



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE JANUARY 20, 2011

Date: January 13, 2011
Case No.: 2009.0155DDDDDD
Project Address: 3987 20th STREET
Permit Application: 2010.07.06.6032
Zoning: RH-1 (Residential, House, One-Family)
Dolores Heights Special Use District
40-X Height and Bulk District
Block/Lot: 3605/055A
Project Sponsor: Jeremy Paul and Cathy Wise
Quickdraw Permit Consulting
60 Otis Street
San Francisco, CA 94103
Staff Contact: Michael Smith – (415) 558-6322
michael.e.smith@sfgov.org
Recommendation: **Do not take DR and approve 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 proposal is to construct a three-story horizontal addition at the rear of a single-family dwelling. The ground floor of the addition would extend the full width of the lot. The second floor of the addition would be set back 5'-6" from the proposed rear building wall and set back 7'-9" from the west side property line. The third floor of the addition would be set back 12'-0" from the proposed rear building wall and set back 7'-9" from the west side property line. Roof decks would occupy the set back areas. The project also includes a new roof deck on the roof of the existing building. The project was granted a rear yard variance in case 2009.0155V.

SITE DESCRIPTION AND PRESENT USE

The subject property is slightly down sloping from front to rear and measures 25 feet in width and 85.5 feet in depth and is improved with a three-story single-family dwelling that was constructed in 1916. City records indicate that the building has 1,760 square-feet of habitable area. The subject lot is three properties removed from the corner and is much shallower than the average lot depth within the district as a result. The ground floor is partially developed with a full bath and utility room. The existing rear yard measures over 38.5 feet in depth measured to the rear of the building.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

3987 20th Street is located on the south side of the street between Sanchez and Church Streets in the Dolores Heights neighborhood, just north of the Noe Valley neighborhood. The neighborhood is architecturally mixed but Edwardian/Victorian architecture is the most predominant design influence.

There are 36 buildings within the subject block, a mix of one- and two-family dwellings that are two to three stories in height, with the exception of three multi-unit apartment buildings. The block slopes up from east to west towards Twin Peaks and as a result, all of the properties within the subject block are laterally sloping creating a stepping pattern at the rooflines. The subject mid-block has a defined mid-block with few exceptions

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	August 30, 2010 – September 29, 2010	September 29, 2010	January 20, 2011	110 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 10, 2011	January 6, 2011	14 days
Mailed Notice	10 days	January 10, 2011	January 6, 2011	14 days

PUBLIC COMMENT

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

The Dolores Heights Improvement Club, the local neighborhood group, is one of the DR requestors for the project.

DR REQUESTOR

1. Chris Boettcher, 3982 20th Street, the adjacent property to the east.
2. Madeleine Todd and Rob Levy, 3991 20th Street, the adjacent property to the west.
3. The Dolores Heights Improvement Club, c/o Pam Hemphill
4. John O’Duinn, 384 Liberty Street, four properties removed and located behind the subject property to the south.
5. Gregory Sepulvado and James Sivalls, 701 Sanchez Street, located two properties to the west.
6. Elizabeth Clark, 721 Sanchez Street, adjacent property to the south.

BACKGROUND

In September 2006, under a different owner, the property was granted a rear yard variance to construct a horizontal rear addition. The neighbors at that time did not oppose the variance. The property was sold to the current owner before the entitled project was ever constructed. The current owner submitted a new rear yard variance application to construct a larger rear addition than was originally entitled. In December 2009 he was granted a new rear yard variance that was vehemently opposed by the neighbors but similar in scope to the current proposal before the Commission.

Before granting the variance the Zoning Administrator and staff did a site visit and met with the neighbors to discuss their concerns. As a result of the meeting the Department encouraged the sponsor to reduce the depth of his addition, which he did. The additional reduction did not address the neighbors concerns about the building depth at the ground floor or their desire to remove the spiral stair to the roof. Consequently, the neighbors appealed the variance decision for case 2009.0155V to the Board of Appeals where the Zoning Administrator's decision was upheld.

Understanding that the neighbors were still opposed to the project and that neighborhood notification for the building permit was still ahead, the sponsor met with the neighbors as part of the pre-application process and agreed to remove the spiral stair to the roof, which reflects the current plans. Again the neighbors were not satisfied with the reduction because it did not address the ground floor depth. The adjacent neighbors have since added to their list of concerns, claiming the roof deck would also impact their privacy.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Issue #1: The DR requestors claim that the roof deck and the decks at the rear addition would impact privacy and noise within theirs and adjacent rear yards.

Issue #2: The DR requestors claim that the amount of encroachment into the required rear yard is unprecedented for the Dolores Heights Special Use District and violates the spirit of the district.

To address their concerns the DR requestors want the depth of the addition to be reduced by 5.5 feet and the roof deck removed.

See attached *Discretionary Review Applications* for additional information.

PROJECT SPONSOR'S RESPONSE

Before the discretionary review requests were filed the project sponsor met with the neighbors on several occasions to resolve their concerns with his project. The sponsor has neither met with nor made any further modifications to his project since the neighbors filed their DR applications.

PROJECT ANALYSIS

The neighbors want the roof deck removed because they are concerned about the adverse impacts that its use could have on their properties. While it is true that roof decks are not a common feature of properties within this neighborhood their lack of presence is not the determining factor for whether or

not it is an appropriate feature. The use of a roof deck at this altitude could impact privacy within adjacent rear yards but neither the Code nor the Residential Design Guidelines seek to protect privacy in neighboring rear yards. Any elevated deck could impact privacy within a neighboring rear yard yet they are a common features within this neighborhood and throughout the city. The roof deck is set back both from the front and rear of the building. A greater set back at the rear would address the neighbors privacy concerns. It should be noted as stated earlier that the neighbors did not raise an objection to the roof deck until they appealed the variance decision to the Board of Appeals as evidenced by the roof deck being included in the alternatives that were prepared by their architect. Furthermore, the roof deck has a glass railing and it does not require a variance and by itself it does not require neighborhood notification.

The neighbors are also concerned that the project will set a bad precedence for granting a rear yard variance within the Dolores Heights Special Use District. The ground floor encroaches 11.5 feet into the rear yard and the second floor encroaches six-feet into the required rear yard. The primary basis for granting the rear yard variance is the property being a key lot. At 85.5 feet, the subject property is 25 percent shorter than the mid-block lots that are 114-feet in depth. The same justification was used by the Zoning Administrator for granting a rear yard variance for the DR requestors' (Levy/Todd) property in September 2003. On average, the mid-block buildings on this block extend deeper than the subject building and DR requestors' building to the west. Add to this the fact that the adjacent building to the east, located on a similar lot, encroaches 21 feet into the required rear yard and the variance becomes supportable if the mass of the addition is stacked against the deeper building as proposed. The ground floor of the addition extends the width of the lot but the second and third floors are set back at least 6.5 feet from the shorter building to the west. The subject building has an existing one-story deck at the rear that encroaches 5.5 feet into the required rear yard. The project would extend this deck an additional 5.5 feet totaling an 11-foot encroachment at the ground floor. The DR requestors' alternative would not allow the addition to extend any deeper than the existing deck.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is categorically exempt from environmental review, pursuant to CEQA Guideline Sections 15301(e)(1).

RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team reviewed the project and determined that it complied with the Residential Design Guidelines because the additional building depth was stacked against the deeper building. However, the team recommended the full DR report because of the project's complicated history involving the variances.

Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission.

BASIS FOR RECOMMENDATION

- Rear yard privacy is not protected by the Code or the Residential Design Guidelines.
- There are sufficient grounds on which to support the rear yard variance request.

- The project complies with the Residential Design Guidelines because the additional building depth is stacked against the deeper building to the east.

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

Attachments:

Design Review Checklist
Block Book Map
Sanborn Map
Aerial Photographs
Section 311 Notice
DR Applications
Response to DR Application
 Renderings
 Reduced Plans
 Context Photos

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

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

Comments: The neighborhood is architecturally mixed but Edwardian/Victorian architecture is the most predominant design influence. There are 36 buildings within the subject block, a mix of one- and two-family dwellings that are two to three stories in height, with the exception of three multi-unit apartment buildings

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 would not alter the front of the building. The addition is setback and articulated so that its mass is stacked against the deeper building to the east to reduce adverse impacts on the shallower building to the west.

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 would not alter the front of the building. The addition is compatible with the existing scale at the mid-block open space because at each floor it steps down to grade level.

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 project would not alter the front of the building. The project includes a roof deck that has a glass railing that is set back from the edges of the roof. The material and placement of the railing reduce its visual impact on the character of the building.

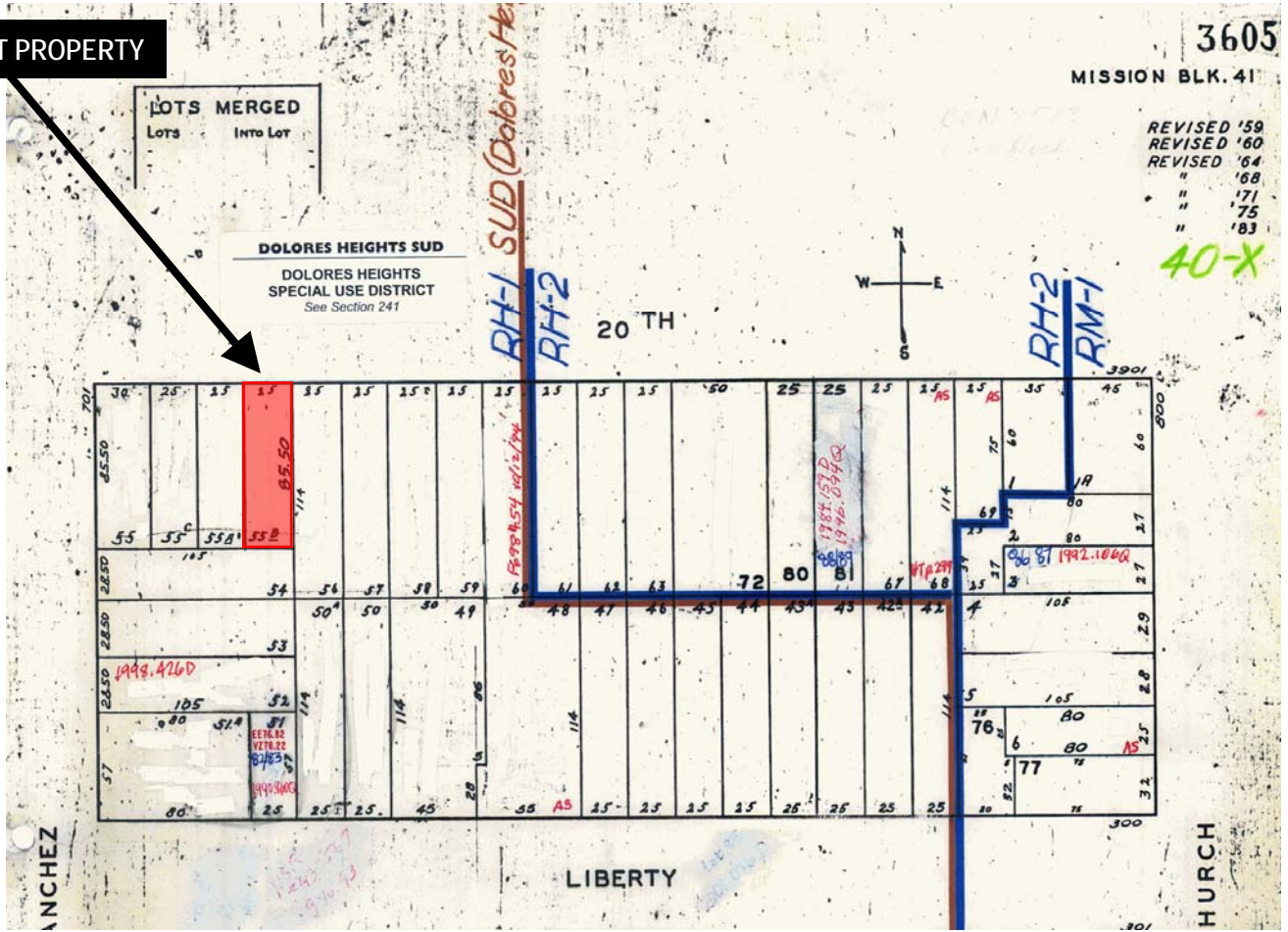
BUILDING DETAILS (PAGES 43 - 48)

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		

Comments: The project would not alter the front of the building. The addition is finished in stucco with a stone veneer base. Details include metal clad wood French doors and windows, wood trellis, metal railings, and copper roof canopy. The addition appears to be of quality materials that are appropriately applied.

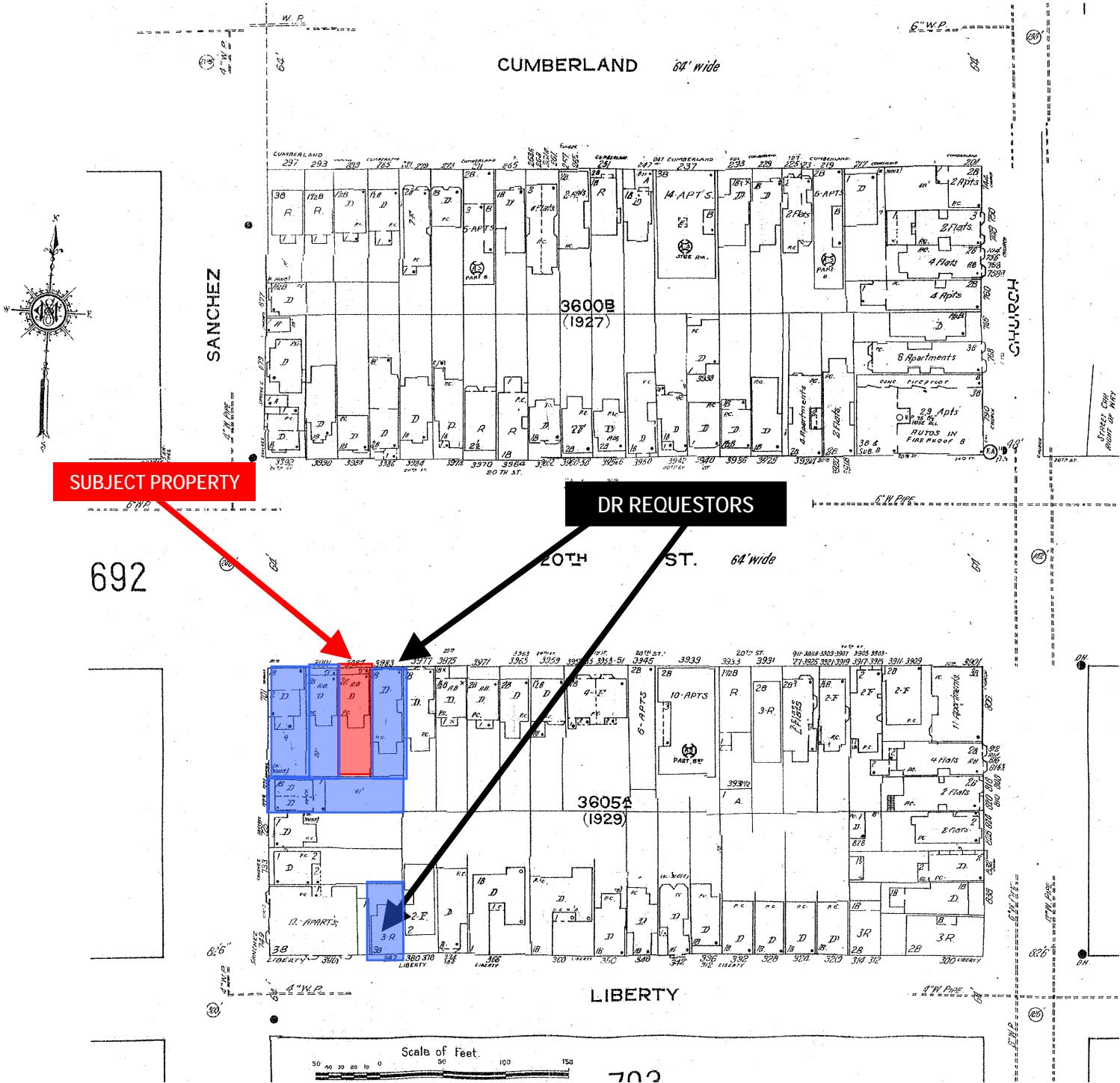
Parcel Map

SUBJECT PROPERTY



Discretionary Review Hearing
Case No. 2009.0155DDDDDD
3987 20th Street

Sanborn Map*



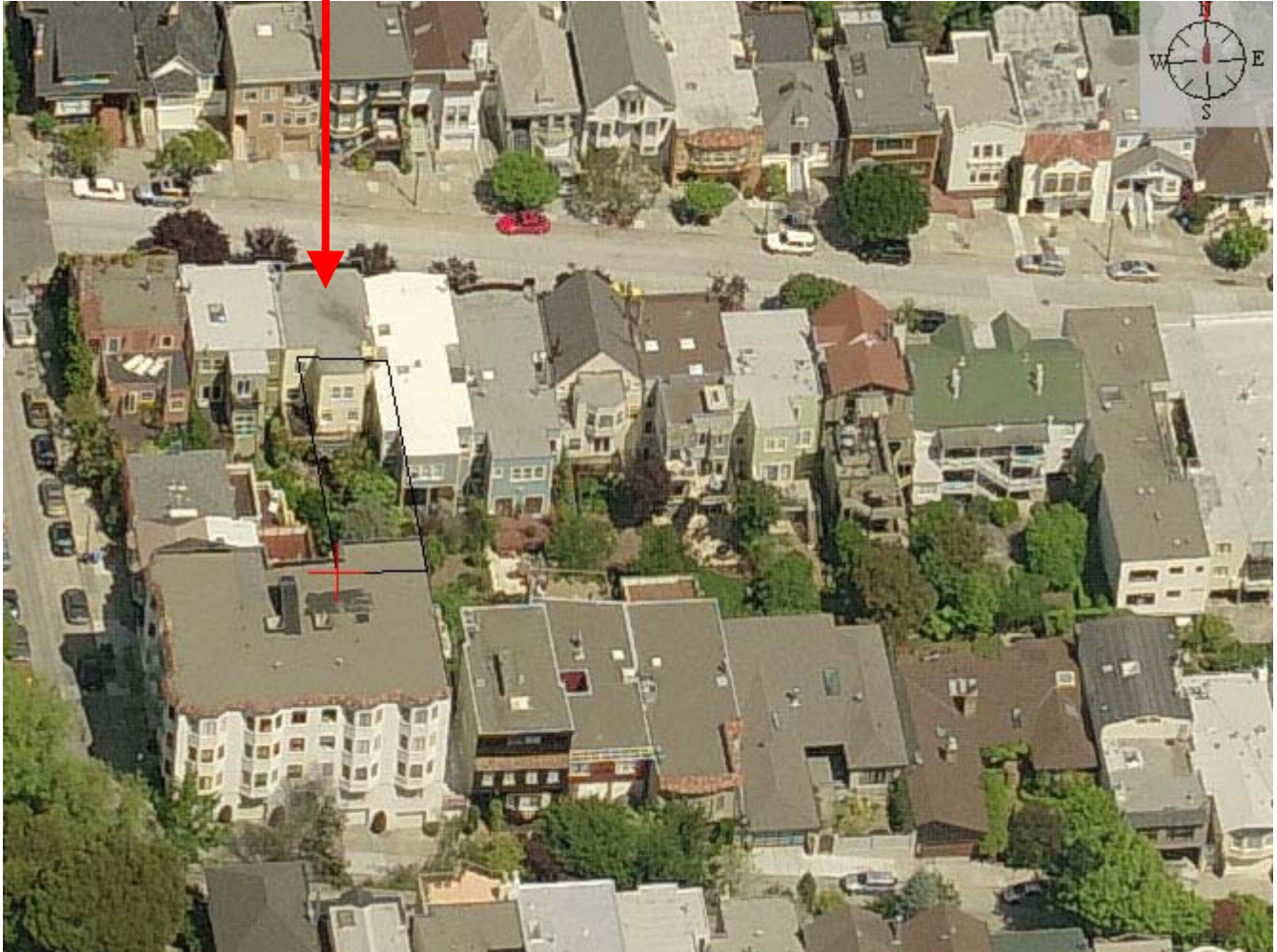
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing
 Case No. 2009.0155DDDDDD
 3987 20th Street

Aerial Photo

SUBJECT PROPERTY



Aerial Photo

SUBJECT PROPERTY





SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On July 6, 2010, the Applicant named below filed Building Permit Application No. 2010.07.06.6032(Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Cathy Wise	Project Address:	3987 20 th Street
Address:	60 Otis Street	Cross Streets:	Sanchez and Noe Sts.
City, State:	San Francisco, CA 94103	Assessor's Block /Lot No.:	3605/055A
Telephone:	(415) 552.1888	Zoning Districts:	RH-1 /40-X/ Dolores Heights SUD

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 type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS	<input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE)	<input checked="" type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
FRONT SETBACK	5 feet, 6 inches	No Change
BUILDING DEPTH (measured to rear bldg. wall)	41 feet, 6 inches	53 feet
BUILDING DEPTH (including rear deck/stairs)	47 feet, 6 inches	N/A
REAR YARD	38 feet, 6 inches	27 feet
HEIGHT OF BUILDING (measured above grade)	32 feet, 9 inches	No Change
NUMBER OF STORIES	2 over garage	No Change
NUMBER OF DWELLING UNITS	1	No Change
NUMBER OF OFF-STREET PARKING SPACES	1	No Change

PROJECT DESCRIPTION

The proposal is to construct a three-story rear addition. The ground floor of the addition would extend the full width of the lot. The second floor of the addition would be set back 5'-6" from the proposed rear building wall and set back 7'-9" from the west side property line. The third floor of the addition would be set back 12'-0" from the proposed rear building wall and set back 7'-9" from the west side property line. Roof decks would occupy the set back areas. The project also includes a new roof deck on the roof of the existing building. The project was granted a rear yard variance in case 2009.0155V. See attached plans.

PLANNER'S NAME:	Michael Smith	DATE OF THIS NOTICE:	8-30-10
PHONE NUMBER:	(415) 558-6322	EXPIRATION DATE:	9-29-10
EMAIL:	michael.e.smith@sfgov.org		

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 **\$300.00, 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.**

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APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R. Applicant's Name: Madeleine Todd Telephone No 415-441-7010

D.R. Applicant's Address 3991 20th Street
Number & Street (Apt. #)
San Francisco, CA 94114
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415-441-7010

If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name Rob Levy Telephone No: 415-385-8011

Address 3991 20th Street
Number & Street (Apt. #)
San Francisco 94114
City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 3987 20th Street, San Francisco, CA 94114

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: Steve Kopff (415) 235-6563

Building Permit Application Number of the project for which you are requesting D.R.: 2010.07.06.6032

Where is your property located in relation to the permit applicant's property?
immediate neighbor, uphill (west of project property)

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

1. Have you discussed this project with the permit applicant? {YES} NO

2. Did you discuss the project with the Planning Department permit review planner? {YES} NO

3. Did you participate in outside mediation on this case? {Community Board} Other NO

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

- Met with project sponsors and sponsor representatives on several occasions
- Communicated in timely and responsive fashion with all project sponsor requests/communications
- Attended and participated in all city and planning department activities/board of appeals, etc.

B. DISCRETIONARY REVIEW REQUEST

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

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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?

- This permit application violates Section 241 of the SF Planning code and does not meet the minimum standards of the planning code
- This permit application violates the DHSUD guidelines (see exhibit A)
- All adjacent neighbors are oppose this permit (a variance was granted in 2006 that was acceptable to all neighbors; the programmatic goals of the sponsors can be met within the variance and expansion granted in 2006, we retained an architect to create plans for the permit sponsors)
- The planning department initially granted a variance that was acceptable to the neighbors on 12/18/09 (exhibit B), after meeting with the project sponsors, changed their minds 48 hours later and granted a subsequence variance on 12/28/09 (exhibit B)
- The subject property structure is average size for the subject block, this variance will catapult it to the top 12% (exhibit C)
- The 11' encroachment into the rear-yard setback on the first and second floors is unprecedented; this permit will justify similar variances for similar sized lots (and smaller lots on the block), reducing the green space and detrimentally impacting the block/DHSUD
- The lots size of the permit sponsors is the same size as the adjacent lots to the west and east, lot size is not justification for this permit (exhibit C by Mr. Badiner's definition the subject property is *not* a substandard lot)
- The 80-year structure (3983) that abuts the permit sponsors to the east is a non-compliant structure that pre-dates forming of the DHSUD and should not be used to justify expansion of the 3987 structure nor this permit. It is only 2 stories in height and is open on the ground floor. The permit sponsors property is larger today than 3983 and stands one story above 3983 already. (Exhibit D)

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

Ground floor/2nd floor deck extension

- The proposed ground floor extension will extend 11' beyond the rear yard setback, this is an unprecedented expansion on this level and it will result in blocking my residence in on the east side of my property. My residence is already completely blocked in the south (residence 721/723 Sanchez) and completely blocked to the west (retaining wall) (see exhibit E). To further block my home/yard to another side is unfair and my yard will become a bowling-alley like area, it will become a dark, crowded-in space. My access to open space, green corridor and to these vistas will be limited. In sum, the permit applicant creates a greater hardship on my residence (see exhibit E) and permit sponsors already enjoy greater access to open space, light and vistas than my residence on these two levels, they will increase these benefits of their residence while reducing mine significantly. Existing views from 3987 (east, south, west)-Exhibit F

09.0155D

- The proposed extended deck on the second floor will intrude upon the privacy of my home and my backyard, extending the deck 11' past the rear yard setback and up to the property line on the east side, the residents of 3987 will be looming over my yard (see exhibit G/E) and severely impacting my privacy
- If this 11' encroachment is approved, there is no limit to the requests of neighbors along our corridor, and we will lose our green space

Roof deck

All board of appeals commissioners opposed the roof deck. None of the adjacent neighbors are supportive of a roof deck for 3987 20th. The neighbors and the board of appeals all agree that in dense areas, roof decks significantly impact the noise and privacy on adjacent neighbors. We live in a valley and the noise from Dolores Park reverberates throughout the neighborhood and is compounded as it carries up the hill to our residences. This would be worse with a roof deck next door to us.

There are no roof decks in our area (see Exhibit H) and this roof deck will set a precedent in the neighborhood. There are a number of side decks in the neighborhood, but the impact of the noise coming off of roof decks is much greater than decks coming off the side of a building.

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 B1)?

Please know the neighbors have already appealed to the board of appeals on this project, the vote was 3 to overturn this variance and 2 uphold it. This was disappointing as the variance sponsors did not meet the 5 required findings. In sum, the two commissioners that decided to uphold the variance wanted changes to the variance, including abolishment of the roof deck. But they decided to pass on to you decisions about the variance versus making these themselves; this was disappointing to us as neighbors.

But, they promised that you would indeed make your own independent decision and could adjust the project sponsors' plans in any way you see fit. Your application states "It is important to suggest reasonable alternatives, recognizing that the permit applicant normally would be allowed to build their project as originally proposed." Since the board of appeals decided to pass on this decision to you, we hope that this "normally would be allowed" statement does not apply to our process, as we have already missed this opportunity to adjust these plans when the board of appeals' decided to defer to your decision.

Recommended Changes:

- Limit the ground floor and first floor extension to 5 1/2' beyond the rear yard setback (do not allow the structure on these floors to extend out 11' beyond the rear yard setback)
- Eliminate the roof deck

09.0155D

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

- Check made payable to Planning Department (see current fee schedule).
- Address list for nearby property owners, in label format, plus photocopy of labels.
- Letter of authorization for representative/agent of D.R. applicant (if applicable).
- Photocopy of this completed application.

OPTIONAL:

- Photographs that illustrate your concerns.
- Covenants or Deed Restrictions.
- Other Items (specify).

File this objection in person at the Planning Information Center. If you have questions about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday

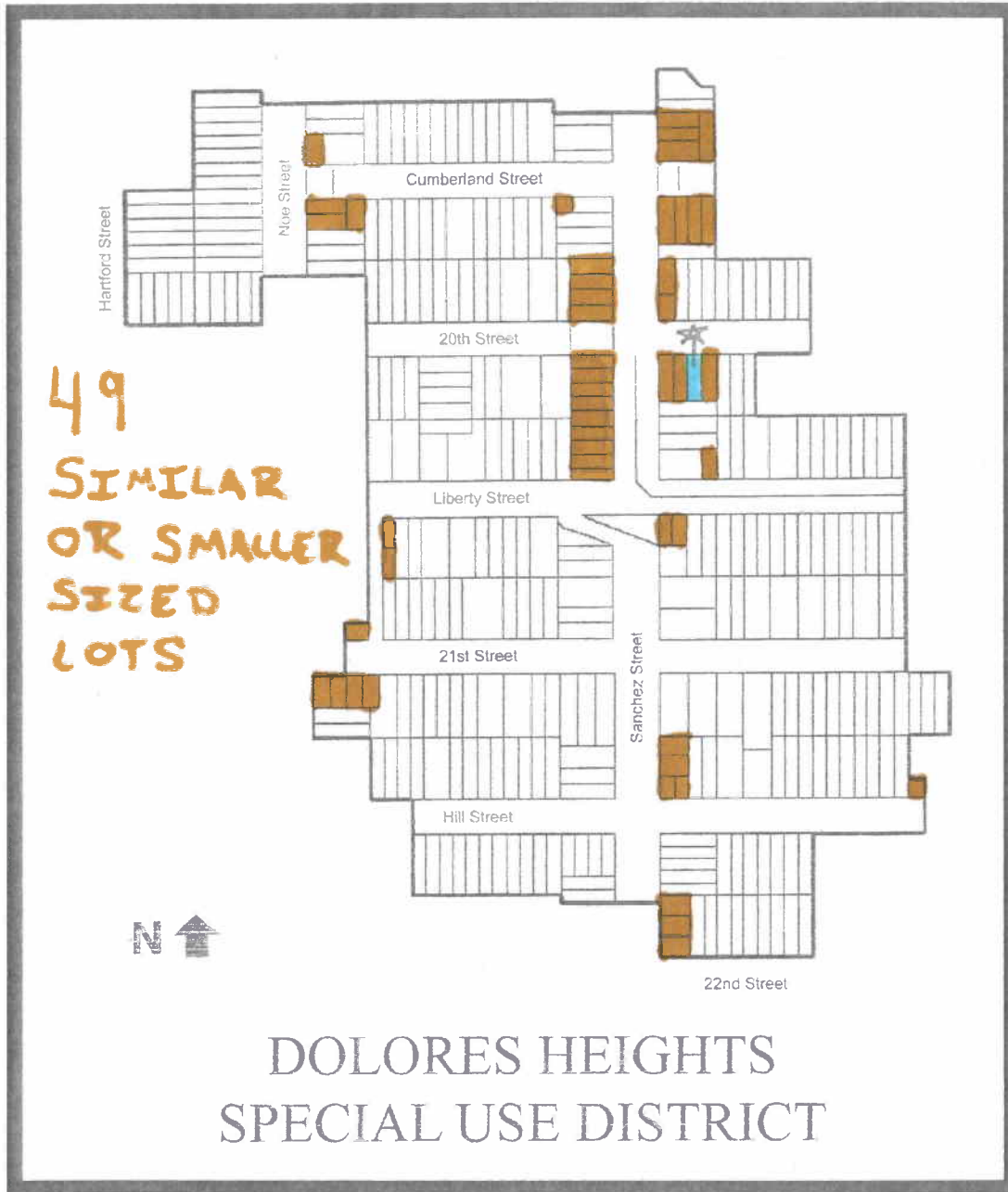
Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed

Applicant

Date

09.0155B



The Dolores Heights Special Use District *San Francisco Planning Code Section 241*

In order to preserve and provide for an established area with a unique character and balance of built and natural environment, with public and private view corridors and panoramas, to conserve existing buildings, plant materials and planted spaces, to prevent unreasonable obstruction of view and light by buildings or plant materials, and to encourage development in context and scale with established character and landscape, there shall be a Dolores Heights Special Use District as designated on Section Map No. 7 SU of the Zoning Map. In this district, all provisions of the City Planning Code applicable in RH-1 Districts shall continue to apply except that rear yard and height limit provisions of this Section 241 shall be substituted for rear yard and height limit provisions found elsewhere in this Code.

- (a) The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which building is situated, but in no case shall the rear yard be less than 25 feet deep.
- (b) No portion of a building shall exceed a height of 35 feet above the existing grade of the lot, with the intent that the building shall be constrained within an envelope that sloped upward or downward with the slope of the property. The "height of a building" for purposes of this section shall be measured in the manner described in Section 102.12 of the City Planning Code, whether the lot being measured slopes upward or downward from the street.
- (c) Variances may be granted from the rear yard and height limited provisions in Paragraphs (a) and (b) above in accordance with procedures specified in Section 305 of the City Planning Code provided that no such variance shall permit a building to have a height in excess of that otherwise permitted in an RH-1 District.

09.0155D



Exhibit B

SAN FRANCISCO
PLANNING DEPARTMENT

Variance Decision

Date: December 18, 2009
Case No.: 2009.0155V
Project Address: 3987 20th Street
Zoning: RH-1 (Residential, House, One-Family) District
Dolores Heights Special Use District
40-X Height and Bulk District
Block/Lot: 3605/055A
Applicant: James Stavoy
679 Sanchez Street
San Francisco, CA 94114
Staff Contact: Michael Smith - (415) 558-6322
michael.e.smith@sfgov.org

1650 Miss
Suite 400
San Franci
CA 94103

Reception:
415.558.

Fax:
415.558.

Planning
Information
415.558.

DESCRIPTION OF VARIANCE – REAR YARD VARIANCE SOUGHT:

The proposal is to construct a three-story addition at the rear of the building. The addition would extend the building depth by 5'-6" at the ground floor, 5'-6" at the first floor, and no additional depth at the second floor (top floor). The addition includes new spiral stairs at the rear of the building to access the roof. A new roof deck would be located towards the front of the building.

Section 241 of the Planning Code requires a minimum rear yard depth of approximately 38'-6" measured from the rear property line. The proposed addition would extend to within 33' of the rear property, encroaching 5'-6" into the required rear yard.

Section 188 of the Planning Code prohibits the expansion of a noncomplying structure in a manner that would increase the degree of noncompliance. Because the rear portion of the building already encroaches 6" into the required rear yard, it is a legal noncomplying structure. Therefore constructing an addition that would extend further into the rear yard is contrary to section 188 of the Code.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review pursuant to Class 1.
2. The Zoning Administrator held a public hearing on Variance Application No. 2009.0155V on Wednesday, April 22, 2009.

09.0155D

DECISION:

GRANTED, to construct a two-story horizontal addition at the rear of the building with spiral stairs to the roof, in general conformity with the plans on file with this application, shown as Exhibit A and dated December 10, 2009, subject to the following conditions:

1. Any further physical expansion, even within the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character, scale, and parking. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject property is a key lot that is much more shallow (85'-6") than the mid-block lots (114'-0") on the subject block.
- B. The adjacent lot to the east of the subject property is occupied by a single-family dwelling that extends 22-feet deeper than the subject building.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. Literal enforcement of the rear yard requirements of the Code would limit the property owner's ability to add usable open space to his property in a reasonable manner.
- B. Literal enforcement of the rear yard requirements of the Code results in the theoretical rear yard line coming to within two-feet of the front property line at the lot's northern tip. If the building were developed in compliance with this rear yard requirement it would result in unnecessary hardship for the owner by encouraging a building that is as irregularly shaped as the lot itself.

FINDING 3.

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

Requirement Met.

- A. Due to the unique placement of the subject building on the lot, it is not feasible to add a modest Code complying addition. Constructing an addition within the existing building footprint as proposed is the most sensitive means of adding habitable space to the subject property. By granting a variance from the rear yard requirements, the substantial property right of modest addition can be enjoyed by the subject property
- B. Granting this variance will allow the property owner to add usable open space to the existing decks at the rear of the building. Having sufficient usable open space, even on smaller lots, is a substantial property that is reflected in the livability of one's property.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. The addition would not adversely impact adjacent properties because it is located on the north side of the property adjacent to open space.
- B. At the completion of this decision no member of the public opposed the granting of this variance.

FINDING 5.

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

Requirement Met.

- A. Granting this variance will promote the General Plan by preserving the city's housing stock, retaining the character of the neighborhood, and promoting family housing.

- B. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development.
- C. Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. Review of the relevant priority planning policies yielded the following determinations:
1. The project will not impact existing neighborhood-serving retail uses.
 2. The project will preserve neighborhood character through retention and rehabilitation of the existing building.
 3. The project will have no impact on the City's supply of affordable housing.
 4. The project will not impact Muni transit service. The property has three off-street parking spaces which reduces its reliance on neighborhood parking.
 5. The project will have no impact on the City's industrial sector.
 6. The project would be built to current Building Code requirements to protect against loss of life in an earthquake.
 7. The subject building is not a historical resource.
 8. The property is adjacent to open space that provides a view looking eastward. While the space is not a recognized vista it is an amenity within the neighborhood. The project would not increase the building envelope or the overall building height and therefore it would not impact the view corridor from this open space which is located north of the property.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building

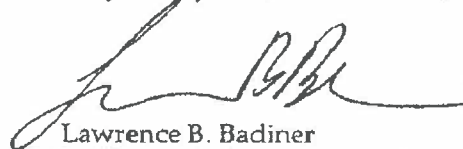
Variance Decision
December 18, 2009

CASE NO. 2009.0155V
3987 20th Street

Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Lawrence B. Badiner
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

MESIG:\WORD\Variances\301 Twin Peaks Blvd\1343 decision.doc

RECORDING REQUESTED BY:)

And When Recorded Mail To:)

Name:)

Address:)

City:)

State: California)

) Space Above this Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

I, (We) _____, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows: (LEGAL DESCRIPTION AS ON DEED).

BEING Assessor's **Block 3605, Lot 055A**, commonly known as **3987 20th Street**, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said Restrictions consist of conditions attached to a variance granted by the Zoning Administrator of the City and County of San Francisco on **December 18, 2009 (Case No. 2009.0155V)** permitting to construct a three-story addition at the rear of the building. The addition would extend the building depth by 5'-6" at the ground floor, 5'-6" at the first floor, and no additional depth at the second floor (top floor). The addition includes new spiral stairs at the rear of the building to access the roof. A new roof deck would be located towards the front of the building.

The restrictions and conditions of which notice is hereby given are:

1. Any further physical expansion, even within the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

character, scale, and parking. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.

2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

Dated: _____ at San Francisco, California

(Signature of owner)

(Signature of owner)

This signature must be notarized prior to recordation; add Notary Public Certification and Official Notarial Seal below.

U:\MSMITH\WORDN\SRS\SVA\3987-20th Street-2009-0155V.doc



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision (Amended)

Date: December 28, 2009
Case No.: 2009.0155V
Project Address: 3987 20th Street
Zoning: RH-1 (Residential, House, One-Family) District
Dolores Heights Special Use District
40-X Height and Bulk District
Block/Lot: 3605/055A
Applicant: James Stavoy
679 Sanchez Street
San Francisco, CA 94114
Staff Contact: Michael Smith – (415) 558-6322
michael.e.smith@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VARIANCE – REAR YARD VARIANCE SOUGHT:

The proposal is to construct a roof deck and a two-story addition at the rear of the building with spiral stairs to the roof. The addition would extend the building depth by approximately 11' at the ground floor and 6' at the first floor, with no additional depth at the second floor (top floor). The addition includes a new second floor spiral stairs at the rear of the building to access the roof. A new roof deck would be located towards the front of the building.

Section 241 of the Planning Code requires a minimum rear yard depth of approximately 38'-6" measured from the rear property line. The proposed addition would extend to within 32'-6" of the rear property, encroaching 6' into the required rear yard.

Section 188 of the Planning Code prohibits the expansion of a noncomplying structure in a manner that would increase the degree of noncompliance. Because the rear portion of the building already encroaches 6" into the required rear yard, it is a legal noncomplying structure. Therefore constructing an addition that would extend further into the rear yard is contrary to section 188 of the Code.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review pursuant to Class 1.
2. The Zoning Administrator held a public hearing on Variance Application No. 2009.0155V on Wednesday, April 22, 2009.

DECISION:

GRANTED, to construct a two-story horizontal addition at the rear of the building with spiral stairs to the roof, in general conformity with the plans on file with this application, shown as Exhibit A and dated December 10, 2009, subject to the following conditions:

1. Any further physical expansion, even within the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character, scale, and parking. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
5. The proposed spiral stairs that access the roof shall be placed three-feet from the east side property line unless demonstrated to the satisfaction of the Zoning Administrator that a three-foot setback is not enough to comply with Building Code requirements.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject property is a key lot that is 25% more shallow (85'-6") than the mid-block lots (114'-0") on the subject block.
- B. The adjacent lot to the east of the subject property is occupied by a single-family dwelling that extends 22-feet deeper than the subject building thus separating the subject yard from the overall mid-block open space.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. Literal enforcement of the rear yard requirements of the Code would encourage development on the lot in areas that have more of an adverse impact on the adjacent property to the west. Granting the variance would allow a similar level of development with the massing placed against a blank neighboring wall to the east.

FINDING 3.

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

Requirement Met.

- A. Twenty-two of the 44 lots on the subject block have structures that extend into the required rear yard to varying degrees, including both of the adjacent properties. The granting of this variance would allow a similar equity in development rights enjoyed by these many neighbors in the same block.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. Several neighbors, including both adjacent neighbors, raised concerns about the scale of the sponsor's original proposal and how far it encroached into the required rear yard.
- B. In response to the neighbor's concerns, the Zoning Administrator met with them and the sponsor at the site and the adjacent properties. The Zoning Administrator expressed concern about the size of the proposed addition and recommended that the depth of the addition be decreased, that the spiral stairs be moved further from the west side property line, and the roof deck be moved towards the front of the building.
- C. In response to the Zoning Administrator's recommendation the sponsor revised the project and reduced the depth of the addition by 5'-7" at the first floor and 6'-6" at the second floor (top floor) and increased the west side side setback from 3'-6" to 6'-6". Condition of approval No. 5 would require the spiral stairs to be placed as close to the east side property line as permitted by the Building Code.

- D. The addition is designed in such a manner that its massing is against a blank wall to the east and set back a minimum of 6'-6" from the west side property line which maintains light and air to the rear of the adjacent building to the west.
- E. The portion of the addition that extends the deepest is located at the ground floor and would extend approximately 11'-6" above the neighbor's grade to the west, which is only 1'-6" taller than the permitted fence height at this location.

FINDING 5.

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

Requirement Met.

- A. Granting this variance will promote the General Plan by preserving the city's housing stock, retaining the character of the neighborhood, and promoting family housing.
- B. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development.
- C. Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. Review of the relevant priority planning policies yielded the following determinations:
 - 1. The project will not impact existing neighborhood-serving retail uses.
 - 2. The project will preserve neighborhood character through retention and rehabilitation of the existing building.
 - 3. The project will have no impact on the City's supply of affordable housing.
 - 4. The project will not impact Muni transit service. The property has one-off-street parking spaces which reduces its reliance on neighborhood parking.
 - 5. The project will have no impact on the City's industrial sector.
 - 6. The project would be built to current Building Code requirements to protect against loss of life in an earthquake.
 - 7. The subject building is not a historical resource.
 - 8. There are no recognized view corridors or vistas near the property.

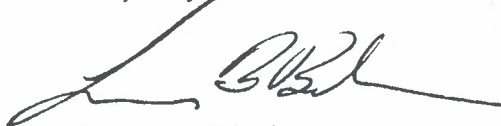
The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Lawrence B. Badiner
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

MESIG:\WORD\Variances\3987 20th St\0155 decision.doc



PLANNING DEPARTMENT

Exhibit C

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

MEMORANDUM

DATE: March 1, 2005
FROM: Lawrence B. Badiner, Zoning Administrator
TO: Honorable Bevan Dufty, San Francisco Board of Supervisors
SUBJECT: CEQA Appeal of 3775 21st Street – March 1 Hearing
Lot Size Pattern and Other Variances within the Dolores Heights Special Use District

There are approximately 350 lots within the Dolores Heights Special Use District (DHSUD). Of these, 290 – or 80% – are “standard” lots, in that they meet or exceed the base Planning Code requirement of a minimum lot area of 2,500 square feet.

It should also be noted that the Planning Code allows for the establishment of smaller parcels near street corners. Lots of 1,750 square feet or more are permitted within 125 feet of the intersection of two streets. It is reasonable to assume that a portion of the remaining 60 parcels fall within this category.

The property in question (at 3775 21st Street) is such a lot in that it is less than 125 feet from the intersection of Noe and 21st Streets. Because the parcel contains 1,753 square feet of lot area it can be considered a “standard” lot in this instance.

Lastly, please also note that since the adoption of the DHSUD in 1980, a total of 44 Variances have been sought for properties within the District. Of these, all but 6 have been approved. The majority of Variances were sought to relax rear yard and front setback requirements.

09.0155D

398720 St.



3983



3987

3991

09.01550

Exhibit D

Exhibit E

701

3941

3987



PHOTOGRAPH

VIEW FROM 721/723 SANCHEZ ST. DECK LOOKING NORTH-EAST

mostert architecture

1515 GUERRERO ST.
SAN FRANCISCO, CALIFORNIA 94110
PHONE: 415.970.0208 FAX: 415.970.0207

A7

APPEAL FOR 3987 VARIANCE
02/25/10

09.0155D

09.01550



3991 20th Yard from 1123 Sanchez



3991 20th Street
West Side
Retaining Wall

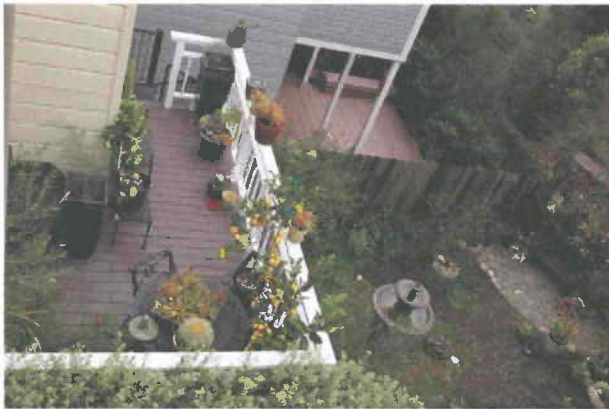
09.01550 09.01550



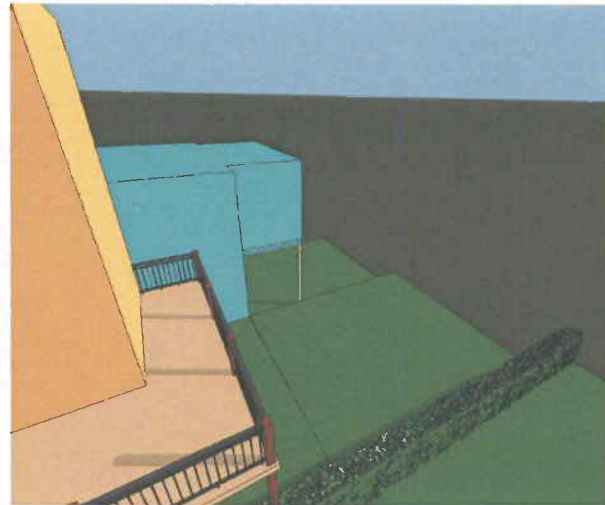
3991203 1st Floor Deck Looking South to 721 Sanchez



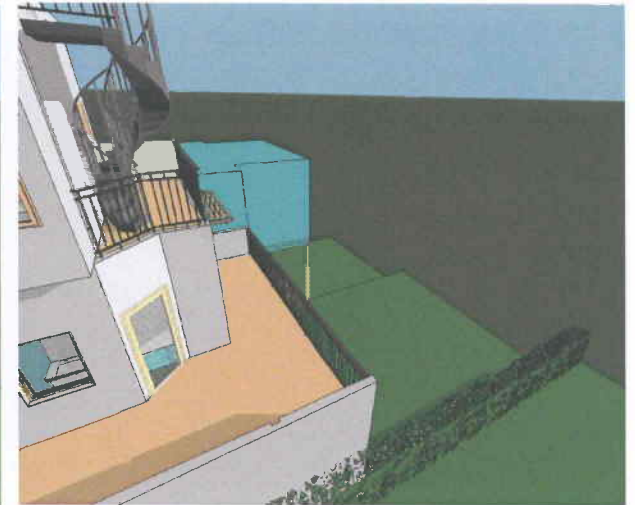
09.0150D



PHOTOGRAPH



EXISTING



APPROVED VARIANCE 12/09

VIEW FROM THIRD FLOOR DECK LOOKING DOWN (SOUTH-EAST)

NOTE: COMPUTER RENDERINGS OF 3987 20TH STREET ARE THE 3-DIM. REPRESENTATION OF VARIANCE DRAWINGS DATED 12/09 BY JAMES G. STAVOY ARCHITECT.

mostert architecture

1515 GUERRERO ST.
SAN FRANCISCO, CALIFORNIA 94110
PHONE: 415.970.0208 FAX: 415.970.0207

**IMPACT ANALYSIS FOR 3991 20TH ST.
SAN FRANCISCO, CA. 94114**

A3

APPEAL FOR 3987 VARIANCE
02/04/10

3987 South-view Rear Yard from existing deck

Exhibit: F



28

APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R. Applicant's Name CHRIS BOETICHER Telephone No: (415) 282-7665

D.R. Applicant's Address 3983 20TH STREET
Number & Street (Apt. #)
SAN FRANCISCO, CA, 94114
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): (415) 282-7665
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name NOT APPLICABLE Telephone No: _____

Address _____
Number & Street (Apt. #)
City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 3987 20TH STREET, SF., CA, 94114

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: STEVEN KOPFF / PETER LENNOX - (415) 824-2975

Building Permit Application Number of the project for which you are requesting D.R.: # 2010.07.06.6032

Where is your property located in relation to the permit applicant's property?
OUR PROPERTY IS NEXT TO THE APPLICANT'S PROPERTY ON THE EAST.

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

1. Have you discussed this project with the permit applicant? YES NO
2. Did you discuss the project with the Planning Department permit review planner? YES NO
3. Did you participate in outside mediation on this case? Community Board Other NO
(PENDING REQUEST)

09.0155D

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

(PLEASE SEE ATTACHED TEXT)

B. DISCRETIONARY REVIEW REQUEST

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?

(PLEASE SEE ATTACHED TEXT)

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

(PLEASE SEE ATTACHED TEXT)

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 B1)?

(PLEASE SEE ATTACHED TEXT)

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

- G** Check made payable to Planning Department (see current fee schedule).
- G** Address list for nearby property owners, in label format, plus photocopy of labels.
- G** Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G** Photocopy of this completed application.

OPTIONAL:

- G** Photographs that illustrate your concerns.
- G** Covenants or Deed Restrictions.
- G** Other Items (specify).

File this objection in person at the Planning Information Center. If you have **questions** about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed


Applicant
CHRIS ROETCHER

SEPT. 29. 2010
Date

Application Requesting Discretionary Review

Building Permit Application No. 2010.07.06.6032

A. Actions Prior to Discretionary Review Request:

1. Yes, we have discussed the project with the sponsors and their architect as well as with the permit expediter that is representing their interests in this application.
2. Yes, we have discussed this project with Mr. Michael Smith, the planning department review planner working on this project.
3. Yes, we have solicited the services of the Community Boards to try to resolve the outstanding issues concerning the sponsor's project. The meeting will be scheduled shortly, and we hope to reach an agreement that is mutually satisfactory.
4. We have met with the sponsors, their architect, James Stavoy, and with Jeremy Paul, the permit expediter that is working on their behalf. The neighbors have spent a considerable amount of time and even hired an architect to assist in the process of negotiating with the sponsors in a constructive manner. The sponsors have made some minor modifications to their original plan, and they have removed a metal spiral staircase from their plan. However, they have not addressed the major objections of all of the adjacent neighbors that stem primarily from the 11' encroachment into the rear yard setback.

B. Discretionary Review Request:

1. The project disregards the intent of the rear yard setback requirements within the Dolores Heights Special Use District (DHSUD) in the SF Planning Code Section 241. These more stringent guidelines were enacted to protect the green space corridor at the center of the block. This project encroaches 11' into the rear yard setback beyond the 45% guideline and is also inconsistent with Section 188 of the SF. Planning Code. The project is not proportional to the lot size and would have a significant negative impact on the privacy of the rear yards in the adjoining properties.
2. We are the owners of the property adjoining the project sponsor's property on the east side. We believe that allowing the sponsor's project to be constructed as currently designed would have a significant impact on our enjoyment of our rear yard. As currently designed, the 11' addition to the sponsor's property would place a deck and balcony right above our limited rear yard space and thereby diminish the privacy of that space. The existing configuration of staggered building depths or side setbacks and light wells between adjacent properties allows for more light and air in the rear yards. This beneficial feature would be eliminated by the sponsor's project.

In addition, the project sponsors are proposing to build a roof deck on their property. We know from current experience that the bowl-shaped topography of our block has the effect of amplifying sound. We believe that building a roof deck on the sponsor's property would also adversely impact our privacy and the enjoyment of our home by creating an additional sound source.

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The extension of the sponsor's project also has a negative impact on the adjoining properties to west. In addition to the privacy reduction in the rear yards and first floors, the proposed extension will also partially block their access to light and air. The placement of the roof deck will directly impact the privacy of the uphill property because it will be directly opposite the bedroom windows of that property owner. The addition of the roof deck will also require the construction of 3.5foot parapet walls on the sponsor's property at several locations around the roof deck. The walls will be visible from the street level and will be an unsightly addition to the visual height of the building.

3. We believe that a reduction of the extension of sponsor's project into the rear yard by at least 5 feet would satisfy most of our concerns and those of the other neighbors. If the sponsors chose to make that adjustment, they could still preserve most of the gains in living space that they sought. They would also preserve the advantageous qualities of the staggered rear facades, and mitigate the concerns of the uphill neighbors about reductions in their access to light and air. The neighbors retained the services of an architect to provide a number of concrete design variations to the sponsors that would make their project more acceptable.

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APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R. Applicant's Name DOLORES HEIGHTS IMPROVEMENT CLUB ^(DHIC) Telephone No: _____

D.R. Applicant's Address P.O. BOX 14426
Number & Street (Apt. #)
SAN FRANCISCO CA 94114
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415-860-3321 ^{PAM HEMPHILL CO-CHAIR DHIC}
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name _____ Telephone No: _____

Address _____
Number & Street (Apt. #)
_____ City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 3987 20TH ST

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: STEVE KOPFF + PETE LENNOX

Building Permit Application Number of the project for which you are requesting D.R.: 2010.07.06.6032

Where is your property located in relation to the permit applicant's property?
N/A

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST
Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

- 1. Have you discussed this project with the permit applicant? YES NO
- 2. Did you discuss the project with the Planning Department permit review planner? YES NO
- 3. Did you participate in outside mediation on this case? Community Board Other NO N/A

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4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

(DHIC)
THE ISSUES OF MOST CONCERN TO THE DOLORES HEIGHTS IMPROVEMENT CLUB HAVE BEEN THE 11' INTO THE REAR YARD SETBACK WHICH IS IN CONFLICT WITH THE GUIDELINES OF THE DOLORES HEIGHTS SPECIAL USE DISTRICT (DHSUD), AND THE ROOF DECK, NOT USUAL IN OUR AREA AND OFTEN THE SOURCE OF COMPLAINTS. THE SIZE OF THE REAR YARD EXTENSION HAS NOT CHANGED DESPITE THE COMPROMISE OFFER MADE BY THE NEIGHBORS OF A 5.5' EXTENSION.

B. DISCRETIONARY REVIEW REQUEST

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?

THE DHSUD WAS ESTABLISHED IN 1980 BY THE DHIC "TO CONSERVE... PLANTED SPACES, TO PREVENT UNREASONABLE OBSTRUCTION OF VIEW AND LIGHT BY BUILDINGS" (SF PLANNING CODE SECTION 241). CONSIDERING THE DHSUD AND THE SOLID NEIGHBORHOOD OPPOSITION, THIS PROJECT SHOULD NOT HAVE BEEN GRANTED A VARIANCE. THIS PROJECT CONFLICTS WITH #2 OF THE PRIORITY POLICIES - "THAT EXISTING HOUSING AND NEIGHBORHOOD CHARACTER BE CONSERVED AND PROTECTED!"

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

THIS VARIANCE SETS A PRECEDENT FOR EXTENDING INTO THE REAR YARD SETBACK IN A NEIGHBORHOOD WHERE PRESERVATION OF OUR REAR YARD GARDEN SPACE IS IMPORTANT AND CODIFIED IN SECTION 241 OF THE PLANNING CODE. THE ROOF DECK ALSO CREATES AN UNFORTUNATE NEW PRECEDENT. ROOF DECKS OFTEN PRODUCE COMPLAINTS ABOUT NOISE AND PRIVACY ISSUES.

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 B1)?

LIMIT THE REAR YARD EXTENSION TO 5.5'. THE NEIGHBORS HAVE OFFERED THIS AS A COMPROMISE FOR SOME TIME, BUT THE PROJECT SPONSOR IS UNWILLING. THIS 5.5' COMPROMISE ALLOWS THE PROJECT SPONSOR TO HAVE A STAIRCASE BUT PRESERVES THE GARDEN SPACE. REMOVE THE ROOF DECK. THE DHSUD SHOULD BE INCLUDED IN THE PLANNING. EACH REMODEL MAKES THIS HOME LESS AFFORDABLE.

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

- G** Check made payable to Planning Department (see current fee schedule).
- G** Address list for nearby property owners, in label format, plus photocopy of labels.
- G** Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G** Photocopy of this completed application.

OPTIONAL:

- G** Photographs that illustrate your concerns.
- G** Covenants or Deed Restrictions.
- G** Other Items (specify).

File this objection in person at the Planning Information Center. If you have questions about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed *Pam Hemphill, Co-chair, for
Dalores Heights Improvement Club* *9/29/10*
Applicant Date



DOLORES HEIGHTS IMPROVEMENT CLUB

[Home](#)[About Us](#)[Special Use District](#)[Issues](#)[Meetings](#)[Dolores Park](#)[Resources](#)[Design Review](#)[Photos](#)[Contact Us](#)

The Dolores Heights Special Use District

San Francisco Planning Code Section 241

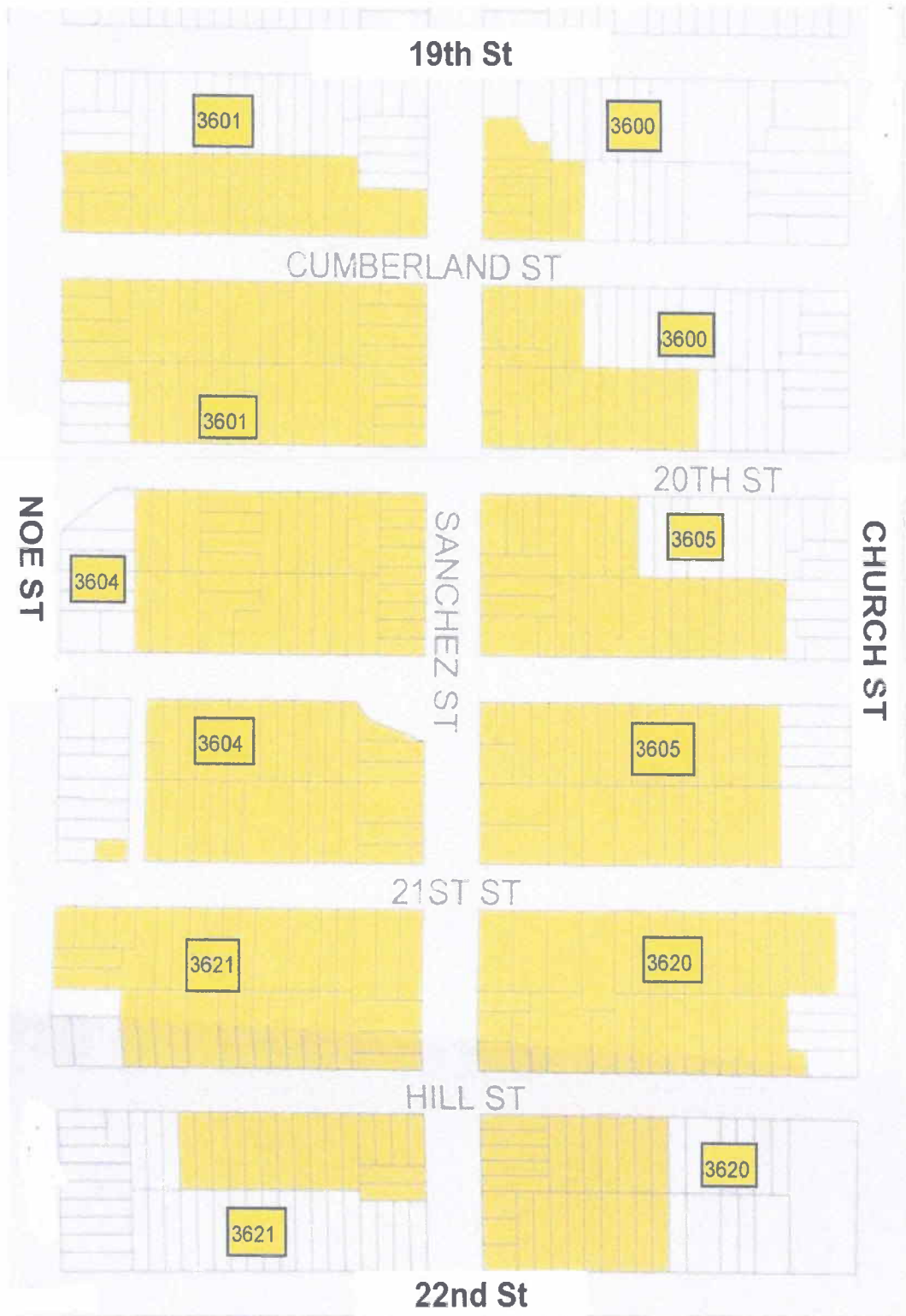
In order to preserve and provide for an established area with a unique character and balance of built and natural environment, with public and private view corridors and panoramas, to conserve existing buildings, plant materials and planted spaces, to prevent unreasonable obstruction of view and light by buildings or plant materials, and to encourage development in context and scale with established character and landscape, there shall be a Dolores Heights Special Use District as designated on Section Map No. 7 SU of the Zoning Map. In this district, all provisions of the City Planning Code applicable in RH-1 Districts shall continue to apply except that rear yard and height limit provisions of this Section 241 shall be substituted for rear yard and height limit provisions found elsewhere in this Code.

- The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which building is situated, but in no case shall the rear yard be less than 25 feet deep.
- No portion of a building shall exceed a height of 35 feet above the existing grade of the lot, with the intent that the building shall be constrained within an envelope that sloped upward or downward with the slope of the property. The "height of a building" for purposes of this section shall be measured in the manner described in Section 102.12 of the City Planning Code, whether the lot being measured slopes upward or downward from the street.
- Variances may be granted from the rear yard and height limited provisions in Paragraphs (a) and (b) above in

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accordance with procedures specified in Section 305 of the City Planning Code provided that no such variance shall permit a building to have a height in excess of that otherwise permitted in an RH-1 District.

Map of Special Use District



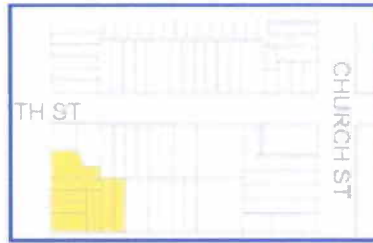
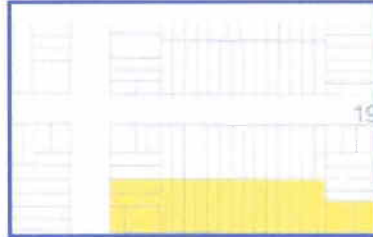
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Special Use District by Block

Click each block to enlarge it.

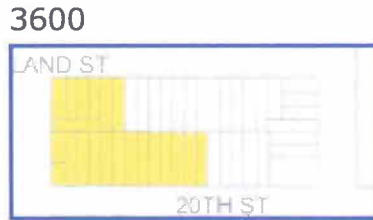
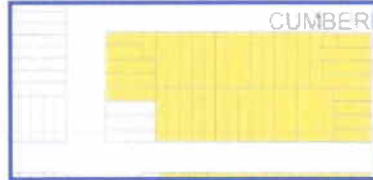
Place mouse over block (below), then click to enlarge:

Block 3601



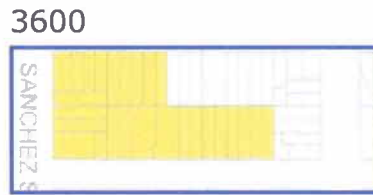
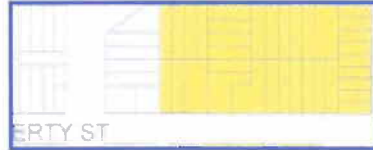
Block

Block 3601



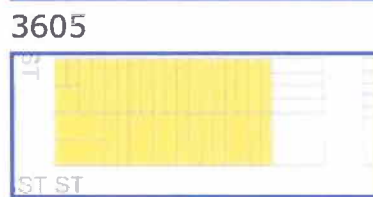
Block

Block 3604



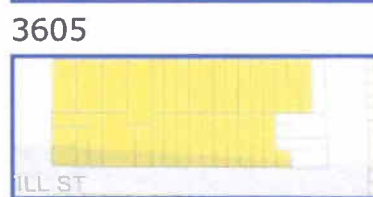
Block

Block 3604



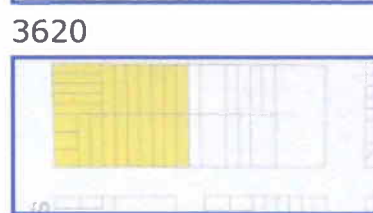
Block

Block 3621



Block

Block 3621



Block

3620

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© 2010 Dolores Heights Improvement Club
Home page URL: doloresheights.org
Comments or suggestions to dhic123@gmail.com
Last Updated: August 17, 2010

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Google maps

Get Directions My Maps

To see all the details that are visible on the screen, use the "Print" link next to the map.

IN DHSUD

NOT IN DHSUD



IN DHSUD

NOT IN DHSUD

BLOCK 3605 (BORDERED BY 20TH ST, SANCHEZ, LIBERTY AND CHURCH)

LEFT HALF IS IN THE DHSUD, RIGHT HALF IS NOT, PLEASE NOTE LARGE BUILDINGS AND LIMITED YARD SPACE IN THE RIGHT HALF, THE AREA OF THE BLOCK NOT IN THE DHSUD.

IF EVERY VARIANCE IS GRANTED, THE GARDEN SPACES WILL VANISH.

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3605

MISSION BLK. 41

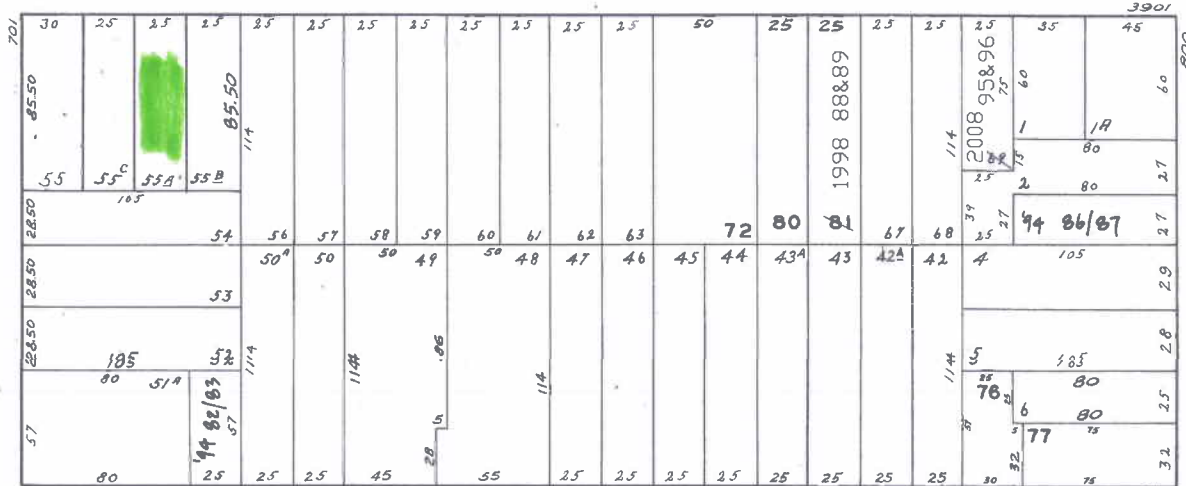
REVISED '59
REVISED '60
REVISED '64
" '68
" '71
" '75
" '83
" '93
" '94

Revised 1998
Revised 2001
Revised 2007
Revised 2008

lot81 into lots88&89 for 1998 roll
lot10A into lots90to92 for 2001 roll
lot38 into lots93&94 for 2007 roll
lot69 into lots95&96 for 2008 roll



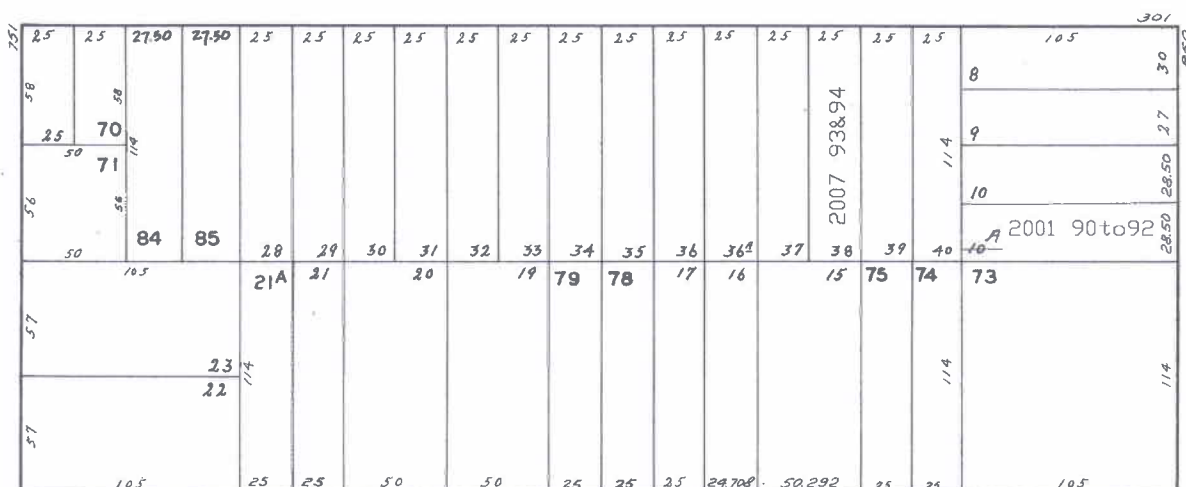
20 TH



SANCHEZ

CHURCH

LIBERTY



21 ST

3931 20TH ST.
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
88	A	50
89	B	50

870 CHURCH ST.
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
90	1	25.00
91	2	25.00
92	3	50.00

329-331 LIBERTY ST.
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
93	329	50
91	331	50

818-820 CHURCH ST.
A CONDOMINIUM

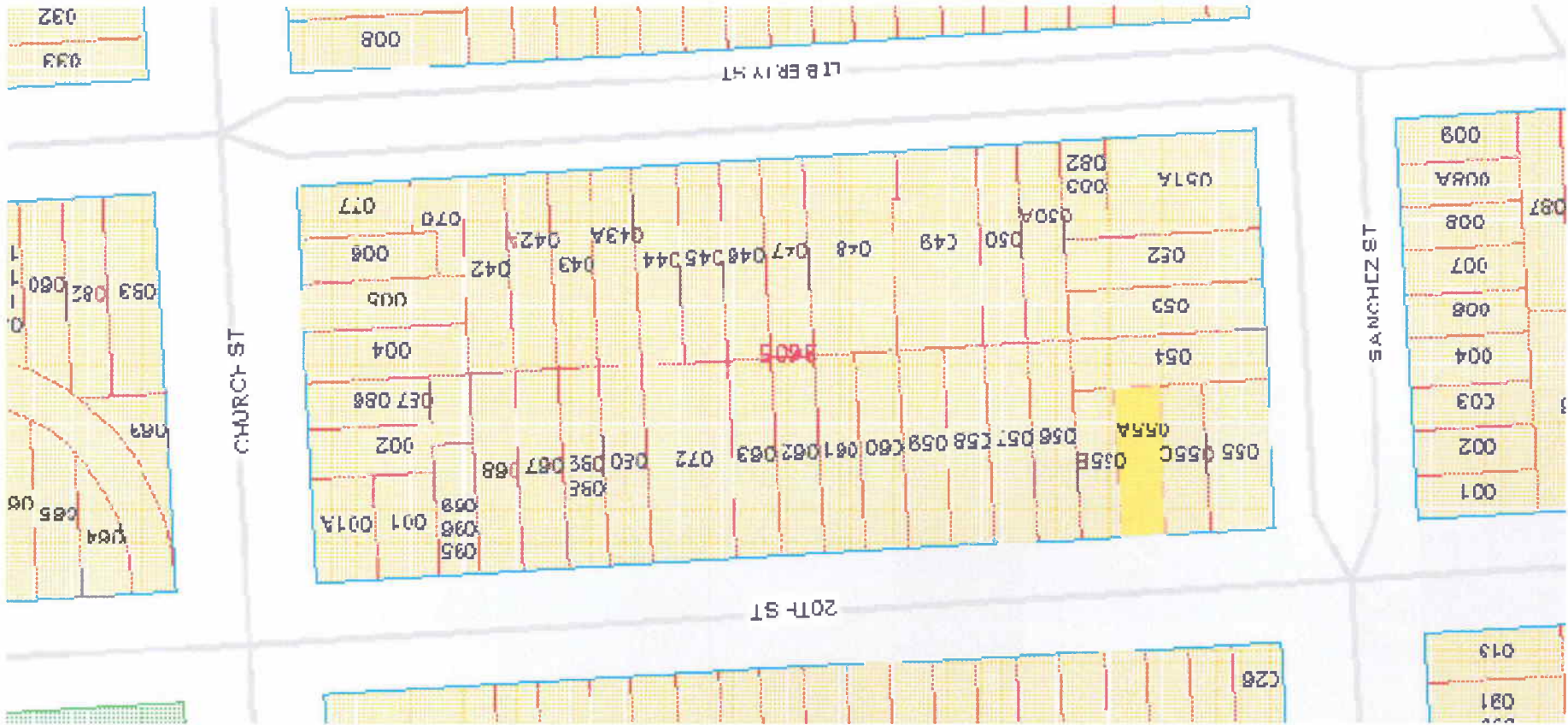
LOT	UNIT	% COMM. AREA
86	818	47
87	820	53

382-384 LIBERTY ST.
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
82	382	50
83	384	50

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PLEASE NOTE OTHER SMALLER LOTS



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1086

APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R. Applicant's Name JOHN O'DUINN Telephone No: 415 695-2960

D.R. Applicant's Address 384 LIBERTY ST
Number & Street (Apt. #)
SAN FRANCISCO CA 94114
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415 695-2960
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name _____ Telephone No: _____
Address _____
Number & Street (Apt. #)
City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 3987 20TH STREET, SF, CA 94114

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: STEVEN KOFF / CATY WISE

Building Permit Application Number of the project for which you are requesting D.R.: 2010.07.06.6032

Where is your property located in relation to the permit applicant's property?
GARDEN BEHIND

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST
Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

- 1. Have you discussed this project with the permit applicant? YES NO
- 2. Did you discuss the project with the Planning Department permit review planner? YES NO
- 3. Did you participate in outside mediation on this case? Community Board Other NO

IN PROGRESS

RECEIVED

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4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

SEE ATTACHED

B. DISCRETIONARY REVIEW REQUEST

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?

SEE ATTACHED

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

SEE ATTACHED

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above (in question B1)?

SEE ATTACHED

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

- G** Check made payable to Planning Department (see current fee schedule).
- G** Address list for nearby property owners, in label format, plus photocopy of labels.
- G** Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G** Photocopy of this completed application.

OPTIONAL:

- G** Photographs that illustrate your concerns.
- G** Covenants or Deed Restrictions.
- G** Other Items (specify).

File this objection in person at the Planning Information Center. If you have **questions** about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed _____

Applicant

28 SEP 2010

Date

Questions:

A4) Did you talk with project sponsors?

Yes, in person and by email before the initial variance request. However, since the variance request, all communication has been either ignored or redirected by them to go through their architect and/or their hired permit expediter company.

B1) What are the reasons for requesting DR?

The variance granted because project sponsor claimed the lot size and house size were below average. This remains factually incorrect.

*) The lot size for 3987 20th street (2134 sqft) is normal for Dolores Heights Special Use District. This was confirmed by SFPlanning Dept memo attached.

*) The current size of this 3bed, 3.5bath, 3car garage house is average. See attached data. The existing 3bed, 3.5bath house appears even bigger then the numbers suggest, because it also has an enclosed large 763sqft 2 car garage and several decks, which are not included in the square footage calculations.

I'm requesting a Design Review because this proposed project has no hardship grounds for an exception, is in violation of the DHSUD setback requirements, the roofdeck is not in keeping with the neighborhood, and continuing with this project would be detrimental to the neighborhood.

B2) State who would be affected, and how

If this proposed project was allowed to continue, then:

*) each of the adjacent houses would be effected immediately. The large bulk would significantly block light and compromise privacy for each these neighbors'.

*) other houses in DHSUD would be able to use this project as precedent overruling DHSUD requirements. This would consume the protected shared mid-block green space, and reduce the value of all properties in DHSUD.

Finally, I live in the smallest lots in DHSUD. If this proposed project was allowed, and all my neighbors built up-and-out, like is being proposed in this project, then my property would become boxed in, dark and unlivable. This construction is setting a bad precedent for DHSUD.

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B3) What alternatives would reduce the adverse effects?

A group of concerned neighbors have, at our own expense, hired an architect to propose several alternatives that would allow project sponsor to increase house square footage, without increasing exterior footprint of the house. We proposed by building out under the existing deck areas, which would increase square footage for the project sponsor, yet keep within the DHSUD guidelines.

These counter-proposals were rejected without explanation by the project sponsors.

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PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

MEMORANDUM

DATE: March 1, 2005

FROM: Lawrence B. Badiner, Zoning Administrator

TO: Honorable Bevan Dufty, San Francisco Board of Supervisors

SUBJECT: CEQA Appeal of 3775 21st Street – March 1 Hearing
Lot Size Pattern and Other Variances within the Dolores Heights Special Use District

There are approximately 350 lots within the Dolores Heights Special Use District (DHSUD). Of these, 290 – or 80% – are “standard” lots, in that they meet or exceed the base Planning Code requirement of a minimum lot area of 2,500 square feet.

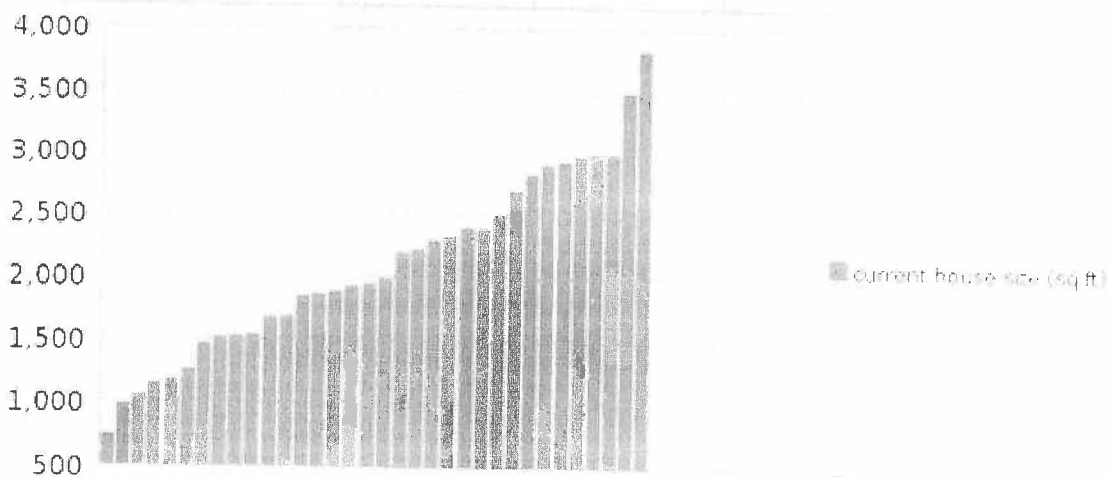
It should also be noted that the Planning Code allows for the establishment of smaller parcels near street corners. Lots of 1,750 square feet or more are permitted within 125 feet of the intersection of two streets. It is reasonable to assume that a portion of the remaining 60 parcels fall within this category.

The property in question (at 3775 21st Street) is such a lot in that it is less than 125 feet from the intersection of Noe and 21st Streets. Because the parcel contains 1,753 square feet of lot area it can be considered a “standard” lot in this instance.

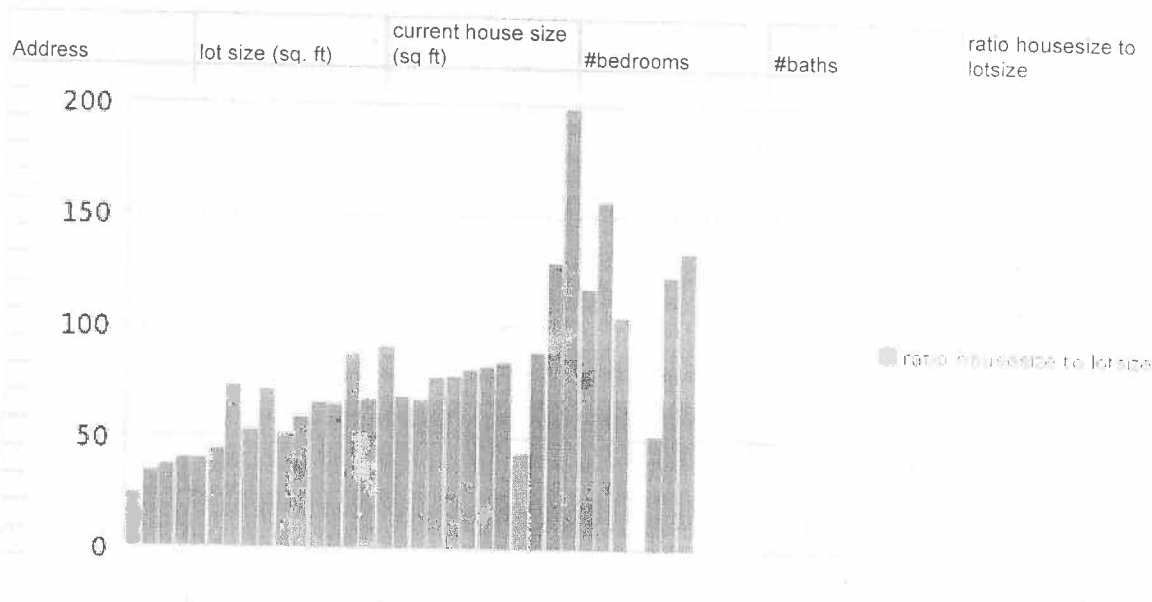
Lastly, please also note that since the adoption of the DHSUD in 1980, a total of 44 Variances have been sought for properties within the District. Of these, all but 6 have been approved. The majority of Variances were sought to relax rear yard and front setback requirements.

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Address	lot size (sq. ft)	current house size (sq ft)	#bedrooms	#baths	ratio housesize to lotsize	
sanchez, 725	2988	732	n/a			
liberty, 328	2848	975		1	24.50%	
liberty, 332	2850	1050		1	34.23%	
liberty, 320	2848	1143	n/a	1	36.84%	
church, 832	2935	1176		1	40.13%	
liberty, 324	2848	1260		2	40.07%	
church, 838	2000	1465		4	44.24%	
20th, 3975	2850	1512		3	44.24%	
20th, 3983	2137	1525		2	73.25%	
sanchez, 723	2992	1544		2	53.05%	
20th, 3971	2848	1678		2	71.36%	
sanchez, 701	2565	1680		3	51.60%	
liberty, 378-80	2848	1842	n/a	4	58.92%	
20th, 3991	2137	1856		3	65.50%	
20th, 3933	2850	1890	n/a	2	66.68%	
20th, 3987	2134	1926		2	86.85%	
liberty, 374	2848	1950	n/a	3	66.32%	
sanchez, 733	3000	1991		3.5	90.25%	
20th, 3931A/B	2850	2194		1	68.47%	
20th, 3965	2848	2212	n/a	3	66.37%	
20th, 3925-27	2848	2294	n/a	6	76.98%	
liberty, 344-46	2848	2335	n/a	1	77.67%	
20th, 3919-3921	2848	2400		2	80.55%	
liberty, 366	5558	2403		2	81.99%	
20th, 3977	2850	2510		4	84.27%	
20th, 3909-11	2099	2700	n/a	3	43.23%	
liberty, 382-84	1425	2833		2.5	88.07%	
liberty, 342	2484	2909		2	128.63%	
20th, 3915-3917	1875	2940	n/a	6	4	198.81%
liberty, 336	2848	2992		4	2.5	117.11%
liberty, 312-314	n/a	3000		2	2	156.80%
liberty, 360	5837	3000		2	3	105.06%
liberty, 350	2848	3500	n/a	4	3.5	n/a
20th, 3959-61	2850	3827		3	3	51.40%
20th, 3939	APARTMENTS	APARTMENTS	APARTMENTS	4	3	122.89%
20th, 3945	APARTMENTS	APARTMENTS	APARTMENTS	3	3	134.28%
church, 800	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS
liberty, 300	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS
liberty, 390	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS
20th, 3963	n/a	n/a	n/a	3	3	APARTMENTS
church, 810??	n/a	n/a	n/a	n/a	3	n/a
church, 818??	n/a	n/a	n/a	n/a	n/a	n/a



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187 596

APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R. Applicant's Name Gregory Sepulvado
James Sivalls Telephone No: 415-824-0701

D.R. Applicant's Address 701 Sanchez St., SF 94114
Number & Street (Apt. #)
San Francisco CA 94114
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415-824-0701
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name _____ Telephone No: _____

Address _____
Number & Street (Apt. #)
_____ City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 3987 20th Street, SF 94114

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: Steve Kopff 824-2975

Building Permit Application Number of the project for which you are requesting D.R.: 2010.07.06.6032

Where is your property located in relation to the permit applicant's property?
corner of Sanchez & 20th St, 2 houses away

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

1. Have you discussed this project with the permit applicant? YES G NO G
2. Did you discuss the project with the Planning Department permit review planner? YES G NO G
3. Did you participate in outside mediation on this case? Community Board G Other G NO G

RECEIVED

SEP 29 2010

1

- 4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

We have discussed the project with the sponsors in their home twice, once with Jeremy Paul of Quickdraw as their representative. Which resulted in no significant alterations. In addition, we have registered with Community Boards for mediation for the 3987 project.

B. DISCRETIONARY REVIEW REQUEST

- 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?

Application is submitted as a follow up to the recommendations of the Board of Appeals (V10-001) on 3/3/10 to ask for a remedy for our concerns. The mass & scale are contradictory to Sec.241 of the Planning Code. (Maintaining the characteristics of the neighborhood.) The large roof top deck acts as an "observation tower" into our bedroom and the neighbors backyards.

- 2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

Destruction of open space, providing a precedent against Sec. 241. We want to prevent what has occurred after the Oakland fire, when newly constructed homes became zero lot line houses. Loss of privacy from the large deck that encourages frequent use.

- 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 B1)?

Scale back the project to allow more open space and light. Privacy can be achieved by eliminating the extra large roof top deck.

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

- G** Check made payable to Planning Department (see current fee schedule).
- G** Address list for nearby property owners, in label format, plus photocopy of labels.
- G** Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G** Photocopy of this completed application.

OPTIONAL:

- G** Photographs that illustrate your concerns.
- G** Covenants or Deed Restrictions.
- G** Other Items (specify).

File this objection in person at the Planning Information Center. If you have questions about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed *James R. Hulls*
 Applicant
A. S. Sepulveda

9/29/2010
 Date

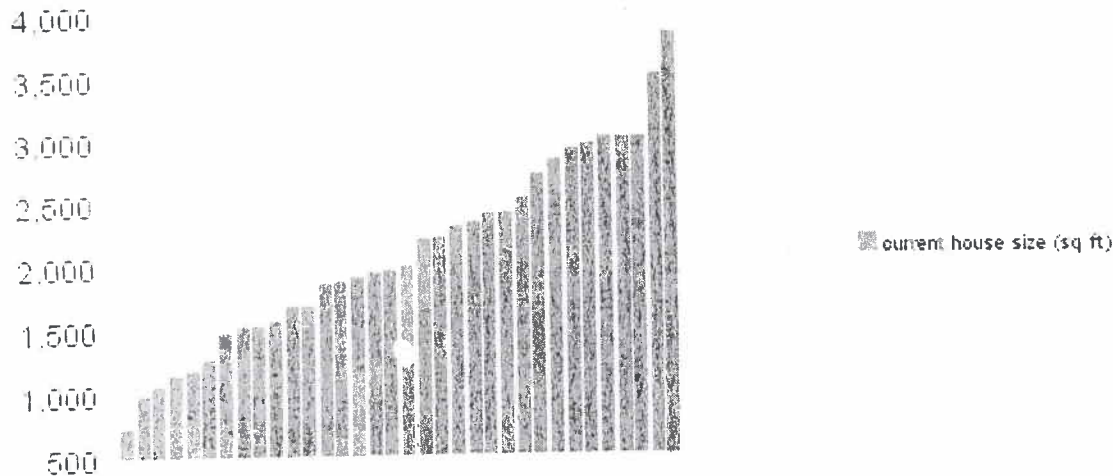
SEC. 241. DOLORES HEIGHTS SPECIAL USE DISTRICT.

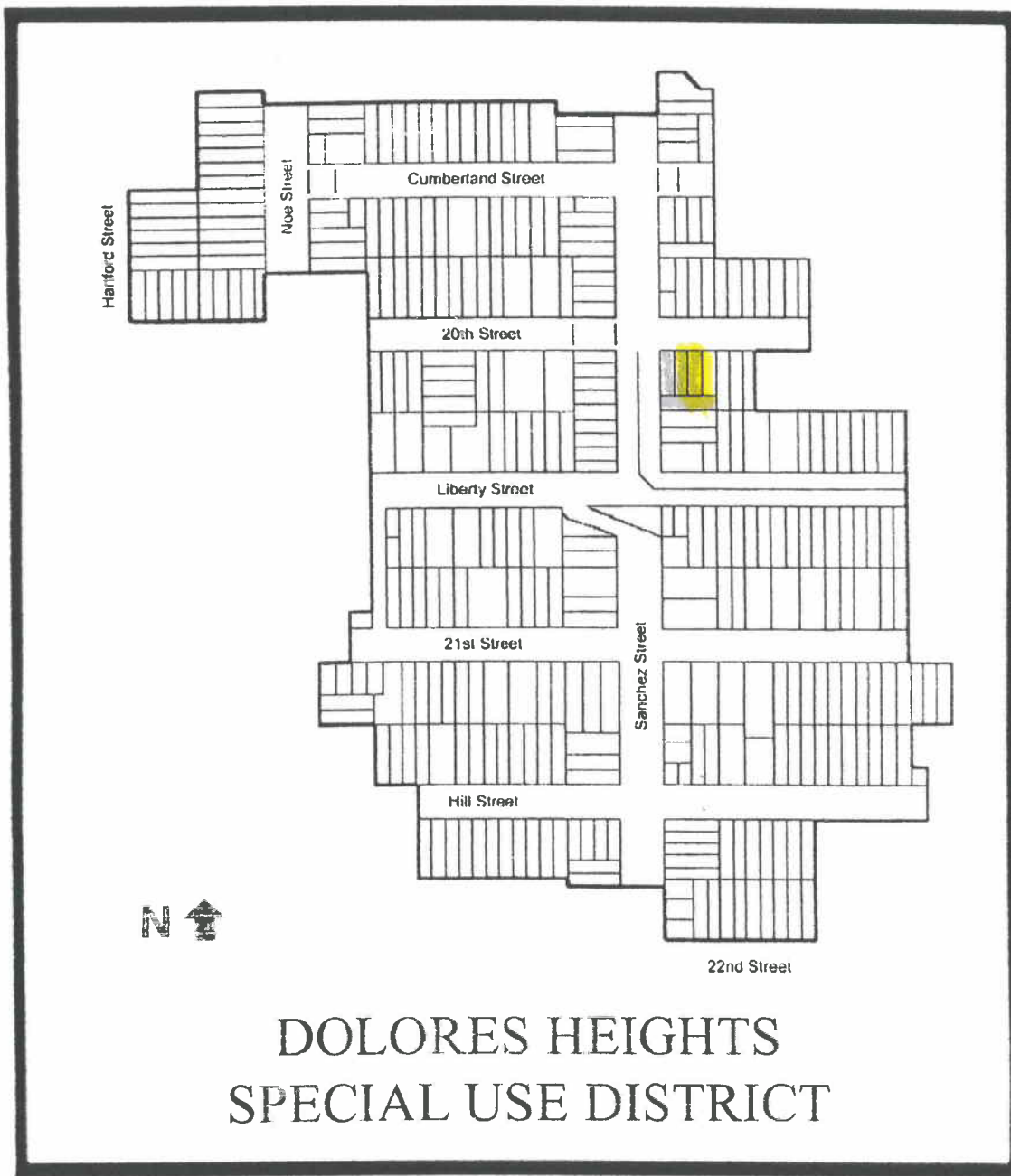
In order to preserve and provide for an established area with a unique character and balance of built and natural environment, with public and private view corridors and panoramas, to conserve existing buildings, plant materials and planted spaces, to prevent unreasonable obstruction of view and light by buildings or plant materials, and to encourage development in context and scale with established character and landscape, there shall be a Dolores Heights Special Use District as designated on Section Map No. 7 SU of the Zoning Map. In this district, all provisions of the City Planning Code applicable in RH-1 Districts shall continue to apply except that rear yard and height limit provisions of this Section 241 shall be substituted for rear yard and height limit provisions found elsewhere in this Code.

- (a) The minimum rear yard depth shall be equal to 45 percent of the total depth of the lot on which building is situated, but in no case shall the rear yard be less than 25 feet deep.
- (b) No portion of a building shall exceed a height of 35 feet above the existing grade of the lot, with the intent that the building shall be contained within an envelope that slopes upward or downward with the slope of the property. The "height of a building" for purposes of this Section, shall be measured in the manner described in Section 102.12 of the City Planning Code, whether the lot being measured slopes upward or downward from the street.
- (c) Variances may be granted from the rear yard and height limit provisions in Paragraphs (a) and (b) above in accordance with procedures specified in Section 305 of the City Planning Code provided that no such variance shall permit a building to have a height in excess of that otherwise permitted in an RH-1 District.

(Added by Ord. 286-80, App. 6/17/80)

Address	lot size (sq. ft)	current house size			ratio housesize to	
		(sq ft)	#bedrooms	#baths	lotsize	
sanchez, 725	2988	732	n/a		1	24.50%
liberty, 328	2848	975			1	34.23%
liberty, 332	2850	1050		1	1	36.84%
liberty, 320	2848	1143	n/a		1	40.13%
church, 832	2935	1176		2	1	40.07%
liberty, 324	2848	1260		4	3	44.24%
church, 838	2000	1465		3	2	73.25%
20th, 3975	2850	1512		2	1	53.05%
20th, 3983	2137	1525		2	2	71.36%
sanchez, 723	2992	1544		3	2	51.60%
20th, 3971	2848	1678		4	4	58.92%
sanchez, 701	2565	1680		3	2	65.50%
liberty, 378-80	2848	1842	n/a		2	64.68%
20th, 3991	2137	1856		2	2	86.85%
20th, 3933	2850	1890	n/a		2	66.32%
20th, 3987	2134	1926		3	3.5	90.25%
liberty, 374	2848	1950	n/a		1	68.47%
sanchez, 733	3000	1991		3	3	66.37%
20th, 3931A/B	2850	2194		6	3	76.98%
20th, 3965	2848	2212	n/a		1	77.67%
20th, 3925-27	2848	2294	n/a		2	80.55%
liberty, 344-46	2848	2335	n/a		2	81.99%
20th, 3919-3921	2848	2400		4	3	84.27%
liberty, 366	5558	2403		3	3	43.23%
20th, 3977	2850	2510		3	2.5	88.07%
20th, 3909-11	2099	2700	n/a		2	128.63%
liberty, 382-84	1425	2833		6	4	198.81%
liberty, 342	2484	2909		4	2.5	117.11%
20th, 3915-3917	1875	2940	n/a		2	156.80%
liberty, 336	2848	2992		2	3	105.06%
liberty, 312-314	n/a	3000		4	3.5	n/a
liberty, 360	5837	3000		3	3	51.40%
liberty, 350	2848	3500	n/a		3	122.89%
20th, 3959-61	2850	3827		4	3	134.28%
20th, 3939	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS
20th, 3945	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS
church, 800	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS
liberty, 300	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS
liberty, 390	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS	APARTMENTS
20th, 3963	n/a	n/a		3	3	n/a
church, 810??	n/a	n/a	n/a	n/a	n/a	n/a
church, 818??	n/a	n/a	n/a	n/a	n/a	n/a





The Dolores Heights Special Use District *San Francisco Planning Code Section 241*

In order to preserve and provide for an established area with a unique character and balance of built and natural environment, with public and private view corridors and panoramas, to conserve existing buildings, plant materials and planted spaces, to prevent unreasonable obstruction of view and light by buildings or plant materials, and to encourage development in context and scale with established character and landscape, there shall be a Dolores Heights Special Use District as designated on Section Map No. 7 SU of the Zoning Map. In this district, all provisions of the City Planning Code applicable in RH-1 Districts shall continue to apply except that rear yard and height limit provisions of this Section 241 shall be substituted for rear yard and height limit provisions found elsewhere in this Code.

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APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R. Applicant's Name Elizabeth A. Clark Telephone No: 415-550-0917

D.R. Applicant's Address 721 Sanchez Street
Number & Street (Apt. #)
San Francisco, CA 94114
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415-550-0917
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name _____ Telephone No: _____

Address _____
Number & Street (Apt. #)
_____ City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 3987 20th Street San Francisco, CA 94114

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: Steven J. Kopff 415-824-2975

Building Permit Application Number of the project for which you are requesting D.R.: 2010.07.06.6032

Where is your property located in relation to the permit applicant's property?
My property abutts theirs in the south rear yard.

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

1. Have you discussed this project with the permit applicant? YES NO
2. Did you discuss the project with the Planning Department permit review planner? YES NO
3. Did you participate in outside mediation on this case? Community Board Other NO

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SEP 29 2010

CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
PIC

09.01550

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

The project at 3987 20th Street has been discussed on many occasions via phone, email and in person with: The Project Sponsors, ex ZA, Larry Badiner; SF Planner, Michael Smith; Jeremy Paul of Quickdraw Permit Consulting; James Stavoy, Project Architect, Pam Hemphill, DHIC Chair; SF Planning Director, John Rahaim and the SF Board of Appeals. A meeting with the Community Board for mediation is ready to be scheduled. Aside from minor building material changes (i.e. glass instead of metal pickets and a proposal to add bamboo for privacy concerns) the scope, massive bulk and precedent setting top floor roof deck remain unchanged.

B. DISCRETIONARY REVIEW REQUEST

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?

In my opinion, the variance (#2009.0155V) was granted predominately due to an existing personal relationship between the ex ZA and the Project Sponsors. This project does NOT meet SF Planning Code Sec. 101.1.b.8. This project does NOT meet the requirements established by SF Planning Code Sec. 241 – The Dolores Heights Special Use District. This project does NOT meet “SF Planning Department Residential Guidelines” section “Building Scale at the Mid Block Open Space”. There are NO “hardships or extraordinary circumstances” requiring this massive structure. It was also HIGHLY recommended by the SF Board of Appeals that all issues of bulk, light, privacy and precedent setting top floor roof deck be addressed in DR.

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

All of the above properties will be negatively impacted. The proposed “party deck” will severely disrupt my privacy as well as that of the neighbors. If built as designed, parties will be able to look directly into my living area (south) and those of the north neighbors, as well as the bathroom & bedroom of the westward neighbors. All families will be subjected to increased noise pollution. Residents on the east and west sides will be completely “boxed in” due to the excessive width and depth of the building. The visual open space, which should be protected, will be greatly reduced and will severely impact a “significant community amenity” and asset. ALL surrounding neighbors are opposed.

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 B1)?

Reduced bulk, adherence to the parameters set forth in Sec. 241 of the Planning Code and the removal of the precedent setting top floor roof deck plans. Currently, there are no existing top floor roof decks! This “monster home” should not be allowed to invade the Dolores Heights Special Use District.

3987 20th ST. SF, CA 94114 DR REQUEST

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

- G Check made payable to Planning Department (see current fee schedule).
- G Address list for nearby property owners, in label format, plus photocopy of labels.
- G Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G Photocopy of this completed application.

OPTIONAL:

- G Photographs that illustrate your concerns.
- G Covenants or Deed Restrictions.
- G Other Items (specify). *Supporting documents*

File this objection in person at the Planning Information Center. If you have **questions** about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

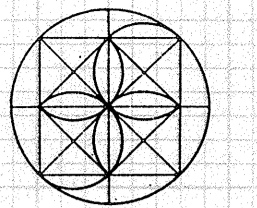
Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed


Applicant

9-29-10

Date



JAMES G STAVOY
ARCHITECT
AIA

679 Sanchez Street
San Francisco, California
94114
415-553-8696

KOPFF/LENOX RESIDENCE REMODEL
3987 - 20th Street
SAN FRANCISCO, CALIFORNIA 94114

SITE PLAN
EXISTING & PROPOSED

NO.	ISSUE	DATE
1	VARIANCE	11.7.09
2	DOLORES HEIGHTS	12.10.09
3	ADJACENT NEIGHBORS	2-26-11
4	VARIANCE	12-10-11
5	REVISED FOR VARIANCE	2.10.10
6	REVISED FOR VARIANCE	2.10.10
7	REVISED FOR VARIANCE	2.10.10
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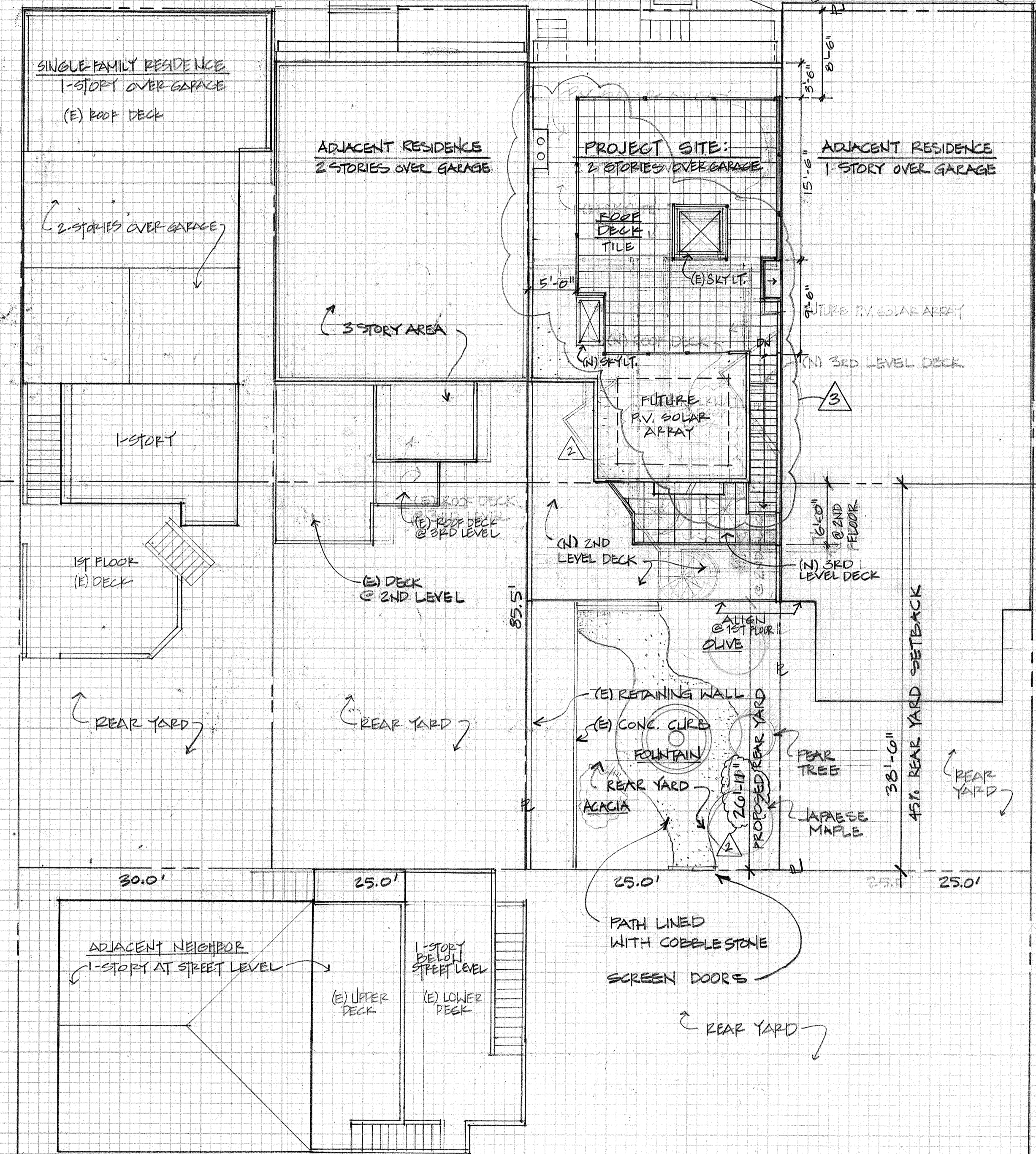
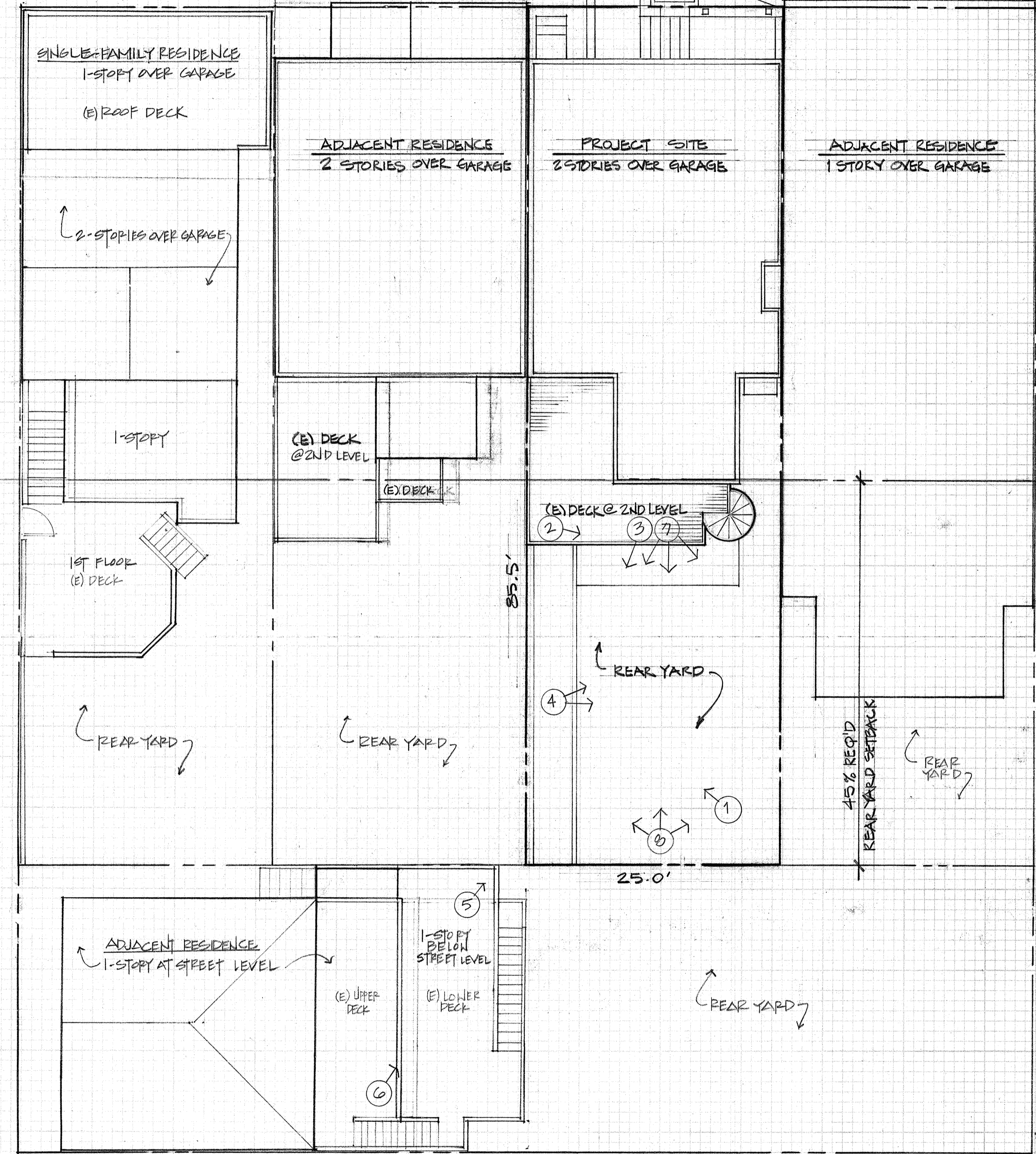
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20TH STREET

20TH STREET

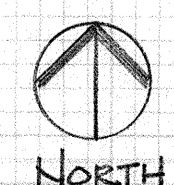
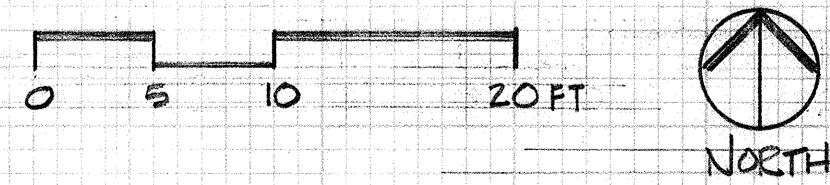
SANCHEZ STREET

SANCHEZ STREET

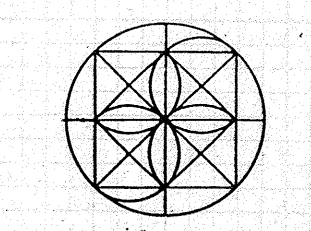


SITE PLAN - EXISTING
SCALE 1/8" = 1'-0"

SITE PLAN - PROPOSED
SCALE 1/8" = 1'-0"



BLOCK 3605 / LOT 055A
ZONING RH-1 DOLORES HEIGHTS SPECIAL USE DISTRICT



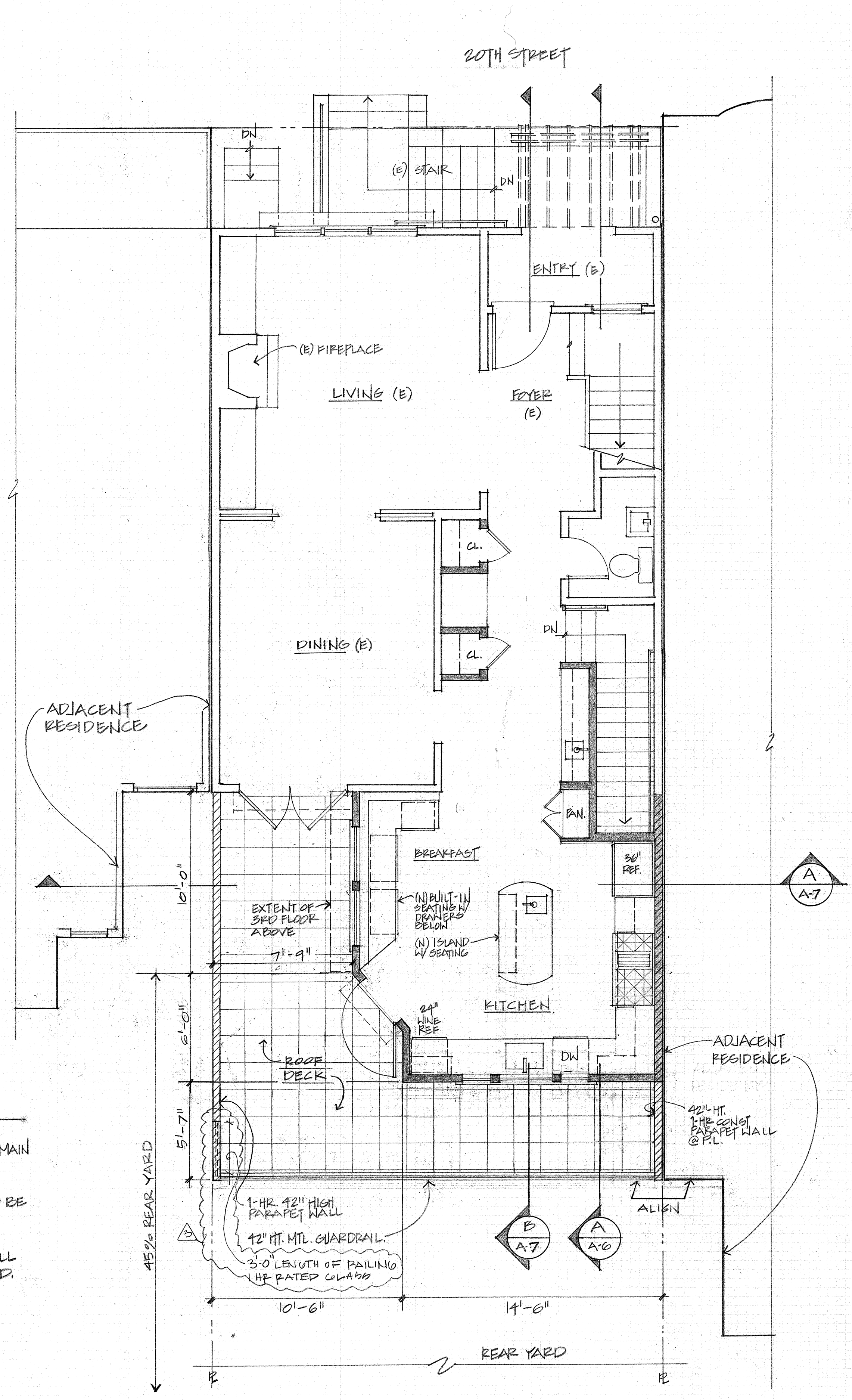
**JAMES C STAVOY
ARCHITECT
AIA**
679 Sanchez Street
San Francisco, California
94114
415-553-8696

KOPFF/LENOX RESIDENCE REMODEL
3987 - 20th Street
SAN FRANCISCO, CALIFORNIA 94114

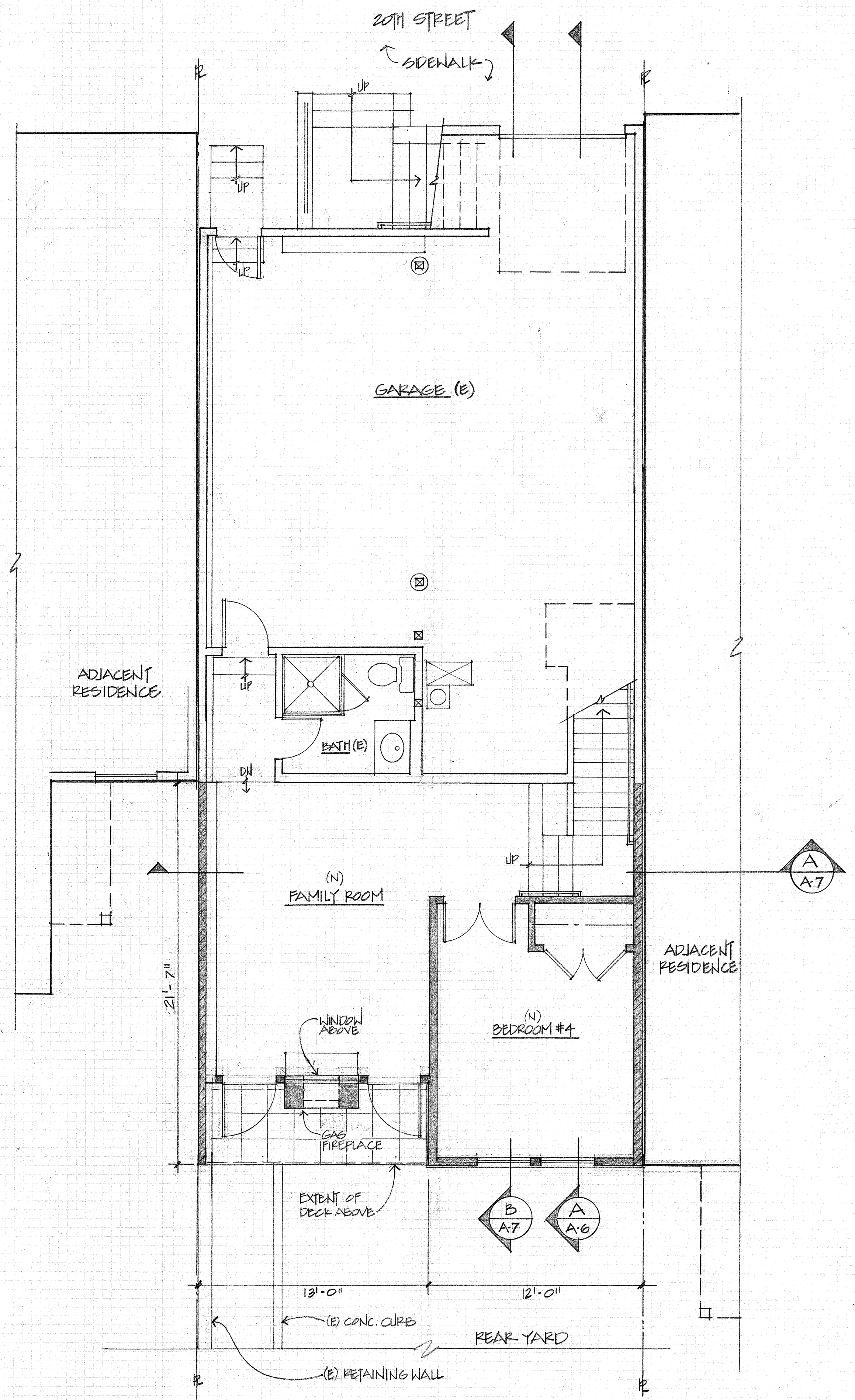
FIRST & SECOND
FLOOR PLANS

NO.	ISSUE	DATE
1	DRAWN NOT TO I.C.	11.7.08
2	ADJACENT NEIGHBORS	12.10.08
3	V.A.P. REVIEW	2.20.09
4	REV. E.P. VARIATION	12.10.09
5	EMERGENCY APPEALS	2.10.10
6	PRE APPLICATION INTO	5.26.10
7	SITE PERMIT	7-1-10

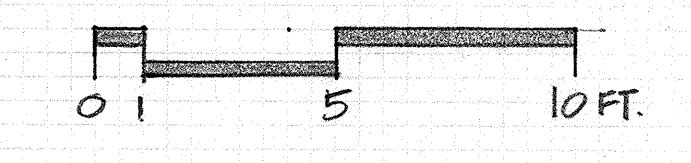
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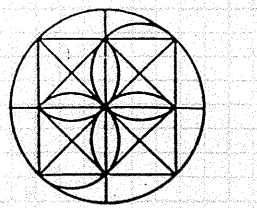
SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



- WALL LEGEND**
- EXISTING WALL TO REMAIN
 - NON-PATED WALLS TO BE CONSTRUCTED.
 - NEW 1-HR. RATED WALL TO BE CONSTRUCTED.



JAMES G STAVOY
ARCHITECT
AIA

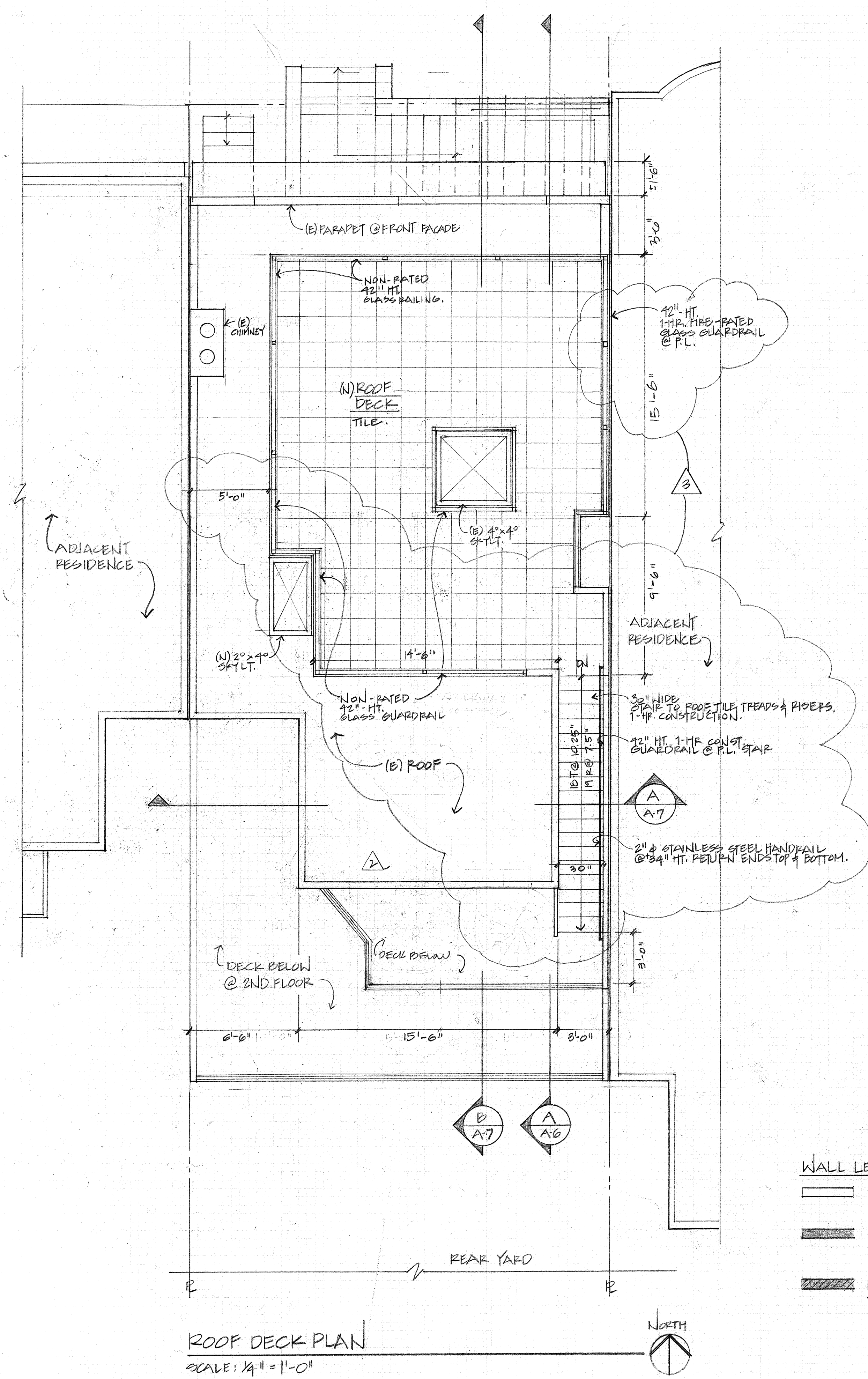
679 Sanchez Street
San Francisco, California
94114
415-553-8696

KOPFF/LENOX RESIDENCE REMODEL
3987 - 20th Street
SAN FRANCISCO, CALIFORNIA 94114

THIRD FLOOR -
ROOF PLANS

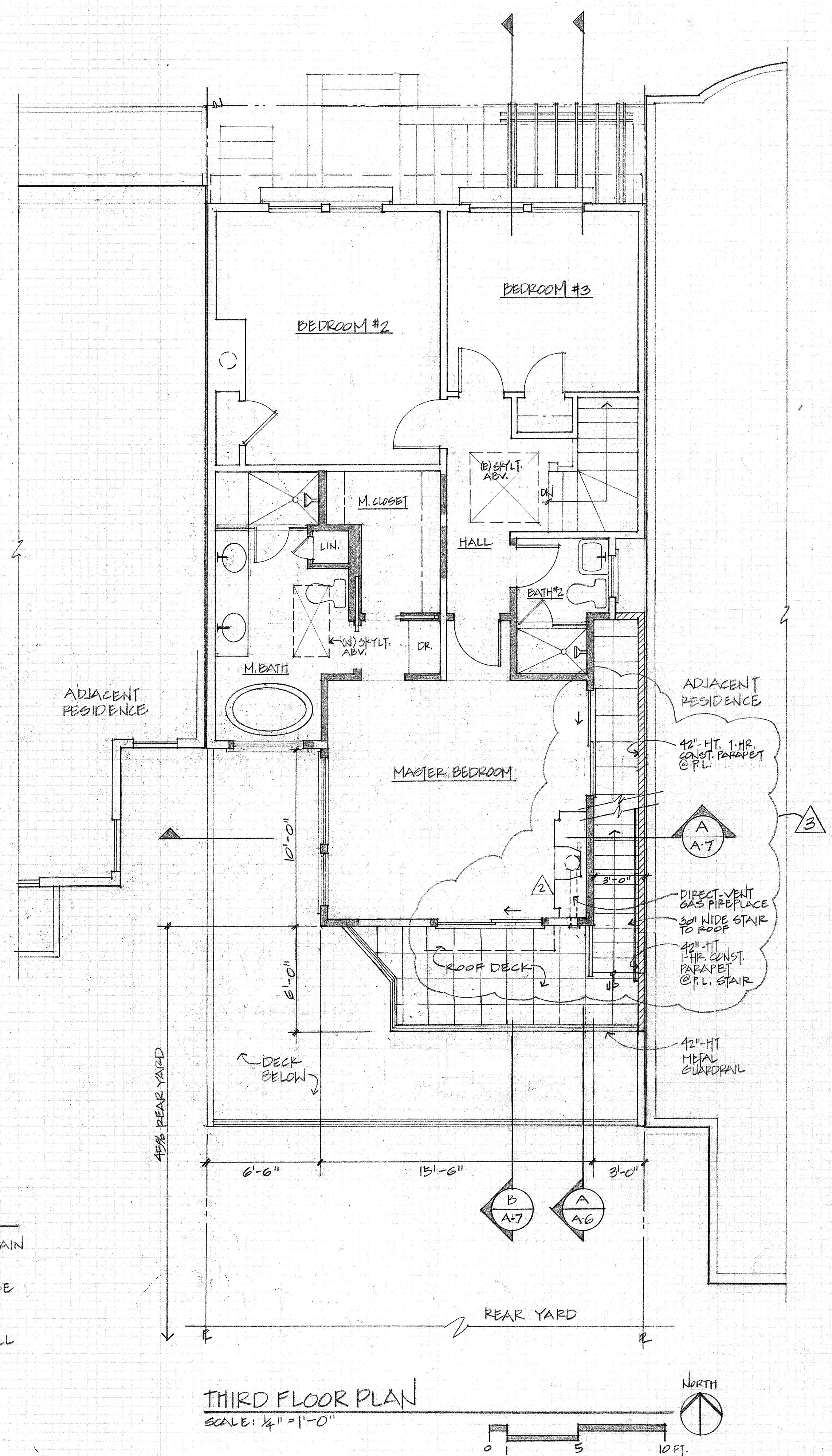
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2	ADJACENT NEIGHBORS	12.10.09
3	ADJACENT NEIGHBORS	2.20.10
4	REV. TOP VAPOR BARRIER	2.10.10
5	REV. FOR BD OF APPEALS	2.18.10
6	REV. FOR BD OF APPEALS	5.20.10
7	REV. APPLICATIONS INTO	7.1.10
8	REV. APPLICATIONS INTO	7.1.10

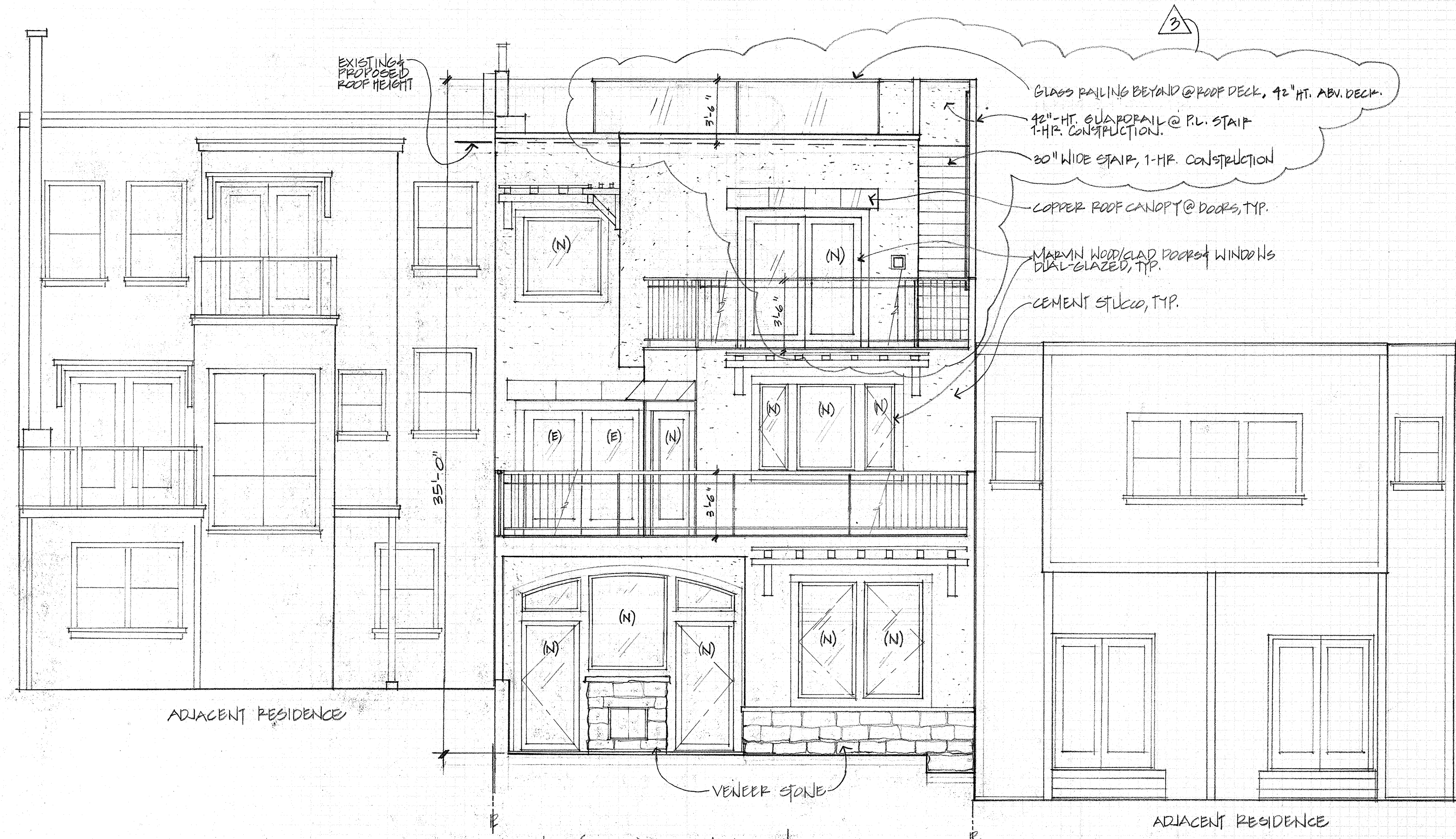
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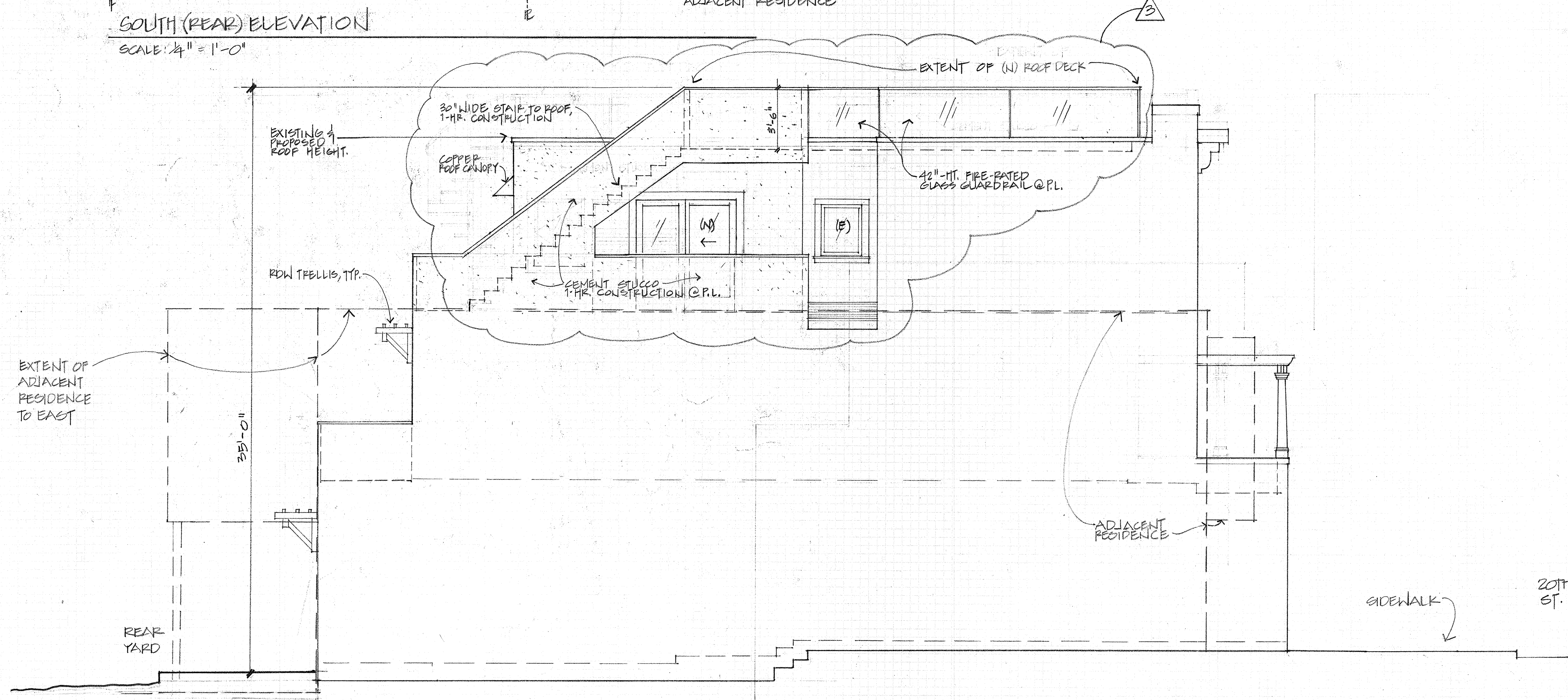
WALL LEGEND

- EXISTING WALL TO REMAIN
- NON-RATED WALL TO BE CONSTRUCTED
- NEW 1-HR. RATED WALL TO BE CONSTRUCTED

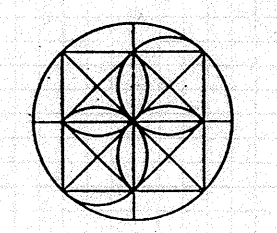
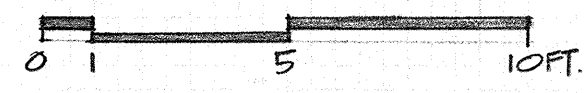




SOUTH (REAR) ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"

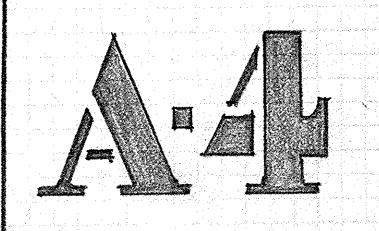


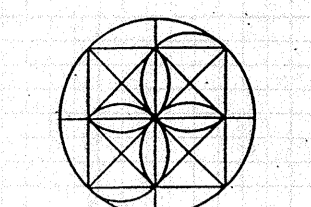
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SOUTH & EAST
BUILDING ELEVATIONS

DATE	REVISION
11-7-08	ADJACENT HEIGHT'S I.C.
2-10-09	ADJACENT NEIGHBORS
2-26-09	VARIANCE
12-10-09	REVISED FOR VARIANCE
2-10-10	REVISED FOR PERMITS
5-26-10	PRE APPLICATION MEETING
7-1-10	SITE PERMIT





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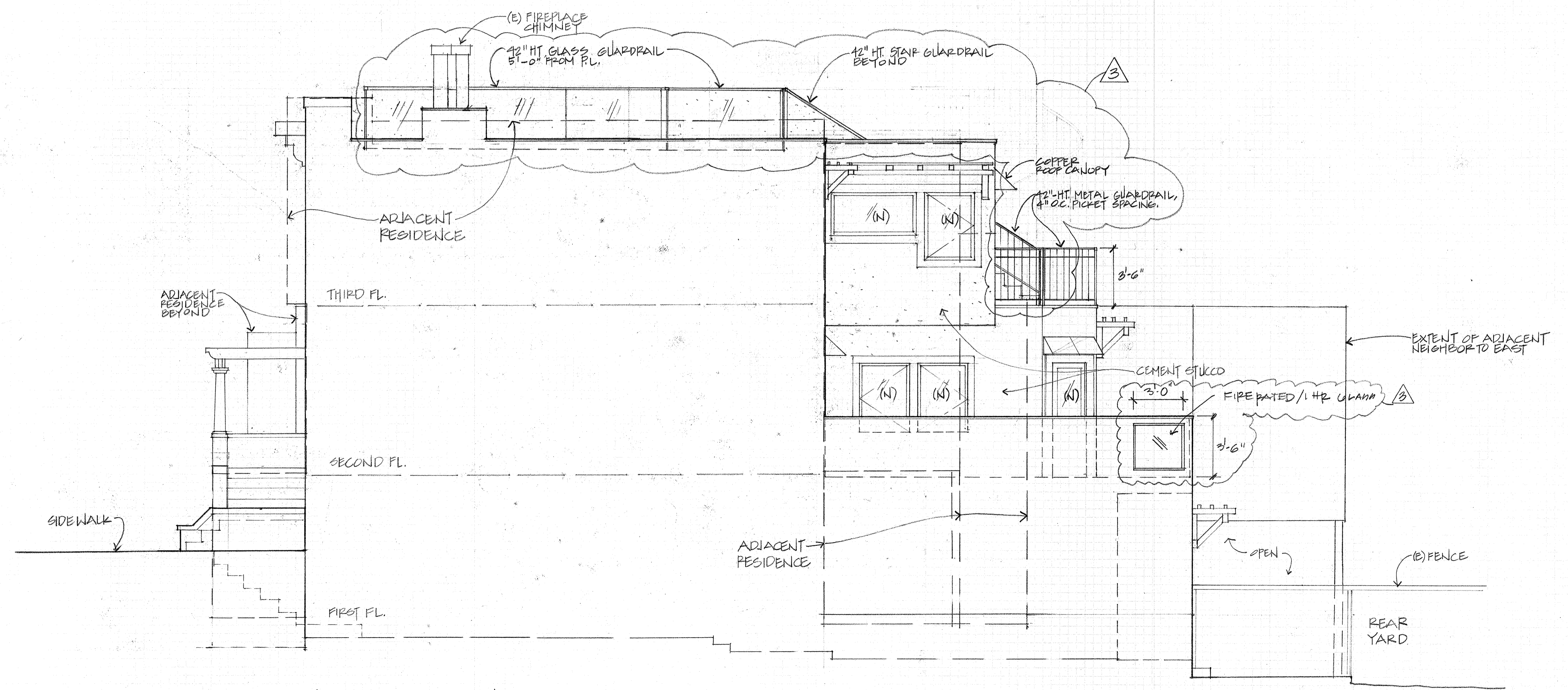
NORTH & WEST BUILDING ELEVATIONS

NO.	ISSUE	DATE
1	DOLORES HEIGHTS I.C.	11-7-08
2	ADJACENT NEIGHBORS	12-10-08
3	VARIANCE	2-26-09
4	REVISED FOR VARIANCE	12-10-09
5	BOARD OF APPEALS	2-18-10
6	PRE-APPLICATION MTG	5-20-10
7	SITE PERMIT	7-1-10

A-3



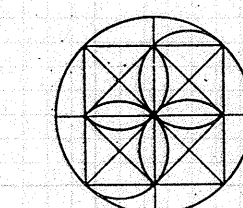
NORTH (STREET) ELEVATION
 SCALE: 1/4" = 1'-0"



WEST ELEVATION
 SCALE: 1/4" = 1'-0"

20TH STREET

SIDEWALK



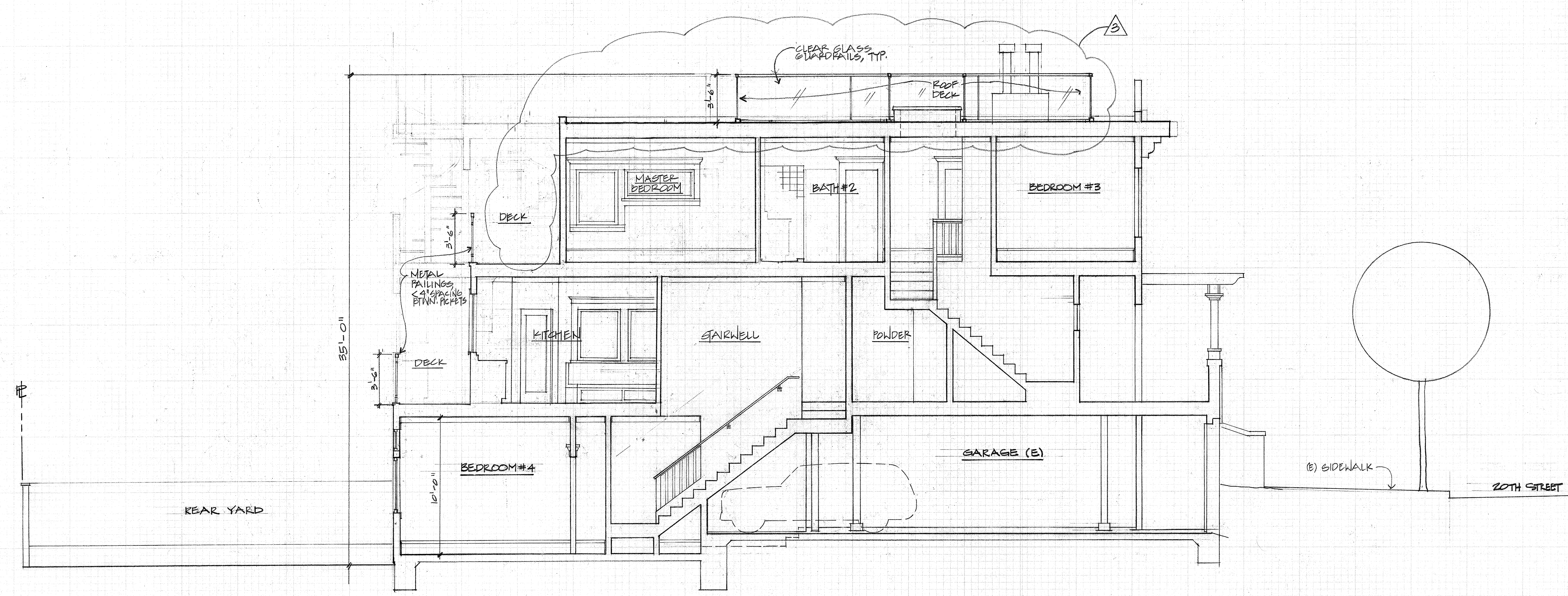
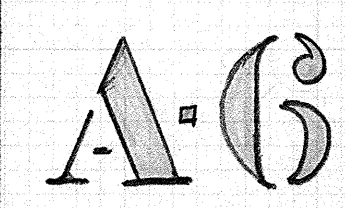
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BUILDING SECTION

NO.	ISSUE	DATE
1	POURED HEIGHTS I.C.	11.7.08
2	ADJACENT NEIGHBORS	12.18.08
3	VARIANCE	2.26.09
4	REV FOR VARIANCE	12.10.09
5	BOARD OF APPEALS	2.18.10
6	FIRE APPLICANT ONLY	5.20.10
7	ASITE PERMIT	7.1.10



A-B BUILDING SECTION (LOOKING WEST)
SCALE 1/4" = 1'-0"