the 2-story-building-perched-on-a-hill feeling together with a garage at street level. The gable roof has been modified to reduce the overall height of the building recognizing the lateral topography. The two lower levels above the proposed garage have been removed and a tiered landscaped open space area is now proposed to reveal the actual landscaped hillside.

The modified project is compatible with the character and scale of the subject blockface. In addition to the modification stated above, the originally proposed front deck adjacent to 524 28th Street has been removed. The proposed deck has been greatly reduced in size and is now 11'-9" away from the 524's property line. The proposed deck is facing away from the DR applicant's property to help preserve their privacy. Additionally, the proposed door providing access to the deck has been removed to further improve the DR applicant's privacy.

The DR requester offered a settlement agreement in a letter dated October 19, 2017. The project sponsor's response is attached. The project sponsor has addressed all of the DR requester's settlement measures. The project sponsor will not "Replace the Foundation Under the East Wall of 524 28th Street" OR conduct a "Shading and Light Study." The proposed project is a two-story structure similar in height to the DR applicant's two-story house and the adjacent two-story structures along the block-face. Because of the properties North/South orientation, the proposed rear addition for 520 28th Street will only shadow 524's rear yard in the early morning. The project does not require a shadow study.

Reference the *Project Sponsor's Response to Discretionary Review dated February 5, 2018* for additional information. The *Project Sponsor's Response to Discretionary Review* is an attached document.

PROJECT ANALYSIS

As revised, the proposed project and design responds to the topography of the site, its position on the block, and the placement of surrounding buildings. Above the new garage, landscaped terraces connect

to the structure at the top of the hill. The landscaping reflects the surrounding context as recommended by the Residential Advisory Design Team. Specifically, the pattern of landscaping in the front setback along the hillside is maintained and provides a visually interesting transitional space between the public realm of the street and the private realm of the building. The appearance of the house continues to convey a sense of a “building-perched-on-a-hill” as similar to its neighbors, and the visibility of the development is limited from the street.

ENVIRONMENTAL REVIEW

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

PRESERVATION REVIEW

As outlined in the Planning Department’s Preservation Team Review Form (signed May 9, 2016), the subject property at 520 28th Street was determined not to be eligible for listing in the California Register under any criteria individually or as part of a historic district. Due to the assumed date of construction, investigation was made as to the possibility of the building as an earthquake shack, but the earliest known dimensions of the building on the 1914 Sanborn do not match those of any known shack type. No information was discovered that indicates that early 20th century African American contractor William Smith was involved with the construction of this building, as he was with 524 28th Street. The property was reclassified to Category C - No Historic Resource Present.

RESIDENTIAL DESIGN ADVISORY TEAM REVIEW

The Residential Design Advisory Team (RDT/RDAT) recommended the following modifications to the original proposal:

- Reduce the overall height of the top floor at the front such that the gable is below that of the uphill neighbor to recognize the lateral topography. (RDG pg. 30)
- The building at 538 28th street should not be used as a model for this block. (RDG pg. 10)
- Massing for this site should reinforce the 2-story-building-perched-on-a-hill feeling together with a garage at street level. Remove the two lower levels to reveal the actual landscaped hillside. (RDG pgs. 11-12, 14, 23-25)
- The Department supports a garage at street level with removal of the currently proposed two lower levels.

The sponsor has submitted revised plans that incorporate RDT/RDAT’s recommendations.

BASIS RECOMMENDATION

- The sponsor has submitted revised plans that incorporate RDT/RDAT’s recommendations. The height of the top floor of the addition has been reduced from the original proposal -- from 30’-4” to 28’- 4”. The revised massing of the project reinforces the 2-story-building-perched-on-a-hill feeling through

removal of the originally proposed two lower levels above the garage. The proposal includes a tiered landscaped open space area to emphasize the hillside.

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.

RECOMMENDATION:	Do Not Take Discretionary Review and Approve as Revised.
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Attachments:

Design Review Checklist

Block Book Map

Sanborn Map

Zoning District Map

Aerial Photographs

Site Photographs

Section 311 Notice

CEQA Determination, including:

- Planning Department Preservation Team Review (PTR) Form signed May 9, 2016 and the Historic Resource Evaluation Part I prepared by Tim Kelley Consulting (dated June 2015).

DR Application

Response to DR Application dated February 5, 2018

Correspondence regarding settlement agreement

Geotechnical Report

Other Correspondence

Reduced Plans

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

QUESTION	
The visual character is: (check one)	
Defined	
Mixed	X

Comments: The Residential Design Guidelines (RDGs) state that the design of buildings should be responsive to both the immediate and broader neighborhood context, in order to preserve the existing visual character. The subject properties is located on a block that exhibits a variety of architectural styles and of heights and many of the buildings in the area have undergone significant or modern alterations.

SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
Topography (page 11)			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	X		
Front Setback (pages 12 - 15)			
Does the front setback provide a pedestrian scale and enhance the street?	X		
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?			X
Does the building provide landscaping in the front setback?	X		
Side Spacing (page 15)			
Does the building respect the existing pattern of side spacing?			X
Rear Yard (pages 16 - 17)			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
Views (page 18)			
Does the project protect major public views from public spaces?			X
Special Building Locations (pages 19 - 21)			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?			X
Is the building articulated to minimize impacts on light to adjacent cottages?			X

Comments: The revised project and design responds to the topography of the site, its position on the block, and the placement of surrounding buildings. The proposed new construction maintains the existing topography of the site and the surrounding context.

BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at the street?	X		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	X		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	X		
Are the building's proportions compatible with those found on surrounding buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

Comments: Pursuant to RDT/RDATs comments the proposed building scale and form were modified to be appropriate for the neighborhood. The massing serves to transition between the two adjacent neighbors and respect the slope of the hillside and street as well as help define, unify and contribute positively to the existing visual context.

ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?	X		
Is the building's front porch compatible with existing porches of surrounding buildings?	X		
Are utility panels located so they are not visible on the front building wall or on the sidewalk?	X		
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	X		
Garages (pages 34 - 37)			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		
Is the placement of the curb cut coordinated to maximize on-street parking?	X		
Rooftop Architectural Features (pages 38 - 41)			

Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other building elements?			X
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?			X

Comments: A street level garage and the new second story are appropriate at the site. The hillside configuration is maintained. Development on the lot follows the topography in a manner that reinforces the 2-story-building-perched-on-a-hill feeling together with a garage at street level.

BUILDING DETAILS (PAGES 43 - 48)

QUESTION	YES	NO	N/A
Architectural Details (pages 43 - 44)			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
Windows (pages 44 - 46)			
Do the windows contribute to the architectural character of the building and the neighborhood?	X		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	X		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	X		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	X		
Exterior Materials (pages 47 - 48)			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	X		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		
Are the building's materials properly detailed and appropriately applied?	X		

Comments: The architectural detail, windows and exterior materials reflect a thoughtful and modern design that fits within and contributes positively to the neighborhood. As applied, these elements function to define the building's form and provide visual richness and interest.

Parcel Map

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

6604

HORNERS ADDN BLK 177

REVISED '60
" '66
" '87
" '88
" '91
" '93



CASTRO

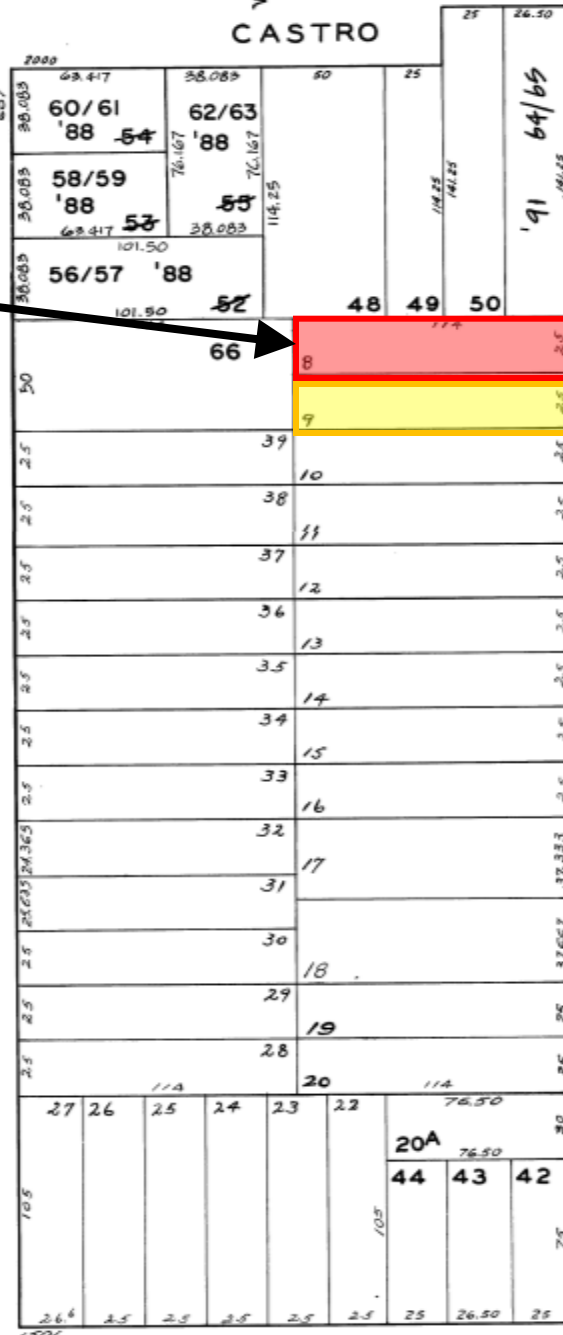
Former W. Line of CASTRO ST.

SUBJECT PROPERTY

DR REQUESTOR

DUNCAN

28TH



DIAMOND

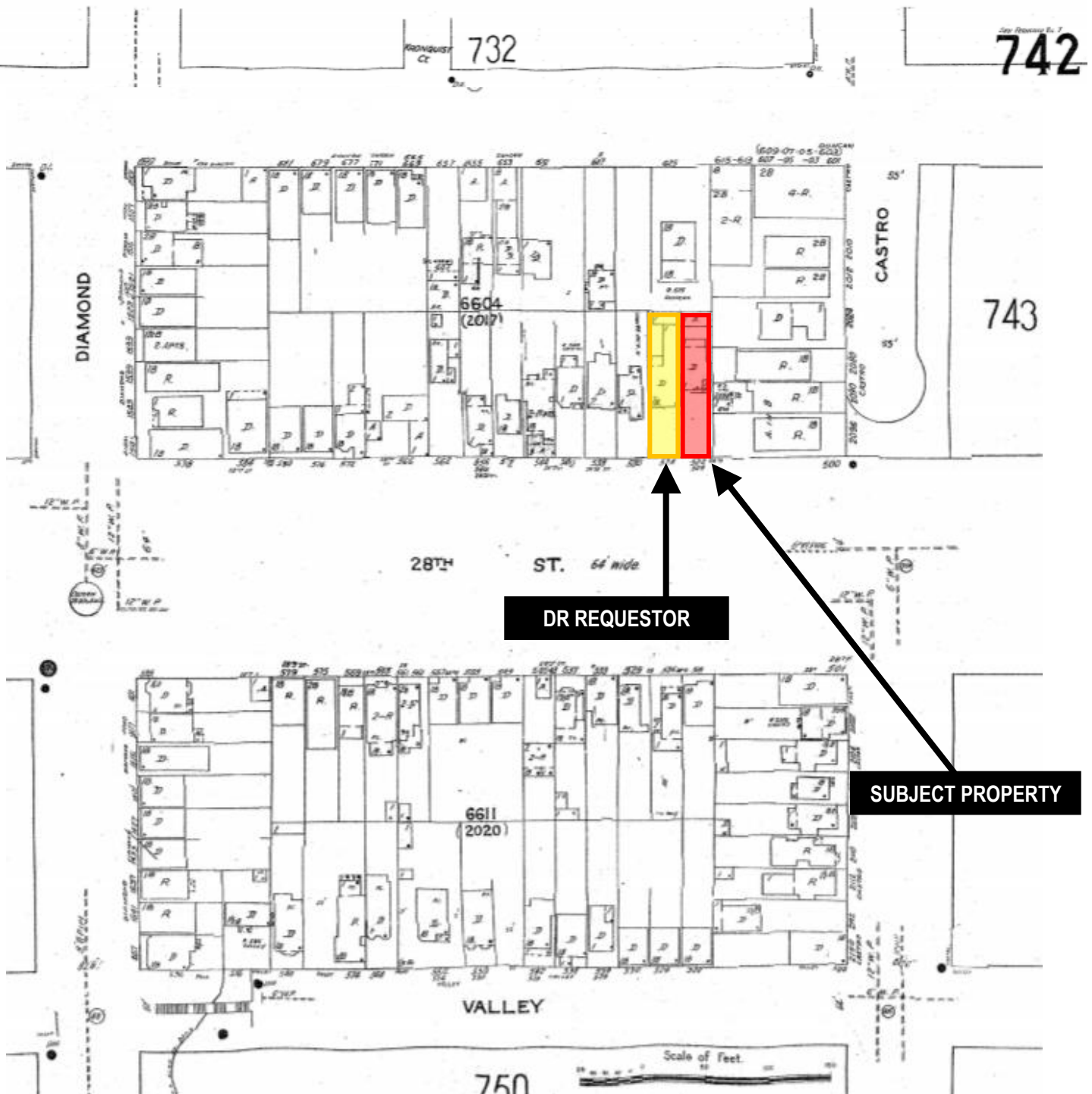
2096 - 2098 CASTRO ST.		
A CONDOMINIUM		
LOT	UNIT	% COMM. AREA
64	2096	65.52
65	2098	34.48



Discretionary Review Hearing
February 22, 2018
Case Number 2015-015846DRPVAR
520 28th Street
Block 6604 Lot 008

Sanborn Map*

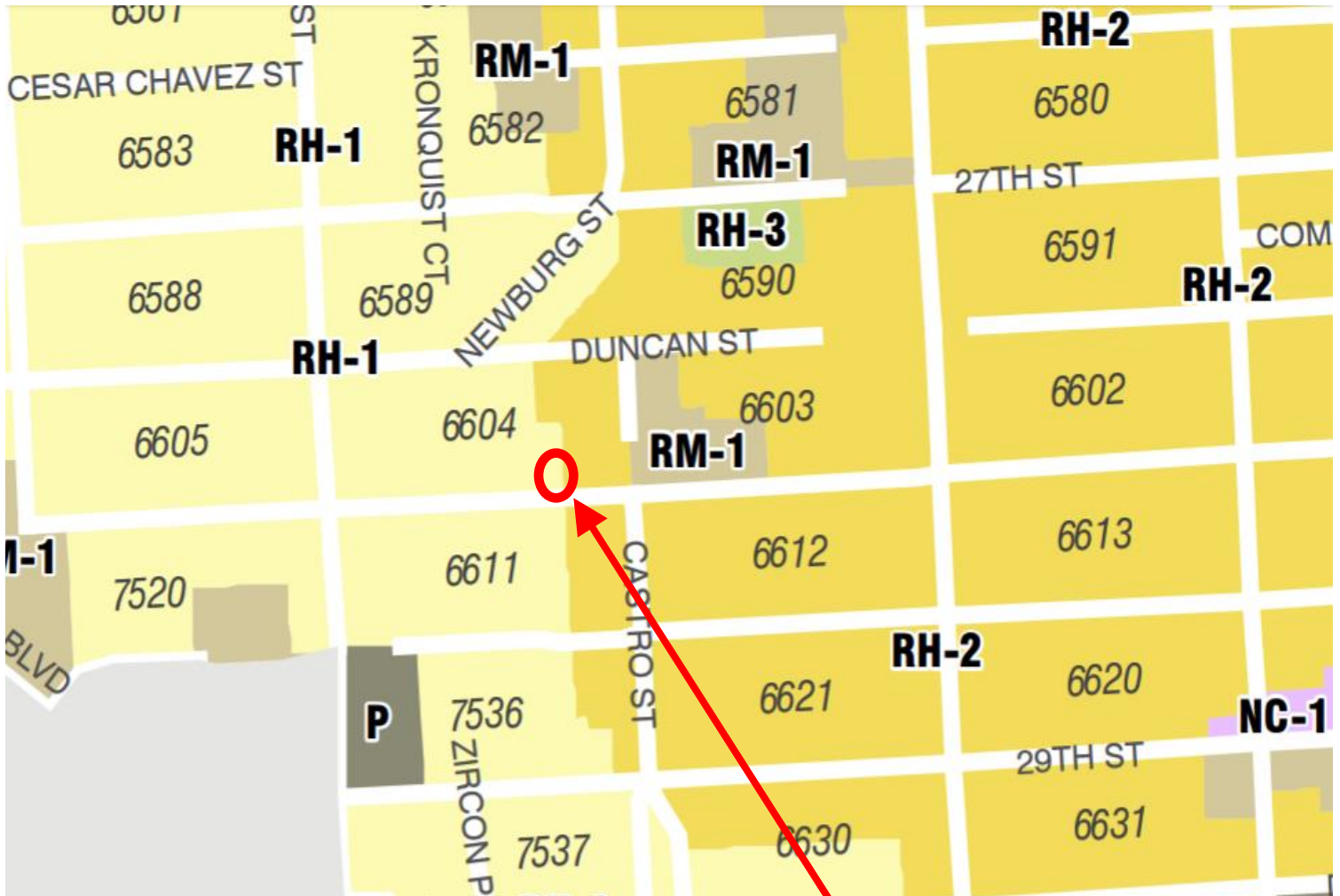
THESE SANBORN MAPS ARE DATED TO THE MID 1990'S
USE ONLY FOR HISTORICAL CONTEXT



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



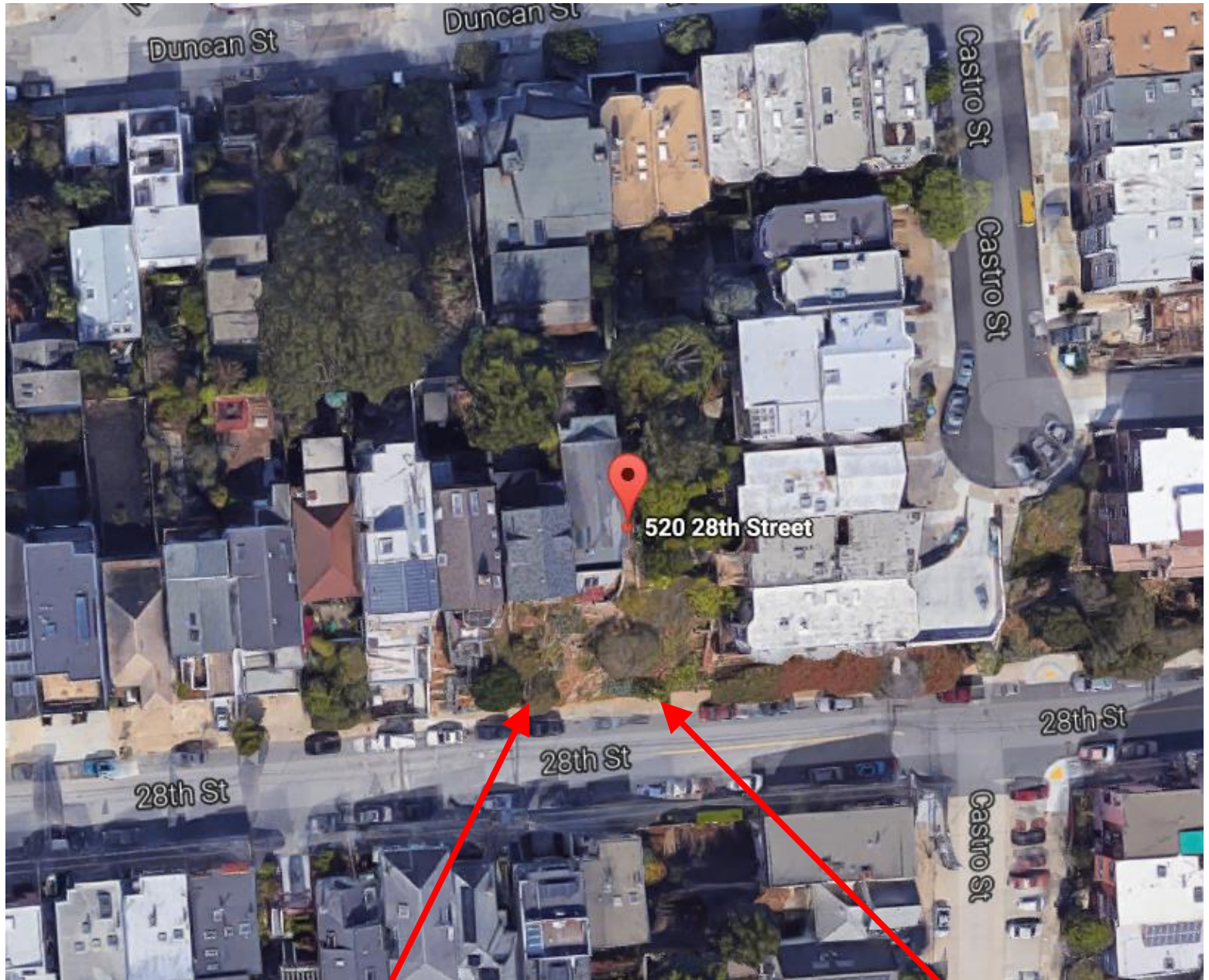
Zoning Map



SUBJECT PROPERTY



Aerial Photo



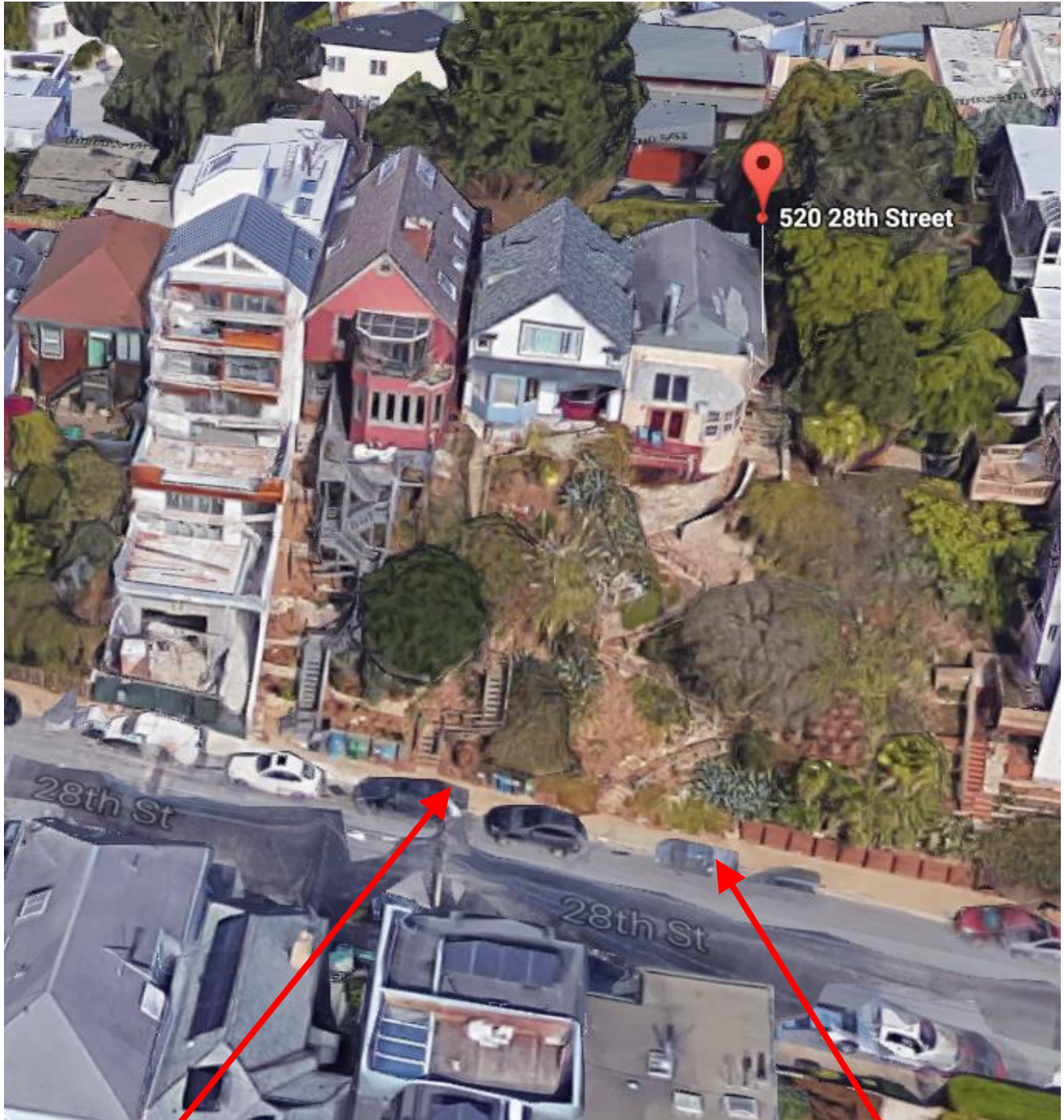
DR REQUESTOR

SUBJECT PROPERTY



Discretionary Review Hearing
February 22, 2018
Case Number 2015-015846DRPVAR
520 28th Street
Block 6604 Lot 008

Aerial Photo

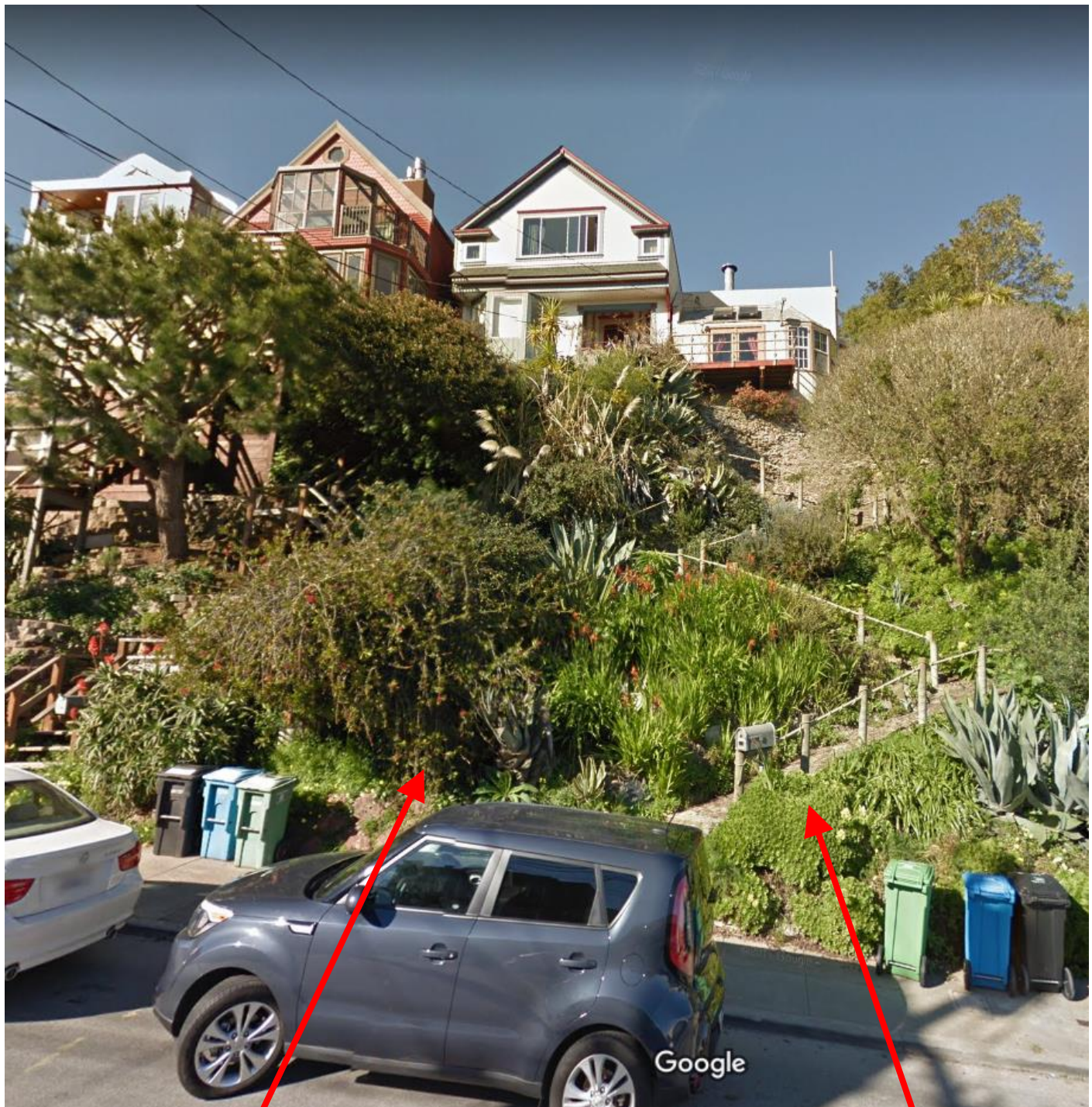


DR REQUESTORS

SUBJECT PROPERTY



Site Photo

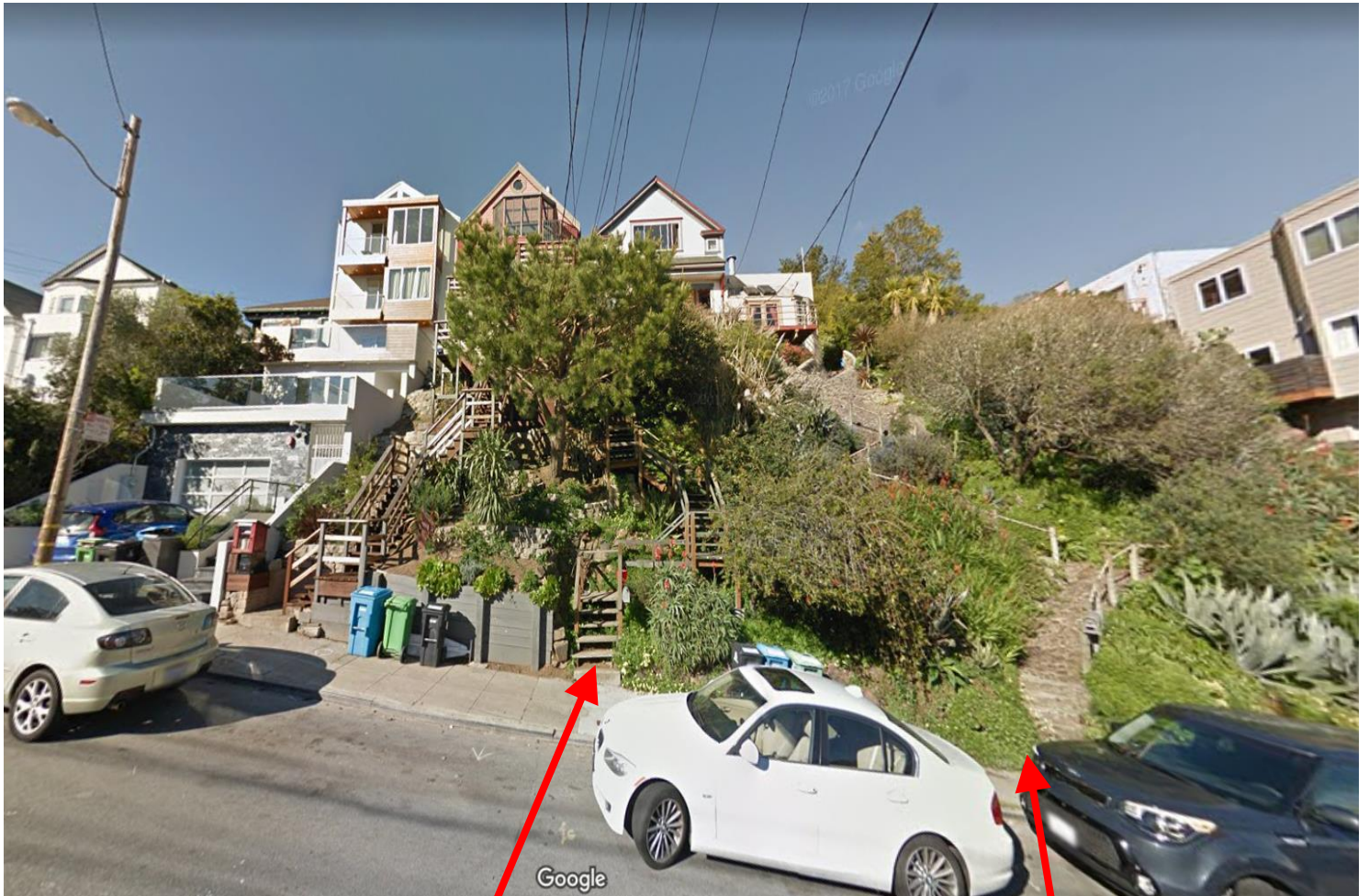


DR REQUESTOR

SUBJECT PROPERTY



Site Photo



DR REQUESTOR

SUBJECT PROPERTY





SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **November 12, 2015**, the Applicant named below filed Building Permit Application No. **2015.11.12.2431** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	520 28th Street	Applicant:	Anthony Pantaleoni, Architect
Cross Street(s):	Diamond and Castro Streets	Address:	70 Zoe Street, Suite 200
Block/Lot No.:	6604/008	City, State:	San Francisco, CA 94107
Zoning District(s):	RH-1 / 40-X	Telephone:	(415) 495-4051 x 211
Record No.:	2015-015846PRJ/DRM/VAR	Email:	tony@kp-architects.com

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	15 feet	No Change -- new garage permitted in front setback per Planning Code Section 136
Side Setbacks	None	No Change
Building Depth	Approx. 67 feet from front building wall	Approx. 106 feet from front of garage wall
Rear Yard	26 feet 6 inches	No Change
Building Height	20 feet 8 ½ inches from top of slope	28 feet 4 inches from top of slope
Number of Stories	2	4 over garage
Number of Dwelling Units	1	No Change
Number of Parking Spaces	0	2

PROJECT DESCRIPTION

The proposal is for vertical and horizontal additions to the existing one-story single-family home. Work includes a new 2 car garage and two new basement levels. The front wall of the house will be removed and replaced with a new facade. The roof will be removed and a new second floor added. The proposal does not meet the Residential Design Guidelines and is subject to a Staff Initiated Discretionary Review (**Case No. 2015-015846DRM**) hearing scheduled on May 18, 2017. Furthermore, the demolition and replacement of the roof of the existing noncomplying structure in the required rear yard constitutes an increase in the volume of the building envelope and does not comply with Planning Code requirements for rear yard (Sec. 134). The project therefore requests a variance be granted by the Zoning Administrator (**Case No. 2015-015846VAR**). The variances will be heard at the scheduled hearing date above. See attached plans.

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

For more information, please contact Planning Department staff:

Planner: Elizabeth Gordon Jonckheer
Telephone: (415) 575-8728
E-mail: elizabeth.gordon-jonckheer@sfgov.org

Notice Date: 3/29/17
Expiration Date: 4/28/17

GENERAL INFORMATION ABOUT PROCEDURES

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

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

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org. You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

Incomplete applications will not be accepted.

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

BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

ENVIRONMENTAL REVIEW

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

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



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
520 - 28th Street		6604/008
Case No.	Permit No.	Plans Dated
2015-015846ENV	201511122431	11/12/2015
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction
<input type="checkbox"/> Project Modification (GO TO STEP 7)		
Project description for Planning Department approval. Proposed vertical & horizontal addition to (E) SFH to include basement levels. Remodel & renovation. Construction of (N) two-car garage.		

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither Class 1 or 3 applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	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.
<input type="checkbox"/>	Class__

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> 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 checked="" 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input checked="" 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) 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? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required.
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</u>	
<input checked="" 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): Jean Poling No archeological effects. Project will follow recommendations of 2/4/16 geotechnical investigation by Kevin O'Connor, Inc.	

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input checked="" 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 checked="" type="checkbox"/>	10. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: 4/21/16 (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: Elizabeth Gordon Jonckheer <small>Digitally signed by Elizabeth Gordon Jonckheer DN: cn=Elizabeth Gordon Jonckheer, ou=City Planning, ou=Current Planning, cn=Elizabeth Gordon Jonckheer Date: 2016.05.12 14:35:21 -07'00'</small>	

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 checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.	
	Planner Name: Elizabeth Gordon Jonckheer Project Approval Action: Building Permit If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	Signature: Elizabeth Gordon Jonckheer <small>Digitally signed by Elizabeth Gordon Jonckheer DN: dc=org, dc=sfgov, dc=cityplanning, ou=City Planning, ou=Current Planning, cn=Elizabeth Gordon Jonckheer Date: 2016.05.12 14:35:21 -07'00'</small>
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 CATEX FORM	

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

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:	4/21/2016	Date of Form Completion	4/21/2016
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PROJECT INFORMATION:		
Planner:	Address:	
Elizabeth Jonckheer	520 28th Street	
Block/Lot:	Cross Streets:	
6604/008	28th Street at Castro Street	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B		2015-015846ENV

PURPOSE OF REVIEW:			PROJECT DESCRIPTION:	
<input checked="" type="radio"/> CEQA	<input type="radio"/> Article 10/11	<input type="radio"/> Preliminary/PIC	<input checked="" type="radio"/> Alteration	<input type="radio"/> Demo/New Construction

DATE OF PLANS UNDER REVIEW:	11/12/2015
------------------------------------	------------

PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted Historic Resource Evaluation Part I prepared by Tim Kelley Consulting (dated June 2015). Proposed Project: Proposed vertical and horizontal additions to the existing one-story single-family home. Work includes a new 2 car garage and two new basement levels. The front wall of the house will be removed and replaced with a new facade. The roof will be removed and a new second floor added.	

PRESERVATION TEAM REVIEW:				
Historic Resource Present		<input type="radio"/> Yes	<input checked="" type="radio"/> No *	<input type="radio"/> N/A
Individual		Historic District/Context		
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:		Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:		
Criterion 1 - Event:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 1 - Event:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 2 - Persons:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 2 - Persons:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 3 - Architecture:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 3 - Architecture:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input checked="" type="radio"/> No	Criterion 4 - Info. Potential:	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Period of Significance:	n/a	Period of Significance:	n/a	
		<input type="radio"/> Contributor <input type="radio"/> Non-Contributor		


Complies with the Secretary's Standards/Art 10/Art 11:	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team:	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS:

According to the Historic Resource Evaluation Part I prepared by Tim Kelley Consulting (dated June 2015) and information found in the Planning Department files, the subject property at 520 28th Street contains a single-family wood-frame constructed circa 1908 (source: Spring Valley Water Company records). Mrs. M. F. Halstead requested the water hook-up and is listed in the City Directory as residing at the subject property in 1909. The owner at the time was Laura M. Taylor & Raymond Realty Company. No original permit was located for this property. The original design of the building is unknown. The 1914 Sanborn Map and 1938 aerial photo depict the subject property as a one-story rectangular building with a rear outbuilding. A front-gabled roof is visible on the aerial. Due to the assumed date of construction, investigation was made as to the possibility of the building as an earthquake shack, but the earliest known dimensions of the building on the 1914 Sanborn do not match those of any known shack type. The building was completely remodeled in 1986, however the front-facing gable roof still spans all but the front quarter of the building. No information was discovered that indicates that the neighbor, early 20th century African American contractor William Smith, was involved with the construction of this building.

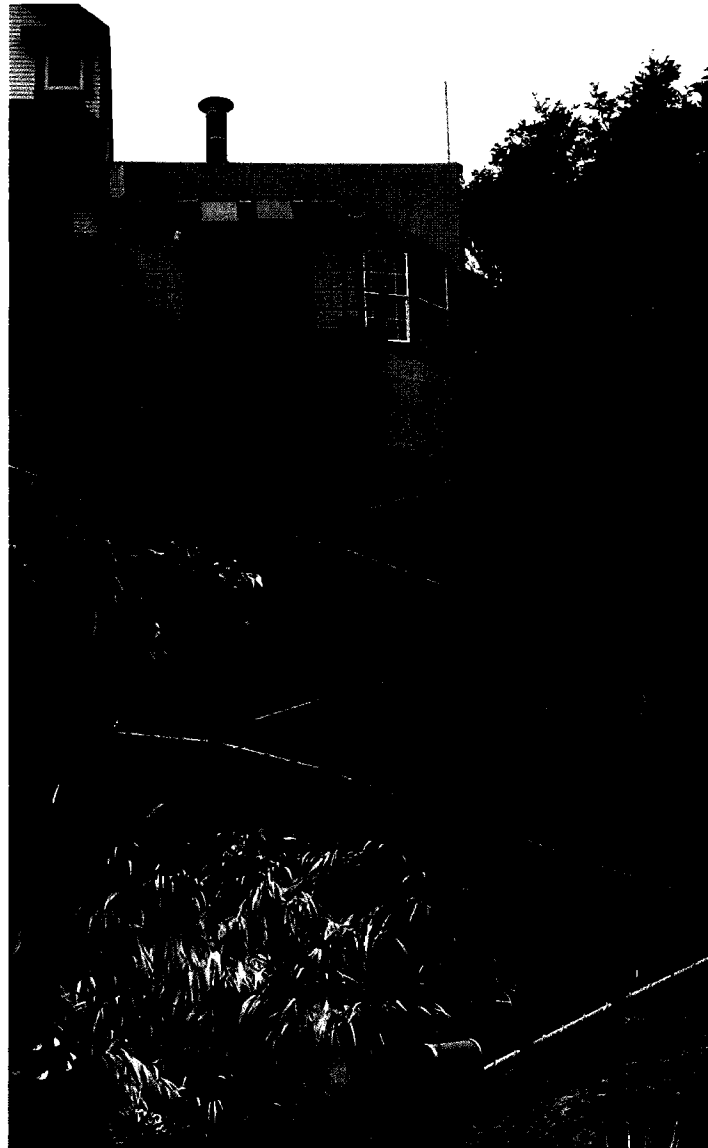
No known historic events occurred at the subject property (Criterion 1). None of the owners or occupants have been identified as important to history (Criterion 2). The subject property is a nondescript example of a vernacular style single-family residence. The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3. The subject property is not located within the boundaries of any formally identified or potential historic district. The subject property is located in the Noe Valley neighborhood on a block of 28th Street that exhibits a variety of architectural styles (mostly vernacular or Modern) and construction dates ranging from 1900 to 1988. Many of the buildings in the area have undergone significant or modern alterations. Together, the block does not comprise a significant concentration of historically or aesthetically unified buildings. The subject building is not significant under Criterion 4, since this significance criterion typically applies to rare construction types when involving the built environment. The subject building is not an example of a rare construction type. Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district and is not a historic resource under CEQA.

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
	5-9-2016

HISTORICAL RESOURCE EVALUATION PART 1

520 28TH STREET

SAN FRANCISCO, CALIFORNIA



TIM KELLEY CONSULTING, LLC

HISTORICAL RESOURCES

2912 DIAMOND STREET #330

SAN FRANCISCO, CA 94131

415.337-5824

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I. INTRODUCTION

Tim Kelley Consulting (TKC) was engaged to conduct a Historical Resource Evaluation (HRE) for 520 28th Street, a single-family wood-frame building constructed circa 1908 in the Noe Valley neighborhood. A scoping discussion via email with Gretchen Hilyard, Planner, on May 26, 2015 identified an area to be visually examined in the vicinity of the subject property, specifically on 28th Street between Castro and Diamond Streets. The scoping discussion also established that the report will determine whether this building has any connection to William Smith, an African American contractor who constructed and occupied 524 28th Street, just next door. This report investigates whether the subject building is eligible for individual listing in the California Register of Historical Resources and whether it is located in a potential historic district.

II. SUMMARY

TKC has determined that 520 28th Street is not eligible for individual listing in the California Register, nor is it located within a potential historic district. This building has no connection with William Smith, who resided at 524 28th Street.

III. CURRENT HISTORIC STATUS

TKC searched the San Francisco Planning Department database to determine whether the property has been identified in any recognized register of historical resources. The specific registers included are listed below.

A. *Here Today*

Here Today: San Francisco's Architectural Heritage is one of San Francisco's first architectural surveys. Undertaken by the Junior League of San Francisco and published in 1968, the survey did not assign ratings to buildings. However, the survey does provide brief historical and biographical information for what the authors believed to be significant buildings. The San Francisco Board of Supervisors adopted the survey in 1970. The survey files, available in the San Francisco Public Library's San Francisco History Room, contain information on approximately 2,500 properties. This property is not included in the published book.

B. Department of City Planning Architectural Quality Survey

The Department of City Planning Architectural Quality Survey, or 1976 Survey, was a reconnaissance survey that examined the entire City of San Francisco to identify and rate architecturally significant buildings and structures on a scale of "0" (contextual) to "5" (extraordinary). No historic research was performed and the potential historical significance of a resource was not considered when assigning ratings. According to the authors, the 10,000 rated buildings comprise only around 10 percent of the city's building stock. Due to its age and its lack of historical documentation, the 1976 Survey has *not* been officially recognized by the city of San Francisco as a valid local register of historic resources for CEQA purposes, although it is still used on a consultative basis. This property is not included in the 1976 Survey.

C. San Francisco Architectural Heritage

San Francisco Architectural Heritage (Heritage) is the city's oldest not-for-profit organization dedicated to the preservation of San Francisco's unique architectural heritage. Heritage has completed several major architectural surveys in San Francisco, including Downtown, South of Market, Richmond District, Chinatown, Van Ness Corridor, Northeast Waterfront, and Dogpatch. Heritage ratings range from "A" (highest importance) to "D" (minor or no importance) and are based on both architectural and historical significance. San Francisco Architectural Heritage has not surveyed this property.

D. California Historical Resource Status Code

Properties listed in the California Historic Resources Information System (CHRIS) or under review by the California Office of Historic Preservation (OHP) are assigned status codes of "1" to "7," establishing a baseline record of historical significance. Properties with a status code of "1" are listed in the California or National Register. Properties with a status code of "2" have been formally determined eligible for listing in the California or National Register. Properties with a status code of "3" or "4" appear to be eligible for listing in either register through survey evaluation. Properties with a status code of "5" are typically locally significant or of contextual importance. Status codes of "6" indicate that the property has been found ineligible for listing in any register and a status code of "7" indicates that the property has not yet been evaluated. This property has not been rated.

IV. DESCRIPTION

A. Site

520 28th Street is located on the north side of 28th Street between Castro and Diamond Streets. The street slopes upward toward the west. The lot slopes steeply upward to the north and the building sits well above street grade. Several other buildings on the north side of the street are situated in the same way. This building abuts the neighbor on the left and is separated from the neighbor on the right as that building faces Castro Street. From the sidewalk, a cobblestone pathway winds up the hillside and meets a path that accesses the primary entrance on the right side of the building (Figure 1).

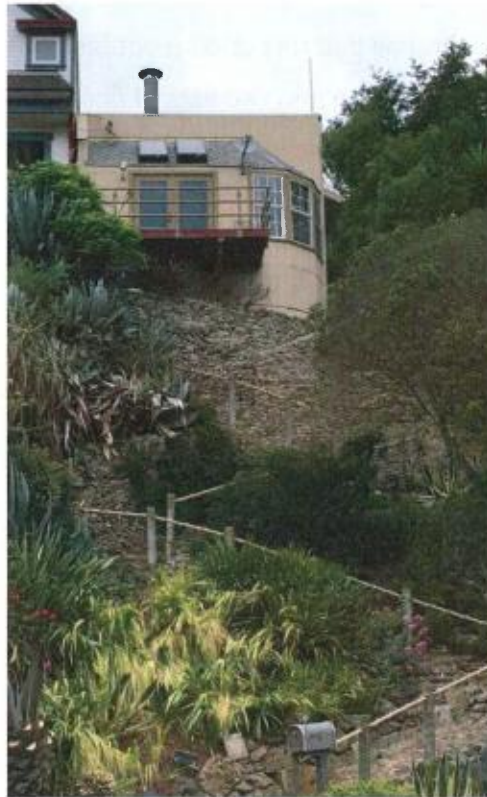


Figure 1: 520 28th Street view from street

B. Exterior

520 28th Street is a rectangular plan, one-story, single-family residence clad in T-111 siding on the primary façade and rustic siding on parts of the secondary facades. It is capped with a front-facing gable roof that spans all but the front quarter of the building. The front section of the building is a modern addition and is capped with a shed roof with two skylights. Behind the shed roof, a straight parapet rises above the shed roofline. The parapet obscures a flat section of the roof in front of the gable section. A projecting deck enclosed with metal railings spans the width of the primary façade. The deck is accessed by modern French doors. To the right of the deck are three double-hung modern windows that wrap a radiused corner of the building to the east facade. The primary entrance is located on the east facade of the building and cannot be seen from the street (**Figure 2**). The entrance is a modern flush wood door accessed by wooden steps with a wooden handrail that rest upon a cobblestone landing. There is a large display window to the left of the entrance and two sets of one-over-one, double-hung vinyl windows to the right. This façade terminates with overhanging eaves.



Figure 2: Primary entrance

V. HISTORIC CONTEXT

A. Neighborhood

This property is located in the western section of Noe Valley, in what is historically known as Horner's Addition. Settlement was sparse throughout Noe Valley until the advent of transit lines. The Market and Castro Street cable car began operations along Castro Street in 1886. The 24th Street streetcar line (Number 11) began operations in 1897 and ended at the corner of Hoffman Avenue and 24th Street until 1916.¹ By the early twentieth century, another line terminated at Castro and 29th Streets. Though most of Noe Valley was fully developed by the end of the nineteenth century, there were still some steep sites that remained difficult to access until the automobile era.

Noe Valley escaped destruction in the 1906 earthquake; the fires that ravaged so much of the city did not reach the area. The still-rural portions of the district filled an important role after the disaster, supplying much of the milk, vegetables, and meat consumed by homeless refugees living in the city's parks. The area's pastoral days came to an end in the years after the earthquake as thousands of refugees began purchasing lots and erecting cottages and flats in the steadily urbanizing area. The undeveloped areas of the neighborhood experienced a sharp upturn in building activity between 1906 and 1914.

The 1913-14 Sanborn maps for Noe Valley show rows of one- and two-story houses and flats. The northwestern portion of the neighborhood remained less densely developed than the southern, most likely due to the hilly terrain. According to the 1950 Sanborn maps, the neighborhood had undergone comparatively few physical changes since the last map had been published in 1915. The most significant changes were the increased density of houses and flats and the introduction of more schools, reflecting the influx of more families to the area.

Noe Valley's demographics did not change much during the Depression, Second World War, or immediate postwar era; it remained a predominantly Irish, German, and Scandinavian working-class and middle-class neighborhood until the early 1970s. Likewise, it largely

¹ Yenne 2004.

escaped both urban renewal and freeway construction. However, since the 1970s, the neighborhood's demographics shifted as the residents became increasingly upper-middle class.

B. Project Site History

The first Sanborn map for this area was published in 1886; this map, 1900 and the 1905 map show the area as undeveloped (Figure 3 and 4). The subject parcel is vacant.

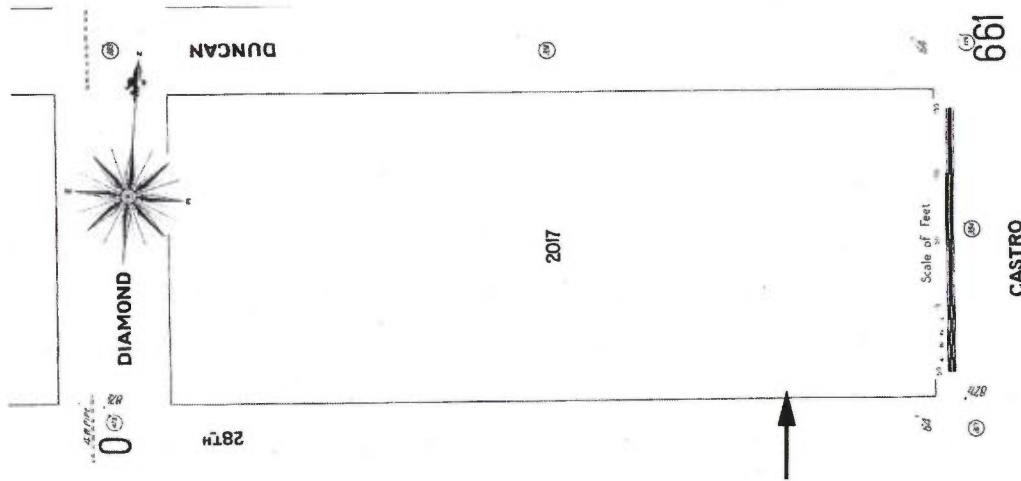


Figure 3: 1900 Sanborn Map showing the approximate location of 520 28th Street noted with arrow.

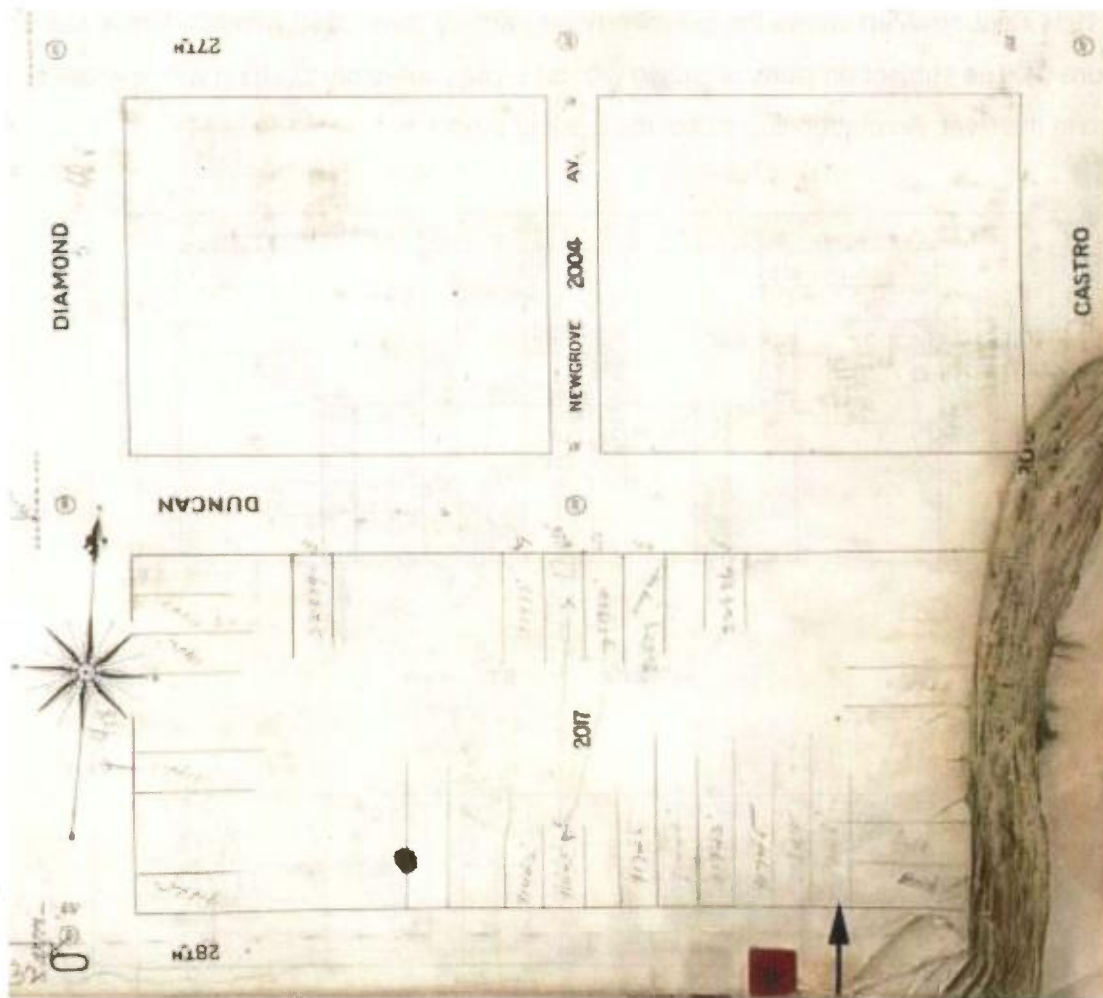


Figure 4: 1905 Sanborn Map showing the approximate location of 520 28th Street noted with arrow.

The 1914 Sanborn Map shows the neighborhood partially developed with residential buildings (Figure 5). The subject property is shown with an L-plan one-story building with a wraparound porch in the front. An outbuilding sits at the back of the lot. A black arrow points to the subject property on the map.

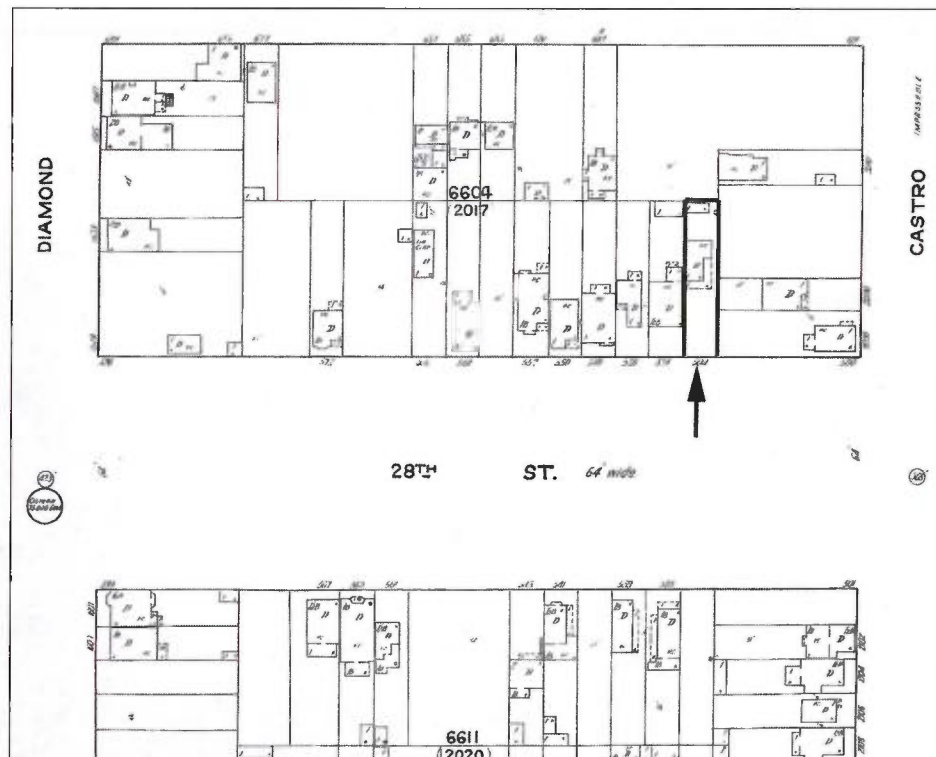


Figure 5: 1914 Sanborn Map showing 520 28th Street noted with arrow.

In the 1938 Harrison Ryker aerial photograph, the area is still sparsely developed due to the hilly terrain (Figure 6). The subject property is shown as a front gabled one-story rectangular building. The rear outbuilding is still present. On the right side are a cluster of outbuildings that appear to be associated with the property and a dirt road running northeast towards Duncan Street. The dirt road towards Duncan indicates that the primary access to the building was likely from the northeast, rather than from 28th Street, to the south.



Figure 6: 1938 aerial photograph showing 520 28th Street noted with arrow
(Detail below)



The 1950 Sanborn Map shows alterations to existing buildings within the subject block, but the area still contains a number of vacant lots (Figure 7). The subject property is shown as a rectangular shaped building with a small bump-out on the right side. The rear outbuilding is no longer present. Sales ledgers reveal that the property owner also owned the lot (lot 5) facing Castro Street with one remaining outbuilding, indicating that access to the subject building remained via Castro Street rather than 28th Street. Lot 5 was sold in 1959.

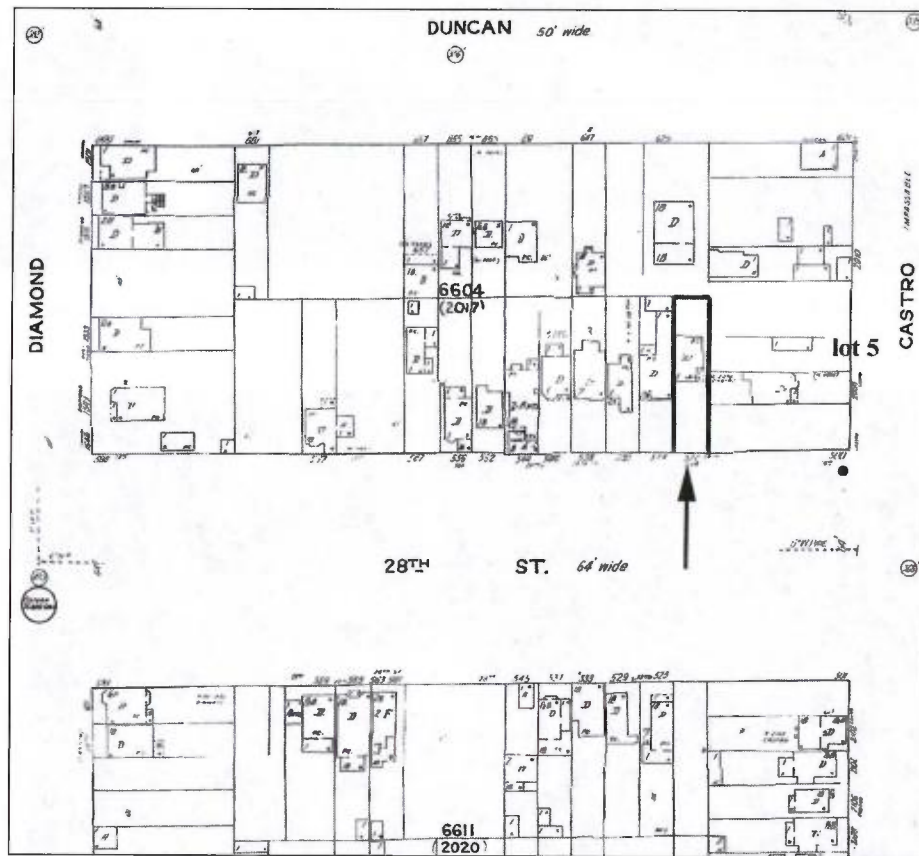


Figure 7: 1950 Sanborn Map showing 520 28th Street noted with arrow.

The 1990s Sanborn map shows the subject block and block face completely developed with residential buildings (Figure 8). The subject property has an overall similar shape, but a rear porch has been added, as has an outbuilding at the back of the lot. Lot 5, no longer owned by the owner of the subject property, now contains a single-family building.

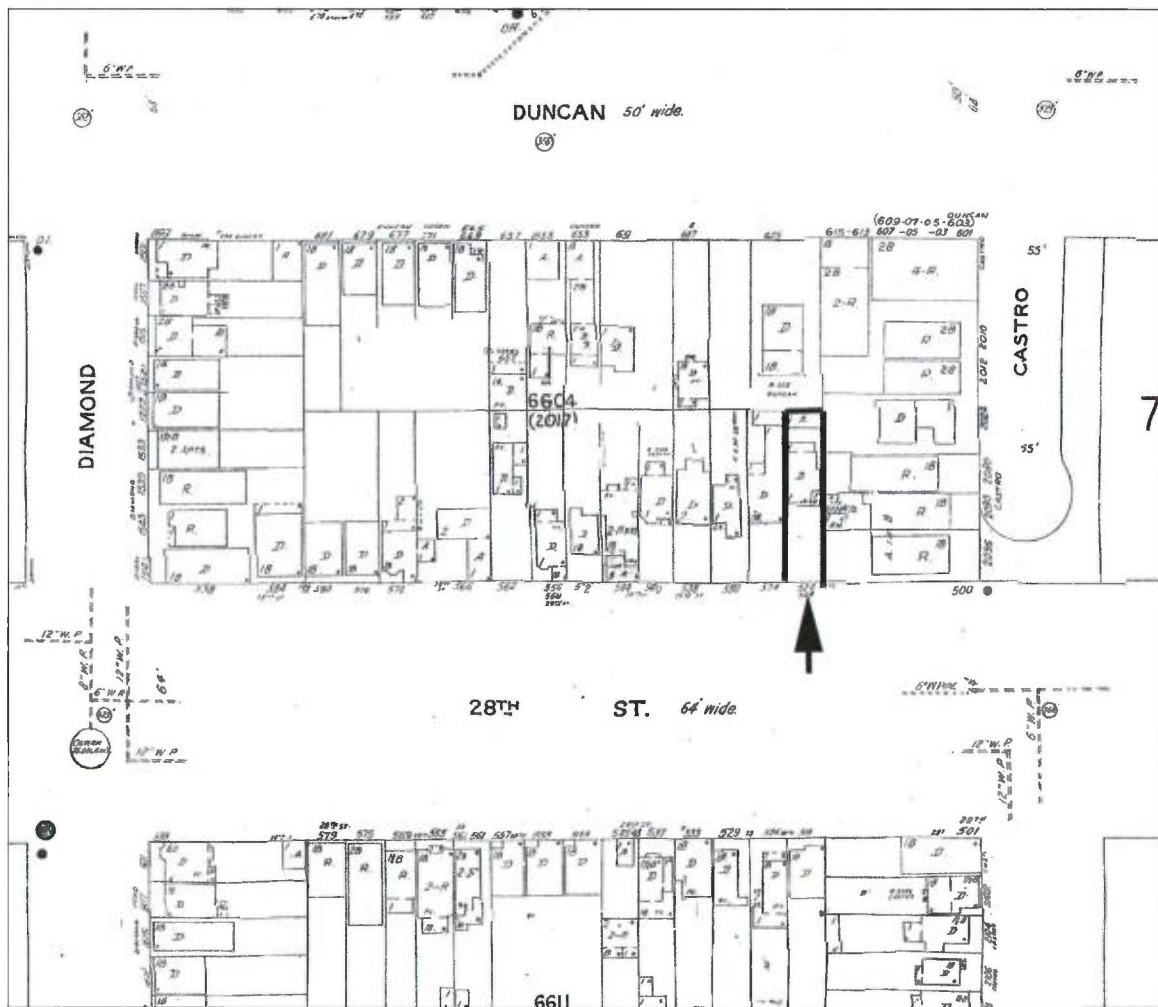


Figure 8: 1990s Sanborn Map showing 520 28th Street noted with arrow.

C. Construction Chronology

This building was constructed circa 1908. Mrs. M.F. Halstead requested water hook-up from Spring Valley Water Company in March 1908. Halstead is listed in the City Directory residing at the subject property in 1909. The owner at the time was Laura M. Taylor and Raymond Realty Company.² It is assumed Halstead rented the property. No building announcement or original permit was located for this property. This building was completely remodeled in 1986. The interior also appears to be completely remodeled; there does not appear to be any historic materials remaining on the interior. The current front addition to the building was

² 1906 and 1909 Block Book and sale of property from Laura M. Taylor and Raymond Realty Co. to Charles Helbing in January 14, 1913, *San Francisco Call*, "Real Estate Transactions."

constructed in 1986 and the cobblestone pathway at the same time. According to plans, the pathway was originally a wood staircase. The original design is unknown. See appendix for multiple assessor photos of the area.

No information was discovered that indicates that neighbor and African American contractor William Smith was involved with the construction of this building.

D. Permit Record

The Department of Building Inspection has the following permits on file for the subject property:

- Permit #342587, May 10, 1967 – Fire damage. Tear out rear porch, plaster, doors, windows, rustic and replace with same.
- Permit #393097, January 28, 1971 – Build front stairs - wood.
- Permit #541991, January 9, 1986 – Permit unreadable. Building inspector notes and plans show horizontal extension. Plans show altering the primary façade to current design. The cobblestone pathway was also constructed at this time.
- Permit #557718, November 14, 1986 – Construct addition of 255 sq ft to existing structure including balcony.
- Permit #736044, December 14, 1993 – Termite work.

Copies of these permits are in the Appendix to this report.

E. Architectural Style

The subject property is best defined as Vernacular due to the primary façade alterations. Vernacular architecture is defined as being based on localized needs and construction materials available. Unlike formal styles of architecture, it is not characterized by stylistic design elements.

F. Owners and Occupants

This building was constructed circa 1908. This first known occupant was Mrs. M.F. Halstead, a widow. She requested the water hook-up in 1908 and is listed at this address in 1909 but did not own the subject property. Laura M. Taylor and Raymond Realty owned this parcel and several surrounding parcels. Halstead only lived at the residence for a year. Charles and Sadie

Helbing began living at the property in 1912 and purchased it in 1913.³ Charles was employed as cabinet maker and they had a daughter. Sadie died in 1920 and Charles married Gertrude.⁴ Hector and Katherine Brusseau began living at the property in 1936 but did not purchase it until 1944. Hector was employed as a chauffeur and later as a laborer. The building was vacant from 1942 until the next owners, Jack and Otillo Nezick, moved in 1945. Although they lived there from 1945, the Nezicks did not purchase the property until 1950, then immediately sold it to Urbano and Florence Tacata in 1951. The Tacata family owned and occupied the property until 1985, when Robert Reeves purchased it. Reeves sold the property to Gregory James in 1990; James sold it to Brian J. Wilmes in 1994. Nicole Diller and Fabio Ingrao purchased the property in 1999. The current owners purchased the property recently.

VI. EVALUATION OF HISTORIC STATUS

The subject property was evaluated to determine if it is eligible for listing in the California Register of Historical Resources, either individually or as a contributor to a historic district. The California Register is an authoritative guide to significant architectural, archaeological and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-eligible properties (both listed and formal determinations of eligibility) are automatically listed. Properties can also be nominated to the California Register by local governments, private organizations or citizens. This includes properties identified in historical resource surveys with Status Codes of 1 to 5 and resources designated as local landmarks or listed by city or county ordinance. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed for use by the National Park Service for the National Register. In order to be eligible for listing in the California Register a property must be demonstrated to be significant under one or more of the following criteria:

Criterion 1 (Event): Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

³ *San Francisco Call*, "Real Estate Transactions," January 14, 1913.

⁴ California Death Index, 1905-1939; and United States Census 1930, San Francisco County, Enumeration District 82.

Criterion 2 (Person): Resources that are associated with the lives of persons important to local, California, or national history.

Criterion 3 (Architecture): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.

Criterion 4 (Information Potential): Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California or the nation.

The following section examines the subject property's eligibility for listing in the California Register under those criteria.

A. Individual Eligibility

- Criterion 1 (Events)

520 28th Street does not appear to be eligible for listing in the California Register under Criterion 1. Although this building was constructed during the subject block's post-earthquake period, it did not make a significant contribution to this development pattern. Furthermore, the building is not associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States. Therefore it is not individually eligible for listing in the California Register under Criterion 1. Due to the assumed date of construction and the front gabled form of the original building, TKC investigated the possibility of the building being an earthquake shack, but found that its earliest known dimensions (on the 1914 Sanborn map) do not match those of any known shack Type.

- Criterion 2 (Persons)

This building does not appear to be eligible for listing in the California Register under Criterion 2. None of the occupants were listed in the San Francisco Biography Collection or newspaper indexes or otherwise indicated to be important to the history of San Francisco or the State of

California. Thus the property is not individually eligible for listing in the California Register under Criterion 2.

- Criterion 3 (Architecture)

This property is not eligible for individual listing in the California Register under Criterion 3. The original architect/builder could not be identified. The original design of the building is also unknown. In its current state, this building does not embody distinctive characteristics of a type, period, region, or method of construction, or possess high artistic values. Thus the property is not individually eligible for listing in the California Register under Criterion 3.

- Criterion 4 (Information Potential)

This criterion ordinarily refers to potential archeological value. A full analysis of archeological value is beyond the scope of this report. The property does not appear eligible for individual listing on the California Register under Criterion 4.

B. District

A property may also become eligible for listing on the California Register as a contributor to a historic district. Guidelines define a district as an area that “possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.”⁵ To be listed on the California Register, the district itself must be eligible under the criteria already discussed. The documentation of the district must enumerate all properties within it, identifying each as a contributor or non-contributor. The district itself, as well as each of its contributors, then become historical resources.

The subject block is not formally identified at present as a historic district. To investigate whether a historic district potentially exists in the area, TKC conducted a search of nearby HRERs and visually examined the surrounding buildings. Based on the scoping discussion of May 26, 2015 with the Planning Department, the examined area includes 28th Street between Castro and Diamond Streets.

⁵ Office of Historic Preservation, 1995.

The area contains 32 properties constructed between 1900 and 1988 and ranging in height from one to four stories (contextual photographs are available in the Appendix). Currently, there are three HRERs in the area. The following table lists the property address, parcel number, construction date (per the Assessor's Office) and use. The subject property is in *italics*, and it is listed with the construction date given by the Assessor's Office (1917).

Table 1: Buildings on 28th Street between Castro and Diamond Streets

Address	Parcel	Construction Date	Building Use
2096 Castro Street	6604/064	1988	Multiple-family
<i>520 28th Street</i>	<i>6604/008</i>	<i>1917</i>	<i>Single-family</i>
524 28 th Street	6604/009	1910	Single-family
530 28 th Street	6604/010	1900	Single-family
538 28 th Street	6604/011	1910	Single-family
540 28 th Street	6604/012	1907	Single-family
544 28 th Street	6604/013	1928	Multiple-family
552 28 th Street	6604/014	1931	Single-family
556 28 th Street	6604/015	1910	Single-family
562 28 th Street	6604/016	1909	Single-family
566 28 th Street	6604/017	1955	Single-family
572 28 th Street	6604/018	1910	Single-family
576 28 th Street	6604/019	1952	Single-family
580 28 th Street	6604/020	1951	Single-family
584 28 th Street	6604/020A	1955	Single-family
598 28 th Street	6604/042	1958	Single-family
501 28 th Street	6611/001	1955	Single-family
519 28 th Street	6611/043	1961	Single-family
525 28 th Street	6611/042	1910	Single-family
529 28 th Street	6611/041	1910	Single-family
533 28 th Street	6611/040	1917	Single-family
537 28 th Street	6611/039	1910	Single-family
543-45 28 th Street	6611/038	1910	Multiple-family
549 28 th Street	6611/037B	1951	Single-family
553 28 th Street	6611/037A	1961	Single-family
557 28 th Street	6611/037	1951	Single-family
561-63 28 th Street	6611/049	1910	Multiple-family
565 28 th Street	6611/035	1906	Single-family
569 28 th Street	6611/046	1900	Single-family
575 28 th Street	6611/045	1982	Single-family
579 28 th Street	6611/032	1951	Single-family

1601 Diamond Street	6611/031	1910	Single-family
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A search of HRERs in the area found the following results:

- 556 28th Street 6604/015, October 21, 2011 – This property is not a historic resource; there is no historic district present.
- 562 28th Street 6604/016, May 9, 2014 - This property is not a historic resource; there is no historic district present.
- 525 28th Street, 6611/042, May 15, 2014 – This property is not a historic resource; there is no historic district present.

The area examined for this report is a mix of residential with a wide variety of architectural styles and construction dates. Most of the buildings are vernacular or Modern. Several of the older buildings have been significantly altered. The area is not unified historically or architecturally and is not a potential historic district.

VII. INTEGRITY

In addition to being determined eligible under at least one of the four California Register criteria, a property deemed to be significant must also retain sufficient historical integrity. The concept of integrity is essential to identifying the important physical characteristics of historical resources and hence, evaluating adverse change. For the purposes of the California Register, integrity is defined as “the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance” (California Code of Regulations Title 14, Chapter 11.5). A property is examined for seven variables or aspects that together comprise integrity. These aspects, which are based closely on the National Register, are location, design, setting, materials, workmanship, feeling and association. *National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation* defines these seven characteristics:

- *Location* is the place where the historic property was constructed.
- *Design* is the combination of elements that create the form, plans, space, structure and style of the property.

- *Setting* addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building/s.
- *Materials* refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.
- *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history.
- *Feeling* is the property's expression of the aesthetic or historic sense of a particular period of time.
- *Association* is the direct link between an important historic event or person and a historic property.

This building is not a historical resource; therefore no period of significance can be determined. For informational purposes, alterations to the building include an addition to the primary façade that radically altered the design.

VIII. CONCLUSION

520 28th Street is not individually eligible for listing in the California Register of Historical Resources. The property is not located in a potential historic district.

IX. BIBLIOGRAPHY

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California Office of Historic Preservation. "Instructions for Recording Historical Resources." (Sacramento: 1995).

Olmsted, Roger and T. H. Watkins. *Here Today: San Francisco's Architectural Heritage*. San Francisco: Junior League of San Francisco Inc., 1968.

San Francisco City Directory, multiple editions. Dallas, TX: R. L. Polk & Co, 1893-1982

San Francisco Department of City Planning. "CEQA Review Procedures for Historical Resources." (San Francisco: 2005).

U.S. Department of the Interior, National Park Service. *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. Washington, D.C.: National Park Service, rev. ed. 1998.

Yenne, Bill. *San Francisco's Noe Valley*. San Francisco: Arcadia Publishing, 2004.

Public Records

San Francisco Office of the Assessor-Recorder. Deeds, maps, and sales ledgers.

San Francisco Bureau of Building Inspection, Records Management.

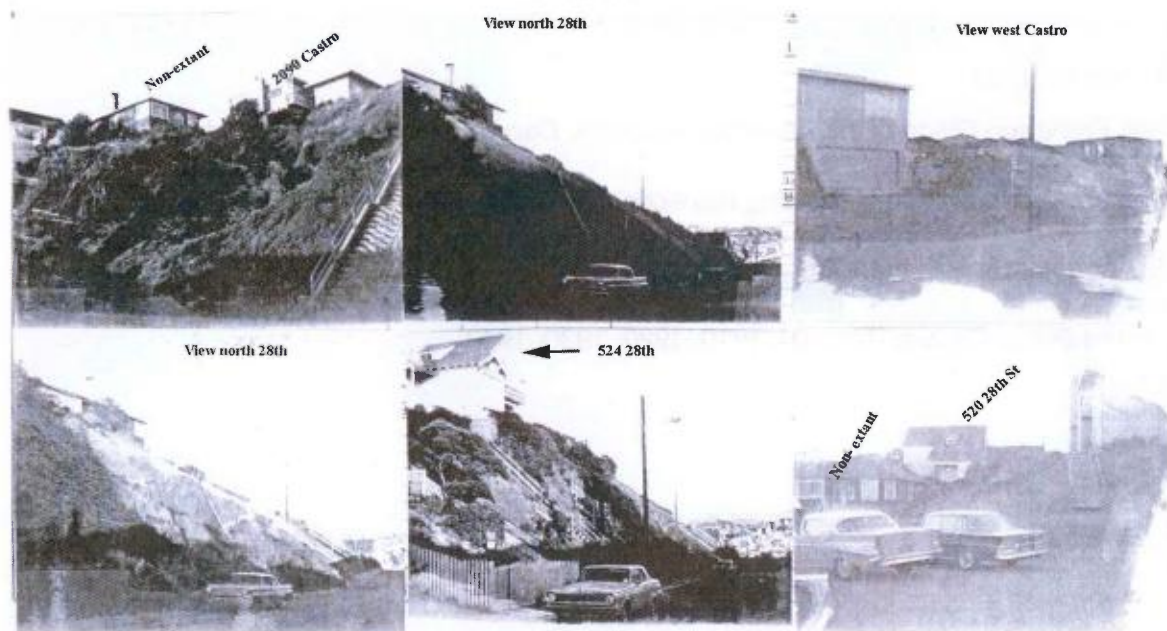
Sanborn Maps, San Francisco California, 1886, 1900, 1905, 1914, 1950.

United States Census Records, 1910, 1920, 1930, 1940.

X. APPENDIX



San Francisco County Assessor Photo (date unknown); view from Castro Street. The arrow notes 520 28th Street



This series of assessor's photos, located in the parcel file for 520 28th Street, were not labeled except for the direction in which the photo was taken. The subject property was not identified in the photos. TKC labeled these photos for clarification. The methodology for identifying the subject property used current landmarks (Castro Street concrete steps); the 1938 aerial photograph; modern satellite photos; and Sanborn maps. It was deduced that the buildings

seen on the “view North 28th” photos (bottom left corner) did not contain the subject property because it cannot be seen due to the setback and its one story height. Additionally, the building in the picture is a hip roof, not a front-facing gable roof (see 1938 aerial). The view seen from Castro Street shows a hip-roof building facing Castro and a front-facing gable building facing 28th Street. It is believed the building noted as 520 28th is the subject building because it is facing 28th Street (see 1938 aerial) and until the late-1950s, the subject property could be accessed from Castro Street. Currently, three buildings obscure the line of sight of the subject property from Castro.



Current view from Castro Street at the top of the concrete steps, 520 28th Street beyond



Satellite view Google Maps

North Side of 28th Street Between Diamond and Castro Streets









(arrow indicates subject building)



South Side of 28th Street Between Diamond and Castro Streets











Permits for 520 28th Street

OFFICIAL COPY

SAN FRANCISCO
DEPARTMENT OF
BUILDING INSPECTION

Bldg. Form No. 342582
3 APPLICATION OF
E. Tacata
FOR PERMIT TO MAKE
ADDITIONS, ALTERATIONS & REPAIRS
TO BUILDING

Location 520 - 28th Street
San Francisco, California
Total Cost \$ 2,500.00
Filed May 1, 1967

APPROVED
MAY 10 1967
Dept. Public Works
Phuc C. Lee
CHIEF BUILDING INSPECTOR

Superintendent, Bureau of Building Inspection
Permit No. 366775
Issued MAY 10 1967

REFER TO:
Bureau of Engineering
City Engineer
Building Inspector
Art Commission
Dept. of Public Health
Dept. of Electricity
Redevelopment Agency
Parking Authority

Approved May 5, 1967
Provided the following conditions are complied with:
1. Provide continuous foundation under house
2. Repair front porch and stairs, bottom step generate
3. Provide handrail at front and back porch stairs.
4. Retain under house
5. Notify inspector when work is started to establish extent of work

D. C. Warriner
Building Inspector, Bureau of Building Inspection
I agree to comply with all conditions or stipulations of this variance Bureau or Department's permit herein.
Thomas L. Tacata
Owner or Owner's Authorized Agent

Approved: Zone CPC Schlacks
Department of City Planning
Approved: Bureau of Fire Prevention & Public Safety
Approved: Civil Engineer, Bureau of Building Inspection
Bureau of Engineering

Approved: Department of Public Health
Approved: Department of Electricity
Approved: Art Commission
Approved: Building Inspector
Approved: Redevelopment Agency
Approved: Parking Authority

No portion of building or structure or scaffolding used during construction to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 386 California Penal Code.

OFFICIAL COPY



Write in Ink—File Two Copies

CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF PUBLIC WORKS

CENTRAL PERMIT BUREAU

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

Application is hereby made to the Department of Public Works of San Francisco for permission to build in accordance with the plans and specifications submitted herewith and according to the description and for the purpose hereinafter set forth:

- (1) Location 520 - 28th Street
 (2) Total Cost (\$) 2,500 (3) No. of Stories 1 (4) Basement or Cellar no
 (5) Present Use of building Residence (6) No. of families 2 yes or no
 (7) Proposed Use of building Residence (8) No. of families 1
 (9) Type of construction 5.4 (10) 1.5-2 Proposed Building Code Classification
 (11) Any other building on lot no (must be shown on plot plan if answer is yes.)
 (12) Does this alteration create an additional story to the building? no
 (13) Does this alteration create a horizontal extension to the building? no
 (14) Does this alteration constitute a change of occupancy no
 (15) Electrical work to be performed yes (16) Plumbing work to be performed yes
 (17) Automobile runway to be altered or installed no
 (18) Sidewalk over sub-sidewalk space to be repaired or altered no
 (19) Will street space be used during construction? no
 (20) Write in description of all work to be performed under this application:
 (Reference to plans is not sufficient)

/Fire Damage

Tear out rear porch, plaster, doors, windows, rustie

Replace with same

- (21) Supervision of construction by Address
 (22) General Contractor E. J. Farrell, Inc. California License No. 180-216
Address 100 Siskies Avenue, San Francisco, California
 (23) Architect or Engineer California Certificate No.
Address
 (24) Architect or Engineer California Certificate No.
Address
 (25) I hereby certify and agree that if a permit is issued for the construction described in this application, all the provisions of the permit and all laws and ordinances applicable thereto will be complied with. I further agree to save San Francisco and its officials and employees harmless from all costs and damages which may accrue from use or occupancy of the sidewalk, street or sub-sidewalk space or from anything else in connection with the work included in the permit. The foregoing covenant shall be binding upon the owner of said property, the applicant, their heirs, successors and assigns.
 (26) Owner B. Tacata (Phone 333-7183)
Address 520 - 28th Street, San Francisco, California

By Address 100 Siskies, San Francisco
 Owner's Authorized Agent to be Owner's Authorized Architect, Engineer or General Contractor.
 CERTIFICATE OF FINAL COMPLETION AND/OR PERMIT OF OCCUPANCY MUST BE
 OBTAINED ON COMPLETION OF WORK OR ALTERATION INVOLVING AN ENLARGEMENT
 OF THE BUILDING OR A CHANGE OF OCCUPANCY PURSUANT TO SEC. 808
 AND 809, SAN FRANCISCO BUILDING CODE, BEFORE BUILDING IS OCCUPIED.

Pursuant to Sec. 804, San Francisco Building Code, the building permit shall be posted on job.
 Owner is responsible for approved plans and application being kept at building site.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL
 FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATION. A SEPA-
 RATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED.

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A
 BUILDING PERMIT IS ISSUED.

[illegible]



CENTRAL PERMIT BUREAU FORM

Write in Ink—File Two Copies

CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF PUBLIC WORKS
BLDG. FORM

CENTRAL PERMIT BUREAU

3

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

Jan 28

19 71

Application is hereby made to the Department of Public Works of San Francisco for permission to build in accordance with the plans and specifications submitted herewith and according to the description and for the purpose hereinafter set forth:

- (1) Location 520 28th Street
- (2) Total Cost (\$) 1800.00 (3) No. of Stories 1 (4) Basement or Cellar yes
- (5) Present Use of building dwl (6) No. of families yes or no
- (7) Proposed Use of building dwl (8) No. of families 1
- (9) Type of construction 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 (10) Proposed Building Code Classification I
- (11) Any other building on lot yes or no (must be shown on plot plan if answer is yes.)
- (12) Does this alteration create an additional story to the building? no
- (13) Does this alteration create a horizontal extension to the building? yes or no
- (14) Does this alteration constitute a change of occupancy no
- (15) Electrical work to be performed no (16) Plumbing work to be performed no
- (17) Automobile runway to be altered or installed yes or no
- (18) Sidewalk over sub-sidewalk space to be repaired or altered no
- (19) Will street space be used during construction? no
- (20) Write in description of all work to be performed under this application:
(Reference to plans is not sufficient)

Build front stairs - wood

- (21) Supervision of construction by H. E. York Address 988 Valencia St
- (22) General Contractor York Construction California License No. 165493
Address 988 Valencia St.
- (23) Architect or Engineer (for design) California Certificate No. _____
Address _____
- (24) Architect or Engineer (for construction) California Certificate No. _____
Address _____
- (25) I hereby certify and agree that if a permit is issued for the construction described in this application, all the provisions of the permit and all laws and ordinances applicable thereto will be complied with. I further agree to save San Francisco and its officials and employees harmless from all costs and damages which may accrue from use or occupancy of the sidewalk, street or sub-sidewalk space or from anything else in connection with the work included in the permit. The foregoing covenant shall be binding upon the owner of said property, the applicant, their heirs, successors and assigns.
- (26) Owner Urbano Tacata (Phone 282 0292)
Address 520 28th Street For contact by Bureau

By H. E. York Address 988 Valencia St.
Owner's Authorized Agent to be Owner's Authorized Architect, Engineer or General Contractor.
CERTIFICATE OF FINAL COMPLETION AND/OR PERMIT OF OCCUPANCY MUST BE OBTAINED ON COMPLETION OF WORK OR ALTERATION INVOLVING AN ENLARGEMENT OF THE BUILDING OR A CHANGE OF OCCUPANCY PURSUANT TO SEC. 808 AND 809, SAN FRANCISCO BUILDING CODE, BEFORE BUILDING IS OCCUPIED.
Pursuant to Sec. 804, San Francisco Building Code, the building permit shall be posted on job. Owner is responsible for approved plans and application being kept at building site.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED.

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

(Leave name and branch designation if any. If none is an known construction leader, enter "unknown")

CONSTRUCTION LEADER
ADDRESS OF
CONSTRUCTION LEADER

OFFICIAL COPY

[illegible]

OFFICIAL COPY

CONDITIONS AND STIPULATIONS

Approval of the application and the permit applies to specified work only and it will require appropriate approval by electrical or plumbing.

Debra Miller
Planning Director, City of San Francisco

APPROVED: *Approved as per plan and application*
CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW

FOR SINGLE FAMILY USE ONLY *Tom Wang*
JAN 2 1986

APPROVED: _____ DATE: _____
REASON: _____

NOTIFIED MR. _____

APPROVED: _____ DATE: _____
REASON: _____

NOTIFIED MR. _____

APPROVED: _____ DATE: _____
REASON: _____

NOTIFIED MR. _____

APPROVED: _____ DATE: _____
REASON: _____

NOTIFIED MR. _____

APPROVED: _____ DATE: _____
REASON: _____

NOTIFIED MR. _____

APPROVED: _____ DATE: _____
REASON: _____

NOTIFIED MR. _____

APPROVED: _____ DATE: _____
REASON: _____

NOTIFIED MR. _____

APPROVED: _____ DATE: _____
REASON: _____

NOTIFIED MR. _____

APPROVED: _____ DATE: _____
REASON: _____

NOTIFIED MR. _____

I agree to comply with all conditions and stipulations of the permit and to accept the responsibility for the work and the safety of the work.

[Signature]

Date: _____

OFFICIAL COPY

SAN FRANCISCO
DEPARTMENT OF
BUILDING INSPECTION

APPROVED
Public Works
Date: 11/14/86
Inspector: [Signature]

3/8
NOV 10 1986
APPROVED FOR RECORD

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

FORM 1 ☒ PRE-APPROVAL SITE INSPECTION REQUIRED
FORM 2 ☐ OVER THE COUNTER ISSUANCE
NUMBER OF PLAN SETS: NA

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

OFFICE COPY

DATE REC'D: 8/7/86
FILE NO.: 15/4/95
STREET ADDRESS OF JOB: 520 28TH STREET
RECEIVED BY: 6604
PERMIT NO.: 557718
NOV 14 1986
ESTIMATED COST OF JOB: \$20,000
RECEIVED BY: [Signature]

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

DESCRIPTION OF EXISTING BUILDING
TYPE OF WORK: ☒ ADDITION
NO. OF FLOORS: 1
NO. OF UNITS: 0
DESCRIPTION: SINGLE FAMILY RESIDENCE
R3

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION
TYPE OF WORK: ☒ ADDITION
NO. OF FLOORS: 1
NO. OF UNITS: 0
DESCRIPTION: SINGLE FAMILY RESIDENCE
R3
27

IS AUTO SPRINKLER TO BE CONSIDERED? ☒ YES
IS ELECTRICAL WORK TO BE RECONSTRUCTED? ☒ YES
IS PLUMBING WORK TO BE RECONSTRUCTED? ☒ YES

THE GENERAL CONTRACTOR: [Signature]
ADDRESS: 122 TADSH
PHONE: 921-9242

OWNER: ROBERT E. DEEBES
ADDRESS: 520 28TH STREET
PHONE: 921-9242

CONSTRUCT ADDITION OF 255 SQ FT EXISTING STRUCTURE INCLUDING BALCONY

ADDITIONAL INFORMATION — FORM 3 APPLICANTS ONLY

DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? ☒ YES
IF YES, WHAT IS THE NEW OCCUPANCY? 7255 SF
DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? ☒ YES
IF YES, WHAT IS THE NEW OCCUPANCY? 7255 SF
DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? ☒ YES
IF YES, WHAT IS THE NEW OCCUPANCY? 7255 SF

STRUCTURAL ENGINEER'S COLLABORATIVE: 122 TADSH
ADDRESS: 122 TADSH
PHONE: 921-9242

IMPORTANT NOTICES

Any change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

The portion of building or structure or scaffolding used during construction to be covered shall not be any more than 750 sq ft. See Sec. 283 California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this bureau for approval.

ANY SITUATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED. WHEN REQUIRED, APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS YES TO ANY OF ABOVE QUESTIONS 10, 11, 12, 13, 22, OR 24. THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings still maintaining occupancy must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX:
☒ OWNER
☐ ARCHITECT
☐ ENGINEER
☐ LESSEE
☐ AGENT WITH POWER OF ATTORNEY
☐ CONTRACTOR
☐ CONTRACTOR IN FACT

APPLICANT'S CERTIFICATION
I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THEREOF WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The Permittee(s) by acceptance of the permit, agrees to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands and actions.

In conformity with the provisions of Section 2860 of the Labor Code of the State of California, the applicant shall have on file at all times with the Central Panel Bureau, either Certificate (I) or (II) or (III) designated below or shall indicate item IV or V or VI as below, whichever is applicable. If however, item (VI) is checked then item (V) must be checked as well. Mark the appropriate method of compliance below:

- Certificate of Consent to Self-insure issued by the Director of Industrial Relations.
- Certificate of Workmen's Compensation Insurance issued by an admitted insurer.
- An exact copy or duplicate of 1, certified by the Director or 2, certified by the insurer.
- The cost of the work to be performed is \$100 or less.
- Family limit in the performance of the work for which this Permit is issued. I shall not employ any person in any manner so as to become subject to the workmen's compensation laws of California.
- I acknowledge that I understand, in the event that I should become subject to the workmen's compensation provisions of the Labor Code of California, and fail to comply forthwith with the provisions of Section 2800 of the Labor Code, that the Permit herein applied for shall be deemed void.
- As the owner or the agent of the owner, that in the performance of the work for which this Permit is issued, I will employ a contractor who complies with the workmen's compensation laws of California and who has on file or prior to the commencement of any work will file with the Central Panel Bureau evidence that workmen's compensation insurance is carried.

APPLICANT'S SIGNATURE: [Signature]
DATE: 8/7/86

[illegible]

REPORT OF INSPECTION

1. The image of this document may be less sharp than this master, as it is due to the quality of the original.

APPROVED

Dept. of Public Works

DEC 14 1893

J. A. [Signature]

APPLICATION FOR BUILDING PERMIT

ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☒ COVER THE COUNTER ISSUANCE

Permit report

NUMBER OF PLAN SETS *1*

CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF PUBLIC WORKS

APPLICATION IS HEREBY MADE FOR THE DEPARTMENT OF PUBLIC WORKS TO CONSIDER THE BUILDING IN ACCORDANCE WITH THE BUILDING CODE AND FOR THE PERMIT TO BE GRANTED HEREON

OFFICE COPY

DATE FILED <i>12-14-93</i>	PERMIT (SEE REVERSE) <i>136044</i>	STREET ADDRESS OF JOB <i>5203 28th St</i>	CITY AND COUNTY <i>San Francisco</i>	DATE OF PERMIT <i>1517-30</i>
DATE OF EXPIRATION <i>12-14-93</i>	DATE OF EXPIRATION <i>15.160</i>	DATE OF EXPIRATION <i>15.160</i>	DATE OF EXPIRATION <i>15.160</i>	DATE OF EXPIRATION <i>15.160</i>

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

<p>1. NAME OF APPLICANT <i>Divine's Insp Services</i></p> <p>2. ADDRESS OF APPLICANT <i>15 [illegible] Street</i></p>	<p>3. NAME OF ARCHITECT <i>Divine's Insp Services</i></p> <p>4. ADDRESS OF ARCHITECT <i>15 [illegible] Street</i></p>	<p>5. NAME OF ENGINEER <i>Divine's Insp Services</i></p> <p>6. ADDRESS OF ENGINEER <i>15 [illegible] Street</i></p>
---	---	---

7. DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION
See [illegible] Report on file # [illegible] dated 3-15-93

8. ALL non-structural work or replacement in kind
Call Inspector before start work

ADDITIONS, ALTERATIONS OR REPAIRS

1. DOES THIS ALTERATION (EXCEPT REPAIRS) INCREASE THE STORY OR BUILDING?
☒ YES ☐ NO

2. DOES THIS ALTERATION INCREASE THE NUMBER OF STORIES OR BUILDINGS?
☒ YES ☐ NO

3. DOES THIS ALTERATION INCREASE THE AREA OF THE BUILDING?
☒ YES ☐ NO

4. DOES THIS ALTERATION INCREASE THE AREA OF THE BUILDING?
☒ YES ☐ NO

5. DOES THIS ALTERATION INCREASE THE AREA OF THE BUILDING?
☒ YES ☐ NO

GENERAL INSTRUCTIONS

1. THE APPLICANT SHALL BE RESPONSIBLE FOR THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES HERETOBY BEING COMPLIED WITH.

2. THE APPLICANT SHALL BE RESPONSIBLE FOR THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES HERETOBY BEING COMPLIED WITH.

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, is to be closer than 10' to any wire carrying more than 750 volts. See Sec. 285, California Penal Code.

Permitting in San Francisco Building Code, the building permit shall be issued on the job. The owner is responsible for the proper use and safety of the building. No portion of building or structure or scaffolding used during construction, is to be closer than 10' to any wire carrying more than 750 volts. See Sec. 285, California Penal Code.

NOTICE TO APPLICANT

1. THE APPLICANT SHALL BE RESPONSIBLE FOR THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES HERETOBY BEING COMPLIED WITH.

2. THE APPLICANT SHALL BE RESPONSIBLE FOR THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES HERETOBY BEING COMPLIED WITH.

-42-

RECEIVED

APR 21 2017

Application for Discretionary Review

CASE NUMBER:
For Staff Use only

2015-015646-DRS

DRP-

APPLICATION FOR CITY & COUNTY OF S.F. PLANNING DEPARTMENT Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Jenny Terzis		
DR APPLICANT'S ADDRESS: 34650 Mendicino Pass Rd , coveito, CA	ZIP CODE: 95428	TELEPHONE: (707) 983 6511

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Casey Jeremiah, Keane Enda, McMahon Christina, McMahon Denis		
ADDRESS:	ZIP CODE:	TELEPHONE: ()

CONTACT FOR DR APPLICATION: Lilliane Ninaud		
Same as Above <input checked="" type="checkbox"/>		
ADDRESS: 34650 Mendicino Pass Rd , coveito, CA	ZIP CODE: 95428	TELEPHONE: (707) 489 1273
E-MAIL ADDRESS: lilliane <lilliane242@aol.com>		

2. Location and Classification

STREET ADDRESS OF PROJECT: 520 28th street	ZIP CODE:
CROSS STREETS: Castro	

ASSESSORS BLOCK/LOT: 6604 / 008	LOT DIMENSIONS:	LOT AREA (SQ FT): 2850	ZONING DISTRICT: Rh-1	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 ☐
Residential

Present or Previous Use:
Residential

Proposed Use: 201511122431

Building Permit Application No. Date Filed: 11/12/2015

Discretionary Review Request

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

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

The proposed project is out of character with the neighborhood. This block is unusual in that it is composed of houses on top of a hill reached by long stairways with large, publicly visible gardens between the houses and the street. The proposed project would effectively replace a 1 story building perched on top of a hill with a 5 story building starting at street level — thereby eliminating the garden and breaking up what is currently a large green area. The scale of the proposed building is not compatible with surrounding buildings. Proposed building will be 5 stories. Surrounding buildings are 2 stories. The proposed building will impinge on mid-block open space by adding a second story reaching nearly to the back of the lot. The extensions in the front and back will significantly block light to neighbors — especially the back. Architectural features and building materials do not enhance the neighborhood's character or provide visual interest or texture. The neighboring houses are two story wood houses with extensive greenery in front of them. The proposed building can best be described as 5 story concrete Soviet artillery bunker. The Proposed building is not responsive to the overall neighborhood context. It is not compatible with the patterns and architectural features of surrounding buildings. It does not respond to the topography of the site, its position on the block, and to the placement of surrounding buildings. It does not respect the topography of the site and the surrounding area. The building's scale and form is not compatible with that of surrounding buildings. Height and depth of the building is not compatible with the existing building scale at the mid-block open space.

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:

Currently our front yard and several neighboring front yards combine to make a very large landscaped open space. The proposed project would break up that open space. This would effect the neighborhood in general by eliminating a publicly visible green area and it would effect our property in particular. Proposed extensions to the front of the house will block light and create privacy issues for us. The protruding concrete block of "master bedroom #2" with it's roof top deck will be significantly above grade and above and in front of our house, shading our front porch and entry way and boxing in the front of our house. The stepped concrete retaining wall running along our property line all the way down to the street will enclose our front yard in an unsightly concrete wall. Also, according to their plans, this wall actually wraps around the front of our house.

The additional second story, reaching almost to the rear property line, will double the height of the wall bordering our back yard, effectively boxing in our back yard, blocking light, and eliminating greenery. The roof deck looming over our back yard will impact our privacy by allowing them to look down into our yard and in our kitchen window.

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?

1) The three additional floors added underneath the exiting house should be eliminated to maintain the current front yard open space, reduce some light and privacy issues, as well as eliminate the unsightly stepped concrete wall bordering our garden.

2) Any front porches/decks should be no higher than our front porch. Ideally they should be lower to respect the topography of 28th street.

3) The facade of the proposed house should extend no farther than the front of neighboring houses. Ideally it should remain where the facade of the current house is.

4) The additional second story should extend no farther into the back yard than the second stories of neighboring houses to protect the mid-block open space and allow light into neighboring yards.

5) cumulatively these changes will reduce the size of the proposed house to make it's scale compatible with neighboring buildings.

This block of 28th street is visually unique in that a large, steep, garden spans several front yards creating a quite large, publicly visible and publicly enjoyable open space.



The proposed development (current location of the small yellow house below) would completely eliminate the garden and turn a one story house perched on top of a hill into a 5 story house starting and street level. The proposed development will most closely resemble the house on the far left

New house will
go here
V



Any renovation should respect the topography of the hill and follow the slope of 28th street. In other words, their roof peak and their deck should be a little lower than the neighboring house's

Below is the garden as seen from our front porch. A stepped concrete wall, in places as much as 15 feet above grade, will be placed through the middle of this, blocking light to our garden and boxing it in.



The proposed extension of a second story into the back yard will impinge on mid block open space, reduce light, and box in our yard, essentially making it a canyon. (back out their current house: left, our house: right)



Imagine a 20 foot high wall replacing the current 10 foot high side wall of their building.



#6604/#008

D. McMahon, E. Keane, J. Casey
520 28th street, 94131
San Francisco, CA

#6604/#048

K. Meeriyagerd, S. Meeriyagerd
2024 Castro street, 94131
San Francisco, CA

#6604/#009

Jerry Tergis,
34560 Mendocino Pass Rd, 95428
Covelo, CA

#6611/#042

Bo Shan
525 28th street, 94131
San Francisco, CA

#6604/#009

Rudolf Frieling
524 28th street, 94131
San Francisco, CA

#6611/#043

Divina Cherne
519 28th street, 94131
San Francisco, CA

#6604/#056

Renan Kilki
613 Duncan street, 94131
San Francisco, CA

#6611/#001

Julia Gibeson, Warren R. Gibeson
501 28th street, 94131
San Francisco, CA

#6604/#057

Paula M. Pagano
615 Duncan street, 94131
San Francisco, CA

#6604/#066

NIHAL GROUP HK LIMITED
625 Duncan street, 94131
San Francisco, CA

#6604/#064

Max S. Goldman, Joanna M. Steckler
2096 Castro street, 94131
San Francisco, CA

#6604/#065

Michael R. Dickson, K. E. Wattie
2098 Castro street, 94131
San Francisco, CA

#6604/#050

Eric Sherman, Randall Sherman
2090 Castro street, 94131
San Francisco, CA

#6604/#049

Raul Arriaza, Denise Arriaza
2080 Castro street, 94131
San Francisco, CA

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: 	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.

Kopper, Morgan & Dietrich
Attorneys at Law

417 E Street
Davis, CA 95616
(530) 758-0757
Fax (530) 758-2844

Preston L. Morgan
Christopher W. Dietrich

William D. Kopper*
of Counsel

November 30, 2017

Via FedEx

Elizabeth Gordon Jonckheer
Planner/Preservation Specialist, Southwest Quadrant
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Discretionary Review and Variance Hearing for 520 28th Street

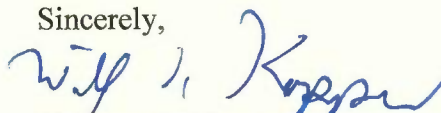
Dear Ms. Jonckheer:

Kate McGee, the Planner Liliane Ninaud and Jerry Tergis hired to assist them with respect to 520 28th Street, stated that you had informed her that "Mr. Kim had requested a written document that outlines our concerns expressed at the meeting with him, but that the attorney was unwilling to provide one."

I was frankly shocked to hear this. We met on October 18, 2017, and on October 19, 2017, I sent to Mr. Kim by email and U.S. mail the attached settlement letter dated October 19, 2017. In the email dated October 23, 2017 (which I have attached), Mr. Kim acknowledges receipt of our settlement letter.

I am now concerned about the developers negotiations with the Planning Staff. I have attached the communication that we were intending to send to Planning Staff for consideration at the November 16 hearing. Please take into account our concerns with respect to negotiations with the Developers.

Sincerely,


William D. Kopper

P.S. We have received no response to any of our settlement proposals.

Kopper, Morgan & Dietrich
Attorneys at Law

417 E Street
Davis, CA 95616
(530) 758-0757
Fax (530) 758-2844

Preston L. Morgan
Christopher W. Dietrich

William D. Kopper*
of Counsel

October 19, 2017

Mr. Tony Kim
Town Consulting Inc.
1253 6th Avenue
San Francisco, CA 94122

Re: 520 28th Street, San Francisco, CA

Dear Mr. Kim:

It was a pleasure to meet with you on October 18 regarding the proposed replacement of the house at 520 28th Street. As you know, I represent Liliane Ninaud and Jerry Tergis who own the neighboring house directly to the east at 524 28th Street. Ms. Ninaud and Mr. Tergis oppose the proposed new home at 520 28th Street because it is out of scale with the neighborhood, destroys the front landscaping that stabilizes the hill for both 520 and 524 28th Street, threatens the structural stability of their home and is not in compliance with the City's Design Guidelines. We have put our objections to the proposed project in a letter to the City dated June 22, 2017, which I have attached for your review in the event that you have not yet seen it.

I understand from both the City Planning Department and yourself that the City prefers that neighbors work out their differences about neighboring projects if at all possible. I do not know if it will be possible to work our differences with the developers and investors in the proposed new house at 524 28th Street. Despite the undesirability of the entire proposed project, Ms. Ninaud and Mr. Tergis are prepared to make an offer for settlement that they believe will provide the minimal measures necessary to protect their property from damage from the proposed project. These measures are as follows:

- 1. Developer Replace the Foundation Under the East Wall of 524 28th Street.** The Geotechnical Engineer hired by Ms. Ninaud and Mr. Tergis, Joe Gray, has provided an opinion that the report from the developer's geotechnical engineer is not complete and there is insufficient information to determine the potential damage to 524 28th Street from

the excavation at 520 28th Street. Mr. Gray has stated that it is reasonably likely there will be damage. The reason for this is the scope of the excavation (removal of 9704 cubic yards of dirt), and the condition of the foundation at 524 28th Street. The foundation of 524 28th Street is resting upon fractured shale rock, and the house is supported by a thin layer of concrete on top of the rock. If any of the shale rock underneath 524 28th Street moves at all, the house will be structurally damaged. It is most likely to move on the east side where there will be substantial excavation. The drilling of the holes for the support I-beams on the west side of 520 28th Street may move the fractured shale rock on the east side of 524 28th Street and cause structural damage to the house. Directly adjacent to the southeast corner of the house at 524 28th Street, the developers are going to dig a 25 foot deep pit. The developer's geotechnical report does describe how 524 28th Street will be supported, and instead makes a legal argument that the developers have no duty to protect the house at 524 28th Street. We believe the only feasible protection is to replace the east foundation wall and also the short wrap around the porch in the south east corner of the house. We would also ask that we have access to the east wall of 524 28th Street at the time of construction of the new house at 520 28th Street so that we can make any necessary repairs to that exterior wall. We want to remind you that Ms. Ninaud and Mr. Tergis want to keep 524 28th Street as low cost rental housing in the City, and do not want to be forced to sell their home for another mega-house development.

2. **Payment for Survey.** For two years the developers of 520 28th Street insisted that 524 28th Street encroached onto their property at 520 28th Street. The developers never recorded their survey showing the encroachment, but presented in to the City Planning Department. The City Planning staff recommended that Ms. Ninaud and Mr. Tergis obtain their own survey because staff questioned whether the developers' survey was accurate. As shown in the attachment to this letter, Ms. Ninaud and Mr. Tergis did get their own survey and it of course showed that their house at 524 28th Street was well within the property boundaries. Ironically, on the day that the surveyor hired by Ms. Ninaud and Mr. Tergis completed measurements at 524 28th Street, the developers contacted Ms. Ninaud and Mr. Tergis and informed them that in fact their survey was in error and 524 28th Street was not outside its property boundaries. The developers had reason to know the day when my clients had the surveyor out at the property because one of the developers' sons lives at 520 28th Street. We would like to see the communication from the surveyor to the developers first disclosing the error in the survey. My clients suspect that the developers knew for some time about the error in the survey but did not disclose it because they wanted leverage on Ms. Ninaud and Mr. Tergis. But even if the survey error is an incident of innocent mistake, the developers should still pay because the error cost Ms. Ninaud and Mr. Tergis a lot of money and grief. We ask that the developers pay the \$3700.00 survey cost and the \$662 recording fee.

3. **Shading and Light Study.** The proposed new house at 520 28th Street extends north from the south wall of 524 28th street at a two-story height for approximately 20 feet. This extension will cut off light and cause shading of 524 28th Steet property. We believe a study showing the impact on available light and shading of 524 28th Street is appropriate and should be required to better understand the impacts of the proposed project.
4. **Modify the Front Deck for Privacy Projection.** As we mentioned in our meeting, a portion of the front deck proposed for 520 28th Street is elevated above the deck at 524 28th Street and allows direct viewing into the front windows. We are asking that this elevated portion of the deck be removed from the plans and that access to the deck be provided from a sliding window at the front of the house.
5. **Vibration Monitoring.** We expect damage to 524 28th Street from the vibrations caused by the excavation at 520 28th Street. The vibrations will be an annoyance, but they may also cause cosmetic, as well as structural damage. A consulting engineer will photograph 524 28th Street, and monitor any damage that occurs from vibrations. We ask the developers to pay for this vibration monitoring.
6. **Elevator Sound Proofing.** We ask that the elevator sound proofing be designed by a licensed acoustical engineer and that the engineer certify that the elevator will not be audible within 524 28th Street.
7. **Landscape Repair.** We ask for a period of two years after construction is completed at 520 28th Street that the developer pay for the repair of any erosion or landscaping damage that occurs at 524 28th Street due to the project construction at 520 28th Street.

Thank you for your consideration of these proposed mitigation measures, and we appreciate hearing from you in the near future.

Sincerely,

A handwritten signature in dark ink, appearing to read "Will D. Kopper", written in a cursive style.

William D. Kopper

William Kopper

From: Tony Kim <bones@townconsulting.com>
Sent: Monday, October 23, 2017 9:11 AM
To: William Kopper
Subject: Re: 520 28th Street

Mr. Kopper

Thank you for sending the letter.

I forwarded your email to my clients and we will send you a response.

Tony Kim
Town Consulting
(415)246-8855

On Oct 20, 2017, at 12:55 PM, William Kopper <kopperjd@kopperlaw.com> wrote:

Dear Mr. Kim:

My clients have decided to put in a letter to you their concerns regarding the Project at 520 28th Street and their offer to compromise with the developers of the Project. Please share the attached letter with the developers of the Project and acknowledge your receipt of the letter. Thank you.

Bill Kopper

Kopper, Morgan & Dietrich
Attorneys at Law
417 E Street, Davis CA 95616
(530) 758-0757

The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or Kopper, Morgan, & Dietrich by telephone (530) 757-0757 or by return E-mail and delete this message, along with any attachments, from your computer. Thank you.

<ltr to Kim.pdf>
<Comment to City2.pdf>

Kopper, Morgan & Dietrich
Attorneys at Law

417 E Street
Davis, CA 95616
(530) 758-0757
Fax (530) 758-2844

Preston L. Morgan
Christopher W. Dietrich

William D. Kopper*
of Counsel

November 6, 2017

Via FedEx

Elizabeth Gordon Jonckheer
Planner/Preservation Specialist, Southwest Quadrant
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

**Re: Discretionary Review and Variance Hearing for 520 28th Street
Hearing Date, November 16, 2017**

Dear Ms. Jonckheer and Members of the Planning Commission:

I represent Liliane Ninaud and Jerry Tergis, who own the home at 524 28th Street that is directly adjacent to the west of the Proposed Project at 520 28th Street. Ms. Ninaud and Mr. Tergis have owned the property at 524 28th Street since 1961, and it is currently maintained as a rental home with a substantially below market rental rate for the tenants. 524 28th Street was built by William Smith, the first African American contractor in San Francisco, and 524 28th Street was used as his personal home. 524 28th Street has historical significance to the City.

520 28th Street is located in the RH-1 zone and has a lot size of 2850 square feet (25 feet wide by 114 feet deep). The lot includes a steep grade (more than 20 percent grade) with the existing house located at the top of the slope of the lot. The current house on the lot is 1,204 square feet on one level, with a deck of 182 square feet. A winding staircase leads from the street up to the house.

The plans available to us at the time of preparation of this letter show a proposed new house spanning five floors with 4,385 square feet of floor space. There are three basement levels climbing up the hill. Basement level 3 is 699 square feet, Basement level 2 is 564 square feet, and basement level 1 is 711 square feet. There are two levels on top of the hill – the first floor of 1,299 square feet and the second floor of 1,112 square feet. The proposed house has 756 square feet of exterior deck space. The Proposed Project will make deep cuts into the existing hill – approximately 50 feet at basement level 3, approximately 33 feet at basement level 2, and approximately 24 feet at basement level 1. Basement level 1, which includes the master bedroom, will jut out approximately 15 feet beyond the existing slope of the hill. The plans call for a total excavation of 9704 cubic yards of dirt, or 800 to 900 dump truck loads.

To build the Proposed Project, the applicants must obtain a finding from the Planning Commission that the Proposed Project is consistent with the City's Residential Design Guidelines, and must also obtain a variance for the encroachment of the house into the back 25

percent of the lot that is to be reserved for open space under the City's Planning and Zoning Code. My clients, Liliane Ninaud and Jerry Tergis, oppose the Project as it is currently proposed because it does not comply with the City's Residential Design Guidelines and they also oppose the grant of a variance. We discuss in this letter three issues: 1) the Project's Potential damage to 524 28th Street; 2) The Project's failure to comply with Residential Design Guidelines; and 3) the Project's failure to meet the City's standards for the grant of a variance.

1) Project's Potential Damage to 524 28th Street.

a. Structural Stability of 524 28th Street. Ms. Ninaud and Mr. Tergis are concerned that the extensive excavation on the adjacent lot at 520 28th Street may undermine the stability of their home at 524 28th Street. The Proposed Project involves extensive excavation and alteration of the hill which supports the existing house and the neighboring house at 524 28th Street. To bolster the application for a building permit to construct the Proposed Project on the hill, the applicant obtained the services of Kevin O'Connor Civil Engineers to prepare a geotechnical report. Ms. Ninaud and Mr. Tergis hired Gray Geotechnical Engineers to review the O'Connor report because they are concerned that the excavation of 520 28th Street may undermine the ground stability and structural integrity of 524 28th Street. (See, Gray letter dated June 21, 2017 attached as **Exhibit A**).

Mr. Gray stated: "The O'Connor report has characterized the subsurface conditions based on a regional geological map and an exploratory boring to a depth of 3.5 feet. It is our opinion that the subsurface exploration depth and method used is not appropriate for characterizing bedrock excavation on the order of 35 feet deep that is to be retained by piers or tieback anchors." Additionally, Mr. Gray's letter specifies other deficiencies in the O'Connor Report. He concludes: "Our review was not exhaustive, but without the benefit of additional information that is specified in this letter it is our professional opinion that the proposed project may have a detrimental effect upon the stability or structural integrity of the adjacent home at 524 28th Street." We ask that the Planning Commission not approve the Proposed Project without a requirement that the applicant provide the additional information to the City's Building Department requested in Mr. Gray's letter, and that as a condition of approval: "The Applicant must implement all measures recommended by the Building Department to stabilize the land at 524 28th Street and protect the structural integrity of 524 28th Street, including putting a new foundation under the east wall of 524 28th Street."

In the event the Project is approved, there will most certainly be significant damage to 524 28th Street, unless the foundation under the east wall is replaced. On October 18, 2017, Mr. Gray once again examined the property at 524 28th Street. Mr. Gray stated that the foundation of 524 28th Street is a thin layer of concrete poured on fractured shale rock. The redwood beam supports for the 524 28th Street house rest on this thin layer of concrete. On the east side of 524 28th Street, the developers of the new project will have to drill holes for I-Beams to stabilize the rock on the 524 28th Street property, and keep it from falling into the new excavation pits. This drilling is likely to shift the fractured shale on which the east side of 524 28th Street rests, causing damage to the house. This outcome is especially likely because the developers of the new project plan a 25-foot excavation directly below the southeast corner of 524 28th Street. The developers of 520 28th Street contend that any shifting of rock or damage to 524 28th Street is the problem of the owners of 524 28th Street. If damage occurs to 524 28th Street, the net impact will be to force Mr. Tergis and Ms. Ninaud to sell their house to mega-house developers.

b. Erosion. Common vegetation covers the hillside lots at 520 and 524 28th Street. As part of the construction of the new house at 520 28th Street, all of the vegetation will be ripped out. This will also cause the death of a significant amount of the vegetation on the hill frontage of 524 28th Street due to the fact that the vegetation has roots on both lots and overlaps the two lots. As a consequence of the loss of the roots and plants stabilizing the hill, the hill will degrade and erode. When a large new home was built a few lots away, the new construction caused erosion

on the adjacent lot. The owner of the lot tried to stabilize the erosion with sandbags, but the erosion remains significant. The City should require that for a period of two years after construction the developer of 520 28th Street shall be responsible for mitigation of any erosion on 528 28th Street caused by the construction of 520 28th Street.

c. Noise Impact of the Elevator. Ms. Ninaud and Mr. Tergis are concerned that the peaceful enjoyment of the home at 524 28th Street may be disturbed by the noise of the elevator at 520 28th Street, which will be directly adjacent to the master bedroom at 524 28th Street. The applicant for the Proposed Project has provided no information about the sound generation for the proposed elevator, and there are no conditions of approval that would appear to limit the sound generation from the elevator. Clearly, it is unreasonable for the residents of 524 28th Street to suffer being awakened at night by the elevator on the adjacent property going up and down. We propose as a condition of approval that the Planning Commission adopt as a condition of approval that "the Applicant shall provide to the City Building Department a Report from a licensed and qualified noise engineer that certifies with noise mitigation measures, if any are necessary, that the Proposed Project's elevator will cause no noise penetration into the living space of 524 28th Street."

d. Shading of 524 28th Street. The Proposed Project's deck over the second story basement is more than 30 feet in front of the front façade of 524 28th Street and also the front façade of the existing house at 520 28th Street. The first floor deck is more than 15 feet in front of the front façade of 524 28th Street and also the front façade of the existing house at 520 28th Street. The decks will shade the plants growing on the hill in front of 524 28th Street, which protect the hill from erosion. The lack of sun may kill the plants and cause erosion on the hill, which has occurred in other steep locations in the City where vegetation has died. The addition of the single floor, above the existing building will block the sunlight from reaching the two bedrooms and kitchen at 524 28th Street.

The deck on the first floor of 520 28th Street is at least three feet higher than the living room at 524 28th Street and will allow people on the deck to look directly into the living room at 524 28th Street, destroying the privacy of the residents of the house. Additionally, the large back deck will take away the privacy from the two bedrooms in the house at 524 28th Street. As a condition of Project approval and issuance of a building permit, Ms. Ninaud and Mr. Tergis ask that the City impose a condition on the Proposed Project as follows: "The applicant shall submit a shade study to the City Planning Department and the City Building Department, and the City shall propose changes to the Project that shall minimize the shading of and loss of light to the adjacent property at 524 28th Street; and shall also propose changes to minimize the invasion of privacy of the residents of 524 28th Street."

e. Survey Issue. The developers of 520 28th Street contended for two years that the house at 520 28th Street was 8 inches over the property line, and that the developers had the right to build a wrap-around wall that would reclaim the 8 inches. The developers never recorded their survey showing the encroachment, but presented it to the City Planning Department. The City Planning staff recommended that Ms. Ninaud and Mr. Tergis obtain their own survey because staff questioned whether the developers' survey was accurate. As shown in **Exhibit B** to this letter, Ms. Ninaud and Mr. Tergis did obtain their own survey and it showed that their house at 524 28th Street was well within the property boundaries. Ironically, on the day that the surveyor hired by Ms. Ninaud and Mr. Tergis completed measurements at 524 28th Street, the developers contacted Ms. Ninaud and Mr. Tergis and informed them that in fact their survey was in error and 524 28th Street was not outside its property boundaries. The developers had reason to know the day when my clients' surveyor was out at the property because one of the developers' sons lives at 520 28th Street. We would like to see the communication from the surveyor to the developers first disclosing the error in the survey. The developers have not provided us with this information despite our requests for the information. My clients suspect that the developers knew for some time about the error in the survey but did not disclose it because they wanted leverage on Ms.

Ninaud and Mr. Tergis. But even if the survey error is an incident of innocent mistake, the developers should still pay because the error cost Ms. Ninaud and Mr. Tergis a lot of money and grief. We ask that the developers pay the \$3700.00 survey cost and the \$662 recording fee.

2) Non-Compliance With The City's Residential Design Guidelines

Section 311(c) of the City Planning Code does not provide the Planning Commission with discretion to approve a project that is not in compliance with the City's Residential Design Guidelines. The Planning Code states: "Applications determined not to be in compliance with the standards . . . of the . . . Residential Design Guidelines . . . shall be held until either the application is determined to be in compliance, is disapproved, or a recommendation for cancellation is sent to the Department of Building Inspection." Moreover, "[t]he construction of new residential buildings and alteration of existing residential buildings in R Districts shall be consistent with the design policies and guidelines of the General Plan and with the "Residential Design Guidelines."

The City Planning Department encourages applicants to work with neighbors to come to an agreements upon changes to new residential projects that may allow both the neighbors and applicants to live with the new project. Often the meetings between the neighbors and the applicants lead to compromises that allow projects to go forward, and also lead to compliance with the City's Residential Design Guidelines. In the case of the application for the Proposed Project at 520 28th Street, Ms. Ninaud and Mr. Tergis reached out to Mr. Tony Pantaleoni, the architect and applicant, on three occasions. Ms. Ninaud and Mr. Tergis made an approach in an email to Mr. Pantaleoni on June 9, which is attached as **Exhibit C**. Mr. Pantaleoni did not respond to any of these requests to discuss the Proposed Project and compromise the design of the Proposed Project to bring it in conformity with the City's Residential Design Guidelines.

On October 18, 2017, Mr. Tergis and Ms. Ninaud met with one of the developers of the Project and Mr. Tony Kim, the developers' planning consultant. The parties attempted to reach an agreement, but the member of the developers' group present was not authorized to enter into any agreements. Mr. Kim asked that Mr. Tergis and Ms. Ninaud put their proposed settlement in written form so that it could be discussed by all of the developers together. On October 19, 2017, Mr. Tergis and Ms. Ninaud both emailed and mailed to Mr. Kim the proposed settlement included as **Exhibit D**. As of the time of writing of this letter, the developers of 520 28th Street have made no offer to compromise any of the issues raised by Mr. Tergis and Ms. Ninaud.

The developers of 520 28th Street acted in stark contrast to the applicant for the construction of a larger house down the street at 653 28th Street. (Case no. 2015-016467DRP & DRP-02) In response to neighbor's comments and staff comments the applicant made all of the following changes:

At the request of the neighbor at 657 28th Street changes were made to the project to provide light and air to 657 28th Street. The modifications included the removal of the project's central light well (the neighbor indicated they wanted to infill their light well), creation of a side setback where the building was to extend beyond the neighbor's rear wall, and the shortening of the 2nd and 3rd floors to reduce shadowing on the neighbor's rear wall. Other later requests were to shorten the 3rd floor further, shorten the 1st floor and lower the entire building. All requests were complied with at that time aside from the lowering of the building (the entire building has since been lowered to meet Residential Design Discretionary Review – Full Analysis CASE NO. 2015-016467DRP & DRP-02 June 8, 2017 653 28th Street 4 Advisory Team (RDAT) comments – see discussion below). Further requests for reductions to the 3rd floor were also negotiated. Additional requests to move the entire top floor further forward by 1 foot 9 inches, to limit the height of solid property-

line parapet guardrails and introduce glass panels to replace a section of the neighbor's high fencing, a translucent screening panel along the light well at the property line to allow light into the neighbor's back yard, and to limit the height of any new fences at this side of the property-line to 42 inches were also agreed to (the location of the top floor has since been set back to meet Residential Design Advisory Team's (RDAT) May 3, 2017 comments – see discussion below). Originally proposed 3rd floor rear roof decks were removed, further lowering the shadow impacts. A shadow study has been provided. (Planning Staff Report, June 8, 2017, pp. 3-4.)

City Planning Staff found that the applicant for approval 653 28th Street had made the changes to the Project that allowed the project to comply with the Residential Design Guidelines, and also had met as many of the neighbors' concerns as reasonably feasible. That is not the case with the applicant for the massive house proposed for 520 28th Street. The Project does not comply with the Residential Design Guidelines and to the date of this letter, no offers were made to change any of the project features.

a. Residential Design Guidelines Compliance. The Proposed Project is in direct conflict with two Principles of the Residential Design Guidelines:

Site Design (page 11): the proposal does not adhere to this principal. The building does not appropriately respond to the upsloping nature of the lot, nor is the placement of the front decks take into consideration the neighboring building and their concerns regarding privacy.

Proposed alteration:

- Remove the front decks and terrace the front so that the character of the slope is retained

Building Scale and Form (page 23-25): the proposal does not adhere to this principal. The buildings scale and form is not compatible with that of its surrounding buildings. The buildings across the street are characterized as one story over garage, the adjacent building at 524 28th Street is a one-bath house of 1400 square feet, also with steps leading up the hill. The proposed building is 4385 square feet square feet in size and contains 4 bedrooms, 5 bathrooms, a study, a family room, a dining room and living room. The average single family home on the block is approximately 1500 square feet. The proposed project raises concerns regarding light, air, privacy and the general preservation of homes on the block. The Proposed Project with its two stories and decks will cast a shadow on the adjacent property at 524 28th Street during all of the morning hours given the orientation of the lot. Privacy for the occupants of the adjacent lot is minimized as the subject property proposes front decks directly in front of and adjacent to the living room (i.e., the main room) of the adjacent property.

Proposed alteration:

- reduce the size of the home by removing extraneous space, specifically the front decks, and terrace the building with the existing slope so that the master bedroom, basement level 1 does not protrude out from the slope of the hill. The building on top of the hill should be one story instead of two stories. The new building should be terraced to the slope of the hill. The façade should be more in keeping with the other houses on the street.
- reduce the depth of the building to address privacy concerns in the rear.

b. Integrity of the Slope and the Aspect of Setting. The subject property is located on an upward sloping lot that is currently characterized by its wild and lush vegetation and zig zag steps that take one to the property's front door. The proposal should seek to retain the building's relationship to the hill and the undeveloped portions of the site so as not to destroy the spatial relationships that characterize the property – size, scale and proportion and massing of the project should be reduced so as to protect the integrity of the property and its environment.

3) The City Should Not Grant a Variance

Planning Code section 134(a)(1) requires that in the RH-1 neighborhoods that "[t]he minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet." Any alteration of this requirement would require a variance pursuant to Planning Code section 305. The Proposed Project at 520 28th Street is located on a lot that is 114 feet deep. Therefore, the backyard must be 28 feet six inches, or the building may only extend 85 feet six inches from the front of the lot. The Proposed Project includes a house that extends 93 feet 9 inches from the front of the lot, leaving only 20 feet 3 inches for the backyard. Hence, the applicant needs a variance to build the proposed project as planned.

The City of San Francisco's requirements for a variance are strict. The Zoning Administrator must make all of the following findings and identify in writing the facts that support the findings:

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

In the landmark case of *Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, the California Supreme Court clarified that variances may only be granted because of special circumstances of the property, including size, shape, topography, location or surroundings, and that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classification. Further, the case held that the facts must support the administrative agency's findings, and the findings must support the agency's decision.

In the case of 520 28th Street, there are no "exceptional or extraordinary circumstances applying to property involved . . . that do not apply to other property or uses in the same class of district." In fact, most of the houses in the immediate neighborhood are in compliance with the rear yard setback requirements. Also, there are no facts showing exceptional or extraordinary circumstances that would allow the City to make the findings required by item 2 above. In fact, the hardship is to the adjacent property owner at 524 28th Street, because the extension of the house into the rear yard setback area will cause a loss of privacy to the residents of 524 28th Street. Likewise, there are no facts that would support the findings required by items 3, 4 and 5 above.

Sincerely,

A handwritten signature in blue ink, appearing to read "William D. Kopper".

William D. Kopper
Kopper, Morgan & Dietrich

LIST OF PROPOSED CONDITIONS
FOR PROJECT AT 520 28TH STREET SAN FRANCISCO

- 1) The Applicant must implement all measures recommended by the Building Department to stabilize the land at 524 28th Street and protect the structural integrity of 524 28th Street, including putting a new foundation under the east wall of 524 28th Street.
- 2) The Applicant compensate the owners of 524 28th Street for the costs of the unnecessary survey in the amount of \$3700 for the cost of the survey and \$662 recording fees.
- 3) Shading and Light Study. The proposed new house at 520 28th Street extends north from the south wall of 524 28th street at a two-story height for approximately 20 feet. This extension will cut off light and cause shading of 524 28th Street property. The Applicant shall provide a study showing the impact of the project at 520 28th Street on available light and shading of 524 28th Street.
- 4) Modify the Front Deck for Privacy Projection. A portion of the front deck proposed for 520 28th Street is elevated above the deck at 524 28th Street and allows direct viewing into the front windows. This elevated portion of the deck should be removed from the plans and access to the deck be provided from a sliding window at the front of the house.
- 5) Vibration Monitoring. 524 28th Street will likely be damaged by the vibrations caused by the excavation at 520 28th Street. The vibrations will be an annoyance, but may also cause cosmetic, as well as structural damage. A consulting engineer will photograph 524 28th Street, and monitor any damage that occurs from vibrations. The developers should pay for this vibration monitoring.
- 6) Elevator Sound Proofing. The elevator sound proofing should be designed by a licensed acoustical engineer and the engineer should certify that the elevator will not be audible within 524 28th Street.
- 7) Landscape Repair. For a period of two years after construction is completed at 520 28th Street the developer should pay for the repair of any erosion or landscaping damage that occurs at 524 28th Street due to the project construction at 520 28th Street.

**PHOTO OF THE
PROPERTY**



EXHIBIT A



Jerry Tergis and Liliane Ninaud
34650 Mendocino Pass Road
Covelo, CA

**Geotechnical Consultation Regarding Adjacent Development
524 28th Street, San Francisco, CA**

Dear Jerry and Liliane,

At your request, we have reviewed documents provided to us regarding the proposed construction at 520 28th Street, San Francisco, to consult on the possible geotechnical impacts to your property at 524 28th Street. Where appropriate, we have provided a comment or our opinion with regard to geotechnical aspects considering compliance with minimum code standards, completeness, note of obvious factual errors, inconsistency of conclusions with data, and standards of geotechnical practice. You have provided the following documents for our review:

Issued By	Document Title	Date
Kotas Pantaleoni Architects	Architecture Sheets A1.0, A1.2, A2.0, A2.1, A3.0, A3.1	11/12/2015, revised 2/16/16
San Francisco Planning Department	CEQA Categorical Exemption Determination	4/21/2016 to 5/9/2016, referring to plans dated
San Francisco Planning Department	Notice of Building Permit Application	3/29/2017
Kevin O'Conner Inc.	Geotechnical Investigation; Proposed Residential Building	2/4/2016

Based on our review of the architectural sheets, we understand that the development of 520 28th Street will involve rebuilding of the existing single-story structure to be a new five story structure. The drawings show portions of the existing footprint at the rear of the existing dwelling are planned to remain. Three new "basement" lower levels are planned at the front portion of the proposed building footprint, constructed with a terraced excavation into the hillside. The specific elevation of foundations is either not shown or illegible on the plan set that we received, however it appears that an excavation on the order of 30 to 35 feet is planned for the garage level. A vertical excavation over a distance of approximately 78-foot between the 520 and 524 28th parcels is required to build the basement walls. This excavation is planned to conform either to the property boundary or the footprint of the dwelling at 524 28th Street (in the case where the existing dwelling encroaches onto the 520 28th parcel).

It is our opinion that the documents provided for our review lack sufficient detail to characterize the risk of slope instability or deformation due to the planned excavation, and lack sufficient data to carry out a design-level plan for underpinning, shoring or retaining structures. We offer the following comments on the geotechnical report:

* Subsurface Exploration and Characterization

The O'Conner report has characterized the subsurface conditions based on a regional geologic map and an exploratory boring to a depth of 3.5 feet. It is our opinion that the subsurface exploration depth and method used is not appropriate for a characterizing bedrock excavation on the order of 35 feet deep that is to be retained by piers or tieback anchors.

Section 3.0 on page 4 states that the boring encountered 2 feet of topsoil over 2 feet of silty sand with traces of highly fractured sandstone rock. Section 4.0 states "the underlying rock is at depth and consists of sandstone and shale". Figure 4 of the O'Conner report presents a regional geologic map, with a label showing the underlying bedrock to be Franciscan Complex volcanic rock. Section 5.0 on page 4 of the O'Conner report states "The site soils consist of dense to very dense silty sand", and provides the opinion liquefaction is not anticipated "because of the density of the soil and lack of high water table conditions". We agree that liquefaction is not a risk for this site, however it is our opinion that this is more so due to the very shallow depth of bedrock rather than depth to groundwater. The borelog attached to the end of the report describes the bedrock as a "very weathered and fractured greenstone". Greenstone is an altered volcanic rock type.

Sections 3, 4, 5 and the borelog have some minor inconsistencies, classifying the bedrock as volcanic material and as sedimentary. Both rock types are common to the Franciscan formation, but would be expected to have fundamentally different structures. The report does not characterize the bedrock strength, orientation of bedding planes, joints, fracture spacing or discontinuity frequency. An industry guideline on current practice "Ground Anchorage Practice" by Stuart Littlejohn states that subsurface sampling should "identify the fabric or structure of the stratum in which the fixed anchor may be installed" and in rock "emphasis should be placed on obtaining maximum continuous core recovery". An FHWA publication "Ground Anchors and Anchor Systems" recommends that exploration borings penetrate to a depth below the ground surface of at least twice the wall or slope height, (or to at least a depth below the bottom of the excavation that is equal to the wall height). FHWA recommends that exploration should characterize orientations (i.e., strike and dip) of discontinuities and fractures to evaluate the stability of the rock mass.

- Seismic Design Parameters

Section 5.0 of the O'Conner report provides seismic design parameters assuming Site Class D (Stiff Soil). Site Class D is the default Site Class prescribed by the California Building Code, however the shallow depth to bedrock indicates either Site Class A or Site Class B is appropriate. It is our opinion that Class D is acceptably conservative for this location (it results in both a short period and long period acceleration equal to or greater than that calculated using Class A/B).

Figure 8 from the O'Conner report provides lateral earth pressure to be applied to the backside of retaining walls. There is no basis given for this seismic pressure, or how it relates to the ground motions provided in Section 5.0. It is our experience that seismic wall pressures in rock excavations is dependent on the stability of the rock mass, which is often controlled by the orientation and spacing of fractures and discontinuities. This appears to have not been evaluated.

- Proposed Underpinning and Shoring Methods

Page 7 of the O'Conner report states that "shoring/underpinning of adjacent foundations can be achieved using hand excavated pier and drilled piers" The report provides a minimum pier diameter and lateral resistance value, but does not specify the underpinning pier depth or spacing.

Page 8 provides design criteria for tieback anchors to have a total length of at least 30 feet, and Figure 7 shows four rows of tiebacks to retain the rear (northern) wall of the basement excavation. It is not clear if tiebacks are being proposed to support shoring along the eastern and western boundary. Based on the planned location of the basement wall, nearly the entire length of the tieback would encroach into the neighboring properties at 524 28th street and rear yards of properties on Castro. It is our

experience that tieback anchors crossing a property boundary require an agreement between the property owners to grant certain easements and encroachments. The developer may be required to use an alternate method of shoring support if an easement for tieback installation is not granted.

- Estimated Deformation

Page 6 provides an estimate of initial and final settlement of new foundations for the proposed structure. A deformation monitoring program is proposed, however an estimate of vertical and horizontal deformation of the adjacent properties (or deformation of the shoring system) is not provided.

- Excavation and Construction Vibrations

Page 7 of the report states "to limit damage to the adjacent structures, demolition equipment should not cause excessive vibrations" however a vibration threshold or specification is not provided. We anticipate that excavation of bedrock may also cause ground vibrations if percussive equipment (such as jack hammers or excavator mounted hydraulic breaker) is required. If desired, vibration monitoring equipment can be installed to document construction vibration duration, frequency and magnitude. This can be compared to published relationships between ground vibrations and damage to building elements (such as plaster or drywall cladding), if need be.

Our review was not exhaustive, but without the benefit of additional information that is specified in this letter it is our professional opinion that the proposed project may have a detrimental effect upon the stability or structural integrity of the adjacent home at 524 28th Street. Based on our review of the documents provided to us, we anticipate that additional design and investigation is required to evaluate the risk and to prepare plans suitable to carry out construction of the excavation, shoring and retaining wall portions of the project. We make no representations as to the accuracy of dimensions, measurements, calculations or any other portion of the design. We hope this provides the information that you require at this time. If you have any questions, please contact us.

Sincerely,



Joe Gray, GE



EXHIBIT B



Keep as New



Reply



Reply All



Forward



Delete



Spam

More ▾

RE: 520 28th Street Project **Tony Pantaleoni** (tony@kp-architects.com)

Thu, Sep 21, 2017 3:15 pm

To you + 5 more Details

6431 ARSS Sept. 20, 2017.pdf (797 KB)

Liliane and Jerry,

Hope all is well.

Attached is the updated survey. You were correct, your property does not encroach into our property. Below is the email that Barry the surveyor sent me explaining why the survey was off.

Tony,

Attached is a revised map. I moved the block for the previous project and did not move it back. We used that data as the base for this one and now with it moved back to the original an amount of 1 foot. I was the only one in here with knowledge of that block and my guy that did the mapping did not bring it to my attention when he plotted the topo.

My apologies. Barry

We are in the process of revising our drawings accordingly and for sure we will not wrap the front deck around your property. If you or Dan would like a full size copy, just let me know and I will drop them in the mail to you.

ASSESSOR'S BLOCK 6604

LOT 9

LOT 3

1.07 48

LOT 49

LOT 50

LOTS 64/65

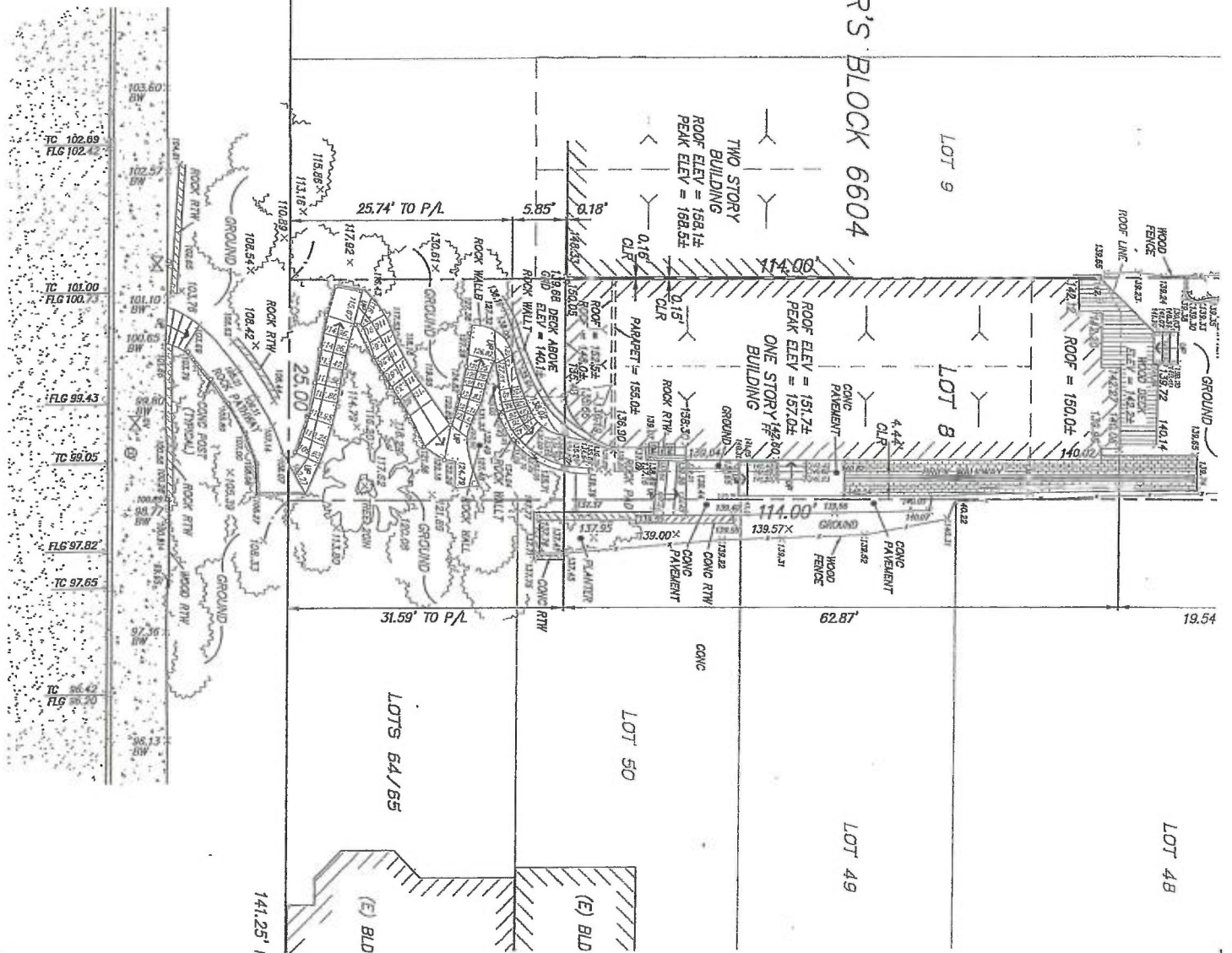


EXHIBIT C

524 28th St SF

6/10/17, 10:48 AM

From: liliane242 <liliane242@aol.com>
To: tony <tony@kp-architects.com>
Subject: 524 28th St SF
Date: Fri, Jun 9, 2017 7:51 pm

Dear Mr Pantaleoni

We are the owners of 524 28th St, Jerry and Liliane. Our family has owned 524 since 1961 and we love this old house which sits on this natural and beautiful hill, which at the moment is covered by wild roses, a rare site which unhappily disappear at a fast rate around the city. Our house has been rented as an affordable house all this time and we intend to keep it that way.

We feel very strongly that 520 project is out of scale with the neighborhood small one family housing and should be scaled down and kept under the SF Residential Design Guidelines. Aside from the sheer size of the project here are some of our concerns.

***The decks on the first floor will block our privacy and views. People walking on the deck will be looking straight into our bay window where we sit and will be overlooking as well into our porch and shading it, where we enjoy sitting, soaking in the afternoon sun and the view of the Bay.

*** On the back side of the house, the new top floor will completely take away our light and the privacy of the two bedrooms and kitchen, not mentioning the whole back yard.

*** During the "Remodel" of 538, up the street, we all notice that the vibration of the excavation of the hill brought lots of dirt and plants to slide off our's and neighbor's hill and that construction was two houses away from ours. Something to be worry about during our wet winters.

This is now a huge concern to us, your immediate neighbor. This enormous excavation project just underneath our East wall will create some destabilization of our land and house. We are very worry about it. Our house being a 1910 vintage might not be able to take all that shaking and vibrating. The East wall might be compromised as well as the stability of our house.

So here are some suggestions :

We would like to have the front decks of your project removed and have terraces instead.

Adjust the front facade so it matches ours and do not stand into our view.

Would you be willing to put a new foundation underneath our East wall?. Preventing measure?. There is no way we could afford a new foundation underneath that wall and keeper house as a San Francisco affordable housing. We are not into flipping houses but into providing fair housing to wonderful families.

We may have to hire our own Geo Engineer.

The elevator being next to our master bedroom should have soundproofing so it doesn't disturb our sleep.

If the excavation tear down some of our plants on the hill, as yours and ours are somewhat connected by their root systems, please make sure that they are replanted to secure our hill.

Those are some of our fair and reasonable concerns, I hope you will think about those so we can find a solution.

Our very best,

Jerry and Liliane

EXHIBIT D

Kopper, Morgan & Dietrich
Attorneys at Law

417 E Street
Davis, CA 95616
(530) 758-0757
Fax (530) 758-2844

Preston L. Morgan
Christopher W. Dietrich

William D. Kopper*
of Counsel

October 19, 2017

Mr. Tony Kim
Town Consulting Inc.
1253 6th Avenue
San Francisco, CA 94122

Re: 520 28th Street, San Francisco, CA

Dear Mr. Kim:

It was a pleasure to meet with you on October 18 regarding the proposed replacement of the house at 520 28th Street. As you know, I represent Liliane Ninaud and Jerry Tergis who own the neighboring house directly to the east at 524 28th Street. Ms. Ninaud and Mr. Tergis oppose the proposed new home at 520 28th Street because it is out of scale with the neighborhood, destroys the front landscaping that stabilizes the hill for both 520 and 524 28th Street, threatens the structural stability of their home and is not in compliance with the City's Design Guidelines. We have put our objections to the proposed project in a letter to the City dated June 22, 2017, which I have attached for your review in the event that you have not yet seen it.

I understand from both the City Planning Department and yourself that the City prefers that neighbors work out their differences about neighboring projects if at all possible. I do not know if it will be possible to work our differences with the developers and investors in the proposed new house at 524 28th Street. Despite the undesirability of the entire proposed project, Ms. Ninaud and Mr. Tergis are prepared to make an offer for settlement that they believe will provide the minimal measures necessary to protect their property from damage from the proposed project. These measures are as follows:

- 1. Developer Replace the Foundation Under the East Wall of 524 28th Street.** The Geotechnical Engineer hired by Ms. Ninaud and Mr. Tergis, Joe Gray, has provided an opinion that the report from the developer's geotechnical engineer is not complete and there is insufficient information to determine the potential damage to 524 28th Street from

the excavation at 520 28th Street. Mr. Gray has stated that it is reasonably likely there will be damage. The reason for this is the scope of the excavation (removal of 9704 cubic yards of dirt), and the condition of the foundation at 524 28th Street. The foundation of 524 28th Street is resting upon fractured shale rock, and the house is supported by a thin layer of concrete on top of the rock. If any of the shale rock underneath 524 28th Street moves at all, the house will be structurally damaged. It is most likely to move on the east side where there will be substantial excavation. The drilling of the holes for the support I-beams on the west side of 520 28th Street may move the fractured shale rock on the east side of 524 28th Street and cause structural damage to the house. Directly adjacent to the southeast corner of the house at 524 28th Street, the developers are going to dig a 25 foot deep pit. The developer's geotechnical report does describe how 524 28th Street will be supported, and instead makes a legal argument that the developers have no duty to protect the house at 524 28th Street. We believe the only feasible protection is to replace the east foundation wall and also the short wrap around the porch in the south east corner of the house. We would also ask that we have access to the east wall of 524 28th Street at the time of construction of the new house at 520 28th Street so that we can make any necessary repairs to that exterior wall. We want to remind you that Ms. Ninaud and Mr. Tergis want to keep 524 28th Street as low cost rental housing in the City, and do not want to be forced to sell their home for another mega-house development.

2. **Payment for Survey.** For two years the developers of 520 28th Street insisted that 524 28th Street encroached onto their property at 520 28th Street. The developers never recorded their survey showing the encroachment, but presented in to the City Planning Department. The City Planning staff recommended that Ms. Ninaud and Mr. Tergis obtain their own survey because staff questioned whether the developers' survey was accurate. As shown in the attachment to this letter, Ms. Ninaud and Mr. Tergis did get their own survey and it of course showed that their house at 524 28th Street was well within the property boundaries. Ironically, on the day that the surveyor hired by Ms. Ninaud and Mr. Tergis completed measurements at 524 28th Street, the developers contacted Ms. Ninaud and Mr. Tergis and informed them that in fact their survey was in error and 524 28th Street was not outside its property boundaries. The developers had reason to know the day when my clients had the surveyor out at the property because one of the developers' sons lives at 520 28th Street. We would like to see the communication from the surveyor to the developers first disclosing the error in the survey. My clients suspect that the developers knew for some time about the error in the survey but did not disclose it because they wanted leverage on Ms. Ninaud and Mr. Tergis. But even if the survey error is an incident of innocent mistake, the developers should still pay because the error cost Ms. Ninaud and Mr. Tergis a lot of money and grief. We ask that the developers pay the \$3700.00 survey cost and the \$662 recording fee.

3. **Shading and Light Study.** The proposed new house at 520 28th Street extends north from the south wall of 524 28th street at a two-story height for approximately 20 feet. This extension will cut off light and cause shading of 524 28th Steet property. We believe a study showing the impact on available light and shading of 524 28th Street is appropriate and should be required to better understand the impacts of the proposed project.
4. **Modify the Front Deck for Privacy Projection.** As we mentioned in our meeting, a portion of the front deck proposed for 520 28th Street is elevated above the deck at 524 28th Street and allows direct viewing into the front windows. We are asking that this elevated portion of the deck be removed from the plans and that access to the deck be provided from a sliding window at the front of the house.
5. **Vibration Monitoring.** We expect damage to 524 28th Street from the vibrations caused by the excavation at 520 28th Street. The vibrations will be an annoyance, but they may also cause cosmetic, as well as structural damage. A consulting engineer will photograph 524 28th Street, and monitor any damage that occurs from vibrations. We ask the developers to pay for this vibration monitoring.
6. **Elevator Sound Proofing.** We ask that the elevator sound proofing be designed by a licensed acoustical engineer and that the engineer certify that the elevator will not be audible within 524 28th Street.
7. **Landscape Repair.** We ask for a period of two years after construction is completed at 520 28th Street that the developer pay for the repair of any erosion or landscaping damage that occurs at 524 28th Street due to the project construction at 520 28th Street.

Thank you for your consideration of these proposed mitigation measures, and we appreciate hearing from you in the near future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Will D Kopper".

William D. Kopper



February 5, 2018

William D. Kopper
417 E Street
Davis, CA 95616

RE: 520 – 28th Street - 2015-015846DRP

Dear Mr. Kopper:

This letter is in response to your settlement letter dated October 19, 2017.

Please see the project sponsor's response below:

1) Developer Replace the Foundation Under the East Wall of 524 28th Street

Project sponsor's response – The project sponsor does not agree to replace the foundation under the east wall of 524 - 28th Street.

2) Payment for Survey

Project sponsor's response – The project sponsor will reimburse the DR applicant a total of \$4,362.00 for their cost of a survey (\$3,700.00) and the recording fee (\$662.00). Project sponsor to remit payment with proof of invoice for the survey and recording fee.

3) Shading and Light Study

Project sponsor's response – The proposed project is a two-story structure similar in height to the DR applicant's two-story house and the adjacent two-story structures along the block-face. Because of the properties North/South orientation, the proposed rear addition for 520 28th Street will only shadow 524's rear yard in the early morning. The project does not require a shadow study.

4) Modify the Front Deck for Privacy Projection

Project sponsor's response – The originally proposed front deck adjacent to 524 28th Street has been removed. The proposed deck has been greatly reduced in size and is now 11'-9" away from 524's property line. The proposed deck is facing away from the DR applicant's property to help preserve their privacy. Additionally, the proposed door providing access to the deck has been removed to further improve the DR applicant's privacy.

5) Vibration Monitoring

Project sponsor's response – Please see attached Pre-construction, lagging installation and monitoring plan from the project sponsor's civil engineer.

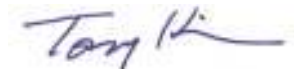
6) Elevator Sound Proofing

Project sponsor's response – The proposed elevator shaft wall that abuts the 524-property line will be either a 12-inch concrete or 2x6 insulated wall with an air gap at the property line to minimize any vibration and noise. The elevator walls will have an STC rating of 50 to 55 to meet the current building code requirement for exterior walls. The proposed residential elevator will use a hydraulic system to further help reduce any vibration and noise. The elevator will not impact the residents of 524 28th Street.

7) Landscape Repair

Project sponsor's response – Project sponsor agrees to reimburse the DR applicant for the repairs of any landscaping damaged along the shared property line due to the construction of 520 – 28th Street.

Please us know if you have any any questions.



Tony Kim
Town Consulting
(415) 246 8855

Kevin O'Connor, Inc.
3401 Lawton Street
San Francisco Ca, 94122
Tel: 415 665 5223

February 9th, 2018

Elizabeth Gordon Jonckheer
Planner/Preservation Specialist, Southwest Quadrant
Planning Department
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Subject: 520 28th Street, San Francisco, CA.
Application No.: 2015 1112 2431

Kevin O'Connor Inc. # 2015KOC095

Dear Elizabeth,

I am in receipt of the current set of architectural drawings prepared by Kotas Pantaleoni Architects which were emailed to my office on February 5th, 2018. The revised architectural design does not change my original assessment for the proposed earth shoring plans and recommendations for the project.

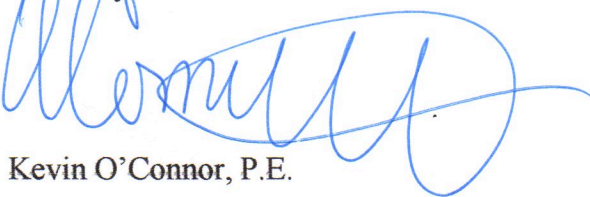
The objective is to anchor the north wall to the existing property with steel anchors drilled into the hill. The east and west walls will require temporary soldier beams and pressure treated lagging along the property lines within the subject property.

As the excavation advances internal bracing will be installed from the top down to brace the east and west property walls in conjunction with the permanent north wall anchors. A reinforced concrete wall will also be installed along the north wall in conjunction with the anchors. Together they will support the hill and the adjacent properties to accommodate construction for the new structure.

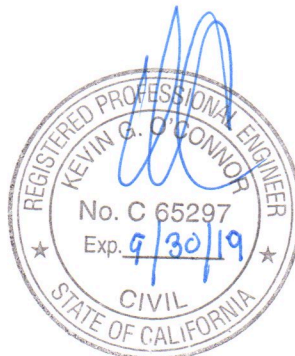
Should you have any questions, please call the number above.

Thank you.

Sincerely



Kevin O'Connor, P.E.



Kevin O'Connor Inc.
Civil Engineering Consultants
3401 Lawton Street
San Francisco, CA 94122

Tel. # 415 665 5223

email: kevino@kocengineering.com

Kevin O'Connor, Inc.

GEOTECHNICAL INVESTIGATION

**PROPOSED RESIDENTIAL BUILDING
520 28TH STREET
San Francisco, California
Lot 008 in Block 6604**

February 4th, 2016

Project No. 2015KOC095

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1.0 INTRODUCTION

This report presents the results of our geotechnical investigation for the proposed residential building to be located at 520 28th, Street, San Francisco. The site is located approximately 430 feet east of the intersection with Diamond Street, in San Francisco.

The site is 114.00' long by 25.00' wide and is currently occupied by a two story wooden structure which was built in 1917. The site is situated on a hillside about 34 feet above sidewalk. The lot fronts on 28th Street, which parallels the southern property line. The site plan is shown on Figure 2.

The current plans are to demolish the existing structure to make way for the new structure. The new construction will require excavations into the hillside as shown on Figure 7. Minor excavations will be required for the upper level structure which can be founded on spread footings as described in section 7 of this report.

2.0 SCOPE OF SERVICES

Our scope of services includes exploring the subsurface conditions at the site, performing laboratory tests and engineering analyses, and developing conclusions and recommendations in order to establish criteria for the structural design. Our scope includes the following:

- Site drilling and soil sampling.
- Soil and groundwater conditions.
- Estimates of foundation settlement.
- Site grading, fill and compaction criteria.
- Design parameters for earth shoring and underpinning.
- Lateral pressures for retaining walls.
- Site seismicity and seismic hazards, including liquefaction potential.
- San Francisco Building Code site class and seismic factors.
- Construction considerations.
- Presentation of results of the investigation including recommendations in the report.

We have also reviewed applicable subsurface data from geotechnical engineering studies performed in the vicinity of this property.

Our findings and recommendations are presented in this report.

3.0 FIELD INVESTIGATION AND LABORATORY TESTING

Detailed site reconnaissance and subsurface exploration were performed on September 1st, 2015. A test boring using a continuous auger drill was drilled to a depth of 4 feet below grade where it reached refusal due to the hard rock material encountered. Two feet of topsoil underlain by two feet of very dense silty sand with traces of highly fractured sandstone rock was encountered. No free water was observed at the time. Results of samples from test boring are presented in Figure 3. The soil encountered was classified according to the classification chart described in Figure 5 and laboratory results on Figure 8. The soil is classified as SM. The boring was backfilled at the conclusion of the investigation.

A sample from a depth of 4 feet was collected during drilling and re-examined in our office. A sieve analysis was carried out in the laboratory and results are presented in Figure 3 and Figure 9.

4.0 SITE AND SUBSURFACE CONDITIONS

The USGS map of the north quadrant of San Francisco indicates the site to be underlain by Franciscan Complex volcanic rock (early Cretaceous and/or late Jurassic). The underlying rock is at depth and consists of sandstone and shale. A more detailed map prepared by the state of California (Seismic Hazard Zones) indicates the site is not in a zone of liquefaction potential.

5.0 REGIONAL SEISMICITY AND FAULTING

The San Francisco Bay Area is the most seismically active region of the United States. The nearest faults are San Andreas Fault 5.9 miles to the south west, Hayward fault 12.6 miles to the north east. There are other minor and inactive faults in the vicinity.

The site soils consist of dense to very dense silty sand. Moderate to severe shaking is anticipated due to seismic action which is expected to occur within the next 30 years. Because of the density of the soil and lack of high water table conditions, liquefaction is not anticipated. A rigid type foundation will help minimize foundation related distress.

Seismic Design

At a minimum, the structural seismic design should be in accordance with the provisions of 2013 California Building Code (CBC) including the following:

- Maximum Considered Earthquake (MCE) S_s of 1.628g and S_1 of 0.749g .
- Site Class D
- Site Coefficients; $F_a=1.0$, $F_v=1.5$
- Maximum Considered Earthquake (MCE) spectral response acceleration parameters at short periods, S_{MS} of 1.628g, and at one-second period, S_{M1} , of 1.124g .

Fault Rupture

Historically, ground surface ruptures closely follow the trace of geologically young faults. The site is not within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no known active or potentially active faults exist on the site. Therefore, we conclude the risk of fault offset at the site from a known active fault is low. In a seismically active area, the remote possibility exists for future faulting in areas where no faults previously existed; however, we conclude the risk of fault rupture (surface faulting) from an unknown fault and consequent secondary ground failure is low.

Liquefaction, Lateral Spreading and Differential Compaction

Liquefaction is a transformation of soil from a solid to a liquefied state during which saturated soil temporarily loses strength resulting from the buildup of excess pore water pressure, especially during earthquake-induced cyclic loading. Soil susceptible to liquefaction includes loose to medium dense sand and gravel, low-plasticity silt, and some low-plasticity clay deposits.

Lateral spreading is a phenomenon in which surficial soil displaces along a shear zone that has formed within an underlying liquefied layer. Upon reaching mobilization, the surficial blocks are transported downslope or in the direction of a free face by earthquake and gravitational forces. Differential compaction is a phenomenon in which non-saturated, cohesionless soil is compacted by earthquake vibrations, causing differential settlement.

No groundwater was observed at the site during our field investigation. Therefore, we conclude the potential for liquefaction-induced settlement is not a concern and lateral spreading at the location of the proposed area of work is to be controlled by the proposed foundation support system.

6.0 DISCUSSION AND CONCLUSIONS

We conclude that, from a geotechnical engineering standpoint, the site is suitable for the proposed development, provided that the recommendations presented in this report are incorporated into the project plans and specifications and implemented during construction.

7.0 RECOMMENDATIONS

Foundations

The proposed foundation can be safely supported on spread footing foundations which bear on the near surface bedrock materials. All footings should extend at least 18 inches below the lowest adjacent finished grade or to the depth of any adjacent footings, whichever is deeper. All footings should extend through any fill materials or loose soils to bear in the bedrock materials that underlie the site.

The perimeter continuous foundation system should be designed to span 10 feet as a simple beam and to cantilever 5 feet at the building corners. If excavations are made below footings of adjacent buildings and below sidewalks, shoring/underpinning may be required. Reference is made to Deering's civil code, extracts of which are included in Figure 10. Initial settlement is not expected to exceed $\frac{1}{2}$ " in 50 feet and final settlement is not expected to exceed 1" in 50 feet. Waterproofing and drainage is required beneath the slab. Drainage should consist of a perforated drainage system.

We recommend that all continuous footings be tied together with reinforcing steel and that any isolated footings be tied into the continuous footings with tie-beams or grade beams that extend between the isolated footings.

Any footings located on or adjacent to slopes steeper than 4:1 should be founded at the depths necessary to provide at least 7 feet of horizontal distance between the footings and slope face. In addition, any footings located adjacent to utility trenches or other footings should also have their bearing surfaces below an imaginary 1.5:1 (horz:vert) plane projected upward from the edge of the bottom of the adjacent trench or footing.

Retaining Walls

Retaining walls located on the site should be designed to resist lateral earth pressures and additional lateral pressures that may be caused by surcharge loads applied at the ground surface behind the walls.

A minimum factor of safety of 1.5 is required for sliding and overturning. For seismic conditions refer to Figure 8.

The walls should also be designed to resist an additional uniform pressure equivalent to $\frac{1}{3}$ of the maximum anticipated surcharge load applied at the surface behind the walls. For restrained walls the surcharge pressure equivalent to $\frac{1}{2}$ the vertical surcharge. The pressure diagrams can be seen on Fig. 8.

The retaining walls at this property should be designed in accordance with the pressure diagrams as shown on Figures 7 and 8 which assume that sufficient drainage will be provided behind the walls to prevent the buildup of hydrostatic pressures from surface

and subsurface water infiltration. Adequate drainage should be provided by a sub-drain system consisting of a 4 inch diameter perforated pipe (PVC SDR 35) in drain rock wrapped effectively with filter fabric to a height of $\frac{2}{3}$ of the height of the retaining wall. The remaining portion of the walls should be backfilled with onsite or approved import material and compacted to at least 90% relative compaction. At property line walls where no space is available for drain pipes, Mira-drain or approved equal may be used. The wall drain shall be connected to the city sewer system incorporating the catch-basin in accordance with city requirements. The wall should be waterproofed by hot mopping or other approved method.

Lateral forces can be resisted by passive pressure acting on the vertical face of the foundation and by friction forces on the underside of the foundation system. The upper 1 foot of soil should be ignored unless confined by a slab.

Site Preparation and Fill Placement

All existing improvements within the proposed construction site should be removed during site demolition, as necessary. Existing foundations or slabs encountered during site preparation should be broken up and removed. In addition, to limit damage to the adjacent structures, demolition equipment should not cause excessive vibrations. Existing utilities within three feet of the sub-grade should also be located and dealt with appropriately. The site should be graded such that water flows away from any foundations and is drained to a suitable collection point.

All on-site materials below the stripped layer having an organic content of less than 3 percent by volume are suitable for use as backfill. Any imported fill materials required at the site should be non-expansive with a plasticity index of 12 less. All fill material placed at the site should not contain rocks or lumps greater than 3 inches, in greatest dimension with not more than 15% larger than 3 inches. All structural fill at the site should be placed in loose lifts not to exceed 8 inches and compacted to 90% relative compaction. The upper 12 inches directly beneath proposed pavements should be compacted to 95% relative compaction. The compaction should be by mechanical means as determined by ASTM Test designation D1557-70.

Shoring & Underpinning

Shoring/Underpinning of adjacent foundations can be achieved using hand excavated pier and drilled piers. The construction of such should be carried out by specialist contractors. Piers should be a minimum of 18 inch diameter and passive resistance should be taken over 2 pier diameters.

Since the topography of the area slopes upward to the north, construction of the lower levels will require excavations into the existing slope that may enlarge up to 30 feet or more in depth. Temporary shoring should be provided along the eastern, northern and

western limits of the garage/basement excavation in order to provide adequate lateral support for the adjacent properties and the northern face of the excavation.

Tieback Design Criteria

Design criteria for tiebacks are presented on Figure 7. The minimum tieback unbonded length shall be 15 feet. The load carrying capacity can be calculated on the remaining length of the tieback, the bonded length. The bonded length should have a minimum length of 15 feet. The load capacity of the tiebacks depends on the drilling method, diameter, grout pressure, and method of installation. We recommend that all tiebacks be post grouted under pressure. An allowable bond load transfer of 2,500psf may be used for the pressure-grouted tiebacks, as an initial estimate. The contractor is responsible for achieving the desired load capacities. Any tiebacks which fail may be locked off and given a 50% reduced capacity. Tiebacks shall be installed at an angle of declination 15 degrees to the horizontal.

The bars shall not be tested to more than 80% of their ultimate capacity. The first tieback shall be performance tested to 1.25 times the design load, per table 1. The first tie back shall then be tested to its ultimate capacity until the lower of failure, or 80% of tendon ultimate capacity, is reached. All other tie backs should be proof tested to 1.25 times the design load, per table 2. More testing may be required, under our supervision, and to the satisfaction of nationally accepted geotechnical standards, depending on differing soil conditions, geometry, changes in drilling or installation, or other conditions.

Permanent tiebacks shall consist of double corrosion protected bar, grouted in an oversized drill hole. Centralizers should be used to assure good grout cover (approximately 1 inch) around the bar.

Table 1.

Anchor Performance Testing			
Loading Cycle	Applied Load	Observation period	Anchor Movement
	AL		0
1	0.25DL		
	AL		
2	0.25DL		
	0.5DL		
	AL		
3	0.25DL		
	0.5DL		
	0.75DL		
	AL		
4	0.25DL		
	0.5DL		
	0.75DL		
	1.0DL		
	AL		
5	0.25DL		
	0.5DL		
	0.75DL		
	1.0DL		
	1.25DL	1 Minute	
	1.25DL	2	
	1.25DL	3	
	1.25DL	4	
	1.25DL	5	
	1.25DL	6	
	1.25DL	7	
	1.25DL	8	
	1.25DL	9	
	1.25DL	10	
	AL		

Table 2.

Anchor Proof Testing			
Loading Cycle	Applied Load	Observation period	Anchor Movement
	AL		0
1	0.25DL		
2	0.5DL		
3	0.75DL		
4	1.0DL		
5	1.25DL	1 Minute	
	1.25DL	2	
	1.25DL	3	
	1.25DL	4	
	1.25DL	5	
	1.25DL	7	
	1.25DL	10	
	AL		

Grout

Grout, Portland cement ASTM c150 shall be used for the tiebacks. The grout shall consist of neat cement grout with a water cement ratio of less than or equal to 0.45. Grouting should take place promptly after drilling and tendon insertion. Tendon testing shall be performed 4 days after grout installation.

Concrete slabs on grade

In order to provide free drainage, slabs on grade are to be founded on $\frac{3}{4}$ " crushed drain rock. A 10 mil thick plastic sheet water vapor barrier is to be incorporated beneath the slab and is to be protected by a 2 inch layer of sand.

TABLE 1
Gradation requirements for drain rock

Sieve Size	Percentage Passing Sieve
Gravel or Crushed Rock	
1 inch	90 - 100
$\frac{3}{4}$ inch	30 - 100
$\frac{1}{2}$ inch	5 - 25
$\frac{3}{8}$ inch	0 - 6

Construction Monitoring

To monitor ground movements and potential movements of adjacent structures during construction activities, we recommend installing monitoring points on the adjacent structures and the subject property. Survey points should be read regularly and the results should be submitted to us in a timely manner for review. For estimating purposes, assume that the points will be read at a minimum as follows:

- Prior to any work at the site
- On a weekly basis until the completion of basement construction

8.0 DESIGN PARAMETERS

Material

Dense to very dense silty sand

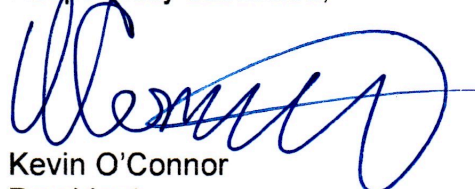
Allowable foundation pressure	3000psf
Lateral bearing capacity	350pcf
Lateral sliding coefficient	0.30
Skin friction	600psf
Modulus of Subgrade Reaction	200psi/inch

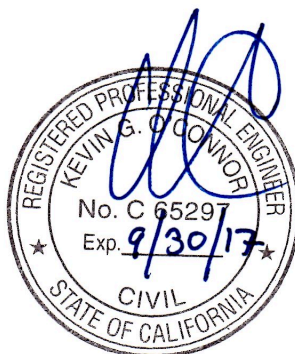
These values can be increased by $\frac{1}{3}$ for seismic and wind conditions.

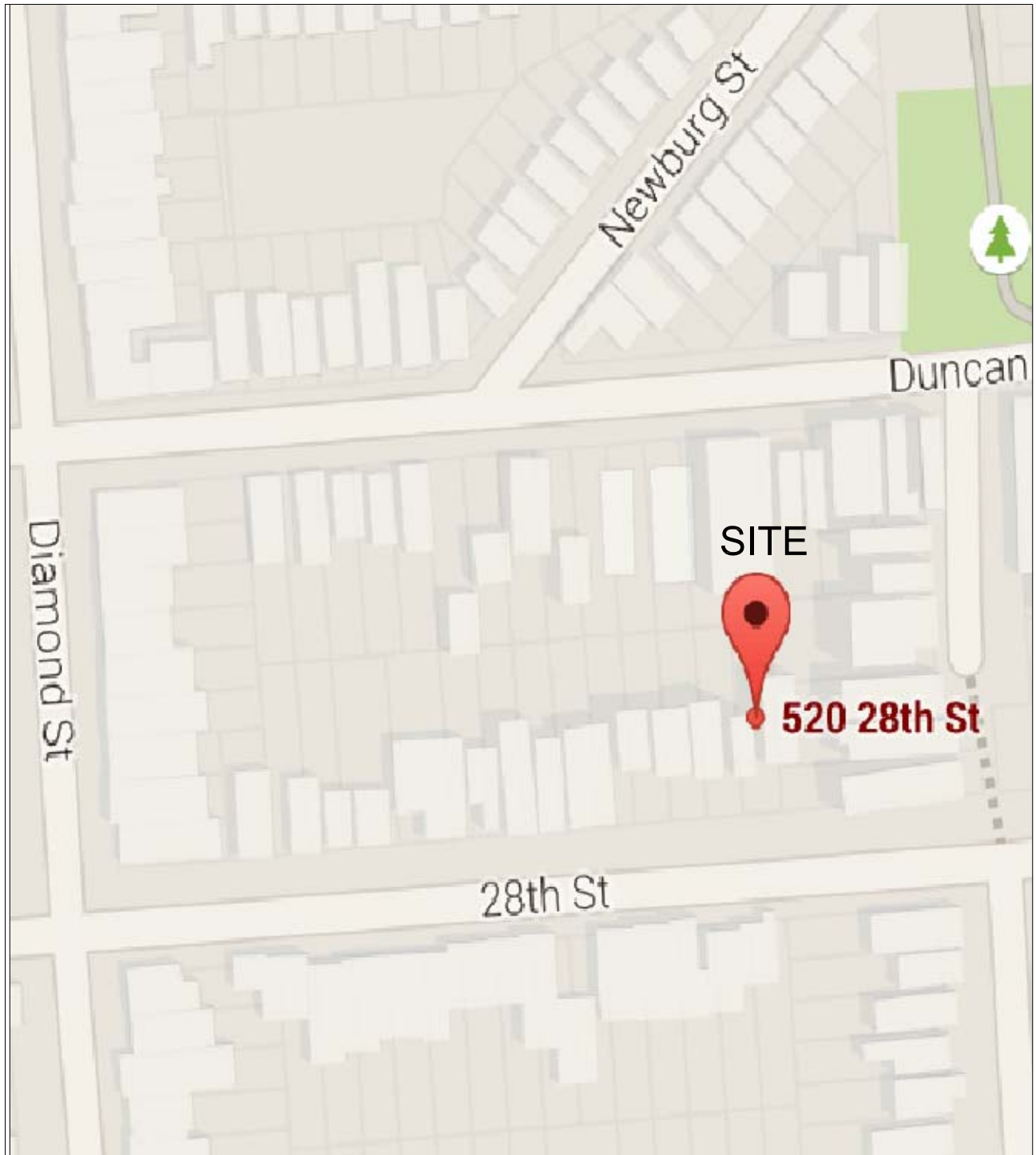
9.0 INVESTIGATION LIMITATIONS

This report has been prepared in order to aid in the evaluation of the subsurface soils of the property and to aid on the foundation design of the proposed structure. These services consist of professional opinions and recommendations made in accordance with generally accepted engineering principles and practices. This acknowledgement is in lieu of all warranties either expressed or implied. Our liability for error or negligence in connection with this report and related work is limited to the amount of our billing for this report.

Respectfully submitted,


Kevin O'Connor
President





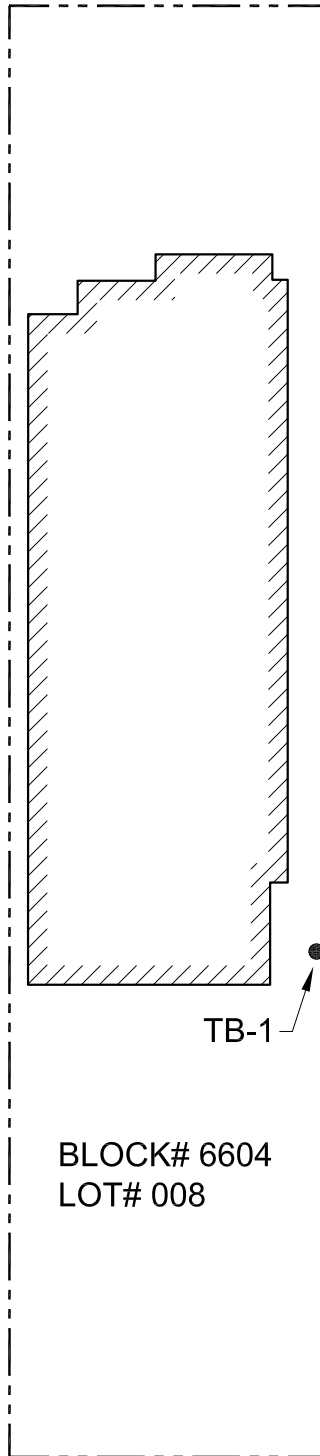
LOCATION MAP

KEVIN O'CONNOR, INC.
3401 LAWTON STREET
San Francisco CA 94122
TEL: 415-286-3442 FAX: 415-665-5252

TITLE
520 28TH STREET
SAN FRANCISCO, CA 94131

DATE
9-1-15

FIGURE
1



TB-1

BLOCK# 6604
LOT# 008

28TH STREET

SITE PLAN
NTS



KEVIN O'CONNOR, INC.
3401 LAWTON STREET
San Francisco CA 94122
TEL: 415-286-3442 FAX: 415-665-5252

TITLE
520 28TH STREET
SAN FRANCISCO, CA 94131

DATE
9-1-15

FIGURE
2

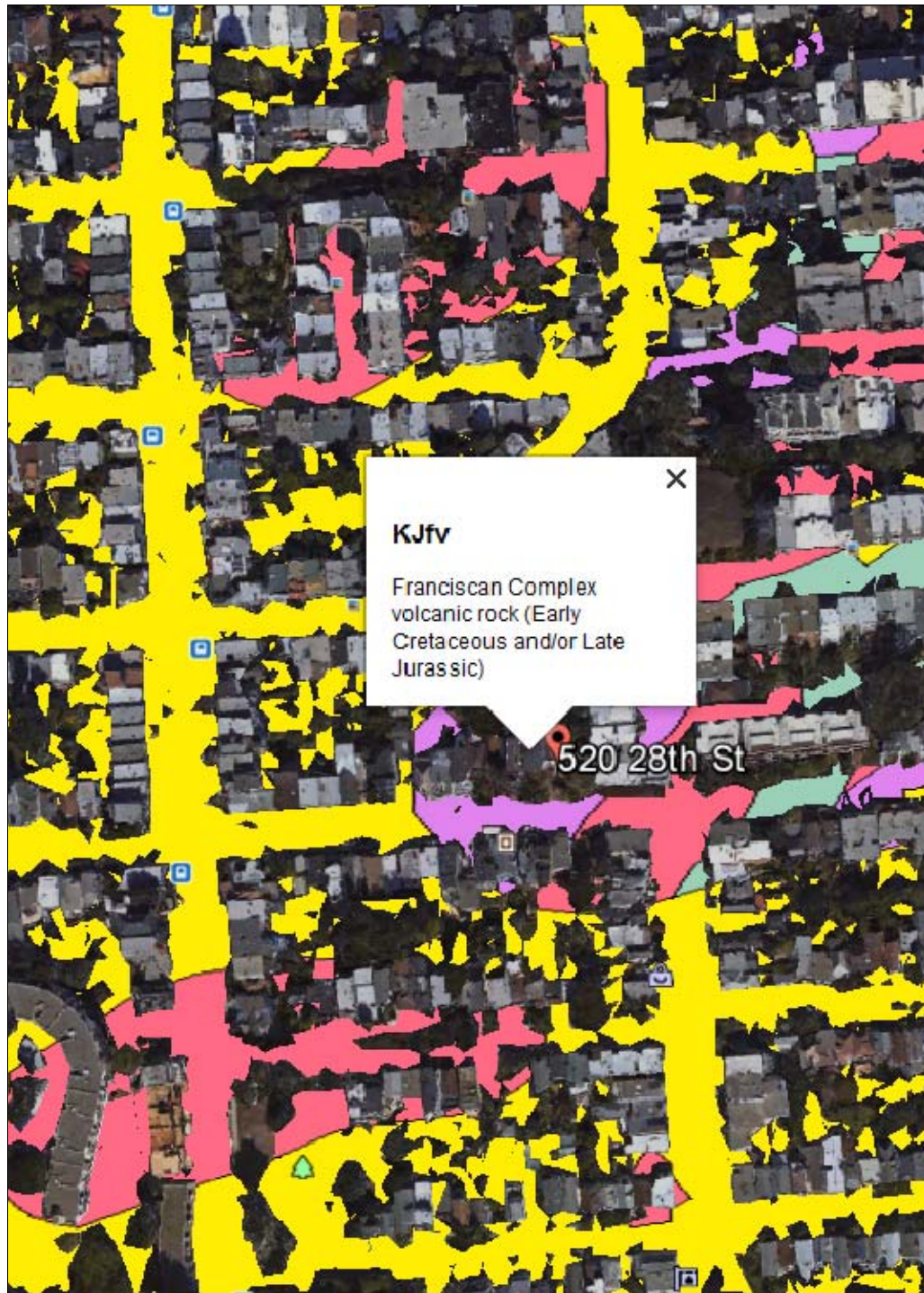
DATE DRILLED	9-1-15	LOGGED BY	K.O'C.	CHECKED BY	
DRILLING METHOD	CONTINUOUS SAMPLING	DRILL BIT SIZE/TYPE	4" SOLID AUGER	TOTAL DEPTH OF BOREHOLE	4'
DRILL RIG TYPE	MINUTE MAN	DRILLING CONTRACTOR	ACCESS	APPROXIMATE SURFACE ELEVATION	137'
GROUNDWATER LEVEL AND DATE MEASURED		SAMPLING METHOD(S)		HAMMER DATA	
BOREHOLE BACKFILL	CUTTINGS	LOCATION	520 28TH STREET	TB 1	

DEPTH, FEET	SAMPLING TYPE	SAMPLING RESISTANCE, BLOW/FOOT	RELATIVE CONSISTENCY	USCS SYMBOL	MATERIAL DESCRIPTION	WATER CONTENT, %	TORVANE SHEAR STRENGTH, TSF	POCKET PEN COMP. STRENGTH, TSF	DRY DENSITY (PCF)
0					ORANGE BROWN CLAY WITH TRACES OF ORGANICS				
					ORANGE BROWN SILTY SAND WITH ROCK FRAGMENTS.				
2.5		>50			VERY WEATHERED AND FRACTURED GREENSTONE BEDROCK MATERIALS				
5					BORING TERMINATED AT 3'-6" DUE TO REFUSAL NO FREE WATER ENCOUNTERED				
7.5									
10									
12.5									
15									
17.5									
20									
22.5									
25									

KEVIN O'CONNOR, INC.
3401 LAWTON STREET
San Francisco CA 94122
TEL: 415-286-3442 FAX: 415-665-5252

TITLE
520 28TH STREET
SAN FRANCISCO, CA 94131

DATE
9-1-15
FIGURE
3



MAP OF REGIONAL GEOLOGY

KEVIN O'CONNOR, INC.
3401 LAWTON STREET
San Francisco CA 94122
TEL: 415-286-3442 FAX: 415-665-5252

TITLE

520 28TH STREET
SAN FRANCISCO, CA 94131

DATE

9-1-15

FIGURE


4


UNIFIED SOIL CLASSIFICATION SYSTEM










Major Divisions		Symbols	Typical Names
Coarse-Grained Soils (more than half of soil > no. 200 sieve size)	Gravels (More than half of coarse fraction > no. 4 sieve size)	GW	Well-graded gravels or gravel-sand mixtures, little or no fines
		GP	Poorly-graded gravels or gravel-sand mixtures, little or no fines
		GM	Silty gravels, gravel-sand-silt mixtures
		GC	Clayey gravels, gravel-sand-clay mixtures
	Sands (More than half of coarse fraction < no. 4 sieve size)	SW	Well-graded sands or gravelly sands, little or no fines
		SP	Poorly-graded sands or gravelly sands, little or no fines
		SM	Silty sands, sand-silt mixtures
		SC	Clayey sands, sand-clay mixtures
Fine-Grained Soils (more than half of soil < no. 200 sieve size)	Silts and Clays LL = < 50	ML	Inorganic silts and clayey silts of low plasticity, sandy silts, gravelly silts
		CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, lean clays
		OL	Organic silts and organic silt-clays of low plasticity
	Silts and Clays LL = > 50	MH	Inorganic silts of high plasticity
		CH	Inorganic clays of high plasticity, fat clays
		OH	Organic silts and clays of high plasticity
		Highly Organic Soils	

SAMPLE DESIGNATIONS/SYMBOLS

GRAIN SIZE CHART		
Classification	Range of Grain Sizes	
	U.S. Standard Sieve Size	Grain Size in Millimeters
Boulders	Above 12"	Above 305
Cobbles	12" to 3"	305 to 76.2
Gravel coarse fine	3" to No. 4 3" to 3/4" 3/4" to No. 4	76.2 to 4.76 76.2 to 19.1 19.1 to 4.76
Sand coarse medium fine	No. 4 to No. 200 No. 4 to No. 10 No. 10 to No. 40 No. 40 to No. 200	4.76 to 0.075 4.76 to 2.00 2.00 to 0.420 0.420 to 0.075
Silt and Clay	Below No. 200	Below 0.075

 Unstabilized groundwater level

 Stabilized groundwater level

-  Sample taken with Sprague & Henwood split-barrel sampler with a 3.0-inch outside diameter and a 2.43-inch inside diameter. Darkened area indicates soil recovered
-  Classification sample taken with Standard Penetration Test sampler
-  Undisturbed sample taken with thin-walled tube
-  Disturbed sample
-  Sampling attempted with no recovery
-  Core sample
-  Analytical laboratory sample
-  Sample taken with Direct Push sampler
-  Sonic

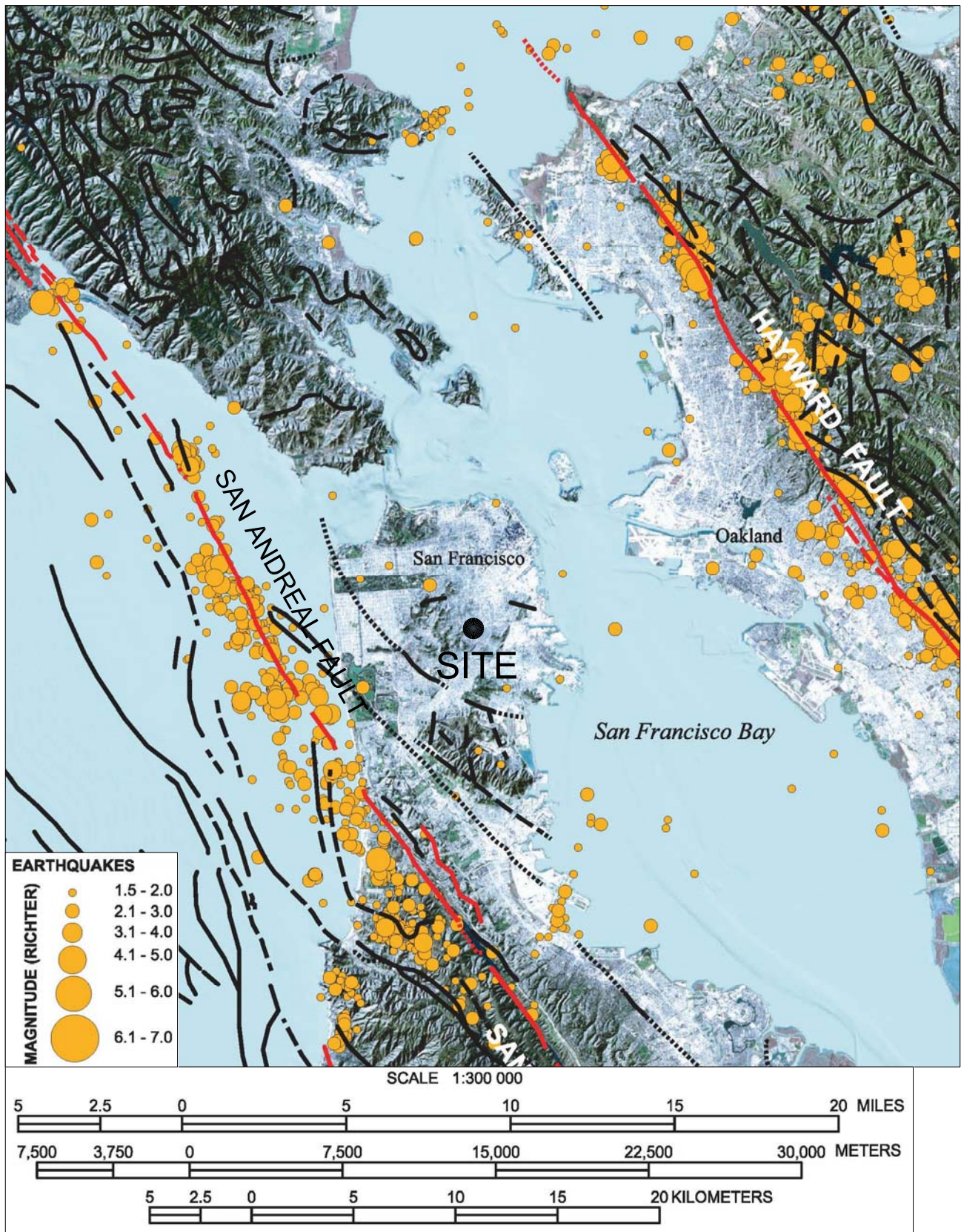
SAMPLER TYPE

C	Core barrel	PT	Pitcher tube sampler using 3.0-inch outside diameter, thin-walled Shelby tube
CA	California split-barrel sampler with 2.5-inch outside diameter and a 1.93 inch inside diameter	S&H	Sprague & Henwood split-barrel sampler with a 3.0 inch outside diameter and a 2.43-inch inside diameter
D&M	Dames & Moore piston sampler using 2.5-inch outside diameter, thin-walled tube	SPT	Standard Penetration Test (SPT) split-barrel sampler with a 2.0-inch outside diameter and a 1.5-inch inside diameter
O	Osterberg piston sampler using 3.0-inch outside diameter, thin-walled Shelby tube	ST	Shelby Tube (3.0-inch outside diameter, thin-walled tube) advanced with hydraulic pressure

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FIGURE
5

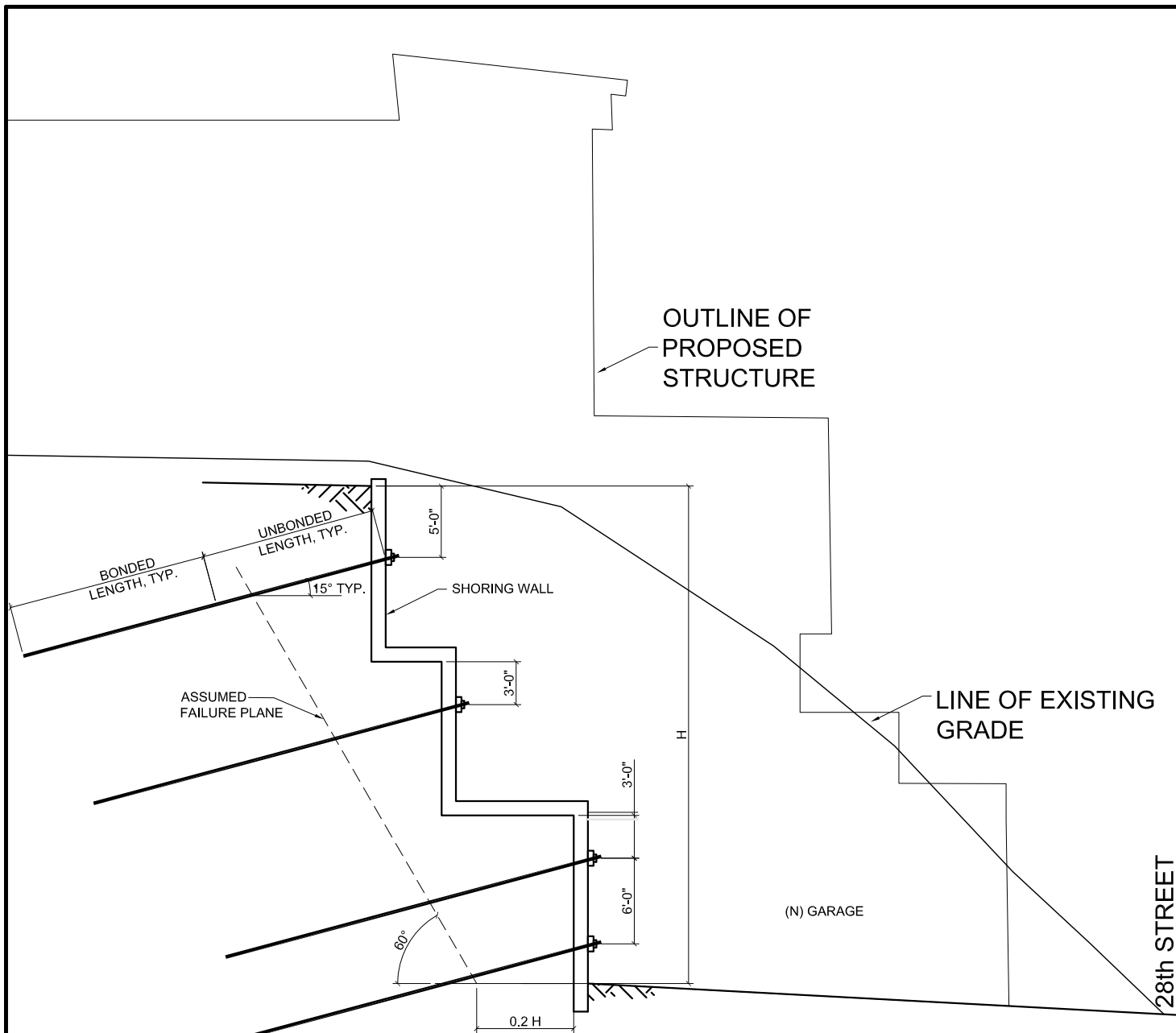


MAP OF MAJOR FAULTS AND EARTHQUAKE EPICENTERS

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DATE
9-1-15
FIGURE
6



Tiebacks
 $P = K_a \gamma H$
 $K_a = 0.4$
 $\gamma = 130 \text{ pcf}$

FOR PRELIMINARY SIZING OF
 TIEBACKS, USE AN
 ALLOWABLE SKIN FRICTION
 VALUE OF 2500PSF
 STARTING BEHIND THE
 ASSUMED FAILURE PLANE.
 TEST ALL TIEBACKS TO AT
 LEAST 125% OF DESIGN
 LOAD.

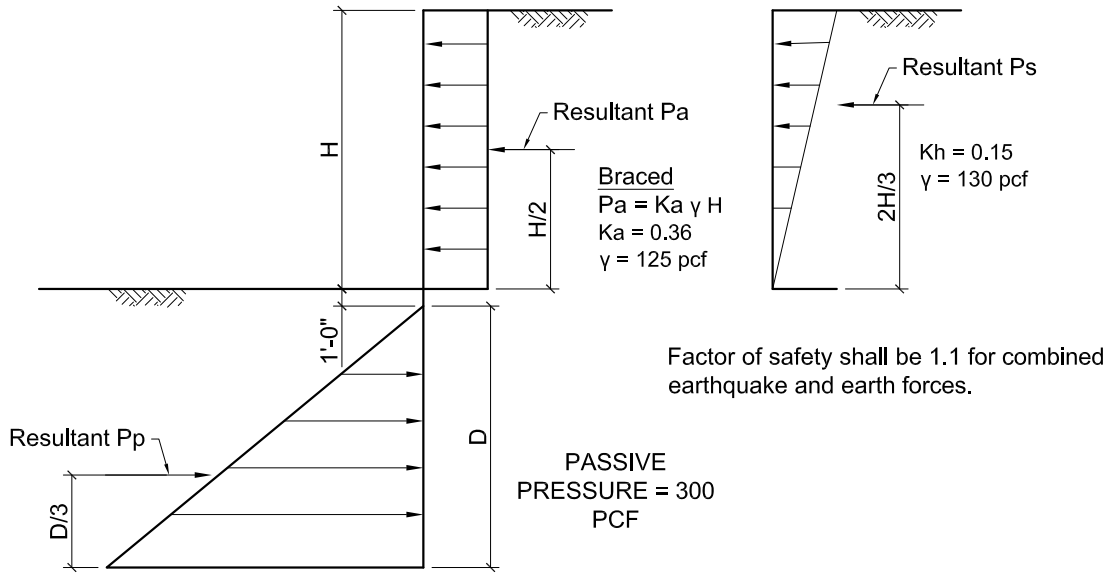
TIEBACK PARAMETERS

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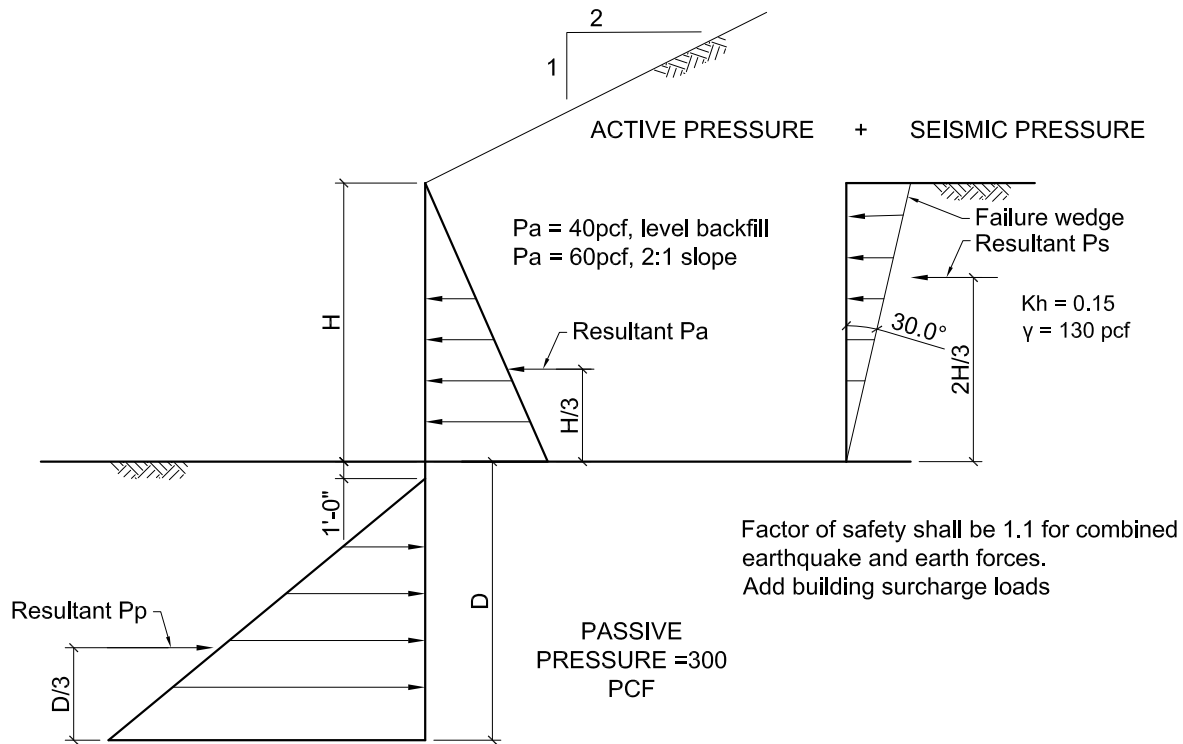
DATE
 9-1-15
 FIGURE
7

ACTIVE PRESSURE + SEISMIC PRESSURE



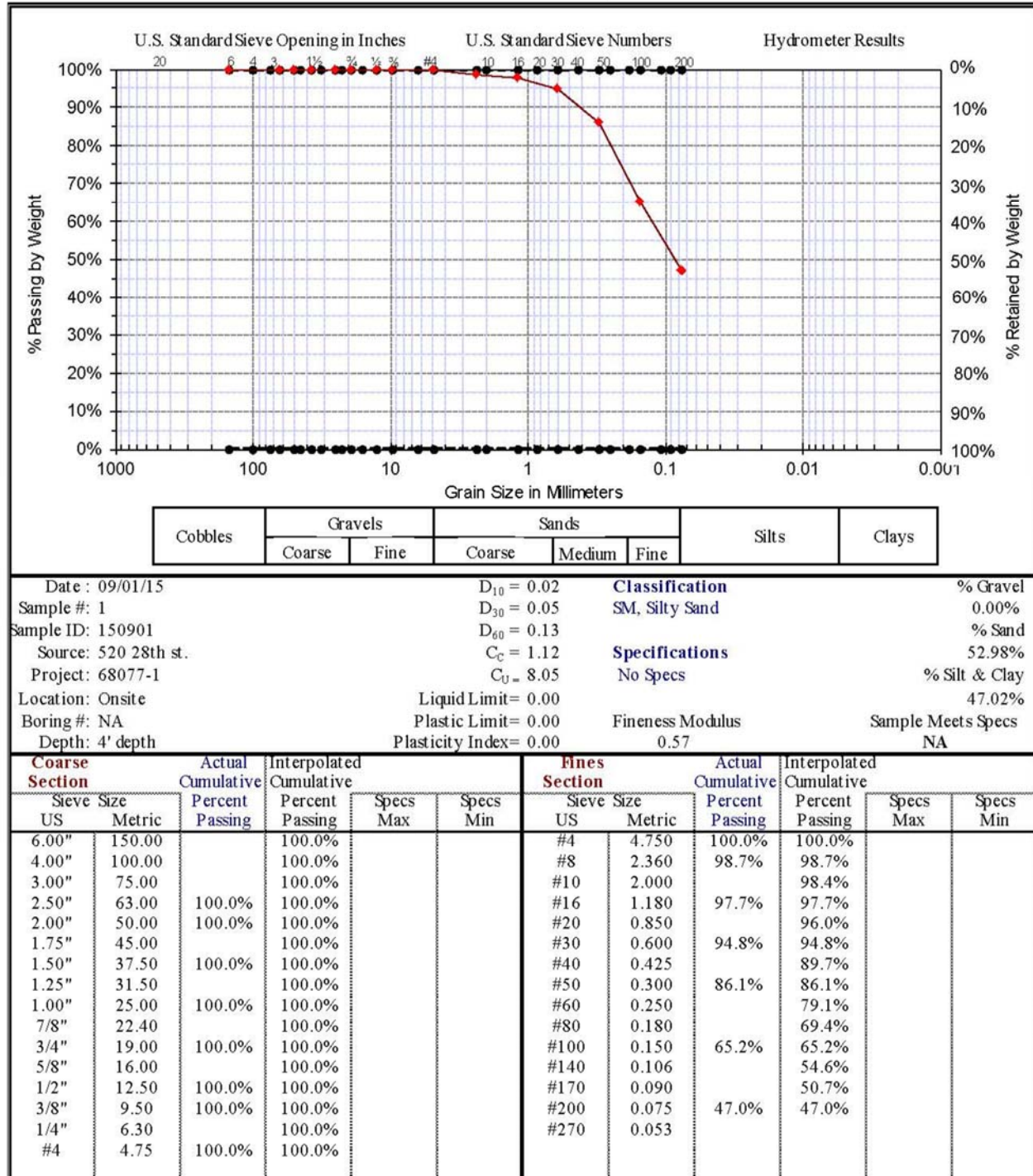
Braced pressure diagram

ACTIVE PRESSURE + SEISMIC PRESSURE



CANTILEVER PRESSURE DIAGRAM

ASTM C136 Sieve Analysis



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DATE
 9-1-15
 FIGURE
 9

CALIFORNIA CIVIL CODE
SECTION 832

LATERAL SUPPORT FROM ADJOINING OWNER

Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to make or to permit an excavation shall give reasonable notice to the owner or owners of adjoining lands and of buildings or other structures, stating the depth to which such excavation is intended to be made, and when the excavating will begin.
2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken to sustain the adjoining land as such, without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.
3. If at any time it appears that the excavation is to be of greater depth than are the walls or foundations of any adjoining building or other structure, and is to be so close as to endanger the building or other structure in any way, then the owner of the building or other structure must be allowed at least 30 days if he so desires, in which to take measures to protect the same from any damage, or in which to extend the foundations thereof, and he must be given for the same purposes reasonable license to enter on the land on which the excavation is to be or is being made.
4. If the excavation is intended to be or is deeper than the standard depth of foundations, which depth is defined to be a depth of nine feet below the adjacent curb level, at the point where the joint property line intersects the curb and if on the land of the coterminous owner there is any building or other structure the wall or foundation of which goes to standard depth or deeper then the owner of the land on which the excavation is being made shall, if given the necessary license to enter on the adjoining land, protect the said adjoining land and any such building or other structure thereon without cost to the owner thereof, from any damage by reason of the excavation, and shall be liable to the owner of such property for any such damage, excepting only for minor settlement cracks in building or other structures.

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DATE

9-1-15

FIGURE

10

PRE-CONSTRUCTION INSPECTION

PRIOR TO EXCAVATION AND SHORING, THE OWNER'S DESIGNATED AGENT AND THE OWNER'S OF THE ADJACENT PROPERTIES SHALL INSPECT THE INTERIOR AND EXTERIOR OF THE NEIGHBORING BUILDINGS FOR CRACKS AND OTHER VISIBLE DAMAGE. THE OWNER'S AGENT SHALL ALSO TAKE MEASUREMENTS OF THE NEIGHBORING BUILDINGS AND ESTABLISH MONITORING POINTS. THE PARTIES SHALL THEN PREPARE AN EXHIBIT DISCLOSING THE RESULTS OF THEIR MEASUREMENTS AND INSPECTIONS. A COPY OF THIS EXHIBIT SHALL BE PROVIDED TO THE OWNERS OF THE NEIGHBORING PROPERTIES. THIS EXHIBIT WILL BE USED TO DETERMINE WHETHER DAMAGE IS CAUSED TO THE NEIGHBORING BUILDINGS BY THE EXCAVATION, SHORING AND CONSTRUCTION ACTIVITIES OF THE OWNER'S PROJECT.

MONITORING

DURING EXCAVATION, SHORING AND THE CONSTRUCTION OF THE BASEMENT AND GARAGE WALLS, THE OWNER'S DESIGNATED AGENT SHALL REGULARLY MONITOR THE PRE-CONSTRUCTION INSPECTION MONITORING POINTS AS REASONABLY NECESSARY TO DETERMINE IF ANY MATERIAL MOVEMENT OF THE NEIGHBORING BUILDINGS HAS OCCURRED:

1. MONITORING POINTS SHALL BE SURVEYED FOR HORIZONTAL AND VERTICAL MOVEMENT ALONG THE FOLLOWING INTERVALS:
 - A. PRIOR TO EXCAVATION
 - B. UPON INSTALLATION OF EACH ROW OF TIEBACKS
 - C. UPON COMPLETION OF GENERAL EXCAVATION.
 - C. TWICE A MONTH UNTIL THE NEW RETAINING WALLS ARE COMPLETE.
2. THE CONTRACTOR SHALL STOP EXCAVATION AND NOTIFY THE SHORING ENGINEER IF MORE THAN 0.375" OF HORIZONTAL OR VERTICAL MOVEMENT IS OBSERVED AT THE SOLDIER PILES.
3. MONITORING RESULTS SHALL BE SUBMITTED TO SHORING ENGINEER WITHIN 2 DAYS OF MEASUREMENT.
4. ADDITIONAL MEASUREMENTS DURING OR AFTER CONSTRUCTION SHALL BE MADE IF REQUESTED BY SHORING ENGINEER.
5. DURING SHORING AND NEW CONSTRUCTION THE GENERAL CONTRACTOR SHALL VISUALLY MONITOR THE SHORING SYSTEM AND NEARBY IMPROVEMENTS ON A DAILY BASIS FOR INDICATIONS OF MOVEMENT. THE GENERAL CONTRACTOR SHALL STOP EXCAVATION OPERATIONS IF DEFLECTION OR DISTRESS IS OBSERVED AND SHALL IMMEDIATELY NOTIFY THE SHORING ENGINEER.
6. THE OWNER'S DESIGNATED AGENT SHALL PROVIDE A REPORT OF IT'S FINDINGS FROM EACH MONITORING TO THE OWNERS OF THE NEIGHBORING PROPERTIES AND SHALL PROVIDE PROMPT NOTIFICATION IF ANY MATERIAL MOVEMENT HAS OCCURRED. IN SUCH CASE, THE OWNER WILL THEN DISCUSS ANY NECESSARY PROTECTIVE MEASURES WITH THE OWNERS OF THE NEIGHBORING PROPERTIES AFFECTED.

LAGGING INSTALLATION

1. TO MINIMIZE SLOUGHING OR CAVING OF SOIL, MASS EXCAVATION SHALL NOT EXCEED 2'-0" LIFTS WITH A NATIVE BERM IN PLACE OR EXISTING CONCRETE RETAINING WALL/FOOTING.
2. SMALL VOIDS SHALL BE PACKED TIGHT WITH NATIVE SOIL.
3. UNLAGGED VERTICAL HEIGHT SHALL NOT EXCEED 2'-0" AND SHALL BE REDUCED IF SOIL IS NOT CAPABLE OF STANDING UP VERTICALLY. IF LARGE VOIDS OCCUR BEHIND LAGGING, BACKFILL WITH FLOWABLE SAND CEMENT SLURRY OR GROUT IMMEDIATELY.
4. CONTINUE MASS EXCAVATION IN CONJUNCTION WITH LAGGING TO SUB GRADE.

June 22, 2017

To: President Hillis, Vice President Richards, Commissioner Moore, Commissioner Koppel, Commissioner Johnson, Commissioner Melgar and Commissioner Fong.

RE: Case No. 2015-015846DRMDRPAR
520 28th Street

Dear President Hillis and Fellow Members of the Planning Commission:

I am writing in support of the Staff-Initiated DR because I agree with them. They have made the correct call. This project does not meet the Residential Design Guidelines. Page 10 of the Guidelines is very clear. It states, ***"Existing incompatible or poorly designed buildings on the block face do not free the designer from the obligation to enhance the area through sensitive development"***. The building at 538 28th Street is not very attractive. It dominates the block face and *should not* be emulated. The proposed project at 520 28th, also does not meet the other Guidelines cited by Staff.

I have attached some photos showing the transformation of the block with this other project. Photo 1 is from February 2011 prior to the 538 28th emergency demo; Photo 2 is from November 2013 post the demo; and Photo 3 is from September 2014 showing the construction (*or rather the destruction of the hillside*).

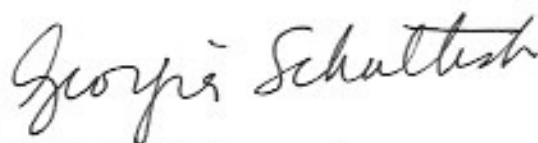
Additionally, I support the Public Initiated Request for DR made by the owner of 524 28th Street, which is immediately to the west, relating to the issues on the front and rear of his property. The project's design will overwhelm this **historic home**. It will block light for at least half the day on the front and will create privacy issues for for the entire home.

In the photos you can see 524 28th which is a more modest home, will be overwhelmed by the project.

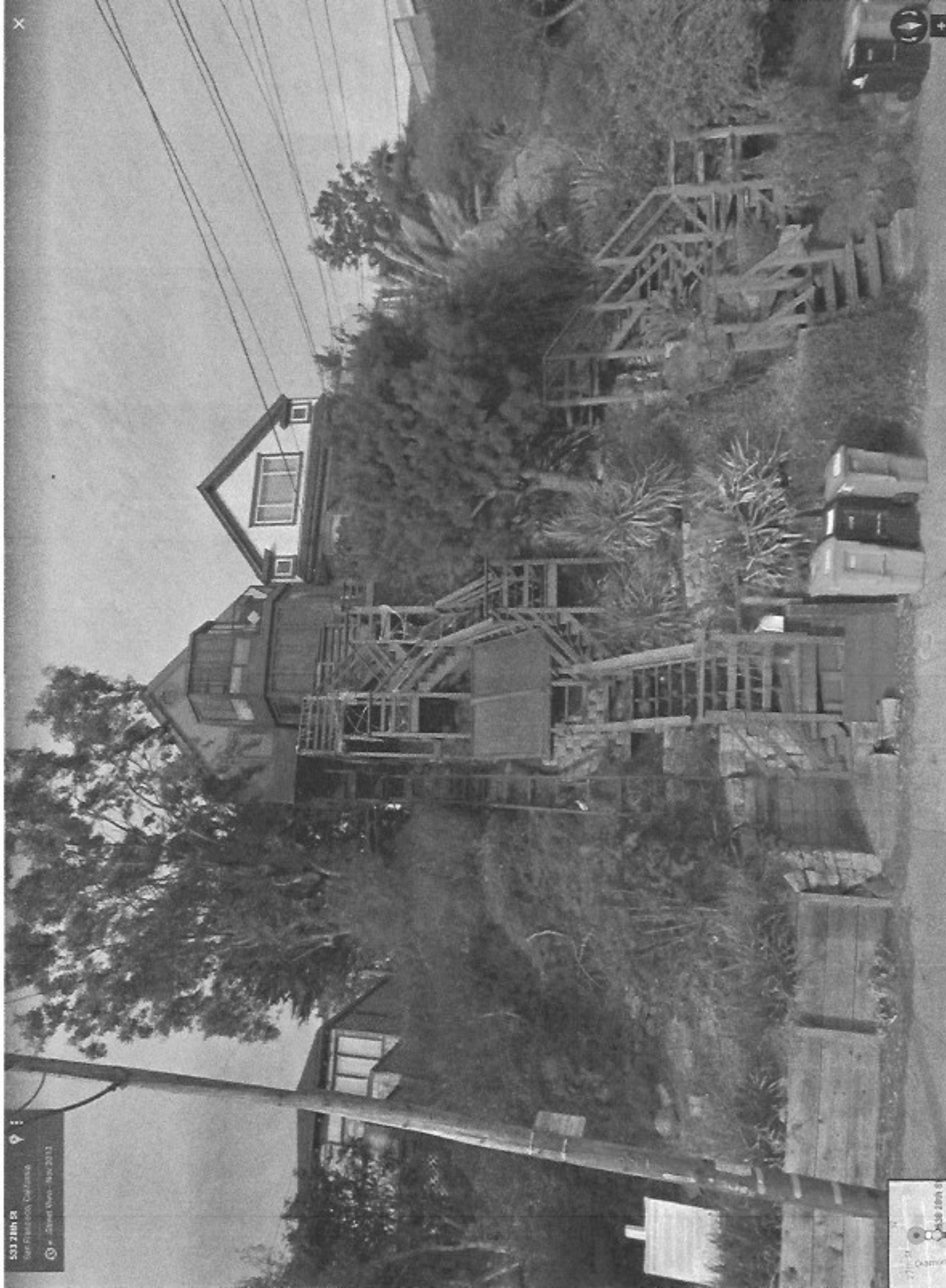
Please take DR and make the necessary changes to this project. Thank you.

Sincerely,

Georgia Schuttish
Noe Valley Resident (I live 3 blocks away)





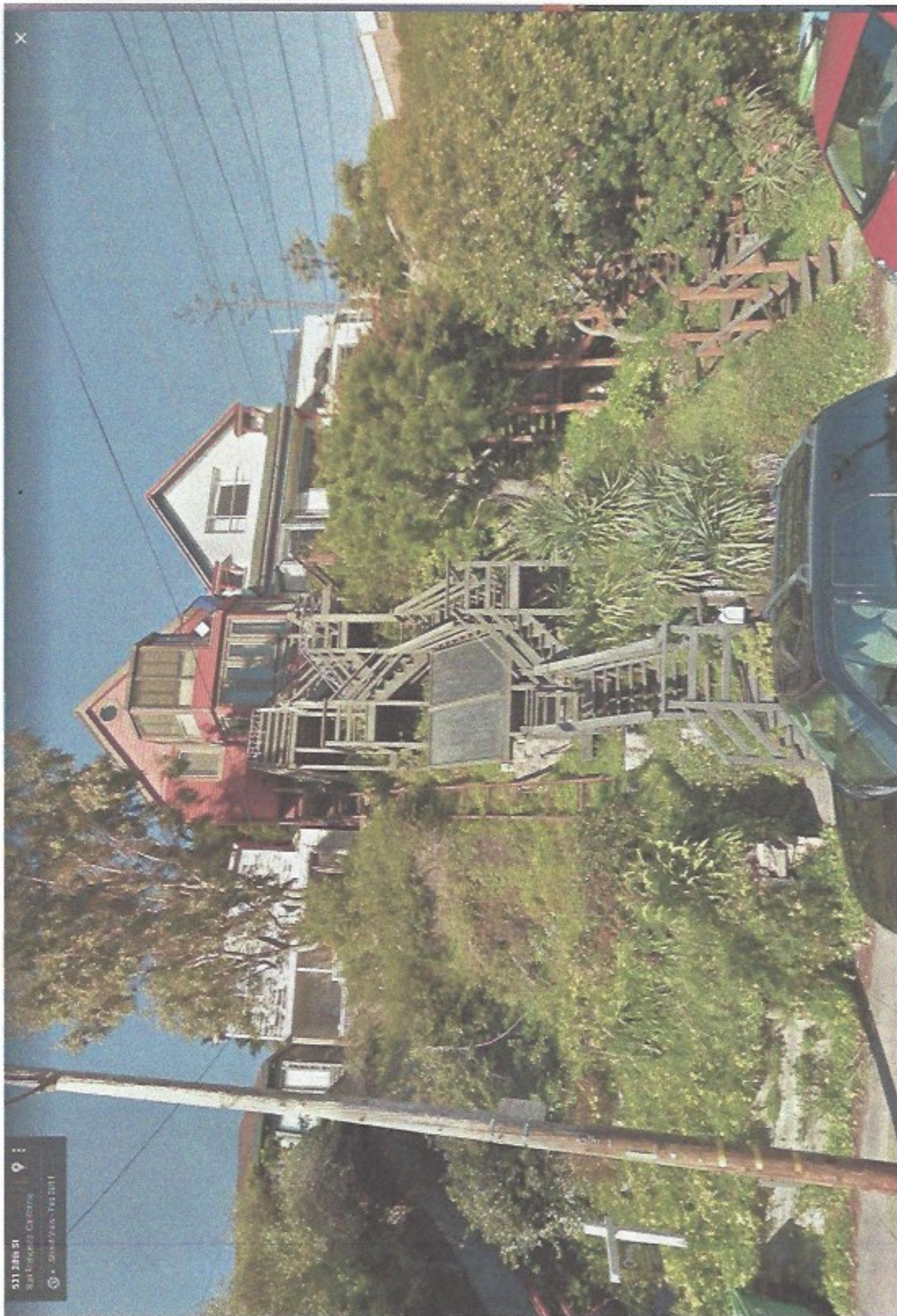


533 28th St
San Francisco, CA 94114
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531 28th St
San Francisco, California
© Street View Sep 2014





531 28th St

San Francisco, CA 94114

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533 26th St
San Francisco, California
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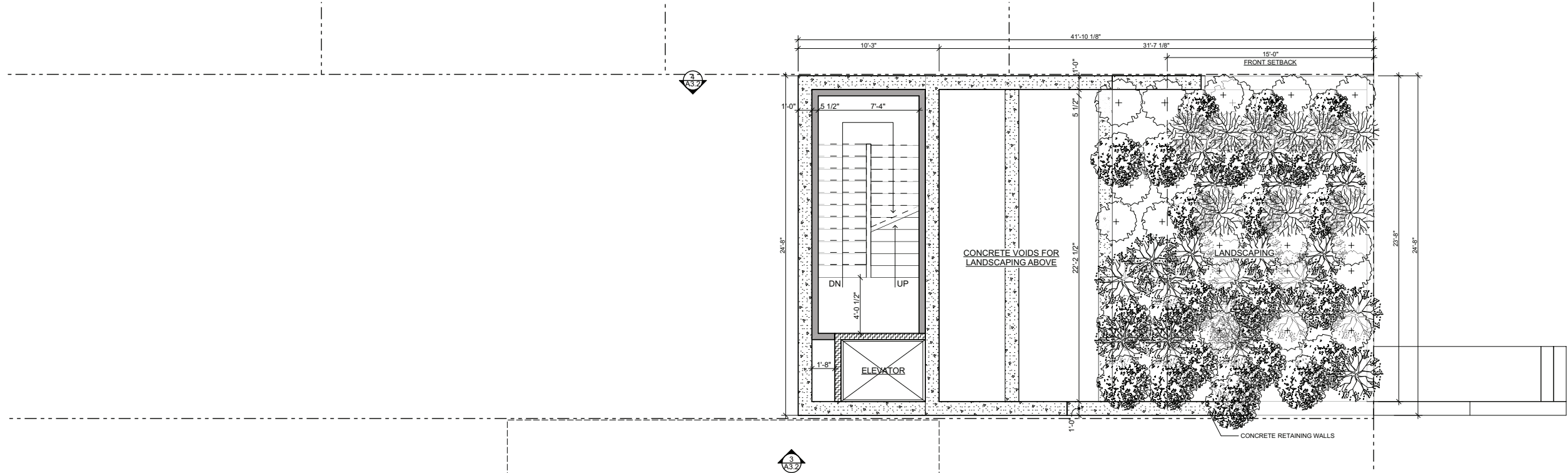
511 28th St

San Francisco, CA 94114

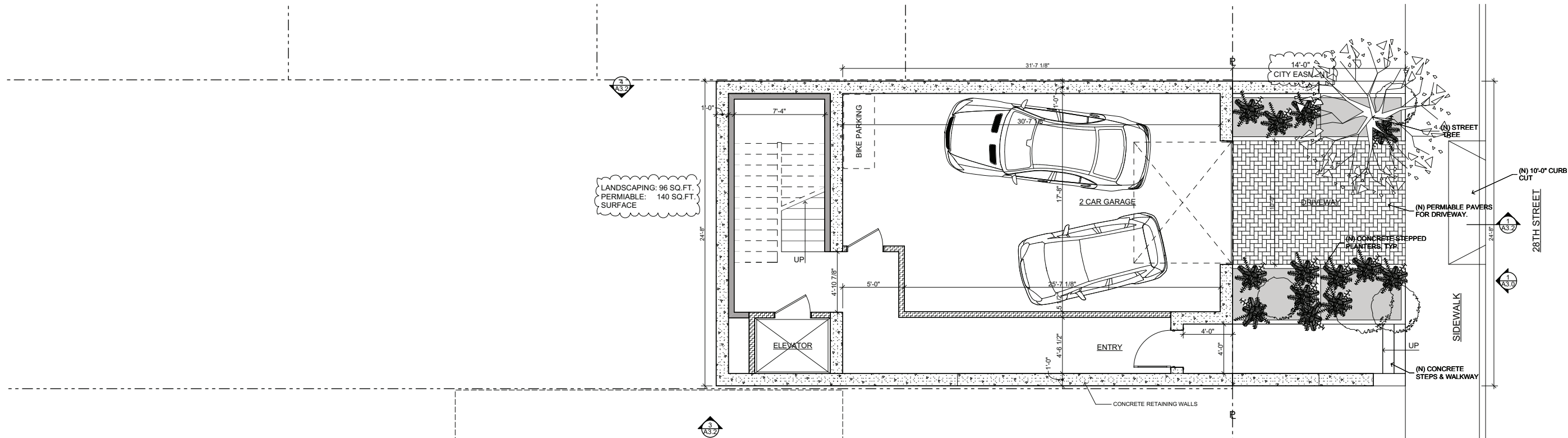
Street View 508.221.1111



x



2 STAIR LANDING 1
SCALE: 1/4" = 1'-0"



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

Kotas/
Pantaleoni
Architects

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Revisions	By
PLANNING REVISIONS 1.30.17	MGG

28TH STREET HOUSE
(REMODEL & ADDITION TO (E) HOUSE)
520 28TH STREET
SAN FRANCISCO, CA

Sheet Title: Floor Plans: GARAGE & STAIR LANDING 1
Scale: As Noted
Date: 11.12.15
Drawn By: BM
Job Number: 03-215
Sheet: A2.0 SITE PERMIT

Revisions	By
PLANNING REVISIONS 1.30.17	MGG

28TH STREET HOUSE
(REMODEL & ADDITION TO (E) HOUSE)
520 28TH STREET
SAN FRANCISCO, CA

Sheet Title:
Floor Plans:
STAIR LANDING
2 & 1ST

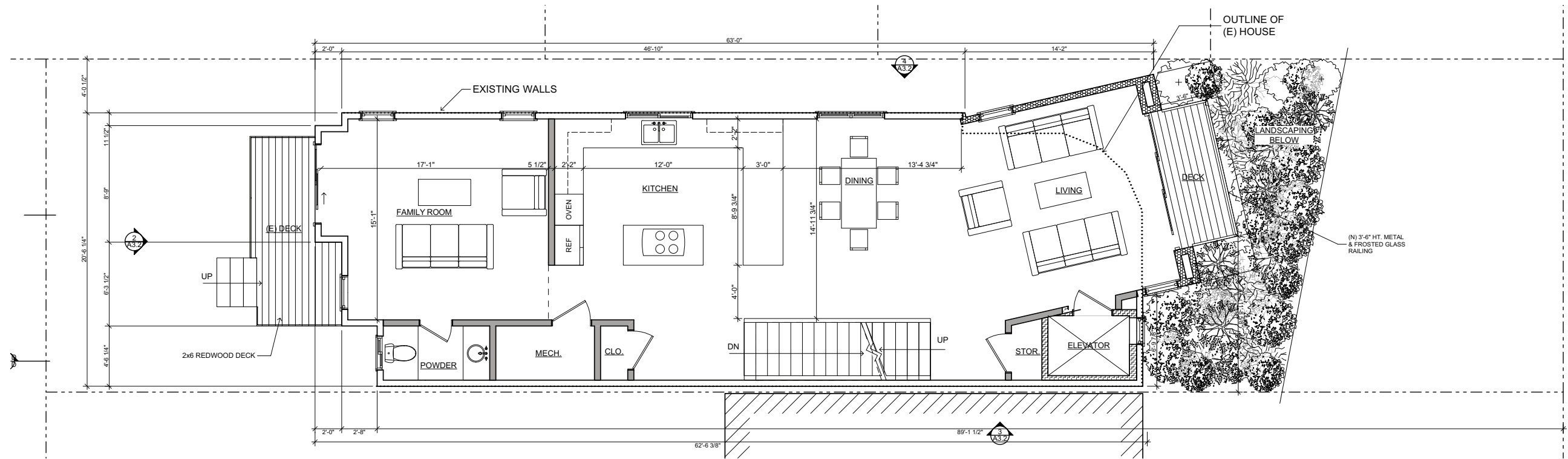
Scale:
As Noted

Date:
11.12.15

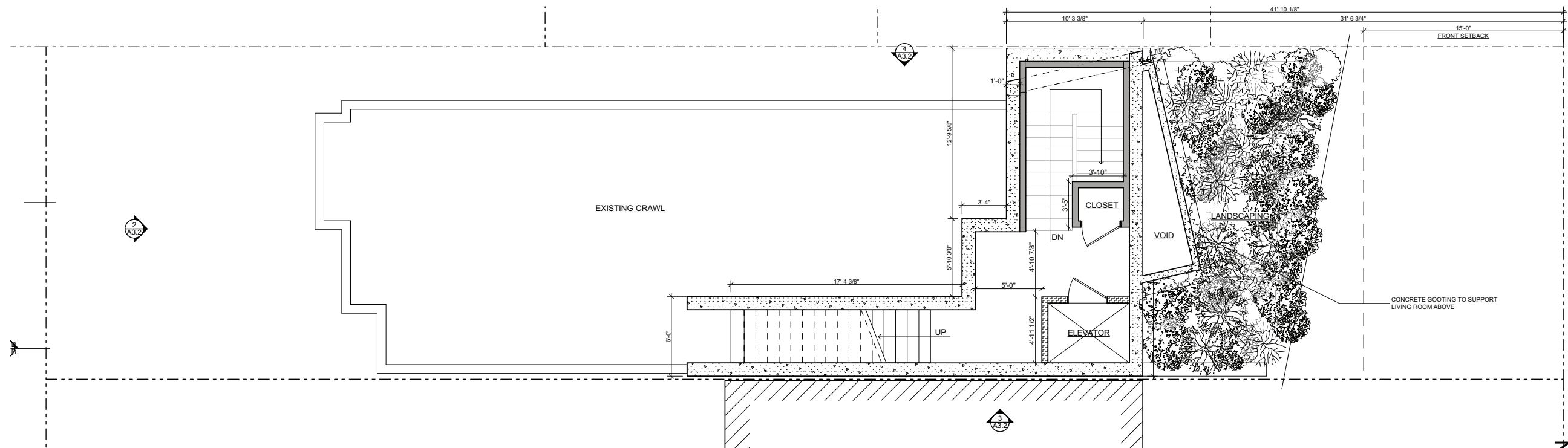
Drawn By:
BM

Job Number:
03-215

Sheet:
A2.1
SITE PERMIT



2 1ST FLOOR
SCALE: 1/4" = 1'-0"



1 STAIR LANDING 2
SCALE: 1/4" = 1'-0"

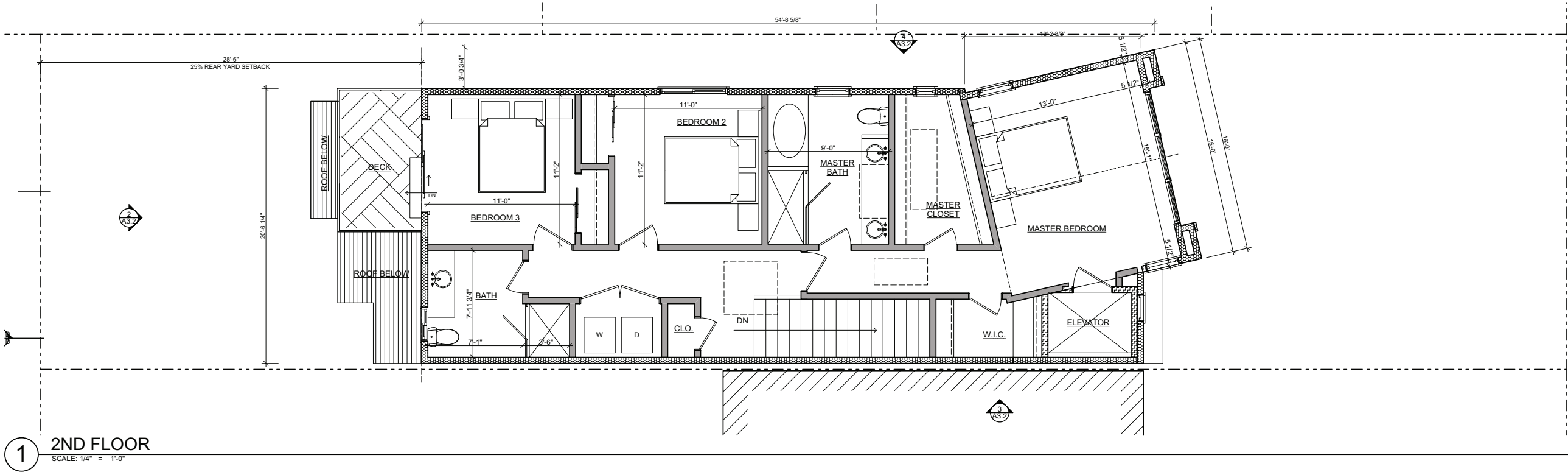
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Pantaleoni
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28TH STREET HOUSE
(REMODEL & ADDITION TO (E) HOUSE)
520 28TH STREET
SAN FRANCISCO, CA

Sheet Title: Floor Plans: 2ND FLOOR
Scale: As Noted
Date: 11.12.15
Drawn By: BM
Job Number: 03-215
Sheet: A2.2 SITE PERMIT





Bay Window Calculations:

Total Vertical Surface Square Footage = 191.25 Sq. Ft.

Required Glazing Area (191.25 Sq. Ft. / 50%) = 95.625 Sq. Ft.

Provided Glazing:

Window A: 2'-0" x 9'-6" = 19 Sq. Ft.

Window B: 8'-3" x 9'-0" = 78 Sq. Ft.

Total Glazing Provided = 97 Sq. Ft.

**Kotas/
Pantaleoni
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**28TH STREET HOUSE
(REMODEL & ADDITION TO (E) HOUSE)
520 28TH STREET
SAN FRANCISCO, CA**

Sheet Title:
**Exterior Elevs:
SOUTH**

Scale:
As Noted

Date:
11.12.15

Drawn By:
BM

Job Number:
03-215

Sheet:
A3.0
SITE PERMIT

1 **PROPOSED SOUTH ELEVATION**
SCALE: 1/4" = 1'-0"



NORTH-EAST VIEW ON 28TH STREET
REMODEL & ADDITION TO EXISTING HOUSE
520 28TH STREET
1.24.18

2 28th Street South Render
SCALE: 1" = 1'-0"



1 PROPOSED SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

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28TH STREET HOUSE
(REMODEL & ADDITION TO (E) HOUSE)
520 28TH STREET
SAN FRANCISCO, CA

Sheet Title:
Exterior Elevs:
SOUTH 28TH
STREET

Scale:
As Noted

Date:
11.12.15

Drawn By:
BM

Job Number:
03-215

Sheet:
A3.1
SITE PERMIT

Revisions	By
PLANNING REVISIONS 1.30.17	MGG

28TH STREET HOUSE
(REMODEL & ADDITION TO (E) HOUSE)
520 28TH STREET
SAN FRANCISCO, CA

Sheet Title:
Exterior Elevs:
NORTH, WEST,
EAST, SECTION

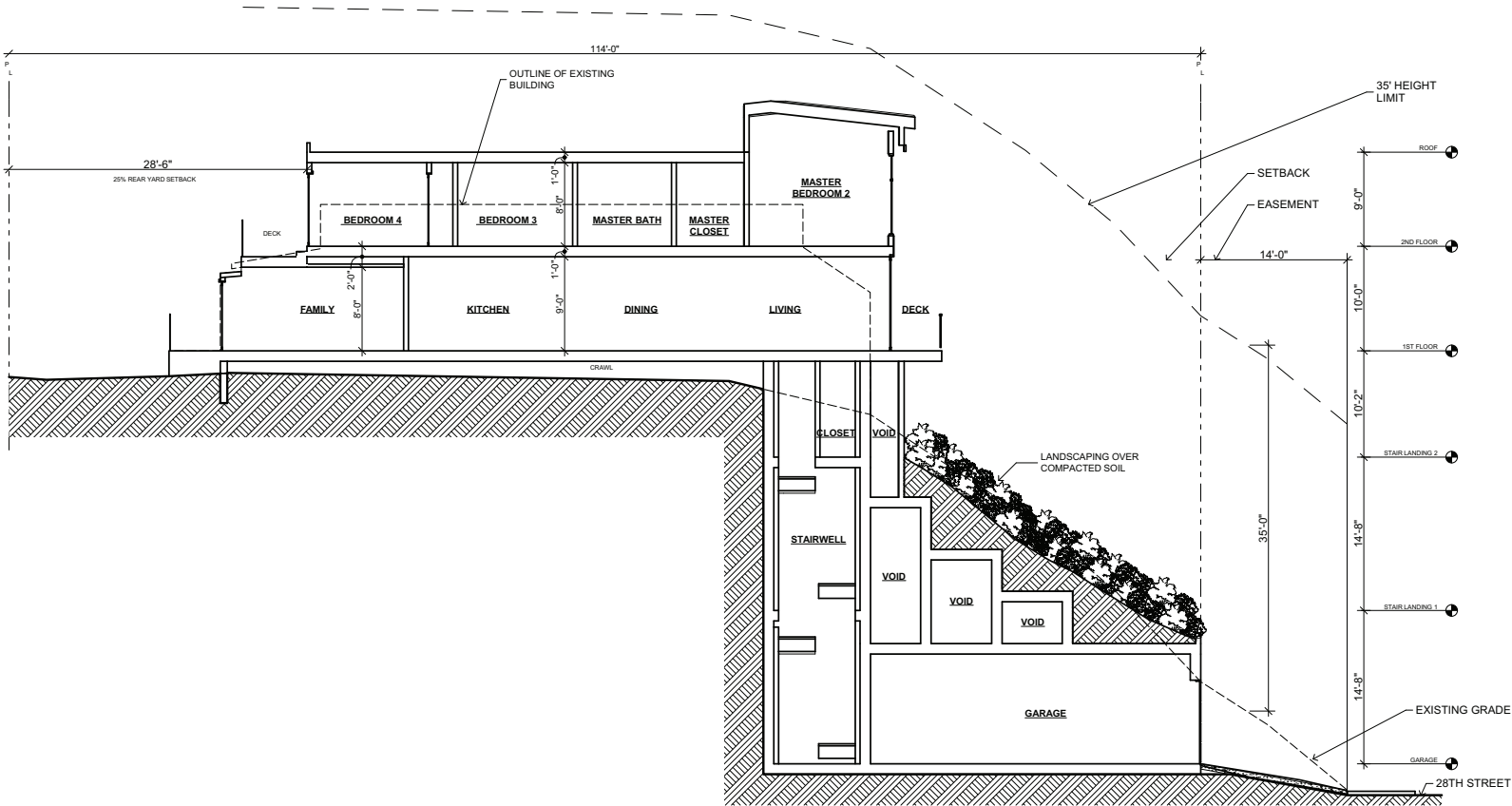
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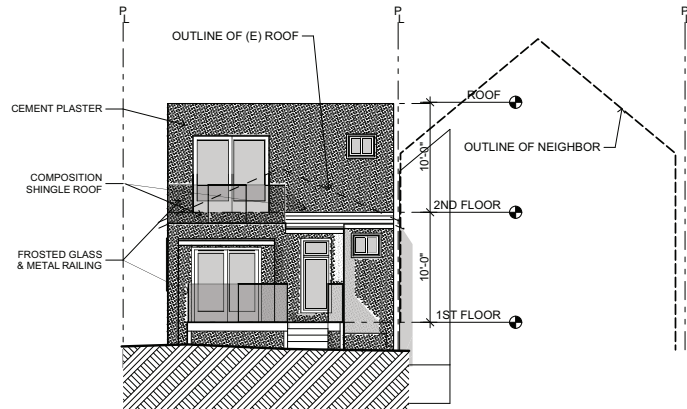
Drawn By:
BM

Job Number:
03-215

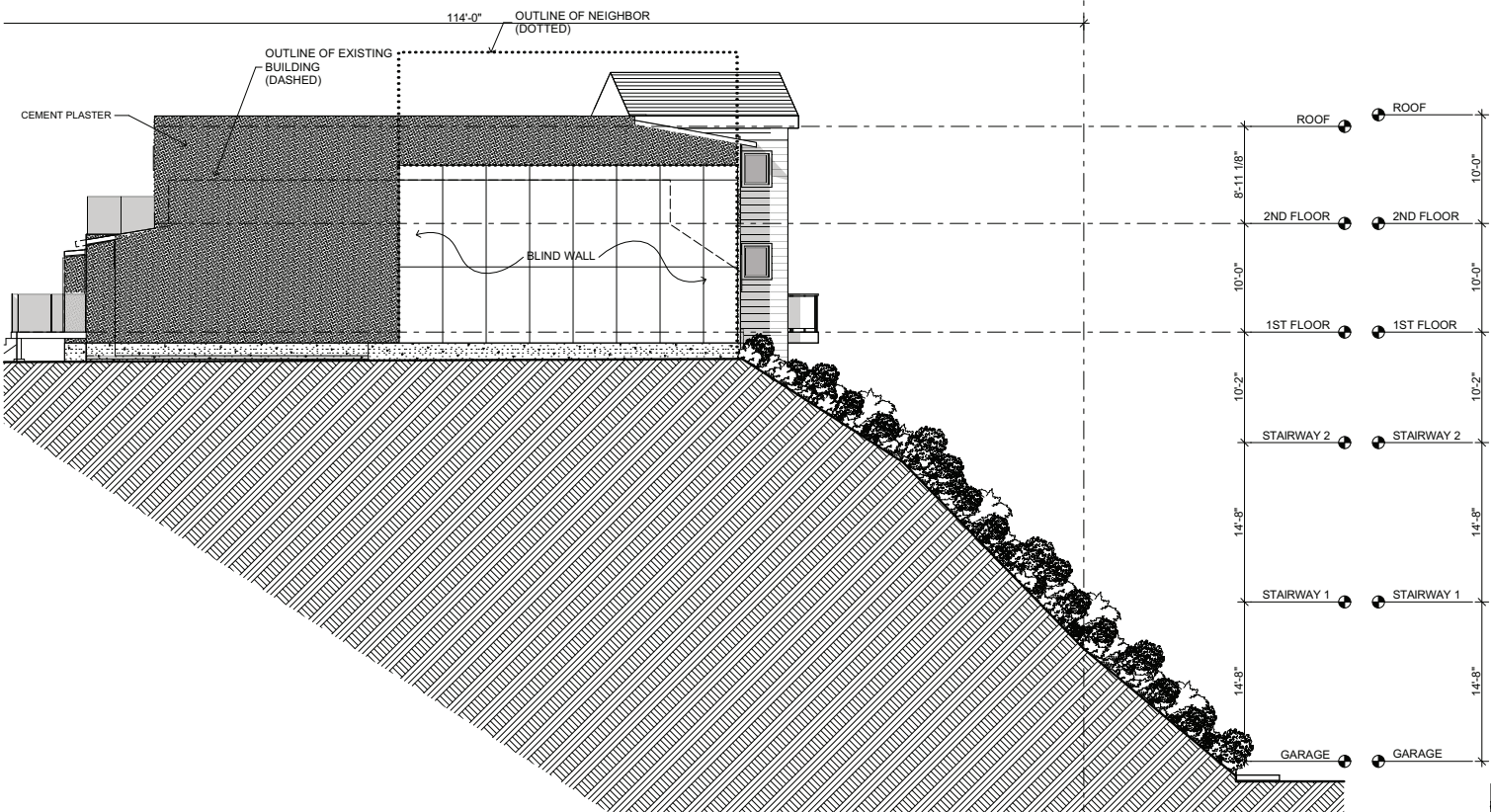
Sheet:
A3.2
SITE PERMIT



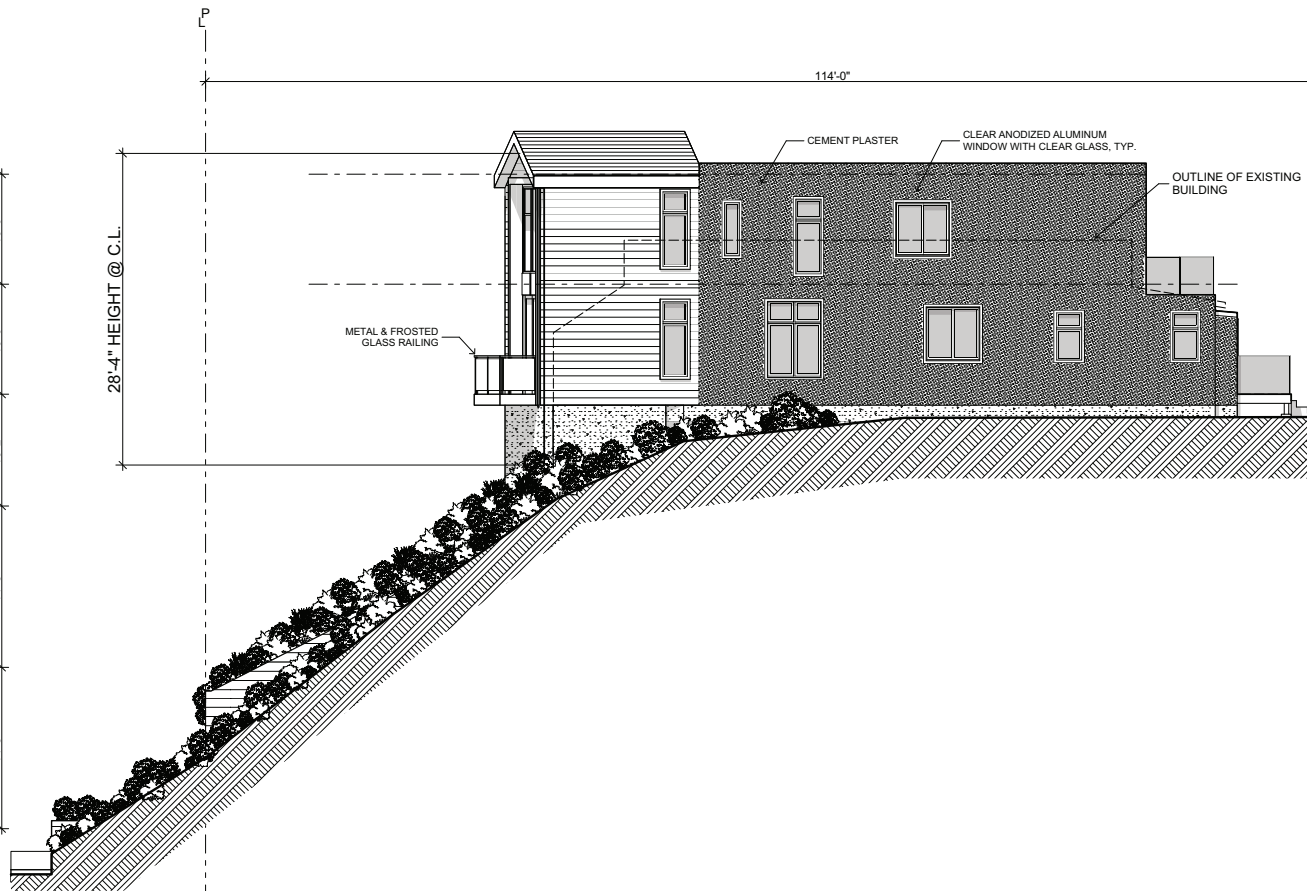
1 (N) SITE LONG SECTION
SCALE: 1/8" = 1'-0"



2 PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3 PROPOSED WEST ELEVATION
SCALE: 1/8" = 1'-0"



4 PROPOSED EAST ELEVATION
SCALE: 1/8" = 1'-0"