



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis HEARING DATE: JUNE 6, 2019

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

Reception:  
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Information:  
**415.558.6377**

*Date:* May 21, 2019  
*Case No.:* **2018-013309DRP-04**  
*Project Address:* **1-3 Winter Place**  
*Permit Application:* 2018.1004.2256  
*Zoning:* RM-2 [Residential-Mixed, Moderate Density]  
40-X Height and Bulk District  
*Block/Lot:* 0118/032  
*Project Sponsor:* Jim Zack  
Zack De Vito Architecture  
156 South Park St.  
San Francisco, CA 94107  
*Staff Contact:* David Winslow – (415) 575-9159  
[David.Winslow@sfgov.org](mailto:David.Winslow@sfgov.org)  
*Recommendation:* **Take DR and approve with modifications**

### PROJECT DESCRIPTION

The project consists of a 620 s.f. 4th-story vertical addition to a two-unit building. Two tandem car parking spaces are proposed to be retained.

### SITE DESCRIPTION AND PRESENT USE

The site is a 22' x 51' lot at the end of Winter Place, an 11' wide alley that terminates in the middle of the block bounded by Green Street on the south, Mason on the West, Union Street on the North, and Powell Street to the West. August alley bisects the block North to South from Union to Green Street.

Three-story residential buildings front Winter on the South side, while the rear yards of buildings that front onto Union Street back onto the North side of Winter alley. The existing building is classified as a category 'C' historical resource.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

This block of Winter consists of 3-story residential buildings. The block as a whole consists of primarily of 3- and 4-story buildings. The mid-block open space, though constrained is consistent and regular, with the exception of the adjacent property to the East at 11 August alley that has a one-story cottage in the rear yard.

## BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	February 1, 2019 – March 4, 2019	3.4.2019	6.6. 2019	94 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	May 18, 2019	May 18, 2019	20 days
Mailed Notice	20 days	May 18, 2019	May 18, 2019	20 days
Online Notification	20 days	May 18, 2019	May 18, 2019	20 days

## PUBLIC COMMENT

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

## DR REQUESTORS

### DR requestor #1:

Steve Giovannini of 764 Green Street, neighbor to the South of the proposed project.

### DR requestor #2:

Jasen Lewy of 768 Green Street, neighbor to the South of the proposed project.

### DR requestor #3:

Mitzi Johnson of 11 August Alley immediate neighbor to the East.

### DR requestor #4:

Peter Gallagher of 776 Green Street, neighbor to the South of the proposed project.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

### DR requestor #1:

1. Scale: the proposed four-story building is out of scale with the predominate scale of the alley and mid-block open space.
2. Light and shadow impacts on adjacent residences: the massing of the building will block or greatly reduce light and air to the rear of the adjacent neighbors' properties.
3. The existing building has two occupied rent-controlled units. The project will force the removal of those tenants for a single-family residence.
4. Proposed project will block views.

See attached *Discretionary Review Application*, dated March 4, 2019.

### DR requestor #2:

1. Scale: the proposed four-story building is out of scale with the predominate scale of the alley and mid-block open space.
2. Light and shadow impacts on adjacent residences: the massing of the building will block or greatly reduce light and air to the rear of the adjacent neighbors' properties.
3. The existing building has two occupied rent-controlled units. The project will force the removal of those tenants for a single-family residence.
4. Proposed project will block views.

### Proposed alternatives:

Eliminate fourth story addition.

See attached *Discretionary Review Application*, dated March 4, 2019.

### DR requestor #3:

1. Scale: the proposed four-story building is out of scale with the predominate scale of the alley and mid-block open space.
2. Light and shadow impacts on adjacent residences: the massing of the building will block or greatly reduce light and air to the rear of yard of 11 August alley adjacent neighbors' properties.
3. Proposed project will impact privacy to yard and building at 11 August alley.
4. Materials and features are incompatible with neighborhood character.
5. Bird Hazards due to large expanses of glass.
6. Traffic impacts in narrow alley due to increases parking spaces.

### Proposed alternatives:

Eliminate fourth story addition.

Do not fill in light well facing 11 August alley.

See attached *Discretionary Review Application*, dated March 4, 2019.

### DR requestor #4:

1. Scale: the proposed four-story building is out of scale with the predominate scale of the alley and mid-block open space.

2. Light and shadow impacts on adjacent residences: the massing of the building will block or greatly reduce light and air to the rear of the adjacent neighbors' properties.
3. The existing building has two occupied rent-controlled units. The project will force the removal of those tenants for a single-family residence.
4. Proposed project will block views.

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The sponsor has complied with the Residential Design Team (RDAT) recommendations enumerated below, in relation to building massing and at the street and rear to address issues related to scale, light and privacy.

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

## ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15303 (Class Three – New Construction, up to three new single-family residences.)

## DEPARTMENT REVIEW

The Project is subject to the Residential Design Guidelines. The Residential Design Advisory Team (RDAT) review found that:

1. The existing building extends beyond the required rear yard line on a 51' deep lot. The fourth story is proposed over the existing building footprint and set back 12'-3" from Winter alley such that it is not visible from the street. The addition displaces an existing 325 s.f. roof deck at the rear and replaces it with an 88 s.f. deck at the 3<sup>rd</sup> floor front setback, which is set back 5' from all building edges. As such the scale from the Winter alley is maintained.
2. The addition is immediately adjacent to the rear cottage of 11 August alley to the West and to the North of the adjoining rear yards fronting Green Street. Given the size of the addition, orientation and distance to adjoining properties, light and shadow impacts were determined to not be exceptional or extraordinary. The property at 11 August will likely receive shadows in its garden from existing adjoining properties by late afternoon. Similarly, the light and shadow impacts to the rear of properties fronting Green street will be minimal since the project is located to the North of them.
3. The proposed balcony and property line windows of the addition do present potential privacy impacts to the adjacent yard and building at 11 August alley and should be modified.
4. The proposed project is an alteration and addition to an existing two-unit building that will remain a two-unit building. The Planning Department has controls for displacement of rent-controlled tenants in the case of project sponsors seeking to demolish buildings under Code Section 317. However, project sponsors may reasonably be allowed to alter, remodel, or construct significant additions, whereby construction may cause rent-controlled tenants to be temporarily displaced. For these cases the Rent Board and relevant State laws has mechanisms for dealing with extensive

periods of displacement and provides remedies for these issues. To date, no tenants have come forward with any claims regarding displacement.

5. The proposed cladding material is incompatible with the neighborhood and should be modified.
6. The project has neither a location related nor feature related bird hazard.
7. Since the number of parking spaces remain the same, there are no foreseeable additional traffic impacts.

Upon subsequent review, the issue related to privacy to the adjacent property at 11 August raised by the DR requestor is exceptional or extraordinary.

Therefore, Staff recommends taking DR and:

1. removing the side property line balcony at the third floor;
2. reducing the size of the East facing windows at the addition by raising the sill heights to 5'-6" or higher to respect neighbor's privacy; and
3. Selecting a cladding material more in keeping with the materials found in the surrounding buildings.

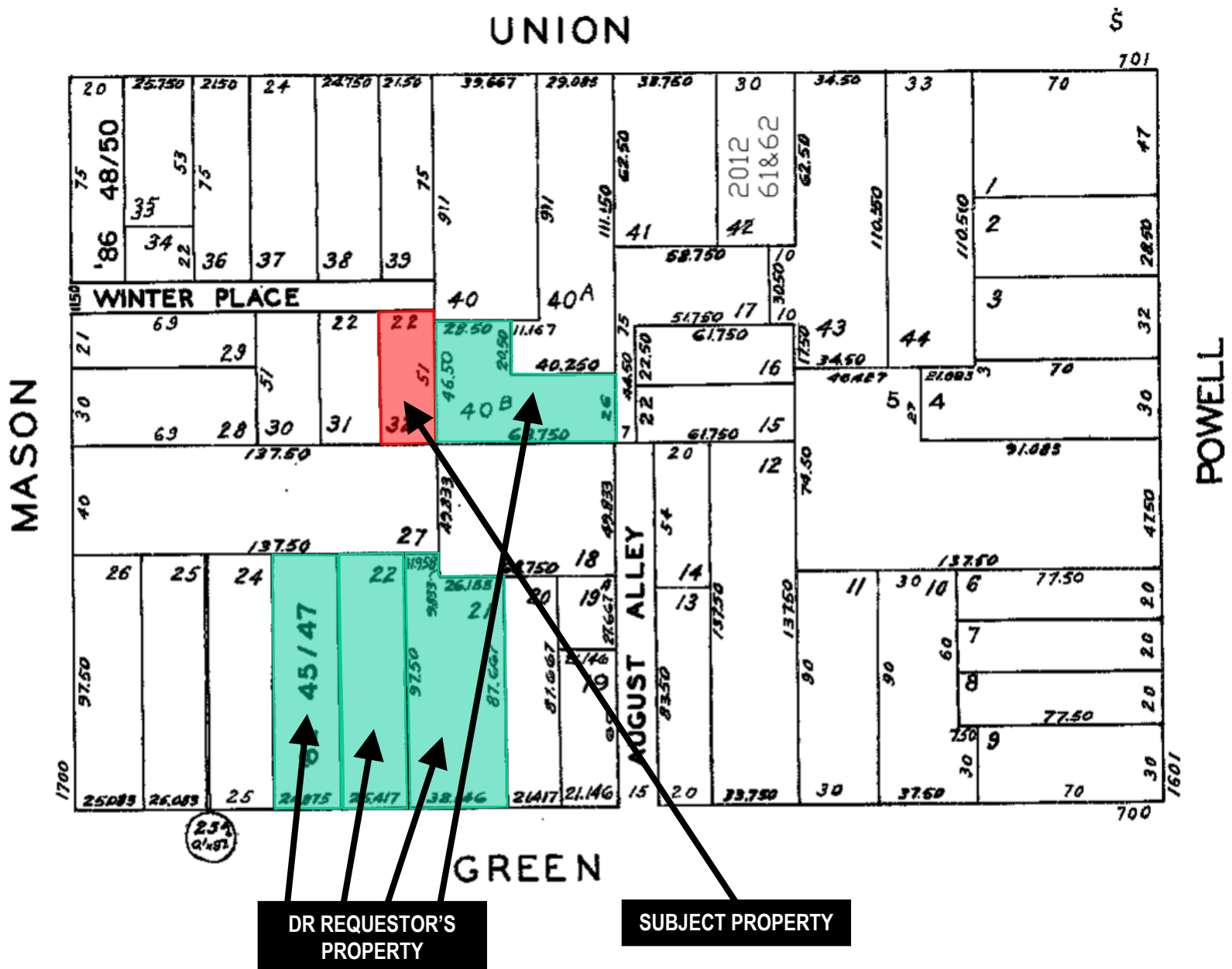
<b>RECOMMENDATION:</b> <b>Take DR and approve with modifications</b>
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**Attachments:**

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
CEQA Determination  
DR Application  
Letters from neighbors  
Response to DR Application dated April 2, 2019  
Reduced Plans  
Color Rendering

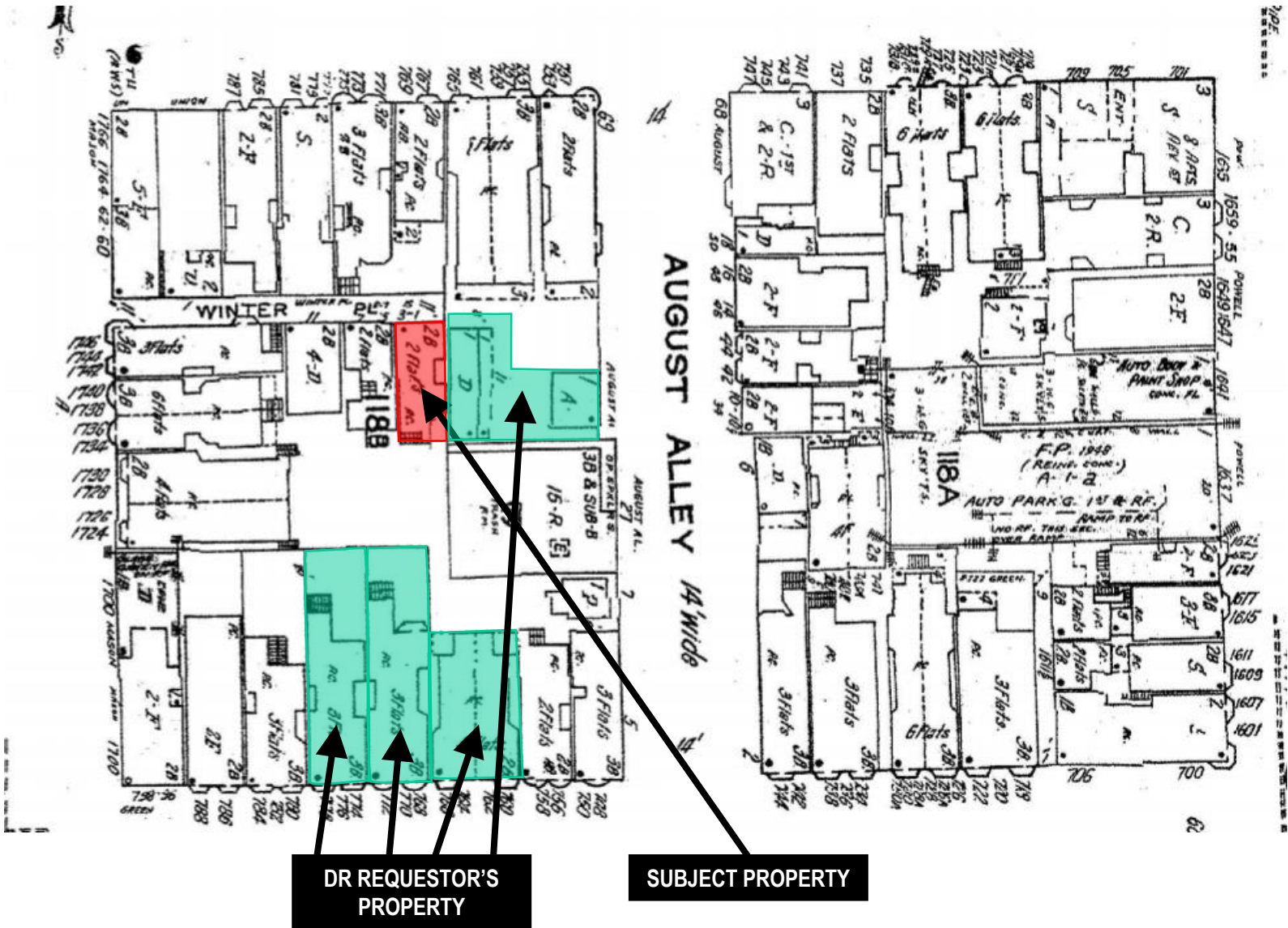
# Exhibits

# Parcel Map



Discretionary Review Hearing  
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1 Winter Place

# Sanborn Map\*



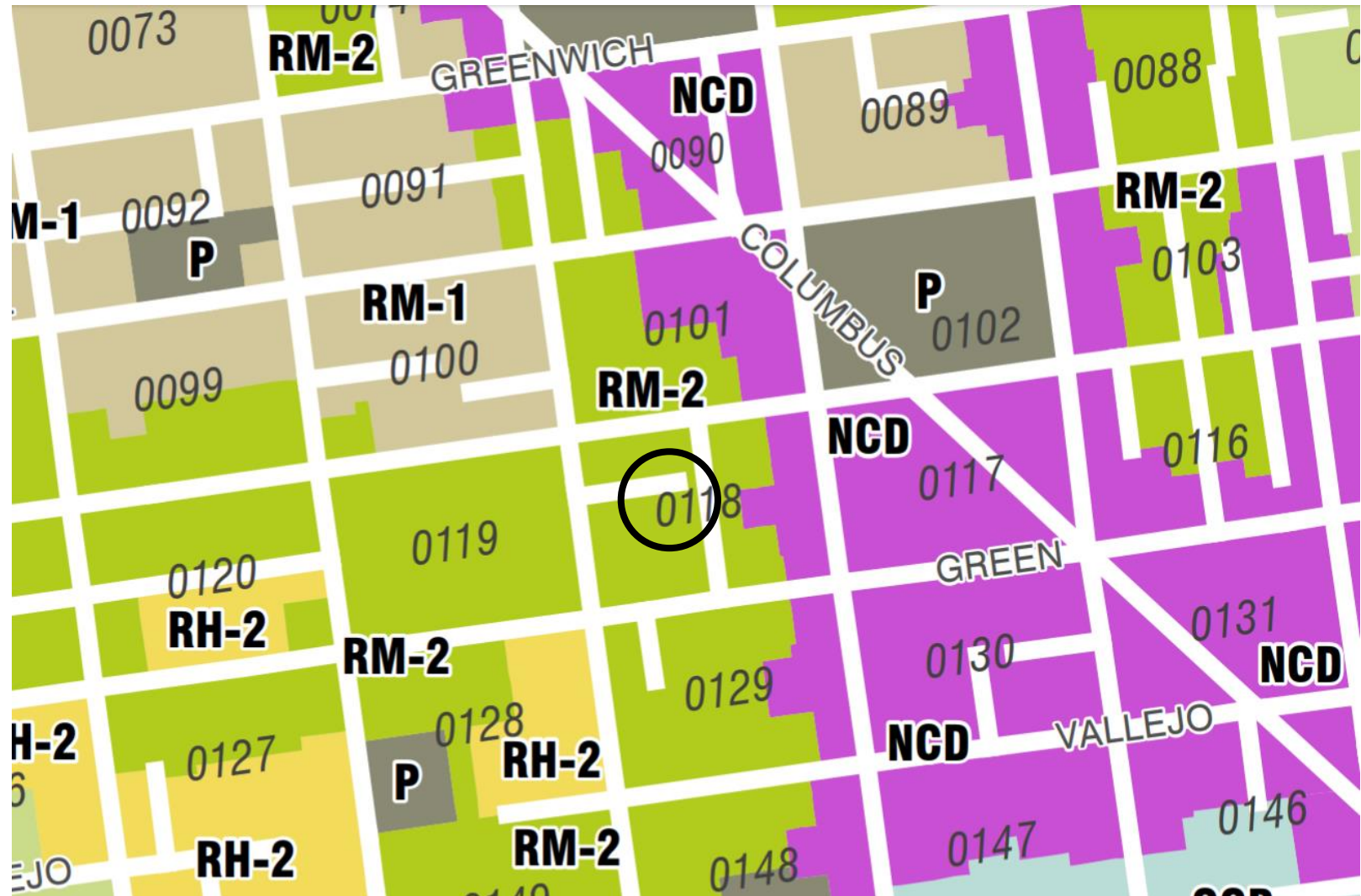
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing  
Case Number 2017-013309DRP-04  
1 Winter Place

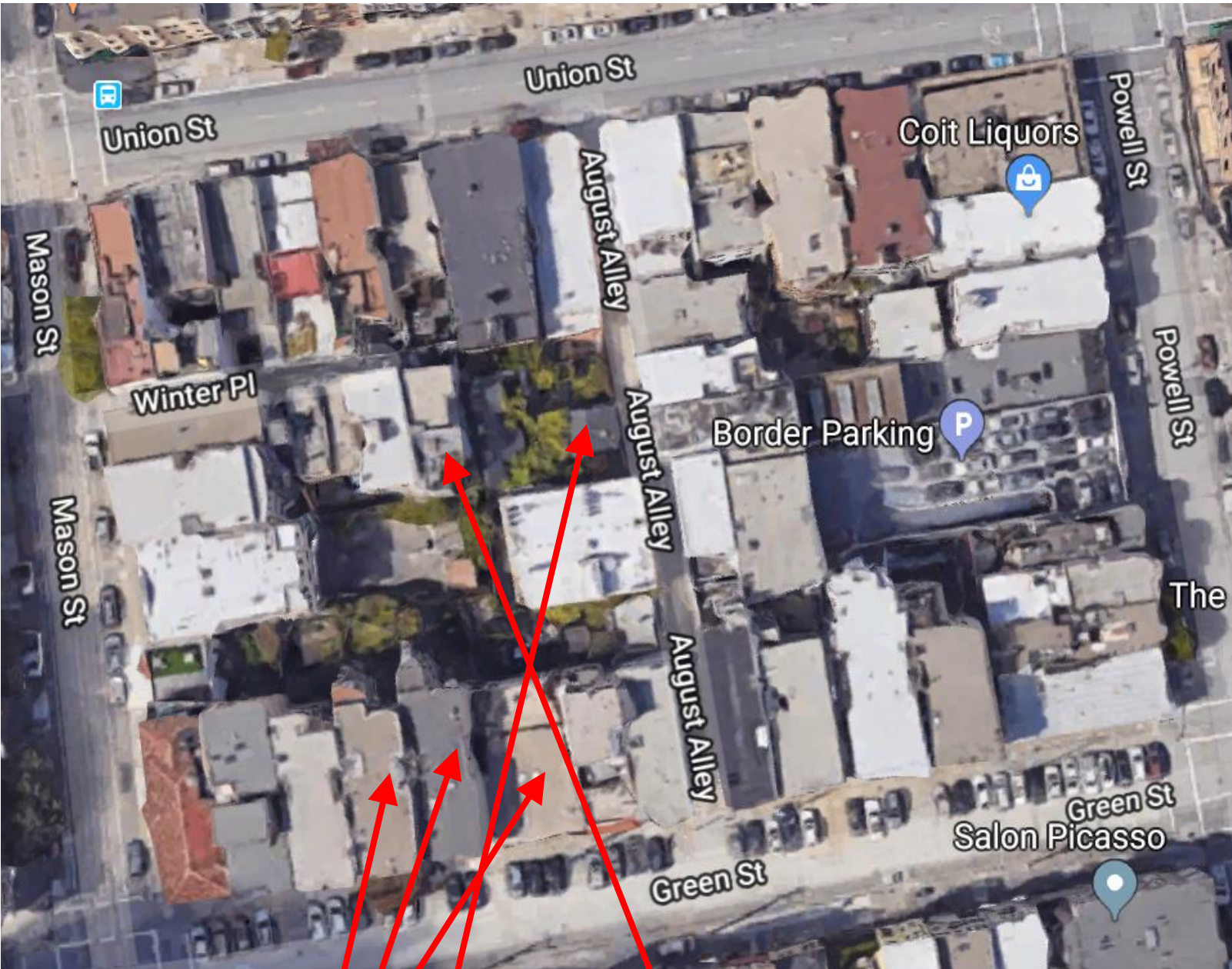


# Zoning Map



Discretionary Review Hearing  
Case Number 2017-013309DRP-04  
1 Winter Place

# Aerial Photo



DR REQUESTOR'S  
PROPERTY

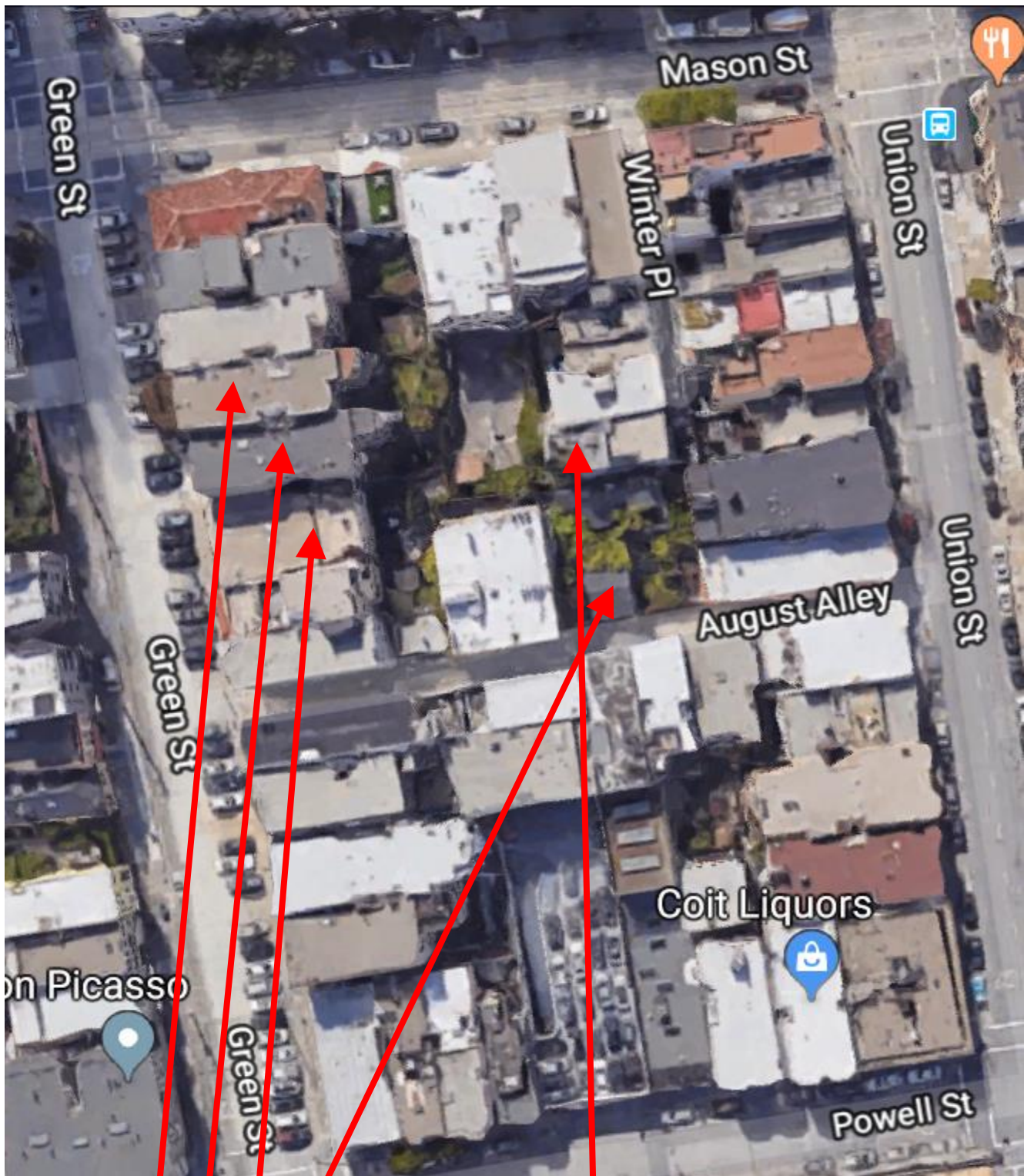
SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2017-013309DRP-04  
1 Winter Place



# Aerial Photo



DR REQUESTOR'S  
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2017-013309DRP-04  
1 Winter Place



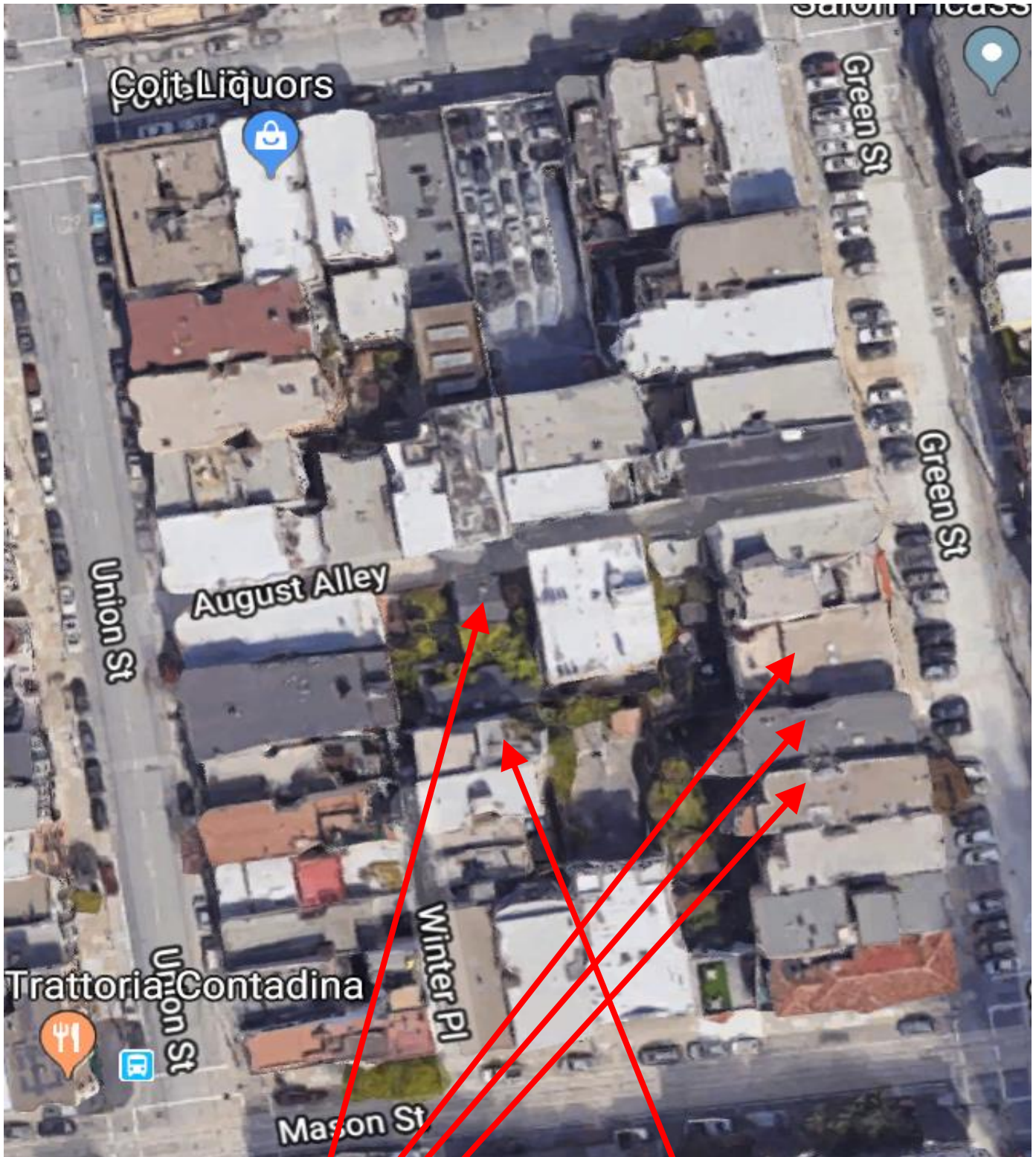
# Aerial Photo



Discretionary Review Hearing  
Case Number 2017-013309DRP-04  
1 Winter Place



# Aerial Photo



DR REQUESTOR'S  
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2017-013309DRP-04  
1 Winter Place

# Site Photo



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2017-013309DRP-04  
1 Winter Place



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **October 4, 2018**, the Applicant named below filed Building Permit Application No. **2018.10.04.2256** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>1-3 Winter Place</b>	Applicant:	<b>Jim Zack, Zac De Vito Architecture</b>
Cross Street(s):	<b>Mason Street</b>	Address:	<b>156 South Park Street</b>
Block/Lot No.:	<b>0118/032</b>	City, State:	<b>San Francisco, CA 94107</b>
Zoning District(s):	<b>RM-2 / 40-X</b>	Telephone:	<b>(415) 495-7889</b>
Record No.:	<b>2018-013309PRJ</b>	Email:	<b><a href="mailto:jim@zackdevito.com">jim@zackdevito.com</a></b>

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	None	No Change
Side Setbacks	None	No Change
Building Depth	51 feet	No Change
Rear Yard	None	No Change
Building Height	30 feet – 10 inches	40 feet
Number of Stories	3	4
Number of Dwelling Units	2	No Change
Number of Parking Spaces	1	2
PROJECT DESCRIPTION		
<p>The proposal is to construct a vertical addition onto the existing two-family residential building. The project includes interior remodeling, reconfigured roof deck, exterior changes such as a new 4<sup>th</sup> level and windows. The project also includes a rear yard setback variance request; information regarding the variance hearing will be submitted through a separate notice. See attached plans.</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>		

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

Planner: Nancy Tran  
Telephone: (415) 575-9174  
E-mail: [nancy.h.tran@sfgov.org](mailto:nancy.h.tran@sfgov.org)

Notice Date: 2/1/2019  
**Expiration Date: 3/4/2019**



## GENERAL INFORMATION ABOUT PROCEDURES

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

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

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](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) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](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, on-line, 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>
1 WINTER PL		0118032
<b>Case No.</b>		<b>Permit No.</b>
2018-013309ENV		201810042256
<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> Variance from the rear yard requirement to permit the vertical addition of a new fourth floor and partial remodel of existing third floor and garage.		

### STEP 1: EXEMPTION CLASS

<b>The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).</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

<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?  <i>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 involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? 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? If yes, archeo review is required (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). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	<b>Slope = or &gt; 25%:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 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 and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 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 and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 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 and Environmental Planning must issue the exemption.</b>
<b>Comments and Planner Signature (optional):</b> Jonathan Vimr	

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

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Property Information Map)	
<input type="checkbox"/>	<b>Category A:</b> Known Historical Resource. <b>GO TO STEP 5.</b>
<input checked="" 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 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 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 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 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 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 type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input 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 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 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):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input checked="" type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A            a. Per HRER or PTR dated 08/28/2019            b. Other (specify): See PTR form         </div> <div style="width: 45%; text-align: right;"> <input checked="" type="checkbox"/> Reclassify to Category C            (attach HRER or PTR)         </div> </div>
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input checked="" 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: Jonathan Vimr	

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

<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	<b>Signature:</b> Jonathan Vimr
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	08/29/2019
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 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)
1 WINTER PL		0118/032
Case No.	Previous Building Permit No.	New Building Permit No.
2018-013309PRJ	201810042256	
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. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:



# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

<b>Preservation Team Meeting Date:</b>		<b>Date of Form Completion</b>	8/28/2019
--	--	--------------------------------	-----------

PROJECT INFORMATION:		
Planner:	Address:	
Jonathan Vimr	1-3 Winter Place	
Block/Lot:	Cross Streets:	
0118/032	August Alley, Mason and Union Streets	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B	n/a	2018-013309ENV

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

<b>DATE OF PLANS UNDER REVIEW:</b>	09/05/2018
------------------------------------	------------

PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: Historic Resource Supplemental Information Form (12/19/2018), prepared by Clark Titcomb, Zack de Vito Architecture	

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

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

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

<p><b>PRESERVATION TEAM COMMENTS:</b></p> <p>1-3 Winter Place is a two-story over basement, two-family residential building constructed in 1912 and located in the Russian Hill neighborhood near its boundary with North Beach. The Edwardian building was designed by Paul J. Capurro (1889-1945) and is predominantly characterized by its horizontal wood siding, recessed entryway and arched surround, denticulated cornice, double-hung wood windows with integrated ogee lugs, and decorative window trim. Based on building permit history, the property appears to retain high integrity, with exterior alterations largely pertaining to the garage door and various repair work.</p> <p>The 1912 building is among many that were constructed in the post-earthquake reconstruction period, but was not identified in either the 1984 North Beach Survey or the currently unadopted 2018 Historic Context Statement ("HCS") commissioned by the Northeast San Francisco Conservancy as significant for its association with this history. Rather it appears to be among many such properties and does not have individual significance in association with post-earthquake reconstruction. Therefore, the building is not eligible under Criterion 1 (Events).</p> <p>None of the owners or occupants has been identified as sufficiently important to history to justify a finding of individual eligibility under Criterion 2 (Persons)</p> <p>Per the draft HCS and the Historic Resource Determination Supplemental that was provided by the project sponsor, the property appears to have been designed and built by Paul J. Capurro (1889-1945). Capurro was a local draftsman, with documentation confirming that at least between the period of 1907-1929 he was never a licensed architect. Capurro was also not included in a list of "non-certified architects" published by the Daily Pacific Builder in 1912. Nonetheless, he designed several buildings in the North Beach area including: 371-73 Columbus Avenue (1912), 520-24 Filbert (1912), 1731-33 Mason Street (1908) and the subject property, among others. According to city directories, census and other records, Capurro worked and resided at 1844 Powell Street during the design and construction of the various examples of his work mentioned in the draft HCS.</p> <p>(continued)</p>
--

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
Allison K. Vanderslice Digitally signed by Allison K. Vanderslice Date: 2019.08.28 17:33:24 -07'00'	



Although he was a local contractor-builder responsible for multiple buildings in North Beach, given the fact that Capurro was never formally recognized as an architect, and that his designs do not rise to the level of other master architects, Capurro does not appear to be a master architect. Furthermore, the design of the building is comparable with numerous flats and post-earthquake reconstruction properties throughout North Beach/Russian Hill. More accomplished and fully expressed examples of this building type abound within the neighborhood, including the nearby 735-743 Green Street (1920) and 773 Union Street (1913). Given this and that Capurro is not considered a master architect, the building is not eligible under Criterion 3 (Architecture).

The subject building does not embody a rare construction type and therefore does not appear eligible for listing under Criterion 4 as it applies to buildings and structures (the potential archeological significance of the project site is not evaluated in this document).

Although Capurro is credited with three other nearby buildings (1731 Mason Street, 725 Union Street, 806 Union Street) that were constructed in a somewhat similar style, this small discontinuous grouping is not architecturally distinguished, and its construction does not constitute a historically significant event. Other structures in the vicinity are built in varied styles, with some having been significantly altered and others having been constructed in the latter half of the 1900s. As such, the area immediately surrounding the subject property contains a variety of different, largely modest buildings that collectively do not possess the historic significance necessary to rise to the level of a historic district. And while it is notable that the draft HCS does mention the subject property in Appendix A ("North Beach Architects"), the document has not yet progressed to the point of a final draft or adoption and does not currently contain survey findings or any defined historic district boundaries. Given this, based on the currently available information the Department finds that the subject property is not located within a historic district.

Therefore the subject building is not eligible for listing in the California Register of Historical Resources either individually or as a contributor to a historic district.





**Figure 1. 1** Winter Place, August 2018.



San Francisco

2018-013309 DRP

RECEIVED

MAR 04 2019

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
PIC

## DISCRETIONARY REVIEW PUBLIC (DRP)

### Discretionary Review Requestor's Information

Name: Steve Giovannini

Address: 764 Green Street, San Francisco, CA 94133

Email Address: scgio@pacbell.net

Telephone: 650 863-0983

### Information on the Owner of the Property Being Developed

Name: Ridge Sampson

Company/Organization: Sycle,net

Address: 9 Dawn Place, Mill Valley, CA 94941

Email Address: OZONERIDGE@GMAIL.COM

Telephone: 415-505-3662

### Property Information and Related Applications

Project Address: 1 & 3 Winter Place

Block/Lot(s): 0118/ 032

Building Permit Application No(s): 2018-013309VAR; 201810042256

### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?		<input checked="" type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?		<input checked="" type="checkbox"/>
Did you participate in outside mediation on this case? (including Community Boards)		<input checked="" type="checkbox"/>

The original Project Planner, left the Dept and the neighbors have not had contact with anyone at the Dept. The sponsor lives out of town and has not been available to meet with neighbors.

## DISCRETIONARY REVIEW REQUEST

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

1. What are the reasons for requesting Discretionary Review? The project meets the 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 site specific sections of the Residential Design Guidelines.

The building is non-complying currently and the project requires a variance for rear yard and therefore, DOES NOT meet the bare minimum standards of the Planning Code and Residential Design Guidelines as stated above. The substandard size of the lot, (1,119--less than 1/2 of the min. for the zoning), its location at the end of an eleven (11') foot wide alley dead-end with no sidewalks (Winter Place), in the middle of the block is completely inappropriate for a 40 foot structure. There are no other four floor structures fronting on Winter Place (zero) and few on the entire block in general. This is an extraordinary and exceptional request for a variance and a fourth floor on such a narrow alley should not be granted. The variance (can not be justified). The building currently has two occupied rent controlled units which the owner seeks to luxuriate into what appears will be used a single family residence (the owner stated he intends to occupy both flats after the rebuild)...otherwise the project makes no sense. The project plans term the building the "Sampson Residence," and obviously given the extent of the work the tenants will have to be evicted. The owner, lives in Marin with his family and this appears to be an attempt to create a San Francisco "pied-a-terre" out of occupied, rent-controlled housing.

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.

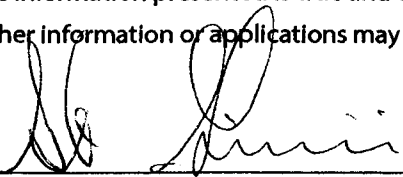
Violates numerous provisions of the Residential Design Guidelines including the Guidelines for Additions to Buildings of Potential Historic or Architectural Merit. "Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space. ( pages 25-26) Design the height and depth of the building to be compatible with the existing building scale at the street. (page 24). A addition to a new building should be articulated to minimize impacts on light and privacy to adjacent properties (pages 16-17). The Project is completely unreasonable on this block at this location. It will block views (which ARE PROTECTED FROM VARIANCE) and will cast shadows on the small buildings around it including the historic rear yard cottage and garden at 11 August Alley. The impacts of removing occupied rent-controlled housing in the middle of the worst housing crisis in San Francisco history can not be over-stated.

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?

A reasonable project will not include a fourth floor on a substandard mid-block lot. It is clear that ANY fourth floor addition will have negative impacts because of the size and location of the subject lot. Adding an additional 1000 square feet of living space to this small building (for a total of 3,200+s.f.) at the mid-block is unreasonable given the lot size of 1,119 s.f. Driving out rent controlled tenants in order to expand and luxuriate the building for single family use violates every City Policy in the middle of the housing crisis. The project sponsor stated he intended to live in the new building, over-wise, evicting rent-controlled tenants and creating a new luxury building does not make sense.

Under penalty of perjury the following declarations are made:

- a) The information presented is true and correct to the best of my knowledge.
- b) Other information or applications may be required.

  
\_\_\_\_\_  
Signature

Steve Giovannini  
\_\_\_\_\_  
Name (Printed)

Adjacent Neighbor  
\_\_\_\_\_  
Relationship to Project  
(i.e. Owner, Architect, etc.)

415-292-3656  
\_\_\_\_\_  
Phone

scgio@pacbell.net  
\_\_\_\_\_  
Email

For Department Use Only

Application received by Planning Department:

By: JEFF SPEIRS

Date: 3/4/19



# San Francisco Planning

PROJECT APPLICATION RECORD NUMBER (PAR)  
2018-013309 DRP-02

**RECEIVED**

MAR 04 2019

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
PIC

## DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION

### Discretionary Review Requestor's Information

Name: Jasen Lewy

Address: 768 Green Street, San Francisco, CA 94133

Email Address: jzlewy@gmail.com

Telephone: 415-516-9986

### Information on the Owner of the Property Being Developed

Name: Ridge Sampson

Company/Organization: Sycle.net

Address: 9 Dawn Place, Mill Valley, CA 94941

Email Address: OZONERIDGE@GMAIL.COM

Telephone: 415-505-3662

### Property Information and Related Applications

Project Address: 1 & 3 Winter Place

Block/Lot(s): 0118/ 032

Building Permit Application No(s): 2018-013309VAR; 201810042256

### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?		<input checked="" type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?		<input checked="" type="checkbox"/>
Did you participate in outside mediation on this case? (including Community Boards)		<input checked="" type="checkbox"/>

The original Project Planner, left the Dept and the neighbors have not had contact with anyone at the Dept. The Project has been incredibly rushed through the process as environmental review of this historic 1912 building was completed AFTER the 311 Notification was issued. We oppose the variance and my attorney's brief opposing the variance is attached.

## 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.

The project does not meet the bare minimum standards of the Planning Code and Residential Design Guidelines as it requires variances for rear yard intrusion and the expansion of an existing non-confirming building. There are no other four floor structures fronting on Winter Place and few on the entire block in general. The size of the lot, its location on a eleven (11') foot wide alley (Winter Place) in the middle of the block make clear no fourth floor should be permitted at all. It is extraordinary and exceptional request for a fourth floor on such a narrow alley. The building currently has two occupied rent controlled units which the owner seeks to luxuriate as what appears will be used a single family residence (the owner stated he intends to occupy both flats after the rebuild)...otherwise the project makes no sense. This is a violation of the housing policies and the Dept should not allow the eviction of these tenants by an out-of-town developer to create an overly large single family residence. The project conflicts with the General Plan protections for neighborhoods, tenants, existing character (financial and physical) of our residential neighborhoods.

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.

Violates numerous provisions of the Residential Design Guidelines including the Guidelines for protection of rear yard cottages (page 21). "Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space. ( pages 25-26) Design the height and depth of the building to be compatible with the existing building scale at the street. (page 24). A addition to a new building should be articulated to minimize impacts on light and privacy to adjacent properties (pages 16-17). The Project is completely unreasonable on this block at this location. Because it is in the middle of the block, it will block views (which ARE PROTECTED FROM VARIANCE) from dozens of homes, public streets and will cast shadows on the small buildings around it including the historic building and garden at 11 August Alley.

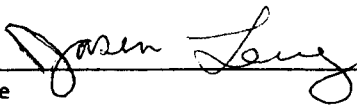
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

A reasonable project must eliminate ANY fourth floor addition. Any fourth floor will have negative impacts because of the size and location of the subject lot. Adding an additional 1000 square feet of living space to this small building at the mid-block is unreasonable given the lot size of 1,100 s.f. and the proposed building of 3,200 square feet. Driving out rent controlled tenants in order to expand and luxuriate the building for single family use violates every single City Policy in the middle of the housing crisis. Eliminate the addition of a car space and allow the sponsor to capture square footage at the ground floor.

# DECLARATION OF PREPAREDNESS

Under penalty of perjury the following declarations are made:

- a) The information presented is true and correct to the best of my knowledge.
- b) Other information or applications may be required.

  
Signature

Jasen Lewy  
Name (Printed)

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

415-516-9986  
Phone

jzlewy@gmail.com  
Email

For Department Use Only

Application received by Planning Department:

By: JEFF SPEIRS

Date: 3/4/19



February 26, 2019

Corey Teague, Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

**RE: 1 & 3 Winter Place- Neighborhood Opposition to Variance Application**  
**Hearing Date: February 27, 2019; App. No. 2018-013309VAR; Agenda Item #7**

Zoning Administrator Teague:

### **INTRODUCTION**

This letter is submitted on behalf of the neighbors of the project who reside on Green Street. The applicant cannot meet the requirements for a rear yard variance and has not shown any “hardship” or “exceptional circumstances” that might differentiate this lot from the majority of lots on this block and in the Russian Hill Neighborhood in general. The application ignores the CAP Alley Guidelines, ignores the code methods to establish a rear yard and ignores the impacts to the neighbors. The requested variances must be denied or greatly reduced.

This variance will cause real harm to numerous neighbors. In such a densely populated section of the City it necessarily will have these negative impacts. It is legally and morally wrong to take the rights and protections granted to the neighbors under the Planning Code and transfer those rights and protections to the Project Sponsor without justification for such an expansion on a non-conforming structure.

1. The requirements for a variance have not been met. The Project will harm other properties in the vicinity and is directly at odds with the General Plan and City-Wide policies for development in small, historic alleys.
2. There are no other four floor structures fronting on Winter Place and few on the block in general. An extraordinary request for a fourth floor on such a narrow alley should have no variance at all and the minimum 15’foot rear yard must be maintained. At most a small penthouse that is code-compliant may be granted.
3. Any fourth-floor mid-block is inappropriate. The Project in the *buildable* area of the lot on the fourth floor will already have dramatic and detrimental impacts on the neighboring properties; imposing additional burdens by variance cannot be justified.
4. No impacted neighbor supports the variance request. The neighbors’ rights are protected by the Planning Code and should remain unobstructed-- in perpetuity.



5. Winter Place is extremely narrow and is only eleven (11') feet wide. Granting a variance of the size and depth requested for this mid-block structure will unfairly block views and light from other properties.

**The Proposed Variance Must Be Denied as It Cannot Meet the Mandatory Criteria**

In order to justify a variance, the applicant must show:

- (1). Special circumstances applicable to the property involved or to the intended use of this property that do not apply generally to other properties in the same zone or vicinity. **(None)**
- (2) This exceptional circumstance causes some hardship or practical difficulty if the variance is not granted; **(None)**
- (3) Without the variance, the subject property will be denied a right enjoyed by owners of similar property; **(None)**
- (4) The variance won't harm the neighbors; **(it will)** and
- (5) The variance is in harmony with the city's General Plan and the general intent of the Planning Code. **(it is not)**

If the applicant cannot meet **all** these requirements, then the application must be rejected. In this instance, eliminating the rear yard requirement and extending the building to the property line is detrimental to the neighbors. Such a building will block views for most surrounding buildings since it will be the only four-story building fronting on Winter Place and will cast shadows across the alley to the north on the rear yards and rear walls of other small buildings fronting on Union Street.

**A Substandard Lot is the Norm on This Block and in This District and Cannot Satisfy the Mandatory Finding of a Hardship or Exceptional or Extraordinary**

The *only* "hardship" or "extraordinary and exceptional" circumstance cited in the application is the small size of the subject lot. As a matter of objective fact, it is simply not true that there is anything exceptional or extraordinary about the size of this lot in the Russian Hill District and on this particular block. This block has a *majority* of substandard lots and has many older, pre-code buildings which are built to the property lines and which do not provide the minimum rear yard required under the Planning Code. Attached hereto is the Assessor's Map of the subject block showing that only 13 of the 47 lots on this block meet the standard minimum size of 2500 square feet and that 29 of the 47 lots are quite small with at least 9 of the lots at roughly the same size as the subject lot and two lots are much smaller than the subject site.

Such a situation cannot be used to justify a variance for new proposed non-complying projects. This would mean that most of the lots on this block and in Russian Hill would be "exceptional and extraordinary," not the usual definition applied to those words by the Planning Dept. The "hardship" justifying a variance must be tied to the *unique* physical condition of the

development lot, and, regardless of the claimed hardship, the variance cannot be granted if it is detrimental or harmful to neighboring properties. In this case, small, substandard interior lots such as this one are quite common and could never honestly be considered “extraordinary or exceptional,” or as imposing a unique hardship on this Sponsor.

### **The Sponsor Seeks A Special Privilege with the Application**

A variance may be granted in order to bring a disadvantaged property up to the level of use enjoyed by nearby properties located in the same vicinity or district. In this case, the Sponsor seeks not to be brought up to the level of the homes around it but above all others as the only fourth floor addition on Winter Place. Variances are only for use in unusual, individual circumstances related to the property. There is no basis for granting a variance if the circumstances of the project site cannot be distinguished from those on surrounding lots.

In this instance it is crystal clear that the subject lot cannot be distinguished from the surrounding lots as there are two identical lots to the west and a majority of other, small substandard lots all throughout the block and Russian Hill. This variance would be a special privilege.

Further, this variance is not necessary for any for any substantial property right that others are enjoying on the block. Very few homes on larger lots have a fourth floor. NONE of the smaller interior lots on this block have a four floor. The buildings fronting on Winters Place are virtually all the same size, no one is enjoying some property right beyond that which is currently enjoyed by the Sponsor. It is incredibly inappropriate to propose a four-story structure in the interior, “back yard” lots on Russian Hill, Telegraph Hill or the other alley ways of the City in our historic residential neighborhoods.

### **A Rear Yard Variance at the Top Floor Will Cause Substantial Harm to the Neighbors**

In this instance the harm is obvious to even a casual observer. The proposed variance will block the views and the light for many neighbors. Such a result is certainly “detrimental” and “injurious” to the neighboring properties. They will be deprived of world class views of the Bay, Alcatraz, the Golden Gate Bridge and sites beyond.... views to which, under the Planning Code, they should have perpetual access.

The Variance cannot be granted without an affirmative showing that there will be no adverse impact on the neighborhood. That is impossible in this case as the new fourth floor will block views for all the homes on Green Street and on Mason. Granting the Variance requested will positively and certainly adversely affect the interests of the public and the interests of residents and property owners in the vicinity of the premises in question. This is specifically forbidden by California State Law and the San Francisco City Ordinance.

The minimum criteria for a variance are clearly spelled out in the application provided by the Department and this project does not and cannot meet the standard. The Planning Department Variance Application states as follows:

“That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity. (In other words, what kind of impact will the project have on neighbors? Has the applicant talked to neighbors about the project? Do neighbors support the project? Letters signed by the neighbors, stating that plans have been reviewed, understood, and there is no objection is a good way to help meet this criterion.)”

There are no letters of support submitted with the Variance Application as suggested by the application. No surprise. The neighbors OPPOSE this variance. It harms them and their property a great deal and it must be substantially scaled. The project sponsor's desire for additional square footage cannot be used to justify such a variance. No variance at all should be allowed for a fourth floor in an alley. In that way, the developer will be spared the difficulty of supplying the required minimum rear yard but the impact and hardship to the neighbors will be limited.

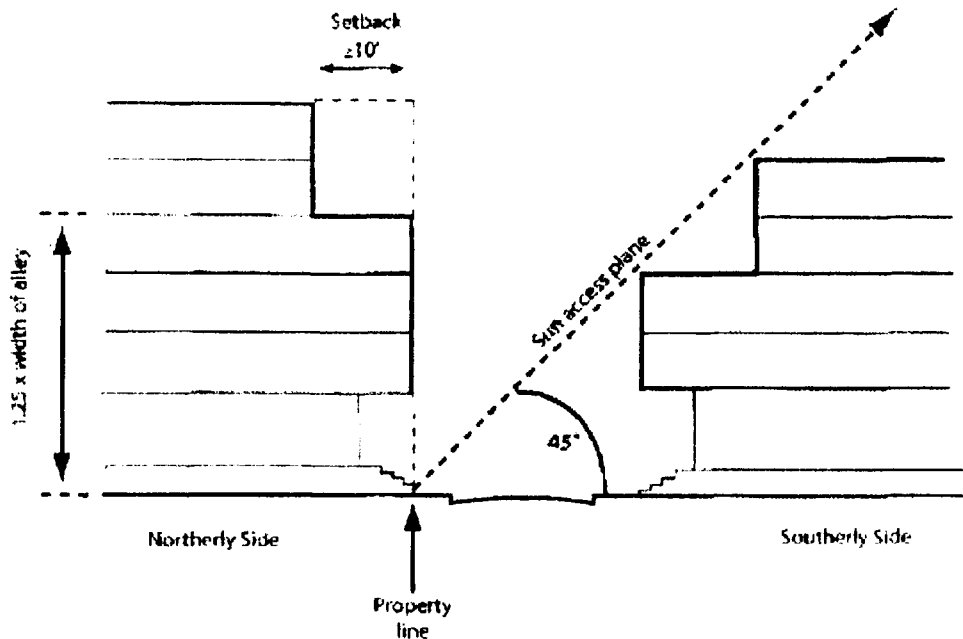
### **The Proposed Variance Violates the CAP Guidelines and the General Plan Policies**

The proposed variance would violate the Alley Design Guidelines from the Citywide Action Plan (CAP) Guidelines for development in the narrow alley ways of San Francisco. There is no mention of the fact that the subject site is situated on an extremely narrow alley and what is appropriate in the interior block. Adding a fourth floor is not appropriate.

The Alley Design Guidelines are much more than “guidelines” and were added to the Planning Code in 2008 at Section 261.1. This Section now sets specific height limits for alleys to maintain livable neighborhoods. The new Section is only directly applicable to the newly zoned mixed-use districts in the Eastern Neighborhoods Plan, Octavia/ Market Plan and South of Market, however, the method by which the limits are imposed are *identical* to the CAP Guidelines and the application of the CAP Guidelines is Citywide.

The CAP Guidelines applicable here are identical to the new code section and state that a building wall on an alley's *south side* (such as this) should be no taller than 1.25 times the width of the alley. Winter Place is 11 feet wide and 11 times 1.25 is 13.75 feet. Therefore, the ground floor wall closest to Winter Place should be no taller than 13.75 feet (ground floor) and then the guidelines state any upper floors should be set back 15 feet from the alley. Obviously, it is too late to implement these guidelines on Winter Place, but it is just as obvious not no further non-conformity should be approved.

These setbacks above the first floor of at least 15 feet are mandatory to preserve any light to the small alley to the north and to prevent impacts across the alley to the rear yards and rear windows of buildings fronting on Union Street. As illustrated in the Guidelines below:



A variance must be in harmony with the City's General Plan and the general intent of the Planning Code. In this instance, there are specific design rules for alley's which are incorporated into the Planning Code which must be adhered to for any granted variance to meet this fifth critical and required finding. The Citywide Action Plan (CAP) identifies the crucial need to preserve alleyways citywide as livable environments for human-scale space, access to sky, space and light. A copy of the CAP Guidelines for San Francisco's Alleys is attached as Exhibit 2.

The subject property on Winter Place is a "south street wall" as described in the CAP guidelines which is critical to limit in height to allow sunshine to reach the north side of the alley and the homes on Union Street. In this instance, Winter Place is *extremely* narrow and is only 11 feet wide. Accordingly, no additional height is recommended, and no additional floors should be added to this narrow alley.

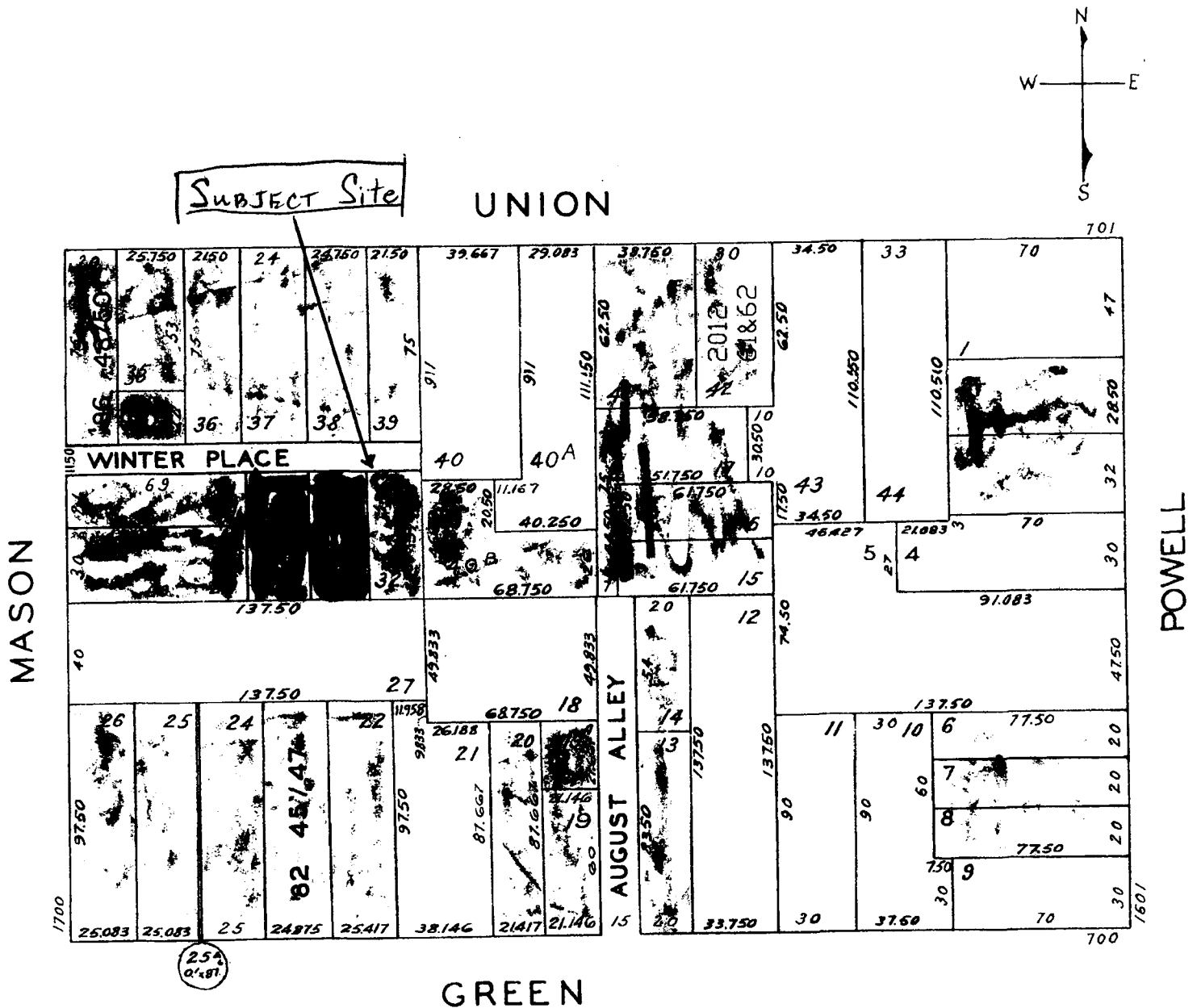
### **CONCLUSION**

For the reasons stated above, the neighbors and the community they represent object to the proposed variance, the fourth-floor expansion, and the inappropriate massing of the project. The neighbors' request that the Zoning Administrator deny this requested variance.

VERY TRULY YOURS,

STEPHEN M. WILLIAMS

GREEN SHADED LOTS ARE SUB-STANDARD



774 - 776 - 778 GREEN ST.

A CONDOMINIUM

LOT NO. UNIT NO. % COMMON AREA

45	774	28.686
46	776	34.022
47	778	37.292

1760-1762-1764 MASON ST.

A CONDOMINIUM

LOT UNIT % COMM. AREA

48	1760	28.798
49	1762	35.805
50	1764	35.397

EXHIBIT 1

# CAP

SAN FRANCISCO ALLEYS  
PART OF THE PLANNING DEPARTMENT'S CITYWIDE ACTION PLAN FOR HOUSING

## SAN FRANCISCO'S ALLEYS

With the planned increase in population in the neighborhoods that the Citywide Action Plan (CAP) identifies for significant new residential development, there is the need to balance increased density with the characteristics that build livable neighborhoods: walkability, a human scale and a vibrant public realm. As these areas are planned to provide opportunities for new housing and other development, there is an obligation and a need to conserve and enhance a neighborhood's existing livable qualities, and augment them where they are currently lacking.



In the history of San Francisco, alleys have played a very important role in the development of many neighborhoods, including SoMa, the Mission and the Market/Octavia neighborhood. However, over the years, many alleys have been cut off, developed over or variously made unusable. This discussion piece describes the importance of alleys towards creating livable neighborhoods, and some preliminary strategies for enhancing alleys as meaningful urban places.

### WHY ARE ALLEYS IMPORTANT?

Alleys have often been thought of as purely functional, a place for loading, deliveries and garage access. At worst, they have become dark, derelict or unsafe. In recent years, however, people have begun to appreciate the benefits that alleys provide, and to see them as place-enhancing spaces in their own right.

Most importantly, alleys break up the scale of large blocks and parcels. In SoMa, for example, blocks were laid out on a very large scale (550 feet by 825 feet). Soon after these blocks were laid out, property owners began to break the scale of the blocks by building alleys, in order to create a more useable development pattern and to enable access to the center of blocks.

Alleys also provide an alternative circulation network, distributing traffic on more streets and providing a choice of routes. Because they are a slow-traffic alternative to busy streets, alleys can be especially important to bicyclists and pedestrians. In dense urban neighborhoods, alleys create a human-scale space, allowing the penetration of sunlight, sky and greenery into the centers of blocks. Less tangibly, alleys can provide a sense of discovery, wonder and beauty to an often routine urban environment.

### WHAT COMPONENTS MAKE UP A SUCCESSFUL ALLEY?

Whether or not an alley becomes a successful urban place is greatly determined by a handful of urban design factors: scale, sun and sky availability, a mix of access and use, greenery and connections.

San Francisco's historic pattern of development, and the city's development controls, demonstrate that streetwall height should be related to street width. This is important both to create an appropriate scale that defines the street without overwhelming it, and to ensure that sun and sky is available to people on the street. This relationship carries over to alleys: if buildings are too high, an alley can become a dark chasm, and a pleasant sense of refuge can turn into a perception of a dangerous place. Because alleys are narrower than streets, appropriate heights along alleys are lower than on streets.



Less quantifiably, successful alley places have a quality of disorder that makes them interesting and attractive places to walk. Whereas streets often benefit from an unbroken streetwall that defines an 'urban room,' alley streetwalls can be more broken up: there can be a mix of residential units, secondary units over garages, small business entries, opportunities for glimpses into yards, walls, greenery, variation in building heights and massing and a fine-grained development pattern.



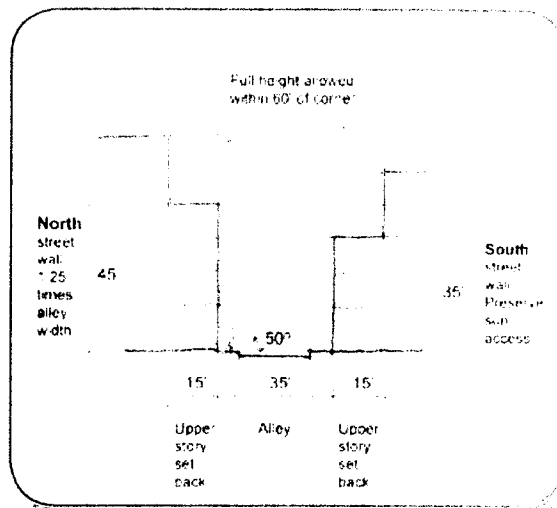
San Francisco  
Planning Department  
July 2003

EXHIBIT 2

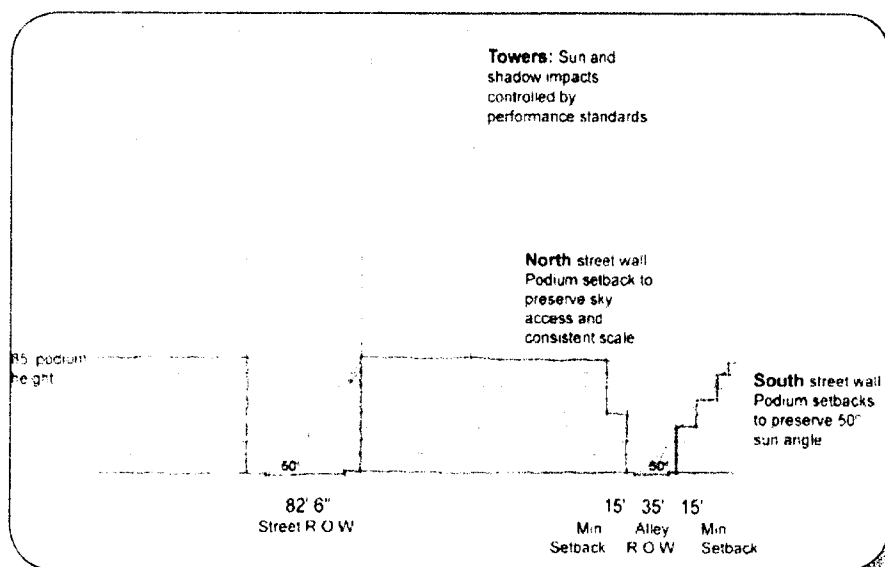
## HOW CAN WE CREATE QUALITY ALLEY PLACES?

A variety of controls will achieve a quality system of alleys. The following ideas describe a draft proposal for how this could be achieved, using the neighborhoods of the SoMa as an example. Building heights, street widths and sun angles will be different in other neighborhoods; however, the general ideas about sculpting building mass can be applied elsewhere.

- 1) For alleys in height districts of 85 feet or less, regardless of orientation, streetwall height at the property line should be no greater than about 1.25 times the alley width. Above that height, there should be a stepback of about 15 feet. (For a 35-foot alley, this gives a maximum streetwall height at the property line of 45 feet, rounded up from 43.75 feet.)
- 2) Additionally, in east/west alleys in height districts of 85 feet or less, development on the south side of an alley should be further sculpted to retain sunlight on the north sidewalk of the alley, assuming a 5-foot walkway. Above that height, there should be a stepback of no less than 15 feet, and additional stepbacks as necessary to preserve a 50° angle from the curb of the north sidewalk to the building corner. (For a 35-foot alley, this gives a maximum streetwall height at the south property line of 35 feet, rounded down from 36 feet.)



- 3) At corners where an alley intersects with a street, the streetwall height at both property lines should extend without stepbacks 60 feet back from the street. See image at right.
- 4) Towers above 85 feet in height should not be subject to the stepback requirements listed above. Instead, towers should be required to meet sun and shadow performance standards to ensure that important streets, alleys and open spaces are not overly in shadow. Additionally, maximum floorplates and minimum tower separations will combine to allow adequate light and air through to streets and other public spaces.
- 5) Podiums on parcels that also contain towers will be subject to the same sculpting requirements as buildings in height districts of 85 feet or less.



### SCULPTING CONTROLS FOR SOMA ALLEYS

These figures show sun and sky access controls for alley frontages. Height districts of 85 feet or less are shown at top, and districts with towers are shown immediately above.

### PLANNING STAFF

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2018-013309 DRP 03


**San Francisco  
Planning**
**RECEIVED**

MAR 04 2019

 CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
PIC

## DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION

### Discretionary Review Requestor's Information

Name: Mitzi Johnson

Address: 11 August Alley, San Francisco, CA 94133

Email Address: mitz@asphodel.com

Telephone: 415-525-3195

### Information on the Owner of the Property Being Developed

Name: Ridge Sampson

Company/Organization: Sycle.net

Address: 9 Dawn Place, Mill Valley, CA 94941

Email Address: OZONERIDGE@GMAIL.COM

Telephone: 415-505-3662

### Property Information and Related Applications

Project Address: 1 &amp; 3 Winter Place

Block/Lot(s): 0118/ 032

Building Permit Application No(s): 2018-013309VAR; 201810042256

### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you participate in outside mediation on this case? (including Community Boards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

My attorney Caroline Chase asked the architect and project sponsor to consider a setback from the property line to reduce shadowing on my house and garden and they refused to even enter into discussions that might reduce the size of the proposed fourth story addition and which might reduce the shadowing on my home and garden and the invasion of my privacy with a proposed new balcony literally hanging over my home.



## 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.

The project DOES NOT meet the bare minimum standards of the Planning Code and Residential Design Guidelines as it requires variances for the rear yard and therefore does not comply with the code as proposed. The size of the lot, its location on an eleven (11') foot wide alley (Winter Place) in the middle of the block is completely inappropriate. There are no other four floor structures fronting on Winter Place and few on the entire block in general. An extraordinary and exceptional request for a fourth floor on such a narrow alley should have not been granted and should have no variance at all and the minimum 15' foot front and rear yard setbacks must be maintained. (see attachment)

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


Violates numerous provisions of the Residential Design Guidelines. First and foremost, rear yard cottages like mine, are given specific protection under the RDG's at page 21. Other RDG's include: "Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space. ( pages 25-26) Design the height and depth of the building to be compatible with the existing building scale at the street. (page 24). A addition to a new building should be articulated to minimize impacts on light and privacy to adjacent properties (pages 16-17). The Project will cast shadows on my historic home and garden at 11 August Alley. It will negatively impact privacy as well as light as the design completely eliminates an existing, large 12 foot light well that faces east over 11 August Alley. Building a balcony that will literally direct a sight line into the garden and bedroom of the small single story building at 11 August Alley. It violates the RDG's expressed at pages 16-17 & 21 for privacy and light. (see attachment)

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

A reasonable project will have no fourth floor and will not in-fill the large light well facing 11 August Alley creating a new wall directly against my home and blocking light to my home and garden. ANY fourth floor addition will have negative impacts because of the size and location of the subject lot. Adding an additional 1000 square feet of living space to this small building at the mid-block is unreasonable given the lot size of 1,100 s.f. (see attachment) The RDG's mandate a substantial setback of any new construction adjacent to my home.

Under penalty of perjury the following declarations are made:

- a) The information presented is true and correct to the best of my knowledge.
- b) Other information or applications may be required.

  
Signature

Mitzi Johnson

Name (Printed)

Adjacent Neighbor

415-525-3195

Mitzi@asphodel.com

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: JEFF SPRINGS

Date: 3/4/19

**ATTACHMENT TO APPLICATION REQUESTING DISCRETIONARY REVIEW**

PROPERTY ADDRESS: 1 & 3 Winter Place  
ASSESSOR'S PARCEL NO: Block 0118, Lot 032  
ZONING DISTRICT RM-2—Residential-Mixed Moderate Density  
APPLICATION NO. 2018-013309VAR; 201810042256

**ACTIONS PRIOR TO DISCRETIONARY REVIEW REQUEST**

This project was first proposed at the pre-application meeting in August 2018, neighbors expressed misgivings with the proposal because it is mid-block and the addition of a fourth floor and the in-fill of a light well, both directly above my adjacent single story, historic cottage seems completely out of place and it will shadow my home and garden and invade my privacy.

The developers were asked to eliminate or reduce the size of the fourth-floor addition and refused. I later retained an attorney, Caroline Chase of Coblenz, Patch & Duffy. She attempted to start a conversation with the owner and architect about the project and the developers refused to even discuss possible modifications.

**B. DISCRETIONARY REVIEW REQUEST****1. Reasons for Requesting Discretionary Review**

The Commission is urged to take Discretionary Review because this is an exceptional and extraordinary circumstance and site. The project *technically* can go to the 40-foot height limit, but the resulting new building, which will present a building envelope beyond the maximum allowed under the Code (by variance) on a narrow 11-foot wide street, would permanently and negatively impact the prevailing scale of the built environment on Winter Place, on August Alley and for the entire block. Such a project will affect the livability of the nearby residences. The project appears to be a semi-demolition and reconstruction of the top floor (and addition of a new floor) as that no portion of the altered top part of the building is evident in the final design. It is a violation of the letter and spirit of the Code to allow an increase in a non-conforming building of the size requested on a VERY substandard lot (1,119s.f.).

This is further an exceptional and extraordinary circumstance in that the design, materials and massing of the proposed new structure are completely out of character with the architecture of the historic North Beach neighborhood, and clearly inconsistent with the City's Residential Design Guidelines. The use of aluminum siding and windows on the existing 1912 building and in this neighborhood is completely inappropriate.

**The Dept and the Commission Denied New Fourth Floor Additions in Alleys in the Past**

We need the Commission's review (and the Dept's re-review) because prior Planning Department and Commission decisions for similar projects in this neighborhood have not been followed in this case. As a matter of policy and practice to enforce the RDG's, (and the CAP

Guidelines) the Dept and the Planning Commission have in the past, routinely DENIED new fourth floor additions in the narrow, historic mid-block alleys of Russian Hill, North Beach and Telegraph Hill.

For example, a Project proposed at nearby 30 Edith Street on September 29, 2004, was denied a fourth floor. After conducting a site visit to the property to document the existing development patterns and reviewing the project with the Planning Director, the Zoning Administrator and other senior staff, project Planner Dan DiBartolo informed the project architect that:

*“The Department **cannot support the proposed fourth floor** addition and strongly requests that you eliminate this floor level and modify your plans so that the building has a height that is more compatible with neighboring structures on Edith Street and the scale of this densely developed portion of Telegraph Hill.”*

Reviewing the same project in 2009, the newly formed Residential Design Team, referencing Mr. Dan DiBartolo’s letter, included the following directives in a memo dated 5/8/09:

- **Reduce the height** and provide a setback at the east portion of the proposed building (top right corner of façade).
- **Internalize the stair penthouse** and internalize the stair circulation around the elevator shaft to **reduce the mass of both rooftop features**.
- **Break up the horizontality of the fenestration** at the top two floors.

[Emphasis added.]

When the Case of 30 Edith Street was heard at the Planning Commission on July 22, 2010, the Commission *removed* the fourth floor and ruled that the building (no part of the building) should exceed 33 feet.

Like Edith Street, Winter Place is a narrow, dead-end street, 11-feet wide, (Edith is 17 feet wide) with a clear context of three-story buildings with a stepped roof pattern that in general, rises as the street ascends from east to west. Although there are other four-story structures in the area, they do not predominate, and none front on this Alley. The proposed project seeks to more than maximize the building envelope with a four-story structure, extending fully between both side property lines (no setback for the historic cottage at 11 August Alley to the east). The height and scale of the proposed project would negatively impact the prevailing scale of the built environment on Winter Place and the entire mid-block area. Given the strong level of opposition against the fourth-floor addition by the neighborhood, the Department should not support the proposal.

The Dept should at a minimum, require the proposed project to be modified to comply with the Dept’s (and the Commission’s) past policy for these narrow alleys: 1) Require the height be reduced by eliminating the fourth floor; 2) make the fenestration compatible with surrounding neighborhood character as required by the Residential Design Guidelines by not permitting aluminum siding and windows 3) No variance is appropriate for this site at the expense of all other housing; 4) allowing an out-of-town developer to evict rent controlled tenants to create a

luxurious new single family residence is not appropriate and violates the mandatory housing crisis policies of the City.

## **2. Adverse Effects on the Neighborhood**

### **Violates the Residential Design Guidelines for Light and Privacy to Adjacent Buildings**

The Residential Design Guidelines at page 16 state:

#### **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.... THIS PROJECT DOES NOT PROVIDE A SETBACK WHERE IT IS NEEDED MOST AT THE EAST SIDE.
- Include a sloped roof form in the design.
- Provide shared light wells to provide more light to both properties. THE PROJECT ELIMINATES THE EXISTING LIGHTWELL AND CUTS LIGHT DRAMATICALLY TO THE HISTORIC PROPERTY TO THE EAST AND ITS GARDEN. (chronicle article attached)

#### **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.

THIS PROJECT CREATES A PRIVACY ISSUE WHERE NONE NOW EXISTS BY CLOSING A LIGHT WELL AND ADDING A BALCONY TO SERVE AS SOME KIND OF VEIWIN DECK STRAIGHT INTO 11 AUGUST ALLEY AND ITS GARDEN AND BEDROOMS.

### **There is a Specific Residential Design Guideline to Protect Rear Yard Cottages that Has Been Completely Ignored**

Page 21 of the RDG’s provides a specific protection (on top of the CAP Guidelines) to protect historic rear yard cottages:

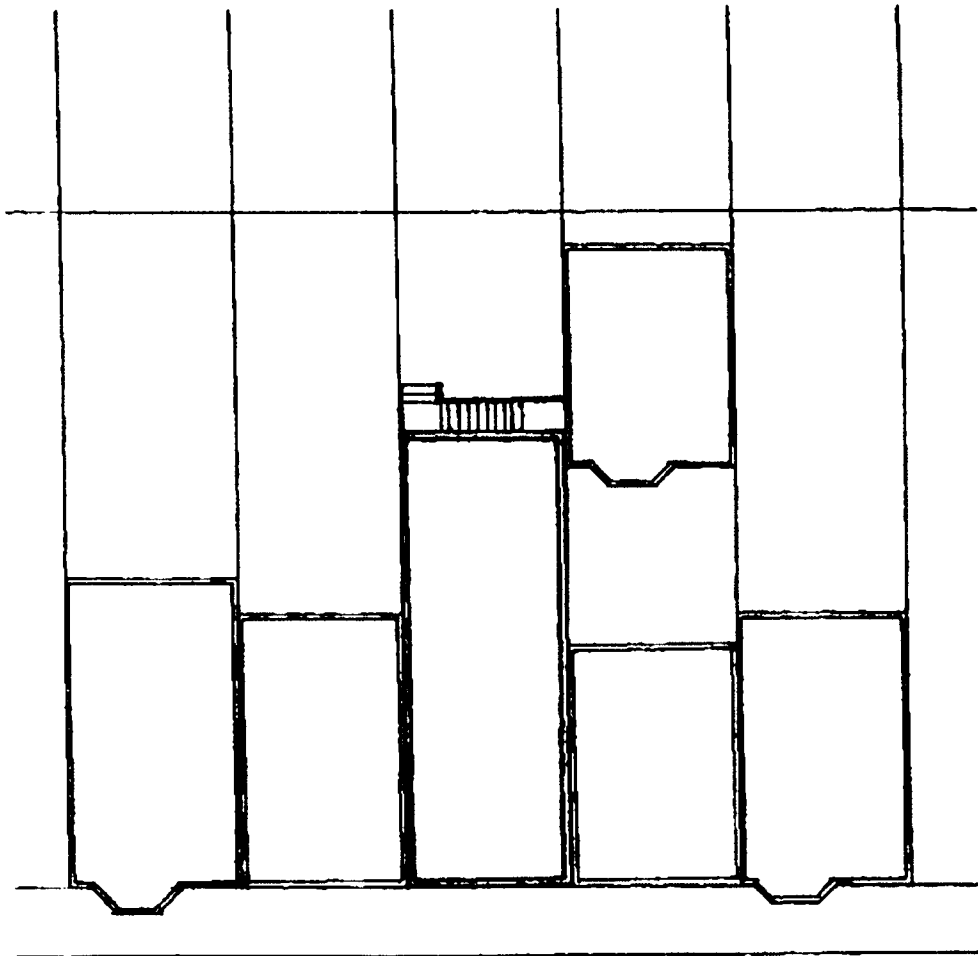
#### **Rear Yard Cottages**

GUIDELINE: Articulate the building to minimize impacts on light to adjacent cottages. Buildings located in rear yards are non-complying structures under the Planning Code and may themselves have an impact on the rear yard open space. However, when a proposed project is adjacent to a

lot that has a cottage used as a dwelling unit at the rear of the lot, modifications to the building's design may be necessary to reduce light impacts to that cottage specifically. Consider the following modifications; other measures may also be appropriate depending on the circumstances of a particular project:

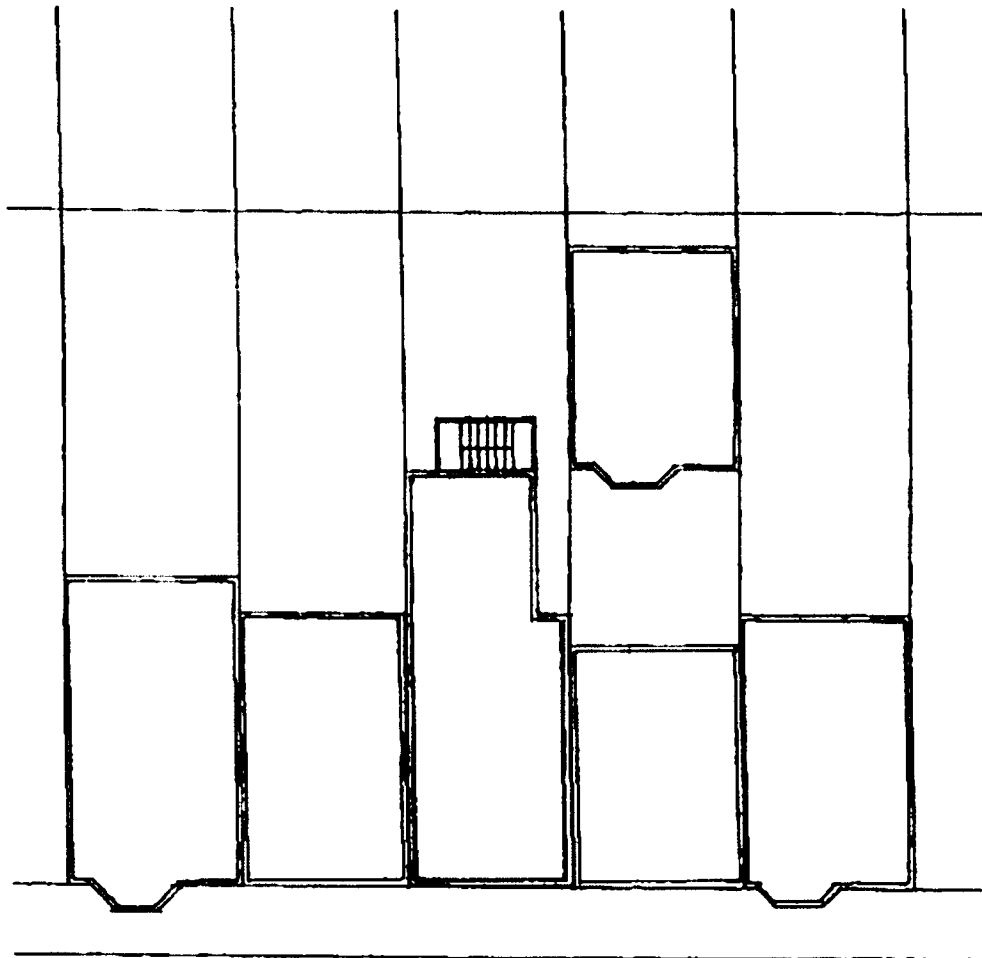
- Provide side setbacks at the rear of the building.
- Minimize rear projections such as decks and stairs.

THIS RDG HAS NOT BEEN APPLIED TO THIS PROJECT IN ANY FASHION. NO CONSIDERATION AT ALL HAS BEEN GIVEN TO THE HISTORICALLY SIGNIFICANT AND TREASURED GUMP FAMILY COTTAGE DIRECTLY ADJACENT TO THE PROPOSED PROJECT. IN FACT, THE PROJECT GOES OUT OF ITS WAY TO ELIMINATE LIGHT AND AIR TO THE COTTAGE BY ELIMINATING A LARGE LIGHTWELL AND ADDING A NEW FLOOR WITH NO SIDE SETBACKS OR ARTICULATION.... THE GUIDELINE INCLUDE A DRAWING SHOWING A SETBACK:



*This illustration shows a new building permitted under the Planning Code. The building's design has not been modified to minimize light impacts to the adjacent cottage, and further restricts the mid-block open space. (RDG's Page 21)*

This is What is Proposed by the Project and it Negative Impact on the Historic Cottage at 11 August Alley .... the illustration above is what NOT to approve and that is what is proposed in this case.



*This illustration shows a new building that provides a side setback to reduce the impact on light to the cottage. (RDG's page 21)*

THE PROJECT SHOULD NOT BE PERMITTED TO CLOSE UP THE LIGHTWELL AND PLACE A SOLID WALL ON THE COTTAGE AND A FOURTH FLOOR SHOULD NOT BE ADDED THAT WILL ALSO BLOCK LIGHT TO 11 AUGUST ALLEY

**Winter Place and August Alley is a special place that should be protected.**

Winter Place is a narrow alley only 11-feet wide, August Alley is only 14 feet wide. Both are lined with historic buildings and both have a **clear context** of three-story, two over basement and one-story buildings of the age and design of the historic buildings in North Beach. The prevalent style of the alleys, consistent with the surrounding area that was reconstructed immediately following the Earthquake and Fire, is Classical Revival. Materials are generally wood siding with wooden windows and cornices. Both Winter Place and August Alley are located within the

boundaries of the North Beach Survey. Because of the current heights and building pattern on these alleys, sun and sky are now available to residents and visitors on what is now a charming and pleasant place for pedestrians.

**The project as proposed would have the following adverse effects:**

**A. The height and scale of the proposed project would negatively impact the prevailing scale of the built environment on Winter Place.**

The reasons for Requesting Discretionary Review of this project are best summarized as follows:

1. Winter Place is extremely narrow at 11 feet with a clear context of two and one-half or three-story buildings with a stepped roof pattern that in general rises as the street ascends from west to east. A fourth-floor fronting on Winter Place would be visible from all sides including from August Alley, Green and Mason Street and completely out of context with this setting;
2. There are other four-story structures in the area, they do not predominate—in fact, there are none that front on Winter Place and only one that fronts on August Alley and it is up the hill on August alley towards Green Street. Proposing a project that more than maximizes the building envelope with a four-story structure, 22 feet in width, extending between both side property lines is a complete anomaly and such additions should not be approved in these narrow North Beach alleys and have been routinely denied by the commission and Dept in the past;
3. The height and scale of the proposed project would negatively impact the prevailing scale of the built environment on Winter Place. Given the strong level of opposition against the fourth-floor addition by the neighborhood, the Department should not support the proposal.

The presently proposed four-story structure, which seeks to MORE THAN maximize the allowed building envelope for this lot under the Code, has these objectionable features and more.

**B. The height and scale of the proposed project is inconsistent with the Planning Department's Guidelines for "San Francisco's Alleys" contained in the Citywide Action Plan for Housing.**

The Department should have forwarded to the project architect a copy of the Planning Departments Guidelines for development on narrow streets and alleys and the Department itself should have applied these Guidelines in reviewing the project. The Guidelines for San Francisco's Alleys state in pertinent part:

*"San Francisco's historic pattern of development, and the city's development controls, demonstrate that street wall height should be related to street width. This is important both to create an appropriate scale that defines the street without overwhelming it, and to ensure that sun and sky is available to people on the street. This relationship carries over*



*to alleys: if buildings are too high, an alley can become a dark chasm, and a pleasant sense of refuge can turn into a perception of a dangerous place. Because alleys are narrower than streets, appropriate heights along alleys are lower than on streets.”*

The proposed new building is clearly inconsistent with these Guidelines. Not only does the proposed 40-foot high structure presents a building envelope that is completely out of scale, using a variance to further enlarge the massing of the proposed building is absurd. Given the location of the property between two alleyways and in the mid-block, this project represents an inappropriate and unreasonable development. The narrowness of these alleys determines a certain intimacy and this bulky building intrudes in a major way to the unique neighborhood quality of life.

Light and air issues are major concerns for the neighboring buildings to the east and west of the proposed structure, as well as for the scale and feeling of this narrow alley street. The interesting variation in building lines, which currently allows sunlight to penetrate this narrow alley would be negatively impacted, adding shadows and darkness.

**C. The design features and materials of the proposed project are incompatible with neighborhood character/in conflict with the Residential Design Guidelines.**

The prevalent style of the alley, consistent with the surrounding North Beach neighborhood, is in the Classical Revival style constructed in the years immediately following the Earthquake and Fire. Although there are other four-story structures in the area, clearly, they do not predominate. Of the mid-block lots only one has a four-story building on the alleys. Materials are generally wood siding or stucco, with wooden windows and Classical Revival cornices.

In addition to the height and mass of the proposed new building, the proposed design, window pattern, and materials would be incompatible with this block and would contrast sharply with the overall character of the neighborhood. Putting a mostly glass box covered in aluminum on top of this 1912 structure is completely out of context.

- **Eliminate the Fourth Floor**

Out of place and out of context on a tiny lot in the mid-block. Past practice and policy call for it to be removed.

- **The Set-backs are Insufficient**

The front and rear setbacks are a fraction of what is usually recommended by the Dept. At least 15 feet is required when a new building has a naked and exposed story above its neighbor as this building does. 15 feet is required at front and back. No Variance.

- **Elimination of the Light Well and No Setback to the East:** Even though the project may be in technical compliance with the Planning Code's exceptions for in-fill of a light well, IT COMPLETELY IGNORES THE RDG's (page 21). The negative impacts on the historic Gump Family Cottage and garden at 11 August Alley are also being completely ignored. The City's Residential Design Guidelines contain specific guidelines for such situations that require allowing for light and air to this special historic cottage.

The Project as proposed does not comply with the Residential Design Guidelines and the General Plan and should be amended to eliminate the fourth floor and retain the existing light well.

- **Hazard to birds:** In addition to the project's incompatibility with the character of the surrounding architecture of the neighborhood, the large expanses of glass are inconsistent with the City's guidelines for protecting birds -- the proposed top floor made mostly of glass, plus the glass wind screens or railings proposed for the rooftop will be a hazard to the birds of Telegraph Hill and will result in bird injuries and death.
- **Traffic impacts:** Because of the narrowness of Winter Place and the fact that it is a dead-end alley, turning a car around is specifically difficult and in some instances, impossible. The addition of a new off-street parking spaces on this 11-foot wide alley will result in a significant increase in traffic on this alleyway exacerbating an already difficult situation. The additional garage spaces will result in more traffic, which is currently is a problem when automobiles must exit and enter garages.

The proposal does not comply with *Priority Policies of the General Plan*, pursuant to *Section 101.1(b)(4)*, in that increasing the number of parking spaces on this tiny alley would promote additional commuter traffic that would impede the transit-rich services existing in the neighborhood. The proposal would also impact the pedestrian usage of this narrow alley. The sponsor can capture the new living square footage desired at the bottom level if the top floor is eliminated.

### 3. **Suggested Changes to the Proposed Project**

The neighbors would not object to a reasonable development. This current plan is not reasonable for the above-stated reasons.

- (1) **The first and foremost, reduce the proposed building to three stories, eliminating the fourth floor completely.** The elimination of the fourth floor would open the property to allow more light to be cast on both alley streets and would allow more light into the two adjacent properties. Reducing the height and mass would further achieve greater compatibility with the neighboring structures on Winter Place and August Alley and with the scale of this densely developed portion of Russian Hill/North Beach.
- (2) **Change the design to make it more compatible with the neighborhood.** Eliminate the large expanses of glass by eliminating the top floor. Require the use of materials and fenestration pattern that are compatible with the predominant character of the surrounding neighborhood and will not be a hazard to birds. No Aluminum!
- (3) **Eliminate the additional parking place.** This request is consistent with the *Priority Policies of the General Plan* and would avoid exacerbating an already difficult traffic situation that exists on this tiny dead-end alley. If the sponsor needs more space it can be captures at the ground floor without creating more parking.

# An August Address / From shack to bachelor pad to B&B

By Sam Whiting---San Francisco Chronicle

Published 4:00 am PDT, Sunday, August 1, 2004

The first rule of residential real estate is "never look back," but Malin Giddings still drops by her former cottage at 11 August Alley just to be sure the couple she sold to, Bob and Irene Young, is maintaining it.

Though her old property consists of two tiny units that amount to 1,150 square feet, they are quite historic feet, having once been owned by **Richard Gump**, of Gump's, and turned by Giddings into the prototype for the first bed and breakfast in San Francisco, she claims.

None of this is visible from August Alley, which is about as far as you can go down the northeast slope of Russian Hill without running into Washington Square.

Walkers who come shimmying up the 2-foot-wide sidewalk will find the narrowest front porch in America, at No. 18. Up the block is a blue-gray garage door and board fence, trimmed in white. This is No. 11. Walled up like a tunnel and one car wide, August runs both ways, which would seem to induce some head-ons or standoffs. But it never does. It's not that kind of alley. "Because it's a single lane, it's a real cooperative venture," Irene Young says. "Everybody is very patient."

Not super-agent Giddings, who is chauffeured up in a Mercedes convertible. Her driver/husband, **Paul Peralta**, stops midblock and idles there all the while.

"For buyer and seller to be this friendly is very unusual," Giddings says after salutatory hugs. Most unusual of all is an official-looking historic plaque the Youngs had mounted just inside the gate:

"This place was lovingly created by Malin Giddings, and entrusted to the Young Family on July 28, 1995."

It isn't entirely true. The place was first created as a fisherman's shack, and the fish were iced in the courtyard. It was Gump who came along to apply the sophisticated touches like the hidden sauna and the guest house above the garage for displaying his collection of Ming statues. "This was his first house in San Francisco, and he could afford to buy anything, of course," says

Giddings, who likes to align herself with that kind. "It became sort of a famous little place because Richard Gump was a real party guy."

Lore is that when Giddings heard it was for sale, she came over and scaled the front wall for a peek, which takes some doing because the fence looks 15 feet tall and she about a third of that. Had a neighbor called the police, it would have been indelicate, because supplying the boost was Pete Giddings, the Channel 7 weatherman.

Malin bought it in 1972 for \$74,000. Pete Giddings became a husband, then an ex. In the tradition of perky divorcees, she became a real estate agent and moved to the 400-square-foot room over the garage where the Ming statues used to live. She then advertised the "big house" (as she calls 750 square feet) as a \$1,000 rental "completely furnished down to the last fork." The response was intense among pad-seeking bachelors.

"They were all single men, all incredibly well-to-do," she recalls. "They fought over it so badly that I ended up getting \$2,500 a month."

That sparked the idea for a European-style guesthouse. "I discovered what a need it was to have furnished rentals," she says. "So I started the first bed and breakfast in San Francisco, based on this -- Jackson Court, in 1976."

No. 11 August was featured in a "Cottage Industry" spread in a 1994 issue of Gentry magazine, and a year later it was time to sell. The Youngs didn't climb the wall (they were both in their 60s), but close enough. As before, the miniature compound never saw the open market. If it had, it would surely have been bid up beyond their reach.

"Everybody who knew of this place always said, 'Oh, I should have bought it,'" Irene says. Giddings' spin on it, spun in her Swedish accent, is "I only sell to people of my own sign. We named this house the Gemini because it is actually two houses." Her birthday is June 5, and when she learned Bob Young's is May 31, the deal was done. The Youngs paid 10 times what Giddings paid. Plus they paid for the plaque.

Giddings advanced her position to another alley on Russian Hill.

"August Alley still has my heart," she says, standing on the narrow sidewalk looking at her old front gate. "Can you imagine? You have no clue what's behind here."

As it turns out, there might be some who can imagine.

Giddings left behind the elaborate wrought-iron portico over the entrance. It came from a Nicaraguan whorehouse, which makes Irene Young wonder if someone will see the connection and ring the bell expectantly



San Francisco

2018-013309 DRP. 0A

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CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
PIC

## DISCRETIONARY REVIEW PUBLIC (DRP)

### Discretionary Review Requestor's Information

Name: Peter Gallagher

Address: 776 Green Street, San Francisco, CA 94133

Email Address: gallagher415@gmail.com

Telephone: 650-283-3898

### Information on the Owner of the Property Being Developed

Name: Ridge Sampson

Company/Organization: Sycle,net

Address: 9 Dawn Place, Mill Valley, CA 94941

Email Address: OZONERIDGE@GMAIL.COM

Telephone: 415-505-3662

### Property Information and Related Applications

Project Address: 1 & 3 Winter Place

Block/Lot(s): 0118/ 032

Building Permit Application No(s): 2018-013309VAR; 201810042256

### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?		<input checked="" type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?		<input checked="" type="checkbox"/>
Did you participate in outside mediation on this case? (including Community Boards)		<input checked="" type="checkbox"/>

The original Project Planner, left the Dept and the neighbors have not had contact with anyone at the Dept. The Project has been incredibly rushed through the process without any outreach by by sponsor. The owners of the property are absentee property owners.

## 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.

The Project may be constructed only with a variance. Accordingly, by definition, the project does not meet the minimum standards of the Planning Code. There also must, by definition, be present exceptional and extraordinary circumstances that justify the project not the converse, a finding of exceptional and extraordinary circumstances in order to deny the project. Because of this situation, the standard Discretionary Review analysis may not be applied to this Project. In these instances, the Commission in conjunction with the Zoning Administrator should provide a detailed and careful explanation to the public regarding the use of the terms "exceptional and extraordinary." Statistically the Department finds a circumstance "exception and extraordinary" justifying a Discretionary Review in approximately 1% of all the cases filed. Conversely, in review of variance applications, "exceptional and extraordinary" circumstances are found to justify granting a variance in approximately 90% of the time often in the same cases looking at the same project.

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.

Violates numerous provisions of the Residential Design Guidelines including the Guidelines for Additions to Buildings of Potential Historic or Architectural Merit. "Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space. ( pages 25-26) Design the height and depth of the building to be compatible with the existing building scale at the street. (page 24). A addition to a new building should be articulated to minimize impacts on light and privacy to adjacent properties (pages 16-17). The Project is completely unreasonable on this block at this location. It will block views (which ARE PROTECTED FROM VARIANCE) and will cast shadows on the small buildings around it including the historic building and garden at 11 August Alley. (see attachment)

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

A reasonable project will not include the addition of a new floor. ANY fourth floor addition will have negative impacts because of the size and location of the subject lot. Adding an additional 1000 square feet of living space to this small building at the mid-block is unreasonable given the lot size of 1,100 s.f. Driving out rent controlled tenants in order to expand and luxuriate the building for single family use violates every single City Policy in the middle of the housing crisis. on this ground alone the project must be denied.

# DISCRETIONARY REVIEW APPLICATION

Under penalty of perjury the following declarations are made:

- a) The information presented is true and correct to the best of my knowledge.
- b) Other information or applications may be required.

Peter Gallagher  
Signature

Peter Gallagher  
Name (Printed)

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

650-283-3898  
Phone

gallagher415@gmail.com  
Email

For Department Use Only

Application received by Planning Department:

By: JEFF SPEIRS

Date: 3/4/19

### **The Proposed Project Violates the Residential Design Guidelines**

The effect of building into the rear yard in violation of the Code and beyond the average line for rear set back, is to create an incompatible design with respect to the immediate neighborhood and in the broader context of buildings in the general vicinity. Specifically, the Subject Property's proposed fourth floor addition and structure significantly negatively affect the light, privacy, and mid-block open space previously enjoyed by Applicants and other neighboring properties. The Subject Property's plan (i) obstructs views, light and air from east and north and west-facing rear windows located on all floors of the DR applicants' and all other neighboring properties; (ii) creates a direct line-of-sight from Subject Property into neighbors' residential levels of property, and (iii) encroaches into the mid-block open space.

These significant negative impacts on the Applicants' neighboring property conflict with the following provisions of the Residential Design Guidelines which require that the building:

- (A) maintains light to adjacent properties. (Design Principles, pg. 5; Rear Yard Guideline, pg. 16)
- (B) minimizes impacts on privacy to neighboring interior living spaces. (Design Principles, Rear Yard Guideline, pg. 17)
- (C) respects the mid-block open space. The building must be compatible with the existing building scale at the mid-block open space. (Design Principles, pg. 5; Building Scale at the Mid-Block Open Space Guideline, pg. 25)

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

Again, because the Proposed Project is entirely dependent on a variance, this analysis is not applicable. Negative impacts on adjacent properties and those in the vicinity by variance are not permitted by state law. The application for the variance(s) needed in this case falls far short of providing ANY justification or compelling facts which would satisfy the code requirements for "exceptional and extraordinary" circumstances or "hardship," or "difficulty" or "loss of a property right" or "that do not apply generally to other property or uses in the same class or district.

The variance application is not legally sufficient and makes no sense. It does not even bother to articulate the code sections from which a variance is requested or to state any circumstance that might justify a variance. Obviously, there is no hardship in not having a fourth floor since 90% of all homes on this block don't have one. The variance application states that the "exceptional and extraordinary circumstances" applying to the property ...that do not apply to other properties" is that, "minuscule size of the lot." This is not sufficient and fails to mention that the at least 9 other lots on the block are approximately the same size (including the identical lots to the west) or smaller. Does everyone get a variance? Approval of the proposed structure's expansion will significantly and negatively affect the light, privacy, and mid-block open space previously enjoyed by Applicants property, and the neighbors located immediately east of the Subject Property, and other neighboring properties.



Attachment to Discretionary Review Request for 3 Winter Place

Specifically, the Subject Property's plan would light air and views greatly impacting Applicants' enjoyment of his property in violation of Guiding Design Principles and Rear Yard Guidelines; violates privacy by creating a direct line-of-sight from Subject Property into the interior living space of neighbors causing loss of privacy in violation of Guiding Design Principles and Rear Yard Guidelines, and encroaches into the mid-block open space thereby depriving neighboring properties in violation of Guiding Design Principles and Building Scale at the Mid-Block Open Space Guidelines. Mid-block open space is at a real premium on this block as it is densely configured with two alleys in the mid-block which also are lined with buildings.

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?

No changes or alternatives have been considered and the architect refused to meet or discuss alternatives. Alternatives should make any new construction should omit the fourth floor to retain the compatibility of the design between the neighbor's properties and the Subject Property.

# RESPONSE TO DISCRETIONARY REVIEW (DRP)



**San Francisco  
Planning**

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

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## Project Information

Property Address: **1-3 Winter Place**

Zip Code: **94133**

Building Permit Application(s): **2018.10.04.2256**

Record Number: **2018-013309PRJ**

Assigned Planner: **Nancy Tran**

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## Project Sponsor

Name: **Clark Titcomb**

Phone: **(415) 495-7889**

Email: **clark@zackdevito.com**

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## 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.)

**SEE ATTACHED PAGES FOR RESPONSE**

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.

**SEE ATTACHED PAGES FOR RESPONSE**

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.


**SEE ATTACHED PAGES FOR RESPONSE**

## 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)	2	2
Occupied Stories (all levels with habitable rooms)	3	4
Basement Levels (may include garage or windowless storage rooms)	0	0
Parking Spaces (Off-Street)	2	2
Bedrooms	2	3
Height	32'-0"	40'-0"
Building Depth	51'-0"	51'-0"
Rental Value (monthly)	\$3,000 & \$3,000	\$3,000 & \$3,800
Property Value	\$2,500,000	\$3,000,000

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

Signature: 	Date: 4/1/19
Printed Name: Clark Titcomb	<input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Authorized Agent

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

**1-3 Winter Place (Block/Lot: 0118/032)  
Response to Discretionary Review (DRP)*****1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved?***

We believe that the proposed project should be approved based on the findings of the Residential Design Advisory Team (RDAT), who upon initial review, found the proposed addition to be compliant with the Planning Code and Residential Guidelines. In regards to the concerns raised by the DR requester, the proposed project has been found to be compliant in terms of project height, massing, materials, and number of stories. As part of their design review, RDAT does take into account impacts on light and air and found that the proposed vertical addition would not have a significant impact on the adjacent properties based on the project's current massing.

Additionally, of the twenty-five existing neighboring buildings fronting the streets of Union, Mason, Green, Winter Place, and August Alley, thirteen of these buildings are either entirely or have significant portions thereof that are four stories in height. These properties include:

755 Union St.	1734 Mason St.	786 Green St.	768 Green St.
771 Union St.	1742 Mason St.	780 Green St.	756 Green St.
791 Union St.	1760 Mason St.	774 Green St.	748 Green St.
9 August Alley			

In terms of massing, the proposed addition has been thoughtfully setback from the front of the property so as to completely obscure all new building elements from view on Winter Place. The proposed rear of the building aligns with the rear of the adjacent neighbor to the West, and the entire addition will only be five feet taller in height than said neighbor once completed. This, when taken in context with the aforementioned list of neighboring four-story buildings, illustrates that the proposed addition conforms to the collective context of the adjacent neighborhood and is thereby compatible with the existing building scale at the street and mid-block open space.

***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.***

Prior to filing our application with the City, the proposed addition was designed with several impact-reducing strategies including: a) the aforementioned setback from the front of the building, b) the use of open/glass railings along the proposed roof deck, c) the elimination of required thirty-inch parapet walls by using fire-rated roofing materials. All of these strategies combine to considerably reduce the street visibility and size of the addition, allowing it to better conform with the scale of adjacent properties, and reduce it's impact on surrounding light and views. (Cont'd.)

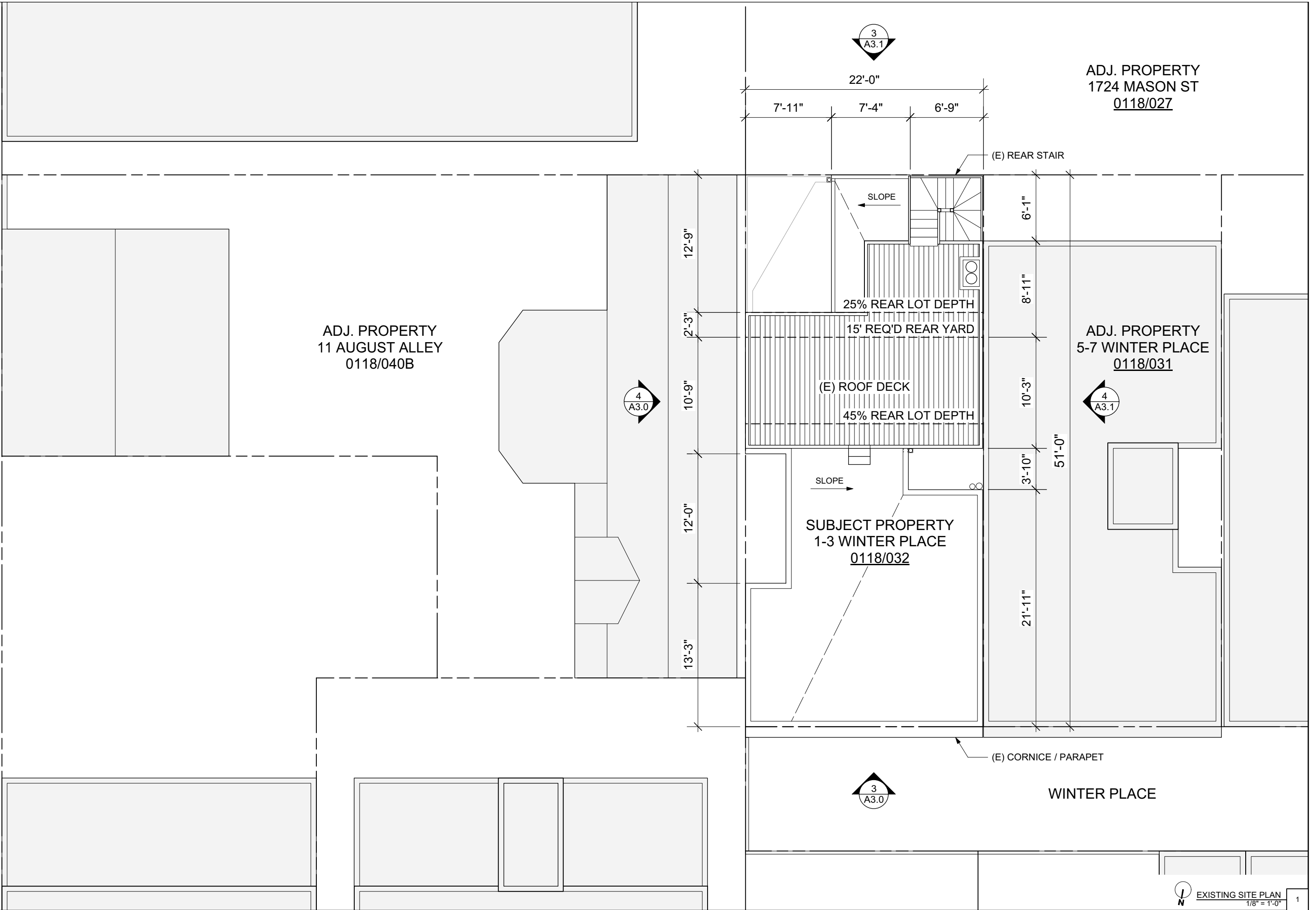
Following concerns expressed by neighbors during the Pre-Application meeting, the owner agreed to pay for 3D shadow studies illustrating the effects of the addition on adjacent properties. We then provided the adjacent neighbors with these studies (and included them with our Pre-Application packet to the City). These findings illustrated that the impact was minimal and limited to a very small window of time. While meeting with the attorney for 11 August Alley to discuss potential changes to the addition, we used the same 3D model to illustrate how their suggested setback of three to five feet along the shared property line would not have any meaningful impact on the shadows cast onto their property, but in turn, would be detrimental to the square-footage necessary to make the addition viable.

***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.***

Through our investigation of alternative designs, we have determined that the currently proposed design represents the best balance between a sensitive approach to the surrounding buildings and the minimal amount of square-footage required to justify the high costs of construction and the programmatic needs of the space. The owner has been a resident of San Francisco for the last thirty years and has owned and occupied the third floor unit of the building since 2002. The father of a young son, the owner's intention is to convert the current single-bedroom unit into a two-bedroom unit in order to provide a space for his son. Due to egress requirements, as well as access to light and air, the new bedroom is best placed in the location of the current living room, meaning that the existing kitchen, living, and dining room are best moved to the proposed fourth floor.

Though a similarly sized addition could be proposed that would not extend into the required rear yard, this would mean moving the addition forward, towards the front property line. Doing so would significantly reduce the amount of light reaching Winter Place, while increasing the addition's visibility along the front façade, and blocking the views of other concerned neighbors along August Alley. Furthermore, strict adherence to the required rear-yard setback would entail additional structural complexity as the rear-yard setback does not fall cleanly along an existing bearing wall, so additional columns and beams would need to be retro-fitted at a significant cost to the owner. Lastly, any proposed design ending at the rear-yard setback would not yield meaningful reductions in the already limited amount of shadows cast on 11 August Alley, or result in fewer blocked views for the three DR applicants along Green Street (who currently have and will continue to have access to more than seventy-feet of light and air between our buildings).

AUGUST ALLEY

[illegible]

**SAMPSON RESIDENCE**  
3 WINTER PL. SAN FRANCISCO, CA 94133  
PERMIT #2018-1004-2256

EXISTING  
SITE PLAN

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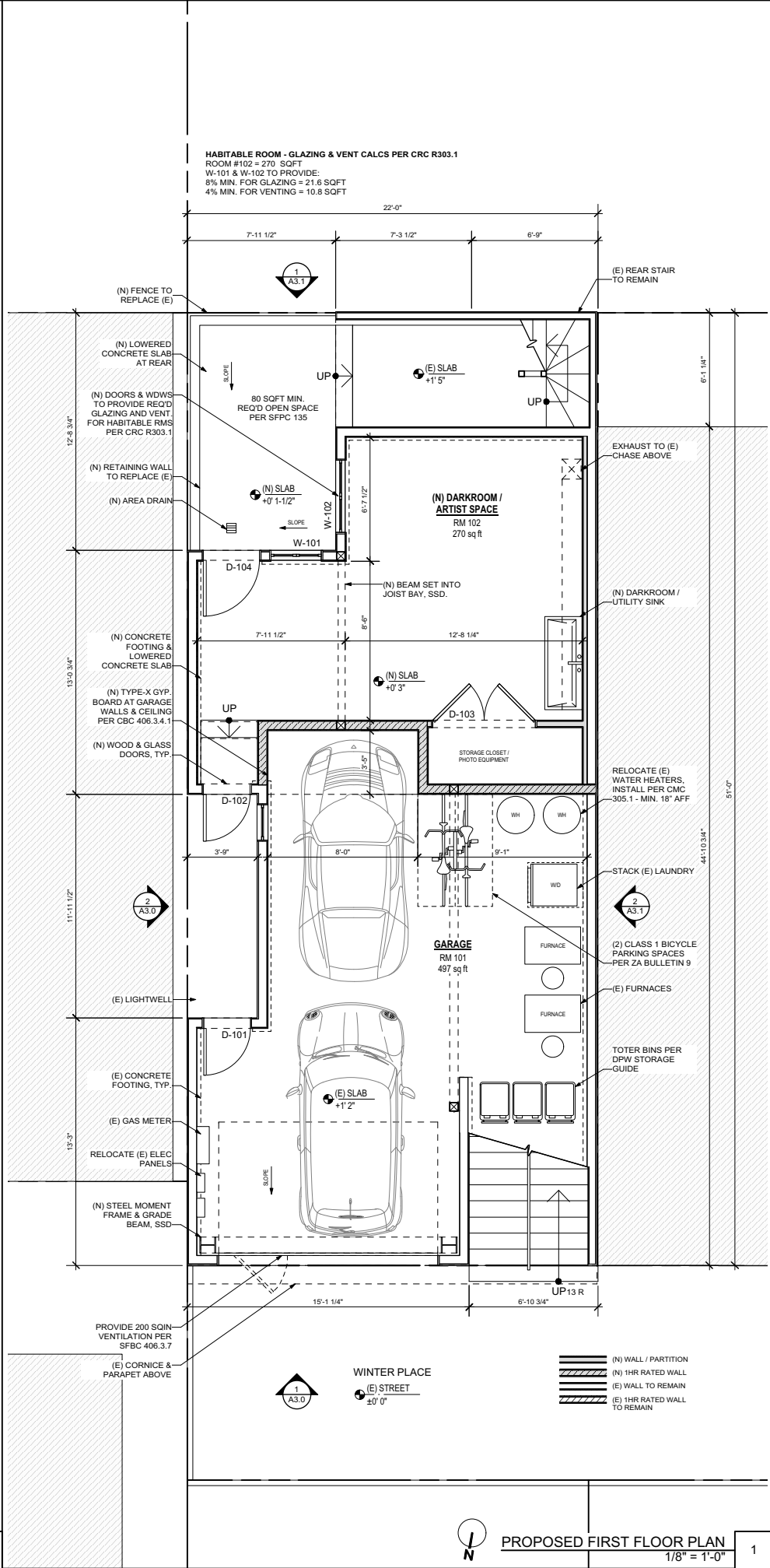
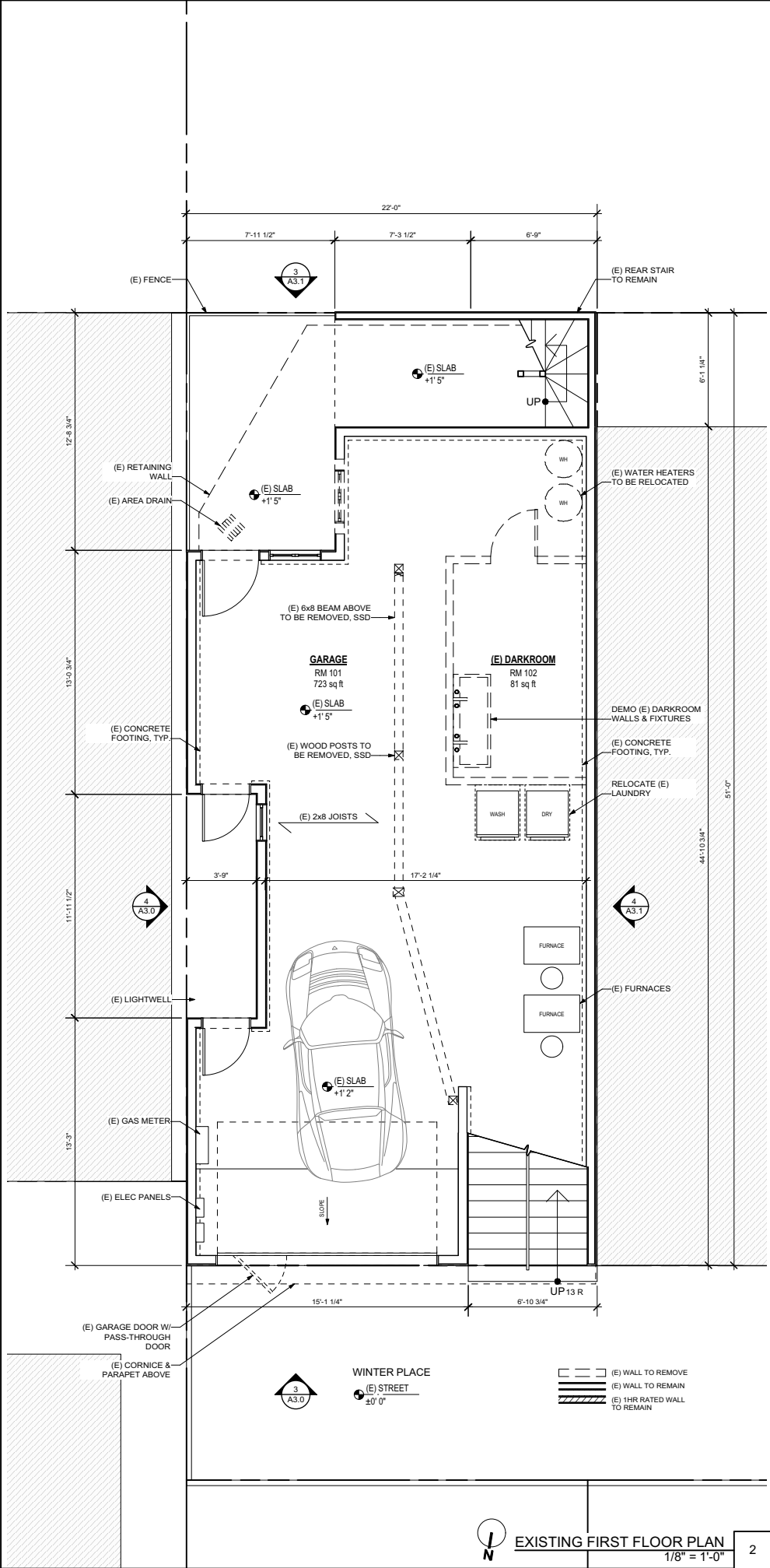
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DT DATE: 1/14/19





09/05/18 SITE PERMIT  
01/11/19 SITE PERMIT REV.

ARCHITECTURE  
CONSTRUCTION  
Zack de Vito  
156 South Park - San Francisco, California 94107 T. 415.495.7889 F. 415.495.7869 www.zackdevito.com

11.30  
RENEWAL  
DATE

11.30  
RENEWAL  
DATE

PERMIT #2018-1004-2256

3 WINTER PL. SAN FRANCISCO, CA 94133

ARCHITECTURE  
CONSTRUCTION  
Zack de Vito  
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11.30  
RENEWAL  
DATE

11.30  
RENEWAL  
DATE

PERMIT #2018-1004-2256

FIRST FLOOR  
PLANS

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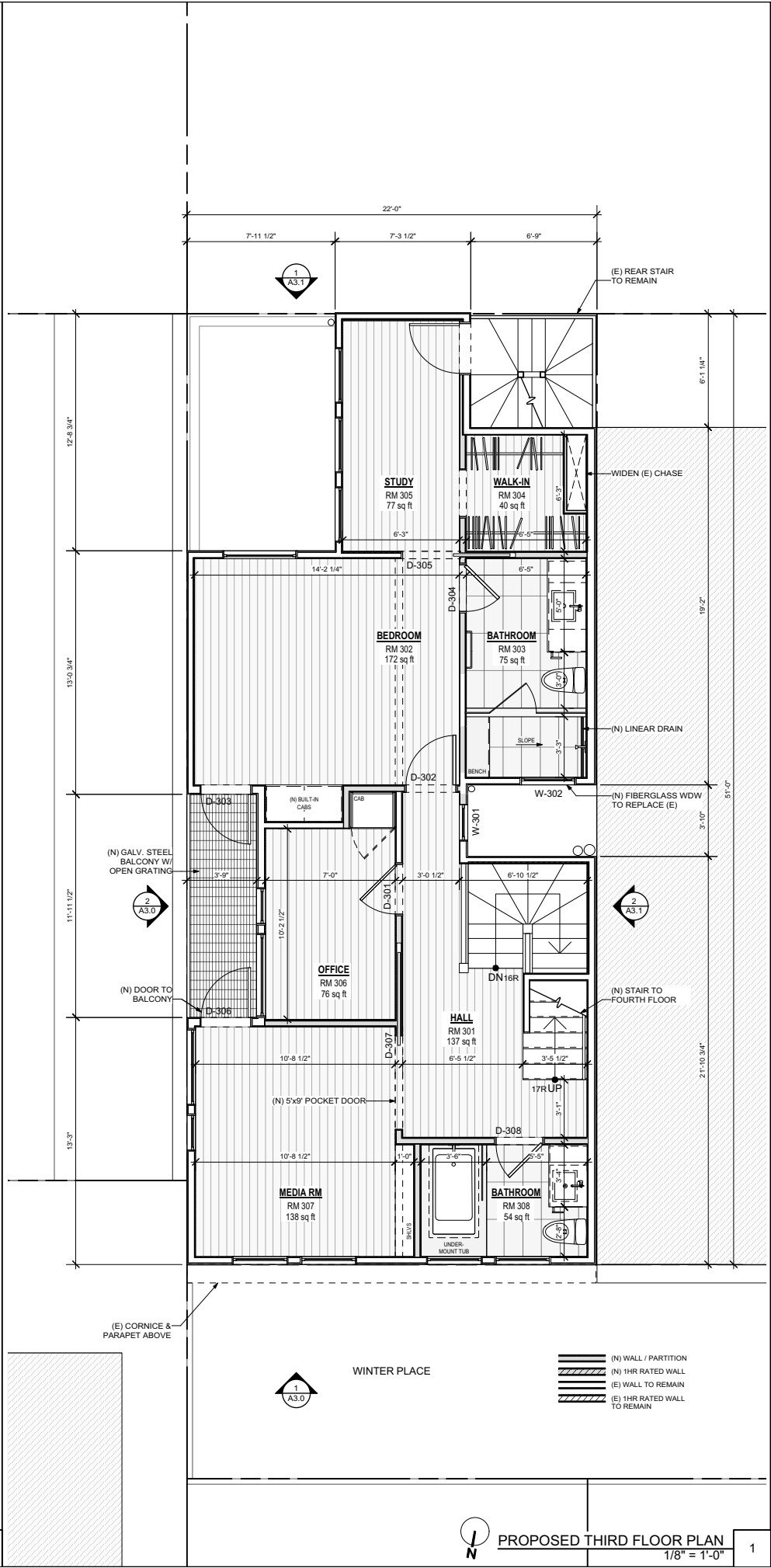
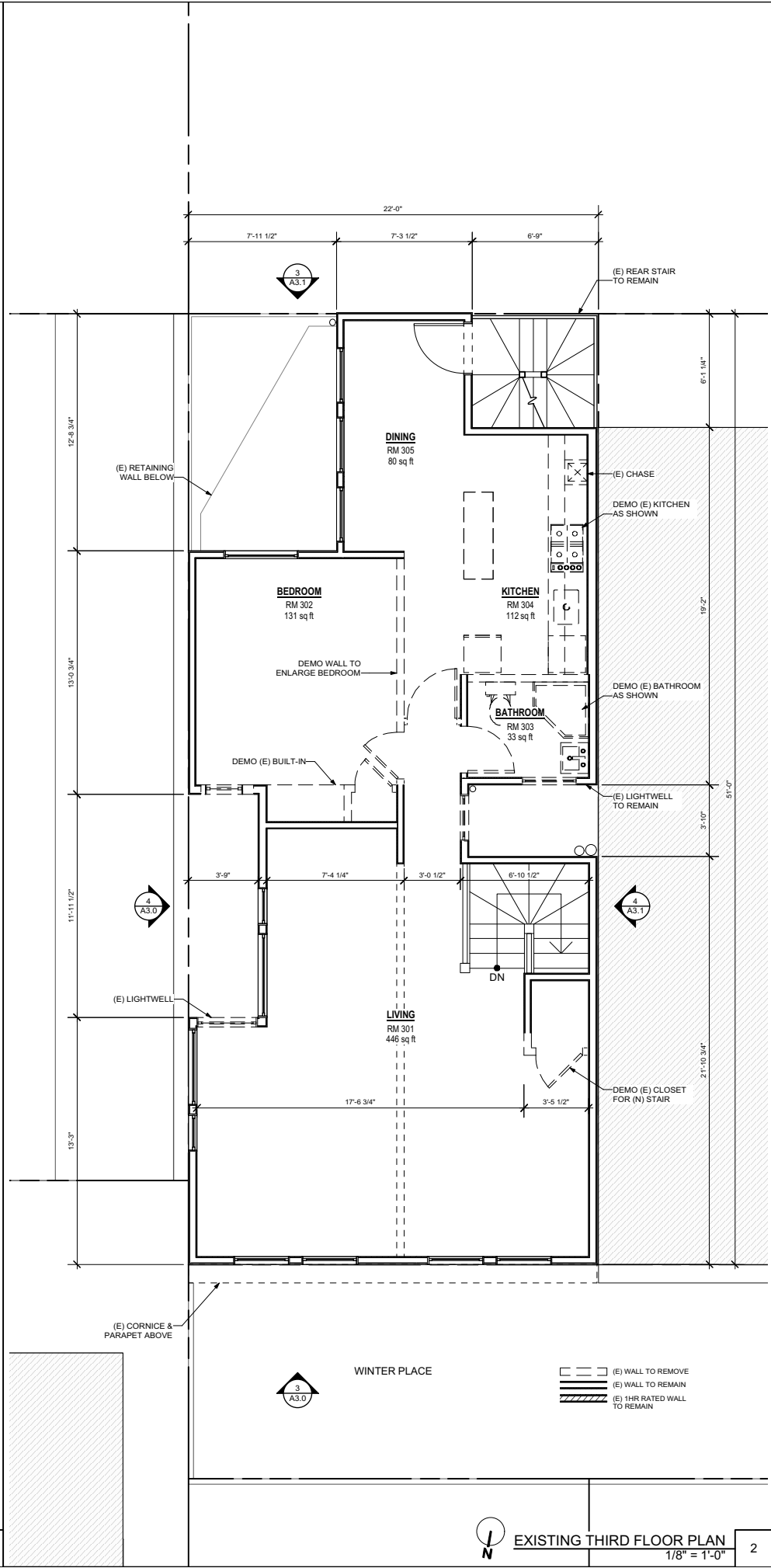
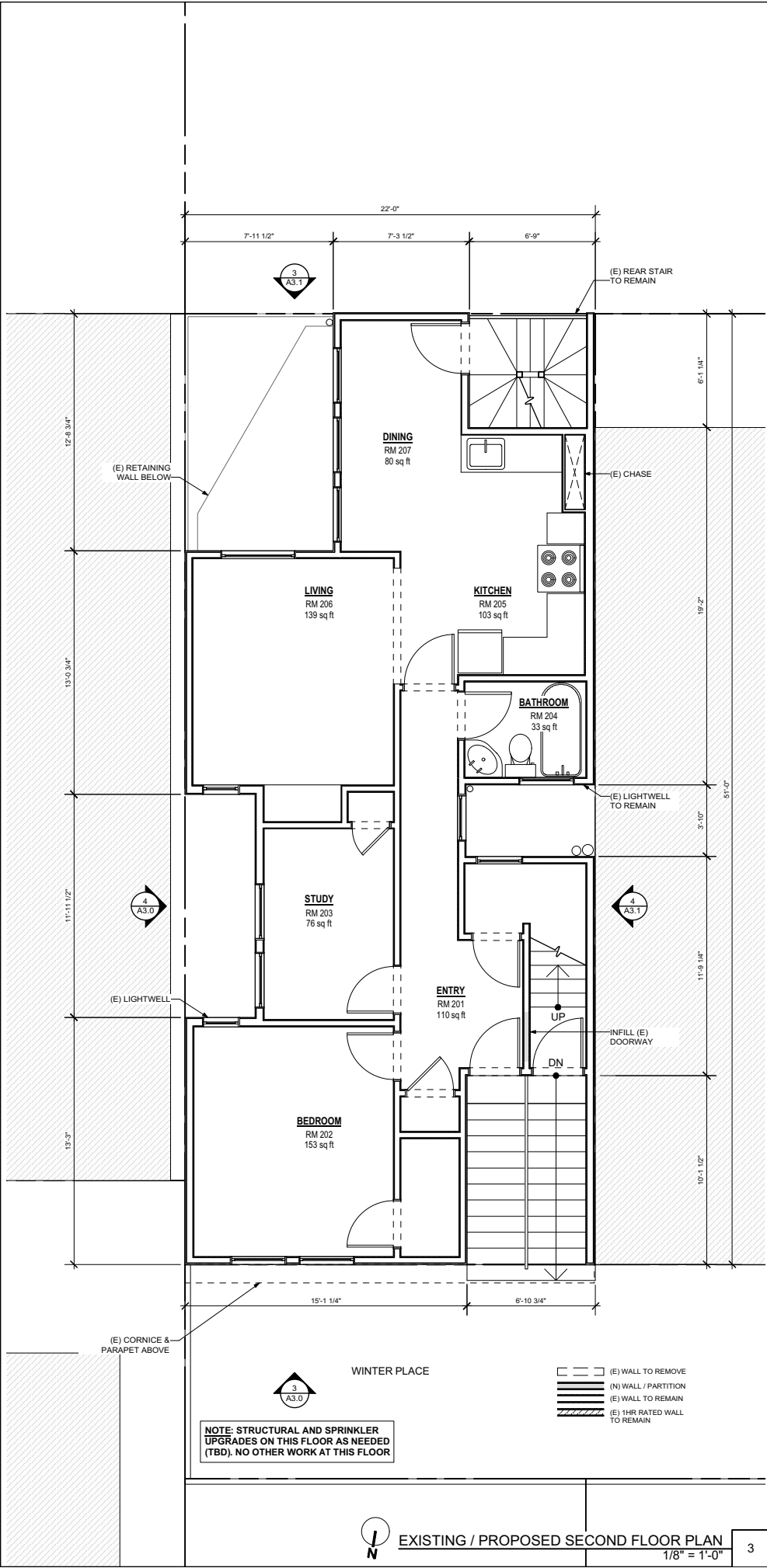
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PLOT DATE: 1/14/19





09/05/18 SITE PERMIT  
01/11/19 SITE PERMIT REV.

ARCHITECT  
JAMES WILLIAM ACK  
C-21446  
RENEWAL  
DATE  
STATE OF CALIFORNIA

PERMIT #2018-1004-2256

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SAMPSON RESIDENCE

3 WINTER PL. SAN FRANCISCO, CA 94133

SECOND & THIRD FLOOR PLANS

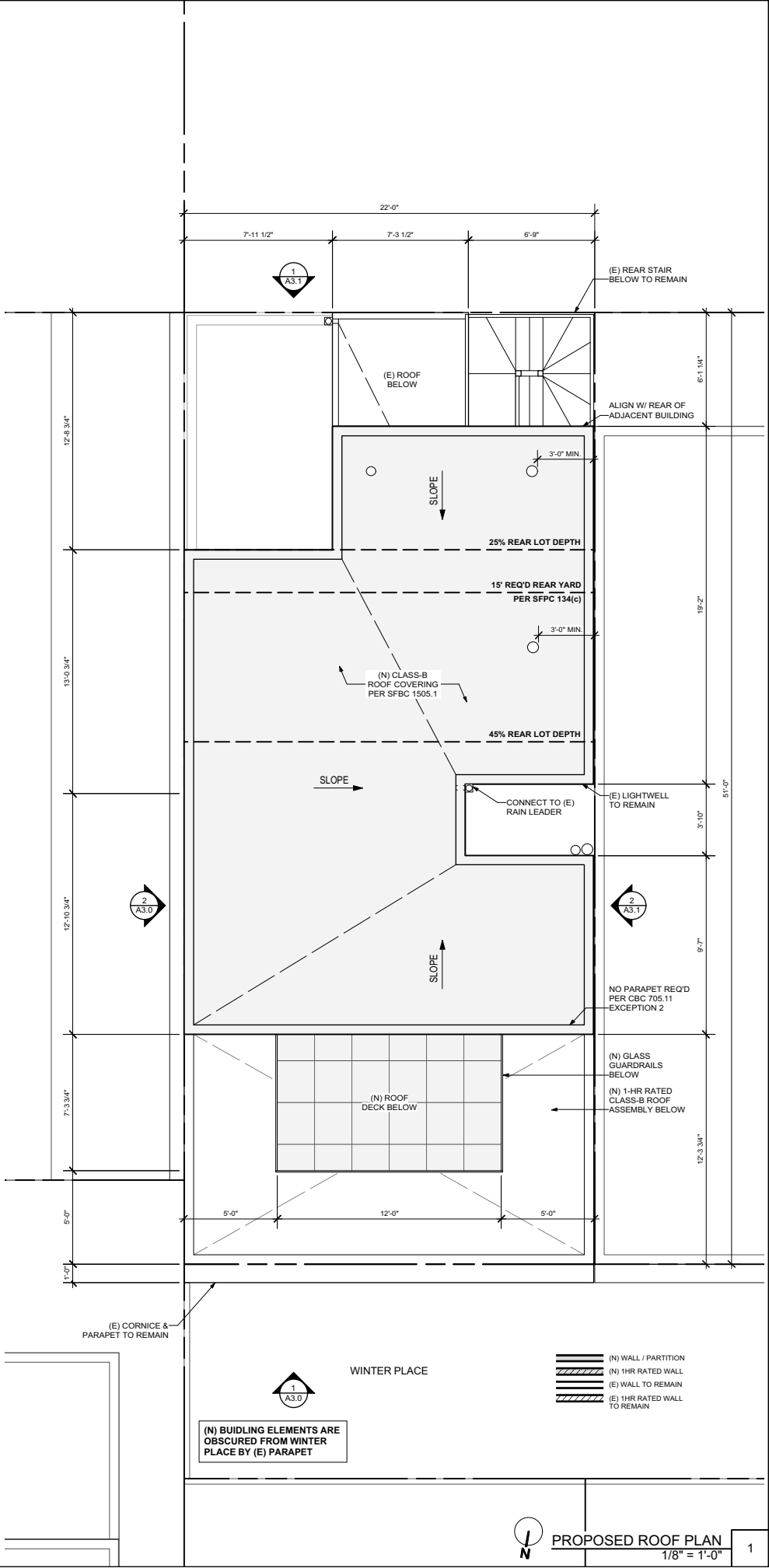
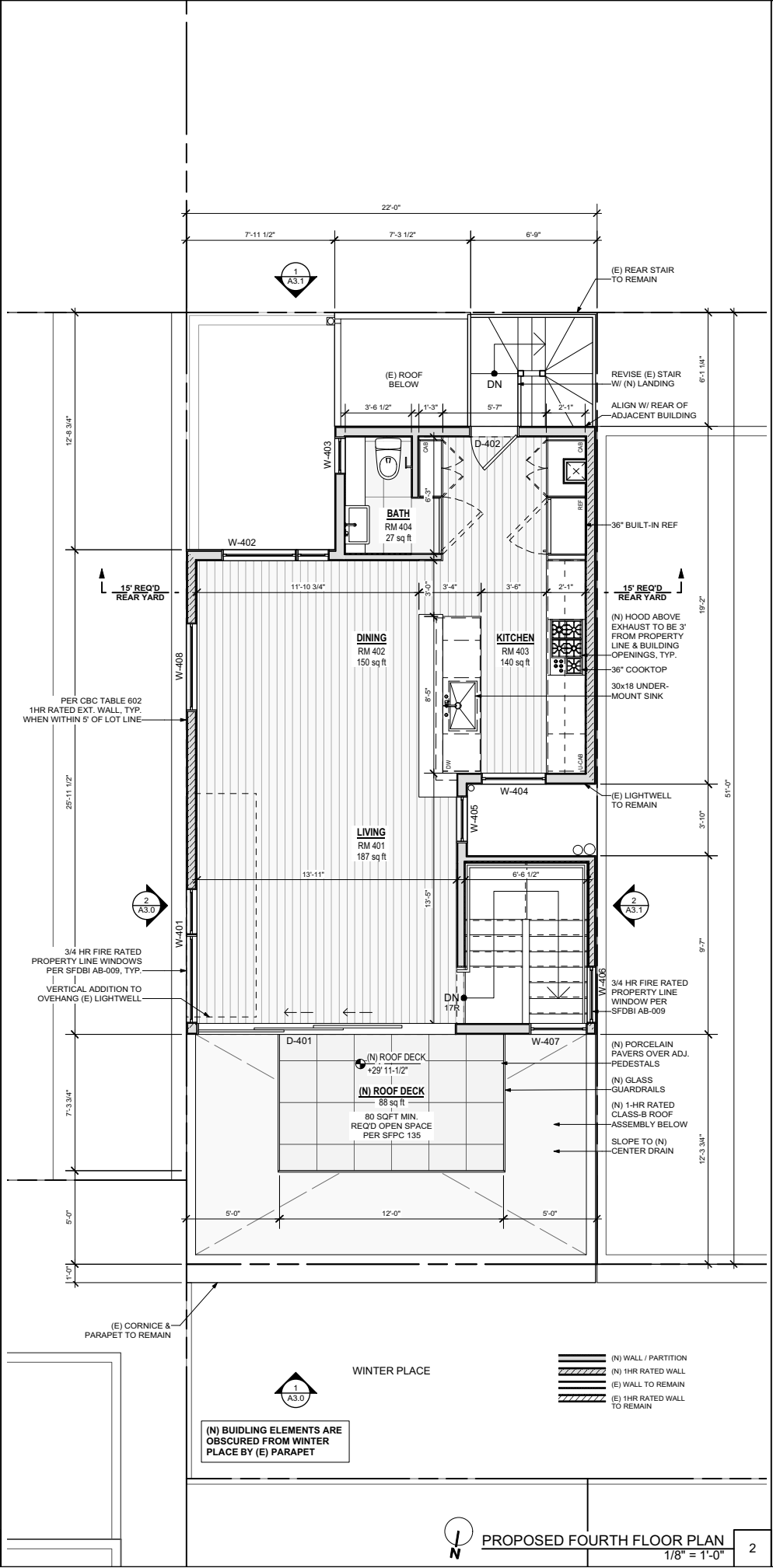
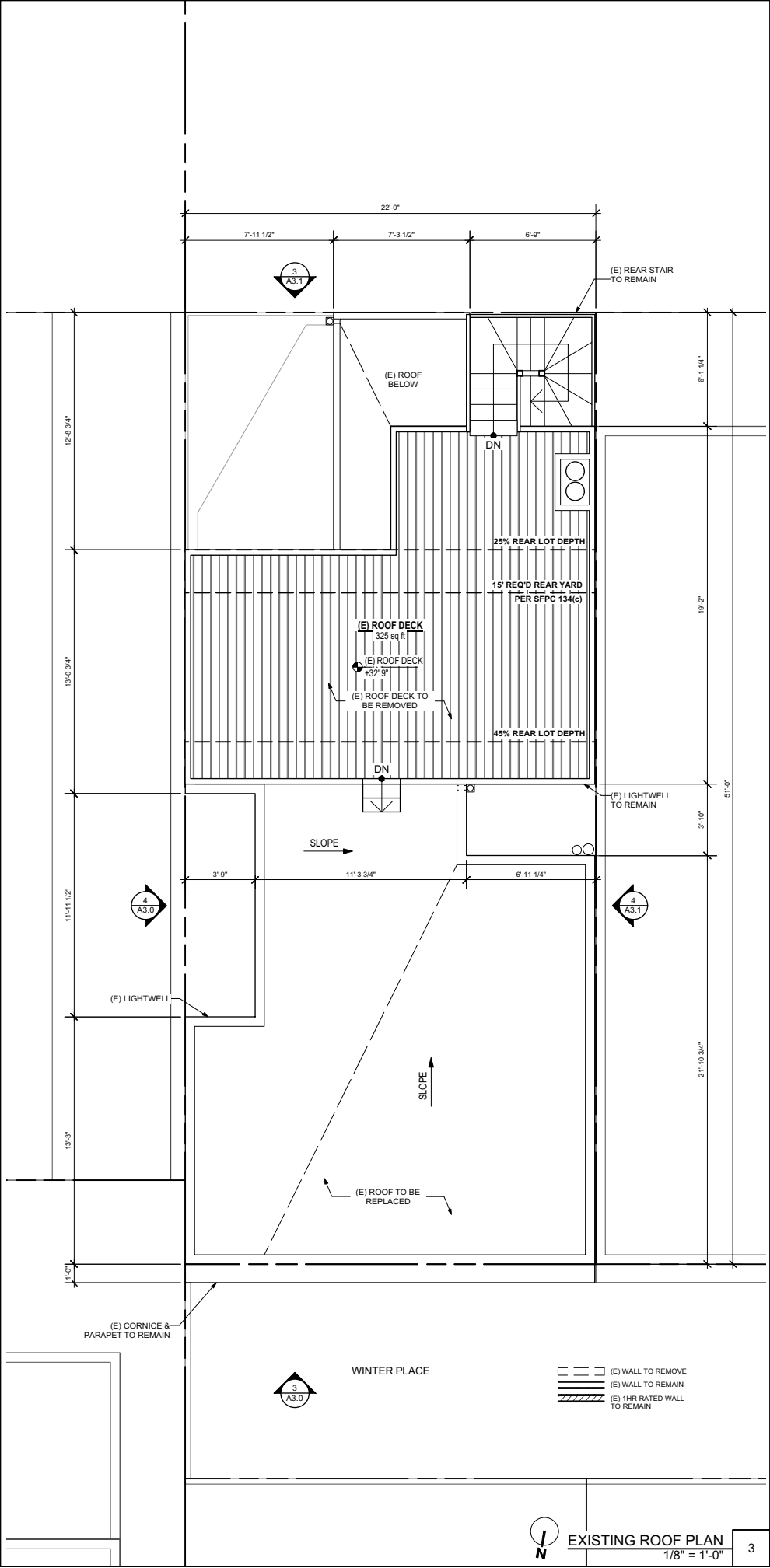
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PLOT DATE: 1/14/19



09/05/18 SITE PERMIT  
01/11/19 SITE PERMIT REV.

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FOURTH FLOOR & ROOF PLANS

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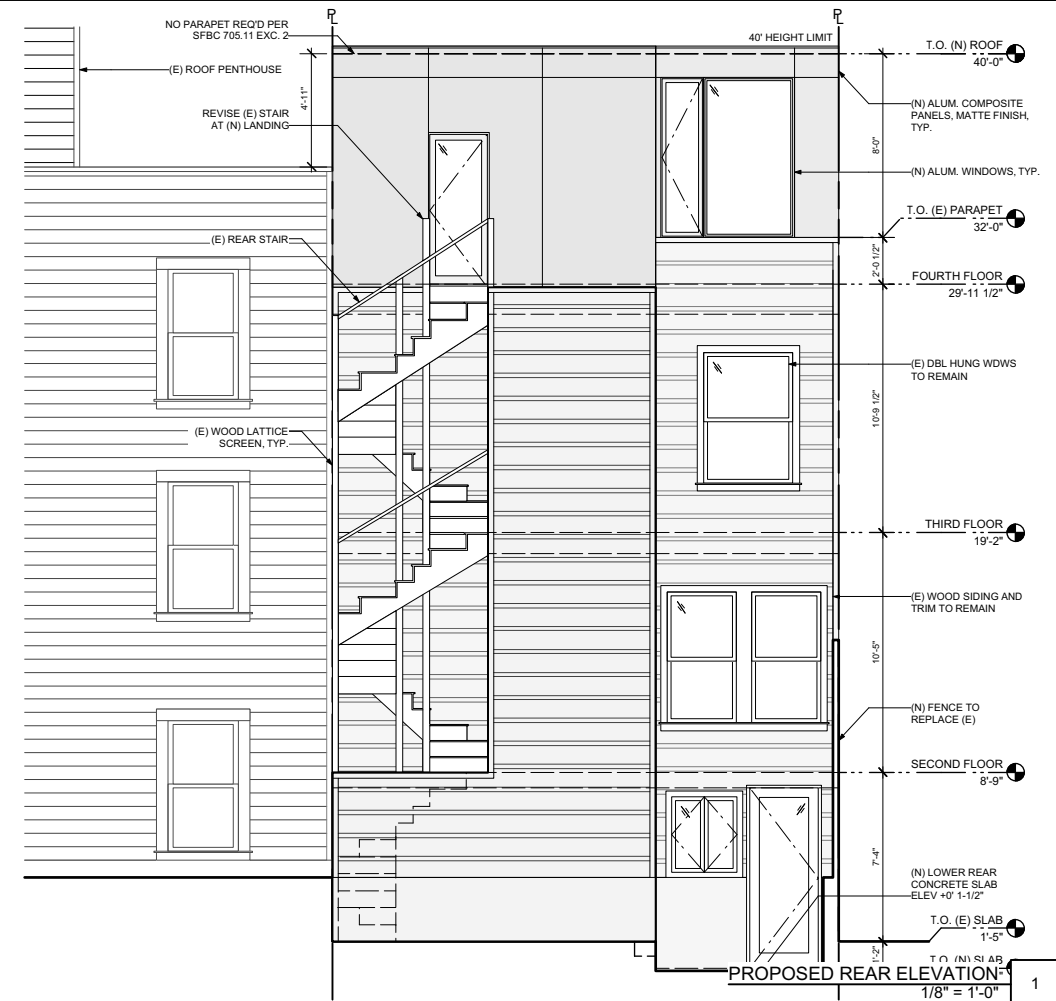
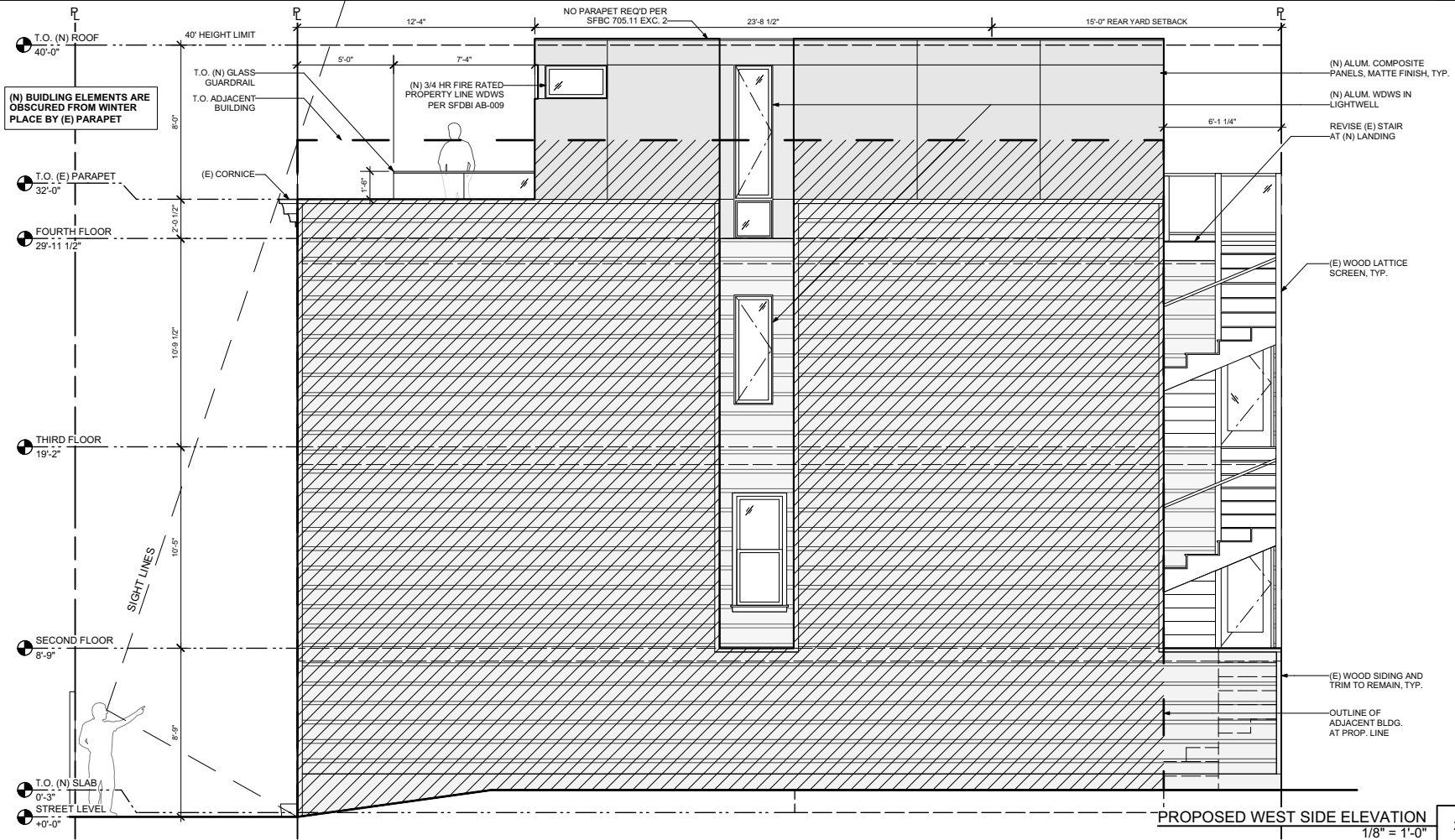
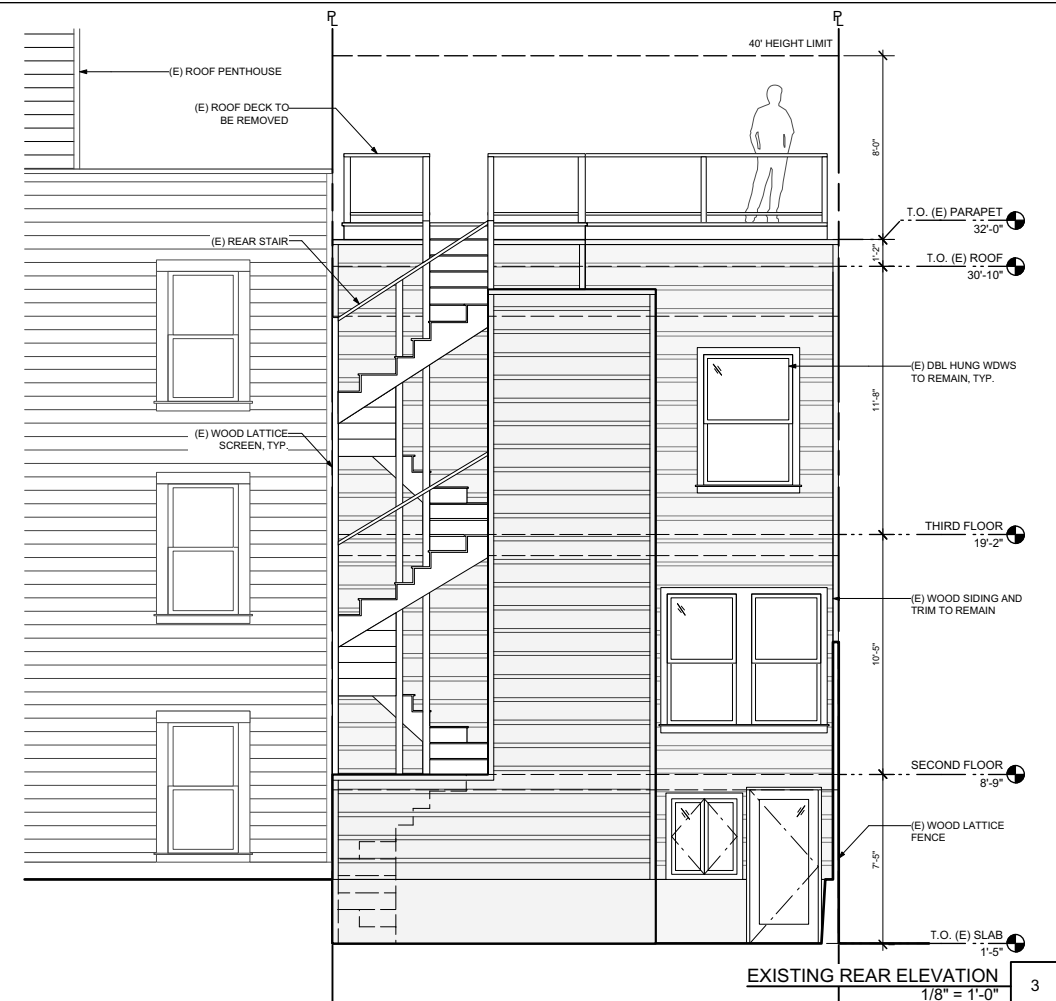
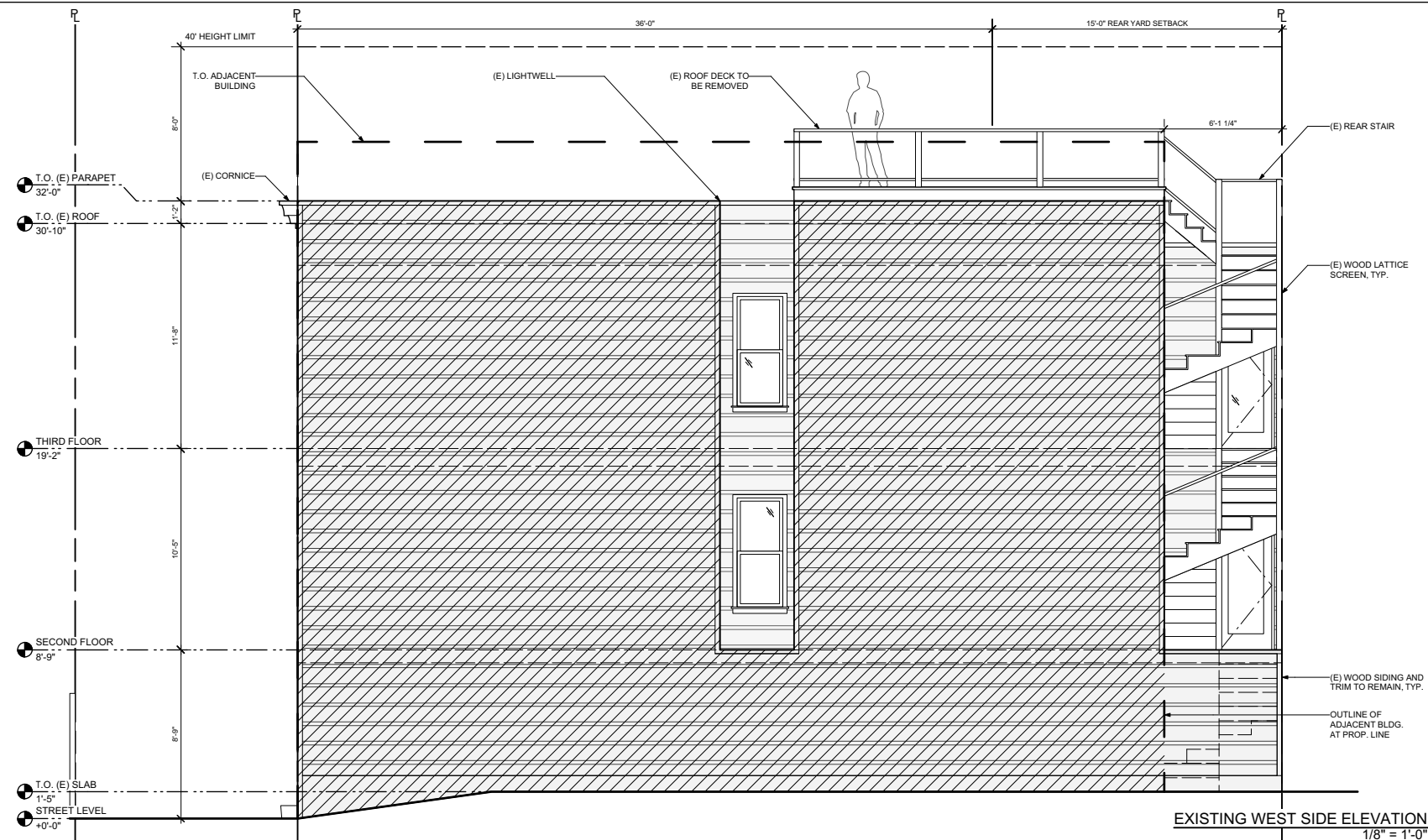
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PLOT DATE: 1/14/19



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**PERMIT #2018-1004-2256**

156 South Park , San Francisco , California 94107 T. 415.495.7889 F. 415.495.7869 [www.zackdevito.com](http://www.zackdevito.com)

**SAMPSON RESIDENCE**  
3 WINTER PL. SAN FRANCISCO, CA 94133

## EXTERIOR ELEVATIONS

**SCALE: SEE DRAWING**

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### A3.1

PLOT DATE: 1/14/19