



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE: FEBRUARY 24, 2011

Date: February 17, 2011
Case No.: 2005.1204D
Project Address: 449 Buena Vista Avenue East
Permit Application: 2005.11.07.7601
Zoning: RH-3 (Residential House, Three-Family)
40-X Height and Bulk District
Block/Lot: 2607/063
Project Sponsor: Bruce Baumann
1221 Harrison Street, Suite 22
San Francisco, CA 94103
Staff Contact: Elizabeth Watty – (415) 558-6620
Elizabeth.Watty@sfgov.org
Recommendation: **Do not take DR and approve the project as proposed.**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The Project includes a major alteration to the existing one-and-a-half-stories-over-garage, two-unit residential building, built circa 1923. It includes an approximately 5'-0" horizontal front addition (which results in façade alterations), a horizontal rear addition that does not increase the overall depth of the building, and a vertical addition that results in a height increase of 12'-0". The Project also includes major interior alterations. The proposed Project will retain and expand the two existing dwelling units: the lower one-bedroom unit, which has an awkward floor plan, will go from 423 square feet to 583 square feet and will be redesigned to be a more usable space, while the upper unit will expand from a 1,168 square foot two-bedroom unit to a 2,593 square foot three-bedroom unit.

SITE DESCRIPTION AND PRESENT USE

The Subject Property contains a two-unit residential building and is located on the south side of Buena Vista Avenue East, directly across from Buena Vista Park, between Park Hill Avenue and Upper Terrace. The site contains 25'-0" feet of frontage and 3,075 square feet of lot area. The lot slopes steeply downhill from the front property line, with a 25'-0" drop in grade to the rear property line.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Subject Property is located on Buena Vista Avenue East, directly across from Buena Vista Park. The subject block of Buena Vista Avenue East is comprised of residential buildings that are primarily two- and three- stories over garage at the street. There are two newly constructed buildings located three and four lots to the west, which are three and four stories tall at the street, respectively. Due to the down-sloping topography, most of these buildings are built to follow the grade of the property, increasing in

overall size at the rear of the buildings. The buildings on the block – including the structures immediately adjacent to the Subject Property – vary in architectural style.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	September 17, 2010 – October 17, 2010	October 15, 2010	February 24, 2011	132 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	February 14, 2011	February 14, 2011	10 days
Mailed Notice	10 days	February 14, 2011	February 14, 2011	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	1 (DR Requestor)	0
Other neighbors on the block or directly across the street	0	1	0
Neighborhood groups	0	0	0

The Department has received letters from eleven (11) neighbors who support the Project as proposed, and one phone call from a neighbor with some general concerns about the Project.

DR REQUESTOR

Ferdinand and Monika Stachura, 451 Buena Vista Avenue East (adjacent owners to the west).

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

Issue #1: The DR Requestors believe that this Project will substantially reduce direct eastern sun light exposure to the back of their house and to their rear balcony. Although the DR Requestor’s have a rear yard, they use their balcony as their outdoor space; the DR Requestors are an elderly couple and have difficulty accessing their rear yard. The DR Requestors recommend either: (1) a redistribution of the mass of the Project by adding an extra floor toward the front of the building, while containing the existing rear massing; or (2) phase the construction into two stages in order to allow for the postponement of the alterations to the rear of the structure for as long as the DR Requestor’s live in their house.

Please see the attached *Discretionary Review Application* for additional information.

PROJECT SPONSOR'S RESPONSE

The Project Sponsors have already reduced the size of their Project, in response to concerns expressed by their adjacent neighbor and by Department staff. This reduction resulted in an entire floor being removed from their Project. The Project Sponsor feels that based on their shadow studies, the DR Requestors' structure causes a substantial amount of shading on their own deck; the new shadow created by the Project will only occur in the early morning hours and is not considered abnormal, given typical development patterns of a dense urban environment. The Project Sponsor offered, as a good neighbor gesture, to expand the DR Requestor's deck (at the Project Sponsor's expense) in order to provide the DR Requestors with more accessible usable open space; the DR Requestors declined this offer. Lastly, the Project Sponsor's submitted their plans to the Planning Department in 2005. Due to the length of time that their Project has been under review, they do not wish to postpone the complete construction of their Project until the DR Requestor no longer lives at their home.

Please see the Project Sponsors' attached brief for additional information

PROJECT ANALYSIS

This Project has been reviewed by several different planners over the past five-and-a-half-years. The final version, which was noticed to neighbors, was the result of numerous comments by staff. As a result, the proposed building is a full story shorter than originally proposed and includes a revised façade design that is more in-keeping with the character of buildings located on the south side of Buena Vista Avenue East.

The Subject Property contains an approximately 25'-0" change in grade, from the front to the rear property line, and as a result, the rear of the property is highly visible from Corona Heights Park. Due to the steep topography and highly visible rear façade, the Department's review of the Project results in a different recommendation than would be the case if this Project were located on a relatively flat lot, where the rear façade was only visible to adjacent neighbors, rather than the general public.

At the street, the proposed Project would result in a two-story-over-garage structure with a flat roof. This is in keeping with both adjacent properties (including the DR Requestors' property), which also contain two-story-over-garage structures with flat roofs. The portions of the Project that affect the scale, mass, and design of the building as viewed from the Buena Vista Avenue East make the building more contextual with the other buildings along the subject block, which are mostly equal to or larger than the Project. The existing structure is currently dwarfed by its surrounding context, which is discouraged in the Residential Design Guidelines (pg. 23).

The proposed alterations that would occur toward the rear of the existing structure would not increase the overall building depth, nor would it result in any further rear yard encroachment. In fact, the existing bay window located at the rear of the structure would be removed as part of the Project, resulting in a minor reduction in overall building depth. The Project includes a vertical addition above a portion of the existing structure; it would expand the area that is currently occupied under the hipped roof and would add an additional story above it. This vertical expansion would be held 9'-0" feet off of the rear-most wall, and would result in an overall building height increase of 12'-0".

Although the Residential Design Team (RDT) often seeks a side setback at the top floor in order to lessen impacts of vertical additions along the property line, the Department found the addition as currently proposed, to be appropriate for several reasons:

- Firstly, due to the steep topography, a side setback along the southwest property line at the top floor would not be very effective in minimizing the perceived size of the structure. Properties along Buena Vista Avenue East become taller structures at the rear of the buildings as they increase with the descending topography, and are not typically notched along the side property lines. Although this type of notch is often effective in minimizing impacts on properties with flat topography, it is less effective on the Subject Property.
- Secondly, the Project Sponsor commissioned a shadow study by Loisos +Ubbelohde. This shadow study concluded that contrary to the DR Requestors' concerns, there will be **no new shadow cast on any of the DR Requestors top floor decks after approximately 10:00am, 365 days a year.** More specifically, their top floor open deck, which is not enclosed by a roof or solid side walls, will not receive any new shadow after 9:00am (see shadow study included in Project Sponsor's brief). The rear walls and rear decks of the DR Requestor's property face southeast, which means that their southern exposure will not be compromised as a result of this Project.
- Thirdly, the rear facades of the properties along the south side of Buena Vista Avenue East are very visible from Corona Heights Park. The Residential Design Team typically focuses their attention on the design of the front of the building, ensuring it's appropriately scaled and articulated to complement the block face visible from the public right-of-way. However, since the rear facades are equally visible, the scale, articulation, and fenestration pattern are equally important at the rear. The proposed rear façade design is appropriately scaled, with use of clean lines, a balanced fenestration pattern, and the use of high-quality materials, and is compatible with the larger context of rear facades, which do not typically include side setbacks or notches.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed Project is exempt from environmental review, pursuant to Class 1 [CEQA Guideline Sections 15301(e)(2)].

Under the Commission's pending DR Reform Legislation, this Project would be referred to the Commission, based on its complex topography and lengthy Planning review.

BASIS FOR RECOMMENDATION

Please describe the basis for the Department's recommendation.

- The Project will not result in any unusual impacts on the DR Requestors' access to light as indicated from the shadow study; the Residential Design Guidelines state that "in areas with a dense building patter, some reduction of light to neighboring buildings can be expected with a building expansion" (RDG, pg. 16)

- The building is appropriately scaled at the front and rear facades. According to the Residential Design Guidelines, “in designing a building on a site, the topography of the site and its location on the block must be considered. A property on a sloping site will have a different form than one on a flat site.” (RDG, pg. 11)
- According to the Residential Design Guidelines, buildings that are highly visible from public spaces such as neighborhood parks warrant special attention to ensure that the building’s facades enhance the public realm. Visible facades should be fenestrated, articulated, ornamented and finished with a level of detail compatible to a front façade. The proposed Project has been designed with special attention to the rear façade’s scale, fenestration patter, and articulation in order to enhance the view of the built form from Corona Heights Park. (RDG, pg. 20-21)
- The proposed Project results in a two-unit building that is compatible with the scale of surrounding buildings on the block, improving the overall neighborhood character. The building is equal to the scale of the adjacent buildings at the street, and the depth – which is not increasing as part of the Project – is compatible with the development pattern found along the subject block of Buena Vista Avenue East. According to the Residential Design Guidelines, “a building that is larger than its neighbors can still be in scale and be compatible with the smaller buildings in the area”. (RDG, pg. 23)
- The Project is appropriately scaled at the midblock open space, seeing as there is no reduction to the size of the existing rear yard, and the Project will not result in an uncharacteristically deep or tall building. (RDG, pg. 26)

RECOMMENDATION: Do not take DR and approve the Project as proposed.

Attachments:

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Section 311 Notice
- DR Application dated October 15, 2010.
- Response to DR Application dated February 10, 2011
 - >Context Photos
 - >Color rendering w/context photos
 - >Reduced Plans
 - >Shadow Study

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

QUESTION	
The visual character is: (check one)	
Defined	
Mixed	X

Comments: The Subject Property is located on Buena Vista Avenue East, directly across from Buena Vista Park. The subject block of Buena Vista Avenue East is comprised of residential buildings that are primarily two- and three-stories over garage at the street. There are two newly constructed buildings located three and four lots to the west, which are three and four stories tall at the street, respectively. Due to the down-sloping topography, most of these buildings are built to follow the grade of the property, increasing in overall size at the rear of the buildings. The buildings on the block – including the structures immediately adjacent to the Subject Property – vary in architectural style.

SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
Topography (page 11)			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	X		
Front Setback (pages 12 - 15)			
Does the front setback provide a pedestrian scale and enhance the street?	X		
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?	X		
Does the building provide landscaping in the front setback?	X		
Side Spacing (page 15)			
Does the building respect the existing pattern of side spacing?			X
Rear Yard (pages 16 - 17)			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
Views (page 18)			
Does the project protect major public views from public spaces?			X
Special Building Locations (pages 19 - 21)			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?	X		
Is the building articulated to minimize impacts on light to adjacent cottages?			X

Comments: The Project results in a building that respects the topography of the site by terracing down to a two-story tall structure the rear. The structure is compatible with the context of large, deep

buildings scattered throughout the Subject Block. The horizontal front addition results in an improved pedestrian scale by creating a building that acts as a transition between the adjacent two buildings' front setbacks, including the addition of new landscaping. As evidenced in the shadow studies, the project will not significantly reduce any light to adjacent properties, as the DR Requestor's southern exposure will not be materially impaired. The rear façade of the building has been designed to recognize its visibility from Corona Heights Park, which is located downhill from the Subject Property, by creating a well-balanced facade with a high-quality fenestration pattern.

BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at the street?	X		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	X		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	X		
Are the building's proportions compatible with those found on surrounding buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

Comments: The Project will result in a building that is more compatible with the surrounding buildings at the street, in that it will become a three story structure with a flat roofline at the street. This is consistent with both adjacent neighbors. The building will be no deeper than the existing structure, and will be consistent with the overall development pattern, specifically the scale and massing of other buildings found along the 400 block of Buena Vista Avenue East. The building's facade width and overall proportions are improved as a result of this Project, making the building more compatible with the surrounding context at the street.

ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?	X		
Is the building's front porch compatible with existing porches of surrounding buildings?			X
Are utility panels located so they are not visible on the front building wall or on the sidewalk?	X		
Bay Windows (page 34)			

Are the length, height and type of bay windows compatible with those found on surrounding buildings?			X
Garages (pages 34 - 37)			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		
Is the placement of the curb cut coordinated to maximize on-street parking?	X		
Rooftop Architectural Features (pages 38 - 41)			
Is the stair penthouse designed to minimize its visibility from the street?	X		
Are the parapets compatible with the overall building proportions and other building elements?	X		
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?	X		

Comments: The proposed building entrance will be located at the street level, which is consistent with the predominant pattern of ground floor entrances found along the subject block of Buena Vista Avenue East. The proposed garage door will be limited to 10'-0" in width, which is narrower than the prevailing pattern. There is no stair penthouse as part of this Project; rather, there is an open stair leading from the top floor to the roof. The stair penthouse was eliminated in order to create a clean roof line containing only a transparent roof deck railing.

BUILDING DETAILS (PAGES 43 - 48)

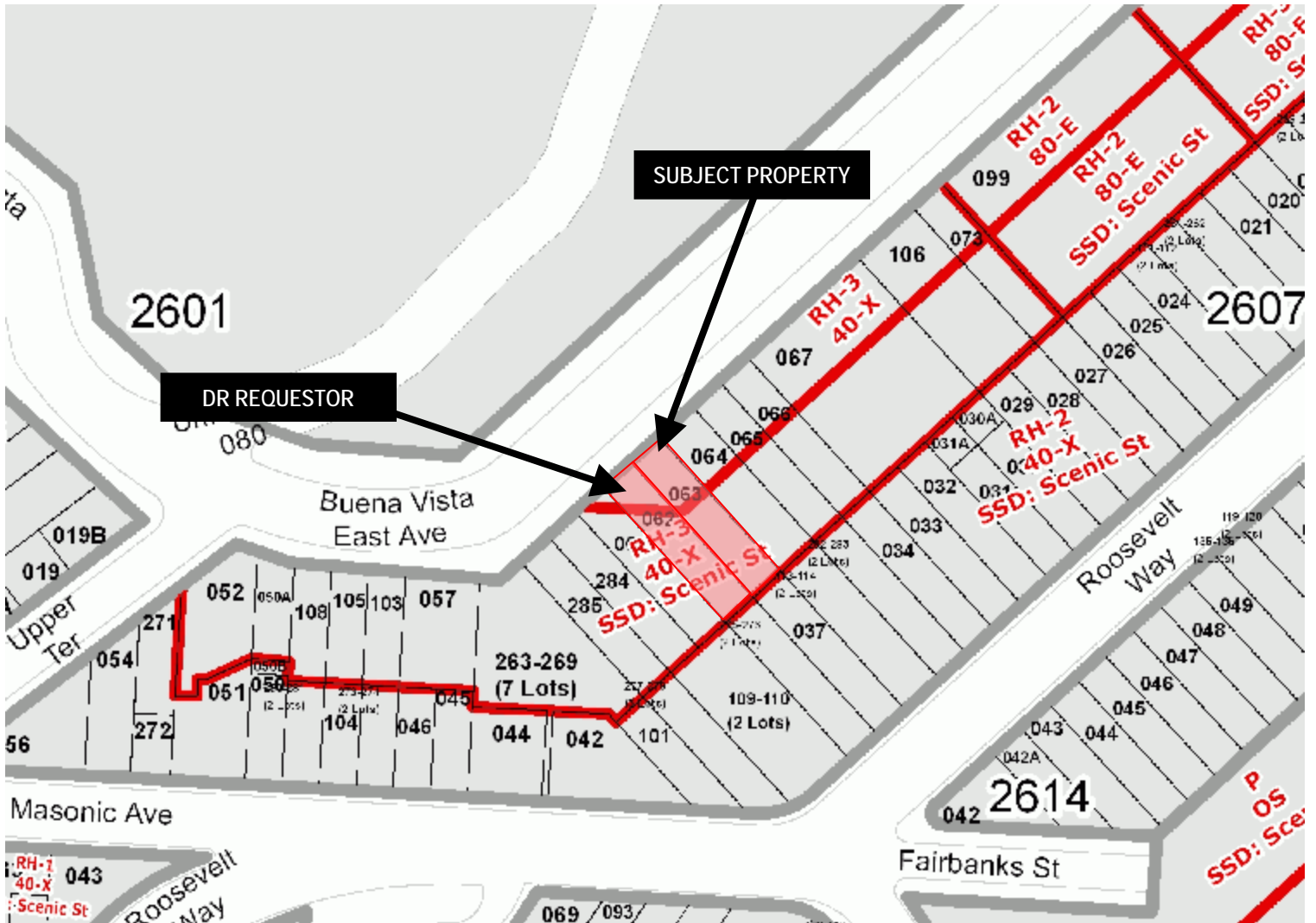
QUESTION	YES	NO	N/A
Architectural Details (pages 43 - 44)			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
Windows (pages 44 - 46)			
Do the windows contribute to the architectural character of the building and the neighborhood?	X		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	X		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	X		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	X		
Exterior Materials (pages 47 - 48)			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	X		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		

Are the building's materials properly detailed and appropriately applied?	X		
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Comments: The Project includes the use of high-quality aluminum-clad wood windows with wood window trim and sills. The window pattern is compatible with the building's traditional architectural style and with the mixed architectural character of the neighborhood. All exposed facades, including the entire rear façade, will use the same high-quality windows and either stucco or smooth finish cement fiber siding.

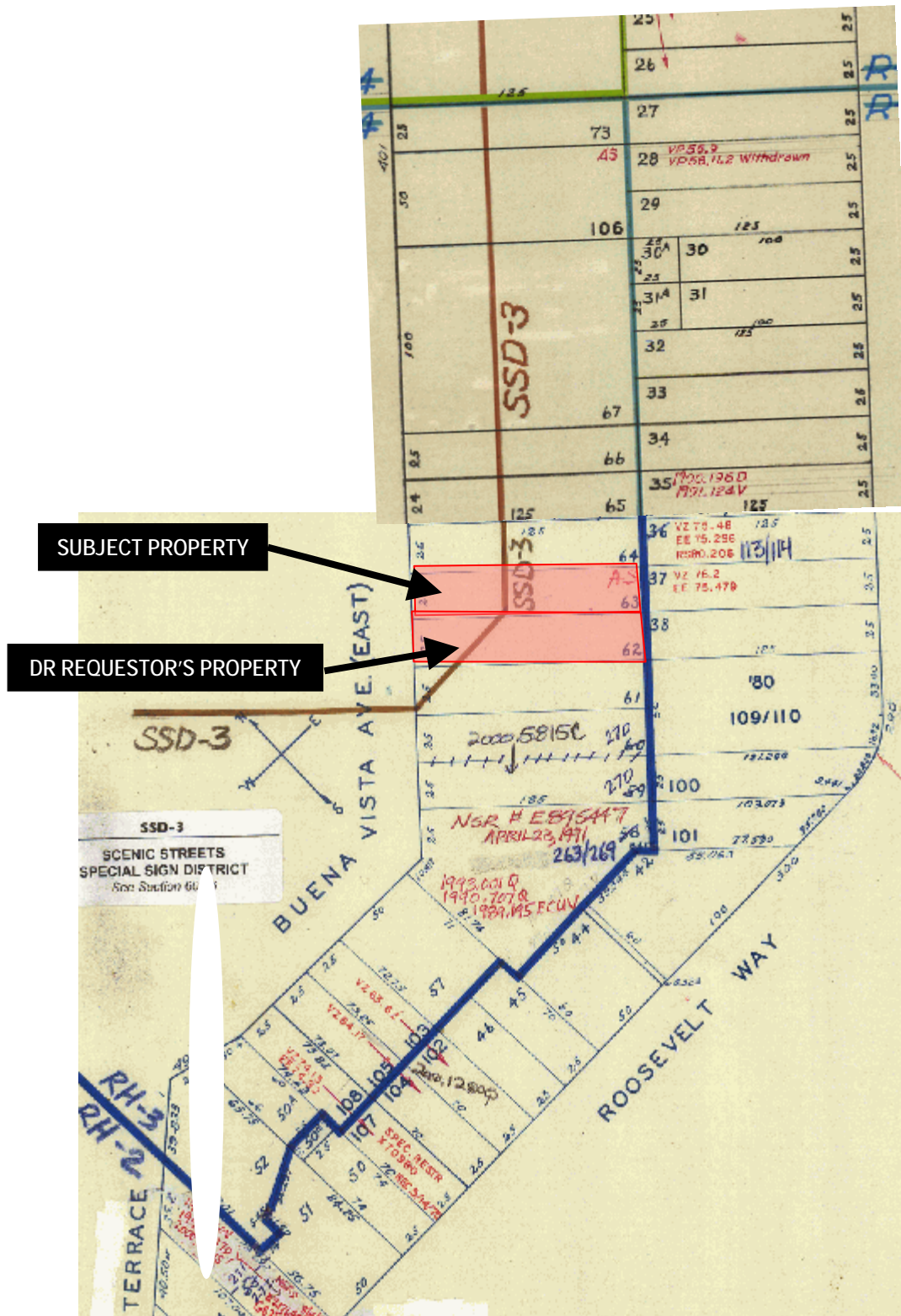
EW: G:\Documents\DRs\449 Buena Vista East\DR - Full Analysis.doc

Block Book Map



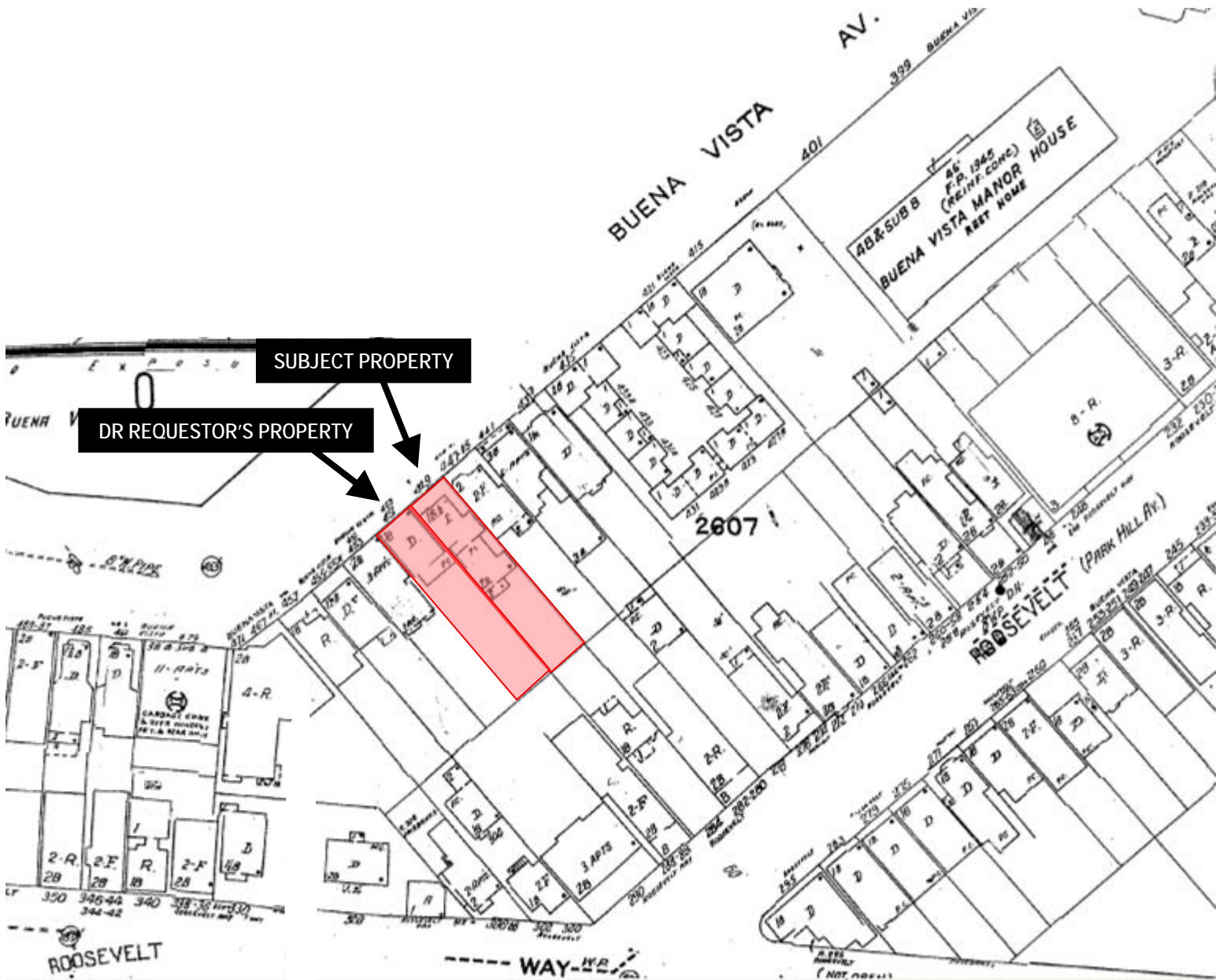
DISCRETIONARY REVIEW
Building Permit No. 2005.11.07.7601
Case Number 2005.1204D
449 Buena Vista Avenue East

Block Book Map



DISCRETIONARY REVIEW
Building Permit No. 2005.11.07.7601
Case Number 2005.1204D
449 Buena Vista Avenue East

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
Building Permit No. 2005.11.07.7601
Case Number 2005.1204D
449 Buena Vista Avenue East

Zoning Map



SUBJECT PROPERTY

ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-O(SD)

INDUSTRIAL DISTRICTS

C-M M-1 M-2

CHINATOWN MIXED USE DISTRICTS

CRNC CVR CCB

RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

REDEVELOPMENT AGENCY DISTRICTS

MB-RA HP-RA

DOWNTOWN RESIDENTIAL DISTRICTS

RH-DTR TB-DTR

MISSION BAY DISTRICTS

MB-OS MB-O

PUBLIC DISTRICT

P



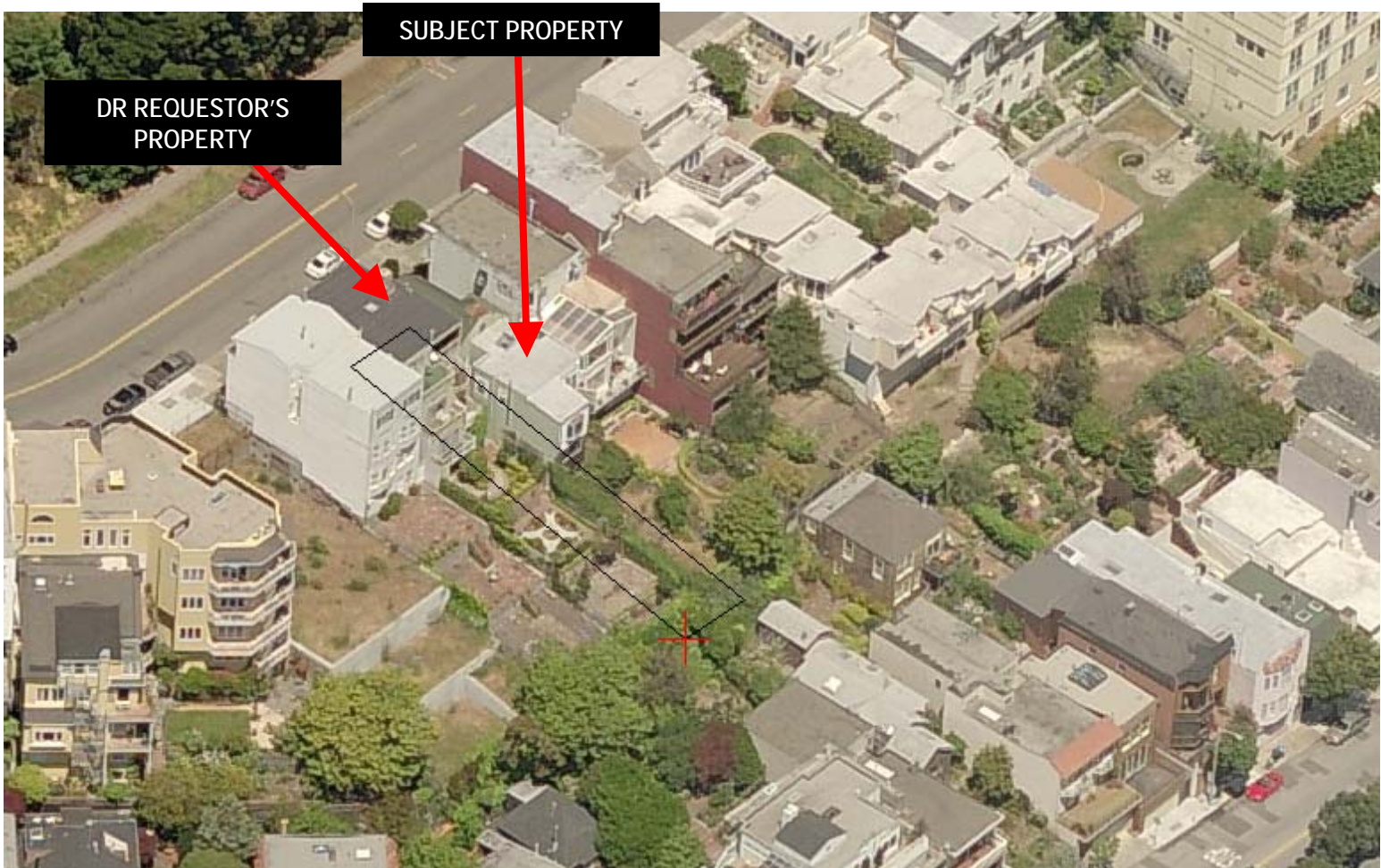
DISCRETIONARY REVIEW

Building Permit No. 2005.11.07.7601

Case Number 2005.1204D

449 Buena Vista Avenue East

Aerial Photos



Aerial Photos



DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY

DISCRETIONARY REVIEW
Building Permit No. 2005.11.07.7601
Case Number 2005.1204D
449 Buena Vista Avenue East



Aerial Photos



SUBJECT PROPERTY

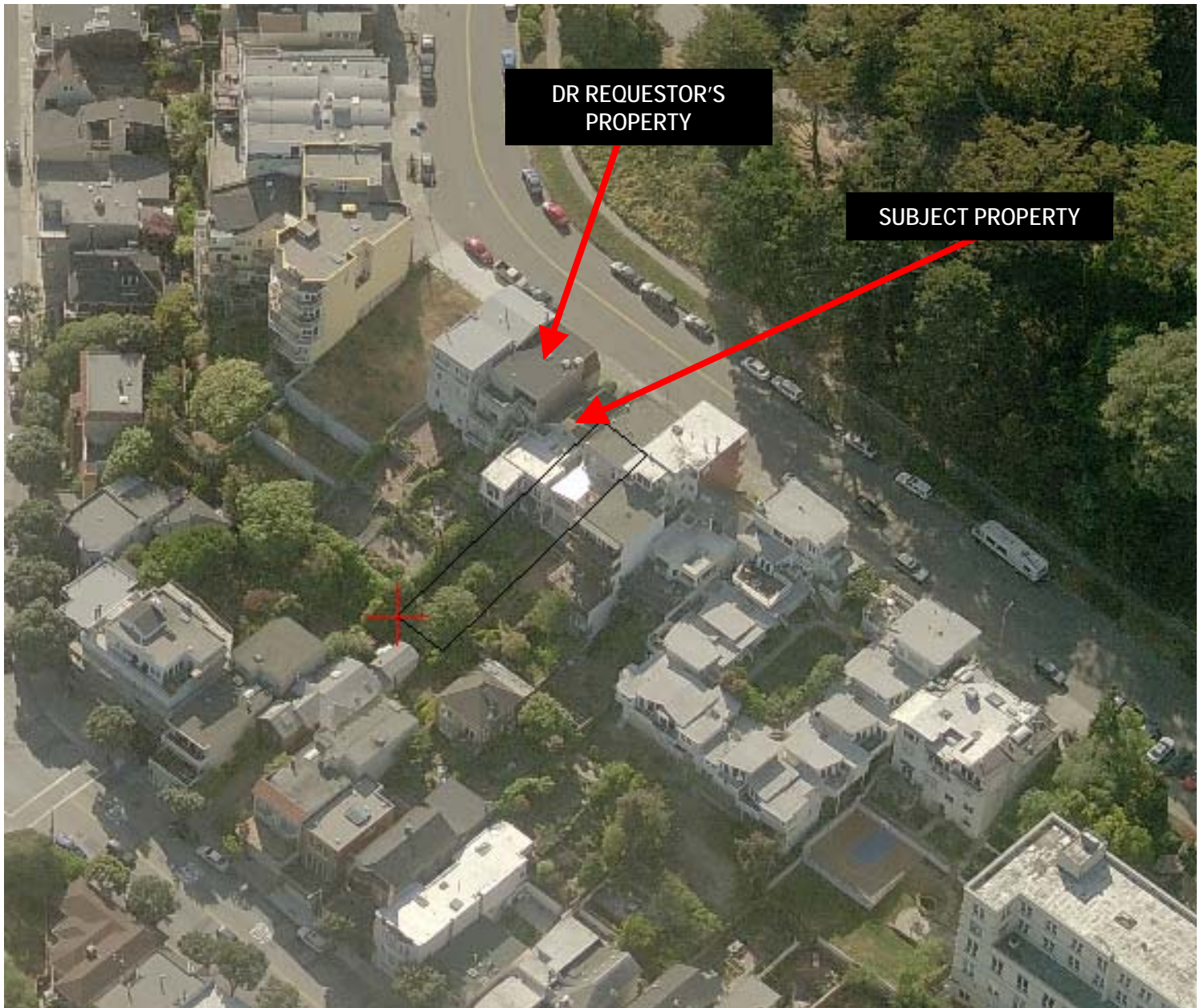
DR REQUESTOR'S
PROPERTY



Aerial Photos



Aerial Photos



Aerial Photos



Context Photo



SUBJECT PROPERTY

DR REQUESTOR'S
PROPERTY





SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On November 7, 2005, the Applicant named below filed Building Permit Application No. 2005.11.07.7601 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Bruce Baumann	Project Address:	449 Buena Vista East Avenue
Address:	1221 Harrison Street, Ste. 22	Cross Streets:	Upper Terrace & Park Hill Avenue
City, State:	San Francisco, CA 94103	Assessor's Block /Lot No.:	2607/063
Telephone:	(415) 551-7884	Zoning Districts:	RH-3/40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE			
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION	or <input checked="" type="checkbox"/> ALTERATION
<input checked="" type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS	<input checked="" type="checkbox"/> FACADE ALTERATION(S)
<input checked="" type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE)	<input checked="" type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE	Residential	No Change
FRONT SETBACK	9'-0"±	3'-6"±
BUILDING DEPTH	68'-0"±	73'-6"±
REAR YARD	46'-6" ±	No Change
HEIGHT OF BUILDING	19'-0"±	31'-0"±
NUMBER OF STORIES	2 plus attic	4 stories (3 stories at street)
NUMBER OF DWELLING UNITS	2	No Change
NUMBER OF OFF-STREET PARKING SPACES	1	2 (tandem)

PROJECT DESCRIPTION

The project includes major alterations to the existing two-unit building, including construction of a one-story vertical addition, a horizontal front addition, and a horizontal rear addition. The existing rear building wall is staggered, and the approximately 4'-0" deep horizontal addition will not extend any further than the deepest of the rear building walls, resulting in no change to the depth of the rear yard. The rear addition also includes filling-in the one-story void beneath the deepest portion of the building. In addition, the project includes increasing the size of the first floor dwelling-unit, increasing the size of the garage to accommodate two off-street parking spaces, and making interior alterations throughout the building. The project is located in the RH-3 Zoning District and complies with all applicable Sections of the Planning Code.

PLANNER'S NAME: Elizabeth Watty
 PHONE NUMBER: (415) 558-6620
 EMAIL: Elizabeth.Watty@sfgov.org
 DATE OF THIS NOTICE: 9-17-10
 EXPIRATION DATE: 10-17-10

NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the site plan and elevations (exterior walls), and floor plans (where applicable) of the proposed project, including the position of any adjacent buildings, exterior dimensions, and finishes, and a graphic reference scale, have been included in this mailing for your information. Please discuss any questions with the project Applicant listed on the reverse. You may wish to discuss the plans with your neighbors and neighborhood association or improvement club, as they may already be aware of the project. Immediate neighbors to the project, in particular, are likely to be familiar with it.

Any general questions concerning this application review process may be answered by the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00 a.m. - 5:00 p.m. Please phone the Planner listed on the reverse of this sheet with questions specific to this project.

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

1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.
2. Call the nonprofit organization Community Boards at (415) 920-3820. They are specialists in conflict resolution through mediation and can often help resolve substantial disagreement in the permitting process so that no further action is necessary.
3. Where you have attempted, through the use of the above steps, or other means, to address potential problems without success, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review 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, which generally 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. If you believe the project warrants Discretionary Review by the Planning Commission over the permit application, you must make such request **within 30 days of this notice, prior to the Expiration Date shown on the reverse side**, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at www.sfgov.org/planning). You must submit the application to the Planning Information Center during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check for \$500.00, for each Discretionary Review request payable to the Planning Department. If the project includes multi 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 approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the Board of Appeals within 15 days after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including their current fees, contact the Board of Appeals at (415) 575-6880.

APPLICATION FOR Discretionary Review Application

1. Owner/Applicant Information

DR APPLICANT'S NAME:		
Ferdinand and Monika Stachura		
DR APPLICANT'S ADDRESS:	ZIP CODE:	TELEPHONE:
451 Buena Vista Ave. East	94117	(415) 621-6257

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:		
Laura Brodzinsky - Thomas McIntyre		
ADDRESS:	ZIP CODE:	TELEPHONE:
449 Buena Vista Ave. East	94117	()

CONTACT FOR DR APPLICATION:		
Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE:
		()
E-MAIL ADDRESS:		

2. Location and Classification

STREET ADDRESS OF PROJECT:	ZIP CODE:
449 Buena Vista Ave. East	94117
CROSS STREETS:	
Upper Terrace & Park Hill Ave.	

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
2607 / 063			RH-3/40-X	

3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other Additions to Building: Rear Front Height Side Yard

Present or Previous Use: _____

Proposed Use: _____

Building Permit Application No. 2005-11-07-7601 (Alteration)

Date Filed: 09/17/2010

RECEIVED

OCT 15 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PIC

10.0972D

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. 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 there were made to the proposed project.

Discretionary Review Request

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

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. 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.

This massive addition, especially to the back of this building, will dramatically reduce the eastern direct sun exposure to Monika and Ferdinand Stachura (see page 2 of supporting documents), putting their wellbeing in danger due to their old age and reduced mobility. For details please refer to page 1 of supporting documents.

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 adversely affected, please state who would be affected, and how:

Ferdinand and Monika Stachura, age 94 and 90, can no longer spend time outdoors due to their age, and are now confined, for sun exposure, to a balcony in the back of their house. This project will substantially reduce direct sun light exposure to the back of their house and to this balcony in particular. Monika has a very vivacious personality, but because of this project she is now beginning to show signs of depression, and we all know what the combination of depression and light deprivation can do to elderly people.

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?

One possibility could be a change in the project reflecting a redistribution of masses in favor of the front part of the building (by adding perhaps an extra floor), but substantially containing the rear portion of it.

A second possibility could be to realize this construction in two stages, and to postpone just the horizontal and vertical extension to the rear for as long as the Stachuras live in their house.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Monika Stachura

Signature: *Ferdinand Stachura*

Date: 10/15/2010

Print name, and indicate whether owner, or authorized agent:

Ferdinand and Monika Stachura

Owner Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent.**

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input type="checkbox"/>
Covenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

NOTES:

Required Material.

Optional Material.

Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By:

AWalby

Date:

10/15/10

10.0972D



SAN FRANCISCO
PLANNING
DEPARTMENT

FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415 558-6409**
WEB: **<http://www.sfplanning.org>**

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**
*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

Supporting Documents

San Francisco - October 15, 2010

To Whom It May Concern.

Subject:

This project will substantially reduce direct sun light exposure to Ferdinand and Monika Stachura.

Ferdinand and Monika Stachura, age 94 and 90, who lived in their house for 50 years, and come from a rural area of the Czech Republic, can no longer spend time outdoors due to their age. Monika and Ferdinand, who used to spend long hours in their garden, are now confined to a balcony, and this project will substantially reduce eastern direct sun light exposure to the back of their house and to this balcony in particular.

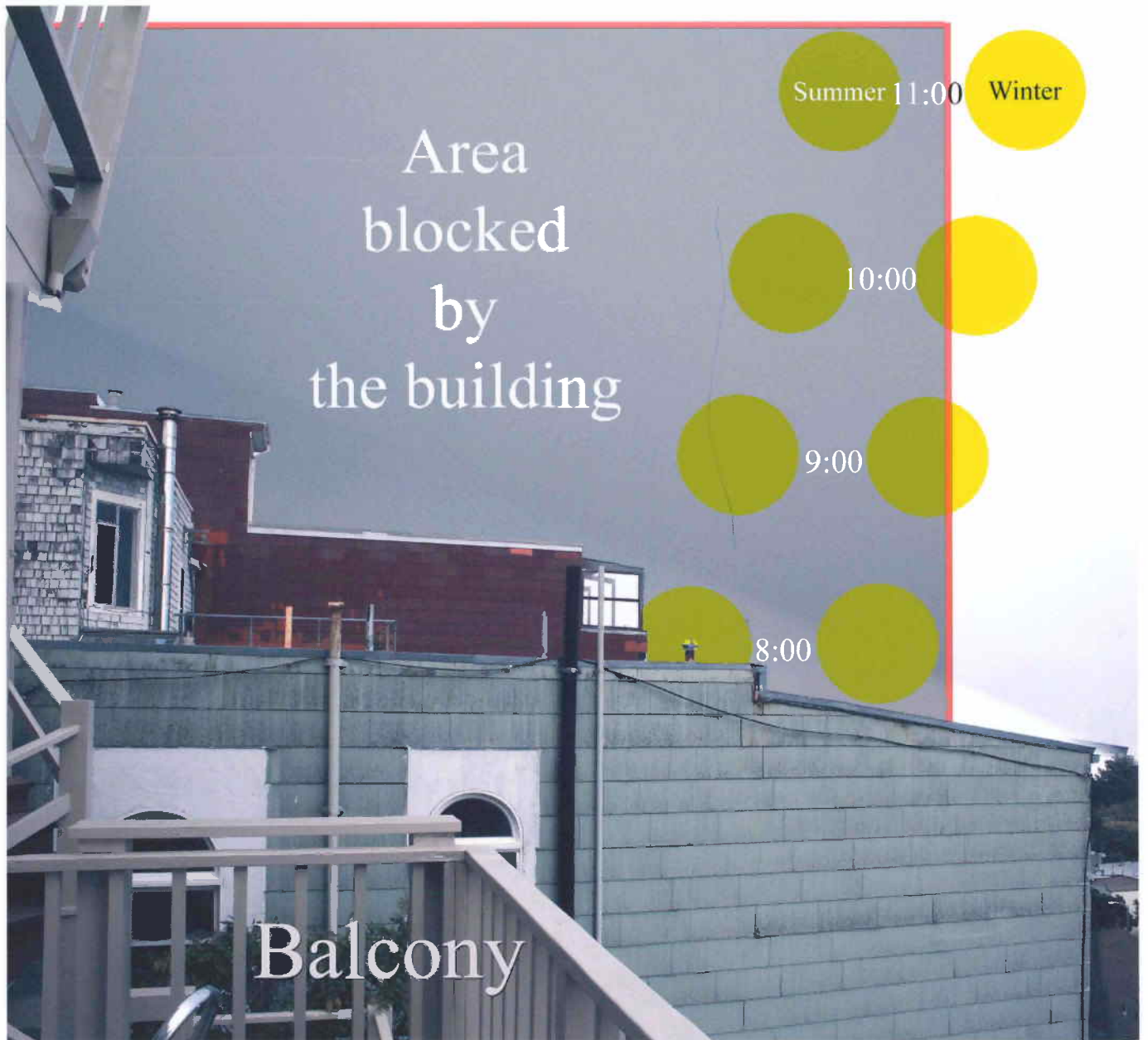
Two months ago, after Monika fell while working in her garden, the Stachuras decided to fix the floor of their balcony and to put planters all around it. When completed, this area may constitute for Monika and Ferdinand all the outdoors they may have access to for the rest of their lives.

When the Stachuras realized the project next door would have blocked direct sunlight to their balcony until after 12:00 noon (see supporting documents page 2), they grew very upset. Monika, a sensitive and nature oriented person, was particularly affected. She started calling all her friends on a regular basis and almost every time she ended up in tears before the conversation was over.

Monika has a very vivacious personality, but because of this project she is now beginning to show signs of depression, and we all know what the combination of depression and light deprivation can do to elderly people.

One possibility to circumvent this problem could be a change in the project reflecting a redistribution of masses in favor of the front part of the building (perhaps by adding an extra floor), but substantially containing the rear portion of it, or to realize this construction in two stages, postponing the realization of the horizontal extension to the rear for as long as the Stachuras live in their house.

10.0972D



REUBEN & JUNIUS_{LLP}

February 10, 2011

By Hand Delivery

Honorable Christina Olague, President
And Planning Commissioners
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

**Re: 449 Buena Vista Avenue East (Block 2607, Lot 63)
Planning Department Case No.: 2005.1107.7601
Opposition to Discretionary Review Request Regarding Remodel Permit
Hearing Date: February 24, 2011
Our File No.: 5798.01**

Dear President Olague and Commissioners:

We are working with Thomas McIntyre and Laura Brodzinsky (“Project Sponsor”), the owners of a single-family home with in-law unit at 449 Buena Vista Avenue East (“Property”). The Property is vacant. The Project Sponsor proposes to remodel the single family home, while maintaining the in-law unit (“Project”). We respectfully request that the Planning Commission not take DR, and approve the Project as proposed.

As a result of diligent design work, including a multi-year (2003-2010) series of design changes requested by the Planning Department, including the elimination of the top floor, the Project before the Commission is a project that has minimal, if any, impact on the neighborhood.

In addition, the Project complies fully with the Planning Code and the Residential Design Guidelines. The Planning Department staff’s analysis confirms the Project’s compliance with all requirements and guidelines. The Planning Department has recommended that the Planning Commission not take DR, and approve the Project as proposed (See Planning Department DR Analysis).

One Bush Street, Suite 600
San Francisco, CA 94104

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fax: 415-399-9480

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James A. Reuben | Andrew J. Junius | Kevin H. Rose | Tuija I. Catalano | David Silverman | Sheryl Reuben¹ | Jay F. Drake
Daniel A. Frattin | Stephen R. Miller | Lindsay M. Petrone | John Kevlin | Alison L. Krumbein | John McInerney III²

1. Also admitted in New York 2. Of Counsel

A. Introduction

Tom McIntyre has lived in the Buena Vista Park neighborhood since 1981 (31 years), and Laura Brodzinsky since 1998 (14 years). Tom lived on Clifford Terrace in 1981 and moved with Laura to their home at States Street near Levant in 1998. In 2003, Tom and Laura bought the property at 449 Buena Vista Avenue East intending to renovate it for their family. They started the permit process on the renovation of the existing dwelling in 2003. Originally the project scope was to add two floors to the building. The height limit is 40 feet. After considering concerns expressed by the adjacent neighbor, they eliminated the entire top story addition in a good faith gesture.

There remains a concern from the adjacent property owner to the southwest, who has filed a DR request. The neighbor states that they are concerned about potential shadows on their rear deck. To the contrary, the attached shadow study demonstrates that the DR Requestor's house shadows its own deck for much of the year, and that any shadows from 449 Buena Vista Avenue would be minimal and not material. Although shadows cannot be completely avoided when living in a developed urban area, and therefore do not comprise an "exceptional" or "extraordinary" circumstance, Tom and Laura have nevertheless offered – at their expense, as a good neighbor gesture, and in order to avoid the time and expense of a DR hearing, – to renovate the DR Requestor's rear deck and to extend its length. (See attached letter to DR Requestor dated October 19, 2010.) The neighbor has rejected the offer, without explanation.

Attached are a rendering of the proposed building in the context of the existing homes on the block, along with photographs of the Project Site and the Project Block, from both the front and rear perspectives. The panoramic photographs of the block taken from Buena Vista Park illustrate plainly that the DR requester is the beneficiary of hundreds of yards (perhaps miles) of unobstructed open space and views both southeast toward Corona Heights Park and north toward Buena Vista Park. Indeed, the DR requester has at least several hundred yards of open space stretching all the way to the Corona Heights Park summit with only a single row of houses, located approximately 80 feet below them due to the steep grade downhill from Buena Vista Avenue, in between. This clearly is not a situation that the DR process is intended for. There are few other locations in San Francisco that benefit from the extraordinary open spaces enjoyed by the DR Requestor both in front of and to the rear of their home.

B. Project Description

The Property Site is two dwelling units. The Project would retain both units and would result in a vertical and horizontal addition. The proposed addition is miniscule in comparison to the several new 40-foot tall condominium buildings built on the exact same block during the past several years while this application was pending at the Planning Department. Mr. McIntyre is disabled as a result of surgery and the proposed addition includes living conditions relative to his disability.

Plans and elevations for the proposed Project, along with a rendering, are attached.

C. Narrative History of Project Review, 2003-2010

The attached narrative history of plan changes requested by a series of planners over an eight-year period of review, 2003-2010, demonstrates Tom and Laura's total cooperation with continuously evolving internal Planning policies. The Project began as a two-story vertical addition, and the top story has been entirely eliminated. The attached photographs and renderings demonstrate that the large majority of buildings on this block are larger, taller, and bulkier than the Project, including the recent construction of multiple four-story multi-family condo buildings only several doors down.

The primary plan changes made by Tom and Laura in the Planning review process include the followings:

1. Elimination of top story of building.
2. Revise front façade.
3. Increase size of in-law unit by 38%.
4. Re-design rear elevation.
5. Upgrade foundation.
6. Revise front elevation and entry-way.
7. Add landscaping.

It is obvious that Tom and Laura have gone out of their way to be cooperative with the Planning Department and the neighbors.

D. Neighborhood Outreach and Response to DRs

The Project Sponsor sought to reach a reasonable agreement with the DR applicant by offering to extend the DR Applicant's rear deck at the Project Sponsor's expense. The DR applicants have not expressed any interest in negotiating and/or modifying their position under any circumstances, and have rejected the Project Sponsor's offer to extend their rear deck.

E. The DR does *not* Include any Exceptional or Extraordinary Circumstances

The Planning Commission's authority to review permits on a case-by-case basis under "Discretionary Review" (Municipal Code of the City and County of San Francisco,

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San Francisco, CA 94104

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fax: 415-399-9480

Part III, Section 26(a))¹ must be carefully exercised. In 1943, the California Supreme Court held that the San Francisco Board of Permit Appeals, pursuant to the above-referenced Section 26(a), had the authority to exercise its “sound discretion” in granting or denying building permits (See *Lindell Co. v. Board of Permit Appeals* (1943) 23 Cal.2d 303). In 1954, then San Francisco City Attorney Dion R. Holm issued Opinion No. 845, in which he opined that the Planning Commission has similar discretion to grant or deny building permits. However, the City Attorney cautioned the Planning Commission with respect to the judicious exercise of this discretion. In his opinion, the City Attorney stated as follows:

I think it is entirely plain, on the authority of the above-enunciated general principles, that the reservation of authority in the present ordinances to deal in a special manner with exceptional cases is unassailable upon constitutional grounds . . . this is, however, a sensitive discretion and one which must be exercised with the utmost restraint. (*City Attorney Opinion No. 845, p. 8, emphasis in original*).

As noted in the discretionary review handout the “discretionary review is a special power of the Commission, outside the normal building permit application approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with a proposed project. The Commission has been advised by the City Attorney that the Commission’s discretion is sensitive and must be exercised with utmost constraint.”

On June 18, 2009, the Planning Commission approved a resolution in favor of a new DR policy (“DR Reform”). The DR Reform, for the first time, provides a definition for “exceptional and extraordinary circumstances that must exist before the Commission can take DR and disapprove or modify a project.” The definition approved by the Commission provides that “exceptional and extraordinary circumstances occur where the standard application of adopted design standards to a project does not enhance or conserve neighborhood character, or balance the right to develop the property with impacts on nearby properties or occupants. These circumstances may arise due to complex topography, irregular lot configuration, unusual context, or other circumstances not addressed in the design standards.”

Pursuant to the DR Reform’s interim procedures, the Department concluded that there are no exceptional or extraordinary circumstances in this case. Upon the effective date of the DR Reform’s Phase I, the DR application would not be entitled to a hearing before the Planning Commission, and would be dismissed at staff level. This case is being heard by the Planning Commission only because the Board of Supervisors has not yet adopted the DR Reform.

¹ Section 26(a) provides that “[I]n the granting or denying of any permit, or the revoking or the refusing to revoke any permit, the granting or revoking power may take into consideration the effect of the proposed business or calling upon surrounding property and upon its residents and inhabitants thereof, and in granting or denying said permit, or revoking or refusing to revoke a permit, may exercise its sound discretion as to whether said permit should be granted, transferred, denied or revoked.”

As noted in the Planning staff report, there are no exceptional or extraordinary circumstances in this case that would justify the Planning Commission's exercise of its discretionary review powers.

The DR Requestors have failed to meet their burden of proof, as the issues raised in the DR application are not exceptional or extraordinary circumstances where the standard application of adopted design standards fails to enhance or conserve neighborhood character and would call for the Planning Commission to exercise its discretionary review powers.

F. Shadow Study

The attached shadow study demonstrates that the rear deck of the DR Requestor, who is the neighbor to the southwest of the Project Site, will not be materially affected by new shadows. The DR Requestor's deck is currently shadowed by their own house as well as the existing buildings to the southwest of the DR Requestor.

G. Conclusion

The DR Requestors have failed to meet their burden of proof, namely establishing that exceptional and extraordinary circumstances exist. The DR requestors have failed to make the requisite showing to warrant the exercise of the Commission's power of discretionary review. The attached narrative project history over an eight-year period of Planning Department review, and the summary of plan changes set forth above, demonstrate that Tom and Laura have gone out of their way to be cooperative and to make every plan change requested of them. The Project is a reasonable owner-occupancy home remodel project in a Residential Zoning District that has been carefully designed to comply with the Planning Code, the Residential Design Guidelines, and the character of the neighborhood, and to respond to all Planning Department requests for plan changes, including the elimination of the entire top floor. The Commission should allow the Project to move forward for the reasons set forth above.

In sum:

- There are no exceptional or extraordinary circumstances that would justify discretionary review in this case;
- The Project has been designed to be consistent with the surrounding neighborhood, in terms of its design, height, mass and scale, and in fact will be far smaller than the majority of buildings on the block, including multiple multi-family four-story condo buildings;
- The Project complies with the Planning Code and General Plan requirements;
- The Project complies with the Residential Design Guidelines;

- The Project Sponsor has cooperated with the neighbors;
- Tom and Laura have offered a compromise proposal to extend the DR Requestor's rear deck, and been rebuffed without explanation; and
- Planning Department staff has concluded that the DR Requestor has not presented any exceptional or extraordinary circumstances, and upon the effectiveness of the DR Reform pending before the Board of Supervisors, as approved by the Planning Commission, this case would have been dismissed by staff and would not have been heard by the Commission.

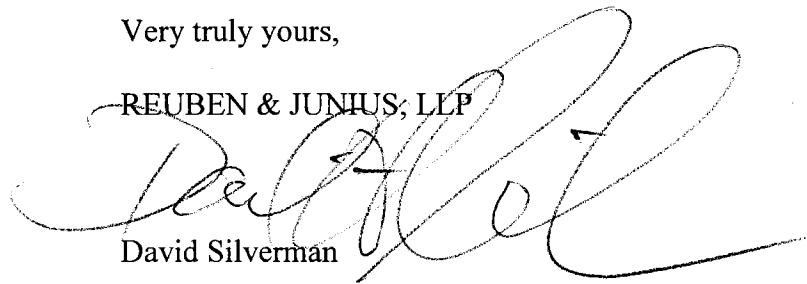
For all of the above reasons, the Project Sponsor respectfully requests that the Commission not take DR and approve the Project as proposed.

Thank you for your consideration.

Very truly yours,

REUBEN & JUNIUS, LLP

David Silverman



Enclosures

cc: Vice-President Ron Miguel
Commissioner Michael Antonini
Commissioner Gwen Borden
Commissioner Kathrin Moore
Commissioner Hisashi Sugaya
Commissioner Rodney Fong
John Rahaim - Planning Director

President Christina Olague and Commissioners

February 10, 2011

Page 7

Scott Sanchez - Zoning Administrator

Linda Avery - Commission Secretary

Elizabeth Watty – Neighborhood Planner, Planning Department

(All with Enclosures)

Exhibit List

- Exhibit A – Project Plans, Elevations, and Rendering
- Exhibit B – Narrative History of Project Planning Review – 2004 to 2011
- Exhibit C – Photographs of Front Perspective of Project Site and Project Block
- Exhibit D – Photographs of Rear Perspective of Project Site and Project Block
- Exhibit E – Map of Project Site in Context of Buena Vista Park and Corona Heights Park
- Exhibit F – Shadow Study Demonstrating Limited Shadows to Southwest Neighbor (DR Requestor)
- Exhibit G – Seven Letters in Support of Project from Neighbors
- Exhibit H – Letter to DR Requestor dated October 19, 2010 offering to extend their rear deck, which was refused without explanation.



Across the street



PHH

front elevation of our existing house



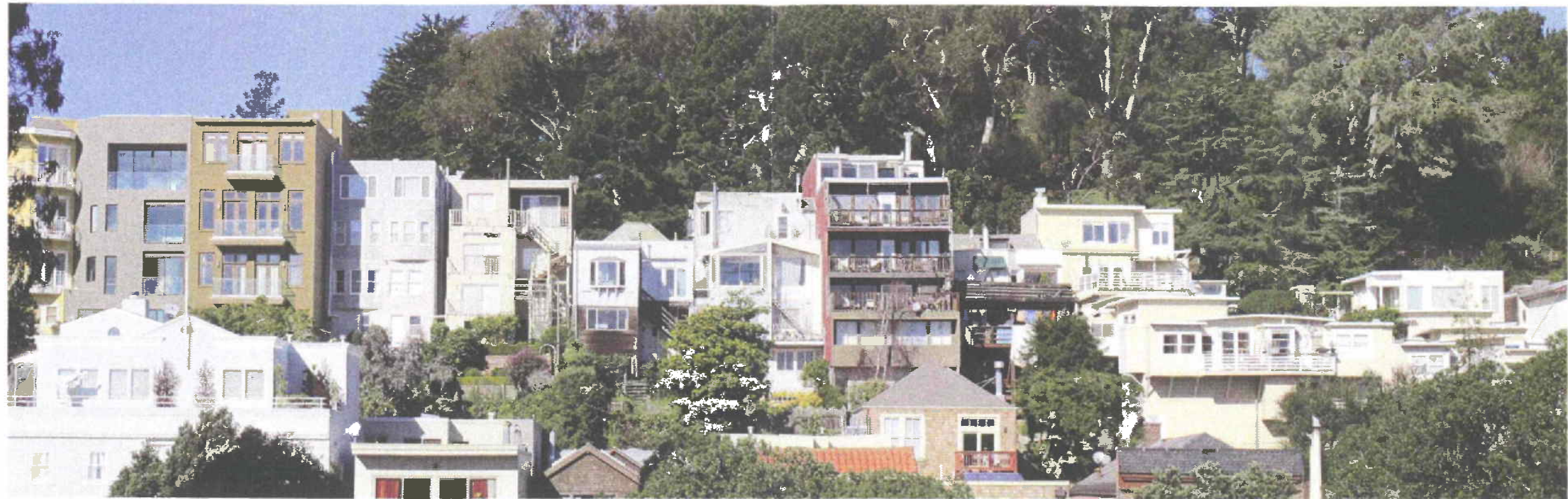
449

front elevation of our new house



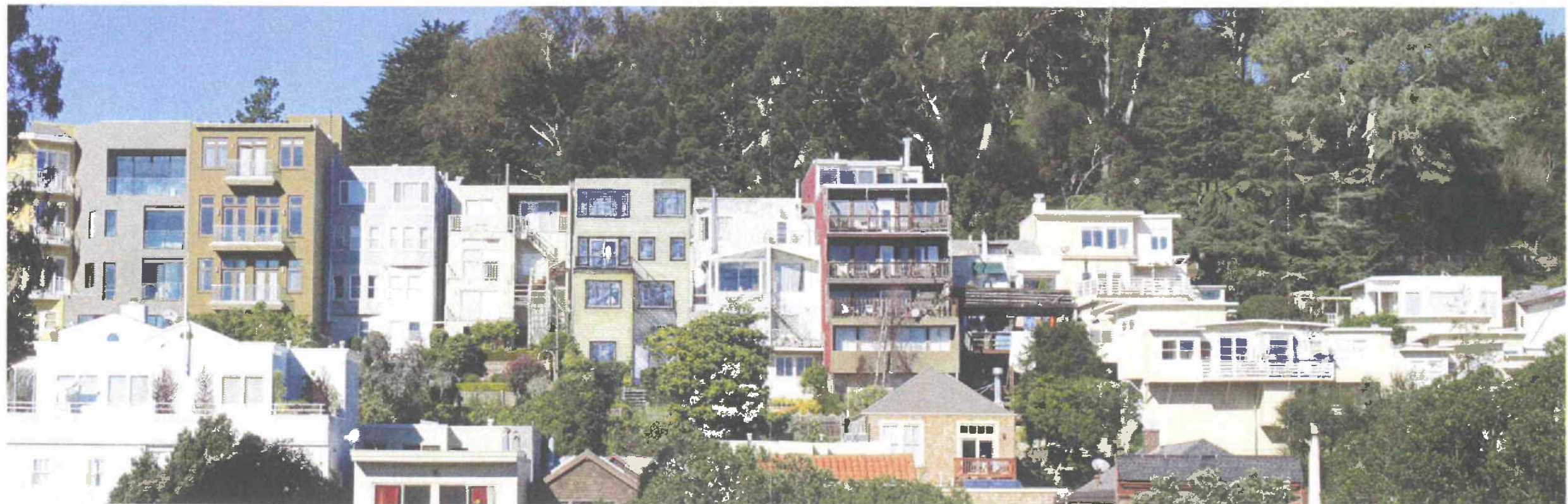
449

rear elevation of our existing house

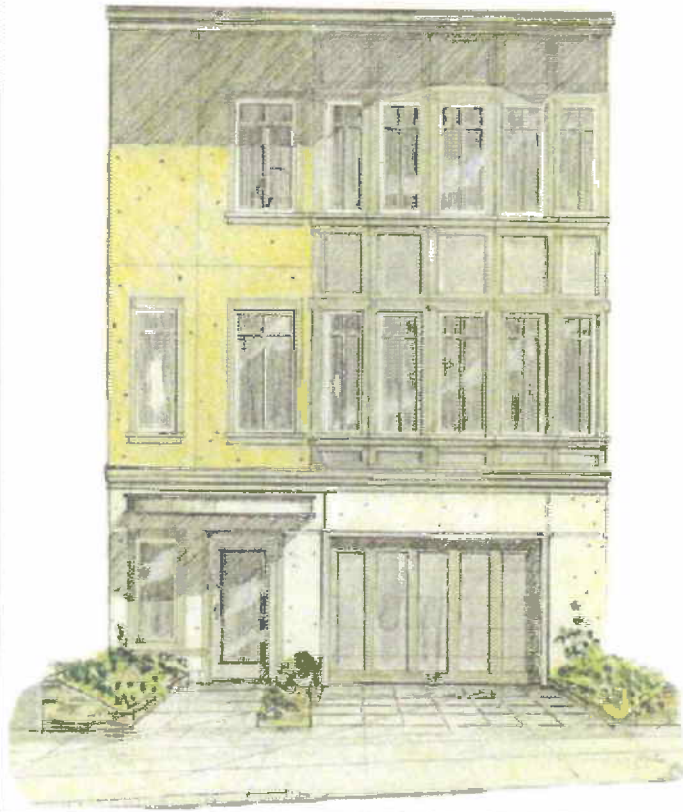


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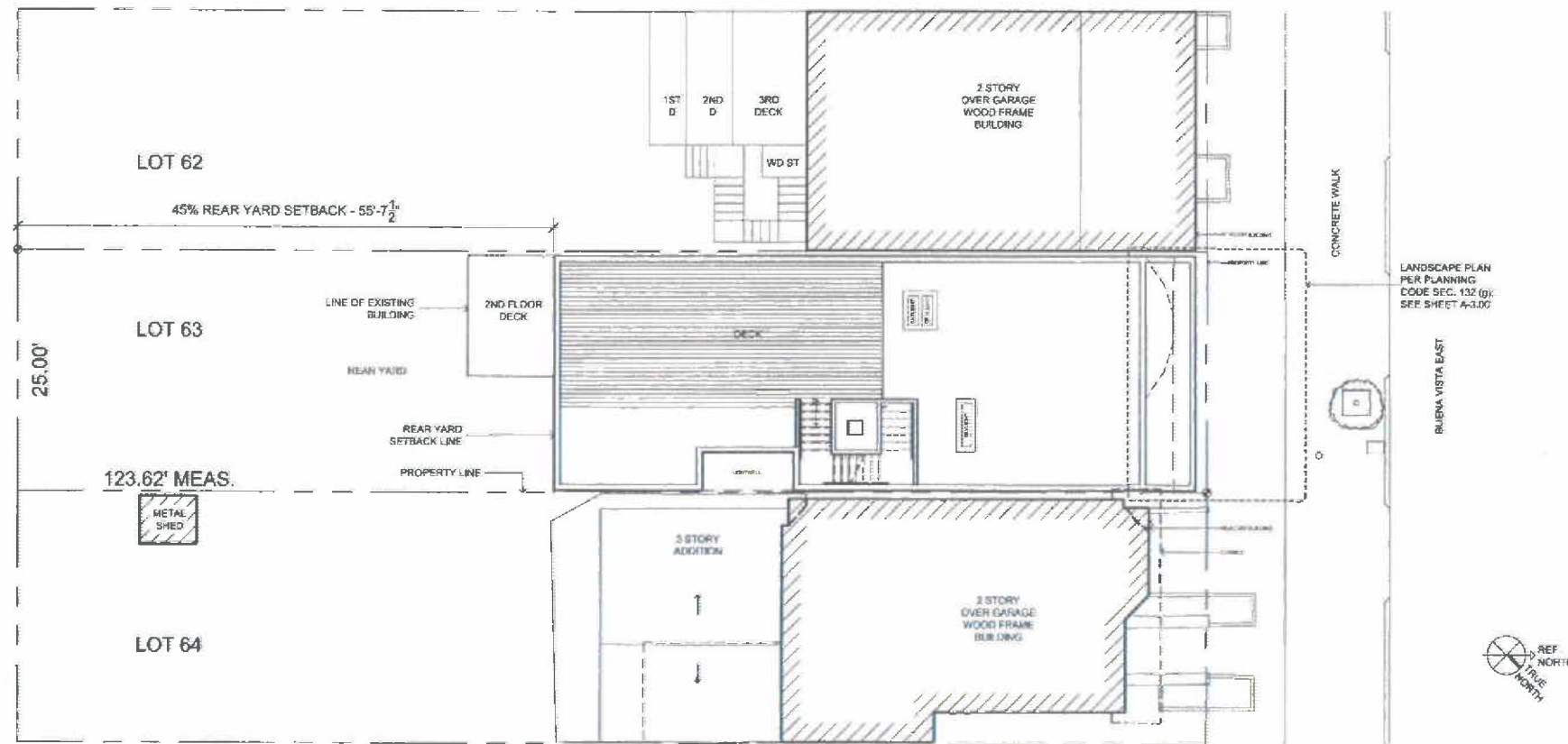
rear elevation of our new house



449



PLOT PLAN



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

SYMBOLS

- DETAIL NUMBER SHEET DETAIL IS DRAWN ON DETAIL REFERENCE
- SECTION NUMBER SHEET DETAIL IS DRAWN ON SECTION REFERENCE
- BUILDING SECTION NUMBER SHEET DETAIL IS DRAWN ON BUILDING SECTION REFERENCE
- DETAIL NUMBER SHEET DETAIL IS DRAWN ON DETAIL REFERENCE
- INTERIOR ELEVATION SHEET ELEVATIONS ARE DRAWN ON INTERIOR ELEVATION REFERENCE
- DOOR TYPE SEE SCHEDULE SHEET SEE DOOR SCHEDULE
- WINDOW TYPE SEE SCHEDULE SHEET WINDOW TYPE
- ALIGN NOTE: INDICATES FINISHED SURFACES SHALL ALIGN
- REVISED AREA REVISION NUMBER REVISION SYMBOL
- DRAWING TITLE: ORIGINAL SCALE SCALE: 1/8" = 1'-0" DRAWING TITLE
- DRAWING IDENTIFICATION
- PROPERTY LINE
- ELEVATION ABOVE DATUM POINT

DRAWING INDEX

- A-0.00 DRAWING INDEX AND PLOT PLAN
- A-1.00 EXISTING FIRST FLOOR PLAN WITH SEC. 317 FOUNDATION DEMOLITION CALCULATION
- A-1.01 EXISTING SECOND FLOOR PLAN
- A-1.02 EXISTING PLOT PLAN
- A-1.03 EXISTING NORTH AND SOUTH ELEVATION
- A-1.04 EXISTING WEST AND EAST ELEVATION
- A-1.05 NORTH AND SOUTH ELEVATION - SEC. 317 VERTICAL ELEMENT CALCULATION, DEMO CALCULATION
- A-1.06 WEST ELEVATION - SEC. 317 VERTICAL ELEMENT CALCULATION, DEMO CALCULATION
- A-1.07 EAST ELEVATION - SEC. 317 VERTICAL ELEMENT CALCULATION, DEMO CALCULATION
- A-3.00 PROPOSED FLOOR PLAN - BASEMENT
- A-3.01 PROPOSED FLOOR PLAN - FIRST FLOOR
- A-3.02 PROPOSED FLOOR PLAN - SECOND FLOOR
- A-3.03 PROPOSED FLOOR PLAN - THIRD FLOOR
- A-3.04 PROPOSED ROOF PLAN
- A-4.00 PROPOSED NORTH ELEVATION WITH DETAILS
- A-4.01 PROPOSED SOUTH ELEVATION
- A-4.02 PROPOSED EAST ELEVATION
- A-4.03 PROPOSED WEST ELEVATION
- A-4.04 PROPOSED SECTION

PROJECT INFORMATION

ADDRESS: 449 BUENA VISTA EAST SAN FRANCISCO, CA
 BLOCK/LOT: BLOCK 2807, LOT 063
 BPN: 2006 11 07 7801 S
 LOT SIZE: 29' X 123.64' = 3,075 SQ.FT.
 ZONING DISTRICT: R4-2
 BUILDING HEIGHT MAX: 40'-X HEIGHT AND BULK DISTRICT
 SPEC. OCCUPANCY CLASS: 2 UNITS, R-3 RESIDENTIAL, U-1 GARAGE
 CONSTRUCTION TYPE: TYPE V-A
 NUMBER OF STORIES: 4

APPLICABLE CODES

2007 CALIFORNIA BUILDING CODE (CBC) BASED ON THE 2006 INTERNATIONAL BUILDING CODE (IBC)
 2007 CALIFORNIA PLUMBING CODE (CPC) BASED ON THE 2006 UNIFORM PLUMBING CODE (UPC)
 2007 CALIFORNIA MECHANICAL CODE (CMC) BASED ON THE 2006 UNIFORM MECHANICAL CODE (UMC)
 2007 CALIFORNIA ELECTRICAL CODE (CEC) BASED ON THE 2005 NATIONAL ELECTRICAL CODE (NEC)
 2007 CALIFORNIA FIRE CODE (CFC) BASED ON THE 2006 INTERNATIONAL FIRE CODE (IFC)
 2007 CALIFORNIA ENERGY CODE
 ALL PERMIT APPLICATION MUST COMPLY WITH THE PROVISIONS OF THE ABOVE CODES AND THE APPLICABLE CITY CODE AMENDMENTS

DESCRIPTION OF WORK

RAISE THE EXISTING BUILDING FIVE FEET TO FACILITATE STREET LEVEL PARKING ENTRY. PROVIDE ADDITIONAL OFF-STREET PARKING
 ALIGN EXISTING WALLS TO PROPERTY LINES
 ENLARGE EXISTING UNIT BELOW GRADE WHILE PROVIDING ACCESS FROM THE STREET LEVEL
 MOVE EXISTING FRONT ELEVATION OF BUILDING TOWARD STREET.
 ADD ONE STORY OF OCCUPANCY IN PLACE OF THE EXISTING UNOCCUPIED ATTIC SPACE

PROJECT DIRECTORY

MCINTYRE RESIDENCE - CLIENT
 286 STATE STREET
 SAN FRANCISCO, CA
 CONTACT: THOMAS MCINTYRE AND LAURA BROZINSKI
 BRUCE D. BAUMANN & ASSOCIATES
 1221 HARRISON STREET, SUITE 22
 SAN FRANCISCO, CA 94103
 CONTACT: MR. BRUCE BAUMANN
 P: 415.561.7864
 WONG HALLAL ARCHITECTS - PROJECT ARCHITECT
 320 RICHARDSON DRIVE
 MILL VALLEY, CA 94041
 CONTACT: MRL STANLEY WONG
 P: 415.361.2828
 ALEX BAUTISTA DESIGN - PROJECT DESIGNER
 251 MONTEREY BOULEVARD
 SAN FRANCISCO, CA 94131
 CONTACT: MR. ALEX BAUTISTA
 M: 415.613.0454
 P: 415.204.6746

**MCINTYRE RESIDENCE
 449 BUENA VISTA EAST
 SAN FRANCISCO, CA**

date	issues
08.30.10	311 Notification

date	revisions
------	-----------

project architect:
wong hallal architects
 320 richardson drive
 mill valley ca 94041
 direct: 415.250.0691

project designer
abd | alex bautista design
 251 monterey boulevard
 san francisco ca 94131
 direct: 415.334.6746
 mobile: 415.613.0454

date	09.23.09
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DRAWING INDEX AND PLOT PLAN

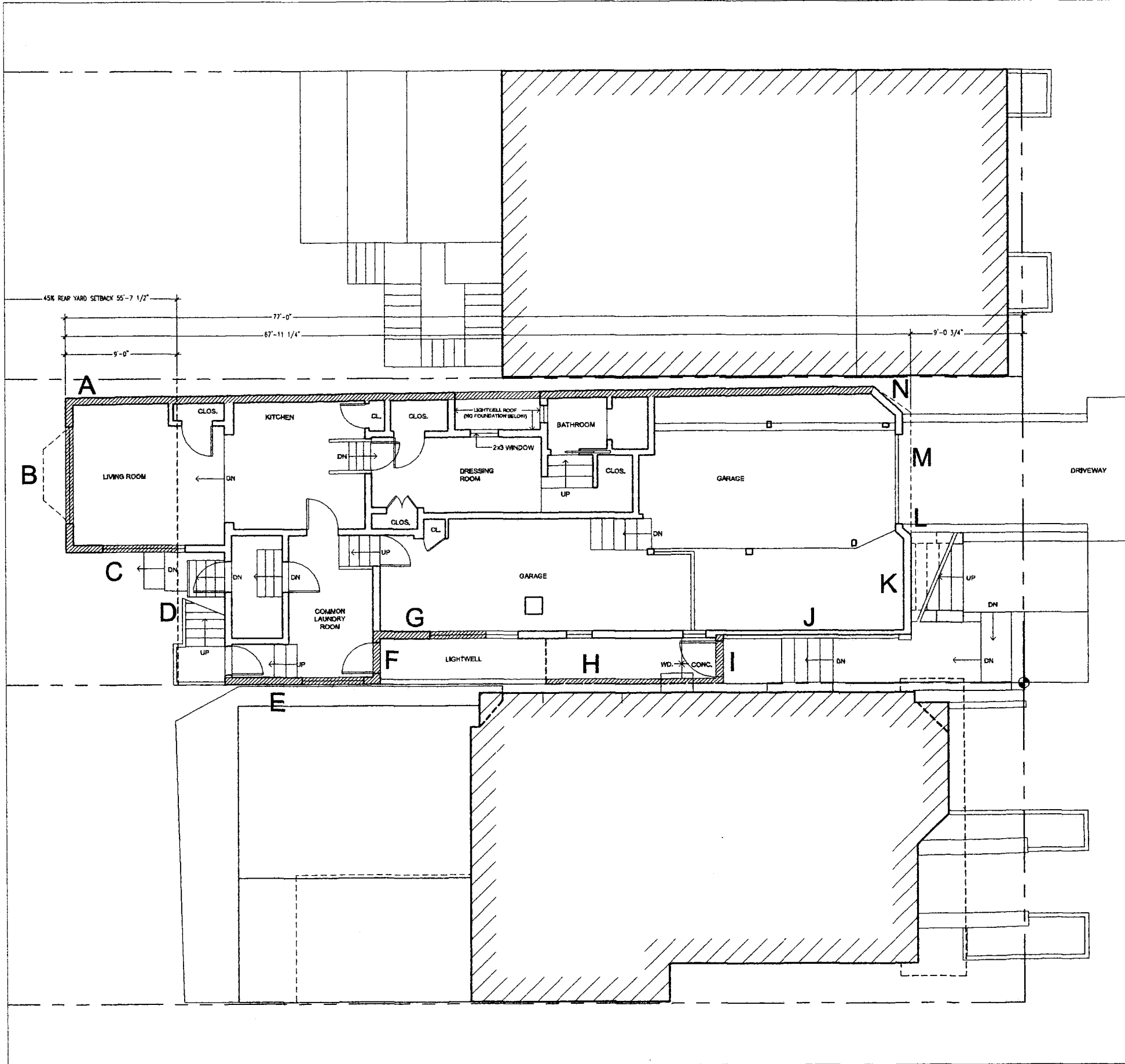
scale AS SHOWN

drawn by AEB

checked by PC

A-0.00

sheet number



SEC. 317. (b)(2)(B) part 2.

CALCULATION FOR FOUNDATION DEMOLITION

	EXISTING PERIMETER FOUNDATION	EXISTING FOUNDATION TO REMAIN
A	64'-11 5/8"	64'-11 5/8"
B	12'-7 3/8"	12'-7 3/8"
C	12'-9"	9'-0"
D	10'-10"	7"
E	12'-8 1/4"	12'-8 1/4"
F	3'-8 3/8"	3'-8 3/8"
G	13'-5 1/8"	8'-7 1/8"
H	14'-1 3/4"	14'-1 3/4"
I	3'-11 1/2"	3'-11 1/2"
J	15'-1/2"	0"
K	8'-1 1/2"	0"
L	10'-1/2"	0"
M	9'-5 3/8"	0"
N	3'-1 1/2"	0"
TOTAL	198'-1"	111'-11 3/4"

SUMMARY

65% OF TOTAL PERIMETER = 128'-9" LF
 EXISTING FOUNDATION TO REMAIN = 111'-11 3/4" LF, THEREFORE THE ALTERATION REQUIRES LESS THAN 65% REMOVAL OF THE TOTAL EXISTING PERIMETER FOUNDATION

SEC. 317. (b)(2)(C) part 1.

CALCULATION FOR VERTICAL ENVELOPE ELEMENTS
 REFER TO SHEETS: A1.05 - A1.07

	TOTAL EXISTING SURFACE AREA	EXISTING SURFACE AREA TO REMAIN
NORTH ELEV.	233 SQFT	0 SQFT
SOUTH ELEV.	515 SQFT	210 SQFT
WEST ELEV.	1,302 SQFT	1,302 SQFT
EAST ELEV.	1,321 SQFT	1,141 SQFT
TOTAL	3,371 SQFT	2,653 SQFT

SUMMARY

50% OF TOTAL (E) BUILDING VERTICAL ENVELOPE ELEMENTS AREA = 1,683.5 SQFT
 EXISTING SURFACE AREA TO REMAIN = 2,653 SQFT, THEREFORE THE ALTERATION REQUIRES LESS THAN 50% REMOVAL OF TOTAL VERTICAL ENVELOPE ELEMENTS

**MCINTYRE RESIDENCE
 449 BUENA VISTA EAST
 SAN FRANCISCO, CA**

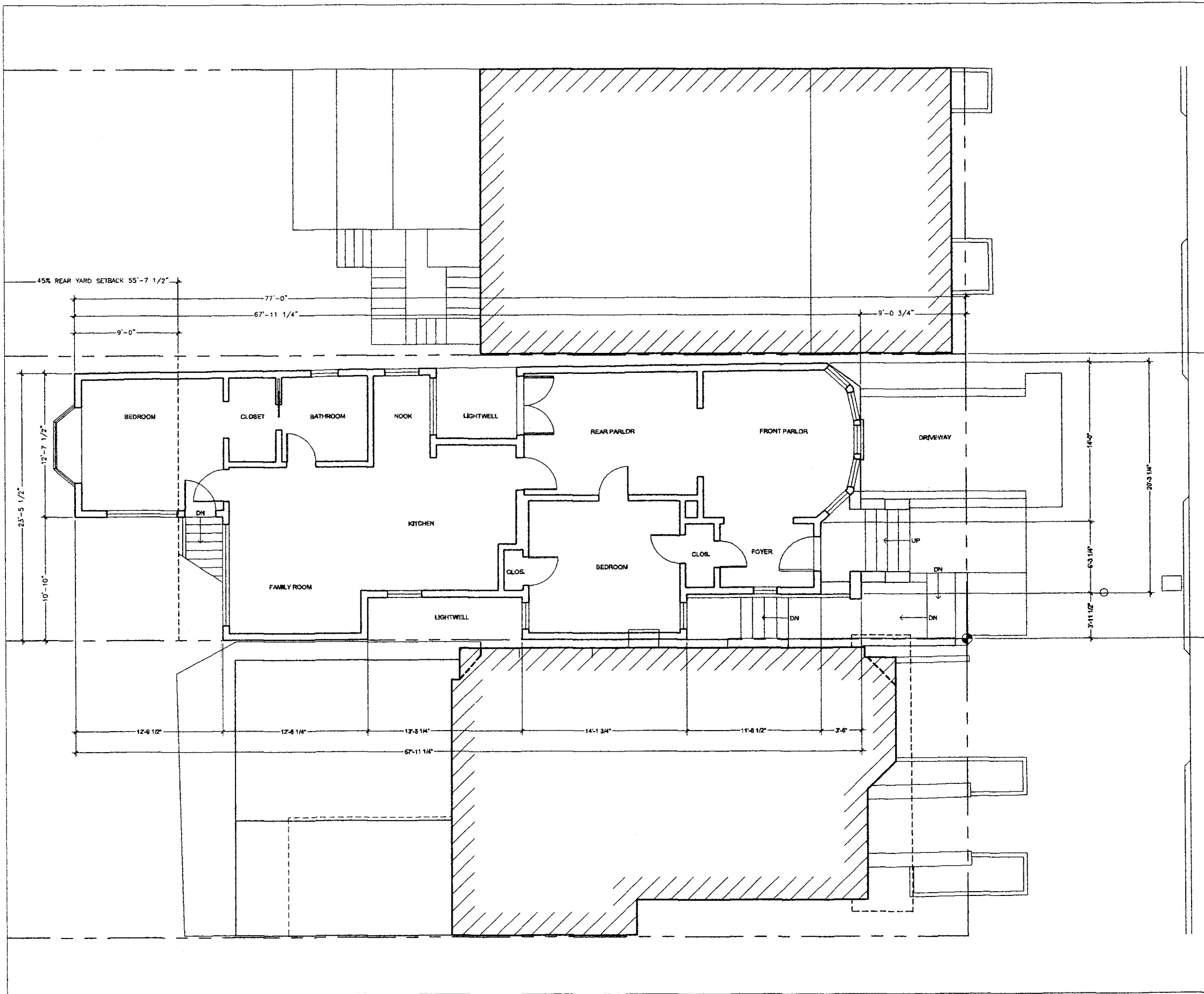
date	issues
08.30.10	311 Notification
date	revisions

project architect
wong hallal architects
 320 richardson drive
 mill valley ca 94941
 direct: 415.250.0881

project designer
abd | alex bautista design
 251 monterey boulevard
 san francisco ca 94131
 direct: 415.394.6746
 mobile: 415.813.0454

date	05.20.10
EXISTING FIRST FLOOR PLAN	
scale	1/4" = 1'-0"
drawn by	AEB
checked by	PC

A-1.00



**MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA**

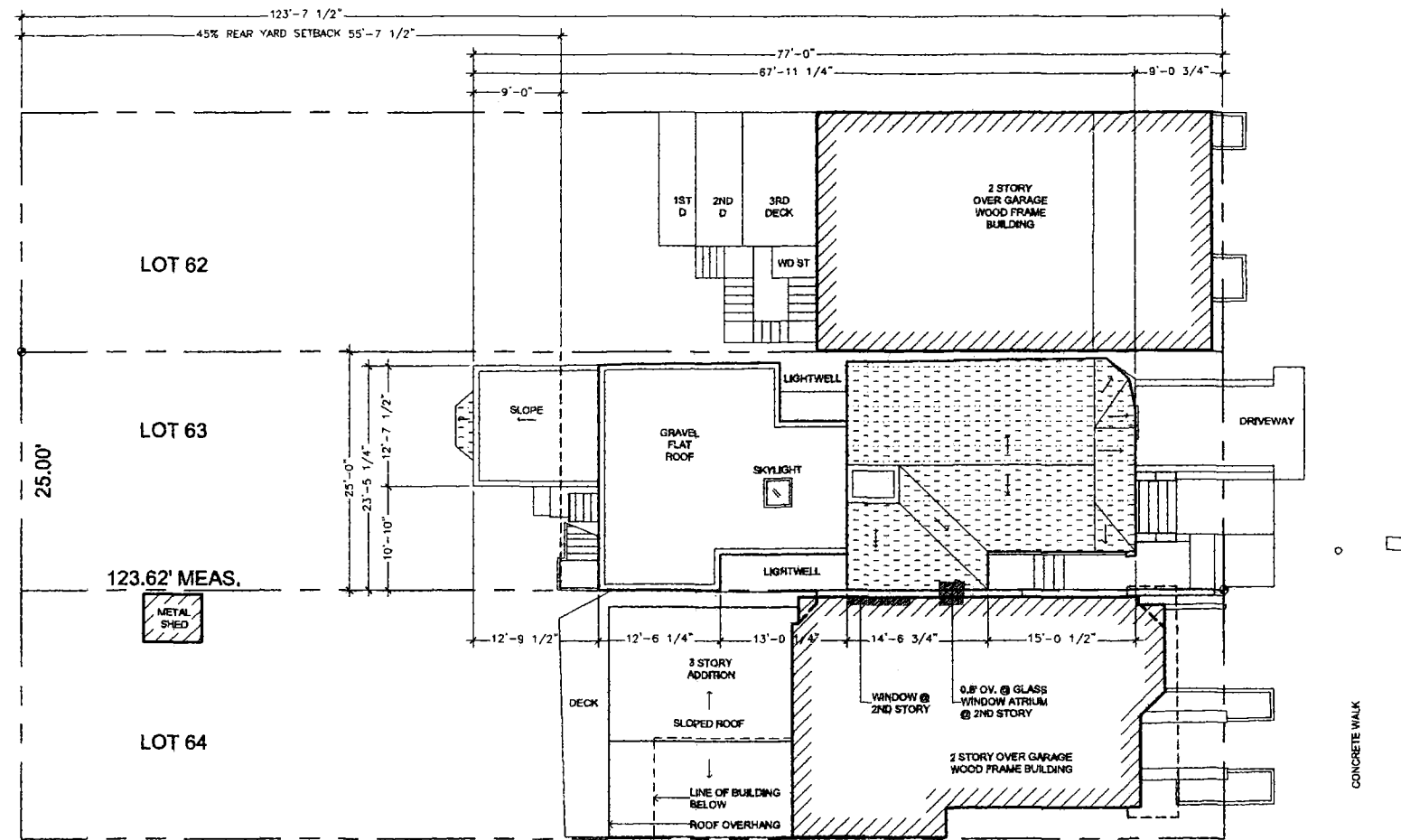
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project architect
wong hallal architects
 320 richardson drive
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 mobile: 415.613.0454

date	09.23.09
EXISTING SECOND FLOOR PLAN	
scale	1/4" = 1'-0"
drawn by	AEB
checked by	PC

A-1.01



**MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA**

date	issues
08.30.10	311 Notification

date	revisions

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 direct: 415.334.6746
 mobile: 415.813.0454

date	08.23.09
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EXISTING ROOF PLAN

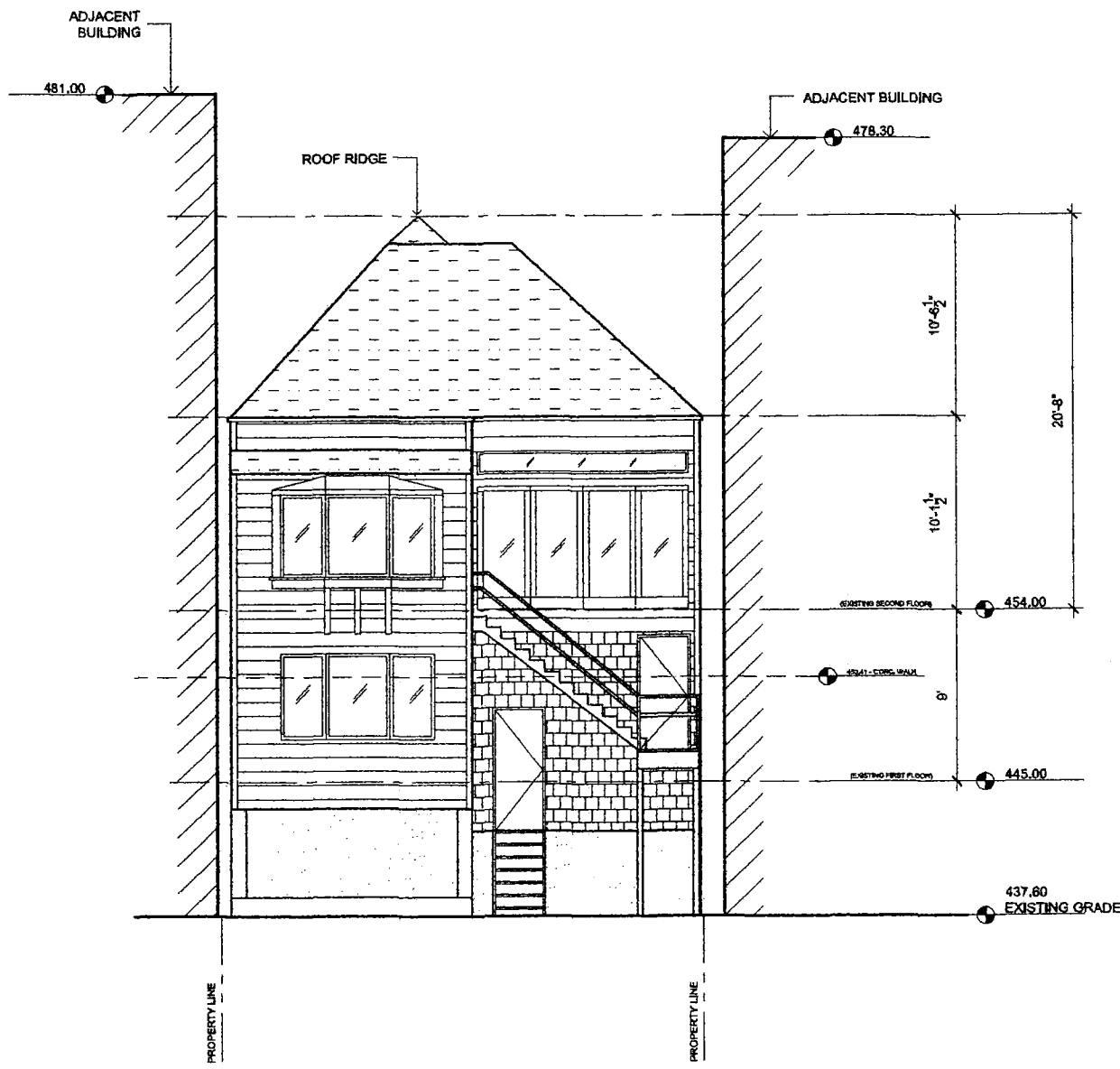
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drawn by	AEB
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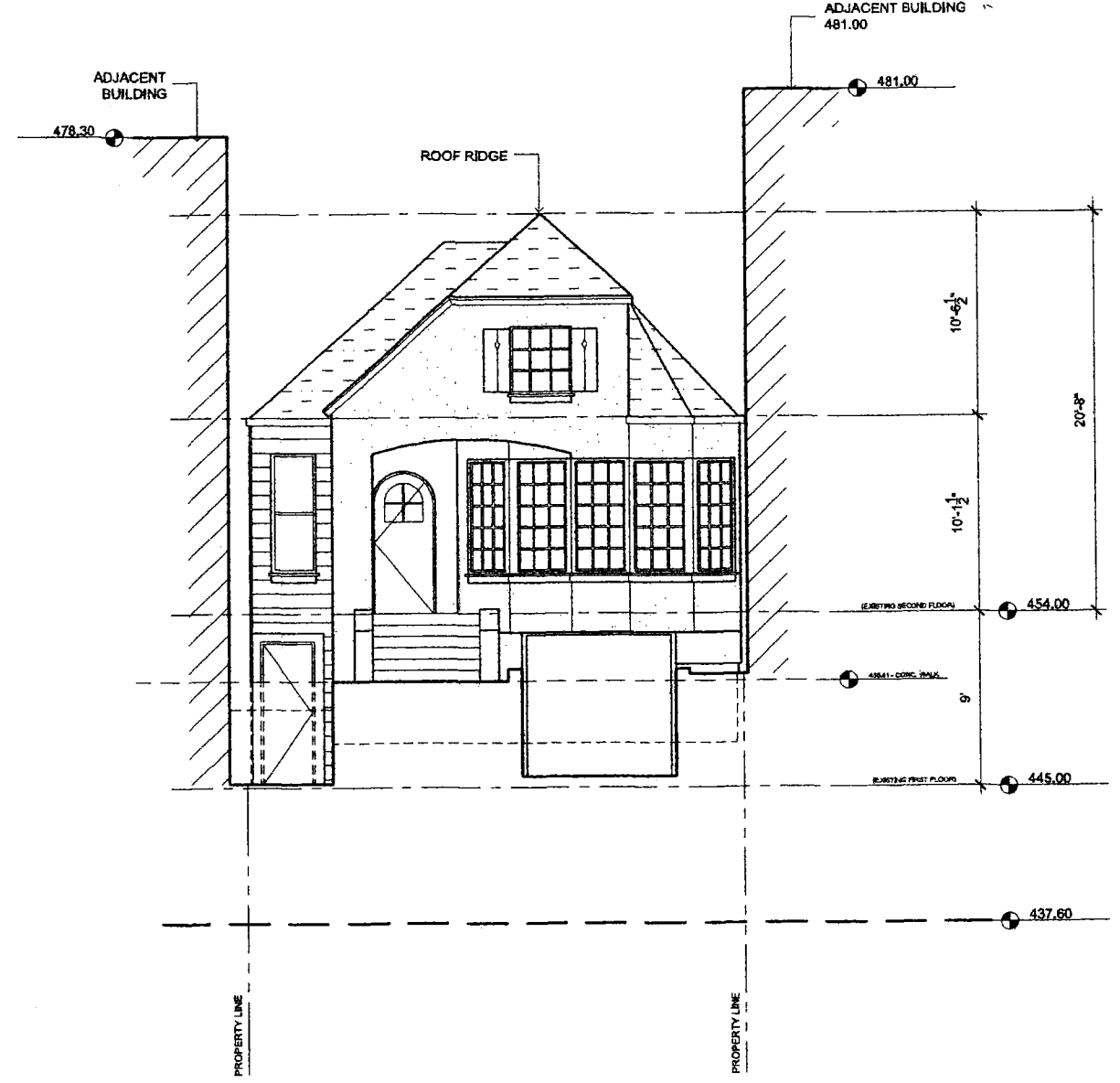
checked by	PC
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A-1.02
 sheet number

**MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA**



EXISTING SOUTH ELEVATION 2



EXISTING NORTH ELEVATION 1

date		issues	
08.30.10		311	Notification
date		revisions	

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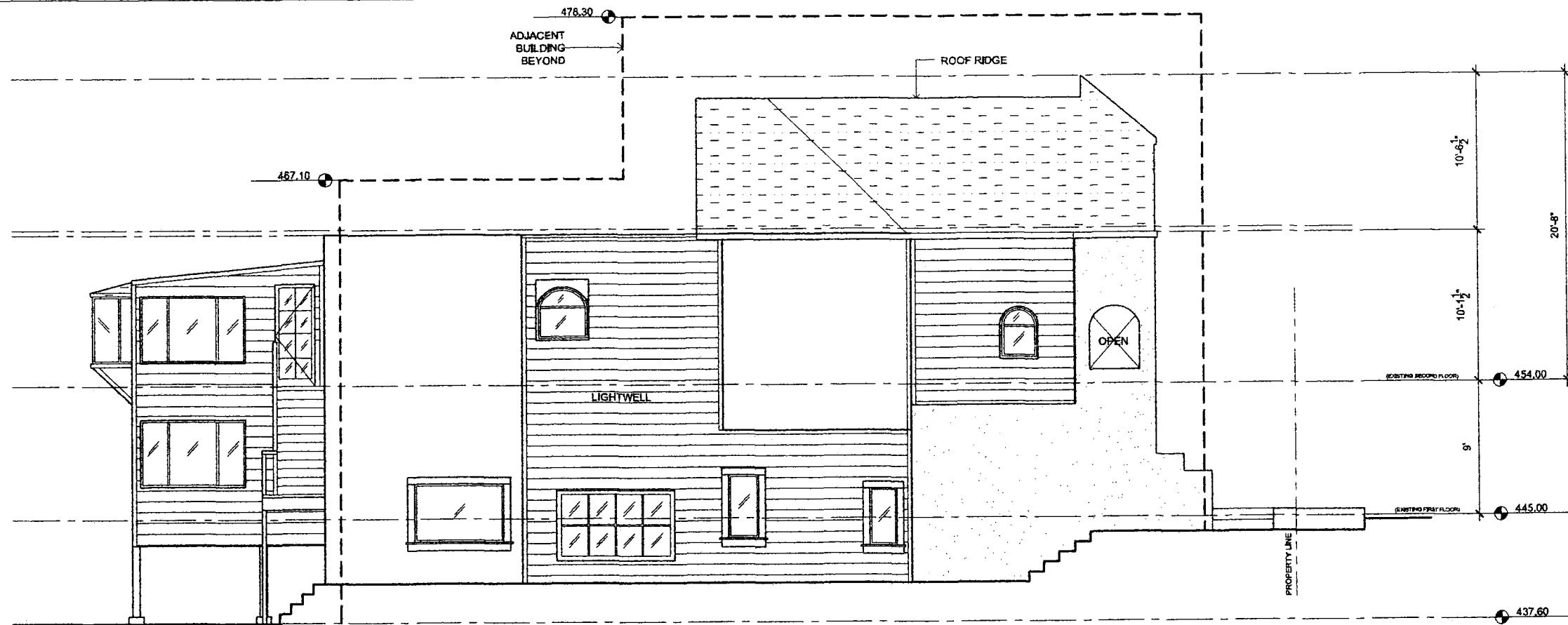
project designer
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 mobile: 415.619.0454

date	09.23.09
EXISTING NORTH AND SOUTH ELEVATION	
scale	AS SHOWN
drawn by	AEB
checked by	PC

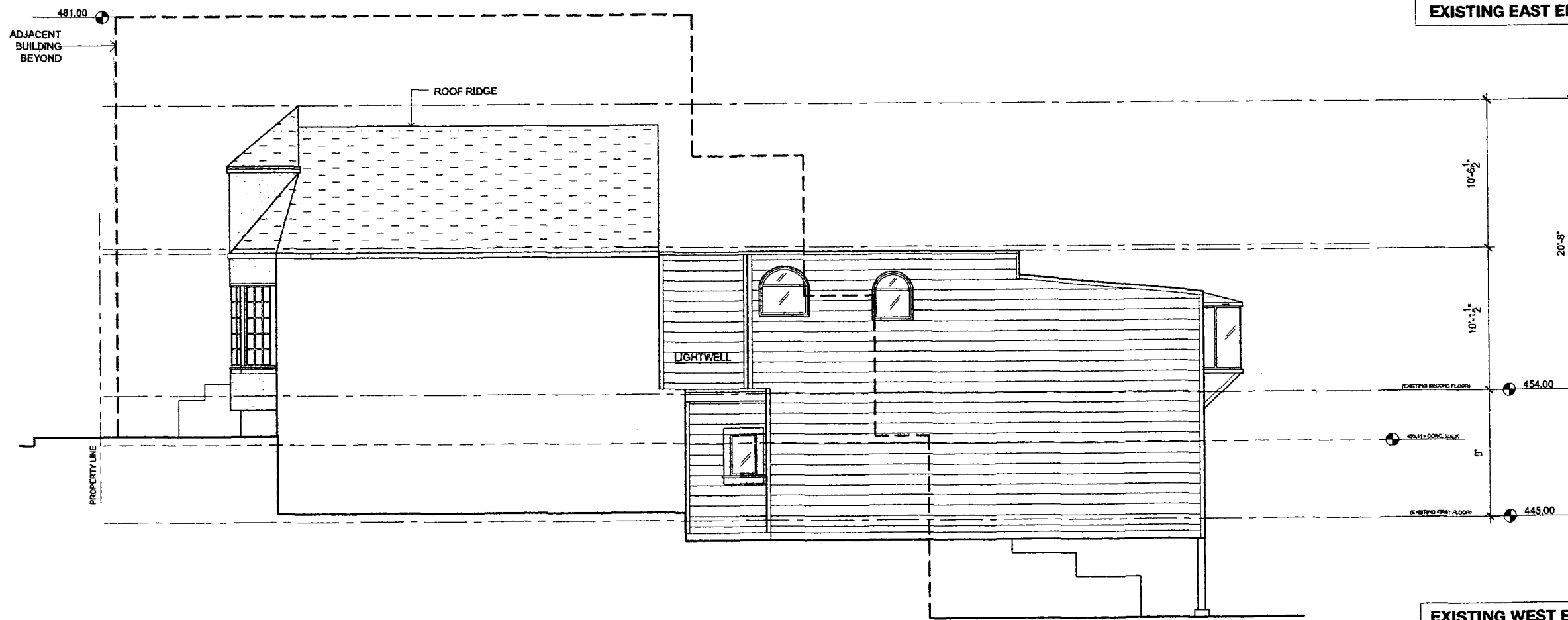
A-1.03

sheet number

**MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA**



EXISTING EAST ELEVATION 2



EXISTING WEST ELEVATION 1

date		issues	
08.30.10		311 Notification	
date		revisions	
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<p>project designer abd alex bautista design 251 monterey boulevard san francisco ca 94131 direct: 415.334.6746 mobile: 415.813.0454</p>			
date		08.23.09	
<p>EXISTING WEST AND EAST ELEVATION</p>			
scale		1/4" = 1'-0"	
drawn by		AEB	
checked by		PC	
A-1.04			
sheet number			

SEC. 317. (b)(2)(C) part 1.

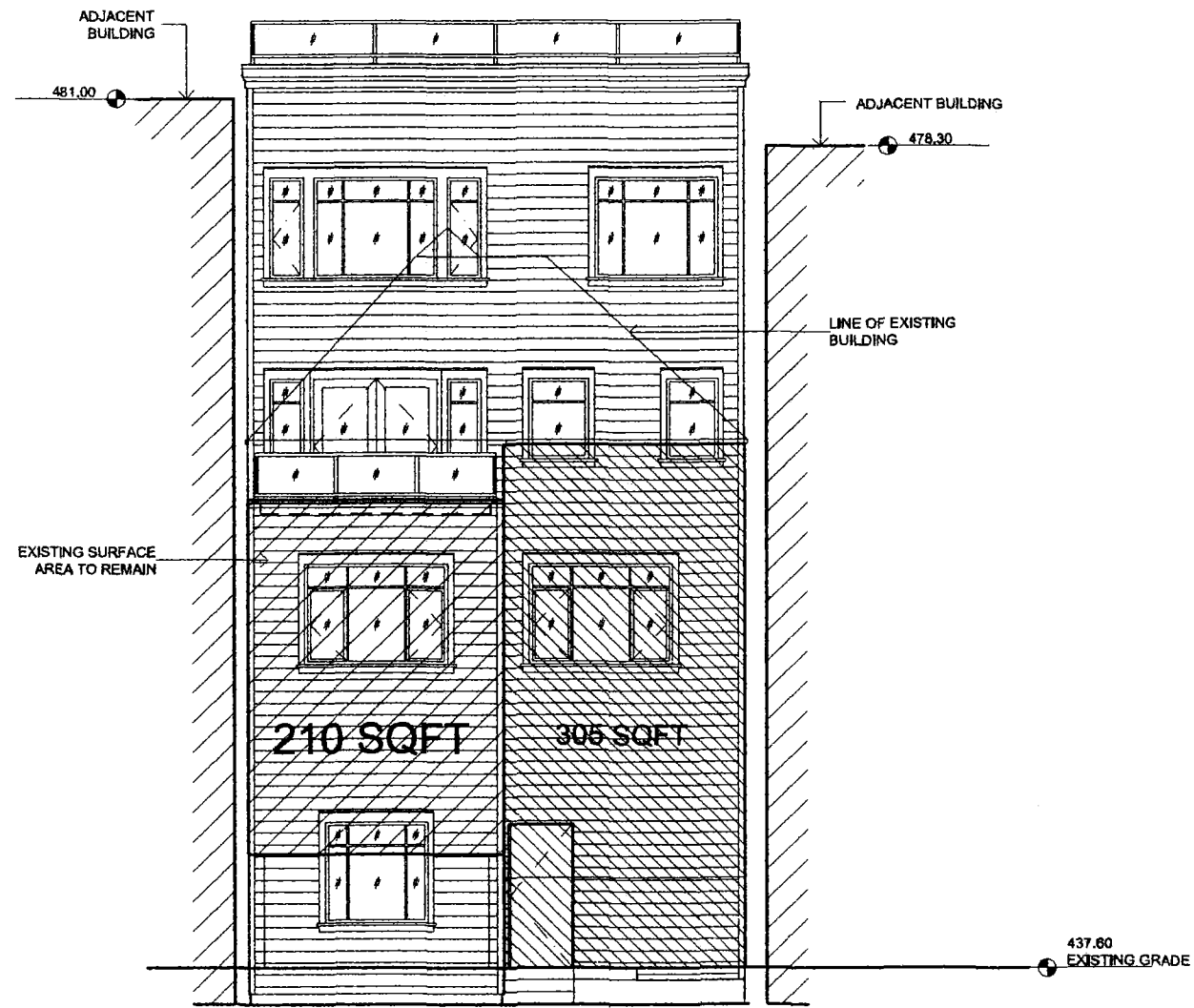
CALCULATION FOR VERTICAL ENVELOPE ELEMENTS

	TOTAL EXISTING SURFACE AREA	EXISTING SURFACE AREA TO REMAIN
NORTH ELEV.	233 SQFT	0 SQFT
SOUTH ELEV.	515 SQFT	210 SQFT
WEST ELEV.	1,302 SQFT	1,302 SQFT
EAST ELEV.	1,321 SQFT	1,141 SQFT
TOTAL	3,371 SQFT	2,653 SQFT

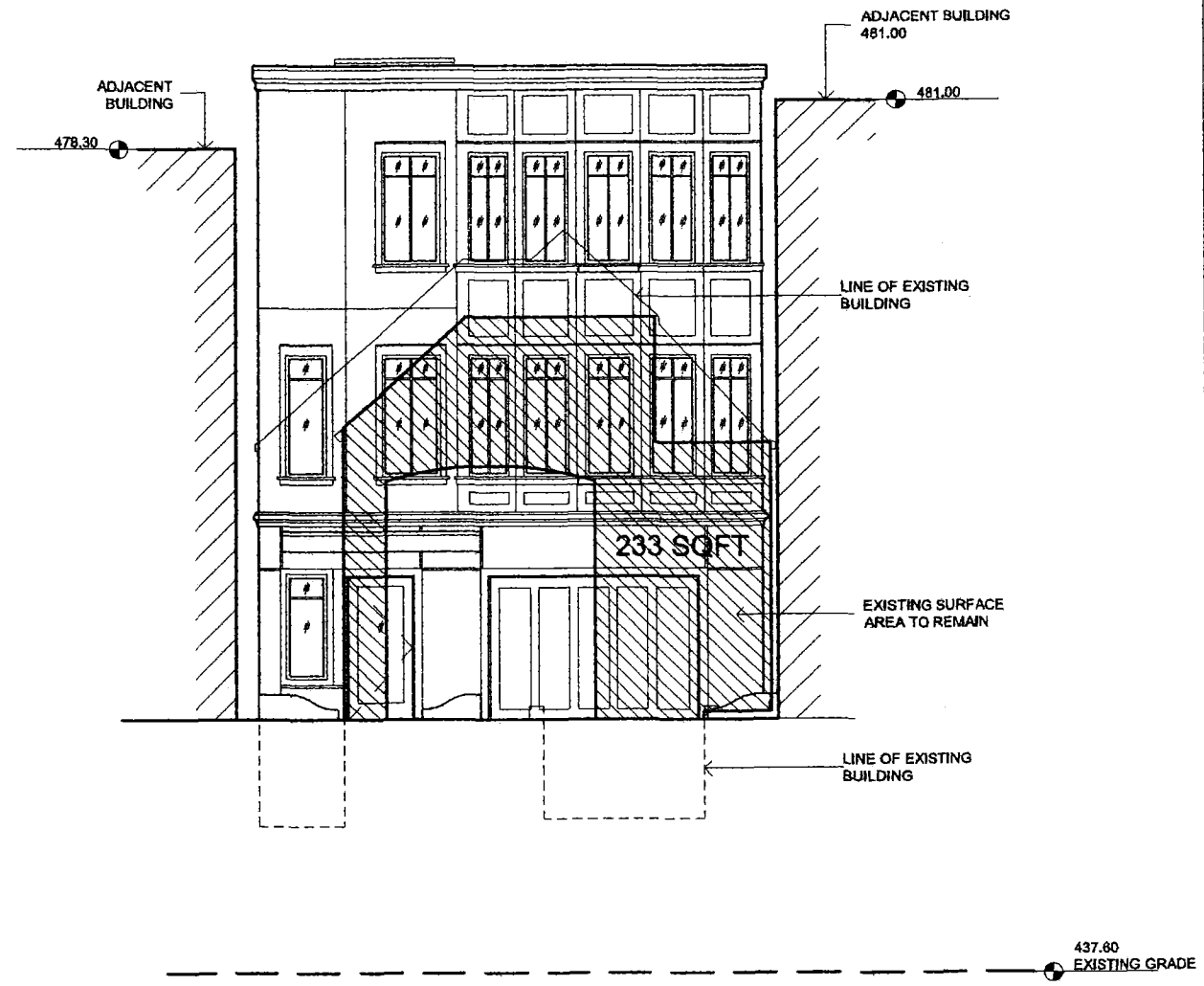
SUMMARY

50% OF TOTAL (E) BUILDING VERTICAL ENVELOPE ELEMENTS AREA = 1,685.5 SQFT
 EXISTING SURFACE AREA TO REMAIN = 2,653 SQFT, THEREFORE THE ALTERATION REQUIRES LESS THAN 50% REMOVAL OF TOTAL VERTICAL ENVELOPE ELEMENTS

**MCINTYRE RESIDENCE
 449 BUENA VISTA EAST
 SAN FRANCISCO, CA**



SOUTH ELEVATION 2



NORTH ELEVATION 1

date	issues
08.30.10	311 Notification
date	revisions

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date	05.20.10
N & S ELEVATION - VERTICAL ELEMENTS	
scale	AS SHOWN
drawn by	AEB
checked by	PC

A-1.05
 sheet number

SEC. 317. (b)(2)(C) part 1.

CALCULATION FOR VERTICAL ENVELOPE ELEMENTS

	TOTAL EXISTING SURFACE AREA	EXISTING SURFACE AREA TO REMAIN
NORTH ELEV.	233 SQFT	0 SQFT
SOUTH ELEV.	515 SQFT	210 SQFT
WEST ELEV.	1,302 SQFT	1,302 SQFT
EAST ELEV.	1,321 SQFT	1,141 SQFT
TOTAL	3,371 SQFT	2,653 SQFT

SUMMARY

50% OF TOTAL (E) BUILDING VERTICAL ENVELOPE ELEMENTS AREA = 1,685.5 SQFT

EXISTING SURFACE AREA TO REMAIN = 2,653 SQFT, THEREFORE THE ALTERATION REQUIRES LESS THAN 50% REMOVAL OF TOTAL VERTICAL ENVELOPE ELEMENTS

**MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA**

date	issues
08.30.10	311 Notification
date	revisions

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date 05.20.10

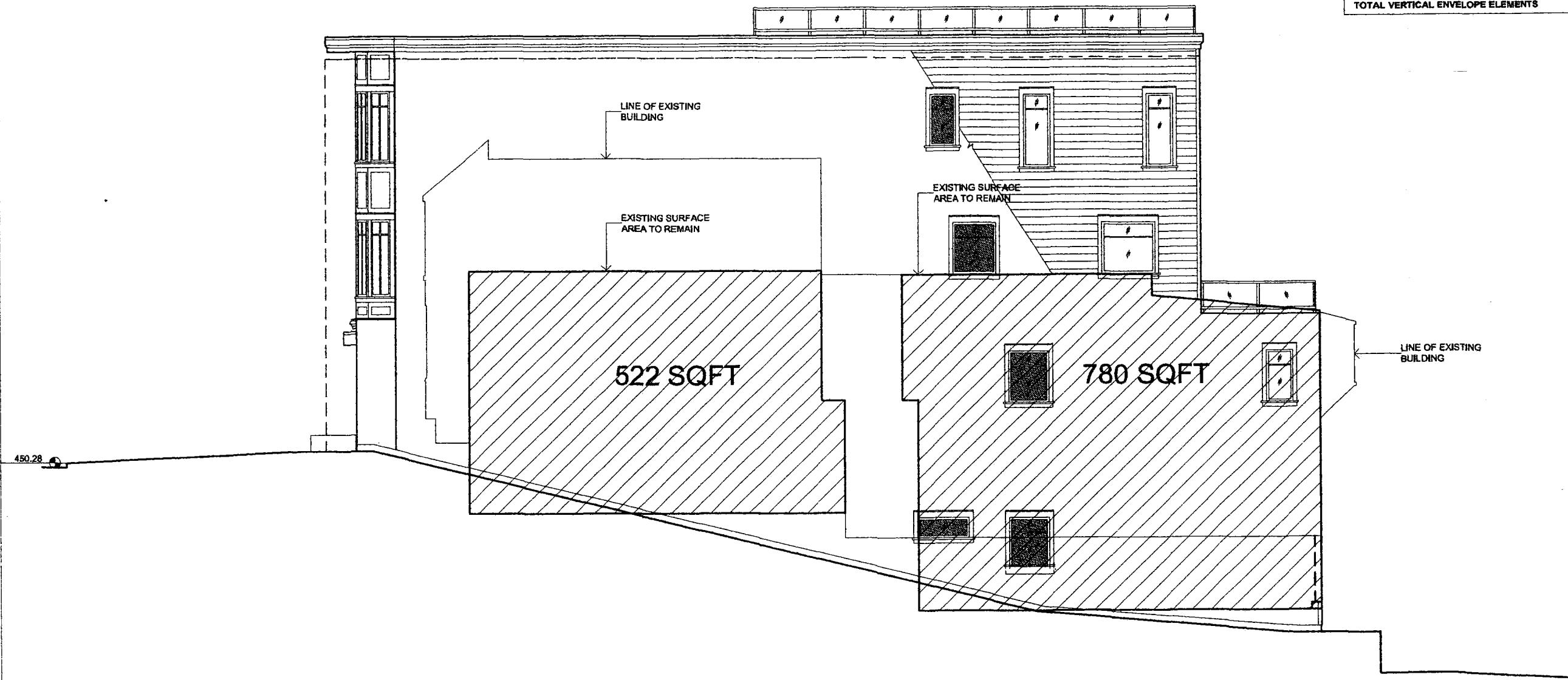
**WEST ELEVATION -
VERTICAL ELEMENTS**

scale 1/4" = 1'-0"

drawn by AEB

checked by PC

A-1.06
sheet number



SEC. 317. (b)(2)(C) part 1.

CALCULATION FOR VERTICAL ENVELOPE ELEMENTS

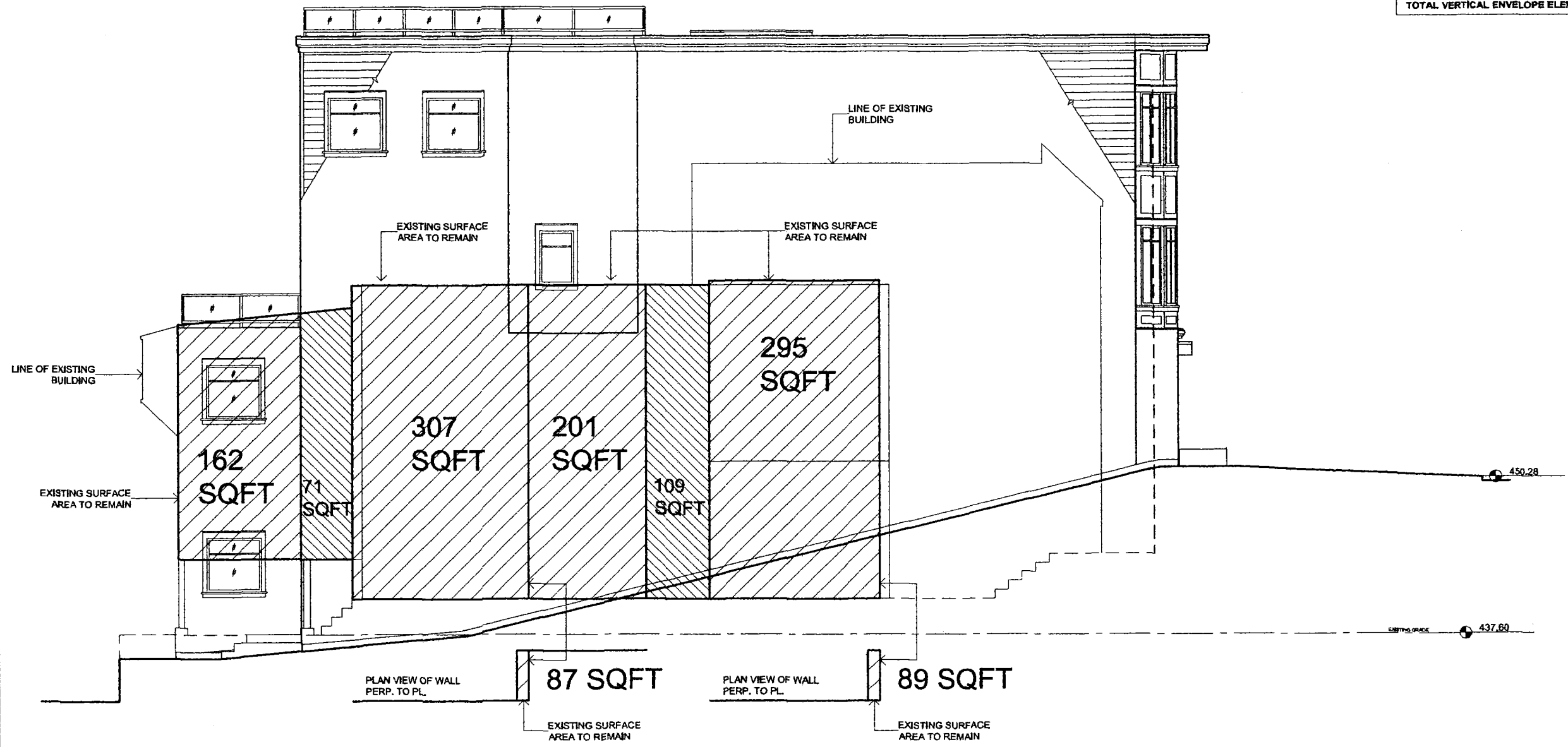
	TOTAL EXISTING SURFACE AREA	EXISTING SURFACE AREA TO REMAIN
NORTH ELEV.	233 SQFT	0 SQFT
SOUTH ELEV.	515 SQFT	210 SQFT
WEST ELEV.	1,302 SQFT	1,302 SQFT
EAST ELEV.	1,321 SQFT	1,141 SQFT
TOTAL	3,371 SQFT	2,653 SQFT

SUMMARY

50% OF TOTAL (E) BUILDING VERTICAL ENVELOPE ELEMENTS AREA = 1,685.5 SQFT

EXISTING SURFACE AREA TO REMAIN = 2,653 SQFT, THEREFORE THE ALTERATION REQUIRES LESS THAN 50% REMOVAL OF TOTAL VERTICAL ENVELOPE ELEMENTS

MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA



date	issues
08.30.10	311 Notification
date	revisions

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date 05.20.10

EAST ELEVATION - VERTICAL ELEMENTS

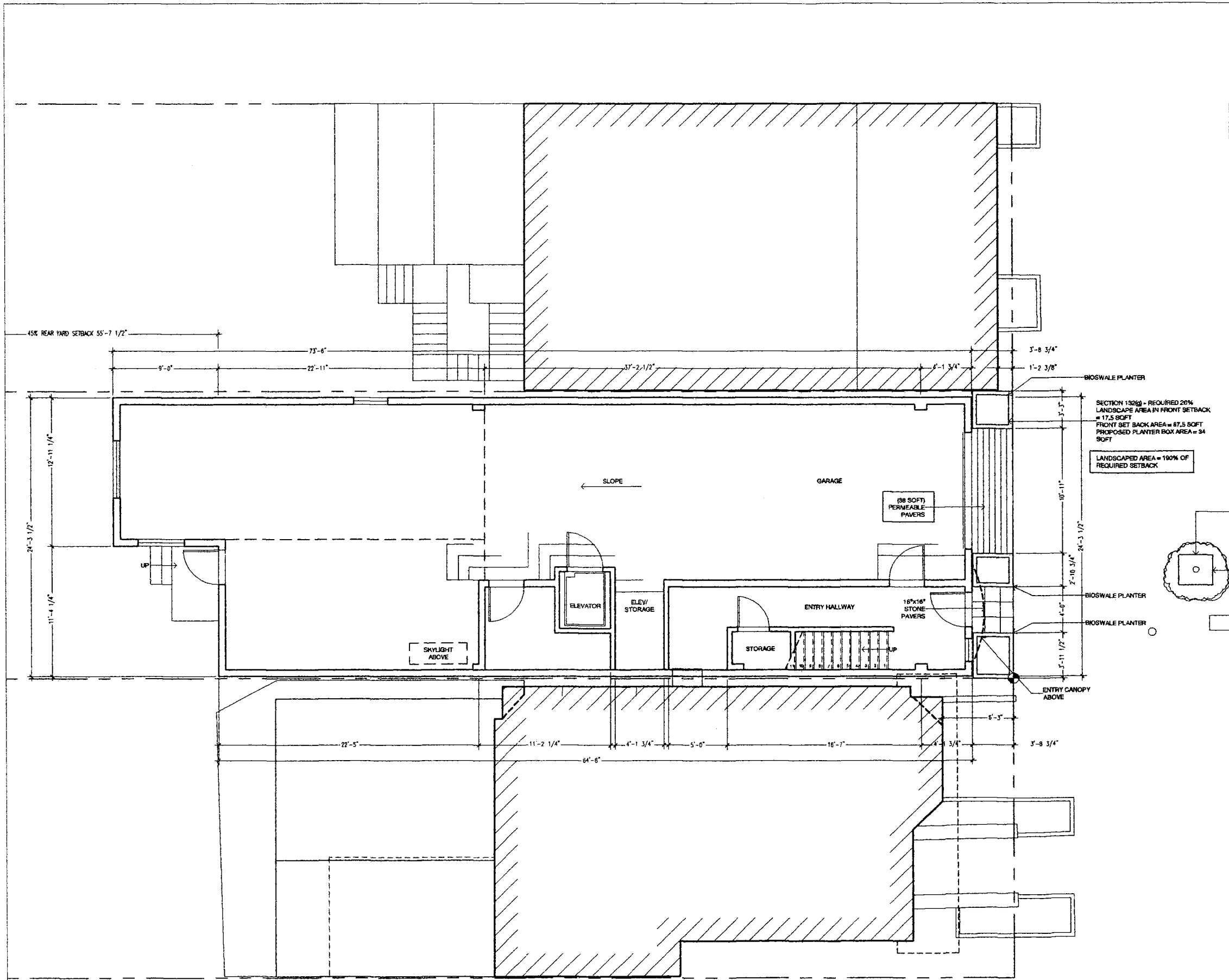
scale 1/4" = 1'-0"

drawn by AEB

checked by PC

A-1.07

sheet number



HABITABLE SQUARE FOOTAGE		
FLOOR	PROPOSED AREA (SQFT)	EXISTING AREA (SQFT)
BASEMENT	1,350.00	565.00
GROUND FLOOR	482.00	105.00
UPP 1	583.00	423.00
UPP 2	2,592.50	1,168.00
TOTAL	4,987.50	2,281.00

**MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA**

date	issues
08.30.10	311 Notification

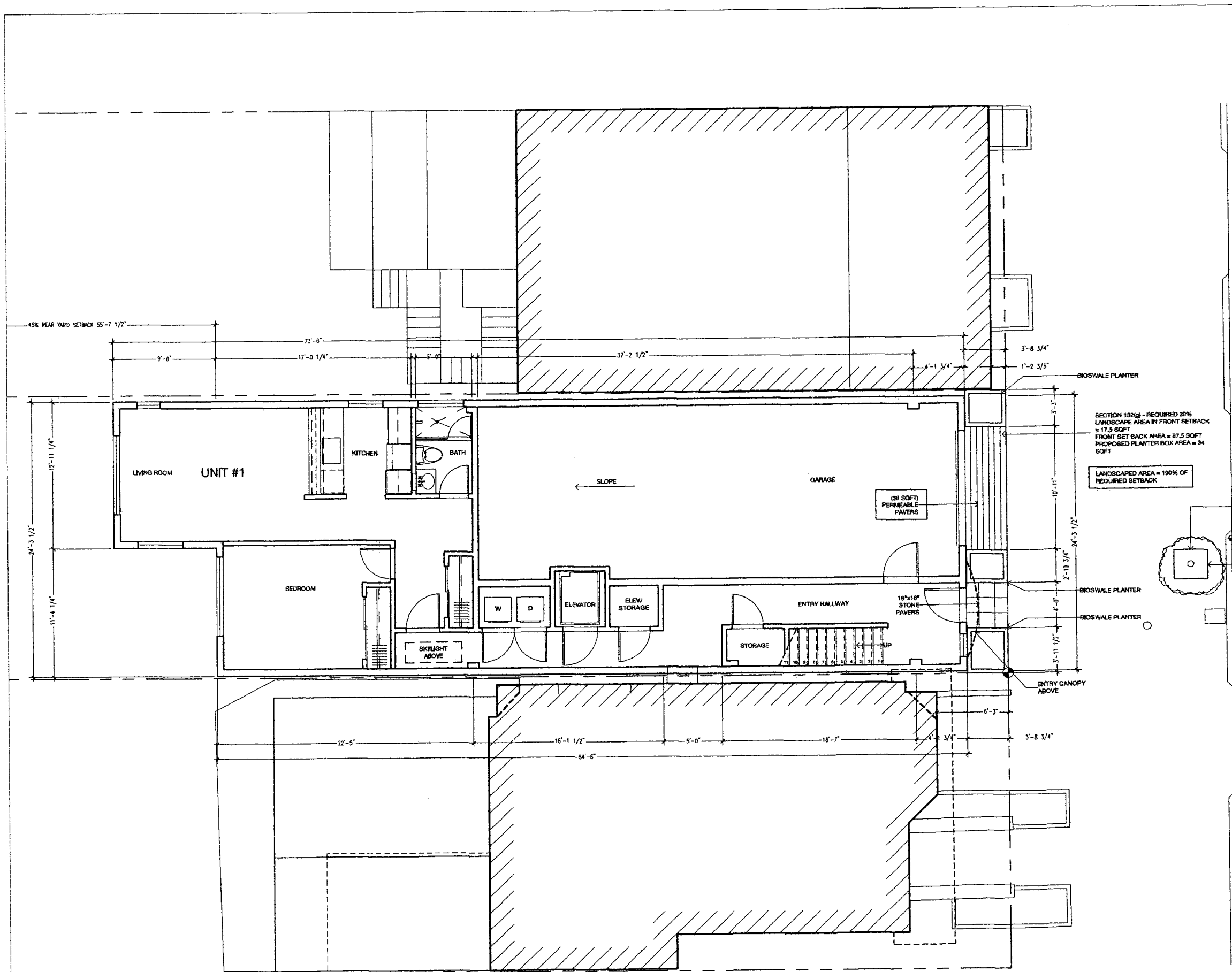
date	revisions

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date	09.23.09
PROPOSED BASEMENT FLOOR PLAN	
scale	1/4" = 1'-0"
drawn by	AEB
checked by	CP

A-3.00
 sheet number



HABITABLE SQUARE FOOTAGE		
FLOOR	PROPOSED AREA (SQFT)	EXISTING AREA (SQFT)
GARAGE	1,350.00	585.00
COMMON AREA	462.00	105.00
UNIT #1	583.00	423.00
UNIT #2	2,592.50	1,168.00
TOTAL	4,987.50	2,281.00

**MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA**

date	Issues
08.30.10	311 Notification
date	revisions

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date 09.23.09

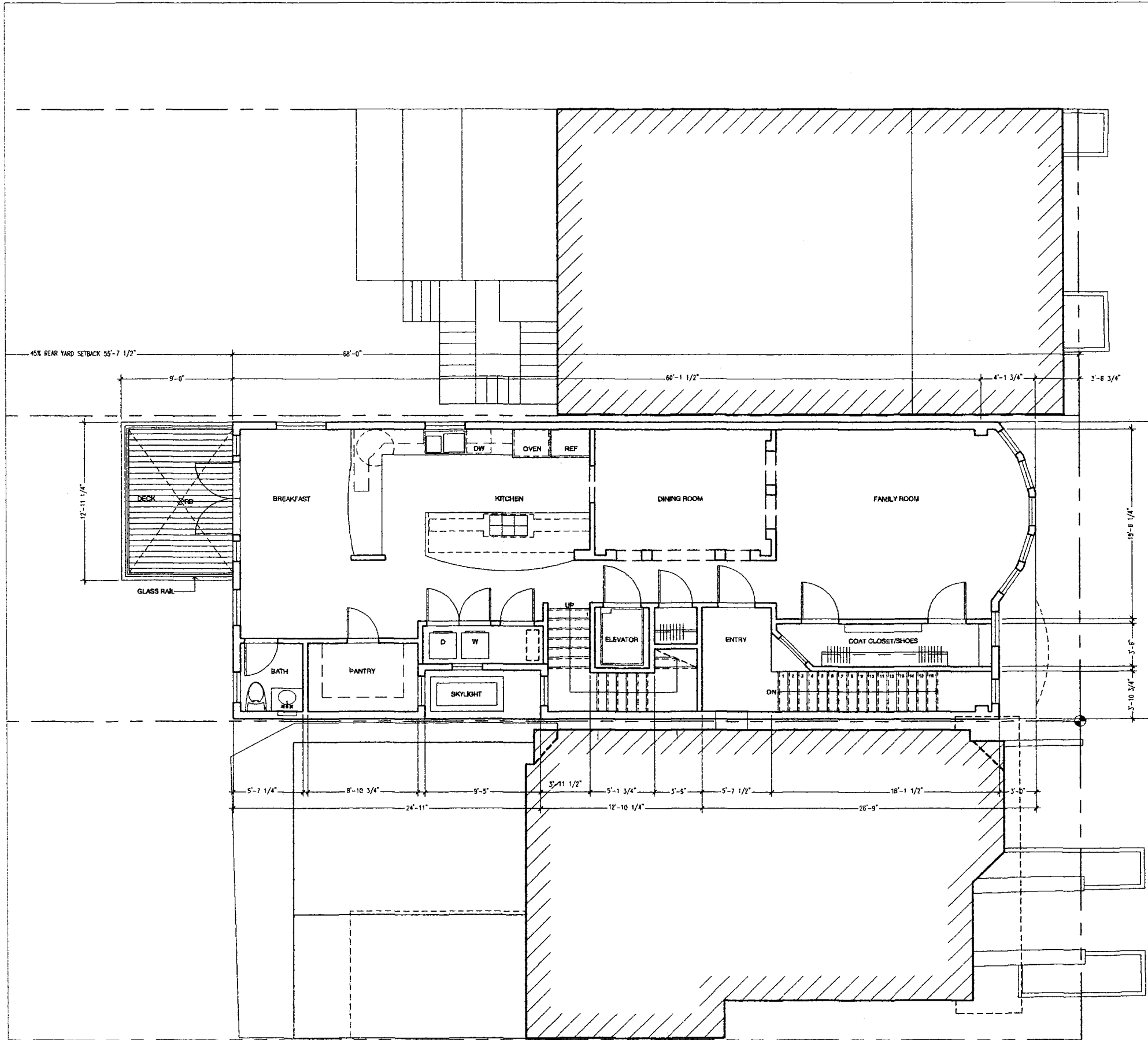
PROPOSED FIRST FLOOR PLAN

scale 1/4" = 1'-0"

drawn by AEB

checked by CP

A-3.01



HABITABLE SQUARE FOOTAGE

FLOOR	PROPOSED AREA (S.F.)	EXISTING AREA (S.F.)
BARABO	1,350.00	585.00
COMMON AREA	462.00	105.00
UPR 1	583.00	423.00
UPR 2	2,592.50	1,168.00
TOTAL	4,987.50	2,281.00

**MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA**

date	issues
08.30.10	311 Notification

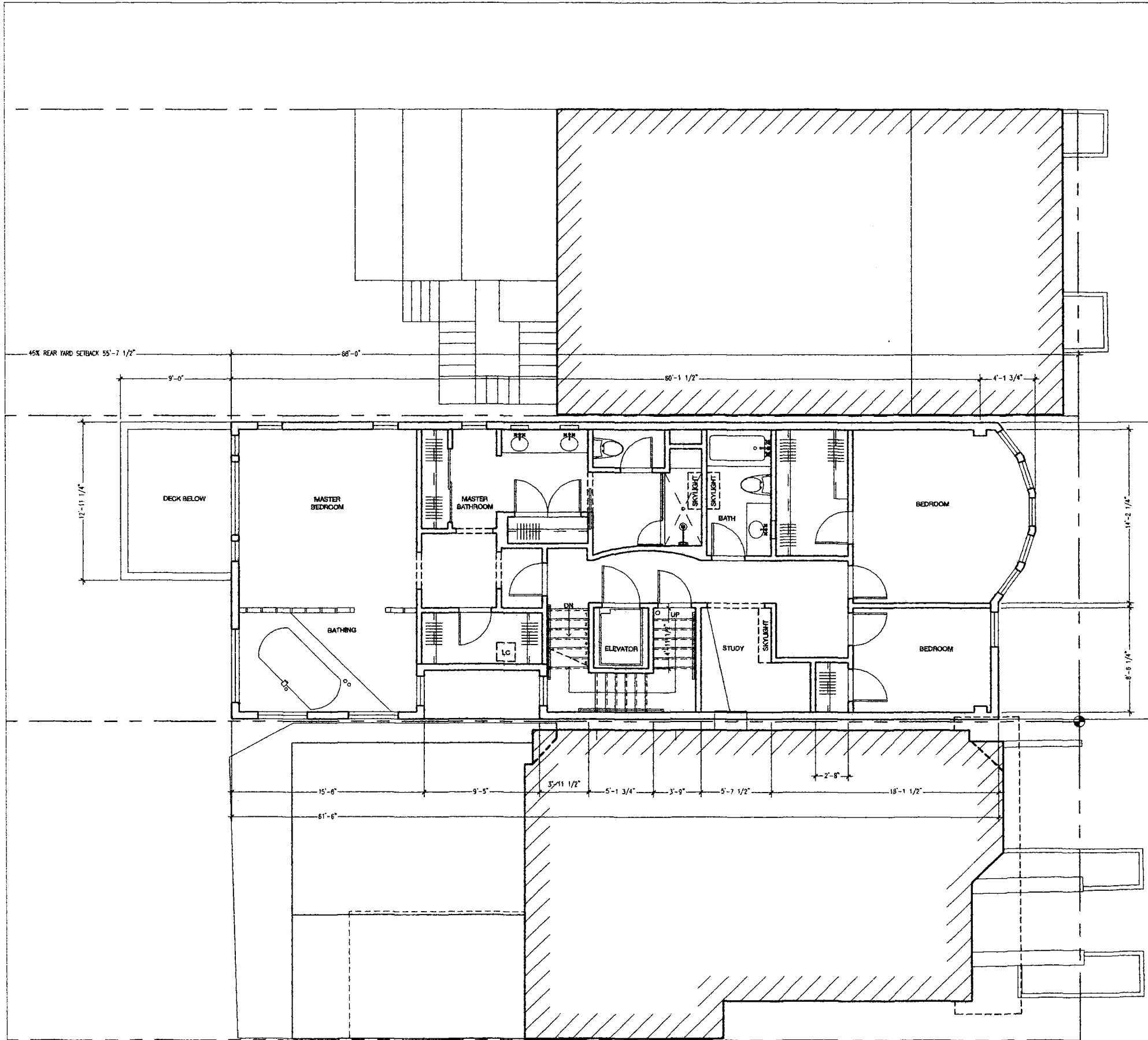
date	revisions

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date	09.23.09
PROPOSED SECOND FLOOR PLAN	
scale	1/4" = 1'-0"
drawn by	AEB
checked by	CP





HABITABLE SQUARE FOOTAGE

FLOOR	PROPOSED AREA (S.F.)	EXISTING AREA (S.F.)
BASE	1,350.00	585.00
COMMON AREA	462.00	105.00
FLOOR 1	583.00	423.00
FLOOR 2	2,592.50	1,168.00
TOTAL	4,987.50	2,281.00

**MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA**

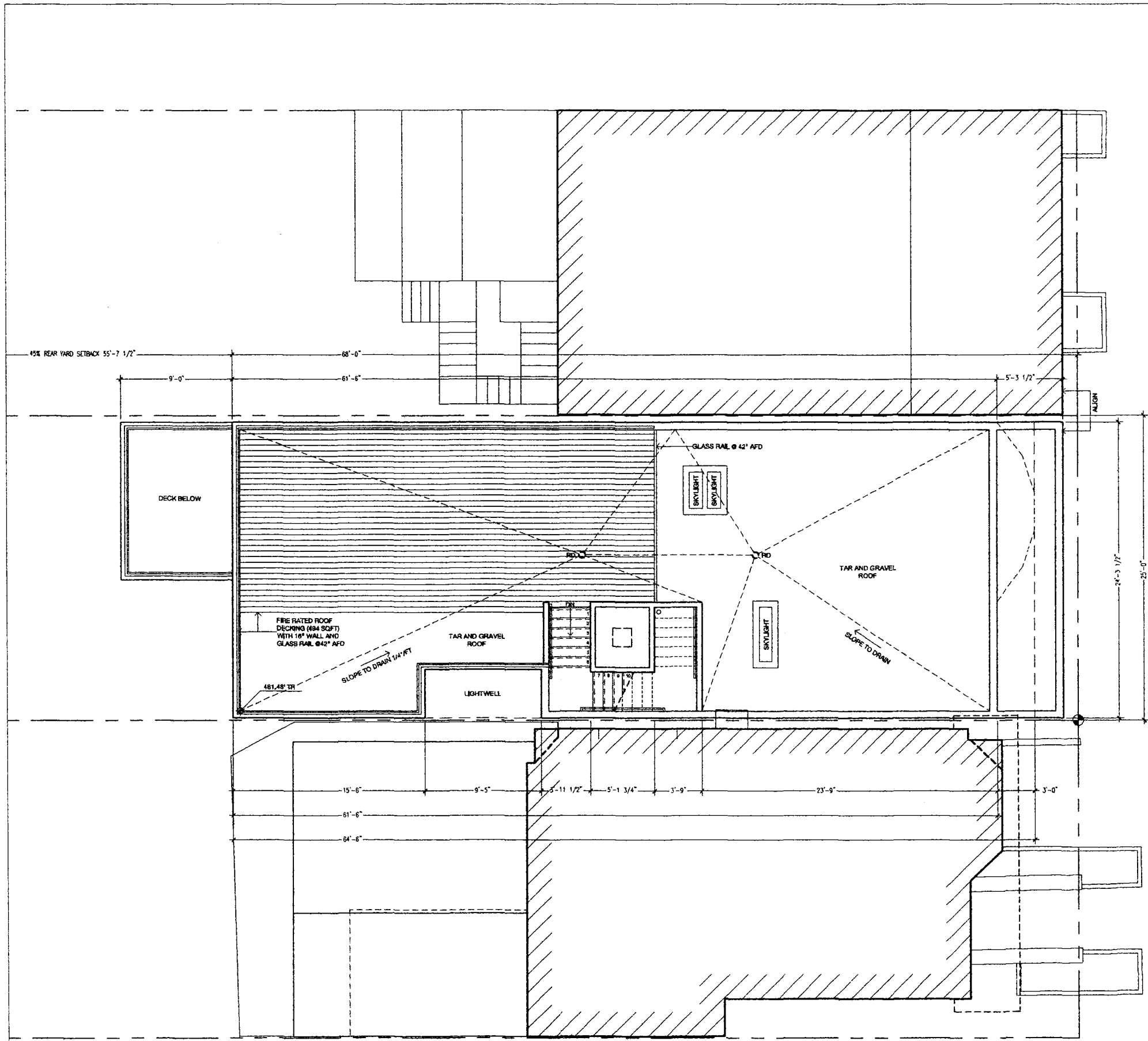
date	issues
08.30.10	311 Notification
date	revisions

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date	09.23.09
PROPOSED THIRD FLOOR PLAN	
scale	1/4" = 1'-0"
drawn by	AEB
checked by	CP

A-3.03
 sheet number



HABITABLE SQUARE FOOTAGE

FLOOR	PROPOSED AREA (SQFT)	EXISTING AREA (SQFT)
SARAGE	1,350.00	585.00
COURT/CHY AREA	482.00	105.00
LAB 1	583.00	423.00
LAB 2	2,592.50	1,168.00
TOTAL	4,997.50	2,281.00

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date	issues
08.30.10	311 Notification
date	revisions

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date	09.23.09
PROPOSED ROOF PLAN	
scale	1/4" = 1'-0"
drawn by	AEB
checked by	CP

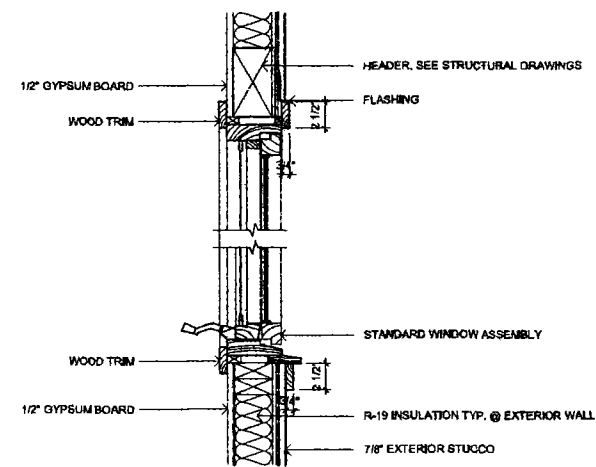


**MCINTYRE RESIDENCE
449 BUENA VISTA EAST
SAN FRANCISCO, CA**



PROPOSED NORTH ELEVATION WITH ADJACENT NEIGHBORS 2

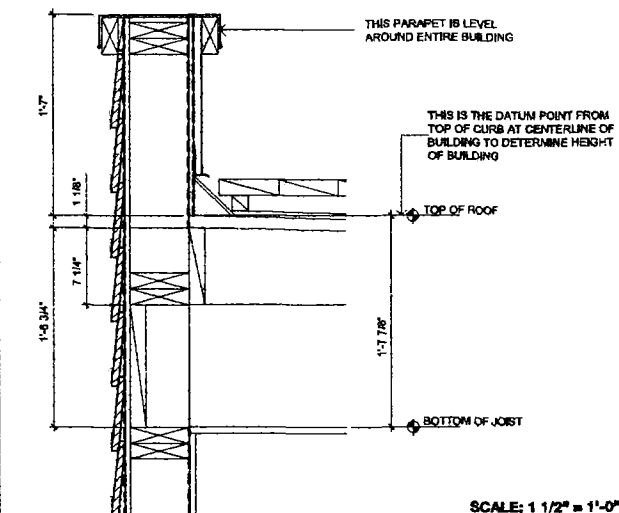
CASEMENT WINDOW SILL AND HEAD - TYP.
SCALE: 1 1/2" = 1'-0"



SCALE: 1 1/2" = 1'-0"

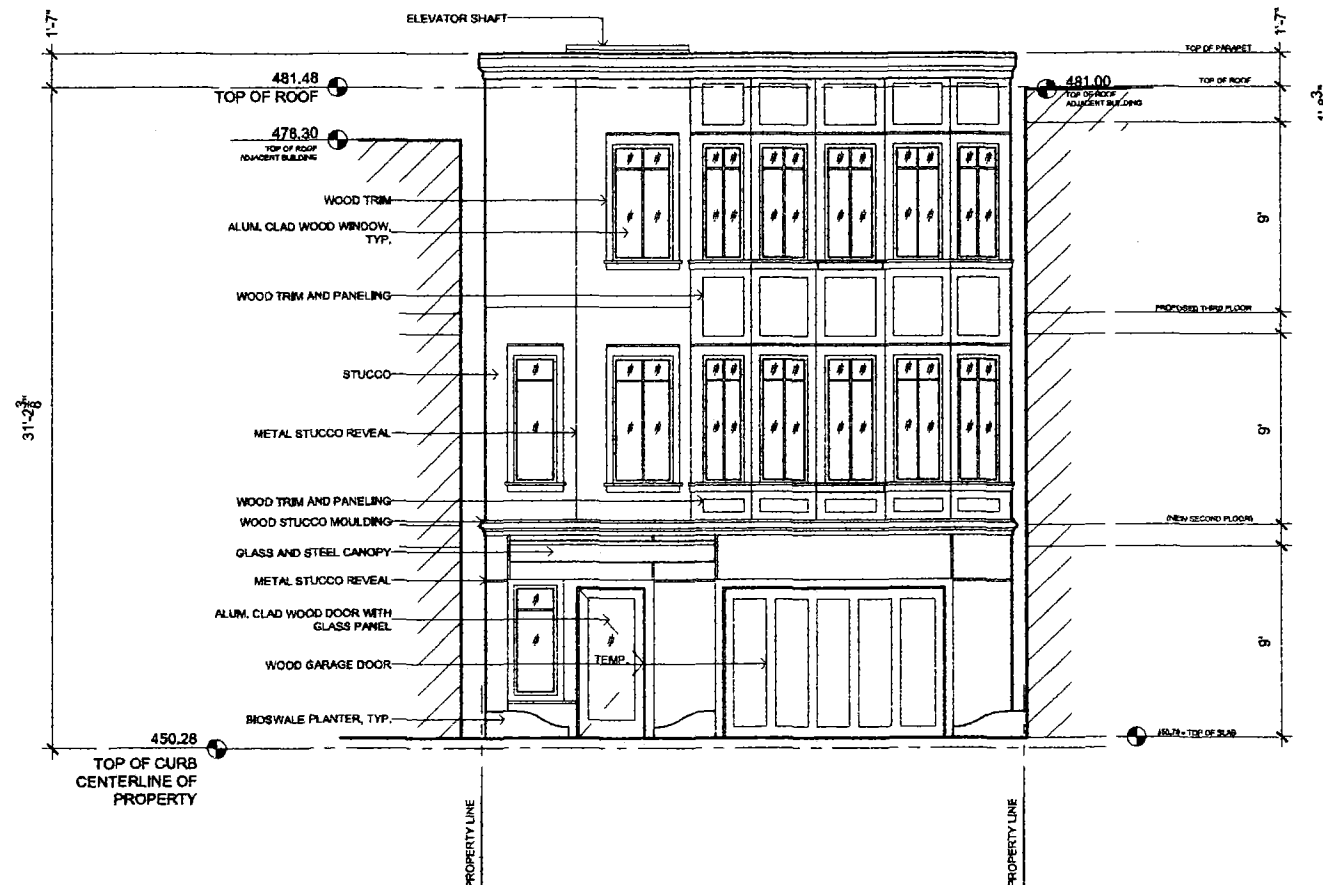
4 CASEMENT WINDOW SILL AND HEAD - TYP.

TYPICAL PARAPET
SCALE: 1 1/2" = 1'-0"



SCALE: 1 1/2" = 1'-0"

3 TYPICAL PARAPET



PROPOSED NORTH ELEVATION 1

date	issues
08.30.10	311 Notification

date	revisions

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date 09,23,09

PROPOSED ELEVATION

scale 1/4" = 1'-0"

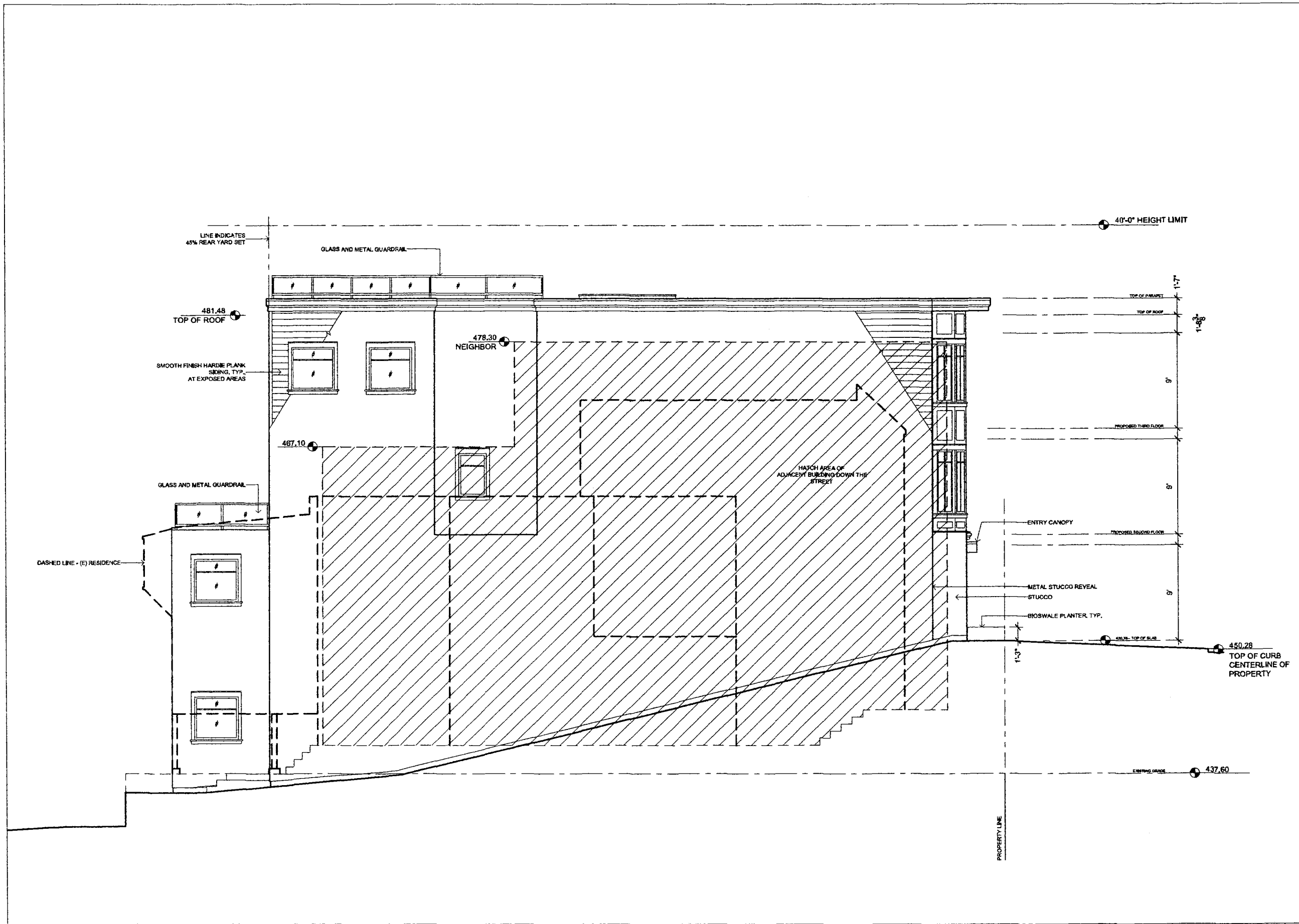
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date	issues
08.30.10	311 Notification
date	revisions

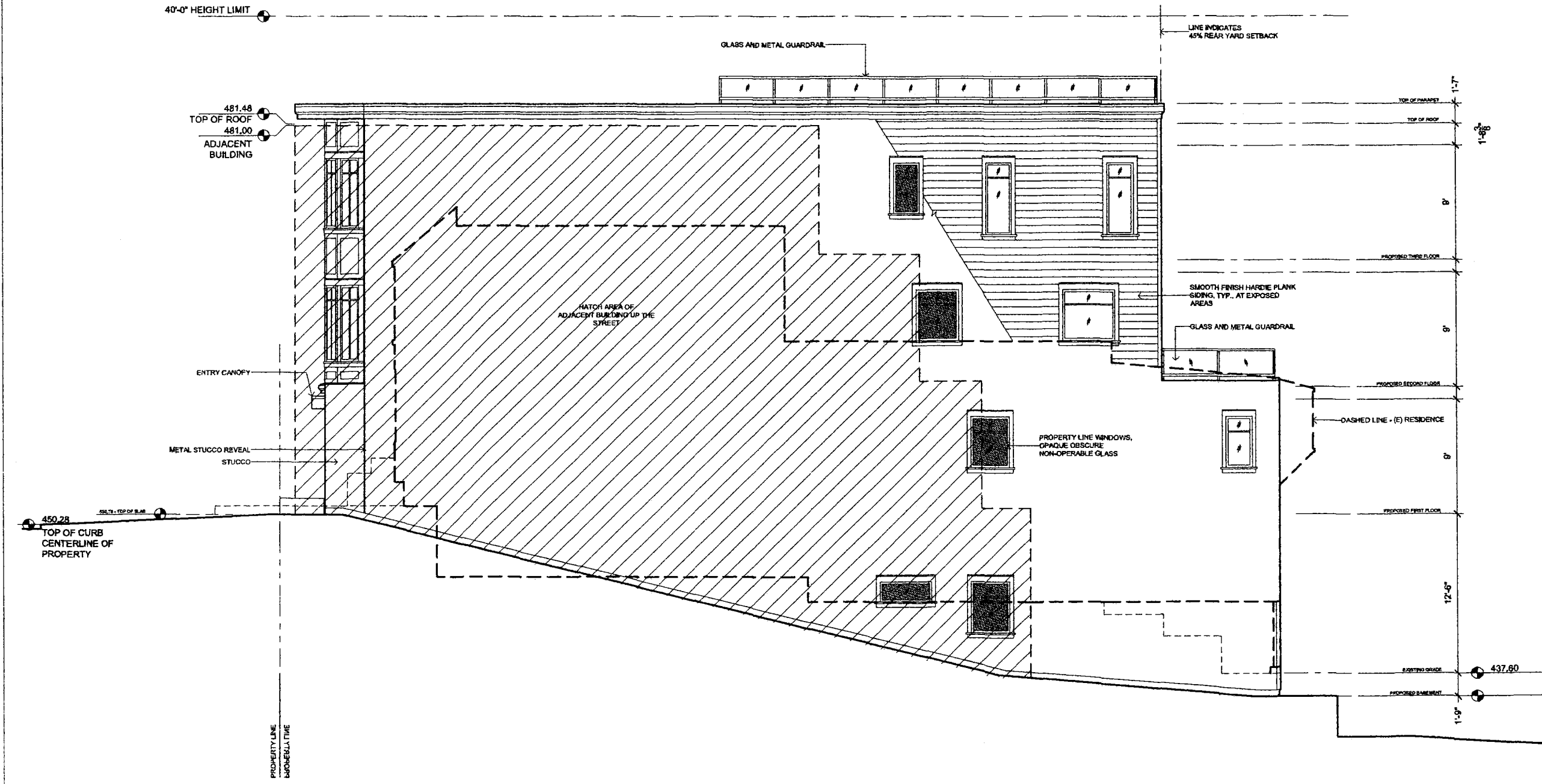
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PROPOSED ELEVATION	
scale	1/4" = 1'-0"
drawn by	AEB
checked by	CP

A-4.02
 sheet number

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date 08.23.09

PROPOSED ELEVATION

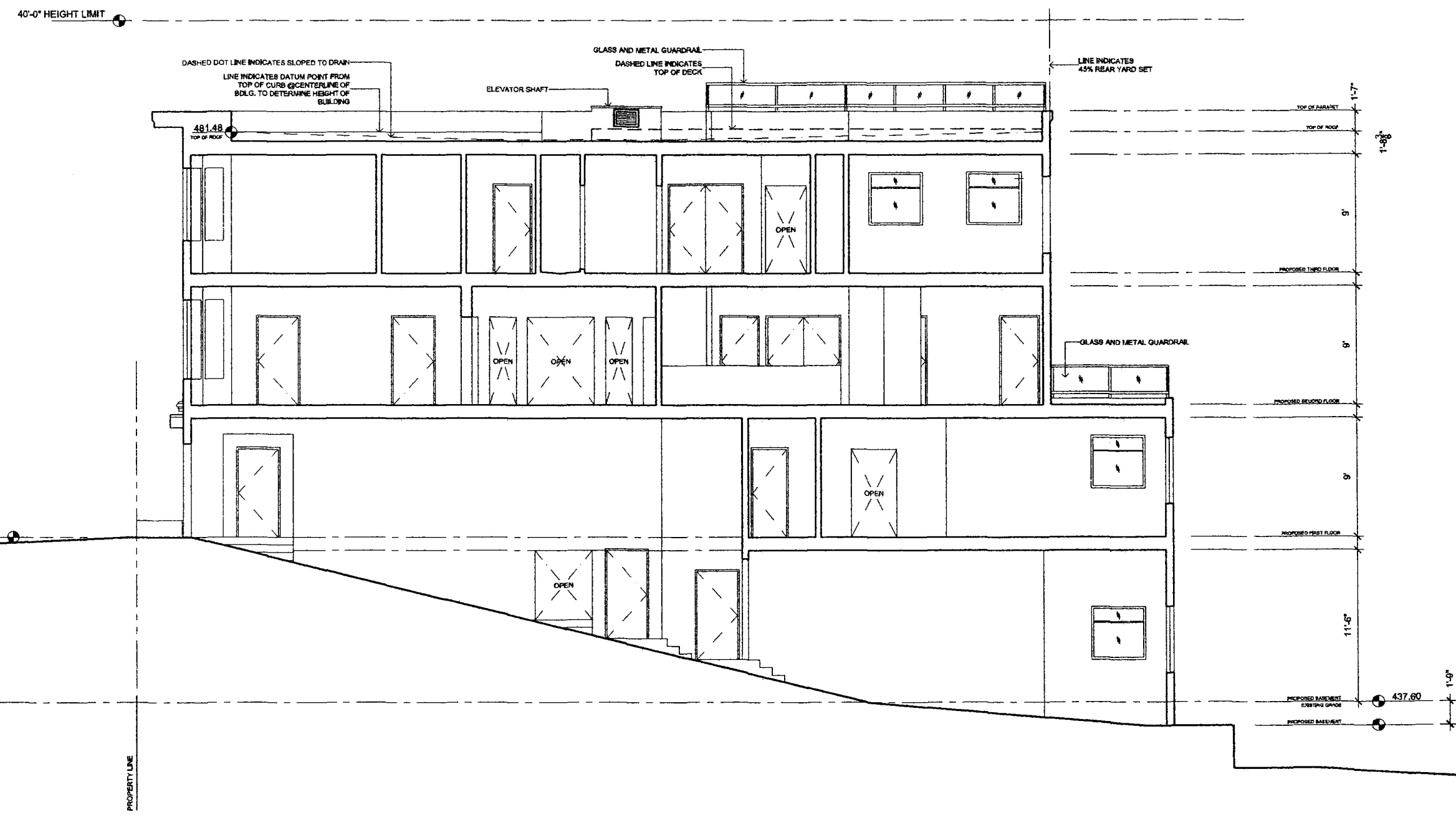
scale 1/4" = 1'-0"

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A-4.03
 sheet number

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date 09.23.09

PROPOSED SECTION

scale 1/4" = 1'-0"

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A-4.04
sheet number

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320 Richardson Drive Mill Valley CA 94941
 Tel 415.250.0881 Fax 415.634.2222

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Date: 1/31/11

Subject: McIntyre Residence
 449 Buena Vista East
 Assessor's Block / Lot 2607 / 063
 Building Permit Application # 2005.11.07.7601

PROJECT NARRATIVE

Date	Department of City Planning (DCP)	Project Sponsor
12/7/04	<p>1st Pre-Application Meeting with Department of City Planning – Summary:</p> <ul style="list-style-type: none"> • Architectural vocabulary of existing building should be preserved. • Two story addition should follow the same architectural pattern. • 3rd story deck may remain since it is above existing 2nd story. • 4th story deck must be within the rear setback. 	<p>Introduction of proposed addition – Summary:</p> <ul style="list-style-type: none"> • Two story addition to (e) 2-story building with rear elevation decks and building section. • Existing one car parking • No elevations – inquire about architectural expression • Proposed height of roof: EL. 486.0

6/30/05	<p>2nd Pre-Application Meeting with Department of City Planning – Summary:</p> <ul style="list-style-type: none"> • Planner is receptive to elevation studies. • Requests Pre-Application Meeting with DBI to evaluate building code issues related to mezzanine and second means of egress – this intended to eliminate project delays due to revisions. 	<p>Redesign of project incorporating previous comments:</p> <ul style="list-style-type: none"> • Front exterior façade on 3rd and 4th floors reflects architectural design in character of (e) building. • Façade of 1st and 2nd floors retained and 66% of existing floors and walls are retained based upon DBI standards. • Rear deck at 4th floor is deleted • Rear elevation of 3rd and 4th floor set back to align with rearyard setback line. • 2nd floor elevated to provide off-street parking for second unit. • Second unit adds mezzanine for additional size. • Proposed height of roof: EL. 488.0
9/20/05		<p>DBI Response Letter for Pre-Application Meeting</p>
10/25/05	<p>Application for permit with Department of City Planning</p>	<p>Design of project incorporating previous comments:</p> <ul style="list-style-type: none"> • Elimination of mezzanine for second unit. • Rear elevation of 3rd and 4th floor set back to align with rearyard setback line.
11/28/05	<p>Notice of Planning Dept. Requirements:</p> <ul style="list-style-type: none"> • Indicate outline of adjacent buildings. • Indicate finishes, materials, windows. • Seek variance for fire escape in rearyard. • Reduction in area of (e) second unit by removal of bedroom to studio unit not permitted by Planning Commission Policy. 	<ul style="list-style-type: none"> • 4th floor length submitted as previously indicated 43'-3" • Proposed height of roof: EL. 488.0

11/30/05	<p>Notice of Planning Dept. Requirements:</p> <ul style="list-style-type: none"> • Indicate outline of adjacent buildings. • Indicate finishes, materials, windows. • Seek variance for fire escape in rearyard. • Reduction in area of (e) second unit by removal of bedroom to studio unit not permitted by Planning Commission Policy. • Proposed addition appears to disrupt the pattern of mid-block open space on the block. Decrease the proposed 3rd floor length by 5 feet and the length of the 4th floor by 30 feet. 	
12/2/05	<p>Notice of Planning Dept. Requirements:</p> <ul style="list-style-type: none"> • Plans reviewed by Zoning Administrator for compliance. Zoning Administrator requests DBI foundation inspection for supporting new addition. If foundation is not adequate, determine effect of modifications. 	
12/19/05		<p>Action incorporating previous comments:</p> <ul style="list-style-type: none"> • Legal counsel exhibits photos and area calculations for second unit indicating substandard design and that no error was made regarding reduction in size or usable space. • Legal counsel would file for minor encroachment for fire escape. • Legal counsel argues that reduction of 4th floor by 30 feet would leave 13'-3" floor length while maintaining Planning request for front elevation stepping. • Legal counsel exhibits aerial photos of mid-block

12/29/05	<p>Notice of Planning Department Requirements: Response to meeting with legal counsel, Planner responds with comments duplicating DCP Notice 11/28/05, 11/28/05, 12/2/05 requests. No additional comments.</p>	open space, questioning issues of pattern and massing in the context of entire block.
1/06	<p>DCP Residential Design Team approves two (2) buildings: 50 feet from project site – 12 feet taller and 12 feet deeper into mid-block open space than proposed project.</p>	
3/21/06		<p>Redesign of project to propose compromise:</p> <ul style="list-style-type: none"> • Design 3rd and 4th floor plans to an imaginary rear yard setback line equal to an adjacent building. • Reduce 3rd floor length 5 feet at rear. • Reduce 4th floor length 5 feet at rear and shift massing to provide deck along SW property line. • Redesign rear elevation, roof plan and egress. • No change to 1st and 2nd floors.
3/27/06	<p>Notice of Planning Department Requirements: Response to submittal is the same as 12/29/05 and asks for more reductions.</p> <ul style="list-style-type: none"> • Vinyl windows are not acceptable. • Existing second unit is significantly reduced. Reduction in size of dwelling is not permitted. • Proposed addition disrupts pattern of mid- 	

	<p>block open space. Decrease length of 4th floor by 8.5 feet on westerly side.</p>	
8/11/06	<p>Notice of Planning Department Requirements: Same as DCP Notice 3/27/06. No comments.</p>	
9/7/06		<p>Action incorporating previous comments: Letter to Deputy Director of Permit Services, Wing Lau by Rodrigo Santos of Santos & Urrutia Structural Engineers:</p> <ul style="list-style-type: none"> • Planning Department requires foundation determination from DBI before approving application? • Foundation design is performed by DBI after Planning approval.
10/16/06		<p>Action incorporating previous comments: Letter to DCP Zoning Administrator, Laurence Badiner by DBI Deputy Director of Permit Services, Wing Lau:</p> <ul style="list-style-type: none"> • Adding a story to an existing building usually requires foundation re-design and upgrading to support loads. • This is a requirement of building code standards.
1/2/07	<p>Notice of Planning Department Requirements: Same as Notice 3/27/06. No comments.</p>	
2/1/07		<p>Action incorporating previous comments:</p> <ul style="list-style-type: none"> • Legal counsel authors letter in response to DCP Requirements 8/11/06.

2/5/07		<ul style="list-style-type: none"> • Windows show wood construction. • Second unit is 4 sq. ft. less than original but plan is more efficient, access superior and one level. Existing "bedroom" is 6'-2" wide and used for bathroom access. • Additional request for 8.5 feet reduction of 4th floor master suite would make the project infeasible. • Mid-block open space is not the issue. • Foundation inspection request is extraordinary. • Review letter 9/7/06 by Structural Engineer regarding foundations. • Review letter 10/16/06 by DBI Deputy Director to Zoning Administrator regarding building code issues for foundation upgrades. <p>Site Permit submittal Changes from 3/21/06 are retracted since response from DCP is to make no comment.</p> <ul style="list-style-type: none"> • Rear elevation remains at rearyard setback line. • Proposed height of roof: EL. 488.0
2/14/07	<p>Notice of Planning Department Requirements:</p> <ul style="list-style-type: none"> • Disruption of pattern in mid-block open space. Decrease length of 4th floor by 8.5 feet on westerly side. • Provide % surface of external walls to be removed. • Provide % of surface of external walls facing public street to be removed. 	<p>Action regarding comments:</p> <ul style="list-style-type: none"> • DCP is not responsive to requests to visit site and see the existing second unit. • Issues are created in an ongoing basis with no responsibility to validate requests.

<p>3/5/10</p>	<ul style="list-style-type: none"> • Provide % of external walls to be removed from their function as either exterior or interior walls. • Provide % of existing internal structural framework or floor plates removed by the project. <p>Pre-Application Meeting with Department of City Planning – Summary:</p> <ul style="list-style-type: none"> • Provide massing studies for SW property line at rear elevation. • Show surveyed elevations of adjacent buildings. • Show full configuration of adjacent buildings on site plan. 	<p>Re-design of project incorporating previous comments:</p> <ul style="list-style-type: none"> • Eliminate top story of former building. • Move front elevation 5'-4" toward front property line. • Increase second unit 38% by raising floor elevation. • Retain rear elevation massing. • Proposed height of roof: EL.481.48
<p>4/1/10</p>	<p>Notice of Planning Department Requirements:</p> <ul style="list-style-type: none"> • Unit History: Provide 3-R report. • Elevations: Provide accurate elevation heights of adjacent buildings. • Provide outline of adjacent structures. • Provide accurate elevations of adjacent building features including setbacks, obstructions. • Verify rearyard and front setback dimensions. • Provide graphic and numeric demolition calculations. • Check that 20% of front setback has required landscaping. 	

	<ul style="list-style-type: none"> • Indicate street tree. • Provide Street Tree Disclosure and Protection Requirements. • Provide cross sections of existing building indicating demolition of floor plates. • Relocate rear bay window. • Residential Design Team (RDT) is concerned about mid-block open space. Reduce depth of 3rd & 4th floor by about 15 feet. • Label exterior materials. • Remove stucco reveals at ground floor façade. Not appropriate design feature. • Create a more “gracious” entry. Consider a integrated sidelites and entry pediment. Use a flat canopy roof. 	
4/14/10		<p>Action regarding comments: Legal counsel authors letter to Planner informing of the direction of response to requirements of 4/1/10.</p>
5/21/10		<p>Site Permit submittal and re-design of project incorporating previous comments:</p> <ul style="list-style-type: none"> • Surveyed points and elevations provide accurate elevations and profiles for adjacent buildings. • Revised elevations reduce massing of rear elevation. • All dimensions and materials shown are verified. • Street tree and landscaping requirements are verified and shown graphically.

<p>6/10</p> <p>8/30/10</p>	<p>Planner and Supervisor site visit:</p> <ul style="list-style-type: none"> • Site observation reveals that proposed project would have positive massing and presence along the ridgeline of existing buildings located on Buena Vista East. • DCP staff supports proposed project's integration into the existing neighborhood massing. 	<ul style="list-style-type: none"> • Front elevation architectural features are revised as per RDT. • Perspective rendering of front entry shows "gracious" entry accepted by RDT. • Mid-block concern is addressed by inviting Planner and Supervisor to site visit. New building massing is smaller than 1/06 DCP/RDT approval of two 40 feet tall buildings located 50 feet from site and several other hillside structures. • Landscaping provides bioswale planters and permeable pavers. • Proposed height of roof: EL.481.48 <p>311 Notification submittal</p>
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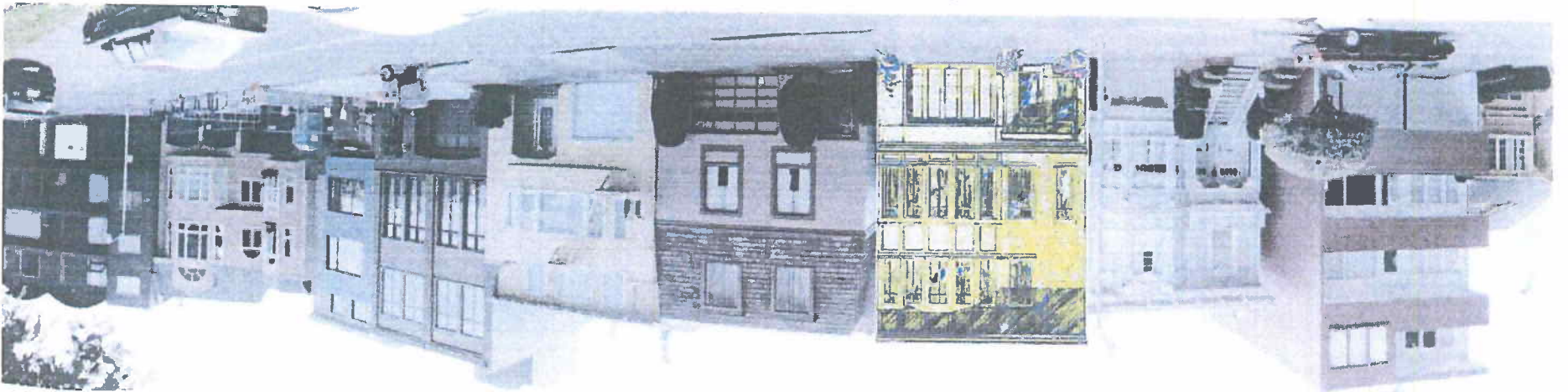
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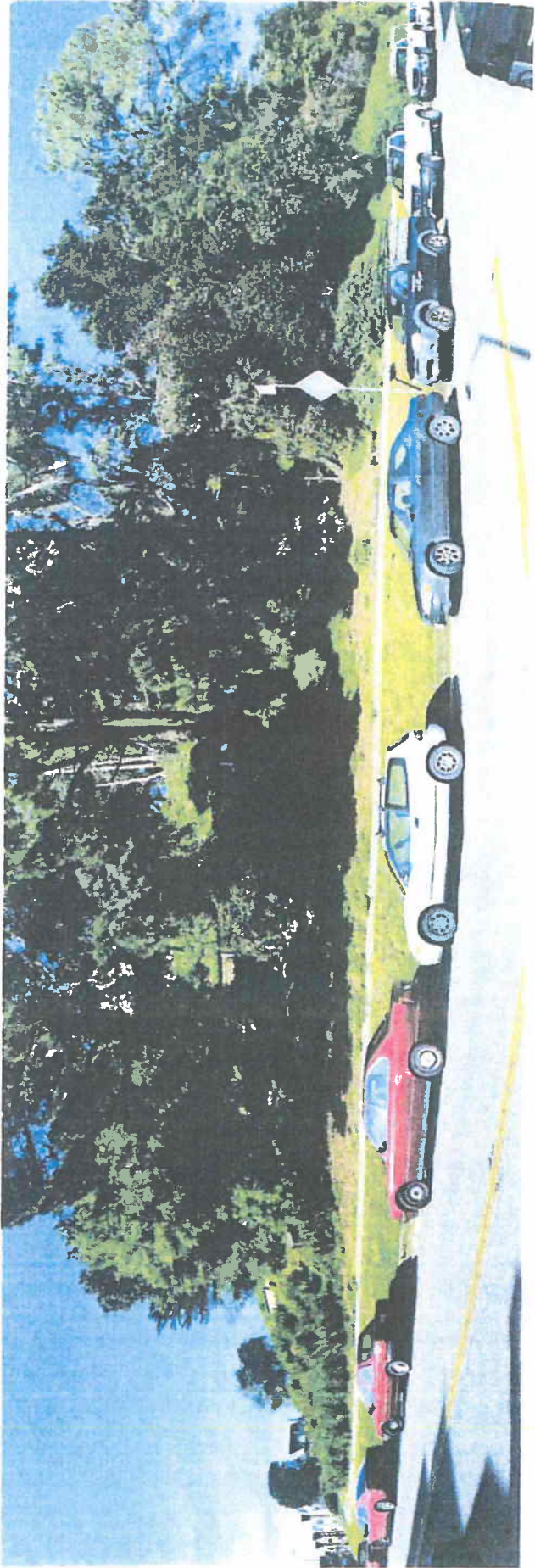
bhh



Passover

6th





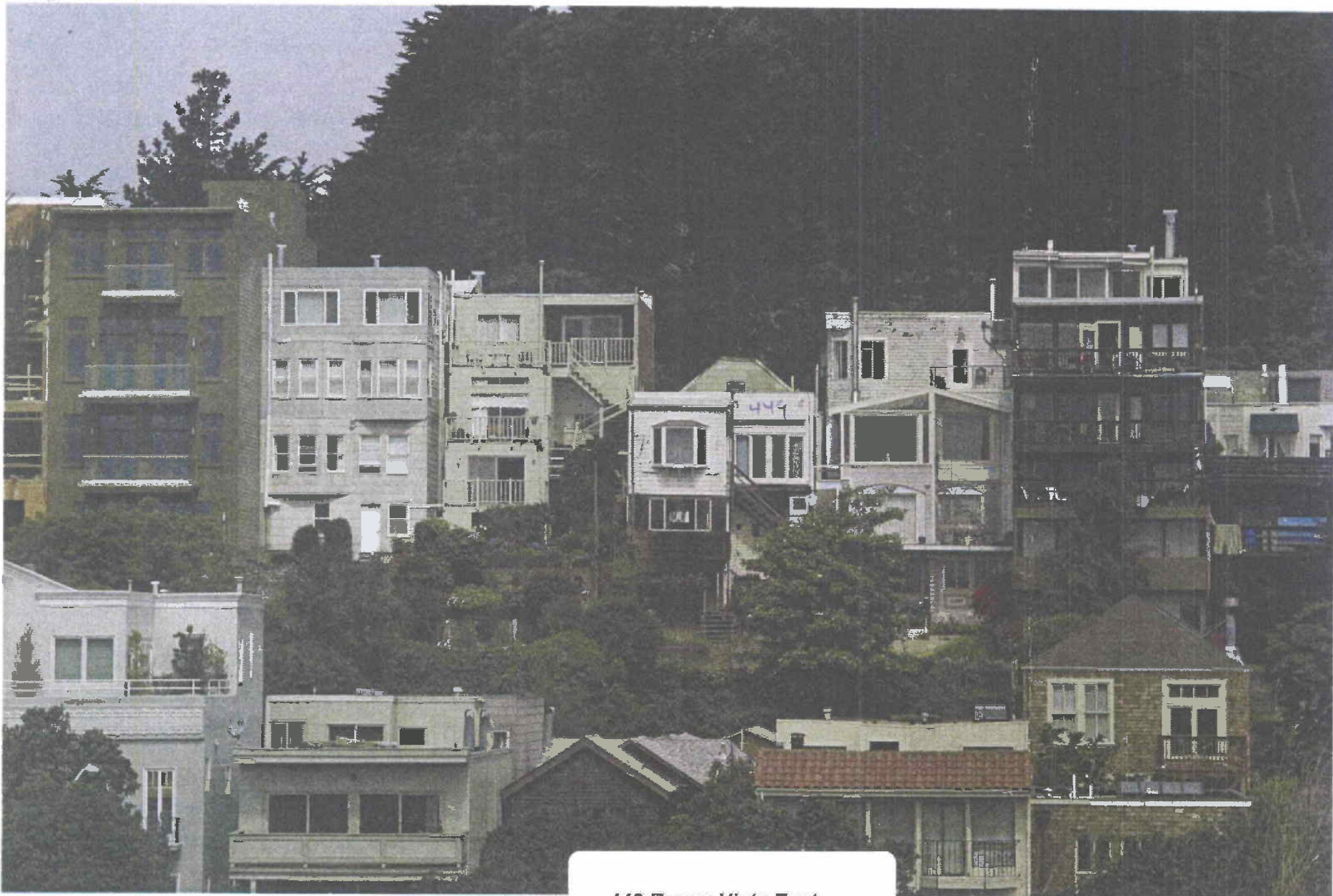
ACROSS
THE
STREET

Best Perspective
— East Vista Buena 449 —

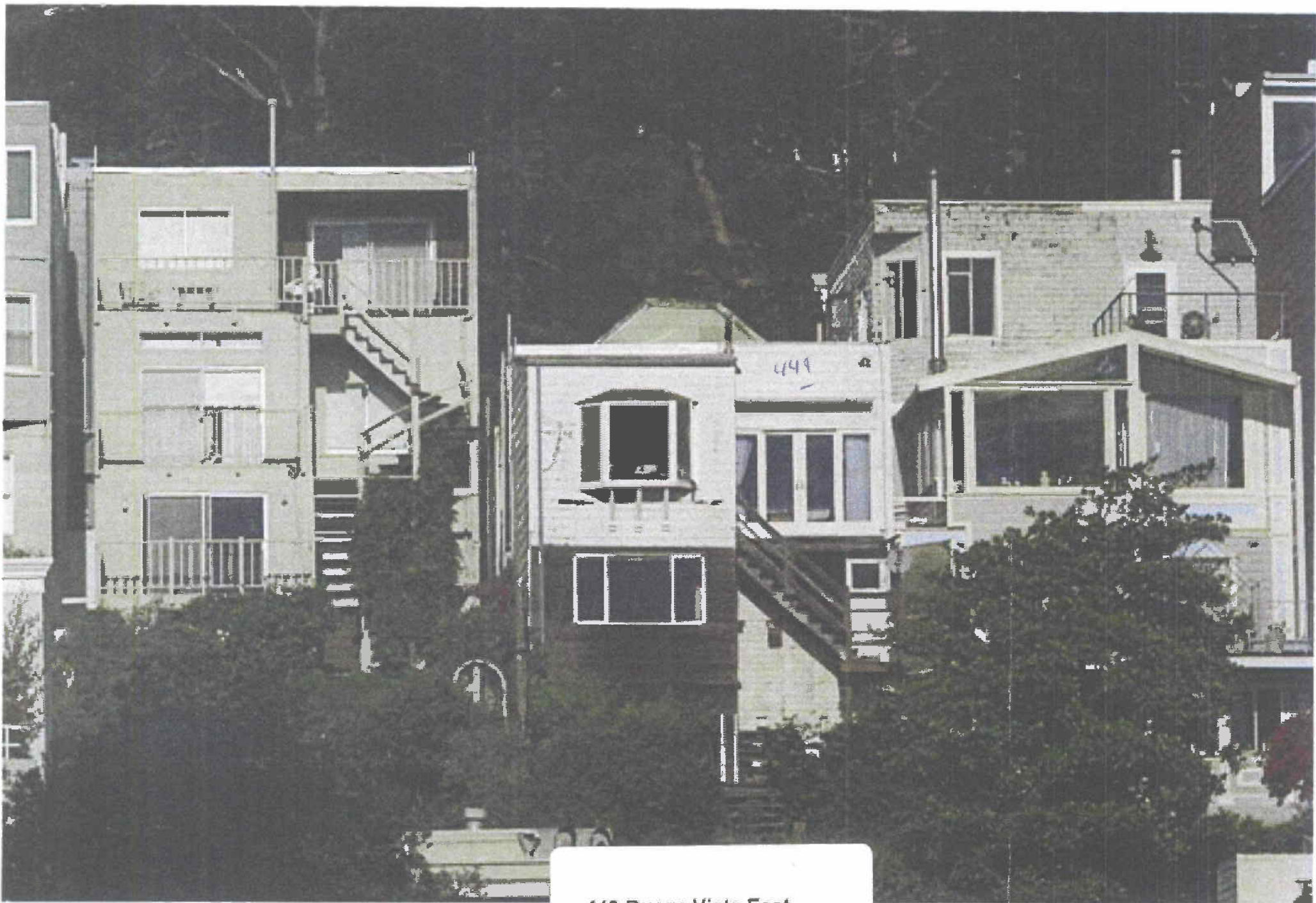


Real Perspective
448 Buena Vista East -





449 Buena Vista East –
Rear Perspective



449 Buena Vista East –
Rear Perspective



SHADOW STUDY:

IMPACT OF 449 BUENA VISTA EAST, SAN FRANCISCO, CA
ON SOUTHWESTERN NEIGHBOR

FEBRUARY 1, 2011



LOISOS + UBBELOHDE
ARCHITECTURE + ENERGY

1917 Clement Ave. Building 10A
Alameda, CA 94501-1315

510 521 3800

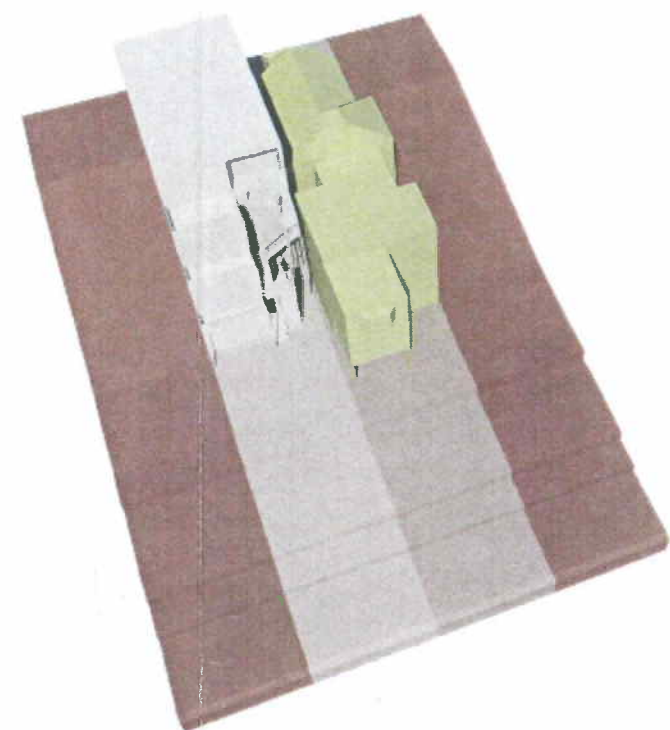
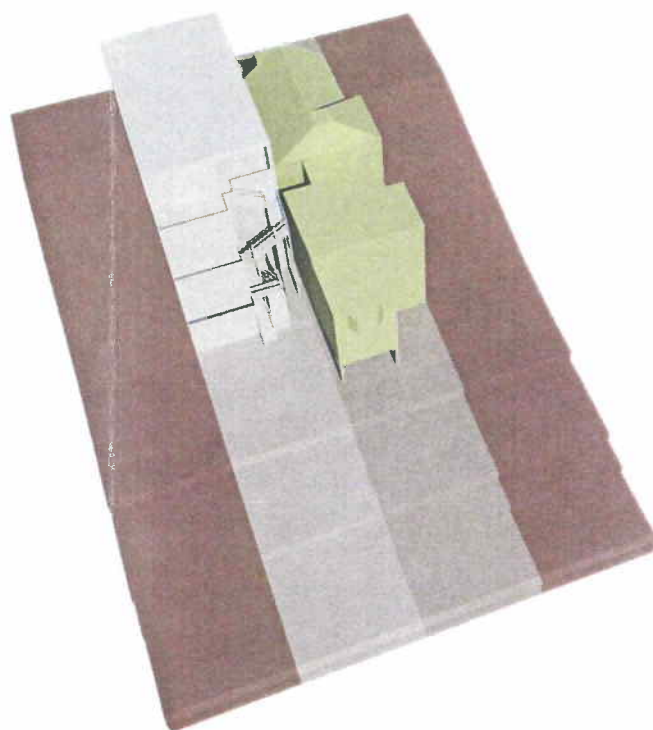
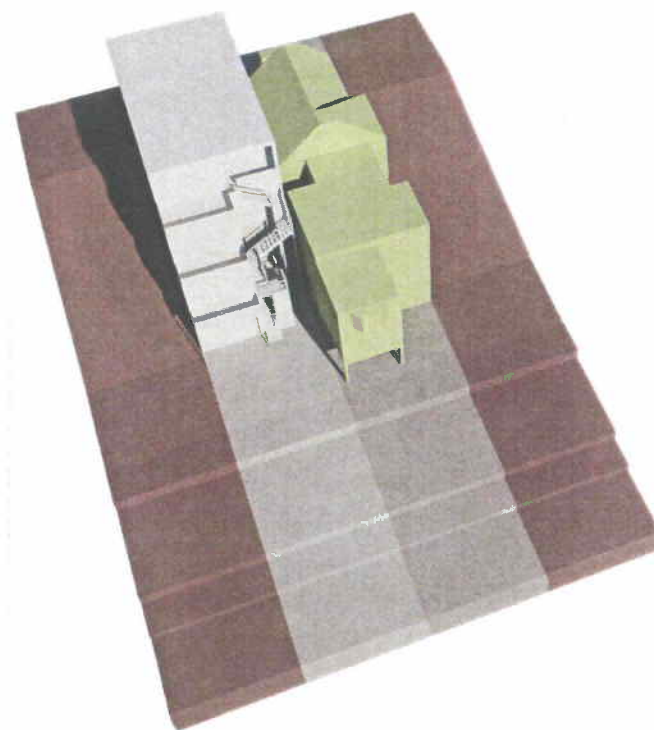
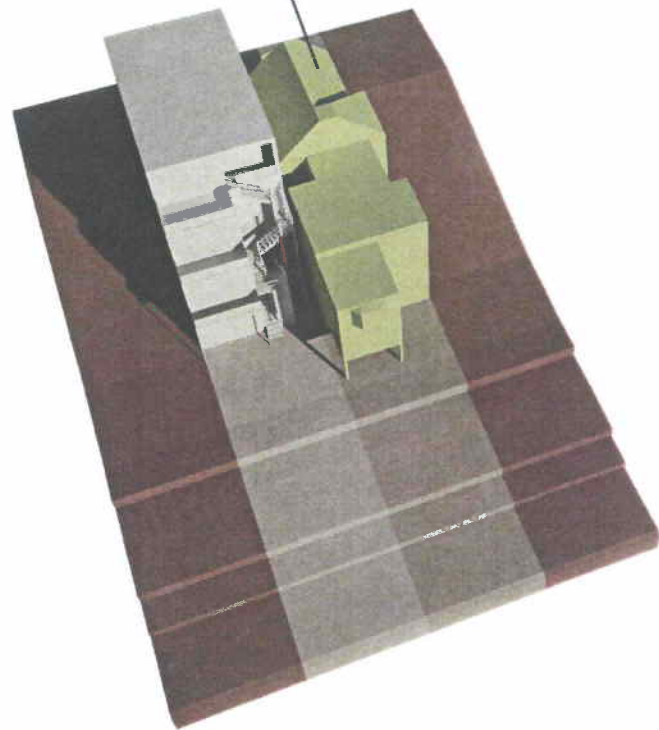
coolshadow.com



subject property, 449 Buena Vista East, outlined in red.

This study was done to determine the shadows cast by the proposed project at 449 Buena Vista East, San Francisco, CA and how these shadows compare to those cast by the existing structure. Specifically, this study addresses the shadows cast onto the southwest neighbor of the subject property. For use in simulation of shadows, a 3d computer model was built based upon drawings by Alex Bautista Design, dated 08.30.10. For clarity, the model only includes the lots and structures of the subject property and SW neighbor, and the exterior stair of the SW neighbor. Fences, foliage, and other neighboring buildings are omitted from the model. All times noted here are "solar time" (do not take into account daylight savings time). Four times of year were considered in this study - summer solstice (June 21), winter solstice (December 21), and the spring and autumn equinoxes (March 21 and September 21). These times correspond to when the sun is at its highest, lowest, and midpoint in the sky. On the summer solstice, the subject property ceases to cast any shadows on its SW neighbor just after 11:00 am. On the equinoxes, shadows are no longer cast on the SW neighbor just after 10:00 am; and on the winter solstice at about 9:00 am. The following images illustrate shadows cast by the subject property at these times of the year and at various times of day.

SUBJECT PROPERTY
(EXISTING)



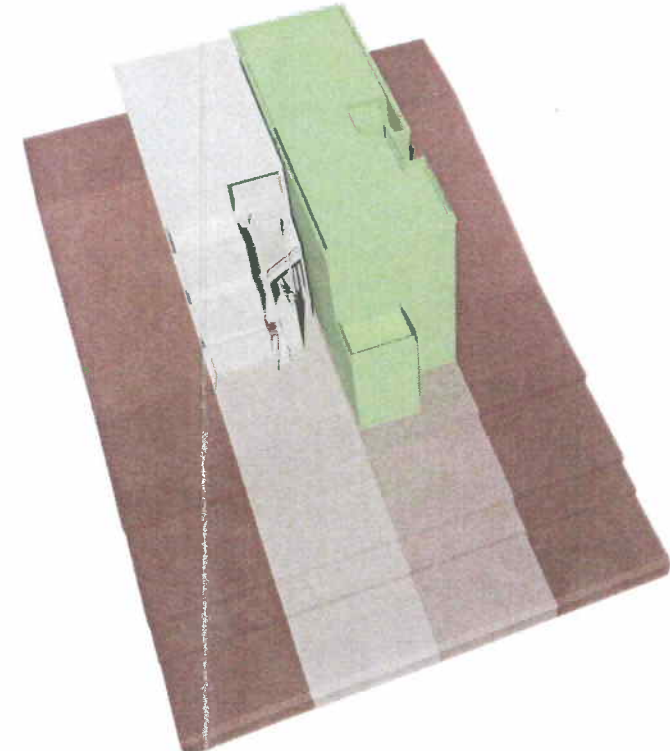
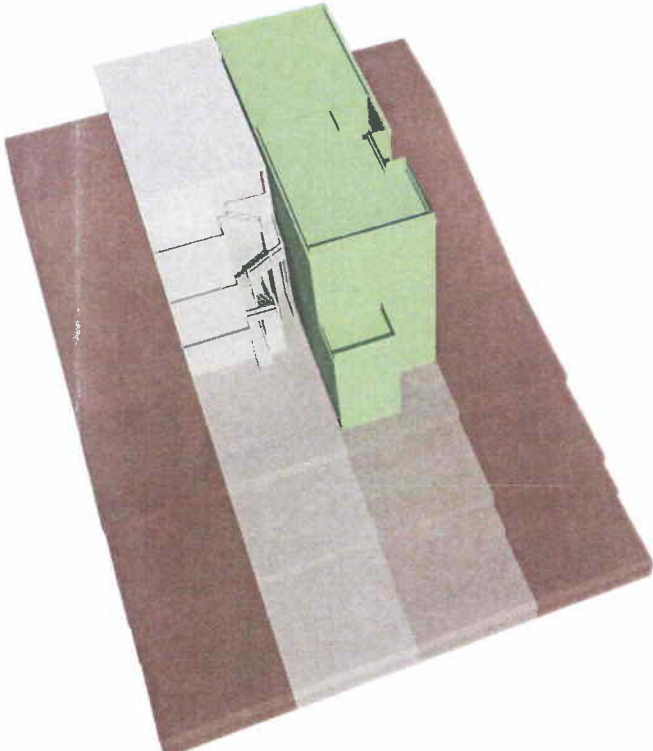
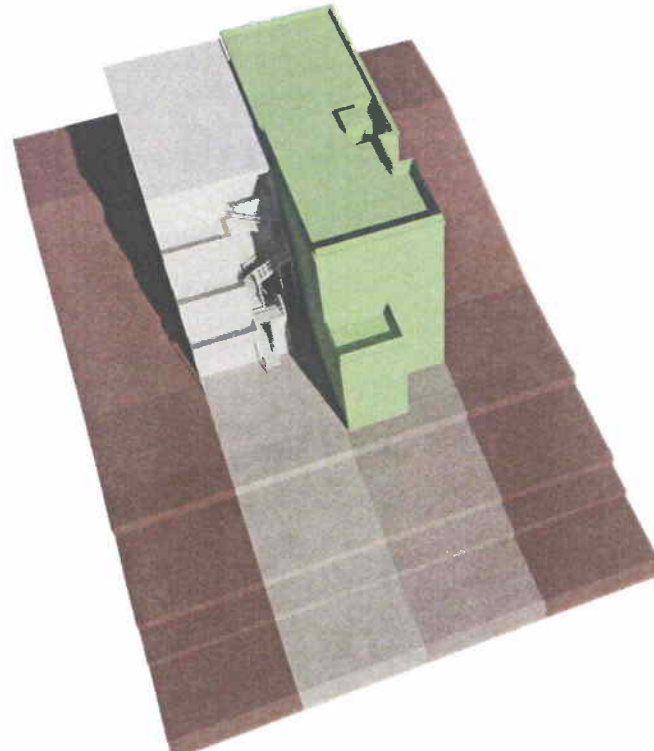
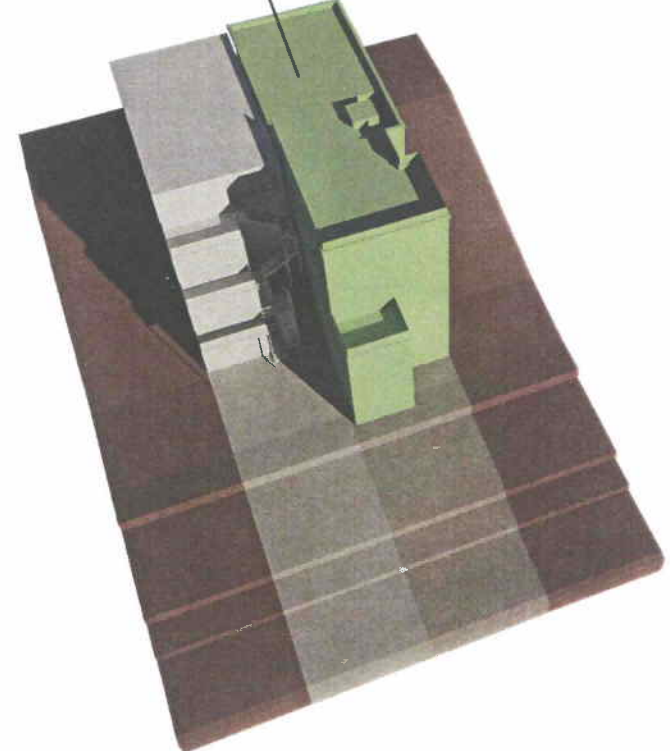
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SUBJECT PROPERTY
(PROPOSED)

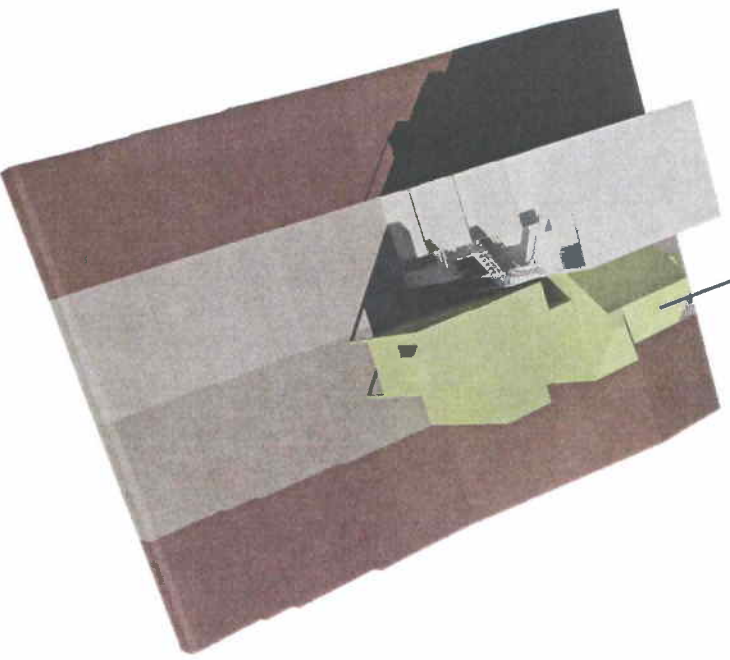
9:00 AM

10:00 AM

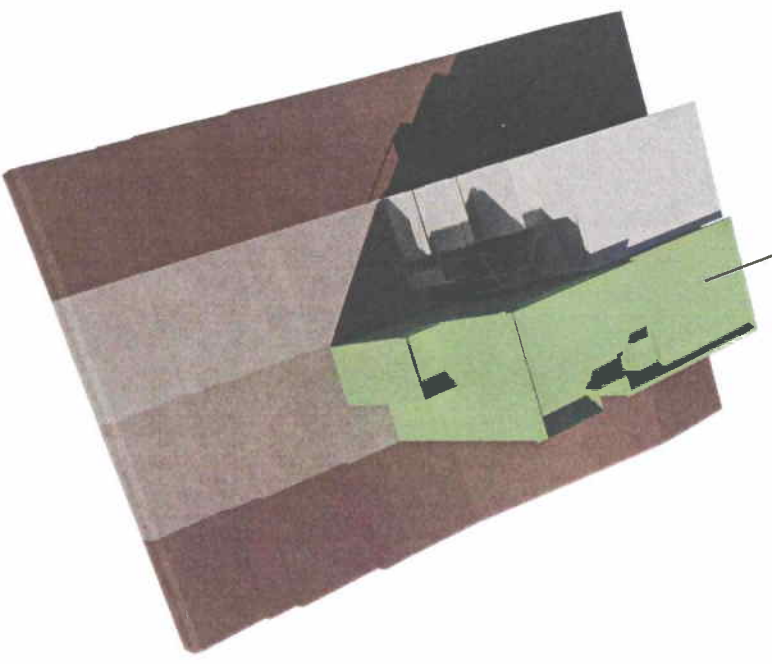
11:00 AM



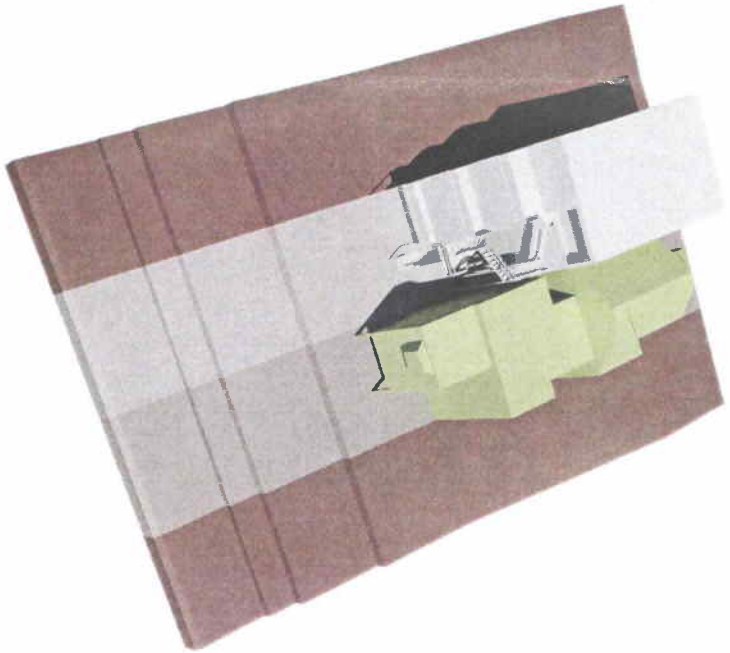
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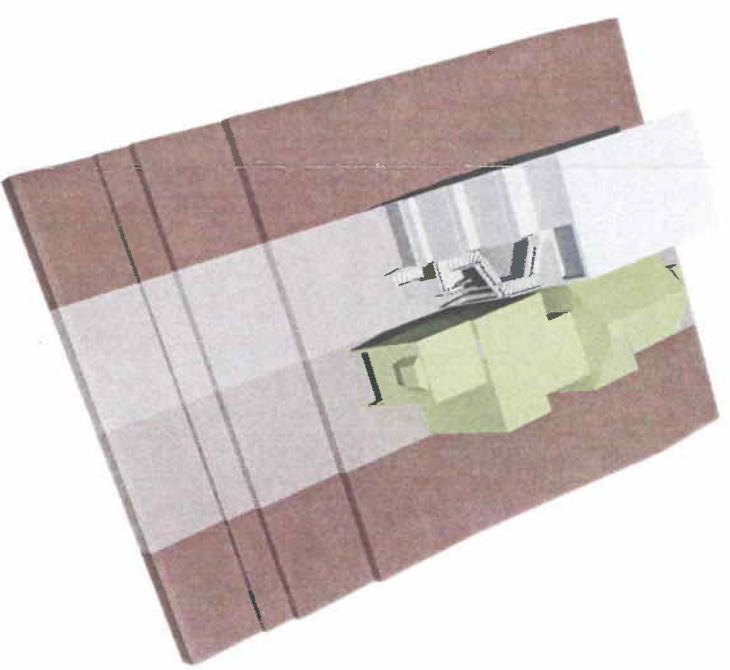
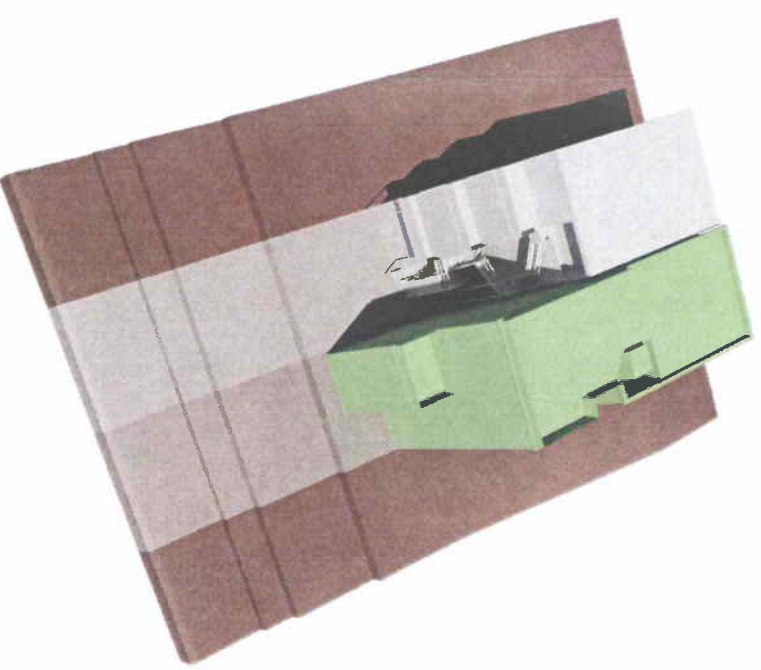
8:00 AM
SUBJECT PROPERTY
(PROPOSED)



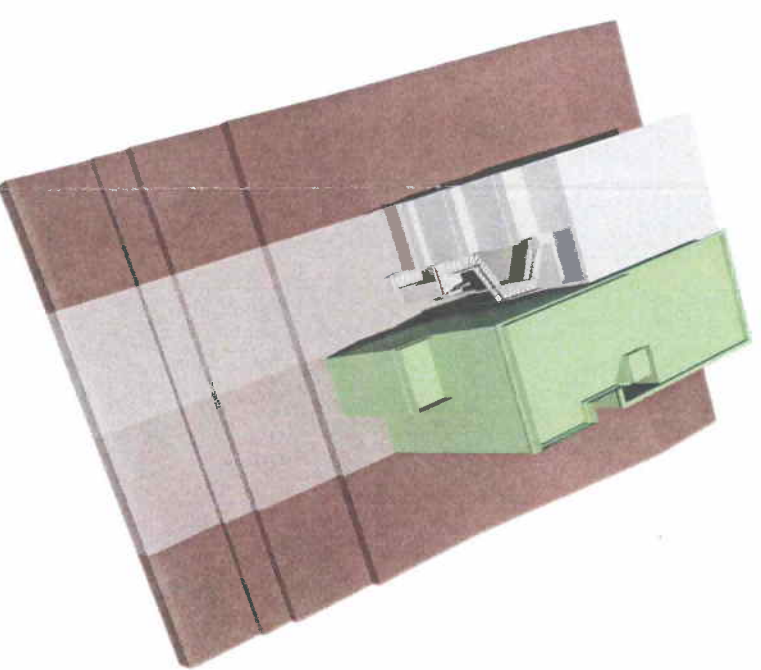
SUMMER SOLSTICE (JUNE 21)



10:00 AM

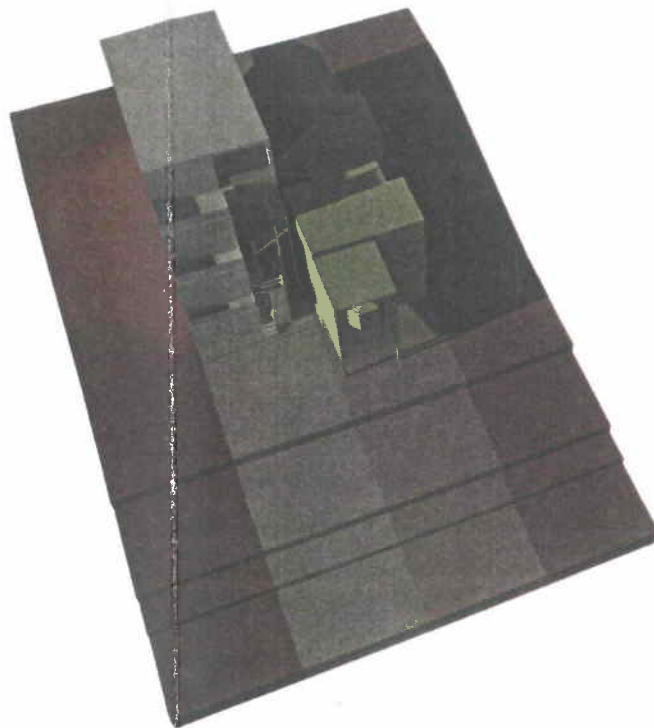
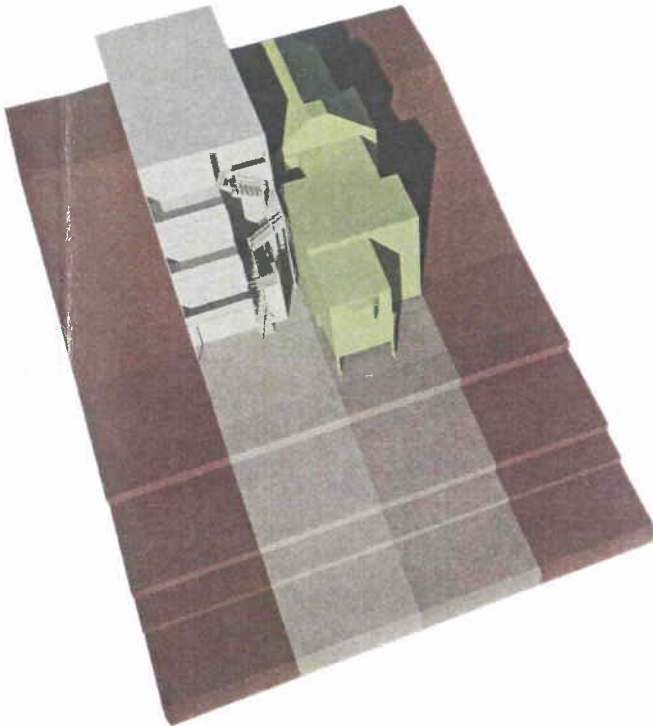
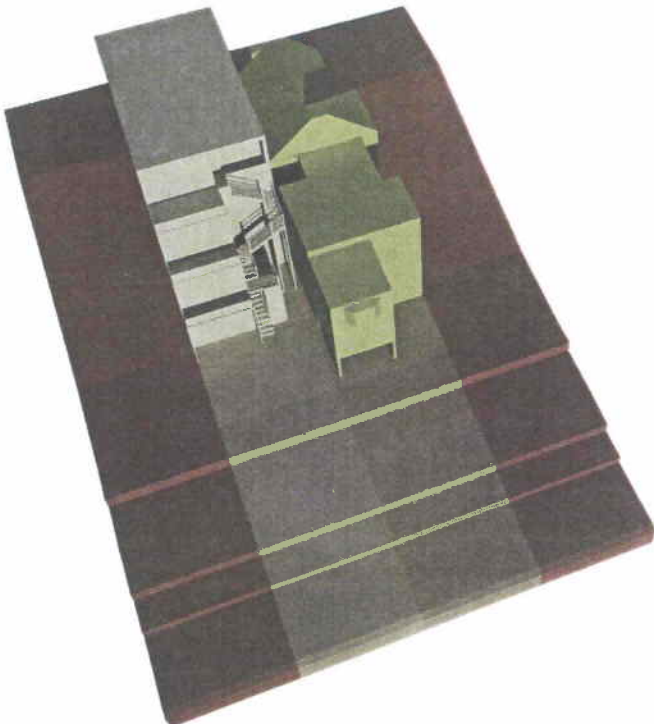
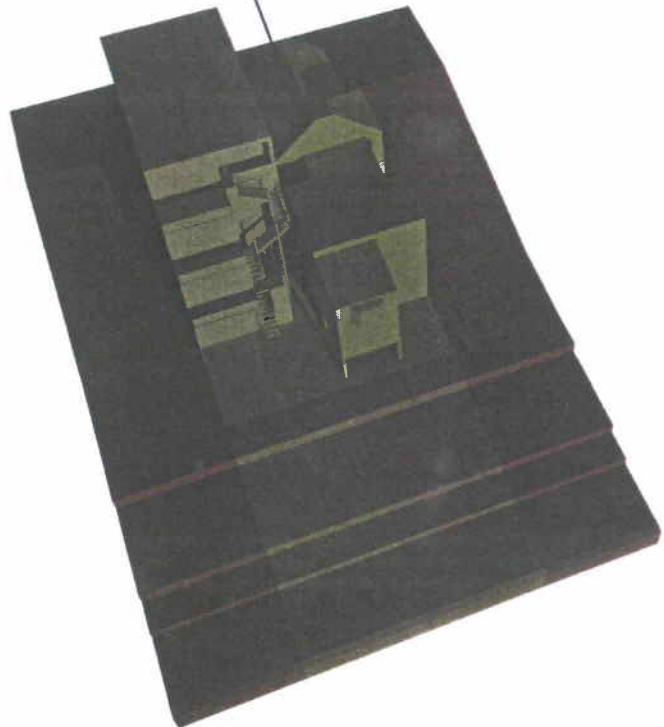


11:00 AM



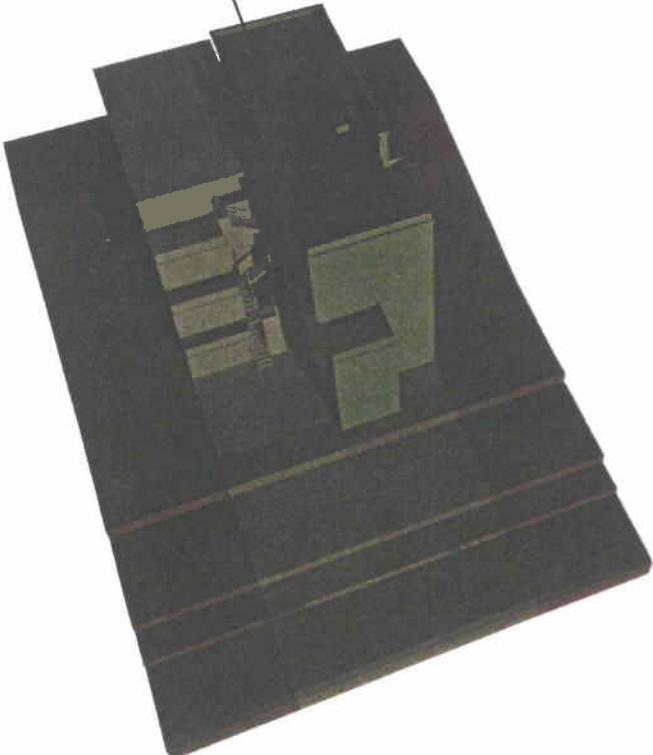
WINTER SOLSTICE (DECEMBER 21)

SUBJECT PROPERTY
(EXISTING)

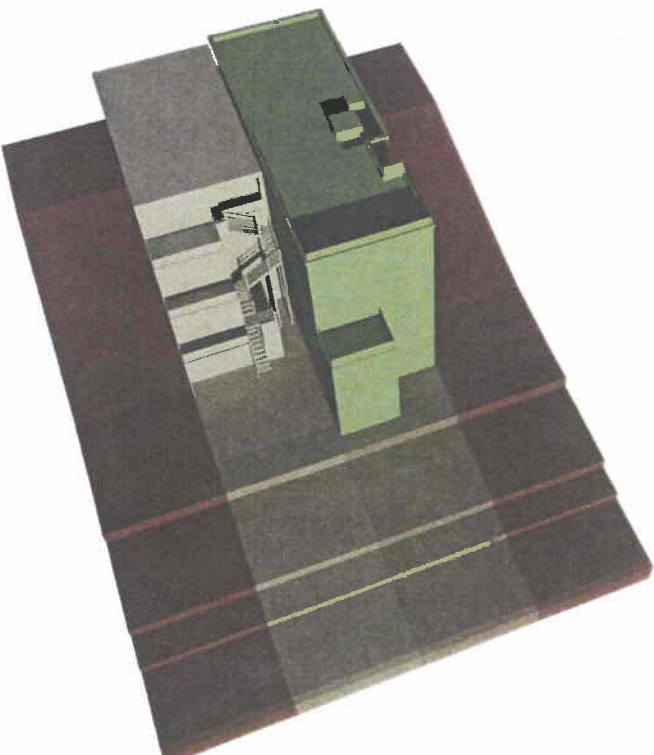


8:00 AM

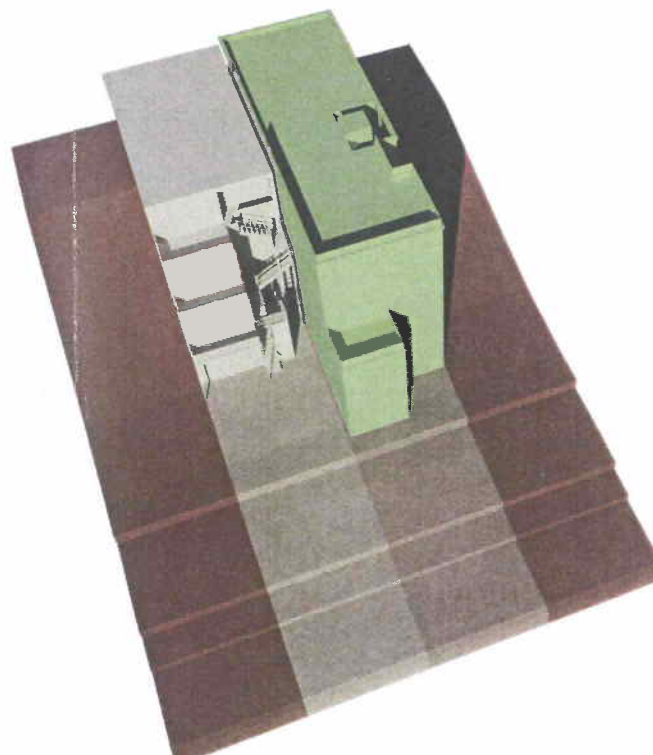
SUBJECT PROPERTY
(PROPOSED)



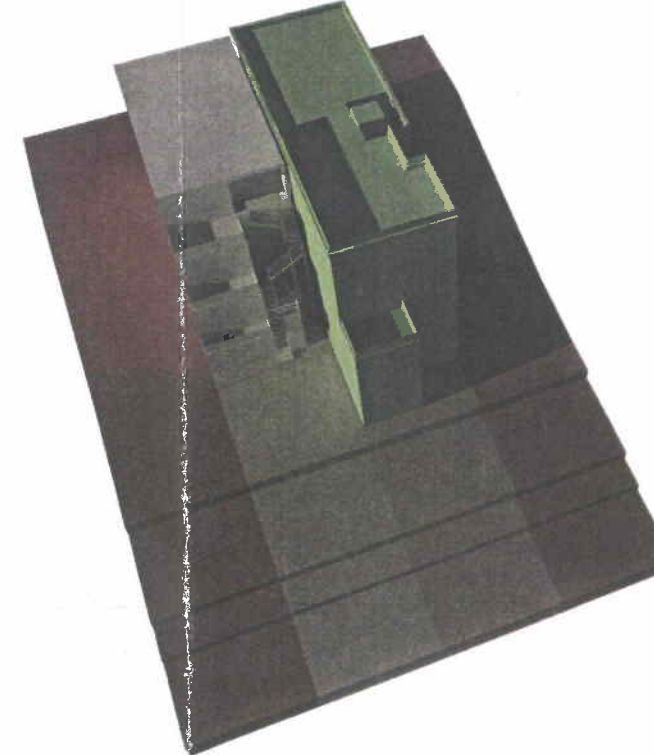
9:00 AM



11:00 AM

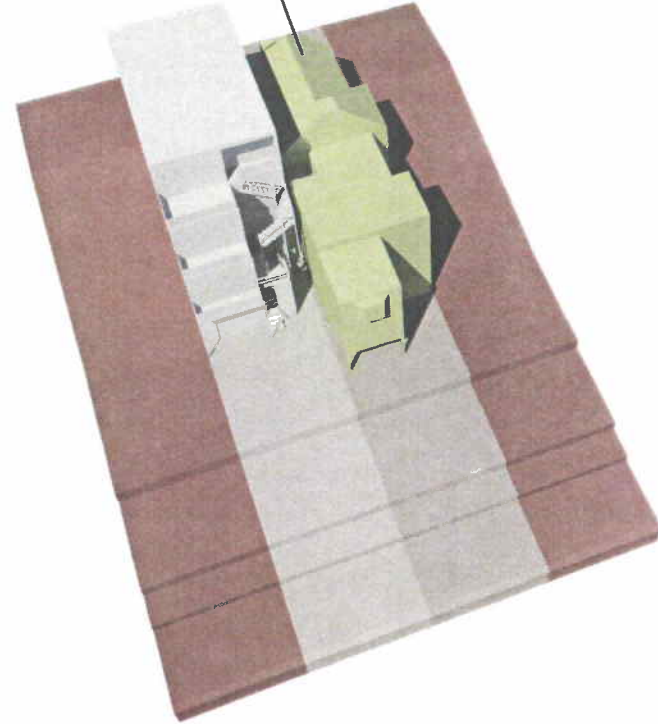


3:00 PM

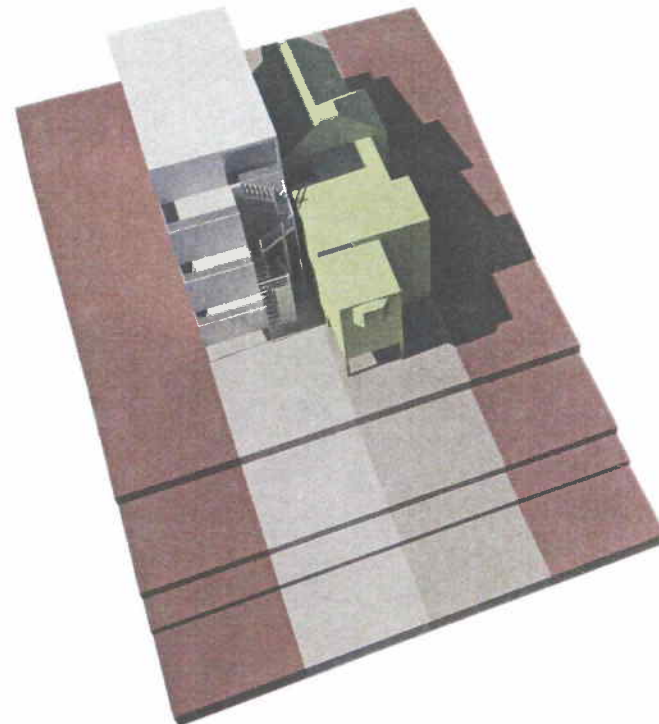


AFTERNOON SELF SHADING
OF SOUTHWEST NEIGHBOR

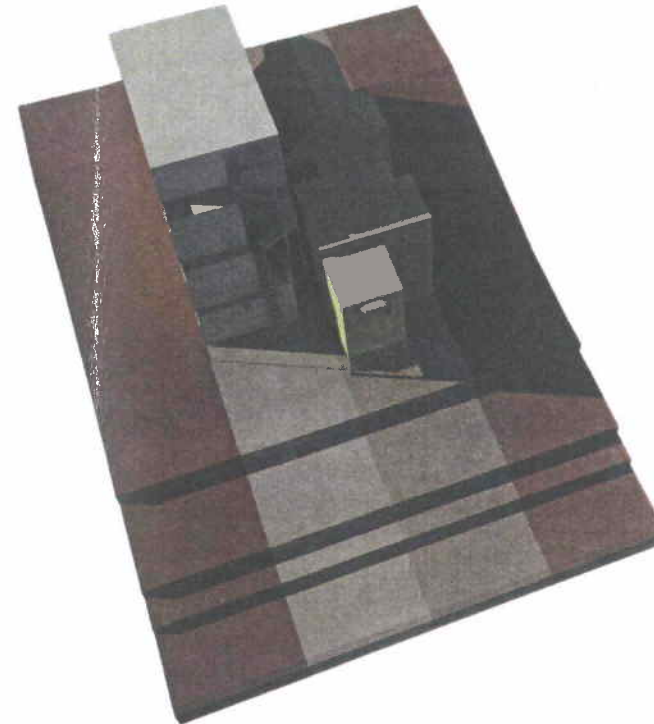
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12:00 PM

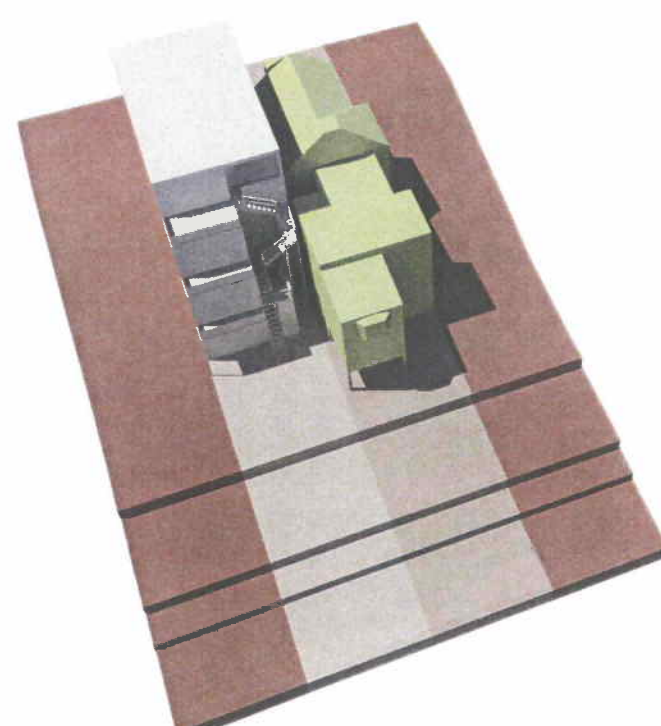
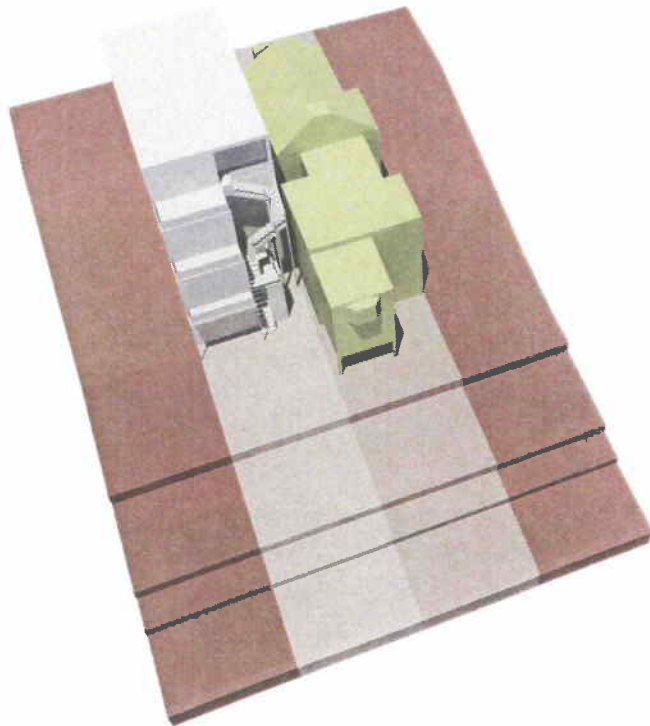


2:00 PM



4:00 PM

EQUINOX (MARCH 21, SEPTEMBER 21)



SUMMER SOLSTICE (JUNE 21)

December 10, 2010

Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Re: 449 Buena Vista East

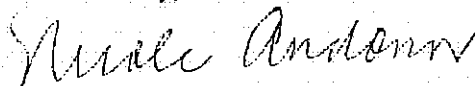
Dear Planning Commissioners:

We are writing to support the proposed project at 449 Buena Vista East. The project was first submitted to the Planning Department in May 2004 and over the intervening six years, Tom McIntyre and Laura Brodzinsky have worked closely with the neighborhood and with the Planning staff on a series of design iterations and improvements that have eliminated the fourth floor addition, and significantly scaled back the third floor addition, while maintaining the existing perimeter walls at the first and second floors. The overall height of the building is 10 feet below the allowable 40 feet measured from the sidewalk. The third floor has been set back significantly from the front façade. The exterior finish materials will substantially upgrade the property and benefit the neighborhood as a whole.

We have noticed that during the period of Tom and Laura's negotiations with the Planning Department staff and the neighbors, several very large 40-foot condominium buildings have been submitted, approved and built to completion only three and four doors down from Tom and Laura's home. We compliment both the Planning staff and Tom and Laura on the improvements they have made to the design over the past six years (in contrast with the large condominium buildings) and urge the Planning Commission to approve the plans as proposed, so that the project can finally be built and the neighborhood can benefit from the improvements.

Thank you for your consideration.

Sincerely,



cc: Elizabeth Watty, Planning Department

January 10, 2011

RE: 449 Buena Vista East

Dear Planning Department,

We are neighbors in the area and reside at 175 Clifford Terrace #3. We have reviewed the proposed changes for the property at 449 Buena Vista East and support the owners having the right to expand the property from it's current size and configuration. The property as it is now almost looks out of place on the block in comparison to the neighboring homes, apartment buildings and condominiums. This is no Mini McMansion proposal but a modest expansion that would make the property more consistent for the neighborhood.

Your consideration is appreciated.

Sincerely,

Kyle Kirk Kyle Kirk
Brian Koop BRIAN KOOP



2501 Mission Street, San Francisco, CA 94110 | 415.321.7000 | fax 415.321.7200
www.vanguardsf.com


January 7, 2011

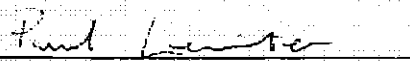
RE: 449 Buena Vista East proposed construction

Dear San Francisco Planning Department,

We are neighboring residents of the property at 449 Buena Vista East and are very familiar with the area during our regular dog walks at Buena Vista Park. We have seen a considerable amount construction in the neighborhood and feel the proposed construction for the undersized house at 449 is appropriate for both the neighborhood itself and the adjacent homes.

Sincerely,


Kevin L. Kropp


Paul Lester

Homeowners at 53 Clifford Terrace



2501 Mission Street, San Francisco, CA 94110 | 415.321.7000 | fax 415.321.7200
www.vanguardsf.com

04/02/10

The Planning Department:

I am a resident at 175 Clifford Terrace which is located at Clifford Terrace & Ashbury St.

I reviewed the proposal for 449 Buena Vista East and support the project.

We believe that this project is well designed and provides a valuable housing resource for the neighborhood and citizens of San Francisco.

Yours truly,

Muriel Anderson

04/02/10

The Planning Department:

I am a resident at 240 Upper Terr #1 San Francisco CA 94117
at. in Ashbury Heights. which is located

I reviewed the proposal for 449 Buena Vista East and
support the project.

We believe that this project is well designed and
provides a valuable housing resource for the neighborhood
and citizens of San Francisco.

Yours truly, Alex Garcia and
Marc Peon

06/02/68

The Planning Department

I am a resident at *415 Bona Vista* which is located at _____

I reviewed the proposal for 417 Bona Vista East and support the project.

We believe that this project is well designed and provides a valuable housing resource for the neighborhood and citizens of San Francisco.

Yours truly,

Thomas M. Scitak

December 11, 2010

Planning Commission
1400 Jackson Street, 4th Floor
San Francisco, CA 94103

Re: 440 Buena Vista East

Dear Planning Commission:

Over the past 6 years, we have worked closely with the Planning Department on the proposed project at 440 Buena Vista East. The project was first submitted to the Planning Department in May 2004 and over the intervening six years, Tom McIntyre and Laura Brodzinsky have worked closely with the neighborhood and with the Planning staff on a series of design iterations and improvements that have eliminated the fourth floor addition and significantly scaled back the third floor addition, while maintaining the existing floor area on the first and second floors. The overall height of the building is 10 feet above the allowable 40-foot measured from the sidewalk. The third floor has been reduced significantly from the front facade. The exterior finish materials will substantially upgrade the property and benefit the neighborhood as a whole.

We have noticed that during the period of Tom and Laura's interactions with the Planning Department staff and the neighbors, several very large 40-foot maximum buildings have been submitted, approved and built to completion only to have the top floor removed from Tom and Laura's home. We compliment both the Planning staff and Tom and Laura on the improvements they have made to the design over the past six years in contrast with the large, unimproved buildings and urge the Planning Commission to approve the plans as proposed, so that the project can move forward and the neighborhood can benefit from the improvements.

Sincerely,

Robert J. Frantz
Marcia J. Frantz

cc: Frankish Way Planning Department

R. Frantz
2413 34th Ave
San Francisco, CA 94116-2212

REUBEN & JUNIUS_{LLP}

October 19, 2010

Stachura Family Trust
c/o Mr. and Mrs. Ferdinand Stachura
451 Buena Vista East
San Francisco, CA 94114

Re: 449 Buena Vista East
Our File No.: 5798.01

Dear Mr. and Mrs. Stachura:

We enjoyed meeting with you recently with your consultant Dan Bollman. Mr. Bollman has been communicating with us on your behalf. We advised him on October 13, 2010, prior to the expiration of the DR filing period, that we are interested in assisting you with the enlargement of your back deck, which seemed to be an item of great concern at our recent meeting. We heard back from Mr. Bollman on October 14, and he rejected our proposal without a counter-proposal. We now understand that you filed a DR application on October 15, although we have not yet received a copy, and do not know its contents.

We urge you to reconsider the deck proposal and continue negotiations with a mutual goal of resolving your concerns both as to your current views and enjoyment of your garden.

Thank you for your consideration. We look forward to hearing from you. We remain hopeful that a settlement can be achieved.

Very truly yours,

REUBEN & JUNIUS, LLP


David Silverman

cc: Dan Bollman
Bruce Baumann
Thomas McIntyre
Laura Brodzinsky, M.D.
Elizabeth Watty, Planning Department

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Tuija I. Catalano | David Silverman | Sheryl Reuben¹ | Jay F. Drake
Daniel A. Frattin | Stephen R. Miller | Lindsay M. Petrone | John Kevin | Alison L. Krumbein | John McInerney III²

1. Also admitted in New York 2. Of Counsel

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com