

# **Discretionary Review Analysis**

**HEARING DATE APRIL 22, 2010** 

Date:

April 15, 2010

Case No.:

2010.0092 DD

Project Address:

675 ARKANSAS STREET

Permit Application: 2009.0529.9359

Zoning:

RH-2 (Residential House, Two-Family)

40-X Height and Bulk District

Block/Lot:

4099 / 029

Project Sponsor:

Shawn Fritz, Holly Hulburd Design

375 Alabama Street

San Francisco, CA 94110

Staff Contact:

Edgar Oropeza - (415) 558-6381

edgar.oropeza@sfgov.org

Recommendation:

Do not take DR and approve project as proposed.

# PROJECT DESCRIPTION

The project proposes a partial one-story vertical addition to the existing two-story single family dwelling. The vertical addition includes the creation of a new master bedroom, bathroom and closet. Additionally, the project includes the creation of a roof deck at the rear immediately accessible from the master bedroom. The proposed a vertical addition is set back approximately 15 feet from the front building wall. The existing height of the subject building is 20 feet. The proposed height is 31

# SITE DESCRIPTION AND PRESENT USE

675 Arkansas Street is located on a 25 by 100 foot rectangular lot located on the east side of Arkansas Street, between 20th and 22nd Streets in the Potrero Hill neighborhood. The dwelling is approximately 1,800 square feet and was constructed in 1930. 675 Arkansas Street is a two-story Mediterranean style single family residential building with a flat roof and located on a downward sloping lot.

# SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject block is almost entirely residential and includes single-family and small multiplefamily residences. A row of small commercial buildings is located at the north end of the block. The Potrero Hill Center at the south end of the block consists of a large park with sports courts, ball fields and a recreational facility.

Most houses on the east side of Arkansas Street are one to two stories in height, with a few three story buildings present. The lots on the east side are downward sloping and are generally 1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception: 415.558.6378

Fax:

415.558.6409

Planning Information: 415.558.6377 improved wood framed buildings with wood and stucco facades. Most houses on the west side of Arkansas Street are characterized by a wide range in heights due to the up sloping nature of the lots. These buildings range from two to four stories. Those near the project site appear significantly taller than those houses towards the 20th Street intersection. Architectural styles are varied.

The adjacent dwelling located to the north is one-story at the front with a vertical addition setback towards the rear. The adjacent dwelling located to the south is one-story over a sub-basement. It is similar to the northern property in that there is a second story setback towards the rear. Both properties have vertical additions that are hidden from the public right of way due to the setbacks. Due to the down sloping nature of the lots on the east side of the block, the adjacent properties reveal more stories at the rear than at the front of the property.

The public right of way, including the sidewalk and street is approximately 80 feet in width.

# **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	April 12, 2010	April 12, 2010	10 days
Mailed Notice	10 days	April 12, 2010	April 12, 2010	10 days

# PUBLIC COMMENT

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

Staff met with neighbors in the immediate area on a site visit to clarify the subject proposal relative to the architectural plans. During the site visit, several neighbors voiced that the proposal was too tall and not in character with the existing scale of the immediate neighborhood. Staff has received one letter in support of the project proposal. Staff has not received comment from a known neighborhood group association. Furthermore, several neighbors are opposed to the project and are listed in the DR request. However, they did not fite separate DR's.

# DR REQUESTOR (S)

Jeannine Vaughan, 681 Arkansas Street, immediate neighbor to the south

Philip Makanna, 665 Arkansas Street, immediate neighbor to the north.

# DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Jeannine Vaughan, 681 Arkansas Street. See attached *DR Application*.

Philip Makanna, 665 Arkansas Street. See attached *DR Application*.

# PROJECT SPONSOR'S RESPONSE

See attached Response to Discretionary Review.

# PROJECT ANALYSIS

The Project Planner, supported by the Residential Design Team, required the initial proposal to be set back at least 15 feet from the front building wall, due to the height of the existing and adjacent homes, per the *Residential Design Guidelines*. With an appropriate front setback, the addition was deemed to be consistent with similar heights and additions in the immediate area.

While the proposed new floor will make the subject building taller than the adjacent residences, the setback from its front building wall will help maintain the existing scale at the street. The visibility of the upper floor is limited from the street, and the upper floor appears subordinate to the primary facade.

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. In this case in order to provide maximum light and privacy to the adjacent rear yards, the proposed addition is significantly set inward from the required rear yard, provides a light well and notches away from the side property lines, in an effort to reduce the footprint and mitigate the impact of the proposed addition.

In regards to Ms. Vaughan's comment regarding a major loss to her existing light and air, one must consider that her property is located to the south of the subject property. Therefore impacts to her property are minimized because the sun travels at an angle which provides more exposure to her property.

The Planning Commission has supported the inclusion of roof decks as usable open space in the majority of its cases requiring review. In addition, given the dense urban environment of the City, it is reasonable to assume that some level of privacy will be impacted by development. However, impacts to privacy are not sufficient grounds to warrant changes to a project which meets the Residential Design Cvidelines.

No solar panels have been built on the DR requestor's property. As noted in the project sponsors' brief, the DR applicant did not discuss the issue of solar panels at the time of the pre-application meeting. In most cases when there is a dispute regarding solar panels, applicants have successfully mitigated the solar issues so that construction and solar panels successfully coexist.

Notwithstanding the above, currently there is no policy which protects a right to solar access and to restrict development on a property as a result.

# **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 request(s) for Discretionary Review was reviewed by the Department's Residential Design Team (RDT). The RDT supports the project as proposed.

Under the Planning Department's proposed DR Reform Policy, this project would not be referred to the Planning Commission as this project does not meet the threshold of exceptional or extraordinary.

# BASIS FOR RECOMMENDATION

The Department believes the project does not have exceptional or extraordinary circumstances for the following reasons:

- The project as proposed meets the Residential Design Guidelines. The character of the immediate area is mixed. The new floor, setback 15 feet from the front building wall will help maintain the existing scale at the street. The visibility of the upper floor is limited from the street, and the upper floor appears subordinate to the primary facade.
- In order to provide maximum light, air and privacy to the adjacent rear yards, the proposed addition is significantly set in from the required rear yard, provides a light well and notches away from the side property lines. The footprint of the proposed addition is reduced to mitigate impacts.
- The project is appropriately designed and it is a reasonable addition that is well below the maximum envelope allowed by the Planning Code.
- The project is compatible with the varied scale, massing and character of the neighborhood.
- The project neets all applicable sections of the Planning Code.

**RECOMMENDATION:** 

Do not take DR and approve project as proposed.

# **Design Review Checklist**

# **NEIGHBORHOOD CHARACTER (PAGES 7-10)**

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

**Comments:** The subject block is almost entirely residential and includes single-family and small multiple-family residences. A row of small commercial buildings is located at the north end of the block. The Potrero Hill Center at the south end of the block consists of a large park with sports courts, ball fields and a recreational facility.

Most houses on the east side of Arkansas Street are one to two stories in height, with a few three story buildings present. The lots on the east side are downward sloping and are generally improved wood framed buildings with wood and stucco facades. Most houses on the west side of Arkansas Street are characterized by a wide range in heights due to the up sloping nature of the lots. These buildings range from two to four stories. Those near the project site appear significantly taller than those houses towards the 20th Street intersection. Architectural styles are varied.

The adjacent dwelling located to the north is one-story at the front with a vertical addition setback towards the rear. The adjacent dwelling located to the south is one-story over a sub-basement. It is similar to the northern property in that there is a second story setback towards the rear. Both properties have vertical additions that are hidden from the public right of way due to the setbacks. Due to the down sloping nature of the lots on the east side of the block, the adjacent properties reveal more stories at the rear than at the front of the property.

# SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
Topography (page 11)			
Does the building respect the topography of the site and the surrounding area?	X		
is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	x		
Front Setback (pages 12 - 15)			
Does the front setback provide a pedestrian scale and enhance the street?			X
In areas with varied from serbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?			X
Does the building provide landscaping in the front setback?			X
Side Spacing (page 15)			
Does the building respect the existing pattern of side spacing?			X

Rear Yard (pages 16 - 17)	X	
Is the building articulated to minimize impacts on light to adjacent properties?	X	
Is the building articulated to minimize impacts on privacy to adjacent properties?	X	
Views (page 18)		
Does the project protect major public views from public spaces?		X
Special Building Locations (pages 19 - 21)		
Is greater visual emphasis provided for corner buildings?		X
Is the building facade designed to enhance and complement adjacent public spaces?	x	
Is the building articulated to minimize impacts on light to adjacent cottages?		X

**Comments:** Residences on the east side of the street reveal more stories at their rear than they do from the font portion of the lot due to the downward sloping nature of the lots.

The proposal respects the topography of the site as the proposed addition is set back 15-feet from the front building wall which, will help maintain the existing scale at the street. Thereby, the visibility of the upper floor is limited from the street, and the upper floor appears subordinate to the primary façade.

The depth of the proposal is well below the maximum allowable height per the Planning Code. In order to provide maximum light, air and privacy to the adjacent rear yards the proposed addition is significantly set in from the required rear yard, provides a light well and notches away from the side property lines, in an effort to reduce the footprint of the proposed addition.

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

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at the street?	Х		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?			
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	X		
Are the building's proportions compatible with those found on surrounding buildings?	Х		
is the building's roofline compatible with those found on surrounding buildings?	Х		

Comments: The vertical addition displays sufficient compatibility in scale and form despite its distinct architectural style. The height at the front is comparable with the adjacent structures to the north and south.

The project's massing and scale is compatible with the mixture of styles and building forms in the neighborhood.

# ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			1
Does the building entrance enhance the connection between the public realm of			$  \mathbf{x}  $
the street and sidewalk and the private realm of the building?		ļ	1
Does the location of the building entrance respect the existing pattern of building			x
entrances?  Is the building's front porch compatible with existing porches of surrounding			X
buildings?		-	ļ
Are utility panels located so they are not visible on the front building wall or on the sidewalk?			x
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on			x
surrounding buildings?			
Garages (pages 34 - 37)			X
Is the garage structure detailed to create a visually interesting street frontage?  Are the design and placement of the garage entrance and door compatible with	<b> </b>	1	
the building and the surrounding area?			X
Is the width of the garage entrance minimized?	<u> </u>		X
Is the placement of the curb cut coordinated to maximize on-street parking?			X
Rooftop Architectural Features (pages 38 - 41)			
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other building elements?	x		
Are the dormers compatible with the architectural character of surrounding			•
buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?			x

**Comments:** The project does not propose to alter the existing building facade. The existing dwelling's main residential entrance and garage door will remain the same in size and materials. No changes are proposed to the existing window openings or to the window materials.

# BUILDING DETAILS (PAGES 43 - 48)

QUESTION	YES	NO	N/A
Architectural Details (pages 43 - 44)			
Are the placement and scale of architectural details compatible with the building	х		
and the surrounding area?		l <u> </u>	l

Windows (pages 44 - 46)			,
Do the windows contribute to the architectural character of the building and the neighborhood?	x		
Are the proportion and size of the windows related to that of existing buildings in		<del> </del>	
the neighborhood?	X		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	x		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?			
Exterior Materials (pages 47 - 48)			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	х		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	х		
Are the building's materials properly detailed and appropriately applied?	Х		

**Comments:** The placement and scale of the architectural details do not detract from the residential character of the area and are compatible with the neighborhood. The dwellings on this portion of Arkansas Street feature both wood and metal windows and utilize a mix of stucco and wood siding for exterior siding. The project proposes stucco siding and windows that maintain the residential character found along Arkansas Street.

# Attachments:

Block Book Map
Sanborn Map
Site photos
Aerial Photographs
Pre-Application meeting notes
Section 311Notice
2 DR Applications
Response to DR Application
Reduced Plans

115 440 0805

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

Regarding:

Notes from neighborhood outreach meeting held May 25 at 675 Arkansas Street; 6:00 pm.

Preliminary plans showing the height and depth of subject building and the proposed addition were on display and discussed. Adjacent properties and dimensions from proposed addition to key points on those properties were shone on the plans.

The following comments from the neighbors are noted:

- David Williams, neighbor across Arkansas Street at 676 Arkansas, was concerned about his view of the bay being blocked by the addition. The contractor and owner agreed to put up story poles that will show the proposed height and width of the addition.
- Jeannine Vaughan, the immediate neighbor to the South, was concerned about the addition shading her rear yard and garden. The setback from the rear façade of the addition was pointed out on the plans, and it was communicated that the reason for the setback was to not cause shadow on either neighbor's rear yard. Hulburd Design agreed to provide a shadow study for the immediate neighbors review.
- Jean and Phil Makanna, the immediate neighbors to the North, expressed interest in the structural upgrades that were going to be implemented as part of the work. Hulburd Design agreed to forward the structural drawing when complete to them for review.

Submitted.

Shawn Fritz, A.A.

Architect and Project Sponsor

noily hulburd assert

September 3, 2009

Assigned Planner, Southeast Quadrant

Planning Department City and County of San Francisco 1650 Mission Street #400 San Francisco, CA 94103 STTE PURDMIT

SEP 13 2009

SEP 13 2009

SEP 13 2009

5 656-6250-600

Re: 675 Arkansas Street

To Whom It May Concern:

Based on the Planning Department feedback and review, we propose the following adjustments to the design:

- We have moved the majority of the street facing wall of the 3<sup>rd</sup> floor addition back 15'-0" from the existing front façade. Because of the structural implications and layout issues, we have kept the front wall at the stairwell at 12'-11" from front façade.
- We have lowered the height of the proposed vertical addition from 33'-0" above street level to 31'-0". The sloping parapet line was also changed to level.
- We have adjusted the layout and proportions of the front window of the addition.
- We have lowered the ceiling height of the front rooms and stairwell to 8'-0".
- We have completed the Historic Resource Evaluation as requested.

Sincerely,

Shawn Fritz AIA

# RESIDENTIAL DESIGN TEAM REVIEW

				CA 94103-2479
DATE: 06/29/09	RDT MEETING D	ATE: 07/08/09		Reception: 415.558.6378
PROJECT INFORMATION:				Fax:
Planner:	Brittany Bendix			415.558.6409
Address:	675 Arkansas St.			Discoins
Cross Streets:	Btwn 20th and 22nd Str	eets		Planning Information:
Block/Lot:	4099/029			415.558.6377
Zoning:	RH-2			
Height/Bulk District:	40-X			
BPA/Case No.	2009.05.29.9359			
Project Status	☑Initial Review	□Post NOPDR	□DR Filed	

1650 Mission St.

Suite 400 San Francisco,

# PROJECT DESCRIPTION:

3<sup>rd</sup> story vertical addition.

# PROJECT CONCERNS:

Scale of vertical addition – doesn't meet threshold for 15-feet from front building wall.

# RDT COMMENTS:

- Setback the third story addition 15-feet from the front building wall (not bay windows). The wall at the third floor staircase may remain in place with a sloped or lowered roof.
- Reduce the height of the third story addition.

# RESIDENTIAL DESIGN TEAM REVIEW

CA 94103-2479 RDT MEETING DATE: 07/23/09 DATE: 07/17/09 Reception: 415.558.6378 PROJECT INFORMATION: **Brittany Bendix** Planner: 415.558.6409 675 Arkansas St. Address: Btwn 20th and 22nd Streets Cross Streets: Information: 415.558.6377 Block/Lot: 4099/029 RH-2 Zoning: 40-X Height/Bulk District: 2009.05.29.9359 BPA/Case No. □Post NOPDR □DR Filed ☑Initial Review **Project Status** 

1650 Mission St.

Suite 400 San Francisco,

# PROJECT DESCRIPTION:

3<sup>rd</sup> story vertical addition.

# PROJECT CONCERNS:

Project Sponsor made some adjustments to building envelope after RDT's initial comments. Also put up story polls... wants feedback.

# RDT COMMENTS:

- \* THE VERTICAL ADDITION MUST BE SETBACK 15 FEET FROM THE FRONT BUILDING WALL, ALTHOUGH THE ADDITION MAY BE SET FORWARD OF THE 15 FEET IN ORDER TO ACCOMMODATE THE INTERIOR STAIRS FOR THE MINIMUM WIDTH.
- REDUCE THE HEIGHT OF THE FRONT ROOMS/STAIRCASE OF THE VERTICAL ADDITION TO A MAXIMUM OF 8 FOOT CEILING HEIGHTS WITH MINIMUM ROOF STRUCTURE.
- USE A FLAT ROOF FOR THE VERTICAL ADDITION.



# NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On May 29, 2009, the Applicant named below filed Building Permit Application No. 2009.0529.9359 R1 (Building Alteration) with the City and County of San Francisco.

#### PROJECT SITE INFORMATION CONTACT INFORMATION Project Address: 675 Arkansas Street Applicant: Shawn Fritz, Holly Hulburd Design 22nd & 20th Streets Cross Streets: Address: 375 Alabama Street Assessor's Block /Lot No.: 4099 / 029 San Francisco, CA 94110 City, State: RH-2 / 40-X (415) 440-0801 Zoning Districts: Telephone:

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

	PROJECT SCOPE	
[ ] DEMOLITION and/or	[ ] NEW CONSTRUCTION or	[X] ALTERATION
[X] VERTICAL EXTENSION	[ ] CHANGE # OF DWELLING UNITS	[ ] FACADE ALTERATION(S)
[ ] HORIZ. EXTENSION (FRONT)	[ ] HORIZ. EXTENSION (SIDE)	[ ] HORIZ. EXTENSION (REAR)
PROJECT FEATURES	EXISTING CONDITIO	N PROPOSED CONDITION
BUILDING USE	Single Family Dwelling	No Change
FRONT SETBACK	2-6."	No Change
BUILDING DEPTH	70'-6''	iNo Change
REAR YARD	29'-5''	No Change
	20'-C''	
NUMBER OF STORIES	2	3
	1	
	PACES2	

# PROJECT DESCRIPTION

The project proposes a one story vertical addition to the existing two story single family dwelling. Please note the proposed vertical addition is set back approximately 15 feet from the front building wall. Please refer to the attached architectural plans for further reference.

If you wish to review the permit application, or you require additional information regarding this application, please call the Project Planner at the number listed below. Flease refer to the project by the property address.

PLANNER'S NAME:

Edgar Oropeas

PHONE NUMBER:

(415) 558-6381

DATE OF THIS NOTICE:

1/12/10 \_\_\_\_2/11/10

EMAIL:

edgar.oropeza@sfgov.org

**EXPIRATION DATE:** 

# NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the site plan and elevations (exterior walls), and floor plans (where applicable) of the proposed project, including the position of any adjacent buildings, exterior dimensions, and finishes, and a graphic reference scale, have been included in this mailing for your information. Please discuss any questions with the project Applicant listed on the reverse. You may wish to discuss the plans with your neighbors and neighborhood association or improvement club, as they may already be aware of the project. Immediate neighbors to the project, in particular, are likely to be familiar with it.

Any general questions concerning this application review process may be answered by the Planning Information Center at 1660 Mission Street, 1st Floor (415/558-6377) between 8:00 a.m. - 5:00 p.m. Please phone the Planner listed on the reverse of this sheet with questions specific to this project.

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

- 1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.
- 2. Call the nonprofit organization Community Boards at (415) 920-3820. They are specialists in conflict resolution through mediation and can often help resolve substantial disagreement in the permitting process so that no further action is necessary.
- 3. Where you have attempted, through the use of the above steps, or other means, to address potential problems without success, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects, which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission over the permit application, you must make such request within 30 days of this notice, prior to the Expiration Date shown on the reverse side, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at www.sfgov.org/planning). You must submit the application to the Planning Information Center during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check for \$300.00, for each Discretionary Review request payable to the Planning Department. If the project includes multi building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

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

# BOARD OF APPEALS

An appeal of the approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the Board of Appeals within 15 mays after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including their current fees, contact the Board of Appeals at (415) 575-6880.











'A75 AVKAMENE ST



675 ARKANSAS



B @ 15'-0"

INTES ALLaneas St



(A) (P) 15'-0"

1.75 Albanens St



675 ARKANSAS

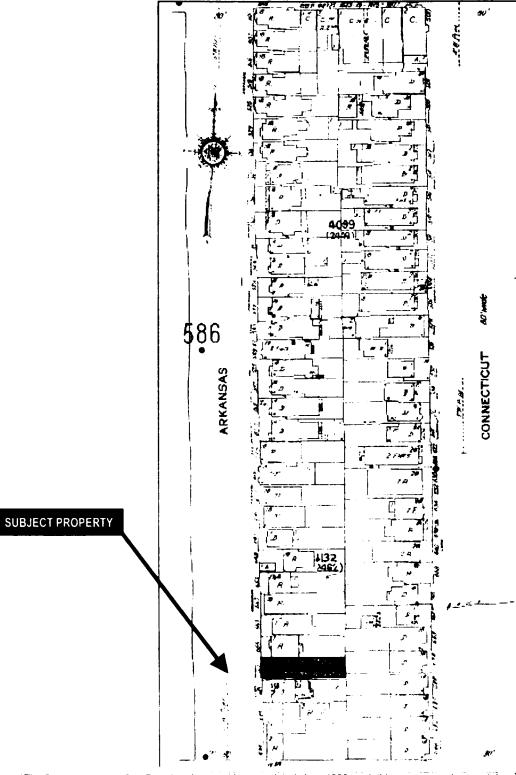
REAR

**Parcel Map NEW POTRERD BL** 58C 500 NC-2 RH-2 5e **RH-2** 55 64 53 W E 51 50 MET 48 46 47 46 пA CONNECTICUT ARKANSAB 49 41 38 36 \$1362 38 19 👞 35 34 33 22 32 29 NGGG COMMERCI NEICHBORHICO O'GRS-RE' (O'UN) 30 59 28. 284 SUBJECT PROPERTY تلزيح 4UeX 3(1=). O.C. OS. 22 ND



Discretionary Review Hearing Case Number 2010.0092DD 675 Arkansas Street

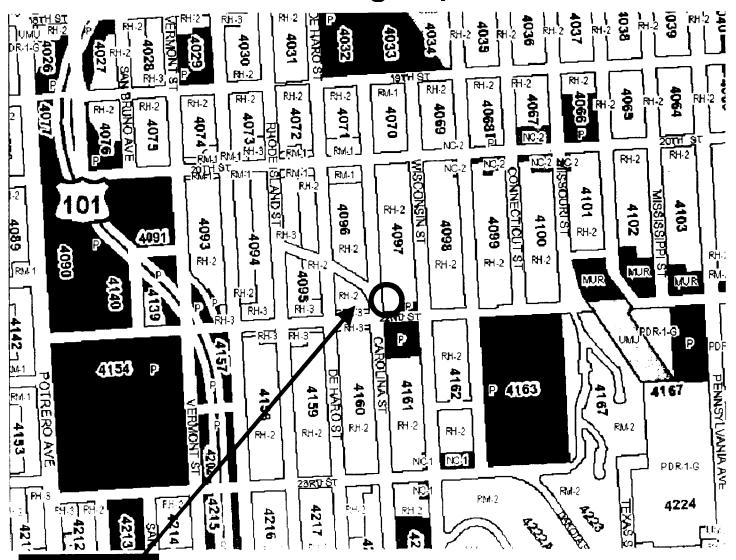
# Sanborn Map\*



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



Discretionary Review Hearing Case Number 2010.0092DD 675 Arkansas Street **Zoning Map** 



SUBJECT PROPERTY

# **ZONING USE DISTRICTS**

RESIDENT	IAL, HOUS	E DISTRICT	`s _		_
RH-100)	RH-1	RH-1(S)	RH-2	11 T	
RESIDENT	IAL, MIXED	(APARTIM	ENTS & HO	USES) DIS	TRICTS
RM-1		RM-3	RM-4		
NEIGHBOF	SHOOD CO	MMERCIAL	DISTRICT	S	_
3	NC-2	NC-3	NCD	NC-S	
SOUTH OF	MARKET	MIXED USE	DISTRICT	S	
SPD	RED	TIES	SLR	SLI	880
COMMERC	AL DISTR	ICTS			
C-2	C-3-S	C-3-G	C-3-R	C-3-O	C-3-O(SD)
INDUSTRIAL DISTRICTS					
C-M	1	M-2			

CHINATON	IN MIXED (	JSE DISTRICTS
CRNC	CVR	CCB
RESIDENT	IAL-COMM	ERCIAL DISTRICTS
RC-3	RC-4	
REDEVELO	OPMENT A	GENCY DISTRICTS
MB-RA	HP-RA	
DOWNTOY	VN RESIDE	NTIAL DISTRICTS
RH DTR	TB DTR	
MISSION E	AY DISTRI	CTS
MB-08	MB-O	li .
PUBLIC DI	STRICT	
P		



Discretionary Review Hearing Case Number 2010.0092DD 675 Arkansas Street

# Aerial Photos Opposite Block Face



SUBJECT PROPERTY



Discretionary Review Hearing Case Number 2010.0092DD 675 Arkansas Street

# **Aerial Photos**







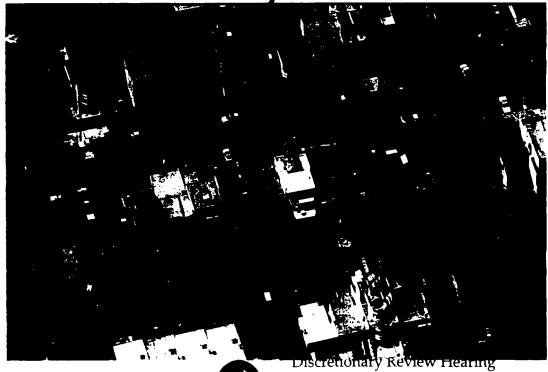
Discretionary Review Hearing Case Number 2010.0092DD 675 Arkansas Street

# **Aerial Photos**



Looking west

SUBJECT PROPERTY



Case Number 2010.0092DD 675 Arkansas Street DISCRETIONARY REVIEW APPLICATIONS

DISCRETIONARY REVIEW APPLICATIONS

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

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

D.R. Applicant's Name	PHILIP N	MAKANNA	Telephone No: 415-824-7074
D.R. Applicant's Address		ANSAS STR ANCISCO, CA	
D.R. Applicant's telephon	e number (	(for Planning	Department to contact): 415-824-7074
If you are acting as the agindicate the name and address of that person			s) in making this request please
Name			Telephone No:
Address			
Number & Street	(Apt.	. #)	
City	Zip (	Code	
Address of the property the Discretionary Review: 675 ARKANSAS		, -	he Commission consider under the
Name and phone numbe are requesting D.R.: KE			who is doing the project on which you 401-8802
Building Permit Application D.R.: 2009.0529.9359 R		of the projec	t for which you are requesting
Where is your property lo OUR PROPERTY IMME NORTH SIDE	cated in re	elation to the p ADJOINS 675	permit applicant's property? ARKANSAS STREET ON THE

# A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a

variety of ways and resources to help this happen.

- 1. Have you discussed this project with the permit applicant? YES
- 2. Did you discuss the project with the Planning Department permit review planner? YES
- 3. Did you participate in outside mediation on this case? NO
- 4. If you have discussed the project with the applicant, planning staff or gone thorough mediation, please summarize the results, including any changes that were made to the proposed project so far.

When the architect's plans were revealed at our first neighborhood meeting, the owner, Kelly Dermody, was asked how she might adjust to the concerns of her neighborhood. Ms. Dermody's response was flat and direct: "This is not a negotiation."

After receiving the plans for this third story addition to 675 Arkansas Street, we were informed by our solar contractor that our solar system would be in the shadow of 675 and, as a result, inoperable. On September 16, 2009, I sent the following email to Ms. Dermody:

Dear Kelly,

For a long time, Jean and I have been planning on installing a solar power system.

We have recently written a contract with an excellent solar provider and secured our contract with a substantial deposit.

We have, in hand, a permit from the City to proceed. Our contractor is ready and anxious to install our system immediately.

However, shadow studies were recently made which show that if you build your third-story addition, our solar system will be in your shadow and will become inoperable.

Will you work with us to adjust your plan so that your addition does not render our solar system inoperable?

We understand that you have submitted a revision of plan to the Planning Department. Would you send us a copy of this revision as soon as possible?

Best regards, Philip Makanna

On September 17, we sent our contractor's shadow study to the architect. Dermody asked for a meeting. We agreed to meet after seeing the architect's proposed revision.

The architect contacted our solar contractor, SOLAR CITY.

On September 22, our solar contractor informed us that he had spoken with the architect ... "and told him the addition would kill our project. The architect proposed having us raise the level of the solar higher to make up for the addition's shading. I said that would greatly complicate the design costs and the solar might not be approved by the city if too high. We do not want to raise the solar. Perhaps Kelly could pay you to help with the cost of re-design, but I'm not sure if it would be approved anyway. Solar can only be so far above someone's roof."

The architect's proposal to raise the level of our solar system to accommodate a development that was already oppressive to our neighborhood is unacceptable and insulting. There has been no further contact with the architect or the owner of 675 Arkansas Street. (continued:)

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A revised set of plans has been received recently. There has been no change in the vertical height of the addition or to the horizontal dimension of the addition. The negative impact on our proposed solar system remains unchanged.

# B. DISCRETIONARY REVIEW REQUEST

- 1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies?
  - a) NEIGHBORHOOD CHARACTER: The proposed third story at 675 Arkansas Street is an oppressive addition that will adversely change the character of a neighborhood that is suddenly plagued by excessive development. We have lived in our pre-earthquake house for 41 years. The vertical mass of 675 Arkansas will be out of scale with this much loved neighborhood of Victorian and cottage homes. We want to preserve the character and quality of our neighborhood.
  - b) LOSS OF LIGHT: The proposed third story addition will limit the light that will fall on our property (at 665 Arkansas Street) and will make our proposed solar system inoperable.
  - c) LOSS OF CITY FUNDING: The City of San Francisco has guaranteed an \$11,000 incentive for our solar project. PG&E has reserved an incentive rebate of \$3,605 for our solar project. Our solar project will make us eligible for about \$4,000 in tax credits. We will lose approximately \$18,605 in incentives and rebates if our solar project is blocked by the third story development of 675 Arkansas Street.
  - d) CITY PERMIT HAS BEEN BLOCKED: We have been awarded a permit by the City of San Francisco to install our solar system and have made initial payments to Solar City, our solar contractor. For the past six months, we have been waiting to proceed with our solar project. We have been blocked by the selfish interests of the owner of 675 Arkansas Street.
- 2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

The following neighbors will be affected by the oppressive rise of an unnecessary third story tower that will adversely change the character of our neighborhood and limit the light that will fall upon it:

JAL AND VICKI WEISMAN, 658 ARKANSAS STREET TOM AND HAJDEJA EHLINE, 674 ARKANSAS STREET CHRISTIE RIXFORD, 674 ARKANSAS STREET BILL AND DAVID WILLIAMS, 676 ARKANSAS STREET GAREN INGLEBY, 686 ARKANSAS STREET SO YOUNG CHOI, 686 ARKANSAS STREET JEANNINE VAUGHAN, 681 ARKANSAS STREET JEAN AND PHILIP MAKANNA, 665 ARKANSAS STREET NICHOLAS MAKANNA, 665 ARKANSAS STREET GENE AND LINDA O'ROURKE, 657 ARKANSAS STREET BRIDGET O'ROURKE, 657 ARKANSAS STREET ALEX AND JUDY SALDAMANDO, 700 ARKANSAS STREET DEAN AND CHRISTIE POULOS, 674 CONNECTICUT STREET SUSAN SHUIRMAN, 789 WISCONSIN STREET RICHARD MILLET, 250 CONNECTICUT STREET, #5

PLEASE NOTE THE PHOTOGRAPHS OF 675 ARKANSAS STREET THAT WERE MADE FROM THE ABOVE ADDRESSES AND ARE INCLUDED HEREWITH. 10.092

- 3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above (in question B1)?
- a) Deny the third story addition to 675 Arkansas Street.
- b) Lower the vertical and decrease the horizontal span (east-west dimension) of the third story addition to 675 Arkansas Street.

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

# CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

### REQUIRED:

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

# **OPTIONAL:**

Photographs that illustrate your concerns.

Covenants or Deed Restrictions.

Other Items (specify).

- 1) SOLAR INCENTIVE from GoSolarSF (\$11,000)
- 2) PG&E REBATE (\$3,605)
- 3) ELECTRICAL PERMIT from City of San Francisco

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

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

Signed:

10.0092

# Online Permit and Complaint Tracking

# **Electrical Permit Details Report**

Report Date:

Address(es):

4/14/2010 4:31:22 PM

Application Number:

E200908031424

4099 / 030 : 665

ARKANSAS

SI

Description:

SOLAR PERMIT: 14 ROOF-MOUNTED SOLAR PV MODULES, 205 W PER MODULE,

1 INTERACTIVE INVERTER, 2000 W, 2.87 KW

Stage:

Action Da	te Stage	Comments	
8/3/2009	ISSUED		
8/3/2009	FILED		

**Contractor Details:** 

License Number:

888104

Name:

PETER RIVE

Company Name:

SOLARCITY CORPORATION

Address:

393 VINTAGE PARK DR FOSTER CITY, CA 94404-0000

Phone:

# Inspection Details:

# Inspector Activity Date Activity Code Activity Code Descr. Description

For information, or to schedule an inspection, call: 558-6030.

Online Permit and Complaint Tracking home page.

# **Technical Support for Online Services**

If you need help or have a question about this service, please visit our FAQ area.

Contact SFGov Accessibility Policies
City and County of San Francisco ©2000-2009



# Bringing Solar Power to San Francisco Residents & Businesses



San Francisco Public Utilities Commission 1155 Market Street, 4<sup>th</sup> Floor San Francisco, CA 94103

September 24, 2009

Phillip Makanna 665 Arkansas Street San Francisco, CA 94107 **SOLAR INCENTIVE** 

Dear Phillip Makanna:

Congratulations. The San Francisco Public Utilities Commission reserved a GoSolarSF solar incentive payment for your property.

Application Number:

1088

**Host Customer Name:** 

Phillip Makanna

Installation Address:

665 Arkansas Street

Incentive(s) Reserved:

\$11000, Workforce development + Low-income

Reservation Expiration Date:

September 23, 2010

Electric Account Number:

9452331025

The reservation is valid until the above reservation expiration date. In order to receive an incentive payment from the San Francisco GoSolarSF program, please provide the documents listed on the attached checklist before the expiration date. The payment request documents must be sent in one package in order to be considered complete. Incomplete packages will be returned along with a request for the outstanding items.

If you have questions, please email <u>gosolarsf@sfwater.org</u>. Thank you for helping San Francisco reduce its carbon footprint while making responsible energy choices.

Sincerely,

Barbara Hale

Assistant General Manager for Power

Enc: Payment request checklist

Payment designation form

cc: Ashley Ward

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08/11/09

# **PG&E REBATE**

To: Phillip Makanna 665 Arkansas St San Francisco, CA 94107

Re: California Solar Initiative, Confirmed Reservation Notice, PGE-CSI-17676, Phillip Makanna

Dear Phillip Makanna:

Congratulations! This letter confirms that a Reservation has been approved for your proposed Photovoltaic (PV) proje under the California Solar Initiative Program. Details regarding your reservation are listed below:

Application Number	PGE-CSI-17676
	Residential 2 Step
Host Customer	Phillip Makanna
Installation Address	665 Arkansas St San Francisco, CA 94107
CEC – AC Rating	2.427 kW
Design Factor	95.818%
CSI System Size	2.326 kW
EPBB/PBI Incentive Rate	EPBB @ \$1.55 per Watt
Reserved Incentive Amount	\$3,605
Reservation Expiration Date	08/11/2010

The reserved incentive amount is determined by the proposed system listed in the Reservation Request documentation. Please note that the actual incentive payment may differ from the amount stated in this letter if the installed system changes.

Please complete the installation and submit the Incentive Claim package by 08/11/2010. Any claims submitted after this due date may be cancelled.

Reservation Expiration Date extensions may be available depending on cause of delay at Pacific Gas & Electric Company's discretion. Please refer to the current California Solar Initiative Handbook for specific requirements and exemptions.

The Incentive Claim Form can now be completed online at: https://pge.powerclerk.com.

If your Applicant chooses not to complete the Incentive Claim Form online, please visit http://www.pge.com/csi to download the applicable forms.

City and County of San Francisco Department of Building Inspection

ELECTRICAL PERMIT Permit Issued By: YLAURENT

**CUSTOMER COPY** 

PERMIT# E200908031424

Permit Issued date: 08/03/2009 02:16:29 PM

Printed on: 08/03/2009 02:16:37 PM

Job Address 665 ARKANSAS ST Block/Lot/Structure Nun

Unit **District** 

4099/030/0

5

Occupancy Residential

Floor/Suite

Valuation \$12,000.00

Owner Name

Phone

Phone2

Homeowner permit approved by

PHILIP J & JEAN E MAKANNA 2000

(415)824-7074

**Contractor Company Name** 

Class

\*License Exp Date Business Lic#

SOLARCITY CORPORATION

License 888104

C10 B1 C46

31-DEC-10

405285

Address 381 FOSTER CITY BL

FOSTER CITY

State CA

Zip Code 94404-0000 Office Phone#

Mobile Phone# (650)638-1028

Applicant/Occupant Name

Phone

( ) -

EID Use Only:

Building Appln. No:

Plumbing permit No:

# APPLICANT'S DESCRIPTION OF WORK:

SOLAR PERMIT: 14 ROOF-MOUNTED SOLAR PV MODULES, 205 W PER MODULE, 1 INTERACTIVE INVERTER, 2000 W, 2.87 KW

# **INSPECTOR'S COMMENT:**

Fees

Date Paid Fee Type 03-AUG-09 BLDG REV FEE

Receipt 127658

**Amount** \$1.00

Fee Type SOLAR PV SYS

Date Paid 03-AUG-09

Receipt 127658

Balance due

Amount \$170.00

Surcharge \$0.00

Total Fees

\$171.00

Total Paid \$171.00

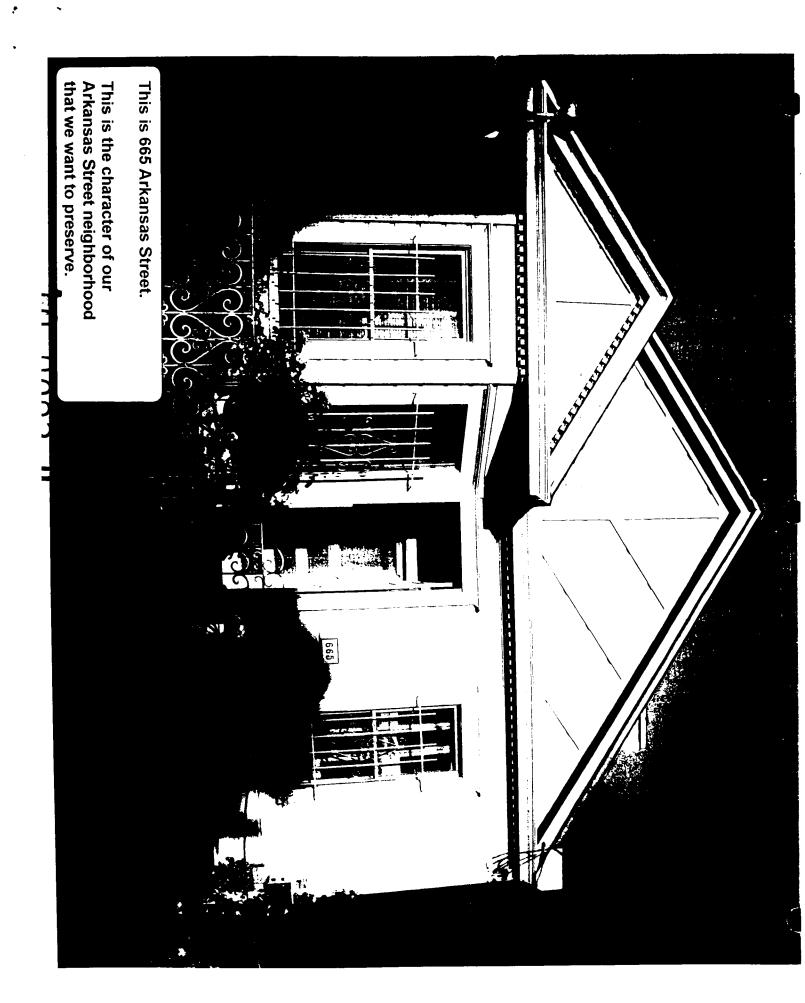
\$0.00

# Inspection Activity description

Activity Date Inspector

Activity Code Description Inspection Record

NEW CLACK OF ALL ROSISTANCE REPORTED SYSTEM IN EXISTING RESIDENTIAL OF COMMERCIAL BUILDE, 1990 / PESTIC OBTAIN A BUILDING PERMITWO - COMPLICACE TO CALFORNIA STATE 1 IN IN EMERCY CODE PRIOR TO CALL MECHANICAL PLAN MISTER AT A WARRY WAS IN HAIRS FROM MORE DETAILS



AS SEEN FROM 676 ARKANSAS 1594JPC @ 33.3% (RCB/8º)



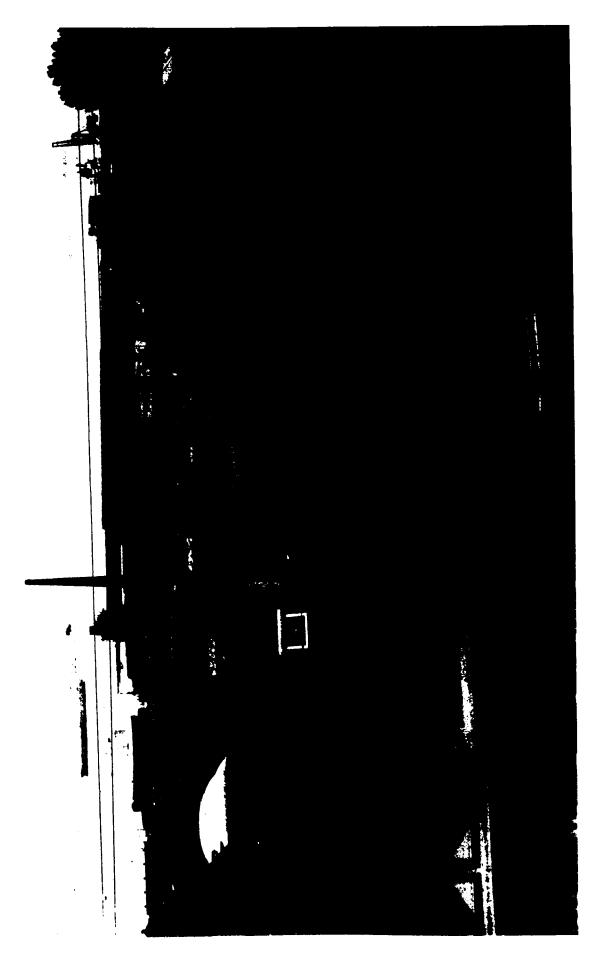
AS SEEN FROM 665 ARKANSAS 1616JPC (2) 33.3% (RCB/81)



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PROJECT SITE

AS SEEN FROM 665 ARKANSAS STREET



AS SEEN FROM 674 ARKANSAS JPG @ 33,3% (RCB/S)

10 ooo

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

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

D.R. Applicant's Name	Jeannine Vaughan	Telephone No: 415-282-4985
D.R. Applicant's Address	681 Arkansas Street, S	San Francisco, CA 94107
D.R. Applicant's telephon (home) or 415-999-1497		Department to contact): 415-282-4985
If you are acting as the agindicate the name and address of that perso		s) in making this request please
Namen/a Tel	ephone No:	_
Address		
Number & Street	(Apt. #)	
City	Zip Code	<del></del>
Address of the property the Discretionary Review: 675 ARKANSAS		ne Commission consider under the
Name and phone number are requesting D.R.: KEI		vho is doing the project on which you 01-8802
Building Permit Application D.R.: 2009.0529.9359 R1		for which you are requesting
Where is your property lo My property is next door		permit applicant's property?

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

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

- 1. Have you discussed this project with the permit applicant?
  The permit applicant, Kelly Dermody invited the neighbors to see her plans last Fall. At that time, I asked her if this project was open for discussion. Kelly contentiously said, "This is not a negotiation." I then asked why we were being invited over, and her architect said that it was a perfunctory part of the planning process. She then re-iterated that there is no negotiation possible.
- 2. Did you discuss the project with the Planning Department permit review planner? YES
- 3. Did you participate in outside mediation on this case? NO
- 4. If you have discussed the project with the applicant, planning staff or gone thorough mediation, please summarize the results, including any changes that were made to the proposed project so far.

As outlined in #1 above, the applicant told us that negotiation wasn't possible.

#### **B. DISCRETIONARY REVIEW REQUEST**

- 1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies?
  - 1. The proposed project will block the major light source to my living area, the existing West facing windows (see attached photograph reflecting story poles erected to show the mass). I depend on this light source, not just for light, but also for warmth, effectively reducing energy consumption. One of these windows is operational, allowing for San Francisco's renowned 'natural air conditioning' to enter my home. PG&E recommends that designers and architects consider daylighting in designing projects. In fact, they have instituted daylighting initiative. Recent studies indicate that considering daylight to warm homes may reduce energy consumption by 25-40 percent. It is irresponsible for the architect of the proposed applicant to disregard known principles of sustainable design.
  - 2. The proposed third story addition will *limit the privacy* of my property, both front and rear. I have already experienced a limitation in privacy from the recent addition of the applicant's expansive deck, which was designed to stretch to the outer limits of what the code allows. My backyard is a quiet, tranquil place of reflection that is often interrupted by the applicant's deck parties.
  - 3. Scale of project does not adhere to the character of the neighborhood. Our Potrero Hill neighborhood is characterized by vintage pre-earthquake Victorians, and cottage-scale homes built in the years immediately following the quake of 1907. My home was built in 1912. I do believe that reasonable, livable homes can be renovated within the prevailing scale and character of our neighborhood.
  - 4. The applicant has previously *demonstrated disregard* for building to approved plans. In the prior remodel, after the deck was constructed, a parapet was added to

- the face of the property that was never specified for in the plans. In the process of building this parapet, the original exterior plaster medallions were destroyed. I don't feel this was responsible building, and I don't want this scenario repeated.
- 5. With the applicant's new project, there is an opportunity to minimize the impact of this additional story on my property by moving the mass toward the back. This would minimize the loss of light in my living area with minimal changes to the applicant's plans. The applicant's last remodel provided for substantial outdoor deck space, so a secondary deck in the rear is not necessary.
- 2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

The following neighbors will have expressed their concern about changing the character of our neighborhood and/or limiting their light and privacy as a result of this addition:

JAL AND VICKI WEISMAN, 658 ARKANSAS STREET
TOM AND HAJDEJA EHLINE, 674 ARKANSAS STREET
CHRISTIE RIXFORD, 674 ARKANSAS STREET
BILL AND DAVID WILLIAMS, 676 ARKANSAS STREET
GAREN INGLEBY, 686 ARKANSAS STREET
SO YOUNG CHOI, 686 ARKANSAS STREET
JEAN AND PHILIP MAKANNA, 665 ARKANSAS STREET
NICHOLAS MAKANNA, 665 ARKANSAS STREET
GENE AND LINDA O'ROURKE, 657 ARKANSAS STREET
ALEX AND JUDY SALDAMANDO, 700 ARKANSAS STREET
DEAN AND CHRISTIE POULOS, 674 CONNECTICUT STREET
SUSAN SHUIRMAN, 789 WISCONSIN STREET
RICHARD MILLET, 250 CONNECTICUT STREET, #5

- 3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above (in question B1)?
  - a) Delete the third story addition to 675 Arkansas Street.
  - b) Decrease the horizontal span (east-west dimension) of the third story addition to 675 Arkansas Street, moving the mass to the rear.

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

#### **CHECKLIST FOR APPLICANT:**

Indicate which of the following are included with this Application:

#### **REQUIRED:**

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

0	P	TI	Ю	N	Α	L	:

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

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

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

Signed:	Applicant	Date:
Olgi ioa.	, (pp.::ea:::	

N:\applicat\drapp.doc



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# RESPONSE TO THE DISCRETIONARY REVIEW LETTER IN SUPPORT OF THE PROPOSAL

RESPONSE TO THE DISCRETIONARY REVIEW LETTER IN SUPPORT OF THE PROPOSAL

February 24, 2010

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103-2479

Re: Permit Application for 675 Arkansas Street

2009.0529.9359 R1

#### Dear Commissioners:

I am the owner-resident of 675 Arkansas Street, a single-family home in Potrero Hill in which I have lived for 10 years. I submit this letter in support of my application for a construction permit, and in response to the Applications for Discretionary Review filed by Jeannine Vaughn and Philip Makanna. I will attempt to set forth the chronological order of events leading up to this application hearing, and respond to the DR issues as they arise in that order.

## Pre-Application Neighborhood Meeting

On May 14, 2009. I invited my neighbors to a meeting at my house on May 26 to discuss my plans for a remodel. The written invitation also offered further meetings if anyone had concerns that were not satisfactorily resolved at the first meeting. No other meetings were requested. On May 26, 2009, Ms. Vaughn and Mr. Makanna attended the meeting (along with Mr. Makanna's wife and a neighbor from across the street). My architect, contractor, and I provided copies of the proposed plans to everyone, and we discussed the concepts for the project.

At this neighborhood meeting, Mr. Makanna mentioned his interest in the engineering I might have for a new addition, and stated that since he had previously remodeled his own home, he had some interest in the amount of steel that would be used. My architect mulburd Design, promised to send him the engineering plans. Those plans were sent after the meeting, and Mr. Makanna made no further comment about them. Mr. Makanna never mentioned any interest in solar panels at that meeting, or at any time until September 2009. (Neither he nor his wife had ever expressed an interest in solar panels to me in the past 10 years) have lived next door to them either.) Contrary to Mr. Makanna's suggestion in his DR Application in response to item A.4. Mr. Makanna did not have a solar contractor at the time he

received my plans. As described more fully below and in the attached letter of Billie Mizell, he apparently retained such contractor in response to my plans.

At this neighborhood meeting, Ms. Vaughn expressed her view that no construction should happen and asked why she had been invited to meet with me. We tried to explain, politely, that this meeting was not a negotiation on whether we would file an application, but rather a chance to discuss the project to see if there were concerns that could be addressed in the design concepts. The only question Ms. Vaughn raised was whether her rear vard would receive excessive shading as a result of the project.

In response to Ms. Vaughn's concern, my architect explained that the design, which provides for a setback quite far from the rear of my house, meant that there would be little to no additional shade on her backyard. We discussed whether a shade study or some other measure might be helpful to visualize the shading. We subsequently erected story poles on the roof on July 13-14, 2009, to allow everyone who might be interested to see the expected parameters and understand the shade impacts. In her DR application, Ms. Vaughn provided no evidence that there was any shade cast on her backyard from the story poles. This is not surprising since the rear sides of our houses face due East, and Ms. Vaughn's home is to the South of mine. Given the set back of the design, the transit of the sun doesn't cast the shade about which Ms. Vaughn was concerned.<sup>2</sup>

## **Project Application**

\_\_\_\_\_

On May 31, 2009, I filed an application for a building permit. Along with that application, my architect informed the Planning Department about our neighborhood meeting. On July 16, 2009, my architect submitted slightly revised plans, which lowered the roof by one foot (1). Following Planning Staff's recommendation, a Supplemental Information Form for Historical Resource Evaluation was prepared and submitted in September 2009. The plans were approved by the Planning Department on January 2, 2010. Section 311 was mailed on January 12, 2010, with an expiration date of February 11, 2010, and two Discretionary Review applications were filed on February 10, 2010.

## Mr. Makanna's Solar Panel Application

On September 16, 2009, Mr. Makanna informed me, by email, that he had retained a solar panel contractor who had conducted a shadow study that revealed that my

<sup>&</sup>lt;sup>1</sup> Ws. Vaughn expressed in her D's application an objection to my existing rear deck. That eeck was built according to San Francisco code and properly permitted. I very rarely have "parties" on that deck.

<sup>&</sup>lt;sup>2</sup> Ms. Vaughn did not express at that meeting of any time after her newly-stated concern (Paragraph E.5) that the project should be designed farther to the rear of the house. This would conflict with her prior expressed concern that we design the project to minimize shade on her yard, which we did.

proposed addition would interfere with his proposed plan to add solar panels. Mr. Makanna also noted in his email that he was aware that I had submitted modified plans reducing the height of my project.

This was the first time Mr. Makanna had ever mentioned an interest in solar panels to me. At that time he was already aware that his shadow study was not based on the actual height of the design submitted to the Department. Nevertheless, that same day my architect sent Mr. Makanna electronic and hard copies via US Mail of the modified plans, to make extra certain that Mr. Makanna had the current plans to provide to his solar contractor. Mr. Makanna sent us his shadow study and stated that he would forward the plans from his solar contractor to us. I also wrote back to Mr. Makanna that same day: "The architects will review everything and then I will consult with them about the project. We would like to meet with you to discuss what we have learned after seeing and discussing your materials. Please let us know if you are free after work on Thursday. September 24 or any evening after work during the week of October 5. Thanks." Mr. Makanna declined to meet with us.

To date. Mr. Makanna has also not forwarded any additional materials, as promised. This left us with no information other than the shadow study. Because neither my architect nor my contractor (Ed Popa) could understand the shadow study we received, we asked for Mr. Makanna's blessing to allow us to speak directly to Mr. Makanna's solar contractor. He agreed. What we discovered was revealing.

First, Mr. Makanna commissioned his shadow study in late July, two months after our neighborhood meeting and weeks after the story poles had been erected on my house. Second, Mr. Makanna applied for his solar permit on August 3, 2009, only after Mr. Makanna had received a shadow study suggesting that there might be shadows cast on his proposed solar panels. Third, Mr. Makanna never informed me or my architect or contractor that he was conducting this study or making these plans. Mr. Makanna first retained a contractor and then later told me that my design was an issue for him because he had made the commitment to retain a contractor. Fourth, the solar contractor was never informed by Mr. Makanna that the height of the project had been dropped by a foot nor had he seen the plans received by Mr. Makanna which reflected this modification.

More significantly, as outlined in the attached letter of Billie Mizell, the solar contractor has now advised us that he believes that the only reason Mr. Makanna even pursued solar penels was to try to block my project. The solar contractor told us that Mr. Makanna did no. Cisclose to him that thad already filed for a permit, and the solar contractor expressed concern about his company's reputation if it were allowed to be used by homeowners, like Mr. waxanna, just to fight off legitimate remodels by people like me.

To date. Ner. Makanna has never revised his shadow study to take into consideration the one foot reduction in the height of the project, nor has he apparently been willing to consider myriad alternate approaches for solar panels, such as constructing elevated panels, a solar panel in lieu of his very sizable existing skylight, or a reduced number of panels.

## Discretionary Review Standards

I am a proponent of a good building code and reasonable limits on construction, and I know the Commission faces hard choices every day. With respect, I submit that this is not a hard choice.

As a walk through my neighborhood would demonstrate quickly, it is being revitalized block by block. This is a good thing, and my application is completely consistent with that process. Just in my vicinity, a 3-story building went up across the street last year, another building right across the street is going up now, 2 doors down from me (next to Mr. Makanna) a new 1-story addition to an existing home is being added, and 3 doors down (2 doors from Ms. Vaughn) a major remodel and expansion was finished just a few years ago. The neighborhood is a quirky mixture of architectural styles, but by far the least common style in the neighborhood is Mr. Makanna's house. The scale of my project brings my house in line with a large number of my immediate neighbors and my neighborhood in general.

The project is consistent with the Department's General Plan and the Priority Policies, which do not prohibit construction from easting shade on adjacent buildings nor do the Policies allow neighbors to block construction merely by asserting that they could get rebates if they were permitted to perform alternate construction on their own properties (*see* Makanna at para B.1.c).

### Neighbors Affected

The DR Applicants listed neighbors they believe are "affected" by the project. These lists are misleading in several respects. First, none of the listed neighbors expressed any concerns to me or my architect or contractor, and none have come forward to express any concerns at all throughout this nine month process. Second, while Mr. Makanna lists 15 sets of names, they encompass multiple people at the same address, including Mr. Makanna's son who is midway through college and hasn't lived at their home in years. Third, the list includes people who don't live anywhere close to my residence and can't even view my residence from their home, including a person living at 250 Connecticut (many, many blocks away).

## Conclusion

Thank you for your kind consideration of my application. I respectfully request that it be approved. If I may answer any further questions, please do not hesitate to contact me at (415) 401-8802.

Very truly yours.

Kelly M. Dermody

860044 1

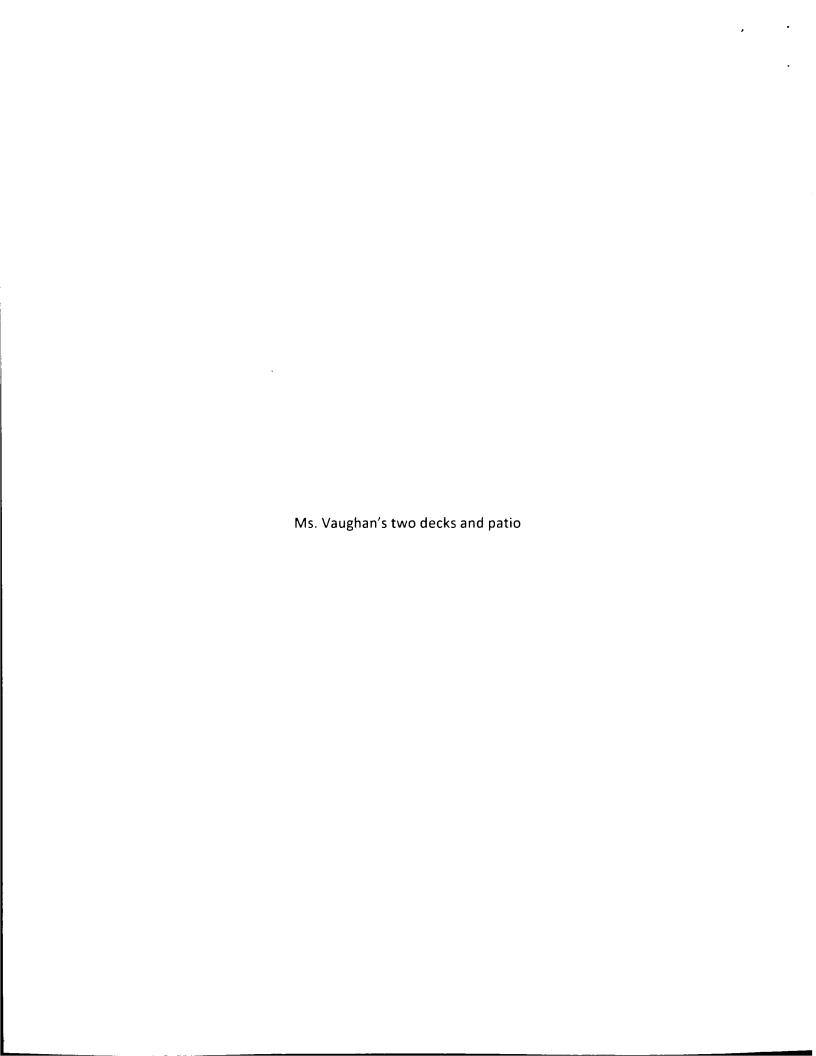


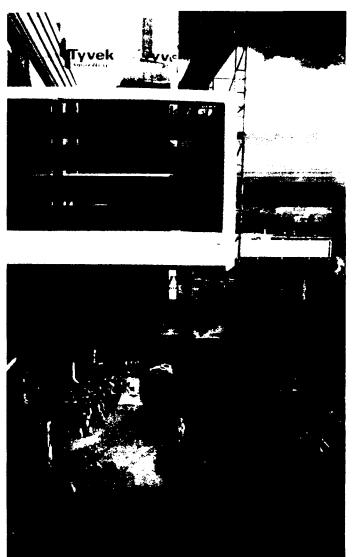
These two photos are of the street view from Kelly's front window. Since Mr. Makanna's photos are only of his house and Kelly's house, it is quite difficult to get a true understanding of the neighborhood character. This collection includes a photo of every single house on Arkansas that Mr. Makanna says will be "affected" by the rise of Kelly's "third story tower that will adversely change the character of our neighborhood."

This is a far more inclusive representation of that neighborhood, and therefore I believe it is a far more accurate representation. Kelly's proposed project will only bring her home more in line with the current character of the neighborhood. (Included are the houses at 658, 674, 676, and 686 Arkansas St).









Mr. Makanna's two decks

← The very large deck beyond Mr. Makanna's property is the deck at 658 Arkansas, which is an address that is also listed as being affected.

(In between the two is a portion of the addition currently being added to 663 Arkansas, which is not listed on the Request for DR).





250 Connecticut is also listed as being affected.
This building is 4 and a half blocks down and one block over from Kelly's house.

San Francisco Planning Commission 1650 Mission Street, Suite 400 San Francisco, CA 94103-2479

Re: Permit Application for 675 Arkansas Street - 2009.0529.9359 R1

#### Dear Commissioners:

I submit this letter in support of Kelly Dermody's application for a building permit. I have had multiple communications with Discretionary Review Applicant Philip Makanna's solar panel contractor and believe that I have information relevant to this matter. Also, as Kelly's partner, I have spent considerable time at her residence and am very familiar with the neighborhood and the neighbors.

On September 16, 2009, the day Kelly learned via email of Mr. Makanna's desire to install solar panels on his home, Kelly expressed to me that she was anxious to meet with Mr. Makanna and resolve the situation, so that they could both proceed with their respective projects. She was confident there was a solution and responded immediately to Mr. Makanna's email, offering a number of potential dates for a meeting (while Mr. Makanna's email to Kelly is included in his written request to this Commission, Kelly's reply to him is not). Mr. Makanna responded the following day to Kelly's invitation that he did not want to schedule a meeting. (This email communication is also not included in Mr. Makanna's written request to the Commission).

Also on September 16, Kelly's architect notified us that he, too, followed up with Mr. Makanna and requested additional information about the potential solar installation and asked that we be allowed to contact the solar contractor directly. Mr. Makanna agreed to allow us to communicate with his contractor, Shane Bediz at Solar City, and Mr. Makanna also promised to forward for review the plans from Solar City as soon as he received them himself.

Over a month later, on October 22, when neither Mr. Fritz nor Kelly had received a copy of Mr. Makanna's solar plans, I contacted Solar City to see if there was anything I could do to help expedite the process. I spoke with Mr. Bediz and I started off explaining that Kelly was anxious to move forward with the permit process she had initiated in May, so we would be happy to hear any suggestions regarding how the additions at both 675 and 665 Arkansas could be completed to each home owner's satisfaction. Mr. Bediz immediately stated that when he began the shade study process for Mr. Makanna, he did not know that Kelly had applied for her building permit in May. Mr. Bediz asked if I was certain that Mr. Makanna was aware of Kelly's plans as far back as May, and I explained that Mr. Makanna had received written notification on May 14, and he also came to Kelly's home at her invitation on May 26 to review her project plans. Mr. Bediz said that it was his opinion that this particular solar plan was initiated just to block a project that Kelly was considering, but that he did not realize Kelly had

actually already taken the steps to initiate her remodel, long before Mr. Makanna had taken any steps at all to initiate his solar panel project.

Mr. Bediz asked if Kelly had, prior to Mr. Makanna's solar panel permit application in August, tried to work the matter out with Mr. Makanna directly. I explained that she could not because Kelly knew absolutely nothing about Mr. Makanna's solar plans before Mr. Makanna filed for his permit in August, which was surprising since the shade study had already been performed on July 31 and it indicated that Mr. Makanna's plans would not work with the project right next door, which at that time Mr. Makanna had known about for at least two and a half months. Since Mr. Makanna was aware that Kelly had already applied for her permit, he must have known that it would be crucial to discuss his plans with Kelly, and to do it quickly. Since Mr. Makanna has done his own remodel, I am sure he understands how expensive the design process can be and how imperative it is to be notified early if a neighbor intends to ask that adjustments be made.

When I confirmed for Mr. Bediz that Kelly was unaware of anything regarding solar panels until September 16, almost two months after the shade study and four months after she notified Mr. Makanna of her project, Mr. Bediz said he could not understand why so many months would be allowed to elapse before Kelly received notification of the shade study, since Mr. Makanna clearly expected Kelly to do something about Mr. Makanna's problem. When Mr. Bediz found out that Kelly was "considering" a remodel, he said that he repeatedly suggested to Mr. Makanna that options be discussed directly with Kelly. Even in the written communication between Mr. Bediz and Mr. Makanna (which Mr. Makanna attaches to his Request for Discretionary Review), Mr. Bediz suggests that revisions to the solar plans might be possible, and that alternate approaches should be offered to Kelly. Mr. Makanna never did this and, to my knowledge, has made no effort whatsoever to even consider revising his plans in any way.

Mr. Bediz surmised that during the time Kelly remained uninformed, she had obviously paid many thousands more dollars in fees to the city, her architect, and her contractor, which I confirmed was indeed the case. Mr. Bediz asked several times that I pass along his apologies to Kelly and tell her that he hoped she was successful. He also stated that he cared about the reputation of Solar City and did not want his company to be used to set a precedent that allowed one neighbor to block another neighbor's previously applied for project. Mr. Bediz clearly believes in the value of solar energy but stated that he does not believe that a home owner should be allowed to sink thousands of dollars into a project, only to be thwarted months later when a neighbor suddenly decides he wants solar panels. Mr. Bediz repeated the assertion that he thought this would look bad, not only for his company, but for the solar process in general.

Mr. Bediz also told me that he was completely unaware that Kelly had dropped the height of her addition by a foot and stated that he was at no time given this information. Thus, I do not understand how Mr. Makanna's shade study is being presented here as applicable to the current design approved by the Planning Department. Mr. Bediz again reminded me that he had suggested that Mr. Makanna discuss this directly with Kelly, even before receiving any of this information, and he was sorry that had not happened.

Mr. Makanna, in his Request for DR, calls Kelly's interests "selfish." I found this unnecessary, insulting, and most importantly, inaccurate. By definition, selfish means to disregard the interests of another for one's own personal gain. However, Kelly had no way of knowing what Mr. Makanna's interests were until four months after she notified him of her

plans. Mr. Makanna chose not to share his own plans with his neighbor for months and months, while allowing her to invest more and more money in her project (over \$25,000 to date), even though he was fully aware of her interests. It is Mr. Makanna who chose to knowingly completely disregard the interests of his neighbor.

I take personal offense that anyone would associate the word selfish with Kelly, as I am sure would the hundreds of other people in this community whom Kelly has assisted in many different ways – from the cancer patients she visits with her dog, to the kids in the Bayview for whom, four years ago, she single-handedly decided to found a nonprofit to provide lifesaving trauma therapy services and for whom she has continued to actively advocate since she created the program, to the dozens of charitable organizations she funds, to the numerous young people she mentors on a daily basis. Kelly has, in fact, earned regular recognition and a slew of community awards for her very lack of selfishness, so it would be bothersome in any context to see anyone imply that Kelly does not always consider the interests of everyone around her, no matter who they are or what their needs might be. But considering the timeline of this situation, for Philip Makanna to paint Kelly Dermody as selfish in a public document is beyond surprising and bothersome, it is actually shocking and, in my opinion, completely unethical.

I sincerely hope that the Commission understands that Kelly has not been selfish in this matter: She has opened her home up to her neighbors to review her plans, she has asked for input, she has responded to every communication from her neighbors, she has asked for a meeting with Mr. Makanna to discuss adjustments, she has ensured that electronic and hard copies of her plans were provided and provided in a timely manner, and she was prepared to discuss with Mr. Makanna many options for ensuring that they could both move forward with their projects. Unfortunately, at no time has Mr. Makanna displayed the same good faith. Mr. Makanna should not be rewarded for these tactics. I feel as if giving any weight to this strategy will only set a precedent that allows one person to take advantage of the system, costing his neighbor real damages of tens of thousands of dollars solely to protect his self-interests. I cannot imagine how this would be in the best interest of any home or business owner in San Francisco.

I also believe none of the other claims of Mr. Makanna or Ms. Vaughan come close to the "exceptional and extraordinary" standard needed to overturn permit approval. Mr. Makanna outlines four reasons why he thinks Kelly's project should be denied, the first being neighborhood character. Kelly is most assuredly not changing the character of her neighborhood. Kelly adores her neighborhood, which is exactly why she is not moving, but rather bringing her current home more in line with those that surround her. The street is full of 3 story homes, and many of those that are not already 3 story are under construction with additions being added. Kelly's hope was that she could get her project moving forward very soon, while all the other construction on the block is happening, so that the construction on Arkansas would happen at the same time, and finish at the same time. Nothing about her remodel will change the character of the neighborhood and certainly Mr. Makanna's home is the least common type on the street. Mr. Makanna's second reason is that his proposed solar system will be rendered inoperable, which I have already covered above. His third reason is that he will lose rebates he could receive if he were to install this solar system. These rebates that Mr. Makanna might receive if he ever installed a solar system are significantly less than actual money Kelly has already spent on her project. Mr. Makanna's fourth reason is "City Permit Has Been Blocked," which in my opinion is actually what Mr. Makanna is trying to do to Kelly. It seems to me that reasons 2,3, and 4 from Mr. Makanna all refer to the solar system that he did

not initiate until after he knew of Kelly's plans. Yet, despite Mr. Makanna's insistence about his goal to install solar panels, he never attempted to work out a plan with Kelly. Equally revealing was Mr. Makanna's email in January to Planning, in which he states that he was disappointed to receive the Notice of Building Permit. Since Mr. Makanna knew Kelly had applied in May, and since by the end of the year he still had not received the notice of approval, he was hoping that Kelly had "adjusted or discontinued" the project. Given how much weight Mr. Makanna has insisted the Commission give his proposed solar plan, it seems he would have taken a quick moment to knock on the door, call, or email to find out if Kelly had abandoned her plans so he could move forward, if his solar goal were so important to him. He did none of those things. And Kelly heard not another word regarding solar panels from Mr. Makanna again, from the September email until his January 15 email to Planning, four months later.

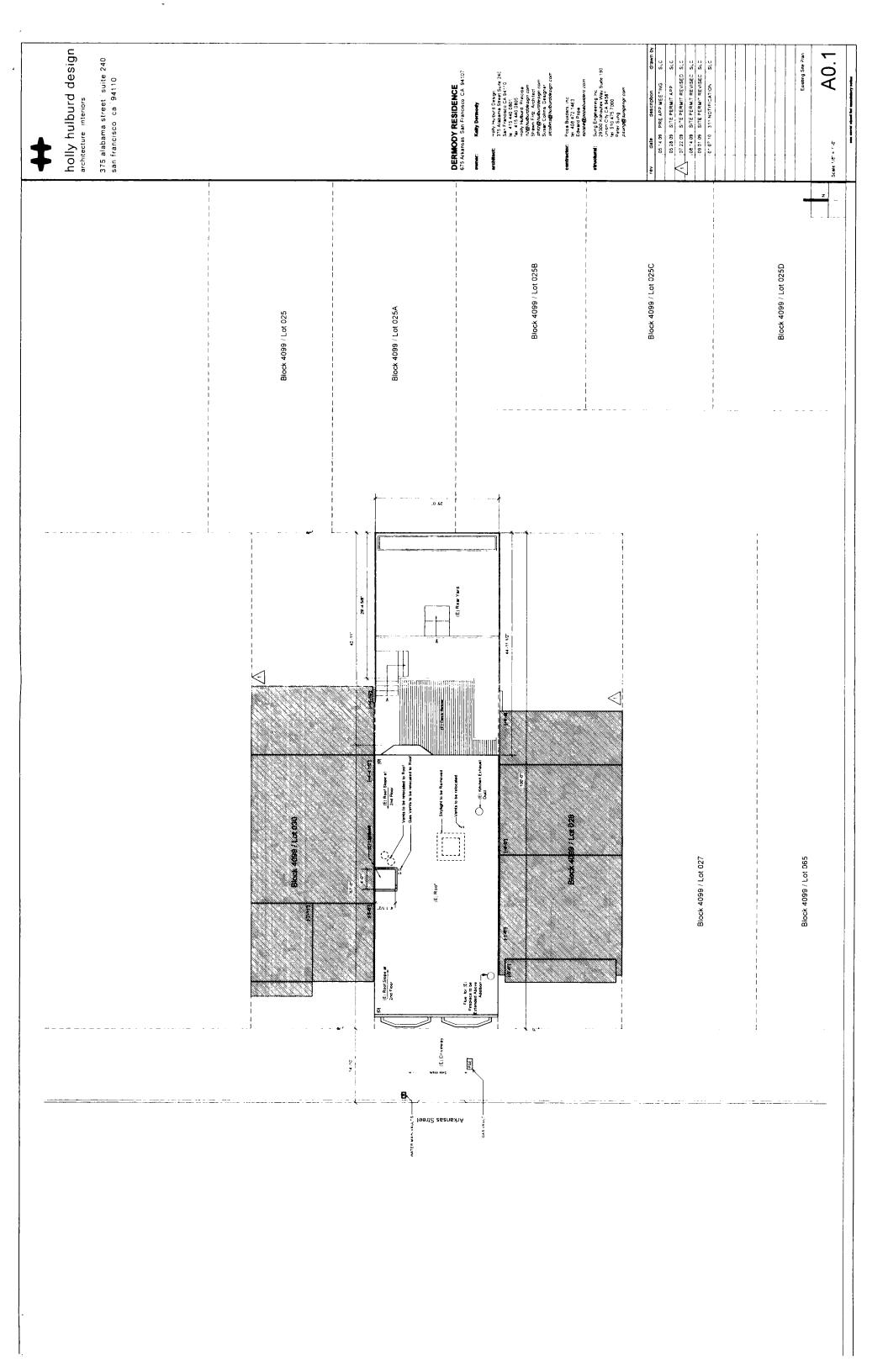
Ms. Vaughan lists 5 reasons she now believes Kelly's project should be stopped. The first is that Kelly's project will block the major light source to her living room. As long as the sun continues to rise in the East and set in the West, I honestly do not understand how this is physically possible. The second reason Ms. Vaughan offers is that it will limit Ms. Vaughan's back yard privacy. Kelly is building up, not out. Whatever time Kelly spends in the new addition, she will be further away from Ms. Vaughan's back yard (both higher up and further back), actually giving Ms. Vaughan more privacy. The third reason refers to neighborhood character, which I have already covered and I think can be easily verified with the attached photos of the street. The fourth is an accusation that Kelly has previously disregarded approved plans. Ms. Vaughan attempted to stop the approval of those plans by circulating a petition to the neighborhood claiming, falsely, that Kelly was building without a permit. The Commission unanimously approved those plans after Ms. Vaughn sought discretionary review. Since I have also already covered what I believe to be unproductive and unnecessary attacks on Kelly's character, I will move on to reason number five. The fifth reason Ms. Vaughan provides is that Kelly could minimize the impact on Ms. Vaughan if Kelly moved the addition in a way that would not allow for a deck, because in Ms. Vaughan's opinion, this is not needed. Both Ms. Vaughan and Mr. Makanna have two decks. Each of them currently has an upper deck that is much higher than Kelly's deck (the deck on Ms. Vaughan's third story is probably close to 6 feet above Kelly's). If Kelly's plans remain approved, her upper deck will not extend nearly as far out as the upper decks of Mr. Makanna and Ms. Vaughan. I feel it is completely unfair to insinuate that Kelly does not deserve the same opportunity that Mr. Makanna and Ms. Vaughan have enjoyed for years, and I certainly can't understand why Ms. Vaughan would suggest Kelly move her bedroom addition to the back, when the only matter that Ms. Vaughan has ever brought up to Kelly are the shading and privacy of her backyard.

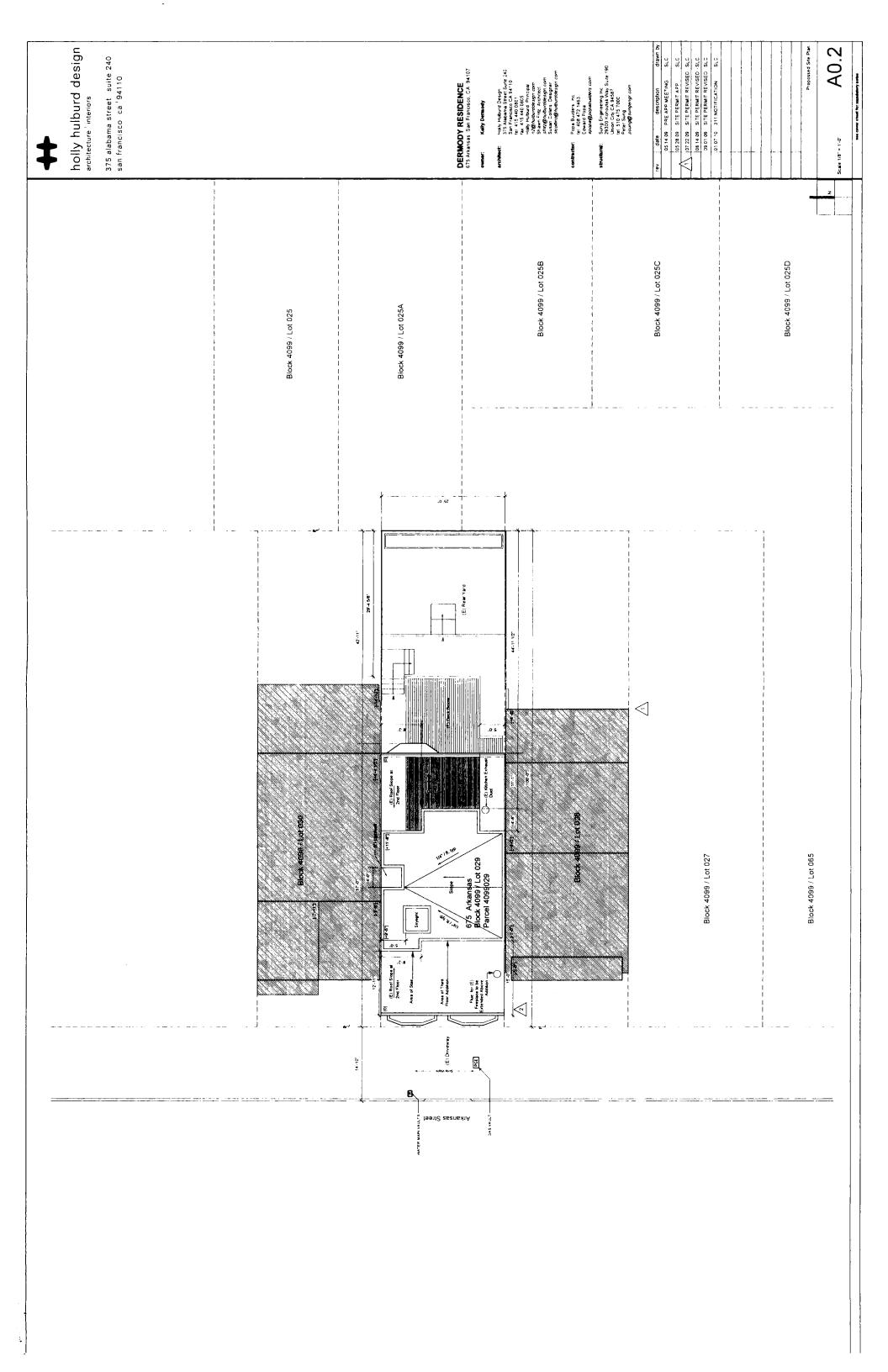
I respectfully ask that the Commission approve Kelly's project at 675 Arkansas Street. Please do not hesitate to contact me if I can answer any questions regarding the above.

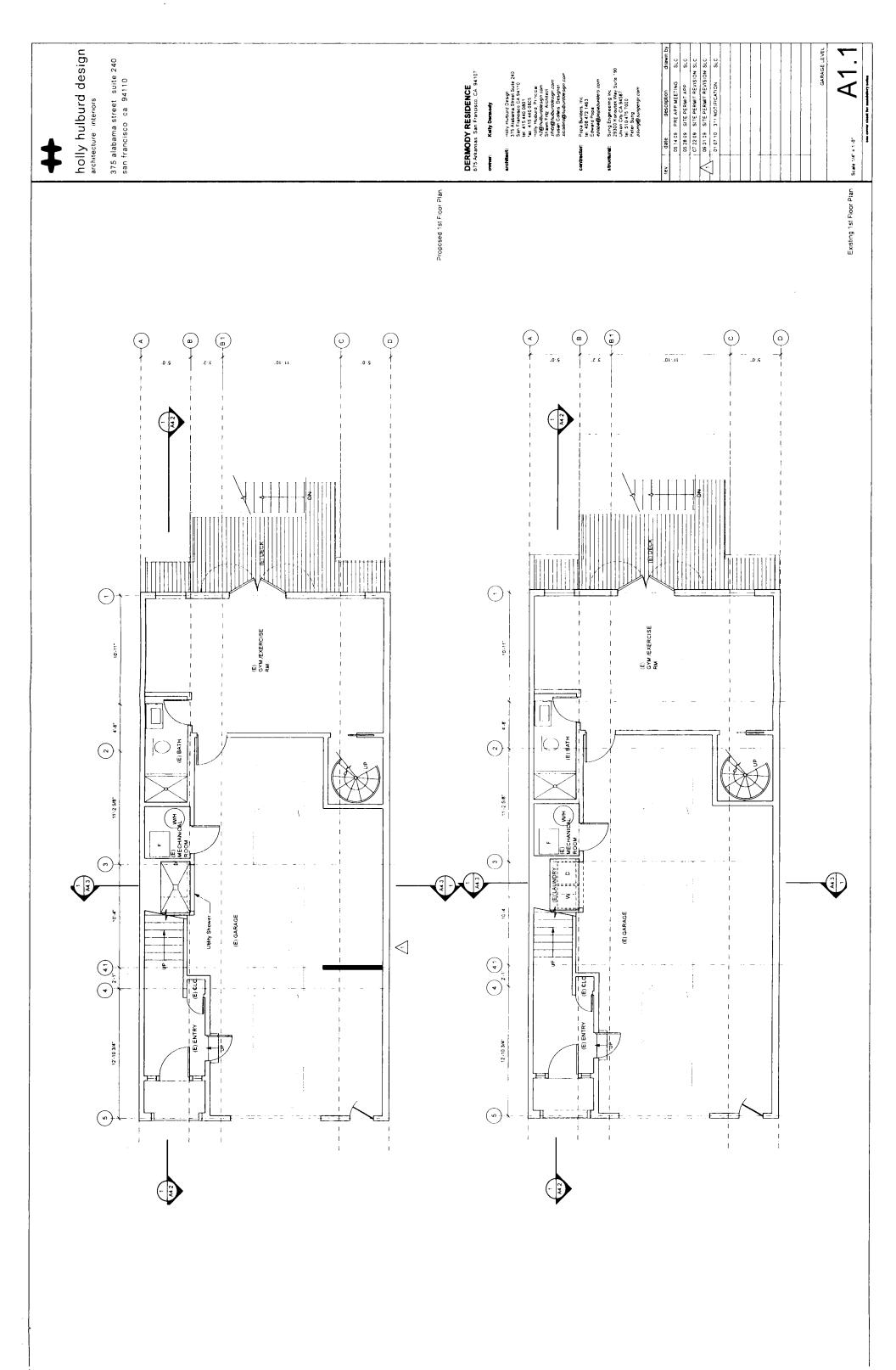
Thank you,

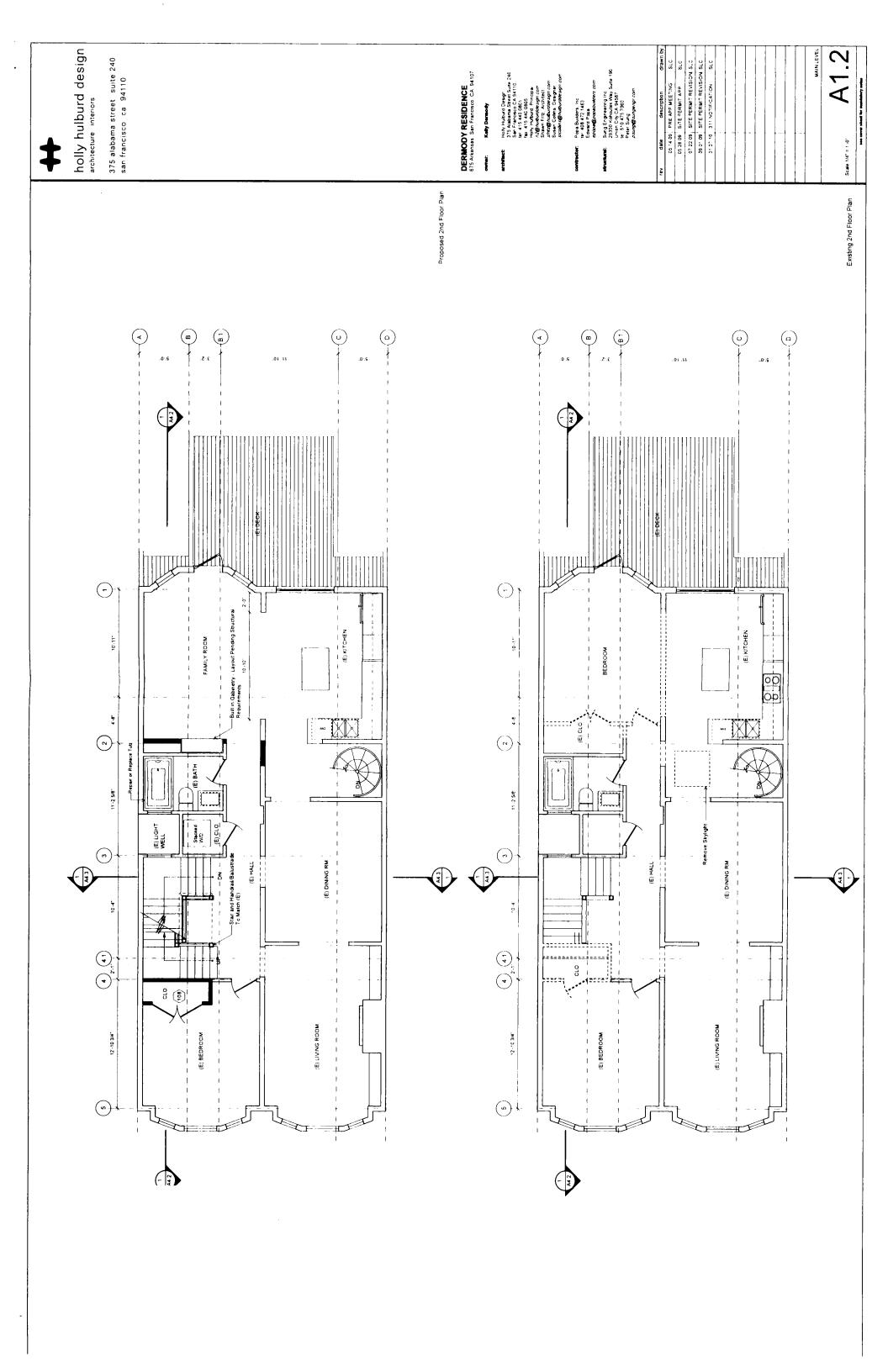
Billie Mizell

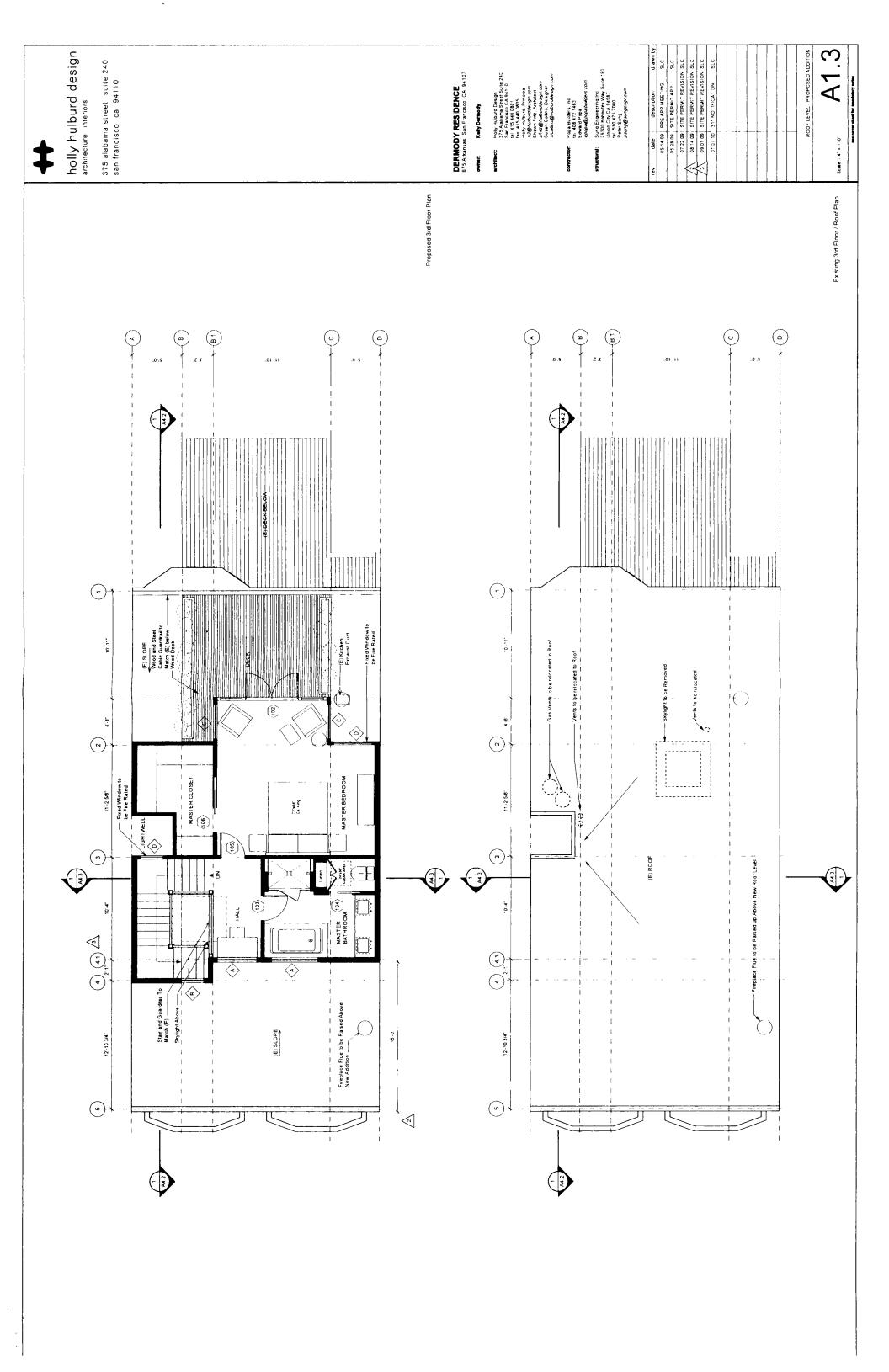
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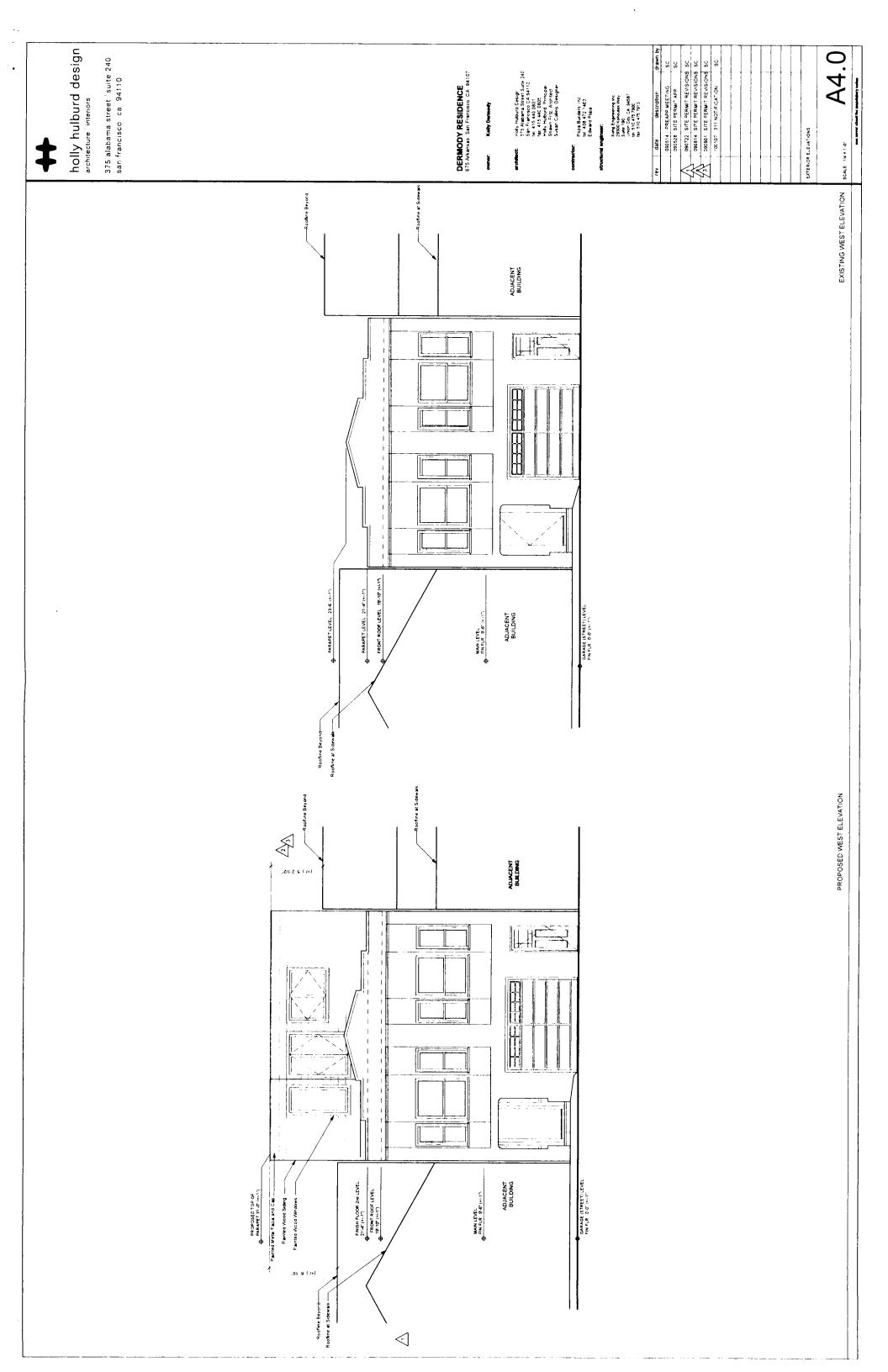


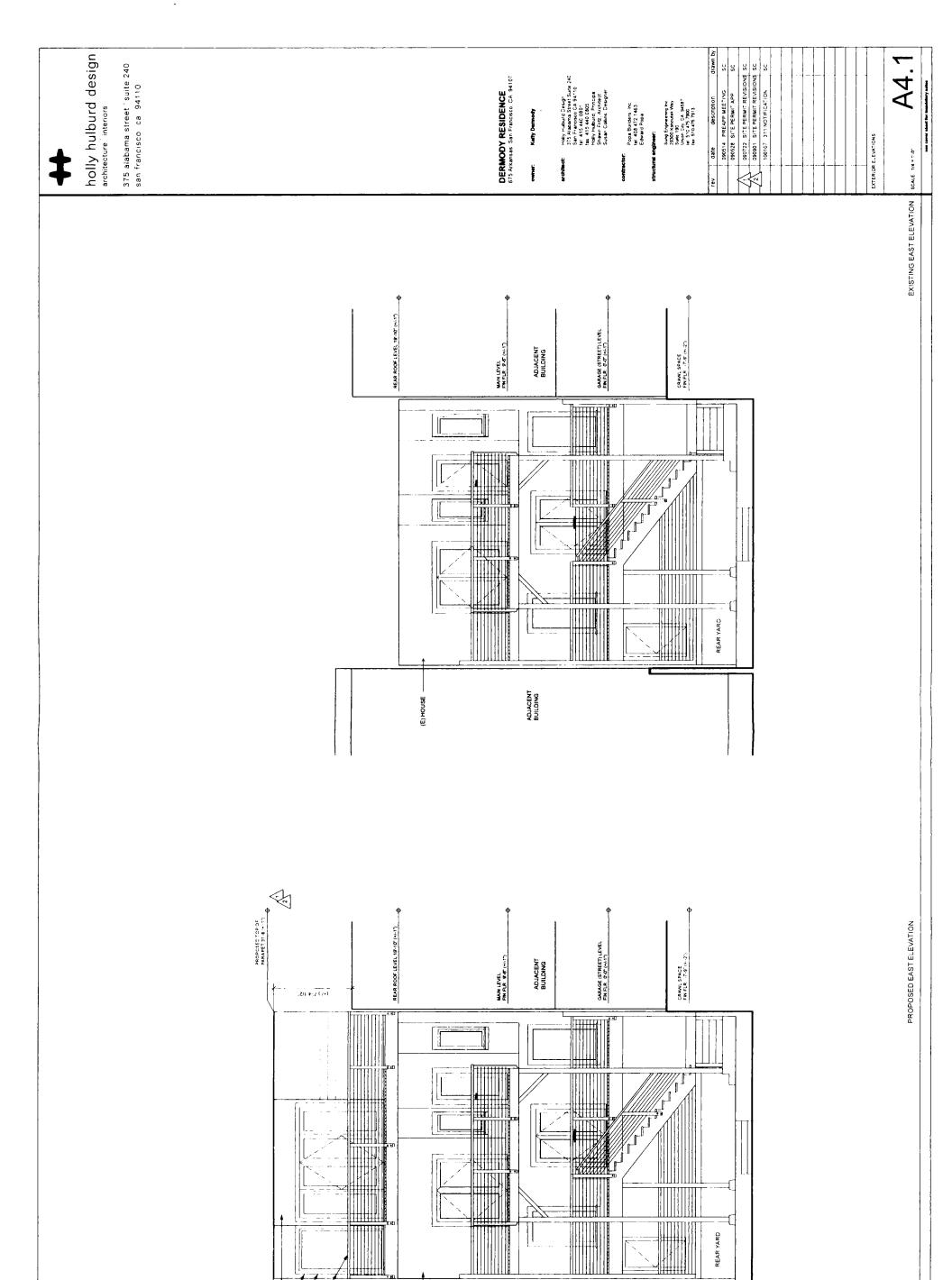












ADJACENT BUILDING

(E) HOUSE

Painted Wood Siding —
Painted Wood Windows —

..6 .9 (-/+)

Painted Metal Facia and Cap.

Wood and Steel Cable Guardrail to Match (E) -

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REAR YARD

