



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: MAY 10, 2018

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: May 3, 2018
Case No.: **2017-005392DRP**
Project Address: **3941 Sacramento**
Permit Application: 2017.05.09.6076
Zoning: RH-2 (Residential House, Two-Family)
40-X Height and Bulk District
Block/Lot: 1015/043
Project Sponsor: Eric McGinty
369 Arguello Boulevard
San Francisco, CA 94118
Staff Contact: Brittany Bendix – (415) 575-9114
Brittany.bendix@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

PROJECT DESCRIPTION

The proposal includes a two-story vertical addition with roof decks, horizontal additions at the front and rear, a new façade and the creation of a second dwelling at the rear of the first floor of the two-story single-family house.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the south side of Sacramento Street between Cherry Street and Arguello Boulevard, at the western edge of the Presidio Heights neighborhood. The subject property is 132.6 feet deep and 25.28 feet wide, contains 3,352.13 square feet and slopes diagonally across the site with the highest point at the property's northeast corner and the lowest point at the southwest corner. The property is developed with a two-story single-family dwelling constructed circa 1910.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is within a small RH-2 Zoning District that is generally surrounded by the higher density RM-1 and RM-2 zoning districts. Accordingly, the immediate area is characterized by a mix of single- and multi-family housing and some institutional uses, in buildings that range in height from one to eight stories. This characterization is consistent with the area immediately surrounding the subject property. To the west of the subject property is a three-story six-family dwelling, owned and occupied by the DR Requestor. Directly across the street and north of the subject property is the Claire Lilienthal Elementary School which ranges from one to three stories. To the east of the property is a four-story two-family dwelling. Finally, directly behind and south of the subject property is an eight-story medical office building.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	January 4, 2018 – February 2, 2018	January 30, 2018	May 10, 2018	100 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	April 30, 2018	April 30, 2018	10 days
Mailed Notice	10 days	April 30, 2018	April 30, 2018	10 days

PUBLIC COMMENT

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

The Department has not received any public comment on the project beyond the request for Discretionary Review.

DR REQUESTOR

Vivian Kaufman, 3945 Sacramento Street – immediately west of the the subject property.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated January 30, 2018.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated April 27, 2018.

ENVIRONMENTAL REVIEW

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

RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team found that the project does not contain or create exceptional and extraordinary circumstances and is compatible with neighborhood character and appropriate in scale. However, the Residential Design Team encouraged the Project Sponsor to increase the width of the side setback along the western property edge at the 3rd floor to accommodate the DR Requestor's concerns regarding light and air. In response to this suggestion, the Project Sponsor is increasing the side setback from 3 feet to 4 feet, and reducing the depth of the proposal by 3 feet at the second floor and 1.5 feet at the third floor. These modifications are included in the attached plans and are supported by the Residential Design Team.

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 DR and approve project as revised
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Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
CEQA Determination
Section 311 Notice
DR Application
Response to DR Application dated April 27, 2018
Reduced Plans

BB: G:\DOCUMENTS\Building Permits\3941 Sacramento St\Case Packet\1 DR - Abbreviated Analysis.docx

401

3901

3600

CHERRY

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ARGUELLO BLVD.

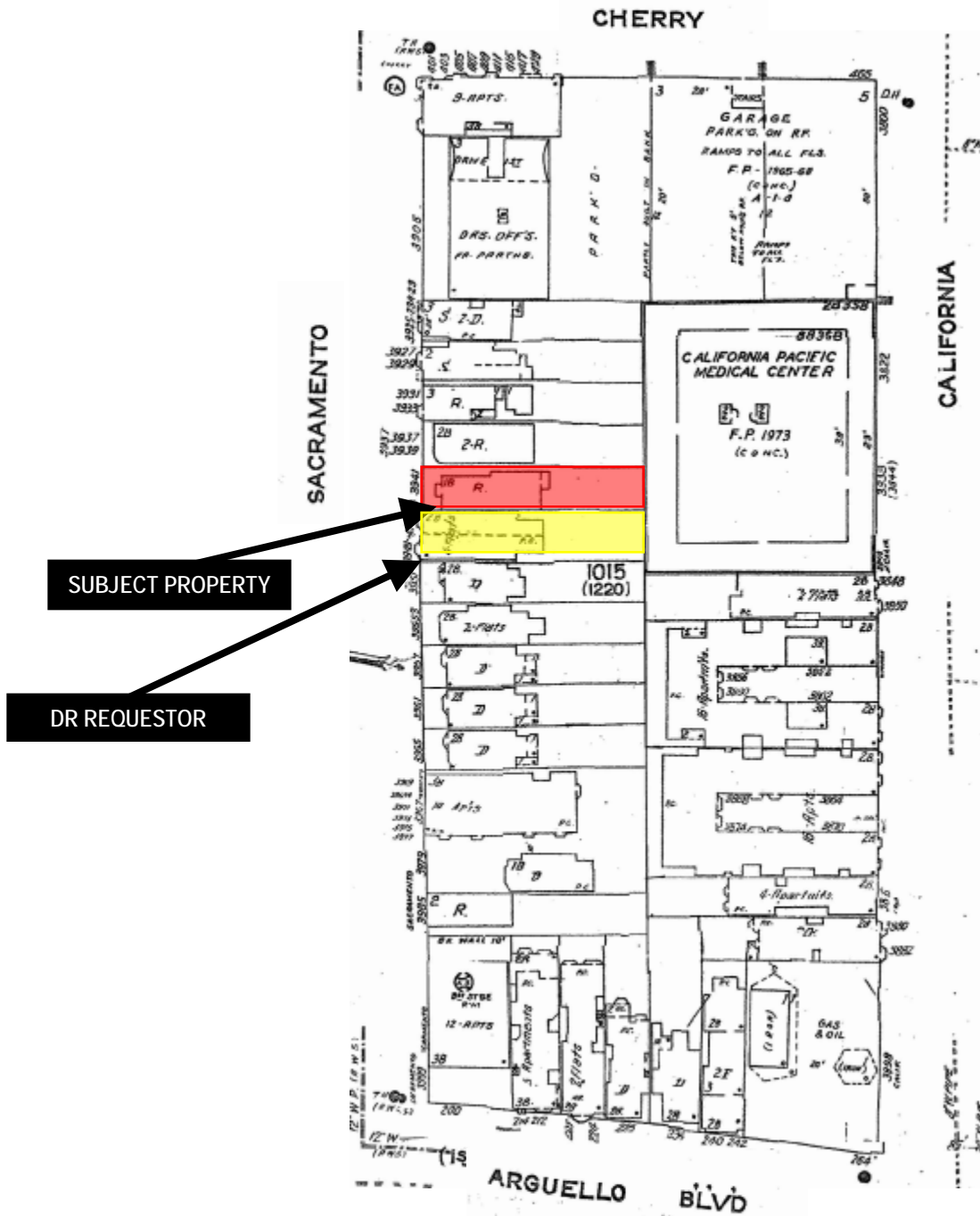
CALIFORNIA

DR REQUESTOR



**SAN FRANCISCO
PLANNING DEPARTMENT**

Sanborn Map*



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



Discretionary Review Hearing
Case Number 2017-005392DRP
3941 Sacramento Street

Aerial Photo

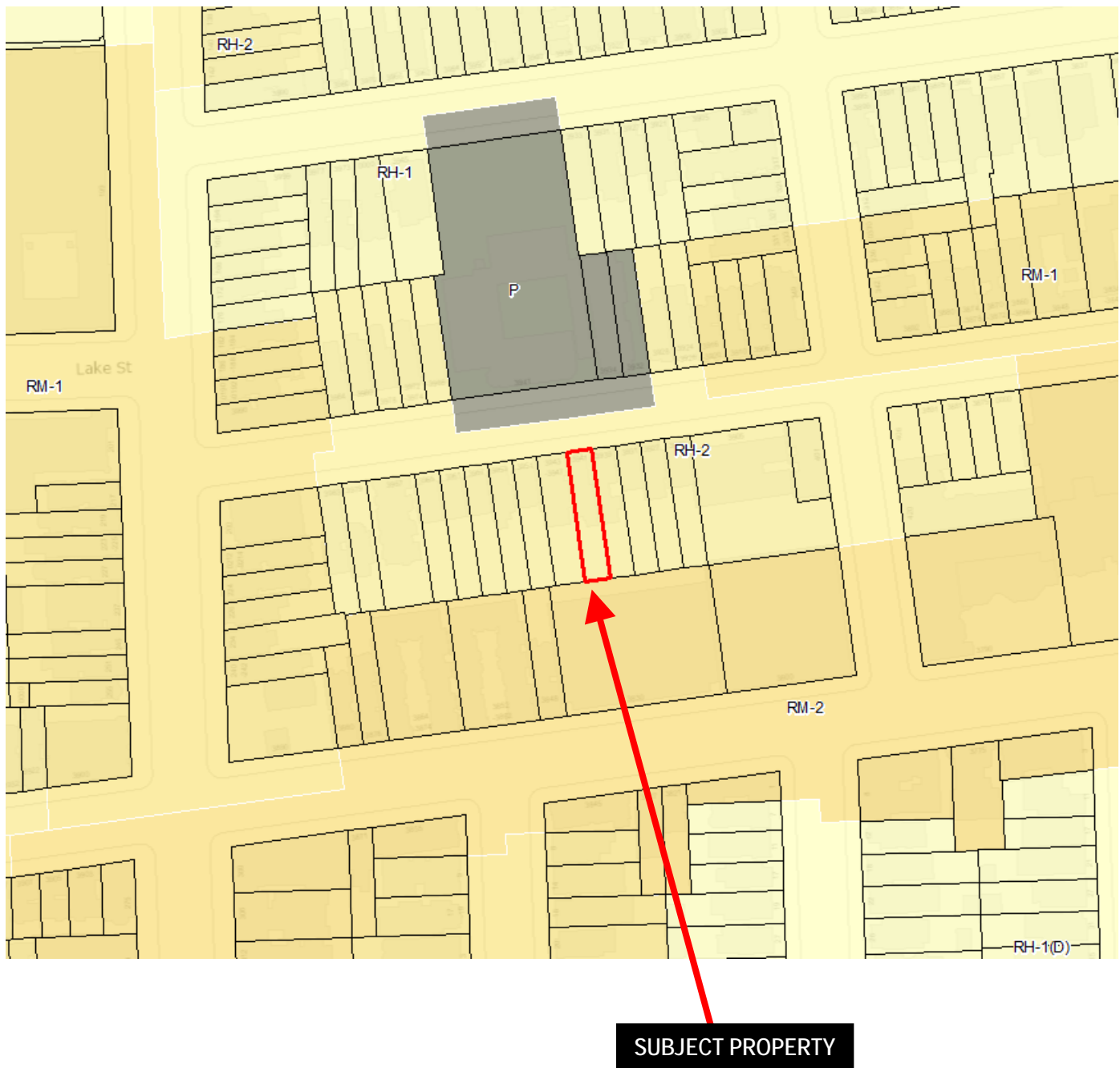


DR REQUESTOR

SUBJECT PROPERTY



Zoning Map



Discretionary Review Hearing
Case Number 2017-005392DRP
3941 Sacramento Street

Site Photo



SUBJECT PROPERTY

DR REQUESTOR



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
3941 Sacramento Street		1015/043	
Case No.	Permit No.	Plans Dated	
2017-005392ENV	201705096076	Received 4/18/2017	
<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. Two-story addition to existing two-story single-family residence. Add a second dwelling unit at ground level. Add roof decks. Alter front facade.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class 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 checked="" 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. 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</i>

	<i>Maier program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maier layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive 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 type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (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 any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (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 any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (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. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required, unless reviewed by an Environmental Planner.	
<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 <div style="float: right; font-size: small;"> Digitally signed by Jean Poling Date: 2017.05.04 16:02:33 -07'00' </div>	

**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 checked="" 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): <div style="text-align: right; font-style: italic;">(Requires approval by Senior Preservation Planner/Preservation Coordinator) _____</div>
<input checked="" type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation Coordinator) <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> Reclassify to Category A <input checked="" type="checkbox"/> Reclassify to Category C </div> <div style="margin-top: 5px;"> a. Per HRER dated: _____ (attach HRER) b. Other (specify): Per PTR form signed on August 28, 2017 </div>
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 checked="" 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): <div style="height: 40px; border: 1px solid black;"></div>	
Preservation Planner Signature: Stephanie Cisneros <div style="font-size: 0.8em; margin-top: 5px;"> <small>Digitally signed by Stephanie Cisneros DN: cn=Stephanie Cisneros, ou=CityPlanning, ou=Current Planning, cn=Stephanie Cisneros, email=Stephanie.Cisneros@sfgov.org Date: 2017.08.31 09:45:12 -0700</small> </div>	

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): <div style="margin-left: 20px; margin-top: 5px;"> <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review </div> 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: Stephanie A Cisneros Project Approval Action: <div style="margin-left: 20px; margin-top: 10px;">Building Permit</div> <div style="margin-top: 10px; font-size: 0.8em;"> If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project. </div>	Signature: <div style="font-size: 2em; font-weight: bold; margin-left: 20px;">Stephanie Cisneros</div> <div style="font-size: 0.8em; margin-top: 5px;"> <small>Digitally signed by Stephanie Cisneros DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Current Planning, cn=Stephanie Cisneros, email=Stephanie.Cisneros@sfgov.org Date: 2017.08.31 09:45:22 -07'00'</small> </div>
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.		

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

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required. ATEX 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:		Date of Form Completion	8/23/2017
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PROJECT INFORMATION:		
Planner:	Address:	
Stephanie Cisneros	3941 Sacramento Street	
Block/Lot:	Cross Streets:	
1015/043	Cherry Street & Arguello Boulevard	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B	N/A	2017-005392ENV

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:	4/18/2017
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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 prepared by William Kostura (dated March 2017)	
Proposed Project: Two-story addition to existing two-story single-family residence. Add a second dwelling unit at ground level. Add roof decks. Alter front facade.	

PRESERVATION TEAM REVIEW:	
Category:	<input type="radio"/> A <input type="radio"/> B <input checked="" type="radio"/> C
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: <input type="text" value="N/A"/>	Period of Significance: <input type="text" value="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 to the individual historic resource:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
CEQA Material Impairment to the historic district:	<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	

PRESERVATION TEAM COMMENTS:

According to the Historic Resource Evaluation (HRE) prepared by William Kostura (dated March 2017) and information found in the Planning Department files, the subject property at 3941 Sacramento Street contains a one-story-over-basement/garage, wood-frame, single-family residence constructed around 1890 (source: Spring Valley Water Tap Record). The subject property was designed by an unknown architect and constructed by an unknown builder. The residence in its current state displays minimal features representative of the Stick-Eastlake architectural style such as the cornice supported by curvilinear brackets and French cap. The residence was originally owned by and constructed for William Perry, a steward and butler, and his wife Helena. William died in 1901 and left the property to his wife, who continued to own it until 1906. Around 1909, Charles Rushton, a carpenter, purchased the property with his wife Nellie. The property saw a variety of long and short term owners and tenants for the duration of its existence, including Luis Pamies, a musician from Spain, and his wife Gertrude, who owned and occupied the property from 1912-1921.

Known exterior alterations to the property include: addition of a bathroom and sun porch (1916); re-siding the front with cedar shingles with work to the interior and rear of the house (1965); re-roofing (1992); replacement of the front staircase (1997); and replacement of the rear decks (1999). The residence is currently clad in asbestos shingles, which indicates that either the 1965 cedar shingle work was never done and the house was later covered with asbestos shingles, or the cedar shingles were installed and later replaced with asbestos shingles. Additionally, it is likely that the removal of all original ornamentation occurred when the building was re-clad. There is a rear one-story accessory structure that appears in the 1893 Sanborn map that is no longer present by the 1913 Sanborn map.

None of the owners or occupants have been identified as important to history such that the property would be eligible for listing under Criterion 2. Although Luis Pamies may have had success as a musician, there is no indication that he made a significant contribution to the music community on a local, state, or national level.

(continued)

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
	8-28-2017

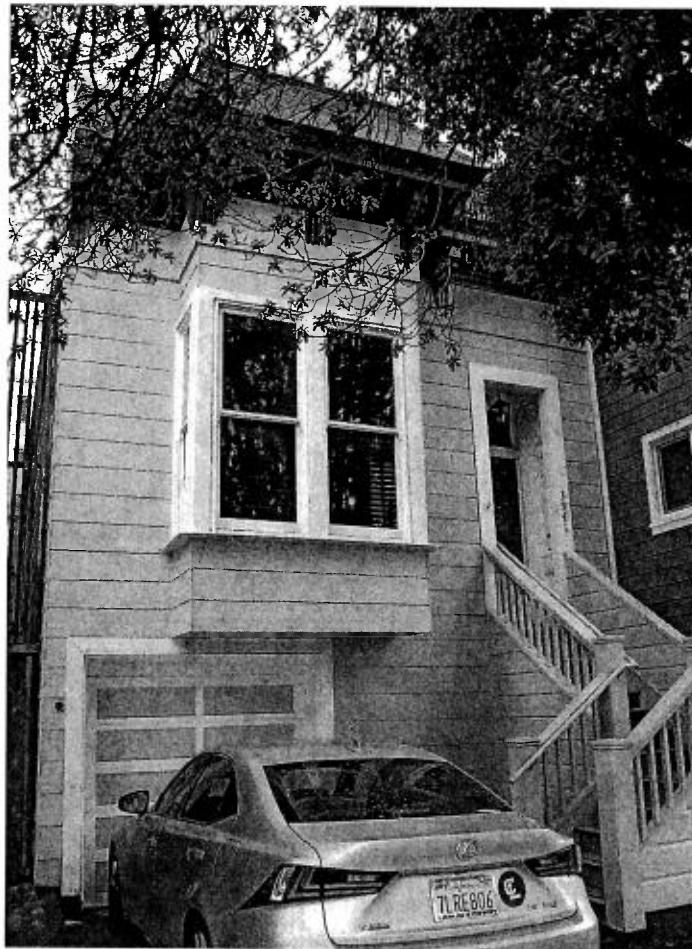
According to the HRE, the subject property is likely one of the oldest houses in the Presidio Heights neighborhood, which warrants significance under Criterion 1 for its association with early development of the neighborhood. Similarly, the building could potentially possess significance under Criterion 3 for its design as an early Stick-Eastlake style residence. However, significant alterations have taken place such that the building no longer evokes its original physical appearance, thereby compromising integrity. Due to these alterations and the existence of more intact examples of 1890s construction in Presidio Heights, the building does not qualify for listing in the California Register under Criterion 1 or under Criterion 3.

The subject property is not located within the boundaries of any identified historic district. The subject property is located in the Presidio Heights neighborhood on a block that exhibits a variety of architectural styles and uses including single- and multi-family residences and the Claire B. Lilienthal Elementary School, and construction dates ranging from pre-1900 to the 1980s. Although there are a handful of properties at the corner of Arguello Boulevard and Sacramento Street that have been identified as being part of the Presidio Heights historic district, the district would not extend to include the subject property or its surrounding neighbors on the south side of Sacramento Street.

Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.

**HISTORICAL EVALUATION of
3941 SACRAMENTO STREET, SAN FRANCISCO**

According to California Register Criteria



View looking south, showing 3941 Sacramento Street

by

William Kostura, architectural historian
P. O. Box 60211
Palo Alto, CA 94306
(650) 815-1174

March 2017



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **May 9, 2017**, the Applicant named below filed Building Permit Application No. **2017.05.09.6076** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	3941 Sacramento Street	Applicant:	Eric McGinty
Cross Street(s):	Cherry Street and Arguello Blvd.	Address:	369 Arguello Blvd.
Block/Lot No.:	1015/043	City, State:	San Francisco, CA 94118
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 902-9137
Record No.:	2017-005392PRJ	Email:	emcginty@envivid.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 checked="" type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input checked="" type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	9 feet 10 inches	6 feet 9 inches
Side Setbacks	None	No Change
Building Depth	63 feet	82 feet 3 inches
Rear Yard	60 feet 4 inches	44 feet 2 inches
Building Height	24 feet 6 inches	39 feet 9 inches
Number of Stories	2 w/attic	4
Number of Dwelling Units	1	2
Number of Parking Spaces	2	1
PROJECT DESCRIPTION		
The project includes a vertical addition with roof decks, horizontal additions at the front and rear, a new façade and a second dwelling unit.		
The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.		

For more information, please contact Planning Department staff:

Planner: Brittany Bendix

Telephone: (415) 575-9114

E-mail: Brittany.bendix@sfgov.org

Notice Date: **01/04/2018**

Expiration Date: **02/02/2018**

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.

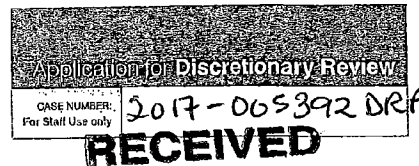
BOARD OF APPEALS

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.



APPLICATION FOR Discretionary Review

JAN 30 2018
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PIC

1. Owner/Applicant Information

DR APPLICANT'S NAME: Vivian Kaufman		
DR APPLICANT'S ADDRESS: 3945 Sacramento Street	ZIP CODE: 94118	TELEPHONE: (415) 215-8480
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Eric McGinty		
ADDRESS: 369 Arguello Blvd.	ZIP CODE: 94118	TELEPHONE: (415) 902-9137
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> David Cincotta		
ADDRESS: Jeffer Mangels Butler & Mitchell	ZIP CODE: 94111	TELEPHONE: (415) 398-8080
E-MAIL ADDRESS: dc5@jmbm.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 3941 Sacramento Street		ZIP CODE: 94118
CROSS STREETS: Cherry Street and Arguello Blvd.		
ASSESSORS BLOCK/LOT: 1015 / 043	LOT DIMENSIONS:	LOT AREA (SQ FT):
ZONING DISTRICT: RH-2/40-X		HEIGHT/BULK DISTRICT:

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:

Proposed Use: No Change

Building Permit Application No. 2017.05.09.6076

Date Filed: May 9, 2017

4. Actions Prior to a Discretionary Review Request

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

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

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

Application for Discretionary Review	
CASE NUMBER: For Staff Use only	

Discretionary Review Request

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

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

See attached

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

See attached

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

See attached

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature:  Date: 2-2-18

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

David E. Cinotto
Owner / Authorized Agent (circle one)
Authorized Agent

Application for Discretionary Review

CASE NUMBER:
For Staff Use only

Discretionary Review Application Submittal Checklist

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

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

NOTES:

☐ Required Material.

☒ Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: R. JONATHAN DISALVO

Date: 02/02/18



SAN FRANCISCO
PLANNING
DEPARTMENT

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: 415.558.6378
FAX: 415 558-6409
WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: 415.558.6377
*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*



Jeffer Mangels
Butler & Mitchell LLP

jmbm.com

David P. Cincotta
dcincotta@jmbm.com

Two Embarcadero Center, 5th Floor
San Francisco, California 94111-3813
(415) 398-8080 (415) 398-5584 Fax
www.jmbm.com
Ref: 77575-0001

January 29, 2018

BY HAND DELIVERY

Planning Commission
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 3941 Sacramento Street, BPA No. 2017.05.09.6076

To Whom It May Concern:

This letter is being sent on behalf of Ms. Vivian Kaufman, concerned neighbor to the proposed project at 3941 Sacramento Street. At this time we are requesting the Planning Commission conduct a Discretionary Review of the proposed project for the following reasons:

1. The increase in height and width of the proposed project drastically reduces the amount of natural light and air currently enjoyed.

Planning Code Section 101 indicates that one of its purposes is to ensure adequate air and light is retained. Natural light is an integral part of a pleasant home and although intangible is still valuable and highly prized. Here, the proposed project will extend the roofline by over 10 feet. The width of the building will also expand to touch both sides of the adjacent buildings, thereby doing away with the current side spacing. This enlarged footprint will block the light and air currently afforded our client and other adjacent neighbors. This is an unreasonable change and in clear violation of the residential design guidelines.

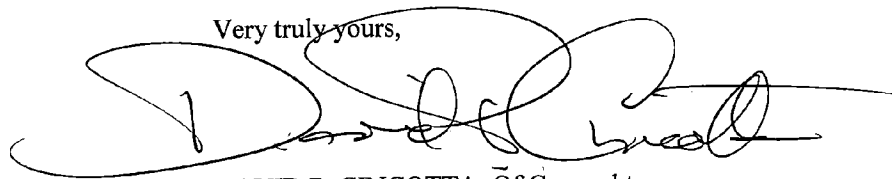
2. The modern façade is out of character with the rest of the neighborhood.

The 3900 block of Sacramento is unique in character. Most of the homes have Victorian themed architecture and are reminiscent of the 1800's. The design proposed by the owner of 3941 Sacramento Street stands in stark contrast to the rest of the neighborhood by introducing an industrial façade with clean lines and contemporary windows. This type of façade will severely detract from the old world charm of this tree lined street and is incompatible with its visual character. These changes are clearly inconsistent with the building form and architectural guidelines.

Planning Commission
January 29, 2018
Page 2

In conclusion, it is imperative that the neighborhood character be preserved and that the light and air for Ms. Kaufman's home be protected. These are important elements within a residential neighborhood and must be protected for the benefit of the entire community as well as Ms. Kaufman. It should be noted that the proposed development does not have sufficient justification for a variance which is required for this development as well. Therefore, for the foregoing reasons, we respectfully ask that the Planning Commission initiates Discretionary Review process in order to deny the proposed project as inconsistent with the Residential Design Guidelines.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David P. Cincotta', written over a horizontal line.

DAVID P. CINCOTTA, Of Counsel to
Jeffer Mangels Butler & Mitchell LLP

DPC:dsh
cc: David P. Cincotta

LETTER OF AUTHORIZATION

Vivian Kaufman
3945 Sacramento Street
San Francisco, CA 94118

January 26, 2018

City and County of San Francisco
Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 3941 Sacramento Street, BPA No. 2017.05.09.6076

Dear Sir/Madam:

I, Vivian Kaufman, hereby authorize Jeffer Mangels Butler and Mitchell LLP, and its employees, to take all necessary action, including but not limited to the signing of documents and filing of applications which may be required to contest the approval of the above-referenced building permit application.

Very truly yours,

Vivian Kaufman

Vivian Kaufman

1/26/2018

Brown & Toland Physicians Services
1001 Broadway
Oakland, CA 94612

Brown & Toland Physicians Services
3038 California Street
San Francisco, CA 94118

San Francisco Unified School District
3950 Sacramento Street
San Francisco, CA 94118

3038 California Assoc. LLC
1001 California St. #1310
San Francisco, CA 94108

Eric Huginy
3109 Arguello Blvd.
San Francisco, CA 94118

Vivian Kaufman
3945 Sacramento St.
San Francisco, CA 94118

Steven Weber
3939 Sacramento St. #201
San Francisco, CA 94118

Eva Muffenthaler
3937 Sacramento St. #101
San Francisco, CA 94118

REUBEN, JUNIUS & ROSE, LLP

April 27, 2018

Delivered via E-mail and Messenger

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

Re: 3941 Sacramento Street (1015/043)
Brief in Support of the Project and in Opposition to the DR Request
Planning Department Case no. 2017-005392DRP
Hearing Date: May 10, 2018
Our File No.: 10923.01

Dear President Hillis and Commissioners:

Our office represents Eric McGinty (“**Project Sponsor**”), the owner of the property at 3941 Sacramento Street (“**Property**”). The Property currently contains a two-story single family home in the Presidio Heights neighborhood. Mr. McGinty is proposing a building addition, which will result in a two-unit building consistent with the scale and character of development in the neighborhood (“**Project**”). Following construction of the Project, Mr. McGinty intends to occupy the upper-floors with his wife and two young children. The lower unit would be occupied by his elderly parents, allowing for multi-generational living.

A Discretionary Review (“**DR**”) request was filed by the owner of the 6-unit residential building to the west at 3943-3947 Sacramento Street, Vivian Kaufman (“**DR Requestor**”).

A. Property Description

The Property contains a two-story, three-bedroom single family home in the Presidio Heights neighborhood. The existing building is 25’ high, contains approximately 2,800 square feet. It is one of the smallest structures on the block, which is predominantly characterized by 2-4 story buildings containing a mix of multi-unit residential, commercial, and school uses.

The DR Requestor owns the three-story, six-unit residential building west of the Property, and occupies a third-floor unit next to the shared property line. At the rear of the DR Requestor's unit is a kitchen with three windows facing the property line and overlooking the Project Sponsor's existing roof and rear yard.

Below is an image of the Property and adjacent DR Requestor's building.



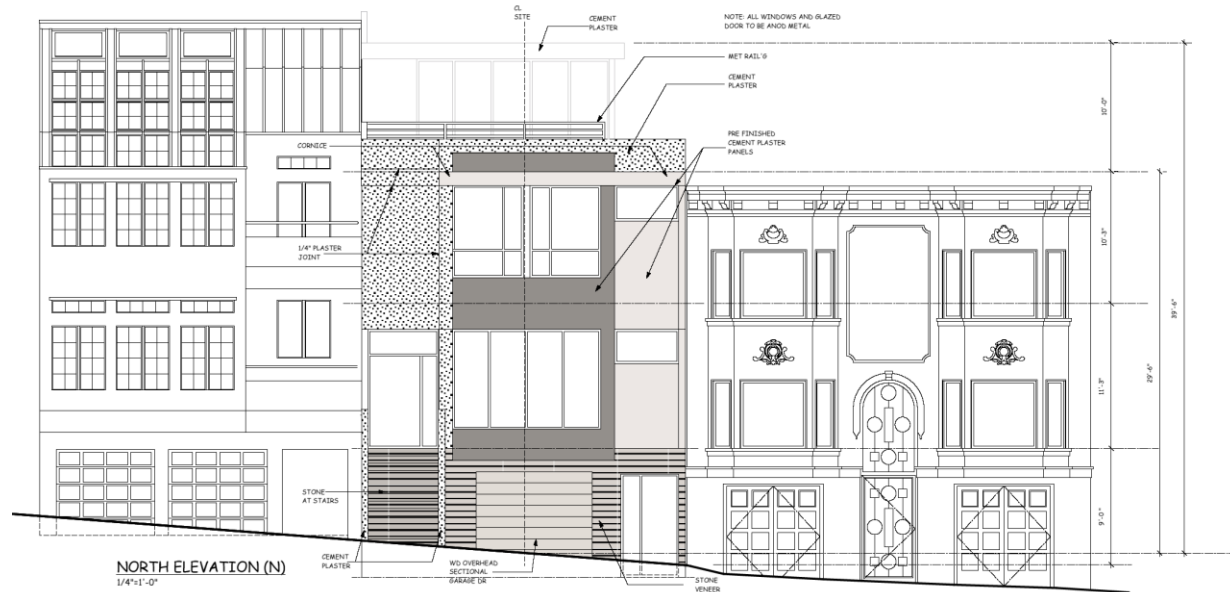
B. Project Description

The Project will entail vertical and horizontal expansion, resulting in a two-unit building reaching a maximum height of 39' 9", consistent with prevailing scale of development in the neighborhood. Once complete, the Project will be comparable in size to the four-story, two-unit residential building to its immediate east.

The Project will include a one-bedroom, one bath unit on the building's first floor; and a four-bedroom, three-bath unit on upper floors suitable for family occupancy. The renovated building has been thoughtfully designed to incorporate a range of setbacks and massing reductions that will minimize light, air, and view impacts to the DR Requestor's property, as discussed below.

Once complete, the Sponsor intends to occupy the upper unit with his wife and two small children. The lower unit would be occupied by the Sponsor's elderly parents, allowing for multi-generational living.

Below is a front elevation of the Project, which is also provided on sheet A-3.01 of the plan set.



The Project design complies with all Planning Code requirements and is consistent with the City's Residential Design Guidelines. The Project does not seek any Variances or exceptions from the Planning Code.

C. Arguments in Favor of Project

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

1. *The Project's Scale is Appropriate for the Neighborhood*

The existing building is a single family home and one of the smallest structures on this block, which features many multi-story, multi-unit residential buildings, and much larger commercial structures. The Project will expand the existing building to contain two units (consistent with intended density of the RH-2 zoning district), and will reach a maximum height of 39' 3". The Project's building depth will not extend beyond the neighboring homes.

This is consistent with the scale and character of development in the surrounding neighborhood. Properties along Sacramento Street have been zoned to allow development of up to 40 feet, while development immediately to the south and east of the Property along California and Cherry Streets has been zoned to allow up to 80 feet.

To the immediate east of the Project is a 4-story, two-unit building, reaching an approximate height of 40 feet and extending beyond the depth of the proposed project. There are also several multi-story residential buildings on the same block as the Project, including the DR Requestor's three-story, six unit building to the immediate west; a three-story, 14-unit residential building at 3967 Sacramento; and a the 3-story, 13 unit residential building 200 Arguello.

The neighborhood also includes a mix of larger-scale commercial, educational, and medical facilities. Directly across Sacramento Street from the property is Claire Lilenthal Elementary School, which occupies approximately 1/4th of the adjacent block face. And looming over the back yards of both the Project Sponsor and DR Requestor's properties is an eight (8) story CPMC medical center facility at 3830 California Street.

There is simply nothing exceptional or extraordinary about the Project's massing or height, which merits modification through discretionary review. The Project is a code-complying development that will result in a two-unit building consistent and compatible with the prevailing scale of development in the neighborhood.

2. *The Project is Sensitive to the Light, Air and Privacy Concerns of DR Requestors and There is No Need for Additional Setbacks.*

The DR Requestor raised concerns regarding potential Project impacts to private views, privacy, and access to light at her property.

However, the Project has been designed to minimize these potential impacts by incorporating a range of setbacks and progressing stepping the building's mass away from the DR Requestor's property at each successive floor. These massing reductions exceed Planning Code requirements and have reduced livable area within the Project, but were incorporated specifically to maximize light and air access to the DR Requestor's property.

Below is a rendering of the rear of Project, illustrating the building separation and progressive setbacks from DR Requestor's property:



Beginning early in the development process, the Project Sponsor worked to design the Project with sensitivity to neighboring buildings. Although the DR Requestor did not attend the Project's noticed pre-application hearing or contact the Sponsor prior to filing the DR Request, a number of design features were incorporated to address her anticipated interests. These included:

- a. Incorporating progressive building setbacks at the second, third, and fourth floors from the rear and western property lines. The overall effect is that the building "steps away" from the DR Requestor's building as it increases in height, maximizing light and air access to the rear of her building. Above the third floor, all portions of the proposed project are set back by at least 5' 6" feet from the shared property line with the DR Requestor.
- b. Relocating the building's front entrance from the west side of the building to the east, to avoid blocking a property-line window at the second floor of the DR Requestor's property;

- c. Providing complementary light wells adjacent to those on the DR Requestor's property
- d. Placing no windows on the 3rd floor west side of the building, to maximize DR Requestor's privacy of her kitchen/family room property line windows
- e. Providing glass guardrails on rear decks to minimize loss of light to DR Requestor's building;
- f. Setting back the 3rd floor 6' from the allowable building depth to provide more light and air to neighbors
- g. Providing a side-setback of 3-feet from the shared property line at the building's first floor, though no setback is required at that level and doing so required a reduction of first floor deck area. This was done to maximize light and air access to the first floor of the DR Requestor's building;

Following the DR Request, the Project Sponsor promptly reached out to the DR Requestor to meet and discuss the Project, and ultimately proposed a number of additional modifications. These efforts included:

- a. In response to the suggestion of the Planning Department's Residential Design Team, the building's 2nd floor was set back an additional 3 feet at the rear. As a result, the building at this level is approximately equal to that than that of the DR Requestor's building at the 2nd floor. This resulting is a reduction to the kitchen area, but maximized light and air access to the rear of DR Requestor's building.
- b. Increasing the depth of the third floor setback an additional 1' 6" in response to DR Requestor's concerns, which would result in a building that is 4' 6" feet shallower at the third floor than the DR Requestor's property.
- c. Increasing the depth of the third floor light well located adjacent to the shared property line at the rear of the buildings to approximately 4 feet, to match the depth of the light well on DR Requestor's property. This light well also exceeds the length of the light well provided on DR Requestor's property by approximately 6' feet.
- d. Pulling the building's second floor back by an additional 3 feet from the rear of the lot, so that it is even with the depth of DR Requestor's building.
- e. Offering to install an attractive planter box and lattice on the setback above the building's second floor and adjacent to DR Requestor's kitchen windows, which face onto the shared property line, to improve DR Requestor's view.
- f. Offering to paint the interior surface of the proposed project's light wells with reflective paint to maximize light exposure to DR Requestor's rental units.

The Project Sponsor has already substantially modified the design and reduced livable area within the Project to address the DR Requestor's concerns. Accordingly, the Project as designed will not result in unreasonable impacts to the DR Requestor's private views, privacy, or access to light or air.

D. Conclusion

The Project presents no exceptional or extraordinary circumstances justifying discretionary review. It proposes a scale and character of development that is consistent and compatible with the neighborhood. Further, the Project Sponsor has already made a number of Project modifications to address the DR Requestor's private view, light, and privacy concerns. For all of the above reasons, we respectfully request that the Planning Commission deny the DR request and approve the Project as proposed. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

A handwritten signature in blue ink, appearing to read "Melinda Sarjapur", is written over a horizontal line.

Melinda Sarjapur

cc: Vice President Myrna Melgar
Commissioner Rodney Fong
Commissioner Milicent A. Johnson
Commissioner Joel Koppel
Commissioner Kathrin Moore
Commissioner Dennis Richards
Brittany Bendix - Planner
Eric McGinty – Project Sponsor

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: 3941 Sacramento Street

Zip Code: 94118

Building Permit Application(s): 201705096076

Record Number: 2017-005392DRP

Assigned Planner: Brittany Bendix

Project Sponsor

Name: Eric McGinty

Phone: (415) 902-9137

Email: emcginty@envivid.com

Required Questions

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

Please see attached.

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

Please see attached.

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


Please see attached.

Project Features

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

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	1	2
Occupied Stories (all levels with habitable rooms)	2	4
Basement Levels (may include garage or windowless storage rooms)	0	0
Parking Spaces (Off-Street)	1	1
Bedrooms	3	5
Height	24' 6"	39' 9"
Building Depth	63 ft.	82 ft. 3"
Rental Value (monthly)	n/a	n/a
Property Value	\$2,025,000	TBD

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

Signature: 	Date: April 27, 2018
Printed Name: Melinda A. Sarjapur	<input type="checkbox"/> Property Owner <input checked="" 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.

SPONSOR'S RESPONSE TO REQUEST FOR DISCRETIONARY REVIEW

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved?

The proposed project is consistent with the use and scale of development within the neighborhood, and meets all standards of the planning code and the residential design guidelines. The sponsor has worked closely with the Planning Department to ensure a project design that is compatible with and complementary to adjacent structures.

The existing building at 3941 Sacramento Street (the “**Property**”) is currently one of the smallest structures on this block, and contains only one dwelling unit. The proposed project will expand the building to create housing consistent with the prevailing scale of development in the neighborhood, and to facilitate creation of secondary unit, maximizing density within the RH-2 zoning district.

The sponsor has already incorporated a number of setbacks and design modifications that exceed code requirements, with the intent of accommodating the DR Requestor's private view, light, and privacy concerns.

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

The sponsor has already made a range of modifications to the proposed project to accommodate the DR Requestor's private view, light, and privacy concerns. These include numerous building setbacks adjacent to the DR Requestor's building, as follows:

Before filing the application:

DR Requestor did not attend the project's noticed pre-application hearing, and did not contact the sponsor prior to filing a DR Request. Nonetheless, the sponsor incorporated a number of setbacks and design features into the proposed project in an effort to minimize potential light, private view, or privacy impacts to the DR Requestor's property.

These efforts included:

- a. Incorporating progressive building setbacks at the second, third, and fourth floors from the rear and western property lines. The overall effect is that the building “steps away” from the DR Requestor's building as it increases in height, maximizing light and air access to the rear of her building. Above the third floor, all portions of the proposed project are set back by at least 5' 6” feet from the shared property line with the DR Requestor.

- b. Relocating the building's front entrance from the west side of the building to the east, to avoid blocking a property-line window at the second floor of the DR Requestor's property;
- c. Providing complementary light wells adjacent to those on the DR Requestor's property;
- d. Placing no windows on the 3rd floor west side of the building, to maximize DR Requestor's privacy of her kitchen/family room property line windows;
- e. Providing glass guardrails on rear decks to minimize loss of light to DR Requestor's building;
- f. Setting back the 3rd floor 6' from the allowable building depth to provide more light and air to neighbors; and
- g. Providing a side-setback of 3 feet from the shared property line at the building's first floor, though no setback is required at that level and doing so required a reduction of first floor deck area. This was done to maximize light and air access to the first floor of the DR Requestor's building;

After filing the application:

Upon receipt of the DR Request, the project sponsor proactively reached-out to DR Requestor to discuss her concerns and the potential for project modifications to address them.

These efforts included:

- a. In response to the feedback of the Planning Department's Residential Design Team, the building's 2nd floor was set back an additional 3 feet at the rear. As a result, the building at this level is approximately equal to that than that of the DR Requestor's building at the 2nd floor. This resulting is a reduction to the kitchen area, but maximized light and air access to the rear of DR Requestor's building.
- b. Increasing the depth of the third floor setback an additional 1' 6" in response to DR Requestor's concerns, which would result in a building that is 4' 6" feet shallower at the third floor than the DR Requestor's property.
- c. Increasing the depth of the third floor light well located adjacent to the shared property line at the rear of the buildings to approximately 4 feet, to match the depth of the light well on DR Requestor's property. This light well also exceeds the length of the light well provided on DR Requestor's property by approximately 6' feet.
- d. Pulling the building's second floor back by an additional 3 feet from the rear of the lot, so that it is even with the depth of DR Requestor's building.

- e. Offering to install an attractive planter box and lattice on the setback above the building's second floor and adjacent to DR Requestor's kitchen windows, which face onto the shared property line, to improve DR Requestor's view.
 - f. Offering to paint the interior surface of the proposed project's light wells with reflective paint to maximize light exposure to DR Requestor's rental units.
3. *If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.*

The project sponsor has already made a number of changes to the proposed project to accommodate the DR Requestor's private view, light, and privacy concerns. Further building reductions are not achievable, as they would significantly impact the livability and functionality of the project.

Following construction of the proposed project, the sponsor intends to occupy the upper unit with his wife and two young children. The lower unit is intended to house the sponsor's elderly/handicapped parents, allowing for multi-generational family occupancy. Further reductions to the rear of building would impact functionality of the sponsor's proposed kitchen and master bedroom areas.

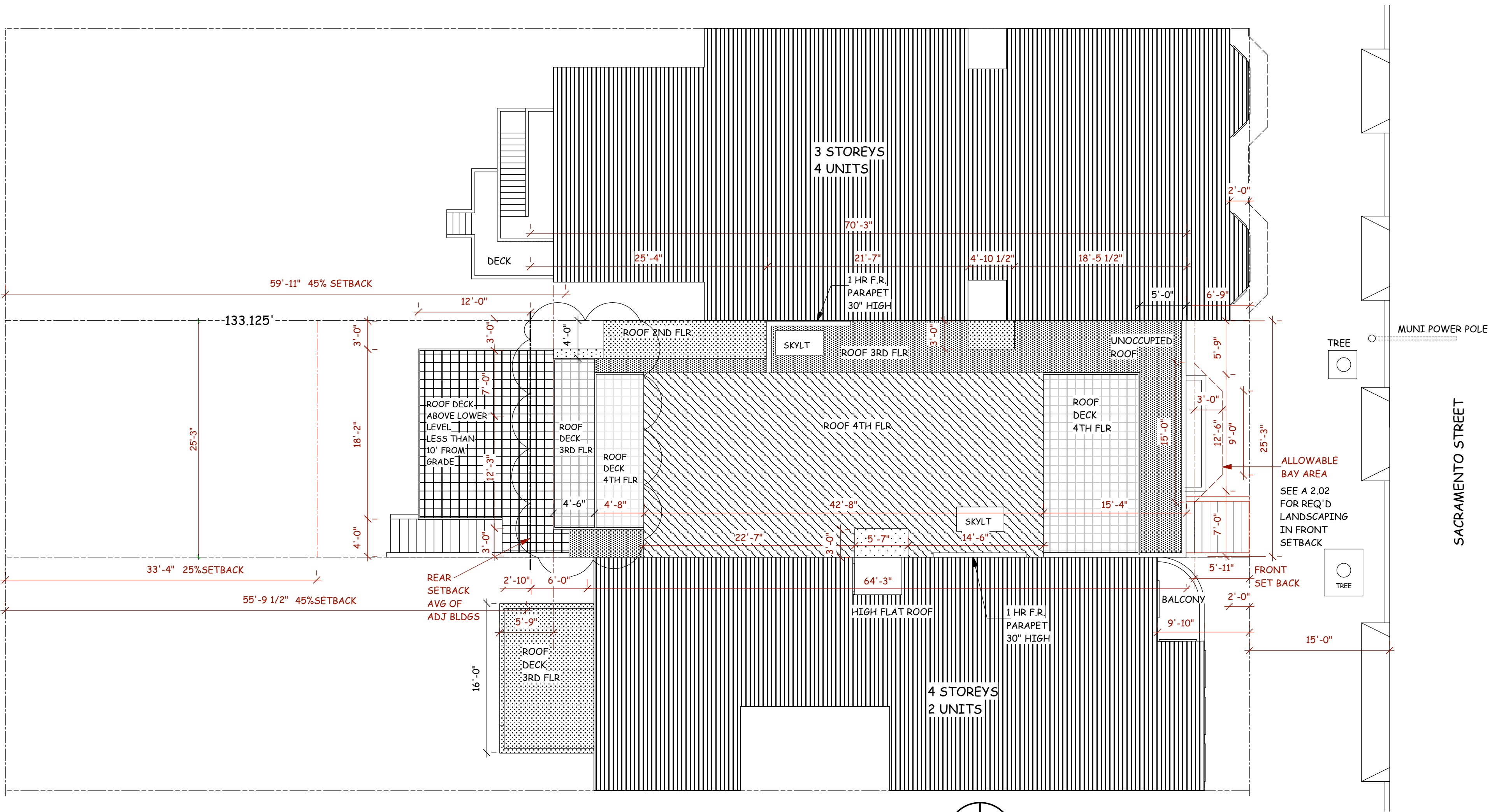
The proposed project will not have an adverse effect on the surrounding properties for the following reasons:

- A. The proposed building is consistent with the scale and character of development in the surrounding neighborhood.** The existing building is a single family home and one of the smallest structures on this block, which features many multi-story, multi-unit residential buildings, and much larger commercial structures. The proposed project will expand the existing building to contain two units (consistent with intended density of the RH-2 zoning district), reaching a maximum height of 39' 3". To the immediate east of the proposed project is a 4-story, two-unit building, reaching an approximate height of 40 feet and extending beyond the depth of the proposed project. There are several other multi-story residential buildings in the immediate vicinity, ranging from two to four stories. Directly across Sacramento Street from the property is Claire Lilenthal Elementary School, which occupies approximately 1/4th of the adjacent block face. Further, looming over the back yards of both the proposed project and DR Requestor's properties is an eight (8) story CPMC medical center. The proposed project involves a scale and character of development that is easily compatible with the surrounding neighborhood.

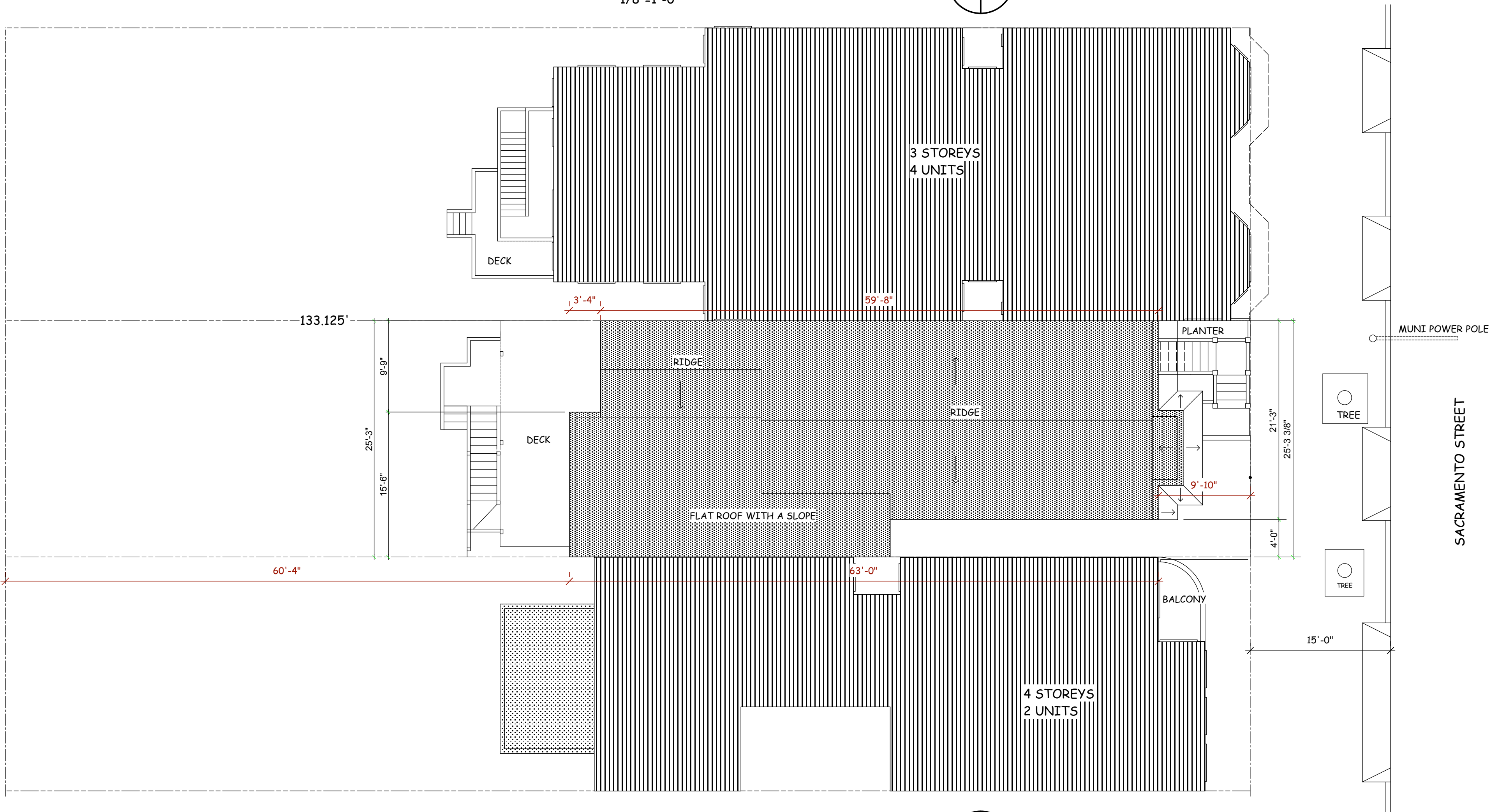
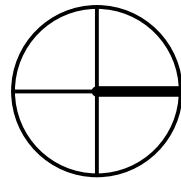
B. The Project will not result in an unreasonable reduction in light or air to DR Requestor's building.

The City's Residential Design Guidelines expressly note that in areas of dense urban development, some reduction of light to neighboring buildings can be expected with building expansion. The project will include horizontal and vertical expansion adjacent to DR Requestor's property, and therefore some reduction to light and private views is expected. However, the project is designed to minimize these potential impacts by incorporating a range of setbacks and stepping the building's massing away from the DR Requestor's property from the rear and at its upper levels. Above the project's third floor, all portions of the building will be set back by at least 5' 6" feet from the shared property line. Further, the proposed project will match lightwells on the DR Requestor's property, and re-work the front building entrance to avoid blocking a property-line window on the DR Requestor's building. As a result, the proposed project will not result in an unreasonable reduction in light or air to DR Requestor's building.

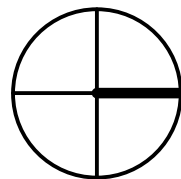
PROJECT PLANS



SITE AND ROOF PLAN (N)
1/8"=1'-0"



SITE AND ROOF PLAN (E)
1/8"=1'-0"



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2	04/18/18	PLANNING

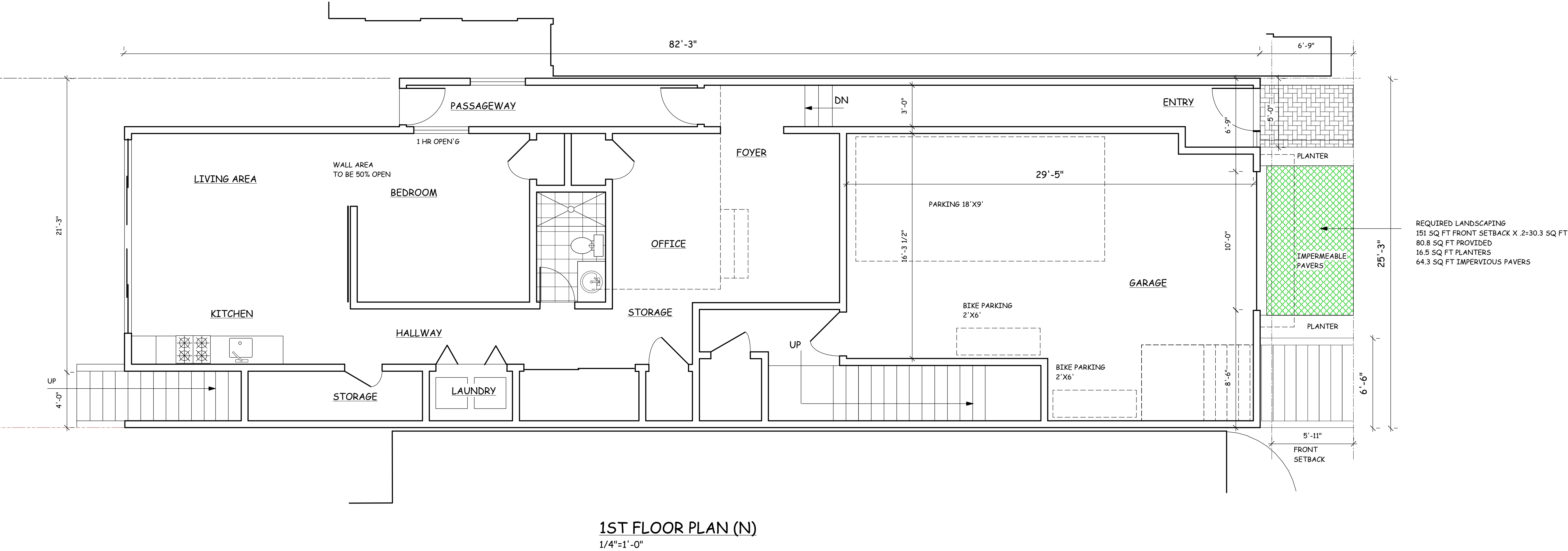
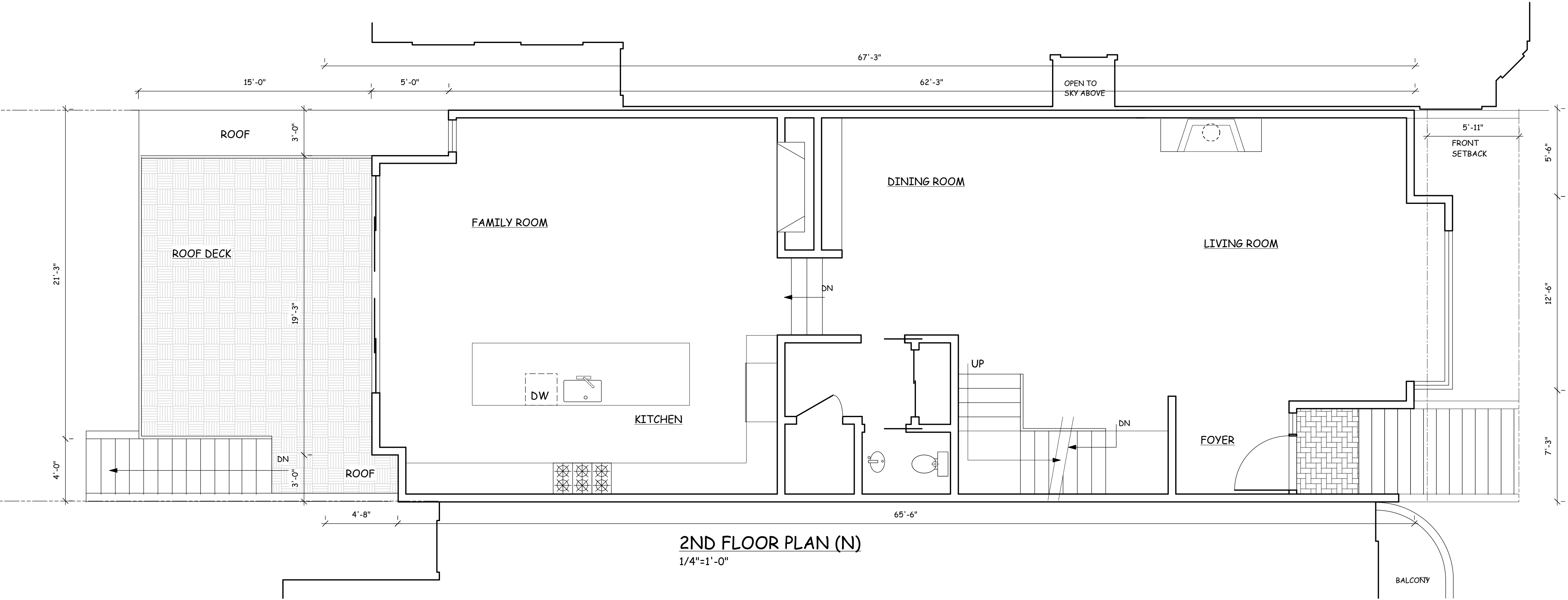
PROJECT NO. 2017.09
SHEET

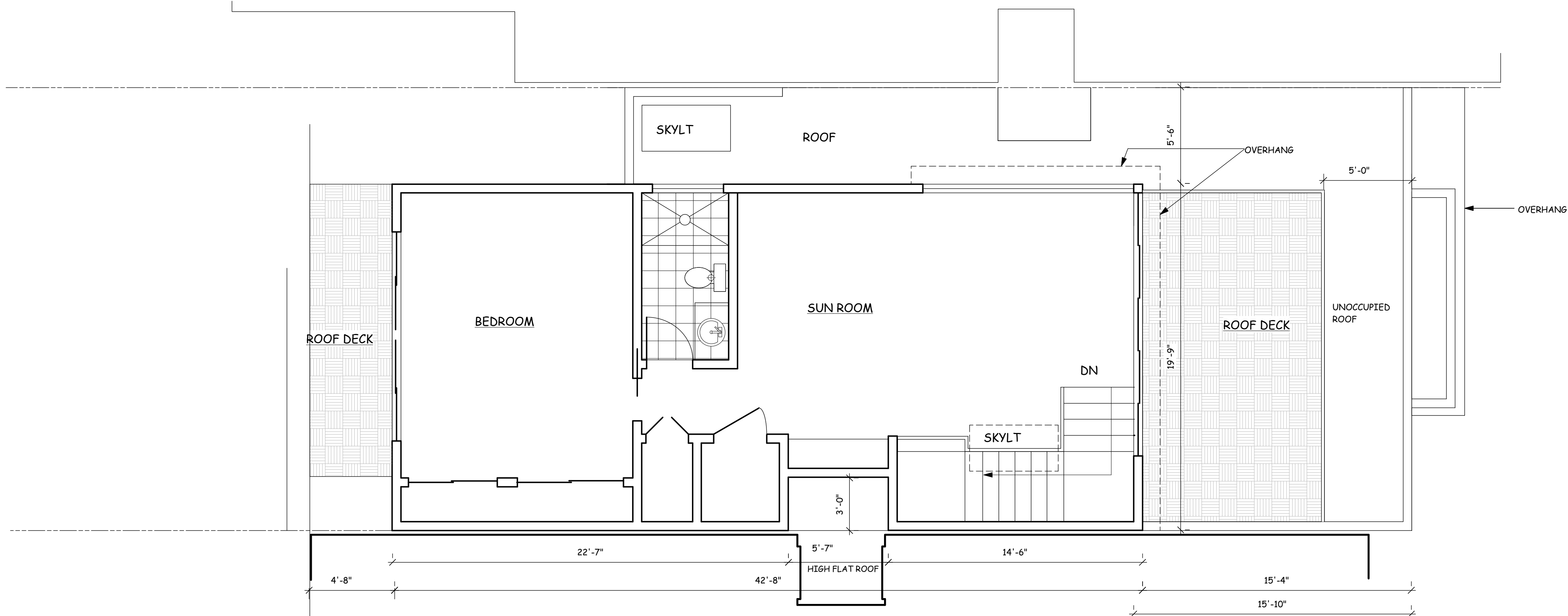
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ALTERATIONS
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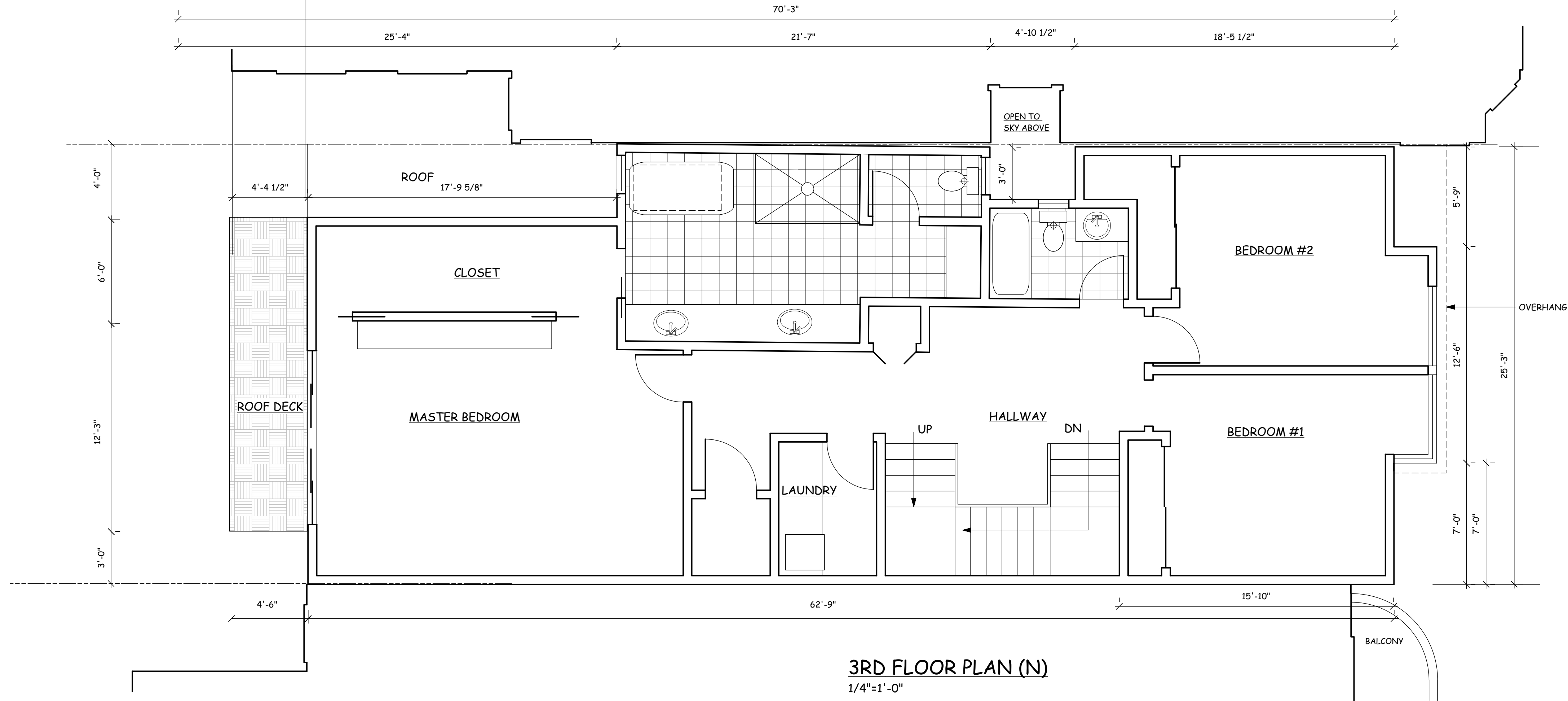
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4TH FLOOR PLAN (N)

1/4"=1'-0"



3RD FLOOR PLAN (N)

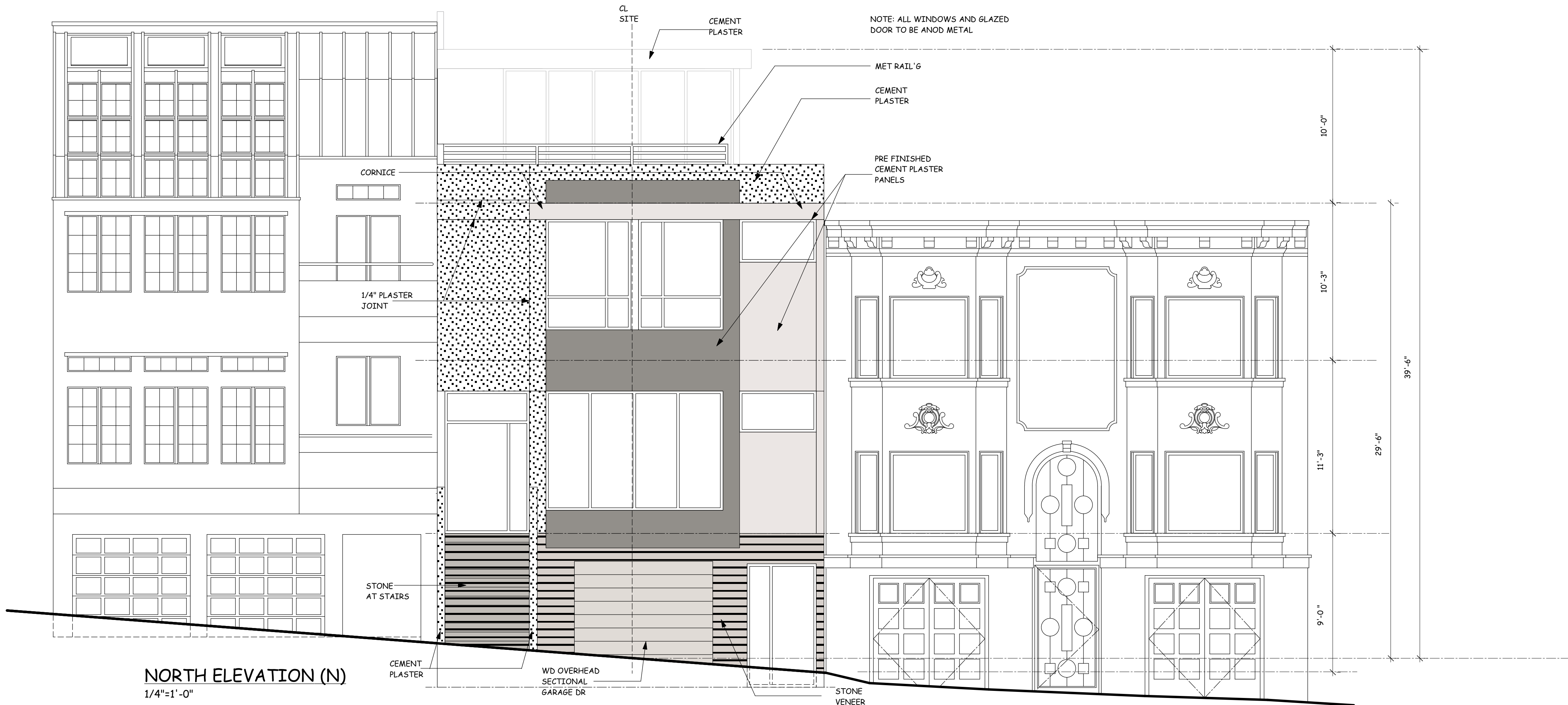
1/4"=1'-0"

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NORTH ELEVATION (E)
1/4"=1'-0"



NORTH ELEVATION (N)
1/4"=1'-0"

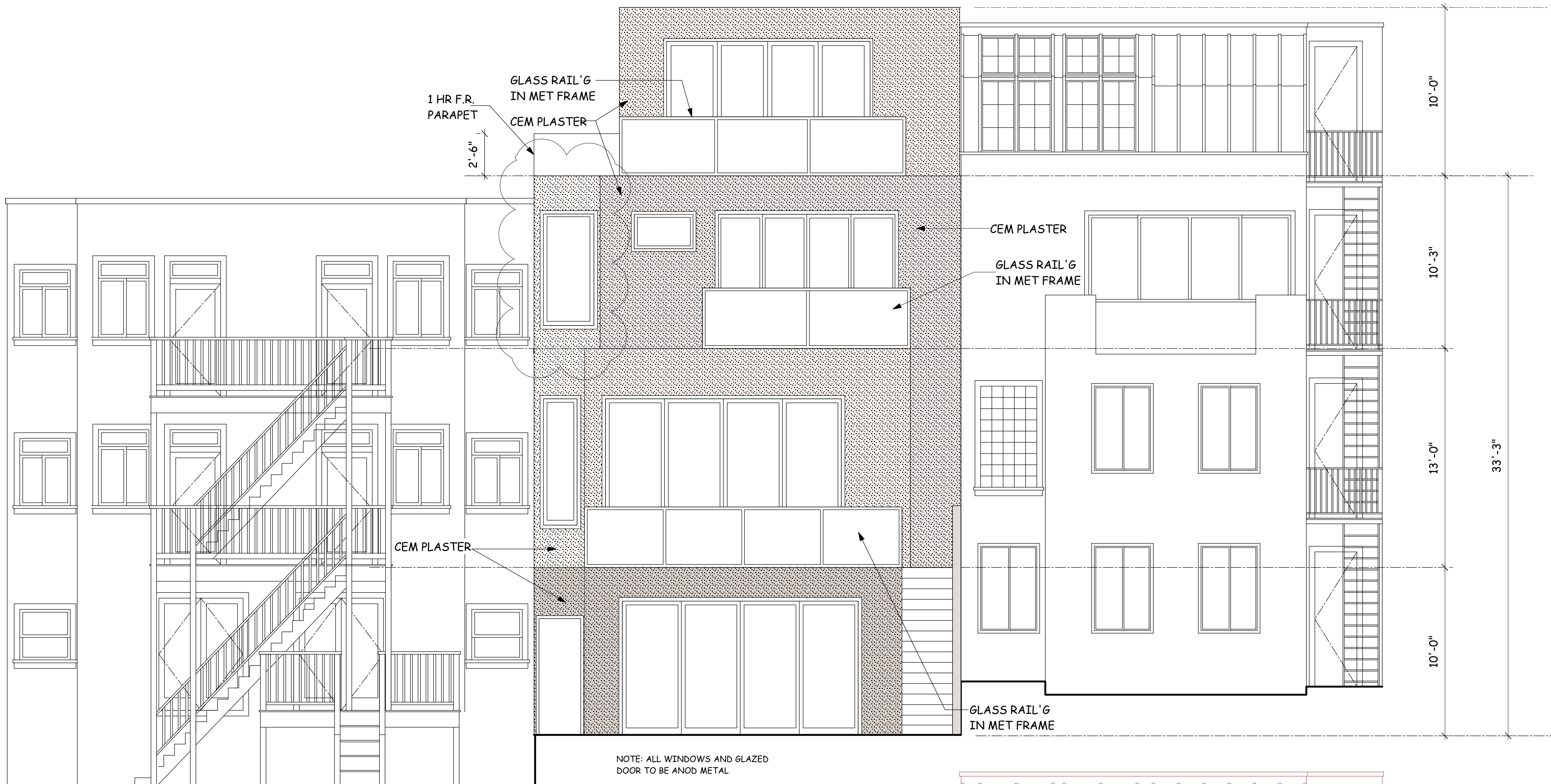
WILLIAM PASHELINSKY
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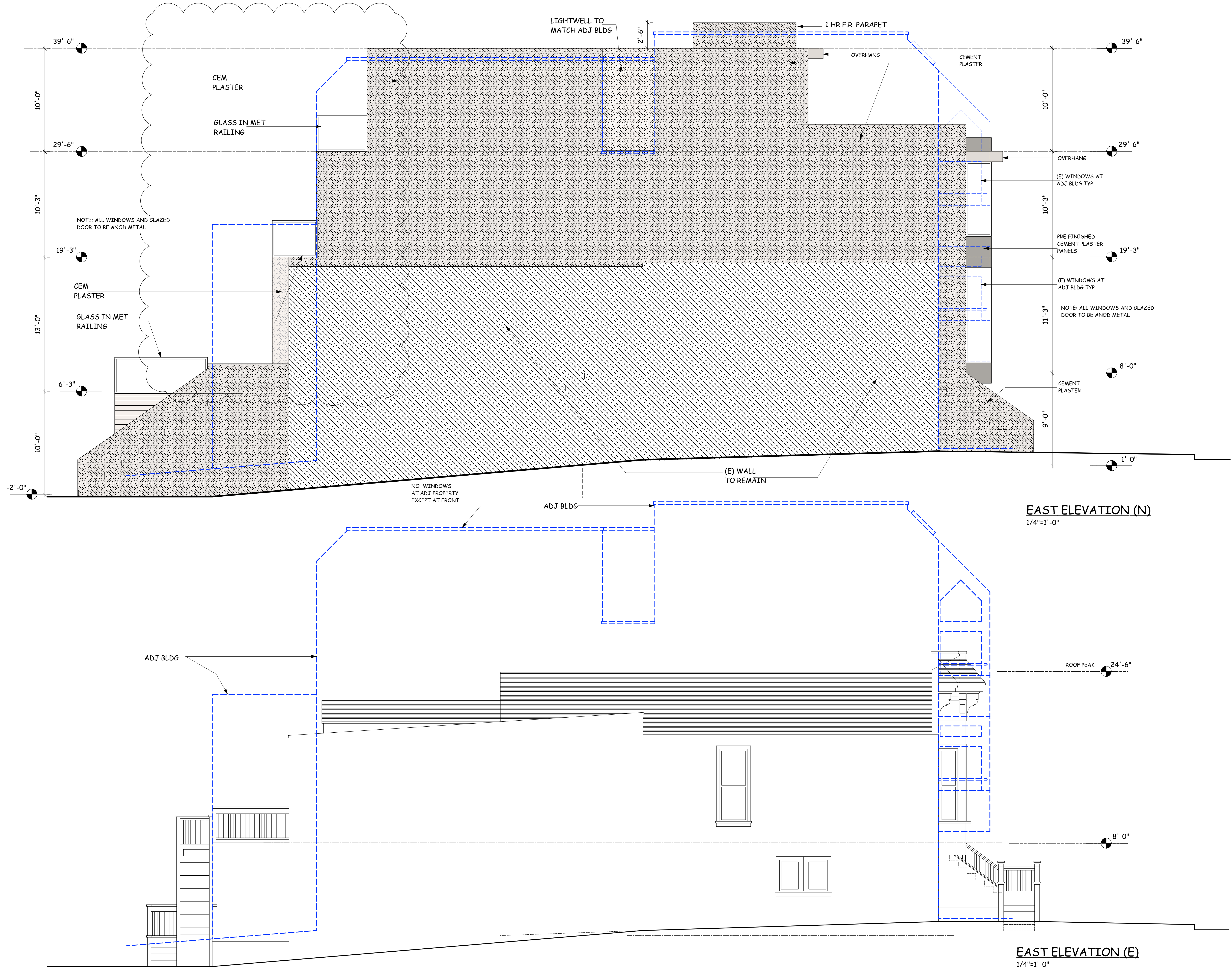
SOUTH ELEVATION (N)
1/4"=1'-0"



SOUTH ELEVATION (E)
1/4"=1'-0"

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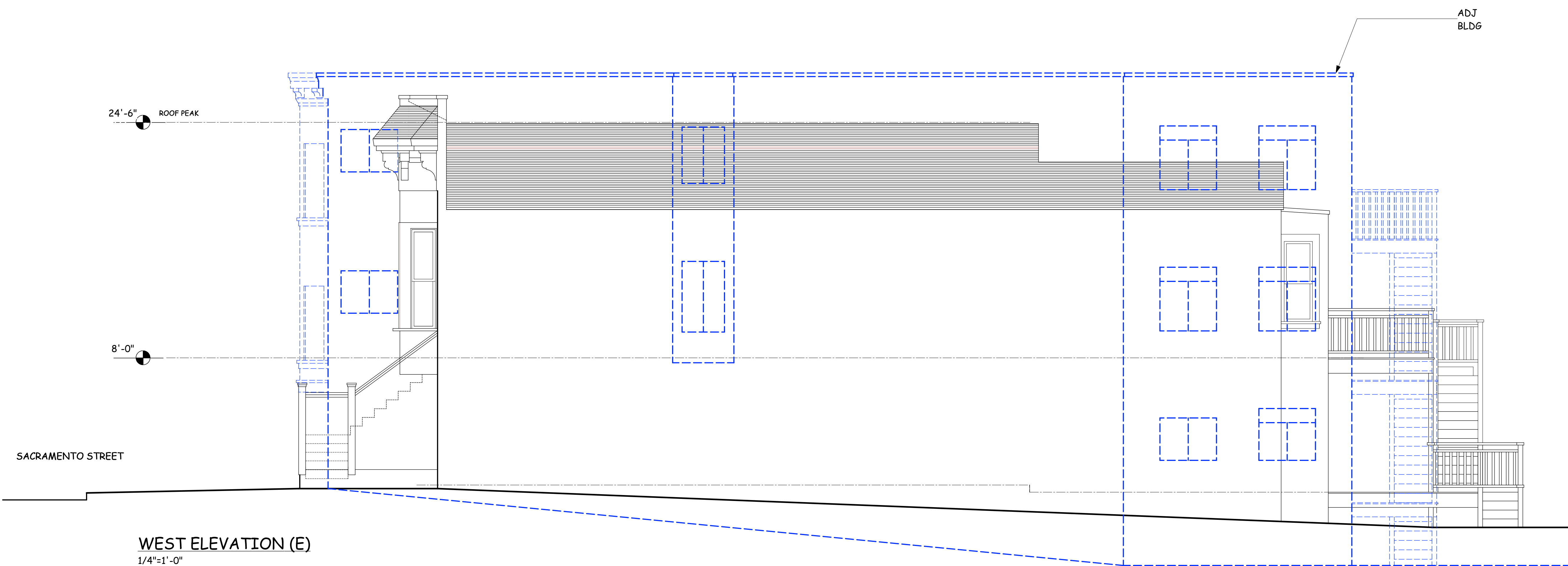
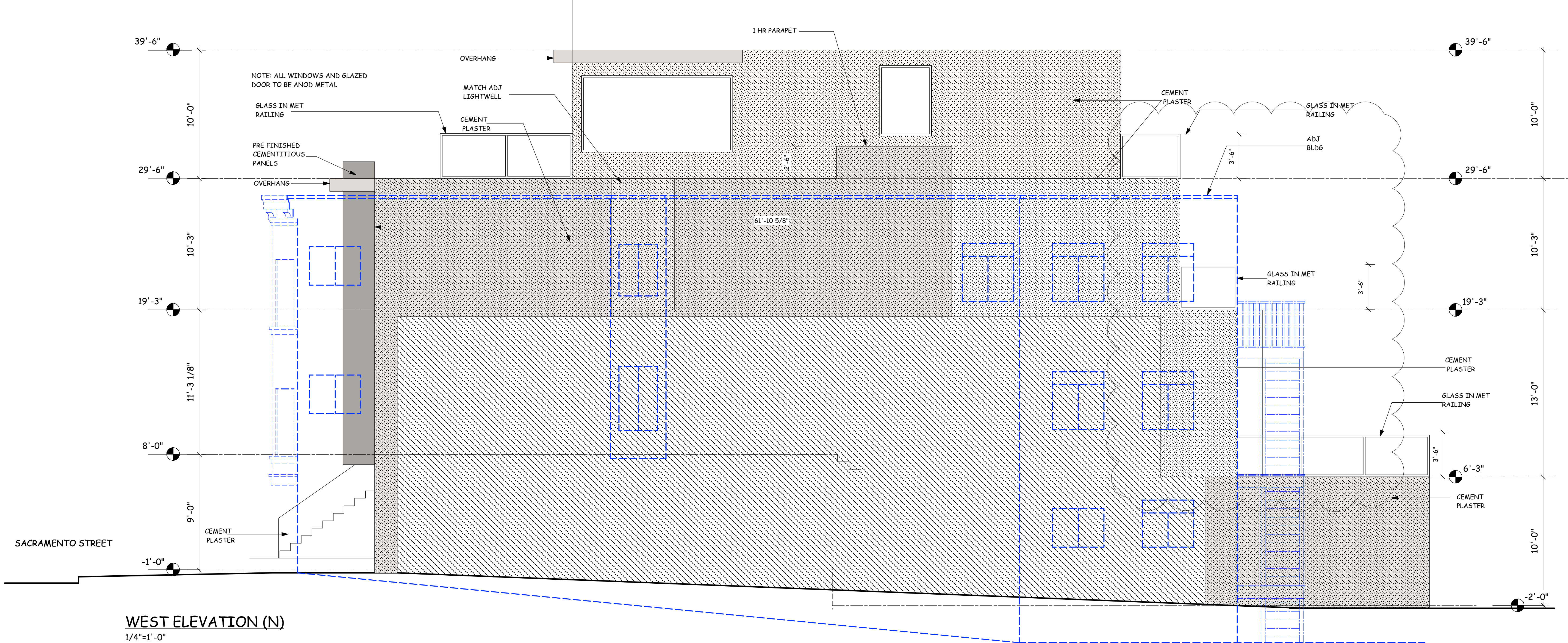
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415 379 3676

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