



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis

HEARING DATE: JULY 10, 2014

*Date:* July 2, 2014  
*Case No.:* 2012.1523D  
*Project Address:* 151-153 LIBERTY STREET  
*Permit Application:* 2013.12.11.3850  
*Zoning:* RH-3 (Residential House, Three-Family) Zoning District  
55-X Height and Bulk District  
Liberty-Hill Landmark District  
*Block/Lot:* 3607/036A  
*Project Sponsor:* John Duffy  
5234 Crystal Aire Drive  
Mariposa, CA 95338  
*Staff Contact:* Richard Sucre – (415) 575-9108  
[Richard.Sucre@sfgov.org](mailto:Richard.Sucre@sfgov.org)  
*Recommendation:* **Do Not Take DR & Approve the Project As Proposed.**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The proposed project consists of a change in use from one dwelling unit to two dwelling units, and exterior alterations including:

- *Construction of a New Garage:* The project would construct a new two-car garage (measuring approximately 1,028 sq ft) to the east of the existing entry stairway. The new garage opening would be approximately 9-ft wide and would feature glazed, wood panel garage doors.
- *New Stairway and Handrail:* The project would replace the existing non-historic concrete stair and metal rail with a new stair, stair landing, and handrail. The project would maintain the rough configuration of the existing entry stair and provide for a new stair landing to the second dwelling unit. The new handrails would be constructed of wood, and would be designed in a Craftsman architectural style.
- *Primary Façade Alterations:* To accommodate the new residential unit, the project would alter the primary façade by incorporating a new pedestrian entryway into the existing stair wall off of the new stair landing on the first floor. The project would replace an existing doorway and window with a new glazed, single panel wood door with transom and a new double-hung, wood-sash window. On the primary façade, the existing double-hung, wood-sash windows would be retained and repaired, as required. Similarly, the existing wood trellis would be reconstructed in-kind, due to extensive deterioration.
- *Construction of Horizontal and Vertical Rear Addition:* At the rear, the project would construct a new horizontal addition that would extend approximately 17-ft 6-in from the existing rear façade, as

well as, a new vertical addition that would be constructed on top of an existing two-story portion of the existing residence. The new vertical addition would not extend past the peak of the existing gable roof. The new addition would add approximately 1,062 sq ft of new floor area on the second and third floors.

- *Side and Rear Façade Alterations:* The project would add new window openings on the side facades, and would alter the rear façade to accommodate the new horizontal and rear additions. The rear façade would be clad in a smooth stucco finish, and would feature wood-sash casement windows.
- *Construction of a New Roof Deck:* The project would construct a new roof deck, which would measure approximately 10-ft 4-in by 27-ft 6-in (or approx. 250 sq ft), and would feature new metal cable rail guardrail.

Overall, the project would increase the square footage of the existing building from 2,684 sq ft to 5,504 sq ft.

### SITE DESCRIPTION AND PRESENT USE

Currently, 151-153 Liberty Street is a four-story, single-family residence designed in a Craftsman architectural style located on a rectangular lot (measuring 25-ft x 114-ft) on the south side of Liberty Street between Dolores and Guerrero Streets. Constructed in 1913, the existing building features wood-frame construction, wood-sash windows, a gable roof, and is set back from the street edge on top of a steeply graded lot. Currently, the subject property does not have any off-street parking.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding neighborhood is primarily residential in context. Along Liberty Street, most of the surrounding properties are three- to five-stories tall single-family and multi-family residences. Similarly, the surrounding blocks consists of residential properties, which range in height from two to five-stories tall. To the west of the subject lot, the property at 159 Liberty Street is a three-story Italianate residence. To the east of the subject lot, the property at 123 Liberty Street is a three-story Queen Anne Victorian residence. 151-153 Liberty Street is a contributor to the Liberty-Hill Landmark District, which is designated in Article 10 of the San Francisco Planning Code. The surrounding zoning districts include: RH-2 (Residential, House, Two-Family), RM-1 (Residential, Mixed, Low Density) and RM-2 (Residential, Mixed, Moderate Density).

### BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	January 31, 2014 – March 2, 2014	February 27, 2014	July 10, 2014	133 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	June 30, 2014	June 27, 2014	13 days
Mailed Notice	10 days	June 30, 2014	June 26, 2014	14 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent Neighbor(s)	-	1	-
Other Neighbors on the block or directly across the street	-	1	-
Neighborhood Groups	-	-	-

Since the Discretionary Review request was filed, the Department has only received one phone call from an adjacent neighbor, who expressed opposition to the proposed project.

DR REQUESTOR

**Jonathan Nelson**, 159 Liberty Street, neighbor to the west.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

Please refer to the *Discretionary Review Application* and DR Requestor submittal, dated June 16, 2014.

PROJECT SPONSOR’S RESPONSE

Please refer to the *Response to Discretionary Review*, dated June 25, 2014.

ENVIRONMENTAL REVIEW

On December 4, 2013 the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

ISSUES & CONSIDERATIONS

- Since the subject property is located within the Liberty-Hill Landmark District, the proposed project required review and approval by the Historic Preservation Commission (HPC). On

December 4, 2013, the HPC granted a Certificate of Appropriateness, as noted in HPC Motion No. 0219 (See Attached).

- Since the proposal includes removal of the rear garden shed, the Zoning Administrator has determined that the prior rear yard variance (Case No. 87.602V) is no longer applicable, and further review is not required.

## RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team (RDT) found that the proposed project meets the standards of the Residential Design Guidelines (RDG) and does not represent any exceptional or extraordinary circumstances for the following reasons:

- *Excavation:* The method of construction and excavation are not within the purview of the Planning Department. The proposed excavation will be conducted in accordance with the requirements of the Department of Building Inspection, and will protect public welfare and property or improvements in the vicinity.
- *Massing:* The RDT finds the proposed massing to be appropriate given the neighboring context. The addition will not be readily visible from the street and has been appropriately sculpted along the sides and rear.
- *Tenant Displacement:* The tenant displacement is not within the purview of the Planning Department. Upon consultation with the Rent Board on June 30, no tenant evictions have been recorded against the property.
- *Light, Views & Privacy:* The RDT finds that the project will not create an unusual adverse effect on the DR Requestor's access to light or privacy. Some adverse effects on light and privacy are expected from development within an urban environment. Private views are not protected by the Planning Code and the impacts on the DR Requestor's property are not considered substantial.
- *Roof Deck:* The RDT find that the proposed roof deck is appropriate and is not visible from the public rights-of-way. Further, the HPC has determined that the roof deck is appropriate with the surrounding historic district.

**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.**

<b>RECOMMENDATION:</b> <b>Do Not Take DR and Approve the Project As Proposed.</b>
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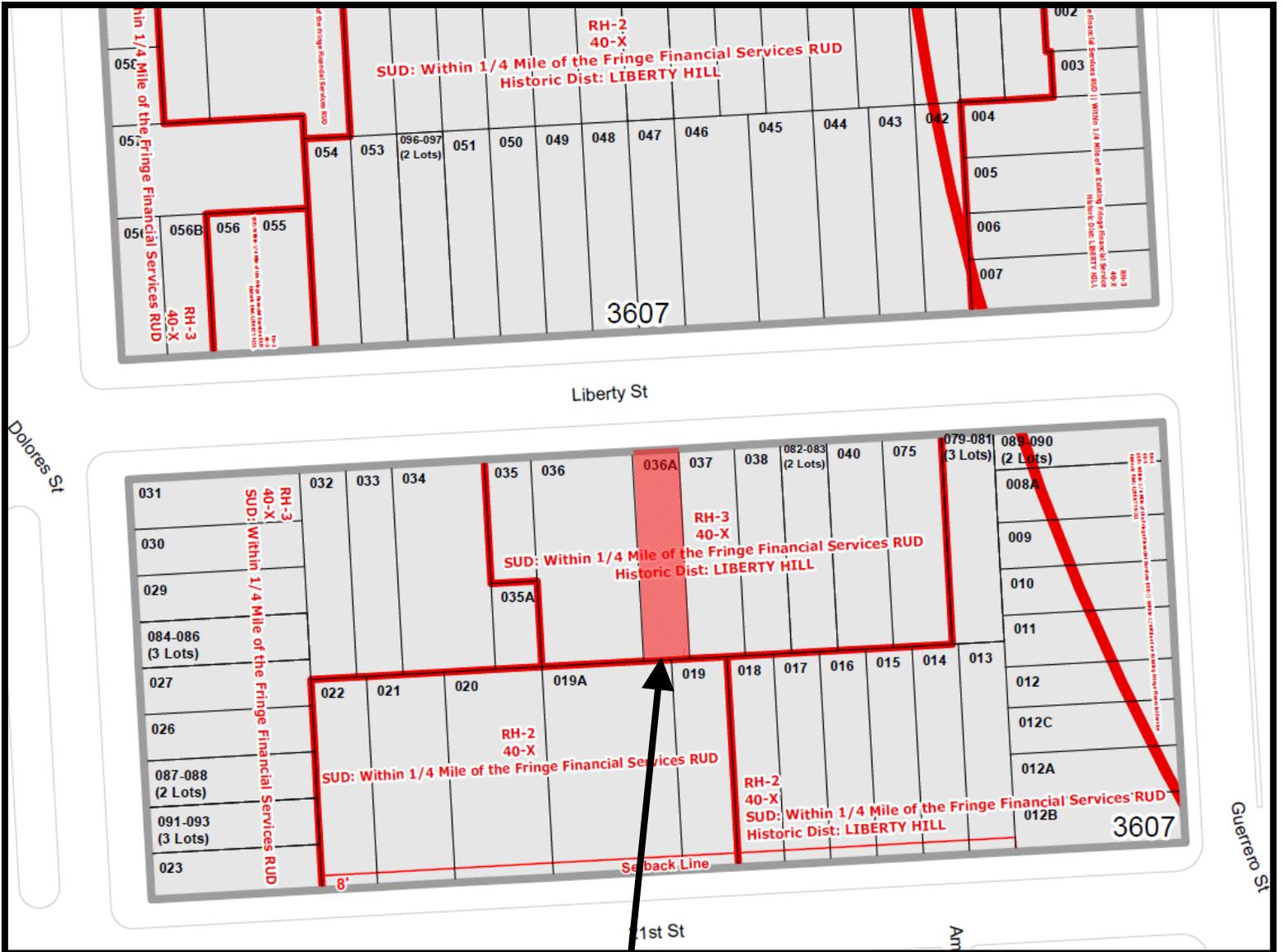
### Attachments:

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Site Photos  
Section 311 Notice & Plans

DR Application dated June 16, 2014  
Response to DR Application dated June 25, 2014  
Categorical Exemption  
HPC Motion No. 219  
Public Correspondence

*RS: G:\Documents\DR\2012.1523D 151 Liberty St\DR\_151-153 Liberty St .docx*

# Parcel Map



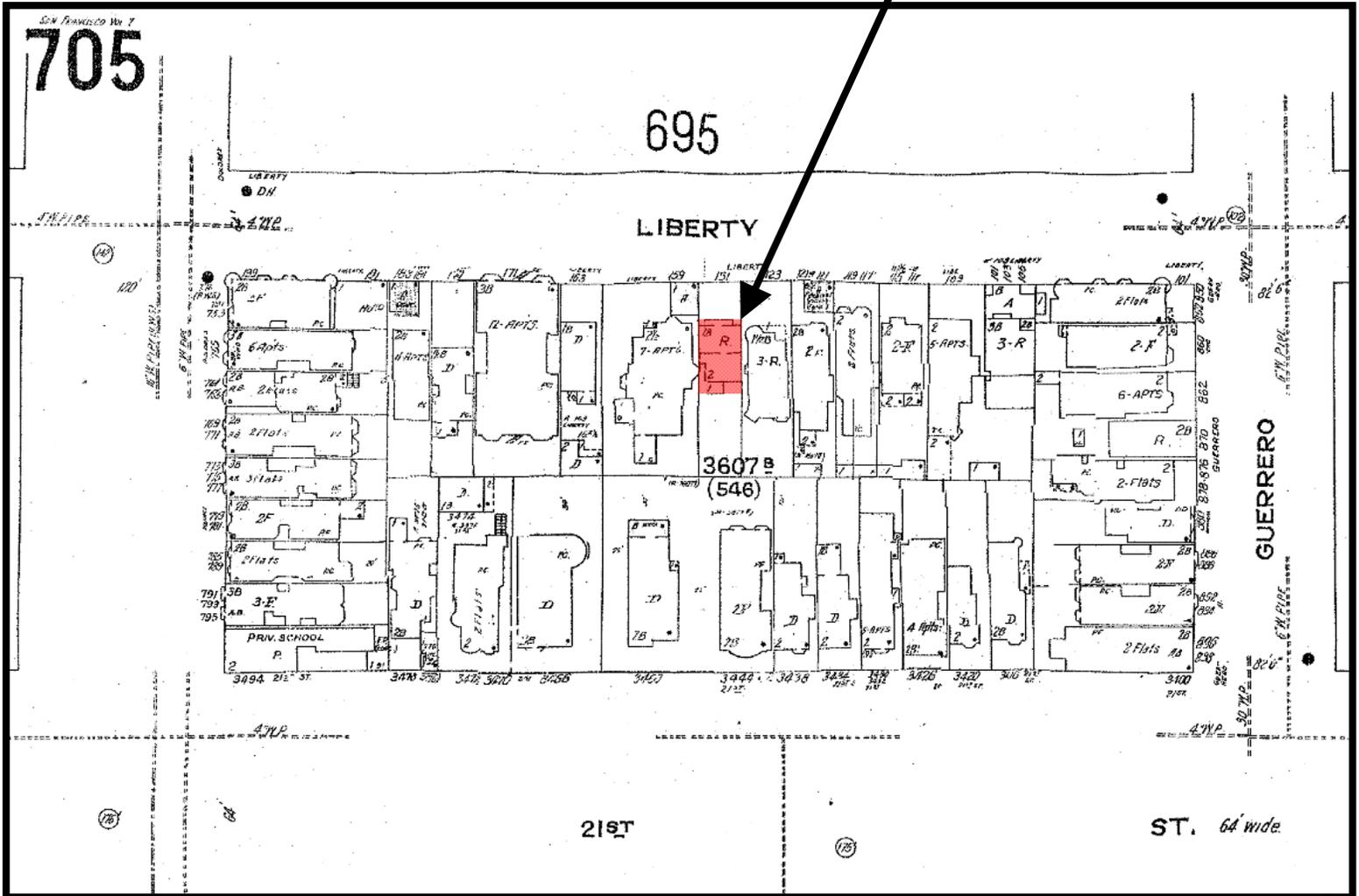
**SUBJECT PROPERTY**



Discretionary Review Hearing  
 Case Number 2012.1523AD  
 151-153 Liberty Street

# Sanborn Map\*

SUBJECT PROPERTY

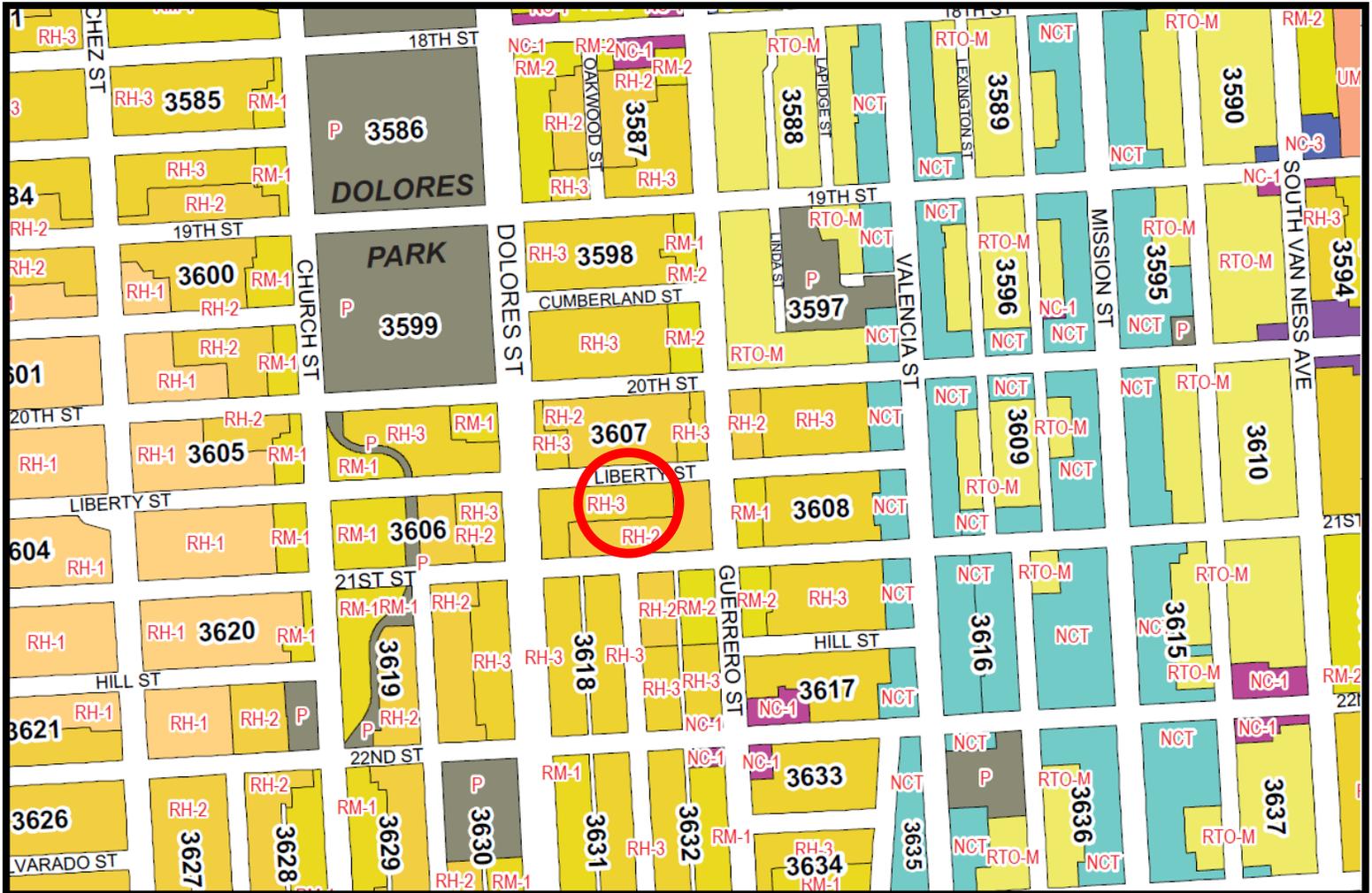


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing  
Case Number 2012.1523AD  
151-153 Liberty Street

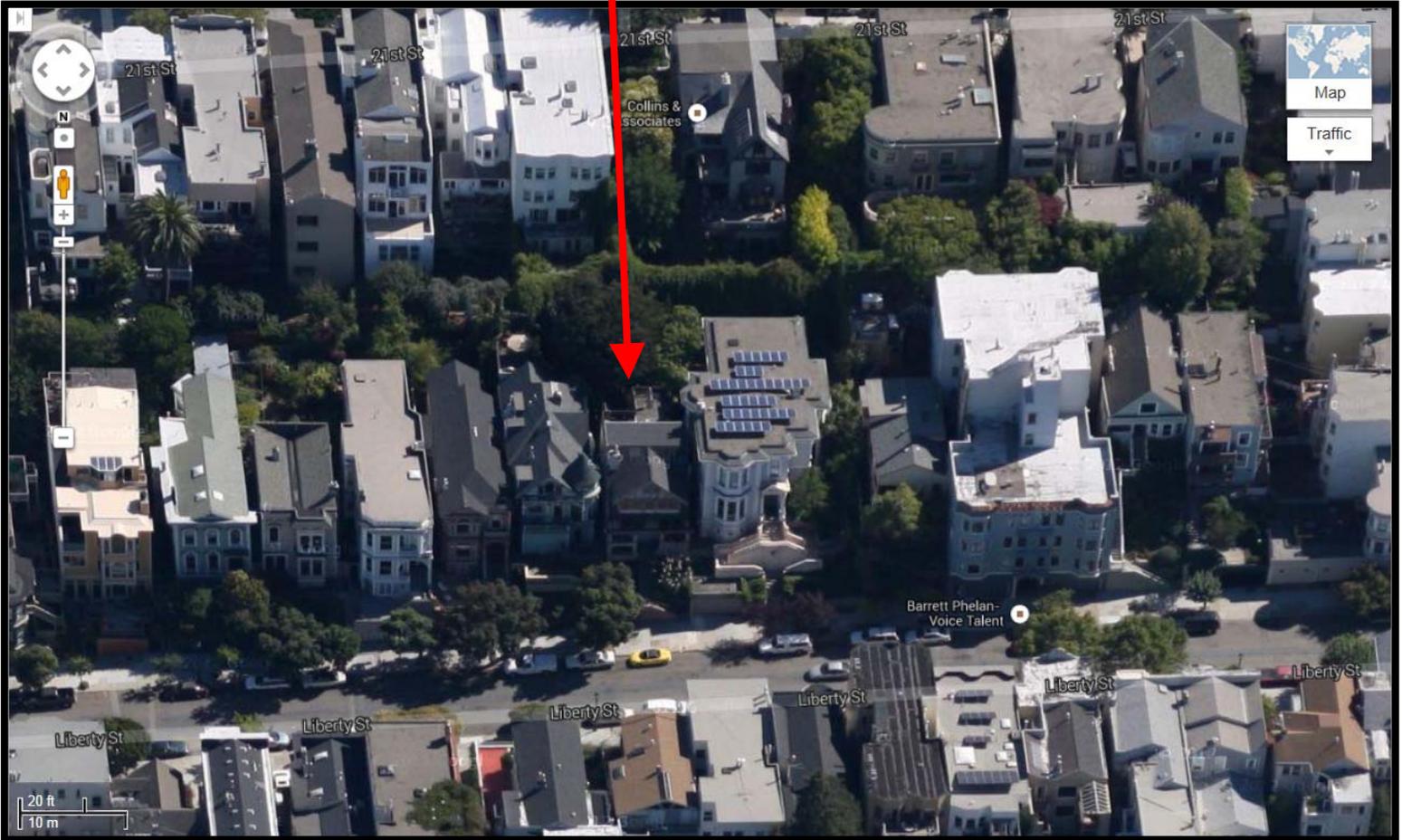
# Zoning Map



Discretionary Review Hearing  
Case Number 2012.1523AD  
151-153 Liberty Street

# Aerial Photo

SUBJECT PROPERTY



# Site Photo



151-153 Liberty Street (Source: Google Maps)

Discretionary Review Hearing  
Case Number 2012.1523AD  
151-153 Liberty Street



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **December 11, 2013**, the Applicant named below filed Building Permit Application No. **2013.12.11.3850** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>151-153 Liberty St</b>	Applicant:	<b>John Duffy</b>
Cross Street(s):	<b>Dolores and Guerrero Streets</b>	Address:	<b>4620 Ben Hur</b>
Block/Lot No.:	<b>3607/036A</b>	City, State:	<b>Mariposa, CA 95338</b>
Zoning District(s):	<b>RH-2 / 40-X / Liberty-Hill Hist. District</b>	Telephone:	<b>(415) 309-8896</b>

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 type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Single-Family Residence	Two-Family Residence
Front Setback	16 feet 11 inches	See Plans
Side Setbacks	None	No Change
Building Depth	49 feet 10 inches	67 feet 2 inches
Rear Yard (To Rear Deck)	34 feet 8 inches	30 feet
Building Height (Site Grade to Gable Roof Ridgeline)	36 feet 6 inches	No Change
Building Height (Street Grade to Gable Roof Ridgeline)	52 feet 7 inches	No Change
Number of Stories	3	3
Number of Dwelling Units	1	2
PROJECT DESCRIPTION		
<p>The proposal consists of a change in use from one dwelling unit to two dwelling units, and exterior alterations including: construction of a new two-car garage; installation of a new entry stair and handrail; installation of a new pedestrian entryway on the primary façade off of the new stair landing on the first floor; construction of rear horizontal addition, which would extend approximately 17-ft 6-in from the existing rear façade; construction of a new rear vertical addition, which would be constructed on top of an existing two-story portion of the existing residence (the new vertical addition would not extend past the peak of the existing gable roof); side and rear façade alterations; and, construction of a new roof deck, which would measure approximately 10-ft 4-in by 27-ft 6-in (or approx. 250 sq ft), and would feature new metal cable rail guardrail. The proposal received a Certificate of Appropriateness from the Historic Preservation Commission on December 4, 2013 (See Case No. 2012.1523A).</p>		

For more information, please contact Planning Department staff:

Planner: Richard Sucre  
 Telephone: (415) 575-9108  
 E-mail: richard.sucre@sfgov.org

Notice Date: 1/31/14  
 Expiration Date: 3/2/14

# GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.**

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at [www.sfplanning.org](http://www.sfplanning.org). You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

**Incomplete applications will not be accepted.**

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

## BOARD OF APPEALS

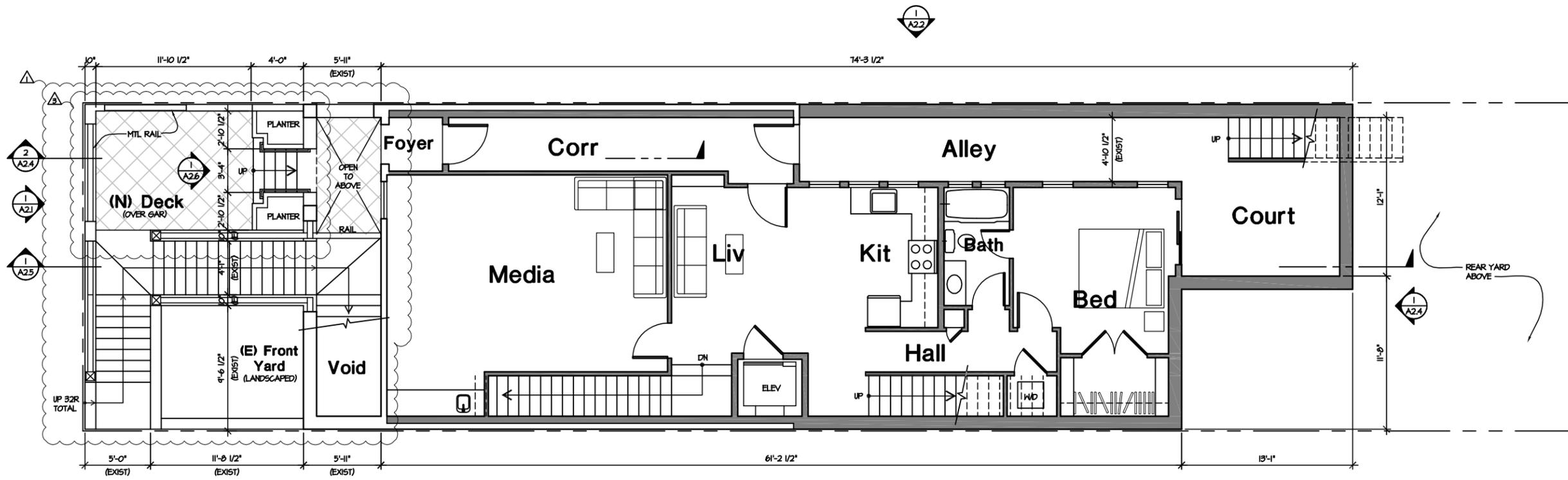
An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

## ENVIRONMENTAL REVIEW

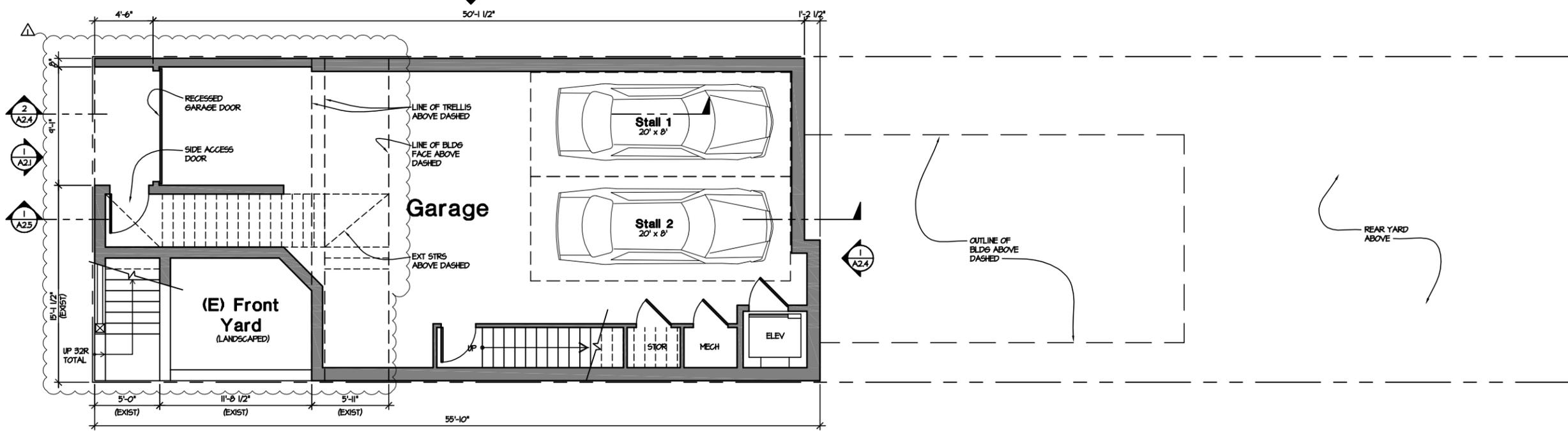
This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

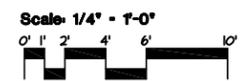




2 New Bsmt Floor Plan - Unit 151 (1220 sf)  
1/4"=1'-0"



1 New Garage Plan (1028 sf)  
1/4"=1'-0"



CONSTRUCTION LEGEND	
	(E) ITEMS / WALLS TO REMAIN
	(N) ITEMS / WALL CONSTRUCTION

PROJECT APPLICATION 2007 SITE PERMIT APP 2007 LIBERTY ST	Date:
ARCHITECT JOHN DUFFY ARCHITECT	Job-Drawn:
REGISTERED ARCHITECT NO. 0 28903 EXPIRES 06-30-2016 STATE OF CALIFORNIA	Revised:

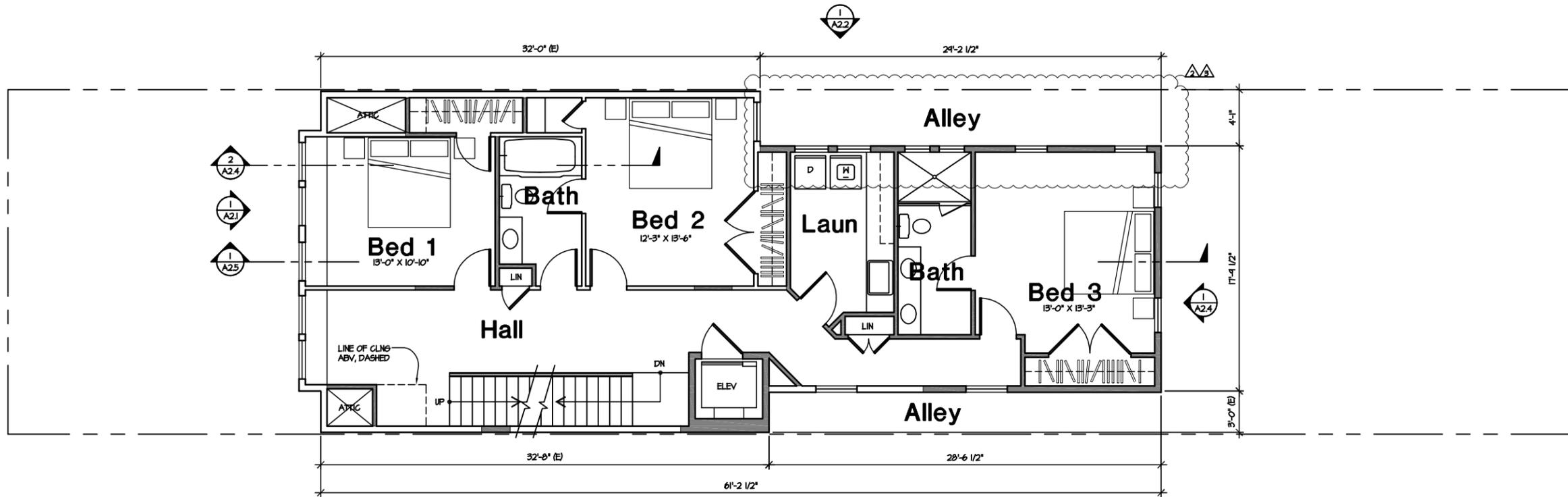
John Duffy  
Architect  
5234 CRYSTAL AIRE DR  
MARIPOSA, CA 95338  
TEL. 415.309.8996



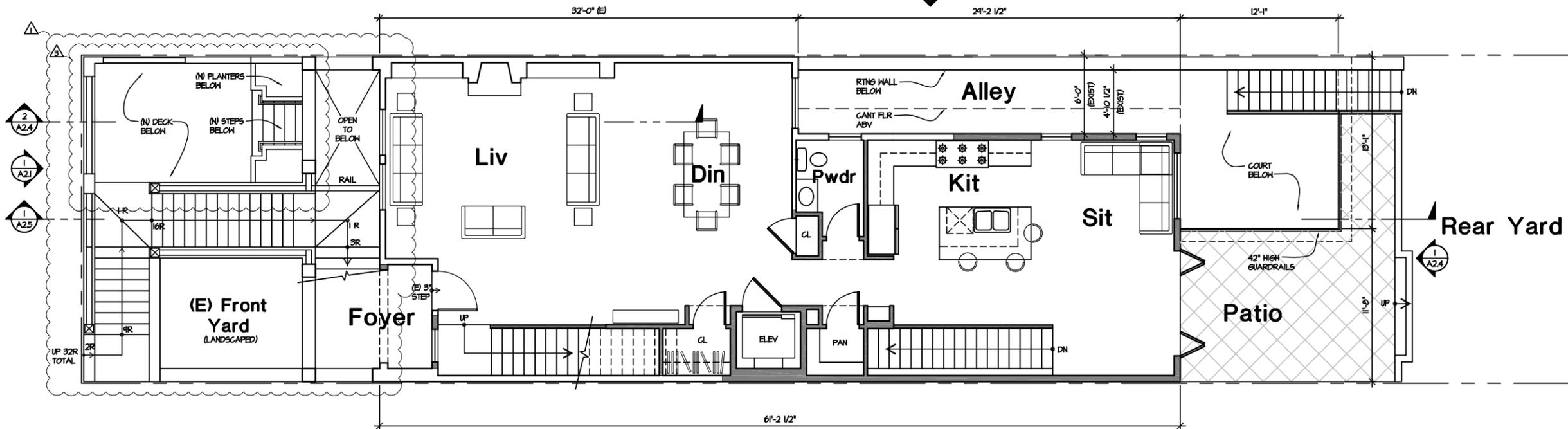
Project:  
**REMODEL & ADDITION**  
151-153 Liberty St  
San Francisco, CA 94110  
Block # 3607 Lot # 036A

Contents:  
**PROPOSED FLOOR PLANS: GARAGE & FIRST FLOOR**

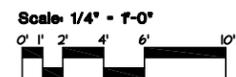
Sheet #  
**A1.1**  
© 2012 - John Duffy, Architect



2 New Second Floor Plan - Unit 153 (1345 sf)  
1/4"=1'-0"



1 New First Floor Plan - Unit 153 (1306 sf)  
1/4"=1'-0"



	HABITABLE AREAS (1)		
	EXISTING	PROPOSED	DIFF
BGMT (2)	406	1220	814
FIRST	940	1306	366
SECOND	870	1345	475
THIRD	468	1060	592
TOTAL	2684	4931	2247

	MISC AREAS		
	GARAGE	N/A	1028
ROOF DECK	N/A	250	N/A

- (1) AREAS INDICATED ARE TO OUTSIDE FACE OF STUD WALLS TYP  
 (2) EXCEPTION - EXIST BGMT FLOOR AREA IS NON HABITABLE SPACE

CONSTRUCTION LEGEND	
	(E) ITEMS / WALLS TO REMAIN
	(N) ITEMS / WALL CONSTRUCTION

DATE OF APPLICATION  
 2021.08.10  
 PROJECT NO.  
 2021.08.10  
 DRAWN BY  
 JDD  
 REVISIONS

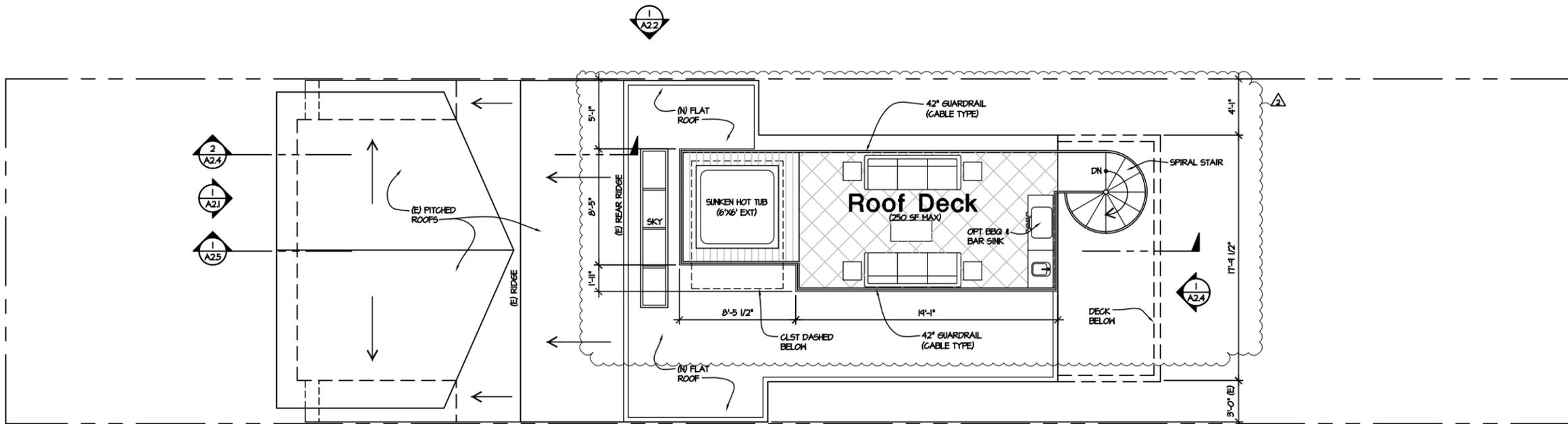
John Duffy  
 Architect  
 5234 CRYSTAL AVE DR  
 MARIPOSA, CA 95338  
 TEL: 415.309.8966



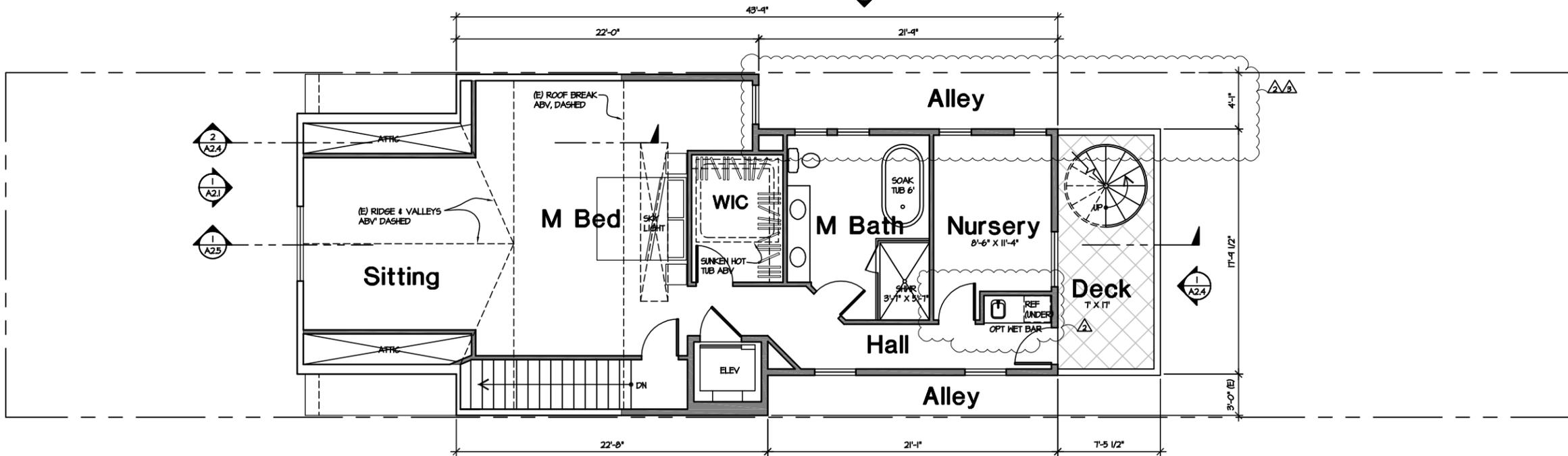
Project:  
 REMODEL & ADDITION  
 151-153 Liberty St  
 San Francisco, CA 94110  
 Block # 3607 Lot # 036A

Contents:  
 PROPOSED FLOOR  
 PLANS: SECOND &  
 THIRD FLOOR

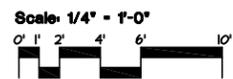
Sheet #  
**A1.2**



2 New Roof Deck Plan - Unit 153  
1/4"=1'-0"



1 New Third Floor Plan - Unit 153 (1060 sf)  
1/4"=1'-0"



HABITABLE AREAS (1)			
	EXISTING	PROPOSED	DIFF
BGMT (2)	406	1220	814
FIRST	940	1306	366
SECOND	870	1345	475
THIRD	468	1060	592
TOTAL	2684	4931	2247

MISC AREAS			
	EXISTING	PROPOSED	DIFF
GARAGE	N/A	1028	N/A
ROOF DECK	N/A	250	N/A

(1) AREAS INDICATED ARE TO OUTSIDE FACE OF STUD WALLS TYP  
(2) EXCEPTION - EXIST BGMT FLOOR AREA IS NON HABITABLE SPACE

CONSTRUCTION LEGEND	
	(E) ITEMS / WALLS TO REMAIN
	(N) ITEMS / WALL CONSTRUCTION

PROJECT APPLICATION 2507 Liberty St	Date:
ARCHITECT'S OFFICE 2507 LIBERTY ST	Job-Drawn:
	Revised:

John Duffy Architect  
5234 CRYSTAL AVE DR  
MARIPOSA, CA 95338  
TEL: 415.309.8966



Project: REMODEL & ADDITION  
151-153 Liberty St  
San Francisco, CA 94110  
Block # 3607 Lot # 036A

Contents:  
PROPOSED FLOOR PLANS: FOURTH FLOOR & ROOF DECK

Sheet #  
**A1.3**  
© 2012 - John Duffy, Architect



1 New North Elevation (Front)  
1/4"=1'-0"

PROJECT APPLICATION 2507 Liberty St	Date
ARCHITECT John Duffy	Job-Drawn
ARCHITECT John Duffy	Revised

John Duffy  
Architect  
5234 CRYSTAL AVE DR  
MARIPOSA, CA 95338  
TEL. 415 309 8996



Project: REMODEL & ADDITION  
151-153 Liberty St  
San Francisco, CA 94110  
Block # 3607 Lot # 036A

Contents: NEW ELEVATION: NORTH

Sheet # A2.1  
© 2011 - John Duffy, Architect

PROJECT APPLICATION  
 2507 Liberty St  
 Date: \_\_\_\_\_  
 Job: \_\_\_\_\_  
 Drawn: JD  
 Revised: \_\_\_\_\_  
 ARCHITECT  
 JOHN DUFFY ARCHITECT  
 5234 CRYSTAL AVE DR  
 MARIPOSA, CA 95338  
 TEL: 415 309 8996

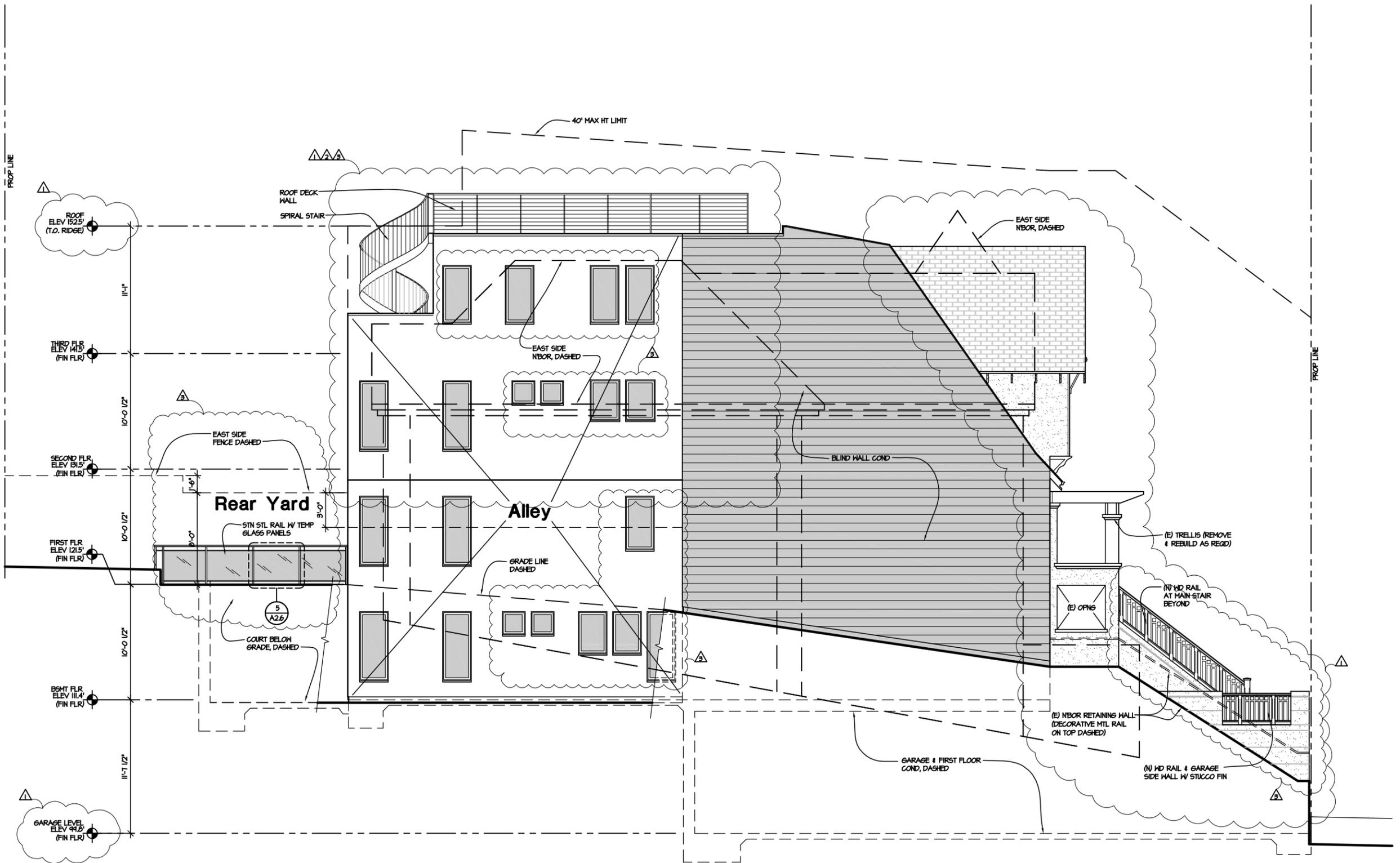
John Duffy  
 Architect



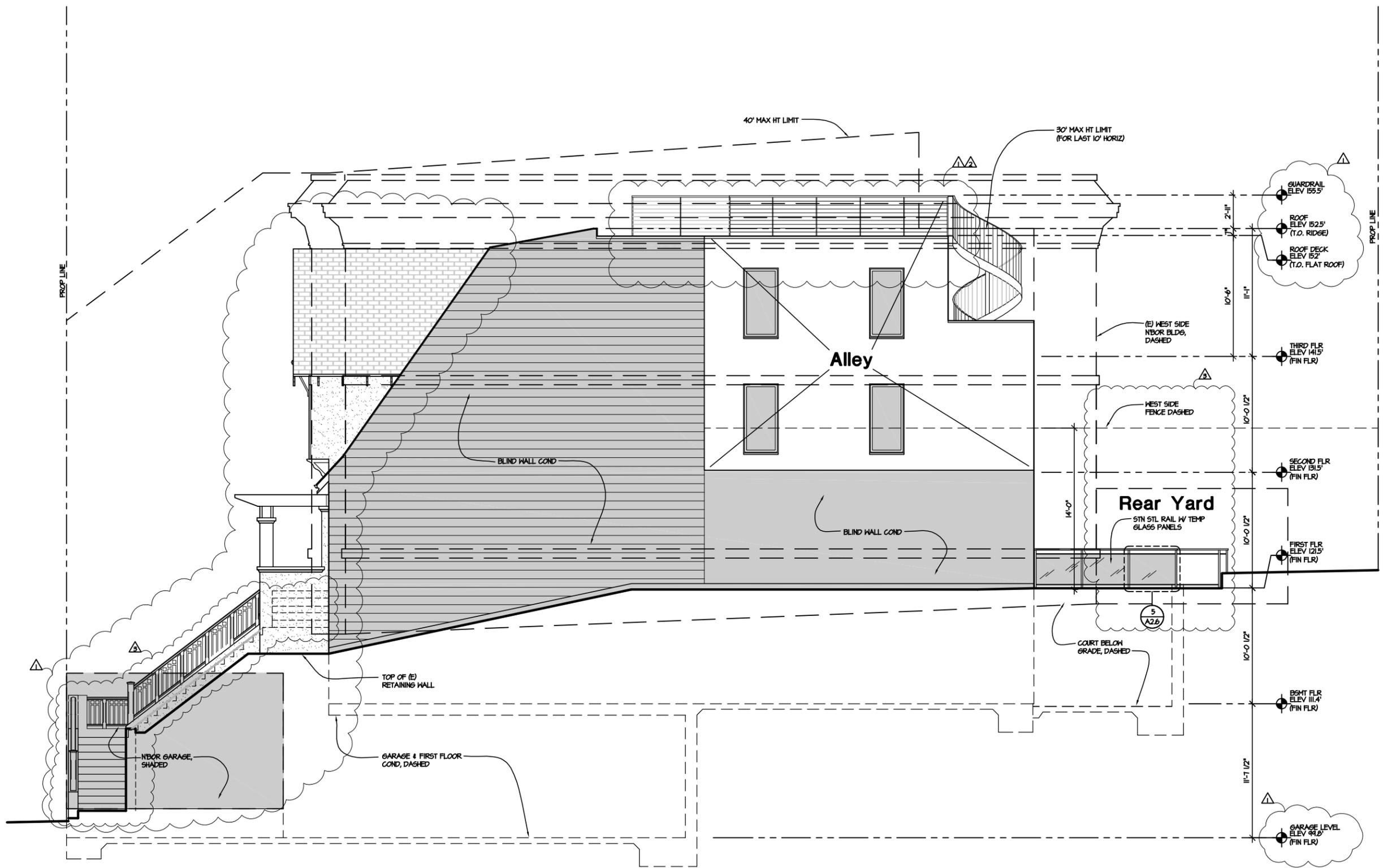
Project: **REMODEL & ADDITION**  
 151-153 Liberty St  
 San Francisco, CA 94110  
 Block # 3607 Lot # 036A

Contents:  
**NEW EAST ELEV**

Sheet #  
**A2.2**  
 © 2012 - John Duffy, Architect



1  
**New East Elevation (Side)**  
 1/4"=1'-0"



1 New West Elevation (Side)  
1/4"=1'-0"

PROJECT APPLICATION 2507 Liberty St	Date:
ARCHITECT John Duffy, Inc.	Job-Drawn:
ARCHITECT John Duffy, Inc.	Revised:

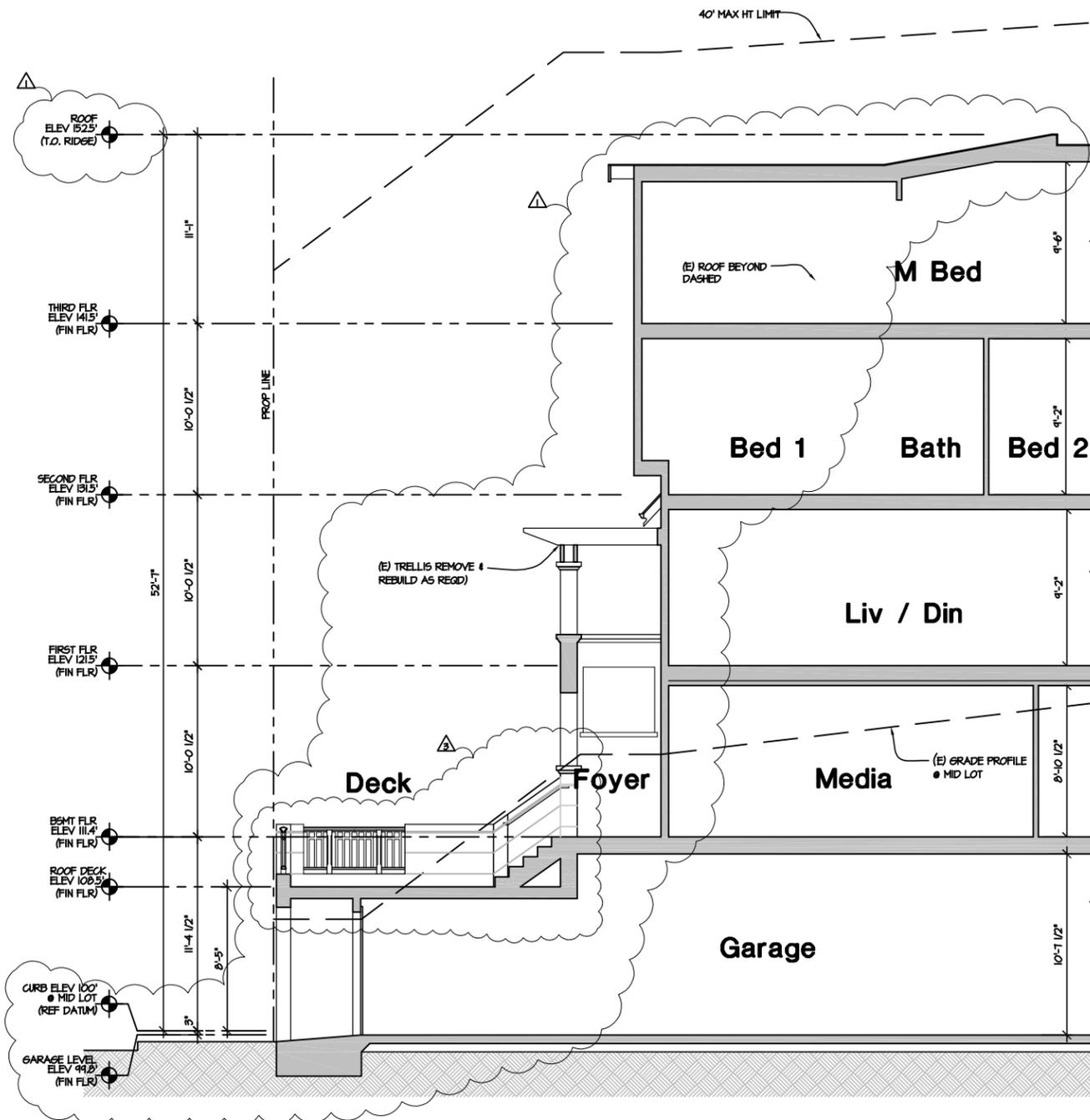
John Duffy Architect  
5234 CRYSTAL AVE DR  
MARIPOSA, CA 95338  
TEL. 415.309.8996



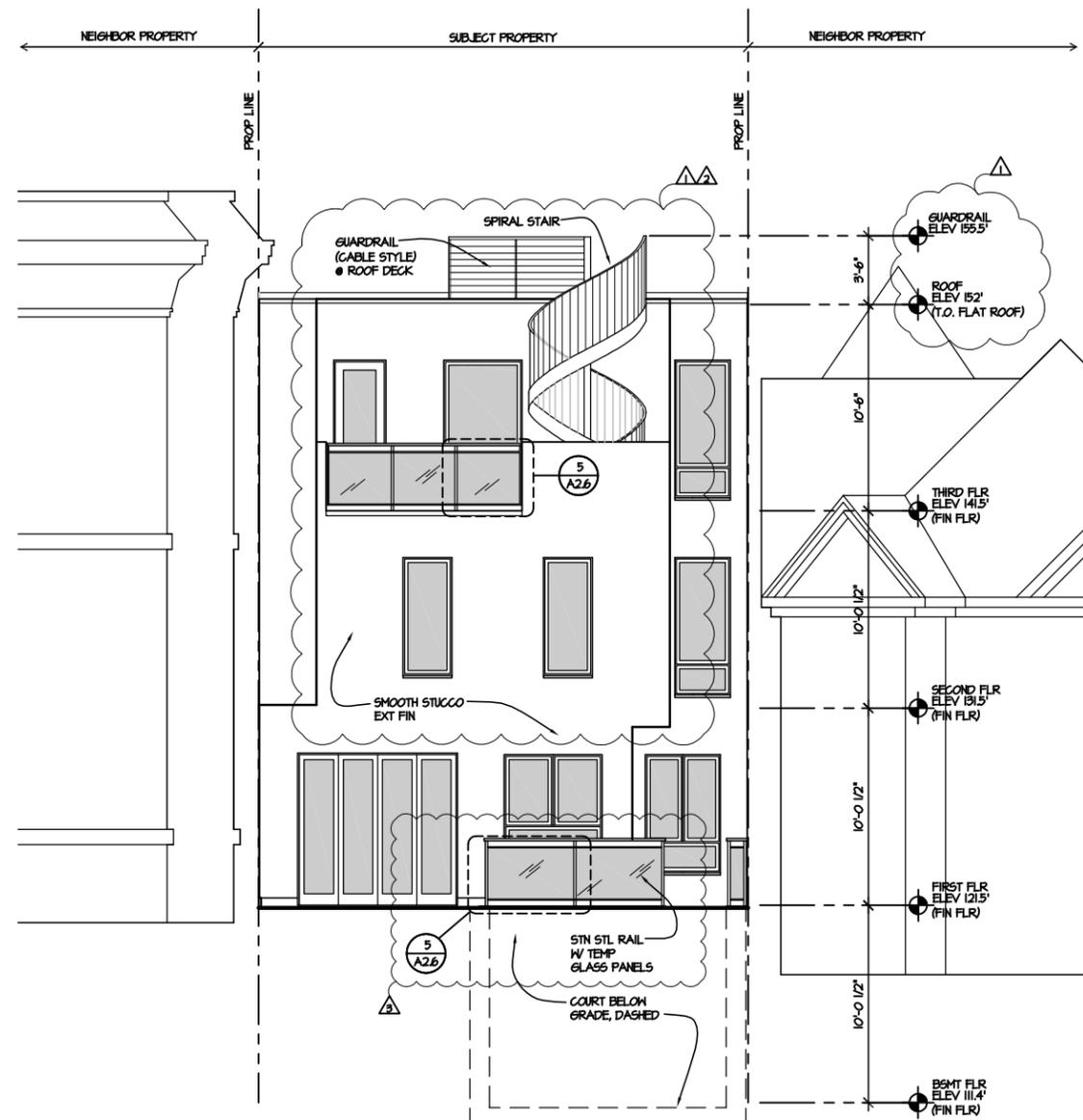
Project: **REMODEL & ADDITION**  
151-153 Liberty St  
San Francisco, CA 94110  
Block # 3607 Lot # 036A

Contents: **NEW WEST ELEV**

Sheet # **A2.3**  
© 2012 - John Duffy, Architect



2 New Partial Longitudinal Section  
1/4"=1'-0"



1 New South Elevation (Rear)  
1/4"=1'-0"

PROJECT APPLICATION	DATE
2507 Liberty St	2021.10.01
ARCHITECT	DATE
JOHN DUFFY	2021.10.01

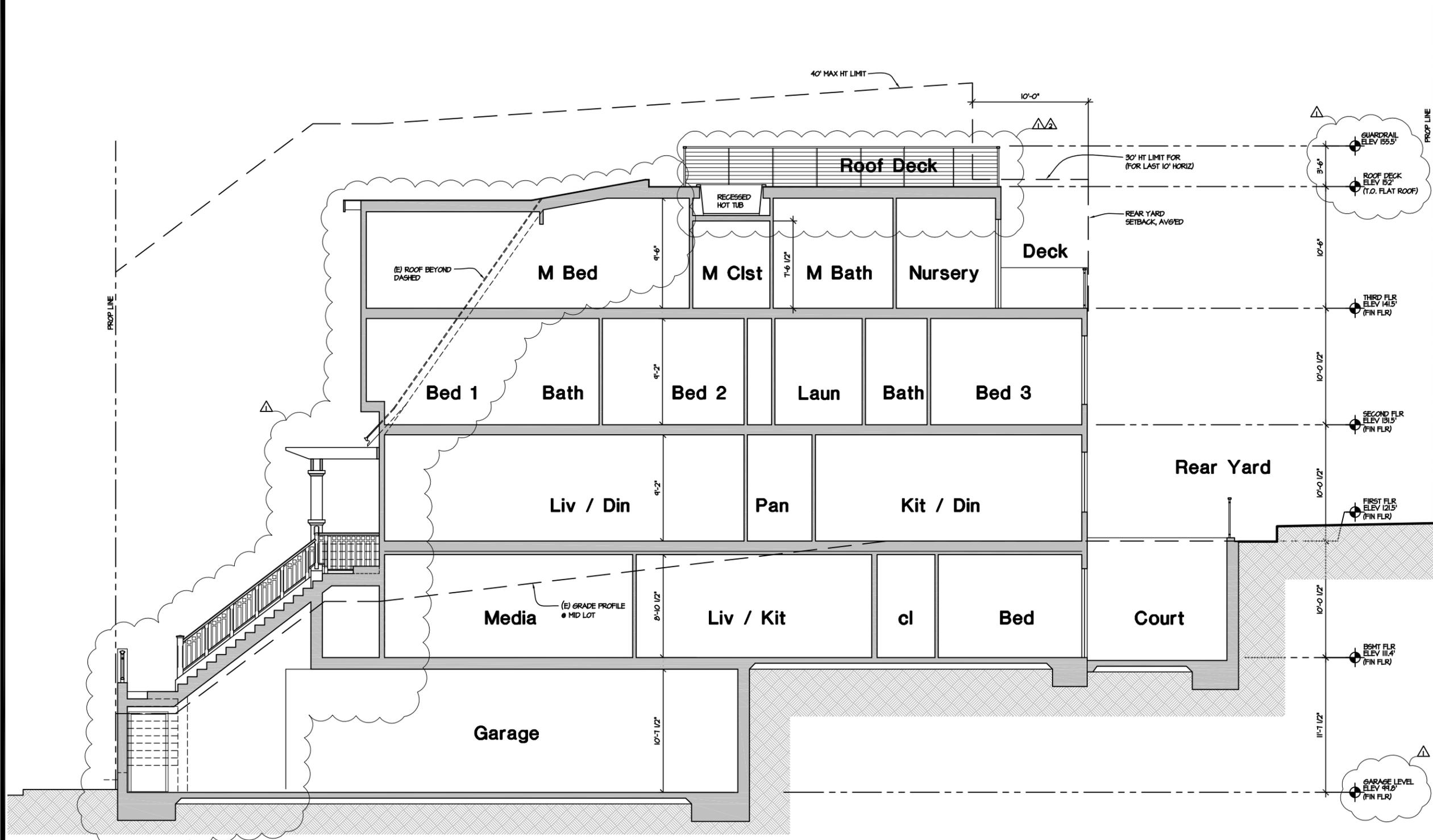
John Duffy  
Architect  
5234 CRYSTAL AVE DR  
MARIPOSA, CA 95338  
TEL: 415.309.8996



Project: REMODEL & ADDITION  
151-153 Liberty St  
San Francisco, CA 94110  
Block # 3607 Lot # 036A

Contents: NEW SOUTH ELEV & CROSS SECTION

Sheet # A2.4  
© 2021 - John Duffy, Architect



1 New Longitudinal Section  
1/4"=1'-0"

DATE OF APPLICATION	2021.10.01
PROJECT SITE PERMIT APP	2021.10.01
DATE	
JOB	
DRAWN	JD
REVISED	
ARCHITECT	JOHN DUFFY ARCHITECT
ADDRESS	5234 CRYSTAL AIRE DR MARIPOSA, CA 95338
PHONE	415.309.8996

John Duffy  
Architect

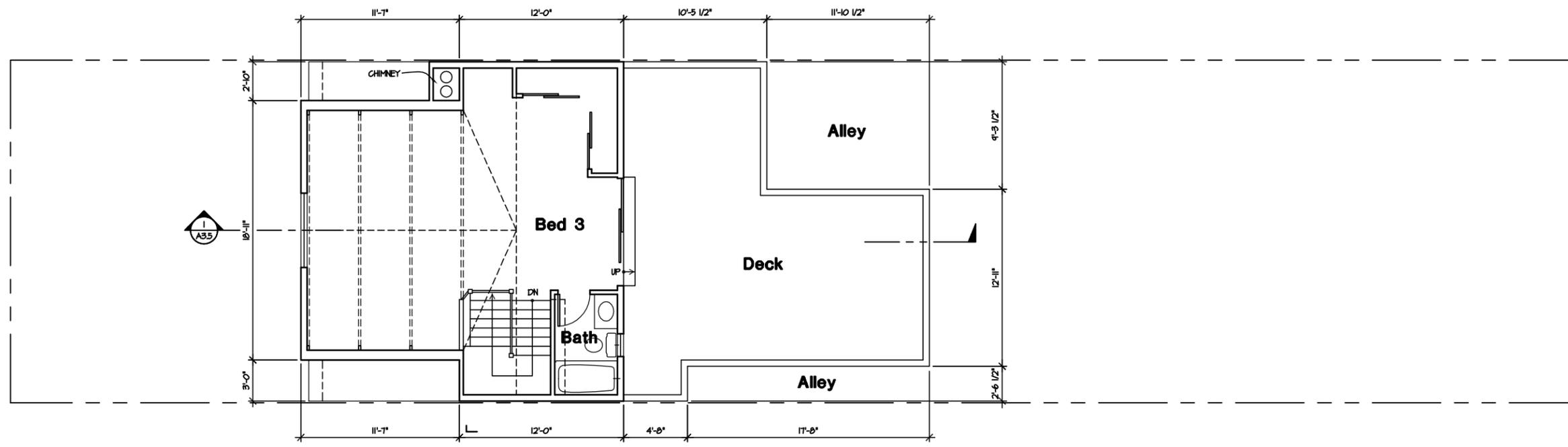


Project: REMODEL & ADDITION  
151-153 Liberty St  
San Francisco, CA 94110  
Block # 3607 Lot # 036A

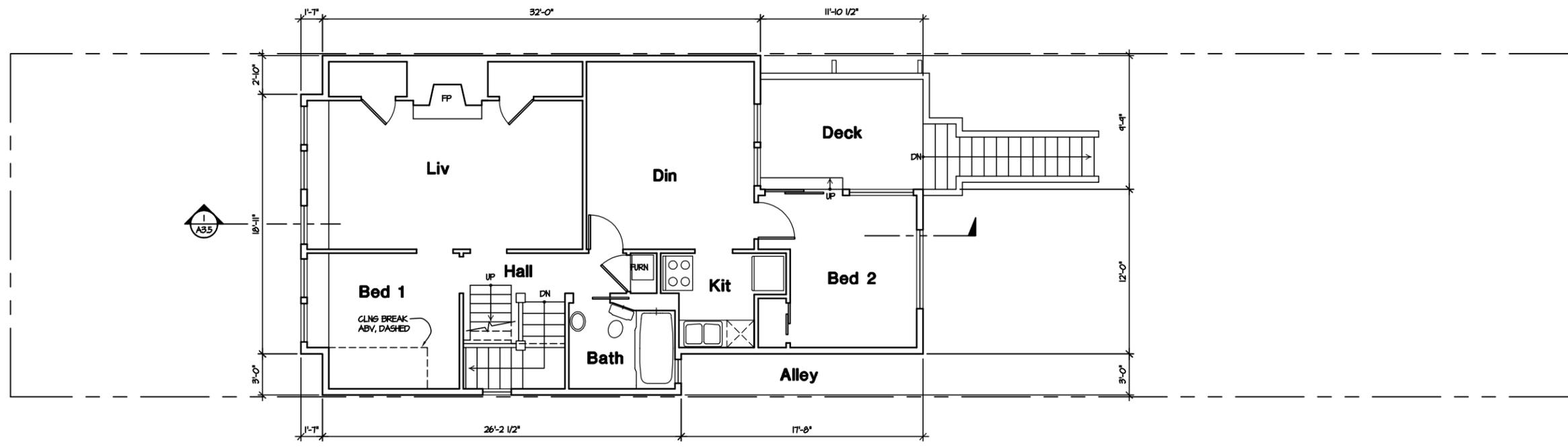
Contents: NEW LONG SECTION

Sheet # A2.5  
© 2021 - John Duffy, Architect

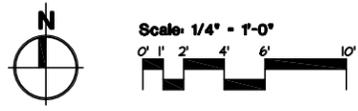




2 EXIST THIRD FLOOR PLAN - UNIT 2  
 1/4"=1'-0"  
 (Area: 468 sf)



1 EXIST SECOND FLOOR PLAN - UNIT 2  
 1/4"=1'-0"  
 (Area: 870 sf)  
 NOTE: ALL DIMENSIONS ARE TO FACE OF ROUGH STUDS TYP.



PROJECT APPLICATION	DATE
2507 LIBERTY ST	10/15/11
2507 LIBERTY ST	10/15/11
DATE	JOB
10/15/11	2507 LIBERTY ST
DATE	JOB
10/15/11	2507 LIBERTY ST

Date: 10/15/11  
 Job: 2507 LIBERTY ST  
 Drawn: JD  
 Revised: JZ

John Duffy Architect  
 5234 CRYSTAL AVE DR  
 MARIPOSA, CA 95338  
 TEL: 415.309.8996

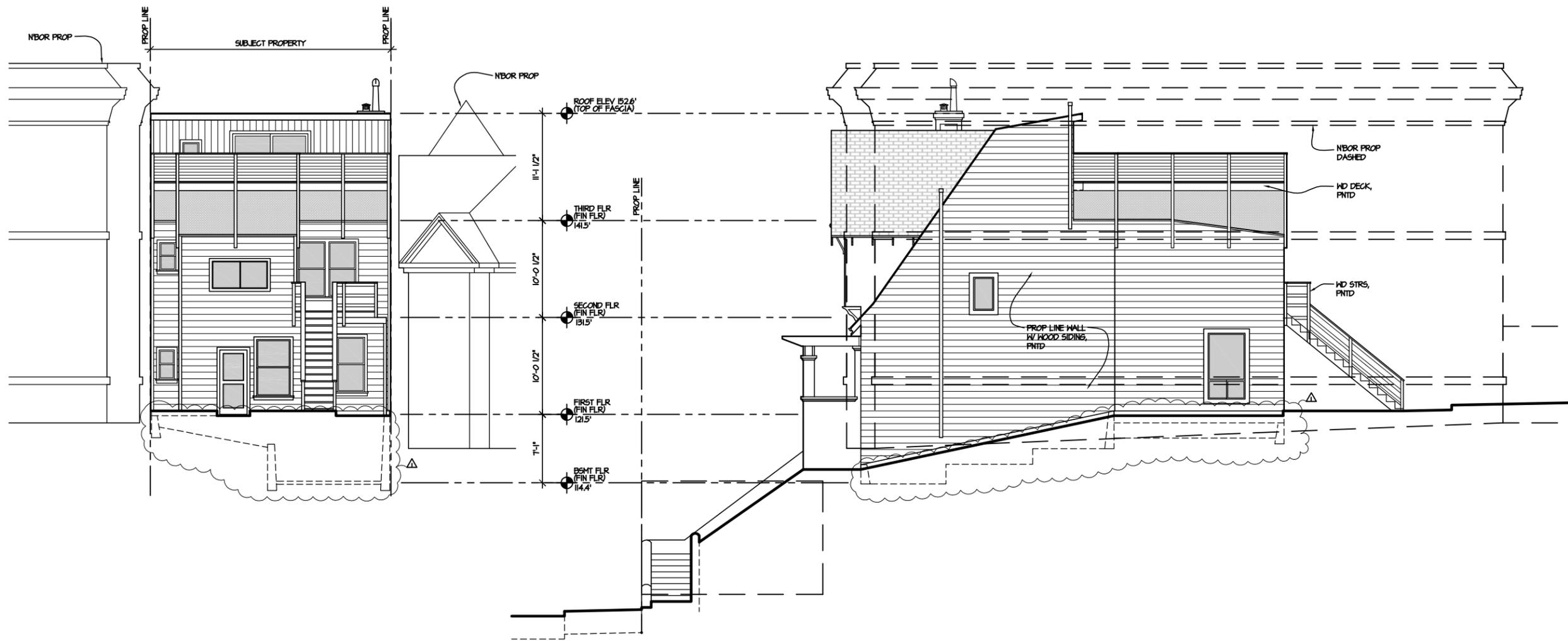


Project: REMODEL & ADDITION  
 151-153 Liberty St  
 San Francisco, CA 94110  
 Block # 3607 Lot # 036A

Contents: EXIST CONDS: THIRD & FOURTH FLOOR PLANS

Sheet # A3.2  
 © 2011 - John Duffy Architect





2 Existing South Elevation (Rear)  
3/16"=1'-0"

1 Existing West Elevation (Side)  
3/16"=1'-0"

PROJECT APPLICATION	
DATE	
JOB	
DRAWN	
REVISED	

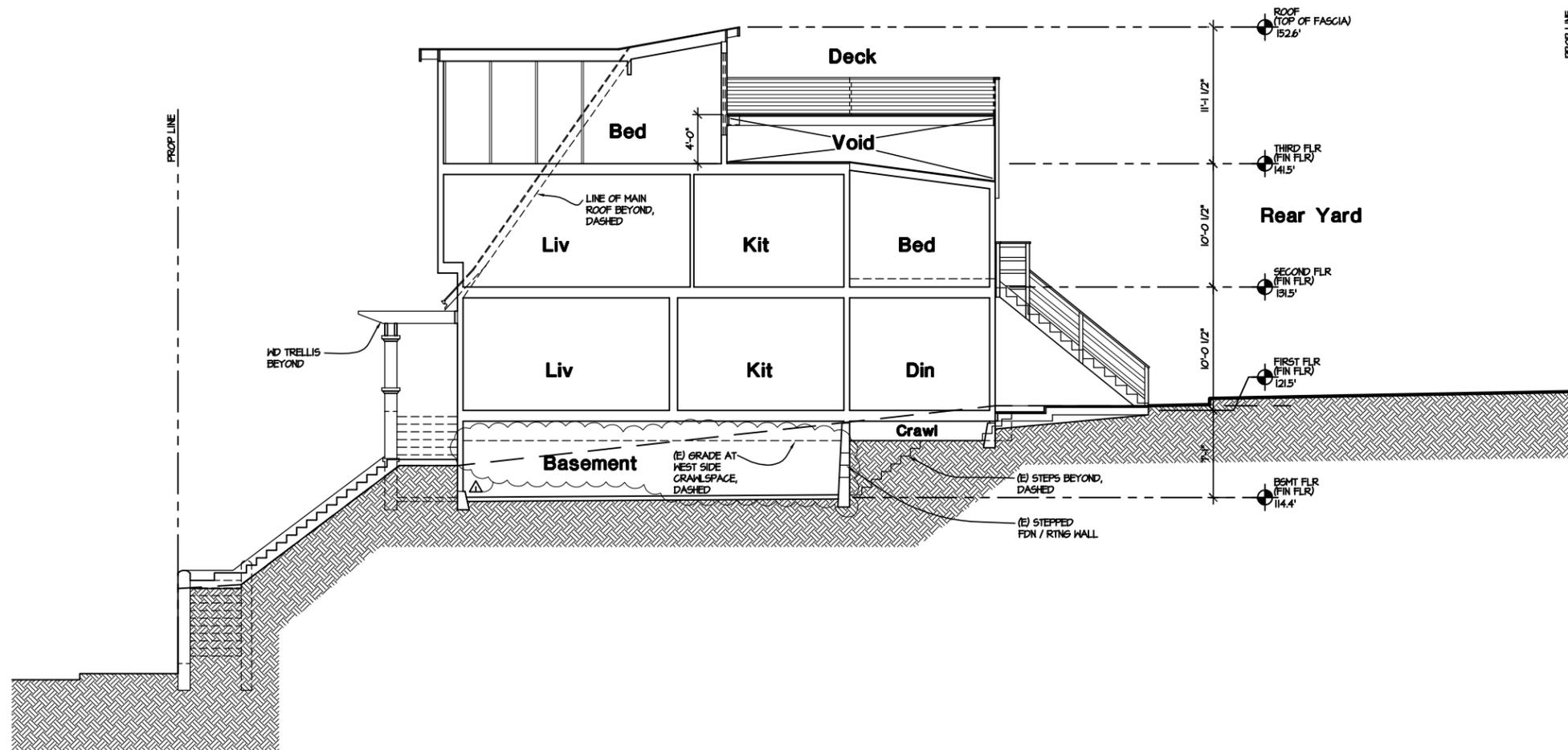
John Duffy  
Architect  
5234 CRYSTAL AVE DR  
MARIPOSA, CA 95338  
TEL. 415.309.8996



Project: **REMODEL & ADDITION**  
151-153 Liberty St  
San Francisco, CA 94110  
Block # 3607 Lot # 036A

Contents: **EXIST ELEV'S:  
SOUTH & WEST**

Sheet # **A3.4**  
© 2011 - John Duffy, Architect



1 Existing Long Section  
3/16"=1'-0"

DATE OF APPLICATION	
PROJECT SITE PERMIT APP	
2507 Liberty St	
Date:	
Job:	
Drawn:	
Revised:	

John Duffy  
Architect  
5234 CRYSTAL AVE DR  
MARIPOSA, CA 95338  
TEL: 415 309 8896



Project:  
**REMODEL & ADDITION**  
151-153 Liberty St  
San Francisco, CA 94110  
Block # 3607 Lot # 036A

Contents:  
**EXISTING LONG SECTION**

Sheet #  
**A3.5**  
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# STEIN & LUBIN LLP

ATTORNEYS

TRANSAMERICA PYRAMID 600 MONTGOMERY ST, 14TH FLR SAN FRANCISCO, CA 94111  
TEL 415 981 0550 FAX 415 981 4343 WEB steinlubin.com

June 16, 2014

MICHAEL F. DONNER  
E-mail: mdonner@steinlubin.com

**VIA U.S. MAIL AND E-MAIL**

richard.sucre@sfgov.org

Richard Sucre, Planner  
San Francisco Planning Department  
1660 Mission Street, 1st Floor  
San Francisco, CA 94103

Discretionary Review Application  
151-53 Liberty Street  
Case No.: 2012.1523E  
Application Filing Date: February 27, 2014

Dear Mr. Sucre:

We represent Jonathan Nelson, the owner of 159 Liberty Street, San Francisco, California 94110. On February 27, 2014, Mr. Nelson submitted to the Planning Department an Application for Discretionary Review regarding the above-entitled project (Case No. 2012.1523E) (the "Project"), which is proposed for construction on the adjacent property, 151-53 Liberty Street. The purpose of this letter is to supplement Mr. Nelson's Application.

Mr. Nelson hereby identifies two additional exceptional and extraordinary circumstances justifying Discretionary Review of the Project. They are as follows:

(1) The Project contemplates a significant expansion of the existing building envelope of the residence at 151-53 Liberty Street. Yet, on October 3, 1988, the Planning Department recorded a "Notice of Special Restrictions Under the City Planning Code," a copy of which is attached. This Special Notice imposed several restrictions on 151-53 Liberty Street, including "**That further expansion of the existing residence is subject to a public hearing and the approval of a variance.**" (Emphasis added.) Notwithstanding the express terms of the Special Notice, the project sponsor, Brendan McGrath, has not sought or participated in any public hearings related to the Project and has not sought or obtained a variance for the proposed expansion of the existing building envelope. Accordingly, approval of the Project may not be granted.

(2) The Project contemplates the excavation of more than 1,000 cubic yards of soil at a depth of up to 22 feet. The proposed excavation is to occur adjacent to two historic

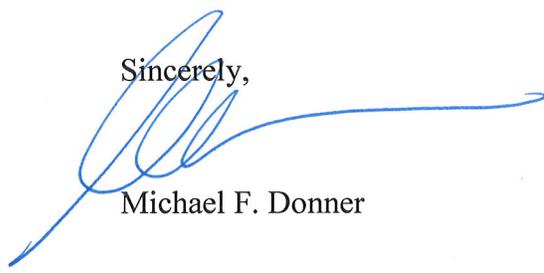
Michael Smith, Planner  
San Francisco Planning Department  
June 16, 2014  
Page 2

Victorian residences and at the boundary line of one of them, 159 Liberty Street. The Certificate of Determination concluded that construction of the Project will not result in any unusual environmental impacts associated with geologic and seismic hazards under the California Environmental Quality Act ("CEQA") based, in part, on a categorical exemption. We believe this conclusion is erroneous because it is founded on the inaccurate assumption that adequate shoring and underpinning of adjacent foundations will occur. Yet, the project sponsor has never obtained the consent of the adjacent neighbors to perform shoring and underpinning work and no agreement is in place. There also is no evidence in the record that demonstrates that shoring and underpinning will be feasible or undertaken. The substantial excavation work and close proximity to two historic structures presents a reasonable likelihood that excavation for the Project will have a significant effect on the environment due to unusual circumstances. The City's reliance on a categorical exemption is therefore improper, and an initial study must be prepared.

Mr. Nelson has attempted to meet-and-confer with the project sponsor regarding the Application, but his efforts to date have been unsuccessful. Mr. Nelson intends to continue his dialogue with the project sponsor. It is his hope that the property owners will be able to fully resolve all outstanding issues and execute a written memorialization of their agreement, thereby obviating the need for the hearing.

If you have any questions or would like to discuss this matter further, please feel free to call us.

Sincerely,



Michael F. Donner

MFD/cm  
Enclosure

cc: Jonathan Nelson (Via E-Mail)  
Brendan McGrath, Project Sponsor (Via U.S. Mail)  
Frank Petrilli (Via E-Mail)

53930002/522079v1

OFFICIAL COPY



DEPT. RECORDING REQUESTED BY  
BUILDING INSPECTION

FOR AND WHEN RECORDED MAIL TO:

Name: Martin L. Carls

Address: 153 Liberty St.

S.F. CA.

City: 94110

State: California

CONFORMED COPY of document recorded on

at 11:12 as No. E253497

This document has not been compared with

the original

SAN FRANCISCO COUNTY RECORDER.

OCT 3 1988

Space Above This Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

I (We) Martin L. Carls, the owner(s) of that certain real property situate in the City and County of San Francisco, State of California, more particularly described as follows:

(LEGAL DESCRIPTION AS ON DEED) (attached)

BEING Assessor's Block: 3607; Lot: 36A

commonly known as 151-153 Liberty St.  
S.F. CA. 94110

hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (City Planning Code).

Said restrictions consist of conditions attached to a variance granted by the Zoning Administrator of the City and County of San Francisco on September 21, 1988 (Docket No. 87.602V) permitting the legalization of a 16-foot wide by 8-foot deep garden shed at the rear of the subject property in general conformity with plans on file with the referenced application shown as Exhibit A and dated November 18, 1987.

The restrictions and conditions of which notice is hereby given are:

1. That further expansion of the existing residence is subject to a public hearing and the approval of a variance.
2. That the owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached in this variance decision, as a Notice of Special Restrictions, in a form acceptable to the Zoning Administrator.

OFFICIAL COPY



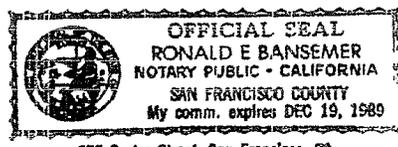
SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

The use of said property contrary to these special restrictions shall constitute a violation of the City Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

Dated: 9/30/88 at San Francisco, California.

Martin L. Carls  
(Signature of Owner)

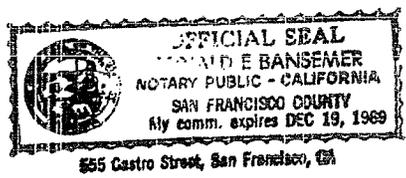
STATE OF CALIFORNIA )  
CITY AND COUNTY OF SAN FRANCISCO ) SS.  
San Francisco



In September 30, 1988, before me, Ronald E. Bansemer, the undersigned, a Notary Public, in and for said City and County and State, personally appeared Martin L. Carls personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is (~~are~~) subscribed to the within instrument, and acknowledged to me that he or she (they) executed the same.

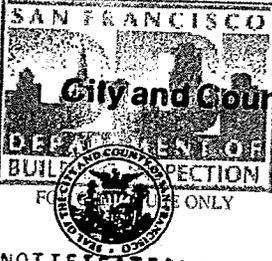
WITNESS my hand and official seal.

Signature Ronald E. Bansemer (This area for official notarial seal.)



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OFFICIAL COPY



# City and County of San Francisco

## Department of Public Works Bureau of Building Inspection

### NOTIFICATIONS OF STRUCTURAL ADDITION

MAILED: 10/19/88

PAGE: 1

APPLICATION NUMBER: 87CS939

PERMIT NUMBER: 598566

PERMIT ISSUED: 10/18/88

BUILDING LOCATED AT: 151 - 153 LIBERTY ST

BLOCK/LOT: 3607 /036A

PERMIT HOLDER: CARLS MARTIN L

ADDRESS: 151 LIBERTY ST  
SAN FRANCISCO CA

94110

DESC CODE:

DESC: HORIZONTAL ADDITION

ADDRESSEE

MAILING ADDRESS

ADJACENT PARCEL LOCATION

UNDERHILL GUY C ETAL

3442 21ST ST  
SAN FRANCISCO CA

94110

3442 -3444 21ST ST  
BLOCK/LOT: 3607 /C19

SANCHEZ RICHARD & SANCHEZ L B

3450 21ST ST  
SAN FRANCISCO CA

94110

3450 21ST ST  
BLOCK/LOT: 3607 /C12A

HAILDEN TIMOTHY J & BEVERLY

159 LIBERTY ST  
SAN FRANCISCO CA

94110

159 LIBERTY ST  
BLOCK/LOT: 3607 /036

KIRBY W FITZPATRICK REV TR

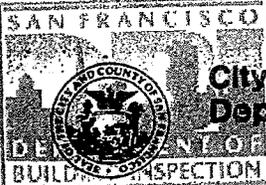
X KIRBY W FITZPATRICK  
123 LIBERTY ST  
SAN FRANCISCO CA

94110

123 LIBERTY ST  
BLOCK/LOT: 3607 /037

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City and County of San Francisco  
Department of City Planning

450 McAllister Street  
San Francisco, CA 94102

ADMINISTRATIVE ONLY  
(415) 558-6414  
CITY PLANNING COMMISSION  
(415) 558-6414  
PLANS AND PROGRAMS  
(415) 558-6264  
IMPLEMENTATION / ZONING  
(415) 558-6377

September 21, 1988

VARIANCE DECISION

UNDER THE CITY PLANNING CODE

CASE NO. 87.602V

APPLICANT: Martin Carl's  
153 Liberty Street  
San Francisco, CA 94110

PROPERTY IDENTIFICATION: 153 LIBERTY STREET, south side, 272.50 feet east of Dolores Street; Lot 36A in Assessor's Block 3607 in an RH-3 (House, Three-Family) District and Liberty Hill Historic District.

DESCRIPTION OF VARIANCE SOUGHT: REAR YARD VARIANCE SOUGHT: The proposal is to legalize a 16-foot wide by 8-foot deep garden shed at the rear of the subject property. The garden shed is located 1-foot 2 inches from the rear property line. The Planning Code requires a rear yard equal to the average of the rear building walls of the adjacent properties to remain open and unobstructed. The rear yard requirement for the subject property would be 51.3 feet measured from the rear property line. The rear yard shed would be located entirely in the required rear yard. The Planning Code would permit a garden area structure no larger than 100 square feet in area and no more than eight feet in height in the required rear yard. The requested garden shed is 128 square feet in area and 11 feet in height at the ridge of the peaked roof.

- PROCEDURAL BACKGROUND:
1. This proposal was determined to be categorically exempt from Environmental Review.
  2. The Landmarks Preservation Advisory Board approved a Certificate of Appropriateness for the subject property on August 17, 1988.



3. The Zoning Administrator held a public hearing on Variance Application No. 87.602V on November 18, 1987.

**DECISION:**

GRANTED, to legalize a 16-foot wide by 8-foot deep garden shed at the rear of the subject property in general conformity with plans on file with this application, shown as Exhibit A and dated September 15, 1987, ON CONDITION:

1. That further expansion of the existing residence is subject to a public hearing and the approval of a variance.
2. That the owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached in this variance decision, as a Notice of Special Restrictions, in a form acceptable to the Zoning Administrator.

Section 305(c) of the City Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
2. That owing to such exception and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;
4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

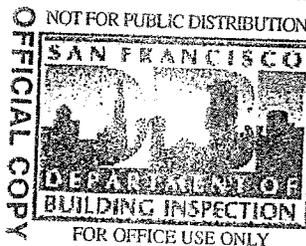
CASE NO: 87.602V  
153 Liberty Street  
September 21, 1988  
Page Three



The decision to grant or to deny the variance was based on the following conclusions as to whether or not the facts of the case supported the five findings:

FINDINGS:

- FINDING 1.** There are exceptional or extraordinary circumstances applying to the subject property that merit the approval of this variance application. The subject lot, with 2,850 square feet of lot area is slightly larger than average size for this City. However, the subject lot has a very steep slope that limits the buildable area of the lot. As a result, the two-story over basement building is setback from the front property line 16 feet and is limited in size. Moreover, the basement is unfinished and contains too much moisture to be used for storage. The subject property contains an open and unobstructed rear yard of about 48 feet measured from the rear property line, except for 128 square feet of area occupied by the requested rear shed. In addition, there is 72 square feet of open area at the southeast corner of the existing residence and 51 square feet of open area at the southwest corner. The existing residence does not have adequate storage area and the applicant depends on the requested storage shed to meet this need. The requested storage shed, with 128 square feet of area and a height of 11 feet at the ridge of the peaked roof, substantially complies with the Planning Code requirement for permitted garden structures of 100 square feet in area and eight feet in height.
- FINDING 2.** Literal enforcement of the provisions of the Planning Code would require that the applicant reduce the size of the rear shed or remove it entirely. As indicated in Finding 1, the subject property contains a larger front setback and rear yard, as well as a total of 123 square feet of open area at the southwest and southeast corners of the existing residence. The reduction or removal of the requested rear shed would reduce or remove critically needed storage area with no compensating public benefit.
- FINDING 3.** As indicated above, the existing rear shed substantially complies with the requirements of the Code for a permitted garden structure, especially in consideration of the volume of open area already existing on the subject lot. In addition, several properties on the subject block have existing rear structures of similar size or larger, including the adjacent property to the east. The approval of this variance will allow the applicant to have a rear shed of similar size as his neighbors; a substantial property right afforded to similarly situated properties in the same class of district.



CASE NO. 87.602V  
153 Liberty Street  
September 21, 1988  
Page Four

FINDING 4. The requested rear shed will not adversely affect the surrounding properties. In addition to the large open areas already existing on the subject property, there is a retaining wall of approximately 15 feet in height line, so that the shed does not adversely impact the abutting property. The Department received several letters in support of the proposal from the neighborhood, including the adjacent and most affected properties.

FINDING 5. The proposal is consistent with the intent and purpose of the Planning Code to permit garden structures of minimal size in the required rear yard. The proposal is also in harmony with the Objectives of the Residence Element of the Master Plan to improve the existing housing stock and to promote beneficial and orderly development.

Code Section 101.1 establishes eight priority planning policies and requires review of variance applications for consistency with said policies. Review of the relevant priority planning policies yielded the following determinations: That the requested rear shed will improve the existing housing by providing storage area and will be consistent with the neighborhood which is characterized by rear structures of similar size; That the requested rear shed will not affect the market value of the subject property to such a degree as to significantly affect the City's supply of affordable housing; and That the requested rear shed must meet the requirements of the Building Code, enabling the City to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

This variance from the City Planning Code is valid for a period of three (3) years from the effective date of this decision (the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Permit Appeals).

Implementation of this variance will be accomplished by completion of construction work under the appropriate Building Permit Applications and issuance of the appropriate Certificate of Final Completion.



OFFICIAL COPY  
CASE NO. 87.602V  
153 Liberty Street  
September 21, 1988  
Page Five

**APPEAL:** Any aggrieved person may appeal this variance decision to the Board of Permit Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Permit Appeals in person at City Hall (Room 154-A) or call 554-6720.

Very truly yours,

Robert W. Passmore  
Assistant Director of  
Planning-Implementation  
(Zoning Administrator)

=====

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

RWP:JCW/pg/240

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Jonathan Nelson		
DR APPLICANT'S ADDRESS: 159 Liberty Street	ZIP CODE: 94110	TELEPHONE: ( 415 ) 987-5590
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Brendan McGrath		
ADDRESS: 1514-153 Liberty Street	ZIP CODE: 94110	TELEPHONE: ( 415 ) 577-8422
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: (   )
E-MAIL ADDRESS: Jonathan.nelson@omnicomgroup.com		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 151-153 Liberty Street		ZIP CODE: 94110
CROSS STREETS: Dolores and Guerrero		
ASSESSORS BLOCK/LOT: 3607 / 036A	LOT DIMENSIONS: 25x100	LOT AREA (SQ FT): 2500
ZONING DISTRICT: RH-3		HEIGHT/BULK DISTRICT: 40-x and Bulk District

## 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   
Single family Residential

Present or Previous Use:  
Single family Residential plus apartment

Proposed Use:

Building Permit Application No. 2015-12-11-3850

Date Filed: 2.27.14

12-15230

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.

None

Tried Meetings in person, phone calls, text, email with  
no resolution

## 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.

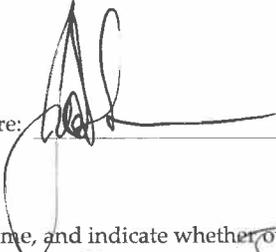
2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would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

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?

# 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: 2.27.14

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

Owner Jonathan Nelson  
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 type="checkbox"/>
Covenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/> Not Needed
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

- NOTES:
- Required Material.
  - Optional Material.
  - Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only  
Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

1. What are the reasons for Requesting Discretionary Review? The project meets 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 Codes Priority Policies or Residential Design Guidelines? Please be specific and site specific section of the Residential Design Guidelines.

The developer at 151 is looking to excavate 80% of a 2500 square foot lot up to two stories below grade to create a five story home. The developer is looking to significantly expand the structure into the side and rear yard. Much of the remaining rear yard will be excavated for an additional apartment being added. The developer is also looking to expand upward and create a roof deck with jacuzzi and patio deck.

It is my and many of the neighbors opinion that excavating and expanding a 2600 square foot home into a nearly 6000 square foot home plus roof deck is not in keeping with historic nature and human scale of the Liberty Hill Historic District. Excavating much of the shaded south facing back yard to create a patio for the additional apartment is also unreasonable.

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 neighbors would be adversely affected, please state who would be affected and how:

The project as contemplated blocks light, views and impedes privacy of all the existing neighbors on Liberty and 21st Street.

Excavating up to 20+ feet below grade has the potential to undermine the 130+ year old brick foundations of the two original Victorians on either side of 151 Liberty.

This project has already impacted the neighborhood as it displaced a 30+ year owner (the developer bought the property out of foreclosure). The tenant in the apartment below (who lived in the building on and off since he was a child) was also displaced when threatened with eviction.

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 neighbors and I request that the project be demised limiting excavation of the basement, side and rear yard and not allowing the roof deck.

12.15230

This would allow the significant expansion of the home as the developer wishes with the addition of a two car garage while keeping in scale with the neighborhood.

151 Liberty St, San Francisco, CA 94114

Explore this area

# Noticed Properties

Street View



Artists' Residences

Real Estate

Liberty St

Liberty St

Liberty St

151 Liberty St

Liberty St

Liberty St

United Photo  
Your Talent



747-333-0000

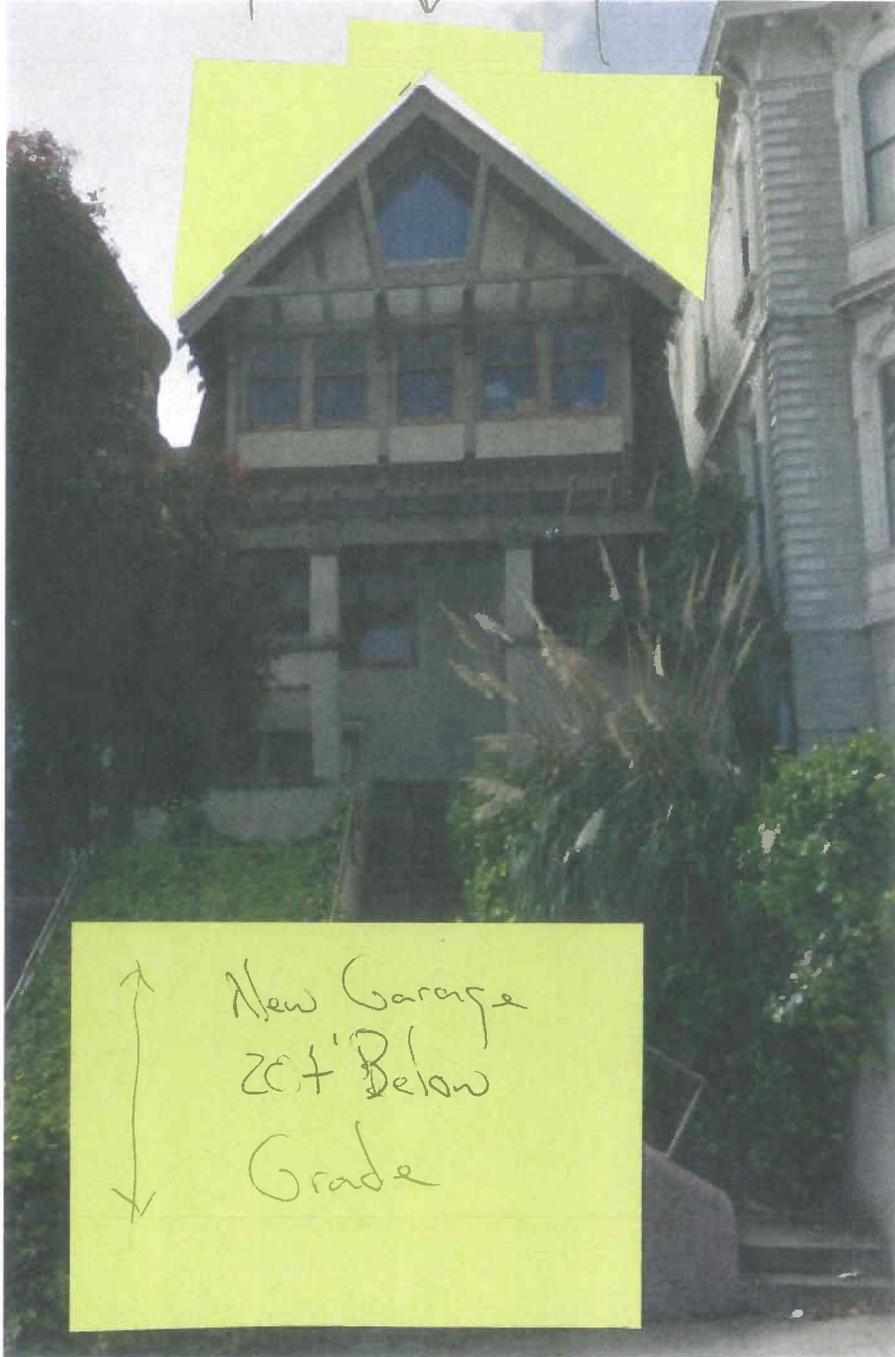
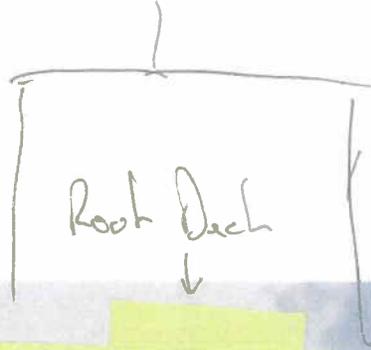


Cliffy Hoops

Map data ©2014 Google 20 ft

New Addition

12-15230



↑ New Garage  
20' Below  
↓ Grade

12.15230



Addition 4 Stories

Pit In Backyard

12.15230

Jonathan Nelson  
159 Liberty Street  
San Francisco, CA 94110

Sam Mazza Foundation  
160 Liberty Street  
San Francisco, CA 94110

Caroline Mehegan  
154 Liberty Street  
San Francisco, CA 94110

Judith Hellman  
121 Liberty Street  
San Francisco, CA 94110

Richard and Chatterji Shapiro  
163 Liberty Street  
San Francisco, CA 94110

Lynn Wilfong  
163A Liberty Street  
San Francisco, CA 94110

Mark Zuckerberg  
3450 21st Street  
San Francisco, CA 94110

Family Swebin Revocable Trust  
3466 21st Street  
San Francisco, CA 94110

David Llopis  
3442 21st street  
San Francisco, CA 94110

Schaadt (Living Trust)  
3438 21st Street  
San Francisco, CA 94110

## John Duffy Architect

June 25, 2014

4620 Ben Hur Rd.  
Mariposa, CA 95338

**To:** Mr. Michael F. Donner  
Stein & Lubin LLP, Attorneys  
600 Montgomery, 14<sup>th</sup> floor  
San Francisco, CA 94111

**Project:** 151-153 Liberty St, San Francisco, CA  
Case No.: 12.1523D  
Building Permit No.: 2013.12.11.3850

**Re:** Stein & Lubin letter by Michael F. Donner, dated June 16, 2014

Dear Mr. Donner,

Please find below Project Sponsors response to your letter of June 16, 2014

1. Rear Yard  
The structure which you refer to is an old wooden shed, approx. 8' x 16'. Project Sponsor proposes to remove it, prior to the issuance of the building permit. This will open up the rear yard and rid the property of this structure. Our planner, Mr. Richard Sucre had already discussed this w/ the Zoning Administrator, prior to releasing the project for notification and presentation before the HPC.

It is also worth noting that this shed is a temporary structure, essentially a rotting pile of lumber, resting on removable concrete pier blocks. It is of no value and we propose to remove it. So long as the shed is removed before permit issuance, then the normal planning procedures (*e.g. set backs, min. yard depth etc.*) and review are applicable.

2. Excavation & CEQA - General

### CEQA

The project has been reviewed by experienced San Francisco Planning staff and was determined to be complete and in compliance with all Planning Code and Residential Guidelines, before being released for notification. Furthermore, it was unanimously approved by the HPC without encountering any opposition whatsoever, w/ the exception of Mr. Nelson, via letter.

### Excavation Depth

The 22' excavation depth mentioned in the letter is incorrect. The correct depth is approx. 14'. For clarification see attachment letter A013 by Mr. Kevin O'Connor P.E., Shoring Engineer.

### Shoring

Shoring on the Project Sponsors side of the property, is the only method being proposed. Underpinning is not being proposed, nor was it discussed. For clarification see attachment letter A013 by Mr. Kevin O'Connor P.E., Shoring Engineer.

Additionally, the proposed shoring would occur on the Sponsors side of the property line, therefore no agreement w/ adjacent owners is required since there would be no encroachment onto their property. Also, in the vicinity of the garage, Mr. Nelson's west wall is located approx. 5' back from the Sponsor's east property line, w/ the exception of his bay window which comes to within approx. 1' of the east property line.

### Meetings

The phrase 'attempted to meet' suggests that the Project Sponsor has not made himself available, or has somehow been uncooperative w/ regard to meeting w/ Mr. Nelson.

The opposite is the case. Mr. Nelson was repeatedly contacted by the Project Sponsor throughout the design phase via email, phone and in person (*see attachments A001 thru' A013*). Project drawings were also forwarded by the Architect. It appears however that Mr. Nelson's work takes him out of town regularly, and for extended periods. This might explain his unavailability to meet w/ the Project Sponsor.

Project Sponsor would like to respectfully remind Mr. Donner and Mr. Nelson that he has been working diligently and in good faith, and that it is relatively recently (*approx. Nov, 26, 2013*) during the neighbor notification process, that Mr. Nelson voiced any concerns about the project. Prior to this he was quite supportive in verbal discussions w/ the Sponsor.

At this stage on the project the Sponsor had already spent a considerable amount of time, money and effort on the architectural design, preliminary engineering and the entitlement process. The current design, by the way, was approved unanimously by the HPC and not one other neighbor voiced any opposition.

A rough chronology of contact / meetings is as follows:

10-10-12 Project drawings fwd'ed to Mr. Nelson  
10-11-12 Pre-Application Meeting at property (*invite sent 14 days prior*)  
11-26-13 Meeting - Sponsor & Mr. Nelson at property  
01-14-14 Meeting - Sponsor, Shoring Engineer & Mr. Nelson at property  
03-12-14 Meeting – Community Boards, Sponsor, Architect, Mr. Nelson

#### Clarification Required

Page 2 of your letter references Mr. Michael Smith, Planner, San Francisco Planning Dept. Could you please clarify Mr. Smith's role in this matter. Is he providing advice, findings, or is this a typo? Mr. Richard Sucre is our staff planner and the one most knowledgeable about the project and its entitlements, at the Planning Dept.

#### General

The Project Sponsor questions the sincerity of Mr. Nelson's DR request based upon the following:

1. filing the DR request (its content and timing)
2. excavation depth: first floor (formerly basement) vs. garage
3. threat of litigation
4. M. Donner letter
5. offer to purchase, as is (twice)

With regard to excavation in general, Mr. Nelson has voiced (*via email and at Community Boards*) more concern about excavation at the first floor level (*formerly basement*), than at the street level garage, even though the depth of excavation at the first floor level is actually less than at the street level garage. See attachment letter A013 by Mr. Kevin O'Connor P.E., Shoring Engineer.

Mr. Nelson has requested that the excavation on the first floor level be limited to the existing basement area only, w/ no excavation further back (*south*) into the property. This would reduce the floor area of the proposed first floor level by 50%, and render the remaining portion unusable as habitable space, due to a complete lack of windows (*see attachment A012 DR Response Rev 1, for further discussion*).

At the Community Boards meeting Mr. Nelson brought up the issue of privacy in relation to the roof deck. Project Sponsor would like to respectfully remind him of the multi-tiered decks (*3 total*) directly behind on 21<sup>st</sup> St., overlooking the Nelson property. The Project Sponsor asks whether Mr. Nelson filed a DR request on this project?

Also, at the Community Boards, Mr. Nelson threatened litigation in addition to organized neighborhood opposition. This threat was then followed up w/ an offer to purchase the property. He in fact pointedly asked the Project Sponsor why he hadn't responded to his earlier offer of 02-24-14, in which he offered to purchase the property 'as is', via text message (*see attachment A007*).

These actions beg the following question to be asked: is the DR request merely a coercion tactic aimed at intimidating the Sponsor?

#### Conclusion

The Project Sponsor feels that Mr. Nelson is attempting to intimidate him into selling him the property, and that this DR request has little to do w/ concerns about excavation or privacy. Ostensibly this is the reason that he is requesting these significant and unreasonable modifications at such a late stage in the planning process.

#### Moving Forward

The Project Sponsor again asks that Mr. Nelson withdraw the DR request and engage in mutually constructive dialogue. Project Sponsor is committed to working w/ Mr. Nelson with regard to shoring design (& review of such); working hours; clean up etc., with an aim towards minimizing overall construction duration and any impact on Mr. Nelson and the neighborhood.

#### Attachments

A 001 151 liberty - email bmcg to JD re J Nelson mtg 11-26-13.pdf  
A 002 151 liberty - email JD to BmcG 11-26-13.pdf  
A 003 151 liberty - email JD to J Nelson 11-27-13pdf.pdf  
A 004 151 liberty - email from J Neslon to JD 12-01-13.pdf  
A 005 151 liberty - email from JD to J Nelson 02-18-14.pdf  
A 006 151 liberty - email from J Nelson to JD 02-24-14 .pdf  
A 007 151 liberty - Attachment J Nelson text pic 02-24-14.pdf  
A 008 151 liberty - email response to J Nelson 02-27-14.pdf  
A 009 151 liberty - email response to J Nelson 03-06-14.pdf  
A 010 151 liberty - email from J Nelson to BmcG 03-06-14.pdf  
A 011 151 liberty - response to J Nelson comm bds 04-02-14.pdf  
A 012 151 liberty - DR Response Rev 1 to J Nelson 04-15-14.pdf  
A 013 151 liberty - KOC shoring eng ltr 06-24-14.pdf

CC: B McGrath, Project Sponsor; R Sucre, Planner; Kevin O'Connor P.E., Shoring Engineer

**From:** [Brendan McGrath](#)

**Sent:** Tuesday, November 26, 2013 3:34 PM

**To:** [John Duffy](#)

**Subject:** Re: 882-888 Carolina St - 311 notification & posting

can u give me a call i have a meeting with j nelson about liberty at 4

John Duffy (jduffyarchitect@gmail.com) [Add contact](#)

11/26/2013 4:00 PM

To: Brendan McGrath;



LIB-A1.1 new  
fir plans  
10-10-12.pdf



LIB-A1.0 plot  
plan  
10-10-12.pdf

I sent him this prelim sketch set on 10-10-12, see attached copy.

Number of floors / overall concept is pretty much the same.

**From:** [Brendan McGrath](#)

**Sent:** Tuesday, November 26, 2013 3:34 PM

**John Duffy**

---

**From:** "John Duffy" <jduffyarchitect@gmail.com>  
**Date:** Wednesday, November 27, 2013 3:36 PM  
**To:** "nelson jonathan" <jonathan@organic.com>  
**Cc:** "sucre richard" <richard.sucresfgov.org>; "mcgrath benny" <modernartconstruction@gmail.com>  
**Subject:** 151-153 Liberty St

Hi Jonathan,

John Duffy here, project architect for 151 Liberty St.

I understand that you have some concerns regarding the project and have had some discussion w/ the owner Mr. Benny McGrath yesterday, 11/26/13.

Benny mentioned that you are concerned particularly about the existing basement and subsequent excavation work at this level.

As you can see we're at a very preliminary stage in the design / permit process. No engineering has yet been done. This comes later in the process, when the project moves from the Planning Dept. to the Dept. of Building Inspection (DBI). At that stage an extensive engineering package will be produced and submitted to DBI for review.

That engineering package would include the design of not just the structural scheme for the building, but also a site specific engineered shoring design by a licensed engineer. The shoring design is usually integral w/ the foundation design and would take into account the soil conditions on site (in consultation w/ the Soils Engineer recommendations / report), and adjacent buildings. The owner also intends to hire an experienced engineering contractor to perform the excavation and foundation work.

With that in mind, the owner would like to suggest a site meeting after the holiday to further discuss these issues and possible mitigation measures, w/ the project team. These would include the owner, architect, soils engineer, engineering contractor. At the meeting we might also review similar projects by the engineering contractor.

Please let me know your thoughts on the matter and maybe your schedule. Also, if there are any additional drawings that we can produce the might help please let me know.

Yours,

John Duffy

**From:** [Jonathan Nelson](#)  
**Sent:** Sunday, December 01, 2013 6:30 AM  
**To:** [John Duffy](#)  
**Cc:** [sucre richard](#) ; [mcgrath benny](#)  
**Subject:** Re: 151-153 Liberty St

Hello John,

I would be happy to meet after the holiday. Anything you can do to alleviate my concerns is welcome. As I'm sure Benny relayed my concerns are severalfold:

1. I'm concerned about the structural integrity of digging nearly 20 feet below grade within feet of my very fragile brick foundation
2. I think it is inappropriate to dig an entire fourth floor and massive garage below grade. Building a nearly 6000 square foot home on a 25 foot wide lot is not in keeping with the character and historic fabric of the neighborhood.

I am back in SF Wednesday.

Jonathan

Re: 151-153 Liberty St

John Duffy (jduffyarchitect@gmail.com) [Add contact](#)

2/18/2014 11:12 AM

To: Nelson, Jonathan (Jonathan.Nelson@omnicomgroup.com);

Cc: mcgrath benny; sucre richard; O'Connor Kevin;

Jonathan,

Benny is out of town till the end of the week, so I'm follow up on your email of 2/14/14.

Project Sponsor is open to the idea of some minor revisions to the design in order to mitigate your concerns, provided they are mutually agreeable.

What specifically did you have in mind? I understand you attended a meeting w/ Project Sponsor and the Civil Engineer, Kevin O'Connor in Jan 2014, and voiced your concerns and / or suggestions. I was unable to attend, so in order to move forward expeditiously, could you please itemize your concerns and the suggested amendments you propose? That way we're all on the same page as we move forward.

Thank you,

John Duffy  
Project Architect

**From:** [Nelson, Jonathan](#)

**Sent:** Friday, February 14, 2014 10:49 AM

**To:** [John Duffy](#)

**Cc:** [sucre richard](#) ; [mcgrath benny](#)

**Subject:** Re: 151-153 Liberty St

Hello Benny,

I am reaching out to see if my suggestions around amending your project for 151 Liberty are worth discussing.

Let me know. I'm very much interested in keeping the dialog going and coming to an agreeable resolution.

Jonathan

Hello John,

Thank you for your reply,

As I mentioned to Benny my concerns are around the extensive excavation of the basement level and the deck with hot tub on the roof.

I request that you limit the excavation to only the garage as contemplated and remove the deck from the roof from the plans.

In the meantime we discussed limiting the construction hours from 9AM to 4 PM Monday through Friday. We also discussed installing seismographs and laser telemetry markers on my structure at 159 Liberty. Kevin repeatedly stressed how there will be zero measurable vibration through the process so we should look to establishing a protocol in case there is measurable vibration from the construction next door.

Best,

Jonathan Nelson

Attachment

Photo image of J Nelson text, sent to Project Sponsor on 02-24-14



Dear Jonathan,

Below please find a response to your email of 02-24-14

### **1. Roof Deck**

Project Sponsor feels that the request to remove the roof deck from the proposed design is unreasonable. The proposed roof deck is 36% smaller than the existing deck size (proposed 250 / exist = 390 = .64 x 100 = 64%). Also the proposed deck is at roof level, thus looking out over the adjacent roofs, and more importantly it's emphasis is NE towards views of the downtown, not south or west towards the rear yards.

### **2. Garage and Basement Level Excavation**

Project Sponsor feels that the request to limit excavation to the garage level only is (a) unreasonable (losing a whole floor), (b) un-doable (akin to tunneling) and (c) onerously expensive from a residential construction standpoint. Additionally it would pose a safety concern for the construction crews and lengthen the construction schedule significantly.

Ostensibly the lower level already exists, albeit w/ low ceiling heights, as both a basement and misc crawlspaces. The ceiling height heights vary from 6' to 7' in the basement (north half), and approx 2' to 5' in the south and east crawlspaces. The existing basement has two entrance doors and existing stairs.

If the garage were to be excavated w/o basement level excavation it would entail trying to support a tapered swath of overhead soil, whose height would vary from 4' (in existing bsmt) to 6' (in existing crawlspaces) when measured from the proposed garage ceiling. This is akin to a tunneling or mining operation involving horizontal overhead shoring and is much more complicated than a standard residential excavation project.

In the opinion of Mr. Kevin O'Connor P.E. "the swath of soil will have to come out to accommodate the lower garage excavation".

Also worth noting, a neighboring property 111 Liberty St downhill is a very similar project in both scope of work (excavated garage) and scale (similar square footage). It was completed circa 2010 and did not entail shoring.

### **Working Hours**

Project Sponsor has no recollection of the stated hours. The hours of 9.00 am to say 3.00 - 4.00 pm apply to Sat only. He proposes the standard and customary hours of 7.30 am – 5.00 pm M-F.

Note: by utilizing typical work hours per day, the Projects overall duration will be kept to a minimum. If the work hours per day were to be reduced at Mr. Nelson's suggestion then the overall project duration would increase as would the construction cost.

### **3. Misc Seismic Monitoring**

Project Sponsor is open to further discussion on this issue.

Please let us know your thoughts on these matters.

Yours,

John Duffy

Re: 151-153 Liberty St

john duffy (jduffyarchitect@gmail.com) [Add contact](#)

3/6/2014 5:11 PM

To: Nelson, Jonathan (Jonathan.Nelson@omnicomgroup.com);

Cc: benny mcgrath; Richard Sucre; O'Connor Kevin;

Hi Jonathan,

Response below to your email and also a question regarding a DR Request item.

**Re: Mediation**

Project Sponsor is not dismissing this option outright. However, he feels that presenting the project before the Planning Commission as currently designed is the most appropriate course of action at present.

The project as currently designed is in conformance with the Planning Code, The Residential Guidelines and the Historic Guidelines. It has been reviewed by a seasoned historic planning specialist Mr Richard Sucre, who in turn presented it before the Historic Planning Commission. There were no objections to the design and it was approved with very minor conditions.

Further, we respectfully remind you that we presented to you various drafts of the project prior to submission via email and requested your input, via both email and telephone multiple times. The Owner also asked you personally for comments but received none. We also scheduled a pre-application meeting which you were invited to. You did not attend, nor did you forward any written comments. In fact only one neighbor attended and she was quite supportive. Project Sponsor therefore feels that your requests, so late in the process are an unfair request which would result in substantial and costly redesign.

**Re: Work Hours**

Project Sponsor is open to discussion regarding work hours, however the typical and customary hours as previously described are the most expeditious in getting the project completed in the shortest time-frame. Reducing the available hours merely increases the duration of the project (thus further inconveniencing neighbors) and increases the cost disproportionately and unfairly.

**Re: Mailing List attached to DR material**

Could you please clarify for us who these individuals are, and what is their connection to the filed DR?

Yours,

John Duffy  
Project Architect

**From:** "Nelson, Jonathan" <[Jonathan.Nelson@omnicomgroup.com](mailto:Jonathan.Nelson@omnicomgroup.com)>  
**Date:** March 6, 2014 at 11:59:23 AM PST  
**To:** "Sucre, Richard (CPC)" <[richard.sucre@sfgov.org](mailto:richard.sucre@sfgov.org)>, mcgrath benny <[modernartconstruction@gmail.com](mailto:modernartconstruction@gmail.com)>  
**Subject: Re: 151-153 Liberty St**

Hello Benny,

I just spoke with Jeff Bruton over at the Community Board. He said the process is to initiate mediation by them sending an invitation to you to sit down with them and myself. The meeting would be you and I and the community boards mediators. I paid the initial fee of forty dollars (anything beyond that is a donation). They will be sending an invitation shortly to sit down and discuss the project at 151 Liberty.

Best,

Jonathan

---

**Project : 151 Liberty St, San Francisco**

Owner: Brendan McGrath

Date: 04-02-13

Dear Mr. Nelson,

We have reviewed the list of concerns discussed in our Community Boards meeting of 03-21-2014, and their impacts on the design as currently submitted and approved by the Historic Planning Commission.

**Summary**

Regrettably the Project Sponsor cannot make the changes which you request without incurring significant additional cost and delay. He feels that they are an unfair and unreasonable request at this late stage in the Planning and Submission process. They would entail significant additional costs in the form of additional professional fees for redesign, plus a repeat submission to HPC and possibly a repeat 311 Notification. Finally, the resultant home would not be what he wants.

A more detailed discussion of the issues is contained below.

**Mr. Nelson's Concerns:**

- 1.1 Remove or reduce the roof deck.
- 1.2 Reduce the depth of the garage and hence excavation at the rear by re-aligning the garage rear wall with the front of the Nelson bay window.
- 1.3 Limit excavation on the first floor level to the existing basement area only. No excavation beyond this point, no light court at rear yard.
- 1.4 Reduced working hours.
- 1.5 Clean-up / effects of construction on his home.

Project Sponsor agreed to take these concerns into consideration and review the design to see whether he could make some accommodation on these issues.

## Project Sponsor Response:

Project Sponsor and Architect have reviewed the design with regard to the impacts of Mr. Nelson's requests. Quite frankly we cannot make these requests work, particularly at this late stage in the process.

**Re: 1.1** Project Sponsor feels that the roof deck is appropriately sized and would like it to remain as shown. It is significantly less obtrusive and smaller than the existing roof deck, in fact 36% smaller: (proposed 250 / existing 390 = .64 x 100 = 64%). Also the proposed deck is up at roof level, thus looking out over the adjacent roofs. Its emphasis is NE towards views of the downtown, not south or west towards the rear yards. It is also located approx 14' from Mr. Nelson's closest main wall.

**Re: 1.2 & 1.3** This request is not just a matter of lopping off approx 600 sf at the basement level. This kind of revision represents a major, almost complete redesign. We'd end up with a very different house in terms of program. Not alone would we lose approx 600 sf of proposed floor area, but the remaining basement level, even if excavated to a usable ceiling height would be relatively useless due to the limited access available to it, plus an almost complete absence of light and ventilation on exterior walls. So for those reasons the basement certainly could not be utilized as habitable space for say bedrooms. Therefore we'd technically be losing that whole entire floor level of 1220 habitable square feet.

The redesign would then impact all the other floors. They'd have to all be completely reconfigured. This would impact exterior elevations via window placement, and since the exterior would change it would likely trigger both HPC and 311 Notification issues.

The Project Sponsor has already spent approx \$80,000 in misc fees to date (architecture, engineering, surveyor, Planning Dept fees) plus a considerable amount of personal time. Such a significant redesign would entail spending at least 50% of this all over again. Added to this would be the cost of delay during redesign, plus the added delay through the likelihood of having to redo the entire COA, and very likely a redo of the 311 Neighborhood Notification.

Programmatically we'd end up w/ a very different building, essentially a stretched version of the current building. This is not what the Sponsor wants. He wants to restore the building to its former single-family home status w/ a proportionately sized lower unit discreetly below.

**Re: 1.4** Project Sponsor is open to further discussion on adjusting the work hours around Mr. Nelson's schedule. However, he would like to remind him that working shorter man hours / day would extend the duration of the various construction phases and in turn would extend the overall duration of the project. Working normal and customary hours is the most expeditious manner in which to keep project duration to a minimum.

**Re: 1.5** Project Sponsor will maintain as clean and dust-free a site as possible. He will clean / wash Mr. Nelsons building in the event of any dust or dirt accumulation due to the construction process.

As mentioned above, Project Sponsor is open to further discussion on some of these items but feels that he cannot accommodate all of the requests at this late date. Accordingly he asks that you reconsider and withdraw the DR Request. He pledges to keep an ongoing dialogue regarding the other items.

Yours,

John Duffy, Project Architect



# SAN FRANCISCO PLANNING DEPARTMENT

## RESPONSE TO DISCRETIONARY REVIEW

Case No.: 12.15230

Building Permit No.: 2013-12-11-3850

Address: 151-153 LIBERTY 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: BRENDAN MCGRATH

Telephone No.: 415 577-8422 (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.

PLEASE SEE ATTACHMENT A FOR DETAILED RESPONSE.

- 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.

SEE ITEM 1 ABOVE

- 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 ITEM 1 ABOVE

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

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

<u>Number of</u>	<u>Existing</u>	<u>Proposed</u>
Dwelling units (only one kitchen per unit –additional kitchens count as additional units) .....	<u>2</u>	<u>2</u> <sup>⚠</sup>
Occupied stories (all levels with habitable rooms) ...	<u>3</u>	<u>4</u>
Basement levels (may include garage or windowless storage rooms) .....	<u>1</u>	<u>1</u>
Parking spaces (Off-Street) .....	<u>N/A</u>	<u>2</u>
Bedrooms .....	<u>3</u>	<u>4</u>
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	<u>2684</u>	<u>4931</u>
Height .....	<u>52'-7"</u>	<u>52'-7"</u>
Building Depth .....	<u>45'-5"</u>	<u>62'-9"</u>
Most recent rent received (if any) .....	<u>N/A</u>	<u>N/A</u>
Projected rents after completion of project .....	<u>UNKNOWN</u>	<u>UNKNOWN</u>
Current value of property .....	<u>"</u>	<u>"</u>
Projected value (sale price) after completion of project (if known) .....	<u>"</u>	<u>"</u>

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

John Duffy      4/9/14      JOHN DUFFY  
 Signature                      Date                      Name (please print)

⚠ REVISSED 4-15-14      PROJ. ARCH.

## Response to Discretionary Review

## Attachment A

Case No.: 12.1523D  
Building Permit No.: 2013.12.11.3850  
Address: 151-155 Liberty St

Project Sponsors Name: Brendan McGrath

Response by: John Duffy, Project Architect

Date: April 11, 2014

The following is in response to Mr. Nelson's DR Request.

*(Note: Project Sponsor and Mr. Nelson attended a Community Boards meeting on March 12, 2014. Based upon items discussed, Project Sponsor was to reply to Mr. Nelson no later than April 4, which he did. Mr. Nelson was then to reply to Sponsor within 24 hours. As of this writing, no reply has been received from Mr. Nelson).*

1. The proposed expansion and renovation of the property is within all SF Planning Dept. and Residential Design Guidelines. Furthermore, the project received unanimous approval by the Historic Planning Commission. At the Pre-Application stage there were no negative comments from any neighbors whatsoever.

Mr. Nelson was contacted by the Sponsor on numerous occasions (via email, phone and in person) throughout the design phase and project drawings were forwarded by the Architect. Mr. Nelson did not voice any opposition to the project. In fact he was initially quite supportive in verbal discussions w/ the Sponsor.

Some items in the DR material require correction and / or clarification:

- a. Lot dimensions are 25' x 114' = 2850 sf, not 25' x 100' = 2500 sf.
- b. The second unit currently exists. It is simply being relocated, one level down, to the basement level and enlarged.
- c. Project areas are: 4931 sf habitable (basement thru' third) & 1028 sf of Garage at street level. So the proposed project is actually a residence of 4931 sf on a 2850 sf lot, and not 6000 sf on a 2500 sf lot as Mr. Nelson suggests. Also, when viewed from Liberty St. the

massing of the building remains unchanged, aside from slender cable rails at roof deck level (set behind the ridge, approx 48' back from front prop line) and a modest street level reconfiguration for the Garage door (see below for further discussion).

Mr. Nelsons own home is approx 4370 sf (from city records). Although' it sits on a double wide lot, its visual mass in terms of width and height, far exceeds that of 151 Liberty St. as currently proposed. Also, there are neighboring apartment buildings on the west end of Liberty Street with greater visual mass.

- d. The Garage is discreetly tucked under the house. The Garage door is recessed and utilizes the space to the east of the existing stairs. Garage floor area is not apparent from the street view and it blends in well with the existing street pattern of neighboring properties.

2. **Re: views and privacy** - Project Sponsor disagrees. Aside from the roof deck with its transparent cable rails, the roof height remains unchanged since the roof of the rear addition has been kept below the existing ridge height and therefore cannot be seen from the street.

To preserve privacy, the building is provided with side yard setbacks of 3' on the west side and 4' on the east side. A rear yard setback of 29'-11" is provided for the 1<sup>st</sup> and 2<sup>nd</sup> floors, with an additional setback at the 3<sup>rd</sup> floor of 7'-5," for a total rear yard depth of 37'-4" at 3<sup>rd</sup> floor level. *(Note: the proposed min rear yard depth of 29'-11" is approx 25% greater than Mr. Nelson's adjacent portion of rear yard at his east side prop line).*

The roof deck is also set back from the side property lines. It is located 5' from the east property line and approx 9'-6" from the west property line. Also, the west side setback corresponds to an approx distance of 14' to Mr. Nelsons nearest main (east) wall.

The proposed roof deck is also less obtrusive and smaller than the existing 3<sup>rd</sup> floor roof deck, in fact 36% smaller (proposed 250 / existing 390 = .64 x 100 = 64%). The proposed deck is up at roof level, thus looking out over the adjacent roofs with an emphasis towards the NE views of the downtown, not south or west towards the rear yards.

Note: see Attachment B, View South - Neighbor, 21<sup>st</sup> st. This property is located directly behind (south) and uphill from Mr. Nelson's. The photo shows two decks, one on each level (there is also a large outdoor deck directly behind the ivy covered fence). The proposed deck at 151 Liberty is much smaller than these multi decks.

**Re: Excavation** – the proposed project can be accomplished thru' typical residential means and methods. This would of course include appropriate structural engineering and shoring design.

Project Sponsor feels that the request to limit excavation to the Garage level only is not only unreasonable (losing a whole floor), but also un-doable (akin to tunneling). It is also onerously expensive from a residential construction standpoint. Additionally it would pose a safety concern for the construction crews and would lengthen the construction process significantly. This increase in project duration could become an inconvenience for other neighbors.

The lower level already exists, albeit w/ low ceiling heights, as both a basement and misc crawlspaces. The ceiling heights vary from 6' to 7' in the basement (north half), and approx 2' to 5' in the south and east crawlspaces. The existing basement has two entrance doors and existing stairs.

If the street level Garage were to be excavated w/o the basement level excavation above, it would entail trying to support a tapered swath of overhead soil, whose height would vary from 4' (in existing bsmt) to 6' (in existing crawlspaces) when measured from the proposed garage ceiling. This is akin to a tunneling or mining operation involving horizontal overhead shoring. It is much more complicated and completely unheard of in a typical residential construction.

**Re: Tenant Issues** – Sponsor feels that this is not a Planning issue and it is beyond the scope of a DR. However, he would like to remind Mr. Nelson that he did not evict anyone and that the former tenant moved voluntarily. Also, the property was purchased on the open market.

3. Project Sponsor has not encountered any neighbor opposition thus far, in fact he received neighbor support for the project as proposed. Therefore, if there is other neighbor opposition, he would like to meet them and discuss the issues.

The request to limit excavation to just the Garage is not just a matter of lopping off approx 600 sf at the basement level. This kind of revision represents a major redesign. The result would be a very different house in terms of program. Not alone would we lose approx 600 sf of proposed floor area, but the remaining basement level, even if excavated to a usable ceiling height would be relatively useless due to the limited access available to it, plus an almost complete absence of light and ventilation on exterior walls. So for those reasons the basement certainly could not be utilized as habitable space for say bedrooms. Therefore we would technically lose the entire floor level of 1220 habitable square feet.

The redesign would then impact all the other floors. Each would have to all be completely reconfigured. This would also impact exterior elevations via window placement, and since the exterior would change it would likely trigger both HPC and 311 Notification issues.

The Project Sponsor has already spent approx \$80,000 in misc fees to date (architecture, engineering, surveyor, Planning Dept fees) plus a considerable amount of personal time. Such a significant redesign would entail spending at least 50% of this all over again. Added to this would be the cost of the delay during redesign, plus the added delay through the likelihood of having to redo the entire COA, and very likely a redo of the 311 Neighborhood Notification.

Programmatically we'd end up w/ a very different building, essentially a stretched version of the current building. This is not what the Sponsor wants. He wants to restore the building to its former single-family home status w/ a proportionately sized lower unit discreetly below.

## Conclusion

Sponsor is open to further discussion, particularly on some items not mentioned in this DR but discussed in the Community Boards meeting e.g. working hours and clean-up. However, he feels that he cannot accommodate all of the requests at this late stage of the project since so much time, money and personal effort has been invested. Accordingly he asks that Mr. Nelson reconsider and withdraw the DR Request.

Attachment B



View South - Neighbor, 21<sup>st</sup> st.

**KEVIN O' CONNOR INC.**  
3401 LAWTON STREET  
SAN FRANCISCO, CA 94122  
TEL: 415 665 5223  
EMAIL: kevin@kocengineering.com

**June 24, 2014**

**Brendan McGrath**  
1426 7<sup>th</sup> Avenue  
San Francisco CA 94122

**Subject:** 151-153 Liberty St, San Francisco, CA. KEVIN O' CONNOR INC. # 2014KOC035

Dear Brendan,

This letter is in response to the letter prepared by Michael F. Donner of Stein & Lubin LLP., dated June 16<sup>th</sup>, 2014 referencing 151-153 Liberty St., case #2012.1523E.

Since you have hired my services for the temporary shoring design I am now the shoring engineer of record for the subject property. I would like to clarify some inaccuracies in the letter as follows:

- **Excavation**

The excavation depth is not 22 feet. The maximum depth is approximately 14 feet. The maximum retained height is approximately 18 feet along a portion of the west wall until we reach the rear garage wall where the excavation steps up approx. 11.5 feet.

- **Shoring**

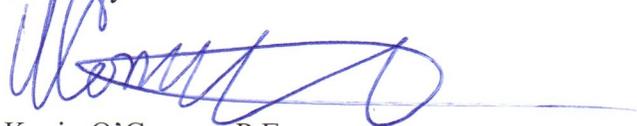
The shoring system itself will be installed in the subject property and will not encroach into the adjacent properties. The type of shoring system we have selected will consist of vertical soldier beams and pressure treated lagging in between the soldiers. The vertical soldiers will be braced internally with steel braces. The steel bracing system will be subjected to a jacking load, so a positive load transfer of the forces is maintained to ensure stability of both adjacent properties on the west and east side of the subject property.

The final paragraph of the letter is inaccurate too. I met with both Mr. Nelson and the project sponsor at the property in January 2014, to discuss the shoring system. The shoring system will be installed on the subject property, therefore, underpinning was not discussed, nor is it being proposed.

Should you have any questions, please call the number above.

Thank you.

Sincerely



Kevin O'Connor, P.E.





# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

Case No.: 2012.1523E  
 Project Title: 151 Liberty Street  
 Zoning: RH-3 (Residential – House, Three Family) District  
 Liberty Hill Historic District  
 40-X Height and Bulk District  
 Block/Lot: 3607/036A  
 Lot Size: 2,848 square feet  
 Project Sponsor: John Duffy, Architect  
 (415) 309-8896  
 Staff Contact: Jeanie Poling – (415) 575-9072  
 jeanie.poling@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**

### PROJECT DESCRIPTION:

The project site is located on the south side of Liberty Street on the block surrounded by Liberty, Dolores, Guerrero, and 21st Streets in San Francisco’s Mission District. The site contains an approximately 38-foot-tall, 2,684-square-foot (sf) single-family residence constructed in 1913. The proposed project involves horizontal and vertical additions at the rear of the existing building, structural upgrades, excavation to create a new garage level below the existing basement level, and the addition of one residential unit. The project would add 3,275 sf to the existing building, resulting in a 5,959 sf building containing a 3,711 sf, four-bedroom residence, a 1,220 sf one-bedroom residence, and two vehicle parking spaces.

### EXEMPT STATUS:

Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332)

### REMARKS:

See next page.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

  
 Sarah B. Jones  
 Environmental Review Officer

December 4, 2013  
 Date

cc: John Duffy, Project Sponsor  
 Rich Sucre, Current Planner and Preservation Planner  
 Historic Preservation Distribution List

Distribution List  
 Virna Byrd, M.D.F.  
 Supervisor Scott Wiener, District 8

**PROJECT DESCRIPTION (continued):**

The 25-by-114-foot project site is on an approximately 23 percent slope, with the rear property line approximately 26 feet higher in elevation than the front property line. The project site is occupied by a wood-frame structure accessed by concrete stairs from the street below. The back yard is supported by a concrete retaining wall.

The proposed project includes the following elements:

- A horizontal rear addition that would extend approximately 17'6" from the existing rear façade.
- A vertical rear addition that would not extend past the peak of the existing gable roof, which would be constructed on top of an existing two-story portion of the residence.
- A new two-car garage at the front of the lot, requiring excavation into the hillside below the existing basement level and to the east of the existing entry stairway.
- At the primary façade, replacement of stair, stair landing, and handrail, a new pedestrian entryway at the first floor, replacement of a doorway and window, and repair/reconstruction of deteriorating windows and wood trellis.
- At side façades, new window openings.
- At the rear façade, smooth stucco finish with wood-sash casement windows.
- A new approximately 250 sf roof deck with guardrail.

Approximately 1,013 cubic yards of soil would be excavated. The excavation would occur over approximately two months, and the overall construction (including excavation) would occur over 12 to 14 months. Equipment to be used during construction would include a Gradall forklift and dumpsters. Equipment to be used during excavation would include a mini-excavator, a Bobcat skid-steer loader, 10-cubic-yard dump trucks, and debris boxes.

The proposed project requires a Certificate of Appropriateness per Planning Code Article 10, neighborhood notification per Planning Code Section 311, and a building permit to be issued by the Department of Building Inspection. If discretionary review before the Planning Commission is requested, the discretionary review hearing is the approval action for the project. If no discretionary review is requested, the issuance of the building permit is the approval action.

**REMARKS:**

**Infill Development.** California Environmental Quality Act (CEQA) State Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects which meet the following conditions:

- a) *The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.*

The San Francisco General Plan, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The proposed project

would not obviously or substantially conflict with any such policy, and would be consistent with the San Francisco General Plan and with applicable zoning designations. The site is located within the RH-3 zoning district, where the proposed use and density would be permitted. The rear yard requirement for the subject property is 45 percent of the lot depth, but may be reduced to the average of the locations of rear walls of the two adjacent buildings; the proposed building would not encroach into the required rear yard. The proposed rear addition would not exceed the site's 40-foot height limit. The proposed project would be consistent with all other applicable zoning plans and policies.

- b) *The development occurs within city limits on a site of less than five acres surrounded by urban uses.*

The 0.065-acre (2,848 sf) project site is located within a fully developed area of San Francisco. The surrounding area consists of residential uses. Thus, the proposed project would be properly characterized as in-fill development surrounded by urban uses.

- c) *The project site has no habitat for endangered, rare, or threatened species.*

The 2,848 sf project site is within a fully developed urban area and contains a building. The open space at the front and rear of the lot does not contain substantial vegetation. Therefore, the project site has no habitat for rare, threatened, or endangered species.

- d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Traffic. The proposed project would add 3,275 sf to an existing 2,684 sf single-family residence, and add one residential unit. Based on the residential trip generation rates in the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002), the proposed project would generate one additional PM peak-hour trip – a negligible increase in traffic relative to the existing capacity of the surrounding street system. During the two-month excavation period and the 12- to 14-month overall construction period, there would be an increase in truck traffic near the project site. Due to their temporary and limited duration, construction-related impacts on traffic generally would not be considered significant.

Noise. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels discernable to most people. The proposed project would not cause a doubling in traffic volumes and therefore would not result in a substantial increase in the ambient noise level in the project vicinity. Although some increase in noise would be associated with the construction phase of the project, such occurrences would be limited to certain hours of day and would be temporary in nature. Thus, no significant noise impacts would be associated with the proposed project.

Air Quality. In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) has established thresholds of significance to determine if projects would violate

an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. To assist lead agencies, the BAAQMD, in its *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project would not exceed criteria air pollutant screening levels for operation or construction.<sup>1</sup>

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, identified as air pollutant exposure zones, were identified based on two health-protective criteria: (1) excess cancer risk from the contribution of emissions from all modeled sources greater than 100 per one million population, and/or (2) cumulative PM<sub>2.5</sub> concentrations greater than 10 micrograms per cubic meter. Land use projects within these air pollutant exposure zones require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations.

The proposed project is not within an air pollutant exposure zone. Therefore, the proposed project would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial levels of air pollution. The proposed project would include emissions from construction activities for approximate 12 to 14 months. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes,<sup>2</sup> which would further reduce nearby sensitive receptors exposure to temporary and variable TAC emissions. Therefore, construction period TAC emissions would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Water Quality. The proposed project would not generate substantial additional wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply. The expanded building would be serviced by the City's combined sewer system, which already serves the existing building. The proposed project would not result in a substantial increase in intensity of use. Furthermore, the City's combined sewer system possesses sufficient capacity to accommodate the incremental increase in demand, if any, associated with the proposed project. Thus, the project would not result in significant effects related to water quality.

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<sup>1</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

<sup>2</sup> California Code of Regulations, Title 13, Division 3, § 2485.

e) *The site can be adequately served by all required utilities and public services.*

The project site is located in a dense urban area where all public services and facilities are available; no expansion of public services or utilities is anticipated.

**Historical Resources.** In evaluating whether the proposed project would be exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department must first determine whether the existing building is a historical resource. Under CEQA, 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, or if it is considered a contributor to a potential historic district. The project site is locally designated in Article 10 of the San Francisco Planning Code as a contributing resource to the Liberty Hill Historic District. Therefore, the project site and the surrounding historic district are considered historic resources for purposes of CEQA.

The proposed project would include construction of a new garage, replacement stairway and handrail, front, side and rear façade alterations, horizontal and vertical rear additions, and a new roof deck. The Historic Resource Evaluation Response prepared by the Planning Department's preservation staff addressed the proposed project's consistency with the *Secretary of the Interior's Standards for Rehabilitation*.<sup>3</sup>

The attached *Historic Resource Evaluation Response* addresses the project's consistency with the ten Rehabilitation Standards. The proposed project would maintain the subject property's current and historic use as a residence (Standard 1). The project would maintain the historic character of the subject property, as defined by its character-defining features (Standard 2). The project would not include conjectural elements or architectural features from other buildings or create a false sense of historical development and would be compatible with the surrounding district (Standard 3). The proposed project would not involve alterations to the subject building that have acquired significance in their own right (Standard 4). The project would maintain and preserves the subject property's distinctive finishes and character-defining features (Standard 5). Deteriorated historic features would be repaired rather than replaced (Standard 6). The project would not involve chemical or physical treatments (Standard 7). Significant archeological resources are not anticipated to be present at the project site (Standard 8). The project would maintain the historic integrity of the subject property and would provide additions that are compatible yet differentiated from the historic residence (Standard 9). Horizontal and vertical rear additions would not affect the essential form and integrity of the landmark district and would not impact any character-defining features of the subject property (Standard 10). In summary, the overall project is consistent with the *Secretary of the Interior Standards for Rehabilitation*, and the project would not have a significant adverse impact upon a historic resource, as defined by CEQA.

**Geology and Soils.** A geotechnical investigation was performed for the proposed project and is summarized here.<sup>4</sup> The bedrock in the site area is underlain by Franciscan Greenstone bedrock. Two borings were taken and encountered 4 to 6 feet of brown, stiff sandy clay underlain by light brown, stiff

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<sup>3</sup> San Francisco Planning Department, *Historic Resource Evaluation Response, 151-153 Liberty Street, Case No. 2012.1523E*, December 2, 2013. This document is attached.

<sup>4</sup> Buckley Engineering Associates, Inc., *Geotechnical Investigation, Proposed Remodeling with Basement, 151-153 Liberty Street, San Francisco, California, August 17, 2012.*

to hard sandy clay. The borings terminated 9 to 10 feet below ground surface near the soil-bedrock contact.

The geotechnical report concluded that the site is suitable for the proposed project provided the following recommendations are followed: The remodeled house should be supported either by a spread footing or pier and grade beam foundation. Spread footings should extend at least 18 inches below lowest adjacent grades and should have a minimum width of 12 inches. Where needed, the proposed remodeled building can be supported on drilled, cast-in-place, reinforced concrete piers, which should be at least 12 inches in diameter and extend at least 10 feet into bedrock.

The proposed excavation would require shoring and underpinning of adjacent foundations. Shoring can be accomplished by the use of a soldier beam retaining wall using top-down construction. The soldier beam pier excavations should be at least 24 inches in diameter and extend at least 12 feet below the bottom of the excavation. Underpinning elements should extend below a 45-degree imaginary plane projecting upward from the base of the excavation to the nearest edge of the adjacent foundation; the underpinning elements should also extend at least 1 foot into very stiff soil or weathered bedrock.

The proposed project would be required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the Department of Building Inspection (DBI) permit review process. DBI would review background information including geotechnical and structural engineering reports to ensure that the security and stability of adjoining properties and the subject property is maintained during and following project construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code.

In light of the above, no environmental concerns involving geologic and seismic hazards would be associated with the proposed project.

**Neighborhood Concerns.** A "Notification of Project Receiving Environmental Review" was mailed on November 14, 2013, to community organizations, tenants of the affected property and properties adjacent to the project site, and those persons who own property within 300 feet of the project site. One neighbor expressed concerns regarding the amount of excavation and potential damage to adjacent structures, and noise during project construction. These topics are addressed above. Another neighbor expressed support for the project.

#### **SUMMARY:**

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.



## Historic Resource Evaluation Response

*Case No.:* 2012.1523E  
*Project Address:* 151-153 Liberty Street  
*Zoning:* RH-3 (Residential-House, Three-Family) Zoning District  
Liberty-Hill Historic District  
40-X Height and Bulk District  
*Block/Lot:* 3607/036A  
*Date of Review:* December 2, 2013

*Staff Contact:* Richard Sucre (Preservation Planner)  
(415) 575-9108  
[richard.sucre@sfgov.org](mailto:richard.sucre@sfgov.org)

Jeanie Poling (Environmental Planner)  
(415) 575-9072  
[jeanie.poling@sfgov.org](mailto:jeanie.poling@sfgov.org)

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### PRE-EXISTING HISTORIC RATING / SURVEY

151-153 Liberty Street is currently locally designated in Article 10 of the San Francisco Planning Code as a contributing resource to the Liberty-Hill Historic District. Therefore, 151-153 Liberty Street and the surrounding Liberty-Hill Historic District are considered historic resources for the purposes of the California Environmental Quality Act (CEQA).

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### PART II: PROJECT EVALUATION

PROPOSED PROJECT       Demolition       Alteration       New Construction

PER DRAWINGS DATED:      September 26, 2013 by John Duffy Architect

### PROJECT DESCRIPTION

The proposed project consists of a change in use from one dwelling unit to two dwelling units, and exterior alterations including:

- **Construction of a New Garage:** The project would construct a new two-car garage to the east of the existing entry stairway. The new garage opening would be approx. 9-ft wide and would feature glazed, wood panel garage doors.
- **New Stairway and Handrail:** The project would replace the existing non-historic concrete stair and metal rail with a new stair, stair landing, and handrail. The project would maintain the rough configuration of the entry stair and provide for a new stair landing to the second dwelling unit.

The new handrails would be constructed of wood, and would be designed in a Craftsman architectural style.

- **Primary Façade Alterations:** To accommodate the new residential unit, the project would alter the primary façade by cutting a pedestrian entryway into the existing stair wall off of the new stair landing on the first floor. The project would replace an existing doorway and window with a new glazed, single panel wood door with transom and a new double-hung, wood-sash window. On the primary façade, the existing double-hung, wood-sash windows would be retained and repaired, as required. Similarly, the existing wood trellis would be reconstructed in-kind, due to extensive deterioration.
- **Construction of Horizontal and Vertical Rear Addition:** At the rear, the project would construct a new horizontal addition that would extend approximately 17-ft 6-in from the existing rear façade, as well as a new vertical addition, which would be constructed on top of an existing two-story portion of the existing residence. The new vertical addition would not extend past the peak of the existing gable roof.
- **Side and Rear Façade Alterations:** The project would add new window openings on the side facades, and would alter the rear façade to accommodate the new horizontal and rear additions. The rear façade would be clad in a smooth stucco finish, and would feature wood-sash casement windows.
- **Construction of a New Roof Deck:** The project would construct a new roof deck, which would measure approximately 10-ft 4-in by 27-ft 6-in (or approx. 250 sq ft), and would feature new metal cable rail guardrail.

## PROJECT EVALUATION

*If the property has been determined to be a historic resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.*

### Subject Property/Historic Resource:

- The project will not cause a significant adverse impact to the historic resource as proposed.
- The project will cause a significant adverse impact to the historic resource as proposed.

Staff finds that the proposed project would not cause a significant adverse impact upon a historic resource such that the significance of the building would be materially impaired. The proposed project would be a compatible alteration to a contributing resource within the designated Liberty-Hill Historic District.

The Department finds that the proposed project is consistent with the *Secretary of the Interior Standards for Rehabilitation* (Secretary's Standards).

**Standard 1**

*A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

The proposed project would maintain the subject property's current and historic use as a residence. Therefore, the proposed project complies with Rehabilitation Standard 1.

**Standard 2**

*The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

The proposed project maintains the historic character of the subject property, as defined by its character-defining features, including, but not limited to, its overall mass and form, double-hung wood-sash windows, front facing gable, wood rafter tails, and wood trellis, as well as, other elements identified in the designating ordinance for the landmark.

The new stair and handrails on the primary facade would reinforce the subject property's historic character by introducing a handrail material (wood) and design that is compatible with the building's architectural style and surrounding district. The square pattern and rectilinear of the new handrails assists in enhancing the building's Craftsman architectural style. Wood handrails are a character-defining feature of the surrounding district.

The proposed project would also construct a new horizontal and vertical rear addition, which would be located at the rear of the subject property and would not be visible from the public rights of way. This new addition would maintain a sense of the existing building's form and massing, since it would be located behind the existing gable roof, would not extend past the existing roofline, and would not impact any significant historic characteristics of the subject property. The new addition would not impact any historic materials or features of the subject property or district. Therefore, the proposed project complies with Rehabilitation Standard 2.

**Standard 3**

*Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

The proposed project does not include the addition of conjectural elements or architectural features from other buildings. Although designed in a Craftsman style, the new exterior handrails incorporate elements, which contemporary in nature, including the size, scale and dimension of the balustrades. This new work will not create a false sense of historical development and would be compatible with the surrounding district. Therefore, the proposed project complies with Rehabilitation Standard 3.

**Standard 4**

*Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

The proposed project does not involve alterations to the subject building, which have acquired significance in their own right. The existing rear addition does not possess historical significance and

does not contribute to the district's historic character. Therefore, the proposed project complies with Rehabilitation Standard 4.

**Standard 5**

*Distinctive features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property will be preserved.*

The proposed project maintains and preserves the subject property's distinctive finishes and character-defining features, including the overall form and massing, wood-sash windows, wood rafter tails, wood trellis, and front facing gable. The project would not impact any distinctive features of the subject property. New work is focused upon non-historic elements of the subject property, including the existing concrete stair, metal handrail, and two-story rear addition. Therefore, the proposed project complies with Rehabilitation Standard 5.

**Standard 6**

*Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacements of a distinctive feature, the new feature will match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

The proposed project calls for the repair of the existing windows on the primary façade and the reconstruction of the existing wood trellis in-kind, due to extensive wood deterioration. Repair of the existing windows is limited to in-kind replacement of glazing, repair of wood sash, and repair of sash weights and cords. Therefore, the proposed project complies with Rehabilitation Standard 6.

**Standard 7**

*Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

The proposed project does not involve chemical or physical treatments. Therefore, the proposed project complies with Rehabilitation Standard 7.

**Standard 8**

*Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures will be undertaken.*

The proposed project includes excavation work. If any archaeological material were to be uncovered, appropriate mitigation would be undertaken. Therefore, the proposed project complies with Rehabilitation Standard 8.

**Standard 9**

*New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

*New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The proposed project includes construction of a horizontal and vertical rear addition, which would be located behind and below the existing gable roof. These new additions would not affect the essential form and integrity of the landmark district, and do not impact any character-defining features of the subject property. Therefore, the proposed project complies with Rehabilitation Standard 10.

**Summary**

The Department finds that the overall project is consistent with the *Secretary of the Interior Standards for Rehabilitation*. As currently proposed, the project will not have a significant adverse impact upon a historic resource, as defined by CEQA.

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**PART II: SENIOR PRESERVATION PLANNER REVIEW**

Signature:   
Tina Tam, Senior Preservation Planner

Date: 12-2-2013

cc: Virnaliza Byrd, Environmental Division/ Historic Resource Impact Review File  
Beth Skrondal / Historic Resource Survey Team  
I:\Cases\2012\2012.1523

The proposed project includes exterior alterations to the subject property, including façade alterations to accommodate a new residential unit and construction of a new two-car garage, main entry stairway, and horizontal and vertical addition.

The new two-car garage would be located east of the existing main entry stair. The roof of the new garage accommodates the new stair landing. Garages are common alterations to residences within the surrounding district. Relative to the site's existing setting, the project would still maintain the building's historic setback's and the overall site's steeply sloped character, as evidenced by the landscaping to the west and sloped landscaping to the east of the stair at the new stair landing. The construction of this new garage would not impact any character-defining features of the existing residence. The new garage would feature glazed, three-panel wood doors, which assist in reinforcing the property's Craftsman architectural character, thus are compatible with the overall character of the residence.

Above the new garage, the new stair landing would include a landscaped area, in order to echo the original sloped landscaped character of this portion of the subject lot. The existing residence is characterized by a steeply sloped topography that is currently heavily landscaped. This steeply sloped character is found among other properties on the same block. The project assist in maintain the existing residence's setback from the street and sloped character by providing for a new garage, which accommodates the slope of the site and landscaping.

Above the new garage, the façade alterations include three new steps and a narrow cutout to accommodate a pedestrian pathway to the new residential entry. This new residential entry occurs in the location of an existing secondary entry door and window. These façade alterations do not significantly impact any historic materials, since the existing door is not historic and the cutout is narrow and small in scale, thus minimally impacting the exterior façade materials. Further, the cutout would be adorned with simple wood trim, which is consistent with the trim found on the upper stories of the residence, thus relating this alteration to the rest of the residence. The alterations to the existing door and window are more consistent with the character of the residence, since the project would replace a non-historic door with a new more compatible doorway and would introduce a new double-hung wood-sash window, which is more consistent in size, scale and material with the common windows found on the residence.

At the rear, the new vertical and horizontal additions are clearly differentiated from the historic mass of the original residence, as noted by the roofline and the change in siding. The new additions have a flat roof, while the existing historic residence features a gable roof. The new additions would be constructed on top of an existing non-historic addition currently located at the rear of the existing residence. The new additions and rear façade alterations are compatible with the subject property's overall historic character, since the new work is occurring on a rear and non-visible façade, the new smooth stucco is similar in material and design to the property's historic stucco siding (evident on the primary facades), and the mass of the new additions are differential to the historic mass of the original residence.

Overall, the proposed project maintains the historic integrity of the subject property and provides new additions, which are compatible, yet differentiated with the historic residence. Therefore, the proposed project complies with Rehabilitation Standard 9.

### *Standard 10*

## IMAGES



151-153 Liberty Street  
(Source: Google Maps, April 2011; accessed December 2, 2013)



# SAN FRANCISCO PLANNING DEPARTMENT

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## Historic Preservation Commission Motion No. 0219

HEARING DATE: DECEMBER 4, 2013

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Suite 400  
San Francisco,  
CA 94103-2479

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*Filing Date:* January 17, 2013  
*Case No.:* **2012.1523A**  
*Project Address:* **151-153 LIBERTY STREET**  
*Historic Landmark:* Liberty-Hill Landmark District  
*Zoning:* RH-3 (Residential, House, Three-Family) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 3607/036A  
*Applicant:* John Duffy, John Duffy Architect  
5234 Crystal Aire Drive  
Mariposa, CA 95338  
*Staff Contact:* Richard Sucre - (415) 575-9108  
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**ADOPTING FINDINGS FOR A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED WORK DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 10, TO MEET THE STANDARDS OF ARTICLE 10 AND TO MEET THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOT 036A IN ASSESSOR'S BLOCK 3607, WITHIN THE LIBERTY-HILL LANDMARK DISTRICT, RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

WHEREAS, on January 7, 2013, John Duffy of John Duffy, Architect (Project Sponsor) on behalf of Brendan McGrath (Property Owners), filed an application with the San Francisco Planning Department (Department) for a Certificate of Appropriateness for façade alterations and a new horizontal and vertical addition to the subject property located on Lot 036A in Assessor's Block 3607.

WHEREAS, the Project received an exemption from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption (CEQA Guideline Section 15332) on December 4, 2013.

WHEREAS, on December 4, 2013, the Commission conducted a duly noticed public hearing on the current project, Case No. 2012.1523A (Project) for its appropriateness.

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the

Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

**MOVED**, that the Commission hereby grants with conditions a Certificate of Appropriateness, in conformance with the project information dated October 8, 2013 and labeled Exhibit A on file in the docket for Case No. 2012.1523A based on the following findings:

## **CONDITIONS OF APPROVAL**

To ensure that the proposed work is undertaken in conformance with this Certificate of Appropriateness, staff recommends the following conditions:

1. As part of the Site Permit, the Project Sponsor shall provide material samples, including the examples of the materials for the proposed stair tread and rise, handrails and rear stucco finish, to ensure compatibility with the surrounding landmark district. These material samples shall demonstrate the range of color, texture and finish for the identified materials. Generally, the materials should feature a matte or painted finish, and be consistent with the building's overall historic character.
2. As part of the Site Permit, the Project Sponsor shall provide a window schedule and conditions assessment. The window schedule shall detail the current issues with the existing windows on the primary façade, and shall outline the repair methodologies.
3. As part of the Site Permit, the Project Sponsor shall provide detailed drawings and specifications for the restoration of the existing wood trellis on the primary façade. The Project Sponsor shall provide detailed drawings of the existing trellis (including plan, section, elevations and details, as determined by Department staff) to assist in guiding the reconstruction. The specifications shall include a conditions assessment of the existing wood, as well as dimensions for the individual pieces of wood, in order to assist with the restoration.

## **FINDINGS**

Having reviewed all the materials identified in the recitals above and having heard oral testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and also constitute findings of the Commission.
2. Findings pursuant to Article 10:

The Historic Preservation Commission has determined that the proposed work is compatible with the character of the Liberty-Hill Landmark District as described in Appendix F of Article 10 of the Planning Code.

- That the proposed project features façade alterations and additions, which are compatible with the Liberty-Hill Landmark District, since these alterations and additions maintain the

historic form of the residence, do not destroy historic materials, and provide for new construction, which is compatible, yet differentiated.

- That the proposed project maintains the historic character of the subject property, as defined by its character-defining features, including, but not limited to, its overall mass and form, double-hung wood-sash windows, front facing gable, wood rafter tails, and wood trellis, as well as, other elements identified in the designating ordinance for Liberty-Hill Landmark District.
- That the essential form and integrity of the landmark and its environment would be unimpaired if the alterations were removed at a future date.
- That the proposal respects the character-defining features of Liberty-Hill Landmark District.
- The proposed project meets the requirements of Article 10.
- The proposed project meets the *Secretary of the Interior's Standards for Rehabilitation*, including:

**Standard 2.**

*The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

**Standard 9.**

*New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

**Standard 10:**

*New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

3. **General Plan Compliance.** The proposed Certificate of Appropriateness is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

*The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.*

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3

*Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.*

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

*Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.*

POLICY 2.5

*Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.*

POLICY 2.7

*Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.*

*The goal of a Certificate of Appropriateness is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.*

*The proposed project qualifies for a Certificate of Appropriateness and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of the South End Landmark District for the future enjoyment and education of San Francisco residents and visitors.*

4. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The project will not have any impact on any existing neighborhood serving retail uses, since there are no retail uses located on the project site.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed project would not impact any existing housing, and will strengthen neighborhood character by respecting the character-defining features of Liberty-Hill Landmark District in conformance with the Secretary of the Interior's Standards for Rehabilitation.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The project will have no impact upon affordable housing, since there are no identified affordable housing units on the project site.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking. The proposed project is located within a transit-rich neighborhood with walkable access to bus, light rail and train lines. The project provides two off-street parking spaces, thus accommodating the allowable amount of parking for the two dwelling units.*

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed will not have any impact on industrial and service sector jobs, since there is no commercial or industrial uses on the project site.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed work. Any construction or alteration associated with the project will be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*The project as proposed is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards for Rehabilitation.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The proposed project will not impact the access to sunlight or vistas for parks and open space.*

5. For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 10, and the *Secretary of Interior's Standards for Rehabilitation*, General Plan and Prop M findings of the Planning Code.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **GRANTS WITH CONDITIONS a Certificate of Appropriateness** for the property located at Lot 036A in Assessor's Block 3607 for proposed work in conformance with the project information dated October 8, 2013, labeled Exhibit A on file in the docket for Case No. 2012.1523A.

**APPEAL AND EFFECTIVE DATE OF MOTION:** The Commission's decision on a Certificate of Appropriateness shall be final unless appealed within thirty (30) days. Any appeal shall be made to the Board of Appeals, unless the proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors, such as a conditional use, in which case any appeal shall be made to the Board of Supervisors (see Charter Section 4.135).

**Duration of this Certificate of Appropriateness:** This Certificate of Appropriateness is issued pursuant to Article 10 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Historic Preservation Commission. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor.

**THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.**

I hereby certify that the Historic Preservation Commission **ADOPTED** the foregoing Motion on December 4, 2013.

Jonas P. Ionin  
Commission Secretary

**AYES:** Hasz, Hyland, Johnck, Johns, Matsuda, Pearlman, and Wolfram

**NAYS:**

**ABSENT:**

**ADOPTED:** December 4, 2013