



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis HEARING DATE: DECEMBER 12, 2019

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* November 19, 2019  
*Case No.:* **2018-013697DRP**  
*Project Address:* **3500 Jackson Street**  
*Permit Application:* 2019.0716.6022  
*Zoning:* RH-1 [Residential House, One-Family]  
40-X Height and Bulk District  
*Block/Lot:* 0970 / 002  
*Project Sponsor:* Eric Jacobs  
201 Noe Street  
San Francisco, CA 94114  
*Staff Contact:* David Winslow – (415) 575-9159  
[David.Winslow@sfgov.org](mailto:David.Winslow@sfgov.org)  
*Recommendation:* **Do Not Take DR and Approve**

### PROJECT DESCRIPTION

The project proposes demolition of an existing 504 s.f. detached garage and construction of a new 578 s.f. garage with a roof deck bordered by parapet planters approximately 3 feet lower than the height of the existing garage roof peak. The new garage required and obtained a rear yard variance. Additional work to the house includes a 34 s.f. expansion of the building at the west elevation and a 40 s.f. infill at the top floor to connect separate portions of the 4th floor that do not currently connect, as well as new stairs at the west elevation, modification of the porte-cochere/carriageway at grade, new window and door openings at the west and north elevations, reconstruction and reinforcement of chimneys, and interior alterations at all floors.

### SITE DESCRIPTION AND PRESENT USE

The site is a 60' wide x 127'-8" deep down sloping corner lot with an existing 3-story, one-family house built in 1906. The building is a category 'A' historical resource.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The immediate neighboring properties to the North have small and constrained rear yards that are downhill of the proposed addition. The proposed location of the garage and roof deck in the rear yard places the roof deck adjacent to the rear yards of the properties in Pacific Avenue. The buildings on this block of Jackson Street are generally 3-stories.

### BUILDING PERMIT NOTIFICATION

| TYPE       | REQUIRED PERIOD | NOTIFICATION DATES                   | DR FILE DATE | DR HEARING DATE | FILING TO HEARING TIME |
|------------|-----------------|--------------------------------------|--------------|-----------------|------------------------|
| 311 Notice | 30 days         | August 13, 2019 – September 12, 2019 | 9.10. 2019   | 12.12. 2019     | 93 days                |

### HEARING NOTIFICATION

| TYPE          | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|---------------|-----------------|----------------------|--------------------|---------------|
| Posted Notice | 20 days         | November 22, 2019    | November 22, 2019  | 20 days       |
| Mailed Notice | 20 days         | November 22, 2019    | November 22, 2019  | 20 days       |
| Online Notice | 20 days         | November 22, 2019    | November 22, 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           |

### ENVIRONMENTAL REVIEW

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

### DR REQUESTORS

DR requestor:

Julie Benioff- Young of 3505 Pacific Avenue, resident of the property to the immediate Northwest of the proposed project.

### DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

The proposed project adversely impacts the occupants of 3505 Pacific Avenue:

1. with noise and dust during construction and;
2. Privacy due to the deck over the garage at the rear.

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

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The project sponsor has proposed a sensitive and modest addition which has been reviewed extensively and received a Certificate of Appropriateness by the Historic Preservation Commission and a Variance from the Zoning Administrator. The proposal has complied with Residential Design Guidelines. The DR requestor's issues are not Planning issues, but those of construction disturbance (eg. dust noise, etc.)

See attached *Response to Discretionary Review*, dated November 22, 2019.

## DEPARTMENT REVIEW

The Department's Residential Design Advisory Team (RDAT) re-reviewed this and confirmed that this addition presents exceptional or extraordinary circumstances with respect to privacy in relation to DR requestor's property. The DR requestors' other issues are related to the nuisance of construction, and as such not the purview of regulation of the Planning Department.

Specifically:

1. Because the proposed deck above the garage addition is only 1'-0" from the rear property line and above the DR requestors property due to the topography, and incorporates planters that effectively set the deck back 3'-6" from the adjacent property line, staff recommends increasing the width of the planter boxes be increased by an additional 1'-6" to ensure that sight lines are adequately buffered.

As such, staff finds exceptional or extraordinary circumstances with respect to the project with respect to privacy and recommends taking Discretionary Review and approving with the recommended modifications above.

|  |
|--|
| <b>RECOMMENDATION:</b> <b>Take DR and Approve with Modifications</b> |
|--|

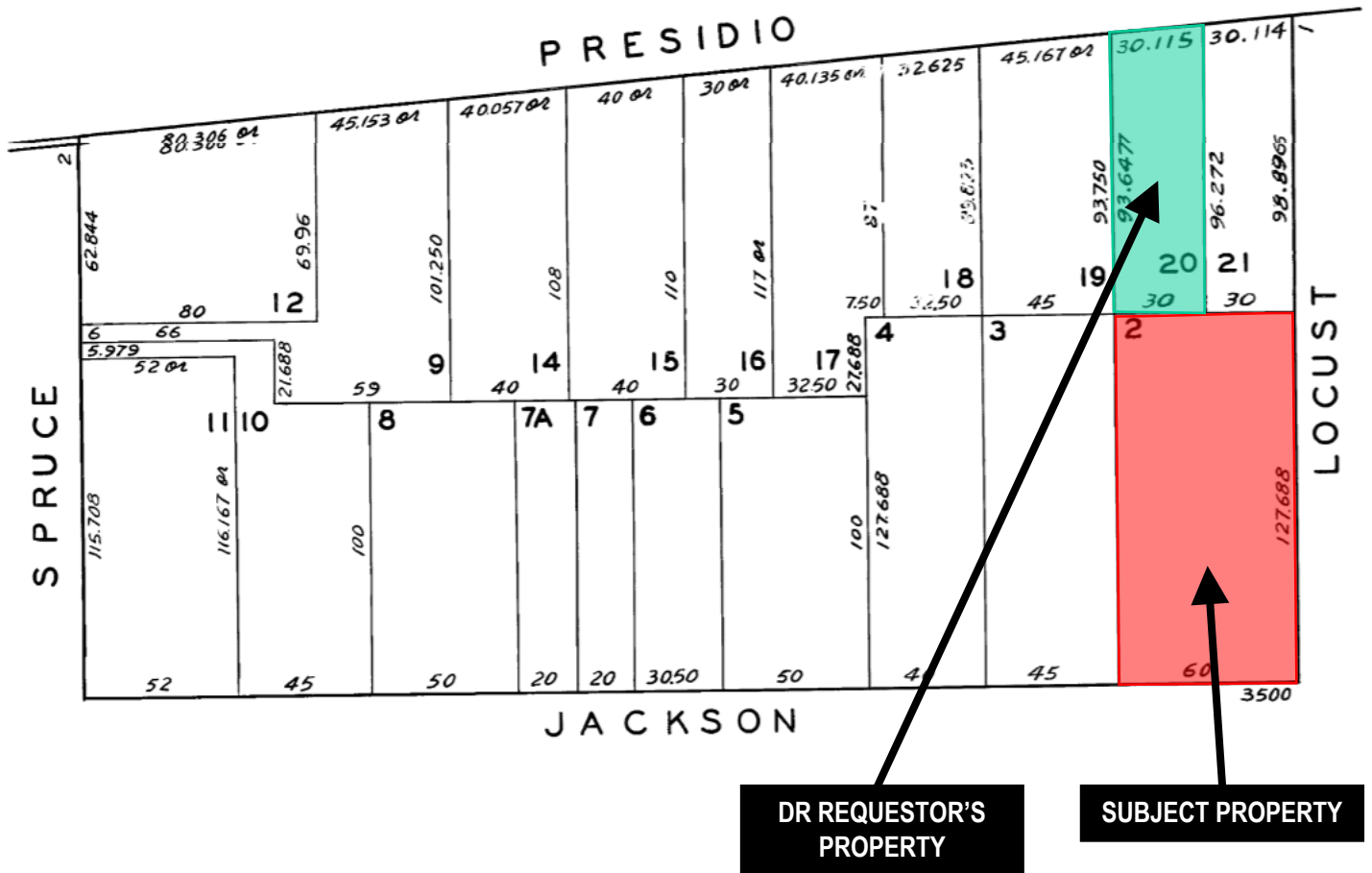
### Attachments:

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
CEQA Determination  
Variance Decision Letter  
Certificate of Appropriateness from HPC  
DR Application  
Response to DR Application, drawings dated March 22, 2019  
Reduced Plans

# Exhibits



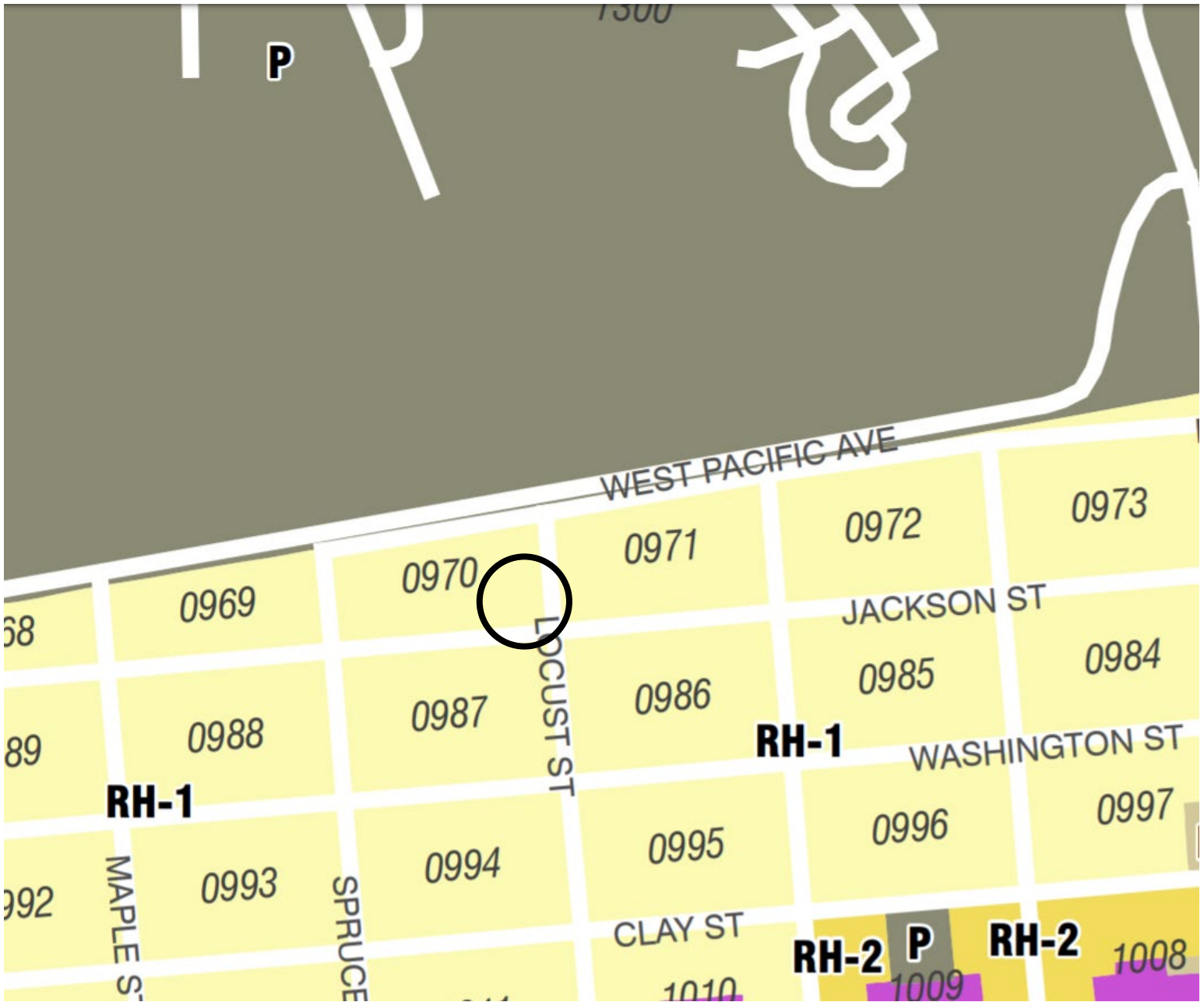
# Parcel Map



Discretionary Review Hearing  
 Case Number 2018-013697DRP  
 3500 Jackson Street



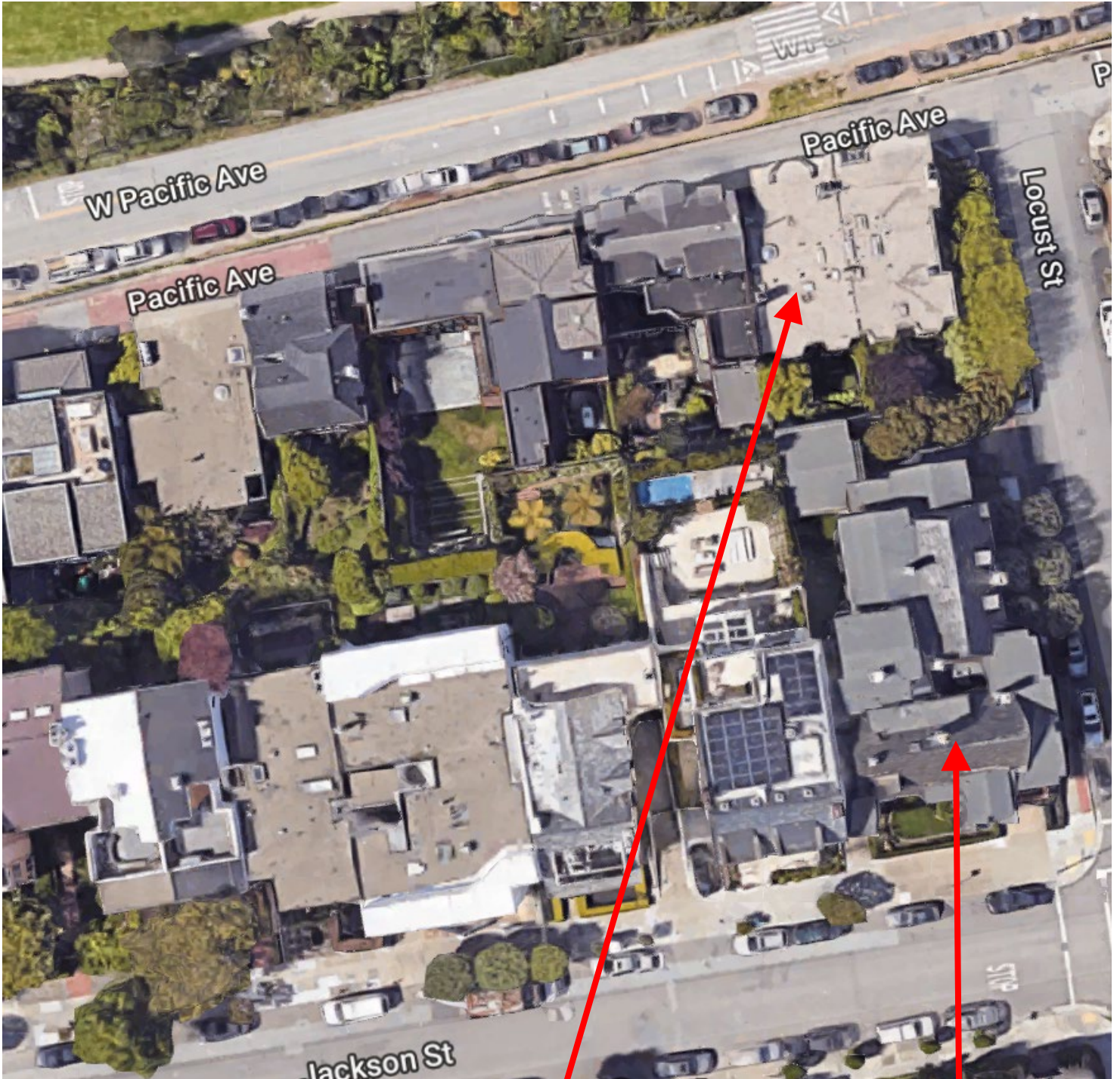
# Zoning Map



Discretionary Review Hearing  
Case Number 2018-013697DRP  
3500 Jackson Street



# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2018-013697DRP  
3500 Jackson Street



# Aerial Photo



**SUBJECT PROPERTY**

**DR REQUESTOR'S  
PROPERTY**



Discretionary Review Hearing  
Case Number 2018-013697DRP  
3500 Jackson Street



# Aerial Photo



**SUBJECT PROPERTY**

**DR REQUESTOR'S  
PROPERTY**



Discretionary Review Hearing  
Case Number 2018-013697DRP  
3500 Jackson Street



# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2018-013697DRP  
3500 Jackson Street



# Site Photo



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2018-013697DRP  
3500 Jackson Street





# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **July 18, 2019** Building Permit Application No. 201907166022 was filed for work at the Project Address below.

**Notice Date: 8/13/2019**

**Expiration Date: 9/12/2019**

| PROJECT INFORMATION |                        | APPLICANT INFORMATION |                         |
|---------------------|------------------------|-----------------------|-------------------------|
| Project Address:    | <b>3500 JACKSON ST</b> | Applicant:            | Eric Jacobs             |
| Cross Street(s):    | <b>Locust Street</b>   | Address:              | 201 Noe Street          |
| Block/Lot No.:      | 0970 / 002             | City, State:          | San Francisco, CA 94114 |
| Zoning District(s): | RH-1 /40-X             | Telephone:            | <b>(415) 377-0425</b>   |
| Record Number:      | <b>2018-013697COA</b>  | Email:                | <b>eric@gbasf.com</b>   |

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

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

| PROJECT SCOPE   |   |  |
|---|---|--|
| <input checked="" 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 checked="" type="checkbox"/> Side Addition | <input type="checkbox"/> Vertical Addition     |
| PROJECT FEATURES  | EXISTING  | PROPOSED                                       |
| Building Use  | Residential                                       | No Change                                      |
| Front Setback   | 10 feet   | No Change                                      |
| Side Setbacks   | None  | No Change                                      |
| Building Depth  | 92 feet   | No Change                                      |
| Rear Yard   | 15 feet   | No Change                                      |
| Building Height   | 40 feet   | No Change                                      |
| Number of Stories   | 4   | No Change                                      |
| Number of Dwelling Units  | 1   | No Change                                      |
| Number of Parking Spaces  | 2   | No Change                                      |
| PROJECT DESCRIPTION   |   |  |
| <p>The proposed project is for demolition of the existing 504 sq. ft. detached garage and construction of a 578 square foot new garage with landscaped roof deck. The new garage will occupy the original garage footprint of approximately 24' x 21', expanding to 24' x 22'-7". The proposed roof deck is bordered by new parapet planters at a maximum elevation approximately 3 feet lower than the height of the existing garage roof peak. The new garage requires a rear yard variance. Additional work to the house includes a 34 sq. ft. expansion of the building at the west elevation and a 40 sq. ft. infill at the top floor to connect separate portions of the 4<sup>th</sup> floor that do not currently connect, as well as new stairs at the west elevation, modification of the porte-cochere/carriageway grade, new window and door openings at the west and north elevations, reconstruction and reinforcement of chimneys, and interior alterations at all floors.</p> |   |  |

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

**For more information, please contact Planning Department staff:**  
Shannon Ferguson, 415-575-9074, Shannon.Ferguson@sfgov.org

## GENERAL INFORMATION ABOUT PROCEDURES

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

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

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

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at [www.sfplanning.org](http://www.sfplanning.org). **You must submit the application in person** at the Planning Information Center (PIC), with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.**

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

### BOARD OF APPEALS

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

### ENVIRONMENTAL REVIEW

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

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## Variance Decision

*Date:* October 1, 2019  
*Case No.:* 2018-013697VAR  
*Project Address:* 3500 JACKSON STREET  
*Zoning:* RH-1 (Residential, House – One Family)  
40-X Height and Bulk District  
*Block/Lots:* 0970/002  
*Applicant:* Eric Jacobs  
201 Noe Street  
San Francisco, CA 94114  
[eric@gbasf.com](mailto:eric@gbasf.com)  
*Owner:* Nor Cal Real Estate Trust 2017  
600 Yosemite Blvd  
Modesto, CA 95354  
*Staff Contact:* Shannon Ferguson – (415) 575-9074  
[shannon.ferguson@sfgov.org](mailto:shannon.ferguson@sfgov.org)

1650 Mission St.  
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### DESCRIPTION OF VARIANCE – REAR YARD VARIANCE SOUGHT:

The proposal is to demolish the existing detached garage and construct a new garage with roof deck in the required rear yard of the lot, which is developed with a four-story, single-family dwelling located at the northwest corner of Jackson and Locust streets in the Presidio Heights neighborhood. The proposed new single-story garage will be approximately 24 feet 9 inches by 24 feet and approximately 9 feet 9 inches high with a roof deck bordered by planters and wood railings. A 9 feet by 9 feet hyphen will extend from the garage and connect to the dwelling.

Planning Code Section 134 requires properties in the RH-1 Zoning District to maintain a rear yard of equal to 25% of the total depth of the lot but not less than 15 feet. The subject property, with a lot depth of approximately 127 feet from Jackson Street, has a required rear yard of approximately 32 feet 8 inches. The garage will be located within the required rear yard. Therefore, a rear yard variance is required.

### PROCEDURAL BACKGROUND:

1. A rear yard variance (Case No. 1982.108V) and Certificate of Appropriateness (Case No. 1982.108A) were granted for the existing garage in 1982.
2. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.
3. The Zoning Administrator held a joint public hearing with the Historic Preservation Commission on Variance Application No. 2018-013697VAR on July 17, 2019.

4. Planning Code Section 311 notification was mailed on August 13, 2019 and expired on September 12, 2019. No requests for Discretionary Review were filed during the notification period.

**DECISION:**

**GRANTED**, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a garage with roof deck and hyphen (approximately 24 feet 9 inches by 24 feet and approximately 9 feet 9 inches high with a roof deck, and a 9 feet by 9 feet hyphen.) that will extend into the required rear yard of the four-story, single-family dwelling, subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.
2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

**FINDINGS:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

**FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

**Requirement Met.**

- A. The subject property was designed by master architect Bernard Maybeck and constructed in 1909. It is designated as City Landmark No. 56 and is listed in the National Register of Historic Places. The existing house and garage occupy most of the rectangular lot leaving little space for off-street parking or usable open space. The development pattern in the neighborhood consists of single-family home with good access to off-street parking and usable open space at grade and on multi-level terraces. The Roos residence predates the establishment of the Planning Code and the existing garage was constructed by previous owners. A variance and Certificate of Appropriateness to demolish the original carriage house and construct the existing garage was granted in 1982. This project improved the parking configuration by orienting the garage towards Locust Street but was not done in a manner that allowed the property owners to establish usable open space. The new garage design will create usable open space in the rear yard and a deck on the roof of the proposed garage. The proposed hyphen provides an enclosed access to the garage from the main residence mitigating exposure and security concerns. The new structure will be built to current seismic/fire codes and is compatible yet differentiated from the house. The property's lot configuration and historic designation represent exceptional and extraordinary circumstances that do not apply generally to other properties or uses in the same class of district.

**FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**Requirement Met.**

- A. The circumstances described above result in little to no opportunity for code-complying open space for the subject property or to replace the existing garage within generally the same footprint. Owing to the exceptional and extraordinary circumstances imposed by the lot configuration, lack of open space, and landmark designation, the literal enforcement of the Code would result in both practical difficulty and unnecessary hardship.

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Met.**

- A. Granting this variance will allow the subject property to improve and increase open space for the subject property by constructing a roof deck above the new garage that will not otherwise impact

any surrounding properties or mid-block open space. Off street parking, accessible in a protected environment, and usable open space are property rights enjoyed by the surrounding properties of 3500 Jackson Street. The demolition and construction of the proposed garage is necessary for the preservation and enjoyment of a substantial property right and is the best means to improve and maintain off street parking and establish usable open space. These are rights possessed by other properties in the RH-1 zoning district and along Jackson and Locust Streets.

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Met.**

- A. Granting the variance will improve the livability of the subject property and will not be materially detrimental to the public welfare or materially injurious to the neighboring properties. The proposed garage and roof deck will provide a usable open space in the rear yard and will give the appearance of green mid-block open space rather than garage massing. The design of the proposed garage is contemporary yet compatible with the historic character of the subject property.
- B. The Planning Department received concerns from an adjacent neighbor, but no other opposition to the project. The Historic Preservation Commission granted a Certificate of Appropriateness for the project per Motion No. 0379. Additionally, no request for Discretionary Review was filed for the associated building permit.

**FINDING 5.**

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

**Requirement Met.**

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
  - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
  - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will provide useable open space in the rear yard with the addition of a roof deck.
  - 3. The proposed project will have no effect on the City's supply of affordable housing.

4. The proposed project does not adversely affect neighborhood parking or public transit. It will provide off-street parking for the subject property.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The proposed project will have no effect on the City's landmarks or historic buildings. The proposed project conforms with the Secretary of the Interior's Standards for Rehabilitation and the requirements of Article 10.
8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

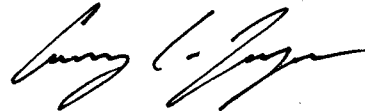
Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

**APPEAL:** Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3<sup>rd</sup> Floor (Room 304) or call 575-6880.

Very truly yours,



Corey A. Teague, AICP  
*Zoning Administrator*

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THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.





# SAN FRANCISCO PLANNING DEPARTMENT

## Historic Preservation Commission Motion No. 0379

HEARING DATE: JULY 17, 2019

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Case No.:* 2018-013697COAVAR  
*Project Address:* 3500 JACKSON STREET  
*Historic Landmark:* Landmark No. 56  
*Zoning:* RH-1 (Residential House, One Family)  
40-X Height and Bulk District  
*Block/Lot:* 0970/002  
*Applicant:* Eric Jacobs, GBA  
201 Noe Street  
San Francisco, CA 94114  
*Staff Contact* Shannon Ferguson – (415) 575-9074  
shannon.ferguson@sfgov.org  
*Reviewed By* Elizabeth Gordon Jonckheer – (415) 575-8728  
elizabeth.gordon-jonckheer@sfgov.org

**ADOPTING FINDINGS FOR A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED WORK DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 10, TO MEET THE STANDARDS OF ARTICLE 10 AND TO MEET THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOT 002 IN ASSESSOR'S BLOCK 0970, WITHIN AN RH-1 (RESIDENTIAL HOUSE, ONE FAMILY) ZONING DISTRICT, AND 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

WHEREAS, on October 10, 2018 GBA ("Project Sponsor") filed an application with the San Francisco Planning Department (hereinafter "Department") for a Certificate of Appropriateness to demolish the existing garage and construct a new larger garage with roof deck, expand the building at the west elevation, new stairs at the west elevation, infill with new roof at the third story on the west elevation, modification of the porte cochere/ carriageway, new window openings at the west and north elevations, replacement of chimneys, and interior alterations at all floors;

WHEREAS, the Project was heard by the Architectural Review Committee of the Historic Preservation Commission on May 1, 2019;

WHEREAS, the Project was determined by the Department to be categorically exempt from environmental review. The Historic Preservation Commission ("Commission") has reviewed and concurs with said determination.

WHEREAS, on July 17, 2019, the Commission conducted a duly noticed public hearing on the current project, Case No. 2018-013697COA (Project) for its appropriateness.

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

**MOVED**, that the Commission hereby approves the Certificate of Appropriateness, in conformance with the architectural plans labeled Exhibit A on file in the docket for Case 2018-013697COA based on the following findings:

## CONDITIONS

1. As part of the Building Permit, the Project Sponsor shall continue working with Planning Department preservation staff on the design of the carriageway in the porte-cochere to avoid destroying historic columns.
2. As part of the building permit, the Project Sponsor shall construct a mock up of the reconstructed chimneys for Planning Department preservation staff's approval before demolition of the historic chimneys.

## FINDINGS

Having reviewed all the materials identified in the recitals above and having heard oral testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and also constitute findings of the Commission.
2. Findings pursuant to Article 10:

The Historic Preservation Commission has determined that the proposed work is compatible with the character defining features of the landmark building as described in the case report dated July 17, 2019.

- The project will retain the existing residential use of the building.
- The project would not create a false sense of historical development. The existing garage constructed in 1982 creates a false sense of historical development with its mimicry of the house's materials and style. The new proposed garage is does not add conjectural features or elements from other historic properties. Its features are drawn from materials and elements found on the house without falsely replicating them.
- The additions designed by original architect Bernard Maybeck, such as the porte-cochere, tea room, and master bedroom addition, are a physical record of the building's changes over

time and have acquired significance in their own right. The proposed project retains and preserves these significant features.

- The proposed project preserves distinctive materials, features, finishes, or construction or craftsmanship examples that characterize the property. The west elevation expansion, stair, new window/door openings, and infill will occur on a secondary elevations and preserve the highly decorative features and finishes found on the street facing elevations.
- New additions and infill at the west elevation and the construction of the new garage will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be compatible with the historic materials, features, size, scale, and massing of the house to protect the integrity of the property.
- The west elevation expansion, garage, west elevation stairs, fourth floor infill, and new window and door openings could be removed in the future without harming the integrity of the historic property. The proposed project meets the requirements of Article 10 of the Planning Code.

The proposed project meets the following *Secretary of Interior's Standards for Rehabilitation*:

**Standard 1.**

*A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

**Standard 2.**

*The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

**Standard 3.**

*Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

**Standard 4.**

*Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

**Standard 5.**

*Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

**Standard 9.**

*New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to*

*protect the integrity of the property and its environment.*

**Standard 10.**

*New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

3. **General Plan Compliance.** The proposed Certificate of Appropriateness is, on balance, consistent with the following Objectives and Policies of the General Plan:

**I. URBAN DESIGN ELEMENT**

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

**GOALS**

*The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.*

**OBJECTIVE 1**

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

**POLICY 1.3**

*Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.*

**OBJECTIVE 2**

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

**POLICY 2.4**

*Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.*

**POLICY 2.5**

*Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.*

**POLICY 2.7**

*Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.*



*The goal of a Certificate of Appropriateness is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.*

*The proposed project qualifies for a Certificate of Appropriateness and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of the landmark property for the future enjoyment and education of San Francisco residents and visitors.*

4. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed project is for the rehabilitation of a residential property and will not have any effect on neighborhood-serving retail uses.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed project will strengthen neighborhood character by respecting the character defining features of the landmark in conformance with the Secretary of the Interior's Standards.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The project will not reduce the affordable housing supply as the existing single-family residential use will not be changed.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed project will not have any impact on industrial and service sector jobs.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The work will be executed in compliance with all applicable construction and safety measures in order to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.*

- G) That landmark and historic buildings will be preserved:

*The proposed project is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The proposed project will not impact the access to sunlight or vistas for the parks and open space.*

5. For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 10, and the Secretary of Interior's Standards for Rehabilitation, General Plan and Prop M findings of the Planning Code.

**DECISION**

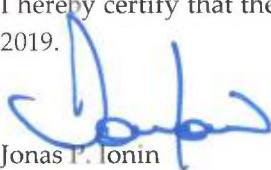
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES a Certificate of Appropriateness** for the property located at Lot 002 in Assessor's Block 0970 for proposed work in conformance with the renderings and architectural sketches labeled Exhibit A on file in the docket for Case No. 2018-013697COA.

**APPEAL AND EFFECTIVE DATE OF MOTION:** The Commission's decision on a Certificate of Appropriateness shall be final unless appealed within thirty (30) days. Any appeal shall be made to the Board of Appeals, unless the proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, in which case any appeal shall be made to the Board of Supervisors (see Charter Section 4.135).

**Duration of this Certificate of Appropriateness:** This Certificate of Appropriateness is issued pursuant to Article 10 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Historic Preservation Commission. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor.

**THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.**

I hereby certify that the Historical Preservation Commission ADOPTED the foregoing Motion on July 17, 2019.



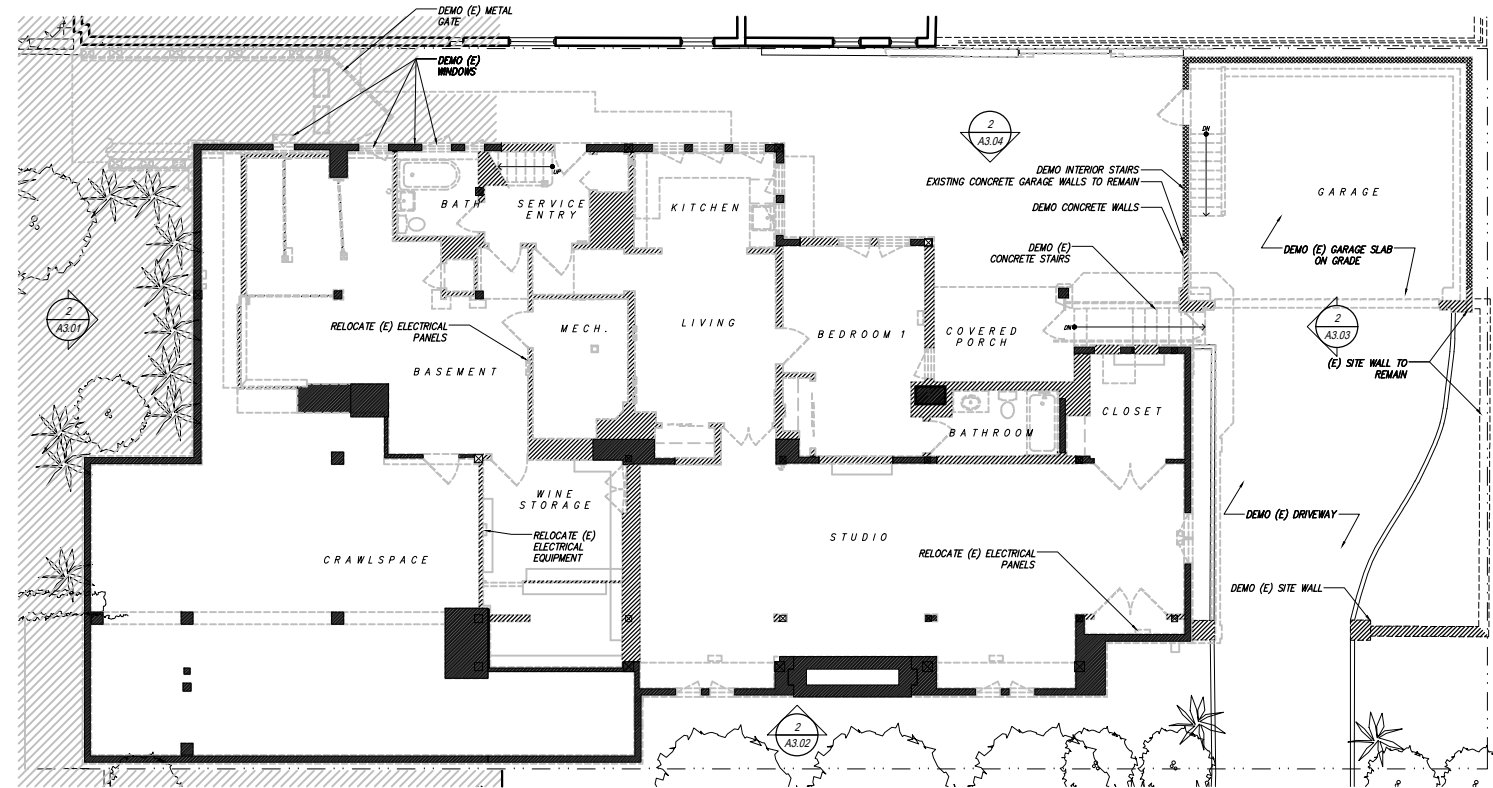
Jonas P. Ionin  
Commission Secretary

AYES: Black, Hyland, Matsuda, Pearlman, Johns

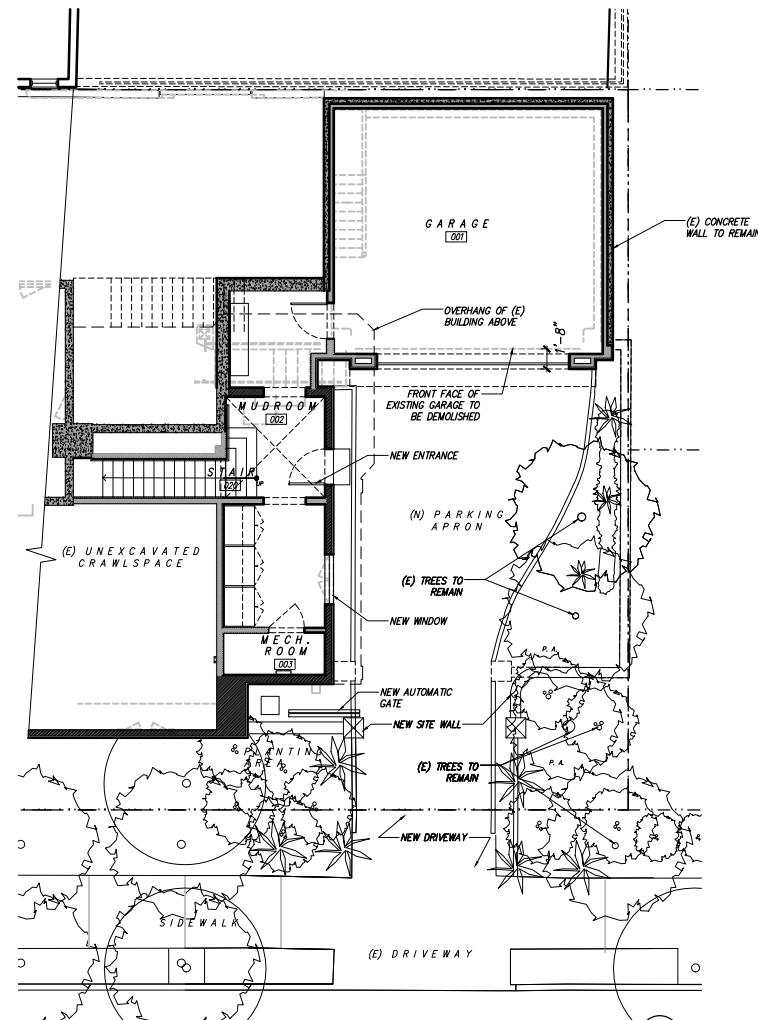
NAYS: None

ABSENT: None

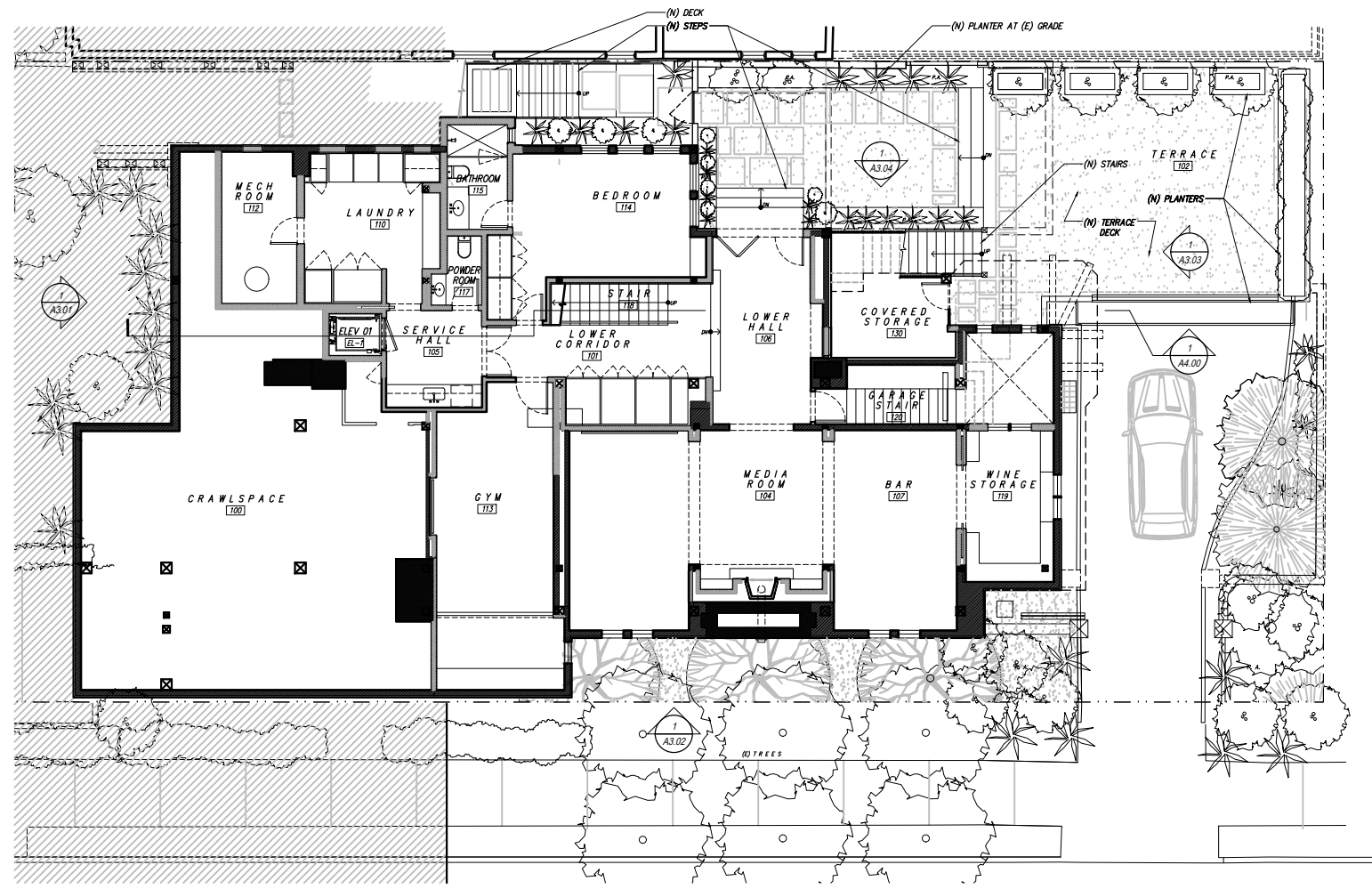
ADOPTED: July 17, 2019



2 FIRST FLOOR & GARAGE LEVEL PLAN - EXISTING  
SCALE: 1/16" = 1'-0"



3 GARAGE LEVEL PLAN - PROPOSED  
SCALE: 1/16" = 1'-0"



1 FIRST FLOOR PLAN - PROPOSED  
SCALE: 1/16" = 1'-0"



| No. | REMARKS          | DATE    |
|-----|------------------|---------|
| 1   | NOTIFICATION SET | 5.29.19 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



1ST FLOOR PLAN  
EXISTING &  
PROPOSED

|              |           |
|--------------|-----------|
| DATE:        | 5.29.2019 |
| PROJECT No.: | 18013     |
| DRAWING BY:  | B.H.      |
| CHK BY:      | C.B. T.K. |
| DWG No.:     |           |

A2.01

#18.013

IF THIS SHEET IS NOT 11 X 17 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

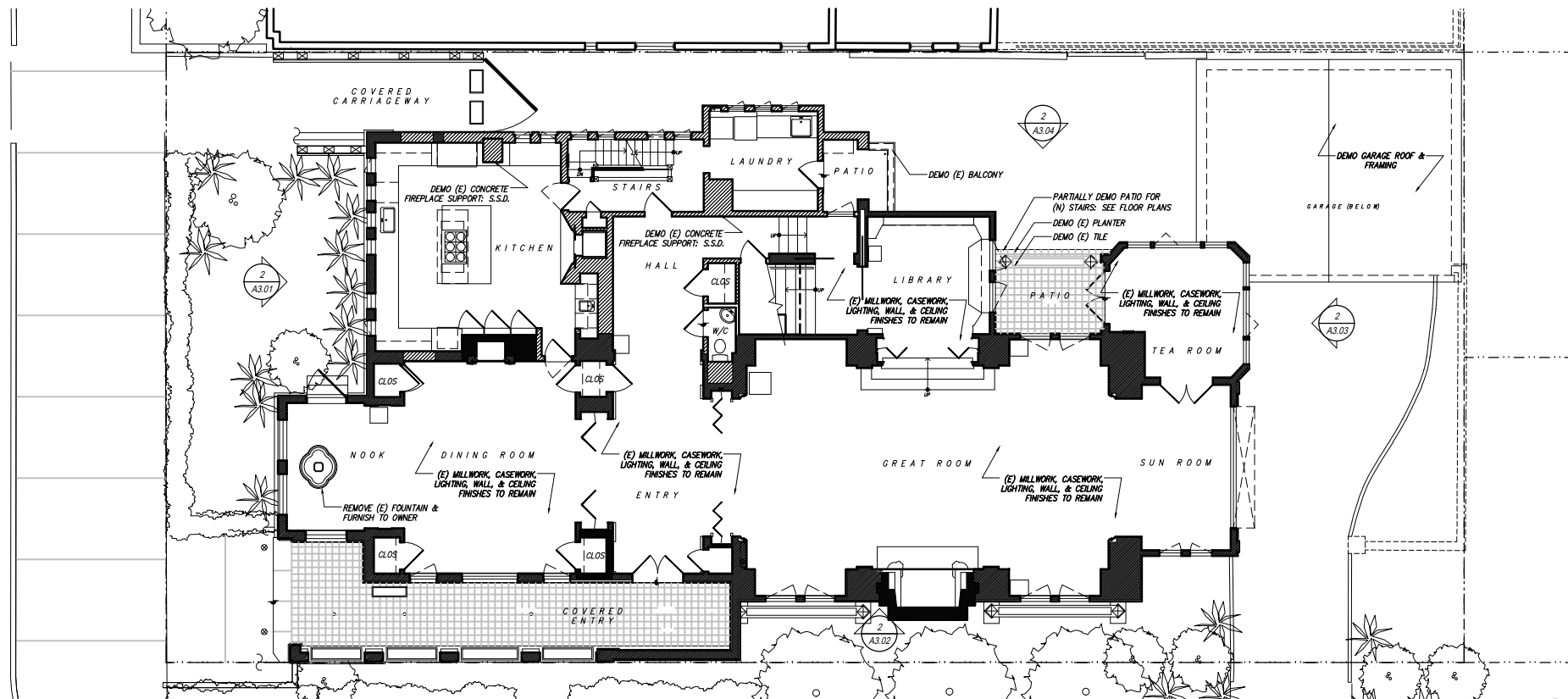


Ike Kligerman Barkley

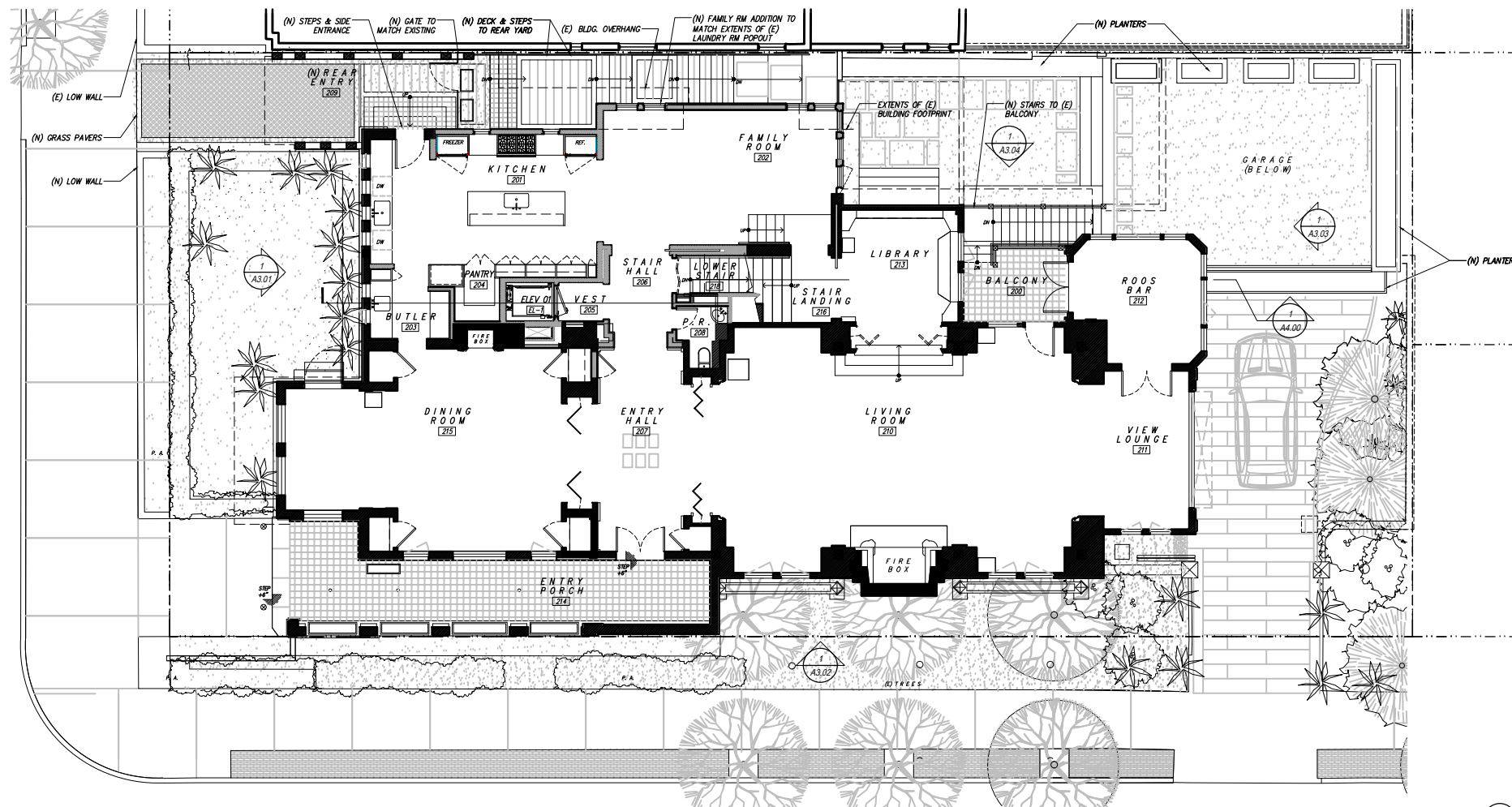
1624 Franklin Street, Suite 912  
Oakland, CA 94612  
415 371 1850

3500 Jackson Street

APN 0970002



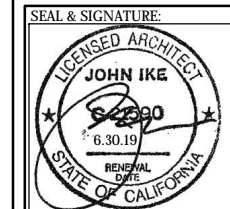
2 SECOND FLOOR PLAN - EXISTING  
SCALE: 1/16" = 1'-0"



1 SECOND FLOOR PLAN - PROPOSED  
SCALE: 1/16" = 1'-0"

| No. | REMARKS          | DATE    |
|-----|------------------|---------|
| 1   | NOTIFICATION SET | 5.29.19 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



2ND FLOOR PLAN  
EXISTING &  
PROPOSED

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|--------------|-----------|
| DATE:        | 5.29.2019 |
| PROJECT No.: | 18013     |
| DRAWING BY:  | B.H.      |
| CHK BY:      | C.B. T.K. |
| DWG No.:     |           |

A2.02

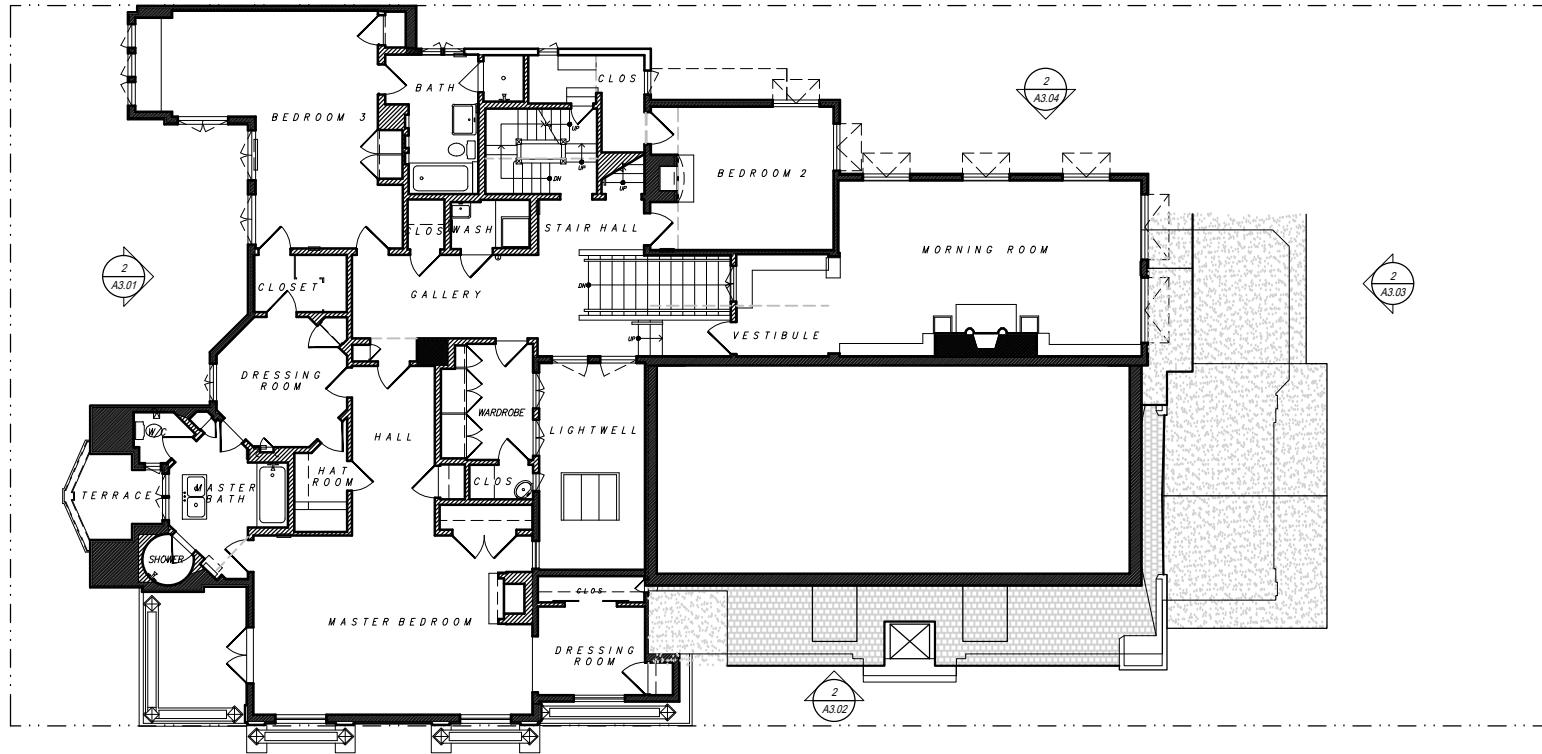
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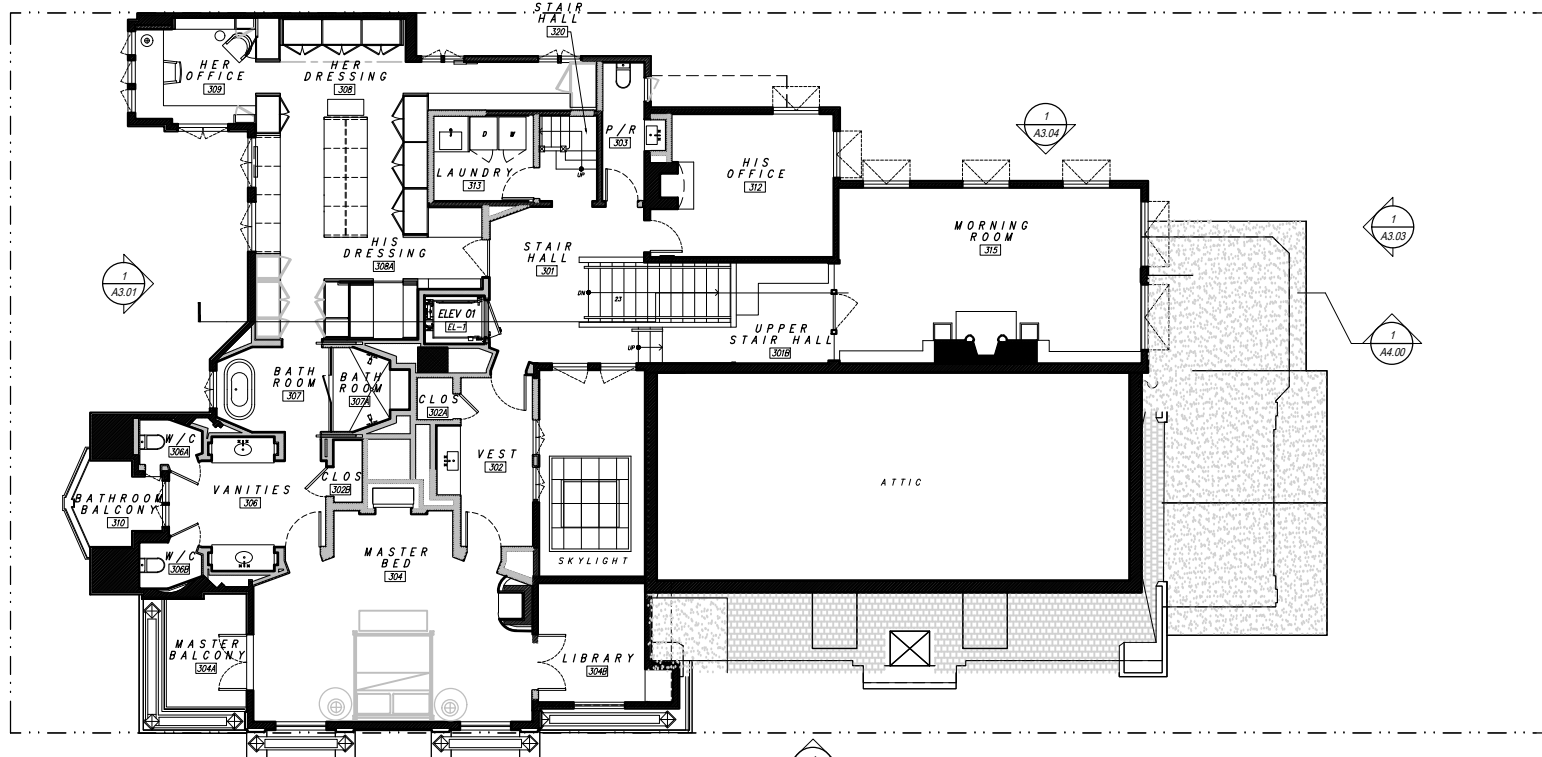
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1624 Franklin Street, Suite 912  
Oakland, CA 94612  
415 371 1850

3500 Jackson Street

APN 0970002



2 THIRD FLOOR PLAN - EXISTING  
SCALE: 1/16" = 1'-0"



1 THIRD FLOOR PLAN - PROPOSED  
SCALE: 1/16" = 1'-0"



| No. | REMARKS          | DATE    |
|-----|------------------|---------|
| 1   | NOTIFICATION SET | 5.29.19 |

PROJECT:  
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San Francisco, CA 94118



3RD FLOOR PLAN  
EXISTING &  
PROPOSED

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| DATE:        | 5.29.2019 |
| PROJECT No.: | 18013     |
| DRAWING BY:  | B.H.      |
| CHK BY:      | C.B. T.K. |
| DWG No.:     |           |

A2.03

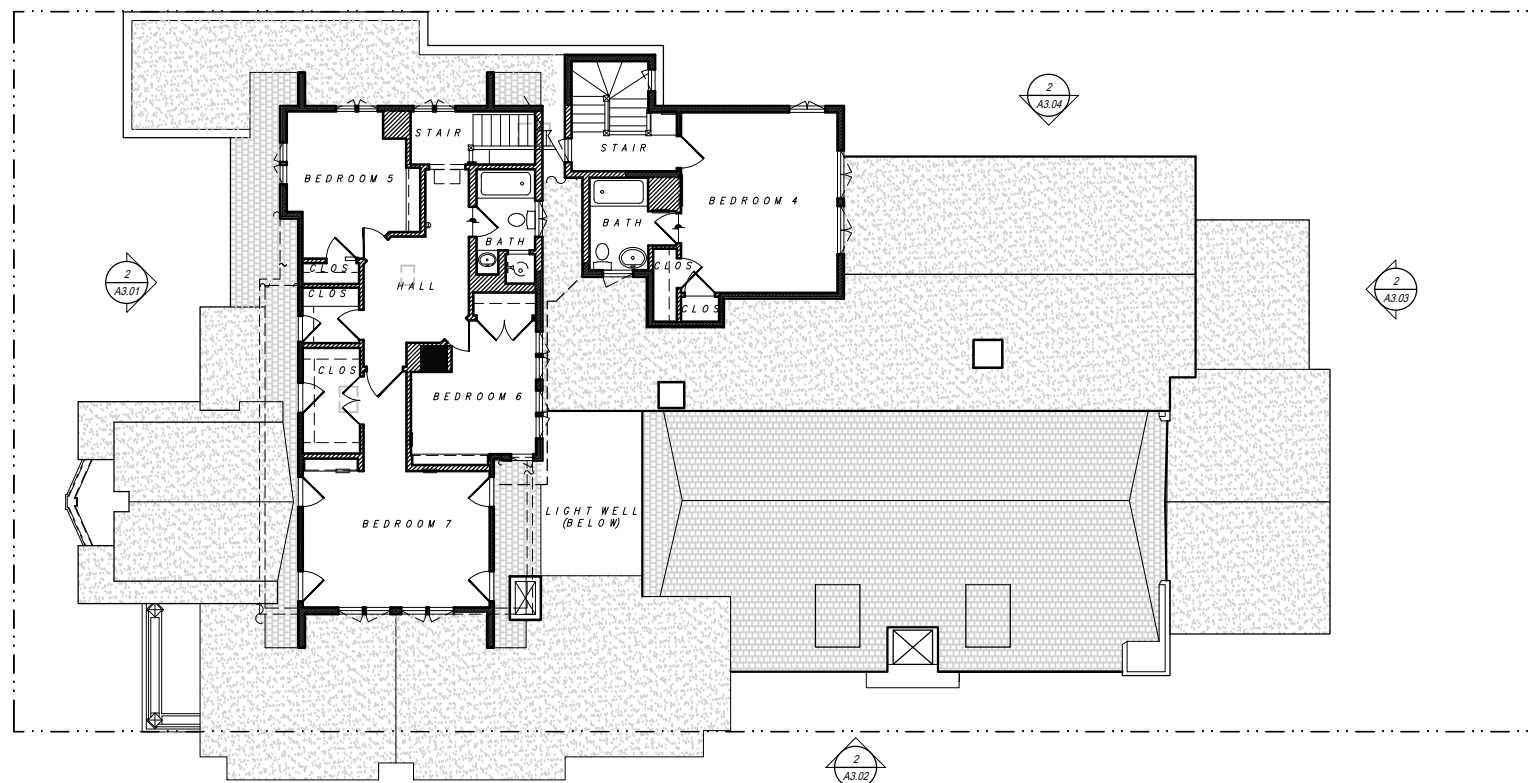
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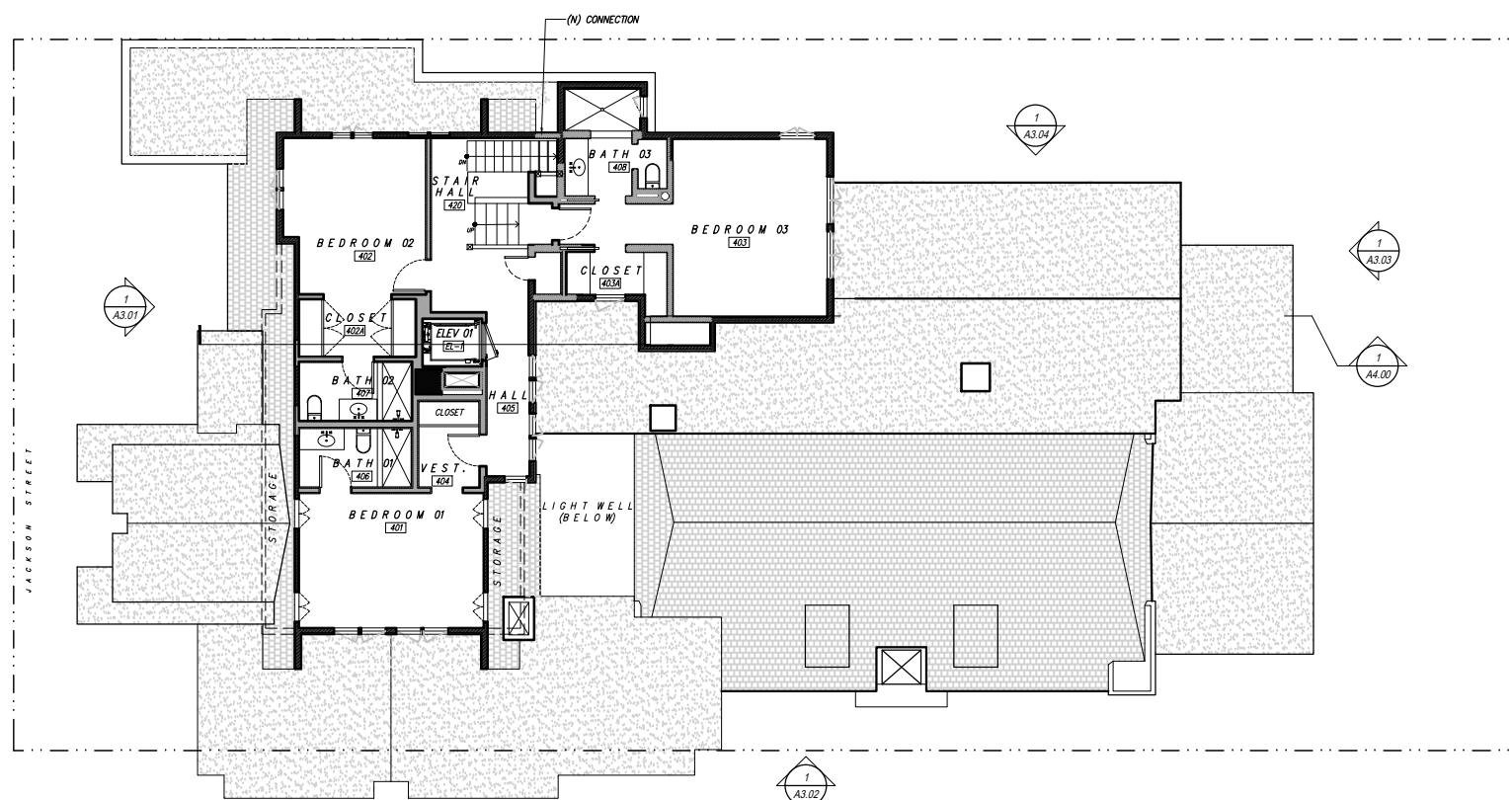
**Ike Kligerman Barkley**  
 1624 Franklin Street, Suite 912  
 Oakland, CA 94612  
 415 371 1850

**3500 Jackson Street**

APN 0970002



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FOURTH FLOOR PLAN - EXISTING  
SCALE: 1/16" = 1'-0"

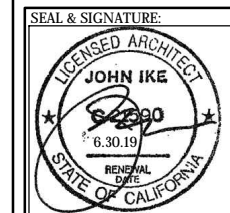


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FOURTH FLOOR PLAN - PROPOSED  
SCALE: 1/16" = 1'-0"

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| No. | REMARKS          | DATE    |
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| 1   | NOTIFICATION SET | 5.29.19 |

PROJECT:  
 3500 Jackson Street  
 San Francisco, CA 94118



4TH FLOOR PLAN  
 EXISTING &  
 PROPOSED

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| DATE:        | 5.29.2019 |
| PROJECT No.: | 18013     |
| DRAWING BY:  | B.H.      |
| CHK BY:      | C.B. T.K. |
| DWG No.:     |           |

**A2.04**

#18.013

**Ike  
Kligerman  
Barkley**

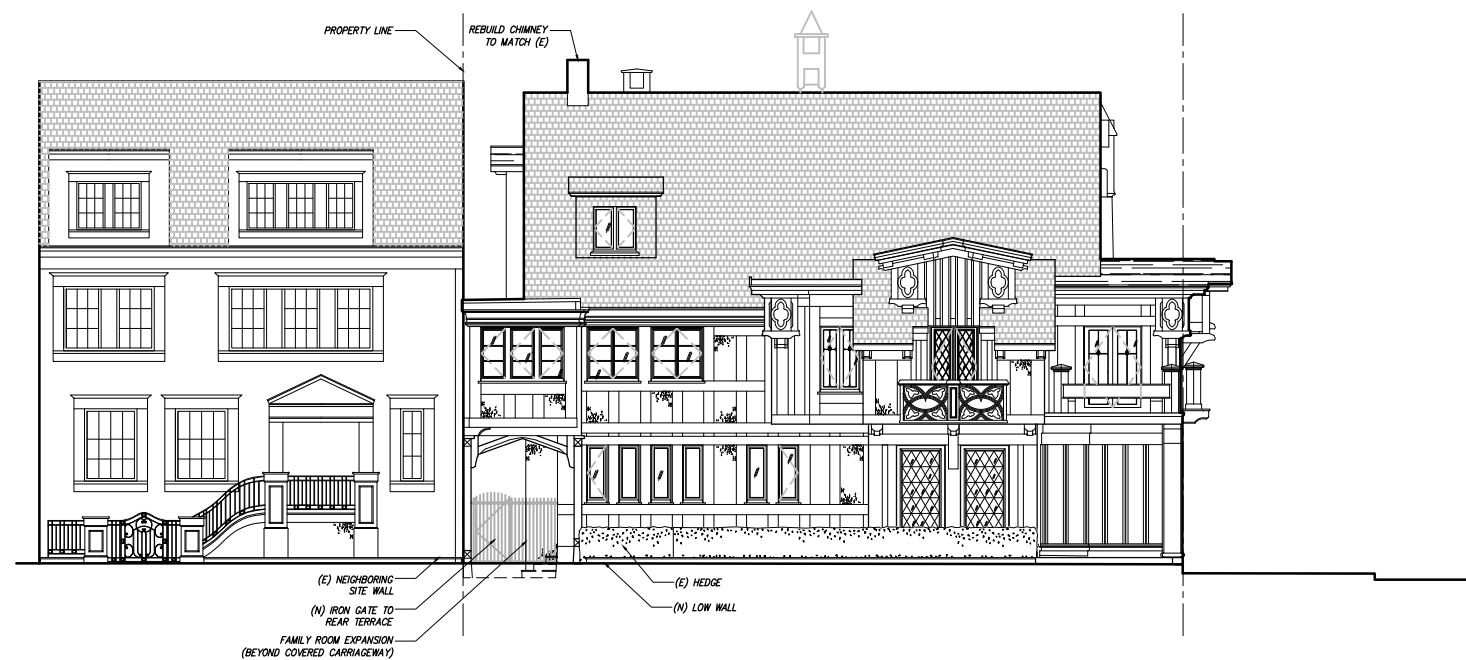
1624 Franklin Street, Suite 912  
Oakland, CA 94612  
415 371 1850

**3500 Jackson Street**

APN 0970002



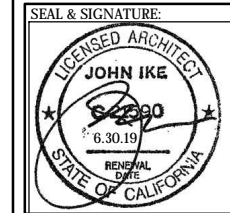
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1 SOUTH ELEVATION - PROPOSED  
SCALE: 1/16" = 1'-0"

| No. | REMARKS          | DATE    |
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|     | NOTIFICATION SET | 5.29.19 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



SOUTH ELEVATION  
EXISTING &  
PROPOSED

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| DATE:        | 5.29.2019 |
| PROJECT No.: | 18013     |
| DRAWING BY:  | B.H.      |
| CHK BY:      | C.B. T.K. |
| DWG No.:     |           |

**A3.01**

#18.013

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Ike Kligerman Barkley  
1624 Franklin Street, Suite 912  
Oakland, CA 94612  
415 371 1850

3500 Jackson Street

APN 0970002



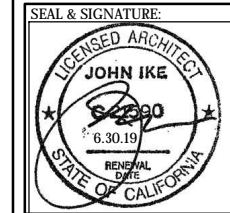
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SCALE: 1/16" = 1'-0"



1 EAST ELEVATION - PROPOSED  
SCALE: 1/16" = 1'-0"

| No. | REMARKS          | DATE    |
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|     | NOTIFICATION SET | 5.29.19 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



EAST ELEVATION  
EXISTING &  
PROPOSED

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| DATE:        | 5.29.2019 |
| PROJECT No.: | 18013     |
| DRAWING BY:  | B.H.      |
| CHK BY:      | C.B. T.K. |
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A3.02

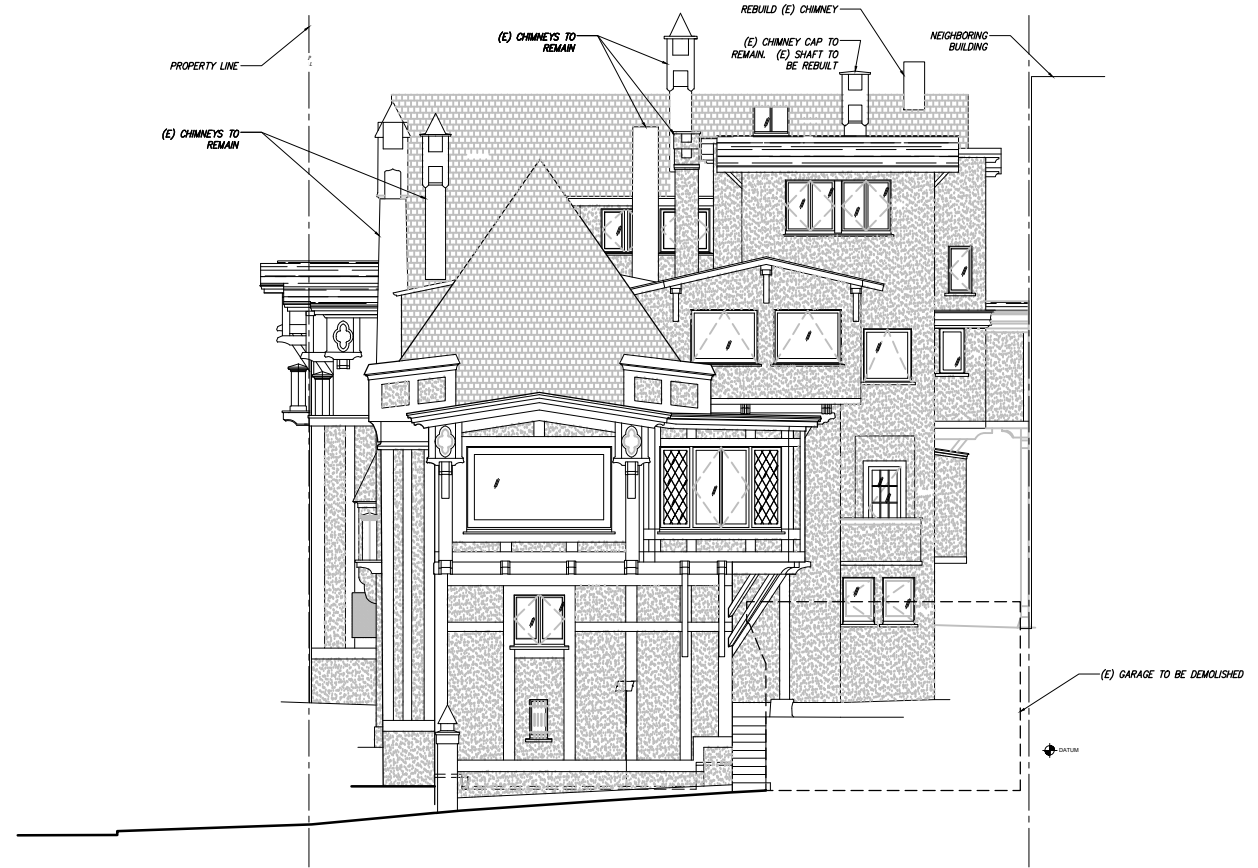
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**Ike Kligerman Barkley**  
1624 Franklin Street, Suite 912  
Oakland, CA 94612  
415.371.1850

**3500 Jackson Street**

APN 0970002



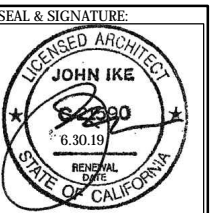
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SCALE: 1/16" = 1'-0"



1 NORTH ELEVATION - PROPOSED  
SCALE: 1/16" = 1'-0"

| No. | REMARKS          | DATE    |
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|     | NOTIFICATION SET | 5.29.19 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



NORTH ELEVATION  
EXISTING &  
PROPOSED

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| DATE:        | 5.29.2019 |
| PROJECT No.: | 18013     |
| DRAWING BY:  | B.H.      |
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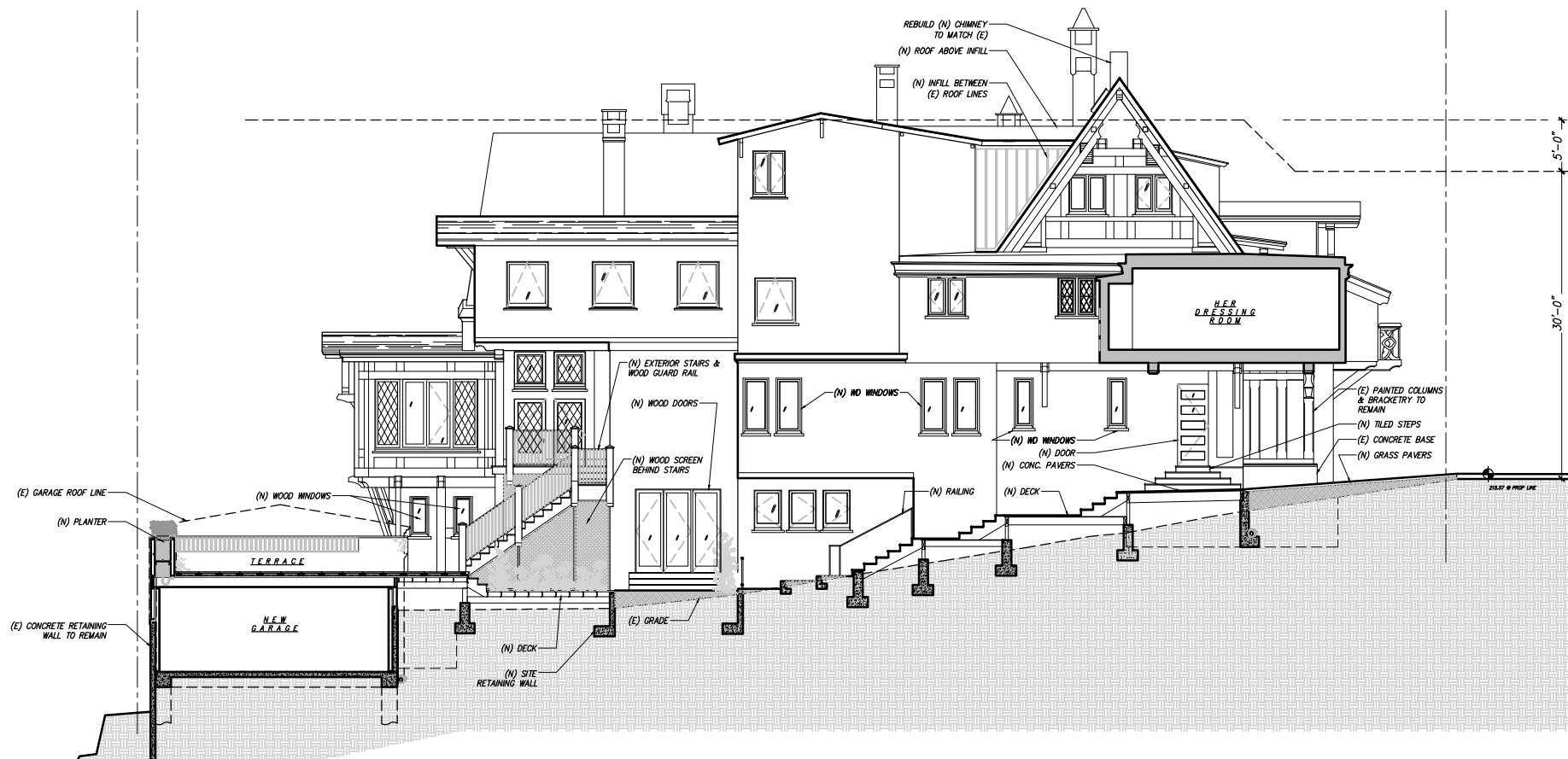
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1624 Franklin Street, Suite 912  
Oakland, CA 94612  
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3500 Jackson Street

APN 0970002



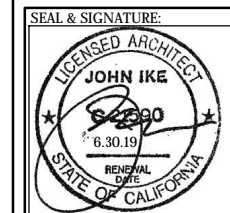
2 WEST ELEVATION - EXISTING  
SCALE: 1/16" = 1'-0"



1 WEST ELEVATION - PROPOSED  
SCALE: 1/16" = 1'-0"

| No. | REMARKS          | DATE    |
|-----|------------------|---------|
|     | NOTIFICATION SET | 5.29.19 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



WEST ELEVATION  
EXISTING &  
PROPOSED

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| DATE:        | 5.29.2019 |
| PROJECT No.: | 18013     |
| DRAWING BY:  | B.H.      |
| CHK BY:      | C.B. T.K. |
| DWG No.:     |           |

A3.04

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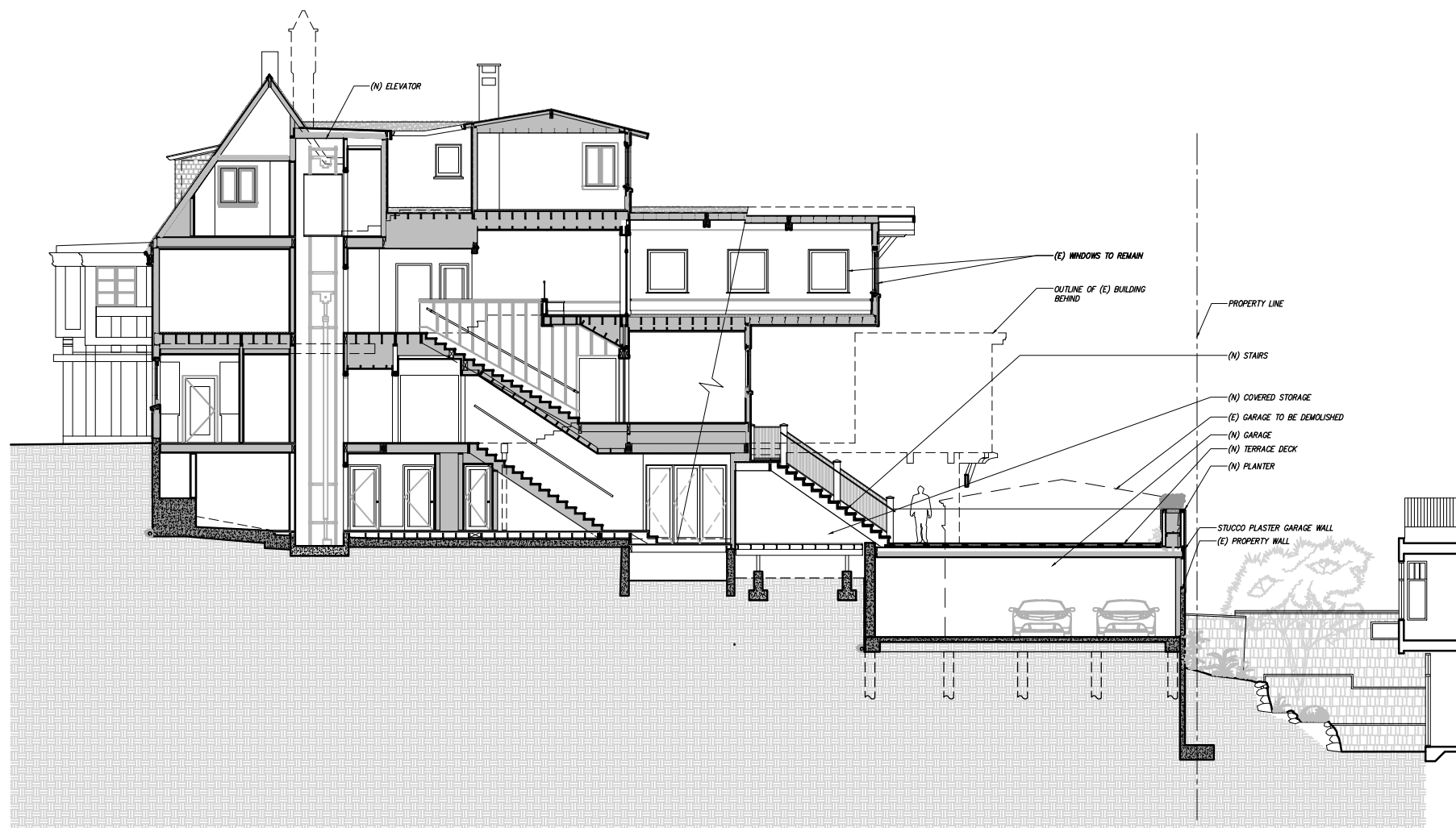
**Ike  
Kligerman  
Barkley**

1624 Franklin Street, Suite 912  
Oakland, CA 94612  
415 371 1850

**3500 Jackson Street**

APN 0970002

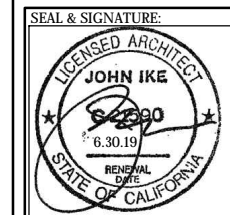
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**1** BUILDING SECTION - PROPOSED  
SCALE: 1/16" = 1'-0"

| No. | REMARKS          | DATE    |
|-----|------------------|---------|
|     | NOTIFICATION SET | 5.29.19 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



PROPOSED  
BUILDING  
SECTION

|              |           |
|--------------|-----------|
| DATE:        | 5.29.2019 |
| PROJECT No.: | 18013     |
| DRAWING BY:  | B.H.      |
| CHK BY:      | C.B. T.K. |
| DWG No.:     |           |

**A4.00**

#18.013





## DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

### Discretionary Review Requestor's Information

Name: Julie Benioff - Young

Address: 3505 Pacific Avenue

Email Address: juliebyoung@mac.com

Telephone: (415) 309-9271

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

Name: Eric Jacobs (On behalf of Joe and Sarah Gallo)

Company/Organization: GBA

Address: 201 Noe Street, San Francisco, CA 94114

Email Address: eric@gbasf.com

Telephone: (415) 377-0425

### Property Information and Related Applications

Project Address: 3500 Jackson Street

Block/Lot(s): 0970/002

Building Permit Application No(s): 201907166022

### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

| PRIOR ACTION  | YES                                 | NO                                  |
|---|-------------------------------------|-------------------------------------|
| Have you discussed this project with the permit applicant? (with the architect)   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Did you discuss the project with the Planning Department permit review planner?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Did you participate in outside mediation on this case? (including Community Boards)   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Changes Made to the Project as a Result of Mediation.<br>If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes that were made to the proposed project. |                                     |                                     |

We requested that the property owner of 3500 Jackson Street (the "Gallos") revise the Remodel project to minimize construction impacts to Mrs. Julie Benioff-Young, Mr. Adam Young and their family (the "Benioff-Young Family") who reside at 3505 Pacific Avenue but they did not respond to our requests. No information has been provided as to how they plan to avoid ongoing noise, air quality, and other construction related impacts to Ms. Benioff -Young and her Family.



## 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.

We are requesting Discretionary Review because construction of the Remodel at 3500 Jackson Street will occur within 22 feet of the residence at 3505 Pacific Avenue (See photographs in Attachment A). The windows on the upper floor of the residence at 3505 Pacific Avenue must remain open for ventilation. Please see the attached letter I submitted to the Historic Preservation Commission regarding the impacts of the remodel. No information has been provided by the property owner or the Planning Department explaining what measures will be implemented to mitigate the construction impacts to the residents of 3505 Pacific Avenue.

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

The impacts are unreasonable because construction will be within 22 feet from the bedroom windows that remain open all day for ventilation and no effort has been made by the applicant of the Remodel project to schedule the construction activities when the Benioff-Young Family is not at home so as to minimize the construction disturbance. The construction will occur over a greater footprint of disturbance than the existing building footprint and will take place up to the property line. No efforts have been made by the property owner of the 3500 Jackson Street Property to create a safe construction site and to prevent construction activities from impacting the backyard of the 3505 Pacific Avenue residence where the Benioff-Young children and pets play in the backyard. No efforts have been made by the property owner at 3500 Jackson Street to control noise and dust during construction that will occur next to the Benioff-Young Family's house. Also, the rear deck over the new garage (the Subject of the variance) will result in privacy intrusion both during construction and after construction of the deck. No effort have been made by the Gallos to avoid intrusion into the 3505 Pacific Avenue property or to mitigate operational noise disturbance associate with use of the deck.

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?

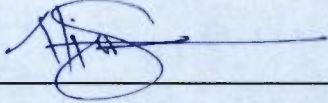
Please see the attached appeal letter addressed to the Historic Preservation Commission explaining how the footprint of the Remodel will result in even greater construction impacts to the Benioff-Young Family (See attachment B). We also asked the applicant representative to consider tenting the house, paying for the relocation of the Benioff-Young Family during the period of construction, providing notification prior to comment of construction, and timing construction to specific hours when the Benioff-Young children are in school, and/or during the summer when the Benioff-Young Family would be able to relocate without impacting their children's schooling. The applicant the Gallos and their representatives have not responded to any of our requests (See attachment C).



# DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

a) The undersigned is the DR requestor or their authorized representation.



Signature

Alicia Guerra

Name (Printed)

Attorney

(415) 227-3508

Relationship to Requestor  
(i.e. Attorney, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

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

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

September 6, 2019

Alicia Guerra  
Shareholder  
Buchalter, A Professional Corp.  
55 2nd Street, Suite 1700  
San Francisco, CA 94105

Re: Letter of Authorization

I, Julie Benioff Young, hereby authorize Ms. Alicia Guerra with Buchalter to communicate with the San Francisco Planning Department, on my behalf. Ms. Guerra has my authorization to submit a Request for Discretionary Review of the 3500 Jackson Street Building Permit application to the San Francisco Planning Department.

Thank you for your attention to this matter.

Best regards,

By

A handwritten signature in black ink, appearing to be 'Julie Benioff Young', written over a horizontal line.

Julie Benioff Young



**Moscone  
Emblidge  
& Otis LLP**

220 Montgomery St  
Suite 2100  
San Francisco  
California 94104

Ph: (415) 362-3599  
Fax: (415) 362-2006

www.mosconelaw.com

September 10, 2019

Scott Emblidge  
emblidge@mosconelaw.com

Shannon Ferguson, Planner  
San Francisco Planning Department  
1650 Mission Street, 4th Floor  
San Francisco, CA 94103

Re: Proposed Project at 3500 Jackson Street

Dear Ms. Ferguson:

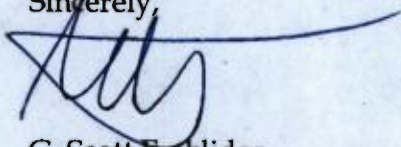
Our firm represents the owners of 3505 Pacific Street. We write in support of the discretionary review application submitted by the property's resident, Julie Young.

The owner of 3505 Pacific, Mem Bernstein and her trust, has raised with the project sponsor's team significant issues relating to privacy, drainage and construction-related impacts. After positive discussions about those issues, we provided a draft agreement to the project sponsor's team in June. Despite several emails saying that they would respond, to this date we have received no substantive feedback on the draft agreement.

Is the project sponsor willing to address the privacy, drainage and construction-related issues? We simply do not know because of a complete absence of information coming from the project sponsor's team for the last ten weeks.

Accordingly, Ms. Bernstein fully supports Ms. Young's application.

Sincerely,



G. Scott Emblidge

**ATTACHMENT A**



**Chu, Mary**

---

**From:** JULIE YOUNG <juliebyoung@mac.com>  
**Sent:** Monday, September 9, 2019 7:32 PM  
**To:** Guerra, Alicia C.  
**Subject:** Pictures for 3505 Pacific  
**Attachments:** IMG\_3761.jpg; ATT00001.txt; IMG\_3762.jpg; ATT00002.txt; IMG\_3764.jpg; ATT00003.txt; IMG\_3765.jpg; ATT00004.txt

Hi,  
Let me know if these work for you. This is my son's bedroom window. The 3rd picture has the arrows showing the direct impact of his bedroom and my office where I work all day and why we need protection from dirt and noise. Our dog uses this backyard daily. We will need to vacate (during time of the majority of the work) or have their construction site sealed with noise barriers and controlled construction hours to lessen our impact. My son has severe allergies and we need to be able to maintain safety and enjoyment of our backyard.

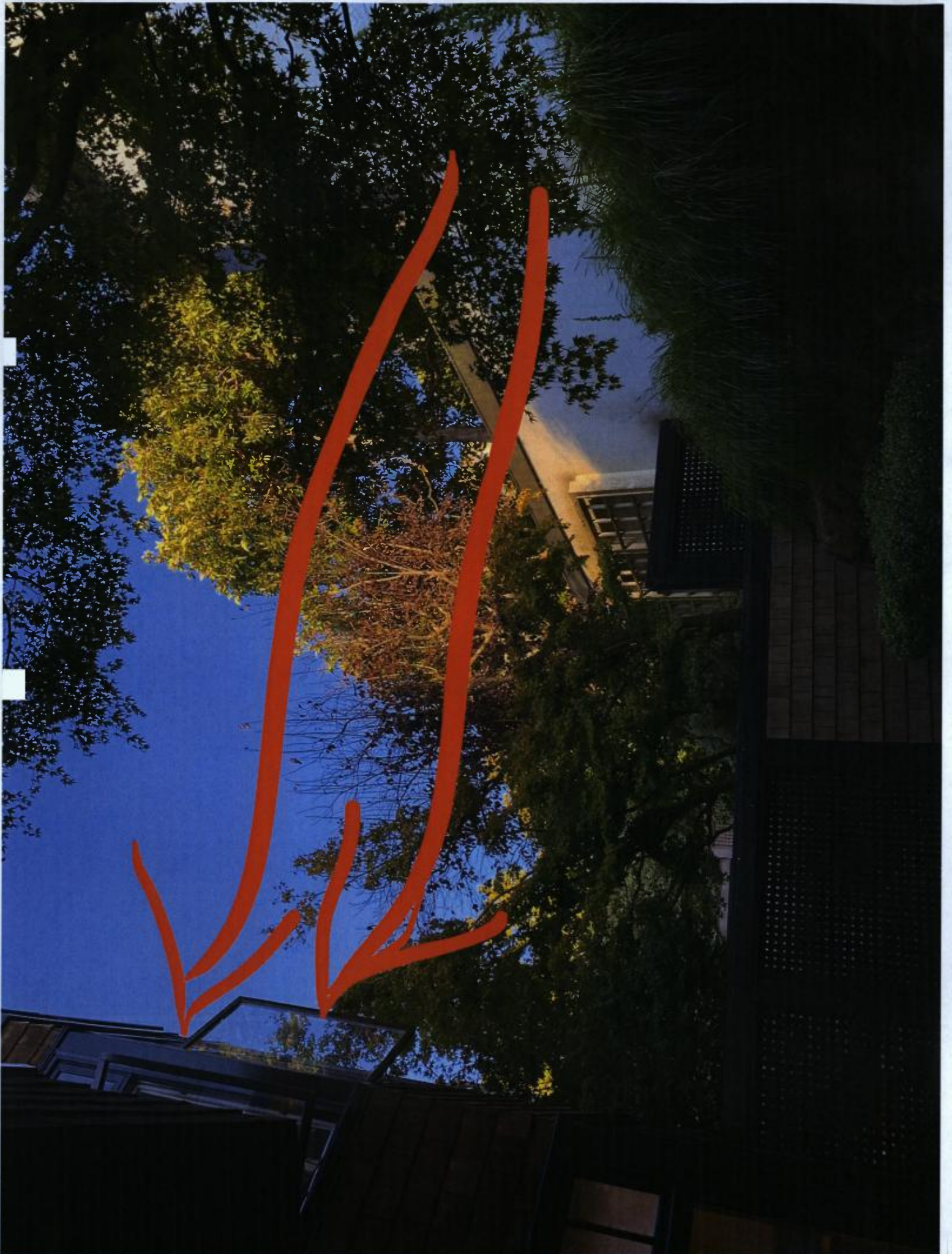




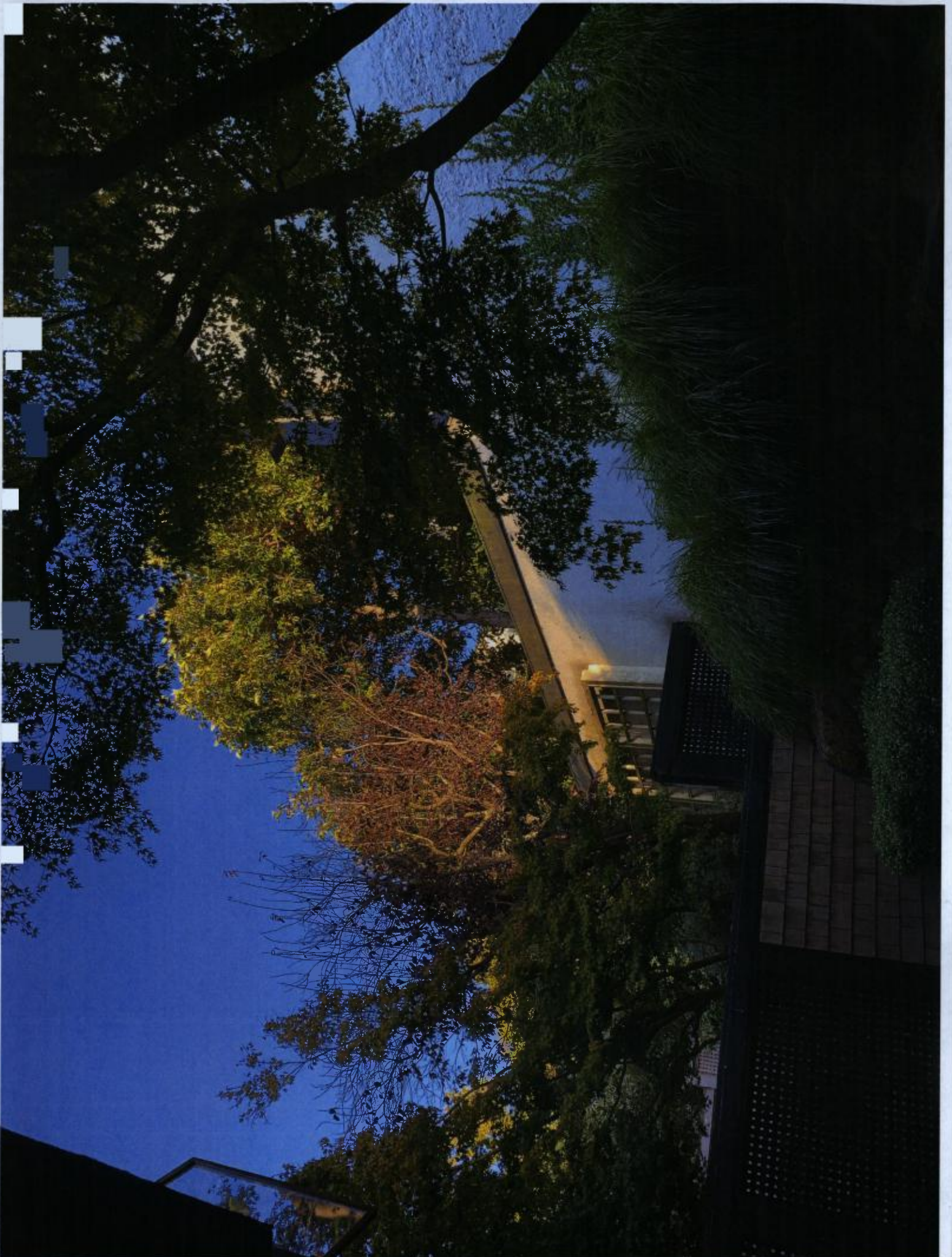














**ATTACHMENT B**



# Buchalter

55 Second Street  
Suite 1700  
San Francisco, CA 94105  
415.227.0900 Phone  
415.227.0770 Fax

File Number: B2944-0097  
415.227.3508 Direct  
aguerra@buchalter.com

July 16, 2019

President Hyland and Members of the  
San Francisco Historic Preservation Commission  
Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Agenda Items 7a and 7b - Certificate of Appropriateness for 3500 Jackson Street  
and Request for Variance for the Rear Yard Pursuant to Planning Code Section  
134 for Construction of a New Garage

Dear President Hyland and Members of the Historic Preservation Commission:

Thank you for the opportunity to submit comments concerning Nor Cal Real Estate Trust's proposed Certificate of Appropriateness and request for a variance for the above-referenced remodel at 3500 Jackson Street, San Francisco. The house is known as the Roos House and is designated as Landmark No. 56.

Buchalter represents Adam and Julie Young, the residents of the house located directly behind 3500 Jackson Street at 3505 Pacific Avenue in San Francisco ("Young Residence"). The backyard of the Young Residence and the Nor Cal Trust Residence share a retaining wall. Mr. and Mrs. Young are tenants of the house at 3505 Pacific Avenue.

On behalf of Mr. and Mrs. Young, we hereby object to Nor Cal Trust's request for a Certificate of Appropriateness and variance on the basis that the proposed remodel does not meet the Historic Preservation Commission's ("HPC") findings for issuance of a Certificate of Appropriateness and variance as discussed further below. While my client appreciates Nor Cal Trust's efforts to address the comments from the Architectural Review Committee (ARC) of the HPC regarding the proposed remodel and its revised its building plans to provide for a more traditional architecture, the proposed building modifications appear to increase the building footprint in a way that creates a more massive structure than the existing residence. The revised plans also would expand the building so the footprint is even closer to the year yard setback and construction work will occur immediately adjacent to my Client's backyard. Moreover, the proposed remodel will extend the retaining wall and excavation activities further into the rear

[buchalter.com](http://buchalter.com)

Los Angeles  
Napa Valley  
Orange County  
Sacramento  
San Diego  
San Francisco  
Scottsdale  
Seattle



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President Hyland and Members of the San Francisco  
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yard, thereby resulting in additional construction noise and air quality impacts to my Client. None of these impacts have been addressed in the Staff Report for the HPC Meeting, and for that reason, the HPC should reject, or at a minimum, continue the requested Certificate of Appropriateness and variance until the Planning Department has conducted a thorough evaluation of the impacts of the proposed remodel.

Before noting our concerns regarding the proposed remodel, I note for the HPC's consideration that the Staff Report indicated that there was no public input concerning the 3500 Jackson Street proposal. The Staff Report failed to note that the reason that there was no public input is that neither the property owner of 3505 Pacific Avenue, nor my Client (the tenant) received any prior notices of the pending action regarding the remodel until the property owner received the latest notice a couple of weeks ago regarding the HPC's July 16, 2019. Had the City/County circulated notice of the pending action, then my Client would have submitted these comments earlier to the HPC for consideration prior to the HPC's prior meeting.

## **Overview of the Remodel**

I understand that Nor Cal Trust is requesting a Certificate of Appropriateness for the demolition of an existing garage and construction of a new larger garage in conjunction with expansion and remodel of the existing home at 3500 Jackson Street. The larger garage would include a roof deck. The proposed remodel includes expansion of the building and new stairs at the west elevation, infill with a new roof at the third story on the west elevation, modification of the portecochere/carriageway, new window openings at the west and north elevations, replacement of chimneys. Interior alterations are proposed at all floors according to the July 17, 2019 Staff Report.

The property located at 3500 Jackson Street is zoned RH-1 (Residential-House, One Family) Zoning District and is within the 40-X Height and Bulk District. The proposed remodel also requires a variance because the new garage would extend into the applicable rear yard setback. Although there is no analysis in the Staff Report, the new garage and excavation into the hillside also would require improvements to the concrete retaining wall according to the diagrams included in the HPC Staff Report (see e.g., p. 9 of the HPC Presentation Dated July 17, 2019). The backyard of the Young Residence and the backyard of the Nor Cal Trust residence share the retaining wall and the proposed excavation and improvements to the retaining wall would interfere with the Young Family's use of the 3505 Pacific backyard.

**The requested expansion of the garage into the rear yard is not in harmony with the general purpose and intent of the Planning Code and the surrounding properties.**

San Francisco Planning Code Section 134 provides that variances must be in harmony with the general purpose and intent of the Planning Code, and be in accordance with the general



# Buchalter

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and specific rules contained in Section 134. Section 134 further provides that no variance shall be granted which would have an “effect substantially equivalent to a reclassification of property; or which would permit any use, any height or bulk of a building or structure, or any type or size or height of sign not expressly permitted by the provisions of this Code for the district or districts in which the property in question is located; or which would grant a privilege for which a conditional use procedure is provided by this Code; or which would change a definition in this Code.” The proposed variance also must be consistent with the General Plan.

In this case, the Staff Report accompanying the Certificate of Appropriateness and requested variance does not contain *any* information supporting why the larger garage needs to intrude into the rear yard or why the retaining wall and excavation into the hillside must occur in order to allow a substantially larger building. In this regard, the proposed activities would conflict with my Client’s use of the 3505 Pacific property. The City has not provided any information explaining how these construction-related impacts will be mitigated, and how the expanded bulk and footprint of the building would be consistent with the existing zoning of the 3500 Jackson property. Moreover, there is no information explaining how the requested revisions to the building would meet the findings for a variance. For these reasons, we respectfully request that the HPC deny the Certificate of Appropriateness and accompanying variance as further discussed below.

**The HPC has not established that there are facts sufficient to establish that there are exceptional or extraordinary circumstances that apply to the property that do not apply generally to other properties or uses in the same class of district.**

The HPC must meet certain findings for the variance. While the Staff Report accompanying the Certificate of Appropriateness documents information concerning the requested alteration to the building with respect to its compliance with the Secretary of Interior’s Standards in terms of its more traditional architecture, no information was provided in the Staff Report (and in fact the variance request did not include a staff report) explaining how the requested variance for the larger garage and building footprint encroaching into the rear yard would meet the required findings for a variance. For example, no information was provided documenting that there are “exceptional or extraordinary circumstances” that apply to 3500 Jackson Street. The existing residence already has a garage. No information was provided indicating why extraordinary circumstances apply to 3500 Jackson Street as compared to other similarly situated properties warranting that a larger garage is needed and/or that encroaching into the rear yard is justified to build this larger garage. Consequently, the HPC has not met its findings for approval of a variance. Since it has not met its findings for a variance, the Certificate of Appropriateness for the proposed remodel also must fail.



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**The HPC has not established facts sufficient to show that there are exceptional or extraordinary circumstances such that the literal enforcement of specified provisions of the Code would result in a practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.**

Again, no information was provided in the Staff Report explaining what the exceptional or extraordinary circumstances are that support a determination that by not allowing the expansion of the garage and retaining wall into the hillside, Nor Cal Trust would be adversely affected by a “practical difficulty” or “unnecessary hardship” with respect to the remodel of the residence. The residence already has a garage. We do not understand how depriving Nor Cal Trust of a bigger garage or construction of a retaining wall that encroaches into the rear yard dividing the 3500 Jackson Street property and 3505 Pacific proper would create an unnecessary hardship to Nor Cal Trust. In fact, allowing this work to proceed will create an unnecessary hardship to my client, the resident of 3505 Pacific as it would prevent them from being able to enjoy their outdoors, and it would adversely impact their family and their family pet that stays in the backyard of the residence. Moreover, it would generate noise and construction dust during the remodel – impacts that will be more disturbing due to their proximity to the neighbors’ property line. For these reasons, the HPC has not met its findings for approval of a variance. Since it has not met its findings for a variance, the Certificate of Appropriateness for the proposed remodel also must fail, and the HPC should require that any improvements remain within the existing building footprint.

**The HPC has not established facts sufficient to establish that the preservation and enjoyment of a substantial property right of the subject property.**

No information was provided in the Staff Report that the variance is necessary for the preservation and enjoyment of a substantial property right of the subject property at 3500 Jackson Street, based on the rights possessed by other property in the same class of district. The Staff Report does not contain any information regarding why Nor Cal Trust would be deprived of a substantial property right that other property owners have in the area. Thus, we do not believe the HPC has sufficient information to be able to approve the requested variance.

**The HPC has not established facts sufficient to demonstrate that the variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.**

No evidence was provided by the City in support of its findings that the proposed remodel would not result in any impacts to the public welfare. The staff report focuses on the design details but does not explain what impacts would be caused by the remodel on the surrounding property. Additionally, the Staff Report and the environmental review information



# Buchalter

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ignore the potential construction-related impacts that the proposed remodel would cause on the Young Residence and it does not contain any analysis of the potential impacts associated with the new concrete retaining wall located adjacent to and potentially encroaching into the neighbors' property. In that regard, the Staff Report indicates that the proposed alteration to a Historic Landmark would be categorically exempt from environmental review under the California Environmental Quality Act (Pub. Resources Code 21000 *et seq.*). Thus, no analysis was provided of the ongoing construction that will result in noise and air quality impacts to my client and the surrounding residents. No mitigation measures are identified to address these impacts. The City also did not evaluate the environmental impacts associated with the change in the historic context resulting from expansion of the existing building on the 3500 Jackson Street property.

For all of these reasons, we respectfully request that the Historic Preservation Commission reject this Certificate of Appropriateness and variance, or at a minimum continue the item until it has evaluated and mitigated the impacts to the Young Residence and the surrounding neighbors. The information contained in the Staff Report does not provide substantial evidence in support of a decision to grant a variance or the Certificate of Appropriateness.

We appreciate your consideration of our comments.

Sincerely,

BUCHALTER  
A Professional Corporation

By 

Alicia Guerra  
Shareholder

cc: Shannon Ferguson  
Julie Young  
Adam Young

# **ATTACHMENT C**



## Chu, Mary

---

**From:** Guerra, Alicia C.  
**Sent:** Friday, September 6, 2019 4:03 PM  
**To:** Chu, Mary  
**Subject:** FW: Question- 3500 Jackson Street Settlement Agreement

The email exchange will be included in Attachment B.

### Alicia Guerra

T (415) 227-3508  
C (925) 899-0915

---

**From:** Carl Baker [mailto:carl@ikekligermanbarkley.com]  
**Sent:** Thursday, August 15, 2019 4:05 PM  
**To:** Guerra, Alicia C. <aguerra@buchalter.com>; Joe Gallo <Joseph.Gallo@ejgallo.com>; Sarah Gallo <sarah.gallo16@gmail.com>  
**Cc:** emblidge@mosconelaw.com; Tom Kligerman <thomas@ikekligermanbarkley.com>; JULIE YOUNG <juliebyoung@mac.com>  
**Subject:** RE: Question- 3500 Jackson Street Settlement Agreement

Hi Scott and Alicia,

Thanks for your patience; the owner is consulting with counsel and will be in touch very soon.

Best regards,

Carl

---

**From:** Guerra, Alicia C. <aguerra@buchalter.com>  
**Sent:** Monday, August 12, 2019 5:57 PM  
**To:** Carl Baker <carl@ikekligermanbarkley.com>; Joe Gallo <Joseph.Gallo@ejgallo.com>; Sarah Gallo <sarah.gallo16@gmail.com>  
**Cc:** emblidge@mosconelaw.com; Tom Kligerman <thomas@ikekligermanbarkley.com>; JULIE YOUNG <juliebyoung@mac.com>  
**Subject:** RE: Question- 3500 Jackson Street Settlement Agreement

Hi Carl,

Thank you, again for the clarification regarding the distance between 3505 Jackson Street and the proposed construction. I am following up regarding the status of the 3500 Jackson Street Settlement Agreement because we have not received a response regarding the requested revisions to the agreement. Perhaps Mr. and Mrs. Gallo responded to Scott Emblidge? Does this mean that the requested revisions are acceptable? Do you have any information regarding the temporary construction barrier and the requested relocation of my clients during the construction?

Please advise regarding status.

Thank you,



Alicia

## Buchalter

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**Alicia Guerra**

Shareholder

T (415) 227-3508

[aguerra@buchalter.com](mailto:aguerra@buchalter.com)

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55 Second Street, Suite 1700

San Francisco, CA 94105-3493

[www.buchalter.com](http://www.buchalter.com) | [Bio](#) | [LinkedIn](#)

---

**From:** Carl Baker [<mailto:carl@ikekligermanbarkley.com>]

**Sent:** Wednesday, July 31, 2019 12:15 PM

**To:** Guerra, Alicia C. <[aguerra@buchalter.com](mailto:aguerra@buchalter.com)>; Joe Gallo <[Joseph.Gallo@ejgallo.com](mailto:Joseph.Gallo@ejgallo.com)>; Sarah Gallo <[sarah.gallo16@gmail.com](mailto:sarah.gallo16@gmail.com)>

**Cc:** [emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com); Tom Kligerman <[thomas@ikekligermanbarkley.com](mailto:thomas@ikekligermanbarkley.com)>

**Subject:** RE: Question- 3500 Jackson Street Settlement Agreement

Good afternoon Alicia,

In response to your questions from Monday: at the Garage, the lower masonry retaining wall will along the North property line will remain (we will reinforce it from our side of this existing wall), and the upper stucco portion will be replaced with a new stucco wall that will match the existing wall's color/ finish. Our measurements from our site survey from early in the year indicates about 22' distance between this existing garage wall and the forward-most bay windows at the bedrooms of 3505 Jackson street. This dimension will not be affected/ changed by our proposed project. We've been discussing options with the contractor for a robust temporary construction barrier between 3500 Jackson and 3505 Pacific/ 1 Locust to minimize impact on those 2 properties.

Thank you and Best regards,

Carl

---

**From:** Guerra, Alicia C. <[aguerra@buchalter.com](mailto:aguerra@buchalter.com)>

**Sent:** Monday, July 29, 2019 8:20 PM

**To:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>; Joe Gallo <[Joseph.Gallo@ejgallo.com](mailto:Joseph.Gallo@ejgallo.com)>; Sarah Gallo <[sarah.gallo16@gmail.com](mailto:sarah.gallo16@gmail.com)>

**Cc:** [emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com); Tom Kligerman <[thomas@ikekligermanbarkley.com](mailto:thomas@ikekligermanbarkley.com)>

**Subject:** RE: Question- 3500 Jackson Street Settlement Agreement

Thank you, Carl. I appreciate it. Any information you can provide regarding distances between the construction and the bedroom window facing the year yard would be greatly appreciated. In the meantime, I look forward to finalizing the agreement with Mr. and Mrs. Gallo.

Alicia



# Buchalter

---

**Alicia Guerra**

Shareholder

T (415) 227-3508

[aguerra@buchalter.com](mailto:aguerra@buchalter.com)

---

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---

**From:** Carl Baker [<mailto:carl@ikekligermanbarkley.com>]

**Sent:** Monday, July 29, 2019 6:38 PM

**To:** Guerra, Alicia C. <[aguerra@buchalter.com](mailto:aguerra@buchalter.com)>; Joe Gallo <[Joseph.Gallo@ejgallo.com](mailto:Joseph.Gallo@ejgallo.com)>; Sarah Gallo <[sarah.gallo16@gmail.com](mailto:sarah.gallo16@gmail.com)>

**Cc:** [emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com); Tom Kligerman <[thomas@ikekligermanbarkley.com](mailto:thomas@ikekligermanbarkley.com)>

**Subject:** Re: Question- 3500 Jackson Street Settlement Agreement

Good Evening Alicia,

Thanks for the email and I'm cc'ing Joe and Sarah, the owners of 3500 Jackson as I don't want to be a bottleneck in the communication process. I also forwarded your email from last Friday to them, and I know they are getting up -to-date after their summer travels.

I'm not the best person to answer questions about the agreement that Scott Emblidge sent to us, however I can try to be of help on the architecture side; I was in meetings all day today but will provide a response regarding distances etc. tomorrow when I'm back in the office.

Thank you and enjoy this wonderful summer evening,

Carl

**Carl Baker**

Ike Kligerman Barkley

Sent from my iPhone

On Jul 29, 2019, at 9:09 AM, Guerra, Alicia C. <[aguerra@buchalter.com](mailto:aguerra@buchalter.com)> wrote:

Good morning Carl,

I represent Julie and Adam Young, the tenants of Mem's property at 3505 Pacific Avenue. As we discussed after the HPC hearing on July 17<sup>th</sup>, I understood that your clients were reviewing the draft Settlement Agreement that Scott Emblidge forwarded to you. Per my email from this weekend, can you let me know the status of the agreement?

Secondly, we are still trying to understand the extent of the construction activity that will occur in the rear yard and the proximity of the retaining wall to the house at 3505 Pacific. I understand from your



comments after the hearing that the retaining wall will be on the 3500 Jackson Street side of the property line, but it still appears that the renovation to the structure will be right up against the windows of the Young residence according to the Proposed Rear Yard sheet A.4.03. Can you confirm the distance between the proposed construction at 3500 Jackson and 3505 Pacific? How do you plan to prevent the construction impacts from affecting the Young family as they use the backyard and their son's bedroom is directly impacted?

We would like to address these issues in the settlement agreement but have not received any response to the draft that Scott Emblidge circulated. Any information you can provide would be greatly appreciated.

Thank you,

Alicia Guerra, Shareholder  
Buchalter

## Buchalter

---

**Alicia Guerra**  
Shareholder  
T (415) 227-3508  
[aguerra@buchalter.com](mailto:aguerra@buchalter.com)

---

55 Second Street, Suite 1700  
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[www.buchalter.com](http://www.buchalter.com) | [Bio](#) | [LinkedIn](#)

---

**From:** Scott Emblidge [<mailto:emblidge@mosconelaw.com>]  
**Sent:** Wednesday, June 26, 2019 10:52 AM  
**To:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>  
**Cc:** Guerra, Alicia C. <[aguerra@buchalter.com](mailto:aguerra@buchalter.com)>  
**Subject:** RE: Question

Carl,

Attached is a draft agreement for your review. I've copied Alicia Guerra on this email because she is the attorney advising Julie Young, who resides in Mem's home. (I believe you have met Julie at least once.) Alicia participated in the drafting of this document. Please share this document with your team and let us know if you have any questions or concerns.

Scott

---

**From:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>  
**Sent:** Tuesday, June 25, 2019 9:34 AM  
**To:** Scott Emblidge <[emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com)>  
**Subject:** RE: Question

Hi Scott,



Enclosed is the current HPC set; from the previous version (sheets also enclosed) the style of the Garage changed (we had a much more modern interpretation, but the city forced us into a more historic/referential approach). This hasn't changed the siteline studies (see G.2.04) nor has it changed the heights of the garage roof deck and planter.

We are keeping the wall that currently is the north garage wall alongside Mem's property, and just building to the inside and on top of it, and so we shouldn't be disturbing the ground plane at Mem's house. This means that lower masonry portion of the wall that Mem's house currently looks at will not be removed for construction; so planting on her side should not be affected and it should keep the impact to Julie's family reduced to some degree. At some point we may need access/ scaffolding on Mem's side so the standard best practices for working on a neighbor's side will be implemented, however I'd really like to strategize with the GC to treat this as much as possible as a blind-side construction project and impact Julie as little as possible. Keeping this existing masonry wall and the ground plane at Mem's side of the property should also allay some concerns about drainage etc, as we will not be disrupting those surfaces.

Other changes we've been forced into is a reduced expansion towards the West (does not affect Mem's property in any way and is a reduced impact overall to the project) as well as some ground plane changes along the west property line up near Jackson street where they are asking us to maintain the original feel of the port-cochere.

I'd be really quite happy to review over a GoTo if that is at all desirable on your part.

Thanks very much and hope all is well,

Carl

---

**From:** Scott Emblidge <[emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com)>  
**Sent:** Tuesday, June 25, 2019 8:57 AM  
**To:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>  
**Subject:** RE: Question

Carl,

Can you tell me how the plans have changed from those that we collectively reviewed several months ago?

Scott

---

**From:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>  
**Sent:** Monday, June 24, 2019 8:03 PM  
**To:** Scott Emblidge <[emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com)>  
**Subject:** FW: Question

Hi Scott

Sorry for the lag on this; engineers contact info below: meant to forward but in this busy spring this got away from me.



Related to this: we finally in the past weeks dialed in on what planning is going to (hopefully) let us do; very similar to what we've been planning but scaled back a bit on the West side from what we'd proposed.

I'll forward the updated plans to all the neighbors and include you as a preview to the 311 notification that is going out this week (which also kicks off our 30 day neighbor notification period); do you think we can get a copy of that letter that you had mentioned back at the end of March sent over to Joe and Sarah so that their lawyers can review and we can get that process going?

Thanks and I hope your summer is going well; and let me know if you'd like to do a quick screenshare/GoTo meeting (or in-person meeting) to review where the project currently stands.

Thanks and Best regards,

Carl

---

**From:** Ben Handy <[ben@ikekligermanbarkley.com](mailto:ben@ikekligermanbarkley.com)>  
**Sent:** Friday, March 29, 2019 9:57 AM  
**To:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>  
**Subject:** RE: Question

**Civil:**  
Michael Tarnoff  
Tarnoff Engineering Corporation  
1442-A Walnut Street, #428  
Berkeley, CA 94709  
(415) 279-5996  
[michael@tarnoffengineering.com](mailto:michael@tarnoffengineering.com)  
[www.tarnoffengineering.com](http://www.tarnoffengineering.com)

**Structural:**  
Ellen Huang, SE, LEED AP  
415 471 2163 (Direct)  
GFDS Engineers  
99 Green Street, Third Floor  
San Francisco, CA 94111  
415 512 1301 (Main)  
[gfdseing.com](http://gfdseing.com)

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**From:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>  
**Sent:** Thursday, March 28, 2019 8:28 PM  
**To:** Ben Handy <[ben@ikekligermanbarkley.com](mailto:ben@ikekligermanbarkley.com)>  
**Subject:** Fwd: Question

Ben, can you list the engineers (civil and structural) and contact numbers for me?

Thank you!

Carl Baker  
Ike Kligerman Barkley



Sent from my iPhone

Begin forwarded message:

**From:** Scott Emblidge <[emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com)>  
**Date:** March 28, 2019 at 5:35:33 PM PDT  
**To:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>  
**Subject:** Re: Question

Carl,

i've been asked for the names of your engineering team. Can you get those names to me?

Scott

---

**From:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>  
**Sent:** Tuesday, March 12, 2019 9:26 AM  
**To:** Scott Emblidge  
**Cc:** Eric Jacobs  
**Subject:** RE: Question

NP Scott- and I hope your vacation was relaxing and full of family/ fun.

Carl

---

**From:** Scott Emblidge <[emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com)>  
**Sent:** Tuesday, March 12, 2019 9:21 AM  
**To:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>  
**Cc:** Eric Jacobs <[eric@gbasf.com](mailto:eric@gbasf.com)>  
**Subject:** RE: Question

Carl,

I was on vacation for two weeks. I hope to have a draft to you by the end of this week.

Scott

---

**From:** Carl Baker <[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)>  
**Sent:** Thursday, March 07, 2019 8:47 AM  
**To:** Scott Emblidge <[emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com)>  
**Cc:** Eric Jacobs <[eric@gbasf.com](mailto:eric@gbasf.com)>  
**Subject:** Re: Question

Good morning Scott,

Joe Gallo asked me yesterday where the status of the agreement stands; I told him I'd follow up with you and let him know this week of any progress on that front.

Thanks very much,



Carl Baker  
Ike Kligerman Barkley  
Sent from my iPhone

On Feb 8, 2019, at 8:16 PM, Scott Emblidge <[emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com)> wrote:

Thanks

Sent from my iPhone

On Feb 8, 2019, at 7:21 PM, Carl Baker  
<[carl@ikekligermanbarkley.com](mailto:carl@ikekligermanbarkley.com)> wrote:

Hi Scott- happy Friday!

Below is what I've used for public documents, but I can confirm if that's what they want on this agreement:

If you could please use as 'owner':

- The Nor Cal Real Estate Trust

For contact:

- Sarah Gallo
- [Sarah.Gallo16@gmail.com](mailto:Sarah.Gallo16@gmail.com)
- Phone: [415.513.3594](tel:415.513.3594)

Thanks,

Carl Baker  
Ike Kligerman Barkley  
Sent from my iPhone

On Feb 8, 2019, at 10:24 AM, Scott Emblidge  
<[emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com)> wrote:

In drafting an agreement it occurred to me that I don't know who actually owns 3500 Jackson. Is it a trust, or your clients (whose names I can't recall) personally? Thanks.

Scott Emblidge

**Moscone Emblidge & Otis LLP**  
220 Montgomery Street, Suite 2100,  
San Francisco, California 94104  
Phone 415.362.3599 | Fax  
415.362.2006 | Email:  
[emblidge@mosconelaw.com](mailto:emblidge@mosconelaw.com)



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<2019 06 26 DRAFT Settlement Agmt.docx>

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# ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

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

November 22, 2019

## **VIA EMAIL**

Myrna Melgar, President  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
c/o David Winslow, Principal Architect  
[david.winslow@sfgov.org](mailto:david.winslow@sfgov.org)

Re: Project Sponsor's response to request for Discretionary Review  
3500 Jackson Street  
Case No. 2018-013697DRP

Dear President Melgar and Commissioners:

Our office represents the owner of 3500 Jackson Street. The proposed project is a sensitive remodel of an existing single-family home. It has already undergone a significant amount of review, including receiving a Certificate of Appropriateness from the Historic Preservation Commission and a Variance from the Zoning Administrator.

Although the DR Requestor's concerns are not Planning issues per se (e.g., construction noise and dust), we are working with her counsel collaboratively to resolve these concerns, and we hope to conclude that process shortly without the need for a hearing.

Thank you for your time and attention to this matter.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC



---

Ryan J. Patterson



| No. | REMARKS        | DATE      |
|-----|----------------|-----------|
| 1   | PLANNING SUB   | 9.11.18   |
| 2   | PLANNING REV 1 | 3.22.2019 |
| 3   | PLANNING REV 2 | 4.19.2019 |
| 4   | HPC HEARING    | 7.17.2019 |

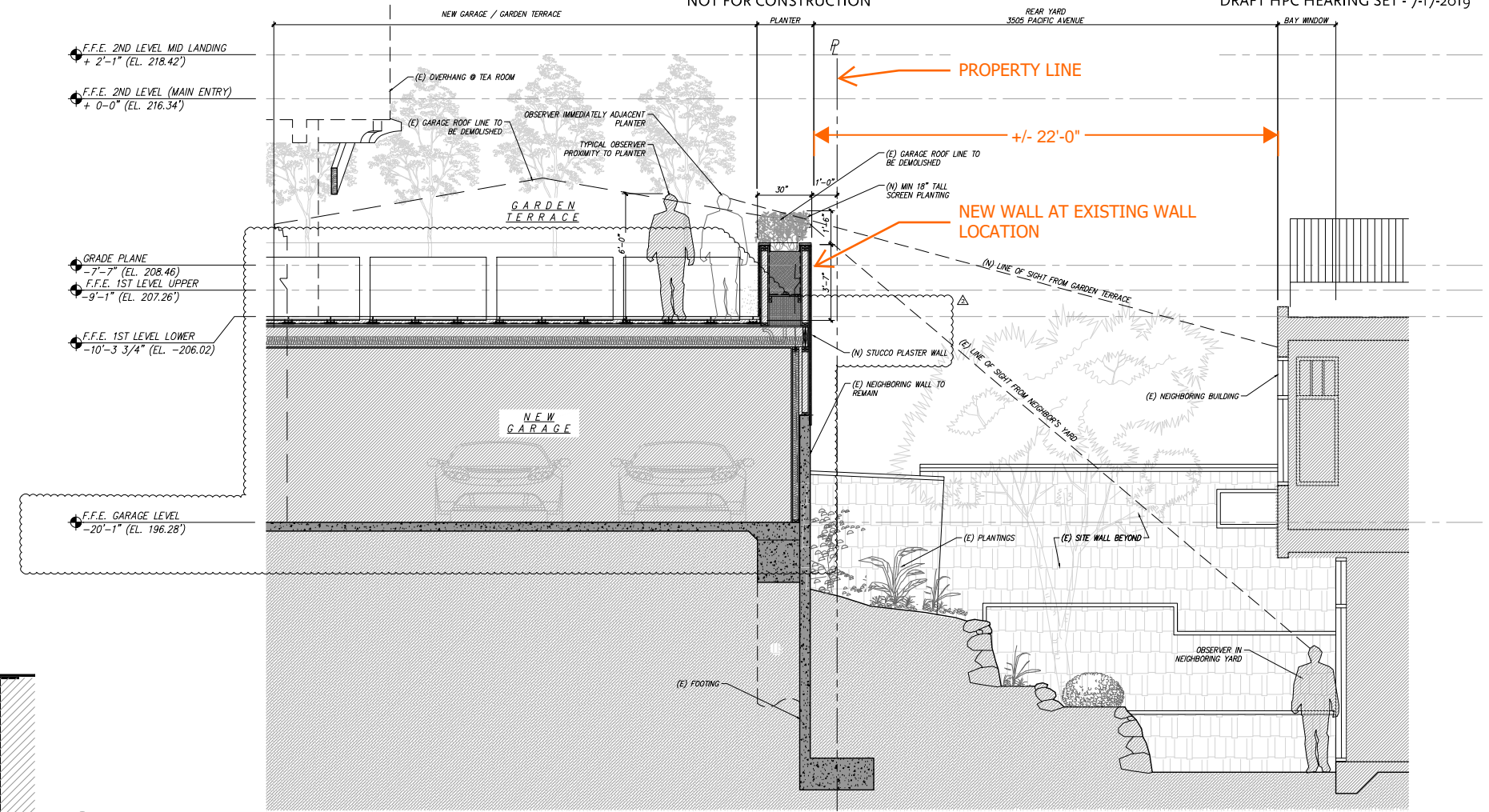
PROJECT:  
 3500 Jackson Street  
 San Francisco, CA 94118



SIGHT LINE DIAGRAM

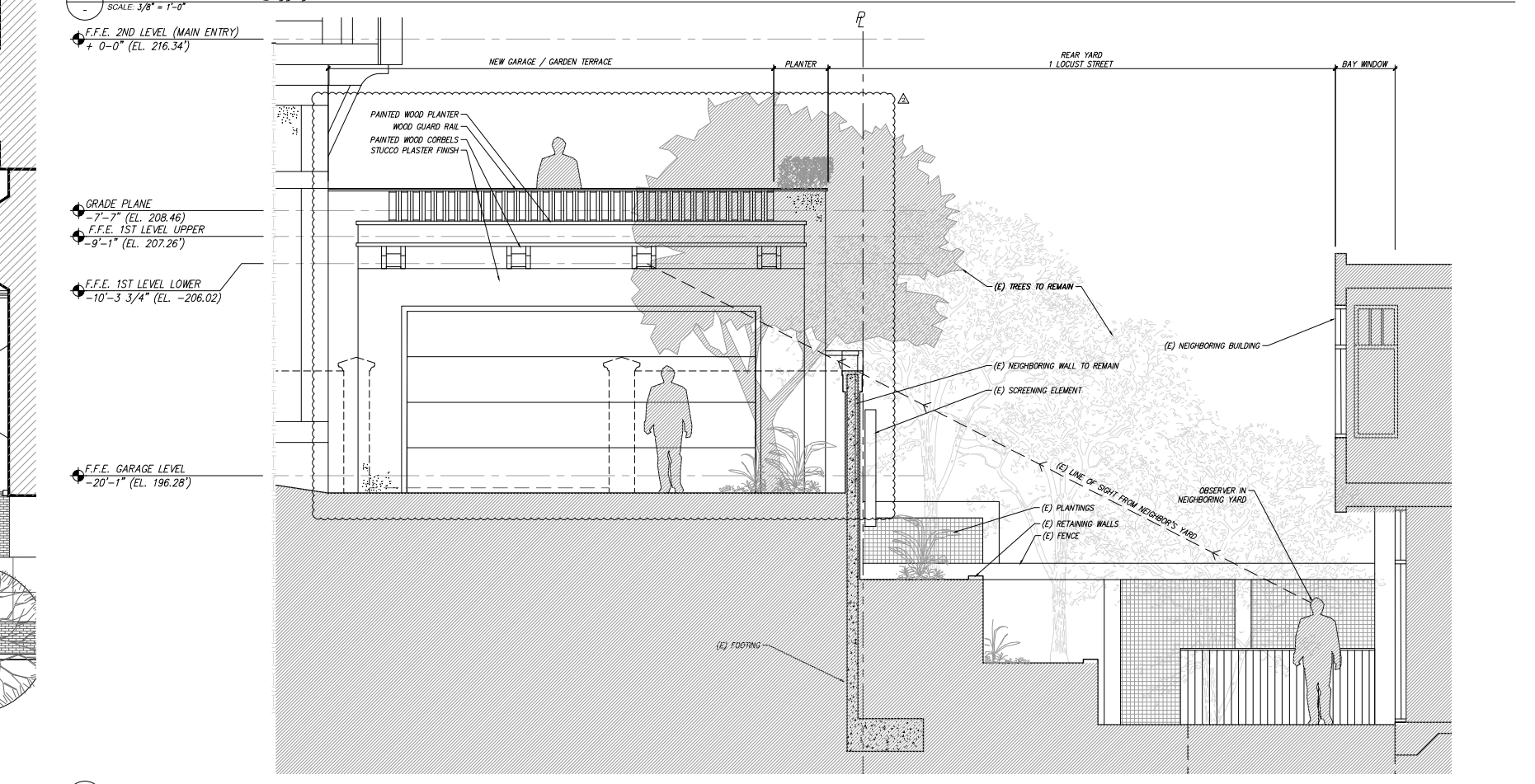
|              |                |
|--------------|----------------|
| DATE:        | 3.22.2019      |
| PROJECT No.: | 18013          |
| DRAWING BY:  | B.H.           |
| CHK BY:      | T.V. C.B. T.K. |
| DWG No.:     |                |

- ◆ F.F.E. 2ND LEVEL MID LANDING + 2'-1" (EL. 218.42')
- ◆ F.F.E. 2ND LEVEL (MAIN ENTRY) + 0'-0" (EL. 216.34')
- ◆ GRADE PLANE - 7'-7" (EL. 208.46)
- ◆ F.F.E. 1ST LEVEL UPPER - 9'-1" (EL. 207.26')
- ◆ F.F.E. 1ST LEVEL LOWER - 10'-3 3/4" (EL. -206.02)
- ◆ F.F.E. GARAGE LEVEL - 20'-1" (EL. 196.28')

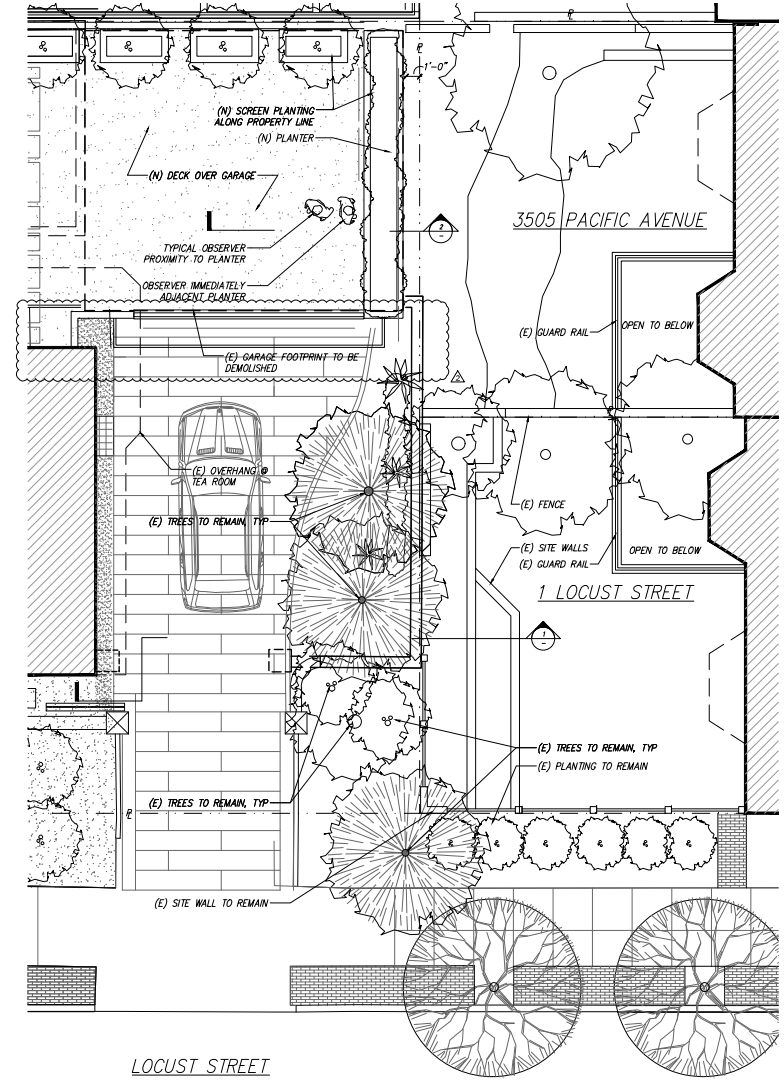


2 PROPOSED SECTION @ 3505 PACIFIC AVENUE  
 SCALE: 3/8" = 1'-0"

- ◆ F.F.E. 2ND LEVEL (MAIN ENTRY) + 0'-0" (EL. 216.34')
- ◆ GRADE PLANE - 7'-7" (EL. 208.46)
- ◆ F.F.E. 1ST LEVEL UPPER - 9'-1" (EL. 207.26')
- ◆ F.F.E. 1ST LEVEL LOWER - 10'-3 3/4" (EL. -206.02)
- ◆ F.F.E. GARAGE LEVEL - 20'-1" (EL. 196.28')



1 PROPOSED SECTION @ 1 LOCUST STREET  
 SCALE: 3/8" = 1'-0"



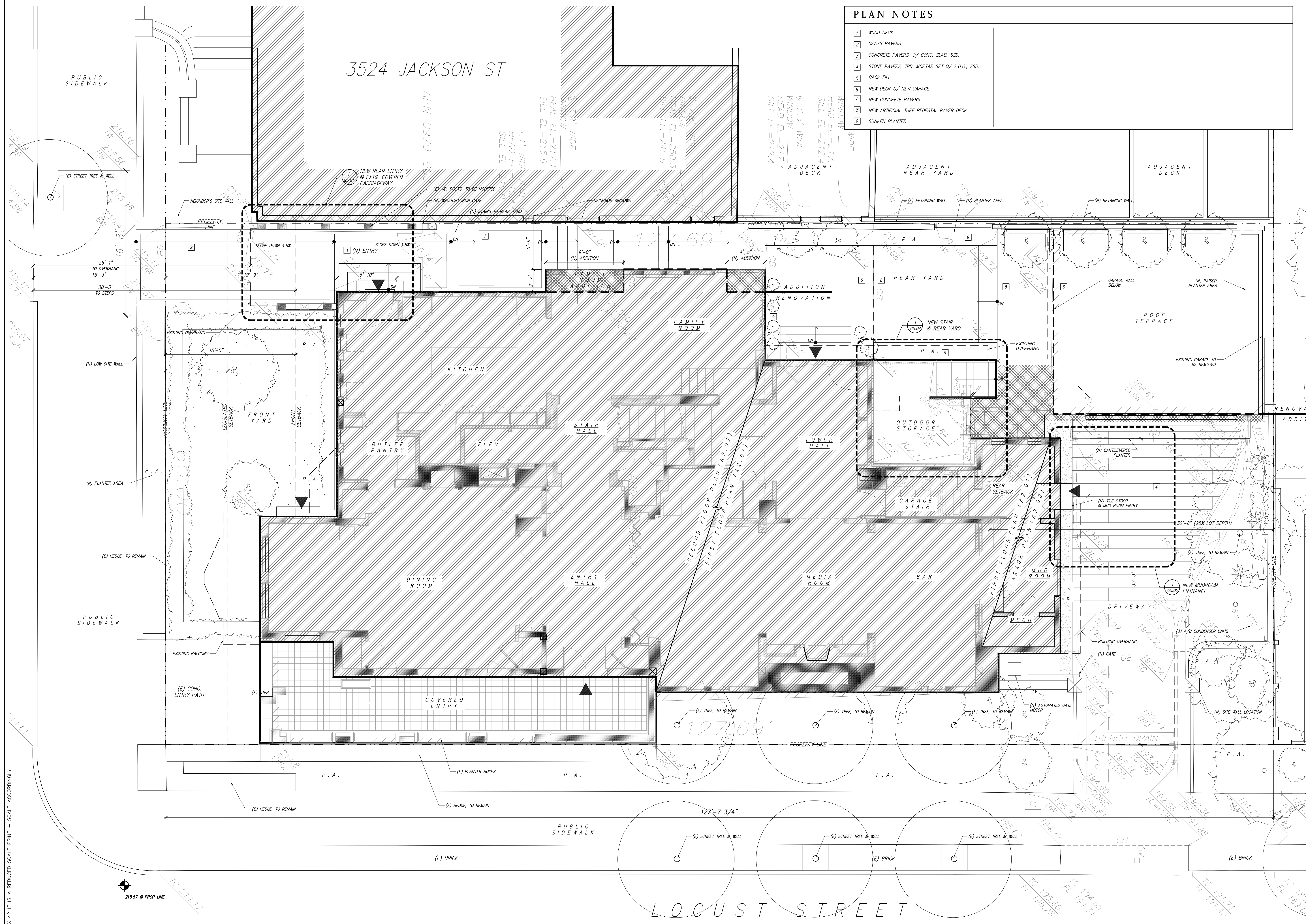
3 REFERENCE SITE PLAN  
 SCALE: 3/16" = 1'-0"

IF THIS SHEET IS NOT 30 X 42 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY



PLAN NOTES

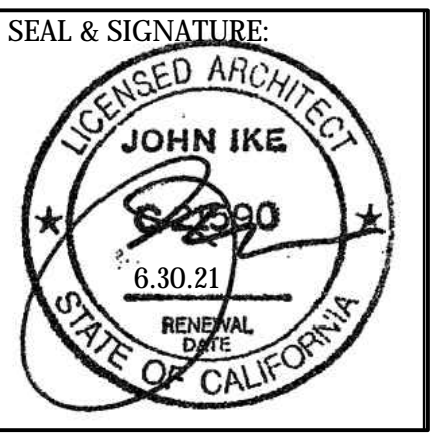
- 1 WOOD DECK
- 2 GRASS PAVERS
- 3 CONCRETE PAVERS, O/ CONC. SLAB, SSD.
- 4 STONE PAVERS, TBD. MORTAR SET O/ S.O.G., SSD.
- 5 BACK FILL
- 6 NEW DECK O/ NEW GARAGE
- 7 NEW CONCRETE PAVERS
- 8 NEW ARTIFICIAL TURF PEDESTAL PAVEMENT DECK
- 9 SUNKEN PLANTER



1 SITE PLAN  
SCALE: 3/16" = 1'-0"

| No. | REMARKS        | DATE      |
|-----|----------------|-----------|
| 1   | PLANNING SUB   | 9.11.18   |
| 2   | PLANNING REV 1 | 3.22.2019 |
| 3   | PLANNING REV 2 | 4.19.2019 |
| 4   | HPC HEARING    | 7.17.2019 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



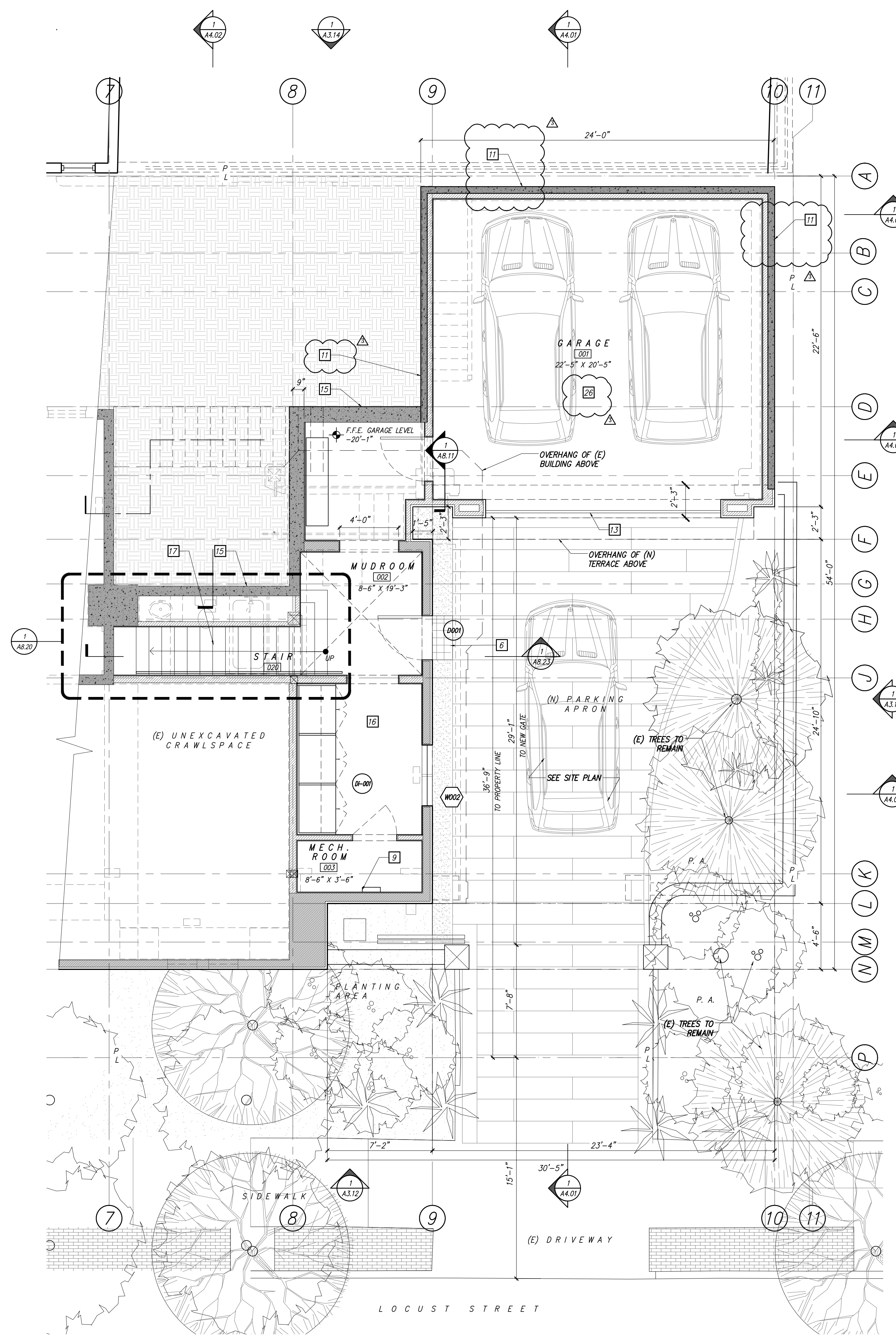
SITE PLAN

DATE: 3.22.2019  
PROJECT No.: 18013  
DRAWING BY: B.H.  
CHK BY: T.V.C.B.T.K.  
DWG No.:

A1.01

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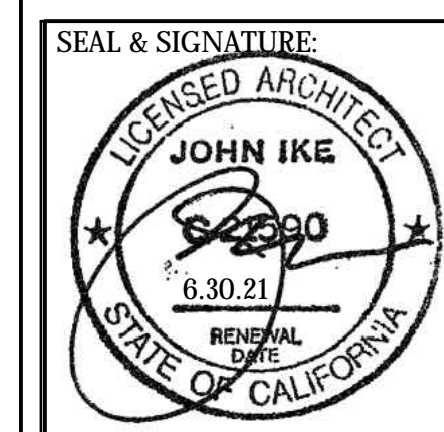
1 GARAGE LEVEL PLAN  
A2.00 SCALE: 1/4" = 1'-0"

IF THIS SHEET IS NOT 30 X 42, IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

| GENERAL NOTES    | PLAN LEGEND   | PLAN KEY NOTES   |  |   |  |  |   |
|------------------|---|--|--|---|--|--|---|
| <p>A. NOTE 1</p> | <p>EXISTING FRAMED WALLS TO REMAIN<br/>NEW FRAMED WALLS<br/>NEW CONCRETE WALLS: S.S.D.<br/>PREVIOUS CONSTRUCTION: SEE DEMO PLAN<br/>WINDOW TAG: SEE WINDOW SCHEDULE<br/>DOOR TAG: SEE DOOR SCHEDULE</p> | <p>1 (N) TOILETS TO BE 1.28 GPF MAX.<br/>2 (N) SHOWERHEADS TO BE 2.0 GPM @ 80 PSI MAX.<br/>3 (N) LAVATORY FAUCETS TO BE 1.2 FPM @ 60 PSI MAX.<br/>4 (N) KITCHEN FAUCETS TO BE 1.8 GPM @ 60 PSI MAX.<br/>5 (N) EXTERIOR FRAMED STAIRS<br/>6 (N) TILE O/ CONCRETE SLAB: SEE FINISH SCHEDULE<br/>7 (N) RADIANT HEATING BELOW (N) FLOOR FINISH: SEE MEP<br/>8 (N) ROPED HYDRAULIC ELEVATOR (4 STORIES)</p> | <p>9 (N) RELOCATED MAIN ELECTRICAL PANEL<br/>10 (N) RUBBER GYM FLOOR<br/>11 (E) CONCRETE RETAINING WALL TO REMAIN<br/>12 (N) PLANTER BOX TO MATCH (E)<br/>13 (N) GARAGE DOOR<br/>14 REBUILD (N) CHIMNEY TO MATCH (E)<br/>15 (N) CONCRETE RETAINING WALL &amp; INFILL<br/>16 EXCAVATED CRAWLSPACE: NEW SLAB, WALLS, FLOORING, &amp; WATERPROOFING</p> | <p>17 (N) INTERIOR STAIRS<br/>18 (N) FLOOR FINISH O/ (E) STAIRS<br/>19 (N) TERRACE &amp; PLANTED ROOF<br/>20 (N) STONE PAVERS &amp; LANDSCAPING<br/>21 (N) ARTIFICIAL TURF<br/>22 (N) 42" TOWN &amp; COUNTRY DIRECT VENT FIREPLACE (TC42)<br/>23 (N) FLOOR FRAMING: S.S.D.<br/>24 (N) TILE O/ (N) CONCRETE STAIRS</p> | <p>25 (E) ROOMS TO BE PRESERVED &amp; RESTORED<br/>26 (N) SLAB ON GRADE: S.S.D.<br/>27 (N) SURROUND AT (E) FIREBOX<br/>28 (N) GATE, WROUGHT IRON TO MATCH (E)<br/>29 (N) TILE: SEE FINISH SCHEDULE<br/>30 (N) GLASS GUARDRAIL<br/>31 (E) FLUE<br/>32 (N) SOAKING TUB</p> | <p>33 (N) STRUCTURAL SUPPORT FOR CHIMNEY T.R.<br/>34 (N) FLOOR AT DEMOLISHED STAIRS<br/>35 (N) ENCLOSURE<br/>36 (N) ROOF<br/>37 (E) SKYLIGHT TO REMAIN<br/>38 (E) CHIMNEY TO REMAIN<br/>39 (N) DIRECT VENT GAS FIREPLACE<br/>40 (N) SKYLIGHT</p> | <p>41 INFILL (E) WINDOW @ INTERIOR, EXT. WINDOW TREATMENT TO REMAIN<br/>42 NOT USED<br/>43 RESTORED REAR STAIR<br/>45 (N) BUILT IN PLANTER<br/>46 RESTORED PARAPET WALL<br/>47 NEW PONY WALL<br/>48 (N) FLOOR FINISH<br/>49 REPAIR &amp; REGROUT (E) TILE</p> |

| No. | REMARKS        | DATE      |
|-----|----------------|-----------|
|     | PLANNING SUB   | 9.11.18   |
| 1   | PLANNING REV 1 | 3.22.2019 |
| 2   | PLANNING REV 2 | 4.19.2019 |
| 3   | HPC HEARING    | 7.17.2019 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



PROPOSED GARAGE LEVEL

DATE: 3.22.2019  
PROJECT No.: 18013  
DRAWING BY: B.H.  
CHK BY: T.V. C.B. T.K.  
DWG No.:

A2.00



Ike Kligerman Barkley

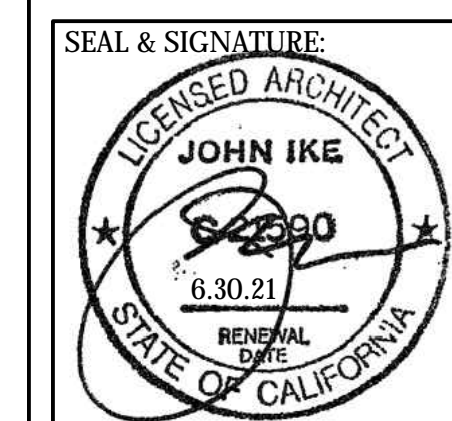
1624 Franklin Street, Suite 912  
Oakland, CA 94612  
415 371 1850

3500 Jackson Street

APN 0970002

| No. | REMARKS        | DATE      |
|-----|----------------|-----------|
|     | PLANNING SUB   | 9.11.18   |
| 1   | PLANNING REV 1 | 3.22.2019 |
| 2   | PLANNING REV 2 | 4.19.2019 |
| 3   | HPC HEARING    | 7.17.2019 |
|     |                |           |
|     |                |           |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



GARAGE VIGNETTE RENDERINGS

DATE: 3.22.2019  
PROJECT No.: 18013  
DRAWING BY: B.H.  
CHK BY: T.V. C.B. T.K.  
DWG No.:

G5.03

#18.013



2 PHOTO: EXISTING GARAGE  
SCALE: NTS

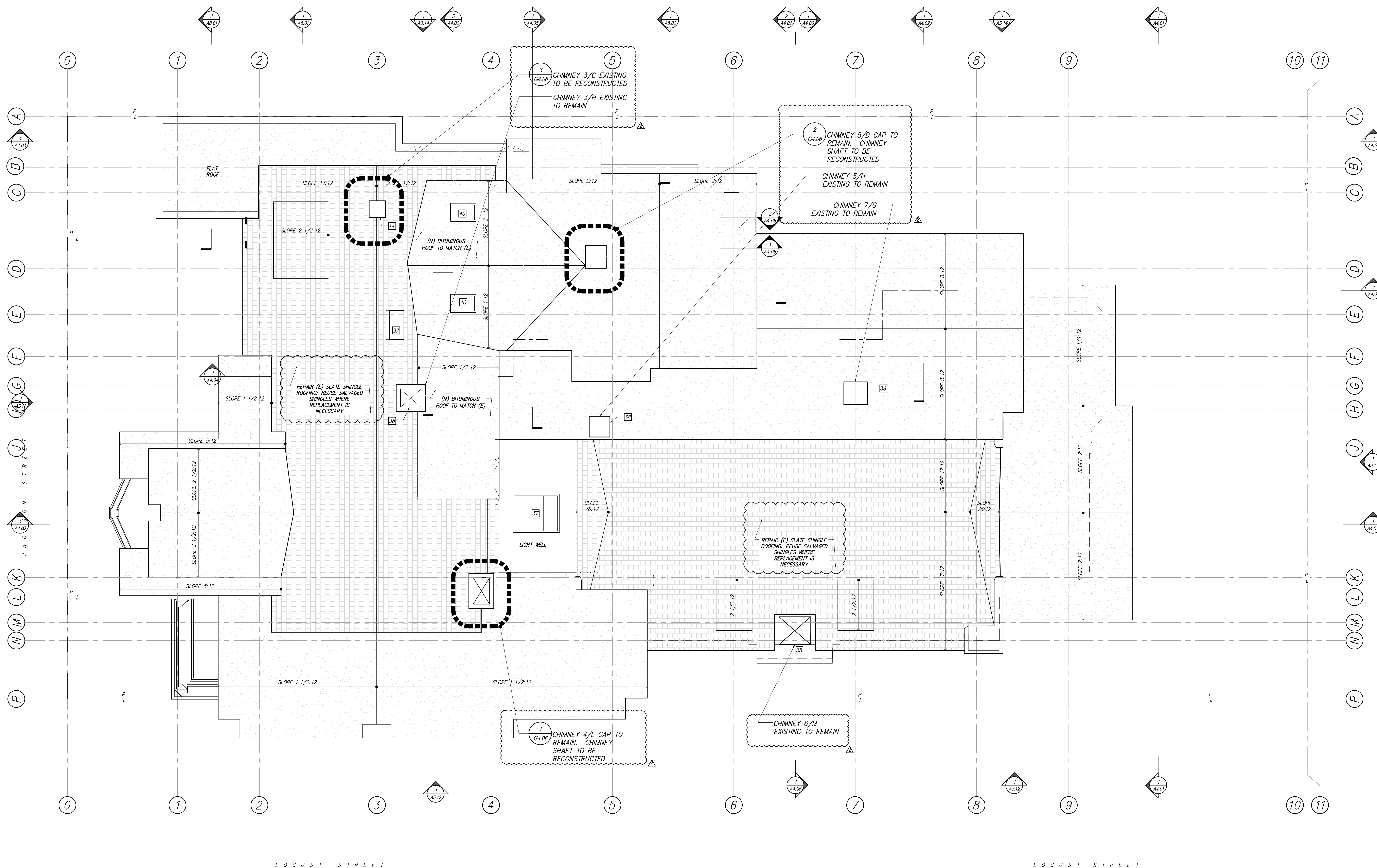


1 RENDERING: PROPOSED GARAGE  
SCALE: NTS

SCOPE NOTES

- 1 EXISTING GARAGE TO BE DEMOLISHED
- 2 EXISTING SITE STAIRS TO BE DEMOLISHED
- 3 EXISTING LANDSCAPING TO BE DEMOLISHED
- 4 EXISTING DRIVEWAY TO BE DEMOLISHED
- 5 NEW CONCRETE PAVER DRIVEWAY
- 6 NEW TERRACE DECK OVER NEW GARAGE
- 7 NEW WOOD PICKET GUARDRAIL
- 8 EXISTING EXTERIOR WD BRACKETRY TO REMAIN
- 9 NEW MUDROOM ENTRANCE
- 10 NEW LANDSCAPING
- 11 NEW PAINTED WOOD TRIM
- 12 NEW GARAGE DOOR
- 13 NEW PAINTED WOOD CORBELS
- 14 NEW PLANTER & LANDSCAPING AT GARAGE PARAPET
- 15 NEW PLASTER GARAGE WALL
- 16 NEW PAINTED WOOD TRIM TO MATCH EXISTING





1 ROOF PLAN  
A2.04 SCALE: 1/4" = 1'-0"

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GENERAL NOTES

A. NOTE 1

PLAN LEGEND

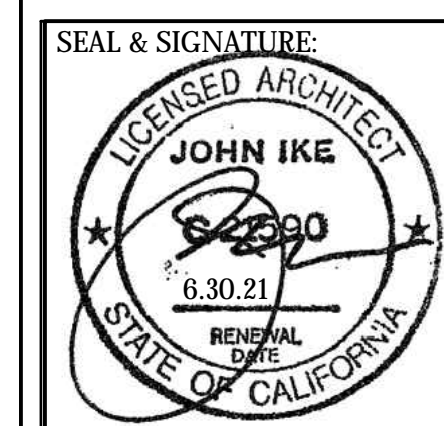
- EXISTING FRAMED WALLS TO REMAIN
- NEW FRAMED WALLS
- NEW CONCRETE WALLS: S.S.D.
- PREVIOUS CONSTRUCTION: SEE DEMO PLAN
- WINDOW TAG: SEE WINDOW SCHEDULE
- DOOR TAG: SEE DOOR SCHEDULE

PLAN KEY NOTES

- 1 (N) TOILETS TO BE 1.28 GPF MAX.
- 2 (N) SHOWERHEADS TO BE 2.0 GPM @ 80 PSI MAX.
- 3 (N) LAVATORY FAUCETS TO BE 1.2 FPM @ 60 PSI MAX.
- 4 (N) KITCHEN FAUCETS TO BE 1.8 GPM @ 60 PSI MAX.
- 5 (N) EXTERIOR FRAMED STAIRS
- 6 (N) TILE O/ CONCRETE SLAB: SEE FINISH SCHEDULE
- 7 (N) RADIANT HEATING BELOW (N) FLOOR FINISH: SEE MEP
- 8 (N) ROPED HYDRAULIC ELEVATOR (4 STORIES)
- 9 (N) RELOCATED MAIN ELECTRICAL PANEL
- 10 (N) RUBBER GYM FLOOR
- 11 (E) CONCRETE RETAINING WALL TO REMAIN
- 12 (N) PLANTER BOX TO MATCH (E)
- 13 (N) GARAGE DOOR
- 14 REBUILD (N) CONCRETE SLAB TO MATCH (E)
- 15 (N) CONCRETE RETAINING WALL & INFILL
- 16 EXCAVATED CRAWLSPACE: NEW SLAB, WALLS, FLOORING, & WATERPROOFING
- 17 (N) INTERIOR STAIRS
- 18 (N) FLOOR FINISH O/ (E) STAIRS
- 19 (N) TERRACE & PLANTED ROOF
- 20 (N) STONE PAVERS & LANDSCAPING
- 21 (N) ARTIFICIAL TURF
- 22 (N) 42" TOWN & COUNTRY DIRECT VENT FIREPLACE (1C42)
- 23 (N) FLOOR FRAMING: S.S.D.
- 24 (N) TILE O/ (N) CONCRETE STAIRS
- 25 (E) ROOMS TO BE PRESERVED & RESTORED
- 26 (N) SLAB ON GRADE: S.S.D.
- 27 (N) SURROUND AT (E) FIREBOX
- 28 (N) GATE, WROUGHT IRON TO MATCH (E)
- 29 (N) TILE: SEE FINISH SCHEDULE
- 30 (N) GLASS GUARDRAIL
- 31 (E) FLUE
- 32 (N) SOAKING TUB
- 33 (N) STRUCTURAL SUPPORT FOR CHIMNEY T.R.
- 34 (N) FLOOR AT DEMOLISHED STAIRS
- 35 (N) ENCLOSURE
- 36 (N) ROOF
- 37 (E) SKYLIGHT TO REMAIN
- 38 (E) CHIMNEY TO REMAIN
- 39 (N) DIRECT VENT GAS FIREPLACE
- 40 (N) SKYLIGHT
- 41 INFILL (E) WINDOW @ INTERIOR, EXT. WINDOW TREATMENT TO REMAIN
- 42 NOT USED
- 43 RESTORED REAR STAIR
- 45 (N) BUILT IN PLANTER
- 46 RESTORED PARAPET WALL
- 47 NEW PONY WALL
- 48 (N) FLOOR FINISH
- 49 REPAIR & REGROUT (E) TILE

| No. | REMARKS        | DATE      |
|-----|----------------|-----------|
|     | PLANNING SUB.  | 9.11.18   |
| 1   | PLANNING REV 1 | 3.22.2019 |
| 2   | PLANNING REV 2 | 4.19.2019 |
| 3   | HPC HEARING    | 7.17.2019 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



PROPOSED ROOF PLAN

DATE: 3.22.2019  
PROJECT No.: 18013  
DRAWING BY: B.H.  
CHK BY: T.V.C.B.T.K.  
DWG No.:

A2.05



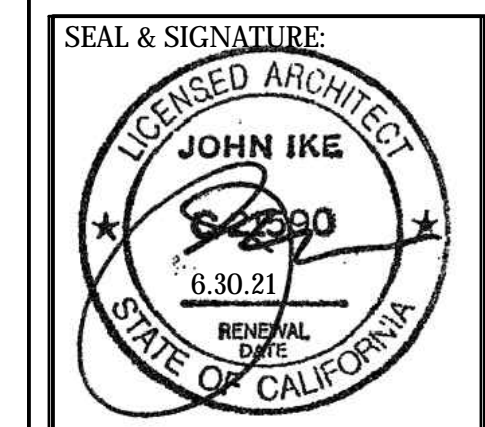


1 PROPOSED SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

IF THIS SHEET IS NOT 30 X 42, IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

| No. | REMARKS        | DATE      |
|-----|----------------|-----------|
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| 3   | HPC HEARING    | 7.17.2019 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



PROPOSED SOUTH ELEVATION

DATE: 3.22.2019  
PROJECT No.: 18013  
DRAWING BY: B.H.  
CHK BY: T.V. C.B. T.K.  
DWG No.:

A3.11  
#18.013



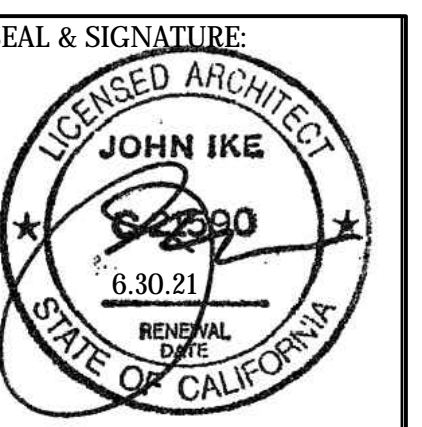


1 PROPOSED NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

IF THIS SHEET IS NOT 30 X 42 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

| No. | REMARKS        | DATE      |
|-----|----------------|-----------|
|     | PLANNING SUB   | 9.11.18   |
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| 3   | HPC HEARING    | 7.17.2019 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



PROPOSED NORTH ELEVATION

|              |                |
|--------------|----------------|
| DATE:        | 3.22.2019      |
| PROJECT No.: | 18013          |
| DRAWING BY:  | B.H.           |
| CHK BY:      | T.V. C.B. T.K. |
| DWG No.:     |                |

A3.13

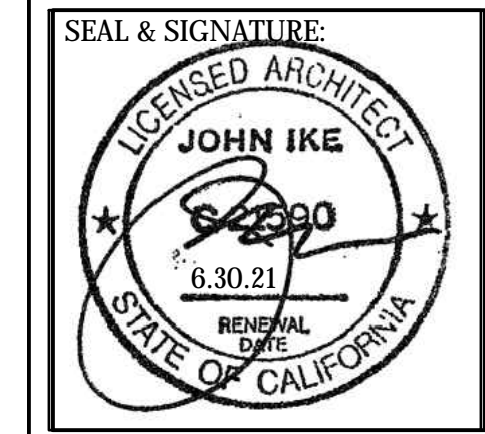


1 PROPOSED EAST ELEVATION  
SCALE: 1/4" = 1'-0"

IF THIS SHEET IS NOT 30 X 42 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

| No. | REMARKS        | DATE      |
|-----|----------------|-----------|
|     | PLANNING SUB   | 9.11.18   |
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| 3   | HPC HEARING    | 7.17.2019 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



PROPOSED EAST ELEVATION

DATE: 3.22.2019  
PROJECT No.: 18013  
DRAWING BY: B.H.  
CHK BY: T.V. C.B. T.K.  
DWG No.:

A3.12



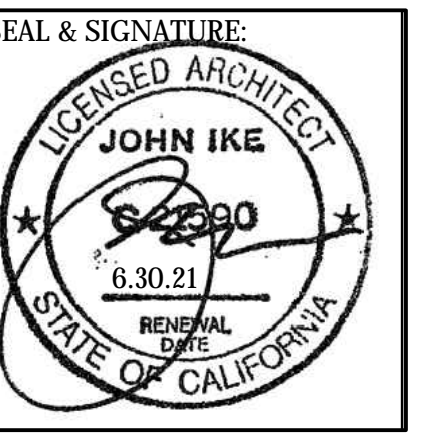


1 PROPOSED WEST ELEVATION  
SCALE: 1/4" = 1'-0"

IF THIS SHEET IS NOT 30 X 42 IT IS A REDUCED SCALE PRINT - SCALE ACCORDINGLY

| No. | REMARKS        | DATE      |
|-----|----------------|-----------|
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| 3   | PLANNING REV 2 | 4.19.2019 |
| 4   | HPC HEARING    | 7.17.2019 |

PROJECT:  
3500 Jackson Street  
San Francisco, CA 94118



PROPOSED WEST ELEVATION

|              |                |
|--------------|----------------|
| DATE:        | 3.22.2019      |
| PROJECT No.: | 18013          |
| DRAWING BY:  | B.H.           |
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