## Memo to the Planning Commission

**HEARING DATE: MAY 24TH, 2018** CONSENT CALENDAR

RH-1 (Residential House, One-Family) Zoning District

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

Reception:

415.558.6378

415.558.6409

**Planning** Information: 415.558.6377

Fax:

40-X Height and Bulk District *Block/Lot:* 5612/007

Project Sponsor: Michael Schulte

Schulte Architecture

6 Elsie Street

May 17, 2018

2017-007279DRP

**20 ELSIE STREET** 

San Francisco, CA 94110

*Staff Contact:* Jeffrey Speirs – (415) 575-9106

jeffrey.speirs@sfgov.org

Take DR and Approve with Modifications Recommendation:

#### BACKGROUND

Date:

Case No.:

Zoning:

Project Address:

A request for Discretionary Review was filed on Building Permit Application No. 2017.05.22.7242, which originally involved a project for a two-story horizontal addition to an existing two-story single-family residence. Recently, the Project Sponsor and DR Requestor have developed a revised proposal that is agreeable to both parties. Plans of the revised proposal are attached.

#### **CURRENT PROPOSAL**

The revised proposal incorporates the following changes to the original plan, per the agreement between the two parties:

- The rear building wall on the 1st and 2nd floors is reduced in depth one foot (1'), which will result in that wall being no more than one foot past the DR Requestor's top floor rear deck;
- The rear addition incorporates a three-foot (3') side setback on the second floor to match the DR Requestor's side setback and there will be no windows facing the DR Requestor's property on that wall; and
- The roof deck is sunken two feet (2') below the existing roof line; the roof deck is reduced in size such that it does not extend beyond the existing rear building wall and comes no closer than five feet five inches (5'-5") to our shared property line; and that additionally there is a three-foot by three-foot (3'x3') notch in the railing location at the southwest corner of the deck.

Memo to Planning Commission

CASE NO. 2017-007279DRP

Hearing Date: May 24, 2018

20 Elsie Street

#### REQUIRED COMMISSION ACTION

In order for the project to proceed per the agreement that was reached between the Project Sponsor and the DR Requestor, the Commission must take Discretionary Review and Approve the Project with Modifications, as identified in the revised plans dated April 8, 2018.

#### BASIS FOR RECOMMENDATION

- The project with modifications is agreeable to both the Project Sponsor and DR Requestor.
- The project does not create an exceptional or extraordinary circumstances.
- The project complies with all applicable provisions of the Planning code and is consistent with the General Plan.
- Taking DR and approving the project with modifications as specified in the plan set dated April 8, 2018, will allow it to be heard on the consent calendar.

RECOMMENDATION:	Take DR and Approve with Modifications
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## **Discretionary Review Full Analysis**

**HEARING DATE: MAY 24, 2018** 

May 17, 2018 Fax: 2017-007279DRP

Project Address: 20 Elsie Street Permit Application: 2017.05.22.7242

Zoning: RH-1 (Residential House, One-Family) Zoning District

40-X Height and Bulk District

Block/Lot: 5612/007

Project Sponsor: Michael Schulte

Schulte Architecture

6 Elsie Street

San Francisco, CA 94110

Staff Contact: Jeffrey Speirs – (415) 575-9106

jeffrey. speirs@sfgov.org

Recommendation: Take DR and approve with Modifications

#### PROJECT DESCRIPTION

Date:

Case No.:

The Project proposes a two-story horizontal addition to an existing two-story single-family dwelling. The rear addition is 25 feet wide and 9 feet 3 inches deep at the ground floor. At the second floor, the rear addition in 11 feet 6 inches wide and 9 feet 3 inches deep, and approximately 21 feet in height. The Project also proposes a rear stairway with fire wall, and a roof deck.

As per revised plans dated April 8, 2018, the Project Sponsor has revised the project to reduce the rear building wall, incorporate a side setback on the second floor of the rear addition, and reduce the roof deck below the existing roofline.

#### SITE DESCRIPTION AND PRESENT USE

The property at 20 Elsie Street is located on the northeast side of the subject block between Coso and Esmeralda Avenues. The property has 25 feet of frontage along Elsie Street with a lot depth of 70 feet, and is currently developed by a two-story single-family dwelling constructed in 1950. The slope is downsloping from front to back. The property is within an RH-1 (Residential, House, One-Family) Zoning District with a 40-X Height and Bulk designation.

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the Bernal Heights neighborhood, which is generally considered to be bordered by Cesar Chavez Street to the north, Highway 280 to the south, Dolores and Mission streets to the west, and Highway 101 to the east. The residences on the subject block between Coso and Esmeralda

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

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Planning Information: 415.558.6377 Avenues are predominantly defined by single-family dwellings constructed between early to mid-1900s in a mix of architectural styles. Building heights mostly two-story, with the occasional one or three story dwelling. Both adjacent properties are of same size, architecture, and contructed in 1950. On the west side of Elsie Street, the architectural style is also mixed, mostly two to three stories in height, and primarily single-family. The area surrounding the subject property does not contain a significant concentration of historically or aesthetically unified buildings and the area does not appear to qualify as a historic district under any criteria.

#### **BUILDING PERMIT APPLICATION NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	December 11, 2017  – January 10, 2018	January 9, 2018	May 24, 2018	135 days

#### **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 14, 2018	May 14, 2018	10 days
Mailed Notice	10 days	May 14, 2018	May 14, 2018	10 days

#### **PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	1	0
Other neighbors on the			
block or directly across	0	0	0
the street			
Neighborhood groups	0	0	0

Other than the DR Requestor, the Department has not received any other comment.

#### DR REQUESTOR

The DR Requestor is Robb Mueller, 501 Anderson Street, owner and occupant of the adjacent property to the north of the Project.

#### DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

**Issue #1:** The Project's massing will impact the DR Requestor's property, due to the lack of a rear side setback to match the DR Requestor's deck's side setback.

**Issue #2:** The Project will impact the DR Requestor's privacy due to the roof deck.

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

#### PROJECT SPONSOR'S RESPONSE

The Project Sponsor has submitted the attached Response to Discretionary Review, dated May 11, 2018, which briefly discusses the changes made to the project on April 8th, 2018, and which form the basis of the agreement that was reached between the project sponsor and DR Requestor.

#### **ENVIRONMENTAL REVIEW**

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301(1)(4) and 15303(a).

#### RESIDENTIAL DESIGN TEAM REVIEW

As revised plans show a reduction in massing from the DR Requestor's side property line, the Project remains in compliance with the Residential Design Guidelines.

Under the Commission's pending DR Reform Legislation, this project <u>would</u> be referred to the Commission, as this project involves new construction on a vacant lot.

#### PROJECT MEDIATION AND REVISION

The Project Sponsor and DR Requestor have discussed the proposed project further and have arrived at a revised proposal to which both parties agree and wish to see proceed to the Planning Commission hearing on consent. The revised proposal would reduce the depth one foot, provide a three foot side setback at the rear of the second floor with no windows, and provide an additional setback at the corner of the roof deck.

The Project Sponsor has circulated an updated set of plans to the Department and DR Requestor, dated April 17th, 2018 (See Attached). In response, the DR Requestor has submitted a letter to Department staff acknowledging and accepting the revised plans and agreement. In order to memorialize the changes and agreement between the parties, the Commission must take Discretionary Review and Approve the Project as Modified.

#### **RECOMMENDATION:**

Take DR and Approve with Modifications

#### **Attachments:**

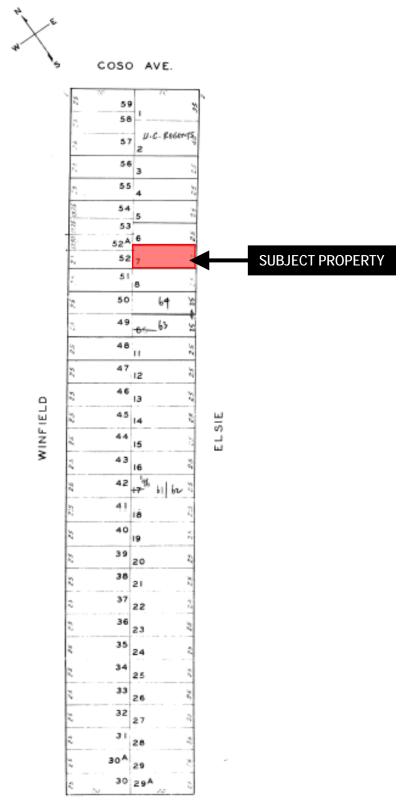
Block Book Map Sanborn Map Zoning Map Aerial Photographs Context Photos

#### Discretionary Review – Full Analysis May 24, 2018

CASE NO. 2017-007279DRP 20 Elsie Street

Section 311 Notice CEQA Determination DR Application Response to DR Application dated May 11, 2018 Reduced Plans

## **Parcel Map**

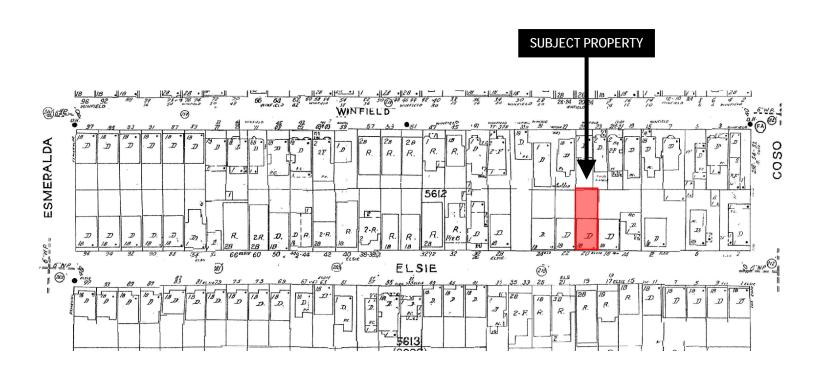


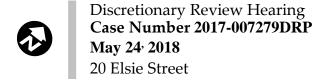
ESMERALDA AVE.



Discretionary Review Hearing Case Number 2017-007279DRP May 24, 2018 20 Elsie Street

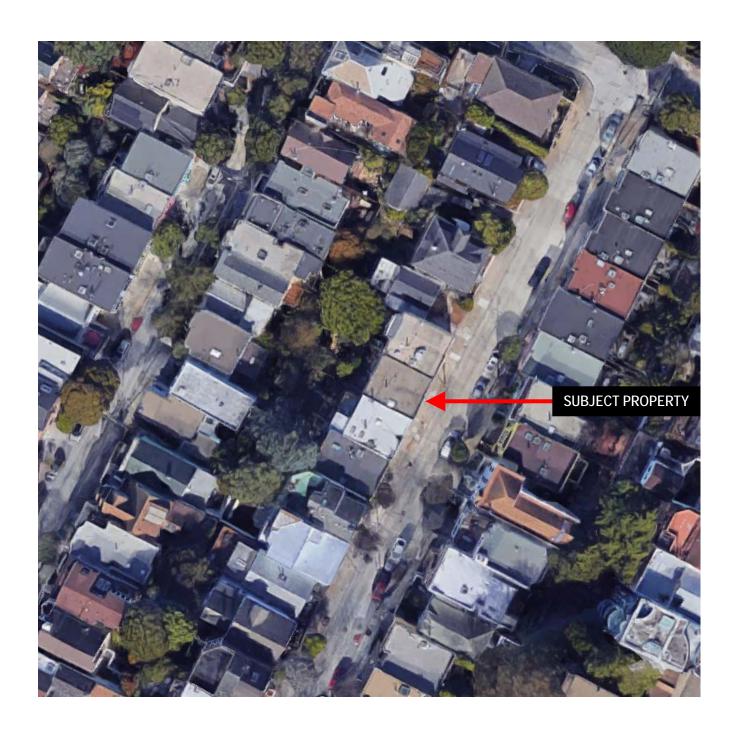
## Sanborn Map\*





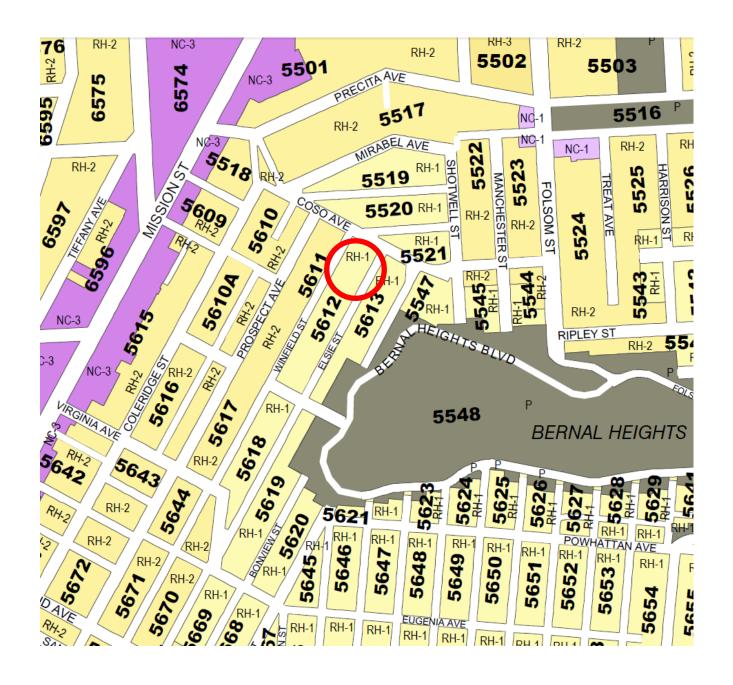
<sup>\*</sup>The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

## **Aerial Photo**





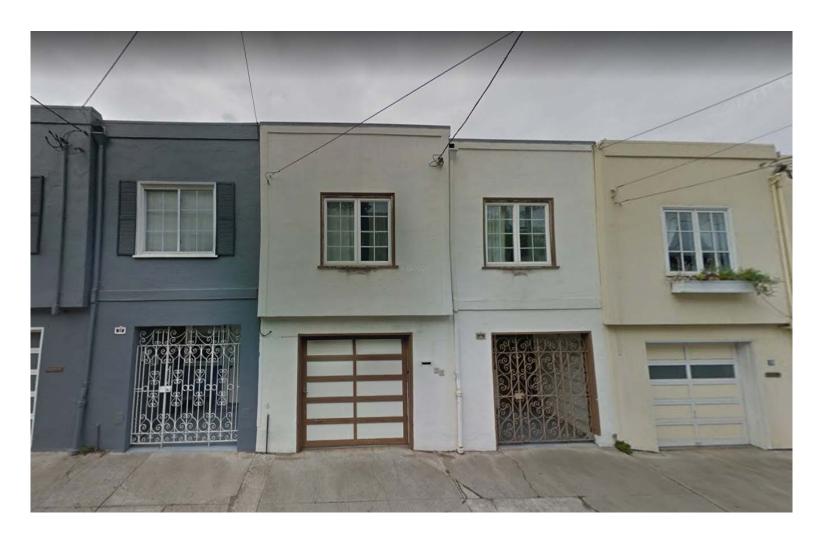
## **Zoning Map**





Discretionary Review Hearing Case Number 2017-007279DRP May 24<sup>,</sup> 2018 20 Elsie Street

## **Site Photo**



Discretionary Review Hearing Case Number 2017-007279DRP May 24<sup>,</sup> 2018 20 Elsie Street 1650 Mission Street Suite 400 San Francisco, CA 94103

#### NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **May 22, 2017**, the Applicant named below filed Building Permit Application No. **2017.05.22.7242** with the City and County of San Francisco.

PROJ	ECT INFORMATION	APPL	ICANT INFORMATION
Project Address:	20 Elsie Street	Applicant:	Michael Schulte
Cross Street(s):	Coso Avenue	Address:	6 Elsie Street
Block/Lot No.:	5612/007	City, State:	San Francisco, CA 94110
Zoning District(s):	RH-1 / 40-X	Telephone:	(415) 710-5805
Record No.:	2017-007279PRJ	Email:	michael@schulte-architecture.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	
☐ Demolition	□ New Construction	☑ Alteration
☐ Change of Use	☑ Façade Alteration(s)	☐ Front Addition
☑ Rear Addition	☐ Side Addition	☐ Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Single-Family Dwelling	Single-Family Dwelling
Front Setback	None	No Change
Side Setbacks	None	No Change
Building Depth	30 feet	+/- 40 feet
Rear Yard	40 feet	+/- 30 feet
Building Height	+/- 21 feet	No Change
Number of Stories	2	No Change
Number of Dwelling Units	1	1
Number of Parking Spaces	1	1
	PROJECT DESCRIPTION	O N

The Project proposes a two-story horizontal addition to an existing one-story single-family dwelling. The rear addition is 25 feet wide and 10 feet 3 inches deep at the ground floor. At the second floor, the read addition in 13 feet wide and 10 feet 3 inches deep, and approximately 21 feet in height. The Project also proposes a rear stairway with fire wall, and a roof deck. The lot is relatively flat with dimesions of 25 feet wide and 70 feet deep. Interior alterations are also proposed. 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: Jeffrey Speirs
Telephone: (415) 575-94106
E-mail: jeffrey.speirs@sfgov.org

Notice Date: **Expiration Date:** 

#### 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 <a href="https://www.communityboards.org">www.communityboards.org</a> 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>). 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>. If the project includes multiple building permits, i.e. demolition and new construction, a <a href="mailto:separate request">separate request</a> for Discretionary Review must be submitted, with all required materials and fee, for <a href="mailto:each">each</a> 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 <a href="www.sfplanning.org">www.sfplanning.org</a>. 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.

## **CEQA Categorical Exemption Determination**

#### PROPERTY INFORMATION/PROJECT DESCRIPTION

Proje	ct Address		Block/Lot(s)
20 EL	SIE ST		5612/007
Case	No.		Permit No.
2017-	-007279PRJ		201705227242
Ac	Idition/	Demolition (requires HRE for	New
Alt	teration	Category B Building)	Construction
Proje	ct description for	Planning Department approval.	
		L ADDITION @ REAR OF BLDG. 120 SQ FT 2ND	
FT R	OOF DECK. INCLU	JDES KITCHEN REMODEL & (N) BATHROOM @	) 1ST FL
STE	P 1: EXEMPTIC	ON CLASS	
		ON CLASS applies, an Environmental Evaluation Application	on is required.*
	e: If neither class a	applies, an Environmental Evaluation Application g Facilities. Interior and exterior alterations; addit	-
	Class 1 - Existin use under 10,000	applies, an Environmental Evaluation Application g Facilities. Interior and exterior alterations; addit	ions under 10,000 sq. ft.; change of
	Class 1 - Existin use under 10,000 Class 3 - New C building; comme	applies, an Environmental Evaluation Application g Facilities. Interior and exterior alterations; addit o sq. ft. construction. Up to three new single-family resider	ions under 10,000 sq. ft.; change of nces or six dwelling units in one
	Class 1 - Existin use under 10,000 Class 3 - New Co building; comme Class 32 - In-Fil 10,000 sq. ft. and	applies, an Environmental Evaluation Application g Facilities. Interior and exterior alterations; addit o sq. ft. construction. Up to three new single-family resident recial/office structures; utility extensions I Development. New Construction of seven or mode meets the conditions described below:	ions under 10,000 sq. ft.; change of nces or six dwelling units in one re units or additions greater than
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#### **STEP 2: CEQA IMPACTS**

#### TO BE COMPLETED BY PROJECT PLANNER

If any b	ox is checked below, an Environmental Evaluation Application is required.
	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
	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. 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).
	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units?  Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
	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)
	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
	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.
	<b>Seismic:</b> 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.
	<b>Seismic:</b> 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.
1	boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an ronmental Evaluation Application is required, unless reviewed by an Environmental Planner.
Com	ments and Planner Signature (optional): Jeffrey Speirs

#### STEP 3: PROPERTY STATUS - HISTORIC RESOURCE TO BE COMPLETED BY PROJECT PLANNER PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map) Category A: Known Historical Resource. GO TO STEP 5. Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4. 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. 1. Change of use and new construction. Tenant improvements not included. 2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building. 3. Window replacement that meets the Department's Window Replacement Standards. Does not include storefront window alterations. 4. Garage work. A new opening that meets the Guidelines for Adding Garages and Curb Cuts, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines. 5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way. 6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way. 7. Dormer installation that meets the requirements for exemption from public notification under Zoning Administrator Bulletin No. 3: Dormer Windows. 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. Project is not listed. GO TO STEP 5. Project does not conform to the scopes of work. GO TO STEP 5. Project involves four or more work descriptions. GO TO STEP 5. Project involves less than four work descriptions. GO TO STEP 6. STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW TO BE COMPLETED BY PROJECT PLANNER Check all that apply to the project. 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. 2. Interior alterations to publicly accessible spaces. 3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character. 4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.

5. Raising the building in a manner that does not remove, alter, or obscure character-defining

6. Restoration based upon documented evidence of a building's historic condition, such as historic

中文詢問請電: 415.575.9010

photographs, plans, physical evidence, or similar buildings.

features.

	<ol> <li>Addition(s), including mechanical equipment that are mile and meet the Secretary of the Interior's Standards for Reha</li> </ol>		
	8. <b>Other work consistent</b> with the Secretary of the Interior Properties (specify or add comments):		
	9. Other work that would not materially impair a historic dis	strict (specify or add comments):	
	(Requires approval by Senior Preservation Planner/Preserv	vation Coordinator)	
	10. <b>Reclassification of property status</b> . (Requires approve Planner/Preservation	al by Senior Preservation	
	Reclassify to Category A	Reclassify to Category C	
	a. Per HRER dated (attack	h HRER)	
	b. Other (specify):		
	Note: If ANY box in STEP 5 above is checked, a Prese	ervation Planner MUST check one box belo	w.
	Further environmental review required. Based on the info Environmental Evaluation Application to be submitted. GO		
	Project can proceed with categorical exemption review.  Preservation Planner and can proceed with categorical exe	The project has been reviewed by the	
Comm		The project has been reviewed by the	
Comm	Preservation Planner and can proceed with categorical exe	The project has been reviewed by the	
	Preservation Planner and can proceed with categorical exe	The project has been reviewed by the	
Preser ——————————————————————————————————	Preservation Planner and can proceed with categorical exe ents (optional):	The project has been reviewed by the emption review. <b>GO TO STEP 6.</b>	
Preser ——————————————————————————————————	Preservation Planner and can proceed with categorical exe ents (optional):  vation Planner Signature:  EP 6: CATEGORICAL EXEMPTION DETERMINATION BE COMPLETED BY PROJECT PLANNER  Further environmental review required. Proposed project	The project has been reviewed by the emption review. GO TO STEP 6.	
Preser ——————————————————————————————————	Preservation Planner and can proceed with categorical exe ents (optional):  vation Planner Signature:  EP 6: CATEGORICAL EXEMPTION DETERMINATION BE COMPLETED BY PROJECT PLANNER	The project has been reviewed by the emption review. GO TO STEP 6.	
Preser ——————————————————————————————————	Preservation Planner and can proceed with categorical exe ents (optional):  vation Planner Signature:  EP 6: CATEGORICAL EXEMPTION DETERMINATION BE COMPLETED BY PROJECT PLANNER  Further environmental review required. Proposed project (check all that apply):  Step 2 - CEQA Impacts  Step 5 - Advanced Historical Review	The project has been reviewed by the emption review. GO TO STEP 6.  ON  does not meet scopes of work in either	
Preser ——————————————————————————————————	Preservation Planner and can proceed with categorical exe ents (optional):  Particle Performance  Performance  Performance  Performance  Performance  Performance  Performance  Performance  Proposed project  (check all that apply):  Step 2 - CEQA Impacts  Step 5 - Advanced Historical Review  STOP! Must file an Environmental Evaluation Application	The project has been reviewed by the emption review. GO TO STEP 6.  ON  does not meet scopes of work in either	
Preser ——————————————————————————————————	Preservation Planner and can proceed with categorical exe ents (optional):  vation Planner Signature:  EP 6: CATEGORICAL EXEMPTION DETERMINATION BE COMPLETED BY PROJECT PLANNER  Further environmental review required. Proposed project (check all that apply):  Step 2 - CEQA Impacts  Step 5 - Advanced Historical Review	The project has been reviewed by the emption review. GO TO STEP 6.  ON  does not meet scopes of work in either  on.  t is categorically exempt under CEQA.	
Preser ——————————————————————————————————	Preservation Planner and can proceed with categorical exempts (optional):  Particle Personal Planner Signature:  Personal Planner Si	The project has been reviewed by the emption review. GO TO STEP 6.  ON  does not meet scopes of work in either  in.  t is categorically exempt under CEQA. In a reasonable possibility of a significant  Signature:	
Preser ——————————————————————————————————	Preservation Planner and can proceed with categorical exe ents (optional):  Patient Planner Signature:  Performance Performanc	The project has been reviewed by the emption review. GO TO STEP 6.  ON  does not meet scopes of work in either  in.  t is categorically exempt under CEQA. In a reasonable possibility of a significant  Signature:  Jeffrey Speirs	
Preser ——————————————————————————————————	Preservation Planner and can proceed with categorical exempts (optional):  Particle Personal Planner Signature:  Personal Planner Si	The project has been reviewed by the emption review. GO TO STEP 6.  ON  does not meet scopes of work in either  in.  t is categorically exempt under CEQA.  a reasonable possibility of a significant  Signature:  Jeffrey Speirs  02/01/2018	

#### 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

#### PROPERTY INFORMATION/PROJECT DESCRIPTION

Proje	ct Address (If different than fron	t page)	Block/Lot(s) (If different than front page)
20 EL	SIE ST		5612/007
Case	No.	Previous Building Permit No.	New Building Permit No.
2017-	007279PRJ	201705227242	
Plans	s Dated	Previous Approval Action	New Approval Action
		Building Permit	
Modi	fied Project Description:		
DE	FERMINATION IF PROJECT	CONSTITUTES SUBSTANTIAL MODIF	ICATION
Com	pared to the approved project, w	ould the modified project:	
	Result in expansion of the buil	ding envelope, as defined in the Planning (	Code;
	Result in the change of use th Sections 311 or 312;	at would require public notice under Planni	ng Code
	Result in demolition as defined	d under Planning Code Section 317 or 190	05(f)?
		ented that was not known and could not have rmination, that shows the originally approve ption?	
If at I	east one of the above boxes is	checked, further environmental review i	s required.
DET	ERMINATION OF NO SUBSTA	NTIAL MODIFICATION	
	The proposed modification wo	uld not result in any of the above changes.	
approv	al and no additional environmental revi	ons are categorically exempt under CEQA, in accord ew is required. This determination shall be posted on the applicant, City approving entities, and anyone re-	n the Planning
Plani	ner Name:	Signature or Stamp:	

## APPLICATION FOR Discretionary Review

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:  Fernando Aguilar  ADDRESS:  TELEP	HONE: )336-2474
DR APPLICANT'S ADDRESS:  5403 Candlelight Drive - La Jolla, CA  PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:  Fernando Aguilar  ADDRESS:  TELEP	
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:  Fernando Aguilar  ADDRESS:  TELEP	)336-2474
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:  Fernando Aguilar  ADDRESS:  ZIP CODE:  TELEP	
Fernando Aguilar  ADDRESS: ZIP CODE: TELEP	
ADDRESS: ZIP CODE: TELEP	
ADDRESS:	HONE
94110 (415	) 407-1435
20 Elsie Street - San Francisco, CA 94110 (415	) 407 1 133
CONTACT FOR DR APPLICATION:	
Same as Above	
ADDRESS: ZIP CODE: TELEF	PHONE:
	)
E-MAIL ADDRESS:	
robbmueller@gmail.com	
STREET ADDRESS OF PROJECT:  20 Elsie Street - San Francisco, CA  CROSS STREETS  Coso Street	ZIP CODE: 94110
	BULK DISTRICT:
ASSESSORS BLOCK/LOT:  Depth 70 swift 1750 RH-1. BH-510 40-X	BUCK DISTRICT.
5612 /007 Deptit / 0 mile 1/50 KH-1, 5430 F	

#### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?		×
Did you discuss the project with the Planning Department permit review planner?		×
Did you participate in outside mediation on this case?		<b>X</b>

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

## Discretionary Review Request

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

ι.	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.
5	ee 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:
_ 5	ee 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
No.	

1. What are the reasons for requesting Discretionary Review? What are the exceptional and extraordinary circumstances that justify Discretionary Review? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines?

The reasons for filing the DR are:

- Massing Impacts due to the lack of a rear side setback to at least match the setback of
  my rear deck and extension of the addition beyond the rear walls of this cluster of
  homes; and
- II. <u>Privacy Impacts</u> due to the roof deck which violates the Planning Commission's roof deck policy, now long established thru consistent DR action.

#### **Massing Impacts**

The project seeks to go beyond the maximum primary rear wall of any of the four homes which form a cluster around the subject property and does so without introducing side setbacks to match adjacent existing rear side setbacks. The result in this case is that a large wall will be placed right on the property line next to my upper and lower decks, the only easily useable and accessible open space for my home (because my lot is so steep). See Exhibits A and B. The proposed wall will remove ambient light and be right in the face of occupants on my decks, leaving them feeling "boxed in and cut-off from the mid-block open space" (language from p. 26, RDG) on the north side of the block.

Bernal Heights lots and homes are small, which amplify impacts of adjacent construction. For this reason, most projects come in the (Planning) door with sensitive side setbacks matching those on adjacent homes. Two examples the Commission has seen are 1520 Florida and 3332 Folsom. In the former, the project introduced a rear yard setback very similar to what I am asking for; the Commission cited this rear setback as one of the main reasons not to take DR. At 3332 Folsom, a rear side setback was introduced at the top floor (because the lot was steeply upsloping and lower floors were below the fence line). Notably, on that project the Commission introduced privacy barriers to a deck labelled "roof deck" but it was in fact one floor lower than the roof (ie, there was no roof deck but they still reduced impacts from a lower level deck). Other examples throughout the City will be provided at the hearing. Most of them show the architect incorporated side setbacks in compliance with the Residential Design Guidelines even before submitting the plans to the City.

The impact of the wall introduced on the property line next to my decks is exceptional because of the small size of my and surrounding lots (1750 sf) and disregard for its impact on a neighbor's property. We are already cheek-to-jowl with a small mid-block open space. The

introduction of a wall right in my face will remove my house from half of the mid-block open space.

#### **Privacy Impacts**

A person standing on the proposed roof deck will have direct sight lines to the rear yards and bedroom windows of homes fronting on Winfield Street, the front top floor windows of 17, 19 and 21 Elsie, my rear yard and my deck. No reduction in size or change to railing location will remove all of these sight lines. See Exhibits C and D. There are no existing roof decks in the immediate vicinity of the project. The Planning Commission has been very clear in not allowing new roof decks in areas in which there are none already in the immediate vicinity of the block. This is because once one roof deck is introduced, others will follow, leaving no one with any privacy in their yards, front windows or rear windows. The privacy impacts in neighborhoods like Bernal Heights, where lots are very small and private space is already so cramped, are heightened.

That Planning staff failed to implement the Commission's well-established policy on roof decks is extraordinary.

#### Residential Design Guidelines

The proposed wall adjacent to my existing deck and the proposed roof deck violate the following Residential Design Guidelines:

GUIDELINE: Articulate the building to minimize impacts on light and privacy to adjacent properties.

Rear side setbacks are typically required above the ground level if adjacent homes have such setbacks. Here, because of the steep down slope, both occupied levels are above the fence line (all of the top floor and most of the first occupied floor) so the rear side setback should be at both occupied levels. As noted above, there is no roof deck that can avoid privacy impacts on some neighbors; the project will have one large deck off the living room and one small deck off the downstairs bedroom, obviating the need for a roof deck as useable open space.

GUIDELINE: Design the height and depth of the building to be compatible with the existing building at the mid-block open space. "Notch the building at the rear or provide setbacks from side property lines" (page 26, RDG).

Most projects have such setbacks before they are even reviewed by Planning. The Commission generally imposes them when they are absent. This is a simple, no-brainer guideline that has been wholly disregarded.

GUIDELINE: Design the building's form to be compatible with that of surrounding buildings. "Though the Planning Code establishes the maximum building envelope by dictating setbacks and heights, the building must also be compatible with the form of surrounding buildings" (p. 28, RDG).

The cluster of four homes around the project site have a defined rear perimeter on the top two floors which allow each home to be fully connected to the mid-block open space from a 180-degree angle. The introduction of an addition that pierces the rear wall pattern and also does not incorporate rear side setbacks shuts both adjacent neighbors off from the mid-block on one side – an impact heightened by the fact the lots and midblock open space is so small.

#### Plan Quality and Neighborhood Review

The plans lack detail, lack important dimensions and inaccurately portray my property. The dimension between my deck and property line is not shown, nor is the depth of my two decks; the lower deck is shown at different depths in the site plan and floor plans than in the elevation. Both are probably wrong, but the site plan and floor plan views are absolutely wrong and falsely portray that the addition will only go as far out as my lower deck. When plans are submitted that are clearly inaccurate (because they are shown with different dimensions in different views, conveniently for the sponsor's benefit) there should be some penalty for the architect, as recently noted in public comment testimony before the Planning Commission. The lot size is inaccurately listed on page 1 of the plans as 3500 sf when it is half that size, making it seem that the FAR is inordinately small whereas it is over 1.

I was not sent an invitation to the pre-application meeting or the Northwest Bernal Heights Design Review Board meeting. The neighborhood's East Slope Design Review Board (which this project did not have to go before) regularly asks for rear side setbacks to match existing side setbacks and the for the removal of roof decks. Something is wrong with this neighborhood review process when projects in the same general neighborhood are being treated so differently under the same set of citywide guidelines (the RDGs).

2. Explain how this project would cause unreasonable impacts...to your property and/or the properties of others.

Explained under no. 1 above.

3. What alternatives or changes would respond to the exceptional and extraordinary circumstances?

- 1) The roof deck should be removed, consistent with the Planning Commission's well-established ruling on roof decks;
- 2) The rear addition should be reduced in depth to match the rear railing on my top floor deck;
  - 3) The rear addition should be pulled in on my side to match my rear side setback.

The proposed changes will actually INCREASE useable interior space on the main level because the interior stair to the roof deck would be removed, allowing an increase in size to the family room or reconfiguration of the kitchen into the former stair area or, alternatively, make room for a formal dining area adjacent to the family room. The loss of space on the lower level would only be to a storage area. My proposed changes would not negatively affect the program and would reduce the owner's construction costs while significantly alleviating the massing and privacy impacts to me and my neighbors.

### 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.

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

Robb Mueller - owner Owner/Authorized Agent (circle one)

Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

1/9/18

To whom it may concern,

We, Robb and Lianne Mueller, hereby authorize Mary Gallagher to file an application for discretionary review with the San Francisco Planning Department.

Thank you for your assistance in this matter

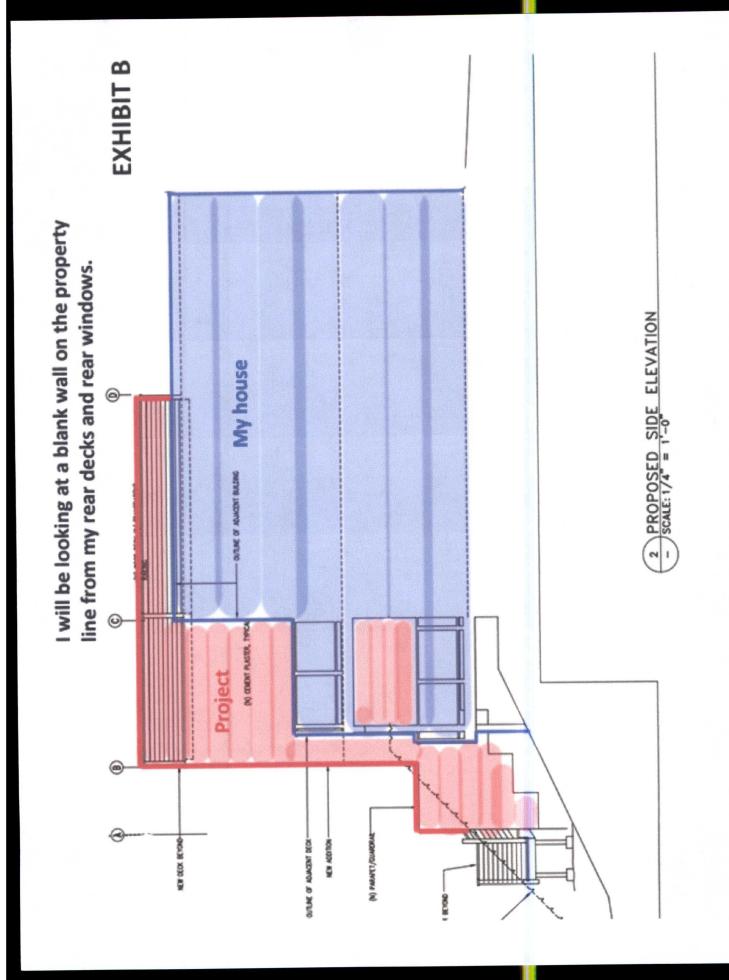
Robb Mueller.

Lianne Mueller,

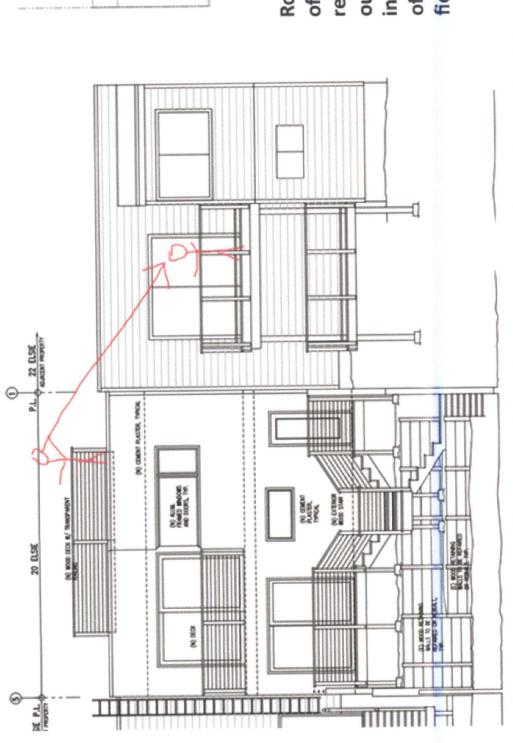
from

Doll Muelle





# **EXHIBIT C**

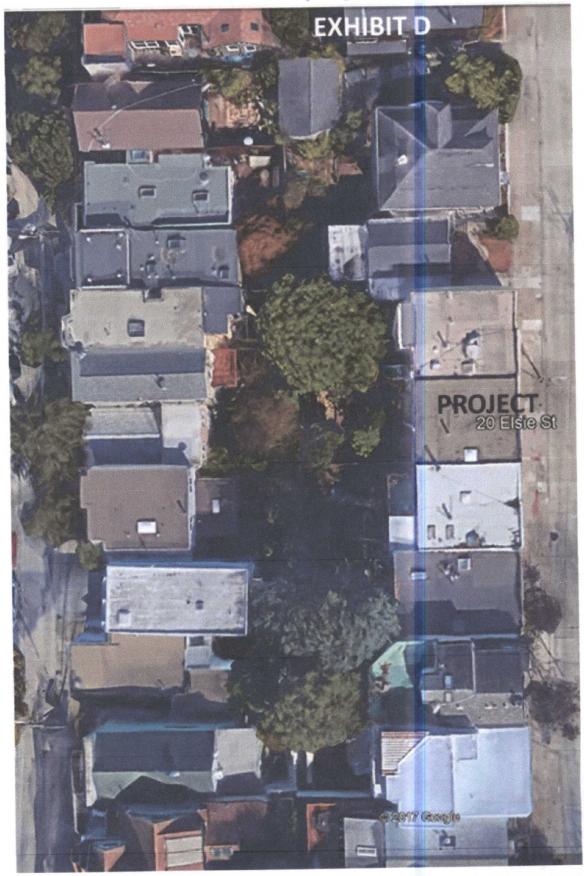


site plan

Roofdeck lines
of sight to my
rear deck, thruout my yard and
into rear windows
of homes on Winfield.

be in direct violation the the Commission's well-established policy on roof decks. Roof decks There are NO ROOF DECKS in the immediate area (see EXHBIT D). Introduction of one would in the context of such small lots and small mid-block open space are an especially egregious violation of privacy.

## No roofdecks in project area



r Discretionary Review

## 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	
Address labels (original), if applicable	0
Address labels (copy of the above), if applicable	0
Photocopy of this completed application	
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	
Letter of authorization for agent	
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	

NOTES:
Required Material

Optional Material.
O Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

RECEIVED

For Department Use Only Application received by Planning Department:

slung Yen Hongy

JAN 09 - 278 Date: CITY & COUNTY OF S.F.

			OADDR	CITY	STATE	ZIP
BLOCK	LOT	OWNER		MUELLER	18	0103
0001	001	RADIUS SERVICES NO. 5612007T	20 ELSIE ST			
0001	002			SAN FRANCISCO	CA	94103
0001	003	RADIUS SERVICES	1221 HARRISON ST #18	LA JOLLA	CA	92037
0001	004	ROBB MUELLER	5403 CANDLELIGHT DR	LA JOLLA	OA.	
0001	005			CAN EDANCISCO	CA	94110-5107
5612	006	J & S FORSAYETH	18 ELSIE ST	SAN FRANCISCO	CA	94110-5107
5612	007	AGUILAR FERNANDO	20 ELSIE ST	SAN FRANCISCO		94110-5107
5612	008	R & L MUELLER	22 ELSIE ST	SAN FRANCISCO	CA	
5612	051	D & C ZIEGLER	27 WINFIELD ST	SAN FRANCISCO	CA	94110-5140
5612	052	CATHERINE ART	25 WINFIELD ST	SAN FRANCISCO	CA	94110-5140
5612	052A	CHARLES HINSON	23 WINFIELD ST	SAN FRANCISCO	CA	94110-5140
		LISA FILIPPI	25 ELSIE ST	SAN FRANCISCO	CA	94110-5106
5613	051	HARROVER & RILEY	21 ELSIE ST	SAN FRANCISCO	CA	94110-5106
5613	052	CHRISTINA O'REILLY	19 ELSIE ST	SAN FRANCISCO	CA	94110-5106
5613	053		17 ELSIE ST	SAN FRANCISCO	CA	94110-5106
5613	054	JANIS RAFFA	15 ELSIE ST	SAN FRANCISCO	CA	94110-5106
5613	055	MARK MACKLER	818 CREED RD	OAKLAND	CA	94610-1827
5613	071	TUZZO & SURJADI	33 ELSIE ST	SAN FRANCISCO	CA	94110-5106
5613	071	OCCUPANT		SAN FRANCISCO	CA	94110-5106
5613	072	N & J ANN	35 ELSIE ST		211	
9999	999			* * * * * *		

## RESPONSE TO DISCRETIONARY REVIEW (DRP)





#### SAN FRANCISCO PLANNING DEPARTMENT

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

Pr	Project Information		
Pro	erty Address: Zip Code:	Zip Code:	
Bu	ng Permit Application(s):		
Re	rd Number: Assigned Planner:		
Pr	ect Sponsor		
Na	Phone:		
Em			
Re	uired 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 equester 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 neet neighborhood concerns, please explain those changes and indicate whether they were made bor after filing your application with the City.		
3.	f you are not willing to change the proposed project or pursue other alternatives, please state why you hat your project would not have any adverse effect on the surrounding properties. Include an explair of your needs for space or other personal requirements that prevent you from making the changes equested by the DR requester.		

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

	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:	Property Owner Authorized Agent

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

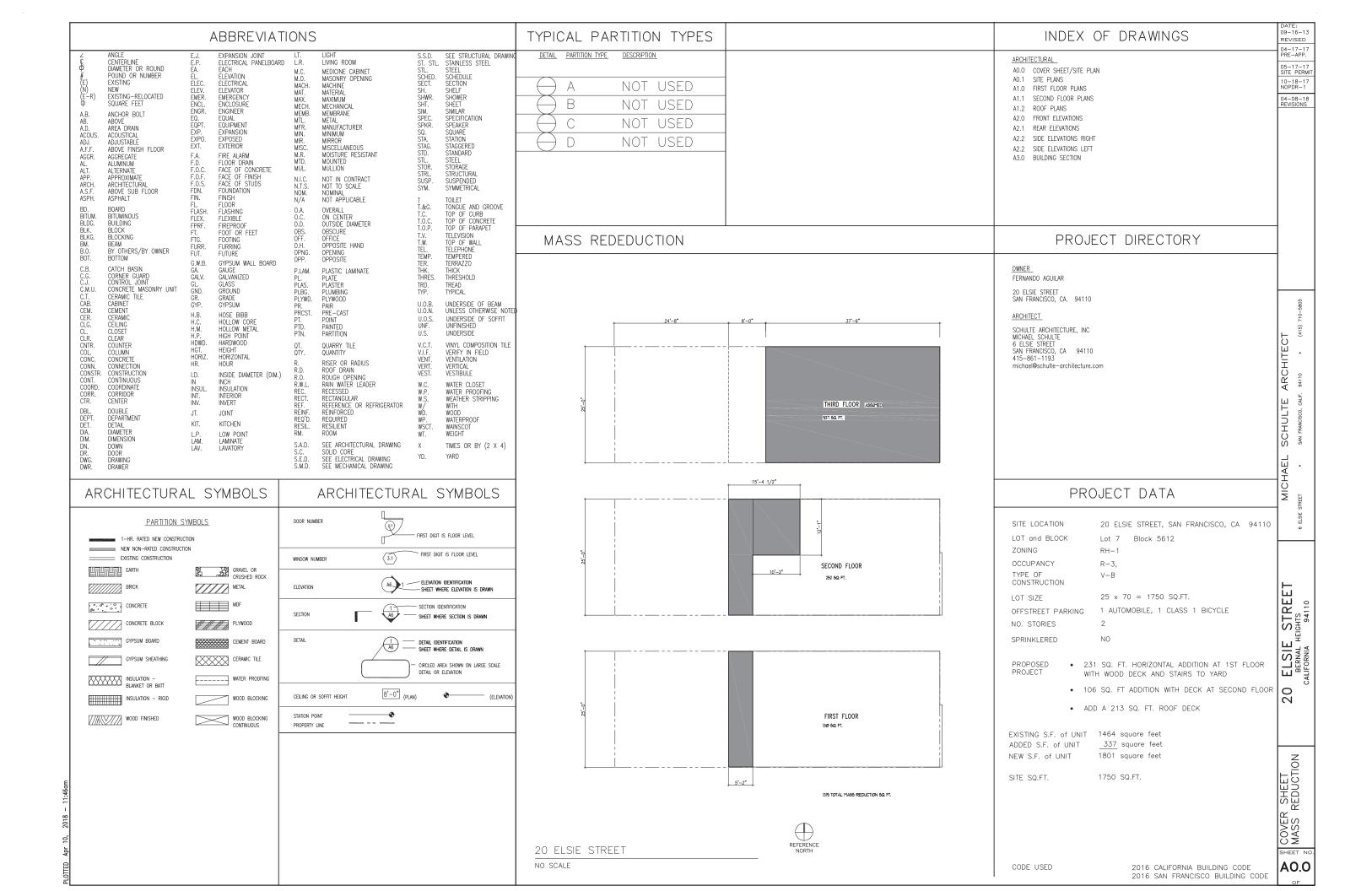
**Project Features** 

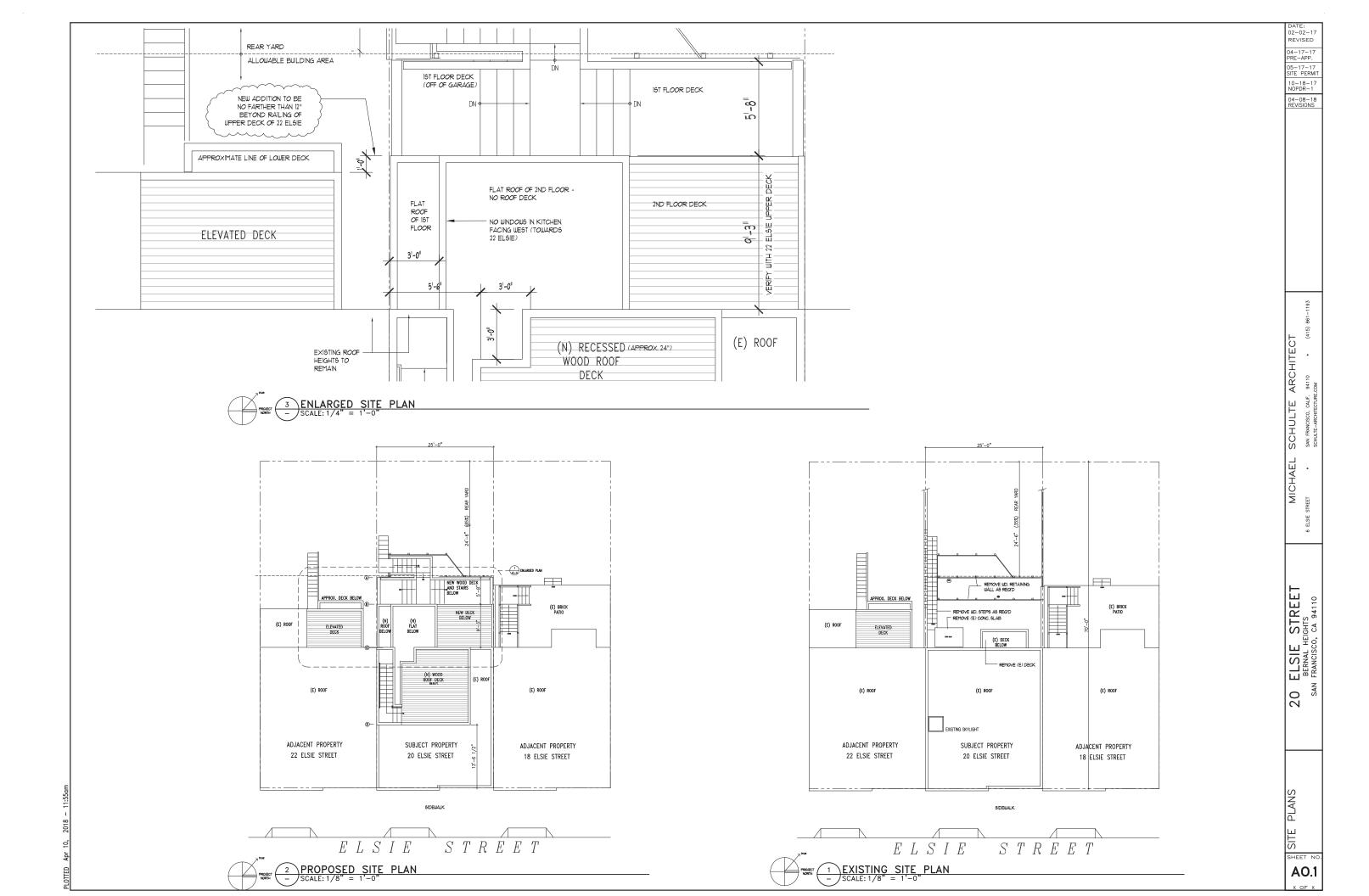
#### 20 Elsie Street

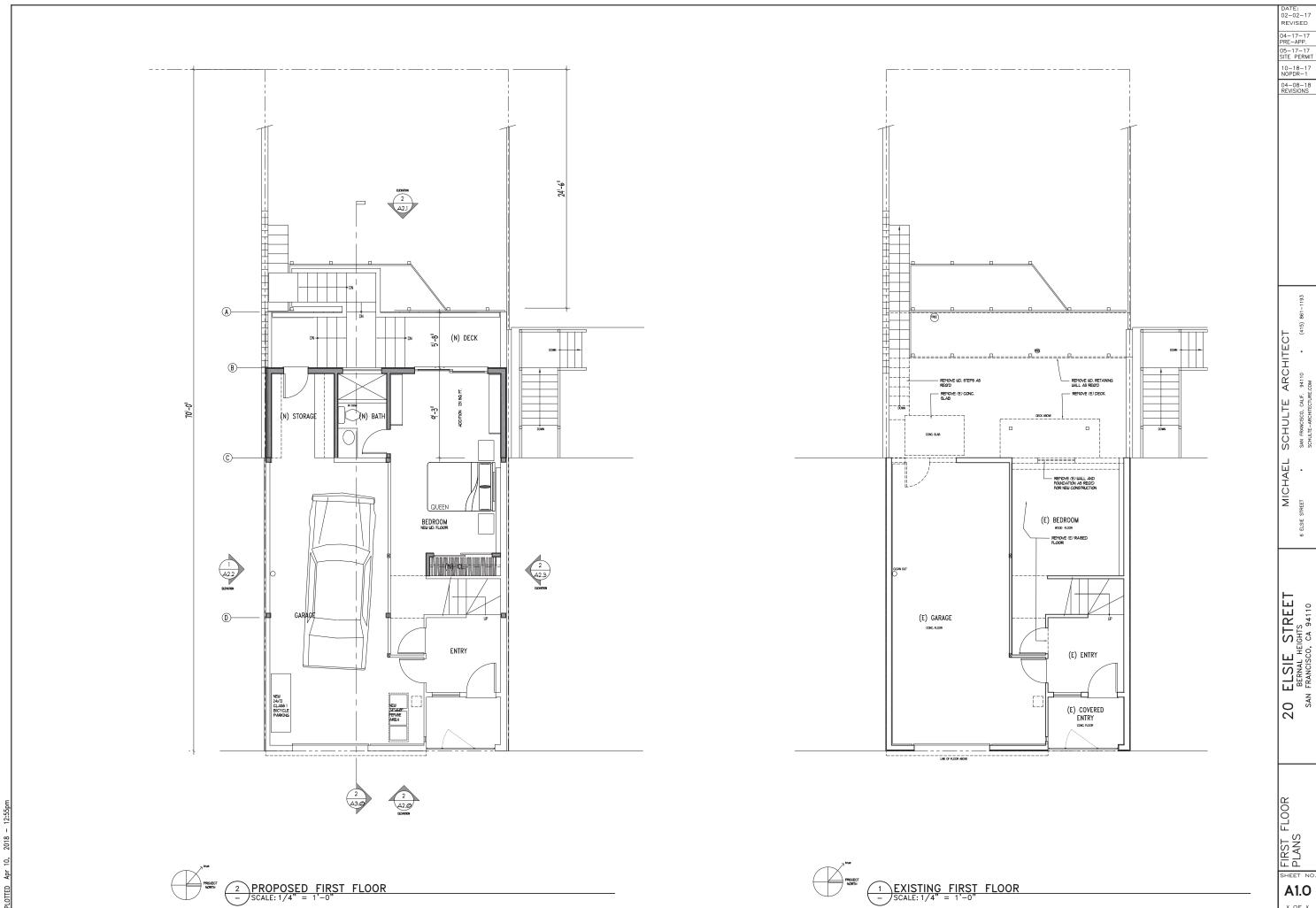
#### 2017.0522.7242

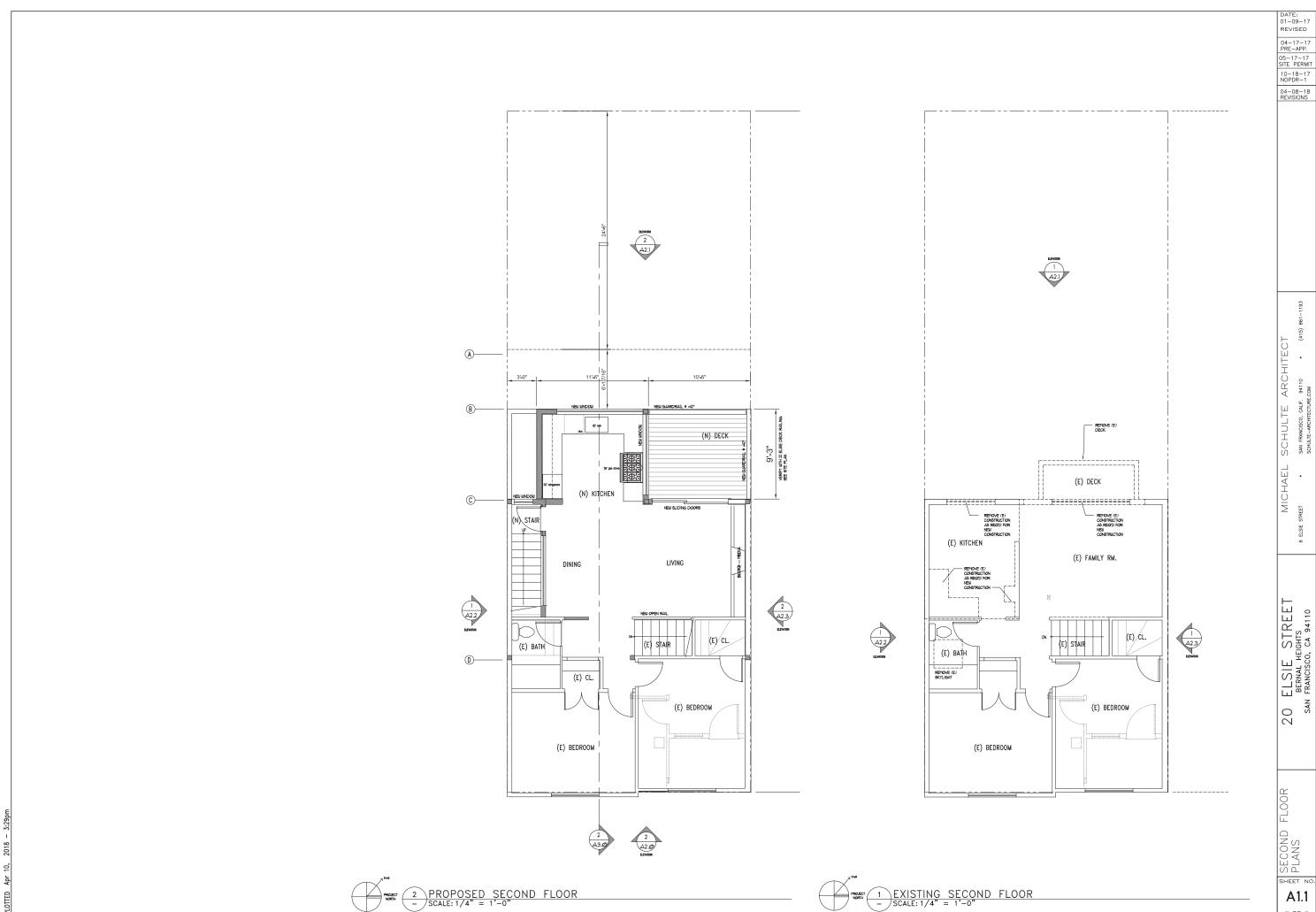
Project Sponsor and DR Requester have agreed upon the following changes in order to resolve the Discretionary Review.

- The rear building wall on the 1<sup>st</sup> and 2<sup>nd</sup> floors shall not exceed 12 inches beyond DR Requester's guardrail on the upper deck.
- The addition will have a 3'-0" setback at the 2<sup>nd</sup> floor along the shared property line.
- There will be no windows facing the shared property line.
- The roof deck will not extend beyond the existing rear building wall; is configured to exclude a 3'-0" x 3'-0" notch at the Southwest corner for privacy; will have a 5'-6" setback from the shared property line.
- The roof deck will be recessed into the existing roof by 24 inches.









DATE: 01-09-17 REVISED

