DISCRETIONARY REVIEW
ABBREVIATED ANALYSIS

HEARING DATE: September 17, 2020

Record No.: 2019-019671DRP
Project Address: 1463 43rd Avenue
Permit Applications: 2019.1003.3488
Zoning: RH-1[Residential House, One-Family]
40-X Height and Bulk District
Block/Lot: 1810/012
Project Sponsor: Ian Tallon
1463 43rd Avenue
San Francisco, CA 94122
Staff Contact: David Winslow – (628) 652-7335
david.winslow@sfgov.org

Recommendation: Do Not Take DR and Approve

Project Description

The project proposes to construct a 157 sq. ft horizontal expansion to the front of the third-floor setback greater than 15’ from the front façade.

Site Description and Present Use

The site is a 25’ wide x 120’-0” deep lot containing an existing 3-story, single family home. The existing building is a Category ’B’- potential historic resource built in 1900.

Surrounding Properties and Neighborhood

The buildings on this block of 43rd Avenue are generally 2-stories at the street face. The two adjacent buildings have third stories setback from their front façades less than 15’. The mid-block open space is defined by a rather consistent alignment of buildings.
Building Permit Notification

<table>
<thead>
<tr>
<th>Type</th>
<th>Required Period</th>
<th>Notification Dates</th>
<th>DR File Date</th>
<th>DR Hearing Date</th>
<th>Filing to Hearing Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>311 Notice</td>
<td>30 days</td>
<td>April 20, 2020 – May 20, 2020</td>
<td>5.20. 2020</td>
<td>9.17. 2020</td>
<td>120 days</td>
</tr>
</tbody>
</table>

Hearing Notification

<table>
<thead>
<tr>
<th>Type</th>
<th>Required Period</th>
<th>Required Notice Date</th>
<th>Actual Notice Date</th>
<th>Actual Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Posted Notice</td>
<td>20 days</td>
<td>August 28, 2020</td>
<td>August 28, 2020</td>
<td>20 days</td>
</tr>
<tr>
<td>Mailed Notice</td>
<td>20 days</td>
<td>August 28, 2020</td>
<td>August 28, 2020</td>
<td>20 days</td>
</tr>
<tr>
<td>Online Notice</td>
<td>20 days</td>
<td>August 28, 2020</td>
<td>August 28, 2020</td>
<td>20 days</td>
</tr>
</tbody>
</table>

Public Comment

<table>
<thead>
<tr>
<th></th>
<th>Support</th>
<th>Opposed</th>
<th>No Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjacent neighbor(s)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other neighbors on the block or directly across the street</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Neighborhood groups</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Environmental Review

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

DR Requestors

Suae-chen Chang and Daniel Church of 1461 43rd Avenue, residents of the adjacent property to the north.

DR Requestor’s Concerns and Proposed Alternatives

DR requestor is concerned that the proposed project:

1. Will block light in light well. (Residential Design Guideline related articulation of buildings to minimize
Proposed alternatives:

Eliminate portion of addition next to DR requestor’s building.


Project Sponsor’s Response to DR Application

The DR requestor fails to demonstrate exceptional and extraordinary circumstances. The DR requestors’ south facing windows currently face an existing wall. The proposed addition will not create additional impedance to light to these windows.

See attached Response to Discretionary Review, dated September 9, 2020

Department Review

The Planning Department’s Residential Design Advisory Team (RDAT) reviewed this proposal and confirmed it meets the Residential Design Guidelines related to light and that the proposed addition does not create any exceptional or extraordinary circumstance with respect to the DR requestors’ access to light an air. The DR requestors’ side setback adequately provides light to its own windows and the additional massing of the proposed addition, which is setback 2’ feet from the shared property line to match the light well, is minimal.

Recommendation: Do Not Take DR and Approve

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Application
Response to DR Application, dated September 9, 2020
311 plans
Exhibits
Parcel Map

Discretionary Review Hearing
Case Number 2019-019671DRP
1463 43rd Avenue
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*
Aerial Photo

Discretionary Review Hearing
Case Number 2019-019671DRP
1463 43rd Avenue
NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On October 3, 2019, Building Permit Application No. 201910033488 was filed for work at the Project Address below.

Notice Date: April 20, 2020
Expiration Date: May 20, 2020

<table>
<thead>
<tr>
<th>PROJECT INFORMATION</th>
<th>APPLICANT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address:</td>
<td>Applicant: Ian Tallon</td>
</tr>
<tr>
<td>Cross Street(s):</td>
<td>Address: 1463 43rd Ave</td>
</tr>
<tr>
<td>Block/Lot No.:</td>
<td>City, State: San Francisco, CA</td>
</tr>
<tr>
<td>Zoning District(s):</td>
<td>Telephone: (650) 871-1962</td>
</tr>
<tr>
<td>Record Number:</td>
<td>Email: <a href="mailto:itallon@norsun.net">itallon@norsun.net</a></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

You are receiving this notice as an owner or occupant of property within 150 feet of the proposed project. **You are not required to take any action.** For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request that the Planning Commission review this application at a public hearing for Discretionary Review. Requests for a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown above, or the next business day if that date is on a 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**
- ☐ Demolition
- ☐ Change of Use
- ☐ Rear Addition
- ☑ Alteration
- ☐ New Construction
- ☐ Façade Alteration(s)
- ☐ Front Addition
- ☑ Side Addition
- ☑ Partial Vertical Addition

**PROJECT FEATURES**

<table>
<thead>
<tr>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Use</td>
<td>Residential</td>
</tr>
<tr>
<td>Building Depth</td>
<td>55 feet 4 inches</td>
</tr>
<tr>
<td>Building Height</td>
<td>29 feet 1 ½ inches</td>
</tr>
<tr>
<td>Number of Stories</td>
<td>3</td>
</tr>
</tbody>
</table>

**PROJECT DESCRIPTION**

The project includes a 157 S.F. expansion of the existing top floor towards the front of the building. It also includes the interior remodel of the single-family residence. No alteration to the existing front façade is proposed.

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

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

For more information, please contact Planning Department staff:
William Hughen, 415-575-8722, Will.Hughen@sfgov.org
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 Information Center (PIC) 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/drp-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 (415) 575-6880.

ENVIRONMENTAL REVIEW
This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department’s Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map at www.sfplanning.org. 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

<table>
<thead>
<tr>
<th>Project Address</th>
<th>Block/Lot(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1463 43rd Ave</td>
<td>1810012</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Permit No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-019671PRJ</td>
<td>201910033488</td>
</tr>
</tbody>
</table>

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

**Project description for Planning Department approval.**
The project includes a 157 S.F. expansion of the existing top floor towards the front of the building. It also includes the interior remodel of the single-family residence. No alteration to the existing front façade is proposed.

### STEP 1: EXEMPTION CLASS

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

- **Class 1 - Existing Facilities.** Interior and exterior alterations; additions under 10,000 sq. ft.
- **Class 3 - New Construction.** Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
- **Class 32 - In-Fill Development.** New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:
  1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
  2. The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
  3. The project site has no value as habitat for endangered rare or threatened species.
  4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
  5. The site can be adequately served by all required utilities and public services.

**FOR ENVIRONMENTAL PLANNING USE ONLY**

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality:</td>
<td>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.)? <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</em></td>
</tr>
<tr>
<td>Hazardous Materials:</td>
<td>If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? <em>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</em></td>
</tr>
<tr>
<td>Transportation:</td>
<td>Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</td>
</tr>
<tr>
<td>Archeological Resources:</td>
<td>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 <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</em></td>
</tr>
<tr>
<td>Subdivision/Lot Line Adjustment:</td>
<td>Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</em>. If yes, Environmental Planning must issue the exemption.</td>
</tr>
<tr>
<td>Slope = or &gt; 25%:</td>
<td>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? <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</em> If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</td>
</tr>
<tr>
<td>Seismic: Landslide Zone:</td>
<td>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? <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</em> If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</td>
</tr>
<tr>
<td>Seismic: Liquefaction Zone:</td>
<td>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? <em>(refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</em> If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</td>
</tr>
</tbody>
</table>

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

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

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>Category A: Known Historical Resource. GO TO STEP 5.</td>
<td></td>
</tr>
<tr>
<td>☑</td>
<td>Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.</td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.</td>
<td></td>
</tr>
</tbody>
</table>

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

Check all that apply to the project.

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

Note: Project Planner must check box below before proceeding.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>Project is not listed. GO TO STEP 5.</td>
</tr>
<tr>
<td>☐</td>
<td>Project does not conform to the scopes of work. GO TO STEP 5.</td>
</tr>
<tr>
<td>☐</td>
<td>Project involves four or more work descriptions. GO TO STEP 5.</td>
</tr>
<tr>
<td>☐</td>
<td>Project involves less than four work descriptions. GO TO STEP 6.</td>
</tr>
</tbody>
</table>

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

Check all that apply to the project.

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

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

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

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

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

    - Reclassify to Category A
      - a. Per HRER or PTR dated
      - b. Other (specify):
    - Reclassify to Category C
      *(attach HRER or PTR)*

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

    **Project can proceed with categorical exemption review.** The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. **GO TO STEP 6.**

Comments *(optional)*:

Preservation Planner Signature: Natalia Kwiatkowska

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**

**TO BE COMPLETED BY PROJECT PLANNER**

- **No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.**

  **Project Approval Action:**
  - Building Permit
  - If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.

  **Signature:**
  - Kristina Phung
  - 02/28/2020

  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

<table>
<thead>
<tr>
<th>Modified Project Description:</th>
</tr>
</thead>
</table>

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

<table>
<thead>
<tr>
<th>Compared to the approved project, would the modified project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Result in expansion of the building envelope, as defined in the Planning Code;</td>
</tr>
<tr>
<td>☐ Result in the change of use that would require public notice under Planning Code Sections 311 or 312;</td>
</tr>
<tr>
<td>☐ Result in demolition as defined under Planning Code Section 317 or 19005(f)?</td>
</tr>
<tr>
<td>☐ 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?</td>
</tr>
</tbody>
</table>

If at least one of the above boxes is checked, further environmental review is required.

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

| The proposed modification would not result in any of the above changes. |

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

<table>
<thead>
<tr>
<th>Planner Name:</th>
<th>Date:</th>
</tr>
</thead>
</table>
DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

Discretionary Review Requestor's Information

Name: Suae-chen Chang & Daniel Church
Address: 1461 43rd Ave
Email Address: suaeccchang@aol.com & danielfchurch@aol.com
Telephone: 415-279-5493 or 414-218-8842

Information on the Owner of the Property Being Developed

Name: Ian Tallon
Company/Organization: owner
Address: 1463 43rd Ave
Email Address: itallon@norsun.net
Telephone: 650-871-1962

Property Information and Related Applications

Project Address: 1463 43rd Ave
Block/Lot(s): 1810/012
Building Permit Application No(s): 201910033488

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

<table>
<thead>
<tr>
<th>PRIOR ACTION</th>
<th>YES</th>
<th>NO</th>
</tr>
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<tbody>
<tr>
<td>Have you discussed this project with the permit applicant?</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>Did you discuss the project with the Planning Department permit review planner?</td>
<td>✔</td>
<td></td>
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<tr>
<td>Did you participate in outside mediation on this case? (including Community Boards)</td>
<td>✔</td>
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<tr>
<td>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.</td>
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None. We have discussed our concerns and how this addition would impact us with Javier Solorrano, who represented the owners during the pre-meeting on 8/6/2019.
DISCRETIONARY REVIEW REQUEST

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

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

Our preference would be they eliminate the extension on our side completely; they have plenty of room to include everything without the addition on our side. The proposed plan further decreases light into our current light well. When the previous owner built the existing third floor at the rear to the house, we reached an agreement with them to minimize the light impact by lowering the roof and using a drip edge and gutter, no parapet along our side. The proposed new addition plans are not clear on this. Additional materials are on file in your office and will be submitted as instructed. These materials also point out a number of substantial errors in the submitted plans with respect to the current roof heights at the rear of the house.

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

The proposed addition will completely eliminate any direct sunlight entering our 2nd floor family room. The requested changes will allow direct sunlight to enter that room for at least part of the year. Note that as we are retired, we indeed use our family room all day long.

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

See discussion in #1 above.
DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

[Signature]

Requestor

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

Phone

[415-279-5493 or 415-218-8842]

Suac-chen Chang & Daniel Church

Name (Printed)

danielfchurch@aol.com & suaecchang@aol.com

Email

For Department Use Only

Application received by Planning Department:

By: Victoria Lewis

Date: 5/26/2020
May 14, 2020

San Francisco Planning Department
1650 Mission St, Ste 400
San Francisco, CA  94103

Dear Mr. Hughen,

Good morning! Hope you are doing well. Thanks for sending us the Notice of Building Application of 1463 43rd Ave., # 201910033488.

We understand that you have access to all the discussions that we've had with the previous planner, Kristina Phung, but just to reiterate, we had expressed our strong reservations to the addition of the dormer on our side (1461 43rd Ave) because of the negative impact on light coming into the light well between the two buildings. As-is, the proposed addition will block out morning sun into our family room and the study below, and the afternoon sun to our bathroom and dining room.

The compromise we worked out with the previous owners when they built the existing third floor at the rear of the building involved lowering the drip edge along our side of their roof to 27' with respect to the ground between the buildings (see attached pdf file re permit # 2004-0729-0175, A/4R). It appears that the proposed plan intends to extend this drip edge line towards the front, keeping the rear flat roof 1'6" below the ridgeline of the front roof. Since there is no wiggle room here, it is imperative that the plans are accurate before a permit is issued. With this aim please have the following issues with the plan addressed:

- The longitudinal section (A2.00) (see attached pdf) clearly show the proposed rear roof 1'6" lower than the front ridgeline. Good. However, the rear elevation measurements do not seem correct. The height of the rear parapet is given as the same height as the front ridge. It is in fact substantially lower. You can readily see this height difference visually. I measured the rear parapet height as 27'9” referenced to the grade at the corner. This should be corrected or explained. Also, the 3rd floor elevation is listed as 8’3”, same as the second floor, instead of 19’6” as noted in previous permitted plans. Unless they intend to have a structural change involving the floor heights, this sloppiness needs to be corrected as well.

- The proposed North elevation also shows the rear roof lower than the ridgeline but by much less than 1’ 6”. It implies that the new roof would be the same height as the current rear parapet, perhaps 8” higher than it is now. This is inconsistent with the longitudinal section and with the permit application which clearly states there will be no vertical change. It would be
totally unacceptable to us. The drawing needs to reflect the correct 1’6” height differential and should show the rear parapet.

The marked drawings of this application are also attached to illustrate the points mentioned above.

I am copying this email to Tina Tam, who was the planner for permit # 2004-0729-0175. I will also be sending these comments to Planning via registered mail so that we have an official record in addition to this email.

Sincerely,

Dan Church and Suae-chen Chang

415-218-8842, 415-279-5493
Planning Department  
City and County of San Francisco  
1660 Mission St, Suite 500  
San Francisco, CA 94103-2414  
ATTN: Tina Tam

Re: 1463 43rd Ave, Application No. 200407290175

Dear Ms. Tam,

We have reached an agreement with the owners of this property with respect to our concerns regarding the proposed project. They have agreed to the following:

(1) They will lower the North wall by 10" to leave the required minimum ceiling of 7'6".

(2) They will add a hinged interior stained glass window to the north facing window to allow us privacy on our deck.

In view of this agreement, the DR scheduled for Jan. 6, 2005 will not be necessary.

Thank you.

Sincerely,

Suæe-chen Chang  
Daniel F. Church
March 22, 2006

Dear neighbors,

Just to let you know we've started work on the section of the north roof. The whole roof height has been dropped leaving an overall roof that is 4 inches lower than the first plans. The north roof now falls in 2 directions to get the corner another 5 1/2 inches down which leaves us with our minimum code interior ceiling height.

Sincerely,

Scott & Linda
NEW ROOF TO REPLACE SOLARIUM. NORTH 24" WIDTH TO BE SLOPED DOWN 8" APPROX TO PROVIDE 7'-6" CEILING HEIGHT PER AGREEMENT WITH NEIGHBORS. SEE ROOF FRAMING PLAN ON DRAWING 3R.

NEW BACK WALL

NEW FLOOR EXTENSION

# 2004-0729-0175
Dear Mr. Winslow,

This letter is in response to the DR application dated 5/26/20 with regards to our proposed upcoming minor renovation. Below is an outline and response to each item listed on the response.

1. The Planning Department instructions for filing the DR are quite specific and "Strongly urge that steps 1 and 2 be taken." Please note that neither of these steps were taken by the party that submitted the DR. The application says that they did participate in outside mediation. This is incorrect as there was no outside mediation with regards to this case. I believe the applicant went to the initial pre-app meeting where we hired someone to simply record the people who showed up and basically take a role call, which is required at the start of this process. This person was Mr. Javier Solorzano who told us that our neighbors that showed up were strongly against ANY work being approved, no matter what it was. Attached is a copy of the email correspondence with Mr. Solorzano regarding what took place at the meeting.

2. The DR filing instructions also mention that the application has been approved by planning and that the applicant may file for a planning commission review if there are "Exceptional and extraordinary circumstances associated with the project". We are unsure what the exceptional and extraordinary circumstances are from the DR application. We along with the previous property owners and several adjacent neighbors have unfortunately been the victims of at times false complaints and general disruptiveness by the DR applicant. See letter from previous property owners dated July 11th, 2020 marked "Former Property Owners 1463 43rd".

3. With regards to item number One on the Discretionary review request, the response fails to site specific sections of the Residential Design Guidelines which is clearly what is requested by the Planning Department. What the "preference" is of our neighbors should not be a factor with regards to what will and what will not be approved by the planning department and what our neighbor "feels about" how much room we have on the other side should not even be a topic of conversation.

The response to the questions mentions a "Light Well". Please note that there is no light well at this location, there are two existing south facing windows that are in question. These windows are facing the side of an existing exterior full height wall that was
approved and built in 2004 and whatever we are doing further to the front of the house will not block any more light than what is there already. The discussions about what was discussed and agreed upon regarding the approved buildout in 2004 is irrelevant as there is no modifications proposed at this location and all roofs heights etc. are to remain As Is. The only changes to the roof are the dormer pops outs at the front end of the building.

4. With regards to question number Two we feel that the response to this question is completely inaccurate. The windows in question are south facing which means that after 12pm the light disruption argument is irrelevant anyway. Does putting windows on the side of your house mean that the properties next to you are going to be restricted to build anything in the future that may in any way potentially interfere with any sun light entering through those windows? I look around S.F. and that does not appear to be the case.

Not that this should be a factor in this case but we would like to point out that the owner’s statement of being retired and using the family room all the time is not completely true. Neither Daniel F Church nor Suae Chen Chang appear to reside at 1461 43rd Ave full time. We never see Mr. Church and Suae Chen Chang will come to the property weekly or so to attend to maintenance of the garden. The DR filers purchased a home on 5069 Sonoma Mountain Road, Santa Rosa, 95404 in July, 2011 according to the Sonoma County Recorder’s Office and seem to spend most of their time there. The only reason we make this point is to refute the truthfulness of the DR.

5. Question number three of the request was not even answered on the DR filing so we have nothing to comment on.

6. The letter from the DR applicant dated May 14TH, 2020 talks specifically about the existing roof that was permitted, built and signed off by the city in 2004 and as no work is being performed to this area of the house, we don’t feel any of the topics mentioned need to be discussed and/or addressed. It mentions that there may be a typo on one of the sections of the submitted plans which would get corrected when we apply for building and structural permit. The current plans are purely for Planning Department approval.

As a building contractor in San Francisco for over twenty years I completely understand the permitting and approval process and respect and am thankful for all the hard work all departments do for residents and business owners. As a long time S.F. resident I am also thankful that people get the right to oppose certain things that they feel are in violation of certain codes. This right however should not give someone the right to oppose and severely, severely delay a project purely out of spite with no concrete factual evidence of any indiscrepancies or inaccuracies. This review and approval process to date has now taken over a year and cost over
$12,000 on basic Architectural plans, and with structural and building approval still ahead of us is likely to take another three to six months. That’s 18 to 24 months for a 157 sq. ft. dormer addition on a house to be approved. We are a little frustrated that a minor project like this, that has initially been approved by Planning can be held up this long because of a DR request filed with zero specifics on anything that is not within residential Design guidelines and/or the city’s Planning Code Priority Policies.

If you have any questions regarding any of the above, please feel free to contact us at the numbers or e mails listed below.

Regards,

Ian Tallon – Cel :650-333-5426
Itallon@norsun.net

Gretchen Tallon – Cel :415828-7726
Gek555@gmail.com
Good morning guys,

I do not recall her saying those exact words. However it was something to that effect. She was accompanied by an Asian gentleman who did not say much but she made very clear that at least her was going to oppose the project all the way.

I hope this helps.

Javier Solorzano
415.724.5240

On Jul 11, 2020, at 2:53 PM, Gretchen Keisel Tallon <gek555sf@gmail.com> wrote:

Hello Javier,

We hope this email finds you and yours healthy and safe during the bizarre times.

You helped to facilitate a pre application meeting for our project (home remodel including adding dormers to our third floor) on August 6, 2019 at the Judalicious Cafe on Judah and 45th Ave. Apologies we are asking you to remember something quite some time ago, but if you do have recollection, it would be greatly appreciated.

We are now awaiting a Discretionary Review by the two individuals who attended the meeting. We recall you telling us the woman was adamant about blocking our project and said something to the effect: "I will not let them do anything ever."

They have reported as part of their DR that they participated in outside mediation. They indicated they had and it was with you at the meeting on 8/6/19. We would like to include her statement as a means of refuting their claim of mediation.

If you do remember or have any recollection of this, would you please kindly reply to this email. It would greatly help our case indicating they have misrepresented their actions prior to the DR request.

Thank you very much.

Ian and Gretchen Tallon
July 11, 2020

STATEMENT OF SCOTT AND LINDA DEAL REGARDING CONSTRUCTION AGREEMENTS CONCERNING 1463 43rd Ave, SF.

From April 1974 until June 2015, my wife and I owned this home.

For approximately the last ten years, new neighbors, Suae-Chen Chang and Dan Church built and occupied sporadically, the property next door, 1461 43rd Ave. They started building a large house and immediately caused trouble for the neighborhood and overburdened the Planning Commission.

Example: when a Planning Commission officer was complaining about Suae-Chen's constantly hassling her, I mentioned "You should live next to her." Her response: "I WOULD MOVE!"

Starting with their building permit; they were required to keep one wall of the rat-infested shack "teardown" at 1461 to earn remodel status. As they were erecting the three story house they envisioned, they were caught violating the "keep one wall" provision and reported to the Planning Commission by a neighbor up the street. They believed we had turned them in. Not true.

Also when we reviewed their plans, we noticed that they had three separate entrances on the ground floor, to three stairways/floors in the plans. Clearly, they were building a three story apartment building in an R1 zone.

When we pointed this out, further enmity ensued and they changed their plans to gain approval from the neighbors.

Now we understand that they say they had an "agreement" with us that we would minimize their light/shadow impact by lowering the roof and having no parapet on our side. This is largely untrue. The only area we agreed to control height was the NW corner of our new roof, permitted work that replaced a leaking solarium. There was never any discussion or agreement regarding roof height from the bathroom FORWARD to the NE corner of the house.

ALL CLAIMS made by Suae-Chen and Dan REQUIRE confirmation by neighbors. The new owners of 1463 are now, unfortunately having to deal with the same false accusations and mean-spiritedness that we and other neighbors have experienced. SCOTT AND LINDA DEAL
The Planning Commission and Mr. Winslow,

We have additional comments about the proposed addition at 1463 43rd Ave.

**Safety**

The house has obvious foundation cracking directly beneath the proposed addition (see pictures attached). When the previous owners sold the house 5 years ago, they did so in part because it would require too many resources and effort to repair the foundation problems.

In our view, the additional square footage of the 3rd floor that includes a bathroom ultimately adds additional weight to this crumbling foundation. How will they address this issue? If they’ve done the repair without a permit, careful engineering designs and inspections, we would question how safe this house will be.

**Plans Discrepancies**

We find discrepancies between the plans submitted with this proposal and earlier plans from previous additions.

**First, Second and Third Floors**

The existing plans of this application do not accurately represent on-site conditions.

In this application, the current plans, especially for the first floor, do not accurately represent the on-site conditions and are different from the plans that they submitted (#2018-03-204117) due to building violations.

**Building Heights**

In #2019-03-204117, it clearly shows that the back additions and the original part of the house have different floor heights and building heights; in addition, the floors between them are not at the same level. The height differences are also illustrated in #2004-0729-0175 as well as #2016-0928-8954. The building height in the back which will remain untouched in this application is about 28’, according to the measurements from #2004-0729-0175. This is close to what I measured, 27’9” referenced to the grade at the corner. The submitted plans, however, clearly states 29’ 1-1/2” to top of parapet. This difference of more than a foot is clearly unacceptable. By confusing the issue, it would give them too much wiggle room to increase the rear roof height.
Alter the Character of the House that Clashes with the Neighborhood Building Style

We were shocked to see the final front façade of this house after the last remodeling - a cottage home with a totally modern front porch and railings! We were surprised that the city did not notify the neighbors for such a drastic change and get our comment. Isn't that what the 311 is for? This addition will further change the character of the house and clash with the neighborhood building style even more.

Again, we are against this addition project for reasons stated above and submitted previously.

Dan Church and Suae-chen Chang
### Demolition Notes

1. **RECORDING A DESTRUCTION OF CODES**
   - Provide a formal notification of the intended demolition to the appropriate authorities before demolition begins.

2. **PREPARATION PRIOR TO START OF DEMOLITION**
   - Ensure all necessary permits and inspections are obtained.
   - Remove all HVAC, plumbing, and electrical systems to prevent any hazards during demolition.

3. **SAFETY PRECAUTIONS**
   - Implement safety measures such as barriers, signage, and personal protective equipment.
   - Ensure that the demolition area is clear of any debris or obstacles.

4. **ENVIRONMENTAL CONSIDERATIONS**
   - Minimize dust and noise to reduce environmental impact.
   - Implement waste management practices to ensure proper disposal of materials.

### GREEN Building Measures

- **LEED PROJECTS**
  - Ensure compliance with the LEED rating system requirements.
  - Use sustainable materials and practices throughout the project lifecycle.

### LOT Map

- **Site Plan**
  - Include all relevant site details such as boundaries, property lines, and access points.
  - Highlight existing and proposed structures and utilities.

- **PLOT Plan**
  - Provide an aerial view of the property.
  - Indicate the location of buildings, roads, and any other significant features.

### Project Information

- **Architect**: [Architect Name]
- **Owner**: [Owner Name]
- **Project Address**: 1463 43rd Ave.
- **City**: San Francisco, CA
- **Date**: 2/28/20

### Project Scope

- **Description**: [Project Description]
- **Materials**: [List of Materials]
- **Systems**: [List of Systems]

### Code Information

- **Building Code**: [Code Name]
- **Zoning**: [Zoning Information]

### Abbreviations

<table>
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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>ASB</td>
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### Structural Information

- **Foundation Type**: [Foundation Type]
- **Foundation Size**: [Foundation Size]
- **Floor Area**: [Floor Area]
- **Floor Area (Bldg)**: [Floor Area (Bldg)]
- **Floor Area (Structural)**: [Floor Area (Structural)]
- **Total Floor Area**: [Total Floor Area]
- **Height**: [Height]
- **Width**: [Width]

### Project Directory

- **Owner**: [Owner Name]
- **Architect**: [Architect Name]
- **Engineer**: [Engineer Name]
- **Contractor**: [Contractor Name]
- **Suppliers**: [Supplier List]

### SHEET INDEX

- **Sheet Numbers**: [Sheet Numbers]
- **Drawings**: [Drawing List]
- **Tables**: [Table List]
- **Texts**: [Text List]

### Notes

- **General Notes**: [General Notes]
- **Construction Notes**: [Construction Notes]
- **Safety Notes**: [Safety Notes]
- **Special Notes**: [Special Notes]
LOCATION OF NEIGHBOR'S WINDOWS ON SOUTH WALL ON 1ST AND 2ND FLOORS
OUTLINE SHOWS ADDITION TO 3RD FLOOR WITH 2 NEW MATCHING WOOD WINDOWS FACING STREET

ALL WINDOWS ON FRONT PORTION OF HOUSE (E) TO REMAIN.