



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review

### Abbreviated Analysis

HEARING DATE: JUNE 18, 2020

CONTINUED FROM JUNE 4, 2020

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* June 11, 2020  
*Case No.:* **2018-015993DRP-02**  
*Project Address:* **762 Duncan Street**  
*Permit Applications:* 2018.1121.6550  
*Zoning:* RH-1 [Residential House, One-Family]  
40-X Height and Bulk District  
*Block/Lot:* 6588 / 007B  
*Project Sponsor:* James G. Stavoy Architect  
679 Sanchez Street  
San Francisco, CA 94114  
*Staff Contact:* David Winslow – (415) 575-9159  
[David.Winslow@sfgov.org](mailto:David.Winslow@sfgov.org)  
*Recommendation:* **Take DR and Approve with Modifications**

## PROJECT DESCRIPTION

The project proposes a one-story vertical addition and horizontal rear additions to an existing 1,799 gross-square-foot, two-story single-family-home. The project also includes alterations to the front facade and interior of the building. The building will increase in size by 1,945 square feet for a proposed total area of 3,744 gross square feet. This is not a demolition per Planning Code Section 317.

## SITE DESCRIPTION AND PRESENT USE

The site is a 25'-0" wide x 114'-0" deep steeply lateral sloping lot with an existing 2-story, one-family house built in 1950 and is categorized as an 'C' – No Historic Resource present.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The buildings on this block of Duncan Street are primarily 2-story stucco and wood clad, with front sloped roofs and a regular alignment at the street face. The open space at the rear faces north. This building is set in between a row of four nearly identical buildings that articulate the massing with side setbacks at the rear and align to define a consistent immediate mid-block open space.

## BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	January 24, 2020 – February 24, 2020	2.21.2020	6.4.2020 - continued to 6.18.2020	115 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	May 15, 2020	May 15, 2020	20 days
Mailed Notice	20 days	May 15, 2020	May 15, 2020	20 days
Online Notice	20 days	May 15, 2020	May 15, 2020	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 #1:

Christina Fisher of 766 Duncan, adjacent neighbor to the West of the proposed project.

### DR requestor #2:

C. Patricia Elend of 758 Duncan, adjacent neighbor to the East of the proposed project.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

DR requestor #1 is concerned by the following issues:

1. The proposed massing of the building will block light to her rear yard.

Proposed alternatives:

Setback the second and third floors 8'-10' from the first floor.

See attached *Discretionary Review Applications*, dated February 21, 2020.

DR requestor #2 is concerned by the following issues:

1. The height and depth of the building will box her in resulting in loss of western light to rear yard.
2. The excavation and subterranean construction will disrupt an underground spring resulting in drainage issues downhill.

Proposed alternatives:

Set all floors back 12' at the rear and;  
Reconstruct a retaining wall.

See attached *Discretionary Review Applications*, dated February 24, 2020.

## **PROJECT SPONSOR'S RESPONSE TO DR APPLICATION**

The project has been reviewed by Planning Department staff and modified per recommendations from Planning staff and found to be compliant to the Planning Code and Residential Design Guidelines. It has been designed with side setbacks that respect the adjacent properties to not adversely impact privacy, light and air access to adjacent buildings. There are no exceptional or extraordinary circumstances.

See attached *Response to Discretionary Review Applications*, dated 5.22.20

## **DEPARTMENT REVIEW**

The Department's Residential Design Advisory Team (RDAT) re-reviewed this and found that the building is not articulated to minimize impacts to light and privacy to adjacent properties.

The massing of the rear addition is not compatible with the immediate neighboring buildings. RDAT's original comments had recommended limiting the extent of the third floor to align no further than the wall of the adjacent neighbor's pop-out and limiting the second floor to 15 beyond that.

In review subsequent to the Discretionary Review RDAT found that the side setbacks on the East reasonably articulate the building to preserve light and privacy, but recommends:

1. At the third floor: providing a 5' side setback at the West starting no further than 5' from the rear of the adjacent neighbors' side property line wall (approximately column line 6);
2. At the second floor: providing a 5' side setback at the West starting at approximately column line 4 and;
3. Setting the front deck back 3' from the side property lines to reduce the need for a solid fire-rated parapet wall;

In order to articulate the building to minimize impacts to light, air and privacy, and maintain reasonable access to mid-block open space against the adjacent western DR requestor's property.

Therefore, staff recommends taking Discretionary Review to incorporate the modifications

<b>RECOMMENDATION:</b> <b>Take DR and Approve with Modifications</b>
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**Attachments:**

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photographs

Section 311 Notice

CEQA Determination

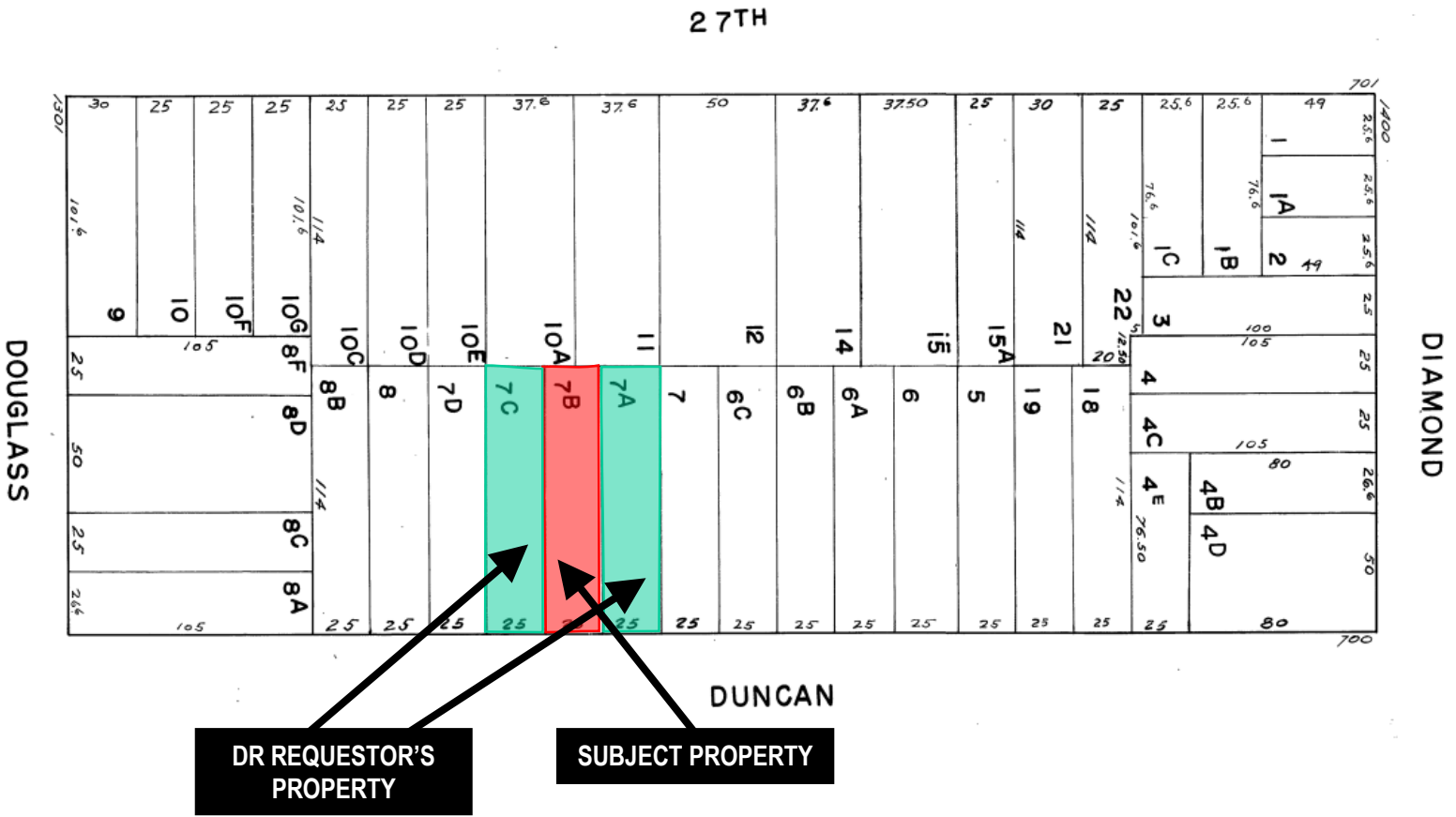
DR Applications

Response to DR Applications dated 5.22.20

311 Notification plans and 3-D renderings dated 10.11.19

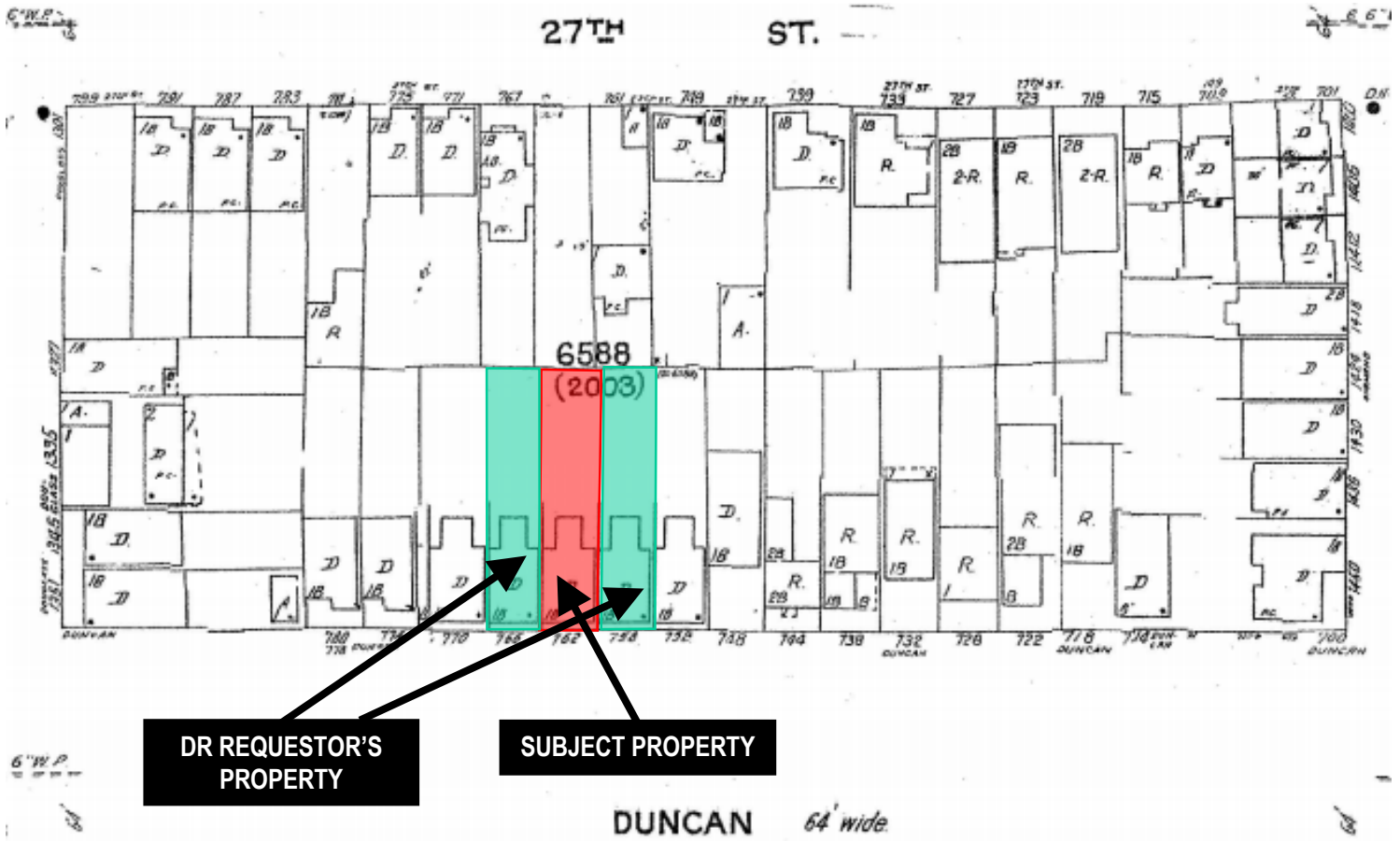
# Exhibits

# Parcel Map



Discretionary Review Hearing  
 Case Number 2018-0015993DRP-02  
 762 Duncan Street

# Sanborn Map\*



**DR REQUESTOR'S  
PROPERTY**

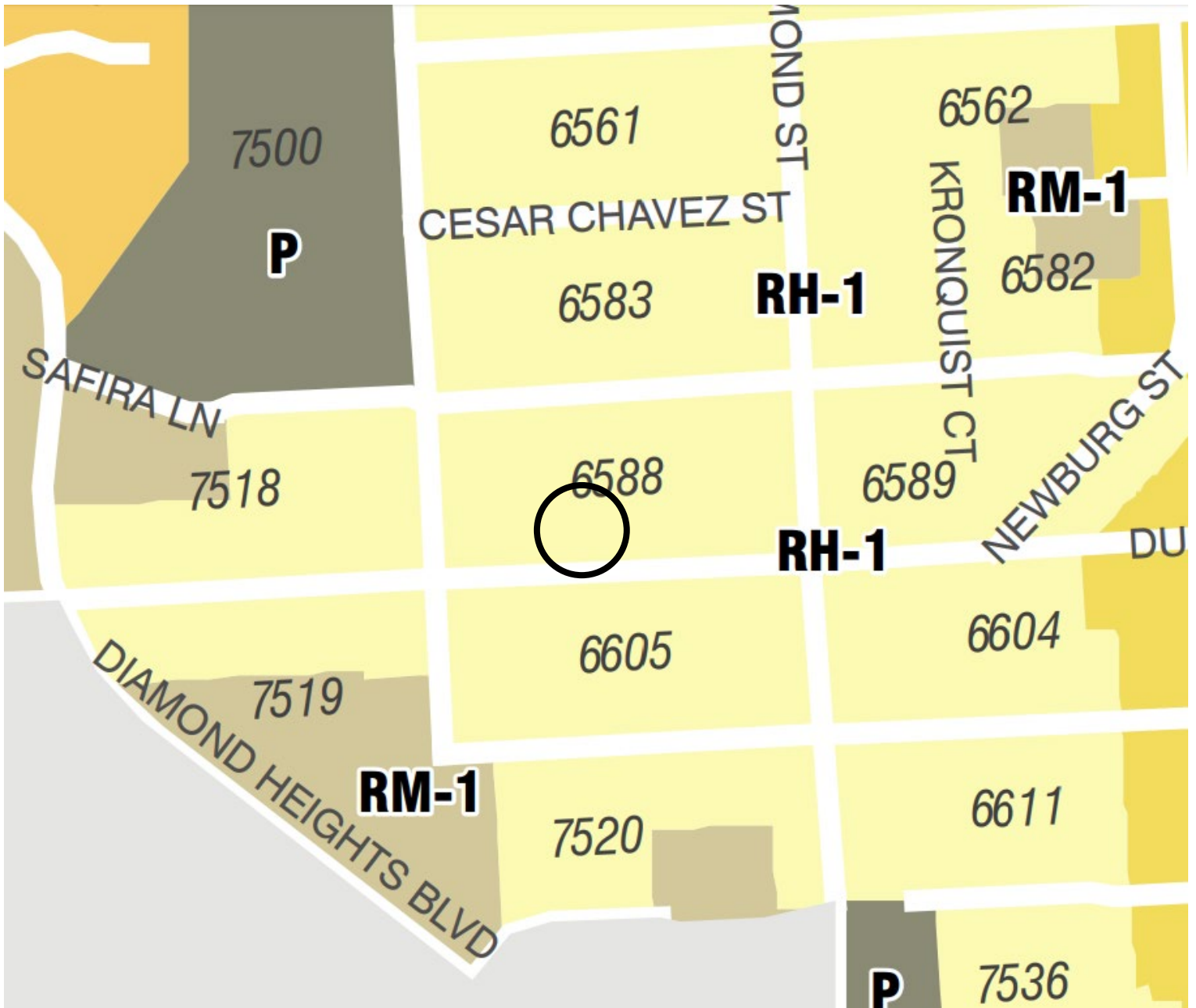
**SUBJECT PROPERTY**

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



Discretionary Review Hearing  
Case Number 2018-0015993DRP-02  
762 Duncan Street

# Zoning Map





# Aerial Photo



**DR REQUESTOR'S  
PROPERTY**

**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2018-0015993DRP-02  
762 Duncan Street

# Aerial Photo



# Aerial Photo



**SUBJECT PROPERTY**

**DR REQUESTOR'S  
PROPERTY**



Discretionary Review Hearing  
Case Number 2018-0015993DRP-02  
762 Duncan Street

# Aerial Photo



SUBJECT PROPERTY

DR REQUESTOR'S PROPERTY



Discretionary Review Hearing  
Case Number 2018-0015993DRP-02  
762 Duncan Street

# Site Photo



**SUBJECT PROPERTY**

Discretionary Review Hearing  
Case Number 2018-0015993DRP-02  
762 Duncan Street



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **November 21, 2018**, Building Permit Application No. **2018.1121.6550** was filed for work at the Project Address below.

**Notice Date: January 24, 2020**

**Expiration Date: February 24, 2020**

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>762 Duncan Street</b>	Applicant:	<b>James G. Stavoy Architect</b>
Cross Street(s):	<b>Douglass and Diamond Streets</b>	Address:	<b>679 Sanchez Street</b>
Block/Lot No.:	<b>6588 / 007B</b>	City, State:	<b>San Francisco CA</b>
Zoning District(s):	<b>RH-1RH-1 / 40-X</b>	Telephone:	<b>(415) 553-8696</b>
Record Number:	<b>2018-015993PRJ</b>	Email:	<a href="mailto:jgstavoy@pacbell.net">jgstavoy@pacbell.net</a>

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Single Family Home	No Change
Front Setback	3 feet, 4 inches	No Change
Side Setbacks	None	No Change
Building Depth	51 feet, 6 inches	66 feet, 0 inches
Rear Yard	59 feet, 2 inches	44 feet, 7 inches
Building Height	23 feet, 9 inches	34 feet, 6 inches
Number of Stories	2	3
Number of Dwelling Units	1	1
Number of Parking Spaces	1	2

### PROJECT DESCRIPTION

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The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

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:**

Jeff Horn, (415) 575-6925, [jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org)



# SAN FRANCISCO PLANNING DEPARTMENT

## Affidavit of Mailing

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

I, \_\_\_\_\_ **Monica Huggins** \_\_\_\_\_ have mailed the attached document  
(please print name)

- \_\_\_ Notification of Project Receiving Environmental Review (Neighborhood Notice)
- \_\_\_ Notice of Availability of Environmental Review Document (NOA)
- \_\_\_ Notice of Scoping Meeting for an Environmental Impact Report
- \_\_\_ Notice of Preparation of an Environmental Impact Report
- \_\_\_ Notice of Availability of Draft Environmental Impact Report
- \_\_\_ Preliminary Negative Declaration (PND) and Standard Neg Dec Cover Letter
- \_\_\_ Mitigated Negative Declaration (FMND)
- \_\_\_ Notice of Availability of Preliminary Negative Declaration
- \_\_\_ Notice of Hearing on Appeal After Initial Evaluation of a Project
- Certificate of Determination of Exemption/Exclusion From Environmental Review
- \_\_\_ Other : \_\_\_\_\_

On 5/18/2019 Project File No. & Title 2018-015993ENV-762 Duncan Street  
(Date)

Also attached is a copy of the mailing list/ mailing labels to which the document was mailed.

\_\_\_\_\_ **Monica Huggins** \_\_\_\_\_  
(Signature)

\_\_\_\_\_ 5/20/2019 \_\_\_\_\_  
(Date)

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Revised 04/24/07



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
762 DUNCAN ST		6588007B
<b>Case No.</b>		<b>Permit No.</b>
2018-015993ENV		201811216550
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b></p> <p>The purpose of the project is to add additional living space, bedrooms and bathrooms to a small 2 bedroom, 1 bath residence of 1093 s.f. to accommodate an elderly parent winning to move in with property owners.</p>		

### STEP 1: EXEMPTION CLASS

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



**STEP 2: CEQA IMPACTS**  
**TO BE COMPLETED BY PROJECT PLANNER**

<p>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</p>	
<input type="checkbox"/>	<p><b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p><b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i></p>
<input type="checkbox"/>	<p><b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p><b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p><b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</p>
<input type="checkbox"/>	<p><b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography) <b>If box is checked, a geotechnical report is required.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b></p>
<p><b>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</b></p>	
<p><b>Comments and Planner Signature (optional):</b> Laura Lynch</p>	

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

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

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

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

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

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

<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C a. Per HRER dated 05/16/2019                      (attach HRER) b. Other (specify):
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b> Jorgen Cleemann	

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

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Building Permit	<b>Signature:</b> Jorgen Cleemann
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	05/20/2019
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

### TO BE COMPLETED BY PROJECT PLANNER

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

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
762 DUNCAN ST		6588/007B
Case No.	Previous Building Permit No.	New Building Permit No.
2018-015993PRJ	201811216550	
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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



# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

<b>Preservation Team Meeting Date:</b>		<b>Date of Form Completion</b>	5/16/2019
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PROJECT INFORMATION:		
Planner:	Address:	
Jørgen G. Cleemann	762 Duncan Street	
Block/Lot:	Cross Streets:	
6588/007B	Douglass and Diamond Streets	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B	N/A	2018-015993ENV

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

<b>DATE OF PLANS UNDER REVIEW:</b>	N/A
------------------------------------	-----

PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: Supplemental Information for Historic Resource Determination (dated 11/13/18), prepared by James Stavoy.	

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

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

PRESERVATION TEAM COMMENTS:
<p>According to the Supplemental Information for Historic Resource Determination (dated 11/13/18) and information accessed by the Planning Department, the subject building at 762 Duncan Street is a one-story over-garage, wood-frame, stucco-clad, single family dwelling constructed by Pacific Coast Construction Company for the Atlas Realty Company in 1950. With a garage and recessed entry at the ground story, the subject building's second story includes a faceted projecting window bay over the garage and a projecting bay containing a window over the entry. The front facade is capped with a small pent roof clad in asphalt shingles. The main roof is flat. Significant recorded exterior alterations include the replacement of the garage door (1971) and the addition of a rear deck (1980). Unrecorded and undated alterations include window replacements.</p> <p>The subject building is not eligible for the California Register of Historical Resources (CRHR) under any Criterion. Constructed in 1950 after much of the surrounding area had already been built out, the subject building does not appear to be associated with the development of the neighborhood or any other significant events to support a finding of eligibility under Criterion 1. None of the owners or occupants were sufficiently important to history to support a finding of eligibility under Criterion 2. Architecturally, the subject building is an unremarkable example of postwar tract housing construction that does not embody the distinctive characteristics or any type or style, was not designed or built by a master architect or builder, does not possess intrinsic artistic value, and as such is not eligible under Criterion 3. Finally, the subject building does not embody a rare construction type and therefore is not eligible under Criterion 4 as it applies to buildings and structures (the potential archeological significance of the site is not addressed in this document).</p> <p>The area surrounding the subject building contains a variety of different building types and styles possessing varying degrees of integrity. Although the subject building appears to have been constructed as part of a small row of 4-5 similarly massed and designed houses, the row does not possess notable historical associations or significant architectural values. Therefore the subject building does not appear to be located in a historic district.</p> <p>In conclusion, the subject building at 762 Duncan Street is not eligible for listing in the California Register either individually or as a contributor to a historic district.</p>

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
<b>Allison K. Vanderslice</b> Digitally signed by Allison K. Vanderslice Date: 2019.05.17 12:33:15 -07'00'	

762 Duncan Street  
Preservation Team Review Form  
May 16, 2019

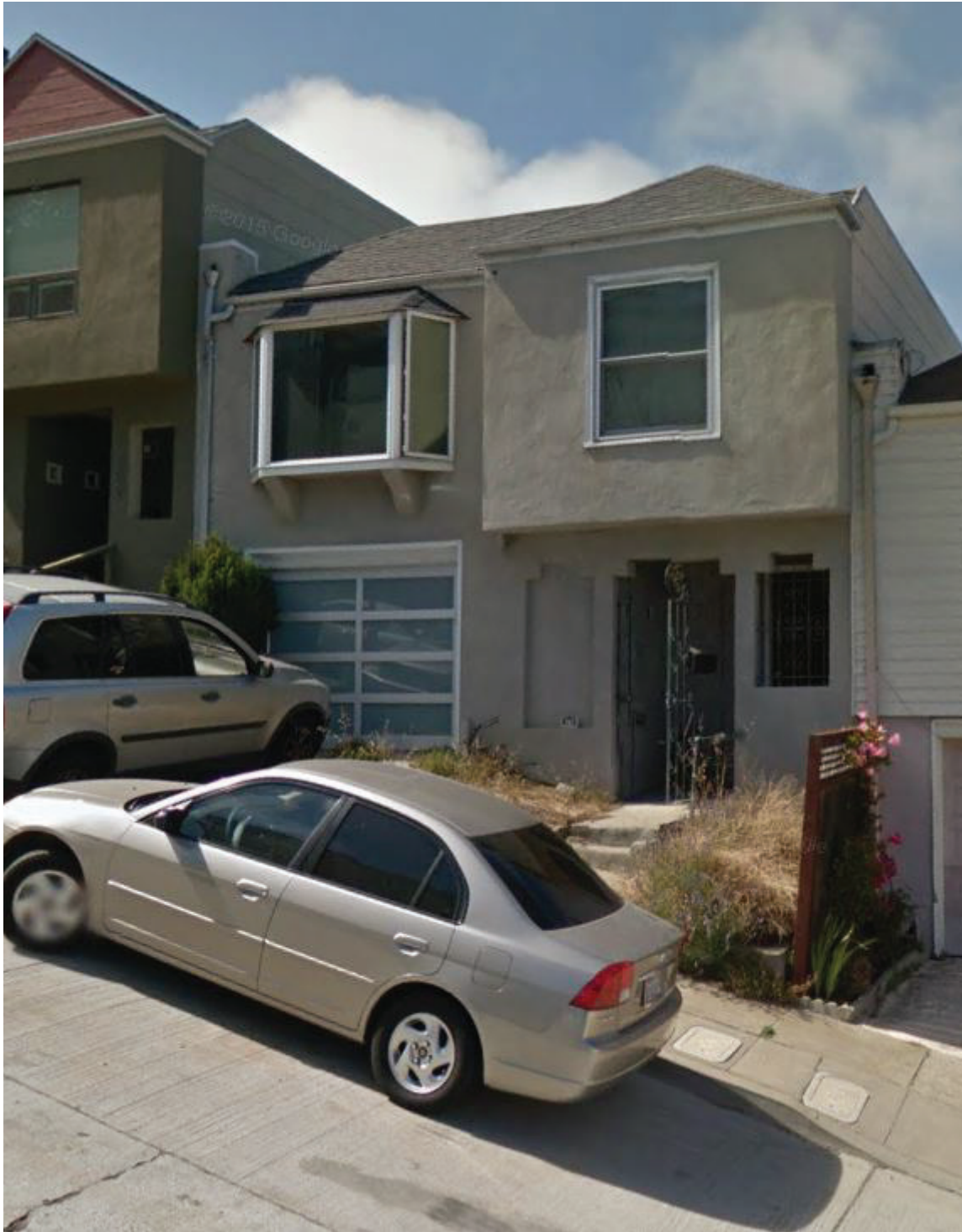


Figure 1. 762 Duncan Street. Screenshot of 2014 Google Streetview.

**HISTORICAL RESOURCE DISTRIBUTION LIST  
UPDATED 1-24-2019**

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San Francisco, CA 94109

Mary Miles  
Coalition for Adequate Review  
364 Page Street, #36  
San Francisco, CA 94102

Lucinda Woodward  
State Office of Historic Preservation  
Local Government Unit  
1725 – 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

Sue Hestor  
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San Francisco, CA 94102  
[hestor@earthlink.net](mailto:hestor@earthlink.net)  
415-846-1021

Karin Flood  
Union Square Business Improvement District (BID)  
323 Geary Street, Suite 203  
San Francisco, CA 94102  
[Karin@unionsquarebid.com](mailto:Karin@unionsquarebid.com)  
415-781-7880

The Art Deco Society of California  
525 Bellevue Ave, Suite 311  
Oakland, CA 94610  
[zelda1927@artdecosociety.org](mailto:zelda1927@artdecosociety.org)  
**(Prefer to be notified via email)**

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1420 Sutter Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94109

Anthony Veerkamp

National Trust for Historic Preservation

25 Taylor Street

San Francisco, CA 94102

Courtney S. Clarkson  
3109 Sacramento Street  
San Francisco, CA 94115

Nancy Shanahan  
Telegraph Hill Dwellers  
470 Columbus Avenue, #211  
San Francisco, CA 94133

Eugene T. Flannery, Environmental Compliance Manager  
Mayor's Office of Housing and Community Development  
One South Van Ness Ave, 5<sup>th</sup> Floor  
San Francisco, CA 94103  
[Eugene.flannery@sfgov.org](mailto:Eugene.flannery@sfgov.org)  
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San Francisco, CA 94103

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Livermore, CA 94550

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San Francisco Planning Department

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[kate.black@sfgov.org](mailto:kate.black@sfgov.org)





## DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

### Discretionary Review Requestor's Information

Name: Christina Fisher  
 Address: 766 Duncan Street Email Address: Christina.fisher@cfdesigns.net  
San Francisco CA 94131 Telephone: 650-222-2144

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

Name: Amy Tsui, Barry  
 Company/Organization:  
 Address: 762 Duncan St Email Address: biggroundbelly@gmail.com  
San Francisco CA 94131 Telephone: 415-786-4348

### Property Information and Related Applications

Project Address: 762 Duncan Street  
 Block/Lot(s): 6588 / 007B  
 Building Permit Application No(s): 2018-1121-6550

**RECEIVED**

FEB 21 2020

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT

### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

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

## DISCRETIONARY REVIEW REQUEST

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

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

Blocking Natural light. Creating shade on my living space and 2nd floor

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.

Devalue my home having to look at 3 story home right up next to my home

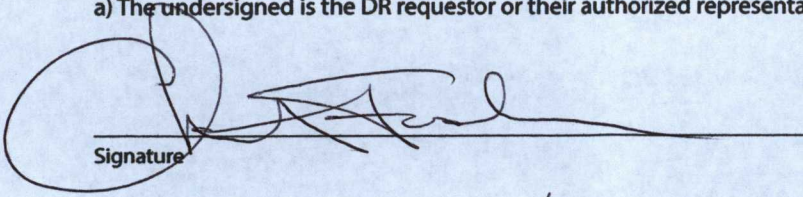
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

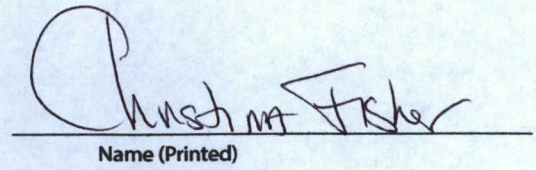
Have the 2nd & 3rd floor set back 8 to 10' from the 1st floor

# DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

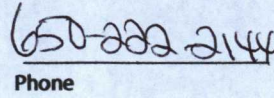
Under penalty of perjury the following declarations are made:

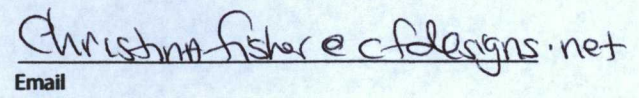
a) The undersigned is the DR requestor or their authorized representation.

  
Signature

  
Name (Printed)

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

  
Phone

  
Email

For Department Use Only

Application received by Planning Department:

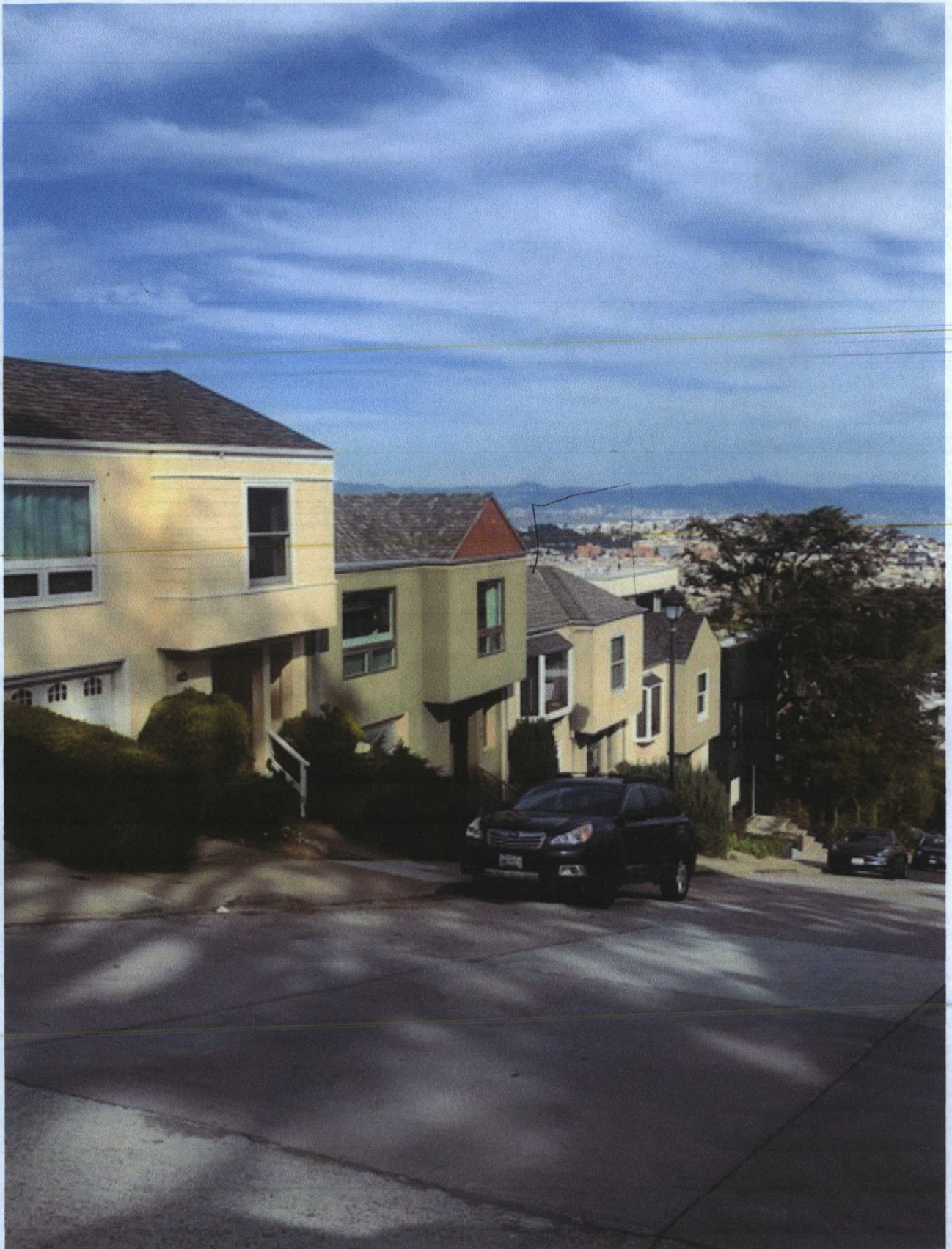
By: \_\_\_\_\_

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



Shade  
all day  
Every day













**RECEIVED**

FEB 24 2020

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
PIC

## DISCRETIONARY REVIEW PUBLIC (DRP)

### APPLICATION

#### Discretionary Review Requestor's Information

Name:

Address:  Email Address:

Telephone:

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

Name:

Company/Organization:

Address:  Email Address:

Telephone:

#### Property Information and Related Applications

Project Address:

Block/Lot(s):

Building Permit Application No(s):

#### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input 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.  
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.

## DISCRETIONARY REVIEW REQUEST

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

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

Reason for the request - I will lose all sun to my back yard. 3 years ago the house to my right was enlarged taking away all (East) sun to my upper floor, deck and rear yard. The proposed work to 762 Duncan will take away all (West) sun to my back yard. The steepness of the street already casts very long shadows onto my property which is adjacent to 762 Duncan on the lower side. My backyard is North facing which means I will lose all sun.

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.

There is a spring that runs under this hill, it comes up on the left (West) side of my yard and remains wet all year usually with a couple inches of water attracting mosquitos. Renovations impact the flow of water under this hill, my property will definitely be impacted as I'm on the downside. Renovations to 767 and 771 27th Street (behind my house) flooded various backyards including mine causing a few inches of water to collect on my yard for months, the water dept. tested the water and these houses had to install sub-pumps.

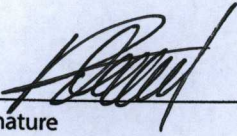
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Due to the topography, the loss of sun and the spring that runs under this hill I am requesting that all floors be moved back 12 Ft. from the current proposal, so that I don't lose all sun to an already wet shady garden and lessen the impact on the flow of the underground spring which affects those of us on the low side. A smaller house will have less impact on the flow of water and provide a little bit of sun to my property. With such an increase in the building size I also request that the retaining wall be rebuilt to keep 762 Duncan from sliding onto my property, this has happened in the past on this hill.

# 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

*2/24/2020*

C. Patricia Elend

Name (Printed)

Self

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

415-505-6833

Phone

elend@sbcglobal.net

Email

For Department Use Only

Application received by Planning Department:

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

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

NORTH



WEST

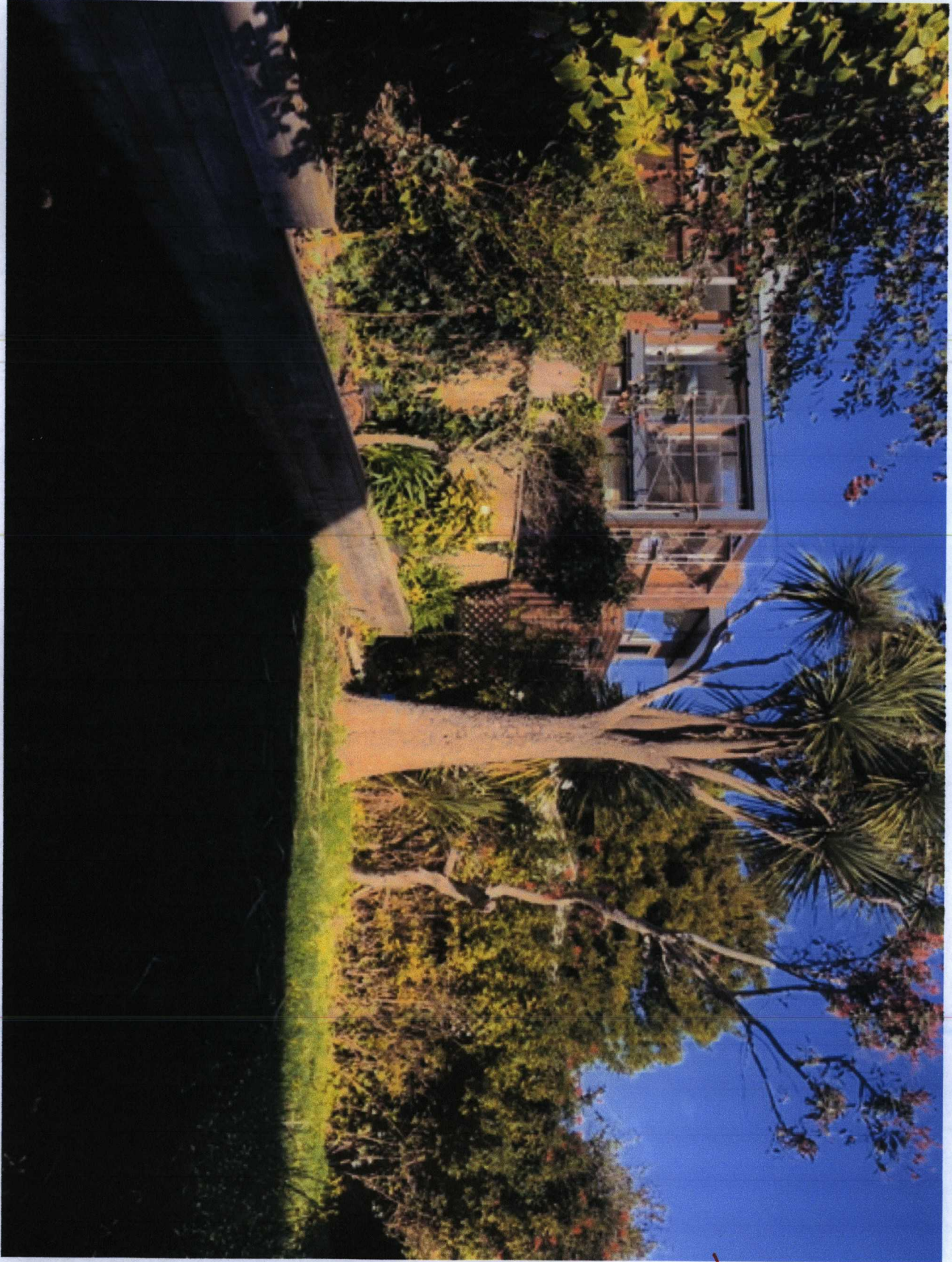
EAST

762  
DUNCAN



758 DUNCAN - SPRING IN BACKYARD WET ALL YEAR

NORTH



WEST

762

DURCAS



EAST

758 DURCAS - AMOUNT OF AFTERNOON SUN  
(DE)

SOUTH

762 DUNCAN

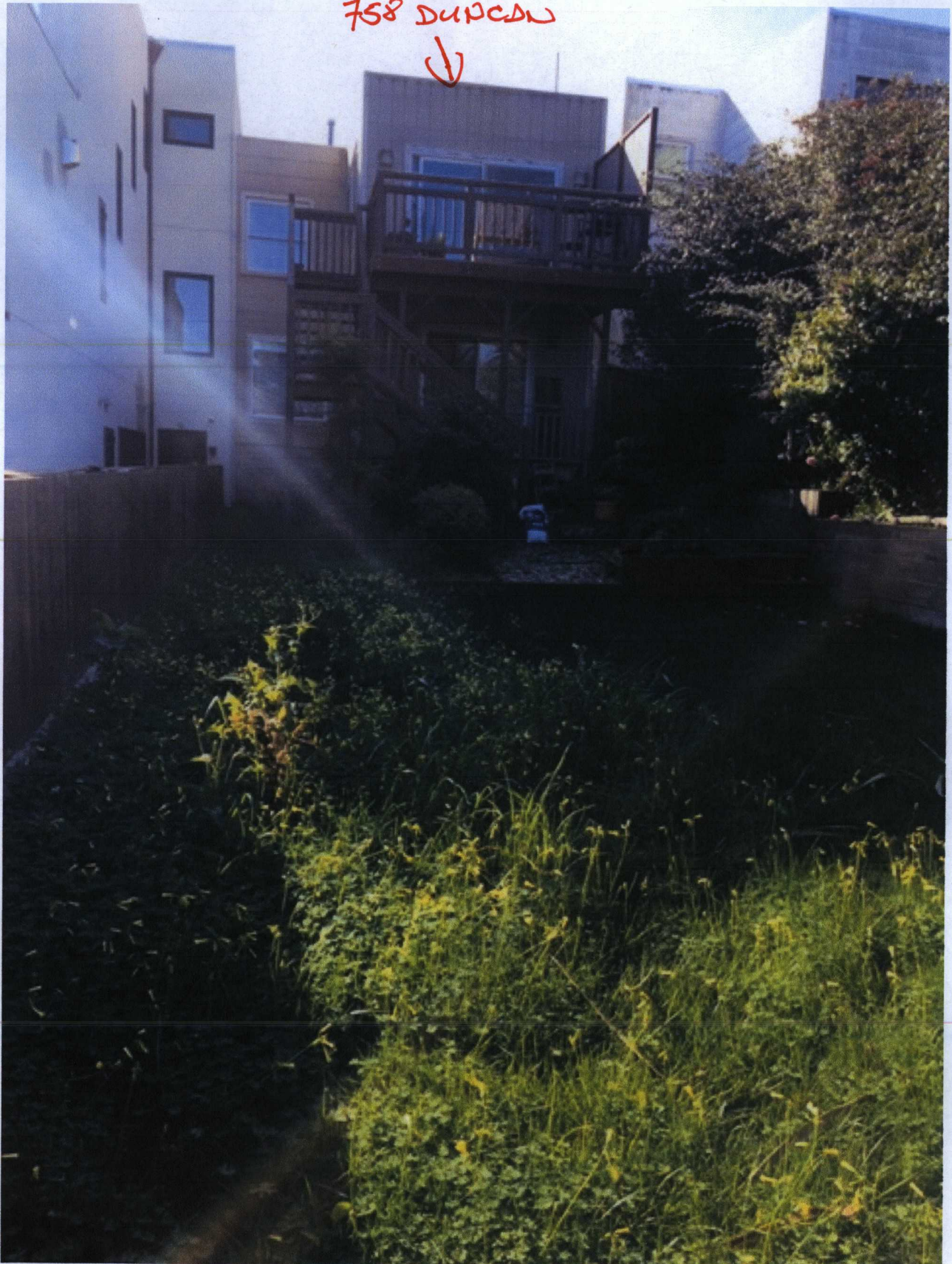
(DR)

758 DUNCAN



EAST

WEST



758 DUNCAN - AMOUNT OF SUN MIDDLE OF DAY  
(DR)

NORTH



758 DUNEDON BACKYARD - AMOUNT OF SUN IN AFTERNOON  
(OR)

Via Email ([david.winslow@sfgov.org](mailto:david.winslow@sfgov.org))

May 22, 2020

President Koppel, Vice President Moore, and Commissioners  
San Francisco Planning Commission  
1650 Mission Street, 4th Floor  
San Francisco, CA 94107

**Re: 762 Duncan Street; Brief in Opposition to Discretionary Review Requests  
Planning Case No. 2018-015993DRP and 2018-015993DRP-02**

President Koppel, Vice President Moore, and Commissioners:

**I. INTRODUCTION**

Our office represents husband and wife Barry R. Alexander and Amy S. Tsui (collectively, the “Applicants” or “Project Sponsors”), who own the single-family home located at 762 Duncan Street (the “Property” or “Applicant Home”). On November 21, 2018, the Applicants submitted building permit application no. 2018.1121.6550 for a long awaited horizontal and vertical expansion of their home (the “Project”). Barry and Amy have lived in their home for more than 22 years and raised their family there.



After more than a year of review and revision, the Section 311 notification was mailed on January 24, 2020. The two adjacent neighbors have requested discretionary review



(“DR”) of the proposed Project. The Planning Commission will hold a public hearing on the DR requests on June 4, 2020.

The DR Requestors are C. Patricia Elend (“Elend”), who resides at 758 Duncan Street, to the immediate east of the Applicants’ home; and Christina Fisher (“Fisher”), who resides at 766 Duncan Street to the immediate west. The Project Sponsors have revised the design to address Fisher’s concerns. The Project Sponsors were unable to engage Elend in a conversation to discuss her concerns. The revised plans for the proposed Project before this Commission are attached hereto as Exhibit 1.

As the Commission is well aware, discretionary review is granted only if exceptional or extraordinary circumstances exist. As evidenced from the discussion below, the DR Requestors fail to establish the existence of any exceptional or extraordinary circumstance in this case. Therefore, the Commission should deny the DR requests, and approve the Project as revised.

## **II. PROJECT APPLICANTS**

Amy Tsui immigrated to the Bay Area in 1982 from Hong Kong to attend college at University of San Francisco. She graduated Cum Laude with a degree in Computer Science and went to work as a software engineer. She met Barry Alexander, also a software engineer, in 1991 when they both were working at Symantec Corporation. They were married in 1997 and soon thereafter purchased their home at 762 Duncan Street. Barry is presently employed as an independent software engineer and Amy works as the Technical Lead Web Developer at the State Bar of California.

They have a 23-year old son, Quinlan Alexander, who is currently attending UC Santa Cruz (remotely) and is planning on seeking his master’s degree at Claremont Graduate University next school year.

As newlyweds, Amy and Barry purchased the single-family residence located at 762 Duncan Street in December 1997 and it has been the permanent family home for their extended family. Amy’s widowed father Kwok Tsui, who is 88 years old, currently lives with them as they are “sheltering in place” during the Covid-19 pandemic.

The home at 762 Duncan is very small (1,028 square feet) with only two bedrooms and one bath for the entire family. The Applicants have long dreamed of expanding their home to a reasonable size to accommodate the entire family and to provide a bedroom for each person and additional bathrooms.

## **III. PROJECT SITE**

The proposed Project is located at 762 Duncan Street in the Noe Valley neighborhood. The 25' x 114' site is on a steep hillside between Douglas and Diamond Streets, in an RH-1 zoning district and was built as a one-story over garage single family home.

The current depth of the existing building is 51'-6". The rear yard is 59'-2" deep. The first floor consists of the small garage and is of soft-story construction and an unimproved open space. The house has five rooms. The second floor contains two bedrooms, a bathroom, a kitchen with a small dining area, and a living room. At the rear of the second floor is a small "pop-out" deck of 65 sq. ft. See Exhibit 1, Sheet A2.

This part of the Noe Valley neighborhood is developed with single-family homes of varied heights. Three story structures are commonplace on the subject property block and facing block on Duncan Street. Of the 44 lots on the subject property block, 18 structures are three stories in height or 41% of the lots. Of the 15 lots on the opposite block facing the subject property, 7 structures are 3 stories or 47% of the lots. The proposed project will blend harmoniously with this varied pattern of building heights and styles, both traditional and contemporary in this neighborhood. Aerial photo and diagram, block face, opposite block face photographs of the neighborhood are attached hereto as Exhibit 2 and in Exhibit 1, Sheet A10 & A12.

#### **IV. PROJECT DESCRIPTION**

The proposed Project involves the renovation of the interior of the existing one-story over garage building, the horizontal extension of the first floor, second floor and vertical addition of the third-floor with a deck over the roof of the extended second floor. Upon completion of the renovation and addition, the building will be seismically upgraded and made more suitable for an extended family.

The first-floor extension will extend 14'-6" into the existing 59'-2" deep rear yard. The first floor will contain the entrance lobby, a tandem two-car garage, bicycle parking, mechanical equipment, a bathroom, and a family room. There is also a small office that will become the living space for Ms. Tsui's father when he can no longer live independently.

The second floor will be expanded 8'-6" beyond the existing "pop-out" deck and will contain the main living area for the family and the kitchen/pantry/dining area. The third floor will contain a master bedroom and bath, two bedrooms and an additional bathroom.

The roofs of the expanded first and second floors will become roof decks for the floors above. The railing surrounding the second and third floor decks will be glass to minimize the height and massing of the Project's rear expansion. Additionally, the extension will be set back 3'-6" at the first, second and third floors from the common property line with 758 Duncan Street to the east.

The proposed extension will also be set back 5' at the second and third floor decks from the common property line with 766 Duncan Street to the west. See Exhibit 1 Sheets A5 and A6. With the reduced floor area recommended by the RDAT, the rear elevation massing is reduced, and it steps down, terrace-like into the rear yard. After completion of the proposed Project, a 44'-8" rear yard will remain, which *substantially* exceeds the 25% (or 28'-6") deep rear yard required by the Planning Code for this property.

## V. MODIFICATION OF THE PROJECT DESIGN

The Applicants have modified the design of the proposed Project based on comments from the Residential Design Advisory Team and based on the issues raised by DR Requestor to the west (Fisher) after meeting with her in an effort to arrive at a mutually acceptable solution for the proposed Project. Elend, the DR Requestor to the east, has steadfastly refused to meet or otherwise communicate with the Project Sponsors and their architect. She declined to meet despite request from Amy and Barry, did not return phone call to the Project Sponsors' architect, and did not attend the pre-application meeting.

The modifications made to the Project are:

- ***Reduction of the depth of first, second, and third floor extensions:*** The original project presented to the Planning Department in a Project Review meeting and a meeting with DR Requestor to the west (Fisher) included a 76' first floor, 70' second floor, and a 66' third floor remodeling. At the suggestion of the Planning Department and concerns raised by Fisher, the depth of all floors was pulled back. The current project included a 66' first floor, 60' second floor, and 49' third floor.
- ***Inclusion of side setbacks for the first, second, and third floor from the 758 Duncan Property:*** To accommodate the massing concerns and the decrease of light and air to the 758 Duncan Street property, all three floors have been set back 3'-6" from the common property line.
- ***Inclusion of side setbacks for the second and third floor deck from the 766 Duncan Property:*** The second and third floor decks have been set back 5' from the common property line to the 766 Duncan Street property and a glass railing replaces the solid parapet.

Below is a short chronology of the meetings (and attempted meetings) with the neighbors:

### **June 2018: Review of First Set of Drawing**

Invited neighbor to the west of the property (Fisher) and neighbor to the east of the property (Elend) to coffee to review the first set of drawings. Ms. Elend at first agreed and then declined the invitation. The Applicants then met with Ms. Fisher to show her the plan before submitting it to the Planning Department.

### **November 2018: 2<sup>nd</sup> Set of Drawings & Pre-Application Neighborhood Meeting**

Taking into consideration of the concerns raised by the neighbor west of the property (Fisher) and following the advice from RDAT architect, Mr. David Winslow, in the Project Review Meeting at the Planning Dept., Project Sponsors significantly reduced the depths of all three levels. The second set of drawings was used in the Pre-Application Neighborhood Meeting and was subsequently submitted in the application with the San Francisco Planning Department. Ms. Fisher was unable to attend the meeting. Project

Sponsors offered to hold a separate meeting just for her so as to show her the substantial reductions made. Ms. Fisher replied to Amy's email without specifying any date and time to meet. Ms. Elend did not return telephone call from Project Sponsors' architect and she did not attend the Pre-Application Neighborhood Meeting.

**September 2019: Tried to Engage in Conversation**

Following a discussion about trimming of plants bordering the common fence of the two properties, Amy tried to engage Ms. Elend in a conversation to discuss the remodeling project. She seemed disinterested and no further discussions occurred.

**January 2020: Third Set of Drawing and 311 Notice**

The Project Sponsors accepted the recommendation from a senior planner and RDAT architect, Mr. Trent Greenan, and further reduced the depths of all three levels. This third set of drawing was used in the 311 Notice. Compared to the first drawing, the depth of both the first and second levels were reduced by 10 feet each, and the depth of the third level was reduced by 17 feet.

With the reduced floor areas recommended by the RDAT, the rear elevation massing is reduced as it steps down terrace like into the rear yard.

Due to multiple unsuccessful attempts to reach out to Ms. Elend, Project Sponsors were unable to show her how the current plan was created and that substantial reductions in the depths of all three levels were made: 10 feet on both the first and second floors, and 17 feet on the third floor. The building addition is a fraction of what the code allows.

**VI. ISSUES RAISED BY DR REQUESTORS**

The DR Requestors raise only the following issues in their DR applications:

1. The proposed Project will block natural the light to the adjacent building's living space and 2<sup>nd</sup> floor. (Fisher – west).
2. The proposed Project will block sun to the rear yard and the rear yard will remain wet all year long due to a natural spring. (Elend – east).

**VII. RESPONSES TO ISSUES RAISED**

**(Sponsors submitted extensive responses to the DR's as required by the Dept. staff and those Response Forms are attached hereto as Exhibit 3)**

1. *The proposed project will not adversely affect the light and sun access to the adjacent buildings or their rear yards.*

The DR Requestors assert that the Project will affect light access to their property. The proposed expansion of the 762 Duncan Street will not significantly block any light to the adjacent buildings or the rear yards of adjacent buildings. The buildings on this block

face look to the south. The shadowing in the rear yards is nearly all from the buildings themselves as the rear yards face north. Any new shadows would be insignificant and will be further minimized by the modifications already made to the Project. Photographs of neighbors' access to light in their properties and yards are attached hereto as Exhibits 4, 5, 6, 7, and 8.

***2. The Proposed project will not adversely affect the water flow of the neighbor's rear yard spring.***

The Residential Design Guidelines do not require that the depth of a building or deck of a proposed project be reduced to keep a neighbor's rear yard dry from an alleged running spring. There is no indication that any underground water is flowing from the subject site to the neighbor's yard or home. Photographs of neighbor's rear yard are attached hereto as Exhibits 7 and 9.

The neighbor to the east (Elend) at first agreed to Project Sponsors' invitation to coffee but failed to show up. The neighbor to the west (Fisher) raised the following concerns at the meeting:

1. Her house will lose its value because we are going to build up ours - She claims that Elend's house at 758 Duncan lost value because 752 Duncan has built up.
2. She wants to make sure that she will not lose her view and her light.
3. It will be noisy during the construction and it will be difficult for her to work in her house.
4. Her Airbnb business may potentially be impacted because she has to disclose that her neighbor is remodeling.

According to Zillow, the 758 Duncan property has increased more than 200%, rising from \$871,000 in 2010 to present day estimate of \$1,870,913. Obviously, preserving property value, protecting views, avoiding construction noise, and maintaining an Airbnb income are not legitimate matters to be addressed through the discretionary review system. These are not concerns that can be used to justify requesting a reduction or a redesign of a neighboring project in the Planning Commission review system.

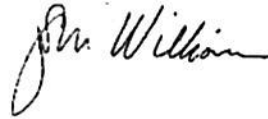
## **VIII. CONCLUSION**

The DR Requestors have completely failed to provide any facts or evidence to support a finding of "exceptional and extraordinary" circumstances which might warrant the granting of discretionary review by the Commission. The Applicants have made significant reductions and design modifications to the remodeling project for their home and have addressed all the issues raised by the DR Requestors. Therefore, Ms. Tsui and Mr. Alexander respectfully request that the DR applications be denied, and the project approved as proposed.

Joel Koppel, President  
San Francisco Planning Commission

May 22, 2020  
762 Duncan Street

VERY TRULY YOURS,

A handwritten signature in cursive script that reads "Stephen M. Williams".

STEPHEN M. WILLIAMS

cc: Jonas Ionin, Commission Secretary  
Kathrin Moore, Vice President  
Sue Diamond, Commissioner  
Frank Fung, Commissioner  
Theresa Imperial, Commissioner  
Milicent Johnson, Commissioner

# EXHIBIT 1

**PROJECT INFORMATION:**

BLOCKS 65888/007B  
 ZONING R4H1  
 EXISTING 2 STORY TYPE V WOOD FRAME  
 RESIDENCE  
 BUILDING CODE 2016 CALIFORNIA BUILDING CODE  
 WITH MECHANICAL ELECTRICAL PLUMBING AND SAN  
 FRANCISCO AMENDMENTS  
**SCOPE OF WORK:**  
 HORIZONTAL ADDITION AT REAR ON 3 LEVELS, NEW 2ND  
 STORY VERTICAL ADDITION, STRUCTURE REMODEL AT ALL  
 ROOF BATH, LAUNDRY AT FIRST FLOOR, NEW KITCHEN,  
 DINING ROOM, BREAKFAST ROOM AT SECOND FLOOR,  
 THIRD FLOOR,  
 ADDITION OF TWO BEDROOMS AND BATH AT

**LOCATION MAP:**



**GENERAL NOTES:**

1. ALL WORK SHALL BE DONE IN CONFORMANCE WITH THE CALIFORNIA BUILDING CODE CURRENTLY IN EFFECT, AS WELL AS ALL LOCAL ORDINANCES, CITY ORDINANCES, STATE, COUNTY AND FEDERAL REGULATIONS, AND ALL APPLICABLE CODES, ORDINANCES, RULES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL MAINTAIN THE INTEGRITY OF ALL EXISTING UTILITIES AND STRUCTURES AND SHALL PROTECT ALL UTILITIES, STRUCTURES AND MATERIALS TO REMAIN. THE CONTRACTOR SHALL MAINTAIN THE INTEGRITY OF ALL EXISTING UTILITIES AND STRUCTURES AND SHALL PROTECT ALL UTILITIES, STRUCTURES AND MATERIALS TO REMAIN. THE CONTRACTOR SHALL MAINTAIN THE INTEGRITY OF ALL EXISTING UTILITIES AND STRUCTURES AND SHALL PROTECT ALL UTILITIES, STRUCTURES AND MATERIALS TO REMAIN. THE CONTRACTOR SHALL MAINTAIN THE INTEGRITY OF ALL EXISTING UTILITIES AND STRUCTURES AND SHALL PROTECT ALL UTILITIES, STRUCTURES AND MATERIALS TO REMAIN.

**SHEET INDEX**

- A-0 EXISTING SITE PLAN & GENERAL NOTES
- A-1 PROPOSED SITE PLAN
- A-2 EXISTING FIRST & SECOND STORY FLOOR PLANS
- A-3 EXISTING SOUTH & NORTH ELEVATIONS
- A-4 EXISTING CROSS SECTIONS
- A-5 PROPOSED FIRST & SECOND STORY FLOOR PLANS
- A-6 PROPOSED THIRD STORY & ROOF PLANS
- A-7 PROPOSED SOUTH & NORTH ELEVATIONS
- A-8 PROPOSED EAST & WEST ELEVATIONS
- A-9 PROPOSED CROSS SECTIONS
- A-10 3D RENDERINGS
- A-11 DEMOLITION CALCULATIONS
- A-12 STREET VIEWS

**AREA CALCULATION (GA):**

LEVEL	EXISTING	PROPOSED
1ST FLOOR	875 SQ. FT.	1,386 SQ. FT.
2ND FLOOR	1,026 SQ. FT.	916 SQ. FT.
3RD FLOOR	0 SQ. FT.	3,228 SQ. FT.
TOTAL	1,901 SQ. FT.	5,530 SQ. FT.
DECKS	106 SQ. FT.	165 SQ. FT.
TOTAL	1,864 SQ. FT.	4,504 SQ. FT.

**MECHANICAL NOTES:**

1. PROVIDE 200 SQ. FT. NAT. OPENING FOR GARAGE VENTILATION. THE GARAGE VENTILATION SHALL BE PROVIDED FROM THE EXTERIOR AT THE LEVEL OF THE GARAGE FLOOR OR ABOVE. THE VENTILATION SHALL BE PROVIDED FROM THE EXTERIOR AT THE LEVEL OF THE GARAGE FLOOR OR ABOVE. THE VENTILATION SHALL BE PROVIDED FROM THE EXTERIOR AT THE LEVEL OF THE GARAGE FLOOR OR ABOVE. THE VENTILATION SHALL BE PROVIDED FROM THE EXTERIOR AT THE LEVEL OF THE GARAGE FLOOR OR ABOVE.

**ELECTRICAL NOTES:**

1. PRIMARY LIGHT SOURCE ON FIRST FLOOR TO BE FLUORESCENT. SECOND FLOOR TO BE INCANDESCENT. PROVIDE 100 WATT PER SQUARE FOOT OF FLOOR AREA. PROVIDE 100 WATT PER SQUARE FOOT OF FLOOR AREA. PROVIDE 100 WATT PER SQUARE FOOT OF FLOOR AREA. PROVIDE 100 WATT PER SQUARE FOOT OF FLOOR AREA. PROVIDE 100 WATT PER SQUARE FOOT OF FLOOR AREA.

**SYMBOLS:**

- ▲ WINDOW SYMBOL
- ◻ DOOR SYMBOL
- REVISION MARKER
- △ DATA POINT
- ⊕ SECTION MARKER
- ⊙ SECTION MARKER
- ⊙ SECTION MARKER
- ⊙ SECTION MARKER

AMBER C. STANLEY  
 ARCHITECT  
 1117  
 1870 CALIFORNIA STREET  
 SAN FRANCISCO, CALIFORNIA  
 94115-2328  
 (415) 441-1170  
 FAX: (415) 441-1171

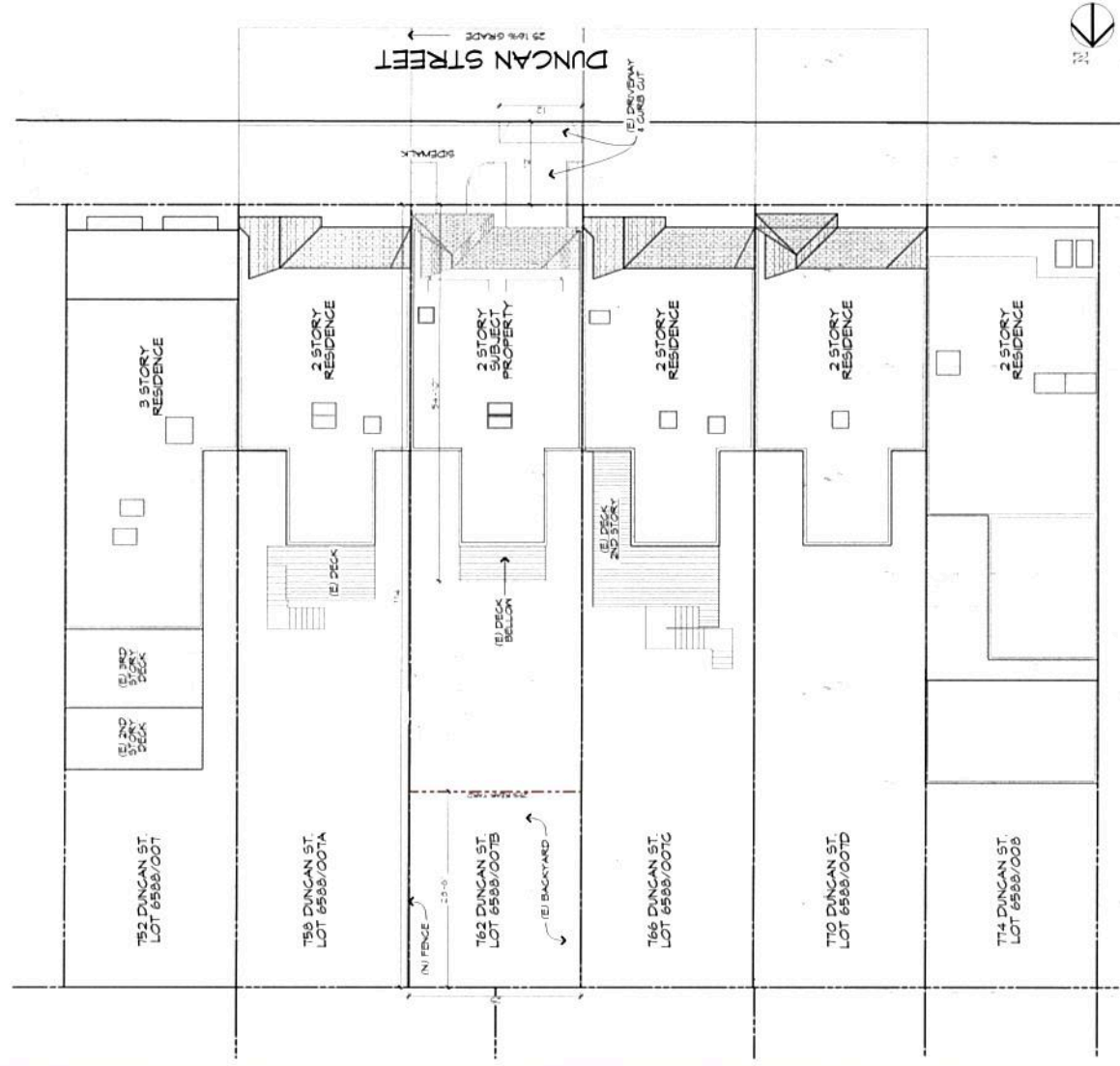
TUI/ALEXANDER RESIDENCE REMODEL  
 762 DUNCAN STREET  
 SAN FRANCISCO, CA 94131

EXISTING SITE  
 PLAN & GENERAL  
 NOTES

DATE	ISSUE
11/16/18	011 SUBMITTAL PLANNING REVIEW FOR PERMITS
12/17/18	REVISIONS FOR PERMITS
01/11/19	REVISIONS FOR PERMITS

**A-0**

TUI/ALEXANDER RESIDENCE REMODEL  
 762 DUNCAN STREET, SAN FRANCISCO, CA 94131



1 EXISTING SITE PLAN  
 SCALE 1/8" = 1'-0"

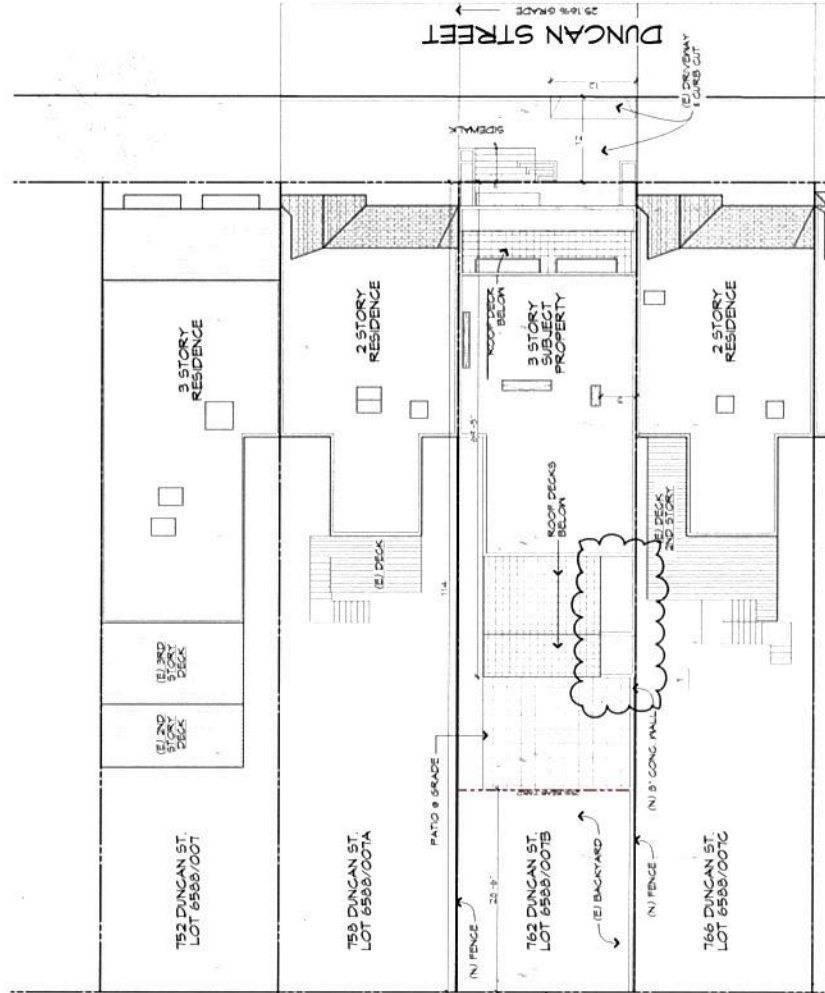


A-1

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2.00 12/17/18

PROPOSED SITE PLAN

TSU/ALEXANDER RESIDENCE REMODEL  
762 DUNCAN STREET  
SAN FRANCISCO, CA 94131



1 PROPOSED SITE PLAN  
SCALE 1/8" = 1'-0"



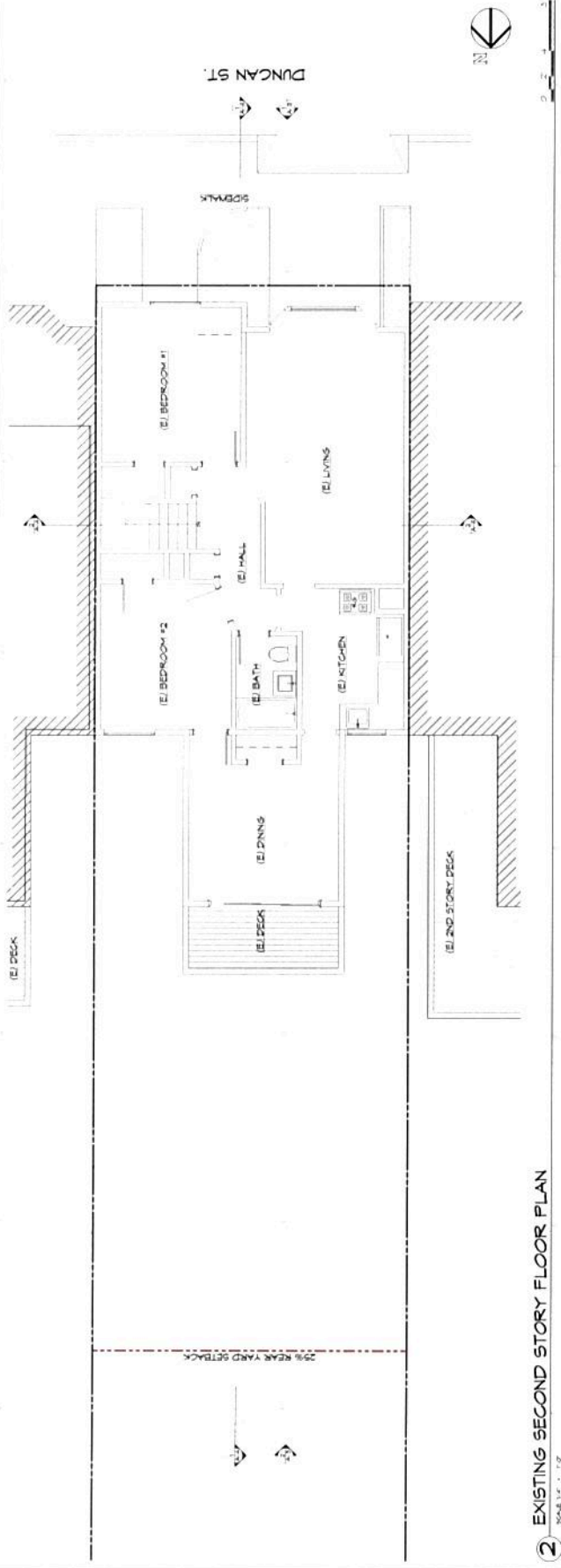
JAMES G. STONOR  
ARCHITECT  
SAN FRANCISCO, CA  
707-555-1100  
707-555-1101  
707-555-1102

TSU/ALEXANDER RESIDENCE REMODEL  
762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

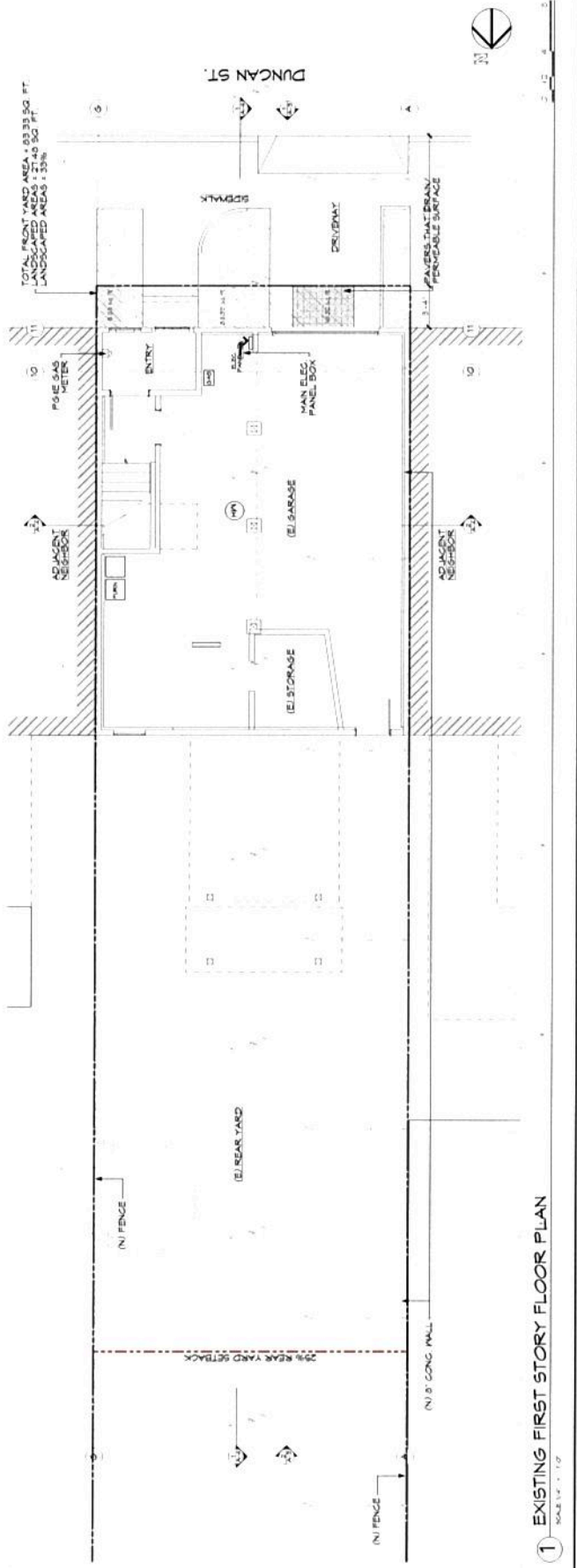
EXISTING FIRST &  
SECOND STORY  
FLOOR PLANS

DATE: 10/1/18  
SCALE: AS SHOWN  
REVISIONS: 12/1/18  
REVISIONS: 03/1/20

A-2



2 EXISTING SECOND STORY FLOOR PLAN  
SCALE: 1/4" = 1'-0"



1 EXISTING FIRST STORY FLOOR PLAN  
SCALE: 1/4" = 1'-0"



JAMES G. STANDOW  
ARCHITECT  
MA

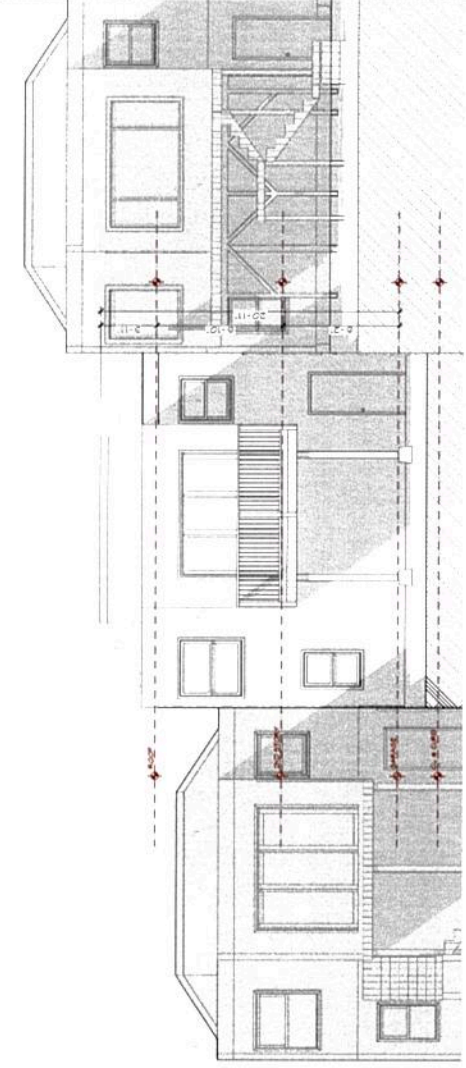
777 Commercial Street  
San Francisco, CA 94111  
(415) 771-1448

TSUI/ALEXANDER RESIDENCE REMODEL  
762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

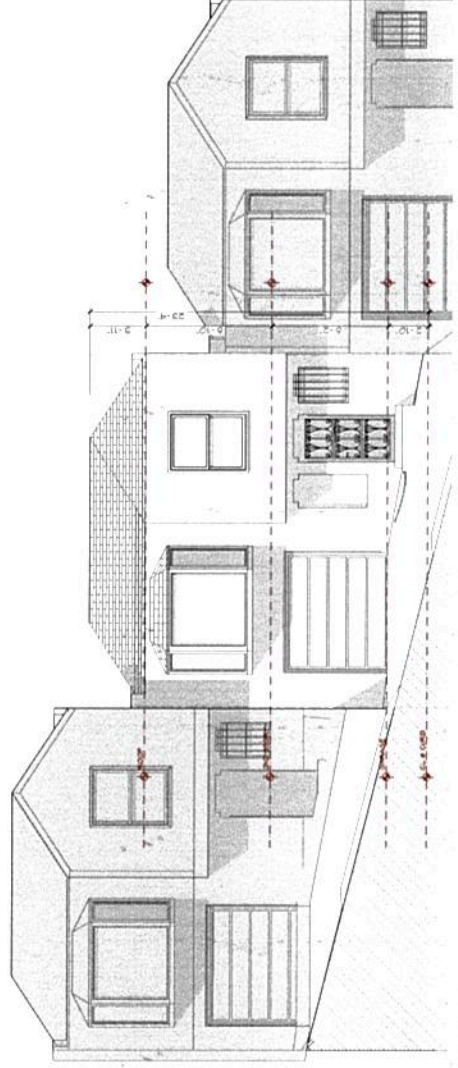
EXISTING SOUTH &  
NORTH  
ELEVATIONS

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12/11/18	1/8" = 1'-0"	100

A-5



2 EXISTING NORTH ELEVATION - REAR  
SCALE: 1/8" = 1'-0"



1 EXISTING SOUTH ELEVATION - FRONT  
SCALE: 1/8" = 1'-0"



JAMES G. STAVOW  
ARCHITECT  
MA

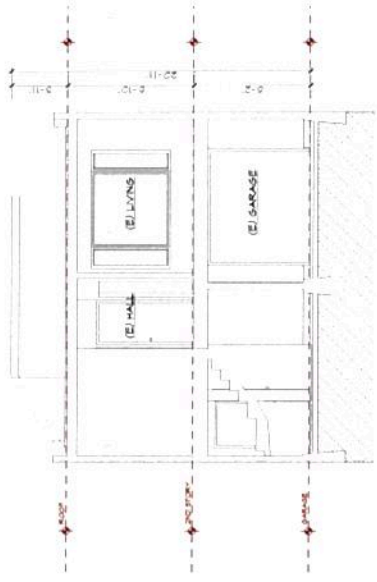
177 Commercial Street  
San Francisco, CA 94111  
(415) 775-1488

TSUI/ALEXANDER RESIDENCE REMODEL  
762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

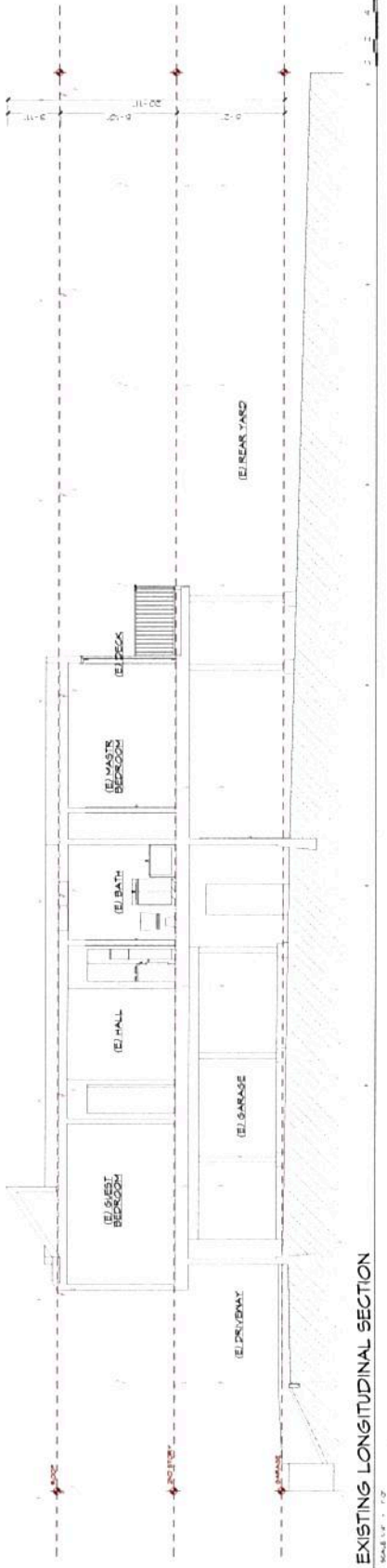
EXISTING CROSS  
SECTIONS

DATE 10/17/16  
REVISIONS 10/17/16  
PLANNING 10/17/16  
REVISED FOR PLANNING 12/17/16  
REVISIONS 12/17/16  
PLANNING FOR 12/17/16  
REVISED FOR 12/17/16  
DATE 12/17/16

A-4



2 EXISTING TRANSVERSE SECTION  
SCALE 1/8" = 1'-0"



1 EXISTING LONGITUDINAL SECTION  
SCALE 1/8" = 1'-0"





JAMES G. STAVAK  
ARCHITECT  
AIA

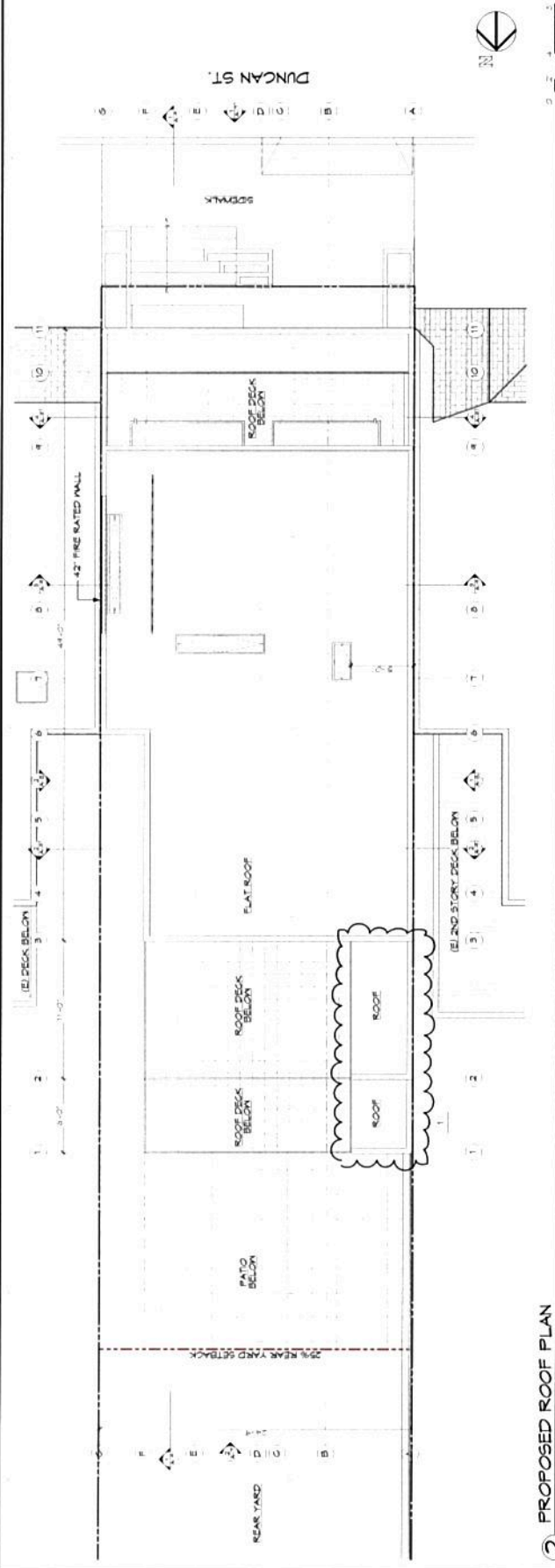
777 Francisco Street  
San Francisco, CA 94133  
(415) 777-1000

TSU/ALEXANDER RESIDENCE REMODEL  
762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

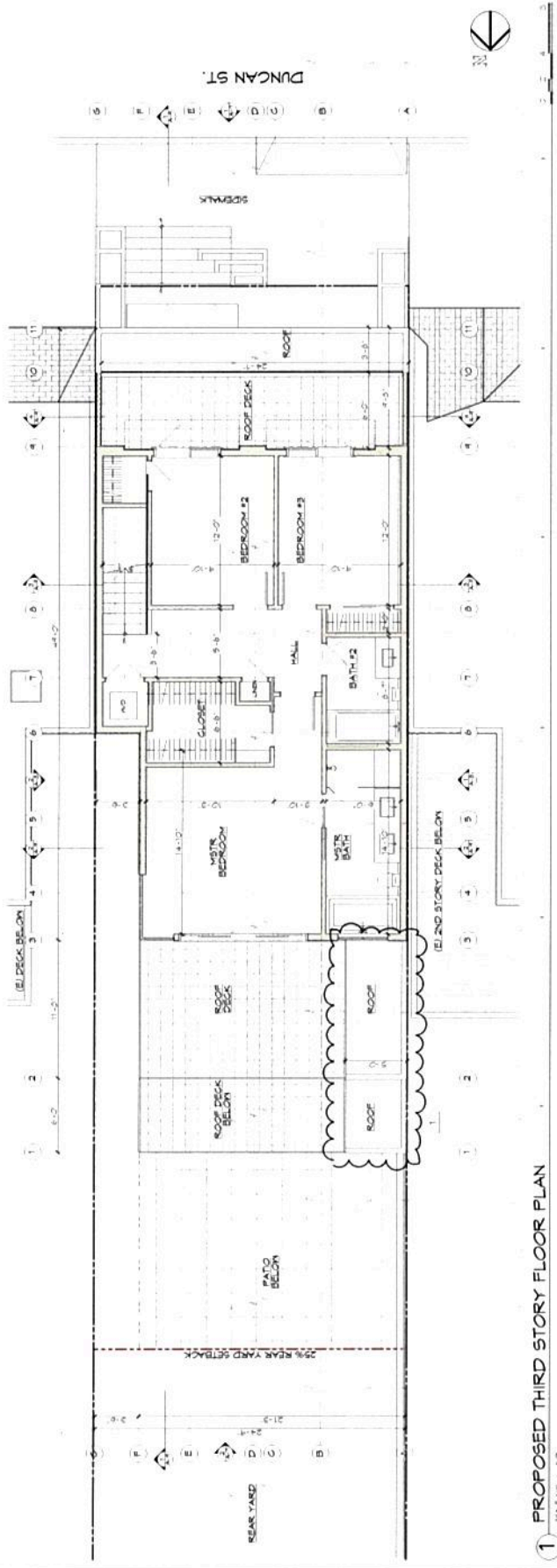
PROPOSED THIRD  
STORY & ROOF  
PLANS

DATE 12/18/18  
REVISED FOR 12/18/18  
PLANNING 12/18/18  
REVISED FOR 12/18/18  
DATE

A-6



2 PROPOSED ROOF PLAN  
SCALE: 1/8" = 1'-0"



1 PROPOSED THIRD STORY FLOOR PLAN  
SCALE: 1/8" = 1'-0"



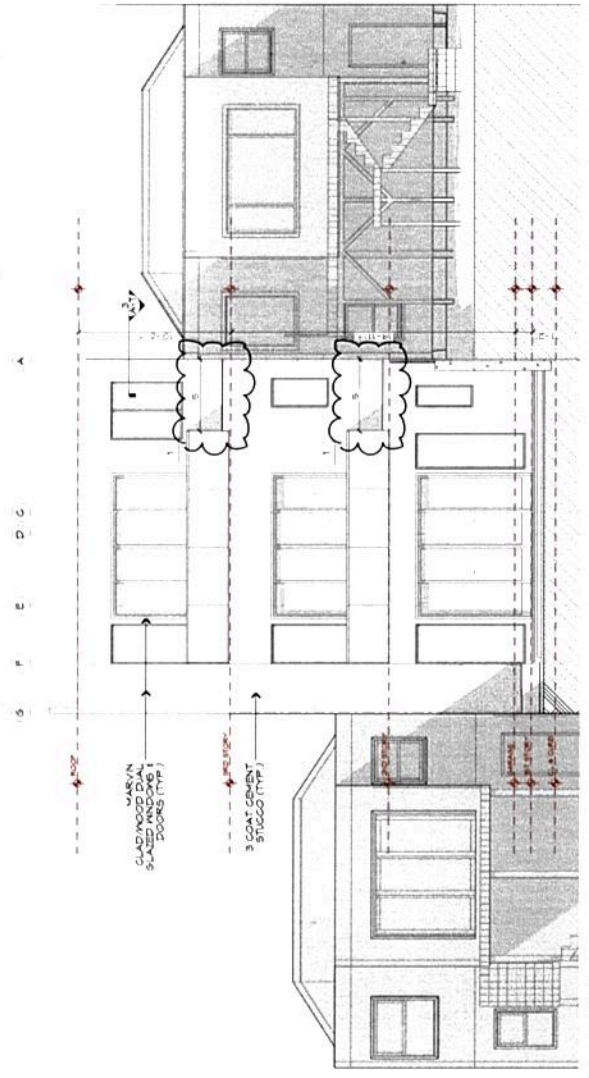
**JAMES G. STAVRO  
ARCHITECT**  
ARCHITECT  
1277 Broadway Street  
San Francisco, CA 94133  
(415) 774-1000

**TSUI/ALEXANDER RESIDENCE REMODEL**  
762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

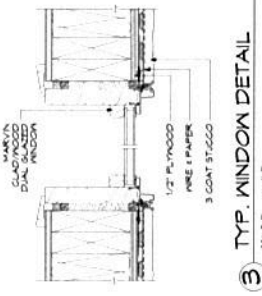
**PROPOSED SOUTH  
& NORTH  
ELEVATIONS**

DATE	ISSUE
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10/17/18	REVISED FOR
12/11/18	PLANNING 311 NOTICE
	REVISIONS
	PLANNING
	REVISIONS
	PLANNING 311 NOTICE
	DATE

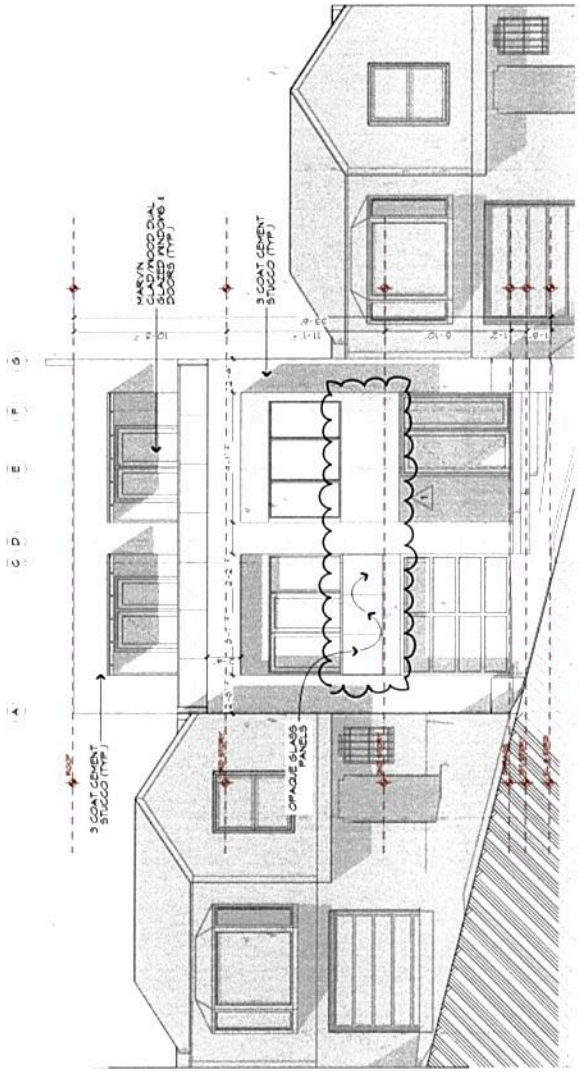
**A-7**



**2** PROPOSED NORTH ELEVATION - REAR  
SCALE 1/4" = 1'-0"



**3** TYP. WINDOW DETAIL  
SCALE 1/4" = 1'-0"



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



JAMES G. STOVALL  
ARCHITECT  
AIA

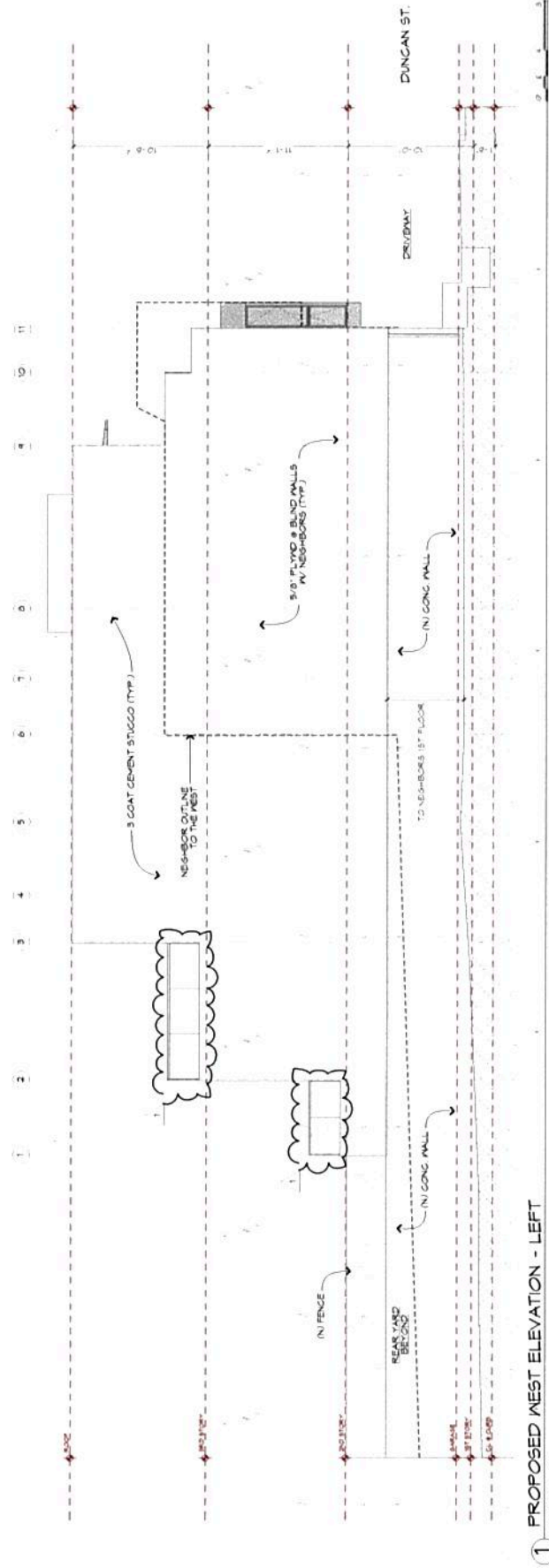
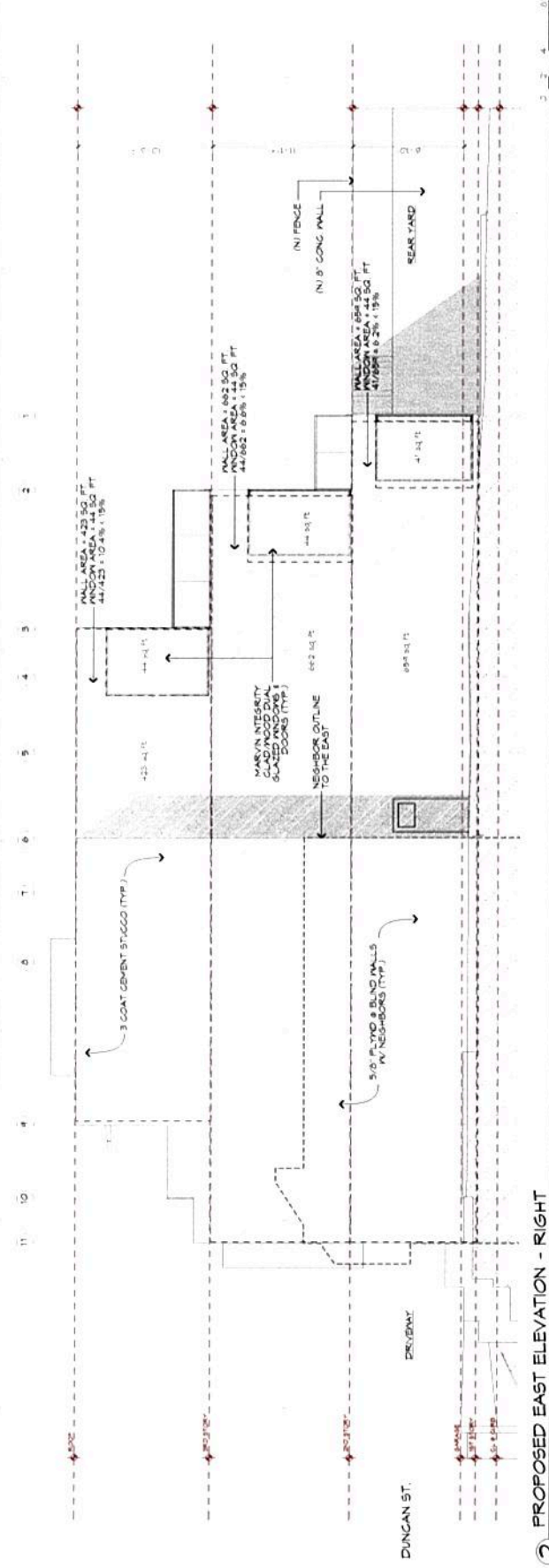
1777 Broadway Street  
San Francisco, CA 94115  
(415) 774-1000

TSU/ALEXANDER RESIDENCE REMODEL  
762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

PROPOSED EAST  
& WEST  
ELEVATIONS

NO.	DATE	DESCRIPTION
1	12/11/18	PLANNING
2	12/11/18	REVISED FOR SHI NOTICE
3	12/11/18	REVISED FOR SHI NOTICE
4	12/11/18	REVISED FOR SHI NOTICE

A-8







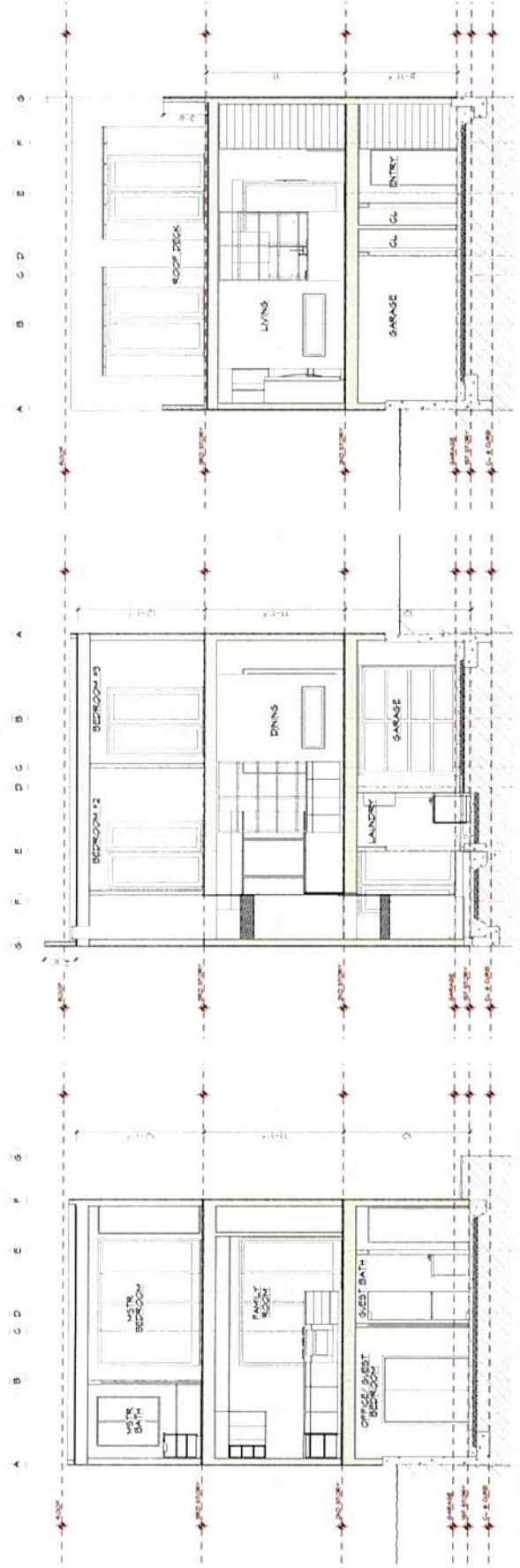
**JAMES S. STOVALL ARCHITECT, INC.**  
 1750 S. GARDEN STREET  
 SAN FRANCISCO, CA 94116  
 (415) 771-1100

**TSU/ALEXANDER RESIDENCE REMODEL**  
 762 DUNCAN STREET  
 SAN FRANCISCO, CA 94131

**PROPOSED CROSS SECTIONS**

DATE: 12/11/14  
 15/14/14  
 12/11/14  
 REVISIONS:  
 05/14 REVISION FOR PERMITS  
 12/11/14 REVISION FOR ST. NOTICE

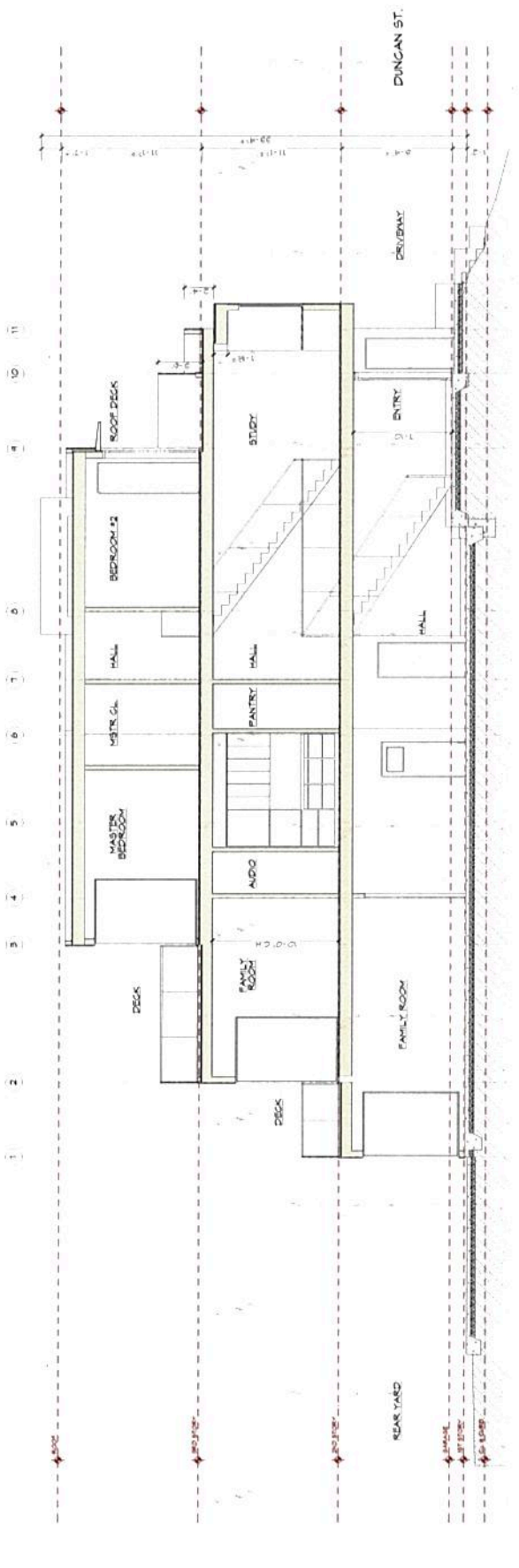
**A-9**



**2** PROPOSED TRANSVERSE BUILDING SECTION  
 SCALE: 1/4" = 1'-0"

**3** PROPOSED TRANSVERSE BUILDING SECTION  
 SCALE: 1/4" = 1'-0"

**4** PROPOSED TRANSVERSE BUILDING SECTION  
 SCALE: 1/4" = 1'-0"



**1** PROPOSED LONGITUDINAL BUILDING SECTION  
 SCALE: 1/4" = 1'-0"



JAMES G. STANOW  
ARCHITECT  
MA

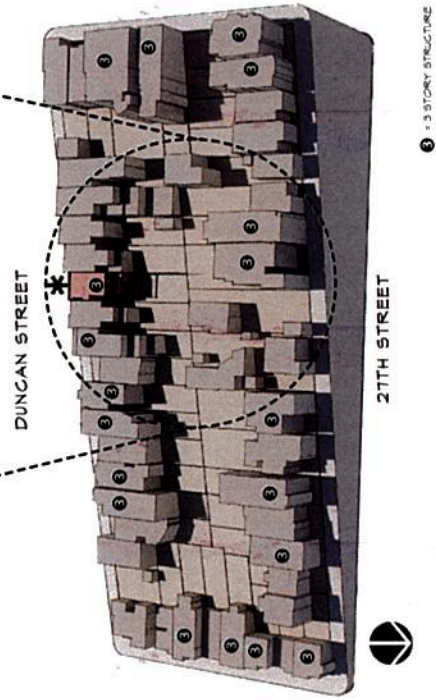
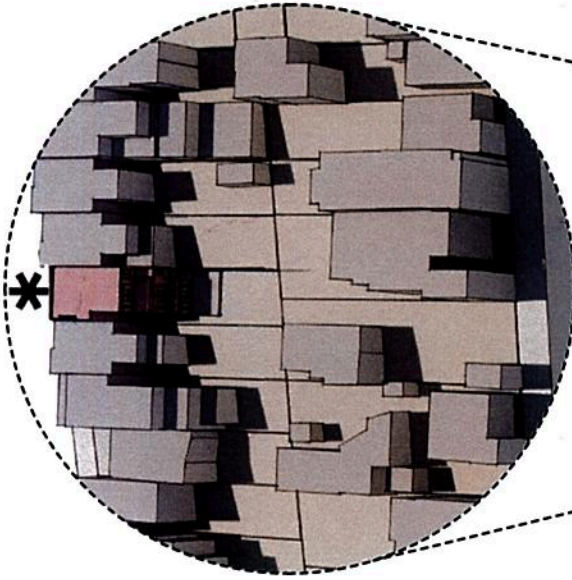
175 Commercial Street  
Boston, MA 02110  
Tel: (617) 552-8800  
Fax: (617) 552-8801

TSU/ALEXANDER RESIDENCE REMODEL  
762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

3D RENDERINGS

DATE 12/17/16  
REVISED FOR PLANNING 11/16/16  
REVISED FOR PLANNING 11/16/16  
12/17/16  
12/17/16  
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12/17/16

A-10



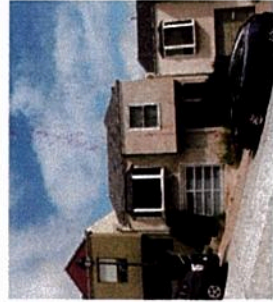
1 PROPOSED MID-BLOCK PERSPECTIVE



4 PROPOSED REAR ELEVATION



3 PROPOSED FRONT ELEVATION



2 EXISTING FRONT ELEVATION



7 STREET VIEW UP

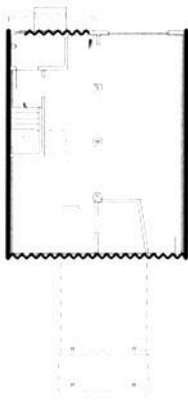


6 STREET VIEW STRAIGHT



5 STREET VIEW DOWN

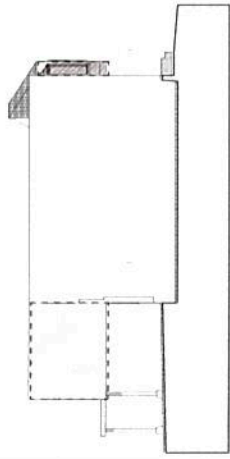
**FRONT AND REAR FACADE & EXTERIOR WALL REQUIREMENT**



DEMO 84.0' REMAN 81.0' EXTERIOR WALLS TO REMAN EXTERIOR WALLS TO BE DEMOLISHED  
**1** FIRST FLOOR  
 SCALE 1/8" = 1'-0"

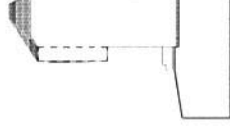
**VERTICAL ENVELOPE ELEMENTS REQUIREMENT**

VERTICAL ENVELOPE TO BE DEMOLISHED

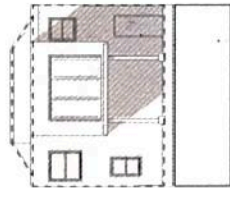


DEMO 13.50' FT REMAN 88.50' FT  
**3** WEST ELEVATION  
 SCALE 1/8" = 1'-0"

DEMO 13.50' FT REMAN 88.50' FT  
**2** SOUTH ELEVATION  
 SCALE 1/8" = 1'-0"



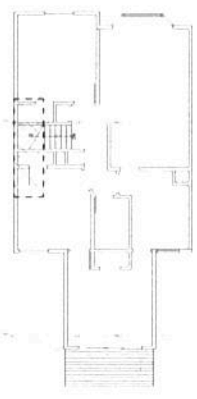
DEMO 10.50' FT REMAN 89.50' FT  
**4** EAST ELEVATION  
 SCALE 1/8" = 1'-0"



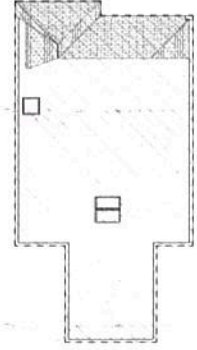
DEMO 9.50' FT REMAN 90.50' FT  
**5** NORTH ELEVATION  
 SCALE 1/8" = 1'-0"

**HORIZONTAL ELEMENTS REQUIREMENT**

HORIZONTAL ELEMENTS TO BE DEMOLISHED



DEMO 48.50' FT REMAN 95.50' FT  
**6** SECOND FLOOR  
 SCALE 1/8" = 1'-0"



DEMO 1.026' REMAN 0.52' FT  
**7** ROOF PLAN  
 SCALE 1/8" = 1'-0"

**SUMMARY TABLE - NON-DEMOLITION DEMONSTRATION REQUIREMENTS**

FRONT REAR FACADES	WEST	SOUTH	EAST	NORTH	TOTAL	REAR	WEST	SOUTH	EAST	NORTH	TOTAL	REMAINING	OUTCOME	COMPLIANCE	
LINEAR FEET & FOUNDATION	25'-0"	25'-0"	32'-6"	25'-0"	117'-0"	25'-0"	0'-0"	0'-0"	0'-0"	0'-0"	0'-0"	0'-0"	35.0%	35.0%	X
ALL EXTERIOR WALLS	WEST	SOUTH	EAST	NORTH	TOTAL	WEST	SOUTH	EAST	NORTH	TOTAL	REMAINING	OUTCOME	COMPLIANCE		
LINEAR FEET & FOUNDATION	32'-6"	25'-0"	32'-6"	25'-0"	115'-0"	32'-6"	19'-0"	32'-6"	0'-0"	84'-0"	24.4%	24.4%	24.4%	✓	
VERTICAL ENVELOPE	WEST	SOUTH	EAST	NORTH	TOTAL	WEST	SOUTH	EAST	NORTH	TOTAL	REMAINING	OUTCOME	COMPLIANCE		
(IN FT. OF SURFACE AREA)	330	444	555	512	1841	330	233	444	0	1007	54.7%	54.7%	54.7%	✓	
HORIZONTAL ELEMENTS	WEST	SOUTH	EAST	NORTH	TOTAL	WEST	SOUTH	EAST	NORTH	TOTAL	REMAINING	OUTCOME	COMPLIANCE		
(IN FT. OF SURFACE AREA)	18'	240	1,026	0	1,254	18'	0	0	0	18'	4.5%	4.5%	4.5%	X	



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 (415) 771-1000

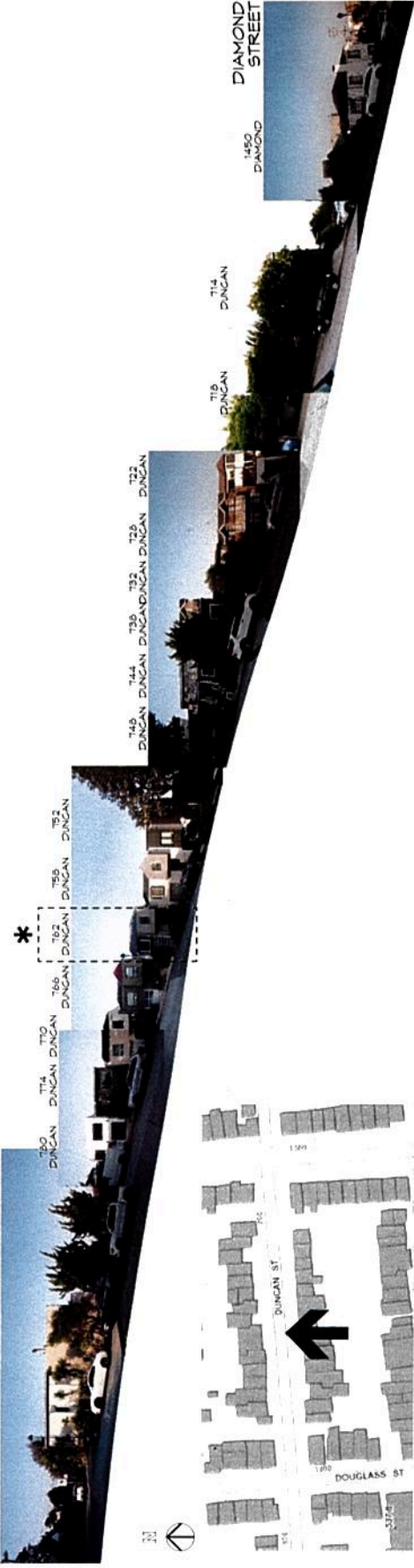
TSU/ALEXANDER RESIDENCE REMODEL  
 762 DUNCAN STREET  
 SAN FRANCISCO, CA 94131

DEMOLITION CALCULATIONS

DATE 12/17/18  
 REVISIONS FOR 311 ESSENTIAL PLANNING 01/11/19  
 REVISIONS FOR 311 NOTICE PLANNING 01/11/19  
 SCALE 1/8" = 1'-0"

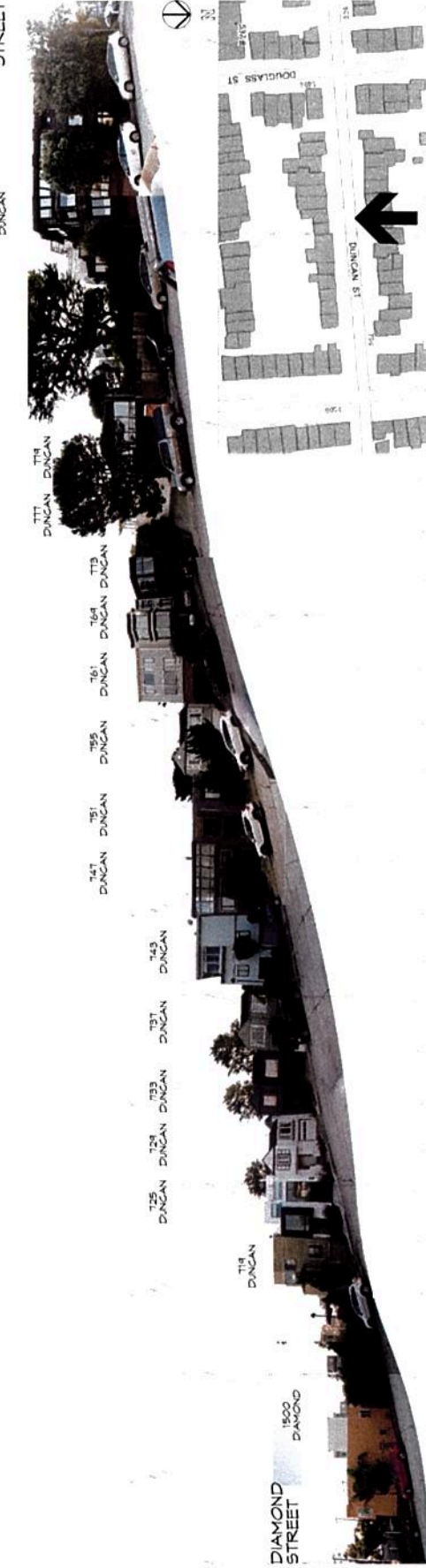
**A-11**

DOUGLASS STREET



② SOUTH FACING ELEVATION OF DUNCAN STREET

DOUGLASS STREET



① NORTH FACING ELEVATION OF DUNCAN STREET



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762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

STREET VIEWS

DATE	SCALE	NO.	REVISION
12/11/18	1/8"=1'-0"	01	REVISED FOR PERMITS
10/11/18	1/8"=1'-0"	00	PLANNING
12/11/18	1/8"=1'-0"	01	REVISED FOR PERMITS
12/11/18	1/8"=1'-0"	02	REVISED FOR PERMITS

A-12

# EXHIBIT 2





# EXHIBIT 3



# DISCRETIONARY REVIEW (drp)



## San Francisco Planning

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

### Project Information

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Property Address: 762 Duncan Street

Zip Code: 94131

Building Permit Application(s): 2018.1121.6550

Record Number: 2018-015993DRP & 2018-015993DRP-02

Assigned Planner: Jeffrey Horn & David Winslow

### Project Sponsor

---

Name:

Phone:

Amy Tsui & Barry Alexander (owners)

James Stavoy: (415)553-8696

James Stavoy & Stephen Williams (representatives)

Stephen Williams: (415)292-3656

Email:

[jgstavoy@pacbell.net](mailto:jgstavoy@pacbell.net); [smw@stevewilliamsllaw.com](mailto:smw@stevewilliamsllaw.com)

[bigroundbelly@gmail.com](mailto:bigroundbelly@gmail.com); [barry.alexander@gmail.com](mailto:barry.alexander@gmail.com)

### Required Questions

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

The project is well within all set back requirements for the RH-1 zoning district, and is modest compared with recent remodeling projects on the same block face and in the neighborhood. The purpose of the project is to add additional living space, bedrooms and bathrooms to a small 2-bedroom, 1 bath residence of only 1093 s.f. to accommodate an elderly parent who is to move in with the property owners. The concerns by the DR requestors are misplaced as the project meets the Residential Design Guidelines and provides generous setbacks for the adjacent neighbors. The buildings on this block of Duncan Street face south so the claim of shadowing is over-stated as the buildings all cast shadow on themselves more than any neighboring property. (see attached)

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

We have made substantial changes to the project and cut it back ten (10') feet on the first and second floors and seventeen (17') feet on the third floor. This is a tremendous reduction in the mass and represents a significant loss of living space the project originally hoped to capture with this remodel. As set forth in the attachments, the DR requestors were both unwilling (or unable) to meet with us to discuss the project. The requestor at 766 Duncan Street is primarily concerned with the loss of a view which is not protected from reasonable expansions under the Planning Code that are necessary for an owner's enjoyment of property rights. (see attached)

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


As noted above and in the attachments, we have made substantial changes to the project since the initial proposal. Further cutbacks or reductions are not merited and reasonable given that the proposal is far less than what is allowed under the Planning Code and far less than many recent expansions on the same block and in the neighborhood. As set forth herein, one of the purposes of the expansion is to create a new bedroom and bath for an elderly relative who will be moving into the property once the project is complete. (see attached)

**Project Features**

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

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	1	1
Occupied Stories (all levels with habitable rooms)	2	3
Basement Levels (may include garage or windowless storage rooms)	1	1
Parking Spaces (Off-Street)	1	2
Bedrooms	2	3
Height	23'9"	34'6"
Building Depth	51'6"	66'
Rental Value (monthly)	NA	NA
Property Value	420,000	~1,000,000

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

Signature: 

Printed Name: Stephen Williams

Date:

- Property Owner
- Authorized Agent

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

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

The 766 Duncan Street DR applicant's concern of light blockage and the creation of shade are incorrect. There is currently little to no light coming into the first floor living space – It is on the north side of the building located underneath an upper deck and behind a tall wooden fence that extends from the ground to the second floor deck. Our project employs a three-tiered design with a 6' setback on the second floor and a 17' setback on the third floor from the first floor to ensure the impact of light on the adjacent house is minimal. The project also provides a 5' side setback on both the second and third floor rear balconies to further safeguard the privacy, light, and air to the adjacent property. Compared to other projects in our neighborhood, such as the 752 Duncan Street property that the DR applicant cites in her application, the depth of our proposed structure is much shorter at all three levels. Out of consideration for the immediate neighbors, we decided on such a modest proposal and we are seeking living space by only the amount we need.

The concern by the DR Applicant that the property price of her home will be devalued is not a consideration to be addressed by the planning process and is certainly unlikely to be true. Consistent data has shown that the value of properties does not diminish just because neighboring houses are being expanded. Instead, these neighboring properties tend to increase in value due to a precedence that has already been established.

The proposed project should be approved.

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

We have made every effort to reach out to the DR requester, Ms. Christina Fisher, and to be transparent in the hope to garner her feedback and support for our project. Below is a chronology of our outreach efforts:

**Early 2018: Initial Conversation**

We informed Ms. Fisher of our intention to expand our house to accommodate Amy's elderly father to live with us.

**June 2018: Review of First Set of Drawings**

We invited Ms. Fisher to coffee to review the first set of drawings. Ms. Fisher brought up the following concerns:

- She will lose her view and light.
- Her property will decrease in value.
- Her Airbnb income will suffer.

**November 2018: Second Set of Drawings and Pre-Application Neighborhood Meeting**

Keeping Ms. Fisher's concern in mind and following the advice from RDAT architect in the Project Review Meeting, we significantly reduced the depth of all three levels. This second set of drawings was used in the Pre-Application Neighborhood Meeting and was subsequently submitted with our application to the San Francisco Planning Department. Due to her schedule, Ms. Fisher was unable to attend the pre-application meeting. We offered to hold a separate meeting just for her so that we could show her the substantial reductions we made. Unfortunately, Ms. Fisher was unable to make any time to meet with us in the past fourteen months – She replied to our email requesting a meeting without specifying any date and time when we could meet.

**January 2020: Third Set of Drawings and 311 Notice**

We accepted the recommendations from the senior planner and the RDAT architect. We further reduced the depth of all three levels. This third set of drawings was used in the 311 Notice. Compared to the first drawing, the depth of both the first and second levels was reduced by 10' each, and the depth of the third level was reduced by 17'.

**February 2020: Received Discretionary Review Notification**

Contrary to what Ms. Fisher indicated in the DR application, we never had a chance to participate in any outside mediation with her. In fact, she never made time to meet with us.

We took Ms. Fisher's concerns seriously and we had made numerous and substantial changes to address them. With the two revisions since the first drawing, we significantly shortened the depth of all three floors: 10' on both the first and second floors, and 17' on

the third floor. As of now, the second floor has a setback of 6' from the first floor and the third floor has a setback of 17' from the first floor.

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

There are two primary reasons that drive us to undertake this remodeling project. The first and foremost is to expand our current living space to accommodate Amy's elderly father who wishes to move in with us. The second is to preserve our privacy and health. Ms. Fisher, our neighbor to the west, is hosting her property on Airbnb. The east side of her second floor wrap-around deck where her balcony door is located is built out adjacent to our property line. When her guests exit and enter the upper deck, they can look directly into our kitchen resulting in a loss of privacy. When her guests smoke on the upper deck, the wind carries secondhand smoke through our kitchen window and balcony door into our house creating a health concern.

We purchased our property in 1997 and have resided in the same dwelling for more than twenty years. We decided to take on this remodeling project out of genuine need to increase our current habitable living space. Ms. Fisher is a single woman and lives alone in her home that is about 300 sq. ft. bigger in size than our current home, it may be difficult for her to fathom how cramped it can be to house four adults in an approximate 1000 sq. ft. space with just one bathroom.

Our proposed project is very modest in scale specifically intended to minimize the impact on our neighbors. It is the product of thoughtful and conscientious design and revisions by our architect, collaboration with a senior planner and the RDAT architects of the San Francisco Planning Department. We accepted their recommendations and the project fully satisfies the Residential Design Guidelines and more than meets the requirements of the San Francisco Planning Code.

The large setbacks we incorporated into the design were meant to protect the light, privacy, and air to the neighbors. Any further reduction would present tremendous hardship in housing four adults, and to preserve our privacy and health from Airbnb activities directly adjacent to us. Any further reductions would also jeopardize the architectural expression and visual quality of the building, and the general esthetics with existing houses that have already been remodeled in and around our neighborhood.

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

The second Discretionary Review application was filed by the owner of 758 Duncan Street to the east of the subject site. It expresses concerns of losing sun to the rear yard, the flow of underground spring water, and the stability of the retaining wall that borders between our two properties.

The claimed issue of underground water flow and retaining wall are Building Code issues and will not be addressed by Planning or at the DR hearing.

As to the claimed loss of sunlight, the properties are south facing with rear yards facing north. The vast majority of the shadow in the north rear yard of each lot is cast by the building sitting on the lot. As shown in the second picture submitted with the DR application, the shadow in the backyard is actually cast by the DR requester's building. Obviously, our proposed structure has not been built yet. If the shadow in the fourth picture already exists, then the remodeling project will not add to the loss of natural light from the west side to the DR requester's yard. While we cannot control the loss of sun coming directly from the neighbors' existing buildings, the project employs a three-tiered architecture with rear setback of 6' on the second floor and 17' on the third floor from the first floor to ensure the impact of light on the DR requester's building and rear yard is minimized. In addition, there is a 3' 6" side setback to further safeguard the privacy, light, and air to the DR requester's property. Compared to other projects in our neighborhood, such as the one at 752 Duncan Street mentioned in the DR application, the depth of the proposed building is much shorter at all three levels. It is out of consideration to our immediate neighbors that we decided on such a modest proposal to increase the habitable living space by only the amount needed.

During construction, we will consult with a geotechnical engineer to determine if there is a spring underneath our properties. If it is found to be the case, it will be addressed as required. The same is true of the retaining wall.



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

We have made every effort to reach out to the DR requester, our neighbor, Ms. Patricia Elend, but she did not attend the Pre-Application Neighborhood Meeting and would not otherwise meet with us. Below is a chronology of our attempts to meet with her regarding our project:

**June 2018: Review of First Set of Drawings**

We invited Ms. Elend to coffee to review the first set of drawings. Ms. Elend declined our invitation and did not provide dates for other meetings.

**November 2018: Second Set of Drawings and Pre-Application Neighborhood Meeting**

Taking into consideration the concerns raised by the other neighbor west of our property, and following the advice from RDAT architect in the Project Review Meeting, we significantly reduced the depth of all three levels. The second set of drawings was used in the Pre-Application Neighborhood Meeting and was subsequently submitted with our application to the San Francisco Planning Department. Before the meeting, Ms. Elend did reach out to our architect, Mr. James Stavoy, but they never connected. James returned her call a few times and left her a voice mail. Ms. Elend did not call back and she did not attend our Pre-Application Neighborhood Meeting.

**September 2019: Tried to Engage in Conversation**

When a discussion about trimming of plants bordering the common fence of the two properties came up last year, Amy tried to engage Ms. Elend in a conversation to discuss our remodeling project. The neighbor was indifferent in the topic and the discussion was dropped.

**January 2020: Third Set of Drawings and 311 Notice**

Abiding by the recommendation from a senior planner and RDAT architect, we further reduced the depth of all three levels. The third set of drawings was used in the 311 Notice. Compared to the first set of drawings, the depth of both the first and second levels were reduced by 10' each, and the depth of the third level was reduced by 17'.

Due to our multiple unsuccessful attempts to reach out to Ms. Elend, we were unable to show her how we arrived to our current plan and to show her how we had already made substantial reductions in the depth of all three levels: 10' on both the first and second floors, and 17' on the third floor.

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

There are two primary reasons that drive us to undertake this remodeling project. The first and foremost is to expand our current living space to accommodate Amy's elderly father who wishes to move in with us. The second is to preserve our privacy and health. The neighbor to the west of our property is hosting her property on Airbnb. The east side of her second floor wrap-around deck where her balcony door is located is built out adjacent to our property line. When her guests exit and enter her upper deck, they can look directly into our kitchen resulting in a loss of privacy. When her guests smoke on the upper deck, the wind carries secondhand smoke through our kitchen window and balcony door into our house creating a health concern.

We purchased our property in 1997 and have resided in the same dwelling for more than twenty years. We decided to take on this remodeling project out of genuine need to increase our current habitable living space. Since Ms. Elend lives alone in a home that is of a similar size as our current home, it may be difficult for her to fathom how cramped it can be to house four adults in an approximate 1000 sq. ft. space with just one bathroom.

Our proposed project is very modest in scale and specifically intended to minimize the impact on our neighbors. It is the product of thoughtful and conscientious design and revisions by our architect, collaboration with a senior planner and RDAT architects of the San Francisco Planning Department, and adherence to the Residential Design Guidelines and San Francisco Planning Code.

The depth of the proposed first and second floor is 66' and 60'; both well within the required rear yard setback. Even though the third floor is a new addition, it only measures 49'. The DR requester's request to move all floors back by 12' is not feasible or reasonable. Such a change would decrease the proposed habitable living space by approximately 800 sq. ft. This reduction would present tremendous hardship to house four adults. To shorten the depth of the third floor by 12' would render it structurally infeasible to build three functional bedrooms on that floor. In addition, the resulting structure would jeopardize the architectural expression and visual quality of the building, and the general esthetics with existing houses that have already been remodeled in and around our neighborhood.

Most importantly, the buildings on this block are facing south. The impact on light on the DR requester's property due to the proposal is minimal. We will also enlist the expertise of geotechnical and structural engineers to ensure that our new structure is in full compliance with the San Francisco Building Code.

# EXHIBIT 4

**Exhibit 4: Access to Light in Fisher's Property (neighbor immediate to the west of Project)**

Image credit: Fisher's Airbnb Listing



# EXHIBIT 5

**Exhibit 5: Access to Light in Fisher's Property (neighbor immediate to the west of Project)**

Image credit: Fisher's Airbnb Listing



# EXHIBIT 6

**Exhibit 6: Access to Light in Fisher's Property (neighbor immediate to the west of Project)**

Image credit: Fisher's Airbnb Listing





# EXHIBIT 7

**Exhibit 7:**

**Access to Light in Elend's Property (neighbor immediate to the east of Project)**

**Dry rear yard**

Picture taken at around 2 pm



# EXHIBIT 8

**Exhibit 8:**

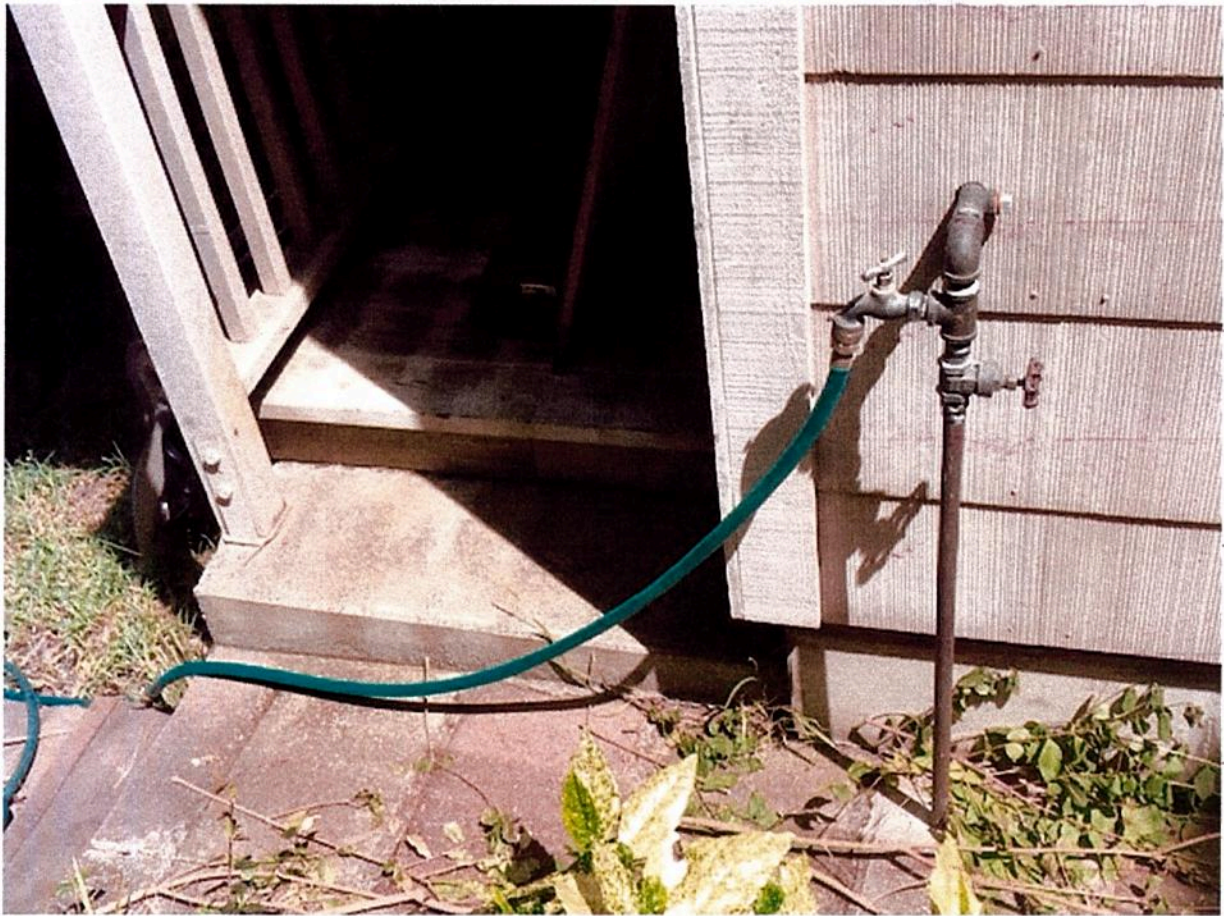
**Access to Light in Elend's Property (neighbor immediate to the east of Project)**

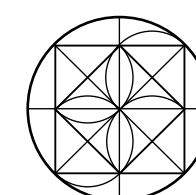
Picture taken at around 6 pm



# EXHIBIT 9

**Exhibit 9: Hose in Elend's Rear Yard**





JAMES G. STAVOY  
ARCHITECT  
AIA

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San Francisco, California  
94114  
415 • 553 • 8696

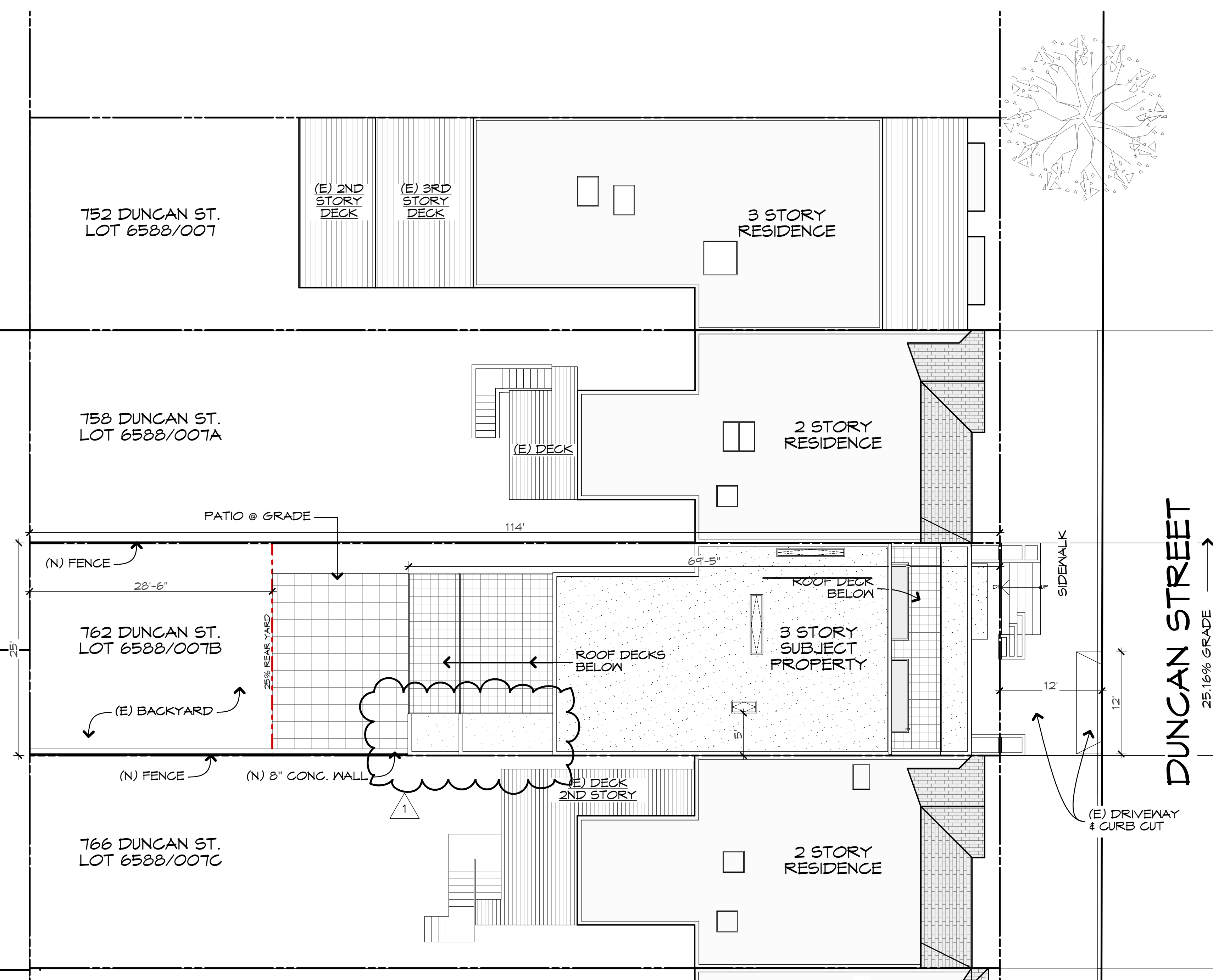
TSUI/ALEXANDER RESIDENCE REMODEL  
762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

PROPOSED SITE  
PLAN

DATE	11/16/18
REVISOR	10/11/19
ISSUE	12/11/19
311 SUBMITTAL FOR PLANNING	
REVISED FOR PLANNING 311 NOTICE	

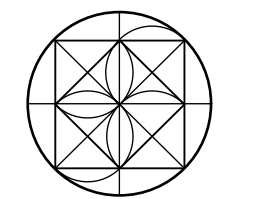
REVISED ON: 12/17/2019

A-1



1 PROPOSED SITE PLAN

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



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AIA

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San Francisco, California  
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TSUI/ALEXANDER RESIDENCE REMODEL

762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

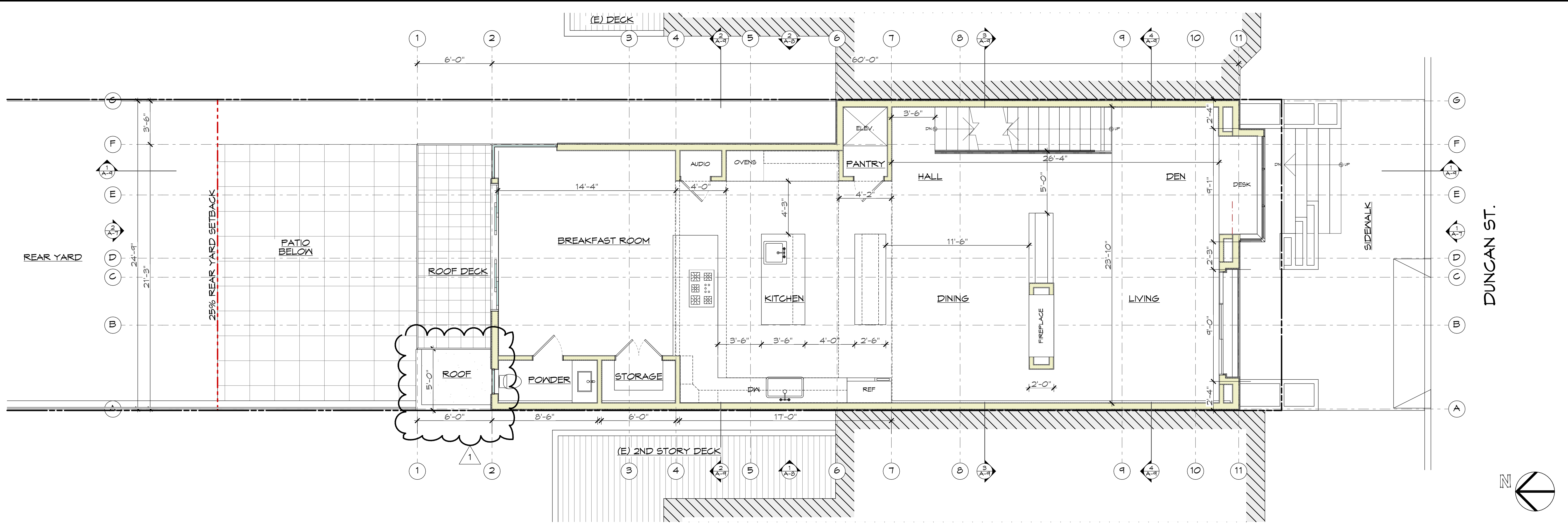
PROPOSED FIRST  
& SECOND STORY  
FLOOR PLANS

ISSUE DATE  
311 SUBMITTAL 11/16/18  
REVISED FOR 10/11/19  
PLANNING 12/11/19  
REVISED FOR  
PLANNING 311 NOTICE

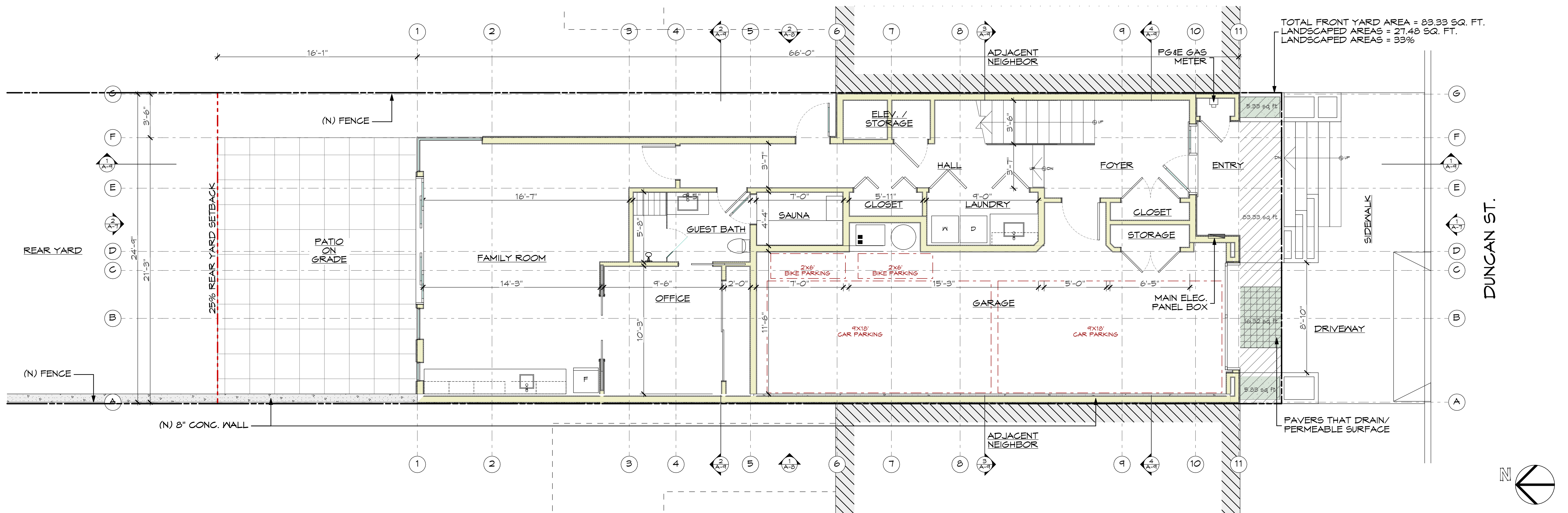
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A-5

REVISED ON: 12/17/2019



2 PROPOSED SECOND STORY FLOOR PLAN  
SCALE: 1/4" = 1'-0"

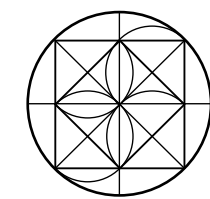


1 PROPOSED FIRST STORY FLOOR PLAN  
SCALE: 1/4" = 1'-0"

TOTAL FRONT YARD AREA = 83.33 SQ. FT.  
LANDSCAPED AREAS = 27.48 SQ. FT.  
LANDSCAPED AREAS = 33%

PAVERS THAT DRAIN/  
PERMEABLE SURFACE





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ARCHITECT  
AIA

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San Francisco, California  
94114  
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TSUI/ALEXANDER RESIDENCE REMODEL  
762 DUNCAN STREET  
SAN FRANCISCO, CA 94131

PROPOSED THIRD  
STORY & ROOF  
PLANS

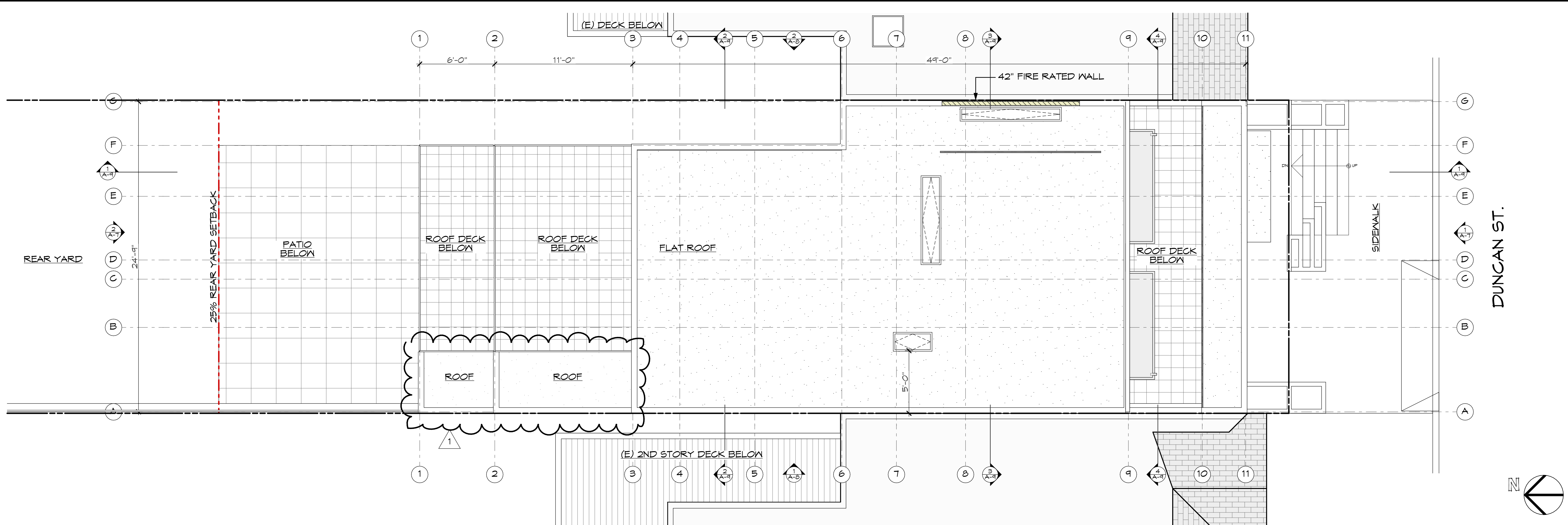
ISSUE  
311 SUBMITTAL  
REVISED FOR  
PLANNING

DATE  
11/16/18  
10/11/19  
12/11/19

REVISED FOR  
PLANNING 311 NOTICE

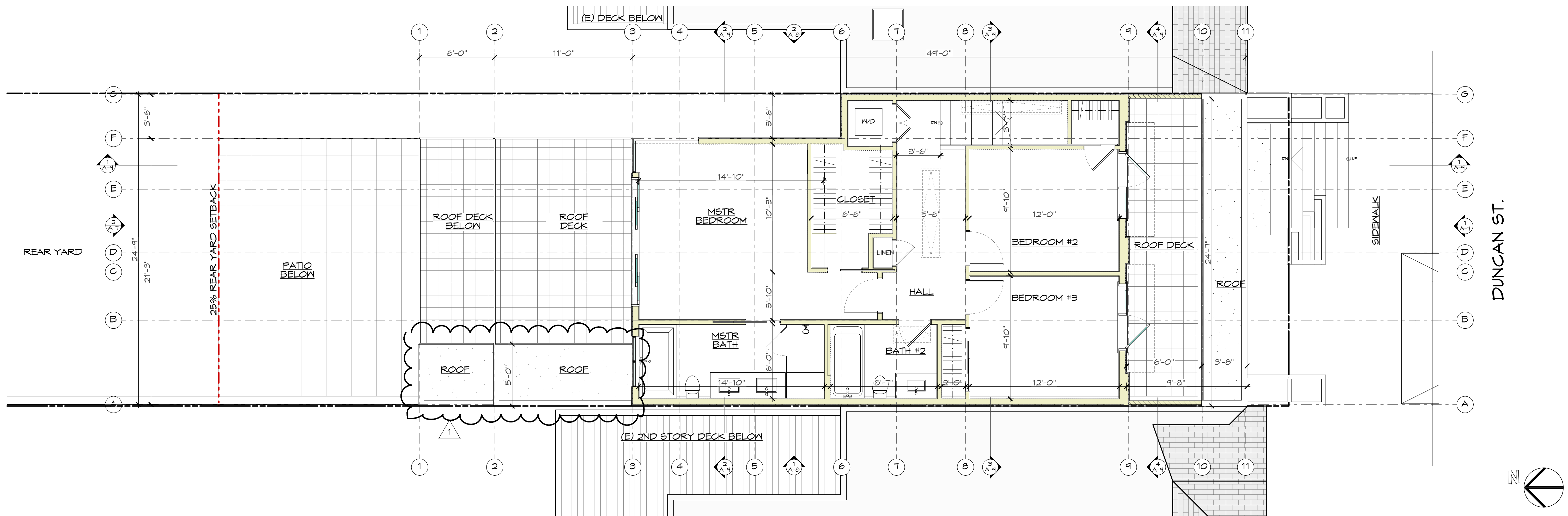
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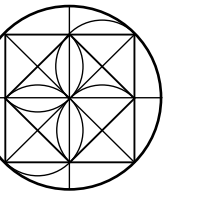
2 PROPOSED ROOF PLAN

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



1 PROPOSED THIRD STORY FLOOR PLAN

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



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PROPOSED SOUTH  
& NORTH  
ELEVATIONS

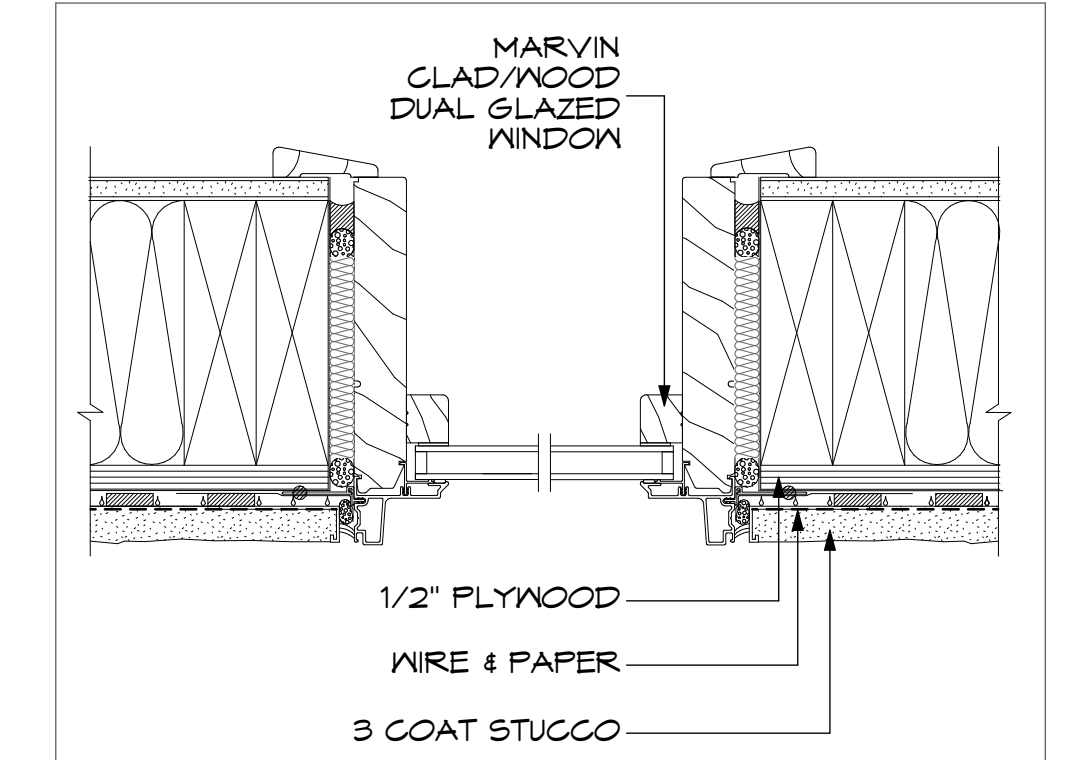
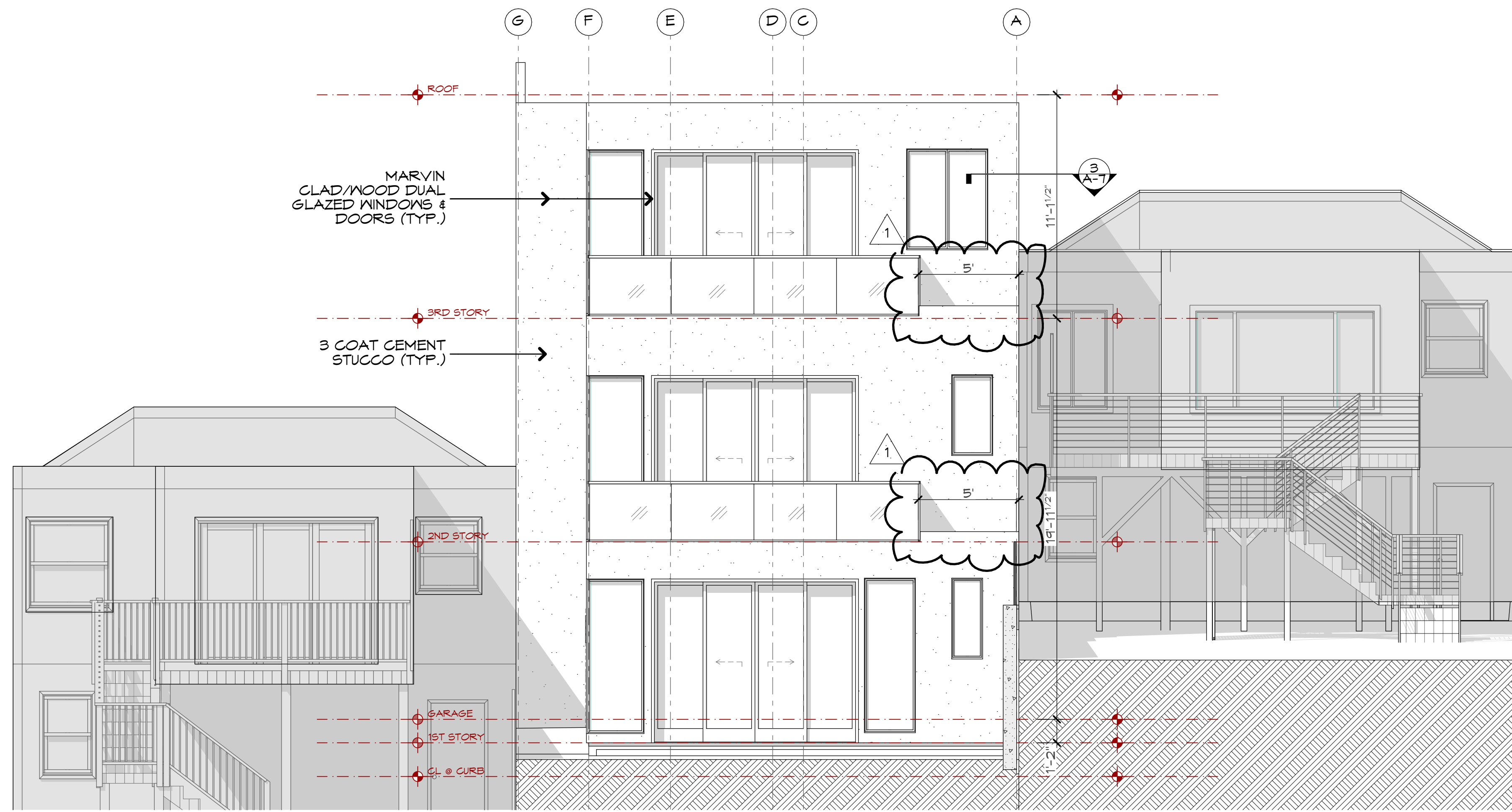
DATE  
11/16/18  
10/11/19  
12/11/19

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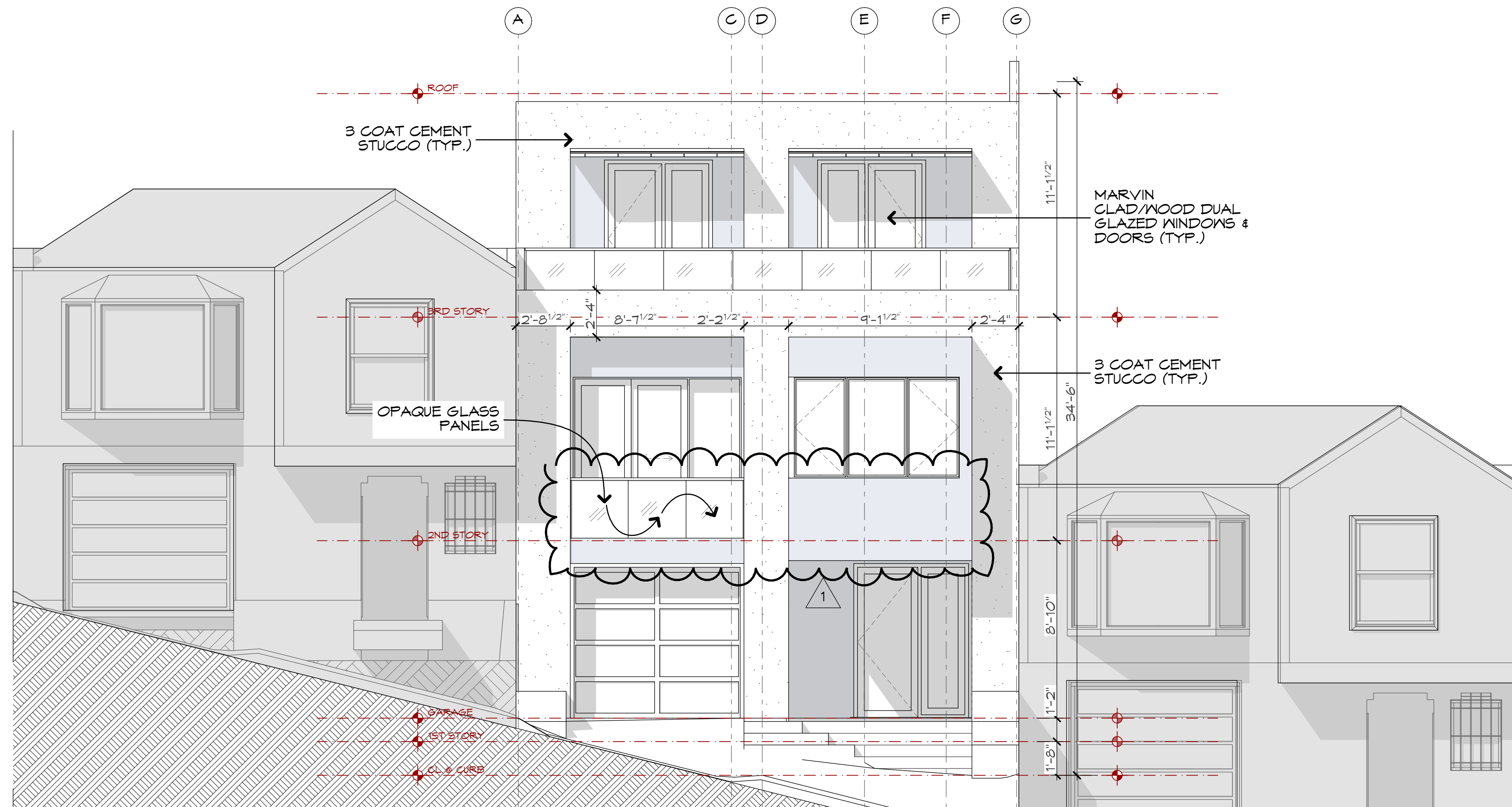
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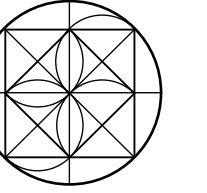
3 TYP. WINDOW DETAIL  
SCALE: 3" = 1'-0"



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



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



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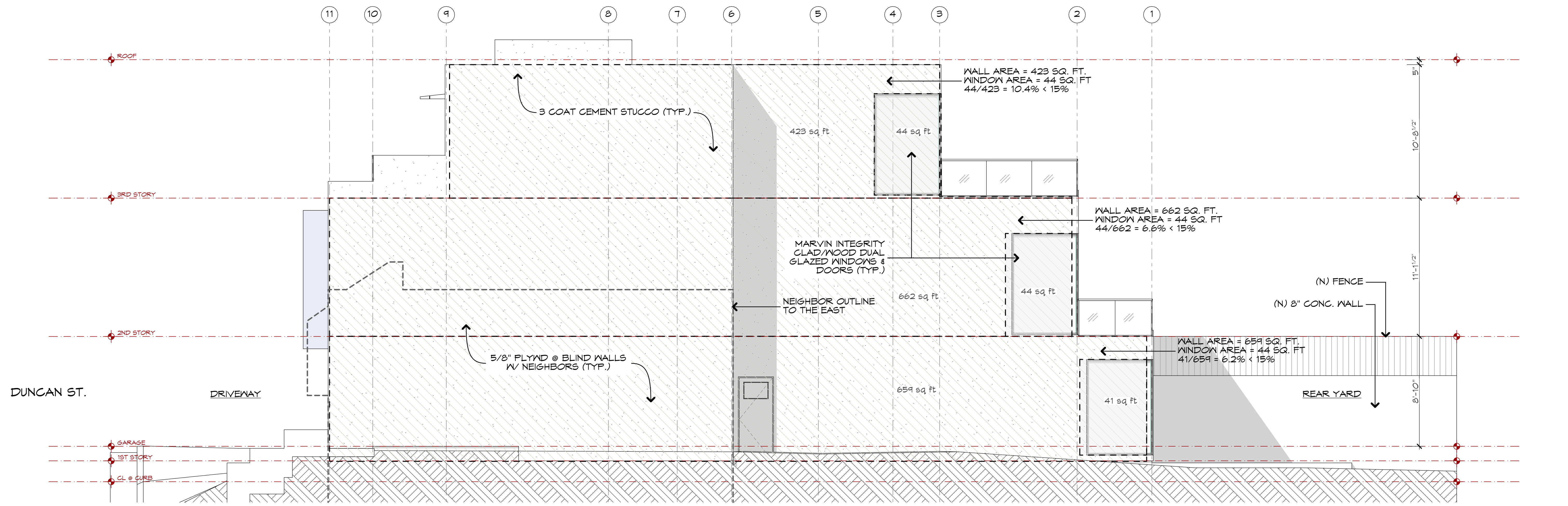
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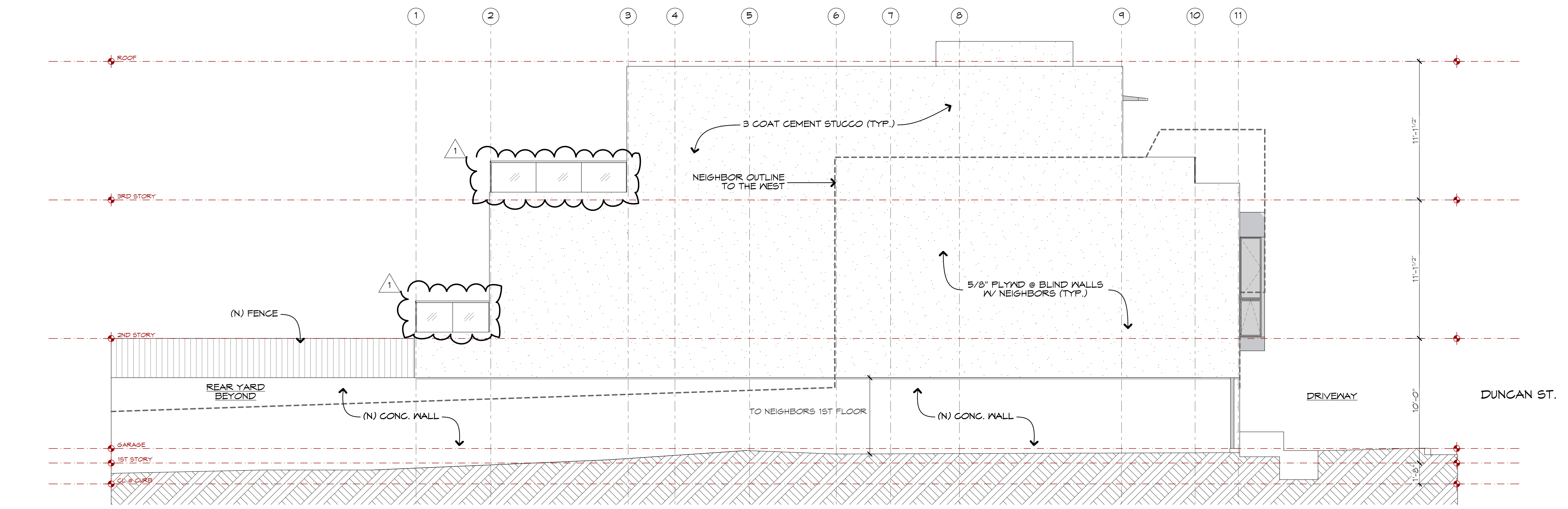
PROPOSED EAST  
& WEST  
ELEVATIONS

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10/11/19  
12/11/19  
ISSUE  
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NO. 12/11/2019

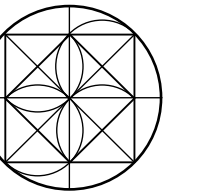
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2 PROPOSED EAST ELEVATION - RIGHT  
SCALE: 1/4" = 1'-0"



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



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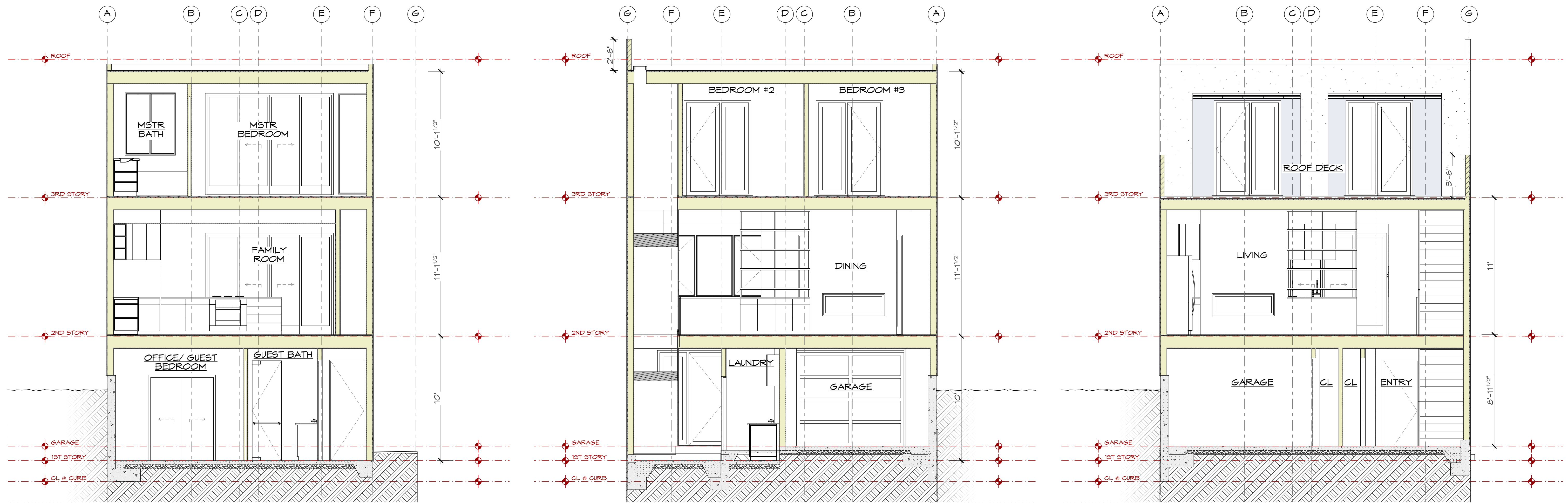
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PROPOSED  
CROSS SECTIONS

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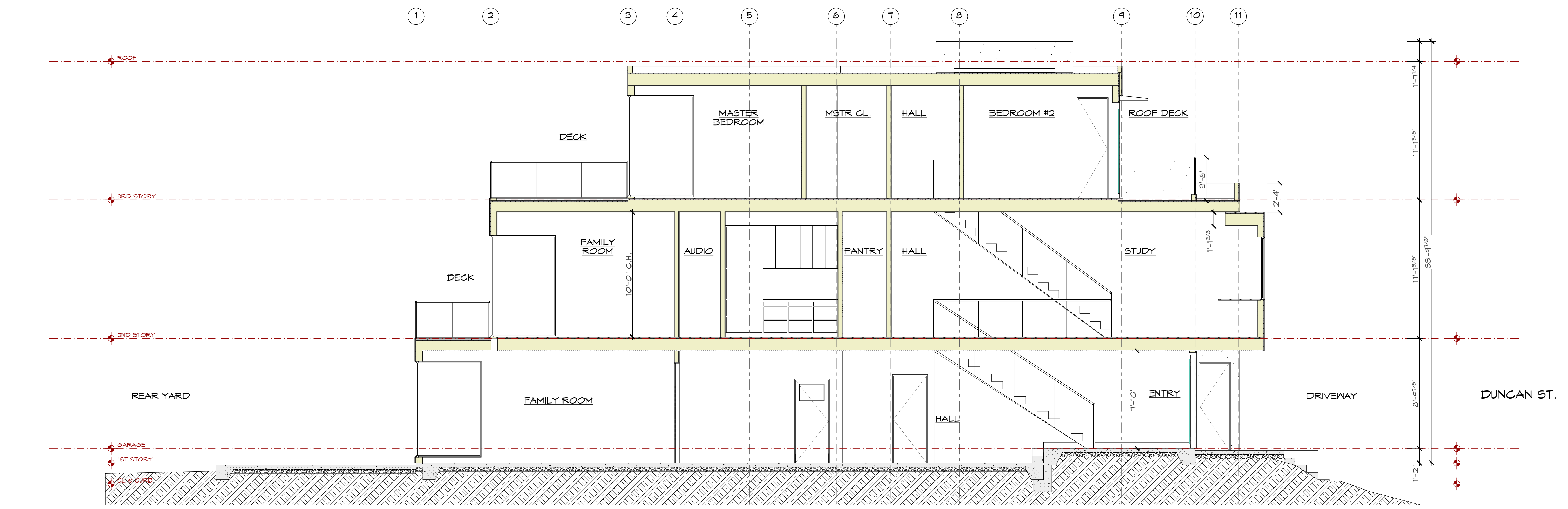
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2 PROPOSED TRANSVERSE BUILDING SECTION  
SCALE: 1/4" = 1'-0"

3 PROPOSED TRANSVERSE BUILDING SECTION  
SCALE: 1/4" = 1'-0"

4 PROPOSED TRANSVERSE BUILDING SECTION  
SCALE: 1/4" = 1'-0"



1 PROPOSED LONGITUDINAL BUILDING SECTION  
SCALE: 1/4" = 1'-0"





7 STREET VIEW UP



6 STREET VIEW STRAIGHT



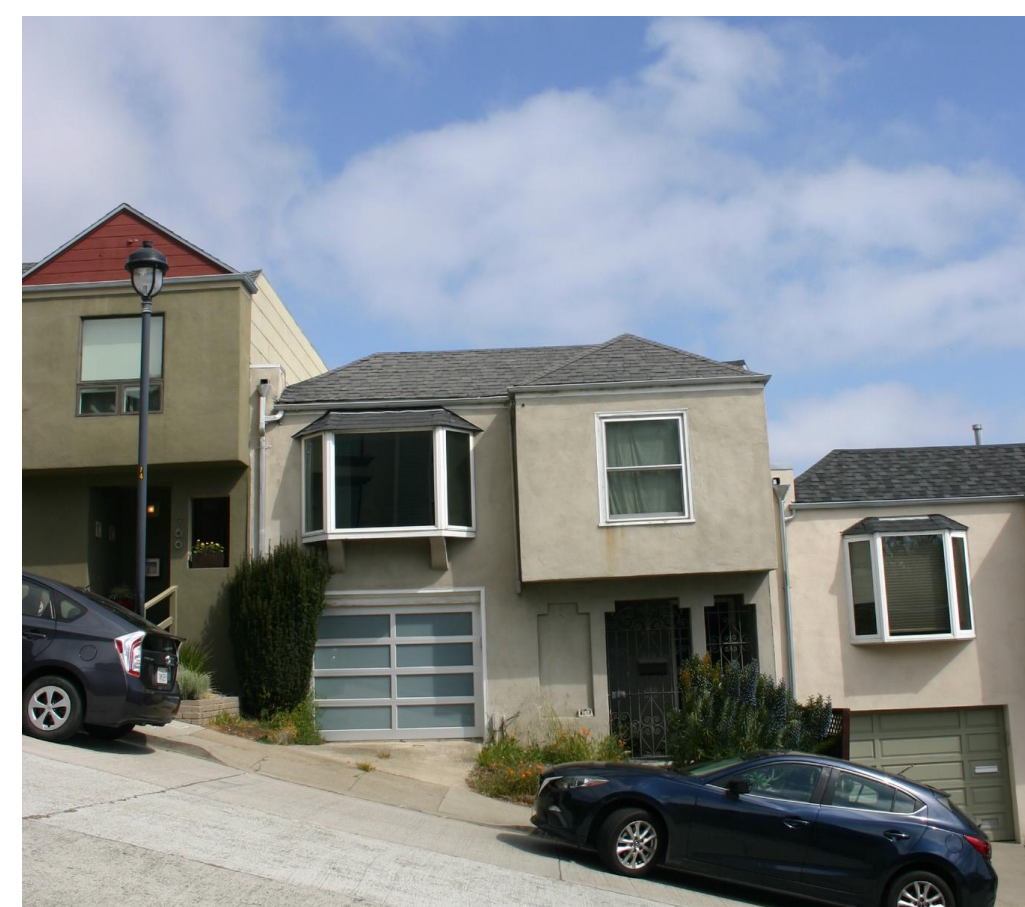
5 STREET VIEW DOWN



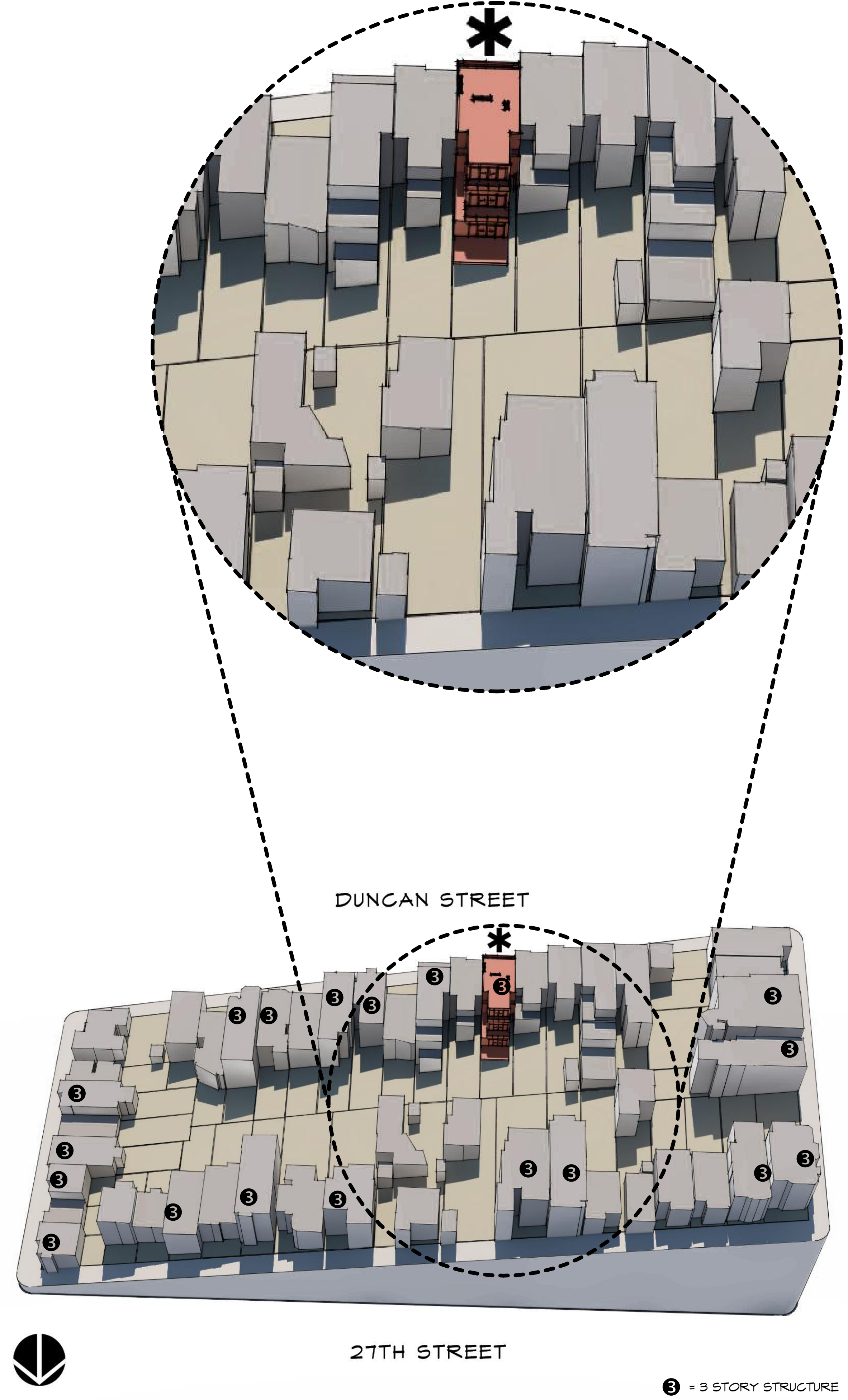
4 PROPOSED REAR ELEVATION



3 PROPOSED FRONT ELEVATION

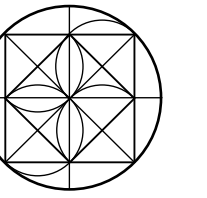


2 EXISTING FRONT ELEVATION



1 PROPOSED MID-BLOCK PERSPECTIVE

3 = 3 STORY STRUCTURE



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3D RENDERINGS

DATE  
11/16/18  
10/11/19

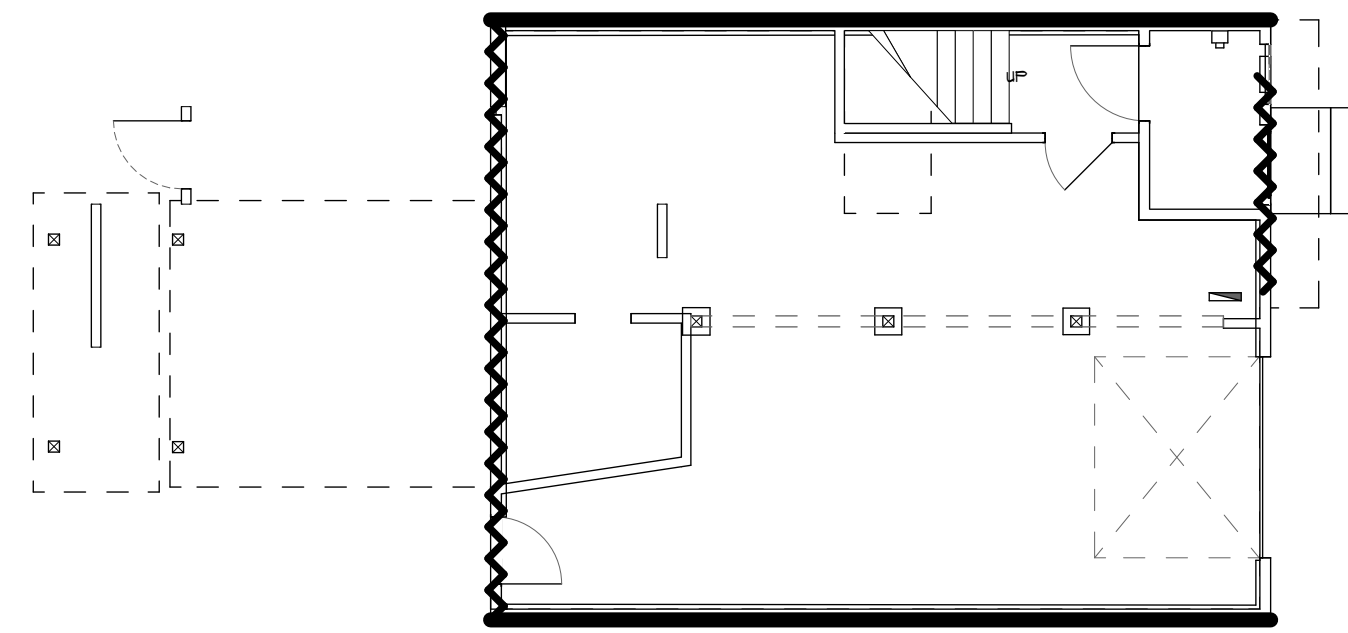
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**FRONT AND REAR FACADE & EXTERIOR WALL REQUIREMENT**



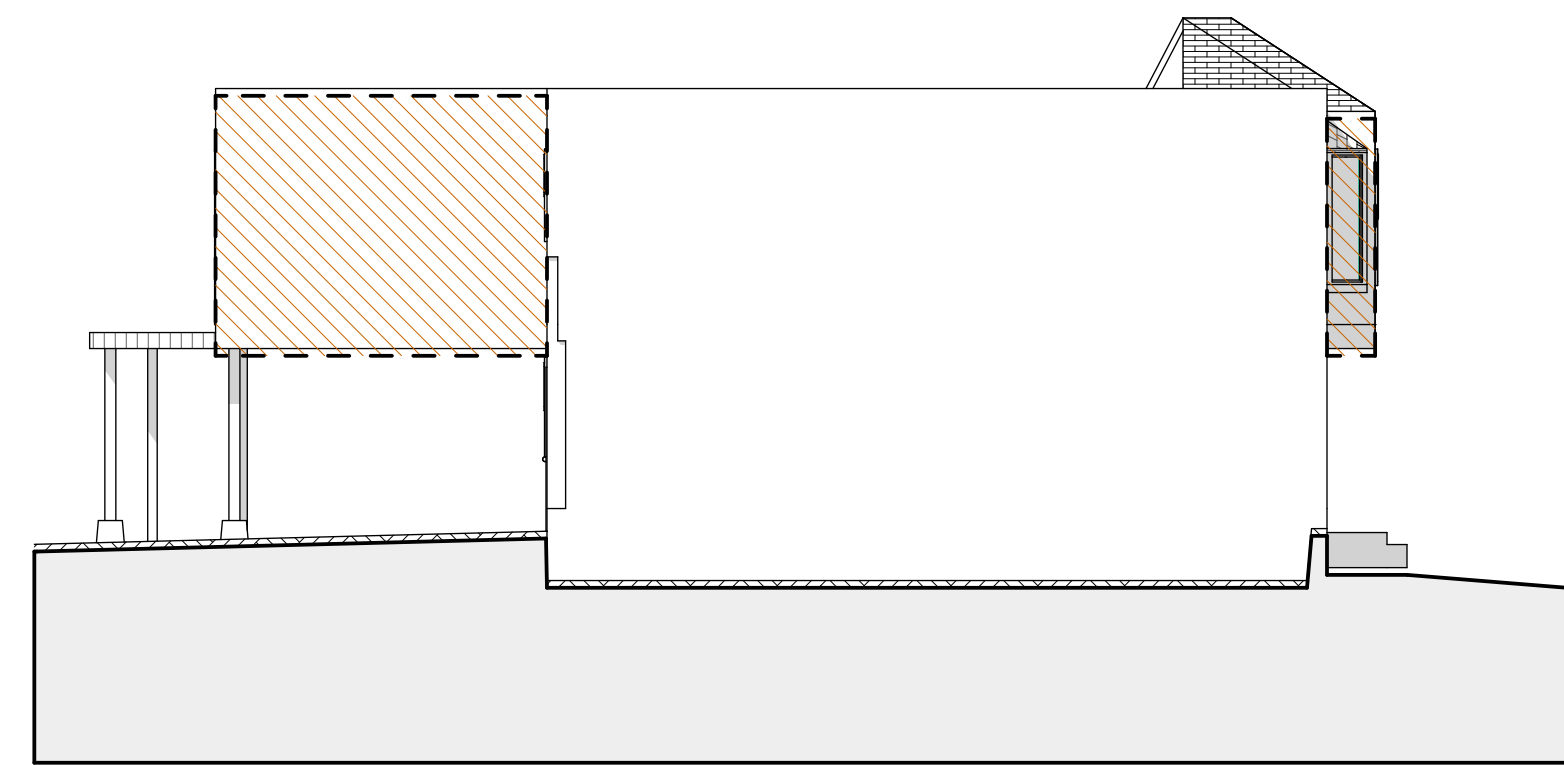
DEMO 34'-0"  
REMAIN 81'-0"

**EXTERIOR WALLS TO REMAIN**  
**EXTERIOR WALLS TO BE DEMOLISHED**

**1 FIRST FLOOR**  
SCALE: 1/8" = 1'-0"

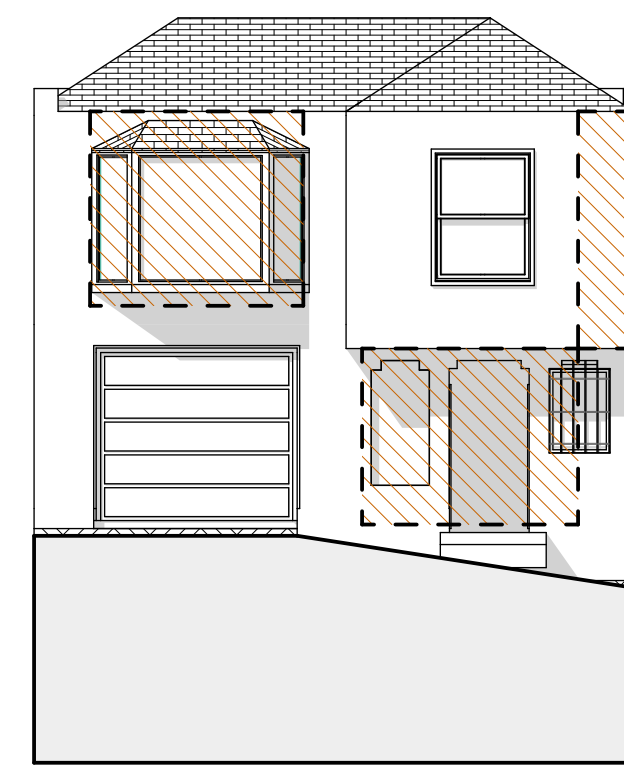
**VERTICAL ENVELOPE ELEMENTS REQUIREMENT**

**VERTICAL ENVELOPE TO BE DEMOLISHED**



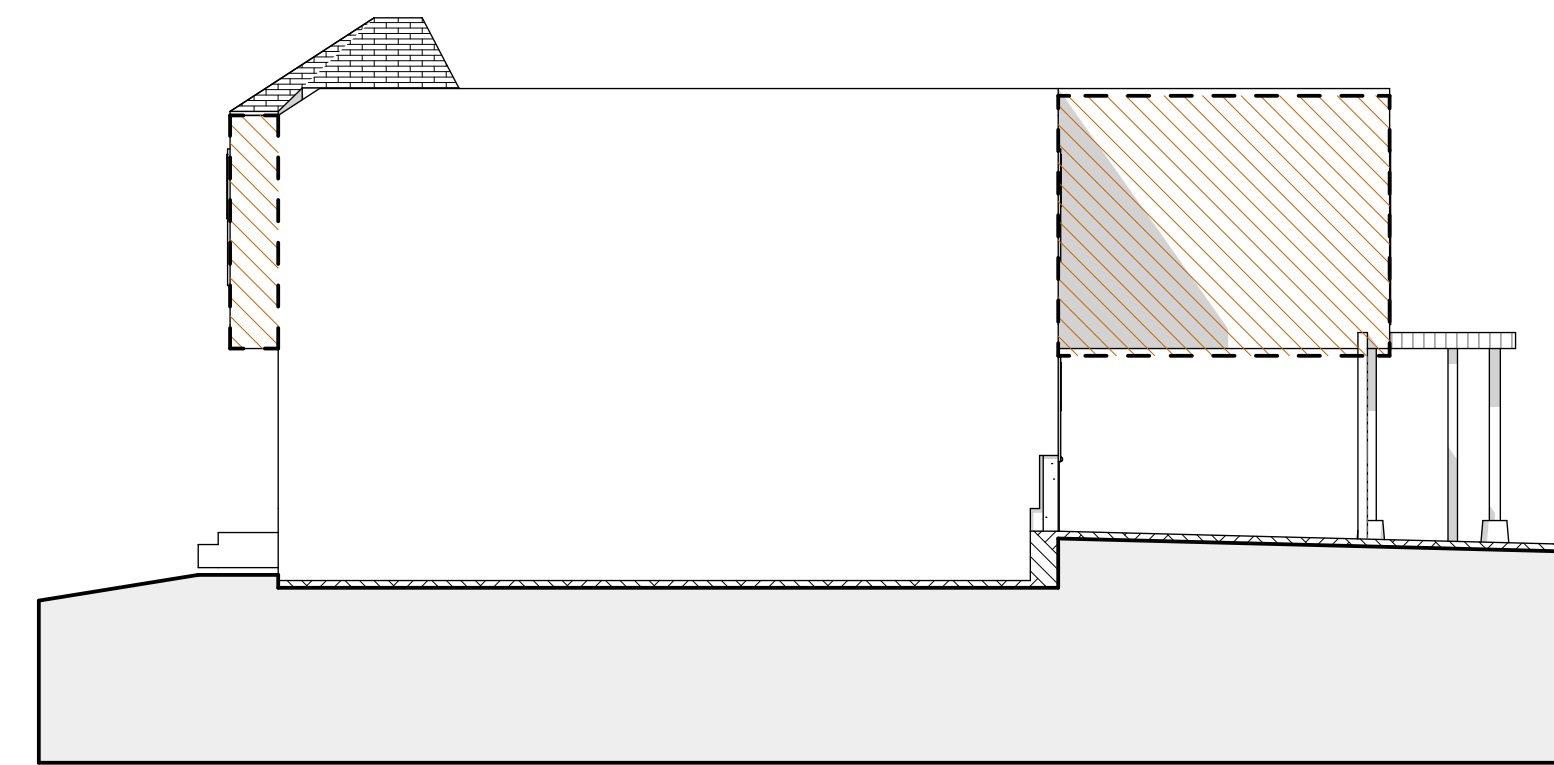
DEMO 170 SQ. FT.  
REMAIN 666 SQ. FT.

**3 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



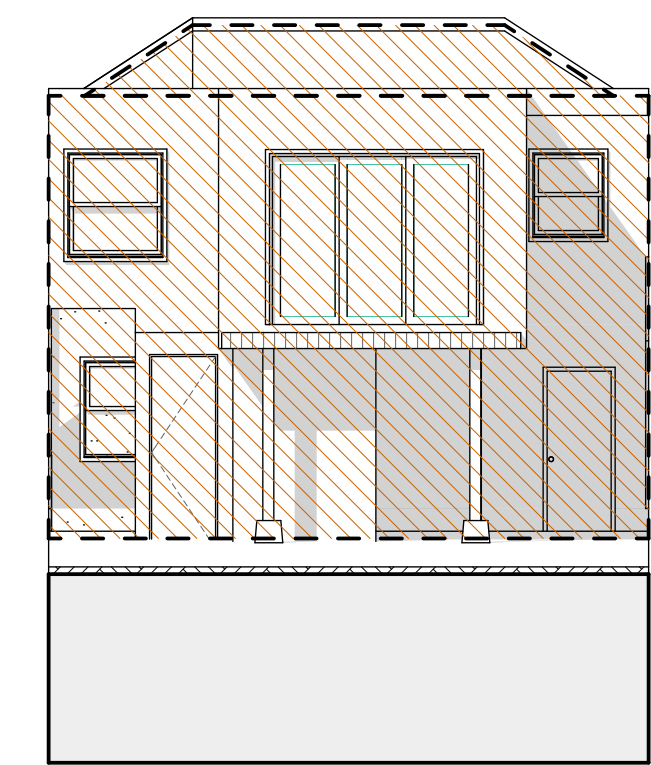
DEMO 161 SQ. FT.  
REMAIN 283 SQ. FT.

**2 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



DEMO 170 SQ. FT.  
REMAIN 665 SQ. FT.

**4 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"

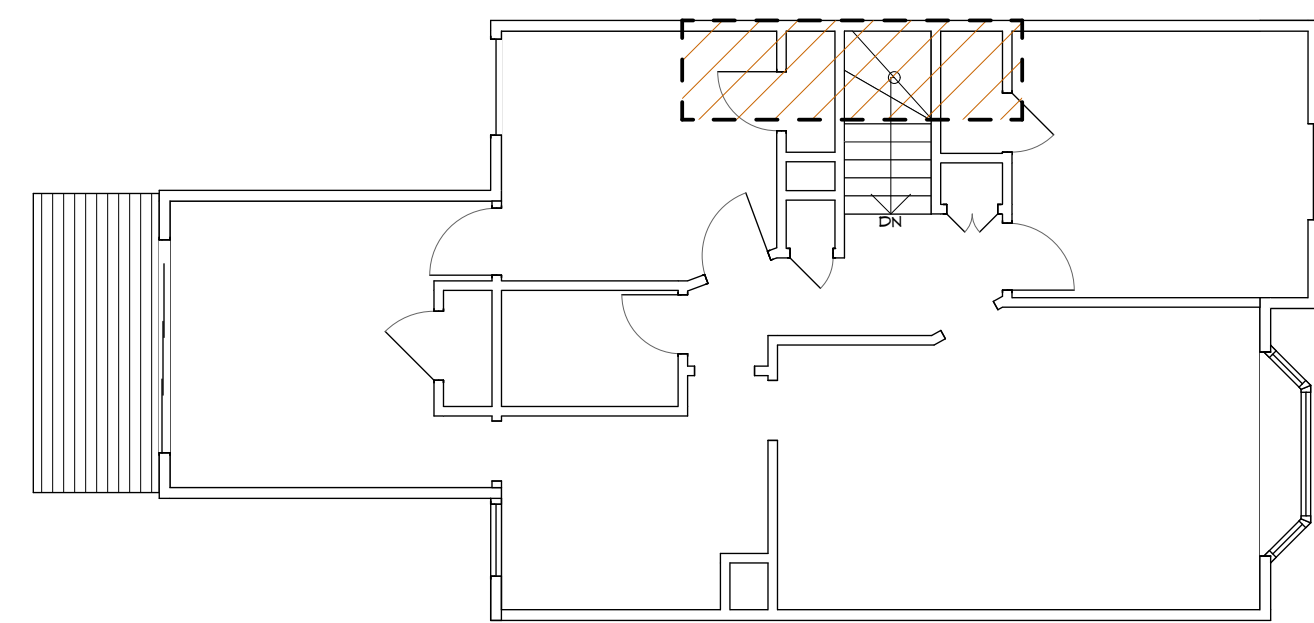


DEMO 512 SQ. FT.  
REMAIN 0 SQ. FT.

**5 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

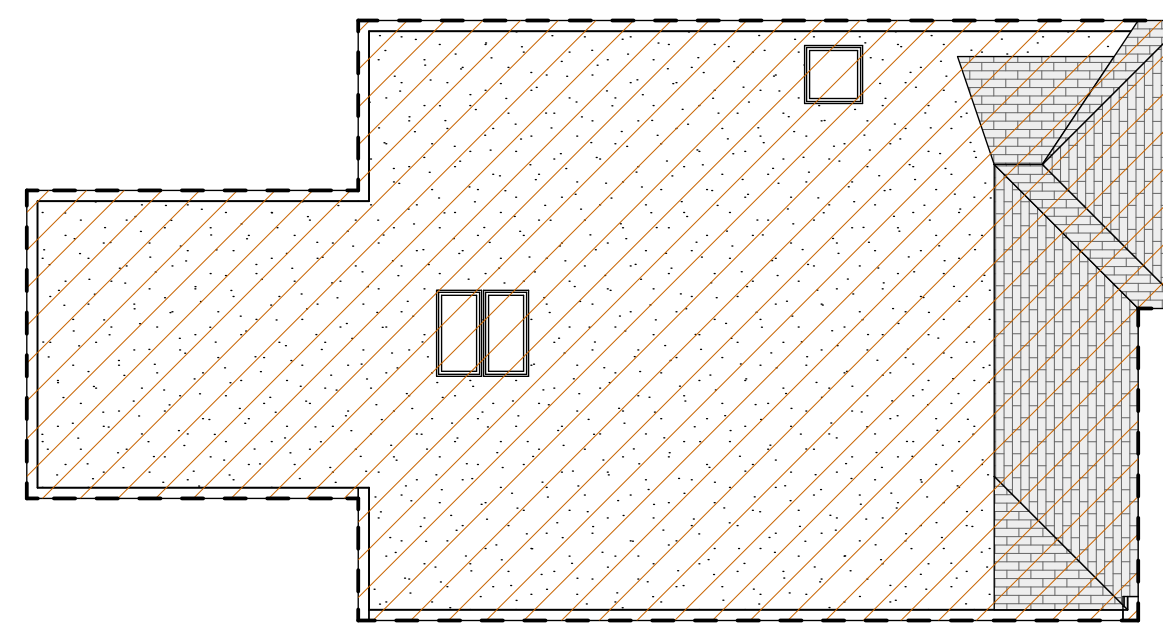
**HORIZONTAL ELEMENTS REQUIREMENT**

**HORIZONTAL ELEMENT TO BE DEMOLISHED**



DEMO 69 SQ. FT.  
REMAIN 958 SQ. FT.

**6 SECOND FLOOR**  
SCALE: 1/8" = 1'-0"

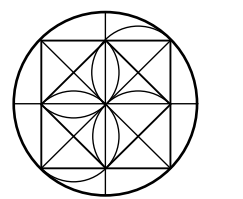


DEMO 1,026 SQ. FT.  
REMAIN 0 SQ. FT.

**7 ROOF PLAN**  
SCALE: 1/8" = 1'-0"

**SUMMARY TABLE - NON-DEMOLITION DEMONSTRATION**

SECTION 311 REQUIREMENTS	CODE	(E) BUILDING	REMAINING IN PROPOSED	OUTCOME	COMPLIANCE
FRONT & REAR FACADES (Linear Feet @ Foundation)		FRONT: 25'-0" REAR: 25'-0" TOTAL: 50'-0"	FRONT: 16'-0" REAR: 0'-0" TOTAL: 16'-0"	REMAINING: 32.0% DEMO: 68.0% DEMO > 50% (CODE)	✗
ALL EXTERIOR WALLS (Linear Feet @ Foundation)		WEST: 32'-6" SOUTH: 25'-0" EAST: 32'-6" NORTH: 25'-0" TOTAL: 115'-0"	WEST: 32'-6" SOUTH: 16'-0" EAST: 32'-6" NORTH: 0'-0" TOTAL: 81'-0"	REMAINING: 70.4% DEMO: 29.6% DEMO < 65% (CODE)	✓
VERTICAL ENVELOPE (Sq. Ft. of Surface Area)		WEST: 836 SOUTH: 444 EAST: 835 NORTH: 512 TOTAL: 2,627	WEST: 666 SOUTH: 283 EAST: 665 NORTH: 0 TOTAL: 1,615	REMAINING: 61.5% DEMO: 38.5% DEMO < 50% (CODE)	✓
HORIZONTAL ELEMENTS (Sq. Ft. of Surface Area)		1ST: - 2ND: 1,026 ROOF: 1,026 TOTAL: 2,052	1ST: - 2ND: 958 ROOF: 0 TOTAL: 958	REMAINING: 46.7% DEMO: 53.3% DEMO > 50% (CODE)	✗



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**DEMOLITION  
CALCULATIONS**

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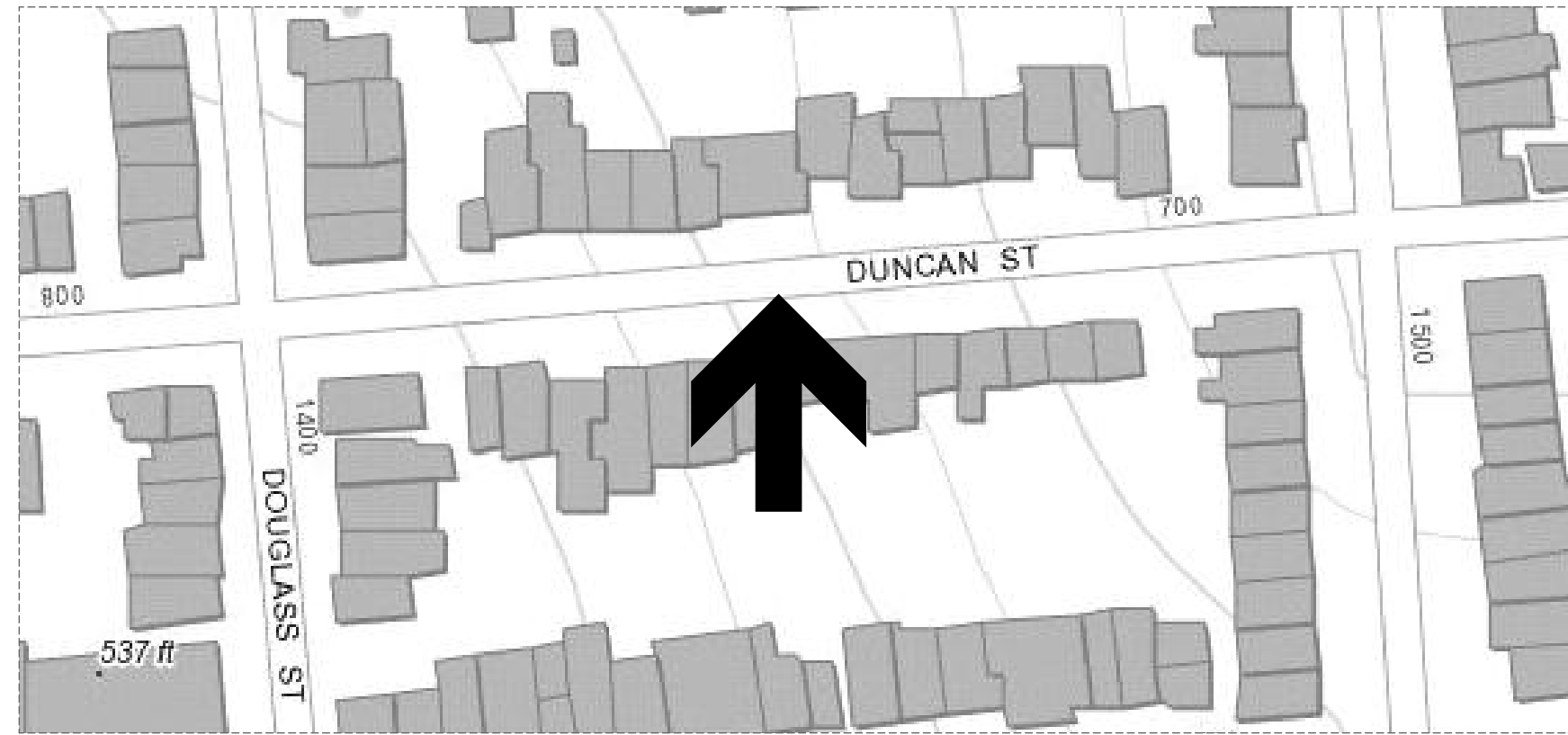
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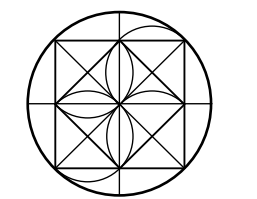
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DOUGLASS STREET

1351 DOUGLASS



2 SOUTH FACING STREET ELEVATION OF DUNCAN STREET



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TSUI/ALEXANDER RESIDENCE REMODEL

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STREET VIEWS

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DIAMOND STREET

1500 DIAMOND



1 NORTH FACING STREET ELEVATION OF DUNCAN STREET

