Date: July 9, 2020
Case No.: 2019-000634DRP-02
Project Address: 876 Elizabeth Street
Permit Application: 2019.0114.0265
Zoning: RH-2 [Residential House -Two-Family]
40-X Height and Bulk District
Block/Lot: 2806 / 022
Project Sponsor: William Pashelinsky
1937 Hayes St.
San Francisco, CA 94117
Staff Contact: David Winslow – (415) 575-9159
David.Winslow@sfgov.org
Recommendation: Do Not Take DR and Approve

BACKGROUND
The Planning Commission heard this at the June 18, 2020 hearing and instructed the project sponsor to revise the drawings to be more understandable and consistent with respect to what is existing and proposed; where the intensification occurs; and to be fully and clearly dimensioned. Furthermore, it was advised that the project sponsor explore means to minimize privacy issues with respect to side facing windows at the rear and the rear deck. The plans at the end of this packet are the revised plans.

PROJECT DESCRIPTION
The proposal is to expand below grade at basement level to the rear of an existing non-complying single-family home. The proposal also includes a vertical and horizontal addition to the two-story home. The proposal is subject to a rear-yard variance per Planning Code Section 134.

SITE DESCRIPTION AND PRESENT USE
The site is a 25’ wide x 114’ deep steeply lateral sloping lot with an existing 2-story over basement, single-family building built in 1904. The building is a category ‘A’ - historic resource.

SURROUNDING PROPERTIES AND NEIGHBORHOOD
This block of Elizabeth Street consists of 2- and 3- story buildings with gabled roofs and deep front setbacks. A portion of the one-story rear of the subject building extends further than the immediate adjacent neighbors. Except for the subject and adjacent neighbor to the west, the main rear building walls are in general alignment to define a fairly consistent mid-block open space.
BUILDING PERMIT NOTIFICATION

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PERIOD</th>
<th>NOTIFICATION DATES</th>
<th>DR FILE DATE</th>
<th>DR HEARING DATE</th>
<th>FILING TO HEARING TIME</th>
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HEARING NOTIFICATION

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</tr>
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<td>Mailed Notice</td>
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<td>April 3, 2020</td>
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<td>April 3, 2020</td>
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PUBLIC COMMENT

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<tr>
<td>Adjacent neighbor(s)</td>
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<td>Other neighbors on the block or directly across the street</td>
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<tr>
<td>Neighborhood groups</td>
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</table>

ENVIRONMENTAL REVIEW

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

DR REQUESTORS

There are two DR requestors:

1. Russell and Anita Murphy, of 872 Elizabeth, the adjacent property to the East and;
2. Kevin Timpane of 878 Elizabeth St, the adjacent property to the West.

DR REQUESTORS’ CONCERNS AND PROPOSED ALTERNATIVES

DR requestor #1 is concerned by the following issues:

1. Opposed to increasing the non-compliance of the structure. Allowing the proposed addition would set a precedent.
Proposed alternatives: Deny the variance request and require full compliance with Code section 134.


DR requestor #2 is concerned by the following issues:

1. Opposed to increasing the non-compliance of the structure.
2. The excavation and subterranean construction will disrupt an underground spring resulting in drainage issues downhill.
3. Enclosing subject property’s light well will block light to property line window and compromise common access to plumbing.


PROJECT SPONSOR’S RESPONSE TO DR APPLICATION

The sponsor has complied with the Residential Design Guidelines (RDGs) and attempted to mitigate some concerns in relation to the DR requestor’s issues.


RESIDENTIAL DESIGN TEAM REVIEW

The project proposes the removal an 8-foot portion of the non-complying structure from the rear yard at the first floor and the removal of non-complying massing from the pitched roof. The project also proposes filling in a 3'-6" x 11' x 9" side recess in the existing building which retains a 5'-8" side setback to the east, and adding a third story vertical expansion that encroaches by 3'-0" into the required rear yard and aligns with the adjacent neighbor to the west and maintains a 5'-8" setback from the downhill neighbor to the east.

The deck proposed on top of the one-story pop out is setback a minimum 5’ from the west and 5'-8” from east side property lines.

The geotechnical issues pertaining to excavation and subsurface water are beyond the means of assessment and regulation of the Planning Department.

Staff deems the reduction of massing and modest increase in massing that matches the extent of adjacent neighbor to the west and maintains the existing the side setback to the west is appropriate and complies with the Residential Design Guidelines and does not create any exceptional or extraordinary circumstances. Therefore, staff recommends not taking DR and approving as proposed.

**RECOMMENDATION:** Do not take DR and Approve

**Attachments:**
Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Applications
Response to DR Application dated April 15, 2020
Reduced Plans and 3d renderings
Revised plans dated 6.28.20
Context Photographs
Section 311 Notice
CEQA Determination
DR Applications
Response to DR Application dated April 15, 2020
Reduced Plans and 3d renderings
Revised plans dated 6.28.20
Exhibits
The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Sanborn Map*

Discretionary Review Hearing
Case Number 2019-000634DRP-02
876 Elizabeth Street
Discretionary Review Hearing
Case Number 2019-000634DRP-02
876 Elizabeth Street
Aerial Photo

Discretionary Review Hearing
Case Number 2019-000634DRP-02
876 Elizabeth Street
Aerial Photo

Discretionary Review Hearing
Case Number 2019-000634DRP-02
876 Elizabeth Street
Discretionary Review Hearing
Case Number 2019-000634DRP-02
876 Elizabeth Street
NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On January 14, 2019, Building Permit Application No. 201901140265 was filed for work at the Project Address below.

Notice Date: December 18, 2019  Expiration Date: January 17, 2020

<table>
<thead>
<tr>
<th>PROJECT INFORMATION</th>
<th>APPLICANT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address:</td>
<td>Applicant:</td>
</tr>
<tr>
<td>876 ELIZABETH ST</td>
<td>William Pashelinsky</td>
</tr>
<tr>
<td>Cross Street(s):</td>
<td>Address:</td>
</tr>
<tr>
<td>Hoffman Avenue &amp; Douglass Street</td>
<td>1937 Hayes Street</td>
</tr>
<tr>
<td>Block/Lot No.:</td>
<td>City, State:</td>
</tr>
<tr>
<td>2806 / 022</td>
<td>San Francisco, CA 94117</td>
</tr>
<tr>
<td>Zoning District(s):</td>
<td>Telephone:</td>
</tr>
<tr>
<td>RH-2 /40-X</td>
<td>415-379-3676</td>
</tr>
<tr>
<td>Record Number:</td>
<td>Email:</td>
</tr>
<tr>
<td>2019-000634PRJ</td>
<td><a href="mailto:billpash@gmail.com">billpash@gmail.com</a></td>
</tr>
</tbody>
</table>

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

- Demolition
- Change of Use
- Rear Addition
- New Construction
- Façade Alteration(s)
- Side Addition
- Alteration
- Front Addition
- Vertical Addition

PROJECT FEATURES

<table>
<thead>
<tr>
<th>PROJECT FEATURES</th>
<th>EXISTING</th>
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<tr>
<td>Number of Parking Spaces</td>
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PROJECT DESCRIPTION

The proposal is to expand below grade at basement level to the rear of an existing non-conforming structure. The proposal also includes a vertical and horizontal addition on an existing single family home. The proposal is subject to a rear-yard variance per Planning Code Section 134, which is tentatively scheduled. The hearing will be separately noticed. See attached plans.

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

To view plans or related documents, visit sf-planning.org/notices 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:
Cathleen Campbell, 415-575-8732, Cathleen.Campbell@sfgov.org
## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<table>
<thead>
<tr>
<th>Project Address</th>
<th>Block/Lot(s)</th>
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<tr>
<td>876 ELIZABETH ST</td>
<td>2806022</td>
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<th>Case No.</th>
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</thead>
<tbody>
<tr>
<td>2019-000634ENV</td>
<td>201901140265</td>
</tr>
</tbody>
</table>

- **Addition/Alteration**
- **Demolition (requires HRE for Category B Building)**
- **New Construction**

Project description for Planning Department approval:

One story vertical addition by roof deck addition @ 2nd floor east elevation. New habitable space below existing 2nd fl. Remodel kitchen & general renovation of 2nd floor

### STEP 1: EXEMPTION CLASS

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

- **Class 1 - Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.

- **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.

- **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:
  1. 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.
  2. The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
  3. The project site has no value as habitat for endangered rare or threatened species.
  4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  5. The site can be adequately served by all required utilities and public services.

FOR ENVIRONMENTAL PLANNING USE ONLY

- **Class _____**
### STEP 2: CEQA IMPACTS
TO BE COMPLETED BY PROJECT PLANNER

<table>
<thead>
<tr>
<th><strong>Air Quality:</strong> 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.)? <strong>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hazardous Materials:</strong> 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? <em>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</em></td>
</tr>
<tr>
<td><strong>Transportation:</strong> 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?</td>
</tr>
<tr>
<td><strong>Archeological Resources:</strong> 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 <strong>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</strong></td>
</tr>
<tr>
<td><strong>Subdivision/Lot Line Adjustment:</strong> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <strong>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</strong>. If yes, Environmental Planning must issue the exemption.</td>
</tr>
<tr>
<td><strong>Slope = or &gt; 25%:</strong> 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? <strong>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</strong> If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</td>
</tr>
<tr>
<td><strong>Seismic: Landslide Zone:</strong> 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? <strong>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</strong> If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</td>
</tr>
<tr>
<td><strong>Seismic: Liquefaction Zone:</strong> 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? <strong>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</strong> If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</td>
</tr>
</tbody>
</table>

**Comments and Planner Signature (optional):** Laura Lynch
STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)

[ ] Category A: Known Historical Resource. GO TO STEP 5.
[ ] Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
[ ] 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.

[ ] 1. Change of use and new construction. Tenant improvements not included.
[ ] 2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
[ ] 3. Window replacement that meets the Department’s Window Replacement Standards. Does not include storefront window alterations.
[ ] 4. Garage work. A new opening that meets the Guidelines for Adding Garages and Curb Cuts, and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
[ ] 5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
[ ] 6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
[ ] 7. Dormer installation that meets the requirements for exemption from public notification under Zoning Administrator Bulletin No. 3: Dormer Windows.
[ ] 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.

[ ] Project is not listed. GO TO STEP 5.
[ ] Project does not conform to the scopes of work. GO TO STEP 5.
[ ] Project involves four or more work descriptions. GO TO STEP 5.
[ ] 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.

[ ] 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.
[ ] 2. Interior alterations to publicly accessible spaces.
[ ] 3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
[ ] 4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
[ ] 5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
[ ] 6. Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right-of-way and meet the Secretary of the Interior’s Standards for Rehabilitation.

8. **Other work consistent** with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):

   - Project meets SOI Standards - addition will be minimally visible from ROW and will be compatible with but differentiated from the historic district with regard to materials, fenestration, and roof form.

9. **Other work** that would not materially impair a historic district (specify or add comments):

   - (Requires approval by Senior Preservation Planner/Preservation Coordinator)

10. **Reclassification of property status**. (Requires approval by Senior Preservation Planner/Preservation Coordinator)

   - Reclassify to Category A
   - Reclassify to Category C
     - Property is a contributor to the Diamond and Elizabeth historic district per PTR form signed on 9/9/19

   Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.

   - 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: Stephanie Cisneros

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**

**TO BE COMPLETED BY PROJECT PLANNER**

- 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.

<table>
<thead>
<tr>
<th>Project Approval Action</th>
<th>Signature</th>
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<tbody>
<tr>
<td>Building Permit</td>
<td>Stephanie Cisneros</td>
</tr>
<tr>
<td>If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</td>
<td>09/09/2019</td>
</tr>
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</table>

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**

<table>
<thead>
<tr>
<th>Project Address (If different than front page)</th>
<th>Block/Lot(s) (If different than front page)</th>
</tr>
</thead>
<tbody>
<tr>
<td>876 ELIZABETH ST</td>
<td>2806/022</td>
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<tr>
<th>Case No.</th>
<th>Previous Building Permit No.</th>
<th>New Building Permit No.</th>
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<tbody>
<tr>
<td>2019-000634PRJ</td>
<td>201901140265</td>
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<tr>
<th>Plans Dated</th>
<th>Previous Approval Action</th>
<th>New Approval Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permit</td>
<td></td>
<td></td>
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</table>

**Modified Project Description:**

**DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION**

Compared to the approved project, would the modified project:

- [ ] Result in expansion of the building envelope, as defined in the Planning Code;
- [ ] Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
- [ ] Result in demolition as defined under Planning Code Section 317 or 19005(f)?
- [ ] 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**

- [ ] 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:**
## PRESERVATION TEAM REVIEW FORM

### PROJECT INFORMATION:

<table>
<thead>
<tr>
<th>Planner:</th>
<th>Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephanie Cisneros</td>
<td>876 Elizabeth Street</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Block/Lot:</th>
<th>Cross Streets:</th>
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<tbody>
<tr>
<td>2806/022</td>
<td>Hoffman Avenue &amp; Douglass Street</td>
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<th>Art. 10/11:</th>
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<tbody>
<tr>
<td>A</td>
<td>n/a</td>
<td>2019-000634ENV</td>
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</table>

### PURPOSE OF REVIEW:

- [ ] CEQA
- [ ] Article 10/11
- [ ] Preliminary/PIC
- [ ] Alteration
- [ ] Demo/New Construction

### PROJECT DESCRIPTION:

- [ ] CEQA
- [ ] Article 10/11
- [ ] Preliminary/PIC
- [ ] Alteration
- [ ] Demo/New Construction

### DATE OF PLANS UNDER REVIEW:

8/13/2019

### PROJECT ISSUES:

- [ ] Is the subject Property an eligible historic resource?
- [ ] If so, are the proposed changes a significant impact?

### Additional Notes:


### PRESERVATION TEAM REVIEW:

#### Category:

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<th>Individual</th>
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</tbody>
</table>

- Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:
  - Criterion 1 - Event: [ ] Yes [ ] No
  - Criterion 2 - Persons: [ ] Yes [ ] No
  - Criterion 3 - Architecture: [ ] Yes [ ] No
  - Criterion 4 - Info. Potential: [ ] Yes [ ] No
- Period of Significance: [ ]

- Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:
  - Criterion 1 - Event: [ ] Yes [ ] No
  - Criterion 2 - Persons: [ ] Yes [ ] No
  - Criterion 3 - Architecture: [ ] Yes [ ] No
  - Criterion 4 - Info. Potential: [ ] Yes [ ] No
- Period of Significance: 1878-1915

- Contributor [ ] Non-Contributor [ ]
Complies with the Secretary’s Standards/Art 10/Art 11:

<table>
<thead>
<tr>
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CEQA Material Impairment to the individual historic resource:

<table>
<thead>
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CEQA Material Impairment to the historic district:

<table>
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Requires Design Revisions:

<table>
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<th>Yes</th>
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</table>

Defer to Residential Design Team:

<table>
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<tr>
<th>Yes</th>
<th>No</th>
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</thead>
</table>

**PRESERVATION TEAM COMMENTS:**

According to the Historic Resource Evaluation (HRE) prepared by Tim Kelley Consulting (October 2018) and information found in the Planning Department files, the subject property at 876 Elizabeth Street contains a one and one-half story and basement, wood-frame, single family residence constructed ca. 1894/1895 (source: Spring Valley Water Tap record). The residence is best described as a vernacular building with Queen Anne features such as a gable roof, asymmetrical placement of the entry and bay, and ornamentation. Jonathan Anderson most likely constructed the subject property based on real estate transaction documentation. Alterations to the property include: additions at the rear; insertion of a garage into the basement area; replacement of wood entry stairs with concrete stairs; and replacement of the balustrade and solid cheek walls at the front.

Staff is in agreement with the findings of the HRE that the subject property is not individually eligible under Criteria 1 (Events), 2 (Persons) or 3 (Architecture). No significant events or persons are directly associated with the property and the building does not possess high artistic values given the alterations that have occurred. The building is a common example of a Queen Anne settlement cottage from this period of Noe Valley’s early development. The building is not architecturally distinct such that it would be individually eligible for architecture. The subject building is not significant under Criterion 4 since this significance criteria typically applies to rare construction types when involving the built environment. The subject building is not an example of a rare construction type. Archeology sensitivity is not assessed in this review.

The subject property is located within the boundaries of the identified-eligible Diamond and Elizabeth Streets Historic District. The district is significant under Criterion 1 for its association with broad patterns of San Francisco’s post-Mexican era settlement and Noe Valley’s development as a working class street-car suburb. The district is also significant under Criterion 3 as a strong collection of working-class Victorian vernacular residences designed and built by local neighborhood builders inspired by contemporary architect-designed homes from more affluent areas. The period of significance for the district is 1878 to 1915, which covers the initial dates of settlement and development of Noe Valley up to and through the Post-1906 Earthquake Reconstruction.

The subject property is considered to be a contributor to the Diamond and Elizabeth Streets Historic District. Its construction (ca. 1894/1895) falls within the period of significance of the district and its architectural style generally embodies character-defining features of the Queen Anne style, a prominent style found throughout the district.

(continued)
Character-defining features of 876 Elizabeth include:

- 1-story with attic on a raised basement
- Front-facing gabled roof
- Inset entry portico
- Cutout lightwell (reduced overall width of the façade)
- Asymmetrical with a wide bay window set to one side
- Central window to the bay set flush with the façade (creating a covered portico for the front entry)
- Straight run of stairs from the sidewalk to entrance
- Fenestration patterns within the gable – including paired, single, and Palladian sashed windows
- Basement level fenestration that includes single or paired windows
- Single or paired window in gable

The current proposal – as revised from the original design submittal – retains the building’s residential use, preserves character-defining features as listed above and will expand the building through a vertical addition that conforms to the Secretary of the Interior’s Standards for Rehabilitation. The addition will be set back approximately 15 feet from the front in order to preserve the original massing of the building’s primary façade. Its simplified forms and detailing will read as a later alteration but will be compatible with the existing building with regard to horizontal wood siding, pitched roof, and regularly spaced casement windows with simple trim; features that are commonly found throughout the Diamond and Elizabeth Streets historic district. A horizontal addition at the rear is also proposed that is not visible from any public right of way.
<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Address</th>
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<tbody>
<tr>
<td>Gerald D. Adams</td>
<td>San Francisco Towers</td>
<td>1661 Pine Street, #1028, San Francisco, CA 94109</td>
</tr>
<tr>
<td>Nancy Shanahan</td>
<td>Telegraph Hill Dwellers</td>
<td>470 Columbus Avenue, #211, San Francisco, CA 94133</td>
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<tr>
<td>Mary Miles</td>
<td>Coalition for Adequate Review</td>
<td>364 Page Street, #36, San Francisco, CA 94102</td>
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<tr>
<td>Lucinda Woodward</td>
<td>State Office of Historic Preservation</td>
<td>State Office of Historic Preservation</td>
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<tr>
<td></td>
<td>Local Government Unit</td>
<td>1725 – 23rd Street, Suite 100, Sacramento, CA 95816</td>
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<tr>
<td>Sue Hestor</td>
<td></td>
<td>870 Market Street, #1128, San Francisco, CA 94102</td>
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<tr>
<td>The Art Deco Society of California</td>
<td></td>
<td>525 Bellevue Ave, Suite 311, Oakland, CA 94610</td>
</tr>
<tr>
<td>Karin Flood</td>
<td>Union Square Busi. Improvement Dist. (BID)</td>
<td>323 Geary Street, Suite 203, San Francisco, CA 94102</td>
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<tr>
<td>Courtney Damkroger</td>
<td></td>
<td>2626 Hyde Street, San Francisco, CA 94109</td>
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<tr>
<td>Courtney S. Clarkson</td>
<td></td>
<td>3109 Sacramento Street, San Francisco, CA 94115</td>
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<tr>
<td>Eugene T. Flannery</td>
<td>Environmental Compliance Manager</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mayor’s Office of Housing and Comm. Dev.</td>
<td>One South Van Ness Avenue, 5th Floor, San Francisco, CA 94103</td>
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<td>Matthew Davis</td>
<td>San Francisco Documents Librarian</td>
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<td>Government Information Center</td>
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<tr>
<td>Aaron Jon Hyland</td>
<td>Commission President</td>
<td></td>
</tr>
<tr>
<td></td>
<td>San Francisco Planning Department</td>
<td>1650 Mission Street, Suite 400, San Francisco, CA 94103</td>
</tr>
<tr>
<td>Richard S.E. Johns</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>174 9th Avenue, San Francisco, CA 94118</td>
</tr>
<tr>
<td>Hisashi Sugaya</td>
<td></td>
<td>900 Bush Street, #419, San Francisco, CA 94109</td>
</tr>
<tr>
<td>Ellen Joslin Johnck</td>
<td>RPA</td>
<td>101 Lombard Street, #217E, San Francisco, CA 94103</td>
</tr>
<tr>
<td>Kevin Johnston</td>
<td></td>
<td>2288 Buena Vista Avenue, Livermore, CA 94550</td>
</tr>
<tr>
<td>Andrew Wolfram</td>
<td></td>
<td>1420 Sutter Street, 2nd Floor, San Francisco, CA 94109</td>
</tr>
<tr>
<td>Anthony Veer Kamp</td>
<td>National Trust for Historic Preservation</td>
<td>25 Taylor Street, San Francisco, CA 94102</td>
</tr>
<tr>
<td>Diane Matsuda</td>
<td>John Burton Foundation</td>
<td>235 Montgomery Street, Suite 1142, San Francisco, CA 94104</td>
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<tr>
<td>Kate Black, Commissioner</td>
<td></td>
<td>SEAT 6 Real Estate Professional, San Francisco Planning Department</td>
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<tr>
<td></td>
<td></td>
<td>1650 Mission Street, Suite 400, San Francisco, CA 94103</td>
</tr>
<tr>
<td>Ms. Gigi Platt</td>
<td></td>
<td>362 Ewing Terrace, San Francisco, CA 94118</td>
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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, First Floor, 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, Ground 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：如果您希望获得使用中文填写这份申请表的帮助，请致电415.575.9010。请注意，规划部门需要至少一个工作日来回应。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangalagan ang Planning Department ng hindi kukulangan sa isang araw na pantrabaho para makasagot.
Discretionary Review Public (DRP)

APPLICATION

Discretionary Review Requestor's Information

Name: Russell and Anita Murphy
Address: 872 Elizabeth Street
Email Address: russ.murphy777@gmail.com
Telephone: 415-726-3063

Information on the Owner of the Property Being Developed

Name: James O'Driscoll
Company/Organization:
Address: 55 Cranleigh Drive
Email Address: jim@joelectric.com
Telephone: 415 850 2241

Property Information and Related Applications

Project Address: 876 Elizabeth Street, San Francisco, CA 94114
Block/Lot(s): 2806 / 022
Building Permit Application No(s): No. 201901140265

Actions Prior to a Discretionary Review Request

<table>
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<tr>
<th>PRIOR ACTION</th>
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<tr>
<td>Have you discussed this project with the permit applicant?</td>
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<td>✓</td>
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<tr>
<td>Did you participate in outside mediation on this case? (Including Community Boards)</td>
<td>✓</td>
<td></td>
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</table>

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.

None changes, applicant did say they would put a privacy screen on the rear roof deck.
DISCRETIONARY REVIEW REQUEST

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

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

See letter and pictures attached

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 letter and pictures attached

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 letter attached
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.

Russell Murphy
Name (Printed)
russ.murphy777@gmail.com
Email

Signature

415-726-3063
Phone

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

For Department Use Only
Application received by Planning Department:

By: ___________________________ Date: ___________________________
VARIANCE FROM THE PLANNING CODE
SUPPLEMENTAL APPLICATION

Community response to findings submitted by developer

Property Information

Project Address: ____________________________  Block/Lot(s): ____________________________

Variance Findings

Pursuant to Planning Code Section 305(c), before approving a variance application, the Zoning Administrator needs to find that the facts presented are such to establish the findings stated below. In the space below and on separate paper, if necessary, please present facts sufficient to establish each finding.

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district; The developer claims that the existing non-code-complying nature of the subject home provide an exceptional and extraordinary circumstance sufficient to allow intensification of the condition of nonconformity. In fact this nonconforming condition should be corrected as part of any remodel and expansion proposed on the site. a quality and profitable remodel can be achieved entirely within the buildable envelope defined by San Francisco Planning Code; FINDING NOT MET

2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property; The developer claims that adherence to front setback standards applied to all homes in RH2 district is somehow mitigating of the insults to code standards elsewhere. Absolutely no practical difficulty or unnecessary hardship has been demonstrated; NOR could one be demonstrated. There is sufficient space to remove ALL unwarranted construction and build in a fully code compliant fashion; FINDING 2 NOT MET

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

No substantial property right is demonstrated by the existence of a rear addition at the house next door. the development on the subject property varies significantly from code standards AND the pattern of development in the district. If this developer wishes to improve this house for resale, the community will support it but expects the house to be brought to the setback limitations of current Planning Code without exception. the developer proposes to remove 8 feet of illegal addition, where significantly more rear setback is required to bring property into compliance; FINDING 3 NOT MET.
4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity;

The variance as proposed is materially detrimental and injurious to the adjacent properties. The impact on midblock open space by this proposal is extraordinary, as is the loss of privacy and quiet enjoyment by adjacent neighbors. A new third floor deck projecting entirely into the rear yard open space is arrogant, unnecessary, and an imposition on residents of adjacent properties; FINDING 4 NOT MET

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

Granting of this variance will not be in harmony with the intent of the Planning Code nor with General Plan provisions directing orderly residential development, preservation of historic resources, and consistency of implementation of residential design policy; FINDING 5 NOT MET
Discretionary Review Request for 876 Elizabeth Street

RE:  Permit # 201901140265
VAR:  # 2019-000634VAR

We Request Discretionary Review on the proposed project at 876 Elizabeth Street. We ask this Planning Commission to require this developer to bring this home into FULL compliance with section 134 of the Planning Code before any expansions within the buildable envelope are permitted.

Our reasons are not about the height of the new building or the loss of sunlight into our rear yard. Our objections are about allowing a major non-conforming structure to be intensified, extending 21 feet into the rear yard open space, with a new roof top deck. The additional infill to the rear yard build-out should also be subject to variance requirements above and beyond the variance currently requested.

The variance application does not provide sufficient findings the granting of any new noncomplying development. The findings presented by the project sponsor are entirely inadequate to justify the significant impact this project will have on adjacent property owners. (Please see attached Rebuttal to Findings)

What are the Planning Departments objectives in giving this project the okay? Because it exists, therefore, let a developer take advantage of it? We believed it would be the Planning Department to take the advantage, and restore the year yard open space as it was intended, which the Planning Department went through great lengths to establish and set policy for.

Planning Department Staff and the Residential Design Advisory Team have failed to enforce Planning code section 134 to protect neighborhood rear yards and open spaces. In supporting this application the Department has acted to the detriment of the community for the benefit of an absentee developer. Our neighborhood stands in strong objection to this oversight.

We also feel, that in so granting this project, it will set a new precedent, valuing building mass above rear yard open space, for all the projects in the pipeline, down the road. If you let these developers do it, other applicants in this district will expect the same Planning Department support ... and “There goes the Neighborhood.”

Somebody, many years ago built something without permit that could never be approved today. It was wrong then, and it is wrong now. San Francisco residents have the Planning Code, so we can correct the mistakes done in the past, and little by little, bring things back into conformance.
This is usually the direction the Planning Department takes, and so it should be the direction it takes in this situation. Why does the Planning Department now favor a developer’s interest over the community’s interest? The community wants a rear yard open space, respects this policy, and works within this policy.

To approve development into the rear yard for a developer should not be Planning Department policy, whether the non-complying structure exists or not, period!

We believe the Planning Department made a mistake in telling the developer that these plans are fine, and I submit a request for a Discretionary Review to take another look at this decision. We will bring community support to the hearing, and appreciate the opportunity to let the Planning Department know how we all feel about this.

Submitted Proposed Plans are Misleading

The plans submitted by the architect William Pashelinsky are misleading, inaccurate, and willfully vague. The site plans do not show the existing window in the lightwell between the subject property 876 Elizabeth and the neighbors to the West, 878 Elizabeth Street. 878 Elizabeth street was built in 1890, prior to 876 Elizabeth street. The existing kitchen window of 878 Elizabeth Street was omitted, and the proposed plans call for building right over the window. If the proposed plans were accurate, the existing window would be shown and the Planning Department would have a clearer idea of the proposed impact.

It is hard to determine the actual roof shape of 878 Elizabeth Street on the proposed site plans, as existing passage ways and roof valleys have not been clearly delineated, whereas a dotted line should indeed be a solid line.

The existing site plan shows a rectangular blackened area which is actually an outdoor deck, at the first floor level, without a roof covering. To fill in this area, as it exists within the protected rear yard open space area, should require another variance.

The foundation plan also does not reflect the existing conditions, as the non conforming rear build-out is actually 2 separate constructions, and do not share the same foundation. In fact, the last 8 feet of the structure was added much later, without the benefit of a foundation, so there is no crawlspace below it.

The East and West elevations have large black areas to show new building mass without the benefit of a discerning roof line, causing confusion. The East elevations do not reflect the adjacent property (dotted lines), 870 – 872 Elizabeth Street, making it impossible to note any impact on 870 – 872 Elizabeth Street. The architect shows the impact on the West elevations, but omits them on the East elevation.
Finally, as there is a variance requested, why doesn't the proposed site plan clearly show the area that the variance will include? We had to meet with an architect to determine just what is requested by the variance, and it took awhile, even for them, to figure it out.

The posting by the Planning Department states there will be 45' 8" of rear yard open space, which is also misleading because it fail to mention the existing rear yard build-out is to remain, so in fact the rear yard open space is reduced to 30 feet. The variance requests 5' 1" but the proposed plans call out 5' 11". Which is correct? My understanding of a variance is that it must have a hardship to be considered. What is the hardship driving this Variance?

These described architectural omissions and inaccuracies, and the fact that the architect does not reference any dimensional lines on the East and West elevations other then height dimensions, makes these plans very misleading. The posting by the Planning Department requesting a variance described as 5' 1" leaving a rear yard of 45' 8" is misleading for the public to determine the proposed project impact.

We are happy that there is someone to develop this project. It needs to be done. We are concerned that the proposed project is in non-conformance to planning policy, and would like it to be brought into conformance with respect to rear yard open space. A fully code compliant project can result in quality housing being restored to the community, and substantial profit to be gained by the developers for their efforts.

We ask this Planning Commission to take Discretionary Review over this project and require the project sponsor to restore the building rear to the section 134 limits of development and to confine expansion of the property to the code mandated buildable open space.
My understanding of a variance is that it must have a hardship to be considered. What is the hardship driving this Variance?

These described architectural omissions and inaccuracies, and the fact that the architect does not reference any dimensional lines on the East and West elevations other than height dimensions, makes these plans very misleading. The posting by the planning Department requesting a variance described as 5’ 1” leaving a rear yard of 45’ 8” is misleading for the public to determine the proposed project impact.

Underground River

There is also a concern that I have regarding the proposed lower unit build out. There is a river tributary which originates at Twin Peaks that runs directly under our properties. When we first purchased this property in 1988, we found our basement area flooded each year during the winter rains. We therefore hired a soil engineer and installed a large permitted underground French drain system, to protect our property, as well as the properties of 2 adjacent neighbors downhill from us. Each drain system allows for separation, with 3 collection boxes, one on each property, and cleanout at grade. This system has allowed myself and my downhill neighbors to develop habitable spaces in the lower floors. After each heavy rain, although the rear yards are slightly flooded by the rising of the underground river and water table, the French drains we had installed, catches the water before it reaches our buildings, and our basements are dry. The new proposed construction will displace the underground river and could adversely impact or properties if not properly engineered for an existing river tributary.

I realize this is not a Planning issue, but Planning is allowing for the project and it should be noted.

I understand that the proposed underground portion of the building will exceed 8 feet past the existing building structure, with excavation over 10 feet in depth.

Why does this not require another Variance?
They will be building massive retaining walls into rear yard open space set back requirements.

Conclusion:

This project, as proposed will negatively impact our property. We loose privacy, we lose open space, and we will loose property value due to these impacts.

We are happy that there is someone to develop this project. It needs to be done. We are concerned that the proposed project is in non-conformance to planning policy, and would like it to be brought into conformance with respect to rear yard open space.
Shot from Google Earth, demonstrating rear yard open space conformity by most of the neighborhood (876 Elizabeth St. is noted)
Rear view of 870-872 Elizabeth St. which is the adjacent neighbor to the East.
EXISTING REAR YARD OPEN SPACE,
LOOKING EAST FROM 872 ELIZABETH ST.
REAR YARD of 870-872 ELIZABETH ST
Existing rear yard structure which is to remain as per proposed plan, but with new roof + roof deck.
Another view of the rear yard build-out as it looks from 870-872 Elizabeth St.
VARIANCE REQUEST

5' 8"
This structure proposed to remain.

LINE Donates proposed variance Build-out.
Existing rear structure to remain
Line of Proposed Variance
LINE denotes end of rear structure build-out

21 FEET FROM BACK OF EXISTING MAIN HOUSE
There is an underground river that runs through the rear yards.
Neighbors East of Proposed Project:

878 Elizabeth Street
Kevin Timpane and Christina Stonehouse
415-695-2765 or 415-305-3545
ktimpane@AOL.com

882 Elizabeth Street
Paul and Doris Sayling
415-867-6875

Neighbors to the West of Proposed Project:

872 Elizabeth Street
Anita and Russell Murphy
415-726-3063
russ.murphy777@gmail.com

866 Elizabeth Street
Donato Cabal and Andrea Setterholm
415-298-8811 415-206-9234
andrea.setterhol@gmail.com

860 Elizabeth Street
Michael and Elizabeth Cronbach
415-948-6498 415-824-0820
mcronbac@yahoo.com

854 Elizabeth Street
Joe and Sherry Coveney
415-648-4769 415-846-1662
SherryFromSF@yahoo.com

Neighbors across the street from Proposed Project:

867 Elizabeth Street
Tom Leahy
415-647-1853
tpleahy@gmail.com

865 Elizabeth Street
Ginny Pizzardi
415-550-7700 415-846-4469
GinnyPizzardi@gmail.com
863 Elizabeth Street
Under Construction, new owners yet to move in

861 Elizabeth Street
Ilana Drummond and Sharon Dulberg
415-548-3132  415-308-0661
ildrummond@gmail.com

859 Elizabeth Street
Todd Graham and Piper LaGelius
310-346-4093
plagelius@gmail.com

857 Elizabeth Street
Andy Grimstad and Mary Wikstrom
415-648-6605
jlmsalgebra@yahoo.com

847 Elizabeth Street
Sarah Willmer and Bryan Shiles
415-994-0874
studiosarahwillmer@me.com

843 Elizabeth Street
Granger Tripp and Mimi Downs
415-647-3430
getripp@pacbell.net
### Discretionary Review Requestor's Information

<table>
<thead>
<tr>
<th>Name</th>
<th>Kevin Timpane</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>878 Elizabeth Street</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:Kevin.timpane@gmail.com">Kevin.timpane@gmail.com</a></td>
</tr>
<tr>
<td>Telephone</td>
<td>4153053543</td>
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### Information on the Owner of the Property Being Developed

<table>
<thead>
<tr>
<th>Name</th>
<th>James O'Driscoll</th>
</tr>
</thead>
<tbody>
<tr>
<td>Company/Organization</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>55 Cranleigh Dr.</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:Jim@jolectric.com">Jim@jolectric.com</a></td>
</tr>
<tr>
<td>Telephone</td>
<td>4158502241</td>
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### Property Information and Related Applications

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<thead>
<tr>
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<th>876 Elizabeth Street</th>
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### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

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</table>

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.

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**Received:** 2019-00003-40RE-02

**San Francisco Planning Department**

**CITY & COUNTY OF S.F.**

**JAN 17 2020**

**PLANNING DEPARTMENT**

**PIC**
DISCRETIONARY REVIEW REQUEST

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

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

SEE ATTACHED.

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.

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?

Do not allow the extension exception.
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

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

Phone

Email

Kevin Timpane

Name (Printed)

Kevin.timpane@gmail.com

Date:

For Department Use Only
Application received by Planning Department:

By: ____________________________

Date: ____________________________
SECTION 1 ANSWERS:

Planning Code Section 134 - Applicant is looking for an exception, though there is no hardship for this exception and granting it could potentially have a severe harmful effect on my property at 878 Elizabeth.

1. The application to gain an exception to building codes to extend the property line into the rear yard would create a hardship and potential significant detriment, and possible damage, to my property. The excavation and subterranean building extensions would require up to 10 foot retaining wall between our properties that would also extend further than 20 feet past the end of the property line. There's a well-known underground stream that runs under our house is on the side of Elizabeth Street. And while that retaining wall may be suitable to protect the developed property extending the building through an exception be on the property line and building down 10 feet or more will cause and exacerbate the problem of water building up on our property, for which we already have a substantial challenge. This could damage our property and cause many conflicts in the future. Therefore, it is not fair or reasonable to grant an exception to the code to build further into the backyard than allowed at the expense of a potential damage to our property and causing serious disputes in the future.

SECTION 2 ANSWERS

I am the next-door neighbor and my house is adjacent and immediately astride the applications building. I am submitting this request for discretionary your review of application number for three reasons:

1. The application to gain an exception to building codes to extend the property line into the rear yard would create a hardship and potential significant detriment, and possible damage, to my property. The excavation and subterranean building extensions would require up to 10 foot retaining wall between our properties that would also extend further than 20 feet past the end of the property line. There's a well-known underground stream that runs under our house is on the side of Elizabeth Street. And while that retaining wall may be suitable to protect the developed property extending the building through an exception be on the property line and building down 10 feet or more will cause and exacerbate the problem of water building up on our property, for which we already have a substantial challenge. This could damage our property and cause many conflicts in the future. Therefore, it is not fair or reasonable to grant an exception to the code to build further into the backyard than allowed at the expense of a potential damage to our property and causing serious disputes in the future.

2. There is an existing light well between our properties. And it does sit on the property of the applicant. However this has been used for more than 50 years and possibly as much as the full life of the property dating back to 1890 for my property, and slightly after 1900 for the applicants property. That light well has been used to access plumbing, for drainage, and for light to our kitchen through a window. This is not shown on all the drawings. We attempted to work with the architect and applicant in good faith to see if there were alternate solutions. And since we were planning a refacing of our kitchen, we spoke with the architect representing the developers in the summer. They suggested they could accommodate us with the cost of moving our window to a skylight and suggested their estimate amount of $15,000. They also suggested at the time that if there were additional fees due to required architects, or structural engineers, they could also be willing to consider accommodating that additional expense, but asked for estimates and receipts. However recently, we continued to try and discuss the matter with them in good faith. Despite us incurring substantial additional fees for architects, structural engineers, and actual additional structural reinforcement to be able to accommodate a skylight in our ceiling, they limited their proposal their proposal to our initial discussion. This
did not seem to be in keeping with the good faith efforts we made to change our kitchen plans to accommodate their plans and move the window we had planned on retaining in our original designs. This gives us great concern about the additional plans that do infringe on our property from construction, and especially extensions of the property and changes and exceptions to the current legal portions of the property. And it calls into question our ability to work with the developers to resolve those matters in the future.

3. In reviewing the applicants drawings, members of our neighborhood asked an architect to help us ascertain exactly what was being proposed. The drawings often seem misleading and have multiple places that do not reflect all the aspects of their building or ours. And while discussions of previous plans with the developer’s architect, and recent talks with the developers have been helpful to explain verbally to us what they plan to do, they did not always seem in keeping with the drawings that they had submitted to us. This of course gives us great pause as to the veracity of the filing, and our ability to trust what is being proposed.

SECTION 3 ANSWERS:

Do not allow the extension exception.
William Pashelinsky
Architect
1937 Hayes Street
San Francisco, California 94117
(415) 379 3676
Email billpash@gmail.com

David Winslow
c/o San Francisco Planning Commission
San Francisco Planning Department
San Francisco, Ca. 94103

April 15th, 2020

Re: DR P.A. 2019.10.14.0265

DR: Kevin Timpane, 878 Elizabeth Street

The Architect and project sponsor James O’Driscoll met with and corresponded with Mr. Timpane on several occasions prior to the 311 mailout.

1). The property line window located on the 2nd floor east elevation of 878 Elizabeth Street is not visible from 876 Elizabeth Street. At the 1st meeting between the architect and Mr Timpane, it was measured and added to the drawings. It was re-submitted to the planning department. It was pointed out to the owner that property line windows are not protected by San Francisco codes. However, we made a “good neighbor” offer to compensate the owner with a legal skylight. We also offered to re-imburse Kevin with the relocation of a drain line that extended on to our property. The owner also informed us that he was doing a kitchen remodel, while he had not finalized his design there was the possibility he had planned to relocate the kitchen sink where the window was currently located.

DR: Rusell Murphy, 872 Elizabeth Street
We met with Rusell and Anita Murphy at the Architects office. Mr. Murphy requested we demolish the rear of the building so that it meet current setback regulations. It was explained to him that the building was legal non conforming having been constructed prior to current code requirements, It was also explained to him the City of San Francisco frowns upon extensive residential demolition. However, it was noted that we were demolishing the rear 8 foot section of the building.

We also noted in response to his query regarding the rear dimensions at the site plan were done specifically to meet the requested of the assigned planner.
He was advised to review these issues with Kathleen Campbell the assigned planner.

At the time of the meeting the variance request for the minor 1 story fill in at the east did not s

Mr Murphy was concerned about the 2nd story rear roof deck. We offered to construct a 6 foot high opaque glass screen at the east elevation. We still are willing to provide this.

Conclusion:

The project design is the result of meeting and correspondence with the San Francisco Planning Department including a project review meeting.

Because of the historic nature of the existing building the front 15 feet of the building could not be developed. In addition we are removing the rear 8 foot section of the existing structure. The space included in the variance request is minor and does not have any impact on the neighboring properties. The current house has only one bedroom and is not well organized. The proposed house is family oriented with 3 bedrooms. Much of the proposed space would result from the development of the basement area, Again this has no impact on the neighbors.
DRAWING INDEX:

PROJECT INFORMATION:

ZONE: R-3
CLASS: A-1
SIZE: 20' X 20'
HIGHLIGHT: 60' X 60'
EXISTING: 40 X 40
PROPOSED: 60 X 60
EXISTING USE: SINGLE FAMILY RESIDENCE
PROPOSED USE: SINGLE FAMILY RESIDENCE
EXISTING: 2 STORIES
PROPOSED: 3 STORIES
EXISTING CONSTRUCTION TYPE: R-3
PROPOSED CONSTRUCTION TYPE: R-6
BUILDING HEIGHT: EXISTING 25 FEET
BUILDING HEIGHT: PROPOSED 25 FEET
LOT: L6

SCOPE OF WORK:

1. STORY VERTICAL ADDITION
2. ADDITIONAL ROOF SPACE
3. ASSISTANT AT 2ND FLOOR EAST ELEVATION

NEW HABITABLE SPACE BELOW EXISTING 2ND FLOOR: 2 BEDROOMS, KITCHEN, AND GENERAL REFINISHING OF 2ND FLOOR.

ABBREVIATIONS:

MET/HT = HEIGHT
MET = MEETING
INSULATION = INSULATION
DIA = DIAMETER
W/G = WALL
W/P = WALL
W/R = WALL
W/H = WALL
MFL = MANUFACTURED
ACE = ACES
M2 = SQUARE METER
FST = FOOT
FRT = FOOT
FT = FOOT
W = WASHING
WM = WATER METER
WF = WATER FAUCET
STOR = STORAGE
STT = STUDY
STR = STRUCTURAL
VS = VOLUME
GL = GLASS
GLZ = GLAZING
GAR = GARAGE
IN = INSULATION

EXISTING BUILDING STATISTICS

<table>
<thead>
<tr>
<th>FLOOR</th>
<th>GARAGE STORAGE</th>
<th>TOTAL HABITABLE</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>1ST FLOOR</td>
<td>917</td>
<td>917</td>
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<tr>
<td>2ND FLOOR</td>
<td>1,421</td>
<td>1,421</td>
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<tr>
<td>TOTAL</td>
<td>2,337</td>
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PROPOSED BUILDING STATISTICS

<table>
<thead>
<tr>
<th>FLOOR</th>
<th>GARAGE STORAGE</th>
<th>TOTAL HABITABLE</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>1ST FLOOR</td>
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<td>1,421</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>2,337</td>
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</tr>
</tbody>
</table>

DRAWING SYMBOLS:

OOB = OUT OF Bound
DIA = DIAMETER
SL =規模
N/S = NOT SUPPORT
A/N = ADDRESS NUMBER
D/N = DRAWING NUMBER
D/E/D = DRAWING EXTENSION

NOTE/ITEM SUMMARY:

1. DRAWING SYMBOLS.

2. EXISTING BUILDING STATISTICS.

3. PROPOSED BUILDING STATISTICS.

4. VIICINITY MAP.
317 DEMOLITION ANALYSIS

**EXISTING**

<table>
<thead>
<tr>
<th>ELEVATION</th>
<th>EXISTING</th>
<th>DEMOLISH</th>
<th>PERCENT</th>
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<tbody>
<tr>
<td>NORTH</td>
<td>255 SQ FT</td>
<td>255 SQ FT</td>
<td>100%</td>
</tr>
<tr>
<td>SOUTH</td>
<td>792 SQ FT</td>
<td>0 SQ FT</td>
<td>0%</td>
</tr>
<tr>
<td>EAST</td>
<td>3,095 SQ FT</td>
<td>343 SQ FT</td>
<td>11%</td>
</tr>
<tr>
<td>WEST</td>
<td>2,998 SQ FT</td>
<td>569 SQ FT</td>
<td>19%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>3,582 SQ FT</td>
<td>3,582 SQ FT</td>
<td>100%</td>
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**33% DEMOLITION VERTICAL ELEMENTS**

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<tr>
<td>2ND FLOOR</td>
<td>1,440 SQ FT</td>
<td>144 SQ FT</td>
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</tr>
<tr>
<td>ROOF</td>
<td>1,358 SQ FT</td>
<td>179 SQ FT</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>2,588 SQ FT</td>
<td>1,618 SQ FT</td>
<td>44%</td>
</tr>
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</table>

**29% DEMOLITION PERIMETER ELEMENTS AS TAKEN FROM THE FOUNDATION LEVEL**

**LEGEND**

EXISTING TO REMAIN

DEMOLISH

PERIMETER ELEMENTS TO BE DEMOLISHED

**317 DEMOLITION ANALYSIS**
North Elevation (N)

North Elevation (E)
ALL DRAWINGS, MATERIALS,勞MATERIALS, AND PLANS TO WHICH REFERENCE IS MADE BY THIS DOCUMENT ARE THE PROPERTY OF WILLIAM PASHELINSKY ARCHITECT AND MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF WILLIAM PASHELINSKY ARCHITECT.

REAR YARD REQUIREMENT 50'-8"
SECTION A-A (N)
SECTION TAKEN AT MIDPOINT OF SITE

SECTION A-A (E)
SECTION TAKEN AT MIDPOINT OF SITE

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1/4" = 1'-0"

2ND FLOOR PLAN (N)
24'-12" x 40'

1ST FLOOR PLAN (N)
16'-0" x 32'

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ADDITION AND ALTERATIONS

PROJECT NO.: 2016.15
SHEET: A-2.02

WILLIAM PASHELINSKY
ARCHITECT
1937 HAYES STREET
SAN FRANCISCO, CA 94117
415 379 3676

NO. DATE DESCRIPTION
1 7/13/18 TURNING NO.
2 7/13/18 TURNING NO.
3 7/13/18 TURNING NO.
4 7/13/18 TURNING NO.
5 7/13/18 TURNING NO.
6 7/13/18 TURNING NO.
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10 7/13/18 TURNING NO.
11 7/13/18 TURNING NO.
12 7/13/18 TURNING NO.
13 7/13/18 TURNING NO.
14 7/13/18 TURNING NO.
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