



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: FEBRUARY 2, 2012

Date: January 26, 2012
Case No.: 2011.0091D
Project Address: 60 RICO WAY
Permit Application: 2010.12.23.7320
Zoning: RH-1 [Residential House, One-Family]
40-X Height and Bulk District
Block/Lot: 0418A/022
Project Sponsor: Art Busse
Art Busse Design
P. O. Box 824
Ross, CA 94957
Staff Contact: Glenn Cabreros – (415) 588-6169
glenn.cabreros@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to construct a partial third story on the existing two-story, single-family residence. The existing rear building wall is proposed to be reduced in depth by approximately 3 feet, while portions of the existing side notches on both sides of the rear wall are to be infilled to both side property lines. A one-story deck is proposed to be constructed to the same depth of the existing rear wall. Various interior alterations are also proposed.

SITE DESCRIPTION AND PRESENT USE

The project site contains a two-story, single-family residence constructed circa 1927 on an approximately 25-foot wide by 100-foot deep lot with an area of 2,500 square feet. The subject lot is located on the north side of Rico Way between Avila Street and Retiro Way in the Marina Neighborhood.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

On the subject block-face, most of the buildings on the block and particularly in close proximity to the subject lot are two-story, single-family residences with some of the two-story residences developed with a partial third story that is set back from the two-story front façade. For example, the adjacent building to the west of the project is a two-story, single-family residence with a partial third floor located towards the rear of the building, while the adjacent building to the east is a two-story, single-family residence. Across the street, the character of the block-face is more varied with a mixture of two-story, two-story-with-partial-third-floor and three-story, single-family residences. Both sides of the street are zoned RH-1.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	October 7, 2011 – November 5, 2011	November 3, 2011	February 2, 2011	91 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 23, 2012	January 23, 2012	10 days
Mailed Notice	10 days	January 23, 2012	January 23, 2012	10 days

PUBLIC COMMENT

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

DR REQUESTOR

Bruce Colman, owner of 66 Rico Way, a two-story, single-family residence with a partial third floor adjacent and to the west of the project site.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated December 23, 2010.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated January 3, 2012.

ENVIRONMENTAL REVIEW

Per Case No. 2011.0091E, on August 23, 2011, the Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team (RDT) found that the proposed project meets the minimum standards of the Residential Design Guidelines. The RDT found DR request does not present exceptional or extraordinary circumstances for the following reasons:

- The project provides a shared lightwell at the proposed third floor that is proportionate in size to the DR Requestor's lightwell. The lightwell proposed at the third floor addition is a continuation of the existing lightwell at the floors below.
- Any loss of privacy due to the proposed roof deck is not considered adverse as the roof deck does not significantly affect the privacy of interior spaces of the DR Requestor's residence.
- The vertical addition is set back approximately 23 feet from the front façade, and therefore appears as a subordinate structure to the two-story front façade. Note: due to Environmental/Preservation review, a 15-foot front setback was required from the ridgeline parallel to the front façade to minimize the visibility of the addition.

Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.

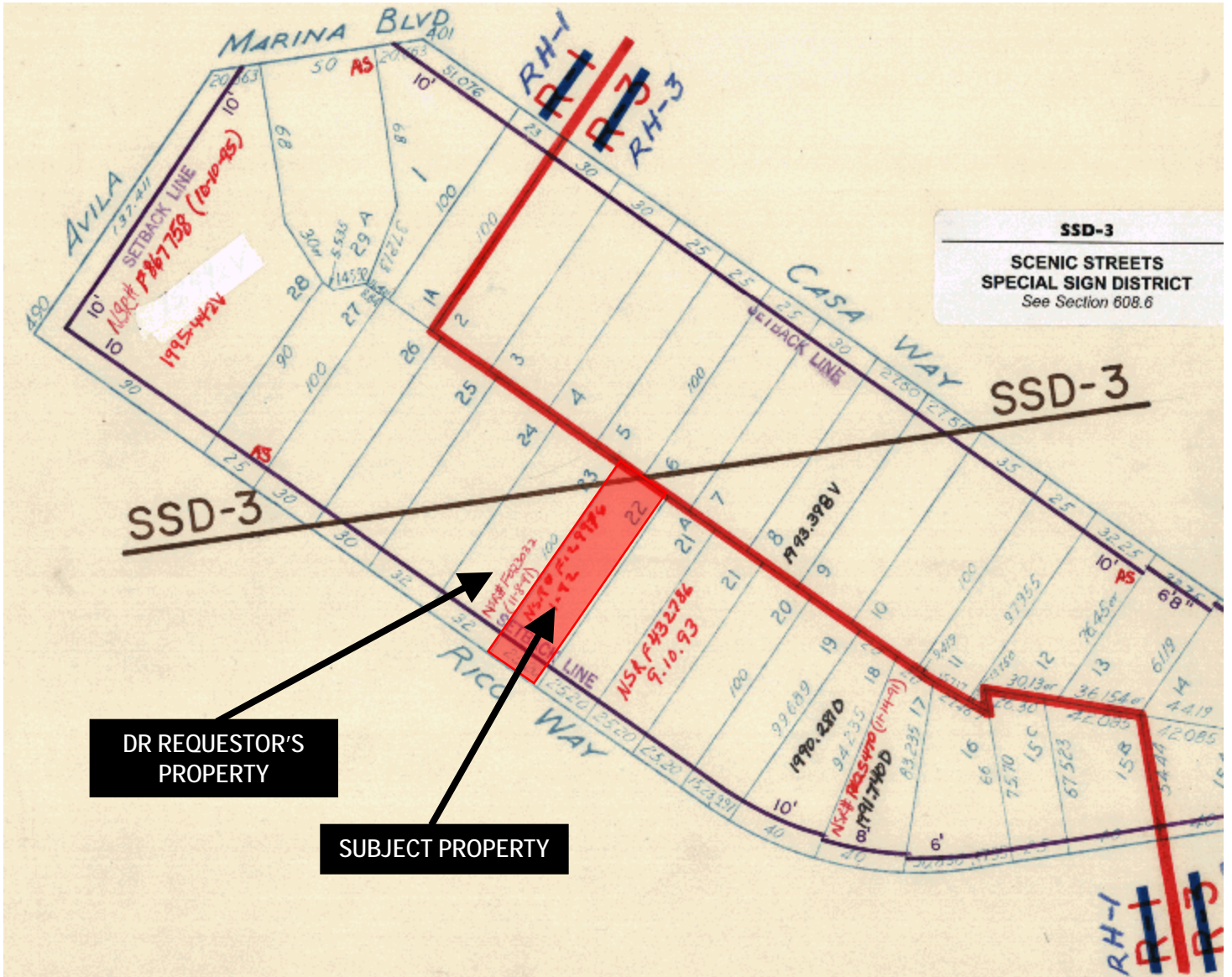
RECOMMENDATION: Do not take DR and approve project as proposed
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Attachments:

- Parcel Map
- Sanborn Map
- Aerial Photographs
- Zoning Map
- Section 311 Notice
- DR Application
- Response to DR Application dated January 3, 2012
 - Massing diagrams/renderings
 - Reduced plans

GC: G:\Documents\2011\DR\2011.0091D - 60 Rico\2011.0091D - 60 Rico - Abbreviated Analysis.doc

Parcel Map



Discretionary Review Hearing
Case Number 2011.0091D
60 Rico Way

Sanborn Map*



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

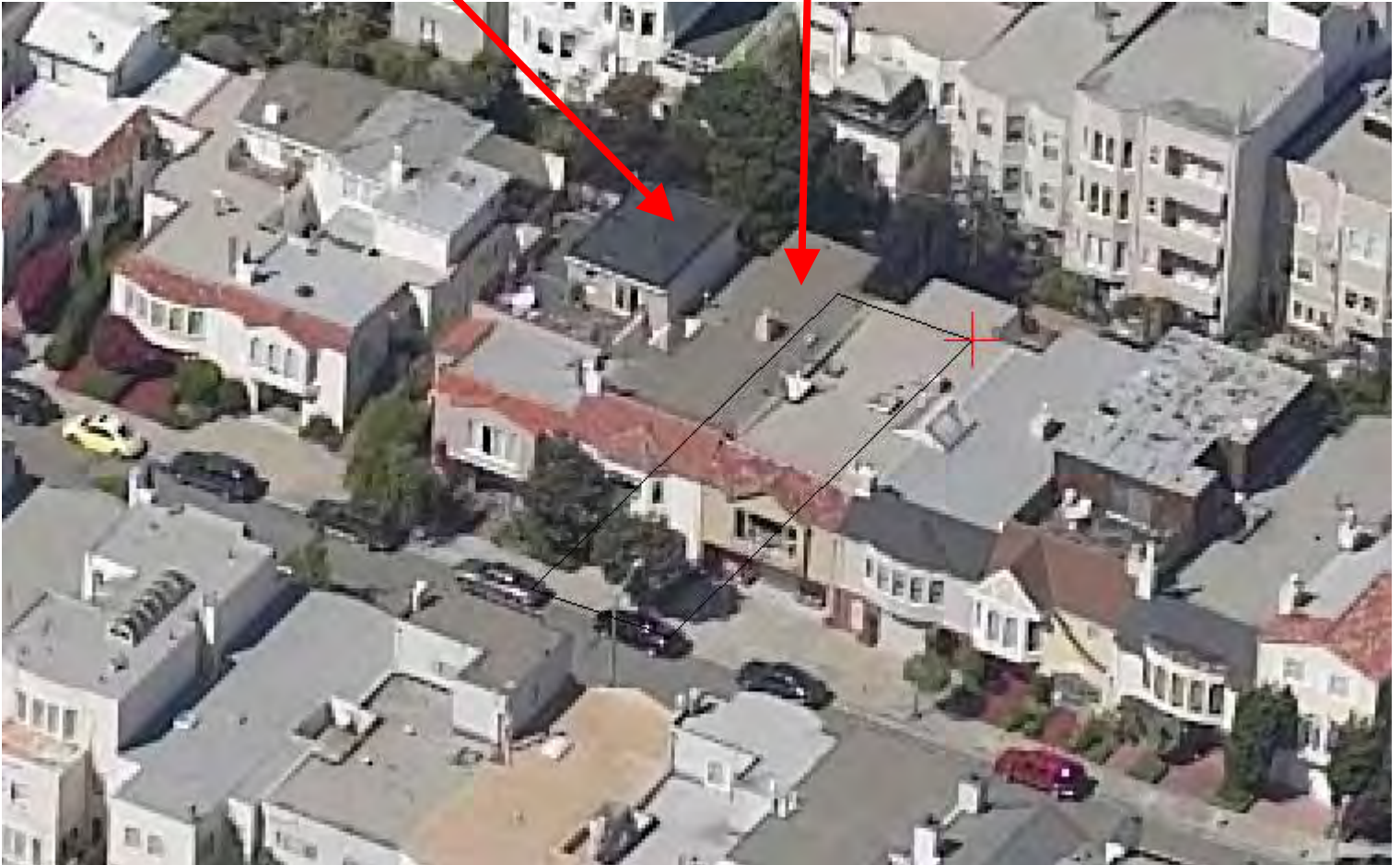


Discretionary Review Hearing
Case Number 2011.0091D
60 Rico Way

Aerial Photo 1 – Block Face

DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Aerial Photo 2 – Opposite Block Face



SUBJECT PROPERTY

DR REQUESTOR'S PROPERTY



Discretionary Review Hearing
Case Number 2011.0091D
60 Rico Way

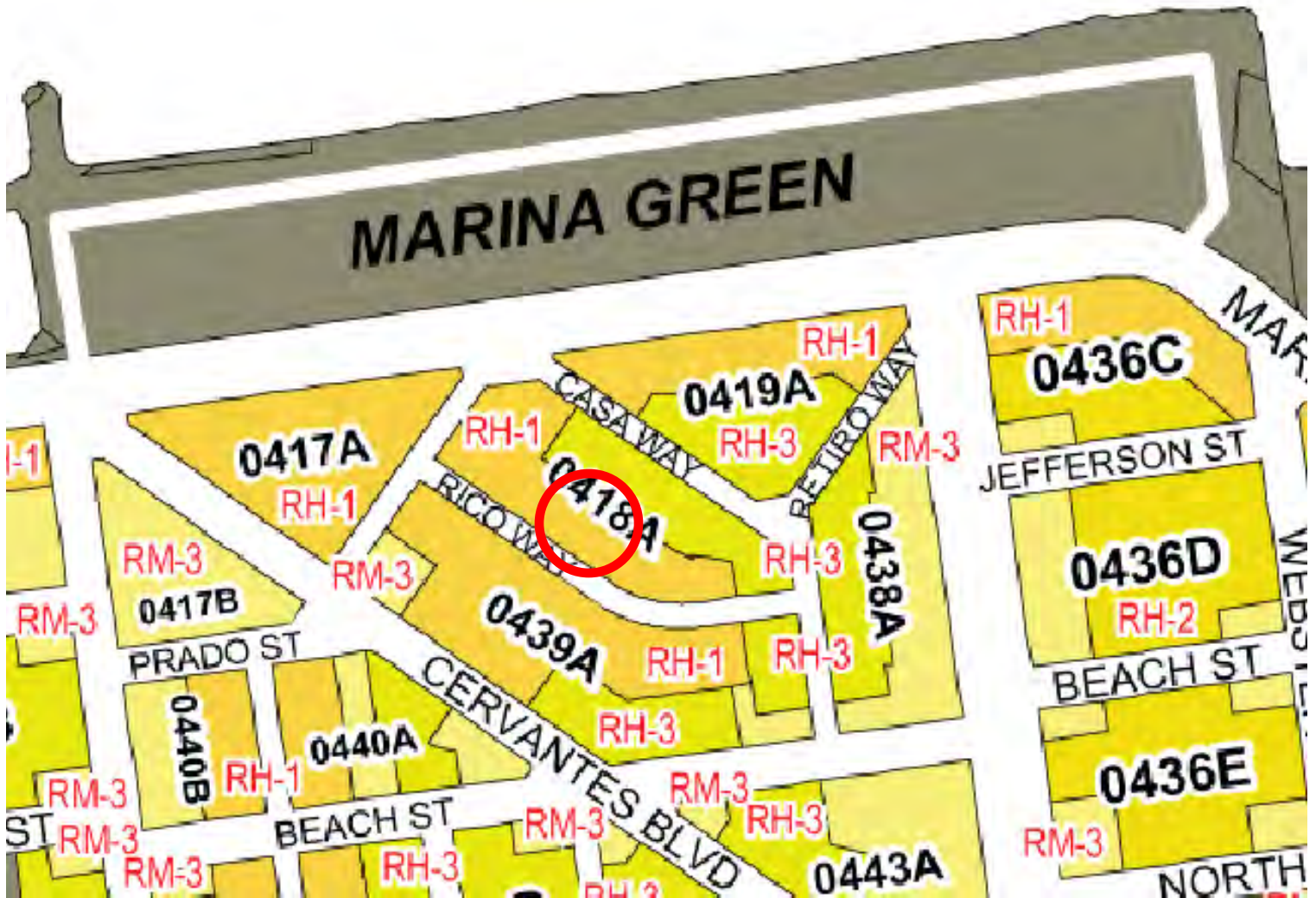
Aerial Photo 3

DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Zoning Map



Discretionary Review Hearing
Case Number 2011.0091D
60 Rico Way



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On December 23, 2010, the Applicant named below filed Building Permit Application No. 2010.12.23.7320 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Art Busse, Art Busse Design	Project Address:	60 Rico Way
Address:	P.O. Box 824	Cross Streets:	Avila Street / Retiro Way
City, State:	Ross, CA 94957	Assessor's Block /Lot No.:	0418A/022
Telephone:	(510) 757-3695	Zoning Districts:	RH-1 /40-X

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

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

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE	Single Family Dwelling	No Change
FRONT SETBACK	9 feet	No Change
SIDE SETBACKS	None	No Change
BUILDING DEPTH	69 feet	66 feet
REAR YARD	22 feet	25 feet
HEIGHT OF BUILDING	24 feet	32 feet
NUMBER OF STORIES	2	3
NUMBER OF DWELLING UNITS	1	No Change
NUMBER OF OFF-STREET PARKING SPACES	1	No Change

PROJECT DESCRIPTION

The proposal is to construct a new third floor on the existing two-story, single-family residence. The existing rear building wall is proposed to be reduced in depth (by approximately 3 feet) with portions of the existing side notches on both sides of the rear wall to be infilled to both side property lines. A one-story deck is proposed at the same depth of the existing rear wall. Various interior alterations are proposed. See attached plans.

PLANNER'S NAME: Glenn Cabreros
 PHONE NUMBER: (415) 558-6169
 EMAIL: glenn.cabreros@sfgov.org

DATE OF THIS NOTICE: 10-7-11
 EXPIRATION DATE: 11-5-11

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Bruce Colman		
DR APPLICANT'S ADDRESS: 66 Rico Way, San Francisco, CA	ZIP CODE: 94123	TELEPHONE: (415) 775-5450
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Troy Sanders		
ADDRESS: 60 Rico Way, San Francisco, CA	ZIP CODE: 94123	TELEPHONE: ()
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Robert Noelke, Prague Property Management, Inc.		
ADDRESS: 1019 Howard St., San Francisco, CA	ZIP CODE: 94103	TELEPHONE: (415) 826-2981
E-MAIL ADDRESS: robertnoelke@aol.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 60 Rico Way, San Francisco, CA		ZIP CODE: 94123
CROSS STREETS: Avila and Retiro Way		
ASSESSORS BLOCK/LOT: 0418 / 022	LOT DIMENSIONS: 25' x 100'	LOT AREA (SQ FT): 2500
ZONING DISTRICT: RH-1		HEIGHT/BULK DISTRICT: 40'

3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other Additions to Building: Rear Front Height Side Yard Present or Previous Use: Single FamilyProposed Use: SameBuilding Permit Application No. 201012237320Date Filed: 12/23/2010

Discretionary Review Request

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

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

~~The subject project is a entire third story addition consisting of 3 bedrooms, 2 bathrooms and a hallway 42'9" X 25' or 1068 square feet. It extends some 12' above the current roof line. The house currently has 4 bedrooms and 4 bathrooms.~~

~~As developed in the 1920's, the Marina has a unique residential style, predominately single family homes on a modest scale with larger buildings at the corners. The proposed addition is out of scale and character with the homes on easterly side of Rico Way; which have penthouses only set back to not be visible from Rico Way.~~

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

~~This project will set a precedent for future additions to this side of Rico Way. The proposal is south east of 66 Rico Way, and will cast a shadow onto the roof deck of 66 Rico Way, much of the day. It will also put the kitchen skylight of 66 Rico Way in permanent shadow, the only source of natural light for that kitchen and the ground floor stairway. The roof deck of 66 Rico Way will lose all privacy.~~

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

~~Move the third story further back to roughly line up with the penthouse of 66 Rico Way and lower the overall roof height. This will also make it less visible from Rico Way.~~

4. Actions Prior to a Discretionary Review Request

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

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

~~Three meetings were held between the applicant, Bruce Colman and the property owner. On December 17, 2010, January 6, 2011 and September 21, 2011~~

~~The first two meetings were informational. The meeting of September 21, 2011 resulted in the neighboring property owners, the Sanders, removing their full scale plans and stating they would not modify further the Planning Staff changes made to the original submittal. This is the reason for the Discretionary Review Application.~~

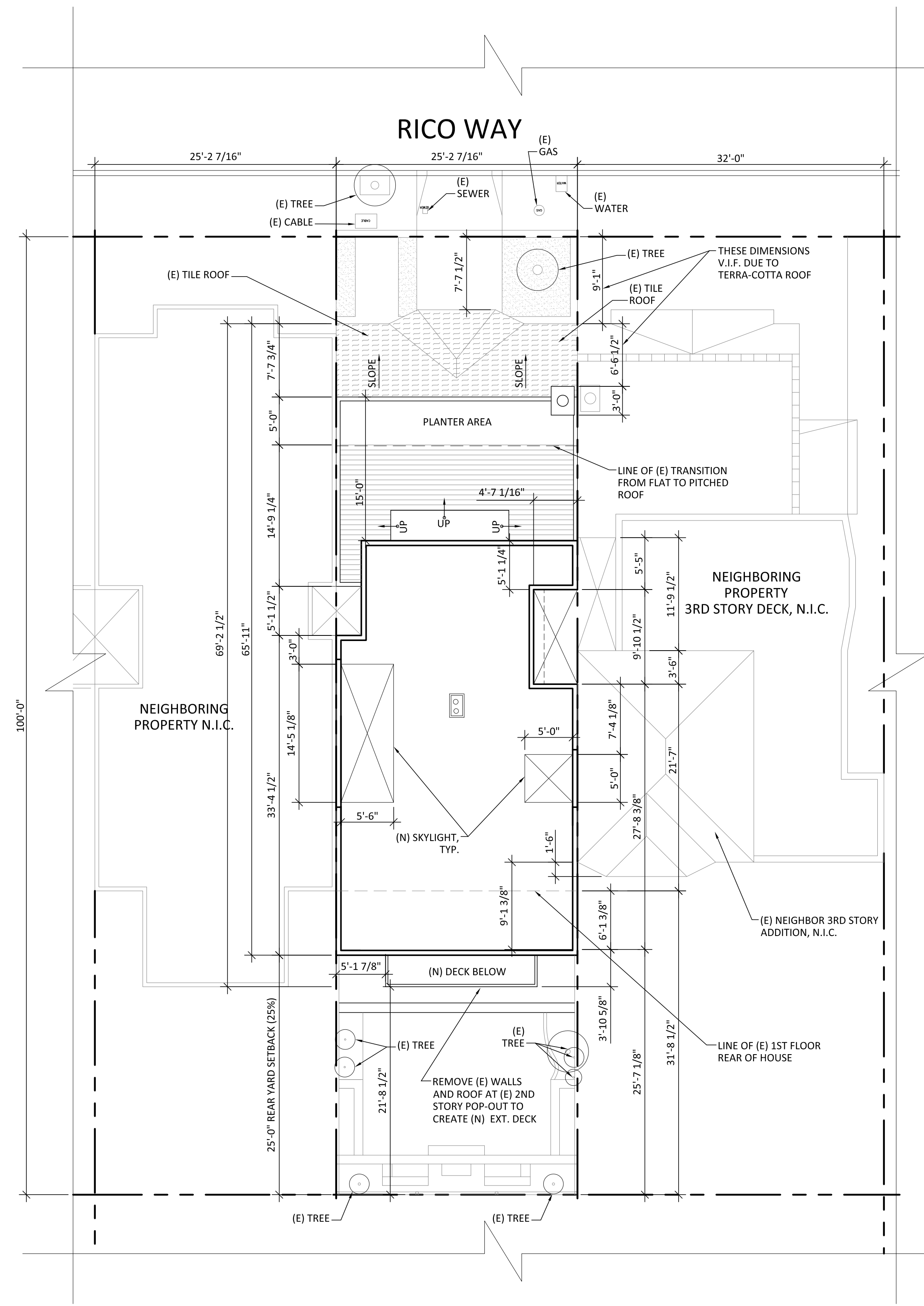
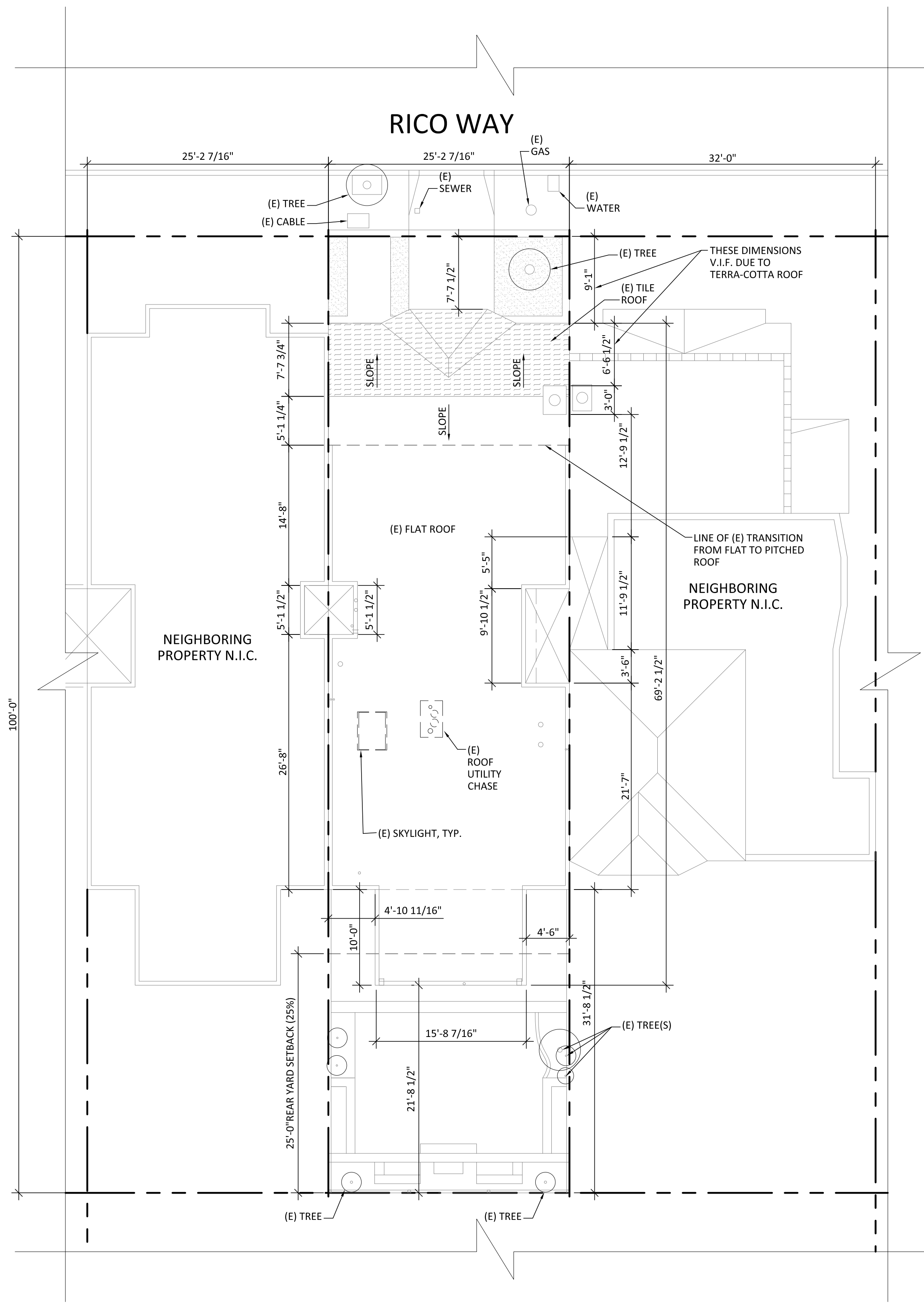
EC Set - 09-24-10	
EC Set (Revised) - 10-13-10	
Site Permit Submittal 12-23-10	
Revised Site Permit Submittal 1-05-11	
Revised Site Permit Submittal 7-26-11	1
Revised Site Permit Submittal 8-18-11	2
Revised Site Permit Submittal 9-1-11	3

TROY & MARY SANDERS
60 RICO WAY
SAN FRANCISCO, CA. 94123

DRAWN BY: AM
CHECKED BY: JB
DATE: 08-30-2011
JOB NUMBER: 60

APN# 0418A022
EXISTING & PROPOSED SITE & ROOF PLAN

A1.0



EC Set - 09-24-10
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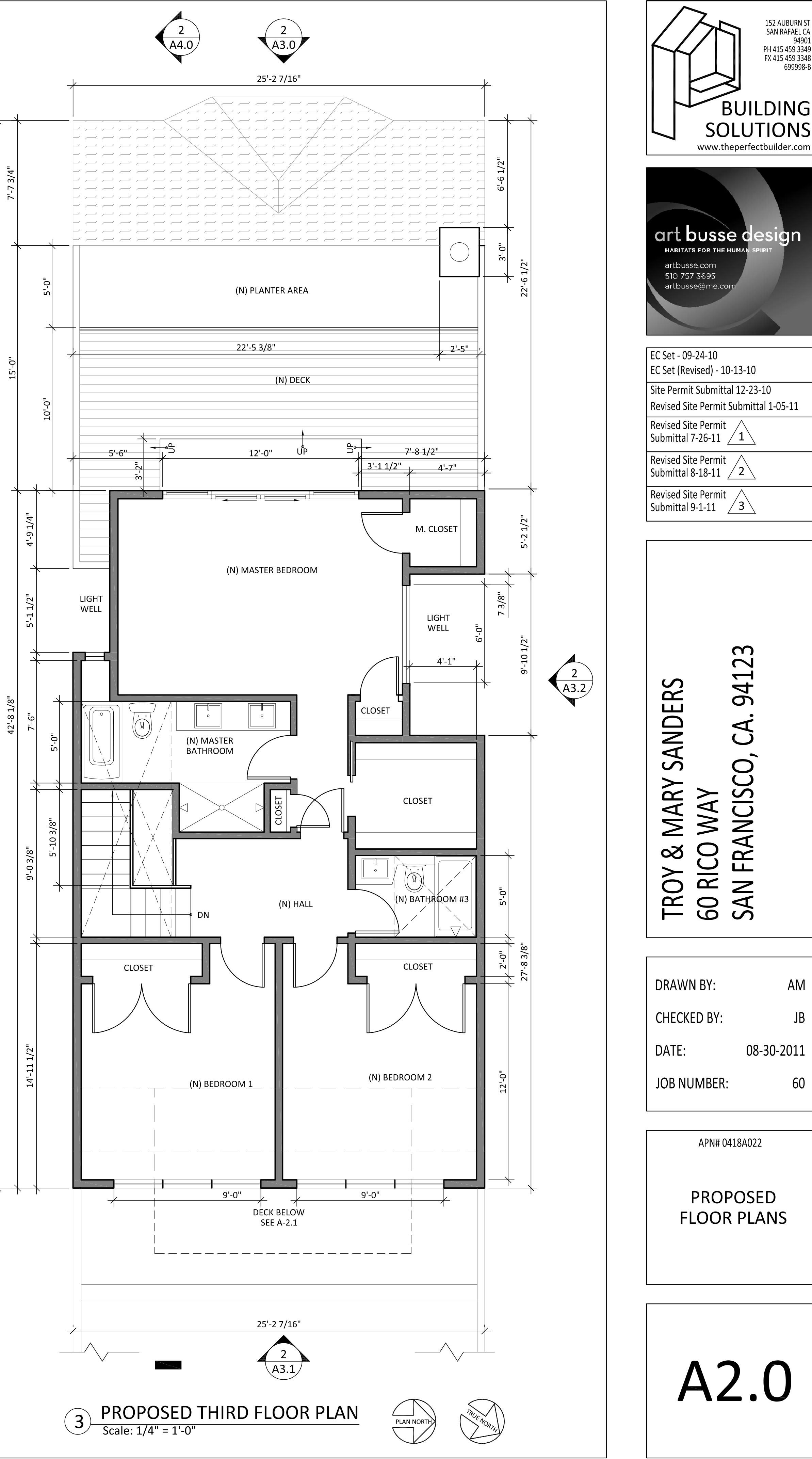
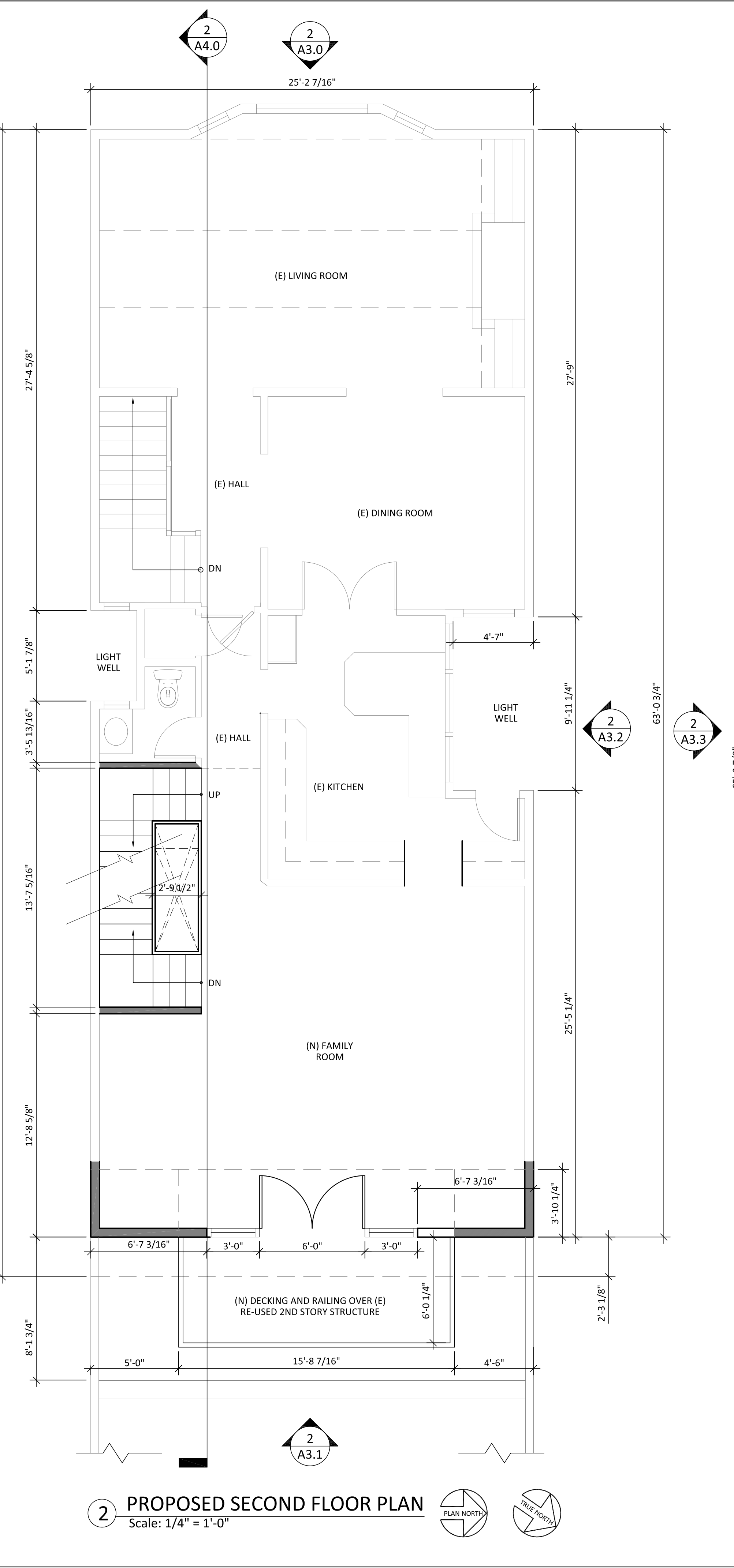
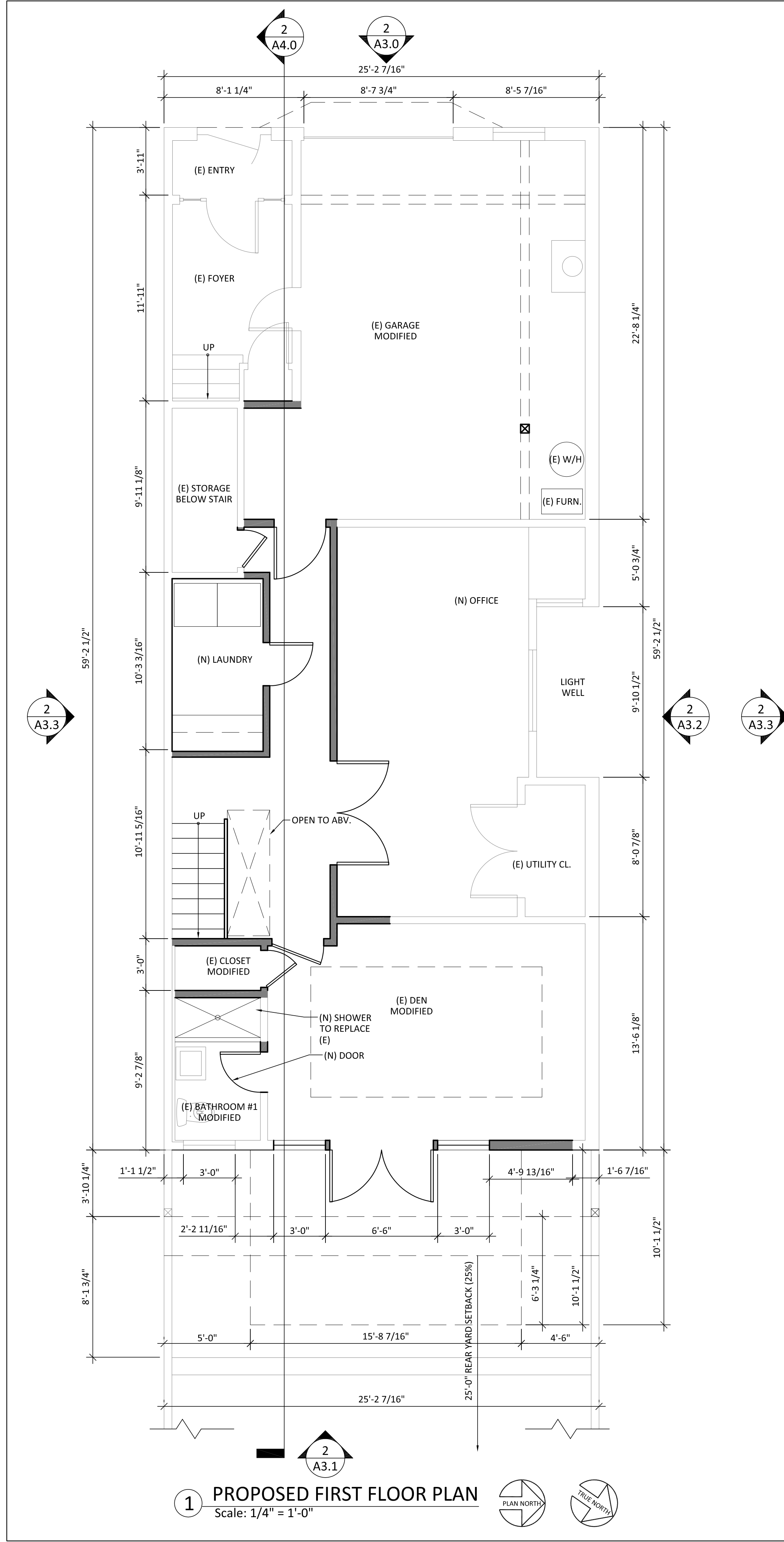
TROY & MARY SANDERS
60 RICO WAY
SAN FRANCISCO, CA. 94123

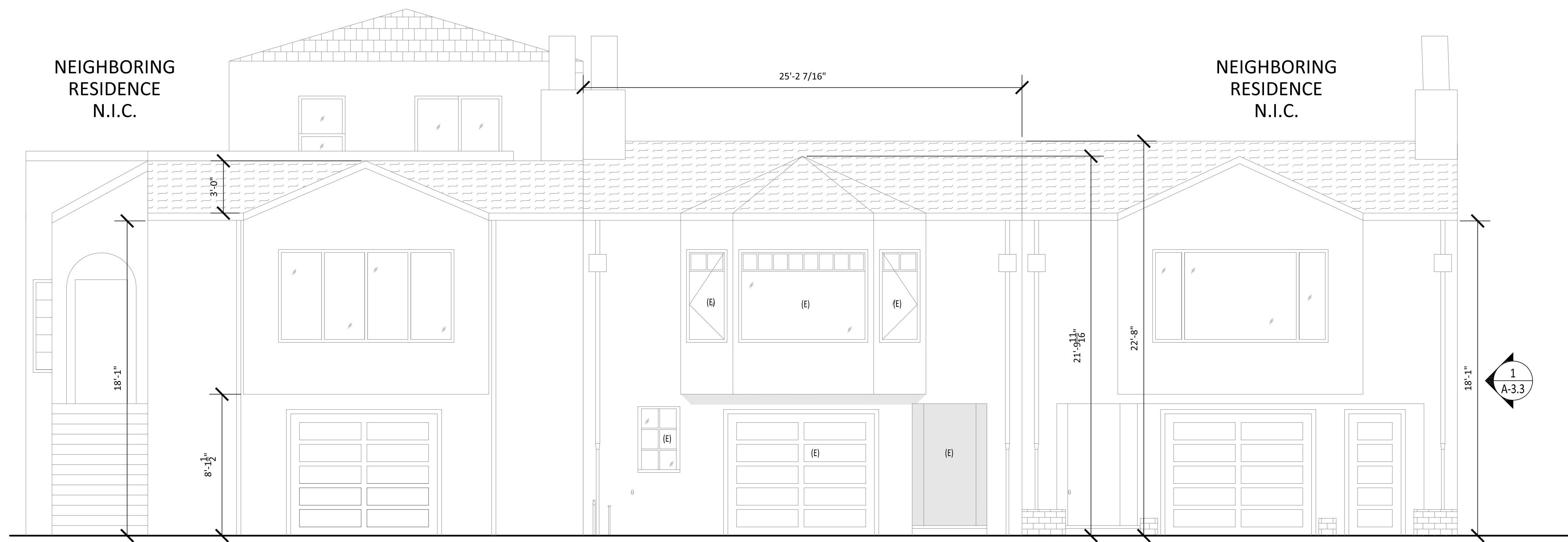
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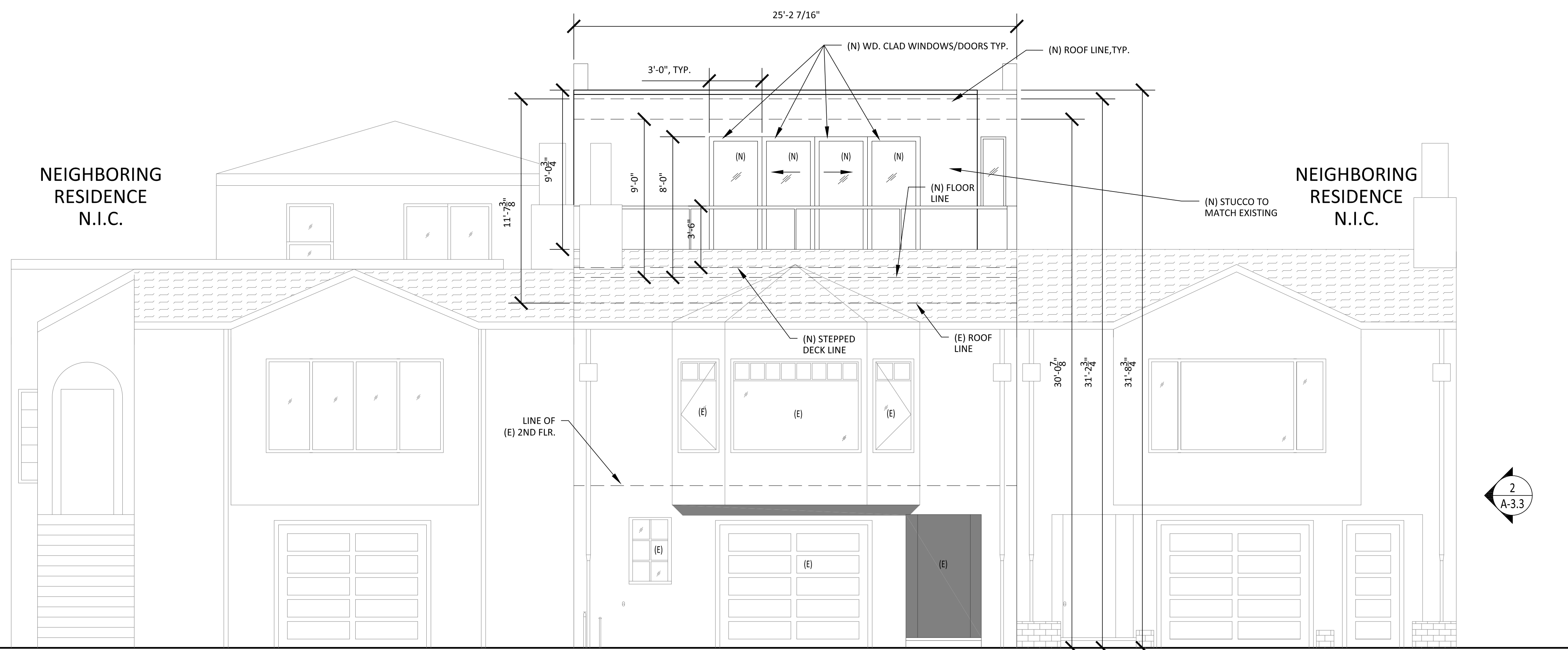
PROPOSED FLOOR PLANS

A2.0





1 EXISTING FRONT ELEVATION
Scale: 1/4" = 1'-0"



2 PROPOSED FRONT ELEVATION
Scale: 1/4" = 1'-0"

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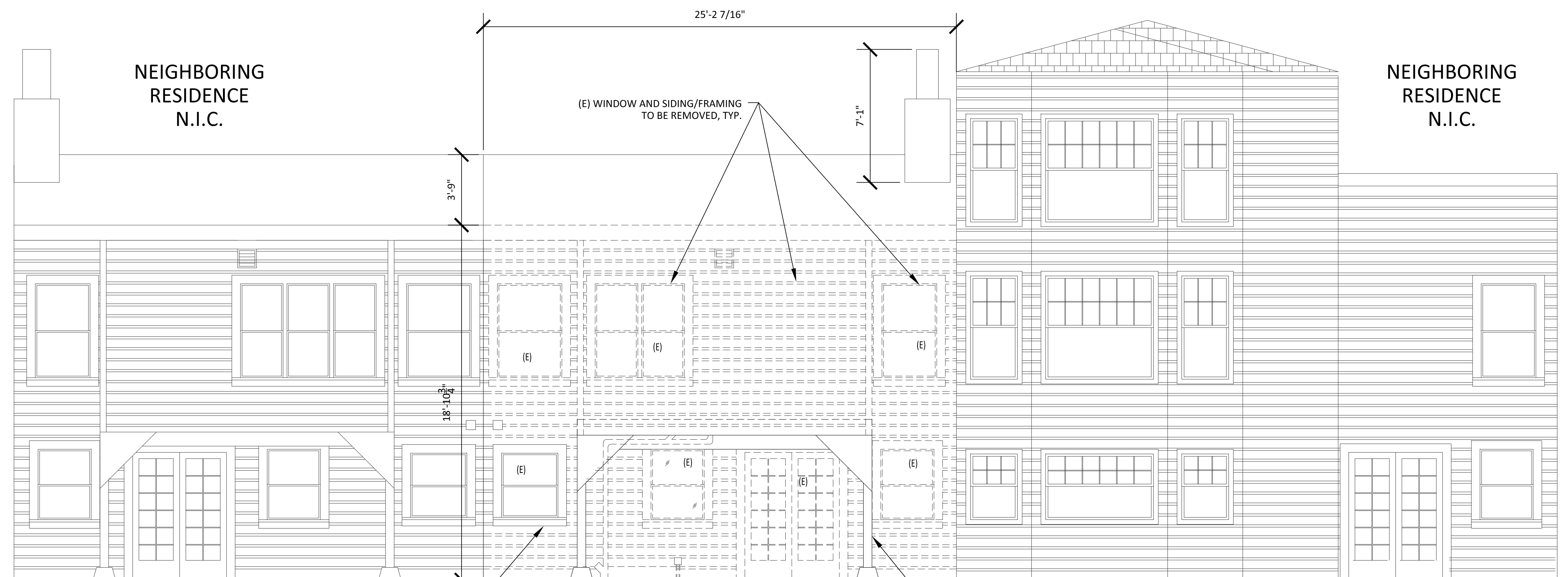
TROY & MARY SANDERS
60 RICO WAY
SAN FRANCISCO, CA. 94123

DRAWN BY:	AM
CHECKED BY:	JB
DATE:	08-30-2011
JOB NUMBER:	60

APN# 0418A022

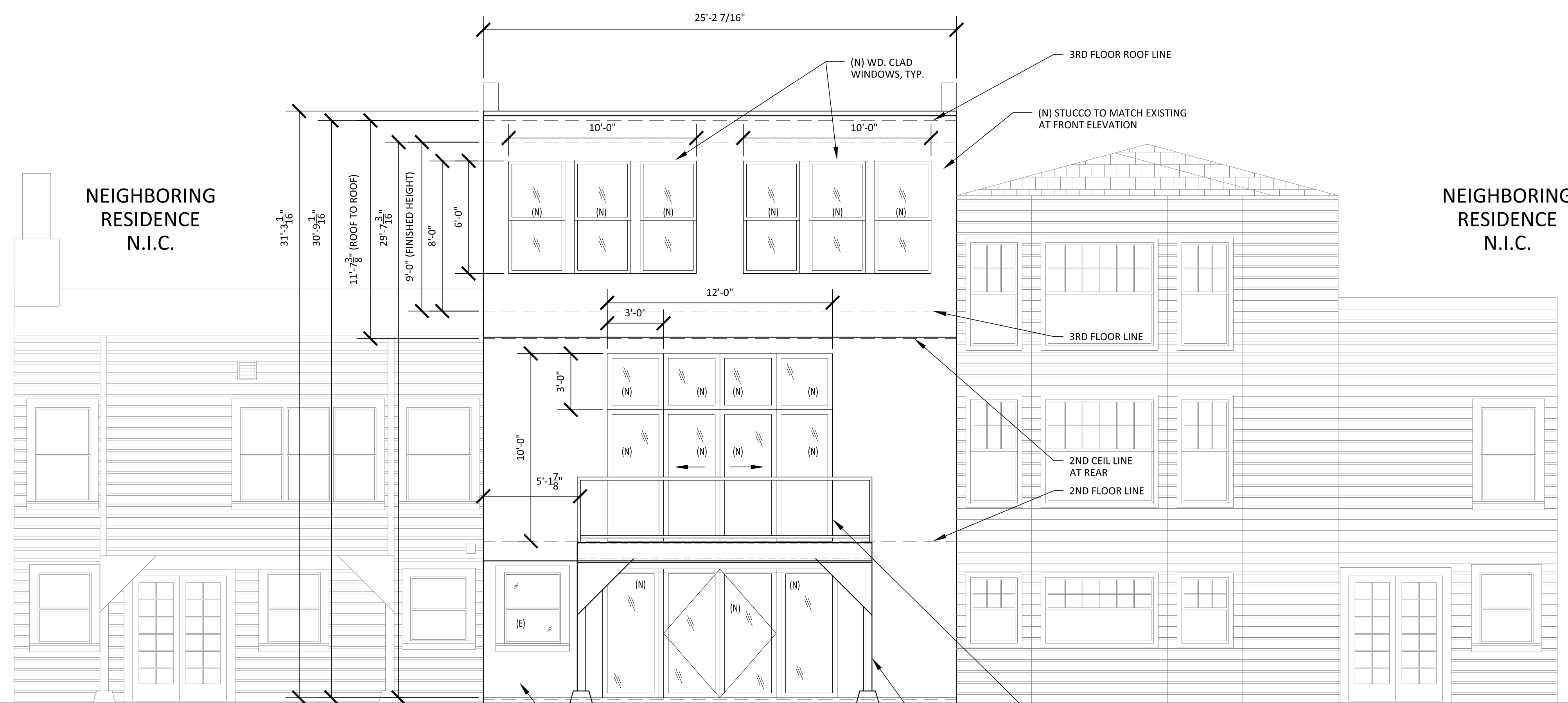
EXISTING & PROPOSED ELEVATIONS

A3.0



1 EXISTING REAR ELEVATION
Scale: 1/4" = 1'-0"

KEEP (E) FLOOR FRAMING, POSTS AND SUB-STRUCTURE. REMOVE WALL FRAMING AND ROOF FRAMING. (E) STRUCTURE AND FOOTPRINT TO REMAIN, CONVERT STRUCTURE TO (N) DECK AT 2ND FLOOR (SEE A-2.1)



2 PROPOSED REAR ELEVATION
Scale: 1/4" = 1'-0"

(E) STRUCTURE, FLOOR FRAMING, POSTS, ETC. TO REMAIN. INCORPORATE (N) DESIGN AROUND (E) STRUCTURE, TYP. (SEE A-2.1)

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TROY & MARY SANDERS
60 RICO WAY
SAN FRANCISCO, CA. 94123

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APN# 0418A022

EXISTING & PROPOSED ELEVATIONS

A3.1

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EC Set (Revised) - 10-13-10	
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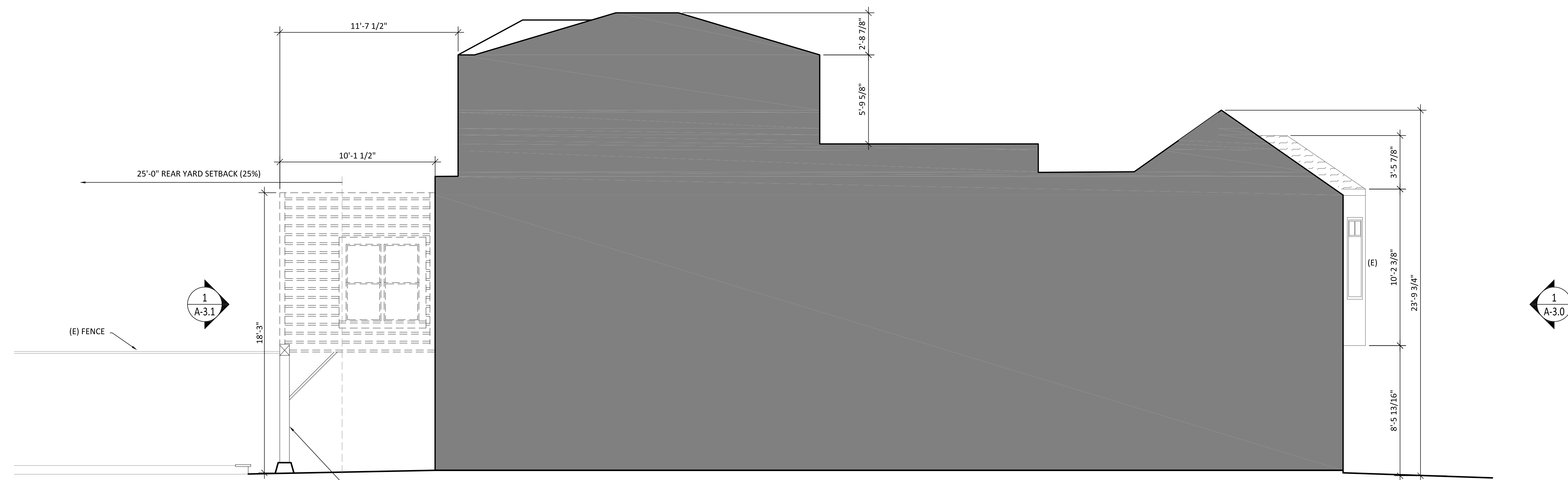
TROY & MARY SANDERS
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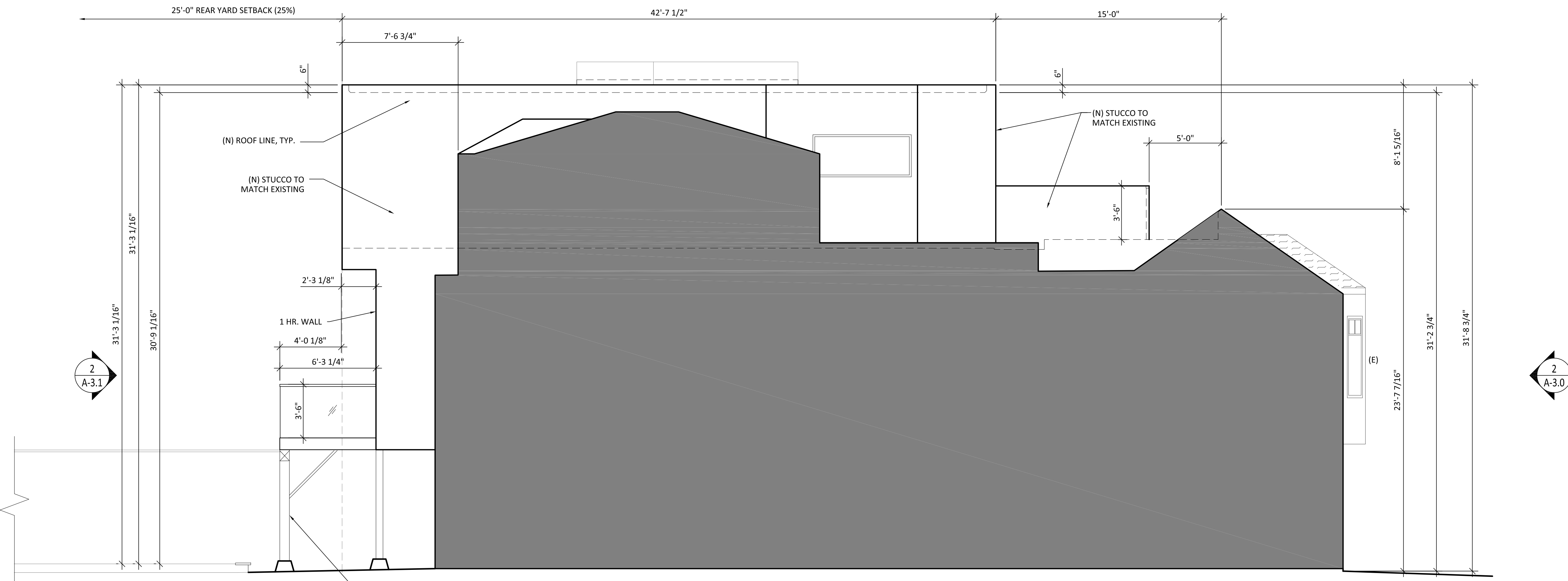
EXISTING & PROPOSED ELEVATIONS

A3.2



1 EXISTING LEFT ELEVATION
Scale: 1/4" = 1'-0"

KEEP (E) FLOOR FRAMING, POSTS AND SUB-STRUCTURE, REMOVE WALL FRAMING AND ROOF FRAMING. (E) STRUCTURE AND FOOTPRINT TO REMAIN, CONVERT STRUCTURE TO (N) DECK AT 2ND FLOOR (SEE A-2.1)



2 PROPOSED LEFT ELEVATION
Scale: 1/4" = 1'-0"

(E) STRUCTURE, FLOOR FRAMING, POSTS, ETC. TO REMAIN. INCORPORATE (N) DESIGN AROUND (E) STRUCTURE, TYP. (SEE A-2.1)

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Site Permit Submittal 12-23-10
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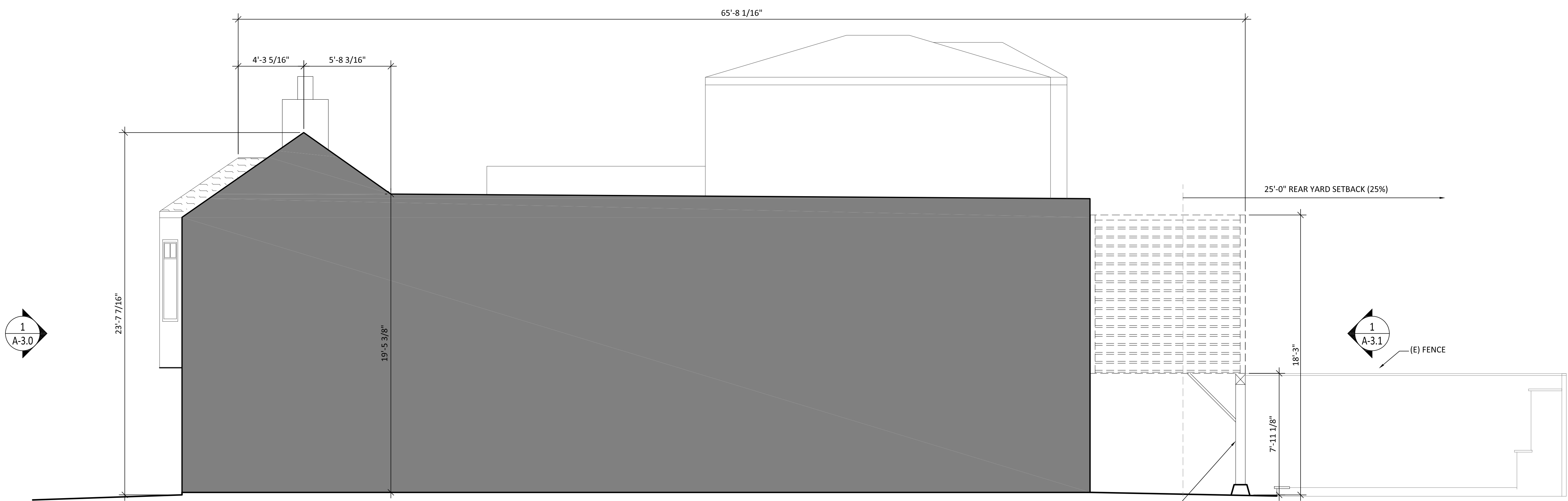
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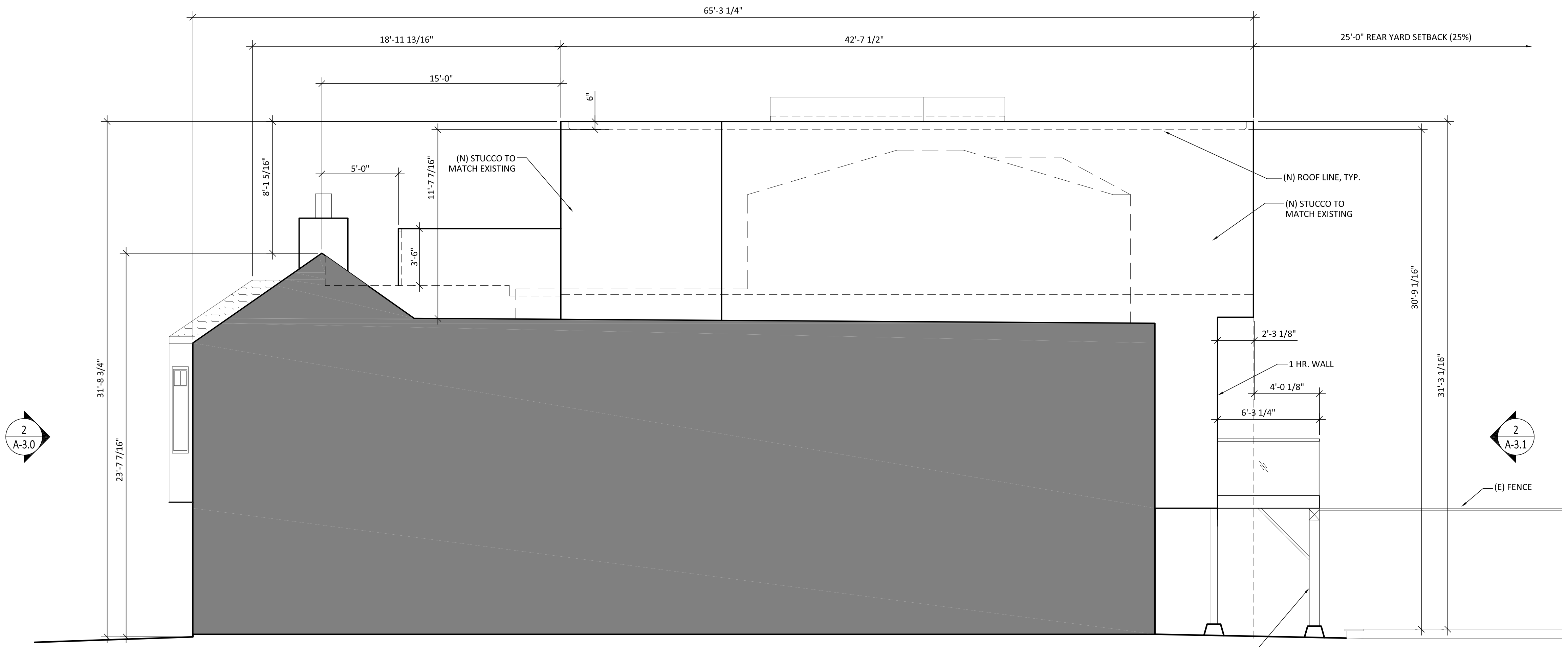
EXISTING & PROPOSED ELEVATIONS

A3.3



1 EXISTING RIGHT ELEVATION
Scale: 1/4" = 1'-0"

KEEP (E) FLOOR FRAMING, POSTS AND SUB-STRUCTURE. REMOVE WALL FRAMING AND ROOF FRAMING. (E) STRUCTURE AND FOOTPRINT TO REMAIN, CONVERT STRUCTURE TO (N) DECK AT 2ND FLOOR (SEE A-2.1)



2 PROPOSED RIGHT ELEVATION
Scale: 1/4" = 1'-0"

(E) STRUCTURE, FLOOR FRAMING, POSTS, ETC. TO REMAIN. INCORPORATE (N) DESIGN AROUND (E) STRUCTURE, TYP. (SEE A-2.1)

60 RICO WAY

case no. 11.0091D

building permit no. 2010.12.23.7320

RESPONSE TO DISCRETIONARY REVIEW



SAN FRANCISCO PLANNING DEPARTMENT

RESPONSE TO DISCRETIONARY REVIEW

Case No.: 11.0091D
Building Permit No.: 2010.12.23.7320
Address: 60 Rico Way

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

Reception:
415.558.6378

Fax:
415.558.6409

Project Sponsor's Name: Art Busse - Art Busse Design

Telephone No.: 510-757-3695 (for Planning Department to contact)

Planning
Information:
415.558.6377

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.

SEE ATTACHED DOCUMENT

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.

SEE ATTACHED DOCUMENT

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.


SEE ATTACHED DOCUMENT

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)	1	1
Occupied stories (all levels with habitable rooms) ...	2	3
<hr/>		
Basement levels (may include garage or windowless storage rooms)	0	0
Parking spaces (Off-Street)	1	1
Bedrooms	2	4
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	2447	3368
Height	19' 7 3/8"	31' 2 3/4"
Building Depth	69' 2 1/2"	65' 3 7/8"
Most recent rent received (if any)	n/a	n/a
Projected rents after completion of project	n/a	n/a
Current value of property	1.985M	
Projected value (sale price) after completion of project (if known)		

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

	1/1/2012	Art Busse
Signature	Date	Name (please print)



January 3, 2011
San Francisco Planning Department
Planner Glenn Cabreros

RESPONSE TO DISCRETIONARY REVIEW

60 Rico Way, San Francisco, CA 94123
0418A/022: Assessor's block/lot
2010.12.23.7320: Building Permit Application Number

The following are more complete responses to the questions on the Planning Department's RESPONSE TO DISCRETIONARY REVIEW form:

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved?

Not Extraordinary or Exceptional

This is an application for a modest third story addition to a home in a three and four story neighborhood, on a block where 85% of the homes are three or four stories (see map). Most of these homes have third floors with little, or no, setback. The subject property's third floor will be setback more than 22', as requested by the City's Historic Resources planner, while current Design Review Guidelines call for only a 15' setback. Two similar applications on and around this block have been approved in the last year alone: 27 Rico Way, with an 11' set back, and 31 Casa Way, with a 4' set back. Furthermore, the Planning Department staff has determined that the project complies with Planning Code and all applicable design guidelines. In other words, this application is completely typical.

The application packet for Discretionary Review clearly states that the process is to be used only when '*...there are exceptional and extraordinary circumstances associated with a project.*' and that '*...the Commission's discretion is sensitive and must be exercised with utmost constraint.*' Given the Planning staff's determination of compliance and compatibility with neighborhood design there are no exceptional or extraordinary circumstances to qualify the project for Discretionary Review.

In response to the DR requesters' statements:

The Size

They state that '*The subject property is an entire third story addition...*' This statement is inaccurate and exaggerated. It gives the false impression that the proposed third story has the same dimensions and square footage as the stories below it. It does not. As stated above, the proposed third story is set back more than 22' from the front wall of the stories below it. The existing second story has 1488 Sq. Ft., while the proposed third story has 1029 Sq. Ft. Clearly, this is a *partial* not an *entire* third story addition.

The Height

The existing home has a tiled shed roof across the entire front facade of the property, and a lower and unseen flat roof behind. This shed roof will remain. The DR requesters inaccurately state that the addition '*...extends some 12' above the current roofline.*' The actual dimension is 11'7" as measured from the unseen flat roof, but the dimension that the proposed addition extends above the sight line created by the front roof is only 7'6". (See photo and drawing)

The Use

The DR requesters state that *'The house currently has 4 bedrooms and 4 bathrooms'*. This is not an accurate statement. The existing home has two bedrooms and three and a half bathrooms. The home as proposed will have four bedrooms and three and a half bathrooms. The home will be reconfigured from a non-functional layout to a more traditional format where the ground floor will have the garage, mechanical/utility, laundry, storage, office, bathroom and guest room, the second floor will have the living room, dining room, kitchen, family room, and half bath, and the third floor will have three bedrooms and two bathrooms.

The Neighborhood Fit

The DR requesters are misleading in their characterization of the east side of Rico Way as having *'...penthouses only, set back to not be visible from Rico Way'*. In actuality, there are 17 homes on the east side of Rico Way. 12 of them are three story and only four of those are penthouses (master bedroom suites only). The remaining 8 are larger, more typical third stories that are visible from the street (See photo).

Therefore, the statement that *'This project will set a precedent for future additions to this side of Rico Way.'* is misleading and erroneous. Given the Planning Department's determination of compliance and compatibility with neighborhood design, the 'precedent' has long been established.

Sunlight/Shadow

The DR requesters state that *'The proposal is south east, and will cast a shadow onto the roof deck of 66 Rico Way much of the day.'* Again, this is an inaccurate statement. Both properties face south by southeast and are side-by-side. The proposed third floor addition does not project beyond the DR requesters' roof deck, which will continue to enjoy sunlight from its southern exposure with only a small shadow cast on a

portion of the deck during the morning hours in the winter months (See shadow study images).

Very early in the design process, we did a shadow study of the potential impacts of the proposed addition on the DR requesters' roof deck and shared the study with them. Since then, the proposed addition has been set back further and lowered, both of which modifications have the effect of further reducing the shadow impact on the DR requester's deck, which was minimal to begin with.

Please note the DR requester's roof deck is very large and wraps around their penthouse providing deck areas well outside any perceived impact that the subject project might have on sunlight and privacy. (See photo)

The DR requesters state that the proposed addition '*...will also put the kitchen skylight of 66 Rico Way in permanent shadow...*'. In fact, the proposed addition stands to the east of said skylight. The skylight will continue to have full exposure to the sky above throughout the day, with direct sunlight and no shadow cast on the skylight for at least the second half of every day.

It is important to note that the DR requesters have a typical light well close to this skylight and next to the proposed addition. This light well could provide significant amounts of light were it not for the very large tree, planted there. The tree's canopy effectively blocks most of the light from reaching the windows below (See photo).

Privacy

They state that '*The roof deck of 66 Rico Way will lose all privacy.*' In truth, the deck has no privacy, since at least eleven (11) neighboring homes currently have views onto the DR requesters' roof deck. The proposed addition will actually provide additional privacy by blocking the view to the deck from three neighboring homes (See photos).

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?

Prior Changes

The originally submitted design for this project has undergone three major revisions and a number of smaller modifications in response to the concerns of the DR requesters and the Planning Department staff. This includes securing design consultation services from *Alice Carey of Cary & Co* to address staff concerns regarding potential historic impacts.

The original submittal had a 15' setback, and a 14'9" height. The first revision had a 17' set back, and an 11'6" height. The second revision had a 22'7" setback, and an 11'6" height. The third revision kept the setback and height the same, while making a number of other changes.

Along the way we lost the tiled, shed roof and eave at the front of the proposed addition. In an effort to make the 22' 7" set back work, we also made the central hallway narrower and moved the whole addition back so as to cantilever over the floors below at the back.

In short, we have already reduced the scale of the addition in every way possible to appease the DR requesters and satisfy the Planning Department staff. Even though the design guidelines call for a 15' setback, the project is currently set back 22' 7". What's left is less spacious, less graceful, and less interesting than we would like. It is also less than what has previously been granted to many other neighbors on the street and block. While we have worked to find consensus between our need, the DR requesters' concerns and the Planning Staff's review process, ideally, the ability to build at the 15' or even 17' setback would create a more family oriented living environment within the new addition.

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.

Fits in the Neighborhood with No Adverse Effects

As stated above, there have already been many and major changes to our project that directly address the concerns of the DR requesters. We do not believe there are any adverse effects associated with this modest third story addition, which the Planning Department Staff has found compliant.

Required Bedrooms and Family Functional Layout

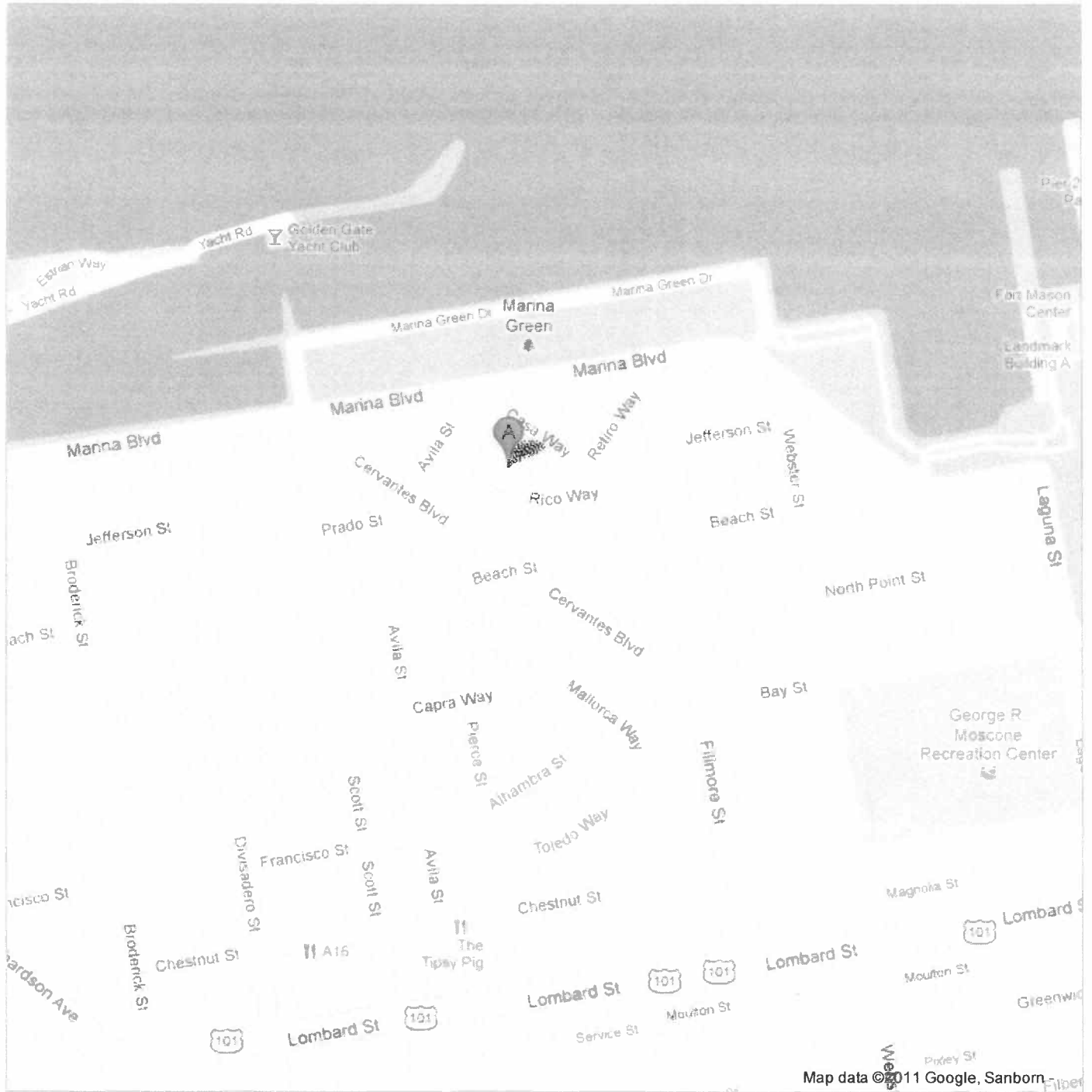
To further agree to set back 34', as the DR requesters have requested, would allow for only one bedroom. This would defeat the entire purpose of the project, which is to create a third story with three bedrooms where parents and children can sleep in close proximity.

Anomaly

Furthermore, it would produce a home that would be oddly atypical for this neighborhood, and at odds with the neighborhood design guidelines. The fact is, the DR requesters have one of only four such anomalous houses on a block of thirty five (35) properties.

Art Busse - Art Busse Design

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



Google

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



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

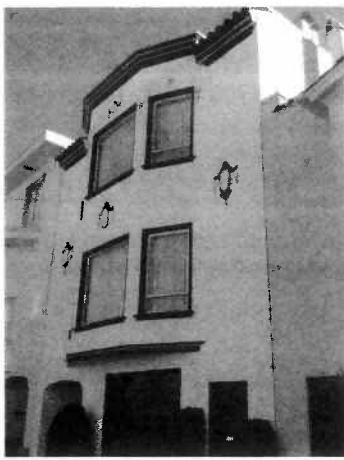


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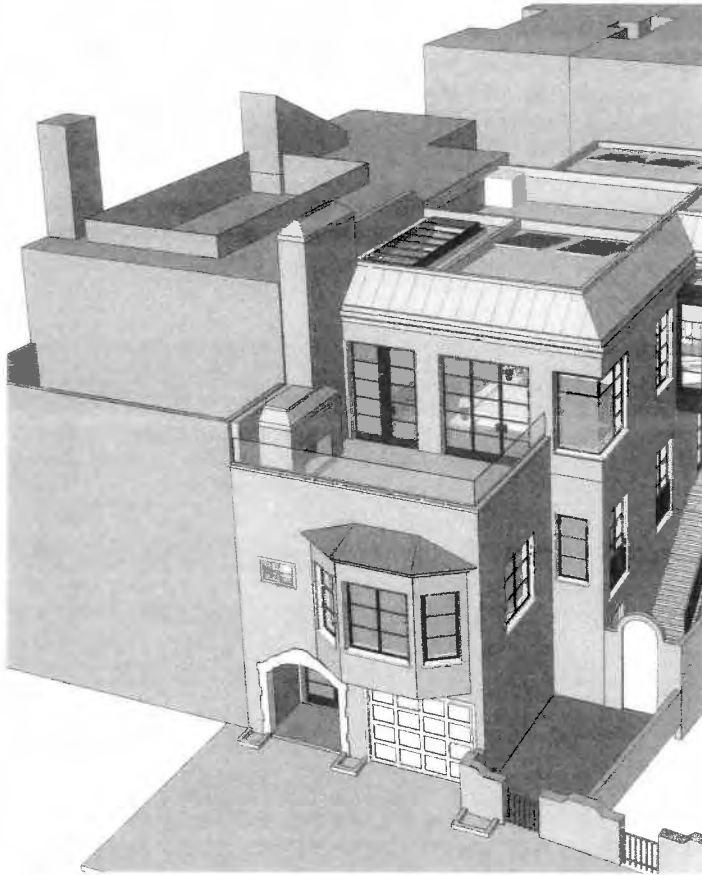
To see all the details that are visible on the screen, use the "Print" link next to the map.



Imagery ©2011 Google, Map data ©2011 Google



Rico Way homes with little, or no, set back at the 3rd floor



27 Rico Way (on subject block)
approved 2011.
3rd floor front set back: **15 ft**

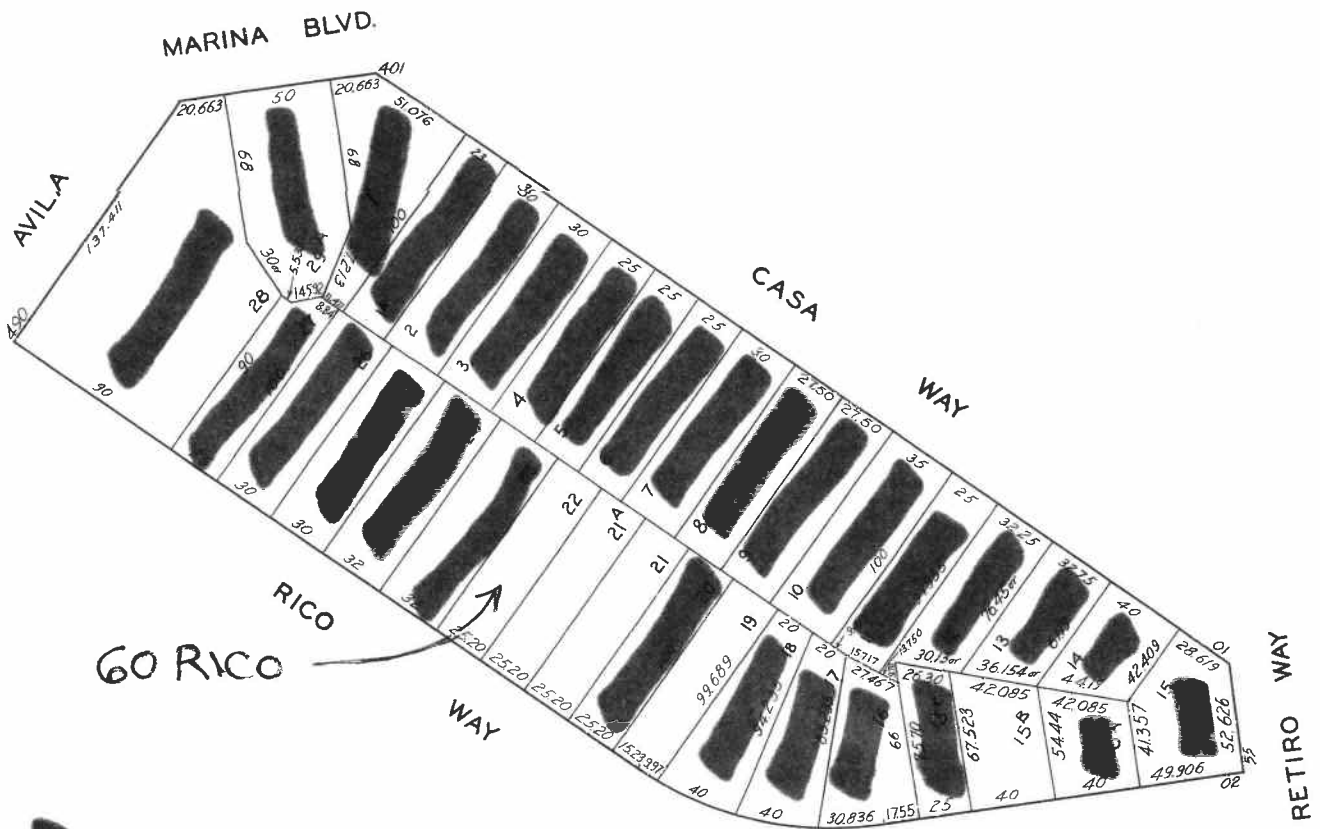
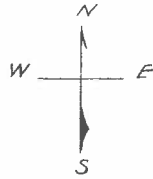


31 Casa Way (on subject block)
approved in 2011
3rd floor front set back: **4 ft**

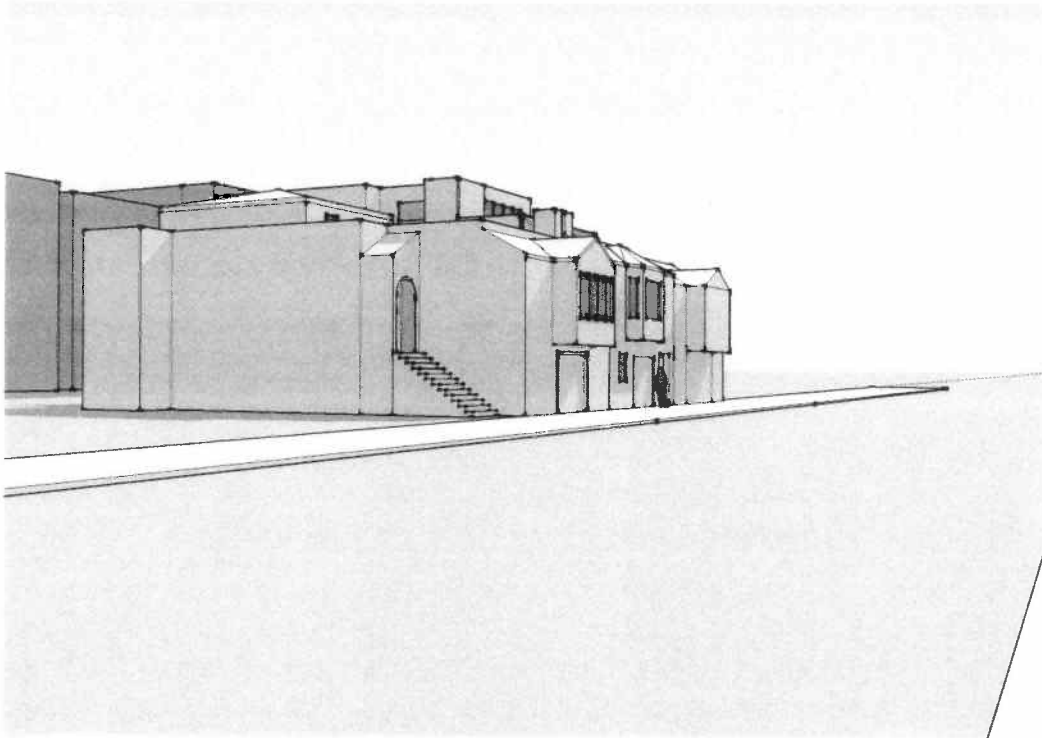
© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

W A PART OF BLK. 406
MARINA GARDENS

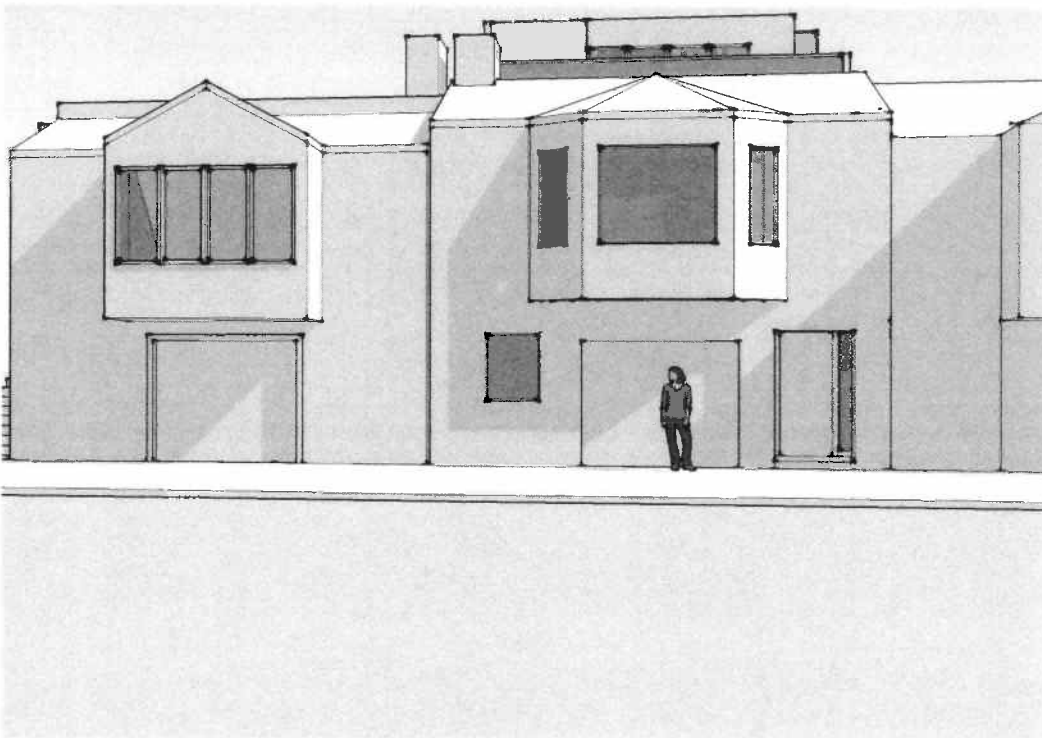
LOTS MERGED
Lots Into Lot
" 29 " 28-1944



= 3 or 4 STORY PROPERTIES

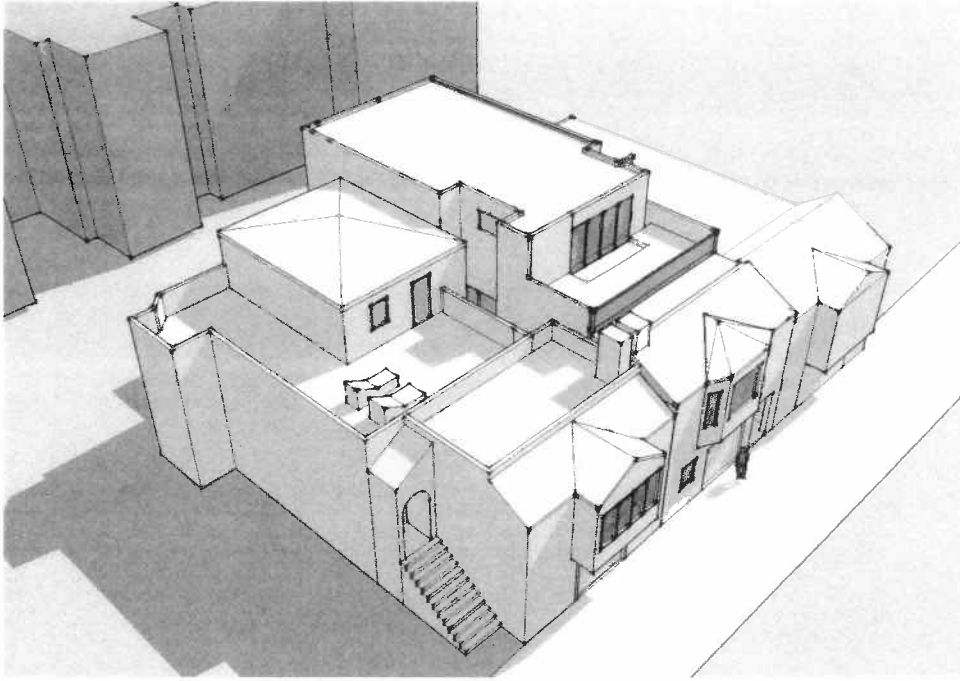


view from further down Rico Way

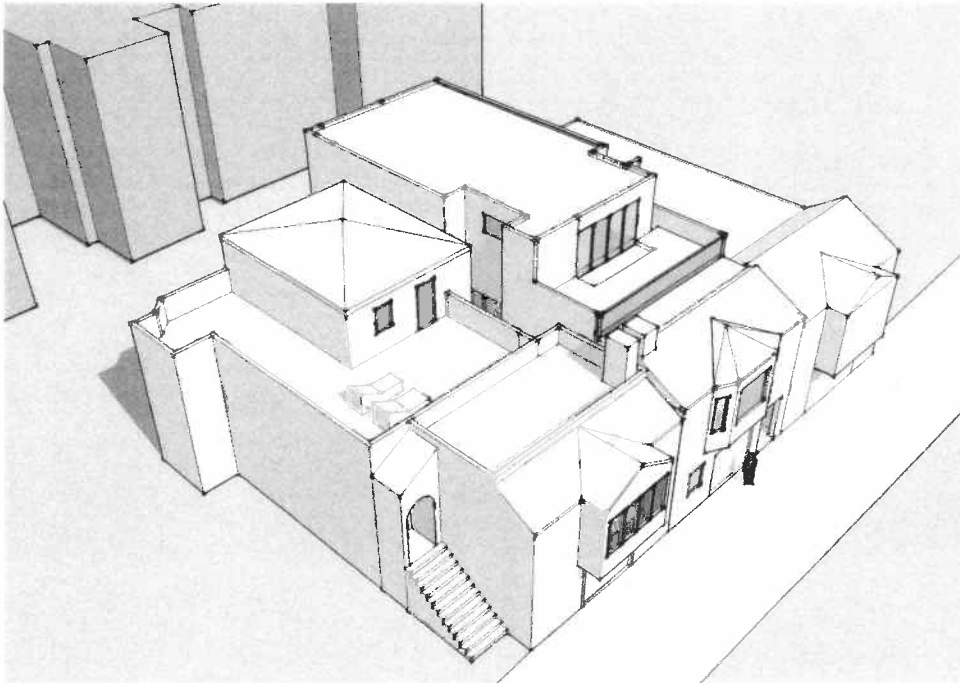


view from across Rico Way

Note: the 3rd floor addition disappears when viewed from the middle of the street, and the sidewalk in front of the house.



60 Rico Shadow Study; 10am, Spring/Fall Equinox



60 Rico Shadow Study; 2pm, Spring/Fall Equinox



the deck at 66 Rico can be seen from 11 of the neighboring properties



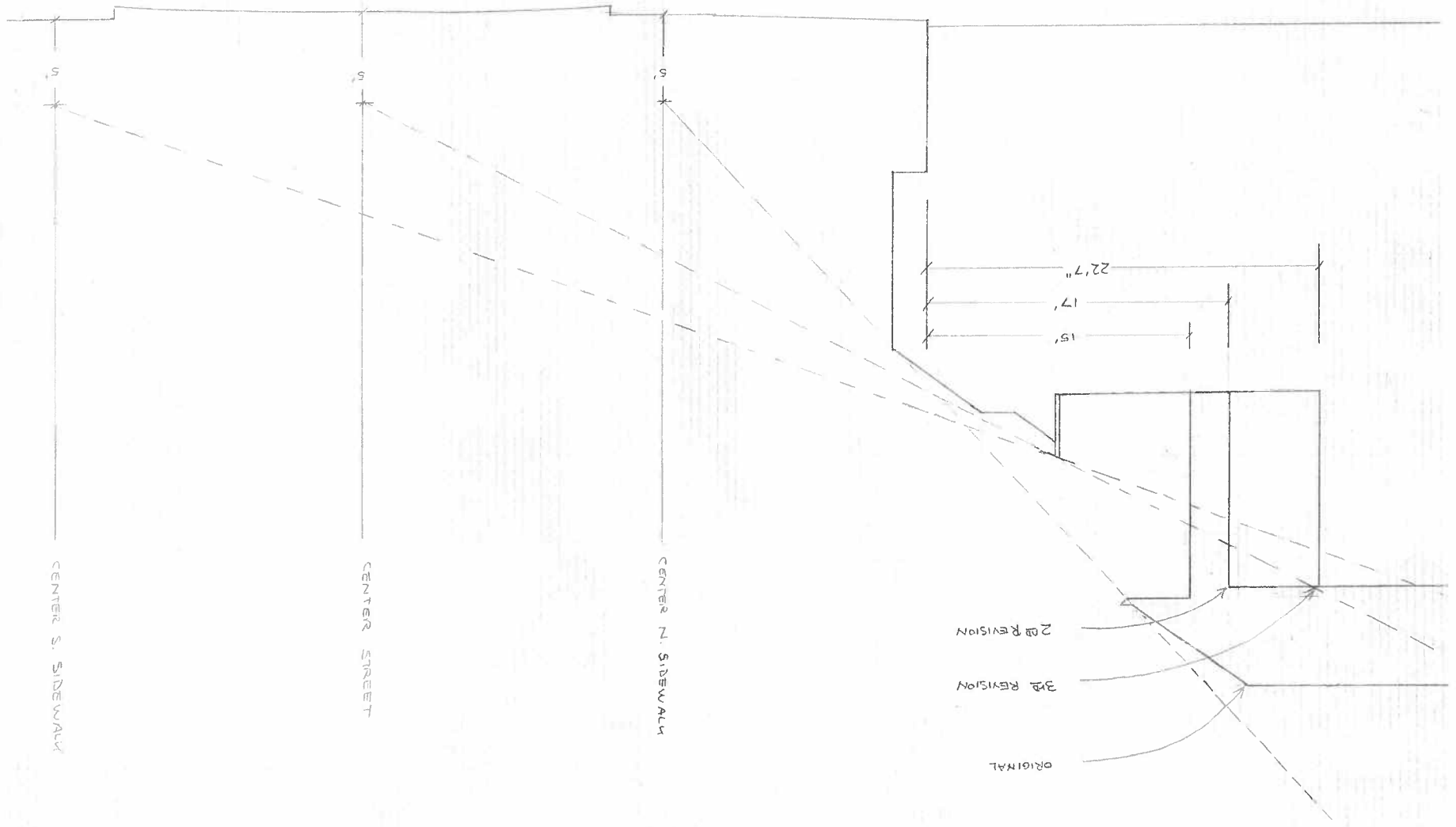
plants in the light well at 66 Rico blocking light to the windows below



60 Rico lower flat roof behind higher tiled front roof

GO RICO WAY
1/4" = 1'

SIDEWALK 6'
ROADWAY 28'
SIDEWALK 6'



Schumacher & Piccinini
25 Rico Way
San Francisco, CA 94123
415.928.3800

January 9, 2012

TO: San Francisco Planning Department
RE: 60 Rico Way

We live in the same block as Troy & Mary Sanders, owners of 60 Rico Way; we own the home at 25 Rico. At their request, we have reviewed their plans for a third floor addition and are entirely supportive. We have no objections whatsoever and intend to be present and speak in support of their project should this clearly frivolous discretionary review, brought by one neighbor next door, proceed to a hearing.

Rebecca Schumacher (co-owner of 25 Rico Way) is a Realtor® with Sotheby's International Realty here in San Francisco. We ourselves have been the unfortunate, but ultimately successful, survivors of a DR hearing more than a decade ago. We prevailed after many months and considerable expense in the building of our house. It is a shame that one neighbor can cause such damage to another homeowner who wishes to improve their property so they can have a family and stay in San Francisco. It was our impression that the City had instituted a process for weeding out these one-sided and frivolous DR complaints, but at this point we are not certain that has occurred in this instance.

Having recently represented the Sellers of 55 Rico, we disclosed that the Sanders at 60 Rico were planning a third story addition that would conform to the City's setback rules. Not one party had the slightest concern about that addition, and we believe that the new owners of 55 Rico have also written in support of the Sanders' addition. As an aside, the Sanders' were required to set their third story addition further back than any other addition on the street so that it would be virtually impossible to see that addition from the street.

We believe that the work proposed by the Sanders will only serve to improve our block and its property values. We are 100% supportive. Please feel free to contact us should you have any questions.

All the best,


Rebecca Schumacher


Guido Piccinini

From: Ashley John <ashleyjohn@gmail.com>

Date: January 4, 2012 9:08:46 PM PST

To: Troy Sanders <troysanders@mac.com>

Subject: Re: Discretionary Review Hearing support for Troy & Mary at 60 Rico

Hi Troy,

We would like to show our support for your construction plans. We believe that your project is good for the home owner value of our street.

Please feel free to share this email of support. We can be contacted at any time.

Best,

Ashley and Taylor John
55 Rico Way
San Francisco, CA 94123
(415)779-6863

Attached Message

From: David Giannini <dtgiannini@gianninilaw.com>
To: troylsanders@me.com <troylsanders@me.com>
Subject: Intended Addition to your home at 60 Rico Way, SF, CA 94123-1219
Date: Wed, 04 Jan 2012 11:26:23 -0800

Dear Troy and Mary:

This email concerns your intended addition of a 3rd story to your home located at 60 Rico Way, SF, CA, 94123.

We have had an opportunity to review drawings of the 3rd story you intend to add to your home on Rico Way.

As long-time residents of the neighborhood (our family has continuously occupied our home at 40 Rico Way for the past 87 years) we believe that your intended addition fits in and complies with the general architecture of the neighborhood and would, in fact, enhance San Francisco's Marina District.

Accordingly, we support your effort to remodel and add to your home.

Wishing you both all of the very best, we remain,
VTY.

David T. Giannini
Carolyn M. Giannini
40 Rico Way
San Francisco, CA. 94123
Tel: (415) 921-4407
Fax: (415) 921-3077
DTG Cell: (415) 713-9219
CMG Cell: (415) 713-9220
dtgiannini@gianninilaw.com
carolyn@gianninilaw.com



No trees were destroyed in sending this message, although quite a few electrons were inconvenienced.

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FREDRICK D. OHLRICH
67 RICO WAY
SAN FRANCISCO, CALIFORNIA 94123
(415) 346-4683

January 9, 2012

To Whom It May Concern:

I live across the street from Troy and Mary Sanders, who live at 60 Rico Way, San Francisco. I am aware of the Sanders' plan to add a vertical addition to their residence.

My wife and I have lived in our residence at 67 Rico Way for 25 years. In 1990, we completed a similar addition to our house, allowing us to remain in San Francisco and create the home that we have enjoyed through the years. In 2011, we accommodated our neighbor's request to extend their home in to the light well between our properties during an extensive remodel.

I have reviewed the plans for 60 Rico Way, have no objection to the project, and believe that it is consistent with the character of Rico Way and the surrounding neighborhood.

Sincerely yours,



Fredrick D. Ohlrich

To Whom it May Concern,

We are long time residents of Rico Way and have no issue with the addition of a third story that Troy and Mary Sanders have proposed adding on to their property. My family has lived on this street since the late 1960's and have seen many neighbors come and go. The Sanders are very respectful and I appreciate their willingness to invite their neighbors to voice any concerns we may have. Understanding the layout of the home, we are ALL for them adding on. If you have any questions, feel free to contact us.

*Nicole and Corey Clough
76/80 Rico Way
San Francisco, California
94123*

kneecoalsee@comcast.net

Kathryn and I are writing this letter in support of the proposed addition to 60 Rico Way. We have lived at 52 Rico Way for 28 years.

Rico Way is a very unique block with one apartment building surrounded by single family dwellings. Most of the single family dwellings are three levels and are commensurate with the planned addition requested by Troy and Mary Sanders. Rico Way is also known as a friendly block that has large families and frequent block parties. Kathryn and I are saddened by this limited opposition to the project and the impact it is having on our block. The only fair and just result would be to allow the project to proceed as planned so that Troy and Mary can stay with us on Rico Way.

If you have any questions, please do not hesitate to contact us, Thomas and Kathryn Mazzucco (415) 563-5697

[<image001.png>](#)

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Monday, January 16, 2012

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

To Whom it May Concern:

It is my pleasure to write a letter in support of the proposed remodel and expansion of 60 Rico Way by Troy and Mary Sanders.

I support their project for the following reasons:

- Rico Way is a diverse collection of architectural styles. This diversity of architectural styles adds interest and character to the street. It does not detract from it.
- The plan for 60 Rico is a modest proposal especially when contrasted to other recent remodels in the Marina.
- The proposed scale is smaller than almost all the adjacent properties, smaller than the nearby Marina Blvd and Casa Way houses behind them and smaller than many houses on Rico Way.
- Troy and Mary have made several significant and costly design revisions to accommodate The City and their neighbor's concerns.

I live at 45 Rico Way and eleven years ago we remodeled and expanded our house. We experienced many of the same unnecessary and costly delays Troy and Mary are experiencing now. I know first hand how burdensome remodeling in The City can be and how arbitrary The City is approving legitimate building plans. I urge you to approve their project immediately.

Best regards,

Dan Sykes, owner
45 Rico Way
San Francisco, CA
94123

Via e-mail 1.16.2012