



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Full Analysis

HEARING DATE MARCH 14, 2013

*Date:* March 7, 2013  
*Case No.:* 2010.0272DD  
*Project Address:* 1235 40<sup>th</sup> Avenue  
*Permit Application:* 2009.04.02.5465  
*Zoning:* RH-1 (Residential House, One-Family)  
40-X Height and Bulk District  
*Block/Lot:* 1710/006  
*Project Sponsor:* Stephen Kwok  
1235 40<sup>th</sup> Avenue  
San Francisco, CA 94122  
*Staff Contact:* Michael Smith – (415) 558-6322  
[michael.e.smith@sfgov.org](mailto:michael.e.smith@sfgov.org)  
*Recommendation:* **Do not take DR and approve the project as proposed.**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project proposes the demolition of the detached garage structure at the front of the lot and the new construction of a three-story accessory building with a garage at the front of the lot. The top floor of the building would be set back 15-feet from the front of the building with a roof deck within the setback area and setback three-feet from the north side property line. The accessory building having three bedrooms and three baths over a two-car tandem garage. The existing penthouse would be removed from the dwelling at the rear of the lot and the building would be remodeled and contain the only kitchen on the property. The property will remain for single-family use only.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on 40<sup>th</sup> Avenue on the west side of the street between Lincoln Way and Irving Street within the Outer Sunset neighborhood. The subject property is rectangular shaped, measuring 25 feet in width and 120 feet in depth. The property is developed with a two-story, single-family dwelling constructed circa 1923 located at the rear of the lot and a detached single car garage located at the front of the lot. The dwelling at the rear of the lot contains approximately 750 square-feet of habitable area and appears to be in poor condition. The property also has a 10-foot legislated front setback.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding neighborhood is residential in nature and characterized by 30s and 40s era, two-story single family dwellings. There are three-story, two-family dwellings located at the north and south edges of the block. The neighborhood is located within a block of Golden Gate Park to the north.

The adjacent properties to the north and south of the subject property are developed with two-story residential buildings. The adjacent property to the north is particularly unique in that it is the oldest building on the block, it is a two-family dwelling, and it is setback along its south side with several windows on its south side elevation. Most of the buildings on the subject block are built from side property line to side property line with no side facing windows.

**BUILDING PERMIT APPLICATION NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	3/18/2010-4/17/2010	4/14/2010	3/14/2013	1,065 days

**HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	3/4/2013	3/4/2013	10 days
Mailed Notice	10 days	3/4/2013	3/4/2013	10 days

**PUBLIC COMMENT**

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

Anna Wong, the current owner of the adjacent property to the north (1231 40<sup>th</sup> Avenue) is in support of the project as revised with a height of 29'-6" and a three-foot setback along the north side of the building.

**DR REQUESTORS**

1. Eugene Vinsky, former owner of 1231 40<sup>th</sup> Avenue, the adjacent property to the north of the subject property. Mr. Vinsky has since sold the property to Anna Wong and is no longer participating in this DR hearing but has not withdrawn his request. Anna Wong does not oppose the project as revised.
2. Donald House and Paulette Stracuzzi, owners and occupants of 1234 41<sup>st</sup> Avenue, located directly behind the subject property to the west.

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

**Issue #1:** Mr. Vinsky’s initial filing of the DR was concerning the protection of light and air to the windows on the south side of his building.

**Issue #2:** With two habitable, detached structures on the subject property, Ms. Stracuzzi and Mr. House are concerned about the project being used as an illegal second dwelling unit.

**Issue #3:** Ms. Stracuzzi and Mr. House are also concerned about the present condition of the building that will be retained at the rear of the lot. They would prefer to see the building demolished and for the mid-block open space to be restored.

## **PROJECT SPONSOR’S RESPONSE**

In response to the concerns raised by the DR requestors, the sponsor has revised his plans to reduce the height of the proposed building by one foot to 29’-6” and incorporate a three foot setback along the north side of the building. The sponsor is generally daunted by the Department’s demolition procedures and the uncertainty within the process to pursue it as a development option.

## **PROJECT ANALYSIS**

As stated above, the adjacent property to the north of the subject property is unique in that it has two-units and windows along its south side elevation. The subject property is also unique in that it is a small building located at the rear of the lot within the mid-block open space. The Residential Design Guidelines do not provide guidance on how to reasonable enlarge a dwelling that is located at the rear of the lot. Generally, sponsors that want to develop properties that contain dwellings within the rear yard have constructed detached structures within the buildable area of the lot while retaining the dwelling at the rear of the lot. This type of development has been successful in Zoning Districts that permit two or more dwellings per lot. This development is problematic in zoning districts that permit one dwelling per lot as it creates a situation that could be easily abused and promote the creation of an illegal dwelling unit. While the circumstances surrounding the development of the subject property are unique, the issue of whether or not having two separate structures on the lot would facilitate an illegal second dwelling can be addressed by recording a Notice of Special Restrictions on the property.

Another development option for the subject property would be to construct an addition at the front of the existing dwelling. This scenario is potentially beneficial to protecting light and air to the windows on the south side of 1231 40<sup>th</sup> Avenue but problematic because it would intensify the development within the mid-block open space. As such, the Residential Design Team does not support this development option. The adjacent building’s south side windows service both dwellings within the building. The upper floor dwelling also has windows at the front of the building but some of the rooms within the lower dwelling are serviced solely by its south side facing windows. The building is setback three-feet from the side property which helps maintain light and air to these windows but the majority of light and air to these windows comes from the vacant area on the subject property. Any construction within this area will compromise light and air to the south side windows in the lower dwelling.

The final development option would be to demolish the existing dwelling since it is in poor condition. The subject property was in poor condition when the sponsor purchased it in 2008. In 2009, the sponsor submitted his building permit application to develop the property and was advised by the Department at that time that demolition was the preferred development option. Because residential demolition requires Planning Commission approval, staff could not guarantee that his demolition would be ultimately approved. Furthermore, the sponsor was inhibited by the fees associated with demolition review.

### **ENVIRONMENTAL REVIEW**

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

### **RESIDENTIAL DESIGN TEAM REVIEW**

RDT's position in supporting the project as noticed is predicated on the RDG's support for creating a strong street wall and minimizing new construction that could adversely impact the adjacent properties and the midblock open space.

**Under the Commission's pending DR Reform Legislation, this project would be referred to the Commission, as the Residential Design Guidelines are silent on how to develop a property with a cottage at the rear.**

### **BASIS FOR RECOMMENDATION**

- The Department's recommendation to approve the project as proposed is based upon precedence for our review of development of properties that contain cottages at the rear. Generally, in these situations the sponsor is allowed to construct a Code complying building at the front of the lot. The Residential Design Guidelines provide no guidance for the development of legal noncomplying rear yard dwellings. Staff is seeking guidance from the Commission on how to develop properties that have dwellings at the rear in RH-1 Districts.

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

Design Review Checklist  
Block Book Map  
Sanborn Map  
Aerial Photographs  
Section 311 Notice  
DR Application  
Response to DR Application  
3-D Rendering  
Context Photos  
Reduced Plans

## Design Review Checklist

### NEIGHBORHOOD CHARACTER (PAGES 7-10)

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

**Comments:** The subject block is defined by two-story single-family dwellings that are clad in stucco.

### SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
<b>Topography (page 11)</b>			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	X		
<b>Front Setback (pages 12 - 15)</b>			
Does the front setback provide a pedestrian scale and enhance the street?	X		
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?	X		
Does the building provide landscaping in the front setback?	X		
<b>Side Spacing (page 15)</b>			
Does the building respect the existing pattern of side spacing?	X		
<b>Rear Yard (pages 16 - 17)</b>			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
<b>Views (page 18)</b>			
Does the project protect major public views from public spaces?			X
<b>Special Building Locations (pages 19 - 21)</b>			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?			X
Is the building articulated to minimize impacts on light to adjacent cottages?			X

**Comments:** The subject and surrounding properties slope gently to the west. The block also has a 10' legislated front setback that is being respected by the project. The adjacent property to the north is an anomaly in that it has a side setback with several side facing windows. The project would respect the setback and the windows by providing a matching side setback. Furthermore, the height of the building is minimized to further protect light and air to the neighboring side windows.

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

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

**Comments:** Most of the mid-block buildings are two-stories in height with taller buildings towards the corners. Though the subject building would be three-stories, the added floor is set back 15-feet from the front of the building such that it would be minimally visible from the street, thus protecting the building scale at the street. The property is already developed with a structure within the mid-block open space. To reduce the intrusion into the mid-block open space the structure's second floor would be removed as would the rear portion of the building. The project would not add any additional obstruction into the mid-block open space.

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

QUESTION	YES	NO	N/A
<b>Building Entrances (pages 31 - 33)</b>			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?	X		
Is the building's front porch compatible with existing porches of surrounding buildings?	X		
Are utility panels located so they are not visible on the front building wall or on the sidewalk?	X		
<b>Bay Windows (page 34)</b>			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	X		
<b>Garages (pages 34 - 37)</b>			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		

Is the placement of the curb cut coordinated to maximize on-street parking?	X		
<b>Rooftop Architectural Features (pages 38 - 41)</b>			
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other building elements?			X
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windcreens designed to minimize impacts on the building's design and on light to adjacent buildings?			X

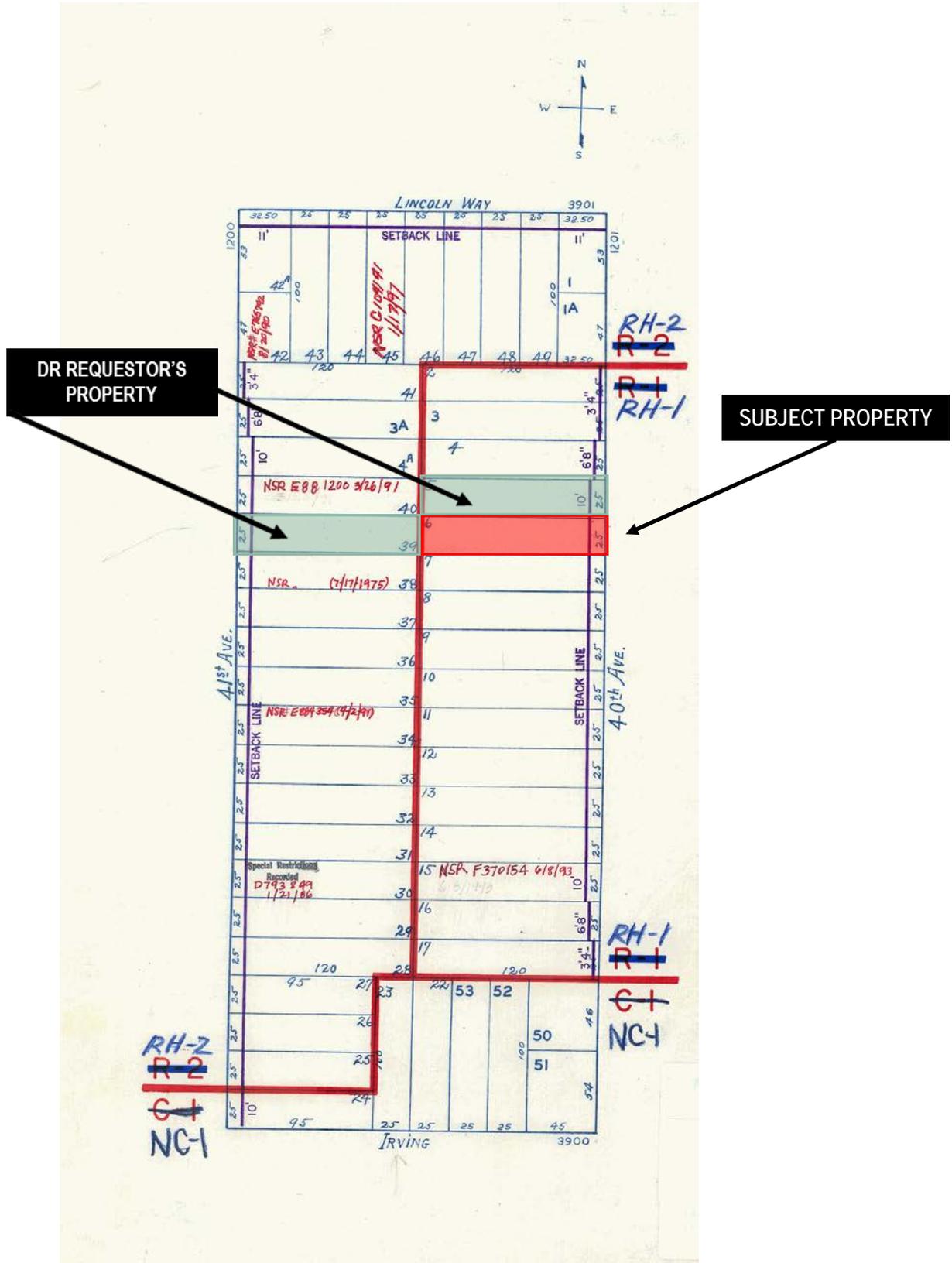
**Comments:** Building entrances on the subject block are characterized by groupings. There are groups of buildings with elevated entrances and groups of buildings with ground floor entrances. The two adjacent buildings to the south of the subject property have ground floor entrances which is the pattern that the subject building responds to. The placement of the garage entrance and the bay window above also respond to the character of the adjacent building to the south.

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

QUESTION	YES	NO	N/A
<b>Architectural Details (pages 43 - 44)</b>			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
<b>Windows (pages 44 - 46)</b>			
Do the windows contribute to the architectural character of the building and the neighborhood?	X		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	X		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	X		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	X		
<b>Exterior Materials (pages 47 - 48)</b>			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	X		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		
Are the building's materials properly detailed and appropriately applied?	X		

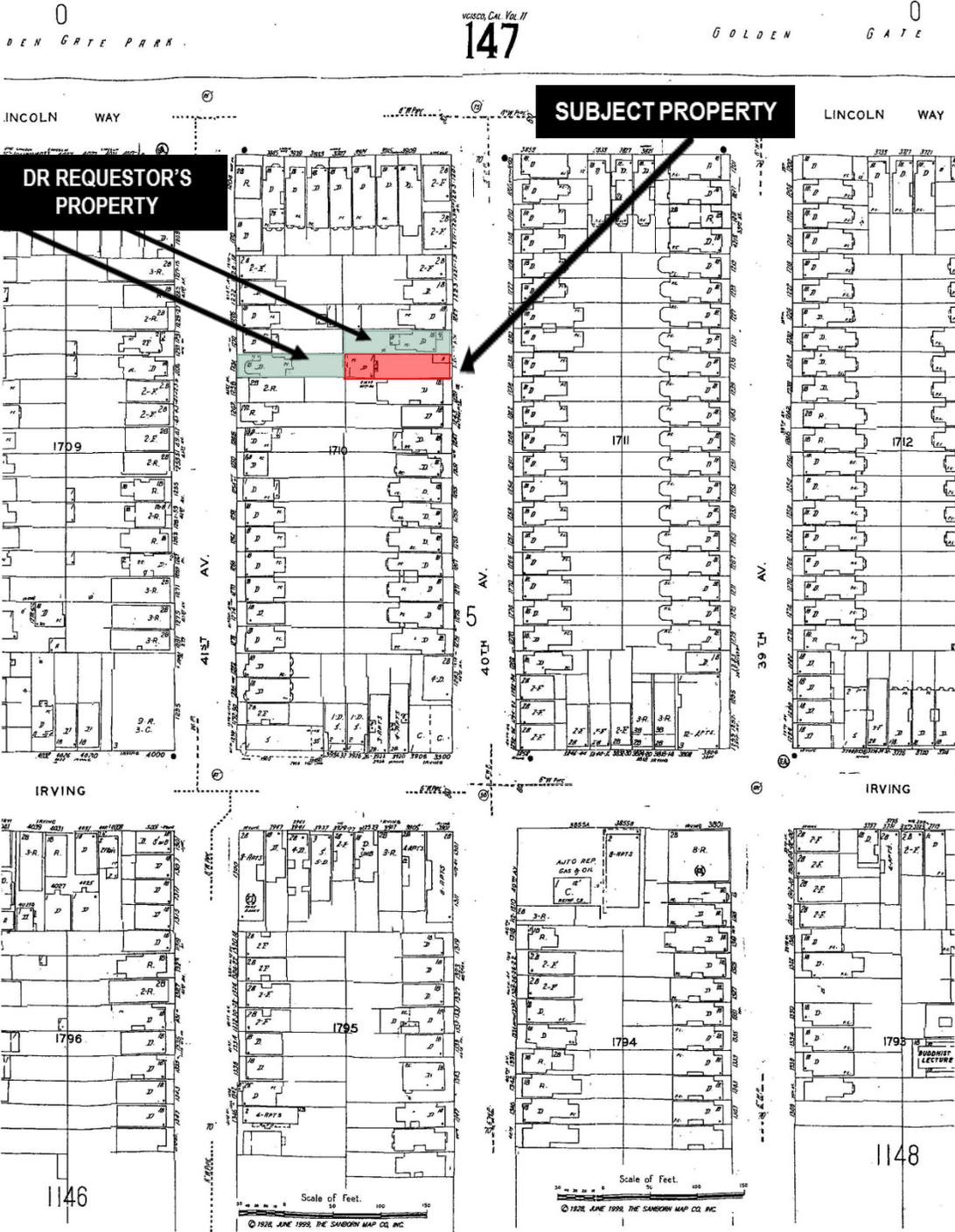
**Comments:** The proposed building will be clad in stucco and have vertically oriented double-hung type windows that are consistent with the window style and proportions that are present on the block face.

# Parcel Map



Discretionary Review Hearing  
 Case Number 2010.0272DD  
 1235 40<sup>th</sup> Avenue

# Sanborn Map\*

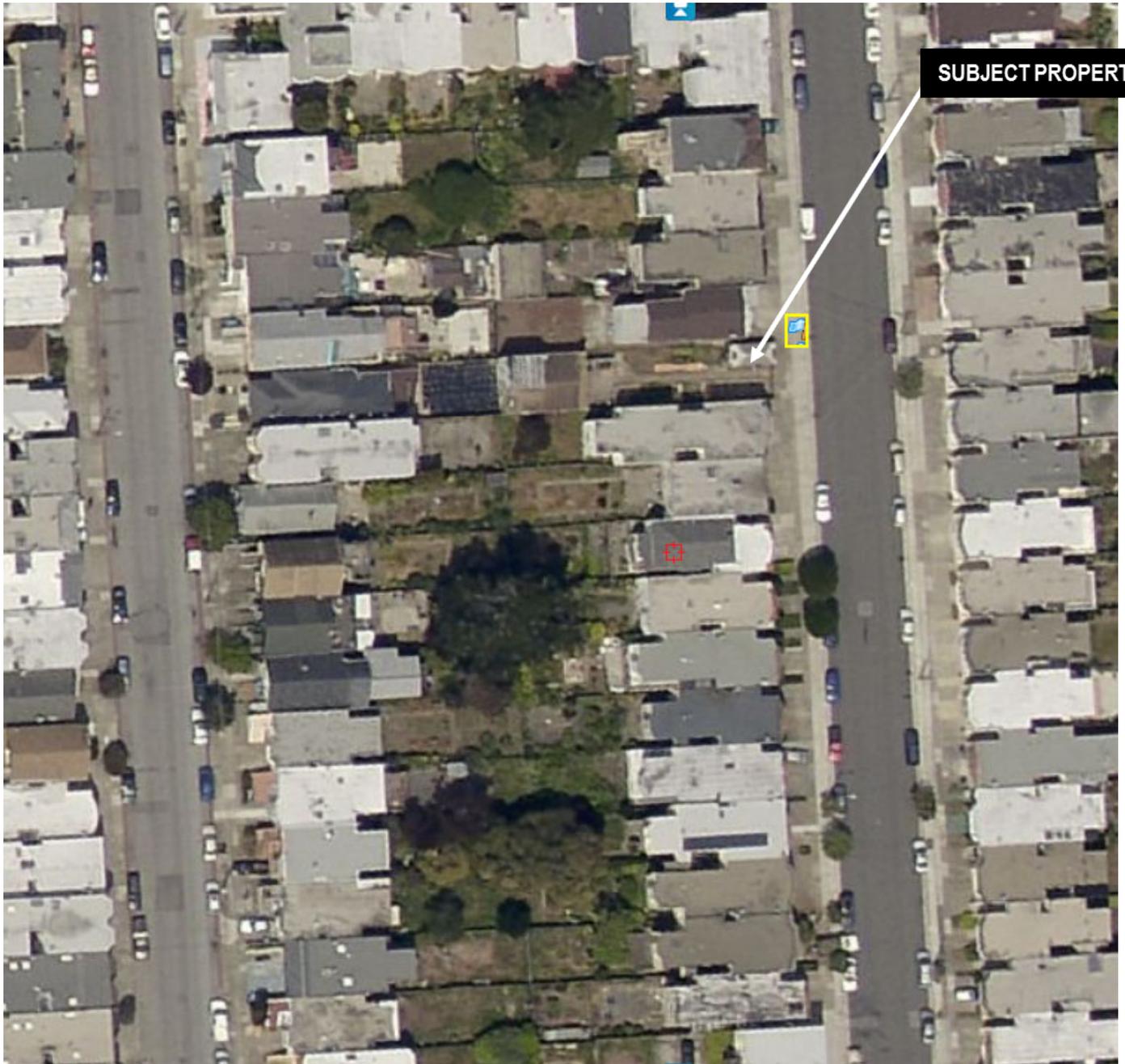


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



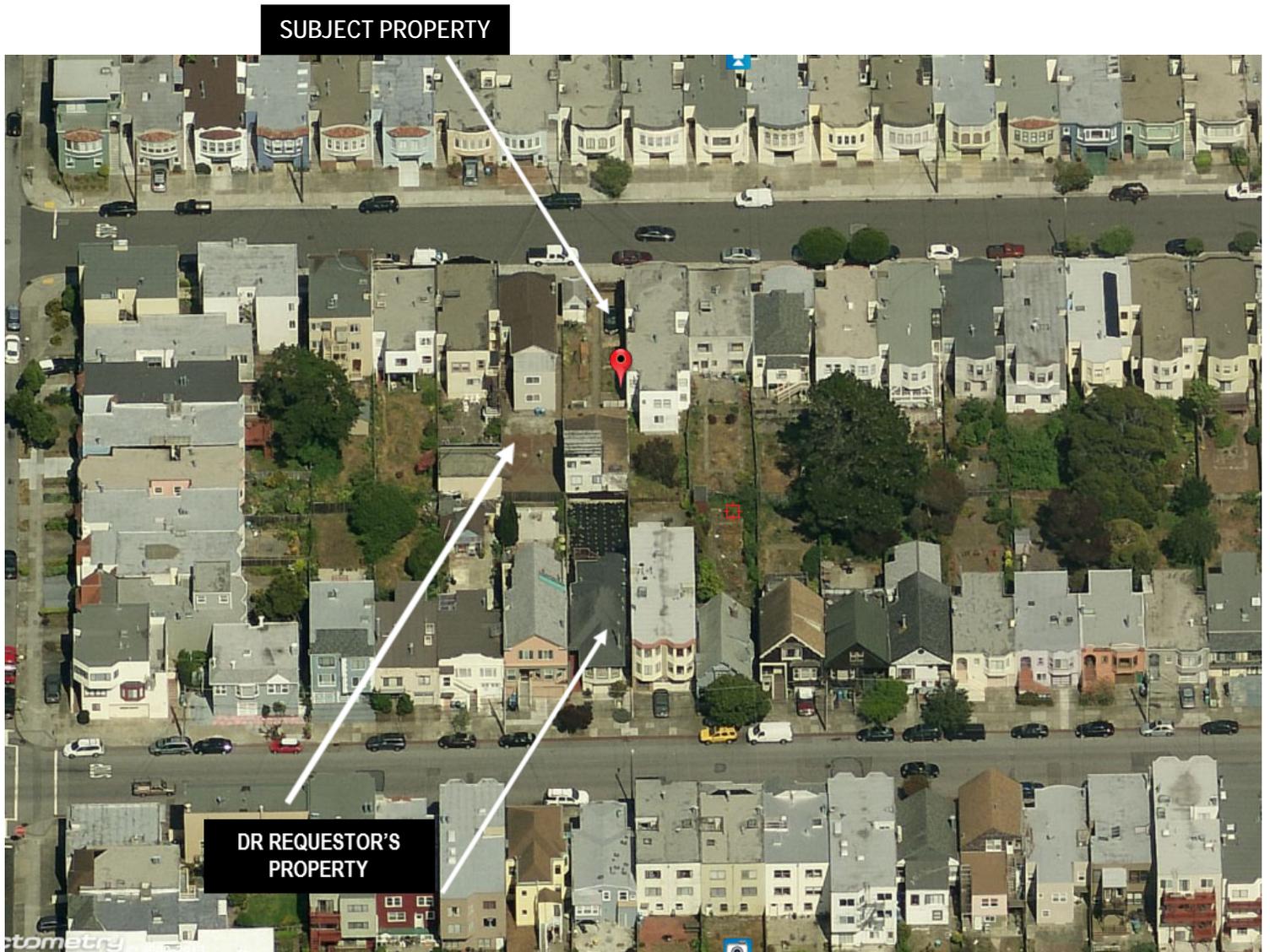
Discretionary Review Hearing  
 Case Number 2010.0272DD  
 1235 40<sup>th</sup> Avenue

# Aerial Photo



Discretionary Review Hearing  
Case Number 2010.0272DD  
1235 40<sup>th</sup> Avenue

# Aerial Photo



Discretionary Review Hearing  
Case Number 2010.0272DD  
1235 40<sup>th</sup> Avenue



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On April 2, 2009, the Applicant named below filed Building Permit Application No. 2009.04.02.5465 (New Construction) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Stephen Kwok	Project Address:	1235 40 <sup>th</sup> Avenue
Address:	1235 40 <sup>th</sup> Avenue	Cross Streets:	Lincoln Way and Irving St.
City, State:	San Francisco, CA 94122	Assessor's Block /Lot No.:	1710/006
Telephone:	(415) 577.0203	Zoning Districts:	RH-1 /40-X

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

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

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
FRONT SETBACK .....	0 feet .....	11 feet, 9 inches
BUILDING DEPTH .....	18 feet .....	44 feet, 7 inches
REAR YARD (located between front and rear bldgs.).....	67 feet, 6 inches .....	30 feet
HEIGHT OF BUILDING .....	12 feet .....	31 feet
NUMBER OF STORIES .....	1 .....	3
NUMBER OF DWELLING UNITS .....	1 .....	No Change
NUMBER OF OFF-STREET PARKING SPACES .....	1 .....	No Change

### PROJECT DESCRIPTION

The proposal is demolish the detached garage at the front of the lot and construct a three-story single-family dwelling. The top floor of the building would be set back 15-feet from the front of the building with a roof deck within the set back area. The existing dwelling within the building at the rear of the lot would be relocated to the proposed building and the rear building would be converted into an accessory building. The property would remain a single-family dwelling. The measurements for the existing conditions in the table above refer to the detached garage versus the proposed building. See attached plans.

PLANNER'S NAME: Michael Smith  
 PHONE NUMBER: (415) 558-6322  
 EMAIL: michael.e.smith@sfgov.org  
 DATE OF THIS NOTICE: 3-18-10  
 EXPIRATION DATE: 4-17-10

# 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](http://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 days 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, Fax No. (415) 575-6885.

# 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 DON HOUSE Telephone No: 415-307-5574

D.R. Applicant's Address 1234 41<sup>ST</sup> AVENUE  
Number & Street (Apt. #) 94122  
SAN FRANCISCO  
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415-307-5574  
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name \_\_\_\_\_ Telephone No: \_\_\_\_\_

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

Address of the property that you are requesting the Commission consider under the Discretionary Review: 1235 40<sup>TH</sup> AVENUE

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: STEPHEN KWOK 415-577-0203

Building Permit Application Number of the project for which you are requesting D.R.: 2009-04-02, 5465

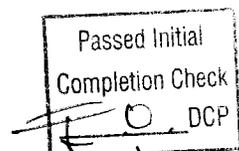
Where is your property located in relation to the permit applicant's property?  
ABUTTING BACK YARD PROPERTY LINE

## A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

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

1. Have you discussed this project with the permit applicant? YES  NO
2. Did you discuss the project with the Planning Department permit review planner? YES  NO
3. Did you participate in outside mediation on this case? Community Board  Other  NO

10.0272D



4/14/10  
C 10:25 AM

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

WE MET WITH THE OWNERS AND EXPRESSED OUR CONCERNS AND REQUEST THEY DEMOLISH THE EXISTING STRUCTURE. WE HAVE NO ISSUE WITH THE BUILDING THEY PROPOSE. THE OWNERS AGREED TO DRAW NEW PLANS TO SUBMIT THAT INCLUDES DEMOLISHING THE EXISTING STRUCTURE. PENDING APPROVAL OF ANTICIPATED NEW PLANS, WE ARE SUBMITTING THIS REQUEST FOR D.R. TO PROTECT OUR CONCERNS AS OPPOSED TO STOPPING ANY IMPROVEMENTS.

**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?

ACCORDING TO PLANNER, MICHAEL SMITH, THE OWNERS WERE ENCOURAGED TO INCLUDE DEMOLISHING THE EXISTING STRUCTURE IN THEIR PLANS. ADDITIONALLY, AN "NSR" FLAG WAS NOTED ON THIS CASE. WE OBJECT TO ALLOWING EXISTING STRUCTURE TO REMAIN WHILE APPROVING ADDITION OF NEW STRUCTURE. APPROVED PLANS DO NOT INCLUDE IMPROVEMENTS TO EXISTING STRUCTURE WHICH APPEARS UNSAFE, DURING REMODEL OF OUR HOME, OUR CONTRACTOR EXPRESSED CONCERNS ABOUT SAFETY OF THE STRUCTURE

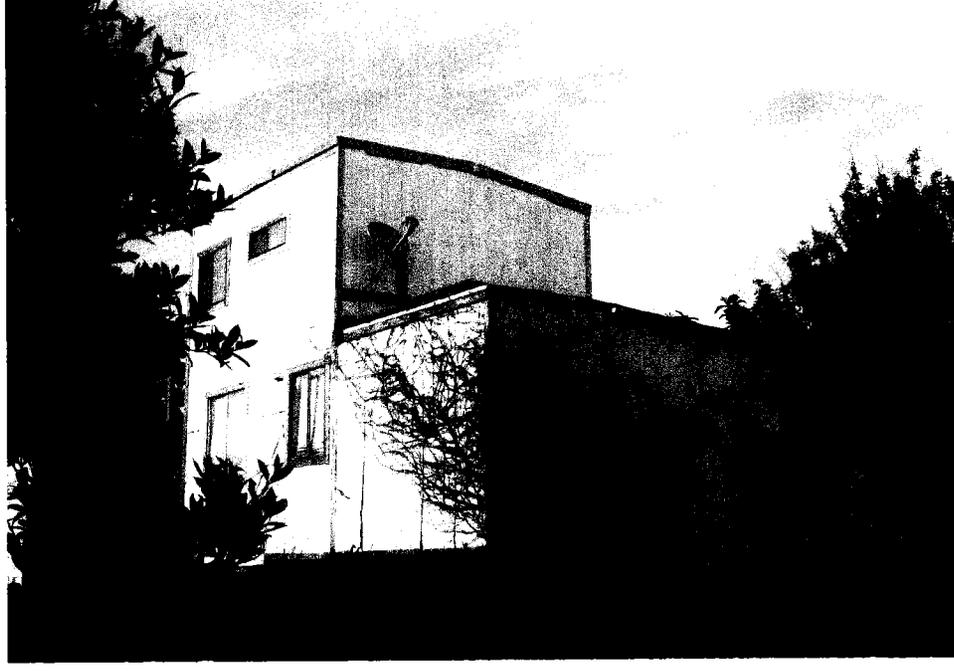
2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

THE LOT IS ZONED R-1. IF TWO DWELLINGS ARE ALLOWED, THEY ARE SUBJECT TO BEING RENTED AND PUTTING THE BURDEN OF POLICING ON NEIGHBORS. THE EXISTING STRUCTURE IS BUILT ON THE PROPERTY LINE WITH ZERO SETBACK. THE BUILDING APPEARS UNSAFE AND IMPOSES A HAZARD TO ADJACENT NEIGHBORS.

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)?

IF THE OWNERS DEMOLISH THE EXISTING STRUCTURE, WE SUPPORT ANY IMPROVEMENTS APPROVED BY PLANNERS. THIS WILL IMPROVE THE "GREENBELT" OF BACKYARDS AND MAINTAIN THE INTEGRITY OF THE NEIGHBORHOOD.





10.0272D

**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 Eugene Vinsky Telephone No: (415) 205-9910

D.R. Applicant's Address 737 Catala Ct  
Number & Street (Apt. #)  
Santa Clara 95050  
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): (415) 205-9910  
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name \_\_\_\_\_ Telephone No: \_\_\_\_\_

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

Address of the property that you are requesting the Commission consider under the Discretionary Review: 1235 40th Ave, San Francisco, CA 94122

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: Stephen Kwok (415) 577-0203

Building Permit Application Number of the project for which you are requesting D.R.: No. 2009.04.02.5465

Where is your property located in relation to the permit applicant's property?  
Direct neighbor on the north side

**A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST**  
Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

- 1. Have you discussed this project with the permit applicant? YES  G NO  G
- 2. Did you discuss the project with the Planning Department permit review planner? YES  G NO  G
- 3. Did you participate in outside mediation on this case? Community Board  G Other  G NO  G

10.0272D

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

*SEE ATTACHED*

**B. DISCRETIONARY REVIEW REQUEST**

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

*SEE ATTACHED*

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

*SEE ATTACHED*

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above (in question B1)?

*SEE ATTACHED*

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

**CHECKLIST FOR APPLICANT:**

Indicate which of the following are included with this Application:

**REQUIRED:**

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

**OPTIONAL:**

- G** Photographs that illustrate your concerns.
- G** Covenants or Deed Restrictions.
- G** Other Items (specify). *DRAWINGS OF THE CURRENT LAYOUT and proposed structure's impact on my property.*

**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 *E. Vusky* 4-14-2010  
Applicant Date

ATTACHMENT TO DISCRETIONARY REVIEW

D.R. Applicant's Name – **Eugene Vinsky**  
D.R. Applicant's Address – **737 Catala Court, Santa Clara, CA 95050**  
Dr. Applicant's Telephone Number – **(415) 205-9910**

**A Actions Prior to Discretionary Review Request**

- 1 Have you discussed project with permit applicant? Yes
- 2 Did you discuss the project with the Planning Department permit review planner? Yes, Michael Smith
- 3 Did you participate in outside mediation on this case? No
- 4 The project was discussed with both the applicant and Michael Smith at the planning department. No actual changes were made to the proposed project. The applicant did, however, make an proposal over the phone to possibly modify the project as follows:
  - a) Move approximately 15 feet of the proposed structure's wall 3 feet back from the property line.
  - b) Paint the proposed wall, located only an arm's length from our windows, a light color to reduce the inevitable cave effect on our 1<sup>st</sup> and 2<sup>nd</sup> floor living areas.

**B Discretionary Review Request**

- 1 What are the reasons for requesting Discretionary Review?

The reasons for requesting a DR are as follows:

  - a) Exceptional and Extraordinary Circumstances: **The proposed structure will block all sunlight, air, and view to/from my 2-story home, breach privacy and security, create a potential fire hazard and interfere with fire and medical emergency personnel.** I believe that such a combination of actual effects on my home creates the exceptional and extraordinary circumstances warranting this Discretionary Review. Specifically, the proposed structure will stand directly on the property line, while reaching 3 stories high. It will stand only 2.4 feet from 7 out of the 11 windows in my home. Please refer to the following drawings entitled Impact of the Proposed Structure on my Home Plot Plan View, Impact of the Proposed Structure on my Home Front View, and Impact of the Proposed Structure on my Home Side View, all attached hereto and incorporated herein by this reference. A large 3<sup>rd</sup> story deck will tower directly over my 2-story home and create an impermissible intrusion point into the windows and the lives of my home's residents. The miniscule distance (less than an arm's length) between my home and the proposed structure will create a sure fire hazard, prevent access to the second floor of my home by fire and medical emergency personnel, and allow unwelcome visitors to climb into the 2<sup>nd</sup> story windows from the proposed structure's deck.
  - b) Conflict with the Planning Code's Priority Policies: The proposed plan directly conflicts with the City of San Francisco Priority Policies on Green Building Interests. According to the City of San Francisco website the goal of Green Building Incentives is to "**actually promote the health and well-being of residents...**" Of course, health and well-being of one resident is no more important than health and well-being of another resident of the city, and hence some

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type of middle ground or compromise must be found to avoid improving health and well-being of some residents at the expense of others. Specifically, construction of a 3-story building only 2.4 feet away from 7 out of 11 windows in my 2-story home will create a cave-like effect completely blocking out all sunlight, air and view from my home's largest windows. Lack of sunlight, air and any view, has been long known to **induce depression, create stress and increase vitamin D deficiencies** in subjected individuals. Therefore, allowing a placement of a 3-story wall less than an arm's length away from majority of windows in a home will **force a myriad of potential health problems** on the residents and interfere with their well-being and enjoyment of the property, **directly conflicting with one of the top goals of the City of San Francisco.**

Second goal for Green Building Incentives is **energy efficiency and conservation.** Complete blockage of all sunlight in majority of living areas **will force a projected doubling in the use of electricity** to allow reasonable illumination of living areas to continue enjoyment of such basic activities as reading, walking around the premises and cooking. Utilization of sun light to reduce consumption of electricity is not just a national or a state policy; it is a world-wide requirement. **Majority of countries switch to Daylight Savings Time.** The change is necessary to increase energy conservation, by utilizing as much of the sunlight as possible. Blocking all sunlight to my home, therefore, will go **directly against the City of San Francisco's goals for energy conservation,** by forcing me to double consumption of electricity to keep reasonable illumination of my home, and directly against world-wide policy of energy conservation exhibited by observance of Daylight Savings Time.

The third goal for Green Building Incentives is **water conservation.** The number of bathrooms in the home is directly proportional to consumption of water. The proposed house will boast 3.5 bathrooms spread over its 3 stories. A single family home with 3.5 bathrooms with **substantially increase wasteful consumption** of water and go directly against the City of San Francisco goals for water conservation.

Moreover, since the proposed building **does not include any solar powered energy systems,** the energy required to (1) pump water from 1<sup>st</sup> to the 3<sup>rd</sup> story and (2) to heat the vast amounts of water necessary to supply 3.5 bathrooms with hot running water will even further increase the consumption of both water and energy, **substantially impacting energy consumption efforts of our block and the whole neighborhood.**

- c) Historical Considerations: Although, the project by itself meets the minimum standards of Planning Code, the project is not being built on an uninhabited island, but in the middle of Block 1710 in the City of San Francisco, where other buildings are already standing and have been standing for almost 100 years, in the case of my property, located directly next to the subject property, at 1231 40<sup>th</sup> Ave. My home was built in 1914 and the original house on the subject property was built in the 1920s. A quick look at a drawing entitled Historical and Current Lay Out Plot Plan View, attached hereto and incorporated herein by this reference, shows a complementary placement of structures on both properties to allow light, air and view to the windows of my home. Specifically, 7 out of 11 windows in my 2-story home are facing the subject property. The subject property's garage is placed at the very front of

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property and the original home is placed at the very back of the property. The open space between the garage and the home is 67 feet, which is almost exactly the length of my home.

We are in the process of investigating historical records regarding possible recorded restrictions on a deed, easements, written agreements or covenants binding the successors in interest of the subject property from interfering with access to light, air and view for my property.

The city of San Francisco, with its rich culture and history, is a great example of fusion of new and historical structures. It is my strong believe that the new can coexist in harmony with the old without destroying the beauty, value and habitability of the already existing structures.

- 2 If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:
  - a) My property would be adversely affected as follows:
    - (1) **Complete blockage of all light** – a 3-story wall along the length of my 2-story home, only 2.4 feet away from 7 out of 11 windows will create a cave-like effect.
    - (2) **Complete blockage of air** – a 3-story wall along the length of my 2-story home, only 2.4 feet away from 7 out of 11 windows will prevent ventilation of the living areas, by trapping air, street fumes and dust, garbage smells and possible plant pesticides in the narrow space between homes, forcing all of the above described air pollutants into my home.
    - (3) **Complete blockage of view** – a 3-story wall along the length of my 2-story home, only 2.4 feet away from 7 out of 11 windows will completely block view from majority of the windows. Lack of any view except for a blank wall will create a prison-like effect substantially impacting well being of the residents of my home.
    - (4) Construction of a 3<sup>rd</sup> story deck will create a **substantial breach of privacy** in my 2-story home. A 3<sup>rd</sup> story deck will tower over my home creating an excellent observation point into the 2<sup>nd</sup> story windows of my home.
    - (5) Construction of a 3<sup>rd</sup> story deck will also create a **substantial breach of security** in my 2-story home. A 3<sup>rd</sup> story deck rails placed only 2.4 feet away (less than an arm's length) from windows of my home will likely create a possibility of someone jumping or climbing into the 2<sup>nd</sup> story windows from the proposed deck.
    - (6) Construction of the proposed structure on the property line only 2.4 feet away will substantially increase the likelihood of a **fire started in either of our homes instantaneously consuming both properties.**
    - (7) Construction of the proposed structure on the property line only 2.4 feet away will substantially hinder any **rescue efforts by fire or medical emergency personnel** in case of a fire or a medical emergency, as the miniscule distance between the windows of my home and the wall of the proposed structure will prevent a fire department from raising a ladder into the windows or medical emergency team from lifting necessary equipment to the 2<sup>nd</sup> story living spaces.
  - b) Our neighborhood and other neighbors' properties will be adversely affected as follows:

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- (1) A proposed 3-story monster home will **destroy the long-established and treasured look** of our mostly 2-story block.
  - (2) The 3<sup>rd</sup> story observation deck will be a **point of intrusion and continued breach of privacy** to all of the surrounding properties.
  - (3) The fire hazard created by the proposed proximity of our homes will substantially **increase the susceptibility of the entire neighborhood to a fire emergency.**
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) Alternatives to the proposed project: After considering the substantial interests of my Neighbor, the city and our neighborhood in having a brand new structure on the block, I have come up with the following solution:
    - (1) Limit the height of the structure to 2 stories. Please refer to a drawing entitled Alternative to the Proposed Project Front View, attached hereto and incorporated herein by this reference. This will reduce the following adverse effects:
      - (a) eliminate privacy concerns to my home and the neighborhood of the 3<sup>rd</sup> story observation deck
      - (b) reduce security concerns of the 3<sup>rd</sup> story observation deck
      - (c) reduce wasteful consumption of energy and water associated with 3-story homes
      - (d) reduce blockage of light to my 1<sup>st</sup> and 2<sup>nd</sup> story windows
      - (e) improve air ventilation to my home
      - (f) reduce harmful effects on health of my home's residents by allowing more light and air
      - (g) keep the uniform 2-story look of our neighborhood
    - (2) Move the proposed structure at least 3 feet away from the property line, making the total distance between my home and the proposed structure approximately 6 feet. Please refer to the drawing entitled Alternative to the Proposed Project Plot Plan View, attached hereto and incorporated herein, by this reference. This will reduce the following adverse effects:
      - (a) further reduce blockage of light to my 1<sup>st</sup> and 2<sup>nd</sup> story windows
      - (b) allow for only an incremental increase in energy consumption by the residents of my home, instead of doubling
      - (c) further reduce harmful effects on the health of the home's residents by increasing both light and air
      - (d) further improve air ventilation to my home
      - (e) reduce the lack of view in my home
      - (f) reduce the potential fire hazard
      - (g) allow for minimum clearance for fire and medical emergency personnel to access 2<sup>nd</sup> story windows

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- (3) Require installation of the solar power system to manage the increase in energy consumption for heating, illuminating, and general support of a large single-family home.

Date: *4-14-2010*

Signature of the DR. Applicant: *E. Vesky*

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1931 40+HV  
Current Windows and entry layout

Major Impact to light, air and privacy

1231 40<sup>th</sup> Ave

DISTANCE BETWEEN DOOR AND GARAGE



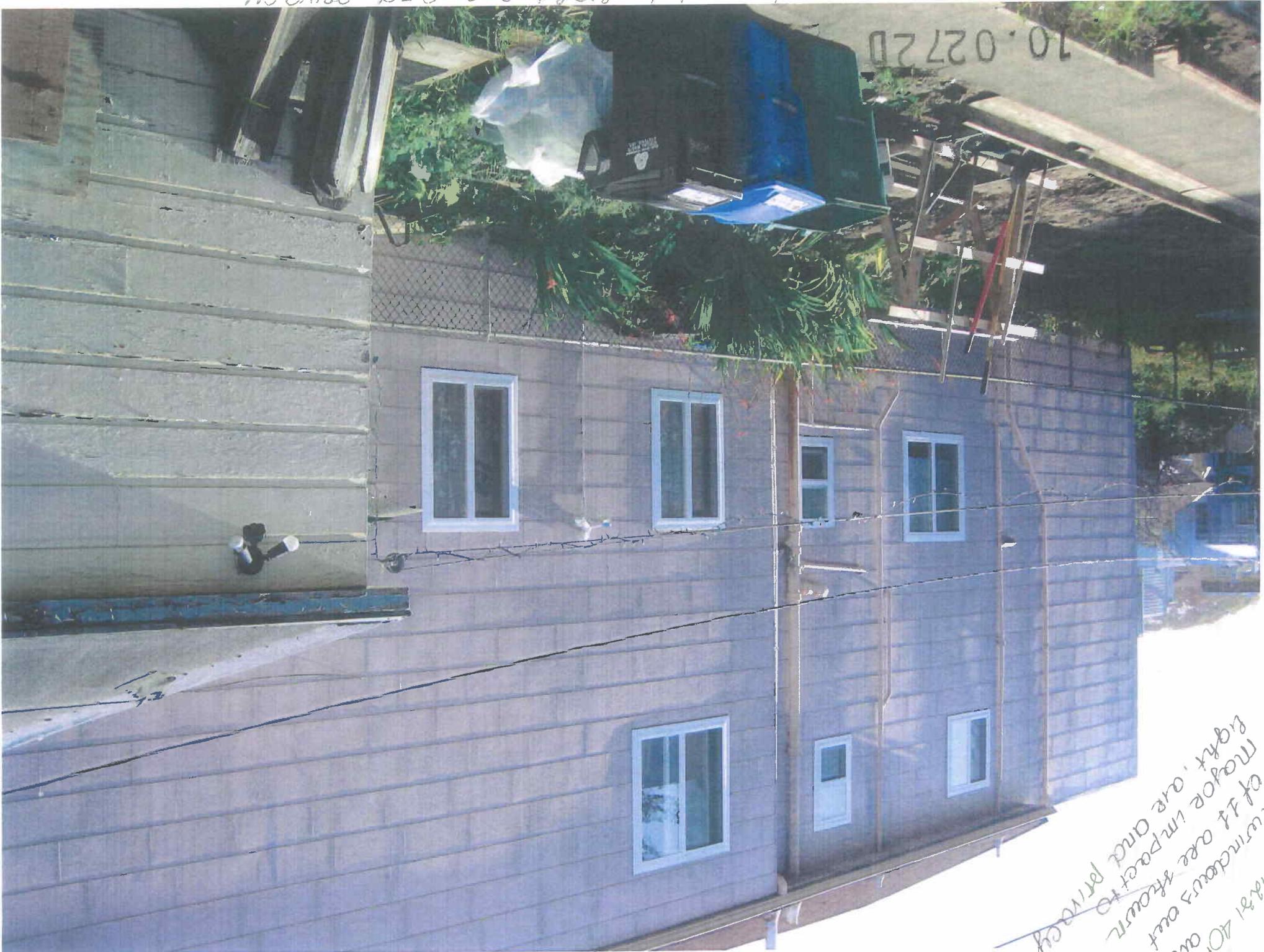
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major impact to light, air and privacy

1231 40<sup>th</sup> Ave Distance Between door and garage

10.02720'

Potential impact to light, air and privacy



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Current layout showing windows

1231 20th ave  
Two windows out  
of 11 are shown  
Major impact to  
right, are and privacy

## FW: 1235 40th Ave property

From: **Eugene Vinsky** (eugene.vinsky@live.com)  
Sent: Thu 4/08/10 9:58 AM  
To: michael.e.smith@sfgov.org; Eugene Vinsky (eugene.vinsky@live.com)  
Dear Michael,

It was a pleasure to speak with you last week regarding my concerns over the proposed construction plan for 1235 40th Ave property.

In accordance with your instructions, I have already met with Stephen Kwok, the owner of the neighboring property, and expressed to him my grave concerns regarding major impact on the value of my property and represent complete destruction of all light, air view and privacy on my property, as well as a potential fire hazard, from the three-story wall only 2.4 feet away from the floor entrance and majority of windows in my two-story home. I have also shared with him the history of our two properties, namely, my home was built in 1911 and his home in the 1920s. It is my understanding and belief that the reason for the lay out of his property, i.e. over 67 foot distance between the detached garage in the very front of the property and the living quarters in the very back of the property was to ensure that light, air and view are protected and accessible to my home, as first floor entrance and majority of all the windows in the first and second story units of my home are facing my neighbor's property.

Just recently I discussed an option/modification proposed by my neighbor to the construction plan, which is to step 3 feet out from his property line from the beginning of the building to the center of it.

While reviewing this proposal and working on the alternative solution I strongly believe this doesn't solve the problem of major impact to my property in terms of complete obstruction of light, air and privacy.

As I mentioned over the phone and as I indicated to my neighbor, during our meetings, I will be filing a discretionary form with the department. I also feel absolutely compelled to protect my basic property rights as well as the resale value of my property.

I thank you for your time and consideration.

Regards,

Eugene Vinsky

10.02720

Stephen Kwok  
1235 40<sup>th</sup> Avenue  
San Francisco, CA 94122  
(415) 577-2902

Date: January, 20<sup>th</sup> 2013

San Francisco Planning Department  
Attn: Michael Smith  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**RE: 1235 40<sup>th</sup> Avenue – Permit# 2009.0402.5465  
Discretionary Review Letter**

Dear Michael Smith,

I am the property owner of the proposed project to build a new three-story building at the front of my property. My property currently contains a 750 square foot single story dwelling with a partial attic at the rear of the property and a detached garage at the front of the property. The existing building at the rear of the property abuts the rear and side property lines. The current existing dwelling is too small and does not provide enough space for my growing family. I currently live in the home with my wife and my child. We intend on expanding our family while also having my parents move in and thus need more space. The proposed project of erecting a new building at front of the property will provide the additional space needed.

The project will create two separate buildings however this layout works well. My parents would inhabit the existing building while my wife, child, and I would inhabit the new building. It allows me to be close to my aging parents, but also gives them the privacy they need. My parents handle most of the cooking and therefore, having the kitchen located in the existing building is extremely convenient and beneficial. The new building will provide additional rooms and common space for my family to gather as well as work space for my wife and I. The project also includes a set of stairs at the back of the new building to allow for easy access to the existing building. The existing garage has been an eyesore for the neighborhood and will be removed while the new building will improve the property aesthetic and be cohesive with the adjacent buildings.

My project started with a pre-application meeting where I met the direct rear neighbor. She reviewed the plans and asked if I was going to do any modifications to the rear building. I had no plans for the existing building at the time and told her that I would notify her when my plans matured. In the meantime, my plans for the new building were then submitted to the Planning Department for review. After slight modifications to the plan, it was in full compliance with the Planning Code and ready for neighborhood notification. During the neighborhood notification process, two concerned neighbors contacted me: the neighbor to the north and the neighbor to the west (rear).

I first met with the neighbor to the north who owned the building but did not live there. He expressed concern that the new building might block the sunlight to his building and asked that I reduce

the proposed building's size. I discussed the possibility of providing a partial side setback at the north property line and painting the building a light color to help project light. Unfortunately, the neighbor declined and wanted me to modify my plans to a two-story building with a full side setback. I told him that I would review his suggestions and get back to him. We were not able to come to an agreement before the notification expired so he filed a request for discretionary review.

During the aforementioned issue, I also contacted the neighbor to the rear in order to discuss their concerns about my project. At the meeting, I arrived with my engineering consultant and met with the rear west neighbor, the rear north neighbor, and a far rear south neighbor. They expressed their concerns about the rear of the existing building regarding its condition, safety, and proximity to the rear property line. They also assumed that I intend on living in the new building while renting out the existing building. Their suggestion was to demolish the existing building and build a new larger building, bigger than the one currently proposed. The idea seemed like a good alternative at the time and I agreed to look into this option. To ensure that their concerns would be addressed, they filed a request for discretionary review.

I was in a difficult predicament where one neighbor wanted me to build a smaller new building and the other wanted me to build a larger new building while getting rid of the old building. I just want to have a home with enough space for my family. I felt pressured and explored many different options from demolishing the existing building and building a new bigger building to enlarging the existing building to two stories and extending it at the front.

I first explored the option of demolishing the existing building and building a larger building at the front of the property. This would fully satisfy the rear neighbor's concerns but not the north neighbor. To address the north neighbor's concerns I added a side setback at the north property line at the third floor level. I then worked on gathering more information on what was needed for this option and found that to demolish the existing building I would need to obtain a historical resource report, file an environmental evaluation, file a demolition application, file a conditional use application, conduct an additional expanded neighborhood notification, and pay for all the cost and fees and that is not including the additional cost for the larger building or for demolishing the existing building and repairing the rear yard. This idea is desirable, but after reviewing the requirements of this option, I have deemed this plan not financially feasible.

Next, I researched on an option of enlarging the existing building by adding a second floor to the existing building and extending two stories to the front of the building. The plans also included removing approximately five feet from the rear of the building at the first floor and an additional rear five foot setback at the second floor to address the rear neighbor's concerns. The plan also included a partial front side setback of three feet where the new building and north neighbor's building overlap to address the north neighbor's concerns. This option seemed to be a good alternate as it addressed both DR requestors' concerns but the plan did not gain the Planning Department's approval. The plan did not comply with the Residential Design Guideline because the location of the building front didn't line up with the front of the adjacent buildings.

After another failed attempt, I reverted back to the original plan and added modifications to the rear of the existing building to address the rear neighbor's concern. I added attic removal as well as the elimination of approximately five feet from the rear of the existing building to the plans. This would

lower the existing building height and create a rear yard area from the back of the building to the property line. The neighbor to the north still was not satisfied but the rear neighbor supported the plan because it reduces the size of the building at the rear property line and creates a rear yard separation. The plans also illustrated the kitchen being moved to the new building. With approval from one neighbor, I decided to proceed with the plan and submitted them for review by the Planning Department.

The plans were reviewed by the Planning Department and I was notified that in order to relocate the kitchen from the existing rear building to the new front building I would need to complete all of the required steps similar to demolishing the existing building. This would require me to start the whole process over again and would increase the cost to a financially unachievable amount. With this understanding, I again revised the plans to keep the kitchen in the existing rear building and submitted them for review. I was notified that they were accepted and if the discretionary review requestors accepted the plan that they would be approved by the Planning Department. By this time, the concerned neighbor to the north had sold the property and moved on.

I then provided a final copy to my rear neighbor for review and notified them about the change of keeping the kitchen in the existing building. With the kitchen remaining in the existing building and not being moved to the new building, the rear neighbor no longer supported the project. I meet with them and explained my situation, but we were unfortunately unable to come to an agreement. They requested that the kitchen be moved to the new building to gain their support. They feel that this plan would be easy for me to add an illegal second kitchen to the new building and renting out the existing building. They also expressed concerns about the potential population increase to the area as well as noise and parking demand. I assured them that I have no intentions to violate City Policy by adding a second kitchen and renting out the existing building, however they did not waiver from their stance.

After many unsuccessful attempts to satisfy the concerned neighbors, I wish to move forward with my project and proceed with the DR hearing. I have thoroughly explored many different options in an effort to appease the neighbors, yet I am unable to meet all of their demands. I feel that the current plan is the best plan and that it should be approved because it meets the needs of the owner, addresses most of the neighbor's concerns, and is in full compliance of the Planning Code. I respectfully request the Planning Commission to allow the project to move forward.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Stephen Kwok', written over a light blue rectangular background.

Stephen Kwok



# SAN FRANCISCO PLANNING DEPARTMENT

## RESPONSE TO DISCRETIONARY REVIEW

Case No.: \_\_\_\_\_

Building Permit No.: 200904025465

Address: 1235 40th Avenue

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Project Sponsor's Name: Stephen Kwok

Telephone No.: \_\_\_\_\_ (for Planning Department to contact)

- Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.

The project should be approved because it makes the least amount of impact to the neighborhood while meeting the needs of the project. After discussing with the neighbors about their concerns and exploring many different scenarios to address them the current proposed project is the best achievable plan that addresses their concerns. The proposed plan is also in full compliance of the Planning Code and will improve the neighborhood appearance, street frontage, and rear yard spacing.

- 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 exploring different changes to the plan such as demolishing the existing building and only enlarging the existing building, the proposed plan of reducing the size of the existing building is the best achievable plan. The project has changed as the existing rear building will be modified by removing the attic and removing approximately 5 feet from the rear of the existing building to address the neighbor's concern and create a rear yard setback. This modification was added to the plan after filing the application to address the DR requesters concerns.

- If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

I explored the possibility of demolishing the existing building as well as an alternate plan of relocating the kitchen to the new building but with the additional requirements and costs needed of these alternates they are not achievable by me. I have changed the plan as to modify the existing building to improve the area at the rear yard. With a growing family the existing building no longer provides enough space for our needs. To address our new needs within our given situation I have elected to build a new building to obtain the needed additional space.

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

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

<u>Number of</u>	<u>Existing</u>	<u>Proposed</u>
Dwelling units (only one kitchen per unit –additional kitchens count as additional units) .....	1	1
Occupied stories (all levels with habitable rooms) ...	1	2
Basement levels (may include garage or windowless storage rooms) .....	1	1
Parking spaces (Off-Street) .....	1	2
Bedrooms .....	2	4
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	750	2500
Height .....	18	31
Building Depth .....	29	43
Most recent rent received (if any) .....	_____	_____
Projected rents after completion of project .....	_____	_____
Current value of property .....	_____	_____
Projected value (sale price) after completion of project (if known) .....	_____	_____

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

	1/25/13	Stephen Kwok
Signature	Date	Name (please print)

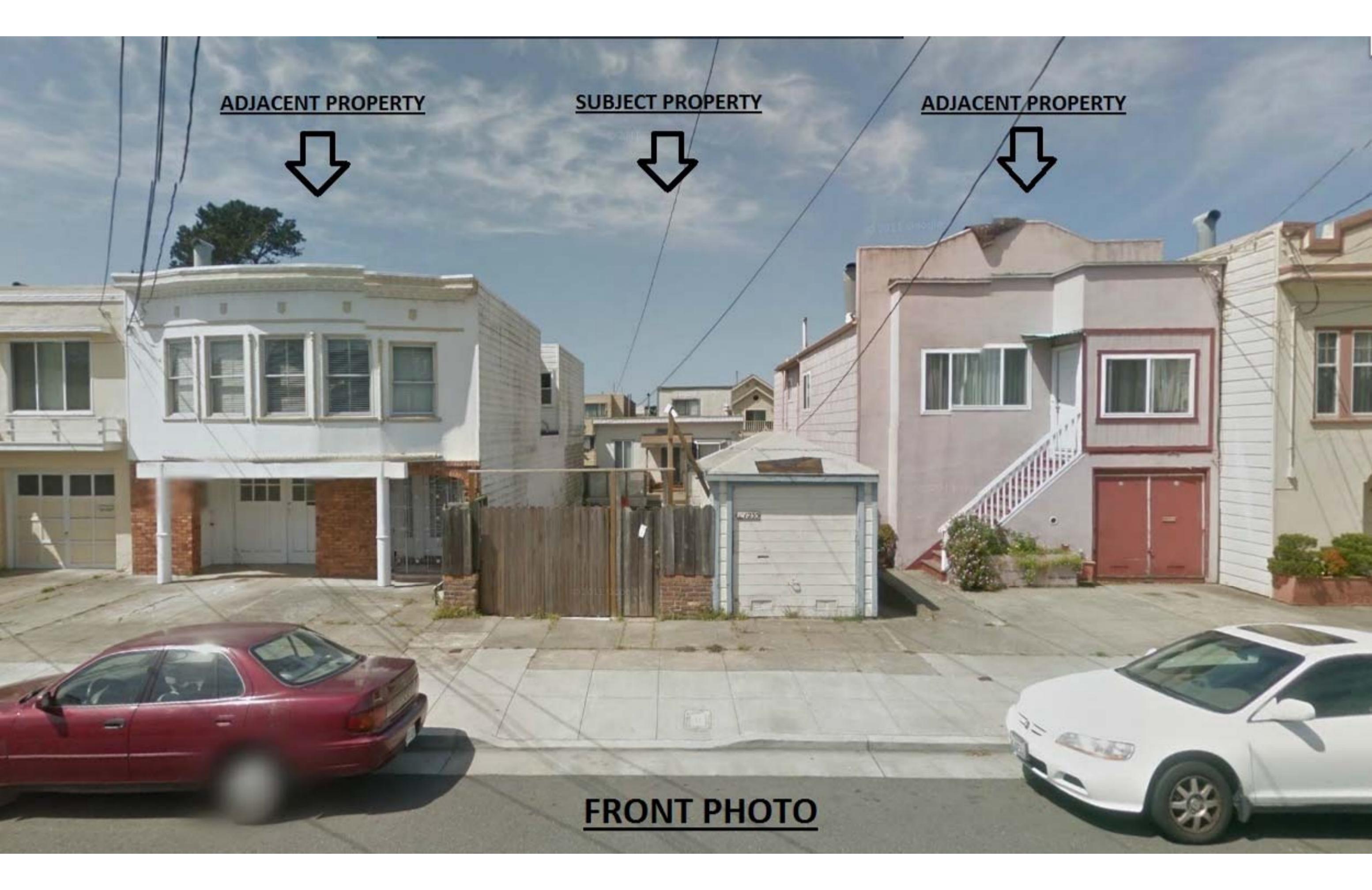
ADJACENT PROPERTY



SUBJECT PROPERTY



ADJACENT PROPERTY

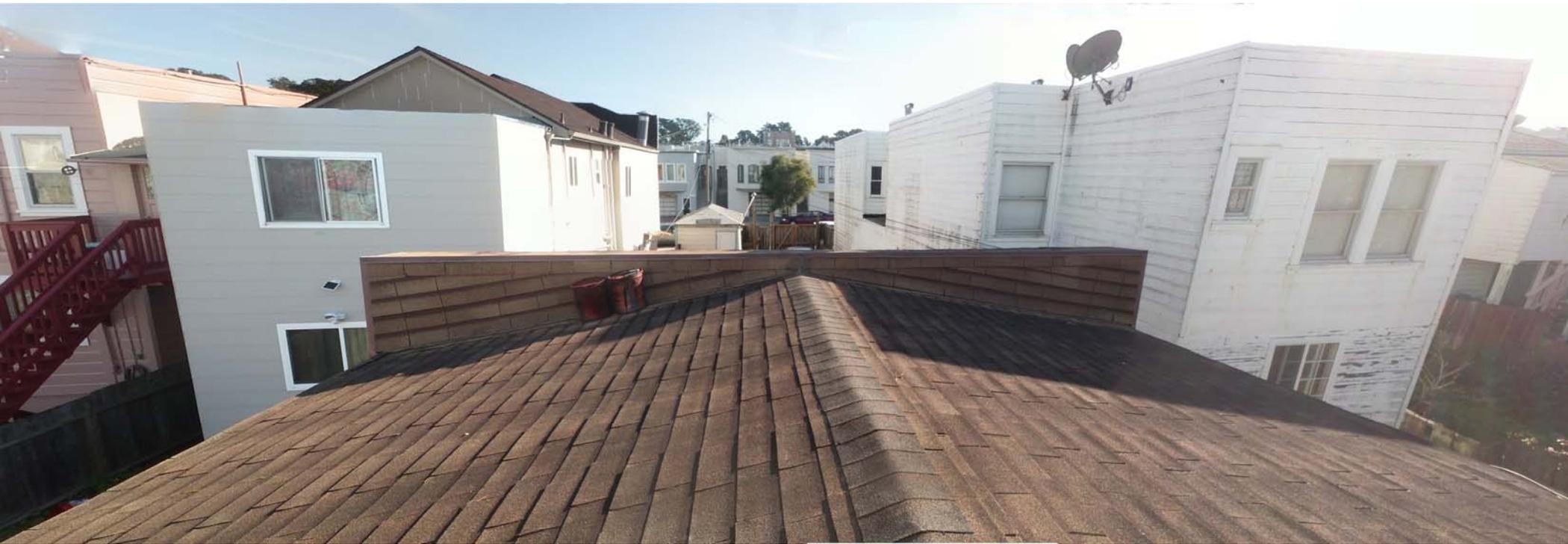


FRONT PHOTO

ADJACENT PROPERTY

SUBJECT PROPERTY

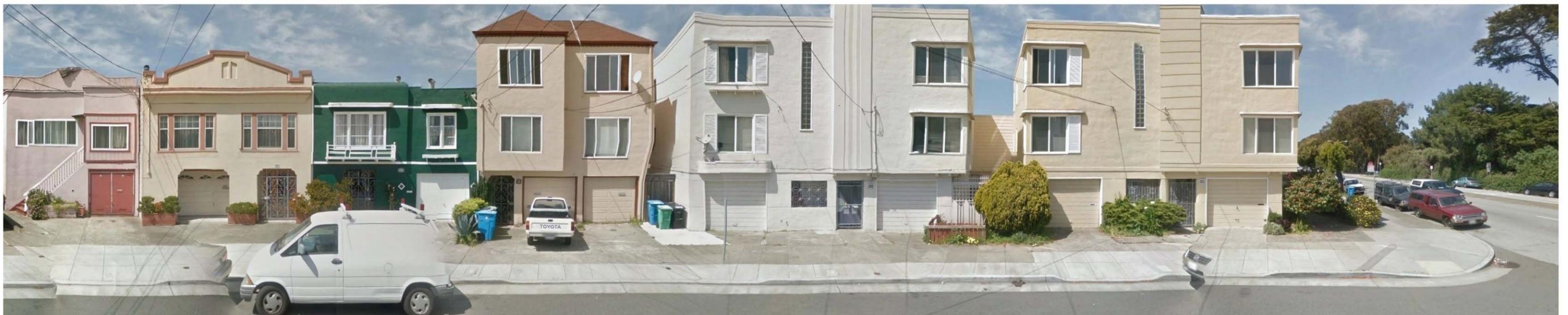
ADJACENT PROPERTY



REAR YARD VIEW (FACING EAST)



**SUBJECT PROPERTY**



**SAME STREET SIDE - 40th AVENUE (FACING WEST)**

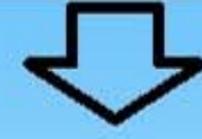
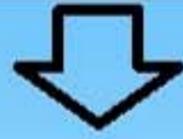
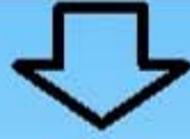


**ACROSS STREET - 40th AVENUE (FACING EAST)**

ADJACENT PROPERTY

SUBJECT PROPERTY

ADJACENT PROPERTY

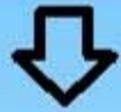


RENDERING OF PROPOSED FRONT BUILDING

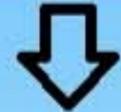
ADJACENT PROPERTY



SUBJECT PROPERTY



ADJACENT PROPERTY



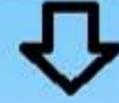
ADJACENT PROPERTY

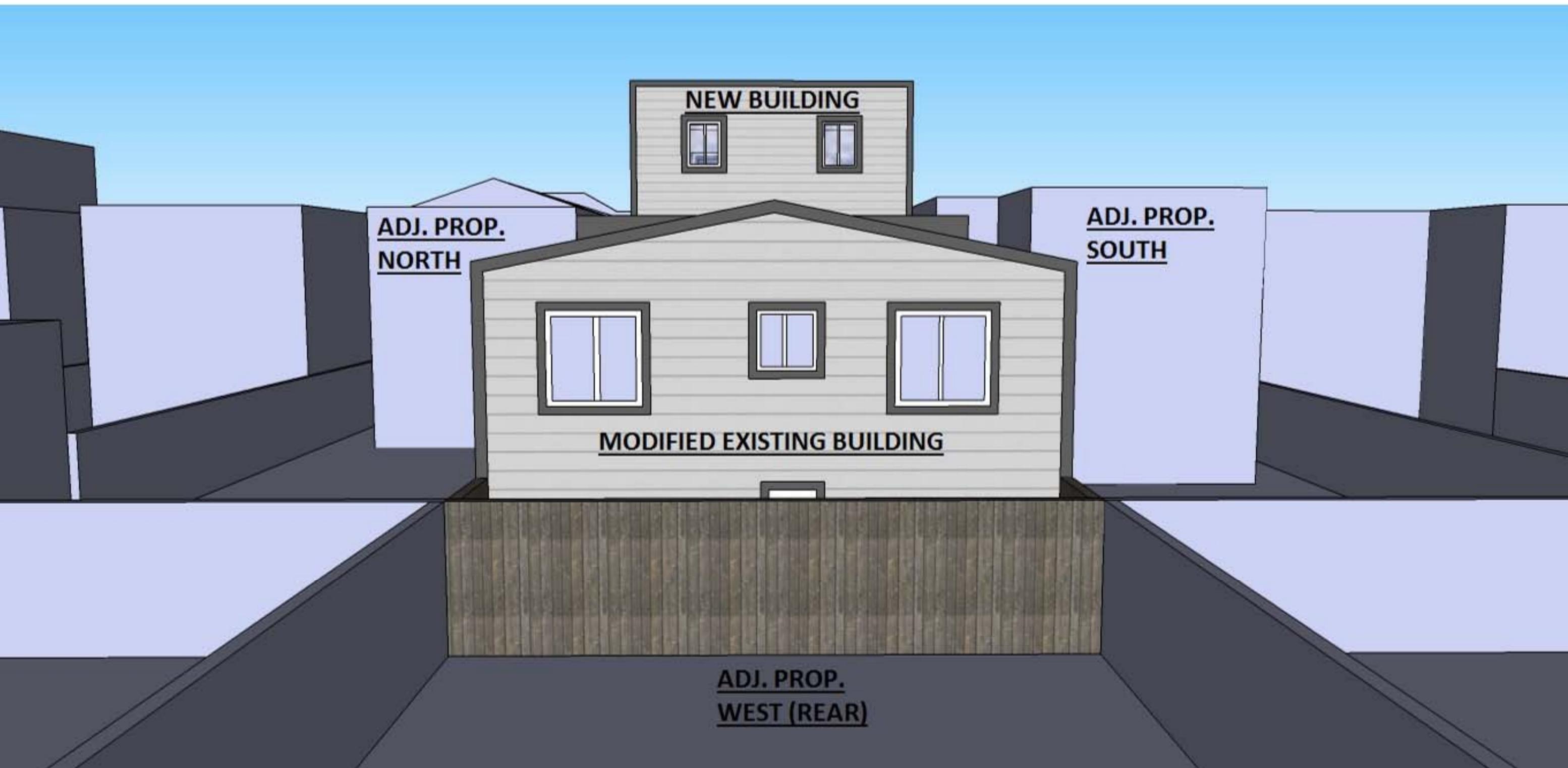


SUBJECT PROPERTY



ADJACENT PROPERTY





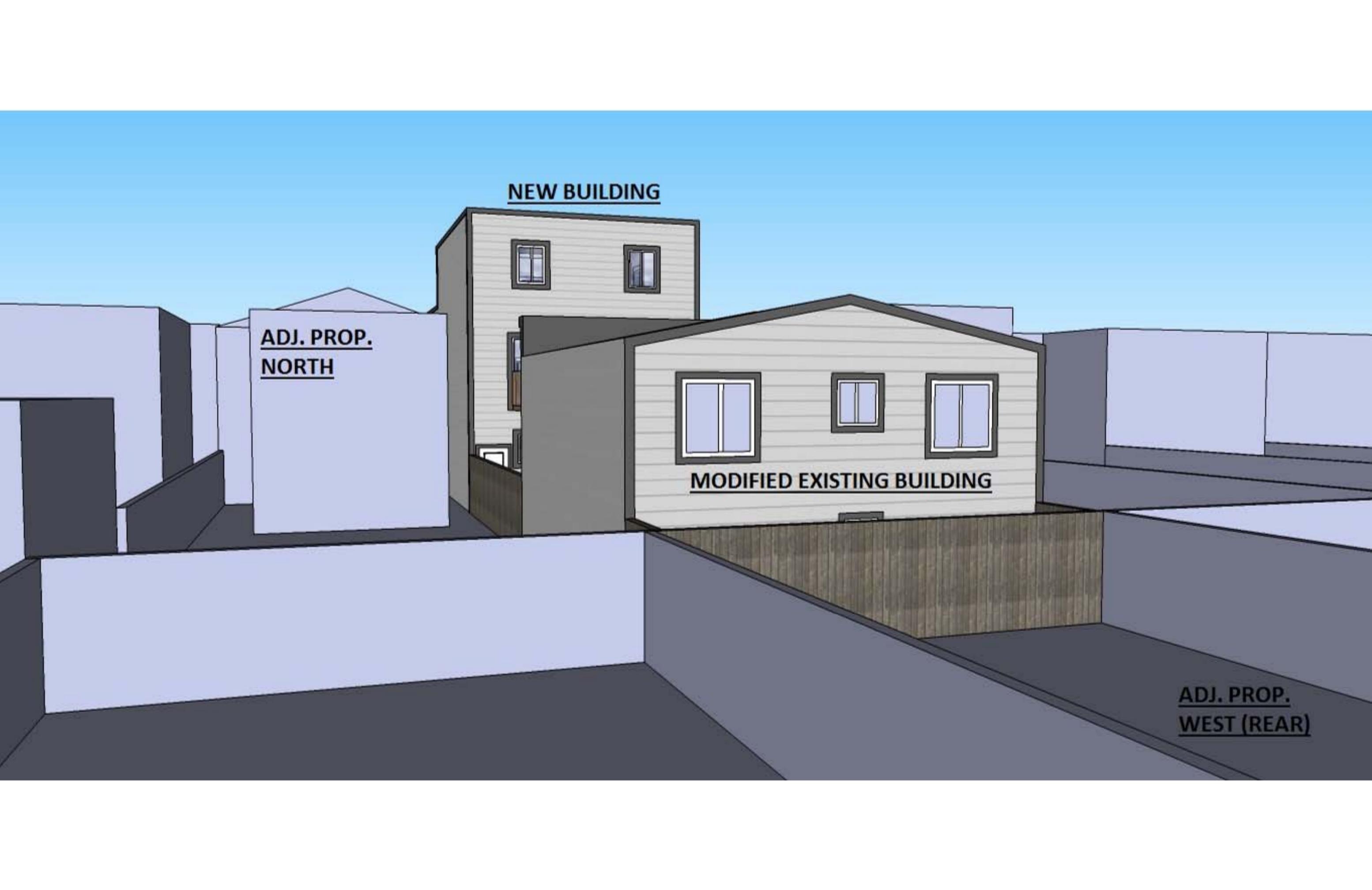
**NEW BUILDING**

**ADJ. PROP.  
NORTH**

**ADJ. PROP.  
SOUTH**

**MODIFIED EXISTING BUILDING**

**ADJ. PROP.  
WEST (REAR)**



NEW BUILDING

ADJ. PROP.  
NORTH

MODIFIED EXISTING BUILDING

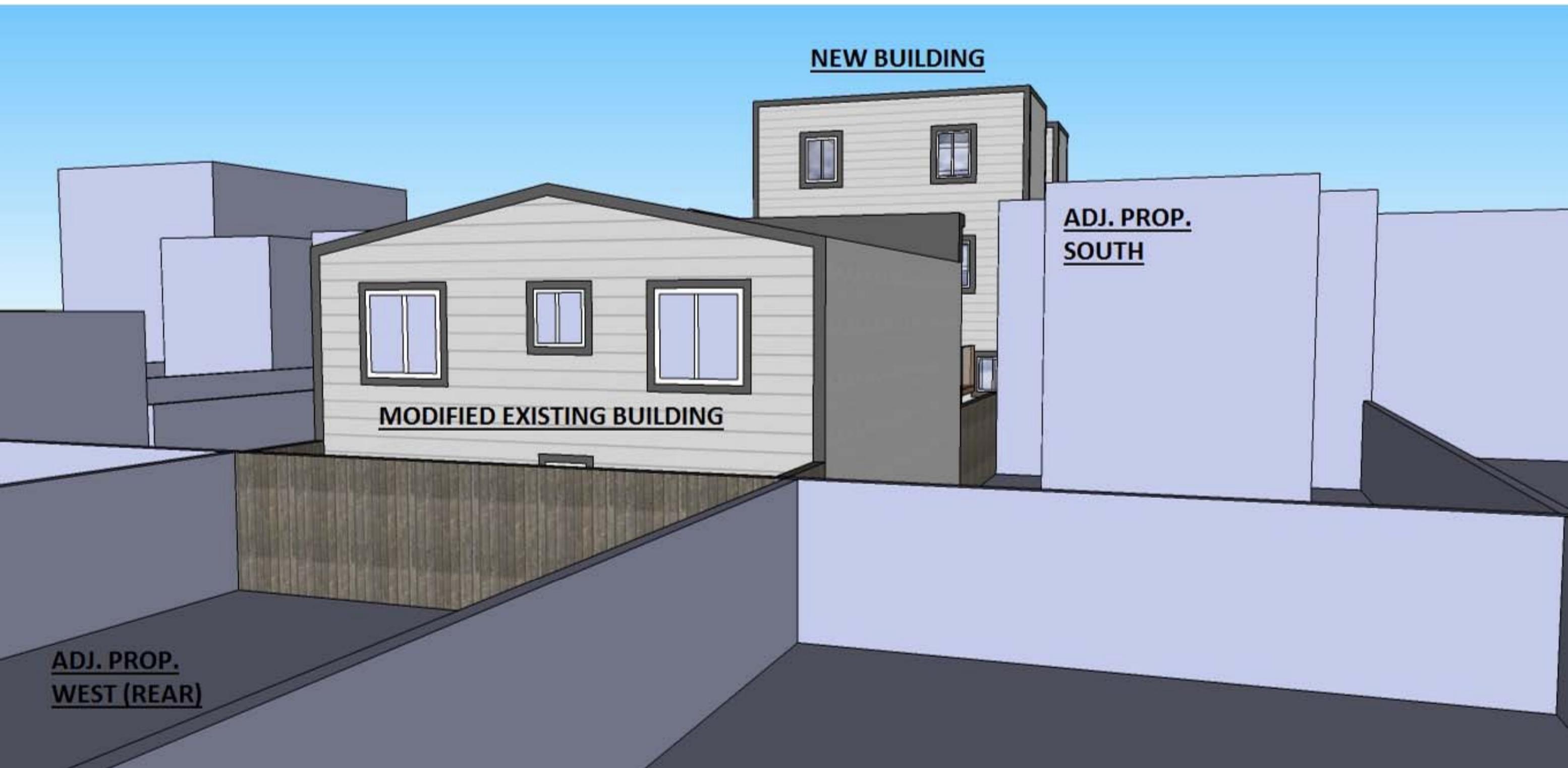
ADJ. PROP.  
WEST (REAR)

NEW BUILDING

MODIFIED EXISTING BUILDING

ADJ. PROP.  
SOUTH

ADJ. PROP.  
WEST (REAR)



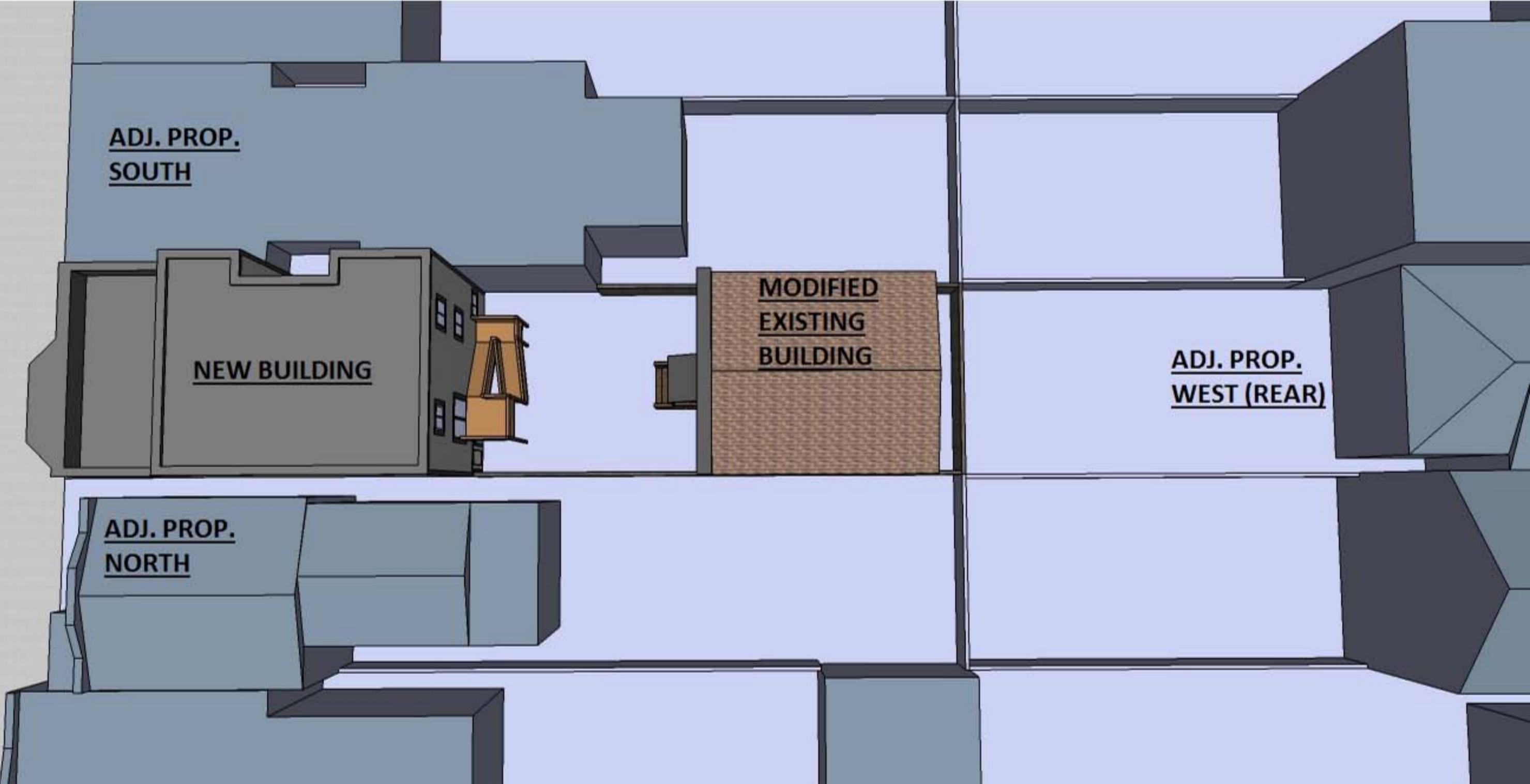
ADJ. PROP.  
SOUTH

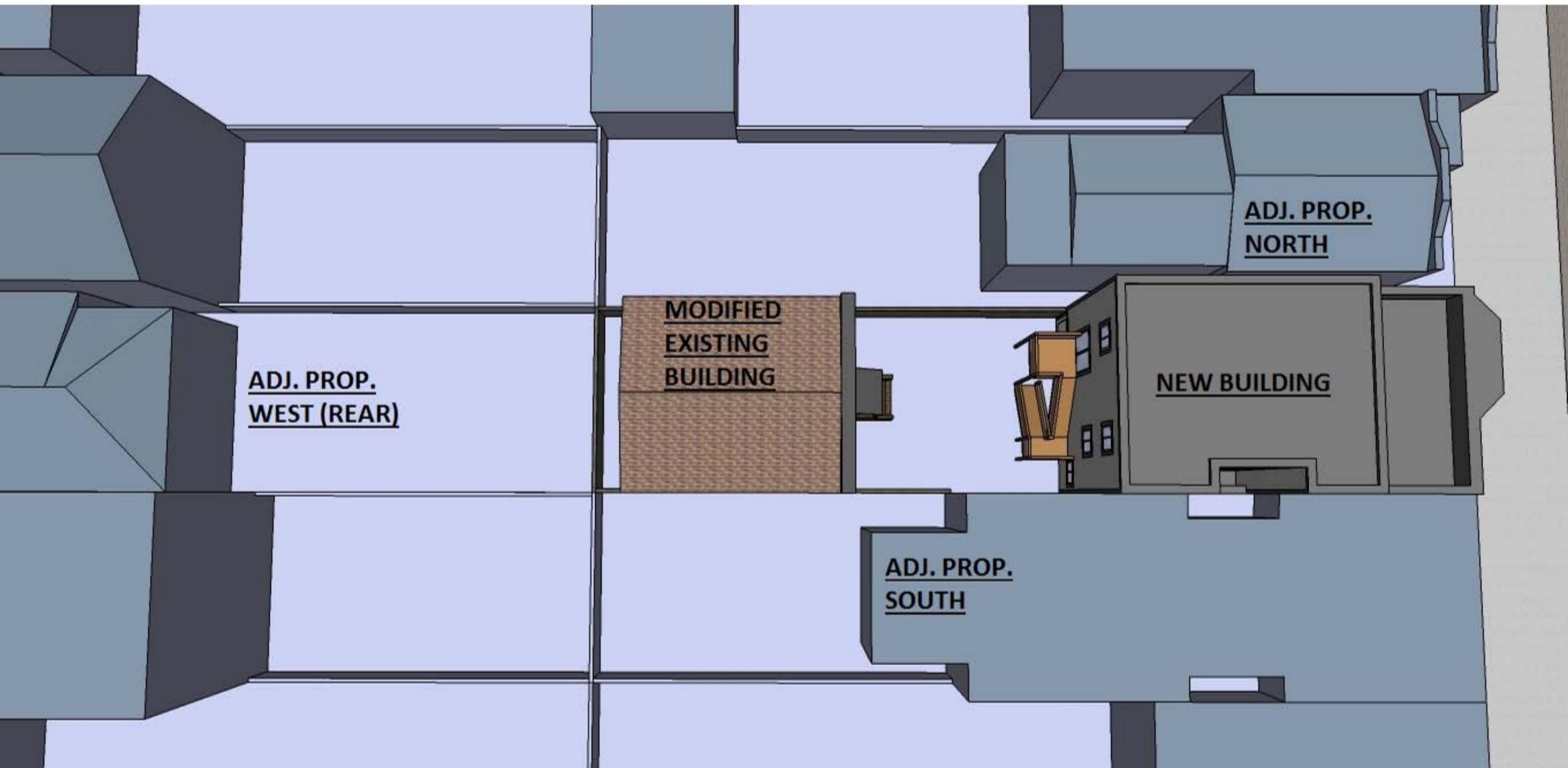
NEW BUILDING

MODIFIED  
EXISTING  
BUILDING

ADJ. PROP.  
WEST (REAR)

ADJ. PROP.  
NORTH





ADJ. PROP.  
WEST (REAR)

MODIFIED  
EXISTING  
BUILDING

ADJ. PROP.  
NORTH

NEW BUILDING

ADJ. PROP.  
SOUTH



REVISIONS

NO.	DESCRIPTION	DATE
1	PLANNING REVISION	6/09
2	PLANNING REVISION	1/10
3	PLANNING REVISION	9/11
4	COMMENT REVISION	2/13

PROJECT TITLE

NEW THREE STORY

SHEET TITLE

1. PROPOSED FIRST FLOOR PLAN
2. PROPOSED SECOND FLOOR PLAN
3. PROPOSED THIRD FLOOR PLAN
4. PROPOSED ROOF PLAN

LOCATION

1235 40TH AVENUE  
SAN FRANCISCO, CA  
BLOCK 1710 LOT 006  
ZONING RH-1



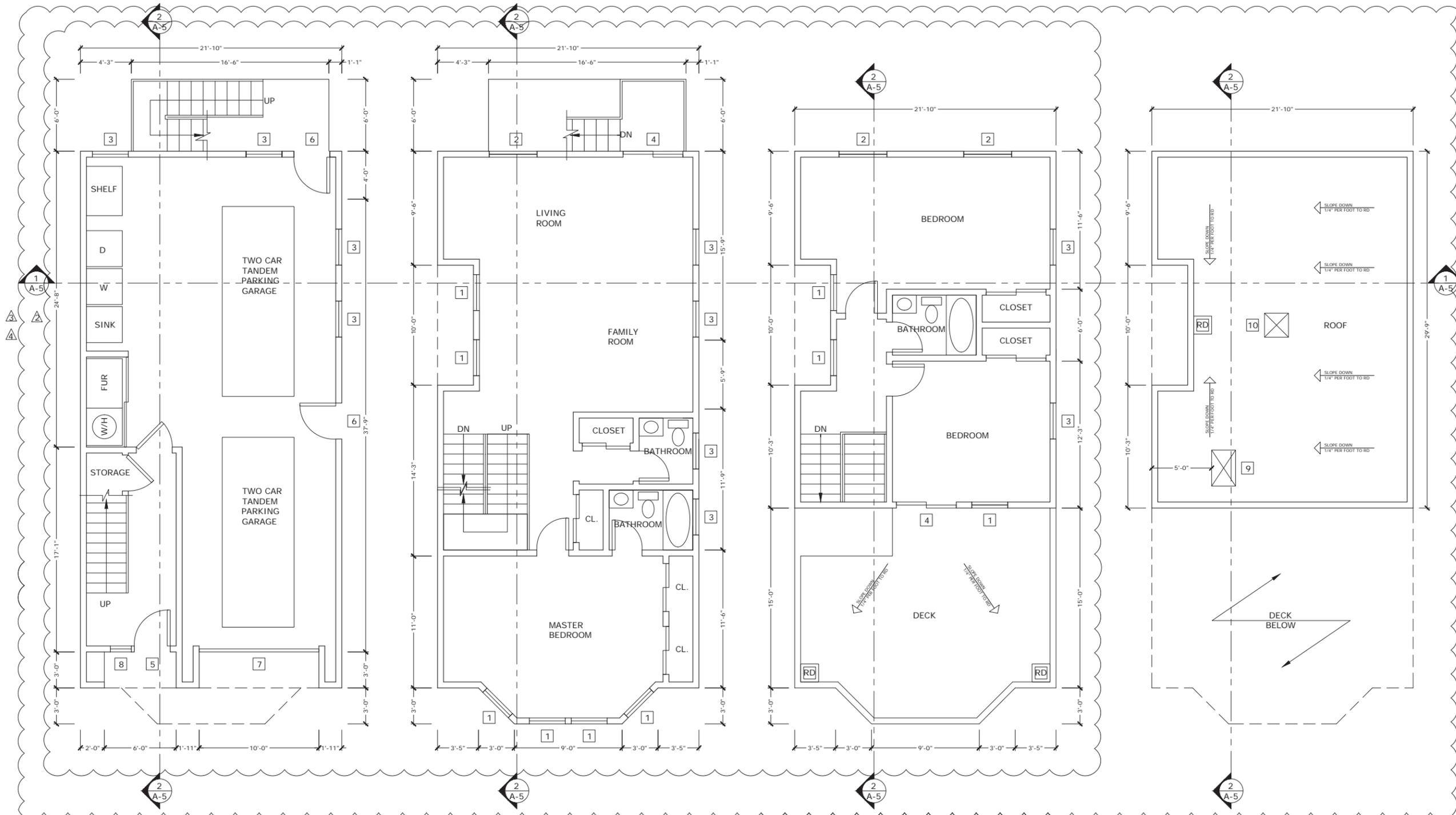
DRAWN TL

CHECKED TL

SCALE AS NOTED

DATE FEB. 25, 2013

PROJECT NO.

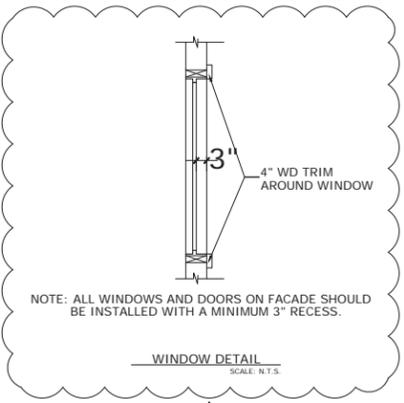


**1** FIRST FLOOR PLAN  
1/4" = 1' - 0"

**2** SECOND FLOOR PLAN  
1/4" = 1' - 0"

**3** THIRD FLOOR PLAN  
1/4" = 1' - 0"

**4** ROOF PLAN  
1/4" = 1' - 0"



NOTE: ALL WINDOWS AND DOORS ON FACADE SHOULD BE INSTALLED WITH A MINIMUM 3" RECESS.

**TOMMY LEE**  
CONSULTING

259 BROAD STREET  
SAN FRANCISCO, CA. 94112  
415-577-0203

REVISIONS

NO.	DESCRIPTION	DATE
1	PLANNING REVISION	6/09
2	PLANNING REVISION	1/10
3	PLANNING REVISION	9/11
4	COMMENT REVISION	2/13

PROJECT TITLE

NEW THREE STORY

SHEET TITLE

1. PROPOSED FRONT ELEVATION
2. PROPOSED REAR ELEVATION

LOCATION

1235 40TH AVENUE  
SAN FRANCISCO, CA  
BLOCK 1710 LOT 006  
ZONING RH-1



DRAWN TL

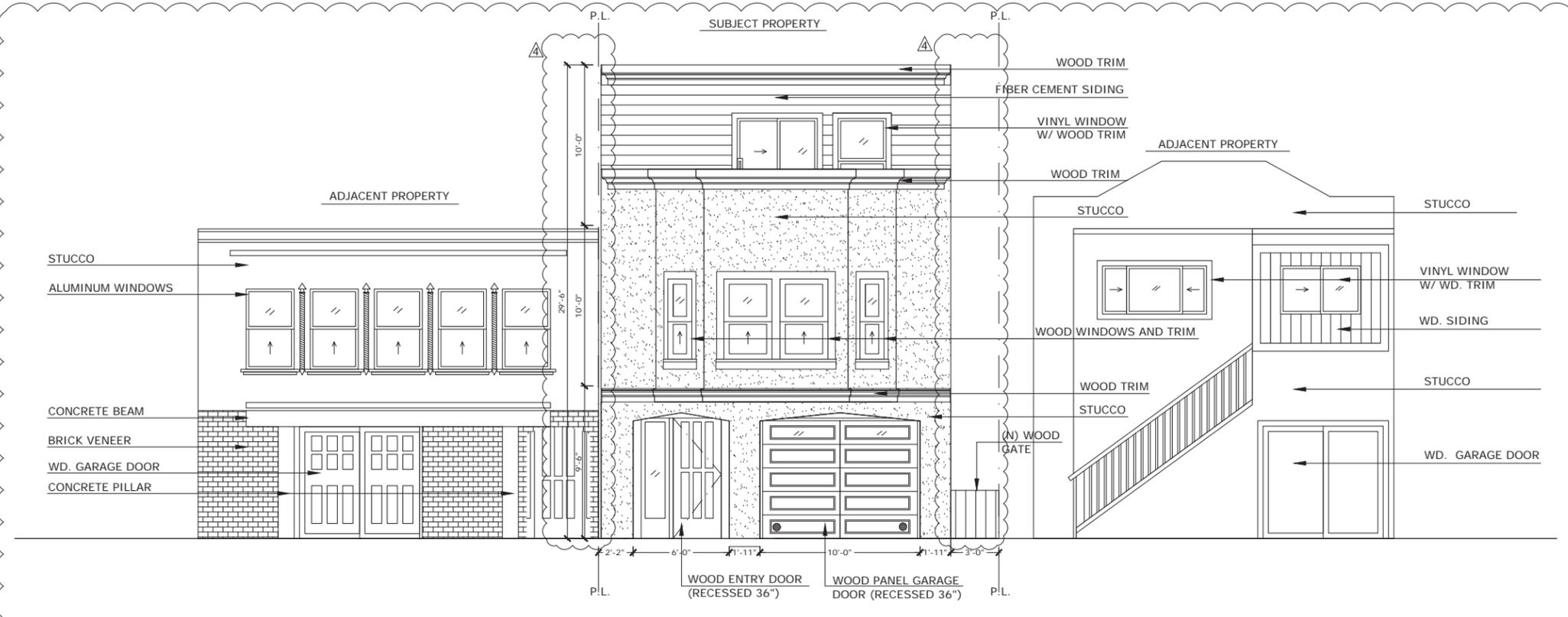
CHECKED TL

SCALE AS NOTED

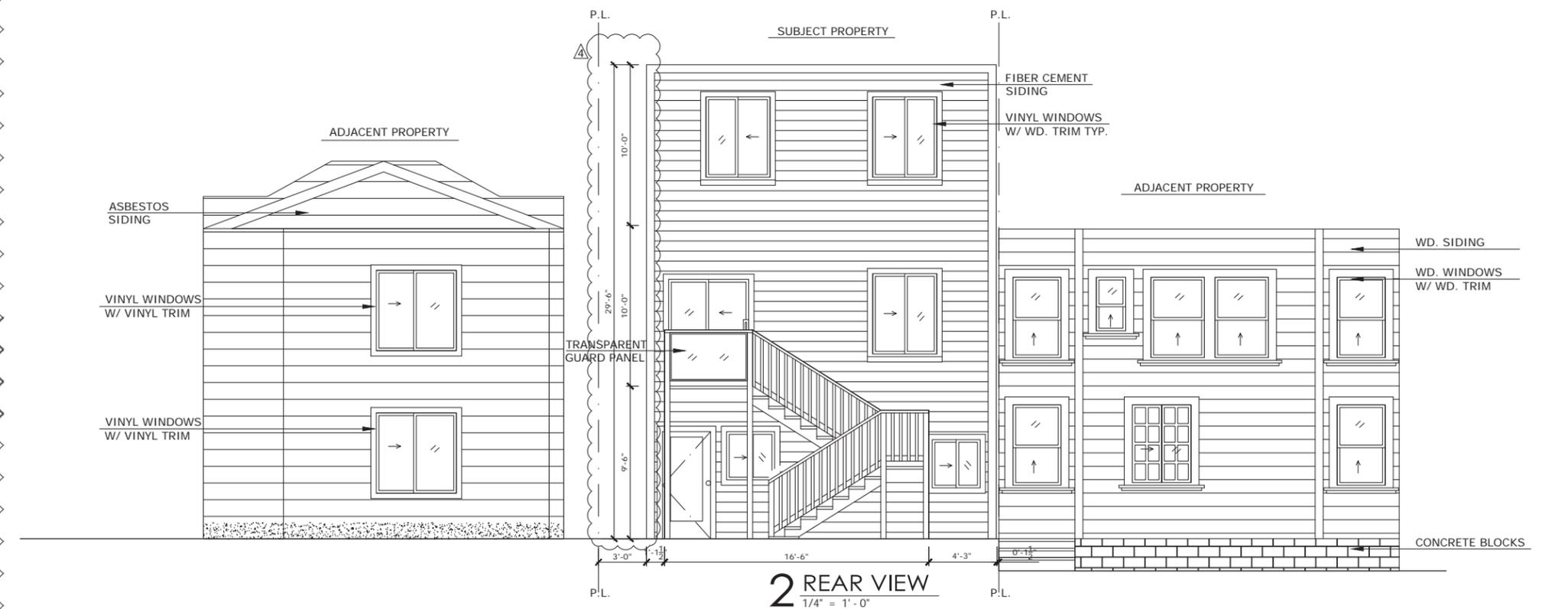
DATE JAN. 15, 2012

PROJECT NO.

**A3**



**1 FRONT VIEW**  
1/4" = 1'-0"



**2 REAR VIEW**  
1/4" = 1'-0"

**TOMMY LEE**  
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415-577-0203

REVISIONS

NO.	DESCRIPTION	DATE
1	PLANNING REVISION	6/09
2	PLANNING REVISION	1/10
3	PLANNING REVISION	9/11
4	COMMENT REVISION	2/13

PROJECT TITLE

NEW THREE STORY

SHEET TITLE

1. PROPOSED NORTH ELEVATION
2. PROPOSED SOUTH ELEVATION

LOCATION

1235 40TH AVENUE  
SAN FRANCISCO, CA  
BLOCK 1710 LOT 006  
ZONING RH-1



DRAWN TL

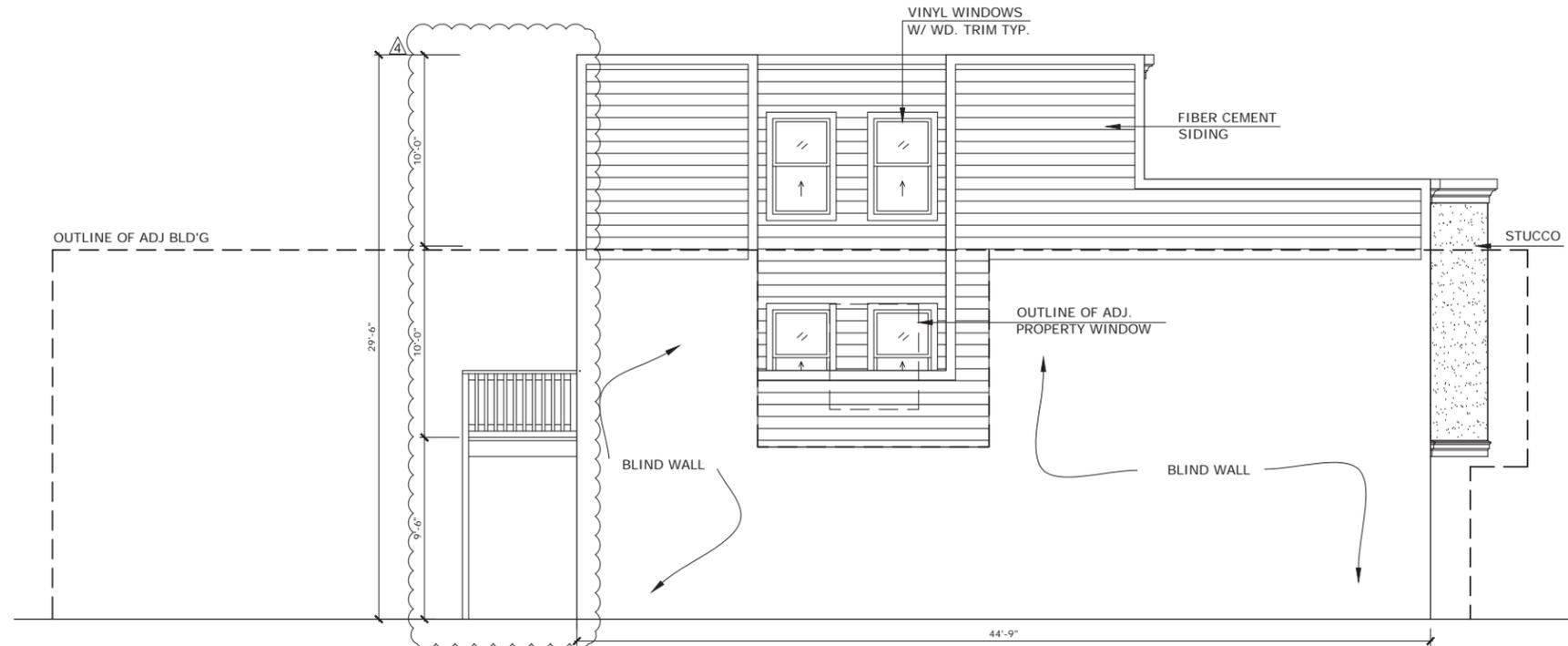
CHECKED TL

SCALE AS NOTED

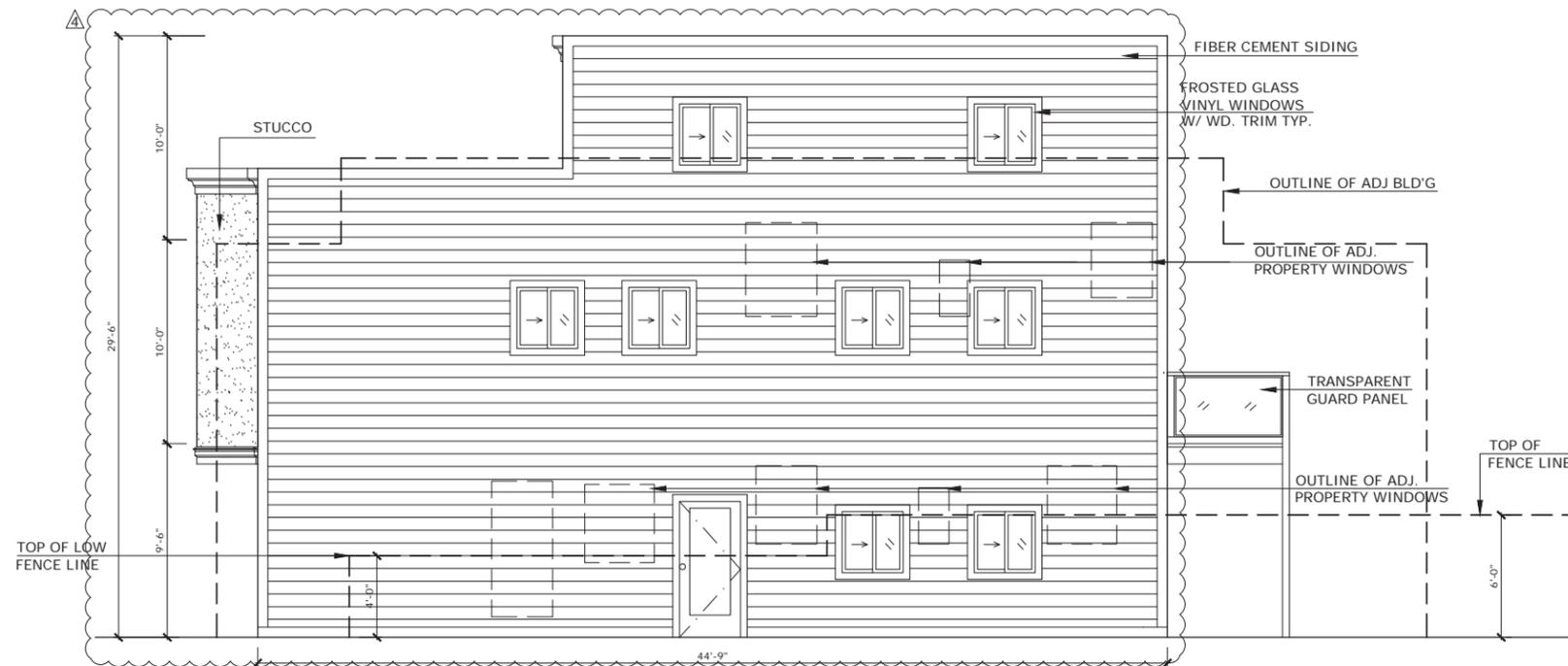
DATE FEB. 25, 2013

PROJECT NO.

**A4**



**2 SOUTH ELEVATION VIEW**  
1/4" = 1'-0"



**1 NORTH ELEVATION VIEW**  
1/4" = 1'-0"

**TOMMY LEE**  
CONSULTING

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SAN FRANCISCO, CA. 94112  
415-577-0203

REVISIONS

NO.	DESCRIPTION	DATE
1	PLANNING REVISION	6/09
2	PLANNING REVISION	1/10
3	PLANNING REVISION	9/11
4	COMMENT REVISION	2/13

PROJECT TITLE

NEW THREE STORY

SHEET TITLE

1. PROPOSED FRONT SECTION
2. PROPOSED SIDE SECTION
3. WINDOW & DOOR SCHEDULE
4. FINISH SCHEDULE

LOCATION

1235 40TH AVENUE  
SAN FRANCISCO, CA  
BLOCK 1710 LOT 006  
ZONING RH-1



DRAWN TL

CHECKED TL

SCALE AS NOTED

DATE FEB. 25, 2013

PROJECT NO.

**A5**

WINDOW & DOOR SCHEDULE

#	WIDTH	HEIGHT	TYPE	U FACTOR	NOTES
1	3'-0"	5'-0"	SGL HUNG	0.40	-
2	4'-0"	5'-0"	SLIDER	0.40	-
3	3'-0"	3'-0"	SLIDER	0.40	-
4	5'-0"	7'-0"	DOOR	0.40	GLASS SLIDING DOOR
5	3'-0"	7'-0"	DOOR	-	WOOD ENTRY DOOR
6	3'-0"	6'-8"	DOOR	-	METAL DOOR
8	1'-9"	5'-0"	FIXTED	0.40	DOOR SIDE LIGHT
9	2'-0"	3'-0"	FIXED	0.40	SKYLIGHT
10	2'-0"	2'-0"	FIXED	0.40	SKYLIGHT

**3** WINDOW & DOOR SCHEDULE

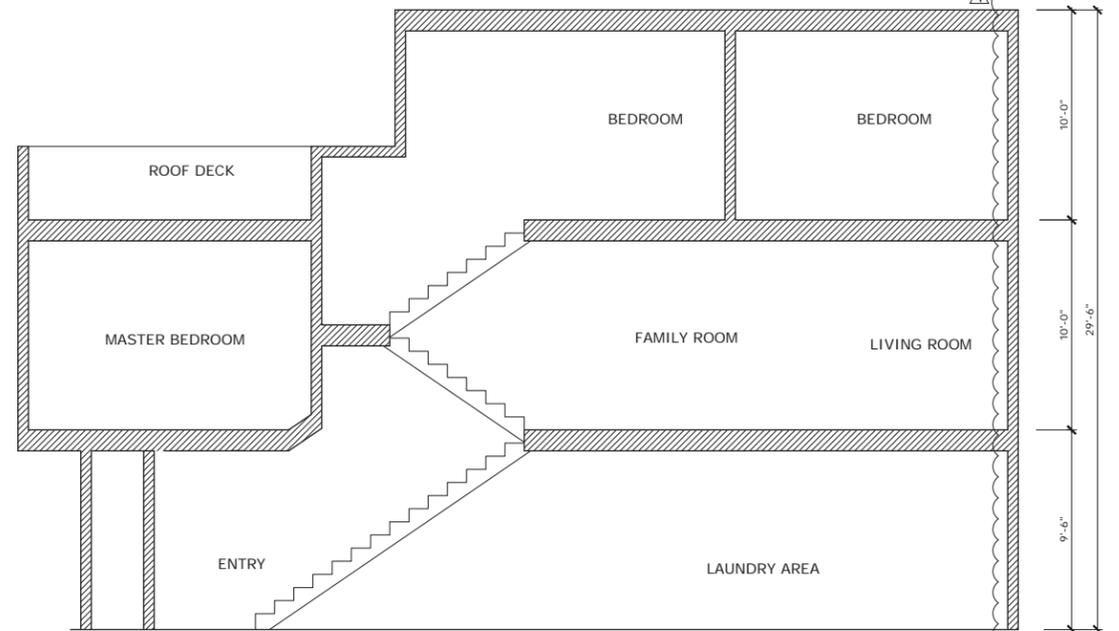
NOTES:

1. NET CLEAR WINDOW AREA OF NOT LESS THAN 5.7 SQ.FT.
2. MINIMUM WINDOW CLEAR OPENING HEIGHT OF 24 INCHES
3. MINIMUM WINDOW CLEAR OPENING WIDTH OF 20 INCHES
4. MAXIMUM HEIGHT OF WINDOW SILL 44 INCHES ABOVE FLOOR

FINISH SCHEDULE

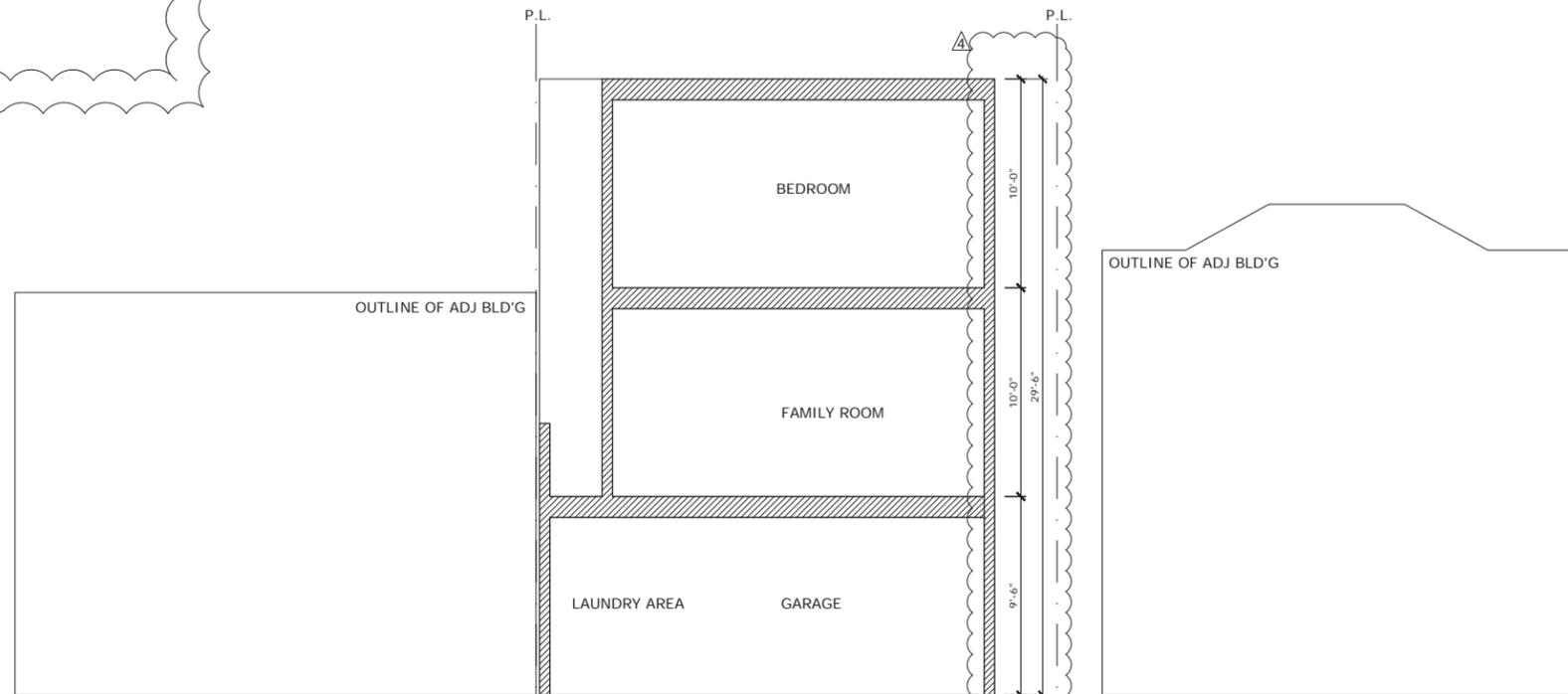
ROOM	FIN. FLR	BASE	WALLS & CEILINGS
STAIRS	WOOD	WOOD	GYPSUM WALL BOARD
LIVING	WOOD	WOOD	GYPSUM WALL BOARD
DINING	WOOD	WOOD	GYPSUM WALL BOARD
FAMILY	WOOD	WOOD	GYPSUM WALL BOARD
BEDROOM	CARPET	WOOD	GYPSUM WALL BOARD
BATH	TILE	WOOD	GYPSUM WALL BOARD
KITCHEN	TILE	WOOD	GYPSUM WALL BOARD
LAUNDRY	TILE	WOOD	GYPSUM WALL BOARD
ENTRY	TILE	WOOD	GYPSUM WALL BOARD

**4** FINISH SCHEDULE



**2** SIDE SECTION VIEW

1/4" = 1'-0"



**1** FRONT SECTION VIEW

1/4" = 1'-0"