



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis HEARING DATE: MAY 7, 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: April 30, 2020
Case No.: 2018-017375DRP-02
Project Address: 3627 Divisadero Street
Permit Application: 2018.1227.9267
Zoning: RH-3 [Residential House, Three-Family]
40-X Height and Bulk District
Block/Lot: 0919 / 001E
Project Sponsor: Micky Pucko
3627 Divisadero Street
San Francisco, CA 94123
Staff Contact: David Winslow – (415) 575-9159
david.winslow@sfgov.org
Recommendation: **Do Not Take DR and Approve**

PROJECT DESCRIPTION

The project proposes construction of a first-floor horizontal rear addition; removal of the second-floor rear pop-out and; third and fourth floor vertical additions to the existing two-story, single-family dwelling. The project also includes alterations to the front façade and roof decks at the third floor and at the fourth floor at both the front and the rear.

SITE DESCRIPTION AND PRESENT USE

The subject property contains a two-story, single family house built in 1927 on a 25' wide x 112.5' deep lot and is designated as a category 'C' – No Historic resource present.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The buildings on this block of Divisadero are three-story Mediterranean style residential buildings bookended by larger four-story apartment buildings at the corners – a typical Marina development pattern. A three-story public elementary school occupies the entire block face across the street. The rear walls of the buildings along this block generally align to define a consistent 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	December 31, 2019 – January 30, 2020	January 30, 2020	May 7, 2020	98 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	April 17, 2020	April 17, 2020	20 days
Mailed Notice	20 days	April 17, 2020	April 17, 2020	20 days
Online Notice	20 days	April 17, 2020	April 17, 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	1	0
Neighborhood groups	0	0	0

DR REQUESTORS

1. Shelli Meneghetti, of 3621 Divisadero Street adjacent neighbor to the South.
2. Katie and Rich Miller 3633 Divisadero Street adjacent neighbors to the North

DR REQUESTORS' CONCERNS AND PROPOSED ALTERNATIVES

DR Requestor 1: Is concerned that:

1. the plans are inaccurate in that they do not show the location of their roof skylights and the proposed design disregards privacy impacts to those skylights from the 4th -story addition and decks and;
2. The proposed design does not comply with the Residential Design Guideline related to building scale and form at the street.

Proposed alternatives:

1. Relocate the fire-rated roof parapet to the line of the roof deck to permanently demarcate the deck line and;
2. Provide a 3' setback at the third level deck.

See attached *Discretionary Review Applications*, dated January 30, 2020.

DR Requestor 2: Is concerned that:

1. the 4th-story addition impacts align air to roof skylights;
2. the 4th-story addition is out of character and scale with the neighborhood;
3. the proposed decks will create unreasonable impacts to privacy.

Proposed alternatives:

1. Setback the fourth floor 20 feet;

2. Provide a setback or light well adjacent to the DR requestor's roof top skylights and;
3. Remove or relocate proposed skylight to remove the need for a fire-rated parapet.

See attached *Discretionary Review Applications*, dated January 30, 2020.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The project has been reviewed extensively and complies with the Planning Code and the Residential Design Guidelines.

See attached *Response to Discretionary Review*, dated April 20, 2020.

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).

RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Advisory Team re-reviewed the project in consideration of the DR Application and confirmed that the project meets the Residential Design Guidelines related to scale and privacy.

RDAT found that the proposed vertical addition maintains and harmonizes with the 3-story scale at the street since the third-story is setback 5' from the primary front wall to align with the adjacent buildings' pattern, and the fourth-story is set back 16' from primary front building wall, and set partially behind a parapet. In deference to the scale of buildings at the rear the fourth floor is also setback from rear 14'-3". The front and rear decks at the fourth floor are modestly sized and setback 5' from the front and side building edges to maintain adequate separation from the adjacent properties. There are no roof parapets on the proposed design.

Furthermore it was deemed that the 3rd-story front deck did not present an impact to privacy due to the size, location and intervening architectural features between adjacent properties.

The proposed skylight would require a fire-rated parapet 30" high above the height of the unprotected opening that is within 5' of the common property line only for the length of the skylight. Shading impacts to roofs and skylights are not considered in the Department's review.

Therefore, staff found that DR requestor's concerns regarding the scale at the street, light and privacy are not extraordinary or exceptional.

RECOMMENDATION:	Do Not Take DR and Approve
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Attachments:

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photographs

Section 311 Notice

CEQA Determination

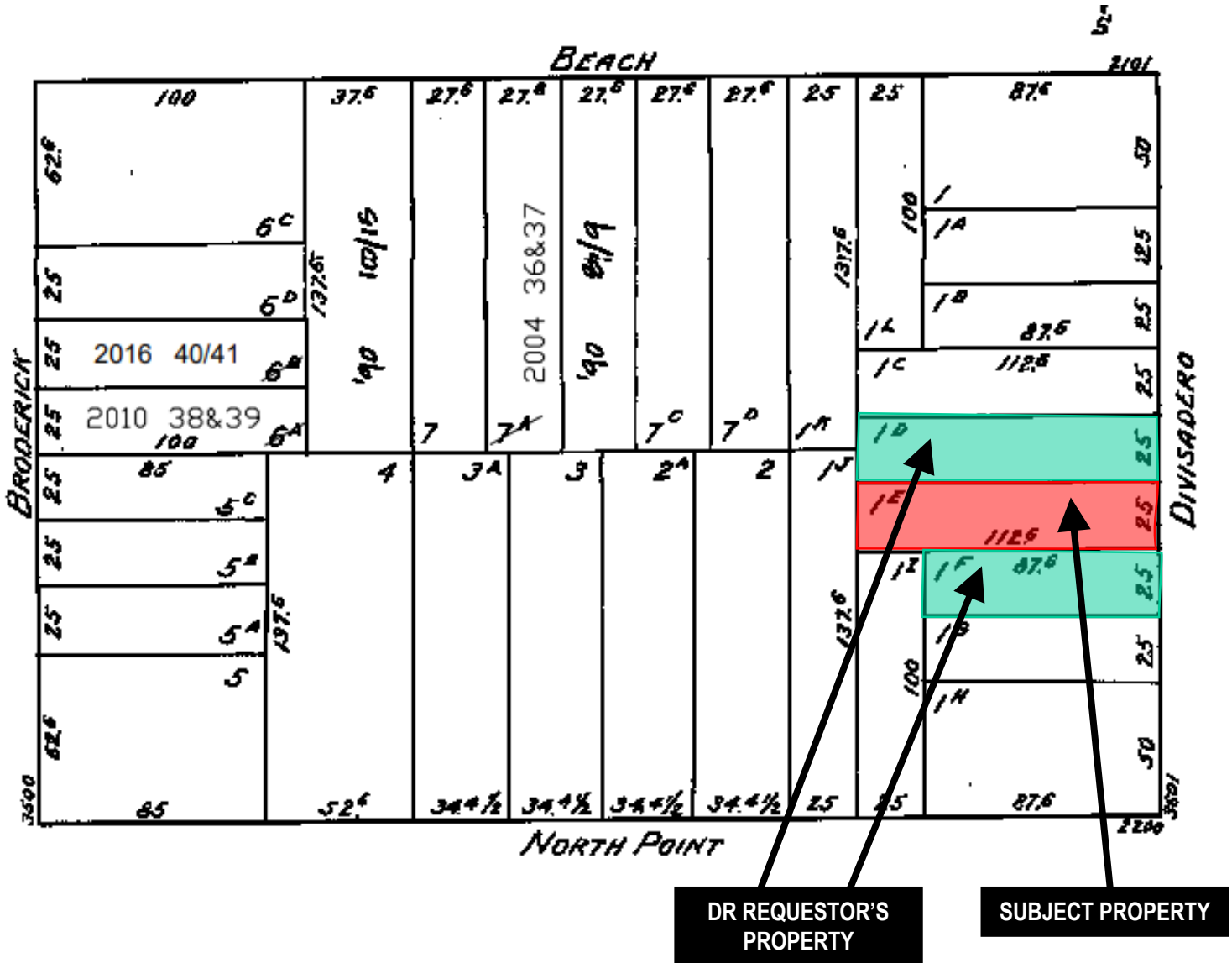
DR Application dated January 30, 2020

Project Sponsor Submittal dated April 20, 2020

Reduced 311 Plans

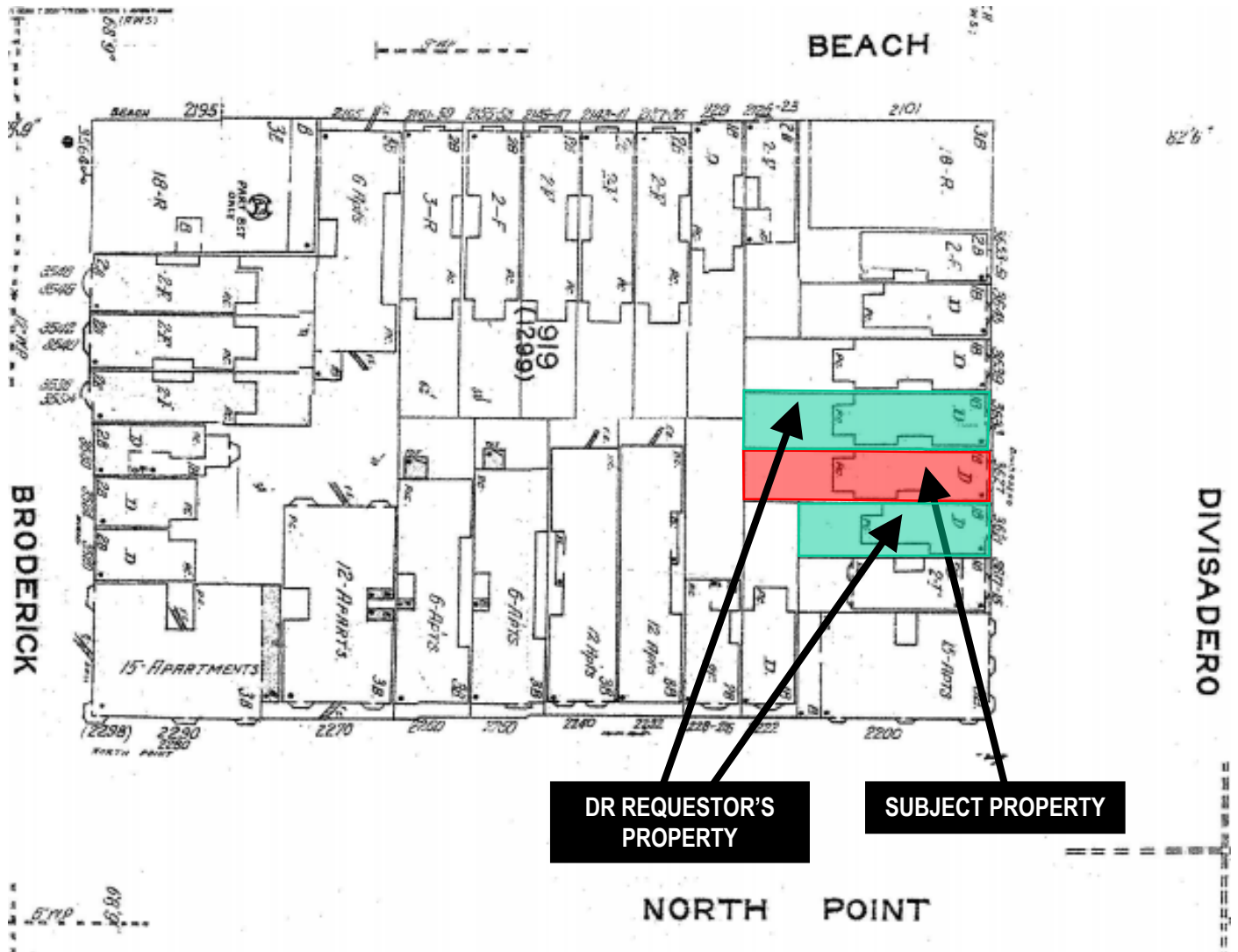
Exhibits

Parcel Map



Discretionary Review Hearing
Case Number 2018-017375DRP-02
3627 Divisadero Street

Sanborn Map*

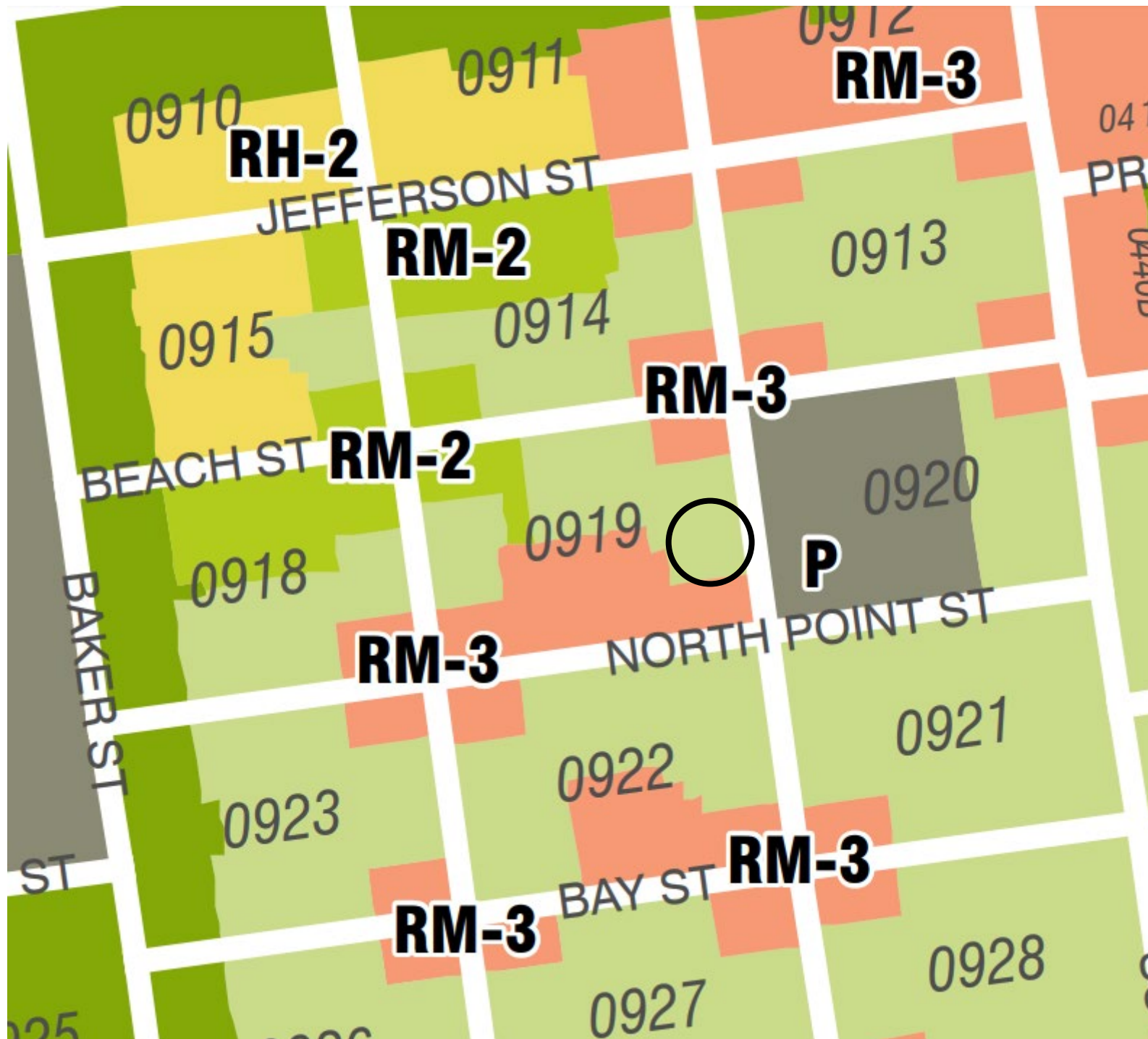


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



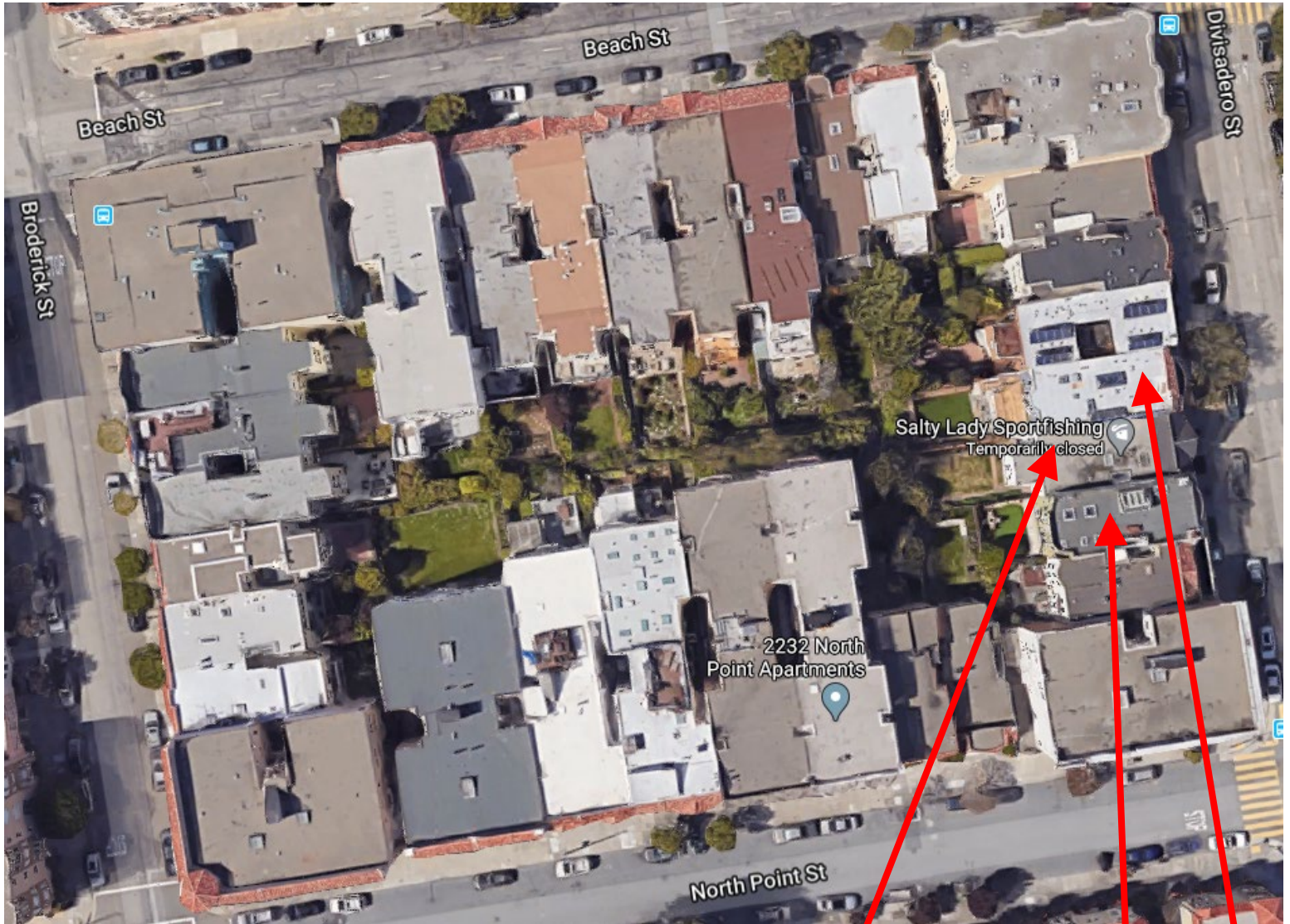
Discretionary Review Hearing
Case Number 2018-017375DRP-02
3627 Divisadero Street

Zoning Map



Discretionary Review Hearing
Case Number 2018-017375DRP-02
3627 Divisadero Street

Aerial Photo



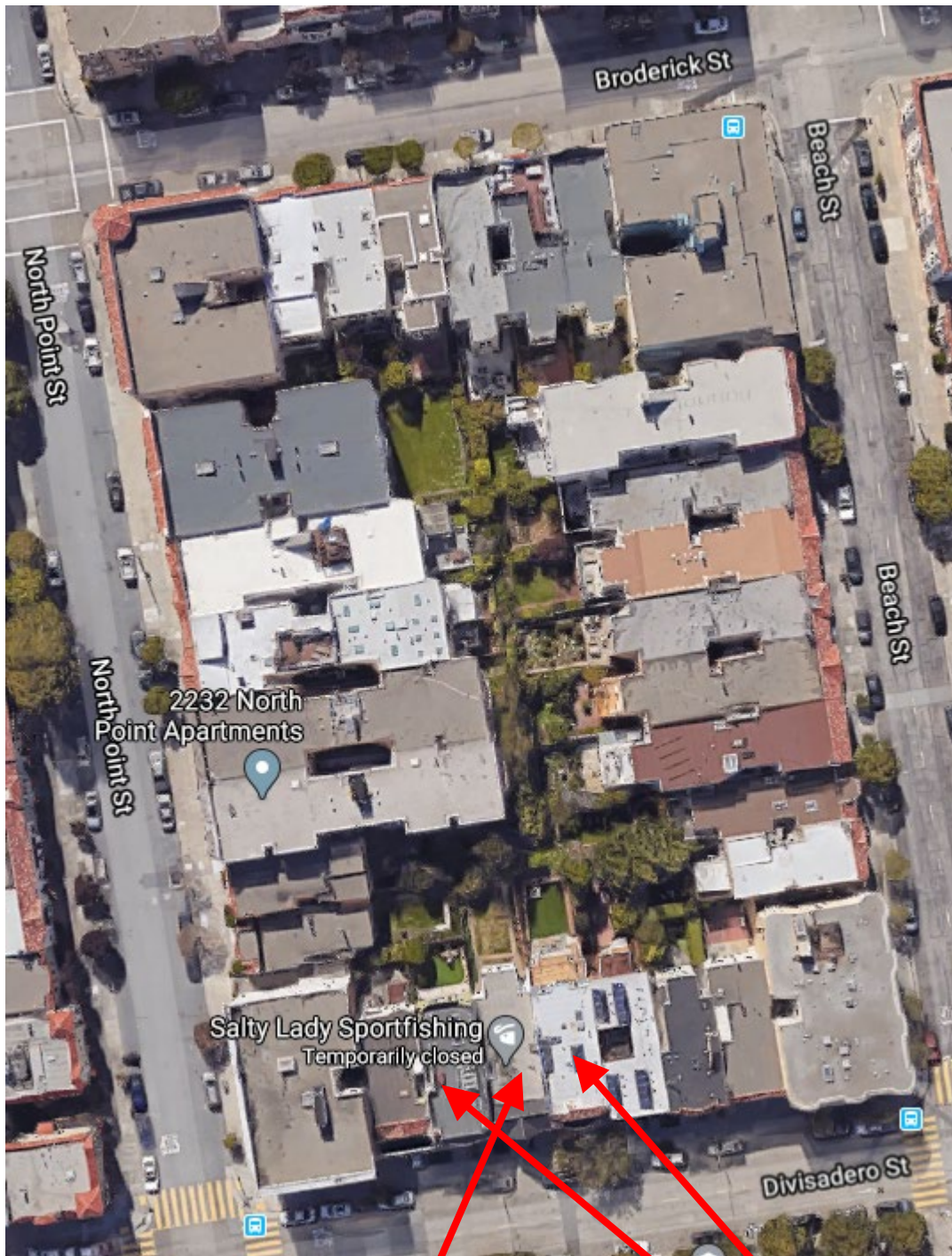
SUBJECT PROPERTY

DR REQUESTOR'S
PROPERTY



Discretionary Review Hearing
Case Number 2018-017375DRP-02
3627 Divisadero Street

Aerial Photo



SUBJECT PROPERTY

DR REQUESTOR'S
PROPERTY



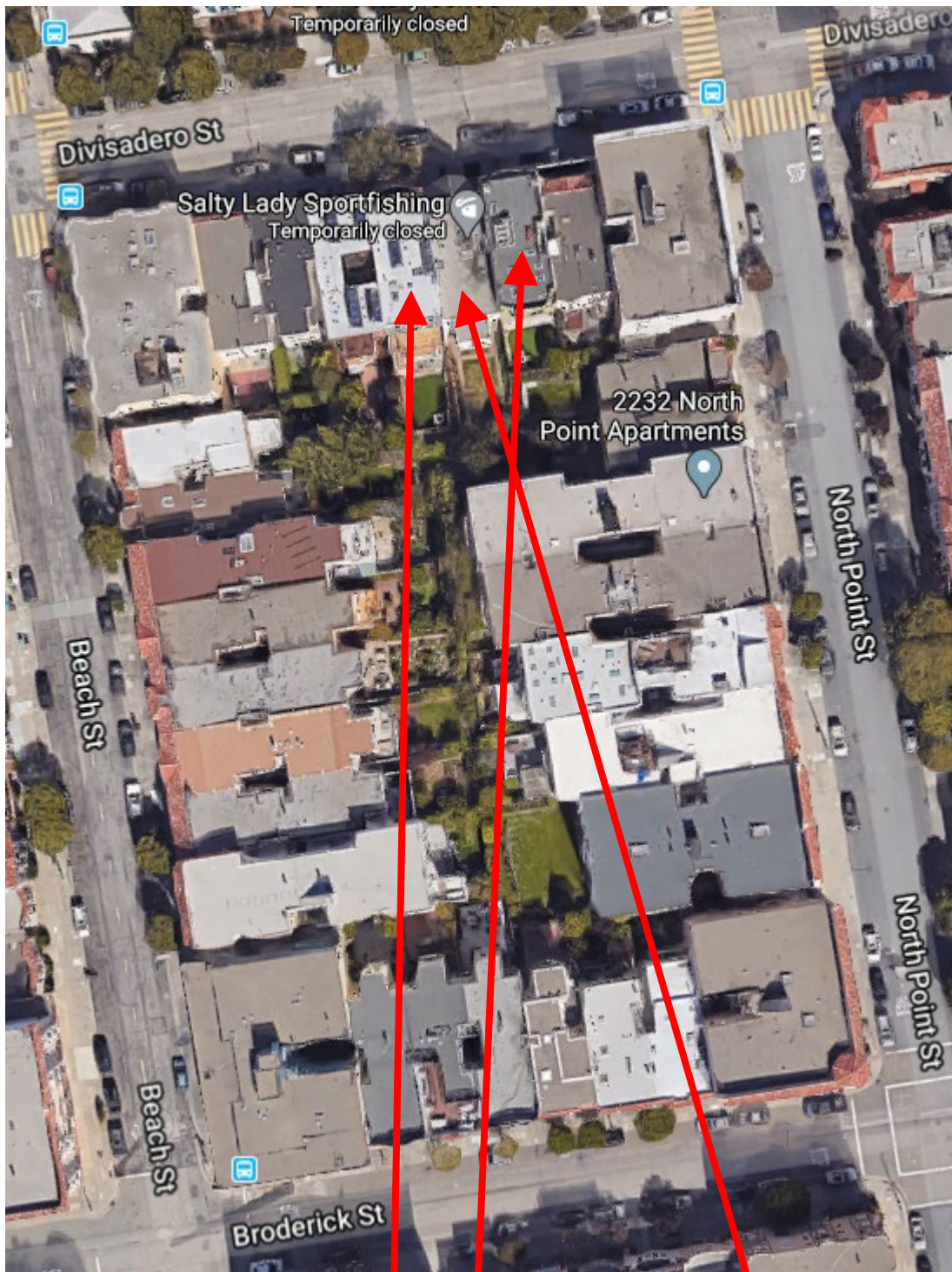
Discretionary Review Hearing
Case Number 2018-017375DRP-02
3627 Divisadero Street

Aerial Photo



Discretionary Review Hearing
Case Number 2018-017375DRP-02
3627 Divisadero Street

Aerial Photo



DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2018-017375DRP-02
3627 Divisadero Street

Site Photo



SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2018-017375DRP-02
3627 Divisadero Street



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **December 27, 2018**, Building Permit Application No. 2018.1227.9267 was filed for work at the Project Address below.

Notice Date: December 31, 2019

Expiration Date: January 30, 2020

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	3627 Divisadero Street	Applicant:	John Mack, AAC
Cross Street(s):	Beach & North Point Streets	Address:	1501 Loganberry Avenue
Block/Lot No.:	0919 / 001E	City, State:	Arroyo Grande, CA
Zoning District(s):	RH-3 /40-X	Telephone:	(805) 440-8812
Record Number:	2018-017375PRJ	Email:	johnmackaac@aol.com

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input 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	Residential	No Change
Front Setback	2 feet	No Change (3 rd floor), 16 feet (4 th floor)
Side Setbacks	None	No Change
Building Depth	72 feet	No Change
Rear Yard	52 feet	No Change (3 rd floor), 66 feet (4 th floor)
Building Height	22 feet	38 feet
Number of Stories	2	4
Number of Dwelling Units	1	No Change
Number of Parking Spaces	2	No Change
PROJECT DESCRIPTION		
<p>The project includes the construction of a one-story horizontal rear addition as well as third and fourth floor vertical additions to the existing two-story, single-family dwelling. The project also includes alterations to the front façade and roof decks above the third floor at both the front and the rear. See attached plans. Note: this is a renotification of the same project that was subject to a S.311 neighborhood notification dated 12/3/2019 and now includes updated façade details and demolition calculations. The project itself has not changed.</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code</p>		

To view plans or related documents, visit sf-planning.org/notices 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:
Christopher May, 415-575-9087, Christopher.May@sfgov.org



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
3627 DIVISADERO ST		0919001E
Case No.		Permit No.
2018-017375ENV		201812279267
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Adding additional levels (3rd & 4th) to a two-story single family residence to accommodate additional bedrooms and view deck(s) (2 beds to 5 beds). Proposed project would be approximately 37 feet in height and approximately 4,784 square feet. The project does not include any soil grouting.		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. 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"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input type="checkbox"/>	Class ____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? <i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input checked="" type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	Slope = or > 25%: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
<input checked="" type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional): Laura Lynch Preliminary Geotechnical Investigation prepared 2-28-2019 by H. Allen Gruen. Geotechnical Consultation Letter prepared by Allen Gruen 4/2/2019 Archeo review complete, no effects 4/16/2019	

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

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

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

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

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

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

<input type="checkbox"/>	7. Addition(s) , 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. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input checked="" type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER or PTR dated b. Other (specify): </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Reclassify to Category C (attach HRER or PTR) </div> </div>
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Katherine Wilborn	

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

<input checked="" type="checkbox"/>	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.	
	Project Approval Action: Building Permit	Signature: Katherine Wilborn
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	07/25/2019
Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

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

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
3627 DIVISADERO ST		0919/001E
Case No.	Previous Building Permit No.	New Building Permit No.
2018-017375PRJ	201812279267	
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.	
Planner Name:	Date:



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION PACKET

Pursuant to Planning Code Section 311, the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, San Francisco, where planners are available to assist you.

Please read the Discretionary Review Informational Packet carefully before the application form is completed.

WHAT TO SUBMIT:

- ☒ Two (2) complete applications signed.
- ☐ A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable. *N/A*
- ☒ Photographs or plans that illustrate your concerns.
- ☐ Related covenants or deed restrictions (if any).
- ☐ A digital copy (CD or USB drive) of the above materials (optional).
- ☒ Payment via check, money order or debit/credit for the total fee amount for this application. (See Fee Schedule).

HOW TO SUBMIT:

To file your Discretionary Review Public application, please submit in person at the Planning Information Center:

Location: 1660 Mission Street, Fifth Floor
San Francisco, CA 94103-2479

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



San Francisco Planning

DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION

RECEIVED

JAN 30 2020
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PIC

Discretionary Review Requestor's Information

Name: Shelli Meneghetti

Address: 3621 Divisadero Street San Francisco CA 94123

Email Address: shellimeneghetti@aol.com

Telephone: 415-350-8733

Information on the Owner of the Property Being Developed

Name: James Smith and Mickey Pucko

Company/Organization: home owner of project

Address: 3627 Divisadero Street San Francisco CA 94123

Email Address: mickey@giantrecruiting.com

Telephone: 805-431-3917

Property Information and Related Applications

Project Address: 3627 Divisadero Street San Francisco CA 94123

Block/Lot(s): 0919/00IE

Building Permit Application No(s): 2018.1227.9267

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

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

See Attached Notes

page 1

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.

See Attached Notes

page 2

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.

See Attached Notes

page 3

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

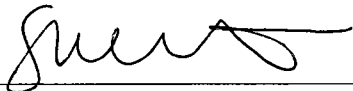
See Attached Notes

page 3

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

self

415-350-8733

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

Phone

Shelli Meneghetti

Name (Printed)

shellimeneghetti@aol.com

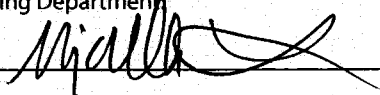
Email

For Department Use Only

Application received by Planning Department

By:

M. LANGRISH



Date:

1/30/20

Discretionary Review Public (DRP)

Ref: Building Permit Application No: 2018.1227.9267

Property Info of Related Application

James Smith and Mickey Pucko

3627 Divisadero Street

San Francisco CA 94123

Respectfully submitted by:

Shelli Meneghetti, adjacent neighbor and owner of property since 1996

3621 Divisadero Street San Francisco CA 94123

Changes made to Project as a Result of Mediation.

- Project architect showed a proposed plan on his laptop that had 5 foot setbacks at the fourth story along both neighboring property lines.
- Copies of plans shown at the pre-application meeting were not provided, despite several requests.
- Neighbors expressed privacy/light/solar concerns about the size of the fourth story, and overall fourth story project perimeters have increased instead of decreasing in size since initial discussions. Originally discussed fourth story property line setbacks have been eliminated from new plans, a front deck was added on top of the third story, and the size of the fourth story has increased to almost 700 square feet (and includes a full bathroom and "Bar")
- No meaningful modifications were made to address neighbor concerns between the pre-application meeting in August, 2018 and the 311 plans sent out in December, 2019.
- City required third story to be set back five feet and did not approve roof deck above fourth level.
- Light well has been protected, benefitting natural light of our home and Project Sponsor's home.

1. Reasons for requesting DR?

- Inaccurate neighboring property roof plans were submitted. The plans submitted to the City do not accurately depict the number of skylights we have on our roof (3621 Divisadero). We have 13 skylights on our third level, not 3. (See photos of roof and corrected roof plan on pages 4, 5 and 6.

- Compromised privacy due to fourth level decks. The fourth floor addition with approved outdoor space perimeters at both the front and rear of the building will look directly down into our master bathroom and bedroom living spaces. Although there are cable railings set back 5 feet from the north and south property lines, those could easily be removed after final inspection. The entire perimeter of the third story roof will have a fire-rated wall along our property line that can function as a deck guardrail. I am very concerned about visibility into our personal living spaces. All homes on this block are three levels. We all have either skylights, solar tubes and/or solar panels. We share the benefits of the sun and don't look into or onto each other's bedrooms and bathrooms. Row homes cannot build windows on property lines so skylights and solar tubes are a way to capture natural light. Moving forward with a fourth level home, as currently approved, allows a birds eye view into our third level master bathroom and bedroom spaces.

- Compromised privacy and increased noise/second hand smoke due to third story deck that extends full width of the house. Third level front deck located off the proposed project's new third floor living room is immediately adjacent to our master bedroom. The house immediate to the north of the proposed project also has bedrooms at the front of the third story. The Project Sponsor has notified me, in writing, "I just realized that our new front deck/living room is now next to yours and Katie's kids bedrooms. Any time we have people over, doors are open, people are smoking cigars, talking...noise will be going into your bedroom. Just giving you FYI." I would like a required set back at the sides of the deck or a permanent design buffer between the proposed project's outdoor third level living room front deck and both adjacent neighbors bedrooms.

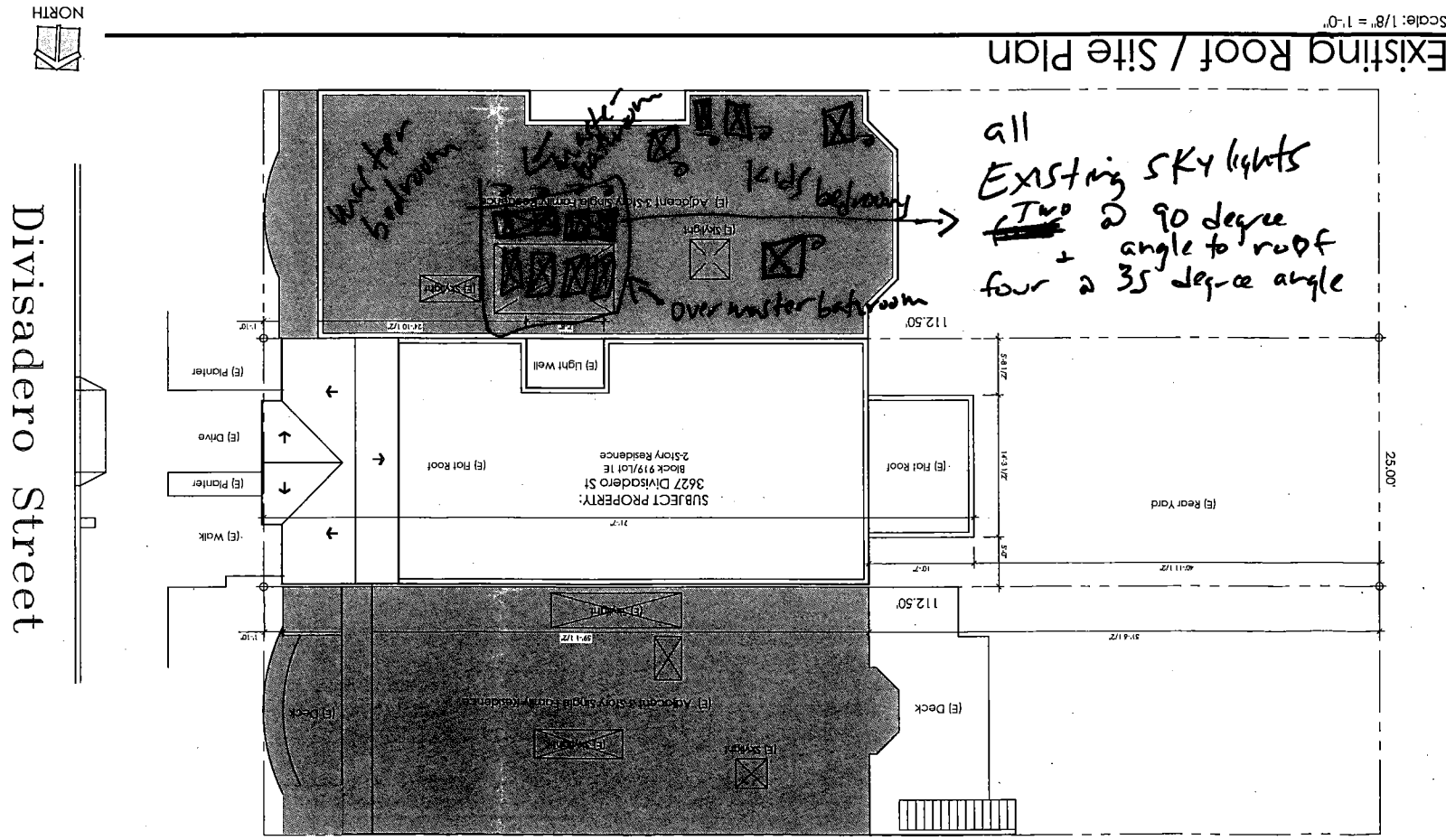
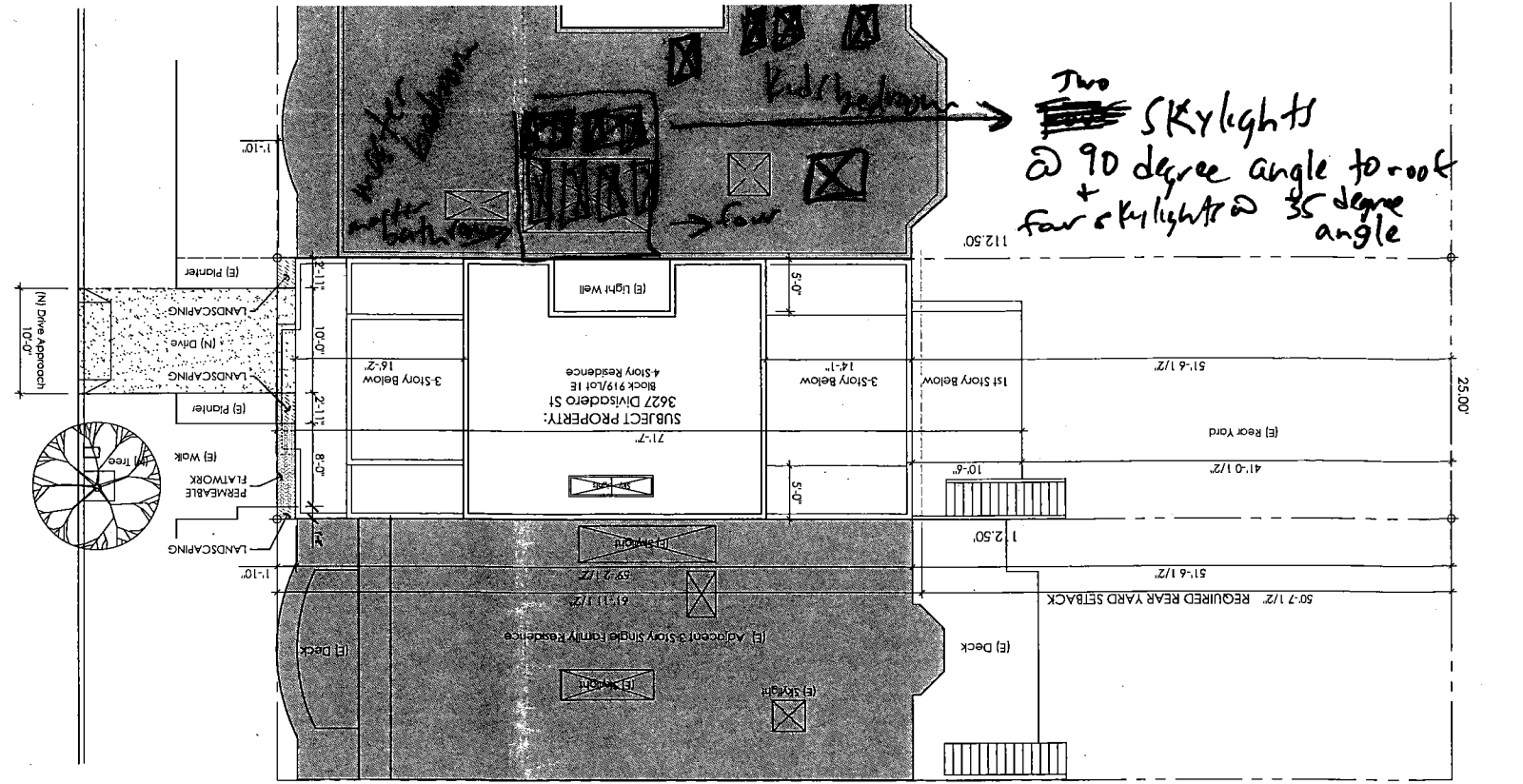
- Not consistent with the existing three-story block face. Residential Guidelines (pp. 24, 28) require buildings to be compatible in height, depth, and form with the existing building scale at the street. There are no other houses with fourth story living space along Divisadero between North Point and Beach. The fourth story should be eliminated, or set back substantially further than sixteen feet from the building front. The proposed fourth story will be in the middle of our block and will be clearly visible when walking or driving down Divisadero.

2. How this project causes unreasonable impacts. How unreasonably affected?

- Loss of bathroom and personal living space privacy. The Residential Design Guidelines (p. 16) require projects to reduce and minimize impacts on privacy of adjacent buildings. The Project Sponsor did not submit plans that accurately show the number or location of my skylights. It is unlikely that Planning was able to fully review the project's impact on my family's privacy.
- Second hand smoke and excess noise from third level living room deck coming into master bedroom. Precludes us from opening windows for fresh air which we've been able to do for the last 23 years.
- Building that is not compatible with the existing three-story block face.

3. What alternatives or changes to proposed project would respond to exceptional and extraordinary circumstances and reduce adverse effects noted in Question 1?

- I request fire rated walls surrounding the fourth story decks to be set at the proposed cable guard rail markings (i.e, five feet from the north and south property lines). This request makes it impossible for home owners, house guests, any eventual long term renters, or any future Airbnb guests to peer over and look into our bathrooms and bedrooms from front and rear decks. Listed guardrails are temporary markers and could easily be turned into expanding the roof decks which would allow any eyes to look directly into our home's sleeping spaces. My request creates permanent firewalls and setbacks. What we were shown at initial community meeting on their laptop was five feet sets backs all around the fourth floor but as the project has moved forward, the fourth floor perimeter has gotten bigger.
- I request three feet setback from the property line along my third level bedroom deck. The setback/buffers could be similar to the ones at the front third story deck at 3633 Divisadero or 3639 Divisadero. I have been informed by the Project Sponsor that there will be cigar smoke and noise going into my bedroom, so I would like a reasonable setback which would result in less smoke and noise in our sleeping space. The proposed project has their living room space on the bedroom level of all the other homes on the block which is fine, but I request a permanent buffer to minimize noise and second hand smoke concerns and allow me to be able to open my windows for fresh air.
- Project Sponsor said they would frame in full outline of project using poles to show that there would be no visibility into our third floor through skylights and to show minimal to no impact from street view so not to change character of our block. This framing has not been done. I request framing of scope of project showing full impact of fourth floor on neighbors and street view of project.



Sheet Index of Drawings	
A1	TITLE SHEET/PROJECT DATA/EXISTING AND NEW SITE PLAN
D1	DEMOLITION PLANS, ELEVATIONS AND CALCULATIONS
A2	1st LEVEL DEMO, EXISTING AND NEW FLOOR PLAN
A3	2nd LEVEL DEMO, EXISTING AND NEW FLOOR PLAN
A4	EXISTING ROOF / DEMO, NEW 3rd LEVEL FLOOR PLAN
A5	NEW 4th LEVEL FLOOR PLAN & ROOF PLAN
A6	EXISTING & NEW NORTH ELEVATION
A6.1	EXISTING & NEW EAST ELEVATION
A7	EXISTING & NEW SOUTH ELEVATION
A7.1	EXISTING & NEW WEST ELEVATION
A8	EXISTING BUILDING SECTIONS
A8.1	NEW BUILDING SECTIONS
A9	EXISTING & NEW STREET ELEVATION, REAR ELEVATION, STREET SECTION
TOTAL: 13 SHEETS THIS SET	
Project Description	
SCOPE OF WORK INCLUDES TWO LEVEL VERTICAL ADDITION ABOVE (E) ROOF LEVEL, NEW INTERIOR WALLS, DOORS, CEILINGS, LIGHTS, FIXTURES, AND FINISHES, EXTERIOR WORK TO INCLUDE NEW FINISHES, DOORS AND WINDOWS. PROJECT ALSO INCLUDES REAR PATIO/DECK AT SECOND FLOOR AND UPPER LEVEL DECKS AT THIRD AND FOURTH FLOORS. SCOPE OF WORK TO INCLUDE A FULLY AUTOMATIC SPRINKLER SYSTEM PER N.F.P.A. 13R.	
Project Data	
A.P.N:	0919-001E
ZONE:	RH3
USE:	SINGLE FAMILY RESIDENCE
OCCUPANCY:	R-3/UL
BUILDING TYPE:	V
SPRINKLERED:	YES
NO. OF STORIES:	2
LOT AREA:	2,809 sf
MAXIMUM HEIGHT:	(NOTE: Lot Slope is 2%) 40 FEET
SERACKS:	FRONT - 2 Feet (Existing same as Neighbors) SIDES - 0 Feet (Not Required) REAR - 40.75 Feet (Existing condition is same as of Neighbors) (45% of lot depth or Average of Neighbors)
BUILDING AREA:	EXISTING: 398 sf + 1,098 sf GARAGE NEW: 493 sf - 387 sf GARAGE
DECK AREAS:	737 sf
TOTAL NEW & EXISTING AREA:	4,302 sf LIVING + 711 sf GARAGE
Applicable Codes	
2016 San Francisco Building Code consists of the 2016 California Building Code, and the 2016 California Green Building Standards Code, with San Francisco Amendments.	
2016 San Francisco Electrical Code consists of the 2016 California Electrical Code with San Francisco Amendments	
2016 California Energy Code with no local amendments	
2016 San Francisco Housing Code with no amendments	
2016 San Francisco Mechanical Code with San Francisco Amendments.	
2016 San Francisco Plumbing Code consists of the 2016 California Plumbing Code with San Francisco Amendments	
PERMEABLE SURFACES AND LANDSCAPING AREA WITHIN REQUIRED FRONT SETBACK:	
TOTAL FRONT SETBACK AREA: 1'-10" x 25'-0" = 45.83 sf	
REQUIRED LANDSCAPE AREA: 45.83 sf x 20% = 9.17 sf	
PROPOSED LANDSCAPE AREA: 2 x (2'-11" x 1'-10" + 1'-7" x 1'-10") = 9.17 sf	

1/8"=1'-0"

Scale

17-012

Project number

John F. Mack

drawn by

December 18, 2019

printed

date

1/8"=1'-0"

3627 Divisadero

San Francisco, CA 94123

PH: (805) 431-3917

3627 Divisadero

San Francisco, CA 94123

PH: (805) 431-3917

Project:

Pucko/Smith Residence

3627 Divisadero St

San Francisco, CA 94123

APN: 0919-001E

revisions

date

JohnMackAAAC@aol.com

(805) 440-8812 cell

(805) 489-6907 fax

custom homes & commercial

GROVER BEACH, CA 93438

P.O. BOX 29

AAC

21466

JOHN F. MACK

U.S. RES. ARCH. INC.

1/8"=1'-0"

Scale

17-012

Project number

John F. Mack

drawn by

December 18, 2019

printed

date

1/8"=1'-0"

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21466

JOHN F. MACK

U.S. RES. ARCH. INC.

Sprint

11:00 AM

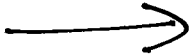
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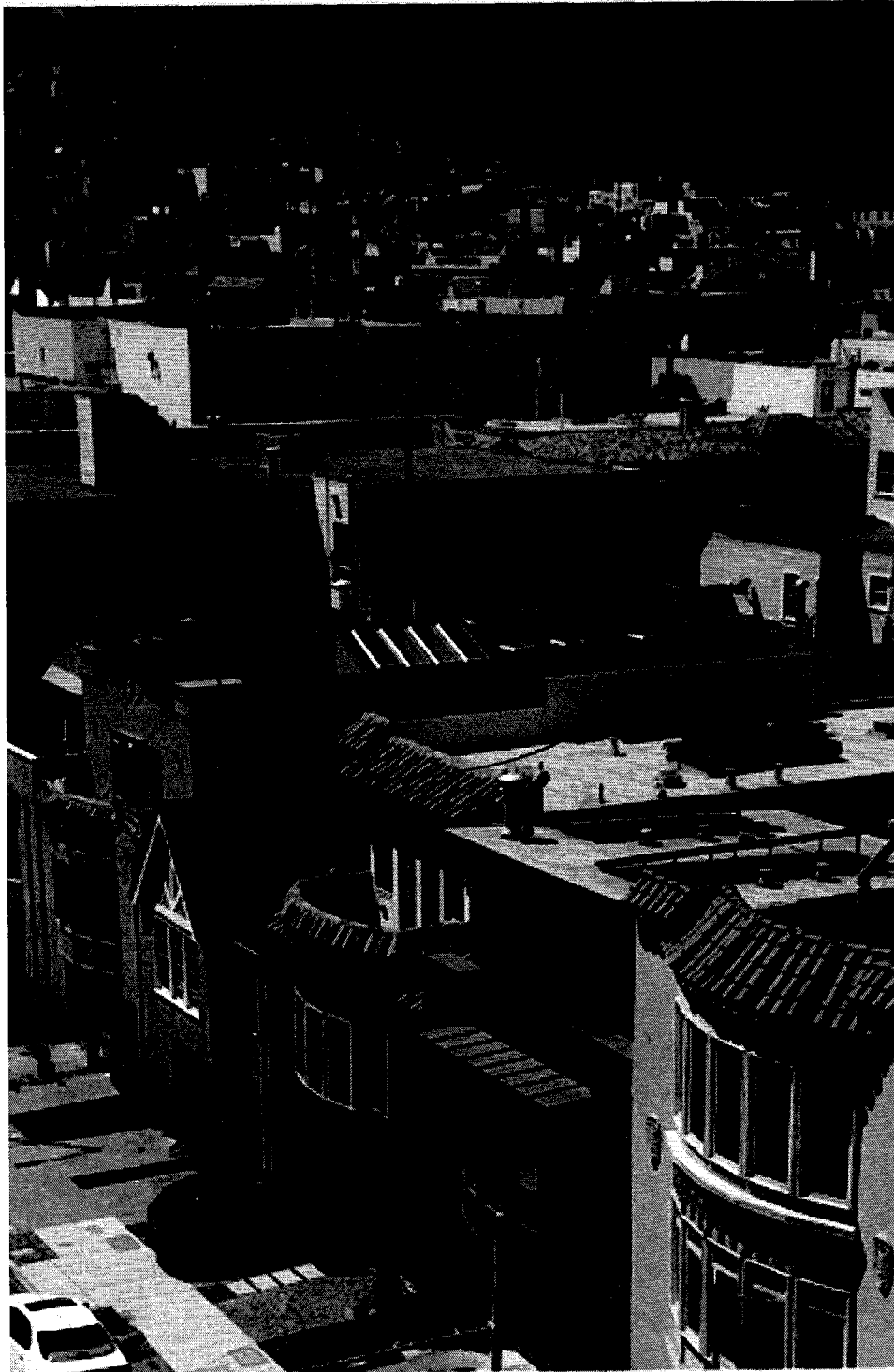
1 of 4



Angled
skylights
over
master



bathroom



DJI_0098.jpg 3.1MB

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Cancel

2 of 4



13
roof
skylights
over
bedroom
space
+
master
bathroom.

2
at 90
degree
angle
s. hard
to
see

DJI_0091.jpg 2.8MB



DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION PACKET

Pursuant to Planning Code Section 311, the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, San Francisco, where planners are available to assist you.

Please read the Discretionary Review Informational Packet carefully before the application form is completed.

WHAT TO SUBMIT:

- ☐ Two (2) complete applications signed.
- ☐ A Letter of Authorization from the DR requestor giving you permission to communicate with the Planning Department on their behalf, if applicable.
- ☐ Photographs or plans that illustrate your concerns.
- ☐ Related covenants or deed restrictions (if any).
- ☐ A digital copy (CD or USB drive) of the above materials (optional).
- ☐ Payment via check, money order or debit/credit for the total fee amount for this application. (See Fee Schedule).

HOW TO SUBMIT:

To file your Discretionary Review Public application, please submit in person at the Planning Information Center:

Location: 1660 Mission Street, Fifth Floor
San Francisco, CA 94103-2479

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



San Francisco Planning

PROJECT APPLICATION RECORD NUMBER (PRJ)

2018-017375PRJ

DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

RECEIVED

JAN 30 2020

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PIC

Discretionary Review Requestor's Information

Name: Katie and Rich Miller

Address: 3633 Divisadero Street

Email Address: richard.miller08@gmail.com

Telephone: (415) 828-3635

Information on the Owner of the Property Being Developed

Name: Mickey Pucko and James Smith

Company/Organization:

Address: 3627 Divisadero Street

Email Address: mickey@giantrecruiting.com

Telephone: (805) 431-3917

Property Information and Related Applications

Project Address: 3627 Divisadero Street

Block/Lot(s): 0919/001E

Building Permit Application No(s): 2018.1227.9267

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

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

Please see attached (p. 1).

Changes made to the project as a result of mediation.

- In July 2018, upon receiving the pre-application meeting notice, we emailed the Project Sponsor and her architect regarding our preliminary concerns and questions about how the project would conform to specific SF Residential Design Guidelines. Our concerns included the height (40', 4 stories), its size relative to the other 3-story homes on the block, the potential impact on neighboring properties' light/air/privacy (including our ability to complete planned solar panel installation), and how alterations to the facade could negatively impact our streetscape and the historical character of our block. We also attached a copy of our planned solar panel schematic prepared by Luminalt.
- At the August 2018 pre-application meeting, the project architect showed plans on a posterboard and also showed revised plans on his laptop. The laptop version showed a 5'-0" setback at the 4th story north and south property lines, to address our concerns about light/air/solar/massing and the Meneghetti's (3621 Divisadero) additional concerns about privacy.
 - The meeting became contentious, and in front of our architect the Project Sponsor told Katie she "better watch out."
 - No copies of plans shown at the meeting were ever provided to any meeting attendees, despite repeated requests.
- In May 2019, we were advised by the Planner that RDAT was requesting removal of the 4th story, and for the 3rd story to be set back the average of adjacent 3rd story setbacks. We were extremely relieved, as this addressed all of our concerns.
- However, in August 2019, we were advised by the Planner that the Project Sponsor had asked RDAT to reconsider removal of the 4th story, based on an approved 4th story addition at 3645 Scott. (See DR, pp. 6-7) RDAT agreed to support a 4th story, as long as it was set back a minimum of 20'-0" from the building front and did not include a roof deck.
- In November 2019, we received the first set of 311 plans and were surprised to see that the 4th story setback was only 16'-0". We met for two hours at our house with the Project Sponsor and Mr. Smith to discuss our concerns about the unique impacts on our light/air/solar due to the inadequate front setback and complete lack of 4th story setback along our property line. The Project Sponsor did not agree to make any modifications to the 4th story.
- In January 2020, we met at our house again with the Project Sponsor and Mr. Smith to discuss the renotification set of 311 plans. The Project Sponsor abruptly ended the meeting, swore at us, and stormed out of our house.

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

- **The plans contain significant omissions that misrepresent the scale, visibility, and impacts of the 4th story.**
 - The total height of the building along the north property line is understated because the plans omit the parapet required by the 4th story skylight. (See DR, pp. 8-13) The skylight is within five feet of the property line, and would require a fire-rated parapet at least 30" taller than the top of the skylight. Our roof is approximately 30'-2" high, and the parapet would increase the Subject Property to approximately 41' tall (38'-5" + 30") along our property line, with no setback whatsoever. During the winter months, the 11' height difference between the Subject Property and our roof would create a shadow extending at least 20', shading approximately 80% of our roof midday. (See, e.g., DR pp 14-15)
 - The schematic of existing roofs omits our two "sun tunnels" and 13 solar panels. (See DR, p. 16) The two Solatubes on our roof are "sun tunnels" that bring natural light from our third story roof down into our second story kitchen, and the entry stairway. Our solar panels have been placed as far north on our roof as possible. Neither of the Solatubes and none of the solar panels are ever shaded by the 30" parapet adjacent to our skylight/lightwell along the shared property line.
 - The sightline study shows incomplete/inaccurate sightlines, understates the visibility of the 4th story, and omits any side view from the street corners which would more clearly show that the 4th story will be visible. (See DR, p. 17)
 - **NOTE:** We understand that the neighbors at 3621 Divisadero requested that the Project Sponsor put up poles to show where the 4th story will be, and she agreed to do so, but that has not happened yet. We intend to supplement this DR with additional photos of poles that accurately depict the visibility and impact of the 4th story.

- **The project's large 4th story creates unreasonable impacts on light and privacy to adjacent properties.**
 - RESIDENTIAL DESIGN GUIDELINE(RDG): Articulate the building to minimize impacts on light and privacy to adjacent properties (RDG p. 16). Specific examples of modifications include:
 - Provide setbacks on the upper floors of the building.
 - Provide shared light wells to provide more light to both properties.
 - Eliminate the need for parapet walls by using a fire-rated roof.
 - The project's nearly 700 square foot 4th story is not set back off the north property line, which creates an exceptional impact on our light and airflow. We have an oversized bank of operable skylights that function as a lightwell, providing natural light and air (particularly in the increasingly hot summer months) to our second and third living levels. (See photo, DR p. 18) Although our property line parapet at the third story casts limited shade on our large skylight/lightwell in the middle of winter, the parapet does not affect any other skylight, Solatube, or solar panel on our roof during the year. The 4th story, as approved, would significantly shade the majority of our roof during the winter months. (See, e.g., DR pp. 14-15)
 - It appears that in the past 4 years all of the nearby, relevant projects involving 4th story additions to houses located between existing 3-story homes have provided lightwells/setbacks along neighboring property lines. (See chart, DR p. 19) The project's lack of setback along the north property line is wholly inconsistent with the Guidelines and reasonable alternatives unquestionably exist if 4th story additions routinely incorporate setbacks/lightwells.
- **The project's large 4th story has insufficient setbacks and is not compatible with the surrounding 3-story buildings on the block.**
 - RESIDENTIAL DESIGN GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the street (p. 24). The visibility of upper floors may need to be limited if the proposed building is taller than surrounding buildings, and "[t]he key is to design a building that complements other buildings on the block and does not stand out, even while displaying an individual design" (RDG, p. 24).
 - Based on information available from the Planning website, the acceptable range of 4th story setbacks for similar projects (i.e., 4th story additions to houses situated between two existing 3-story houses) near the Subject Property is 19 to 26 feet. (See chart, DR p. 19) For example, there was a

Discretionary Review involving 2328-2330 North Point that resulted in a required 25'-0" 4th story setback and elimination of a 4th story roof deck.

- The exceptional width of Divisadero is a circumstance that merits reinstatement of RDAT's August 2019 request to set the 4th story back at least 20'-0". Divisadero is 82'-6" wide, while other nearby streets (e.g., Broderick, Beach, North Point) are only 68'-9" wide. The extra width makes it easier for cars and pedestrians to see a 4th story on Divisadero than on a narrower street, thus any 4th story addition should be set back at least 20'-0" to reduce visibility and preserve the neighborhood character.
- RESIDENTIAL DESIGN GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space (RDG, p. 25).
- There are no other 4-story homes along our block of Divisadero (except for apartment building on each corner, as is typical in the Marina), and the neighboring homes along Beach and North Point are 3 stories as well. The mid-block open space will be compromised for the homes along Beach and North Point.

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

- The height of the 4th story and its lack of setback from our property line will unreasonably impact our light and air.
- Neighborhood character will be unreasonably affected by the project's inadequate 4th story setback. There is a consistent 3-story height along our block, and a visible 4th story would stand out in a way that significantly detracts from the charm and character of our homes.
- Allowing the 4th story to be set back only 16'-0" in an area that normally maintains 4th story setbacks of as much as 26'-0" for similarly-situated vertical additions would set a detrimental design precedent.
- Privacy of the neighbors at 3621 is unreasonably compromised by the size and location of the decks and railings on the Subject Property.

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?*

- Require the 4th story to be set back at least 20'-0" feet from the front wall, consistent with RDAT's August 2019 request.
 - This modification would put this project within the acceptable range of 4th story setbacks for similar projects within approximately one block of the Subject Property. For vertical 4th story additions to buildings located between 3-story homes, the 4th story is normally set back between 19 and 26 feet. (See chart, DR p. 19)
- Require a setback along the north property line to create a lightwell adjacent to our large, operable skylights (which function as a lightwell for us). This would help reduce the significant shade that the 4th story will cast on the majority of our roof during the winter. Every other relevant project in the immediate vicinity over the past four years has included lightwells on both sides of a 4th story vertical addition.
 - The 4th story at 3645 Scott, which is a project that the Project Sponsor specifically brought to RDAT's attention and relied on to gain support for her project, is an example of an acceptable alternative design. (See 311 plan, DR pp. 20-21)
- Remove the 4th story skylight, or require any 4th story skylight to be more than 5'-0" from the north property line. This would eliminate the need for a fire-rated parapet along our shared property line, adjacent to our large skylight/lightwell.

RESIDENTIAL DESIGN GUIDELINES MATRIX									
Project address	3627 DIVISADERO ST	REVIEW TYPE	RDAT 1	RDAT 2					
Application number	2018-017375PRJ	Date of Review / Response	5/3/2019	8/23/2019					
Quadrant	Northwest	Date of Drawings	12/27/2018	12/27/2018					
Assigned Planner	Christopher May	Comment author	Luiz Barata	Allison Alberici					
Assigned Design Review staff		Meeting Attendees	Gordon Jonckheer, Allison Alberici, Elizabeth Gordon	David Winslow, Allison Alberici, Jonckheer, Trent Greenan					
#	Guideline Chapter, Topic	Subtopic	Guideline						
III 1	WHAT IS THE CHARACTER OF THE NEIGHBORHOOD?	Neighborhood Character	GUIDELINE: In areas with a defined visual character, design buildings to be compatible with the patterns and architectural features of surrounding buildings.	NA	NA				
III 2		Mixed Visual Character	GUIDELINE: In areas with a mixed visual character, design buildings to help define, unify and contribute positively to the existing visual context.	MEETS GUIDELINE	MEETS GUIDELINE				
III 3		Site Design	GUIDELINE: Respect the topography of the site and the surrounding area.	NA	NA				
III 4		Front Setback	GUIDELINE: Treat the front setback so that it provides a pedestrian scale and enhances the street.	MEETS GUIDELINE	MEETS GUIDELINE				
III 5		Varied Front Setbacks	GUIDELINE: In areas with varied front setbacks, design building setbacks to act as a transition between adjacent buildings and to unify the overall streetscape.	MEETS GUIDELINE	MEETS GUIDELINE				
III 6		Landscaping	GUIDELINE: Provide landscaping in the front setback.	MEETS GUIDELINE	MEETS GUIDELINE				
III 7		Side Spacing Between Buildings	GUIDELINE: Respect the existing pattern of side spacing.	NA	NA				
III 8		Rear Yard	GUIDELINE: Articulate the building to minimize impacts on light and privacy to adjacent properties.	Provide 5'-0" side setback from neighbor to the south for the deck at the rear. Remove property line firewall related to deck.	Provide 5'-0" side setback from neighbor to the south for the deck at the rear. Remove property line firewall related to deck. Remove Roof Deck above 4th floor and exterior access stair.				
III 9		Views	GUIDELINE: Protect major public views from public spaces.	NA	NA				
III 10		Special Building Locations	GUIDELINE: Provide greater visual emphasis to corner buildings.	NA	NA				
III 11		Building Abutting Public Spaces	GUIDELINE: Design building facades to enhance and complement adjacent public spaces.	NA	NA				
III 12		Rear Yard	GUIDELINE: Articulate the building to minimize impacts on light to adjacent cottages.	NA	NA				
IV 1		Building Scale and Form	GUIDELINE: Design the scale of the building to be compatible with the height and depth of surrounding buildings.	Please see comment IV 2.	Please see comment IV 2.				

3627 Divisadero

6

RESIDENTIAL DESIGN GUIDELINES MATRIX									
Project address	3627 DIVISADERO ST	REVIEW TYPE	RDAT 1	RDAT 2					
Application number	2018-01737GPRJ	Date of Review / Response	5/3/2019	8/23/2019					
Quadrant	Northwest	Date of Drawings	12/27/2018	12/27/2018					
Assigned Planner	Christopher May	Comment author	Luiz Barata	Allison Albericci					
Assigned Design Review staff		Meeting Attendees	Luiz Barata, David Winslow, Allison Albericci, Elizabeth Gordon Jonckheer, Glenn Cabreros	David Winslow, Allison Albericci, Jonckheer, Trent Greenan					
IV 2	Building Scale at the Street	GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the street.	Remove 4th floor. Set back 3rd floor level at the front to match the average 3rd floor levels of front walls of adjacent neighbors.	Set back 3rd floor level at the front to match the average 3rd floor levels of front walls of adjacent neighbors. Increase the front setback at the 4th floor to a minimum of 20'-0"					
IV 3	Building Scale at the Mid-Block Open Space	GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space.	MEETS GUIDELINE	MEETS GUIDELINE					
IV 4	BUILDING FORM	GUIDELINE: Design the building's form to be compatible with that of surrounding buildings.	Please see comment IV 2.	Please see comment IV 2.					
IV 5	Facade Width	GUIDELINE: Design the building's facade width to be compatible with those found on surrounding buildings.	MEETS GUIDELINE	MEETS GUIDELINE					
IV 6	Proportions	GUIDELINE: Design the building's proportions to be compatible with those found on surrounding buildings.	Please see comment IV 2.	Please see comment IV 2.					
IV 7	Rooflines	GUIDELINE: Design rooflines to be compatible with those found on surrounding buildings.	Provide additional details at the cornice line so roof lines are compatible with surrounding neighbor buildings.	Provide additional details at the cornice line so roof lines are compatible with surrounding neighbor buildings.					
V 1	BUILDING ENTRANCES	GUIDELINE: Design building entrances to enhance the connection between the public realm of the street and sidewalk and the private realm of the building.	Improve entry door expression (RDAT suggests side lites, different material, and additional details)	Improve entry door expression (RDAT suggests side lites, different material, and additional details)					
V 2	Location of Building Entrances	GUIDELINE: Respect the existing pattern of building entrances.	MEETS GUIDELINE	MEETS GUIDELINE					
V 3	Front Porches	GUIDELINE: Provide front porches that are compatible with existing porches of surrounding buildings.	NA	NA					
V 4	Utility Panels	GUIDELINE: Locate utility panels so they are not visible on the front building wall or on the sidewalk.	NA	NA					
V 5	BAY WINDOWS	GUIDELINE: Design the length, height and type of bay windows to be compatible with those on surrounding buildings.	Provide glazing to sides of bay windows (existing non-compliant bay window).	Provide glazing to sides of bay windows (existing non-compliant bay window).					

3627 Divisadero

7

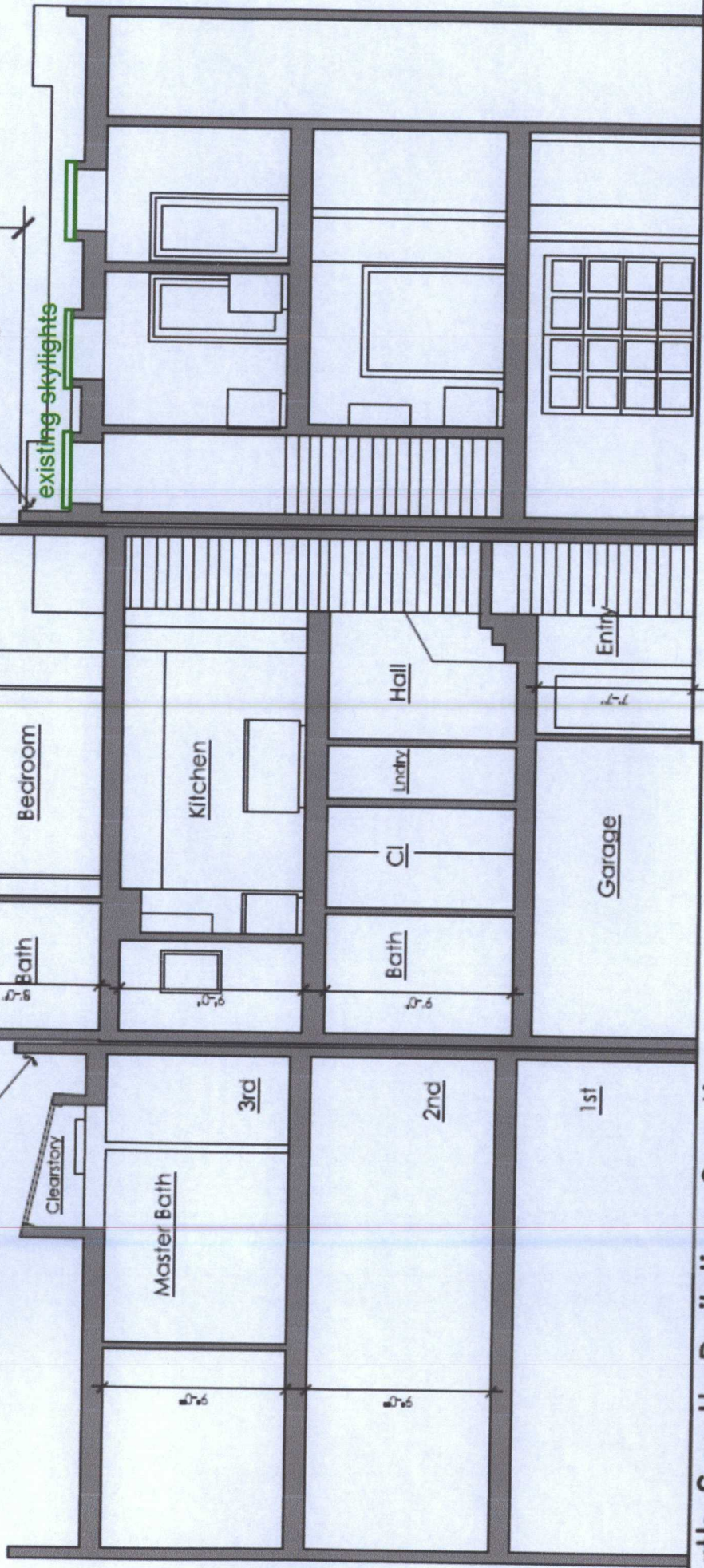
parapet wall
skylight
+/-42"

RATED ROOF
ASSEMBLY

(E) Parapet Wall
Height

(E) Parapet Wall
Height

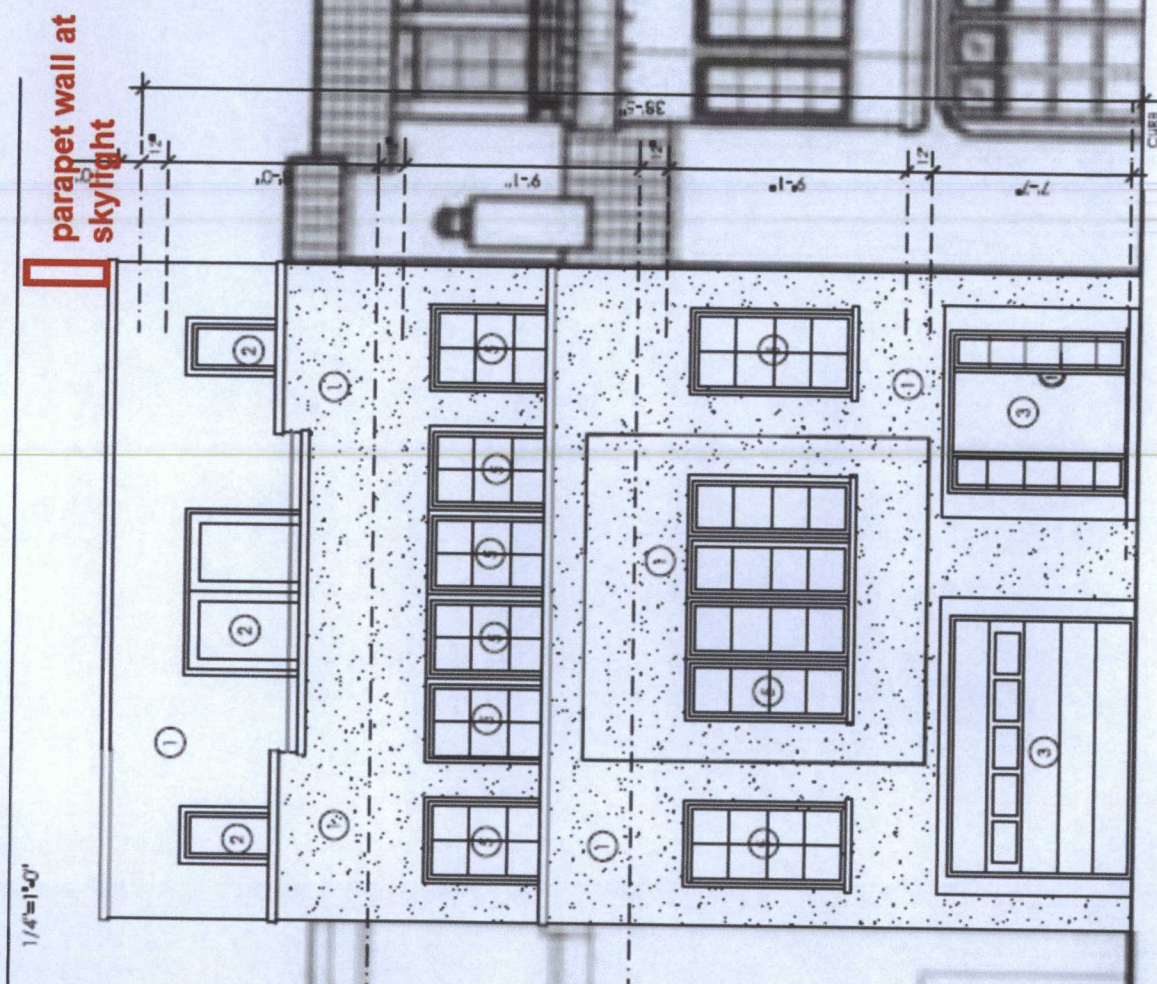
existing skylights



North-South Building Section

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

3627 Divisadero



parapet wall at skylight

Outline Of (E) Adjacent Building To The North

existing skylight

Outline Of (E) Adjacent Building To The North

MID POINT OF PROPERTY

(N) South Elevation - Left

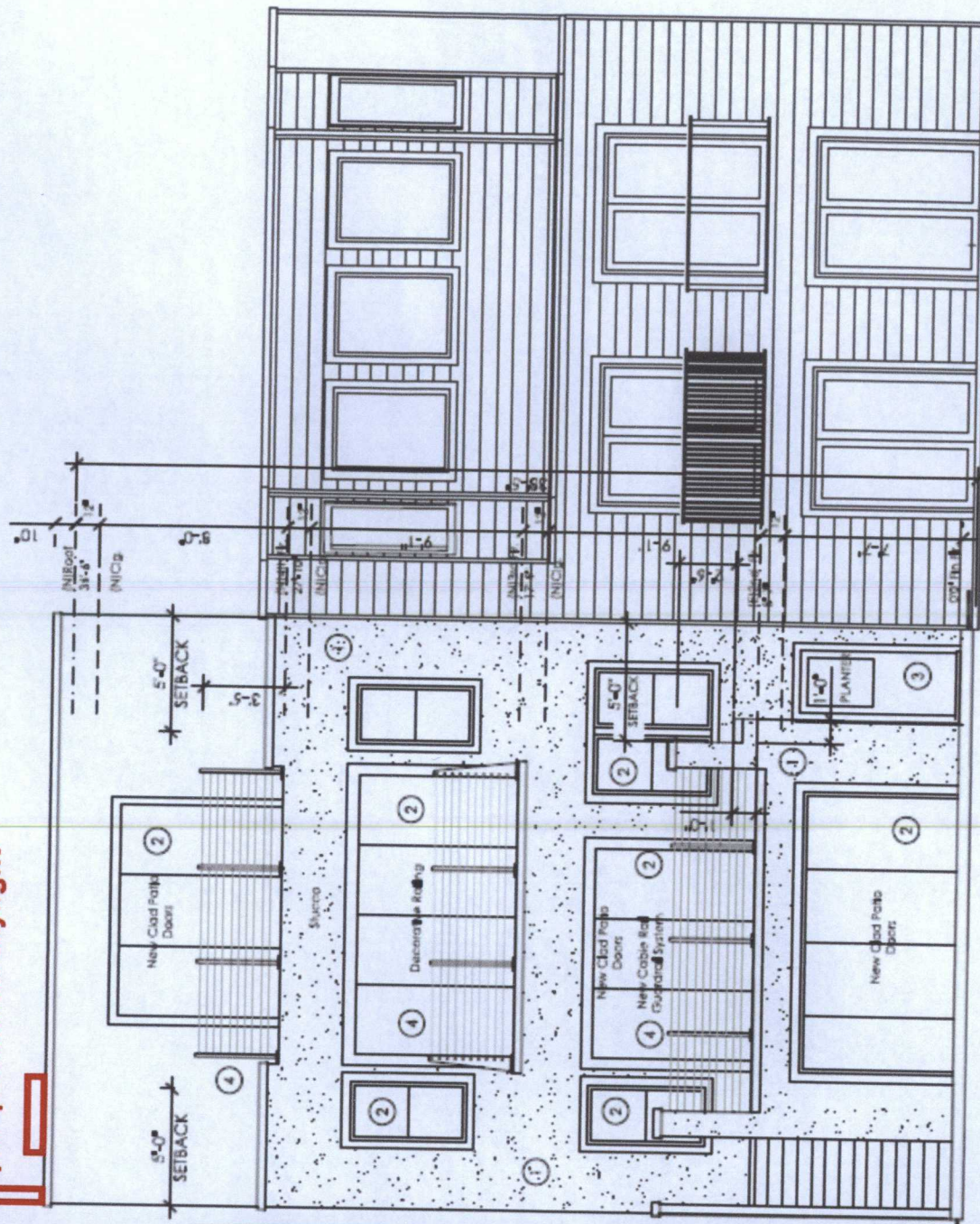
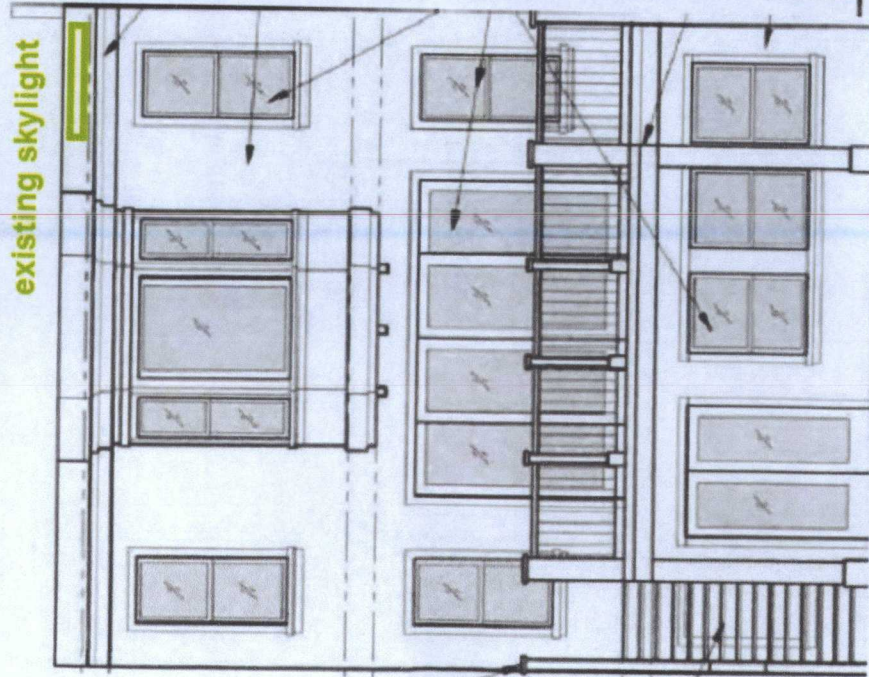
1/4" = 1'-0"

3627
Divisadero

FOR CHARCOAL GRAY
IF PIVOT DOOR COMPANY

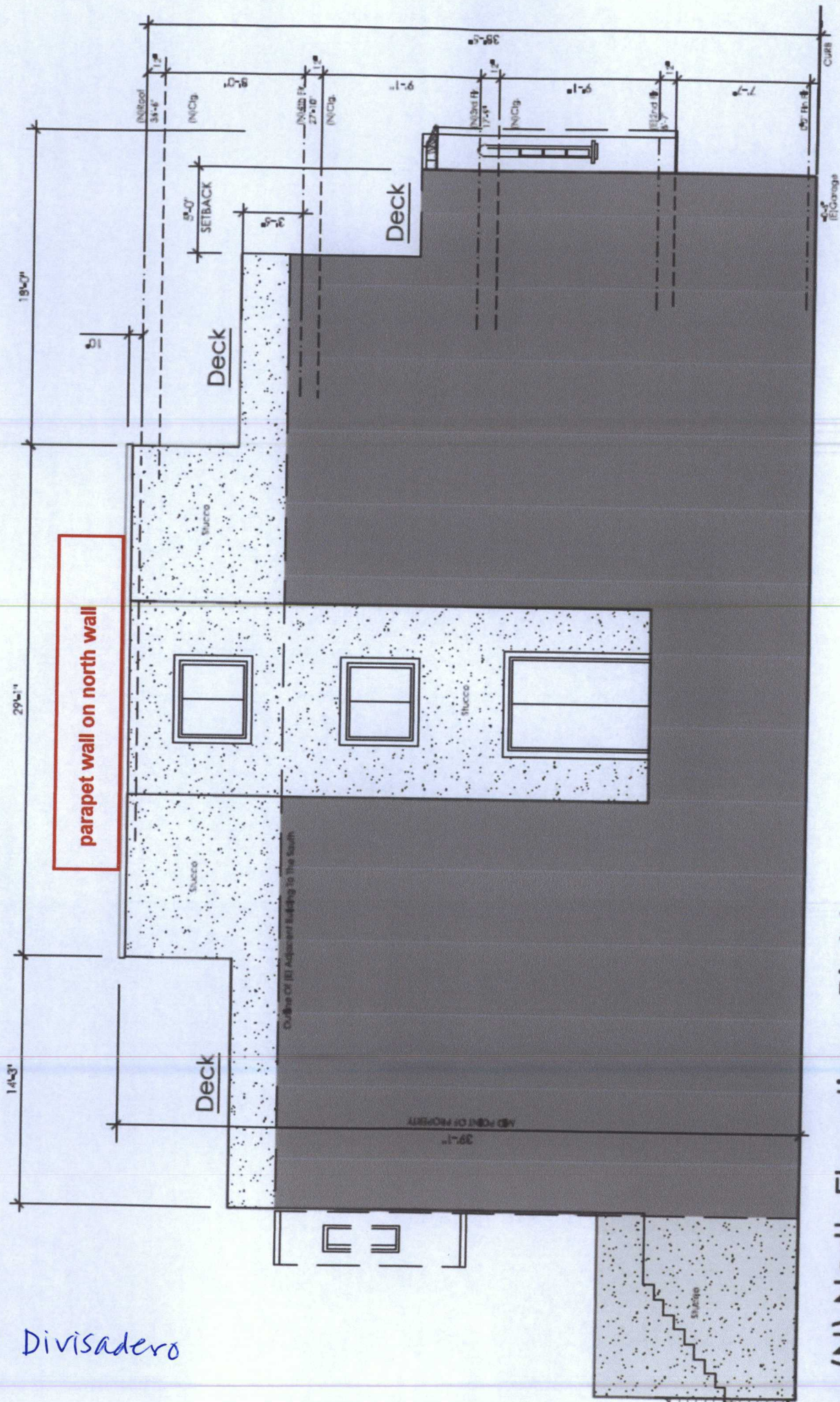
1

existing skylight



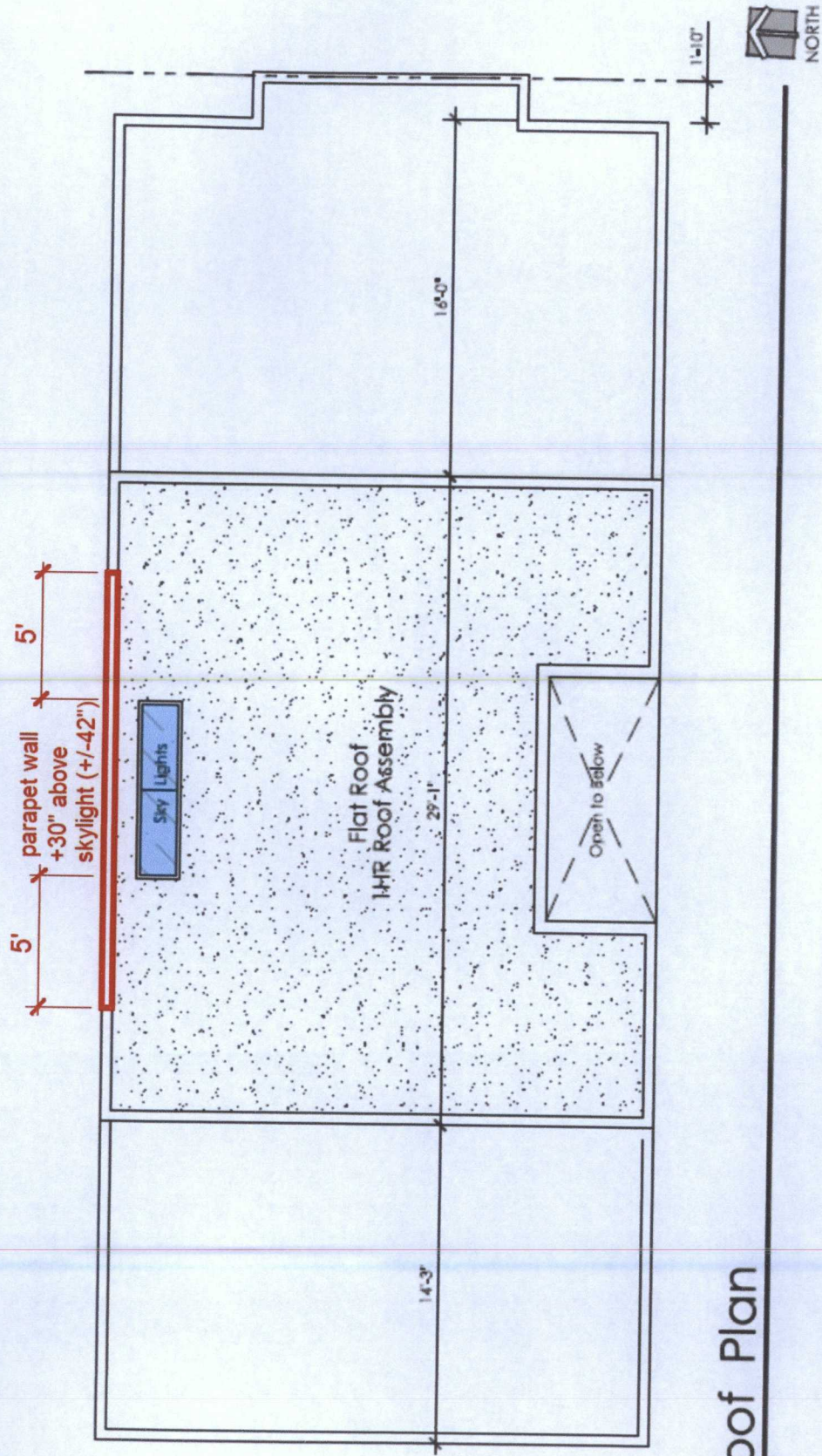
(N) West Elevation - Back

 $1/4' = 1'-0"$



(N) North Elevation - Right

1/4"=1'-0"



New Roof Plan

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



3627 Divisadero



3627 Divisadero

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

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



16

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

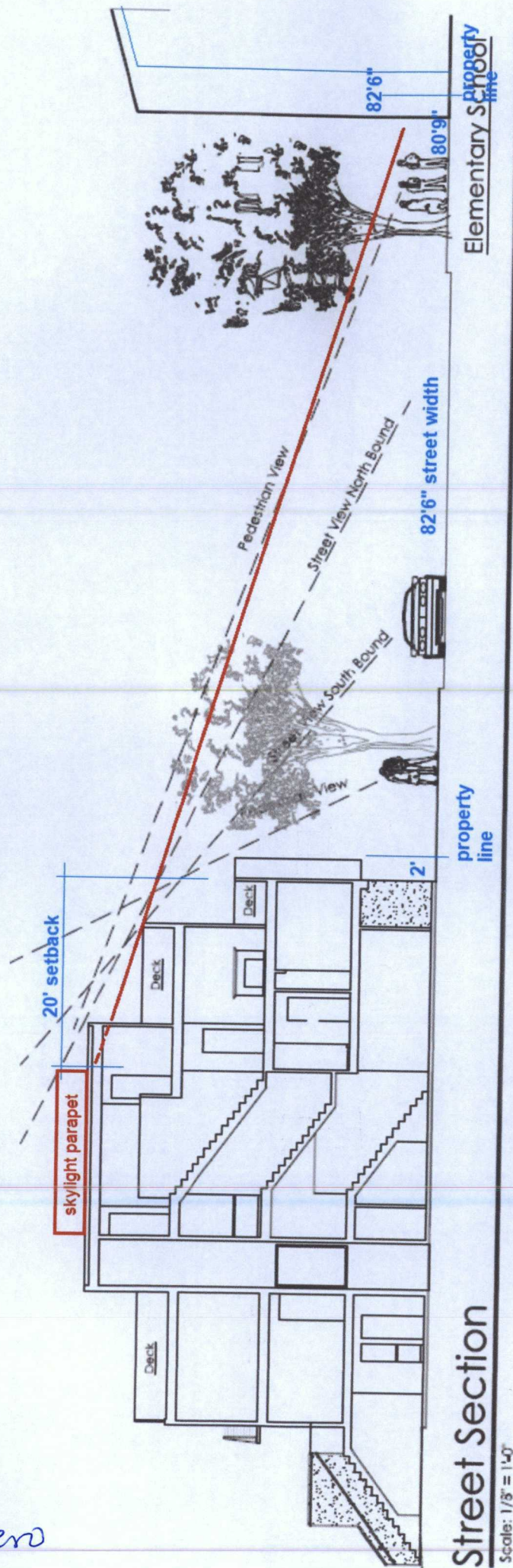
Scale: 1/8" = 1'-0"




NORTH

FRONT YARD AREA: 44sf , LANDSCAPING WITHIN FRONT YARD: 13sf =29%

3627 Divisadero Street





← existing parapet
barely visible

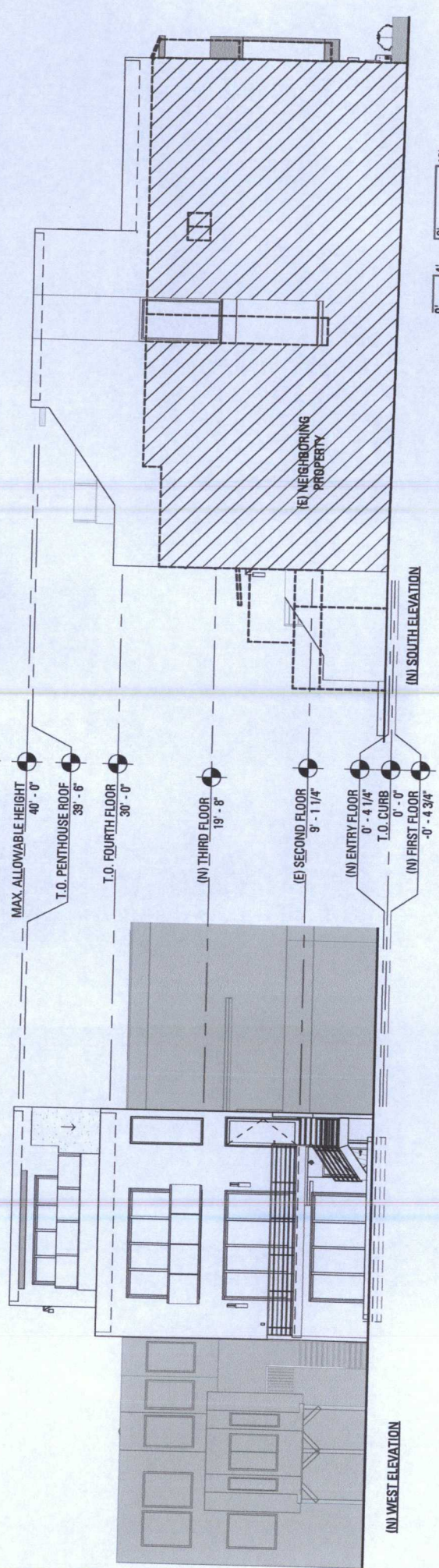
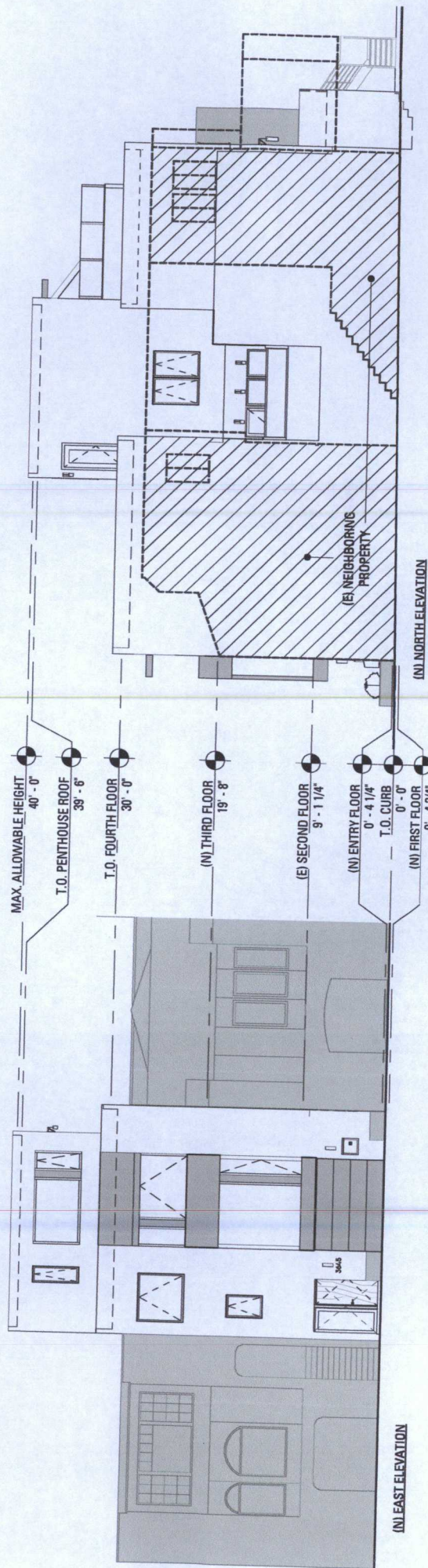
3627 Divisadero

18

Projects located within approximately one block of 3627 Divisadero (Subject Property)

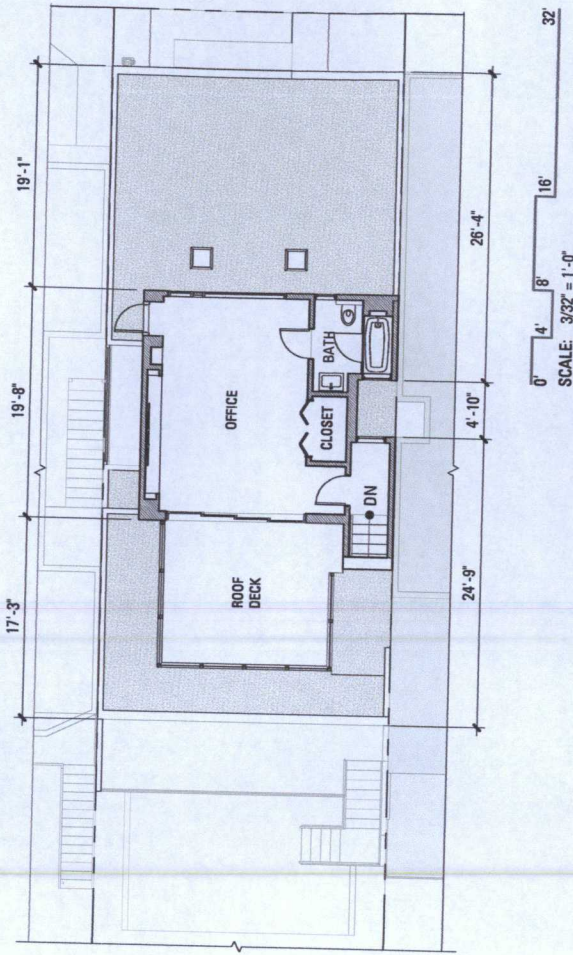
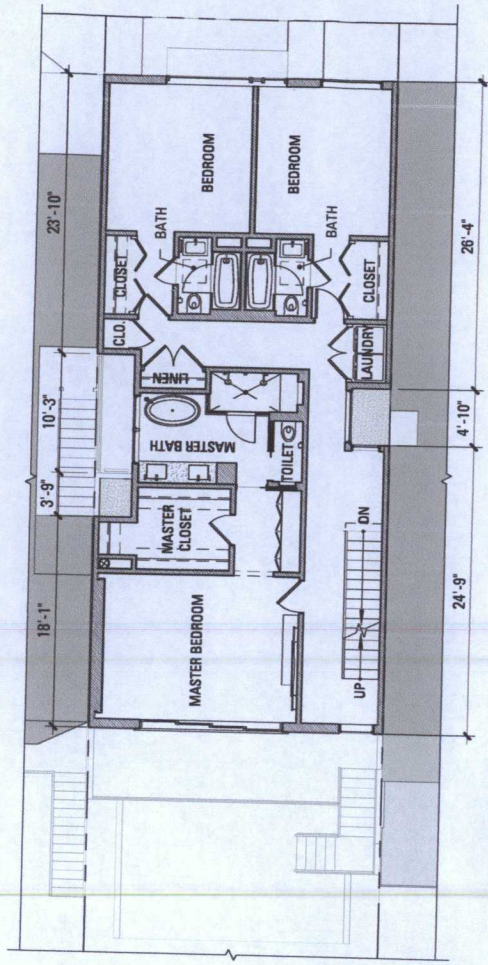
* Search criteria: Planning documents dated 1/1/2016 to present, and "vertical" and/or "4th" in the project description

	Address	Status		4th Story Addition	Adjacent Properties (# of Stories)		4th Story		Lightwell Features/Additional Info
		Addenda Under Review	DR Taken		Yes	No	Front Setback	Lightwell Features/Additional Info	
1	3645 Scott	Addenda Under Review	DR Taken	Yes	3 stories		19'-1"	Lightwells on both sides	
2	2328-2330 North Point			Yes	3 stories		25'-0"	Lightwells on both sides	
3	2266 Bay	Building Permit Issued		Yes	3 stories		20'-4 1/2"	Lightwells on both sides, 4th story rear setback 20'-9", elevator	
4	2353 North Point	Under Review		Yes	3 stories		26'-2"	Lightwells on both sides	
5	2209 North Point	Site Application Approved (no addenda submitted, project abandoned?)		Yes	3 stories		15'-0"	4th story setback 15'-0" from front of 3rd story [equivalent setback on Subject Property 4th story would be 20'-0" from building front], elevator, lightwells on both sides of 4th story	
6	3517 Divisadero	Under Review		Yes	4/3 stories			4th story addition to existing 3-story building adjacent to existing 4-story apartment building, lightwell on north property line	
7	1990 Jefferson	Building Permit Issued		Yes	4 stories			4th story addition to existing 3-story building adjacent to existing 4-story apartment building, detached along north property line (no lightwell necessary)	
8	3742 Divisadero	Building Permit Issued		No	N/A		N/A	N/A	



0' 4' 8' 16' 32'
SCALE: 3/32" = 1'-0"

EXTERIOR ELEVATIONS - PROPOSED
3645 SCOTT STREET ADDITION AND REMODEL



0' 4' 8' 16' 32'
SCALE: 3/32" = 1'-0"

FLOOR PLANS
3645 SCOTT STREET ADDITION AND REMODEL

3633 Divisadero

SUBJECT PROPERTY

3627 Divisadero

3627 Divisadero



From: [Julie Wilson](#)
To: [Winslow, David \(CPC\)](#)
Subject: 3627 Divisadero Street
Date: Tuesday, February 04, 2020 4:22:40 PM

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

I am a neighbor (3645 Divisadero Street) and my only complaint about the project is the height. It will look very unusually from the rest of the houses in the block. I also agree with the Meneghetti's about what will happen to their privacy with the additional height.

That is my two cent's worth.

Julie Wilson

RESPONSE TO DISCRETIONARY REVIEW (DRP)



**San Francisco
Planning**

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

Project Information

Property Address: 3627 Divisadero St.

Zip Code: 94123

Building Permit Application(s): 2018.1227.9267

Assigned Planner: David
Winslow

Record Number: 2018-017375PRJ

Project Sponsor

Name: Mihaela Pucko

Phone: 805.431.3917

Email: mickey@giantrecruiting.com

Required Questions

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

The Project Has Undergone Extensive Review and Complies with the Residential Design Guidelines ("RDG"): The proposed project has been extensively revised multiple times in order to comply with Design Guidelines, planning and building rules and requirements, neighborhood requests and has been approved by the Planning Department, Mr. Christopher May (sr. planner) and RDAT, Ms. Allison Albericci. The project does not present any exceptional or extraordinary circumstances nor does it require any variances. The Project's approved plans meets requirements of the Planning Code and is consistent with the RDG, and 311 notification was issued on 12/31/2019.

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

Please see the attached pages detailing changes made to the project to alleviate neighborhood concerns as well as additional proposed concessions.

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

Please see the attached pages detailing the project.

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	4
Basement Levels (may include garage or windowless storage rooms)	NA	NA
Parking Spaces (Off-Street)	2	2
Bedrooms	4	5
Height	22 feet	38 feet
Building Depth	72 feet	72 feet
Rental Value (monthly)	NA	NA
Property Value	\$2.5M	\$3M

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

Signature:



Date: 04/20/2020

Printed Name: Mihaela Pucko

X 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.

Property Address: 3627 Divisadero St.
Building Permit Application: 2018.1227.9267
Record Number: 2018-017375PRJ

Re: Response to Discretionary Review (“DR”) Application by Shelli Meneghetti and Katie & Rich Miller

Dear Commissioners,

Introduction

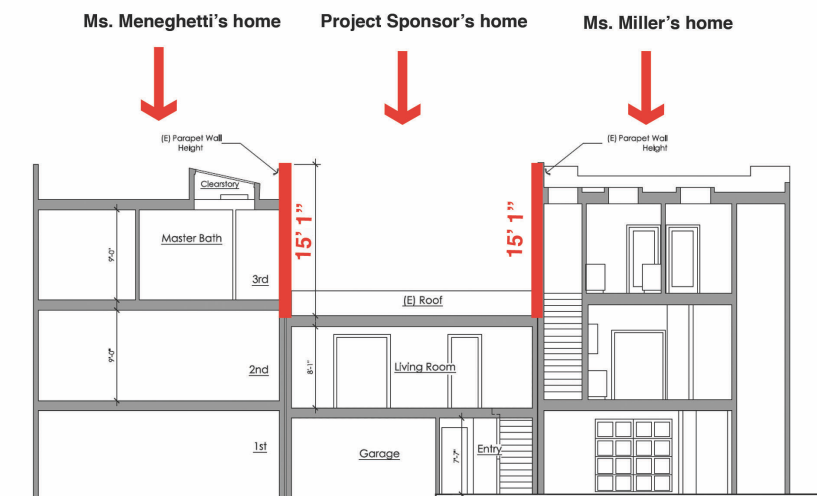
The DR process is being used by the direct neighbors, **Shelli Meneghetti and Katie & Rich Miller**, to threaten the ability of property owners to enjoy their family and work in the privacy of their home. The Project Sponsors (“Sponsors”) bought the subject property in 2017 with the wish **to provide a home for multigenerational living and to continue to work from home**. Sponsors have a large family with three adult children; one of whom is married and trying for her first baby and two that are in long-term relationships. In addition, Sponsors have aging parents with disabilities who have not been able to visit Sponsors because the current floorplan does not allow for disability access. Finally, Sponsors regularly work from home and wish to continue to do so as their family grows.

The proposed renovation (“Property,” “Project,” or “Home”) will accommodate Sponsors by:

- Providing a location to spend more time with their multigenerational and growing family, including making the home more accessible for their 80-year-old parents; and
- Providing enough office space to allow Sponsors to work from home.

Unfortunately, Sponsors’ Home is in the middle of two adjacent neighbors mounting separate but coordinated attacks resulting in two (2) DR Applications challenging Sponsors’ **approved plans**. Yet, these same neighbors have developed their respective properties with complete disregard on what impacts their projects had to Sponsors’ property.

- Both **Ms. Miller’s and Ms. Meneghetti’s remodeled homes tower 15ft ABOVE Sponsor’s current home** and have had direct impacts to air, light, and privacy of the Sponsor’s and other surrounding properties for many years. (*see below*).



Existing:

Ms. Meneghetti's home has been towering 15' 1" ABOVE Sponsor's home for the past 15+ years

Ms. Miller's Home has undergone major remodel in 2018 and is currently towering 15' 1" ABOVE Sponsor's home.

(E) North-South Building Section

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

- In 2018, **DR Requestor Mr. and Mrs. Miller (the “Millers”)** completed a major remodel of their home increasing the mass and adding deck space with zero side setback resulting in a direct view into the Sponsors’ master bedroom infringing on Sponsor’s privacy. (see below).



After receiving Ms. Meneghetti's and Ms. Miller's DR Applications, Sponsors were heartbroken. Sponsors went through numerous lengthy meetings with both Ms. Meneghetti and Ms. Miller followed by modifications and revisions to their plans addressing their concerns. Despite extensive efforts by the Sponsors to accommodate Ms. Miller's and Ms. Meneghetti requests, there has not been any reciprocal effort to compromise. Furthermore, **Sponsors endured Ms. Miller's 2018 remodel without ANY complaints!**

- 1) Sponsor did not hear from **Ms. Meneghetti** regarding any additional concerns until when she filed the DR Application on January 30, 2020, the last day before the end of the 311-neighborhood notification period.
- 2) Sponsors completed three (3) in-person meetings with the Millers; in each, **the Millers consistently threatened subjecting Sponsors to DR Review.**
- 3) On January 25, 2020, at the final in-person meeting, **Mrs. Miller threatened that even if the project passes DR review and gets approved she will continue to challenge through subsequent filings** in order to either delay or completely block the Project. Ms. Miller, a licensed California attorney (CA Bar No. 247390) for the City of San Francisco/Judicial Council of California, **threatened that she will do everything in her power to block the Project unless Sponsor agrees to her requests.** This is not good faith.
- 4) **David Winslow**, The Principal Architect on the San Francisco Planning Department, reached out to the **Millers and Ms. Meneghetti twice, offering to mediate, but both DR Requestors refused mediation.**

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

Meneghetti's Privacy Request #1, pg. 3 DR filing

I request fire rated walls surrounding the fourth story decks to be set at the proposed cable guard rail markings (i.e, five feet from the north and south property lines). This request makes it impossible for homeowners, house guests, any eventual long term renters, or any future Airbnb guests to peer over and look into our bathrooms and bedrooms from front and rear decks. Listed guardrails are temporary markers and could easily be turned into expanding the roof decks which would allow any eyes to look directly into our home's sleeping spaces. My request creates permanent firewalls and setbacks.

Project Sponsor's response:

Without any evidence, **Ms. Meneghetti uses speculation to make a baseless claim about removal of the open railing** after final inspection to impact Ms. Meneghetti's privacy. The open rail guardrail will be completed in compliance with applicable Building Code and other requirements to ensure structural safety is achieved and the open railing is a consistent design element on Sponsors' decks and balcony to assure a consistent architectural look and feel. Furthermore, **the RDG recommends the use of open railings.**

Already Made Concessions to preserve Meneghetti's Privacy:

Sponsor has already made numerous concessions to preserve Ms. Meneghetti's privacy and it is impossible for Project Sponsor to look into Ms. Meneghetti's bedrooms and bathrooms (*See below*).

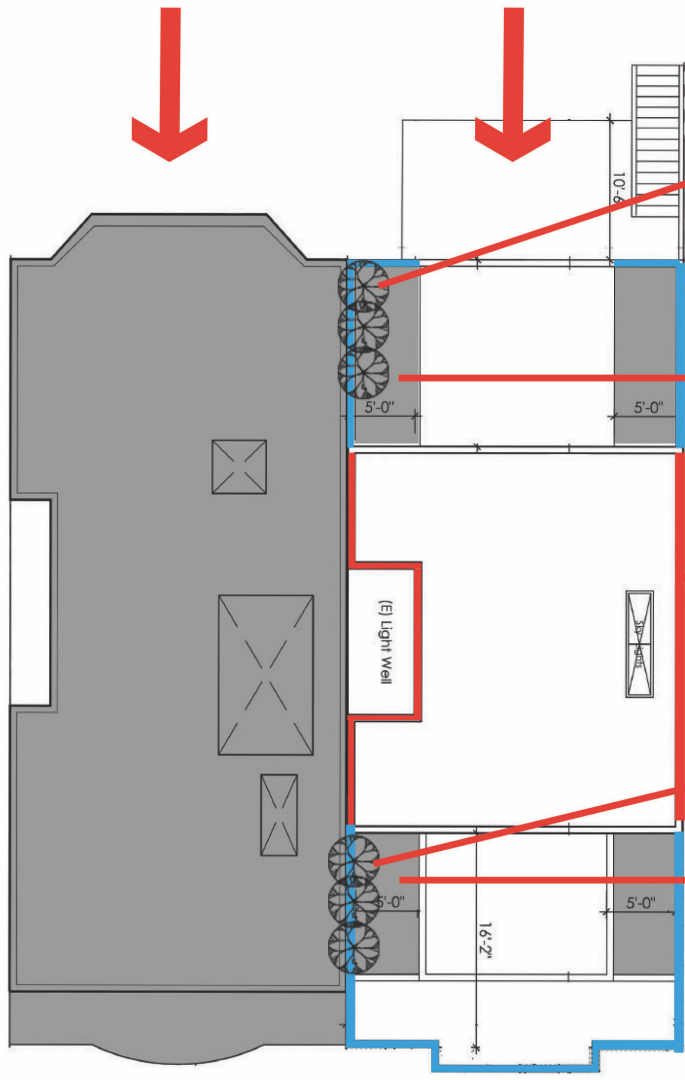
1. Sponsor already enclosed the whole perimeter in a fire rated wall to minimize any impact to neighbors (*See below*).
2. In addition Sponsor added 5-foot side-setbacks and added open railing guard rails on decks on the 4th floor to preserve neighbors' privacy (*See below*).
3. Sponsors removed all 4th floor property line windows to preserve neighbors' privacy (*See below*).

Additional Proposed concession #1 to preserve Meneghetti's Privacy:

In addition to already made concessions, **in every conversation with Ms. Meneghetti, Sponsor offered to install privacy landscape on the 4th floor deck** adjacent to Ms. Meneghetti's property line to further protect against any privacy concerns. (RDG, p.17.) (*See below*).

Ms. Meneghetti's home

Project Sponsor's home



- o Sponsors are willing to install privacy landscape on the 4th floor deck adjacent to Ms. Meneghetti's property line to further protect against any privacy concerns.
- o Sponsors enclosed the whole parameter in a fire-rated parapet wall to minimize any impacts to Ms. Meneghetti's privacy.
- o Sponsors added 5-foot side-setbacks on decks on the 4th floor to preserve Ms. Meneghetti's (and Ms. Miller's) privacy;
- o Sponsors removed all 4th floor windows at the property line to preserve Ms. Meneghetti's privacy;
- o Sponsors are willing to install privacy landscape on the 4th floor deck adjacent to Ms. Meneghetti's property line to further protect against any privacy concerns.
- o Sponsors added 5-foot side-setbacks on decks on the 4th floor to preserve Ms. Meneghetti's privacy;
- o Sponsors enclosed the whole parameter in a fire-rated parapet wall to minimize any impacts to Ms. Meneghetti's privacy.

Additional Proposed concession #2 to preserve Meneghetti's Privacy: In addition to already made concessions, **in every conversation with Ms. Meneghetti,** Sponsor offered to pay to have **Solar Art¹ install privacy window film** on any of Ms. Meneghetti's skylights that pose a potential privacy concern. Privacy window film is a translucent film routinely installed on skylights and windows to increase privacy while permitting light (*See below*).



Ms. Meneghetti's skylights

Solar Art window film protects against 99% UVA/UVB rays, rejects up to 75% heat and helps reduce glare all while preventing onlookers from being able to see into the space.

Project Sponsor's home

Meneghetti's Request #1a - pg. 3 DR filing

What we were shown at initial community meeting on their laptop was five feet sets backs all around the fourth floor but as the project has moved forward, the fourth floor perimeter has gotten bigger.

Project Sponsor's Response:

This is a **false statement of facts** as **Ms. Meneghetti did NOT attend the Neighborhood meeting.** (*See below Pre-Application attendee list*) **At the meeting, Sponsors had 15 hard copies of the proposed plans for attendees to take home that clearly outlined the project.**

Pre-Application Meeting Sign-in Sheet				
Meeting Date: <u>AUGUST 4, 2018</u>				
Meeting Time: <u>10 AM</u>				
Meeting Address: <u>3627 DIVISADERO ST</u>				
Project Address: <u>SAME</u>				
Property Owner Name: <u>MICHAELA POKKO & JAMES SMITH</u>				
Project Sponsor/Representative: <u>JOHN PLACK</u>				
Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.				
NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1. <u>Katie Miller</u>	<u>3633 Divisadero</u>	<u>415-637-9341</u>	<u>katiemiller@gmail.com</u>	<input checked="" type="checkbox"/>
2. <u>Jon Mengel</u>	<u>3621</u>	<u>415-944-8331</u>	<u>jonm@...</u>	<input checked="" type="checkbox"/>
3. <u>David Miller</u>	<u>1475 FOLSOM ST</u>	<u>415-713-0109</u>	<u>tim.bukh.rov</u>	<input checked="" type="checkbox"/>
4. <u>RICHARD MILLER</u>	<u>3633 DIVISADERO</u>		<u>david@citysf.co</u>	<input type="checkbox"/>
5. <u></u>	<u>415-822-3635</u>	<u>richard.miller@gs</u>		<input type="checkbox"/>
6. <u>Cathi Dennehy</u>	<u>415-793-7822</u>		<u>@gmail.com</u>	<input type="checkbox"/>
7. <u>Cathi Dennehy</u>	<u>VCsf.edu</u>			<input type="checkbox"/>
8. <u>Dinno Kovic</u>	<u>415-265-6842</u>	<u>dinno@digipic.co</u>		<input type="checkbox"/>
9. <u></u>				<input type="checkbox"/>
10. <u></u>				<input type="checkbox"/>
11. <u></u>				<input type="checkbox"/>

¹ Solar Art; 186 Utah Ave., South San Francisco, California, 94080; (650) 349-2257; www.windowssolutions.com.

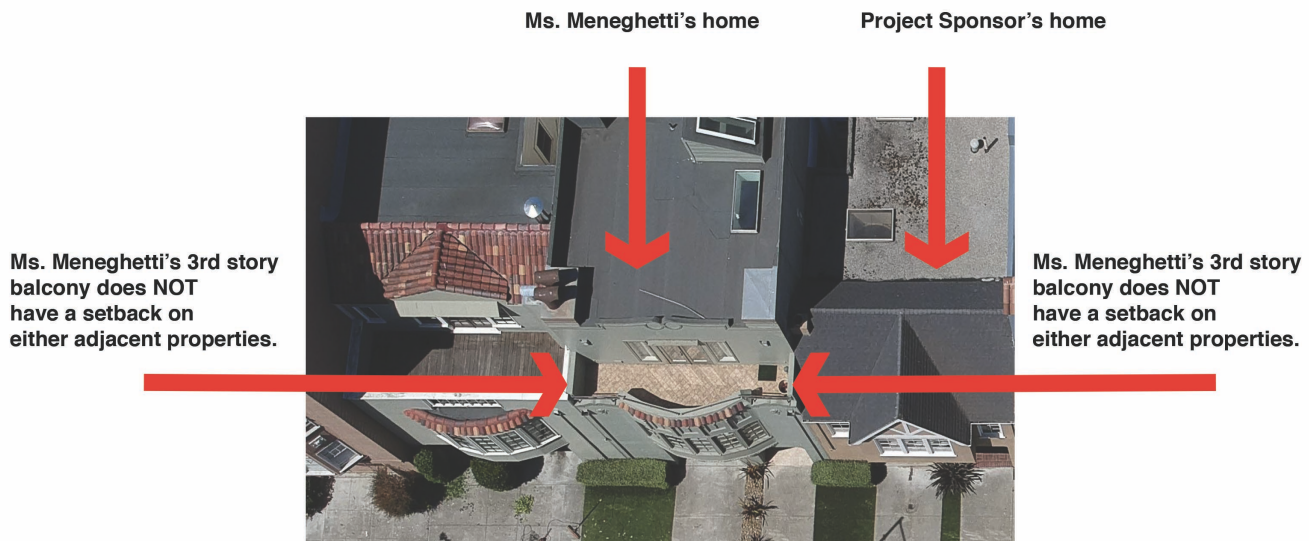
Meneghetti's Request #2, pg. 3 DR filing

I request three feet setback from the property line along my third level bedroom deck. The setback/buffers could be similar to the ones at the front third story deck at 3633 Divisadero or 3639 Divisadero. I have been informed by the Project Sponsor that there will be cigar smoke and noise going into my bedroom, so I would like a reasonable setback which would result in less smoke and noise in our sleeping space. The proposed project has their living room space on the bedroom level of all the other homes on the block which is fine, but I request a permanent buffer to minimize noise and second hand smoke concerns and allow me to be able to open my windows for fresh air.

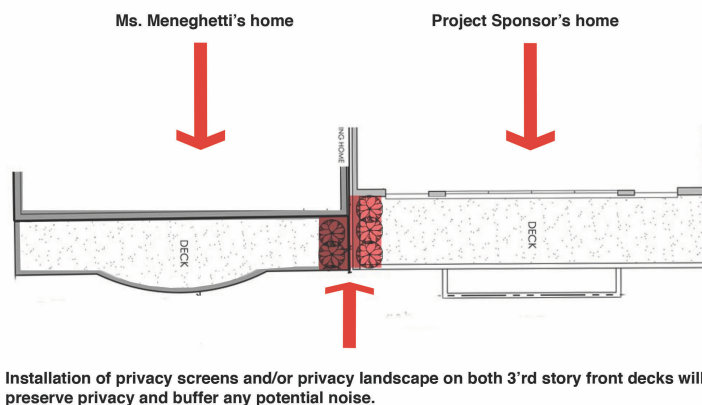
Project Sponsor's Response:

Ms. Meneghetti's own 3rd story balcony does **NOT** have a setback on either side of adjacent properties and **RDAT has confirmed that no additional setbacks are necessary and that the Project complies with the guidelines' recommendations.**

(See *below* Aerial photograph).



Additional Proposed Proposed concession #1 to preserve Meneghetti's Privacy: Pursuant to the RDG, Sponsors will support Ms. Meneghetti's **installation of privacy screens and/or privacy landscape** on her deck in order to preserve privacy and buffer any potential noise. **In every conversation with Ms. Meneghetti,** Sponsor offered to install privacy landscape on her 3rd story front deck to further shield any privacy and noise concerns. (See *below*)



Miller's Request #1 – pg. 5 DR filing

Require the 4th story to be set back at least 20'-0" feet from the front wall, consistent with RDAT's August 2019 request.

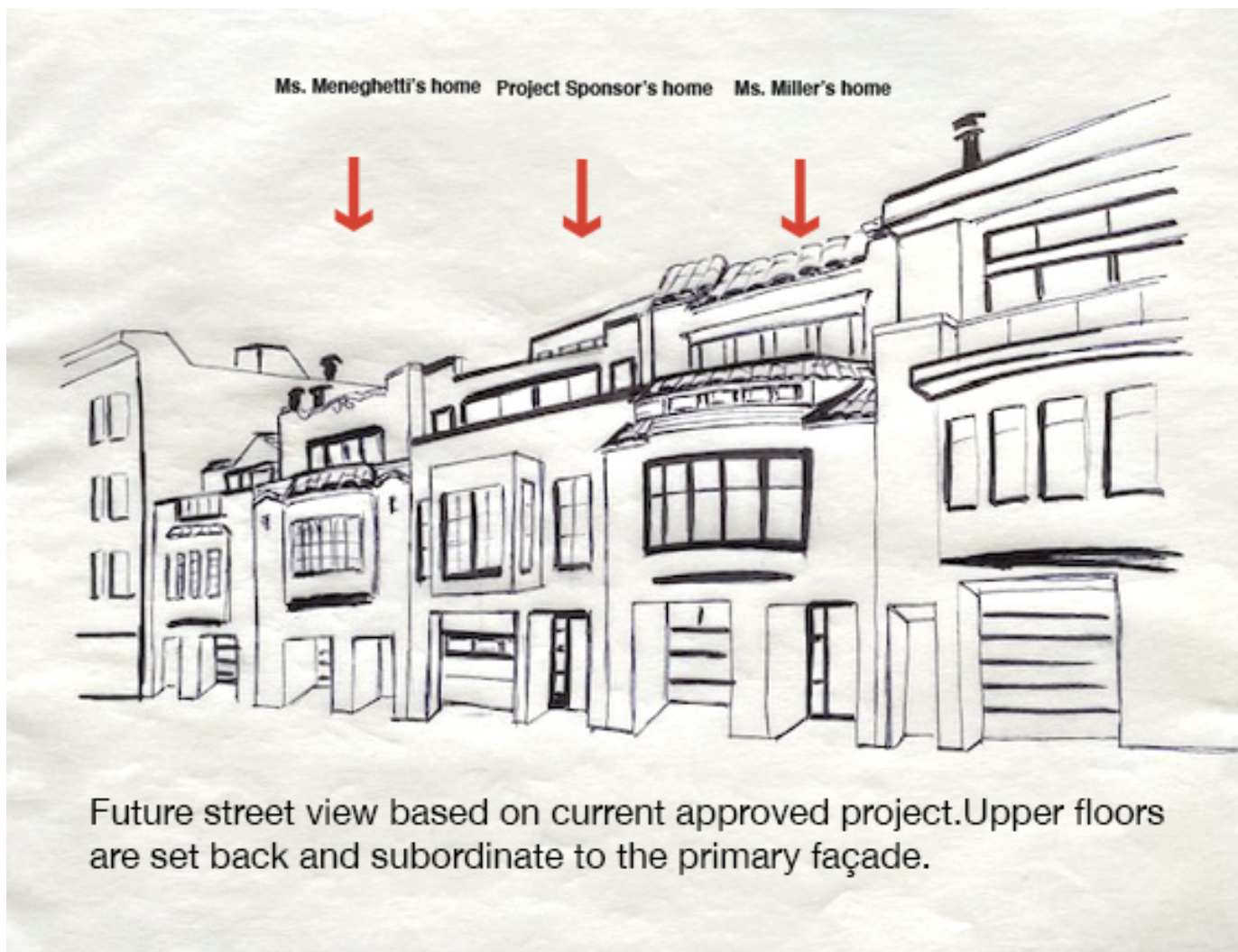
Project Sponsor's Response:

Ms. Miller seeks further modifications to the fourth story setback to conform with the RDG; however, Sponsor has already made additional revisions to comply with RDAT's and RDG's instructions. **RDAT has confirmed that no additional changes are necessary and that the Project complies with the guidelines' recommendations.**

In fact, the **RDG states that the visibility of the upper floor is to be limited from the street, not eliminated, and that the upper floor should be subordinate to the primary façade from the street, not invisible.**

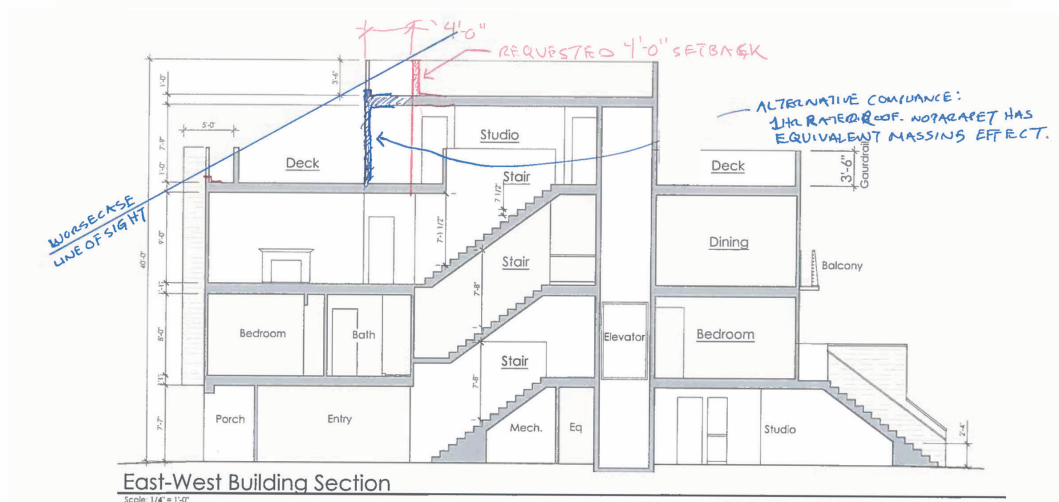
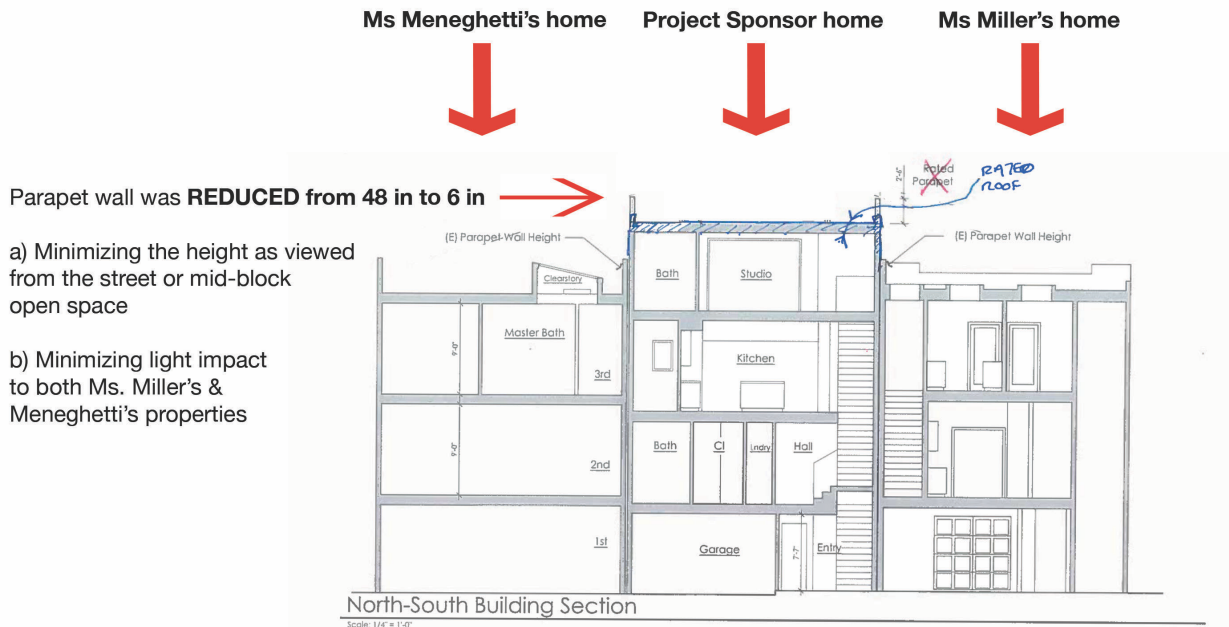
RDG pg. 25 instructs: "In modifying the height and depth of the building, consider the following measures": (1) Set back the upper story a **recommended 15 feet from the front building wall, or** (2) **Eliminate the building parapet by using a fire-rated roof with a 6-inch curb** (see below RDG pg. 25).

Sponsors did both (see below).



In lieu of **RDAT review #2, 8/23/19 request, Sponsors have made the following concessions to preserve neighborhood character and building scale:**

- 1) In order to minimize the height of the Property as viewed from the street or mid-block open space sponsors revised the project to **use a one-hour fire rated roof** instead of a non-fire rated roof which **REDUCED the parapet wall from 48 inches to 6 inches** *minimizing the height of the Property as viewed from the street or mid-block open space* to further subordinate the upper floor to the primary façade (See *below*).
- 2) The approved plans also preserve the building scale at the street by setting back the fourth floor **16 feet (when 15 ft are recommended)** (See *below*).
- 3) By reducing the parapet wall from 48 inches to 6 inches, Sponsor **further minimized the light impact on both Ms. Miller's and Meneghetti's properties** (See *below*).
- 4) The Project meets the requirements of the Planning Code and is consistent with the RDG, and 311 notification was issued on 12/31/2019.



Claire Lilienthal Elementary School across the street takes up full block with 40ft height and solid mass. Sponsors project will not in any way have any adverse impact on neighborhood character.



Ms. Miller's home

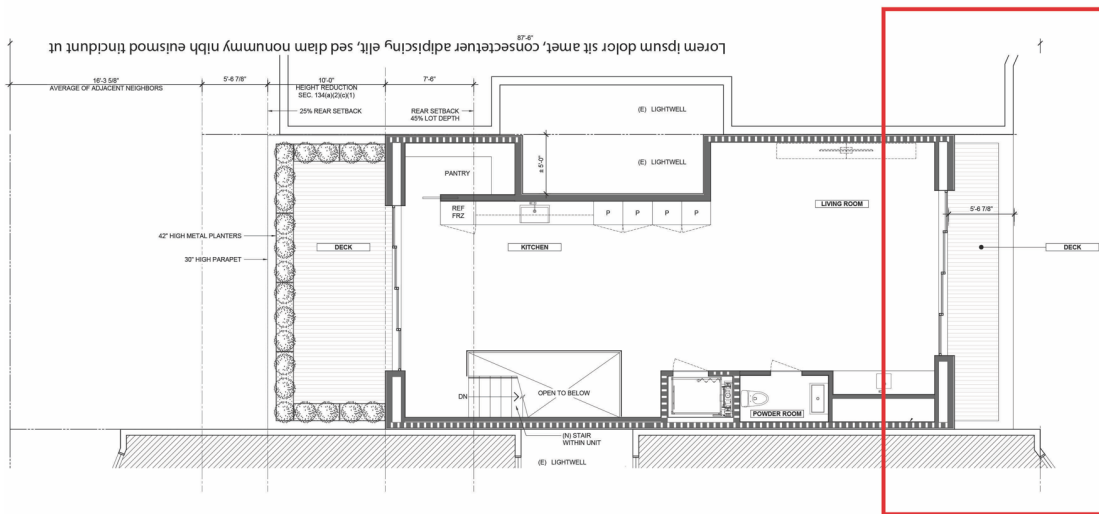
Project Sponsor's home

Ms. Meneghetti's home

Examples of **OTHER recently approved 4th story neighborhood projects** following RDG guidelines of complying with **5-15ft front 4th story setbacks**.

3523-2525 DIVISADERO ST. (0922/007)

(NEW) 4TH LEVEL FLOOR PLAN

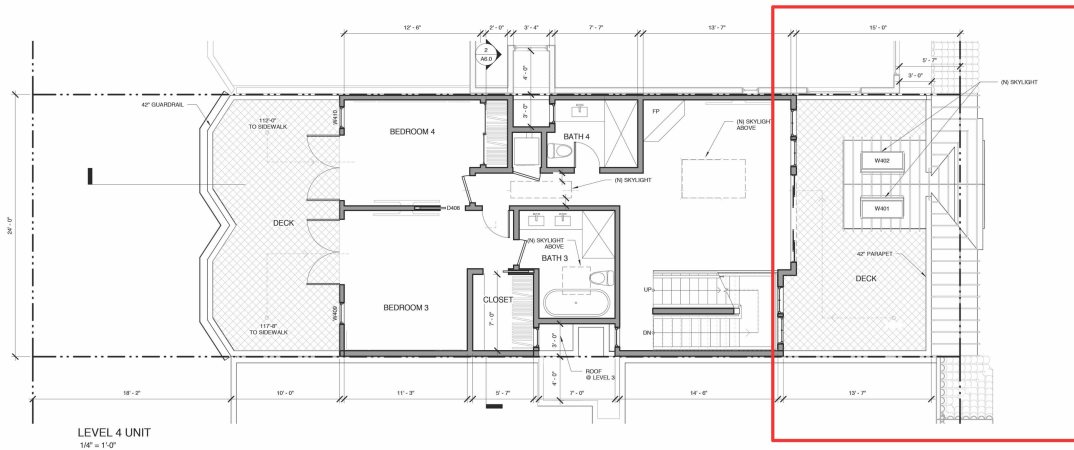


Zero Side Setback on Front

5ft 6in Front Setback

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

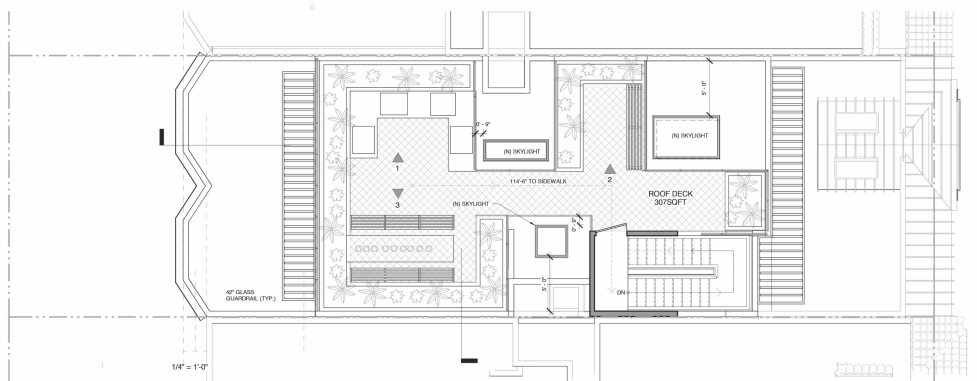
3337-3339 BUCHANAN STREET

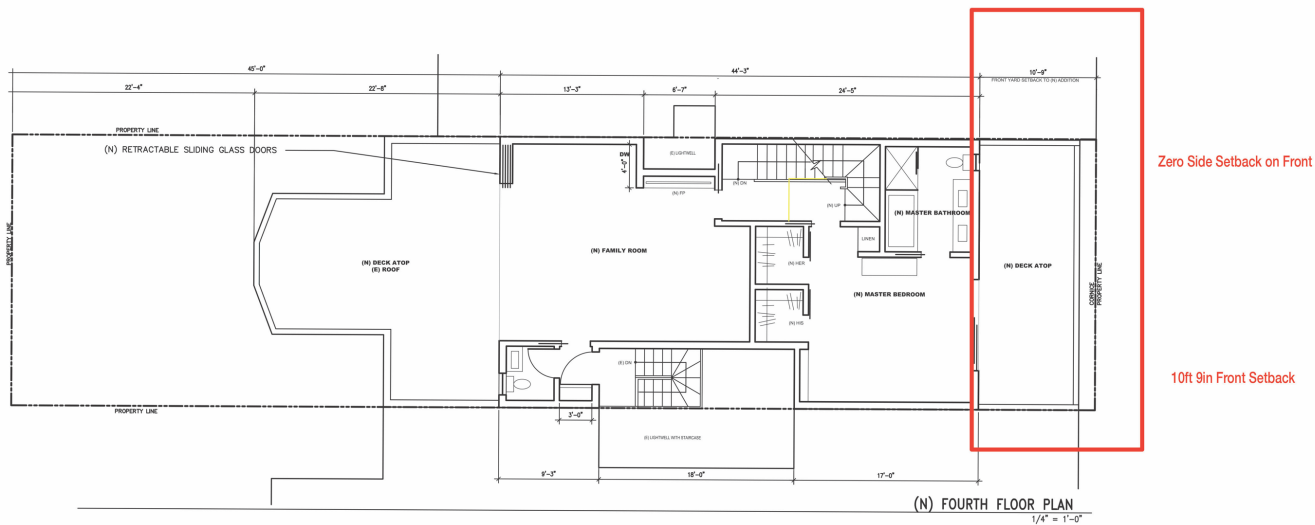


Zero Side Setback on Front

15ft Front Setback

ROOFTOP ABOVE 4'TH FLOOR





Request #2 – Miller’s pg. 5 DR filing

Require a setback along the north property line to create a lightwell adjacent to our large, operable skylights (which function as a lightwell for us). This would help reduce the significant shade that the 4th story will cast on the majority of our roof during the winter. Every other relevant project in the immediate vicinity over the past four years has included lightwells on both sides of a 4th story vertical addition.

Project Sponsor’s Response:

1) During their 2018 remodel, **the Millers CLOSED OFF the shared lightwell** that used to provide light and air to both Sponsors & the Miller’s homes and they constructed a **private property line skylight that provides light to the Miller’s STAIRCASE ONLY**. Now, The Millers are filing DR and requesting that the Sponsors create a NEW/ADDITIONAL lightwell alongside their property even though the Sponsors existing lightwell is on the other side of the property to the South.

The existing shared lightwell to the South benefiting Ms. Meneghetti (2’nd DR requestor) and Sponsors homes is being preserved (and expanded).

2) Moreover, Miller’s newly constructed private skylight is up against Sponsors property line. It is **ALREADY FULLY SHADED by the Miller’s existing 5ft parapet** wall throughout the year and will not be further impacted by the Sponsors project. (See *below*).

Ms. Miller’s 5 ft parapet wall is already fully shading the skylight that she is trying to claim that Sponsor’s new project will impact.

The lightwell is fully shaded by her own 5 ft parapeth wall throughout the year.



Ms. Meneghetti's home

Project Sponsor's home

Ms. Miller's home



Photo taken in August 2018 @ 1pm

Ms. Miller's 5ft parapet wall and commercial grade raised skylights are already casting deep shadows fully covering her own skylights

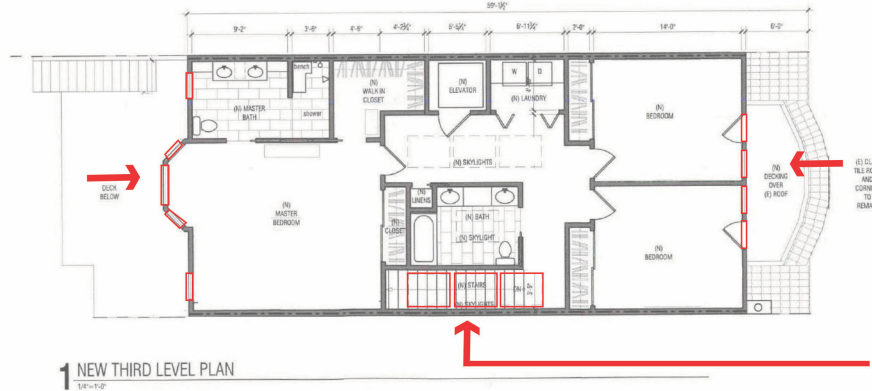


Photo taken in January 2019 @ 2pm

Ms. Miller's 5ft parapet wall and commercial grade raised skylights are already casting deep shadows fully covering her own skylights

2) Ms. Miller’s home, just like most San Francisco homes, is **relying on front and back windows as primary light and air sources**. Mid-house lightwells and skylights are tertiary access points that are not protected by RDG. Furthermore, on all three floors, the Millers have (a) **large front windows that face onto the street and provide an abundance of light and air access**; and (b) **a back of the house large windows and “nana wall window system” that faces the rear yard and provides an abundance of light and air access**. (See below)

Ms. Miller’s 2018 REMODELED 2’nd & 3’rd Floor Plan

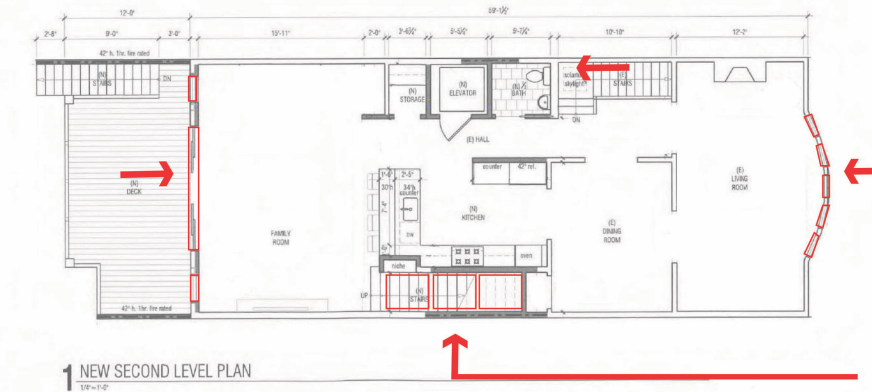


San Francisco homes are designed to rely on **front and back windows** as their **primary light and air sources**.

Mid-house lightwells and skylights are tertiary access points and they are not protected by the Residential Design Guidelines (the “RDG”).

Ms. Miller **CLOSED OFF** her own lightwell and instead installed a roof top skylight that only provides light to her property above a staircase.

The **skylight is ALREADY fully SHADED** throughout the year by Ms. Miller’s own 5ft property line parapet wall.



Ms. Miller’s front and back windows serve as the primary light and air sources and provide abundance of light to her family & living rooms as well as all three bedrooms.

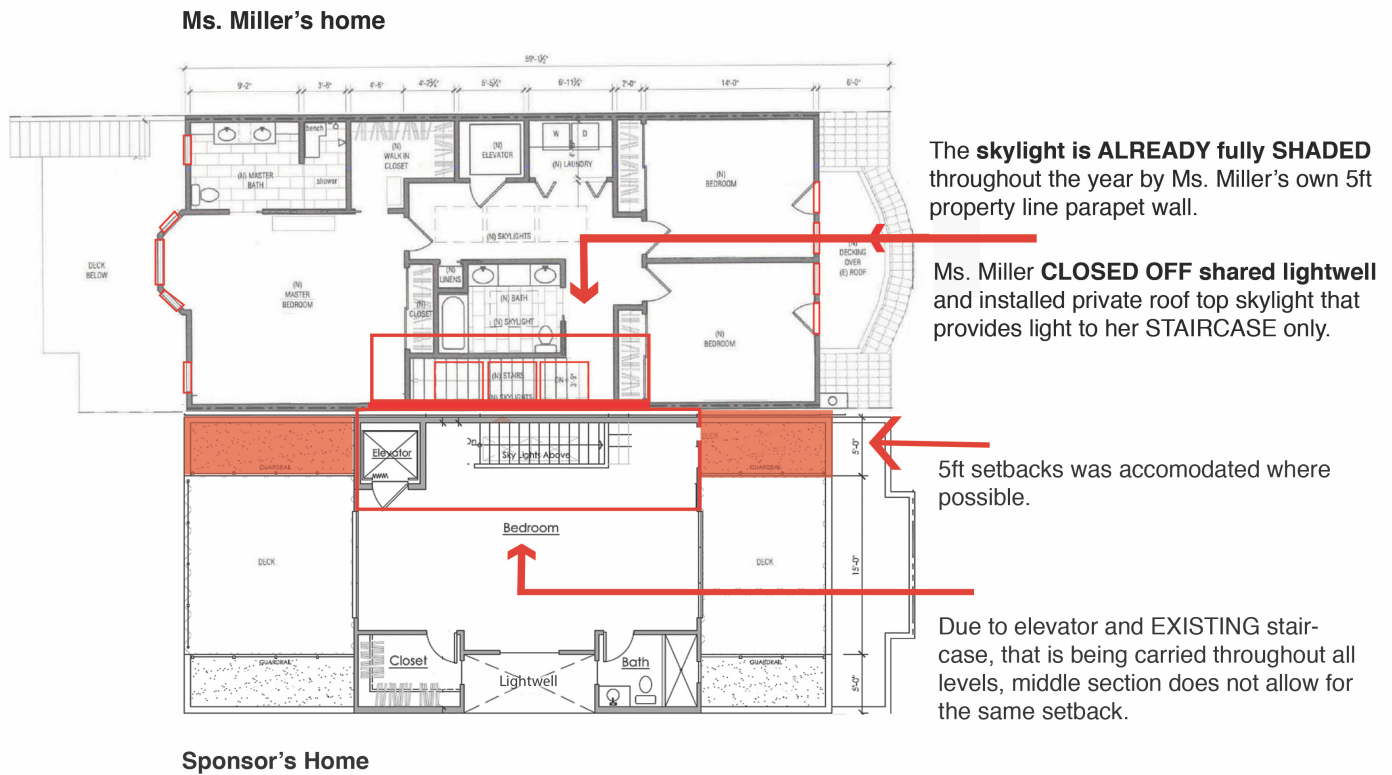
Ms. Miller **CLOSED OFF** her own lightwell and instead installed a roof top skylight that only provides light to her property above a staircase.

The **skylight is ALREADY fully SHADED** throughout the year by Ms. Miller’s own 5ft property line parapet wall.

- 3) In fact, **Millers have actually complained about having TOO MUCH LIGHT and regularly maintain fully closed off blinds to protect against it.** The back “nana wall window system” facing onto the rear yard receives full afternoon light and the Millers have attempted to block light into their home by closing off the windows with blinds. On multiple occasions the **Millers stated that direct sunlight from the rear is destroying their new furniture and therefore they generally keep their blinds closed** *(See below & additional images in Appendix).*



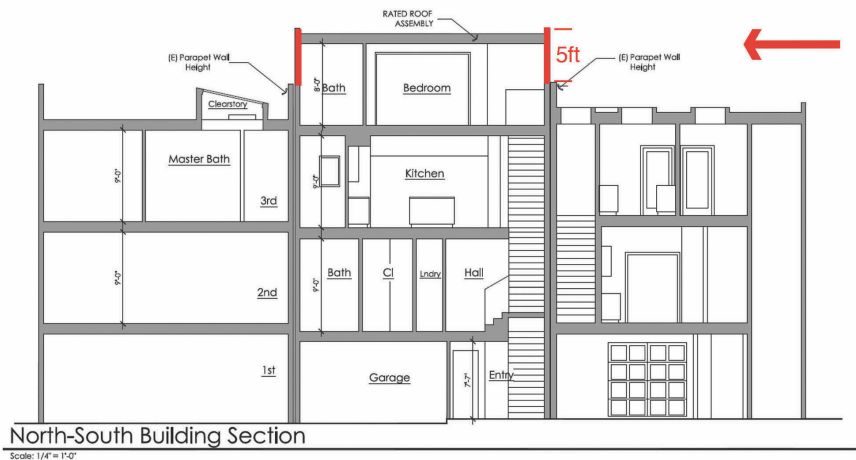
- 4) As much as Sponsors would like to accommodate the Miller's request, the fact is that **Sponsors' fourth floor will have no extraordinary or exceptional impact on the Millers' lightwell designed to provide light to Miller's STAIRCASE ONLY.** Moreover, 5ft setbacks were already accommodated where possible but due to elevator and existing staircase, that is being carried throughout all the levels, a "mid-section" property line setback and additional lightwell are not possible. Disability access to all levels is a primary concern to Sponsors given their elderly parents. (see below)



Additional Proposed concession #1 to preserve/increase Miller's light:

Even though, (a) the Miller's private lightwell is ALREADY FULLY SHADED by their existing 5ft parapet wall throughout the year and will not be further impacted by the Sponsors project and (b) the Miller's seems to have too much light and regularly maintain closed blinds.

The approved project's wall in question sits ONLY 5ft above Ms. Millers EXISTING parapet wall and in every meeting between Sponsors and the Millers, **Sponsor offered to paint the entire surface facing The Millers skylight with reflective paint in order to protect and/or increase natural light reflection (for example with "Titanium White")**



New:

The Project Sponsor's home will be sitting ONLY ~5ft above Ms. Miller's parapet wall.

Concession:

Project sponsor will paint the entire surface facing The Millers skylight with reflective paint in order to increase natural light reflection into the Millers' skylight (for example with "Titanium White")

Miller's Request #3 – pg. 5 DR filing

Remove the 4th story skylight, or require any 4th story skylight to be more than 5'-0" from the north property line. This would eliminate the need for a fire-rated parapet along our shared property line, adjacent to our large skylight/lightwell.

Proposed concession #1 protect and/or increase natural light to the Millers':

In **every meeting** between Sponsors and the Millers, Sponsors have acknowledged the Millers' concern regarding the 4th floor skylight and **Sponsors have offered to move 4th story skylight more than 5 feet** from the north shared property line. Despite the Millers deliberately installing a skylight on Sponsors property line, Sponsors are still prepared to make this concession and thereby eliminate the need for a fire-rated parapet wall.

1. Given the concerns of DR requester and other concerned parties, why do you feel your proposed project should be approved?


The DR request(s) should be **DENIED** and the Project should be **APPROVED** for the following:

- 1) **The Standard for Discretionary Review has not been Satisfied:** “The burden showing why a project that meets the minimum standards should be denied or modified rests with the DR Applicant.” *San Francisco Planning, Handouts & FAQs, Discretionary Review*, found at: <https://sfplanning.org/resource/discretionary-review>. Discretionary review itself is a “special power of the Commission, outside of the normal building approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with the proposed project.” The discretionary review authority is based on Section 26(a) of the Business & Tax Regulations Code, and, according to the City Attorney, it is a “sensitive discretion ... which must be exercised with the utmost restraint.” **Exceptional or extraordinary circumstances have been defined as complex topography, irregular lot configuration, unusual context, or other circumstances not addressed in the design standards.** The DR power provides the Planning Commission with the authority to modify a project that is otherwise Code compliant, and while the Commission has latitude in hearing DR cases, the DR power can be exercised only in situations that contain exceptional or extraordinary circumstances. No such circumstances exist here.
- 2) As detailed above, the Miller’s and the Meneghetti’s have not met their burden to establish that exceptional or extraordinary circumstances exist to justify the exercise of discretionary review and modification of the Project. Worse, there is evidence of false statements of facts and bad faith abuse of process rather than a neighborly good faith attempt to resolve real issues.
- 3) **The Project Has Undergone Extensive Review and Complies with the Residential Design Guidelines (“RDG”):** The proposed project has been extensively revised multiple times in order to comply with Design Guidelines, planning and building rules and requirements, neighborhood requests and has been rightfully approved by the Planning Department, Mr. Christopher May (sr. planner) and RDAT, Ms. Allison Albericci. The project does **not present any exceptional or extraordinary circumstances, nor does it require any variances.** The Project’s **approved plans** meets requirements of the Planning Code and is consistent with the RDG, and 311 notification was issued on 12/31/2019.
- 4) The RDG provides that “some reduction of light” and “some shading to neighboring buildings” are typical and expected with the building expansion. The guidelines only contemplate revisions to a project when impacts are greater than those that are typically expected. A DR Applicant must identify such “exceptional and extraordinary circumstances” for the DR review process. The impacts identified in the DR Application are not greater than those that are typically expected from an approved expansion and the Millers & Ms. Meneghetti fail to meet their burden.
- 5) Sponsors completed numerous in-person meetings with the Millers and Ms. Meneghetti and they made numerous revisions and proposed multiple concessions to their concerns. **Moreover, David Winslow, The Principal Architect on the San Francisco Planning Department, reached out to the Millers and Ms. Meneghetti twice, offering to mediate, but both DR Requestors REFUSED to MEDIATE.**

For all the reasons stated above, we respectfully request the Planning Commission to reject the DR request and approve the Project as proposed.

Very truly yours,

Dated: April 20, 2020

Project Sponsors:  _____

APPENDIX

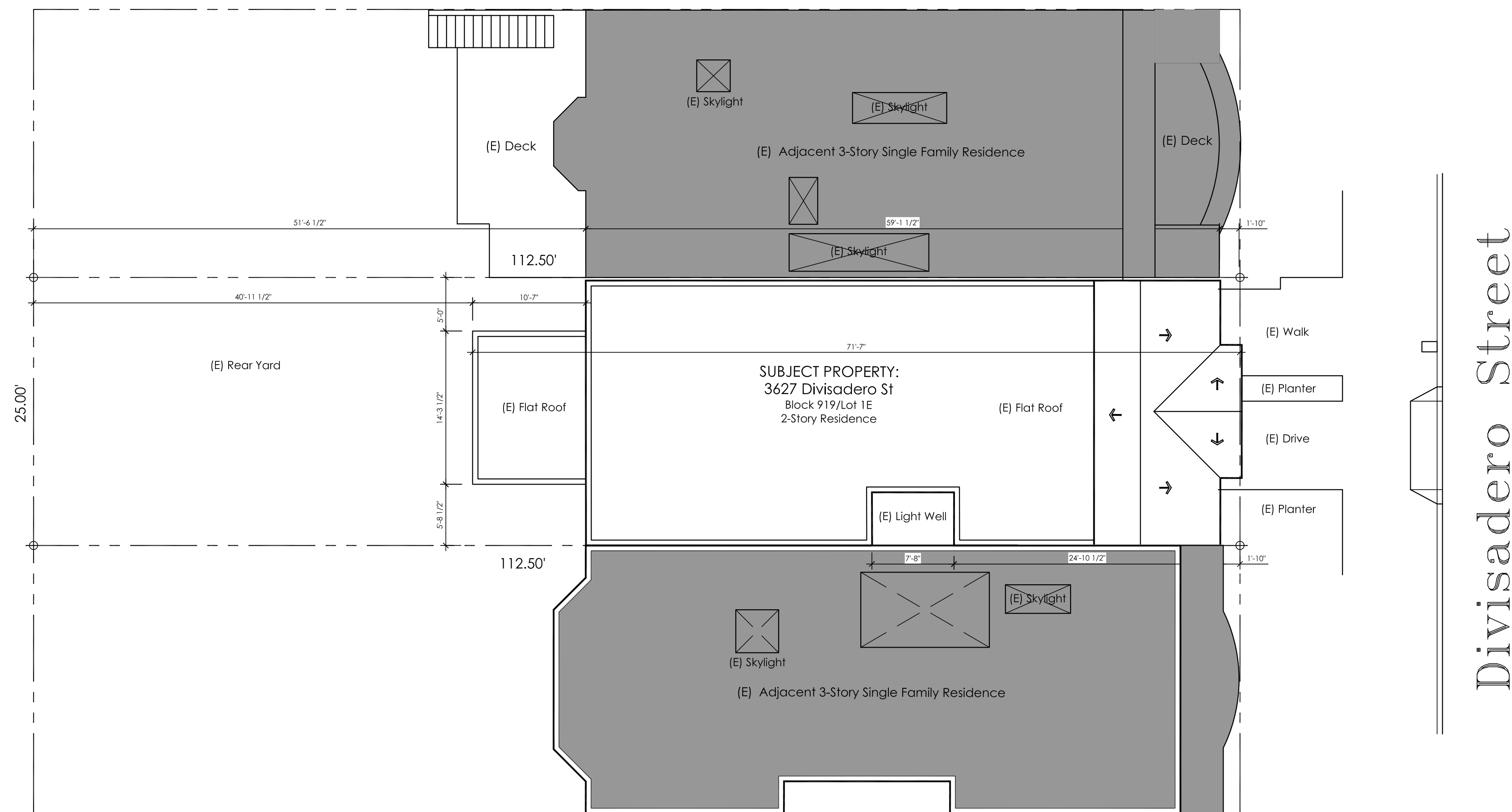
Daily photos of the Millers property taken over the past 30 days while all of SF is under Stay-at-Home orders.



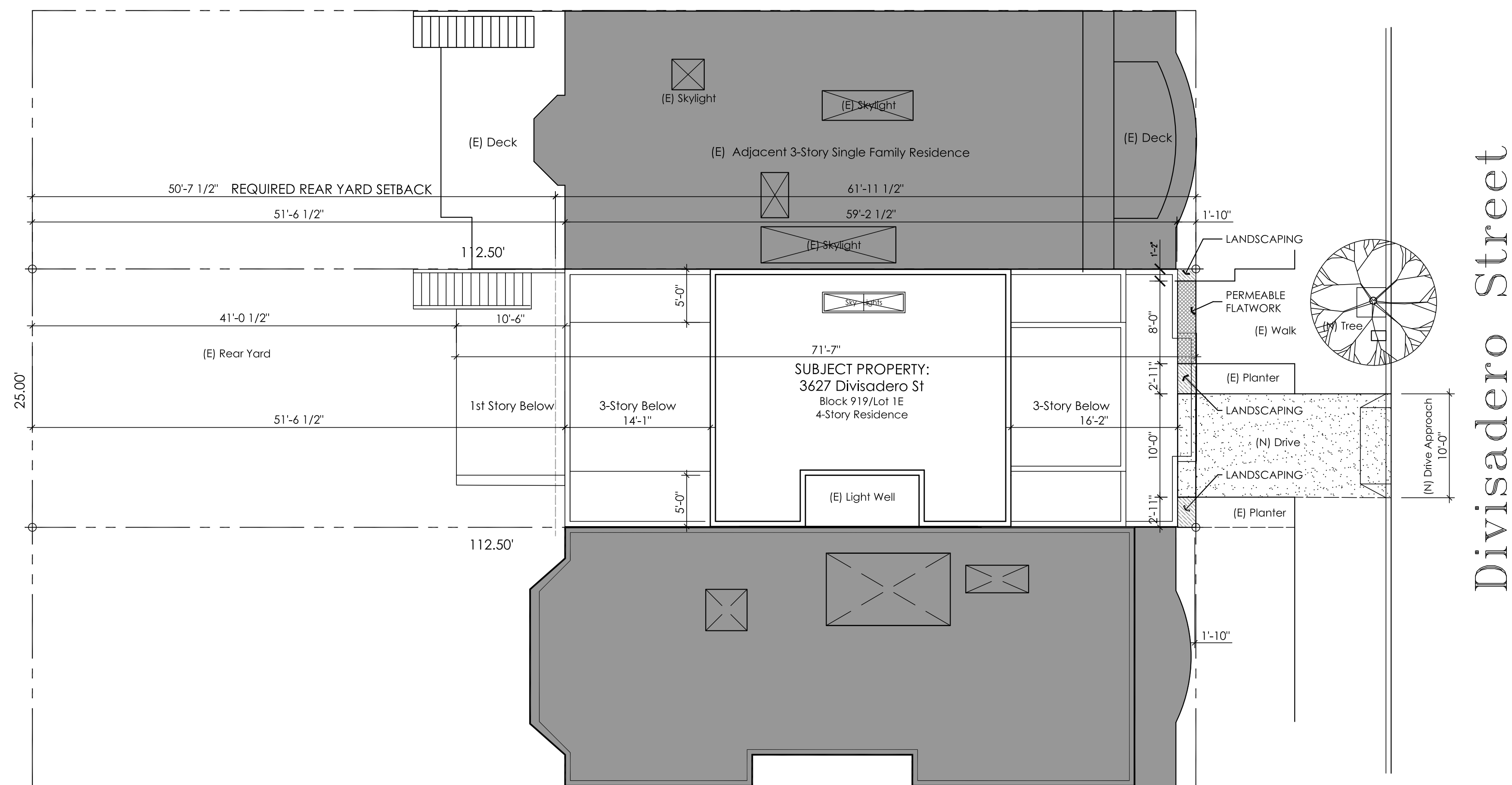








Existing Roof / Site Plan



New Roof / Site Plan

FRONT YARD AREA: 44sf , LANDSCAPING WITHIN FRONT YARD:13sf =29%

Sheet Index of Drawings

TITLE SHEET/PROJECT DATA/EXISTING AND NEW SITE PLAN	A1
DEMOLITION PLANS, ELEVATIONS AND CALCULATIONS	D1
1st LEVEL DEMO, EXISTING AND NEW FLOOR PLAN	A2
2nd LEVEL DEMO, EXISTING AND NEW FLOOR PLAN	A3
EXISTING ROOF /DEMO, NEW 3rd LEVEL FLOOR PLAN	A4
NEW 4th LEVEL FLOOR PLAN & ROOF PLAN	A5
EXISTING & NEW NORTH ELEVATION	A6
EXISTING & NEW EAST ELEVATION	A6.1
EXISTING & NEW SOUTH ELEVATION	A7
EXISTING & NEW WEST ELEVATION	A7.1
EXISTING BUILDING SECTIONS	A8
NEW BUILDING SECTIONS	A8.1
EXISTING & NEW STREET ELEVATION, REAR ELEVATION , STREET SECTION	A9
TOTAL:	13 SHEETS THIS SET

Project Description

SCOPE OF WORK INCLUDES TWO LEVEL VERTICAL ADDITION ABOVE (E) ROOF LEVEL. NEW INTERIOR WALLS, DOORS, CEILINGS, LIGHTS, FIXTURES, AND FINISHES. EXTERIOR WORK TO INCLUDE NEW FINISHES, DOORS AND WINDOWS. PROJECT ALSO INCLUDES REAR PATIO/DECK AT SECOND FLOOR AND UPPER LEVEL DECKS AT THIRD AND FOURTH FLOORS.

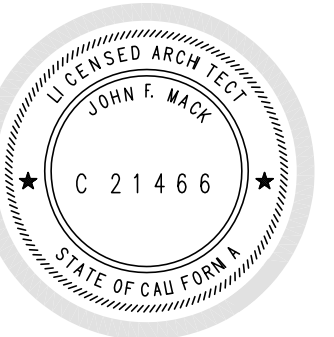
Project Data

A.P.N.:	0919-001E	
ZONE:	RH3	
USE:	SINGLE FAMILY RESIDENCE	
OCCUPANCY:	R-3/U1	
BUILDING TYPE:	V	
SPRINKLERED:	YES	
NO. OF STORIES:	2	
LOT AREA:		2,809 sf
MAXIMUM HEIGHT:		40 FEET
(NOTE: Lot Slope is 2%)		
SETBACKS:		
FRONT - 2 Feet	(Existing same as Neighbors)	
SIDES - 0 Feet	(Not Required)	
REAR - 40.75 Feet	(Existing condition is same as of Neighbors)	
	(45% of lot depth or Average of Neighbors)	
BUILDING AREA: EXISTING:		NEW:
(E) 1st LEVEL:	398 sf + 1,098 sf GARAGE	493 sf - 387 sf GARAGE
(E) 2nd LEVEL:	1,582 sf	-162 sf
(N) 3rd LEVEL:		1,302 sf
(N) 4th LEVEL:		689 sf
1,980 sf		2,322 sf

Applicable Codes

PERMEABLE SURFACES AND LANDSCAPING AREA WITHIN REQUIRED FRONT SETBACK:		
TOTAL FRONT SETBACK AREA:	1'-10" x 25'-0" =	45.83 sf
REQUIRED LANDSCAPE AREA:	45.83 sf x 20% =	9.17 sf
PROPOSED LANDSCAPE AREA:	2 x (2'11"x1'10") + (1'2"x1'10") = 2 x 5.35 sf + 2.14 sf =	12.84 sf
REQUIRED PERMEABLE SURFACE AREA:	45.83 x 50%	22.91 sf
PROPOSED PERMEABLE SURFACE :	(8'0"x1'10") PERMEABLE FLATWORK 14.66 sf + 12.84 sf LANDSCAPE =	27.50 sf

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revisions	date

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San Francisco, CA 94123
APN: 0919-001E

Micky Pucko & James Smith
3627 Divisadero
San Francisco, CA. 94123
PH: (805) 431-3917

date
printed
December 18, 2019

drawn by
John F. Mack

project number 17-012

scale
1/8"=1'-0"

1/8 = 1-0
Title Sheet, Project
Data, Existing & New
Site Plan

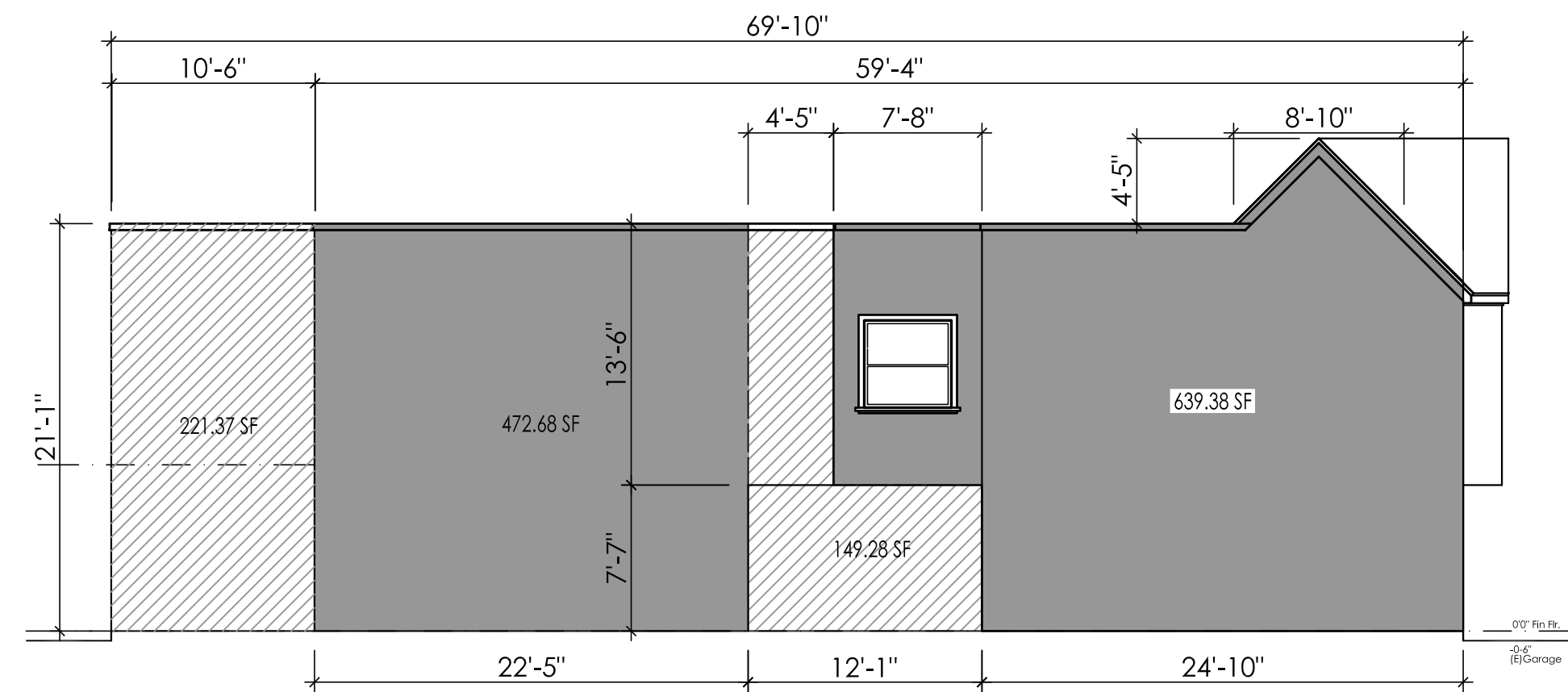
drawing

A 1

A

A1

_____ of _____



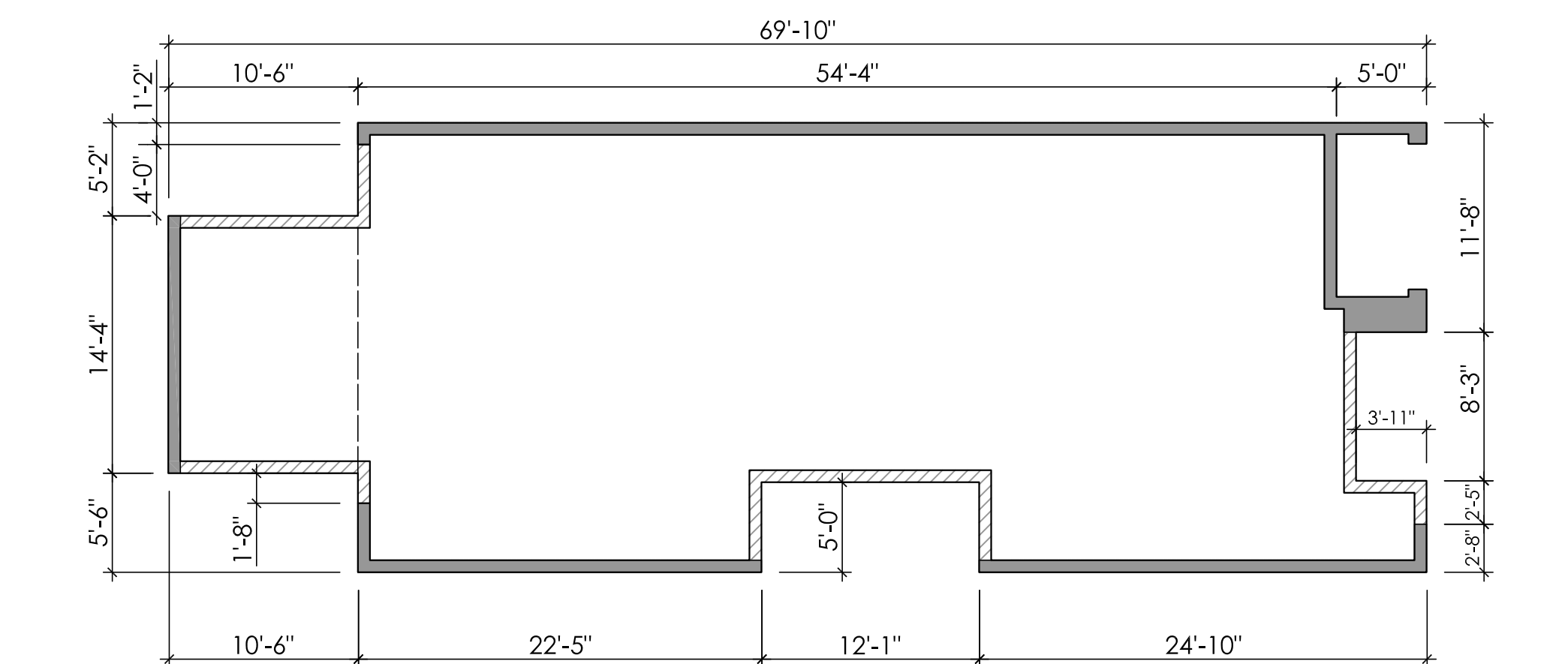
North Elevation

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



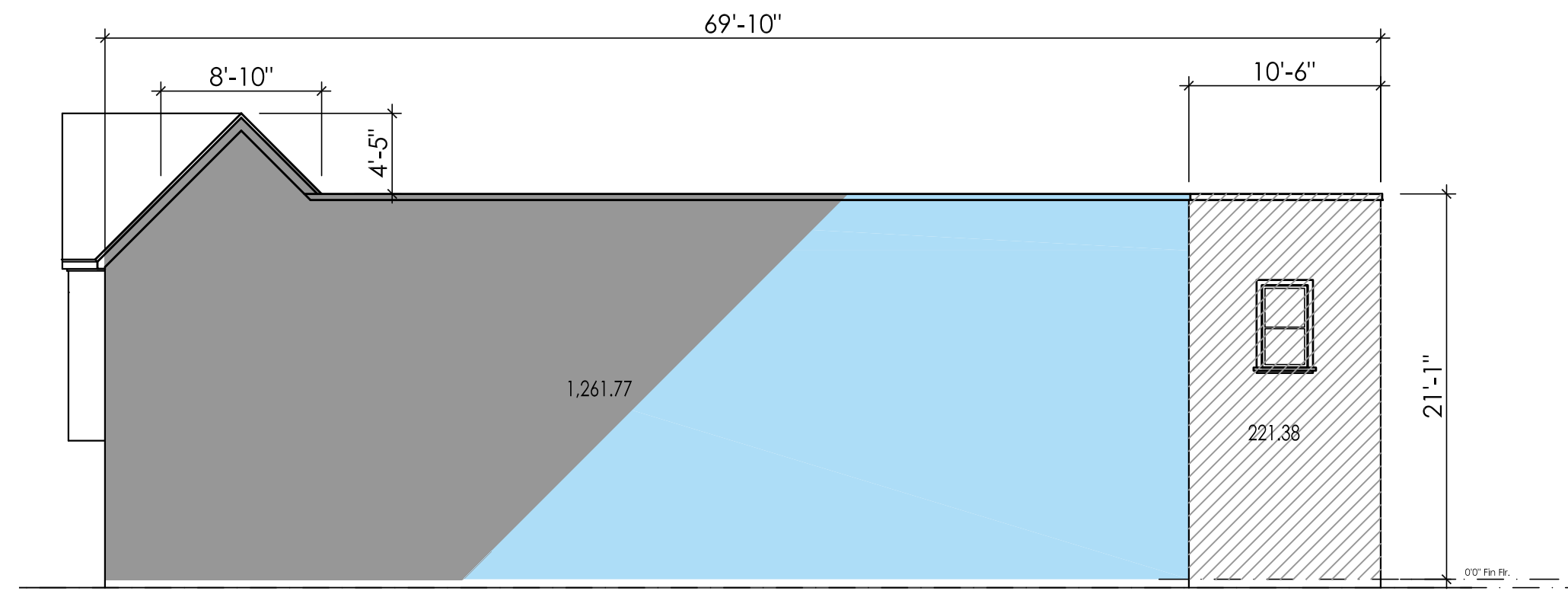
East Elevation

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

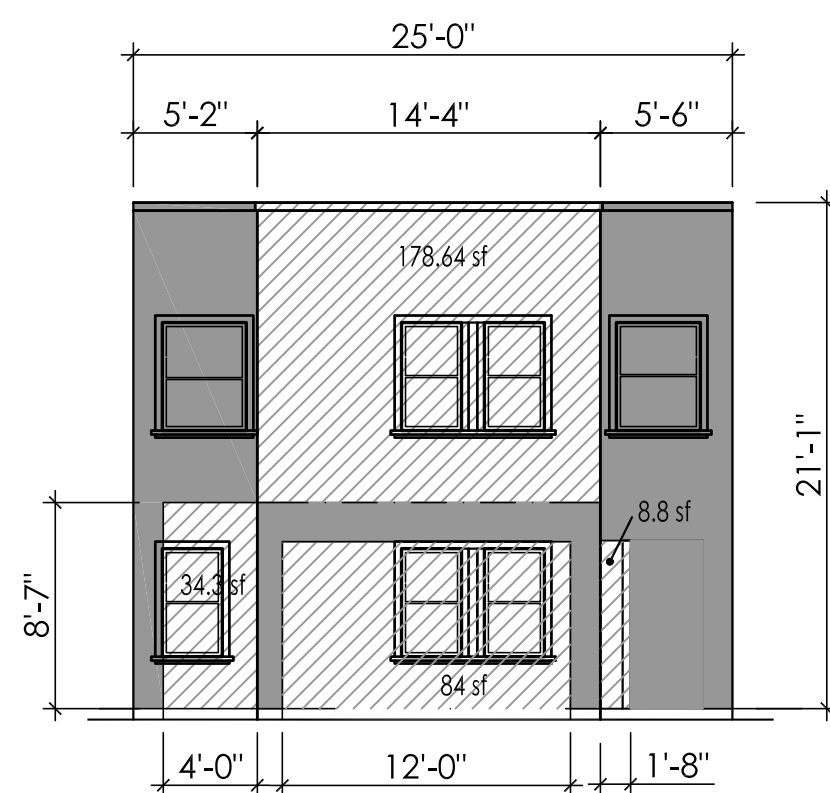


Foundation Plan

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

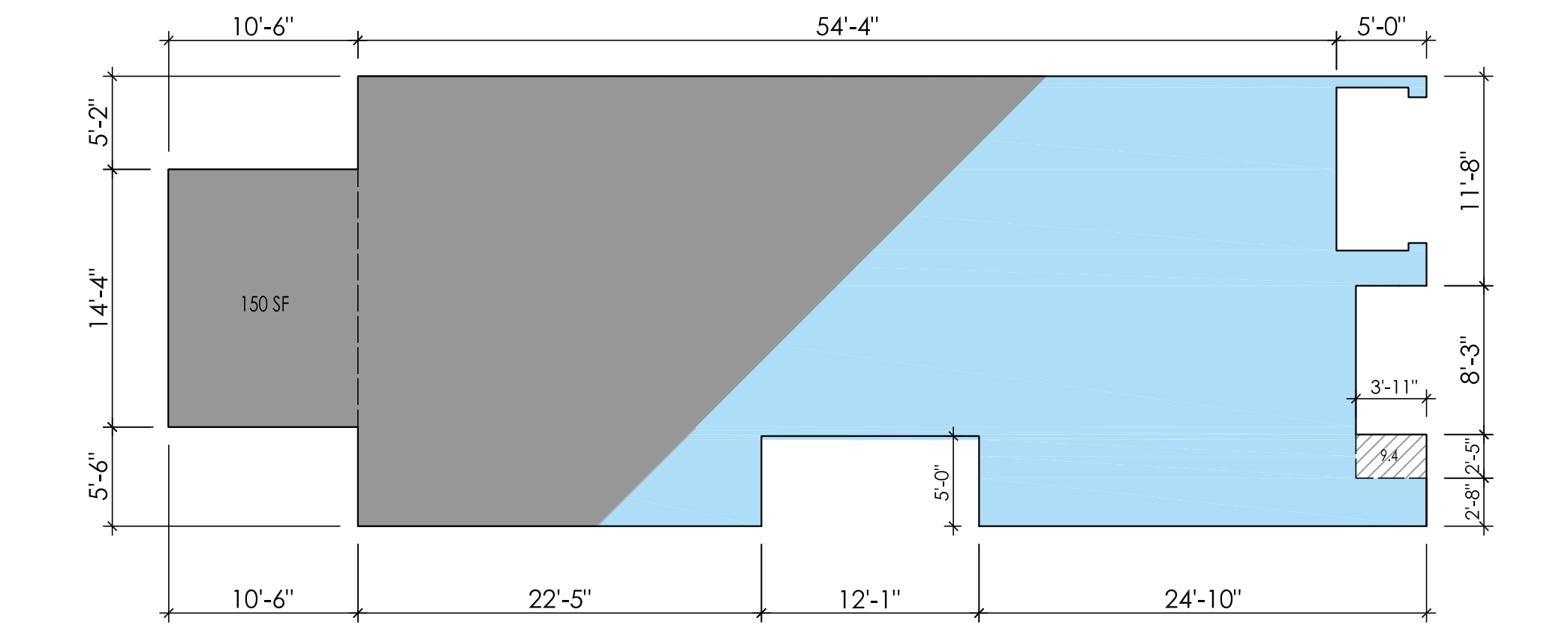


South Elevation



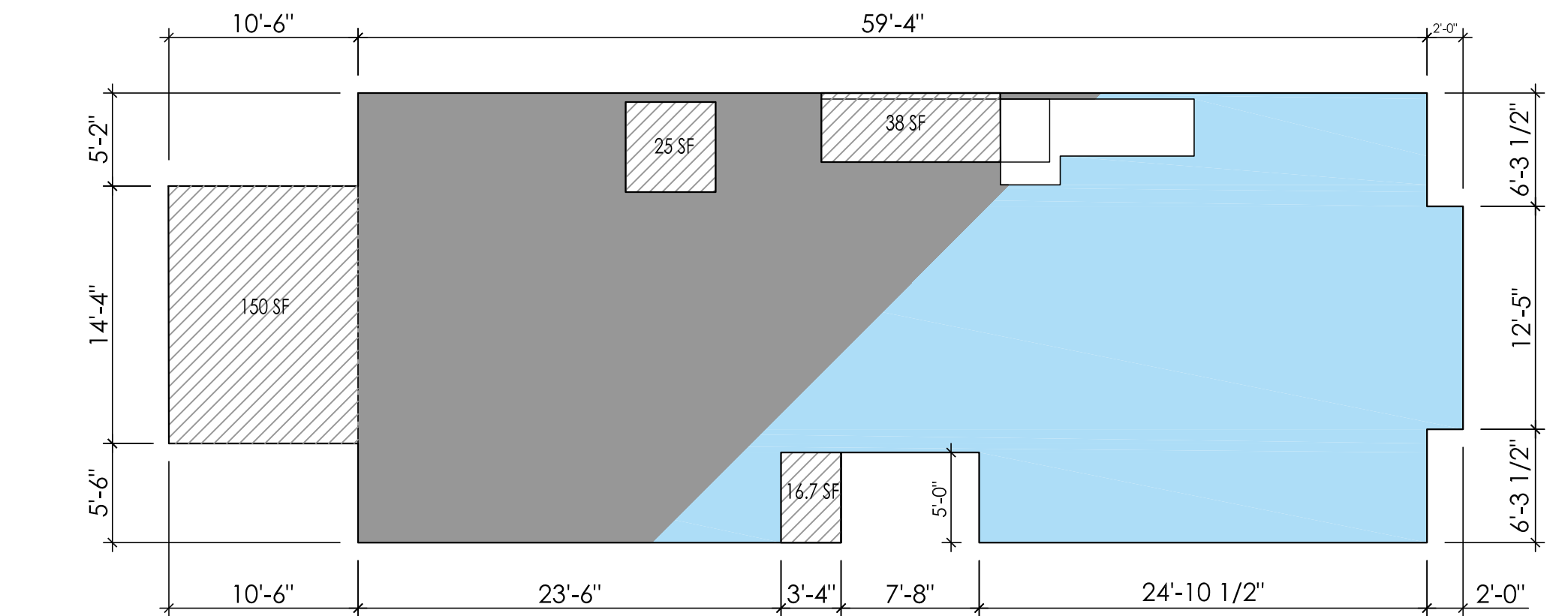
West Elevation

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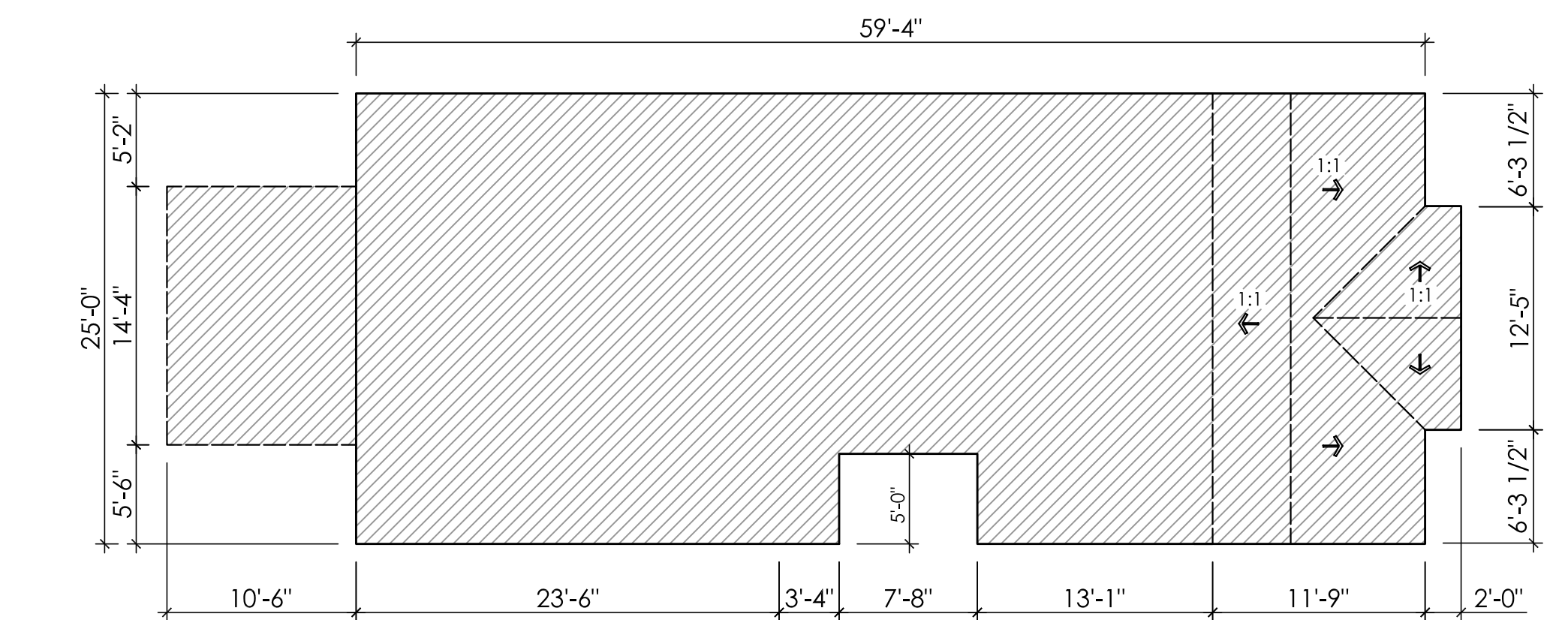
First Level Plan

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



Second Level Plan

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



Roof Plan

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

FRONT & REAR FACADES - LINEAL FOUNDATION MEASUREMENTS

B1	ELEMENT	(E) LENGTH	REMOVED	RETAINED	% REMOVED
	FRONT FACADE	25.00 lf	10.67 lf	14.33 lf	42.68%
	REAR FACADE	25.00 lf	5.67 lf	19.33 lf	22.68%
	LINEN TOTAL	50 lf	16.34 lf	33.66 lf	32.68%

< 50%

VERTICAL ENVELOPE ELEMENTS -SURFACE AREA MEASUREMENTS

C1	ELEMENT	(E) AREA	REMOVED	RETAINED	% REMOVED
	NORTH FACADE	1,482.71 sf	367 sf	1,115.71 sf	24.75%
	EAST FACADE	488.28 sf	66.98 sf	421.3 sf	13.72%
	SOUTH FACADE	1,482.71 sf	221.38sf	1,261.33 sf	15.43%
	WEST FACADE	527.08 sf	296.94 sf	230.14 sf	56.34%
	VERTICAL TOTAL	3,980.78 sf	952.30 sf	3,146.78 sf	23.92%

< 50%

EXTERIOR WALLS - LINEAL FOUNDATION MEASUREMENTS

B2	ELEMENT	(E) LENGTH	REMOVED	RETAINED	% REMOVED
	NORTH FACADE	69'-10"	14'-5"	55'-5"	20.65%
	EAST FACADE	25'-0"	10'-8"	14'-4"	42.68%
	SOUTH FACADE	69'-10"	22'-7"	47'-3"	32.34%
	WEST FACADE	25'-0"	5'-8"	19'-4"	22.68%
	LINEN TOTAL	189.67	53.34	136.33	28.12%

< 65%

HORIZONTAL ENVELOPE ELEMENTS - SURFACE AREA MEASUREMENTS

C2	ELEMENT	(E) AREA	REMOVED	RETAINED	% REMOVED
	SECOND LEVEL	1,582 sf	229.7 sf	1,352.3	14.52 %
	ROOF	1,619 sf	1,619 sf	0	100%
	HORIZONTAL TOTAL	3,201 sf	1,848.7 sf	1352.3 sf	57.75%

> 50%

LEGEND

- (E) TO BE RETAINED
- (E) TO BE REMOVED

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revisions	date

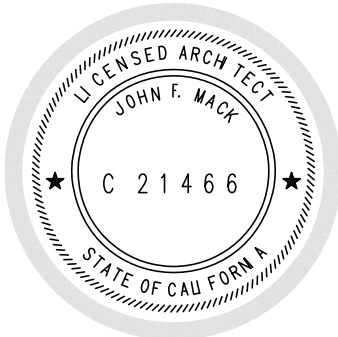
Project:
Pucko/Smith Residence
3627 Divisadero St
San Francisco, CA 94123
APN: 0919-001E

Micky Pucko & James Smith
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date
printed
December 18, 2019
drawn by
John F. Mack
project number
17-012
scale
As Noted

Demolition Plans
Elevations
& Calculations

drawing
D1
of



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project number
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scale
1/4"=1'-0"

2nd Level Demo
Existing & New
Floor Plan
drawing

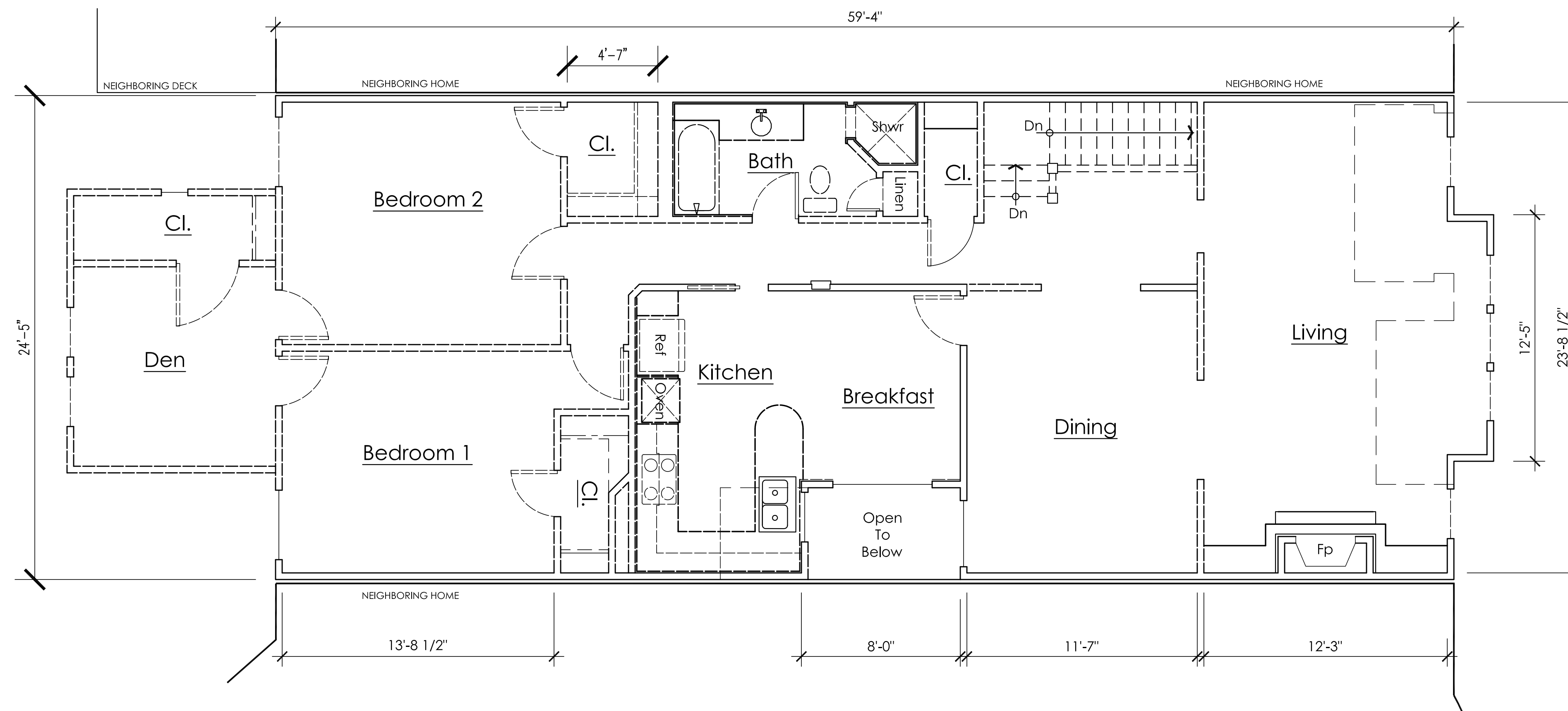
A3

of

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WALL LEGEND

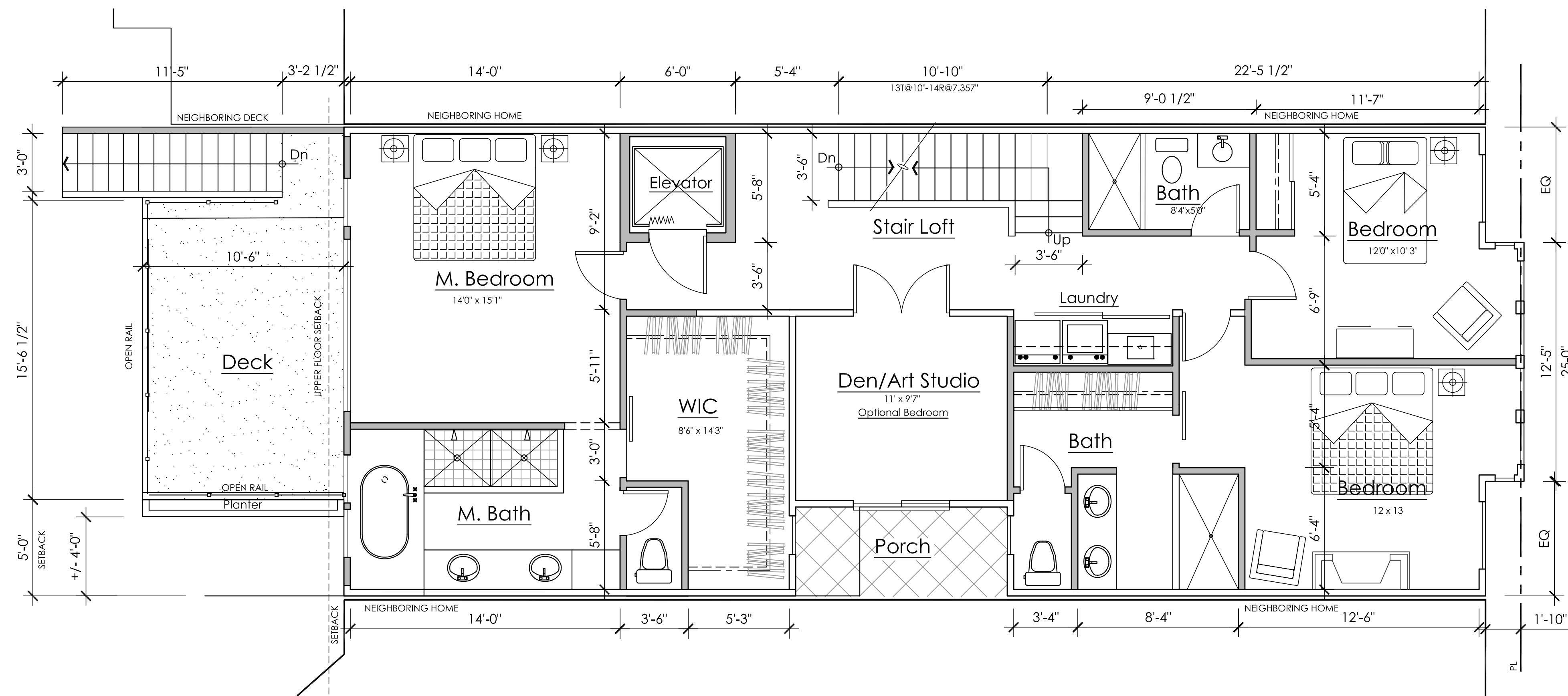
----	EXISTING FRAMED WALL TO BE REMOVED
=====	EXISTING WALL TO REMAIN
- - - - -	EXISTING FLOOR BEAM TO BE REMOVED
⊗	EXISTING COLUMN TO BE REMOVED
⌢	DOOR TO BE REMOVED



Existing 2nd Level Floor Plan

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

LIVING AREA: 1,585sf

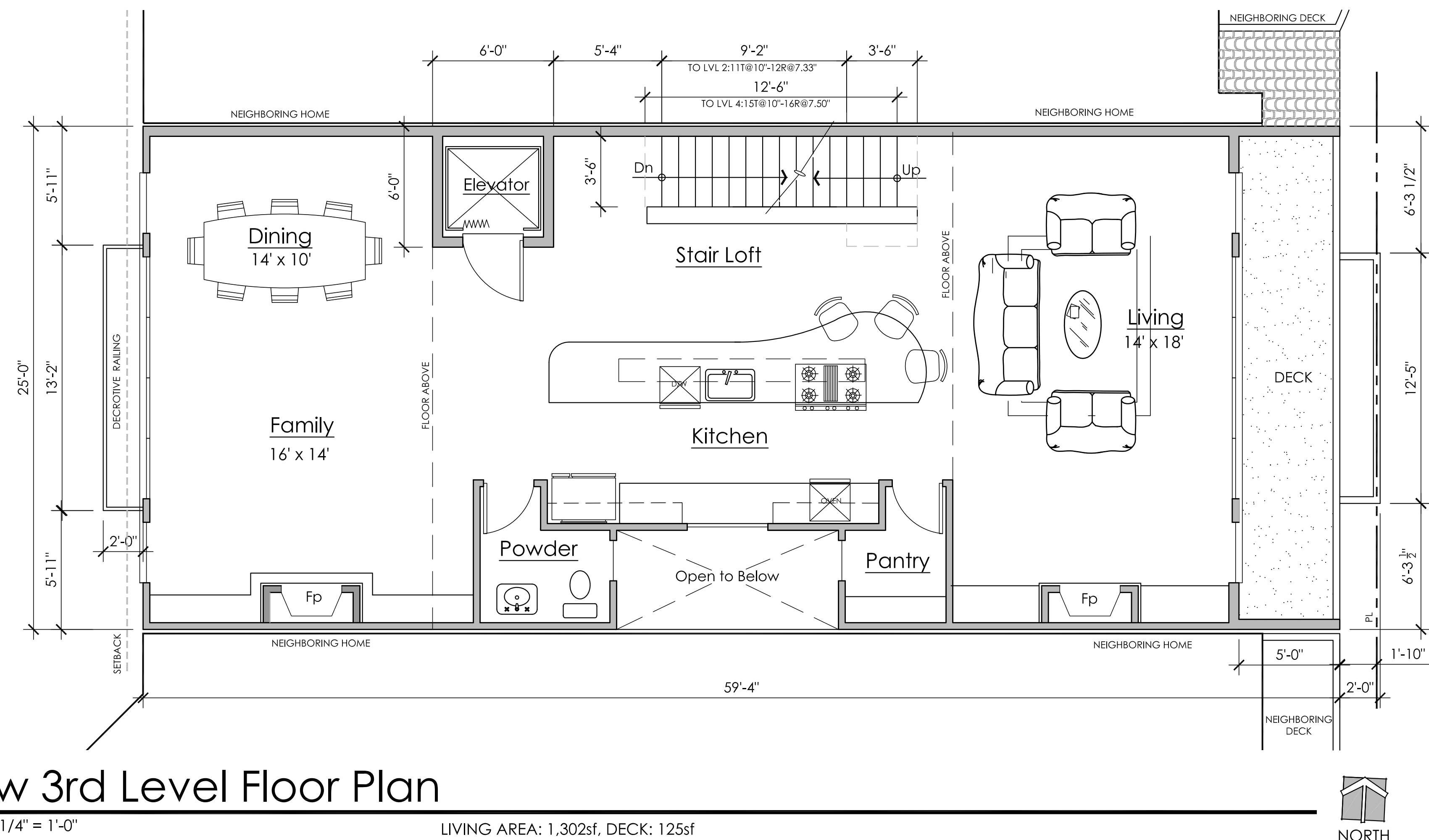
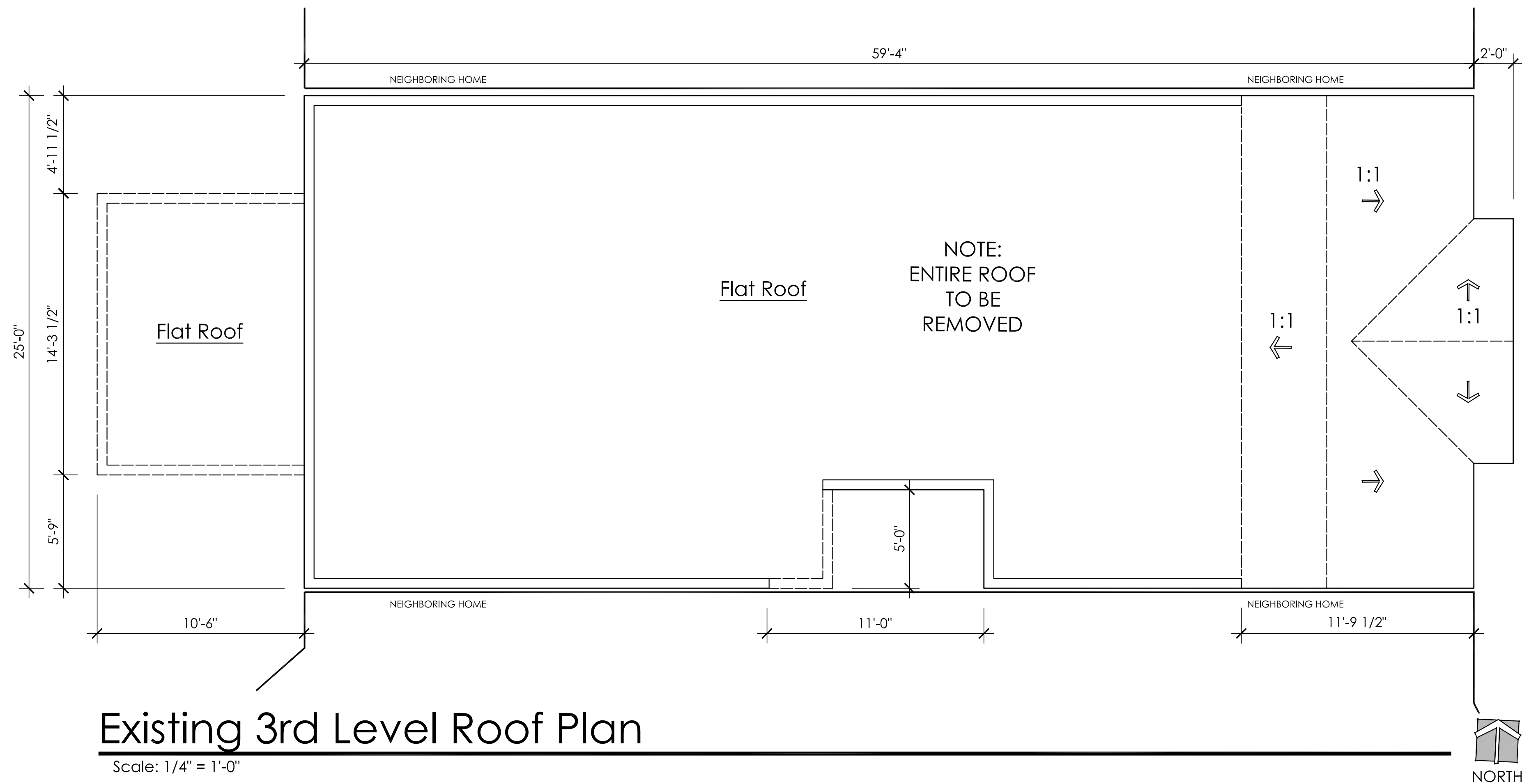


New 2nd Level Floor Plan

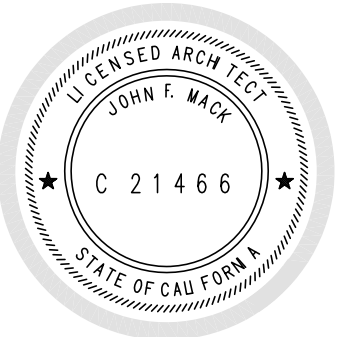
Scale: 1/4" = 1'-0"

LIVING AREA: 1,420sf, DECK AREAS: 231sf





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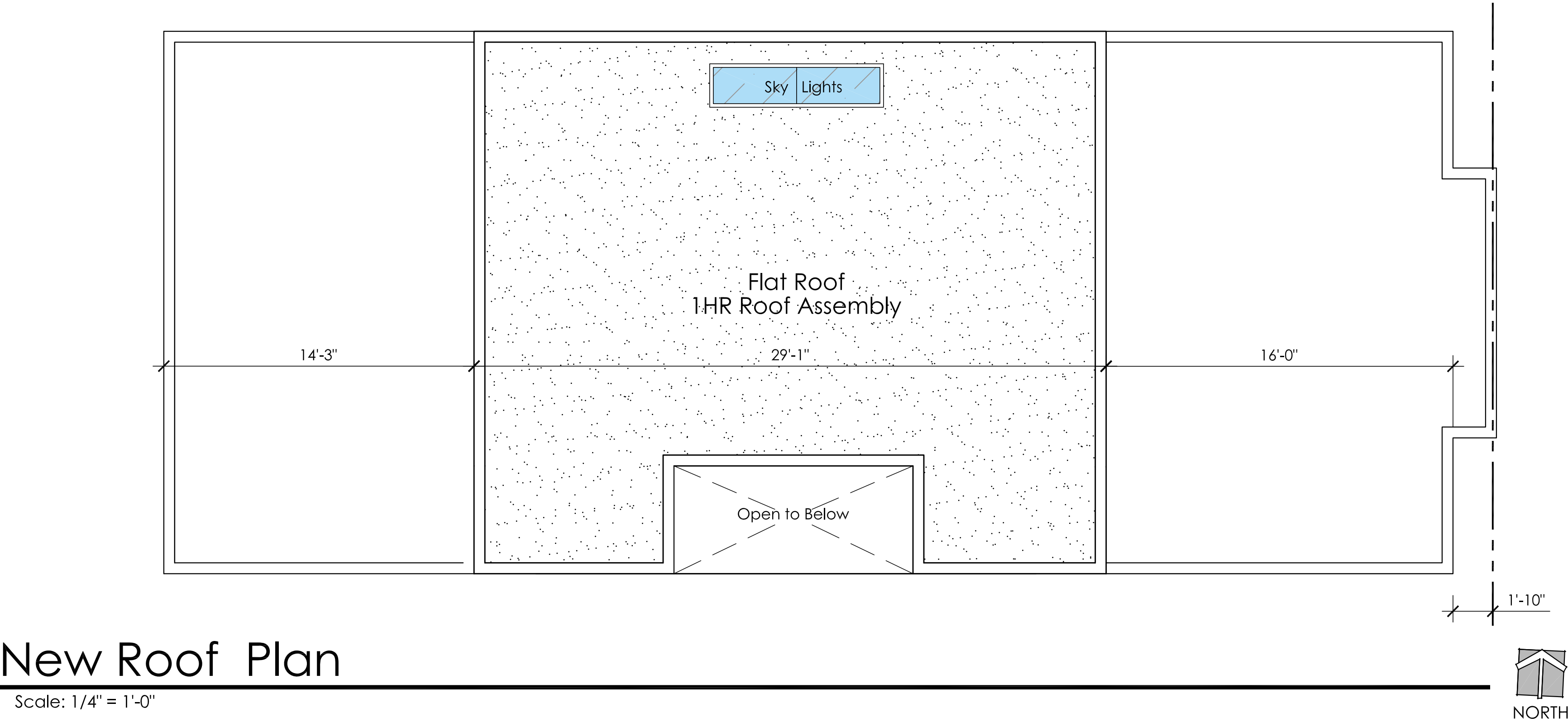
project number
17-012

scale
1/4"=1'-0"

Existing Roof
Demo, New
3rd Level Floor Plan
drawing

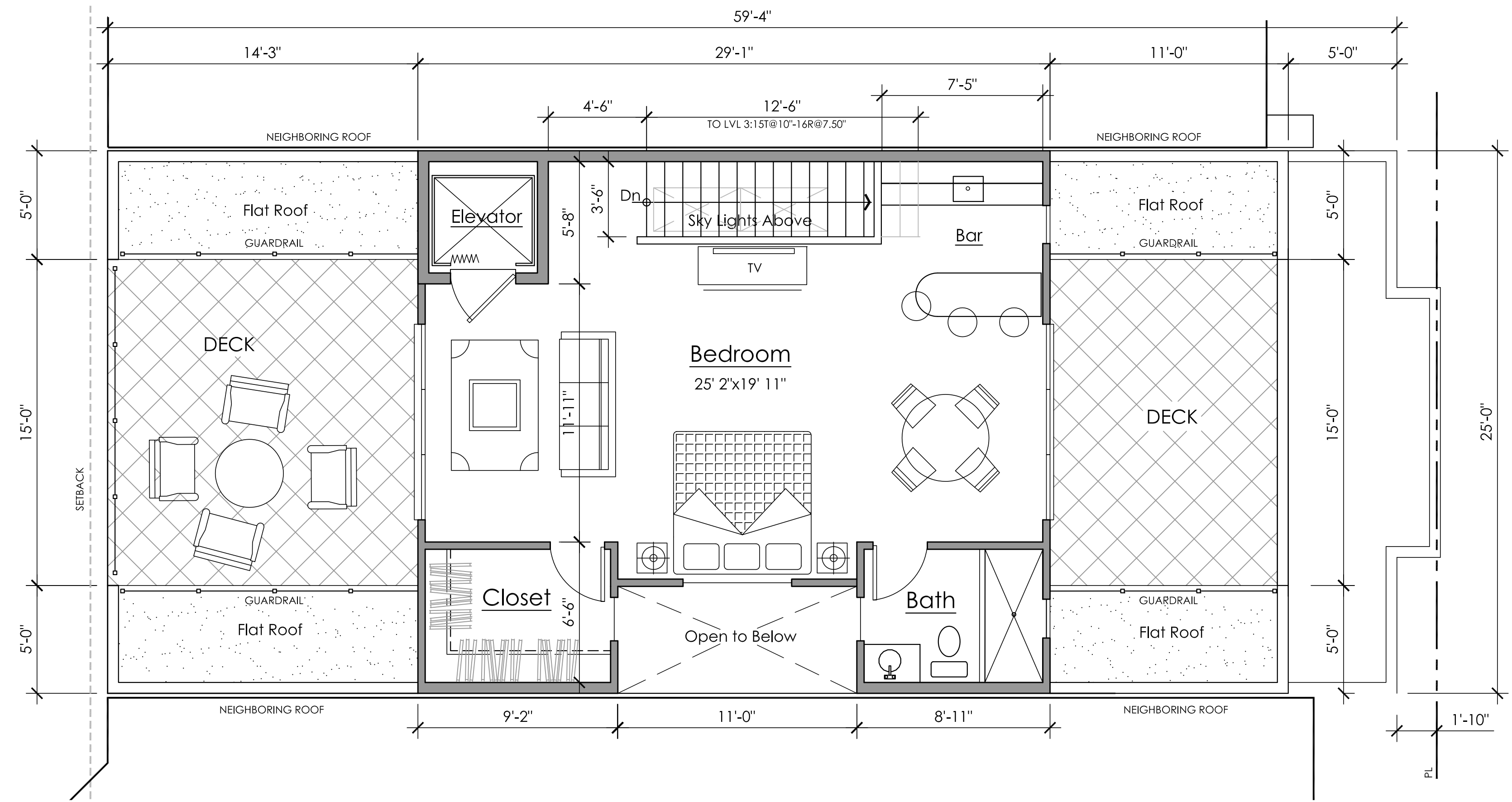
A4

_____ of _____



New Roof Plan

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



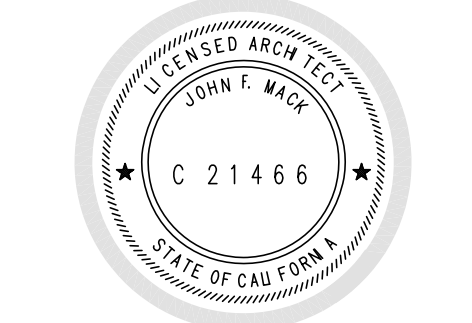
New 4th Level Floor Plan

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

LIVING AREA: 689sf, DECKS: 381sf

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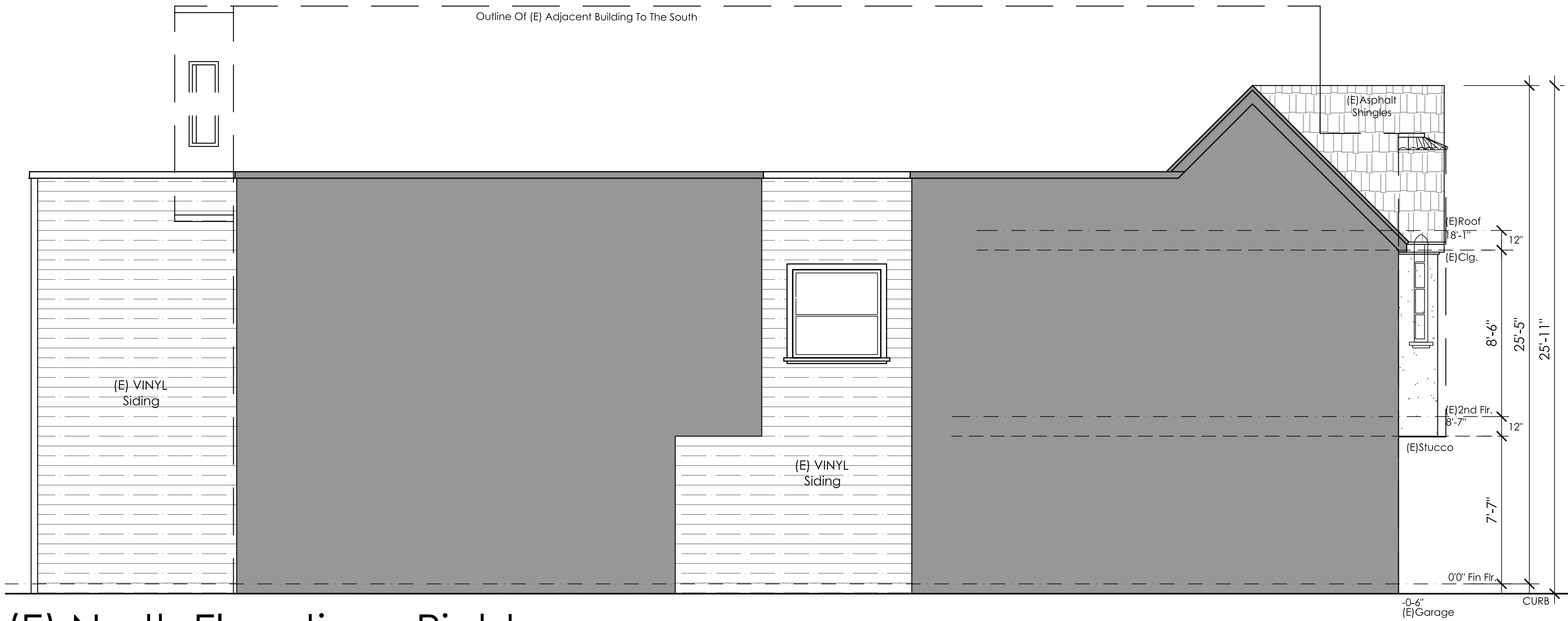
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date
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drawn by
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project number
17-012
scale
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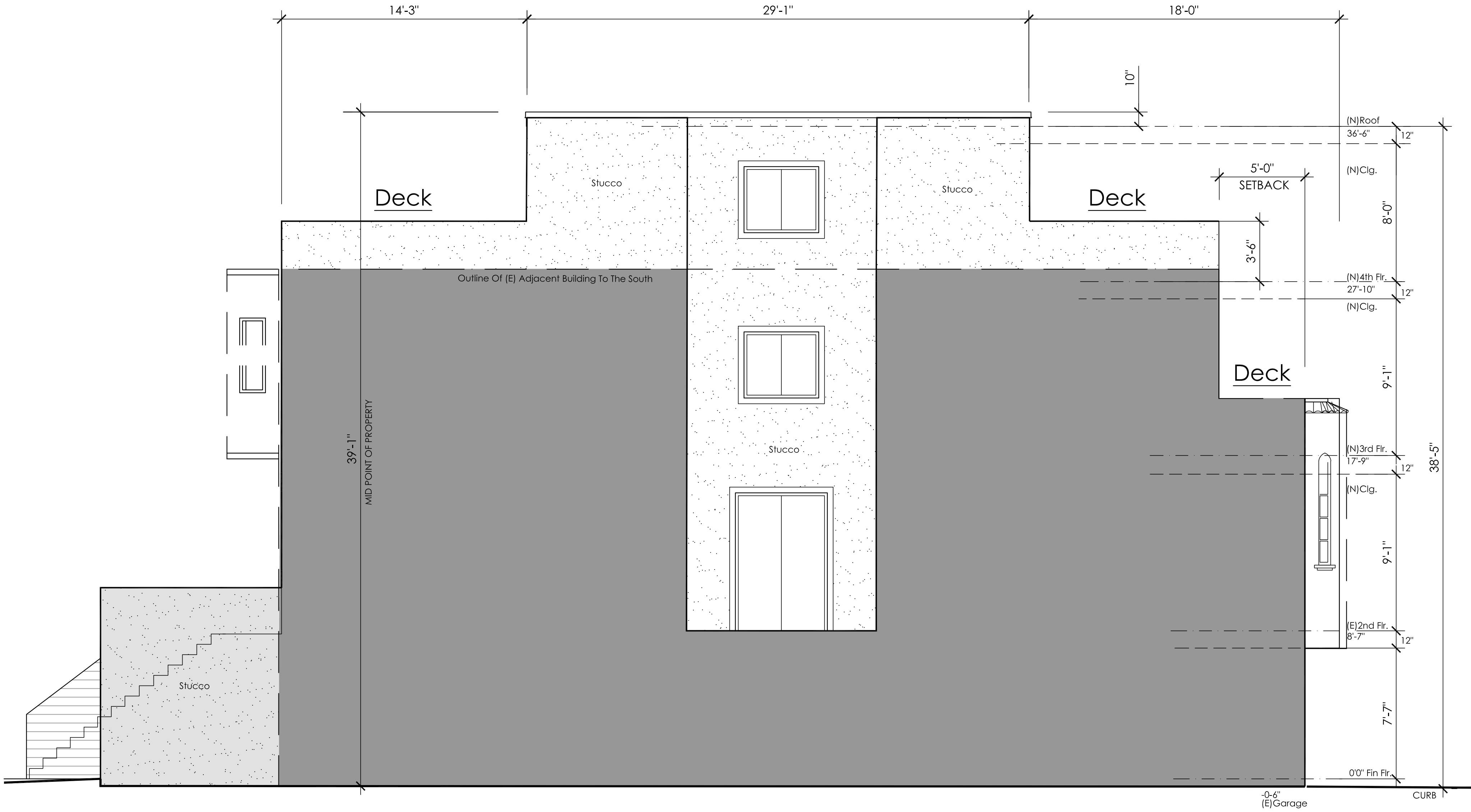
New 4th Level
Floor Plan &
Roof Plan
drawing

A5
of



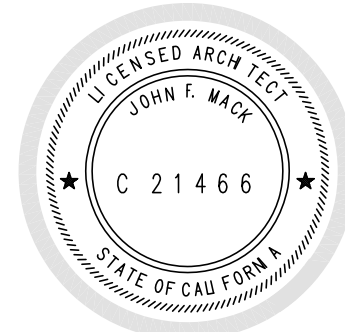
(E) North Elevation - Right

1/4"=1'-0"



(N) North Elevation - Right

1/4"=1'-0"



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custom homes & commercial

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(805) 489-6907 fax

JohnMackAAC@aol.com

revisions	date

Project:
Pucko/Smith Residence
3627 Divisadero St
San Francisco, CA 94123
APN: 0919-001E

Micky Pucko & James Smith
3627 Divisadero
San Francisco, CA. 94123
PH: (805)431-3917

date
printed
December 18, 2019
drawn by
John F. Mack
project number
17-012
scale
As Noted

Existing & New
North Elevation
drawing

A6

of

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- ① 3 PART STUCCO: COLOR 0473A SAND
- ② WINDOWS AND DOORS: ALUMINUM MILGARD, COLOR CHARCOL GRAY
- ③ WOOD FRONT DOOR/WOOD GARAGE DOOR: MNF PIVOT DOOR COMPANY
- ④ GUARDRAIL SYSTEM: CABLE-RAIL
- ⑤ STEEL WAREHOUSE WINDOWS: MNF GRAHAM


$$1/4'' = 1' - 0''$$

$$1/4'' = 1' - 0''$$

A circular professional seal for a Licensed Architect in the State of California. The outer ring contains the text "LICENSED ARCHITECT" at the top and "STATE OF CALIFORNIA" at the bottom, separated by two stars. The inner circle contains the name "JOHN F. MACK" at the top and the license number "C 21466" at the bottom.

JohnMackAAC@aol.com

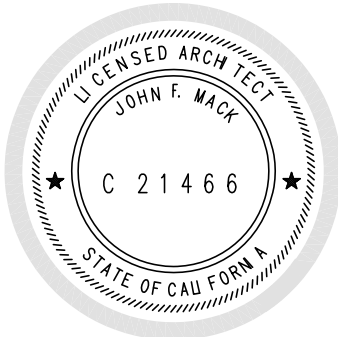
_____ of _____

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$$1/4'' = 1' - 0''$$

$$1/4''=1'-C$$

AAC



(805) 440-8812 cel
(805) 489-6907 fox

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[illegible]

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San Francisco, CA 94123
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San Francisco, CA. 94123
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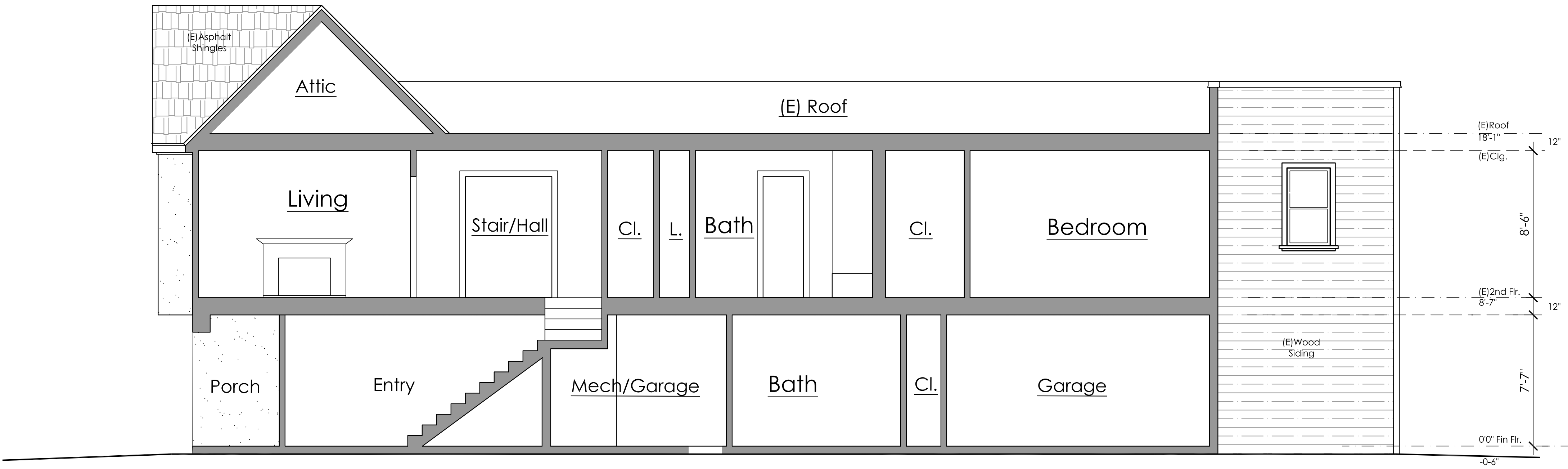
date
printed December 18, 2019
drawn by John F. Mack
project number 17-012
scale As Noted

Existing & New South Elevation

drawing

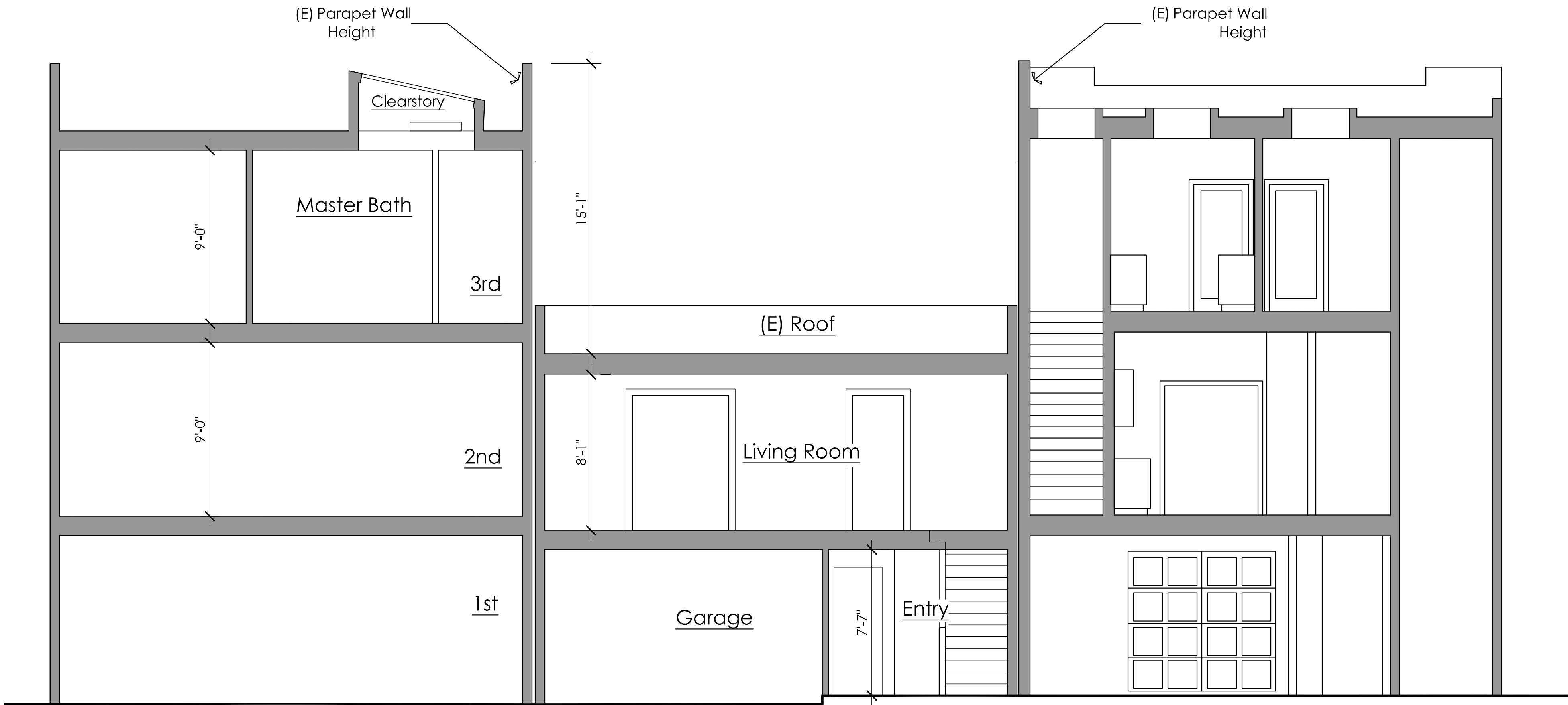
A7

_____ of _____



(E) East-West Building Section

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

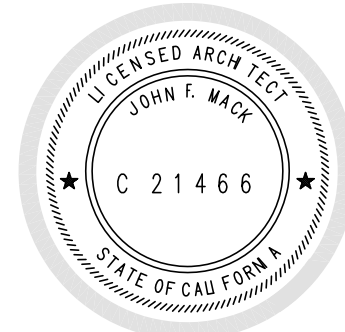


(E) North-South Building Section

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

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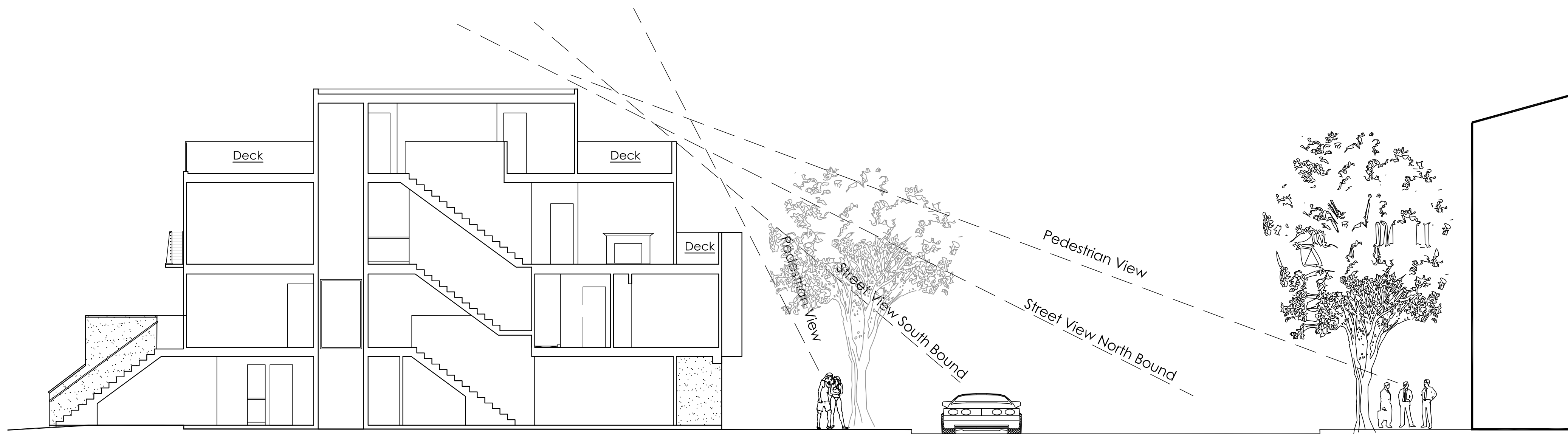
date
printed
November 6, 2019
drawn by
John F. Mack
project number
17-012
scale
1/4"=1'-0"

Existing
Building
Sections
drawing

A8.0

____ of ____

[illegible]



Street Section

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



Existing Front Neighborhood Elevation

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



Existing Rear Neighborhood Elevation

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



New Rear Neighborhood Elevation

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



New Front Neighborhood Elevation

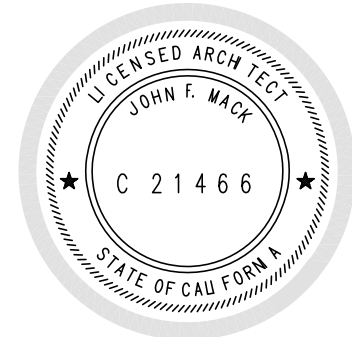
Scale: 1/8" = 1'-0"



Street Elevation

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

AAC



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date
printed
December 18, 2019
drawn by John F. Mack
project number 17-012

scale 1/8"=1'-0"
Existing & New
Street Elevation,
Rear Elevation,
Street Section
drawing

A9

of

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