



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis Residential Demolition/New Construction

HEARING DATE: JULY 10, 2014

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

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Date: July 3, 2014
Case No.: 2012.0075DD / 2014.0981D
Project Address: 437 DUNCAN STREET
Zoning: RH-2 (Residential House, Two-Family)
 40-X Height and Bulk District
Block/Lot: 6602/035
Project Sponsor: Reza Khoshnevisan, SIA Consulting Corporation
 1256 Howard Street
 San Francisco, CA 94103
Staff Contact: Doug Vu – (415) 575-9120
Doug.Vu@sfgov.org
Recommendation: **Do not take DR and approve demolition.**
Take DR and approve new construction with proposed modifications.

DEMOLITION APPLICATION		NEW BUILDING APPLICATION	
Demolition Case Number	2014.0981D	New Building Case Number	2012.0075D
Recommendation	Do Not Take DR	Recommendation	Take DR
Demolition Application Number	2012.07.16.4978	New Building Application Number	2012.04.18.8570
Number Of Existing Units	1	Number Of New Units	1
Existing Parking	1	New Parking	2
Number Of Existing Bedrooms	2	Number Of New Bedrooms	4
Existing Building Area	±816 Sq. Ft.	New Building Area	±3,972 Sq. Ft.
Public DR Also Filed?	No	Public DR Also Filed?	Yes
311 Expiration Date	April 25, 2014	Date Time & Materials Fees Paid	April 18, 2012

PROJECT DESCRIPTION

The Project is to demolish an existing 816 gross sq. ft., one-story single-family dwelling at the rear, and a carport at the front of the lot, and construct a new 3,972 gross sq. ft., three-story over garage single-family dwelling at the front of the lot.

SITE DESCRIPTION AND PRESENT USE

The property at 437 Duncan Street is located on the south side of the subject block between Noe and Sanchez Streets, which is relatively steep with a lateral slope of 55%. The Property has approximately 25' of frontage along Duncan Street with a lot depth of 114'. The relatively flat lot is improved with a single covered carport at the front of the property and a one-story detached dwelling that is approximately 816 gross sq. ft. at the rear of the lot, abutting the property line. The building does not embody any particular architectural style, but instead appears to be a simple vernacular cottage. The Property is within an RH-2 (Residential, House, Two-Family) Zoning District with a 40-X Height and Bulk designation. City records indicate that the structure was originally constructed as a one-story single-family dwelling circa 1911, per water tap records.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The Subject Property is located in the Noe Valley neighborhood, which is generally considered to be bordered by 21st Street to the north, 30th Street to the south, Grand View Avenue and Diamond Heights Boulevard to the west, and Dolores Street to the east. The Property is located on a residential block that is predominantly defined by single-family dwellings constructed between 1900 and 1961 in a mix of architectural styles. Building heights are generally one to three stories, with most buildings having ground floor garage entrances. They are modest structures with restrained levels of ornamentation and are unremarkable in their detailing.¹ The adjacent property upslope to the west is improved with a one-story over garage, two-family dwelling that was constructed circa 1900, while the adjacent property downslope to the east contains a one-story over garage, single-family dwelling constructed in 1907.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	June 30, 2014	June 30, 2014	10 days
Mailed Notice	10 days	June 30, 2014	June 30, 2014	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)		1	1
Other neighbors on the block or directly across the street	0	12	0
Neighborhood groups	0	0	0

The Project has completed the Section 311 and Mandatory DR notification. Staff has received numerous phone calls, e-mails and letters from the neighbors, beginning in June 2012, expressing concern regarding

¹ Memorandum from Michael Smith, Historic Preservation Technical Specialist, Historic Resource Evaluation Response for 437 Duncan Street, June 15, 2012.

the massing, scale, and compatibility of the Project with the neighborhood character. A separate Discretionary Review was filed on April 25, 2014.

REPLACEMENT STRUCTURE

The replacement structure will provide one dwelling unit with a two-car garage, and would rise to approximately 36'-6" in height. The ground floor will contain the two-car garage in the front and a bedroom, bath and bonus room at the rear. The first and second stories include a living room, kitchen, dining area, family room, three bedrooms and two baths. The topmost third story contains a penthouse surrounded by a roof deck.

The Project proposes a rear yard of approximately 51'-4", which exceeds the 50'-9" requirement for the Subject Property. The overall scale, design, and materials of the proposed replacement structure are compatible with the block-face and are complementary with the residential neighborhood character. The materials for the front façade are contemporary in style, with stained vertical wood siding and anodized aluminum windows.

DR REQUESTOR

The DR Requestor is John Pilgrim, 438 Duncan Street, owner and occupant of the property across Duncan Street to the north of the Project.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Issue #1: The DR Requestor is concerned the proposed building's proportion and scale is too large for its site and is not compatible with the surrounding buildings. The existing steep topography of the subject block will intensify this condition, and will also result in noise and privacy impacts to adjacent properties. The DR Requestor recommends removal of the top floor penthouse and surrounding roof deck.

Issue #2: The DR Requestor is concerned the proposed building will not preserve the strong visual character marked by the regular stepping of homes on the block, which respects the topography of the hill and provides for a uniform and consistent building scale. The DR Requestor proposes the removal of the front parapet wall with a shorter 6" parapet.

Issue #3: The DR Requestor is concerned the Project's proposed flat roofline is not compatible with the predominantly sloped roof forms found on the surrounding buildings, and will negatively impact neighborhood character. The DR Requestor recommends re-designing the roof form to be more compatible with the prevailing block pattern, possibly by sloping down the roofline from right to left, to mirror the hillside as well as bridge the parapet of the uphill neighbor with the gable of the downhill neighbor.

Reference the attached *Discretionary Review Application* for additional information.

PROJECT SPONSOR'S RESPONSE

Issue #1: The Project Sponsor has made several modifications to the proposed building that include decreasing the height to approximately 36', reducing the width of the penthouse by over 10' and setting it

back approximately 15'-6" to minimize its visibility at the street. The set back penthouse is barely visible from the lower end of the block and across the street from the Property. From uphill, the penthouse is more visible but is clearly setback from the front, so as to provide a building that addresses the street consistent with the topography. The strong slope acts to further de-emphasize the penthouse level, as it is mostly backdropped by development above and below it. The roof deck looks out upon the downslope neighbors' roofs and upslope towards blank building walls and very quickly has no sight line into upslope buildings' windows. The roof deck is set back from the front of the building, so sight lines across the street are not significantly more invasive than those coming from the proposed building's second floor front windows. Pulling the activity away from the front setback also helps control any noise from reaching neighbors.

Issue #2: The Project Sponsor is willing to make the proposed modification by the Residential Design Team to further emphasize the stepping pattern at the street level by eliminating the 42" parapet wall at the front of the building and pulling the roof deck an additional 5'.

Issue #3: The architectural style of this block of Duncan Street displays significant variation: Mediterranean and Spanish revival and Victorian; flat roofs and gables roofs; high and low articulation. There is no unified architecture to influence the Project design so the proposed flat roof is compatible with the neighborhood character.

Reference the attached *Response to Discretionary Review* for additional information.

PROJECT ANALYSIS

The proposed building is a 3,972 gross sq. ft., 36'-6" tall, three-story over garage single-family dwelling that is compatible with the height and depth of surrounding buildings. Pursuant to the Residential Design Guidelines, a building that is larger than its neighbors can still be in scale and be compatible with the smaller buildings in the area. The Project successfully accomplishes this by reducing the footprint of the topmost floor to a width of 20'-8" in relation to the 25' total building width, and setting it back 16'-1" from the front building wall to further minimize its visibility and maintain the scale of the surrounding buildings at the street. With a total depth of 60'-4", the proposed building is the average depth of the adjacent dwellings and is set back at the rear of the upper two floors to be compatible with the existing building scale at the mid-block open space. The Project has been designed to include a light well along the east property boundary that extends to the lower sill of the adjacent basement-level windows at 435 Duncan Street to minimize light impacts, and the roof deck is located entirely within the buildable area of the property that also does not directly face any adjacent windows.

The proposed building's massing matches the adjacent structures and has been designed with a 42" tall front parapet wall to step down with the slope by slightly being lower than the height of the parapet at the upsloping property at 445 Duncan Street. However, the stepping pattern can be further emphasized by reducing the height of the parapet to 6" through the construction of a fire-rated roof. The reduction of the parapet to 6" in height should also include the set back of the roof deck railing an additional 5' to minimize its visibility.

The proposed building's flat roof is compatible with the roof forms found on the subject block, and will not negatively impact the neighborhood character. The 400 block of Duncan Street includes dwellings that were constructed between 1900 and 1961 in a combination of architectural styles including Queen

Anne, Italianate, Edwardian, Mediterranean Revival, and Contractor Modern. As such, various roof forms including gable, hipped, and flat roofs are found throughout the neighborhood, and the Project's proposed flat roof is compatible with the neighborhood context.

GENERAL PLAN COMPLIANCE

The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1:

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

While the Project does not propose an affordable unit, it will replace a substandard 816 sq. ft. single-family dwelling that is located in the rear of an underutilized lot with a family-sized dwelling that will have four bedrooms and is sited at the front of the lot.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO NEIGHBORHOODS.

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

The Project has been designed to be contemporary in style and utilize innovative materials that will respect the existing neighborhood character. The siting of the building on the lot complies with the Planning Code, and its massing, proportions, and scale is consistent with the adopted Residential Design Guidelines. The finish materials will emphasize and promote the beauty of the neighborhood, and the three-story over garage, single-family dwelling is harmonious with other residential buildings in the neighborhood.

SECTION 101.1 PRIORITY POLICIES

Planning Code Section 101.1 establishes eight priority policies and requires review of permits for consistency, on balance, with these policies. The Project complies with these policies as follows:

1. Existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project will not remove any neighborhood-serving uses as it is a dwelling unit within a residential zoned district.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project's proposed scale, massing, proportions and materials are consistent with the surrounding residential neighborhood and therefore, the Project will conserve and protect the existing neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced.

The existing 816 sq. ft. dwelling has been vacant for several years, is located at the rear of a 2,848 sq. ft. lot that is underutilized, and can be improved with a larger family-sized, single-family dwelling.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project will include a two-car garage that will relocate and reduce the width of an existing curb cut, and will not impede MUNI transit or overburden the streets or neighborhood parking.

5. A diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not affect industrial and service sectors because it is located in a residential zoning district.

6. The City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project will be constructed in accordance with the current Building Code to adequately address seismic safety issues and protect against injury and loss of life in an earthquake.

7. Landmarks and historic buildings be preserved.

The Subject Property was determined on June 15, 2012 not to be an eligible historical resource or landmark building.

8. Parks and open space and their access to sunlight and vistas be protected from development.

The Project will be constructed within the 40' height limit that will not require a shadow study pursuant to Planning Code Section 295, and is not located near any parks or open space.

ENVIRONMENTAL REVIEW

The Department issued a Categorical Exemption on July 16, 2012 that determined the proposed Project is exempt from environmental review, pursuant to CEQA Guideline Section 15303(a) – New construction of a single-family residence.

RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team (RDT) reviewed the project on May 15, 2014 upon receipt of the Discretionary Review application and found the proposed project to be consistent with the site and neighborhood in terms of scale and character. It also determined the penthouse level would be minimally visible from the street as rendered in the DR Requestor's materials. Additionally, the RDT determined the proposed roof deck would not extraordinarily impact privacy to adjacent properties because it would primarily view the adjacent roof tops and solid walls. Although the proposed front parapet wall maintains the stepping pattern present on the block, the RDT recommended the removal of the front parapet through the construction of a fire-rated roof, and setting back of the roof deck railing an additional 5' to further emphasize this pattern.

Under the Commission's pending DR Reform Legislation, this project would be referred to the Commission, as this project involves new construction on a vacant lot.

BASIS FOR RECOMMENDATION

The Department recommends that the demolition of the existing single-family dwelling and construction of a new single-family dwelling be approved as modified to include the removal of the front parapet and set back of the roof deck railing an additional 5'. The Project is consistent with the Objectives and Policies of the General Plan and complies with the Residential Design Guidelines and Planning Code. The Project meets the criteria set forth in Section 101.1 of the Planning Code in that:

- The Project will create a family-sized dwelling unit with four bedrooms.
- No tenants will be displaced as a result of this Project.
- Given the scale of the Project, there will be no significant impact on the existing capacity of the local street system or MUNI.
- The RH-2 Zoning District allows a maximum of two dwelling units on this lot. The Project is therefore an appropriate in-fill development.
- The existing building is not an historical resource or landmark.
- The Project will create a new single-family dwelling that is more compatible with the surrounding development pattern and neighborhood character.

RECOMMENDATION:

Case No. 2014.0981D – Do not take DR and approve the demolition.

Case No. 2012.0075DD – Take DR and approve the new construction with proposed modifications.

DEMOLITION CRITERIA - ADMINISTRATIVE REVIEW

Existing Value and Soundness

1. Whether the Project Sponsor has demonstrated that the value of the existing land and structure of a single-family dwelling is not affordable or financially accessible housing (above the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months);

Project Does Not Meet Criteria

The Project Sponsor does not claim that the property is valued at or above 80% of the median single-family home prices in San Francisco. As such, the property is considered relatively affordable and financially accessible housing for the purposes of this report and Planning Code Section 317.

2. Whether the housing has been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings);

Project Does Not Meet Criteria

The Project Sponsor does not claim that the property is unsound. As such, the dwelling is considered habitable for the purposes of this report and Planning Code Section 317.

DEMOLITION CRITERIA

Existing Building

3. Whether the property is free of a history of serious, continuing code violations;

Project Meets Criteria

A review of the databases for the Department of Building Inspection and the Planning Department identified three violations against the property, of which two have been abated. The remaining active violation was issued on May 16, 2013 for the illegal demolition of the covered carport at the front of the property. The Sponsor filed Demolition Permit Application No. 2012.07.16.4978 for both the carport and the dwelling on July 16, 2012, and this violation will be abated if the proposed building is approved.

4. Whether the housing has been maintained in a decent, safe, and sanitary condition;

Project Meets Criteria

A violation was issued on October 21, 2013 for abandonment of the building and excessive debris on the property, but was abated and closed on April 1, 2014.

5. Whether the property is a "historical resource" under CEQA;

Project Meets Criteria

Although the structure is more than 50-years old, a review of the Historic Resource Evaluation resulted in a determination that it is not an historic resource for the purposes of CEQA.

6. If the property is a historical resource, whether the removal of the resource will have a substantial adverse impact under CEQA;

Criteria Not Applicable to Project

The property is not a historical resource.

Rental Protection

7. Whether the Project converts rental housing to other forms of tenure or occupancy;

Criteria Not Applicable to Project

The existing unit is currently vacant and thus not rental housing.

8. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

Project Meets Criteria

According to the Project Sponsor, the building is not subject to rent control because it is a single-family dwelling that is currently vacant.

Priority Policies

9. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

Project Does Not Meet Criteria

The Project does not meet this criterion because the existing dwelling will be demolished. Nonetheless, the Project will result in a family-sized dwelling and thus preserves the quantity of housing. A family-sized four-bedroom dwelling will replace a substandard single-family dwelling that contains only one bedroom. The replacement of this single-family dwelling will preserve the cultural and economic diversity within the neighborhood.

10. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

Project Meets Criteria

The Project will conserve the neighborhood character by constructing a replacement building that is compatible with regard to materials, massing, glazing pattern, and roofline with the dwellings in the surrounding neighborhood. By creating a compatible new building in a neighborhood defined by one- and two- family dwellings, the neighborhood's cultural and economic diversity will be preserved.

11. Whether the Project protects the relative affordability of existing housing;

Project Does Not Meet Criteria

There is no appraisal to confirm that the existing dwelling proposed for demolition is above the 80% average price of a single-family home, and is thus considered "relatively affordable and financially accessible" housing, and defined as an "affordable dwelling-unit" by the Mayor's Office of Housing. However, the land value of the Subject Property compared with the value of other properties in this

neighborhood would likely confirm the existing property is above the 80% average price of a single-family home, and is thus unaffordable.

12. Whether the Project increases the number of permanently affordable units as governed by Section 415;

Project Does Not Meet Criteria

The Project does not include any permanently affordable units, as the construction of one does not trigger Section 415 review.

Replacement Structure

13. Whether the Project located in-fill housing on appropriate sites in established neighborhoods;

Project Meets Criteria

The Project replaces one single-family for another in a neighborhood characterized by one- and two-family dwellings.

14. Whether the Project creates quality, new family housing;

Project Meets Criteria

The Project will create a family-sized unit with four bedrooms, and the floor plans reflect such new quality, family housing.

15. Whether the Project creates new supportive housing;

Project Does Not Meet Criteria

The Project is not specifically designed to accommodate any particular Special Population Group as defined in the Housing Element.

16. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

Project Meets Criteria

The Project is in scale with the surrounding neighborhood and constructed of high-quality materials.

17. Whether the Project increases the number of on-site dwelling units;

Project Does Not Meet Criteria

The Project does not increase the number of dwelling units on the site.

18. Whether the Project increases the number of on-site bedrooms.

Project Meets Criteria

The Project increases the number of bedrooms on the site from two to four.

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

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

Comments: The surrounding neighborhood consists of a mixture of one-, two-, and three-story buildings, containing mostly one or two residential units. The cross street of Ocean Avenue contains ground-floor commercial spaces and residential units on upper floors. The residential neighborhood contains dwellings of varying heights and depths. The adjacent property to the north is a flag lot, with a noncomplying dwelling located at the rear of the lot.

SITE DESIGN (PAGES 11 - 21)

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

Comments: The new building respects the topography and has been designed to step down with the slope of the street. The new building's depth is the average of the adjacent dwellings and is set back at the upper two floors to be compatible with the existing building scale at the mid-block open space. The building has also been designed to include a light well along the east property boundary that extends to

the lower sill of the adjacent building's windows to minimize light impacts, and the roof deck is located entirely within the buildable area of the property that also does not directly face any adjacent windows. The overall scale of the proposed replacement structure is consistent with the block face and is complementary to the neighborhood character.

BUILDING SCALE AND FORM (PAGES 23 - 30)

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

Comments: The replacement building is compatible with the established building scale at the street because the topmost floor is adequately set back from the front façade. The height and depth of the building are compatible with the existing mid-block open space, as most buildings on the block extend close to the 45% required rear yard. The building's form, façade width, proportions, and roofline are compatible with the mixed neighborhood context.

ARCHITECTURAL FEATURES (PAGES 31 - 41)

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

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

Comments: The location of the entrance is consistent with the predominant pattern of elevated entrances found on the south side of Duncan Street. The length and type of the rectangular windows along the primary façade is compatible with the proportion and vertical orientation of windows found throughout the neighborhood. The garage door is located partially below street grade and is limited to a width of 10'. The rooftop parapets are standard in size and compatible with the parapets found on other flat-roofed buildings in the neighborhood.

BUILDING DETAILS (PAGES 43 - 48)

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

Comments: The placement and scale of the architectural details are compatible with the residential character of this neighborhood. The anodized aluminum windows with are contemporary but residential in character, and are compatible with the window patterns found on neighboring buildings. The stained wood cladding and simple detailing are compatible with the existing buildings in the neighborhood.

SPECIAL GUIDELINES FOR ALTERATIONS TO BUILDINGS OF POTENTIAL HISTORIC OR ARCHITECTURAL MERIT (PAGES 49 – 54)

QUESTION	YES	NO	N/A
Is the building subject to these Special Guidelines for Alterations to Buildings of Potential Historic or Architectural Merit?			X
Are the character-defining features of the historic building maintained?			X
Are the character-defining building form and materials of the historic building maintained?			X
Are the character-defining building components of the historic building maintained?			X
Are the character-defining windows of the historic building maintained?			X
Are the character-defining garages of the historic building maintained?			X

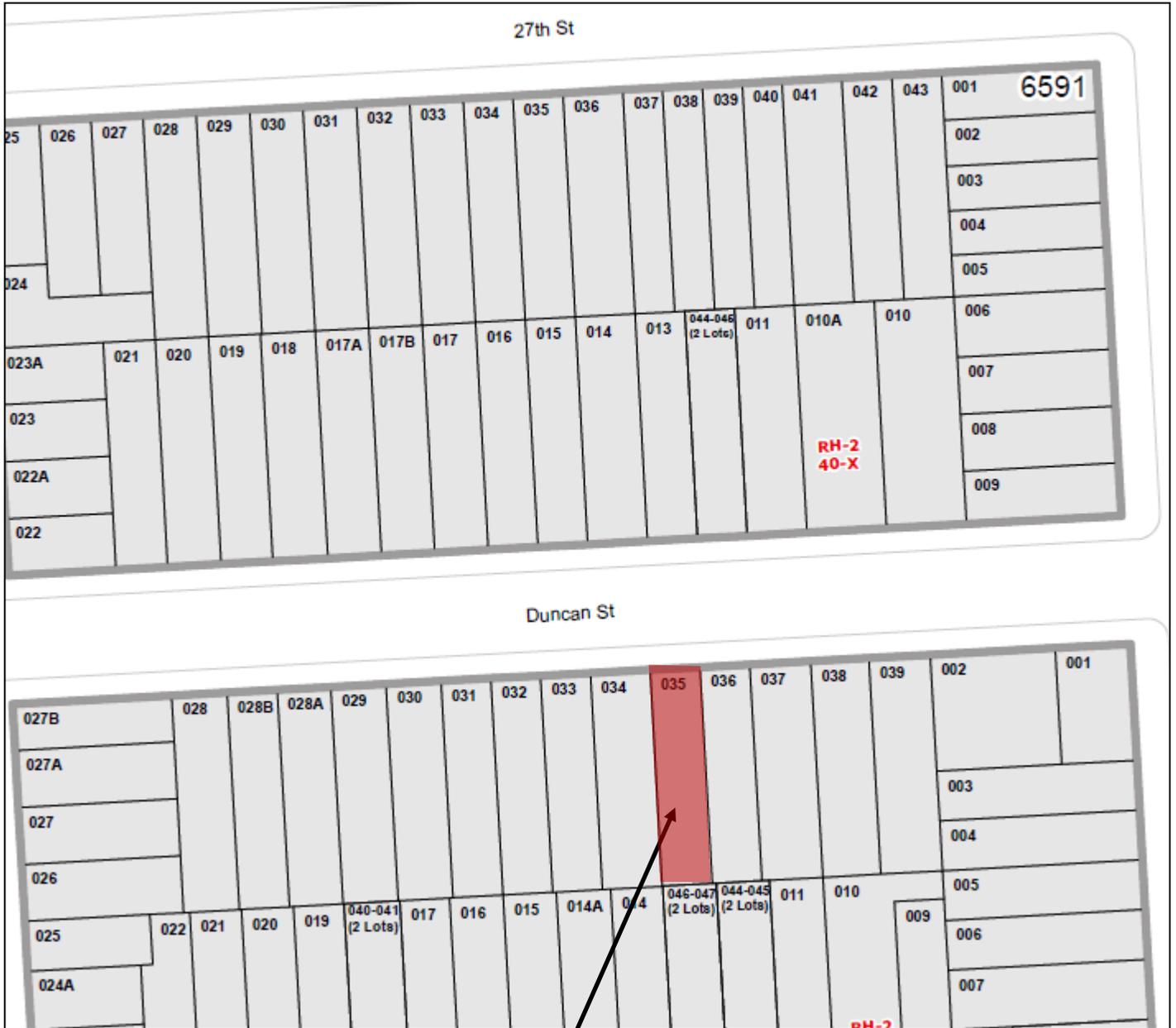
Comments: The Project is not an alteration, and the dwelling that will be demolished has been determined not to be an historical resource for the purposes of CEQA.

Attachments:

- Design Review Checklist for replacement building
- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Site Photo
- Section 311 Notice
- Residential Demolition Application
- Prop M findings
- Environmental Evaluation / Historic Resources Determination
- DR Application dated April 18, 2012
- Public Correspondence
- Project Sponsor Submittal
 - Response to DR Application dated July 2, 2014
 - Context Photos
 - Reduced Plans

* All page numbers refer to the Residential Design Guidelines

Block Book Map



SUBJECT PROPERTY



Mandatory Discretionary Review Hearing
 Case Nos. 2012.0075DD & 2014.0981D
 437 Duncan Street

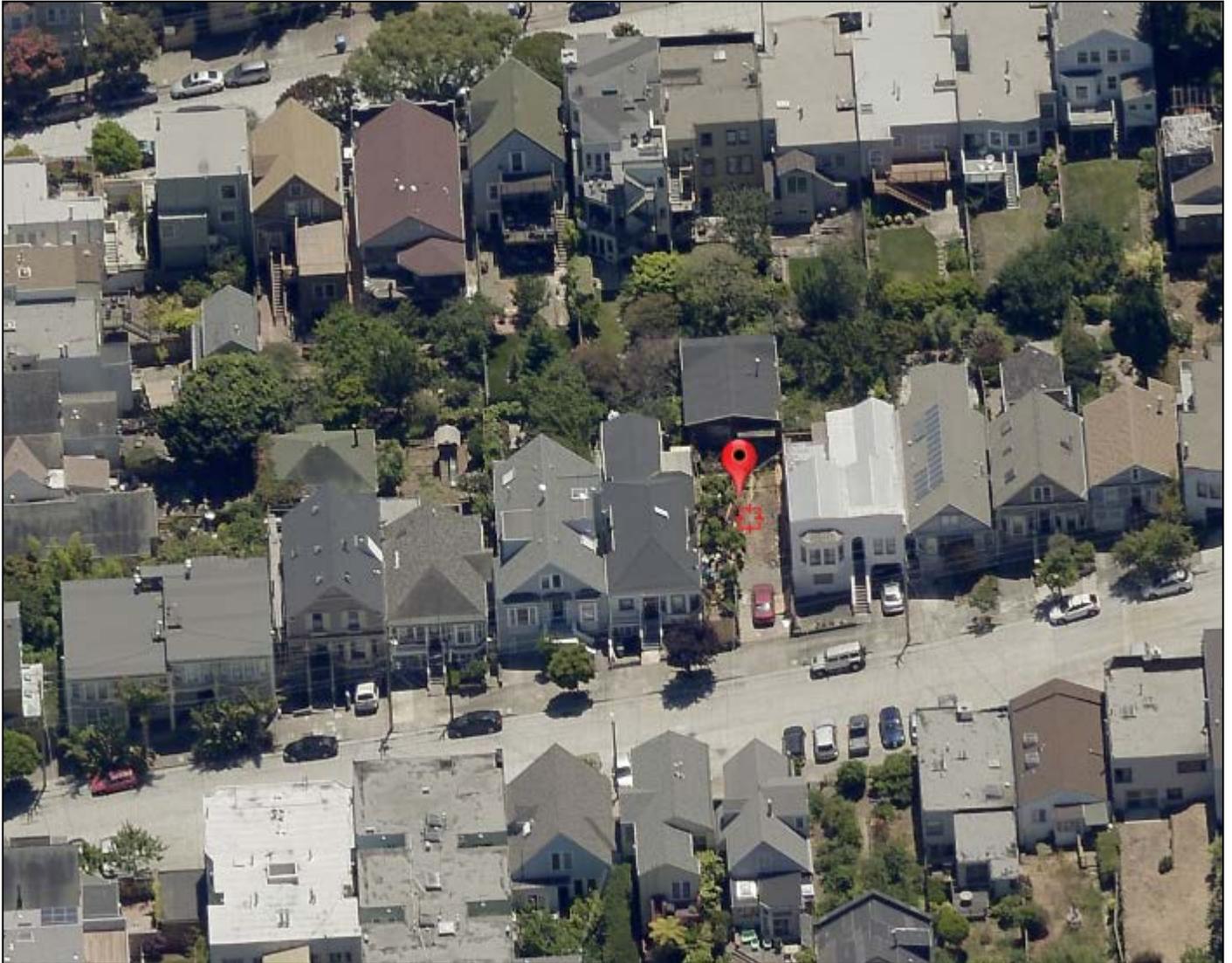
Zoning Map



Mandatory Discretionary Review Hearing
Case Nos. 2012.0075DD & 2014.0981D
437 Duncan Street

Aerial Photo

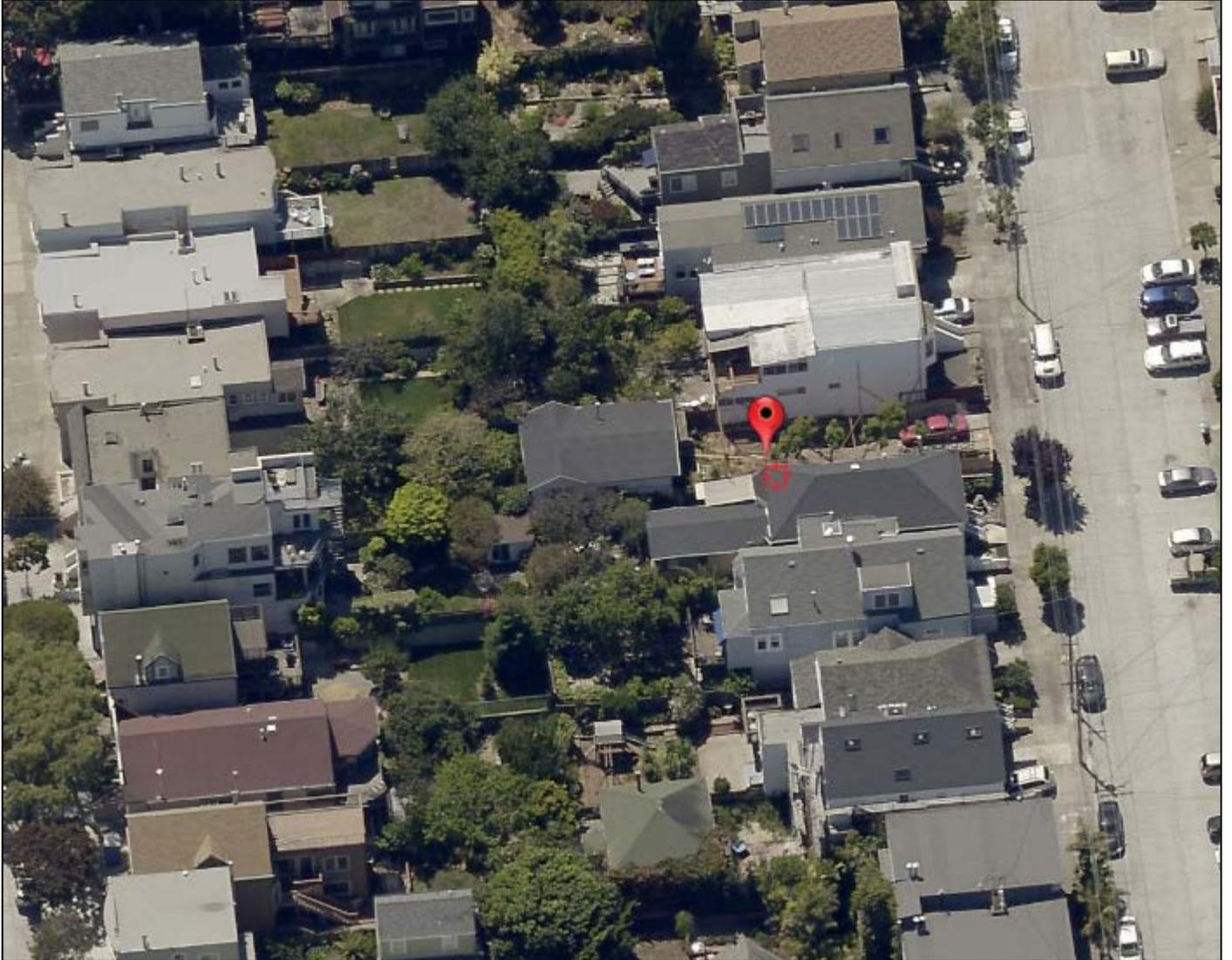
facing south



Mandatory Discretionary Review Hearing
Case Nos. 2012.0075DD & 2014.0981D
437 Duncan Street

Aerial Photo

facing west



Mandatory Discretionary Review Hearing
Case Nos. 2012.0075DD & 2014.0981D
437 Duncan Street

Aerial Photo

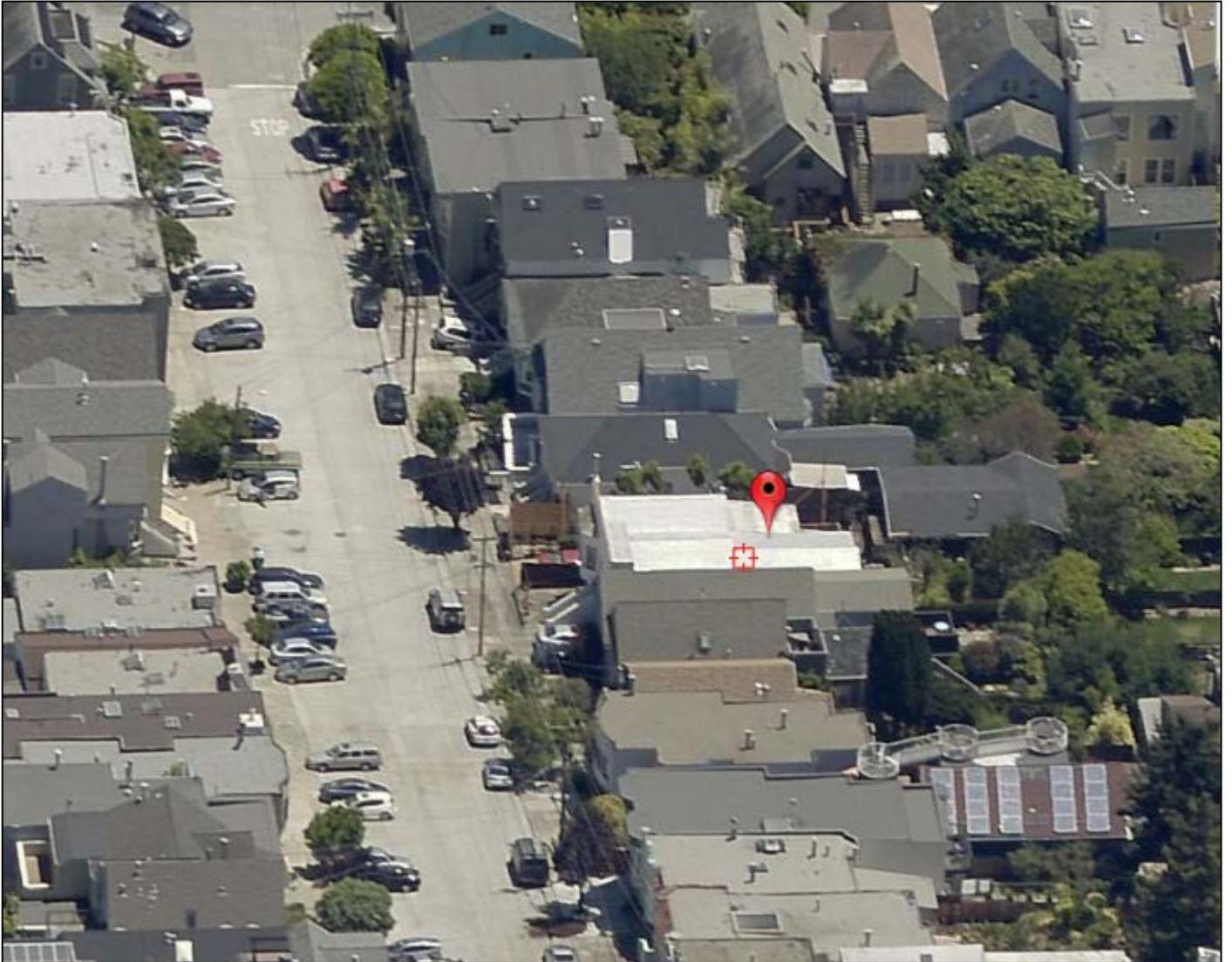
facing north



Mandatory Discretionary Review Hearing
Case Nos. 2012.0075DD & 2014.0981D
437 Duncan Street

Aerial Photo

view facing east



Mandatory Discretionary Review Hearing
Case Nos. 2012.0075DD & 2014.0981D
437 Duncan Street

Site Photo



SUBJECT PROPERTY

Mandatory Discretionary Review Hearing
Case Nos. 2012.0075DD & 2014.0981D
437 Duncan Street



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF DEMOLITION AND BUILDING PERMIT APPLICATION (SECTION 311)

On April 18, 2012, the Applicant named below filed Building Permit Application No. 2012.04.18.8570 and on July 16, 2012, filed Demolition Permit Application No. 2012.07.16.4978 with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	437 Duncan Street	Applicant:	Reza Khoshnevisan
Cross Street(s):	Noe & Sanchez Streets	Address:	1256 Howard Street
Block / Lot No.:	6602 / 035	City, State:	San Francisco, CA 94103
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 922-0200 x108

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may 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.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input checked="" type="checkbox"/> Demolition	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	79 feet 6 inches	14 feet 5 inches
Side Setbacks	0 (east) and 1 feet 6 inches (west)	None
Building Depth	34 feet 6 inches	60 feet 4 inches
Rear Yard	None	39 feet 4 inches
Building Height	12 feet (approx.)	36 feet 6 inches
Number of Stories	1	3 over basement/garage
Number of Dwelling Units	1	No Change
PROJECT DESCRIPTION		
<p>The proposed project includes the demolition of the existing 816 sq. ft. single-family dwelling and construction of a 3,972 gross sq. ft., 36'-6" tall, three-story over basement/garage single-family dwelling. The project complies with all applicable provisions of the Planning Code and is consistent with the size and scale of the surrounding properties in the neighborhood. The demolition of the existing single-family dwelling requires Discretionary Review by the Planning Commission, pursuant to Code Section 317. The applicant has applied for a Discretionary Review and the case will be considered by the Planning Commission at a future date. The mailing for the Discretionary Review notification will confirm the hearing date and will be completed separately. <u>This notice is being re-sent and the 30-day notification period has been extended to comply with Planning Code Section 311.</u></p>		

For more information, please contact Planning Department staff:

Planner: Doug Vu
 Telephone: (415) 575-9120
 E-mail: Doug.Vu@sfgov.org

Notice Date: 3/26/14
 Expiration Date: 4/25/14

APPLICATION FOR Dwelling Unit Removal Merger, Conversion, or Demolition

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: Ristead O'Sulleabhain & Finbar Collins	
PROPERTY OWNER'S ADDRESS: 437 Duncan, San Francisco CA	TELEPHONE: () EMAIL:

APPLICANT'S NAME: SIA Consulting Corporation Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS: 1256 Howard San Francisco, CA	TELEPHONE: (415) 922-0200 EMAIL: reza@siaconsult.com, aidin@siaconsult.co

CONTACT FOR PROJECT INFORMATION: Same as Above <input checked="" type="checkbox"/>	
ADDRESS:	TELEPHONE: () EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR): Same as Above <input type="checkbox"/>	
ADDRESS:	TELEPHONE: () EMAIL:

2. Location and Classification

STREET ADDRESS OF PROJECT: 437 Duncan St.	ZIP CODE: 94131
CROSS STREETS: Harry St/Sanchez St.	

ASSESSORS BLOCK/LOT: 6602 / 035	LOT DIMENSIONS: 25'x114'	LOT AREA (SQ FT): 2,848 S.F.	ZONING DISTRICT: RH-2	HEIGHT/BULK DISTRICT: 40-x
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	PROJECT INFORMATION	EXISTING	PROPOSED	NET CHANGE
1	Total number of units	1	1	0
2	Total number of parking spaces	1	2	+ 1
3	Total gross habitable square footage	750 s.f. ±	3,715 ± S.F.	+ 2,965 s.f. ±
4	Total number of bedrooms	1	5	+ 4
5	Date of property purchase			
6	Total number of rental units	0	0	0
7	Number of bedrooms rented	0	0	0
8	Number of units subject to rent control	0	0	0
9	Number of bedrooms subject to rent control	0	0	0
10	Number of units currently vacant	1	N/A	N/A
11	Was the building subject to the Ellis Act within the last decade?	NO		
12	Number of owner-occupied units	0	0	0

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: _____

Date: _____

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

 Owner / Authorized Agent (circle one)

Loss of Dwelling Units Through Demolition

(FORM A - COMPLETE IF APPLICABLE)

Pursuant to Planning Code Section 317(d), the demolition of residential dwellings not otherwise subject to a Conditional Use Authorization shall be either subject to a Mandatory Discretionary Review hearing or will qualify for administrative approval. Administrative approval only applies to (1) single-family dwellings in RH-1 Districts proposed for Demolition that are not affordable or financially accessible housing (valued by a credible appraisal within the past six months to be greater than 80% of combined land and structure value of single-family homes in San Francisco); or (2) residential buildings of two units or fewer that are found to be unsound housing. Please see website under Publications for Loss of Dwelling Units Numerical Values.

The Planning Commission will consider the following criteria in the review of applications to demolish Residential Buildings. Please fill out answers to the criteria below:

Existing Value and Soundness

1. Whether the Project Sponsor has demonstrated that the value of the existing land and structure of a single-family dwelling is not affordable or financially accessible housing (above the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months);

The existing shed under utilizes the lot with an approx. 80' set back, and thus does not provide family size housing. Moreover, the existing shed stands in a dilapidated state and is currently uninhabitable.

2. Whether the housing has been found to be unsound at the 50% threshold (applicable to one- and two-family dwellings).

The housing has not been found to be unsound at the 50% threshold.

3. Whether the property is free of a history of serious, continuing code violations;

The property is free of a history of serious, continuing code violations.

Existing Building (continued)

4. Whether the housing has been maintained in a decent, safe, and sanitary condition;
The existing shed does not provide family size house and remains in a dilapidated state and is currently uninhabitable.

5. Whether the property is a *historical resource* under CEQA;
The property is not a historical resource under CEQA.

6. If the property is a historical resource, whether the removal of the resource will have a substantial adverse impact under CEQA;
Not applicable.

Rental Protection

7. Whether the Project converts rental housing to other forms of tenure or occupancy;
The project is not converting rental housing.

8. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;
The project is not removing rental units.

Priority Policies

9. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

The proposed demolition project preserves cultural and economic neighborhood diversity by conserving the surrounding housing.

10. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

The proposed demolition conserves neighborhood character by replacing an under utilized space, and unusable dilapidated shed with a new and much needed family size housing. The proposed project will maintain the integrity of the neighborhood's cultural and economic diversity.

11. Whether the Project protects the relative affordability of existing housing;

The proposed single family dwelling protects the relative affordability of existing housing.

12. Whether the Project increases the number of permanently affordable units as governed by Section 415;

The project increases the number of permanently affordable units by constructing a new single family dwelling

Replacement Structure

13. Whether the Project located in-fill housing on appropriate sites in established neighborhoods;

The proposed project does not interfere with the construction or existence of in-fill housing.

Replacement Structure

14. Whether the Project creates quality, new family housing;

The proposed project will create a quality, new single family dwelling to replace an under utilized space, and an unusable dilapidated shed with new a family size housing

15. Whether the Project creates new supportive housing;

The proposed project will not create new supportive housing.

16. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

The proposed project will construct a well-designed dwelling that enhances existing neighborhood character and shall adhere to the guidelines of the San Francisco Planning Department.

17. Whether the Project increases the number of on-site dwelling units;

The project increases the number of on-site dwelling units by constructing a single family unit.

18. Whether the Project increases the number of on-site bedrooms.

The project increases the number of on-site bedrooms by constructing a single family dwelling with multiple bedrooms.

Priority General Plan Policies – Planning Code Section 101.1

(APPLICABLE TO ALL PROJECTS SUBJECT TO THIS APPLICATION)

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed alterations and demolitions are consistent with eight priority policies set forth in Section 101.1 of the Planning Code. These eight policies are listed below. Please state how the Project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. If a given policy does not apply to your project, explain why it is not applicable.

Please respond to each policy; if it's not applicable explain why:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed project is consistent with Sec. 101.1(b)(1), because it will not displace any retail business in the neighborhood commercial district.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed project will conserve and protect existing housing and neighborhood character, thus preserving the cultural and economic diversity of our neighborhoods.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed project will construct a new affordable single family dwelling, thus increasing the City's supply of affordable housing.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

The proposed project site is within walking distance of a Muni transit line and includes multiple parking spaces and is therefore consistent with Sec. 101.1(b)(4) of the city planning code.

Please respond to each policy; if it's not applicable explain why:

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

Sec. 101.1(b)(5) is not applicable because the proposed project will not displace or remove any industrial and service sectors due to commercial office development.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed project will meet all present building and fire code requirements. Therefore the project is consistent with section 101.1(b)(6) of the city planning code.

7. That landmarks and historic buildings be preserved; and

Section 101.1(b)(7) is not applicable because no landmark or historic building will be affected by this project.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

No sunlight access to open space or parks will be affected; no public view vista will be blocked. Therefore the proposed project is consistent with section 101.1.(b)(8) of the city planning code.



SAN FRANCISCO
PLANNING
DEPARTMENT

CEQA Categorical Exemption Determination

Property Information/Project Description

PROJECT ADDRESS

BLOCK/LOT(S)

437 Duncan St

6602/035

CASE NO.

PERMIT NO.

PLANS DATED

2012.0075E

Addition/ Alteration (detailed below)

Demolition (requires HRER if over 50 years old)

New Construction

STEP 1 EXEMPTION CLASS

Class 1: Existing Facilities
Interior and exterior alterations; additions under 10,000 sq.ft.; change of use if principally permitted or with a CU.

Class 3: New Construction
Up to three (3) single family residences; six (6) dwelling units in one building; commercial/office structures under 10,000 sq.ft.; accessory structures; utility extensions.

NOTE:
If neither class applies, an *Environmental Evaluation Application* is required.

STEP 2 CEQA IMPACTS (To be completed by Project Planner)

If ANY box is initialed below an *Environmental Evaluation Application* is required.

_____ **Transportation:** Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?

_____ **Air Quality:** Would the project add new sensitive receptors (specifically, schools, colleges, universities, day care facilities, hospitals, residential dwellings [subject to Article 38 of the Health Code], and senior-care facilities)?

_____ **Hazardous Materials:** Would the project involve 1) change of use (including tenant improvements) and/or 2) soil disturbance; on a site with a former gas station, auto repair, dry cleaners, or heavy manufacturing use, or on a site with underground storage tanks?
Phase I Environmental Site Assessment required for CEQA clearance (E.P. initials required)

_____ **Soil Disturbance/Modification:** Would the project result in the soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in non-archeological sensitive areas?
Refer to: EP ArcMap > CEQA CatEx Determination Layers > Archeological Sensitive Areas

_____ **Noise:** Does the project include new noise-sensitive receptors (schools, colleges, universities, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area?
Refer to: EPArcMap > CEQA CatEx Determination Layers > Noise Mitigation Area

_____ **Subdivision/Lot-Line Adjustment:** Does the project site involve a subdivision or lot-line adjustment on a lot with a slope of 20% or more?
Refer to: EP ArcMap > CEQA CatEx Determination Layers > Topography

NOTE:
Project Planner must initial box below before proceeding to Step 3.

Project Can Proceed With Categorical Exemption Review.

The project does not trigger any of the CEQA Impacts and can proceed with categorical exemption review.

GO TO STEP 3

dst

STEP 3 PROPERTY STATUS - HISTORICAL RESOURCE

Property is one of the following: (Refer to: San Francisco Property Information Map)

Category A: Known Historical Resource **GO TO STEP 5**

Category B: Potential Historical Resource (over 50 years of age) **GO TO STEP 4**

Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age) **GO TO STEP 6**

STEP 4 PROPOSED WORK CHECKLIST (To be completed by Project Planner)

If condition applies, please initial.

- _____ 1. **Change of Use and New Construction** (tenant improvements not included).
- _____ 2. **Interior alterations/interior tenant improvements.** Note: Publicly-accessible spaces (i.e. lobby, auditorium, or sanctuary) require preservation planner review.
- _____ 3. **Regular maintenance and repair** to correct or repair deterioration, decay, or damage to the building.
- _____ 4. **Window replacement** that meets the Department's *Window Replacement Standards* (does not include storefront window alterations).
- _____ 5. **Garage work**, specifically, a new opening that meets the *Guidelines for Adding Garages and Curb Cuts*, and/or replacement of garage door in an existing opening.
- _____ 6. **Deck, terrace construction, or fences** that are not visible from any immediately adjacent public right-of-way.
- _____ 7. **Mechanical equipment installation** not visible from any immediately adjacent public right-of-way.
- _____ 8. **Dormer installation** that meets the requirements for exemption from public notification under *Zoning Administrator Bulletin: Dormer Windows*.
- _____ 9. **Additions** that are not visible from any immediately adjacent public right-of-way for 150' in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.

NOTE:
Project Planner must check box below before proceeding.

Project is **not listed:**
GO TO STEP 5

Project **does not conform** to the scopes of work:
GO TO STEP 5

Project involves **4 or more** work descriptions:
GO TO STEP 5

Project involves **less than 4** work descriptions:
GO TO STEP 6

STEP 5 CEQA IMPACTS - ADVANCED HISTORICAL REVIEW (To be completed by Preservation Planner)

If condition applies, please initial.

- _____ 1. Project involves a **Known Historical Resource (CEQA Category A)** as determined by Step 3 and conforms entirely to Scope of Work Descriptions listed in Step 4. (Please initial scopes of work in STEP 4 that apply.)
- _____ 2. **Interior alterations to publicly-accessible spaces.**

- _____ 3. **Window replacement** of original/historic windows that are not "in-kind" but are consistent with existing historic character.
- _____ 4. **Façade/storefront alterations** that do not remove, alter, or obscure character-defining features.
- _____ 5. **Raising the building** in a manner that does not remove, alter, or obscure character-defining features.
- _____ 6. **Restoration** based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
- _____ 7. **Addition(s)**, including mechanical equipment that are minimally visible from a public right of way and meets the *Secretary of the Interior's Standards for Rehabilitation*.
- _____ 8. **Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties**

Specify:

tbl 9. **Reclassification of property status to Category C**

- a. Per Environmental Evaluation Evaluation, dated _____
- Attach Historic Resource Evaluation Report

See attached HREP 2012.0075E

b. Other, please specify: _____

* Requires initial by Senior Preservation Planner / Preservation Coordinator

NOTE:
If ANY box is initialed in STEP 5, Preservation Planner MUST review & initial below.

Further Environmental Review Required.

Based on the information provided, the project requires an *Environmental Evaluation Application* to be submitted.

GO TO STEP 6

Preservation Planner Initials

Project Can Proceed With Categorical Exemption Review.

The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review.

GO TO STEP 6

sb

Preservation Planner Initials

STEP 6 CATEGORICAL EXEMPTION DETERMINATION (To be completed by Project Planner)

Further Environmental Review Required.
Proposed Project does not meet scopes of work in either:

(check all that apply)

- Step 2 (CEQA Impacts) or
- Step 5 (Advanced Historical Review)

STOP!

Must file *Environmental Evaluation Application*. _____

No Further Environmental Review Required. Project is categorically exempt under CEQA.

Tina Tam

Planner's Signature

7/16/2012

Date

Tina Tam

Print Name

Once signed and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.



SAN FRANCISCO PLANNING DEPARTMENT

Historic Resource Evaluation Response

Date June 15, 2012 (Part I)
Case No.: 2012.0075E
Project Address: 437 Duncan Street
Zoning: RH-2 (Residential, House, Two-Family) District
40-X Height and Bulk District
Block/Lot: 6602/035
Staff Contact: Monica Pereira (Environmental Planner)
(415) 575-9107
monica.pereira@sfgov.org
Michael Smith (Preservation Planner)
(415) 558-6322
michael.e.smith@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PART I: HISTORIC RESOURCE EVALUATION

Buildings and Property Description

437 Duncan Street is located on the south side of the street between Noe and Sanchez Streets within the Noe Valley neighborhood. The subject building is located on a 2,850 square-foot, rectangular shaped lot that measures 25 feet in width, 114 feet in depth, and is located within a RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.

The subject property is improved with a single-family dwelling. Assessor's records indicate that the existing building on the property was constructed in 1900, a default construction date for properties whose records were destroyed. However, the property first appears on the 1914 Sanborn Map and Spring Valley Water Records indicate that water was first supplied to the property in 1911. Also, the first permit issued for the property was in 1911 to underpin the cottage. It is unclear from these records whether the building was moved to the property from another location; it is therefore assumed that the water tap records coincide with the building's date of construction and that the building was constructed circa 1911.

The building is sited at the rear (south end) of the lot abutting the rear property line with a carport located at the front of the lot. The building is a one-story, wood-frame, single-family dwelling with a gabled roof. The building is clad in rustic wood siding and its primary elevation features the primary entrance on the right and a picture window on the left with an aluminum sash. At the front, the elevation slightly overhangs the crawl space below. The entrance is elevated, accessed from stone steps, and located beneath a projecting corrugated shed roof supported by wood posts. The low pitched gabled roof that tops the elevation has short eaves supported by rafter tails. The building does not embody any particular architectural style but instead appears to be a simple vernacular cottage.

Pre-Existing Historic Rating / Survey

The subject property is not included on any historic resource surveys or listed on any local, state or national registries. The building is considered a "Category B" property (Properties Requiring Further Consultation and Review) for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures due to its age (constructed circa 1911).

Neighborhood Context and Description

The subject property is located in the Noe Valley neighborhood which is generally considered to be bordered by 21st Street to the north, 30th Street to the south, Grand View Avenue and Diamond Heights Boulevard to the west and Dolores Street to the east. The neighborhood is named after Jose de Jesus Noe, the last Mexican alcalde of Yerba Buena. However, John Meirs Horner is the person most associated with Noe Valley's development. The area was comprised mainly of dairy farms, grazing land, and farm land but under Horner the neighborhood was plotted, names were given to its streets, and it became known as Horner's Addition.

During the Gold Rush, Jose Noe, like the other rancheros in San Francisco, had no reasonable means to preserve his rancho. Wages to police the ranchos were high, costs to litigate rancho claims were high, and a series of droughts and floods cut into rancho profits. These factors combined with the Financial Panic of 1852-59 forced Jose Noe to sell his lands.

John Meirs Horner, an ambitious Mormon who had arrived on the sailing ship *Brooklyn* in 1846, purchased the eastern portion of Rancho San Miguel, from Jose de Jesus Noe in 1853. Of all the Rancho San Miguel neighborhoods, those in Horner's Addition developed first because they were closer to downtown. As a result, the oldest buildings of any Rancho San Miguel neighborhoods can be found in Noe and Eureka Valleys. Because the area was spared in the aftermath of the 1906 Earthquake and Fire, settlement in these neighborhoods boomed as Earthquake refugees settled in the area during the reconstruction period (1906 - 1914). The refugees that settled in Noe Valley were primarily of Irish, German, and Scandinavian decent. The neighborhood was developed as a working class one and its early development reflected it. Building plans were primarily taken from pattern books for efficiency with trim and ornamentation options depending on the owner's tastes and finances. Noe Valley's primary development period was from 1880 - 1920, though its higher more remote locations remained undeveloped until the middle of the century which resulted in clusters of mid-century development scattered through out its higher elevations.

Due to its family friendly atmosphere, proximity to transit lines going downtown, and rapidly increasing land values, the neighborhood rapidly gentrified to the white collar neighborhood that it is today.

437 Duncan Street is located on a residential block that is defined by single-family dwellings constructed between 1900 and 1961 in a mix of architectural styles. Building heights are generally one to three stories with most buildings having ground floor garage entrances. The buildings have varying degrees of visual material integrity though they retain their general form and massing. They are modest structures with restrained levels of ornamentation and are unremarkable in their detailing. It should be noted that the immediate blocks surrounding the

site have not been formally surveyed and that there are no adopted Historic Districts located nearby.

CEQA Historical Resource(s) Evaluation

Step A: Significance

Under CEQA section 21084.1, a property qualifies as a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources." The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources or not included in a local register of historical resources, shall not preclude a lead agency from determining whether the resource may qualify as a historical resource under CEQA.

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criterion 3 - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 3 - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Period of Significance:	Period of Significance: <input type="checkbox"/> Contributor <input type="checkbox"/> Non-Contributor

To assist in the evaluation of the subject property, the Project Sponsor has submitted a Historical Resource Evaluation prepared by the consultant, Tim Kelley Consulting. Based upon information provided by Tim Kelley Consulting and found within the Planning Department's background files, Preservation staff finds that the subject property is not eligible for inclusion on the California Register individually and is not located within a potentially eligible historic district.

Criterion 1: Property is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

437 Duncan Street was constructed during Noe Valley's primary development period (1880 – 1920) as it was transitioning from a rural area to an urban neighborhood with the introduction of transit. To be eligible under the event Criterion, the building cannot merely be associated with the early development of the neighborhood but must have a specific association with its development to be considered significant. Staff finds that the subject building has no specific association with this period of development that would make it eligible for inclusion on the California Register under Criterion 1. Additional research has not revealed that any significant events occurred on the property that would make it eligible for listing under this Criterion. Furthermore, there does not appear to be a significant collection of buildings from Noe Valley's development period that represents a significant event or series of events. It is therefore determined that the subject block does not contribute to a California Register-eligible historic

district in the neighborhood, and that the subject property is not individually eligible for the California Register under this Criterion.

Criterion 2: Property is associated with the lives of persons important in our local, regional or national past.

Based upon the Historical Resource Evaluation prepared by the consultant, Tim Kelley Consulting, Ellen McCartin and Mary Rohan were the earliest known owners of the property, from 1911 to 1927. Ms. Rohan is listed as a widow but her occupation and that of Ms. McCartin is unknown. The property has had several more owners and occupants over the past 85 years. None of the owners or occupants of the property were found to be important to our local, regional or national past.

Therefore, 437 Duncan Street is not eligible for listing under California Register Criterion 2.

Criterion 3: Property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.

The subject building is an example of a vernacular cottage. It is unknown whether the building was constructed on site or moved to its current location. The building's appearance was altered in 1933 when an addition was constructed at the front of the building and it is unknown whether the original 1911 cottage is extant. The building's original dimensions would suggest that it may have been a Type C Earthquake Shack. However closer examination of the original structure revealed that it contains studs that are not found within an Earthquake Shack and it did not contain the checkerboard rafter system that is found within Earthquake Shacks. Therefore, it was determined that the building does not contain the remnants of an Earthquake Shack. The building does not exhibit distinctive characteristics of a type, period, region, or method of construction. The architect for the original 1911 cottage is unknown as is the architect for the 1933 addition; however, the building does not appear to be the work of a master. Therefore, the property is not individually eligible for listing on the California Register under Criterion 3.

The 400 block of Duncan Street is defined by single-family dwellings constructed between 1900 and 1961 in a mix of architectural styles including Classical Revival, Victorian, Edwardian, Mid-Century Modern, and Modern. The buildings have varying degrees of visual material integrity though they retain their general form and massing. They are modest structures with restrained levels of ornamentation and are unremarkable in their detailing. Together they do not represent a cohesive group of architecturally or historically similar buildings. Therefore, the property does not appear to be located within a potential district that is eligible for listing on the California Register under Criterion 3.

Criterion 4: Property yields, or may be likely to yield, information important in prehistory or history.

Based upon a review of information in the Department's records, the subject property is not significant under Criterion 4, which is typically associated with archaeological resources. Furthermore, the subject property is not likely significant under Criterion 4, since this significance criteria typically applies to rare construction types when involving the built environment. The subject property is not an example of a rare construction type.

Step B: Integrity

To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance." Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.

The subject property has retained or lacks integrity from the period of significance noted in Step A:

Location:	<input type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Setting:	<input type="checkbox"/> Retains	<input type="checkbox"/> Lacks
Association:	<input type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Feeling:	<input type="checkbox"/> Retains	<input type="checkbox"/> Lacks
Design:	<input type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Materials:	<input type="checkbox"/> Retains	<input type="checkbox"/> Lacks
Workmanship:	<input type="checkbox"/> Retains	<input type="checkbox"/> Lacks			

Since 437 Duncan Street was determined not to meet any of the criteria that would identify it as eligible for the California Register of Historical Resources, an analysis of integrity was not conducted.

Step C: Character Defining Features

If the subject property has been determined to have significance and retains integrity, please list the character-defining features of the building(s) and/or property. A property must retain the essential physical features that enable it to convey its historic identity in order to avoid significant adverse impacts to the resource. These essential features are those that define both why a property is significant and when it was significant, and without which a property can no longer be identified as being associated with its significance.

Since 437 Duncan Street was determined not to meet any of the criteria that would identify it as eligible for the California Register of Historical Resources, this analysis was not conducted.

CEQA Historic Resource Determination

- Historical Resource Present
 - Individually-eligible Resource
 - Contributor to an eligible Historic District
 - Non-contributor to an eligible Historic District
- No Historical Resource Present

PART I: SENIOR PRESERVATION PLANNER REVIEW

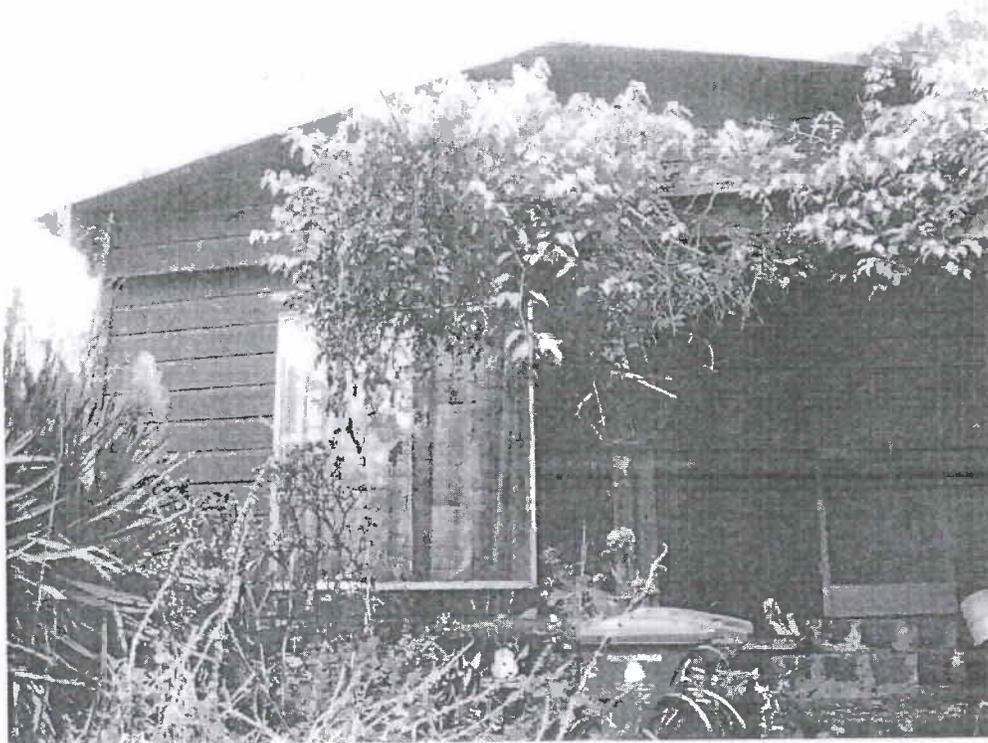
Signature:  Date: 7/10/2012
Tina Tam, Senior Preservation Planner

cc: Vimaliza Byrd, Environmental Division/ Historic Resource Impact Review File

HISTORICAL RESOURCE EVALUATION

437 DUNCAN STREET

SAN FRANCISCO, CALIFORNIA



TIM KELLEY CONSULTING, LLC

HISTORICAL RESOURCES

2912 DIAMOND STREET #330

SAN FRANCISCO, CA 94131

415.337-5824

TIM@TIMKELLEYCONSULTING.COM

Docket copy

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME:		
John Pilgrim		
DR APPLICANT'S ADDRESS:	ZIP CODE:	TELEPHONE:
438 Duncan Street	94131	(415)224-4909
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:		
437 Duncan LLC		
ADDRESS:	ZIP CODE:	TELEPHONE:
271 Jersey St	94110	(415) 420-2520
CONTACT FOR DR APPLICATION:		
Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE:
		()
E-MAIL ADDRESS:		
jwp2007@johnpilgrim.net		

2. Location and Classification

STREET ADDRESS OF PROJECT:		ZIP CODE:		
437 Duncan Street		94131		
CROSS STREETS:				
Sanchez and Noe				
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
6602 /035	25x114	2848	RH-2	40-X

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
Residential

Present or Previous Use:

Proposed Use: Residential

Building Permit Application No. 2012.04.18.8570

Date Filed: 4/18/2012

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 type="checkbox"/>	<input checked="" 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.

- The overall height of the proposed structure was decreased from 39.25' to 36'.
- The front setback was increased to comply with Planning Code §132(a), and the angled planes of the front façade “bay windows” were reconfigured.
- The rear setback was increased to comply with Planning Code §133(c).
- The lightwell adjacent to the lightwell of neighboring 435 Duncan was lengthened to minimally meet the 75% overlap requirement of RDG pages 16-17, but the area of the lightwell was reduced 40% from 120sf to 71.25sf.
- The floor of the lightwell was adjusted to be level with the window sills of the adjacent 435 Duncan lightwell windows, and the lightwell’s property line parapet wall removed.
- The width of the proposed penthouse level was reduced from the width of the property (25’) to 14’6”.
- The front setback of the penthouse structure was increased from 10’7” to 15’7”
- The roof deck was increased and expanded from the rear of the roof to include ALL available exterior area of the roof.

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 cite specific sections of the Residential Design Guidelines.

See attachment and photos

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:

See attachment and photos

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?

See attachment and photos

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: 

Date: 4/24/14

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

John Pilgrim
 Owner / Authorized Agent (circle one)

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 checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Convenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/> N/A
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 checked="" 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.

RECEIVED

APR 25 2014

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PIC

For Department Use Only

Application received by Planning Department:

By: *M. Corrette*

Date: *4.25.14*

12.00750

QUESTION 1 — What are the reasons for requesting Discretionary Review? 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?

We request Discretionary Review because of this project's **striking mismatch with both the topography and the existing building scale of the broader neighborhood context**, as required by the Residential Design Guidelines ("RDG") (pages 11, 23-25).

The exceptional and extraordinary features are (a.) the **pronounced grade of the street**, (b.) the **existing consistent visual scale and stepping of homes** on the hill, and (c.) the **aggressive scale of the proposed structure**.

LATERAL SLOPE OF BROADER PROJECT CONTEXT

The project's location on the 400 block of Duncan Street has a **very steep grade**, rising 100 vertical feet from its foot at Sanchez Street to the end of the cul-de-sac at 485/486 Duncan, and an additional 25 feet up stairs to Noe Street.

The **exceptional slope of the street** allows **viewers on the sidewalk** to **view over the front façades** of houses down the hill and **see the sides and roofs of buildings below**.

These **extraordinary lateral views** make roofs and **setback upper floors highly visible from the sidewalk and street** throughout the block.

The exceptional lateral views from the public right of way must be taken into account in assessing the height and massing of the proposed structure.

Please refer to attached photographic renderings which show the topography and the lateral views of the existing and proposed structures at the project site.

EXISTING NEIGHBORHOOD CHARACTER

The 400 block of Duncan Street has **strong and distinctive visual character**, marked by (1.) the **pleasing regular stepping of homes** which **respects the topography of the hill** (RDG page 11), and (2.) a **uniform and consistent building scale** (RDG pages 9-10).

The **prevailing scale** of homes is **modest in size**. Many have **gabled roofs** that significantly **reduce their blockface and massing**.

Attachment #1 to Discretionary Review Application
for Permit **2012.04.18.8570** at **437 Duncan Street**
page 2 of 5

Please refer to the attached photographic composite of the southern blockface of the 400 block of Duncan Street, as well as the attached mid-block photographic panorama looking North, to see the consistent building scale and elegant stepping of the roofline matching the hill.

The block has 13 one-level-over-garage, 15 two-level-over-garage, 5 two-level and 1 one-level (the existing structure at 437 Duncan) houses. There are **NO existing three-level-over-garage structures** as the project proposes to build on the block. Further, *most* of the existing two-level-over-garage on the project's side of the street have gabled roofs, allowing their greater height to fit appropriately within the visual stepping of the hill.

While there is minor architectural variation, we respectfully disagree with the developer's assertion that the broader neighborhood context has a "mixed visual character" as described on RDG pages 9-10. To the contrary, **the consistent smaller scale of homes and their harmonious stepping with the topography of the hill** give the block **a strong, distinctive and unique character**.

Over fifty residents of the 400 block of Duncan Street and the 300 block of 28th Street have been **meeting regularly for over two years** regarding this project. **We love and value this special character of the block** and regard it as **an exceptional and extraordinary asset** in the City.

SCALE OF THE PROPOSED STRUCTURE

The proposed structure is **15'11" taller** than the roof peak elevation of the adjacent home downhill, and **6'5" taller** than the parapet elevation of the adjacent home **uphill**.

The project is **large** and **out of proportion** with the block (RDG pg. 23-25). Specifically the proposed penthouse level does not respect the scale of the neighborhood (RDG pg. 25).

The Residential Design Team and Planner believed so as well when they they wrote in Notice of Planning Department Requirements #1 (Sept 9, 2012), "To ensure the building's height and form is compatible with that of the surrounding buildings pursuant to pages 23-27, the topmost penthouse level should be removed."

The neighborhood was very dismayed when the Planning Department retreated from this position in NOPDR #2 (Jan 7, 2013), allowing the penthouse to remain with reduced width and a 15' setback. This is an **ineffective** modification in this specific neighborhood context because the **exceptional** slope of the street and **extraordinary** lateral views allow a **setback penthouse to remain highly visible from the sidewalk and street** throughout the block, disrupting the common scale and regular stepping of the homes.

Please refer to the attached photographs, from various vantage points on the block, showing the existing project site and the proposed structure in context (based on the plans in the “311” notification).

The changes that have been made to date by the developer have **focussed more on the immediate context**, and have not fundamentally addressed the fact that the project’s scale and roofline, lofted by the penthouse level, is **highly disruptive of the broader neighborhood character** (RDG 23-25, 28-30).

Lastly, the scale and massing of the proposed structure is **inconsistent with the Priority Policies in Planning Code §101.1(b)**. The proposed structure is a **large 3972 sq. ft. single family home** replacing a humble 816 sf. ft. cottage **on a block of modest homes of an average 1541 sq. ft. and a median 1372 sq. ft.** This **fails to conserve the existing housing and neighborhood character**, as required by Planning Code §101.1(b)(2). Further, the new structure is likely to be marketed at a price far far above any other home on the block. In so doing, it **fails to preserve and enhance the supply of affordable housing**, as required by Planning Code §101.1(b)(3).

Question 2 — Please explain how the project would cause unreasonable impacts. Please state how your property, the property of others or the neighborhood would be adversely affected.

Far from enhancement or conservation—the height, massing and acoustics of the proposed structure degrade the existing character of our neighborhood.

VISUAL DISRUPTION

The proposed project **will result in the significant disruption and loss of important defining neighborhood characteristics** of the 400 block of Duncan Street.

First, the project is oversized and out of proportion from all angles and will **weaken the existing strong common scale of houses**.

Secondly, the height, roofline and massing of the project will **interrupt the existing regular stepping of houses along the block’s sloping topography**.

The proposed structure is out of character with the common rhythms and range of architectural elements found on the street. Rather than unify the block, the project overreaches and upends the limited range of variation that marks the broader neighborhood vernacular.

The **disruption of the common scale, stepping and vernacular** of the block’s architecture has **an unreasonable adverse impact on ALL the residents of the block** as well as of the City more broadly.

NOISE and PRIVACY

The **steep topography of the block concentrates and propagates sounds and noise**, much like an **amphitheater**.

The project's developer has clearly stated to the neighborhood that the **penthouse and roof deck are designed as recreation spaces for entertaining**.

The neighborhood is very concerned that, if the proposed structure were to be built as proposed, neighbors would be subject to a **significant increase in disruptive noise**, particularly at night, from the penthouse and roof deck.

We are also concerned about the **degradation of our privacy** from occupants of the property and their guests being able to **see into adjacent houses from the roof deck and penthouse windows**.

Question 3 — What alternatives or changes, beyond the changes already made, would respond to the exceptional and extraordinary circumstances and reduce the adverse impacts note above?

We ask that the Planning Commission exercise Discretionary Review to **require that the top floor penthouse AND the roof deck both be removed ENTIRELY** from the proposed structure.

As part of the removal of the roof deck, we **further request that a fire-rated roof and 6-inch building parapet be required**. This shorter parapet will decrease the height of the proposed structure by an additional 18 inches, and, with the removal of the penthouse, will result in a more appropriately scaled structure that is still 7'5" taller than the roof peak elevation of the adjacent home **downhill**, and **appropriately 2'1" shorter** than the parapet elevation of the adjacent home **uphill**.

These **reasonable measures** come directly from page 25 of the Residential Design Guidelines as **appropriate modifications** to enable a proposed building be compatible with the existing building scale at the street.

Lastly, we ask that the building's roofline/roof form be re-designed to be compatible with the adjacent buildings and prevailing blockface pattern, most importantly with the gabled roofs present on seven of the eight houses on either side of the subject property. One possibility is for the roofline to slope down from right-to-left, to mirror the hillside as well as bridge the parapet of the uphill neighbor with the gable of the downhill neighbor.

Attachment #1 to Discretionary Review Application
for Permit **2012.04.18.8570** at **437 Duncan Street**
page 5 of 5

As noted above, the removal of the penthouse and redesign of the roof **was previously required** for this project in Notice of Planning Department Requirements #1 (Sept 9, 2012). We ask that this requirement be reinstated.

These measures **will reduce the project's adverse impact** on the blockface and mid-block massing, **reduce lateral shadowing** of adjacent properties, and **preserve the stepping** of the houses and their respect for the topography. The removal of the top floor penthouse and the roof deck in its entirety will **also remedy the noise and privacy issues**.

In summary, to make the project compatible with the scale and topography of the neighborhood context, we ask the **Planning Commission to require (a.) the removal of the top floor penthouse and roof deck, (b.) their replacement with a fire rated roof and 6-inch parapet, and (c.) the redesign of building's roofline/roof form to be compatible with the adjacent buildings.**

12-00750

Subject site 437 Duncan Street and **all adjacent buildings** on South side of the 400 block of Duncan Street, photo composite of images taken from sidewalk directly across the street from each building

EXISTING



Subject site 437 Duncan Street, seen from sidewalk 416 Duncan Street

EXISTING

12-00750



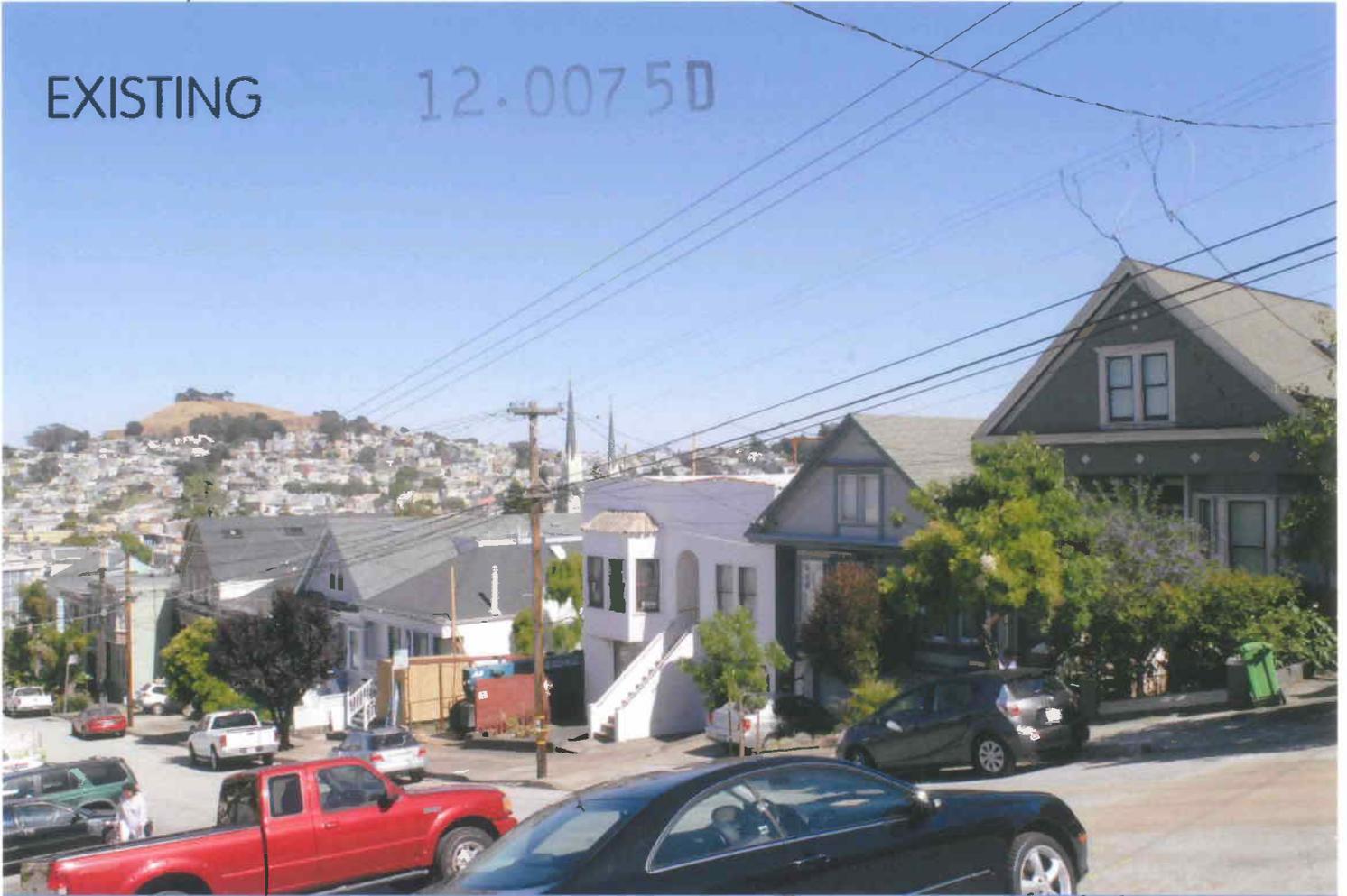
PROPOSED



Subject site 437 Duncan Street, seen from sidewalk 464 Duncan Street

EXISTING

12.0075D



PROPOSED



Subject site 437 Duncan Street, seen from sidewalk 404 Duncan Street

EXISTING



PROPOSED



Subject site 437 Duncan Street, seen from crosswalk Duncan at Sanchez Street

EXISTING



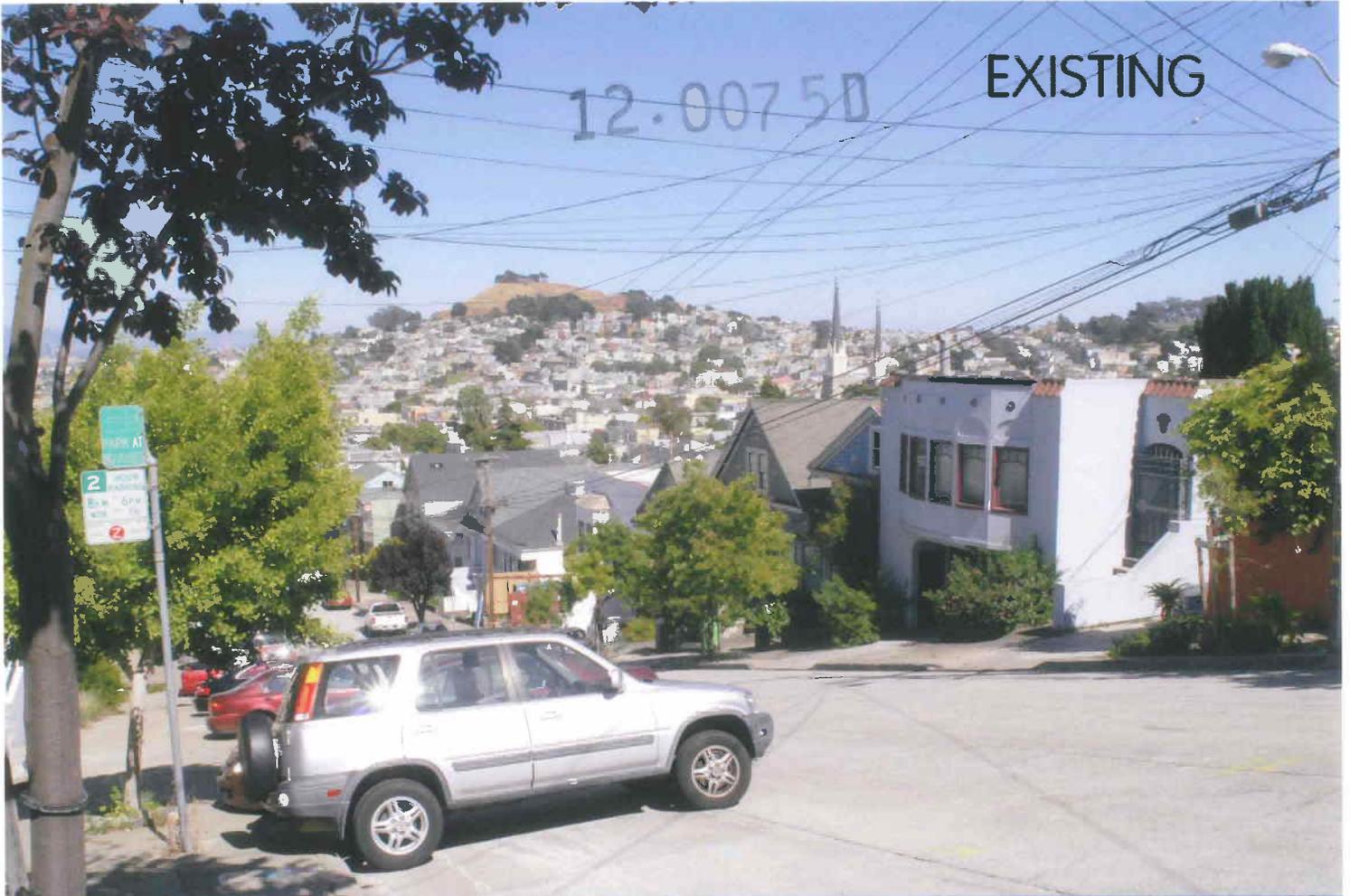
PROPOSED



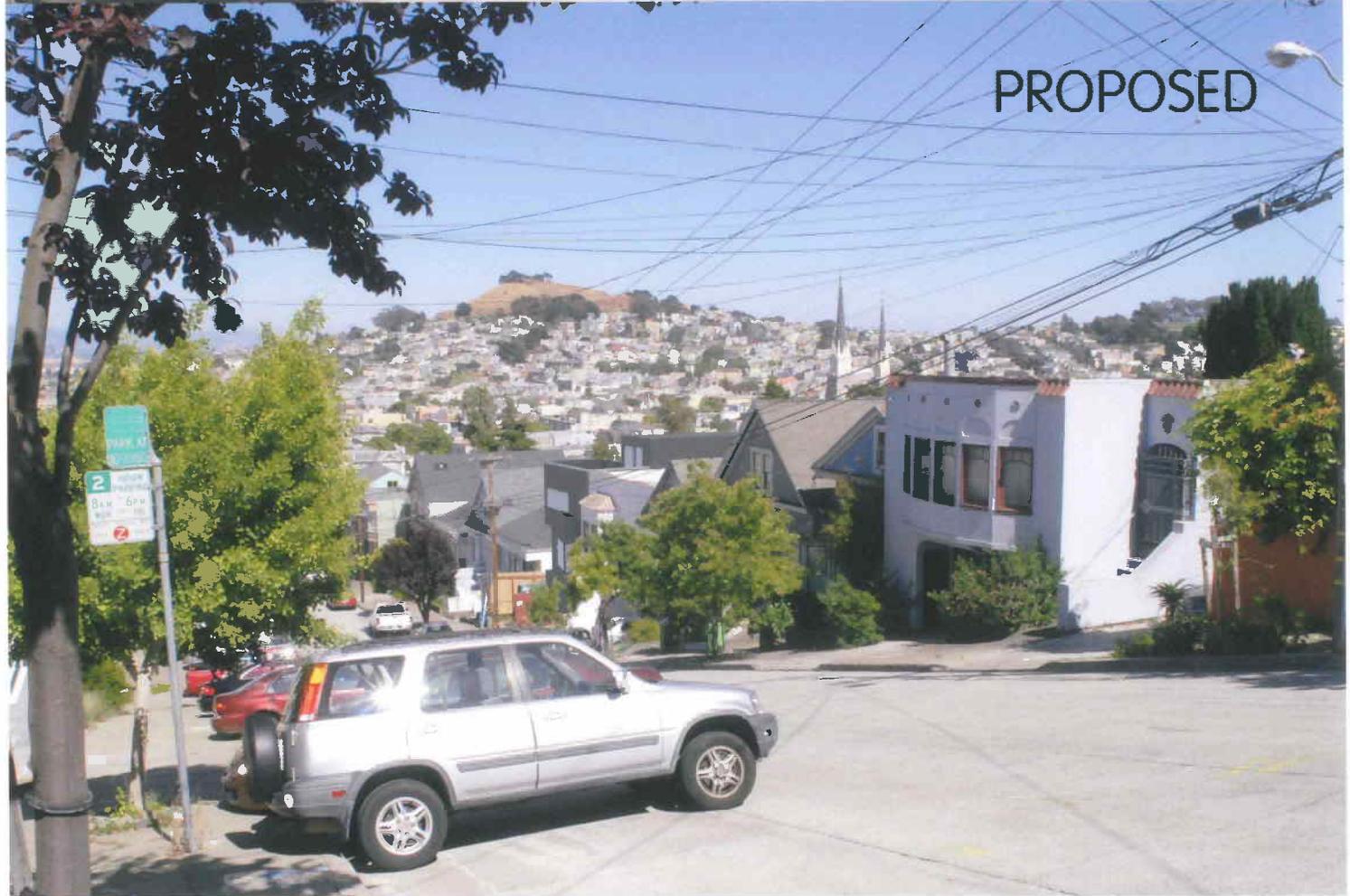
Subject site 437 Duncan Street, seen from sidewalk 470 Duncan Street

12-00750

EXISTING



PROPOSED



Subject site 437 Duncan Street, seen from sidewalk 486 Duncan Street

EXISTING

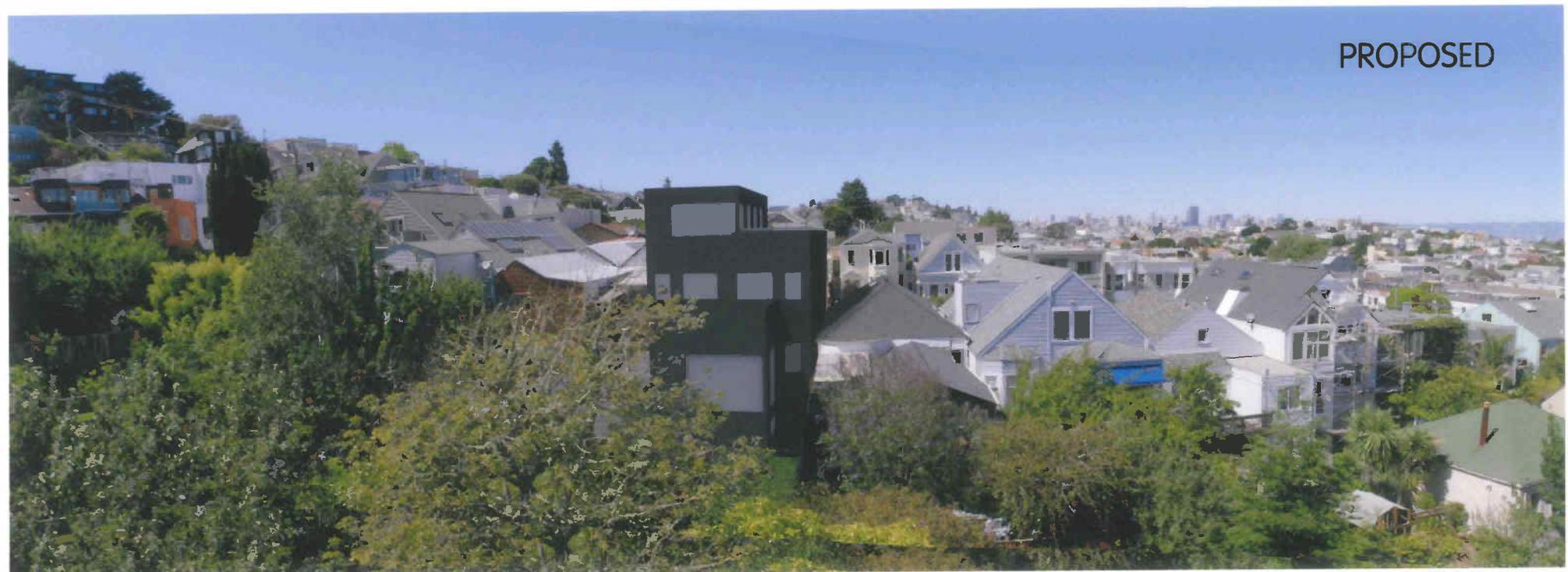
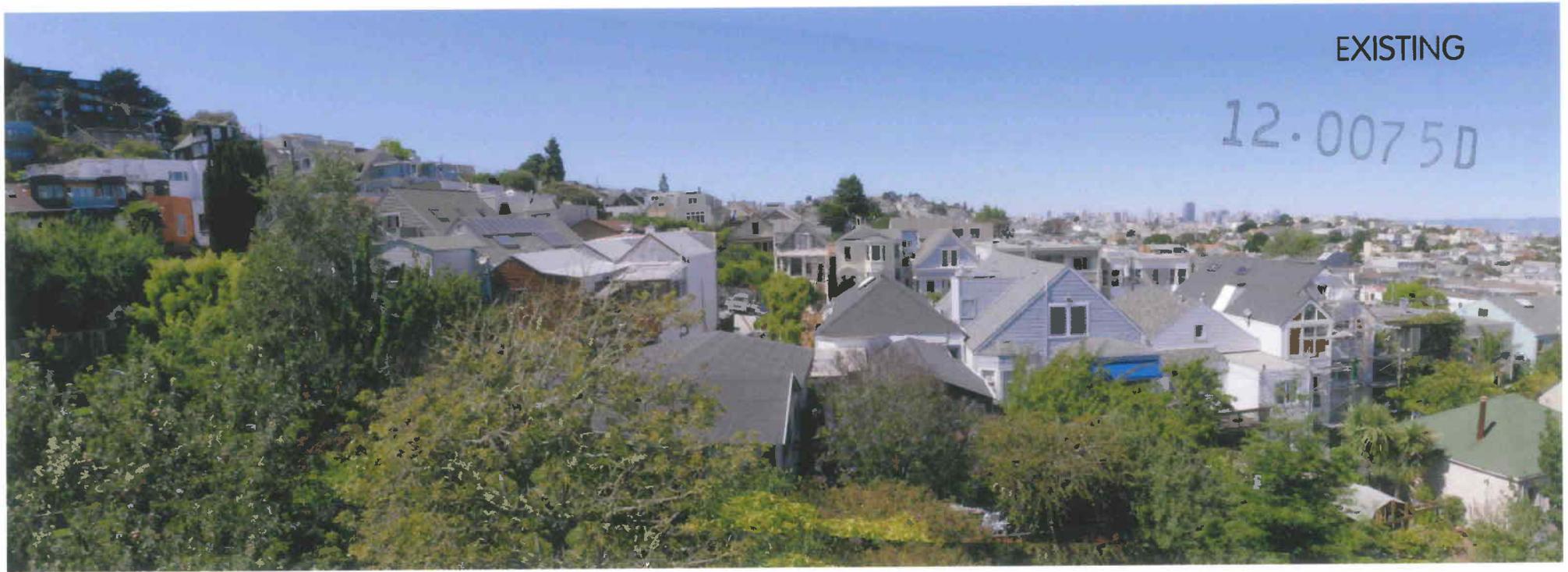
12-00750



PROPOSED



Subject site 437 Duncan Street and the 400 block of Duncan Street, as seen from 324-28th Street, looking North



Subject site 437 Duncan Street, seen from sidewalk 448 Duncan Street

EXISTING

12.0075D



PROPOSED



7/2/2014

Leticia Gonzalez
435 Duncan Street
San Francisco, CA 94131
415-282-7284
Gleticia23@yahoo.com

RE: 437 Duncan Application

2012.04.18.8570

Dear President Wu and Members of the Planning Commission

Greetings Commissioners

Thank you for the opportunity to express our thoughts to you. We trust you will give us equal and fair treatment to understand our needs.

My mother is 87 years old and 60 of those she has resided at 435 Duncan St adjacent to 437 Duncan St. Everything that needed to be said has been said so I will keep this short.

We cannot **afford** to pay for extra lighting in our house during the day. Our entire west side of the house will go completely dark jeopardizing my Mothers vision and wasting energy.

Our rear yard runs a great chance of deteriorating removing the building at the rear of the lot at 437.

Excavation levels can cause damages to our foundation and we have nothing to guarantee they will be held responsible for it

The bottom line is there are going to be lawsuits because we are not going to take this sitting down.

Thank You

Sincerely

Leticia Gonzalez
Inheritance to property
435 Duncan Street

Subject: 437 Duncan Street
Building Permit Application No. 2012.04.18.8570
Block 6602 Lot 035

Dear President Wu and members of the Planning Commission

We are writing to express our opposition to the proposed plan for 437 Duncan Street and our support of the Application for Discretionary Review filed by John Pilgrim on 4/18/2012.

The proposed plan with the fourth floor and roof deck could be used as an illustration of **what is NOT allowable** under the Residential Design Guidelines. Now, in requesting discretionary review, the filer is asked to show exceptional and extraordinary circumstances to justify the review. **That is backwards.** In proposing a design that does NOT comply with Residential Design Guidelines, the burden to show exceptional and extraordinary circumstances should be placed on the developer. The fourth floor penthouse is not living space. The other levels of the home have a living room, a family room and a "bonus" room. The penthouse and roof deck are party spaces. Is the developer's desire for a party space a compelling reason to approve a design that negatively impacts the character of the neighborhood in all the ways outlined in the Application for Discretionary Review?

The Planning Department is charged with enforcing the Planning Code and the Residential Design Guidelines. In this instance, the Department has not done so. Therefore, the neighbors have been forced to present the issue to the Planning Commission. What we're asking for is a decision that requires removal of the fourth floor and the roof deck thus preserving the character of the neighborhood and NOT setting a very bad precedent.

Jean Hardin

James Hardin

449 Duncan Street
San Francisco CA 94131

Vu, Doug (CPC)

From: David Daniel Bowes <ddbowessf@gmail.com>
Sent: Wednesday, April 02, 2014 11:27 AM
To: Vu, Doug (CPC)
Subject: Building Plans

Dear Mr. Vu,

I am writing with reference to the proposed project at 437 Duncan St.

It has been shown, and we see on the plans, that the project is not in scale or in style with the rest of the neighborhood. The penthouse would be a concern to me if I lived on 28th St, for sure!

I feel badly for my neighbors, who stand to lose light and air entering their home because of the size and bulkiness of the proposed building.

I urge you to consider carefully the seismic exploration that must also be done, as Duncan St. is quite angled. No one wants slippage.

When I looked at the plans, I thought to myself, why didn't they just set the house back further from the street, and preserve the light and air for the adjoining homes? What do they need a penthouse for? The builders obviously are just running rough-shod over those fine neighbors!

I deplore the outcropping of these large, non-stylistic homes in our characteristic neighborhoods.

Thank you for your time.

David
416 Duncan St SF 94131

David Daniel Bowes
Viola/Violin
www.philharmonia.org

To: San Francisco Planning Commission
Re: 437 Duncan Application # 2012.04.18.8570
Date: June 30, 2014

Dear President Wu and Members of the San Francisco Planning Commission:

I'm live at 436 Duncan Street and am a proud resident of Noe Valley. I absolutely love the character of the neighborhood. While I have no issues with modern construction, I do have major concerns about maintaining the aesthetics of the block and the neighborhood. As you are likely aware, there are proposed plans at 437 Duncan Street to replace the current single story structure with a monstrous 3-level-over-garage structure that's nearly 4,000 square feet in size. This proposal – including the planned third-story-over-garage “penthouse” -- has created major concerns with dozens and dozens of Noe Valley residents, many of which have attended meetings in my home over the last two years to discuss this project specifically. Additionally, many of the neighbors, myself included, have spoken with Doug Vu in person and over the phone to discuss our concerns in detail.

Today, the block has 13 one-level-over-garage, 15 two-level-over-garage, 5 two-level and 1 one-level (the existing structure at 437 Duncan) houses. There are NO existing three-level-over-garage structures as the project proposes to build on the block. Consequently, the proposed building is dramatically out of size and scale with the existing neighborhood! Additionally, as you may know, this block of Duncan (between Noe Street and Sanchez Street) is incredibly steep. Therefore, it's our firm collective belief that the proposed plans are a striking mismatch with both the topography and the existing building scale of the broader neighborhood context, as required by the Residential Design Guidelines (“RDG”) (pages 11, 23-25). As indicated in our application for the DR, “the exceptional and extraordinary features are (a.) the pronounced grade of the street, (b.) the existing consistent visual scale and stepping of homes on the hill, and (c.) the aggressive scale of the proposed structure. “

For these reasons, I would implore you to require the removal of the top floor of the proposed structure at 437 Duncan Street, as the Planning Department initially recommended in September, 2012. Allowing this to move forward will not only have an incredibly adverse and negative impact on the neighborhood but will set a precedent for future development that could have disastrous results.

Thanks for your time and consideration. I look forward to seeing you in person at the hearing on July, 10.

Kind Regards,
Ross Camp
436 Duncan Street Homeowner

Vu, Doug (CPC)

From: Meredith Daane <Meredith_Daane@symantec.com>
Sent: Tuesday, July 01, 2014 12:54 PM
To: Vu, Doug (CPC)
Cc: mrdaane@yahoo.com
Subject: Letter to Planning Comm Regarding 437 Duncan Application #2012.04.18.8570.

Dear President Wu and Members of the Planning Commission

RE: 437 Duncan Application # 2012.04.18.8570

I live at 434 Duncan Street and have been a home owner in this neighborhood for over a decade. I am writing in support of the DR application submitted by neighbors and residents on Duncan Street regarding the 437 Duncan Application #2012.04.18.8570. I would appreciate it if you included this letter in the packet for the DR hearing on July 10th, 2012.

As a home owner across the street from the proposed new structure I am glad the property is being developed. However with that said I am surprised and more than dismayed at the size and footprint of the proposed structure. Homes on this block in the past have all been built in scale to the slope of the hill; however, the proposed structure ignores this sightline. Most of the single-family homes on this block are one or two story over garage and respect the height of the neighboring buildings. The proposed building would be three story over garage and surpass the height of the neighboring building up the hill. There are NO existing three story over garage structures on this block. And, due to the topography and extreme grade of the 400 block of Duncan Street, height is dramatically exaggerated.

I hope and trust the commission will reconsider this decision and require the removal of the top floor penthouse and rooftop decks from the developers. The decision to allow the first 3 story over garage structure sets a negative precedent in my opinion. Your decisions will impacts not only our immediate neighborhood but the tone it sets for future 'mini-mansions' in an otherwise 2 story over garage neighborhood.

We want the property developed but it should be in alignment with the planning commission guidelines set forth in the Residential Design Guidelines (pages 11, 23-25) that this proposed structure clearly does not follow. I know the commission will do the right thing for all parties involved. Thank you for your time and consideration on this issue.

Meredith Daane
Symantec Corporation
Director, SPPMO IT Programs
Office: 650-527-5249 Cell: 650-996-7032
meredith_daane@symantec.com
www.symantec.com

June 30, 2014

To: President Cindy Wu and Members of the Planning Commission

From: Georgia Schuttish, 460 Duncan Street San Francisco 94131

Re: 437 Duncan Street (south side of Duncan Street)

Application No. 2012.04.18.8570 July 10, 2014 hearing

Dear President Wu and Commission Members:

The project before you is a Mandatory Discretionary Review. Because of the demolition of the existing house at 437 Duncan, and because of Planning Code Section 317 you need to examine the issues of affordability and relative affordability. The issues of affordability and relative affordability are a concern not only for political leaders and decision makers, but for all citizens of San Francisco and most especially in this instance for the residents of Duncan Street.

It is my understanding that the project sponsor is not contesting the affordability of the existing house and it must be assumed that it does not cross the threshold \$1.5 million which is the current amount determined by the Zoning Administrator to be considered affordable. Nonetheless the project sponsor, 437 Duncan LLC, intends to demolish the existing house.

As a nearby property owner within the 150 feet radius and a resident of Duncan Street since 1986, I respectfully request that you use your power under Mandatory Discretionary Review, to either deny the demolition permit of an affordable structure, or allow a new building with modifications.

A new building should meet the standard of relative affordability required by Section 317 (d) (3) (C) (ix), which in your duties as Commissioners you have often discussed in previous decisions. In addition, it should be a building that more closely aligns with the existing houses on the 400 block of Duncan Street and that truly complies with Section 101.1 and Sections 317 (d) (3) (C) (vii), (viii) and (xiv), and the Residential Design Guidelines.

Here is how you can do both.

Relative Affordability

The proposed project is just under 4,000 square feet. To better meet the Section 317 relative affordability standard the project should be reduced in size to closer to 2,000 square feet. It can be reasonably stipulated that family housing with *more* square footage is *less* relatively affordable, while family housing with *less* square footage is *more* relatively affordable.

This project has much extraneous space. In addition to the three bedrooms, which the Commission has acknowledged is perfectly satisfactory to create family housing, it has three additional spaces that add to the square footage but make it less relatively affordable. These spaces are: the penthouse, the guest bedroom and the bonus room. These spaces are not critical for comfortable family-style living.

Additionally, one could argue that the roof deck is nothing more than a marketing tool which inflates the selling price. (This is a spec house as neighbors have been told from the very beginning by the developer/contractor).

Further, this house has three large living areas. In addition to the very large living room, there is a large dining room and a large family room. While a very large living room that no one may "live" in is arguably duplicated by a large family room, it is certain that these very large spaces need not necessarily be as large as proposed. Smaller common areas with three bedrooms would make a comfortable family home that would more effectively meet the Section 317 standard of relative affordability than would the project as currently proposed.

Nothing in Section 317 prohibits you as the Planning Commission from applying some standard of relative affordability to the new replacement structure.

Section 101.1 and Sect. 317 (d) (3) (C) (vii), (viii) and (xiv) and RDGs

The proposed project at 437 Duncan does not meet these Planning Code Sections or follow the Residential Design Guidelines. Here is why.

The average single family home on the 400 block of Duncan Street is approximately 1400 to 1800 square feet. Most of the single family homes are two to three bedrooms. The newest single family homes were built in 1951. All the homes on Duncan Street are single family homes, with the exception of: two mid-century apartment buildings on the north side of Duncan Street near the corner of Sanchez; a 1906 Edwardian four-plex on the south side of Duncan Street (two side by side duplex buildings) five doors to the east of the project; and a pair of Edwardian/Victorian flats on the north side of Duncan Street

across from the proposed project. The two mid-century apartment buildings are three stories total, or two stories over the garage level.

None of the 27 single family homes are three stories over garage. In fact they are one or two stories over garage and they are mostly peaked (gabled) roof homes. There are 17 peaked roof homes on the street. The proposed project has four peaked roof homes immediately downhill from the site and four peaked roof homes immediately uphill from the site. The project is surrounded by peaked roof homes. With regard to assessing the dominant style of rooflines, the Residential Design Guidelines on page 30 say "most" and are misquoted in the Residential Design Team's May 15, 2014 report as "exclusive". "Most" and "Exclusive" are not synonyms. Most of the homes on Duncan Street are peaked roof single family homes -- 17 out of 27.

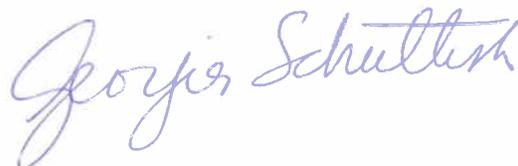
Just as 437 is a peaked roof home on the rear of the lot with the yard in front, there are two other homes on the block with peaked roofs on the rear of their lots with front yards. One of these received a variance from the Zoning Administrator nine years ago to slightly enlarge the home on the rear of the lot. Additionally there are three other peaked roof homes on the rear of lots behind buildings on the front of the lots, for an overall total of 20 peaked roof homes.

The above description summarizes the 400 block of Duncan. It highlights the style of homes, the overall consistent size of homes and the predominant roofline of the single family homes, most especially the single family homes surrounding the proposed project site. This is a true picture.

Conclusion

Please Commissioners, use your power under the rules of a Mandatory Discretionary Review. Due to the exceptional and extraordinary arguments I have put before you, please resolve the issue of relative affordability by either denying the demolition permit or by eliminating the extraneous square footage of this proposed family housing. This would comply with Section 317 with its critically important subsection concerning relative affordability, as well as the other subsections cited above. And it would also align with the neighborhood character and affordability requirements of Section 101.1. Additionally, the Residential Design Guidelines would be more fully realized.

Thank you.

A handwritten signature in blue ink that reads "George Schulters". The signature is written in a cursive, flowing style.

Vu, Doug (CPC)

From: David Daniel Bowes <ddbowessf@gmail.com>
Sent: Wednesday, July 02, 2014 9:43 AM
To: Vu, Doug (CPC)
Subject: Re: 437 Duncan Application #2012.04.18.8570

Dear Mr. Vu, President and Members of the Planning Commission,

I would just like to state emphatically that I would like to see a Discretionary Review take place for this proposed construction on Duncan St.

The proposed structure is completely out of line with the character of Duncan St., and also impinges on light and air space for the two adjoining homes.

There are other modern homes that have been built in Noe Valley that have made efforts to fit in with the topography and size of surrounding homes. One such property that made a graceful addition to its neighborhood is 4070 26th St., between Sanchez and Noe, a 3 BR home with parking.

I hope you will include this email in today's collection. I am out of town and not able to mail something in.

Thank you very much.

David Daniel Bowes
Viola/Violin
www.philharmonia.org

416 Duncan St. #6
SF CA 94131

Joerg Herrmann
448 Duncan Street
San Francisco, CA 94131
July 2, 2014

Doug Vu
Building Planning Commission
San Francisco, CA 94102

**Letter to Planning Commission Regarding 437 Duncan Application
#2012.04.18.8570.**

Dear President Wu and Members of the Planning Commission:

I am writing to express my opposition to the proposed plans at 437 Duncan Street to build a monstrous 3-level-over-garage structure. I think this building is too tall and will not fit into the neighborhood since it will be the tallest building on the block. None of the other existing structures exceed two-level-over-garage. I am very concerned that this proposed building will negatively impact the character of our neighborhood.

For this reason I plead that the planning commission will require the removal of the top floor of the proposed structure at 437 Duncan Street.

Thank you for your support.

Sincerely,



7/2/14

Joerg Herrmann

Elizabeth Mills
425 Duncan Street
San Francisco, CA 94131

June 30, 2014

President Wu and Members of the Planning Commission
c/o Doug Vu
San Francisco Planning Dept.
1650 Mission Street, Suite 400
San Francisco, CA 94103

**RE: 437 DUNCAN STREET
PERMIT APPLICATION #201204188570
Block/Lot: 6602 / 035**

Dear President Wu and Members of the Planning Commission,

I am writing to express my concern regarding the proposed plans for 437 Duncan Street that have been approved by the planning department. Most importantly, the height and scale of the proposed building are way out of line with the other houses on the street.

The 4th floor penthouse included in the plans absolutely does not belong on this unique street, which is populated primarily by single-family homes that are one or two stories over garage...not three stories over garage. There are currently no single-family homes of this proposed scale on this block and the plans would create a building that is way too tall, and in no way reflect the sightline of the existing homes. Trying to push the height of the house up to create a room with a view at the expense of the neighborhood is completely inappropriate. This is an extremely steep hill and an oversized house is only exaggerated by the slope of the hill.

In addition, I am very concerned about the noise that I suspect will result from the large roof deck proposed at the property. We are in a unique geographic spot in San Francisco in that we are on a very steep hill that abuts an even steeper hill, all of which results in canyon-like effect when it comes to noise. Noise carries much more dramatically here than in other parts of the city.

Lastly, I am concerned with the effect that the proposed building would have on the neighboring buildings' light—indoors and out. As proposed, the new building would (1) block much of the eastern neighbor's light well (given the steep incline of the block as well as the odd courtyard they are proposing) and (2) cut out a substantial amount of light afforded the western neighbors.

Thank you for your time and consideration in this matter; it is very important to all of us on Duncan Street and 28th Street that this project be kept to a reasonable scope.

Sincerely,

Elizabeth Mills

Vu, Doug (CPC)

From: Bill <billandavelina@comcast.net>
Sent: Tuesday, July 01, 2014 2:04 PM
To: Vu, Doug (CPC)
Cc: Thomas Schuttish
Subject: 437 Duncan

Mr. Vu,

I am the property owner of 348 28th which I grew up in since 1951 and inherited from my parents in 2006. My son currently resides there.

I continue to support my neighbors in strongly opposing the development of 437 Duncan as presently planned. It's scale is out of proportion to all its surroundings. It is most inappropriate to the neighborhood in terms of height and bulk.

The neighbors have sought compromise with a developer who has been largely silent and distant. Many other examples of successful integration of new residential construction exist on nearby hillside blocks where all worked together.

I ask the Planning Commission to reconsider its approval and seek modification of plans from the developer incorporating community concerns.

William Elsbernd
144 Moffitt St
San Francisco 94131
415-587-8816

Sent from my iPad

Doug Vu
San Francisco Planning Dept.
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: 437 Duncan Application # 2012.04.18.8570

Dear President Wu and Members of the Planning Commission,

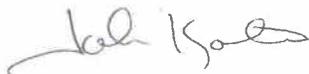
I am writing regarding the proposed demolition of a small, single-story home at 437 Duncan Street and the erection of a four-story building in its place. The 400 block of Duncan Street is a unique and very steep dead-end block in Noe Valley, mainly characterized by one-story over garage homes. I believe the proposed building fails to meet sections of the Planning Code, as well as many critical parts of the 2003 Residential Design Guidelines (RDG).

My most significant concern is the inclusion of a fourth floor ("penthouse"/roof deck) and the mismatch of the resulting building with the neighborhood context. With the fourth floor and roof deck, the proposed building is not in scale with the other houses on the street. The majority of single-family homes on this block, including those on either side of 437 Duncan, are one-story over garage homes. A four-story over garage building at 437 Duncan would be taller than the adjacent home up the hill and taller than the home down the hill, and does not reflect the existing sightline and careful step down of the adjacent homes.

Because of the very steep incline of this particular hill, the front, rear and side walls of the proposed fourth floor will be visible from almost every vantage point up and down the hill from the street and sidewalk. Because of the unique topography of Duncan Street, the requirement in NOPDR#2 to set back this top most penthouse level 15' from the front of the building is inadequate to make the proposed structure compatible with the neighborhood context, and we ask that you reinstate the requirement from NOPDR#1 to eliminate the fourth floor entirely.

The 400 block of Duncan Street is a steep hill that dead ends at the top with an even steeper hill, and noise carries in a way that is magnified as compared to other flatter areas of the city. As a result, the proposed roof deck that sits high above adjacent buildings would present significant noise problems for the neighbors on this and adjacent streets. Once again, I ask that that you reinstate the requirement from NOPDR#1 to eliminate the fourth floor entirely, and to additionally prohibit a stair penthouse for roof access.

Sincerely,



John and Ceri Kolano
354 28th Street

Vu, Doug (CPC)

From: Anne Wilson <acwilson@mac.com>
Sent: Wednesday, July 02, 2014 10:50 AM
To: Vu, Doug (CPC)
Subject: 437 Duncan Street, App. #2012.04.18.8570

Dear President Wu and members of the Planning Commission, I am writing to object to the proposed project at 437 Duncan Street and to ask that you grant the Discretionary Review. The proposed penthouse and roof deck would make the building significantly out of scale with the rest of the block and with the neighborhood.

I have lived in my house at 322 - 28th Street for 26 years. My house is several houses to the SE of 437 Duncan. It's typically sized for the neighborhood at 2 stories over garage - but the top story is actually a low-ceilinged attic under a peaked roof. This type of construction is more typical of the neighborhood than the 4-story high, boxy structure proposed for 437.

One reason that Noe Valley is a popular neighborhood is the relatively small scale of much of the architecture, which is visually pleasing and promotes a small-town, know-your-neighbors feeling that many of us love.

Please grant the Discretionary Review for 437 Duncan.

Thank you.

Anne Wilson
322 - 28th Street
San Francisco, CA 94131

FROM THE DESK OF

JOHN ANDERSON

June 30, 2014

Doug Vu, Cindy Wu
1650 Mission Street
Suite 400
San Francisco, CA 94103

Re: 437 Duncan Application # 2012.04.18.8570

Dear President Wu and Members of the Planning Commission,

This letter is to signify my opposition to the construction planned for 437 Duncan. The house is significantly larger than all of the others on Duncan Street, doesn't fit the character of the street, doesn't match the natural slope of the hill, and interferes with its neighbors' natural light and fresh air. A building this large could be somewhat acceptable if it were multi-family and increased the city's housing stock, but instead it's a single family McMansion. Removal of the penthouse level seems like the best compromise, and would at least make the height somewhat consistent with the rest of the block.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'John Anderson', with a long horizontal flourish extending to the right.

John Anderson

San Francisco July 1st 2014

To: Commission President of the Planning Commission &
Planning Commission members.
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear President Wu and Members of the Planning Commission.

I am hereby making it know to you that I oppose the construction of the proposed plans at 437 Duncan Street that entail building a very large and foreign looking 3-level-over-garage structure because of the project's **inappropriateness** with both the topography and the existing building scale of the immediate street and the broader neighborhood contextual Landscape, both **disregarding** the Residential Design Guidelines ("RDG") (pages 11, 23-25).

The exceptional and extraordinary features of this unique street landscape are:

(1) This is one of the steepest dead end streets in San Francisco and as such it has been a part and **greatly** contributed to the **unique vernacular urban landscape lore** known throughout the **country** and the **world** (see for example San Francisco streets in the famous San Franciscan Wayne Thiebaud paintings etc... This lore is one of the reasons why people come from the whole world to see it with their own eyes and contribute greatly to this city's tourist based economy!).

The street is so steep that it does not run through, but is interrupted for two half blocks by steep landscaped terrain.

Think of it if you will as a sleepy **landmark** street, another San Francisco landmark just as **Filbert** street or **Lombard** street, (still) without the steps or the curving street. The city planners **would not**, in any way, allow the construction of any **obtuse or irregular architecture** that disregards the vernacular of the immediately adjacent buildings there! Why then allow it here?

One set of stairs at the top of the 400 block is, after several pedestrian accidents due to disrepair, is being replaced as I write these lines, but the continuation steps have never been built and it is about time the city administrators provide for and build a unique continuity of landscaped pedestrian paths up the hill on Duncan street (500 block) and secure pedestrian access from one side of the street to the other and continue to build the collection of heritage landmark status locales.

(2) This existing, lovely and extremely consistent urban landscape of scaled down stepping gabled roof homes on the hill, their unique visual scale and landmark impact is not only to be cherished and appreciated but must also be preserved for the very obvious reasons spelled in (1)

It is my professional opinion that the aggressive scale and nature of the proposed structure is incongruous with the existing urban landscape on Duncan street and is detrimental to the reason many San Franciscans chose to live there.

The block has 13 one-level-over-garage, 15 two-level-over-garage, 5 two-level and 1 one-level (the existing structure at 437 Duncan deemed to be demolished) houses.

Almost all are of gabled roofs.

This proposed project will offend this **awesome visual balance** that has been struck here over the decades by simply following the San Francisco **VERNACULAR** Architecture guidelines.

There are **NO OTHER** existing **three-level-over-garage 'boxy' structures** as the project proposes to build on the block.

I sincerely plead that the planning commission will at the least require the removal of the top floor of the proposed structure at 437 Duncan Street.

If all efforts to have the developer reduce the volume and accommodate the city's and neighborhood's visual needs and demands go unanswered for by you and the project is built as proposed it would be of due diligence of the city administrators to demand and enforce that **very large trees** be planted on the sidewalk of this proposed project to obscure this **proposed visual anomaly and eye sore**.

Allowing this project to move forward will not only have an incredibly adverse and negative impact on the immediate neighborhood but will also set a precedent for this nature of development throughout the city moving forward that could have disastrous results for all the neighborhoods and the tourist attraction that the city currently exudes and profits from.

It is my opinion that the building guidelines are there for all to use and apply but here they are not only not being applied as intended - they are also not being enforced as such.

Sincerely,

Salo Rawet

Architect, Landscape Architect and Urban Planner.

REUBEN, JUNIUS & ROSE, LLP

July 2, 2014

By Messenger

President Cindy Wu
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 437 Duncan Street – Brief in Opposition to Discretionary Review Request
Our file: 8056.01

Dear President Wu:

Our office represents Finbarr Collins, Richard O’Sullivan and Alan Casserly (the “Project Sponsors”), owners of the property located at 437 Duncan Street (the “Property”). The Property is currently improved with a significantly under-sized single family home at the rear of the lot and a carport at the front. The Project Sponsors propose to demolish the existing improvements and to construct a family-sized, single family home that creates a consistent streetwall along this block of Duncan Street (the “Project”).

The Project Sponsors have been sensitive to the neighborhood’s concerns and the Planning Department staff’s design guidance. They have incorporated at least a half-dozen modifications to the Project, displaying their willingness to work with their neighbors and to seek a project that is compatible with the existing neighborhood. Despite these efforts, there remain some neighbors who are not supportive of the Project, including the DR Requestor.

The Project will replace an undersized home that is in disrepair and inconsistent with the pattern of development in the neighborhood with a modern, family-sized home which fills a hole on the blockface and removes off-street parking from view. It has been determined by staff to be consistent with the residential design guidelines and is fully consistent with the Planning Code. It will provide a home for a San Francisco family, and will do its incremental share to ease the current housing crisis.

A. Project Description

The Property is currently improved with a small structure located in the rear third of the lot. It is in complete disrepair. The plumbing and heating systems don’t work. The roof leaks and the floor joists are rotted. In short, the existing home is uninhabitable. The existing home is served by an unenclosed carport at the street that consists of a concrete slab.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin
Sheryl Reuben¹ | David Silverman | Thomas Tunny | Jay F. Drake | John Kevlin
Lindsay M. Petrone | Melinda A. Sarjapur | Kenda H. McIntosh | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

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The Project would demolish the existing improvements, and construct a 3,414 square foot, three-story-over-garage, single family home. The third floor is not a full floor, and is set back 30 feet from the front property line (and over 15 feet from the front of the new home), and is set back 10.5 feet from the east property line. A generous 5-foot deep, 14.25-foot long lightwell is provided on the east property line, maintaining significant light and air access to the first floor and basement windows of the adjacent east neighbor building. A roof deck is provided on top of the second floor, set back 19.5 feet from the front property line (and 5 feet from the front of the home). A 45 percent rear yard is provided.

The Project replaces a void and carport along this block of Duncan Street with a single-family home. This block of Duncan Street is on a significant hill, and the Project steps down with the elevation change. The Project completes this block, is consistent with the nearby single-family home development, and removes an unsightly off-street parking space adjacent to the sidewalk.

B. Neighborhood Outreach and Design Development

The Project Sponsors have spent significant time and effort to gather and respond to concerns of the neighborhood. An initial pre-application meeting was held on February 22, 2012. A second meeting was held with interested neighbors on November 22, 2013. It was communicated to the Project Sponsor that nothing short of removing the penthouse level would satisfy many of the neighbors.

The Project Sponsors were particularly focused on discussing the Project with the adjacent neighbors at 435 Duncan Street (downhill) and 445 Duncan Street (uphill):

- In response to these conversations with the downhill neighbor, the Project Sponsors agreed to provide a deeper lightwell (at 5 feet in depth, the lightwell is deeper than is typical for a single family home) and provided an even lower lightwell to provide light and air to a basement window.
- The Project Sponsors have had more difficulty communicating with their uphill neighbors. It is the Project Sponsors' understanding that these neighbors are infirm, and they were initially represented by a representative of their estate. After several conversations over email, phone and hand-written letters, the representative directed the Project Sponsors to communicate with the next neighbor uphill from 445 Duncan Street. Discussions with this neighbor had been productive. The Project Sponsors were informed that the lower unit at 445 Duncan Street was not fit for rental. A tentative agreement was discussed where the Project Sponsors would pay for the following for the unit to be brought up to decent shape: (1) removing the property line windows, (2) providing access to the 445 Duncan foundation from the Property, (3) improving the ventilation system of the home, and (4) installing an additional window between the unit and the

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“mudroom” leading to the rear yard. Despite making progress on this agreement, the neighbor representing the owners abruptly ended the discussions. The Project Sponsors are still more than willing to fulfill these terms.

As a result with these meetings with the neighborhood, and requests by the Residential Design Team (“RDT”), the Project Sponsors have made the following modifications to the Project:

- Decreased the height by 3.25 feet (currently proposed at roughly 36 feet);
- The width of the penthouse level was reduced by over 10 feet, to its current 14.5 feet;
- The penthouse setback from the front of the home was increased from 10.5 feet to 15.5 feet;
- Provided a deeper-than-normal lightwell on the east side to provide light and air all the way to the neighbor’s small basement window.

The Project Sponsors have also agreed to incorporate the two additional RDT design requests made since the filing of the DR request:

- The roof deck was set back 5 feet from the front of the home;
- The roof parapet was reduced to its minimum 6 inches (this has also been requested by the DR Requestor).

The DR Requestor inaccurately characterizes the RDT’s original request for the penthouse level to be removed from the Project. The original set of plans filed showed inaccurate existing conditions, with the rendered adjacent homes at a significantly lower height than they in fact are. As soon as this discrepancy was corrected, the RDT withdrew its request to remove the penthouse level, finding it to be consistent with the existing character of the block.

The development of the Project design clearly displays the Project Sponsors’ willingness to be flexible and work with the neighborhood and Planning Department staff to achieve a Project design that is most compatible with the neighborhood. Despite the numerous Project modifications made, the DR Requestor appears to be unwilling to accept a design that includes any penthouse level, regardless of its size or location. The Planning Department has determined that the current design is code-compliant and consistent with the Residential Design Guidelines, as discussed further below.

C. The Project Complies with Residential Design Guidelines

The DR Requestor essentially cites only two areas of inconsistency between the Project and the Residential Design Guidelines: neighborhood character and noise/privacy. However, the focus of the DR Requestor's argument is really on the penthouse level of the Project. The DR Requestor's argument is essentially this: there are no other nearby three-story-over-garage residences on the same blockface and therefore the Project disrupts neighborhood character and is not consistent with the Residential Design Guidelines. This is a far too narrow application of the Guidelines and does not in fact express their actual intent.

Neighborhood Character

The Residential Design Guidelines include specific guidance on how to provide appropriate building scale at the street for a new building. The general guideline is:

Design the height and depth of the building to be **compatible with the existing building scale at the street.** (Residential Design Guidelines, Page 24; emphasis added.)

The other RDG section cited by the DR Requestor regarding topography has similar language:

[Site design] establishes how the building **addresses the street** and surrounding buildings. (Residential Design Guidelines, Page 11; emphasis added.)

The Residential Design Guidelines provide clear direction when designing a building larger than its neighbors:

A building that is larger than its neighbors can still be in scale and be compatible with the smaller buildings in the area. It can often be made to look smaller by façade articulations and through setbacks to upper floors. (Residential Design Guidelines, Page 11.)

The Guidelines go on to say that when "a proposed building is taller than surrounding buildings...it may be necessary to modify the building height or depth to maintain the existing scale at the street." (Residential Design Guidelines, Page 24.) The Guidelines then go on to recommend four specific modifications to make the new story compatible with and sensitive to the surrounding neighborhood, two of which the Project fully incorporates:

- Setback the upper story by 15 feet from the front building wall. The Project has incorporated a 15 foot, 7 inch setback from the existing building's front wall, which is already set back over 14 feet from the front property line, for a combined 30 foot setback from the front property line.

- Eliminate the building parapet. The second story roof has a 6 inch parapet (the minimum required by the Building Code), and there is no parapet at the penthouse level.

These changes are consistent with the Residential Design Guidelines diagram illustrating this point:

The three-story scale of the block face is maintained by setting the fourth floor back so it is subordinate to the primary facade.



The effects of applying these Guidelines to the Project have a significant impact at the street. This is clearly illustrated in the renderings provided by the DR Requestor. The building massing at the street matches the adjacent buildings and steps down with the slope. The set back penthouse level is barely visible from the lower end of the block and across the street from the Property. From uphill, the penthouse is more visible, but is clearly setback from the front, so as to provide a building that addresses the street consistent with the topography. In fact, the sloping nature of the street lessens the impact of the setback penthouse, and it visually appears to step down from the buildings higher up on the street. By the time one approaches the top of the block, the penthouse level is barely visible again, blending in with the existing development in the valley.

The only difference between the above diagram and the Project is that the Project has the benefit of a strong slope that further de-emphasizes the penthouse level, as it is mostly backdropped by development above and below it on the hill.

The DR Requestor's suggestion that the Project should be modified to match the neighborhood's architectural vernacular is also inappropriate here. Far from a unified architectural style, this block of Duncan Street displays significant variation: Mediterranean and Spanish revival and Victorian; flat roofs and gabled roofs; high and low articulation. There is no unified architecture to influence the Project design. **(See attached photographs of blockface.)**

When considering neighborhood character, it's important to consider the Project in the context of someone living in or walking through the neighborhood. As discussed above, the

penthouse is designed in a way that has minimal effect on someone at street level. Even the impact on those occupying the buildings across the street would be limited due to the modest scale of the penthouse level.

Noise/Privacy

The DR Requestor's concerns regarding noise and privacy are also misplaced. The roof deck looks out upon downslope neighbors' roofs and upslope towards blank building walls and very quickly has no sight line into upslope buildings' windows. The roof deck is set back 5 feet from the front of the building (and roughly 20 feet from the front property line), so sight lines across the street are not significantly more invasive than those coming from the second floor front windows. Pulling the activity away from the front setback also helps control any noise from reaching neighbors. In short, the roof deck has already been minimized to respond to noise and privacy concerns.

D. Conclusion

The Project Sponsors propose a Project that would provide a new, badly-needed family-sized housing unit in San Francisco that is sensitive to the existing built environment in the neighborhood. The Project improves the existing neighborhood environment by completing the block face with a compatible home and removing visible off-street parking at the front property line. The Project Sponsors have shown their good faith in working with the neighborhood and Planning Department staff and making numerous Project modifications.

Having realized that the remaining Project opponents will not accept a penthouse level in any case, the Project Sponsors now appeal to the Planning Commission to confirm that the Project is reasonable and modest in nature, and does not rise to the threshold of "exceptional and extraordinary circumstances" that are required to approve the DR request. We respectfully request the Planning Commission to take discretionary review, make the additional modifications to the Project design (setback roof deck and 6 inch parapet) and to allow the Project to move forward. Thank you for your consideration.

Very truly yours,

REUBEN & JUNIUS, LLP



John Kevlin

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

President Wu and Commissioners
July 2, 2014
Page 7

cc: Vice President Rodney Fong
Commissioner Michael Antonini
Commissioner Gwen Borden
Commissioner Rich Hillis
Commissioner Kathrin Moore
Commissioner Hisashi Sugaya
Jonas Ionan - Commission Secretary
Doug Vu – Neighborhood Planner
Project Sponsor

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REUBEN, JUNIUS & ROSE, LLP

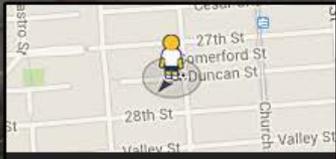
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406-14 Duncan St

San Francisco, CA 94110 – approximate address

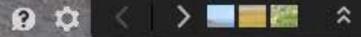
Duncan St

Street View - Nov 2013



Back to Map

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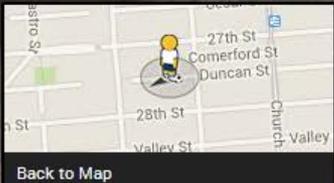


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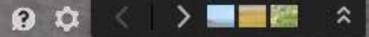
San Francisco, CA 94131 – approximate address

Duncan St

Street View - Nov 2013



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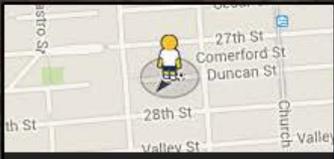
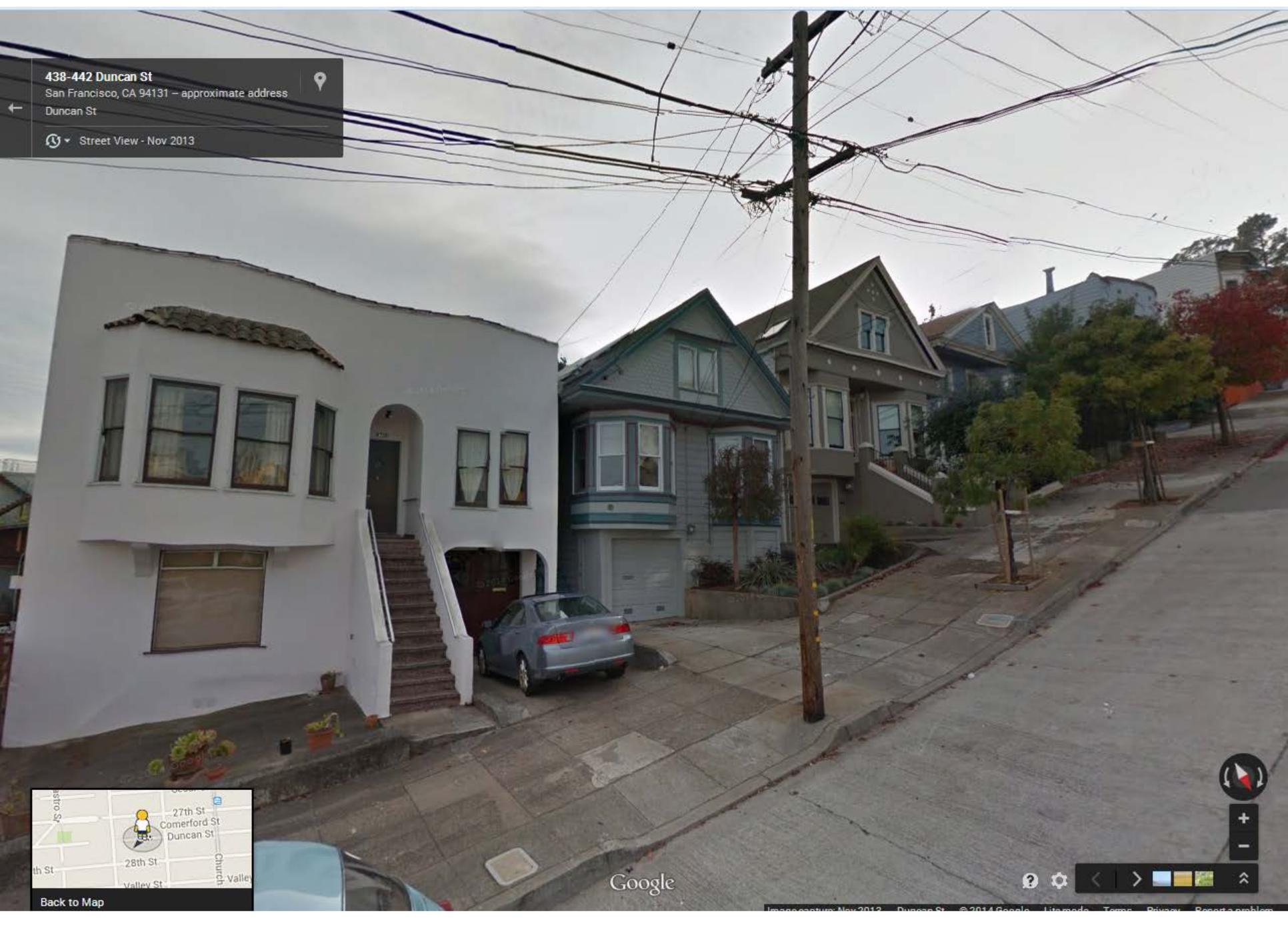


438-442 Duncan St

San Francisco, CA 94131 – approximate address

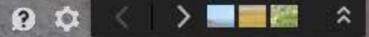
Duncan St

Street View - Nov 2013



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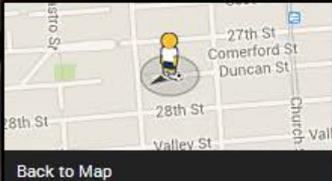


456 Duncan St

San Francisco, CA 94110 – approximate address

Duncan St

Street View - Nov 2013



Google

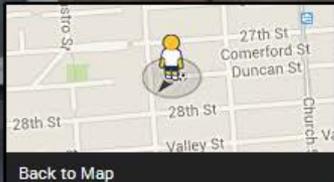


470-476 Duncan St

San Francisco, CA 94131 – approximate address

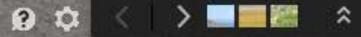
Duncan St

Street View - Nov 2013



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Google



ELECTRICAL NOTES:

ELECTRICAL SUBPANEL(S) ON FLOOR PLAN(S). PANELS SHALL NOT BE LOCATED IN THE VICINITY OF EASILY IGNITABLE MATERIAL(S) SUCH AS CLOTHES CLOSETS. PANELS IN FIREWALL SHALL BE RELOCATED OR PROPERLY PROTECTED TO MAINTAIN FIREWALL SEPARATION.

GFCI PROTECTED OUTLETS AT THE FOLLOWING LOCATIONS.
(A) GARAGE
(B) UNFINISHED BASEMENT, CRAWL AND STORAGE SPACES.
(C) WITHIN 6' OF SINK OR BASIN
(D) EXTERIOR (WATERPROOF)

RECEPTACLE OUTLETS AT THE FOLLOWING LOCATIONS.
(A) 12' O.C. MAX. AND WITHIN 6' OF THE END OF WALLS.
(B) ANY WALL SPACE 2 OR MORE FEET WIDE.
(C) AT EACH KITCHEN AND DINING AREA COUNTER SPACE WIDER THAN 12' SO THAT NO POINT IN ANY HALLWAY 10 FEET OR MORE IN LENGTH.

LIGHT FIXTURE IN TUB OR SHOWER ENCLOSURES AND EXTERIOR LIGHT FIXTURES SHALL BE LABELED "SUITABLE FOR DAMP LOCATIONS"

APPLIANCES FASTENED IN PLACE, SUCH AS DISHWASHERS, GARBAGE DISPOSALS, TRASH COMPACTORS, MICROWAVE OVENS, ETC., SHALL BE SUPPLIED BY A SEPARATE BRANCH CIRCUIT RATED FOR THE APPLIANCE OR LOAD SERVED.

RECEPTACLES FOR FIXED APPLIANCES SHALL BE ACCESSIBLE, NOT BEHIND APPLIANCE.

A CIRCUIT SUITABLE FOR THE LOAD WITH A MINIMUM OF 30 AMPERES IS REQUIRED FOR AN ELECTRIC CLOTHES DRYER.

LIGHT FIXTURES IN TUB OR SHOWER ENCLOSURES SHALL BE LABELED "SUITABLE FOR DAMP LOCATION(S)."

ENERGY NOTES:

PERMANENTLY INSTALLED LUMINAIRES IN KITCHENS SHALL BE HIGH EFFICACY LUMINAIRES. UP TO 50% OF WATTAGE, AS DETERMINED IN SECTION 130(C), OF PERMANENTLY INSTALLED LUMINAIRES IN KITCHENS MAY BE IN LUMINAIRES THAT ARE NOT HIGH EFFICACY LUMINAIRES, PROVIDED THAT THESE LUMINAIRES ARE CONTROLLED BY SWITCHES SEPERATE FROM THOSE CONTROLLING THE HIGH EFFICACY LUMINAIRES.

EACH ROOM CONTAINING A WATER CLOSET SHALL HAVE AT LEAST ONE LUMINAIRE WITH LAMPS WITH AN EFFICACY OF NOT LESS THAN 40 LUMENS PER WATT FOR 15 WATT OR SMALLER, 50 LUMENS PER WATT FOR 16 WATT-40WATT, & 60 LUMENS PER WATT FOR 40 WATT OR HIGHER. IF THERE IS MORE THAN ONE LUMINAIRE IN THE ROOM, THE HEIGHT EFFICACY LUMINAIRE SHALL BE SWITCHED AT AN ENTRANCE TO THE ROOM.

LIGHTING FIXTURES RECESSED INTO INSULATED CEILINGS MUST BE APPROVED FOR ZERO-CLEARANCE INSULATION COVER (I.C.) BY UNDERWRITERS LABORATORIES OR OTHER APPROVED LABORATORIES.

FIREPLACES, DECORATIVE GAS APPLIANCES AND GAS LOGS: INSTALLATION OF FACTORY-BUILT AND MASONRY FIREPLACES SHALL INCLUDE:
(A) CLOSABLE METAL OR GLASS DOORS.
(B) COMBUSTION AIR INTAKE (6 SQ. IN. MINIMUM) TO DRAW AIR FROM OUTSIDE OF THE BUILDING DIRECTLY INTO FIRE BOX. THE COMBUSTION AIR INTAKE MUST BE EQUIPPED WITH A READILY ACCESSIBLE, OPERABLE AND LIGHT-FITTING DAMPER OR COMBUSTION AIR CONTROL DEVICE. EXCEPTION: AN OUTSIDE COMBUSTION AIR INTAKE IS NOT REQUIRED IF THE FIREPLACE IS INSTALLED OVER CONCRETE SLAB FLOORING AND THE FIREPLACE IS NOT LOCATED ON AN EXTERIOR WALL.
(C) A FLUE DAMPER WITH AN READILY ACCESSIBLE CONTROL.. EXCEPTION: WHEN A GAS LOG, LOG LIGHTER, OR DECORATIVE GAS APPLIANCE IS INSTALLED IN A FIREPLACE, THE FLUE DAMPER SHALL BE BLOCKED OPEN IF REQUIRED BY THE MANUFACTURER'S INSTALLATION INSTRUCTIONS OR THE STATE MECHANICAL CODE.

PLUMBING AND MECHANICAL NOTES:

AIR DUCTS SHALL BE NO.26 GA. GALVANIZED SHEET METAL OR A FIRE DAMPER PROVIDED WHEN THE DUCTS PENETRATE THE OCCUPANCY SEPARATION BETWEEN THE GARAGE AND THE HOUSE.

SMOOTH METAL DUCT FOR DRYER EXHAUST EXTENDING TO OUTSIDE.

NON-REMOVABLE BACKFLOW PREVENTION DEVICES ON ALL EXTERIOR HOSE BIBS.

SIZE OF WATER CLOSETS. MAXIMUM ALLOWABLE 1.6 GALLONS PER FLUSH.

SHOWER & TUB/SHOWERS SHALL BE PROVIDED WITH PRESSURE BALANCE OR THERMOSTATIC MIXING VALVE CONTROLS. HANDLE POSITION STOPS SHALL BE PROVIDED ON SUCH VALVES AND SHALL BE ADJUSTED PER MANUFACTURER'S INSTRUCTIONS TO DELIVER A MAXIMUM MIXED WATER SETTING OF 120 DEGREES F. THE WATER HEATER THERMOSTAT SHALL NOT BE CONSIDERED A SUITABLE CONTROL FOR MEETING THIS PROVISION, U.P.C. 4107.

DOORS & PANELS OF SHOWERS AND BATHTUBS ENCLOSURES AND ADJACENT WALL OPENINGS WITHIN 60" ABOVE A STANDING SURFACE AND DRAIN INLET SHALL BE FULLY TEMPERED. LAMINATED SAFETY GLASS OR APPROVED PLASTIC.

TEMPERED GLASS SHALL BE AFFIXED WITH A PERMANENT LABEL.

SANITATION NOTES:

SHOWER STALL FINISH SHALL BE CERAMIC TILE EXTENDING 70 INCHES ABOVE THE DRAIN INLET

MOISTURE RESISTANT UNDERLAYMENT (e.g. WATER RESISTANT GYP. BD.) TO A HEIGHT OF 70 INCHES ABOVE THE DRAIN INLET U.B.C. 8067.1.3.

BEDROOM WINDOWS:

MIN. OPENABLE AREA TO BE 5.7 S.F., MIN WIDTH: 20" MIN HEIGHT: 24" AND MAX SILL HT: 44"



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SHEET TITLE

Site Plans

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ISSUES / REVISIONS

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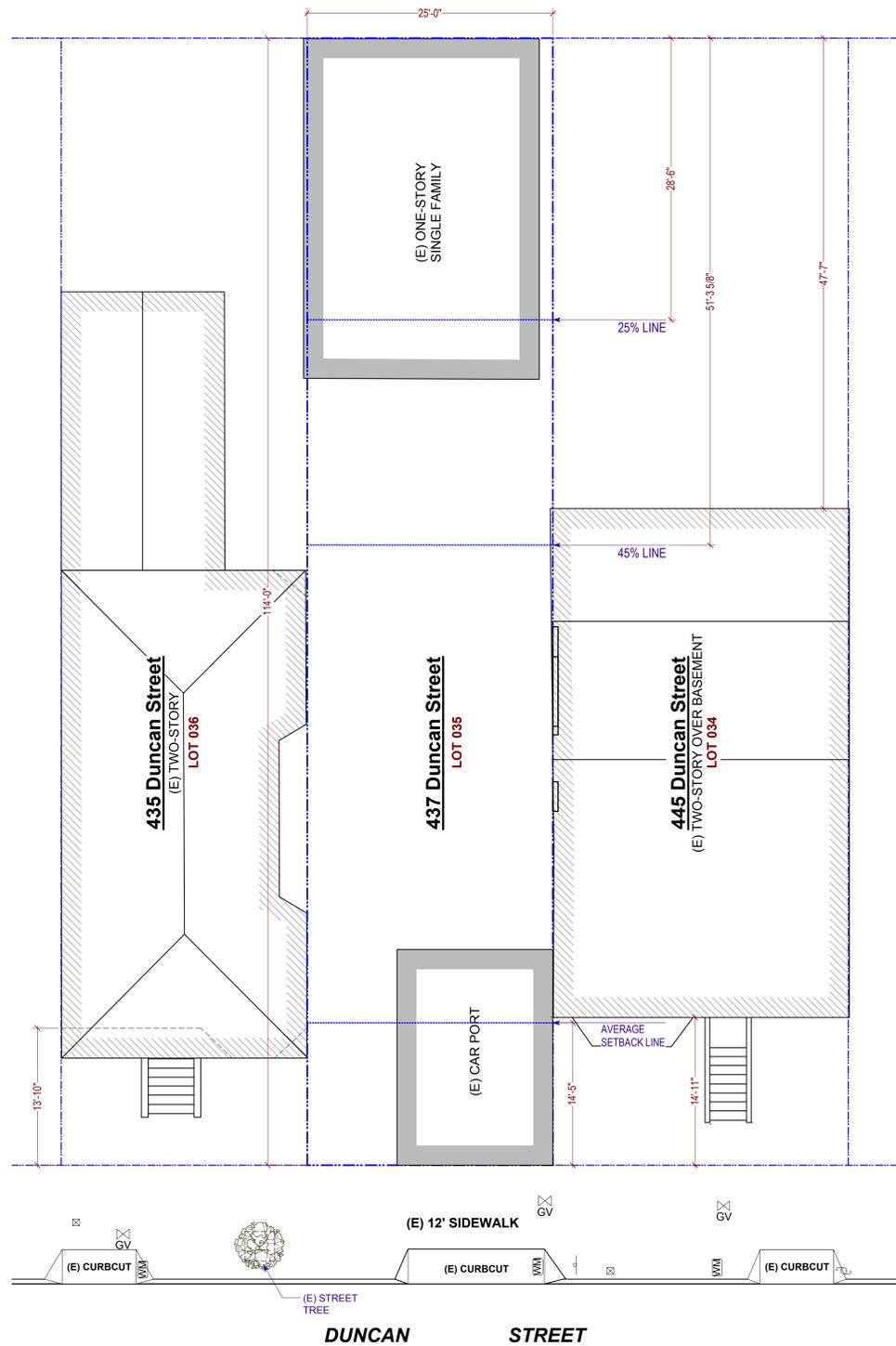
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DATE 08/26/2011

REVISED DATE 12/02/2013

JOB NO. 11-1490

SHEET NO.



Existing Site Plan
SCALE: 1/8" = 1'-0"
(AS PER SURVEY BY DANIEL J. WESTOVER DATED 11/21/2011)

BLOCK & LOT: 6602-035
PROPERTY LINE:
OUTLINE OF SUBJECT BUILDING:
OUTLINE OF NEIGHBORS:



Proposed Site Plan
SCALE: 1/8" = 1'-0"
(AS PER SURVEY BY DANIEL J. WESTOVER DATED 11/21/2011)

BLOCK & LOT: 6602-035
PROPERTY LINE:
OUTLINE OF SUBJECT BUILDING:
OUTLINE OF NEIGHBORS:



CD	CARBON MONOXIDE DETECTOR/ALARM IN ALL BEDROOMS
SD	SMOKE DETECTOR, 110-V INTERCONNECTED WITH BATTERY BACKUP
PROPERTY LINE	
WALL TO BE CONSTRUCTED	
WALL TO BE 1-HR. FIRE RATED	
CONCRETE WALL	

BEDROOM NOTES:

RESCUE WINDOW: EMERGENCY EGRESS WINDOWS SHALL HAVE A MIN. CLEAR OPENING AREA OF 5.7 SQ. FT., MIN. CLEAR WIDTH OF 20", MIN. CLEAR HEIGHT OF 24", AND MAX. HEIGHT FROM FINISHED FLOOR TO BOTTOM OF OPENING OF 44"

BATHROOM NOTES:

EXHAUST FANS ARE CAPABLE OF PROVIDING FIVE AIR CHANGES PER HOUR.

EXHAUST VENTS W/ BACK DRAFT DAMPER SHALL TERMINATE MIN. 3 FEET FROM ANY PROPERTY LINE & BUILDING OPENINGS.

BRANCH CIRCUITS: A 20A CIRCUIT IS REQUIRED TO SERVE THE REQUIRED BATHROOM OUTLETS. THIS CIRCUIT CANNOT SUPPLY ANY OTHER RECEPT. LIGHTS, FANS, ETC.

NOTES:

1. SMOKE DETECTORS SHALL BE IN ALL BEDROOMS AND AREAS LEADING TO THEM.

2. ENVIRONMENTAL AIR DUCT EXHAUST W/ BACK DRAFT DAMPER SHALL TERMINATE 3 FEET MIN. FROM PROPERTY LINE & BUILDING OPENING.

3. VENTING SYSTEMS SHALL TERMINATE NOT LESS THAN 4 FEET BELOW OR 4 FEET HORIZONTALLY FROM, AND NOT LESS THAN ONE FOOT ABOVE A DOOR, AN OPENABLE WINDOW OR A GRAVITY AIR INLET INTO A BUILDING. VENTING SYSTEMS SHALL TERMINATE AT LEAST 3 FEET ABOVE AN OUTSIDE - OR MAKE UP - AIR INLET LOCATED WITHIN 10 FEET AND AT LEAST 4 FEET FROM A PROPERTY LINE, EXCEPT A PUBLIC WAY.



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Floor Plans

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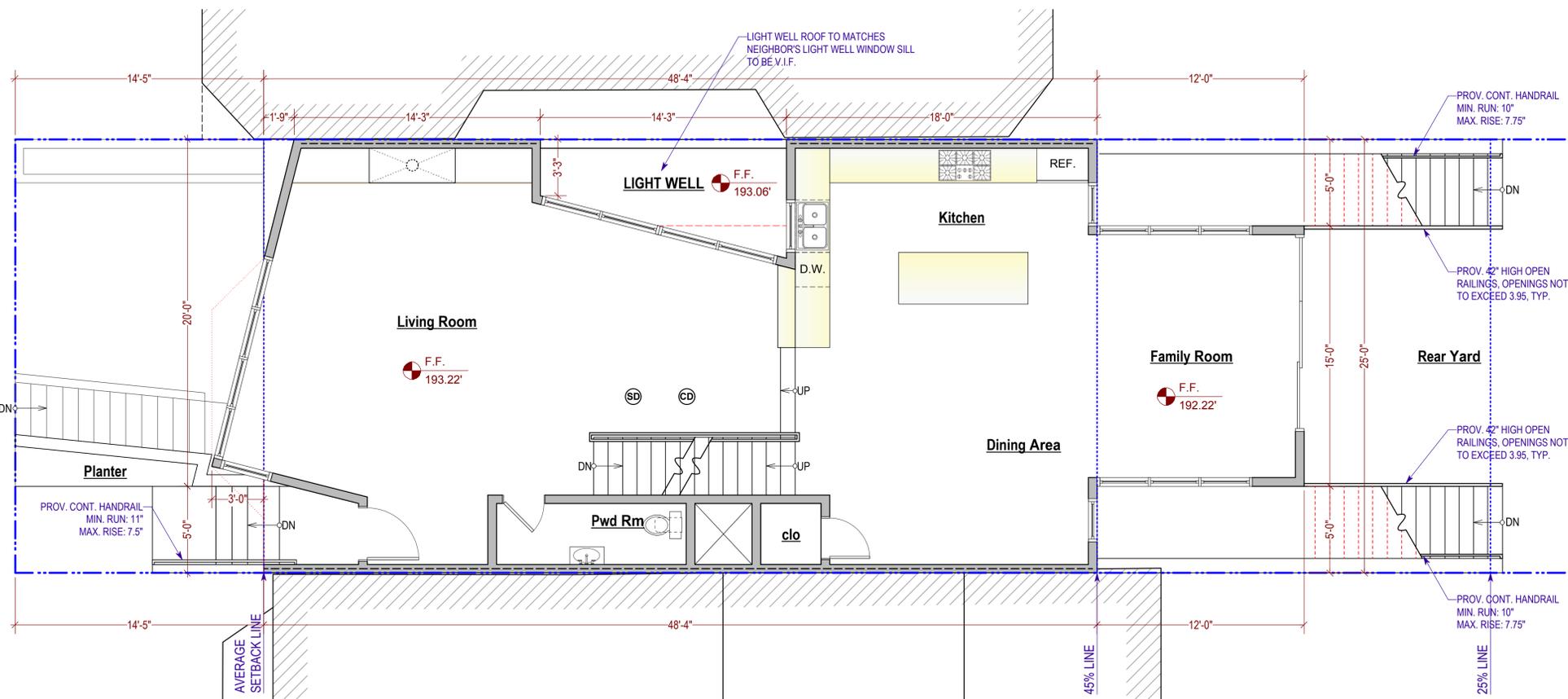
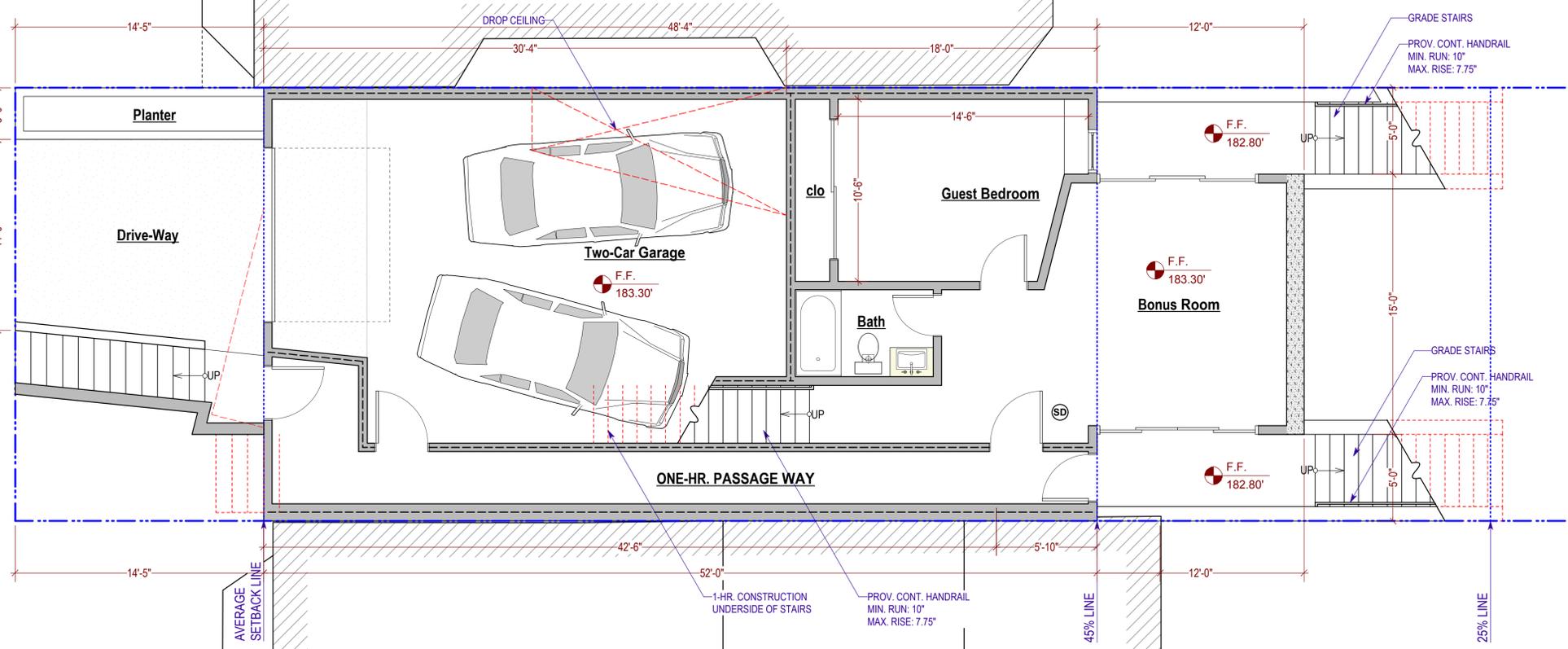
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A-2.1



CD	CARBON MONOXIDE DETECTOR/ALARM IN ALL BEDROOMS
SD	SMOKE DETECTOR, 110-V INTERCONNECTED WITH BATTERY BACKUP
---	PROPERTY LINE
---	WALL TO BE CONSTRUCTED
---	WALL TO BE 1-HR. FIRE RATED
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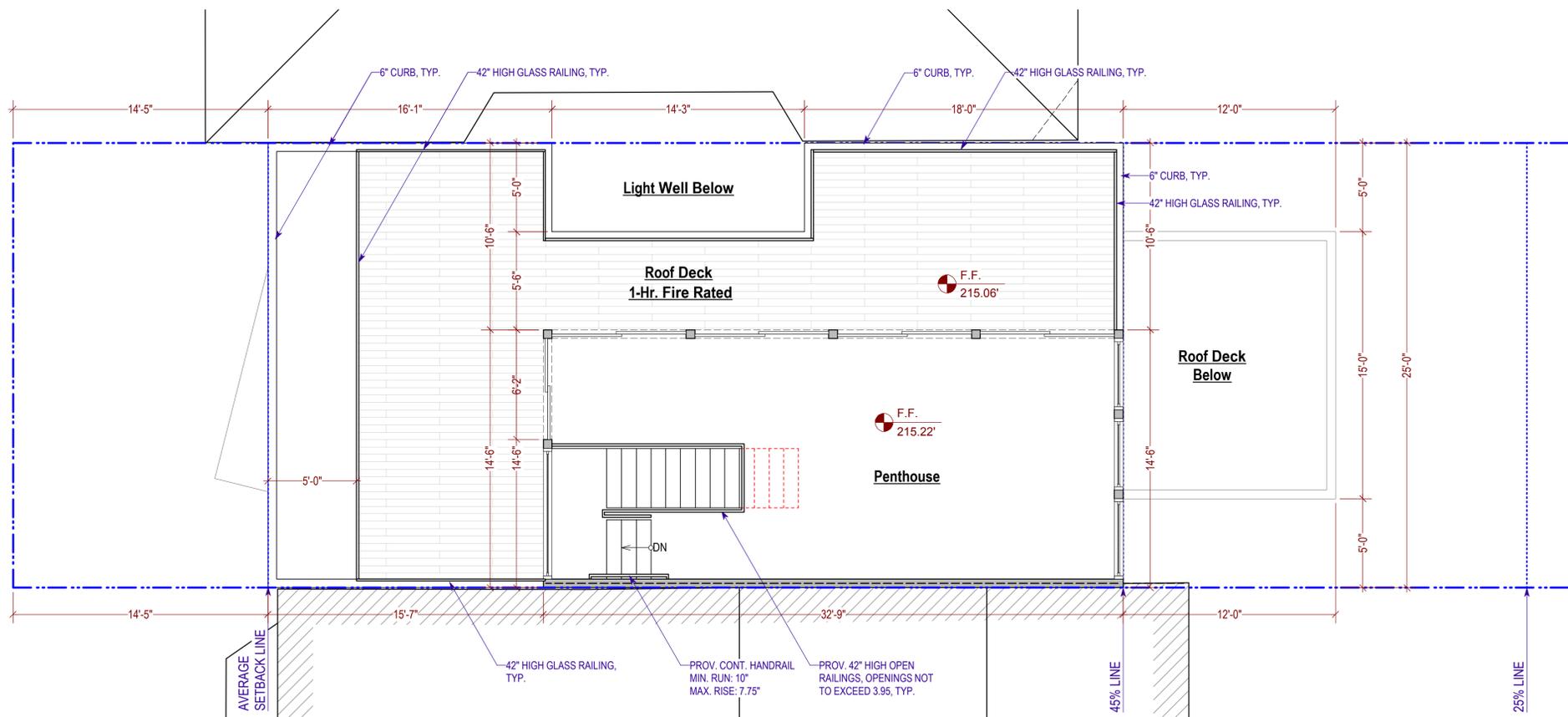
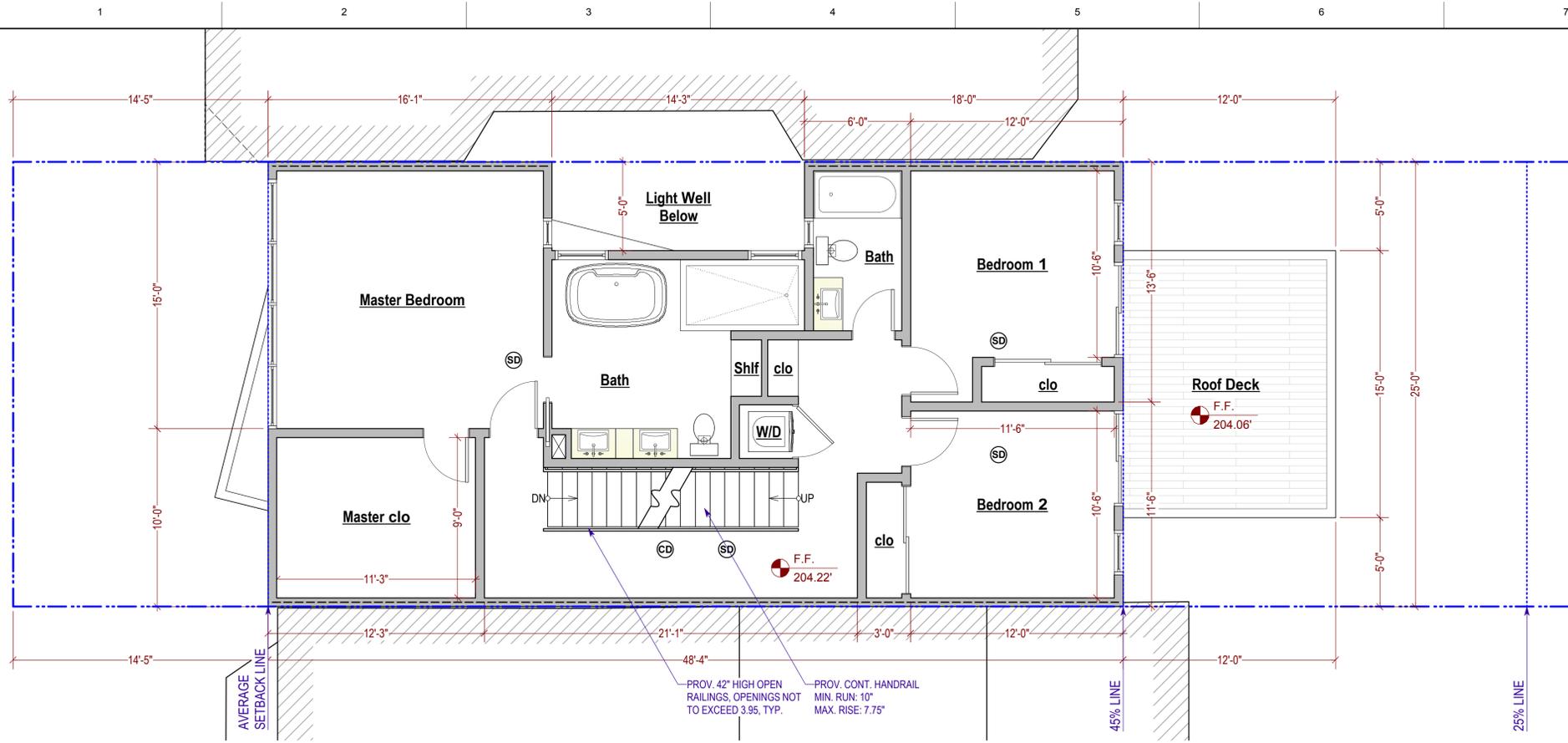
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SHEET NO.

A-2.2



PROJECT NAME

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SAN FRANCISCO, CA**



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Existing Elevations

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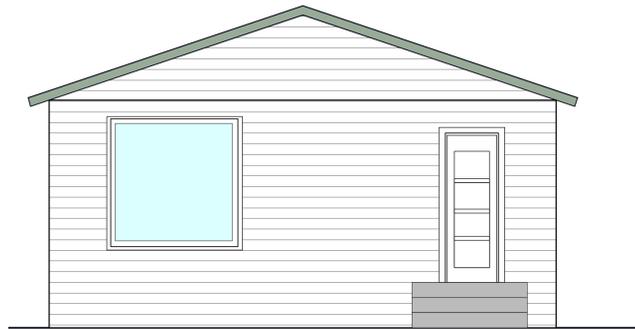
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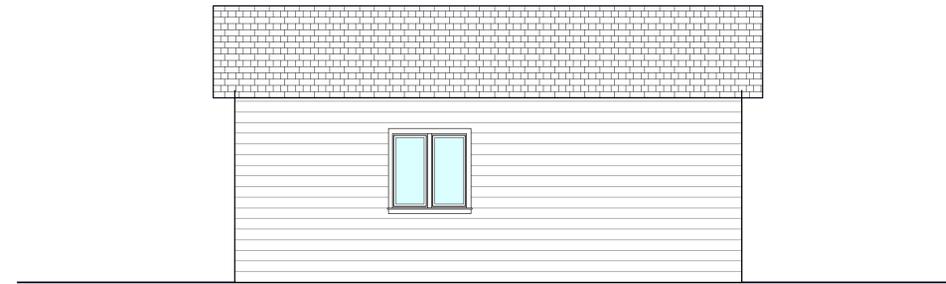
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SHEET NO.

A-3.0



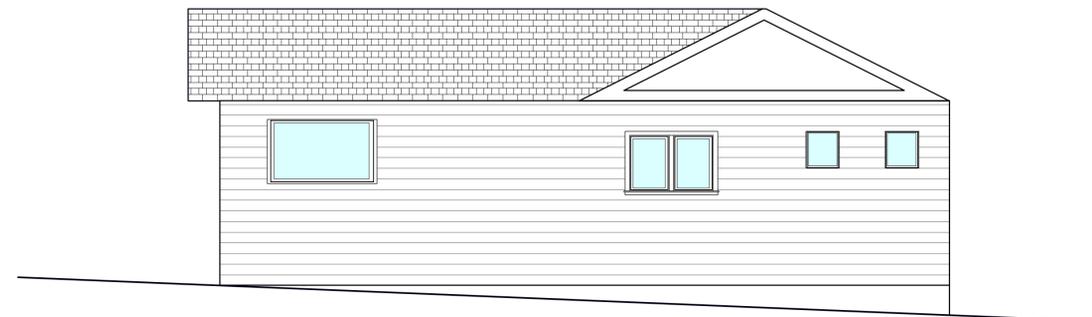
Existing Front Elevation
1/4"=1'-0"



Existing Rear Elevation
1/4"=1'-0"



Existing Left Elevation
1/4"=1'-0"



Existing Right Elevation
1/4"=1'-0"



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Building Elevation

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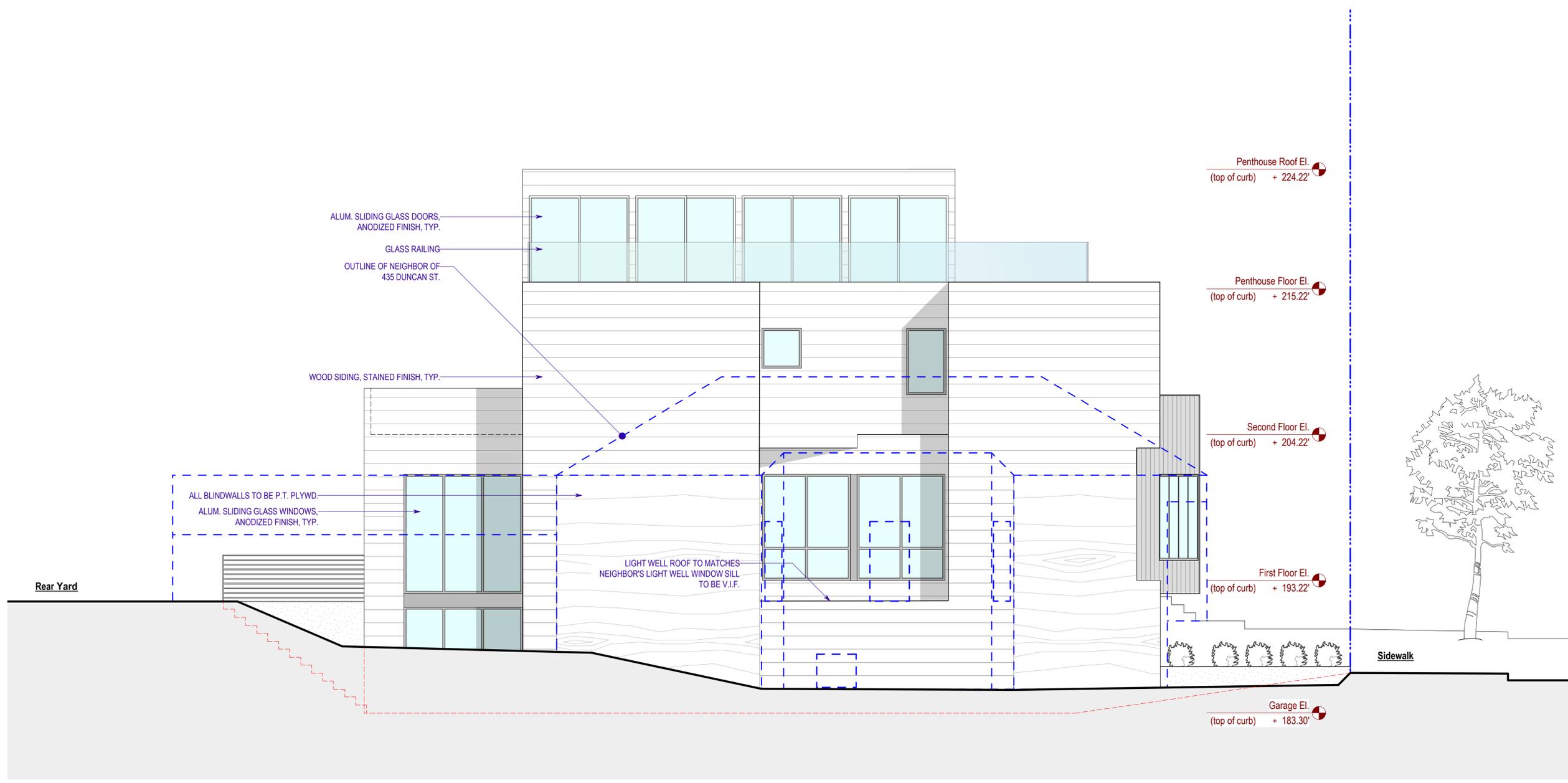
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SHEET NO.

A-3.3



Proposed Left Elevation

SCALE: 1/4" = 1'-0"



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Building Elevation

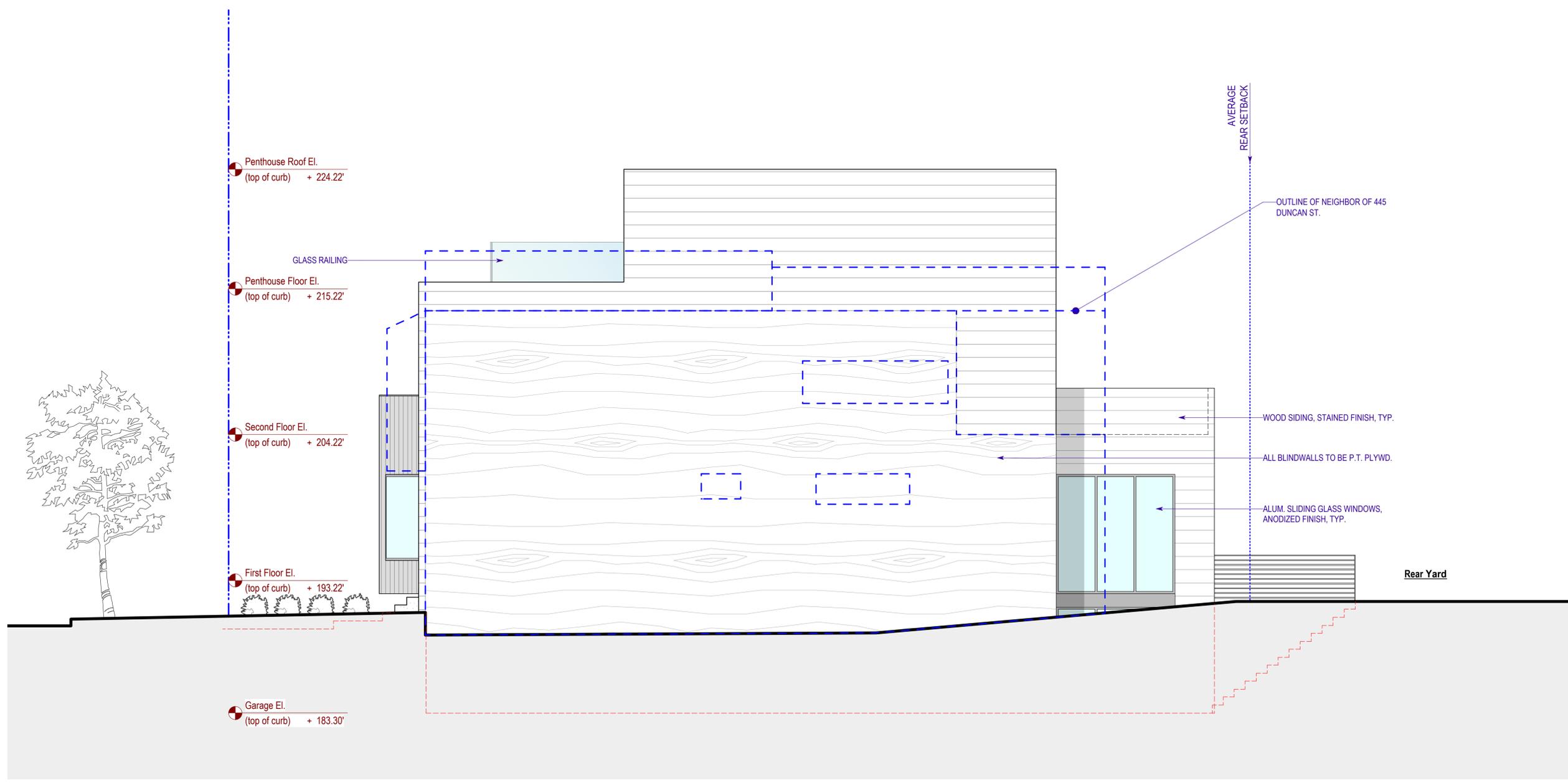
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SHEET NO.
A-3.4



Proposed Right Elevation
 SCALE: 1/4" = 1'-0"

Grid lines 1 through 10 are marked along the top and bottom edges of the drawing. Vertical grid lines are labeled 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. Horizontal grid lines are labeled A, B, C, D, E, F.

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Building Section

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Proposed Section A-A

SCALE: 1/4" = 1'-0"