# Discretionary Review Abbreviated Analysis

**HEARING DATE JUNE 9, 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:* June 2, 2011

*Case No.:* **2010.1136D** 

Project Address: **324 Hugo Street**Permit Application: 2006.05.04.0607

Zoning: RH-2 (Residential House, Two-Family)

40-X Height and Bulk District

Block/Lot: 1746/009 Project Sponsor: John Lau

> Dickson Consulting Group 5616 Geary Boulevard San Francisco, CA 94121

Project Jeremy Paul

Representative Quickdraw Permit Consulting Staff Contact: Sara Vellve – (415) 558-6263

Sara.Vellve@sfgov.org

Recommendation: Do not take DR and approve the project as revised.

### PROJECT DESCRIPTION

The existing building is a three-story single-family house approximately 43 feet in depth. The proposal is to construct a horizontal addition at the rear of the building consisting of the following components:

- A three-story component approximately 12 feet deep that is set back from the east side property line by approximately 5 feet; and
- A two-story 12-foot deep component with roof deck that is set back from each side property line by 5 feet.

A second dwelling unit containing two bedrooms would be added to the building in the expanded ground second floors.

The current project is a revision of a project reviewed by the Planning Department in 2006. The 2006 project proposed a horizontal addition the same depth as the current proposal, but with the three-story portion extending both side property lines and with the two-story portion consisting of open decks and stairs rather than enclosed habitable space. The 2006 project was noticed to the public per Section 311 in September, 2006 and no request for Discretionary Review was submitted. The Planning Department approved the 2006 project. However, the permit for this project was never issued and the sponsor subsequently revised the proposal, which required Planning Department review.

#### SITE DESCRIPTION AND PRESENT USE

A three-story single-family house containing one off-street parking space is currently located on the project site. The 100 foot deep by 25 feet wide subject lot is a "key lot" with its east side property line

abutting lots that front on  $4^{th}$  Avenue. The subject lot is one of three lots on the block that front on Hugo Street.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The property is located in the Inner Sunset neighborhood one block south of Golden Gate Park. The subject block is slightly irregular in that it is square in shape which impacts the lot configuration. Lots to the east and west of the site range in depth from 95 feet to 120 feet deep and lots to the north are 95 feet in depth. Of 25 lots on the block, approximately 16 are occupied by buildings containing two to six dwelling units.

### **BUILDING PERMIT NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311/312 Notice	30 days	9/29/2006 to 10/29/2006	No DR Filed or opposition	N/A	N/A
311/312 Notice	30 days	11/3/10 to 12/3/10	12/3/10	June 2, 2011	±180 days

The project has been noticed twice due to revisions and the time frame of overall permit review.

#### **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 30, 2011	May 27, 2011	13 days
Mailed Notice	10 days	May 30, 2011	May 27, 2011	13 days

### **PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	5 properties/18 people	1
Other neighbors on the block or directly across the street	0	2 properties/4 people	0
Neighborhood groups	0	Unknown	0

Owners and occupants of adjacent lots to the east and west, and other properties on the block are concerned that the proposed development extends too deep into the lot, does not preserve the mid-block open space, does not respect the existing development pattern of the block, will obstruct light and air to neighboring properties and does not provide adequate parking for two homes.

#### DR REQUESTOR

Stephen Williams submitted the request for Discretionary Review as a representative for a group named the Fourth and Hugo Neighbors. The group consists of owners and occupants who reside in buildings that abut the subject property on the east and front on 4<sup>th</sup> Avenue, the adjacent building to the west and properties fronting 5<sup>th</sup> Avenue and Lincoln Way that are not adjacent to the subject property.

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### DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached Discretionary Review Application, dated December 3, 2010.

### PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached Response to Discretionary Review, dated June 1, 2011.

#### **ENVIRONMENTAL REVIEW**

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

### RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team (RDT) reviewed the current proposal prior its Section 311 notification and after the request for Discretionary Review was filed. In both reviews the RDT found that the proposal did not create an exceptional or extraordinary circumstance for the following reasons:

- The proposed addition is set back from the east side property line approximately five feet and respects a lightwell along the west side property line;
- The three-story component of the project will create a similar mass at a similar lot depth to other three-story buildings on the block;
- The two-story component of the project steps down from the three-story addition, is set back from
  each side property line and is of an acceptable overall mass to extend beyond the general massing of
  buildings within the block's interior;
- The side setbacks and stepping down of the addition do not significantly compromise the connection between the rear yards of buildings fronting on 4<sup>th</sup> Avenue and the block's overall mid-block open space.
- Due to the proposed articulated massing, the proposal is appropriate for a key lot.

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 revised.

### **Attachments:**

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Section 311 Notices and Reduced Plans (11 x 17 copies of current proposal in applicant's submittal)

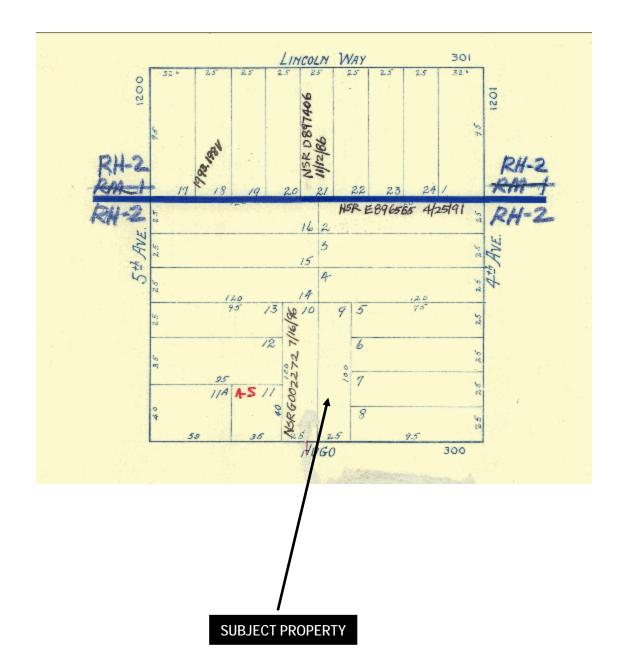
DR Application

Context Photographs (in applicant's submittal)

Response to DR Application dated July 1, 2010 (in applicant's submittal)

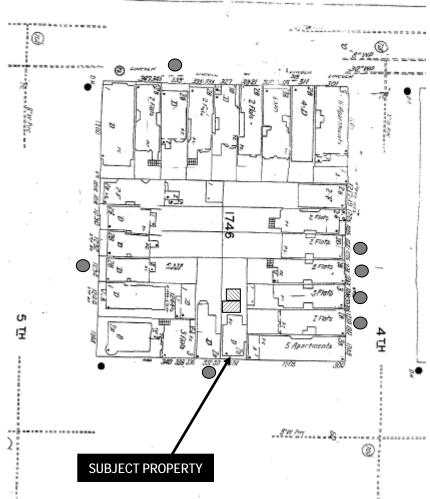
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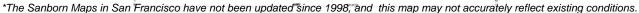
# **Parcel Map**





# Sanborn Map\*







- Approximate mass of two-story addition.
- Approximate mass of three-story addition.
- Neighbors in opposition to the project.

# **Zoning District Map**



### **ZONING USE DISTRICTS**

RESIDENTIAL, HOUSE DISTRICTS						
RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3		
RESIDENT	IAL, MIXED	(APARTMI	ENTS & HO	USES) DIS	TRICTS	
RM-1	RM-2	RM-3	RM-4			
NEIGHBOR	RHOOD CO	MMERCIAL	DISTRICTS	<u>s</u>		
NC-1	NC-2	NC-3	NCD	NC-S		
SOUTH OF	MARKET	MIXED USE	DISTRICTS	3		
SPD	RED	RSD	SLR	SLI	SSO	
COMMERC	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			
RESIDENT	IAL-COMM	ERCIAL DI	STRICTS		
RC-3	RC-4				
REDEVELO	OPMENT A	SENCY DIS	TRICTS		
MB-RA	HP-RA				
DOWNTOV	VN RESIDE	NTIAL DIS	TRICTS		
RH DTR	TBDTR				
MISSION BAY DISTRICTS					
MB-OS	MB-O				
PUBLIC DISTRICT					
Р					



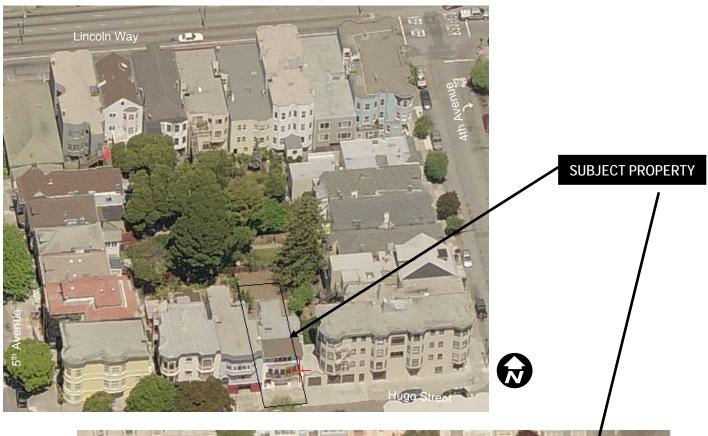
### **Aerial Photo**



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SUBJECT PROPERTY

### **Aerial Photo**







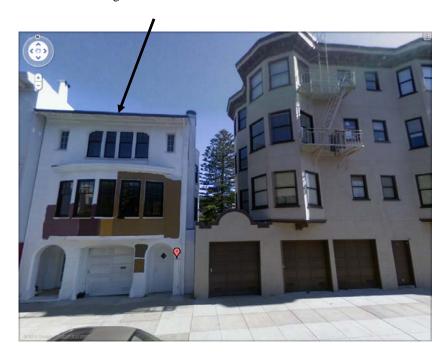
### **Aerial Photo**



### **Context Photo**



324 Hugo Street





### PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

### NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On May 4, 2006, the Applicant named below filed Building Permit Application No. 2006.05.04.0670 (Alteration) with the City and County of San Francisco.

	APPLICANT INFORMATION	PROJEC	CT SITE INFORMATION
Applicant: Attention: Address: City, State: Telephone:	Dickson Consulting Group John Lau 5616 Geary Boulevard San Francisco, CA 94121 (415) 831 - 7180	Project Address: Cross Streets: Assessor's Block /Lot No.: Zoning District: Height-Bulk District:	324 Hugo Street 4 <sup>th</sup> /5 <sup>th</sup> Avenues 1746/009 RH-2 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		
[ ] DEMOLITION AND/OR	[ ] NEW CONSTRUCTION	OR	[X] ALTERATION
[ ] VERTICAL EXTENSION	[X] CHANGE # OF DWELLING UNITS	[ ] FACADE ALTERATION(S)	
[ ] HORIZ. EXTENSION (FRONT)	[ ] HORIZ. EXTENSION (SIDE)	[X] HÖF	RIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
FRONT SETBACK (main bldg)	0' (+/-)	0' (+/-)
SIDE SETBACKS		
BUILDING DEPTH	45 (+/-)	56' (+/-)
REAR YARD		44' to rear building wall
HEIGHT OF BUILDING (from curb)		
NUMBER OF STORIES		
NUMBER OF DWELLING UNITS		2
NUMBER OF OFF-STREET PARKING SPACES	1+	2

#### PROJECT DESCRIPTION

The proposal is to construct a rear horizontal addition and add one dwelling unit to the existing single-family dwelling per the enclosed plans. The overall building depth would be increased by approximately 12, and open decks and railings would extend an additional 12 feet.

PLANNER'S NAME:

Sara Vellve

DATE OF THIS NOTICE:

9/29/06

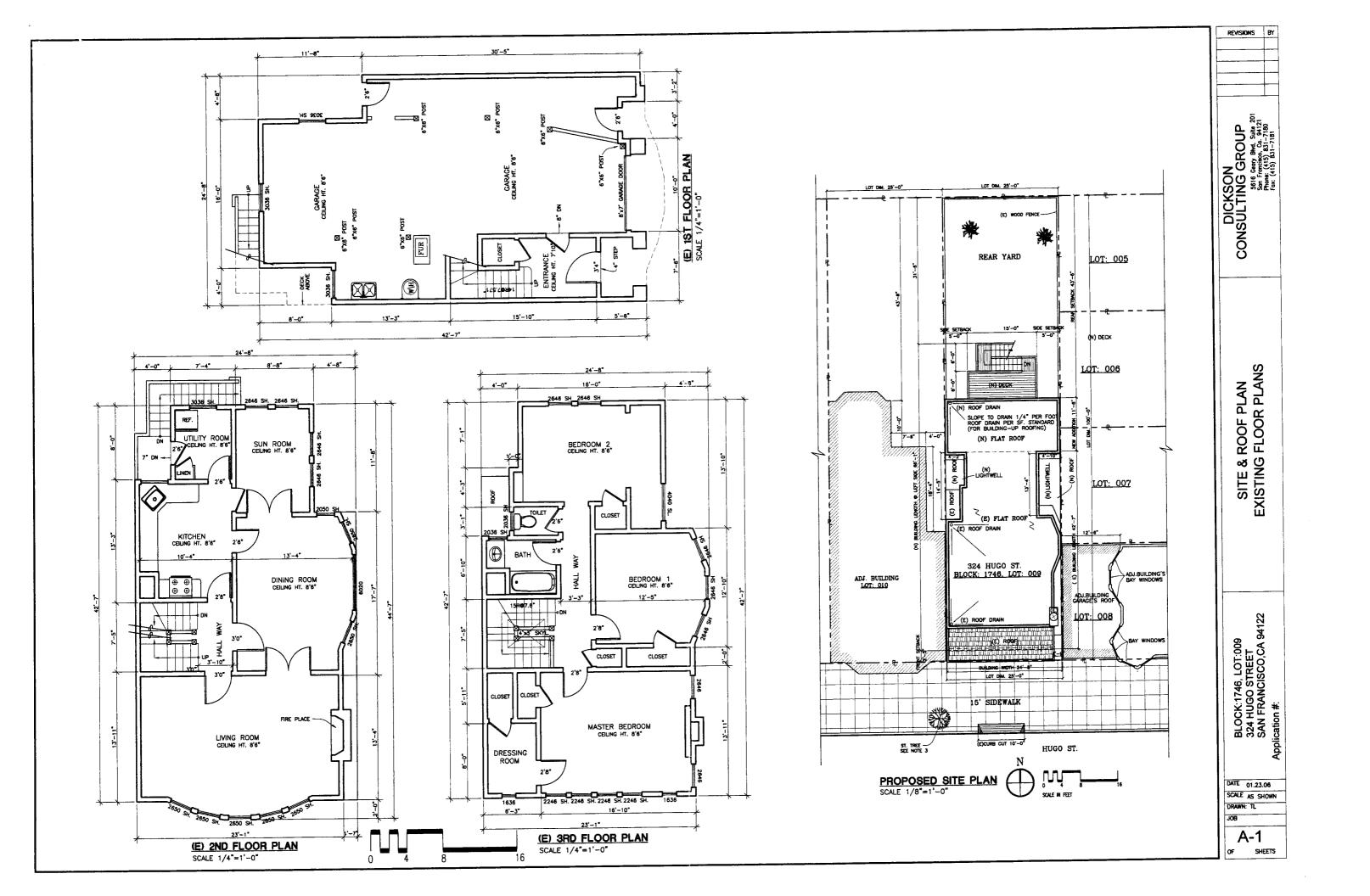
PHONE NUMBER:

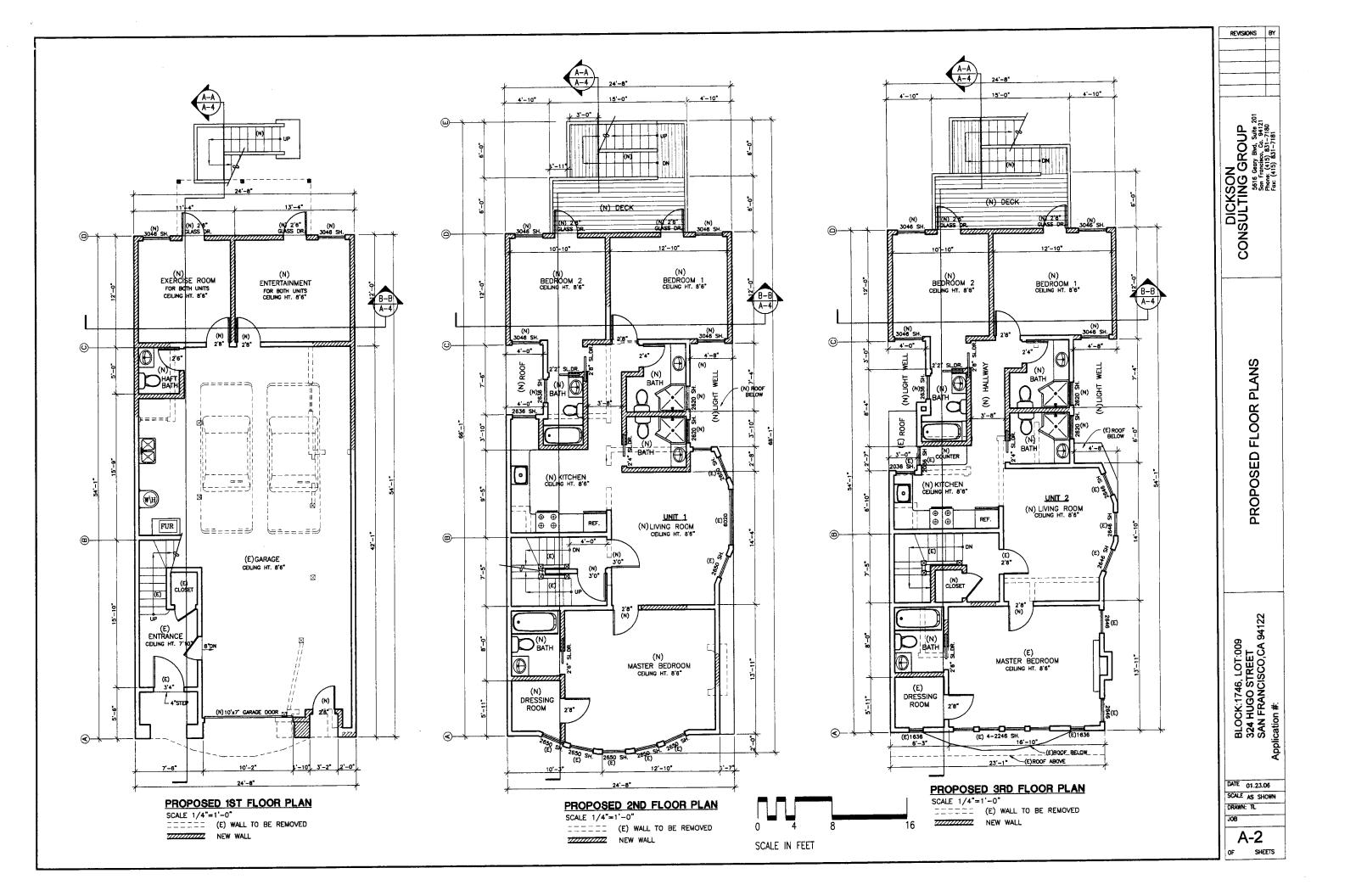
**EXPIRATION DATE:** 

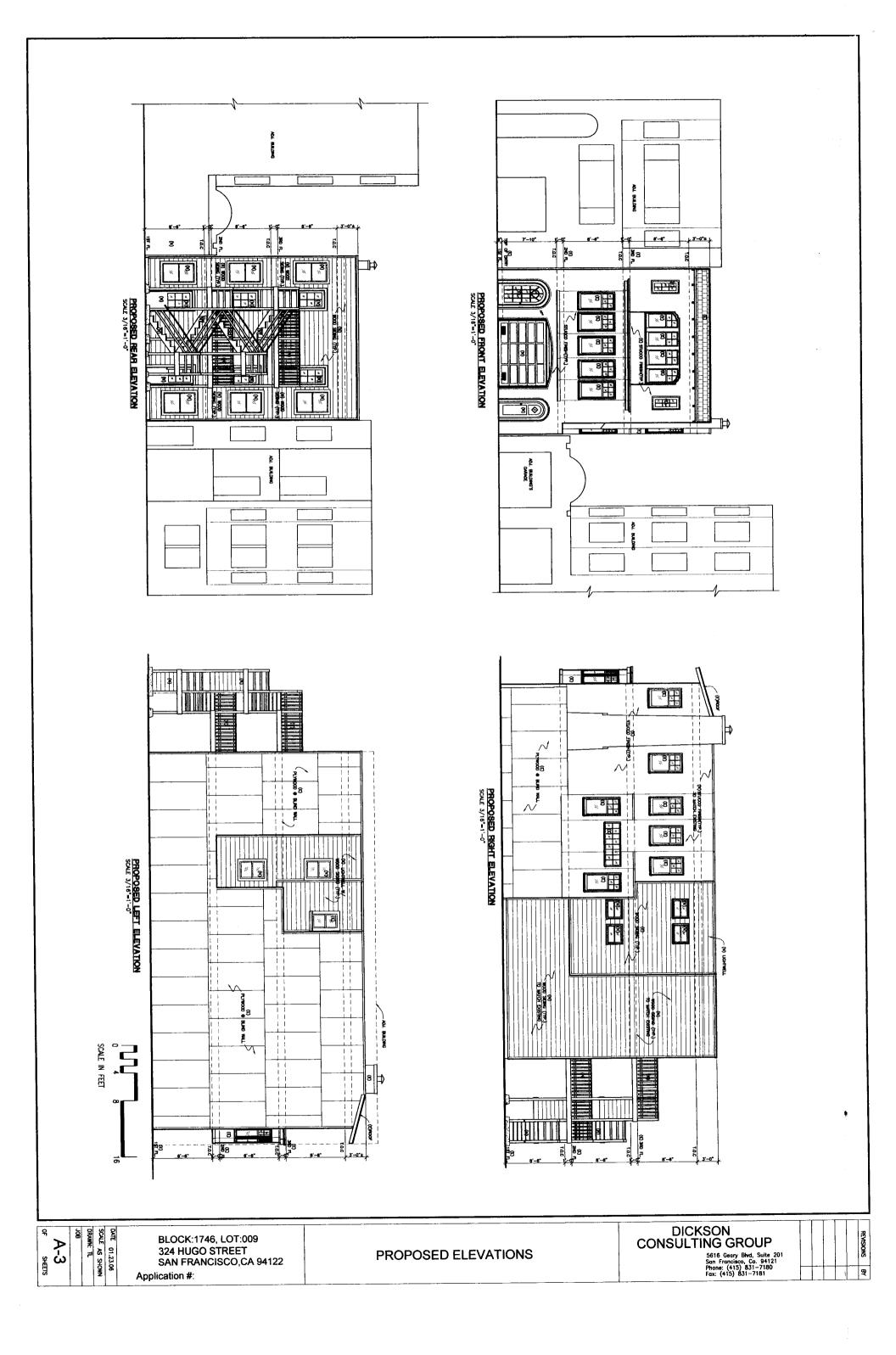
FAX NUMBER: EMAIL (415) 558-6263 (415) 558-6409

Sara.Vellve@sfgov.org

10/29/06









### NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On May 4, 2006, the Applicant named below filed Building Permit Application No. 2006.05.04.0670 (Alteration) with the City and County of San Francisco.

	CONTACT INFORMATION	PROJEC	T SITE INFORMATION
Applicant:	Dickson Consulting Group	Project Address:	324 Hugo Street
Attention:	John Lau	Cross Streets:	4th/5th Avenues
Address:	5616 Geary Boulevard	Assessor's Block /Lot N	Jo.: 1746/009
City, State:	San Francisco, CA 94121	Zoning District:	RH-2
Telephone:	(415) 831 - 7180	Height-Bulk District:	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			
[ ] DEMOLITION and/or	[ ] NEW CONSTRUCTION or	[] ALTERATION		
[ ] VERTICAL EXTENSION	[ X ]CHANGE # OF DWELLING UNITS	[ ] FACADE ALTERATION(S)		
[ ] HORIZ. EXTENSION (FRONT)	[X ]HORIZ. EXTENSION (SIDE)	[X] HORIZ. EXTENSION (REAR)		
PROJECT FEATURES	EXISTING CONDITIO	N PROPOSED CONDITION		
FRONT SETBACK	±2'	No Change		
	±5' East, ±4' West			
	±43'			
REAR YARD	±55'	±32'		
HEIGHT OF BUILDING (from curb)	As Is	No Change		
	As Is			
	1			
	PACES1+1			
PROJECT DESCRIPTION				

The proposal is to expand the existing single-family dwelling towards the rear property line by approximately 24 feet and add one dwelling unit per the enclosed plans. A three-story addition would be approximately 12 feet in depth and a two-story addition would be approximately 12 feet in depth with a roof deck. The proposal was previously noticed between September 29, 2006 and October 29, 2006 without neighborhood opposition. As the permit was not issued within three years of the original Planning Department approval, re-notice of the project is required. The proposal has been modified to eliminate egress stairs and decks from the rear of the building and the east side setback has been retained.

PLANNER'S NAME:

Sara Vellve

PHONE NUMBER:

(415) 558-6263

DATE OF THIS NOTICE:

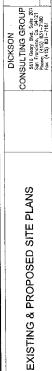
11.3-10

EMAIL:

sara.vellve@sfgov.org

**EXPIRATION DATE:** 

12-3-10



REVISIONS 8Y

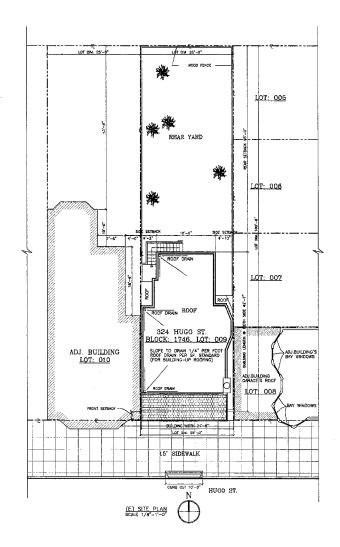
BLOCK:1746, LOT:009 324 HUGO STREET SAN FRANCISCO,CA 94122 Application #:

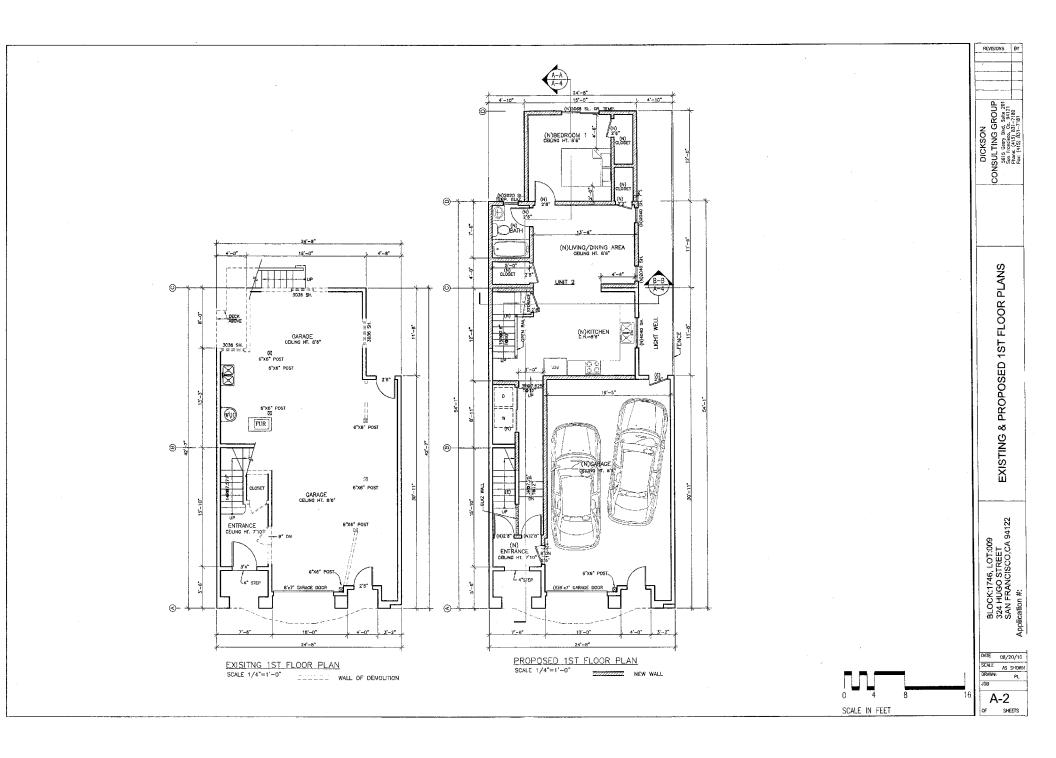
DATE 08/20/10
SCALE AS SHOWN
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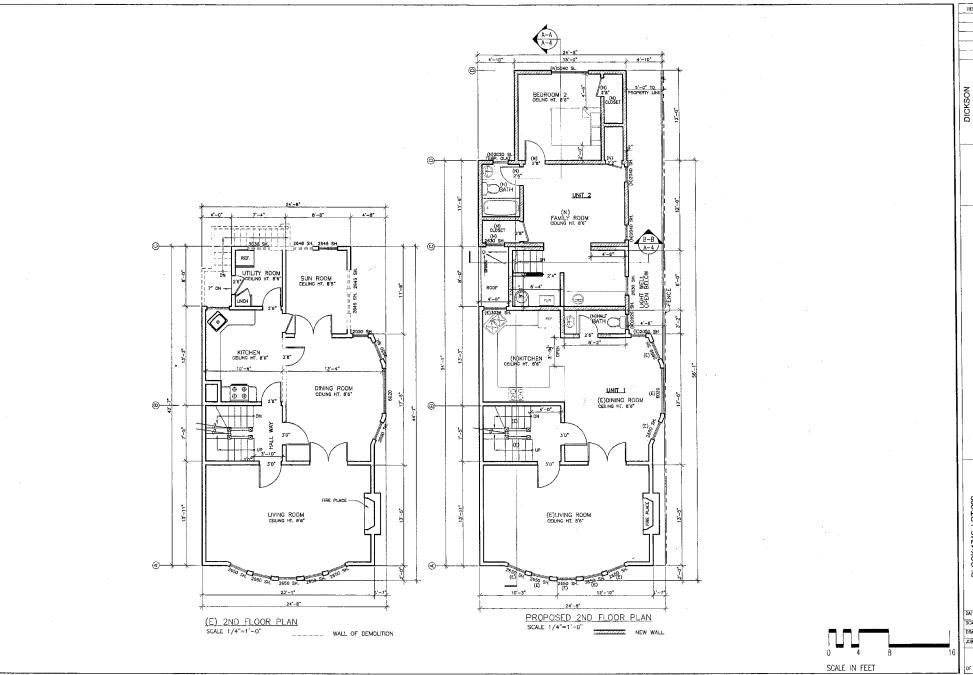
A-1 of sheets

SCALE IN FEET

(E) WOOD FENCE-REAR YARD LOT: 005 (N) DECK LOT: 006 (N)1HR-ROOF LOT: 007 (E) FLAT ROOF REMAIN BLOCK: 1746, LOT: 009 2,-0, (M) 3,X2, ADJ. BUILDING LOT: 010 ADJ.BUILDING'S BAY WINDOWS LOT: DOB (E) ROOF DRAIN (E) ROOF BUILDING WOTH 24"-8" --15 SIDEWALK HUGO ST. Ν PROPOSED SITE PLAN SCALE 1/8"=1'-0" SCALE IN FEET







DICKSON

CONSULTING GROUP

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Fore (415), 851-2780

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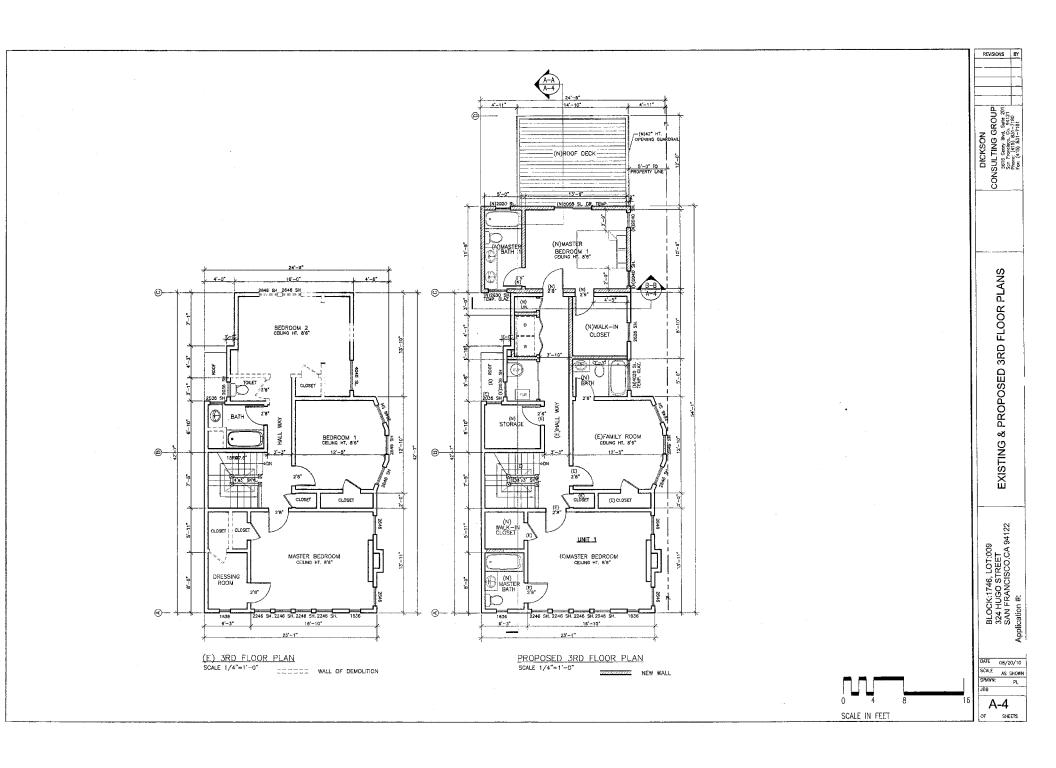
EXISTING & PROPOSED 2ND FLOOR PLANS

BLOCK:1746, LOT:009 324 HUGO STREET SAN FRANCISCO,CA 94122 Application #:

DATE 08/20/10

SCALE AS SHOWN
DRAWN: PL

A-3
of SHEETS







### Discretionary Review Application Page 1 of 4

#### 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 Stephen Williams

Telephone No: (415) 292-3656

D.R .Applicant's Address

1934 Divisadero Street

Number & Street

San Francisco, CA

94115

(Apt. #)

Zip Code City

D.R. Applicant's telephone number (for Planning Department to contact): (415) 292-3656

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):

Fourth and Hugo Neighbors

Telephone No: (415)-661-7222

Address:

1231 4th Avenue

Number & Street

(Apt. #)

San Francisco, CA

94122

City

Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 324 Hugo Street

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: John Lau 831-7180

Building Permit Application Number of the project for which you are requesting D.R.: 2006.05.04.0670(Alteration)

Where is your property located in relation to the permit applicant's property? Directly adjacent to the east.

#### 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, extensive e-mails from numerous concerned neighbors to the architect John Lau---HOWEVER, for unknown reasons, the Dept did not require the mandatory community outreach and Mr. Lau ignored the directives from the Planner to meet with the neighbors...
- 2. Did you discuss the project with the Planning Department permit review planner? Yes
- 3. Did you participate in outside mediation on this case? No
- 4. If you have discussed the project with the applicant, planning staff or gone thorough mediation, please summarize the results, including any changes that were made to the proposed project so

RECEIVED

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DEC 0 3 2010 10.1136D CITY & COUNTY OF S.F.

CITY & COUNTY OF S.F. PLANNING DEPARTMENT

# Discretionary Review Application Page 2 of 4

far. No changes.

### **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?

The proposed project is in direct violation of the General Plan and Priority Policies to retain the small, affordable, rent-controlled homes in the City's residential neighborhoods. The building was purchased by professional developers---left vacant and abandoned for more than four years--with the sole intent of greatly expanding it at the expense of the surrounding buildings. The project proposes a startling three story, twenty-four (24') extension into the rear yard. The project site is a "key" lot and is a substandard size lot, accordingly, the proposed "maximum" build out in the shared mid-block green space has a disproportionate negative impact on the surrounding lots and residents.

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:

We are all diminished when the General Plan and Priority Policies are ignored or skirted. Negative impacts include loss of light and shadows from the large new building addition planned for the lot. The large new proposed building addition is inappropriate to the neighborhood, stark and modern and will add some 50% additional square footage to the existing building. Because this is a "key" lot, shadow from the over whelming bulk and size are negative impacts on the adjacent homes and the stark modern design impacts the entire neighborhood. The new maximum rear yard extension with an added "pop-out" is not compatible with the neighborhood and the character of the existing buildings. At least five other adjacent lots will be impacted by the new structure and a closer review is warranted. This is an issue which has come up time and time again in the Department but has never been answered. What is the policy with development of "key lots?" It has been repeatedly acknowledged by staff and the Department that these lots often raise important questions of development for an entire block. Recently, a staff memo which accompanied the Residential Design Checklist phrased the question as follows:

"Treatment of "key" lots - If you are adjacent to a key lot, does that mean you need to make more adjustments to accommodate your neighbor's key lot than if you were located near the middle of the block? If so, is that fair?"

This is a recurring issue of policy that has not been addressed in the Department. The proposed project treats the subject site as any other development lot and does not acknowledge it unique position as a key lot on this small block. The block has a strong mid-block open space and the proposed project violates the Residential Design Guidelines in that respect. The RDG's states on page 25:

### **Building Scale at the Mid-Block Open Space**

GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space.

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

# Discretionary Review Application Page 3 of 4

The height and depth of a building expansion into the rear yard can impact the mid-block open space. Even when permitted by the Planning Code, building expansions into the rear yard may not be appropriate if they are uncharacteristically deep or tall, depending on the context of the other buildings that define the mid-block open space. An out-of-scale rear yard addition can leave surrounding residents feeling "boxed-in" and cut-off from the mid-block open space. The following design modifications may reduce the impacts of rear yard expansions; other modifications may also be appropriate depending on the circumstances of a particular project:.

- Set back upper floors to provide larger rear yard setbacks.
- Notch the building at the rear or provide setbacks from side property lines.
- Reduce the footprint of the proposed building or addition.

The proposed project literally "boxes off" the buildings at 1249 4th Avenue and 1239-1241 4th Avenue (and 1235-1237 4th Avenue partially) from the mid-block open space and the rest of the block. A thirty foot tall wall will now be at the rear fence line of these buildings. The architect's drawings do not depict any of these impacts and do not show the adjacent buildings which are located on 4th Avenue.

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

If a new project is built, the size and depth (which is at the absolute max of 55% *plus* a two story "pop-out") of the building must be reduced. A smaller rear yard extension with a one-story pop-out should be designed to have some compatibility with the neighborhood. The key lot situation should be addressed and a new building addition placed on its site so it responds to its position on the block and to the placement of surrounding buildings. The rear yard should be much larger and the new building much shorter and stepping down to the rear with perhaps some side setbacks to the west to reduce the "looming" effect of a new building in the rear yards of the buildings lining 4<sup>th</sup> Avenue.

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:**

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

### **OPTIONAL:**

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

10.11300

### Discretionary Review Application Page 4 of 4

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.

pou	William	
Signed	_	
•	Stephen WilliamsApplicant	

Date: December 3, 2010

A. 11/2