



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Full Analysis

HEARING DATE JANUARY 13, 2010

*Date:* January 06, 2010  
*Case No.:* 2010.0434DDD  
*Project Address:* 3418 26th Street  
*Permit Application:* 2007.06.20.4573  
*Zoning:* RTO-M (Residential, Transit-Oriented - Mission Neighborhood) District  
55-X Height and Bulk District  
*Block/Lot:* 6529/034  
*Project Sponsor:* Luke O'Brien  
4153 24th Street  
San Francisco, CA 94114  
*Staff Contact:* Ben Fu – (415) 558-6613  
ben.fu@sfgov.org  
*Recommendation:* **Do not take DR and approve the project as revised.**

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 proposed project is the construction of a new, 18,000-square-foot (sq-ft), 52-foot-high, five-story building with eleven dwelling units and six off-street parking spaces. Five 2-bedroom and five 1-bedroom units with 7,880 sq ft of residential area would be on floors 2 through 6 above a ground floor with a 320- sq-ft studio unit and a lobby and parking garage with a combined 2,020 sq ft of area. The remaining area would consist of wall partitions and common areas such as stairways and elevator shafts. The vacant project site is within the block bounded by 26th Street to the south, Bartlett Street to the west, 25th Street to the north, and Mission Street to the east in the Mission District neighborhood within a RTO-M (Residential Transit Oriented-Mission) District with a 55-X Height and Bulk Designation.

The project was originally submitted in June 2007, approximately 19 months before the adoption of the Eastern Neighborhoods Area Plans (January 2009). The project has since been redesigned and the submitted plans reflect the changes. Attachment A within the project sponsor's submittal also describes and itemizes the changes.

### SITE DESCRIPTION AND PRESENT USE

The previously building on the site was deemed a hazard by the Department of Building Inspection and an emergency order to demolish was issued in 2004. The building was subsequently demolished and the property has remained vacant since then. The subject property is not related to any important historic event, none of the owners or others associated with the building or the property was historically important.

## SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site, as a result of the Eastern Neighborhoods, has been rezoned to Residential Transit Oriented (RTO). RTO districts recognize and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. RTO districts are composed of multi-family moderate-density areas and are well served by, and generally less than one-quarter mile from, transit service and neighborhood commercial areas. Limited small-scale neighborhood-oriented retail and services are common and permitted throughout the neighborhood on corner parcels only to provide goods and services to residents within walking distance, but the districts are otherwise residential. The proposed development's residential use would be generally compatible with the surrounding residential uses and limited commercial uses. The 3418 26th Street site, which is located in the Mission District neighborhood within the Eastern Neighborhoods Plan Area, was designated and envisioned as a site with a potential for a new development that would consist of a residential building with a height of up to 55 feet.

The adjacent building to the east at 3416 26th Street is a tall three-story building at approximately 40 feet with 12 dwelling units and constructed in 1907. The adjacent building to the west at 3420 26th Street is another tall three-story building at approximately 38 feet with six dwelling units and also constructed in 1907. Majority of the surrounding buildings are tall three-story buildings with some four-story and tall two-story buildings.

The subject property is located within the area documented in the South Mission Survey. However, based upon preliminary survey findings, the subject property does not appear to be eligible for the California Register as an individual resource or located in a potential historic district.

## BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311/312 Notice	30 days	April 22, 2010 – May 22, 2010	May 22, 2010	January 13, 2010	235 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 03, 2011	January 03, 2010	10 days
Mailed Notice	10 days	January 03, 2010	December 22, 2010	22 days

## PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	2	1

Other neighbors on the block or directly across the street	N/A	N/A	N/A
Neighborhood groups	0	1	N/A

**DR REQUESTOR NO. 1**

Andrew Dunbar, 3441 26<sup>th</sup> Street, across the street to the south of the subject property and spokesperson for Central 26<sup>th</sup> Street Neighborhood Coalition (Fix 26).

**DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES**

**Issue #1:** Proposed building design is under articulated and massive in scale.

**Issue #2:** Proposed project does not meet the landscaping requirements in terms of street trees and permeable areas.

**Issue #3:** Lack of neighborhood consultation regarding the project.

The DR Requestor proposes the following changes:

- Introduce permeable strip sidewalk plantings.
- Provide more details in building articulation.
- Clarify proposed building materials and provide more surface texture and more window details.
- Better articulation with horizontal rustication of a separate scale from floors above, which would help to ground the building.
- Provide a rear top-story setback.

Please refer to the attached *Discretionary Review Application* for additional information.

**DR REQUESTOR NO. 2**

Joe Drennan, 479 Bartlett Street, adjacent property to the north of the subject property.

**DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES**

**Issue #1:** Proposed project does not preserve or enhance the existing neighborhood. The new building is inconsistent with the scale of other buildings in the neighborhood.

**Issue #2:** The proposed project is approximately 15 feet taller than the DR Requestor’s building and creates an imposing rear façade.

**Issue #3:** Lack of neighborhood consultation regarding the project.

The DR Requestor proposes the following changes:

- Reduce the maximum building height to 40 feet and increase the rear yard depth.
- More architecture detailing and articulation to the rear façade.
- Delay permit approval to allow more neighborhood input and review.

- Produce shadow study on for the roof to show impact affecting the potential to install solar panels.
- Introduce permeable strip sidewalk plantings.

Please refer to the attached *Discretionary Review Application* for additional information.

### **DR REQUESTOR NO. 3**

Alex Schwed, 3420 26<sup>th</sup> Street, adjacent property to the west of the subject property.

### **DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES**

**Issue #1:** Proposed project does not meet the Planning Code.

**Issue #2:** There has been misrepresentation of the site information.

**Issue #3:** The proposal would remove sunlight from at least three units.

The DR Requestor proposes the following changes:

- Remove the proposed top story.
- Set back the west side building wall by 3 feet.
- Set back the northwest corner by 5 feet.
- Replace the blindwall siding with redwood siding and painted in a light color.
- Expand and add windows at the Project Sponsor's expense.

Please refer to the attached *Discretionary Review Application* for additional information.

### **PROJECT SPONSOR'S RESPONSE**

- The overall building height at the front has been reduced by 3 feet to 52 feet.
- The last 10 feet of the proposed building height at the rear has been reduced to 30 feet.
- Agreed to meet permeable strip sidewalk planting per Fix 26 requirements.
- The rear fire exit stair was also relocated to fall within the 10-foot additional rear set back.
- The front set back at the 5<sup>th</sup> floor was increased to 15 feet from eleven feet.
- A side setback was added at the rear eastern corner approximately 10-feet deep and 8-feet wide.
- A side setback was added at the rear western corner 12-feet deep and 4-feet wide.
- The front and rear façade details were refined to include wood trim around windows and incorporation of horizontal siding.

Please refer to the attached *Response to Discretionary Review* for additional information.

### **PROJECT ANALYSIS**

#### Neighborhood Context and compatibility

The RTO-M District is intended to recognize, protect, conserve and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms, in the Mission District. The RTO-M district is composed of multi-family moderate-density areas, primarily



areas formerly designated RM and RH-3, and are well served within short walking distance, generally less than ¼-mile, of transit and neighborhood commercial areas. Transit available on nearby Mission Street is frequent and/or provides multiple lines serving different parts of the city or region.

Structures in this district typically range from two to four stories in height. While some one- and two-family structures are present, the character of the district is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households. Buildings are moderately scaled and segmented, and units or groups of units have separate entrances directly from the street. The overall residential density is regulated by the permitted and required height, bulk, setbacks, and open space of each parcel, along with residential design guidelines. Open space is provided on-site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks, plazas, and enhanced streetscapes.

The proposed project meets the intent of the zoning district with higher residential density and provides code-complying rear yard and on-site open space. The proposal is approximately 12 feet higher than the adjacent buildings, or roughly the equivalent of one story. The top story is set back 15 feet from the front façade, which complies with the Residential Design Guidelines (RDG) with respect to building scale in pages 24 – 25 of the RDG. Although the project is taller than the adjacent buildings, it is reasonable to allow an exposed upper story which is setback 15 feet as recommended by the RDG. The setback also preserves the prevailing street wall height. The northwest corner of the proposed building is setback by 4 feet to allow relief to the adjacent side setback and windows. The rear ten feet of the building is limited at 30 feet in height. The proposed setbacks at the front and the rear reduce the massing of structure at the upper levels and provide for an infill project that complements the mixture of architectural scale. The project is fully compliant with the Planning Code and the RDG.

#### Building Design and Materials

Architectural features add visual interest to a building, and provide relief by breaking up a building's mass. Architectural features include building projections such as bay windows, porches, garage structures, rooftop forms, and building entrances. They are a significant component of the architectural character for both the building and the neighborhood. In designing architectural features, it is important to consider the type, placement and size of architectural features on surrounding buildings, and to use features that enhance the visual and architectural character of the neighborhood.

The proposed project has been modified per Planning Department's recommendations to (1) reduce the apparent building height and scale by incorporating a top floor setback from the front building wall, (2) provide quality facade materials, (3) cap off or finish the building at the fourth story by providing a cornice, (4) ground the building by finishing the bottom of bays and show separation between the ground floor and the upper floors, and (5) align the windows and doors to illustrate and inform verticality. Buildings in the neighborhood primarily consist of wood siding and stucco as exterior building materials with bay projections and wood framed windows and molding. The proposed building materials, and architectural elements such as bay projections, and more pronounced entry, are also consistent with the neighborhood context. The proposed stoop and permeable pavers allow for a better pedestrian experience and connection.

#### Rear Yard

In the RTO-M District, the minimum required rear yard depth is 45 percent of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by Subsection (c). Rear yards shall be provided at grade level and at each succeeding level or story of the building. Rear yards are provided to enhance the mid-block open space. However, the location of this project is such that its contribution to the mid-block open space is insignificant.

The project provides the minimum required rear yard of 22'-6", and a maximum building height of 30 feet for the last ten feet of the rear building depth. The project is approximately 33 feet away from the side building wall of DR Requestor No.2 (479 Bartlett) that faces Bartlett Street. The proposed building depth is approximately 4 feet shorter than DR Requestor No. 3's building at 3420 26th Street. DR Requestor No. 1 at 3441 26th Street is across the street and would not be affected by the proposed rear yard depth. It should be noted that the project provides a code-complying rear yard while the adjacent buildings, including one owned by a DR Requestor, are non-complying in terms of rear yard.

#### Light and Air

The proposed project is setback approximately 33 feet from the DR Requestor at 479 Bartlett and across the street from the DR Requestor at 3441 26th Street. Neither DR Requestors would be affected by the proposal in terms of light and air. In addition to a 6'-0" x 8'-6" light well that is fully matched by the proposed project, DR Requestor No. 3 at 3441 26th Street has non-complying east facing property line windows that are set back approximately 1'-0" from the proposed project. There is no established pattern for side setbacks or side spacing between buildings. In general, property line windows are not protected.

#### View and Privacy

Discretionary Review shall not be used to alter or disapprove a building permit application based solely on these issues. There must be an extraordinary situation where a proposed project would have an unusual impact on privacy to neighboring properties in order for the request of a Discretionary Review to be considered.

The D.R. requestors would still enjoy ambient light, air, view, and some privacy through all of the windows. Given the dense urban environment, it is reasonable to assume that some level of impacts to view or privacy would occur.

### **ENVIRONMENTAL REVIEW**

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301(1)(4) and 15303(a).

### **RESIDENTIAL DESIGN TEAM REVIEW**

Three DR Requestors' concerns were reviewed. DR issues found not to be under Purview of RDT or DR Request, including changes in zoning and DR reform. Relevant DR concerns focus on project's massing, height, exterior materials, detailing and articulation. Project massing and height are found to be consistent with the objective of Eastern Neighborhoods rezoning. Height of building is acceptable as depth of the building is shallower than both adjacent buildings. In general, a variety of exterior materials in combination with architectural detailing/articulation proposes a front façade that would not have adverse impacts on neighborhood character.

The Project Sponsor has satisfactorily responded to RDT's comments, including providing a side setback along the northwest corner of the building (RDG, Pg. 25-26); clarifying the use of a roof-access hatch (RDG, pg. 24-25, 38-39); providing a 15'-0" setback for the top floor (RDG, pg. 24-25); and providing a 3'-0" reduction to the overall building height (RDG, pg. 24-25).

With the following proposed changes, the discretionary review requests are considered not to be extraordinary or exceptional.

- Install permeable strip sidewalk plantings – similar to 26<sup>th</sup> and Bartlett Streets.
- Horizontal rustication of base to “ground building.”
- Modify plans to better illustrate dimensions for building height, design and materials details and landscaping.
- Move garage doors to property line or use gates at property line.
- Addition of “screening trees” at rear yard.
- Show landscaping design for rear yard area with permeable pavers with planters and screen trees.
- Replace blind-wall siding with wood siding and paint a light color. Portions of west elevation that are exposed to general view will have siding and be of a light color.
- The proposed light well will extend down sufficiently to serve first floor unit. The ceiling in the garage will be dropped to a level that ensures that neighboring windows will be served by the matching light well.
- The overall building height at the front has been reduced by 3 feet to 52 feet.
- The last 10 feet of the proposed building height at the rear has been reduced to 30 feet.
- The rear fire exit stair was also relocated to fall within the 10-foot additional rear set back.
- The front set back at the 5<sup>th</sup> floor was increased to 15 feet from eleven feet.
- A side setback was added at the rear eastern corner approximately 10-feet deep and 8-feet wide.
- A side setback was added at the rear western corner 12-feet deep and 4-feet wide.
- The front and rear façade details were refined to include wood trim around windows and incorporation of horizontal siding.

**Under the Commission's pending DR Reform Legislation, this project would be referred to the Commission, as this project involves new construction on a vacant lot.**

## **BASIS FOR RECOMMENDATION**

- The project is within the permitted building envelope and requires no variances or exceptions.
- The project at 52 feet is below the height limit of 55'-0" and within the required rear yard.
- The project respects the mid-block open space and is consistent with the Residential Design Guidelines, which requires front setback for exposed upper stories.
- The project is generally compatible with the mass and scale of properties along the block-face, which contains a mixed pattern of development.
- The project is an appropriately scaled infill development.
- The project provides 45 percent of total units as two-bedroom units, which are suitable for families.
- The project provides a total of two below market rate units.

<b>RECOMMENDATION:</b> Do not take DR and approve the project as proposed.
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**Attachments:**

Environmental Determination  
Block Book Map  
Sanborn Map  
Aerial Photographs  
Context Photos  
Section 311 Notice  
DR Application  
Response to DR Application dated December 17, 2010  
3-D Rendering  
Reduced Plans

## Design Review Checklist

### NEIGHBORHOOD CHARACTER (PAGES 7-10)

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

**Comments:** The block consists of mostly multi-family dwellings of various heights and building depths. The block does not have clearly established pattern of mid-block open space; many properties with non-complying structures in the rear yard.

### SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
<b>Topography (page 11)</b>			
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		
<b>Front Setback (pages 12 - 15)</b>			
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?			
Does the building provide landscaping in the front setback?	X		
<b>Side Spacing (page 15)</b>			
Does the building respect the existing pattern of side spacing?			X
<b>Rear Yard (pages 16 - 17)</b>			
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		
<b>Views (page 18)</b>			
Does the project protect major public views from public spaces?			X
<b>Special Building Locations (pages 19 - 21)</b>			
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 top story is set back 15 feet from the front façade, which complies with the RDG with respect to building scale. The northwest corner of the proposed building is setback by 4 feet to allow relief to the adjacent side setback and windows. The rear ten feet of the building is limited at 30 feet in height.

**BUILDING SCALE AND FORM (PAGES 23 - 30)**

QUESTION	YES	NO	N/A
<b>Building Scale (pages 23 - 27)</b>			
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		
<b>Building Form (pages 28 - 30)</b>			
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 subject block consists of larger apartment buildings with multiple dwellings. The proposal is approximately 12 feet higher than the adjacent buildings, or roughly the equivalent of one story. The top story is setback from the front and the rear, and minimizes the impact to adjacent buildings. The project provides the minimum required rear yard of 22'-6", and a maximum building height of 30 feet for the last ten feet of the rear building depth. The project is shorter in depth than the adjacent buildings and provides a larger rear yard.

**ARCHITECTURAL FEATURES (PAGES 31 - 41)**

QUESTION	YES	NO	N/A
<b>Building Entrances (pages 31 - 33)</b>			
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		
<b>Bay Windows (page 34)</b>			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	X		
<b>Garages (pages 34 - 37)</b>			
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		

<b>Rooftop Architectural Features (pages 38 - 41)</b>			
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

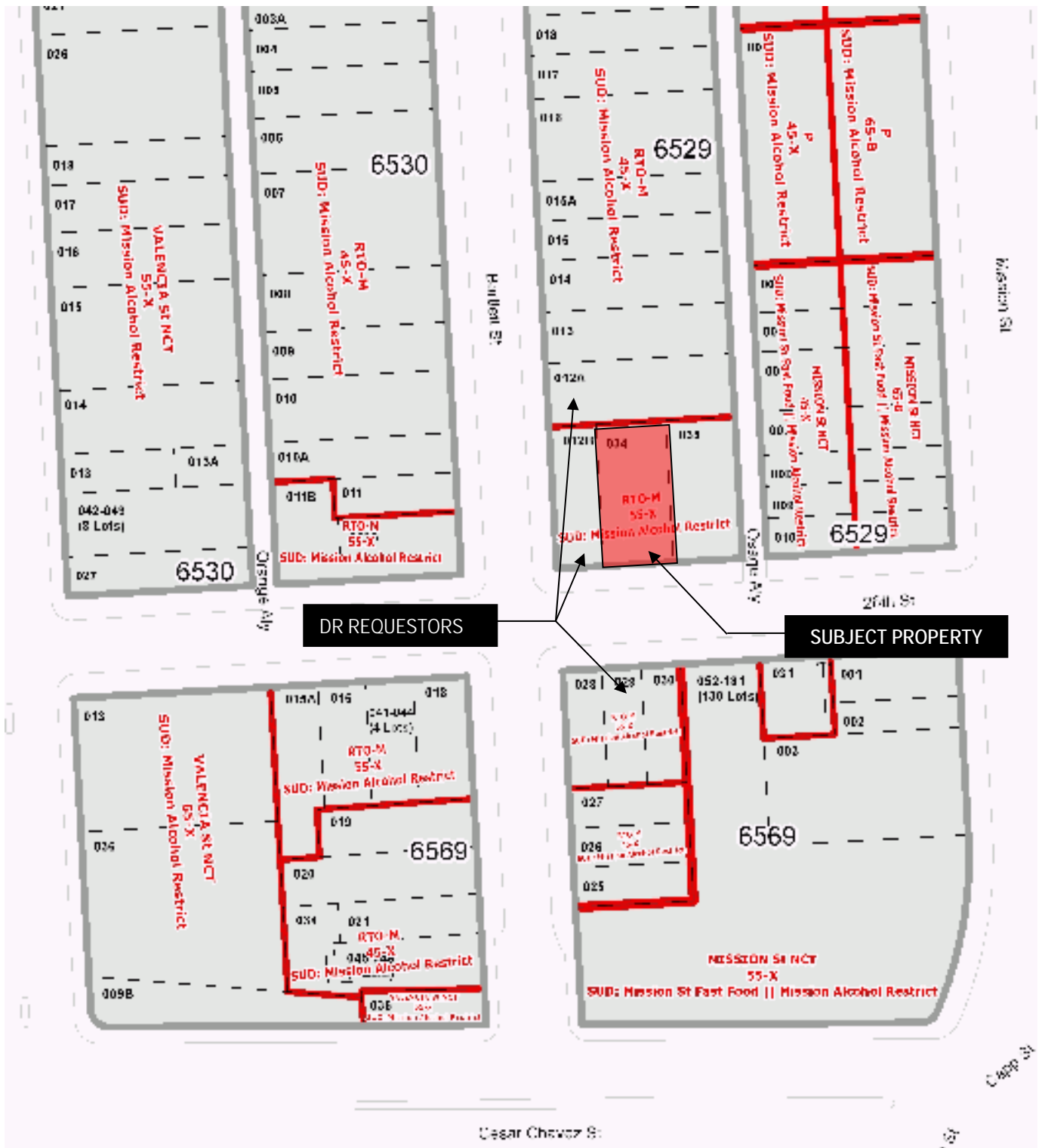
**Comments:** The architectural features are compatible with the block-face pattern. The existing punched and framed entryway is maintained to show prominence. The design also respects the street façade by setting back the top story 15'-0" from the front building wall.

**BUILDING DETAILS (PAGES 43 - 48)**

<b>QUESTION</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>Architectural Details (pages 43 - 44)</b>			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
<b>Windows (pages 44 - 46)</b>			
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		
<b>Exterior Materials (pages 47 - 48)</b>			
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 building details are compatible with the block-face pattern. Buildings in the neighborhood primarily consist of wood siding and stucco as exterior building materials with bay projections and wood framed windows and molding. The proposed building materials, and architectural elements such as bay projections, and more pronounced entry, are also consistent with the neighborhood context.

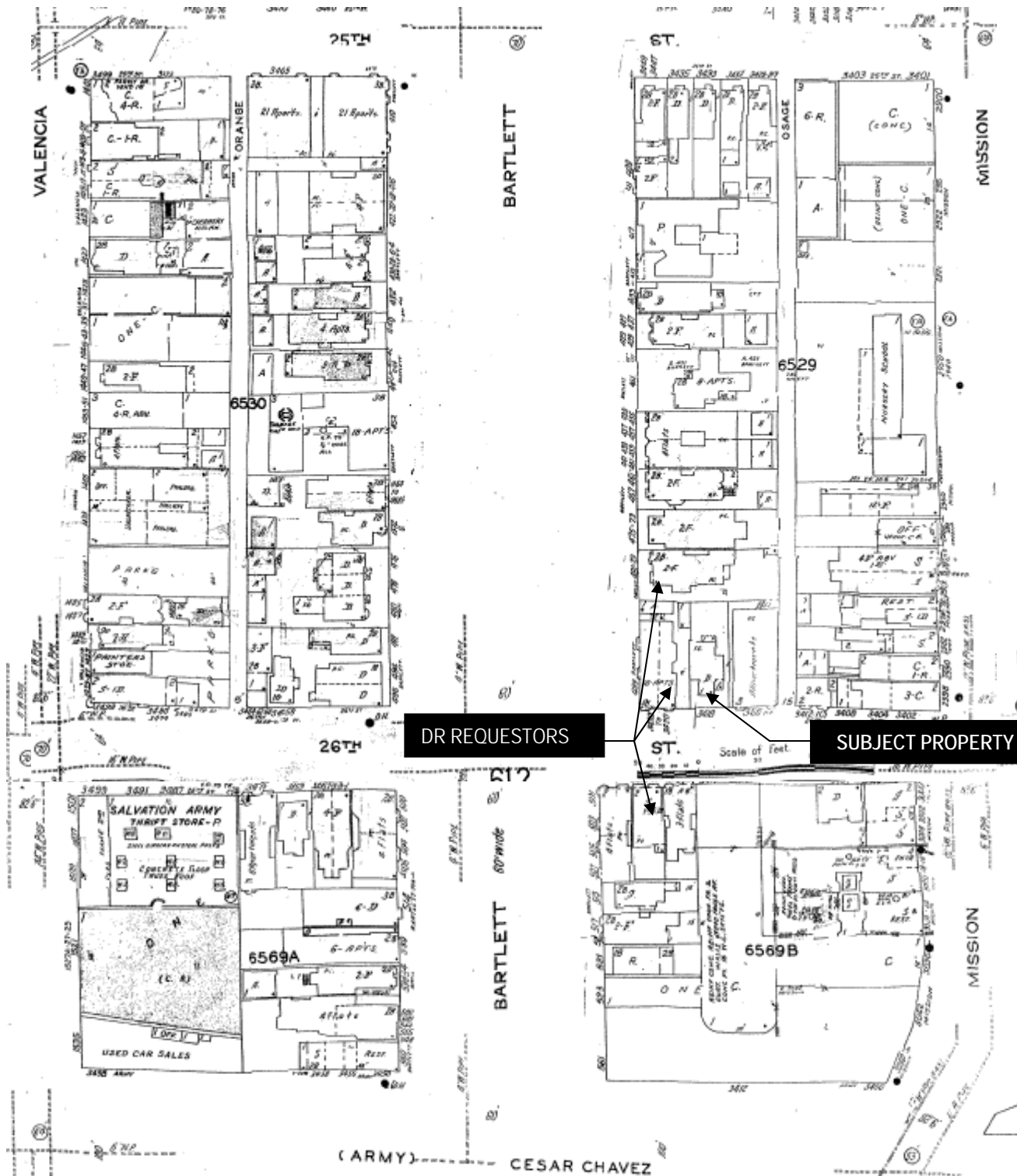
# Parcel Map



Discretionary Review Hearing  
 Case Number 2010.0434DDD  
 3418 26th 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 Number 2010.0434DDD  
 3418 26th Street

# Aerial Photo



Discretionary Review Hearing  
Case Number 2010.0434DDD  
3418 26th Street



# Aerial Photo





# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On June 20, 2007, the Applicant named below filed Building Permit Application No. 2007.06.20.4573 (New Construction) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Drake Gardner	Project Address:	3418 26 <sup>th</sup> Street
Address:	10 Carlile Dr.	Cross Streets:	Btw Bartlett Street and Osage Alley
City, State:	Novato, CA 94945	Assessor's Block /Lot No.:	6529 / 034
Telephone:	(415) 408-3403	Zoning Districts:	RTO-M /55-X

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

PROJECT SCOPE		
<input type="checkbox"/> DEMOLITION	and/or	<input checked="" type="checkbox"/> NEW CONSTRUCTION or <input 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 type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE .....	Vacant Lot .....	Residential
FRONT SETBACK .....	N/A .....	None
BUILDING DEPTH .....	N/A .....	+67'-6"
REAR YARD .....	N/A .....	+22'-6"
HEIGHT OF BUILDING .....	N/A .....	+55'-0"
NUMBER OF STORIES .....	N/A .....	5
NUMBER OF DWELLING UNITS .....	N/A .....	13
NUMBER OF OFF-STREET PARKING SPACES .....	N/A .....	6

### PROJECT DESCRIPTION

The project proposes to construct a new 13-unit, five-story, 55'-0" tall, residential building on a vacant lot. The project complies with all applicable zoning controls and Planning Code requirements.

PLANNER'S NAME: Ben Fu  
 PHONE NUMBER: (415) 558-6613  
 EMAIL: ben.fu@sfgov.org

DATE OF THIS NOTICE: 4-22-10  
 EXPIRATION DATE: 5-22-10



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.: 2009.0610E  
 Project Address: 3418 26<sup>th</sup> Street  
 Zoning: Residential Transit Oriented Mission (RTO-M) Neighborhood District  
 55-X Height and Bulk District  
 Mission Alcohol Beverage Control District  
 Block/Lot: Block 6529, Lot 034  
 Lot Size: 3,915 square feet  
 Project Sponsor: Luke O'Brien – 415 877-1293, representing 104 Tara, LLC – 415 699-5593  
 Staff Contact: Jeremy D. Battis – 415 575-9022  
 jeremy.battis@sfgov.org

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### PROJECT DESCRIPTION:

The proposed project is the construction of a new 18,000-square-foot (sq-ft), 55-foot-high, five-story building with 13 dwelling units and six off-street parking spaces. Seven 2-bedroom and five 1-bedroom units with 7,800 sq ft of residential area would be on floors 2 through 6 above a ground floor with a 320-sq-ft studio unit and a lobby and parking garage with a combined 2,000 sq ft of area. The remaining 7,880 sq ft would consist of wall partitions and common areas such as stairways and elevator shafts. The vacant project site is within the block bounded by 26th Street to the south, Bartlett Street to the west, 25<sup>th</sup> Street to the north, and Mission Street to the east in the Mission District neighborhood.

### EXEMPT STATUS:

Exempt per Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and California Public Resources Code Section 21083.3

### REMARKS:

See next page.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

BILL WYCKO  
 Environmental Review Officer

Date

cc: Luke O'Brien, Project Sponsor  
 Ben Fu, B. Bollinger, Planning Department  
 Exemption/Exclusion File

Bulletin Board/M.D.F.  
 David Campos, Supervisor District 9  
 Distribution List

**REMARKS:**

California Environmental Quality Act (CEQA) State Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent; c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR; and d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

This determination evaluates the potential project-specific environmental effects peculiar to the 3418 26th Street residential project described above, and incorporates by reference information contained within the Eastern Neighborhoods Rezoning and Area Plans Final EIR (Eastern Neighborhoods Final EIR) (Case No. 2004.0160E; State Clearinghouse No. 2005032048). Project-specific studies summarized in this determination were prepared for the proposed project at 3418 26th Street to determine if there would be significant impacts attributable to the proposed project. These studies examined that project's potential environmental effects on shadow and air quality.

This determination assesses the proposed project's potential to cause environmental impacts and concludes that the proposed project would not result in new, peculiar environmental effects, or effects of greater severity than were already analyzed and disclosed in the Eastern Neighborhoods Final EIR. This determination does not identify new or additional information that would alter the conclusions of the Eastern Neighborhoods Final EIR. This determination also identifies mitigation measures contained in the Eastern Neighborhoods Final EIR that would be applicable to the proposed project at 3418 26th Street. Topics for which the Final EIR identified a significant program-level impact are addressed in this Certificate of Determination while project impacts for all other topics are discussed in the Community Plan Exemption Checklist.<sup>1</sup>

**Background**

After several years of analysis, community outreach, and public review, the Eastern Neighborhoods Final EIR was adopted in December 2008. The Eastern Neighborhoods Final EIR was adopted in part to support housing development in some areas previously zoned to allow industrial uses, while preserving an adequate supply of space for existing and future production, distribution, and repair (PDR) employment and businesses. The Eastern Neighborhoods Final EIR also included changes to existing height and bulk districts in some areas, including the project site at 3418 26th Street.

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<sup>1</sup> *Community Plan Exemption Checklist, 3418 26th Street, San Francisco, CA.* San Francisco Planning Department, date same as that on first page of this Certificate document. This document is on file and available for public review as part of Case File No. 2009.0610E at 1650 Mission Street, Suite 400, San Francisco, CA.

During the Eastern Neighborhoods adoption phase, the Planning Commission held public hearings to consider the various aspects of the proposed area plans, and Planning Code and Zoning Map amendments. On August 7, 2008, the Planning Commission certified the Eastern Neighborhoods Final EIR by Motion 176592 and adopted the Preferred Project for final recommendation to the Board of Supervisors.<sup>3</sup>

In December 2008, after further public hearings, the Board of Supervisors approved and the Mayor signed the Eastern Neighborhoods rezoning and Planning Code amendments. New zoning districts include districts that would permit PDR uses in combination with commercial uses; districts mixing residential and commercial uses and residential and PDR uses; and new residential-only districts. The districts replaced existing industrial, commercial, residential single-use, and mixed-use districts.

The Eastern Neighborhoods Final EIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the Eastern Neighborhoods Rezoning and Area Plans, as well as the potential impacts under several proposed alternative scenarios. The Eastern Neighborhoods Draft EIR evaluated three rezoning alternatives, two community-proposed alternatives which focused largely on the Mission District, and a "No Project" alternative. The alternative selected, or the Preferred Project, represents a combination of Options B and C. The Planning Commission adopted the Preferred Project after fully considering the environmental effects of the Preferred Project and the various scenarios discussed in the Final EIR.

A major issue of discussion in the Eastern Neighborhoods rezoning process was the degree to which existing industrially-zoned land would be rezoned to primarily residential and mixed-use districts, thus reducing the availability of land traditionally used for PDR employment and businesses. Among other topics, the Eastern Neighborhoods Final EIR assesses the significance of the cumulative land use effects of the rezoning by analyzing its effects on the City's ability to meet its future PDR space needs as well as its ability to meet its housing needs as articulated in the City's General Plan.

The project site, as a result of the Eastern Neighborhoods, has been rezoned to Residential Transit Oriented (RTO). RTO districts recognize and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. RTO districts are composed of multi-family moderate-density areas and are well served by, and generally less than one-quarter mile from, transit service and neighborhood commercial areas. Limited small-scale neighborhood-oriented retail and services are common and permitted throughout the neighborhood on corner parcels only to provide goods and services to residents within walking distance, but the districts are otherwise residential. The proposed development's residential use would be generally compatible with the surrounding residential uses and limited commercial uses. The 3418 26th Street site, which is located in the Mission District neighborhood within the Eastern Neighborhoods Plan Area, was designated and

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<sup>2</sup> *Eastern Neighborhoods Rezoning and Area Plans Final Environmental Impact Report*, Planning Department Case No. 2004.0160E, certified August 7, 2008. The FEIR is on file for public review at the Planning Department, 1650 Mission Street Suite 400 as part of Case No. 2004.0160E, or at: [http://www.sfgov.org/site/planning\\_index.asp?id=67762](http://www.sfgov.org/site/planning_index.asp?id=67762)

<sup>3</sup> San Francisco Planning Commission Motion 17659, August 7, 2008.  
[http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern\\_Neighborhoods/Draft\\_Resolution\\_Public%20Parcels\\_FINAL.pdf](http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/Draft_Resolution_Public%20Parcels_FINAL.pdf)

envisioned as a site with a potential for a new development that would consist of a residential building with a height of up to 55 feet.

Individual projects that could occur in the future under the Eastern Neighborhoods Rezoning and Area Plans will undergo project-level environmental evaluation to determine if they would result in further impacts specific to the development proposal, the site, and the time of development and to assess whether additional environmental review would be required. This determination concludes that the proposed residential project at 3418 26th Street is consistent with and was encompassed within the analysis in the Eastern Neighborhoods Final EIR. Further, this determination finds that the Eastern Neighborhoods Final EIR adequately anticipated and described the impacts, if any, of the proposed 3418 26th Street project, and identified all applicable mitigation measures for the proposed project at 3418 26th Street. The proposed project is also consistent with the zoning controls for the project site. Therefore, no further CEQA evaluation is necessary for the 3418 26th Street project.

### Potential Environmental Effects

The Eastern Neighborhoods Final EIR included analyses of environmental issues including: land use; plans and policies; visual quality and urban design; population, housing, business activity, and employment (growth inducement); transportation; noise; air quality; parks, recreation and open space; shadow; archeological resources; historic architectural resources; hazards; and other issues not addressed in the previously issued initial study for the Eastern Neighborhoods project. The proposed 3418 26th Street project is in conformance with the height, use and density for the site described in the Eastern Neighborhoods Final EIR and would represent a small part of the growth that was forecast for the Eastern Neighborhoods. Thus, the project analyzed in the Eastern Neighborhoods Final EIR considered the incremental impacts of the proposed 3418 26th Street project. As a result, the proposed project would not result in any new or substantially more severe impacts than were identified in the Eastern Neighborhoods Final EIR. Topics for which the Final EIR identified a significant program-level impact are addressed in this Certificate of Determination while project impacts for all other topics are discussed in the Community Plan Exemption Checklist. The following discussion demonstrates that the proposed 3418 26th Street project would not result in significant impacts beyond those analyzed in the Eastern Neighborhoods Final EIR, including project-specific impacts related to land use, archeological resources, historic architectural resources, transportation, noise, air quality, greenhouse gas emissions, and shadow.

### Land Use

Planning Department staff has determined that the proposed project is consistent with the Eastern Neighborhoods Area Plan Final EIR and satisfies the requirements of the General Plan and the Planning Code.<sup>4,5</sup>

The proposed project would replace a vacant mid-block parcel with a 55-foot-high building. The proposed building is consistent with the height and bulk controls and the proposed residential use is permitted within the RTO district, whose zoning controls were analyzed in the Eastern Neighborhoods

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<sup>4</sup> David Alumbaugh, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Citywide Planning and Policy Analysis, 3418 26th Street, no date. This document is on file and available for review as part of Case File No. 2009.0610E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

<sup>5</sup> Kelley Amdur, San Francisco Planning Department, Community Plan Exemption Eligibility Determination, Neighborhood Planning Analysis, 3418 26th Street, June 21, 2010. This document is on file and available for review as part of Case File No. 2009.0610E at the San Francisco Planning Department, 1650 Mission Street, Suite 400.



Area Plan Final EIR. Further, the project is proposed as in-fill development on a vacant site, would not substantially impact the existing character of the vicinity, and would not physically divide an established community.

The Eastern Neighborhoods Final EIR identified an unavoidable significant land use impact due to the cumulative loss of PDR under Option C, which if fully adopted, would have preserved less PDR use-dedicated land than estimated to be necessary to accommodate the City's future PDR-related uses. Because no PDR use or structure exists at the project site, the 3418 26th Street project would not contribute to any cumulative loss-of-PDR impact.

### Archeological Resources

Potential archeological impacts were identified in the Eastern Neighborhoods Rezoning and Area Plans Final EIR. *Mitigation Measure J-3: Mission Dolores Archeological District* applies to any project within the Mission Dolores Archeological District involving installation of foundations; construction of a sub-grade or partial sub-grade structure including a garage, or basement; grading; soils remediation; installation of utilities; or any other activities resulting in soils disturbance of 2.5 feet or greater below existing grade. The proposed project at 3418 26th Street is not located within the Mission Dolores Archeological District and would therefore not be subject to its requirements.

The project site is not located within an area known to contain archeological resources. The depth of excavation required for the proposed building's foundation, two feet below grade surface (bgs), would not be expected to result in encountering any significant archeological resources.<sup>6</sup> Therefore, the proposed project would not result in a significant effect on archeological resources.

### Historic Architectural Resources

The project site does not contain any historic resources and is not located in a known historic district. It is not anticipated that the proposed project would result in any adverse effects on offsite historical architectural resources. Eastern Neighborhoods Final EIR *Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Plan Area* requires that projects involving new construction or alteration over 55 feet, or 10 feet higher than adjacent buildings built before 1963, shall be forwarded to the Historic Preservation Commission (HPC) for review and comment during a regularly scheduled hearing. Since the proposed project involves construction that is 55 feet in height and exceeds by 10 feet the adjacent properties, constructed prior to 1963, *Mitigation Measure K-1* (see Project Mitigation Measure 1 on page 13 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, the Department presented the proposed project to the HPC on February 17, 2010. The HPC concluded that the proposed project would not have a significant effect on the adjacent buildings, which are potential historic resources.

*Mitigation Measures K-2 and K-3* are not relevant to the 3418 26th Street project since the project site is not located in either the East SoMa or Central Waterfront.

In light of the above, the project would not result in a significant effect with regard to cultural resources.

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<sup>6</sup> *MEA Preliminary Archeological Review: Checklist* by Randall Dean/Don Lewis, San Francisco Planning Department, for 3418 26th Street, September 2, 2009. This document is on file and is available for public review at the Planning Department 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File No. 2009.0610E.

### Transportation

Trip generation of the proposed project was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review* (SF Guidelines) developed by the San Francisco Planning Department. The proposed project would generate about 115 person trips (inbound and outbound) on a weekday daily basis, consisting of 50 person trips by auto, 49 transit trips, 9 walk trips and 7 trips by other modes. During the p.m. peak hour, the proposed project would generate an estimated 9 vehicle trips (accounting for vehicle occupancy data for this Census Tract. Due to the project site's location near major transit routes, this is likely a conservative estimate of vehicle trips.

### Transit

As indicated above, the proposed project is estimated to add 49 daily transit person trips, of which 8 are estimated to occur in the p.m. peak hour. The project site is served by several local and regional transit providers including Muni routes 12, 14, 14L, 27, 49, and 67, and therefore, the additional p.m. peak hour trips would likely be accommodated on existing routes, and would result in a less-than-significant effect to transit services.

The Eastern Neighborhoods Final EIR identified significant and unavoidable cumulative impacts relating to increases in transit ridership due to the change from 2025 No-Project operating conditions for Muni routes 9, 10, 12, 14, 14L, 22, 27, 47, 49 and 67 under all Eastern Neighborhoods rezoning options. Mitigation measures proposed to address these impacts related to pursuing enhanced transit funding; conducting transit corridor and service improvements; and increasing transit accessibility, service information and storage/maintenance capabilities for Muni routes in Eastern Neighborhoods. Even with mitigation, however, cumulative impacts on the above routes were found to be significant and unavoidable and a Statement of Overriding Considerations with findings was adopted as part of the Eastern Neighborhoods Rezoning and Area Plans approval on January 19, 2009. The proposed project would not conflict with the implementation of these mitigation measures, and it is likely the significant and unavoidable cumulative transit conditions would occur with or without the proposed project. The proposed project's contribution of 8 p.m. peak hour transit trips would not be a substantial proportion of the overall transit volume generated by Eastern Neighborhood projects, should they be approved. Since the proposed project would not contribute significantly to 2025 Cumulative conditions, it would therefore, not have a significant cumulative transit impact.

### Parking

The project site is currently a vacant parcel. While the proposed project would not be required to provide off-street parking spaces pursuant to *Planning Code* Sections 843.09 and 843.10, the project includes six at-grade off-street parking spaces. Based on the methodology presented in the 2002 *Transportation Guidelines*, on an average weekday, the demand for parking would be 17 spaces. Thus, the project would have an unmet parking demand of 11 spaces. While the proposed off-street parking spaces would be less than the anticipated parking demand, the resulting parking deficit is considered to be a less-than-significant impact, regardless of the availability of on-street parking under existing conditions.

San Francisco does not consider parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. However, this report presents a parking analysis to inform the public and the decision makers as to the parking conditions that could occur as a result of implementing the proposed project.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines Section 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project area is well-served by local public transit (Muni lines 12, 14, 14L, 27, 49, and 67) and bike lanes (45, Valencia), which provide alternatives to auto travel.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

#### Access

Vehicular access to and from the ground-floor parking garage would be on 26<sup>th</sup> Street. Vehicles would enter the building at grade and park in an assigned parking space. Pedestrian access would also be from 26<sup>th</sup> Street, a two-lane, two-way street with parallel parking on both sides. Emergency access to the project site would not be changed by the proposed project. There are no bus stops in front of the project site. Sidewalks and on-street parking are present on both sides of the street. The nearest transit preferential streets are Mission Street and 24<sup>th</sup> Street.

#### Loading

Based on the *SF Guidelines*, the proposed project would generate an average loading demand of 0.14 truck trips per hour. *Planning Code* Section 152.1 does not require off-street loading for residential developments of less than 100,000 square feet. Therefore, off-street loading spaces are not required for the proposed project. The proposed project would avoid the potential for impacts to adjacent roadways due to loading activities by limiting all long-term and construction loading/staging operations to the existing

on-street parking area along 26th Street. Vehicles performing move in/move out activities would be able to obtain temporary parking permits for loading and unloading operations on 26th Street.

#### Pedestrian and Bicycle Conditions

The proposed project would generate approximately 9 p.m. peak-hour pedestrian trips. The proposed project would not cause a substantial amount of pedestrian and vehicle conflict, as there are adequate sidewalk and crosswalk widths. Pedestrian activity would increase as a result of the project, but not to a degree that could not be accommodated on local sidewalks or would result in safety concerns.

There are no existing or proposed bike lanes on or adjacent to the project site. In the vicinity of the project site, there are two major Citywide Bicycle Routes. Valencia and San Jose Streets comprise a portion of bicycle route #45; Cesar Chavez Street, a portion of route #60. Bicycle traffic is heavier on Valencia Street than on surrounding streets. Although the proposed project would result in an increase in the number of vehicles in the project vicinity, this increase would not substantially affect bicycle travel in the area.

The recently amended *Planning Code* Section 155.5 (Board of Supervisors Ordinance No. 129-06) requires that residential projects of 50 dwelling units or less provide one bicycle space for every two dwelling units. The proposed project includes 13 dwelling units and thus would be required to provide seven bicycle parking spaces which would be provided inside the ground-floor parking garage. In conclusion, the proposed project would not substantially increase pedestrian and bicycle hazards, nor would the proposed project result in a significant effect with regard to transportation.

#### Noise

Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. Noises generated by residential and commercial uses are common and generally accepted in urban areas. The noise generated by the occupants of the proposed project would not be considered a significant impact of the proposed project. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

The *San Francisco General Plan* noise guidelines indicate that any new residential development in areas with noise levels above 60 dBA<sup>7</sup> should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. In areas where noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements must be done and needed noise insulation features included in the design. According to the Eastern Neighborhoods Final EIR, noise levels on 26<sup>th</sup> Street are in the range of 65.0 and 69.0 dBA. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects (including hotels, motels, and live/work developments). This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall

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<sup>7</sup> The dBA, or A weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents.

The Eastern Neighborhoods Final EIR identified a significant impact related to new development including noise-sensitive uses located along streets with noise levels above a day-night average of 60 dBA (Ldn), where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations. Since the 3418 26th Street project, a multi-family residential project, is subject to Title 24, *Mitigation Measure F-3: Interior Noise Levels* from the Eastern Neighborhoods Final EIR is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses. Since the proposed project includes noise-sensitive uses with sensitive receptors, *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* (see Project Mitigation Measure 2 on page 13 of this Certificate of Determination) applies to the proposed project. Pursuant to this measure, Environmental Science Associates (ESA) were retained by the project sponsor to conduct a noise study that included a 24-hour noise measurement and site survey of noise-generating uses within two blocks of the project site.<sup>8</sup>

The 24-hour noise measurement recorded a day-night noise average of 66.2 dBA (Ldn). This measurement is consistent with noise modeling undertaken by the Department of Public Health, which predicts a traffic noise level of between 65 dBA and 69 dBA (Ldn) for the project block of 26<sup>th</sup> Street. ESA's site survey did not identify any land uses that generate unusual noise within two blocks of the project site.

Given the noise environment at the project site, ESA concluded that conventional residential construction, which would include double-paned windows (which typically offer 25 to 30 dBA noise reduction), would be sufficient to ensure an interior noise environment in habitable rooms of 45 dBA (Ldn) as required by the San Francisco Building Code. Therefore, ESA's noise study demonstrates that acceptable interior noise levels consistent with those in the 24 standards would be attained by the proposed project and no further acoustical analysis or engineering is required. The project would not have a significant impact with regard to noise because the project will be built to include double-paned windows.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing sensitive receptors and new noise-generating uses and determined that *Mitigation Measures F-5: Siting of Noise-Generating Uses* would reduce effects to a less-than-significant level. Since the proposed development would not introduce residential uses that would be expected to generate noise levels in excess of ambient noise in the vicinity of the project site, *Mitigation Measure F-5* is not applicable.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code). The Noise Ordinance requires that construction work be conducted in the following manner: 1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); 2) impact tools must have

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<sup>8</sup> Karl Heisler, Environmental Science Associates, Email, RE: Noise Study for 3418 26th Street, March 4, 2010. This document is on file and available for public review as part of Case File No. 2009.0610E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

intake and exhaust mufflers that are approved by the Director of the Department of Public Works (DPW) to best accomplish maximum noise reduction; and 3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m., unless the Director of DPW authorizes a special permit for conducting the work during that period.

DBI is responsible for enforcing the Noise Ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the Noise Ordinance during all other hours. Nonetheless, during the construction period for the proposed project of approximately 14 months, occupants of the nearby properties could be disturbed by construction noise and possibly vibration. There may be times when noise could interfere with indoor activities within residences near the project site and may be considered an annoyance by occupants of nearby properties. The increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be obliged to comply with the City's Noise Ordinance.

The Eastern Neighborhoods identified a significant impact related to construction noise that would include pile driving and determined that *Mitigation Measure F-1: Construction Noise* would reduce effects to a less-than-significant level. Since construction of the proposed project does not require pile driving, *Mitigation Measure F-1* is not applicable to the proposed project.

#### Air Quality

Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The Eastern Neighborhoods Final EIR identified a significant impact related to construction air quality and determined that *Mitigation Measure G-1: Construction Air Quality* would reduce effects to a less-than-significant level. Subsequently, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (DBI). These regulations and procedures set forth by the San Francisco Building Code ensure that potential dust-related air quality impacts would be less than significant. Since the project is required to comply with the Construction Dust Control Ordinance, the project would not result in a significant impact related to construction air quality and *Mitigation Measure G-1* is not applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to air quality for sensitive land uses and determined that *Mitigation Measure G-2: Air Quality for Sensitive Land Uses* would reduce effects to a less-than-significant level. In response to this concern, Article 38 of the San Francisco Health Code was amended to require that all newly constructed buildings containing ten or more units within the Potential Roadway Exposure Zone perform an Air Quality Assessment to determine whether the PM

2.5<sup>9</sup> concentration at the project site is greater than 0.2 micrograms per cubic meter (0.2 ug/m<sup>3</sup>).<sup>10</sup> The project site is not located within the Potential Roadway Exposure Zone, and therefore, *Mitigation Measure G-2* does not apply to the proposed project.

The Eastern Neighborhoods Final EIR identified a significant impact related to siting of uses that emit diesel particulate matter (DPM) and determined that *Mitigation Measure G-3: Siting of Uses that Emit DPM* would reduce these effects to a less-than-significant level. As stated in the Eastern Neighborhoods Final EIR, to minimize potential exposure of sensitive receptors to DPM, for new development including warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day, the Planning Department shall require that such uses be located no less than 1,000 feet from residential units and other sensitive receptors. Since the proposed project would not be expected to be served by at least 100 trucks per day or 40 refrigerator trucks per day, the 3418 26th Street project would not be expected to expose sensitive receptors to DPM and *Mitigation Measure G-3* would not be applicable.

The Eastern Neighborhoods Final EIR identified a significant impact related to siting of uses that emit toxic air contaminants (TACs) as part of everyday operations and determined that *Mitigation Measure G-4: Siting of Uses that Emit Other TACs* would reduce these effects to a less-than-significant level. Because the proposed project, a residential building with 13 dwelling units, would not be expected to generate TACs as part of everyday operations, *Mitigation Measure G-4* would not be applicable and the proposed project would not contribute to the significant impact of TACs.

### Greenhouse Gas Emissions

The proposed project would replace a vacant parcel with a five-story building with 13-unit residential building. The proposed project would contribute to the cumulative effects of climate change by emitting greenhouse gases (GHGs) during construction and operational phases. Construction of the proposed project is estimated at approximately 14 months. Project operations would generate both direct and indirect GHG emissions. Direct operational emissions include GHG emissions from vehicle trips and area sources (natural gas combustion). Indirect emissions include emissions from electricity providers, energy required to pump, treat, and convey water, and emissions associated with landfill operations. The project site is located within Mission plan area analyzed under the Eastern Neighborhoods Area Plan EIR. The Eastern Neighborhoods Area Plan EIR assessed the GHG emissions that could result from rezoning of the Mission plan area under the three rezoning options. The Eastern Neighborhoods Rezoning Options A, B and C are anticipated to result in GHG emissions on the order of 4.2, 4.3 and 4.5 metric tons of carbon dioxide equivalents (CO<sub>2</sub>E)<sup>11</sup> per service population,<sup>12</sup> respectively.<sup>13</sup> The Eastern Neighborhoods EIR

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<sup>9</sup> PM 2.5 is a measure of smaller particles in the air. PM 10 has been the pollutant particulate level standard against which EPA has been measuring Clean Air Act compliance. On the basis of newer scientific findings, the Agency is considering regulations that will make PM 2.5 the new "standard".

<sup>10</sup> See Board of Supervisors Ordinance No. 281-08, effective January 5, 2009.

<sup>11</sup> Greenhouse gas emissions are typically measured in CO<sub>2</sub>E, or carbon dioxide equivalents. This common metric allows for the inclusion of the global warming potential of other greenhouse gases. Land use project's, such as this, may also include emissions from methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O), therefore greenhouse gas emissions are typically reported at CO<sub>2</sub>E.

<sup>12</sup> SP= Service Population. Service population is the equivalent of total number of residents + employees.

concluded that the resulting GHG emissions from the three options analyzed in the Eastern Neighborhoods Area Plan would be less than significant. The Eastern Neighborhoods EIR adequately addressed greenhouse gas emissions and the resulting emissions were determined to be less than significant. Therefore, the project would not result in any significant impacts related to GHG emissions, individually or cumulatively.

### Shadow

Planning Code Section 295 generally prohibits new buildings greater than 40 feet in height that would cast new shadow on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. The proposed building would be 55 feet in height and thus is subject to Section 295. To determine whether the proposed project would conform to Section 295, a shadow fan analysis was prepared by Planning Department staff. This analysis concluded that the proposed project would not have the potential to cast new shadow on any property under the jurisdiction of the Recreation and Park Department.<sup>14</sup> The proposed project would shade portions of nearby streets and sidewalks at times within the project site block. These new shadows would not exceed levels commonly expected in urban areas, and would be considered a less-than-significant effect under CEQA.

The proposed building could cast shadow on a small number of private residences. The loss of sunlight on private residences or property is rarely considered to be a significant impact on the environment under CEQA. Although residents may regard the increase in shadow as undesirable, the limited increase in shading as a result of the proposed project would not be considered a significant impact under CEQA.

### Mitigation Measures

In accordance with Eastern Neighborhoods Final EIR requirements, the project sponsor has agreed to implement the following mitigation measures.

#### *Project Mitigation Measure 1 – Historic Resources (Mitigation Measure K-1: Interim Procedures for Permit Review in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)*

Projects involving new construction or alteration over 55 feet, or 10 feet higher than adjacent buildings built before 1963, shall be forwarded to the Historic Preservation Commission (HPC) for review and comment during a regularly scheduled hearing. As previously mentioned, the Department presented the proposed project to the HPC on February 17, 2010, and the HPC concluded that the proposed project would not have a significant effect on the adjacent potential historic resources. Therefore, Project Mitigation Measure 1 has already been implemented.

#### *Project Mitigation Measure 2 – Noise (Mitigation Measure F-4: Siting of Noise-Sensitive Uses in the Eastern Neighborhoods Rezoning and Area Plans Final EIR)*

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<sup>13</sup> *Greenhouse Gas Analyses for Community Plan Exemptions in Eastern Neighborhoods*. April 20, 2010. Memorandum from Jessica Range, MEA to MEA staff. This memorandum provides an overview of the GHG analysis conducted for the Eastern Neighborhoods Rezoning EIR and provides an analysis of the emissions using a service population metric.

<sup>14</sup> San Francisco Planning Department, letter dated September 18, 2009, Shadow Analysis for 3418 26th Street, Case File No. 2006.1349K. A copy of this document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as a part of Case File No. 2009.0610E.



New development with noise-sensitive uses require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within two blocks of the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained. ESA conducted a noise study that demonstrated that the proposed project can attain Title 24 standards. Therefore, Project Mitigation Measure 2 has already been implemented.

#### **Public Notice and Comment**

A "Notification of Project Receiving Environmental Review" was mailed on September 25, 2009, to addresses within 300-foot radius of the project site and to potentially interested parties. One response was received from a neighbor requesting to be included in the distribution list.

#### **Conclusion**

The Eastern Neighborhoods Final EIR incorporated and adequately addressed all potential impacts of the proposed 3418 26th Street project. As described above, the 3418 26th Street project would not have any additional or peculiar significant adverse effects not examined in the Eastern Neighborhoods Final EIR, nor has any new or additional information come to light that would alter the conclusions of the Eastern Neighborhoods Final EIR. Thus, the proposed 3418 26th Street project would not have any new significant or peculiar effects on the environment not previously identified in the Final EIR for the Eastern Neighborhoods Rezoning and Area Plans, nor would any environmental impacts be substantially greater than described in the Eastern Neighborhoods Final EIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the project sponsor. Therefore, in addition to being exempt from environmental review under Section 15183 of the CEQA Guidelines, the proposed project is also exempt under Section 21083.3 of the California Public Resources Code.

**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 "FIX 26" CENTRAL 26<sup>TH</sup> ST. NEIGHBORHOOD <sup>COALITION</sup> Telephone No: 282-7737

D.R. Applicant's Address 3441 26<sup>TH</sup> STREET  
Number & Street (Apt. #)  
SAN FRANCISCO 94110  
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 285-3960  
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: 3418 26<sup>TH</sup> STREET

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: NEIL MURPHY / LUC O'BRIAN w/ DRAKE GARDENER

Building Permit Application Number of the project for which you are requesting D.R.: 2007.06.20.4573

Where is your property located in relation to the permit applicant's property?  
ACROSS STREET // DIRECTLY IN FRONT.

**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**

10.0434D

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 PAGE → ADDENDUM  
(#4)

**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 (B.1.)

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 (B.2.)

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 (B.3.)

**Addendum to Application Requesting Discretionary Review:**

**Re: 3418 26<sup>th</sup> Street, App:2007.06.20.4573**

**A. (Actions Prior)**

4. The project was initially presented to the central 26<sup>th</sup> Street Neighborhood Coalition "FIX 26" at our request of the project sponsor to come to one of our community meetings. The project was shown as two separate buildings of six units each with distinct character and detailing. The Buildings were significantly lower and less massive and the entries were separate. At that time the project sponsor agreed to several requests made by the projects immediate Neighbors along 26<sup>th</sup> street, and Bartlett Streets. They agreed to provide street-scape improvements in keeping with the efforts of the our Coalition the previous year to provide permeable street plantings and larger tree pits with the help of a community challenge grant. The project sponsor further provided set back massing at the upper storey of the rear of the building and included sloped roofs to improve the roof scape and to help lessen shadow impacts on neighboring properties. The building currently shown in the 311 notification is not the same building. It is now 15' taller single double lot building with less articulation and deep unprotected recesses at the street level. It shows no step back massing at the rear, no street-scape planting strips at the tree wells and less trees than the three required by its 50' double site width.

**B. Discretionary Review Request**

1. Five years ago the project sponsor without a demolition permit demolished the existing single family home that had been on the site since the early part of the last century after crippling its structure by removing critical framing elements. The project sponsor then presented a building that was smaller in scale and design to the neighborhood and then negotiated elements of its design which were then not carried through on in the final project. The neighborhood was not consulted on the change in size and scale of the project and was not presented with the project following it complete revision of the past two years in which time the project was enlarged and agglomerated and re-designed into a building that is no longer in scale with the buildings around it some of which are very large but now look dwarfed by this buildings lack of scale and texture.

The project is now under articulated and has a massive scale in relation to its two neighbors which are themselves unusually large buildings for this street.

The fire egress stair on the street is a large non-porous blank element on the façade and its sparse flat detailing only exacerbates this problem.

The project has no ornamental fencing to keep semi public recessed areas along the building façade free from pernicious behaviors which are a constant problem in this area and form part of Sec. 102.32 of the planning code. The project does not provide the permeable surfaces and planting strips of Sec. 102.33 such as are provided along the blocks to the west south and north of the project block. There are not three (3) street trees provided as prescribed by Sec 143 : 1 for each 20 ft and one for each 10' or greater fraction of street frontage. The drawings submitted for 311 have several inconsistencies and are missing critical information with respect to vertical heights. There is no sectional drawing and the 311 documentation is not to scale.

The rear façade is very massive and there is no upper setback to reduce the shadow impact on the rear yards and productive vegetable gardens of the neighbors directly to the north which will be severely impacted by this newly increased height.

2. Our Neighborhood Group has spent considerable time and energy into trying to improve our streets and supporting the development projects that have filled in the otherwise empty sites – We have several events each year and would like to welcome this project into our community. As one of the first projects under the newly adopted Eastern Neighborhood zoning regulations, we think it should be exemplary and not detrimental to the progress and visible efforts we have taken to improve our city streets. Its presence on the street is important to the neighbors as a contributor to the overall effort to improve our streetscape. The following are negative aspects of the project which adversely affect this common goal.

## Central 26<sup>th</sup> Street Neighborhood Coalition 05.22.2010

- a. By reducing the number of required trees and not continuing the plantings the project would be negatively effecting these amelioration efforts.
- b. The open street level recesses in the building, especially at the garage entry with the actual door recessed back over twenty feet from the building line, are an attractive nuisance and only invite urination, sidewalk sleeping places out of the elements, and un-surveyed places for illicit activities.
- c. The unarticulated mass of the building is out of scale and needs further refinement with respect to reducing its massive monolith appearance relative to the buildings that frame 26<sup>th</sup> Street and Bartlett.
- d. The neighbors to the north will have the majority of their light blocked by the imposition of this building and efforts to mitigate this which were proposed by the project sponsor in earlier schemes have been rejected creating more shadow.
- e.

3. Below are listed the negative changes we noticed in the projects design evolution and some suggestions that hopefully the owner would be able to incorporate into the final design of the project and streetscape elements to mitigate the adverse affects previously noted.

a. We have worked hard to improve our sidewalk pedestrian environment. We would like to have permeable strip sidewalk plantings similar to those on the rest of 26<sup>th</sup> and on Bartlett that were installed as part of a City Challenge Grant in 2007 and are consistent with the green streets initiative. You had previously agreed to these, and you explained they were omitted in the latest plans in error. Please include these in a revised drawing for us to review.

b. The previous scheme having two buildings created an improved scale and texture with the four bays (two per each building), and the change in color and subtle articulation changes in each separate façade was an asset to the architectural expression that is lost in the present scheme. This building is more massive taller and the new fire exit stair on the street frontage is unfortunate. We would like more detail in its articulation to deal with this increase in scale and its new double lot (more monolithic) ownership. The buildings to either side are also double wide lots and this repeated anomalous condition throws the scale off on the north side of the street. We would like to see a greater effort made to continue the previously more variegated rhythm along the street creating a more differentiated facade expression, which was present in the previous scheme, and see it more developed in this new façade.

c. The previous scheme had more surface texture, including more window and bay detail that enhanced the shadow play on the façade. We appreciate the balconies and lower unit in improving the "eyes on the street" and would encourage a more refined detail expression and scale in the new scheme as well. The stair volume and lower floor refers to poured stone but is depicted as a monolithic whole devoid of jointing typical to precast elements – What does "Poured Stone" refer to and how will it be articulated to break down the scale of these massive elements and horizontal expanses of this material. We would like to see this material explained and joints and scale articulated as it would be constructed more in keeping with the previous scheme.

d. The Lower floor of the previous scheme was articulated with horizontal rustication of a separate scale from the stories above which helped ground the building and give scale to the pedestrian area of the street. The current scheme has omitted this detail as the drawings depict a white generic massing. We would like to see this Poured stone material jointed and detailed with greater attention to the pedestrian scale of the street. This would also make the building more attractive to potential buyers of the units and increase the projects curb appeal and profitability.

e. The drawings submitted have several inconsistencies between elevation and plan and have an absence of vertical dimensions usually required for 311 notifications as these plans are not to scale and do not have graphic scale to help decipher the missing information. The section was also not included in the 311 documents which might explain the omission). The vine planting is a welcome addition to the street façade but is not shown in plan and should appear in this view. The plan shows two street trees while in the elevation there is only one – two trees are certainly preferred and will exploit well the southern exposure. The balcony railings in

## Central 26<sup>th</sup> Street Neighborhood Coalition 05.22.2010

elevation are not shown in the corresponding plan levels (probably an oversight) but are a welcome addition to the façade. We would like to have this information and be assured that the drawings do represent the inclusion of the many positive elements that are omitted in other views of the same project.

f. The neighborhood has some problems with loitering, trafficking, street sleeping, drunkenness and urination due to several pernicious influences and adjacencies which we have been actively trying to ameliorate over the past six years. The lack of gates at the building line allowing open porticoes and "porches at the street level are an attractive nuisance to this behavior and simply do not occur in this area as a rule. There is a particularly bad example of this at the garage entry. These should be avoided at all costs or porous metal gates should be installed to protect these semi privatized areas from public abuse and illicit behaviors detrimental to the neighborhood. Please show street gates that are well designed to enhance the pedestrian streetscape while alleviating this negative urban form. At the garage the door should be at the street as is typical to residential urban design in this area.

g. The current plans show two self similar façade materials on the upper floors: wood and hardi-plank siding. These are undifferentiated in graphic representation or in scale and we are not able to discern which is present over the rear and sides of the structure. While the Hardiplank is a very durable and extremely expedient material, its detailing must be done well at corners and intersections or it tends to look cheap and of low quality workmanship. It expands and swells differently than wood products and must accordingly if used be detailed very carefully. Please show the complete call outs for materials and show corner treatments where and as they would appear. This would help us to be assured that the building, while presently striped of its Victorian style detailing present in the previously submitted scheme, is still going to have an appropriately elegant modern expression with well detailed corners and transitional elements.

h. The previous scheme had a peaked roof with full owner ship allotted to all exterior spaces to a particular unit. The current scheme has a vaguely rendered (dotted lines only) representation of a shared roof top area and a large "unoccupied area that is not separated from the stairwell access and "occupied areas". We do not understand what this division of the roof is for as "open space" or how these roof top glass partitions are to be articulated. Could we have these drawn in more accurate detail, and can we be assured that the Unoccupied roof areas are in fact meant to be unoccupied.

i. The previous scheme had a rear step back at the top of the structure creating the amenity of a private outdoor space for the top units while allowing more light to reach the rear yards of the neighbors and reducing the massiveness of the building from the rear adjacent properties. This feature, which was agreed to by the project sponsor during the pre-application meeting process with the coalition and in particular with the rear neighbor should be re-included into the final design of the building.

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). (~~NEARBY~~ *only*.)
- ✓ **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

*MAY 22, 2010.*  
Date

**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 Joe Drennan and Kate Bickert Telephone No: 415-647-3718

D.R. Applicant's Address 479 Bartlett Street, San Francisco, CA 94110

D.R. Applicant's telephone number (for Planning Department to contact):  
(home) 415-647-3718 or (cell) 415-999-3659 or (cell) 415-999-6223

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): Not Applicable

Address of the property that you are requesting the Commission consider under the Discretionary Review: 3418 26<sup>th</sup> Street, San Francisco, CA 94110

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: Property Sponsor is Drake Gardner, 348 Bel Marin Keys, Novato, CA 94949 415-408-3403

Owner is Mel Murphy, Murphy's LLC, 4153 24<sup>th</sup> Street, San Francisco, 94114

Building Permit Application Number of the project for which you are requesting D.R.: 2007.06.20.4573

Where is your property located in relation to the permit applicant's property?  
Immediately north, lot 12 A on sheet A1 of the project plans

**A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST**

Citizens should make every 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** – on numerous occasions. See attached correspondence record (ATTACHMENT 1).
- 2. Did you discuss the project with the Planning Department permit review planner? YES** on several occasions. See attached correspondence record.
- 3. Did you participate in outside mediation on this case? Community Board? No.** See question 4.
- 4. If you have discussed the application 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 discussed the previous iterations of the project with the applicant, Drake Gardner, three times in person, on the phone and via several emails. We first met in February 2008 at a Fix26 meeting (local neighborhood group) where we looked at plans for a 6 unit, 47' high building. We responded with the attached letter dated April 16, 2008 (ATTACHMENT 2). Comments from Fix26 neighbors, including us, were also sent to the sponsor by Andrew Dunbar, a neighbor who lives directly across from the project site. We received confirmation he had received comments via Fix26 and in April 2008 received revised plans. We met again on June 27, 2008 with Drake Gardner at our house so we could show him how the project would impact our property and light in our house and yard. As a result of that meeting on August 18, 2008 Drake sent a shade study on the project and also let us know he would be sending new plans. The project sponsor also noted the plans now included some changes in the architectural features to the front and to the back of the building, including an additional set-back on the upper unit and the addition of some trees in the back yard area (see ATTACHMENT 3 drawings) and a sloped roof. We had also asked what they proposed to do with existing fence between our property and the project property and two abutting buildings.

On September 17, 2008, we met with the project sponsors (Drake Gardner and Luke O'Brien) at our house to discuss the project. At this meeting we reiterated our general support of the lot being developed since it has been an eyesore and attracted illicit and unsavory activity for many years. We also reiterated our concerns about the impact of the project on our property (where we live) and neighborhood – most significantly with respect to the building's height and bulk, rear setback, privacy, impact of shade, as well as our agreement with the neighborhood requesting that they reconsider reducing the height to 40 feet (the height of the properties located immediately east and west of the project, and our building) and increasing the setback. The changes presented by the sponsors included:

- Sloped roof
- Set back of deck on upper floor unit
- Addition of "screening" trees to rear yard
- Proposal to replace segment of fence along the property line of their project and they would construct the fence between our property and that of the property abutting the project to the east and that we would split the cost of that section with the abutting owner.
- Addition of architectural details to the building front and addition of street trees

We were appreciate that the sponsor had responded with some proposals and were hopeful they would be receptive to additional negotiation however, there was no reduction in height – our primary concern and we were not convinced that the proposed adjustments truly helped mitigate our concerns. But we said we would consider the proposal and looked forward to further communication. Regarding the fence proposal, we agreed to share the cost and offered a suggestion for the design. We also requested that the fence construction go forward as soon as possible. Following this meeting, we

hoped for a revised proposal or some follow-up communication but also knew the sponsors might go forward and initiate the final building permit process. However, no further communication occurred. Subsequently, we heard from neighbors that the project was on hold due to some personal issues of one of the sponsors. We also assumed the new Eastern Neighborhoods zoning plan (under development at the time) might be contributing to the delay. We then waited to see what, if any, new proposal might come forward.

On September 25, 2009, we received a letter from the planning department notifying us of Environmental Review going forward for a new proposed 12 unit development. Responses were due October 4, 2010. As there were no plans provided with the notice, we scheduled a meeting at the planning department to review the new plans. These new plans described a building with 12 units that would be 55 feet high. On Wednesday, October 14, 2009, Joe Drennan went to meet with Jeremy Battis at the planning department to review the new plans. These new plans presented a larger, taller building with twice the number of units than were in the original proposal. A copy of the letter presented to the sponsors regarding the initial project proposal was provided and the concerns were largely the same – only greater in terms of increased impacts to our property. No further information nor communication was received from the sponsor or planning department following this review.

On March 26, 2010 we saw a notice posted at the project location noting a new proposal for a 13 unit, 55' high (plus roof deck), that met the minimum standard of the building code. Further any interested parties were notified they had 30 days to respond. Following our observation of this notice, we contacted neighbors to find out if any information was provided in the mail i.e. the 311 notification or if they had heard from the project sponsor. No one had received such notice or information from the sponsor.

We contacted Ben Fu at the planning department (ATTACHMENT 4 email dated April 21, 2010). Mr. Fu replied that the notice was posted incorrectly and that we would receive a new 311 notice, which we got on April 22, 2010. We spent several weeks reviewing drawings and talking with neighbors about the proposal.

Per the recommendation of the planning department notice we contacted the Community Board on May 20<sup>th</sup> to discuss the mediation process. We spoke with a gentleman name Mac who explained the process of mediation provided by the Community Board. The program sounded good but under the 30 day deadline we chose to focus on preparation of this DR because we felt it was unlikely to initiate a mediation process with only 2 days remaining. We are open to continued discussions with the sponsor or mediation if warranted.

On May 20 and 21, 2010 we left messages for Drake Gardner by phone and email requesting a time to discuss the new project (see attached correspondence summary). On May 21, we spoke with Drake and discussed our concerns and listened to his point of view. We noted that our primary concerns originally were the height of the building and inadequate set back as well as with architectural detailing, streetscape and roof decks and that this new project at 55' high exacerbated those concerns and didn't seem to include any of the changes incorporated to last design. We also asked some

questions about details that weren't included on the sheets we had received (i.e. measured elevations, heights of roof deck wind breaks, etc. At this point, Drake expressed that they felt that we had been unwilling to compromise during the previous meetings and that he had made significant concessions to the project to mitigate our concerns (our opinion is different). Drake said the building met code, had been through internal design review (where changes were made, though we had not been made aware previously that this process had happened-despite several requests to be informed) as well as other reviews and that they were fed up with the process and delays. He mentioned that he might be willing to ask his client if the upper unit could be set back but said he thought they weren't likely to make any other changes since they'd already made some in response to planning and that planning staff was supportive of the project.

We also noted that the 311 packet we received was missing some sheets and Drake offered to email those to us. On May 22, 2010 he sent those along with 2 renderings of the project which we had not seen previously.

On 5/21/ we also talked to Ben Fu at the planning dept. to get more information on the internal design review that Drake referred to in order to understand changes that had already been made. He explained that planning had requested additional rear set back over minimum requirement to try to mitigate the building bulk and had requested that wind screens on roof decks be set back from the building edge. Ben also explained what our options were for comment at this point – to file a D.R., send a letter, or to appeal the permit if it was issued.

In short, the full set of plans describe a project that is more that 10 feet taller than the original proposal (including roof decks) with no change in set back or bulk and not even including any of the design adjustments presented in the original plan. In fact, we feel that no substantive positive changes have occurred to the project design to mitigate our original concerns, though we hope to continue conversations with the project sponsor and owner.

## **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?**

### What are the reasons for requesting Discretionary Review?

- a. The current project proposal is significantly different from the one we had been working on with project sponsor. This does not demonstrate a good faith effort to work with us to modify the design, particularly since they did not contact us regarding the recently revised, larger project and knew of our concerns with the previous, shorter building. We had hoped that some

concessions would be addressed in a new project design. We had no communication from the project sponsor on the latest, much larger and taller building, even though we and our neighborhood group had demonstrated our commitment to working to resolve issues by participating in more than 40 communications by email, phone and in person meetings with the project sponsor and/or planning staff and had asked to be kept abreast of the project as it evolved. Many, if not most, of the revisions to the previous plan that addressed our and the neighborhoods concerns were not included in the current proposal.

- b. The process overall has not been transparent. While the planning staff we've talked with about the project have been professional, friendly and generally helpful, the constant changes to the project and the evolution and changes in the city's plans and zoning with respect to this neighborhood and recent reforms regarding discretionary review, etc. have made it very difficult for us to understand the process, what rules and codes apply. The original application in June 2007 was to "Erect: One Three Unit, Five Story Residential Structure". Later we learned that they intended to subdivide the lot and erect two 5 story, three unit buildings. We were first notified of the project by our neighborhood group, Fix26, not by the project sponsor or the city. Because we received no notification, despite our requests to be notified of any activity related to the property, we were not able to comment on the revised project relative to several public documents or meetings – including a February 17, 2010 Historic Preservation Commission meeting, receipt of environmental review documents for the project (from planning notification on 9/25/1009), and inclusion of the project as a "major housing project filed at the planning department" in the city Housing Department's December 2009 "Housing inventory report. The project plans we received have numerous inconsistencies in details making it difficult to understand what the full impact of the project would be. We were not made aware that the planning department was doing an internal review of the project until we had several conversations with planning staff and, finally, the project sponsor. We did not have an opportunity to contribute any suggestions to this process. We have not had an opportunity to request additional studies or information on the revised project plan to fully understand the impacts to the neighborhood, our property or our quality of life.
- c. We respectfully submit that the timing of this project itself presents an exceptional and extraordinary circumstance. The original project application in 2007 was submitted under one set of rules. Recently a new plan has been adopted for the Eastern Neighborhoods and even more recently (March 2010) adoption of trial new discretionary review reforms were adopted that make it extremely difficult for us to understand what rules apply now. While we feel we might bear the brunt of new rules regarding the DR process, we don't feel we'll benefit from other reforms that possibly would have made it unnecessary

for us to file this in the first place. For example, in addition to tightening what qualifies as exceptional and extraordinary circumstances the reform also intends to: strengthen the pre-application meeting requirements and make consistent the scope and type of information exchanged at those meetings to improve communication between project sponsors and their neighbors; improve public information about the Discretionary Review process in general and provide access to project-specific information on-line; option of "Reconsideration", provide clear definition of "exceptional and extraordinary circumstances". We have not had the benefit of any of these reforms since this project application was filed in 2007.

- d. We do not think the project as proposed preserves or enhances our neighborhood character nor does it demonstrate an effort to meet important elements of the guidelines and policies outlined in the new Eastern Neighborhoods Plan, Mission Area Plan (MAP) and conflicts with elements of the General Plan, Planning Code Priorities. According to the planning department the project meets the **minimum standards** of the Planning Code. However, in our view, except for providing 13 small units to address the need for additional housing near transit, it does virtually nothing to address most of the guidelines and policies in the new Eastern Neighborhoods Mission Area plan that are intended to encourage development that contributes to neighborhood character, quality of life and environmental sustainability. It is 15 feet taller than all the surrounding buildings, including the new 58+ unit development at 555 Bartlett. Again, we believe the timing of this projects means it merits additional review to see how it could be made a much better with respect to how the guidelines and policies in the Eastern Neighborhoods Plan could be realized.

How does the project conflict with the City's General Plan or the Planning Code's Priority Policies?

We think the project conflicts with several provisions of the General Plan, Planning Code Priorities and numerous guidelines and policies in the Eastern Neighbors Plan, Mission Area Plan. These include:

- the City's GENERAL ZONING PROVISIONS SEC. 101. PURPOSES. (b) To protect the character and stability of residential, commercial and industrial areas within the City, and to promote the orderly and beneficial development of such areas; and (c) To provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers;
- **SEC. 101.1. of the City's MASTER PLAN CONSISTENCY AND IMPLEMENTATION.** (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods; (8) That our parks and open space and their access to sunlight and vistas be protected from development. As described in

Mission Area Plan section 5: "In small-scale residential developments in this area, open space is provided as backyards. Currently many of the blocks, especially the alleys and neighborhood commercial streets of Mission and Valencia, have a rear yard pattern similar to many of the residential neighborhoods in the city. Taken together in the center of a block, these rear yards provide a sense of visual relief and access to open space in this part of the city. In areas where the existing pattern is one of rear yards, this pattern should be maintained" pg. 53. The project does not conserve neighborhood character and diminishes local open space.

**The ways in which the project conflicts with the General Plan and the Planning codes Priority polices are many. Below are excerpts from these polices and our brief discussion of the conflicts.**

From the Mission Area Plan December 2008 Adopted Version <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=2321>

The word 'character' is used 44 times. Generally stating that new projects should be designed to be compatible with the existing character of neighborhoods. The word 'height' is also used 35 times and generally references that new projects respect the existing building heights. With respect to the proposed project, we submit that it does not respect the character of the neighborhood nor the heights of the existing buildings.

We have elaborated on the conflicts with the General Plan and Planning Code priority polices in an attachment to this application (ATTACHMENT 5).

e. We do not have confidence that the property owner/developer has any interest in the well-being or quality of life in our neighborhood. When we moved to our house the project site had a single story cottage that was perhaps 100 years old, according the resident/owner who knocked on our door soon after we moved in. She vacated the property in late 2003 or early 2004 and apparently did not secure the house to prevent trespass. Squatters soon took over the building for illicit activities, prompting numerous calls to the police. Neighbors had made repeated complaints about neglect of the building previously on the site after it was vacated. Then one evening in 2004 we saw two men digging at the western foundation with crow bars and shovels. There were no permits for the work and when we asked what they were doing they said "some work for the owner." Subsequently there was no attempt to repair the damage done by these men and the building was left unlocked, with no fence around it. The building was regularly used for prostitution, drug use and drug dealing and had people sleeping in it. On many occasions we and other neighbors called the Police Department and Building Inspection Department to complain and it was a regular point of discussion on the street. Then in the fall of 2004 we awoke to a bulldozer pulling the house down but no permits were evident and we called

building inspection. Later we were told that there was an emergency order to demolish a "hazardous building" (which it was at that point) but no one was notified in advance of the intention to tear the building down. For some reason the case wasn't abated until 6/07/06 (per the city records online permitting and complaint tracking web site). These actions had not engendered the trust of the local neighborhood. Then it took the project sponsor five and a half months from the June 2007 application filing to notify neighbors that a project application had been submitted. As far as we were able to tell from our conversations with neighbors, only one had received any notification of the project application. By chance someone had seen a letter and mentioned it at one of our neighborhood meetings. Representatives from our neighborhood group (Fix26) then began doing research with the city to find out who was behind the project and what was being proposed and to get in touch with the project sponsor. Despite that beginning we were encouraged when we did finally start meeting with the project applicant. Since that time the project sponsor has exchanged emails and met with us and the neighbors on the project. Then after last fall when we had our last meeting about the previous proposal we didn't hear another word. However, it has seemed that much communication was unnecessarily vague and/or that certain things were intentionally obfuscated. For example for quite awhile we were not told who the owner was but only that the project sponsor, and another man, Luke O'Brian, were the "owner representatives." Also, they were not forthcoming with plans to subdivide the lot, then to change the project after several years of good faith meetings that we and neighbors have participated in. The current use of the property is for storage of scaffolding equipment and a dump truck filled with miscellaneous materials (see photos of current condition). Despite several calls to the DBI, no action has been taken to correct the current incompatible land use.

**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.**

- a. We would be affected since we live in the house adjacent to the project site. In addition our tenants and upstairs neighbors, Jennifer and Stephen Finnegan, would be impacted (see letter ATTACHMENT 6). Our house is approximately ten (10) feet from the northern property line of the project. The building will be 15 feet higher than ours with additional structures on top of that including a roof deck and an elevator housing. The building is also 15 feet higher than the two adjacent properties as well as all the other buildings on 26<sup>th</sup> St. between Mission and Valencia and Bartlett between Cesar Chavez and 25th St. When we moved here in 2002 the project site was not a vacant lot. There was a small, very old, one story cottage on the site occupied by the woman who also owns the building to the east. We will lose light, privacy, and property value.

The previous project proposal would result in significant negative impacts to our property and quality of life – significant reduction in light through our south facing windows, to our yard, to small views of sky, and privacy would be compromised or lost altogether. The attached shade study (ATTACHMENT 7) shows the shade impact from the previous proposed 47 foot high project. In addition to the quality of life impacts from significantly reduced light we are concerned the project will have an effect on energy use since both we and our upstairs tenants all feel that the south facing sun helps provide passive solar warming. Also, as demonstrated by the shade study the previous project would impact south facing sun exposure almost to the top of the upstairs unit windows. We are now concerned that the new, higher building will shade our roof as well and it would impact our desire to install solar panels on our roof in the future. We think it is in the city's interest to preserve opportunities for building owners to undertake these kinds of environmentally responsive improvements.

The design of the rear façade is very imposing, essentially constructing a 55'+ "wall" facing our property. There is no articulation to the back of the building and virtually no other architectural detail to mitigate the visual impact of the project, which we will look at every day. Though perhaps not traditionally of architectural importance to the public streetscape, in this case the rear façade is important to the internal character of the neighborhood and the "interior" open space of our block, an objective of the Mission Area Plan. In addition, the small rear set-back leaves only a small patch of separated private "open space" (approximately 8.5 feet x 22 feet) areas with no detail regarding landscaping (aside from trees) or surface type (porous or concrete). We and our neighbors living in the buildings to the east and west of the project area will lose visual access to this small patch of potential green space.

- b. The people living in the units of the two adjacent buildings (east and west) that face onto the project area will lose significant light and air (building to the east) or almost all light and air (building to the west). We are concerned about the impact that this will have on the future desirability of these rental units and the impact that could have on the neighborhood. Already many of the people who live in the units in the building to the west have said they will leave if the new project goes up because they will lose virtually all of the direct light into their apartments. These are people who have been active contributors to our neighborhood – participating in our neighborhood group (Fix26), coming to block parties, etc. There were already problems with some tenants in the building who regularly used the roof (though not designed for occupancy) for loud parties, frequently throwing trash and lit cigarettes into our yard. Indeed, the extreme proximity of the project to the two adjacent buildings concerns us with regard to fire. There was a major fire in the adjacent building to the east in December 2009 and it is now vacant and boarded up. Fire crews had to use the project lot and adjacent alley to gain access to the building and put the fire out. Fire is a concern for us as



there have been two additional major fires in our immediate neighborhood since we've lived here – one three buildings to our north on Bartlett Street and another just off 26<sup>th</sup> Street in a building on the alley between Valencia and San Jose.

- c. The overall neighborhood will be negatively affected. The newly revised project does very little to enhance the streetscape in-line with those recently made by our neighborhood group to the streetscape on both 26<sup>th</sup> street and Bartlett Street (see attached photo). The building scale and style is out of context with our neighborhood and creates a huge, block-long wall of massive buildings on the north side of 26th that is in stark contrast to the buildings on the south side of the street. There is no architectural detail or articulation provided to contribute to the pedestrian experience, though we do like the front balconies and the “patio” on the street level unit which enhances opportunities for “eyes on the street.”

We are concerned that roof decks will contribute to noise (which our neighborhood group, Fix26, has been working to ameliorate for quite some time) and that they won't be used as “garden/public open space” but might become storage areas and “vacant lots” on top of the 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)?**

**Primary changes that would reduce the adverse effects noted above:**

- Reducing the height to 40 feet – consistent with the maximum heights of existing buildings in the immediate vicinity of the project.
  - Increasing the rear yard set-back
  - Providing additional architectural detail and articulation to rear façade
- In addition

**Additional changes that would reduce the adverse effects noted above:**

- We would like the permit approval to be delayed in order to allow additional time to: understand changes already requested by the planning department; understand if certain things referred to in the new Eastern Neighborhoods Plan, such as a “performance based evaluation tool” were used and what the result was; and, meet with neighbors to get input on the new proposal.
- We would like a shade study showing the effect of the new taller building on our roof light to determine how it would affect our potential to install solar panels.
- We would like concerns about impact to streetscape and street façade that have been expressed previously to be addressed. We'd like permeable strip sidewalk plantings consistent with those already in our neighborhood. (consistent with Better Streets Plan).

- We would like to see improvements that will provide real attraction for families including one larger two bedroom unit. In addition we'd like to see a plan for a single, shared rear yard that with permeable surface that better facilitates a diversity of uses including by children and that minimizes a totally shaded yard (which would largely be the case given the 55 ft. height and lack of articulation at the back. This would also support the open space objectives of the MAP and policy 5.2.6 to *"ensure quality open space is provided in flexible and creative ways, adding a well used, well-cared for amenity for residents of a highly urbanized neighborhood. Private open space should meet the following design guidelines: A. Designed to allow for a diversity of uses, including elements for children, as appropriate. B. Maximize sunlight exposure and protection from wind C. Adhere to the performance-based evaluation tool."*
- Overall we'd like to see higher quality design that reflects objectives and policies set forth in the new Eastern Neighborhoods plan— better architectural detailing, improvements to the streetscape, creation of quality open space for the neighborhood, demonstrated use of green/sustainable building materials and practices, units and developments that are truly attractive to families. We want to support this development, which we think is one of the first being proposed under the new Eastern Neighborhoods plan, one that sets a great example of how to realize the objectives of the new plan to "ensure that new buildings are of high-quality design and that they relate well to historic and surrounding structures...enhance the quality of place and ensure the neighborhood's long-term livability... support a more ecologically sustainable urban environment."

#### **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). **Check attached.**

G Address list for nearby property owners, in label format, plus photocopy of labels. **Provided**

G Letter of authorization for representative/agent of D.R. applicant (if applicable). **NA**

G Photocopy of this completed application. **Enclosed.**

#### **OPTIONAL:**

G Photographs that illustrate your concerns. **Yes**

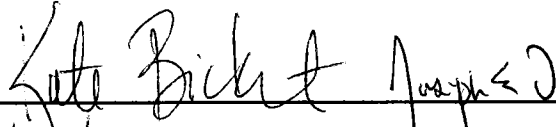
G Covenants or Deed Restrictions. **NA**

G Other Items (specify). **Aerial photos of project area, communication log, project plans, original letter of concerns for the 47 foot high 6 unit project.**

**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

5/24/10

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**List of Attachments**

1. Summary record of correspondence
2. Original letter to Drake Gardner dated April 16, 2008
3. Drawing sent by Drake Gardner in August 2008
4. Email to Ben Fu dated April 21, 2010
5. Attachment of existing policies that project conflicts with
6. Letter from Jennifer and Stephen Finnegan
7. Shade Study
8. Photographs

## ATTACHMENT 1. Summary record of correspondence

### Correspondence related to 3418 26 Street development proposal

11/27/07 Andrew D. sent via email note from Drake Gardner announcing proposal to build two building at 3418 26<sup>th</sup> st.

12/12/07 – Email forwarded from Zoe Astrakhan (fix 26 partner to Andrew D.) of email request on 12/12/07 to Ben Fu asking for information on project.

12/19/07 Email from Andrew D. to Fix26 that he had received plans for proposed development at 3418 26<sup>th</sup>. Attached them for group. Drake said they are at community outreach stage so far but now explanation of how the outreach was so unsuccessful so far. Andrew had met the project owner who said he wanted to meet but had no details about how we can have the opportunity to review and ask questions, make suggestions, etc. Perhaps they can come to Fix26 meeting.

2/14/08 Andrew D. sent email to Drake thanking for follow-up letter and sending concerns collected from neighbors that had to do with project history, building mass and architectural expression, height, lot coverage, site landscaping and street improvements.

2/19/09 –Email from Andrew forwarding email from Drake Gardner on 2/19. Drake's email confirmed receipt of comments and has forwarded them to client. Also attached façade design submitted with initial application and said planning "felt it included too much detail and wanted it stripped down, thus the current generic look."

2/20/09 Email from Andrew D. forwarding email from Drake regarding getting new planner for the project (Edgar Oropeza). Noted group should send comments to Edgar and Ben Fu.

4/16/08 Kate and Joe sent letter to Drake Gardner (cc'd Ben Fu) thanking him for coming to the February 08 Fix 26 meeting to discuss plans and noting we are pleased to see something happening and also noting concerns with height and setback impact to light, solar energy, view, privacy, density, parking, and overall concern with design, neighborhood character.

4/23/08 – Drake sent email to with revised plans that had been forwarded to Andrew. Suggested we contact Andrew regarding changes in response to concerns.

5/29/08 – Drake sent email to Andrew (cc'd to us and others) with 3D rendering he'd asked for and photos of other projects they've designed for Mel.

6/23/09 Drake G. sent email noting he had emailed a plan package including plans, renderings and examples of other buildings we have done with "this builder" recently. Noted he was available to meet and answer questions about revised design. Said that Andrew Dunbar and his partner had reviewed revised plans and "agree that in their opinion we have addressed all the issues raised by the neighborhood group as a whole and are willing to support project in its revised form. Also noted they had gained the support of the two adjacent property owners facing 26<sup>th</sup>. Looks forward to meeting with us and addressing any additional concerns, if any, you might have as affected neighbor. Gave suggested meeting times of 6/25, 6/26, 6/27.

6/24/09 Kate B. sent email to Andrew Dunbar (neighbor and Fix26 founder) forwarding email from Drake Gardner (6/23/09) and to check on how he had represented Andrew's discussion with him. Also

attached letter we sent to Drake and Ben Fu re the project. Noted that we were going to try to meet with him later in the week to ask for shade study and reviewing revised plans again. Noted we still hadn't received notice from the city. Asked if Andrew had additional concerns we should share.

6/25/09 Kate B. replied to Drake's 6/23 email. Noted we would like to meet at suggested Friday 6/27 at 12:00 at our house or another location.

6/26/09 – Drake replied that Friday 6/27 at noon would work at our house.

6/26/09 – Kate replied with confirmation of meeting.

6/26/09 Joe D. left message for Julian B. and Ben Fu. Ben out on vacation and Julian is designated sub.

6/26/09 – Andrew D. sent email response to Kate's 6/24 email. Thinks Drake overstated their support a bit. Thinks he addressed many of the needs but had hoped for more, bring front down to match neighboring bldgs, include plantings. Thinks we should call have a meeting in July.

6/26/09 Kate B. replied to Andrew's email letting him know we're meeting with Drake tomorrow (6/27). Noted we would follow-up on his additional concerns and will let him know how meeting goes. Suggested he call Ben Fu again and agreed a meeting in July would be good.

8/19/09 Drake G. sent email with shadow study we had requested at June 27 meeting and letting us know he would mail hard copies of addition requests (drawings showing additional set-backs, tree types, and possible fence design.

8/25/09 Drake G. sent email to check if we had received materials and schedule meeting and request our phone # again.

8/25/09 Kate responded to Drake G. email confirming receipt of information late the previous week (8/21). Apologized for delayed Gave Drake home # and cell #s for Kate and Joe.

8/27/09 Drake replied – "when is soonest we can meet and what time?"

Early Sept. talked with Drake by phone...don't have date or notes

9/8/09 – Drake G. sent email to set up time to meet to "discuss remaining issues in connection with the project, explain shadow study and indicating they had reached "tentative agreement with adjacent bldg. owners to resolve fence issue.

9/8/09 Kate B. replied to Drake with suggesting meeting times of 9/15, 9/17 and 9/19.

9/10/09 Drake replied that 9/17 at 6:00 would work but would prefer earlier

9/15/09 Kate B. replied that we could do 5:45

9/16/09 Drake replied to confirm 9/17 at 5:45

9/17/08 – Kate B. and Joe D. met with Drake Gardner (project sponsor) and Luke O'Brian ("owner's representative) at their house (479 Bartlett St.) to discuss the revised plans for development of the lot at 3418 26<sup>th</sup> st. Kate and Joe expressed their overall support of something going in at the space and thanked them for sending new plans. Discussed changes proposed – including set back of upper story at back with deck (how different from original plan?), addition of "screening trees" to back yard, and sloped roof (also seemed similar to previous changes per fix26 comments). Previously we had asked Drake about plans for the fence and whether we could have input on design and what the plan was to

replace the fence. At this meeting we discussed fence design Drake had sent in packet and Drake and Luke proposed that the project would build a new fence along the back of our property and the building to the east and that we would split the cost with that owner (Pat Aravedi). We said we were still concerned with overall height and impact it would have on light to our house but that we'd think about it further. They said the 311 notice was close to being finalized and that the project would go to the planning commission perhaps as early as January 2010. They estimated construction time to be 6-9 months.

9/26/09 – Received Planning Dept. “Notification of Project Receiving Environmental Review” dated Sept. 25, 2009 requesting us to contact staff by 10/9/09 “in order for our concerns to be fully considered or to ensure your receipt of future environmental review documents for this project.

10/8/09 Joe Drennan contacted Jeremy Battis by phone to discuss the 9/25/09 planning department “Notification of Project Receiving Environmental Review” for a 55ft. high, six story, 12 unit building.

10/8/09 Joe D. followed up with Jeremy Battis and Ben Fu expressing concern and arranged to come to planning on Wed. 10/14 to review the plans.

10/14/09 Joe D. went to planning dept. to look at new plans and review file...The file depicted plans for a 6 story tall building with 12 units. The plan was larger and denser than the previous iterations and essentially addressed none of our concerns. Rather the new plan was taller, included two curb cuts on 26<sup>th</sup> street for garage parking and other features that were considered incompatible with the neighborhood character.

4/21/10 – Kate B. and Joe D. sent email to Ben Fu and John Rahaim re: notice posted at 3418 26<sup>th</sup> for 5 story, 13 unit building. Expressed concern that we had not gotten 311 notice, that project was substantially larger and different from that we'd previously seen. Also commented that despite our specific request to be notified, we had learned that the project had been heard at the Historic Preservation Commission on February 17, 2010 and had been including in the city's December 2009 Housing inventory report as a “major housing project filed at the planning department (pg 36).

May 20, 2010 Joe D called Drake and requested a time to talk about the 3418 26th st project

May 20, 2010 5:23:58 Joe emailed Drake G requesting a time to talk about the project

5/20/2010 – Kate B. left message for Drake Gardener

5/20/2010 – Kate B. left message for Ben Fu re: date for submission of DR and also noting she had other questions.

5/20/2010 – Ben Fu left message for Kate B. on home phone that review not due until next business day

5/21/2010 – Joe Drennan talked very briefly to Drake Gardner on his cell. Drake said he'd call him back.

5/21/10 – Kate talked to Sue Hester briefly. She was busy today but said we should call tomorrow. Fill out D.R.

5/21/2010 – Kate B. left message for Drake Gardner on cell phone.

5/21/2010 (23 minutes) – Drake called back Kate at home phone # from his cell phone (while driving), Joe Drennan was here also.

Kate asked questions about recent plan – is there any opportunity for discussion of design and also questions about the plan. Drake said he and his client felt like the there was no good faith effort on our part to resolve concerns when they left last time and they felt they had made major concessions. We

pointed out that was for a totally different project under different rules since the zoning had changed. He said they made concessions last time by adding a set-back on the upper floor, adding screening trees in the back and sloping the roof to address our concerns about height. We had a conversation about the parking spaces and Drake said he thought it was a bad idea that they didn't have a space per unit, and then said that people will have cars anyway and use the street parking. Then he mentioned a project he'd worked on 24<sup>th</sup> street that had no parking but all the people there have cars. He said he had talked to Andrew from Fix26 and that Andrew said he represented all the neighbors and that they're only concerned with the streetscape. Kate then asked about some of the plans provided – what exactly is the height since it doesn't say on the plan, also sheets were missing, we discussed the roof deck which he said is allowed in the code. The back yard will be split into many small parcels shown on the second sheet, not the design described on A-1. Kate asked if he would send the drawings and he said he would.

He said he doubted we'd find any support from the planning department since they had a lot of support there, that the project had gone through planning review and a historic preservation review. He said the planning department made them add more units and wanted to get as many units in as possible and other things that they had already done. We said we weren't aware of the internal review that had happened and would talk to Ben about that. He said he might be willing to ask his client for an additional set back on the top story but doubted he would make any concessions.

We again pointed out it was a different project and asked if there could be discussion about any of the back design. He asked what we were concerned about, Kate said the entire project – height, design, detailing, streetscape because this is where we live and we care about the impact on our property and the neighborhood. Drake laughed and said – oh, everything. Then he said his client is not willing to make additional concessions at this point. They're frustrated with the process the whole thing has been dragging on and on and been delayed. We tried to point out that we weren't the ones causing any of this delay and he interrupted and asked us to send him an email with our concerns and he'd look at them.

5/21/10 Ben Fu returned Kate's phone call. Kate asked about internal planning department design review and results of that. Ben noted that they had reviewed the new project proposal and had asked for a front set-back, additional setback in the rear (over what the code requires by approx. 5-6 ft.) and asked that wind screens on roof deck be glass and be set back from the building edge. Kate asked why we hadn't gotten notice of the new project and Ben said that technically the project sponsor did not have to do another meeting with community even though the project had changed significantly. Ben also clarified that neither the city nor the applicant is required to notify interested parties about other meetings, such as the Historic Preservation Commission. Kate also asked about what additional options for review we have. Ben noted the D.R. process and also that we could file an appeal to the permit when and if it is approved. He noted all neighbors have been friendly, reasonable and professional in their dealings with him. Kate also thanked him for being helpful and friendly.

5/21/10 – Andrew Dunbar sent comments to Drake on new proposal and cc'd to fix26.

5/21/10 Kate send additional comments to Andrew's 5/21 notes to Drake

Sat 5/22/10 - Drake G emailed a full set of plans and the latest renderings.

ATTACHMENT 2. Original letter to Drake Gardner dated April March 16, 2008



March 16, 2008  
Mr. Drake Gardner  
Zone Design Development  
10 Carlile Drive  
Novato, CA 94945

RE: 3418 26<sup>th</sup> Street, San Francisco, CA 94110. (Note: plans show address as 3424 26<sup>th</sup> Street)

Dear Drake,

Thank you for coming to the February Fix26 Neighborhood Group meeting to Present the development plan for 3418 26<sup>th</sup> Street in San Francisco. Our property, 479-481 Bartlett Street abuts the 3418 street property to the south and we share a fence line with the property. We purchased our property in 2002 and moved here in January 2003. At that time the 26<sup>th</sup> Street parcel was occupied by a small, single story house. Soon after we moved in the house was vacated and stood vacant and in disrepair for some time. Eventually we saw workers dismantling the building foundation. They then left and the building remained vacant for several more months before it was demolished in 2004. We were never notified (nor were any of our neighbors) that the building would be removed. As we stated at the community meeting we also were never notified of the application for lot line changes or for the variance.

We want to start by saying that we are generally pleased to see something will happen with the vacant lot. However, we would like any new development to be done in a manner consistent with the character of the neighborhood, as well as the codes and local zoning statues. We have reviewed the proposed plan you distributed at the February meeting and have the following comments on the proposed development plan.

**Light.** The proposed project will significantly alter the amount of sunlight that our house and yard currently receive. Most of the windows into our unit and the one above face south, directly onto the 3418 lot. Our lot also has a substantial side yard that is currently a well lit, sunny area that we use for gardening, a sand box and children's play area. The loss of light and the warmth of the sun would severely diminish the utility of the space and degrade the value of our yard as well as significantly change the amount of light into our home. We are concerned with the proposal to build to 50 feet high. None of the adjacent properties or other nearby buildings exceed 40 feet. Thus, the structure would alter the character of the neighborhood, as well as our backyard space. We request that a lighting/shade study be performed to evaluate the impacts on our property. We ask that the final design provide a full set back on our fence and minimize the overall height to 40 feet to ameliorate the light impacts. An evaluation of light should also be considered with regard to the two building directly adjacent to the property on either side. All of the units in those building have significant windows facing onto the 3418 lot.

**View.** Our view of Bernal Hill will be reduced or eliminated in many locations if the development is built as proposed. We request that consideration be given to attenuating impacts to the extent possible. Again, maintaining the height limit to 40 feet and maintaining the maximum set back with our property line would address this to some extent.

**Privacy.** To the extent possible, consider the placement of windows and doorways and how they interact with our south facing wall. We have 7 large windows that face south and would prefer not to have views directly adjacent the new building. In particular, the back decks as proposed are of concern. We have bedrooms and living rooms at this level adjacent to the decks. Our yard is on the ground. Please reconsider the design to provide ground level outdoor space compatible with the neighborhood.

Consider eliminating what are essentially roof decks. Currently, when the adjacent properties have access to their roofs we find the activities and noise to be disturbing.

**Density.** We are strongly opposed the proposal to subdivide this lot and build two, 5-story tall buildings-six units. The lot is zoned RH-3, which is for residential 3-family. Our lot is also RH-3 but has only two units, one rental and one that we occupy. The local area is already built up with high density apartment buildings on either side of the property, and adding another large building will push the neighborhood in this direction-out of character with the predominant style in the area. We urge the developer to consider a 3-unit flat, in character with the neighborhood and the current zoning regulation.

**Parking.** Parking for 6 units would likely require removal of 2 street parking spots to accommodate driveway access. This would remove an important resource for this neighborhood that relies on metered parking to serve neighborhood business on Mission and Valencia Streets. We don't want those businesses to be affected by loss of parking spaces for customers. We also use the spaces occasionally or have out of town visitors that use them. Removal of the spaces would degrade an important resource for our neighborhood.

**Lighting.** No details were provided on the lighting plan; however, we ask that consideration be given to provide low angle lights that do not shine on our property.

**Setback and lot coverage.** It seems to us that the building coverage exceeds what is allowable by code and we ask that you look at maximizing the rear yard setback. Again, building We ask for the maximum setback possible to minimize impacts on our property light and view.

Finally, at the community meeting the group asked if, and you agreed to send internal plans and dimensioned plans that showed the adjacent buildings. If you have sent these we are not aware of them. Could you please forward them to us as soon as they are available.

We hope to work with the designer and developer to achieve an appropriate development that is in character with our neighborhood. We appreciate your consideration of our comments and concerns. We wish to be informed about any subsequent plans for this development.

**Design and neighborhood character:** Over the building design is a bit underwhelming and not very interesting. In addition to the street facing façade we are especially concerned by the rear façade which directly faces our property. It seems very underdeveloped, uninteresting and out of character with our building and others around us. In addition we did not notice any plans for streetscape improvements, which is important to us and to our neighbors.

We are very committed to our home and neighborhood and appreciate any efforts to make improvements to it.

Thank you for consideration of our comments. We are available to discuss any of these with you if you would like further clarification.

Sincerely,

Joe Drennan & Kate Bickert  
479 Bartlett Street  
San Francisco, CA 94110  
(415) 647-3718

cc: Drake Garder, Zone Design Development, 394 Bel Marin Keys Blvd. Suite 1, Novato, CA 94949

Ben Fu, Planner, City of San Francisco Planning Department, 1660 Mission St., San Francisco, CA 94103

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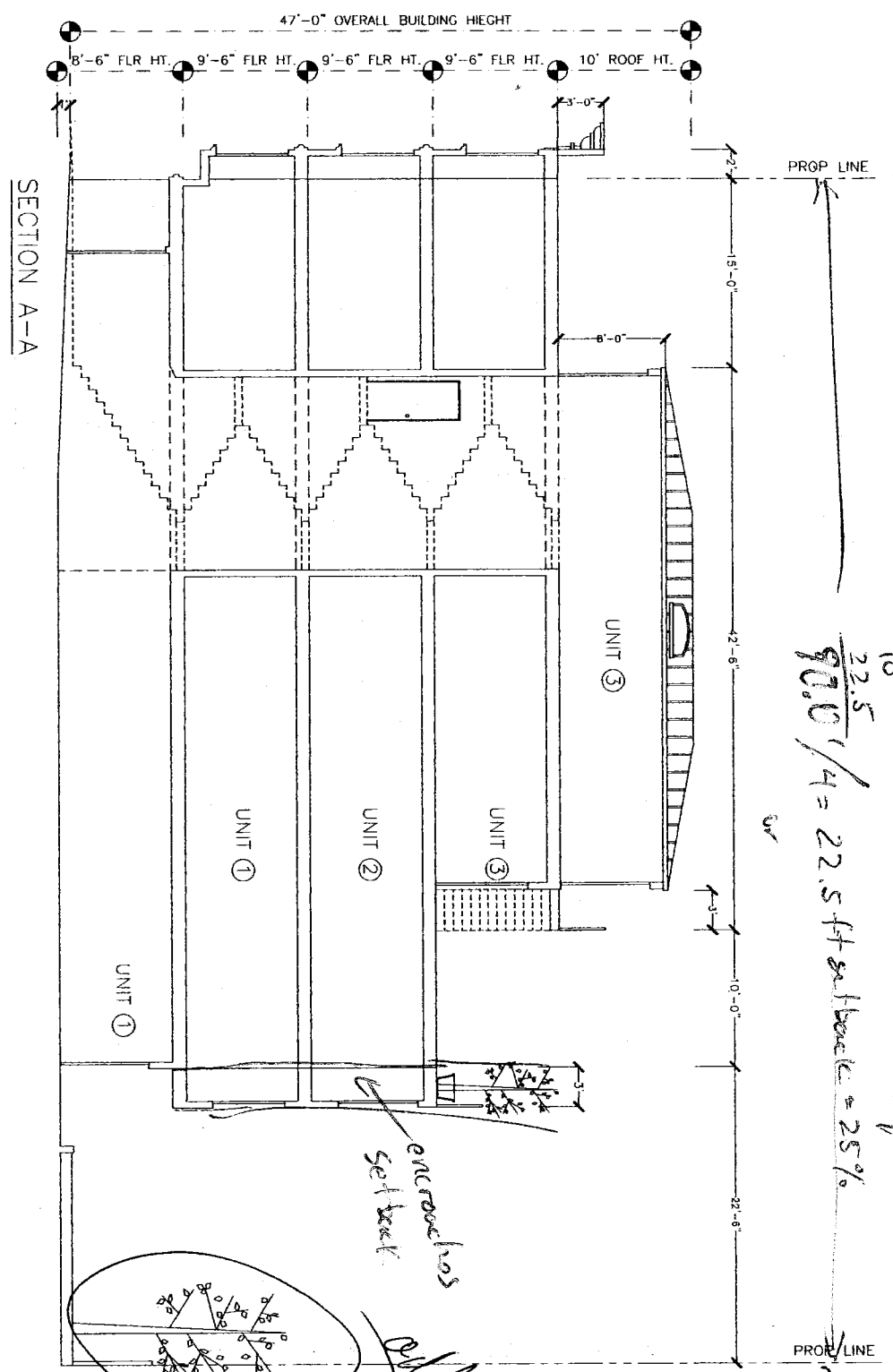
Drennan Bickert D.R. Application  
3418 26<sup>th</sup> Street Project, application no. 2007.06.20.4573

Attachment 2, pg 2

**ATTACHMENT 3. Drawings sent by Drake Gardner in August 2008**

Revised plans sent 4/23/08

Front height?  
Front planting?



$$\frac{22.5}{10} = 2.25$$

$$\frac{22.5}{4} = 5.625$$

open space requirement = 100 sq ft/unit private  
 600 sq ft. of common space  
 or plus 1/3 of common space  
 - Pays for Section 24  
 45' of setback

PROJECT: NEW THREE UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA. 94110  
 LOT: 012 BLOCK: 6529

DESIGNED BY: ZONE DESIGN DEVELOPMENT  
 DRAKE GARDNER  
 10 CARLEE DR.  
 NEWALD, CA. 94045  
 415-892-4311 OFF.  
 415-893-9244 FAX.  
 415-377-8894 CELL

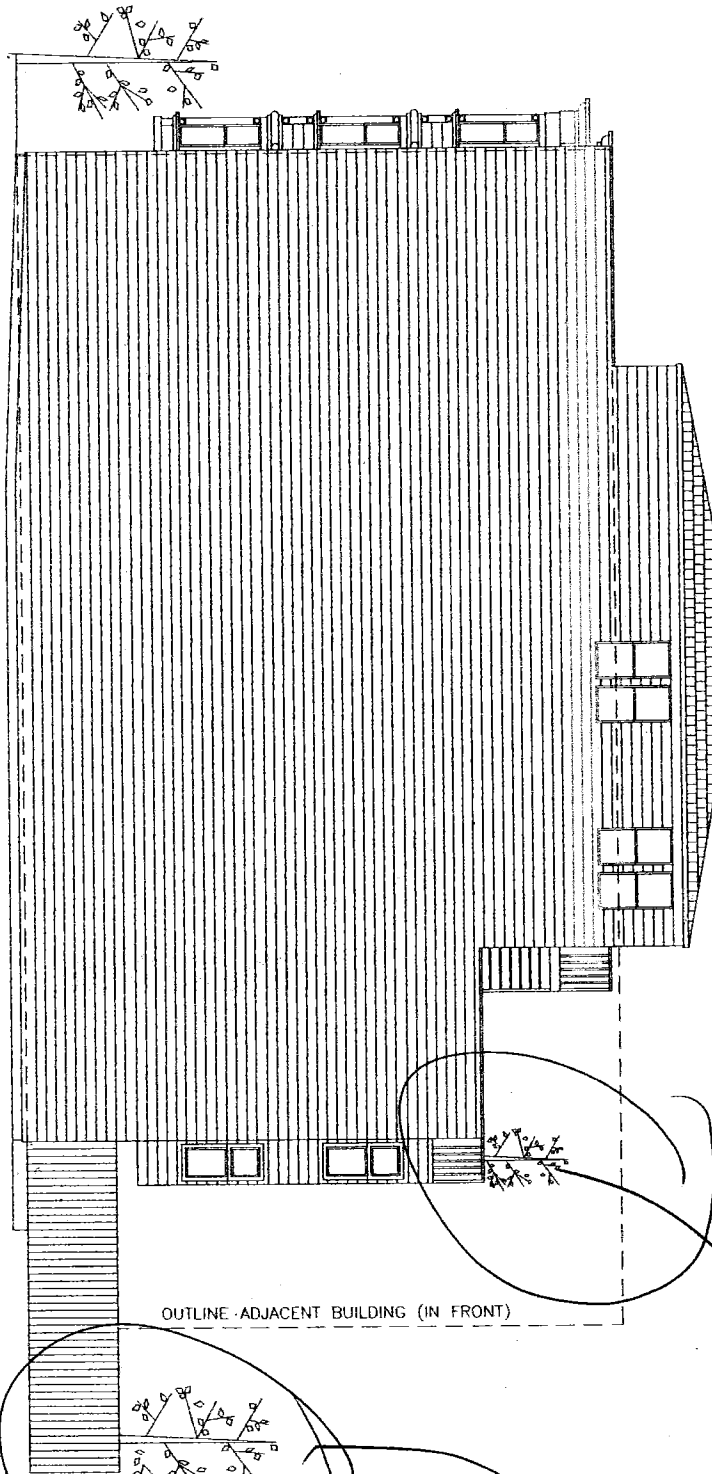
REVISIONS	DATE	BY	APP.
1	11.01.07		
2	04.07.08		

DATE: 05.15.07  
 SCALE: 1/4" = 1'-0"  
 PROJECT: D.G.  
 SHEET NO.: A9

3418 26th St

Attachment 3 Pg 1

EAST ELEVATION



OUTLINE - ADJACENT BUILDING (IN FRONT)

*deleted*

*deleted*

4/23/08

A7

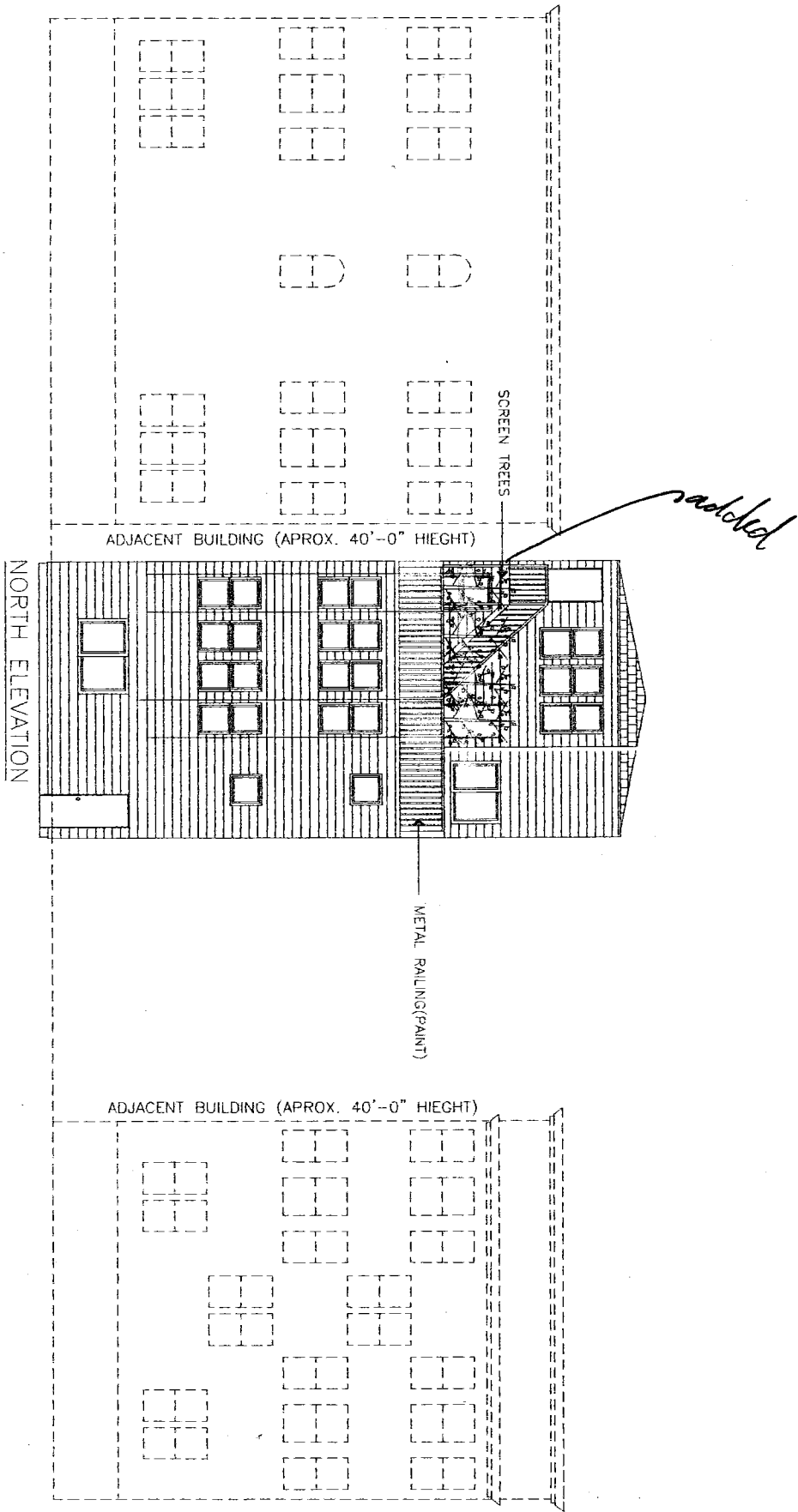
DATE: 05.15.07  
 SCALE: 1/4" = 1'-0"  
 DESIGNER: D.C.  
 P&R NO:

PROJECT: NEW THREE UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA. 94110  
 LOT: 012 BLOCK: 6529

DESIGNED BY: ZONE DESIGN DEVELOPMENT  
 DRAKE GARDNER  
 10 CARLEE DR  
 NOVATO, CA. 94945  
 415-892-4311 OFF.  
 415-883-9244 FAX.  
 415-377-6834 CELL

REVISIONS	DATE	BY
	11.01.07	
	04.07.08	

Attachment 3 p92



4/23/08

A6

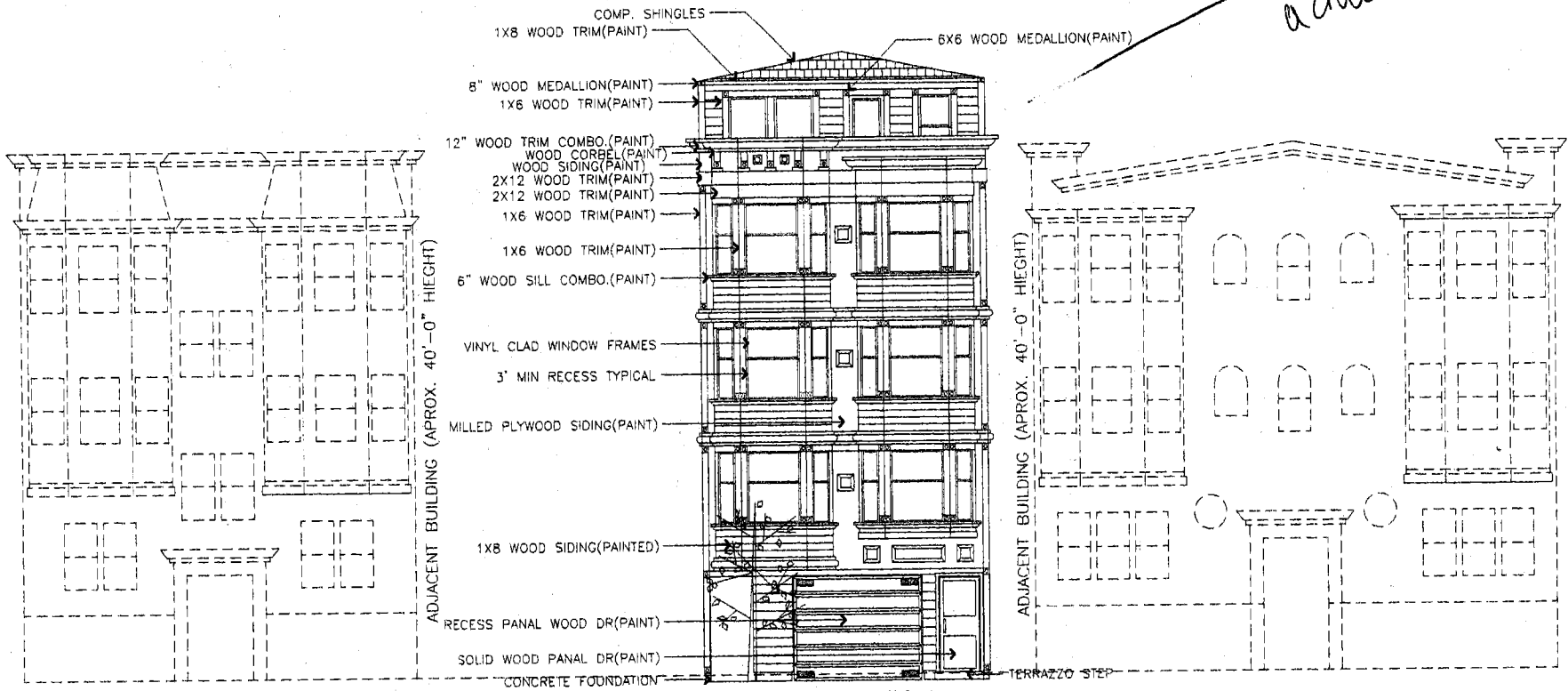
DATE: 05/15/07  
 SCALE: 1/4"=1'-0"  
 DESIGNER: D.G.  
 SHEET NO.:

PROJECT: NEW THREE UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA. 94110  
 LOT: 012 BLOCK: 6529

DESIGNED BY: ZONE DESIGN DEVELOPEMENT  
 DRAGE GARDNER  
 10 CARLE DR.  
 NOVATO, CA. 94945  
 415-892-4311 DRY.  
 415-893-9244 FAX.  
 415-377-6694 CELL

REVISIONS	
DATE	BY
11/01/07	SWM
04/07/08	

Attachment 3, pg 3



**SOUTH ELEVATION**

NOTE: ALL FINISHES ARE THE SAME AT ALL ELEVATIONS UNLESS OTHERWISE NOTED.

*1 street tree added*

*more detail added*

REVISIONS	
DATE	SYM.
11.01.07	
04.07.08	

DESIGNED BY: ZONE DESIGN DEVELOPMENT  
 DRAKE GARDNER  
 1000 CALIFORNIA STREET  
 HOUSTON, TX 77002  
 415-892-4311 OFF.  
 415-377-8844 CELL.

PROJECT: NEW THREE UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA 94110  
 LOT: 012 BLOCK: 6529

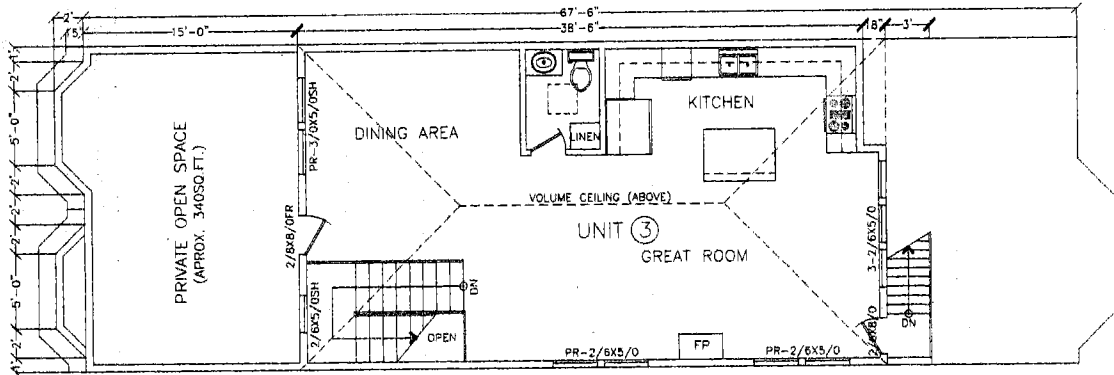
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 SCALE: 1/4" = 1'-0"  
 DESIGNER: D.G.  
 JOB NO.:  
 SHEET NO.:

A5

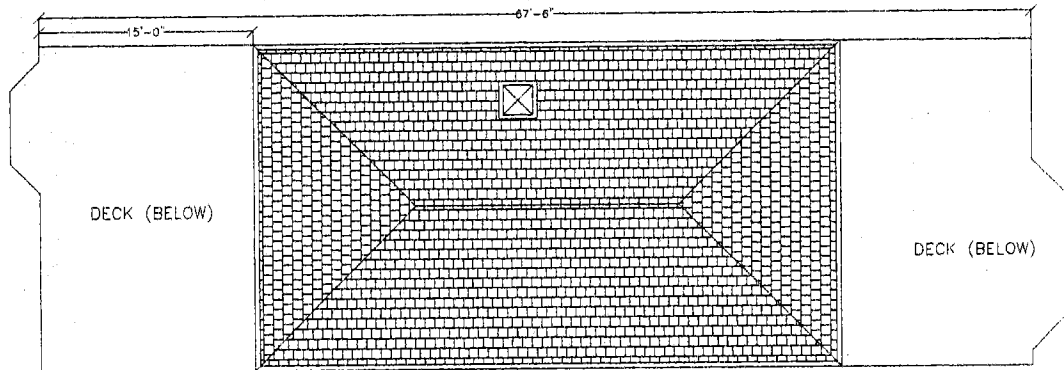
*Attachment 3, pg 4*

*4/23/08*

*How is roof different from orig?*



**FIFTH FLOOR**  
 FLOOR AREA: 800SQ.FT.  
 PRIVATE OPEN SPACE: 340SQ.FT.



**ROOF FLOOR**

REVISIONS	
DATE	SYM.
11.01.07	
04.07.08	

DESIGNED BY: ZONE DESIGN DEVELOPMENT  
 PROJECT MANAGER  
 3418 26TH STREET  
 SAN FRANCISCO, CA 94110  
 415-861-0244 FAX  
 415-377-6684 CELL

PROJECT: NEW THREE UNIT RESIDENTIAL BUILDING

3418 26TH STREET  
 SAN FRANCISCO, CA 94110  
 LOT. 012 BLOCK: 6529

DATE: 05.15.07  
 SCALE: 1/4"=1'-0"  
 DESIGNER: D.G.  
 JOB NO.:  
 SHEET NO.:

A4

*Attachment 3, pg 4*

*8/23/08*



Original Plan #15-07

Alex Schwed

Schwed - owner of peak/ridge = 50'

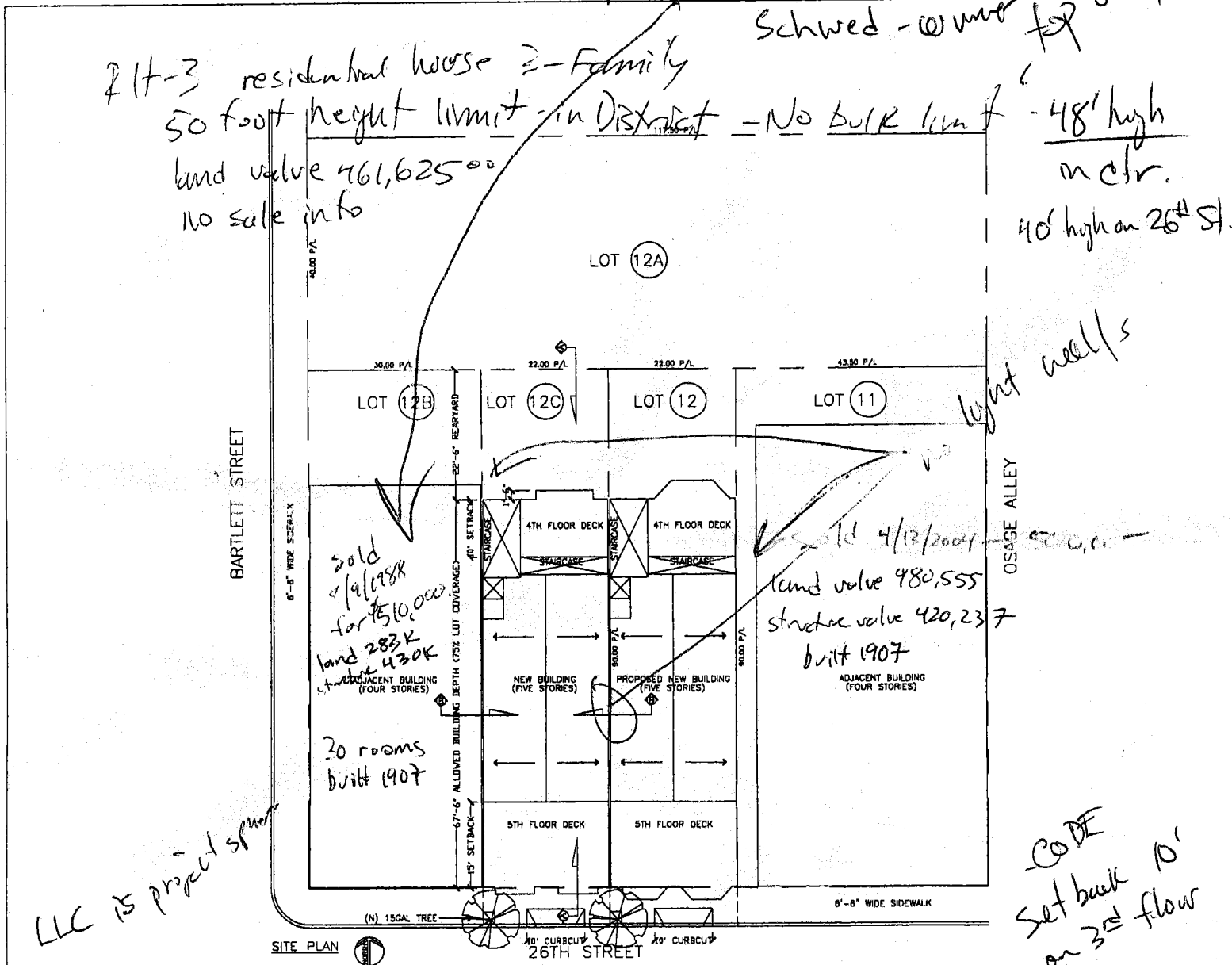
2 1/2 - 3 residential house - Family

50 foot height limit - in District - No bulk limit - 48' high

land value 461,625.00

No sale into

48' high  
m.c.r.  
40' high on 26th St.



SPECIFICATIONS	
NOTES:	
1)	CONSTRUCTION COST OF THIS PERMIT DOES NOT INCLUDE SPRINKLER AND FIRE ALARM SYSTEMS.
2)	SHADING, UNDERDRIPPING, SPRINKLER, AND FIRE ALARM SYSTEMS UNDER PERMIT.
3)	STATE INDUSTRIAL SAFETY PERMIT IS REQUIRED.
4)	PUBLIC HEALTH DEPARTMENT PER SEC. 15003.3 S.F.C.
5)	2ND STAIRWAY ENCLOSURE FOR A STORY BUILDING WITH 1 1/2\"/>

PROJECT DATA	
ZONING:	RH-3
LOT SIZE:	22.0'x90.0'=1,980 SQ. FT.
UNITS ALLOWED:	3 UNITS
REQUIRED REAR YARD-AVERAGED:	(MIN 25% - 22'-0")
TOTAL LIVING AREA:	4,400 SQ. FT.
TOTAL GARAGE AREA:	1,180 SQ. FT.
STANDARD PARKING SPACES:	(8'x20') - 3
COMPACT PARKING SPACES:	(8'x18') - 0
H.C. ACCESSIBLE PARKING SPACES:	(8'x18') - 0
COMMON OPEN SPACE:	0 SQ. FT.
PRIVATE OPEN SPACE:	900 SQ. FT.

PROJECT DESIGN	
BUILDING DESIGN:	ZONE DESIGN DEVELOPMENT
DRIVE GARDNER	10 CARLILE DRIVE
NOVATO, CA.	94945
STRUCTURAL ENG.:	SANTOS & RUIRITA
STRUCTURAL ENGINEERS	2452 HARRISON ST.
S.F., CA.	94110
415.642.7722	
POST TENSION ENG.:	
TITLE 24 ENG.:	GABEL/DODD ENERGYSOFT
MARTYN DODD	100 GALLI DR. STE. 1
NOVATO, CA.	94949
415.883.5900	
ENG. CONSULTANT	

DRAWING INDEX	
A1	SITE PLAN, PROJECT DATA
A2	FIRST & SECOND FLOORS
A3	THIRD & FOURTH FLOORS
A4	FIFTH & ROOF FLOORS
A5	SOUTH ELEVATION
A6	NORTH ELEVATION
A7	EAST ELEVATION
A8	WEST ELEVATION
A9	SECTION A-A
A10	SECTION B-B

REVISIONS	
DATE	SYN.
11.01.07	

DESIGNED BY: ZONE DESIGN DEVELOPMENT

PROJECT: NEW THREE UNIT RESIDENTIAL BUILDING

3418 26th St. Attachment 3, 195

3418 26th St. Attachment 3, 195

Sold 8/9/08 for \$10,000  
land 283K  
structure 430K

Sold 4/13/2004  
land value 980,555  
structure value 420,237  
built 1907

LLC is project sponsor

CODE  
Set back 10'  
on 3rd floor

Drake Gardner - Architect  
Luke O'Brien - project sponsor rep.

Don - neighbor  
Kathryn - yellow house

Drake Gardner - Architect  
Luke O'Brien - project sponsor rep.  
OK because close to corner

Fix 26 mtng

ATTACHMENT 4. Email to Ben Fu dated April 21, 2010

**From:** Joe Drennan [mailto:jed@garciaandassociates.com]  
**Sent:** Wednesday, April 21, 2010 11:49 AM  
**To:** 'ben.fu@sfgov.org'; 'john.rahaim@sfgov.org'  
**Cc:** 'Kate Bickert'  
**Subject:** 3418 26th Street development plans

April 21, 2010

Ben Fu and John Rahaim

City of San Francisco Planning Department,  
1660 Mission St., San Francisco, CA 94103

Dear Mr. Fu and Mr. Rahaim,

We are writing to express concern about a notice that was recently posted on the vacant property at 3418 26<sup>th</sup> Street in San Francisco. This property directly abuts our property at 479-481 Bartlett Street, where we live. We have been following the various proposals for this property for the last 2 plus years, but no notice was sent to us regarding this most recent posting (March 26, 2010), nor was one sent to any of our neighbors. This is despite the fact that the San Francisco Planning Code, Section 311 requires that in addition to posting a notice on the site that a written notice describing the proposed project and the project review process be sent to a variety of stakeholders including people who have asked to be notified and to all properties within 150 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot. On September 26<sup>th</sup> 2009, we received a "notification of project receiving environmental review" related to 3418 26<sup>th</sup> Street which stated that "in order for your concerns to be fully considered or to ensure your receipt of future environmental review documents for this project **please contact the staff identified above (Jeremy Battis) by October 9, 2009.**" On October 8<sup>th</sup>, I spoke to Jeremy Battis on the phone and made an appointment to visit the planning department office on October 14<sup>th</sup> to review the plans. The plans described a development that would be 6 stories tall with 12 units and a max height of 55 feet. The previous design called for two buildings, each with 3 units, 5 stories tall with a max height of 47.5 feet. Following my review of the plans, I spoke with Mr. Battis and requested to be informed of any further developments about the project. Mr. Battis indicated that the project was stalled and that we would be notified of any further development about the project.

In searching the City's web site, we have learned that the project has been the subject of at least one public meeting (the Historic Preservation Commission, February 17, 2010) and was also included in the city Housing Department's 2009 Housing Inventory report as a "Major Housing Projects Filed at Planning Department, 2009" (page 36). However, no notice of these events was provided despite our requests to be informed. Neither was any notice provided for the most recent plans for developing this site.

We wish to review the current plans and to be informed about the project.

We strongly oppose construction of a 55 foot high building adjacent to our 40 foot tall building. Please contact me (Joe) at 415-642-8969 to discuss the plans at your earliest convenience.

Sincerely,

---

Drennan Bickert D.R. Application  
3418 26<sup>th</sup> Street Project, application no. 2007.06.20.4573

Joe Drennan & Kate Bickert  
479 Bartlett Street  
San Francisco, CA 94110

**ATTACHMENT 5. Existing policies that project conflicts with**

## **ATTACHMENT 5**

### **Additional comments on conflicts of the proposed project with General Plan, and Planning Code Priorities.**

We think the project conflicts with the following General Plan Purposes, Planning Code Priorities from Sec 101.1 of the Master Plan Consistency and Implementation Document and the recently adopted Eastern Neighbors Plan, Mission area plan guidelines and policies. Below is summary of relevant guidelines and our description of conflicts.

#### **From the city's GENERAL ZONING PROVISIONS SEC. 101. PURPOSES.**

(b) To protect the character and stability of residential, commercial and industrial areas within the City, and to promote the orderly and beneficial development of such areas;  
and

(c) To provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers;

#### **From SEC. 101.1. MASTER PLAN CONSISTENCY AND IMPLEMENTATION.**

(2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

(8) That our parks and open space and their access to sunlight and vistas be protected from development. As described in Mission Area Plan section 5: "In small-scale residential developments in this area, open space is provided as backyards. Currently many of the blocks, especially the alleys and neighborhood commercial streets of Mission and Valencia, have a rear yard pattern similar to many of the residential neighborhoods in the city. Taken together in the center of a block, these rear yards provide a sense of visual relief and access to open space in this part of the city. In areas where the existing pattern is one of rear yards, this pattern should be maintained" pg. 53. The project does not conserve neighborhood character and diminishes local open space.

#### **From Eastern Neighborhoods Plan, Mission Area Plan**

**OBJECTIVE 1.1 STRENGTHEN THE MISSION'S EXISTING MIXED USE CHARACTER, WHILE MAINTAINING THE NEIGHBORHOOD AS A PLACE TO LIVE AND WORK**

**The proposed project is not in character with the surrounding neighborhood. The height of the new building would exceed the adjacent**

properties by 15 feet and would include roof decks. The additional height and roof decks would alter the character of the neighborhood, physically and aesthetically. This plan is not consistent with policy 1.2.1 to 'ensure in-fill housing development is compatible with its surroundings'. Nor is the plan consistent with Policy 1.2.3 which states "control ..density through building height and bulk guidelines.

**OBJECTIVE 1.2 IN AREAS OF THE MISSION WHERE HOUSING AND MIXED USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER**

- **POLICY 1.2.1** *Ensure that in-fill housing development is compatible with its surroundings.*
- **POLICY 1.2.3** In general, where residential development is permitted, control residential density through building height and bulk guidelines and bedroom mix requirements;

**OBJECTIVE 1.5 MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS AND ENSURE GENERAL PLAN NOISE REQUIREMENTS ARE MET.**

- **POLICY 1.5.2** Reduce potential land use conflicts by carefully considering the location and design of both

**This project would likely generate noise on the roof top decks despite any provisions to minimize noise. Currently, adjacent properties have roof top activities on occasion-which typically involves smoking, drinking and urinating. Roof top access is presumably not allowed in these buildings but occurs anyhow because it's possible. We feel that similar abuse would occur at 3418 26<sup>th</sup>. We request consideration of Policy 1.5.2 which asks for consideration of location and design of noise generating uses. Our house and the adjacent properties are sensitive areas that would be negatively affected by even modest noise-since these disturbances would often be during evening hours when we are sleeping.**

**OBJECTIVE 3.1 PROMOTE AN URBAN FORM THAT REINFORCES THE MISSION'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.**

- **Policy 3.1.1** Adopt heights that are appropriate for the Mission's location in the city, the prevailing street and block pattern, and the anticipated land uses, while preserving the character of its neighborhood enclaves.;

**The project's proposed height is not appropriate for its location. It would be the tallest building in the immediate vicinity. The project would not preserve the character of this neighborhood enclave.**

- **POLICY 3.1.5** *Respect public view corridors. Of particular interest are the east-west views to the Twin Peaks and Potrero Hill, south views to Bernal Hill, and several views towards the downtown.*

**The project would eliminate views of Bernal Hill for several properties on Bartlett Street including 479-481 Bartlett. This view of Bernal Hill is an important way for connecting to the natural environment.**

- **POLICY 3.1.6** *New buildings should epitomize the best in contemporary architecture, but should do so with full awareness of, and respect for, the height, mass, articulation and materials of the best of the older buildings that surrounds them. The project's proposed height is not appropriate for its location. It would be the tallest building in the immediate vicinity. The project would not preserve the character of this neighborhood enclave.*
- **POLICY 3.1.8** *New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located.*  
**The project does not respect existing rear yard open space patterns**

**OBJECTIVE 3.2 PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM**

- **POLICY 3.2.1** *Require high quality design of street-facing building exteriors.*  
**POLICY 3.2.3** *Minimize the visual impact of parking. A. Where off-street parking is provided, placing it underground should be encouraged wherever site conditions allow, and especially for development on lots exceeding 5,000 square feet (The proposed project is 9,820 sq.ft. with living space and parking) and B. At grade parking is strongly discouraged .*

**The project does not show high quality design of the street façade, nor of the rear building façade. It does not appear that there was an attempt to look at underground parking or to strongly discourage at grade parking for the project.**

**OBJECTIVE 3.3 PROMOTE THE ENVIRONMENTAL SUSTAINABILITY, ECOLOGICAL FUNCTIONING AND THE OVERALL QUALITY OF THE NATURAL ENVIRONMENT IN THE PLAN AREA**

- **POLICY 3.3.1** *Require new development to adhere to a new performance-based ecological evaluation tool to improve the amount and quality of green landscaping.*

- **POLICY 3.3.3** *Enhance the connection between building form and ecological sustainability by promoting use of renewable energy, energy-efficient building envelopes, passive heating and cooling, and sustainable materials.*
- **POLICY 3.3.5** *Compliance with strict environmental efficiency standards for new buildings is strongly encouraged.*

**The project would eliminate southern exposure to sunlight significantly. We have considered installing solar power on our roof top and believe the proposed project would at best reduce the effectiveness of such a system and at worst would make solar power on our roof not possible.**

**OBJECTIVE 5.2 ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE.**

- **Policy 5.2.3** *Encourage private open space to be provided as common spaces for residents and workers of the building wherever possible.*
- **POLICY 5.2.5** *New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels has flexibility as to where open space can be located . **The proposed project significantly alters the existing pattern of rear yard open space by creating a series of very small “private” “yards.”***
- **POLICY 5.2.6** *Ensure quality open space is provided in flexible and creative ways, adding a well used, well-cared for amenity for residents of a highly urbanized neighborhood. Private open space should meet the following design guidelines: A. Designed to allow for a diversity of uses, including elements for children, as appropriate. B. Maximize sunlight exposure and protection from wind C. Adhere to the performance-based evaluation tool.*

**The open space proposed in the new project cannot be considered private or high quality. The spaces on the roof deck and the back yard are shown as small rectangular areas approximately 140 square feet in size. A better design would provide these small areas as a common open space, particularly for the backyard. The current design of 140 square foot private open space areas includes areas small for even a single tree. Also there is no information about the surface treatment for the rear yards such as whether permeable surfacing would be used.**

**OBJECTIVE 5.3 CREATE A NETWORK OF GREEN STREETS THAT CONNECTS OPEN SPACES AND IMPROVES THE WALKABILITY, AESTHETICS AND ECOLOGICAL SUSTAINABILITY OF THE NEIGHBORHOOD.**

- **POLICY 5.3.2** *Maximize sidewalk landscaping, street trees and pedestrian scale street furnishing to the greatest extent feasible.*
- **POLICY 5.3.4** *Enhance the pedestrian environment by requiring new development to plant street trees along abutting sidewalks. When this is not*



*feasible, plant trees on development sites or elsewhere in the Plan Area.*

**The proposed project does the absolute minimum to address the goal to maximize sidewalk landscaping.**

**OBJECTIVE 5.4 THE OPEN SPACE SYSTEM SHOULD BOTH BEAUTIFY THE NEIGHBORHOOD AND STRENGTHEN THE ENVIRONMENT.**

- **POLICY 5.4.1** *Increase the environmental sustainability of the Mission's system of public and private open spaces by improving the ecological functioning of all open space.*
- **POLICY 5.4.2** *Explore ways to retrofit existing parking and paved areas to minimize negative impacts on microclimate and allow for storm water infiltration.*

**In the introduction to section 5 of the plan it states "In small-scale residential developments in this area, open space is provided as backyards. Currently many of the blocks, especially the alleys and neighborhood commercial streets of Mission and Valencia, have a rear yard pattern similar to many of the residential neighborhoods in the city. Taken together in the center of a block, these rear yards provide a sense of visual relief and access to open space in this part of the city. In areas where the existing pattern is one of rear yards, this pattern should be maintained".**

**Viewing 479-481 Bartlett and 3418 26<sup>th</sup> street from the air, a pattern open space is evident. 479-481 Bartlett has a 10 to 15 foot side yard setback and a 50 foot plus rear yard setback. Apartments located at the corner of Bartlett and 26<sup>th</sup> and 26<sup>th</sup> and Osage Alley have minimal setback. The bulk of the open space provided in this 'area' is from 479-481 Bartlett St. The neighboring properties benefit from this open space. If the proposed development maintains the height and bulk as proposed, the open space component of this local environment will be diminished severely. This would be in direct opposition to the intent of the Eastern Neighborhoods Plan regarding open space.**

**From the City's Draft Housing Element Part II (June 2009)**

**POLICY 4.1 Develop new housing, and encourage the remodeling of existing housing, for families with children.**

Families with children are very much part of the City's vitality and diversity. While currently families with children constitute a small portion of San Francisco households, with only 12% of the City's total population being 14 years old and younger, the changing demographics of the City illustrate that the need for family housing is growing, as larger, extended families increase and as more and more households desire to stay in the City as they have children.

Much of the new housing constructed in the last decade was smaller studios and one-bedroom units. New multi-bedroom units are often too expensive for the average San

Francisco family. Many large families, especially those newly immigrated to the United States, are crowded into units designed for much smaller households. As a result, San Francisco's families with children are leaving or are experiencing overcrowded conditions that can negatively impact health and safety.

Recent community planning efforts promote the construction of new housing for families by requiring that a minimum 40% of new units constructed have two-bedrooms or more.

**The proposed development calls for 13 units ranging in size from 320 square feet to 800 square feet. Though 4 of them are two bed-bedrooms we submit that these small sized units are not conducive to attracting families, nor are the segmented back yard areas conducive to use of a yard by children or for family events.**

ATTACHMENT 6. Letter from Jennifer and Stephen Finnegan-neighbors at 481 Bartlett st.

May 24, 2010

San Francisco Planning Department  
Attention: Ben Fu  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 3418 26<sup>th</sup> Street; Building Permit Action Number 2007.06.20.4573

We respectfully submit this letter in material support of Kate Bickert and Joe Drennan's request for a Discretionary Review Hearing for the Building Permit Application Number 2007.06.20.4573, for the lot at 3418 26<sup>th</sup> Street. We live directly behind the proposed project, and our home features six windows and four rooms that directly face the lot at 3418 26<sup>th</sup> Street.

We are excited to see plans for this site, as we do not wish to see it empty and neglected, but we are concerned that the proposed designs for this project will adversely effect our quality of life and use of our domicile.

We have closely followed Kate Bickert and Joe Drennan's arguments for a Discretionary Review Hearing for this project, and we share their concerns.

In support of these arguments we submit four specific concerns about the proposed design of 3418 26<sup>th</sup> Street:

- **We are concerned that the proposed design of 3418 26<sup>th</sup> Street is too high and inconsistent with the rest of the buildings on the block** at five stories in height, plus roof deck, whereas the neighboring buildings are forty feet (four stories) in height with no roof decks. Please note that other recent construction along the 26<sup>th</sup> Street corridor and surrounds has respectfully limited itself to no more than four stories.
- **Additionally, we are concerned that the five story height of the proposed design will eliminate the view of Bernal Hill from our windows, significantly darken our living spaces, and raise our heating bills due to the loss of direct sunlight on the South side of our home.** One of the main reasons we selected 481 Bartlett Street as our home is the amount of direct sunlight it receives throughout the day. A substantive obstruction of this view, and access to sunlight, represents a significant negative impact on our quality of life and use of our property.
- **We are concerned that the proposed design for 3418 26<sup>th</sup> Street features a significant amount of window space at close proximity to our home.** The proposed building is 23 feet from the property line and includes 12 large windows and four small windows - representing eight bedrooms and four living rooms - that will face our home. This represents a profound negative change to the privacy of our domicile. We request that the design of 3418 26<sup>th</sup> Street is changed to provide

3418 26<sup>th</sup> St.

Attachment 2, pg 1

privacy for both our future neighbors and ourselves by being altered to be further away from our home, designed to have less window space at our elevation, and/or incorporate landscaping with strategically placed trees and shrubs that are at least three stories in height.

- **Lastly, we are concerned that the planned project could be aesthetically discordant and we respectfully request that the exterior plans for 3418 26<sup>th</sup> Street be changed to this end.** Quite frankly, we, and many of our neighbors, are disappointed with the exterior appearance of the recently completed 555 Bartlett development, and we would very much like to ensure that what is constructed next door is executed with a high-level of finish that is visually respectful of San Francisco's historic Mission neighborhood – from both the front and the rear. The architectural beauty and grace of the Mission is a treasure for the city and new in-fill development should honor the Victorian/Edwardian style that is prevalent.

Thank you for your consideration of these matters. Please approve Kate Bickert and Joe Drennan's request for a Discretionary Review Hearing.

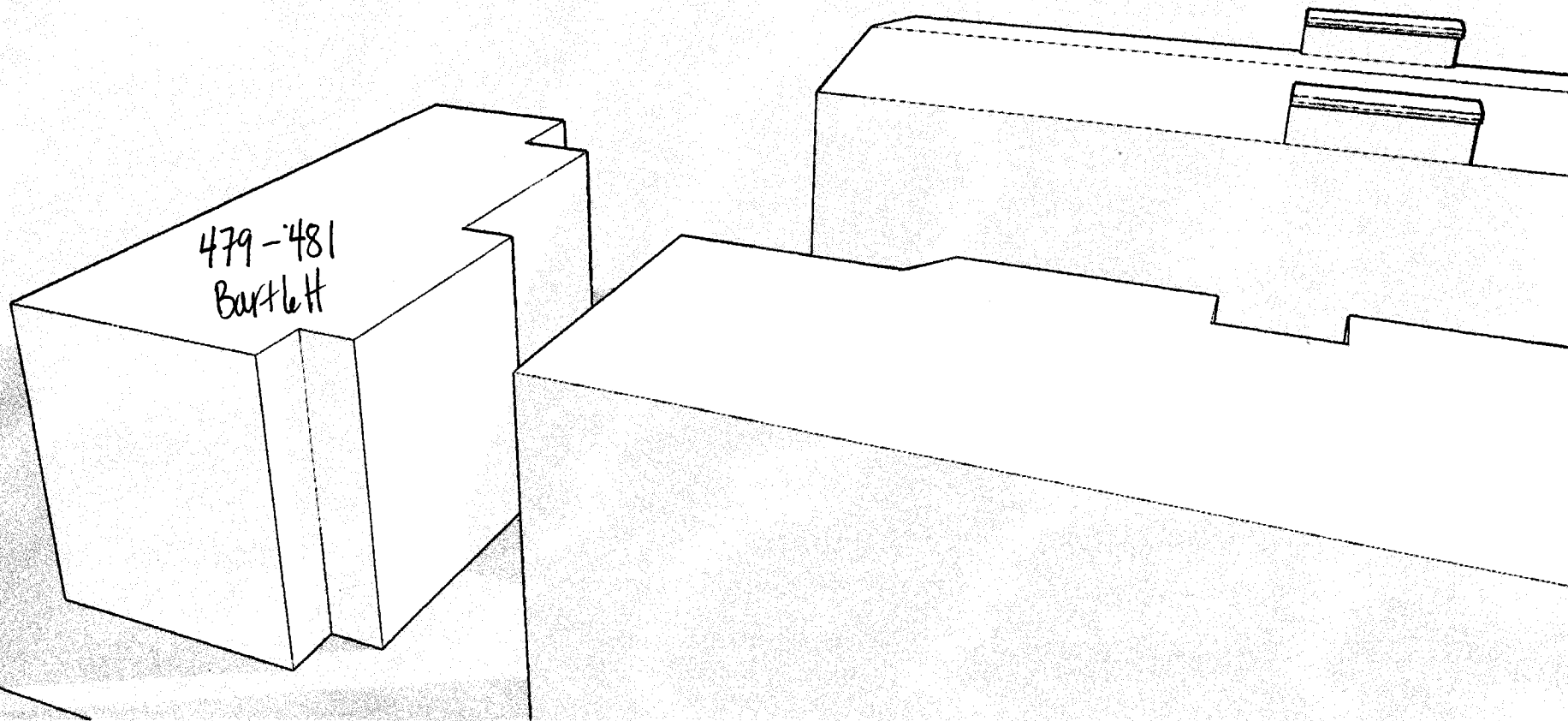
Sincerely,



Stephen and Jennifer Finnigan  
481 Bartlett St  
San Francisco, CA 94110

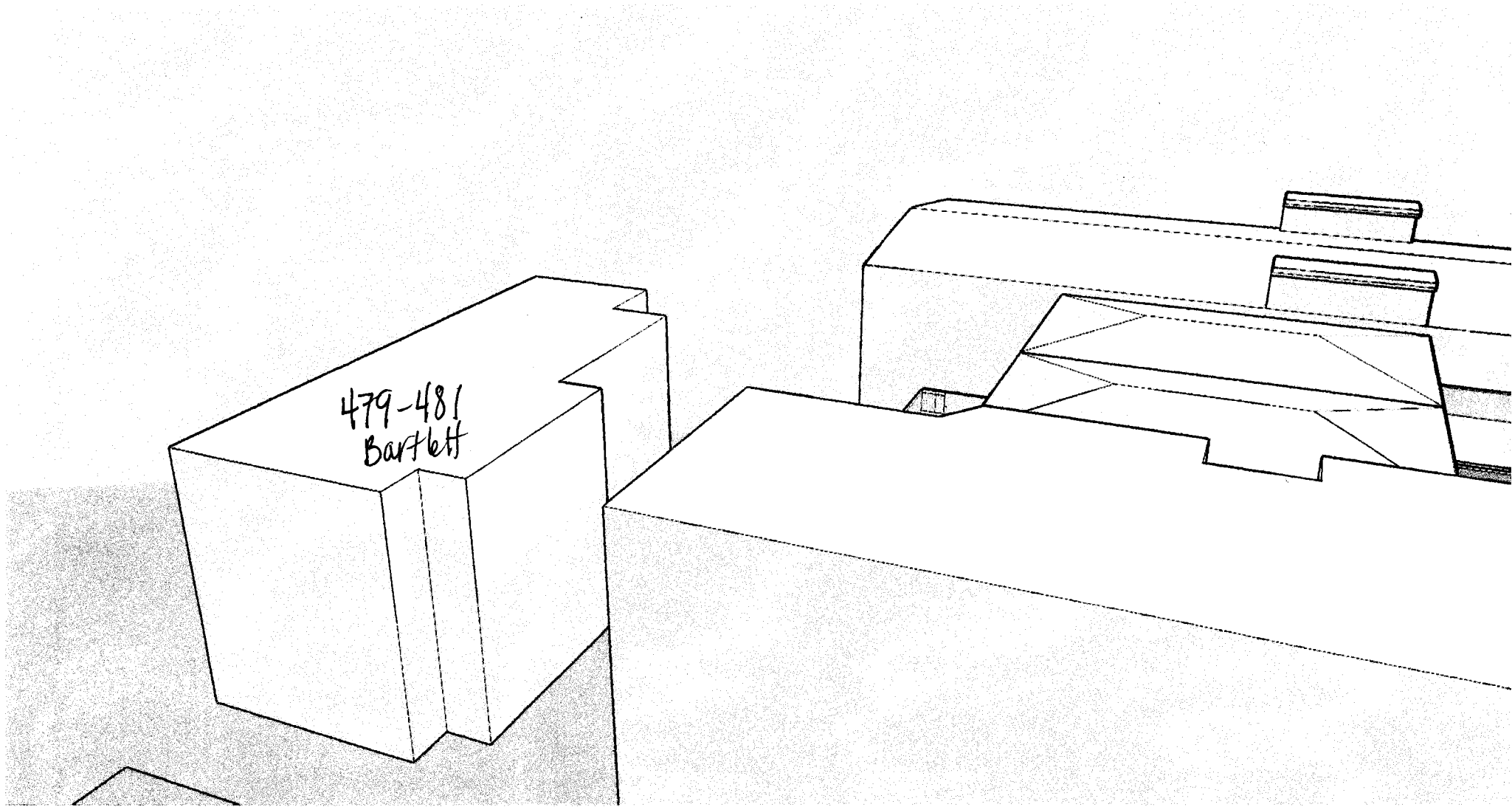
CC: Kate Bickert and Joe Drennan

## ATTACHMENT 7. Shade Study



Dec 21 10am  
Empty

Attachment 7 pg 1  
3418 26<sup>th</sup> St.

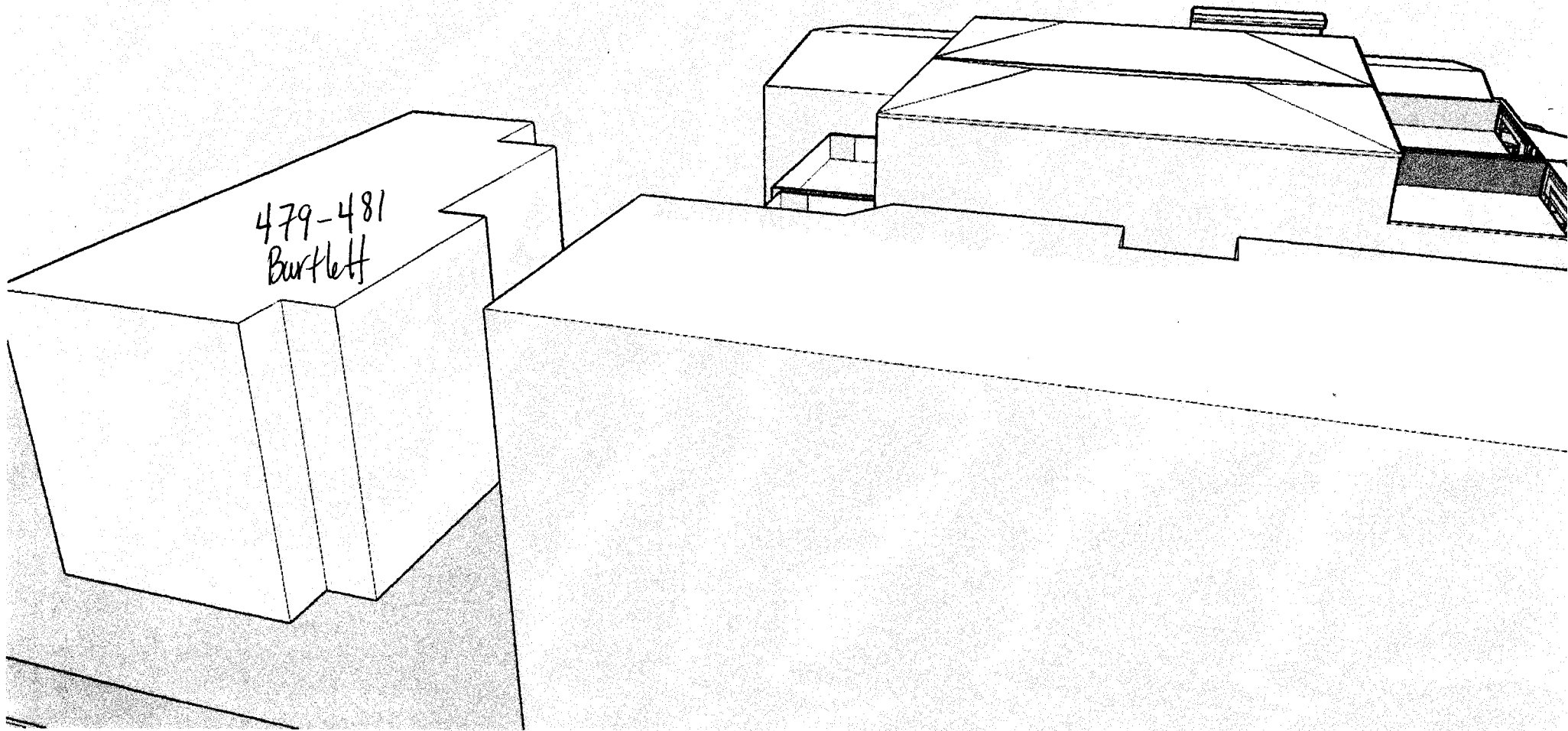


- Dec 21 10:00am  
SS 31'

Attachment 7, pg 2

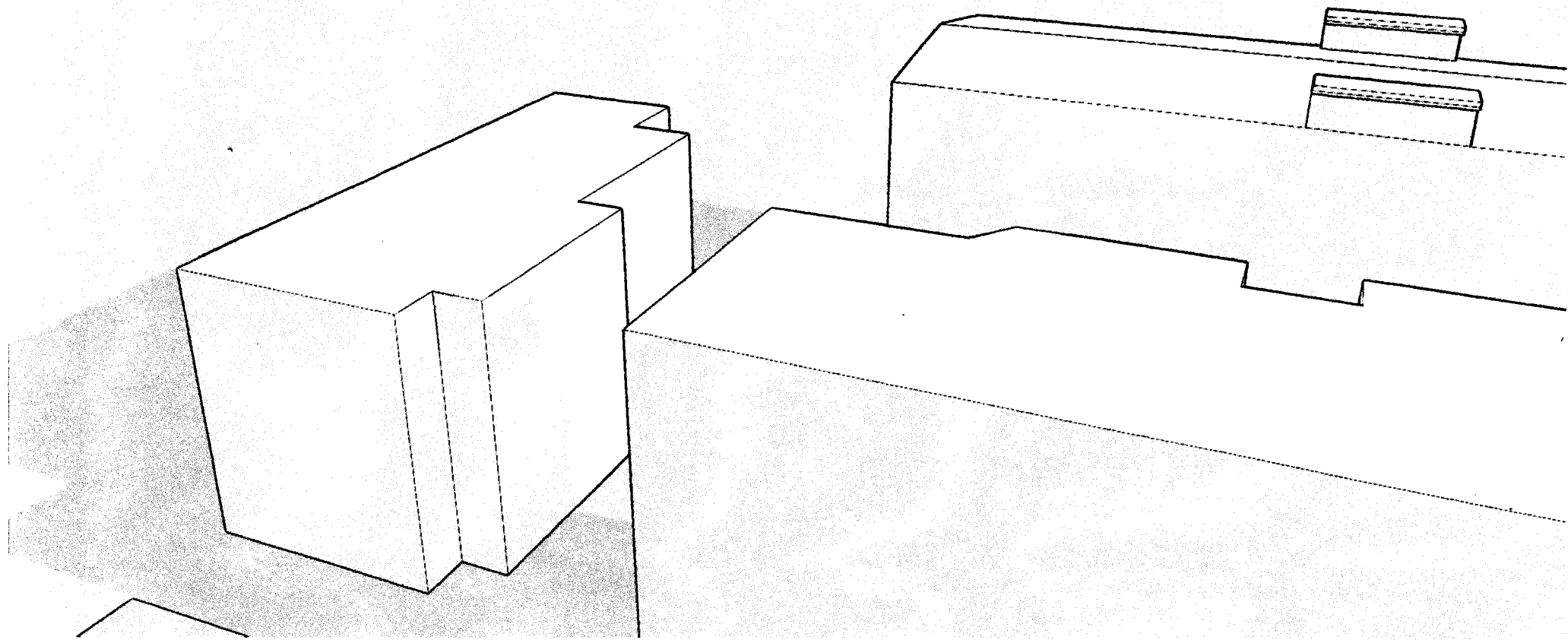
3418 26th St





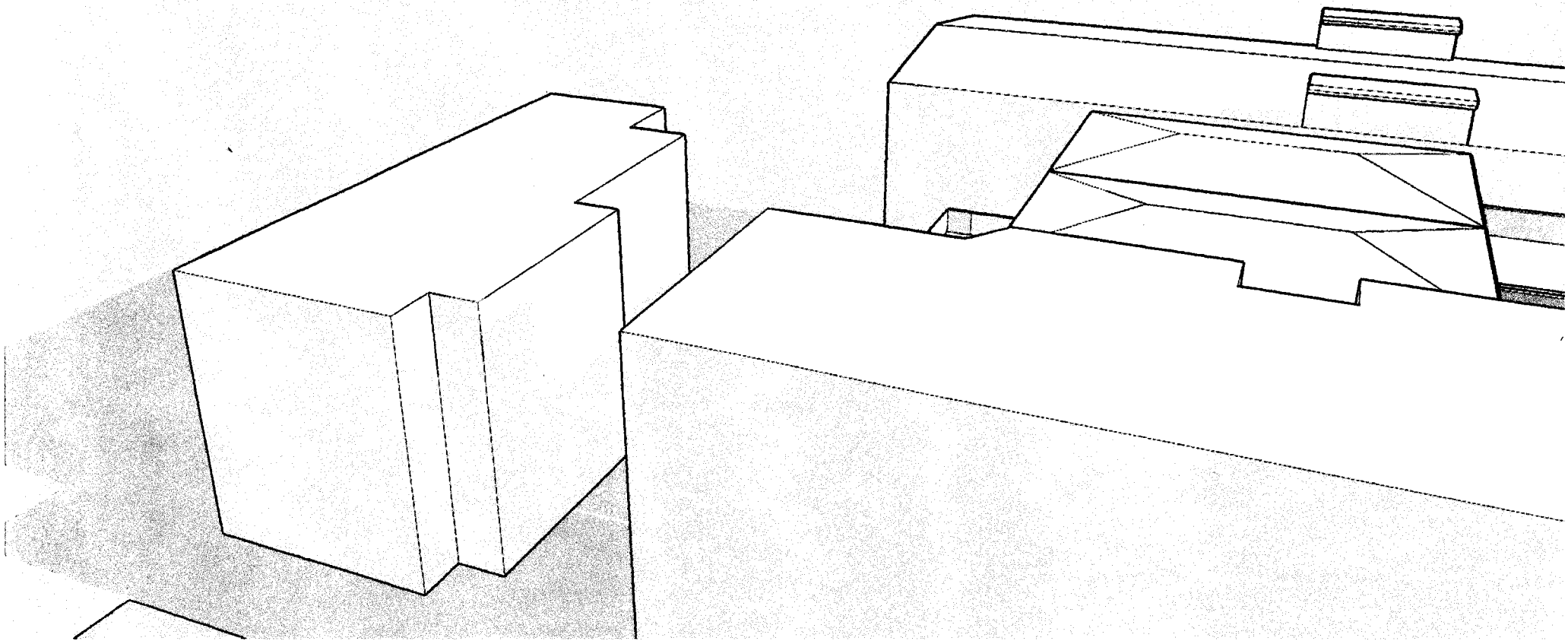
Dec 21 10am  
SS 47'

Attachment 7, pg 3  
3418 26th St



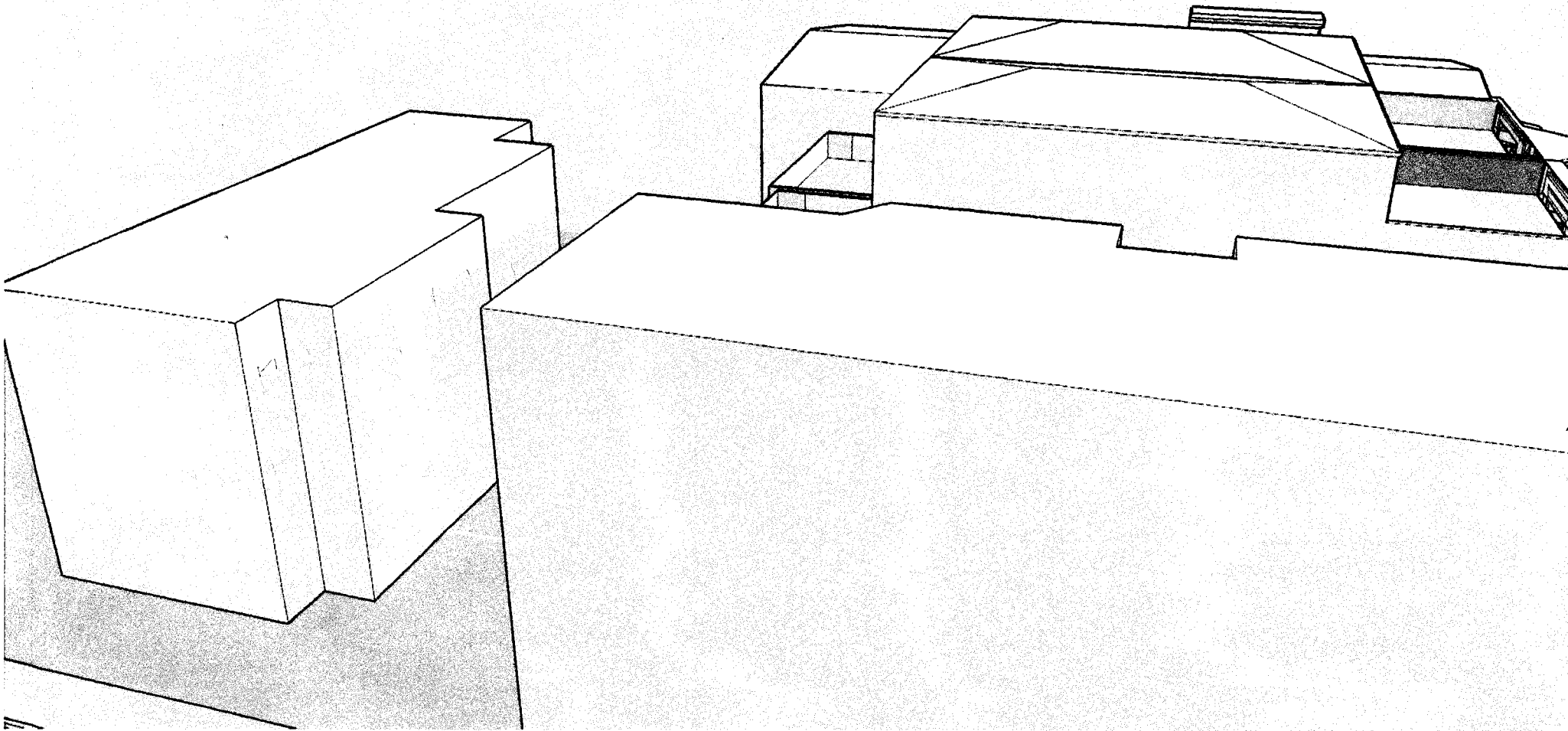
Dec 21 12:00pm  
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Attachment 7, pg 4  
3418 26th St.



Dec 21 12:00 pm  
SS 37'

Attachment 7, pg 5  
3418 26<sup>th</sup> St.



Dec 21 12:00 pm  
SS 47'

Attachment 7, pg 6  
3418 26<sup>th</sup> St.

ATTACHMENT 8. Photographs



View south from 479 Bartlett - Building abutting east side of project location (3435-3439 26<sup>th</sup> st.) burned on 12/21/09.

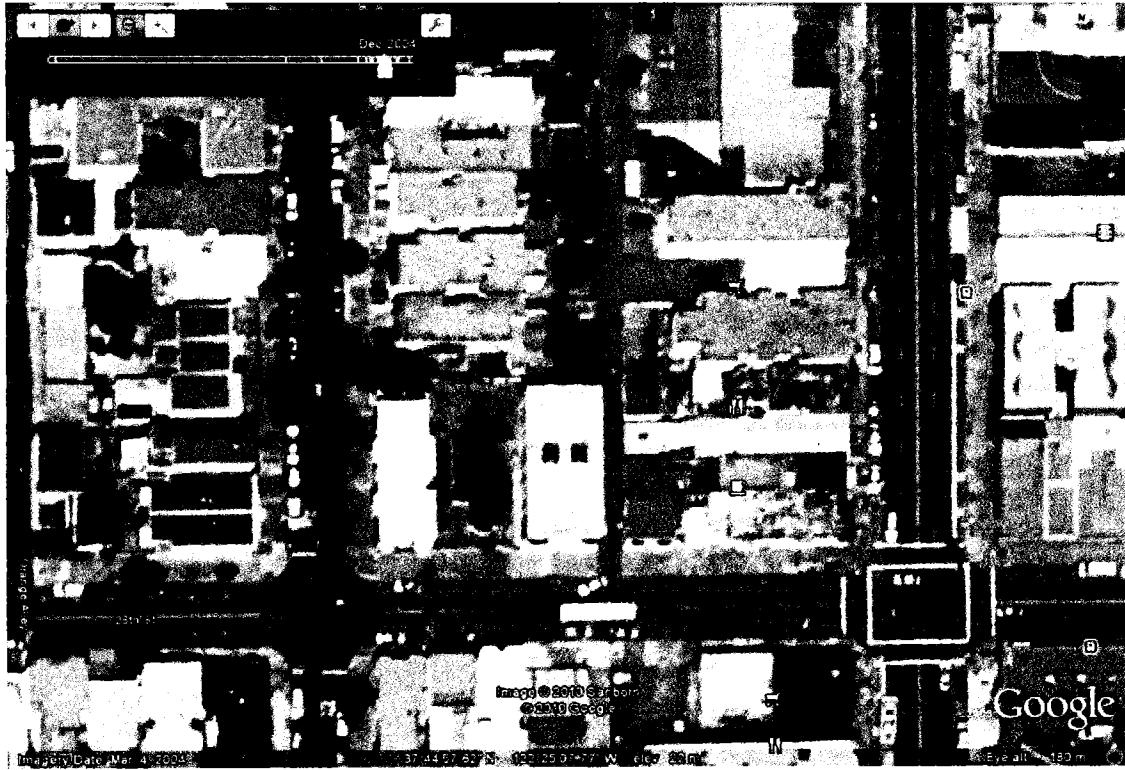


Exhibit A. 3418 26<sup>th</sup> Street showing old single story cottage in March 2004 and no house in April 2005.



Exhibit B. Existing conditions at 3418 26<sup>th</sup> street. View from back deck of 479 Bartlett, May 2010 (view is facing southwest).



Exhibit B. Existing conditions at 3418 26<sup>th</sup> street. View from front door of 479-481 Bartlett, May 2010. Note view of top of Bernal Hill in top photo. Note new building at 555 Bartlett is approximately the same height as adjacent buildings.





View of sky looking south toward proposed project area from 479 -481 Bartlett.



View of building that abuts project site to the west (3416-3430 26<sup>th</sup> St.). Windows will be completely blocked by proposed project



View of 479-481 Bartlett St south facing windows taken from 26<sup>th</sup> St. in front of the project site.

**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 Alexander Schwed Telephone No: 415.285.2160

D.R. Applicant's Address P.O. Box 460322  
Number & Street (Apt. #)  
San Francisco CA 94146  
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415.285.2160  
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 n/A Telephone No: \_\_\_\_\_

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

Address of the property that you are requesting the Commission consider under the Discretionary Review: 3418 26th St. 94110

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: Mel Murphy + Luke O'Brien 415.648.1200

Building Permit Application Number of the project for which you are requesting D.R.: 2007.06.20.4573 (New Construction)

Where is your property located in relation to the permit applicant's property? next door to the west

**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

10.0434D

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*

## Schwed Vs. Murphy & O'Brien Exhibit A

**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 proposal so far.”**

None of the changes that I have requested have been made to the proposed project. Ben Fu, the planner told me on the phone that the project has the full support of the Planning Dept. I discussed the deficiencies in the blue prints with Mr. Murphy. He was not interested in my concerns. There has been no mediation.

### **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?”**

This project does not meet the minimum standards of the Planning Code. Mr. Murphy has intentionally withheld vital details which concern my building. He has left out the windows along my east elevation in his plans. He has constructed a wood fence on my property which blocks the living room window of my lowest unit in an attempt to hide it. He has intentionally misrepresented the height of my building. He has misrepresented the no. of stories in my building. He has misrepresented the height of adjacent buildings. In addition, there is a one ft. gap between the edge of the proposed building and my building. This gap is unprecedented within San Francisco construction. How do I maintain a wall that is one foot away from an adjacent parallel wall? If there is a space in between buildings, the minimum space required between buildings is 3 feet. It has to be large enough for a man to be able to paint and/or repair the wall.

**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:”**

The three units along the east side of my building would be most seriously affected. Currently these are bright cheery units. If Murphy is allowed to put up his monster building, these units will be turned into dark dungeon’s. We are not talking about blocked views of the city or even blocked views of the sky. All sunlight including reflected sunlight will be blocked from reaching these windows. I am entitled to have natural light. If the construction moves forward as is, Mr. Murphy’s west wall will be within **one foot** of these windows. This construction can only be categorized as a “spite fence or wall.” This is the same thing that Charles Crocker did to Nicolas Yung on Nob Hill in early 1900’s San Francisco. The only difference is that Mr. Murphy’s wall is considerably higher than Crocker’s.

In addition, my neighbor north of me on Bartlett St. will be seriously affected. I will let him argue his own point.

**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)?"**

I am asking that the height of Murphy's building be reduced by a story. I would like the west side of Murphy's building from the front southwest corner to the lightwell to be set back 3 feet from the property line. I would like 5 ft. setbacks from the property line extending from the lightwell to the end of Murphy's building at the northwest corner. I would like the blindwall siding replaced with redwood siding painted light in color. I would like the two existing living room windows in my building to be made larger and to have a third window added in my upper most unit at Murphy's expense. These are reasonable requests.

When Murphy demolished the existing house on his lot, instead of getting a street use permit, his worker decided to drive a 15 ton semi and transfer trailer onto my sidewalk causing \$5000 worth of damage to the concrete. Mr. Murphy and his partner Luke O'Brien agreed that he did the damage and promised to have the sidewalk repaired. He never did. Since that time, I have been cited by the city and have had to repair the sidewalk at my own expense. I want Murphy to reimburse me before he is given any more permits. Murphy still insists that he has a right to drive on my sidewalk. As a condition of the permit, I want Murphy and all others including the people who buy Murphy's permit and entitlements to stay off of my property including my sidewalk and roof of my building during all phases of construction. Mr. Murphy also illegally parks a truck full of garbage on the property. He piles construction materials and debris on my property. This has caused me numerous security issues and rat infestations. When I brought these matters to Mr. Murphy's and Mr. Luke O'Brien's attention, they told me that he would take care of it. They have done nothing.

I am also concerned about the underpinning of the foundation of my building. The building code requires that this work is done. Mel Murphy will do the utmost to avoid this responsibility and if he does do it, the job will be substandard. I want the work to be done by a third party contractor who is not involved in any way with Mr. Murphy or Mr. Luke O'Brien. I want this to be a condition of the permit.

Finally I would like to say that the manner in which this project has been handled is outrageous. I've known Mr. Murphy for 30 years. Mr. Murphy is cavalier about the building and planning process. He feels that he does not have to play by the rules. We all know that Mr. Murphy sits on the Board of Permit Appeals and that he gets to approve his own projects. We also all know that Mr. Murphy terrorized the residents of Bernal Heights in the 1980's and 1990's until they finally threw him out and barred him from ever building up there again. He has done much to injure and malign the reputation of

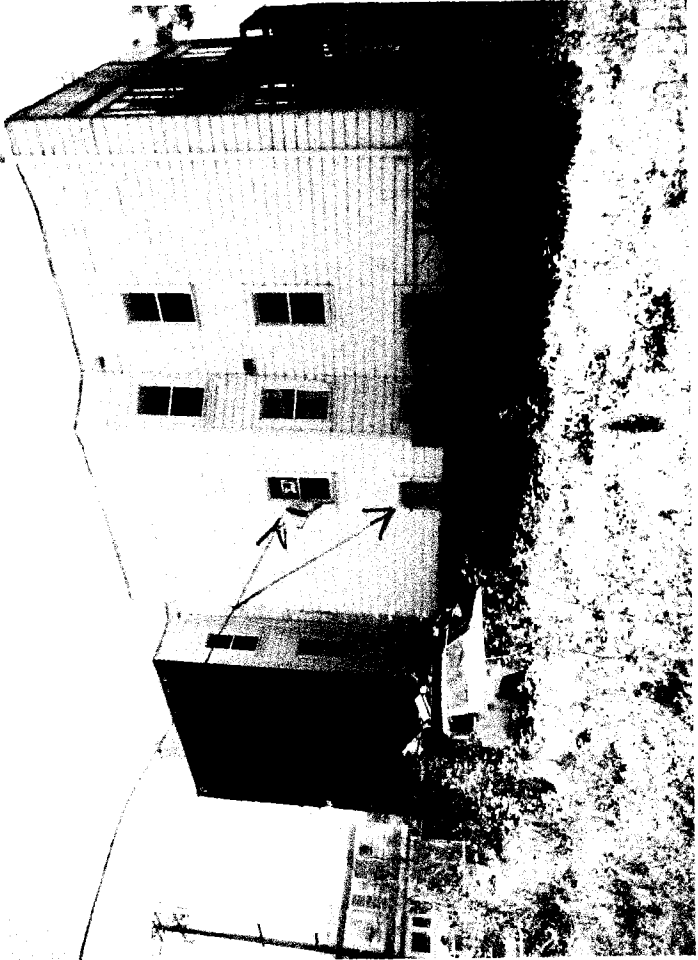
builders through out this city. He is a bad actor. Mr. Murphy is a mean and spiteful person. I have his signature on agreements that he has not lived up to. He may even be an arsonist. There is a direct conflict of interest in this case. It is San Francisco corruption at its worst. It can only be likened to the 19 century railroad scandals. Ben Fu, the planner assigned to this case is a co-conspirator along with Mr. Murphy. Fu is at best lazy and incompetent and at worst a felon that belongs in jail.

I am not an obstructionist. People have the right to develop their property. I myself sent a letter to the building department on Mr. Murphy's behalf requesting that the existing single story house on the lot be demolished. This was a big mistake. I don't live at this property. I am doing this on behalf of my tenants and future tenants. I have better things to do than fight with a city agency that will be adjudicating my future building projects. I love this city. I was born in San Francisco. I am a Diamond Certified general contractor with a higher client approval than any other builder in San Francisco. I graduated from U.C., Berkeley. I am also a lay anthropologist who is financing and conducting research along with the University of California and the Tulare Lake Archeological Group in an attempt to obtain the first carbon-14 dates out of the California's south San Joaquin valley (the Tulare Lake Basin).

We live in a new world order. We do not really "own" property; we are mere caretakers for future generations. Please do not let this project to move forward as it is. Please do not make me pursue this matter in civil court. Please do not let the crooks prevail. Thank you.

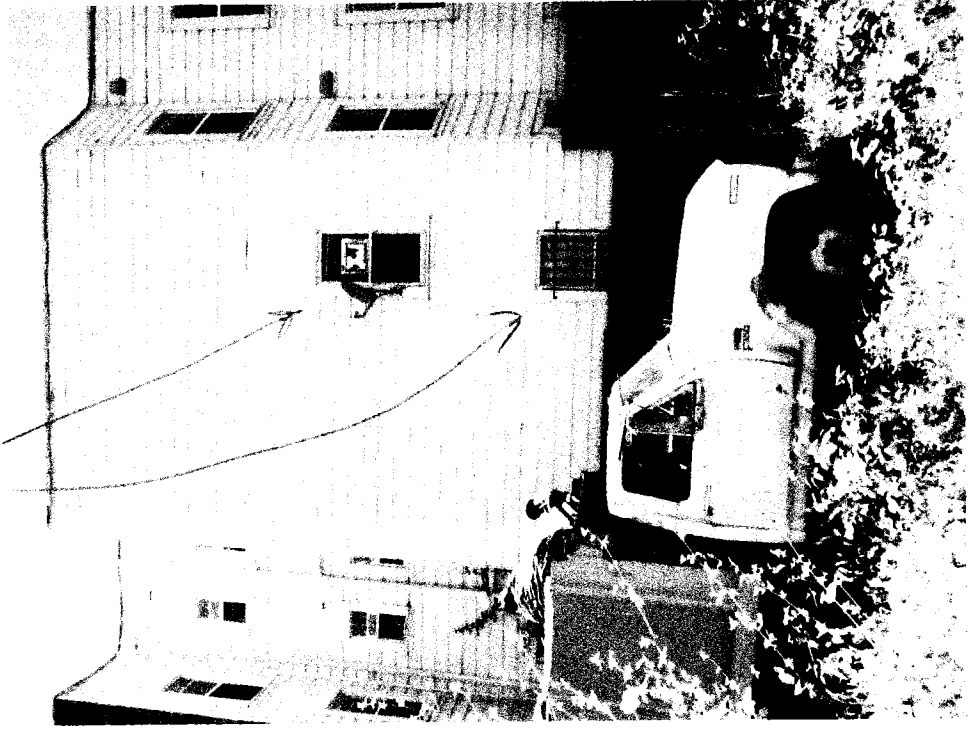
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5/23/10

3418  
26th St.



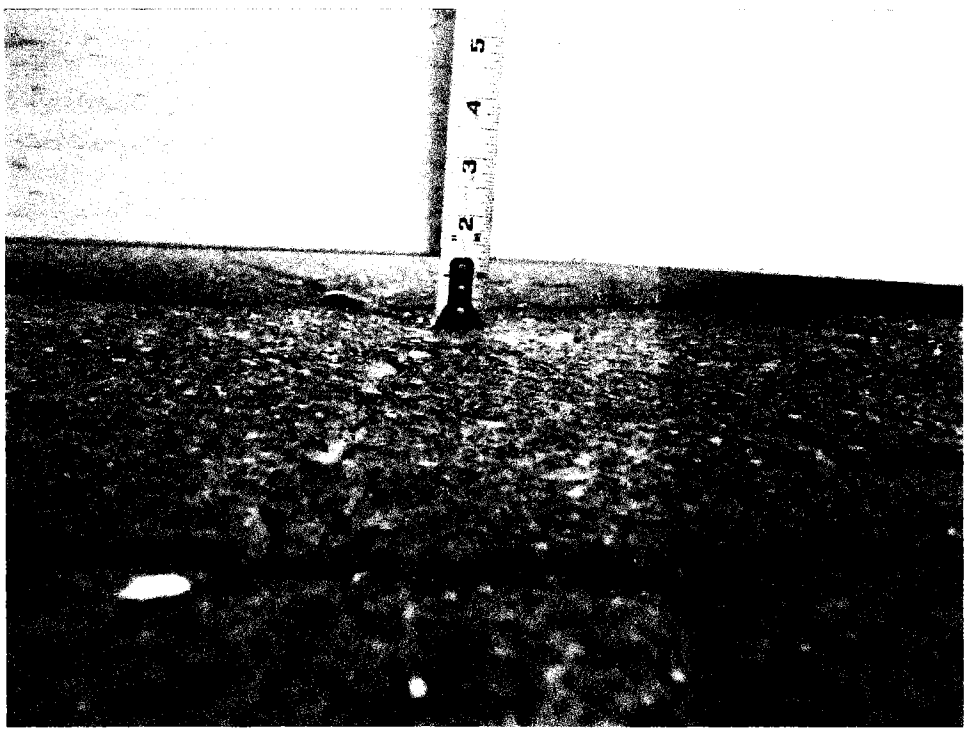
Subject windows

Subject windows





3418 26th St.



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:**

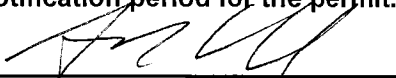
- G** Check made payable to Planning Department (see current fee schedule).
- G** Address list for nearby property owners, in label format, plus photocopy of labels.
- G** Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G** Photocopy of this completed application.

**OPTIONAL:**

- G** Photographs that illustrate your concerns.
- G** Covenants or Deed Restrictions.
- G** Other Items (specify). *Addendum 3 pages*

**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      5/23/10 Date



# SAN FRANCISCO PLANNING DEPARTMENT

## RESPONSE TO DISCRETIONARY REVIEW

Case No.: 10.0434 DDD

Building Permit No.: 2007.06.20.4573

Address: 3418 26th Street

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Project Sponsor's Name: Drake Gardner/ Luke O'Brien

Telephone No.: 415 884-2489 / 695-1111 (for Planning Department to contact)

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.
  - a. The project fully complies with the goals and zoning standards of the newly adopted Eastern Neighborhoods Plan.
  - b. The project has been reviewed and approved by the Planning Department's internal "Design Review" committee.
  - c. Many design changes were made in response to DR Requestors.
  - d. The project is not "exceptional" nor "extraordinary."
2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes. Indicate whether the changes were made before filing your application with the City or after filing the application.

A number of changes were made in response to DR Requestor recommendations and proposals, including height reduction of 3 feet, and a 10-foot rear setback at the 4th and 5th floor.

Attachment "A" summarizes the various DR Requestor proposals and Project Sponsor's response to each proposal. Project sponsor has agreed to 24 items (80%) from a total of 30 items.
3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

Many changes have been proposed, including overall building height reduction of 3 feet to 52 feet.

Reduction of building height to 40 feet would result in a loss of an entire floor and the loss of two units.


Any increase in the west side yard requirements would result in the loss of at least five bedrooms from the project.

If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

4. Please supply the following information about the proposed project and the existing improvements on the property.

<u>Number of</u>	<u>Existing</u>	<u>Proposed</u>
Dwelling units (only one kitchen per unit –additional kitchens count as additional units) .....	None	11
Occupied stories (all levels with habitable rooms) ...	None	Five
Basement levels (may include garage or windowless storage rooms) .....	None	None
Parking spaces (Off-Street) .....	None	Five
Bedrooms .....	None	16
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	None	8,200 sq. ft.
Height .....	None	52 ft.
Building Depth .....	None	67.5 ft.
Most recent rent received (if any) .....	None	None
Projected rents after completion of project .....	N.A.	Market
Current value of property .....	\$480,274	per Assessor
Projected value (sale price) after completion of project (if known) .....	Not Known /	Market

I attest that the above information is true to the best of my knowledge.


12/17/10
Lucian R. Blazej

Signature
Date
Name (please print)

**LUCIAN ROBERT BLAZEJ**  
**STRATEGIC SOLUTIONS**  
**50 LAIDLEY STREET**  
**SAN FRANCISCO, CA 94131-2733**  
**Voice 415.695.1111 ■ FAX 415.641.5409 ■ Cell 415.505.3707**  
**E-Mail: lrblazej@pacbell.net**

December 17, 2010

Honorable Members, San Francisco Planning Commission  
Mr. John Rahaim, Director of Planning  
Mr. Ben Fu, City Planner  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 3418 26th Street, San Francisco – AB 6529, Lot 012  
Case Number: 2010.0434 DDD / 2006.1349 V  
Discretionary Review for a 13-Unit – now 11-Unit Residential Development  
RTO-M (Residential Transit Oriented – Mission) and 55-X Zoning District

Honorable Members – San Francisco City Planning Commission  
Mr. John Rahaim, Director, and Mr. Ben Fu, Planner:

This letter requests your **support** for a small five-story, now eleven-unit residential project with five parking spaces. The site is currently vacant. The project complies with all provisions of the Planning Code and is supportive of the recently adopted “Residential Transit Oriented” development standards for the Mission Street corridor.

Please vote **not to take DR** and approve this project for the following reasons:

1. No case has been made by DR requestors identifying “exceptional and extraordinary circumstances.”
2. The proposed project has been reviewed by Planning Staff and found to be in conformance with the recently adopted Eastern Neighborhood Plan and Code.
3. The proposed project at a height of 52-feet is consistent with current and long standing (38-year) Planning Policy for higher density residential development along the Mission Street transit corridor. The zoned height for this parcel has been 50-X since 1972 and has recently been increased to 55-X.
4. Five of the specific DR request items deal with various levels of height reduction, from additional rear yard setbacks to the top floor, to the removal of the top floor. At the request of Planning Staff, the project has already been modified to include a front setback to the top floor and an additional rear yard setback of 10-feet to the upper 4<sup>th</sup> and 5<sup>th</sup> floors.
5. Project sponsor has contacted all DR requestors and has met with all DR requestors on several occasions. The three DR requestors collectively asked for

30 project modifications. Project sponsor has agreed to 24 items or 80% of DR requests. Excluding two requests for height reduction to 40-feet, and two requests for work or payments to a neighbor, the project has agreed to 24 of 26 requests, or 92% of DR requestor items.

6. A major benefit for the city will be provision of much needed additional and relatively affordable housing that is transit accessible and transit oriented.
7. This project will provide construction jobs which are sorely needed in this challenging economy.

Attachment "A" summarizes each of the DR requestor's specific requests and project sponsor's response.

Project architect has worked diligently since 2006 with adjacent neighbors and with Planning Department staff and made many design modifications to respond to their concerns. Attachment "B" (the revised plans for this project) reflects design modifications and additional design details that were requested by neighbors. We believe we have prepared a project that implements General Plan Goals and Policies, consistent with the Eastern Neighborhoods Plan, is responsive to the neighborhood "FIX 26" plan, and is therefore worthy of your support without further modification, other than normal design review and design refinement working with Planning Department staff.


Please note that this project has been undergoing formal Planning Department review since November of 2006. In early 2009 the Department requested that this project be totally redesigned to conform to the then newly adopted Eastern Neighborhoods Plan and Code, a review period of over four years.

We encourage you to visit the project site which is located on 26<sup>th</sup> Street between Mission and Valencia Streets, and is just north of the new five-story residential development at the corner of Mission Street and Cesar Chavez Boulevard (555 Bartlett Street).

It is respectfully requested that the Planning Commission not take DR and approve this project as recommended by planning staff. If you have any questions or desire further elaboration on any points, please feel free to contact me.

Thank you for your consideration.

Sincerely,



Lucian R. Blazej  
Representing Project Sponsor

Copy: DR Requestors

## Attachment "A"

### Summary of DR Requestor Proposals and Project Sponsor Response

Case No. 2010.0434 DDD

An 11-Unit Residential Project – 3418 26<sup>th</sup> Street off Mission Street 12-17-10

*Response by Project Sponsor to DR Proposal is in "Italics"*

Fix 26<sup>th</sup> Street - DR Request - Andrew and Zoe Dunbar (415 282-7737) 3441 26<sup>th</sup> Street

**Ten items requested – Ten items agreed to, or 100% of requests.**

- a. Install permeable strip sidewalk plantings – similar to 26<sup>th</sup> and Bartlett Streets  
*Yes - Agree to do per Fix26 standards*
- b. Improved façade scale and texture with four bays rather than two  
*Current two-bay design has Planning Department design approval*
- c. More façade surface texture and detailing  
*Yes - Agree to do more design refinement*
- d. Horizontal rustication of base to “ground building.”  
*Yes - Agree to do*
- e. Show dimensions for building height  
Show vines in plans  
Show two street trees in plan  
Show balcony railings at all levels  
*Yes - Agree to do*
- f. Move garage doors to property line or use gates at property line  
*Yes - Agree to do*
- g. Eliminate “nuisance” space at street level – nooks and setbacks  
*Yes - Agree to do*
- h. Clarify use of wood and Hardiplank siding and related detailing  
*Yes - Agree to do*
- i. Clarify location and use of roof-top open space  
*Yes - Agree to do*
- j. Set back top floor at rear of building  
*Yes – Top TWO floors have been set back Ten-Feet. This setback has resulted in the loss of two one-bedroom units.*



**Joe Drennan – Kate Bicket - DR Request (415 647-3718) – North Property**

**Twelve items requested – 10 items agreed to, or 83% of requests. The two items not agreed to relate to building height reduction.**

- a. Reduce building height to 40-feet.  
*Willing to reduce building height 3-feet from 55-feet to 52-feet subject to Planning Department approval. This property has had a 50-foot height limit since 1972. (Effective height of 54-feet when building parapet is included.) Two additional units would be lost – one two-bedroom and one one-bedroom unit. The project has already been reduced by two units from 13-units to 11-units. A height reduction to 40-feet would reduce the project to nine-units.*
- b. Step back top floor at rear of building.  
*Yes – Top TWO floors have been set back Ten-Feet. This setback has resulted in the loss of two one-bedroom units.*
- c. Slope top floor roof down toward the north rear yard to minimize shadow.  
*Not possible under current design where top two floors have already been set back ten feet. A one bedroom unit would be reduced to a studio unit - not consistent with Eastern Neighborhood Plan housing creation goals.*
- d. Addition of “screening trees” at rear yard  
*Yes - Agree to do*
- e. Rebuild rear fence of a design acceptable to neighbors – neighbors would share cost of new fence along their entire north property line which is approximately three-times longer than the fence required by the project  
*Yes - Agree to do – but only for rear fence at project rear property line.*
- f. Additional architectural façade detailing – both for front and rear facades  
*Yes - Agree to do – Design now has window and corner trim at rear*
- g. Installation of three street trees  
*Yes - Agree to do – subject to city approval. Two street trees now proposed.*
- h. Show landscaping design for rear yard area  
*Yes - Agree to do – will be permeable pavers with planters and screen trees*
- i. Want a shadow study to assess impact on potential rooftop solar panels  
*Shadow study was already done for a prior 50-foot high project (earlier 2009 rear setback design) and there is no significant change for a 52-foot tall project*
- j. Want permeable strip sidewalk planting  
*Yes - Agree to do per Fix26 standards*
- k. Include one large two-bedroom unit in the project  
*Yes - There are 5-two-bedroom, 5-one-bedroom, and one studio apartments in the project. This is a reduction of TWO 2-bedroom units due to design revisions.*
- l. Make rear yard a common yard with permeable landscaped surface  
*Yes to permeable landscaping. Planning Code requires individual open space for each unit.*



**Alexander Schwed - DR Request (415 285-2160) – West Property**

**Eight items requested – agreed to 4 items or 50% of requests. The request for additional side setback along the west property line has been partially agreed to. The remaining three items not agreed to are deemed to be unreasonable (remove top floor) or inappropriate requests under the DR process.**

- a. Reduce height by one story  
*No - not possible under current design – not consistent with Eastern Neighborhood housing creation goals. Two additional units would be lost – one two-bedroom and one one-bedroom unit. The project has already been reduced by two units from 13-units to 11-units. A height reduction to 40-feet would reduce the project to nine-units.*
- b. Create setback of 3-feet along west property line to light well and then increase to 5-feet for remainder of building.  
*Partial Accommodation - The project provides a larger matching light well that is 8-feet by 8-feet along the west property line – opposed to neighbor's 5-feet by 8-feet light well. An additional 4-foot wide and 10-foot deep side setback has been provided at the northwest corner of the project to partially match neighbors exiting side setback. The ten-foot increase in the rear setback of the 4<sup>th</sup> and 5<sup>th</sup> floors of the project provides substantially additional light and air to neighbors building. Any additional side setbacks would have serious impacts on the feasibility of the entire project.*
- c. Replace blind-wall siding with wood siding and paint a light color  
*Yes - Portions of west elevation that are exposed to general view will have siding and be of a light color*
- d. Enlarge two existing living room windows, and add an additional window on the top floor in DR requestor's building  
*No - Project sponsor will not do any work on DR Requestor's building*
- e. Pay \$5000 for the repair of cracked sidewalk (allegedly cause during demolition work)  
*No - Sidewalk was cracked prior to any demolition work and subject to repair*
- f. Contractors are not to encroach on west property, including sidewalk, during construction  
*Yes – Contractors agree that they will not encroach on west property*
- g. Wants any required underpinning of his foundations to be done by "third party" with project sponsor paying the bill.  
*Yes if necessary. The proposed foundation design is such that no underpinning will be required.*
- h. Insure that proposed light well will extend down sufficiently to serve first floor unit.  
*Yes – The ceiling in the garage will be dropped to a level that ensures that neighboring windows will be served by the matching light well.*

**Attachment "C"****Summary of Key Contact Chronology with DR Requestors****Case No. 10.0434 DDD**

- July 8, 2010            Called all three DR requestors in effort to coordinate a meeting
- July 13, 2010            Phone contacts with all three DR requestors regarding meeting schedule, project status and next steps
- July 14, 2010            Phone call to Alex Schwed and e-mail to DR requestors regarding meeting. Alex Schwed indicated that he would not participate in any meetings unless Mel Murphy was present. I indicated that Luke O'Brien was the principal in charge of this project and that Mr. O'Brien would not be present. Mr. Schwed indicated he would not participate without Mr. Murphy. Since Mr. Murphy was unavailable, Mr. Schwed did not participate in any meetings, nor would he provide his e-mail address.
- July 22, 2010            Two separate meetings with DR requestors. First meeting with Zoe and Andrew Dunbar / Fix26. Second meeting with Kate Bicket and Joe Drennan to review plans and DR recommendations. Made commitment to DR requestors that revised design drawings showing changes requested by DR requestors would be prepared by August 4, 2010.
- July 23, 2010            Follow-up e-mails to DR requestors summarizing outcome of meeting
- July 28, 2010            E-mail response to Joe Drennan regarding specific questions
- August 3, 2010            Phone conference with Joe Drennan regarding design revisions, fence design and site survey information
- August 4, 2010            Transmitted full set of revised design drawings to DR requestors Bicket, Drennan and Dunbar
- August 5, 2010            Follow-up phone call to Joe Drennan to make sure he got design revision drawings and to answer any questions. Had lengthy discussion with Mr. Drennan regarding proposed design and his concerns. I indicated that all his concerns were essentially addressed, other than a full story height reduction – instead we offered to reduce building height by 3-feet, subject to Planning Department approval. Mr. Drennan was appreciative of efforts to date, but was not yet willing to withdraw his DR request because of building height.
- August 5, 2010            Follow-up phone call to Andrew Dunbar regarding design revisions and the fact that all of his concerns were addressed by project sponsor. Was informed that Mr. Dunbar was on vacation and would not be back in the office until the end of the month.

November 12, 2010 Sent e-mail to all DR Requestors advising them that the design has been revised and inviting them to a meeting on 11/18/2010 at Murphy-O'Brien offices.

November 18, 2010 Held meeting for DR requestors. Attending neighbors were Alex Schwed and his consulting architect Steve Antonaros, and Joe Drennan.

Alex Schwed raised the following issues and made the following requests:

1. The new light well that matches his light well should be designed so that the roof of the new first floor garage is below the sill height of his first floor windows.
2. The depth of his existing footings needs to be determined to assess the degree – if any- of required lateral foundation support.
3. Would like a 3-foot additional setback at rear to accommodate two property line windows that are "second windows" for two units at the living room.
4. Would like a one-foot setback from west property line, to match his one-foot setback, that would result in a 2-foot separation between buildings – for sidewall maintenance purposes.
5. Cement / rodent-proof the space between the two buildings.
6. Put attractive siding and a light color at locations where there are lot line windows

Joe Drennan was appreciative of changes that were made, however he wanted more time to review and study the plans. Mr. Drennan also wanted to know what effect the 10-foot setback at the 4<sup>th</sup> and 5<sup>th</sup> floors would have on light and shadow to his property. Mr. Drennan also wanted to know what the fence at the rear yard would look like, since this fence was adjacent to his property.

A summary of plan revisions that were made in response to neighbor requests and Planning Department guidance include:

1. The 4<sup>th</sup> and 5<sup>th</sup> floors were setback an additional 10-feet at the rear of the building.
2. Overall building height was reduced from 55-feet to 52-feet – a 3-foot reduction.
3. The rear fire exit stair was also relocated to fall within the 10-foot additional rear set back.
4. The front set back at the 5<sup>th</sup> floor was increased to 15 feet from 11-feet.
5. A side setback was added at the rear eastern corner approximately 10-feet deep and 8-feet wide.
6. A side setback was added at the rear western corner 12-feet deep and 4-feet wide.
7. The front and rear façade details were refined to include wood trim around windows and incorporation of horizontal siding.

It was concluded that project sponsor would review and consider the various requests and get back to DR requestors.

It was also noted that the DR hearing before the Planning Commission was rescheduled to January 13, 2011.











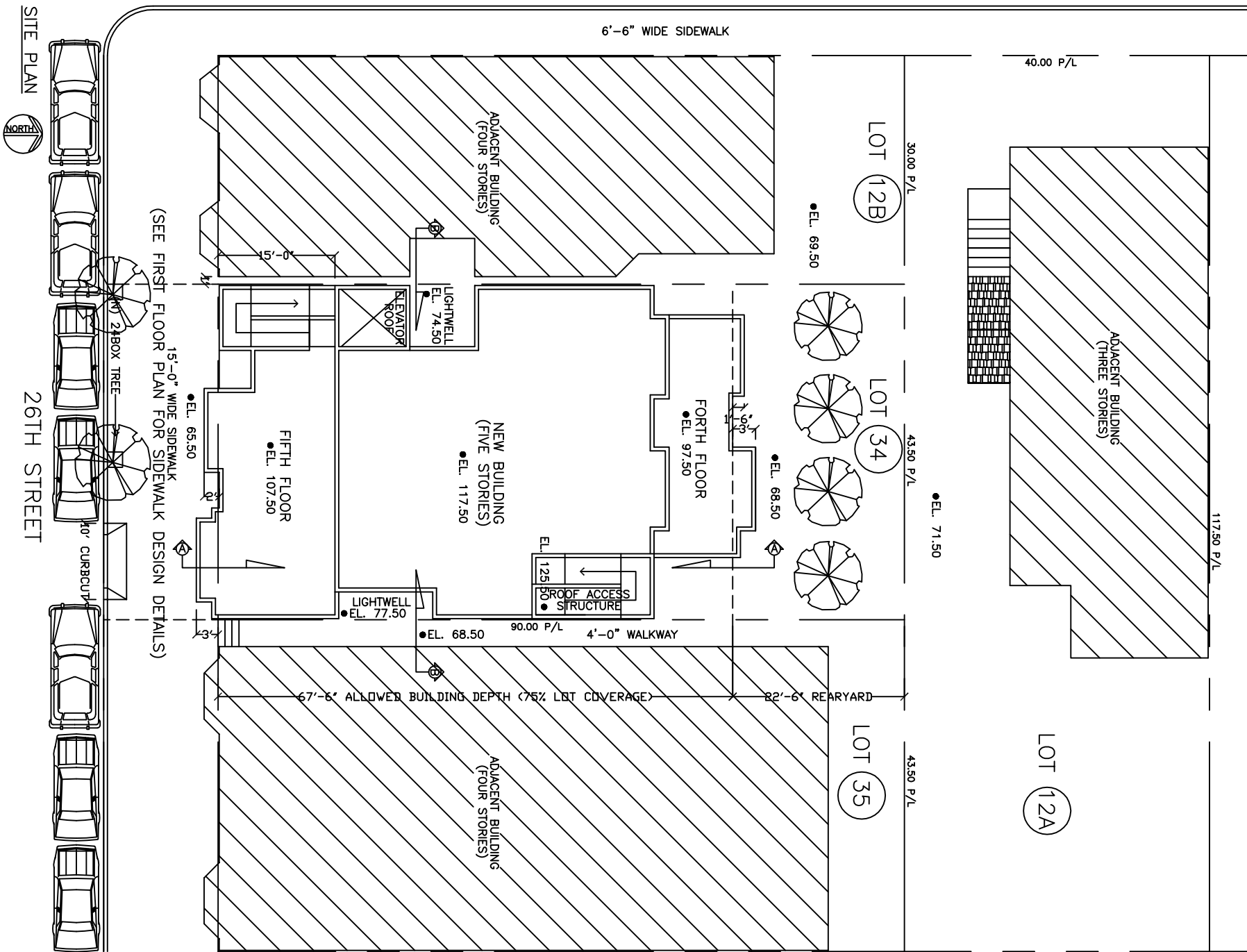


3418



BARTLETT STREET

6'-6" WIDE SIDEWALK



OSAGE ALLEY

SITE PLAN

26TH STREET



**SPECIFICATIONS**

- NOTES:  
 1) CONSTRUCTION COST OF THIS PERMIT DOES NOT INCLUDE PERMITS FOR THE FOLLOWING: FIRE DEPARTMENT, SPRINKLER, AND FIRE ALARM SYSTEM UNDER SEPARATE PERMIT.  
 2) STATE INDUSTRIAL SAFETY PERMIT IS REQUIRED.  
 3) STATE INDUSTRIAL SAFETY PERMIT IS REQUIRED.  
 4) 2HR STAIRWAY ENCLOSURE FOR 4 STORY BUILDING WITH 11/2 HR. DOORS W/ GLOSERS.  
 5) PROVIDE SMOKE DETECTORS PER SEC. 910.9 UBC.  
 6) PROVIDE METAL STRAPS TO WALLS FOR WATER HEATER ON 18 IN. HT. PLATFORM.  
 7) PROVIDE ONE HOUR CONSTRUCTION WITH SOUND AND VIBRATION ATTENUATION PER SEC. 312.5/CBC 1202.2.7 FOR GARAGE.  
 8) PROVIDE FLOURESCENT LIGHTING AT BATHROOMS AND KITCHENS.  
 9) PROVIDE TEMPERED GLASS 18" AND ABOVE FLOOR PER SEC. 2408.4.  
 10) ROOF DRAIN AND OVERFLOW DRAIN AT ROOF AND DECK SHALL BE CLASS A OR B WITH 1.4IN. TO 1/4" SLOPE TYPICAL.  
 11) EXTERIOR WALL PROTECTION PER SEC. 1006.3.3.3.  
 12) EXIT PATH SHALL COMPLY WITH ADMINISTRATION CHAPTER 10 CBC.  
 13) STAIRS (EXTERIOR/INTERIOR) SHALL COMPLY WITH CHAPTER 10 CBC.  
 14) PROVIDE SEPARATION JOINT BETWEEN BUILDING AND ADJACENT BUILDING PER SEC. 1008.3.1.1.  
 15) S.F. BUILDING CODE.  
 16) SITE PERMIT TO BE PROVIDED FOR THIS PROJECT.  
 17) PROVIDE EMERGENCY LIGHTING PER CODE.  
 18) PROVIDE STAIR L.D. WITH SIGN PER SEC. 1003.3.13.  
 19) PROVIDE 3/4HR FIRE WIND. W/SPRINKLER AT PROP. LINE PER SEC. 503.5 S.F.B.C.  
 20) PROVIDE 3/4HR RATED SKYLIGHTS WITHIN SFT. OF PROP. LINE UNITS AND PUBLIC AREA.  
 21) PROVIDE FLOOR DRAINS PER SEC. 311.2.3.1.  
 22) TYPE CONSTRUCTION TO BE OF NON-COMBUSTIBLE MATERIALS PER SEC. 703.5 UBC.  
 23) PROVIDE 3/4HR RATED PROTECTION FOR OPENINGS (DOORS/WINDOWS) WITHIN 10FT. OF STAIR OPENINGS.  
 24) PROVIDE EXIT SIGNS PER SEC. 1012.  
 25) PROVIDE 3/4HR RATED CORRIDOR DRS. TO BE PROVIDED WITH "S" LABELS.  
 26) ALL VENTS ARE TO TERMINATE A MIN. OF 3FT. FROM ANY PROP. LINE.

**PROJECT DATA**

ZONING: R10-EASTERN NEIGHBORHOODS  
 LOT AREA: 4350 SQ.FT. = 3915 SQ.FT. - 978.75 SQ.FT.  
 DESIGNATED COMMERCIAL SPACE: NONE  
 11 RESIDENTIAL CONDOS: (2 B.A.R. REQUIRED)  
 2- UNITS 1-BED+DEN@650SQFT EA.=1,300 SQFT TOTAL  
 3- UNITS 2-BED@705SQFT EA.=2,310 SQFT TOTAL  
 1- UNIT STUDIO@320SQFT EA.= 320 SQFT TOTAL  
 1- UNIT 1-BED@505SQFT EA.=1,000 SQFT TOTAL  
 1- UNIT 2-BED@800SQFT EA.= 800 SQFT TOTAL  
 1- UNIT 2-BED@670SQFT EA.= 670 SQFT TOTAL  
 1- UNIT 1-BED+DEN@640SQFT EA.= 640 SQFT TOTAL  
 TOTAL LIVING AREA=8,200 SQ.FT.  
 PARKING GARAGE AREA: 1,700 SQ.FT.  
 0 (8'X20') STANDARD SPACES  
 0 (8'X16') COMPACT SPACES  
 0 (9'X18') H.C. VAN SPACES  
 8 (2'X6') BICYCLE SPACES/WALL HUNG (STACKED)  
 5 RESIDENTIAL PARKING RATIO  
 BUILDING HEIGHT: 52FT. (55FT. ALLOWED)  
 COMMON OPEN SPACE 650 SQ.FT. (ROOF LEVEL)  
 PRIVATE OPEN SPACE 1,740 SQ.FT.  
 TYPE 5-1HR. (1ST FLOOR TO ROOF/THROUGHOUT)  
 FIRE-SPRINKLER SYSTEM REQUIRED  
 (SUBMITTED UNDER SEPARATE PERMIT)  
 ALL ADA DETAILS SEE SH. A-F-C1 & A-F-C2  
 MANUAL AND AUTOMATIC FIRE ALARM SYSTEM REQUIRED.  
 (SUBMITTED UNDER SEPARATE PERMIT)

**PROJECT DESIGN**

**BUILDING DESIGN:** ZONE DESIGN DEVELOPMENT  
 DRAKE GARDNER  
 394 BEL MARIN KEYS BLVD  
 SUITE 11, NOVATO, CA. 94949  
 415.884-2489

**STRUCTURAL ENG.:** SANTOS&URRUTIA ENG.  
 RODRIGO SANTOS  
 2451 HARRISON ST.  
 SAN FRANCISCO, CA. 94110  
 415.642.7722

**POST TENSION ENG.:** ACUBUILD  
 WILLIAM MENTA  
 2995 WOODSIDE RD., SU 400  
 WOODSIDE, CA. 94082-2496  
 650.529.9662

**ELECTRICAL ENG.:** DAVID SZETO  
 951 POST STREET  
 (415) 346-9197  
 SAN FRANCISCO, CA. 94110

**FIREPROTECTION:** ANS ENGINEERING  
 ADRIAN NAJIM-STOIAN  
 3401 INVESTMENT BLVD., SU 201  
 HAYWARD, CA. 94545  
 510.782.2256

**MECH. ENGINEER:** MOON KANG  
 3450 3RD ST. BLDG 4, SU B  
 SF., CA. 94124  
 415.282.3100

**DRAWING INDEX**

- A1 SITE PLAN, PROJECT DATA
- A2 FIRST & SECOND FLOORS
- A3 THIRD & FOURTH FLOORS
- A4 FIFTH FLOOR & ROOF PLAN
- A5 SOUTH ELEVATION
- A6 NORTH ELEVATION
- A7 EAST ELEVATION
- A8 WEST ELEVATION
- A9 SECTION A-A
- A10 SECTION B-B

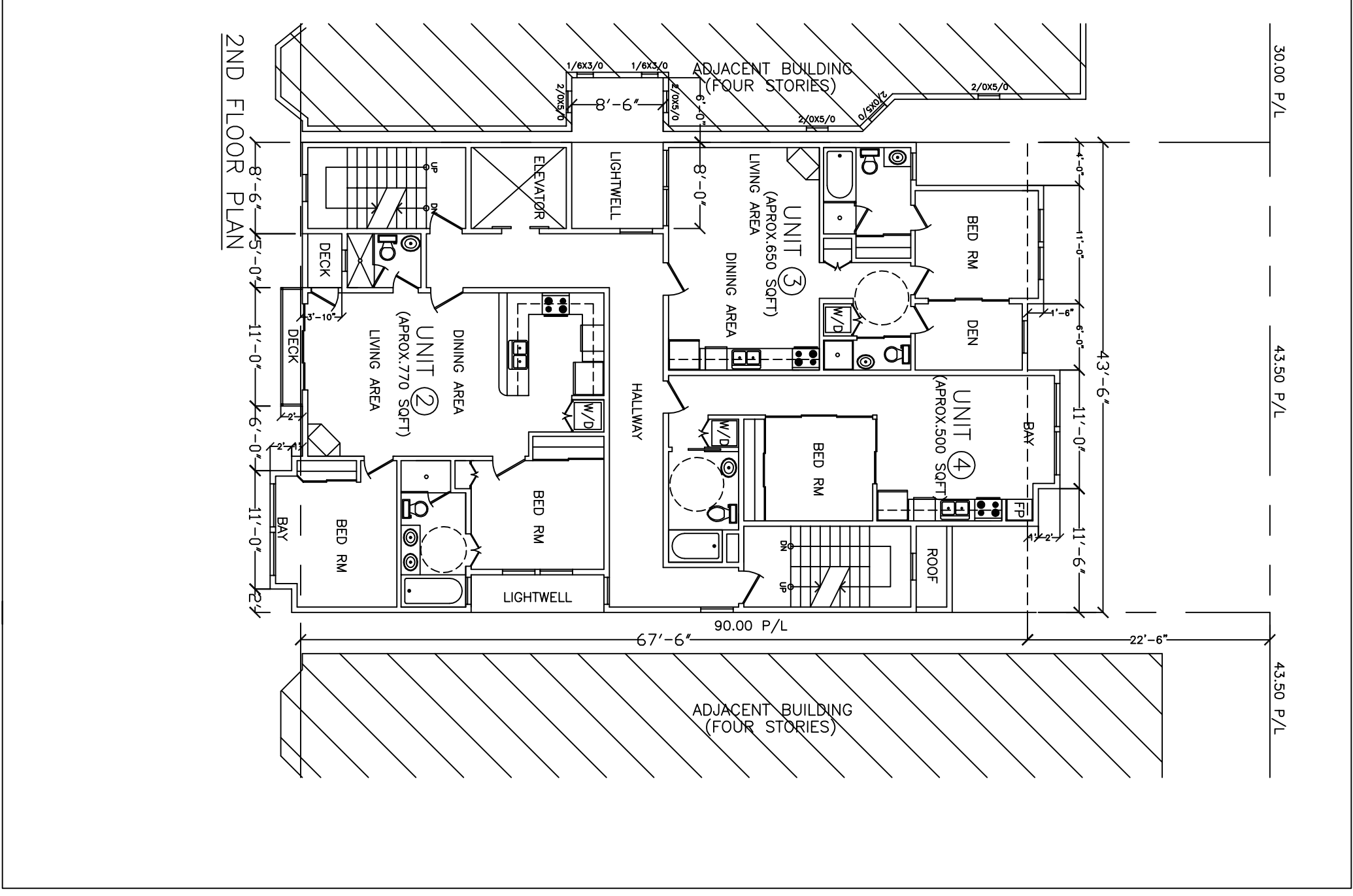
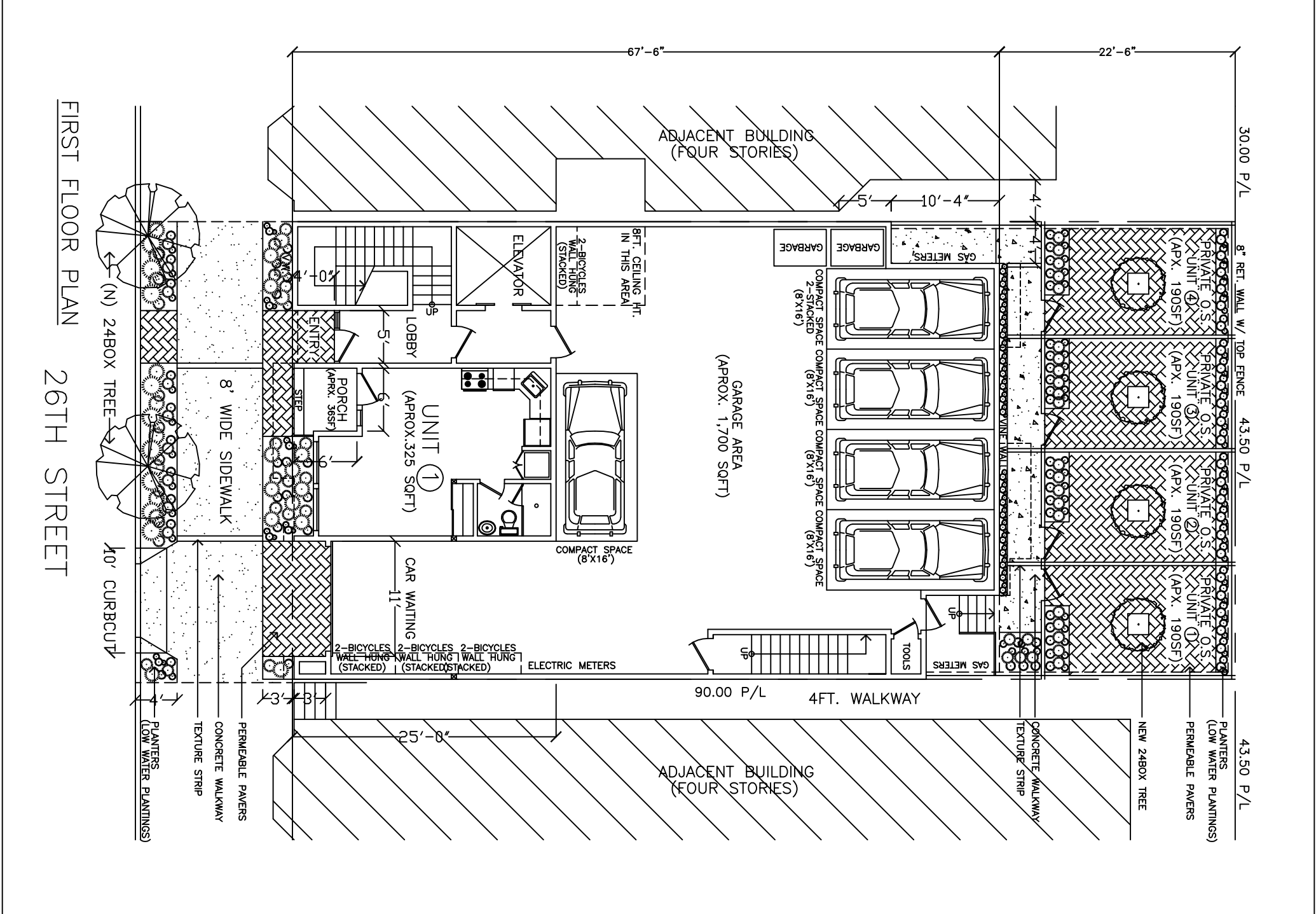
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12.21.09	
02.01.10	
08.01.10	
09.01.10	
10.06.10	
10.20.10	
11.15.10	

DESIGN BY: ZONE DESIGN DEVELOPEMENT  
 DRAKE GARDNER 415.408.3403 (O)  
 10 CARLILE DR. 415.408.3429 (F)  
 NOVATO, CA. 94945 415.377.6694 (C)

PROJECT: NEW ELEVEN UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA. 94110  
 LOT: 012 BLOCK: 6529

DATE: 04.01.09  
 SCALE: 1/8IN.=1'-0"  
 DESIGNER: D.G.  
 JOB NO.:  
 SHEET NO.: A1



REVISIONS	DATE
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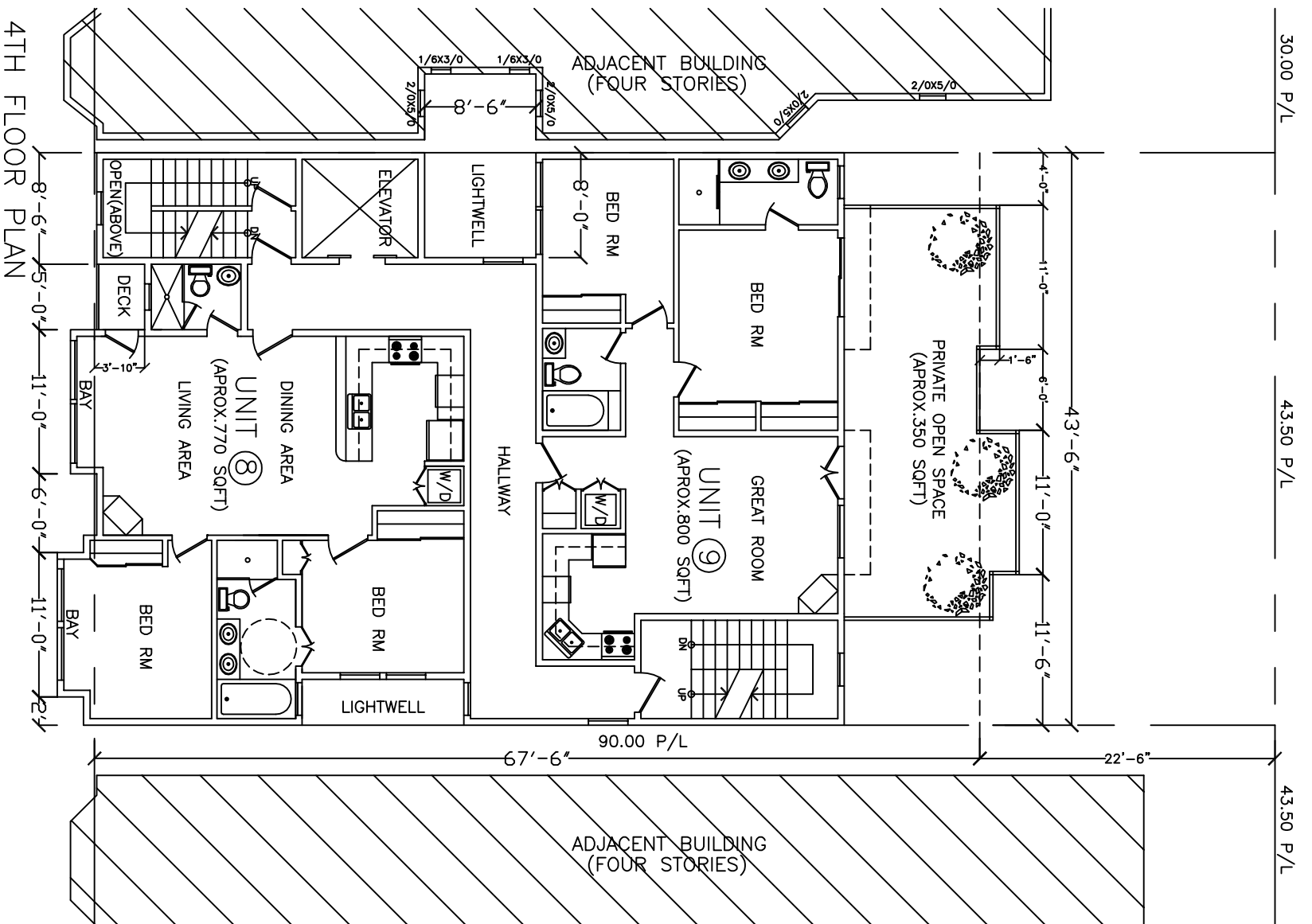
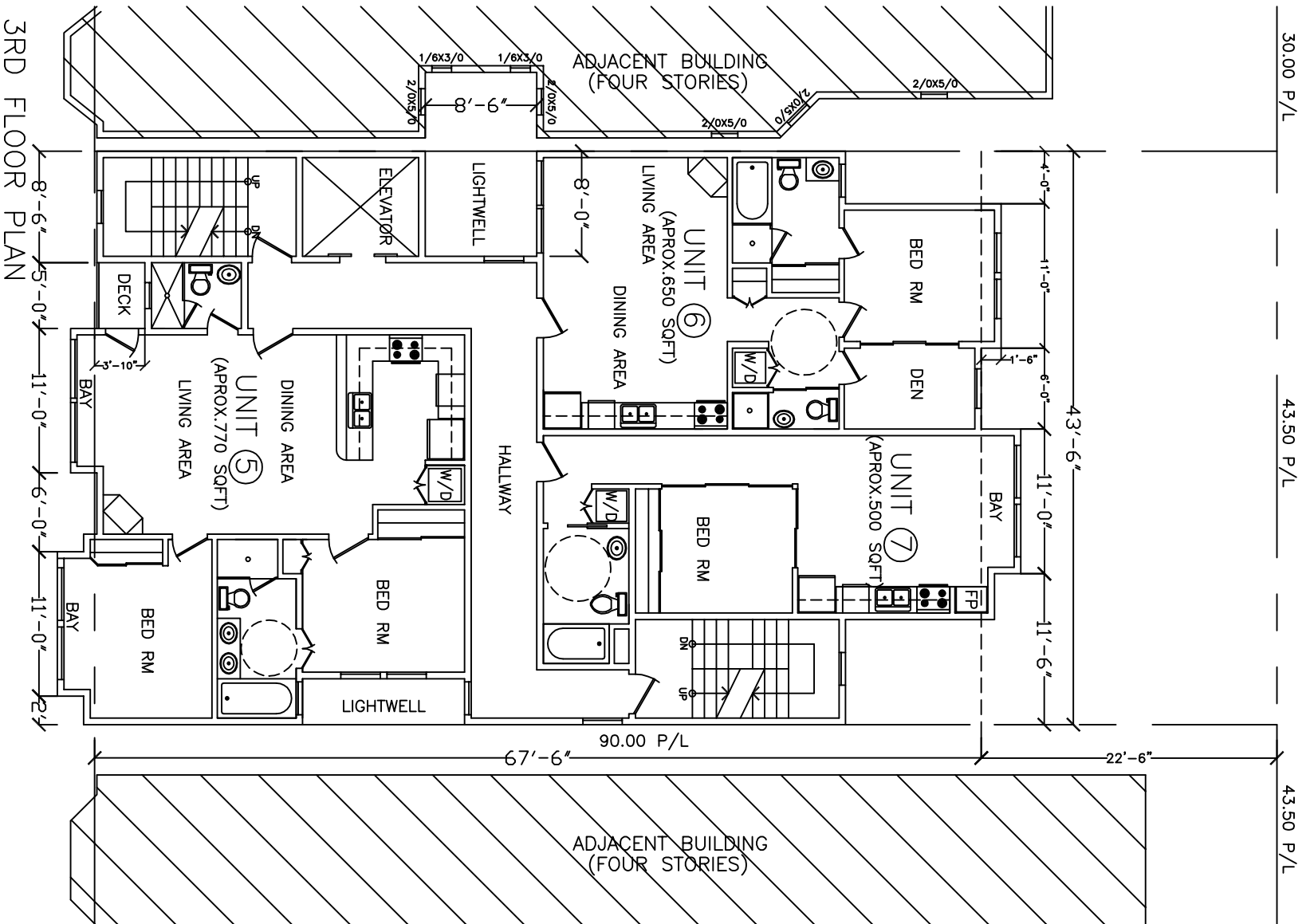
  

DESIGN BY: ZONE DESIGN DEVELOPEMENT	DRAKE GARDNER 415.408.3403 (O)
	10 CARLILE DR. 415.408.3429 (F)
	NOVATO, CA. 94945 415.377.6694 (C)

PROJECT: NEW ELEVEN UNIT RESIDENTIAL BUILDING	DATE: 04.01.09
3418 26TH STREET	SCALE: 3/16"=1'-0"
SAN FRANCISCO, CA. 94110	DESIGNER: D.G.
LOT: 012 BLOCK: 6529	JOB NO.:
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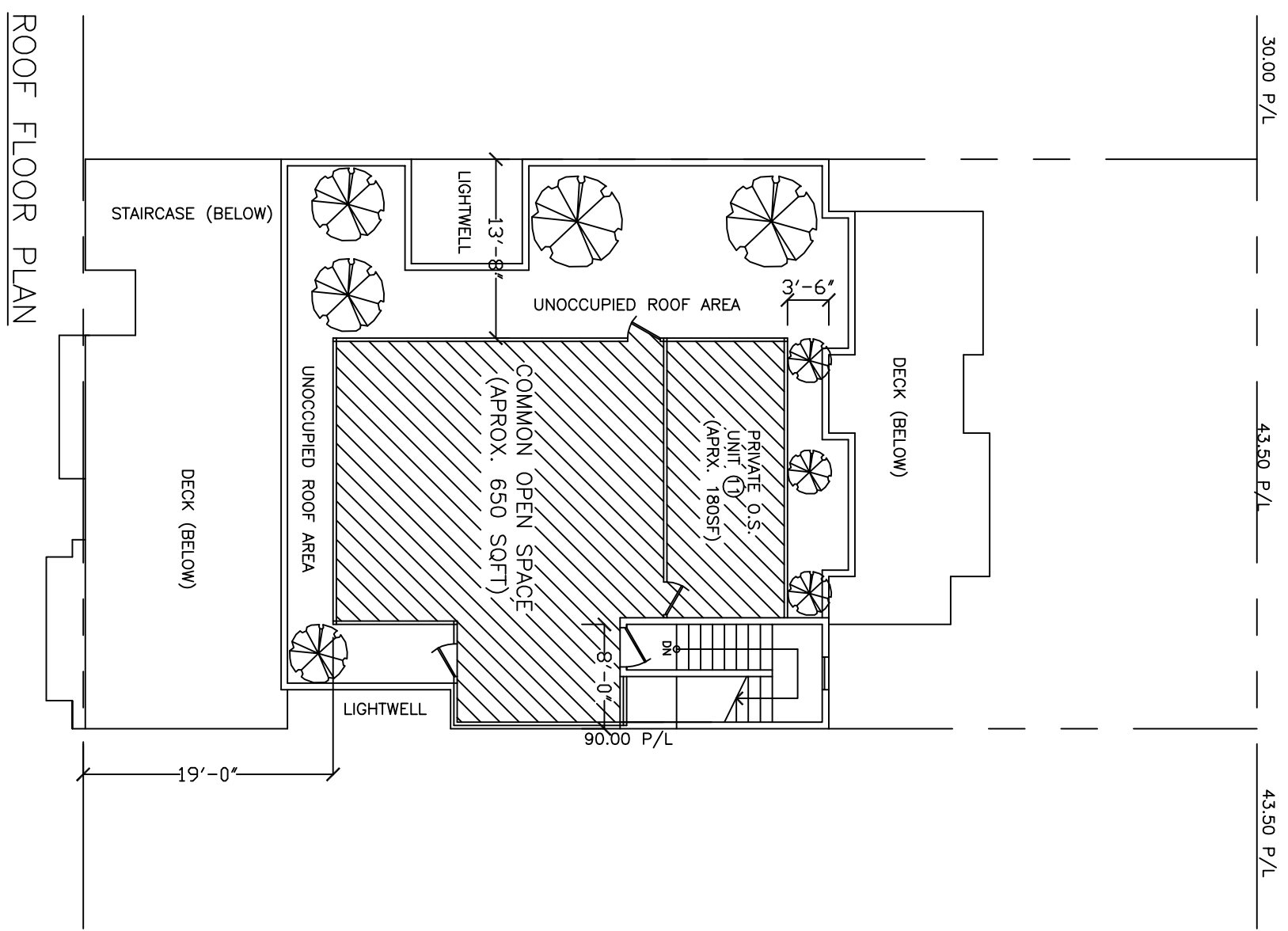
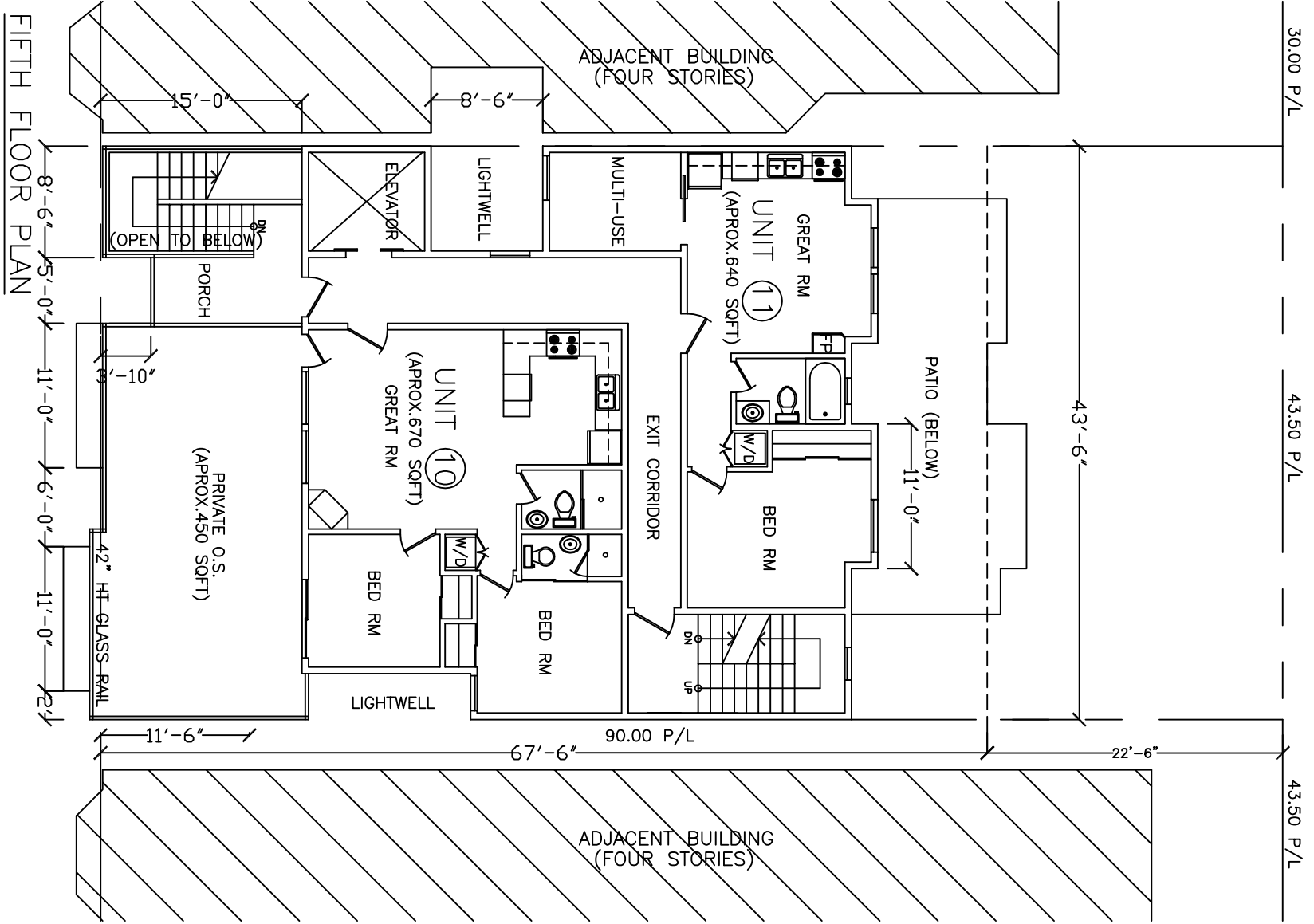


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PROJECT: NEW ELEVEN UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA. 94110  
 LOT: 012 BLOCK: 6529

DESIGN BY: ZONE DESIGN DEVELOPEMENT  
 DRAKE GARDNER 415.408.3403 (O)  
 10 CARLILE DR. 415.408.3429 (F)  
 NOVATO, CA. 94945 415.377.6694 (C)

REVISIONS	DATE	SYM.
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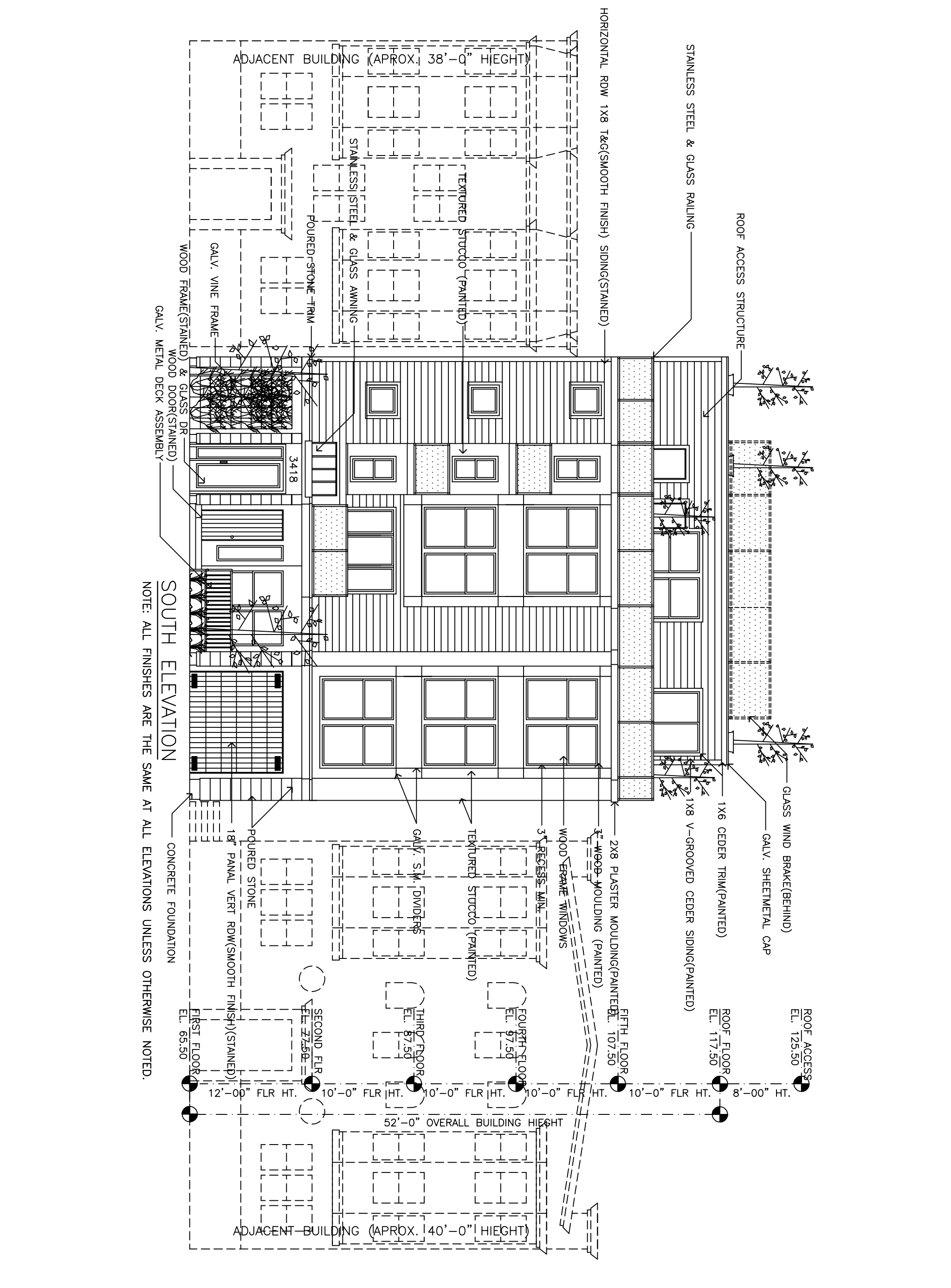


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**PROJECT:** NEW ELEVEN UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA. 94110  
 LOT: 012 BLOCK: 6529

**DESIGN BY:** ZONE DESIGN DEVELOPEMENT  
 DRAKE GARDNER 415.408.3403 (O)  
 10 CARLILE DR. 415.408.3429 (F)  
 NOVATO, CA. 94945 415.377.6694 (C)

REVISIONS	DATE	SYM.
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	12.21.09	
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	10.06.10	
	10.20.10	
	11.15.10	
	12.20.10	



NOTE: ALL FINISHES ARE THE SAME AT ALL ELEVATIONS UNLESS OTHERWISE NOTED.

**SOUTH ELEVATION**

REVISIONS	DATE
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DESIGN BY: ZONE DESIGN DEVELOPEMENT	DRAKE GARDNER 415.408.3403 (O)
	10 CARLILE DR. 415.408.3429 (F)
	NOVATO, CA. 94945 415.377.6694 (C)

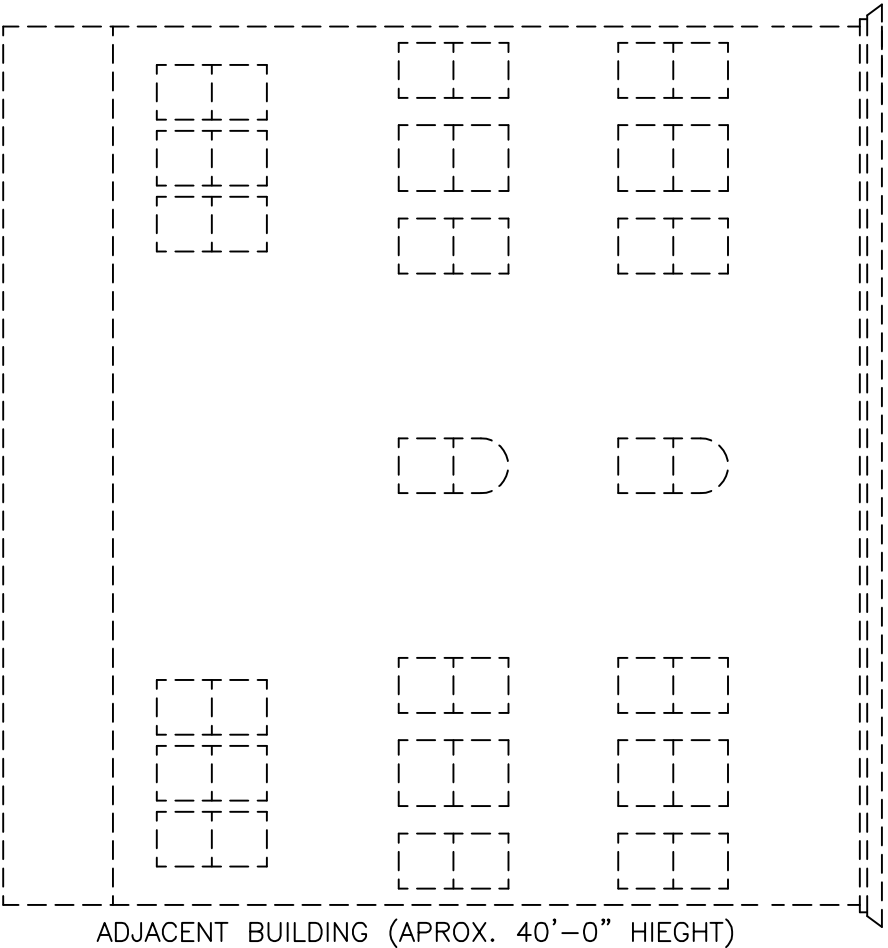
  

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3418 26TH STREET
SAN FRANCISCO, CA. 94110
LOT: 012 BLOCK: 6529

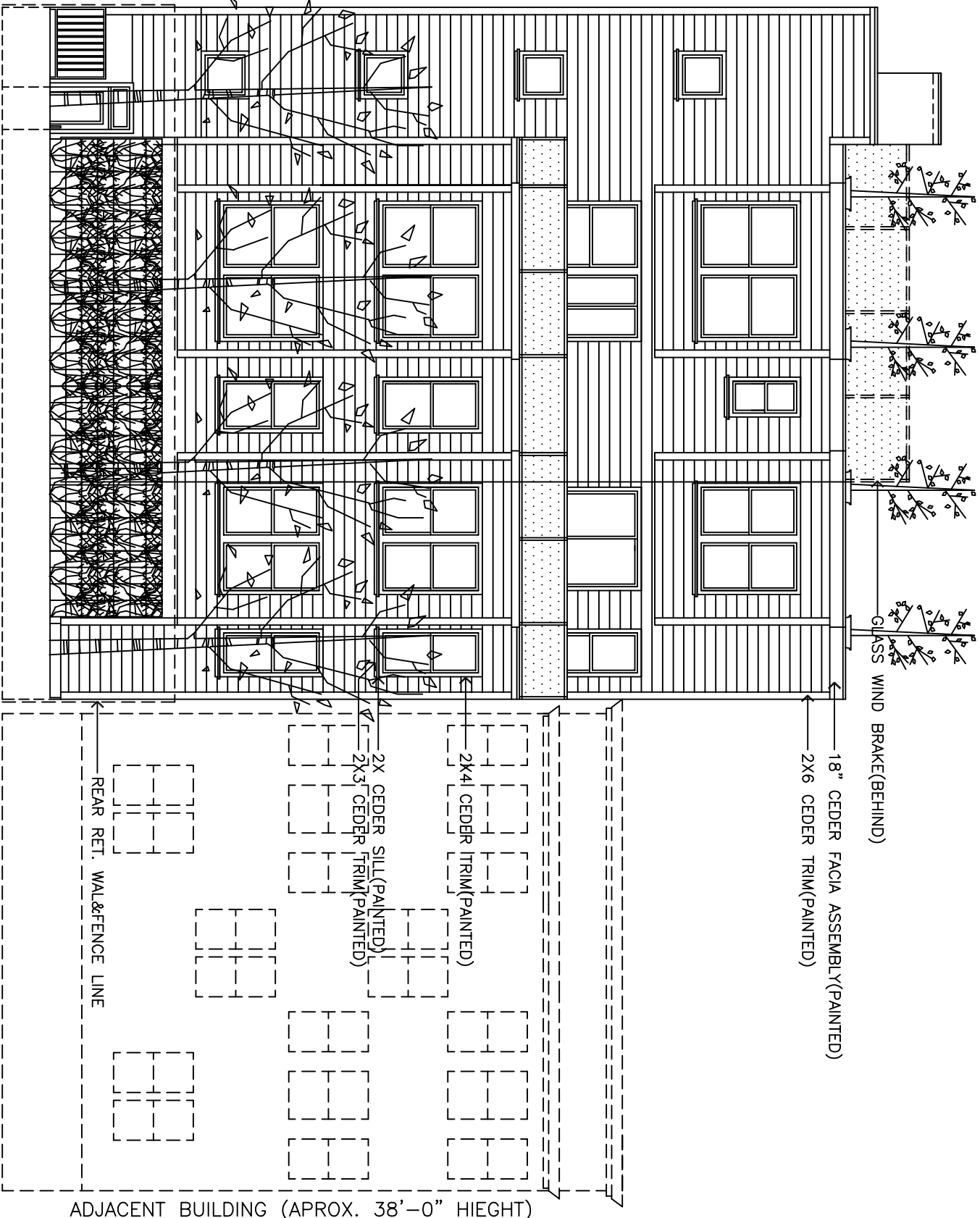
  

DATE: 04.01.09
SCALE: 1/4"=1'-0"
DESIGNER: D.G.
JOB NO.:
SHEET NO.:

A5



ADJACENT BUILDING (APROX. 40'-0" HIEGHT)



ADJACENT BUILDING (APROX. 38'-0" HIEGHT)

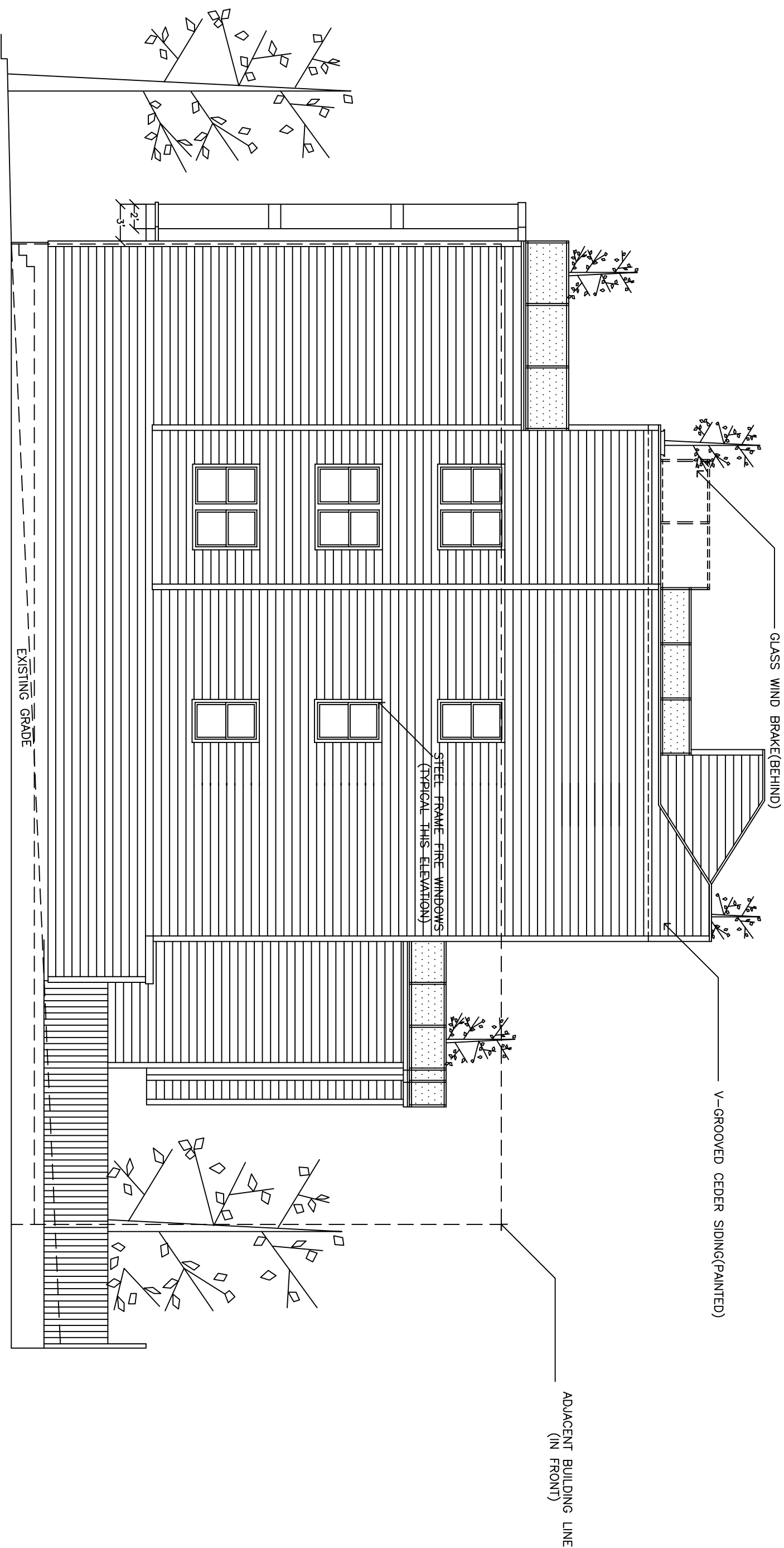
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	10.20.10
	11.15.10

DESIGN BY: ZONE DESIGN DEVELOPEMENT  
 DRAKE GARDNER 415.408.3403 (O)  
 10 CARLILE DR. 415.408.3429 (F)  
 NOVATO, CA. 94945 415.377.6694 (C)

PROJECT: NEW ELEVEN UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA. 94110  
 LOT: 012 BLOCK: 6529

DATE: 04.01.09  
 SCALE: 1/4"=1'-0"  
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 JOB NO.:  
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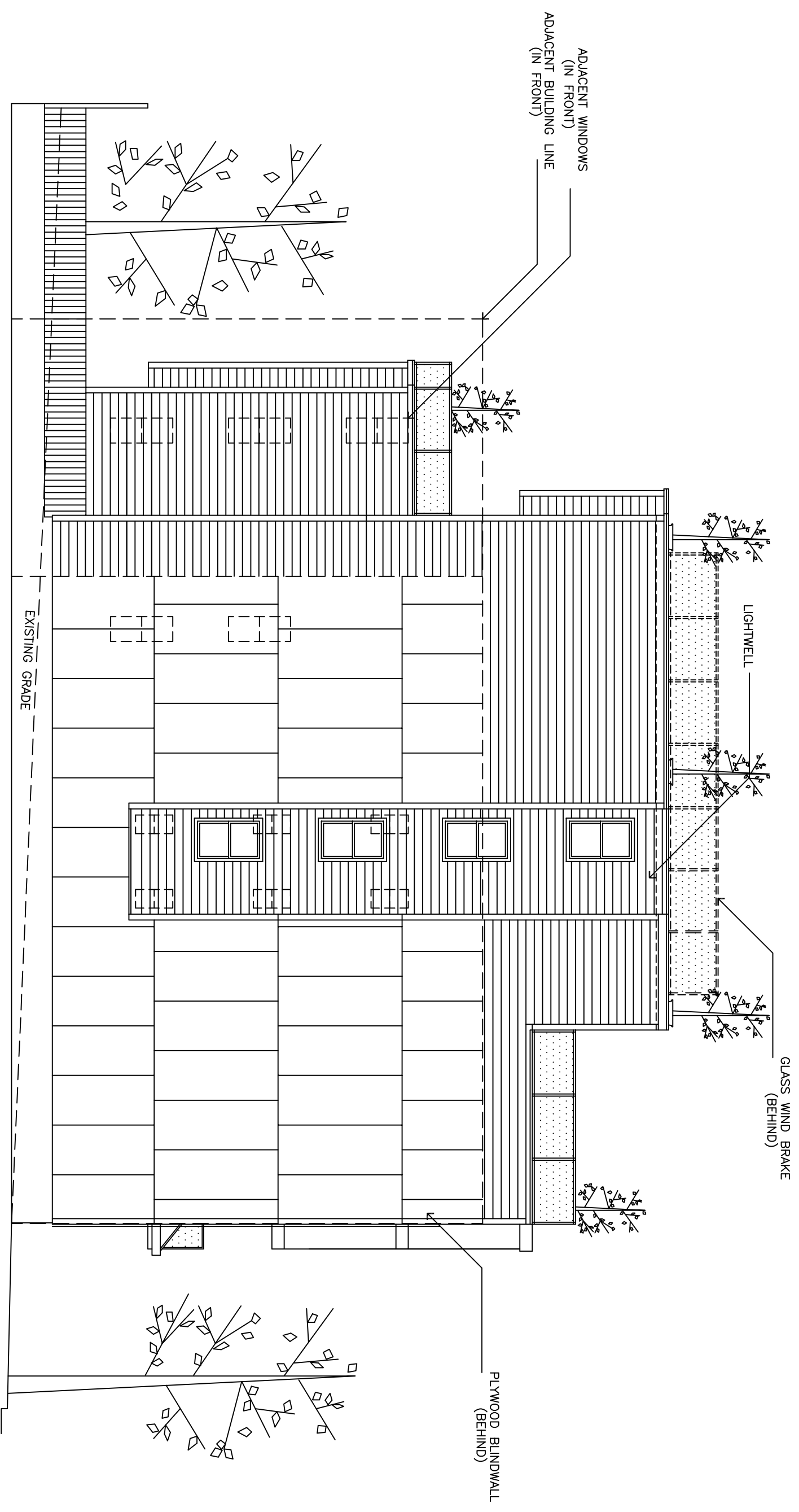
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09.01.10	10.06.10
10.06.10	10.20.10
10.20.10	11.15.10

DESIGN BY: ZONE DESIGN DEVELOPEMENT  
 DRAKE GARDNER 415.408.3403 (O)  
 10 CARLILE DR. 415.408.3429 (F)  
 NOVATO, CA. 94945 415.377.6694 (C)

PROJECT: NEW ELEVEN UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA. 94110  
 LOT: 012 BLOCK: 6529

DATE: 04.01.09  
 SCALE: 1/4"=1'-0"  
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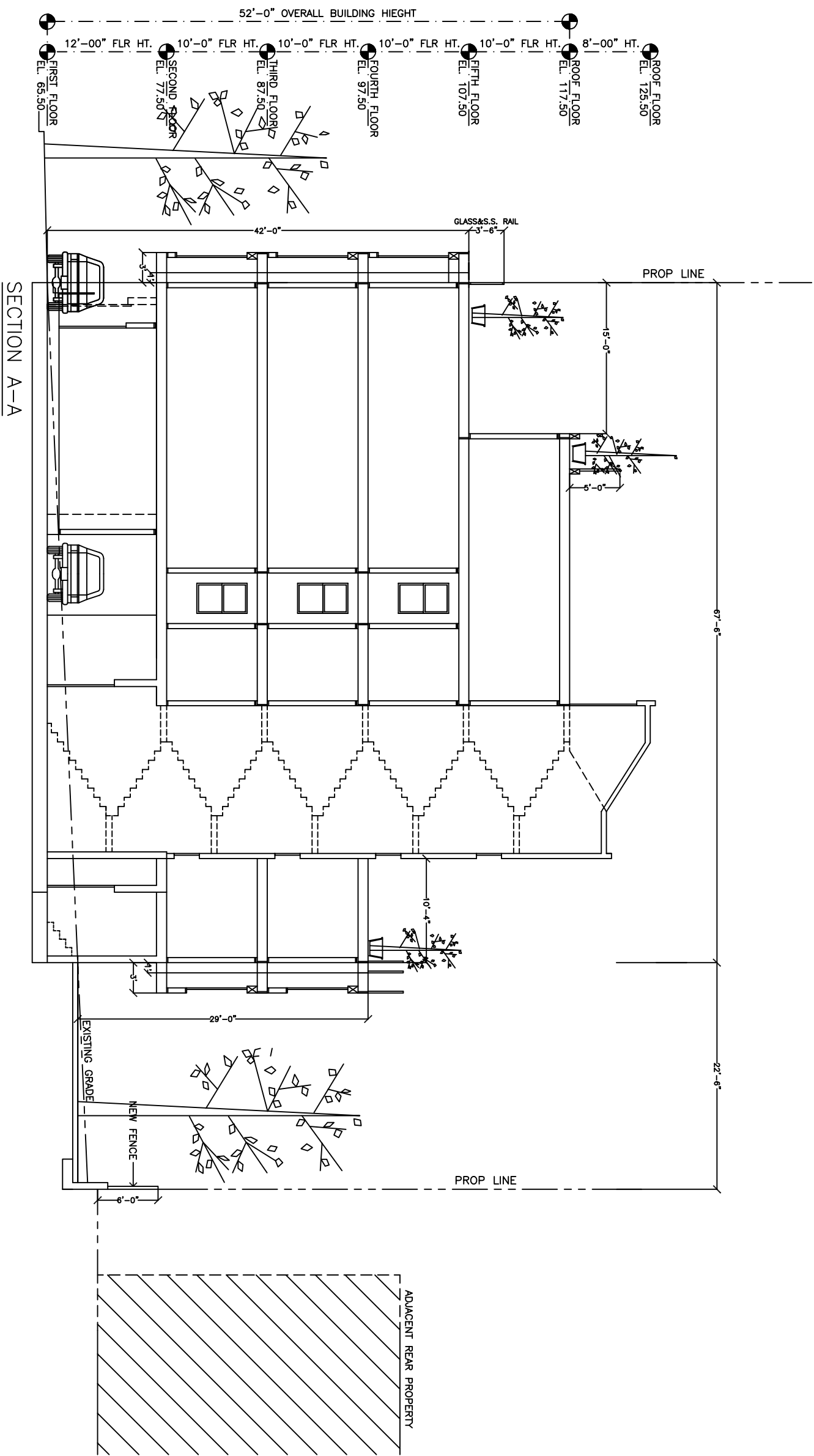
WEST ELEVATION

REVISIONS	DATE
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	02.01.10
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	10.06.10
	10.20.10
	11.15.10

DESIGN BY: ZONE DESIGN DEVELOPEMENT  
 DRAKE GARDNER 415.408.3403 (O)  
 10 CARLILE DR. 415.408.3429 (F)  
 NOVATO, CA. 94945 415.377.6694 (C)

PROJECT: NEW ELEVEN UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA. 94110  
 LOT: 012 BLOCK: 6529

DATE: 04.01.09  
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A9

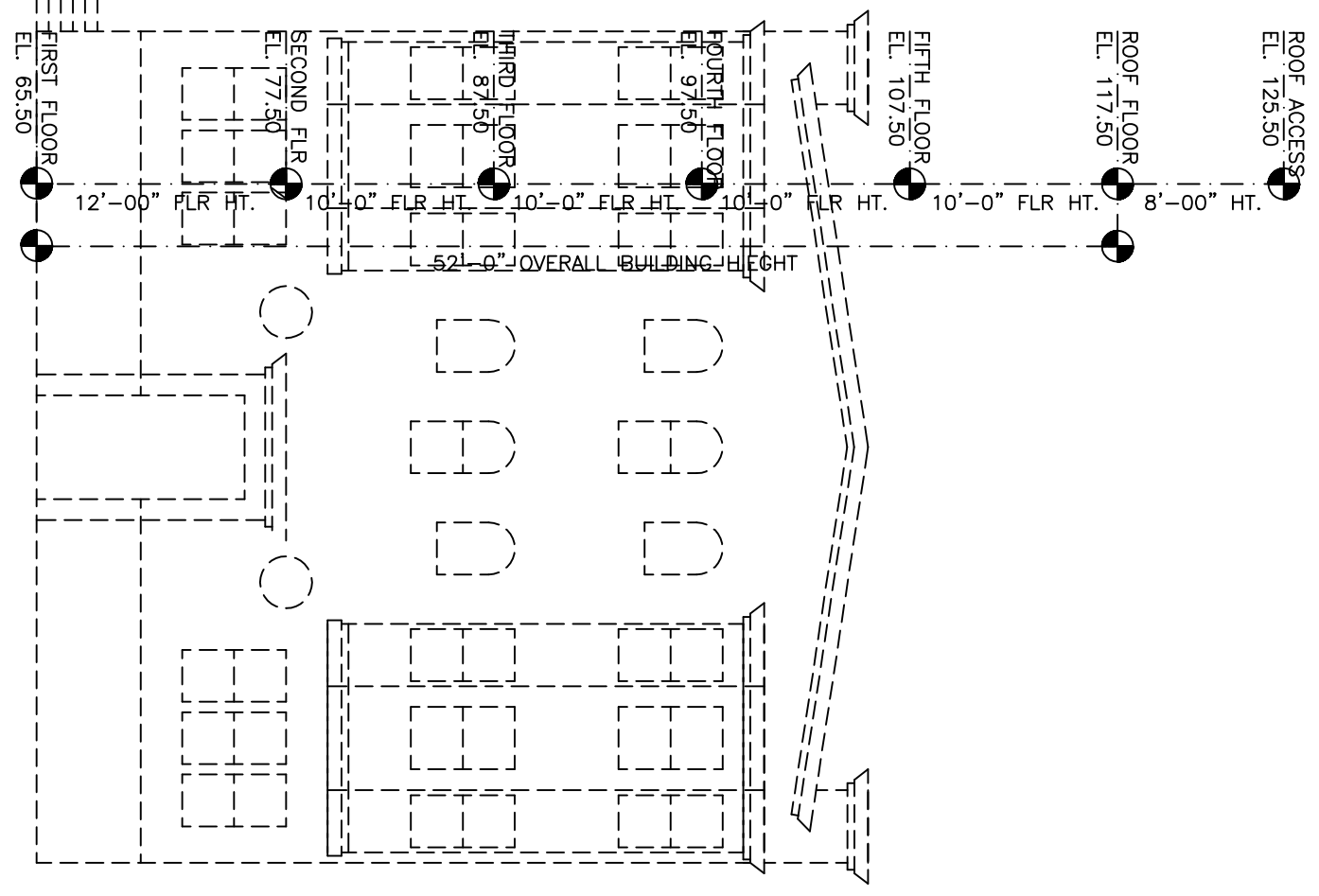
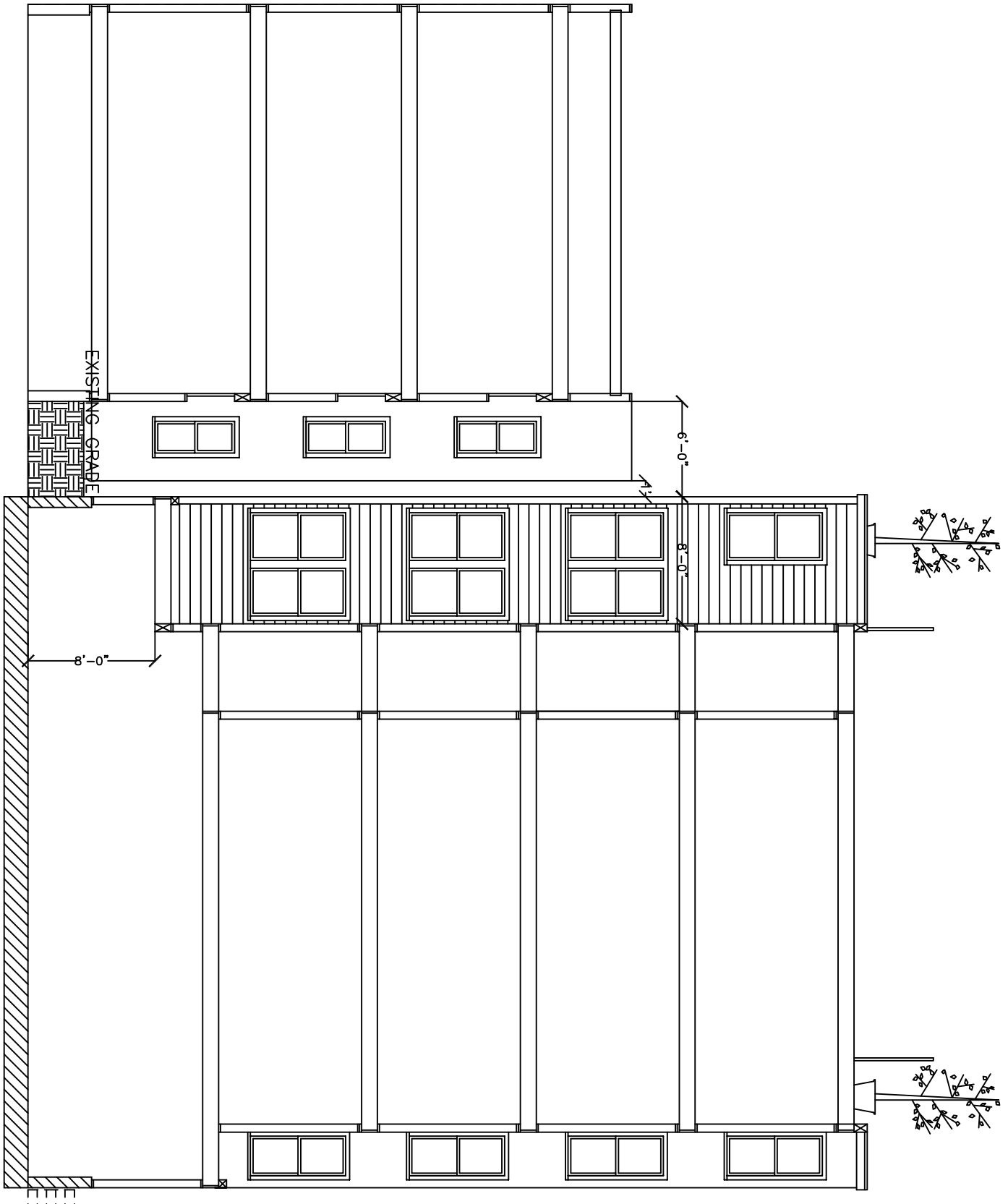
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 DATE: 04.01.09

PROJECT: NEW ELEVEN UNIT RESIDENTIAL BUILDING  
 3418 26TH STREET  
 SAN FRANCISCO, CA. 94110  
 LOT: 012 BLOCK: 6529

DESIGN BY: ZONE DESIGN DEVELOPEMENT  
 DRAKE GARDNER 415.408.3403 (O)  
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REVISIONS	DATE
	12.21.09
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	12.20.10

SECTION B-B

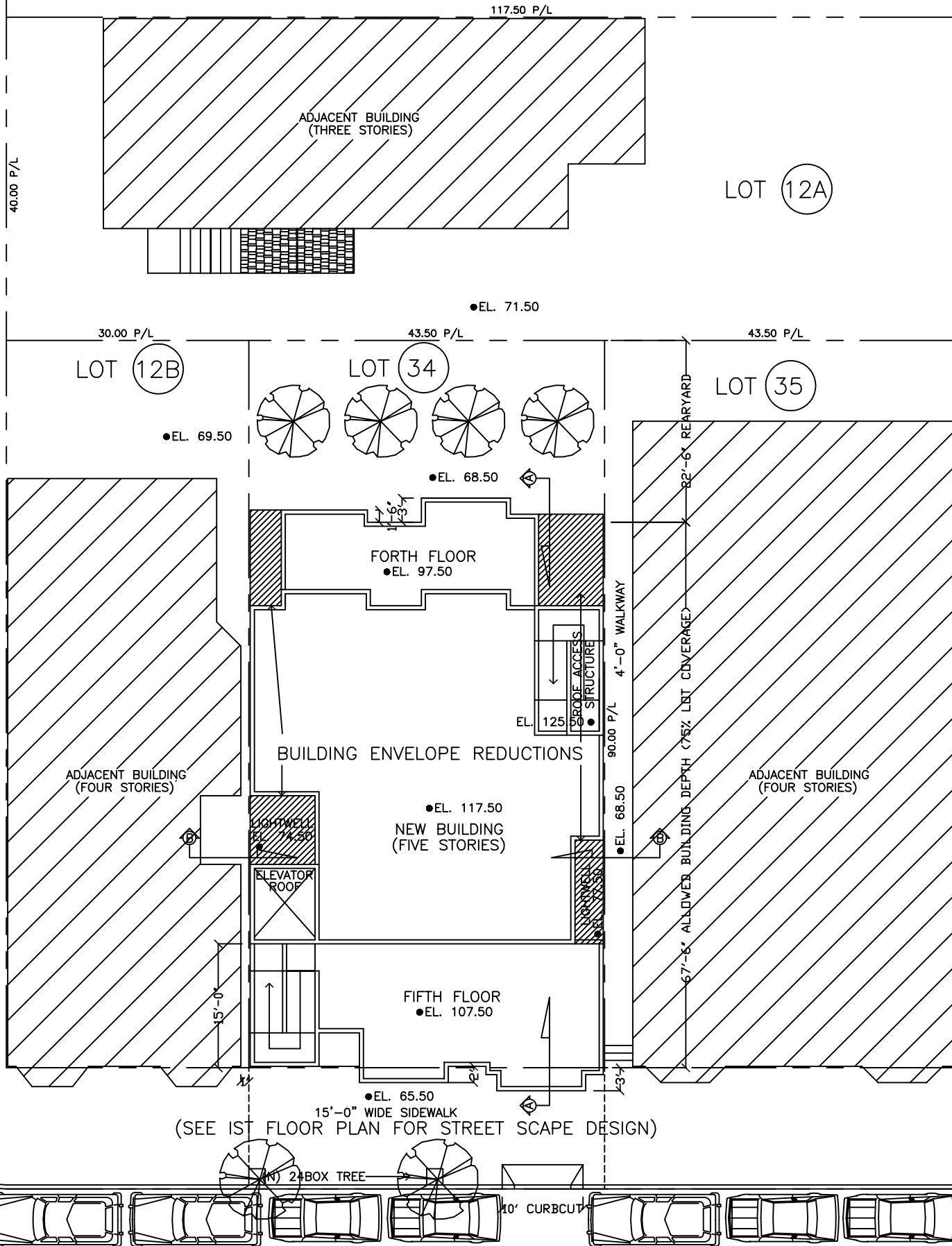


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			DATE
			12.20.10



BARTLETT STREET

OSAGE ALLEY



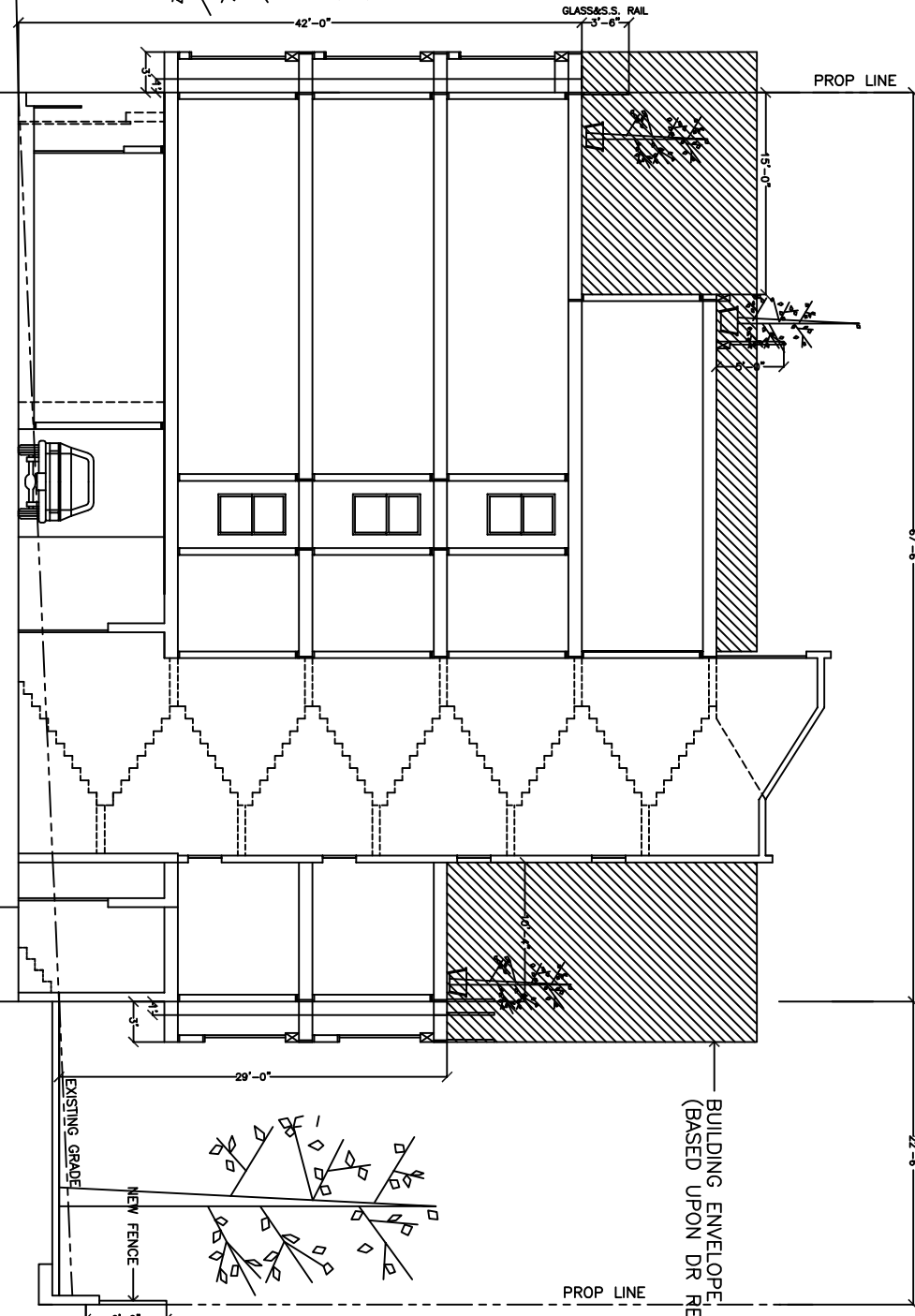
SITE PLAN 

26TH STREET

52'-0" OVERALL BUILDING HEIGHT

12'-00" FLR HT. 10'-0" FLR HT. 10'-0" FLR HT. 10'-0" FLR HT. 10'-0" FLR HT. 8'-00" HT.  
FIRST FLOOR EL. 65.50 SECOND FLOOR EL. 77.50 THIRD FLOOR EL. 87.50 FOURTH FLOOR EL. 97.50 FIFTH FLOOR EL. 107.50 ROOF FLOOR EL. 117.50 ROOF FLOOR EL. 125.50

SECTION A-A



BUILDING ENVELOPE REDUCTION (BASED UPON DR REQUESTERS CONCERNS)

ADJACENT REAR PROPERTY