



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: MAY 19, 2011

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: May 12, 2011
Case No.: **2011.0081D**
Project Address: **3367 21st Street**
Permit Application: 2010.1216.6852
Zoning: RH-3 [Residential House, Three-Family]
40-X Height and Bulk District
Block/Lot: 3617 / 069
Property Owners: Kitty and Virginia Smith-Russack
3367 21st Street
San Francisco, CA 94110
Staff Contact: Kimberly Durandet – (415) 575-6816
Kimberly.durandet@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

PROJECT DESCRIPTION

The proposal is to comply with Notice of Violation No. 201056869 issued by the Department of Building Inspection in response to a complaint by the DR Requestor on July 14, 2010 that an illegal unit existed in the ground-floor causing garbage cans to be left in the front setback.

The subject Building Permit Application No. 2011.1216.6852 proposes an interior ground-floor renovation that is consistent with the Planning Department's Room's Down Matrix (attached). The ground-floor will be connected to the main dwelling above. The garbage can screening which appears to be the primary concern of the DR Requestor is a temporary structure not affixed to the building. This structure does not require a building permit and is considered a permitted obstruction per Planning Code Section 136.

SITE DESCRIPTION AND PRESENT USE

The Subject Property is a regular lot of 2,250 square feet, approximately 25 feet wide by 90 feet deep which slopes laterally down from west to east and slopes down from the front toward the rear property lines. The Subject Property is a two-family residential building located in an RH-3 (Residential, Three-Family) zoning district, which was built in 1880 and is a known historic resource in the Liberty Hill Historic District.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The property is located on the south side of 21st Street, approximately 175 feet from the southeast corner of Guerrero and 21st Street. The neighboring properties consist of three single-family, six two-family, and one three-family dwelling units. The properties across the street consist of two single-family, six two-family, four three-family, and two four-family dwelling units. The surrounding area is zoned RH-3, RM-2 along Guerrero Street, and the Valencia Street Neighborhood Commercial Transit Zoning Districts.

The Liberty-Hill Historic District is one of the earliest residential "suburbs" to be developed in San Francisco, with major development starting in the 1860s and continuing until the turn of the century. Since the fire following the 1906 earthquake was stopped at the Twentieth Street boundary of the District, the District contains examples of all architectural styles prevalent during the developmental period. Seventy percent of all the buildings in the District are Victorian, with 42 percent being Italianate, 20 percent Stick and eight percent Queen Anne. While there are only a few "grand" houses in the District, a number were designed by architects well known in the Bay Area, including Albert Pissis, the Newsom brothers, Charles Shaner, William H. Toepke, Charles Havens, and Charles J. Rousseau. The Subject Property was designed by architect Albert Pissis and is designated a contributor to the Liberty-Hill Historic District.

The Valencia Street NCT District is located west of the subject property and includes mixed use buildings generally with ground floor commercial uses. The commercial corridor has a range of establishments such as eating and drinking establishments, personal services such as hair care, gym, and nail care, retail sales establishments with goods offered ranging from appliances, bicycle shops, video, clothing, furniture and specialty items, and other uses include professional services such as real estate, accounting and various miscellaneous uses.

BUILDING PERMIT NOTIFICATION

The subject Building Permit Application was approved on December 16, 2010 at the Planning Information Center as it is a code complying project that does not expand or alter the building envelope or façade. However, the DR Requestor had placed a Block Book Notation (BBN) on the Subject Property on September 16, 2010 and the staff planner did not notify the DR Requestor as required and the permit was issued by the Department of Building Inspection (DBI) on December 16, 2011. Subsequently, Zoning Administrator Sanchez requested that DBI suspend the issued permit on January 7, 2011. Department staff sent a BBN Letter to the DR Requestor on January 10, 2011 who then filed an application for Discretionary Review on January 20, 2011.

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
BBN	10 days	January 10, 2011-January 20, 2011	January 20, 2010	May 19, 2011	119 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 9, 2011	May 6, 2011	13 days
Mailed Notice	10 days	May 9, 2011	May 9, 2011	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	DR Requestor		
Other neighbors on the block or directly across the street		2	
Other interested parties		3	
Neighborhood groups			X

The Department has received four emails and one phone call opposed to the Request for Discretionary Review. The Department has received no communication in support of the Request for Discretionary Review.

DR REQUESTOR

Harlan Hoffman is the DR Requestor and resides at 3363 21st Street, the adjacent property to the east.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Revised Discretionary Review Application*, dated April 8, 2011.

PROJECT SPONSOR’S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated March 3, 2011.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1(a) categorical exemption.

RESIDENTIAL DESIGN TEAM (RDT) REVIEW

The DR does not present any exceptional or extraordinary circumstances associated with the project or property involved, and thus warrants an abbreviated DR Analysis. The permit includes interior ground-floor alterations that are consistent with the Department’s Room’s Down Matrix (attached). The garbage can screening which appears to be primary concern of the DR Requestor is a temporary structure that is not affixed to the building does not require a permit. Therefore, the RDT does not have any design-related concerns associated with this temporary garbage screening.

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. As such, this DR warrants an abbreviated staff analysis.

HISTORIC PRESERVATION COMMISSION (HPC)

The Planning Department's Acting Preservation Coordinator, Tim Frye, presented the Department's position on trash enclosures within Article 10 Districts to the HPC on May 4, 2011. When a trash enclosure is not affixed either to the building or to the ground and is moveable, then a building permit is not required. Since a building permit is not required, a Certificate of Appropriateness is not needed and review by the HPC is not required.

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
Building Permit Application
Reduced Plans
BBN Letter Dated 1/10/11
DBI Complaint #201056869
DR Application
Response to DR Application dated December 14, 2010
Public Comments Received as of 5/11/11

I:\Neighborhood Planning\SE Team\KDurand\DRs\3367 21st Street\3367 21st_DR Analysis Abbreviated.doc

Parcel Map

BLOCK 3617

Printed: 29 March, 2011



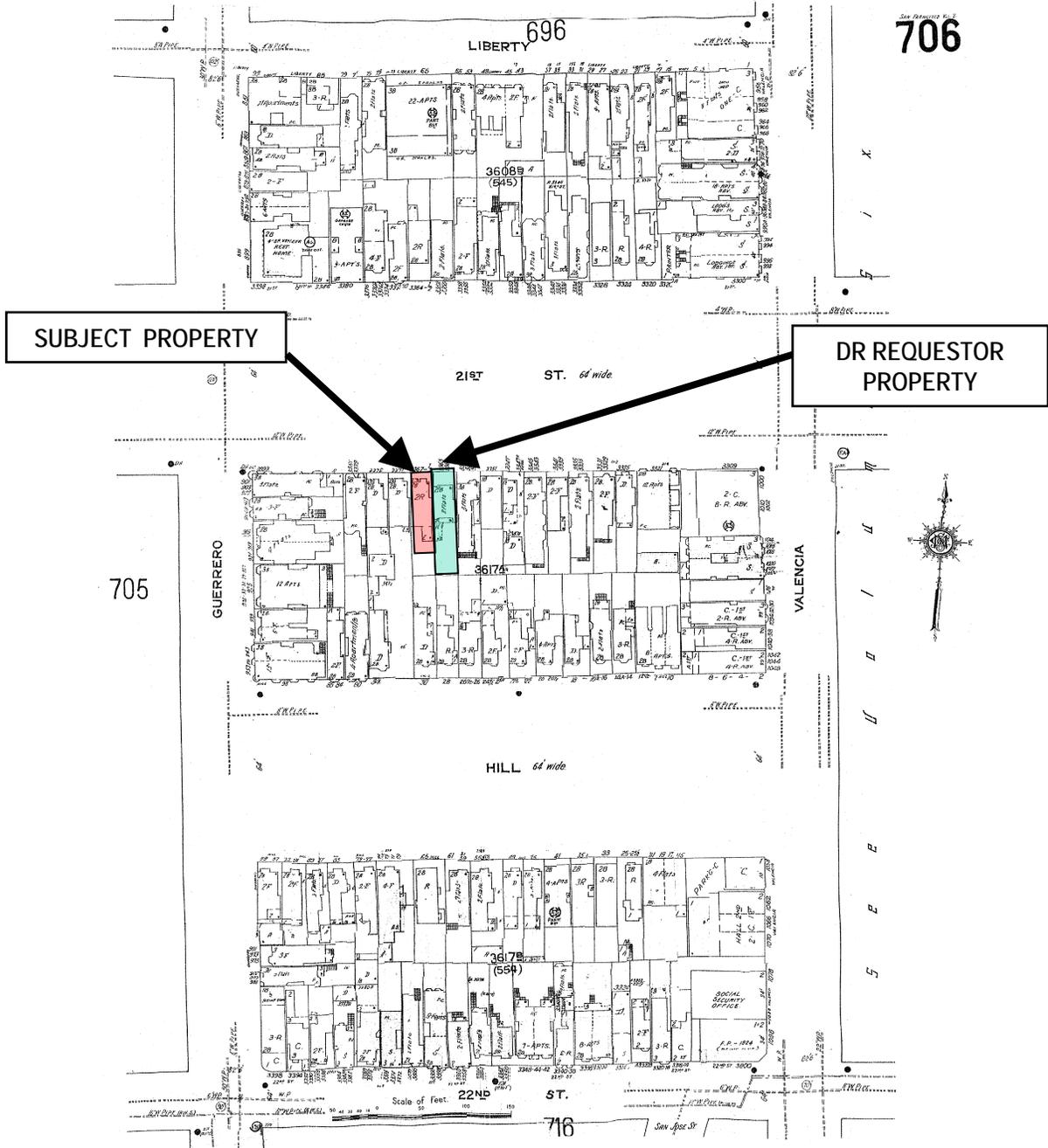
SUBJECT PROPERTY



DR REQUESTOR PROPERTY



Sanborn Map*



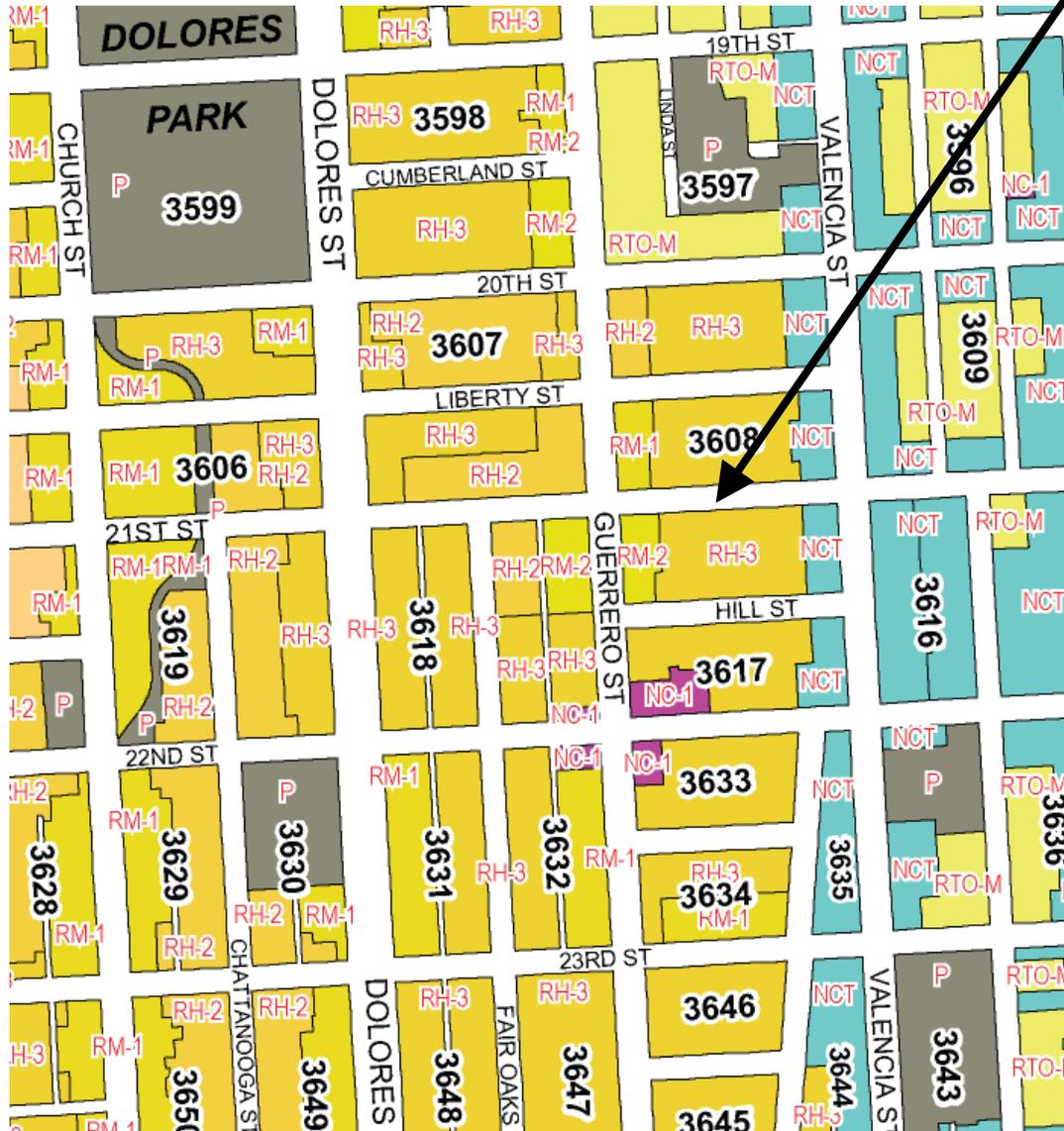
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing
Case Number 2011.0081D
3367 21st Street

Zoning Map

SITE LOCATION



Discretionary Review Hearing
Case Number 2011.0081D
3367 21st Street

Aerial Photo

DR REQUESTOR PROPERTY



SUBJECT PROPERTY

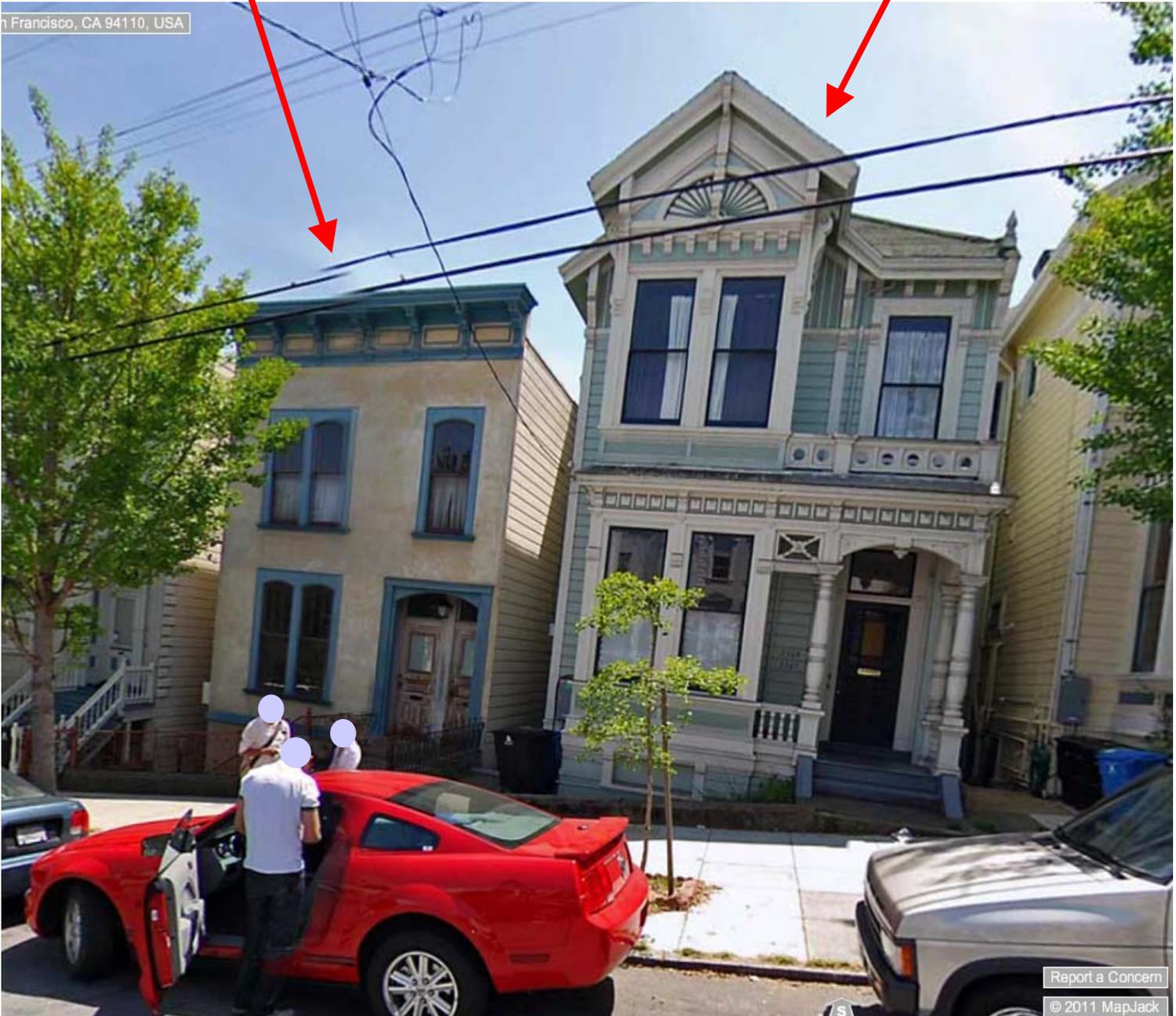


Discretionary Review Hearing
Case Number 2011.0081D
3367 21st Street

Site Photo

DR REQUESTOR
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2010.1140D
Rear Addition
518 Pennsylvania Ave

Photo of Current Garbage Enclosure



Discretionary Review Hearing
Case Number 2010.1140D
Rear Addition
518 Pennsylvania Ave

APPROVED
 Dent. of Building Insp.

201078807
 HIS - 201056869

DEC 16 2010

VIVIAN L. DAY
 DIRECTOR/CHIEF BUILDING OFFICIAL
 DEPT. OF BUILDING INSPECTION



APPROVED FOR ISSUANCE
 DEC 16 2010
 #2

BLDG. FORM 3/8

2010-12-16-683
 APPLICATION NUMBER
 APPROVAL NUMBER: JOSHUA APPROVAL RECORD

**APPLICATION FOR BUILDING PERMIT
 ADDITIONS, ALTERATIONS OR REPAIRS**

**CITY AND COUNTY OF SAN FRANCISCO
 DEPARTMENT OF BUILDING INSPECTION**

FORM 3 OTHER AGENCIES REVIEW REQUIRED
 FORM 8 OVER-THE COUNTER ISSUANCE
 25H2
 NUMBER OF PLAN SETS 4-27-11

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS SUBMITTED HERewith AND ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

DO NOT WRITE ABOVE THIS LINE

DATE FILED 12/16/10	PLNG FEE 3	(1) STREET ADDRESS OF JOB 5367 21ST STREET	BLOCK & LOT 3617-069
PERMIT NO. 1A37914	ISSUED 12/16/10	(2A) ESTIMATED COST OF JOB 40K	(2B) REVISED COST: \$140,000 - BY: HZ DATE: 12/16/10

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. I	(5A) NO. OF STORIES OF OCCUPANCY 2	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE RESIDENTIAL UNITS	(8A) OCCUP. CLASS R2-3	(9A) NO. OF DWELLING UNITS 2
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. I	(5) NO. OF STORIES OF OCCUPANCY 2	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) RESIDENTIAL UNITS	(8) OCCUP. CLASS R2-3	(9) NO. OF DWELLING UNITS 2
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(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? NO	(11) WALL STREET SPACE BE USED DURING CONSTRUCTION? NO	(12) ELECTRICAL WORK TO BE PERFORMED? NO	(13) PLUMBING WORK TO BE PERFORMED? NO
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(14) GENERAL CONTRACTOR LEGAN DESIGN & CONSTR.	ADDRESS 9 PROSPECT	ZIP 94110	PHONE 415 341 4100	CALIF. LIC. NO. 751239	EXPIRATION DATE 7/31/12
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(15) OWNER - LESSEE (CROSS OUT ONE) EMITA / RUSSELL	ADDRESS 5367 21ST ST.	ZIP 94110	BTRC#	PHONE (FOR CONTACT BY DEPT.) 415-821-4916
--	--------------------------	--------------	-------	--

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
 To comply w/ N.O.V # 201056869. Removing existing walls - Remove kitchen. Reconfigure layout at ground floor adding (2) Two bathrooms, office. Stair work & landing as per plan.

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT FT.	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? NO	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? NO	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? NO	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON LOT PLAN) NO	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? NO

(25) ARCHITECT OR ENGINEER (DESIGN OR CONSTRUCTION) Michael Horn	ADDRESS 2265 31ST AVE SPCA	CALIF. CERTIFICATE NO. C71450
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(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") N/A.	ADDRESS
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IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.
 No portion of building or structure or scaffolding used during construction, to be closer than 60" to any wire containing more than 750 volts See Sec 385, California Penal Code.
 Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.
 Conditions as shown on drawings accompanying this application are assumed to be correct. If applicant wishes to make any change, revision, deletion, addition, or other change in the work, the applicant shall submit complete details of proposed change and all drawings required must be submitted to the department for approval.
 ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.
 BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.
 APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).
 THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.
 In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX
 OWNER ARCHITECT
 LESSEE AGENT
 CONTRACTOR ENGINEER

APPLICANT'S CERTIFICATION

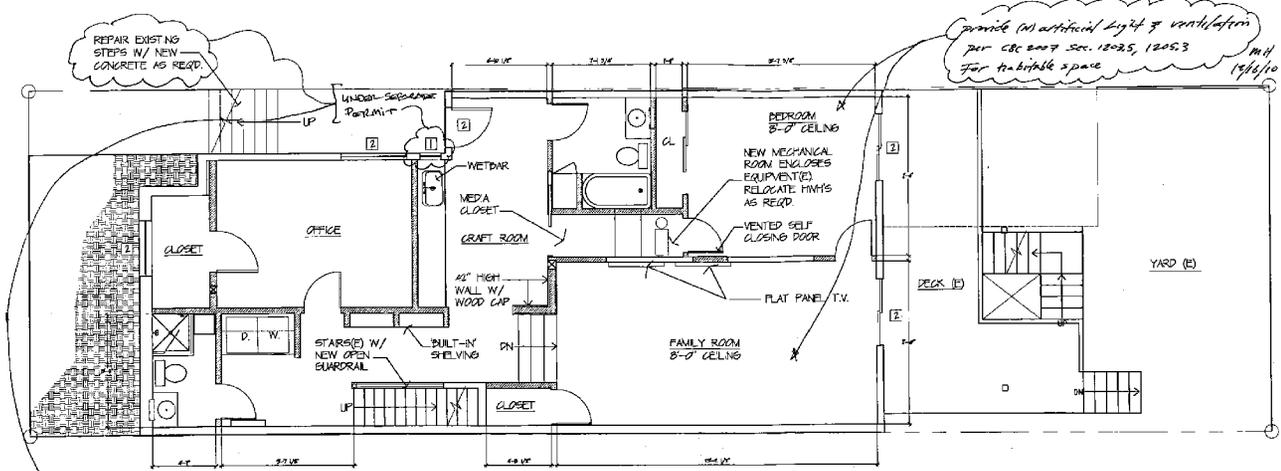
I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claim, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.
 In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (I), or (II) designated below or shall indicate item (III), or (IV), or (V), whichever is applicable. If however, item (V) is checked item (IV) must be checked as well. Mark the appropriate method of compliance below.
 I hereby affirm under penalty of perjury one of the following declarations:
 () I. I have and will maintain a certificate of consent to self-insure (or worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
 (X) II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
 Carrier: DUNBAR
 Policy Number: WCP-BC-10421-10
 () III. The cost of the work to be done is \$100 or less.
 () IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
 () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent: [Signature] Date: 12/16/10

OFFICIAL COPY

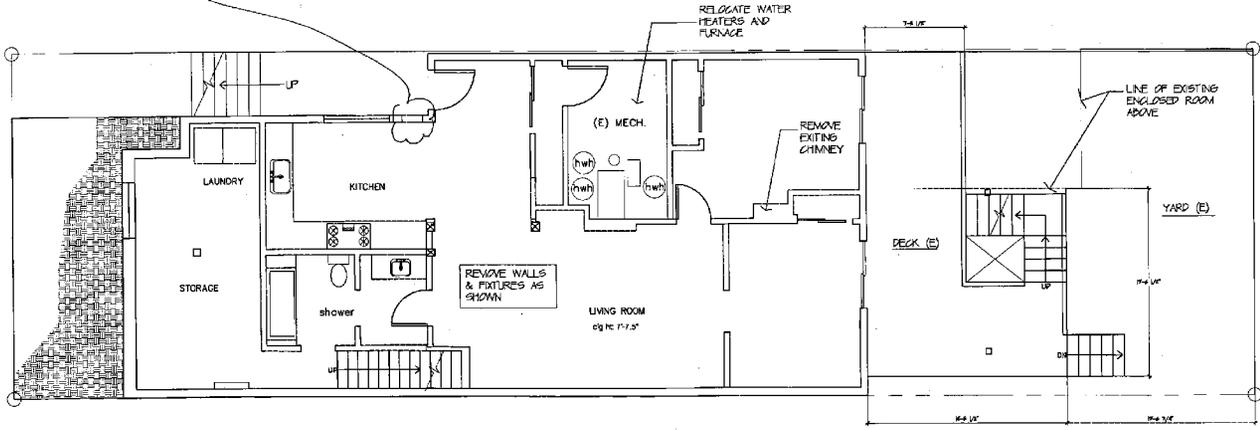


Basement
PROPOSED GROUND FLOOR PLAN SCALE 1/4" = 1'-0"

WALL LEGEND

[Pattern]	WALL TO BE DEMOLISHED
[Pattern]	EXISTING WALL TO REPAIR
[Pattern]	NEW WALL

JAMES ZHANG DBI
DEC 16 2010



Basement
EXISTING GROUND FLOOR PLAN SCALE 1/4" = 1'-0"

WINDOW & DOOR SCHEDULE

REF.	QTY	TYPE	SIZE	RD.	MATERIAL	HARDWARE	MANUFACTURER
11	1	DDL HING	2'-0" x 5'-0"		WOOD GLAZ	WHITE	MARVIN
12	2	EXISTING	VARIES		WOOD	WHITE	UNKNOWN
13	1	DDL HING	2'-0" x 4'-0"		WOOD GLAZ	WHITE	MARVIN
14	1	DDL HING	2'-0" x 4'-0"		WOOD GLAZ	WHITE	MARVIN

UNDESL
SOPHISTATE
REPAIR

APPROVED
Dec 16 2010

James Zhang
Professional Engineer
No. 123456789
State of California

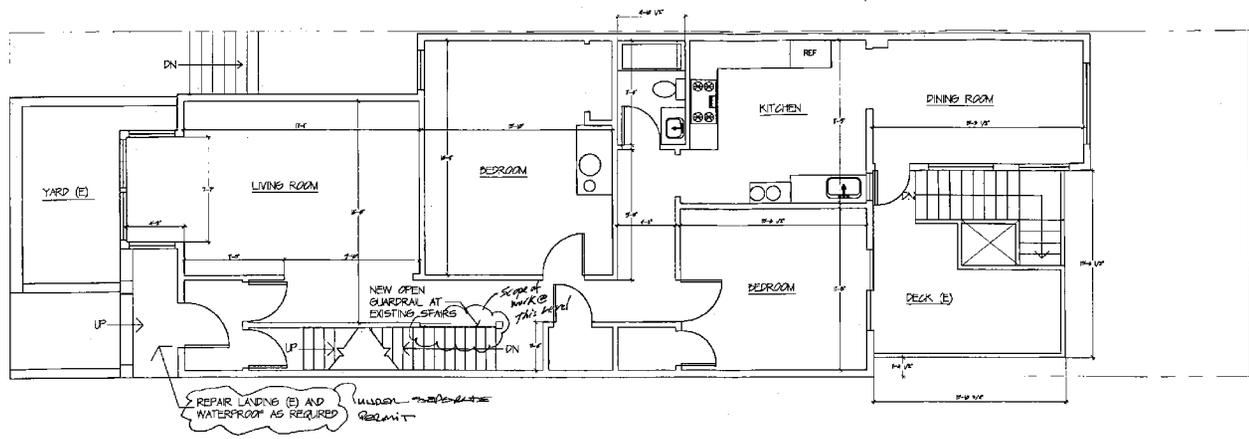
JAMES ZHANG DBI
DEC 16 2010

APPROVED
PER PLANS AND APPLICATION
JAMES ZHANG DBI
DEC 16 2010

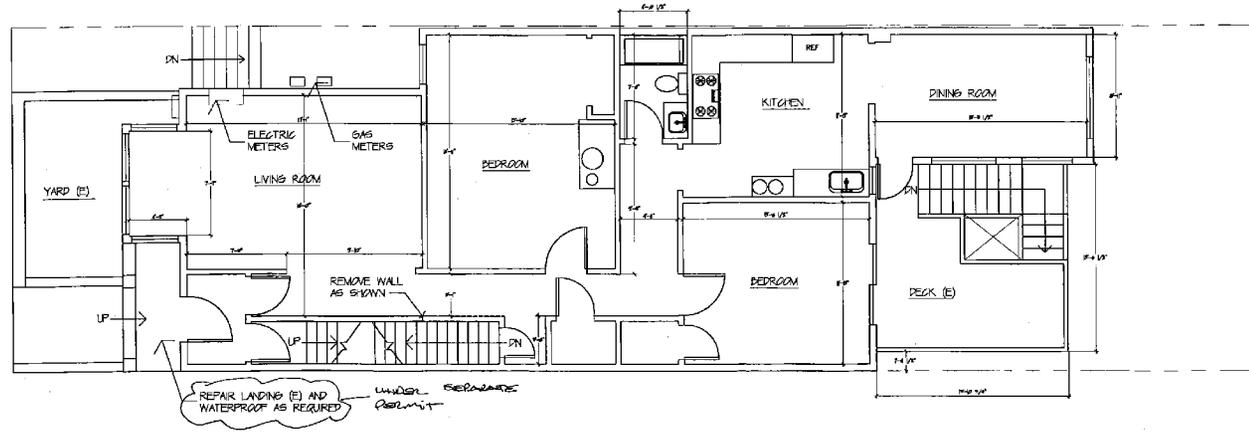
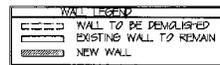
RECEIVED
DEC 16 2010
SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

REVISION	BY
LOGAN DESIGN & CONSTRUCTION 100 CALIFORNIA STREET SAN FRANCISCO, CA 94102 415.774.1100	
SMITH-HOUSEKAMP RESIDENCE 3947 1ST STREET SAN FRANCISCO, CA 94118	
EXISTING GROUND FLOOR PLAN WINDOW & DOOR SCHEDULE	
DATE	8/3/2010
SCALE	1/4" = 1'-0"
DRAWN BY	TL
CHKD.	2JST
SHEET	A1
	2 OF 3

OFFICIAL COPY



PROPOSED ^{First} SECOND FLOOR PLAN SCALE: 1/4" = 1'-0"



EXISTING ^{First} SECOND FLOOR PLAN SCALE: 1/4" = 1'-0"

APPROVED
PERMITTING APPLICATION
LAWRENCE PETERSON 12/16/10
PLANNING DEPARTMENT



APPROVED
DEC 16 2010
Howard Zee, CBI
INVESTIGATING BUILDING OFFICIAL
DEPT OF BUILDING INSPECTION

RECEIVED
DEC 1 2010
DEPT OF BUILDING INSPECTION
1555 MARKET STREET
SAN FRANCISCO, CA 94102

REVISION	BY



LOGAN DESIGN & CONSTRUCTION
1000 MARKET STREET
SAN FRANCISCO, CA 94102
415.414.1100

SMITH-RUSSELL RESIDENCE
2247 24TH STREET
SAN FRANCISCO, CA 94116

EXISTING & PROPOSED
SECOND FLOOR PLANS

DATE:	8/11/10
SCALE:	1/4" = 1'-0"
DRAWN BY:	TL
APP:	21ST
SHEET:	A2
	3 of 8



"EXHIBIT 9"

SAN FRANCISCO PLANNING DEPARTMENT

Block Book Notation (BBN)

January 10, 2011

Harlan Hoffman
3363 21st Street
San Francisco, CA 94110

RE: **BPA#201012166852**
Block Book #BBN24058
3367 21st Street
Block 3617, Lot 069

Dear Mr. Hoffman:

The subject building permit application was approved over the counter by the Planning Department without the required BBN notification to you; therefore, the Planning Department has requested the suspension of **Building Permit Application Number 201012166852** to allow for the required notification and rights to appeal.

In accordance with your request for a Block Book Notation, the application will be held for ten (10) days to provide you with the opportunity to review the permit application.

The Planning Department cannot request a release of the suspension until the Block Book Notation hold of the permit has ended, in this case no earlier than January 20, 2011.

If you have any questions regarding this matter, you may contact me at (415) 575-6816 or kimberly.durandet@sfgov.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Durandet", written over a circular stamp or seal.

Kimberly Durandet
Compliance Specialist

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Online Permit and Complaint Tracking

COMPLAINT DATA SHEET

Complaint Number: 201056869
Owner/Agent: OWNER DATA SUPPRESSED
Owner's Phone: --
Contact Name: --
Contact Phone: --
Complainant: COMPLAINANT DATA SUPPRESSED
Date Filed: 07/14/2010
Location: 3367 21ST ST
Block: 3617
Lot: 069
Site: Unit A
Rating:
Occupancy Code: R-3
Received By: Bernedette Perez
Division: HIS
Complainant's Phone:
Complaint Source: TELEPHONE
Assigned to Division: HIS
Description: Illegal unit located in the basement, and garbage cans left outside.

Instructions:

INSPECTOR INFORMATION

DIVISION INSPECTOR	ID	DISTRICT	PRIORITY
HIS MUNGOVAN	6239	14	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
07/14/10	ILLEG CNVRSN/# UNITS	HIS	Mungovan	INSPECTION OF PREMISES MADE	Inspector Steve Mungovan investigated the complaint at the basement area of the subject property. Pertinent observations are as follows: Finished space has a dedicated stairway from #3367 and appeared unoccupied. Will do permit research.
07/14/10	CASE OPENED	HIS	Mungovan	CASE RECEIVED	
07/20/10	ILLEG CNVRSN/# UNITS	HIS	Mungovan	OFFICE/COUNTER VISIT	Neighbor concerned about garbage receptacle location.
08/30/10	ILLEG CNVRSN/# UNITS	HIS	Mungovan	FIRST NOV SENT BLDG POSTED & TENANTS NOTIFIED AS PER NOTIFICATION REQMNTS	Unit : 1;# of postings left on building: 1;Locations : Front entry;Unit #s mailed posting: 3367.
10/15/10	ILLEG CNVRSN/# UNITS	HIS	Mungovan	TELEPHONE CALLS	Left message with owner regarding permit fee for work without permit. Building permit App. #2010 1029 4040 was issued on 10/29/10 to correct the violations cited. An e-mail was sent requesting an update on the stage of the plan review as well as the time schedule for the work to be done.
10/28/10	ILLEG CNVRSN/# UNITS	HIS	McKenzie	TELEPHONE CALLS	
11/09/10	ILLEG CNVRSN/# UNITS	HIS	Mungovan	CASE UPDATE	
11/15/10	ILLEG CNVRSN/# UNITS	HIS	Mungovan	OFFICE/COUNTER VISIT	Next door neighbor was questioning why a permit was issued to correct the violation.
11/16/10	ILLEG CNVRSN/# UNITS	HIS	Mungovan	TELEPHONE CALLS	Discussed the progress and time frame for correcting the violation.
12/22/10	ILLEG CNVRSN/# UNITS	HIS	Mungovan	CASE UPDATE	Permit app. #2010-1216-6852 was issued on 12/16/10 to legalize and remodel the ground floor/basement level. The owners will provide updates on the construction schedule and progress as the project moves forward.

COMPLAINT ACTION BY DIVISION

CASE NUMBER:
For Staff Use only

APPLICATION FOR Discretionary Review Application

1. Owner/Applicant Information

DR APPLICANT'S NAME: HARLAN HOFFMAN		
DR APPLICANT'S ADDRESS: 3363 21ST STREET	ZIP CODE: 94110	TELEPHONE: (415) 655-9360

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: KITTY AND VIRGINIA SMITH RUSSELL		
ADDRESS: 3367 21ST STREET	ZIP CODE: 94110	TELEPHONE: (415) 821-4916

AS NOTED ON
PERMIT APP

CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS: H.HOFFMAN@JPS.NET		

2. Location and Classification

STREET ADDRESS OF PROJECT: 3367-3369 21ST STREET		ZIP CODE: 94110
CROSS STREETS: VALENCIA & GUERRERO STREETS		
ASSESSORS BLOCK/LOT: 3617 1069	LOT DIMENSIONS: 25 x 90	LOT AREA (SQ FT): 2,250
ZONING DISTRICT: RH-3	HEIGHT/BULK DISTRICT: 40X	

3. Project Description

Please check all that apply
 Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard

Present or Previous Use: **UNOCCUPIED 1ST FLOOR W/ILLEGAL CONVERSION TO A UNIT.**

Proposed Use: **CONVERSION OF 1ST FLOOR TO HABITABLE SPACE**

Building Permit Application No. **2010-12-16-6852**

Date Filed: **12/16/10**

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

NEXT DOOR NEIGHBORS RE.
 OVER +/- TEN YEARS I'VE TRIED TO DISCUSS THE PROBLEMS WITH
 THE UNSIGHTLY TRASH CONTAINER ENCLOSURE & RELATED
 CONCERNS WITH TRASH, LITTER, AND UPKEEP OF FRONT YARD
 & SIDEWALK TO NO AVAIL. THE PLANNING DEPT STAFF
 ISSUED A N.O.V. THAT WAS LATER RESCINDED.

MEDIATION LAST DECEMBER DID NOT RESULT IN A
 SOLUTION EITHER, THOUGH I OFFERED ^{TO} TRY IT ONE MORE
 TIME PER SOME SUGGESTIONS FROM A FRIEND AND FROM
 ANOTHER NEIGHBOR.

Discretionary Review Request

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

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

SEE ATTACHED

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

PAGES

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

1 - 4

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: Harlan Hoffman

Date: 1/20/2011

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

HARLAN HOFFMAN
 Owner / Authorized Agent (circle one)

CASE NUMBER:
For Staff Use only

Discretionary Review Application Submittal Checklist

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

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

NOTES:

Required Material.

Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: _____ Date: _____

April 8, 2011

Discretionary Review Application

3367 21st Street- 2011.0081D

Discretionary Review for BPA #2010 1216 6852

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

"The subject application is to convert previously unoccupied ground floor at 3367-3369 21st Street into occupied floor space. Effectively the application legalizes occupancy of a space that was converted without permit into an illegal dwelling unit. While, in general, I am not opposed to a ground floor conversion, I am concerned about and opposed to the apparent consequence of the conversion that is not actually part of the subject application. The project sponsor currently stores trash containers within the required front setback area of the dwelling, as they believe that their desire for ground floor space does not allow storing the containers behind the front façade of the dwelling.

The current placement and screening of the trash containers is in violation of regulations of the Department of Public Work (DPW) because it is not fixed in place. A number of DPW warnings have been sent to the applicant. Screening of trash containers in an area visible from the street that would meet DPW regulations may require a building permit. The application for such a permit also would require seeking and justifying a Certificate of Appropriateness from the Historic Preservation Commission because the subject property is within the Liberty-Hill Historic District.

Also recently on 4/15/11, the Historic Preservation Commission had directed staff to place this item on the creation of some general guidelines concerning this type of construction on it's future agenda. As of this point, that placement is still pending.

Plans for proper screening of the trash containers have not been submitted to the Planning Department. Factually, the open air storage of trash containers with screening required by DPW is not an obstruction permitted within a required setback under the current text of Section 136 of the Planning Code.

It is my belief that the project sponsor either should reconfigure the ground floor space of the dwelling to provide storage space for the trash containers behind the front façade of the dwelling. This might reduce the permitted occupied space by up to approximately 30 sq.ft., or provide a storage area to the side of the dwelling as described in my response to question three.

Rather than act on applications serially, i.e. the ground floor conversion and then the trash enclosure, it would be better planning to consider alternative solutions, i.e. containers behind the building facade vs. in front of the facade.”

There have been numerous problems of trash, litter, neglect, and nuisance for at least the last ten years at the subject property. The permit for a Change of Use at the First level is the result of a Department of Building Inspection - Notice of Violation for an Illegal Unit. Since around 2007 the owners have ignored the DPW regulations for construction of a trash enclosure on each occasion that they were required to build one. When I initially complained to the Planning Department that the Trash Enclosure was located in the Legislated Front Yard Setback, The Planning Department issued a Notice of Violation as a Non – Permitted Obstruction in the Front Yard, per Planning Code Section 136 (c) (17) which allows for fences only up to three feet in height in the Front Yard Setback, if it were built according to the DPW requirements.

Three weeks later that Notice of Violation was rescinded and considered to be a Permitted Obstruction. However in the spirit of the Residential Design Guidelines, that use in the Front Yard Setback should be discouraged and only allowed in the case of last resort and where there is a hardship that would prevent the Trash Containers from being properly put away during the non trash collection days. Everyday should not have to be Trash Day.

Recently another more sturdy trash enclosure has been constructed, as a sort of appendage to the front facade. Though it does not appear to be fixed in place as required by DPW Guidelines. Unfortunately it is has still been located within the front yard setback. Though it’s appearance is an improvement over the previous one, it’s placement continues to uniquely orient the trash and the daily management of the building occupants trash directly toward it’s adjacent neighbor, which is to the front yard and entryways of my building. The new construction is also dis-functionally designed as a sort of Trash Container Rubik’s Cube. It has only one small opening causing the movement of shifting the containers in and out to eventually damage the unprotected building by having to rub up against the siding and detailing surfaces of the building. Water damage could be caused to subject and adjacent properties if the hose bib gets broken due to moving the containers in and out.

Also the permit was most likely issued in error, due in large part to inaccuracy on the Permit Application and perhaps incomplete plans. Another reason for this, is because there were no Building Sections submitted with the permit approved plans to accurately describe the existing and proposed conditions. For protection of the public welfare, City Agencies need to be able to consistently uphold the applicable codes.

The Residential Design Guidelines were published in 2003 four years before Trash Enclosures came into being in 2007. So though they do not directly address this, there are numerous references to Front Yard Open Space, Landscaping, Visual Character, Building Entrances, Utility Panels, and Architectural details that are adversely impacted by the construction of

Trash Enclosures in obstruction of the front yard and front façade of a building. Their use should only be allowed when there are no other alternatives or hardships to justify their use.

Page 12, Per Front Setback - Guideline: Treat the front set back so that it provides a pedestrian scale and enhances the street.

There is nothing about a 4' - 5' tall x 2'- 4' wide x 7 - 10' long Trash Enclosure that enhances the Street along with having the trash managed there in the open space that enhances the open space along the street. It is detrimental to the intentions creating an inviting Streetscape.

Page 13 addresses concerns about a historic or architecturally significant building that is setback from the street..... and goes on to say that the front setback of the proposed project must respect the historic building's setbacks and open space.

This building is located in the Liberty Hill Historic District and was Designed by Albert Pissis, the prominent architect who designed the Emporium, The Flood Building and Temple Sheriff Israel Synagogue in 1885. 3367 – 3369 21st Street is listed in Here Today as significant.

Page 14 discusses landscaping in order to minimize and screen undesirable building features. It goes on to address afterthoughts.

Even though they may be allowed by DPW, a Trash Enclosure constructed within the Front Setback, may not be appropriate per the Planning Dept. Guidelines & they are an afterthought.

Page 33 Guideline: Locate utility panels so they are not visible on the front building wall or on the sidewalk.

Not only was the utility panel located in a prominently visible location, but a Trash Enclosure itself can also be defined as a utility, it is vastly larger, and even more so of an eyesore. In this case, the design and placement of the new Trash Enclosure further accentuates and calls attention the poor placement of the utility panel.

Page 43 Design Principal: Use architectural details to establish and define a building's character and to visually unify a neighborhood.

The Trash Enclosure in the Front Setback detracts from a building's character. It disrupts the neighborhood streetscape. If it is casually allowed, it will create an undesirable pattern.

The use of Trash enclosures within the Front Setback should be discouraged especially when there is a permit application and space exists within the building envelope itself. This is especially true when a Change of Use to a floor level is sought that will result in adding nearly 50% more living space to a building. Or in this case an entire floor. At that stage, the applicant should be required to make provisions in order to locate their trash containers outside the front

yard setback in order to safe guard and preserve the open spaces in the fronts of our homes.

Please also see D.R. Exhibit 7 or “Exhibit G” of the Board of Appeals Brief along with the 12/22/10 Board of Appeals Brief itself for reference and supporting materials.

The Zoning Administrator and Planning Commissioners should ask themselves if they would want to continue to have this type of condition next door to them.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

It is understandable that during construction there will be various inconveniences. It would be useful to have a good neighbor agreement in effect that would require the contractor to allay dust and debris as much as possible. To restrict working hours to 8 – 5, and days to no work on Sundays. Also to not allow smoking in the area, and to not allow radios or music to be played on the jobsite. And in general to maintain a respectful environment while work is in progress. Also to discourage the use of loud and annoying devices such as reverse gear alarms on trucks.

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

Place the Trash Containers behind the Front Setback and away from the Front Façade of the building. The use of a Trash enclosure should not be allowed within the Front Yard Setback. It should be required to either be located and secured within the envelope of the building itself. Or as a compromise, it is feasible to locate five - 32 gallon Trash Containers which is equal to the existing total trash container volume within the alleyway side entrance. There would need to be some minimal screening provided and the Blue Recycling containers would need to be secured and locked so that they could not be rummaged through. There would also have be a light in that area with a motion detector. For life safety, it would be desirable to provide an exterior fire sprinkler head in that location as well.

See drawings SK1 – SK3, which illustrates various possibilities of how 5 – 6 Trash Containers can be stored and secured away from the Front Façade, as an alternative to storing them within the building. If any more are needed they can be stored within the building itself.

The fact that the litter issue has improved since additional pressure and scrutiny have been brought to bear, is proof that this has not just been a coincidental or casual issue. There should be a condition that the property owners agree from this point forward, to follow the requirements as listed on the Owner’s Responsibility Letter sent out by the Department of Public Work in 2006 to sweep and to pick up weeds, dust, and litter in their front yard and

sidewalk on a daily basis. So it is no longer generated from their property nor is it allowed to accumulate and blow onto other adjacent properties.

Also the permit was issued in error; therefore it should be revoked and a new permit application should be required for the following reasons.

A. Though there was a Block Book Notation on file, no notice was given prior to the permit application being signed off by the Planning Department. If the notice had been given, as required, the permit would not have been issued and a Discretionary Review could have been filed prior to the permit being issued rather than afterward as it was. Though The Planning Department made the effort to accommodate my Discretionary Review rights by allowing me to file in an unconventional manner, my Appeal rights have not been upheld in order for me to have the right be able to file an Appeal to the Board of Appeals per the 15 day appeal period after a permit has been issued.

B. The Application also seems to have been signed off incorrectly by the Planning Department as shown in the comments, that there are....“NO EXTERIOR CHANGES”. This is very likely to be incorrect because there are various windows and sliding glass doors that were apparently or appear to have been installed without a permit and that should be verified. The new permit should reflect that and the openings, if they had in fact been constructed without permit should be checked for code compliance, under the new Permit Application. See Exhibit 2.

C. The Permit Application appears to have been filled out incorrectly. It would be misleading to state that the building is 2 Stories over a Basement when by code definition, it actually appears to be a three story building. Accurate building sections should have been drawn on the plans, and would have verified this. Though photos shown in Exhibit 2 demonstrate this. Though this is a Building Code requirement, it could also very likely have various City Planning Code impacts as well.

D. There also appears to be a non-complying stairway in the front entrance to the new occupied ground floor that would typically require updating for the Change of Occupancy, that may also have a City Planning impact had it come up properly during plan check.

Therefore proper plan checking does not seem to have been completed. The current permit should be revoked and a new permit application with accurate information should be filed. That way the plan checking and approval can be done properly before the permit is issued for all of the related new work. This work shown on the plans should also include provisions for storage of the Trash Containers to be kept out of the Front Setback.

List of Supporting Exhibits

1 SK1 – SK3 – Schematics Plans of Trash Storage Alternatives

- 2 Photos of Neighborhood Character and Misc Existing Conditions
- 3 Photos of 3367 21st Trash Enclosure & Littered Front Yard and Sidewalk taken over the last 11/2 Years & typical of issues arising over about a ten year period.
- 4 1/5/11 Notice of 3367 21st Pre-Application Meeting
- 5 10/21/10 Planning Department Notice of Violation
- 6 11/4/10 Planning Department Notice of Violation Rescinded
- 7 12/21/10 Letter to Z.A. to Uphold N.O.V. with 14 signatures in support
- 8 12/14/10 Email from Community Boards re. compromise offer & 2nd meeting
- 9 1/10/11 Letter from Planning Dept. regarding Block Book Notation
- 10 1/12/10 E mail corres. w/ Dan Mckenna re. DPW Trash Enclosure order
- 11 DPW 3367 21st St complaint history
- 12 1/10/2006 notice of Legal Responsibility
- 13 Department of Building Inspection Definition of a Story
- 14 Copy of Board Appeals Brief
- 15 12/16/10 Permit Application – Approved and Issued in Error – Inaccurate Information, Shown Highlighted
- 16 Highlighted Copy of the Planning Code – Article 10
- 17 Highlighted Copy of Appendix F to Article 10, Liberty Hill Historic District
- 18 Trash Enclosure Guidelines suggested by Robert Passmore, A Previous Zoning Administrator
- 19 Letters from other neighbor & myself to the Historic Preservation Commission
- 20 Photos submitted to the Historic Preservation Commission
- 21 Article from The San Francisco Historical Society Argonaut, Showing the work of Albert Pissus. See page 19 for photo of 3367 21st Street

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)	_____	_____
Occupied stories (all levels with habitable rooms) ...	_____	_____
Basement levels (may include garage or windowless storage rooms)	_____	_____
Parking spaces (Off-Street)	_____	_____
Bedrooms	_____	_____
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	_____	_____
Height	_____	_____
Building Depth	_____	_____
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.

Signature	Date	Name (please print)
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SAN FRANCISCO PLANNING DEPARTMENT
RESPONSE TO DISCRETIONARY REVIEW

Case No.: 11.0081D
Building Permit No.: 201012166852
Address: 3367-3369 21st Street

Project Sponsor's Name: Logan Design and Construction
Telephone No.: 415-341-4100

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved?

The issues of the DR requester are unrelated to the permit for our interior basement remodel and there are no other concerned parties.

The DR requester has answered his #3 Application answer (re proposed changes), with what could be construed as a concern. He states "The permit application has been filled out is incorrectly and is misleading". However, the permit was thoroughly checked and approved by professionals in Building, Planning, Housing, Mechanical, PUC, etc, through normal, appropriate channels. Mr. Hoffman refers to our basement as the "first floor story", however all documents, permits, and employees at 1660 Mission St that we have come in contact with refer specifically to our home as meeting the definition of 2 stories over a basement. This is our legal description at 3367-3369 21st Street. Additionally, this is the same official code designation as the identical 2 'sister' buildings uphill from us (please see Exhibits A,B,C)

Our project should be approved and move forward because there are no extraordinary or exceptional circumstances reasonably warranting further delay. This DR is a frivolous abuse of the system.

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.

There are no Planning-related concerns from the DR requester or concerned parties regarding the scope of work in the permit, so no alterations or changes are proposed.

However, our project manager met with Mr. Hoffman in November 2010 prior to filing our application, to discuss his reasons for appealing a previous permit and to offer various solutions/alternatives to his garbage concern, which Mr. Hoffman declined (Exhibit D).

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 affect on surrounding properties. Please explain your needs for space or other personal

requirements that prevent you from making the changes requested by the DR requester.

In his application the DR requester has made no specific request for Planning changes to the scope of work in our permit. The entire project falls within the perimeter of our basement and will not adversely affect the surrounding properties or the neighborhood.

Our need for space is the ordinary reason any family of 5 would need/want more space. We want to upgrade from a 2 bedroom flat to a proper duplex, all to code. This project will actually increase our property value and thereby improve and enhance the surrounding properties. There are no exceptional elements in our plans; they are all lawful and compliant, and in accord with The Residence and Urban Design Elements of the General Plan, supported by The SF Residential Design Standards.

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

Mr. Hoffman has expressed unhappiness in his DR Application/exhibits of our unrelated, legal garbage enclosure. In response to that we have taken many actions to improve the situation as good neighbors (Exhibit E). Most recently, we improved our enclosure to be more visually pleasing although our previous enclosure was legal and compliant already (Exhibits F,G). We informed him this was coming back in Nov 2010 (Exhibit D). He also includes as his exhibit #11 a list of complaints to DPW- he called these complaints on our property, and each time we were inspected there was no actual problem or 'no conditions were found' so we have not received a citation or violation. That list (his exhibit #11) is simply of his own making, not reflecting any real issue.

The DR requester has outlined his personal suggestions for changes unrelated to the permit- namely, changes to our garbage bin placement and enclosure. He suggests we build a room inside our home to store the bins which we feel is unreasonable and presumptuous, and the upstairs residents from 3369 would not have access. He also suggests that we keep 5 bins down a flight of stairs in our alley, against his house, blocking access to our basement door. This is in his application exhibit #1 which is a gross misrepresentation of space, and inaccurate since it does not show space needed around the bins to clear his building, open & close, or show space needed for an enclosure. We would never keep garbage bins against someone else's property, and this arrangement would actually leave only 23 inches to pass by. Therefore, this is also unreasonable, and realistically it would only lead to more conflict with the DR requester.

Our garbage enclosure is in compliance (Exhibit H), and is supported by SF neighbors (Exhibit K). We ask the Planning Commission not to base DR determinations on the intransigent temperament of one unfair neighbor who is willing to continually force delays and waste the city's, the sponsor's, and the owner's resources, as Mr. Hoffman is doing, and threatens to continue to do. Further, we would like to ask for protection and /or recourse against continued gratuitous interference.

Additional points:

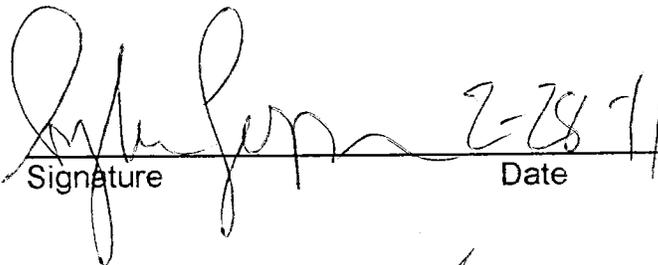
- We emphatically dispute that there is any garbage or litter issue at our building.
- We have one option for where to place our enclosed garbage bins. We have no garage, no back yard pass-thru, and only a small alley down a flight of stairs, too narrow to accommodate bins without blocking door.
- Our garbage bins have always been in the same location on our property. They were there when we bought the house in 1995, and when Mr. Hoffman bought his house.
- Many neighbors keep garbage bins & enclosures in front of their homes. In our small Liberty Hill neighborhood we found over 30 examples as precedent (Exhibit I).
- This DR case # 11.0081D, and previous permit appeal #10-125 have no relevance to actual scope of work. Both complaints center around personal dislike of garbage and DBI/Planning Dept procedures. This is unethical use of both processes in an attempt to strong-arm us into accepting the neighbor's own design for our garbage enclosure. Mr. Hoffman seems to be using this DR to dictate his personal requirements outside SF regulations/laws for what "should" be done by City Departments and owners.
- We've never done un-permitted work.
- NOV #201056869 was for work presumed done without permit decades ago by a previous owner, not for an illegal unit.
- Many photos in the DR application and exhibits are years old, and represent only short time periods, some even just hours. There was a learning curve on the enclosure- our first attempt was too flimsy, and at one point our teenager accidentally broke it apart. Repairs were made as needed, however not always before a photo was snapped. Those photos amount to purposeful mischaracterization.
- Anyone can take a photo of such minimal "unflattering litter" (Exhibit J) conditions in front of Mr. Hoffman's house.
- There are no circumstances that require different interpretations or applications of rules & regs for our home than for anyone else's; nor have we ever asked for, expected, or received special treatment at any time.
- Mr. Hoffman has taken no action on his property to alleviate his displeasure. It's been suggested to him that he might put up shrubbery or a trellis, etc to obstruct the view.

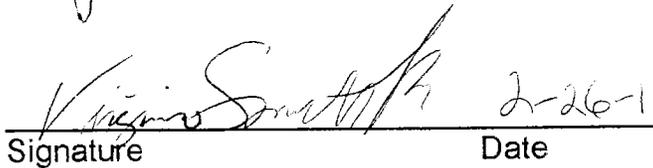
4. Please supply the following information about proposed project and the existing improvements on the property.

Number of	Existing	Proposed
Dwelling Units (only one kitchen per unit –additional kitchens count as additional units).....	2	2
Occupied Stories (all levels with habitable rooms)*.....	3	3
Basement levels (may include garage or windowless storage rooms).....	1	1
Parking spaces (Off-Street).....	0	0
Bedrooms.....	4	5
Gross square footage (floor are from exterior wall to exterior wall), not including basement and parking areas	2800	2800
Height.....	33'	33'
Building Depth.....	72'	72'
Most recent rent received (if any).....	NA	NA
Projected rents after completion of project.....	NA	NA
Current value of property.....	600K per Assessor	unknown
Projected value (sale price) after completion of project (if known).....	unknown	unknown

** includes basement level w/ habitable rooms*

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

 2-28-11
 Signature Date Sponsor: Angela Logan, LDC
 Name (please print)

 2-26-11
 Signature Date Owner: Virginia Smith-Russack
 Name (please print)


 Signature Date Owner: Kitty Smith-Russack
 Name (please print)

EXHIBIT CONTENTS

EXHIBIT A: Planning Dept Property Info Sheet 3367-3369 21st Street- shows “2 stories”

EXHIBIT B: Assessor-Recorder Property Info 3367-3369 21st Street- shows “2 stories” and has photo of 3 ‘sister’ buildings; Block Map showing 3 ‘sisters’

EXHIBIT C: Assessor-Recorder Property Info ‘sister’ 3371 21st Street- shows “2 stories”, Assessor-Recorder Property Info ‘sister’ 3375 21st Street- shows “2 stories”

EXHIBIT D: Email “Recap” of conversation with Project Sponsor & DR requester from November 2010, shows alternatives discussed before filing

EXHIBIT E: List of actions taken (and results) to resolve garbage situation; Compost bin removal requested but denied; Community Boards 2 documents; photo new enclosure

EXHIBIT F: Planning Department Violation of code section 136 rescinded

EXHIBIT G: DPW email confirmation that enclosure is compliant 2010

EXHIBIT H: DPW email confirmation that improved enclosure is compliant 2011

EXHIBIT I: 30 photos of neighborhood precedents for garbage in front of property

EXHIBIT J: sidewalk conditions of DR requester, photos of litter & leaves

EXHIBIT K: Signatures of San Francisco neighbors that support our enclosure and do not support holding up unrelated construction projects/permits.



"Coutu, Ann'claude"

<acoutu@hp.com>

05/06/2011 02:49 PM

To "Kimberly.Durandet@sfgov.org"

<Kimberly.Durandet@sfgov.org>

cc "smith-russack@sbcglobal.net"

<smith-russack@sbcglobal.net>

bcc

Subject Kitty Smith-Russack permit #201012166852

Kimberly,

I am in support of the permit #201012166852 and I am against the DR case no. 2011.0081D.

Ann'Claude Coutu / may 6th 2011 / *Ann'Claude Coutu*

Best regards,

Ann'Claude Coutu, PE

Senior Associate,

Electrical Engineer

HP Critical Facilities Services

303 2nd Street, South Tower, Suite 500, MS: 6003

San Francisco, CA 94107

415-748-1816 (c) USA

415-979-3961 (o)

acoutu@hp.com

www.hp.com/go/cfs



Lucien Sonder
<luciensonder@yahoo.com>

05/09/2011 10:24 PM

To Kimberly.Durandet@sfgov.org

cc

bcc

Subject public comments for Discretionary Review on 3367 21st
Street

Dear Ms. Durandet

I am writing to voice my 100% support of my neighbors' permit (#201012166852) for a basement remodeling project at 3367 21st Street.

My husband and I live just two doors up the block at 3375 21st Street. The Smith-Russack family should be able to proceed without delay on their construction project, which I believe is completely reasonable, legal, and well planned.

For the record, I am against the DR case no. 2011.0081D. I have seen the exterior enclosure the Smith-Russack family has constructed for their trashcans and the enclosure is perfectly attractive and functional. The Smith-Russack family has made every effort necessary and should not be forced to construct a special space in their basement when they have already resolved the issue.

Sincerely

Lucien Sonder and Robert Morris
3375 21st Street



elana leash
<schnoop2002@yahoo.com>

05/07/2011 09:41 PM

To kimberly.durandet@sfgov.org

cc

bcc

Subject Against Case # 2011.0081D

I writing to show my support of the permit #201012166852 and against the DR case# 2011.0081D. The owners of 3387 21st St. , Kitty and Virginia Smith Russack, are two of the kindest friends I have. Whenever I need support or need to discuss a matter, they do the best they can in their busy work and family-raising lives to be there for me. They always look at both sides of issues and are fair. We both have daughters from Guatemala--in fact, that is how we met. Virginia helped me through the process of adoption, serving as my notary and then became a close friend. Soon, I got to know the rest of the family. They are kind, level-headed, considerate people who have really tried to work with Mr. Harlan to come to a fair agreement. In response to his complaints about their garbage being outside, they even built a beautiful enclosure for their garbage to match the Victorian style of their house. But the real issue should not be garbage: Rennovating their downstairs room so their boys can have their own room in their teen years separate from their daughter, should be none of their neighbor's business. It does not have to affect him at all. This is literally an inside job! It will not affect the exterior of their house or take away any of its historic charm. The garbage is not viewable from the street.

Please feel free to contact me if you need any more information.

Elana Aoyama

I am contacting you because I am in support of the permit #201012166852 and I am against the DR case no. 2011.0081D. The owners of 3367 21st St , San Francisco are good friends of mine. They are the most giving, considerate and well-round people I have ever known. I have been to their house a couple of times, and what they are trying to do is very reasonable and no harm to neighbors at all. Please do not hold their project because of neighbor's ridiculous complaint. His complaint does not make any sense. Please contact me if you have any questions.

Dear Kimberly, Sincerely,
Rubi Kawamura



"Kawamura, Rubi"
<Rubi.Kawamura@cbnorcal.com>

05/07/2011 12:06 PM

To <Kimberly.Durandet@sfgov.org>
cc
bcc
Subject DR case no. 2011.0081D

Dear Kimberly,

My name is Rubi Kawamura, a realtor at Coldwell Banker.

I am contacting you because I am in support of the permit #201012166852 and I am against the DR case no. 2011.0081D. The owners of 3367 21st St, San Francisco are good friends of mine. They are the most giving, considerate and well-round people I have ever known. I have been to their house a couple of times, and what they are trying to do is very reasonable and no harm to neighbors at all. Please do not hold their project because of neighbor's ridiculous complaint. His complaint does not make any sense. Please contact me if you have any questions.

Sincerely,

Rubi Kawamura

May 7, 2011

Rubi Kawamura, Realtor, CDPE, Notary Public
Certified Distressed Property Expert
DRE# 01706663

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Coldwell Banker

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