



DISCRETIONARY REVIEW ANALYSIS

HEARING DATE: January 28, 2021

Continued from January 14, 2021

Record No.: 2019-012567DRP
Project Address: 36 Delano Avenue
Permit Applications: 2019.0605.2592
Zoning: RH-1 [Residential House, One-Family]
40-X Height and Bulk District
Block/Lot: 3152/008
Project Sponsor: George Wesley
PO Box 210655
San Francisco, CA 94121
Staff Contact: David Winslow – (628) 652-7335
david.winslow@sfgov.org

Recommendation: Take DR and Approve with Modifications

Project Description

The project proposes to construct a three-story rear addition, new first-floor family room, laundry, bath; new second-floor breakfast nook, stair; new third-floor master suite. new roof dormer, new rear deck. No change to the front facade).

Site Description and Present Use

The site is a 25'-2" wide x 125'-9" deep slightly up sloping lot with an existing 3-story, one-family home built in 1912 and is categorized as a 'B' –Potential Historic Resource present.

Surrounding Properties and Neighborhood

The buildings on this block of Delano Avenue have a consistent scale of 1- and 2-story houses with high pitched roofs that are setback from the street and have a consistent scale and architectural character. The depth of the subject and immediately adjacent buildings create a well-defined mid-block open space that includes a shared rear alley easement. The two neighboring buildings to the northeast extend deeper and are thus exceptions to the pattern of the buildings which incorporate side setbacks to articulate the rear walls.

Building Permit Notification

Type	Required Period	Notification Dates	DR File Date	DR Hearing Date	Filing to Hearing Date
311 Notice	30 days	October 1, 2020 – November 2, 2020	11.2. 2020	1.28. 2021	87 days

Hearing Notification

Type	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	20 days	December 26, 2020	December 26, 2020	20 days
Mailed Notice	20 days	December 26, 2020	December 26, 2020	20 days
Online Notice	20 days	December 26, 2020	December 26, 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	8	0	0
Neighborhood groups	1	0	0

Environmental Review

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

DR Requestor:

Ryan Patterson representing the neighboring resident Eric Johnson, of 40 Delano Avenue, the adjacent property to the southwest of the proposed project.

DR Requestor's Concerns and Proposed Alternatives

The DR requestor is concerned that the proposed project:

1. Is massed against property line in a manner as to cut off access to mid-block open space and
2. Does not comply with the Residential Design Guidelines:
“Articulate buildings to minimize impact on light and privacy”;
“Design the scale of the building to be compatible with the height and depth of surrounding buildings.”
and;
“Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space”.

Proposed alternatives:

1. Limit third floor addition to 150 square-feet;
2. Respect DR requestor's setback and windows by relocating the massing against the northeast neighbor's side blank wall while matching their light-well;
3. Set back and screen second floor deck and move stairs and;
4. Design a flat roof with no overhang.

Project Sponsor's Response to DR Application

The project has been designed and modified to minimize impacts to neighbors and complies with the Planning Code, and the Residential Design Guidelines. The proposed design responds to and meets the growing need of the project sponsor. The DR requestors have not identified any exceptional or extraordinary circumstances that justify his requests.

See attached Response to Discretionary Review, dated January 21, 2021

Department Review

Although Code conforming, the Department's review of this project found that modifications are needed to bring it into conformity with the Residential Design Guidelines related to privacy, scale, and access to mid-block open space.

Staff recommends:

1. Providing a minimum 2'-6" side setback at the third floor along the southwest property line and;
2. Reducing the extent of the rear wall by 2'.

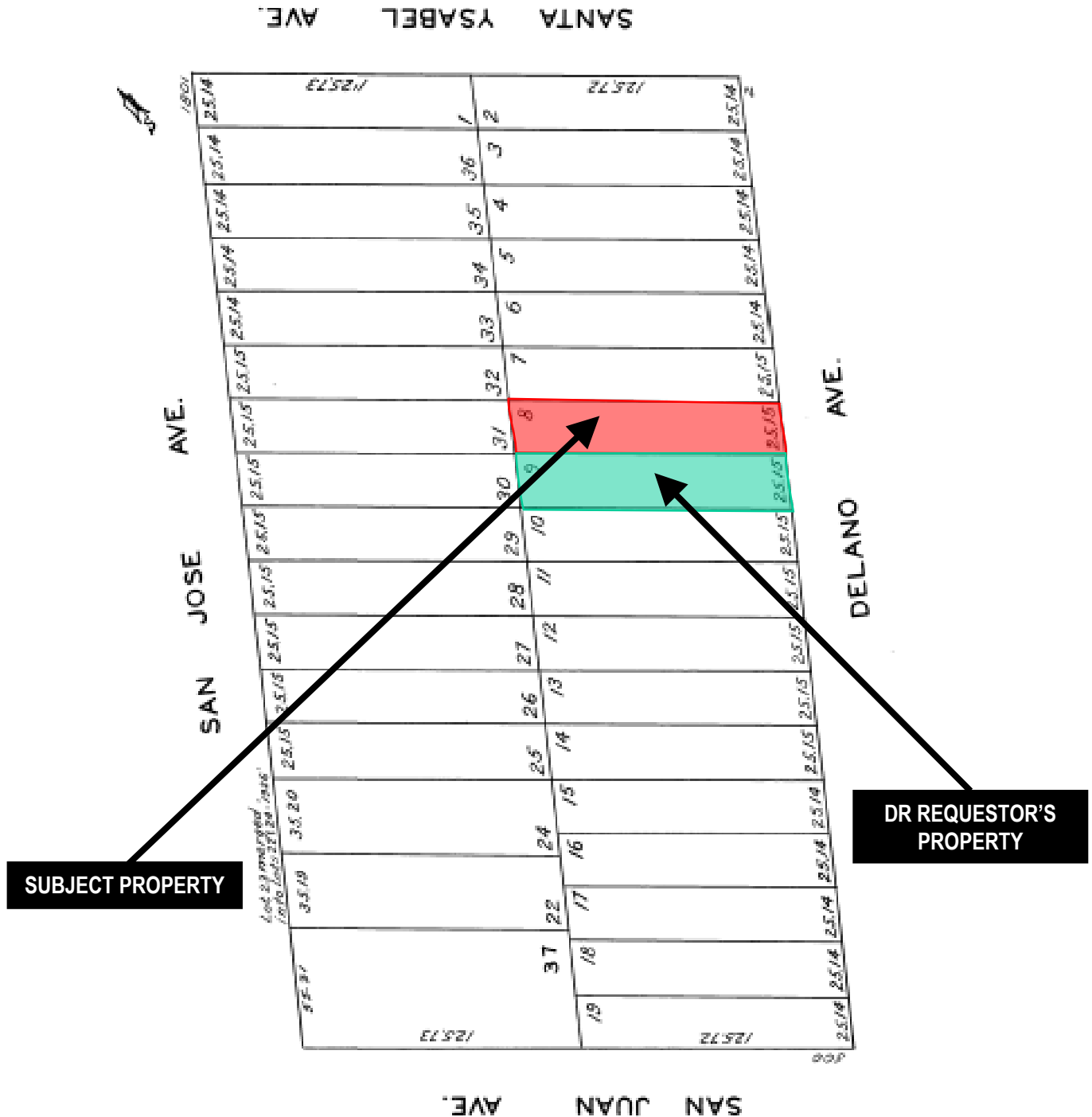
Recommendation: Take DR and Approve with Modifications

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Application
Response to DR Applications, dated January 21, 2021
Letters
Reduced Plans and 3-D renderings
Revised plans

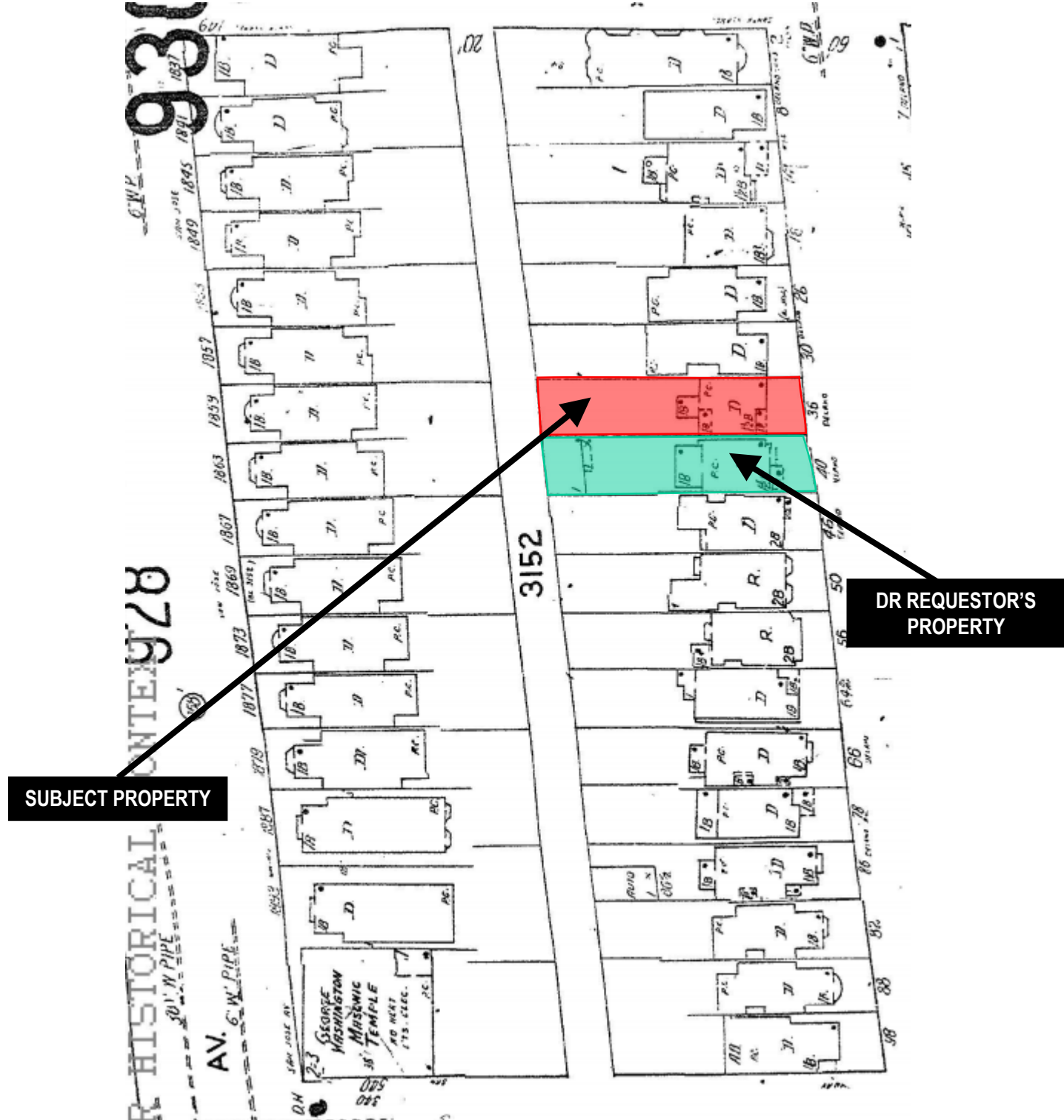
Exhibits

Parcel Map



Discretionary Review Hearing
Case Number 2019-012567DRP
36 Delano Avenue

Sanborn Map*

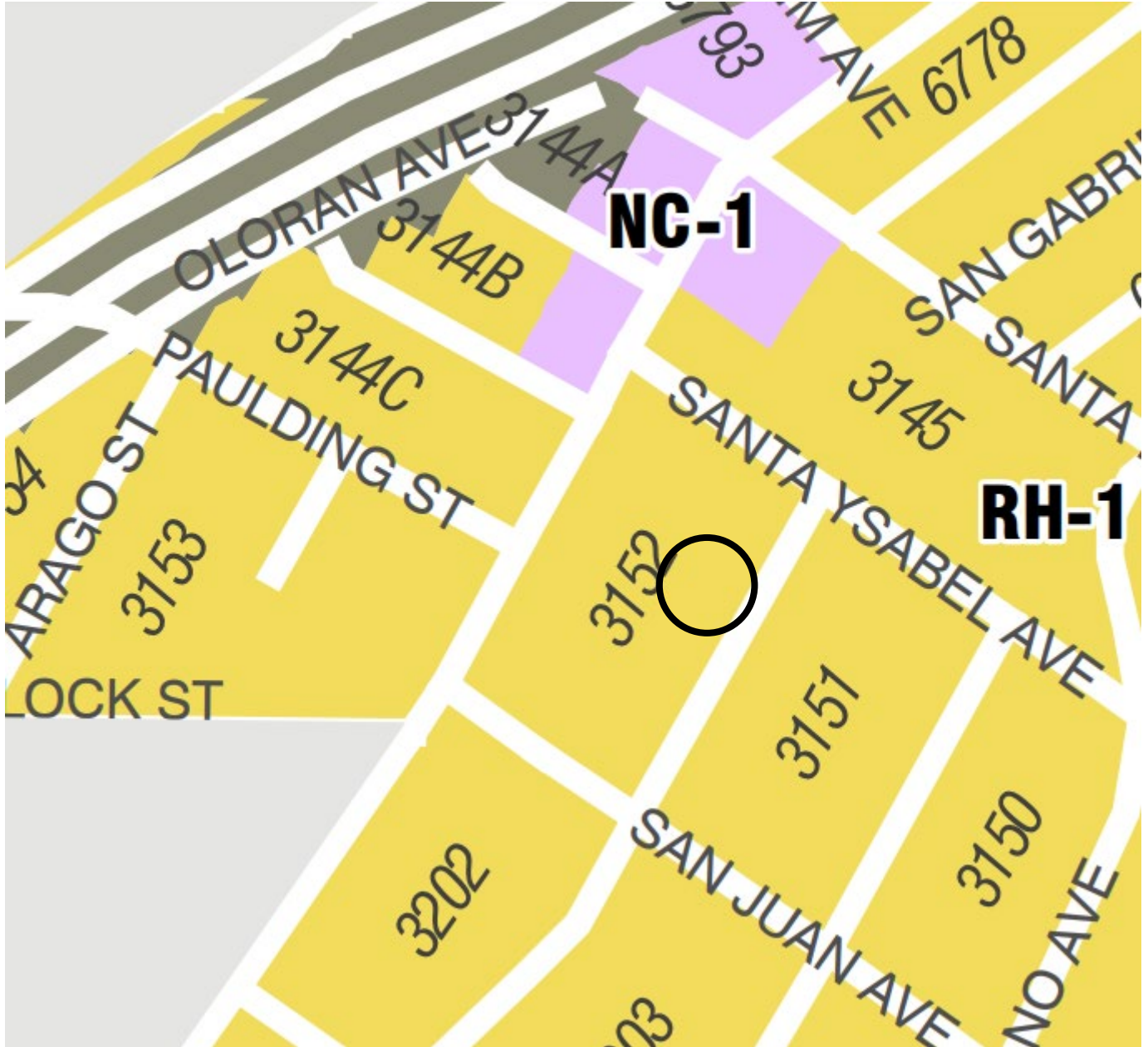


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



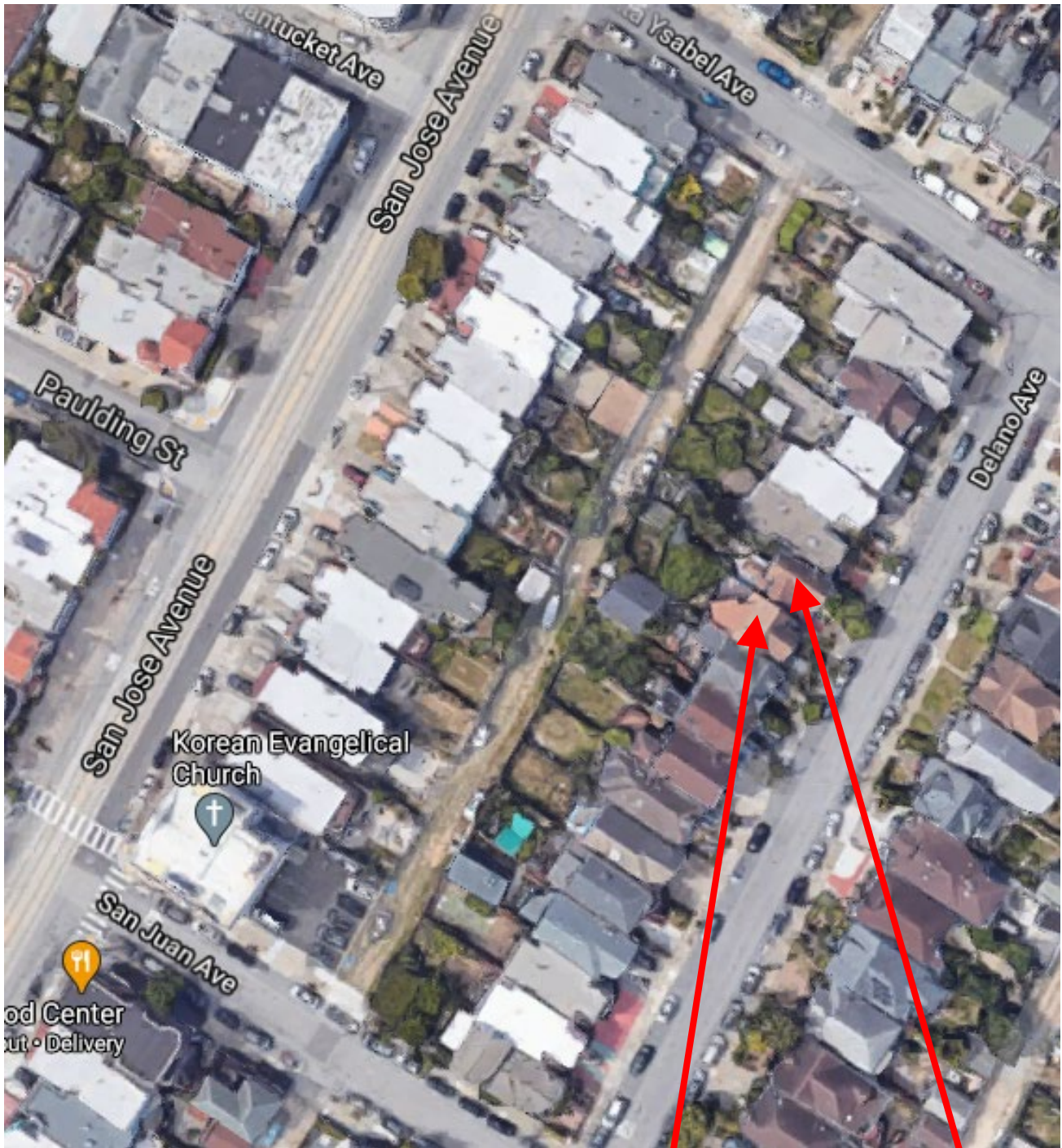
Discretionary Review Hearing
Case Number 2019-012567DRP
36 Delano Avenue

Zoning Map



Discretionary Review Hearing
Case Number 2019-012567DRP
36 Delano Avenue

Aerial Photo



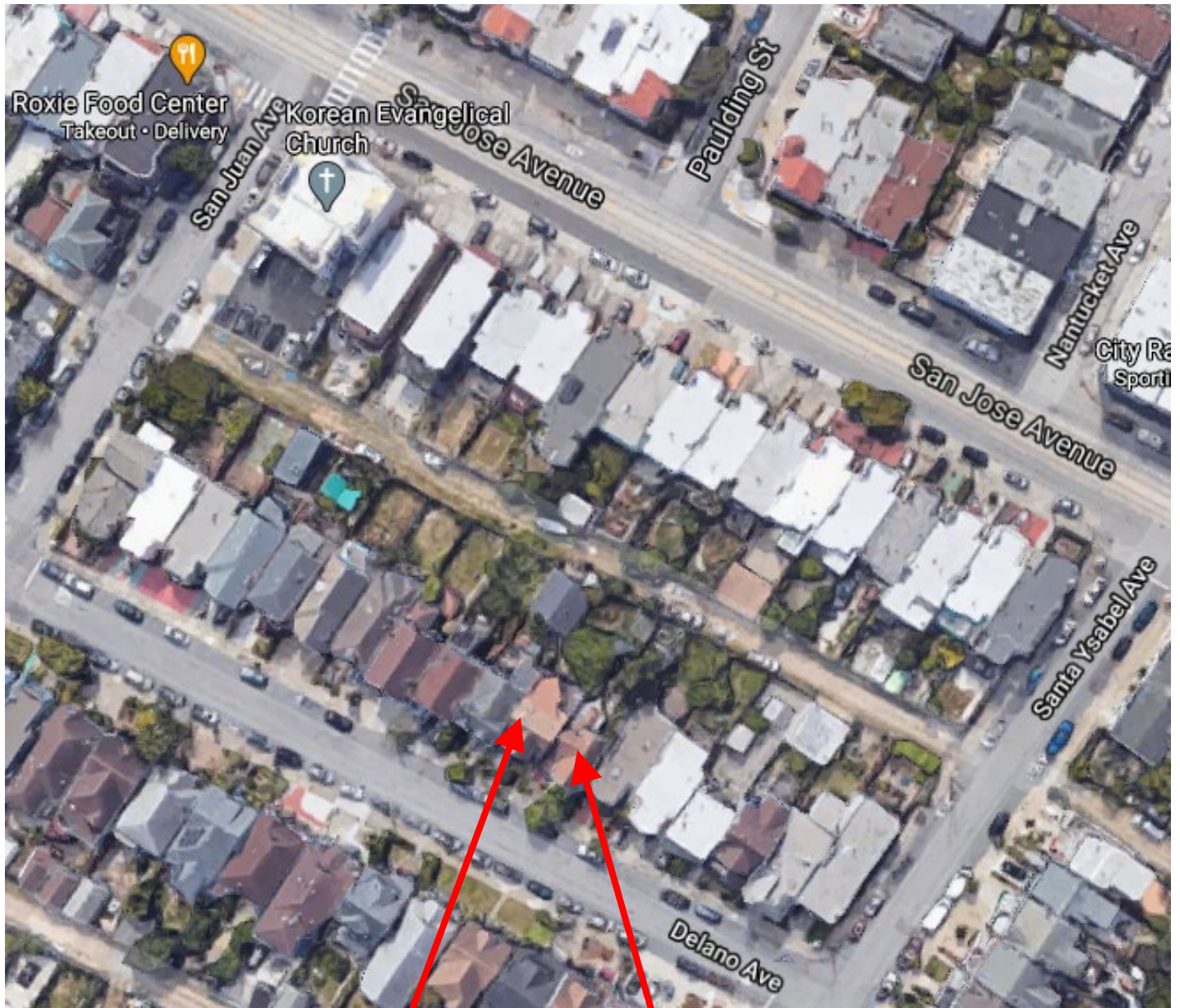
DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2019-012567DRP
36 Delano Avenue

Aerial Photo



DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2019-012567DRP
36 Delano Avenue

Aerial Photo



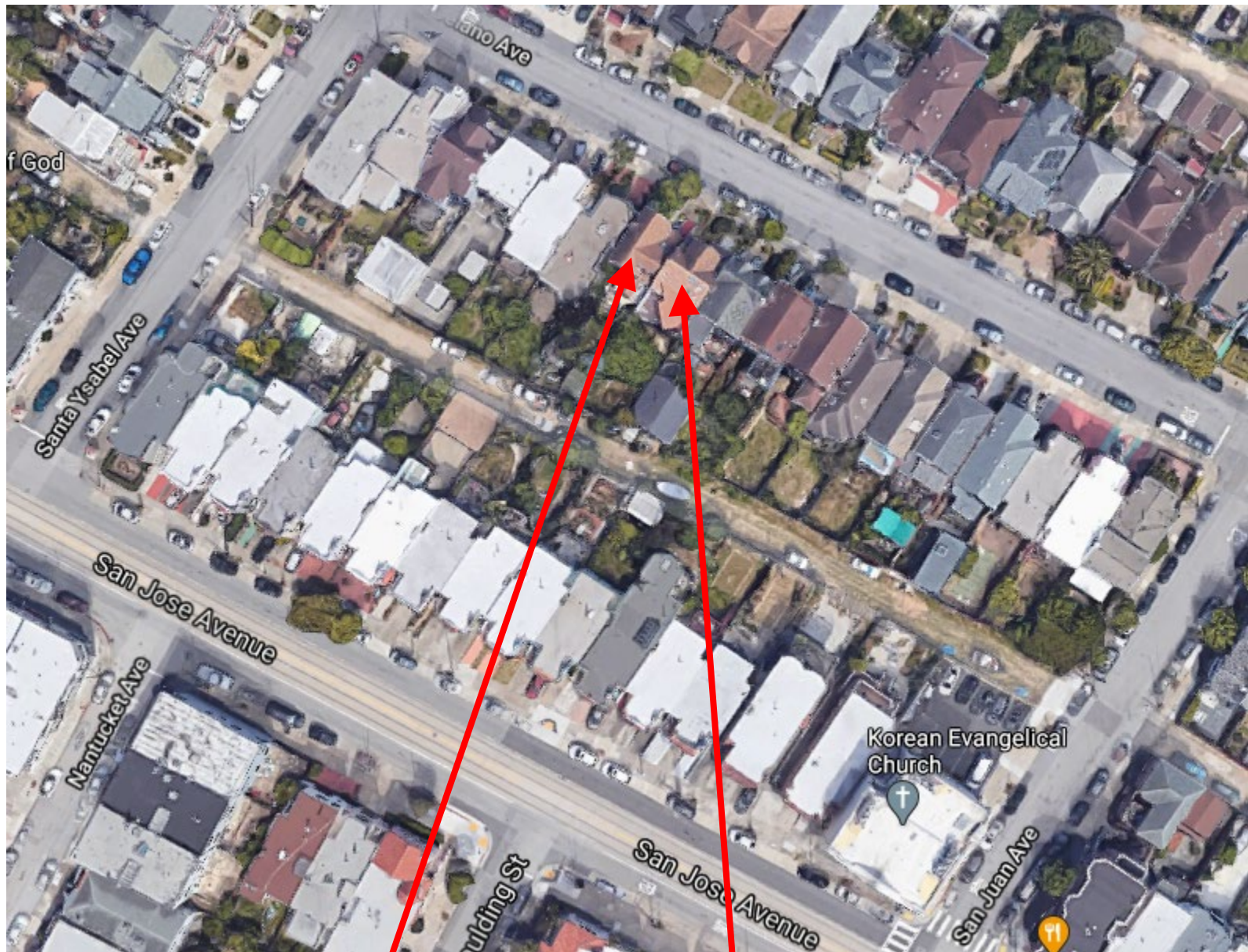
SUBJECT PROPERTY

**DR REQUESTOR'S
PROPERTY**



Discretionary Review Hearing
Case Number 2019-012567DRP
36 Delano Avenue

Aerial Photo



SUBJECT PROPERTY

DR REQUESTOR'S
PROPERTY



Discretionary Review Hearing
Case Number 2019-012567DRP
36 Delano Avenue

Site Photo



SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2019-012567DRP
36 Delano Avenue



NOTICE OF BUILDING PERMIT APPLICATION (SECTION 31.1)

On June 5, 2019, Building Permit Application No.
2019.0605.2592 was filed for work at the Project Address
below.

Notice Date: 10/1/20 Expiration Date: 11/2/20

PROJECT INFORMATION

Project Address: **36 Delano Avenue**
Cross Streets: **San Juan and Santa Ysabel Avenues**
Block / Lot No.: **3152 / 008**
Zoning District(s): **RH-1 / 40-X**
Record No.: **2019-012567PRJ**

APPLICANT INFORMATION

Applicant: **George Wesely**
Address: **P.O. Box 210655**
City, State: **San Francisco, CA 94121**
Telephone: **415.269.0511**
Email: george@2vdesign.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 weekend 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	PROJECT FEATURES	Existing	Proposed
<input type="checkbox"/> Demolition	Building Use:	Residential	No Change
<input type="checkbox"/> Change of Use	Front Setback:	+/- 13 feet- 1 inch	No Change
<input checked="" type="checkbox"/> Rear Addition	Side Setbacks:	None	No Change
<input type="checkbox"/> New Construction	Building Depth:	+/- 56 feet	+/- 76 feet- 6 inches
<input type="checkbox"/> Façade Alteration(s)	Rear Yard:	+/- 69 feet- 9 inches	+/- 49 feet- 3 inches
<input type="checkbox"/> Side Addition	Building Height:	+/- 27 feet- 1 inch	+/- 27 feet - 5 inches
<input checked="" type="checkbox"/> Alteration	Number of Stories:	3 Stories	No Change
<input type="checkbox"/> Front Addition	Number of Dwelling Units	1 Dwelling Unit	No Change
<input type="checkbox"/> Vertical Addition	Number of Parking Spaces	None	No Change

PROJECT DESCRIPTION

The proposal is for the construction of a three-story, horizontal addition at the rear of an existing three-story, single family residence. At the first floor, the addition will be approximately 20 feet 6 inches in depth and 19 feet 3 inches in width. At the second floor, the addition will be approximately 8 feet 6 inches in depth and 19 feet 3 inches in width and include a new roof deck and exterior stair beyond the addition. At the third floor, the addition will be approximately 21 feet 6 inches in depth and 15 feet 2 inches in width. See attached plans for additional details.

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 sfplanning.org/notices and search the Project Address listed above.

For more information, please contact Planning Department staff:

Planner: **Gabriela Pantoja** Telephone: **628-652-7444** Email: Gabriela.Pantoja@sfgov.org

中文詢問請電

Para información en Español llamar al

Para sa impormasyon sa Tagalog tumawag sa

628.652.7550

General Information About Procedures During COVID-19 Shelter-In-Place Order

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice. If you have general questions about the Planning Department's review process, contact the Planning counter at the Permit Center via email at pic@sfgov.org.

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

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

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects that conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review ("DR"). If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a DR Application prior to the Expiration Date shown on the front of this notice.**

To file a DR Application, you must:

1. Create an account or be an existing registered user through our Public Portal (<https://aca-ccsf.accela.com/ccsf/Default.aspx>).
2. Complete the Discretionary Review PDF application (<https://sfplanning.org/resource/dr-application>) and email the completed PDF application to

CPC.Intake@sfgov.org. You will receive follow-up instructions via email on how to post payment for the DR Application through our Public Portal.

To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

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

Board of Appeals

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. The Board of Appeals is accepting appeals via e-mail. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (628) 652-1150.

Environmental Review

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

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



CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
36 DELANO AVE		3152008
Case No.		Permit No.
2019-012567PRJ		201906052592
<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. (n) (3) story rear addition: (n) 1st fl family room, laundry, bath; (n) 2nd fl breakfast nook, stair; (n) 3rd fl master suite. (n) roof dormer, (n) rear deck. No change to front facade		

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? Note that a categorical exemption shall not be issued for a project located on the Cortese List 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).
<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 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 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): Gabriela Pantoja	

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 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 checked="" 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 type="checkbox"/>	10. Reclassification of property status. (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <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 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 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:	

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: Gabriela Pantoja
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	09/14/2020
	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.

MODIFIED PROJECT DESCRIPTION

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:

36 Delano Request for Discretionary Review

BULLET POINTS

There were no changes to the project as a result of the pre-app or the mediation

Proposed addition:

- Is out of character

- Is incompatibly and uncharacteristically tall and deep

- Is out of scale

- Boxes me in and cuts me off from the midblock open space

- Articulation maximizes rather than minimizes impact on me

- Massed on my property line, against my setback, while providing large setback on other side against mostly blank wall

- Blocks my windows

- Third floor cantilevered over second floor

- Longer than it is wide

- Butterfly-style roof with overhang

- Will create intolerable noise in my bedroom

- Second floor deck and stairs on property line will violate the privacy of my interior living spaces

Alternatives

Limit third floor to 150 square feet, more if better articulated

Respect my setback and windows

Flat roof with no overhang

Set back second floor at my property line to back of my kitchen pop out

Set back and screen second floor deck, move stairs

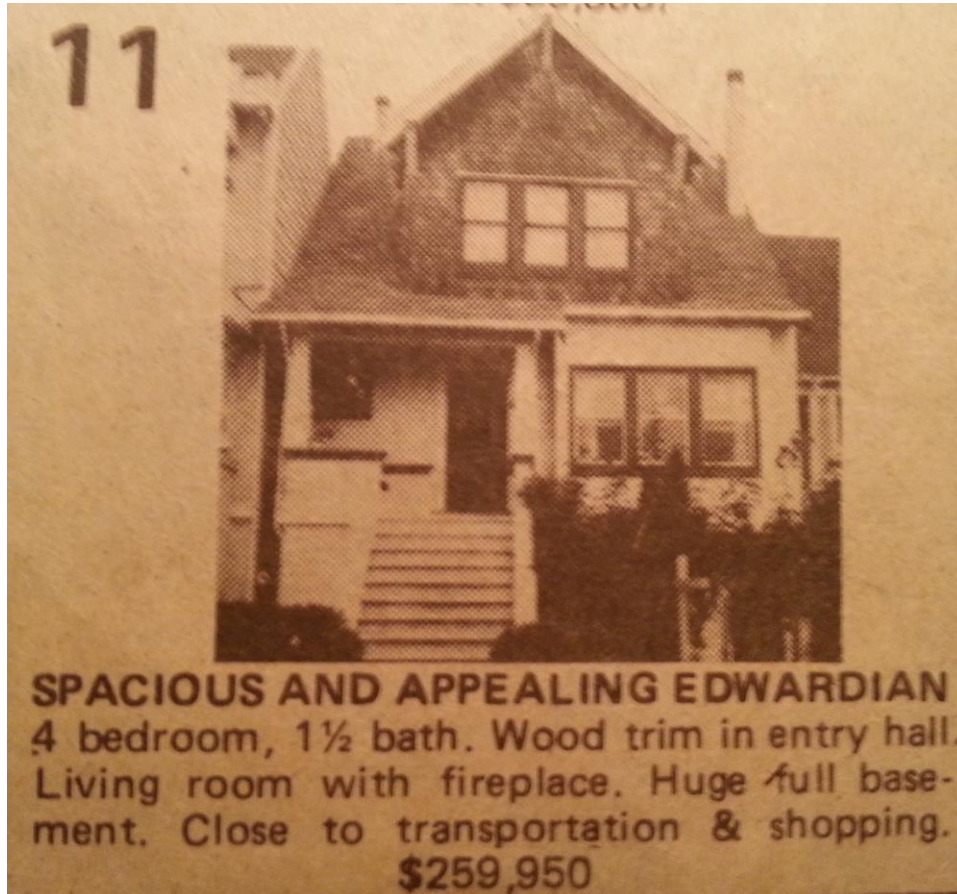
Shift entire project to other side of the lot, against neighbor's mostly blank wall

- while respecting the other neighbor's light well

- Can coordinate foundation work with neighbor's planned foundation work while leaving mine undisturbed

INTRODUCTION

I have lived at 40 Delano Avenue since 1988. It was a challenge to find a home that I could afford in a quieter, less dense neighborhood where, as a gay man on the autism spectrum, I could feel safe and comfortable. The least worst option turned out to be a total fixer in Mission Terrace.



(The third bedroom was off the dining room. The fourth bedroom was a sleeping porch. The house was also more Craftsman than Edwardian.)

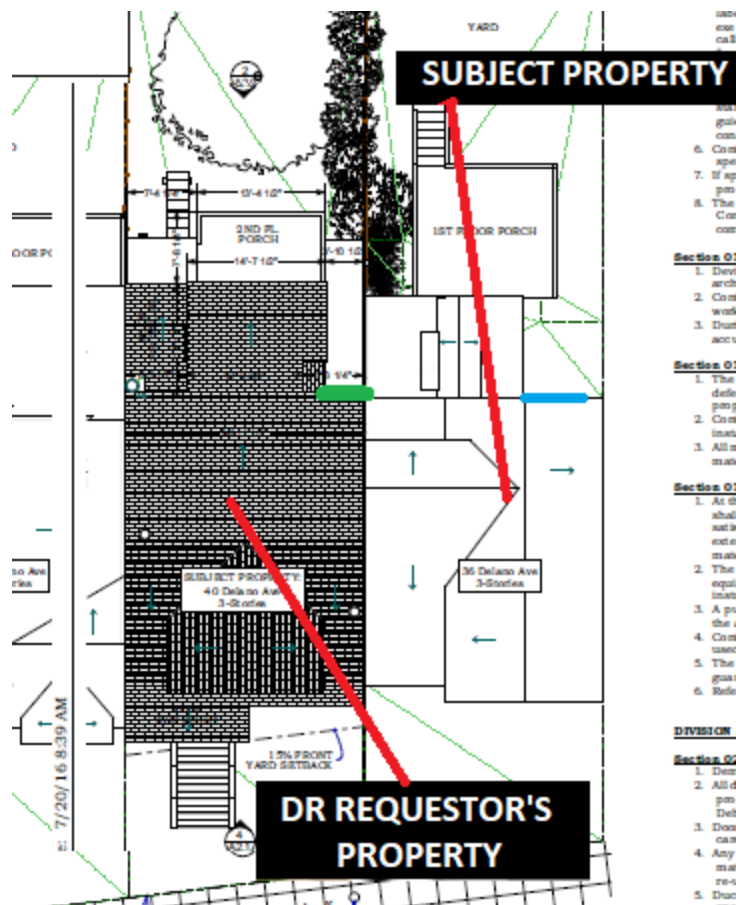
When I moved in, there were rear additions on both my house and the subject property. There were setbacks on both sides of the property line. These rear additions and setbacks had been there since at least 1938.



(San Francisco Aerial Photographs 1938 - David Rumsey Map www.davidrumsey.com)

In 1997, the previous owners of 36 Delano began a demolition and rebuild of their rear addition. It was a modest addition of 10' by 15'. In order to protect the light to their dining room windows, they decided to build along the property line and eliminate their setback.

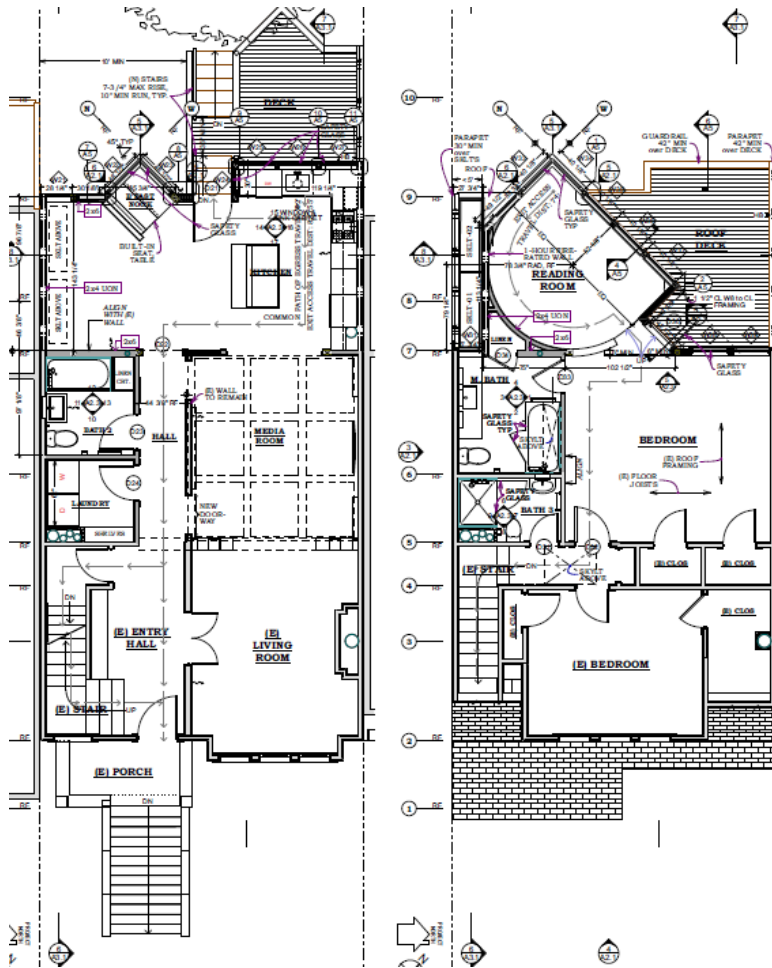
The previous owners and I had a neighborly relationship and I cooperated fully with their remodel. It was only after construction was completed that I realized that the new addition was ruining the light to my dining room. One architect doing a walk-through in 2014 called it "dank."



(My dining room window at the end of my setback was at the green line; the subject property dining room windows are at the blue line.)

This rebuild happened before the Residential Design Guidelines were adopted in December 2003. I don't know what the rules were then.

It was almost twenty years before I could afford to rebuild my own addition and remediate the damage. I filled in my setback, built a kitchen with lots of windows and made a large opening between the kitchen and dining room so that the dining room could borrow light from the kitchen.



(My second floor is on the left and the third floor on the right.)

Remodeling my house was one of the most difficult things I ever did in my life. Multiple mistakes in the construction management blew up the budget, delayed construction by half a year and twice came close to the project failing completely. I had to seek medical attention for a nervous breakdown. Yet I managed to complete the project and, at the end, I was proud of the result. I dubbed the house NeuJohnstein, after the infamous castle Neuschwanstein whose construction budget overruns nearly bankrupted the Kingdom of Bavaria.

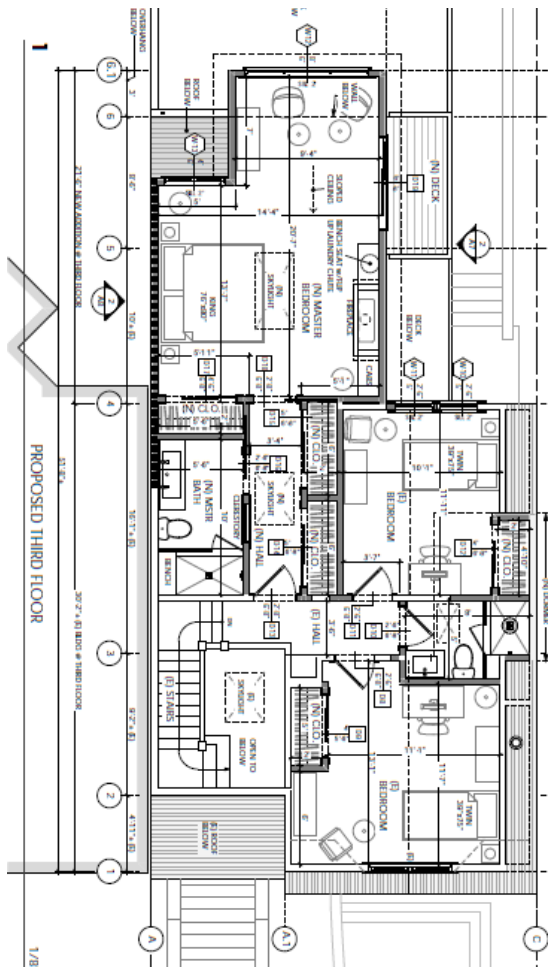
Now, the current owners of 36 Delano want to build up against my setback again, this time on the floor above. They have proposed a rear addition that would have a 21 ½ foot long wall right against the property line, completely walling off my setback and extending 7 ½ feet beyond.¹

Instead of articulating the addition to minimize the impact on me, it's almost as if the opposite has occurred:

- Massed against my property line at my setback
- Longer than it is wide

¹ The RDAT required them to carve out a 5-foot wide by 7-foot long setback at the far end, but approved the rest of the wall.

- Third floor cantilevered instead of set back
- Butterfly-style roof with an overhang



(The subject property is at right and my property is shown at left.)

And yet again, the project sponsors are saying that this massing is necessary to preserve the light in their dining room.

This time they would be boxing in and darkening my master bedroom instead of my dining room. Since we're now at the third floor, they would also be cutting me off from the mid-block open space.

When we designed my remodel in 2015, I made extraordinary efforts to communicate with the Campbells and I made substantial changes in response to their requests. The Campbells did not reciprocate. They did not let me know that the notification for a pre-app meeting would be coming, did not share any information with me before the pre-app, announced at the pre-app that they would not be making any changes and that they would be filing for the building permit the following week day.

At the pre-app on May 31, 2019, I asked them to respect my setback and not box me in. They said that building on the property line was the only possible feasible approach and that, by making my request, I was effectively opposing the entire project.

They filed for their building permit on June 5. There was no further communication between us until Mrs. Campbell emailed me on September 17, 2020 to say that they'd received approval.

At my request, the Campbells participated in a mediation facilitated by the Community Boards on October 25. I am sorry to say that there were no changes made to the project as the result of the mediation.

When we designed my remodel, we were very conscious of the Residential Design Guidelines. Our understanding was that at the third floor we were required to provide a setback and that we could not increase the square footage. Our understanding was also that we could increase the square footage at the second floor by only a small amount. These interpretations informed our design. The Planning Department's initial decision (a Notice of Planning Department Requirements or NOPDR) was that we could not increase the square footage at the second floor either. Our planner told us we could only expand at the partially below-grade first floor. After an in-person meeting, the planner relented and allowed a three foot by eleven-foot pop out at the second floor.

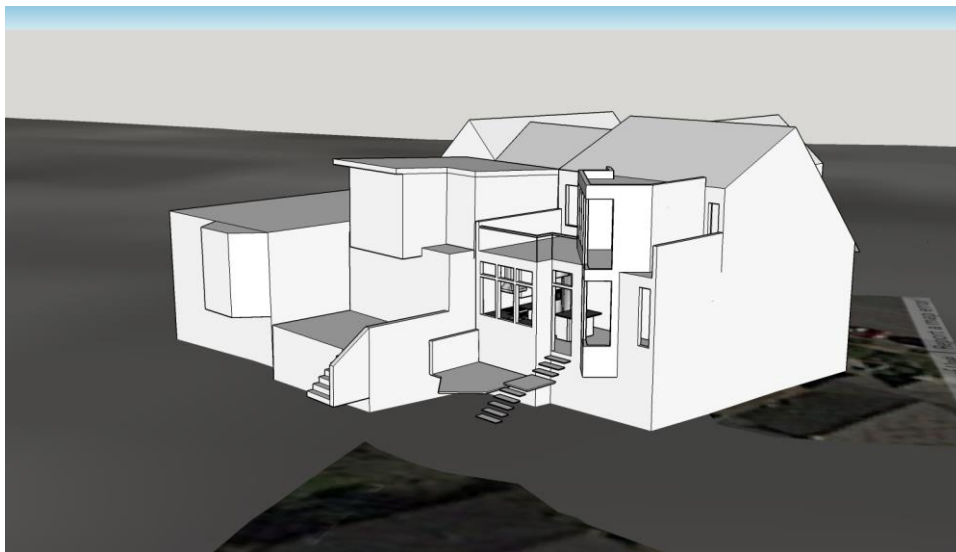
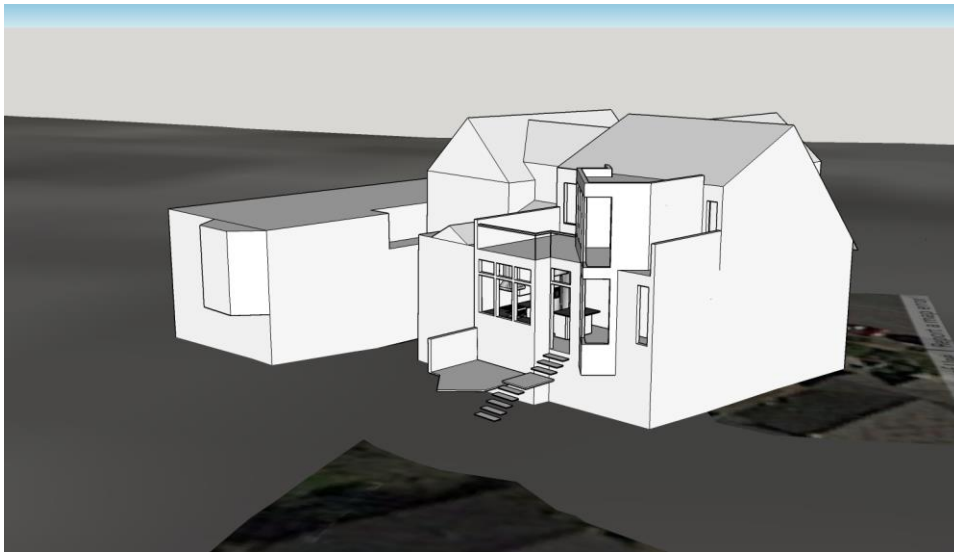
While that was not the most enjoyable experience, it did give us confidence that the Planning Department would protect our setback and windows in the future and we proceeded with the approved plans. Had we thought otherwise, we would have designed and built something else.

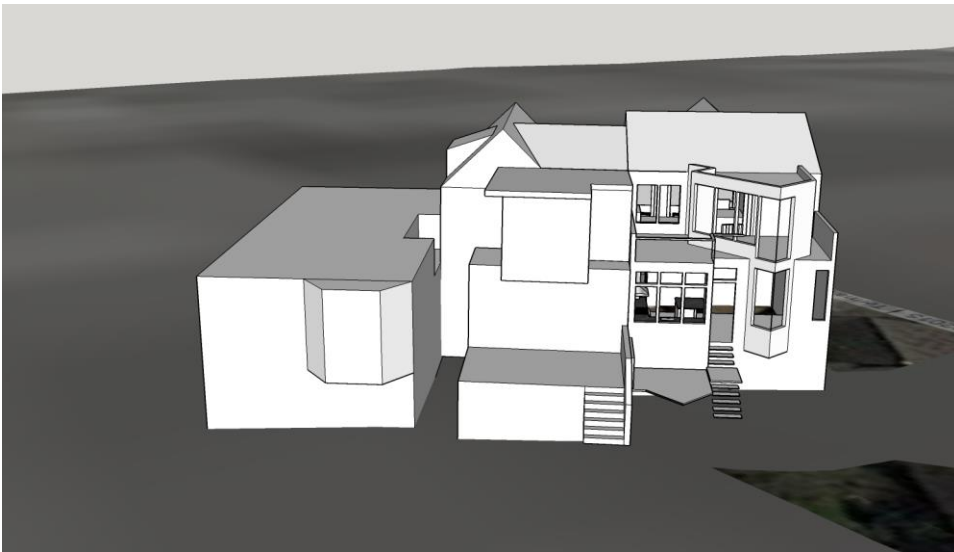
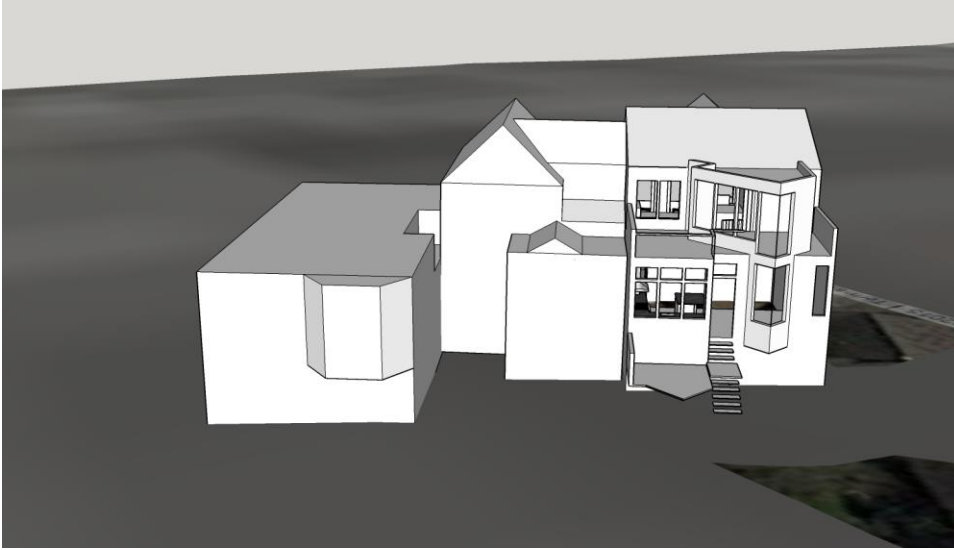
Four years later, I was shocked and dismayed when the Planning Department approved the Campbells' proposal. The Residential Design Guidelines, the specific law governing such matters, had not changed, yet seemed to be interpreted in an entirely different way. I was also puzzled that the Planning Department was very strict about not allowing a dormer to cast a shadow on a light well that the plans were otherwise generously accommodating to, but allowed such a large wall to box me in with only a minimal change.

I am asking the Planning Department staff and the Planning Commission to take another look.

NOTE:

I personally find plans and elevations difficult to imagine in three dimensions. I created a detailed SketchUp model of my property that I played with during my recent remodel. I have now updated it with the massing of the subject property and their other adjacent neighbor to help me better understand what the Campbells are proposing. Here are four images from SketchUp: before and after, viewed from an angle and head-on. The subject property is in the middle and my house is on the right. The first pair of images show my setback and how the wall would box me in. The second pair of images show the Campbells' new setback against the mostly blank wall on their other property line. Their dining room windows are at the end of this setback.





OVERVIEW

My presentation is divided into two parts, the main discussion and an appendix.

In the main discussion:

I answer the questions in DR request package. I discuss my concerns, starting at the third floor and working my way down. I tie these concerns to the Residential Design Guidelines. I propose alternatives that would be acceptable to me.

I briefly respond to the arguments made by the neighbor's architect at the pre-app.

I briefly describe my attempts to discuss the proposed project with the Campbells. I provide a timeline.

I make a brief summary statement.

In the appendix:

At the pre-app Mr. Campbell made some statements against discretionary review that were not grounded in the Residential Design Guidelines. I have put this portion into an appendix.

I give the pre-permit history of my remodel (building permit application 2015.03.26.1956). I detail the extensive communication between me and the Campbells both before and after the pre-app. I list their extensive requests for changes and discuss which ones I agreed to and which I didn't.

DISCUSSION

ANSWERS TO THE QUESTIONS IN THE DR REQUEST PACKAGE

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.

There were no changes as a result of the pre-application meeting.

The RDAT required two changes, as listed in a Plan Check Letter dated December 11, 2020. The first was along my property line and the second was along the property line on the other side from me:

The first change was “setback the proposed third floor’s south wall at minimum five feet from the south property line for the rearmost seven feet and reduce the rear roof overhang to be no more than one foot.”

The second change was “reduce the proposed dormer along the north wall by seven feet” (to protect the light well of the neighbor on the other side).

There were no changes to the project as a result of my discussions with planning staff.

There were no changes to the project as a result of the mediation.

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 [c]ite specific sections of the Residential Design Guidelines.

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.

I have combined my response to these two questions together. There would be some overlap if I tried to separate them out and I do not want to be too repetitious.

The Planning Code Priority Policy that I am citing is "That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods."

The specific sections of the Residential Design Guidelines that I am citing are (emphasis added):

"DESIGN PRINCIPLE: Place the building on its site so it responds to the topography of the site, its position on the block, and to **the placement of surrounding buildings.**"

"GUIDELINE: **Articulate the building to minimize impacts** on light and **privacy** to adjacent properties."

"DESIGN PRINCIPLE: Design the building's scale and form to be **compatible with that of surrounding buildings**, in order to preserve neighborhood character."

"GUIDELINE: Design the **height** and **depth** of the building to be **compatible with the existing building scale** at the mid-block open space."

"Even when permitted by the Planning Code, building expansions into the rear yard may not be appropriate if they are **uncharacteristically deep** or **tall**, depending on **the context of the other buildings that define the mid-block open space**. An **out-of-scale** rear yard addition can leave surrounding residents feeling **'boxed-in' and cut-off from the mid-block open space.**"

and



Although the Planning Code allows a three-story addition extending into the rear yard, the addition is substantially out of scale with surrounding buildings and impacts the rear yard open space.



A two-story addition with a pitched roof lessens the impacts of the addition and is more in scale with the rear of the adjacent buildings.



This addition has been scaled back to two stories and is set in from the side property lines to minimize its impact.



This addition extends the full width of the lot but is set back at the second floor so the building steps down to the rear yard.



The rear stairs are setback from the side property line and their projection into the rear yard is minimized, in order to maintain the mid-block open space.

“The context of the other buildings that define the mid-block open space”:

Most of the buildings are single-family homes of two stories. Most of these are “full-five” houses over a garage, built in the 1920s. There are also a few smaller cottages, built in the 1910s. There are six three-story single-family homes, built in the 1910s. Five of them are in a row and the other is three lots up the block. These three-story SFHs are less deep than the full fives. The subject property is at the northern end of this row of five and mine is next to it. There is also a quite tall former Masonic Lodge at the southeast corner of the block.

The block has a strong MBOS. The only structures are a few sheds, garages and an accessory dwelling unit. These structures are all only one story and, at the second and third floors, the MBOS is unobstructed.

“Uncharacteristic”

To determine what is “characteristic,” we need to look at the existing third floor additions. There are only three houses in the row with third story additions, mine and the two just south of me. The two third-floor additions on the other side of me are about 12 feet deep. Mine is 14 feet deep but is articulated to minimize the impact on the adjacent properties. (I have only three square feet beyond the 12-foot line). The two third floor additions south of me have shed roofs; mine has a flat roof.

The proposed third-floor addition would be 21 ½ feet deep with a butterfly-style roof. That would be uncharacteristically deep and tall.

“Out-of-scale”

In determining what is “out-of-scale,” I note that the three other third-floor additions, including mine, are about 150 square feet. The proposed third-floor addition would be about 300 square feet and, therefore, would be out-of-scale.

The dark green line shows the original rear of the five three-story houses in the row. The other houses are two stories. The light green line shows the depth of the third-floor additions on the three houses that have them.



(Note: the image is from when my remodel was still under construction.)

“‘Boxed-in’ and cut-off from the mid-block open space”

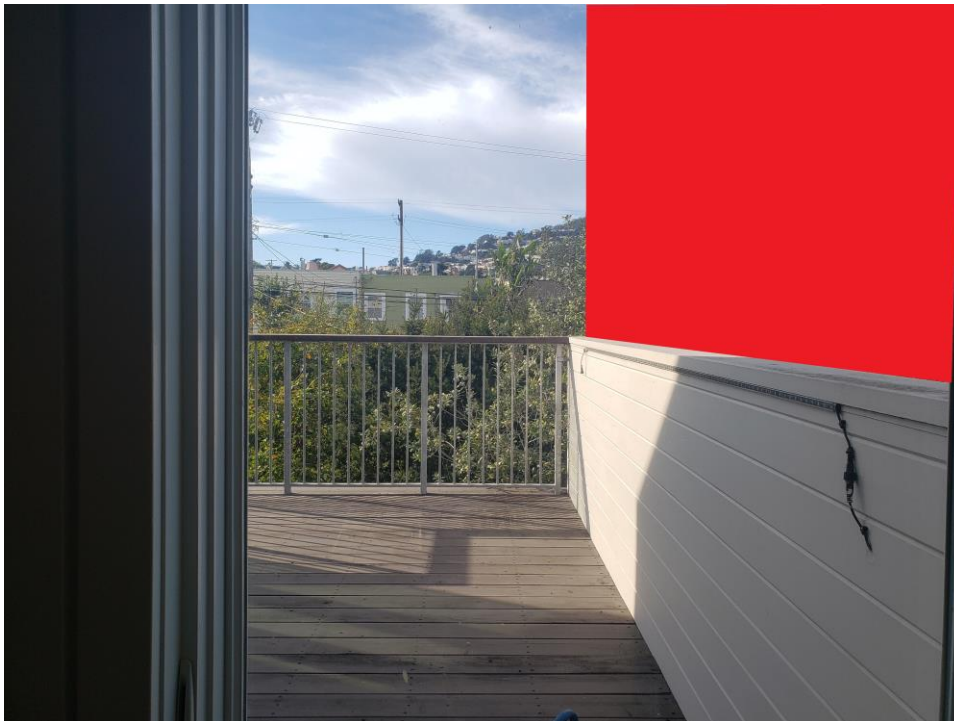
The proposed rear addition would be massed on my property line, while oddly leaving a varying five to ten-foot-wide setback on the opposite side of the parcel against a mostly blank wall. The addition is quite articulated but the articulations increase rather than minimize the impact on me. The addition is longer than it is wide and the third floor is cantilevered over the second floor. There is a butterfly-style roof with an overhang. The addition would leave me feeling ‘boxed-in’ and cut-off from the mid-block open space.

The following five pairs of photos show how imposing the proposed wall would be.

Entering the bedroom, before and after:



From the windows in the main bedroom area:



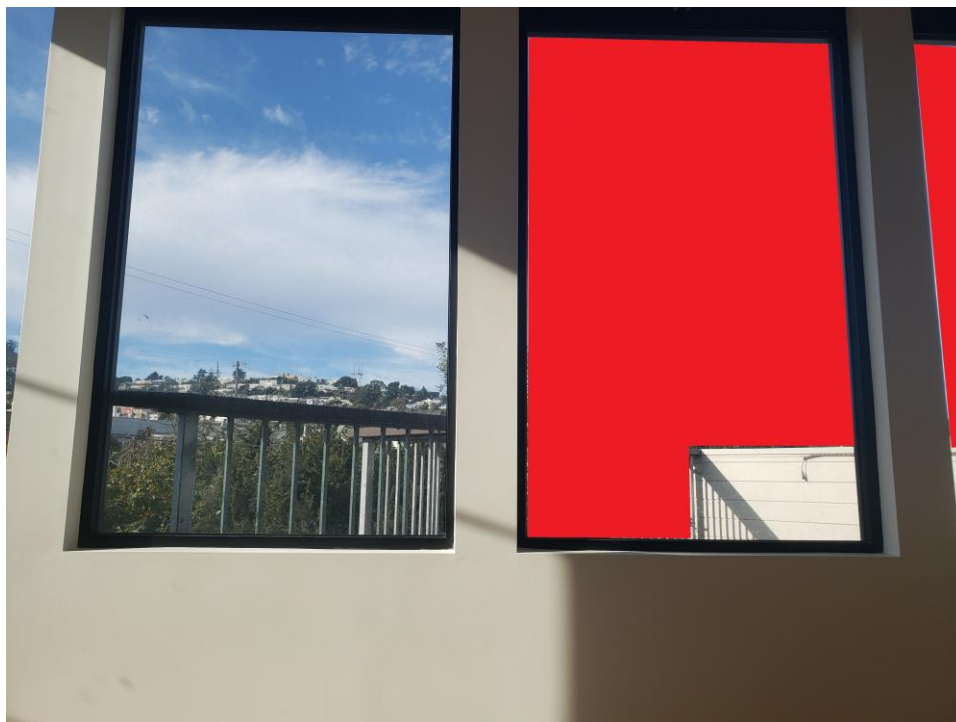
Sitting up in bed:



Entering the bedroom from the bathroom:

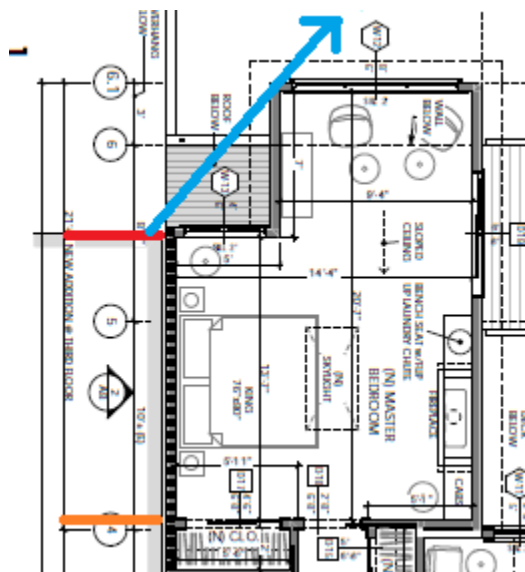


Sitting in the lounge area of the bedroom:



How does one determine whether a window is substantially blocked? The Residential Design Guidelines do not give a formula or much verbal guidance.

I talked on the phone with the planner in December 2019, after seeing the Plan Check Letter posted online. I asked how the size of the required 5' by 7' setback had been determined. She said that it was based on a 45-degree angle from my windows. This made no sense to me until it occurred to me that she may have thought that my windows were at the red line and not where they actually were, at the orange line.



(Plans dated August 24, 2020)

What is the result if I apply the planner's 45-degree angle rule of thumb to plans that show my setback and window?

The image below shows my property to the left and the subject property to the right. The yellow rectangle is the seven-foot-by-five-foot setback required by the RDAT. Clearly, by any reasonable interpretation, the two windows at the bottom (above the label "SAFETY GLASS") are substantially blocked by the wall, even after the setback, as is the glass panel door just to the left of them.

By the 45-degree angle rule of thumb², the original proposal blocked all five of the windows (counting the glass panel door) on the half of my property closest to the subject property (those to the right of the red arrow). The RDAT-required setback provided some relief by unblocking one window (the one between the red and orange arrows), but left the other four still blocked (those to right of the orange arrow).

The green arrow shows a 45-degree angle at the window nearest the property line.

² How does one tell when a window that is not perpendicular to the property line is blocked? It would not be reasonable to calculate the angle off of something that is itself angled. It would be reasonable however to calculate the angle treating the window as if it were perpendicular to the property line. That turns out to be equivalent to drawing the arrow going the other way, from the wall causing the blockage to the window.

Noise/acoustics

The RDGs do not mention noise or acoustics and I am not expert enough to search the General Plan or the Planning Code, but it seems reasonable to me that this unique situation is within the purview of the the Planning Commission.

The proposed addition would turn my third floor setback into an ear trumpet.



(He reminds me of the previous owner of the subject property.)

I live about 700 feet from the Southern Freeway (Interstate 280). The freeway noise on the roof deck can be loud, but it is manageable inside. The construction of a 14 ½ foot wall on one side of the deck will create a funnel that will focus the freeway noise onto my bedroom windows. I fear that the noise inside will no longer be tolerable.

This concern isn't just some unfounded speculation: I had a similar effect before I remodeled. A five-foot wide setback focused the freeway noise into my bathroom. That setback had parallel walls and a pitched roof at the bottom. (Upper right in the drawing)

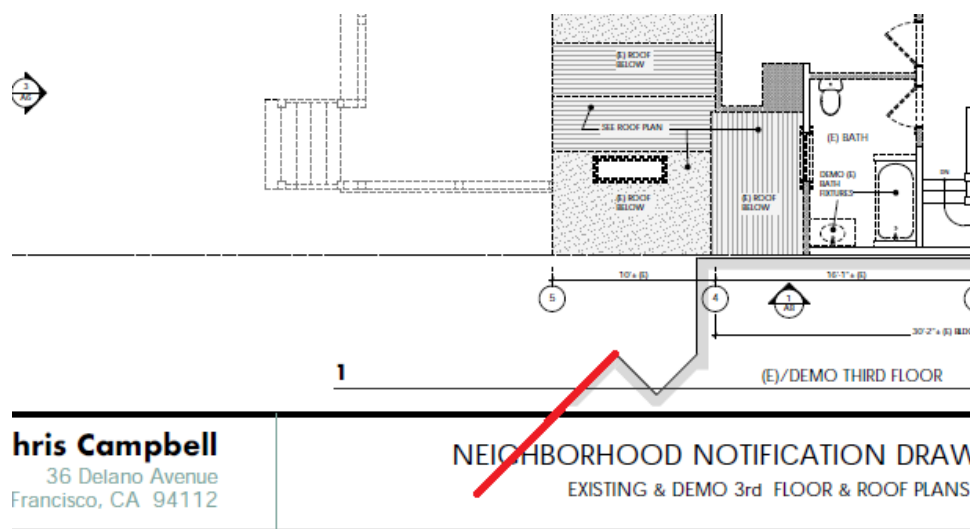
It was by far the noisiest room in the house. But It was just the bathroom where ambient noise isn't necessarily an issue.



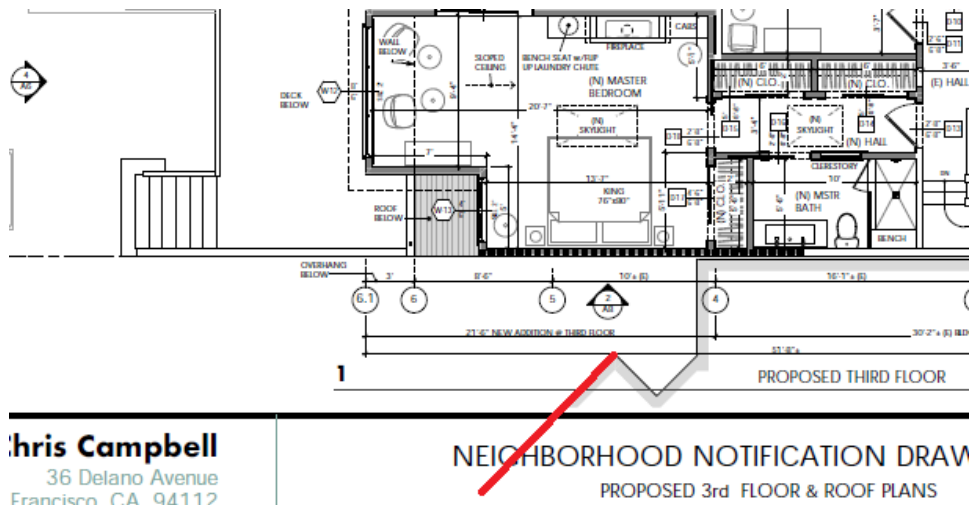
(The subject property is on the left and my property is on the right, before my remodel.)

The proposed project would create converging walls that will amplify the freeway noise and the sound will be focused at the bedroom, where I will be trying to sleep.

Currently:



Proposed:



(The subject property is on top and my property is below; the red line shows the complete length of my wall at my setback.)

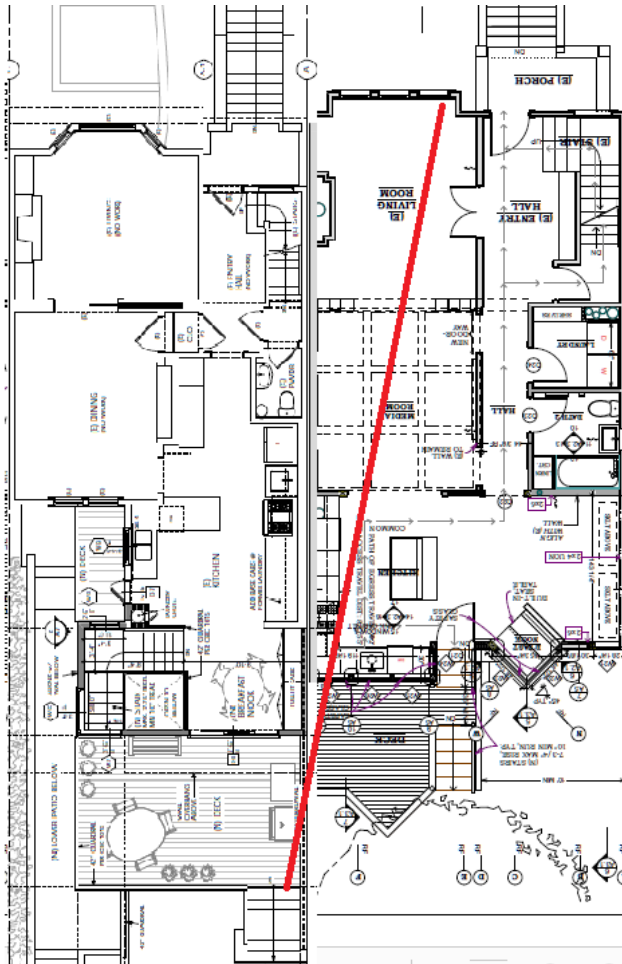
SECOND FLOOR

“Privacy”

The proposal includes a large deck on the roof of the first floor and off the kitchen. The deck would abut my property line. People coming up the deck stairs or standing on the deck near the property line would be able to see into and through the entire 46-foot depth of my house: kitchen, dining room and living room. In my SketchUp model you can see through my kitchen windows all the way to the bay windows at the front of my house.

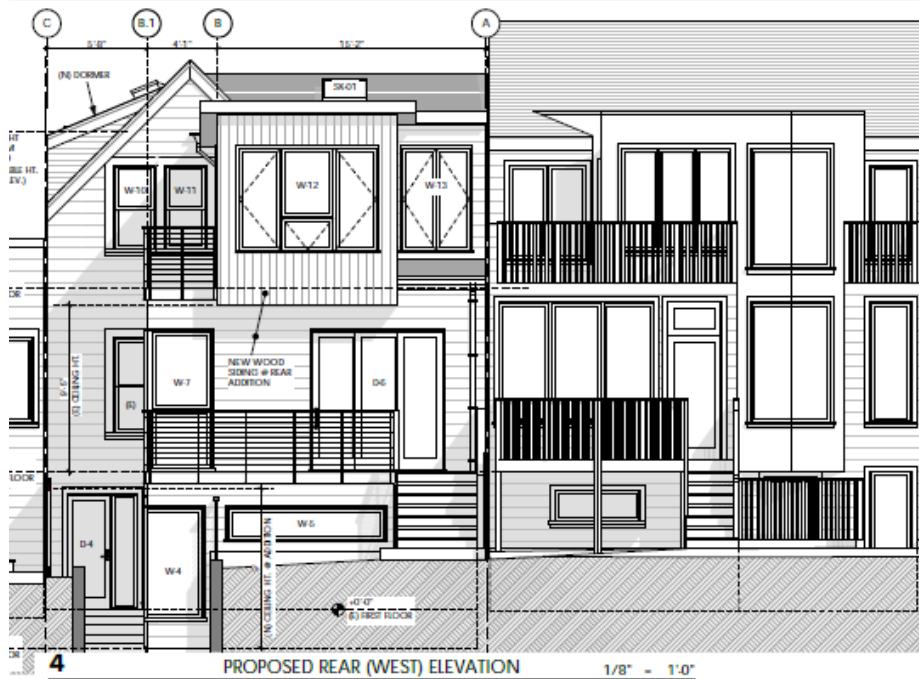


(The subject property is on the left and my property is on the right, zoomed out a bit to show context.)



(my mash up: the subject property plans are on the left and my property is on the right, with the line of sight from the deck stairs of the former through to the front windows of the latter in red.)

If I had a deck that enabled me to see into the Campbells' windows, this request of mine would be hypocritical. One might think I have such a deck based on the plans submitted by the Campbells. For example, the elevations show my second story deck at the same level as their proposed deck.



(The subject property is on the left and my property is the right)

These elevations incorrectly show my deck as being three feet or so higher than it actually is. Here is a photo; note that there are five steps up to the door. From this deck, I can't even see into my own windows, let alone anyone else's:



(My property, after my remodel.)

Below is the view from my kitchen window nearest the property line. Most of the foliage obscuring where the deck would be is on the Campbells' property and would be removed during the project.

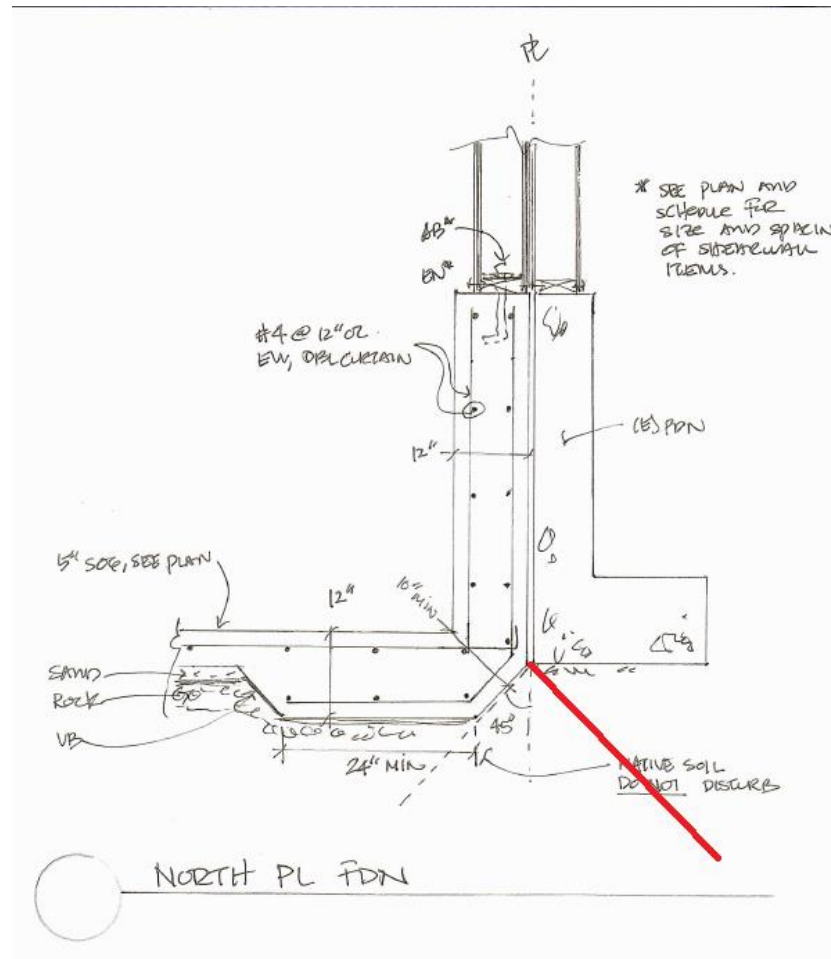


The Campbells currently can see into my kitchen from their existing deck. I usually have to leave the room when I see them. If the new deck allows them to see through the length of the house, I would have to go upstairs.

FIRST FLOOR

FOUNDATION

The proposed addition would require lower the depth of the Campbells' foundation at the rear by two feet two inches. Our two foundations are currently at the approximate same depth. The angled bottom of my foundation is above their angle of repose.



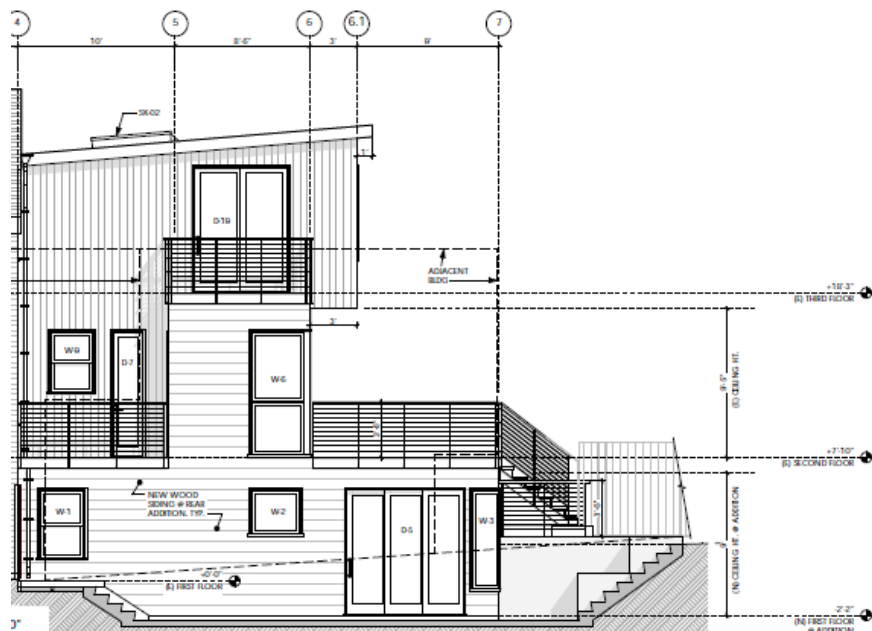
(My engineer's drawing: My property is on the left and the subject property is on the right. I'm not an engineer, but my understanding is that the red line would be my angle of repose.)

In their application, the Campbells indicated that they would be excavating a total of 45 cubic yards.

6. Geology and Soils	Is the project located within a Landslide Hazard Zone, Liquefaction Zone or on a lot with an average slope of 20% or greater?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	A geotechnical report prepared by a qualified professional must be submitted if one of the following thresholds apply to the project:
	Area of excavation/disturbance (in square feet):		<ul style="list-style-type: none"> The project involves: <ul style="list-style-type: none"> excavation of 50 or more cubic yards of soil, or building expansion greater than 1,000 square feet outside of the existing building footprint.
	Amount of excavation (in cubic yards): <i>45 cu. yards</i>		<ul style="list-style-type: none"> The project involves a lot split located on a slope equal to or greater than 20 percent.
	<i>A geotechnical report may also be required for other circumstances as determined by Environmental Planning staff.</i>		

(from their Environmental Evaluation Screening Form)

My rough calculation is that the excavation will be around twice that: 25 feet wide times 30.5 feet long times 2.2-to-5 feet deep or, converting to yards, about 8 yards times 10 yards times at least one yard.



(The subject property, proposed north elevation; the sloping dashed line shows the existing grade)

Excavation of more than 50 cubic yards requires a geotechnical report.

My understanding is that the Campbells would have to underpin my foundation and that I would be obliged to fully cooperate to avoid waiving their liability.

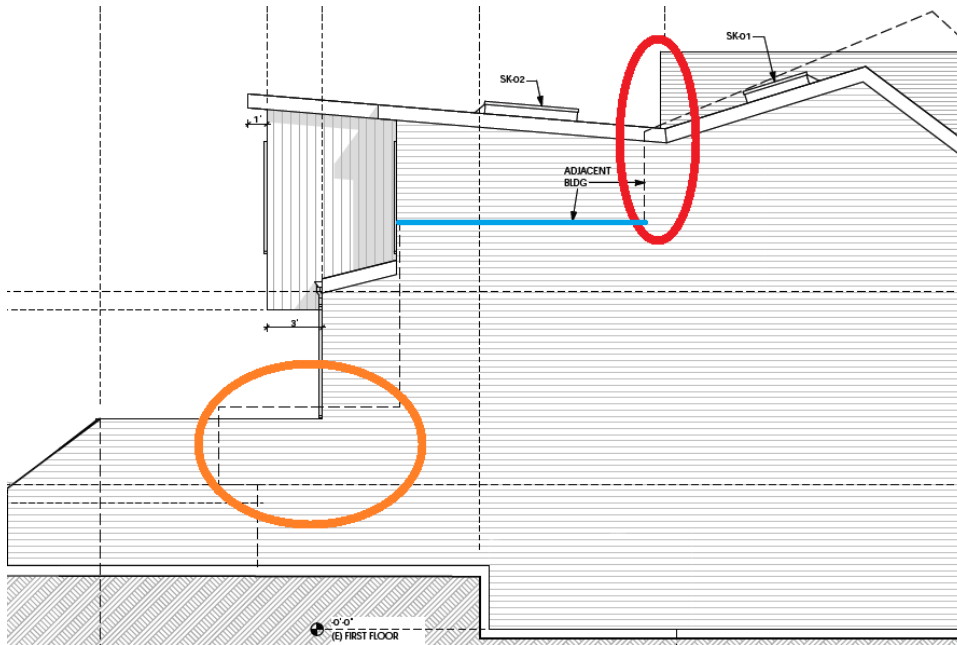
This becomes a matter of trust. If they are not being candid about a relatively trivial matter like the size of the excavation, how can I trust them to safely and properly underpin my foundation?

I would also like to avoid a repeat of what happened during my remodel with my other adjacent neighbor. An issue involving his foundation--or lack thereof--delayed my project for six weeks. He had to hire a structural engineer, Patrick Buscovich, and I had to pay extra fees to my structural engineers.

The six-week delay also caused such serious financial harm to my contractor that he almost quit. Had that happened I would have lost everything.

SPECIAL REQUEST

Any setbacks ordered should also include a specific reference to any feature of my building they may be keyed off, due to potential inaccuracies in the plans. The red oval shows the original rear of my building almost a foot beyond the rear of their building. In fact, the rear of their building is slightly deeper. The orange oval shows my lower deck and firewall approximately three feet higher than they are.



(The proposed south elevation. The blue line shows the 42" high firewall at my setback.)

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?

My answer follows, going through by floor by floor.

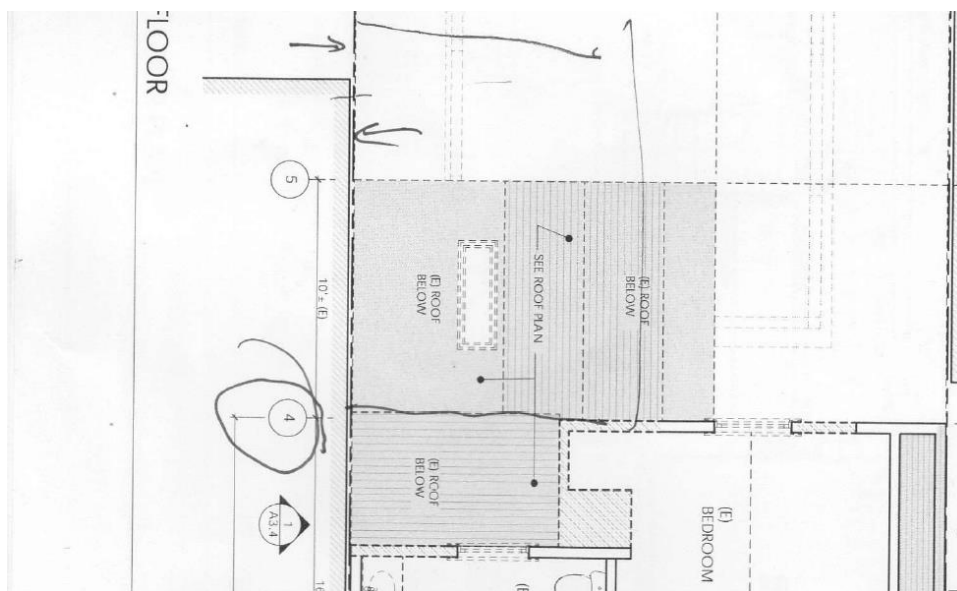
THIRD FLOOR

On October 14 of this year, after receiving approval from the Planning Department, Mrs. Campbell wrote to me that “the compromise you suggested essentially eliminated the entire project.” This comment rachets up a claim made by the architect, Mr. Wesely, fourteen months earlier: “your solution was for the clients to essentially abandon their upper floor addition.” I assume this is how they described my position to the Planning Department in their report.

My request was that they not build right up against the property line at my setback. I never suggested eliminating the third-floor addition, let alone the entire project. Such a position would be unsupportable. Adding, say, 150 square feet on the third floor and expanding the second-floor addition to 300 square feet would not be out of scale or uncharacteristic. My request was simply that they not build right up against my setback.

My request was entirely consistent with the Residential Design Guidelines, which I became familiar with during my remodel. They should have anticipated that I would make it, rather than shouting, “This is all about the view, isn’t it?” When I replied that I was entitled to enjoyment of the mid-block open space, Mr. Campbell should not have lost his temper.

After the pre-app, on their porch, away from Mr. Campbell, Mr. Wesely, the Campbells’ architect drew a box on a copy of the plans. I circled the number 4 to indicate where my setback began--it wasn’t shown on the plans--and said that a slightly smaller box would also not be acceptable if it was still up against the property line.



The Residential Design Guidelines say:

The following design modifications may reduce the impacts of rear yard expansions; other modifications may also be appropriate depending on the circumstances of a particular project:

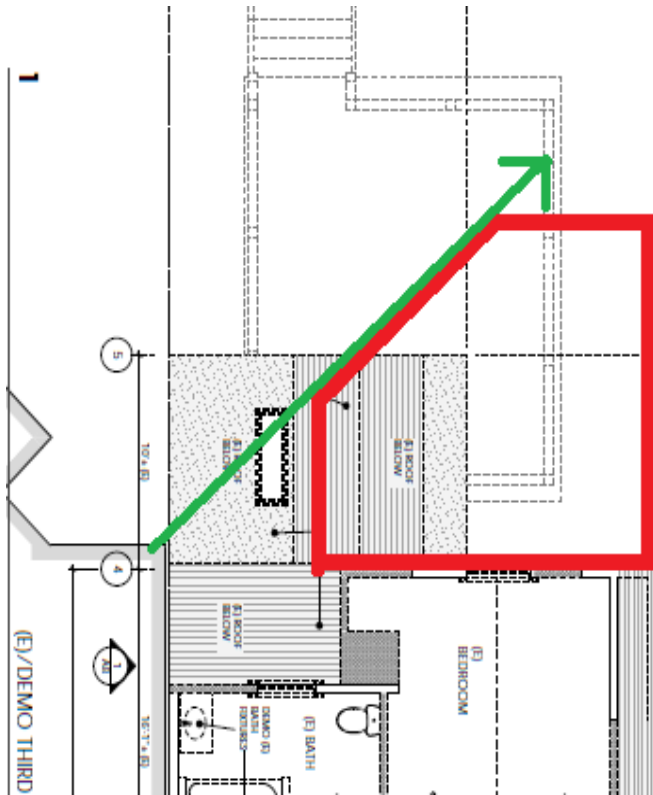
- Set back upper floors to provide larger rear yard setbacks.
- Notch the building at the rear or provide setbacks from side property lines.
- Reduce the footprint of the proposed building or addition.

The first two modifications are necessary here. (“Footprint” presumably only refers to the first floor.)

The building should have a significant setback that is no smaller than my setback. (The RDAT required a 7' x 5' setback, that still leaves 14 ½' feet of wall right up against the property line at my setback.) When I presented the Campbells with alternatives for my addition (see the appendix), I showed them versions with a five-foot wide setback and a version with an 11-foot wide setback. (In all versions the setback went to the rear of their house.) They insisted on the wider setback and now they should be required to respect it.

If unarticulated, third-floor addition should be no larger than 150 square feet, in line with the third-floor additions at 40, 46 and 50 Delano. To minimize the impact on my property, an unarticulated addition should be no deeper than it is wide. That works out to a maximum depth of 12 feet.

More square footage could be accommodated if the addition were better articulated. It could be stepped, tapered or angled somehow. An addition articulated as shown below (in red) would be over 240 square feet (minus whatever is required to match the neighbor's light well), but would have significantly reduced impact on my setback, that is, it does not cross the 45-degree angle from my window at the back of my setback (green arrow). This is just an example; many other variations would be possible. A stepped back addition would avoid having angles, but would provide less space, depending on the number of steps.



Of course, any addition should accommodate the light well on the adjacent property. Such an accommodation however does not require a 30-foot-long setback.

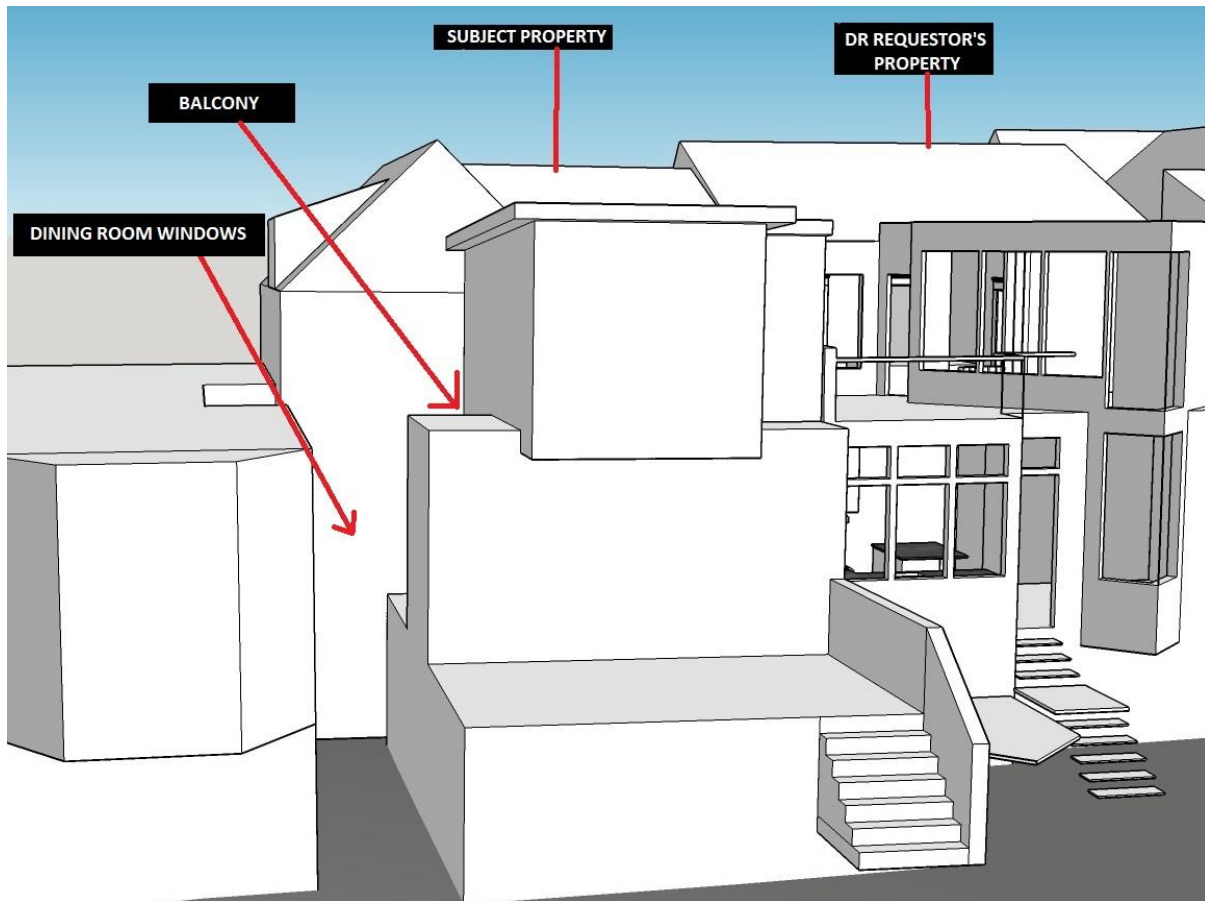
I do not know why the Campbells are so adamant about building up against my setback that they would rather abandon the project than consider alternatives.

At the pre-app, the Campbells described two goals for their program.

First, they wanted three bedrooms on the third floor, for themselves and for their two children. I believe that a smaller addition could still accommodate three bedrooms. However, it might not accommodate one of the three bedrooms being a 450-square-foot master suite. I also do not know why they are so insistent that all the bedrooms have to be on the same floor. There have been many renovation projects in the neighborhood recently and, where bedrooms were added, they were usually on separate floors. They could still have a large master suite on the third floor if they combined one of the existing bedrooms with an appropriately sized addition. That is what I did with my remodel.

Second, they said that they wanted to protect the natural light in their dining room. The current plans have the dining room windows at the end of a twenty-to-thirty-foot-long, five-to-ten-foot wide setback against the mostly blank neighboring wall. There will be no direct sunlight and little indirect light in the dining room. It is difficult for me to understand how the proposal fulfills the second goal.

Another possible motivation for the massing along my property line is the proposal for a balcony off the master suite. This balcony would be open on both sides and have an open rail parallel to the adjacent property. My understanding is that to have an open rail instead of a fire-rated wall requires a distance of five feet from the adjacent property. The balcony would have sweeping views from Mt. Davidson to Mt. Diablo.



(My SketchUp model; also see the proposed west and north elevations above.)

The Campbells are correct that the Residential Design Guidelines do not protect the view from my setback. However, the guidelines do not allow them to maximize the negative impact on my property just to optimize their view.³

There are other ways for them to enjoy this view without massing their building along my setback. They could have a fire-rated window at the property line. They could have a balcony along the property line with a fire-rated wall; the balcony could be open on the side facing the required light well. They could have a balcony off the rear end of the third-floor addition.

³ The same principle applies to the view at the rear. They should not be allowed to have a butterfly-style roof with an overhang just to enhance their view of Mt. Davidson.

SECOND FLOOR

The second-floor roof deck should be set back from the property line. The stairs from the yard to the deck should also be set back to avoid direct sightlines into the entire length of my house. Some screening may also be required. Since it would be at the second floor such a screen would not cut them off from the MBOS. There is a screen at my other property line that provides privacy to my interior and to the neighbors' hot tub.

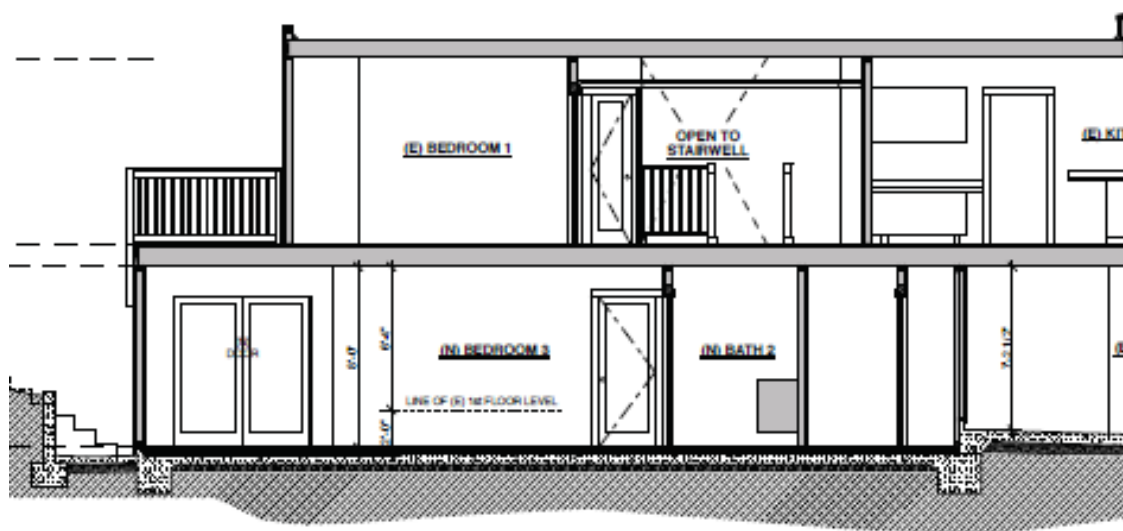
The second-floor addition should have a setback at the property line at the rear of my second floor. I do not think that revising the envelope and layout of the second floor would be a burden on the Campbells. The only changes to the second floor interior are an atrium staircase and a relocated breakfast nook.

FIRST FLOOR

My request is that they not be allowed to disturb the soil below the angle of repose of my foundation.

This could be accomplished by moving the long, narrow setback at the other side to my side. I do not think that this would be a burden to the Campbells. I do not think it would require demolishing and rebuilding their kitchen or would interfere with the dimensions of their family room at the first floor. Nor would it interfere with the bath remodel in the existing structure.

I do not think that doing so would create a burden for the neighbor on the other side. The light well could still be accommodated. In addition, the neighbor has received a site permit for her own modest remodel (building permit 2019.04.25.8950S). That project would involve lowering her own foundation by 20 inches along entire length of the Campbells' proposed excavation. At the pre-app meeting, both parties expressed a hope that they could coordinate their two projects.



(The approved plan for 30 Delano, the other adjacent property, with a deepened foundation.)

I also believe that it would result in a better project for the Campbells. After the previous remodel at the subject property and before my recent remodel, I had an 11-foot-by-5-foot setback at my dining room window. The setback received no direct sunlight and little indirect light. It was cold and damp. The proposed setback would be several feet higher on both sides and two to three times as long. It will get even less light. Most of the windows in the addition will face this setback. In addition to being cold, dark and damp, it will have unfortunate acoustics. Kitchen and toilet noises will echo and be heard in all the rooms. A setback on my side would have none of these problems. There would likely have to be fewer or smaller windows (for example, clerestory windows) to protect their privacy, but the southern exposure would more than make up for that.

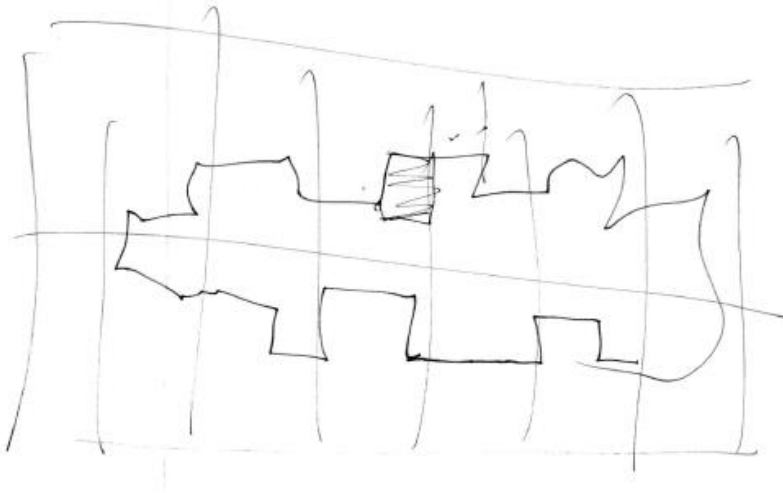
RESPONSE TO ARGUMENTS MADE BY MR. WESELY, THE CAMPBELLS' ARCHITECT

At the pre-app meeting, Mr. Wesely made two arguments for the case that the Residential Design Guidelines allow them to box me in and cut me off from the mid-block open space. Neither was convincing to me.

"PATTERNS"

Mr. Wesely said that the Planning Department would be looking at "patterns" to determine whether building against my setback would be acceptable.

He drew this picture:

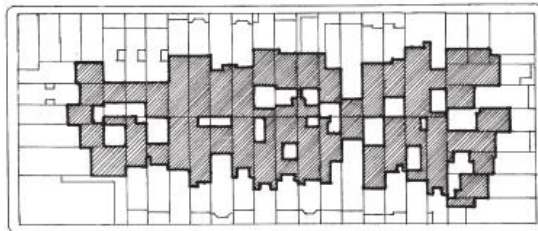


I recognized that the picture is apparently based on page 26 of the Residential Design Guidelines:

Block with a strong mid-block open space pattern.



Block with an irregular mid-block open space pattern. The rear yards of many of the parcels are developed with structures.



My understanding of Mr. Wesely's argument is this:

If a block does not show a strong pattern of matching setbacks, then there is no obligation to respect a neighbor's setback. The darkened square in his drawing, which shows the proposed addition boxing in my setback, is therefore permissible.

The captions explain that this portion of the RDG is meant as guidance as to whether there is a strong mid-block open space. That determination depends on how many structures are within the MBOS. (As noted above, our block does have a strong MBOS.) These two RDG illustrations don't appear to me to have anything to do with patterns of setbacks.

"PLENTY OF OTHER WINDOWS"

At the pre-application meeting, the architect said—flippantly, it felt to me--that it was OK for them to block several of my windows because "there are plenty of other windows." I am unable to locate anywhere in the Residential Design Guidelines where it is stated that it is permitted to block windows up to a specified proportion. It is difficult for me to imagine a proposed project that managed to block all the windows on the adjacent property.

My interpretation of Mr. Wesely's statement is that my master suite has a few other windows in addition to the several that would be blocked. Even that seems to me to be an odd interpretation of the Residential Design Guidelines. Would the application of the Residential Design Guidelines be different if the master suite were two separate rooms instead?

My remodel was essentially completed and I was able to move back in about two years ago. In those two years I have a better understanding of how the remodeled house functions and where there are shortcomings. When we designed the house, we had certain assumptions about what my lifestyle would be like once I retired. I imagined myself sitting in big easy chairs in various places about the house rereading the Great Classics of Western Canon. Instead I have been spending the days at the computer doomscrolling through all the recent terrible news.

I also have terrible insomnia, like many other older people. My doctor has advised, among other things, better "sleep hygiene." One part of sleep hygiene is that it is better to have a room solely dedicated to sleeping, rather than a large room where one does other things as well.

Based on the above, I had been thinking about dividing the master suite into two separate rooms. This could be quickly and inexpensively done by rebuilding a partition wall that was demolished for the remodel. Such a division would leave the bedroom with just the two windows that would be most severely impacted by the Campbells' proposal. The bedroom would become dark and feel "boxed in." While that may be fine for sleeping, it would be unpleasant to wake up to. That situation would effectively eliminate my option of making such a change.

TIMELINE OF ATTEMPTS TO DISCUSS THE PROPOSED PROJECT WITH THE CAMPBELLS

May 21, 2019 After I received the notice for the pre-app meeting, I emailed the architect for additional information.

May 29 The Campbells replied that I could see the plans at the meeting.

May 31 I attended the pre-app meeting. There were no changes in the plans as a result.

June 5 The Campbells applied for their building permit.

Sept 17, 2020 Mrs. Campbell let me know that Planning had approved their project

Oct 12 I submitted a mediation request to Community Boards.

Oct 25 The Campbells and I participated in the mediation. There were no changes in the plans as a result.

CONCLUDING SUMMARY

The most dismaying part of this process for me has been the Campbells' lack of reciprocity, even though their remodel is adding several times as much square footage as mine. This is true no matter however you compare the square footage: total, total above grade, total on the third floor, total other than infill, etc.

We had three months of communication on my remodel before I filed for a permit. They only had the pre-app and filed a few days later.

I made changes to my proposal at their request, even for things they had no right to. They refused to make any changes.

I gave them a big setback. They want to build a wall against it.

They complained about an imagined "fishbowl" effect in their backyard. They want me to accept the very real giant wall.

At the second floor, I removed a landing that was set back and lowered a deck. They want to build a deck right at the property line.

They wanted complete privacy in their backyard. Now they want to deny me the privacy of my interior living space.

I removed a cornice. They want a butterfly-style roof with an overhang.

My remodel had little if any negative impact on them. Their remodel has a significant negative impact on me.

I hope the Planning Department staff and the Planning Commission will give this application a second look.

Thank you

36 Delano Request for Discretionary Review

BULLET POINTS

The only discussions with the permit applicant were the pre-app and mediation. There were no changes to the project as a result of either.

Proposed addition:

- Is out of character, incompatibly and uncharacteristically tall and deep, out of scale

- Twice the size and almost twice as deep as nearby third-floor additions

- Boxes me in and cuts me off from the midblock open space

- Articulation maximizes rather than minimizes impact on me

- Massed on my property line, against my setback, while providing large setback on other side against mostly blank wall

- Blocks my windows

- Third floor cantilevered over second floor

- Longer than it is wide

- Butterfly-style roof with overhang

- Will create intolerable noise in my bedroom

- Second floor deck and stairs on property line will violate the privacy of my interior living spaces

Alternatives

Limit third floor to 150 square feet and 12 feet deep, possibly more if well articulated

Respect my setback and windows

Flat roof with no overhang

Set back second floor at my property line to the back of my kitchen pop out

Set back and screen second floor deck, move stairs

Shift entire project to other side of the lot, against neighbor's mostly blank wall

- while respecting the other neighbor's light well

- Can coordinate foundation work with neighbor's planned foundation work while leaving mine undisturbed

MY REMODEL

INTRODUCTION

At the pre-app Mr. Campbell made some statements against discretionary review. One was, “You owe me!” Another was, “You didn’t change a damn thing!” Neither of these statements are grounded in the Residential Design Guidelines, so I will discuss them in this appendix.

Both statements are about my remodel, from a few years prior. The first statement is that I should not file a discretionary review against his project because he didn’t against mine. The second statement appears to be that he would refuse to engage in any back and forth with me now because I made no changes in the back and forth we’d had before.

I offer this history to respond to both of these statements.

To the first, he had no basis on which to request a discretionary review. The things he was demanding—primarily total privacy in his back yard and on his deck--aren’t protected by the Residential Design Guidelines. The RDGs only address privacy in “interior living spaces.”

To the second, we did make substantial changes, even though the Residential Design Guidelines didn’t require us to. The discussion below elaborates on this point.

Mr. Campbell also said I shouldn’t request a discretionary review because, “We had a deal.” I am at a loss to respond to this statement because I am unaware of any such deal. I only learned any of the details about this nearly 1000-square-foot proposal a few minutes before he made this claim. The only potential projects he had ever previously mentioned were a small infill project to expand a bathroom and adding a floor on to the existing 150-square-foot kitchen addition. I also never made a deal about the latter. While smaller by half, it too would have been at the property line, against my setback, boxing me in and cutting me off from the MBOS.

I also hope that this appendix will demonstrate that I am willing to communicate and compromise and that I am not unreasonable.

EXECUTIVE SUMMARY

In 2014 I began developing ideas to rebuild the existing addition at the rear of my house. The project that evolved was relatively modest. There was a net increase of about 200 square feet. About 70% of the increase was at the first floor, which is partially below grade. Most of the added square footage at the second and third floors was in a setback that the previous owners of the subject property had built up against in a prior remodel. The only significant increase in the building envelope was a 3' x 11' pop out at the second floor.

We had three months of back and forth with the Campbells before we filed our permit, two months before the pre-app and almost a month after. The Campbells made multiple requests, some of which we were able to accommodate and some not.

Their main request, which they made repeatedly, was for complete privacy in their backyard. Privacy in one's backyard is not protected by the Residential Design Guidelines, but we made changes in consideration of their privacy where we could. They have as much privacy now as they did before my project.

We did not change the 45-degree angle of some the windows on the third floor. The 45-degree angle allows the bedroom windows at the back of the deck to have more light and feel less boxed in than they would have had the addition been built with an unarticulated rectangle. There is no requirement in the Residential Design Guidelines that all windows be perpendicular to the property line.

We did not comply with their request for a frosted glass screen at the top of the firewall at the property line. Such a screen would have boxed me in and cut me off from the mid-block open space.

We also did not comply with their somewhat odd requests for such things as muntins or tilted windows and walls. The suggestion for all butt-jointed glass would have blown the budget.

Otherwise, their preferences essentially determined the final result.

OVERVIEW

What follows starts with the approximate final result of our design process and an explanation of how it responded to the Campbells' requests.

After that is a timeline of the back and forth with the Campbells, then the images that we produced for them as part of that process.

I conclude with a selection (there were many interior images too) of additional images that we studied in response to the Campbells' requests. These alternatives turned out to be unacceptable to us and were not pursued or presented to the Campbells.

BUT FIRST A PAIR OF PICTURES

The Campbells said that my addition would make them feel exposed, that their backyard would feel like a “fishbowl”. I do not have access to their backyard so I took this photo from the easement, just outside their gate. As far as I can tell, my addition is less visible from their yard than it is from their gate. The lot slopes up toward the rear, so the yard is lower; the yard is also closer to my yew hedge.



This concern was overblown.

FINAL RESULT OF OUR DESIGN PROCESS AND HOW IT RESPONDED TO THE CAMPBELLS' REQUESTS

Below is the approximate¹ final version submitted for the building permit.



Changes from earlier versions in response to the Campbells' requests:

The massing of the third-floor addition was moved as far as possible from their property line on the left.

The kitchen door was moved away from their property line and hidden behind the kitchen popout.

The landing at the kitchen door level was eliminated and the deck was placed three feet or so below the second floor.

A cornice was eliminated.

¹ The building permit application doesn't require a 3-D image, so this is the same image as sent to the Campbells on March 18. We filed for our permit on March 25.

This version includes a trellis at the third-floor deck. The Campbells changed their request from a trellis to a frosted glass screen, which we found to be impractical. Neither trellis or screen were included in the building permit version. The deck ended up being constructed another six inches lower.

TIMELINE OF COMMUNICATIONS WITH THE CAMPBELLS BEFORE I APPLIED FOR MY PERMIT

(Note: I based most of this on the e-mails among the Campbells, my architect and me; the oral communications had to be reconstructed from contemporaneous emails between me and my architect, so some details of those may be off.)

Dec 31, 2014 We sent three sketches showing different options to both adjacent neighbors.

Jan 2, 2015 Mr. Campbell expressed a preference for the sketch with the largest setback at the third floor. He objected that the addition was taller than the existing. He expressed concern about shadows on his kitchen skylight. He said no windows should have a view of where he might someday expand his bathroom.

Jan 4, 2015 We sent Mr. Campbell side-by-side sketches of their preferred option and the then existing.

Jan 7, 2017 I met with the Campbells at their home to show them the drawings. The Campbells again preferred the alternative with the largest setback. They requested it be modified so that the kitchen door and landing at the second floor be moved as far as possible from their property line. They objected to the 45-degree angle of the windows at the third floor. They said they needed privacy in their backyard. They consented to filling in the setback at the second floor. Mrs. Campbell passed along comments from an architect colleague that the proposal looked inefficient and that the windows should have butt-jointed glass. They requested story poles.

Jan 8, 2015 At their request we sent Mr. Campbell drawings of the site layout, existing plans, elevations, sections and isometrics.

Jan 9, 2015 We sent Mr. Campbell a SketchUp model I made of yet another alternative (which I am too embarrassed to show here; I am not an architect).

Jan 15 I had an impromptu meeting with Mr. Campbell at the Spitfire Rose, our neighborhood dive bar. Mr. Campbell again requested story poles. He said that the story poles should show view angles from every window. He extended his request for complete privacy in his backyard to privacy in the easement behind as well.

Feb 28 We held the pre-app. In addition to the required materials, we provided before and after drawings of modelled views from their bathroom window and modelled views of their backyards from the existing addition and the proposed. The last was later revised to add landscaping that was omitted. The version of the addition presented at the pre-app had a cornice. Mrs. Campbell requested increased opacity for the deck rail perpendicular to the property line, an extended 'vertical trellis' at the upper deck, and either raising the reading room sills or introducing some muntins to break up the view to the yard. She also requested some treatment of the top of the addition to decrease the appearance of a 'fishbowl' effect -- dropping the cornice or tilting the windows upward.

March 18 We sent Mr. Campbell photos of the existing view of his backyard, a simulated view showing the deck and the view of his backyard and another modelled view from my interior showing the view of his backyard.

March 18 Mr. Campbell sent a photo of the view of my house from his deck and said that we had promised to put up story poles. He said a trellis would not suffice and asked for a frosted glass panel instead.

March 18 We sent Mr. Campbell the existing site plan again and explained that story poles weren't possible because the existing building would be in the way.

March 19 We sent Mr. Campbell two modeled views from his deck, showing the existing and the proposed. We sent a marked-up version of the photo he'd sent, showing an outline of the proposed.

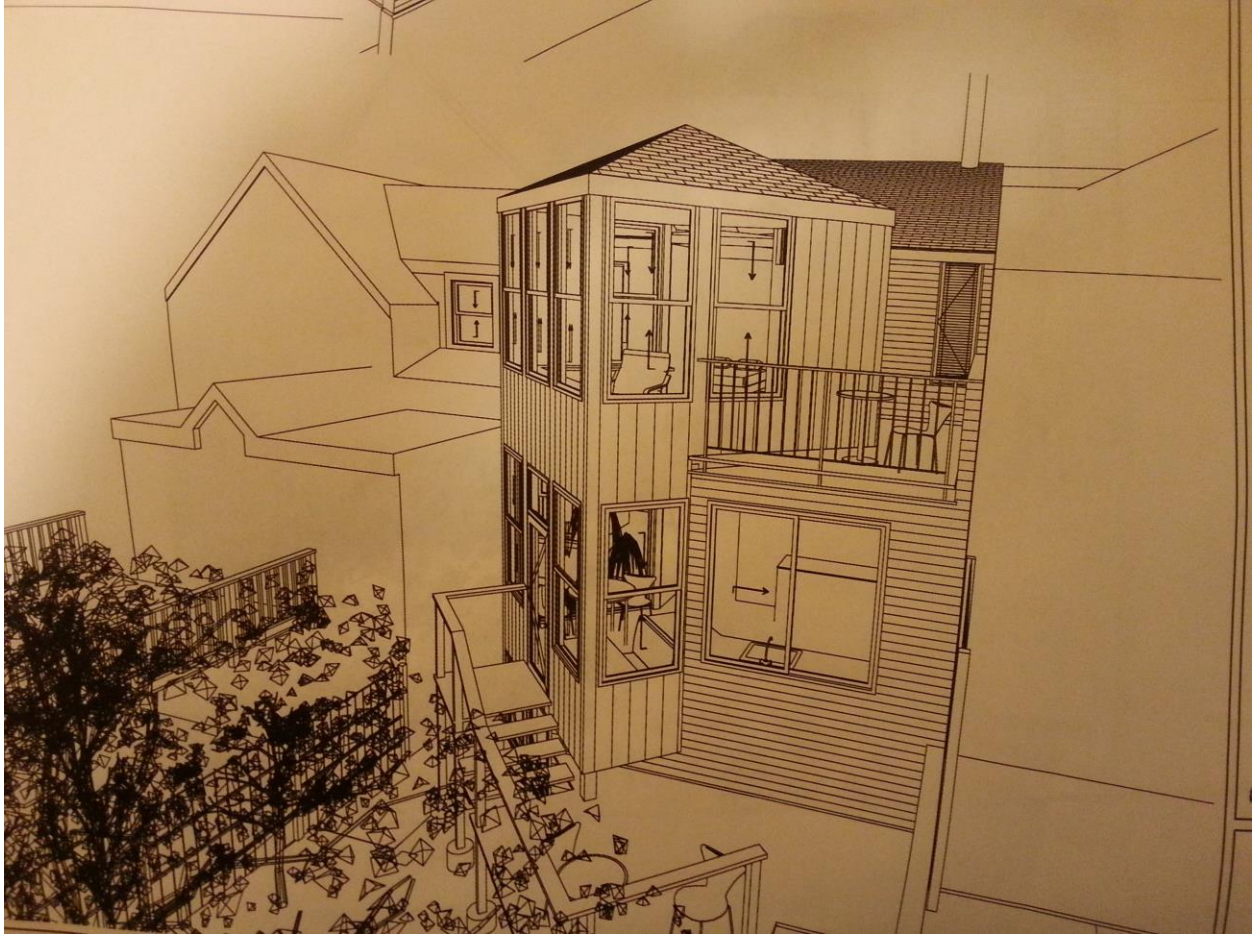
March 23 We sent Mr. Campbell a photo from the existing window nearest the property line, marked up to show that the firewall would block the view of his backyard and explained that his request for an opaque screen at the firewall would be expensive and unnecessary because the view of his deck was already obscured by the firewall.

IMAGES WE PROVIDED THE CAMPBELLS

Sent to the Campbells on Dec 31, 2014:

My architect prepared several alternatives. Our concept at the time was to use irregular shapes with light wells that would bring light and greenery into the interior. These three were my preferred alternatives. All three had a five-foot setback from the property line at the second floor. The Campbells preferred the first sketch because it felt less intrusive on the privacy of their yard and because the massing of the third floor was pushed to the other side, creating a larger setback. That became our starting point:

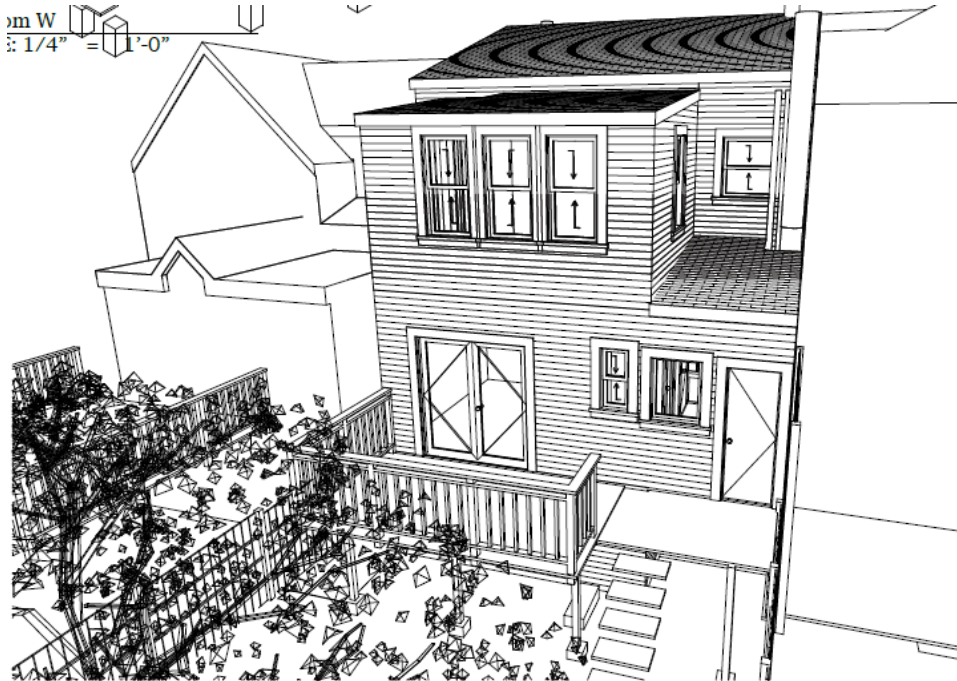






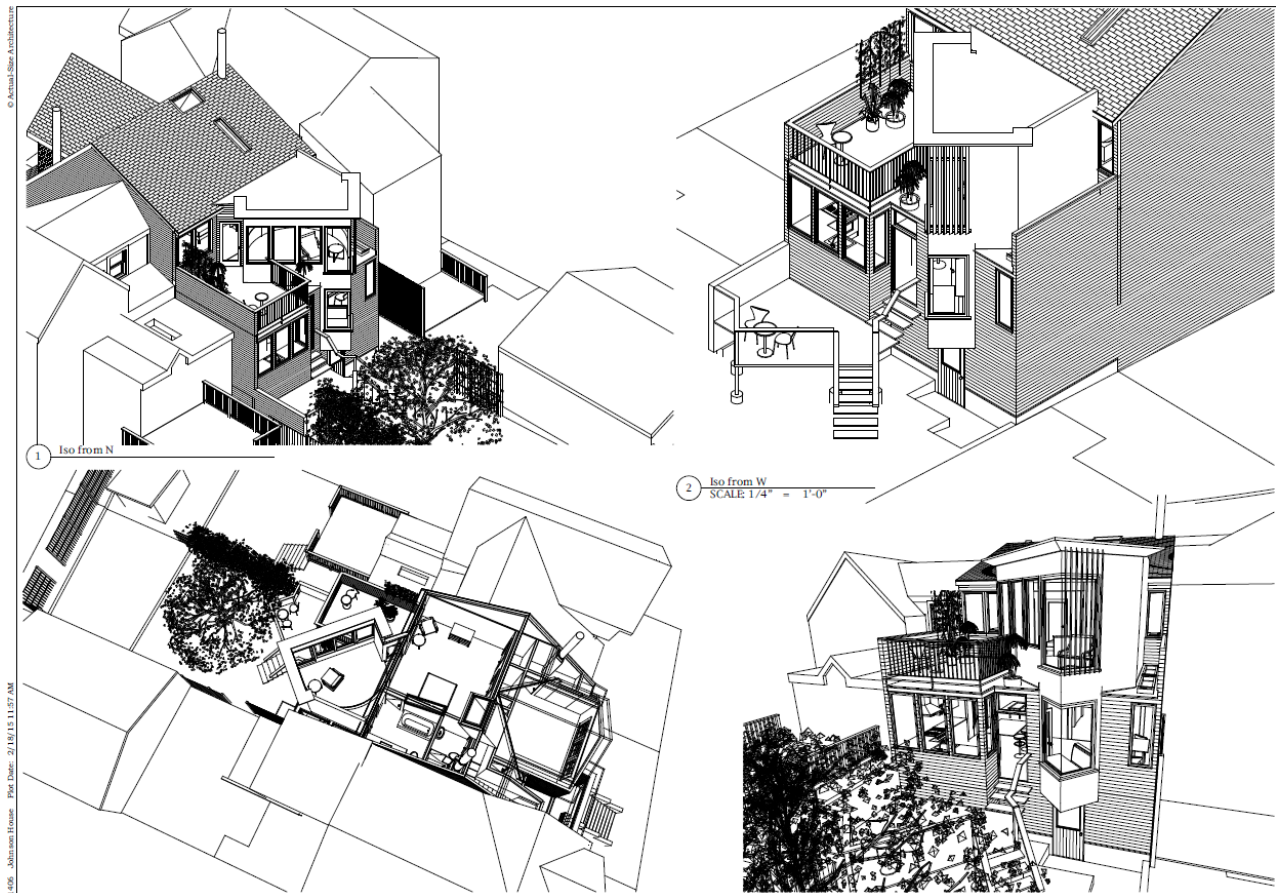
Sent to the Campbells on Jan 4:

This image shows the then existing structure. There were doors and a deck at the second floor. All floors had a five-foot setback at their property line.



Presented to the Campbells at the pre-app on Feb 28:

The Campbells had asked for further modifications to their preferred alternative, namely that the door and landing were an intrusion on their privacy, even with the five-foot setback. The landing nearest their property line was removed and the rear door was hidden behind a 3-foot by 11-foot pop-out. The Campbells had not been concerned about filling in the setback at the second floor, so we did. We added a deck, but lowered it approximately three feet, again to respect their privacy. We added a cornice and some louvred screening to the west face to reduce solar gain in the afternoon. We later deleted the cornice at the Campbells' request.



Presented to the Campbells at the pre-app, continued:

(Note: the modelling inadequately depicted a tall, dense yew hedge on my property that contributes significantly to the privacy in their backyard. We later sent images that more accurately depicted the yew hedge.)

The first pair of images are views from their bathroom window, of the then existing and the proposed.



The second pair of images shows views of their backyard from the interior of my rear addition, again of the then existing and the proposed. Mrs. Campbell was very concerned by the second image because of the privacy in their yard.



Sent to the Campbells on March 18:

The first is a photograph from my then existing rear addition, showing my yew hedge. The model images show the view from the deck and from the interior of the proposed third-floor addition. They show the landscaping more accurately and demonstrate that the Campbells would continue to have almost complete privacy in their yard. The final image shows the revised project.



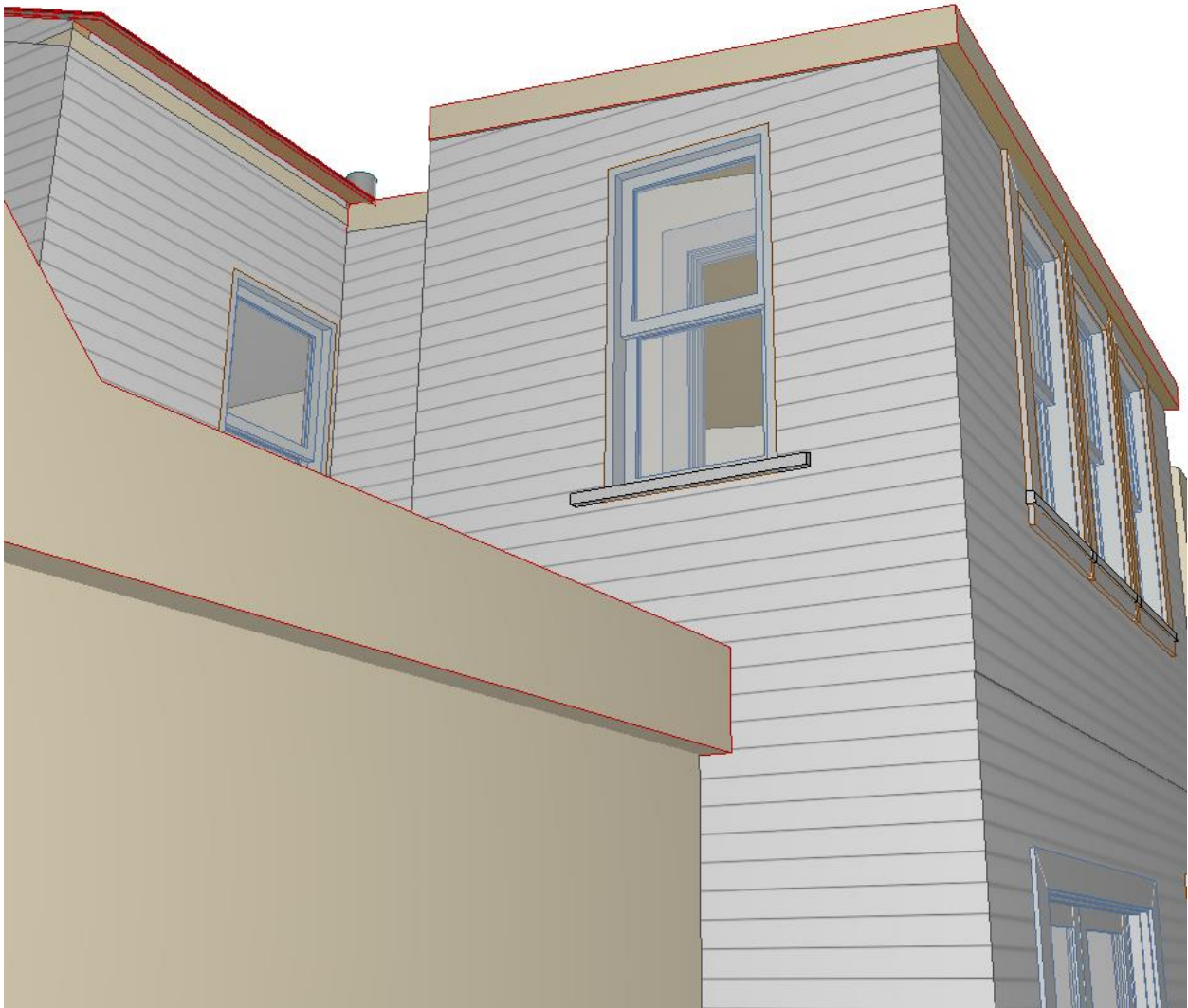




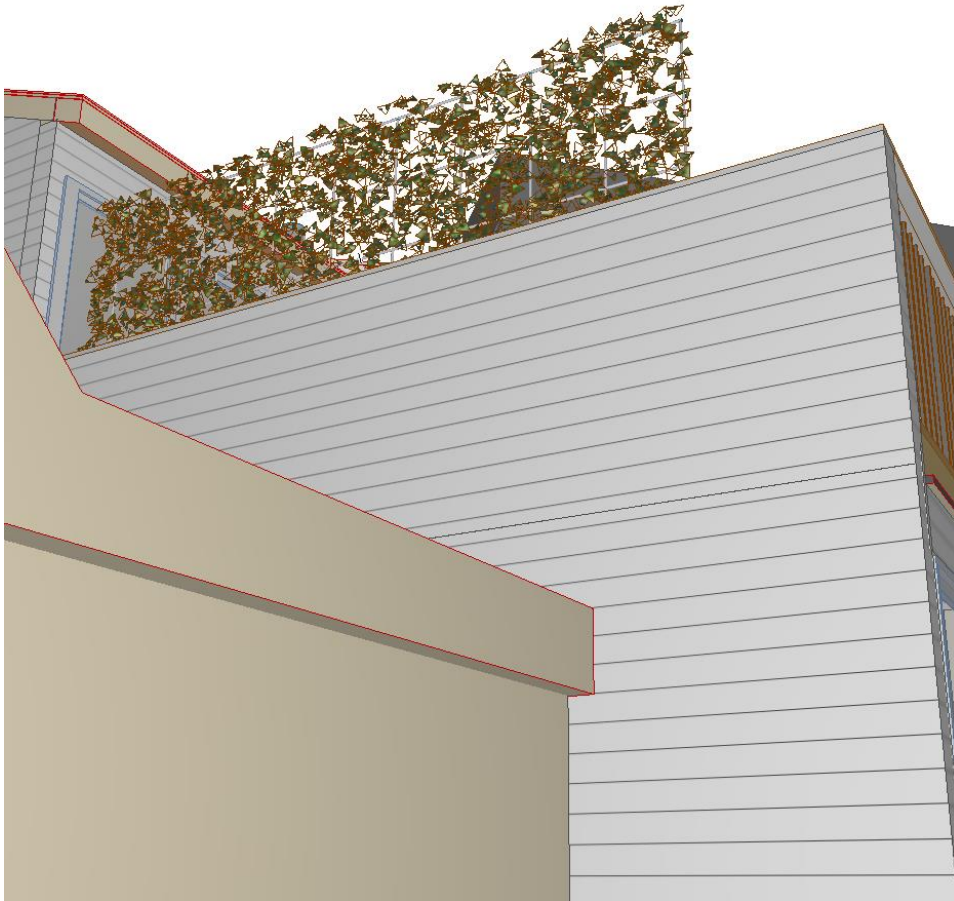
Sent to the Campbells on March 20:

These are modeled images of before and after views from their deck. The Campbells would have more privacy on their deck after than before.

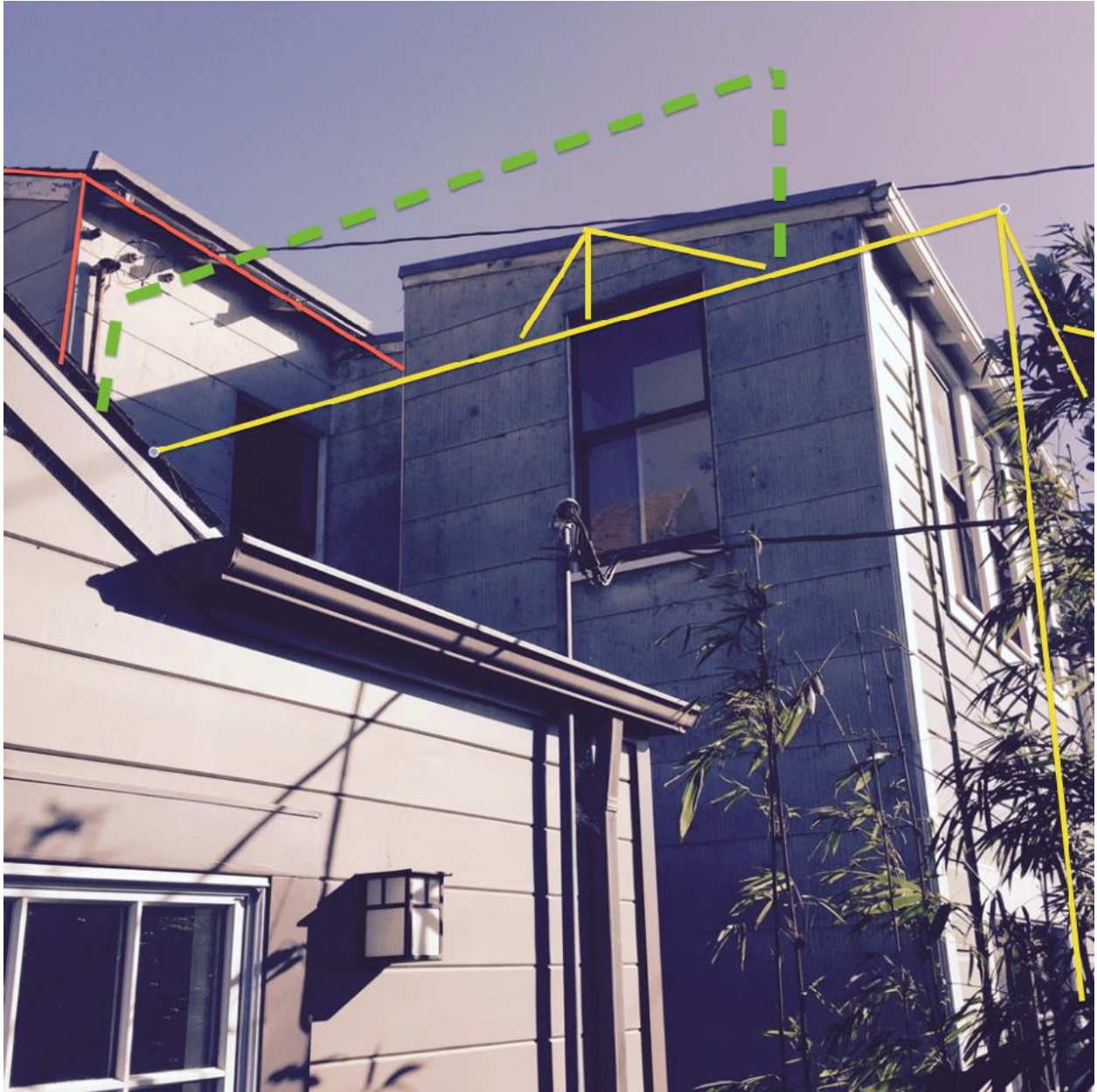
Before:



After:



This is our mark up of Mr. Campbell's photo taken from his deck. It shows the then existing addition. The yellow lines show the massing of the proposal. The red lines show where there would be no change. The green lines show the location of a possible trellis or opaque screen. Such a screen would not have significantly changed the degree of privacy of their deck. (Mr. Campbell's photo appears to be at the eye level of a nearly eight-foot-tall person.)



SOME OF THE MANY IMAGES NOT SHARED WITH THE CAMPBELLS:

These iterations were prepared in consideration of the Campbells' requests, but never refined or shared because we didn't care for the result: unappealing appearance or awkward interior layouts

January 9, 2015:

We started with the Campbell's preferred alternative, then moved the kitchen door as far away as possible from the Campbells' property line and lowered the deck/landing by about three feet. This was the first version with a cornice.



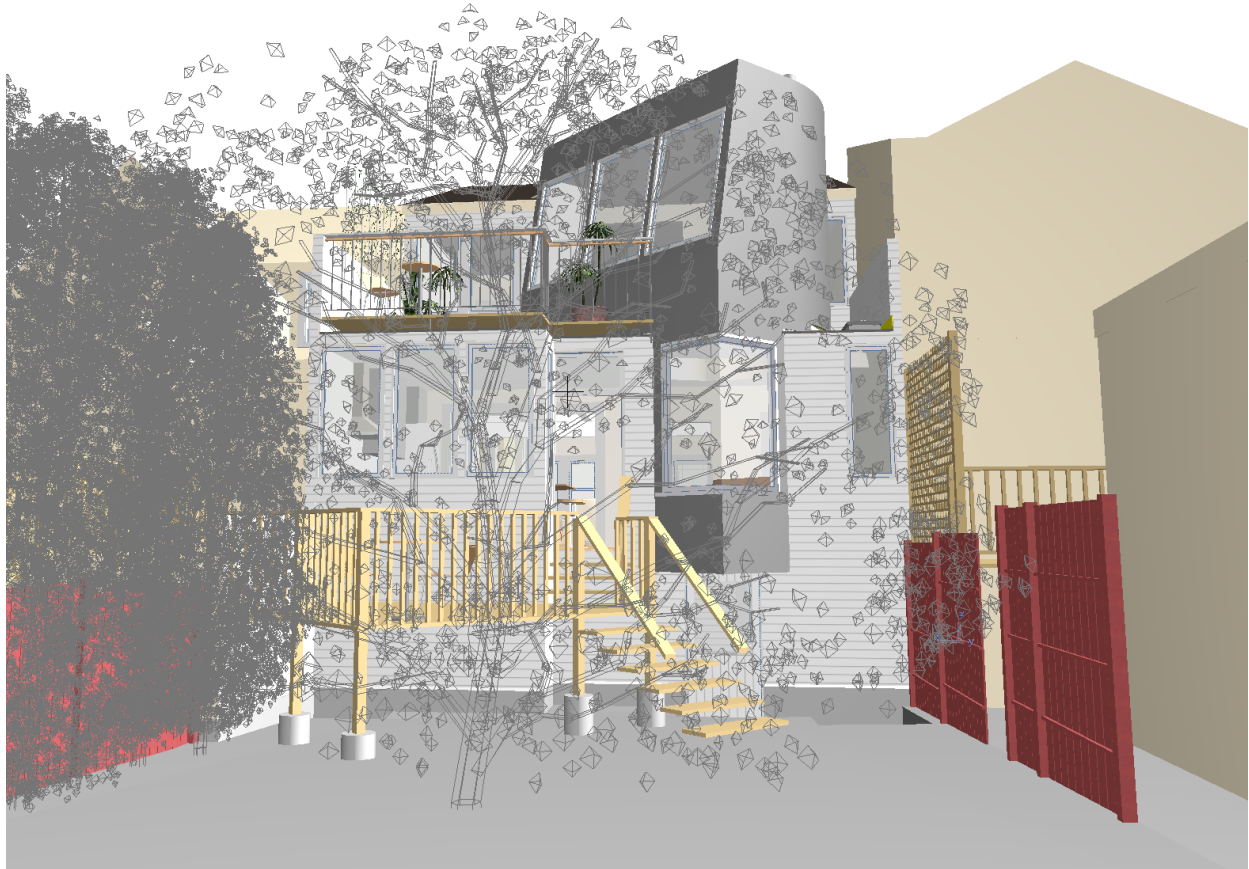
March 5:

The windows of the third-floor addition are tilted upward and the walls are sloped inward. The cornice is removed. This version is in response to Mrs. Campbell's request at the pre-app. We found it unattractive and the interiors (not shown) were awkward and clumsy.



March 9:

This is a variation of the March 5 version. The windows tilted and the cornice is removed. The walls are plumb. We found it to be only a little less unattractive.



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Feb 28 We held the pre-app. In addition to the required materials, we provided before and after drawings of modelled views from their bathroom window and modelled views of their backyards from the existing addition and the proposed. The last was later revised to add landscaping that was omitted. The version of the addition presented at the pre-app had a cornice. Mrs. Campbell requested increased opacity for the deck rail perpendicular to the property line, an extended 'vertical trellis' at the upper deck, and either raising the reading room sills or introducing some muntins to break up the view to the yard. She also requested some treatment of the top of the addition to decrease the appearance of a 'fishbowl' effect -- dropping the cornice or tilting the windows upward.

March 18 We sent Mr. Campbell photos of the existing view of his backyard, a simulated view showing the deck and the view of his backyard and another modelled view from my interior showing the view of his backyard.

March 18 Mr. Campbell sent a photo of the view of my house from his deck and said that we had promised to put up story poles. He said a trellis would not suffice and asked for a frosted glass panel instead.

March 18 We sent Mr. Campbell the existing site plan again and explained that story poles weren't possible because the existing building would be in the way.

March 19 We sent Mr. Campbell two modeled views from his deck, showing the existing and the proposed. We sent a marked-up version of the photo he'd sent, showing an outline of the proposed.

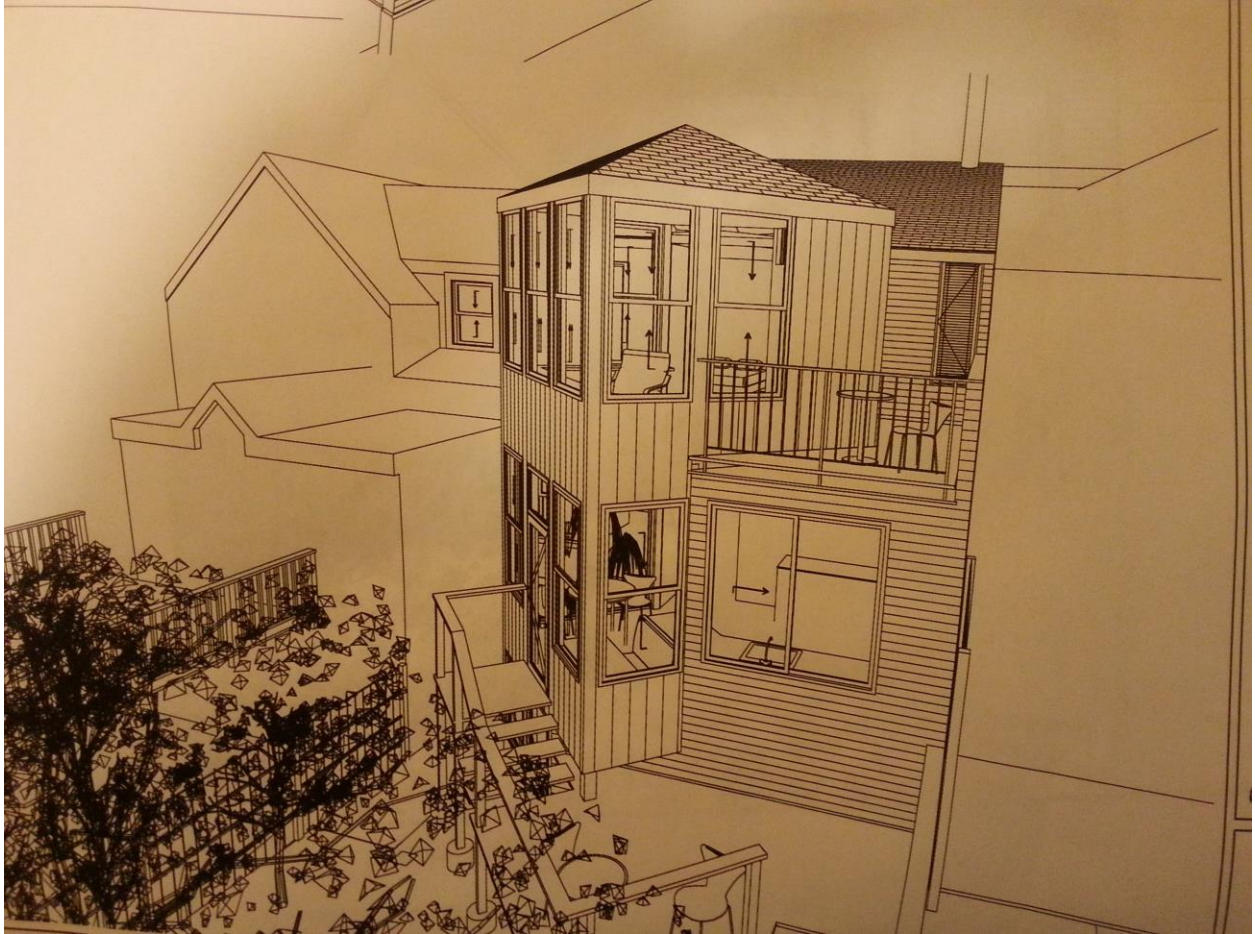
March 23 We sent Mr. Campbell a photo from the existing window nearest the property line, marked up to show that the firewall would block the view of his backyard and explained that his request for an opaque screen at the firewall would be expensive and unnecessary because the view of his deck was already obscured by the firewall.

IMAGES WE PROVIDED THE CAMPBELLS

Sent to the Campbells on Dec 31, 2014:

My architect prepared several alternatives. Our concept at the time was to use irregular shapes with light wells that would bring light and greenery into the interior. These three were my preferred alternatives. All three had a five-foot setback from the property line at the second floor. The Campbells preferred the first sketch because it felt less intrusive on the privacy of their yard and because the massing of the third floor was pushed to the other side, creating a larger setback. That became our starting point:

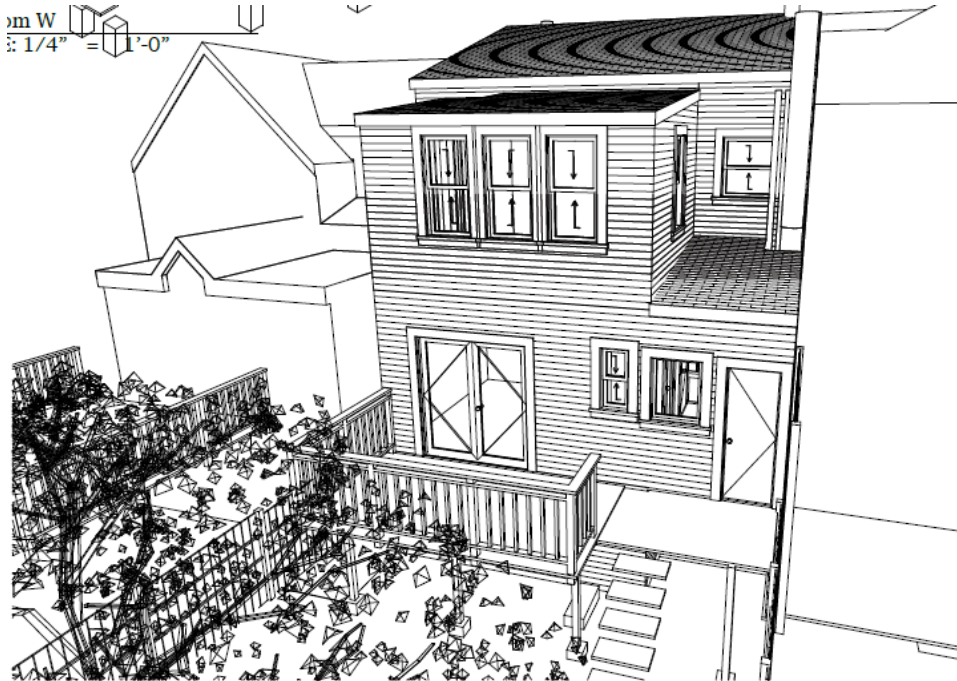






Sent to the Campbells on Jan 4:

This image shows the then existing structure. There were doors and a deck at the second floor. All floors had a five-foot setback at their property line.



Presented to the Campbells at the pre-app on Feb 28:

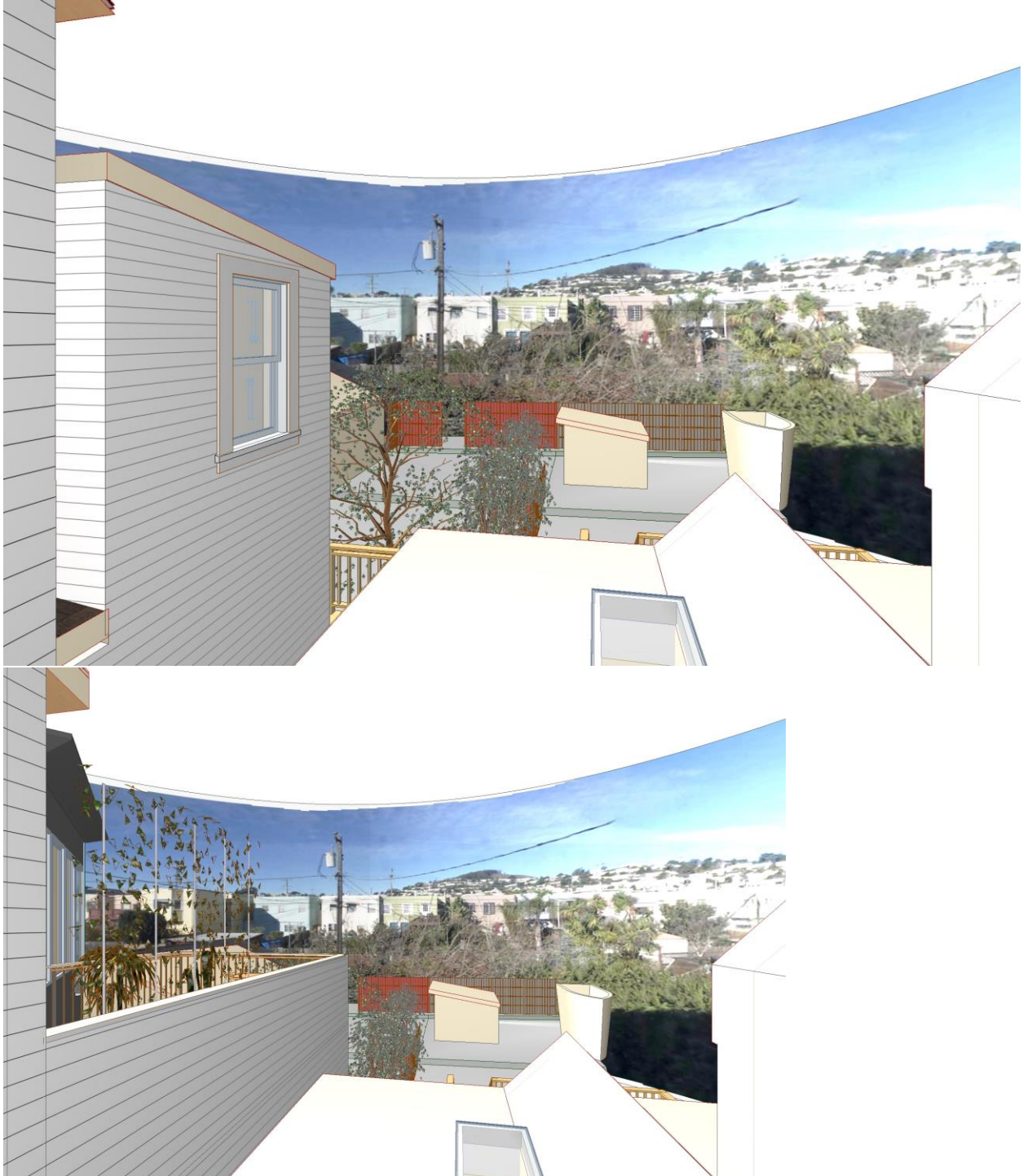
The Campbells had asked for further modifications to their preferred alternative, namely that the door and landing were an intrusion on their privacy, even with the five-foot setback. The landing nearest their property line was removed and the rear door was hidden behind a 3-foot by 11-foot pop-out. The Campbells had not been concerned about filling in the setback at the second floor, so we did. We added a deck, but lowered it approximately three feet, again to respect their privacy. We added a cornice and some louvred screening to the west face to reduce solar gain in the afternoon. We later deleted the cornice at the Campbells' request.



Presented to the Campbells at the pre-app, continued:

(Note: the modelling inadequately depicted a tall, dense yew hedge on my property that contributes significantly to the privacy in their backyard. We later sent images that more accurately depicted the yew hedge.)

The first pair of images are views from their bathroom window, of the then existing and the proposed.



The second pair of images shows views of their backyard from the interior of my rear addition, again of the then existing and the proposed. Mrs. Campbell was very concerned by the second image because of the privacy in their yard.



Sent to the Campbells on March 18:

The first is a photograph from my then existing rear addition, showing my yew hedge. The model images show the view from the deck and from the interior of the proposed third-floor addition. They show the landscaping more accurately and demonstrate that the Campbells would continue to have almost complete privacy in their yard. The final image shows the revised project.



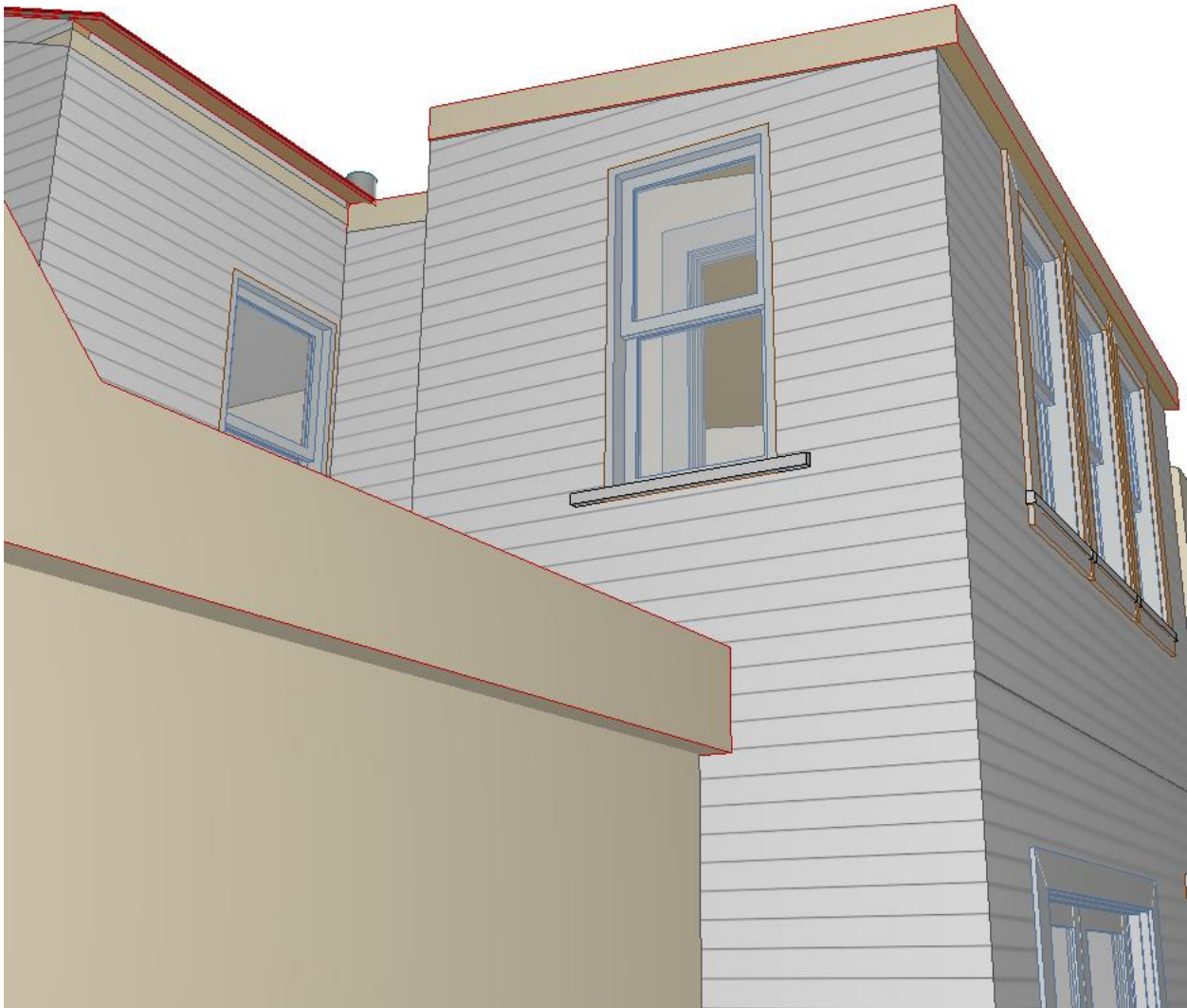




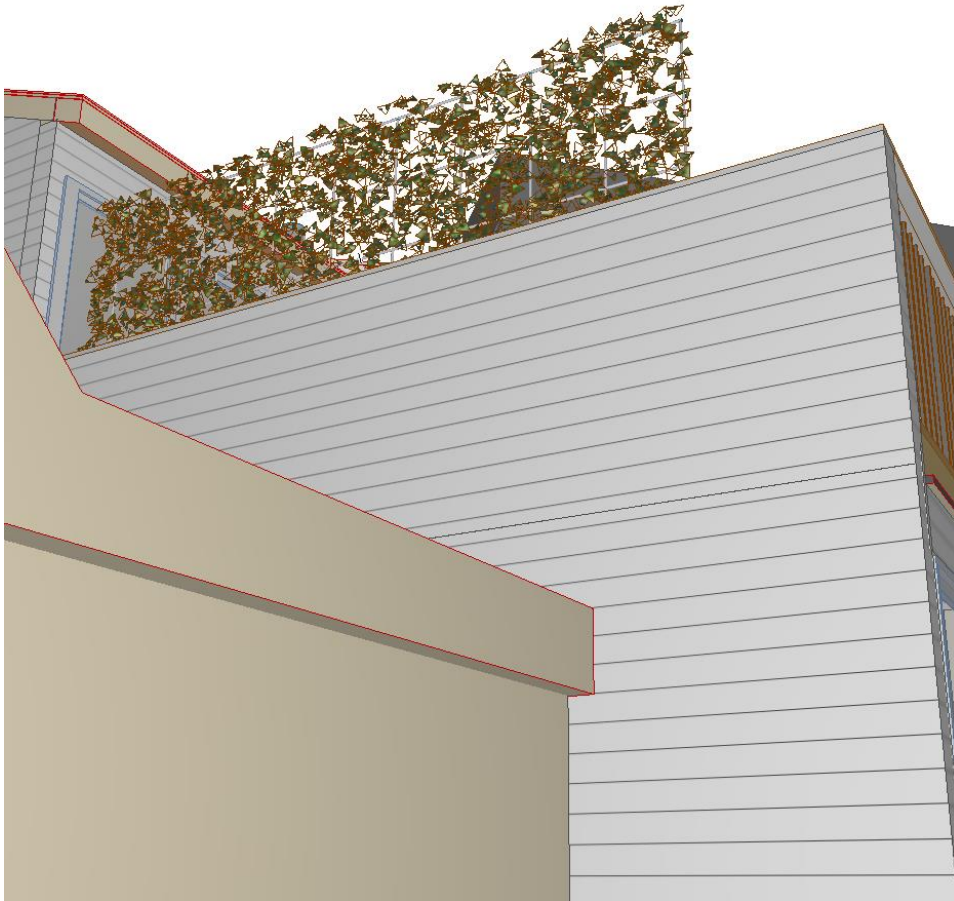
Sent to the Campbells on March 20:

These are modeled images of before and after views from their deck. The Campbells would have more privacy on their deck after than before.

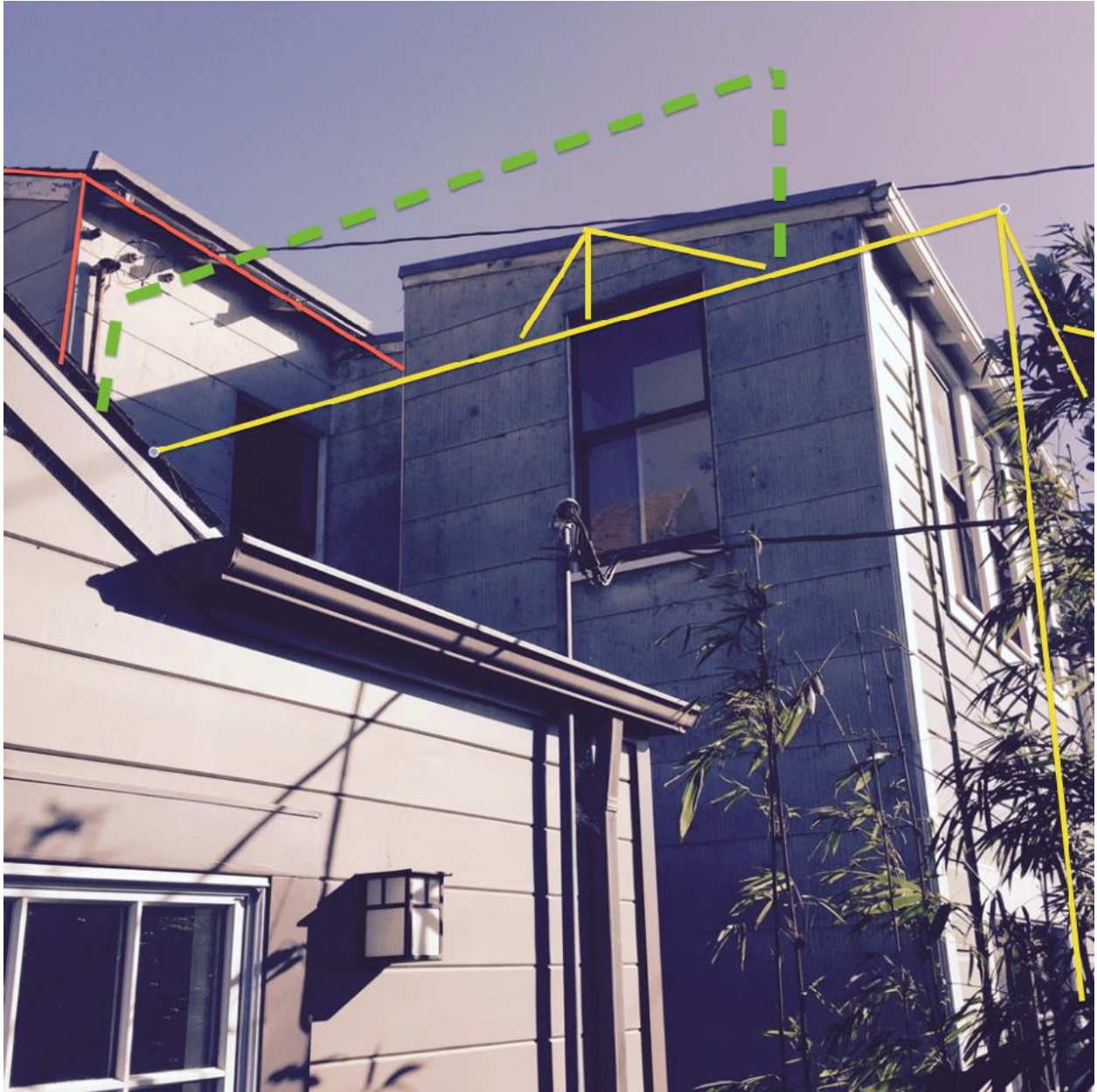
Before:



After:



This is our mark up of Mr. Campbell's photo taken from his deck. It shows the then existing addition. The yellow lines show the massing of the proposal. The red lines show where there would be no change. The green lines show the location of a possible trellis or opaque screen. Such a screen would not have significantly changed the degree of privacy of their deck. (Mr. Campbell's photo appears to be at the eye level of a nearly eight-foot-tall person.)



SOME OF THE MANY IMAGES NOT SHARED WITH THE CAMPBELLS:

These iterations were prepared in consideration of the Campbells' requests, but never refined or shared because we didn't care for the result: unappealing appearance or awkward interior layouts

January 9, 2015:

We started with the Campbell's preferred alternative, then moved the kitchen door as far away as possible from the Campbells' property line and lowered the deck/landing by about three feet. This was the first version with a cornice.



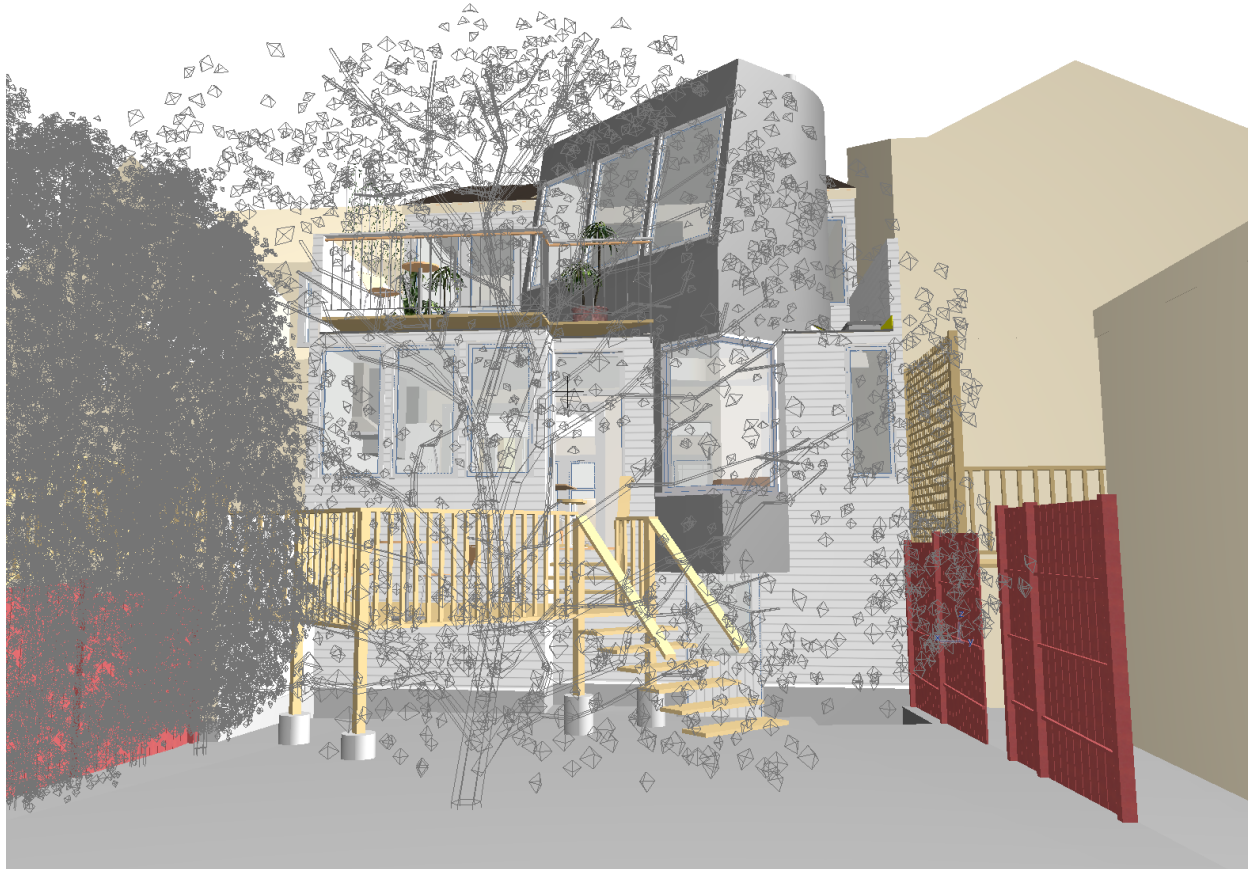
March 5:

The windows of the third-floor addition are tilted upward and the walls are sloped inward. The cornice is removed. This version is in response to Mrs. Campbell's request at the pre-app. We found it unattractive and the interiors (not shown) were awkward and clumsy.



March 9:

This is a variation of the March 5 version. The windows tilted and the cornice is removed. The walls are plumb. We found it to be only a little less unattractive.



REUBEN, JUNIUS & ROSE, LLP

Tara Sullivan
tsullivan@reubenlaw.com

January 21, 2021

Delivered Via Email

President Joel Koppel
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 36 Delano Avenue (3152 / 008)
Brief in Opposition to a DR Request
Planning Department Case No. 2019-012567DRP
Hearing Date: January 28, 2021
Our File No.: 11818.01

Dear President Koppel and Commissioners:

Our office represents Chandra and Christopher Campbell, the owners (the “**Campbells**” or “**Project Sponsor**”) of the property located at 36 Delano Avenue (“**Property**”). The Property is located on the north side of the street between Santa Ysabel and San Juan Avenues in the Balboa Park neighborhood. The Campbells propose to expand their current cottage to accommodate their four-person family, specifically, to construct a rear addition to allow for an additional bedroom and bathroom and new living spaces (“the “**Project**”).

A Discretionary Review (“**DR**”) request was filed by Eric Johnson, the owner of the home directly to the south of the Property at 40 Delano Avenue (the “**DR Requestor**”).

The DR Requestor’s requests to modify the Project are extreme in nature and essentially redesign the Project in favor of his views. They would also result in a significant reduction of light and air to the interior portions of the subject house. The DR Requestor does not identify any exceptional or extraordinary circumstances that justify these modifications. The DR request should be denied for the following reasons:

- **Proposed Modifications.** The Project Sponsor has agreed to modify the Project to provide relief along the DR Requestors’ property line. Specifically, the following changes have been made:
 1. Southern wall was pulled back 2 feet from property (DR) line;
 2. Southern wall was pulled back 2 feet from the rear yard line (reduced 2 feet in depth);

3. “Pop Out” rear wall was pulled back 1 foot from rear yard line (reduced 1 foot in depth); and
4. The room was pushed 1 foot to the east.

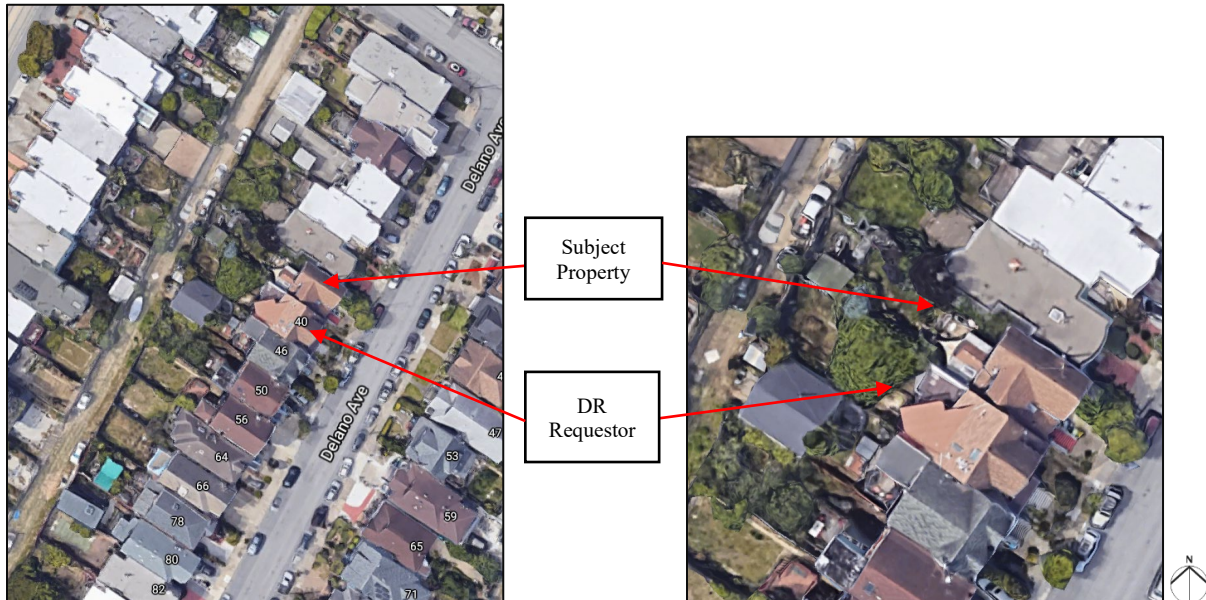
The result, as shown in the updated renderings and plans, allows more light and air into the DR Requestors’ third floor reading room. These revisions were rejected by the DR Requestor, who has asked that the entire addition be moved so that he has unimpeded views from his property. We ask that the proposed modifications above be incorporated into the Project.

- **Contradictory Request(s)**. The DR Requestor is asking the Project Sponsor to modify the Project in a manner that is contrary to what he was allowed to build on his property. In 2015, he received approvals to construct a large addition with a series of decks on multiple levels. His addition is designed at a northern angle – it directly faces into the Project Sponsors’ property, to maximize views. He was able to construct several decks along the shared property line, requiring fire walls that create large blank walls that the Project Sponsor looks out to. Further, he has suggested that the proposed 3-bedroom configuration at the third floor be reduced to 2-bedrooms to minimize volume; however, he was allowed to construct three generous sized bedrooms at the third floor (one is called a ‘reading room’). The DR Requestor wants to have all of these features at his property but deny similar conditions in the Project. The modifications requested are for a simple reason – to retain his views across the Project Sponsor’s Property. His requests should be seen for what they are and denied.
- **Compatible Design**. The DR Requestor claims that addition is incompatible with the character of the adjacent buildings. A look at the subject block shows that the subject house is one of the smaller on the block, and that the addition is modest in size. It is scaled in proportion with the surrounding buildings. The DR Requestor’s house is actually one of the more out of character properties on the block, with its angled form and multi-level decks. The Project on the other hand, is more traditional in design and in keeping with the built conditions at the rear of the properties on the block.
- **Compatibility with Residential Design Guidelines (“RDG”)**. The Project is compatible with the surrounding neighborhood and is consistent with the RDG. The Project is responsive to the overall neighborhood context of two-to-four story buildings on Delano Avenue. It is compatible with the siting, form, and proportion of the buildings on this block. The building is articulated to “minimize impacts on light” to adjacent properties, and the RDG acknowledge that some reduction of light to neighboring buildings “can be expected” (RDG, pg. 16). The revised Project is compliant with the RDG mission and policies.

For these reasons, we ask that you incorporate the proposed modifications into the final Project and reject the DR Requestors arguments. There are no exceptional or extraordinary circumstances have been established that would justify the extreme modifications to the Project. We respectfully request that you approve the Project as proposed.

A. Property Description & Context

The Property is located on the north side of Delano Avenue between Santa Ysabel and San Juan Avenues in the Balboa Park neighborhood. The Property backs into an access alley that runs the length of the block. There is ample open space in the rear yards and interior of the block.



The block consists of two to four-story residential buildings, with the majority of the buildings 3 stories high. There are generous front setbacks along the street. Many properties have rear additions and decks, including the DR Requestor's property.

B. Neighborhood Outreach

The Campbells have lived at the Property since 2006. They have grown into a four-person family, and are incredibly active in the neighborhood, being involved with the local community as well as a regular presence at their children's activities in the area. When the DR Requestor undertook his addition in 2015, the Project Sponsors had a regular conversation with him regarding their concerns with the proposed design of the rear addition. In an attempt to be a good neighbor, they ultimately they declined to file a Discretionary Review.

Since the outset of this Project, the Project Sponsors have gone out of their way to create an open dialogue with their neighbors, including the DR Requestor. Outreach was undertaken with the DR Requestor, including attending mediation training in order to participate in third-party mediation meeting. Below is an itemized list of meetings the owners held with DR Requestor:

05/31/20	Pre-Application meeting including with DR Requestor
----------	---

10/01/20 – 11/02/20	Section 311 period
10/25/20	Mediation meeting convened by Community Boards between DR Requestor and Project Sponsor (with separate mediation training conducted beforehand)
11/01/20	DR Filed
12/14/20	Mediation meeting hosted by Planning Department between DR Requestor and Project Sponsor

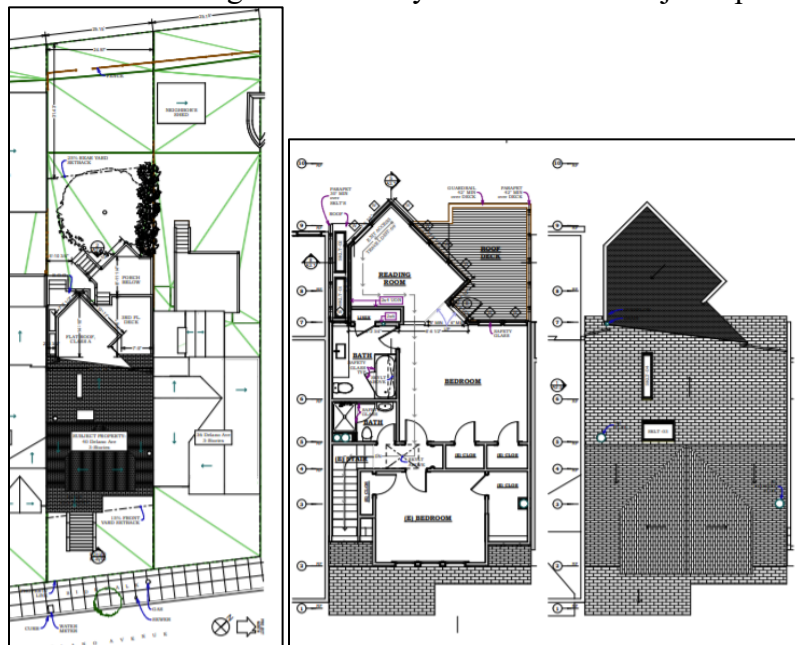
Throughout this process, the Project Sponsors were open to working with the DR Requestor. Ultimately, these attempts went nowhere with the DR Requestor, who insisted from the outset that the Project be significantly modified.

C. Issues to Consider

The DR Requestor raised several concerns about the Project, the pertinent ones are discussed below.

1. *The Project is out of character with the neighboring buildings.*

The DR Requestor asserts that the Project is out of character with the adjacent buildings. This is simply not true. If anything, the DR Requestor's project is out of character with the block. In 2015, the DR Requestor received approvals to construct a large addition and several decks at the rear of his property (Case No. 2015.004262, Permit No. 2015.0326.1956). He was permitted to construct his rear addition at an angle that directly faced into the Project Sponsor's Property:



Images: 40 Delano Avenue, 311 Notification Plans, 3/23/15, Case No. 2015.004262, SF Planning Department website

The DR Requestor's rear façade is not in keeping with the surrounding context. There are no other properties with angled facades on the block or with large decks. The more traditional squared-box form is prevalent. The Project was designed to be compatible with the common typology in the neighborhood.

The Project is compatible with the surrounding neighborhood and is consistent with the RDG. The focus and intent of the RDG is with the character of the block face and mid-block conditions. Where there is a mixed visual character, as is present on the subject block, the RDG allows for greater flexibility and opportunity in design (RDG, pgs. 9-10). The RDG does look to make sure the building's form is compatible with the overall context of the block (RDG, pg. 26). For rear additions, it asks that there be upper floor setbacks and notches at the side property lines (RDG, pg. 26), to accommodate adjacent properties.

Here, the Project does that – the addition contains setbacks from both property lines and contains several notches to allow for more light and air to the neighbors. The addition is modestly sized and located off the original rear façade. It seeks to retain as much of the rear façade as possible at the northern side in order to retain the original window openings at the dining room on the second floor and bedroom on the third floor. It deliberately does not remove those features, as it will eliminate any direct light and air into those rooms. The southern side of the addition (facing the DR Requestor's property) has been modified to be setback from his property and incorporates several notches - in compliance with the RGD. The Project appropriately transitions between the neighbors and is not "significantly bigger" than the adjacent buildings. The RDG states that "some reduction of light to neighboring buildings can be expected" (RDG, pg. 16) with building expansions and/or new construction. The revised Project's design is compatible with the surrounding context and reduces impacts to light and air.

Further, this argument is disingenuous. The underlying issue here are views to the north from the DR Requestor's property. The DR Requestor's bedroom and reading room are located on the top floor and there are large windows and doors out to his third floor deck at the rear facade. The image shows his views from these rooms.



Image: DR Requestor Application, pg. 16.

Private views are not protected (RDG, pg. 18). This is a well-established tenant of the RGD. Regardless, efforts were made to accommodate the DR Requestor. The approved design incorporated a setback at the third floor massing, to allow for the DR Requestor's some of the views from his angled bay to be preserved. The massing at this floor is proposed to be setback an additional 2 feet from the DR Requestor's property line and has been reduced 1 foot from the rear. As a result, the modified Project maintains much of the private views from the DR Requestor third floor. His ask is that the entire massing be shifted so that he has unimpeded views from his angled bay, something that would force the reduction of the original window openings at the rear façade and create a dark wind tunnel at the northern portion of the Property. The proposed modifications allow for much of his views to be maintained while not creating an inferior condition at the Property.

2. Contradictory Requests from DR Requestor.

The DR Requestor is asking the Project Sponsor to modify the Project in a manner that is contrary to what he was allowed to build on his property. As discussed above, in 2015, he received approvals to construct a large addition with a series of decks on multiple levels. His addition is designed at a northern angle – it directly faces into the Project Sponsors' property, to maximize views.

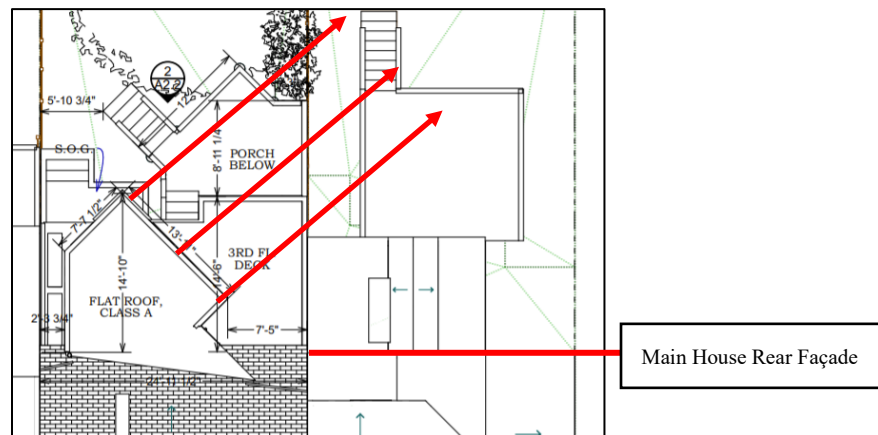


Image: 40 Delano Avenue, 311 Notification Plans, 3/23/15, Case No. 2015.004262, SF Planning Department website

He is asking that the Project be pushed to the north so that his entire view is preserved. He suggests that this is an easy way to accommodate his views, but it has severe impacts on the Project. The Project Sponsors are being asked to revise the Project so much that it will create a dark corridor at the northern side of the rear and will reduce the window openings to a point where no light and air will get into the house. Just because the DR Requestor constructed his rear addition “first” does not guarantee him the indefinite right to unimpeded views and to have no massing in the rear at the southern side of the Project Sponsors' Property.

The DR Requestor was also able to construct several decks along the shared property line, requiring fire walls that create large blank walls that the Project Sponsor looks out to, as shown below:

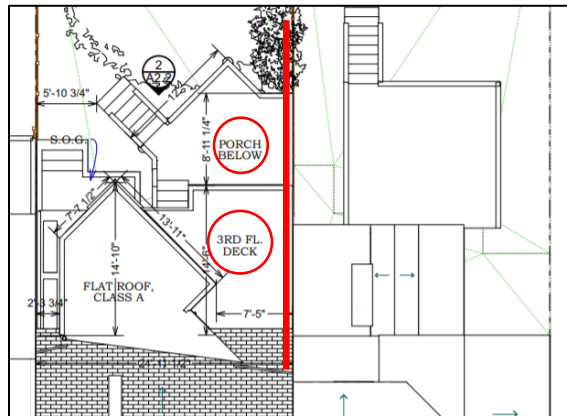
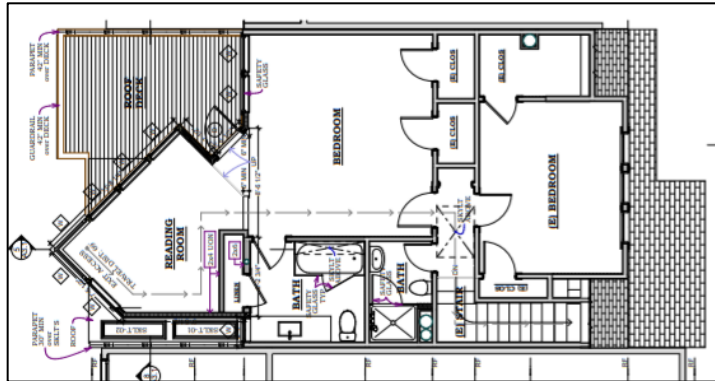


Image: 40 Delano Avenue, 311 Notification Plans, 3/23/15, Case No. 2015.004262, SF Planning Department website

He is asking that the Project be modified so that the deck at the second floor be pushed back from his property line. He was allowed to construct two decks along this shared property line but does not want to let the Project Sponsors do the same with their one deck. In addition to simple fairness, any setback of the deck will reduce light and air to the new ground floor family room, which has one window beneath the deck. There is ample foliage at his property for privacy and the Project Sponsors are willing to install additional privacy screening/landscaping. There is no reason to set the deck back from this property line and the request to do so is contradictory to what he was permitted to construct.

Lastly, the DR Requestor has suggested that the proposed 3-bedroom configuration at the third floor be reduced to 2-bedrooms to minimize volume. Again, however, he was allowed to have three generous sized bedrooms at the third floor (one is called a 'reading room') with two bathrooms:



The overall goal of the Project is to allow the Campbell's two sons to have their own bedrooms – they currently share one. The entire family shares a single small bathroom on this floor, and the Project proposes a second one for the parents. The current house is small in size – it is a classic early twentieth century cottage. The Project proposes a modest addition at this floor so that the family can continue to live here as their sons grow up. To say 'put a bedroom on a lower floor' simply to reduce massing so his views can be protected is not in spirit of the RDG nor an accommodation that should be granted.

The DR Requestor wants to have all of these features at his property but deny similar conditions at the Campbells home. The modifications requested are for a simple reason – to retain his views across the Project Sponsor's Property. His requests should be seen for what they are and denied. They are not in the spirit of the RDG nor exceptional or extraordinary to warrant taking DR.

D. Conclusion

The DR Requestor has failed to establish exceptional or extraordinary circumstances that would justify the exercise of discretionary review and further modifications of the Project. The Project Sponsor has demonstrated his willingness to be a good neighbor by redesigning the Project to reduce the impact along the shared property line. The DR Requestor's proposed modifications are extreme in nature and all to maintain the views from his angled bay addition. Because the DR Requestor has not established any exceptional or extraordinary circumstances, we respectfully ask that the Planning Commission deny the request for discretionary review and approve the modified Project as proposed by the Project Sponsors. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

A handwritten signature in blue ink, likely belonging to a representative of the law firm Reuben, Junius & Rose, LLP.

Tara Sullivan

Enclosures

cc: Vice President Kathrin Moore
Commissioner Sue Diamond
Commissioner Rachel Tanner
Commissioner Frank Fung
Commissioner Teresa Imperial
Commissioner Delan Chan
Jonas Ionin – Commission Secretary
David Winslow – DR Planner

Letters of Support

From: [CC Tree Design](#)
To: [Tara N. Sullivan](#); [Chandra Campbell](#)
Subject: Fwd: Letter in support of remodel at 36 Delano Ave. 2019-012567DRP
Date: Monday, January 11, 2021 5:45:45 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Letter number one. 14 Delano

Sincerely,
Christopher

Christopher Campbell Tree Design
Bay Area Arborist Coop Inc.
Certified Arborist #6488A
Qualified Tree Risk Assessor #1177
1465 25th Street
San Francisco, CA 94107
p. 415.239.6100

<http://www.cctreedesign.com>

Begin forwarded message:

From: "petear@pacbell.net" <petear@pacbell.net>
Subject: Letter in support of remodel at 36 Delano Ave. 2019-012567DRP
Date: January 11, 2021 at 3:48:20 PM PST
To: "Commissions.Secretary@sfgov.org" <Commissions.Secretary@sfgov.org>
Cc: "david.winslow@sfgov.org" <david.winslow@sfgov.org>
Reply-To: "petear@pacbell.net" <petear@pacbell.net>

I'm writing this letter to the San Francisco Planning Commission. I have reviewed and support the remodel at 36 Delano Ave. I live at 14 Delano Ave. I feel the design is appropriate for the block. I've been living on this block since 1976 and the neighborhood always had families with children and since the Campbell Family moved in they added to the joy of living here. May I also add with a growing family the space will be needed for their

home. I have also seen that the Campbell Family is very involved in neighborhood improvements i.e. Balboa Park, Halloween celebration on the block and tree planting.

In full support

Signed, Peter and Christine Arenas

14 Delano Ave.

From: CC Tree Design
To: Tara N. Sullivan; Chandra Campbell
Subject: Fwd: 36 Delano Avenue, 2019-012567DRP
Date: Tuesday, January 12, 2021 4:47:40 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

From 35 Delano letter #2

Sincerely,
Christopher

Christopher Campbell Tree Design
Bay Area Arborist Coop Inc.
Certified Arborist #6488A
Qualified Tree Risk Assessor #1177
1465 25th Street
San Francisco, CA 94107
p. 415.239.6100

<http://www.cctreedesign.com>

Begin forwarded message:

From: Michael J Potepan <mpotepan@sfsu.edu>
Subject: Fw: 36 Delano Avenue, 2019-012567DRP
Date: January 12, 2021 at 4:43:47 PM PST
To: "christopher@cctreedesign.com" <christopher@cctreedesign.com>

From: Michael J Potepan
Sent: Tuesday, January 12, 2021 4:40 PM
To: commissions.secretary@sfgov.org <commissions.secretary@sfgov.org>
Cc: david.winslow@sfgov.org <david.winslow@sfgov.org>
Subject: 36 Delano Avenue, 2019-012567DRP

Reference: 36 Delano Avenue, 2019-012567DRP

Hearing Date: 1/14/2020

Dear Commissioners:

We are writing in support of the above referenced project at 35 Delano Avenue.

We have known Chandra and Christopher Campbell since they moved in across the street from us in 2006. Since then, they have contributed to the neighborhood and surrounding community in numerous ways both large and small. Christopher was instrumental in the development of the Balboa Park children's playground and nearby skatepark. He and Chandra have worked with other neighbors on a street closure to ensure a safe Halloween and on Fourth of July and Easter festivities. On a personal note, as a certified arborist, Christopher has done work for us, exceeding expectations every time.

We have reviewed the plans for the Campbell's remodel at 36 Delano. We believe their proposal represents a reasonable extension that allows them to remain in the house as their family has grown and requires additional living space. The plans as proposed are in scale with the neighborhood and totally in keeping with the size and scope of surrounding houses on the block. We do not see how this proposed remodel could have any negative impact on other residents on the block.

We understand that one neighbor has objected to the Campbell's project. We find it ironic that this same neighbor recently undertook a two-plus year remodeling project on his own house that was very similar to the proposed project by the Campbells. No one including the Campbells objected to that neighbor's right to improve their home then.

We strongly urge you to support this very reasonable project.

Sincerely,

Donna Ficarrotta & Michael Potepan
35 Delano Avenue
San Francisco

From: [CC Tree Design](#)
To: [Tara N. Sullivan](#); [Chandra Campbell](#)
Subject: Fwd: 36 Delano Avenue SF Ca 94112 2019-012567DRP
Date: Tuesday, January 12, 2021 4:50:44 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

letter #3 Neighbor at Santa Ysabel, Emerald

Sincerely,
Christopher

Christopher Campbell Tree Design
Bay Area Arborist Coop Inc.
Certified Arborist #6488A
Qualified Tree Risk Assessor #1177
1465 25th Street
San Francisco, CA 94107
p. 415.239.6100

<http://www.cctreedesign.com>

Begin forwarded message:

From: EMERALD <emeraldmoving@yahoo.com>
Subject: Fwd: 36 Delano Avenue SF Ca 94112 2019-012567DRP
Date: January 12, 2021 at 3:07:07 PM PST
To: CC Tree Design <christopher@cctreedesign.com>

Sent from my iPhone

Begin forwarded message:

From: EMERALD <emeraldmoving@yahoo.com>

Date: January 12, 2021 at 11:54:23 AM PST
To: Sf Planning Dept <Commissions.Secretary@sfgov.org>, David
San Francisco <david.winslow@sfgov.org>,
emeraldMoving@yahoo.com
Subject: 36 Delano Avenue SF Ca 94112 2019-012567DRP

Dear Commissioners & Architect, David Winslow,

Re: 2019-012567DRP

This is the perfect project for this neighborhood. I and my family support the project. I live very close [36 Delano on Santa Ysabel Ave](#). This neighborhood is perfect for families. I have raised my family here. Thankfully I had enough room for them otherwise I would not be living here.

The house is on a huge lot. There are other homes in the neighborhood that have expanded the envelope years ago so they could avail of living in the area. We live within walking distance to Bart and Muni. We don't need a car because of this.

The project should be approved and allow this family to remain in the neighborhood. It will also be good in the future for families to buy into this area many years to come.

Yours Sincerely
Emerald

From: [CC Tree Design](#)
To: [Tara N. Sullivan](#); [Chandra Campbell](#)
Subject: Fwd: 2019-012567DRP 36 delano
Date: Tuesday, January 12, 2021 4:55:33 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Letter# 4 from Roger Ryan on Santa Ysabel

Sincerely,
Christopher

Christopher Campbell Tree Design
Bay Area Arborist Coop Inc.
Certified Arborist #6488A
Qualified Tree Risk Assessor #1177
1465 25th Street
San Francisco, CA 94107
p. 415.239.6100

<http://www.cctreedesign.com>

Begin forwarded message:

From: Rogers <rogerryan123@gmail.com>
Subject: Fwd: 2019-012567DRP 36 delano
Date: January 12, 2021 at 3:06:29 PM PST
To: CC Tree Design <christopher@cctreedesign.com>

Sent from my iPhone

Begin forwarded message:

From: roger ryan <rogerryan123@gmail.com>

Date: January 12, 2021 at 10:39:53 AM PST
To: david.winslow@sfgov.org, Commissions.Secretary@sfgov.org,
roger ryan <rogerryan123@gmail.com>
Subject: 2019-012567DRP 36 delano

36 Delano Avenue SF Ca 94112 2019-012567DRP

Dear Commissioners & Mr. David Winslow,

Re: 2019-012567DRP

I live in this beautiful diverse neighborhood for many years. I know the family at 36 Delaon street. We are blessed to have such wonderful people in our community. As you may know that we live near to a transit corridor. The home is too small for a family of 4 where 2 kids are sharing a room. 36 Delano has the opportunity to expand their home. This is fantastic as we need more families in our city now and in the future. This home is small compared to the lot size and needs to expand in order to accommodate this family. In addition if this family has another kid they could be forced from our neighbourhood and community. This would be a great loss to us.

This is the perfect project for this neighborhood. I fully support the project. I live one block from 36 Delano on Santa Ysabel Ave.

Thank You
roger ryan

From: [CC Tree Design](#)
To: [Tara N. Sullivan](#); [Chandra Campbell](#)
Subject: Fwd: 36 Delano Avenue 2019-012567DRP (01/14/2021 PC hearing)
Date: Tuesday, January 12, 2021 7:24:06 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Letter #5 neighbors at 2 Delano Ave

Sincerely,
Christopher

Christopher Campbell Tree Design
Bay Area Arborist Coop Inc.
Certified Arborist #6488A
Qualified Tree Risk Assessor #1177
1465 25th Street
San Francisco, CA 94107
p. 415.239.6100

<http://www.cctreedesign.com>

Begin forwarded message:

From: rech@comcast.net
Subject: 36 Delano Avenue 2019-012567DRP (01/14/2021 PC hearing)
Date: January 12, 2021 at 7:20:31 PM PST
To: "Commissions.Secretary@sfgov.org"
<Commissions.Secretary@sfgov.org>
Cc: "david.winslow@sfgov.org" <david.winslow@sfgov.org>

To Whom It May Concern,

We have reviewed and completely support the addition proposal for 36 Delano Avenue. It is a small house, which can be a challenge for a growing family. We have lived on Delano Avenue since 1986. 30 years ago we were in the same situation with two young daughters, needing another bedroom. At that time we were fully supported by our neighbors. It

was either add an addition or possibly move out of the neighborhood. The addition is totally appropriate for this block, in size and mass.

The Campbell family are wonderful neighbors, who participate in all of the neighborhood events and functions. In the past all of the neighbors have supported each other through the many additions that have taken place on Delano Avenue. We would be sad if they are forced to leave our neighborhood, to look for a larger home, which we think is totally unnecessary

Sincerely,

Buzz and Nancy Rechsteiner

2 Delano Avenue

San Francisco, CA 94112

From: [CC Tree Design](#)
To: [Tara N. Sullivan](#); [Chandra Campbell](#)
Subject: Fwd: 36 Delano Avenue - 2019-012567DRP
Date: Wednesday, January 13, 2021 3:36:54 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Letter #6 from neighbor directly across the alley from us 1859 San Jose Avenue
Jon Mayo

Glenn Pineda

Sincerely,
Christopher

Christopher Campbell Tree Design
Bay Area Arborist Coop Inc.
Certified Arborist #6488A
Qualified Tree Risk Assessor #1177
1465 25th Street
San Francisco, CA 94107
p. 415.239.6100

<http://www.cctreedesign.com>

Begin forwarded message:

From: Jon Mayo <jlmayo@gmail.com>
Subject: 36 Delano Avenue - 2019-012567DRP
Date: January 13, 2021 at 6:41:21 AM PST
To: Commissions.Secretary@sfgov.org
Cc: david.winslow@sfgov.org
Reply-To: jlmayo@gmail.com

To Whom it May Concern at the SF Planning Commission,

Glenn and I are writing you this letter with our unequivocal support for the project

being planned at 36 Delano Avenue in San Francisco.

We have been neighbors for nearly 7 years in the home DIRECTLY behind the property under consideration. To say that this project not only is a beautification to the home and impactful to the families living happiness, it also continues to increase the value of homes in this wonderful southern City neighborhood.

The Campbells are a wonderful family who participate wholly in the entire neighborhood's well-being: from Independence Day celebrations at Balboa Park, annual Halloween Street events for the children, etc.

We reviewed the proposal that they had submitted and support it without concern.

Thank you,

Jon Mayo
Glenn Pineda

Homeowners - 1859 San Jose Avenue, San Francisco, CA 94112

--

Jonathan Mayo

415-823-4093
jlmayo@gmail.com

From: [CC Tree Design](#)
To: [Tara N. Sullivan](#); [Chandra Campbell](#)
Subject: Fwd: In support of 36 Delano Avenue, 2019-012567DRP (1/14/20 PC)
Date: Wednesday, January 13, 2021 5:12:33 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Letter #7 from 19 Delano Ave Leon Yu

Sincerely,
Christopher

Christopher Campbell Tree Design
Bay Area Arborist Coop Inc.
Certified Arborist #6488A
Qualified Tree Risk Assessor #1177
1465 25th Street
San Francisco, CA 94107
p. 415.239.6100

<http://www.cctreedesign.com>

Begin forwarded message:

From: Leon Yu <leonyu@hotmail.com>
Subject: In support of 36 Delano Avenue, 2019-012567DRP (1/14/20 PC)
Date: January 13, 2021 at 5:06:00 PM PST
To: "Commissions.Secretary@sfgov.org"
<Commissions.Secretary@sfgov.org>
Cc: "david.winslow@sfgov.org" <david.winslow@sfgov.org>

Dear Commissioners,

I'm writing today to express my support for of the proposal for work at 36 Delano Avenue in San Francisco, California. In reviewing the proposal plans, it all appears to be very appropriate for the block and in scale with other additions or remodels that have been approved and constructed in the neighborhood. The plans appear to be

very smart use of the limited space to provide the owner's growing family the appropriate space they need to live. I do not see any detriment that may potentially be brought to the neighborhood by such work.

In contrast, I can only see the benefits of the work by keeping good people in the neighborhood. We know owners well, and find them to be outstanding members of the community. They have contributed to many improvements to the neighborhood, including rebuilding local Balboa Park, regular participation in neighborhood celebrations like 4th of July parades, Halloween celebrations and the general good neighborly behavior. Christopher Campbell has also been a great resource for the neighborhood in providing consultation and expertise in tree health and maintenance (as a licensed Arborist) which has huge direct benefit to the look of the neighborhood, the desire to live here, and property values as a whole.

We appreciate your time and attention to this matter and consideration of the proposal at 36 Delano. We hope your commission sees the value in this project, as we do, and in turn help continue to keep single family residency stable for good people who love to live in San Francisco.

With appreciation,
Leon Yu and Tessa Lee

19 Delano Avenue
San Francisco, CA 94112
415.269.3004

From: [CC Tree Design](#)
To: [Tara N. Sullivan](#); [Chandra Campbell](#)
Subject: Fwd: Letter in support of remodel at 36 Delano Avenue (Campbell home)
Date: Wednesday, January 13, 2021 8:52:23 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Letter #8 Dana pluck 30 Delano. Nextdoor neighbor to the north

Sincerely,
Christopher

Christopher Campbell Tree Design
Bay Area Arborist Coop Inc.
Certified Arborist #6488A
Qualified Tree Risk Assessor #1177
1465 25th Street
San Francisco, CA 94107
p. 415.239.6100

<http://www.cctreedesign.com>

Begin forwarded message:

From: Dana Pluck <dana.pluck@yahoo.com>
Subject: Letter in support of remodel at 36 Delano Avenue (Campbell home)
Date: January 13, 2021 at 8:34:46 PM PST
To: "Commissions.Secretary@sfgov.org"
<Commissions.Secretary@sfgov.org>
Cc: "david.winslow@sfgov.org" <david.winslow@sfgov.org>

To Whom it May Concern,

I am a resident of 30 Delano Ave. I have lived here in San Francisco since 1986 and owned my home since 1998. I, myself, have two HS age children sharing a bedroom. I know all too well that raising a family in San Francisco is difficult.

After saving enough money to buy a home in San Francisco, families are often faced with deciding whether to move (frequently outside of the city) or go through the difficult hurdles of a remodel.

I am writing today to request that my neighbors at 36 Delano, The Campbells be approved to move forward with their current remodel plans.

I have reviewed the plans for the remodel and have no concerns. The addition that the Campbells have planned is in keeping with the scale of other houses in the street. Since they moved to the neighborhood in 2006. All the improvements they have made have been tastefully done and in consideration to the existing small neighborhood community that our street has developed over the last few decades.

Sincerely,

Dana Pluck

Home Owner
Neighbor

30 Delano Ave
San Francisco, CA 94112
415-585-6677

From: christopher@cctreedesign.com
To: [Tara N. Sullivan](#); [Chandra Campbell](#)
Subject: Fwd: 36 Delano Avenue - 2019-012567DRP
Date: Wednesday, January 13, 2021 11:45:46 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Letter #9 david Mauroff 46 Delano

Christopher Campbell
Certified Arborist WE-6488A
Qualified Tree Risk Assessor #1177
cctreedesign.com

Begin forwarded message:

From: christopher@cctreedesign.com
Date: January 13, 2021 at 11:43:45 PM PST
To: David Mauroff <dmauroff@gmail.com>
Subject: Re: 36 Delano Avenue - 2019-012567DRP

Well, that was a really nice letter david. The last one is the best... Thanks for being such great neighbors and friends

Christopher Campbell
Certified Arborist WE-6488A
Qualified Tree Risk Assessor #1177
cctreedesign.com

On Jan 13, 2021, at 10:44 PM, David Mauroff
<dmauroff@gmail.com> wrote:

Dear San Francisco Planning Commission,

We are writing in full support of the Campbell's proposed remodel of their home at 36 Delano Avenue. Our understanding is that there is a PC hearing scheduled for 1/14/21 and Design Review on 1/28/21.

We have known the Campbells since we moved to our home at 46 Delano Avenue in 2008. My wife grew up in San

Francisco, both of our kids attend San Francisco public schools and we both work at community-based non-profits that are dedicated to child welfare and criminal justice in the City. Christopher and Chandra were one of the first neighbors to welcome us to the block and we can attest to their character and support for our local community. We have two girls, one of whom is their older boy's age and our oldest is a senior in high school. We really got to know each other through a project driven by a group of neighbors to replace the Balboa Park Playground. It was a gigantic task for our small group as we navigated city bureaucracy, secured funding and organized dozens of volunteers for a community workday. Our project eventually led to a more extensive renovation including a skateboard park spearheaded by Christopher, walking trails, lighting, new tennis courts and pool overhaul.

We always talk about how we're fortunate to live in Mission Terrace and the Campbells are a great example of why it's such a great place to raise kids. They always pitch in on events like our annual block closure for Halloween, informal hangouts, keeping the alley behind our homes clean, tree consultations and pruning and generally being there for a cup of sugar or helping hand. When I heard about the project being appealed, my initial reaction was that these types of situations are what make it so hard to raise a family in San Francisco. We are so lucky to have separate bedrooms for our girls, especially as they've gotten older. I don't understand how one appeal can shut down a family's ability to grow into their home and create the space they deserve. All you have to do is stand in our alley and you'll see that the houses surrounding the Campbells have more mass and extend deeper into their lots. The neighbor between us recently renovated his home and we didn't oppose any aspect of his plans and ended up cooperating on some foundation work. His house extends a bit beyond ours but I'm glad he was able to complete what is a really nice remodel. Everybody deserves the right to be happy inside their home.

In no way does the proposed project impact the character of our neighborhood. To the contrary, I believe that giving families the ability to stay in their current homes versus having to leave San Francisco to find more space only deepens the character of our block and community. Like the

Campbells, we're here to stay and we're fortunate we have the space to make that realistic. We strongly encourage you to approve their project without any additional changes.

Please let us know if you have questions or need additional information.

Take care,
David Mauroff, Justine Underhill, Ramona and Lucy
46 Delano Avenue

To the SF Planning Commission

Subject: 36 Delano Ave 2019-012567DRP
Initially scheduled hearing date Jan 14, 2021

January 14, 2021

Dear Commissioners,

I am writing to you in support of the proposed addition to 36 Delano Ave.

I have lived at 201 Delano Ave for 35 years.

I am familiar with the discretionary review process.

I have seen the proposed plans for 36 Delano Ave, have read the request for the discretionary review (DR), am familiar with the home on this site, the family that lives there and with the adjacent homes. I am also familiar with many other homes in the neighborhood that have been remodeled and extended. I appreciate the effort required to update and maintain these homes. We have added an addition onto our own home.

With regard to what appears to be the prime issue raised in the DR, the adjacent property of the DR requestor has recently been remodeled and extended. The design of the third story for this remodel provided a view diagonally across the rear of the adjacent property (36 Delano). This optimization of the view was a choice made by the DR requestor when designing his addition. However, to describe this view as being a portion of the mid-block-open-space is, in my opinion, invalid.

The property of the DR requestor would still have a broad open access to the mid-block open space; however, it wouldn't have an uninterrupted view to the north across the entire adjacent property at 36 Delano.

Additionally, the proposal for the addition at 36 Delano includes a setback along the property line in question that provides some accommodation to the concerns of the neighbor.

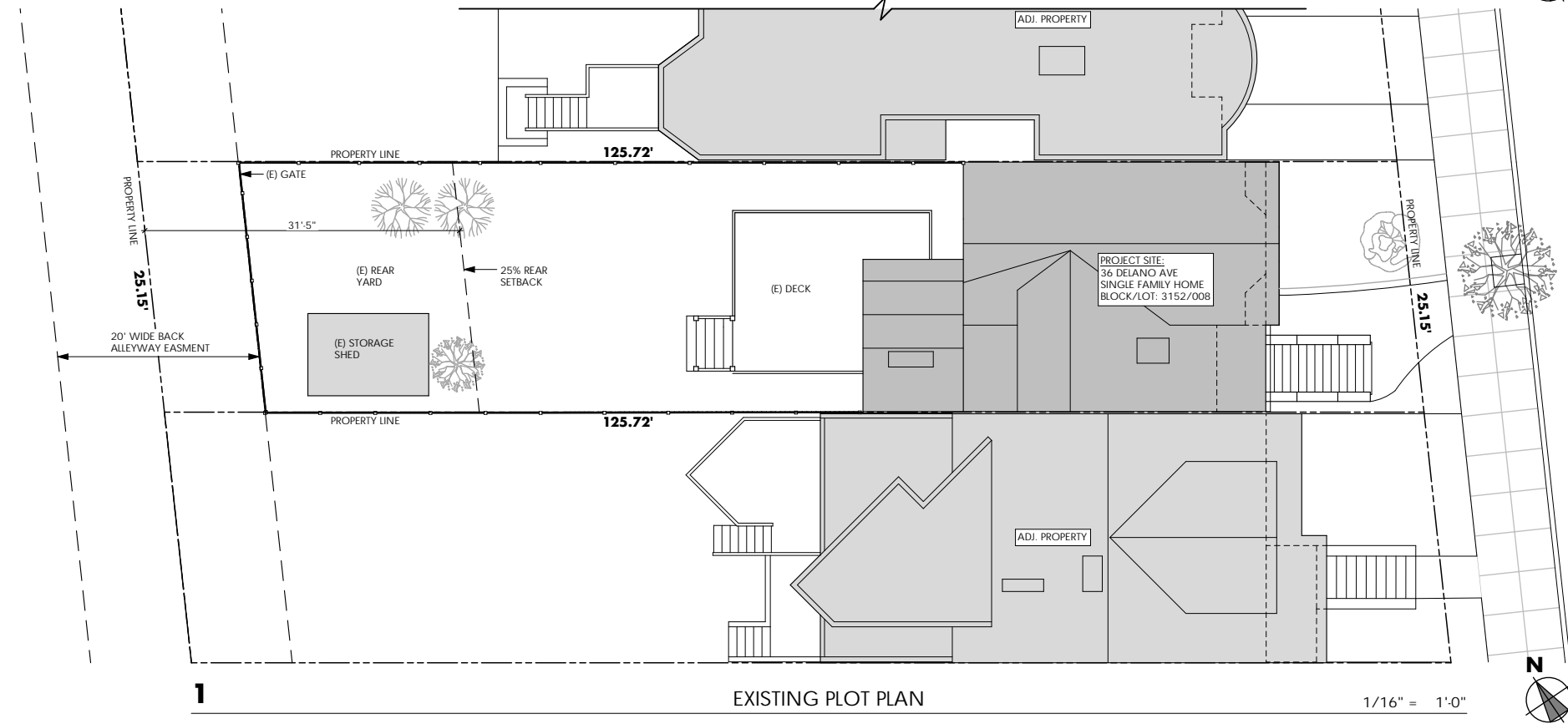
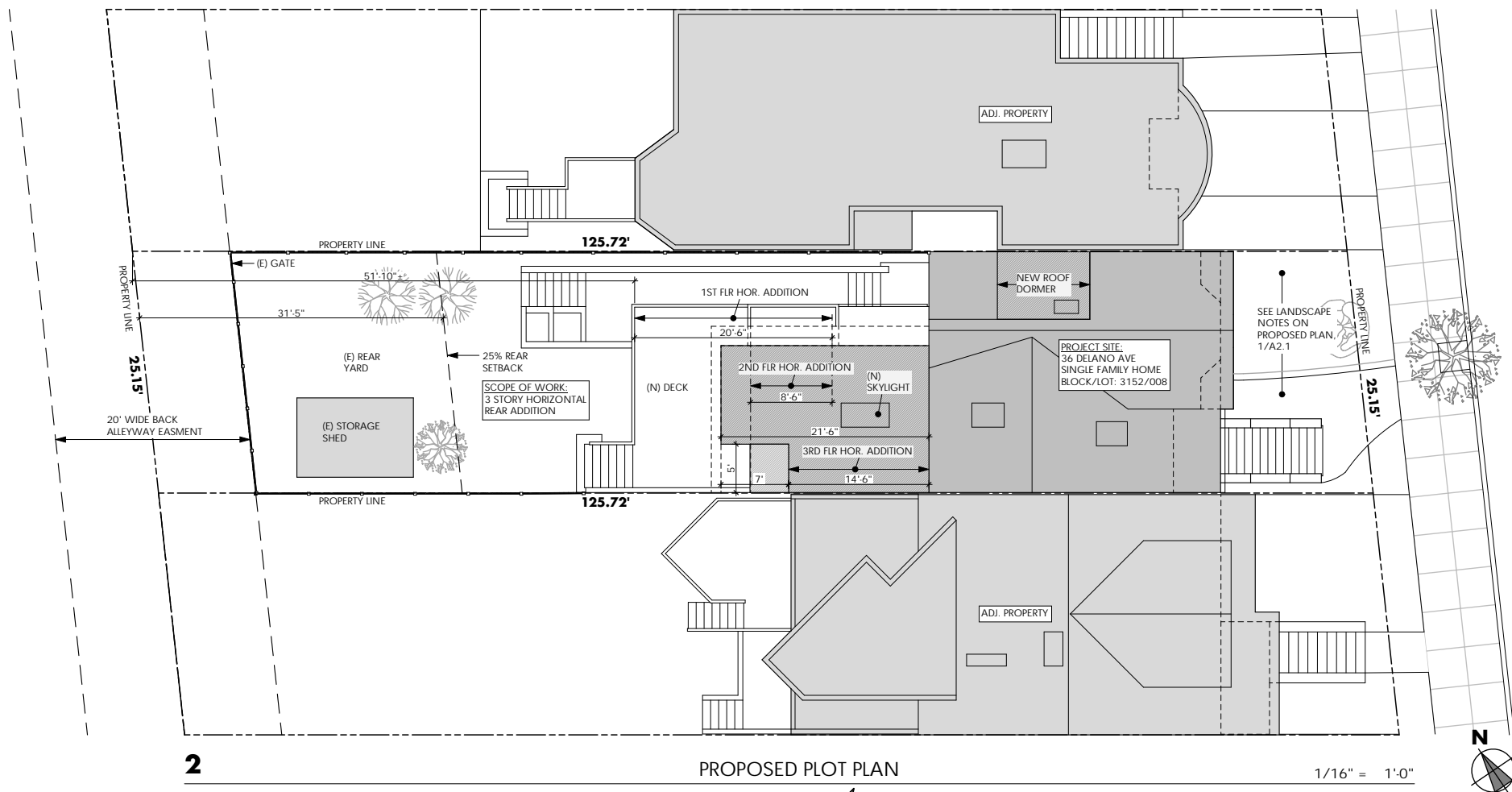
The proposed addition to 36 Delano would not deprive the adjacent property of direct sunlight since this adjacent property is to the south of the proposed addition at 36 Delano. The addition to 36 Delano would, in fact, reflect light into the adjacent property.

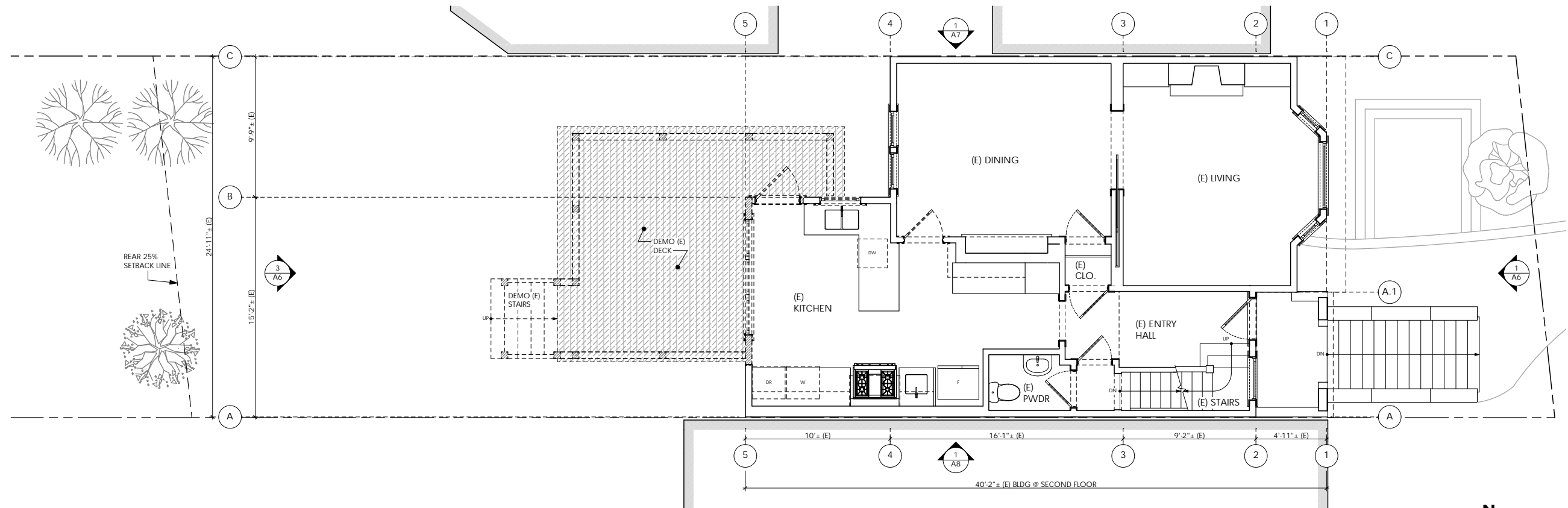
People make the effort to remodel and extend in order to accommodate their families and be able to remain in our neighborhood. It is apparent to me that this well designed addition and remodel to 36 Delano Ave would benefit both the family at 36 Delano Ave and our community in general.

Please approve the project as designed.

Thank you,

David Hooper
201 Delano Ave
San Francisco, CA 94112

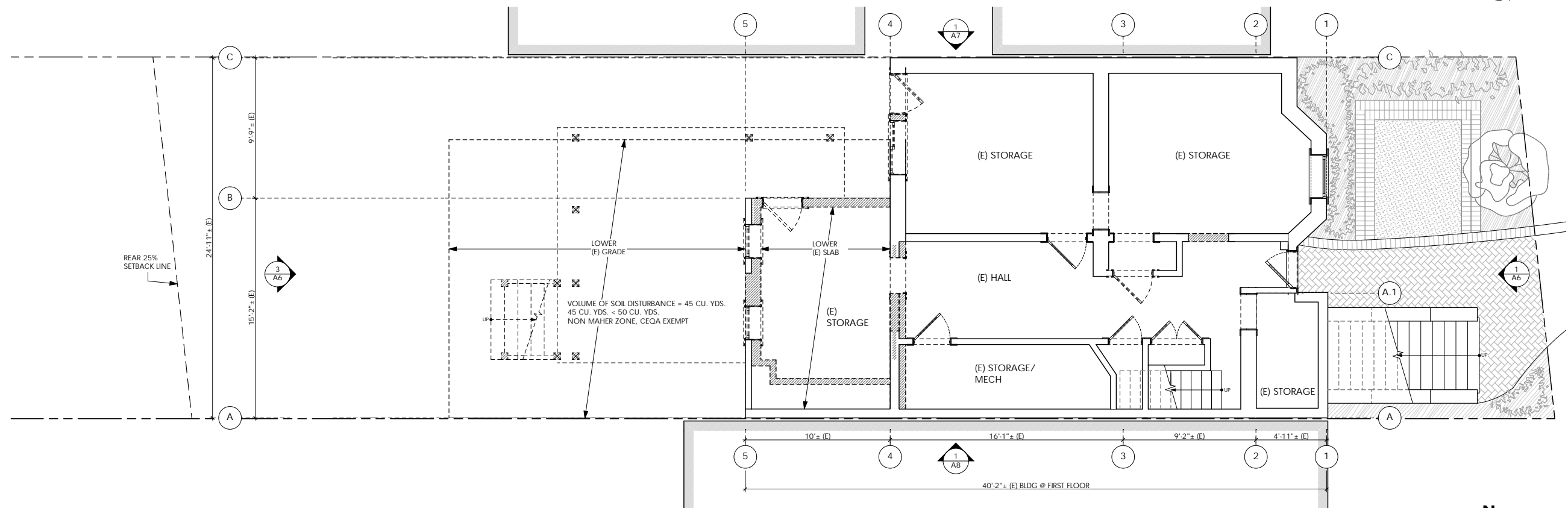




2

(E)/DEMO SECOND FLOOR

1/8" = 1'-0"

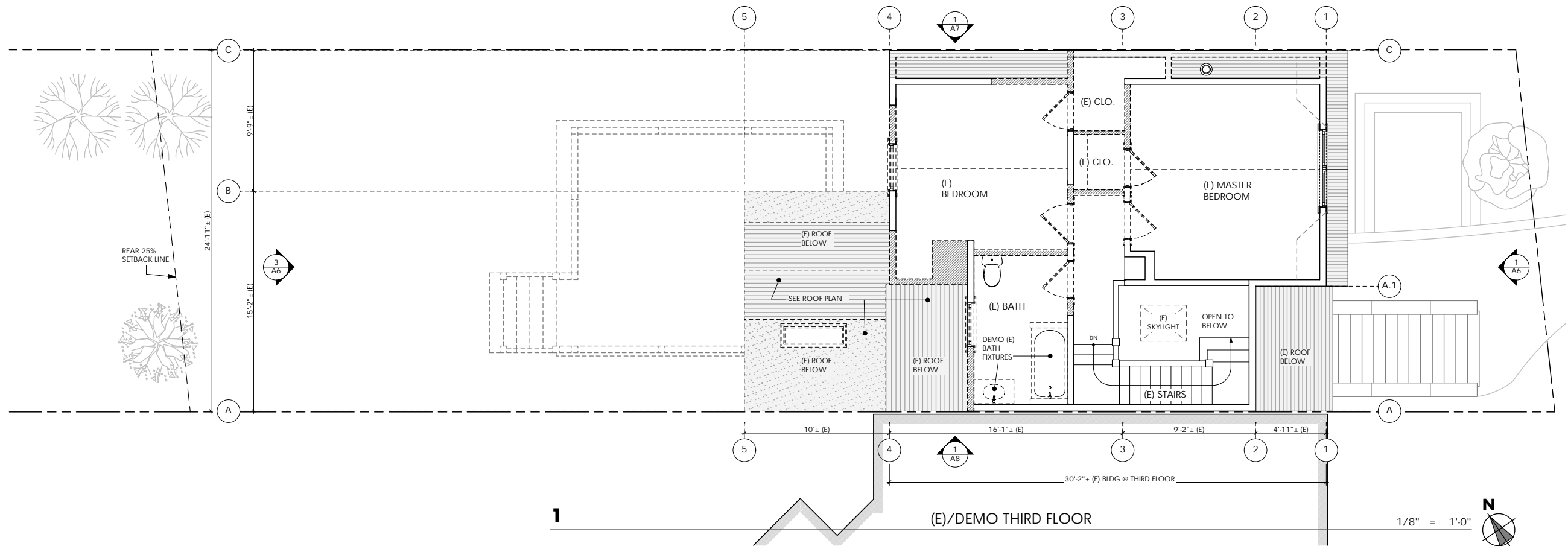
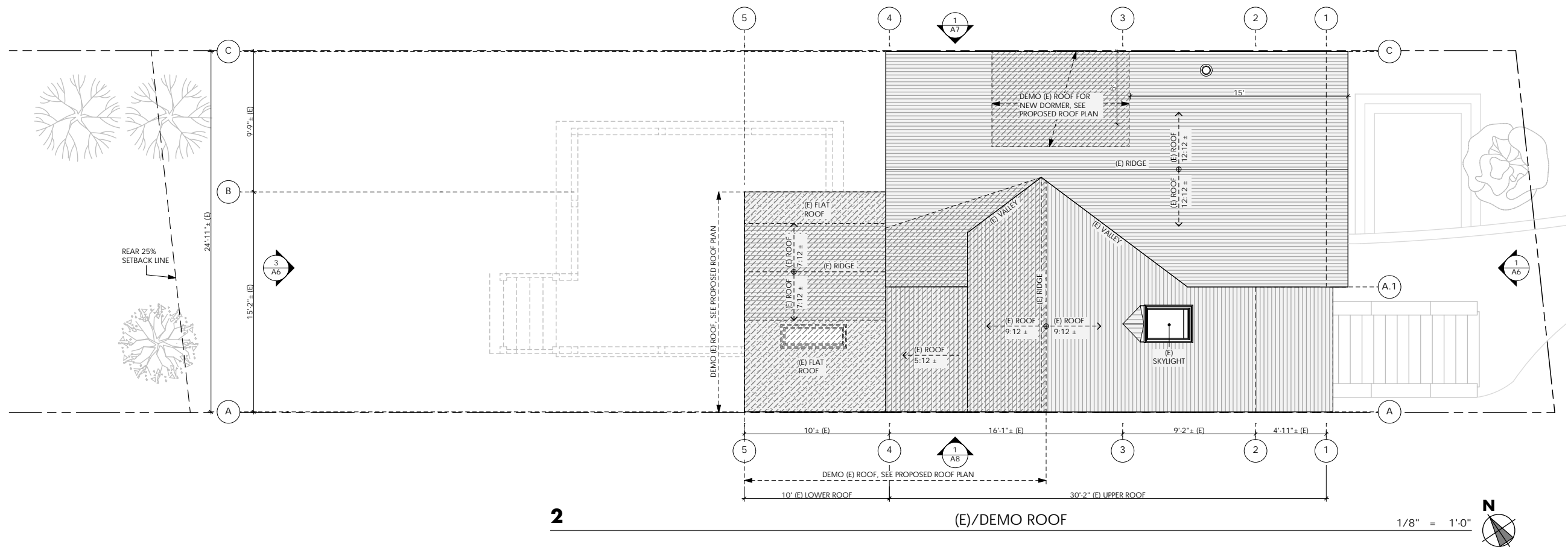


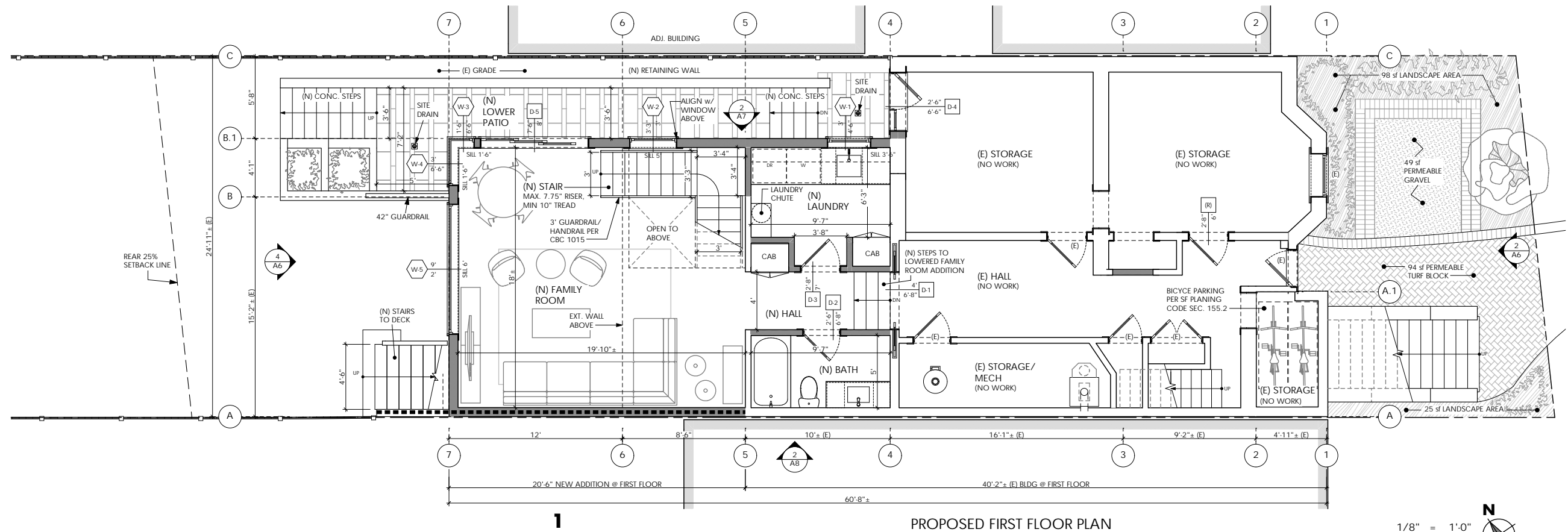
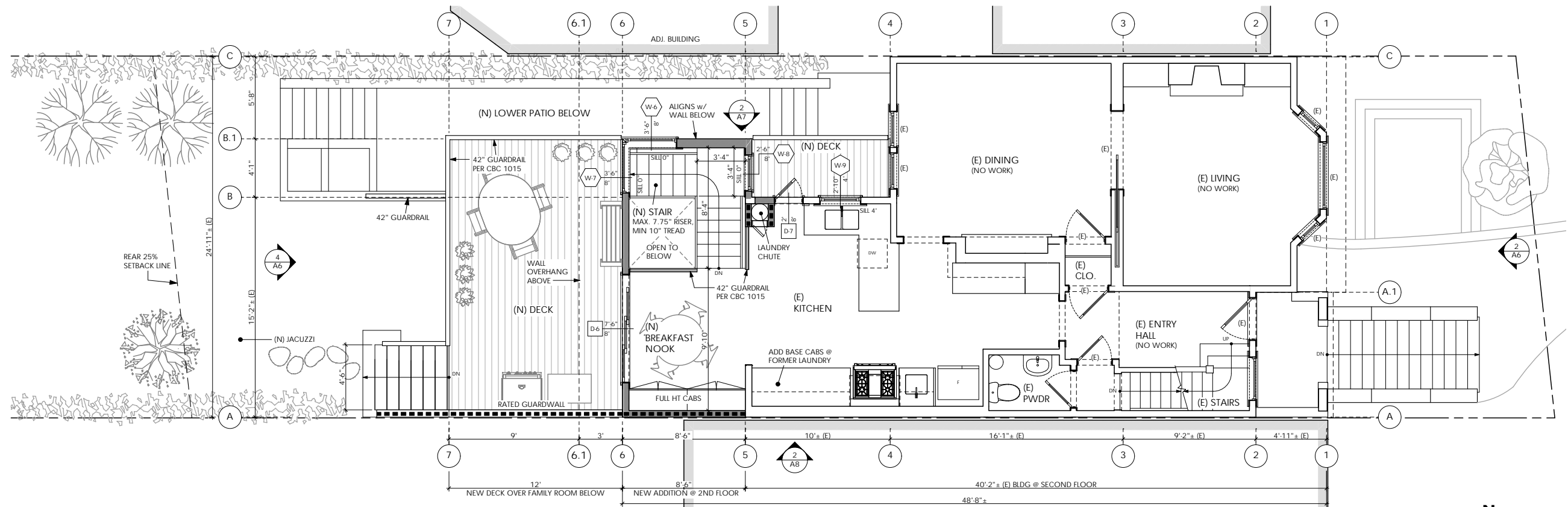
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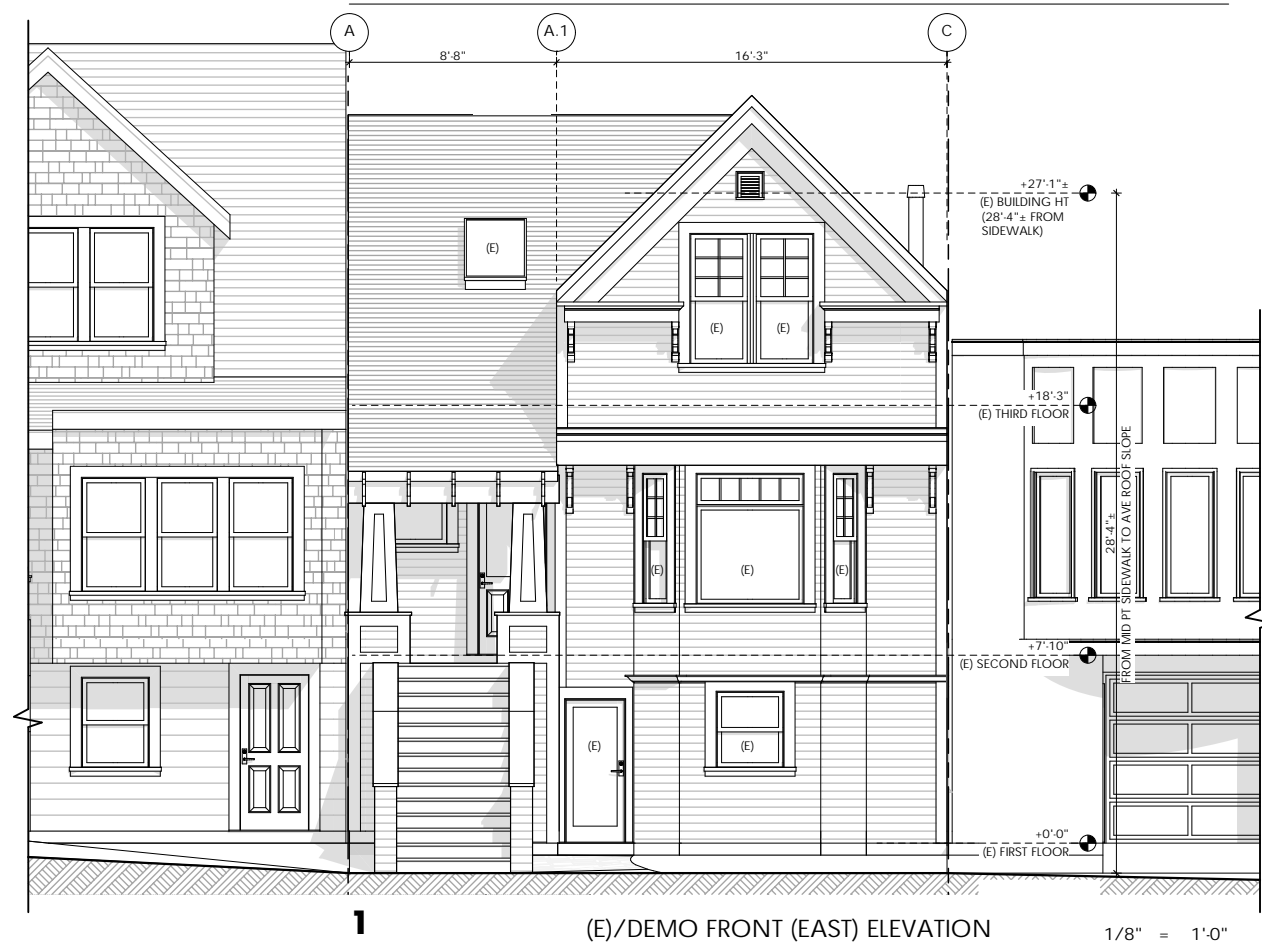
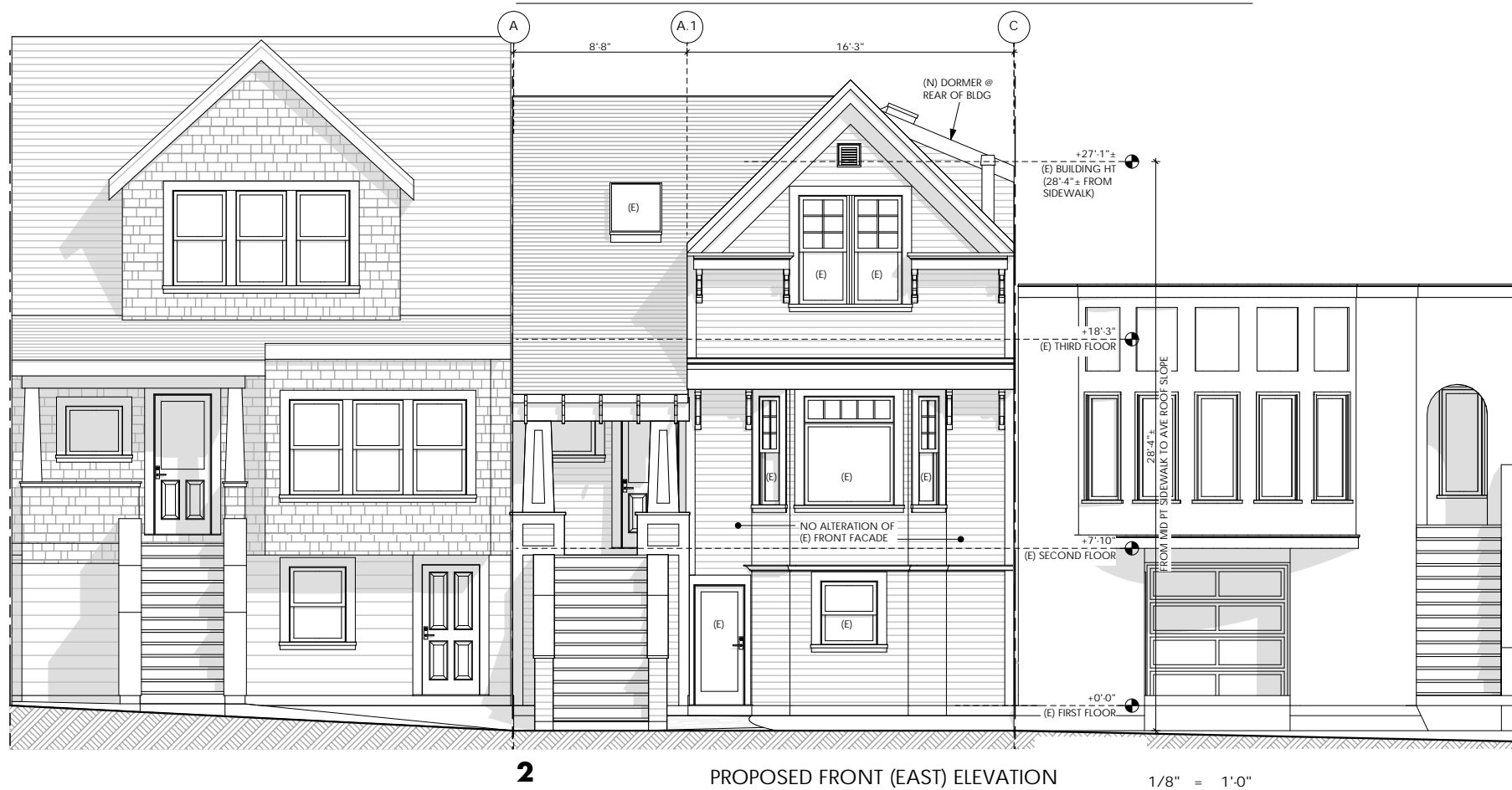
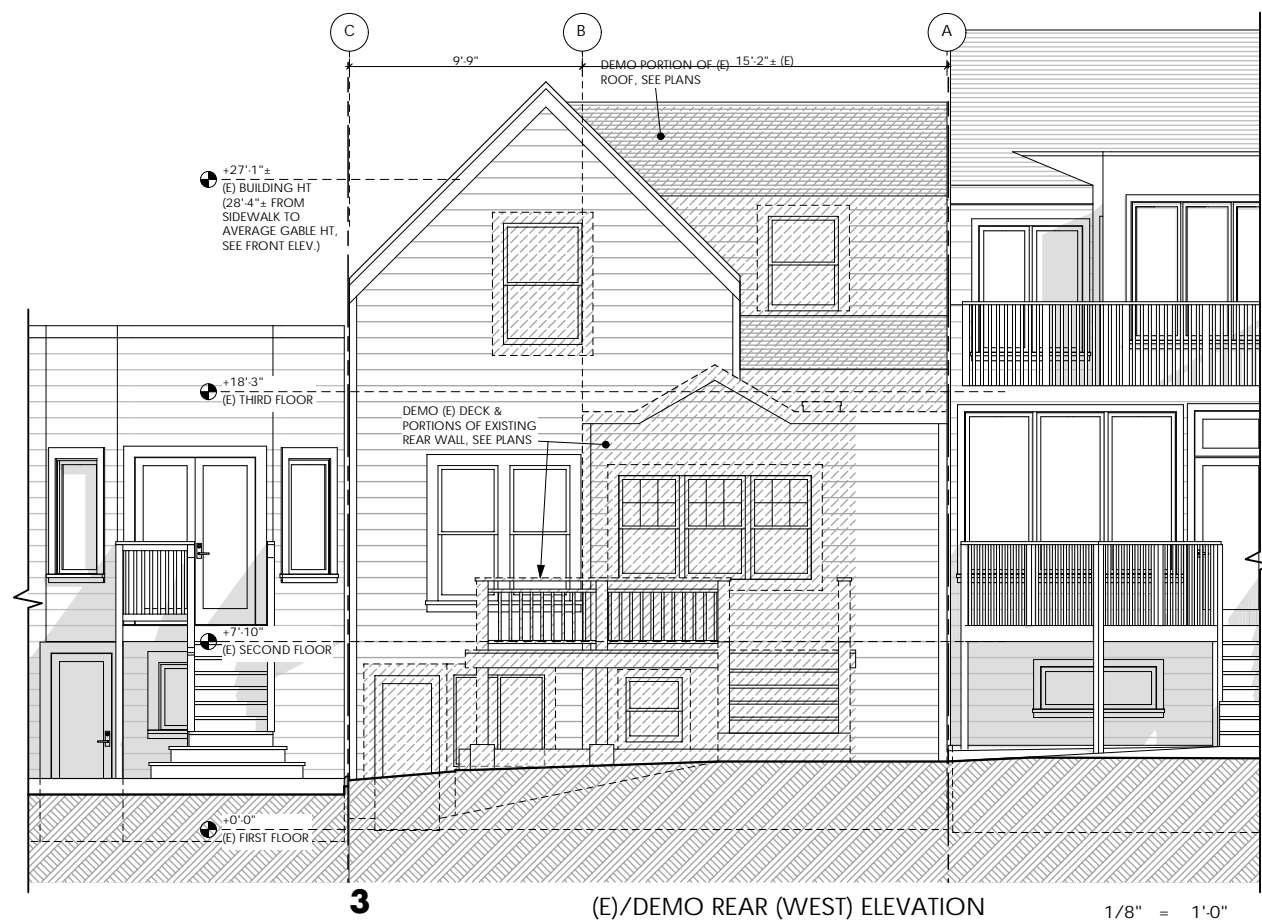
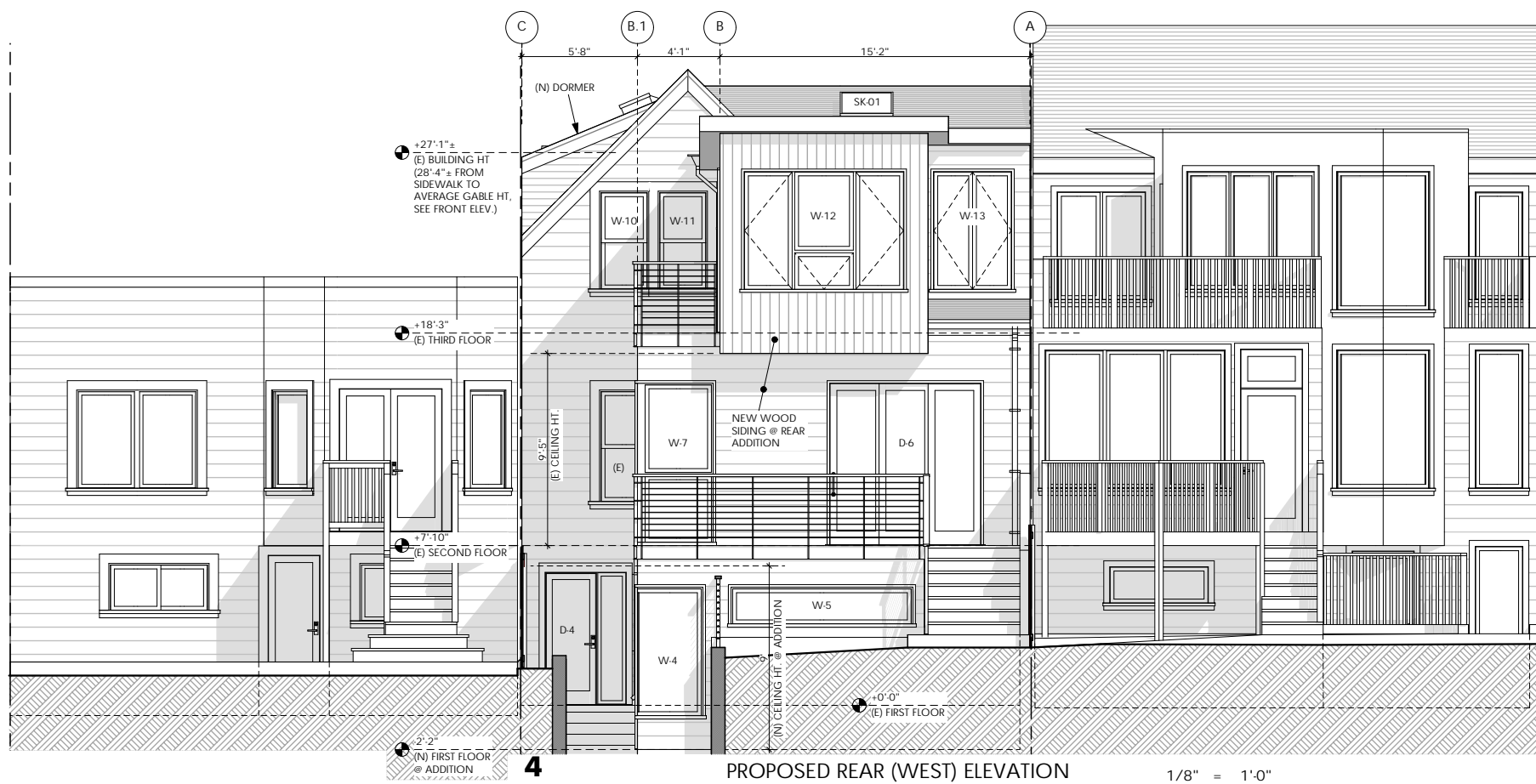
(E)/DEMO FIRST FLOOR

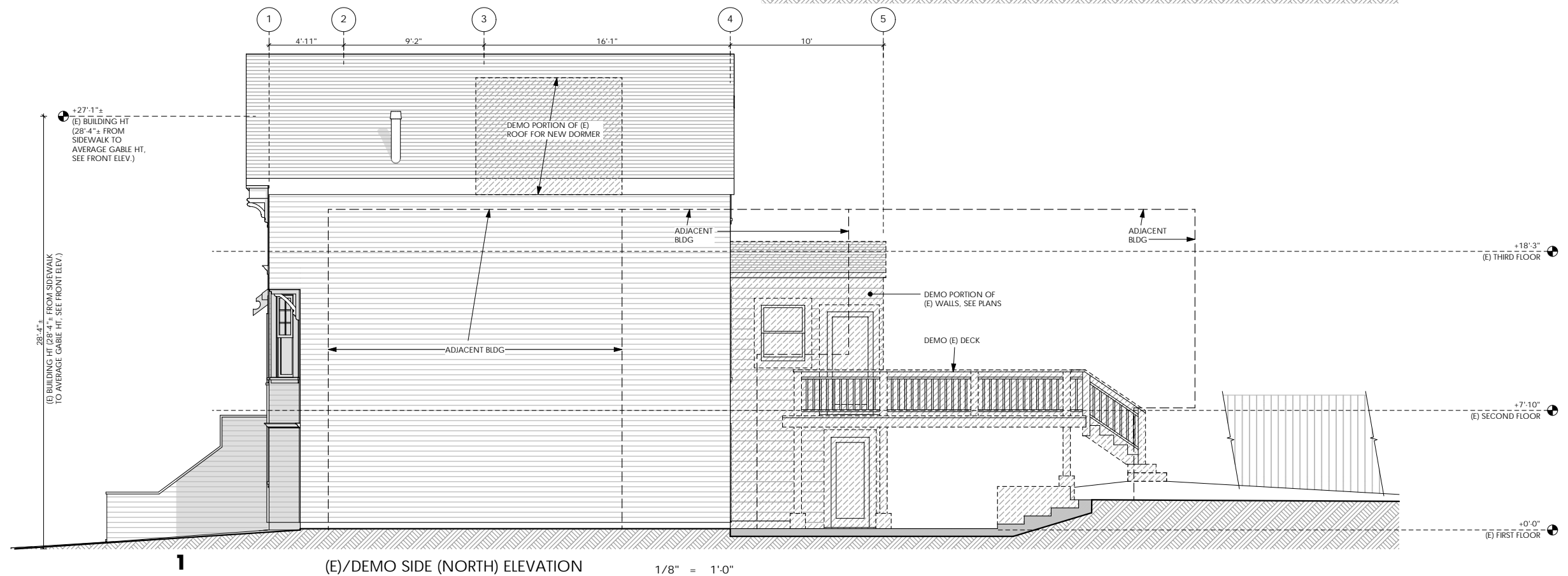
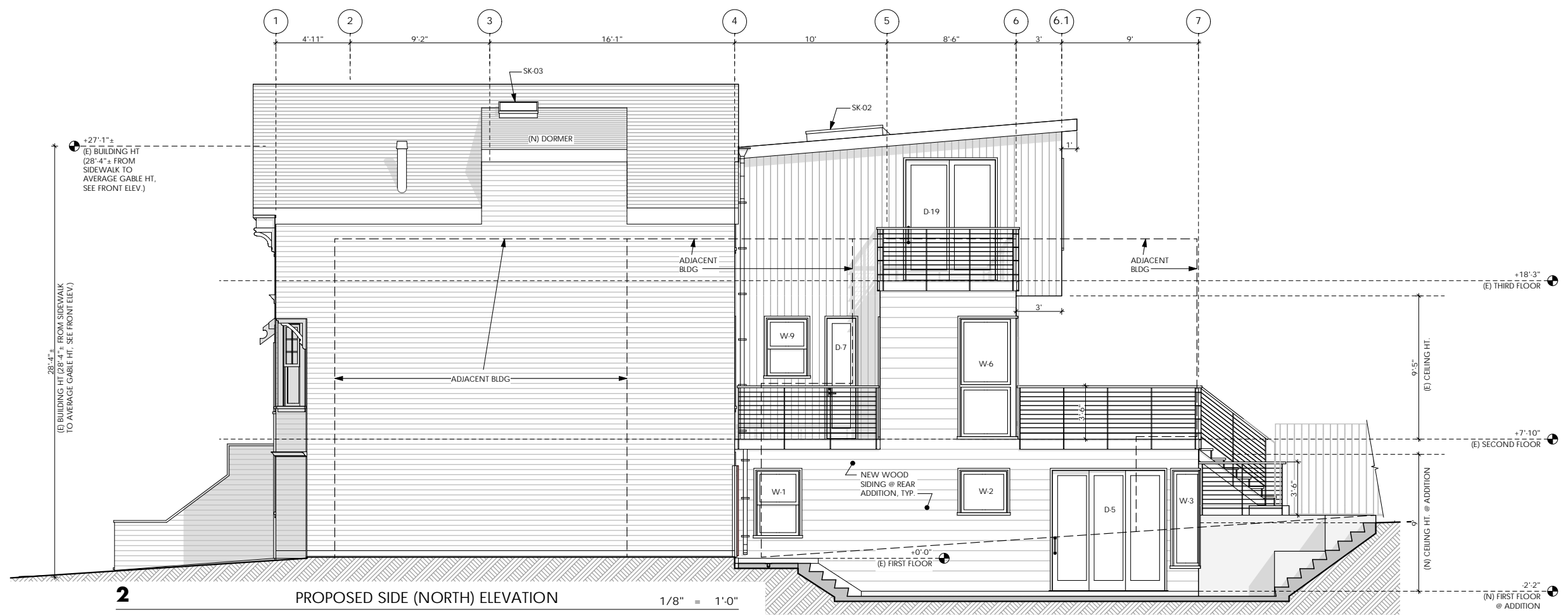
1/8" = 1'-0"

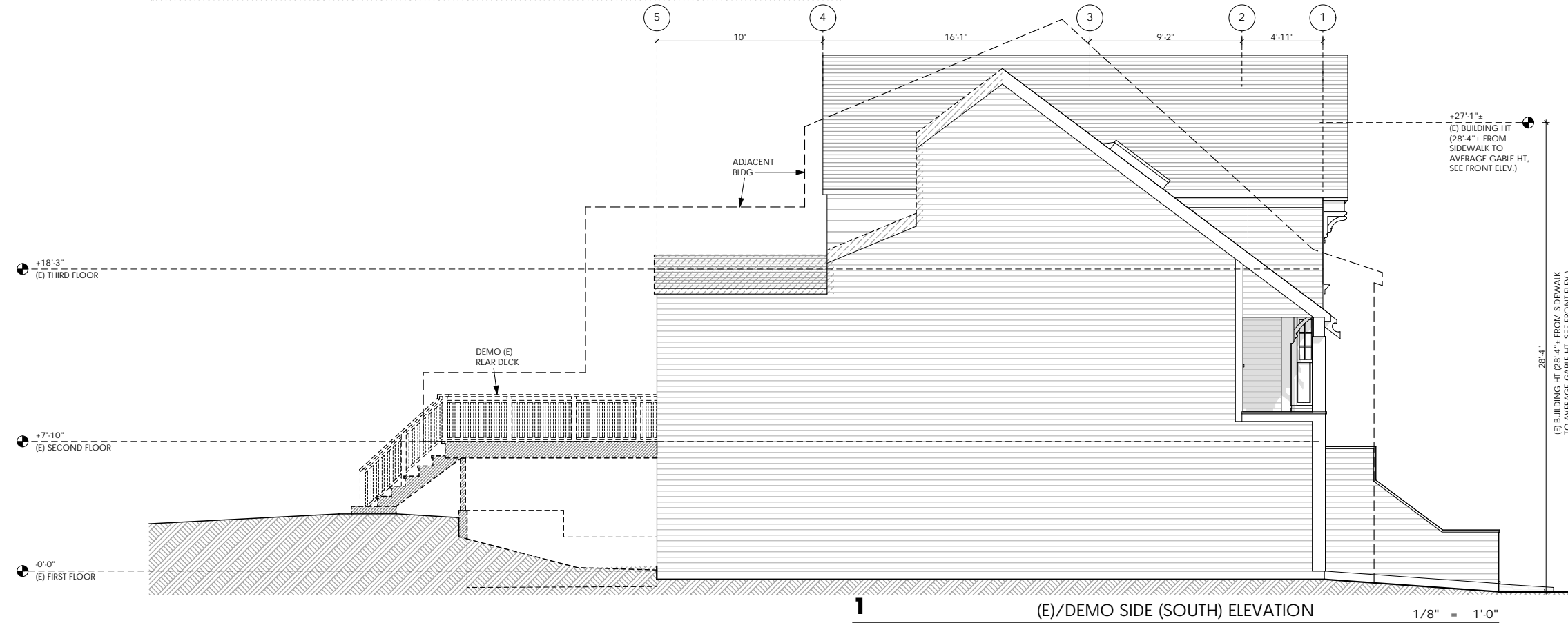
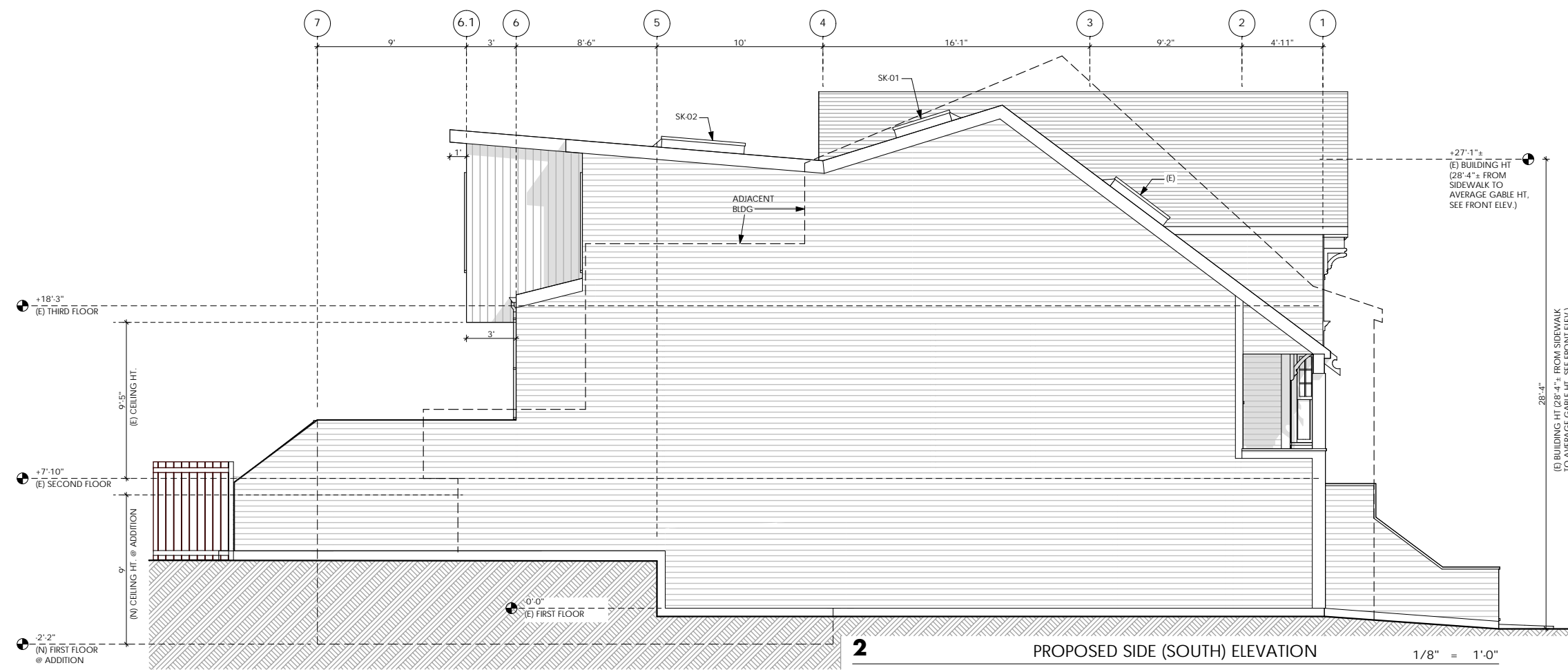


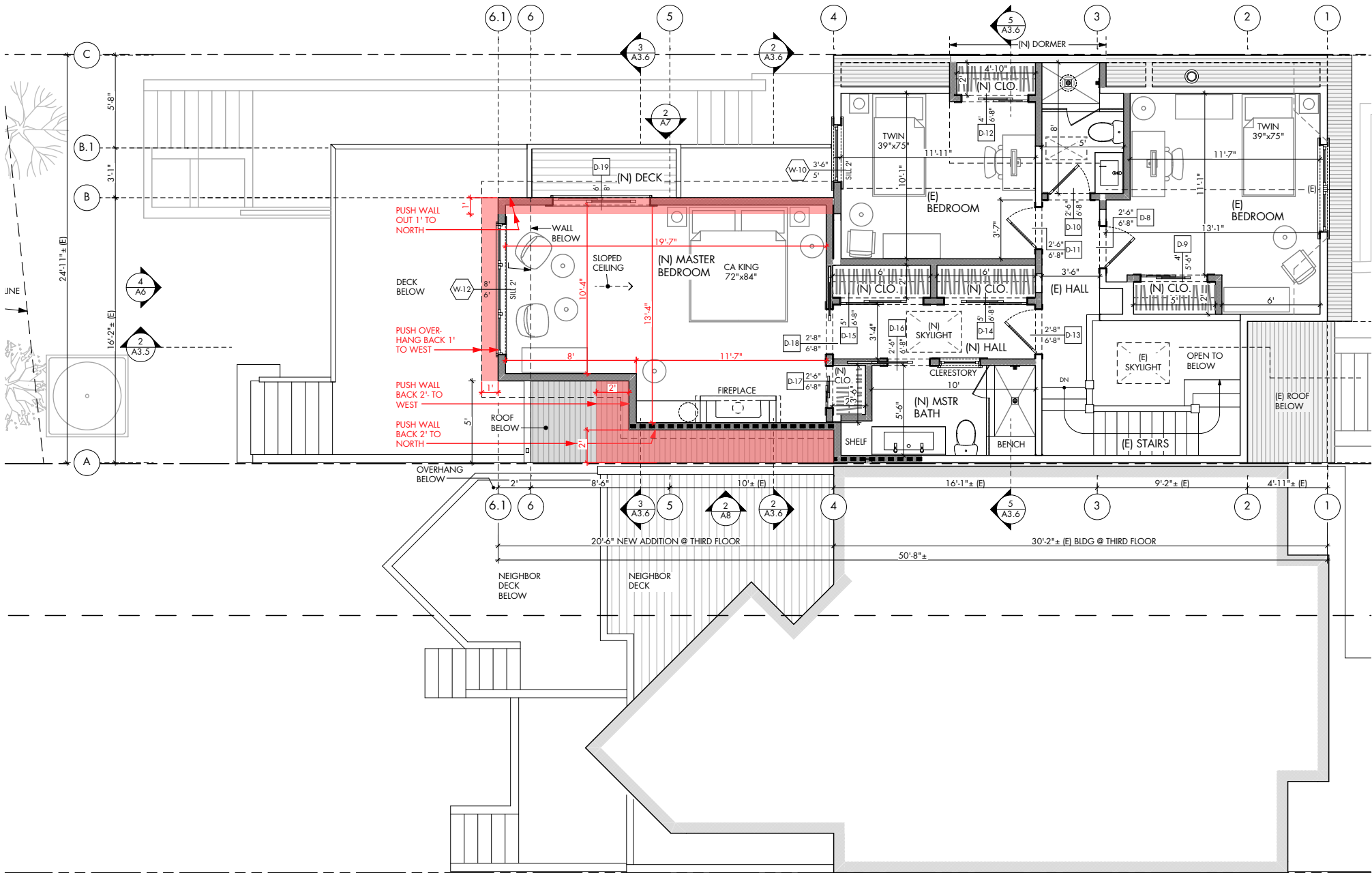












2VDESIGN

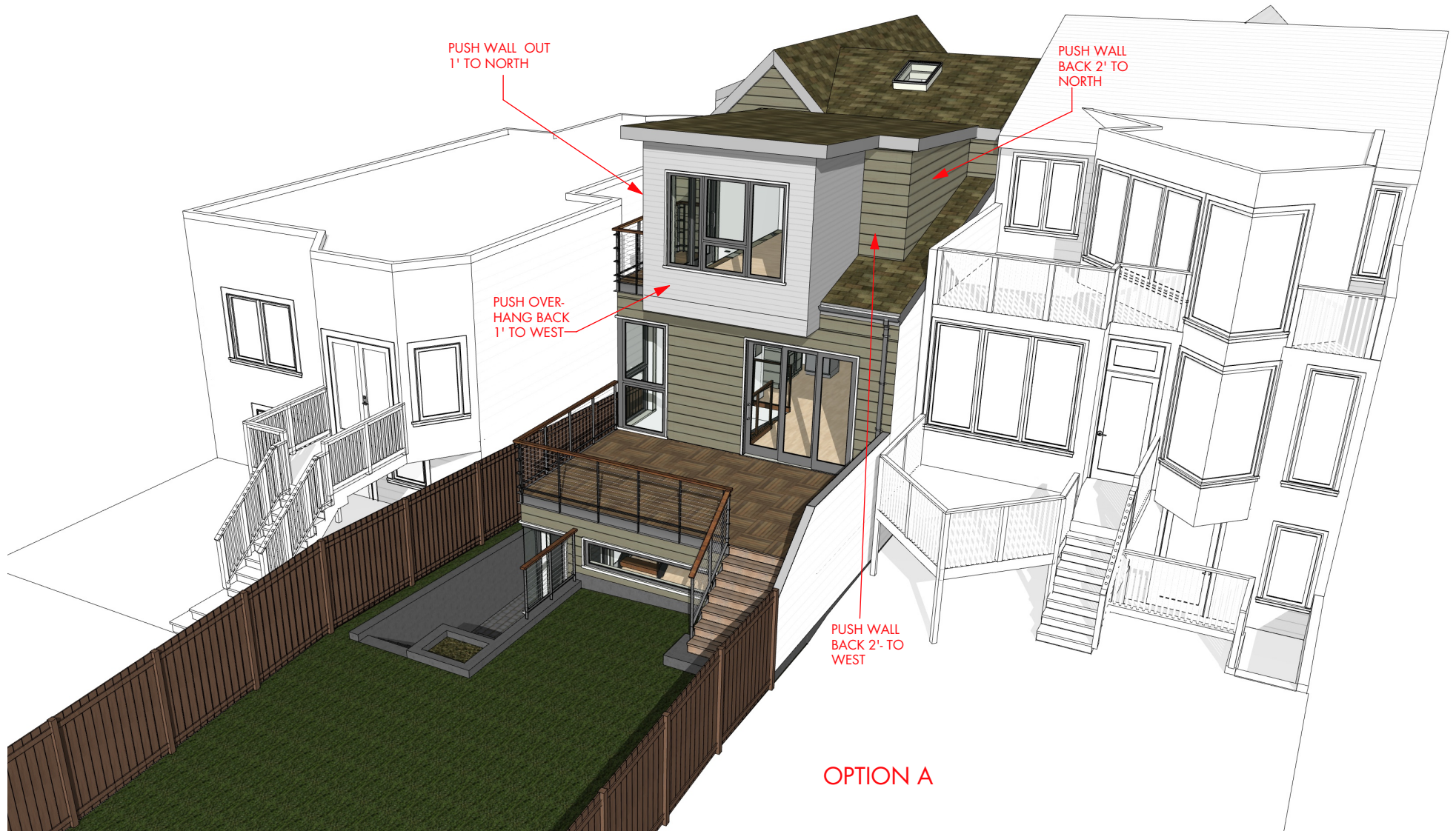
PO BOX 210655 SF CA 94121
T 415.269.0511 F 415.236.6012

Chandra & Chris Campbell
36 Delano Avenue
San Francisco, CA 94112

SKETCH SHEETS
OPTION A - 2' setback

date **12/18/20**
job number **1805**
phase **SITE PERMIT**
drawing reference
scale **1/8" = 1'-0"**

SK.39



2VDESIGN

PO BOX 210655 SF CA 94121
T 415.269.0511 F 415.236.6012

Chandra & Chris Campbell

36 Delano Avenue
San Francisco, CA 94112

SKETCH SHEETS

REAR VIEW-OPTION A

date **12/18/20**

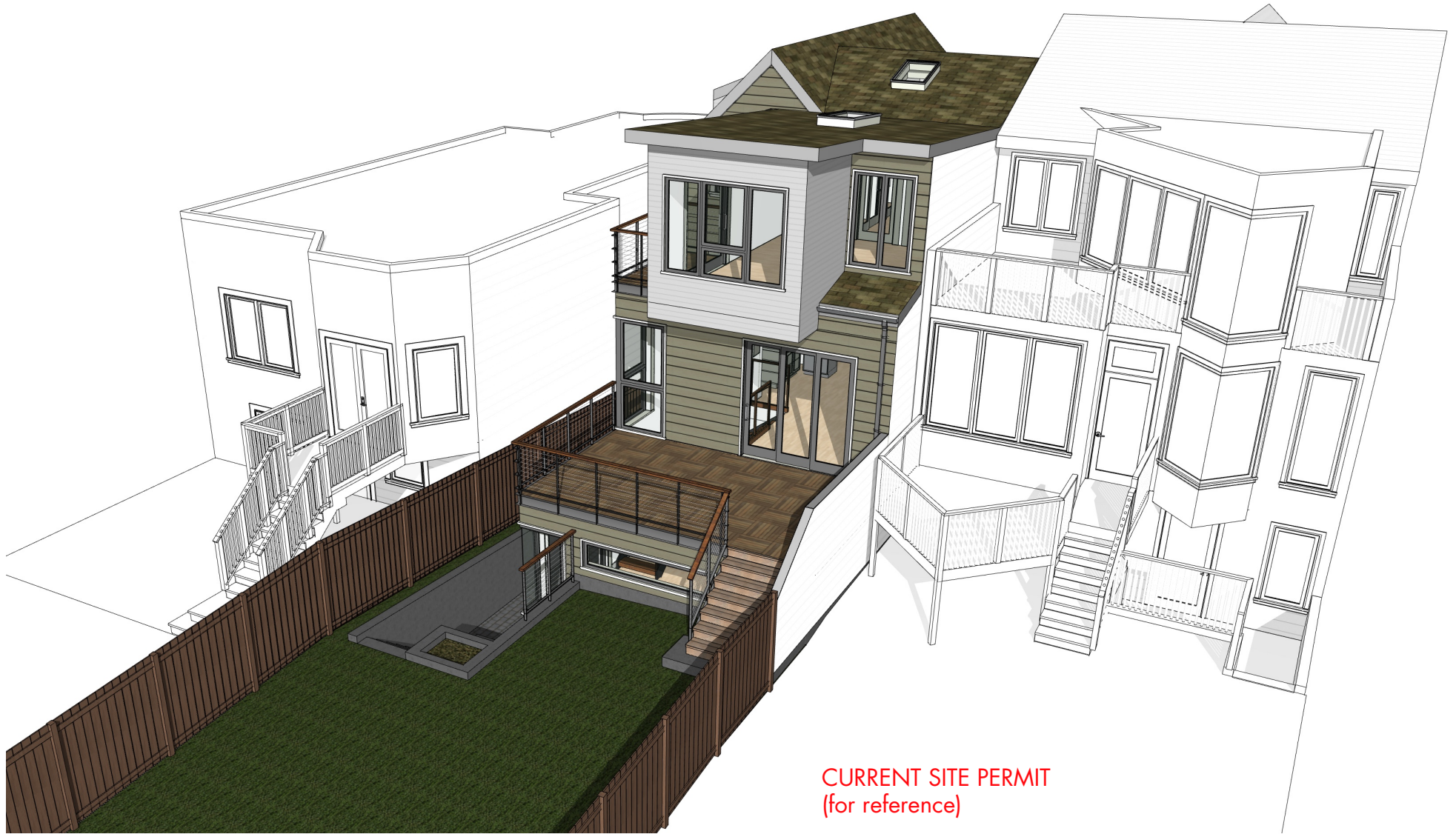
job number **1805**

phase **SITE PERMIT**

drawing reference

scale **1:2.22**

SK.40



2VDESIGN

PO BOX 210655 SF CA 94121
T 415.269.0511 F 415.236.6012

Chandra & Chris Campbell

36 Delano Avenue
San Francisco, CA 94112

SKETCH SHEETS

REAR VIEW-SITE PERMIT

date **12/18/20**

job number **1805**

phase **SITE PERMIT**

drawing reference

scale **1:2.22**

SK.43