



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis HEARING DATE: JULY 18, 2019

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

Reception:  
**415.558.6378**

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**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* July 10, 2019  
*Case No.:* **2018-007676DRP**  
*Project Address:* **3902 Clay Street**  
*Permit Application:* 2018.0724.5358  
*Zoning:* RH-1 [Residential House, One-Family]  
40-X Height and Bulk District  
*Block/Lot:* 0991/005A  
*Project Sponsor:* James A. Reuben  
Reuben, Junius, & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104  
*Staff Contact:* Katie Wilborn – (415) 575-9114  
[Katherine.Wilborn@sfgov.org](mailto:Katherine.Wilborn@sfgov.org)  
*Recommendation:* **Do not take DR and approve**

### PROJECT DESCRIPTION

The project consists of raising the building by 16" and inserting a new garage and curb cut on the Clay Street front façade to the existing two-story (at the street) single-family home. The proposal also includes an interior remodel throughout, replacement of the existing rear deck, infilling a patio at the western second story, and a vertical addition at the rear of the building that would result in a third floor, setback approximately 28 feet from the Clay Street façade. The proposed project would result in a three-story-over-garage, single-family home.

### SITE DESCRIPTION AND PRESENT USE

The site is an approximately 29'-6" wide x 53'-2" deep lot with an existing 2-story at street, single-family house built in 1903. The building is a category 'A' historical resource and is within the Eligible Presidio Heights Historic District.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

This property is located on Clay Street, near Cherry Street, and is set within the Eligible Presidio Heights Historic District. The Subject Property, the adjacent corner property (249 Cherry Street) and the property abutting the Subject Property's rear yard (237-239 Cherry Street) were called out as a predominant, per-earthquake cluster of fine architecture within the Here Today book; stating: "All three of these houses are attractive individual interpretations of the Shingle Style. The property of the houses was once one parcel, which was divided up into un-equal-sized lots" (p.257). Since the lots originate from a single parcel and are of unequal proportions, the existing mid-block open space is constrained.

## BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	3.13.2019 – 4.12.2019	4.10. 2019	7.18. 2019	99 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	June 28, 2019	June 28, 2019	20 days
Mailed Notice	20 days	June 28, 2019	June 28, 2019	20 days
Online Notice	20 days	June 28, 2019	June 28, 2019	20 days

## PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	3	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	0	0

## 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).

## DR REQUESTOR

DR requestor

Kathryn Lasater of 249 Cherry Street, adjacent neighbor to the East.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

1. Raising the historic residence 16" whilst adding an 8'-6" vertical addition, greatly impacts privacy and access to (western) light, air, and privacy for the adjacent structure at 249 Cherry Street.
2. The proposed building massing does not provide adequate light, air, privacy, and convenient access to any of the surrounding buildings, nor does it respect shared light wells.

Proposed alternative: provide 4' x 4' notches at the corners that are adjacent to the DR requestors' building to preserve the access to light and air.

See attached *Discretionary Review Application*, dated April 10, 2019.

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The project complies with the Residential Design Guidelines (RDGs) in relation to the DR requestor's issues related to the vertical addition's impact to light, air, and privacy. The project proposes no windows that face the DR Requestor's property and therefore, there are no privacy concerns. The DR Requester's windows are property line windows into a stairwell and a dressing room, with minimal impact to the stairwell.

See attached *Response to Discretionary Review*, dated May 2, 2019.

## RESIDENTIAL DESIGN TEAM REVIEW

The Department's Residential Design Advisory Team (RDAT) re-reviewed this and confirmed that this addition does not present an exceptional or extraordinary circumstance with respect to light, air, and privacy for the following reasons.

1. The DR requestor's building has two windows directly affected by the proposed addition. One located on the property line serving a dressing room, and the second which is setback from the side property line by approximately 3' serving a stair well. The stair well is served by two other windows on the same southwest wall that will not be blocked.

The Planning Department does not protect property line windows unless there are exceptional or extraordinary conditions, as these are non-code complying conditions. For example, in cases where the only actual or possible source of required light and air is provided by the pre-existing property line windows. The window serving the dressing room has another window facing the rear, nor does the room require a window.

The stair well has a bank of three windows set back 3' to ensure they are not walled off by adjacent construction. The proposed addition will build out to the width of one of these. The 3' setback along with the unobstructed reminding two windows will continue to adequately serve the purposes of light and air for this space. It is difficult to see how privacy is impacted by the proposed addition since no windows have any direct view into the neighbors' stair well.

<b>RECOMMENDATION:</b>	Do not take DR and approve project
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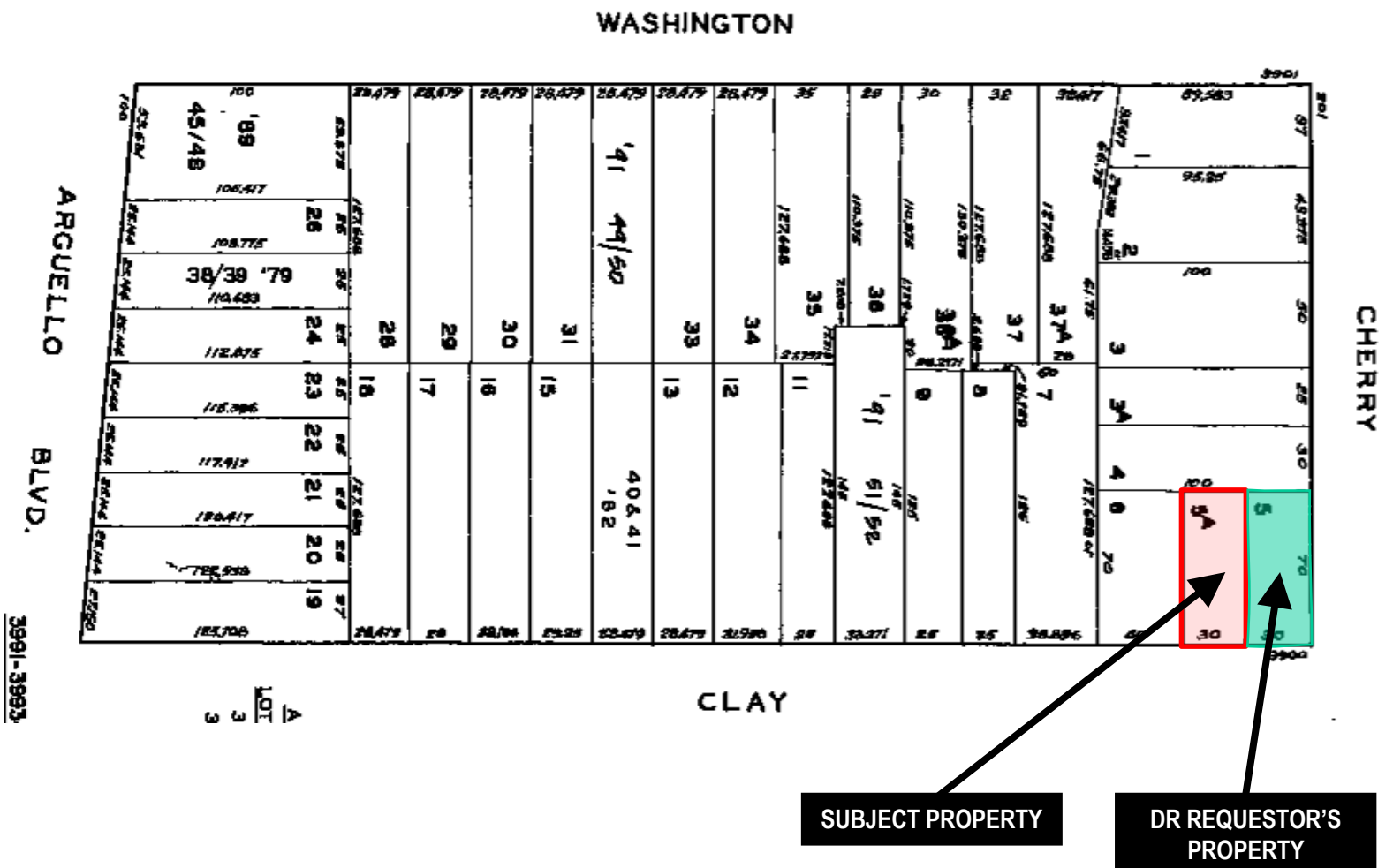
**Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
CEQA Determination  
DR Application  
Response to DR Application, drawings dated April 15, 2019  
Reduced Plans



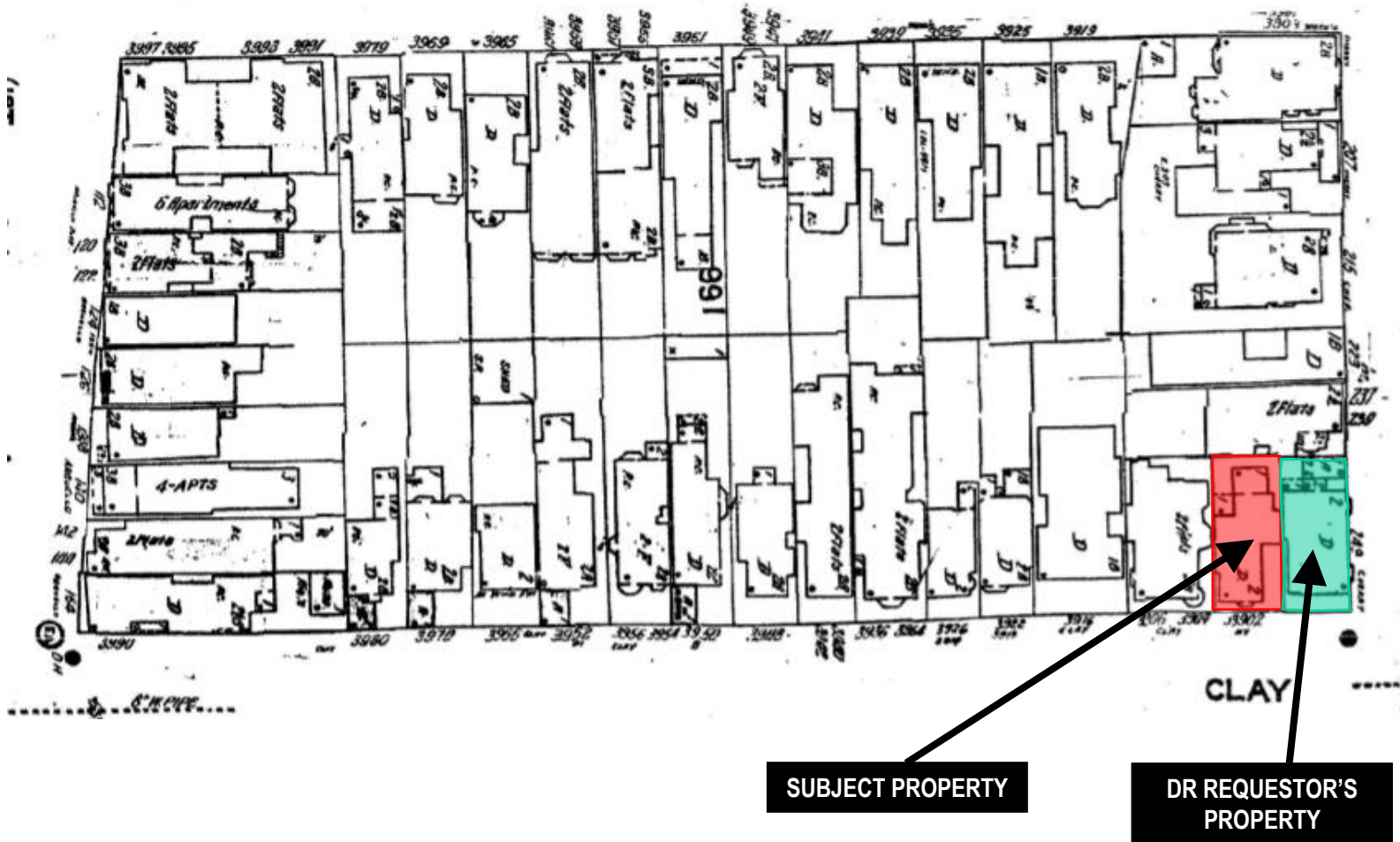
# Exhibits

# Parcel Map



Discretionary Review Hearing  
**Case Number 2018-007676DRP**  
 3902 Clay Street

# Sanborn Map\*

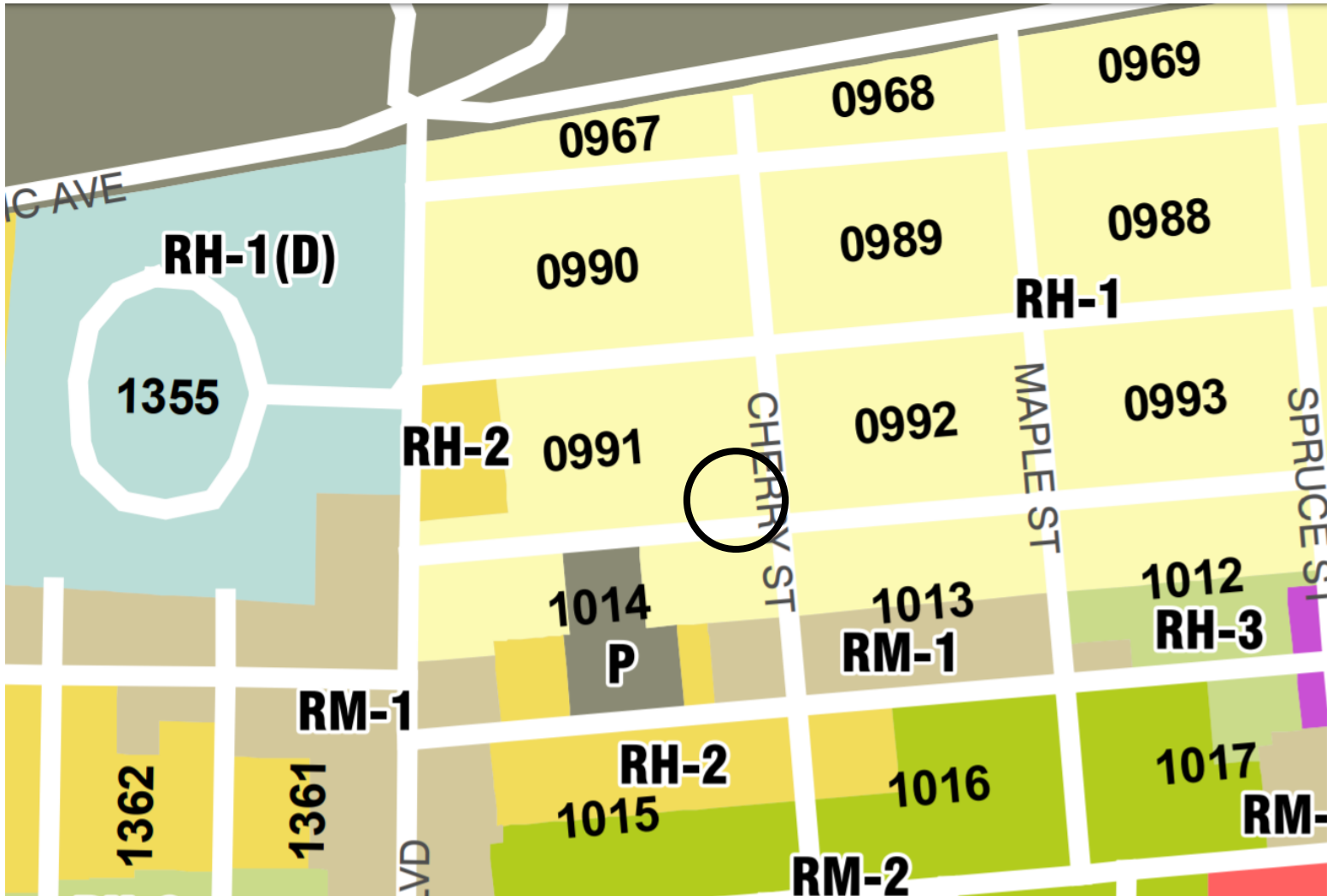


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing  
Case Number 2018-007676DRP  
3902 Clay Street

# Zoning Map



Discretionary Review Hearing  
Case Number 2018-007676DRP  
3902 Clay Street



# Aerial Photo



**SUBJECT PROPERTY**

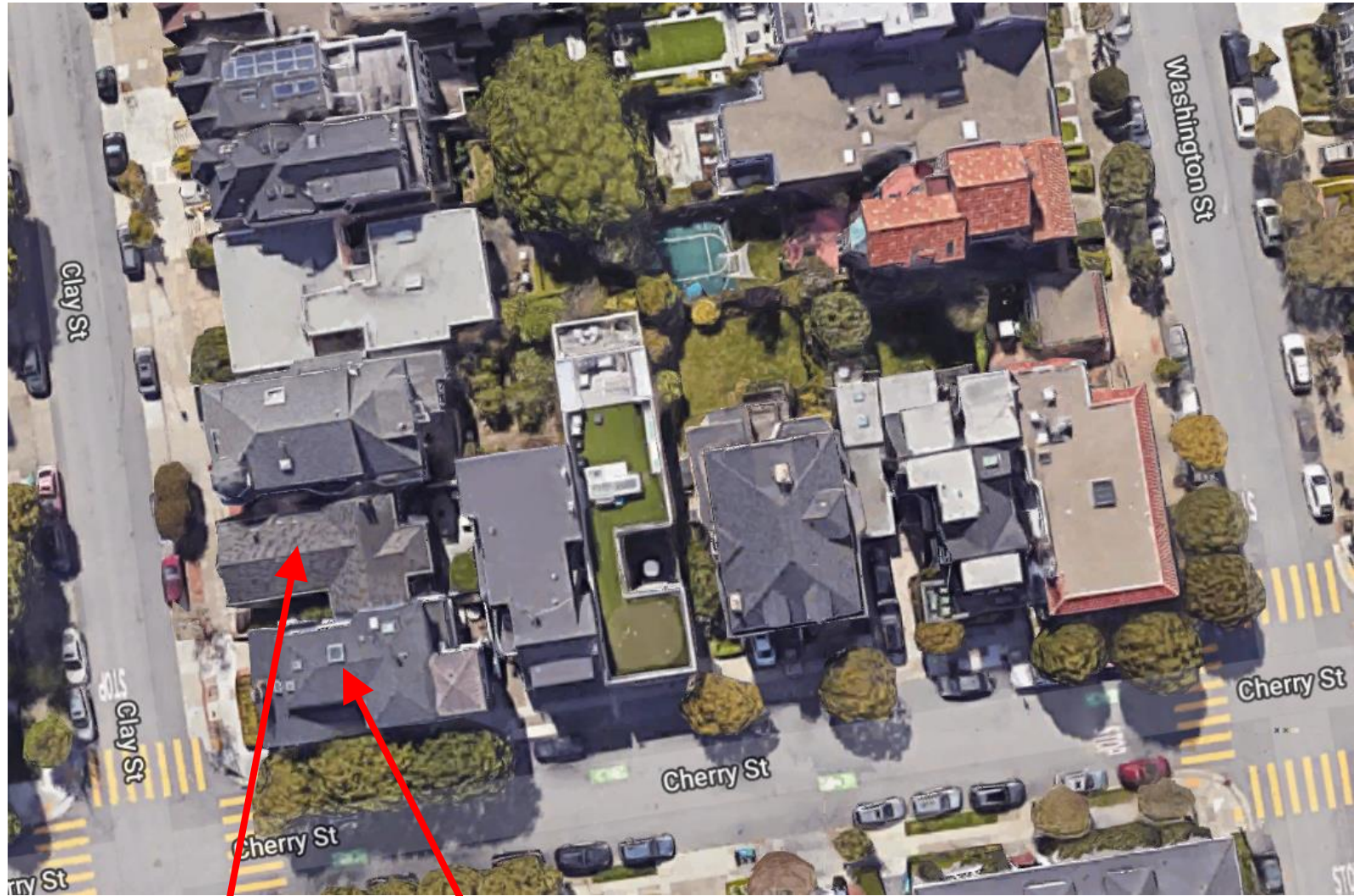
**DR REQUESTOR'S  
PROPERTY**



Discretionary Review Hearing  
Case Number 2018-007676DRP  
3902 Clay Street



# Aerial Photo



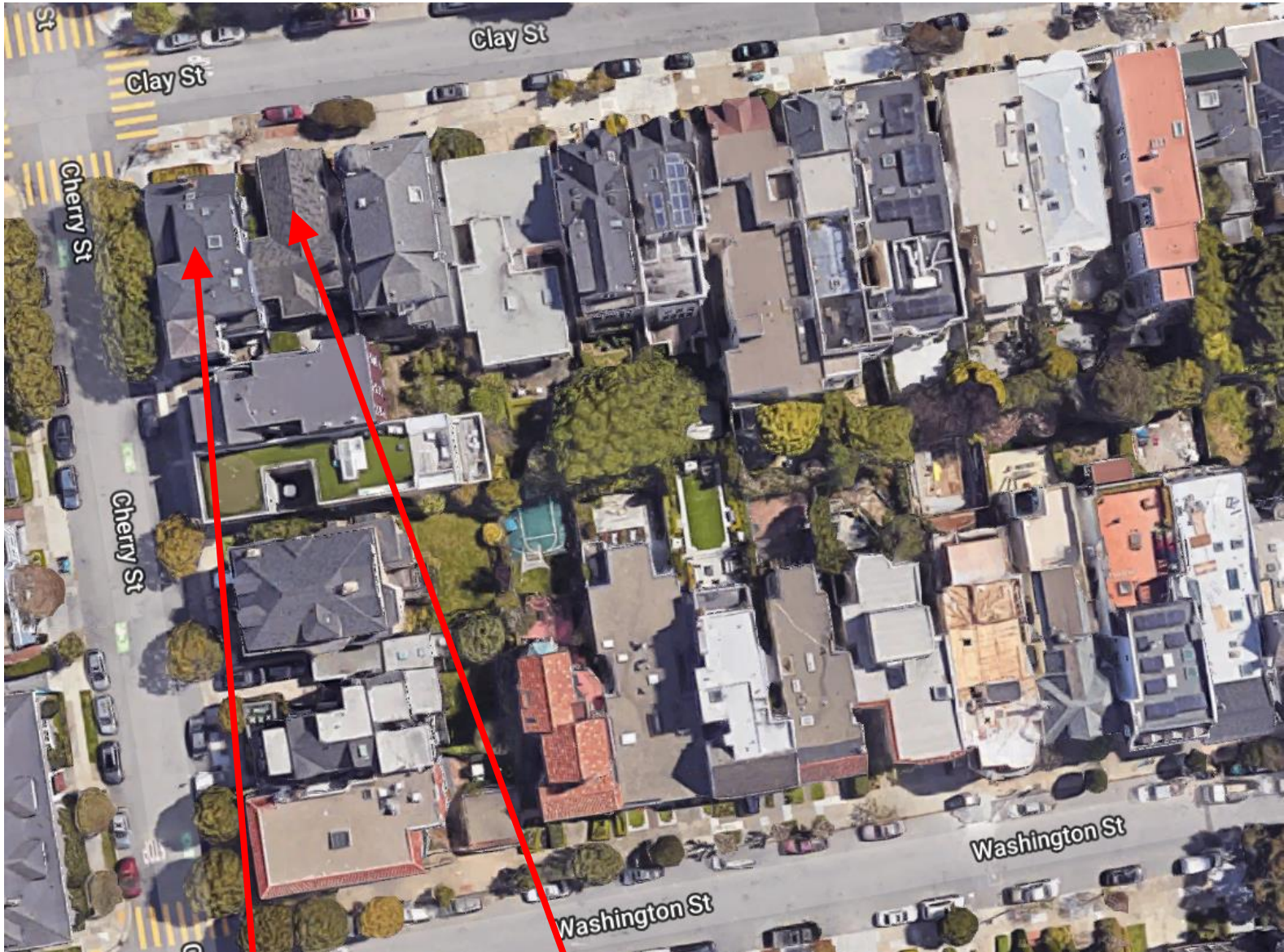
**SUBJECT PROPERTY**

**DR REQUESTOR'S  
PROPERTY**





# Aerial Photo



DR REQUESTOR'S  
PROPERTY

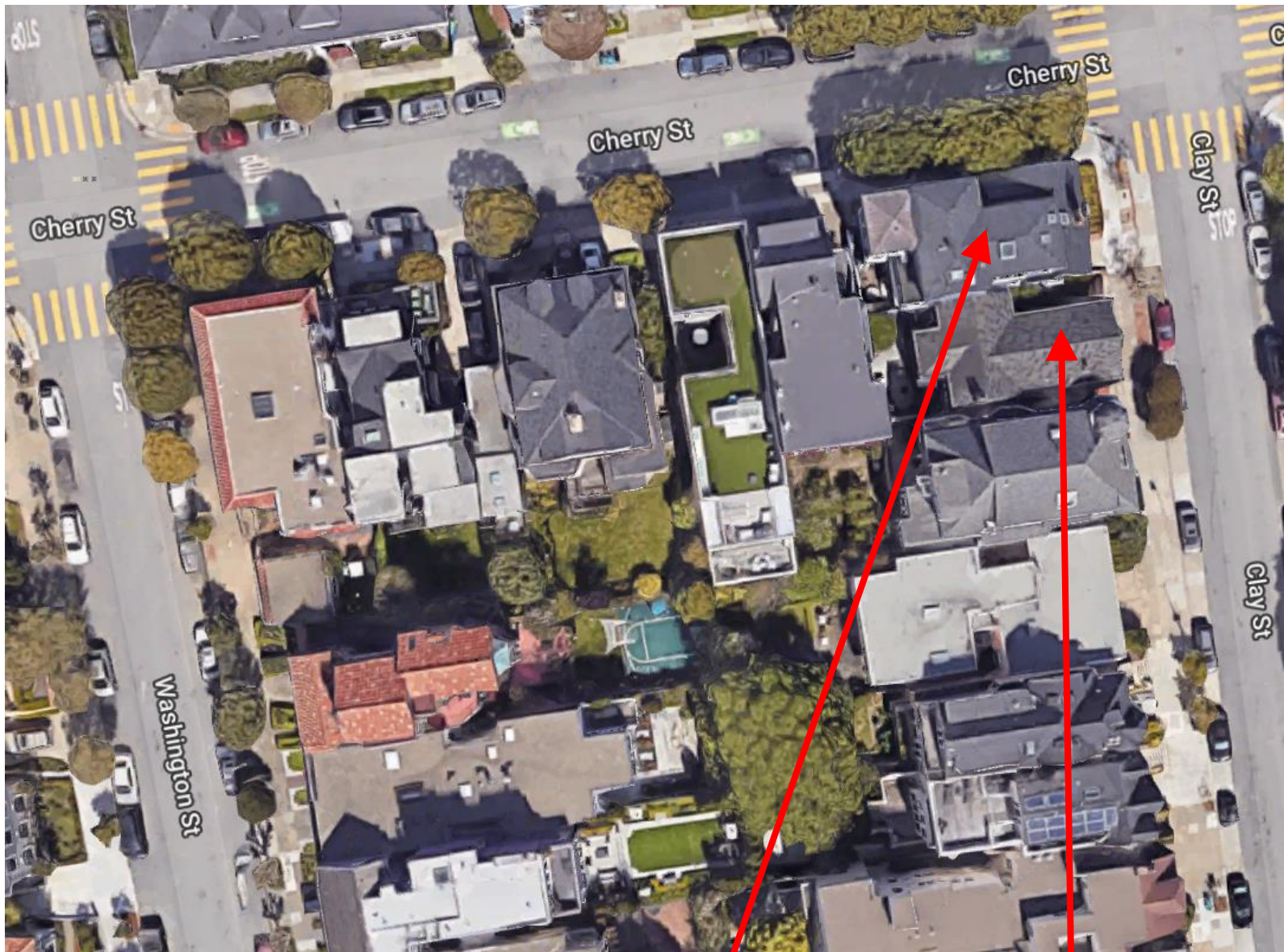
SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2018-007676DRP  
3902 Clay Street



# Aerial Photo



DR REQUESTOR'S  
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2018-007676DRP  
3902 Clay Street



# Site Photo



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2018-007676DRP  
3902 Clay Street



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **04/26/2018** Building Permit Application No.201807245358 was filed for work at the Project Address below.

**Notice Date: 3/13/2019**

**Expiration Date: 4/12/2019**

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	3902 CLAY STREET	Applicant:	Geddes Ulinskas
Cross Street(s):	Clay and Cherry Streets	Address:	220 Montgomery Street, Suite 1611
Block/Lot No.:	0991 / 005A	City, State:	San Francisco, CA 94104
Zoning District(s):	RH-1 /40-X	Telephone:	415-904-0483
Record Number:	2018-007676PRJ	Email:	gulinskas@ularch.com

You are receiving this notice as an owner or occupant of property 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 that the Planning Commission review this application at a public hearing for Discretionary Review. Requests for a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown above, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input 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	3'-9"	No Change
Side Setbacks	None	No Change
Building Depth	52'-6"	No Change
Rear Yard	17'-6"	No Change
Building Height	26'-6"	35'-1"
Number of Stories	2	3
Number of Dwelling Units	1	No Change
Number of Parking Spaces	0	2
PROJECT DESCRIPTION		
<p>The project includes raising the building by 16" and inserting a new curb cut and garage to the Clay Street front façade. It also includes extensive remodeling of the interior and several changes to the exterior; such as the replacement of the existing rear deck, a vertical addition that would result in a third floor, and a terrace at the rear of the (new) third story within the building's existing footprint.</p> <p>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</p>		

To view plans or related documents, visit [sf-planning.org/notices](http://sf-planning.org/notices) and search the Project Address listed above. Once the property is located, click on the dot(s) to view details of the record number above, its related documents and/or plans.

**For more information, please contact Planning Department staff:**

Katherine Wilborn, [Katherine.Wilborn@sfgov.org](mailto:Katherine.Wilborn@sfgov.org) , 415-575-9114

# 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, contact the Planning Information Center (PIC) at 1660 Mission Street, 1st Floor (415) 558-6377 or [pic@sfgov.org](mailto:pic@sfgov.org). 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](http://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](http://www.sfplanning.org). **You must submit the application in person** at the Planning Information Center (PIC), 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](http://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 at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

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





# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
3902 CLAY STREET		0991005A
<b>Case No.</b>		<b>Permit No.</b>
2018-007676ENV		
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<b>Project description for Planning Department approval.</b> A new curb cut and driveway are to be added to the front of the house and a new garage door and basement is to be constructed below the front of the existing main level where there is currently crawl space. The existing basement at the rear of the house is to be renovated and converted to habitable area. A new upper floor is to be constructed and the rear of the building providing new space for an upper family room and office. The existing home is to be preserved and the proposed alterations will not change the look or materials of the existing design of the house.		

### STEP 1: EXEMPTION CLASS

<b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b>	
<input checked="" type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 - New Construction.</b> Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.  <b>FOR ENVIRONMENTAL PLANNING USE ONLY</b>
<input type="checkbox"/>	<b>Class ____</b>

## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

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

<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve 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) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> 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) <b>If box is checked, a geotechnical report is required.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> 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) <b>If box is checked, a geotechnical report will likely be required.</b>

If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an *Environmental Evaluation Application* is required, unless reviewed by an Environmental Planner.

**Comments and Planner Signature (optional):** Laura Lynch  
Archeo review complete 5/31/2018- no effects

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

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

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

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

**STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW**  
TO BE COMPLETED BY PROJECT PLANNER

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

<input checked="" type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input checked="" type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):  he proposed project includes raising the subject building approximately 16 inches to accommodate a new two-car garage at the basement level and a one-story addition at the rear portion of the cross gable. The proposed garage entrance would be limited to eight feet in width. The front setback will retain landscaping that will continue to define it as a front garden. Although the proposed project includes a vertical addition,
<input checked="" type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  he proposed project includes raising the subject building approximately 16 inches to accommodate a new two-car garage at the basement level and a one-story addition at the rear portion of the cross gable. The proposed garage entrance would be limited to eight feet in width. The front setback will retain landscaping that will continue to define it as a front garden. Although the proposed project includes a vertical addition, <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i>
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> <i>(Requires approval by Senior Preservation Planner/Preservation)</i>  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A  a. Per HRER dated   b. Other (specify): </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C  <i>(attach HRER)</i> </div> </div>
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
Comments (optional):	
Preservation Planner Signature: Katherine Wilborn	

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

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Building Permit  If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	<b>Signature:</b> Katherine Wilborn  02/20/2019
	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. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

## 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)
3902 CLAY STREET		0991/005A
Case No.	Previous Building Permit No.	New Building Permit No.
2018-007676PRJ		
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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





## DISCRETIONARY REVIEW APPLICATION

### Property Owner's Information

Name: Kathryn and Garland Lasater

Address: 249 Cherry Street San Francisco, CA 94118

Email Address: katlasater@gmail.com

Telephone: 415-305-7008

### Applicant Information (if applicable)

Name:

Same as above ☒

Company/Organization:

Address:

Email Address:

Telephone:

Please Select Billing Contact:

☒ Owner

☐ Applicant

☐ Other (see below for details)

Name:

Email:

Phone:

Please Select Primary Project Contact:

☒ Owner

☐ Applicant

☐ Billing

### Property Information

Project Address: 3902 Clay Street

Block/Lot(s):

Plan Area:

### Project Description:

Please provide a narrative project description that summarizes the project and its purpose.

The project includes raising a historic house 16" while adding 8.5 vertical feet that would result in a third floor. The proposed project allows for a two car garage, a wine room, gym, terrace and additional living space.



**Project Details:**

---

- ☐ Change of Use    ☐ New Construction    ☐ Demolition    ☒ Facade Alterations    ☐ ROW Improvements  
☒ Additions    ☐ Legislative/Zoning Changes    ☐ Lot Line Adjustment-Subdivision    ☐ Other \_\_\_\_\_

**Estimated Construction Cost:** \$2mm

- Residential:**    ☐ Special Needs    ☐ Senior Housing    ☐ 100% Affordable    ☐ Student Housing    ☐ Dwelling Unit Legalization  
                  ☐ Inclusionary Housing Required    ☐ State Density Bonus    ☐ Accessory Dwelling Unit

- Non-Residential:**    ☐ Formula Retail    ☐ Medical Cannabis Dispensary    ☐ Tobacco Paraphernalia Establishment  
                          ☐ Financial Service    ☐ Massage Establishment    ☐ Other: \_\_\_\_\_

**Related Building Permits Applications**

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Building Permit Applications No(s): 201807245358 (Planning number 2018-007676PRJ)



## ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

In reviewing applications for Certificate of Appropriateness the Historic Preservation Commission, Department staff, Board of Appeals and/or Board of Supervisors, and the Planning Commission shall be governed by *The Secretary of the Interior's Standards for the Treatment of Historic Properties* pursuant to Section 1006.6 of the Planning Code. Please respond to each statement completely (Note: Attach continuation sheets, if necessary). Give reasons as to *how* and *why* the project meets the ten Standards rather than merely concluding that it does so. IF A GIVEN REQUIREMENT DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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? (including Community Boards)		✓

## 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 attach a summary of the result, including any changes that were made to the proposed project.

No changes were made to the project as of this date.

After many attempts, we have had one in person meeting with Mr. Gulinkas on Monday, April 1st where we proposed a solution that involved a two 4'x4' notches - see attach sketches. This solution would have an enormous improvement to the sunlight blocking effects to the Lasater property with very little effect on to the proposed functionality or symmetry of their interior and exterior elevations of the project. Mr. Gulinkas responded in the afternoon Friday April 5th with a 2'x2' foot carve out instead, which still blocked windows at or near the property line. We answered his email immediately saying that it was insufficient, provided suggestions, and want to come to a mutually beneficially solution. We are still awaiting a response.



## 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 standards of the Planning Code and the Residential Design Guidelines. 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.

We have made many attempts, providing drawings, along with multiple suggestions to come to a solution but the client and architect have been late in responding. The project conflicts with Planning Code Section 101 - to provide adequate light, air, privacy and convenience of access to property. It also conflicts with the Residential Design Guidelines for shared light wells. We first learned of this project the day the 311 was posted (other mailings not received). Other neighbors did not receive.

- 
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 unreasonably affected, please state who would be affected, and how.

The third story addition will drastically impact our privacy, along with eliminating existing light and air to the west side of our home which has two children's bedrooms, the main stairwell which is the main light source for the house, and an adult master dressing room. We have suggested a simple solution to solve the issue.

- 
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?

The proposed changes are already a minimum solution - anything less will block light to 249 Cherry.



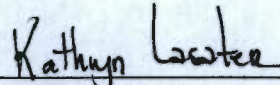
## APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

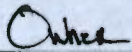
- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.



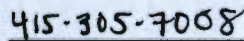
Signature



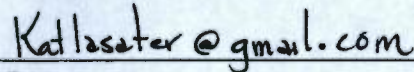
Name (Printed)



Relationship to Project  
(i.e. Owner, Architect, etc.)



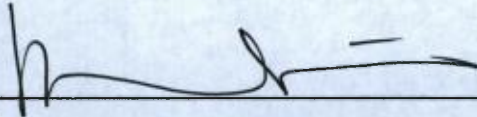
Phone



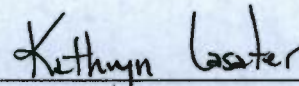
Email

## APPLICANT'S SITE VISIT CONSENT FORM

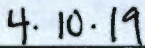
I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.



Signature



Name (Printed)



Date

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

Addition will  
block these  
windows

3902







**RESPONSE TO**  
**DISCRETIONARY  
REVIEW (DRP)**



**San Francisco  
Planning**

**SAN FRANCISCO PLANNING DEPARTMENT**  
1690 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

---

**Project Information**

Property Address: **3902 Clay Street**

Zip Code: **94118**

Building Permit Application(s): **201807245358**

Record Number: **2018-007676DRP**

Assigned Planner: **Katie Wilborn**

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**Project Sponsor**

Name: **Laura & David Oswell**

Phone: **(415) 378-7696**

Email: **laurakabler@yahoo.com / davidoswell@yahoo.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 Attachment A, Response 1**

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 Attachment A, Response 2**

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 Attachment A, Response 3**



## Project Features

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

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	1	1
Occupied Stories (all levels with habitable rooms)	2	3
Basement Levels (may include garage or windowless storage rooms)	1	1
Parking Spaces (Off-Street)	0	2
Bedrooms	3	4
Height	28'	35'
Building Depth	53' 6"	53' 6"
Rental Value (monthly)	n/a	n/a
Property Value	approx. \$2,700,000	unknown

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

Signature:



Date:

5/2/19

Printed Name: **Laura Kabler Oswell**

☒ 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.*

## **ATTACHMENT A**

### **Response to Question 1**

The proposed project consists of a modest third story addition for a home office and family room. The proposed addition is significantly set back from the front facade and was carefully designed to cause the minimum impact to our neighbors and to preserve the historical character of our home. The sole DR request does not raise any privacy concerns - the project adds no windows that face the neighboring property. Instead, the DR requester seeks to significantly reduce the already limited addition to protect (1) a lot line window to a dressing room; and (2) a window to a stairwell, for which the addition will cause only a small impact on light. Neither warrants any further reduction to our project. The lot-line window is to a dressing room and is not protected per S.F. Building Code Section 705.8. In addition, that dressing room receives ample light from a large skylight as described in Attachment B. Only a small portion of the stairwell window - approximately 1/3 will be shaded; the majority of the window will remain unobstructed, in a similar manner to the existing relationship between our house and the DR requester's second story stair windows.

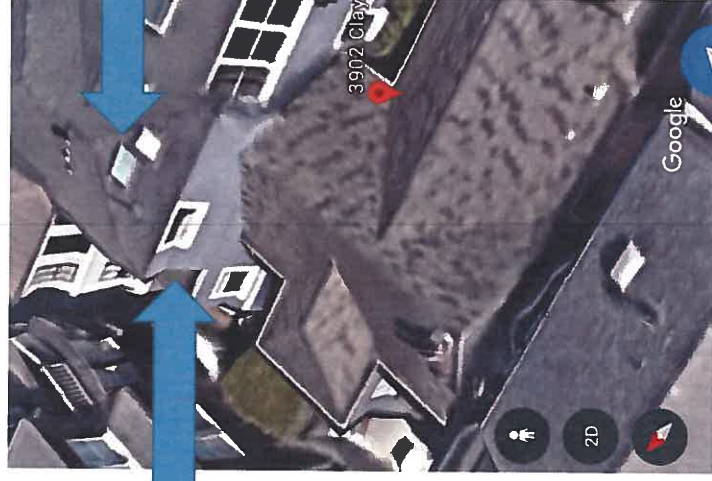
### **Response to Question 2**

Despite having made every attempt to work with the DR requester - including meeting immediately on the date they requested on short notice, and numerous emails and offers to speak directly - we have unfortunately been unable to reach a reasonable resolution. When the DR requester did eventually meet with our architect, they initially provided an unlabeled drawing suggesting an approximate 3' square notch on either end of the east side of the addition (Attachment C). We had concerns about this proposal because it would cause a significant reduction to the space of the addition, and would impact the front window of the addition. In the interest of reaching a reasonable compromise, we offered to provide a 2' square notch in both corners that would accommodate the DR requester's concerns while preserving the space in the proposed addition and the front window (Attachment D). The DR requester recognized that the proposal they had made at the meeting was not acceptable and promised to send a "more detailed middleground suggestion." That suggestion was never sent and instead the DR requester now requests an even larger 4' square notch on both corners of the east side of the proposed addition.

### **Response to Question 3**

We remain willing to discuss a reasonable accommodation and would be happy to participate in a mediation, but as described above the project does not have any meaningful impact on the property of the DR requester (or on any of the surrounding properties) and no change beyond what we've offered is warranted. As a family with two small children and two full-time working parents, we require the modest addition of a home office and living space included in the proposed addition in order to ensure that we can effectively work from home when possible to maximize the time we have with our children, and have space for our children to grow and play along with room to host frequent visits from family. We have done everything possible to respect the historical character of the home by limiting the space of the addition. We do not believe it is appropriate for the DR requester to further limit our proposed addition to protect a lot-line window to a dressing room with an alternative source of light via a skylight and a very minimal impact on a stairwell that will retain ample light.

Attachment B

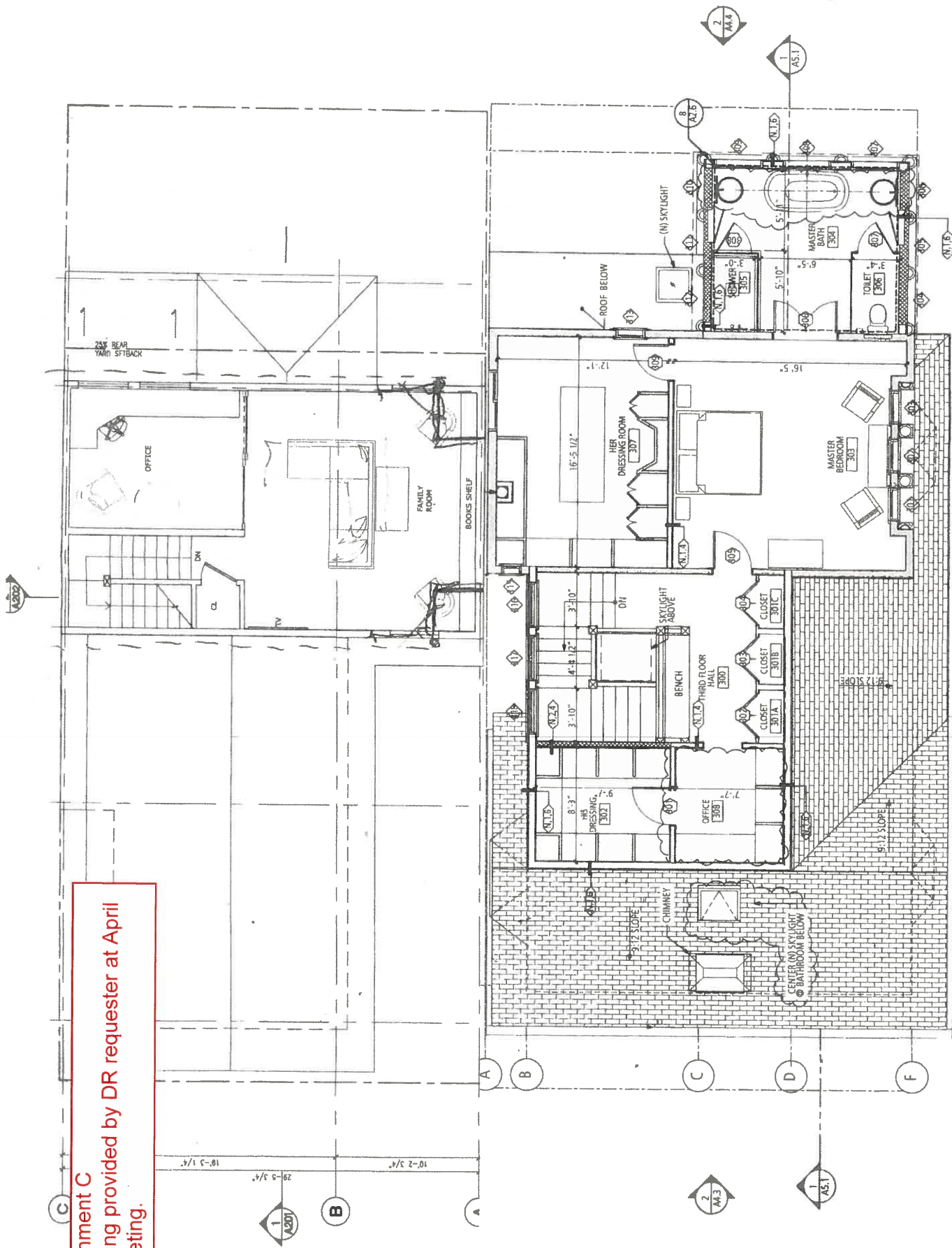


A skylight positioned over the dressing room provides natural light; the lot-line window is not the only source of light to the dressing room

Lot-line window

*Skylight provides natural light to dressing room*

Attachment C  
 Drawing provided by DR requester at April  
 1 meeting.



THIRD FLOOR PARTITION PLAN

1/4" = 1'-0"

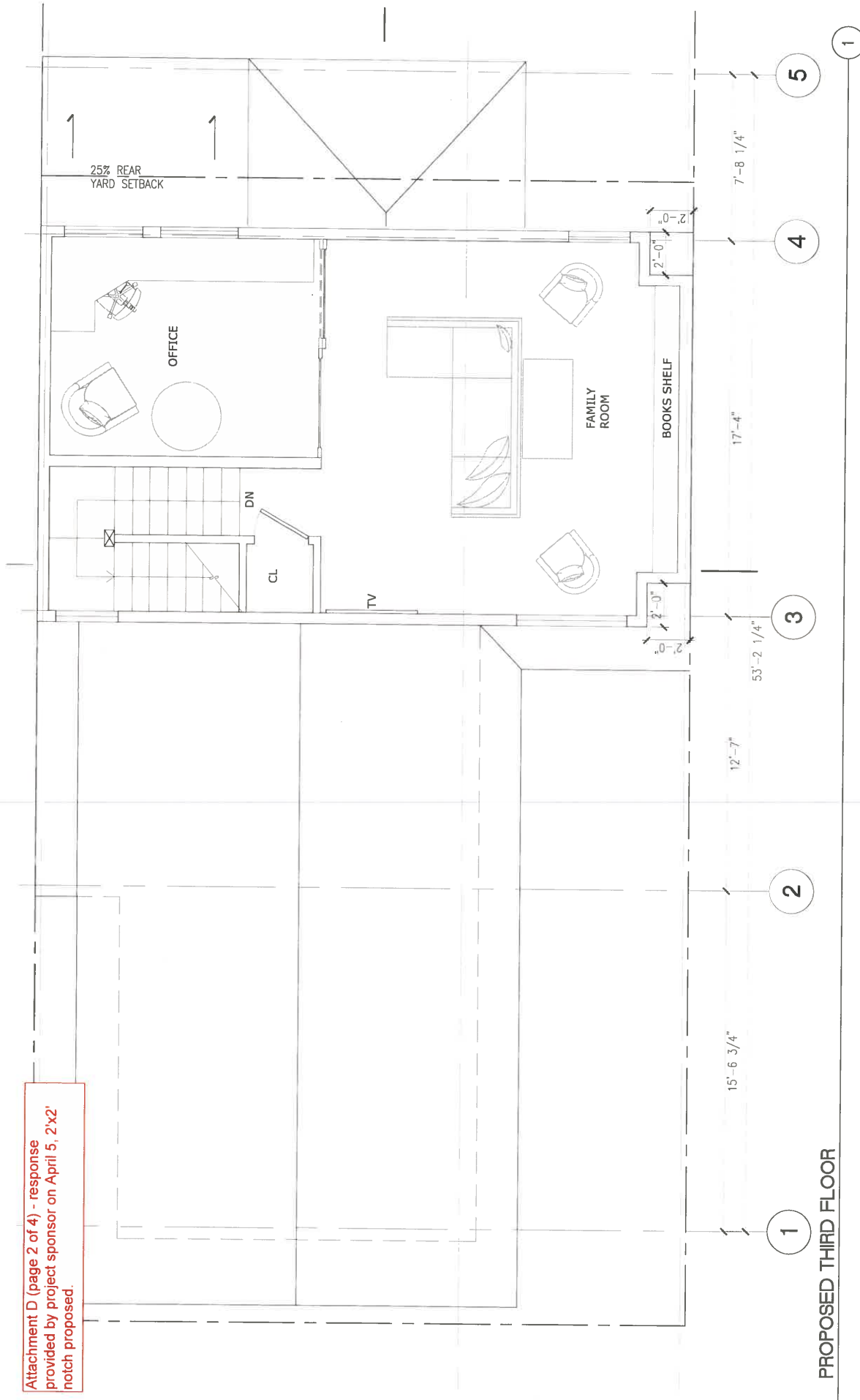


2

[illegible]

1

Attachment D (page 2 of 4) - response  
provided by project sponsor on April 5, 2'x2'  
notch proposed.



PROPOSED THIRD FLOOR

RENOVATION 3902 CLAY ST.

OPT 2  
04-04-2019  
SCALE 1/4" = 1'-0"

GEDDES ULINSKAS  
ARCHITECTS  
www.ularch.com

**GEDDES ULINSKAS  
ARCHITECTS**  
220 Montgomery Street  
Suite 900  
San Francisco CA 94106  
T 415 804 1483  
F 415 804 8643

**Renovation for  
3902 Clay Street  
San Francisco**

ISSUED TO	PLANT NAME	
CHICKEN 300		
CHICKEN 300		
ENV	CONCERN	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019
3.	RESPONSE TO COMMENTS	03/04/2019



EXISTING +  
PROPOSED  
SOUTH ELEVATION

A301

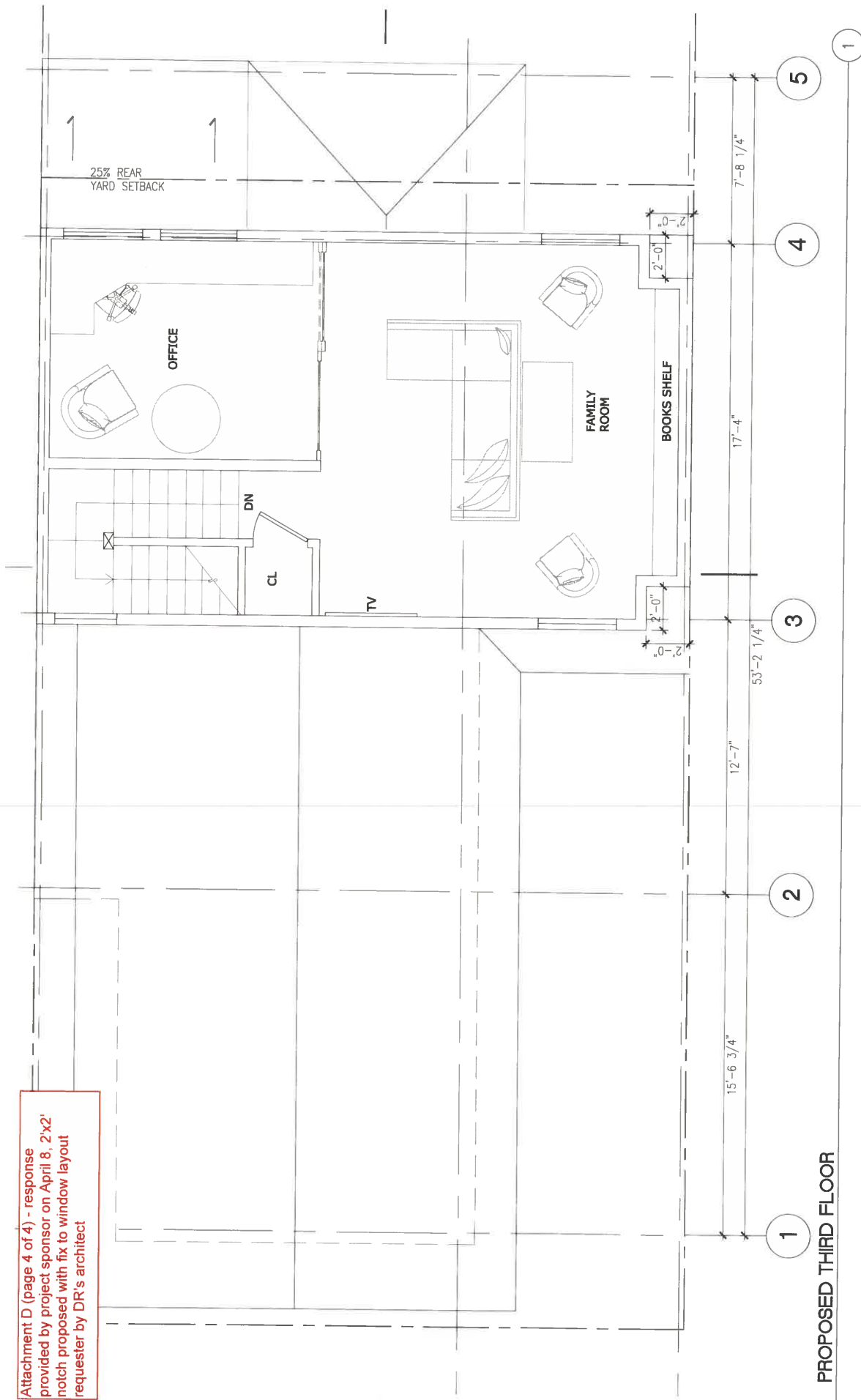
SCALE: 1/4" = 1'-0"

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

2

Attachment D (page 4 of 4) - response provided by project sponsor on April 8, 2019  
notch proposed with fix to window layout requester by DR's architect



RENOVATION 3902 CLAY ST.

OPT 2  
04-04-2019  
SCALE 1/4" = 1'-0"

GEDDES ULINSKAS



# REUBEN, JUNIUS & ROSE, LLP

**James A. Reuben**  
jreuben@reubenlaw.com

June 27, 2019

President Myrna Melgar  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: 3902 Clay Street**  
**Brief in Support of the Project**  
**Planning Department Case No. 2018-007676DRP**  
**Hearing Date: July 18, 2019**  
**Our File No.: 11014.01**

Dear President Melgar and Commissioners:

Our office is working with David and Laura Oswell, the owners of the property located at 3902 Clay Street (the “Property”). The Property consists of a 2-story over basement, single-family home. The Oswells have lived in their home for five years and are proposing a modest third story addition, along with finishing the basement and adding a garage (the “Project”). Among other objectives, the Project will facilitate the reconfiguration of the home to accommodate the needs of the Oswells’ young family. Renderings of the Project are attached as Exhibit A (showing the Project as proposed and with a 2’-6” notch in the vertical addition), and the Project plans are attached as Exhibit B. The adjacent neighbors to the east, at 249 Cherry Street, have filed the sole request for discretionary review (“DR”) of the Project.

The DR request should be denied and the Project approved as proposed because:

- The Project proposes a modest third-floor addition that has inconsequential, if any, privacy, light, or air impacts on the DR requestor's property. The addition is set back 28 feet from the street, which is a significantly larger setback than is required by Code. The addition was designed in consultation with the Oswells’ architect and Historical Resource consultant to ensure minimal disruption to the historic character of the home and neighboring properties.
- The Project is fully Code-compliant with no variance required, and consistent with all applicable design guidelines.
- Planning staff and the Residential Design Advisory Team (“RDAT”) have reviewed the Project, and recommend approval of the Project as proposed.
- The sole DR requestor has demanded that the Oswells carve out two four-foot-square (4’x4’) notches on the north and south side of the already very limited third-floor addition, to avoid interference with 1) a non-functional lot line window in a large dressing room that both is not entitled to any protection and is in a room that receives substantial light from a

**San Francisco Office**  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
827 Broadway, 2<sup>nd</sup> Floor, Oakland, CA 94607  
tel: 510-527-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

large skylight; and 2) a stairwell window that would be aligned identically to a similar stairwell window on the second floor and is only partially shaded.

- The Oswells and their architect made multiple attempts to resolve the DR requestor's concerns prior to the filing of the DR. After the DR requestor involved counsel, we then attempted to reach a resolution. The DR requestor has been unwilling to negotiate or to entertain any compromise, and have instead increased the size of the carve outs they are demanding to the third-floor addition.

This case is a simple, single-window DR. The DR requestor has demanded the installation of story poles, but story poles would not be helpful for this limited issue. Instead, the Project sponsor commissioned 3-D simulated models, attached as Exhibit C. These models show the Project's lack of any meaningful effect on the DR requestor's home. For all of these reasons, no exceptional or extraordinary circumstances have been established that would justify the exercise of discretionary review or any modification of the Project.

#### **A. PROJECT DESCRIPTION**

When designing the proposed addition, the Oswells sought to eliminate any need for variances or other special authorizations by being in complete compliance with the General Plan, Planning Code, and Residential Design Guidelines ("RDG"). They engaged Geddes Ulinskas Architects and Historical Resources consultant Tim Kelley to create a high-quality Project that responds to their needs and is appropriate for the neighborhood context. The Project contemplates only a modest third-floor addition, which is set back 28 feet from the street and comprises 44.5% of the total floor plan. The Project also contemplates finishing a currently unfinished basement and adding a garage. The DR requestor has not objected to the basement or garage.

The Oswells filed their building permit on July 24, 2018 and sent out 311 notification on March 13, 2019. While several neighbors have expressed support for the Project, the Lasaters are the sole DR requestor and their DR request does not question the compliance with the Planning Code but rather objects to interference or partial interference with two windows, both of which have more than adequate alternate light sources. RDAT has reviewed the DR requestor's concerns and continues to recommend approval of the Project as proposed.

#### **B. THE STANDARD FOR DISCRETIONARY REVIEW HAS NOT BEEN SATISFIED**

Discretionary review is a "special power of the Commission, outside of the normal building permit approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with the proposed project."<sup>1</sup> The City Attorney has likewise advised that discretionary review is a "sensitive discretion ... which must be exercised with the utmost restraint."<sup>2</sup> Exceptional or extraordinary circumstances have been defined as complex topography, irregular lot configuration, unusual context, or other circumstances not addressed in the design

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<sup>1</sup> Planning Department publication for the Application Packet for Discretionary Review.

<sup>2</sup> City Attorney Opinion No. 845, dated May 26, 1954; affirmed by Opinion No. 79-29, dated April 30, 1979.

standards.<sup>3</sup> As described in detail below, the DR requestor has failed to establish any exceptional or extraordinary circumstances that are necessary for the Planning Commission to exercise its DR power, and thus the request for DR should be denied.

***1. The Project's minimal to nonexistent effect on privacy and light and air access to the adjacent property does not justify Project changes under DR***

RDAT has reviewed the Project for light, air, and privacy concerns and determined no changes to the Project were required. The DR requestor seeks to obtain additional accommodation for two windows on their neighboring property, neither of which warrant protection and certainly do not meet the “exceptional or extraordinary” standard that applies to the discretionary review of the proposed Project.

*First*, the proposed third-floor addition is already significantly set back, does not take advantage of all that is allowed by Code, and was carefully and thoughtfully designed to be compliant with all residential design standards. The modest addition should not be further limited as requested.

*Second*, the presence of a small window on the lot-line in the DR requestor's dressing room does not constitute an exceptional or extraordinary circumstance warranting a further limitation to the proposed third-floor addition. To the contrary, it is commonly known that the non-functional lot-line window is by code *not* protected and is expressly subject to modification or removal should the neighboring building be constructed to the property line. SF Building Code § 705.8. The DR requestor constructed a large skylight to provide light to the dressing room, both alleviating any light concerns and suggesting that the DR requestor knew when they renovated their property less than 15 years ago that the lot line window was not protected. A photograph of the interior showing this skylight is attached as Exhibit D. Moreover, because the window is non-operative, there can also be no concerns regarding access to air for this window.

*Third*, the fact that less than one-half of the DR requestor's third-floor windows over a stairwell will be shaded, and that shading will be in exactly the same way that the matching second-floor windows are already partially shaded, does not constitute an exceptional or extraordinary circumstance. The third-floor stairwell windows mirror the same windows on the second floor. Both the second- and third-floor stairwell windows in the DR requestor's home were constructed back from the property line. The proposed third-floor addition would mirror exactly the condition of the existing (and original) second-floor wall and the DR requestor's stairwell window. The proposed Project continues exactly the same structure and gap that has existed between these homes for the more than 100 years before the DR requestor added this portion of the third floor less than fifteen years ago, as shown in Exhibit E.

Moreover, the proposed third-floor addition would affect less than half of these windows – most of the windows and their access to light will remain unobstructed. We know that this condition will cause minimal impact on light, because the same condition exists on the second floor, as shown on the photos attached as Exhibit F. The Project sponsor's architect examined this issue

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<sup>3</sup> Planning Department publication for the Application Packet for Discretionary Review.

and constructed the 3-D diagrams attached as Exhibit C, which show the minimal impact of this partial coverage. This condition is consistent with, or even better than what is contemplated by the RDG, which states, “In areas with a dense building pattern, some reduction of light to neighboring buildings can be expected with a building expansion.”<sup>4</sup>

*Fourth*, the DR requestor’s concerns about privacy are similarly unfounded. The proposed Project includes no windows that face the DR requestor’s property. The DR requestor has claimed that the south facing window will have a view into a bay window on the second floor of their property. The window in the third-floor addition will cause no additional privacy concerns for the DR requestor’s second floor window. The DR requestor’s second-floor window is already directly across from the master bedroom and hallway windows on the second floor of the Oswells’ property. To the extent that privacy concerns exist, they are pre-existing for both the Oswells and the DR requestor based on the current construction of the homes, and are in no way increased by the proposed third-story window.

## ***2. The Oswells Have Made All Reasonable Efforts to Resolve This Issue***

Despite the DR requestor’s claims to the contrary, the Oswells have made every effort to reach a reasonable resolution of this dispute. The Oswells and their architect made themselves immediately available to the DR requestor when they raised concerns with the proposed Project. When the DR requestor suggested that they would like to meet regarding the proposed Project, Mr. Ulinskas responded the next day that he and the Oswells would be willing to meet and then followed up one week later after not having heard from the DR requestor. The DR requestor finally responded several days later, on a Thursday (16 days into the 30-day notice period), and demanded a meeting the following Monday April 1, which Mr. Ulinskas accommodated despite the fact that the Oswells were both out of town for business. At that meeting, the DR requestor proposed two notches in the easterly corners of the third-floor addition that appeared to be three-foot square (3’x3’) (Exhibit G). After carefully considering the impact on the exterior and interior space, the Oswells offered to construct two two-foot square (2’x2’) notches (Exhibit H). The DR requestor rejected that proposal and despite promising to deliver a “more detailed middleground” proposal failed to do so, and instead filed a DR seeking two four-foot square (4’x4’) notches (Exhibit I).

Since the DR has been filed, the DR requestor has made no efforts to reach a compromise and has refused to discuss any specific proposal for dimensions other than the four-foot square notches currently demanded. The Oswells and Mr. Ulinskas participated in a mediation meeting with the Planning Department, which the DR requestors attended with counsel and their consultant, and we met with the DR requestor’s counsel following that meeting and have not received any modification of the DR demand from the DR requestor.

While the Oswells do not believe that any modification is warranted to this Project, the originally proposed three-foot notches and the currently requested four-foot notches simply cause too large of an impact on the proposed addition. These reductions to the already limited third-floor addition would have a disproportionate impact on the interior space and would require the Oswells to reduce

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<sup>4</sup> Residential Design Guidelines, at. p. 16.



the size of the third-floor window on the southeast corner, significantly reducing the light and air available to that room (Exhibit J).

Since the proposed Project is in compliance with the Planning Code and supported by the Department, causes minimal impact to the DR requestor's property, and the DR requestor has declined to negotiate or put forth a compromise proposal, the request for discretionary review should be denied and the Project approved as proposed.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



---

James A. Reuben

Enclosures:

cc: Vice President Joel Koppel  
Commissioner Frank S. Fung  
Commissioner Rich Hillis  
Commissioner Milicent A. Johnson  
Commissioner Kathrin Moore  
Commissioner Dennis Richards  
Katherine Wilborn, Project Planner  
Laura and David Oswell  
Geddes Ulinskas

## **EXHIBIT LIST**

- A. Renderings
- B. Project Plans
- C. Massing Study
- D. DR Requestor Skylight Photo
- E. Second Floor Stairwell Window
- F. DR Requestor Stairwell Photos
- G. Diagram Provided by DR Requestor
- H. Proposed Third Floor Plan with 2'x2' Notches
- I. Proposed Third Floor Plan with 4'x4' Notches from DR Request
- J. 4'x4' Notches Floor Plan and Elevation

# EXHIBIT A





Exhibit **A**  
Oswell Family DR  
2018-007676DRP

Geddes Ulinskas Architects Rendering  
3902 Clay Street Project As Proposed





Exhibit **A**  
Oswell Family DR  
2018-007676DRP

Geddes Ulinskas Architects Rendering  
3902 Clay Street Showing 2.5' x2.5' Notch



# EXHIBIT B

1. THE DOCUMENTS IN THIS PERMIT SET INCLUDE:  
A. EXISTING AND PROPOSED SITE PLAN, FLOOR PLANS, SECTIONS AND ELEVATIONS FOR A REMODEL OF AN EXISTING TWO-STORY BUILDING – THE COMPLETE SCOPE OF WORK AS DEFINED BY THE PRESERVATION TEAM IS AS FOLLOWS:  
THE PROPOSED PROJECT INCLUDES RAISING THE SUBJECT BUILDING APPROXIMATELY 16 INCHES TO ACCOMMODATE A NEW TWO-CAR GARAGE AT THE BASEMENT LEVEL AND A ONE-STORY ADDITION AT THE REAR PORTION OF THE CROSS GABLE. THE PROPOSED GARAGE ENTRANCE WOULD BE LIMITED TO EIGHT FEET IN WIDTH AND COMPATIBLE IN DESIGN TO THE MATERIALS COMMONLY FOUND WITHIN THE DISTRICT. THE NEW CURB CUT WOULD RETAIN THE EXISTING STREET TREE. THE FRONT SETBACK WILL RETAIN LANDSCAPING THAT WILL CONTINUE TO DEFINE IT AS A FRONT GARDEN. ALTHOUGH THE PROPOSED PROJECT INCLUDES A VERTICAL ADDITION, THE NEW ADDITION WOULD BE SET BACK APPROXIMATELY 30 FEET FROM THE FRONT FACADE AND MATCH THE EXISTING SIDING.; WINDOW PROPORTIONS THROUGHOUT WOULD MATCH EXISTING OPENING SIZES WITH LESS DETAILED WOOD SASH WINDOWS AND THE EXISTING EAVE LINE WOULD BE RETAINED. NEW WINDOWS ON THE PRIMARY FACADE WILL BE IN-KIND TO THE EXISTING WINDOWS, IN PROPORTION, OPERATION, DESIGN AND MATERIALS (WOOD OR WOOD-CLAD CONSTRUCTION). INTERIOR REMODELS AT THE REAR OF THE HOUSE WILL CONVERT THE EXISTING CRAWL SPACE INTO A HABITABLE AREA.
2. N/A
3. DEFINITIONS  
A. ACCEPTED: AS ACCEPTED BY ARCHITECT  
B. ACCEPTED EQUAL: AS ACCEPTED BY THE ARCHITECT AS BEING EQUIVALENT QUALITY, UTILITY AND APPEARANCE.  
C. AS APPLICABLE: AS APPROPRIATE FOR THE PARTICULAR CONDITION, CIRCUMSTANCE OR SITUATION.  
D. AS REQUIRED: AS REQUIRED BY REGULATORY REQUIREMENTS, BY REFERENCED STANDARDS, BY EXISTING CONDITIONS, BY GENERAL ACCEPTED PRACTICE, OR BY THE CONTRACT DOCUMENTS.  
E. DIRECTED: AS INSTRUCTED BY THE ARCHITECT IN WRITING.  
F. SATISFACTORY: TO THE SATISFACTION OF THE ARCHITECT, SUBJECT TO THE ARCHITECT'S ACCEPTANCE.  
G. TYPICAL: IDENTICAL FOR ALL SUCH CONDITIONS UNLESS OTHERWISE NOTED.  
H. SIMILAR: COMPARABLE CHARACTERISTICS FOR THE CONDITION NOTED.  
DIFFERENCES CAN BE INFERRED BY OTHER INFORMATION INDICATED. VERIFY DIMENSIONS AND ORIENTATION.  
I. FURNISH: SUPPLY ONLY; OTHERS WILL INSTALL.  
J. INSTALL: INSTALL ITEMS FURNISHED BY OTHERS.  
K. PROVIDE: FURNISH AND INSTALL.
4. DIMENSIONING AND ELEVATIONS.  
A. NOT USED  
B. GRID LINES ARE ESTABLISHED BASED ON EXISTING STRUCTURAL SYSTEM.  
C. CLEAR CEILING HEIGHTS ARE TO BE MAINTAINED AS THEY EXIST.

- D. EXTERIOR STUD FRAMED WALLS ARE DIMENSIONED TO OUTSIDE FACE OF STRUCTURAL STUD FRAMING (FACE OF EXTERIOR FOOTING).  
E. INTERIOR STUD WALLS ARE DIMENSIONED TO FACE OF FINISH.  
F. DOORS AT INTERIOR STUD WALLS ARE DIMENSIONED TO DOOR DIMENSION. SEE DOOR SCHEDULE AND DOOR TYPES FOR SIZE OF DOORS, FRAMES (UNIT DIMENSION) ROUGH OPENING, AND WHERE APPLICABLE, MASONRY OPENING.  
G. DIMENSIONS NOTED AS "CLEAR" OR "CLR" MUST BE PRECISELY MAINTAINED. WHERE DIMENSIONS ARE NOTED AS "MINIMUM" OR "MIN." DIMENSION CANNOT BE LESS THAN AS INDICATED ON DRAWINGS.  
H. NOT USED  
I. ELEVATION MARKERS ON KEY AND SYMBOL PLAN REFERENCE TOP FINISH ELEVATIONS.  
J. DIMENSIONS NOTED AS "A.F.F." ARE ABOVE FINISH FLOOR MATERIAL.  
K. DO NOT SCALE DRAWINGS.
5. CONTRACTOR TO OBTAIN AND PAY FOR ALL PERMITS REQUIRED TO COMPLETE THE WORK OF THE PROJECT.
6. ALL NEW APPLIANCES, AND PLUMBING FIXTURES SHALL BE CERTIFIED TO COMPLY WITH THE MANDATORY STANDARDS FOR COMPLIANCE FOR RESIDENTIAL BUILDINGS.
7. DIMENSIONING RULES:  
A. ADJUSTMENT DIMENSIONS ARE INDICATED BY +/-  
B. VERTICAL DIMENSIONS ARE FROM TOP OF FLOOR FINISH UNLESS OTHERWISE NOTED.  
C. ITEMS SHOWN AS EQUAL DIMENSION SHALL BE MEASURED OUT AND SET ACCORDINGLY BY THE CONTRACTOR.
8. SHOP AND FIELD WORK SHALL BE PERFORMED BY MECHANICS, CRAFTSMAN AND WORKERS SKILLED AND EXPERIENCED IN THE FABRICATION AND INSTALLATION OF THE WORK INVOLVED. WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE BEST AND ACCEPTED PRACTICES OF THE VARIOUS TRADES INVOLVED.

9. THE ARCHITECT RESERVES THE RIGHT TO REJECT MATERIALS AND WORK QUALITY WHICH ARE NOT CONSIDERED TO BE UP TO THE SPECIFIED STANDARDS OF THE VARIOUS TRADES INVOLVED SUCH INFERIOR WORK QUALITY SHALL BE REPAIRED OR REPLACED, AS DIRECTED, AT NO ADDITIONAL COST TO THE OWNER.
10. ITEMS OF EQUIPMENT, FIXTURES, AND MATERIALS NOT DEFINITELY SPECIFIED HEREIN, BUT NECESSARY FOR THE COMPLETION OF THE WORK, SHALL BE PROVIDED AS INDICATED ON THE DRAWINGS. SUCH ITEMS SHALL BE OF TYPE AND QUALITY SUITABLE FOR THE SERVICE. ITEMS SHALL ALSO BE COMPARABLE TO ADJACENT OR SIMILAR ITEMS IN THE BUILDING.
11. WHENEVER IN THE SPECIFICATIONS THE ABBREVIATION OR ACRONYM IS SPECIFIED, IT SHALL BE UNDERSTOOD TO MEAN THE FULL NAME OF THE RESPECTIVE ORGANIZATION, AS FOLLOWS:  
AIA AMERICAN INSTITUTE OF ARCHITECTS  
ANSI AMERICAN NATIONAL STANDARDS INSTITUTE  
ASTM AMERICAN SOCIETY FOR TESTING AND MATERIALS.  
AWI ARCHITECTURAL WOODWORK INSTITUTE  
1CBO INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS  
NEC NATIONAL ELECTRICAL CODE  
UBC UNIFORM BUILDING CODE  
UL UNDERWRITERS LABORATORIES, INC.  
UMC UNIFORM MECHANICAL CODE  
UPC UNIFORM PLUMBING CODE

12. WHEN PORTIONS OF THE PROJECT ARE PERFORMED BY THE CONTRACTOR ON A "DESIGN-BUILD" BASIS, THE CONTRACTOR, RATHER THAN THE ARCHITECT IS SOLELY RESPONSIBLE FOR THE DESIGN OF SUCH SYSTEMS AND FOR THE COORDINATION OF THE DESIGN-BUILD SUBCONTRACTORS, WHO SHALL BE ENGINEERS OF RECORD FOR SUCH SYSTEMS. THE CONTRACTOR HAS THE RESPONSIBILITY FOR THE FOLLOWING "DESIGN-BUILD" PORTIONS OF THE WORK.  
A. MECHANICAL RELOCATIONS  
B. SPRINKLER SYSTEM RELOCATION  
C. ELECTRICAL RELOCATIONS
13. HOURS OF CONSTRUCTION SHALL COMPLY WITH CITY OF SAN FRANCISCO STANDARDS AND BUILDING MANAGEMENT REGULATIONS. SCHEDULE AND PERFORM THE WORK DURING NORMAL WORKING HOURS.
14. THE CONTRACTOR SHALL EXAMINE, READ, AND BE THOROUGHLY FAMILIAR WITH THE CONTRACT DOCUMENTS. SHOULD THE CONTRACTOR FIND DISCREPANCIES IN, OR OMISSIONS FROM, THE DRAWINGS AND SPECIFICATIONS OR OTHER CONTRACT DOCUMENTS, OR SHOULD BE IN DOUBT AS TO THEIR INTENT OR MEANING, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY FOR CLARIFICATION OR INTERPRETATION.
15. DRAWINGS AND SPECIFICATIONS ARE INTENDED FOR ASSISTANCE AND GUIDANCE, BUT EXACT DIMENSIONS AND ELEVATIONS SHALL BE GOVERNED BY ACTUAL CONDITIONS AT THE SITE AND SHALL BE CHECKED BY THE CONTRACTOR. INFORMATION RELATED TO EXISTING CONDITIONS AND THE ACCURACY OF SUCH INFORMATION HAS NOT BEEN VERIFIED.
16. INSTALL WORK PLUMB, LEVEL, SQUARE, TRUE, AND IN PROPER ALIGNMENT.
17. CONFIRM, DURING THE BID PERIOD, ON-SITE DELIVERY DATES OF CONSTRUCTION MATERIAL SPECIFIED IN THE CONTRACT DOCUMENTS AND IMMEDIATELY NOTIFY THE ARCHITECT, IN WRITING, OF POTENTIAL DELAYS TO THE COMPLETION DATE OF THE PROJECT.
18. CONTRACTOR SHALL PROVIDE ADEQUATE PROTECTION OF SITE ELEMENTS SUCH AS TREES, EXISTING UTILITY LINES AND EQUIPMENT AND EXISTING ROADWORK.
19. DO NOT SUBSTITUTE, REVISE, OR CHANGE THE WORK WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
20. SUBMIT A PROGRESS SCHEDULE AND A SCHEDULE OF REQUIRED SUBMITTALS WITHIN 7 DAYS AFTER NOTICE TO PROCEED.

ARCHITECTURAL		ISSUED FOR ENVIRONMENTAL REVIEW 07/18/18	RESPONSE TO COMMENTS 01/10/19
G-000	GENERAL NOTES AND CODE SUMMARY	●	●
G-001	PICTURES OF PROPERTY	●	●
A-001	EXISTING SITE PLAN	●	●
A-002	PROPOSED SITE PLAN	●	●
A-101	EXISTING/PROPOSED PLANS	●	●
A-102	EXISTING/PROPOSED PLANS	●	●
A-103	EXISTING/PROPOSED PLANS	●	●
A-104	EXISTING/PROPOSED PLANS	●	●
A-105	PROPOSED PLAN	●	●
A-201	EXISTING/PROPOSED LONG SECTION	●	●
A-202	EXISTING/PROPOSED SHORT SECTION	●	●
A-301	EXISTING/PROPOSED SOUTH ELEVATION	●	●
A-302	EXISTING/PROPOSED EAST ELEVATION	●	●
A-303	EXISTING/PROPOSED WEST ELEVATION	●	●
A-304	EXISTING/PROPOSED NORTH ELEVATION	●	●

## DRAWING INDEX

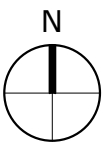
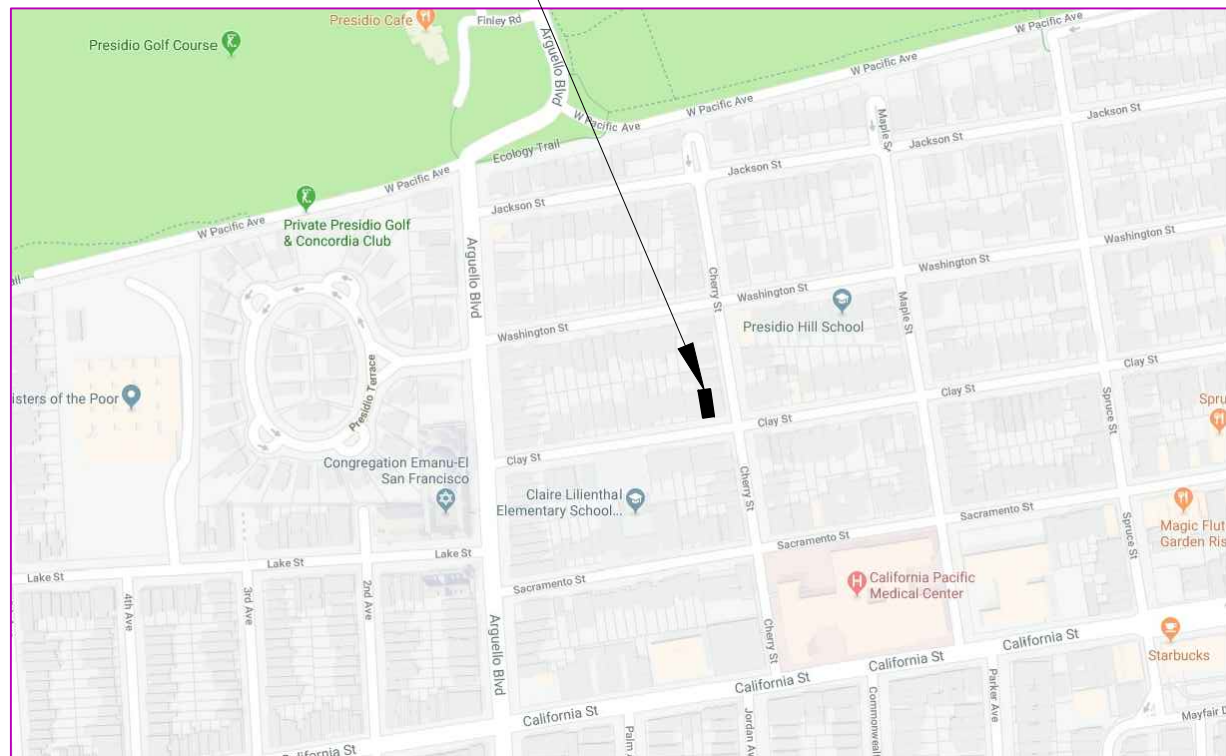
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THE PROJECT SCOPE IS THE REMODEL OF AN EXISTING TWO-STORY BUILDING, INCLUDING ADDITION OF A NEW STORY AT THE BACK OF THE BUILDING.

## SCOPE OF WORK

NA

### PROJECT LOCATION



## LOCATION MAP

NTS

1

LOCATION: 3902 CLAY STREET, SAN FRANCISCO, CA 94118  
ZONING: RH-1, RESIDENTIAL, ONE FAMILY  
OCCUPANCY: R-3  
HEIGHT AND BULK DISTRICT: 40-X  
CONSTRUCTION TYPE: VB

PLANNING SUMMARY  
BLOCK: 0991  
LOT: 005A  
YEAR BUILT: 1903  
EXISTING BUILDING AREA: 2,367 SQFT  
PROPOSED BUILDING AREA: 3,651 SQFT

## SITE AND BUILDING INFORMATION

NTS

2

APPLICABLE CODES  
A. 2016 CALIFORNIA BUILDING CODE, AMENDED BY THE CITY OF SAN FRANCISCO  
B. 2016 CALIFORNIA MECHANICAL CODE, AMENDED BY THE CITY OF SAN FRANCISCO  
C. 2016 CALIFORNIA PLUMBING CODE, AMENDED BY THE CITY OF SAN FRANCISCO  
D. 2016 CALIFORNIA ELECTRICAL CODE, AMENDED BY THE CITY OF SAN FRANCISCO  
E. 2016 CALIFORNIA STATE FIRE CODE, AMENDED BY THE CITY OF SAN FRANCISCO  
F. ENERGY PER TITLE 24, 2016 CALIFORNIA CODE OF REGULATIONS

## BUILDING CODE INFORMATION

NTS

3

ARCHITECT  
GEDDES ULINSKAS ARCHITECTS  
220 MONTGOMERY STREET, STE 1611  
SAN FRANCISCO, CA 94104

CONTACT: GEDDES ULINSKAS  
GULINSKAS@ULARCH.COM

## PROJECT TEAM

NTS

4

## GENERAL NOTES

NTS

7

Exhibit B  
Oswell Family DR  
2018-007676DRP

GEDDES ULINSKAS  
ARCHITECTS

220 Montgomery Street  
Suite 1611  
San Francisco CA 94105  
T 415 904 0483  
F 415 904 8643

Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY:

PLOT DATE:

CHECKED BY:

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019
3.	RESPONSE TO COMMENTS	03/04/2019



COVER  
SHEET

G000

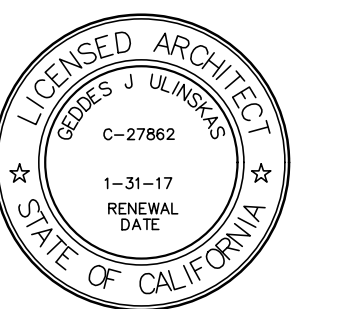


# Renovation for 3902 Clay Street San Francisco

DRAWN BY: PLOT DATE:

CHECKED BY:

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019
3.	RESPONSE TO COMMENTS	03/04/2019



## PICTURES OF PROPERTY

**G001**



## FRONT FACADE



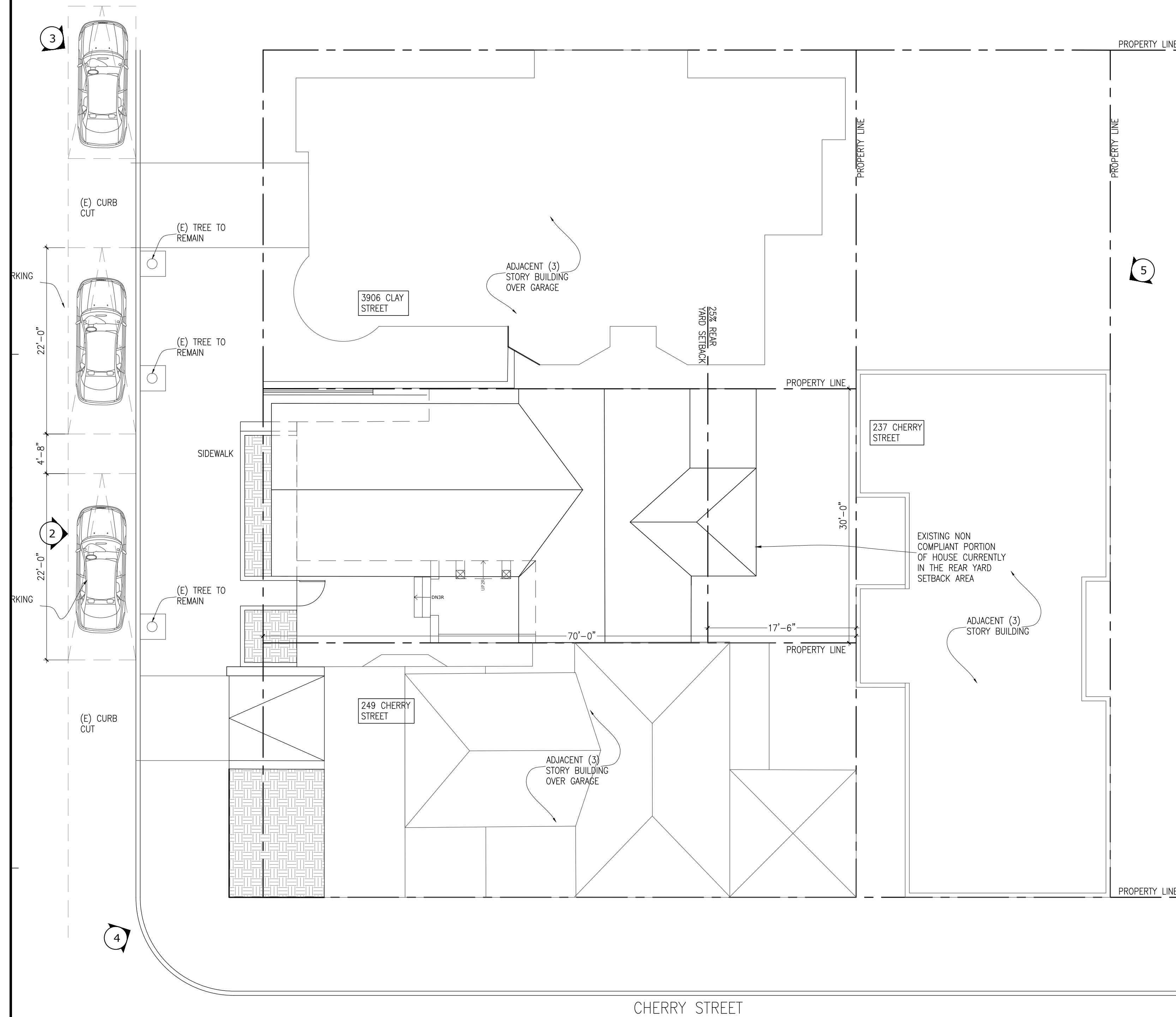
VIEW FROM WEST



VIEW FROM EAST



AERIAL VIEW



## EXISTING SITE PLAN

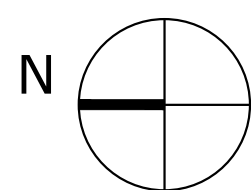
$$\overline{1/8'' = 1' - 0''}$$


Exhibit **B**  
Oswell Family DR  
2018-007676DRP



Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: PLOT DATE:

CHECKED BY:

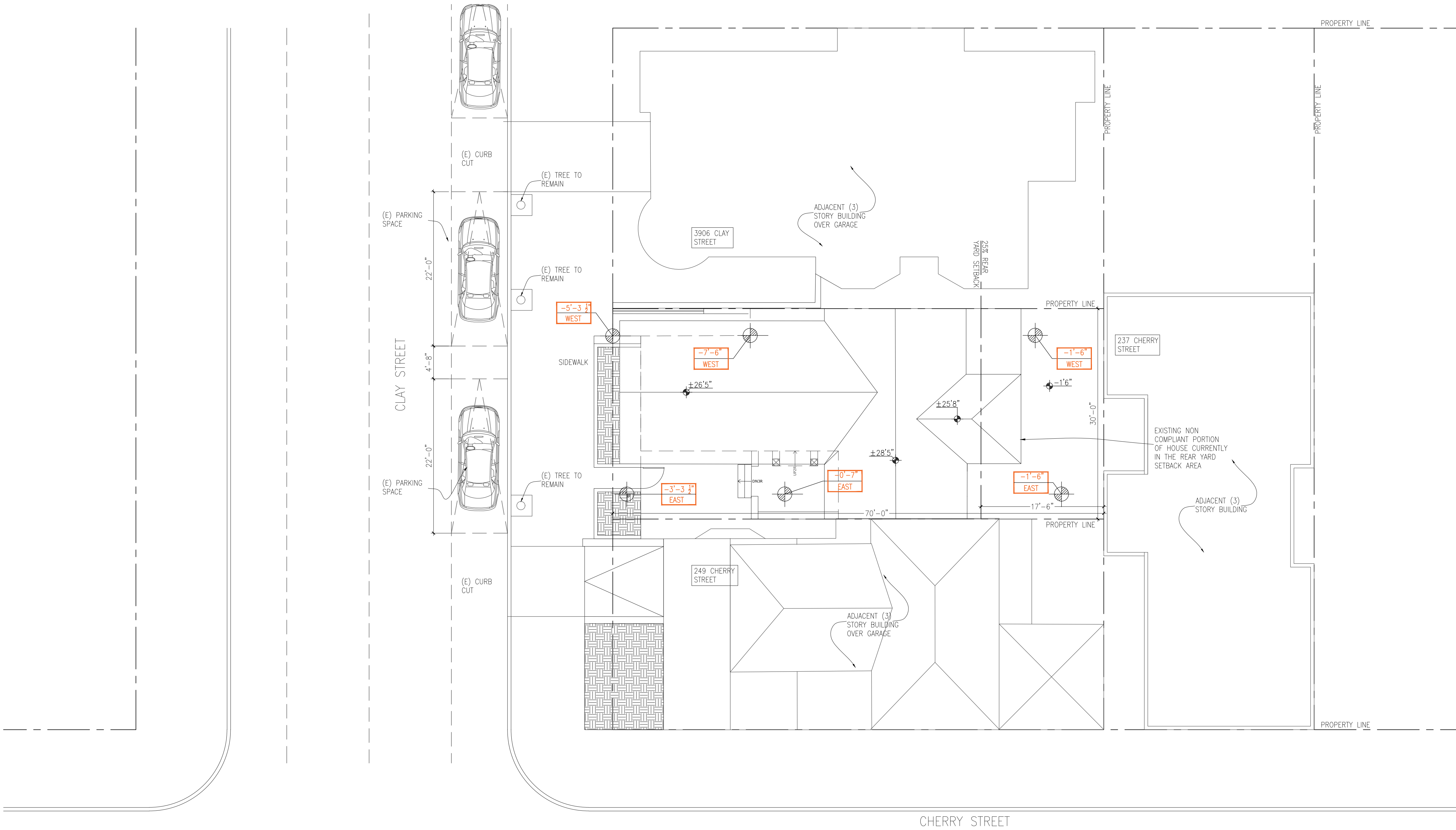
ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019
3.	RESPONSE TO COMMENTS	03/04/2019



EXISTING  
SITE PLAN

A001

LEGEND: (E) ELEVATION  
USED TO DETERMINE  
HEIGHT ALLOWANCE



EXISTING SITE PLAN

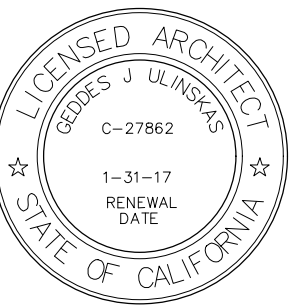
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Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: PLOT DATE:

CHECKED BY:

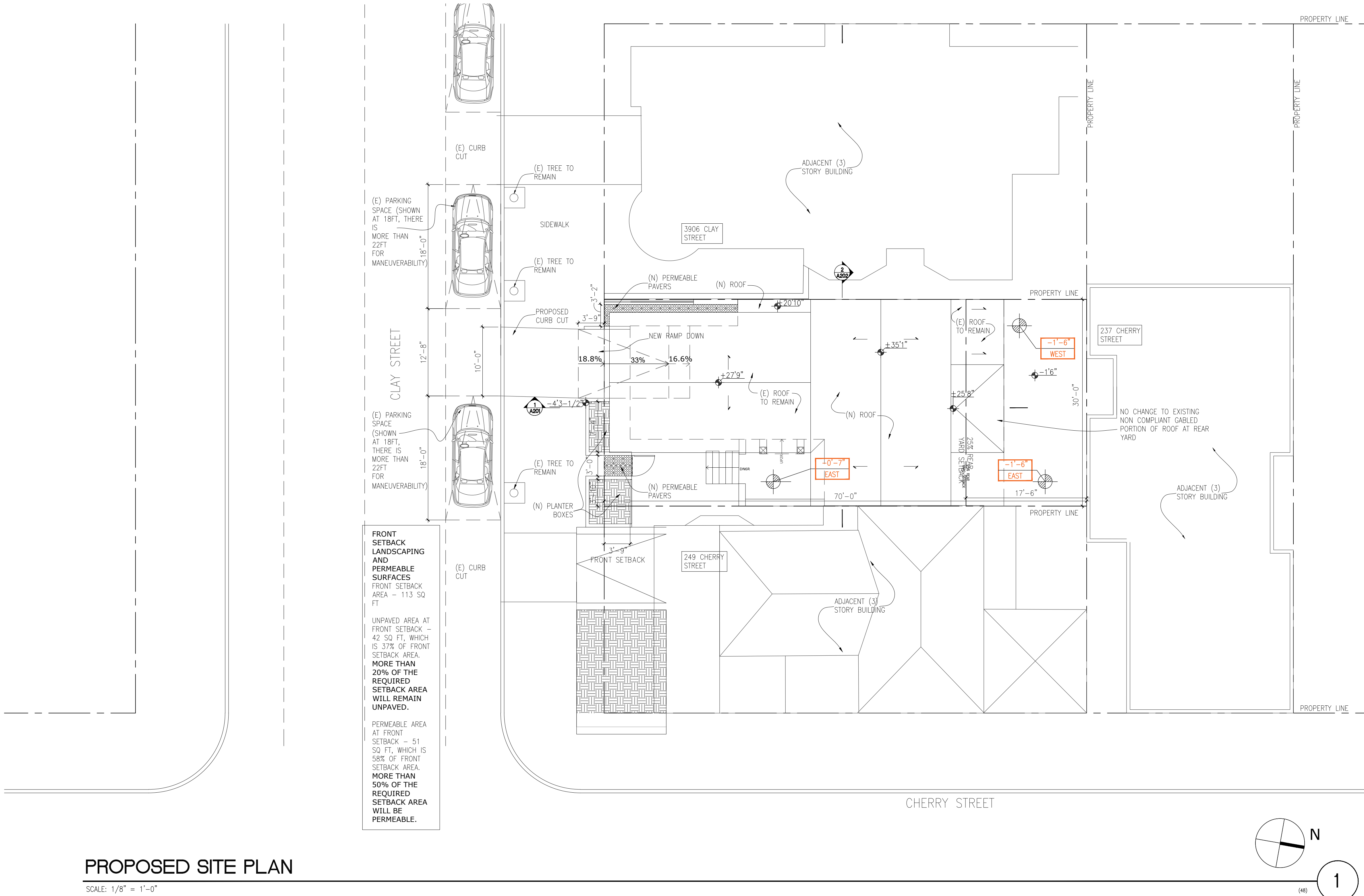
ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019
3.	RESPONSE TO COMMENTS	03/04/2019



PROPOSED  
SITE PLAN

A002

LEGEND: (E) ELEVATION  
USED TO DETERMINE  
HEIGHT ALLOWANCE



PROPOSED SITE PLAN

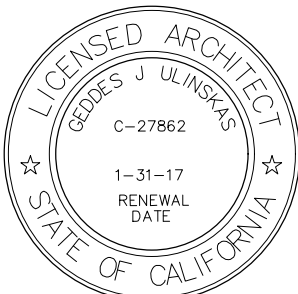
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Renovation for  
3902 Clay Street  
San Francisco

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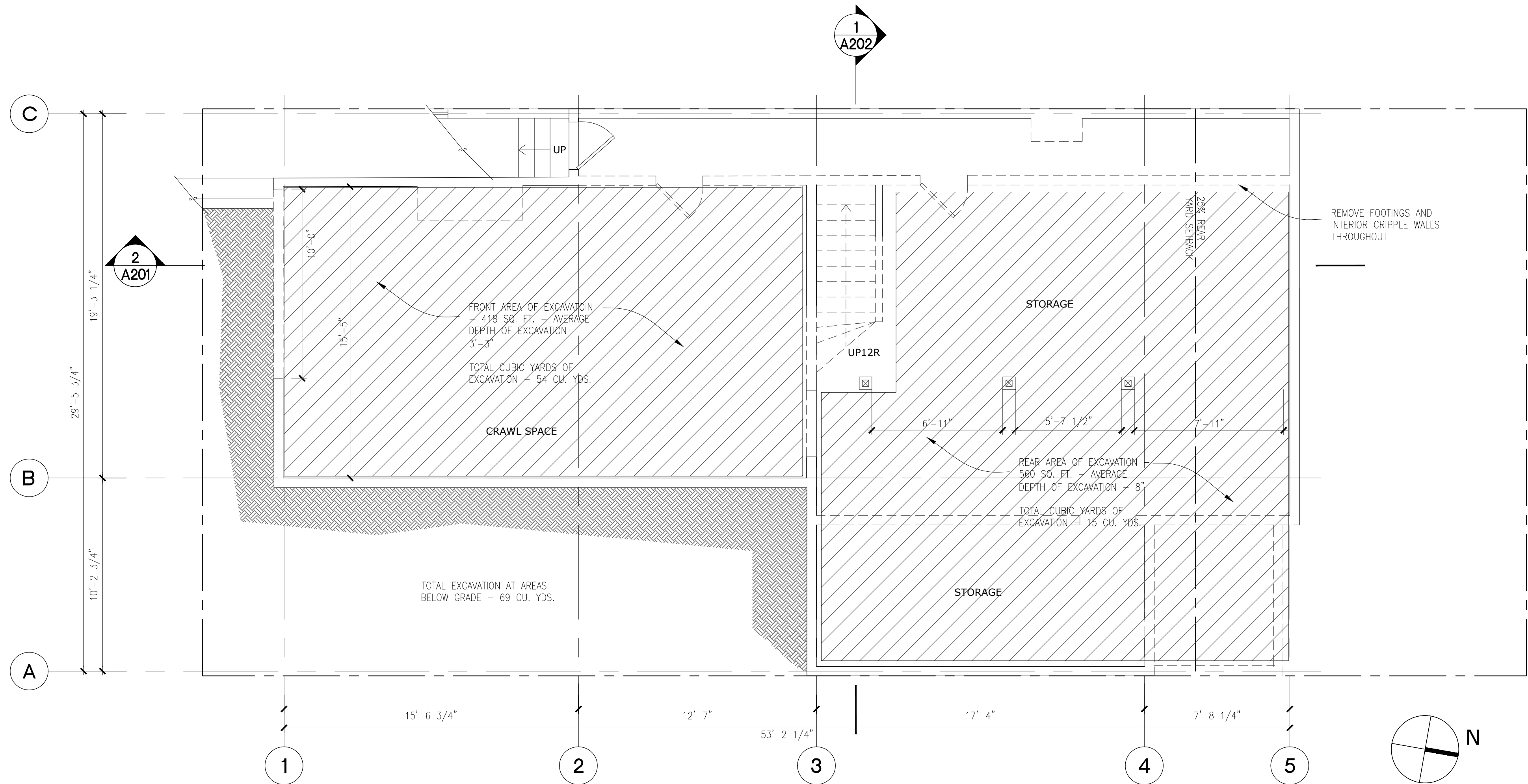
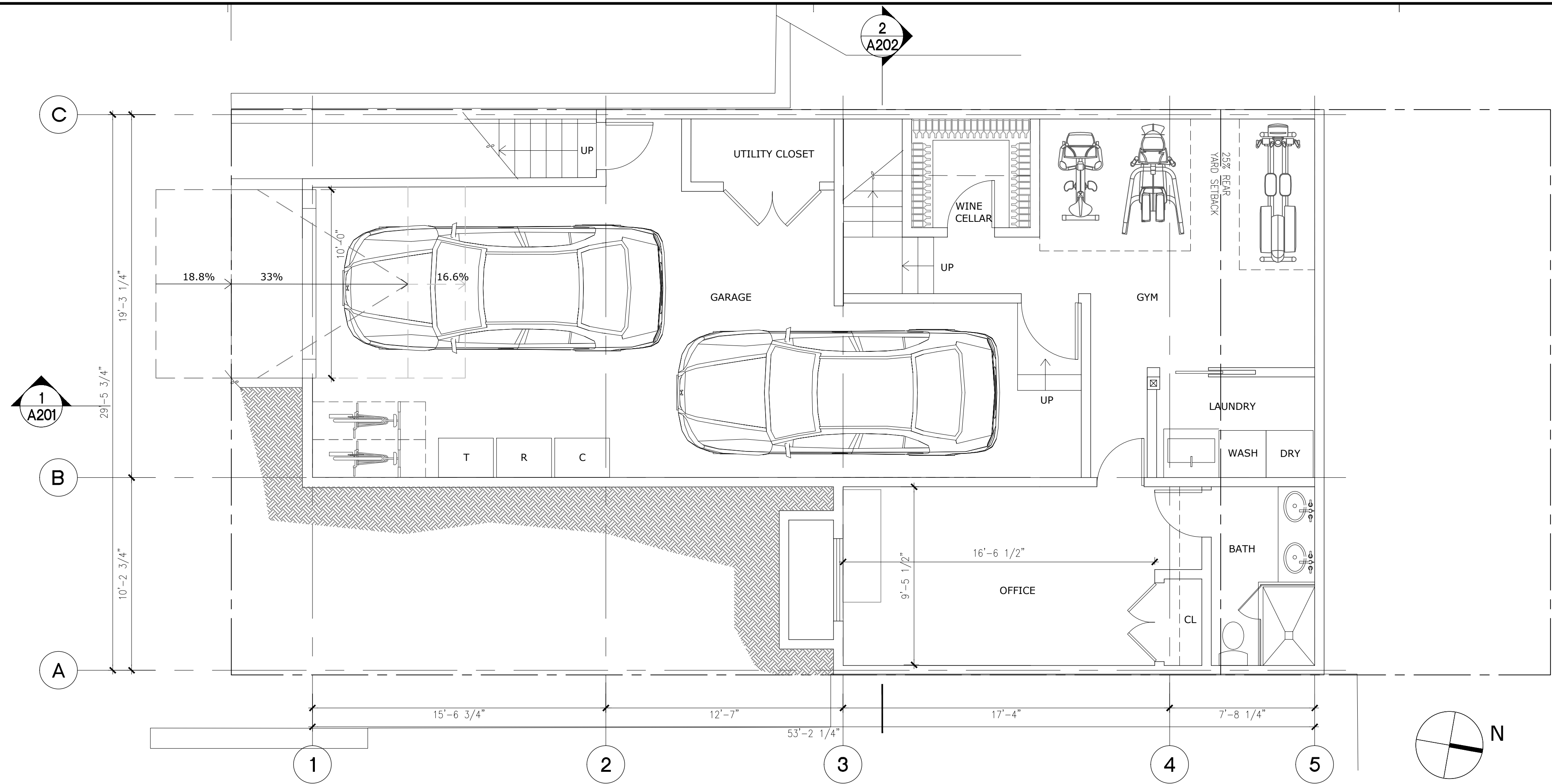
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ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019
3.	RESPONSE TO COMMENTS	03/04/2019



EXISTING +  
PROPOSED BASEMENT  
FLOOR PLAN

A101



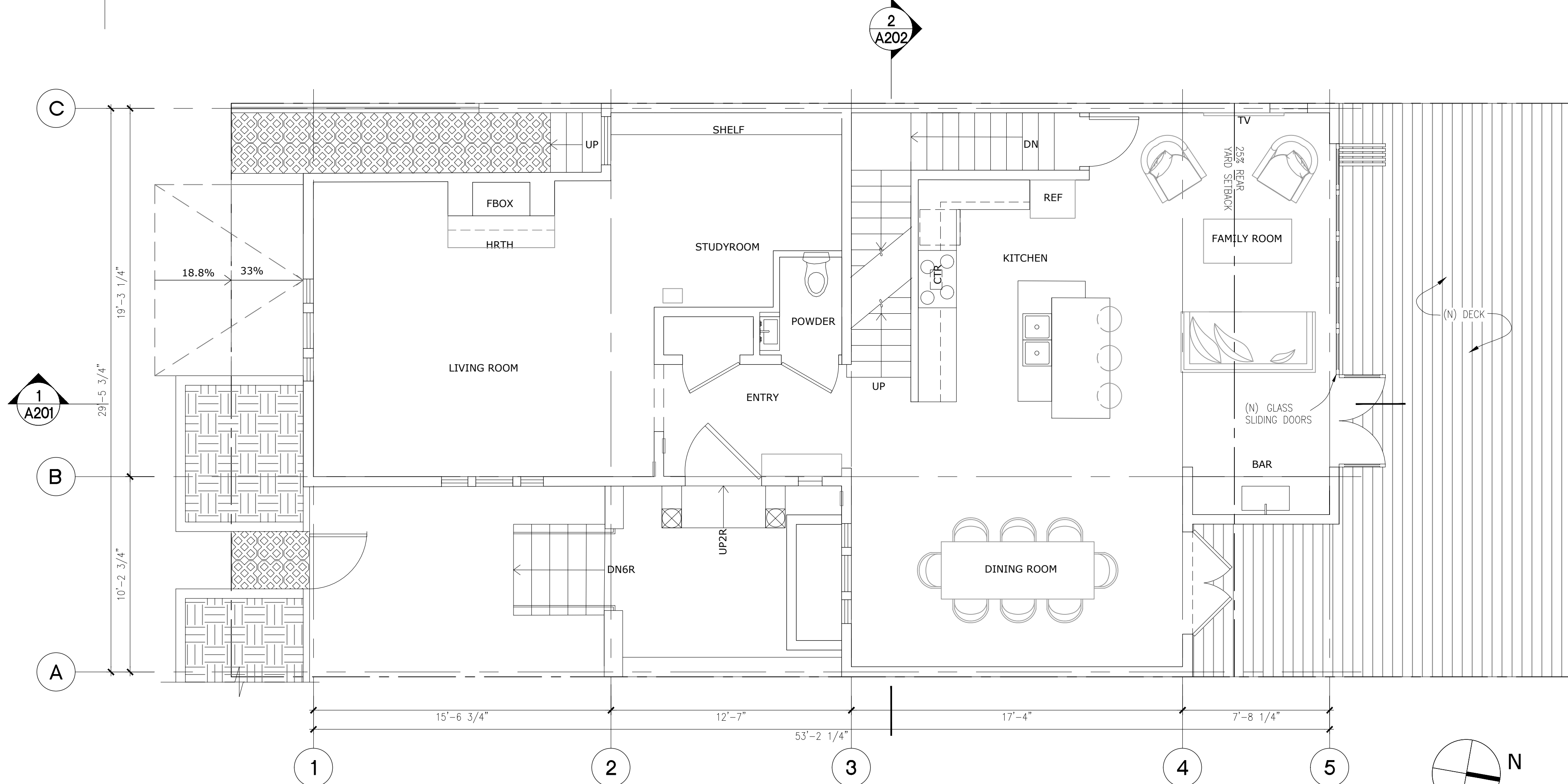


Renovation for  
3902 Clay Street  
San Francisco

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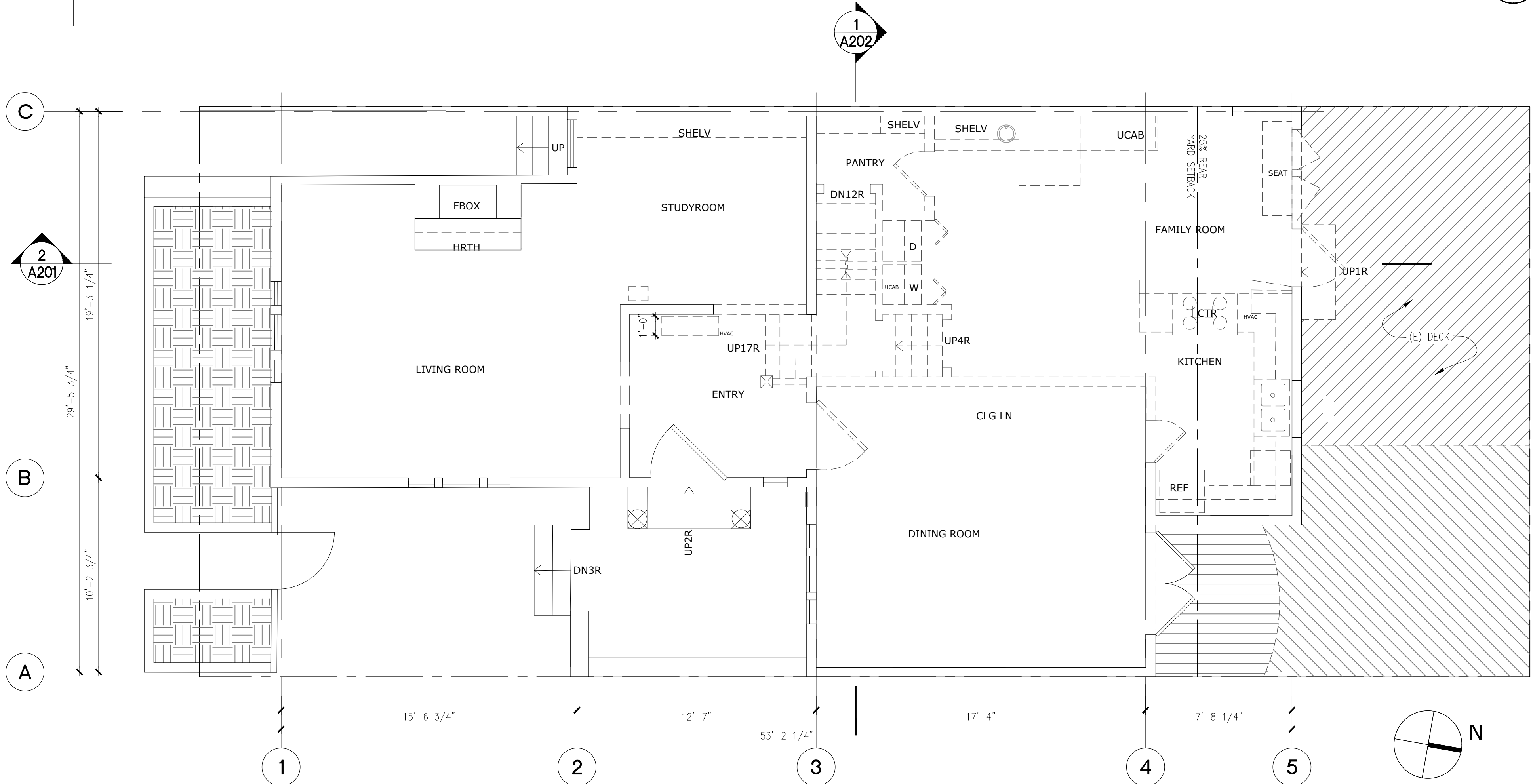
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ISSUE	DESCRIPTION	DATE
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3.	RESPONSE TO COMMENTS	03/04/2019



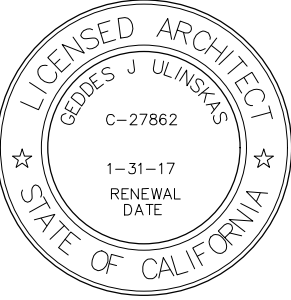
PROPOSED FIRST FLOOR PLAN

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



EXISTING FIRST FLOOR PLAN

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



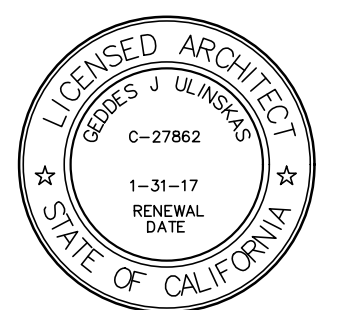
EXISTING +  
PROPOSED FIRST  
FLOOR PLAN

Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: PLOT DATE:

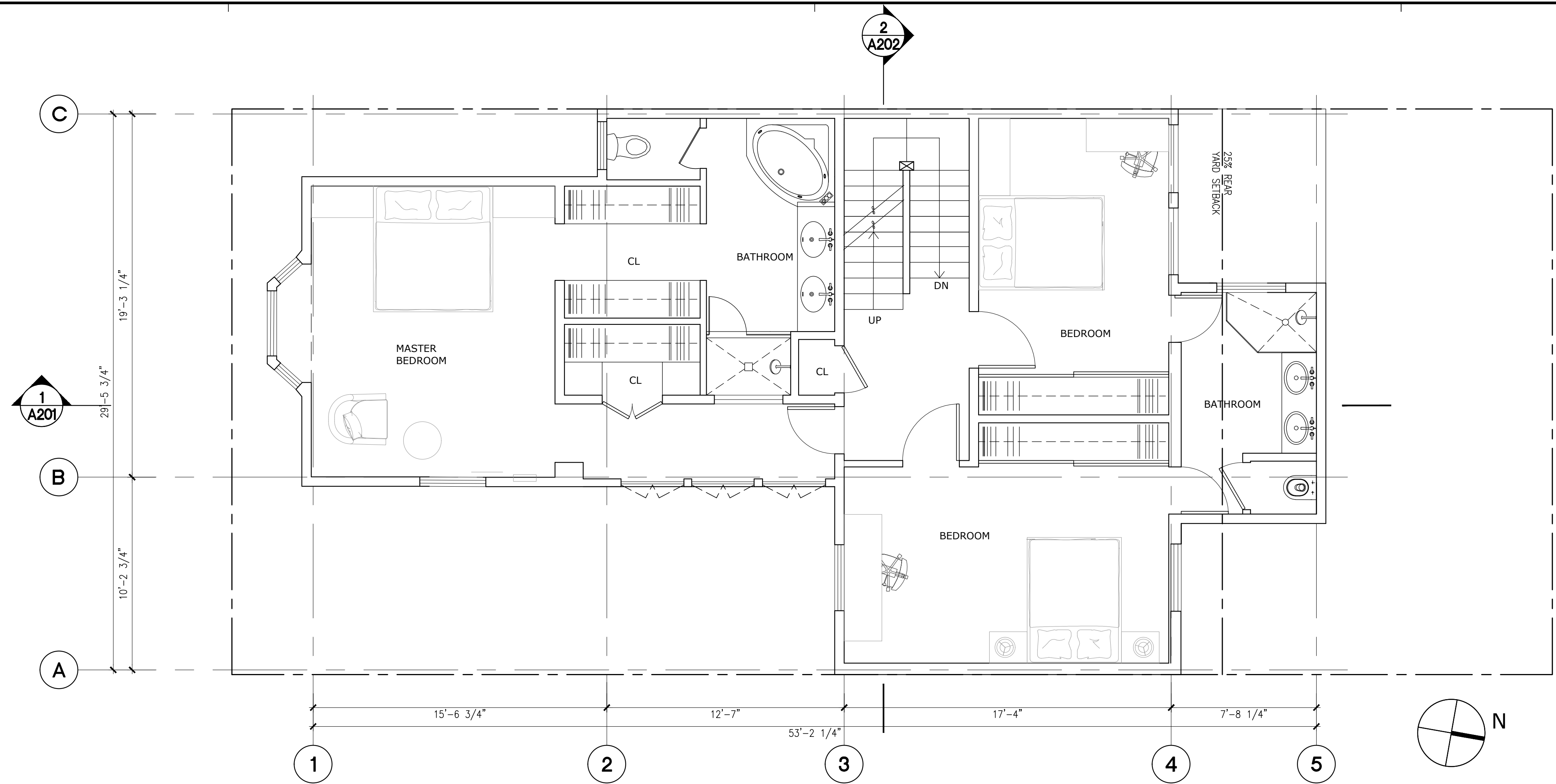
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ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
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3.	RESPONSE TO COMMENTS	03/04/2019



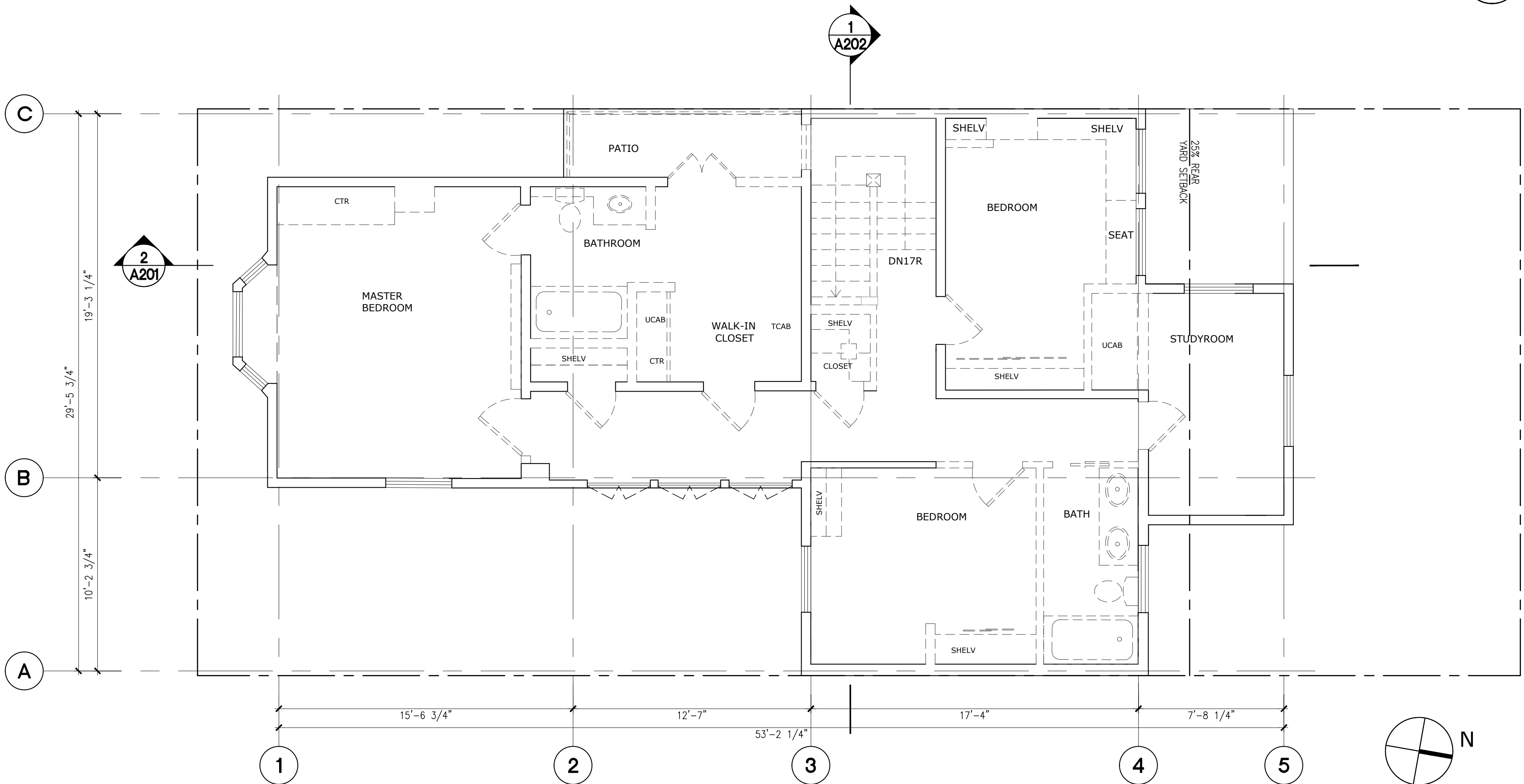
EXISTING +  
PROPOSED SECOND  
FLOOR PLAN

A103



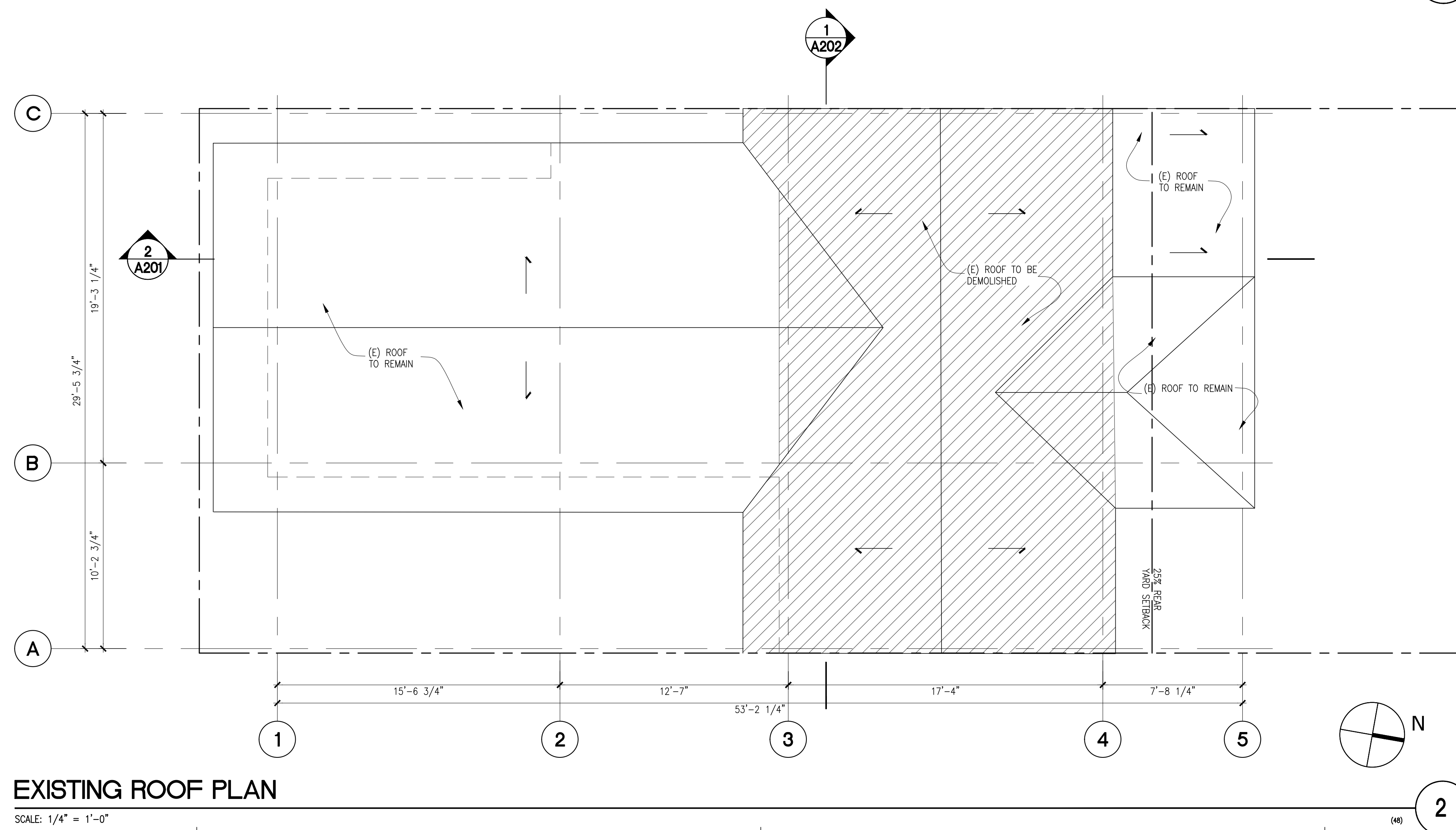
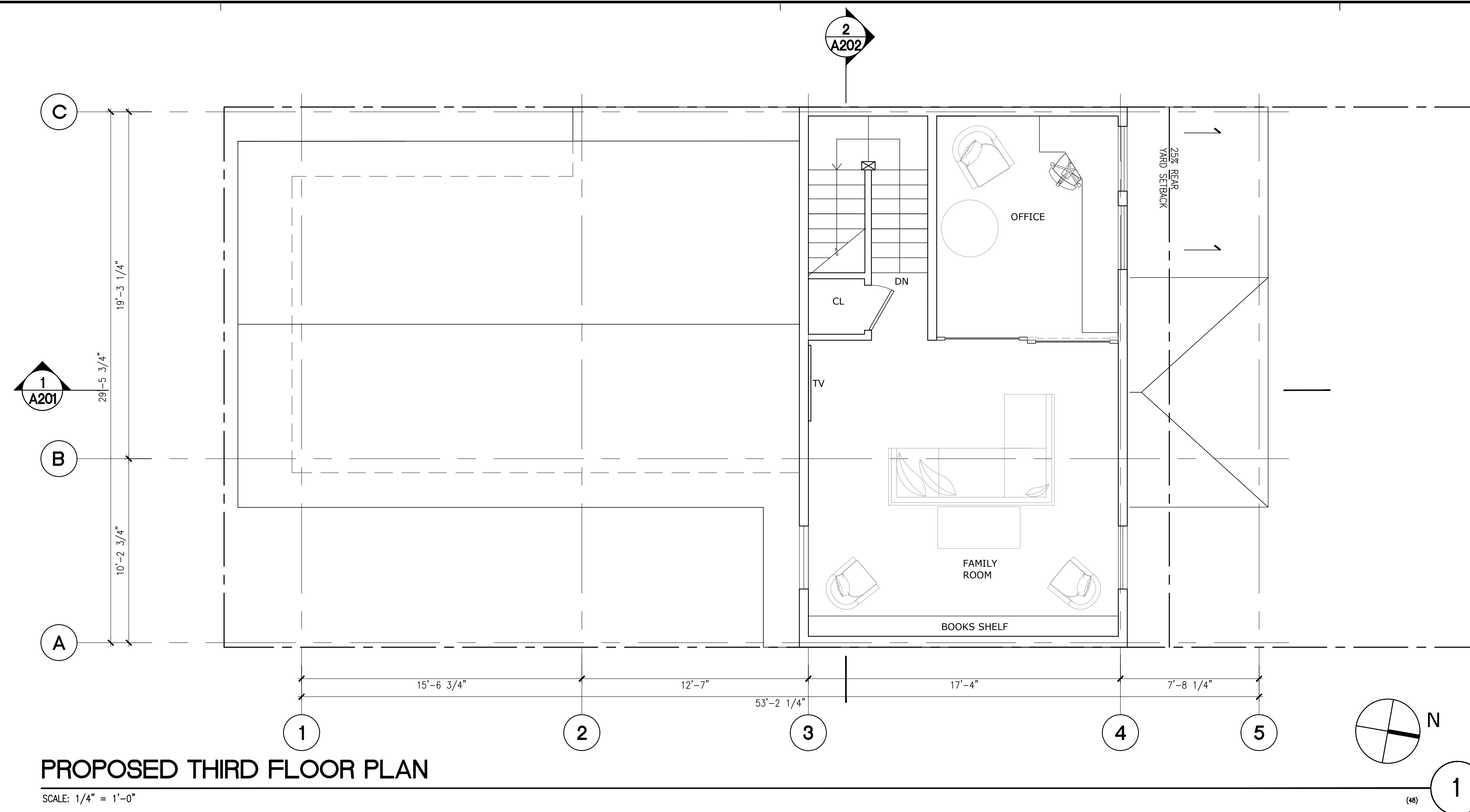
PROPOSED SECOND FLOOR PLAN

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



EXISTING SECOND FLOOR PLAN

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



GEDDES ULINSKAS  
ARCHITECTS

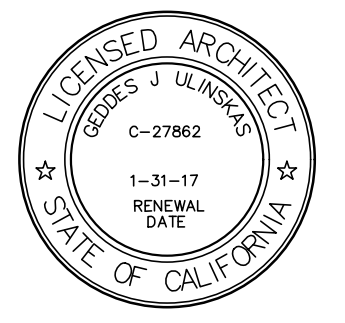
220 Montgomery Street  
Suite 1611  
San Francisco CA 94105  
T 415 904 0483  
F 415 904 8643

Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: PLOT DATE:

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EXISTING ROOF +  
PROPOSED THIRD  
FLOOR PLAN

A104

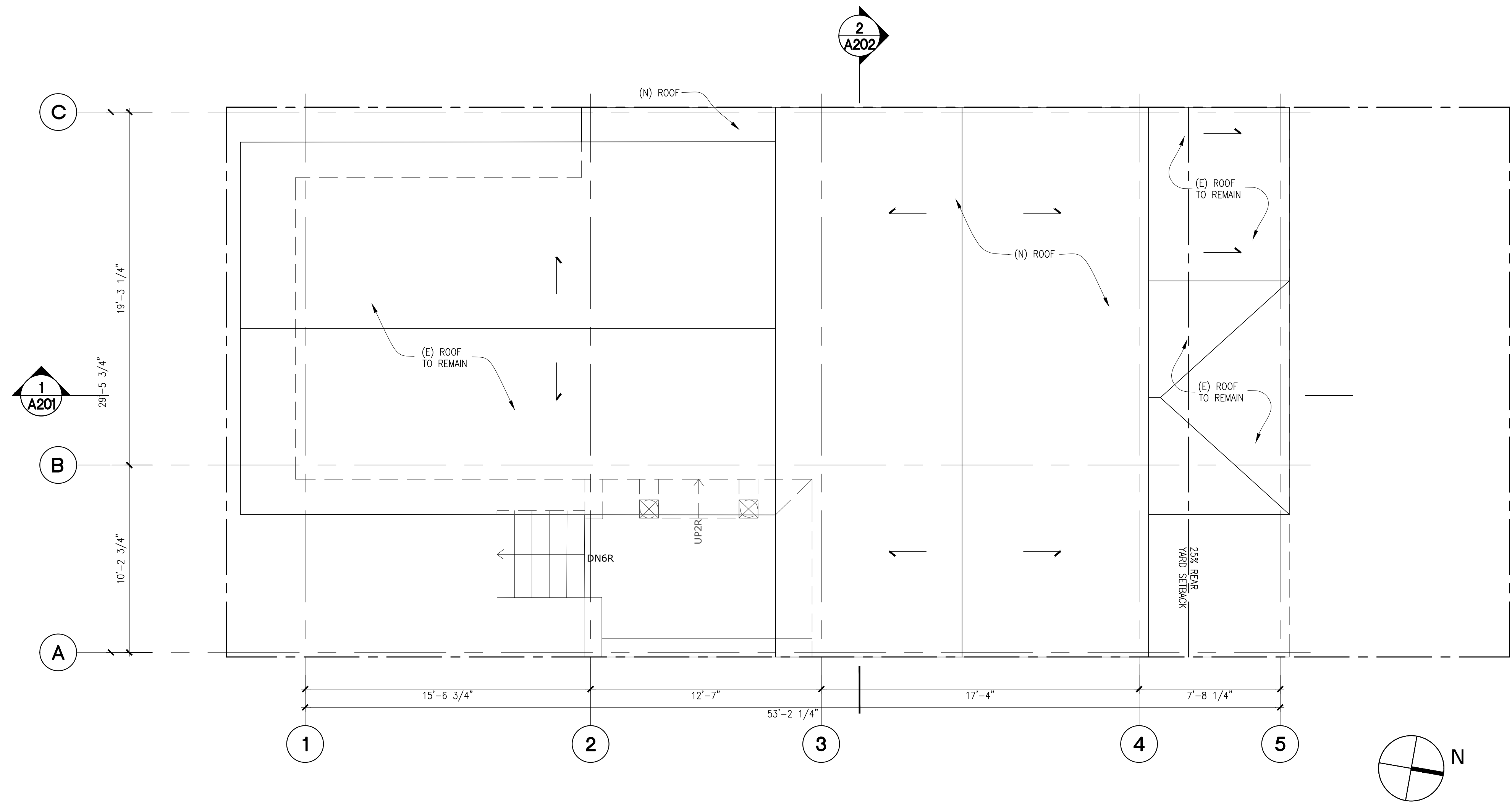


Renovation for  
3902 Clay Street  
San Francisco

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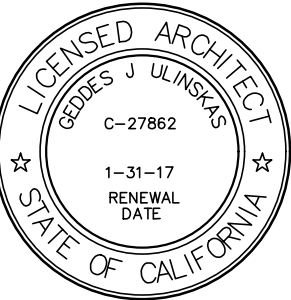
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ISSUE	DESCRIPTION	DATE
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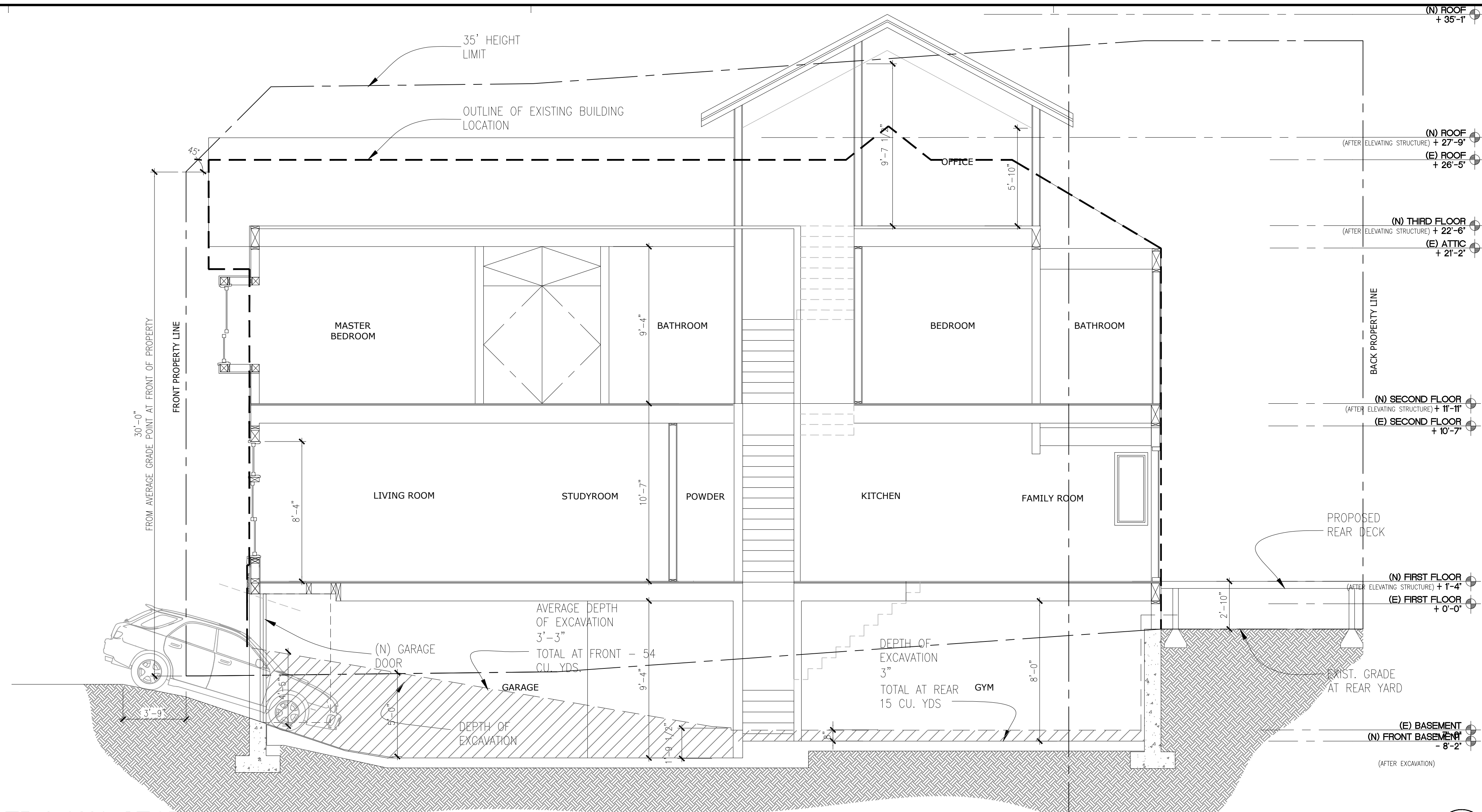


PROPOSED ROOF PLAN

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

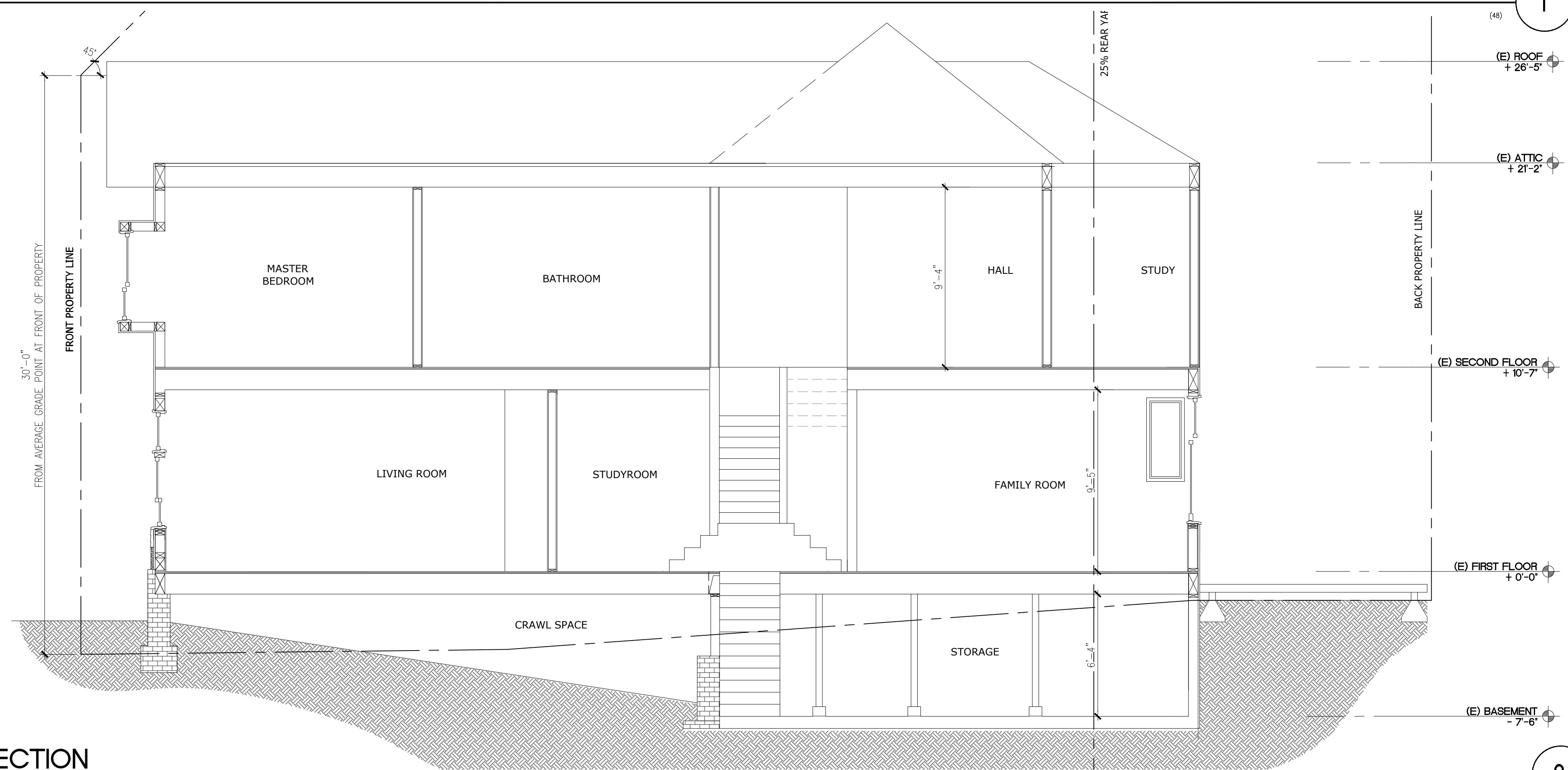


PROPOSED  
ROOF PLAN



PROPOSED LONG SECTION

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



EXISTING LONG SECTION

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

GEDDES ULINSKAS  
ARCHITECTS

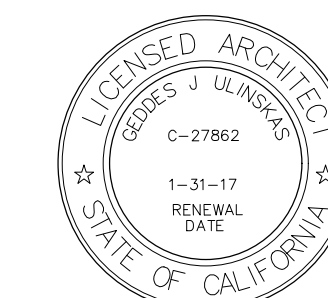
220 Montgomery Street  
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Renovation for  
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EXISTING +  
PROPOSED LONG  
SECTIONS

A201

Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: PLOT DATE:

CHECKED BY:

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019
3.	RESPONSE TO COMMENTS	03/04/2019

1

PROPOSED FRONT (SOUTH) ELEVATION

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

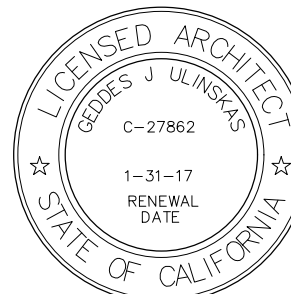
(48)

2

EXISTING FRONT (SOUTH) ELEVATION

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

(48)



EXISTING +  
PROPOSED  
SOUTH ELEVATION

A301

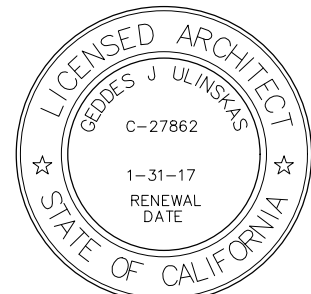


Renovation for  
3902 Clay Street  
San Francisco

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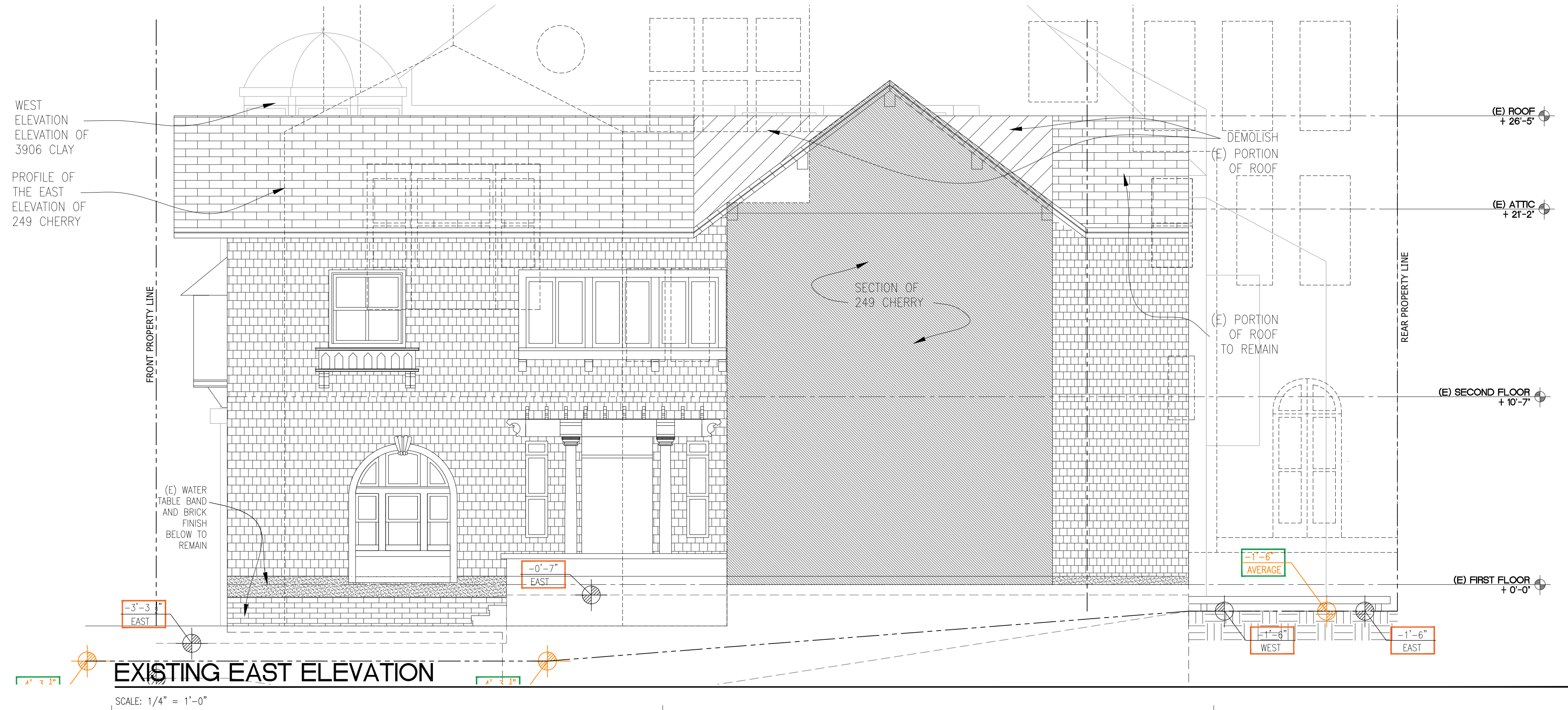
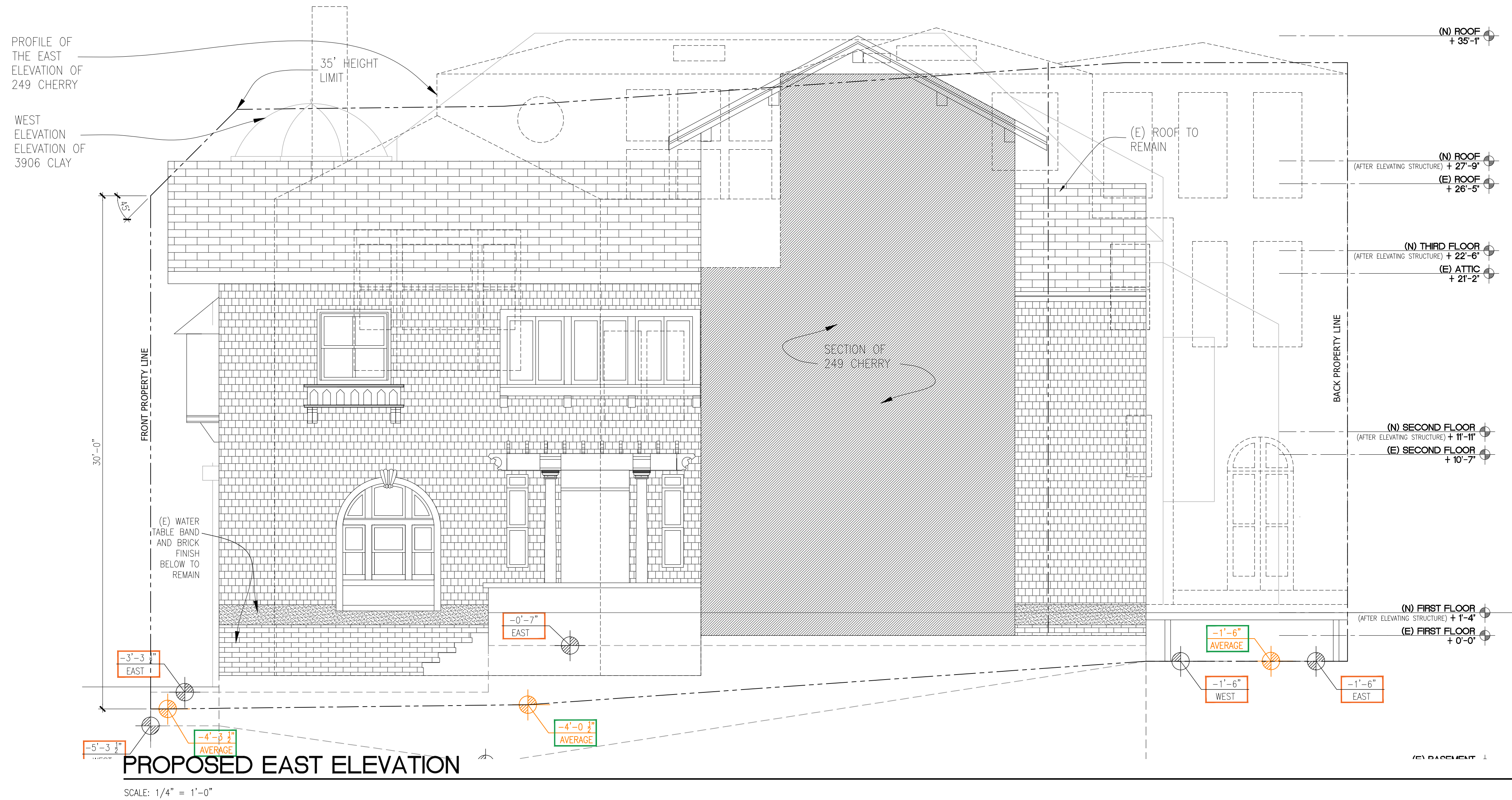
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2.	RESPONSE TO COMMENTS	01/10/2019
3.	RESPONSE TO COMMENTS	03/04/2019



EXISTING +  
PROPOSED  
EAST ELEVATION

A302



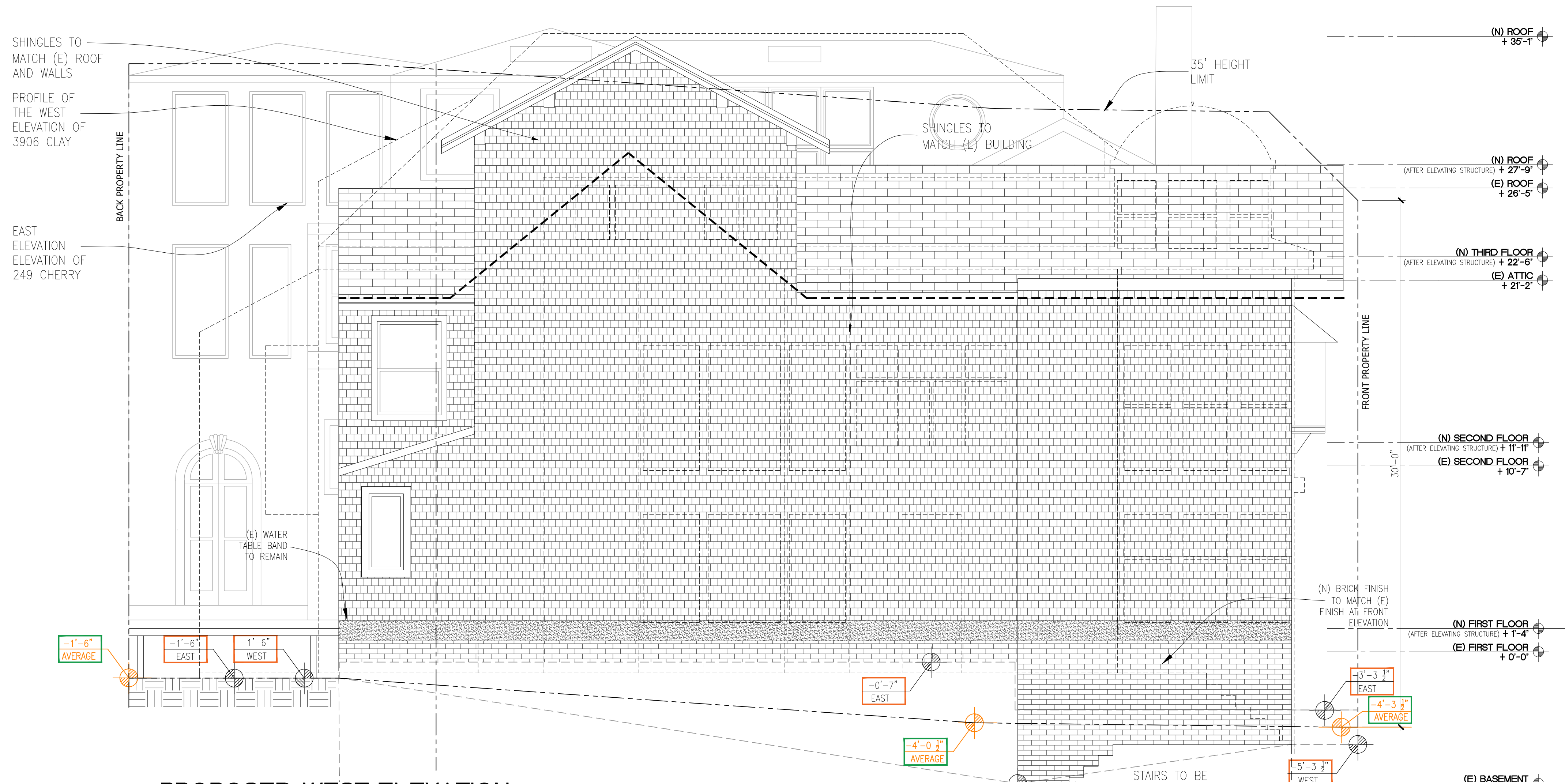


Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: PLOT DATE:

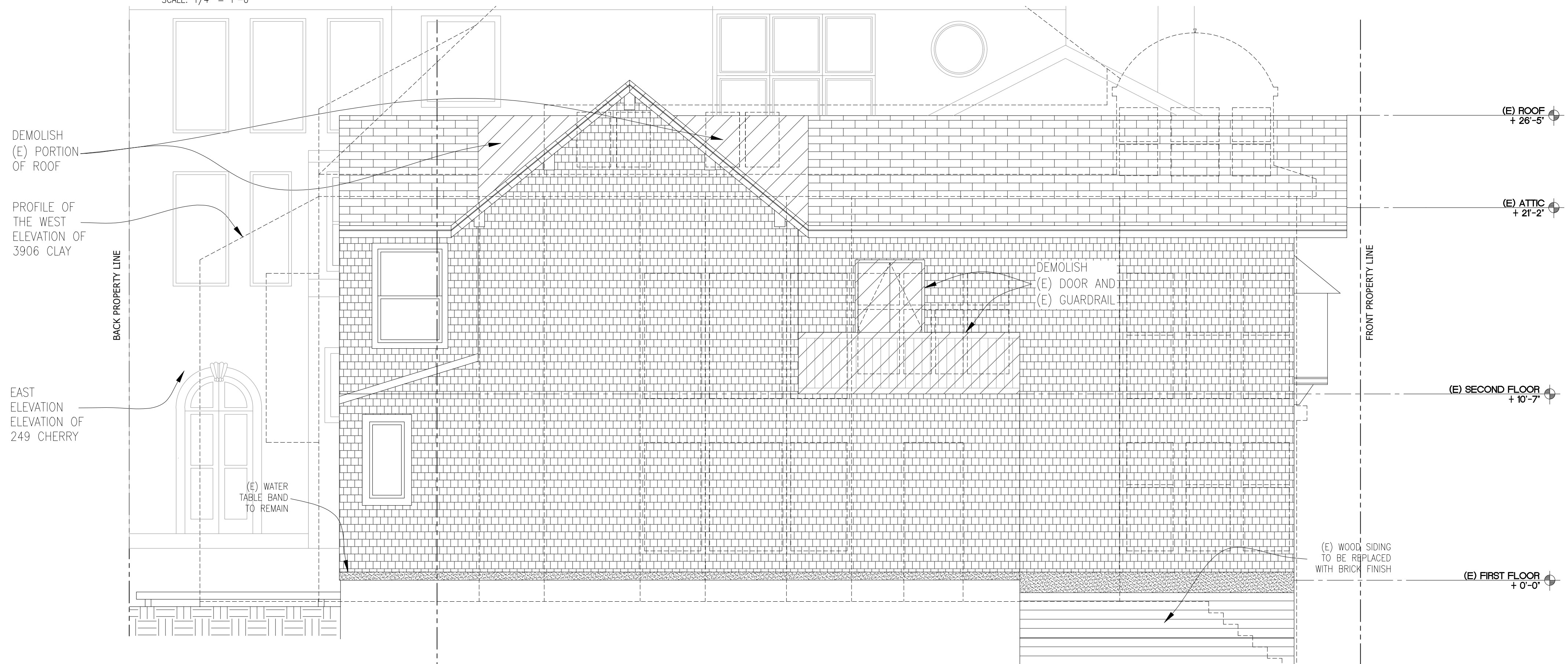
CHECKED BY:

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019
3.	RESPONSE TO COMMENTS	03/04/2019



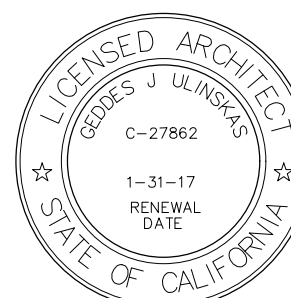
PROPOSED WEST ELEVATION

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



EXISTING WEST ELEVATION

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



EXISTING +  
PROPOSED  
WEST ELEVATION

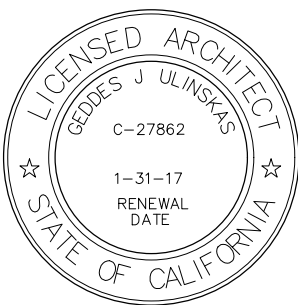
A303

Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: PLOT DATE:

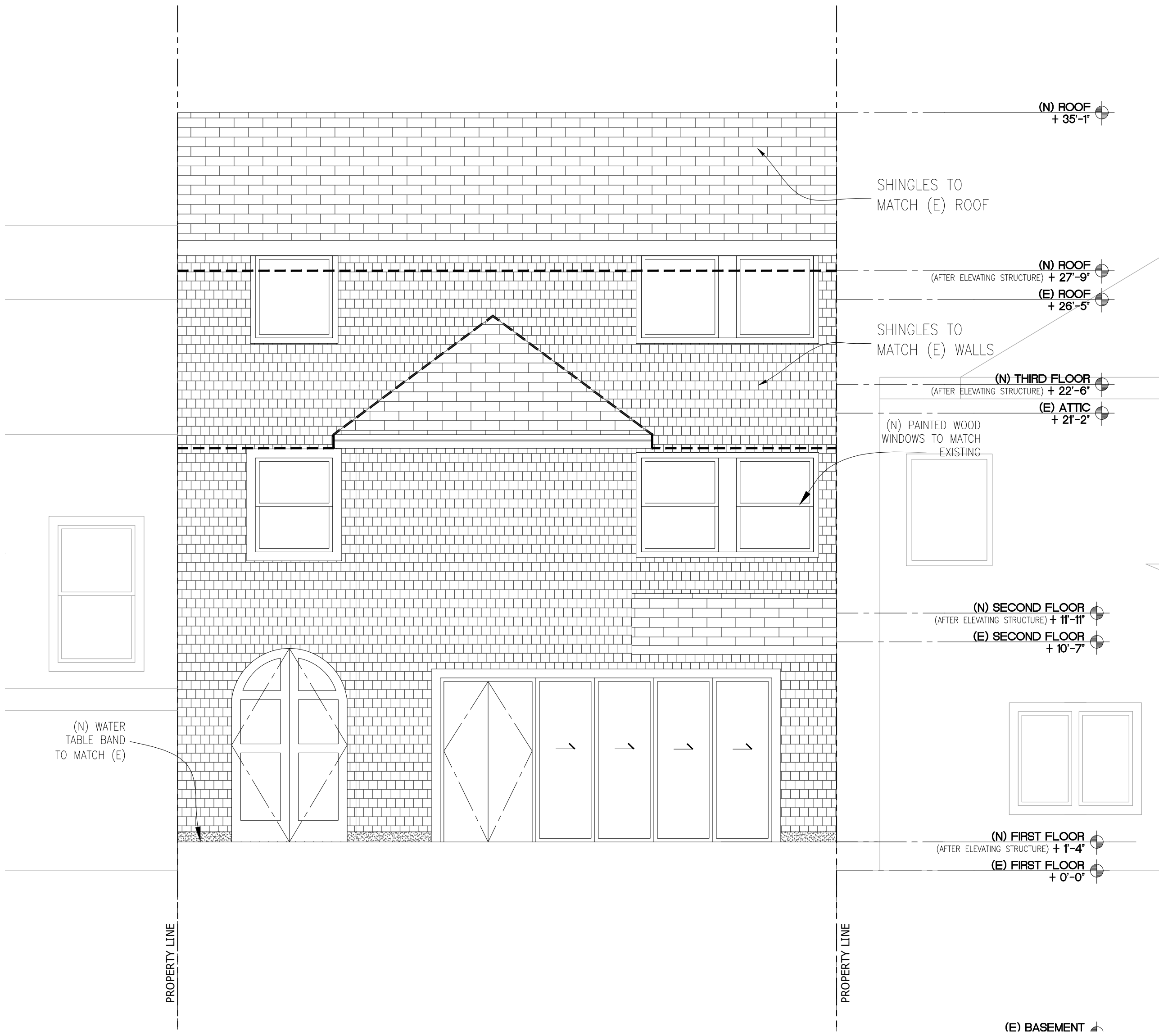
CHECKED BY:

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019
3.	RESPONSE TO COMMENTS	03/04/2019



EXISTING +  
PROPOSED  
NORTH ELEVATION

A304



PROPOSED REAR (NORTH) ELEVATION

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

1



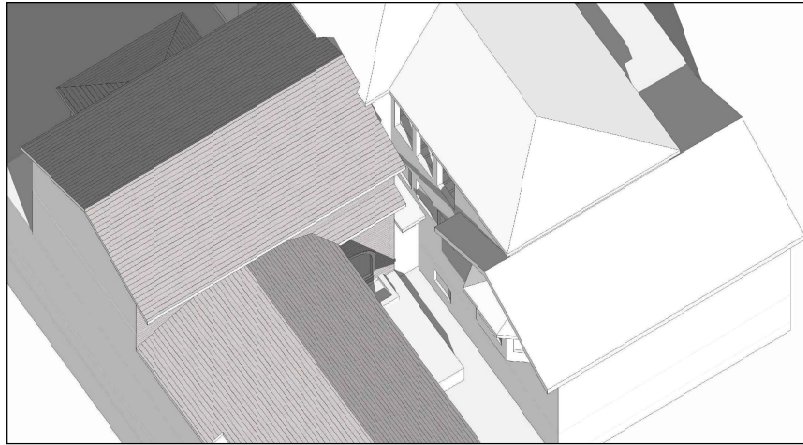
EXISTING REAR (NORTH) ELEVATION

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

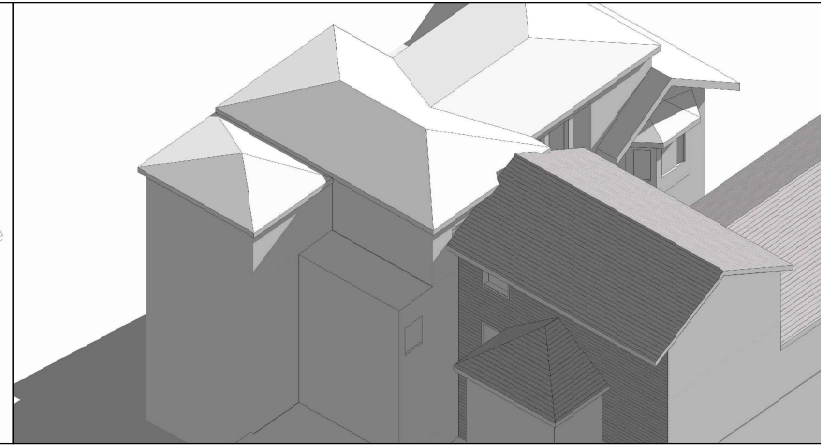
2



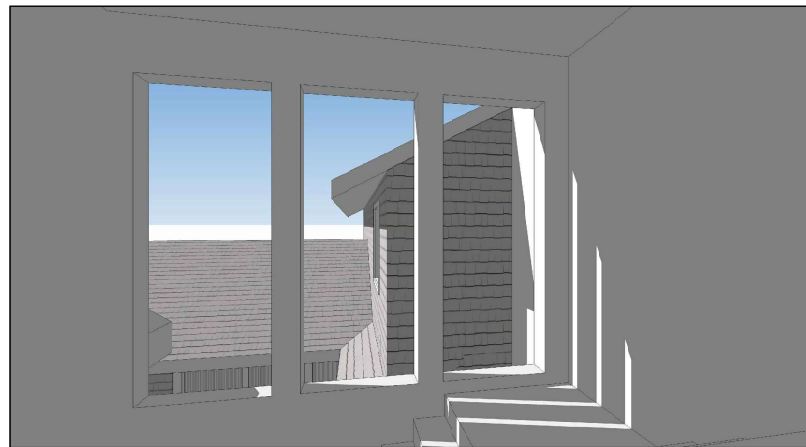
# EXHIBIT C



TOP VIEW 1



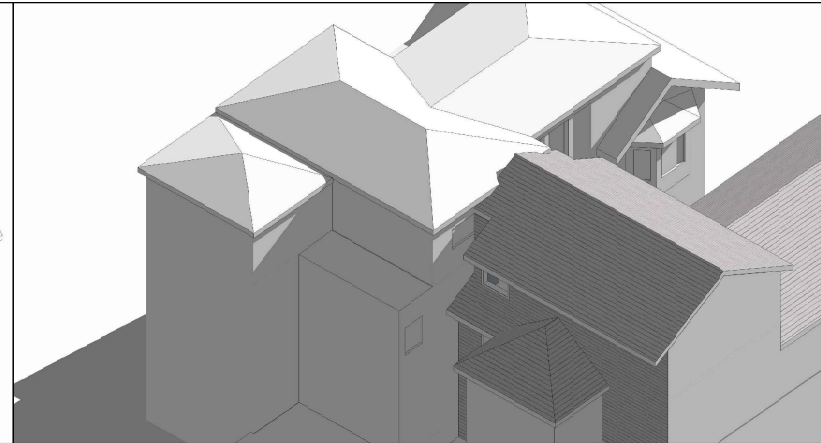
TOP VIEW 2



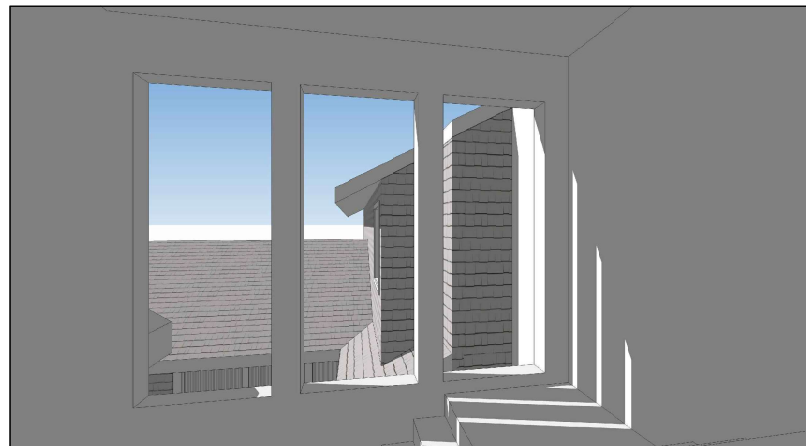
VIEW FROM THE LASATER RESIDENCE



TOP VIEW 1



TOP VIEW 2

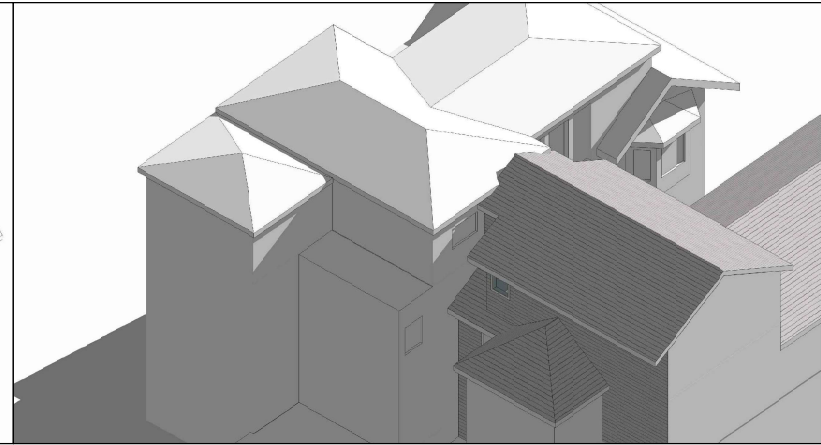


VIEW FROM THE LASATER RESIDENCE

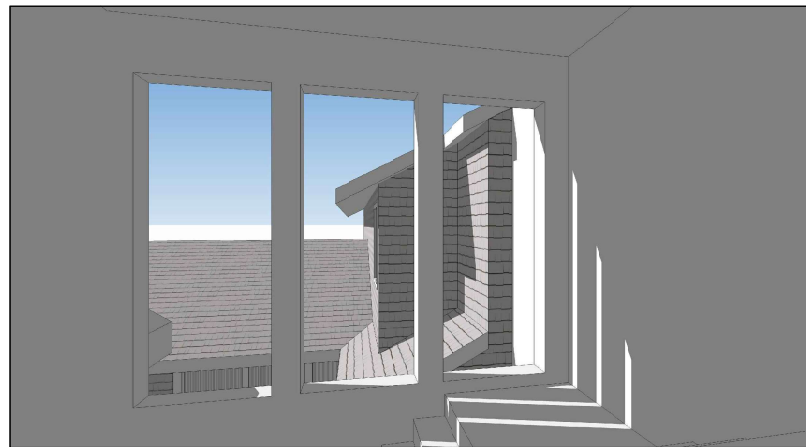




TOP VIEW 1



TOP VIEW 2



VIEW FROM THE LASATER RESIDENCE

# EXHIBIT D



Her closet was incredible. What I loved the most, apart from the doors, was the wallpapered ceiling. An interior architect also designed that perfectly placed frosted skylight. There was no detail left undone. Bravo Kathryn!!

Exhibit **D**  
Oswell Family DR  
2018-007676DRP



# EXHIBIT E



Exhibit E  
Oswell Family DR 2018-007676DRP

# EXHIBIT F



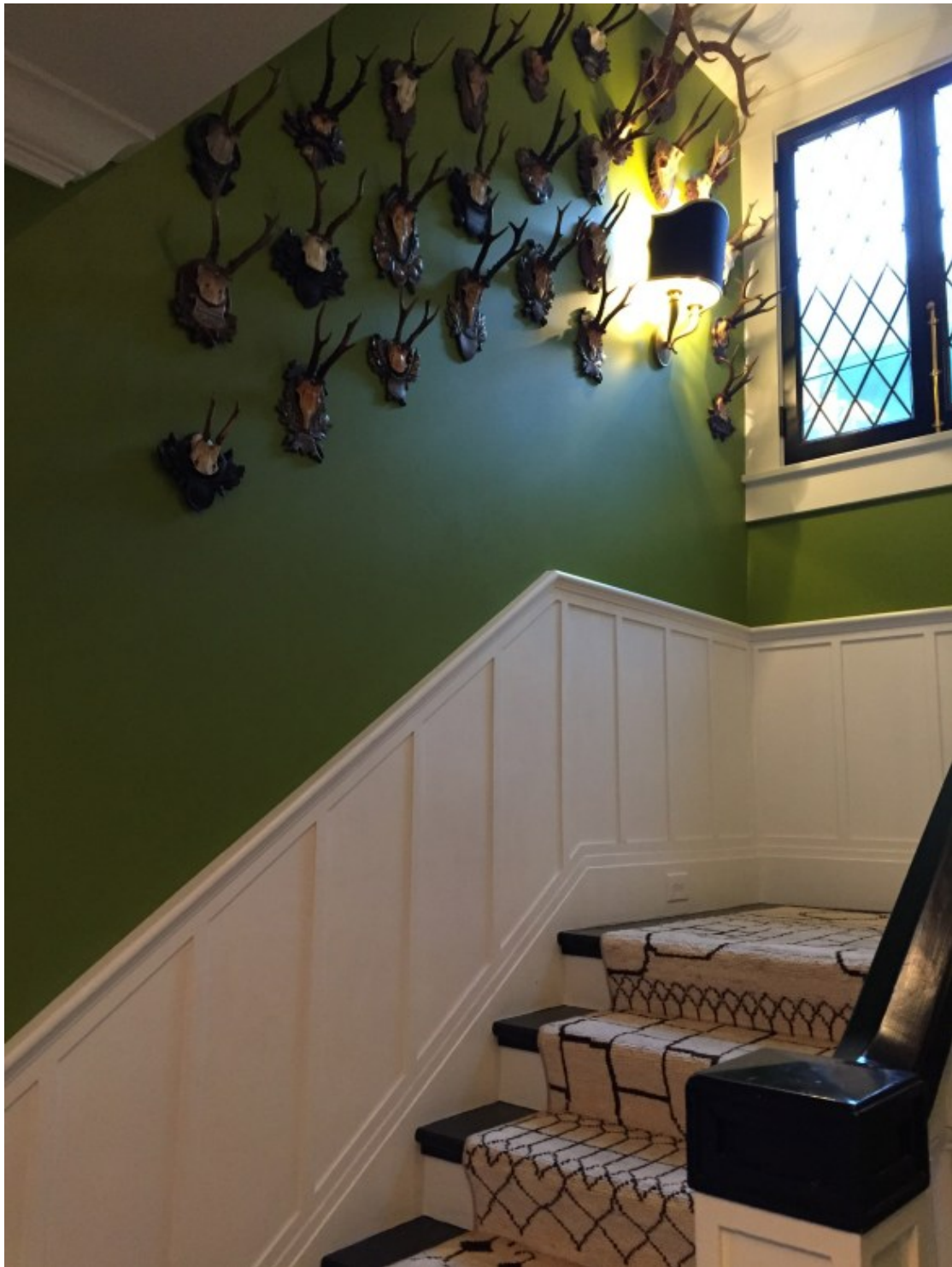


Exhibit **F**  
Oswell Family DR  
2018-007676DRP



The stairway. This may even be my favorite image. Between the windows, the antlers, the paint, and the runner, it is hard to not be happy when looking at this picture.

Exhibit **F**  
Oswell Family DR  
2018-007676DRP

# EXHIBIT G

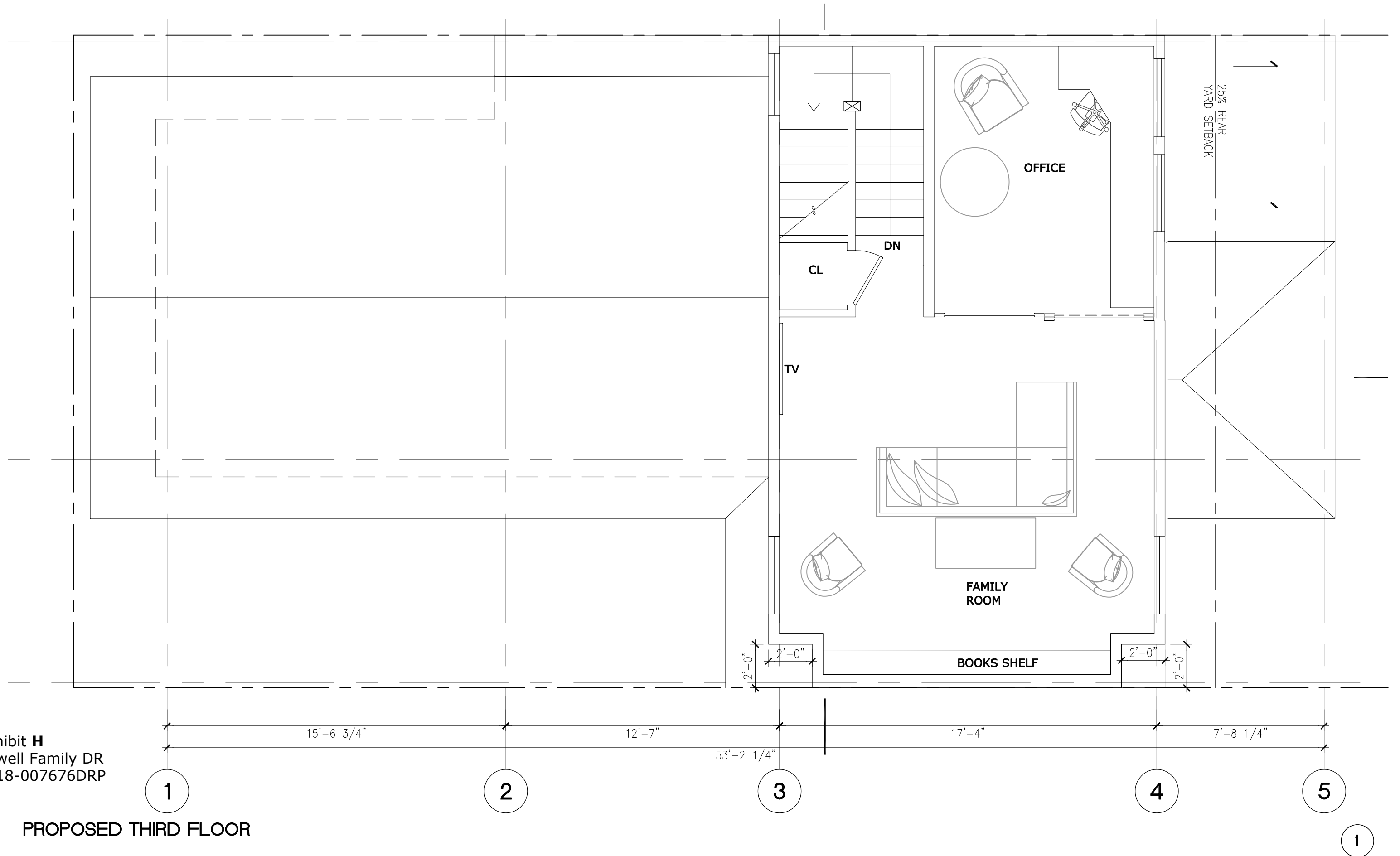




# EXHIBIT H

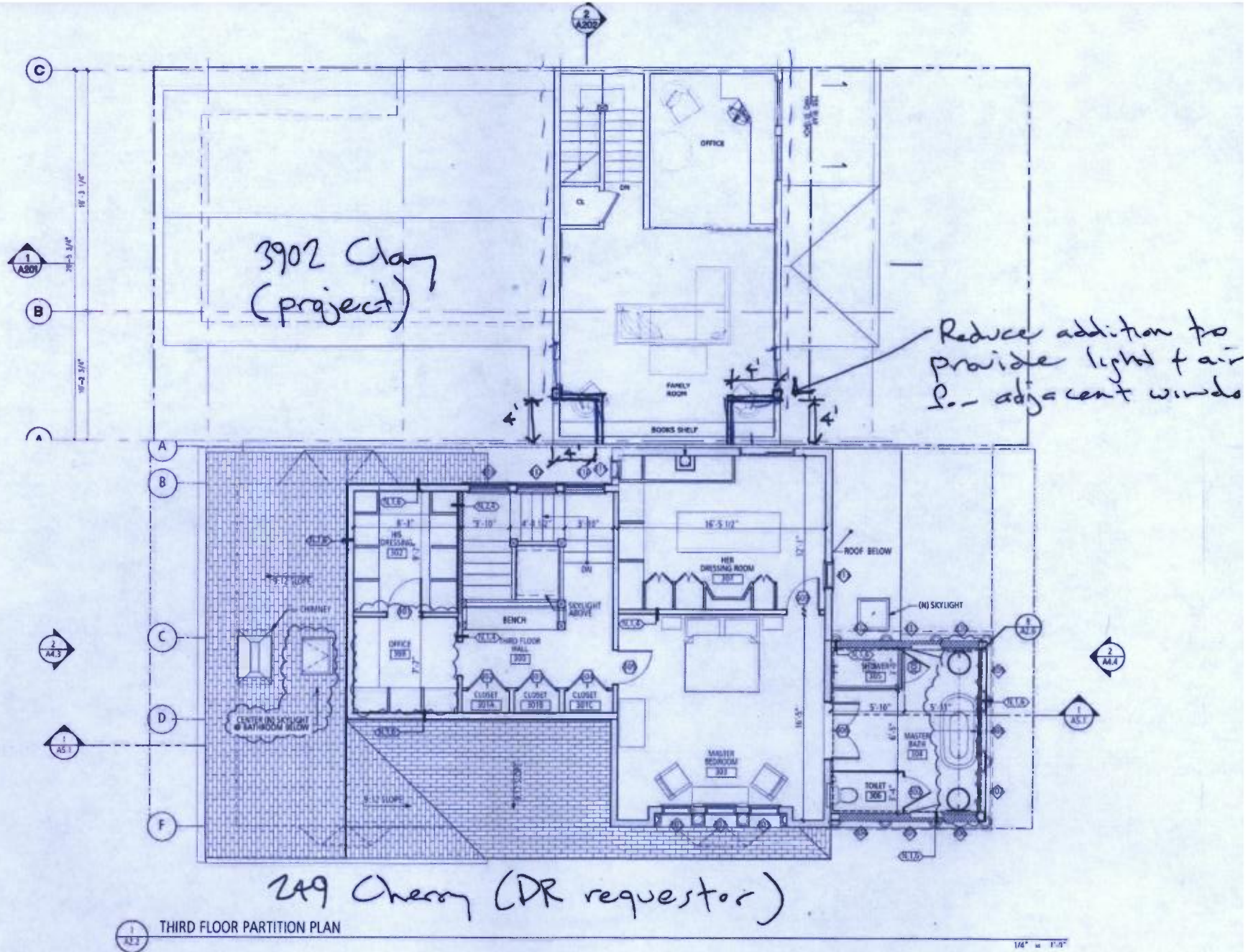
Exhibit **H**  
Oswell Family DR  
2018-007676DRP

PROPOSED THIRD FLOOR



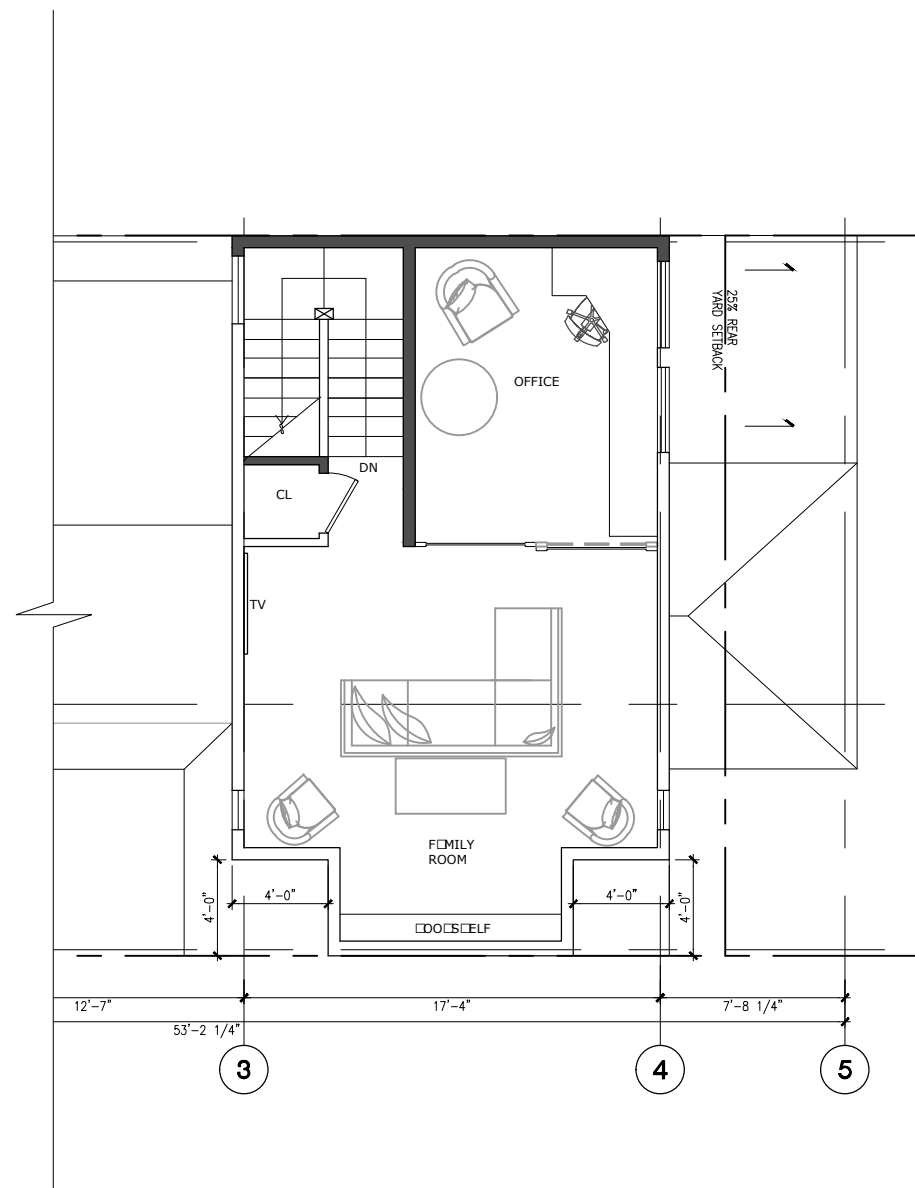


# EXHIBIT I



# EXHIBIT J

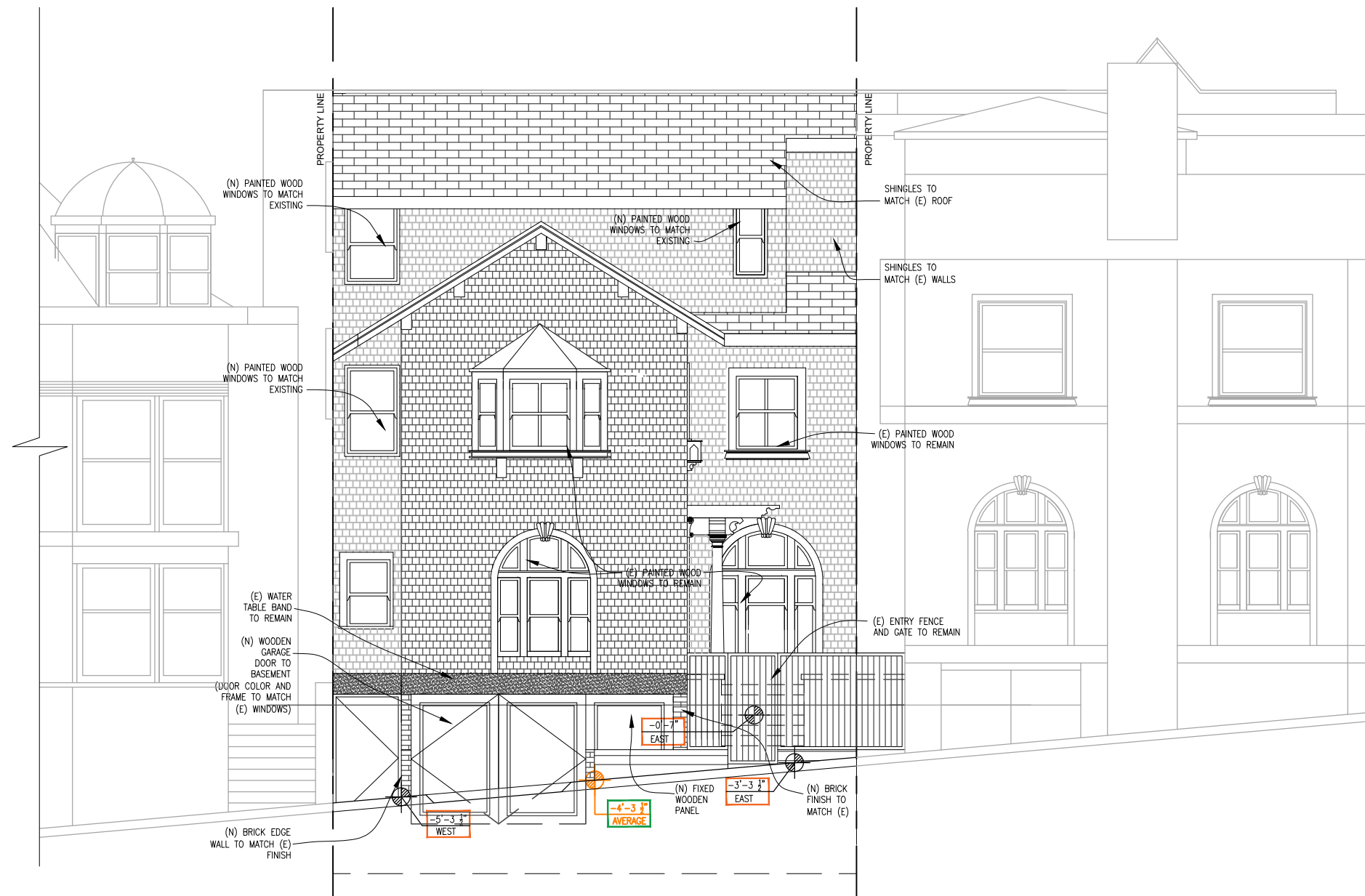




PORTION OF PROPOSED 3RD FLOOR PLAN

1

Exhibit J  
Oswell Family DR  
2018-007676DRP



PROPOSED FRONT (SOUTH) ELEVATION

2

Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: PLOT DATE:

CHECKED BY:

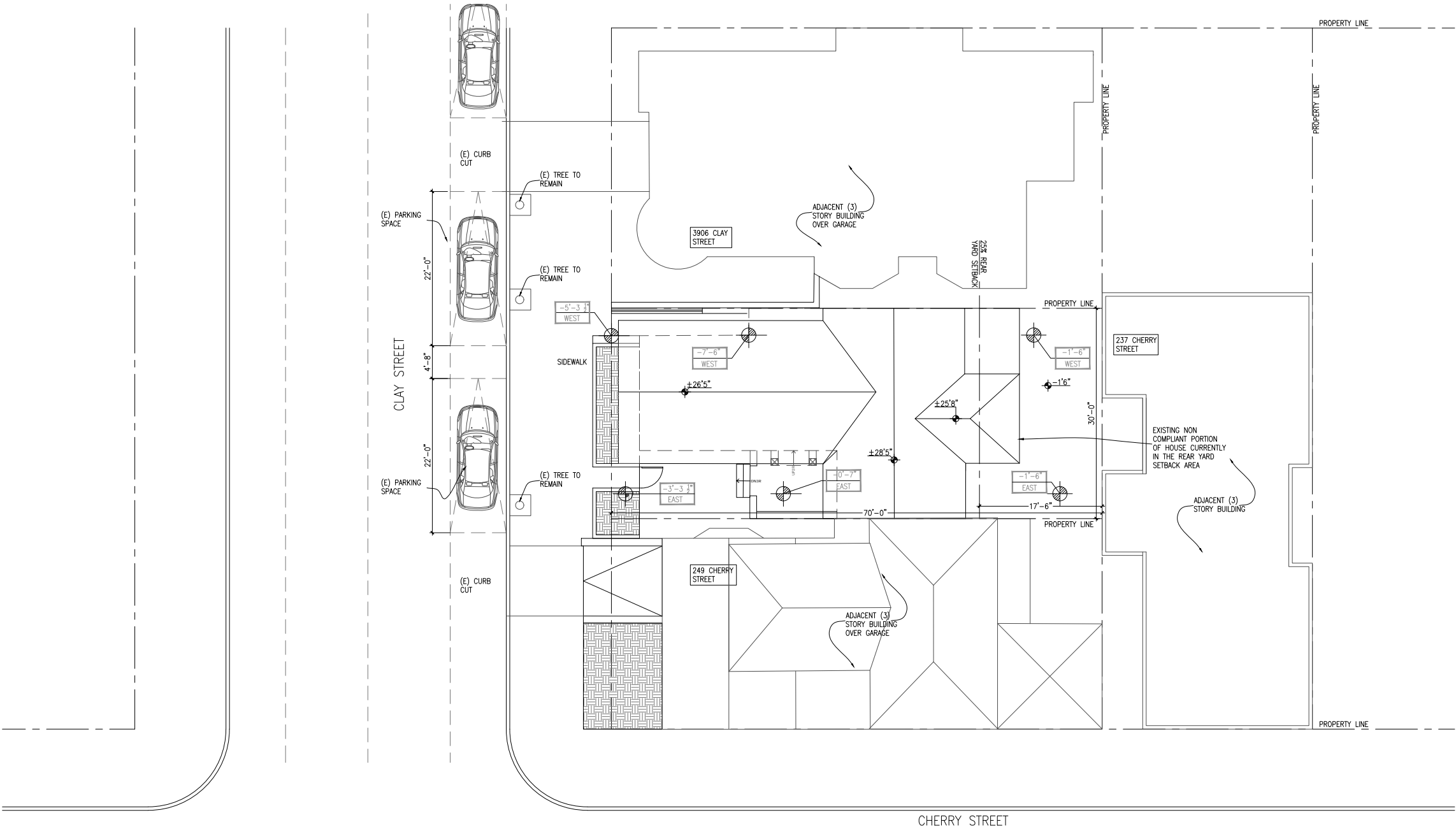
ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019



EXISTING  
SITE PLAN

A001

LEGEND: (E) ELEVATION  
USED TO DETERMINE  
HEIGHT ALLOWANCE



EXISTING SITE PLAN

SCALE: 1/8" = 1'-0"



1

# Renovation for 3902 Clay Street San Francisco

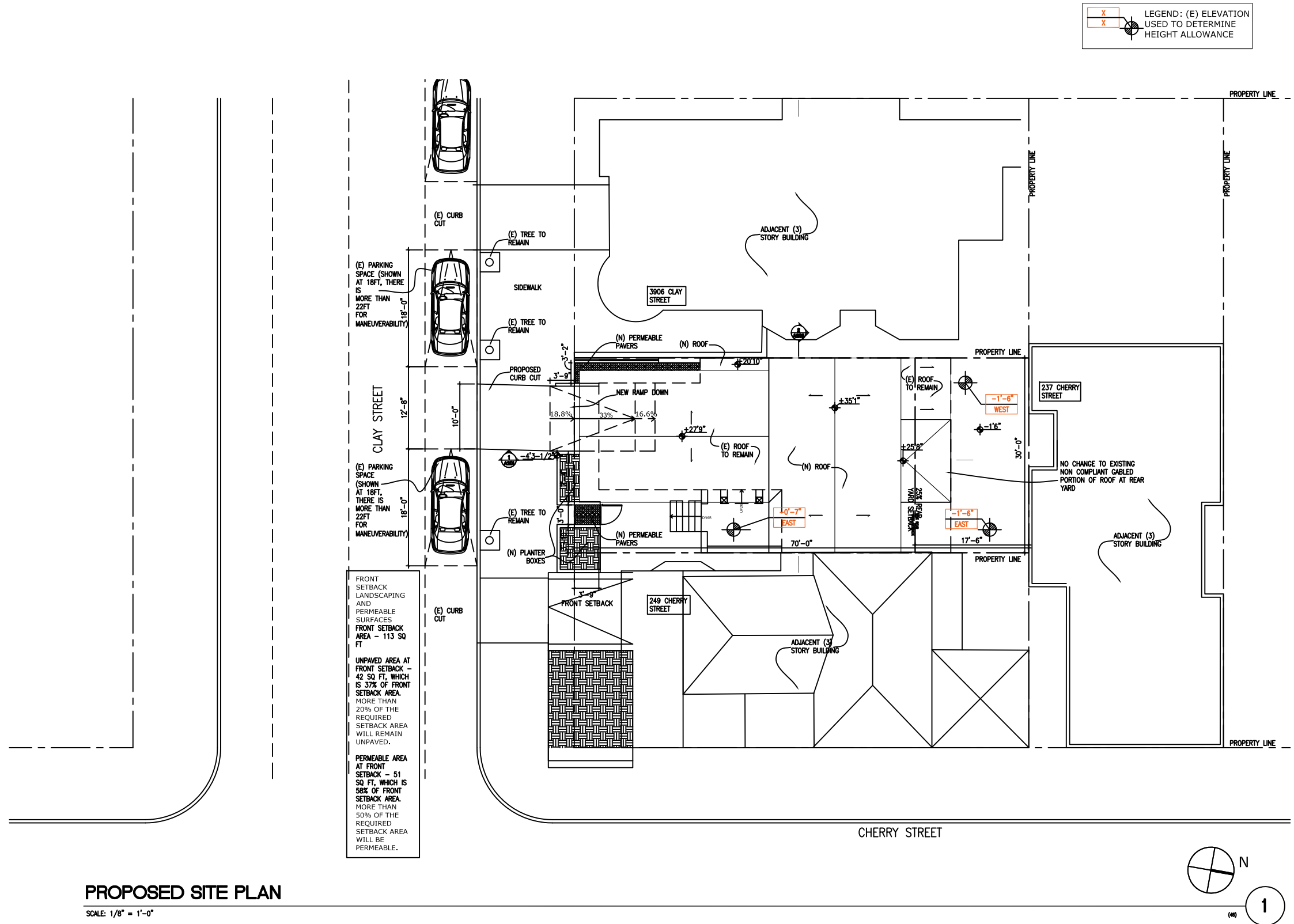
**CHECKED BY:**

DATE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019



## PROPOSED SITE PLAN

**A002**

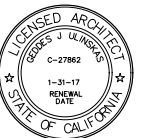




DRAWN BY: \_\_\_\_\_ PLOT DATE: \_\_\_\_\_

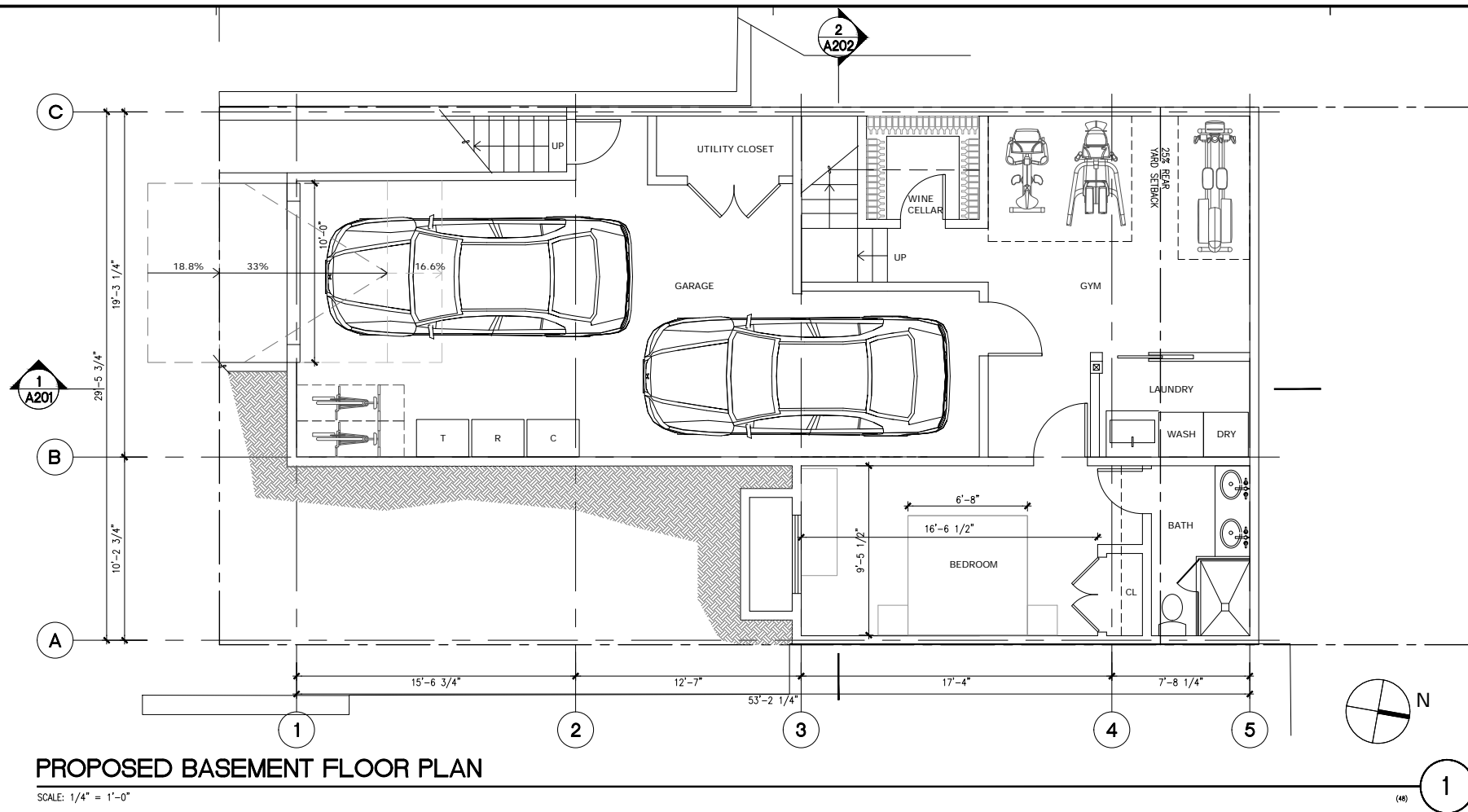
CHECKED BY: \_\_\_\_\_

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019



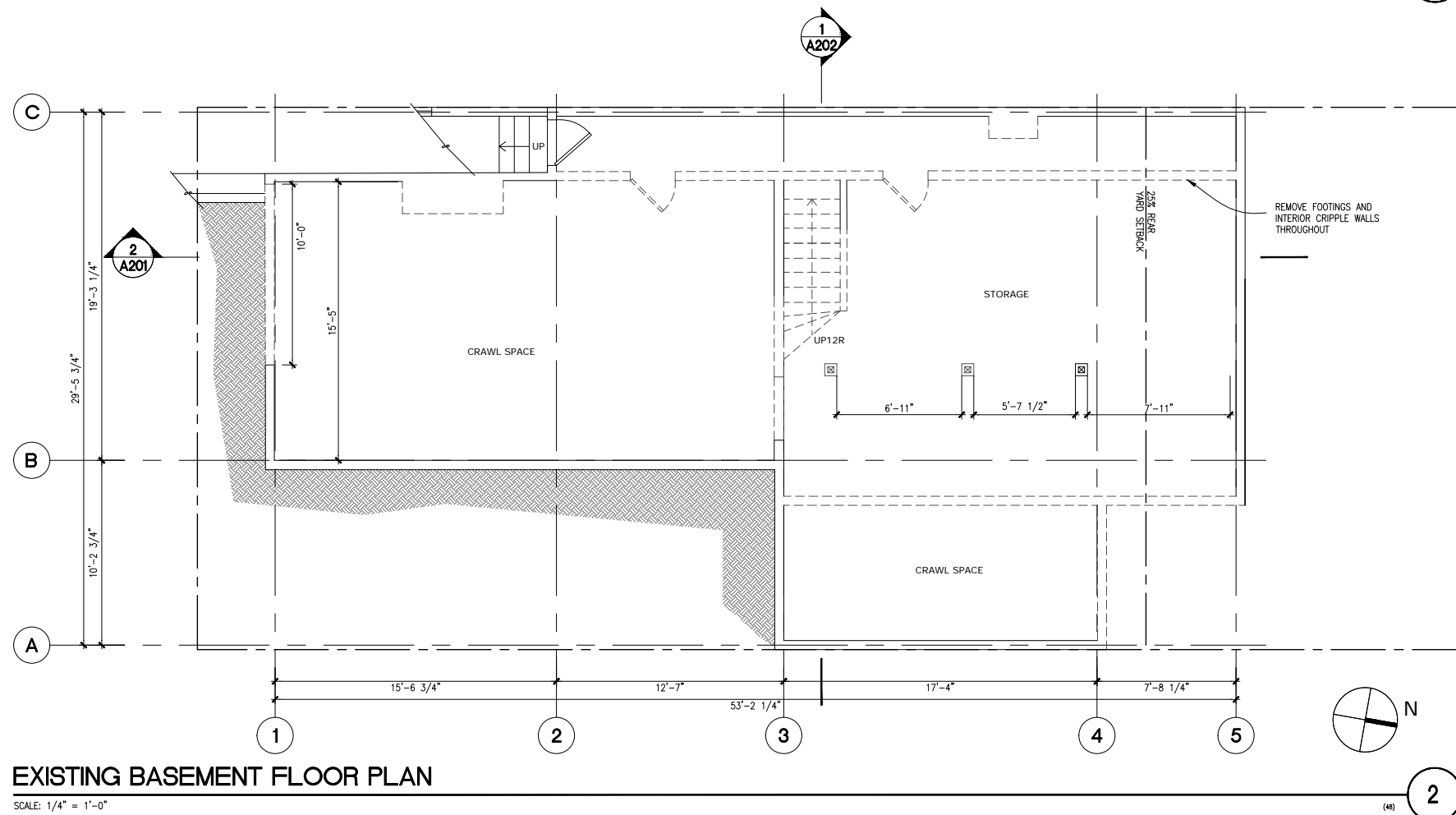
EXISTING +  
PROPOSED BASEMENT  
FLOOR PLAN

A101



## PROPOSED BASEMENT FLOOR PLAN

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



Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: PLOT DATE:

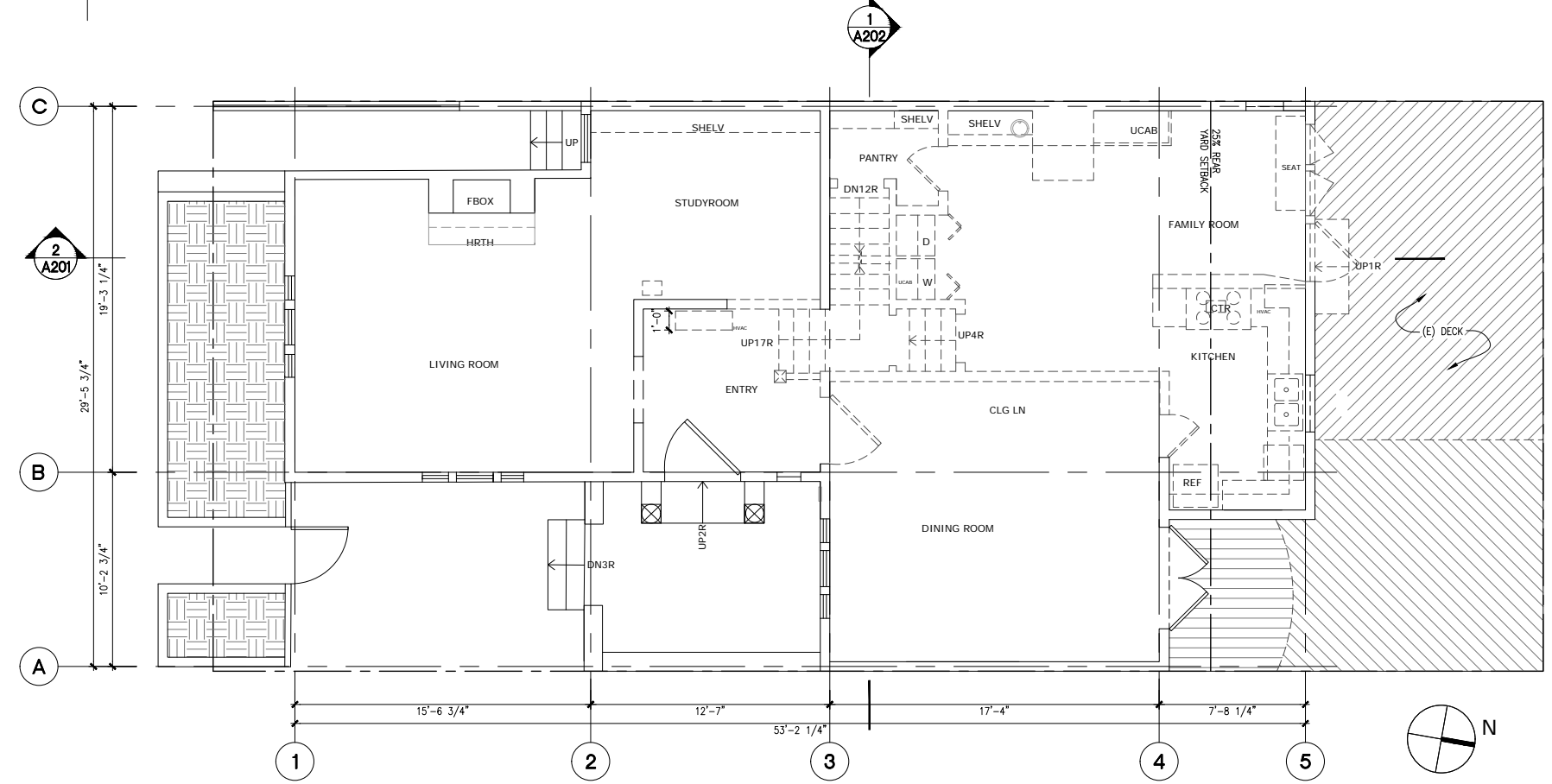
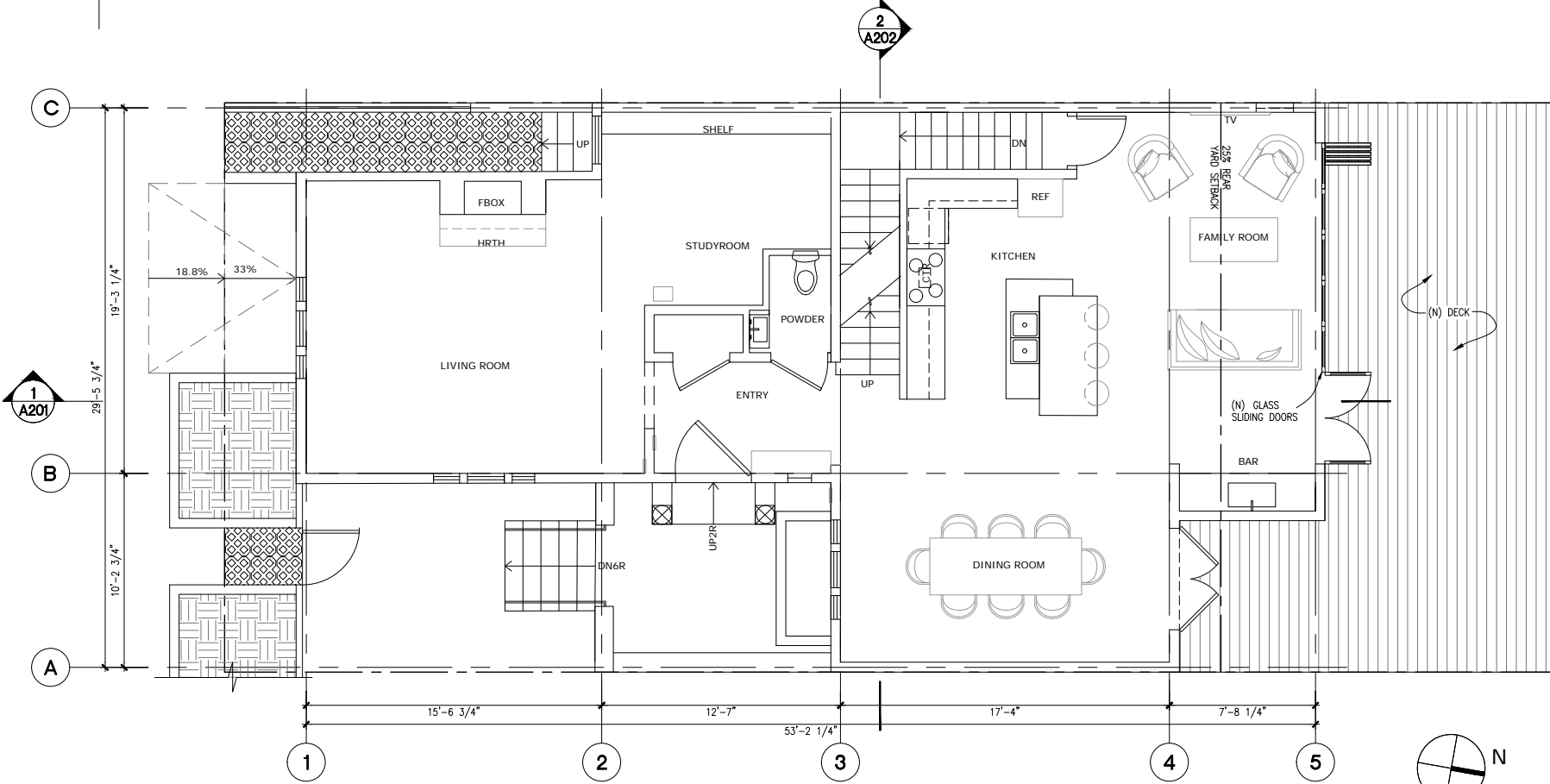
CHECKED BY:

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019



EXISTING +  
PROPOSED FIRST  
FLOOR PLAN

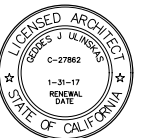
A102



DRAWN BY \_\_\_\_\_ PLOT DATE \_\_\_\_\_

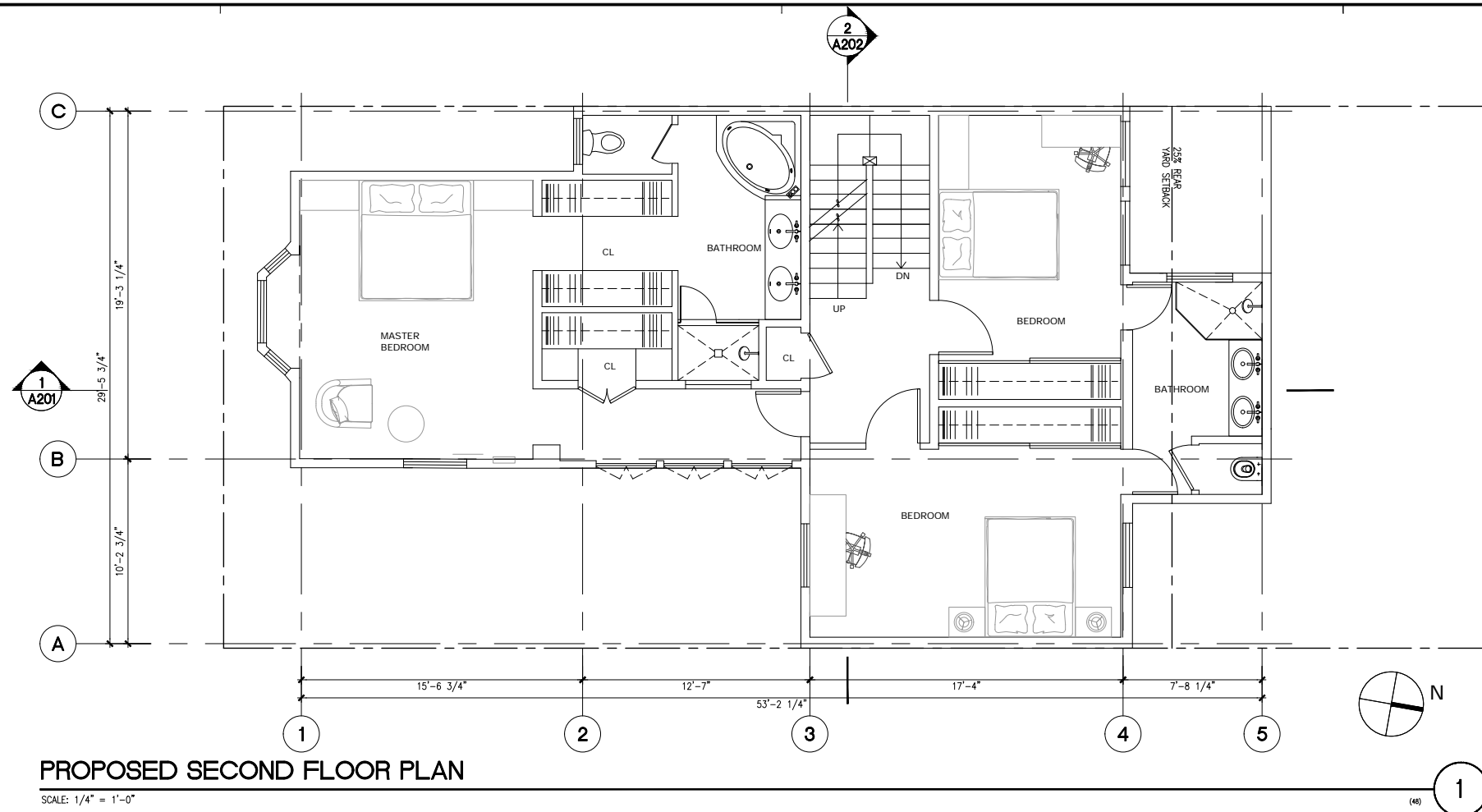
**CHECKED BY:**

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019



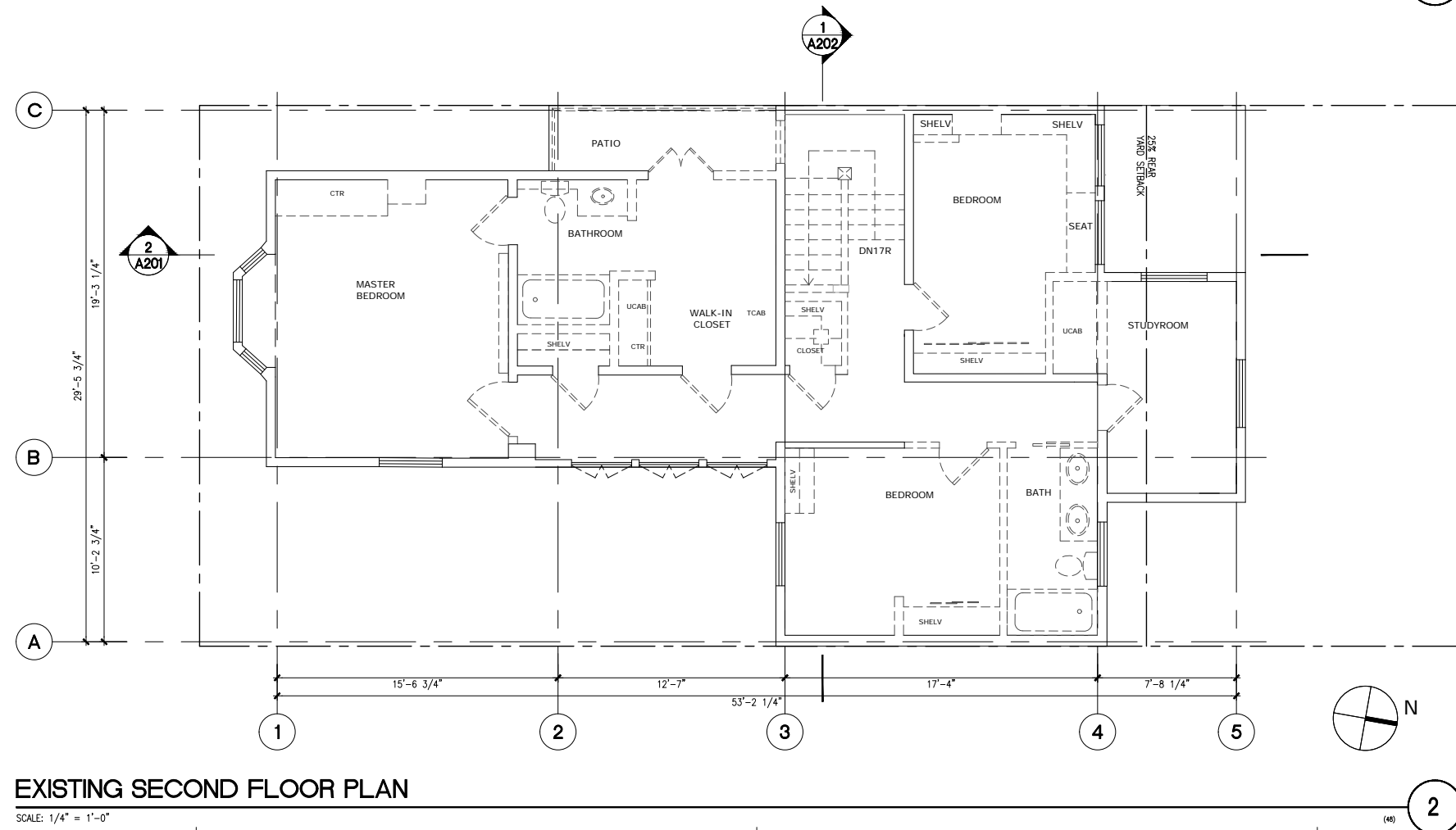
EXISTING +  
PROPOSED SECOND  
FLOOR PLAN

A103



### PROPOSED SECOND FLOOR PLAN

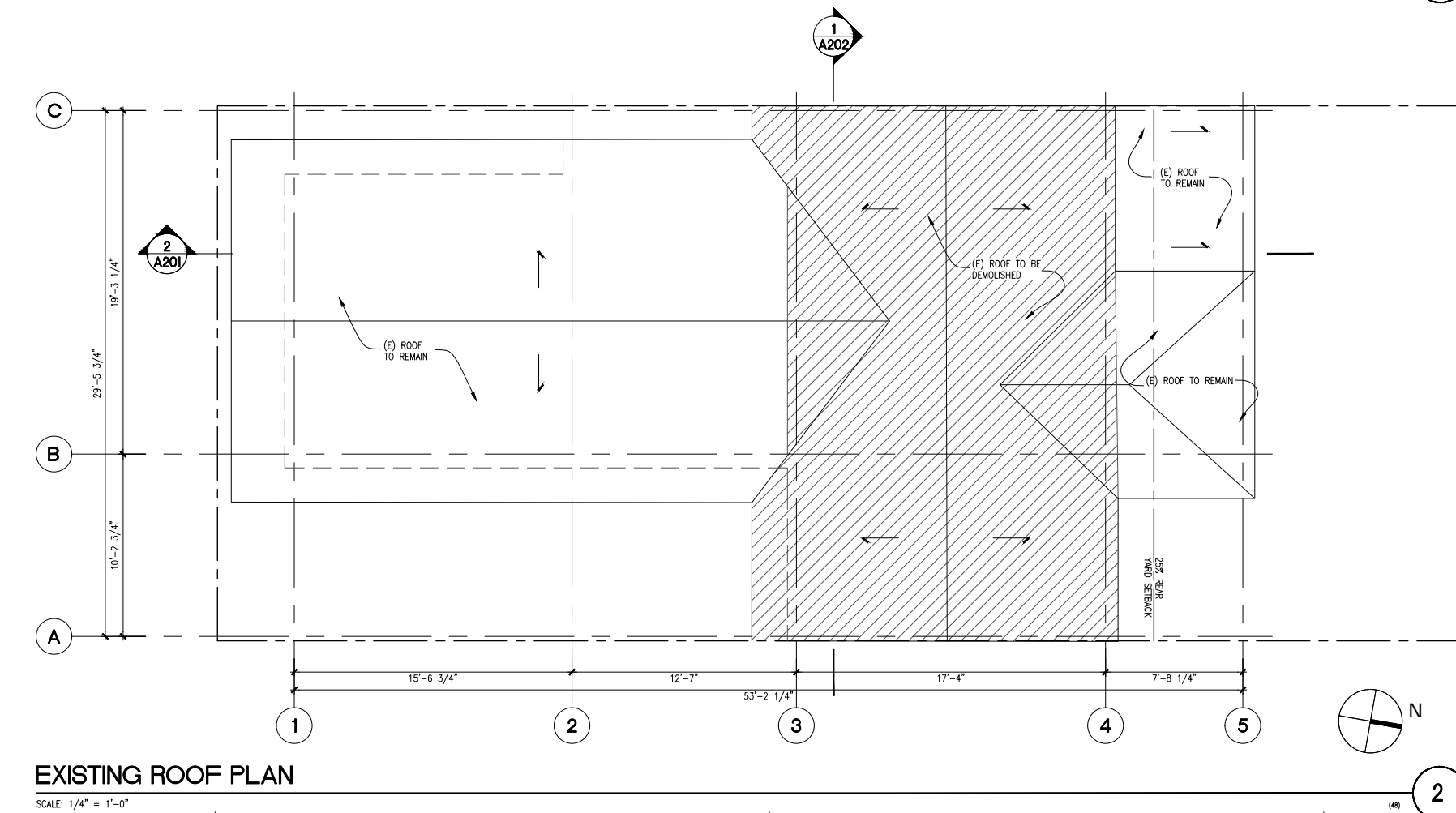
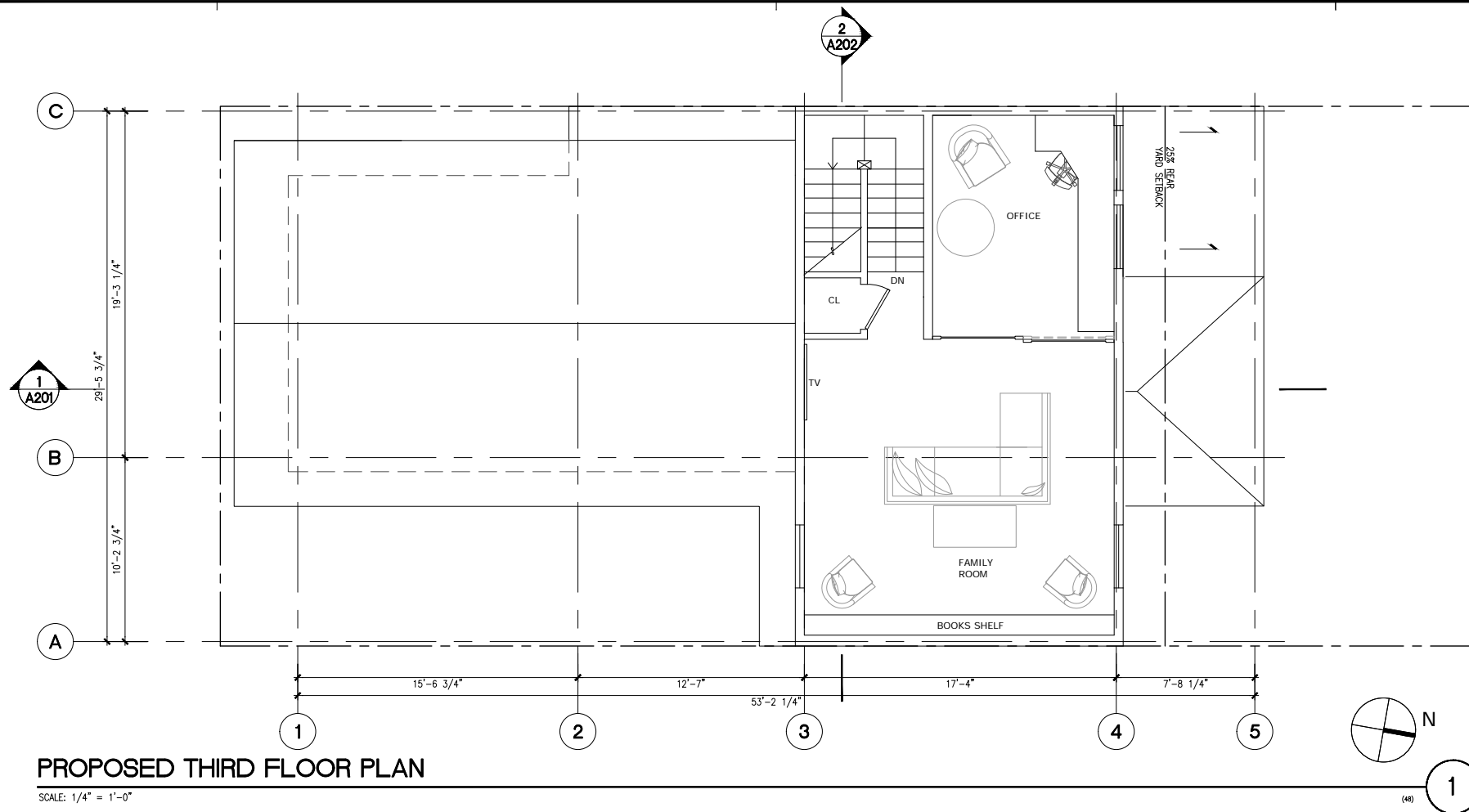
SCALE: 1/4" = 1'-0"



### EXISTING SECOND FLOOR PLAN

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





GEDDES ULINSKAS  
ARCHITECTS

220 Montgomery Street  
Suite 1611  
San Francisco CA 94105  
T 415 904 0483  
F 415 904 8643

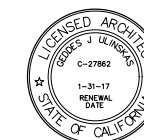
Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: \_\_\_\_\_

PLAT DATE: \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019



EXISTING ROOF +  
PROPOSED THIRD  
FLOOR PLAN

A104

Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY:

PLOT DATE:

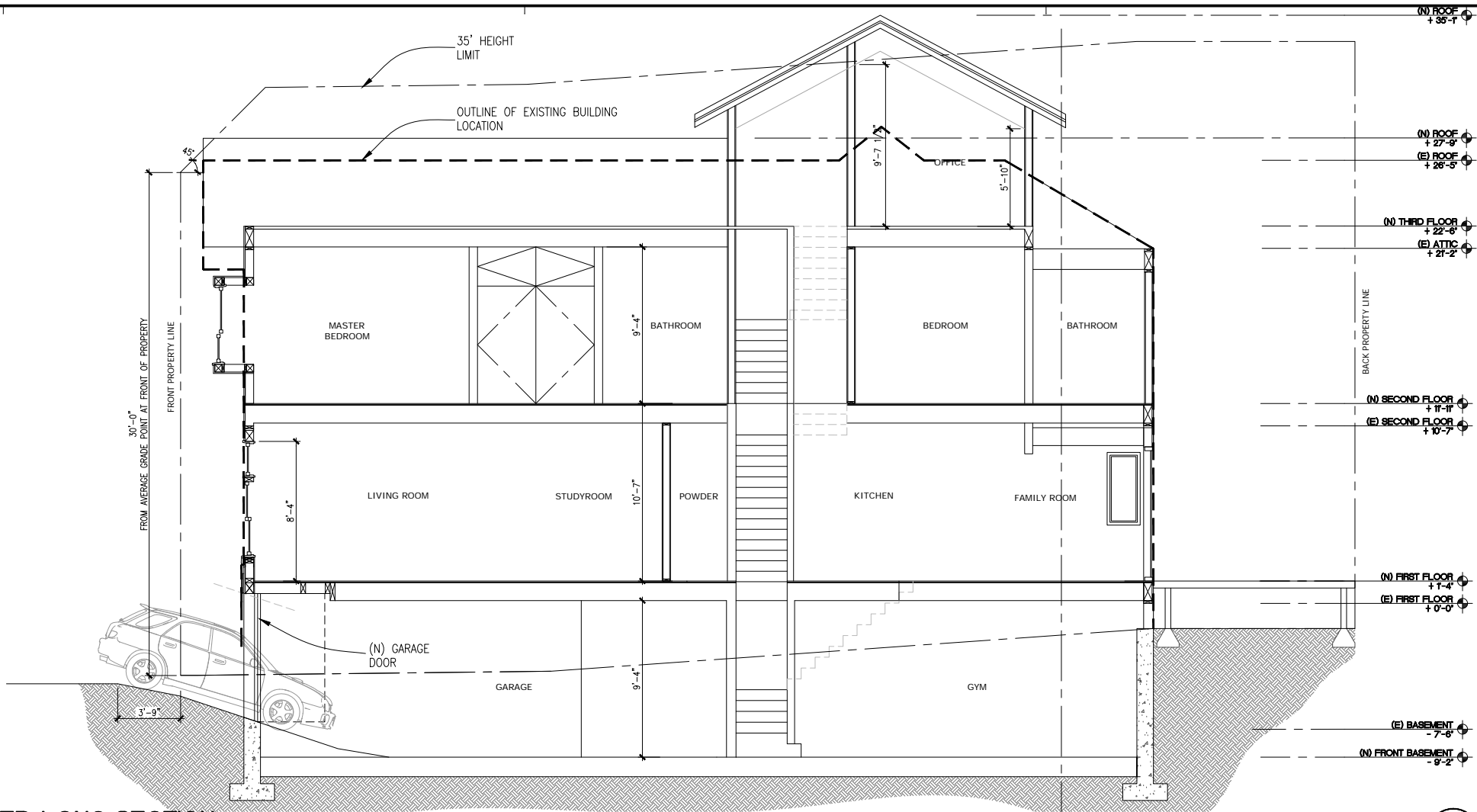
CHECKED BY:

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019



EXISTING +  
PROPOSED LONG  
SECTIONS

A201



PROPOSED LONG SECTION

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



EXISTING LONG SECTION

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

Renovation for  
3902 Clay Street  
San Francisco

DRAWN BY: PLOT DATE:

CHECKED BY:

ISSUE	DESCRIPTION	DATE
1.	ISSUED FOR ENV. REVIEW	07/18/2018
2.	RESPONSE TO COMMENTS	01/10/2019

1

PROPOSED FRONT (SOUTH) ELEVATION

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

(48)

2

EXISTING FRONT (SOUTH) ELEVATION

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

(48)

EXISTING +  
PROPOSED  
SOUTH ELEVATION

A301





**From:** [Anne Schagen](#)  
**To:** [gulinskas@ularch.com](mailto:gulinskas@ularch.com)  
**Cc:** [Kathryn Lasater](#); [Wilborn, Katherine \(CPC\)](#); [mike@garavaglia.com](mailto:mike@garavaglia.com)  
**Subject:** 3902 Clay Street  
**Date:** Monday, April 8, 2019 12:47:26 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Ulinskas,

My name is Anne Schagen and I own the property at 237/239 Cherry St. It has come to my attention that the new owners of 3902 Clay St. are wanting to expand their house upward by over 9 feet and you are their architect.

I am writing to express my concern about the impact this change will have on the tenants of my property as it will block a significant amount of light into their units, change the character of the neighborhood, and also impact my neighbors, the Lasaters. While the construction itself will have some impact also, it is the final height of the building that is truly at issue.

I understand that attempts have been made to come to a compromise, and that if one is not reached within the next few days a Discretionary Review will be filed.

Please communicate with the Lasaters and their architect (and of course your client-we all want good relations) and find a way to reduce the scope of this change and its impact.

Respectfully,  
Anne Schagen  
Portland, OR

**From:** [Bo Lasater](#)  
**To:** [Wilborn, Katherine \(CPC\)](#)  
**Cc:** [Kathryn Lasater](#)  
**Subject:** Re: Concern over permit for 3902 Clay St  
**Date:** Thursday, March 14, 2019 5:07:32 PM  
**Attachments:** [image001.png](#)

---

Katie,

Thank you for your timely and thoughtful response! It made my day.

We never saw the letter or knew about the meeting. I don't doubt that notice was given, but I also know that we are very good about processing our mail. I'm not sure where the breakdown in communication occurred.

Yes, you are right. We live at 249 Cherry St., the house that is physically attached to 4902 Clay. As I understand it, our houses were built together almost as a unit by the same owner, one for one child and one for the other. Also, the areas you circled are the ones of our concern.

Having been through this process before during our own remodel, I remember how sensitive our neighbors were to our adding height, and we consequently did not, as a result. We'll talk to the architect and see if we can reach an accommodation. I'd love for our neighbors to meet their goals in creating more living space for their young family, while minimizing the impact to us. Right now, my wife and I don't see an easy compromise, but we are open to ideas.

Thanks again for your help. We will keep you posted.

Best,  
Bo

On Thu, Mar 14, 2019 at 1:29 PM Wilborn, Katherine (CPC) <[katherine.wilborn@sfgov.org](mailto:katherine.wilborn@sfgov.org)> wrote:

Hello Bo,

I'm surprised this poster is the first you've heard of this project, because according to the Planning Department records, there was a Pre-Application Meeting on May 18<sup>th</sup>, 2018 (with no attendees), and the 311 Neighborhood Notification should have been mailed out on March 6, 2019 (with your address included, per our mailing list). I hope that you were a recipient of these notices. Nonetheless, I hope I can answer any questions or concerns you may have about the project!

I have attached the proposed western elevation of 3902 Clay, with your windows (that I believe you are referencing at 249 Cherry) circled, and the impacted sections of said windows hatched in red. Can you confirm that this is the area you are concerned about, and/or let me know where the impacts are if I have identified them incorrectly?

I'm available to answer any questions by phone or email, to the best of my ability, about the project as it is proposed now / how it was reviewed by the Planning Department.

However, if you wish to make suggestions to the design or ask if changes can be made to the additions which may impact you, that would be best discussed with the home owner of 3902 Clay and/or the Architect, Geddes Ulinskas.

The final day you'll have to file a Discretionary Review of this project will be April 12<sup>th</sup>.

Please let me know if I can provide any other assistance or answer any questions.

Best,

Katie

**Katie Wilborn**

**Planner | Preservation**

**Northwest Quadrant, Current Planning Division**

San Francisco Planning Department  
1650 Mission Street, Suite 400, San Francisco, CA 94103

**Direct:** 415-575-9114

**Email:** [Katherine.Wilborn@sfgov.org](mailto:Katherine.Wilborn@sfgov.org)

**Web:** [www.sfplanning.org](http://www.sfplanning.org)

---

**From:** Bo Lasater <[boLasater@gmail.com](mailto:boLasater@gmail.com)>

**Sent:** Thursday, March 14, 2019 12:27 PM

**To:** Wilborn, Katherine (CPC) <[katherine.wilborn@sfgov.org](mailto:katherine.wilborn@sfgov.org)>

**Cc:** Kathryn Lasater <[katlasater@gmail.com](mailto:katlasater@gmail.com)>; Lawson Willard <[lw@lawsonwillard.com](mailto:lw@lawsonwillard.com)>

**Subject:** Concern over permit for 3902 Clay St

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Katie,



We have just seen a permit on the house next door to us (see attached) and we believe that the proposed scope of work would drastically and adversely impact us. More specifically, we think the proposed addition of a new story would almost completely would greatly limit the sunlight coming in to our children's windows on the eastern side of our house.

The application number is 2018-007676ENV.

For the record, this is the first time we have heard of this project.

We would like to resolve this amicably through discussion with the interested parties, but we are also aware of our recourse in filing a Discretionary Review and we know that we have limited time in which to do so.

Should we speak to you first? Should we speak directly to the project architect? Please advise.

Sincerely,

Bo Lasater

P.S. I'm in your records as "Garland".

CC:ed on this email are my wife, Kathryn,

**SAN FRANCISCO PLANNING DEPARTMENT**  
1655 Mission Street Suite 400 San Francisco, CA 94103

**NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)**  
On 8/28/2018 Building Permit Application No. 2018-00145338 was filed for work at the Project Address below.

Notice Date: **3-13-2019** Expiration Date: **4-12-2019**

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address	3012 CLAY STREET	Applicant	Converse Limited
Cross Streets	Clay and Cherry Streets	Address	220 Montgomery Street, Suite 1015
Block/Lot No.	0801 / 005A	City, State	San Francisco, CA 94104
Zoning Classification	RM-1 (M-O)	Telephone	415-854-0483
Record Number	2018-00145338	Email	gwillard@converse.com

You are requesting this notice as an owner or occupant of property within 100 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concern 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 that the Planning Commission review this application at a public hearing for Discretionary Review. Requests for a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown above, 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.

PERMIT TYPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Facade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition

PROJECT FEATURES	EXISTENCE	PROPOSED
Setback Line	Frontsetback	No Change
Front Setback	2'-0"	No Change
Side Setback	None	No Change
Building Depth	32'-0"	No Change
Rear Set	17'-0"	No Change
Building Height	28'-0"	28'-1"
Number of Stories	3	3
Number of Dwelling Units	1	No Change
Number of Parking Spaces	0	2

**PROJECT DESCRIPTION**

The project includes raising the building by "10" and inserting a new entry and garage to the Clay Street front facade. It also includes extensive remodeling of the interior and several changes to the exterior, such as the replacement of the existing rear dock, a vertical addition that would result in a third floor, and a terrace at the rear of the third story within the building's existing footprint.

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 an Approved Action for the project for the purposes of CEQA, pursuant to Section 31.04(b) of the San Francisco Administrative Code.

To view plans or related documents, visit [planning.sfdph.org/dph/ceqa](http://planning.sfdph.org/dph/ceqa) and search the Project Address listed above. Once the property is located, click on the date(s) to view details of the record number above, its related documents and/or plans.

For more information, please contact Planning Department staff:  
Katherine Johnson, katherine.johnson@sfdph.org, 415-675-5114

中文查詢電話 / Public Information (in Chinese): (415) 675-5114 / 中文查詢電話 / Public Information (in Chinese): (415) 675-5114

and our architect, Lawson Willard.

**From:** [Anne Schagen](#)  
**To:** [Wilborn, Katherine \(CPC\)](#)  
**Cc:** [trwade@gmail.com](mailto:trwade@gmail.com); [Rachel Madison](#)  
**Subject:** More concerns about Application number 2018-007676ENV @ 3902 Clay Street  
**Date:** Tuesday, March 19, 2019 9:07:48 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Ms. Wilborn,

I own the property at 237/239 Cherry St. I grew up there and it was built by my great great aunt in 1903. I currently live in Portland and the property is rented through Hill & Co. to very stable and reliable tenants.

I agree with Trevor Wade that a third story on that house would restrict light from the south. The light is already restricted by that house in the lower flat, 239 Cherry.

Looking at 3902 from the street, it fits well now with the character of the adjacent houses, and building it higher would change the profile of the block.

I also urge reconsideration of this modification. Thank you, and please keep me in the loop.

Anne J. Schagen  
Portland, OR

**From:** [Trevor Wade](#)  
**To:** [Wilborn, Katherine \(CPC\)](#)  
**Cc:** [Peggy Powers](#); [Rachel Madison](#); [Evan Smith](#); [katlasater@gmail.com](mailto:katlasater@gmail.com)  
**Subject:** Concerns about Application number 2018-007676ENV @ 3902 Clay Street  
**Date:** Monday, March 18, 2019 10:43:58 PM  
**Attachments:** [190205-311-notification-drawings.pdf](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Katie,

I live at 237 Cherry Street and just saw a permit for the house adjacent to ours (3902 Clay). It looks like the proposed scope of work, namely the addition of a third story (plans attached), would severely restrict the amount of light coming into our windows on the side of our home.

This is the first time we have heard of this project.

My next-door neighbors, the Lasater's (249 Cherry St) are also very concerned about your proposed third story, and we're hoping this can be resolved through discussion rather than discretionary review.

Copied here are our property managers at Hill & Co, who represent the owners of the 237 Cherry Street, as well as fellow tenant Margaret Powers.

Thank you for reconsidering your plans to build a third story,

Trevor

Trevor Wade  
[trwade@gmail.com](mailto:trwade@gmail.com)  
415-515-4560



# ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

235 Montgomery Street, Suite 400  
San Francisco, California 94104  
Telephone (415) 956-8100  
Facsimile (415) 288-9755  
[www.zfplaw.com](http://www.zfplaw.com)

July 10, 2018

## VIA U.S. MAIL AND EMAIL

President Myrna Melgar  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 3902 Clay Street (Case No. 2018-007676-DRP)  
Discretionary Review Request

Dear President Melgar and Members of the Planning Commission:

The Project Sponsor has proposed to raise their building at 3902 Clay Street (the "Property") and construct a nine-foot vertical addition to create space for a wine room, gym, and a second living room (the "Project"). The Project will block light and airflow to windows at our clients Kathryn and Garland Lasaters' adjacent home, including children's bedroom windows, and will create unacceptable privacy impacts by providing a direct view into these bedrooms.

The Project has been designed without consideration of its impacts on neighboring properties, violates several Residential Design Guidelines, and will have an unreasonable impact on the Lasaters' home.

Rather than seek a significant reduction in the size of the Project, the Lasaters have engaged with the Project Sponsor in good faith to find a solution that works for all parties. The Lasaters have requested minor notching that would ameliorate the impact of the Project on their home. The Project Sponsor has not agreed to this request, but discussions between the parties are ongoing.

### **Exceptional and Extraordinary Circumstances Exist that Justify Discretionary Review**

The Planning Commission may exercise its powers of discretionary review where "exceptional or extraordinary circumstances" associated with a project, so that modifications are necessary. Here, the existing building at the Property was built around the same time as the Lasaters' home, and the two buildings were designed to interact with each other in a way that preserves light and air to each property. The Project, in proposing a nine-foot vertical addition built to the property line, would upset this configuration and create unreasonable impacts, including:

- By overlapping the Lasaters' lightwell, the third floor addition will restrict light and airflow to a large stairwell window that is a primary source of light to the interior of the Lasaters' house.
- The Project will restrict light to the Lasaters' children's bedroom windows.
- The new windows on the third floor of the Project would look directly down into the children's bedroom windows.
- The Project will almost completely block a dressing room window.

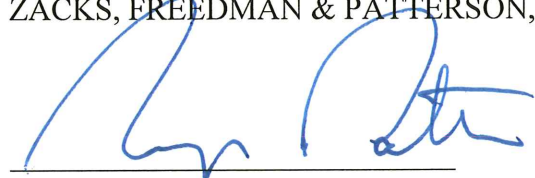
In these circumstances, the Residential Design Guidelines require a project to "respect the existing pattern of side spacing" and "articulate the building to minimize impacts on light and privacy to adjacent properties." (RDGs, pp. 15, 16.) The Guidelines note that setbacks on the upper floor of a project may be appropriate to achieve this goal. (*Id.*)

The Lasaters initially requested two 4' x 4' notches at the top floor of the Project, adjacent to their windows, as recommended by the RDGs, which would allow greater light and airflow to these windows without significantly impacting the size or livability of the Project's proposed second living room. The main impact of the notches for the Project would be to shorten the 19' bookcase proposed along the length of the wall adjacent to the Lasaters' property. If the Project Sponsor is unwilling to accept these minor notches, the unnecessary penthouse should be eliminated from the Project.

The Lasaters respectfully request that the Planning Commission take discretionary review and deny the Project as proposed.

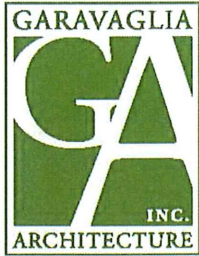
Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC



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## MEMORANDUM

**Date:** July 10, 2019  
**To:** Jonas P. Ionin, Commission Secretary  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
**From:** Michael Garavaglia, Principal  
Garavaglia Architecture, Inc.  
**Project:** 3902 Clay Street Design Consultation  
**Re:** Proposal to Alter 3902 Clay Street  
**Via:** Email

This memorandum has been prepared in response to a proposal to alter the neighboring single-family residence at 3902 Clay Street. Garavaglia Architecture, Inc. (GA) has been engaged by the owner of 239 Cherry Street to provide historic preservation consultation services in an effort to reach a project alternative achieving the goals of the project sponsor while protecting privacy and retaining light, air, and maintenance accessibility to windows at 239 Cherry Street.

It is the opinion of GA that the proposed project does not comply with the San Francisco Planning Department's Residential Design Guidelines due to loss of light, air, and maintenance access, privacy concerns, and alteration of existing side spacing conditions to the residence at 239 Cherry Street.

The proposed project increases the height of the building to 35 feet as a result of: raising the residence approximately 16 inches to accommodate a new garage and basement at the front of the building where there is currently a crawl space; constructing a one-story vertical addition of 8.5 feet to create a third story with a side-gabled roof at the rear of the residence; and interior alterations.

The rear addition's proposed design results in impacts related to reduction in light and air reaching windows and privacy concerns related to visibility of interior spaces. Five (5) windows along the west elevation of 239 Cherry Street are identified as locations for such impacts, including:

- Children's bedroom window at the rear of the second story;
- Dressing room window at the rear of the third story;
- Tripartite windows at 3rd story aligned with an interior staircase;
- Tripartite windows at 2nd story aligned with an interior staircase;
- Angled bay window at children's bedroom at front of the second story.



The proposed rear addition's northeast window at the rear of the third story enables views downward into the children's bedroom window at the rear of the second story of 239 Cherry Street. Similar concerns for loss of privacy result from the rear addition's southeast window, which is located one story above an angled bay window of a children's bedroom along the west elevation of 239 Cherry Street. Similarly, the addition's southeast window enables views downward into the children's bedroom window.

The dressing room window at the rear of the third story of 239 Cherry Street will be blocked by the proposed addition's east wall, which will cover roughly 75% of the window opening, and will nearly abut the west elevation of 239 Cherry Street. This will cause a great reduction in light and air access to this window, and impair the ability to access the window for routine maintenance purposes. GA recommends that a notch be incorporated into the rear addition's northeast corner to avoid any blockage of light and air, and to retain the existing area of access for routine maintenance. It is recommended that the notch be recessed behind (south of) the dressing room window's trim with a dimension of four feet by four feet (See the attached diagrams).

The tripartite windows aligned with the interior staircase of 239 Cherry Street are the largest windows on the west elevation of the residence, enabling light and air into the building, and serving as the most important windows along the west elevation with respect to their role in air circulation and ambient lighting at the interior. The proposed addition's height, and direct adjacency to 239 Cherry Street will reduce the amount of light and air accessing these windows. As such, a notch at the southeast corner of the proposed addition's third story is requested to retain existing access to light and air. The notch can align with an existing light well at the second story below with a dimension of four feet by four feet (See the attached diagrams).

#### Request for Alternatives

Given the concerns outlined above, GA recommends the east elevation of the addition include notches at the southeast and northeast corners of the third story to reduce the loss of light and air reaching the west elevation of 239 Cherry Street. The notches enable access to windows along the west elevation for maintenance, particularly the rear bedroom window at the third story, which would be blocked approximately 75% by the directly adjacent wall of the rear addition. GA recommends the notches at the southeast corner be designed to align with the facade plane of an existing second story recess/lightwell directly below the proposed addition's south east corner. At the northeast corner, GA recommends the notch begin to the immediate south of the window trim of the third story dressing room window. An approximate dimension of four feet by four feet is recommended, as such would result in some loss of interior space within a proposed family room area within the addition, but would not impact the primary living room, or bedroom spaces within 3902 Clay Street, while retaining the proposed new height of the residence (See attached floor plan studies).

GA notes that building plans detailing existing conditions for 239 Cherry Street have been provided to the project architect to assist with development of a design alternative that is consistent with the Planning Department's Residential Design Guidelines with respect to privacy, and light and air access.

#### Residential Design Guidelines (Guidelines)

This section summarizes guidelines that the proposed project does not appear to meet, and cites specific language from the Guidelines.

Guideline: *Respect the existing pattern of side spacing.*



Side spacing is the distance between adjacent buildings. In many cases, only a portion of the building is set back from the side. Side spacing helps establish the individual character of each building while creating a rhythm to the composition of a proposed project. Projects must respect the existing pattern of side spacing.<sup>1</sup>

The proposed project will increase the amount of the east elevation of 3902 Clay Street that is directly adjacent to the west elevation of 239 Cherry Street, altering an established spatial relationship of two detached residences that stand adjacent to a shared property line, but were not originally designed with such an extent of 3209 Clay Street's east elevation to be within close proximity to 239 Cherry Street's east elevation. Each residence was designed as a freestanding residence. The proposed project results in the appearance of the residences abutting, which could lend to a false sense of historic development.<sup>2</sup>

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

### **Light**

In areas with a dense building pattern, some reduction of light to neighboring buildings can be expected with a building expansion. However, there may be situations where a proposed project will have a greater impact on neighboring buildings. In these situations, the following design modifications can minimize impacts on light; other modifications may also be appropriate depending on the circumstances of a particular project:

- Provide setbacks on the upper floors of the building.
- Include a sloped roof form in the design.
- Provide shared light wells to provide more light to both properties.
- Incorporate open railings on decks and stairs.
- Eliminate the need for parapet walls by using a fire-rated roof.<sup>3</sup>

Under this guideline it is also noted:

Planning Code Section 101 states that one of the purposes of the Planning Code is to provide adequate light, air, privacy and convenience of access to property in San Francisco.<sup>4</sup>

Due to the dense siting of the detached, residential properties centered on the northwest corner of Clay and Cherry streets, including 3902 Clay Street, 237 Cherry Street, and 239 Cherry Street, the appropriateness of the proposed addition should be carefully considered. Given the existing, limited separation of each detached residence, the proposed addition should be designed to minimize reduction in light and air access. As the guidelines note, modifications such as setbacks on upper floors of the building and shared light wells are among features that can appropriately address concerns of light and air access.

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<sup>1</sup> San Francisco Planning Department, Residential Design Guidelines, (San Francisco: San Francisco Planning Department, December 2013), 15.

[http://default.sfplanning.org/publications\\_reports/residential\\_design\\_guidelines.pdf](http://default.sfplanning.org/publications_reports/residential_design_guidelines.pdf).

<sup>2</sup> San Francisco Planning Department, Residential Design Guidelines, 15-16.

<sup>3</sup> Ibid., 16.

<sup>4</sup> Ibid., 16.

Given that the residences were originally constructed contemporaneously, the fenestration of the east elevation of 3902 Clay Street and the west elevation of 239 Cherry Street appear to be intentionally designed to enable light and air access to both residences. As such, the proposed addition would alter this relationship, and does not appear to respect the historic fenestration pattern, which reduces light and air access for 239 Cherry Street. Thus, notches serve as a practical solution to providing for separation of the residences, light and air access, an minimal reduction in interior space, without the need to reduce the building height or alter the roof line.

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

### **Privacy**

As with light, some loss of privacy to existing neighboring buildings can be expected with a building expansion. However, there may be special situations where a proposed project will have an unusual impact on privacy to neighboring interior living spaces. In these situations, the following design modifications can minimize impacts on privacy; other modifications may also be appropriate depending on the circumstances of a particular project. Some of these measures might conflict with the “light” measures above, so it will be necessary to prioritize relevant issues:

- Incorporate landscaping and privacy screens into the proposal.
- Use solid railings on decks.
- Develop window configurations that break the line of sight between houses.
- Use translucent glazing such as glass block or frosted glass on windows doors facing openings and on abutting structures.<sup>5</sup>

The proposed project includes windows near directly west of the southeast and northeast corners of the rear addition’s third story. The each window enables views downward into a children’s bedroom windows located along the west elevation of 239 Cherry Street. The guidelines recommend that window configurations be developed in order to break the line of sight between houses. Additionally, in cases where such may not be feasible translucent or frosted glazing should be considered for windows facing openings on abutting structures.

Special Guidelines for Alterations to Buildings of Potential Historic or Architectural Merit  
Both 3902 and 239 Cherry Street, along with the neighboring building at 237 Cherry Street, are listed in *Here Today* as “attractive individual interpretations of Shingle Style.”<sup>6</sup> Further, the Planning Department has confirmed the findings of an HRE Part 1 for 3902 Clay Street prepared by Tim Kelley Consulting, LLC (TKC) in March 2018 that determined the property is eligible to the California Register as an individual resource and as a contributing property within the Presidio Heights Historic District.<sup>7</sup> Accordingly, the Guidelines provide additional design principles for projects that may alter buildings that have potential historic or architectural merit, such as 3902 Clay Street. The additional design principles are based on the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*.

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<sup>5</sup> Ibid., 17.

<sup>6</sup> Junior League of San Francisco, San Francisco Architectural Heritage, *Here Today: San Francisco’s Architectural Heritage*, (San Francisco: Chronicle Books, 1968), 257.

<sup>7</sup> San Francisco Planning Department, Preservation Team Review Form: Case 2018-007676ENV, 3902 Clay Street), Completed 12/3/2018. Accessed at San Francisco Property Information Map website, June 28, 2019.

Design Principle: *Ensure that the character-defining features of an historic building are maintained.*

Per the guidelines, character-defining features of historic resources include:

- A building's location and orientation on the site.
- Relationship to adjacent buildings or placement in a grouping of buildings.
- Overall form of the building.
- Materials, craftsmanship, and decorative details.

The relationship of 3902 Clay Street to the neighboring building at 239 Cherry Street will be altered by the proposed addition such that separation between the two buildings will be reduced. Further, the overall form of 3902 Clay Street in terms of massing and scale, will be altered due to the proposed one-story addition, which will increase the extent of the west elevation 3902 Clay Street that abuts 239 Cherry Street. An HRE Part 2 prepared by TKC on October 23, 2018 found the project complied with the Secretary of the Interior's Standards for Rehabilitation, and was approved by the Planning Department. GA notes, however, that the proposed project should be analyzed for consistency with the Residential Design Guidelines, regardless of analysis for compliance with the Secretary of the Interior's Standards for Rehabilitation, which do not consider impacts such as light and air access.

It is the opinion of GA that the design of the proposed project at 3902 Clay Street impairs access to light and air, and limits access to the west elevation of 239 Cherry Street for routine maintenance purposes, and impacts the privacy of the neighboring residents at 239 Cherry Street such that the project does not comply with the recommendations of the San Francisco Residential Design Guidelines (Guidelines). GA recommends further revision of the project to provide notches at the southeast and northeast corners of the proposed addition's third story, and incorporation of window and railing materials to protect light, air, maintenance access, and privacy, of the residence at 239 Cherry Street.

Mike Garavaglia, Principal

**encl:** diagrams

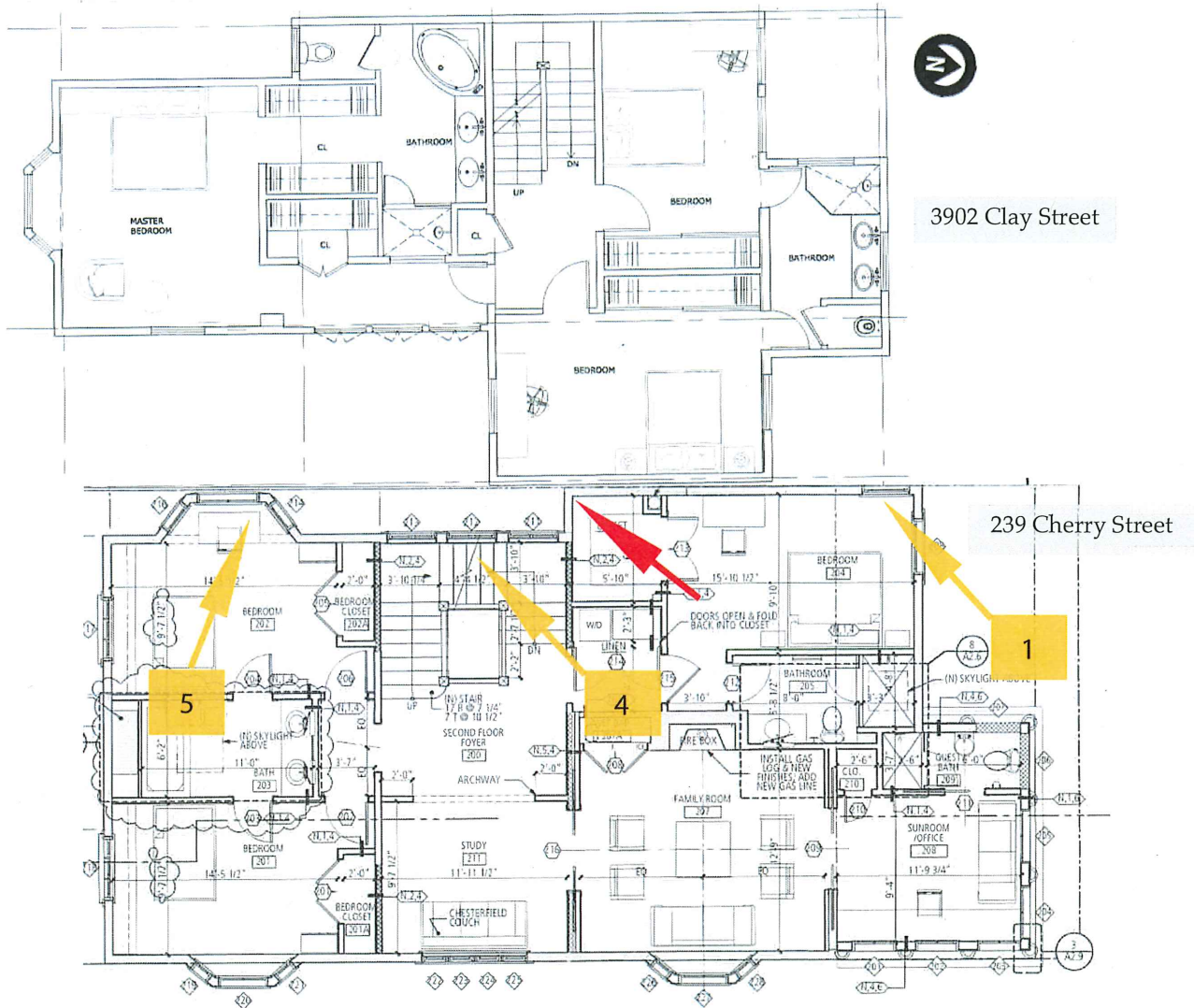


Diagrams:

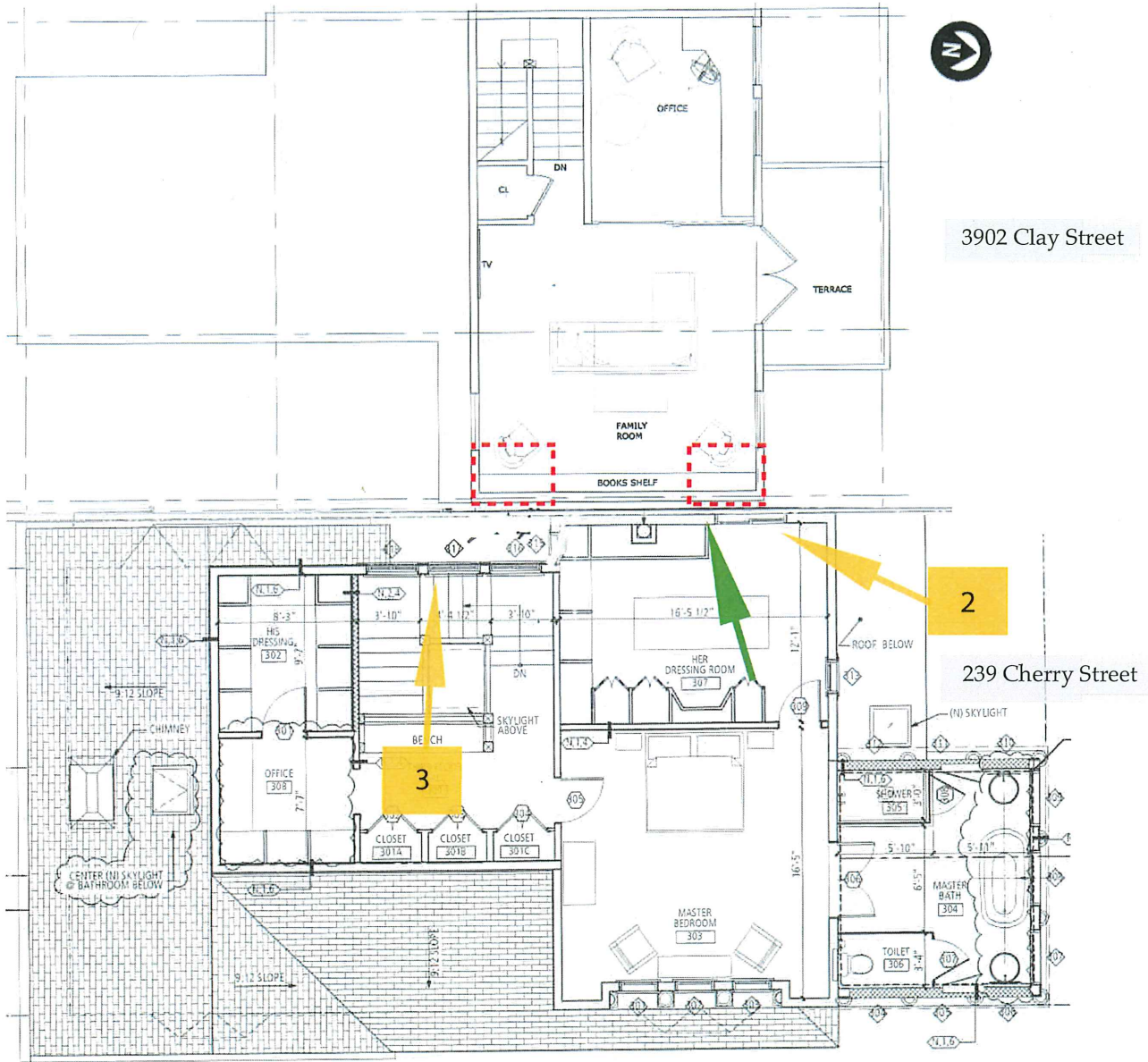


**Figure 1.** Birds-eye view of 239 Cherry Street's west elevation showing windows impacted by reduction in light and air access and/or privacy concerns. 1) Children's bedroom at rear of building; 2) Dressing room; 3) 3rd story staircase tripartite window; 4) 2nd story staircase tripartite window; 5) Children's bedroom at front of building; Green Arrow) Approximate depth of notch at 3rd story dressing room window; Red Arrow) Location recommended for alignment of southeast notch at third story (Bing Maps, 2019. Amended by author)





**Figure 2.** Study of 2nd story floor plans. 1) Children's Room window rear of building; 4) 2nd story staircase tripartite window; 5) Children's room window at front of building; Red Arrow indicates location of existing recess at second story to which 3rd story southeast notch can align. (Plan of 3902 Clay Street by Geddes Ulinskas Architects, March 4, 2019, with notch locations sketched by GA; composite floor plan prepared by GA, March 2019. Amended by author).



**Figure 3.** Study of 3rd story floor plans. 2) Dressing Room window; 3) 3rd story staircase window; Green Arrow indicates location of notch recommended to retain access to 3rd Story Dressing Room window; Red Dashed Lines represent approximate four feet by four feet notch dimension requested. (Plan of 3902 Clay Street by Geddes Ulinskas Architects, March 4, 2019, with notch locations sketched by GA; composite floor plan prepared by GA, March 2019. Amended by author). Note: Terrace illustrated in floor plan of 3902 Clay Street has been deleted from plan per revised elevations for 3902 Clay Street dated March 4, 2019.