



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis HEARING DATE: JANUARY 20, 2011

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

Reception:
415.558.6378

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415.558.6409

Planning
information:
415.558.6377

Date: January 13, 2011
Case No.: 2010.0782DD
Project Address: 916 Ortega Street
Zoning: RH-1(D) [Residential House, One-Family (Detached)]
40-X Height and Bulk District
Block/Lot: 2053/018
Project Sponsor: Van Ly, Architect
8 Brussels Street
San Francisco, CA 94134
Staff Contact: Elizabeth Watty – (415) 588-6620
Elizabeth.Watty@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

PROJECT DESCRIPTION

The Project includes the construction of a one-story vertical addition, a horizontal rear addition, and façade alterations to the existing two-story single-family detached dwelling. The vertical addition is setback from the main front building wall, varying from 4'-9" on the easterly side of the building to 5'-9" on the westerly side of the building. The rear addition varies in height from three-stories to one-story. The three-story portion of the rear addition is setback 3'-0" from both side property lines and will extend to the same depth as the westerly neighbor's rear wall. The remainder of the rear addition extends for 6'-0", with the westerly half of it being two-stories tall while the easterly half is terraced down to one-story tall. The façade alterations constitute a complete redesign of the architectural style of the building, making it more contemporary, yet contextual with the surrounding buildings due to its scale, form, and use of materials.

SITE DESCRIPTION AND PRESENT USE

The Subject Property measures approximately 3,300 square feet, and slopes laterally downward from 16th Avenue to 17th Avenue. The property contains a two-story single-family, detached dwelling, built circa 1931.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Subject Property is located on the north side of Ortega Street between 16th and 17th Avenues in the Inner Sunset neighborhood. The neighborhood is defined by detached single-family dwellings from the 1930's through the 1950's that are clad in stucco and have a similar scale and massing. The adjacent building to the east fits this description but the adjacent building to the west differs because it is clad in stone at the base with horizontal vinyl siding on the upper floors. Both adjacent buildings have been

altered and feature third floor additions.¹ The buildings on this block create a stepping pattern at the street, as the topography slopes laterally toward the west. The existing structure is shorter in height than both adjacent buildings, and currently interrupts this stepping pattern since both adjacent buildings are three-stories tall. The adjacent property to east at 908 Ortega (DR Requestor Lenard Pond’s property) completed construction of a vertical addition in 1994 (which was subject to a DR).

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	August 18, 2010- September 17, 2010	August 26, 2010; September 15, 2010	January 20, 2011	132 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 10, 2011	January 10, 2011	10 days
Mailed Notice	10 days	January 10, 2011	January 10, 2011	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	1 DR Requestor	0
Other neighbors on the block or directly across the street	0	1 DR Requestor	0
Neighborhood groups	0	0	0

The Department has only received correspondence from the two DR Requestors, who are both opposed to the project.

DR REQUESTORS

Lenard A. Pond, 908 Ortega Street (adjacent neighbor to the east)
 Tracy Thompson, 1883 – 16th Avenue

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

See attached DR Applications, dated August 26, 2010 and September 15, 2010

PROJECT SPONSOR’S RESPONSE TO DR APPLICATION

See attached DR Responses

¹ Michael Smith, "

ENVIRONMENTAL REVIEW

The Department has determined that the Project is exempt 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 for Discretionary Review was reviewed by the Department's Residential Design Team (RDT) on December 15, 2010. The RDT found no exceptional or extraordinary circumstances associated with the property or the project. Based on the following findings, the RDT determined that this Project should be approved as proposed, and categorized as an Abbreviated Discretionary Review:

1. The proposed alterations result in an appropriate mass and scale at the street, as the structure retains the "stepping" pattern along the laterally sloping block. It is also consistent with the adjacent buildings' third-story additions, neither of which are "minimally visible" from the public right-of-way. (RDG, pg. 11-12, 23-25)
2. The rear addition extends only 6'-0" beyond the neighbor to the west at a two-story height with a 5'-0" side setback, and the addition extends 14'-0" beyond the DR Requestor's property, but is terraced down to one-story at the rear and is setback 3'-0" from the shared side property line. The RDT finds this addition to be appropriately articulated, with use of setbacks on the upper floors and a fire-rated roof rather than a parapet. (RDG, pg. 16, 25-26)
3. Some loss of privacy to existing neighboring buildings can be expected with a building expansion in a dense urban environment. The addition will not result in "unusual impacts on privacy to neighboring interior living spaces". (RDG, pg. 17)
4. This project does not contain or create any exceptional or extraordinary circumstances. Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission. As such, this DR warrants an abbreviated staff analysis.

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

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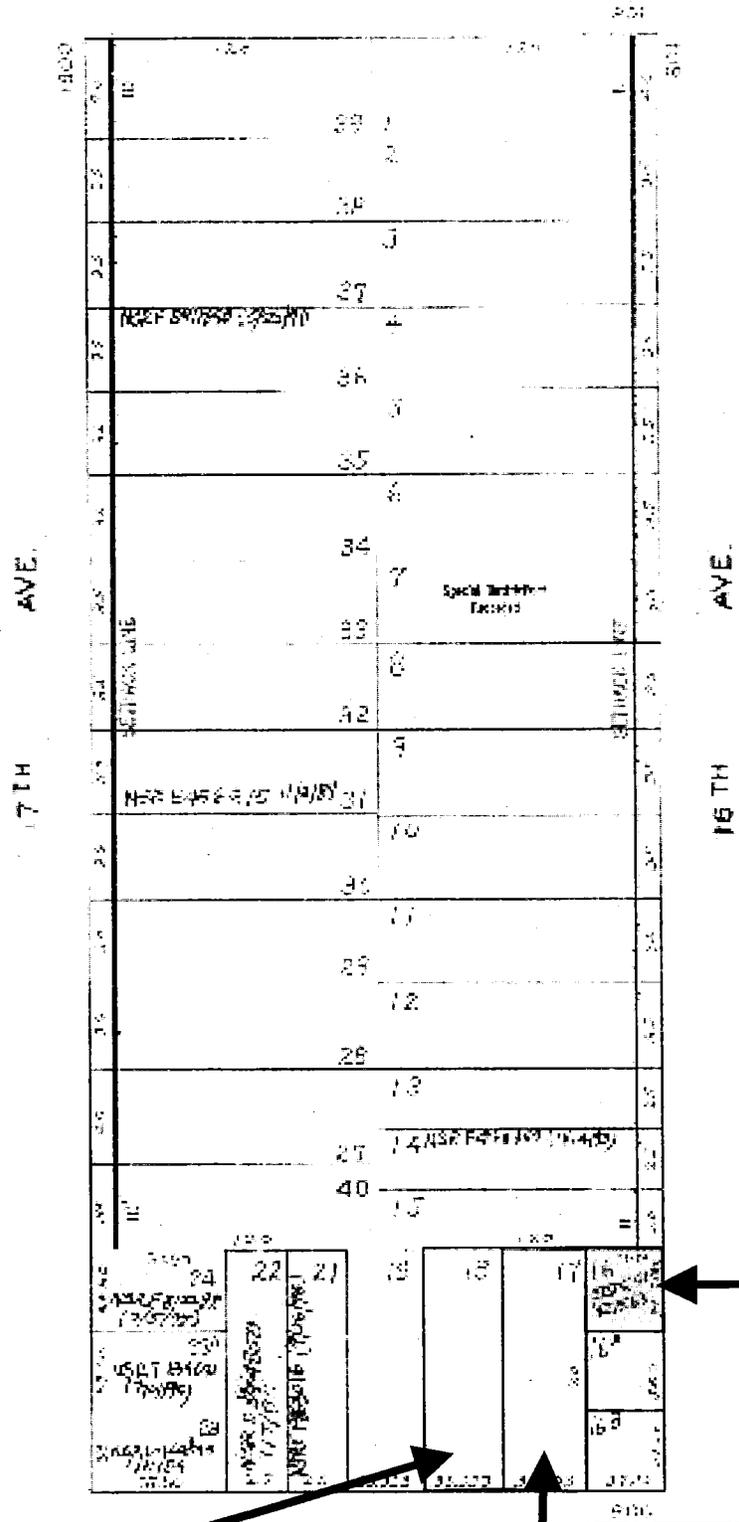
Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
DR Application
Responses to DR Application
Reduced Plans

EW: G:\Documents\DRs\916 Ortega\DR Analysis - Abbreviated.doc

Block Book Map

NORIEGA



SUBJECT PROPERTY

ORTEGA

DR REQUESTOR #1

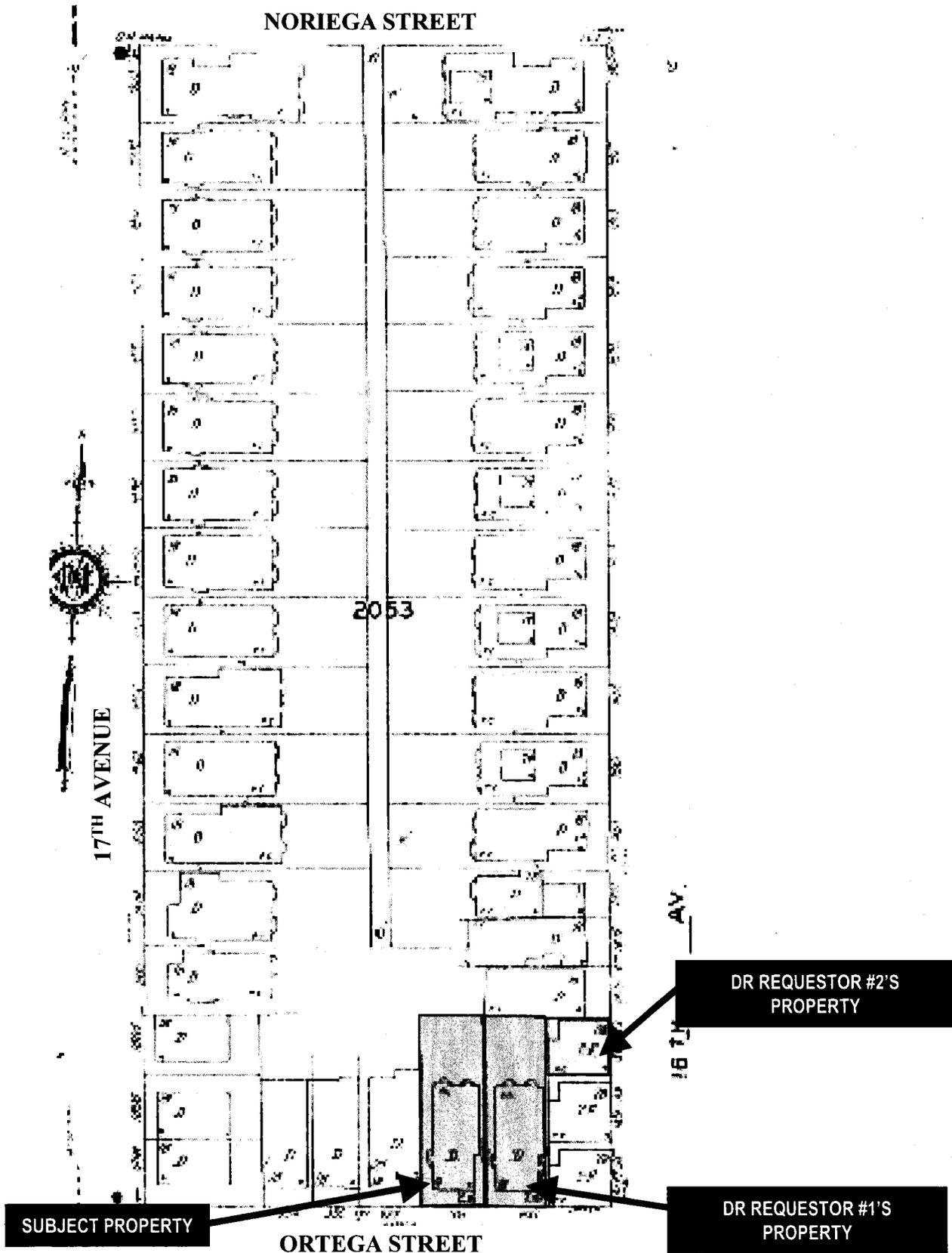
DR REQUESTOR #2



DISCRETIONARY REVIEW
 Building Permit No. 2008.08.27.0197
 Case Number 2010.0782DD
 916 Ortega Street

Sanborn Map

NORIEGA STREET

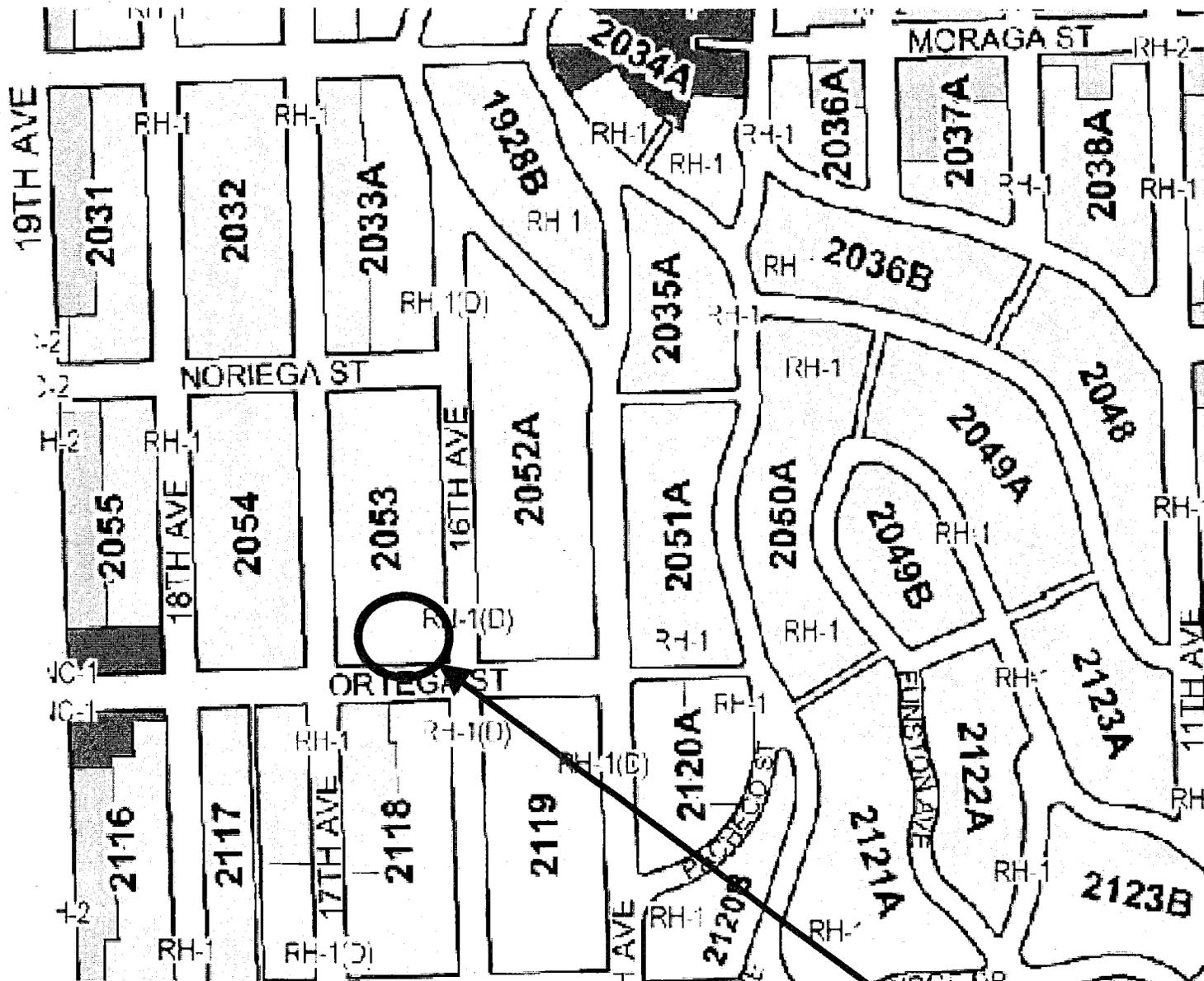


**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*

DISCRETIONARY REVIEW
Building Permit No. 2008.08.27.0197
Case Number 2010.0782DD
916 Ortega Street



Zoning Map



SUBJECT PROPERTY

ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-O(SD)

INDUSTRIAL DISTRICTS

C-M M-1 M-2

CHINATOWN MIXED USE DISTRICTS

CRNC CVR CCB

RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

REDEVELOPMENT AGENCY DISTRICTS

MB-RA HP-RA

DOWNTOWN RESIDENTIAL DISTRICTS

RH DTR TB DTR

MISSION BAY DISTRICTS

MB-OS MB-O

PUBLIC DISTRICT

P

DISCRETIONARY REVIEW

Building Permit No. 2008.08.27.0197

Case Number 2010.0782DD

916 Ortega Street



Aerial Photos



DR REQUESTOR #2's
PROPERTY

SUBJECT PROPERTY

DR REQUESTOR #1's
PROPERTY



Aerial Photos



Aerial Photos

DR REQUESTOR #1's
PROPERTY

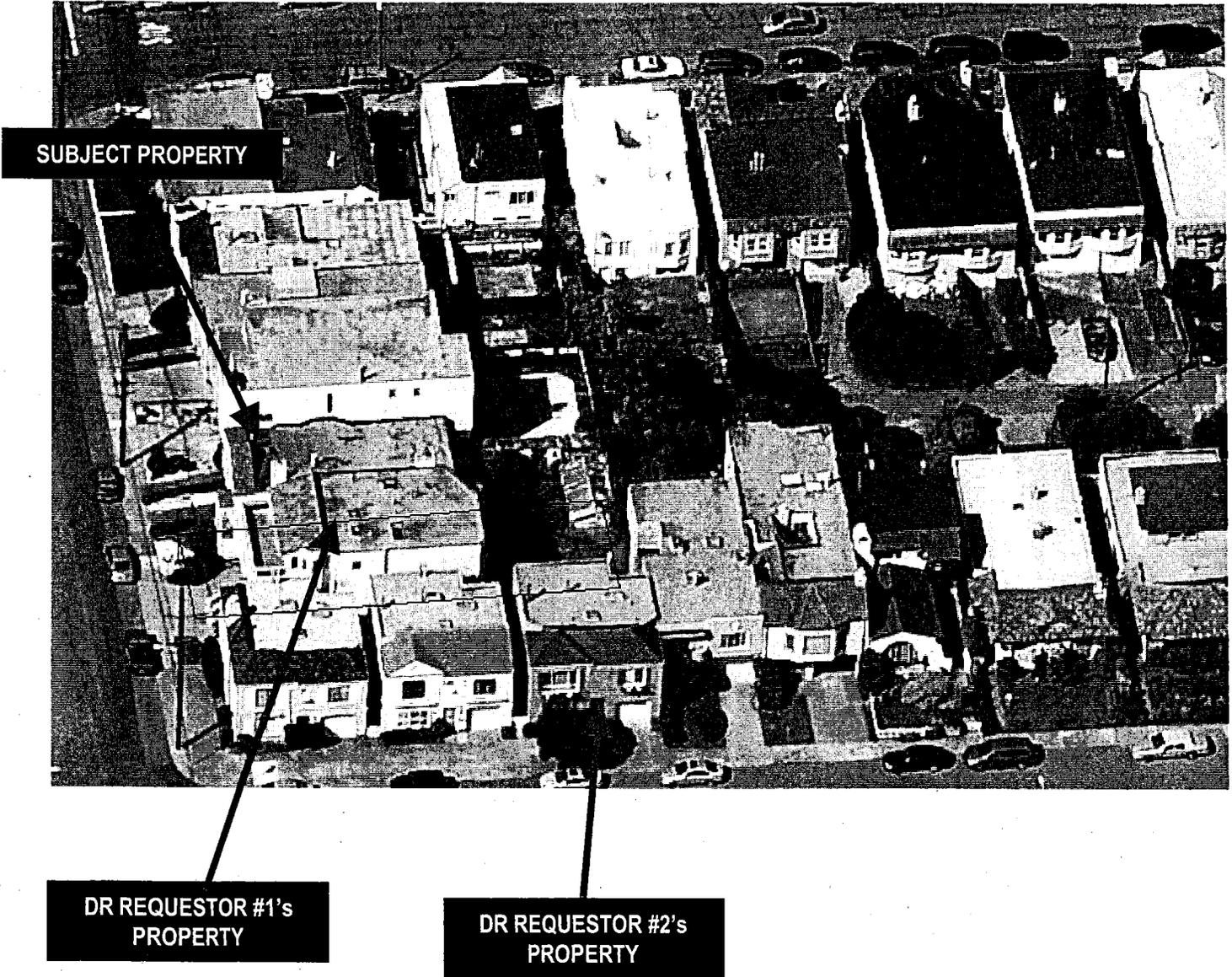
SUBJECT PROPERTY



DR REQUESTOR #2's
PROPERTY



Aerial Photos



Context Photo



SUBJECT PROPERTY

DR REQUESTOR #1's
PROPERTY



DR REQUESTOR #2's PROPERTY
(AROUND THE CORNER ON 16TH AVE)

DISCRETIONARY REVIEW
Building Permit No. 2008.08.27.0197
Case Number 2010.0782DD
916 Ortega Street



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On August 27, 2008, the Applicant named below filed Building Permit Application No. 2008.08.27.0197 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Van Ly, Architect	Project Address:	916 Ortega Street
Address:	8 Brussels Street	Cross Streets:	16 th and 17 th Avenues
City, State:	San Francisco, CA 94134	Assessor's Block /Lot No.:	2053/018
Telephone:	(415) 468-3222	Zoning Districts:	RH-1(D) /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 type="checkbox"/>	NEW CONSTRUCTION	or	<input checked="" type="checkbox"/>	ALTERATION
<input checked="" type="checkbox"/>	VERTICAL EXTENSION		<input type="checkbox"/>	CHANGE # OF DWELLING UNITS		<input checked="" type="checkbox"/>	FACADE ALTERATION(S)
<input type="checkbox"/>	HORIZ. EXTENSION (FRONT)		<input checked="" type="checkbox"/>	HORIZ. EXTENSION (SIDE)		<input checked="" type="checkbox"/>	HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
FRONT SETBACK	8 feet ±	No Change
SIDE SETBACKS (west).....	5'-0" ±	3'-0" ±
SIDE SETBACKS (east)	1'-6" ±	No Change
BUILDING DEPTH	53'-0" ±	67'-0" ±
REAR YARD	39'-0" ±	25'-0" ±
HEIGHT OF BUILDING	21'-6" ±	28'-6" ±
NUMBER OF STORIES	2	3
NUMBER OF DWELLING UNITS	1	No Change
NUMBER OF OFF-STREET PARKING SPACES	2	No Change

PROJECT DESCRIPTION

The proposal is to construct a one-story vertical and two-story horizontal rear addition, to remove the existing rear yard structures, and to make alterations to the street-facing façade of the existing single-family, detached dwelling. The property is located in the RH-1(D) [Residential, House; One-Family (Detached)] zoning district and the 40-X Height and Bulk District, and the Project complies with all applicable zoning controls. See attached plans.

PLANNER'S NAME: Elizabeth Watty

PHONE NUMBER: (415) 558-6620

EMAIL: Elizabeth.Watty@sfgov.org

DATE OF THIS NOTICE:

8-18-10

EXPIRATION DATE:

9-17-10

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). 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.**

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 Lenard A. Pond Telephone No: 415-759-0519

D.R. Applicant's Address 908 Ortega Street
Number & Street (Apt. #)
San Francisco, CA 94122
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415-759-0519
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: 916 Ortega Street, San Francisco, CA 94122

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: Donna K. Ng, phone # unknown; Van Ly, Architect (415) 468-3222

Building Permit Application Number of the project for which you are requesting D.R.: 2008.08.27.0197

Where is your property located in relation to the permit applicant's property?
Adjoining east 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 **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**

- DR applicant initiated "Intake file" on 8/24/2010.
- mediation with the Community Board pending.

RECEIVED

[Signature]
AUG 26 2010

CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
PIC

10.0782D P/H

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.

No changes were made to the proposed project.

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?

Please see attachments and photos

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:

908 Ortega St. - third story front setback does not respect adjacent buildings scale.
- rear extension affects mid-block open space and privacy.
1883-1885 16th Avenue - rear extension affects mid-block open space.

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)?

1. Increase 3rd story front setback distance to maintain building scale at street level.

2. Limit 3rd story addition to existing ^{rear} foot print to maintain mid-block open space and preventing surrounding residents from feeling "boxed-in" and privacy loss.

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).

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 Yunus Pond
Applicant

8/26/2010
Date

Attachment to DR application:

Permit Application # 2008.08.27.0197

B. Discretionary Review Request (response to item #1)

The third-story front setbacks (average) of the adjacent buildings are five (5) feet at 924 Ortega Street and ten (10) feet at 908 Ortega Street. The third-story front setback of the proposed project is five (5) feet from the main face of the building. This does not maintain the scale of the buildings at street level as specified in the Residential Design Guidelines (December 2003) section IV. Building Scale and Form. Please see attached front-view photos of adjacent properties from street level.

The new rear extension of the proposed project will severely impact the strong Mid-Block Open Space pattern, resulting in a "boxed-in" feeling for multiple residents and cut off from the marginally existing rear open-space. The exceptional configuration of these structures share the open space of the rear yard at 908 Ortega Street continuing westerly through 916 Ortega Street to collectively define Mid-Block Open Space. This is specified in section IV, "Building Scale at the Mid-Block Open Space" in the Guideline mentioned previously. Please review the attached panorama photos from the perspective in the rear yard of 908 Ortega Street.

project address: 916 Ortega St.
San Francisco, CA 94122

10.0782D

8/26/10
HP
04/7

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 TRACY THOMPSON Telephone No: 415-728-7624 cell

D.R. Applicant's Address 1803 16th AVENUE
Number & Street (Apt. #)
SAN FRANCISCO, CA 94122
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415-728-7624 (cell)
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 N/A Telephone No: N/A

Address N/A
Number & Street (Apt. #)
City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 916 ORTEGA STREET, SAN FRANCISCO, CA 94122

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: DONNA + JAK NG, phone number unknown - VAN LY ARCHITECT

Building Permit Application Number of the project for which you are requesting D.R.: 2008-08-27-0197 (ALTERATION) 415-468-3222

Where is your property located in relation to the permit applicant's property?
WITHIN 30 FEET OF SAID PROPOSAL ABUTTING EAST PROPERTY LINE OF 908 ORTEGA AVE - CORNER LOT.

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

RECEIVED

[Signature]
SEP 15 2010

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DEPT. OF CITY PLANNING
PIC

10.0782D

- 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 typewriter response please)
 pag. 4 of DR Application

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 typewriter response please)
 See pag 4/5 of DR Application

- 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 typewriter response please)
 see pag 14/5 of DR Application

- 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 pag 4/5 of DR Application)

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:

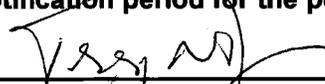
- ✓ G Check made payable to Planning Department (see current fee schedule).
- ✓ G Address list for nearby property owners, in label format, plus photocopy of labels.
- N/A G Letter of authorization for representative/agent of D.R. applicant (if applicable).
- ✓ G Photocopy of this completed application.

OPTIONAL:

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

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

13 September 2010
Date

Discretionary Review Application
Tracy Thompson -1883 16th Avenue, San Francisco, CA 94122
September 13, 2010

Subject: Building Application No. 2008.08.27.0197

Page 1

Responses:

A. Actions Prior to a Discretionary Review Request

4). General protocol distribution of project plan and notification to respective parties or initiation of discussion about project prior to submission of permit application was not done. In May 2008, I was **not** notified by Van Ly Architects in the mail as notification of property owners within 150 feet of project was required but notified by my neighbors. The project was in the initial stages of development. At that time, Van Ly and I discussed the mid open block space issue and the rear extension build out. The project seemed to have been put on hold and further conversations ceased until receiving the Notice of Building Permit Application which was forwarded by a tenant who resides on the ground level of 1885 16th Avenue on September 1, 2010. Once the information was forwarded by my tenant, I called Van Ly Architect to get clarity of the exact dimensions of proposed rear extension build out as this project is less than 30 feet away from Lot 16 and 16A. 16th Avenue. We discussed the possibilities of the rear extension to be contiguous and adjacent (in line with the neighboring houses (908 and 924 Ortega) in order for 1883- 1885 16th Avenue in addition to 1889-1891 to have access to light and air and not to minimize the already limited internal mid block open space. No changes were made as a result of discussions held with Van Ly back in 2008. Since the DR is due by September 17th, it is unknown if there will be any changes resulting from a discussion held September 9th 2010.

B. Discretionary Review Request

1. The exceptional and extraordinary circumstances are such that 1883-1885 16th Avenue is a unique RH-1 property containing two legal residential units (located less than 30 feet away from the proposed project site. One resident resides on the lower level (ground level) of the building. General planning codes describe a repeating theme for most districts in that the building location and configuration (alteration) assure adequate light and air to windows with residential units and the usual open space provided (“mid open space”). It is unknown if the planning code takes into consideration the property located at 1889-1891 16th Avenue (a similar configuration-2 residences on 16th Avenue) also within 30 feet where access to light, space, mid open block space will be impacted in the same manner.

Discretionary Review Application
Tracy Thompson
September 13, 2010

Subject: Building Application No. 2008.08.27.0197

Page 2

- 2. 1885 16th Avenue has one window facing west toward the proposed rear extension build out and is located close to the ground level. (See attached photos). 1889 16th Avenue has only two corner windows that receive light and air which will be cut off with the rear extension build out of the Project 916 Ortega. The above mid open space characteristics will be severely impacted by the proposed rear extension build out thus limiting light, air, and the already limited mid open block space offered by this unusual corner lot where three houses have been built on one lot size (Lot 16, 16A, 16B). (See attached photos). In addition, property located 1889-1891 will also be adversely affected increasing the already reduced internal block open space formed by the rear yard (908 Ortega) of the adjacent property. Building location and configuration for alterations must assure adequate light and air to windows with the residential units and the usable space provided (Planning Code Section 134-Rear Yards). Six to seven residences are affected by the rear extension build out (1883-1885-1889-1891 16th Avenue including 908 Ortega and 1879 16th Avenue).

Finally, all residences in this tight corner including 1879, 1883, 1885, 1889, 1891 on 16th Avenue and 908, and 916 Ortega will be subjected to a strong wind tunnel affect if the mid open space rear yard is altered and cut off. Currently, there is already a strong wind tunnel affect within this narrow corridor.

- 3. 916 Rear Yard Extension build out to be compatible with adjoining units and in line with current existing adjacent properties or within the average of the two adjoining adjacent properties (908 and 924) thus minimizing the reduction of the internal mid open space block that 5 residences share in the southeast corner of Block 2053 and preventing a stronger wind tunnel affect for 7 residential homes (including 916 Ortega) that share the already minimized internal mid-open block space.

End of page.



MID open space facing western Face
1885 16th AVE 9-13-2010

10.0782D

⑦ 9/16

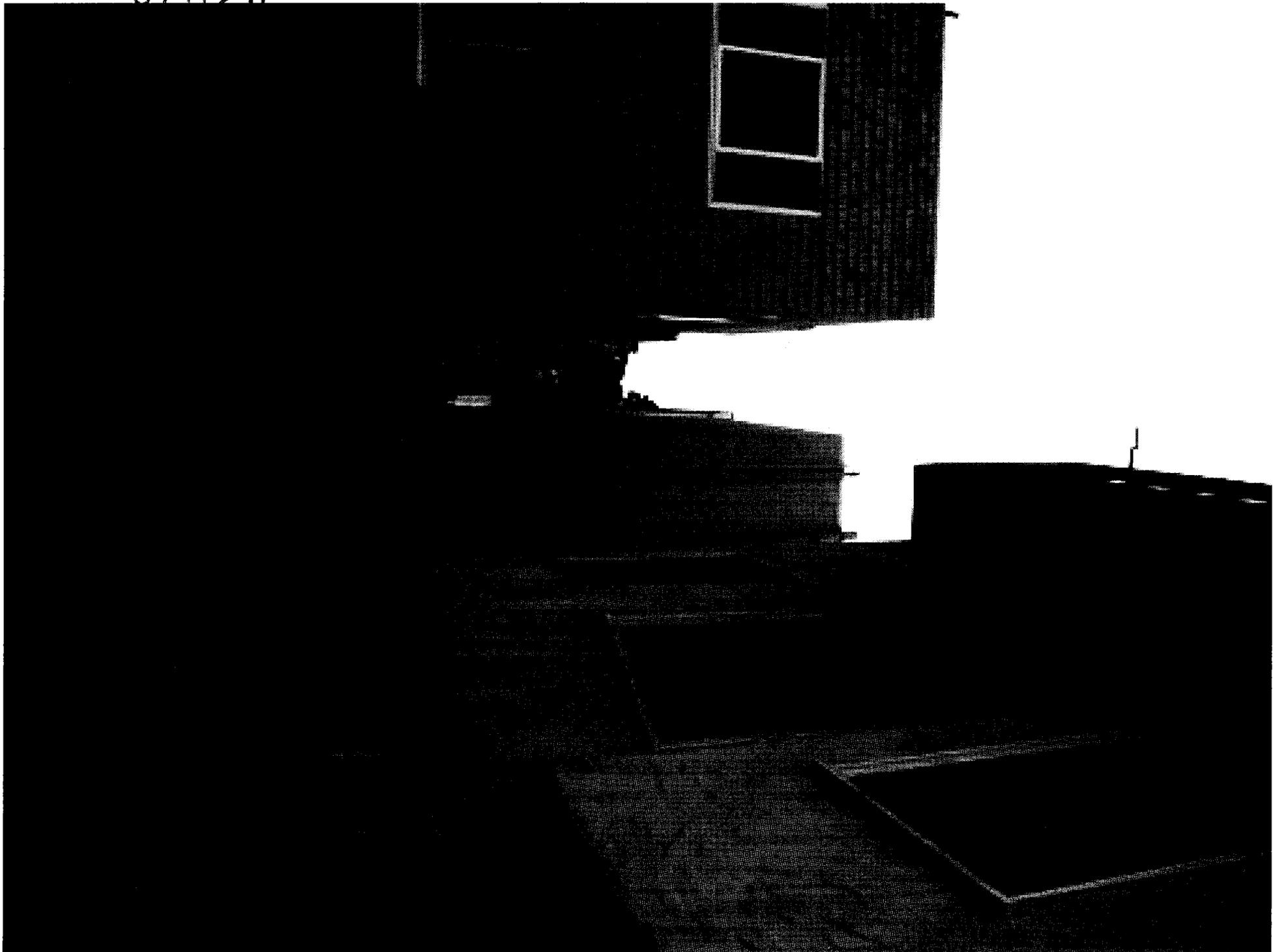


1885 16th Ave Lower LEVEL \angle 30 ft from
proposed project 9-13-2010

10.0782D

10.07820

AFIEN 1883-1885-1889-1891 60+ AKR



8
11/10

FRONT OF PROPOSED 916 ORTEGA AVE PROJECT 9-13-2010

(9) 414



1U.0782D

FACING WEST TO 916 ORTES -

MID OPEN SPACE FROM 1889-1891 - 16th Ave

(10) 71P



02820 OT.

916 Orfex St.

MIN open space FALLON WESTARLY TO

Attachment to DR Application, item B
RE: permit # 2008.08.27.0197

Project Address:
916 Ortega St.
SF, CA 94122

Street View of Project Front and Adjacent Properties



N-W
View

↑
#924

↑
#916

↑
#908

ORTEGA ST.



N-E
View

↑
#924

↑
#916

↑
#908 ORTEGA ST. 8/26/10
PS/ DP

Attachment to DR application ; item B

RE: permit # 2008.08.27.0197

Project Address:
916 Ortega St.
SF, CA 94122

Mid-block Open Space Panorama Photos of Project Rear
Perspective - from Rear Yard at 908 Ortega St.



Property
@
1883-1885
16th Avenue

East View from rear yard (908 Ortega St.)



Property
@
1879-
16th Avenue

North view from rear yard (908 Ortega St.)

8/26/10
PG/7 UP

Attachment to DR application, item B

RE: permit # 2008.08.27.0197

mid-block Open Space Panorama Photos of Project Rear
Perspective from Rear Yard at 908 Ortega St.



Westerly View from Rear Yard @ 908 Ortega St.

Unidirectional mid-Block Open Space

Project Address: 916 Ortega St.
SF, CA 94122

8/26/10
P 7/7 LP



SAN FRANCISCO PLANNING DEPARTMENT

RESPONSE TO DISCRETIONARY REVIEW

CASE NO.: 10.0782D FILED BY MR. POND

BUILDING PERMIT NO.: 2009-0827-0197

ADDRESS: 916 ORTEGA STREET

PROJECT SPONSOR'S NAME(S): VAN LY

TELEPHONE NUMBER FOR PLANNING DEPARTMENT TO CONTACT.: 468-3222

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

Project was designed according to Planning Code, was reviewed by project Planner and Design Review Team, and provided recommended revision to sufficiently address and reinforce any and all aspects of Residential Design Guideline.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes. Indicate whether the changes were made before filing your application with the City or after filing the application.

No change is proposed.

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

Changes were made during plan review process.

According to surveying map, third floor front set back of 924 Ortega is 1'-7", third floor front set back of 908 Ortega is 7'-6", the proposed third floor front set back of 916 Ortega is 5'-10", an averaging plus of the two immediate adjacent houses front set back.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The proposed third floor is in line with the adjacent house at 924 Ortega. There is no midblock space decreasing. 908 Ortega is at the East side of the proposed project. There is no sunlight impact. View is not a preserve issue.

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.

Number of	Existing	Proposed
Dwelling units (only one kitchen per unit – additional kitchens count as additional units)	1	1
Occupied stories (all levels with habitable rooms)	2	3
Basement levels (may include garage or windowless storage rooms)	1	1
Parking spaces (off-street)	2	2
Bedrooms	2	4
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas	1,768	3,857
Height	21'6"	28'-6"
Building depth	50'-11"	66'-10"
Most recent rent received (if any)	0	
Projected rents after completion of project		
Current value of property		
Projected value (sale price) after completion of project (if known)		

G:\DOCUMENTS\Instructions and Applications\DR Response Form.doc

--- On Fri, 10/1/10, Jake Ng <jake.ng.b9d0@statefarm.com> wrote:

From: Jake Ng <jake.ng.b9d0@statefarm.com>
Subject: Re: Ortega DR
To: vantly2004@sbcglobal.net
Date: Friday, October 1, 2010, 12:12 AM

We will be reviewing th doc carefully and please forward this to the community board
Dear All, we have met with Mr Pond many times over the last 3-4 years about the issue. The house was left vacant by the prior owner for 15 years and grass was growing on the roof top, causing one third of the house to leak from the living area to the ground floor basement. We have no choice but do a major renovation and improve a major eye sore in the neighborhood. We like the area and have been living there since 1981 and truly one the neighbors, not "someone come in, built a BiG House to block everyone" as Mr Pond claimed and spread the rumors all over the neighborhood to make everyone "be aware of their construction". Our neighbor Mr. Chin's house on our right is 3 time the size of our, Mr. Pond's house on our left is over towering us on our right looking down, twice our size. He personally mentioned to us many time that he doesn't like us to build next to him. When he added an extra level on his own house, he encountered a lot of neighbor's opposition. Our plan is designed according to planning department guidelines. Mr. Pond is clearly opposing this base on his personal agenda. We like to have a fair hearing base on the merits of our plan and guideline set and not to appease a neighbor's personal feelings.
Sincerely yours
Jake and Donna Ng

From: Van Thai Ly <vantly2004@sbcglobal.net>
To: Jake Ng
Sent: Thu Sep 30 18:23:05 2010
Subject: Re: Ortega DR

Attached are two DR applications and response form. I filled out architect responses. Please fill out owner responses at wish. Community Board called and asked if you are "willing" to meet with Pond. It may worth to spend an hour with him so you are not "unwilling to listen to neighbor's concern". You could contact Community Board to find out how to restrict/control meeting time and cost. I will submit response as soon as hear from you.

Van T Ly AIA
Van T Ly & Associates
11 Bay Street, Suite 400
San Francisco, CA 94111
Tel: 415-468-1111
Fax: 415-468-1117

--- On Wed, 9/29/10, Jake Ng <jake.ng.b9d0@statefarm.com> wrote:

From: Jake Ng <jake.ng.b9d0@statefarm.com>



SAN FRANCISCO PLANNING DEPARTMENT

RESPONSE TO DISCRETIONARY REVIEW

CASE NO.: 10.0782D, FILED BY MS THOMPSON

BUILDING PERMIT NO.: 2009-0827-0197

ADDRESS: 916 ORTEGA STREET

PROJECT SPONSOR'S NAME(S): VAN LY

TELEPHONE NUMBER FOR PLANNING DEPARTMENT TO CONTACT.: 468-3222

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

Project was designed according to Planning Code, was reviewed by project Planner and Design Review Team, and provided recommended revision to sufficiently address and reinforce any and all aspects of Residential Design Guideline.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes. Indicate whether the changes were made before filing your application with the City or after filing the application.

No change is proposed.

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

Changes were made during plan review process.

1883 16th Avenue was not included in the pre-application neighbor outreach list because it is not an abutting property. However, Ms. Tracy Thompson did call in to address her concern about rear window view. After telephone communication, additional elevation

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drawing was provided to assist her understanding related height and story pole was installed on site to assist her understanding the proposed project size. In fact, 1883 16th Avenue is located at the East side of the proposed project. It is 33' away. Its ground floor finish level is about 12 feet higher than the ground floor finish level of the proposed project. The proposed project could hardly have direct impact in terms of light, air, and/or even view. Therefore, there was no change to the project after 2008's contact.

1885 16th Avenue is within the 311 notification scope. Ms. Thompson should have received the notice sent directly by the Department in regardless of if she is property owner or occupant. She must miss the mail or has not updated her mailing address. When she called on Sep. 9, Ms. Thompson suggested the proposed application to be converted into demolition and new construction applications. She was advised to specify another acceptable/workable suggestion because demolition is not possible. Ms. Thompson might not have enough time to figure out another request and she filed the DR application on Sep. 15 instead.

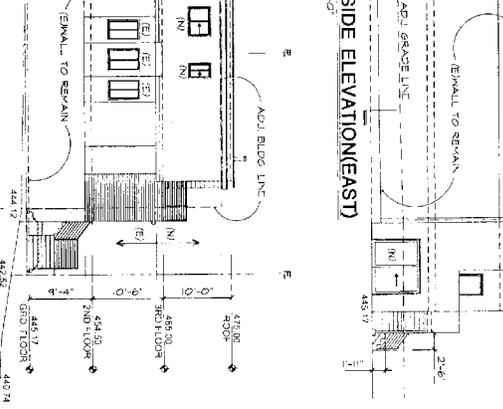
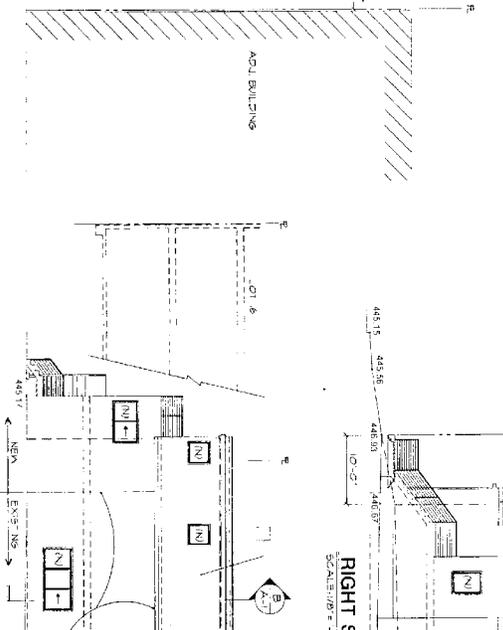
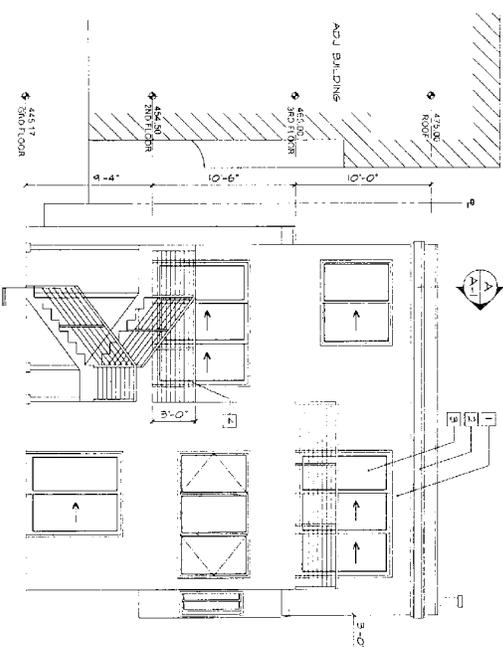
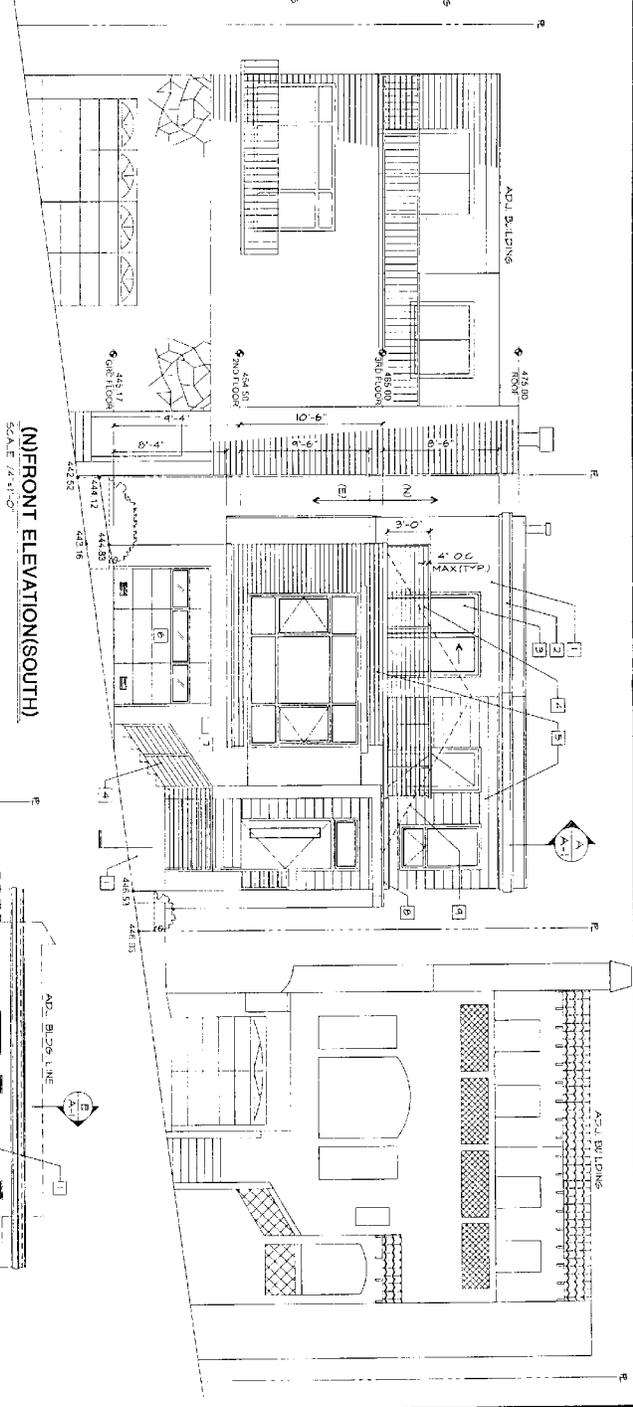
If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.

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

Number of	Existing	Proposed
Dwelling units (only one kitchen per unit – additional kitchens count as additional units)	1	1
Occupied stories (all levels with habitable rooms)	2	3
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Parking spaces (off-street)	2	2
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Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas	1,768	3,857
Height	21'-6"	28'-6"
Building depth	50'-11"	66'-10"
Most recent rent received (if any)	0	
Projected rents after completion of project		
Current value of property		
Projected value (sale price) after completion of project (if known)		

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- F. NEW MATERIAL SCHEDULE
1. EXTERIOR STUCCO FINISH TO MATCH EXISTING
 2. EXTERIOR WOOD HOLDINGS/TRIM
 3. SOLID SLATE ASH RAISED WINDOW/DOOR (TYP)
 4. THINNING CABLE BALUSCON/ROSTRA
 5. EXTERIOR WOOD SIDING
 6. AUTO-EXTENDING OVERHEAD WOOD VENT LOUVERS & PROTECTED GLAZING PANELS
 7. LILYPAVA TYP HOSE NUMBER
 8. WOOD TRELLIS
 9. EXISTING ROOF LINE



A-4

DATE: 07/26/2006
 DRAWN BY: VTL
 CHECKED BY: VTL
 DESIGNED BY: VTL
 ARCHITECT: VAN T. LY & ASSOCIATES

EXTERIOR ELEVATIONS

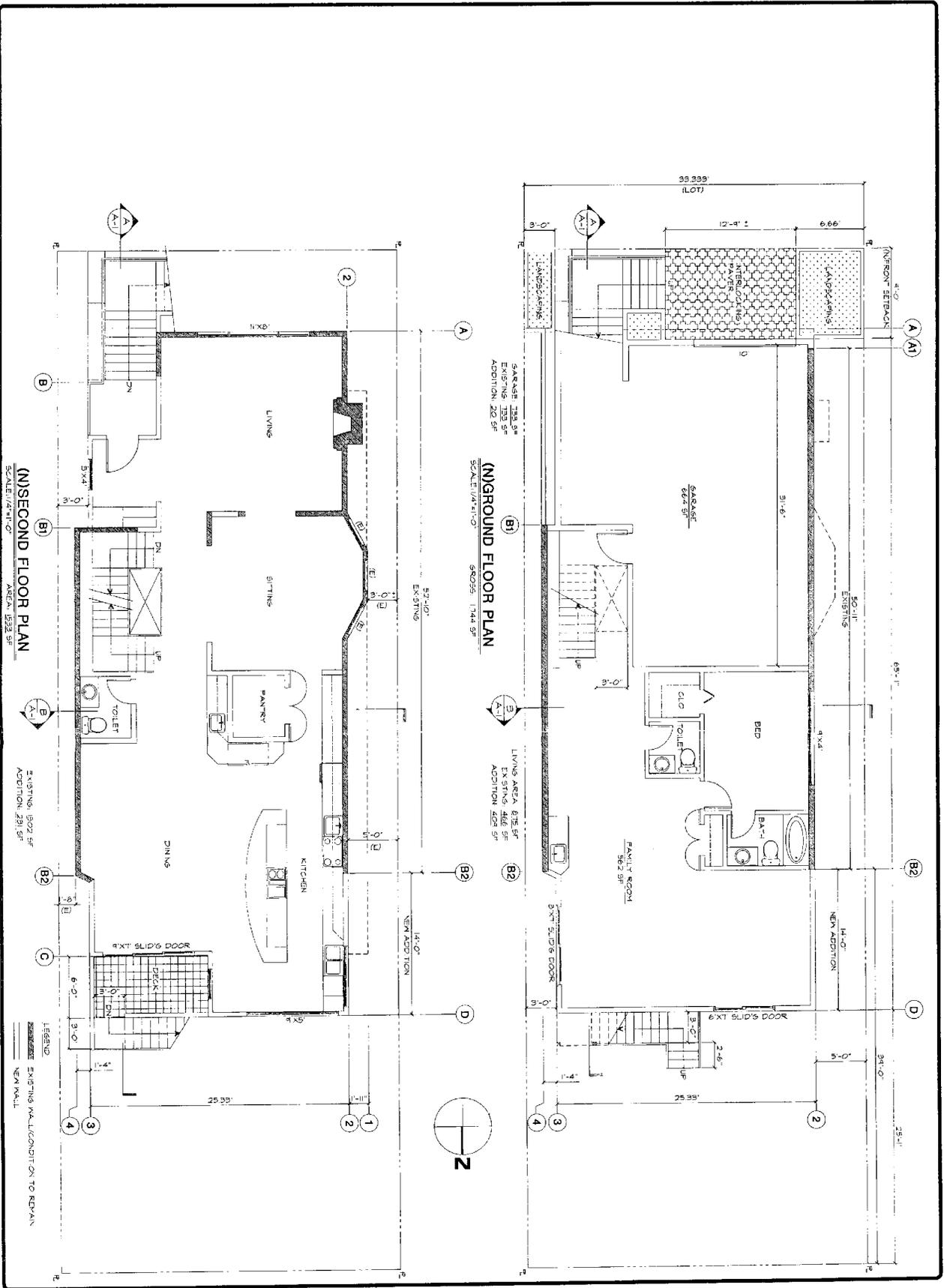
REAR AND VERTICAL ADDITION
 SINGLE FAMILY HOUSE

**916 ORTEGA STREET
 S. F., CA**

VAN T. LY & ASSOCIATES
 ARCHITECT, AIA

6 BRUSSELS STREET
 SAN FRANCISCO, CA 94134
 TEL (415) 468-3222
 FAX (415) 468-3311
 EMAIL: vort2004@sbcbg.com

REVISIONS	BY
5/22/2006 07/26/2006	



A-2	DATE	05/11/04
	SCALE	AS NOTED
	BY	ML
	CHECKED	ML

(N)FLOOR PLANS

REAR AND VERTICAL ADDITION
SINGLE FAMILY HOUSE

**916 ORTEGA STREET
S. F., CA**

VAN T. LY & ASSOCIATES
ARCHTCT, AIA
8 BRUSSELS STREET
SAN FRANCISCO, CA 94134
TEL: (415)468-3323
FAX: (415)468-3311
EMAIL: vortly2004@ebcglobal.net

DATE	5/22/2004
SCALE	AS NOTED
BY	ML
CHECKED	ML

PROJECT DATA
 ASSESSORS NUMBER: BLOCK 2053, LOT 19
 ADDRESS: 916 ORTEGA STREET, SAN FRANCISCO, CA
 STREET WIDTH: 60'-0"
 EXISTING USE: SINGLE FAMILY DWELLING
 PROPOSED PROJECT: REAR VERTICAL ADDITION
 SCOPE OF WORK:

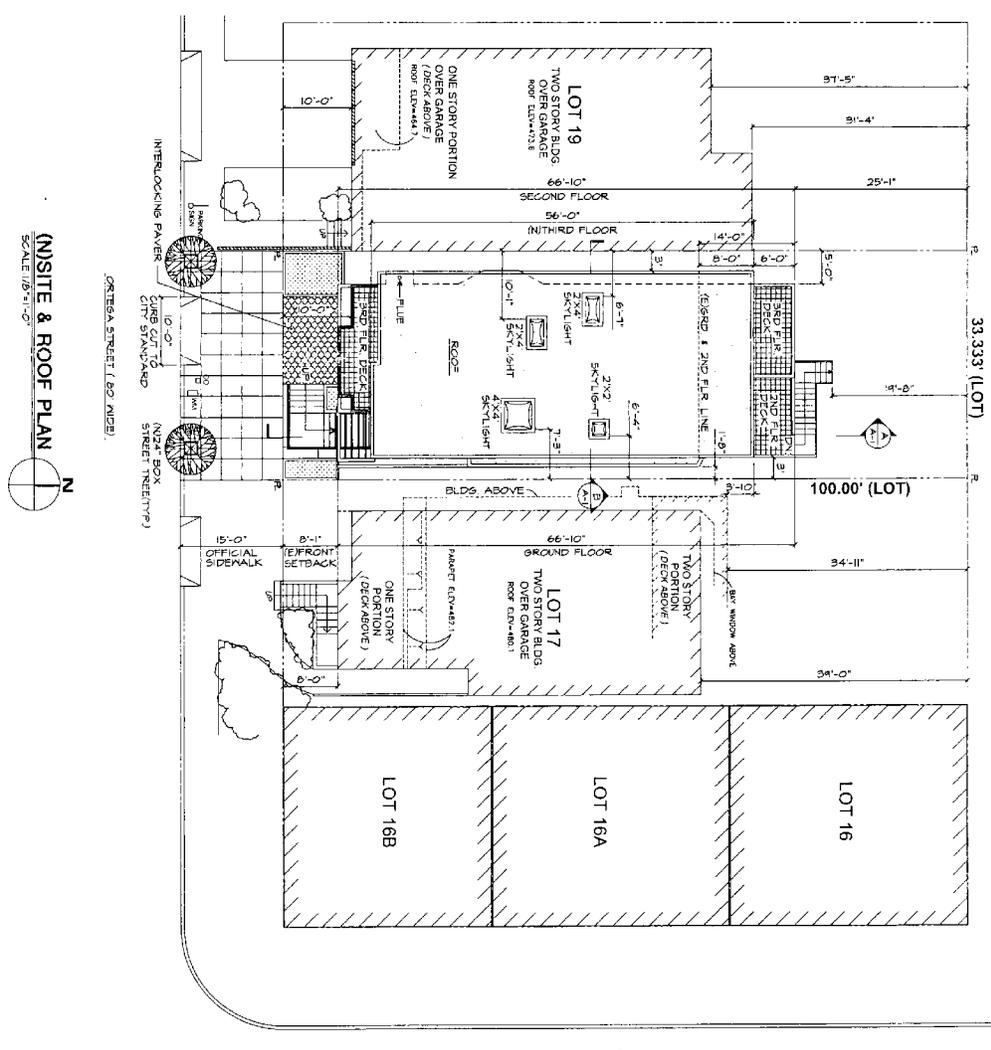
1. ENTRANCE STAIR AND FACADE RENOVATION
2. TWO-STORY REAR ADDITION
 - SECOND FLOOR, ADD A BEDROOM, A FULL BATH AND ENLARGE
 - RE-EXISTING PART OF REAR
 - RE-EXISTING PART OF REAR
 - ELIMINATE TWO EXISTING BEDROOMS AND A DEN
3. THIRD FLOOR ADDITION FOR THREE BEDROOM SUITES & A SITTING ROOM

PLANNING CHECK LIST
 ZONING: BU-1(D)
 LOT SIZE: 93,393.00 SQ FT
 BUILDING HEIGHT: 30'-0"
 NUMBER OF STORIES: 3
 BUILDING CHECK LIST
 TYPE OF CONSTRUCTION: R-2S
 USE OCCUPANCY: 2007 CALIF. BLDG. CODE & S.F. AMENDMENTS
 APPLICABLE CODE: 2007 CALIF. BLDG. CODE & S.F. AMENDMENTS
 2007 CALIF. ELECTR. CODE & S.F. AMENDMENTS
 2007 CALIF. MECHANICAL CODE & S.F. AMENDMENTS
 2007 CALIF. ENERGY CODE - TITLE 24

DRAWING INDEX:

- A-1. SITE & ROOF PLAN
- A-2. INTERIOR FLOOR PLAN
- A-3. EXTERIOR FLOOR PLAN & BUILDING SECTIONS
- A-4. EXTERIOR ELEVATIONS
- BD-1. FLOOR PLAN DRAWING
- BD-2. DEMOLITION PLANS
- BD-3. EXISTING PLANS
- CALL-1. DEMOLITION PLANS FOR WALL AREAS CALCULATION
- CALL-2. EXTERIOR ELEVATIONS FOR WALL AREAS CALCULATION

916 ORTEGA STREET, RT# # 664075



(N) SITE & ROOF PLAN
 SCALE 1/8"=1'-0"
 N

2008-0827-0197

DATE	BY
6/27/2008	VTL
AS NOTED	AS NOTED
SCALE	SCALE
A-1	

SITE & ROOF PLAN

REAR AND VERTICAL ADDITION
 SINGLE FAMILY HOUSE

**916 ORTEGA STREET
 S. F. CA**

VAN T. LY & ASSOCIATES
 ARCHITECT, AIA

8 BRUSSELS STREET
 SAN FRANCISCO, CA 94134
 TEL: (415) 448-8222
 FAX: (415) 468-3311
 EMAIL: vantly2004@sbcglobal.net

REVISIONS	BY
07/09/2008	