



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: SEPTEMBER 26, 2013

Date: September 19, 2013
Case No.: **2012.1430D**
Project Address: **2125 Broderick Street**
Permit Application: 2012.11.16.4378
Zoning: RH-2 (Residential, House, Two-Family) District
40-X Height and Bulk District
Block/Lot: 1000/002
Project Sponsor: Andre Rothblatt, AIA
2 Henry Adams Street, Suite 460
San Francisco, CA 94103
Staff Contact: Sara Vellve – (415) 588-6263
Sara.Vellve@sfgov.org

Recommendation: **Do not take DR and approve as proposed**

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

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to construct a one-story vertical addition, fill in a large side setback of the subject building at its southwest corner, and insert a garage into a bay window that projects to grade at the building's facade. The proposed new floor would be set back from the front building wall by approximately 27 feet. At the rear, the proposed two-story addition would not project further than the existing two-story rearmost facade, or the DR requestor's building. The building infill is against a blank wall of the DR requestor's building. A glass block addition on the front facade would be removed. A new 10-foot wide curb cut is proposed at the street.

SITE DESCRIPTION AND PRESENT USE

The site is located on west side of Broderick Street between Clay and Washington Streets in the Pacific Heights neighborhood. The lot is approximately 106 feet deep, 25 feet wide and slopes laterally from north to south. The two-story-over-basement, single-family home was constructed circa 1889. Originally, the building was approximately 40-feet deep. Two additions have been constructed, a rear horizontal addition of approximately 18-foot deep by 12-foot wide, and a glass block addition at the second floor of the building's facade.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The property is located in the Pacific Heights neighborhood, two blocks west of Alta Plaza Park. The area contains primarily single- and two-family dwellings with a residential-over-commercial building on the east side of Broderick Street at the intersection of Washington Street. The subject block and the surrounding area contain a fairly intact and cohesive collection of Victorian-era residential properties on similar sized lots constructed primarily in the 1880s and 1890s. The site is located approximately three blocks north of California Street.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	June 28, 2013 to July 27, 2013	July 25, 2013	September 26, 2013	63 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	September 16, 2013	September 16, 2013	10 days
Mailed Notice	10 days	September 16, 2013	September 12, 2013	14 days

PUBLIC COMMENT

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

During the Section 311 notice period, the Planning Department received calls regarding construction practices, the loss of on-street parking and the parking of contractor vehicles during construction.

DR REQUESTOR

Ryan Peterson of Zacks & Freedman, is representing Wendy Bolker, of 2117 Broderick Street, who is the adjacent neighbor to the south.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, received July 25, 2013.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated September 18, 2013.

ENVIRONMENTAL REVIEW

Per Case Number 2012.1430E, the Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

RESIDENTIAL DESIGN TEAM REVIEW

The proposed building alterations were not subject to consideration by the Residential Design Team (RDT) during initial review. As the request for Discretionary Review (DR) is not related to the building footprint, building volume or light and air concerns, the project was not reviewed by the RDT as a result of the DR. The construction related issues are not within the purview of the Planning Code or Residential Design Guidelines; therefore, the DR issues are not considered exceptional or extraordinary circumstances.

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

RECOMMENDATION: Do not take DR and approve the project as proposed
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Attachments:

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

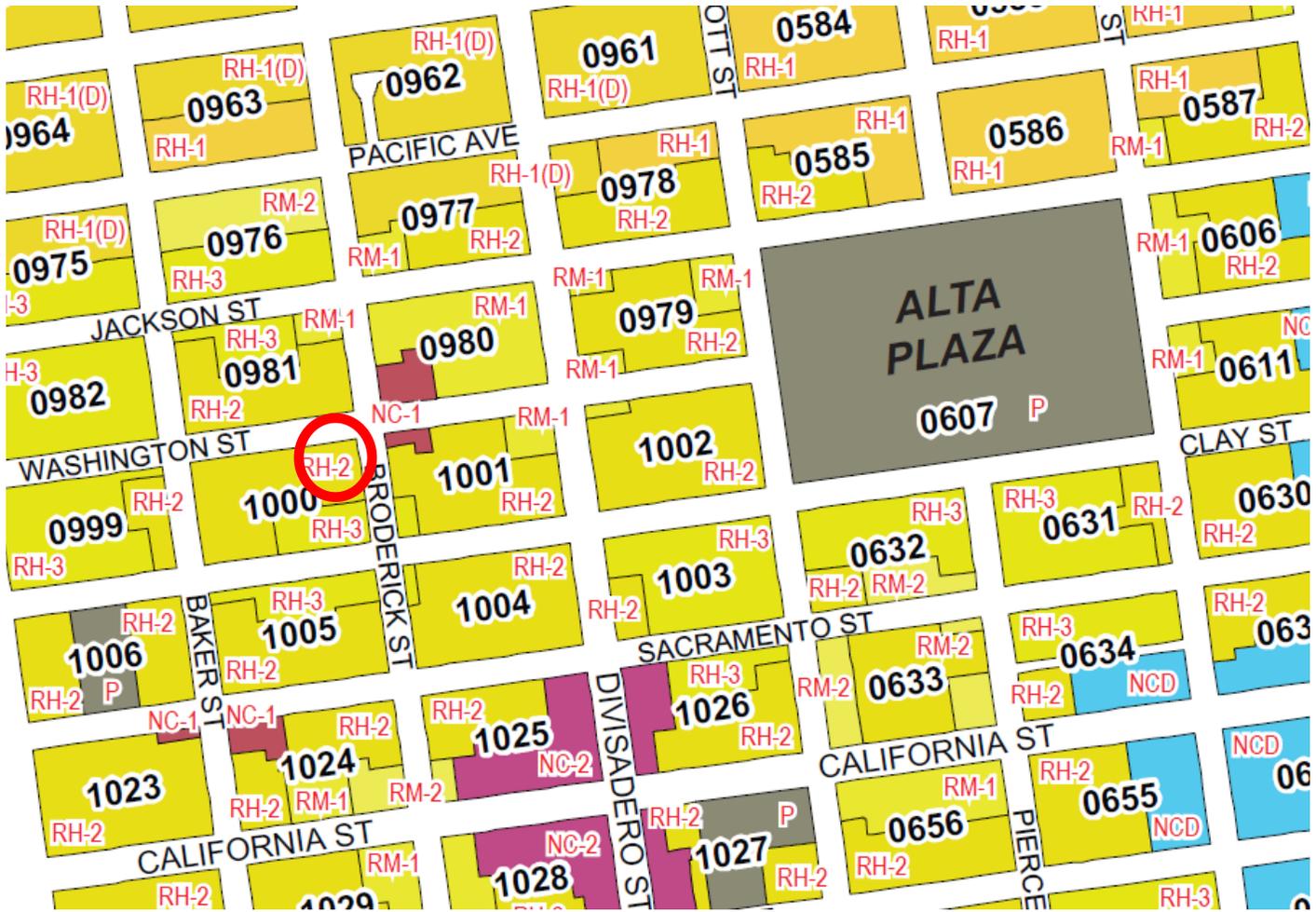
DR Application

Sponsor’s Response to DR Application dated September 17, 2013, includes Section 311 notice and plans

DR Applicant’s Response

SV G:\DOCUMENTS\DR Cases\2012.1430D - 2125 Broderick Street\Abbreviated DR Analysis.doc

Zoning Map



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS

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

RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

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

NEIGHBORHOOD COMMERCIAL DISTRICTS

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

SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

COMMERCIAL DISTRICTS

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

INDUSTRIAL DISTRICTS

C-M M-1 M-2

CHINATOWN MIXED USE DISTRICTS

CRNC CVR CCB

RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

REDEVELOPMENT AGENCY DISTRICTS

MB-RA HP-RA

DOWNTOWN RESIDENTIAL DISTRICTS

RH DTR TB DTR

MISSION BAY DISTRICTS

MB-OS MB-O

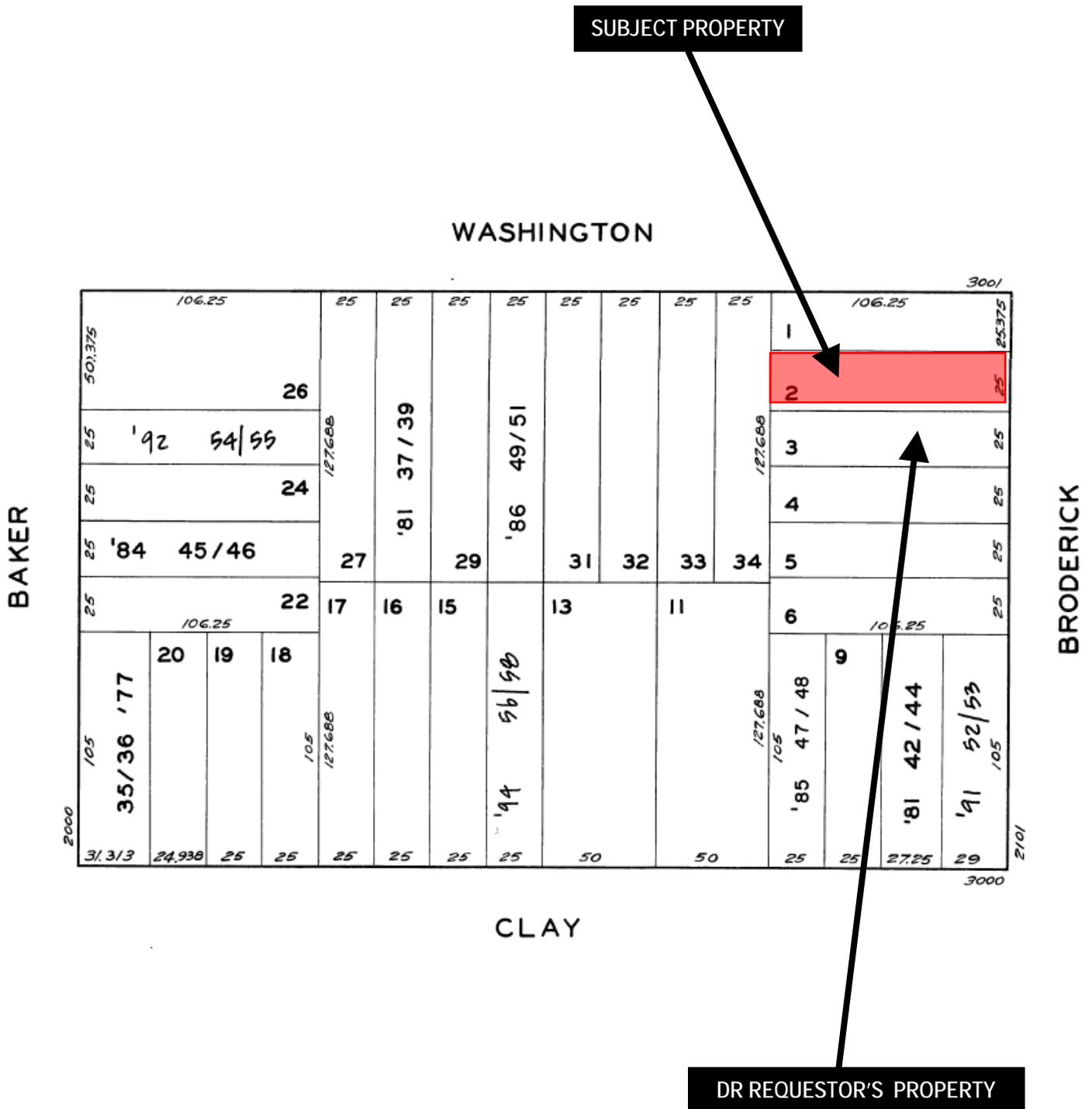
PUBLIC DISTRICT

P



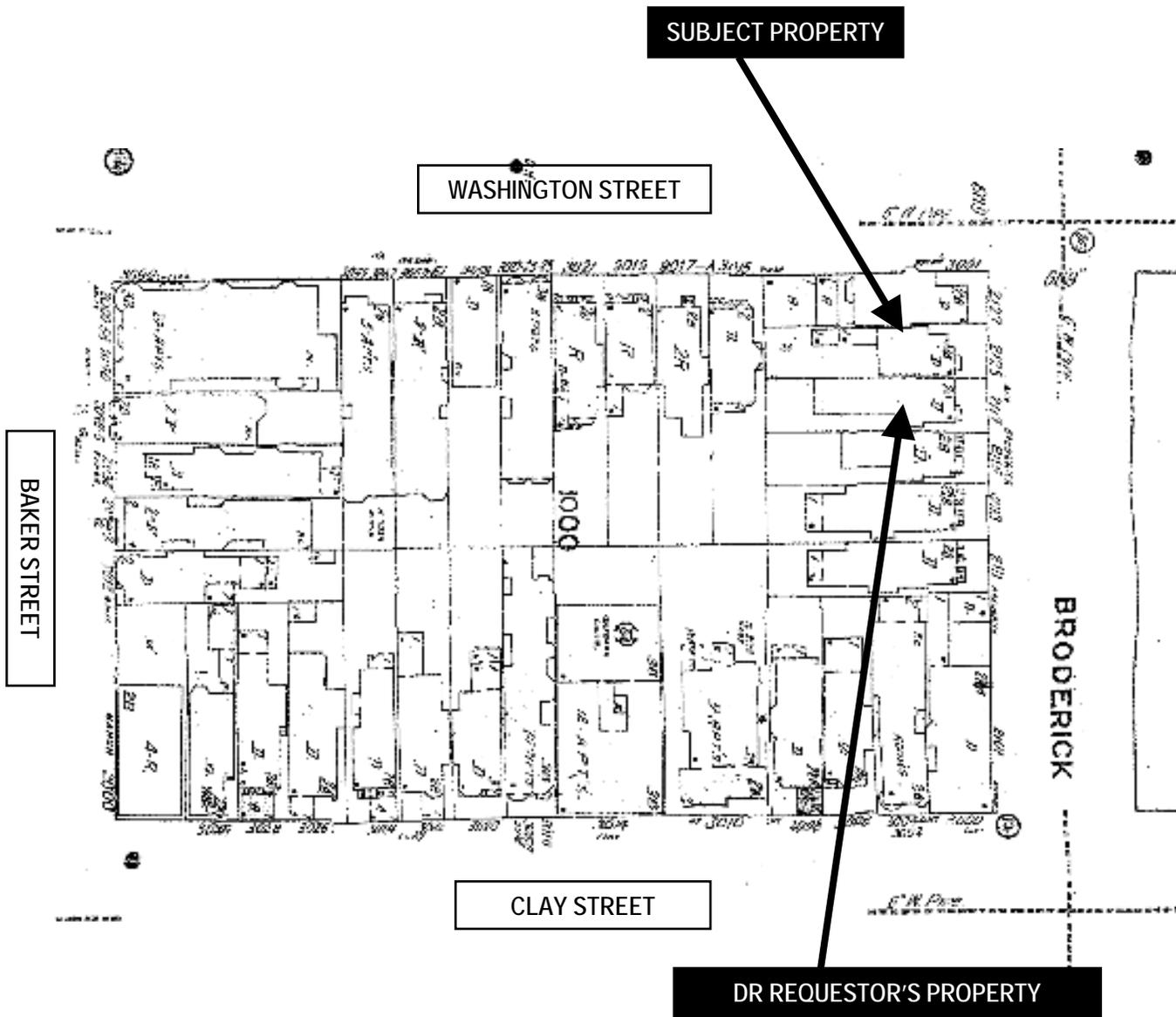
Discretionary Review Hearing
Case Number 2012.1430D
2125 Broderick Street

Parcel Map



Discretionary Review Hearing
 Case Number 2012.1430D
 2125 Broderick Street

Sanborn Map*



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



Discretionary Review Hearing
Case Number 2012.1430D
2125 Broderick Street

Aerial Photo



Site Photos



LOOKING EAST



LOOKING SOUTH

Discretionary Review Hearing
Case Number 2012.1430D
2125 Broderick Street

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Wendy Bolker		
DR APPLICANT'S ADDRESS: 2117 Broderick Street, San Francisco	ZIP CODE: 94115	TELEPHONE: (415) 956-8100
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Alex and Tatum Getty		
ADDRESS: 2125 Broderick Street, San Francisco	ZIP CODE: 94115	TELEPHONE: (310) 977-7791
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Ryan J. Patterson, Esq. / Zacks & Freedman, P.C.		
ADDRESS: 235 Montgomery Street, Suite 400, San Francisco	ZIP CODE: 94104	TELEPHONE: (415) 956-8100
E-MAIL ADDRESS: ryanp@zulpc.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 2125 Broderick Street		ZIP CODE: 94115
CROSS STREETS: Clay Street and Washington Street		
ASSESSORS BLOCK/LOT: 1000 /002	LOT DIMENSIONS: ~ 106' x 25'	LOT AREA (SQ FT): 2657.5
ZONING DISTRICT: RH-2	HEIGHT/BULK DISTRICT: 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. 201211164378

Date Filed: 11/16/2012

RECEIVED

JUL 25 2013

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

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"/>
Covenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input 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.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Discretionary Review Request

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

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

The Project poses significant potential adverse impacts to the Requestor's property, including hydraulic diversion, interference with the driveway, and unusually significant construction-related nuisances.

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:

The Requestor's property will likely be unreasonably affected, as described above.

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?

The Requestor first seeks a good-faith dialogue with the Permit Applicant. It is our request that the Permit Applicant will take reasonable measures to address the Requestor's concerns.

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. Significant changes have not been made. It is the Requestor's hope that further dialogue will lead to mitigation of the project's potential adverse impacts.

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: 7/25/13

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

Ryan J. Patterson / Zacks & Freedman, P.C.
Owner / Authorized Agent (circle one)

**Project
Sponsor's
Response
to
Discretionary Review
for
2125 Broderick St.
P.A. 201211164378**

Prepared by:
Andre Rothblatt, AIA
2 Henry Adams St., Suite 460
San Francisco, CA 94103



SAN FRANCISCO PLANNING DEPARTMENT

RESPONSE TO DISCRETIONARY REVIEW

Case No.: _____

Building Permit No.: _____

Address: 2125 BRODERICK ST

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Sponsor's Name: ALEXANDER & TATUM GETTY

Telephone No.: _____ (for Planning Department to contact)

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

D.R. REQUESTOR HAS NO OBJECTIONS TO THE DESIGN, SIZE OR FEATURES OF THE PROJECT. THE DESIGN IS CODE COMPLIANT AND DEEMED CONSISTENT WITH THE SECRETARY OF INTERIOR STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES.

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

AFTER FILING OUR APPLICATION, WE REVISED THE DESIGN TO REDUCE A MAJOR PORTION OF SUBGRADE IMPROVEMENTS & DRAMATICALLY REDUCED THE EXTENT OF EXCAVATION IN RESPONSE TO THE D.R. REQUESTORS CONCERNS ABOUT DUST, NOISE VIBRATIONS AND HYDRATION ISSUES RELATED TO EXCAVATION

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

SEE ATTACHED STATEMENT AND EXHIBITS

Project Sponsor's Response to D.R. for 2125 Broderick St.

For over a year, the project sponsor has been in a dialog with the D.R. requestor's 3 teams of 5 consultants to resolve approximately 30 requests. The D.R. requestor's many concerns are related to the construction activity only and not the design or size of the project. The project sponsor has agreed to the majority of the D.R. requestor's requests but does not agree with the remaining items. See Exhibit 'A' for a complete list of the D.R. requestor's requests and the project sponsor's response. The project sponsor understands that our construction project can have adverse impacts on their neighbors and has agreed to the following measures to minimize these impacts:

1. Shrink wrap the front of our building and provide dust barriers at the shared property lines of our neighbors.
2. Limit the hours of construction from 7:30 to 4:30 and only work on weekends on rare occasions.
3. Use saw cutting methods and rotary hammers in lieu of jack hammers for demolition of our foundation adjacent to the D.R.'s building.
4. Notify neighbors of the construction schedule and start of demolition of the foundation.
5. Provide good neighbor gestures such as preventing workers from blocking driveways, cleaning up debris promptly, protecting the neighbor's property from any damage and repairing any damage promptly.

A sampling of some of the requests that the project sponsor does not agree with are as follows:

1. Allow the D.R. requestor's consultants periodic inspections of the project during construction and reimburse the D.R. requestor for these inspections.
2. Allow access of the project during construction and excavation so that the D.R. requestor's contractors can waterproof the D.R. requestor's foundation.
3. Provide or reimburse the D.R. requestor for installation of acoustic blankets in her garage.

We don't agree and cannot accommodate these requests for the following reasons:

1. SF DBI inspectors shall inspect the project during construction for compliance and we don't agree that the neighbor's consultant's inspections are needed and we do not wish to pay for these unnecessary and intrusive inspections.
2. Allowing the D.R. requestor's contractor access of our project during the excavation and temporary shoring process is problematic because of the difficulties providing a safe and open area during the sequenced process of partial demolition, temporary shoring and excavation of our foundation. We cannot accommodate this request for the practical difficulties and liability issues.
3. In an effort to reduce and minimize the noise and vibration caused by the demolition of our foundation, the project sponsor has already agreed to use saw cutting methods and rotary hammers in lieu of jack hammers for the demolition of our brick foundation adjacent to the neighbors building. We don't agree that installing acoustic blankets in the neighbor's garage is necessary.

In conclusion, we have agreed to approximately 2/3 of the DR's many requests. But from our perspective, the remaining requests are over reaching, inappropriate and appear to be attempts by the DR requestor to monitor and micro-manage our project.

We agree with the D.R. requestor's initial consultant, Richard Avelar who wrote in his Sept 7, 2012 letter: *"We have reviewed your plans and are of the opinion that your planned remodel is in keeping with the neighborhood"*

And we also agree with Sara Velve, the planner assigned to our project who wrote in her July 24, 2012 email: *"...the concerns really are not within the purview of the Planning Dept. and our reviews. They also do not appear to be exceptional or extraordinary circumstances..."* and *"The DR process was not developed to address these types of concerns and this is a classic example of why DR reform is needed"*

D.R. Requestor (Bolker) Requests

1. Provide drainage plan. Don't discharge water onto or through Bolker property.
2. Provide construction schedule
3. Limit hours of construction, don't work on weekends, except of rare occasions.
4. Notify Ms. Bolker of unusual loud construction events.
5. Protect Ms. Bolker's front wall adjacent to front planter.
6. Provide a copy of soils report.
7. Dust & debris protection measures:
 - a. Provide 8' high plywood wall at shared property line in front yard.
 - b. North wall of Bolker property completely covered with plywood & plastic.
 - c. Bolker front porch fully enclosed w/ zipper wrap.
 - d. Getty's entire house will be plastic wrapped.
 - e. Getty's will protect Bolker Chimney.
 - f. Construction debris on Bolker property will be removed on daily basis.
8. Erect 10' high fence at shared property line in rear yard.
9. Allow Bolker consultant access to Getty property to review vent.
10. Allow Bolker consultant access to Getty property to review test pit.
11. Provide a dutch gutter (presumably copper) & counter flashing in place of Bolker's existing galvanized steel gutter which overhangs on the Getty property.

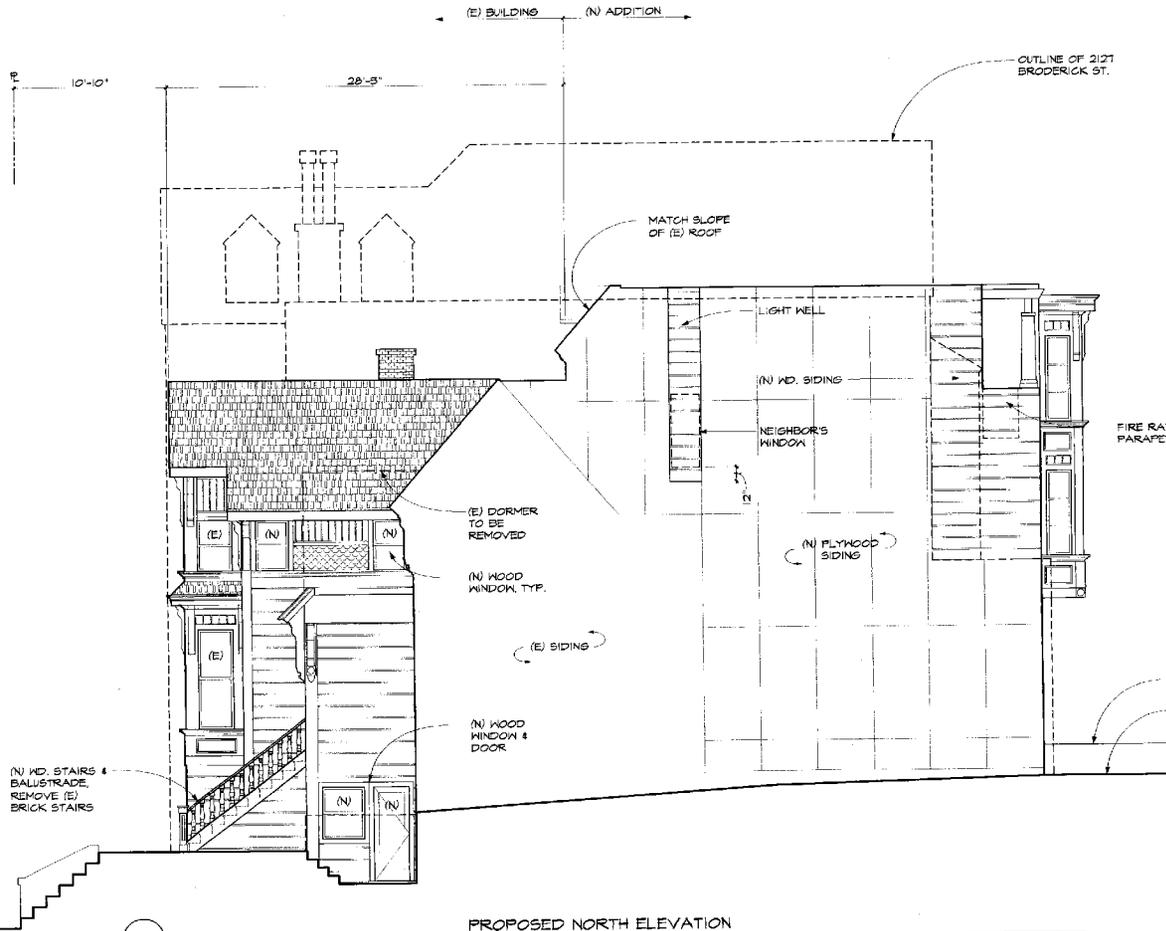
Project Sponsor (Getty) Response

1. Will provide and will not discharge water onto Bolker property.
2. Will provide.
3. Will Comply.
4. Will notify Bolker of start of demolition of foundation.
5. Will protect.
6. Will provide.
7.
 - a. Will provide 8' high barrier.
 - b. Getty's will not cover Bolker north wall w/plywood & plastic. Fastening plywood with screws or nails will do more damage, Getty's will repair wall if damaged.
 - c. Enclosing main means of egress w/flammable plastic (zipper wrap) is not advised.
 - d. Getty will wrap front of their house only.
 - e. Bolker chimney is located on the south side of her building; 23' away from the Getty property, no protection is needed.
 - f. Construction debris on Bolker property will be removed promptly.
8. A 10' high fence is excessively high & would cast a shadow on the Getty property. We would agree to an 8' high fence.
9. Will allow.
10. Will allow provided Getty consultant has access to Bolker property and with signed waiver as discussed.
11. We agree to replace the existing galvanized gutter with a galvanized sheet metal dutch gutter, not a "material of choice" as suggested or provide max \$2,500 reimbursement.

PROPOSED



EXISTING ELEVATION



PROPOSED NORTH ELEVATION

1/4" = 1'-0"

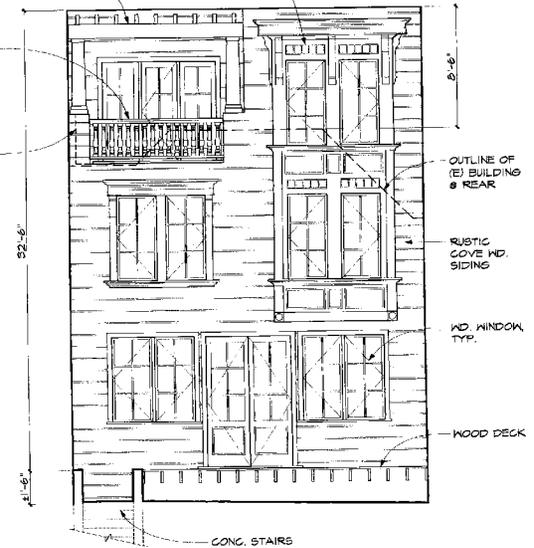
DETAILING, BRACKETS & TRIM TO MATCH (E) FRONT FACADE

TRELLIS & COLUNNS @ BALCONY

WOOD RAILING

FIRE RATED PARAPET

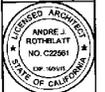
DECK GRADE



PROPOSED WEST ELEVATION

1/4" = 1'-0"

REVISIONS BY



ANDRE ROTHBLATT
ARCHITECTURE
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SAN FRANCISCO, CA 94109
415.774.1111

ALEX & TATUM'S RESIDENCE
2125 BRODERICK ST.
SAN FRANCISCO, CA

These documents and ideas incorporated herein, are the intellectual property of Andre Rothblatt, and are not to be used in whole or in part for any reason without the written approval of Andre Rothblatt, AIA.

Date 4/15/13

Scale 1/4" = 1'-0"

Drawn BOC

Job

Sheet

A4

Cl Sheets



FRONT ELEVATION W/ ADJACENT BUILDINGS

3/16" = 1'-0"

NOTE:
ADJACENT BUILDINGS AND
FEATURES ARE APPROXIMATE.



REAR ELEVATION W/ ADJACENT BUILDINGS

3/16" = 1'-0"

REVISIONS	BY



ARCHITECTURE
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1000 MARKET STREET, SUITE 400
SAN FRANCISCO, CA 94102
PH: 415.774.1111
WWW.ANDREARTHITECTURE.COM

ALEX & TATUM'S RESIDENCE
2125 BRODERICK ST.
SAN FRANCISCO, CA

These documents and their reproduction herein, are a testament of professional service rendered to the property of Alex & Tatum's Residence, A/E and are not to be used in any other project or for any other purpose without the written authorization of Andre Rothblatt, A/E.

Date 4/15/13
Scale 3/16" = 1'-0"
Drawn BDC
Lab
Sheet
A5
OF Sheets

ZACKS & FREEDMAN

A PROFESSIONAL CORPORATION

235 Montgomery Street, Suite 400
San Francisco, California 94104
Telephone (415) 956-8100
Facsimile (415) 288-9755
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September 18, 2013

VIA HAND DELIVERY

President Rodney Fong and Commissioners
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Discretionary Review No. 2012.1430D
2125 Broderick Street, San Francisco

Dear President Fong and Commissioners:

This office represents the DR Requestor, Ms. Wendy Bolker. Ms Bolker is the Project Sponsors' adjacent neighbor to the south.

After extensive discussions between the parties, a tentative agreement was reached to resolve most of the DR Requestor's concerns. However, the Project Sponsors are now demanding that the DR Requestor agree to sign a blanket release of liability for any unknown damages *prior* to the completion of a preconstruction survey. The Project Sponsors' motives for this extraordinary demand are unclear, and the DR Requestor cannot release liability for damages caused by the Project Sponsors before she even knows what those damages might be.

Therefore, the DR Requestor respectfully asks the Planning Commission to impose the following permit conditions, all of which were agreeable to the Project Sponsors:

1. The Project Sponsors will install an eight-foot-tall property line fence the length of the rear yard on the project site that will provide privacy from the proposed balcony and protection from the Project Sponsors' dog.
2. The Project Sponsors will provide an anticipated construction schedule and notify the DR Requestor in advance of the demolition of their foundation and slab. To reduce noise, the Project Sponsors' foundation on the DR Requestor's side will be removed using saw-cutting and a rotary hammer.
3. The Project Sponsors will provide a copy of the soils report when it is completed.
4. Construction work will take place only between the hours of 7:30 AM and 4:30 PM. With rare exceptions, construction work will take place only on weekdays.

5. The Project Sponsors will provide dust barriers, including:
 - a. Plastic wrap over the front of the Project Site; and
 - b. A fabric dust barrier along the property line in the rear yard and front yard.
6. The Project Sponsors will protect the DR Requestor's front wall adjacent to the Project Sponsors' front planter with plywood, which will extend high enough for the DR Requestor to connect plastic to create a canopy over her driveway.
7. The Project Sponsors/construction personnel will not block the DR Requestor's driveway.

Thank you for your consideration.

Very truly yours,

ZACKS & FREEDMAN, P.C.

Ryan J. Patterson by *KS*

Ryan J. Patterson