



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: APRIL 24, 2014

Date: April 17, 2014
Case No.: **2013.1765D**
Project Address: **1264 6th AVENUE**
Permit Application: 2013.06.26.0594
Zoning: RH-1 (Residential House, One-Family)
40-X Height and Bulk District
Block/Lot: 1754/019
Project Sponsor: David Silverman
Reuben, Junius & Rose, LLP
1 Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Christine Lamorena – (415) 575-9085
christine.lamorena@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 two-to-three-story horizontal addition with a roof deck above the second story portion of the addition (approximately 4 feet deep by 16 feet wide) at the rear of the existing two-story-over-garage, single-family dwelling. The 3rd story will be set back approximately 9 feet from the northern property line. The project includes interior alterations and front landscaping.

SITE DESCRIPTION AND PRESENT USE

The project site contains a two-story-over-garage, single-family dwelling constructed circa 1900 on a 25-foot wide by 95-foot deep lot with a lot area of approximately 2,375 square feet. The subject lot is located on the east side of 6th Avenue between Hugo and Irving Streets in the Inner Sunset Neighborhood.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

On the subject block-face and opposite block-face, the majority of the buildings are three to four-story, single-family and multi-unit buildings. The subject block-face is zoned RH-1 while the opposite block-face is zoned RH-2 (Residential, House, Two-Family). The corner lots at Irving Street are within the Inner Sunset Neighborhood Commercial Zoning District.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	October 21, 2013 - November 20, 2013	November 20, 2013	April 24, 2014	155 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	April 14, 2014	April 14, 2014	10 days
Mailed Notice	10 days	April 14, 2014	April 14, 2014	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)		2 (DR Requestors, 1260 6 th Ave. and 1268 6 th Ave.)	
Other neighbors on the block or directly across the street		4 (Property Owners, 425 Hugo St., 1256 6 th Ave., 1258 6 th Ave., and 1272 6 th Ave.)	
Neighborhood groups			

The Department received an additional 11 letters in opposition to the project.

DR REQUESTORS

Ken Miller and Julie McKenzie, owners at 1260 6th Avenue, a two-story-over-garage, single-family dwelling immediately north of the subject property. Cynthia Smith, owner at 1268 6th Avenue, a two-story-over-garage, single-family dwelling immediately south of the subject property, is also party to the Miller/McKenzie DR request.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated November 20, 2013 and *Discretionary Review Applicants Supplemental Brief*, dated April 16, 2014.

PROJECT SPONSOR’S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated March 31, 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).

RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team (RDT) found that the proposed project meets the standards of the Residential Design Guidelines (RDGs) and that the project does not present any exceptional or extraordinary circumstances for the following reasons:

- The amount of loss of light and additional shadowing is within reasonable expectations of development impacts in an urban setting (RDG pg. 16).
- The proposed depth is modest with minimal effect on the mid-block open space (RDG pgs. 25-27).

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:

Parcel Map
Sanborn Map
Zoning Map
Aerial Photographs
Section 311 Notice
DR Application, dated November 20, 2013
Response to DR Application Packet

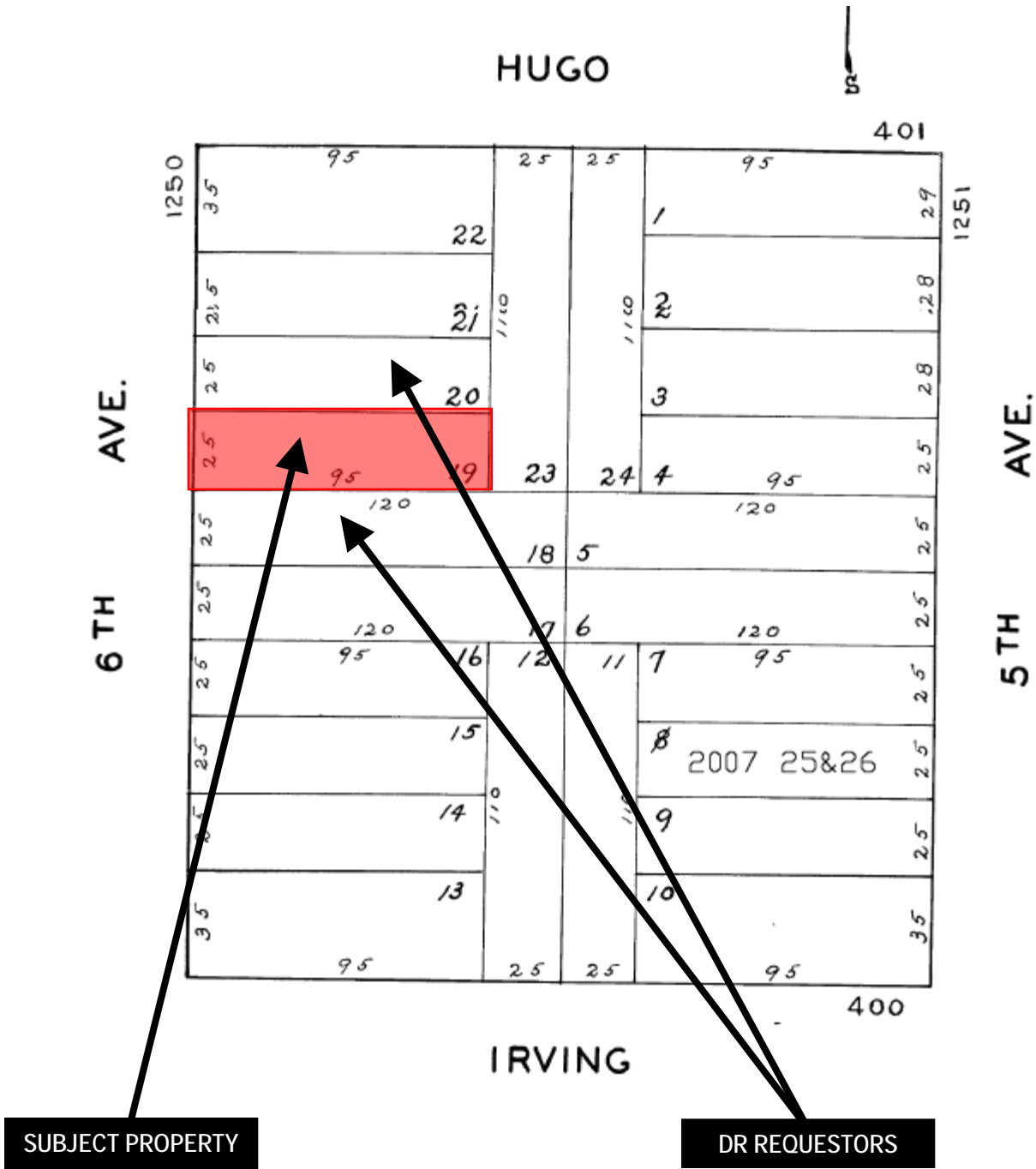
- Response to DR Application, dated March 31, 2014
- Reduced Plans
- Site Photographs

DR Requestor Rebuttal Packet

- Discretionary Review Applicants Supplemental Brief, dated April 16, 2014
- Letters of Opposition (15)

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Parcel Map



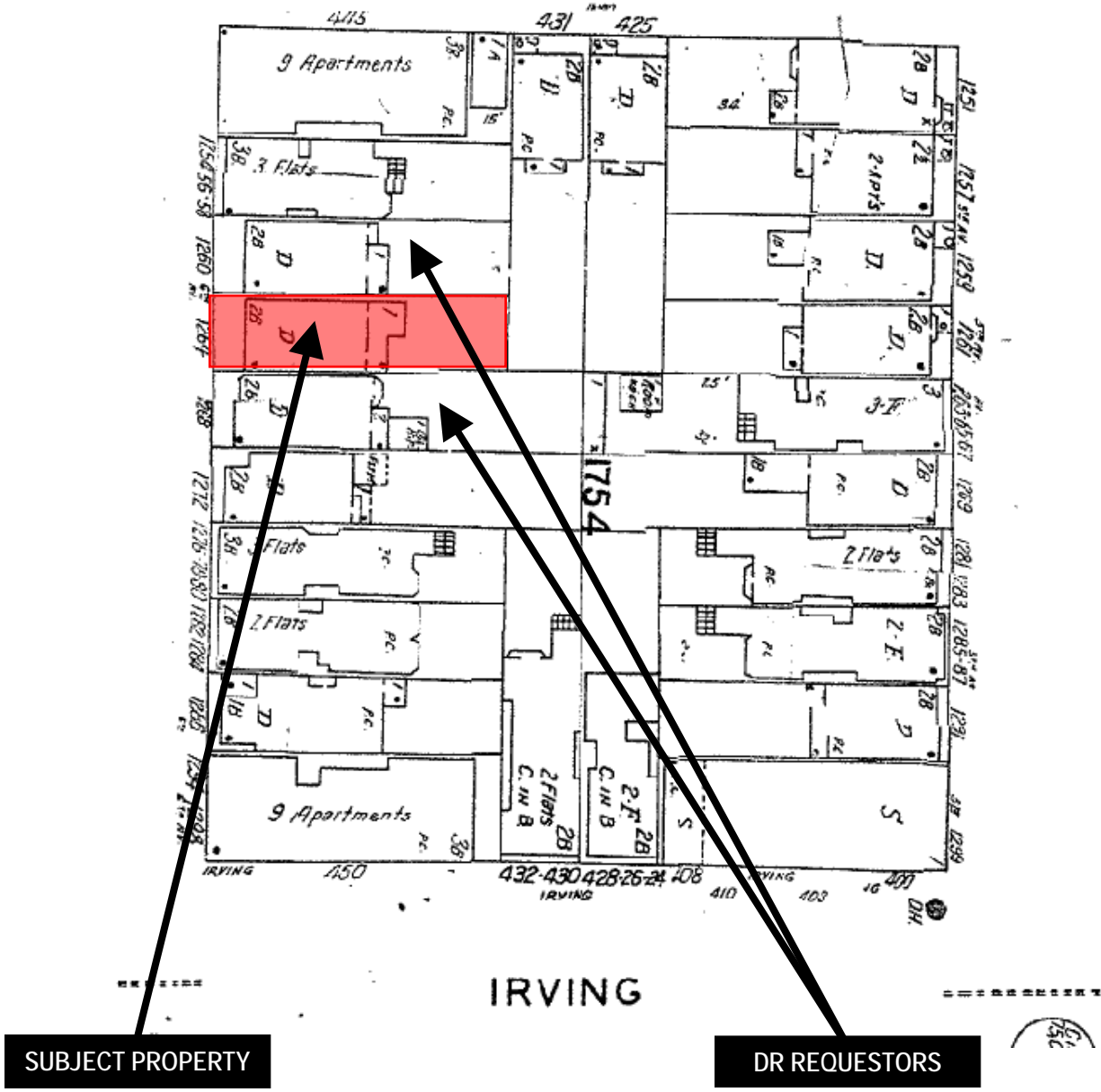
SUBJECT PROPERTY

DR REQUESTORS



Discretionary Review Hearing
 Case Number 2013.1765D
 1264 6th Avenue
 Block 1754 / Lot 019

Sanborn Map*



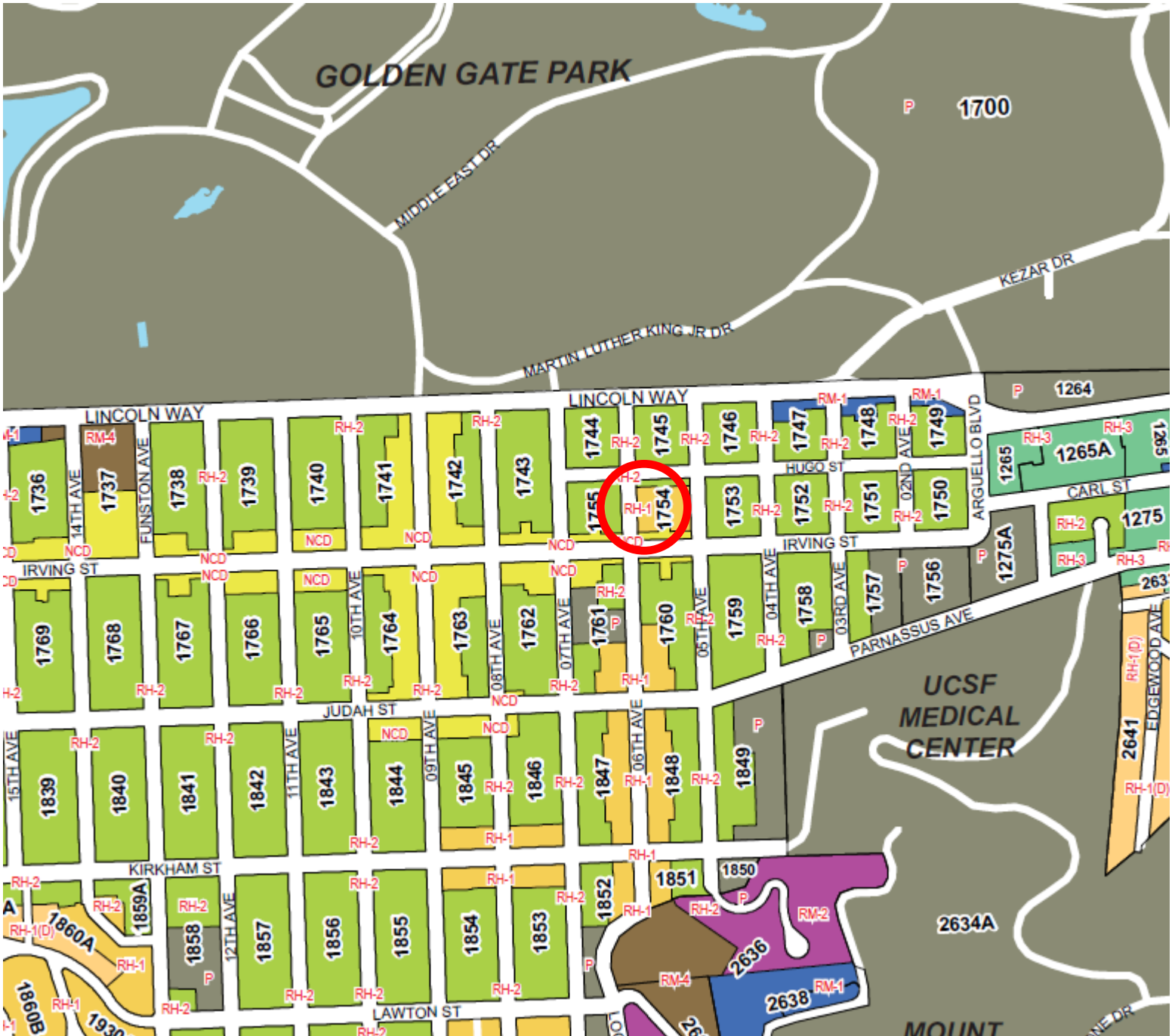
SUBJECT PROPERTY

DR REQUESTORS

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



Zoning Map



Discretionary Review Hearing
Case Number 2013.1765D
1264 6th Avenue
Block 1754 / Lot 019

Aerial Photo (looking east)

DR REQUESTORS



SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2013.1765D
1264 6th Avenue
Block 1754 / Lot 019

Aerial Photo (looking west)

DR REQUESTORS



SUBJECT PROPERTY

Discretionary Review Hearing
Case Number 2013.1765D
1264 6th Avenue
Block 1754 / Lot 019



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311/312)

On **June 26, 2013**, the Applicant named below filed Building Permit Application No. **2013.06.26.0594** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	1264 6th Avenue	Applicant:	Leslie Arnold
Cross Street(s):	Hugo & Irving	Address:	63 Verna Street
Block/Lot No.:	1754/019	City, State:	San Francisco, CA 94127
Zoning District(s):	RH-1 / 40-X	Telephone:	(415) 713-2960

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		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	Approx. 13 feet	No Change
Side Setbacks	None	No Change
Building Depth	Approx. 48 feet	Approx. 50 feet
Rear Yard	Approx. 34 feet	Approx. 32 feet
Building Height	Approx. 31 feet (to mid-slope)	No Change
Number of Stories	2 over garage	No Change
Number of Dwelling Units	1	No Change
PROJECT DESCRIPTION		
<p>The proposal to construct a 2 to 3 story horizontal addition at the rear of the building with a roof deck above a 2nd story portion (approx. 4 feet deep by 16 feet wide) of the building. The 3rd story addition will be set back approximately 9 feet from the northern property line. The project includes interior alterations and changes to the front landscaping to meet Planning Code requirements. See attached plans.</p>		

For more information, please contact Planning Department staff:

Planner: Christine Lamorena

Telephone: (415) 575-9085

E-mail: christine.lamorena@sfgov.org

Notice Date: **10/21/2013**

Expiration Date: **11/20/2013**

GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

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

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org. You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.** **Incomplete applications will not be accepted.**

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

APPLICATION FOR
Discretionary Review

NOV 20 2013

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
NEIGHBORHOOD PLANNING

1. Owner/Applicant Information

DR APPLICANT'S NAME: Ken Miller and Julie McKenzie		
DR APPLICANT'S ADDRESS: 1260 Sixth Avenue, San Francisco, CA	ZIP CODE: 94122	TELEPHONE: (415)297-0971
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Andrea Sello and Andrew Leighton		
ADDRESS: 1264 Sixth Avenue, San Francisco, CA	ZIP CODE: 94122	TELEPHONE: (415) 664-9789
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS: kenbasso4@gmail.com; jewelflute@gmail.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 1264 Sixth Avenue, San Francisco, CA		ZIP CODE: 94122
CROSS STREETS: Hugo and Irving		
ASSESSORS BLOCK/LOT: 1754 /019	LOT DIMENSIONS: 95 /25	LOT AREA (SQ FT): 2375
ZONING DISTRICT: RH-1		HEIGHT/BULK DISTRICT: 40-X

3. Project Description

Please check all that apply

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

Present or Previous Use:

Proposed Use: Residential

Building Permit Application No. 2013.06.26.0594

Date Filed: June 26, 2013

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.

The basic dimensions of the addition were not stated on the Notice plans. After a series of negotiations, the owners provided revised plans. Revised plans were received 10 days later. Miller/McKenzie engaged an architect to prepare a shadow study. The Parties had limited remaining time to evaluate and discuss the project. An informal meeting was held on 11/19/13 without progress. Miller/McKenzie are willing to participate in mediation. It is unknown if the owners of the Subject Property Sello/Leighton will participate.

Discretionary Review Request

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

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

See Attached.

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 Attached.

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

See Attached.

13-17650

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: Julie McKinnis

Date: 11/19/13

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

owner

Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

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

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

NOTES

Required Material.

Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: Kurt Botn

Date: 11/20/13

- 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 Guideline? Please be specific and site specific sections of the Residential Design Guidelines.**

At issue is the construction project at 1264 Sixth Avenue, San Francisco, California; Block 1754 Lot 019. ("Subject Property"). The owners of the construction project ("Project") are Ms. Andrea Sello and Mr. Andrew Leighton ("Property Owners"). The request for Discretionary review is brought by Mr. Ken Miller and Ms. Julie McKenzie ("Miller/McKenzie"), the owners of 1260 Sixth Avenue; the property immediately adjacent to the north of the Subject Property. Ms. Cynthia Smith, the owner of 1268 Sixth Avenue also joins in the request for Discretionary Review. Ms. Smith's property is immediately adjacent to the Subject Property on the south side.

The construction project seeks to extend the Subject Property into the back yard open space at all three levels of the home. The project will include bay windows which will further extend into the yard space by an additional 2 feet. A deck will be added to the third floor.

The Discretionary Review request is based upon the following impacts resulting from the expansion project at the Subject Property: loss of light and shadowing to neighboring properties, loss of mid-block open space, out of scale addition, "boxed-in" impacts to neighbors, loss of visual openness, uncharacteristically deep or tall addition.

"When expanding a building into the rear yard, the impact of that expansion on light and privacy for abutting structures must be considered." Residential Design Guidelines, Page 16 (emphasis added).

The Miller/McKenzie's are highly concerned about the shading and light impacts of the construction project at the Subject Property. The construction at the Subject Property will extend the current building foot print by 2+ feet at all levels, with an addition of 2 feet of bay windows. As the result of a prior expansion project, the rear portion of the Subject Property already extends an additional 6 feet beyond the Miller/McKenzie Property. If the project is built, the Subject Property will extend 10 feet beyond the Miller/McKenzie Property. The result will be significant blockage of sun light, and extensive shading/shadowing of the Miller/McKenzie property.

Due to the sun's patterns in the neighborhood, the Miller/McKenzie's will suffer more than any other property in the neighborhood from the blockage of light and openness. The addition will also result in a depressing "boxed-in" impact to the Miller/McKenzie's.

DISCRETIONARY REVIEW APPLICATION

"This City Planning Code is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare, and for the following more particularly specified purposes:... To provide adequate light, air, privacy and convenience of access to property..." San Francisco Planning Code Section 101 (c).

The San Francisco City Planning Code and the San Francisco Residential Design Guidelines, acknowledge the importance of light impacts to a property. SF Planning Code 101(c); Residential Design Guidelines, Pages 16.

The Miller/McKenzie's home has a deck and kitchen area at the rear of the home. The Miller/McKenzie's renovated this portion of their home to increase light and openness. The renovation project had minimal impacts. Miller/McKenzie's managed to stay within one foot of the existing foot print of their home.

The blockage of light and openness from the Subject Property will have extraordinary impacts on the Miller/McKenzie home because the proposed addition will cause a sharp reduction in light to the Miller/McKenzie property. The Miller/McKenzie's home has several sky lights in the rear of the home. The skylights will be shadowed by the addition.

Ms. Julie McKenzie also suffers from Seasonal Affect Disorder (SAD). By blocking light to the Miller/McKenzie's home, the proposed project at the Subject Property will have exceptional and extraordinary impacts on Ms. McKenzie's health. The son of Miller and McKenzie is scheduled to return from a residential treatment program. The blockage of sun and openness to the Miller/McKenzie property will be detrimental to his recovery. This is an exceptional and extraordinary circumstance.

"Though the Planning Code establishes the maximum building envelope by dictating setbacks and heights, the building must also be compatible with the form of surrounding buildings." Residential Design Guidelines, Page 28. (emphasis added).

If the planned renovation to the Subject Property is built, the rear portion of the Subject Property will extend approximately 10 feet beyond the home of Miller/McKenzie. The Subject Property will be out-of-scale and incompatible with surrounding buildings. The fact that a prior expansion was performed at the Subject Property, now pushes the additional expansion project into a zone that will create exceptional and extraordinary impacts. Specifically, the Miller/McKenzie's will be blocked-in and cut-off from light and open space.

"The height and depth of a building expansion into the rear yard can impact the mid-block open space. Even when permitted by the Planning Code, building expansions into the rear yard may not be appropriate if they are uncharacteristically deep or tall, depending on the context of other buildings that define the mid-block open space. An out-of-scale rear yard addition can leave

DISCRETIONARY REVIEW APPLICATION

surrounding residents feeling “boxed-in” and cut-off from the mid-block open space.” Residential Design Guidelines, Page 26.

The expansion project at the Subject Property is not appropriate based upon the context of the other buildings that define mid-block open space. The Miller/McKenzie’s and Ms. Smith are the adjacent neighbors to the Subject Property. Both Miller/McKenzie and Ms. Smith will be impacted by the deep and tall expansion of the Subject Property. The Subject Property will extend 10 feet into the rear yard, on three levels, effectively cutting off and blocking-in their neighbors, the Miller/McKenzie’s and Ms. Smith.

“Rear yards provide open space for the residences to which they are attached, and they collectively contribute to the mid-block open space that is visible to most residents of the block. This visual open space can be a significant community amenity.” Residential Design Guidelines, Page 25.

The neighborhood will be impacted by the planned structure at the Subject Property. The visual mid-block open space is currently a significant community amenity. As stated in Response #2 below, many members of the block community have performed mindful renovations with minimal impacts to the open space. The addition to the Subject Property consists of three levels of expansion. The Subject Property will extend 10 feet beyond the Miller/McKenzie’s home. Many people in the neighborhood, including Ms. Smith, enjoy the view of the Miller/McKenzie garden space. The extension will block the highly valued open space enjoyed by the neighborhood.

In sum, the renovation project at the Subject Property will have extraordinary impacts on the Miller/McKenzie’s and the neighborhood block as a whole. The Miller/McKenzie’s will be blocked-in by the expansion project at the Subject Property, and the project will have significant impacts on with regards to the Miller/McKenzie’s health, well being, and enjoyment of their property.

- 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.**

Prior Expansion. The Project located at 1264 Sixth Avenue previously underwent an expansion/renovation, which is believed to have taken place sometime in the 1970’s. As a result of the prior expansion, the rear portion of the Subject Property currently extends approximately 6

DISCRETIONARY REVIEW APPLICATION

feet beyond the Miller/McKenzie property. The Miller/McKenzie's erected a trellis to reduce the impacts of the protruding Subject Property. The proposed addition, including the bay windows, threatens to add another 4 feet to the rear portion of the Subject Property. As a result the true impacts of the addition will be an extension of the Subject Property of 10 feet beyond the existing structure of the Miller/McKenzie home. The extension of the Subject Property into the rear yard will result in a reduction of open mid-block space, boxed-in confinement to Miller/McKenzie's, and significant shading and shadowing of Miller/McKenzie property. The Miller/McKenzie's and the other abutting neighbor, Ms. Smith will be impacted by the out-of-scale dimensions of the addition at the Subject Property. "An out-of-scale rear yard addition can leave surrounding residents feeling 'boxed-in' and cut-off from the mid-block open space." Residential Design Guidelines, Page 26. This "second expansion" of the Subject Property is unreasonable, given the prior expansion into the rear yard.

Neighborhood Mid-Block Open Space/Preservation. The Miller/McKenzie home is located immediately adjacent to the Subject Property on the north side. The Miller/McKenzie's renovated their home to increase light and openness. The renovation was specifically designed to avoid impacts to neighbors, and protect the existing open space. The Miller/McKenzie renovation was done with less than a one foot change to the footprint of their building.

When the Miller/McKenzie's performed their remodel project, they were aware that their neighbors to the north were renters, and would not likely complain if Miller/McKenzie's added an addition into the rear yard. However, the Miller/McKenzie's were conscious of potential impacts to neighbors and respectful of the existing open space. As a result, the Miller/McKenzie's performed renovations without impacting their neighbors.

The home of Cynthia Smith is located immediately adjacent to the Subject Property on the south side. Ms. Smith renovated her home. The renovations to the Smith home, were likewise performed to avoid impacts to neighbors and to protect the existing open space.

Renovation projects have been performed by other neighbors on the block. These renovations have also been performed with respect to the existing footprints, and without significant impacts to the neighbors or impingement upon the mid-block opens space. Other neighborhood project include, Craig and Melissa Marshall (425 Hugo), and Laurence Kornfield (1257 5th Ave).

The mid-block open space is very strong on this block. Furthermore, there is a strong culture within this specific block of protecting and preserving the mid-block open space. "Rear yards provide open space for the residences to which they are attached, and they collectively contribute to the mid-block open space that is visible to most residents of the block. This visual open space can be a significant community amenity." Residential Design Guidelines, Page 25.

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This is a community that strongly values the mid-block open space. Numerous neighbors have engaged in mindful development, and actively resisted expansion. The visual open space is a significant and valued community amenity; it would be unreasonable for the Owners of Subject Property to destroy the openness, enjoyed by this community.

Additional neighbors that have expressed concern about impacts to mid-block open space from the proposed project at the Subject Property, including but not limited to Morgan and Ibon Benz, Vanessa Fabian, Kimra McPherson and her husband, Craig Marshall, Patty Weiss, and Brendan, also Patty Weiss' mother.

Light And Health Impacts. The Miller/McKenzie's invested in renovations to add light and openness to their home. The kitchen area at the rear of the Miller/McKenzie home was opened up by adding glass doors to the deck, multiple skylights, transom window, and a bowed, four-panel bay window. This light and openness is now being threatened by the proposed addition at the Subject Property. It should also be noted that Julie McKenzie has been diagnosed with Seasonal Affect Disorder, wherein a person's mood and emotional status is highly impacted by a decrease in exposure to sunlight. The reduction in light to the Miller/McKenzie home will have increased impact on the Ms. McKenzie and her health. The impacts of the Subject Property are unreasonable to the extent that the addition will block natural light to the Miller/McKenzie home.

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

The Miller/McKenzie's have experienced significant difficulties in obtaining information about the project from the Project Owners. At the Pre-Application Meeting in May, Miller/McKenzie requested copies of the plans. The Project Owners did not provide copies of the plans to Miller/McKenzie. Approximately, one to two weeks later, Project Owners then demanded that the Miller/McKenzie's make suggestions about the plans on very short notice.

Ms. Smith requested the Project Owners put up story poles to provide a visual representation of the proposed project. The Project Owner promised to put up story poles, but they never did.

The plans provided during the Neighborhood Notification failed to include significant dimensions of the proposed addition. After negotiating with the Planning Department and the Project Owners, revised plans were provided to Miller/McKenzie. It took ten days to obtain more detailed plans, and these plans were not provided to other concerned neighbors.

DISCRETIONARY REVIEW APPLICATION

Once the dimensions of the Project were obtained, Miller/McKenzie hired an architect to evaluate the impact of the addition. A shadow study was performed. The shadow study showed significant areas of shading on the Miller/McKenzie property. A list of potential modifications was formulated and forwarded to the Property Owners.

Thereafter, an informal meeting was scheduled with the Project Owners. The informal meeting was scheduled on November 19, 2013, the eve of deadline for Discretionary Review filing.

The San Francisco Residential Design Guidelines provides a recommends for modifying a project to reduce impacts.

"However, there may be situations where proposed project will have a greater impact on the neighboring buildings. In these situations, the following design guidelines can minimize impacts on light...Provide setbacks on upper floors of the building. Include a sloped roof form in the design. Provide shared lightwells to provide more light to both properties. Incorporate open railings on decks and stairs. Eliminate need for parapet walls by using a fire-rated roof."
Residential Design Guidelines, Page 16.

Miller/McKenzie and their architect offered several suggestions for reduction of impacts, including but not limited to 1) reduction of depth, 2) elimination/reduction of bay windows, 3) side property set-backs, 4) sloping roof, etc.

The Property Owners refused to incorporate any of the suggested modifications.

The Miller/McKenzie's seek minor modifications to the project in the form of a reduction of the total depth of the addition from 4ft. to 2 ft. (inclusive of the bay windows). This could be obtained by eliminating either the added 2 ft. of building depth or eliminating the bay widows. The result could also be achieved by reducing the building depth by 1 ft., and reducing the bay window depth to 1ft. Adding a sloped roof would also significantly reduce the shadow impacts, and bulkiness of the addition.

At the informal meeting on 11/19/13, the Miller McKenzie's asked the sponsor and owners of the Subject Property to indicate the concerns addressed at the meeting, explicitly by adding notes to the drawings, so that will not be overlooked as the project moves into the building permit phase. There was no commitment given regarding this.

1264 6th Ave. DR Application Sun Studies and Photos

13:17650
(Permit App. #2013.06.26.0594)

Sun Studies:

1 Sun Study- Existing Spring/Fall Equinox, 1:30pm (PDT)

2 Sun Study- Proposed Spring/Fall Equinox, 1:30pm (PDT)

3 Sun Study- Existing Winter Solstice, 12:00pm (PST)

4 Sun Study- Proposed Winter Solstice, 12pm (PST)

All Sun Studies are back views of the Subject Property, from above and looking West

Photos:

5 View of Subject Property and next door properties, back view, looking South, from neighboring porch at 1258 6th Ave.

6 Overhead view, block #1754, with proposed Subject Property addition

7 Existing view, of open space, looking East, from 1260 6th Ave. kitchen

8 1260 6th Ave. kitchen windows and skylights, looking S. East, showing existing 1264 wall

①



Existing Spring/Fall Equinox 12:30 PM (1:30 PDT)

2



2

Proposed Spring/Fall Equinox 12:30 PM (1:30 PDT)

③



③

Winter Solstice (12/21)

Existing Winter Solstice Noon

4



13-17650

Proposed Winter Solstice Noon

13.17650

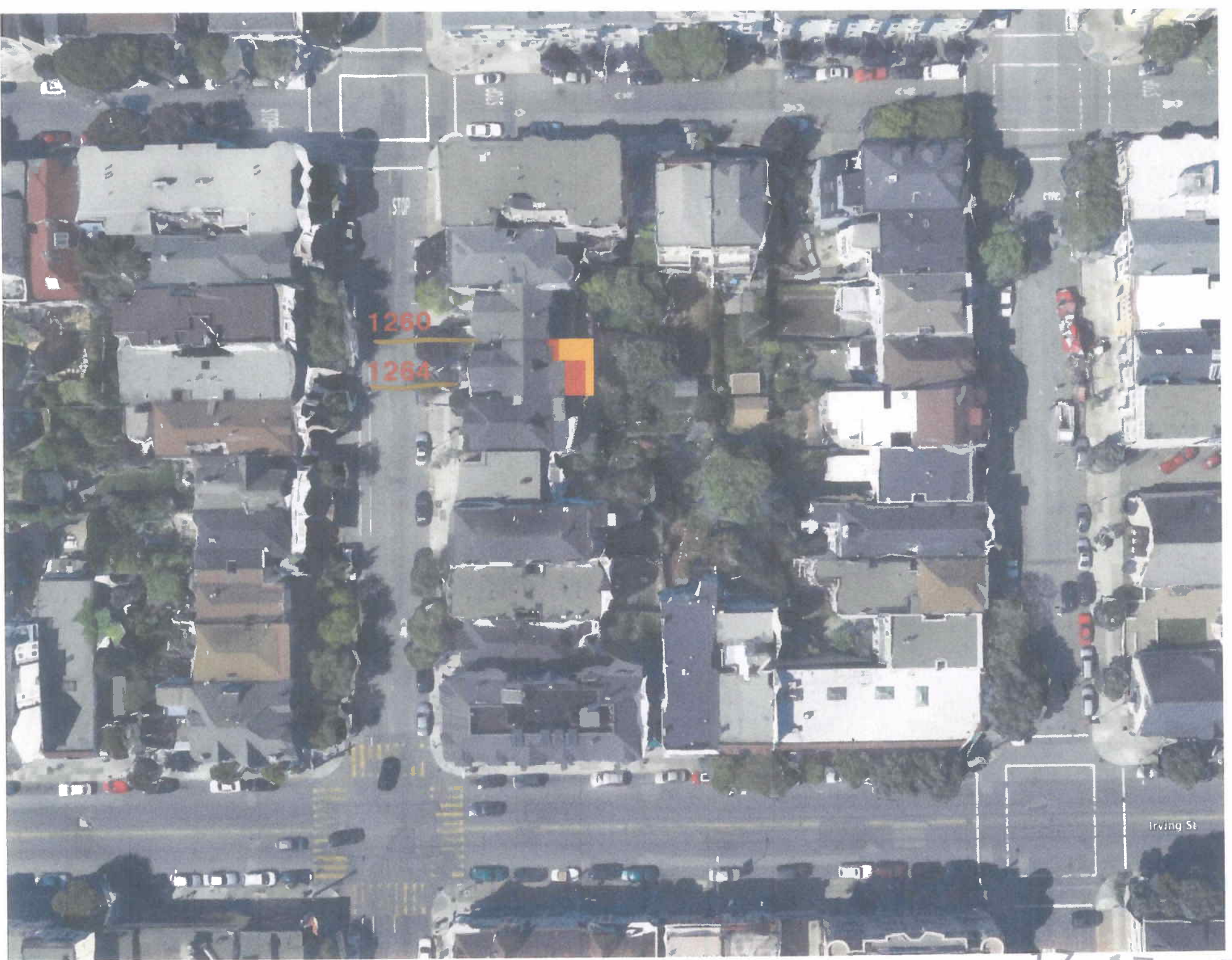
apartment building

1268

1264

1260

6



6

black 1754 Block overview with proposed 1264 6th Ave Addition 13 17650

13.1765D

(1264
6th
wall)

EXISTING

(CURRENT/OPEN SPACE FROM 1260-6th Ave kitchen

13-1765D

existing
1264
wall →

1260 Sixth Ave Windows/Skylights



**Before the
San Francisco Planning Commission**

**PROJECT SPONSORS' SUBMITTAL IN RESPONSE TO
APPLICATION FOR DISCRETIONARY REVIEW REGARDING
ALTERATIONS FOR 114 YEAR-OLD SINGLE FAMILY HOME
SUPPORTED BY WOODEN STILTS AT THE REAR**

1264 – 6th Avenue

**Project Sponsors:
Clay Leighton and Andrea Sello**

Building Permit Application 2013.06.26.0594

**Hearing Date:
April 24, 2014**

Attorneys for Project Sponsors:

REUBEN, JUNIUS & ROSE, LLP

One Bush Street, Suite 600, San Francisco, CA 94104
t] 415 567 9000 f] 415 399 9480

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A. INTRODUCTION

The Leighton Family (“Project Sponsors”) propose to alter their single family home (“Project”) at 1264 – 6th Avenue (“Project Site”) to add a horizontal addition at the rear. The home is two stories above a garage (referred to herein after as Levels 1, 2, and 3). The third level will include a roof deck of approx. 4’-4” x 16’-0”, (approximately 69 square ft.) on a rear addition. The Project Sponsors have set back the addition 9 feet from the shared property line with the DR Applicant, as a good neighbor gesture, so as not to impact light and air to their property.

But for the DR Applicant’s application for discretionary review, this addition would have been administratively approved.

B. SITE INFORMATION

Street Address: 1264 – 6th Avenue
Cross Streets: Hugo & Irving
Assessor’s Block/Lot: 1754/019
Zoning District: RH-1
Height and Bulk District: 40-X
Proposed Use: One dwelling unit (No change)
Proposed Additions: Horizontal addition at rear of home

C. BACKGROUND

The Leighton Family has lived at 1264 – 6th Avenue for 28 years. The middle third of the second level at the rear, currently an ill-designed cut-out between two existing rooms, is being filled in. The rear at all levels is undergoing renovation to make the façade more uniform than the current configuration. The first level (basement) is currently set back 16 feet from the second level rear façade, which sits on posts. This is a poor configuration in a City with earthquake risks. The proposed alterations, therefore, will greatly enhance the seismic safety of the home. The 16 foot setback area, below the ground floor, will be enclosed and utilized as a basement room, and a new parking space will occupy the existing basement towards the front of the home.

D. THE DR APPLICANT HAS FAILED TO SATISFY THE STANDARD OF REVIEW - THERE ARE NO EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES THAT JUSTIFY DISCRETIONARY REVIEW

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

“I think it is entirely plain, on the authority of the above-enunciated general principles, that the reservation of authority in the present ordinances to deal in a special manner with exceptional cases is unassailable upon constitutional grounds . . . this is, however, a sensitive discretion and one which must be exercised with the utmost restraint.”

(City Attorney Opinion No. 845, p. 8, emphasis in original).

The discretionary review handout provided to the public by the Planning Department reiterates this underlying foundation of the discretionary review power. That publication provides that “discretionary review is a special power of the Commission, outside the normal building permit application approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with a proposed project. The Commission has been advised by the City Attorney that the Commission’s discretion is sensitive and must be exercised with utmost constraint.” In this case, the Planning Commission should exercise such constraint by approving the Project.

There are no exceptional and extraordinary circumstances in this case that would justify the Planning Commission’s exercise of its discretionary review powers. Each of the specific issues raised by the DR Applicant is meritless, for the reasons that follow.

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

E. **RESPONSE TO DISCRETIONARY REVIEW APPLICANT’S CONCERNS**

1. **Given the concerns of the DR applicant 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 applicant, please meet the DR applicant in addition to reviewing the attached DR application.**

The Leighton Family has lived in their home at 1264 Sixth Avenue in the Inner Sunset, since 1986 (28 years). The house is 114 years old. Prior owners added “popouts” to the back of the house which included porches, rooms and other spaces of varying heights and depths supported by posts rather than a foundation. The design and construction of the popouts on both the inside and outside is haphazard and the posts create seismic hazards. The proposed Project would rebuild the back of the house to make it more uniform and to provide a new foundation to replace the posts. The proposed Project will significantly improve the living space, the exterior rear design, and the structural integrity and seismic stability of the home.

No variances have been requested and the Project does not maximize the living space allowed by the Planning Code. The zoning restrictions for the RH-1 zoning district would allow build-out to 4,275 sq. ft. The proposed addition results in a total of 2,663 sq. ft. of total living space (less than 63% of the maximum). The proposed Project is in line with the policies and objectives of the General Plan and the Planning Code. The plan is to upgrade the old home to comply with current building standards and to add a modest amount of livable space at the rear, approximately 500 sq. ft., of which only approximately 125 sq. ft. is beyond the existing footprint of the house.

The proposed Project meets the standards of the Residential Design Guidelines. There are no changes to the front of the property, except for landscaping as required by the Planning Department. In general, the changes to the rear will unify the design and significantly improve the structure and look of the house. The first levels of both adjacent properties extend beyond the Project’s proposed first level rear fill-in, where the wooden posts currently support the home. The DR Applicant has stated no concerns about the proposed first level fill in. On the second level, the plans would square off the back and **only extend the house by two feet** on the property line shared with the DR Applicant. On the third level, the proposed Project is set back 4’4” from the rear of the second level on the south property line (not shared with the DR Applicant). The third level is set back 12 feet from the rear on the shared property line. The bulk of the third level has been set back approximately 9 feet from the shared property line. These setbacks and the “L” shape of the rear addition were designed in order to minimize the impact of the third level on the DR applicant. Nothing in the proposed Project is extraordinary or has an extraordinary impact.

The DR Applicant has stated as follows:

“The Discretionary Review request is based upon the following impacts resulting from the expansion project at the Subject Property: loss of light and shadowing to neighboring properties, loss of mid-block open space, out of scale addition, “boxed-in” impacts to neighbors, loss of visual openness, uncharacteristically deep or tall addition.”

DR filing 2013.1765D, page 1 of attachment

These concerns are specifically addressed below.

“Loss of light and shadowing to neighboring properties”

Fundamentally, the Project site and the property of the DR Applicant have East-West orientations and both of the houses shade the properties’ respective skylights, backyards, etc. to some degree in the afternoon. In the DR filing, the DR Applicant has made general statements about the “sharp reduction in light” of the Project but their own shadow studies show only marginal impact at extreme times or seasons. The proposed Project has little or no impact on the direct light available to the DR applicant in the majority of daylight hours.

The Residential Design Guidelines suggest various potential design modifications for rear additions to reduce the impact of the potential loss of light on adjacent properties:

- Provide setbacks on the upper floors of the building - *Done.*
- Provide shared light wells to provide more light to both properties - *The “L” shape of the third level was designed to provide adequate light for the DR Applicant.*
- Incorporate open railings on decks and stairs - *Done.*
- Eliminate the need for parapet walls by using a fire-rated roof - *Done.*

Accordingly, the Project Sponsors have incorporated substantial design modifications for the proposed Project.

The DR Applicant chose to place a skylight near the shared property line in their most recent remodel project. The Project could cause some shadow here because of its proximity to the property line, but the impact is not substantial and does not rise to the standard of “extraordinary.”

The DR Applicant has failed to mention that both of their second level skylights are approximately two feet deep. The depth of the skylights themselves substantially or completely blocks any angled light into the DR Applicant’s house.

“Loss of mid-block open space; out of scale addition; uncharacteristically deep or tall addition”

The proposed new addition is not as deep as the immediate neighbors on either side, or as deep as many of the other buildings in the block. The Project Site is in a block with an irregular mid-block open space and a mix of apartment buildings and single family homes. Most of the apartment buildings are four levels, and extend significantly further to the rear. In addition, several of the houses have outbuildings that further obstruct the midblock open space. There is nothing out of scale or uncharacteristically deep or tall about the proposed Project, and there is almost no impact to midblock open space at all.

“Loss of visual openness; “boxed-in” impacts to neighbors”

The DR Applicant has emphasized the current and proposed depth of the second level as a concern. The house has not been expanded in the last 28 years, while the Project Sponsors owned it, and in particular, the house has the same dimensions as when the DR Applicant purchased their house and made their renovations. The DR Applicant knew that the second level extended beyond their house when they purchased their home and they willingly chose to proceed. They also decided that it was not important to address this issue when they remodeled their house. The DR Applicant’s stated concerns conflict with their actions.

The proposed Project adds only two feet to the rear of the existing house on the second level along the property line shared with the DR Applicant. The bay window on the first and second levels is set back from the DR Applicant’s property line by three feet. From inside their house they would not be able to see the bay window and it would not cast a shadow on their living space or deck.

The DR Applicant has failed to mention that, since they moved in, they have significantly landscaped their backyard with trees and tall shrubs on all property borders. By doing so, they have intentionally created their own “boxed-in” feeling to their backyard and shadowed their own property. It is impossible to reconcile this landscaping design with their claimed concern about the loss of visual openness and alleged “boxed-in” impact.

In the case of marginal additional shadowing, the impact of the proposed Project is minimal and all reasonable steps have been taken to minimize any impact.

- 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.**

After meeting with the neighbors in May, the Project Sponsors reconfigured the proposed Project on the third level to reduce the potential impact of the Project on both of the immediate neighbors, including the DR Applicant. The Project Sponsors pulled the third level bedroom in from the rear wall of the second level by over four feet and eliminated a two story bay window on the second and third levels.

In the DR filing, the DR Applicant suggested changes to the proposed Project. Based upon these proposed changes, the Project Sponsors incorporated several of their suggestions and proposed modifications to the Project design, but the DR Applicant has serially changed and added to their proposed modifications, causing a breakdown in settlement negotiations, which involved meetings between the Project Sponsors and the DR Applicant, and between their respective architects².

- 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 applicant.**

As discussed in detail in questions 1 and 2, the concerns identified by the DR Applicant do not approach the minimum standard of exceptional and extraordinary circumstances. Slight and reasonable impacts to neighbors are to be expected related to any building or alteration project. The Project is significantly more limited than the allowed height and bulk permitted by Article 2.5 of the Planning Code, and indeed will add only 500 square feet of living space to a structure that is 114 years old and inadequate for the needs of a contemporary family. Houses that were designed and built 114 years ago are generally lacking in space for kitchens, bathrooms, and closets. The Project Site is no exception.

² In light of the extensive efforts made by Project Sponsors, and the series of settlement meetings undertaken by both the Project Sponsors and the Project architect with the DR Applicant's architect, recent contacts made by an attorney hired by the DR Applicant suggesting mediation was not meaningful or useful due to the irreconcilable demands of the DR Applicant, and the multiple prior efforts at settlement with the DR Applicant.

F. **CONCLUSION**

The Project Sponsors' proposed alterations are allowed as a matter of right by the Planning Code. But for the application for discretionary review, the Project would have been approved administratively. No variances or Code exceptions are requested. The proposed additional space is minimal. The DR Applicant has failed to demonstrate exceptional or extraordinary circumstances that would justify discretionary review. Accordingly, the Project Sponsors respectfully request that the Planning Commission deny the request for discretionary review.

Thank you for your consideration.

Dated: March 31, 2014

REUBEN, JUNIUS & ROSE, LLP

By: 

David Silverman
Attorneys for the Project Sponsors,
Clay Leighton and Andrea Sello

Exhibit List

- A. - Project Plans and Photographs

EXHIBIT A

General Notes

1. Work performed shall comply with the following:
All applicable local and state codes, ordinances and regulations.
Architectural and Structural drawings and notes.
All applicable municipal and zoning codes.
Codes take precedence over drawings and specification.
2. In the event the Contractor encounters on the site material reasonably believed to be Asbestos, Polychlorinate Biphenyl (PCB) or any other hazardous material which has not been rendered harmless, the Contractor shall immediately notify the Owner.
3. On site verification of all dimensions and conditions to be the responsibility of the Contractor. Architect to be notified immediately by Contractor before proceeding with the work should the working drawings differ from site conditions.
4. The Contractor and his/her Sub-Contractors shall study and compare the contract documents and shall at once report to the Architect in writing all errors, inconsistencies or omissions discovered and verify all dimensions on site PRIOR TO COMMENCING THE WORK. If the Contractor proceeds with any of the work so affected without written instruction of the Architect, the Contractor shall make good at his/her own cost any resulting error, damage, or defects. The Contractor shall perform no portion of the work without contract documents or, where required, approved shop drawings for such portion of the work.
5. No deviations from the structural or architectural design without written approval from the Architect or Engineer. Approval by City Inspector does not constitute authority to deviate from plans or specifications.
6. The plans indicate the general extent of new construction necessary for the work, but do not intend to be all-inclusive. All new work necessary to allow for a finished job in accordance with the intention of the drawings is included regardless of whether shown on the drawings or mentioned in the notes.
7. Contractor shall coordinate all work with existing conditions, including but not limited to: irrigation pipes, electrical conduit, water lines, drainage lines, gas lines, waste lines, etc.
8. All dimensions are to face of finish unless otherwise noted. DO NOT SCALE DRAWINGS. If required dimensions are missing from the drawings, contact Architect prior to commencing with work.
9. Building Code requirements take precedence over the drawings and it is the responsibility of anyone supplying labor or material or both to conform with the code and the drawings.
10. Contractor shall check with all equipment and product manufacturers to verify dimensions and details prior to the commencement of work.
11. Submittals: Submit shop drawings of all fabricated items for review before fabrication and installation. Submit manufacturer's product data for all standard premanufactured products.
12. Where specified items are mentioned, the Contractor may submit alternate materials or products for approval by the Architect.
13. Verify clearances for flues, vents, chases, soffits, fixtures, etc. before any construction, ordering of or installation of any item of work.
14. Sealant, caulking and flashing, etc locations shown on drawings are not intended to be inclusive. Follow manufacturer's installation recommendations and standard industry and building practices.
15. Contractor shall provide all necessary blocking, backing, framing, hangers or other support for all items requiring same.
16. "Typical" or "Typ." means for all similar conditions, unless otherwise noted.
17. Details are usually keyed only once (on plans or elevations where they first occur) and are typical for similar conditions throughout, unless otherwise noted.
18. At completion of the work, Contractor shall remove all marks, stains, fingerprints, dust, dirt, splattered paint, and blemishes resulting from the various operations throughout the project.
19. Contractor shall be responsible for repairing any damaged areas, both within and outside the scope of work, that are caused by him or his Subcontractors.
20. Contractor shall be responsible for matching material finish color, etc. in new areas of work with existing areas.
21. The Contractor shall remove all rubbish and waste material on a regular basis for all subcontractors and trades, and shall exercise strict control over job cleaning to prevent any dirt, debris or dust from affecting, in any way, finished areas in or outside job site.
22. Any change, modification or interpretation of the scope or requirements outlined within these documents, undertaken without consultation and without written approval of the Architect (or any unforeseen conditions resulting therefrom) shall be the responsibility of the Owner or Contractor respectively. Leslie Arnold shall be held harmless from any claims resulting from such activity.

1 GENERAL NOTES

PROPERTY OWNER
ANDREA SELLO & ANDREW LEIGHTON
1264 SIXTH AVENUE
SAN FRANCISCO, CA 94122

ARCHITECT
LESLIE ARNOLD ARCHITECT
63 VERNA STREET
SAN FRANCISCO, CA 94127
Tel 415 713-2960
Fax 815 331-5196
Contact: LESLIE ARNOLD

AGENCIES
BUILDING DEPT.
CITY OF SAN FRANCISCO
1660 MISSION ST.
SAN FRANCISCO, CA 94103
Tel 415 558-6070

GENERAL CONTRACTOR
TBD

6 PROJECT DIRECTORY

THIS APPLICATION IS BEING SUBMITTED TO THE PLANNING AND BUILDING DEPARTMENTS OF THE CITY OF SAN FRANCISCO FOR PLAN -CHECK REVIEW.

THIS APPLICATION INCLUDES WORK ON A THREE STORY, WOOD FRAMED, SINGLE FAMILY RESIDENCE.

PROPOSED WORK INCLUDES:
394 SQ. FT. OF NEW CONDITIONED LIVING AREA BENEATH EXISTING SECOND FLOOR.
278.5 SQ. FT. OF NEW CONSTRUCTION EXTENDS BEYOND EXISTING ENVELOPE.
TOTAL NEW CONDITIONED AREA EQUALS 672.5 SQ. FT.

1. NEW THREE STORY REAR ADDITION WITH THIRD FLOOR 72 SQ. FT. DECK.
2. PROVIDE NEW INTERIOR PARTITIONS AND FINISHES PER PLANS.
3. PROVIDE NEW WINDOWS AND SKYLIGHTS IN NEW REAR ADDITION.
4. PROVIDE NEW MECHANICAL, PLUMBING, AND ELECTRICAL SYSTEMS IN NEW ADDITION AND IN EXISTING AREAS AS INDICATED ON PLANS.

PROJECT GROSS SQUARE FOOTAGE CALCULATIONS:

EXISTING CONDITIONED HOUSE AREA: *	2,172.0 SQ. FT.
PROPOSED CONDITIONED HOUSE AREA: *	672.5 SQ. FT.
LESS EXIST'G CONDITIONED AREA CONVERTED TO PARK'G	-182.0 SQ. FT.
TOTAL PROPOSED CONDITIONED AREA:	2662.5 SQ. FT.

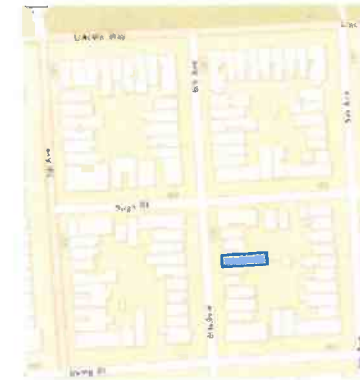
EXISTING STORAGE/MECHANICAL AREA:	430.0 SQ. FT.
PROPOSED DECK:	72.0 SQ. FT.
EXIST'G PARKING AREA:	236.0 SQ. FT.
EXIST'G CONDITIONED AREA CONVERTED TO PARKING	182.0 SQ. FT.
PARKING TOTAL:	418.0 SQ. FT.

* INCLUDES STAIR AREA COUNTED HALF VALUE AT EACH FLOOR

2 DESCRIPTION OF WORK

- A1 GENERAL NOTES, VICINITY PLAN PROJECT DIRECTORY, PROJECT DESCRIPTION
- A2 SITE PLAN EXISTING & PROPOSED
- A3 FIRST FLOOR PLAN EXISTING & PROPOSED
- A4 SECOND FLOOR PLAN EXISTING & PROPOSED
- A5 THIRD FLOOR PLAN EXISTING & PROPOSED
- A6.1 REAR ELEVATION - EXISTING
- A6.2 REAR ELEVATION - PROPOSED
- A7.1 SIDE ELEVATIONS - EXISTING
- A7.2 SIDE ELEVATIONS - PROPOSED
- A8 BUILDING SECTION - NORTH
- A9 BUILDING SECTION - SOUTH
- A10 FRONT PLANTING PLAN

7 CONTRACT DOCUMENTS



8 VICINITY MAP

- ===== (E) WALL TO REMAIN
- ===== (E) WALL TO BE DEMOLISHED
- ===== (N) WALL
- LINE OF ITEM ABOVE OR BEYOND
- Q — CENTER LINE
- P — PROPERTY LINE
- ⊙ ELEVATION REFERENCE POINT
- 000.00 EXISTING SPOT ELEVATION
NEW SPOT ELEVATION
- ⊗ — COLUMN LINE

5 SYMBOLS

- BUILDING SECTION DRAWING NO./ SHEET NO.
- DWG. NO. WALL SECTION
SHT. NO.
- DWG. NO. ELEVATION
SHT. NO.
- DWG. NO. INTERIOR ELEVATION
SHT. NO.
- DWG. NO. DETAIL AREA
SHT. NO.
- EXIST. WINDOW
SEE WINDOW SCHEDULE
- EXIST. DOOR
SEE DOOR SCHEDULE
- WALL TYPE
SEE WALL TYPE KEY

- 2010 CAL. BUILDING CODE
- 2010 CAL. RESIDENTIAL CODE
- 2010 CAL. PLUMBING CODE
- 2010 CAL. ELECTRICAL CODE
- 2010 CAL. MECHANICAL CODE
- 2010 CAL. ENERGY CODE
- 2010 CAL. GREEN BLDG. STANDARD, CHAP. 4

3 APPLICABLE CODES

1264 SIXTH AVENUE
SAN FRANCISCO, CA 94122
LOT: 019, BLOCK: 1754

ZONING: RH-1

OCCUPANCY: R3 - SINGLE FAMILY

TYPE OF CONSTRUCTION: VB

HEIGHT LIMIT: 40-X
YEAR BUILT: 1900

REAR YARD: 25% X 95' = 23'-9"

LOT SIZE: 2,374 SQ. FT.

4 PROJECT INFORMATION

REVISIONS	BY
SITE PERMIT 6/26/13	

LESLIE ARNOLD • ARCHITECT

63 Verna Street San Francisco California 94127
tel 415 713 2960 fax 815 331 5196



Residential Remodel for:
Andrea Sello and Andrew Leighton
1264 Sixth Avenue
San Francisco, CA 94122

- VICINITY MAP
- PROJECT INFO
- GENERAL NOTES
- PROJECT DIRECTORY
- SYMBOLS

Date: 9/16/13

Scale: AS NOTED

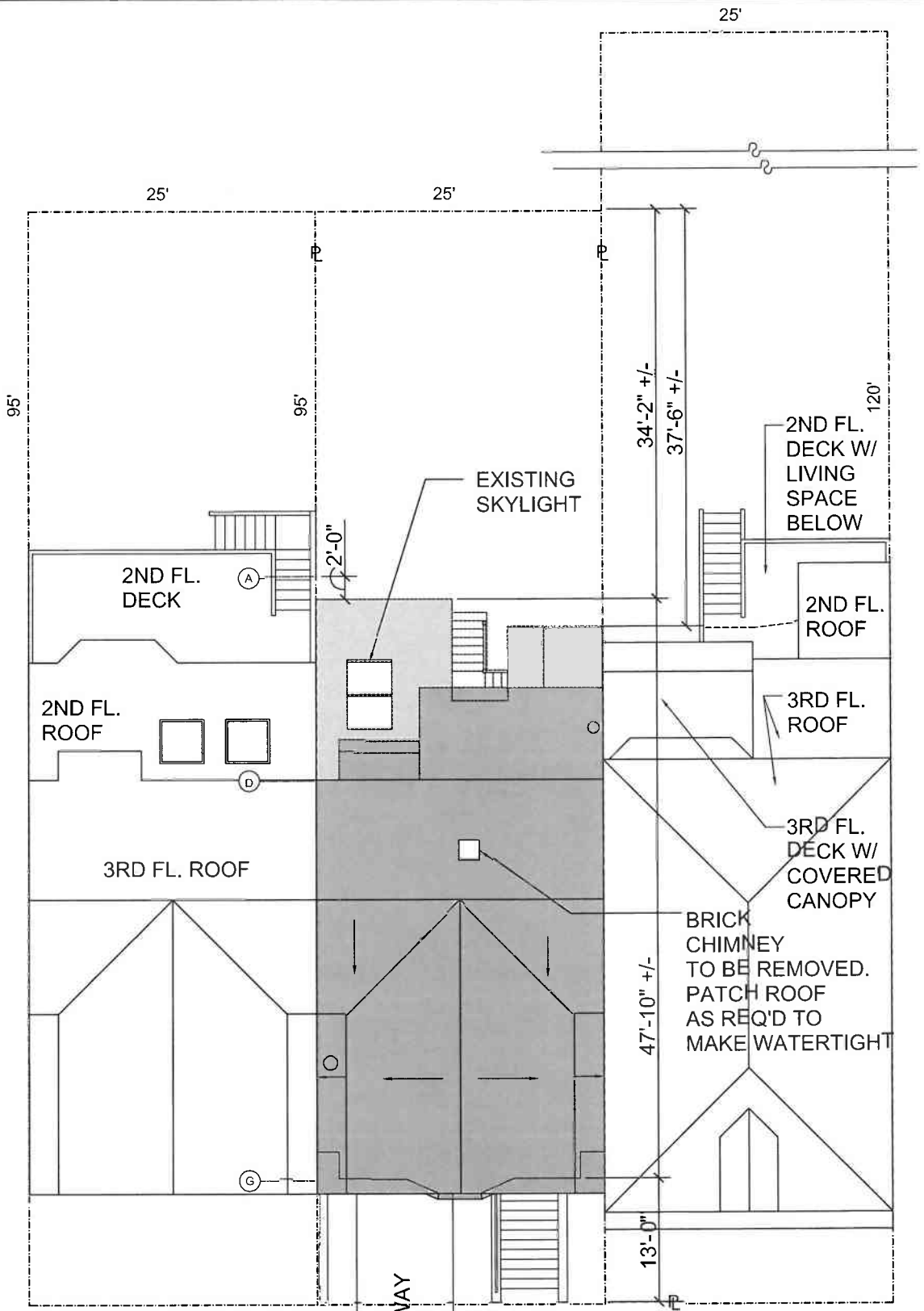
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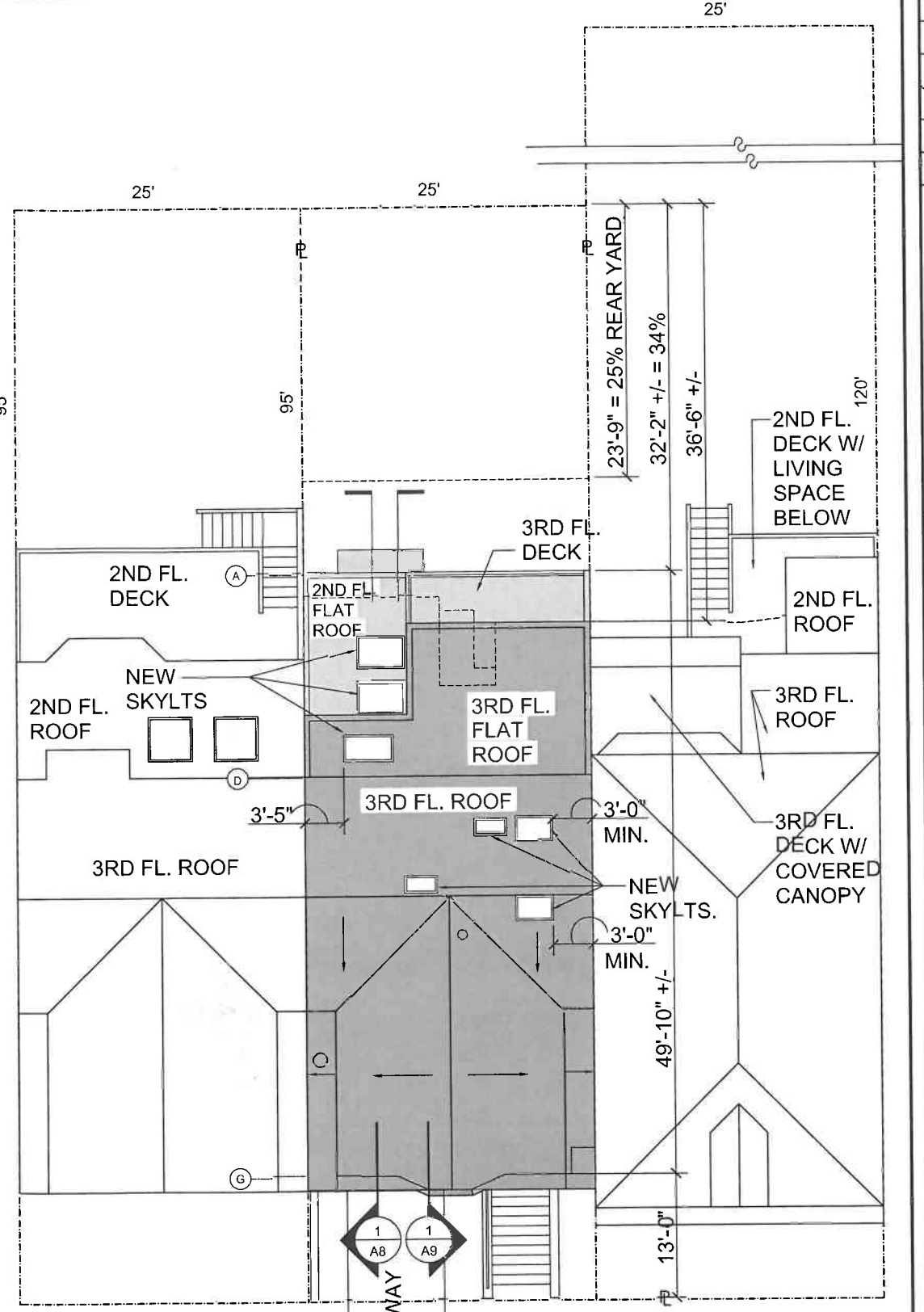
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1 (E) SITE PLAN

0 2' 4' 8' 16'

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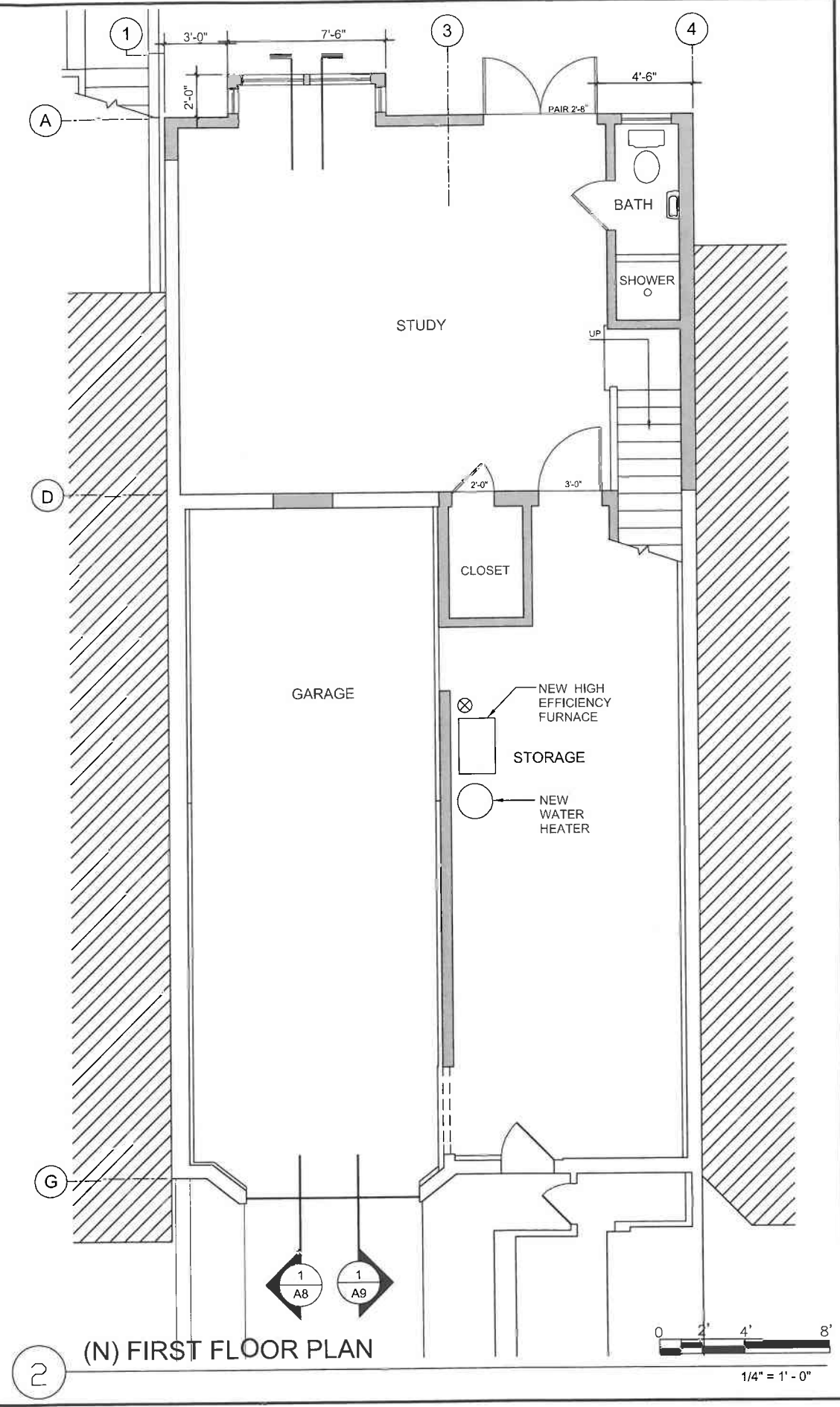
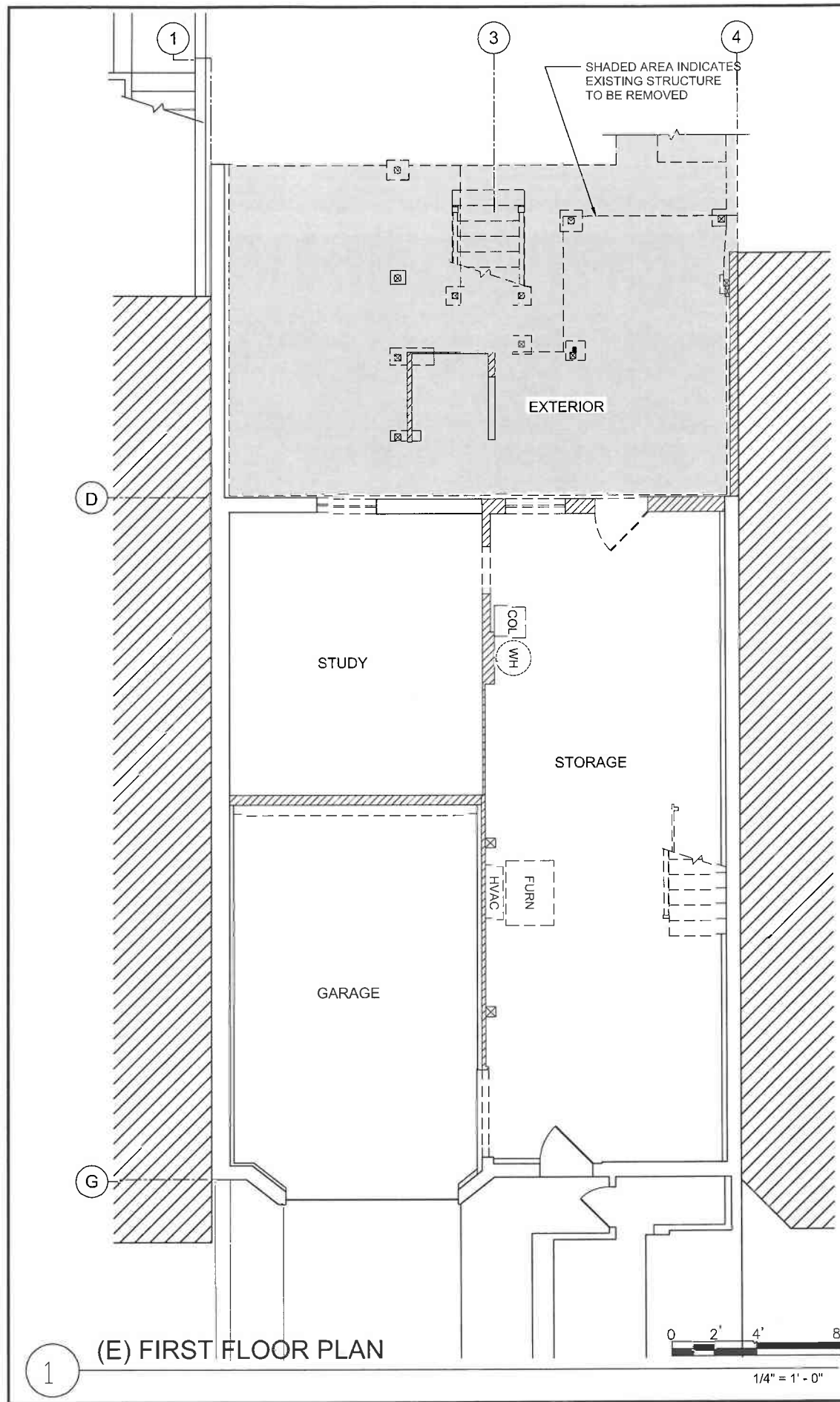


2 (N) SITE PLAN

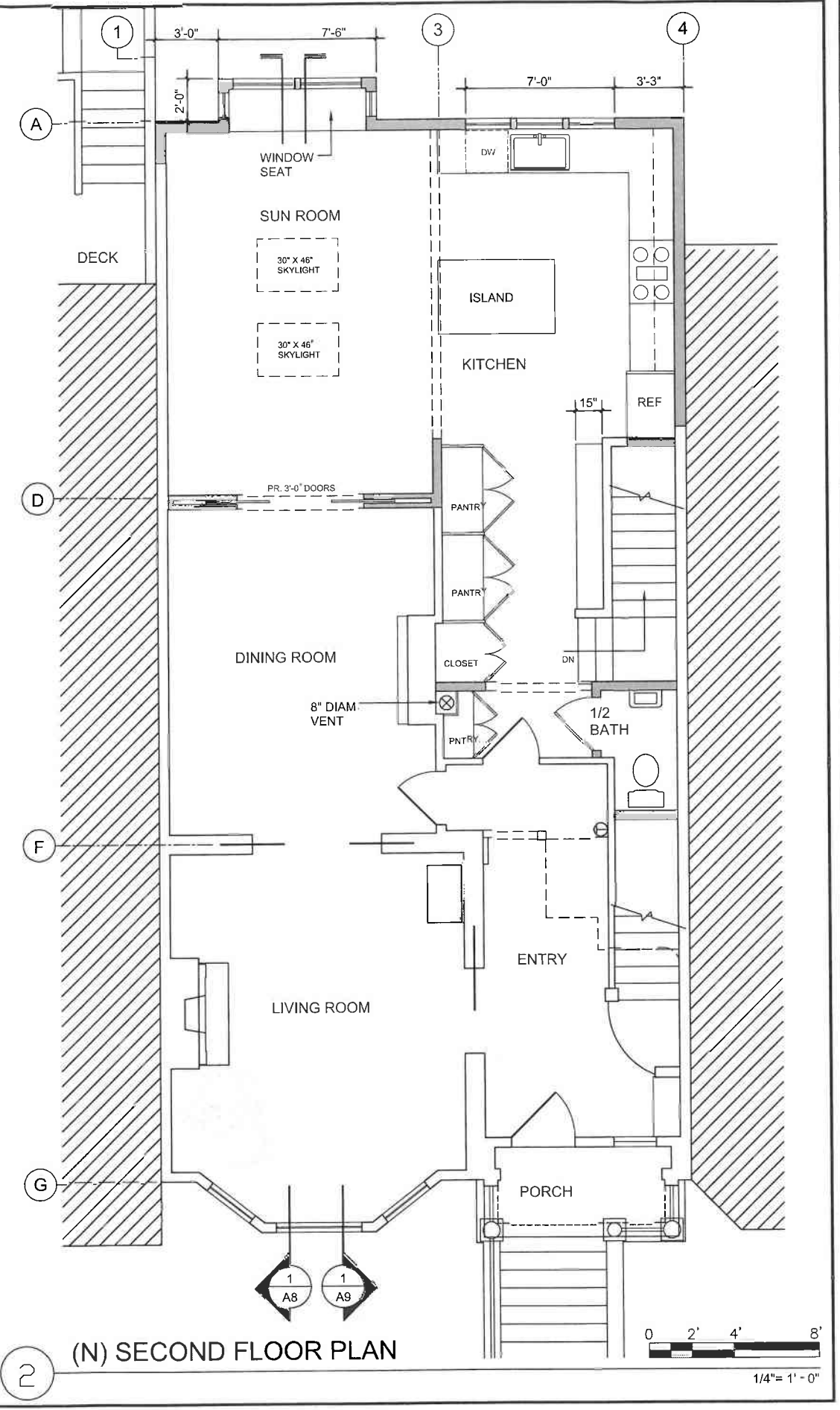
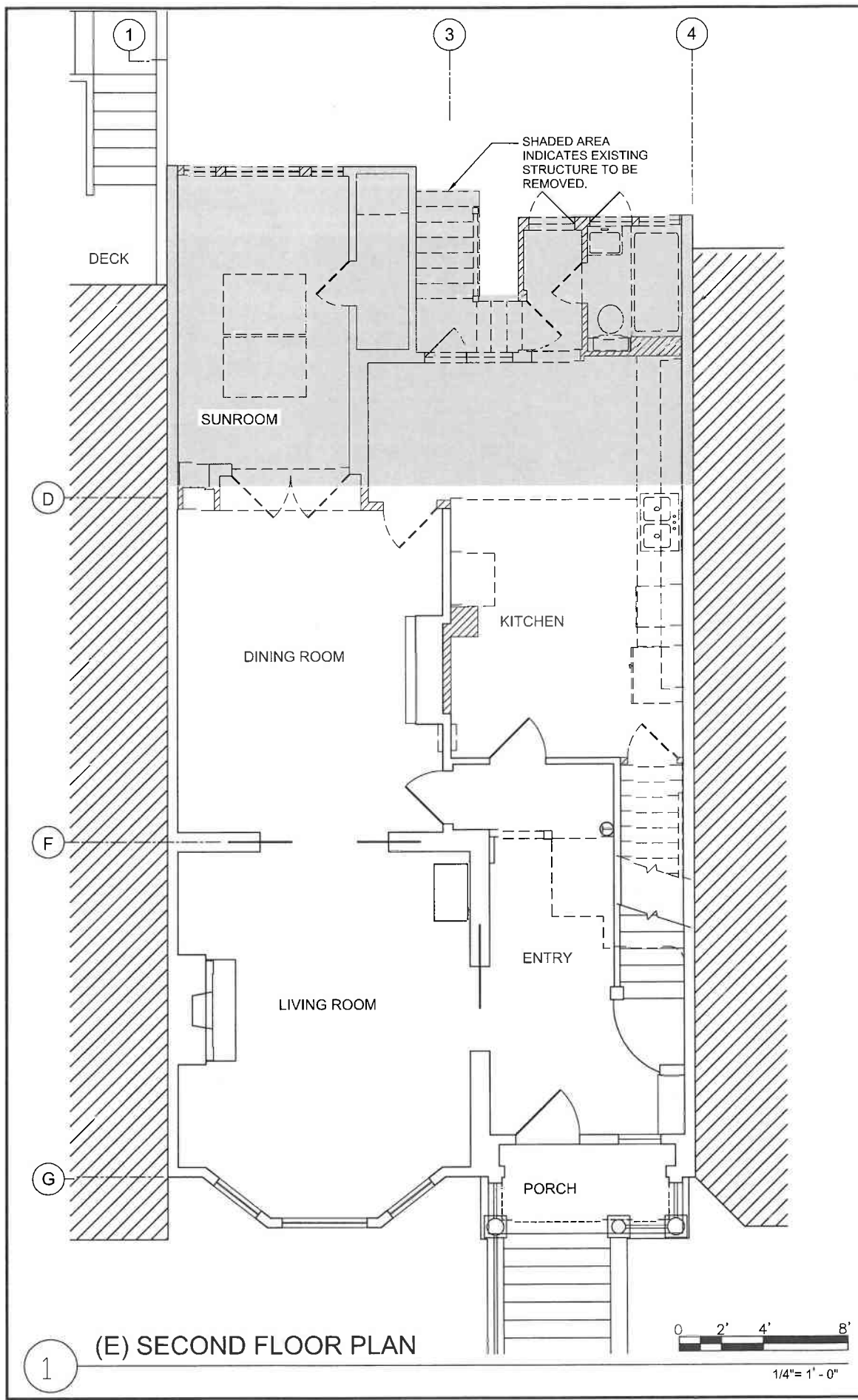
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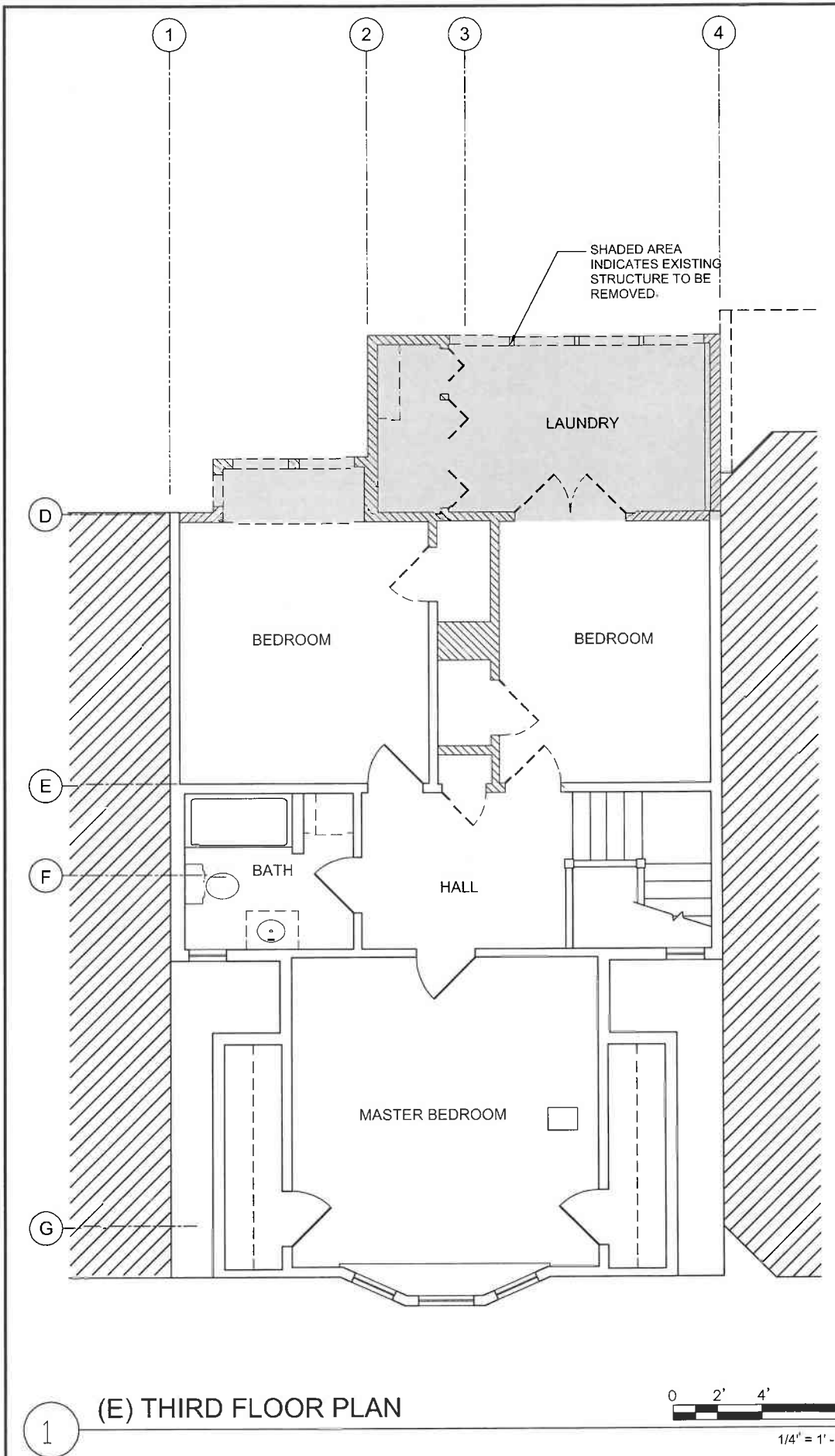
REVISIONS	BY
SITE PERMIT 6/26/13	
<p>LESLIE ARNOLD ARCHITECT</p> <p>63 Verna Street San Francisco California 94127 tel 415 713 2960 fax 815 331 5196</p>	
<p>LICENSED ARCHITECT</p> <p>LESLIE ARNOLD</p> <p>C23246</p> <p>EP 1-31-15</p> <p>STATE OF CALIFORNIA</p>	
<p>Residential Remodel for:</p> <p>Andrea Sello and Andrew Leighton</p> <p>1264 Sixth Avenue</p> <p>San Francisco, CA 94122</p>	
<p>-SITE PLAN</p> <p>-EXISTING & PROPOSED</p>	
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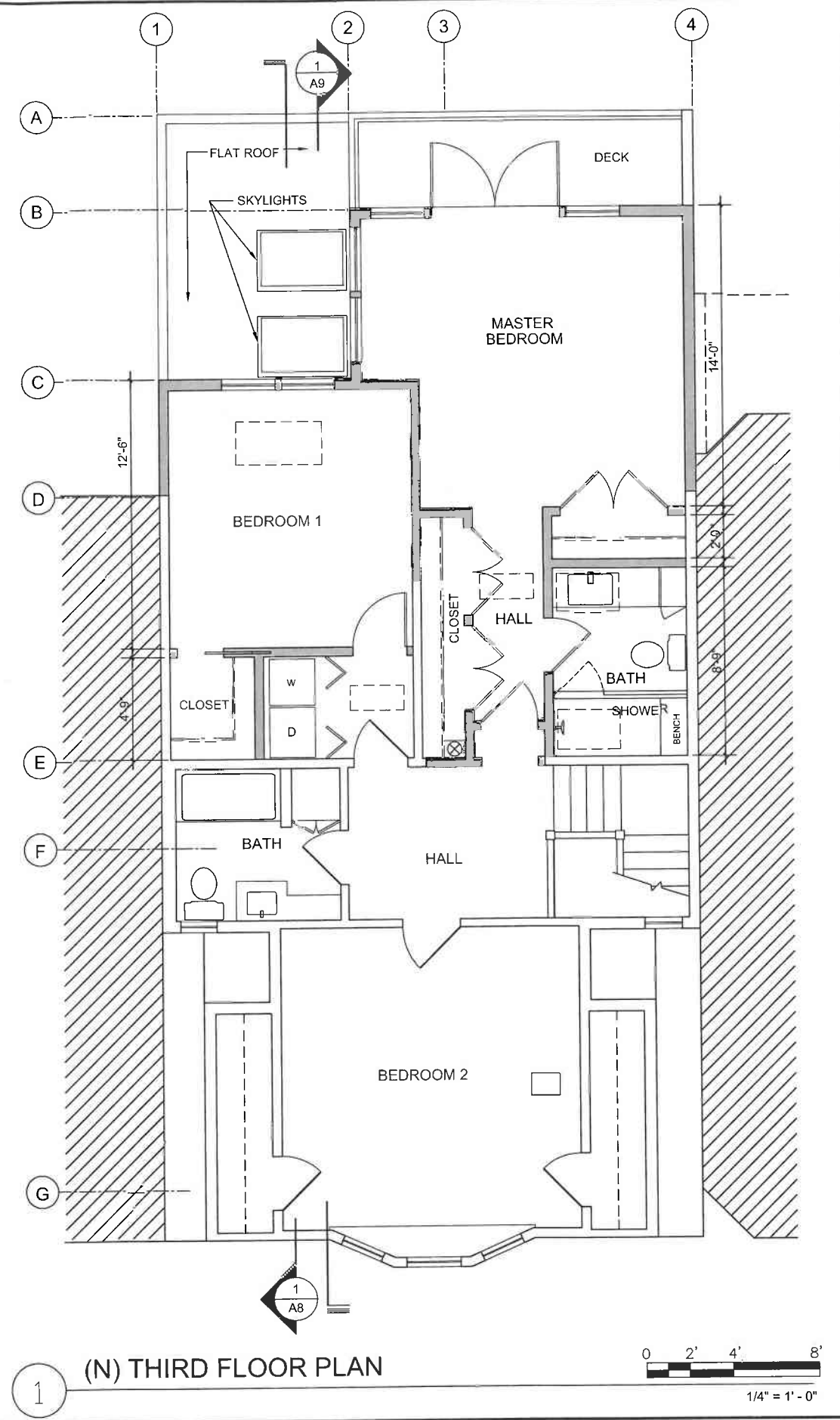
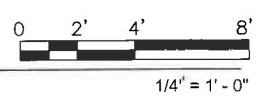
REVISIONS	BY
SITE PERMIT 6/28/13	
LESLIE ARNOLD • ARCHITECT 63 Verma Street San Francisco California 94127 tel 415 713 2960 fax 815 331 5196	
Residential Remodel for: Andrea Sello and Andrew Leighton 1264 Sixth Avenue San Francisco, CA 94122	
-FIRST FLR. PLAN -EXISTING & PROPOSED	
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SITE PERMIT 6/26/13	
LESLIE ARNOLD * ARCHITECT 63 Verna Street San Francisco California 94127 tel 415 713 2900 fax 815 331 5196	
Residential Remodel for: Andrea Sello and Andrew Leighton 1264 Sixth Avenue San Francisco, CA 94122	
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Job:	SELLO/LEIGHTON
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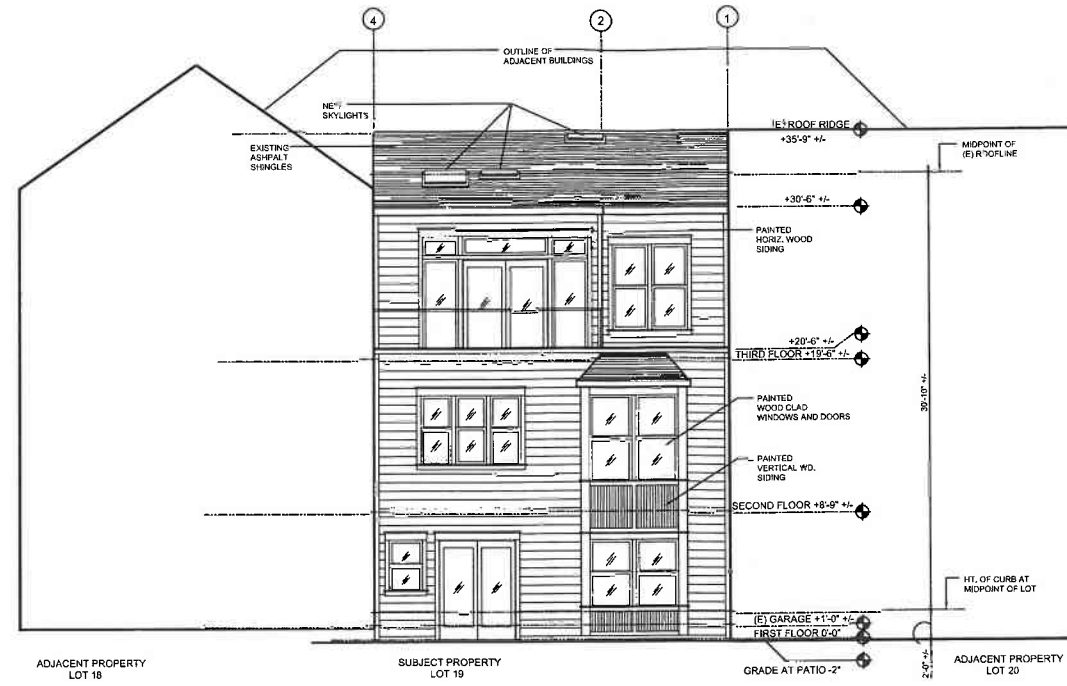
1 (E) THIRD FLOOR PLAN



1 (N) THIRD FLOOR PLAN



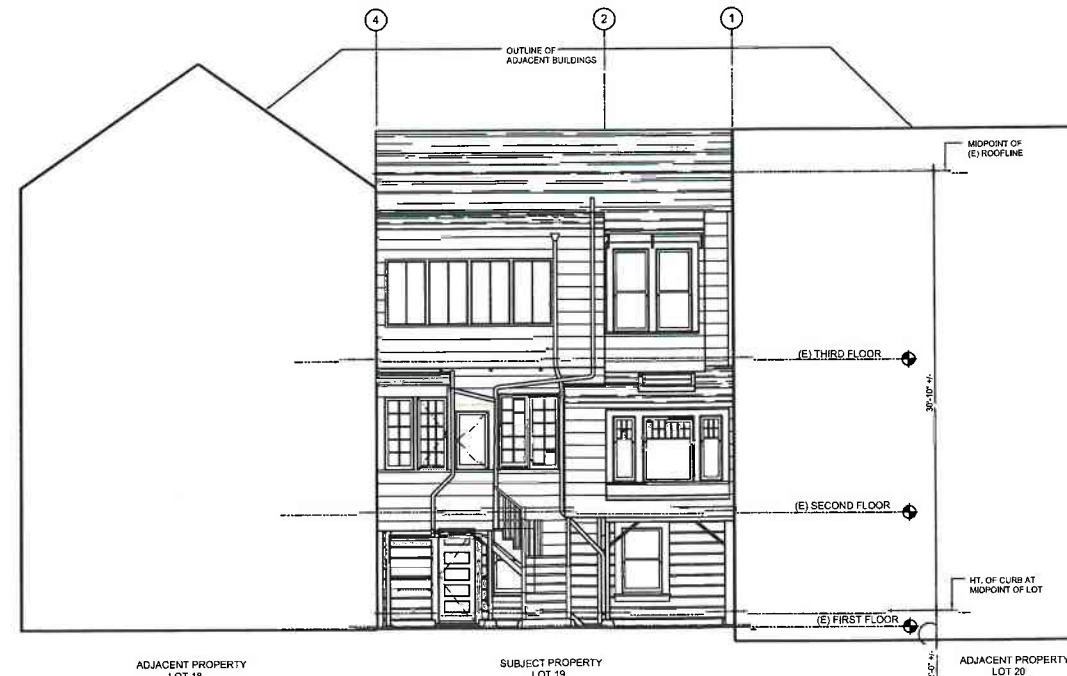
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ARCHITECT LESLIE ARNOLD • ARCHITECT 63 Verma Street San Francisco California 94127 tel 415 713 2960 fax 815 331 5196	
Residential Remodel for: Andrea Sello and Andrew Leighton 1264 Sixth Avenue San Francisco, CA 94122	
- THIRD FLOOR PLAN - EXISTING & PROPOSED	
Date:	9/16/13
Scale:	AS NOTED
Drawn:	KPH/LA
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2

PROPOSED REAR ELEVATION

NOTE: OUTLINE OF ADJACENT BUILDINGS IS A GENERAL REPRESENTATION BUILDINGS HAVE NOT BEEN PROFESSIONALLY SURVEYED



1

EXISTING REAR ELEVATION

NOTE: OUTLINE OF ADJACENT BUILDINGS IS A GENERAL REPRESENTATION BUILDINGS HAVE NOT BEEN PROFESSIONALLY SURVEYED

REVISIONS	BY
SITE PERMIT 6/26/13	

LESLIE ARNOLD • ARCHITECT
 63 Yerma Street San Francisco California 94127
 tel 415 713 2960 fax 815 331 5196



Residential Remodel for:
 Andrea Sello and Andrew Leighton
 1264 Sixth Avenue
 San Francisco, CA 94122

**-REAR ELEVATION
 - EXISTING & PROPOSED**

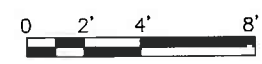
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1

EXISTING REAR ELEVATION

NOTE: OUTLINE OF ADJACENT BUILDINGS IS A GENERAL REPRESENTATION BUILDINGS HAVE NOT BEEN PROFESSIONALLY SURVEYED



1/4" = 1' - 0"

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SITE PERMIT 6/26/13	

LESLIE ARNOLD • ARCHITECT
 63 Yuma Street San Francisco California 94127
 tel 415 713 2900 fax 815 331 5196



Residential Remodel for:
 Andres Sello and Andrew Leighton
 1264 Sixth Avenue
 San Francisco, CA 94122

**-REAR ELEVATION
 -EXISTING**

Date: 9/16/13

Scale: AS NOTED

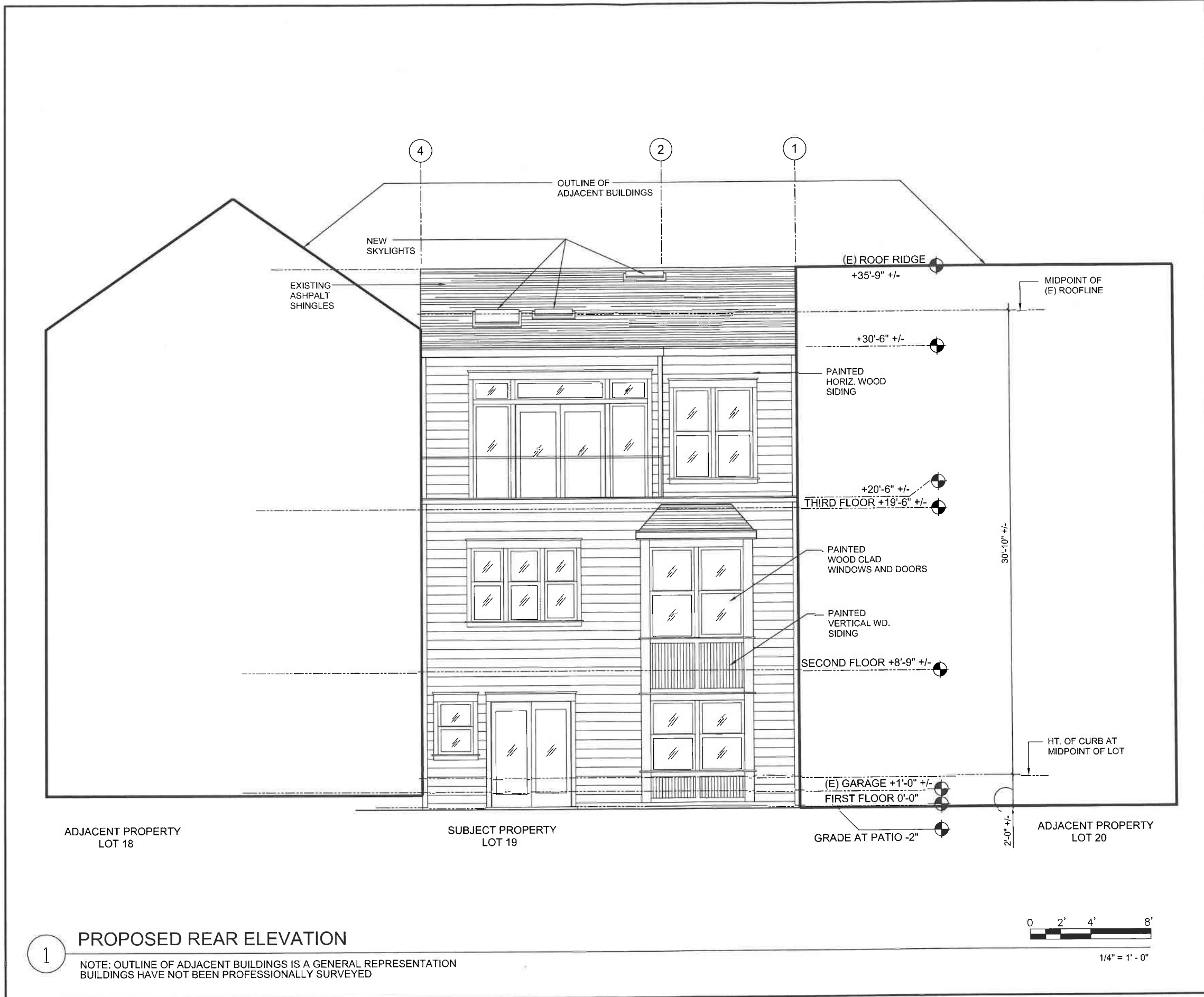
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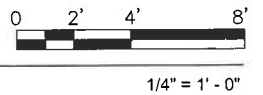
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1

PROPOSED REAR ELEVATION

NOTE: OUTLINE OF ADJACENT BUILDINGS IS A GENERAL REPRESENTATION BUILDINGS HAVE NOT BEEN PROFESSIONALLY SURVEYED



REVISIONS	BY
SITE PERMIT 6/26/13	

ARCHITECT
LESLIE ARNOLD
 63 Yerma Street San Francisco California 94127
 tel 415 713 2960 fax 815 331 5196

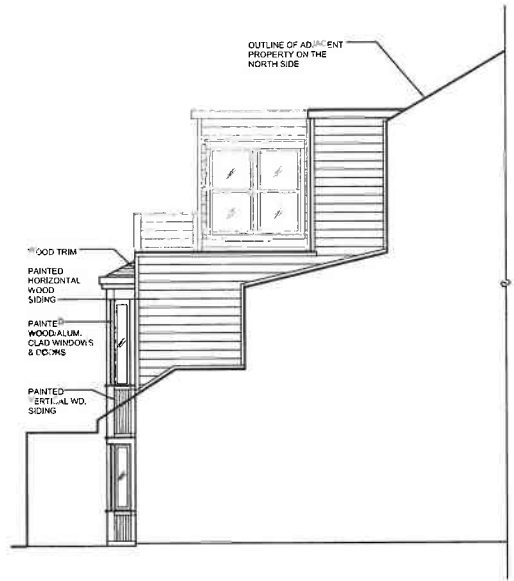


Residential Remodel for:
Andrea Sello and Andrew Leighton
 1264 Sixth Avenue
 San Francisco, CA 94122

**-REAR ELEVATION
 - PROPOSED**

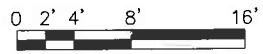
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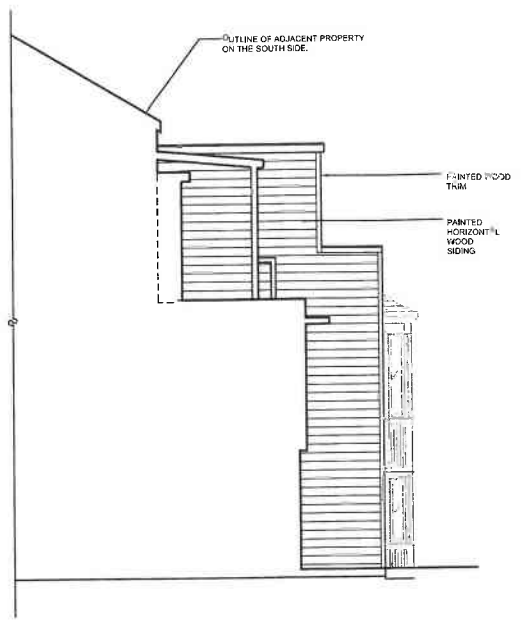
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PROPOSED NORTH ELEVATION



NOTE: OUTLINE OF ADJACENT BUILDINGS IS A GENERAL REPRESENTATION BUILDINGS HAVE NOT BEEN PROFESSIONALLY SURVEYED

1/8" = 1' - 0"



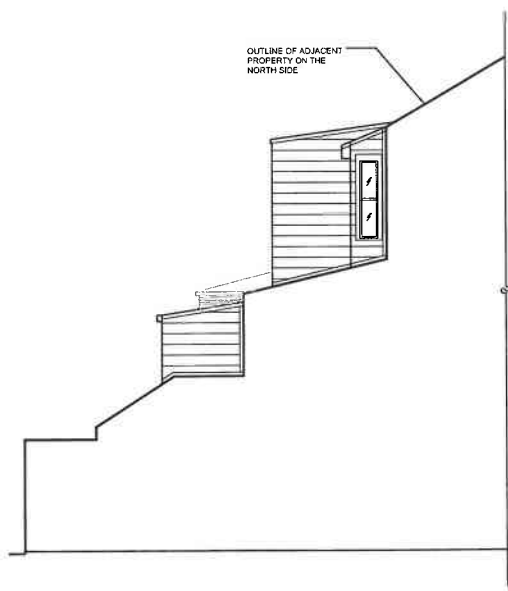
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PROPOSED SOUTH ELEVATION



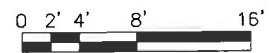
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1/8" = 1' - 0"



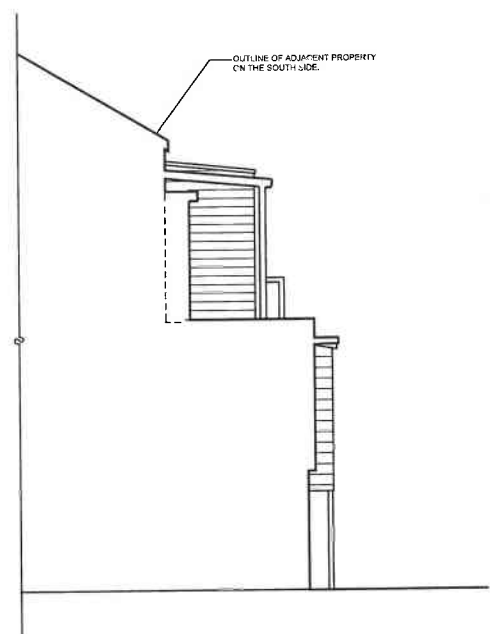
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EXISTING NORTH ELEVATION



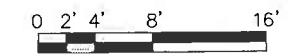
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1/8" = 1' - 0"



2

EXISTING SOUTH ELEVATION



NOTE: OUTLINE OF ADJACENT BUILDINGS IS A GENERAL REPRESENTATION BUILDINGS HAVE NOT BEEN PROFESSIONALLY SURVEYED

1/8" = 1' - 0"

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SITE PERMIT 6/28/13	

LESLIE ARNOLD ARCHITECT

63 Yuma Street San Francisco, California 94127
tel: 415 713 2960 fax: 815 331 5196



Residential Remodel for:
Andrea Sello and Andrew Leighton
1264 Sixth Avenue
San Francisco, CA 94122

(E) & (N) NORTH ELEVATION
(E) & (N) SOUTH ELEVATION

Date: 9/16/13

Scale: AS NOTED

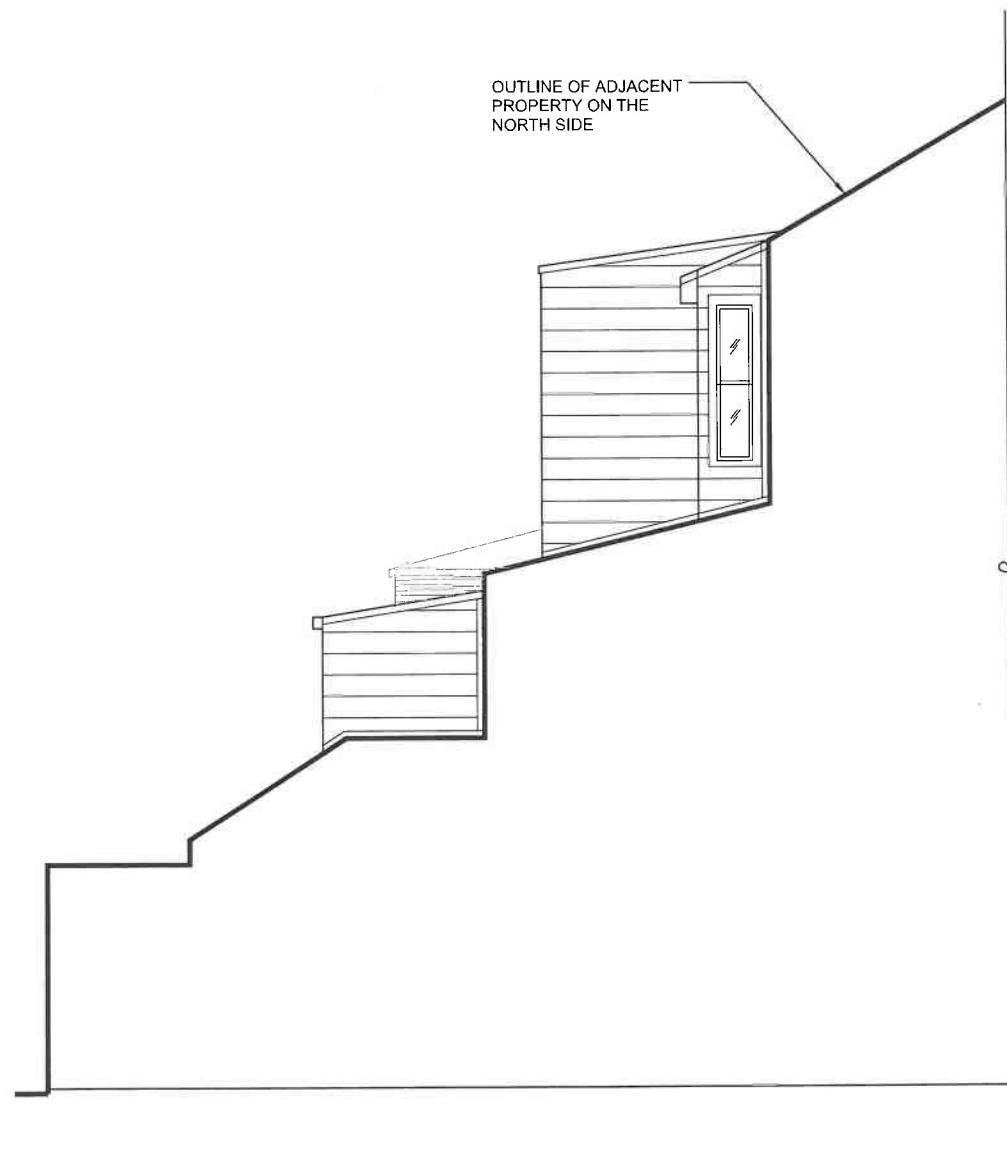
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Job: SELLO/LEIGHTON

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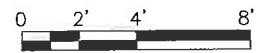
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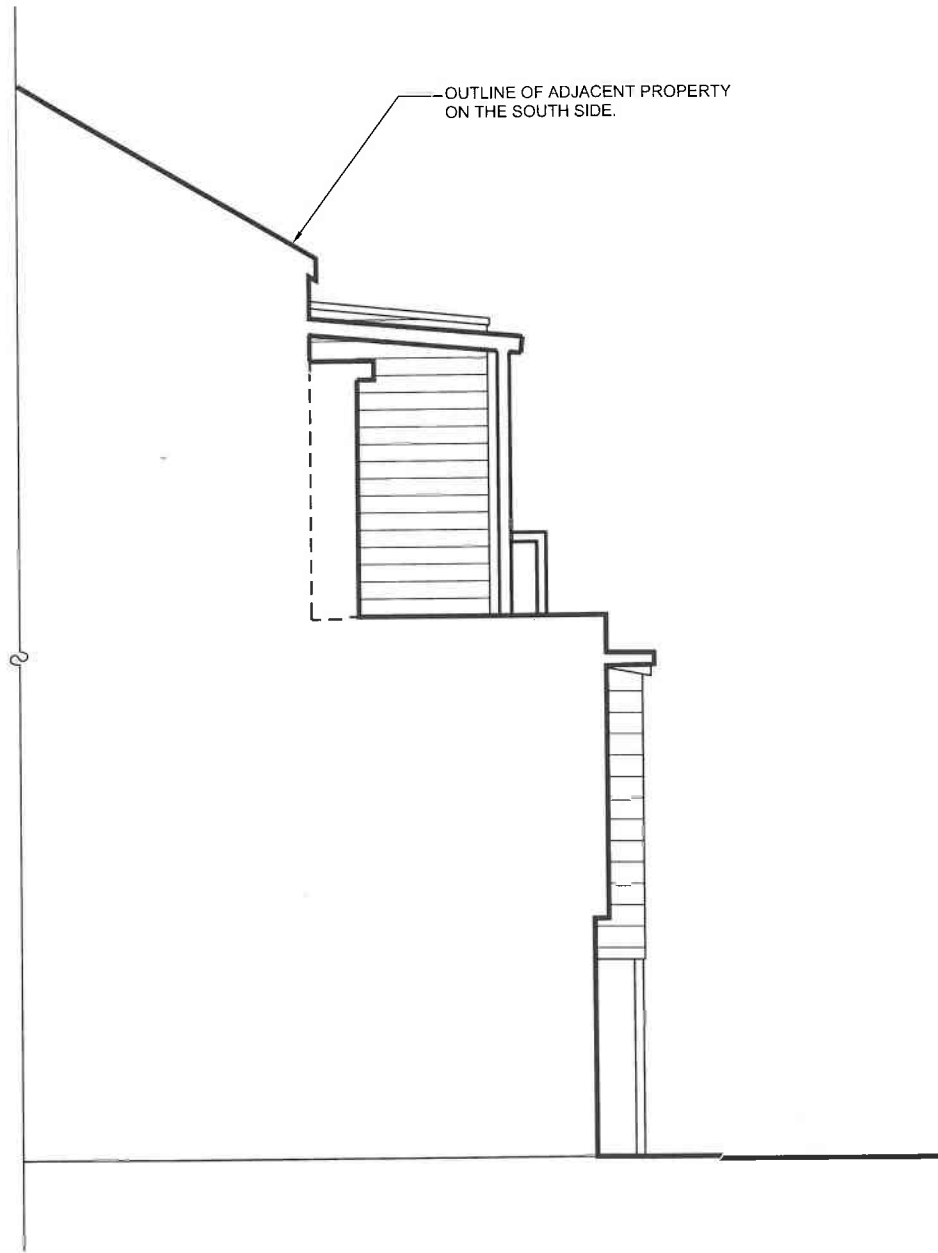
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EXISTING NORTH ELEVATION

NOTE: OUTLINE OF ADJACENT BUILDINGS IS A GENERAL REPRESENTATION BUILDINGS HAVE NOT BEEN PROFESSIONALLY SURVEYED



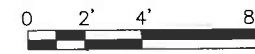
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2

EXISTING SOUTH ELEVATION

NOTE: OUTLINE OF ADJACENT BUILDINGS IS A GENERAL REPRESENTATION BUILDINGS HAVE NOT BEEN PROFESSIONALLY SURVEYED



1/4" = 1' - 0"

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SITE PERMIT 6/26/13	

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tel 415 713 2960 fax 815 331 5196



Residential Remodel for:
Andres Sello and Andrew Leighton
1264 Sixth Avenue
San Francisco, CA 94122

-(E) NORTH ELEVATION
-(E) SOUTH ELEVATION

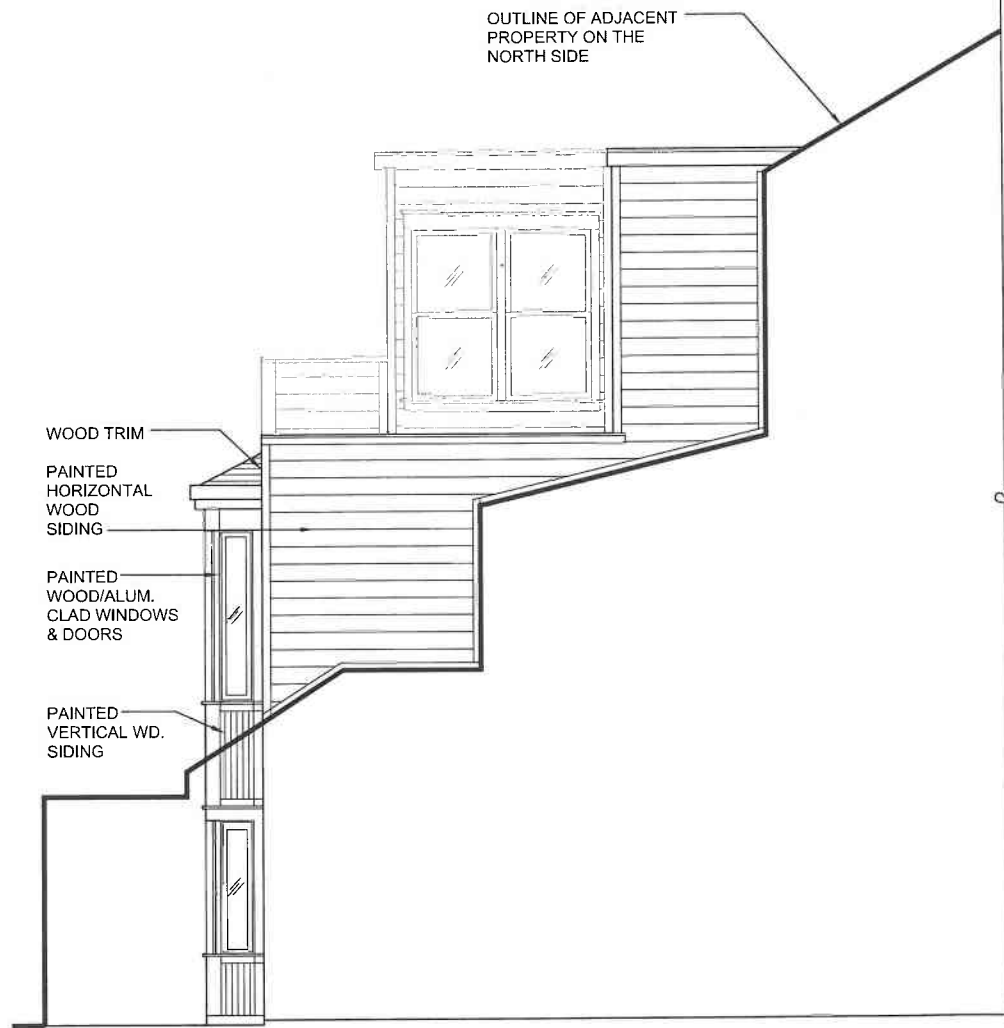
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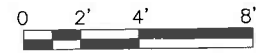
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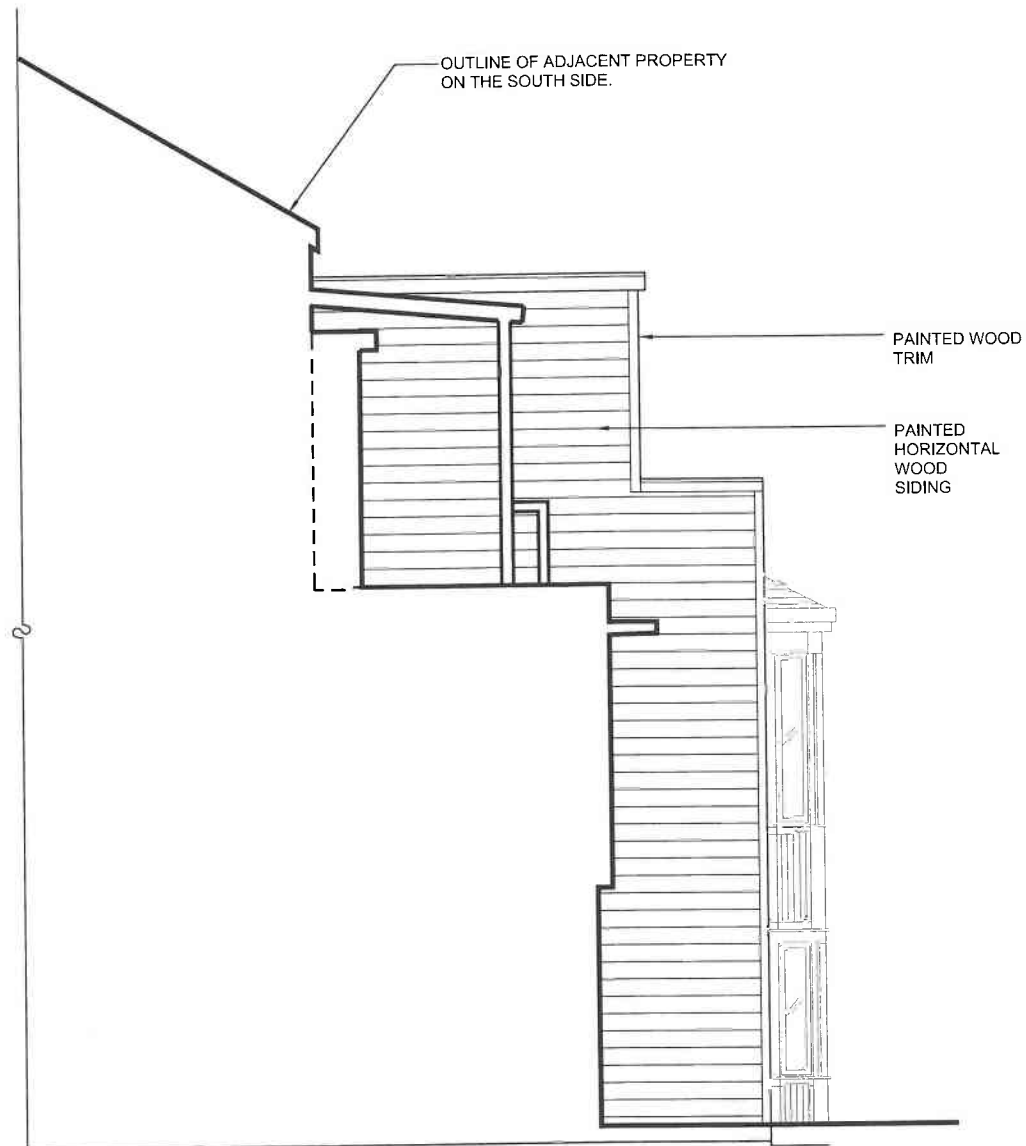


1 PROPOSED NORTH ELEVATION

NOTE: OUTLINE OF ADJACENT BUILDINGS IS A GENERAL REPRESENTATION BUILDINGS HAVE NOT BEEN PROFESSIONALLY SURVEYED

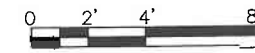


1/4" = 1' - 0"



2 PROPOSED SOUTH ELEVATION

NOTE: OUTLINE OF ADJACENT BUILDINGS IS A GENERAL REPRESENTATION BUILDINGS HAVE NOT BEEN PROFESSIONALLY SURVEYED



1/4" = 1' - 0"

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63 Verna Street San Francisco California 94127
tel 415 713 2960 fax 815 331 5196



Residential Remodel for:
Andrea Sello and Andrew Leighton
1264 Sixth Avenue
San Francisco, CA 94122

-(N) NORTH ELEVATION
-(N) SOUTH ELEVATION

Date: 9/16/13

Scale: AS NOTED

Drawn: KPH/LA

Job: SELLO/LEIGHTON

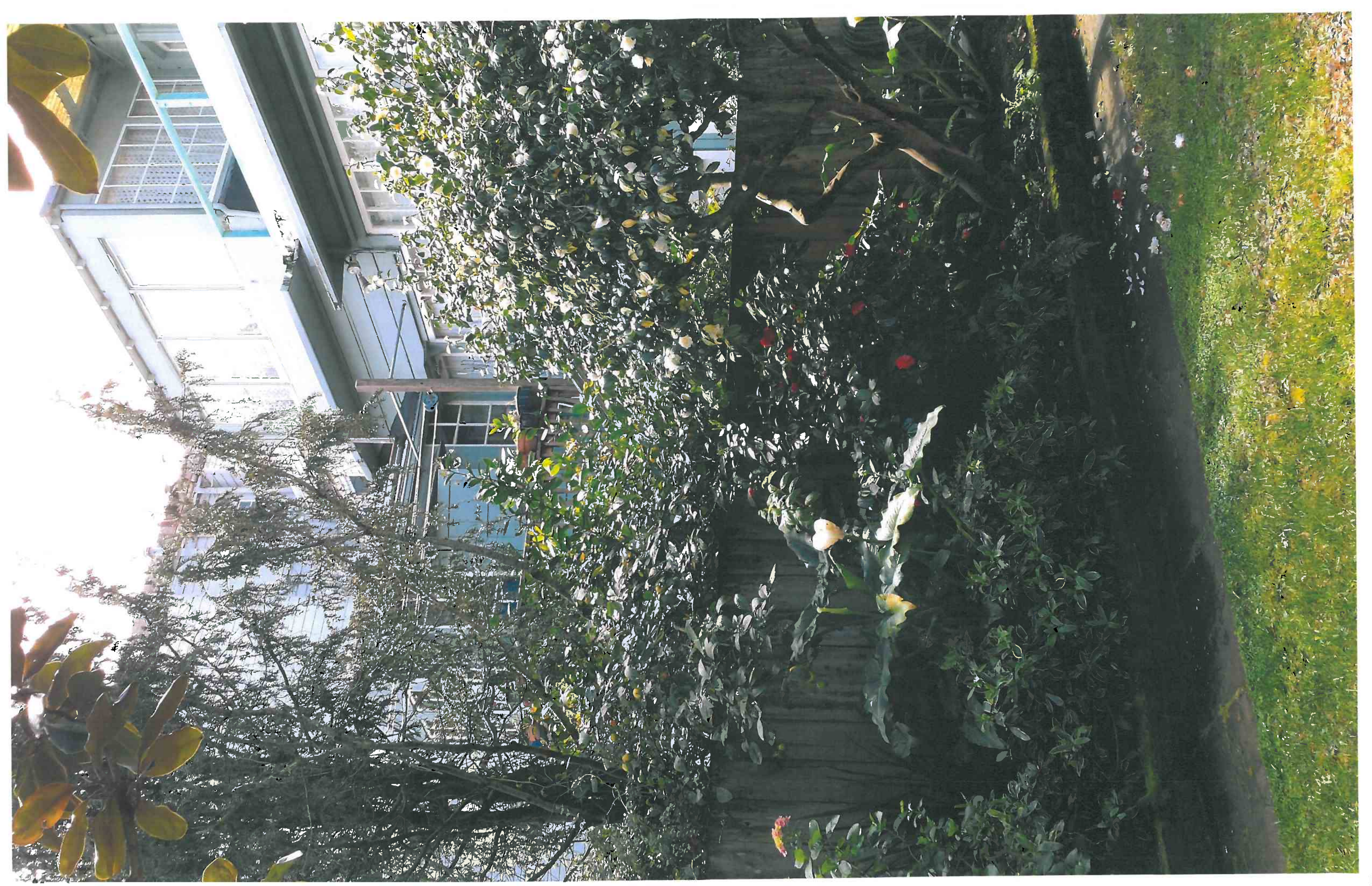
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of Sheets







THE LAW OFFICE OF
GEORGE WILLIAM WOLFF

TELEPHONE: 415.788.1881
TELECOPIER: 415.788.0880

505 SANSOME STREET SUITE 1525
SAN FRANCISCO, CA

P.O. 26749
94126-6749

April 16, 2014

San Francisco Planning Commission
c/o Ms. Christine Lamorena
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Re: Discretionary Review Applicants Supplemental Brief

Building Permit
Application No.: 2013.06.26.0594
Subject Property: 1264 6th Avenue
Hearing Date: April 24, 2014

Dear Commissioners:

Discretionary Review Applicants Mr. Ken Miller and Julie McKenzie ("Miller/McKenzie") hereby submit this supplemental brief in advance of the Discretionary Review hearing scheduled for April 24, 2014. Miller/McKenzie are the owners of the property located at 1260 6th Avenue, San Francisco. The Miller/McKenzie property is located immediately to the north of the Subject Property.

The owners of the Subject Property Clay Leighton and Andrea Sello ("Project Sponsors") recently submitted a Response to Application for Discretionary Review ("Response"). This brief seeks to clarify certain issues addressed in the Response, correct misinformation provided, and update the Commission as to the status of discussions between the respective parties.

Refusal to Mediate

Project Sponsors have refused to participate in mediation. Informal discussions between the respective architects initially seemed to be gaining traction. However, Project Sponsors abruptly pulled out of discussions. In an effort to resolve the dispute, Miller/McKenzie repeatedly requested mediation. The Project Sponsors were evasive, stated they would be out of town without email access, and eventually hired attorneys who recommended against mediation.

Miller/McKenzie are in support of upgrades and improvements to the Subject Property, particularly the structural elements at the rear of the Project. However, Miller/McKenzie have

requested certain modifications to the plans to reduce impacts. The Project Sponsors backed out of informal discussions and refused to engage in mediation with a neutral third party.

Discretionary Review Applicants hereby request the Commission take action by rejecting the Project in its current state.

“Boxed-In”

An out-of-scale rear yard addition can leave surrounding residents feeling “boxed-in” and cut-off from the mid-block open space.” Residential Design Guidelines, Page 26.

The Subject Property currently extends beyond the Miller/McKenzie Property as a result of the prior construction of "popouts" at the back of the house. (Response P. 3). Construction of the Project in its current form will result in a boxed in effect for neighbors on both sides of the Subject Property.

The Project Sponsors assert a rather curious argument that the Miller/McKenzie’s have “boxed” themselves in by landscaping and planting trees in the rear yard area. (Response P. 5). Landscaping and trees are generally deemed an asset to home and provide an enhanced visual experience.

Conversely, building a solid wall next to a person’s home creates a “boxed in” and confined feeling. (Residential Design Guidelines, P. 26). This odd argument presented by the Project Sponsor lacks merit. The impact of Miller/McKenzie’s lush garden is not on par with a solid wall.

Shadow Study Impacts

“When expanding a building into the rear yard, the impact of that expansion on light and privacy for abutting structures must be considered.” Residential Design Guidelines, Page 16 (emphasis added).

The Project Sponsor Response diminishes the impacts of the loss of direct light to the Miller/McKenzie Property by claiming the shadow study only reveals impacts only “at extreme times and seasons.” (Response p. 4) This is incorrect. The loss of direct light, particularly at the sky light locations will be impacted in all seasons, with the exception of summer. (See Shadow Studies included in the DR Application Spring/Fall Solstice; Winter Solstice).

The most significant impacts to light will occur during the winter months. The loss of light at this time of year is especially critical to Ms. McKenzie who suffers from Seasonal Affect Disorder.

The skylights at the Miller/McKenzie Property were strategically installed in specific locations to maximize light. The bulky addition at the Subject Property, particularly at the third floor will shade the Miller/McKenzie property as evidenced by the shadow studies.

Miller/McKenzie's architect has indicated on several occasions that the implementation of sloped roofs would minimize shadow impacts, and reduce the bulk of the proposed construction. The Project Sponsors have declined to incorporate a sloped roof.

Open Space and Neighborhood Impacts

“Rear yards provide open space for the residences to which they are attached, and they collectively contribute to the mid-block open space that is visible to most residents of the block. This visual open space can be a significant community amenity.” Residential Design Guidelines, Page 25.

The Discretionary Review Application addressed the importance of the mid-block open space in this particular neighborhood and culture of preservation of the open space. Members of the community have expressed distress over the impacts of the Project Sponsors planned construction as the bulk and size of the addition will interfere with this prized neighborhood commodity.

The Project Sponsors assert that the mid-block open space is irregular and that several houses have out building that obstruct the mid-block open space. It should be noted that the homes in this neighborhood are primarily built with a garage on the first level and living spaces on the second and third levels. The outbuildings on ground level have little impact from an open space perspective because they are below the line of sight from the second and third floor living areas.

The attached Exhibit 1 illustrates an aerial view of the mid-block open space with the green areas representing the visual open space as viewed from the second level and above. Exhibit 1 includes the dimensions of the proposed project to represent the scale of the project. Exhibit 1 was prepared by the Miller/McKenzie architect Glenn Lym.

Miller/McKenzie have received wide spread support. Numerous members of the community have taken the time to address adverse impacts of the proposed construction project. A collection of approximately 17 separate letters have been drafted which express concern over the negative impacts of the proposed project at the Subject Property. The letters are attached as Exhibit 2.

The neighborhood and community members uniformly agree that the 700 sq ft. proposed rear yard addition at the Subject Property will have a negative impact to the mid-block open space, and negative impact to the neighboring properties. It is urged by all who took time to write the Commission to reject the out of scale addition in favor of preserving the mid-block open space.

Based upon the foregoing, it is requested that the San Francisco Planning Commission reject the proposed project at the Subject Property in its current form, and require critical modifications to address the concerns established by the Discretionary Review Applicants.

Sincerely,



Kristin Kerr

Attorney for Ken Miller and Julie McKenzie

Mid Block Open Space – Aerial View
Project: 1264 Sixth Avenue



Exhibit 1

EXHIBIT 2

4/13/14

San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, Ca 94103

To Whom It May Concern:

I purchased my property at 1256 6th Ave in October of 2012 when I found a home with the perfect combination of space, light, backyard area and unique location. I was concerned when learning that Andrea and Clay Leighton of 1264 6th Ave had proposed and submitted to the SF Planning Department plans to build an approximately 700 square foot extension to the rear of their property. Since their property is to the south, if this project were to move forward, this build-out would have an enormously negative impact on my home and particularly the exposure to both light and sky.

Further more, I am concerned by any precedent that may be set by the Leighton's building so far out of the footprint of their home. They are proposing to add about 700 square feet to the rear of their home. No other single family home on our square block has done any build out approaching this scope. In the past, neighbors who have extended their property have considered the effects on other homes and have been respectful with regard to building decision making. My immediate neighbor, the Millers did an extensive rebuild of their home in 2002 and could have legally built out much further, but they considered the impact this would have on the property I now occupy. I am grateful for their consideration of the effects their construction could have as well as the concern for the feeling of open space and light that I have had the pleasure of enjoying. My hope is that my neighbors at 1264 would have this same consideration for both the Millers home as well as my own property.

Additionally, it has been both concerning and saddening to see the lack of compromise that the Leighton's have shown in this process. As a neighborhood, we have attempted to find a middle ground that would allow the Leighton's to increase the size of their home while still preserving the light of multiple homes on the block. This process was dismissed by the Leighton's with minimal consideration.

I strongly urge the Planning Commission to reject this proposal in its current form, and request the applicants to significantly reduce the scope of their proposal to one that is in scale with the existing single family homes on our square block.

Sincerely,

Vanessa Fabian
1256 6th Ave
San Francisco

Amy Teresa Chung

Attorney at Law

835 Washington Street, San Francisco, California 94108

Telephone: (415) 982-9813

April 15, 2014

Planning Commissioners
Planning Department
City and County of San Francisco
1650 Mission Street, Apt. 400
San Francisco, California 94103-2414

Ref: 1264 Sixth Avenue
Permit Application 2013.06.26.0594
April 24, 2014 Hearing Date

Dear Madam President and Distinguished Commissioners:

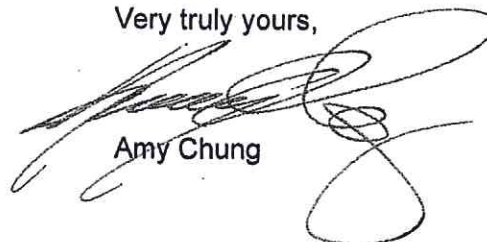
This letter is written in opposition to a permit application filed for 1264 Sixth Avenue. I am friends with Ken and Julie Miller who live at 1260 Sixth Avenue, next door to the applicants. Ken and Julie spent a great deal of time and care in designing, planning, and executing the remodel to their own home. They consulted all adjacent neighbors, and the design of their modification respected the air, light, views, and envelopes of their neighbors' properties. The mindfulness of their process resulted in an addition to their home that is in scale with surrounding buildings, and beautifies not only their own home, but adds to the value and ambiance of the entire neighborhood.

In contrast, the addition proposed for 1264 Sixth Avenue is out of scale with the rest of the neighborhood. The new envelope of that property is bulky enough that the Millers would lose most of their light and view from the kitchen and dining room. Their kitchen skylight would be in the constant shadow of their neighbor's new addition. The proposed back wall of 1264's addition would be set further back into their yard than any other property on the block. Indeed, that addition would look directly into the Millers' kitchen and dining room.

Many of these negative impacts could be resolved by redesigning the proposed roof line. Indeed, the Millers hired their own architect to make suggestions and meet with their neighbors. Their modest suggestions were met with outright indignation and out-of-hand rejection.

I humbly ask that you require the owners of 1264 to change the design of their addition to minimize the impact on the Millers' home. The Millers were held to a rigorous design standard to be mindful of their neighbors. It took care and compromise. It is only fair that the current application be held to the same process and design standards.

Very truly yours,



Amy Chung

Dear S. F. Planning Commission,

I live at 425 Hugo Street in San Francisco. My backyard is part of a park-like, somewhat sunny, green area that is made up of all of the backyards that belong to the structures that encircle the block bordered by Irving Street, 5th Avenue, Hugo Street and 6th Avenue.

We have neighbors, Andrea and Clay Leighton, that live at 1264 6th Avenue who want to remodel the backside of their home. Although it will beautify the rear of their home, the proposed remodel will aggressively push into the green space that all of the neighbors enjoy. This rear extension will also greatly reduce the presently diminished sunlight of which the Leighton's adjacent neighbors take pleasure in. It appears that the Leightons want nothing to do with finding a way to compromise on what they want with what the neighbors would like to see, namely the light from the sun.

What's really upsetting is the slow and steady encroachment of property structures threatening the tranquil, open green space that makes up the center of many Inner Sunset District blocks.

My wife and I remodeled the back of our home in 2000 and we found a way to compromise with what some concerned neighbors were afraid of: the blocking of viewable open space from their apartments or homes. When our neighbors, the Millers, remodeled their home, they also took great care in not disturbing the amount of sunlight of both adjacent neighbors, of which the Leightons are one. The Leighton's have taken what appears to be a passive aggressive stance on their position regarding this matter. They show no interest or concern for the community spirit of which our block boasts.

Please review the Leightons proposal, but do the right thing by requiring their architect to come up with at least two different compromises so their neighbors are not being ignored.

Sincerely,

Craig Marshall

April 14, 2014

Subject: Building Permit Application: 2013.06.26.0594

To The San Francisco Planning Commission,

We are writing to express our grave concerns with the proposed remodel at 1264th Avenue, as the plans currently stand. We live at 1258 6th Avenue (a Tenancy-in-Common with 3 flats whose addresses are 1254-1256-1258 6th Avenue) and are southern neighbors to this property. **As a result of their proposed expansion, the amount of light reaching our back bedroom, kitchen and backyard will be reduced and our quality of life negatively impacted.**

While we recognize the need and desire for the Leightons to remodel their home, we are very concerned by the scope that this project has taken on, as their plans have the footprint of their home extending well beyond the footprint of their immediate neighbors, as well as our own. We worry about the aftermath of this precedent and the overall negative impact it will have on our block and community.

While many neighbors have remodeled their homes in the past, none to my knowledge has opted to expand the footprint of their home so extensively and with complete disregard to the impact on their neighbors. In fact when our next door neighbors, Julie McKenzie and Ken Miller at 1260 6th Avenue decided to renovate their home, they carefully considered the impact that the project might have on their neighbors. At the time, our building was comprised of rental units, and though Ken and Julie would have been legally allowed to build out significantly more, and likely would have encountered little resistance from the renters who lived to the north, they chose to respect everyone's need for light and space and made every effort to minimize the impact of their project on the community. As their current neighbors, we are deeply and continuously grateful to them for their sense of community and ethical choices. Our ability to fully use and enjoy our outdoor space and back bedrooms is truly priceless.

It is therefore most unfortunate that Ken and Julie now find themselves in a situation where their neighbors to the south plan to build out their property in such a way as to negate much of the work they did to bring light into their home. We were very surprised that the Leightons were unwilling to work toward compromise and make minor modifications requested by their immediate neighbors, Ken and Julie to the north and Cynthia Smith to the south. Although the Leightons agreed to host informational meetings, they steadfastly refused to even acknowledge the very obvious effect that their project would have on their neighbors. Cynthia will stare at a wall, where there used to be open space and Ken and Julie's skylight will now be in shadow. Anyone who has been in their homes and seen the plans of the Leightons could easily appreciate the very negative impact this project would have. All neighbors recognize the Leightons' right to remodel their home, whether it is to immediately resell or live in, but it is truly shocking that they care so little about the impact that it will have on their neighbors' quality of life and property values.

In the interest in preserving our community for all to enjoy, **we urge the Planning Commission to reject this proposal in its current form and request the applicants to significantly**

reduce the scope of their proposal to one that is in scale with the existing homes on our square block.

Thank you for your time and consideration.

Sincerely,

Morgan Benz and Ibon Otegui
1258 6th Avenue
San Francisco, CA 94122

San Francisco Planning Commission: Re:

The Address of the Property: 1264 Sixth Ave

The Building Permit Application: 2013.06.26.0594

The Hearing Date: April 24, 2014

Dear Commissioners;

My wife, Teresa Swift, and I, are long-time homeowners at 1234 Fifth Avenue, a block away from Ken and Julie's home at 1260th 6th Avenue. The homes on our block have an open and green space in the area behind them much like that on Sixth Avenue. We treasure this peaceful space, and are very much opposed to any construction in this area, or any similar areas in the Inner Sunset, which reduces the amount of green space.

We understand that the owners of the above property are requesting Planning Department permission to construct a three story addition to their home which would reduce the open space behind their home. We are strongly opposed to any such additions in the Inner Sunset neighborhood, since we believe that these will diminish its unique neighborhood characteristics.

Regards, Tom Bennett

April 15, 2014

Nathan Ladyzhensky
1366 4th Avenue
San Francisco, CA 94122

San Francisco Planning Commission

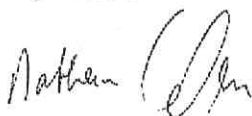
Re: 1264 Sixth Ave, The Building Permit Application: 2013.06.26.0594, Hearing of: 4. 24. 2014

To Whom It May Concern:

I have known the owners of the 1264 6th Avenue for many years, both professionally, and as neighbors. Both Julie and Kenneth have always been active participants in the various neighborhood projects, such as organizing tree plantings with Friends of the Urban Forest, collecting signatures for various petitions affecting the area, etc. I know them as being very friendly and conscientious neighbors who care very much about the health and well-being of the neighborhood. I also know how devastating their next door neighbors plans will be for their quality of life and their property values. Kenneth and Julie have attempted numerous times to achieve a compromise with Andrea and Clay Leighton of 1264 Sixth Ave, but were rebuffed and ignored at every turn.

Having lived in San Francisco for almost 35 years, and owning my house on 4th Avenue since 1995, I certainly understand the importance of good relationships with your neighbors. Most of us live in ridiculously expensive houses, yet having common walls and hearing our neighbors garage doors open and close. Maintaining friendships and common goals is so very important, as is common decency and care for each other. Several years ago we did a major renovation on our house. The 2nd Floor of my property extends quite a bit longer than the 1st Floor, and we would have easily obtained a permit to extend the bottom Floor, since the overall footprint would not have changed. However, living on a hill, that would have blocked most of the light in my neighbors' living and dining room. Even though we could have used more room, without even discussing this with the neighbors we decided against such extension. Please see attached aerial photo.

I hope your ultimate decision will reflect a concern about improving one's property and increasing one's property values at the expense of others, without any regard for the consequences.



Nathan Ladyzhensky

Google



April 12, 2014

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

Dear Planning Commission,

This letter is in reference to the proposed expansion of 1264 Sixth Avenue, San Francisco, CA; permit number 2013.06.26.0594; and the hearing date of April 24, 2014 thereof.

I am a longtime friend of the family next door to 1264 Sixth Avenue (1260 Sixth Avenue, McKenzie-Miller family). The proposed expansion would significantly degrade the quality of life of those neighbors that live on either side of the proposed expansion due to the significant overshadowing of the light of the adjacent houses and diminishing the open garden expanse of said adjacent houses. In addition, members of the McKenzie-Miller family suffer from Seasonal Affective Disorder (SAD) and the extreme impact on light will have a most deleterious effect on the family.

I know that 1260 Sixth Avenue remodeled their house with the purpose of maximizing the light of their house while minimizing any impact on their neighbors. 1260 Sixth Avenue attempted to seek resolution of this issue thorough meditation and 1264 Sixth Avenue has declined this outreach.

Therefore, I respectfully ask the Commission to reject the submitted plans and push for a remodel that is mindful of the impact of light and quality of life of Sixth Avenue residents.

Please contact me for further information.

Sincerely,

Regina Karson
444 Anza Street
San Francisco, CA 94118
415.225.4478
rkarson@sbcglobal.net

TO: THE SAN FRANCISCO PLANNING COMMISSION

The Address of the Property: 1264 Sixth Ave

The Building Permit Application: 2013.06.26.0594

The Hearing Date: April 24, 2014

Dear Members of the Planning Commission,

I urge you to restrict the height and depth of this building plan so that it does not increasingly cut off the Miller, McKenzie home from sunlight and the light that supports the garden. I have had the experience of being a guest at their home and noted that Ken Miller has superb gardening skills and has created an amazing, well designed, well maintained, thriving garden. The back of their home is skillfully designed with skylights, doors and windows to integrate the home and garden. The proposed building plans would have a severe impact on their home and garden.

I do not want my home to be confined to a dark alley by my neighbor's towering additions.... Who would?

Please consider denying or limiting this plan,

Richard Brydon
895 Darien Way
San Francisco, CA, 94127
rbrydon@mac.com

Statement to Planning Commission in support of Ken Miller, Julie McKenzie owners of 1260 6th Ave.

As a San Francisco resident for over 20 years in the Richmond District it was upsetting to see the Miller family , my Sunset neighbors on 1260 6th Avenue going through so much to save the direct impact of the proposed project at 1264 6th Ave. to their lovely 1911 Edwardian home and garden.

We also went through a similar situation many years ago with neighbors wanting to build up 3 stories and out 10 feet more than the existing 7 feet on the property line which didn't conform to the existing single homes in our neighborhood. This too would have had a huge impact on our SW short yard at 17th Ave and Anza. We were fortunate enough that the planning department had them change their plans. They redid their property with a beautiful landscaped backyard, and never built onto their house.

The Miller's property will be greatly affected by such a huge project at 1264 6th Ave. We have grave concerns as to the precedent being set by the Leighton's project to build about 700 square feet to the rear of their home, so far out of the footprint of their home. No other single family homes in this square block have done any build outs approaching this scope.

The Miller's at 1260 6th Ave. did an extensive remodel in 2002, keeping it close to the original footprint of their 1911 Edwardian home. In that remodel they made sure to design the East wall with many windows and skylights to capture the most natural light, and have a open space / garden. The Miller's legally could have built out much further, but respected their neighbors (to the South) light and space. The neighbors to the south were very grateful for their consideration to the open space the many yards enjoy on this block. It would have such a negative impact on the Miller's home if the proposed project at 1264 6th Ave. moves ahead setting a precedent for future homes to build out.

As a single family homeowner for 20 years in San Francisco's Richmond District, raising a family of 3 boys, space is limited. It is very important to keep as much yard as possible, creating open spaces to enjoy in a crowded city. I believe the Planning Code's also try to retain as much open space in residential blocks as possible. If each home owner is allowed and keeps adding onto their homes, changing the integrity of the existing footprint, losing more and more precious open spaces in our yards by large build outs creating dead space with no natural light in our small yards we all lose out.

I strongly urge the Planning Commission to reject this proposal in its current form and request the applicants at 1264 6th Ave. to significantly reduce the large scope of their proposal to one that is in scale with the existing single family homes on their square block, taking it off the property line and not build out and up as proposed.

Thank you for your time ,
Heidi Wilcox and Farley Pearce
515 17th Avenue
San Francisco, CA 94121

April 15, 2014

San Francisco Planning Commission

Reference: Building Permit Application: 2013.06.26.0594

1264 Sixth Avenue

This letter is regarding the project planned for 1264 Sixth Avenue which is to receive a hearing on April 24, 2014.

I am very concerned about the proposed project that would allow a single-family home to build far outside the original footprint of the original structure. This sets a dangerous precedent to allow a single family home to fill in open space restricting the spaciousness and "park like" environment created within the square block.

The Miller/McKenzie family adjacent to this property at 1260 Sixth Avenue did a significant renovation to their home in 2002 taking advantage of this open space by allowing for the maximum amount of light entering their property.

When the Miller/McKenzie Family did their renovation in 2002 they were very conscious of their neighbors and chose to do their renovation without building significantly outside of the footprint of their 1911 Edwardian home, therefore conserving their neighbors light and views.

The proposed project will significantly diminish the light and air flow they currently enjoy from the rear of their home, significantly their kitchen which is where they spend a great deal of time.

The property owners at 1264 Sixth Avenue have refused mediation and have made it very clear to all concerned that they are not interested in any compromise that would relieve some of their impact to the Miller/McKenzie family or Cynthia Smith who resides at 1268 Sixth Avenue.

I request that you do not approve this project in its current form since it would be so out of character and scale for the neighborhood and would detrimentally impact the quality of life for the two adjacent homes!

Randall Schiller

1207 Fifth Avenue

San Francisco, CA. 94122

(415) 661-7553

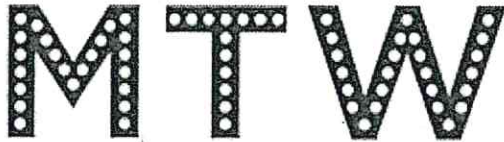
Dear San Francisco Planning Commission,

While I believe in each individual's right to do what is necessary to provide comfort and succor to their family, I also support the right of those in a community to speak freely and work together for the betterment of the community as a whole. One vision should not be favored to the detriment of another. As those of you in public service are well aware, this Democratic principle is fundamental to our American way of life.

It is with distress that I see these fundamental principles are not being adhered to at this time in my community. Our neighbors at 1264 6th Avenue, Mr and Mrs. Leighton, wishes to construct an extension to the rear home which will significantly diminish the sun and light to the adjacent properties. This is of great concern to me personally as the Inner Sunset is well known for its paucity of both.

I request, in the spirit of communal integrity, that a design for the expansion of the property at 1264 6th Avenue be reviewed for further consideration which would involve a solution beneficial to all those affected by the current plan. I and several other neighbors are very willing to work with the Leightons, their architects and the owners of neighboring properties. We are eager to see the enhancement of and improvement to their current property which at this time is sorely in need of repair and maintenance.

Sincerely,
Melissa Marshall



MUSICAL THEATRE WORKS
Theatre Academy & Performance Company

11 April 2014

To: San Francisco Planning Commission
Room 400, City Hall
San Francisco

From: Carolyn Miller

Re: Building Permit Application 2013.06.26.0594
Address of Property: 1264-Sixth Avenue SF 94122

I am writing to you out of serious concern re: the possible approval of a building permit for the property at 1264-Sixth Avenue SF 94122. As a third generation native San Francisco resident, I have seen how the unique character and charm of many of our neighborhoods are negatively affected by property expansions and alterations that do not take into account the impact upon the neighboring properties or the neighborhood. I believe that this is the case with this building permit application.

I have visited Ken Miller and Julie McKenzie's home, at 1260-Sixth Avenue, on numerous occasions. It is a charming 1911 Edwardian which Ken and Julie remodeled in 2002 in order to gain more light from their southern exposure. They did their remodel, at great expense, by installing several skylights and windows. And, to their credit, their remodel did not, in any way, negatively impact their neighbors or the neighborhood. I have seen the 'light/shadow' study, provided by a professional architect, which clearly shows Ken and Julie's home, at 1260-Sixth Avenue, being cast in a shadow from the 1264-Sixth Avenue proposed build-out.

In the past few months, I have learned that architects from both properties have worked together to come up with several options that would lessen the impact of the proposed build-out. But, I understand, that the Leightons have rejected all of these possible solutions, and any further discussion or mediation was also rejected by the Leightons. It seems unfair, and ethically inappropriate, that one property owner can proceed with an unnecessarily-large build-out that, in effect, destroys the good work and efforts of another neighbor.

I respectfully request that the Planning Commission consider not granting this building permit which seems, solely and unnecessarily, to serve the resident at the detriment and inconsideration of their neighbors and neighborhood. Thank you for your attention and consideration. Both are sincerely appreciated.

With Regards,

Carolyn Miller
Founding Executive Director
Musical Theatre Works
San Francisco

Thank you for considering all the perspectives of the purposed building project at 1264 Sixth Ave, building permit application #2013.06.26.0594, hearing date 4/24/14. Unfortunately I will not be able to attend the hearing so I am glad I can give my perspective through email. I have been in Ken and Julie's house (1260 Sixth Ave) many times including during their construction. They have a beautiful home and what is especially beautiful is their garden, it truly is a refuge. To take away any of the light and views from the deck or garden would be awful. Ken and Julie are thoughtful people considerate of their neighbors and friends. Their construction was an example of this. I trust that a resolution of this conflict will be found so that the neighbors can remodel without compromising the light and veivs of Ken and Julie's home.

Thank you,

Karla Downing 415 722 1258

Re Building Permit 2013.06.26.0594

This letter is on behalf of Ken Miller and Julie McKenzie, my neighbors at 1260 Sixth Ave. They are currently in the midst of a dispute with their next-door neighbors, Andrea and Clay Leighton of 1264 Sixth Ave.

I live a block away, and my concern is that this 3-story addition to the Leighton home will set a negative precedent in our neighborhood, specifically the lovely green expanse we all share in the inner heart of each block. This open, park-like space is a very important part of this beautiful area and an important factor in our respective property values. The Leighton's proposed large addition will block views and light, as well as negatively impact the ability of the Miller-McKenzie family to enjoy their own property, including their beautiful garden. While the Leighton's proposal does not violate any zoning ordinance, and is not illegal, it is substantially outside the footprint of their home, and they refuse to consider the impact of such a looming addition on their neighbor's property.

San Francisco needs to protect the precious green space at the heart of our blocks. The City should prevent outsize building projects such as this one if we are to preserve precious habitat for wildlife such as birds and butterflies. Large build outs are also not in compliance with the healthy urban watershed initiative as outlined by the SFPUC on March 14, 2014.

Please do not approve this proposed addition.

Sincerely,

Teresa Swift
1234 5th Avenue

The San Francisco Planning Commission

Re: 1264 Sixth Ave

Building Permit Application: 2013:06:26:0594 Hearing date: April 24, 2014

I am writing in support of my neighbors at 1260 Sixth Ave and their concern with the proposed remodel of their next door neighbor's house at 1264 sixth Ave.

The proposed remodel is far outside the original foot print of the property and, if approved, would set a precedent for other single family homes to fill in the open space to the rear of their homes.

The property owners at 1264 Sixth Ave have made it clear that they are not interested in any significant compromises with their neighbors and have refused mediation.

The property owners at 1260 Sixth Ave did a major remodel in 2002. They choose to do this large scale renovation without building significantly outside the foot print of their home and were able to conserve their neighbor's light and view.

The proposed project at 1264 Sixth Ave will similarly impact the property at 1268 Sixth Ave.

Thank you,

Judy Aune

1272 Sixth Ave

SF, CA

Sent from my iPad