

SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: APRIL 3, 2014

March 27, 2014
2012.0747D
882 Carolina Street
2012.06.14.2648
RH-2 (Residential, House, Two-Family) District
40-X Height and Bulk District
4096/030
John Duffy
5234 Crystal Aire Drive
Mariposa, CA 94107
Brittany Bendix – (415) 575-9114
Brittany.bendix@sfgov.org
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 project proposes vertical and horizontal additions to the subject building and the establishment of a second dwelling unit. This will result in approximately 1,339 square feet of additional floor area and a height increase to 34.5 feet. The project will also remove a two-story porch and stairwell at the rear of the property. As proposed, the project requires variances from the Planning Code for massing in the front setback area, massing in the rear yard area, and dwelling unit exposure.

SITE DESCRIPTION AND PRESENT USE

The project site, Lot 030 in Assessor's Block 4096, is an irregularly shaped, down sloping lot, with a width of 25 feet, a depth ranging from 89.38 to 100 feet, and an area of approximately 2,365 square feet. The project site contains a two-story, single family residence, developed circa 1900. The existing structure is non-complying in regards to front setback and rear yard requirements of the Planning Code. The building has a front setback of 5.5 feet at the center of the property. The existing rear yard is 16.5 feet and is partially obstructed by a two-story porch and stairwell at the northwest corner of the lot. Along the southern property line, the existing building maintains a side setback of 2.5 to 5 feet.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The site is located at the intersection of Southern Heights Avenue, Carolina Street and 22nd Street, near the highest point of Potrero Hill. The immediate neighborhood character is mixed with down-sloping singleand two- family dwellings that have one and a half to three-story volumes at the street face and three- to four-story volumes at the rear yard. The property uphill and to the south, 890 Carolina Street, is a standard size, down-sloping lot that is developed with a three-story two-family dwelling. The property downhill and to the north, 874 Carolina, is a two-story single-family dwelling situated on an irregularly sized, down-sloping lot.

BUILDING PERMIT NOTIFICATION

Т	YPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
	l/312 otice	30 days	December 6, 2013 – January 5, 2014	January 6, 2014	April 3, 2014	87 days

HEARING NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	March 24, 2014	March 24, 2014	10 days
Mailed Notice	10 days	March 24, 2014	March 24, 2014	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)		2 (874 Carolina & 890 Carolina St)	
Other neighbors on the block or directly across the street	1 (1 Southern Heights Ave)		
Neighborhood groups			

The adjacent neighbors at 874 Carolina Street and 890 Carolina Street are co-applicants for the Discretionary Review. Their concerns are outlined below. The neighbor who owns 1 Southern Heights Avenue contacted staff to express their support of the proposed renovation as they consider it an enhancement to the quality of the neighborhood.

DR REQUESTORS

Katherine Lambert and Chris Robbins of 874 Carolina Street, the property north of the subject property, and **Brian Liles and Julie Jackson** of 890 Carolina Street, the property south of the subject property.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached Discretionary Review Application, filed January 6, 2014.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached Project Sponsor Rebuttal dated March 12, 2014.

ENVIRONMENTAL REVIEW

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

ISSUES AND OTHER CONDSIDERATIONS

- Front Setback Variance. Planning Code Section 132 requires the property to maintain a front setback of 8.25 feet that runs parallel to the front property line. The existing building has a front setback of 5.5 at the center of the property and is rectangular in form, whereby the front building wall is not parallel to the angled front property line. As a legal non-complying structure, any enlargement to the massing requires a variance from Section 132. The proposal will increase the massing within the front setback by converting the second story from a pitched to a flat roof. The existing 5.5 foot front setback will be maintained and the third story vertical addition will be setback 15 feet from the front building wall.
- **Rear Yard Variance.** Planning Code Section 134 requires the property to maintain a rear yard of 41.75 feet. The existing rear yard is 16.5 feet and is considered to be legal non-complying. The proposal will increase the volume at the rear of the two-story dwelling by converting from a pitched to a flat roof. The proposal will also demolish a two-story porch and stairwell. This results in a rear yard depth of 16.5 feet across the entire width of the property.
- **Exposure Variance.** Planning Code Section 140 requires that each dwelling unit have exposure onto an open area that has a minimum dimension of 25 feet by 25 feet. The proposed second dwelling is located at the ground floor of the building and will only have exposure onto the proposed rear yard area of 25 feet by 16.5 feet.
- Alternative Plans. The Project Sponsor and Discretionary Review requestors have worked diligently towards a compromise; however, while issues related to massing have seem to be resolved, disagreement over other issues such as subsequent purview of the DR requestors over geotechnical, engineering, and hazardous removal activities on-site, have led to an impasse. In the *Project Sponsor's Rebuttal* an alternative plan is proposed that reflects a smaller massing than what was previously noticed during the Section 311 and Variance notifications. The Department would support the proposed alternative as it is smaller in scale than the previous proposal.

RESIDENTIAL DESIGN TEAM REVIEW

Upon the filing of the requests for Discretionary Review, the RDT reviewed the proposal and supports the project as proposed because the massing is consistent with the mixed character of the neighborhood, and while the massing at the rear is subject to a variance, the project results in a more code-complying volume overall, when compared to the existing. Additionally, the project is not a demolition pursuant to Planning Code Section 317, and neither unit size nor property line windows are covered by the *Residential Design Guidelines*. Therefore, there are no exceptional or extraordinary circumstances that relate to this project.

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.

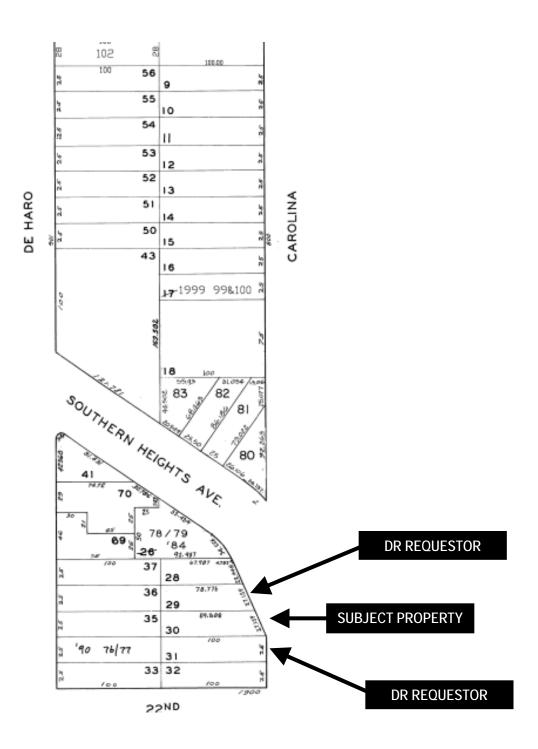
RECOMMENDATION: Do not take DR and approve project as proposed.

Attachments:

Block Book Map Sanborn Map Zoning Map Aerial Photographs Context Photographs Section 311 Notice Categorical Exemption DR Application Response to DR Application dated March 13, 2014 Reduced Plans (Alternative from Project Sponsor) Reduced Plans (As noticed)

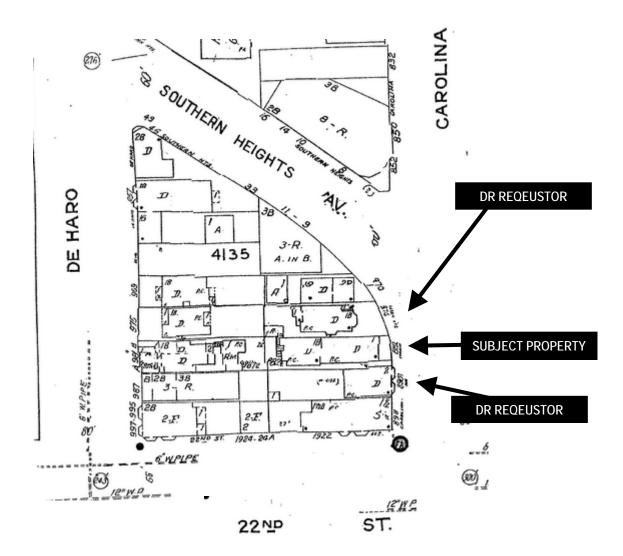
BB: G:\DOCUMENTS\Building Permits\882 Carolina Strreet\DR - Abbreviated Analysis.doc

Parcel Map





Sanborn Map*



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



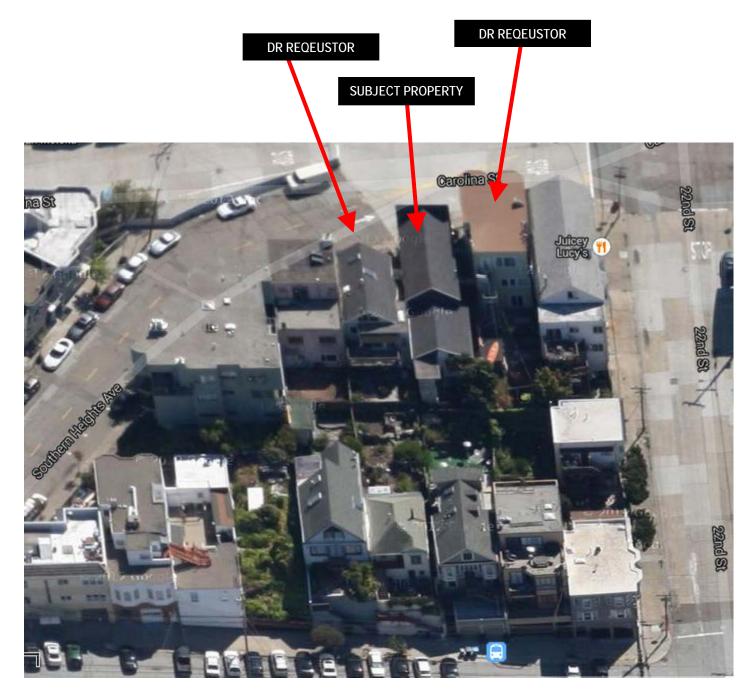
Aerial Photo



DR REQEUSTOR



Aerial Photo Showing Rear Massing





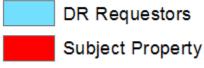
Aerial Photo Showing Front Massing





Zoning Map







Site Photo



Discretionary Review Hearing **Case Number 2007.0595D** MCD - San Francisco Patient's Cooperative 350 Divisadero Street



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco. CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311/312)

On **June 14, 2012**, the Applicant named below filed Building Permit Application No. **2012.06.14.2648** with the City and County of San Francisco.

PROP	PROPERTY INFORMATION APPLICANT INFORMATION		LICANT INFORMATION
Project Address:	882-888 Carolina Street	Applicant:	John Duffy
Cross Street(s):	Southern Heights & 22 nd Street	Address:	5234 Crystal Aire Drive
Block/Lot No.:	4096/030	City, State:	Mariposa, CA 95338
Zoning District(s):	RH-2/40-X	Telephone:	(415) 309-8896

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request 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.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

	PROJECT SCOPE	
Demolition	New Construction	☑ Alteration
Change of Use	Façade Alteration(s)	Front Addition
Rear Addition	☑ Side Addition	Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Single Family Dwelling	Two Family Dwelling
Front Setback	8.25 feet	No change
Side Setbacks	5 feet	3 feet
Building Depth	72.5 feet	No change
Rear Yard	16.5 feet	No change
Building Height	15.5 feet (curb to mid-pitch)	34.5 feet
Number of Stories	2	4
Number of Dwelling Units	1	2
Number of Stories		4 2

The project proposes vertical and horizontal additions to the subject building and the establishment of a second dwelling unit. The proposal will require variances from the Planning Code for massing in the front setback area, massing in the the rear yard area, and dwelling unit exposure. A notification for the Variance requests will be mailed at a later date.

For more information, please contact Planning Department staff:

Planner:Brittany BendixTelephone:(415) 575-9114E-mail:Brittany.bendix@sfgov.org



CEQA Categorical Exemption Determination

Demolition (requires HRER if over 50



CASE NO.

Property Information/Project Description

PROJECT ADDRESS

882 Carolina St.

PERMIT NO.

years old)

BLOCK/LOT(S)

4096/030 PLANS DATED

10/3/12

New Construction

Addition/ Alteration (detailed below)

STEP 1 EXEMPTION CLASS



Class 1: Existing Facilities

Interior and exterior alterations; additions under 10,000 sq.ft.; change of use if principally permitted or with a CU.



Class 3: New Construction

Up to three (3) single family residences; six (6) dwelling units in one building; commercial/office structures under 10,000 sq.ft.; accessory structures; utility extensions.

STEP 2 CEQA IMPACTS (To be completed by Project Planner)

If ANY box is initialed below an Environmental Evaluation Application is required.

Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?

Air Quality: Would the project add new sensitive receptors (specifically, schools, colleges, universities, day care facilities, hospitals, residential dwellings [subject to Article 38 of the Health Code], and senior-care facilities)?

Hazardous Materials: Would the project involve 1) change of use (including tenant improvements) and/or 2) soil disturbance; on a site with a former gas station, auto repair, dry cleaners, or heavy manufacturing use, or on a site with underground storage tanks?

Phase I Environmental Site Assessment required for CEQA clearance (E.P. initials required)

Soil Disturbance/Modification: Would the project result in the soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in non-archeological sensitive areas?

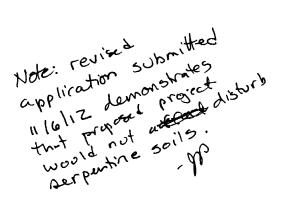
Refer to: EP ArcMap > CEQA CatEx Determination Layers > Archeological Sensitive Areas

Noise: Does the project include new noise-sensitive receptors (schools, colleges, universities, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? Refer to: EPArcMap > CEQA CatEx Determination Layers > Noise Mitigation Area

Subdivision/Lot-Line Adjustment: Does the project site involve a subdivision or lot-line adjustment on a lot with a slope of 20% or more? Refer to: EP ArcMap > CEQA CatEx Determination Layers > Topography

NOTE:

If neither class applies, an *Environmental Evaluation Application* is required.



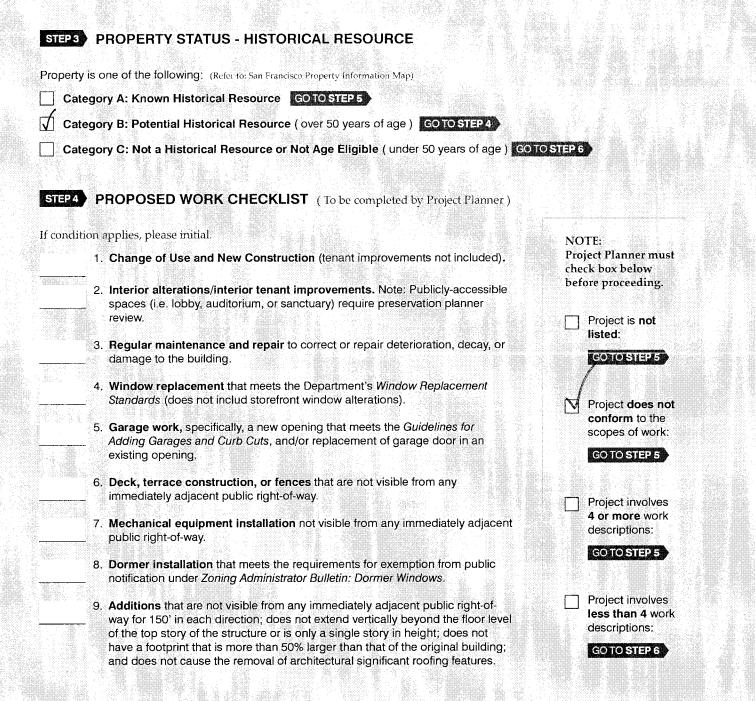
NOTE:

Project Planner must initial box below before proceeding to Step 3.

Project Can Proceed With Categorical Exemption Review.

The project does not trigger any of the CEQA Impacts and can proceed with categorical exemption review.





STEP 5 CEQA IMPACTS - ADVANCED HISTORICAL REVIEW (To be completed by Preservation Planner)

If condition applies, please initial.

- 1. Project involves a Known Historical Resource (CEQA Category A) as determined by Step 3 and conforms entirely to Scope of Work Descriptions listed in Step 4. (Please initial scopes of work in STEP 4 that apply.)
- 2. Interior alterations to publicly-accessible spaces.

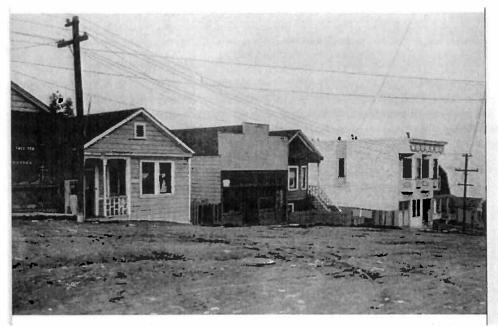
"in-kind" but are is consistent with existing historic character.	NOTE: If ANY box is initialed in STEP 5,
 Façade/storefront alterations that do not remove, alter, or obscure character-defining features. 	Preservation Planner MUST review & initial below.
5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.	Further Environmental Review Required.
 6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings. 	Based on the information provided, the project requires an <i>Environmental Evaluation</i> <i>Application</i> to be submitted.
 7. Addition(s), including mechanical equipment that are minimally visible from a public right of way and meets the Secretary of the Interior's Standards for Rehabilitation. 	GO TO STEP 6 Preservation Planner Initials
8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties	
Specity:	Project Can Proceed With Categorical Exemption Review.
* Just 9. Reclassification of property status to Category C	The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review.
a. Per Environmental Evaluation Evaluation, dated:	GO TO STEP 6
* Attach Historic Resource Evaluation Report b. Other, please specify: Dldg bcks intervity bard	Preservation Planner Initials
Upon Nistricophotos of the blog - Reduces initial by Seniol Preservation Planner / Preservation Coordinator htD form for HR - 622 photos STEPS CATEGORICAL EXEMPTION DETERMINATION (To b	refer to Supplemental phong traditional storthont be completed by Project Planner) a step parapet (removed).
Further Environmental Review Required.	
Proposed Project does not meet scopes of work in either:	
(check all that apply)	STOP!
Step 2 (CEQA Impacts) or	Must file <i>Environmental</i>
Step 5 (Advanced Historical Review)	Evaluation Application.
No Further Environmental Review Required. Project is categorically	exempt under CEQA.

Planner's Signa Print Name

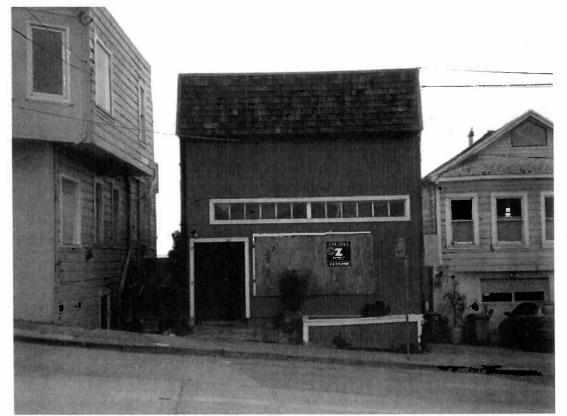
3. Window replacement of original/historic windows that are not

1/14/2013 Date

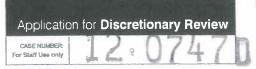
Once signed and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.



Carolina St – looking North (1922)



Subject Property (present day) 882 Carolina St - Front Elevation (West Side of St)



APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME:	22211.511	FC U		$r \leq r \gg r$
FATHERINE LAMBERT, CHRIS ROBBINS,	BHANUI	es, su		t-Solo
DD ADDI ICANICS ADDRESS	ZIP	CODE:	TELEPHONE:	
374 CAEOLINA STREET, SAN FRANCISC	jan ge	4107	(415) 336	
890 CAROULA STREET, SAN FRANCI	500 CA 44	9104	415.62	·H14
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTIN	NG DISCRETIONARY RE	VIEW NAME:		
BRENTAN MCGRATH	1 70	CODE:	TELEPHONE:	annen an
151 LIBERTY STREET, SANFRAN		4110	(415)675	2915
151 CIDE UNIT PORPERAT		THE .	1117/01/	0(0)
CONTACT FOR DR APPLICATION:				
Same as Above				
ADDRESS:	ZIP	CODE:	TELEPHONE:	an ana an
	a farran an		()	
E-MAIL ADDRESS:		1.1.		ana in anala (si kudalan ya karian)
klamap-ca.com julies	actson	liles.	OM	
cpremindspring.com, brian	Quites	onliles	S.COM	
	Juctos	<u> </u>		
2. Location and Classification				
STREET ADDRESS OF PROJECT:		-		
		-		
STREET ADDRESS OF PROJECT: 332-984 CAPOUNA STREET CROSS STREETS:				
STREET ADDRESS OF PROJECT: 332-984 CAROUNA STREET				
STREET ADDRESS OF PROJECT: 892-984 CAPOUNA STREET CROSS STREETS: 20TH STREET	ZONING DISTRICT:			1107-
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STREET ADDRESS OF PROJECT: 332-934 CAPOUNA STREET CROSS STREETS: 20TH STREET ASSESSORS BLOCK/LOT: 4096 / 30 LOT DIMENSIONS: 25 X 100 X 24 6X 3. Project Description Place check all that apply		ations	HEIGHT/BULK DISTF	4107-
STREET ADDRESS OF PROJECT: 332-984 CAPOUNA STREET CROSS STREETS: 20TH STREET ASSESSORS BLOCK/LOT: 4096 130 LOT DIMENSIONS: 25 X 100 × 246 236 4096 130 S. Project Description Please check all that apply Change of Use Change of Hours New Constru	ttion Alter		HEIGHT/BULK DISTF	4107-
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STREET ADDRESS OF PROJECT: 332-934 CAPOUNA STREET CROSS STREETS: 20TH STREET ASSESSORS BLOCKLOT: 4096 / 30 LOT DIMENSIONS: 255 X 100 × 246 × 3. Project Description Please check all that apply Change of Use Change of Hours New Constru Additions to Building: Rear Front A. Heigh Present or Previous Use: 2. UPIT PESCIPATIA	tion A Alter		HEIGHT/BULK DISTF	4107-
STREET ADDRESS OF PROJECT. 332-934 CAPOUNA STREET CROSS STREETS: 20TH STREET ASSESSORS BLOCK/LOT: 4096 130 LOT DIMENSIONS: 25 X 100 × 2364 Change of Use Change of Hours New Constru- Additions to Building: Rear Front A Heigh	存H-2 ction A Alter れる Side Yar	rd 7 X	HEIGHT/BULK DISTF	4107-

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4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	X	
Did you discuss the project with the Planning Department permit review planner?	X	
Did you participate in outside mediation on this case?	× 🖬	X

12.0747

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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.

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PLEASE SEE ATTACHED LETTER

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Discretionary Review Request

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

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

PLEASE SEE ATTACHED LETTER

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:

SEE ATTAGED LETTER

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?

PLEASE SEE ATTACHED LETTER

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature:

14 Date:

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

OWHER

Owner / Authorized Agent (circle one)

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SAN FRANCISCO PLANNING DEPARTMENT V.08.07.2012

Discretionary Review Request Proj: 882-888 Carolina St. Owner: Brendan McGrath, App #2012.0747V

FOREWORD:

In a joint effort to resolve the concerns and issue resulting from the proposed project located at 882-888 Carolina St. the DR applicants met with the Project Sponsor on the evening of January 3rd and again the morning of January 4th. These meetings were productive and the project sponsor has agreed to remedy a number of key issues. However, the impending deadline for submission of our request for a discretionary review did not allow adequate time for full consideration and revisions to the plans to render, ascertain and confirm the project sponsor 's remedies. As such, until these concerns are satisfied, we have submitted for Discretionary Review.

As the Planning Commission is aware, the DR Applicants have requested changes to the design. Repeatedly, the developer has presented us with designs that address only a small portion of our concerns and which continue to contort and distort the strictures of the planning code.

Please be advised that we request that the hearings for the Discretionary Review and the Variance Hearing and be held concurrently.

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

The rational underpinning our request for a Discretionary Review of the project's sponsor's request for a variance is as follows:

- 1. There are **no exceptional nor extraordinary circumstances** inherent to this project nor its intended use which would permit a Variance to be granted;
- 2. There are no circumstances which provide any hardship whatsoever for the owner. The Project sponsor admits this very point in page 2, paragraph 2 of Mr. John Duffy's letter dated Dec. 15, 2013.
- 3. This proposed project and variance request do not demonstrably offer any unique enhancement or conservation of neighborhood character;

- 4. A thorough and considered analysis of the submitted drawings indicate that the **current proposal actually comprises more than 50% new construction** thereby invalidating any credible premise for the Proposed Project to be granted a Variance in accordance with Section 317, Sec. B
- 5. The project sponsor's request for a variance proposes that he be granted unprecedented privileges that will result in a **significant negative imbalance** between his right to develop a property in direct relation to the significantly proportionate adverse impact of his current proposal on the rights of adjacent and near-by properties and occupants.

Not to mention, the impact of the non-conforming massing of the proposed project will substantively and significantly diminish light, unjustifiably intensify shading and block views to the neighboring properties, specifically of the much smaller adjacent neighbor to the North, 874 Carolina St. – which is less than 25% as large as the proposed project.

Specific to our reasoning and the Project Sponsor's recent proposal:

The project sponsor has submitted his proposal under the rubric of a "remodel/addition" of a "single-family" dwelling. Both categorizations are inaccurate and misleading. In so doing this project sponsor /developer has attempted to claim a significant intensification of the volume of the previously existing space. This abundance of space is the result of an existing non-conforming structure that extends deep within the rear yard setback of the property, 882-888 Carolina Street and, unquestionably, represents an **Intensification of a Non-Conforming Structure**.

Point in fact, the Project Sponsor presents two condominiums (1928 sq.ft./1369 sq ft. respectively), each of whose size notably exceeds the average size of a condominium in Potrero Hill (1033 sq. ft.). This is not to mention each proposed condominium dwarfs the sq. footage of the adjacent single family home at 874 Carolina St. by a proportion of 4 to 1. As such, we struggle to understand how designing the proposed condominiums to comply with the planning and building codes delineated by new construction would prove to be a hardship for the project sponsor. The ample square footage evidenced by their plans easily provides that all design modifications may be comfortably accomplished with the frame of established SF Planning codes. In essence, the applicant is requesting a compromising of SF Planning Codes to underwrite his exclusive privileges.

In order to comply with the building and planning codes of the City of San Francisco, (specifically Section 317) this project, in reality and fact, should properly be categorized as "**New Construction**."

With this said, both adjacent neighbors to the subject property are licensed architects. A such, we recognize the attempts of the project sponsor to propose the project in such a

manner to the Planning Dept. as to gain square footage in excess of what would be permissible by today's codes. We do object therefore, to the massive size and bulk of the project. This mass is a result of the project sponsors attempt to capitalize upon the extensive square footage of the non-conforming portions of the original structure, while simultaneously being able to increase the massing for the vertical extension, which is permissible by the San Francisco Planning Code.

Renovation/Integrity of Non-Conforming Building Structure Vs. New Construction.

The structural integrity of the portion of the building that extends into the rear setback unquestionably calls into question any unequivocal granting of a variance by the Planning Dept.

History:

The subject property sustained a 2-Alarm fire on October 21, 2011. To date, the owners of 882 Carolina St. have failed to properly mitigate the damage from the fire event. They have merely painted a portion of the exterior and installed vinyl siding to cover up the burned structural elements. Subsequently, the subject property has been left to rot and fester – becoming an abandoned blight on the neighborhood. For over two years now, the subject property has remained in a continuous state of deterioration including burned, water damaged structural components, a rotting exterior roof, an ever weakening foundation, corrosive siding and windows, rodent infestation, et all.

Significantly, prior to the fire event the subject property had been severely neglected and suffered from a considerable lack of any and all maintenance for numerous decades. Unpermitted development of multi-unit dwellings of the interior had occurred on the property within the past fifty years or so. Were it not for the developers keen desire to keep the non-conforming structure to exploit the excessive square footage of 'each unit, the building would be seen for what it truly is - a "tear down." Further to this point, we wish to highlight a convincing probability of a defacto demolition, again noted under Planning Code Section 317.

The motivation for the project sponsor's application for a variance is clear **This application for a variance is predicated solely upon Mr. McGrath's desire to maintain the pretense of the structural integrity of this of non-conforming portion of the building in order to secure considerable additional square footage – square footage which would not be allowed under the statutes governing new construction.** Once this building has been striped of it's current exterior siding and interior finishes, the degenerative condition of the existing foundation and existing perimeter framing are distressingly inadequate to offer needed support to the proposed design and application for variance. Point in fact, again, Code Compliance demands that this project should be for all intents and purposes accurately be considered as new construction and the City of San Francisco should be entitled to realize the attendant full financial benefit, as is due.

If, indeed, the proposed project were considered to be in full compliance under its accurate categorization – that of new construction - it would also need to conform to the rear yard setback requirements of our district and/or by averaging the lot depth of the neighboring buildings.

The project sponsor has put us all into a state of quandary by:

- 1. Noting that the foundation is to be replaced in the contract documents, (pg. 1) and then concurrently noting that the foundation remains fully in tact in the submitted demo plan;
- 2. Does not provide us with sectional drawings detailing the longitudinal and tranverse drawings which demonstrably depict and highlight the existing structure in contrast to the new construction proposed;
- 3. The legend on the submitted plans and the Longitudinal section drawings on page A2.4 indicate that ALL of the exterior + interior walls and foundation are NEW construction.
- 4. Has not provided a section depicting the existing north wall foundation and retaining wall. This is of specific concern as the fire damage took place primarily along the span of north wall that has, in part, been covered up by patches of new siding.
- 5. Has consistently provided us with plans and drawings whose detailing and measurements have been either inaccurate or misleading.

We request that the Planning Commission rightfully review this project as **New Construction**, so that this building project may be reviewed by the Planning Commission to be in conformity with the Residential Design Guidelines of the City.

Rest assured that neither adjacent neighbor is opposed to the development of this two unit residential project, as this has always functioned historically a two unit building since approximately 1960.

Point in fact, the Project Sponsor evicted the long-term tenant at 882 Carolina - who had been displaced by the fire event. The Project Sponsor finally arrived at legal settlement with the previous tenant and subsequently removed the rental unit from the market. He then bordered up the unit, rather than repairing the unit and allowing the former tenant to re-occupy the unit. As such the project will not result in a net gain of dwelling units. Point in fact, the project sponsor removed a naturally affordable rental unit from the market - and one that was/is subject to rent control.

As professionals in the field we struggle to understand the difference in the Project Sponsor's expenditure toward labor whether the project be categorized as "New Construction" or through this "Remodel/Addition." We assume that the construction crew of the Project Sponsor (is the same as the contractor constructing the proposed project.) would approximate the same financial benefit to the workers and residents of San Francisco.

We also struggle to grasp the veracity of the Project Sponsor's perspective on Demolition in San Francisco, as per his letter of 12.15.13, as there is no loss of housing unit and any proposed project under the categorization of New Construction would easily surpass the Sq. Ft. of the existing two units as well as the average size of units, condos or townhomes in San Francisco, not to mention that it dwarfs its adjacent neighbor a single family home at 874 Carolina whose sq. footage is 884 Sq. Ft.

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:

We request that SF Planning Department review the irregular lot configurations, topographical conditions specific to these sites relative to the applicant's proposal. Relative to this request for a variance, we request that the Planning Department review the irregular lot configurations, topographical conditions and unusual contexts of these specific lots – 882/888 (27' X 89.3 ') and 874 Carolina St.(25'x78'.)

As SF Planning will note, the rear yard setbacks are far shallower than typical lots within this residential neighborhood. As mentioned in our earlier letter, the rear yard of 874 Carolina stands unjustifiably in shade from the existing non-conforming structure at 882/888 Carolina.

Although permissible by SF planning codes in typically sized lots (100' x 25'), the applicant's proposed expansion and vertical development of two additional stories will only diminish light and intensify this shading throughout these irregular, smaller lot configurations. These replace and are built-upon the existing second story, slanted roof. This will result in a dramatically increased and extraordinary shading of 874 Carolina St. - both in terms of intensity and duration – basically throughout the entire year. In so doing, the applicant's proposal denies the property and occupants of 874 Carolina St the rights accorded to other San Francisco property owners and residents.

By proposing the project as a remodel/addition, as it is currently designed, the project

sponsor's design proposes to intensify the non-conforming structure in the rear yard by removing the existing pitched roof of the current second story level and increasing the ceiling height thereby creating a flat roof and roof deck amenity. If the project sponsor had respected the eve height as the height of the roof deck, we would not be negatively affected and it would not be intensification of the non-conforming structure.

However, in this case, the project sponsor is increasing the exterior P.L wall height/and increasing the volume of space. This additional height, of 33" has a negative impact on 874 Carolina Street. By the raising of the roofline by 33", not only does it increase the bulk of the non-conforming structure, it also effectively blocks valuable southwestern light/ already a concern and result of the non-confirming building in its current condition. The intensification of this portion of the building has a clear and negative impact and should not be allowed to remain as proposed.

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 #17?

Any variance granted is not keeping with the tenets nor spirit of intent expressed by the Planning Dept. – that is to demonstrate hardship for conditions that are extraordinary in circumstance. The applicant's request for a variance continually represented plans that were daringly over-developed relative to the standards, codes and allowances of SF Planning Department. Again, with the Project Sponsor's submittal of his most recent specific design proposal for a variance, we have been asked to accept a most problematic compromise that undermines the principles and integrity of the planning codes. The Project Sponsor's most recent proposal (submitted December, 2013) certainly represents a distillation process, but it is one that still attempts to obscure the unprecedented privileges that form the basis for his request for a variance.

As practicing architects certainly we empathize with the Project Sponsor's reasons for their initial refusal to re-design this project. With that said, we also understand that had the Project Sponsor originally designed this project to be code compliant and rightfully submitted it under the category of New Construction, their efforts and expense would have been kept to a minimum. However, the requirements of New Construction would not allow for the Project Sponsor's profits to achieve the maximum levels of financial gain should the existing non-conforming spaces not be permitted.

Summary of 311 Meetings w/Project Sponsor & DR Requestors, Jan., 2014:

Section 311 Review meetings on 01.03-04.14 were held in good faith by all and suggest a sincere effort to seek mutual resolution of several key issues. We await confirmation of these possible resolutions and expect to see such documentation and confirmation from

the Project Sponsor by mid-January, 2014. Below is a summary of the items that agreement was reached on for these issues.

The DR Applicants made several recommendations during these two meetings to help guide the Project Sponsor and he has agreed to making revisions to the proposal, including:

- The Project Sponsor has agreed to consider reducing the mass of the proposed non-conforming new structure at the rear in order to lessen the impact of massing to light and air for adjacent neighbors north and south of the subject property;
- Project sponsor will redesign the South entry alleyway, gate and façade design in order to provide continued access to the rear of both properties for ingress, egress and yard/ garbage can access. The gates will be relocated to approx. 19' back from the front of 890 Carolina Street to provide an open shared space with steps and a sloping path similar to the current grade. After the gates the width of the alley will be split between the 2 properties with an approx. 3' high fence separating the walkways until a point just past the back of 890 Carolina Street where the fence will go to full height;
- The Project Sponsor has agreed to explore the possibility of a mutual easement along the shared alley between 882-888 and 890 Carolina Street properties. Project Sponsor and 890 Carolina Street neighbor commit to continuing to work together in good faith to resolve this issue;
- Project Sponsor will maintain the existing southern side yard setback at the front of the property and a portion of the 3rd and 4th floor south wall until beyond the 890 Carolina Street overhang to regularize the façade and minimize impact to existing egress windows at 890 Carolina Street. Project Sponsor agreed that windows directly opposite 890 Carolina Street 2nd floor windows will be provided with obscured glass;
- The Project Sponsor has agreed redesign the 3rd floor, non-conforming rear deck, doors, stairs, steps and landing and façade treatment in order to make the new structure that minimize the size and scale of the proposed project's non-conforming massing. The agreed upon deck size to be no larger than 7' x 12';
- The Project Sponsor has agreed to examine methodologies of reduction of the overall massing of the proposed new non-conforming structure, including an improved articulation of the design in relation to the facades;
- The Project Sponsor has agreed to give the DR Applicants a review of his recent soils engineering report to accurately ascertain:

1. The ground depth of serpentine rock and the methods and environmental impact of any and all removal (asbestos and air pollution) and 2. The impact of the proposed project on the historically cited landslide area upon which the proposed project is situated;

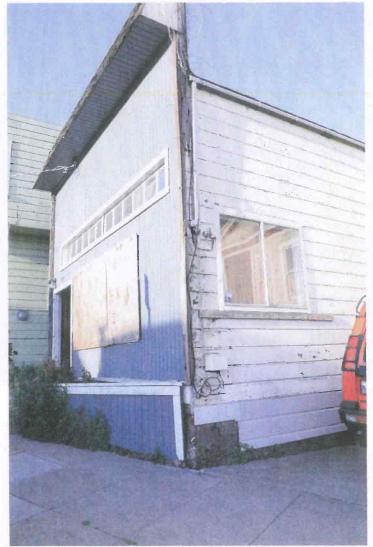
- Project Sponsor will review inaccuracies in their current as-built and site permit drawings. These refer directly to the proposed project's documentation. Prime examples include as to how these relate to rear yard averaging, front yard setbacks, and roof deck;
- Project Sponsor will be required to provide obscured glass (i.e. frosted glass) to agreed upon designated property line windows installed along the southern and northern walls.
- Project Sponsor has agreed to disclose any and all potential buyers of proposed project any and all possible impacts of any future potential development of adjacent neighbors. These would include the property line windows that may be blocked in any permissible future development of either or both 874 and 890 Carolina St. Hence, the windows not situated within the front yard setback or part of a light well, are likely to be legally blocked as well. In this event, the legal permitted development of the property at 874 and 890 Carolina may obscure downtown, eastern, southern, western or northern views of the proposed development of these property line windows at 882 Carolina St.

Any potential buyers/ new owners of the subject property must be formally and legally notified of any and all the ramifications on the design of the property they are purchasing. Further to this point, the adjacent neighbors will be entirely protected by the Project Sponsor from any potential liability and litigation issues and matters which may arise from their proposed project's inclusion of features such as these property line windows. Project Sponsor will be requested to underwrite all reasonable costs attendant to the creation and production of this document by the adjacent neighbor's designated legal representative.

 Project Sponsor agrees to review (and revise, if necessary) the engineering, excavation and foundation methodologies and procedures of the proposed project. Of specific concern are the new foundation and retaining wall(s) that are being rebuilt on the property line adjacent to 874 Carolina St.

Additionally, the Project Sponsor will prevent any and all damage or settlement to the foundation perimeter, retaining wall and walls of 874 Carolina St. Project Sponsor agrees to build a new foundation perimeter of concrete walls in 3 ft. sections or less along the common property line – in full consultation with a private soils engineer and architect/owners of 874 Carolina St. In closing, there are no exceptional or extraordinary circumstances, nor any hardship to the Project Sponsor/owner/developer (current or inherited) that would either satisfy or justify a rightful and equitable request for a variance. To grant any variance based on this proposal would concede unparalleled rights, extend unique privileges and exceptions to this Project Sponsor – ones that no other SF property owner is accorded.

We again request that the Project Sponsor re-submit a newly designed proposal- one that does not require any variance, and is in full compliance with all applicable zoning regulations, design guidelines and building codes; to include appropriate compliance with the dwelling's mid-block siting on irregular lots and topography, conform with the spatial, light, air and view considerations of the adjacent properties and existing neighborhood. It is our sincerest hope that the Project Sponsor will respond in full to our reasonable requests in a timely way.



N/E corner of 882 Carolina St., depicting deteriorating condition, foundation and temporary vinyl siding covering up fire damage.

12.0747D



North Wall of 882 Carolina St., depicting deteriorating condition.



N/E corner of 882 Carolina St., depicting deteriorating condition & foundation





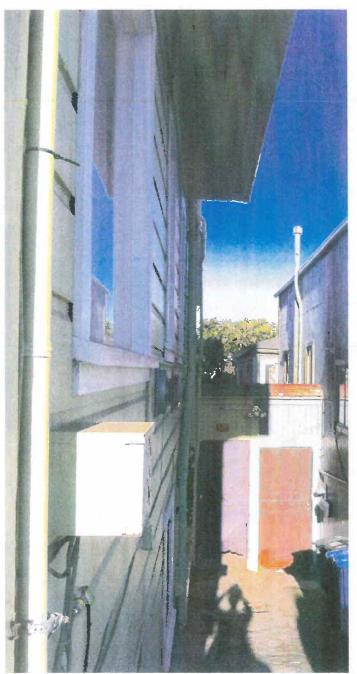
North Roof line 882 Carolina St., as seen from 874 Carolina St, depicting existing non-conforming roof + structures.



North Roof line 882 Carolina St., as seen from 874 Carolina St, depicting existing non-conforming roof + structures



Depicting condition of existing shared alley/ open space between 890 Carolina Street (on left) and 882-888 Carolina Street (on right)

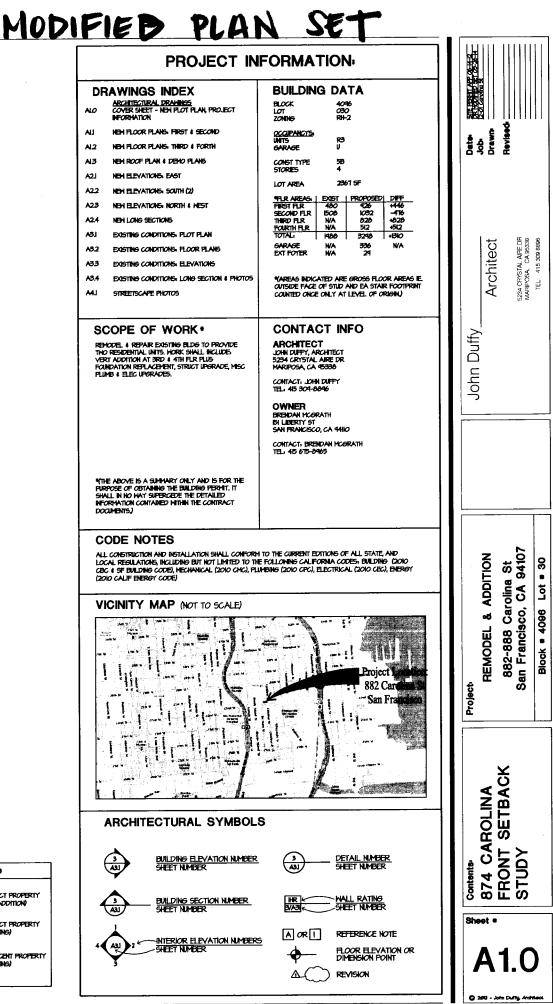


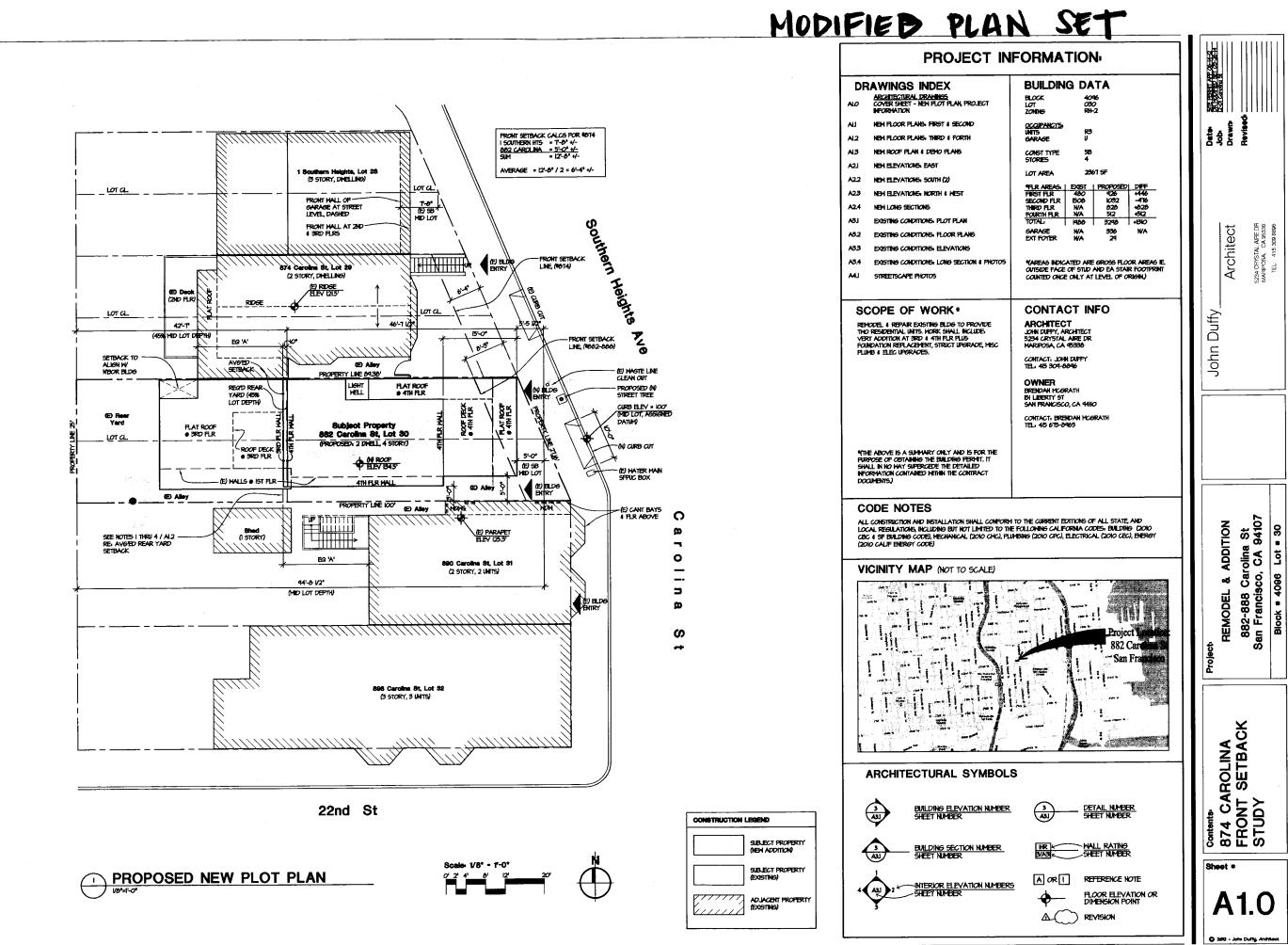
Depicting extent of existing windows at 890 Carolina Street along shared alley. Project Sponsor has agreed to redesign a portion of the southern façade to maintain the existing setback at all levels to provide light, air and privacy for 890 Carolina Street windows, as well as continue shared access at alley

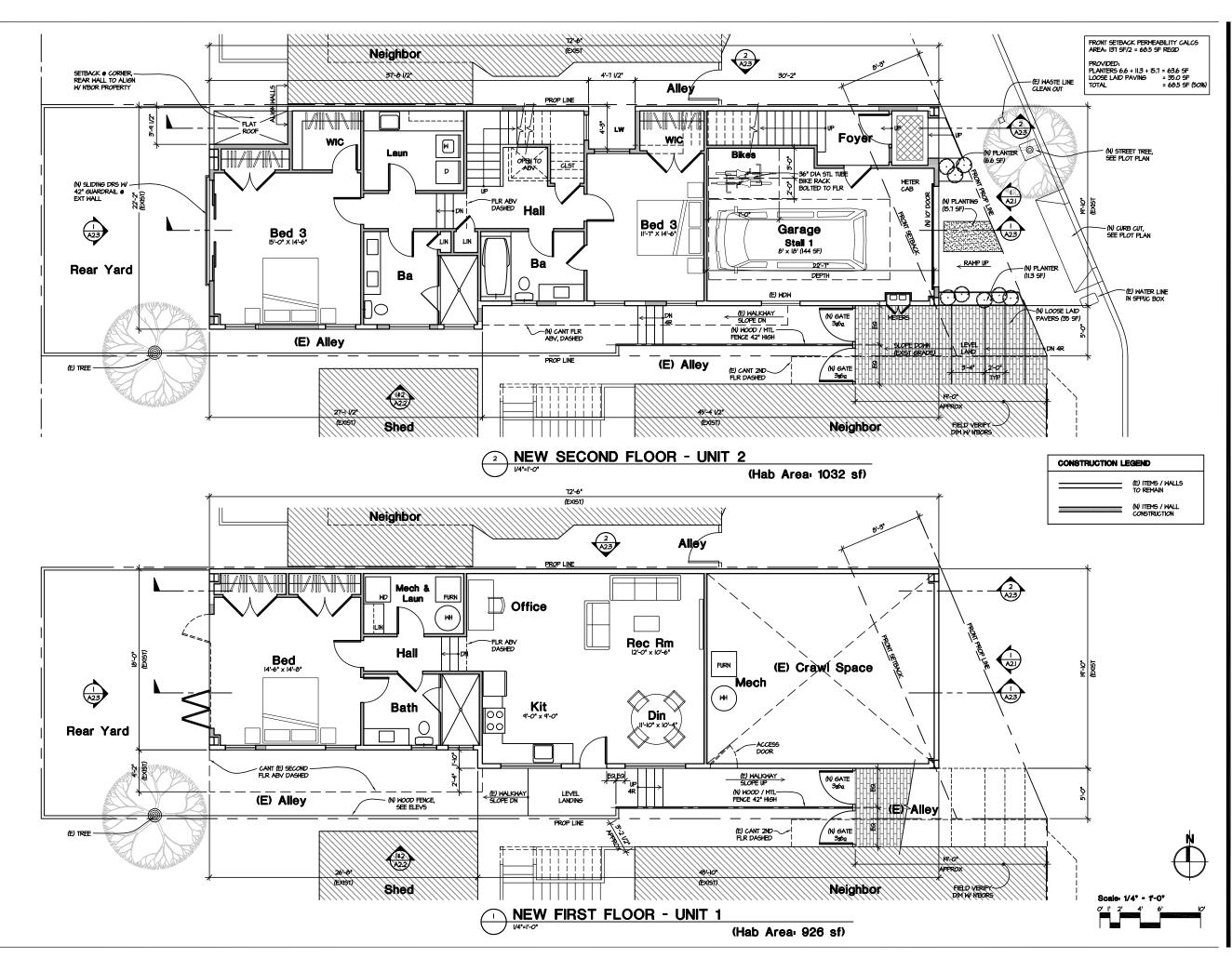
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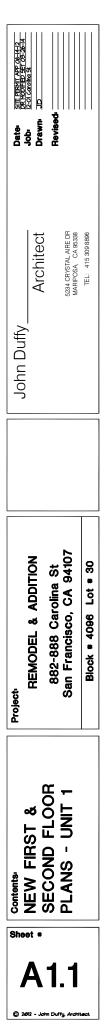


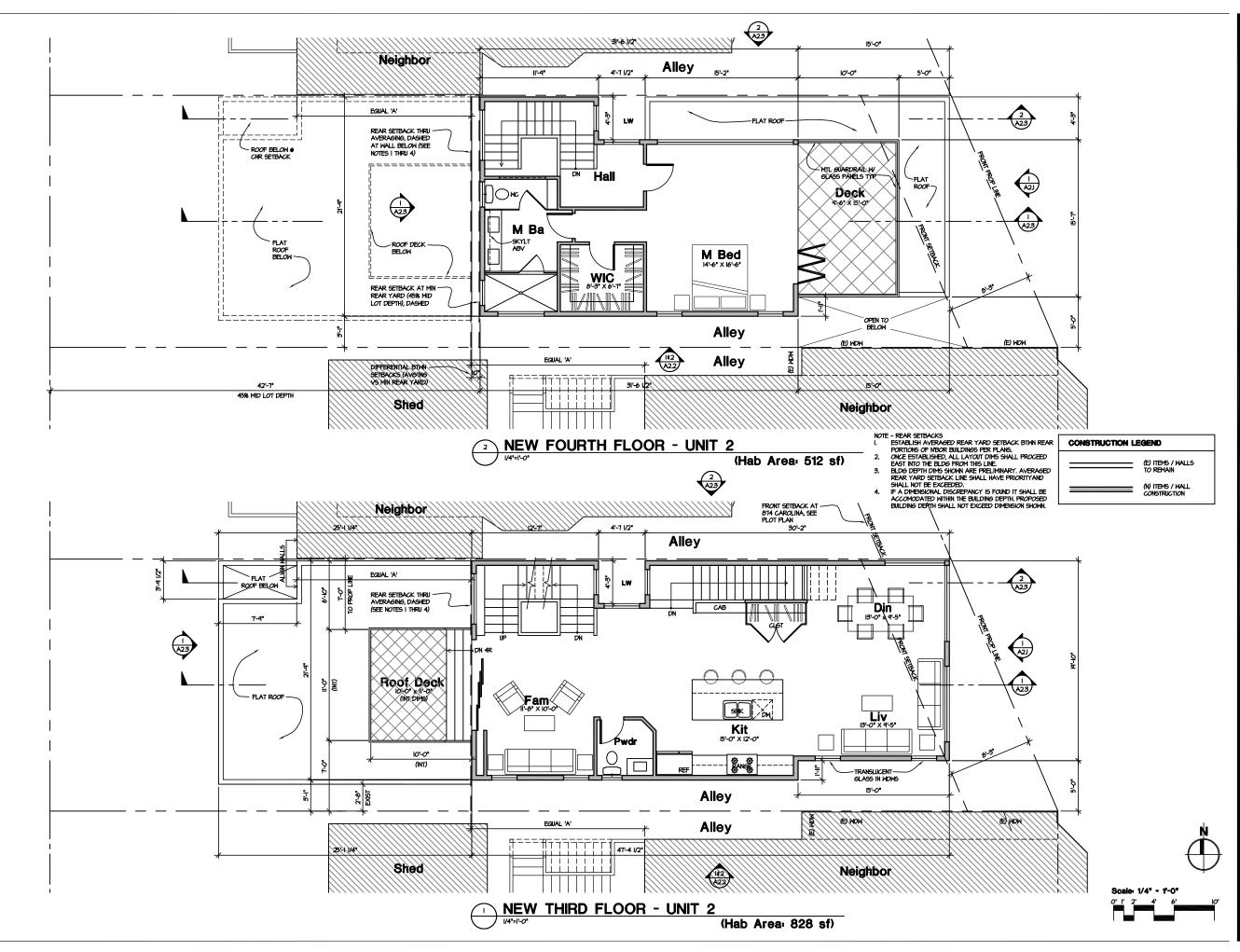
Depicting condition of South rear wall of 882-888 Carolina Street.

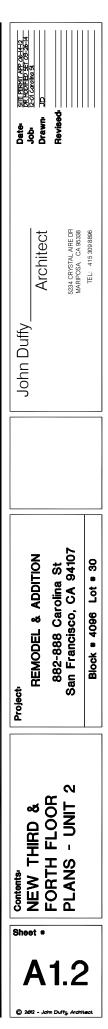


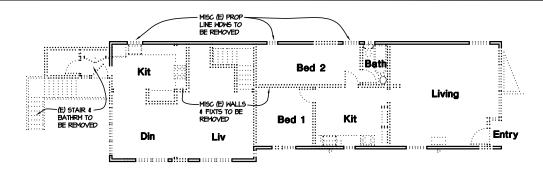


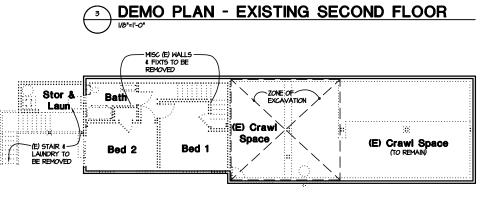




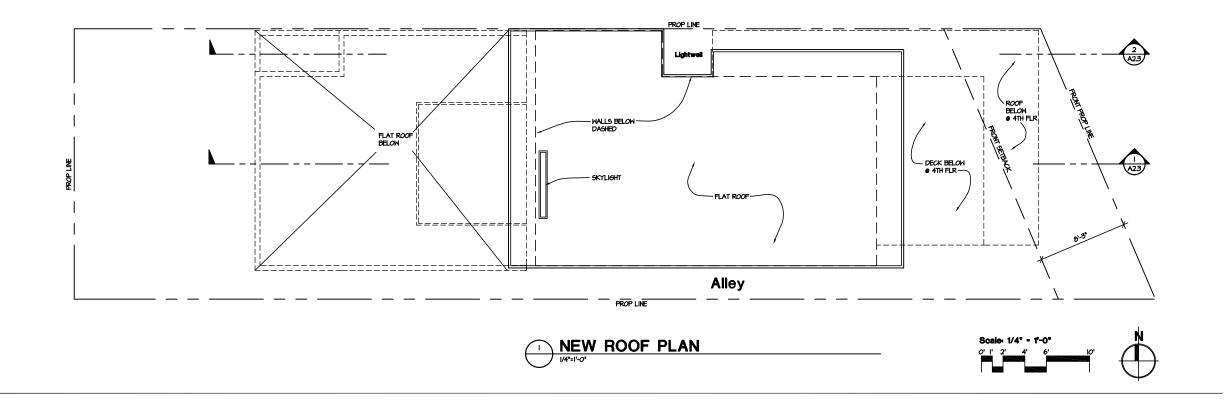


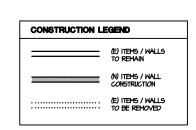


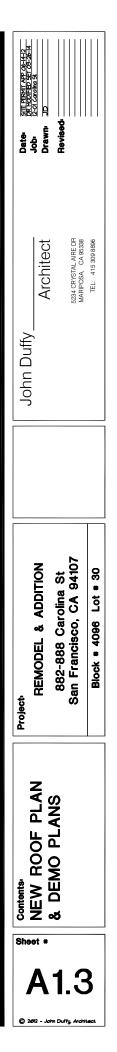


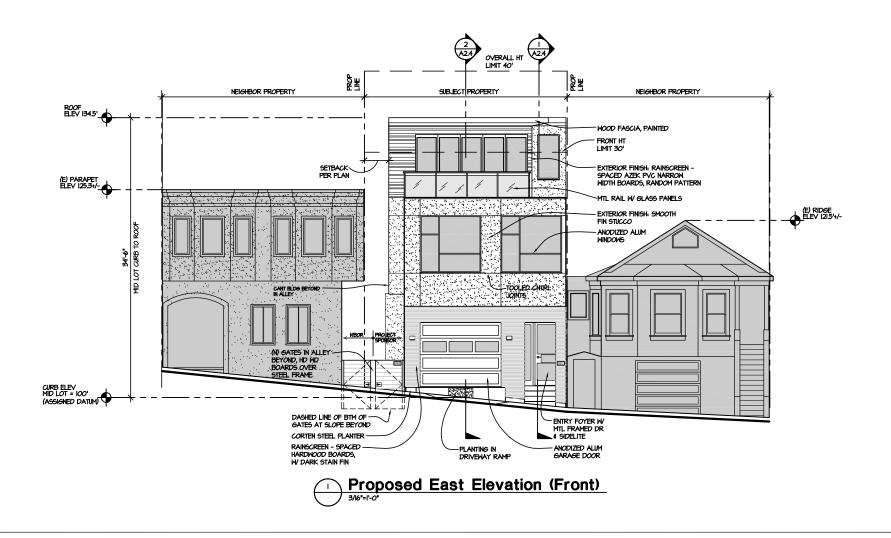








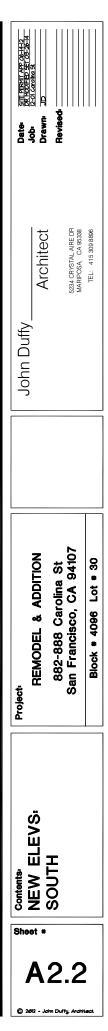


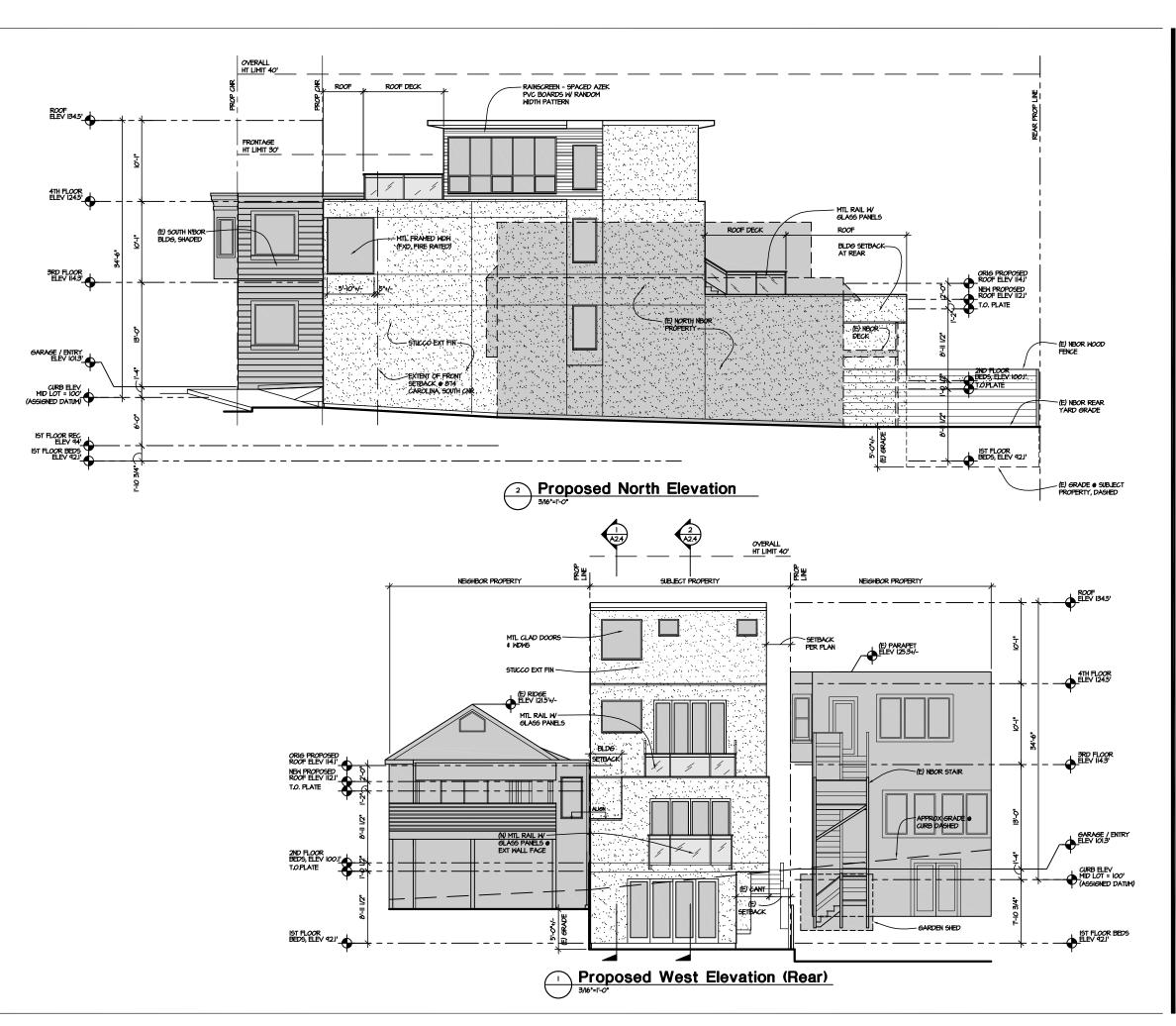


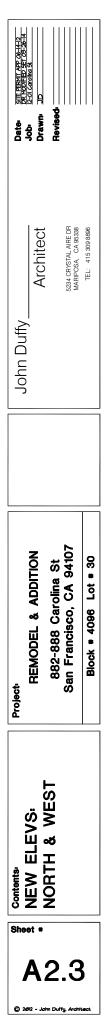
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John Duffy	Architect		5234 CRYSTAL AIRE DR MARIPOSA CA 95338	TEL: 415 309 8896
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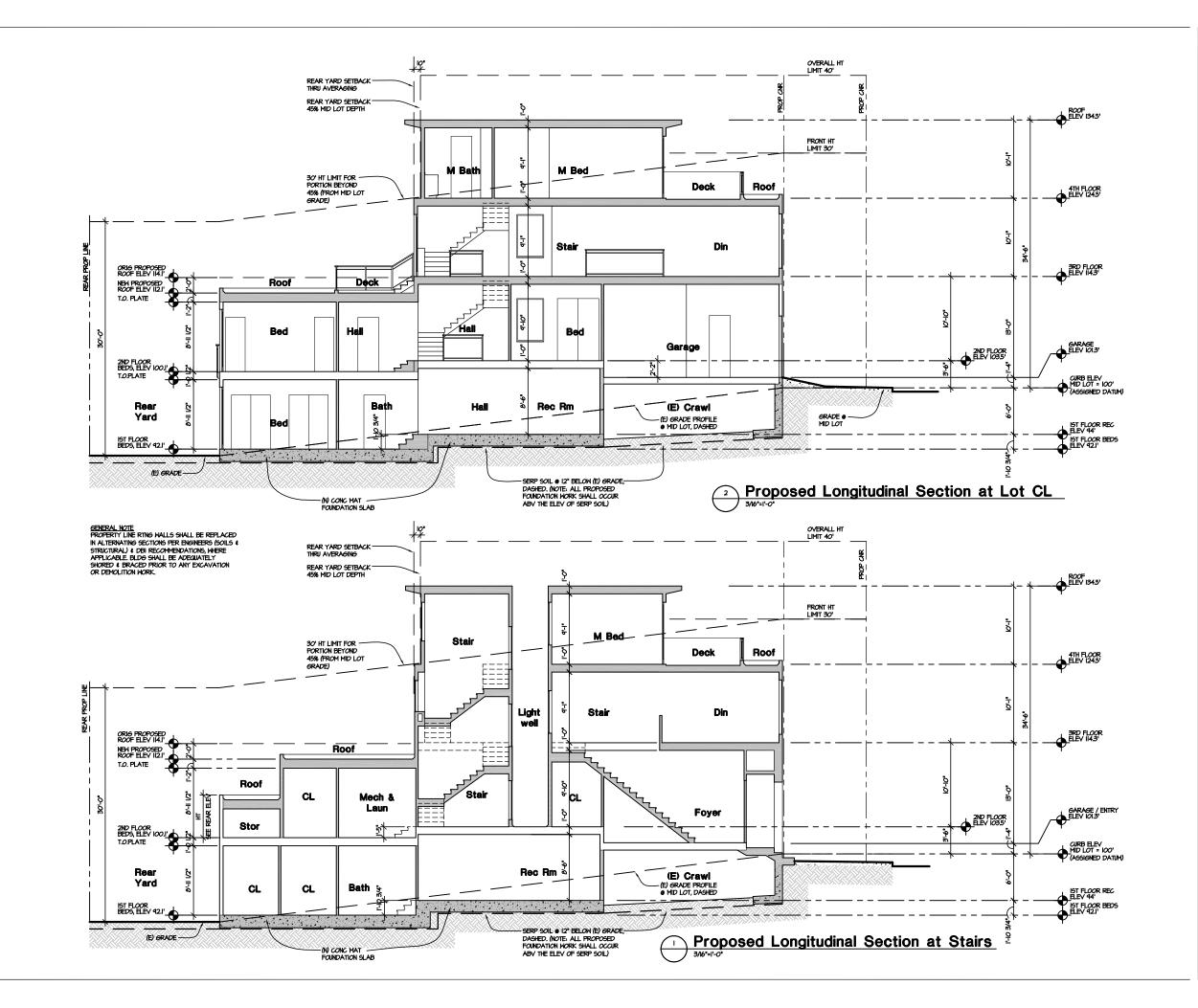


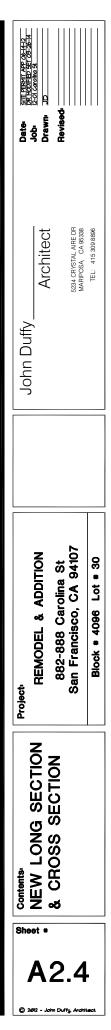
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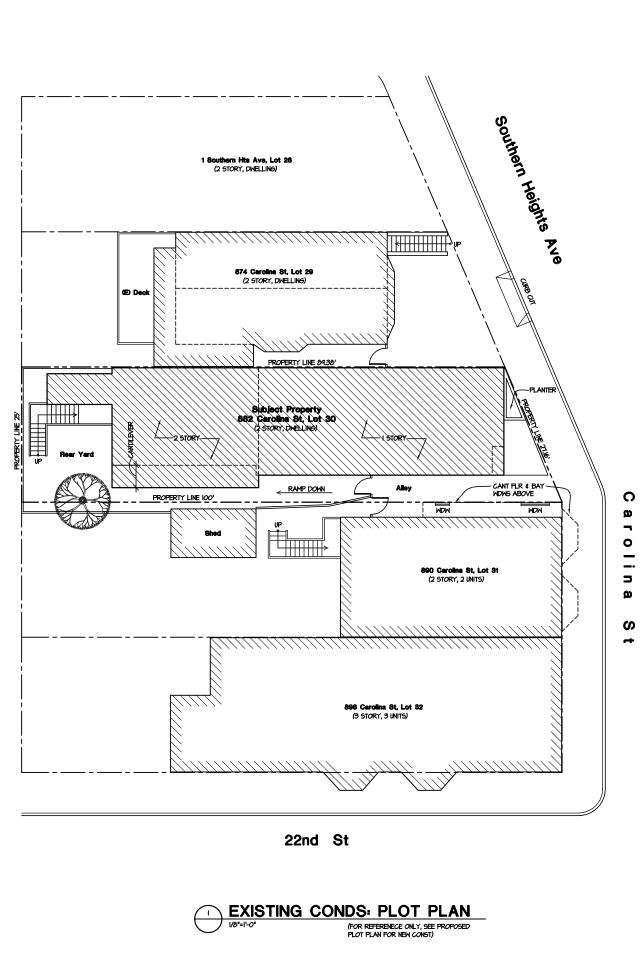




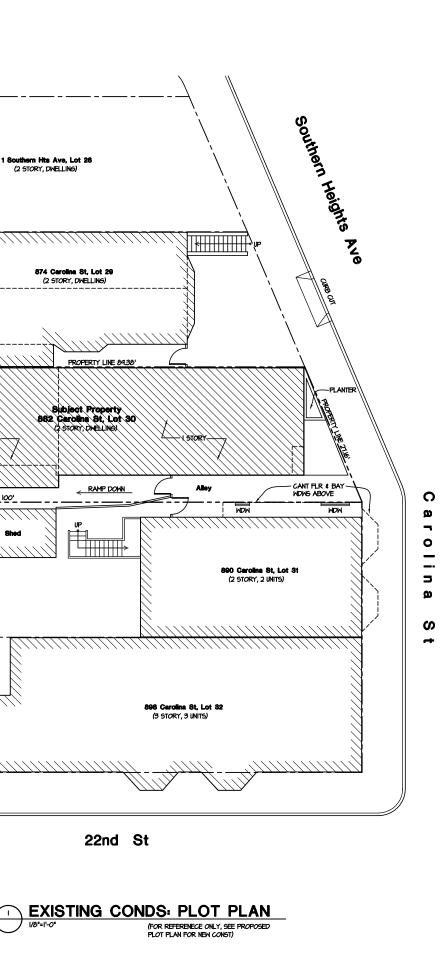


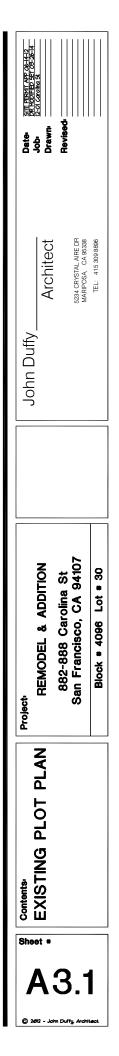


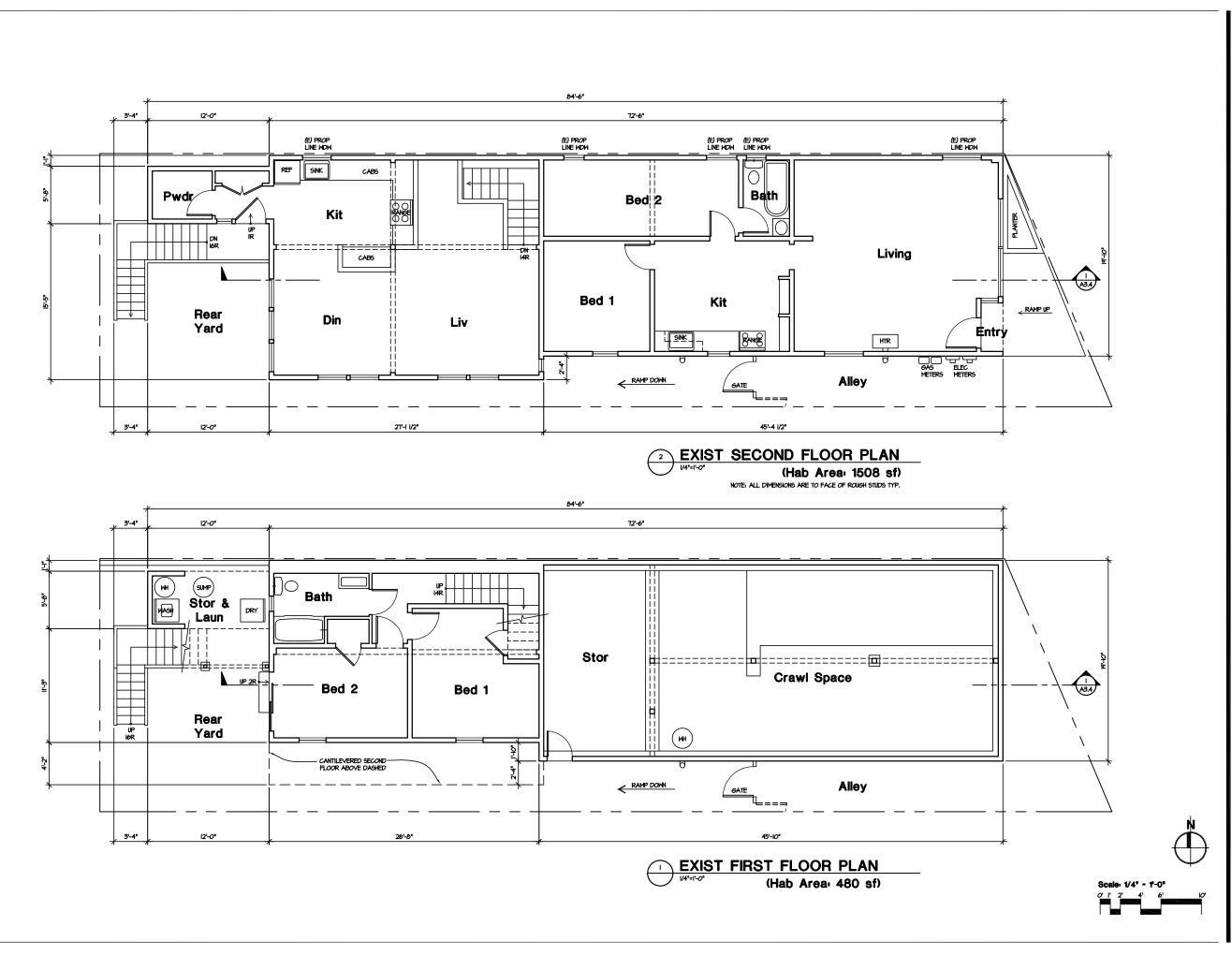


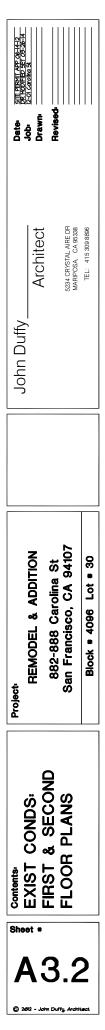


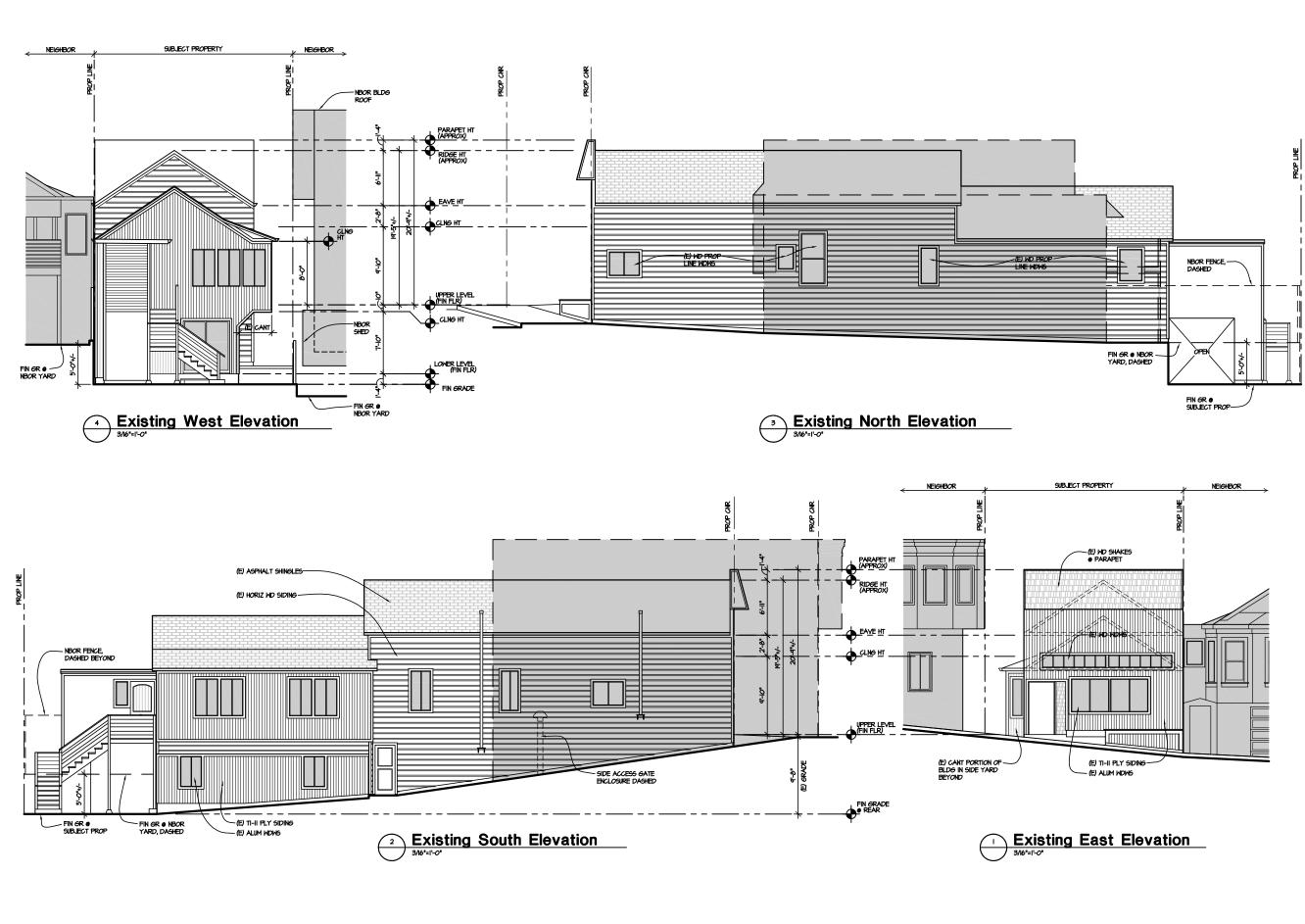


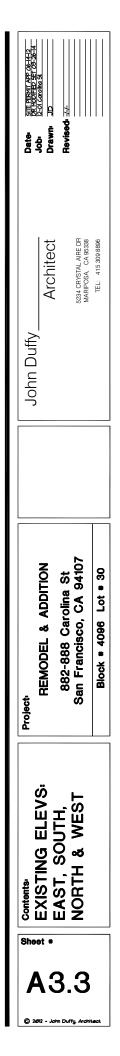


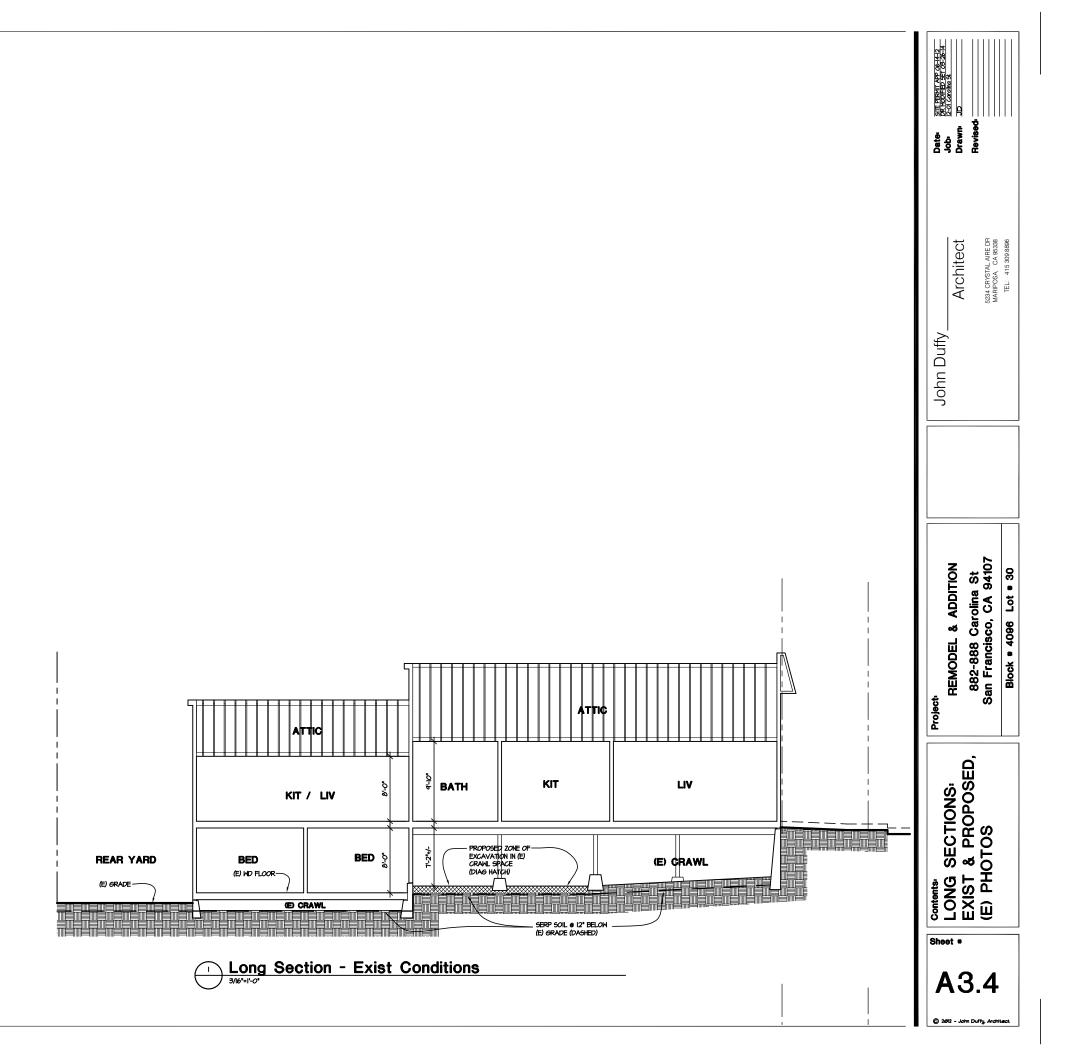


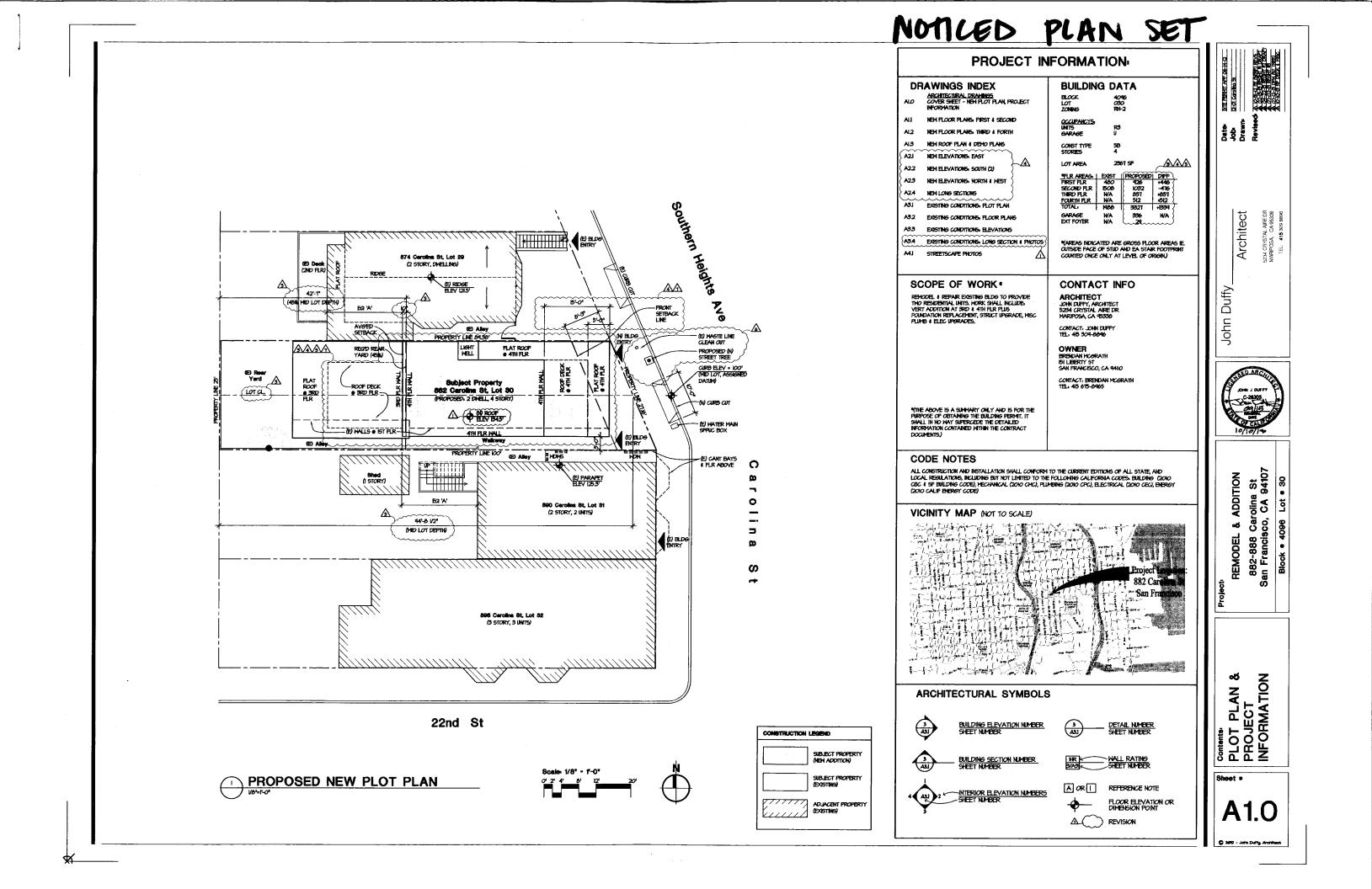


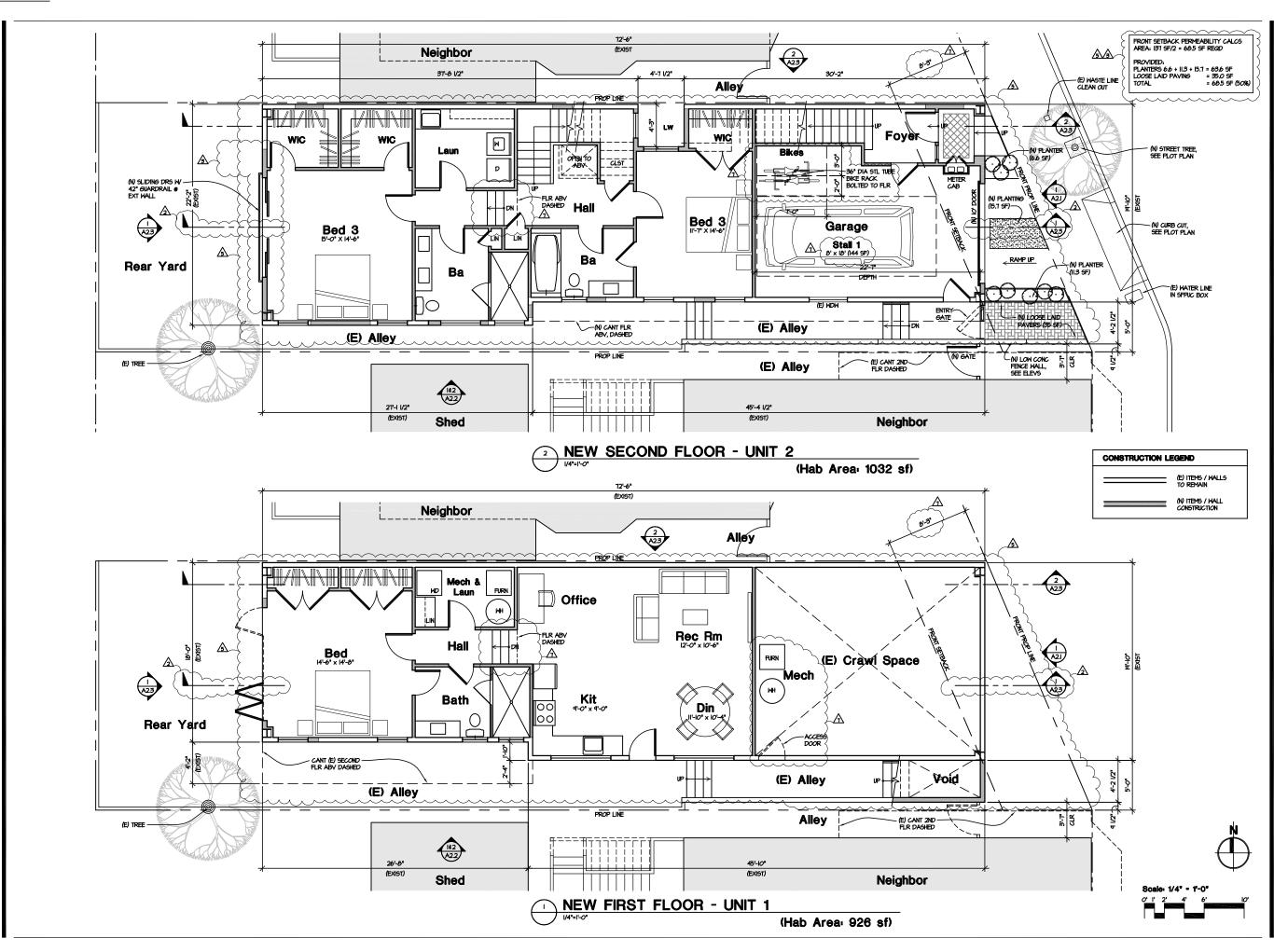


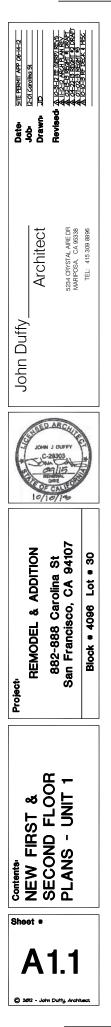


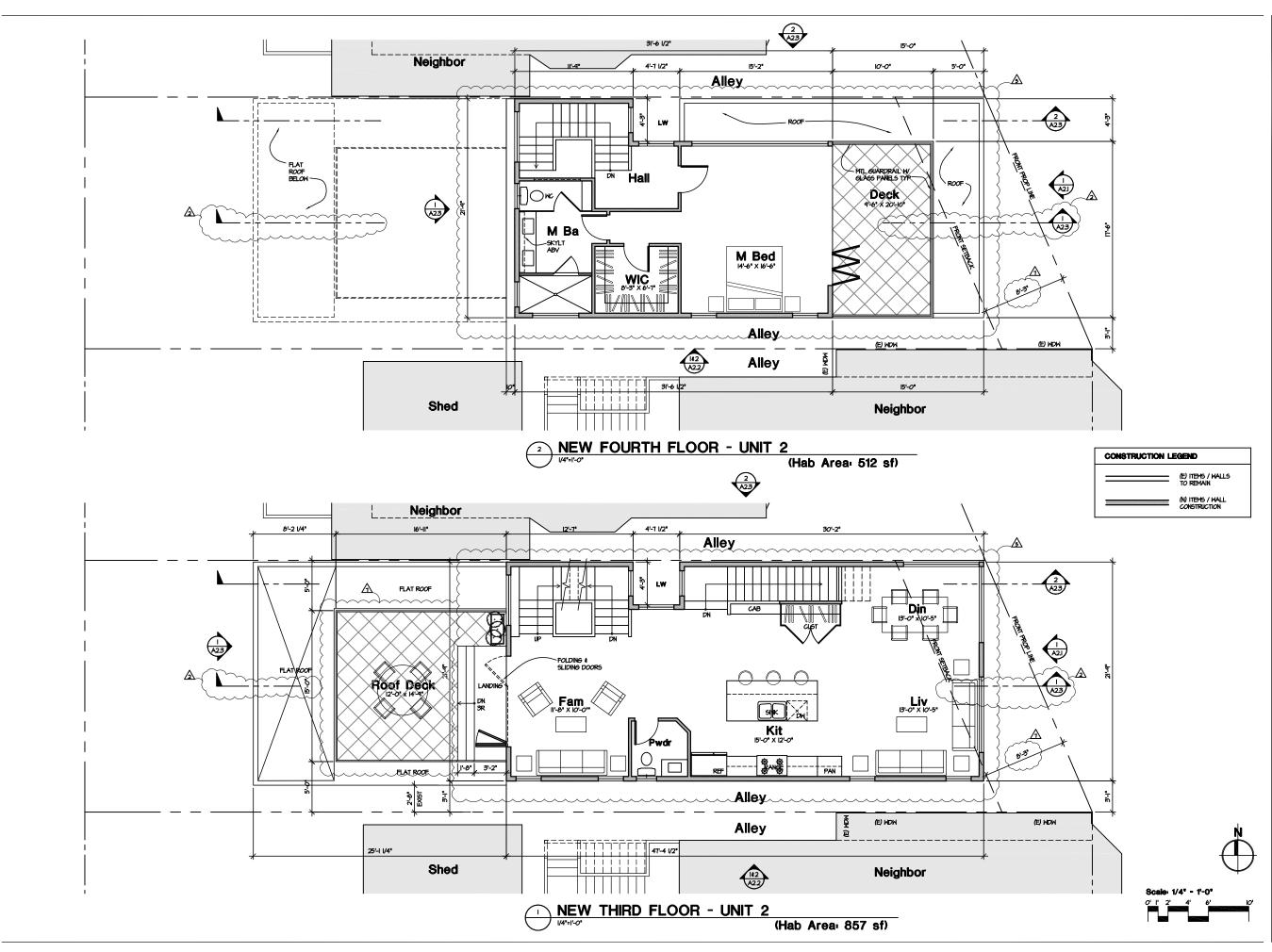




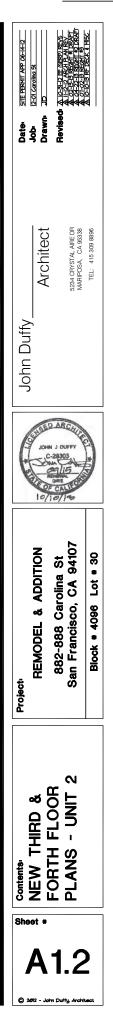


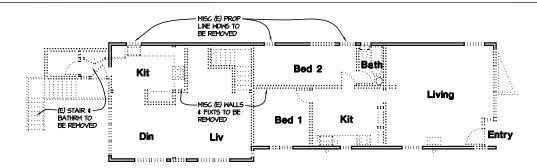


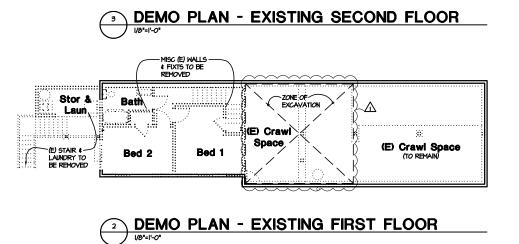


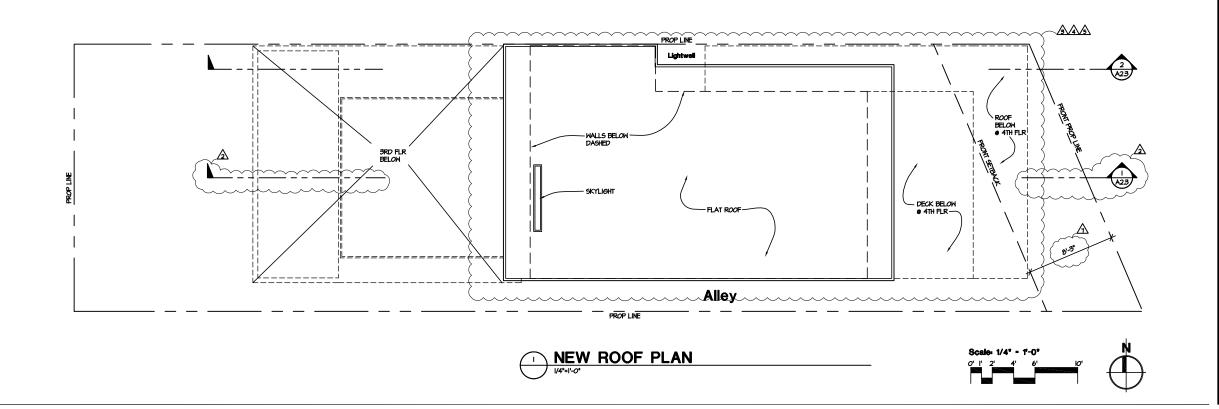


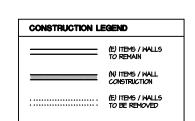
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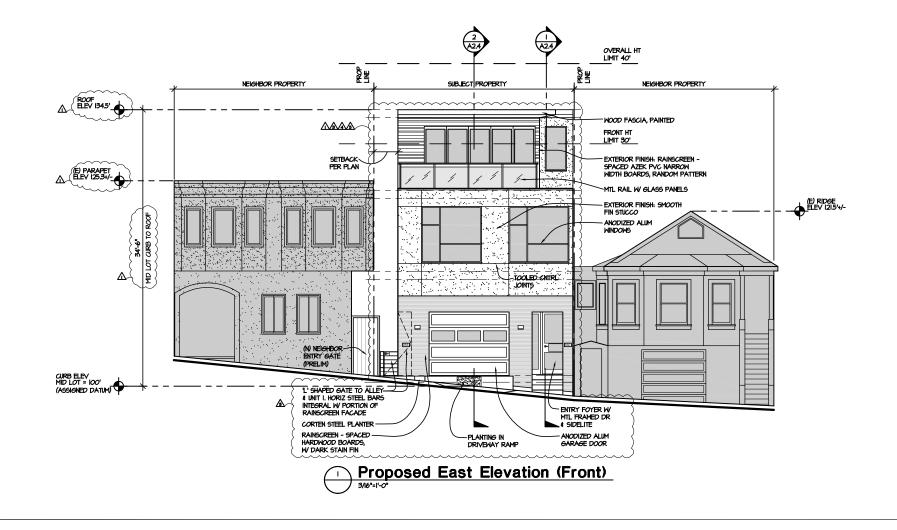




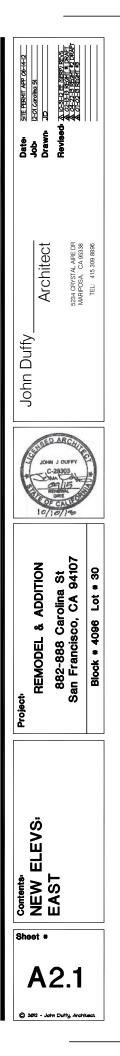




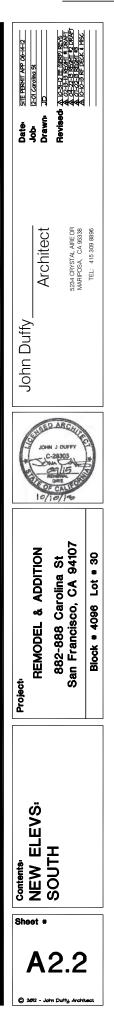


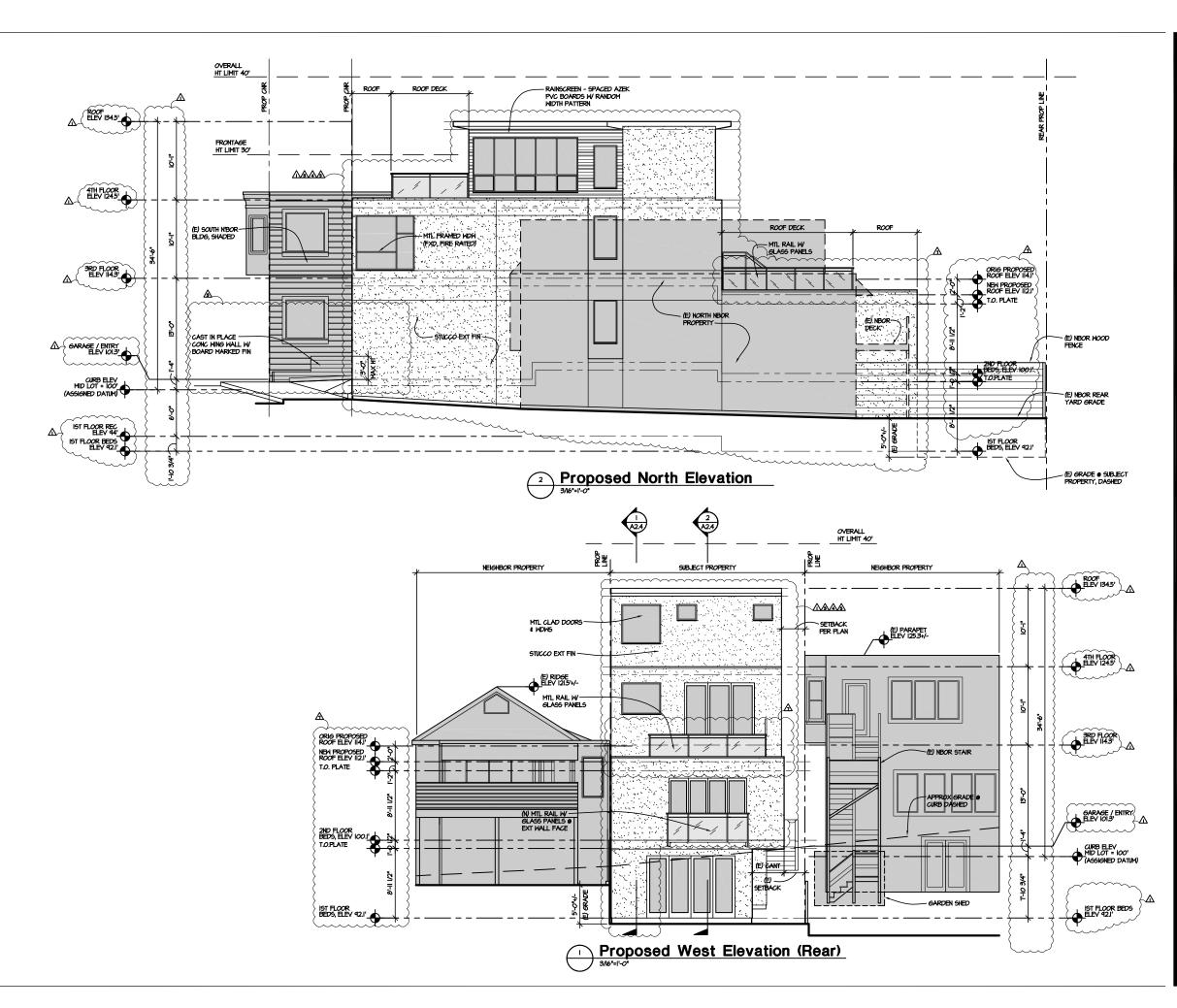


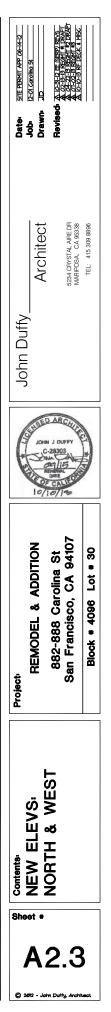
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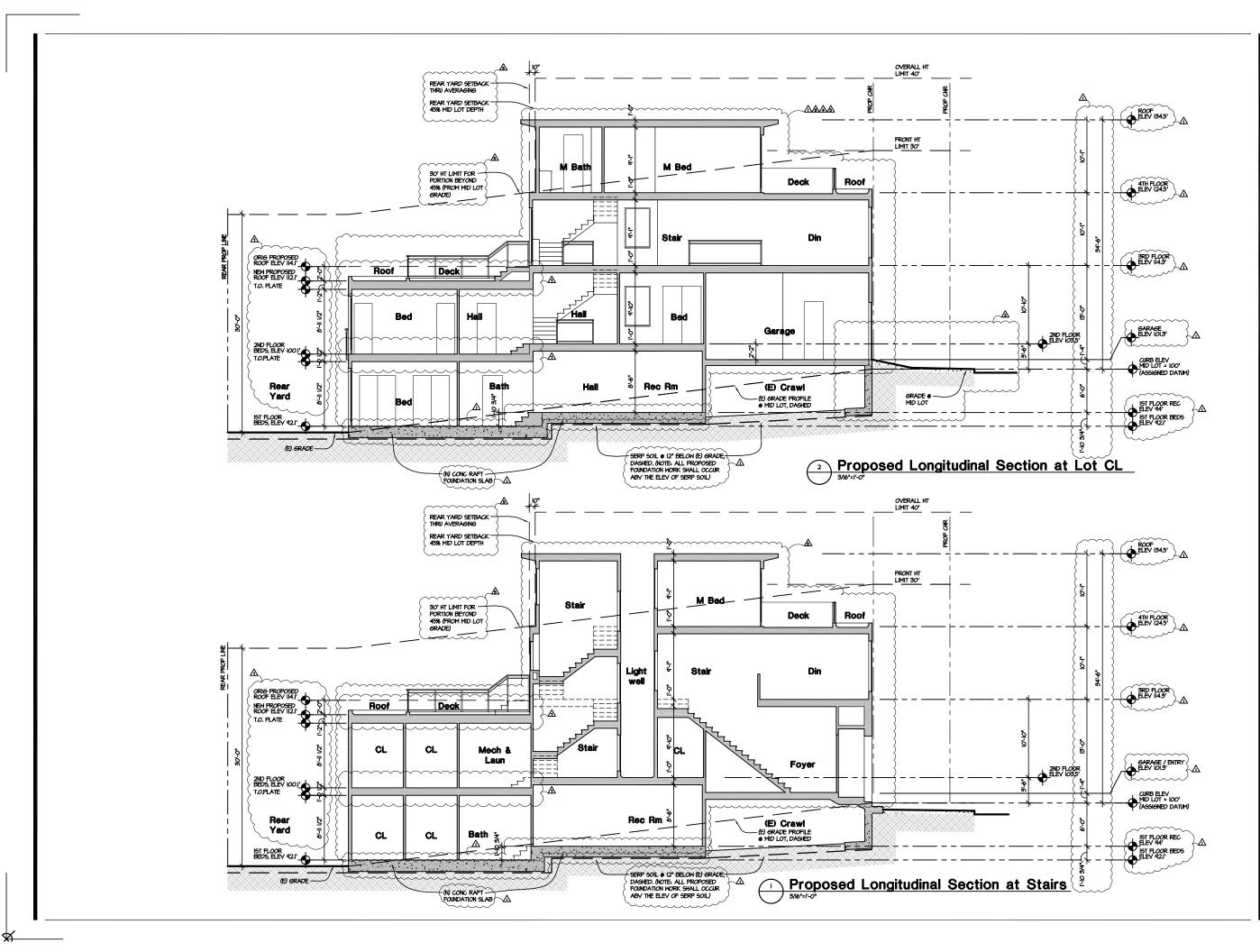


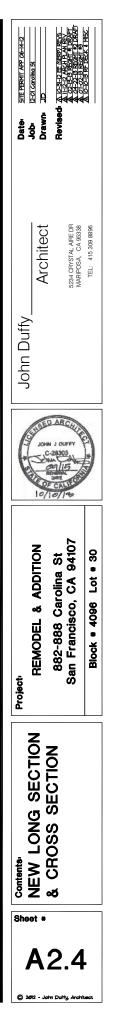


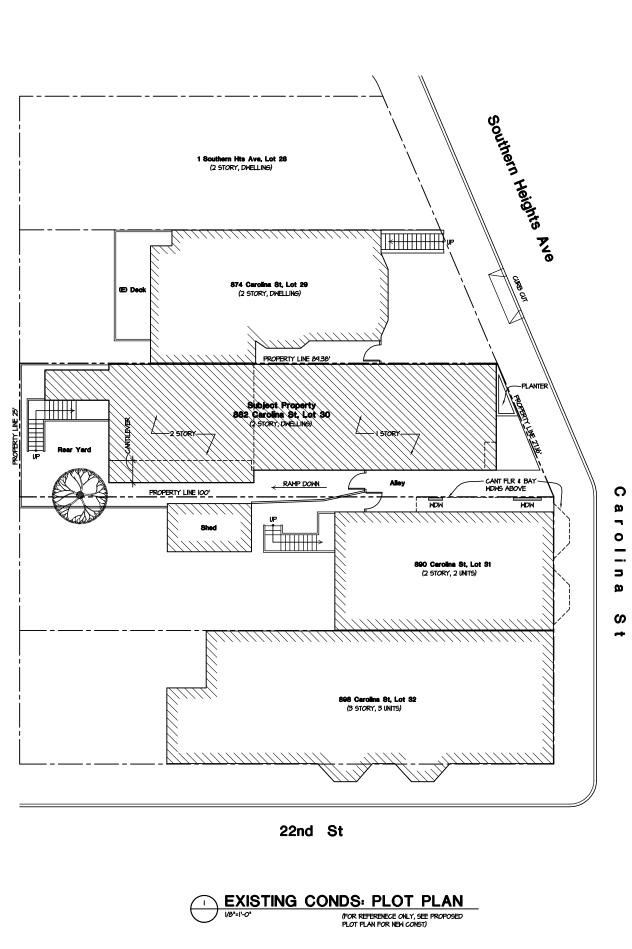






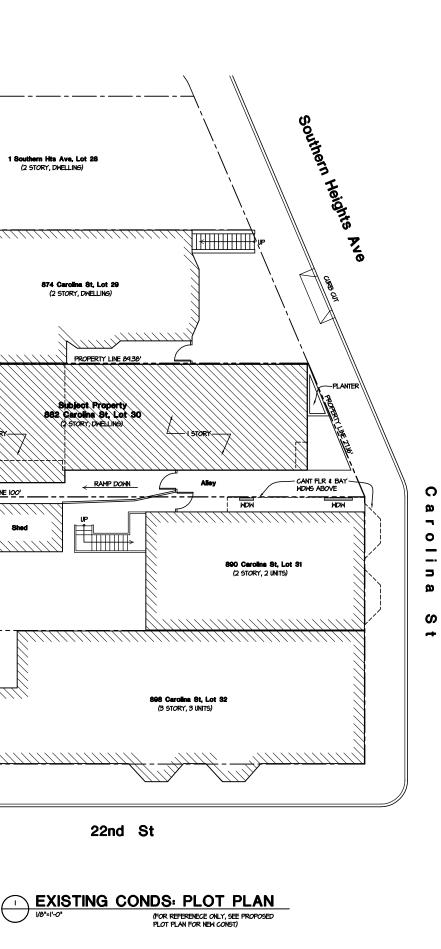


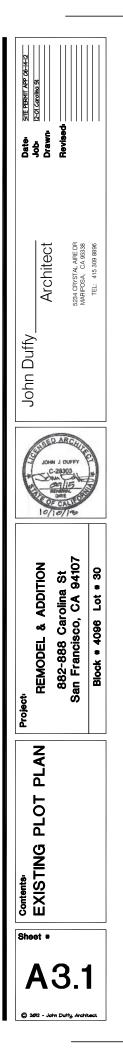


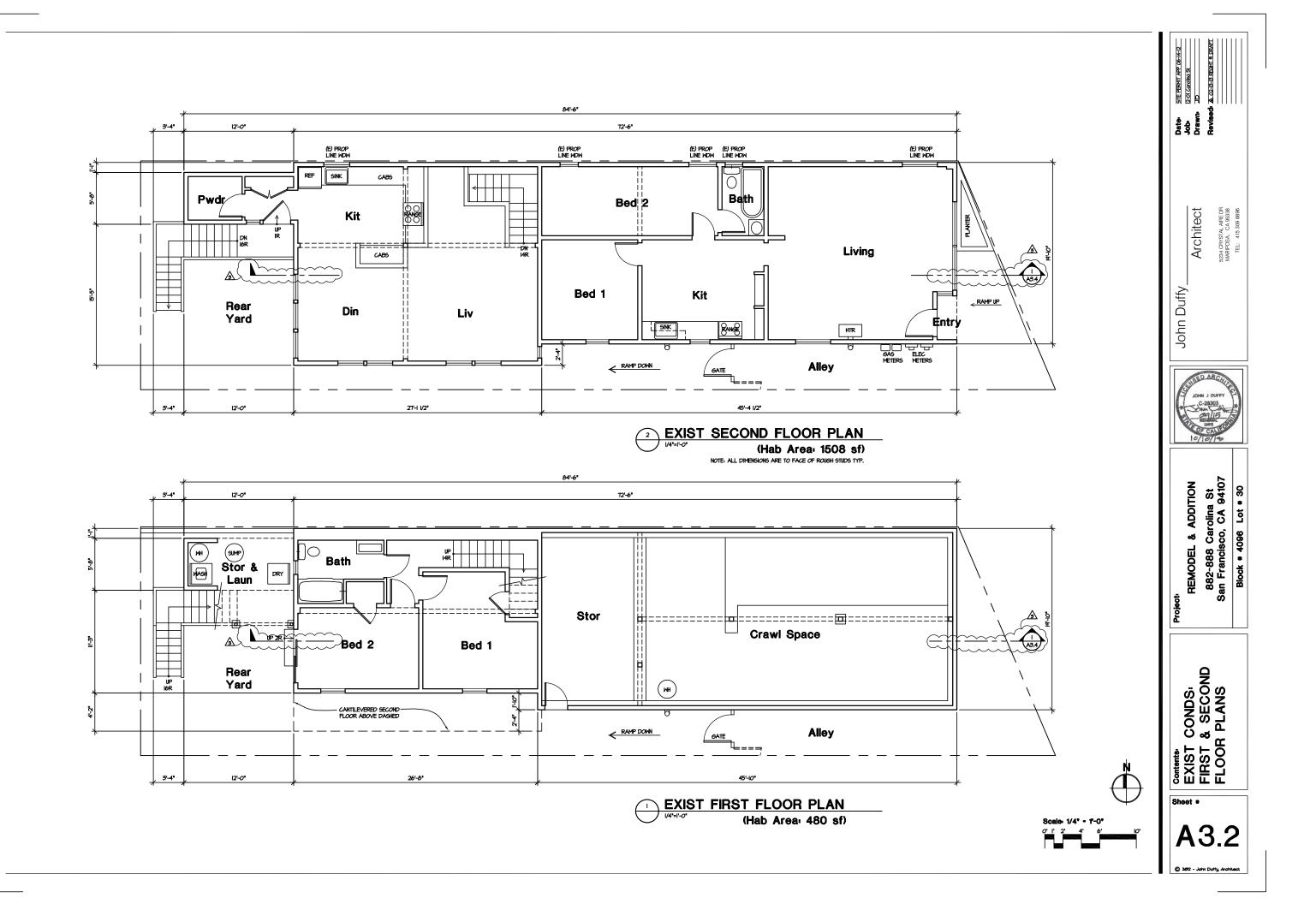


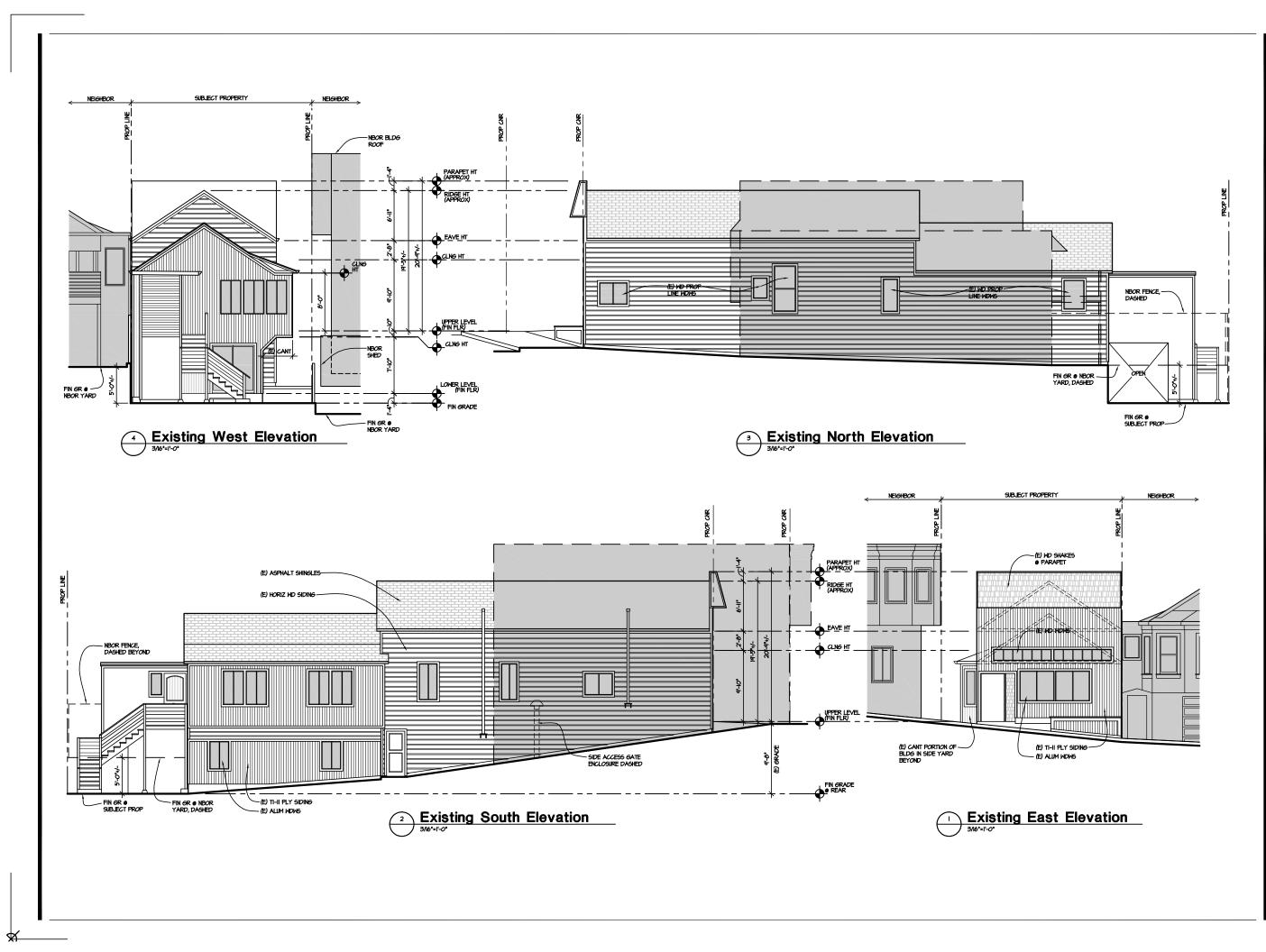


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Rear Yard - West Wall



Crawlspace - SE Corner



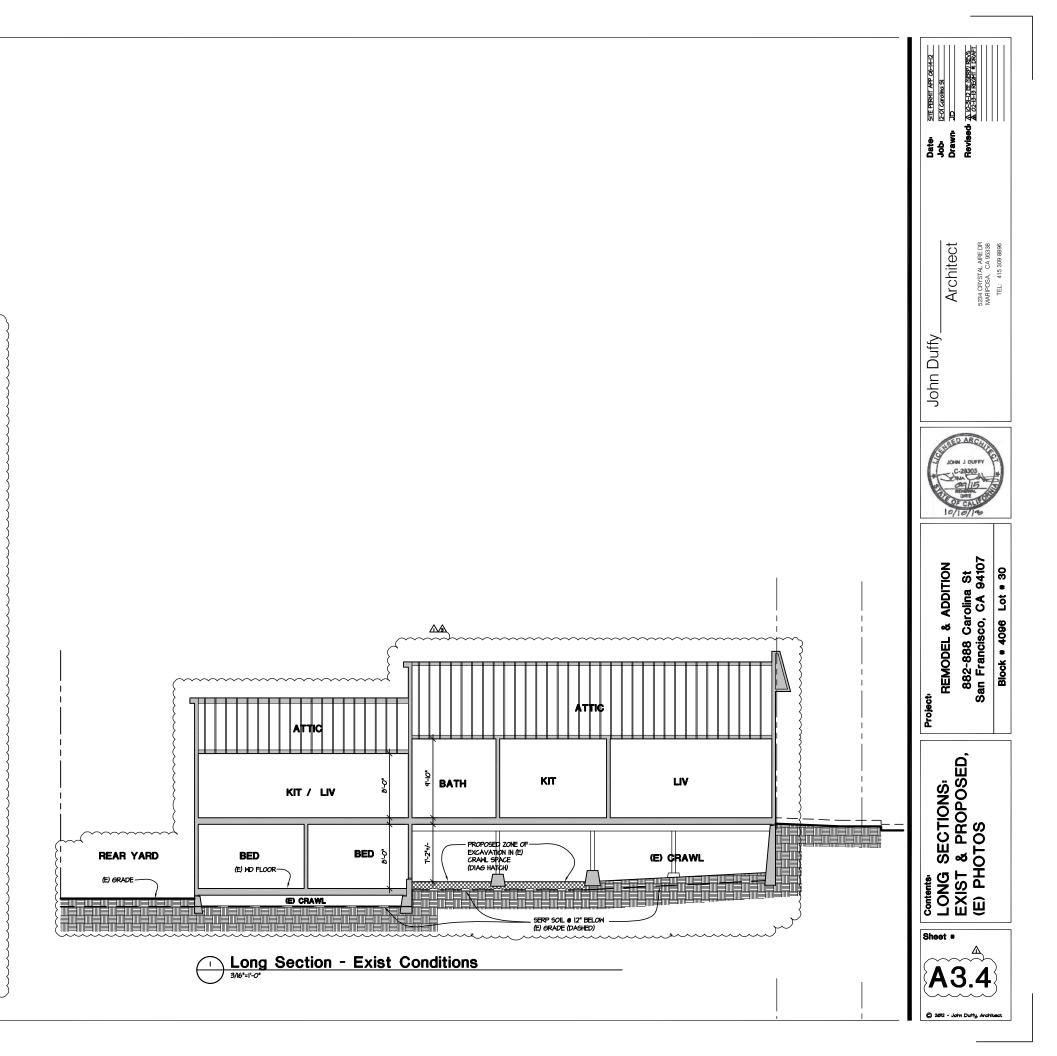
Crawlspace - North Wall

X

Crawlspace - South Wall



Crawlspace - View East





Rear Yard - West & South Walls



A



Corner Bldg - 22nd & Carolina



<u>) Carolina Streetscape - (West Side)</u>



<u>Carolina Streetscape - (East Side)</u>





Rear Elev - 890 Carolina (South Neighbor)

