



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review

Full Analysis

HEARING DATE DECEMBER 4, 2014

Date: November 26, 2014
Case No.: 2013.1522D
Project Address: 24 Ord Court
Permit Application: 201310219830
Zoning: RH-2 (Residential House, Two-Family)
40-X Height and Bulk District
Block/Lot: 2619/066
Project Sponsor: Aidin Massoudi
Sia Consulting Corp.
1256 Howard Street
San Francisco, CA 94103
Staff Contact: Tina Chang – (415) 575.9197
tina.chang@sfgov.org
Recommendation: **Do not take DR and approve the project as proposed**

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

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PROJECT DESCRIPTION

The proposal is for the new construction of a three-story single family dwelling unit at the rear of the existing one-story-over-garage, single-family structure filed under building permit application 2013.1021.9830. New construction at the property's rear requires a variance, which is filed under Case Number 2013.1522V. The Variance Hearing for the project was initially scheduled for August 27, 2014, and continued to December 4, 2014. The new construction at the existing building's rear includes a 2,793 square-foot, four-story, three-bedroom, three-and-a-half bathroom single-family-dwelling unit, that is three stories at the block-face.

SITE DESCRIPTION AND PRESENT USE

The existing property at 24 Ord Court is located on the north side of Ord Court at Ord Street. The property is a through lot 25' of lot frontage along Ord Court with a lot depth of approximately 118' and lot area measuring approximately 2,946 square feet. The significantly up-sloping lot contains an approximately 1,000+ square-foot, one-story-over-garage single family, attached dwelling unit. The property is within an RH-2 (Residential, House, Two-Family) Zoning District with a 40-X Height and Bulk designation. City records indicate the structure was originally constructed in 1910.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding neighborhood consists of a mixture of one-, two-, and three-story buildings, containing mostly one- or two- residential dwelling-units. The residential neighborhood contains dwellings of varying heights and depths on an up-sloping street, as one heads west. Both adjacent properties, east and west of the subject property, are three-story buildings containing two dwelling units. The building to the

east is a multi-family, two stories-over-garage at the block face, and steps back to five stories after approximately 55' from the front façade. The building to the west is a single-family, one-story-over-garage structure at the block face.

The subject property is within the Castro / Upper Market Neighborhood, and about .4 miles west of the Castro / Market Street intersection. Castro Street serves as the cross street on the east side of the property where the neighborhood transitions to a Residential, Mixed, Low-Density (RM-1) zoning district, the Upper Market Street Neighborhood Commercial (NCD) and Upper Market Neighborhood Commercial Transit District (NCT). RM-1 zoning districts contain ground-floor commercial spaces and mostly residential units on upper floors. A mixture of dwelling types found in RH Districts are also found in RM-1 districts, in addition to a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The Upper Market NCT and NCD zoning districts are multi-purpose commercial districts, well served by transit including the Castro Street Station of the Market Street subway and the F-Market historic streetcar line, providing limited convenience goods to adjacent neighborhoods, but also serve as a shopping street for a broader trade area.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311/312 Notice	30 days	August 8, 2014 – September 7, 2014	September 8, 2014	December 4, 2014	100 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	November 23, 2014	November 20, 2014	13 days
Mailed Notice	10 days	November 23, 2014	November 21, 2014	12 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	-	1	-
Other neighbors on the block or directly across the street	-	2	-
Neighborhood groups	-	1	-

The Department received a few of emails and phone calls from concerned neighbors both immediately adjacent to the property and across from the proposed structure at the rear. The Department also received a call from the Castro-Eureka Valley Neighborhood Association who expressed opposition to the proposal. Neighbors at 231 States / 20 Ord Court expressed concerns about loss of privacy and views, as well as the loss of mature trees at the rear of the subject property. Others mentioned concerns about the loss of midblock open space with the proposed construction of new unit at the rear of the lot, and remarked that the proposed scale and design of both the alteration of the existing structure and new construction were inconsistent with the existing neighborhood character. The Castro-Eureka Valley Neighborhood Association expressed similar concerns about the project.

DR REQUESTOR

Chris Parkes is the DR Requestor, who lives at 231 States Street, #4, a multi-family structure immediately to the east of the subject property.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Issue #1: The DR Requestor is opposed to the project because it does not comply with the Planning Code and requires a variance, which would have a significant impact on the character of States Street. The DR Requestor finds that the project should be denied because a request for a variance to construct at the rear of a lot across the street at 212 States Street was denied in 1985.

Issue #2: Allowing the requested variance to construct on 24 Ord Court would remove the large canopy of significant older trees in the backyard that are visible from many parts of the neighborhood.

Issue #3: Allowing the requested variance to construct on 24 Ord Court would encourage developers to purchase other through lots on States Streets and seek similar variances to remove large trees that help characterize States Street today and construct large homes, which is inconsistent with the City's affordable housing policy.

Issue #4: The DR Requestor found inaccuracies in documents filed by the project applicant including:

- The "Significant tree planting and protection checklist" submitted by the project sponsor, dated August 18, 2014 indicate no significant trees on 24 Ord Court, which is inconsistent with pictures take from across the street (attached in the DR Application).

Issue #5: The proposed addition and new construction on the subject property is out of scale and inconsistent with Residential Design Guidelines.

Issue #6: The proposal fails to meet specific conditions required for granting of a variance, including:

- The exceptional and extraordinary circumstance requirement.
- No hardship has been imposed on the project sponsor, who has options to build conforming additions.

Please reference the *Discretionary Review Application* for additional information. The *Discretionary Review Application* is an attached document.

PROJECT SPONSOR'S RESPONSE

Issue #1: The project sponsor has met with neighbors on at least four occasions throughout the entitlement process. The project team finds that nothing short than eliminating new homes on States Street would be satisfactory to the opposing neighbors. The project sponsor finds that the proposal furthers the orderly development of the irregularly shaped and sloped block.

Issue #2: There are two significant trees at the rear of 24 Ord Court, not 22 Ord Court. A tree removal permit has been field. The Urban Forestry of the Department of Public Works has recommended approval of the permit; a hearing on the permit was scheduled for November 24, 2014. A certified arborist has found that the subject trees were topped multiple times prior to Mr. tam's ownership of the property. As a result, the trees are compromised and subject to catastrophic damage to persons and/or property in the event of a serious windstorm.

Issue #3: The sponsor finds that the project will enhance and increase the number of family sized units in the city, by renovating an existing home and creating another.

Issue #6: The sponsor finds that both the addition to the existing structure at 22 Ord Court and the proposed structure at the rear are consistent with the existing neighborhood scale and character, pointing to existing three-story single and multi-family structures on Ord Court and States Street, such as 16 Ord Court and 227-229 States Street.

Issue #7: The project sponsor finds that the proposal furthers the orderly development of the irregularly shaped and sloped block.

Please Reference the *Response to Discretionary Review* for additional information. The *Response to Discretionary Review* is an attached document.

PROJECT ANALYSIS

The proposed structure at the rear of 24 Ord Court is 2,793 square-feet, including the garage and 2,412 square-feet excluding the garage. The building is three stories at the block-face and four stories at the rear, made possible by the down-sloping lot from States Street (up-sloping from Ord Court). The proposed first floor includes unexcavated crawl space, following the site's topography. The second floor, at street level, includes a two-car garage, guest bedroom and full bathroom. The building's main living area with kitchen, dining and living rooms can be found on the third floor, with 3 bedrooms on the fourth floor. The fourth floor includes a 3'-6" deck, providing a slight setback from the rest of the block-face. A rear yard of 29'-7", or approximately 25% of lot depth, is provided between the existing and proposed structure.

As the proposed structure is in the required rear yard, a variance is required. Planning Code Section 134 requires a rear yard amounting to 45% of lot depth, or the average of both adjacent lots but no less than 15' or 25% of lot depth (whichever is greater) for properties within an RH-2 (Residential House, Two-Family) Zoning District. The hearing was initially scheduled for August 27th, but continued for the next month. Once a public initiated request for Discretionary Review was filed, the hearing was postponed to be jointly heard with the Planning Commission on December 4, 2014.

The form and scale of the proposed new single-family home is compatible with the surrounding buildings in the neighborhood. States Street is also characterized by a mix of building scales and styles, ranging from 1-4 stories in height.

The block is zoned RH-2, however, there are a couple multi-family structures on the block and across the street, including 257-261 States Street and 278 States Street, which are typically larger in scale and form than other single- and two-family dwelling unit structures.

A consistent mid-block open space, or front / rear setback pattern does not exist on Ord Court and States Street. Both 20 and 30 Ord Courts, which sandwich 22 and 24 Ord Courts cover more than two-thirds of their lots. There are 16 lots on the north side of Ord Court between States Street and the end of the block. 14 of the 16 are through lots; the remaining two are not through lots, with one lot facing either Ord Court or States Street. Eight of the 16 lots either contain two structures fronting both Ord Court and States Street, or are developed with buildings with what appears to be more than 55% lot coverage; six of the eight have dwelling units fronting both Ord Court and States Street or contain more than 55% lot coverage.

Block Analysis on Ord Court Between the end for Ord Court and States Street

LOT TYPE / COVERAGE	NUMBER	PERCENTAGE
Through Lots	14/16	88%
Lots w/ 2 Structures at front &rear, and /or have >55% of Lot Coverage	8/16	50%
Lots w/ dwelling units fronting Ord Court &States Street and/or have >55% lot coverage	6/16	38%

The proposed building fronting States Street is articulated by a deck proposed at the fourth level (third story), which is set back from the front façade. Additionally, the building wall is further articulated by recesses along the façade at the first and second stories of the proposed structure. The proposed architectural finishes of concrete, stucco, wood siding and glazing will provide visual interest to the existing and proposed buildings, and by extension, visual interest and character to the neighborhood.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is categorically exempt from environmental review, pursuant to CEQA Guideline Sections 15301(1)(1), Class 1 and 15303(b), Class 3.

The Department’s Environmental Planning Staff evaluated the project and found that the property is not located within any identified seismic hazard zone. See that attached “Seismic Hazard Zone” map for the nearest landslide zone.

RESIDENTIAL DESIGN TEAM REVIEW

The project was most recently reviewed by the Residential Design Team (RDT) on October 8, 2014. RDT found that the proposed new construction facing States Street is appropriate in scale and form for the neighborhood. The subject block of Ord Court and States Street is a mix of one-story garages and 2-3 story residential structures, characterized with a mixed visual character without a clear pattern of form, materials or details.

The proposed building is three stories tall at the street, with the third floor set back from the façade, appropriate for the block. Given the surrounding context, with significant lot coverage on the property to the east, and roughly equivalent lot coverage to what the project sponsor is proposing to the west, the RDT found the proposed location and amount of open space appropriate for the neighborhood.

Since the project includes the new construction of a dwelling unit, full analysis of the Discretionary Review is warranted.

BASIS FOR RECOMMENDATION

The Planning Department recommends that the Planning Commission to take Discretionary Review and approve the project with the extension of the 5' setback at the top floor as mentioned above for the following reasons:

- The proposed project complies with Residential Design Guidelines as determined by the Residential Design Team.
- The project sponsor is seeking variance to construct a second unit at the rear of the subject through lot within an RH-2 Zoning District, increasing the number of family-sized dwelling units in the City, without unduly removing open space.

RECOMMENDATION: Take DR and approve the project with modifications.

Attachments:

- Design Checklist
- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Context Photos
- Pre-Application Meeting
- DR Notice
- Section 311 Notice
- Variance Notice
- DR Application
 - DR Application Revisions
- Project Sponsor Package:
 - Refer to DR Packet for 22 Ord Court

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

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

Comments: The visual character along the subject stretch of Ord Court and States Street is mixed in form, details, finishes, and scale. Buildings range from 1-4 stories tall, and are a mix of one-two and multi-family dwelling units.

SITE DESIGN (PAGES 11 - 21)

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

Comments: The project respects the site's topography, and is not inconsistent with the existing open space pattern.

BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			

Is the building's height and depth compatible with the existing building scale at the street?	X		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	X		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	X		
Are the building's proportions compatible with those found on surrounding buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

Comments: RDT found that the addition to the existing structure and the proposed new construction facing States Street is appropriate in scale and form for the neighborhood. The subject block of Ord Court and States Street is a mix of one-story garages and 2-3 story residential structures, and characterized with a mixed visual character with no clear pattern of form, materials or details.

ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?	X		
Is the building's front porch compatible with existing porches of surrounding buildings?			X
Are utility panels located so they are not visible on the front building wall or on the sidewalk?	X		
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	X		
Garages (pages 34 - 37)			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		
Is the placement of the curb cut coordinated to maximize on-street parking?	X		
Rooftop Architectural Features (pages 38 - 41)			
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other building elements?			X
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?			X

Comments: The proposed building fronting States Street is articulated by a deck proposed at the fourth level (third story), setting back this story from the front façade. Additionally, the building wall is further articulated by recesses along the façade at the first and second stories of the proposed structure.

BUILDING DETAILS (PAGES 43 - 48)

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

Comments: The proposed architectural finishes of concrete, stucco, wood siding and glazing will provide visual interest to the existing and proposed buildings, and by extension, visual interest and character to the neighborhood.

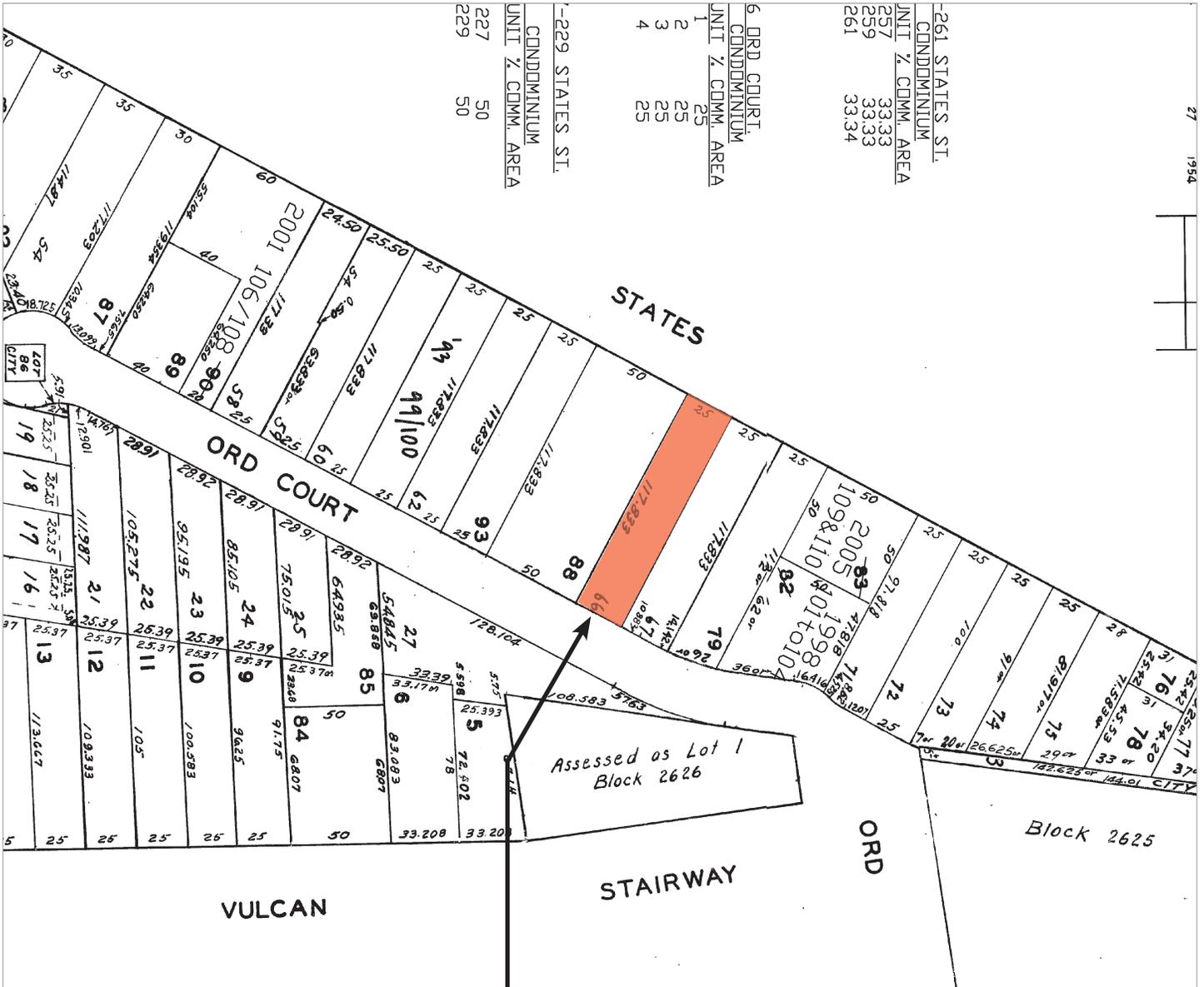
TC: G:\Documents\DISCRETIONARY REVIEWS\2013.1521D - 22 Ord Court - Existing-New\Discretionary Review Analysis.docx

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Exhibits

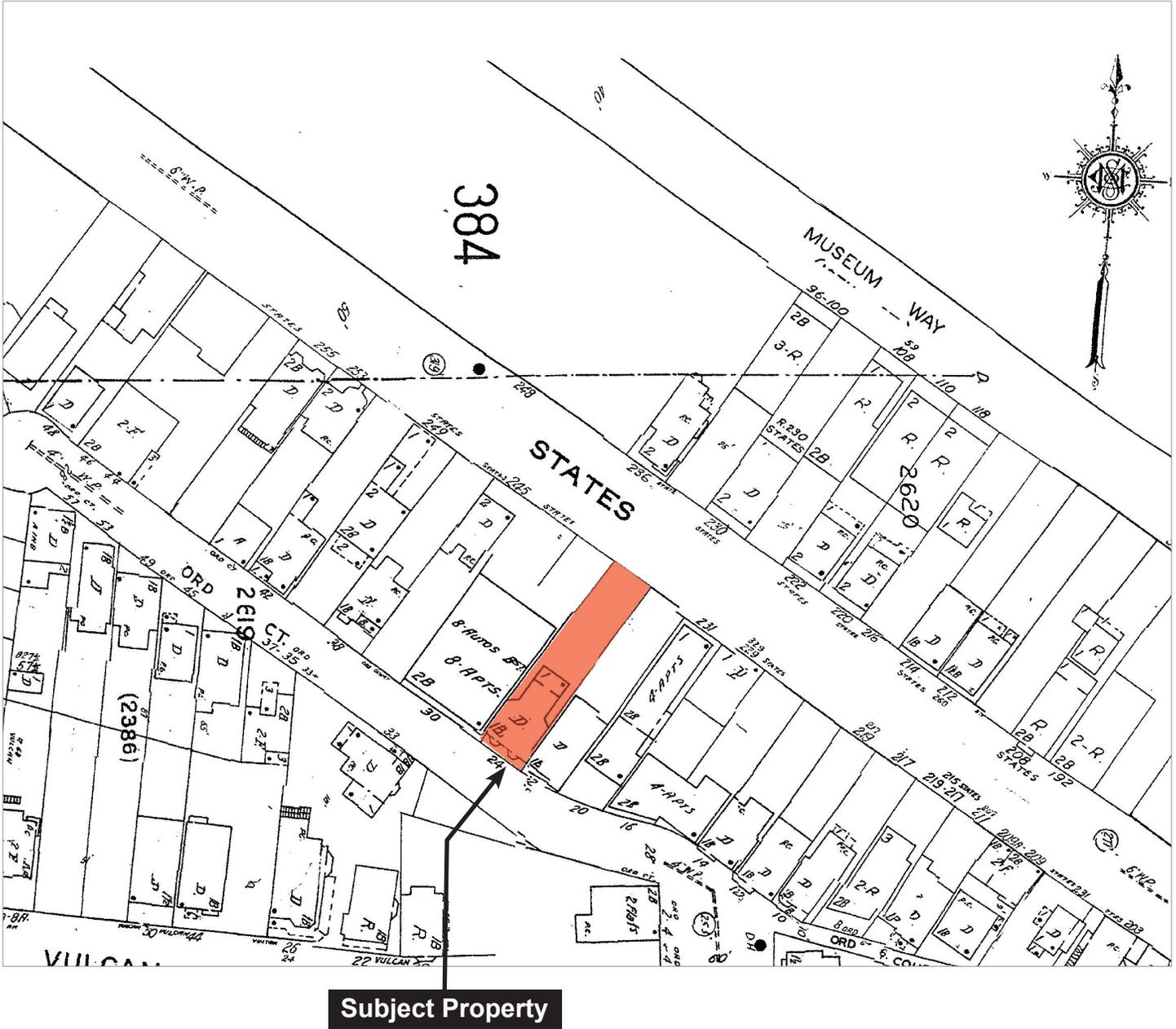
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Parcel Map



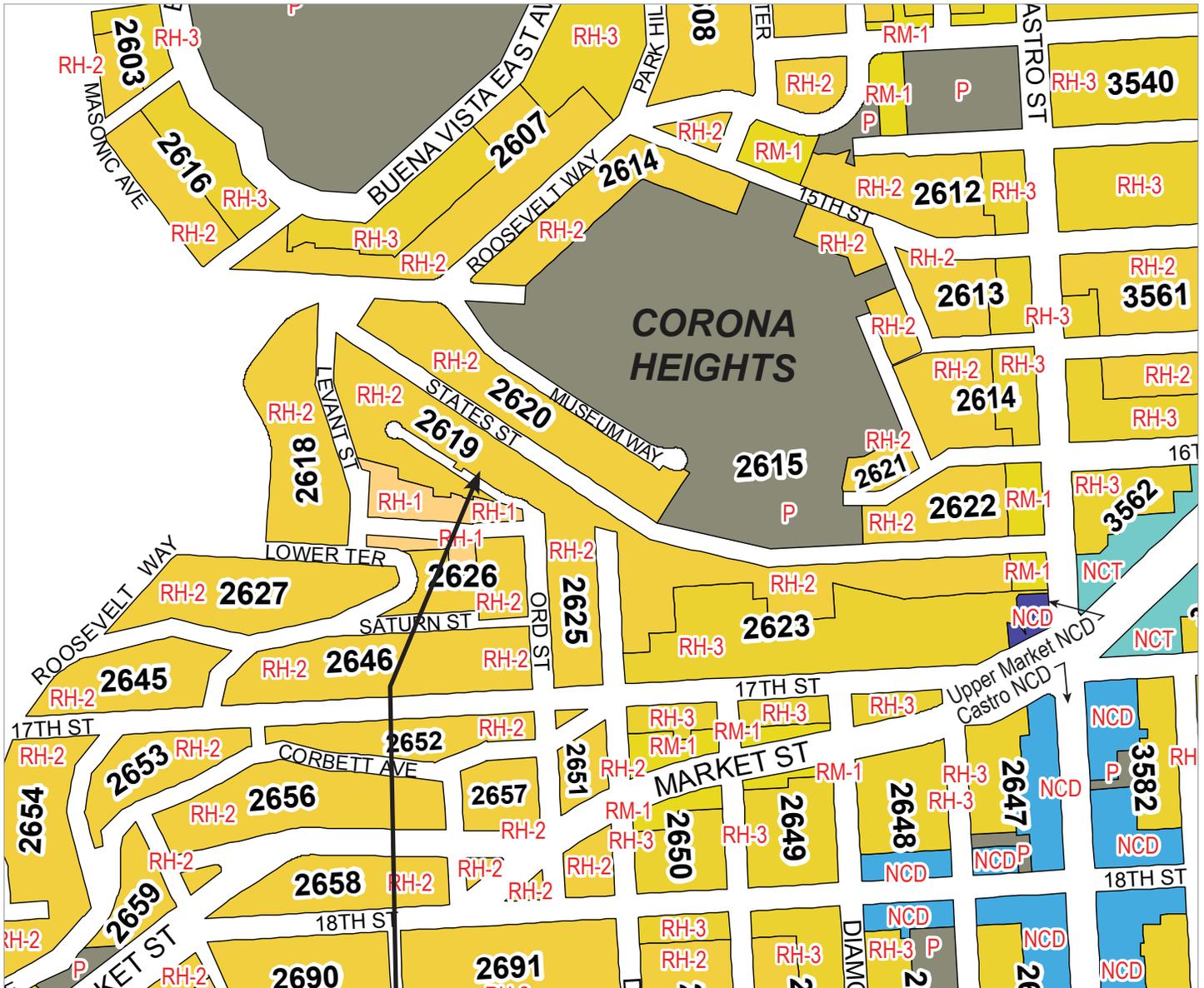
Subject Parcel

Sanborn Map



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

Zoning Map



Subject Property

Aerial Photo - Facing North



Subject Property

Aerial Photo - Facing South



Subject Property

Site Photos - Front



Site Photos - Rear



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Notice of Pre-Application Meeting

10/2/2013

Date

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at rear 22 Ord Ct. along States cross street(s) Levant (Block/Lot#: 2619/067; Zoning: RH-2), in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at www.sfgov.org/dbi.

The Pre-Application process is only required for projects subject to Planning Code Section 311 or 312 Notification. It serves as the first step in the process prior to building permit application or entitlement submittal. Those contacted as a result of the Pre-Application process will also receive a formal entitlement notice or 311 or 312 notification when the project is submitted and reviewed by Planning Department staff.

A Pre-Application meeting is required because this project includes (check all that apply):

- New Construction;
- Any vertical addition of 7 feet or more;
- Any horizontal addition of 10 feet or more;
- Decks over 10 feet above grade or within the required rear yard;
- All Formula Retail uses subject to a Conditional Use Authorization.

The development proposal is to:

Build a new single family home at the rear of 22 Ord Ct. along States Street. (rear of block/lot: 2619/067)

Existing # of dwelling units: <u>0</u>	Proposed: <u>1</u>	Permitted: <u>1</u>
Existing bldg square footage: <u>0</u>	Proposed: <u>3,277 ± S.F.</u>	Permitted: <u>3,277 ± S.F.</u>
Existing # of stories: <u>0</u>	Proposed: <u>3 over bsmnt.</u>	Permitted: <u>4</u>
Existing bldg height: <u>0</u>	Proposed: <u>30'</u>	Permitted: <u>40'</u>
Existing bldg depth: <u>0</u>	Proposed: <u>46'6"</u>	Permitted: <u>46'6"</u>

MEETING INFORMATION:

Property Owner(s) name(s): Kenneth Tam
 Project Sponsor(s): SIA Consulting Corp
 Contact information (email/phone): 415-922-0200 Ext 105
 Meeting Address*: 24 Ord Ct.
 Date of meeting: 10/16/2013
 Time of meeting**: 6:00 PM

*The meeting should be conducted at the project site or within a one-mile radius, unless the Project Sponsor has requested a Department Facilitated Pre-Application Meeting, in which case the meeting will be held at the Planning Department offices, at 1650 Mission Street, Suite 400.

**Weeknight meetings shall occur between 6:00 p.m. - 9:00 p.m. Weekend meetings shall be between 10:00 a.m. - 9:00 p.m., unless the Project Sponsor has selected a Department Facilitated Pre-Application Meeting.

If you have any questions about the San Francisco Planning Code, Residential Design Guidelines, or general development process in the City, please call the Public Information Center at 415-558-6378, or contact the Planning Department via email at pic@sfgov.org. You may also find information about the San Francisco Planning Department and on-going planning efforts at www.sfplanning.org.

Notice of Pre-Application Meeting

10/2/2013

Date

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at rear 24 Ord Ct. along States cross street(s) Levant (Block/Lot: 2619/066 ; Zoning: RH-2), in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at www.sfgov.org/dbi.

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- New Construction;
- Any vertical addition of 7 feet or more;
- Any horizontal addition of 10 feet or more;
- Decks over 10 feet above grade or within the required rear yard;
- All Formula Retail uses subject to a Conditional Use Authorization.

The development proposal is to: Build a new single family home at the rear of 24 Ord Ct. along States Street. (rear of block/lot: 2619/066)

Existing # of dwelling units: <u>0</u>	Proposed: <u>1</u>	Permitted: <u>1</u>
Existing bldg square footage: <u>0</u>	Proposed: <u>3,277 ± S.F.</u>	Permitted: <u>3,277 ± S.F.</u>
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MEETING INFORMATION:

Property Owner(s) name(s): Kenneth Tam

Project Sponsor(s): SIA Consulting Corp

Contact information (email/phone): 415-922-0200 Ext 105

Meeting Address*: 24 Ord Ct.

Date of meeting: 10/16/2013

Time of meeting**: 6:00 PM

*The meeting should be conducted at the project site or within a one-mile radius, unless the Project Sponsor has requested a Department Facilitated Pre-Application Meeting, in which case the meeting will be held at the Planning Department offices, at 1650 Mission Street, Suite 400.

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13.1522

Notice of Pre-Application Meeting

10/2/2013

Date

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at 24 Ord Ct. cross street(s) Ord St. (Block/Lot#: 2619/066); Zoning: RH-2), in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at www.sfgov.org/dbi.

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- New Construction;
- Any vertical addition of 7 feet or more;
- Any horizontal addition of 10 feet or more;
- Decks over 10 feet above grade or within the required rear yard;
- All Formula Retail uses subject to a Conditional Use Authorization.

The development proposal is to: Horizontal expansion at third floor and vertical addition at new 4th floor to an existing single family home.

Existing # of dwelling units: <u>1</u>	Proposed: <u>1</u>	Permitted: <u>1</u>
Existing bldg square footage: <u>2394 ± S.F.</u>	Proposed: <u>3,559 ± S.F.</u>	Permitted: <u>3,559 ± S.F.</u>
Existing # of stories: <u>3</u>	Proposed: <u>4</u>	Permitted: <u>4</u>
Existing bldg height: <u>30'</u>	Proposed: <u>40'</u>	Permitted: <u>40'</u>
Existing bldg depth: <u>37'10" ± S.F.</u>	Proposed: <u>no change</u>	Permitted: <u>n/a</u>

MEETING INFORMATION:

Property Owner(s) name(s): Kenneth Tam

Project Sponsor(s): SIA Consulting Corp

Contact information (email/phone): 415-922-0200 Ext 105

Meeting Address*: 24 Ord Ct

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Pre-Application Meeting Sign-in Sheet

Meeting Date: 10/16/2013
 Meeting Time: 6pm
 Meeting Address: 22 Ord Ct.
 Project Address: 22 Ord Ct, 22 Ord Ct. (Rear) & 24 ord Ct. (Rear)
 Property Owner Name: Kenneth Tam
 Project Sponsor/Representative: SIA Consulting Corporation

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

415 710 5805

NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1. MICHAEL SCHOLTE	126 MUSEUM WAY		michaelschulte.sf@gmail.com	<input checked="" type="checkbox"/>
2. CHRIS WILSON	236 STATES ST	415 728 8274	cwilson@apple.com	<input type="checkbox"/>
3. Kevin Trauzs	30 Ord Ct. #4		RADIUM7@gmail.com	<input type="checkbox"/>
4. Kyle Kirk	30 Ord Ct #8		KSKSF@aol.com	no plans <input type="checkbox"/>
5. Soren Thomasen	24 ord ct		thomasens@att.net	<input type="checkbox"/>
6.				<input type="checkbox"/>
7.				<input type="checkbox"/>
8.				<input type="checkbox"/>
9.				<input type="checkbox"/>
10.				<input type="checkbox"/>
11.				<input type="checkbox"/>
12.				<input type="checkbox"/>
13.				<input type="checkbox"/>
14.				<input type="checkbox"/>
15.				<input type="checkbox"/>
16.				<input type="checkbox"/>
17.				<input type="checkbox"/>
18.				<input type="checkbox"/>

Summary of discussion from the Pre-Application Meeting

Meeting Date: 10/16/2013
 Meeting Time: 6PM
 Meeting Address: 22 Ord Ct.
 Project Address: 22 Ord Ct, 22 Ord Ct. (Rear) & 24 ord Ct. (Rear)
 Property Owner Name: Kenneth Tam
 Project Sponsor/Representative: SIA Consulting Corp.

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group): _____

Project Sponsor Response: _____

Question/Concern #2: _____

Project Sponsor Response: _____

Question/Concern #3: _____

Project Sponsor Response: _____

Question/Concern #4: _____

Project Sponsor Response: _____

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**SAN FRANCISCO
PLANNING DEPARTMENT**

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, December 4, 2014**
 Time: **Not before 12:00 PM (noon)**
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**
 Case Type: **Discretionary Review**
 Hearing Body: **Planning Commission**

PROPERTY INFORMATION		APPLICATION INFORMATION	
Project Address:	24 Ord Court	Case No.:	2013.01522D
Cross Street(s):	Ord Street	Building Permit:	201310219830
Block /Lot No.:	2619/066	Applicant:	Aidin Massoudi
Zoning District(s):	RH-2 / 40-X	Telephone:	(415)922.0200 Ext. 105
Area Plan:	N/A	E-Mail:	aidin@siaconsult.com

PROJECT DESCRIPTION

The Request is for a Discretionary Review of Building Permit Applications 2013.1021.9830, proposing the new construction of a four-story, 3 bedroom, 3.5 bathroom single family dwelling unit at the rear of an existing three-story single family dwelling unit. No work is being proposed on the existing single family dwelling unit.

This hearing will also serve as a joint Variance Hearing for the project, originally scheduled for August 27, 2014.

A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

ADDITIONAL INFORMATION

ARCHITECTURAL PLANS: If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans of the proposed project will also be available one week prior to the hearing through the Planning Commission agenda at: <http://www.sf-planning.org>

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.

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: **Tina Chang** Telephone: **(415) 575-9197** E-Mail: tina.chang@sfgov.org

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

GENERAL INFORMATION ABOUT PROCEDURES

HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. **You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

APPEAL INFORMATION

An appeal of the approval (or denial) of a **building permit application** by the Planning Commission may be made to the **Board of Appeals within 15 calendar days** after the building permit is issued (or denied) by the Director of 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. 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.

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311/312)

On **October 21, 2013** the Applicant named below filed Building Permit Application No. **2013.1021.9830** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	24 Ord Court	Applicant:	Aidin Massoudi
Cross Street(s):	Ord Street	Address:	1256 Howard Street
Block/Lot No.:	2619 / 066	City, State:	San Francisco, CA 94103
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 922.0200 Ext. 105

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 checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Vacant	Residential
Front Setback	N/A	0
Side Setbacks	N/A	0
Building Depth	N/A	39' 3"
Rear Yard	N/A	29' 7"
Building Height	N/A	27' 5"
Number of Stories	N/A	4
Number of Dwelling Units	N/A	1
Number of Parking Spaces	N/A	2
PROJECT DESCRIPTION		
<p>The proposal is the new construction of a 4-story, 3 bedroom, 3.5 bathroom single family dwelling unit at the rear of an existing single family dwelling unit at 24 Ord Court. The project will be heard at a Variance hearing August 27, 2014.</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

For more information, please contact Planning Department staff:

Planner: Tina Chang
 Telephone: (415) 575-9197
 E-mail: tina.chang@sfgov.org

Notice Date:
 Expiration Date:

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

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 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. 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. 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. 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.



**SAN FRANCISCO
PLANNING DEPARTMENT**

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: **Wednesday, August 27, 2014**
 Time: **9:30 AM**
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408**
 Case Type: **Variance (Rear Yard)**
 Hearing Body: **Zoning Administrator**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: 24 Ord Court	Case No.: 2013.1522V
Cross Street(s): Ord Street	Building Permit: 2013.1021.9830
Block / Lot No.: 2619/066	Applicant/Agent: Sia Consulting Corp
Zoning District(s): RH-2	Telephone: 415.922.0200 X 108
Area Plan: N/A	E-Mail: reza@siaconsult.com

PROJECT DESCRIPTION

The proposal includes the construction of a 39'-3" deep, four-story, 2,793 SF, single-family dwelling at the rear of the property (behind an existing single family dwelling). The proposed dwelling fronts on States Street and includes a garage, 4 bedrooms, 3 bathrooms, 2 powder rooms and deck at the front of the 4th level. A 29'-7" yard would separate the existing and proposed buildings.

PER SECTION 134 OF THE PLANNING CODE the property is required to maintain a rear yard equal to 45 percent of the lot depth, or 53'. The proposal is to construct a new single family dwelling at the rear of the property; therefore, a variance is required.

ADDITIONAL INFORMATION

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: **Tina Chang** Telephone: **415-575-9197** Mail: Tina.Chang@sfgov.org

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2013.1522V.pdf>

中文詢問請電 : 558.6378

Para información en Español llamar al: 558.6378

GENERAL INFORMATION ABOUT PROCEDURES

VARIANCE HEARING INFORMATION

Under Planning Code Section 306.3, you, as a property owner or resident within 300 feet of this proposed project or interested party on record with the Planning Department, are being notified of this Variance Hearing. **You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant/Agent or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and neighborhood association or improvement club, as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Zoning Administrator, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00pm the day prior to the hearing. These comments will be made a part of the official public record, and will be brought to the attention of the person or persons conducting the public meeting or hearing

BUILDING PERMIT APPLICATION INFORMATION

Under Planning Code Section 311/312, the Building Permit Application for this proposal is also subject to a 30-day notification to occupants and owners within 150-feet of the subject property. **The mailing of such notification will be performed separately.**

BOARD OF APPEALS

An appeal of the approval (or denial) of a **variance application** by the Zoning Administrator may be made to the **Board of Appeals within 10 days** after the **Variance Decision Letter** is issued by the Zoning Administrator.

An appeal of the approval (or denial) of a **building permit application** by the Planning Department may be made to the **Board of Appeals within 15 days** after the **building permit** is issued (or denied) by the Director of 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**.

ABOUT THIS NOTICE

The Planning Department is currently reviewing its processes and procedures for public notification as part of the Universal Planning Notification (UPN) Project. The format of this Public Hearing notice was developed through the UPN Project and is currently being utilized in a limited trial-run for notification of Variance Hearings.

If you have any comments or questions related to the UPN Project or the format of this notice, please visit our website at <http://upn.sfplanning.org> for more information.

中文詢問請電 : 558.6378

Para información en Español llamar al: 558.6378

RECEIVED

SEP 08 2014

Application for **Discretionary Review**

CASE NUMBER: For Staff Use only **13.15220**

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P.T.C.

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: **Chris Parkes**

DR APPLICANT'S ADDRESS: **231 States St., #4, San Francisco, CA** ZIP CODE: **94114** TELEPHONE: **(415) 490-6615**

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: **Kenneth Tam**

ADDRESS: **1266 Regency Drive, San Jose, CA** ZIP CODE: **95219** TELEPHONE: **(408) 446-9881**

CONTACT FOR DR APPLICATION:

Same as Above

ADDRESS: _____ ZIP CODE: _____ TELEPHONE: () _____

E-MAIL ADDRESS: **cparkes@ieee.org**

2. Location and Classification

STREET ADDRESS OF PROJECT: **24 Ord Ct., San Francisco, CA** ZIP CODE: **94114**

CROSS STREETS: **Levant and Castro (Cross streets for the rear of the lots along States Street)**

ASSESSORS BLOCK/LOT	LOT DIMENSIONS	LOT AREA (SQ. FT.)	ZONING DISTRICT	HEIGHT/BULK DISTRICT
2619 /066	25' x 117'	2,925 s.f.	RH-2	40-X

3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard
1 Single Family Home

Present or Previous Use:

Proposed Use: **Proposed new single family homes at the rear of 22 & 24 Ord Ct. along States Street**

Building Permit Application No. **2013.1021.9830** Date Filed: **10/21/2013**

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. Please see Attachment.

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.

Please see Attachment.

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:

Please see Attachment.

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?

Please see Attachment.

Applicant's Affidavit

Tenant

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:

Chris Parkes

Date:

9/8/2014

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

Tenant

Chris Parkes

~~Owner~~ / Authorized Agent (circle one)

Tenant

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

[Handwritten Signature] 9/8/2014

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: _____

Attachments to Discretionary Review Request for 2013.1521V, 2013.1522V, and proposed projects on 22 and 24 Ord Ct., including building permits 2013.1021.9830, 2013.1021.9817 and 2013.1021.9832.

Additional attachments included.

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.

I have met with the applicant twice in front of States Street. I have also exchanged emails with the architect and contacted community boards.

On August 30, the architect told me that subsequent to the August 27 variance hearing, their client decided to change the height of the proposed homes on States Street to approximately 20' above street level (one story above garage). The proposal appears to be contingent upon signing an agreement and proposes significant excavation next to adjacent properties and States Street in order to add living space below the garage. Such a revision would require environmental review, as excavation appears to exceed eight feet below ground service. The proposal fails to meet Planning Code zoning standards, and would need a variance, significantly impacting States St.

I requested an alternate version of plans that would meet zoning requirements and avoid a variance. A copy is included in the attachments.

The alternate, however, indicates rear yards with a depth less than 45%, which is inconsistent with the Notice of Public Hearing for these properties which says: "Per Section 134 of the Planning Code the property is required to maintain a rear yard equal to 45 percent of the lot depth, or 53'."

I followed up with the architect requesting a mark up to a photo I sent to him August 22 taken from my bedroom window. He had offered to provide a collage rendition of the impact the addition to 22 Ord Ct. would have on my bedroom window. I am concerned about the impact on lighting and privacy.

I asked if there were a light study that would show how the projects would affect 231 States/20 Ord Ct. (my apartment building). The architect offered to look further into it.

- 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.**

I am requesting a Discretionary Review for the following reasons:

- A. The project does not meet the minimum standards of the Planning Code. The variance is required to permit construction of new homes in the back yards of 22 & 24 Ord Ct. so that they may front onto States Street. That would, among other things, have a significant impact on the

character of States St. Appendix A below further explains why the variance request should be denied.

B. The projects entails exceptional and extraordinary circumstances, including:

- a. There are large canopy significant older trees in the back yard of 24 Ord Ct. that overhang States St. and 22 Ord Ct. and are visible from many parts of the neighborhood or parklands. Such trees are typical along States street on through lots with back yards on States St. If a variance were to be issued to allow construction in the back yard, potential replacement street trees would be restricted by overhead utility lines and proposed driveways. The canopy from the existing trees at 24 Ord Ct. extend half way across States St.
- b. Allowing the variances requested on 22 and 24 Ord Ct. would encourage developers to purchase other through lots on States street with back yards, seek similar variances from the protections of RH-2 zoning requirements, and provide an incentive to tear down more of the enormous older back yard trees that makes States Street what it is today. Google map photos show that, with few exceptions, such as apartments, existing back yards of the through lots on States streets have been preserved by RH-2 zoning requirements.
- c. There are apparent inaccuracies in documents filed by the project applicant.
 - i. The "Significant tree planning and protection checklist" submitted by the project sponsor, dated October 21, 2013 and subsequent tree removal permit request submitted by the project sponsor dated August 18, 2014 indicate no significant trees on 24 Ord Ct. See attachments. This is inconsistent with pictures taken from the street. The Department of Public Works is evaluating the permit request. A certified arborist report determining that the trees in the rear yard of Ord Ct. are significant trees is attached.
 - ii. At the hearing on August 27, the project applicant showed a photo of curb damage close to the bottom of a wooden power pole and reported that the applicant had applied for tree removal permits due to sidewalk damage. The project sponsor did not clarify that the wooden power pole was not a tree trunk. Looking at the curb damage subsequent to the hearing, it appears unrelated to the trees, which are on the other side of the sidewalk and the other side of the fence. This is also mentioned in the Arborist report.
 - iii. The square footage reported of the existing 22 Ord Ct appears inconsistent with City Assessor records. This inaccuracy would impact the calculation of % s.f. increase of 22 Ord, and may affect the level of review normally required for this addition.

- C. The project is significantly inconsistent with Residential Design Guidelines. Among other things, attachments help show the current character of States St. and the inconsistency and detrimental effects that would be caused by the proposed project. Furthermore the proposed project exterior features, siding, and windows are inconsistent with the character of the street.
- D. The projects contradict city priority policies and Planning Code zoning RH-2 use definition:
 - a. These projects conflict with city priority policy to promote affordable housing. While these projects add housing stock, they do so by removing more affordable smaller square footage housing (Existing 22 Ord Ct.), and replace it with less affordable larger square footage housing. Based upon recent neighborhood sales, the new larger square footage homes at 22 and 24 Ord Ct. are likely to sell for well over \$2 million each. It is the intent of city residents that the city seeks to encourage housing that is more affordable for its workers and residents. Approval of these projects as proposed would create precisely the opposite outcome.
 - b. These projects are inconsistent with Planning Code 206.1 definition of the RH-2 Class Use, which includes these statements:
 - i. "These districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and the other available for rental."
 - ii. "Considerable ground-level open space is available, and it frequently is private for each unit."
- E. The extensive square footage addition to the existing homes on 22 and 24 Ord Ct in the proposed alternative plan that would not require frontage on States Street is excessive, and not consistent with the city's affordable housing policy. Also the proposed footprint would be inconsistent with the project sponsors statement that there was an agreement not to expand 22 Ord while the elderly tenants who live there now, chose to stay.

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:

- a. I, and nearby neighbors, would be impacted by the loss of character of States Street as described in 1.a and depicted in attachments.
- b. The alternate proposal for expansion without frontage on States (attached) provided by the project sponsor is unreasonable.
- c. Other neighbors would be impacted in that the granting of the requested variance would eliminate back yards on 22 Ord Ct and 24 Ord Ct, and would encourage developers to request similar variances on other through lots on States Street and Museum Way. These required back yards protect the older enormous trees on these

streets that make States Street the unique (and apparently the longest un-intersected street in the city), that it is today.

A limited impression of the impact is provided in attachments. I would encourage decision makers to walk upper States Street, Museum Way, and Randal Museum and Corona Heights Parks. I would be grateful to have an opportunity to act as guide to accompany anyone interested.

- d. I would be adversely impacted by loss of lighting and privacy from my bedroom window by the proposed addition in height and size to 22 Ord Ct. See attachments. My bedroom window would be at the same level as the new story addition to 22 Ord Ct.,, and plans show a number of windows that would substantially remove privacy.
- e. My bathroom would be impacted. My bathroom receives light and ventilation from a 2' x 5' light well adjacent to the 22 Ord Ct. property line. All the apartments at 231 States/ 20 Ord Ct have similar bathrooms. From my bathroom window, I see the sky and tops of the large trees in the back yard of 24 Ord Ct. The trees also overhang 22 Ord Ct. I believe the Project Sponsor plans to reduce this impact with a matching 3' x 3' light well. The impact on the bathroom, while significant, is less than the greater impacts that would ensue from the requested variance to allow reduction of the back yard from 53' to 0'.
- f. The replacement home on 22 Ord should be required to maintain the same character of home on the street in order to maintain the characteristic of the street.

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?

- a. The proposed expansion of the existing home at 22 Ord Ct. should be revised to provide an additional second unit flat, or some other alternative, consistent with the RH-2 definition, avoiding the need for a variance, and providing additional, affordable housing.
- b. The proposed addition to 22 Ord Ct. should be revised to reduce the lighting and privacy impacts on 231 States St. apartments.

Appendix A

Variance Requests 2013.1521V and 2013.1522V seek to reduce rear yards on 22 and 24 Ord Ct. from the required 53' to 0'.

These variance requests should be denied for the reasons described above. Additionally::

- A. See attached 1985 variance request to build in a backyard on a through lot to States Street that was denied.

- B. The projects do not meet the minimum standards of the Planning Code. The variance request would change the character of States Street.
- C. The project sponsor as action to replace lower square footage home with large new square footage homes is counter to the city's intent to promote more affordable housing.
- D. The project sponsor has failed to demonstrate that the alternate plans that would meet provide less expensive housing, and not require a variance, would not be more suitable and appropriate for these projects.
- E. The project sponsor failed to meet the specific conditions required for granting of a variance.



0001 001
RADIUS SERVICES NO. 2619067N
22 ORD CT
SIA, 14, 0710

0001 002
.....13.1522D
.....
.....

0001 004
SIA CONSULTING
1256 HOWARD ST
SAN FRANCISCO, CA, 94103

0001 005
.....
.....
.....

2619 005
MARC & DIANA GOLDSTEIN
8 CHARLTON CT
SAN FRANCISCO, CA, 94123-4225

2619 005
OCCUPANT
22 VULCAN SW
SAN FRANCISCO, CA, 94114

2619 006
GREGOR FREUND ETAL
2848 UNION ST
SAN FRANCISCO, CA, 94123-3810

2619 006
OCCUPANT
26 VULCAN SW
SAN FRANCISCO, CA, 94114

2619 027
BARBARA TAYLOR MAYPER
33 ORD CT
SAN FRANCISCO, CA, 94114-1454

2619 066
KENNETH TAM
1266 REGENCY DR
SAN JOSE, CA, 95129-4135

2619 066
OCCUPANT
24 ORD CT
SAN FRANCISCO, CA, 94114-1417

2619 067
KENNETH TAM
1266 REGENCY DR
SAN JOSE, CA, 95129-4135

2619 067
OCCUPANT
22 ORD CT
SAN FRANCISCO, CA, 94114-1417

2619 079
RAY TISELL
5680 ROBIN HILL DR
LAKEPORT, CA 95453

2619 079
OCCUPANT
231 STATES ST, #3
SAN FRANCISCO, CA, 94114-1405

2619 079
OCCUPANT
STATES ST, #4
SAN FRANCISCO, CA, 94114-1405

2619 079
OCCUPANT
20 ORD CT, #1
SAN FRANCISCO, CA, 94114-1405

2619 079
OCCUPANT
20 ORD CT, #2
SAN FRANCISCO, CA, 94114-1405

2619 088
OCCUPANT
30 ORD CT #1
SAN FRANCISCO, CA, 94114-1461

2619 088
OCCUPANT
30 ORD CT #2
SAN FRANCISCO, CA, 94114-1461

2619 088
OCCUPANT
30 ORD CT #3
SAN FRANCISCO, CA, 94114-1461

2619 088
OCCUPANT
30 ORD CT #4
SAN FRANCISCO, CA, 94114-1461

2619 088
OCCUPANT
30 ORD CT #5
SAN FRANCISCO, CA, 94114-1461

2619 088
OCCUPANT
30 ORD CT #6
SAN FRANCISCO, CA, 94114-1461

2619 088
OCCUPANT
30 ORD CT #7
SAN FRANCISCO, CA, 94114-1461

2619 088
OCCUPANT
30 ORD CT #8
SAN FRANCISCO, CA, 94114-1461

2620 021
PETER BOULWARE
108 MUSEUM WAY
SAN FRANCISCO, CA, 94114-1430

2620 021
OCCUPANT
106 MUSEUM WAY
SAN FRANCISCO, CA, 94114

2620 022
GOLDMAN & SCHNEIDER
230 STATES ST
SAN FRANCISCO, CA, 94114-1406

2620 025
JOSEPH BEAUPRE TRS
80 MUSEUM WAY
SAN FRANCISCO, CA, 94114-1428



2620 025
OCCUPANT
80A MUSEUM WAY
SAN FRANCISCO, CA, 94114-1428

2620 025
OCCUPANT
82 MUSEUM WAY
SAN FRANCISCO, CA, 94114-1428

2620 096
CHRISTOPHER WILSON
236 STATES ST
SAN FRANCISCO, CA, 94114-1406

2620 097
ARI MARCUS TRS
88 MUSEUM WAY
SAN FRANCISCO, CA, 94114-1428

2620 098
PETER MANNING
222 STATES ST
SAN FRANCISCO, CA, 94114-1406

2620 099
BRIAN JOHNSON
1919 W CRYSTAL ST #103
CHICAGO, IL, 60622-4002

2620 099
OCCUPANT
220 STATES ST
SAN FRANCISCO, CA, 94114-1406

2620 107
WAYNE GARRETT
96 MUSEUM WAY
SAN FRANCISCO, CA, 94114-1428

2620 108
LAUREN FOGEL TRS
270 STATES ST
SAN FRANCISCO, CA, 94114-1406

2620 108
FRNI BEYER
100 MUSEUM WAY
SAN FRANCISCO, CA, 94114-1430

2626 045
JACK SU
2501 MISSION ST
SAN FRANCISCO, CA, 94110

2626 045
OCCUPANT
20 VULCAN STWY
SAN FRANCISCO, CA, 94114

2626 046
MICHEL RHEE
2 VULCAN STWY
SAN FRANCISCO, CA, 94114



2619 088
JOYCE M DUBAY SURVIVORS TRUST
4444 GEARY BLVD #100
SAN FRANCISCO, CA, 94118-2048

2619 088
DUBAY FAMILY TRUST
150 CRESTA VISTA DR
SAN FRANCISCO, CA, 94127

2619 093
JOEL SMART
245 STATES ST
SAN FRANCISCO, CA, 94114

2619 103
CARY NORSWORTHY
16 ORD CT #3
SAN FRANCISCO, CA, 94114

2619 109
K REHER
60 BAY WAY
SAN RAFAEL, CA 94901

2619 023
ANNE ODRISCOLL
49 ORD CT
SAN FRANCISCO, CA, 94114

2619 059
ROBERT NOELLER
253 STATES ST
SAN FRANCISCO, CA, 94114

5910-028
JAYSON ABRAHAM
125 PIOCHE ST
SAN FRANCISCO, CA, 94134

2626 002
RICK WALSH & PAT DOWD
18 ORD ST
SAN FRANCISCO, CA, 94114



City and County of San Francisco
Department of City Planning

13. 1522D

450 McAllister Street
San Francisco, CA 94102

ADMINISTRATION
(415) 558-5111 / 558-4856
CITY PLANNING COMMISSION
(415) 558-4656
PLANS AND PROGRAMS
(415) 558-4541
IMPLEMENTATION / ZONING
(415) 558-3055

June 21, 1985

V A R I A N C E D E C I S I O N

UNDER THE CITY PLANNING CODE
CASE NO. 85.14V

APPLICANT: James J. Harrison
P. O. Box 31629
San Francisco, CA 94131

PROPERTY IDENTIFICATION: 212 States Street, northeast side, 715 feet southeast of Levant Street; Lot 16 in Assessor's Block 2620, in an RH-2 (House, Two-Family) district.

DESCRIPTION OF VARIANCE SOUGHT: REAR YARD VARIANCE SOUGHT: The proposal is to construct a two and one-half story, 1,200 square foot single-family dwelling fronting on Museum Way. The proposed single family dwelling would be located entirely in the required rear yard, 45 percent of lot depth (56.25 feet in this case), measured from the rear property line. The Planning Code requires that rear yards remain open and unobstructed. An existing 1-1/2 story single family dwelling, fronting on States Street would remain.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review.
2. The Zoning Administrator held a public hearing on Variance Application No. 85.14V on March 27, 1985.

DECISION: D E N I E D

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; and
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.

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 findings:

FINDINGS:

- FINDING 1. The applicant attempted to demonstrate that the subject property is unusual in that geologic conditions necessitate construction of a second dwelling unit facing Museum Way rather than enlargement of the existing structure facing States Street. The report, by Subsurface Consultants, Inc. (dated April 23, 1985) prepared for the applicant, indicate that a number of other alternatives would be feasible but more difficult than the proposed project. The geological consultant indicated that construction of a second dwelling unit atop the existing structure would not be practical, however, construction of a new building immediately uphill from the existing building would be feasible if structurally independent. Evidence presented at the variance hearing indicates that geologic instability may be common to this block between States Street and Museum Way, and that the applicant has failed to provide substantial evidence that creation of a second dwelling unit (in conformity with Planning Code requirements) would be infeasible rather than more difficult than the proposed project.

FINDING 2. The property owner purchased this property in late 1984 for what appears to be purely speculative purposes. The owner should be aware of the nature and limitations of a piece of property at the time of purchase. The proposal at issue in this variance request therefore constitutes a self-induced hardship in that the owner has chosen a course of action which has created a practical difficulty.

FINDING 3. The existing building fronting on States Street, combined with the mass and volume of the proposed Museum Way structure, would be equal in intensity of development to other properties in the vicinity. The volume of the existing States Street building is not substantially smaller than other structures in the vicinity. Construction at both ends of the subject lot would also create a degree of lot coverage not enjoyed by other property owners in the vicinity.

Thus, to achieve use of the property as two dwelling units, in the manner proposed by applicant, the property owner would enjoy an intensity of use not shared by other owners in the vicinity. The applicant also attempted to demonstrate that other property owners in the area enjoyed use of their properties at the permitted density. Examination of a map provided by the applicant, combined with available records, indicate that several properties are being maintained with illegal units. This Department has initiated action to bring those properties identified into compliance with Planning Code requirements.

FINDING 4. The proposed construction of two separate buildings, at opposite ends of the lot, does not reflect an established pattern on the subject Assessor's Block. In fact, this development would be the only such use within the 300 foot notification area. The pattern of development established in the area is such that construction of residences facing States Street (with open space fronting on Museum Way) maintains views for the public when visiting Corona Heights Playground or the Josephine Randall Junior Museum. Construction of residences facing Museum Way (open space facing States Street) enhances private views and public views along States Street. None of the immediately adjacent properties contain buildings fronting on Museum Way (Lots 13, 14, 15, 17 and 18). Generally, buildings facing either States Street or Museum Way are grouped together.

A petition signed by several nearby property owners, in support of the granting of this variance, was submitted by the applicant. Several letters, in opposition to the variance request, were received by the Zoning Administrator.

FINDING 5. The granting of this variance would be detrimental to the policies and objectives of the Urban Design Element of the Master Plan, particularly in regard to buildings which meet the ground and reflect the hill which relate to the land form (Objective 3, Policy 7). The Urban Design Element also stresses the retention of hilltop open spaces and roadways to provide panoramic views (when the adjacent buildings are far enough below the viewpoint - Objective 1, Policy 13). Objective 1, Policy 14, also calls for strong and organized development adjacent to parks to create a pleasing street space. Maintenance of the existing rear yard open space on the subject property and the five other immediately adjacent properties maintains an important view corridor to and from a public park, which is in consonance with the objectives of the Master Plan.

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.

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.

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.
=====

13.1522D

Required Checklist for Tree Planting and Protection	
BUILDING PERMIT OR CASE NUMBER:	
<small>Form 02-111-1-Ex 205</small>	

REQUIRED CHECKLIST FOR Tree Planting and Protection

2013/10/21/9830

1. Applicant Information

CONTACT FOR PROJECT INFORMATION:	
SIA Consulting Corp	
ADDRESS: 1256 Howard St. San Francisco, Ca 94103	TELEPHONE: () 415-922-0200 Ext 108
	EMAIL: aidin@siaconsult.com

2. Location and Classification of Property

STREET ADDRESS OF PROJECT: 24 Ord-Rear		
CROSS STREETS: Levant St.		
ASSESSORS BLOCK/LOT: 2619/066	LENGTH OF ALL LOT FRONTAGE(S): 25'	ZONING DISTRICT: RH-2
RELATED BUILDING PERMIT APPLICATION AND/OR CASE NO.: n/a		

3. Scope of Project

Requirements for new street trees and tree protection apply to the types of projects identified in the chart below. Please check all boxes which apply to your project. If no boxes are checked, you do not need to complete this form.

DEVELOPMENT FEATURES	
<input checked="" type="checkbox"/>	construction of a new building
<input type="checkbox"/>	relocation of a building
<input type="checkbox"/>	paving or repaving more than 200 square feet of the front setback
<input type="checkbox"/>	addition of gross floor area (GFA) equal to 20% or more of the GFA of the existing building
<input type="checkbox"/>	addition of a new dwelling unit
<input type="checkbox"/>	addition of one or more parking spaces
<input type="checkbox"/>	addition of a garage

**Required Checklist for
Tree Planting and Protection**

4 Disclosure of Existing Protected Trees

Only the following specific types of trees require protection under the Public Works Code: Street Trees, Significant Trees and Landmark Trees. These trees are collectively known as "Protected Trees." In the following table, please indicate the presence or lack thereof of such on, over, or adjacent to the parcel containing the proposed construction.

SIGNIFICANT TREES		
<p>A "Significant Tree" is a tree that is planted on the subject property (i.e. outside of the public right-of-way) with any portion of its trunk within 10 feet of the public right-of-way that has (a) a diameter at breast height (DBH) in excess of twelve inches OR (b) a height in excess of twenty feet OR (c) a canopy in excess of fifteen feet.</p>		
<p>CHECK ALL BOXES THAT APPLY AND INDICATE QUANTITY OF EACH TREE TYPE, IF APPROPRIATE.</p> <p>If you are unsure of the boundary of the public right-of-way, contact DPW's Bureau of Street Use and Mapping. Please note that the public right-of-way may be wider than the sidewalk.</p>	<input type="checkbox"/> Significant Tree(s) exist on the subject property	QTY.
	<input type="checkbox"/> Significant Tree(s) exist on any adjacent property	QTY.
	<input checked="" type="checkbox"/> There are no Significant Trees on or adjacent to the subject property.	

LANDMARK TREES																						
<p>A "Landmark Tree" is a tree designated as such by the Board of Supervisors owing to particular age, size, shape, species, location, historical association, visual quality, or other contribution to the City's character.</p>																						
<p>CHECK ALL BOXES THAT APPLY AND INDICATE QUANTITY OF EACH TREE TYPE, IF APPROPRIATE.</p> <p>If you have questions about the presence of Landmark Trees, please consult with DPW or visit www.sfdpw.org/trees.</p>	<input type="checkbox"/> Landmark Trees exist on the subject property	QTY.																				
	<input type="checkbox"/> Landmark Trees exist on the adjacent sidewalk	QTY.																				
	<input type="checkbox"/> Landmark Trees exist on any adjacent property	QTY.																				
	<input checked="" type="checkbox"/> There are no Landmark Trees on or adjacent to the subject property.																					
<p>COMPLETE LIST OF LANDMARK TREES AS OF SUMMER 2012</p> <table border="1"> <tbody> <tr> <td>Six Blue Gums adjacent to 1801 Bush Street.</td> <td>Brazilian pepper at Third St. and Yosemite Street in the median</td> </tr> <tr> <td>Flaxleaf paperbark at 1701 Franklin Street</td> <td>Sweet Bay at 555 Battery Street</td> </tr> <tr> <td>New Zealand Christmas Tree at 1221 Stanyan Street</td> <td>All Canary Island Date Palms in the center island on Dolores Street</td> </tr> <tr> <td>13 Canary Island Date Palms in Quesada St median west of 3rd St</td> <td>Two Palms in median across fr. 730 Dolores St & 1548 Dolores St</td> </tr> <tr> <td>Guadalupe Palms in the median across from 1808-1830 Dolores St</td> <td>Coast live oak in the backyard of 20-28 Rosemont Place</td> </tr> <tr> <td>California buckeye in the backyard of 730 28th Avenue</td> <td>Coast live oak in the backyard of 4124 23rd Street</td> </tr> <tr> <td>Two Flowering Ash at the Bernal Library at 500 Cortland Street</td> <td>Blue Elderberry near intersection of Folsom & Bernal Heights Blvd</td> </tr> <tr> <td>Moreton Bay Fig at 3555 Cesar Chavez St / 1580 Valencia St</td> <td>Monterey Cypress in the backyard of 2828 Vallejo Street</td> </tr> <tr> <td>Howell's Manzanita in the backyard of 116 Parker Avenue</td> <td>California Buckeye tree located behind 757 Pennsylvania Street</td> </tr> <tr> <td>Norfolk Island Pine Tree in the courtyard of 2040-80 Sutter Street</td> <td>Two Canary Island Palms in the courtyard of 2040-80 Sutter St.</td> </tr> </tbody> </table>			Six Blue Gums adjacent to 1801 Bush Street.	Brazilian pepper at Third St. and Yosemite Street in the median	Flaxleaf paperbark at 1701 Franklin Street	Sweet Bay at 555 Battery Street	New Zealand Christmas Tree at 1221 Stanyan Street	All Canary Island Date Palms in the center island on Dolores Street	13 Canary Island Date Palms in Quesada St median west of 3rd St	Two Palms in median across fr. 730 Dolores St & 1548 Dolores St	Guadalupe Palms in the median across from 1808-1830 Dolores St	Coast live oak in the backyard of 20-28 Rosemont Place	California buckeye in the backyard of 730 28th Avenue	Coast live oak in the backyard of 4124 23rd Street	Two Flowering Ash at the Bernal Library at 500 Cortland Street	Blue Elderberry near intersection of Folsom & Bernal Heights Blvd	Moreton Bay Fig at 3555 Cesar Chavez St / 1580 Valencia St	Monterey Cypress in the backyard of 2828 Vallejo Street	Howell's Manzanita in the backyard of 116 Parker Avenue	California Buckeye tree located behind 757 Pennsylvania Street	Norfolk Island Pine Tree in the courtyard of 2040-80 Sutter Street	Two Canary Island Palms in the courtyard of 2040-80 Sutter St.
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STREET TREES		
<p>A "Street Tree" is any tree growing within the public right-of-way (e.g. sidewalk) that is not also a Landmark Tree.</p>		
<p>CHECK THE BOX THAT APPLIES AND INDICATE QUANTITY, IF APPROPRIATE.</p> <p>Regardless of size, all trees in the public right-of-way are protected under Article 16 of the Public Works Code.</p>	<input type="checkbox"/> Street Trees exist adjacent to the subject property	QTY.
	<input checked="" type="checkbox"/> There are no Street Trees adjacent to the property.	

5. Impact of Project on Existing Protected Trees

If your responses above indicate that any Protected Tree(s) exist on, over or adjacent to the subject property, please check the applicable boxes, below:

- BOX 1 **The project will not remove or have any other Impact on Protected Trees, as follows:** No construction-related activity whatsoever will occur within the dripline of any Significant Tree or Street Tree. This includes, but is not limited to, the following: (1) No grading or excavation will take place within the dripline of any Significant Tree or Street Tree. (2) No construction staging and/or storage of materials and/or equipment will occur within the dripline of any Significant Tree or Street Tree. (3) Any pruning of Significant Trees or Street Trees will be limited and consistent with applicable regulations. (4) No dumping of trash and/or liquids (such as project waste-water) will take place within the basin or dripline of any Significant Tree or Street Tree.

If you have checked this box, a Tree Protection Plan is not required.

- BOX 2 **The project involves the removal of one or more Protected Trees.** A permit from DPW is required in order to remove any Protected Tree. The Planning Department will not approve a building permit for a project which involves the removal of a Protected Tree unless DPW has first reviewed the proposal and found it to be consistent with applicable rules and regulations.

If you have checked this box, a Tree Protection Plan is not required, however you must provide evidence to the Planning Department that DPW has reviewed the removal request and found it to be "approvable."

- BOX 3 **The project may have an impact on one or more Protected Trees which are not proposed for removal, as follows:** Either (1) any construction-related activity, no matter how minor, is planned or is reasonably foreseeable to occur within the dripline of a Significant Tree or a Street Tree or (2) regardless of the location of construction activity, the property contains a Landmark Tree.

If you have checked this box, a Tree Protection Plan must be submitted to the Department of Public Works Bureau of Urban Forestry prior to the commencement of any construction activity.

Such plan must meet the following minimum standards:

- ✓ The Tree Protection Plan must be developed by an International Society of Arboriculture (ISA) Certified Arborist.
- ✓ The project sponsor must submit a written declaration that the protections specified in the Tree Protection Plan will be completely in place prior to the start of any construction, demolition, or grading.
- ✓ Full-size site plans submitted along with the associated construction project must clearly indicate the street, curb, sidewalk, driveway, structure(s), and the locations of all Protected Trees and non-protected trees. Protected Trees must also be shown to include accurate tree height, accurate canopy dripline and trunk and canopy diameters. The plans must graphically depict implementation of all measures called for in the Tree Protection Plan. Additionally, the Tree Protection Plan itself along with the written declaration must be reproduced on full-size plans.

**Required Checklist for
Tree Planting and Protection**

6. Calculation of Number of New Required Street Trees

One street tree is required for each 20 feet of street frontage of the subject property, with fractions of 0.5 rounded up, however credit is given for existing street trees. Please complete the table below to determine the number of street trees required for your project. If no street trees are required, please skip to the Applicant's Affidavit at the end of this form and once signed, return it to the Planning Department along with your Building Permit Application or other application.

COMBINED LENGTH OF ALL STREET FRONTAGES	DIVIDED BY TREE SPACING REQUIREMENT	GROSS NUMBER OF TREES REQUIRED	MINUS NUMBER OF EXISTING TREES	NET STREET TREE REQUIREMENT
25	+ 20'	= 1 <small>(rounded)</small>	- 0	= 1

Unless site conditions physically prevent the planting of a street tree, a waiver or modification of street tree requirements is available only under extremely limited circumstances and **only outside of Residential Districts** (i.e. RH, RM, RTO, RED). Be aware that even when available, an in-kind improvement or in-lieu payment is required for every such waiver. Please contact the Planning Department for information regarding the waiver process.

7. Applicable Requirements for New Street Trees

The Planning Department has developed three distinct 'Tree Schedules' to aid in the implementation of the Planning Code's street tree requirements. The particular Tree Schedule applicable to your project will depend on the zoning district in which your property is located, the scope of your project, and the type of authorization that your project requires. In general terms, Tree Schedule A applies to small-scale projects in residential or industrial zoning districts, Tree Schedule B applies to moderate-scale projects or projects in commercial or mixed-use zoning districts, and Tree Schedule C applies to larger projects. In the following chart, please check the applicable box based on the characteristics of your project.

TREE SCHEDULE	PROJECT CHARACTERISTICS					
<input checked="" type="checkbox"/> A	The project is located in a Residential (RH, RM, RTO, RED), Industrial (M) or Production/Distribution/Repair (PDR) Zoning District and does not involve a Planned Unit Development (PUD). A PUD is a special authorization granted by the Planning Commission that applies only to major projects involving large properties.					
<input type="checkbox"/> B	1. The project is located in a RH, RM, RTO, RED, M or PDR Zoning District and involves a PUD					
	OR					
<input type="checkbox"/> C	2. The project is located outside of an RH, RM, RTO, RED, M or PDR Zoning District and meets neither OR one of the following criteria, but not both :					
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; text-align: center;">✓</td> </tr> <tr> <td>It is located on a parcel that contains (1) more than 1/2-acre in total area or (2) more than 250 feet of total street frontage or (3) street frontage which spans the entire block face between the nearest two intersections.</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>It involves (1) the construction of a new building or (2) the addition of more than 20% of the gross floor area of the existing building or (3) a change of use of more than 50% of the existing square footage of the building.</td> <td style="text-align: center;">✓</td> </tr> </table>		✓	It is located on a parcel that contains (1) more than 1/2-acre in total area or (2) more than 250 feet of total street frontage or (3) street frontage which spans the entire block face between the nearest two intersections.	✓	It involves (1) the construction of a new building or (2) the addition of more than 20% of the gross floor area of the existing building or (3) a change of use of more than 50% of the existing square footage of the building.
	✓					
It is located on a parcel that contains (1) more than 1/2-acre in total area or (2) more than 250 feet of total street frontage or (3) street frontage which spans the entire block face between the nearest two intersections.	✓					
It involves (1) the construction of a new building or (2) the addition of more than 20% of the gross floor area of the existing building or (3) a change of use of more than 50% of the existing square footage of the building.	✓					
<input type="checkbox"/> C	The project is located outside of an RH, RM, RTO, RED, M or PDR Zoning District and meets both criteria of Tree Schedule B(2), above.					

TREE SCHEDULE A

REQUIREMENT	SPECIFICATION
✓ Location	either in the public right-of-way (e.g. sidewalk) adjacent to the property or within an unbuilt area at the front of the property
✓ Size	minimum of 24-inch box size

TREE SCHEDULE B

REQUIREMENT	SPECIFICATION
✓ Location	either in the public right-of-way (e.g. sidewalk) adjacent to the property or within an unbuilt area at the front of the property
✓ Size	minimum 2 inch caliper, measured at breast height branch a minimum of 80 inches above sidewalk grade
•	be planted in a sidewalk opening of at least 16 square feet have a minimum soil depth of 3 feet 6 inches
✓ Opening	include a basin edged with decorative treatment, such as pavers or cobbles (edging will not count against the minimum 16 square foot opening if the edging material is permeable. A permeable material is one that allows stormwater to infiltrate the underlying soil. Permeable surfaces shall include, but not be limited to, vegetative planting beds, porous asphalt, porous concrete, single-sized aggregate, open-jointed blocks, stone, pavers or brick that are loose-set and without mortar. Permeable surfaces are required to be contained so neither sediment nor the permeable surface discharges off the site.

TREE SCHEDULE C

REQUIREMENT	SPECIFICATION
✓ Location	
✓ Size	As set forth in Schedule B, above.
✓ Opening	
✓ Trenching	Trees must be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected. The trench may be covered by permeable surfaces (as described above), except at required tree basins, where the soil must remain uncovered.

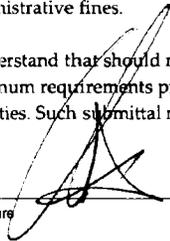
Applicant's Affidavit

I hereby attest under penalty of perjury that the information I have entered on this document is true and correct to the best of my knowledge, and that I have read and understood this form, and that I am the property owner or authorized agent of the property owner, familiar with the property, and able to provide accurate and complete information herein.

The undersigned agrees to the conditions of this form. I understand that knowingly or negligently providing false or misleading information in response to this disclosure requirement may lead to denial or rescission of my permit or other authorization and may constitute a violation of the San Francisco Municipal Code, which can lead to criminal and/or civil legal action and the imposition of administrative fines.

I understand that should my project be subject to a required Tree Protection Plan, that I will have a plan meeting or exceeding the minimum requirements prepared and submit it to the Department of Public Works prior to the commencement of any construction activities. Such submittal may in person, by mail or via email at urbanforestrypermits@sfdpw.org.

Signature



10/21/2013

Date

Aidin Massoudi

Print Name

Indicate whether owner, or authorized agent:

Owner Authorized Agent

415-922-0200 Ext 108

Phone Number

415-922-0203

Phone Number

Fax or Email

50

TREE REMOVAL PERMIT APPLICATION NON REFUNDABLE PROCESSING FEE OF

\$339.00 for 1-3 trees (Disease, hazard or sidewalk damage related removal) | \$683.00 for 1-3 trees (Construction or development)
\$909.00 for 4-9 trees | \$1,365.00 for 10 or more trees - Payment due upon receipt of application

Check payable to: CCSF - DPW - BUF

Mail to: City and County of San Francisco, PO Box 7461, San Francisco, CA 94120-7461
Telephone : (415) 641-2676 Fax : (415) 522-7684

FOR BUREAU USE ONLY	Approved by : _____	Date : _____	Application No. : <u>773903</u>
	# to Remove : _____	Species: _____	_____
	# to Plant : _____	_____	_____

SEND COMPLETED APPLICATION TO ADDRESS SHOWN ABOVE. INCOMPLETE APPLICATIONS WILL BE RETURNED.

1. TREES TO BE REMOVED

Number
Street Tree(s) : 2 Species : Pine Tree

Significant Tree(s) : _____

2. TREE LOCATION

Street # & Name : 24 Ord Ct. (St., Ave., Blvd., Ct., Etc.) (Apt.#)

Zip Code : 94114

Cross Streets : Castro

3. REASON FOR REMOVAL

Trees are lifting and damaging the sidewalk(see attached photo). They are also located within the buildable are at the rear of the lot. New building will be facing States street. Refer to site plan.

Check here is construction related. Site Plans or diagrams are required.

4. REPLACEMENT TREE(S)

The Public Works Code "requires that another street tree or significant tree be planted in place of the removed tree."

Number 2 Species : Magnolia

Check here if Friends of the Urban Forest Planting

5. OWNER INFO

Last Name : TAM

First Name : KEN

Street # & Name : _____

City : _____

State : _____ Zip : _____

Phone Number : _____ - _____ - _____

Fax Number : _____ - _____ - _____

E-Mail Address : _____

6. CONTACT PERSON

Check here if same as above

Last Name : MASOUDI

First Name : AIDIN

Company/Agency/Org. : SIACONSULTING

Phone Number : _____

Fax Number : _____

E-Mail Address : _____

I agree to hold harmless the City and County of San Francisco, its agents, officers and employees from any damage or injury caused by reason of planting, placements, maintenance or removal of the planter or plants. The owner or owners of the respective property shall be solely liable for any damages.

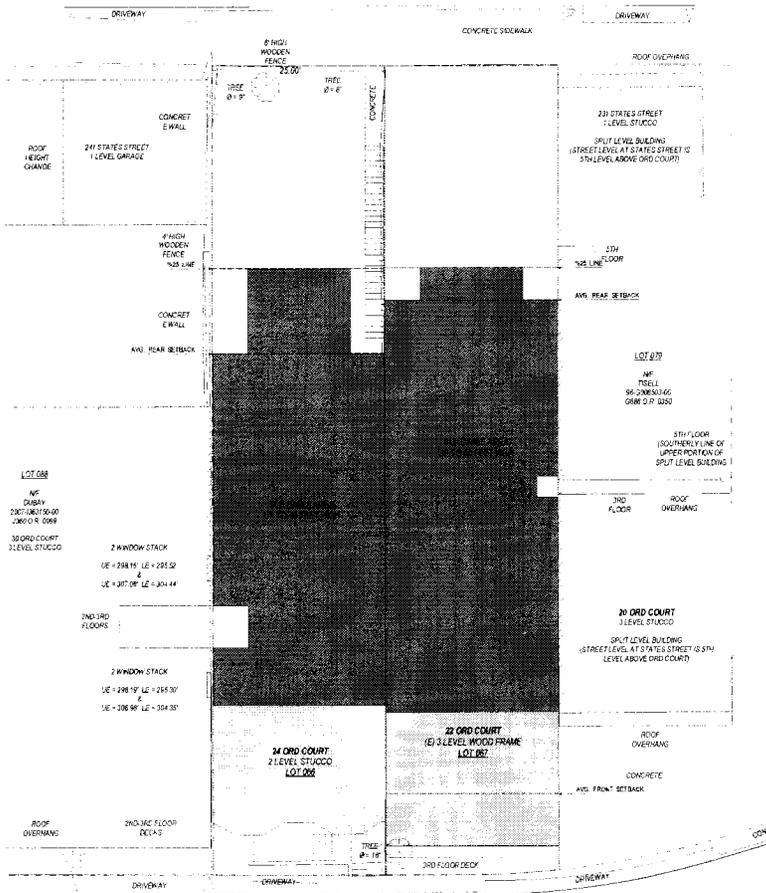
Signature : _____ Date : 8-18-2014

(Check one) Property Owner Owner's Agent

Site Plan Comparison

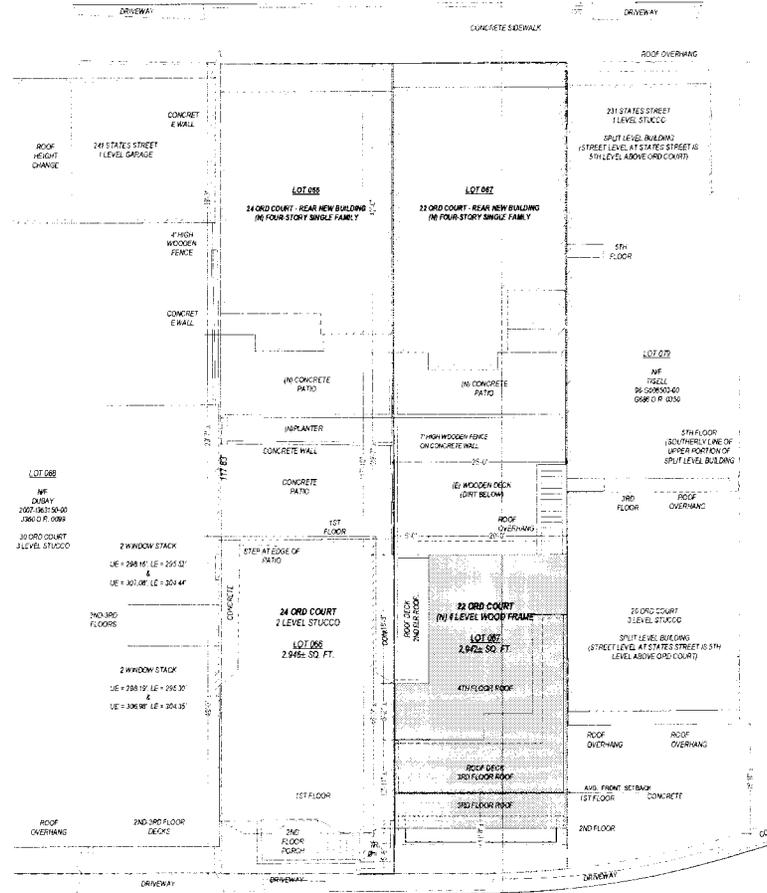


SIA CONSULTING CORPORATION
 1256 HOWARD STREET
 SAN FRANCISCO, CA 94103
 TEL: (415) 922-0200
 FAX: (415) 922-0203
 WEBSITE: WWW.SIACONSULT.COM



ORD COURT
 27.50' WIDE

Proposed Site Plan W/O Variance



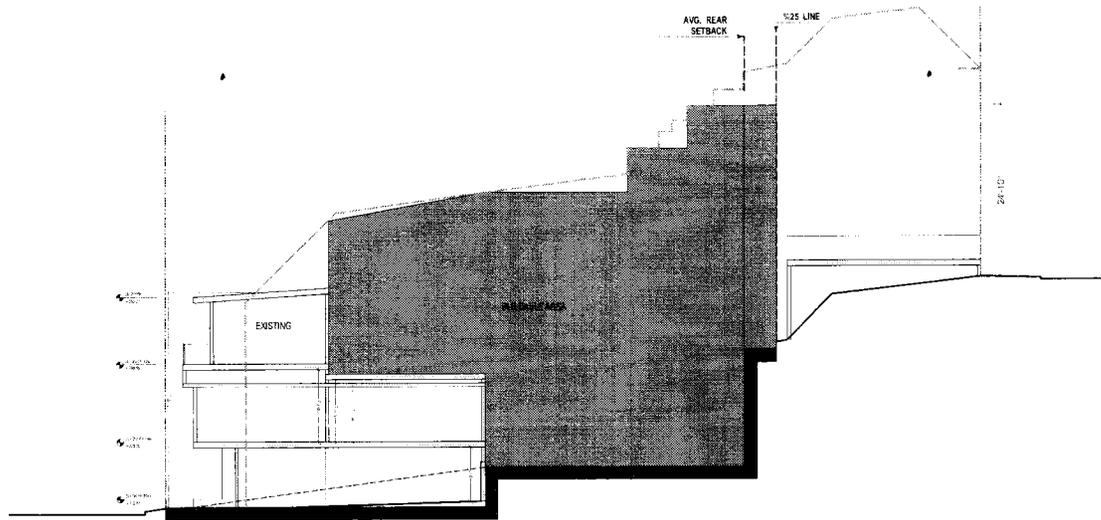
ORD COURT
 27.50' WIDE

Proposed Site Plan



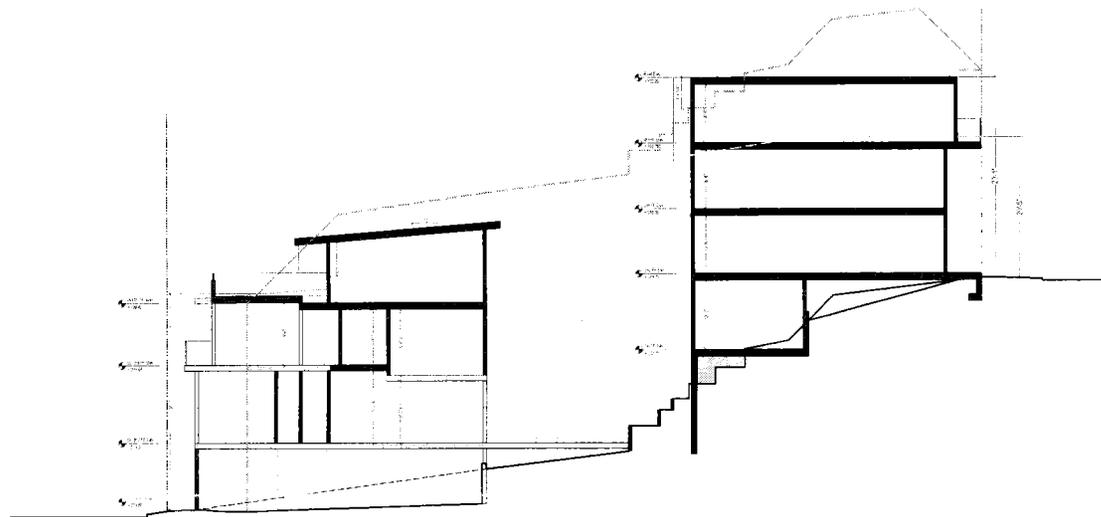
L = 14.14'
 R = 126.87'
 D = 574.12'

Section Comparison



SIA CONSULTING CORPORATION
1256 HOWARD STREET
SAN FRANCISCO CA 94103
TEL (415) 922 0200
FAX (415) 922 0203
WEBSITE WWW.SIACONSULT.COM

Proposed Bulk W/O Variance



Proposed Section

Title: Request to Save and Preserve States Street Trees adjacent to 241 States Street, San Francisco, CA
Prepared for Chris Parkes and States Street Neighbors for trees adjacent to 241 States Street, San Francisco, CA 94114
This document shall be sent and filed with Carla Short Director of The Bureau of Urban Forestry and Tina Chang,
Planning Department Staff.
Prepared by Jocelyn Cohen, Certified Arborist #WE7063A, Poetree Landscapes & Arboriculture • Phone: 415-285-2342:
Email: jocelyn@jocelync.com

I. Summary & Conclusion

- A. This report provides a review of two *Cupressus macrocarpa*, Monterey Cypress trees located adjacent to 241 States Street in San Francisco. My client Chris Parkes and other neighbors wish to retain these trees during the development proposed adjacent to 241 States Street and for many years in the future. In the process of inspecting the trees I saw potential problems for the trees moving forward with the construction and development. Although this report does not include specific guidelines and construction specifications for preservation, it does suggest a process and includes a general outline for this process.
- B. After a visual assessment of the site and trees and conversation with my client, I request that the Bureau of Urban Forestry reject the request by developer SIA Consulting Corp, acting as an agent for the property owner of 24 Ord Ct., to remove two mature, viable, healthy "Significant" Monterey Cypress trees. Because the Planning Department was not informed about the two "Significant trees" on the site the developer's proposal should be re-reviewed so appropriate changes can be made in the plans to accommodate and preserve the trees.

"The Department of Public Works, Bureau of Urban Forestry requires that a permit be issued to remove any significant tree. As defined in the Public Works Code, Significant trees are located on private property, and are within 10 feet of the public right-of-way and also meet any one of the following size requirements: 20 feet or greater in height, 15 feet or greater canopy width, or 12 inches or greater diameter of trunk measured at 4.5 feet above grade. These trees are granted the same protections as street trees, and a permit is required before any significant tree can be removed. Furthermore, the project sponsor SIA Consulting Corp is not acting in accord with San Francisco City ordinance Pursuant to Planning Code Section 138.1 and Public Works Code Article 16 16 and Department of Public Works Code Section 8.02-8.11. The following report details my findings both to preserve the trees during development should it be approved and reject the developer's request to cut and remove the trees.

II. Introduction

A. Background

1. Chris Parkes contacted me over the Labor Day weekend, 2014 concerning two "Significant" Monterey Cypress trees that adjoin his residence. We spoke on the phone Tuesday September 2. He explained the circumstances wherein the developer had submitted plans to the Planning Department including the "Required Checklist for Tree Planting and Protection" but failed to disclose two large "Significant trees" in the rear yard of 24 Ord Ct., overhanging States St. Pursuant to Planning Code Section 138.1 and Public Works Code Article 16 and Department of Public Works Code Section 8.02-8.11, a Tree Disclosure is required and the reasons for protecting trees is outlined within the code. Furthermore, I understood the developer had later filed a request to remove the trees stating they had damaged the sidewalk. Mr. Parkes expressed concern not only about the loss of urban forest to him and his neighbors and the community but also that the developer was not abiding by San Francisco code and ordinances and moving ahead without public sanction or support.
 - a. The two Monterey Cypress trees are several feet from Public Right of Way. Although it was difficult to ascertain the girth of the trees due to the high fence, I estimate they are each about two feet in diameter. Their canopy graces the street and, as you can see from the included photo, provides shade to over half the street's width.

B. Assignment

1. The scope of my assignment includes the following:
 - a. Review site and assess trees with recommendations for saving and preserving them during development.

- b. Assess the developers contention that the trees are damaging the sidewalk
 - c. Assess the health of the trees and vitality.
- C. Purpose and Use of Report
 - 1. Assess the status of the trees in meeting criteria as "Significant trees."
 - 2. Provide assessment and recommendations to maintain the trees on site during construction/ development.
 - 3. Address the sidewalk damage the developer asserts is caused by the trees.
 - 4. Include a general checklist of concerns that should be addressed to help mitigate negative impact of development on the trees and site.
- D. Limit of the Assignment – Scope of work does not include the following, although may be addressed in the future at client's request.
 - 1. Appraisal value of trees
 - 2. Soil analysis
 - 3. Assessment of impact on the wildlife including birds, insects, amphibians.
 - 4. Parameters of the tree protection zone
 - 5. Drawings or documents for contractor to follow during development
 - 6. Plans or construction detail drawings that are considered least obtrusive to trees
 - 7. Additional changes or additions to this document
 - 8. Observation on site when work is in progress
 - 9. Consulting beyond the scope of this report

III. Site Visit and Observations

Friday September 5, 2014 at 12:15 pm I visited the site.

A. Survey Method

- 1. Visual survey of the site and trees, at ground level including viewing the trees over the fence.
- 2. There is no access to the site.
- 3. Photos were taken and included in this report.

B. Site Location & Conditions

- 1. Rear yard of 24 Ord Ct., Adjacent to 241 States Street, San Francisco, CA 94114
- 2. The sidewalk damage is slight and can easily and economically be repaired.
- 3. A small chunk of the curb is missing which may or may not have anything to do with the tree's roots. In any case this is a small repair in comparison to the value of the two trees.
- 4. From street view it appears the trees are slightly below the grade of the sidewalk.
- 5. Site development proposed for this and adjoining site appears to include excavation into the hillside.
- 6. States Street is a small, residential street off Castro Street. Foot traffic appears to be light.
- 7. The hillside behind the fence and below the trees appears quite steep.
- 8. Further down the hill is another large tree which I could not see well enough to identify.
- 9. Trees on the street include a mix of both native and introduced species – Gingko, Red gum, Chinese Elm, Monterey Pine and others.

10. I could not assess the top soil from the street view but the two trees provide a valuable stabilizing force and protect against erosion.

C. General Observations

I am treating both trees as a pair, partners as they have grown and been sharing the same space and depending on each other for many years. Both trees are in good health, relatively young and frisky yet mature. They appear to be well rooted and stable. The benefits, health and potential longevity of these trees make them suitable for preservation. They are mature, not in decline, and have aesthetic and structural value. The live crown ratio is very high. These trees have developed together and will function best as a pair.

1. Both trees have excellent trunk flare and are flourishing.
2. No protection for trees had been installed.
3. Trees located just on the other side of the tall fence putting them about two to three feet from Public Right of Way. Their canopy spans about 30' approximately and height about the same.
4. Very little dieback in either tree.
5. Previous pruning cuts mostly have been made improperly, leaving stubs. Yet even the stubbed branches have dense foliage.
6. Should the development be approved by the Planning Department, the trees should be pruned as focal point guardians welcoming the new owners and adding value to the neighborhood. The developer should hire a respected, well regarded Certified Arborist to structure the trees properly, remove damaged branches and clean up old, poor pruning cuts.

IV. Recommendations for Trees and Tree and Site Protection During Development

The City & County of San Francisco has prepared an excellent brochure, DIRECTOR'S BULLETIN NO. 2006-01, "What You Should Know About the Tree Protection Legislation." It provides guidelines meant to ensure that legislation governing the protection of trees is implemented.

A. Below are a list of concerns that should be addressed to help mitigate negative impact of development on the trees and site including but not limited to:

1. Injury to trees, long and short term
2. Erosion
3. Ecological loss due to grading
4. Soil compaction
5. Effect of heavy equipment
6. Disturbance to people and wildlife
7. Disruption of water patterns
8. Overall effect of development on the oak grove/ woodland from individual tree loss and loss of critical mat forming roots
9. Maintenance of trees in the future

B. Site Recommendations

1. Whenever there is construction in the proximity of established trees there is a risk of loss, but that risk can be minimized with careful considerations and precautions.
2. Fencing of trees
 - a. Trees should be fenced off within the Root Protection Zone (RPZ). This is a semi permanent fence which stays in place throughout the duration of development.
 - b. A thick layer of wood chips can be laid down approximately 8" deep with plywood over it should equipment need to cross into the RPZ or if there are site limitations to staying outside the RPZ.

- c. Established trees often have roots that extend out three times the height of the tree.
- C. Access to site.
- 1. Essential that the access point be outside the RPZ. Movement of people, equipment, storage materials and piles of soil should all occur outside the protected zone.
- D. Loss and disturbance to topsoil will occur during development.
- 1. Save all topsoil that may be stripped prior to grading for reuse after grading. Note: Approximate time to build up one inch of topsoil, 1,000 years.
 - 2. Disturbance to soil can result in erosion, loss of trees, change in water percolation.
 - 3. Minimize impact by using small, non motorized rubber tired equipment or by hand for hauling.
- E. Posting a Bond for value of trees
- 1. Helps insure specifications for tree preservation are followed. The bond becomes a tool for compliance, not a penalty.
- F. Monitoring during construction
- 1. A Certified Arborist should be present when foundation is being excavated and poured to preserve the integrity of the root systems of the trees.
 - 2. "The consultant works with the design team to help develop a project that provides adequate space for trees that have a potential to be an asset to the site for years to come." (Trees and Development; Matheny and Clark , 1998) "An arborist can identify how to avoid the critical root zone, develop a tree protection plan, and monitor the construction process to minimize damage to the trees. Greater care must be taken in this situation because Monterey Cypress have low tolerance for disturbance and the result of losing the benefits these trees provide is likely to be additional erosion on the site." (Robert Schreiber, Environmental & Ecological Consultant, ASCA & ISA Certified)
 - 3. The Certified Arborist working with the architect/engineer routinely monitors the development process and maintains the tree protection zone. The contractor should be aware that the arborist is part of the development team and they will be working together to ensure the health and safety of the trees and project. Also, unforeseen changes or problems may occur and decisions and changes can be made that ensure the health and survival for the trees.
- G. Conclusion
- 1. I request the Bureau of Urban Forestry reject the developer SIA Consulting Corp's request to remove two mature, viable, healthy "Significant" Monterey Cypress trees. Because the Planning Department was not informed about the two "Significant trees" on the site the developers proposal should be re-reviewed so appropriate changes can be made in the plans to accommodate and preserve the trees. Furthermore, the developer SIA Consulting Corp is not acting in accord with San Francisco City ordinance Pursuant to Planning Code Section 138.1 and Public Works Code Article 16 Department of Public Works Code Section 8.02-8.11. This report details my findings both to preserve the trees during development should it be approved. and reject the developers request to cut and remove the trees.

Planning Commission:

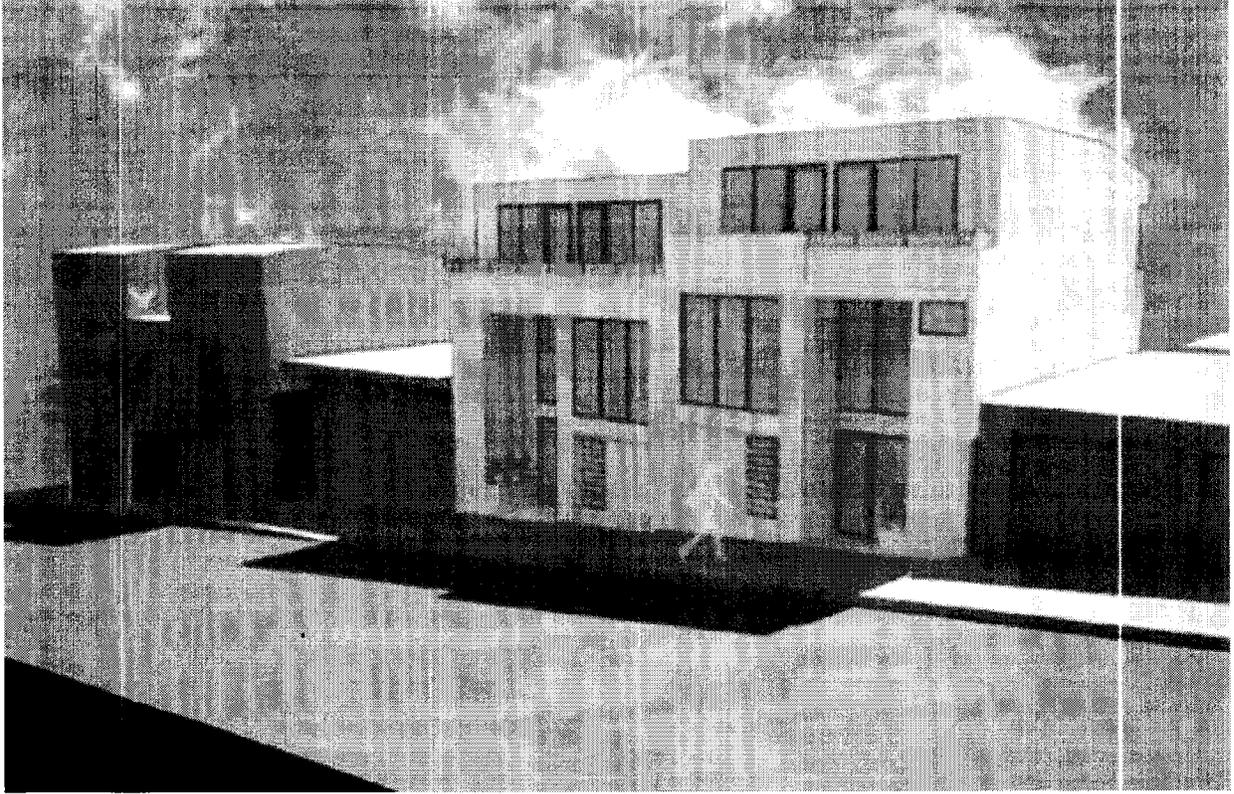
Thank you for the opportunity to add to the information that Chris Parkes has submitted in the discretionary review. My wife and I live at 230 States Street, across the street from the rear of the 22 Ord Ct property. I agree with the information Chris has submitted in the DR. It is out of scale for the neighborhood. It would change the character of States Street in a negative fashion. There are alternatives that would not require a variance. It will set a bad precedent on other through lots, creating incentives to remove other significant trees on States Street. It does not support the goal of affordable housing. It would actually remove a smaller more affordable house for a larger less affordable house.

I am also concerned about the loss of green space on bucolic States Street. The large canopy trees that Chris refers to are within 300 feet of an Urban Bird Refuge, and removing the large trees would not help preserve this urban bird refuge. The birds in the neighborhood use this tree for shelter and protection (see photograph of the parrots resting on the wires, in the shelter of the trees).

Thank you for your consideration,

Rick and Andy Goldman
230 States

22/24 Ord Ct. back yard additions on States St.
Original Illustration provided by Project Sponsor



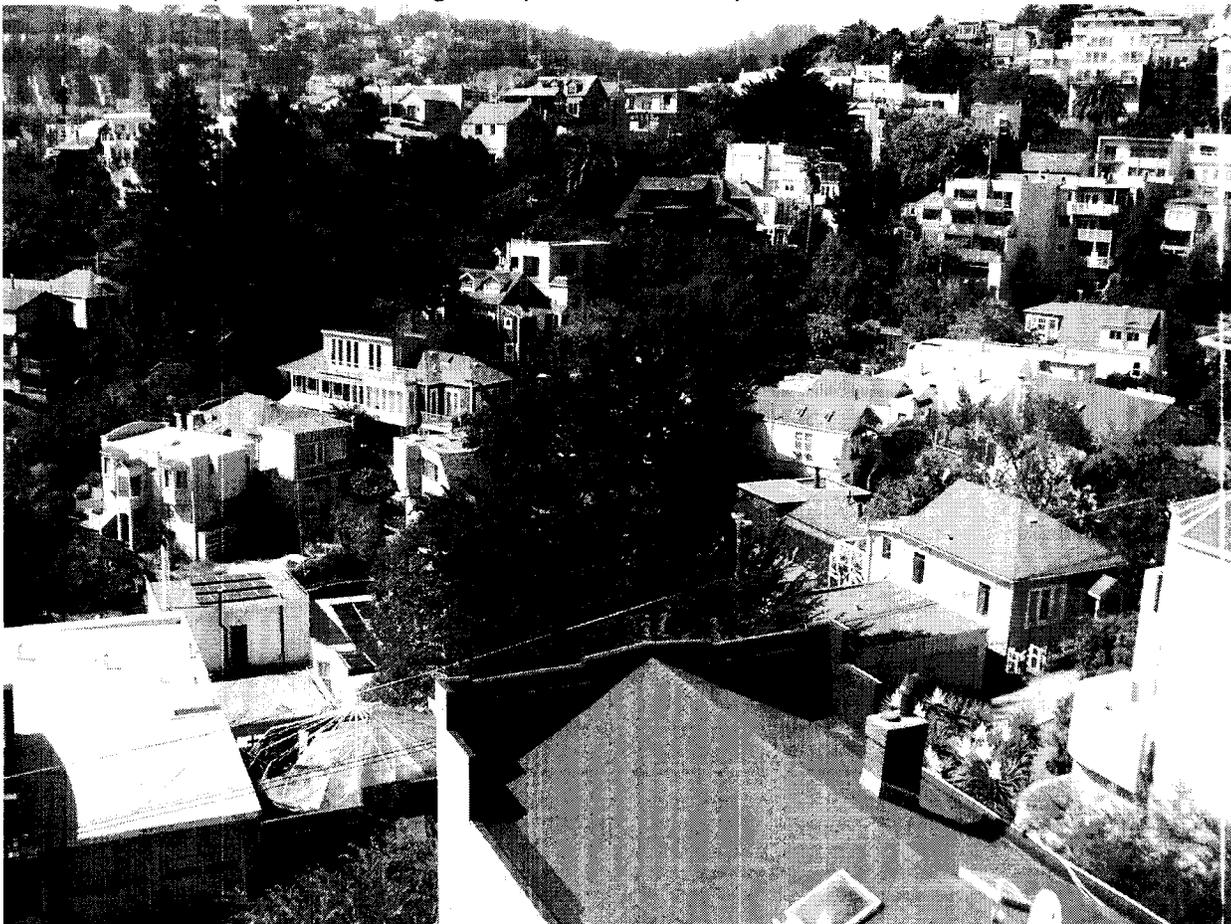
This contrasts with the character of States Street across the Street:

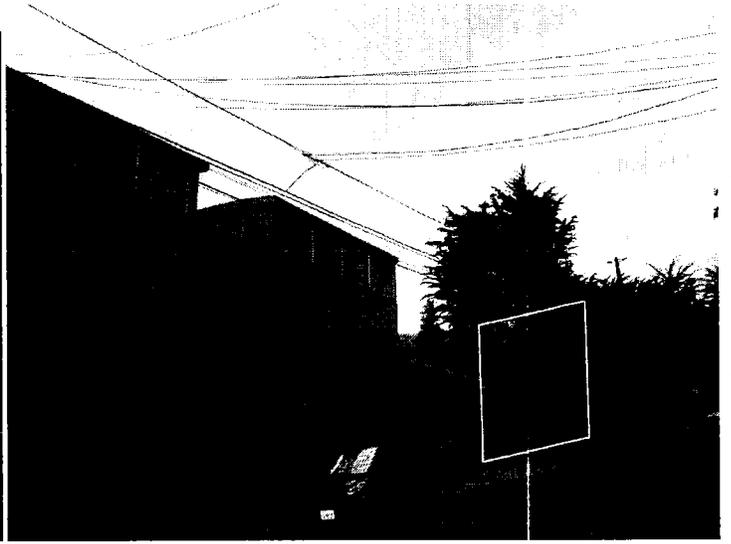
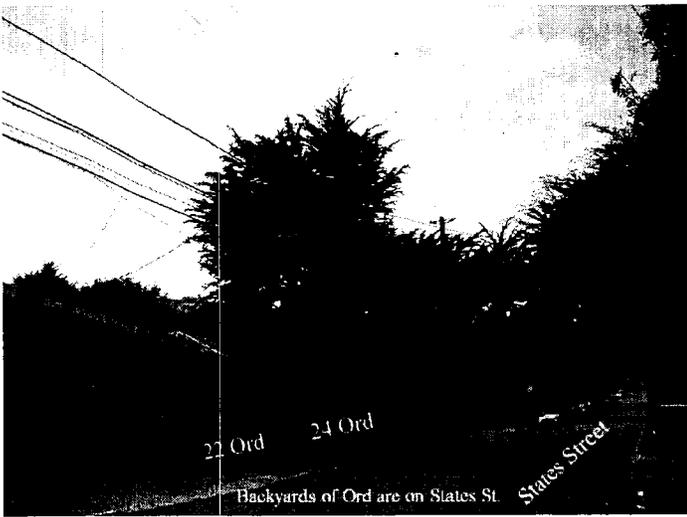


The large Cypress trees that live in the zoning protected rear yards of 24 Ord:



View of the trees (center) from a neighbor up on Museum Way:





The variance would allow addition of homes to the rear yards of 22/24 Ord. These homes would be sandwiched between two sets of two and four gang garages, creating a wall of building with diminutive street trees.

The current character of States Street:



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Revised Discretionary Review Attachment, September 29, 2014. Changes are highlighted.

Attachments to Discretionary Review Request for 2013.1521V, 2013.1522V, and proposed projects on 22 and 24 Ord Ct., including building permits 2013.1021.9830, 2013.1021.9817 and 2013.1021.9832.

Additional attachments included. Other attachments referenced here were already submitted with the Discretionary Review Request Application submitted September 8, 2014. Reference Case numbers 2013.1521 D, 2013.1521 D, 2013.1522 D.

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.

I have met with the applicant twice in front of States Street. I have also exchanged emails with the architect and contacted community boards.

On August 30, the architect told me that subsequent to the August 27 variance hearing, their client decided to change the height of the proposed homes on States Street to approximately 20' above street level (one story above garage). The proposal appears to be contingent upon signing an agreement and proposes significant excavation next to adjacent properties and States Street in order to add living space below the garage. Such a revision would require environmental review, as excavation appears to exceed eight feet below ground service. The proposal fails to meet Planning Code zoning standards, and would need a variance, significantly impacting States St.

I requested an alternate version of plans that would meet zoning requirements and avoid a variance. A copy is included in the attachments.

The alternate, however, indicates rear yards with a depth less than 45%, which is inconsistent with the Notice of Public Hearing for these properties which says: "Per Section 134 of the Planning Code the property is required to maintain a rear yard equal to 45 percent of the lot depth, or 53'."

I followed up with the architect requesting a mark up to a photo I sent to him August 22 taken from my bedroom window. He had offered to provide a collage rendition of the impact the addition to 22 Ord Ct. would have on my bedroom window. I am concerned about the impact on lighting and privacy.

I asked if there were a light study that would show how the projects would affect 231 States/20 Ord Ct. (my apartment building). The architect offered to look further into it.

- 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.**

I am requesting a Discretionary Review for the following reasons:

- A. The project does not meet the minimum standards of the Planning Code. The variance is required to permit construction of new homes in the back yards of 22 & 24 Ord Ct. so that they may front onto States Street. That would, among other things, have a significant impact on the character of States St. Appendix A below further explains why the variance request should be denied.
- B. The projects entails exceptional and extraordinary circumstances, including:
- a. There are large canopy significant older trees in the back yard of 24 Ord Ct. that overhang States St. and 22 Ord Ct. and are visible from many parts of the neighborhood or parklands. Such trees are typical along States street on through lots with back yards on States St. If a variance were to be issued to allow construction in the back yard, potential replacement street trees would be restricted by overhead utility lines and proposed driveways. The canopy from the existing trees at 24 Ord Ct. extend half way across States St.
 - b. Allowing the variances requested on 22 and 24 Ord Ct. would encourage developers to purchase other through lots on States street with back yards, seek similar variances from the protections of RH-2 zoning requirements, and provide an incentive to tear down more of the enormous older back yard trees that makes States Street what it is today. Google map photos show that, with few exceptions, such as apartments, existing back yards of the through lots on States streets have been preserved by RH-2 zoning requirements.
 - c. There are apparent inaccuracies in documents filed by the project applicant.
 - i. The "Significant tree planning and protection checklist" submitted by the project sponsor, dated October 21, 2013 and subsequent tree removal permit request submitted by the project sponsor dated August 18, 2014 indicate no significant trees on 24 Ord Ct. See attachments. This is inconsistent with pictures taken from the street. The Department of Public Works is evaluating the permit request. A certified arborist report determining that the trees in the rear yard of Ord Ct. are significant trees is attached.
 - ii. At the hearing on August 27, the project applicant showed a photo of curb damage close to the bottom of a wooden power pole and reported that the applicant had applied for tree removal permits due to sidewalk damage. The project sponsor did not clarify that the wooden power pole was not a tree trunk. Looking at the curb damage subsequent to the hearing, it appears unrelated to the trees, which are on the other side of the sidewalk and the other side of the fence. This is also mentioned in the Arborist report.
 - iii. The square footage reported for the existing 22 Ord Ct appears inconsistent with City Assessor records. This inaccuracy would impact the calculation of % s.f. increase of 22 Ord, and may affect the level of review normally required for this addition. For example, the CEQA exemption analysis (Case number

5013.1521E) requires accurate reporting of percentage square footage increase to assess exemption status.

- C. The project is significantly inconsistent with Residential Design Guidelines. Among other things, attachments help show the current character of States St. and the inconsistency and detrimental effects that would be caused by the proposed project. Furthermore the proposed project exterior features, siding, and windows are inconsistent with the character of the street.
- D. The projects contradict city priority policies and Planning Code zoning RH-2 use definition:
 - a. These projects conflict with city priority policy to promote affordable housing. While these projects add housing stock, they do so by removing more affordable smaller square footage housing (Existing 22 Ord Ct.), and replace it with less affordable larger square footage housing. Based upon recent neighborhood sales, the new larger square footage homes at 22 and 24 Ord Ct. are likely to sell for well over \$2 million each. It is the intent of city residents that the city seeks to encourage housing that is more affordable for its workers and residents. Approval of these projects as proposed would create precisely the opposite outcome.
 - b. These projects are inconsistent with Planning Code 206.1 definition of the RH-2 Class Use, which includes these statements:
 - i. "These districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and the other available for rental."
 - ii. "Considerable ground-level open space is available, and it frequently is private for each unit."
- E. The extensive square footage addition to the existing homes on 22 and 24 Ord Ct in the proposed alternative plan that would not require frontage on States Street is excessive, and not consistent with the city's affordable housing policy. Also the proposed footprint would be inconsistent with the project sponsors statement that there was an agreement not to expand 24 Ord while the elderly tenants who live there now, chose to stay.
- F. The proposed addition to 22 Ord Ct. will significantly impact lighting and privacy of 231 States St., and 20 Ord Ct. apartments. See more information below.

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:

- a. I, and nearby neighbors, would be impacted by the loss of character of States Street as described in 1.a and depicted in attachments.
- b. The alternate proposal for expansion without frontage on States (attached) provided by the project sponsor is unreasonable.

- c. Other neighbors would be impacted in that the granting of the requested variance would add new homes on States Street in the back yards of 22 Ord Ct and 24 Ord Ct, and would encourage developers to request similar variances on other through lots on States Street, Ord Ct. and Museum Way. These required back yards protect the older enormous trees on these streets that make States Street the unique (and apparently the longest un-intersected street in the city), that it is today.
A limited impression of the impact is provided in attachments. I would encourage decision makers to walk upper States Street, Museum Way, and Randal Museum and Corona Heights Parks. I would be grateful to have an opportunity to act as guide to accompany anyone interested.
- d. I would be adversely impacted by loss of lighting and privacy from my bedroom window by the proposed addition in height and size to 22 Ord Ct. See attachments. My bedroom window would be at the same level as the new story addition to 22 Ord Ct.,, and plans show a number of windows that would substantially remove privacy.
- e. My bathroom would be impacted. My bathroom receives light and ventilation from a 2' x 5' light well adjacent to the 22 Ord Ct. property line. All the apartments at 231 States/ 20 Ord Ct have similar bathrooms. From my bathroom window, I see the sky and tops of the large trees in the back yard of 24 Ord Ct. The trees also overhang 22 Ord Ct. I believe the Project Sponsor plans to reduce this impact with a matching 3' x 3' light well. The impact on the bathroom, while significant, is less than the greater impacts that would ensue from the requested variance to allow construction of new homes in the back yards of Ord Ct. and fronting onto States Street.
- f. The replacement home on 22 Ord should be required to maintain the same character of home on the street in order to maintain the characteristic of the street.
- g. Please see questions 1 and 3 for additional information on adverse impacts.

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?

- a. The project changes to address questions 1 & 2 must necessarily include denial of the variance and disallowance of construction of additional new back yard homes fronting onto States St.
- b. The proposed expansion of the existing home at 22 Ord Ct. should be revised to provide an additional second unit flat, or some other alternative, consistent with the RH-2 definition, avoiding the need for a variance, and providing additional, affordable housing.
- c. The proposed addition to 22 Ord Ct. should be revised to reduce the lighting and privacy impacts on 231 States St. and 20 Ord Ct. apartments. The proposed 22 Ord Ct. addition will add a new fourth story with rear facing windows offset and opposing to my bedroom window. The distance between the proposed addition and my bedroom appears to be 8' to 10' at its closest point. The proposed new fourth story will reduce lighting received from the southern exposure of my bedroom's single window. The project sponsor offered to provide information on the lighting impacts, and I am still

interested in receiving this information. These issues could be addressed by maintaining the existing height and number of stories in the new addition. Any horizontal expansion in the addition to 22 Ord Ct. should mitigate lighting and ventilation impacts to the bathroom light wells on the 20 Ord Ct. apartments.

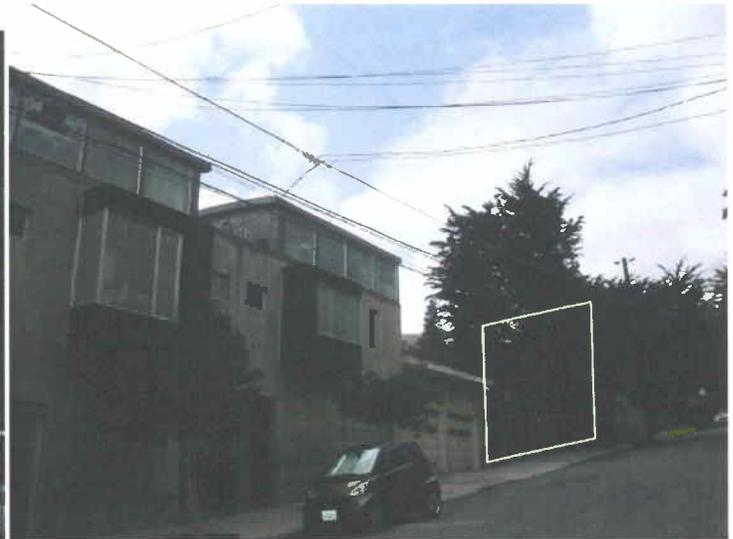
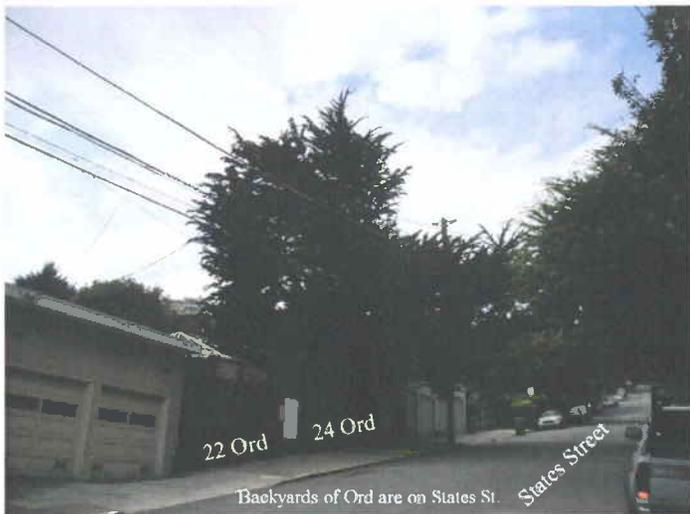
Appendix A

Variance Requests 2013.1521V and 2013.1522V seek to allow construction of new homes in the rear yards of 22 and 24 Ord Ct., fronting onto States Street.

These variance requests should be denied for the reasons described above. Additionally::

- A. See attached 1985 variance request to build in a backyard on a through lot to States Street that was denied. This variance request should similarly be denied.
- B. The projects do not meet the minimum standards of the Planning Code. The variance request would change the character of States Street.
- C. The project sponsor as action to replace lower square footage home with large new square footage homes is counter to the city's intent to promote more affordable housing.
- D. The project sponsor has failed to demonstrate that the alternate plans that would meet provide less expensive housing, and not require a variance, would not be more suitable and appropriate for these projects.
- E. The project sponsor failed to meet the specific conditions required for granting of a variance, including:
 - a. The variance request does not meet the exceptional and extraordinary circumstance requirement. The adjacent buildings reference by the project sponsor in the variance request are apartment buildings and not comparable. 22 and 24 Ord are immediately adjacent to each other and neither has been allowed a variance. Given the nature of States Street, the reverse is true. This variance request to construct new back yard homes fronting on States Street is exceptional and extraordinary.
 - b. No hardship has been imposed on the project sponsor. The sponsor has numerous options to build conforming additions. There is no common or pre-existing condition in the neighborhood of additional homes being built in the rear yards of RH-2 lots so that they may front onto States street.
 - c. As outlined above, the proposed variance would adversely affect adjacent neighbors and the neighborhood as a whole in that it will encourage developers to seek similar variances to construct new back yard homes fronting onto States Street.


9/29/14



The variance would allow addition of homes to the rear yards of 22/24 Ord. These homes would be sandwiched between two sets of two and four gang garages, creating a wall of building with diminutive street trees.

The current character of States Street:



22/24 Ord Ct. back yard additions on States St.
Original Illustration provided by Project Sponsor



This contrasts with the character of States Street across the Street:



The large Cypress trees that live in the zoning protected rear yards of 24 Ord:



View of the trees (center) from a neighbor up on Museum Way:



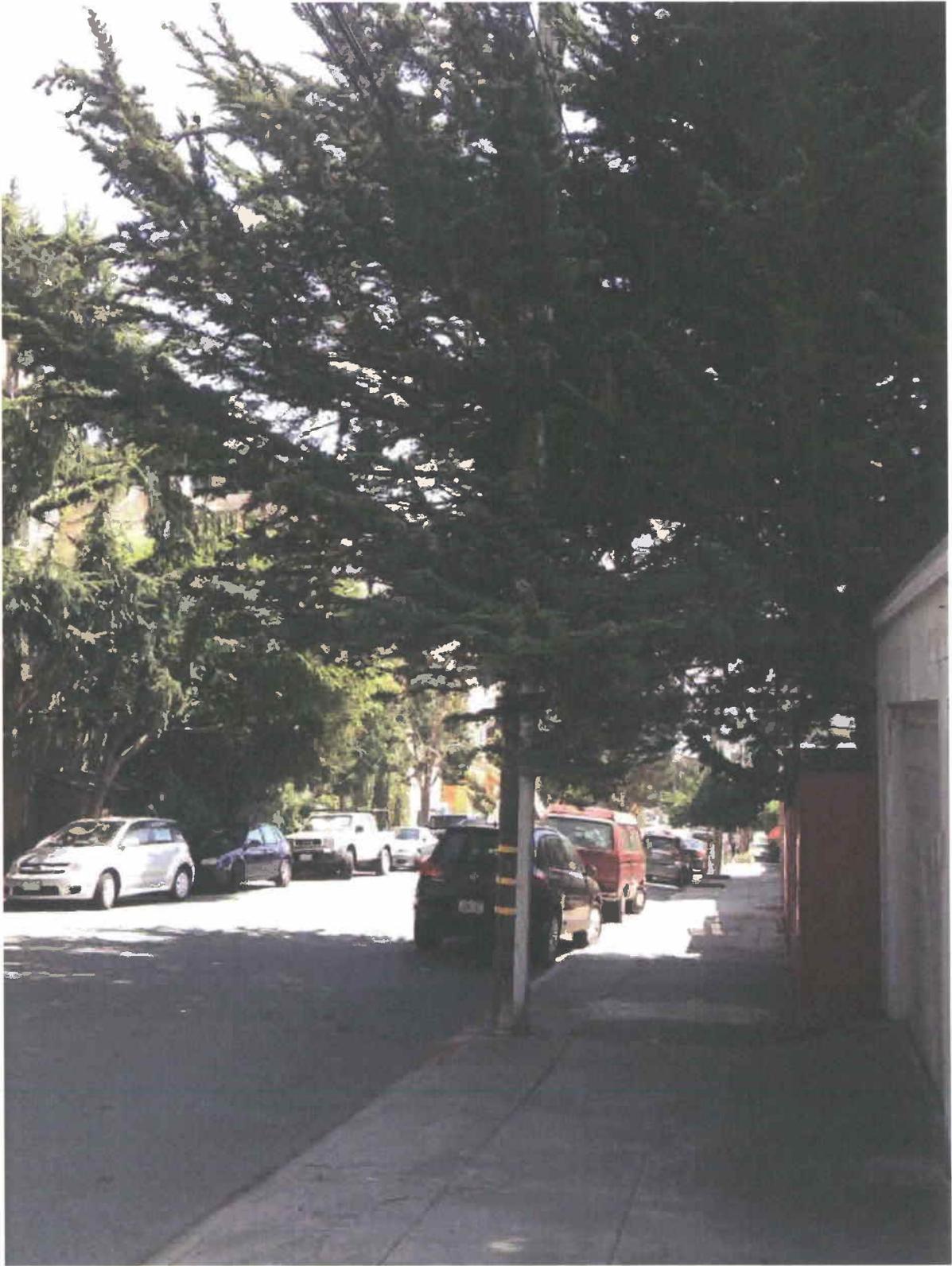
Request to Save & Preserve Two Monterey Cypress Trees Adjacent to 241 States Street, San Francisco, CA



Report by Jocelyn Cohen, Certified Arborist #WE7063A
Poetree Landscapes & Arboriculture
Prepared for Chris Parkes and States Street Neighbors, September 6, 2014



Front view of two Monterey Cypress.



Looking downhill at the Monterey Cypress trees with canopy gracing the street.



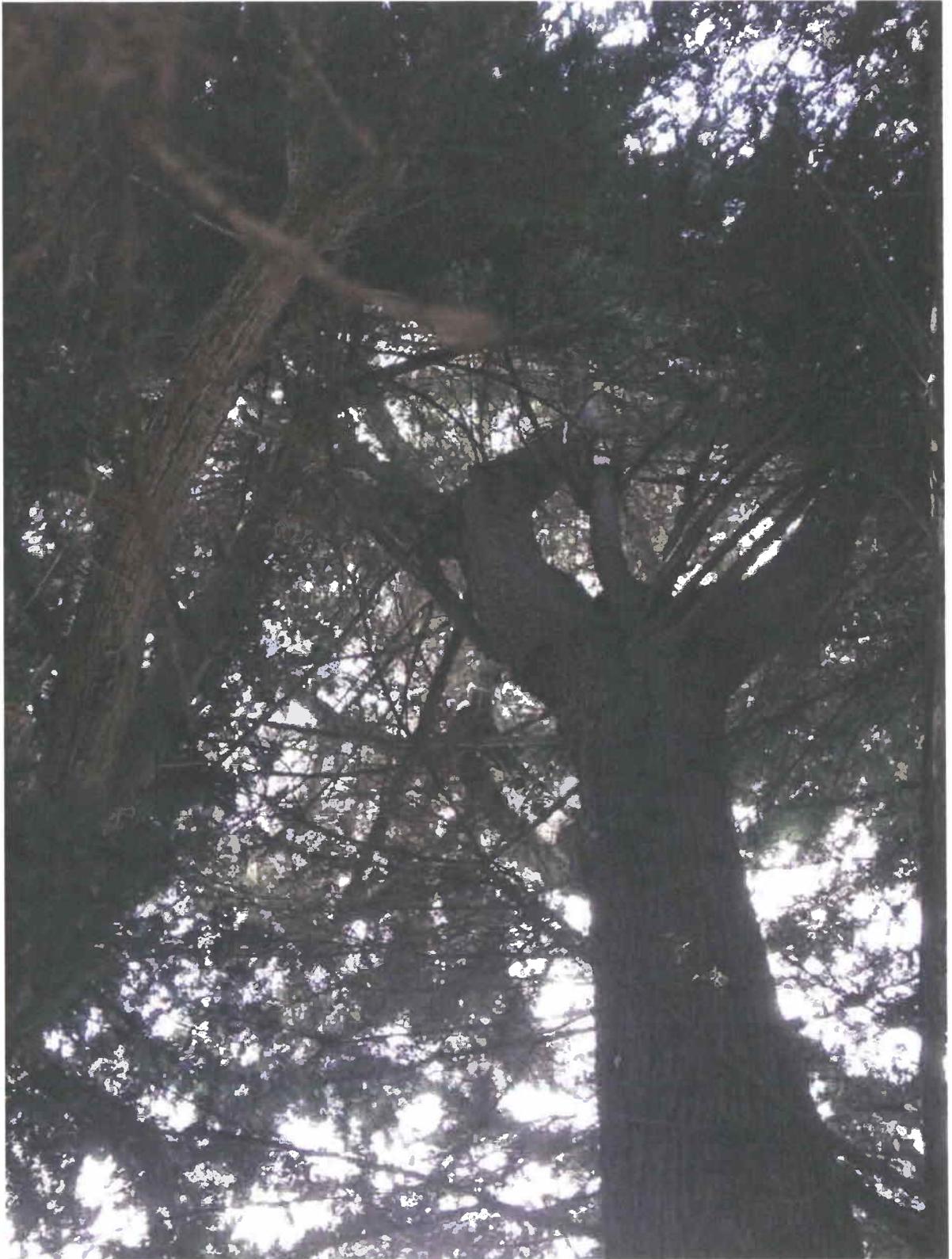
Looking uphill toward Monterey Cypress on left balancing the street and creating an arch canopy.



View showing sidewalk with small chunk of the curb missing probably having nothing to do with the trees, perhaps damage from the telephone pole. Usually old sidewalks are removed when a multi million dollar new home is built. This is an old sidewalk and complete speculation that the tree caused any damage. Conflicts between trees and infrastructure are common and removing a mature tree because of minor sidewalk damage is unacceptable.



Top view of both trunks looking over fence. Right side shows root collar.
Bottom photo shows tree on left.



View into canopy. Structural pruning necessary.

Title: Request to Save and Preserve States Street Trees adjacent to 241 States Street, San Francisco, CA
Prepared for Chris Parkes and States Street Neighbors for trees adjacent to 241 States Street, San Francisco, CA 94114
This document shall be sent and filed with Carla Short Director of The Bureau of Urban Forestry and Tina Chang,
Planning Department Staff.

Prepared by Jocelyn Cohen, Certified Arborist #WE7063A, Poetree Landscapes & Arboriculture • Phone: 415-285-2342:
Email: jocelyn@jocelync.com

I. Summary & Conclusion

- A. This report provides a review of two *Cupressus macrocarpa*, Monterey Cypress trees located adjacent to 241 States Street in San Francisco. My client Chris Parkes and other neighbors wish to retain these trees during the development proposed adjacent to 241 States Street and for many years in the future. In the process of inspecting the trees I saw potential problems for the trees moving forward with the construction and development. Although this report does not include specific guidelines and construction specifications for preservation, it does suggest a process and includes a general outline for this process.
- B. After a visual assessment of the site and trees and conversation with my client, I request that the Bureau of Urban Forestry reject the request by developer SIA Consulting Corp, acting as an agent for the property owner of 24 Ord Ct., to remove two mature, viable, healthy "Significant" Monterey Cypress trees. Because the Planning Department was not informed about the two "Significant trees" on the site the developer's proposal should be re-reviewed so appropriate changes can be made in the plans to accommodate and preserve the trees.

"The Department of Public Works, Bureau of Urban Forestry requires that a permit be issued to remove any significant tree. As defined in the Public Works Code, Significant trees are located on private property, and are within 10 feet of the public right-of-way and also meet any one of the following size requirements: 20 feet or greater in height, 15 feet or greater canopy width, or 12 inches or greater diameter of trunk measured at 4.5 feet above grade. These trees are granted the same protections as street trees, and a permit is required before any significant tree can be removed. Furthermore, the project sponsor SIA Consulting Corp is not acting in accord with San Francisco City ordinance Pursuant to Planning Code Section 138.1 and Public Works Code Article 16 16 and Department of Public Works Code Section 8.02-8.11. The following report details my findings both to preserve the trees during development should it be approved and reject the developer's request to cut and remove the trees.

II. Introduction

A. Background

1. Chris Parkes contacted me over the Labor Day weekend, 2014 concerning two "Significant" Monterey Cypress trees that adjoin his residence. We spoke on the phone Tuesday September 2. He explained the circumstances wherein the developer had submitted plans to the Planning Department including the "Required Checklist for Tree Planting and Protection" but failed to disclose two large "Significant trees" in the rear yard of 24 Ord Ct., overhanging States St. Pursuant to Planning Code Section 138.1 and Public Works Code Article 16 and Department of Public Works Code Section 8.02-8.11, a Tree Disclosure is required and the reasons for protecting trees is outlined within the code. Furthermore, I understood the developer had later filed a request to remove the trees stating they had damaged the sidewalk. Mr. Parkes expressed concern not only about the loss of urban forest to him and his neighbors and the community but also that the developer was not abiding by San Francisco code and ordinances and moving ahead without public sanction or support.
 - a. The two Monterey Cypress trees are several feet from Public Right of Way. Although it was difficult to ascertain the girth of the trees due to the high fence, I estimate they are each about two feet in diameter. Their canopy graces the street and, as you can see from the included photo, provides shade to over half the street's width.

B. Assignment

1. The scope of my assignment includes the following:
 - a. Review site and assess trees with recommendations for saving and preserving them during development.

- b. Assess the developers contention that the trees are damaging the sidewalk
 - c. Assess the health of the trees and vitality.
- C. Purpose and Use of Report
- 1. Assess the status of the trees in meeting criteria as "Significant trees."
 - 2. Provide assessment and recommendations to maintain the trees on site during construction/development.
 - 3. Address the sidewalk damage the developer asserts is caused by the trees.
 - 4. Include a general checklist of concerns that should be addressed to help mitigate negative impact of development on the trees and site.
- D. Limit of the Assignment – Scope of work does not include the following, although may be addressed in the future at client's request.
- 1. Appraisal value of trees
 - 2. Soil analysis
 - 3. Assessment of impact on the wildlife including birds, insects, amphibians.
 - 4. Parameters of the tree protection zone
 - 5. Drawings or documents for contractor to follow during development
 - 6. Plans or construction detail drawings that are considered least obtrusive to trees
 - 7. Additional changes or additions to this document
 - 8. Observation on site when work is in progress
 - 9. Consulting beyond the scope of this report

III. Site Visit and Observations

Friday September 5, 2014 at 12:15 pm I visited the site.

A. Survey Method

- 1. Visual survey of the site and trees, at ground level including viewing the trees over the fence.
- 2. There is no access to the site.
- 3. Photos were taken and included in this report.

B. Site Location & Conditions

- 1. Rear yard of 24 Ord Ct., Adjacent to 241 States Street, San Francisco, CA 94114
- 2. The sidewalk damage is slight and can easily and economically be repaired.
- 3. A small chunk of the curb is missing which may or may not have anything to do with the tree's roots. In any case this is a small repair in comparison to the value of the two trees.
- 4. From street view it appears the trees are slightly below the grade of the sidewalk.
- 5. Site development proposed for this and adjoining site appears to include excavation into the hillside.
- 6. States Street is a small, residential street off Castro Street. Foot traffic appears to be light.
- 7. The hillside behind the fence and below the trees appears quite steep.
- 8. Further down the hill is another large tree which I could not see well enough to identify.
- 9. Trees on the street include a mix of both native and introduced species – Gingko, Red gum, Chinese Elm, Monterey Pine and others.

10. I could not assess the top soil from the street view but the two trees provide a valuable stabilizing force and protect against erosion.

C. General Observations

I am treating both trees as a pair, partners as they have grown and been sharing the same space and depending on each other for many years. Both trees are in good health, relatively young and frisky yet mature. They appear to be well rooted and stable. The benefits, health and potential longevity of these trees make them suitable for preservation. They are mature, not in decline, and have aesthetic and structural value. The live crown ratio is very high. These trees have developed together and will function best as a pair.

1. Both trees have excellent trunk flare and are flourishing.
2. No protection for trees had been installed.
3. Trees located just on the other side of the tall fence putting them about two to three feet from Public Right of Way. Their canopy spans about 30' approximately and height about the same.
4. Very little dieback in either tree.
5. Previous pruning cuts mostly have been made improperly, leaving stubs. Yet even the stubbed branches have dense foliage.
6. Should the development be approved by the Planning Department, the trees should be pruned as focal point guardians welcoming the new owners and adding value to the neighborhood. The developer should hire a respected, well regarded Certified Arborist to structure the trees properly, remove damaged branches and clean up old, poor pruning cuts.

IV. Recommendations for Trees and Tree and Site Protection During Development

The City & County of San Francisco has prepared an excellent brochure, DIRECTOR'S BULLETIN NO. 2006-01, "What You Should Know About the Tree Protection Legislation." It provides guidelines meant to ensure that legislation governing the protection of trees is implemented.

- #### A. Below are a list of concerns that should be addressed to help mitigate negative impact of development on the trees and site including but not limited to:

1. Injury to trees, long and short term
2. Erosion
3. Ecological loss due to grading
4. Soil compaction
5. Effect of heavy equipment
6. Disturbance to people and wildlife
7. Disruption of water patterns
8. Overall effect of development on the oak grove/ woodland from individual tree loss and loss of critical mat forming roots
9. Maintenance of trees in the future

B. Site Recommendations

1. Whenever there is construction in the proximity of established trees there is a risk of loss, but that risk can be minimized with careful considerations and precautions.
2. Fencing of trees
 - a. Trees should be fenced off within the Root Protection Zone (RPZ). This is a semi permanent fence which stays in place throughout the duration of development.
 - b. A thick layer of wood chips can be laid down approximately 8" deep with plywood over it should equipment need to cross into the RPZ or if there are site limitations to staying outside the RPZ.

- c. Established trees often have roots that extend out three times the height of the tree.
- C. Access to site.
 - 1. Essential that the access point be outside the RPZ. Movement of people, equipment, storage materials and piles of soil should all occur outside the protected zone.
- D. Loss and disturbance to topsoil will occur during development.
 - 1. Save all topsoil that may be stripped prior to grading for reuse after grading. Note: Approximate time to build up one inch of topsoil, 1,000 years.
 - 2. Disturbance to soil can result in erosion, loss of trees, change in water percolation.
 - 3. Minimize impact by using small, non motorized rubber tired equipment or by hand for hauling.
- E. Posting a Bond for value of trees
 - 1. Helps insure specifications for tree preservation are followed. The bond becomes a tool for compliance, not a penalty.
- F. Monitoring during construction
 - 1. A Certified Arborist should be present when foundation is being excavated and poured to preserve the integrity of the root systems of the trees.
 - 2. "The consultant works with the design team to help develop a project that provides adequate space for trees that have a potential to be an asset to the site for years to come." (Trees and Development; Matheny and Clark , 1998) "An arborist can identify how to avoid the critical root zone, develop a tree protection plan, and monitor the construction process to minimize damage to the trees. Greater care must be taken in this situation because Monterey Cypress have low tolerance for disturbance and the result of losing the benefits these trees provide is likely to be additional erosion on the site." (Robert Schreiber, Environmental & Ecological Consultant, ASCA & ISA Certified)
 - 3. The Certified Arborist working with the architect/engineer routinely monitors the development process and maintains the tree protection zone. The contractor should be aware that the arborist is part of the development team and they will be working together to ensure the health and safety of the trees and project. Also, unforeseen changes or problems may occur and decisions and changes can be made that ensure the health and survival for the trees.
- G. Conclusion
 - 1. I request the Bureau of Urban Forestry reject the developer SIA Consulting Corp's request to remove two mature, viable, healthy "Significant" Monterey Cypress trees. Because the Planning Department was not informed about the two "Significant trees" on the site the developers proposal should be re-reviewed so appropriate changes can be made in the plans to accommodate and preserve the trees. Furthermore, the developer SIA Consulting Corp is not acting in accord with San Francisco City ordinance Pursuant to Planning Code Section 138.1 and Public Works Code Article 16 Department of Public Works Code Section 8.02-8.11. This report details my findings both to preserve the trees during development should it be approved, and reject the developers request to cut and remove the trees.

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REUBEN, JUNIUS & ROSE, LLP

November 13, 2014

By Hand Delivery

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

Re: 22-24 Ord Court
Brief in Opposition to Discretionary Review Request
Hearing Date: December 4, 2014
Our File No.: 8653.01

Dear President Wu:

Our office represents Kenneth Tam, owner of the property located at 22-24 Ord Court (the "Property"). The Property consists of two through lots fronting both Ord Court and States Street, and is currently improved with two single-family homes fronting Ord Court. Mr. Tam proposes to (1) renovate and vertically expand the existing home at 22 Ord Court to enhance its habitability as a family-sized dwelling unit; (2) construct a new four-bedroom dwelling unit at the rear of 22 Ord Court, fronting States Street; and (3) construct a new four-bedroom dwelling unit at the rear of 24 Ord Court, fronting States Street (the "Project").

Mr. Tam has been sensitive to the neighborhood in crafting the Project, proposing a development that respects the existing built environment and refraining from altering the existing building at 24 Ord Court due to concerns with its existing elderly tenants. The Project will improve one existing family-sized dwelling unit while creating two new family-sized dwelling units, while also providing for the orderly development of this irregularly-developed and significantly-sloped neighborhood block.

A. Property and Project Overview

The Property consists of two through lots fronting both Ord Court and States Street. The Property's topography includes significant sloping, both along Ord Court and States Street, as well as between the two streets. Street views are attached as **Exhibit A**.

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

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(1) 22 Ord Court – Existing Home Renovation and Expansion

22 Ord Court is a single-family home which is three stories at the street, dropping to two stories at its rear half. The Project proposes a one-story vertical addition to the home and an interior renovation. Two undersized bedrooms on the second floor will be relocated to a third floor and enlarged. The master bedroom will be relocated to the new fourth floor. The massing of the home at the third floor will be set back several feet from its existing condition. The new fourth floor will be set back roughly 20 feet from the street and will also provide a side setback of 5 to 12 feet from its downslope neighbor. The proposed vertical addition will not block any property line windows of its adjacent neighbors. No horizontal expansion to the rear is proposed. The total floor area increase would be 867 square feet.

(2) 22 Ord Court – New Single Family Home on States Street

The existing home at 22 Ord Court occupies 46 feet of depth on a 118-foot deep lot. The Project proposes to construct a new single family home at the rear of the lot, fronting States Street. The building would have four stories, but, due to the significant slope of the lot, only three stories would be above ground at States Street. The third floor at States Street will have a 3.5 foot setback from the street. The home would have four bedrooms, one of which is on one of the lower levels, suitable for a guest or extended family member. Due to the slope of the site, no traditional rear yard can be provided, and open space will instead be provided with a near-ground-level patio, as well as decks on several floors. No roof deck is proposed.

The adjacent residential building has no lot line windows along the shared property line. A lightwell is provided to match the lightwell of the adjacent building.

(3) 24 Ord Court – New Single Family Home on States Street

The existing conditions at 24 Ord Court are very similar to those at 22 Ord Court – the existing home occupies 49 feet of depth from Ord Court with the balance of the uphill lot vacant. The Project proposes to construct a new single family home at the rear of the lot, fronting States Street. The building would have four stories, but, due to the significant slope of the lot, only three stories would be above ground at States Street. The third floor at States Street will have a 4 foot setback from the street. The home would have four bedrooms, one of which is on one of the lower levels, suitable for a guest or extended family member. Due to the slope of the site, no traditional rear yard can be provided, and open space will instead be provided with a near-ground-level patio, as well as decks on several floors. No roof deck is proposed.

The adjacent parking garage has no lot line windows along the shared property line. The two proposed buildings along States Street are roughly 28 feet tall, and step up along with slope of the street.

A variance is required for both rear lot buildings, since they are located in the 45% rear yard. However, the Project proposes a development that creates a more orderly built environment on the subject block. It provides lot line, single-family home development along States Street, creating consistency along the street and improving public safety by removing a dead space accessible directly from the street. The Planning Code encourages this type of development, and the only reason a variance is required is that the adjacent lots do not currently have homes at either end of their lots. A variance hearing has already been held, and the Zoning Administrator's decision is pending until the discretionary review cases are resolved.

No work is proposed to the existing home at the front of 24 Ord Court. The reason no work is proposed is in consideration of the current tenants, an elderly couple that have lived at the home for 34 years, who Mr. Tam did not want to disturb.

A. Neighborhood Outreach and Design Development

Throughout the entitlement process, Mr. Tam has strived to design a Project that provides livable, modern single family homes while also fulfilling the aesthetic and design considerations of the neighborhood and Planning Department.

Mr. Tam and his team conducted a series of at least four meetings during the course of Project development. In particular, the adjacent DR Requestor and the uphill neighbors across States Street from the Property had expressed concerns. Despite exploring potential Project modifications to satisfy these neighbors, it appears that nothing less than a project that eliminates the new homes along State Street will satisfy them. As discussed below, the Project has been designed to create an enhanced home at 22 Ord Court and two new family-sized homes along States Street, consistent with the orderly development of this block and sensitive to the neighborhood by being consistent with the Residential Design Guidelines ("RDG"). Mr. Tam does not believe that eliminating the two proposed homes along States Street is an appropriate modification to the Project.

B. Consistency with Residential Design Guidelines

The Project is consistent with, and fulfills the goals of, the Residential Design Guidelines, as follows:

Building Scale and Form

Design the height and depth of the building to be compatible with the existing building scale at the Street (RDG, Page 24). A building that is larger than its neighbors can still be in scale and be compatible with the smaller buildings in the area (RDG, Page 23).

Each of the buildings proposed as part of the Project is compatible with the height and depth of the surrounding buildings. The single story addition at 22 Ord Court is an appropriate scale for its location on a block with many houses of at least three stories. The Project will maintain a three-story façade at the street, consistent with the three story buildings doors uphill and two doors downhill. (See photos attached as **Exhibit B.**) The addition minimizes the impact of the addition at the street by setting back both the fourth floor addition and the third floor roof deck, as encouraged by the Residential Design Guidelines. This will make the fourth floor virtually un-viewable from the street. Moreover, the fourth floor addition is only 460 square feet.

The new buildings at the rear of 22 and 24 Ord Court are two stories over garage, consistent with the double lot, two story over garage building just two lots downhill from the Property. The buildings are proposed to be set back 3.5 and 4 feet at their third floor, respectively, where the building two lots down provides no such setback. As a result, the proposed homes are smaller in scale than that existing building. (See photos attached as **Exhibit C.**)

Neither the expanded building on Ord Court, nor the two new buildings on States Street, will be inconsistent with the existing scale of development in the near vicinity of the Property.

Site Design

Respect the topography of the site and the surrounding area...This can be achieved by designing the building so it follows the topography in a manner similar to surrounding buildings (RDG, Page 11).

The existing home at 22 Ord Court steps down with the slope of the street, consistent with the other two- and three-story homes on the street. The proposed fourth floor is set back 20 feet from the street, making it unseen from the street. Therefore, the stepped-down nature of the built environment along the slope of the street will be maintained by the Project.

The proposed new homes along States Street also respect the slope of that street. Both are roughly 28 feet tall, consistent with the building two lots downhill. As a result, there is a clear step down between the two buildings as they follow the slope of the street.

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Neighborhood Character

Design buildings to be responsive to the overall neighborhood context, in order to preserve the existing visual character (RDG, Page 7).

The Project is consistent with the character of the neighborhood, which contains both street-fronting single family homes with internal rear yards and rear yards extending to the property line. There is no unifying architectural character of the block face, other than living space above garage at ground level (with which the Project is consistent). This gives the designer “greater opportunity and responsibility to help define, unify, and contribute positively to the existing visual context.” (Residential Design Guidelines, p. 10.) The Project will further the orderly development of this block by creating consistent street wall homes on both Ord Court and States Street, with private open space in between. The Project also provides high quality buildings sensitive to the context of the area by not adding excessive bulk to the street face, thereby contributing positively to the visual context of the neighborhood.

C. Significant Tree

There are two significant trees at the rear of 24 Ord Court. A tree removal permit has been filed, the Urban Forestry Division of the Department of Public Works has recommended approval of the permit, and a hearing on the permit is scheduled for November 24, 2014. A certified arborist has found that these trees were topped multiple times prior to Mr. Tam’s ownership of the Property. As a result, the trees are compromised and are subject to catastrophic damage to persons and/or property in the event of a serious windstorm.

D. Conclusion

Mr. Tam proposes a Project that will enhance and increase the number of family-sized housing units in the city, by renovating an existing home and creating two new family-sized homes. The Project does so in a way that is consistent with the existing neighborhood character and has no impacts associated with the RDG. It also furthers the orderly development of this irregularly-shaped and sloped block.

Mr. Tam has made good faith efforts to work with the neighbors to create a project that assuages their concerns. The Project has the support of the Planning Department, which has expressly recognized that the Project is consistent with the neighborhood character. The DR Requestor identifies no issues with the Project rising to the threshold of the “exceptional and extraordinary circumstances” required to approve the DR Request.

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President Wu and Commissioners
Planning Commission
November 13, 2014
Page 6

Therefore, we respectfully request the Planning Commission to deny the discretionary review request and to allow the Project to move forward.

Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



John Kevlin

cc: Rodney Fong, Commission Vice-President
Michael Antonini, Commissioner
Christine Johnson, Commissioner
Rich Hillis, Commissioner
Christine D. Johnson, Commissioner
Kathrin Moore, Commissioner
Dennis Richards, Commissioner
Jonas Ionin, Commission Secretary
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator
Tina Chang, Project Planner
Kenneth Tam, Project Sponsor

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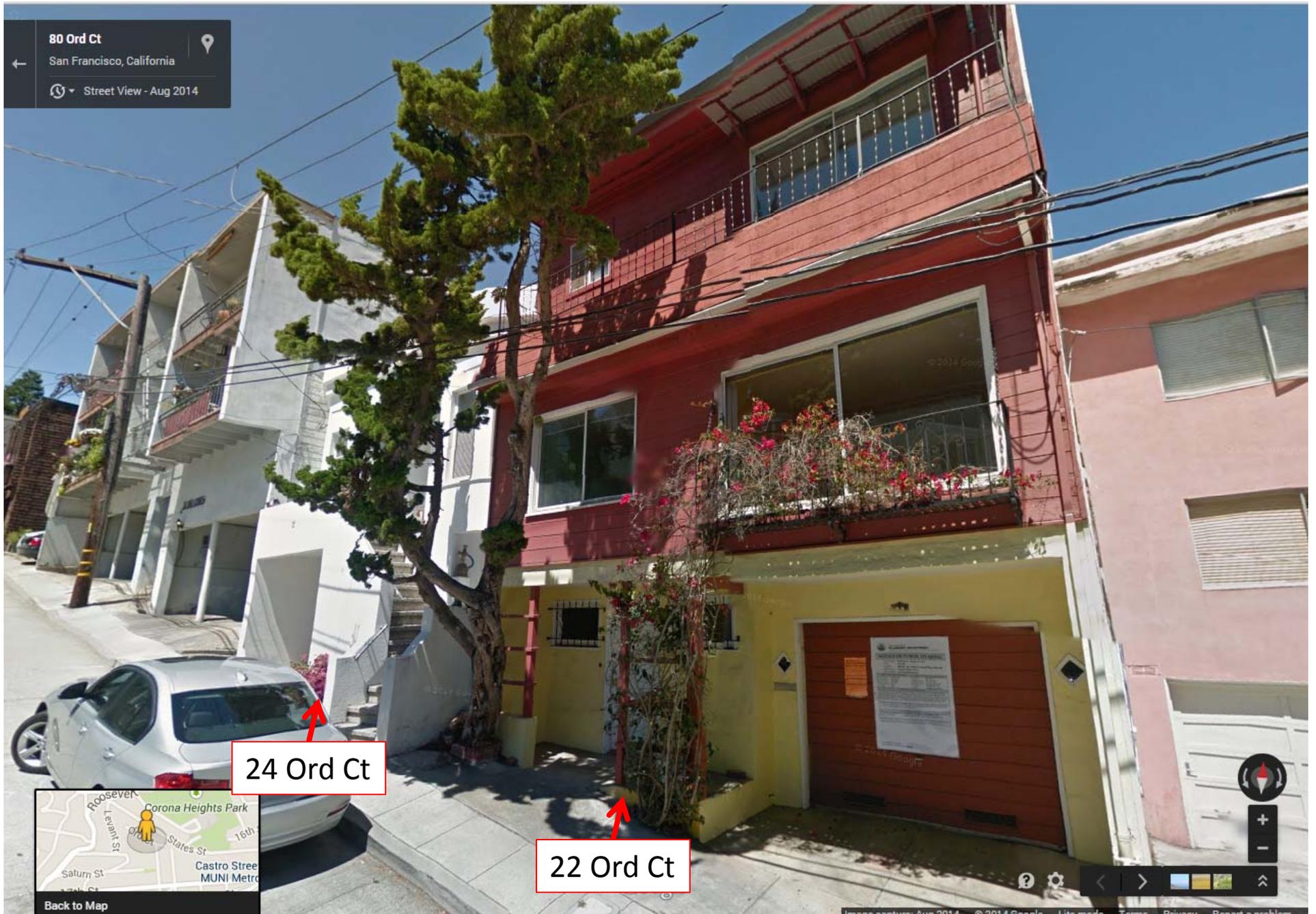
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Exhibit A

24 and 22 Ord Court



Ord Court – Looking Uphill



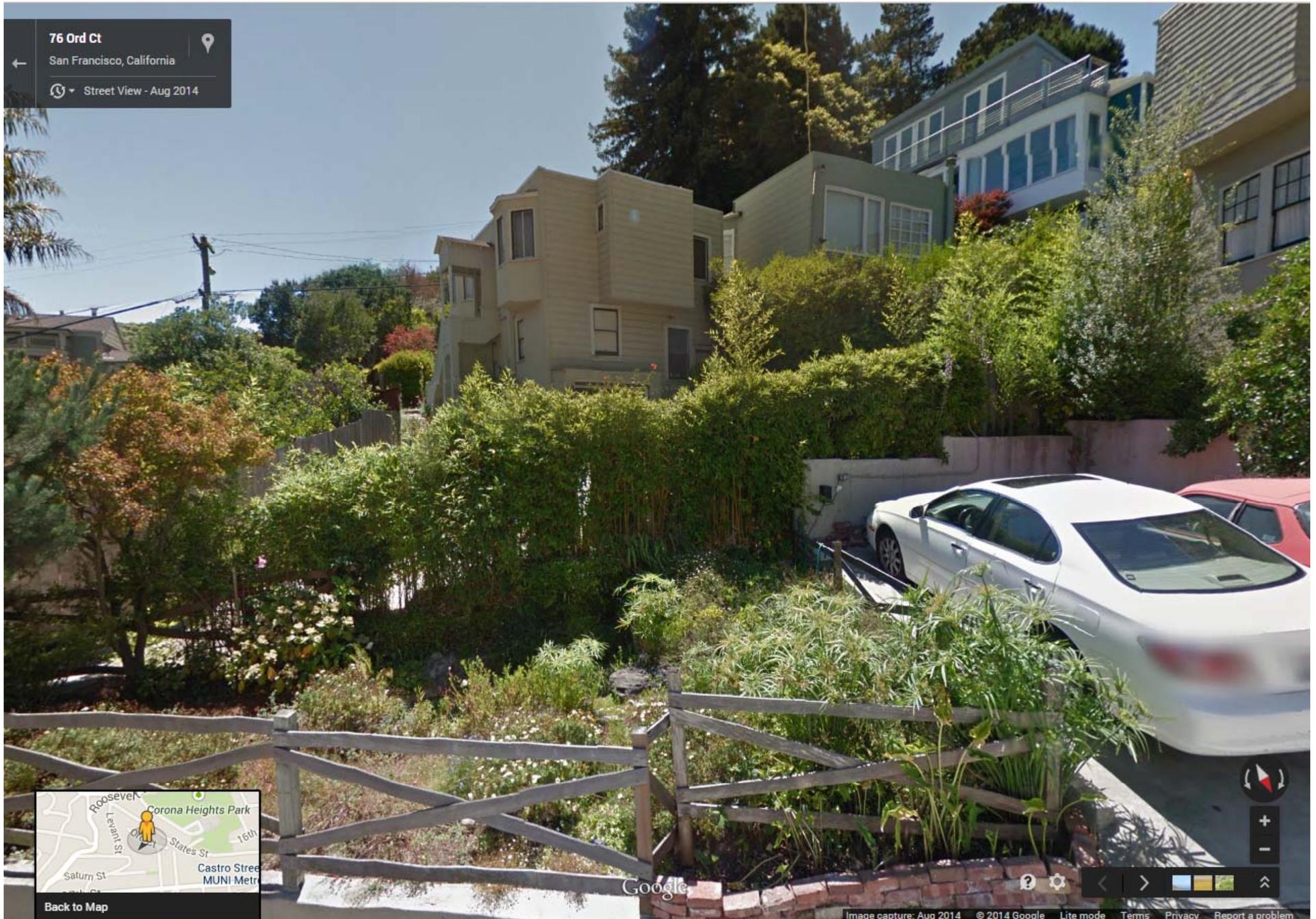
24 Ord Ct

22 Ord Ct

Ord Court – Looking Downhill



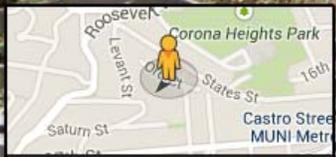
Ord Court – Opposite Side of Street



76 Ord Ct

San Francisco, California

Street View - Aug 2014



Back to Map

Google

States Street – Rear of 22 and 24 Ord Court



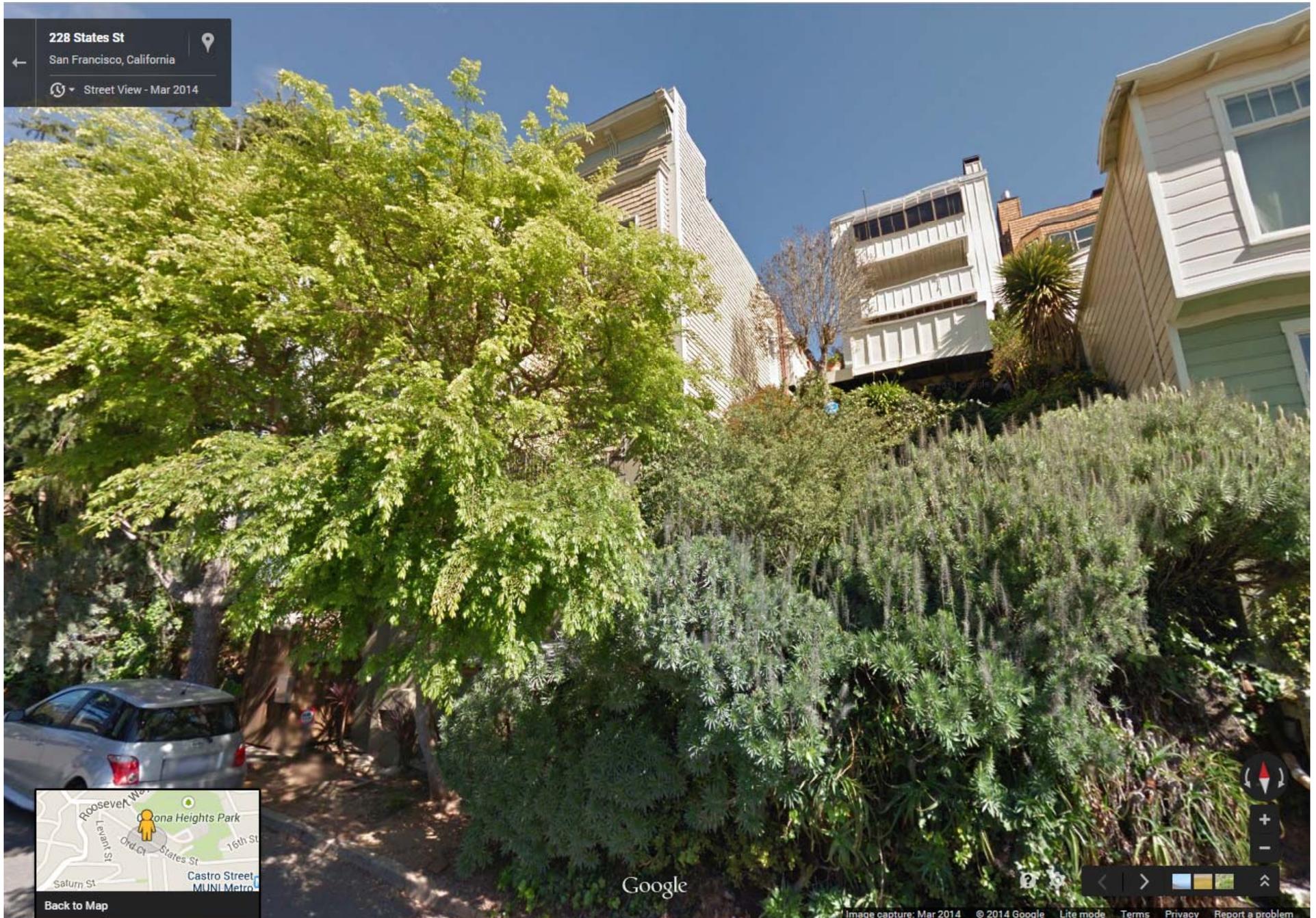
States Street – Looking Uphill



States Street – Looking Downhill



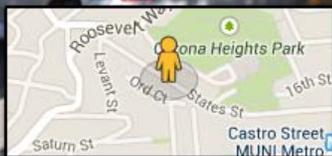
States Street – Opposite Side of Street



228 States St

San Francisco, California

Street View - Mar 2014



Back to Map

Google

Exhibit B

30 Ord Court – 3 story building



16 Ord Court – 3 story building



22 Ord Ct

16 Ord Ct

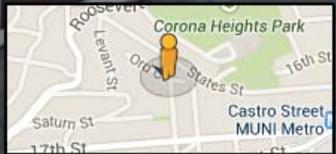


Exhibit C

227-229 States Street – 3 story building



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PROPOSED NEW CONSTRUCTION – 24 ORD COURT

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SHEET TITLE

Front & Rear Elevations

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ISSUES / REVISIONS

NO.	DATE	DESCRIPTION

DRAWN R.L.

DESIGN R.K.

DATE 08/19/2013

REVISED DATE 10/16/2013

JOB NO. 13-

SHEET NO.

A-3.1



Proposed Front Elevation (States St.)
3/16" = 1'-0"



Proposed Rear Elevation (States St.)
3/16" = 1'-0"



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Left Elevation

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DESIGN R.K.

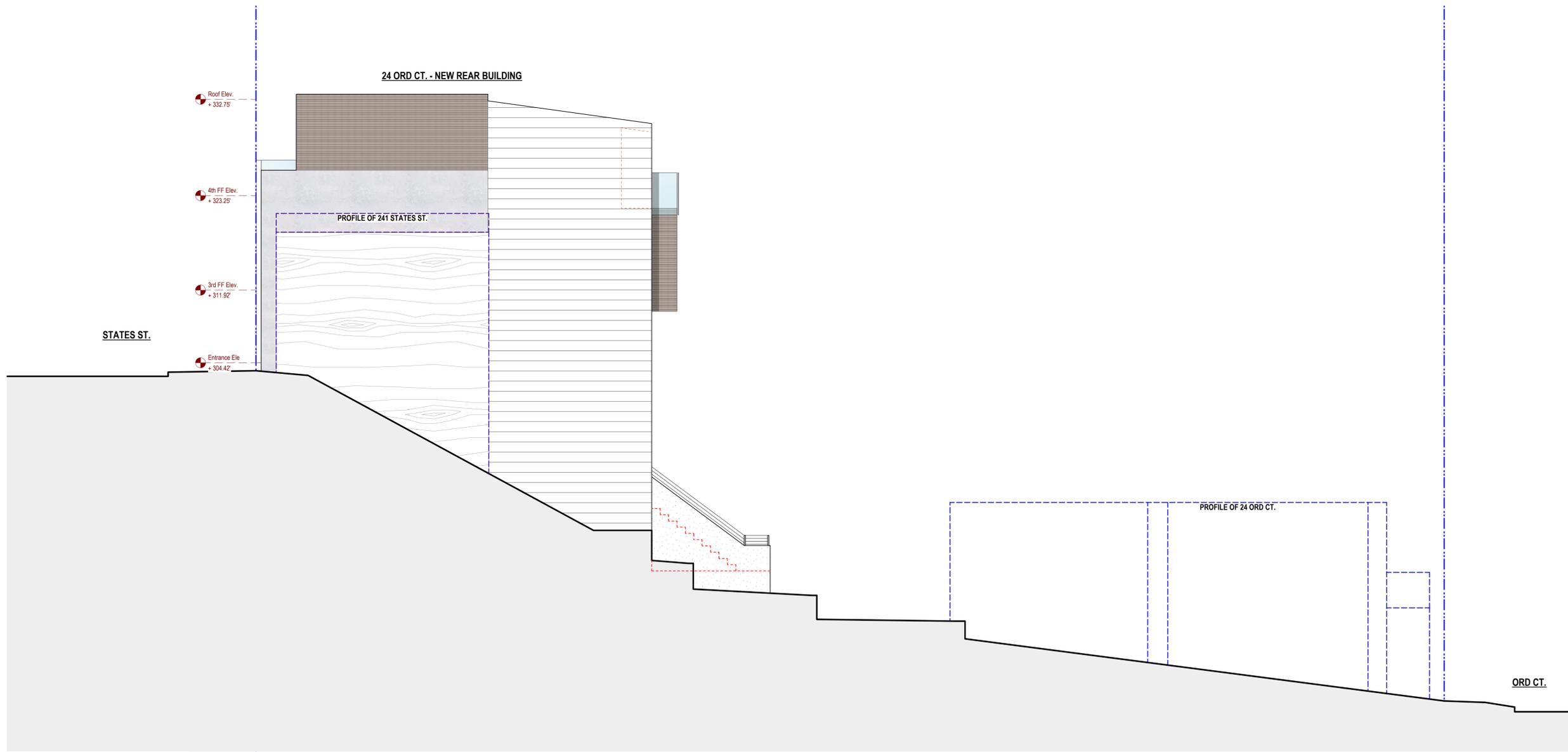
DATE 08/19/2013

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JOB NO. 13-

SHEET NO.

A-3.2



Proposed Left Elevation
3/16" = 1'-0"



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Right Elevation

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DRAWN R.L.

DESIGN R.K.

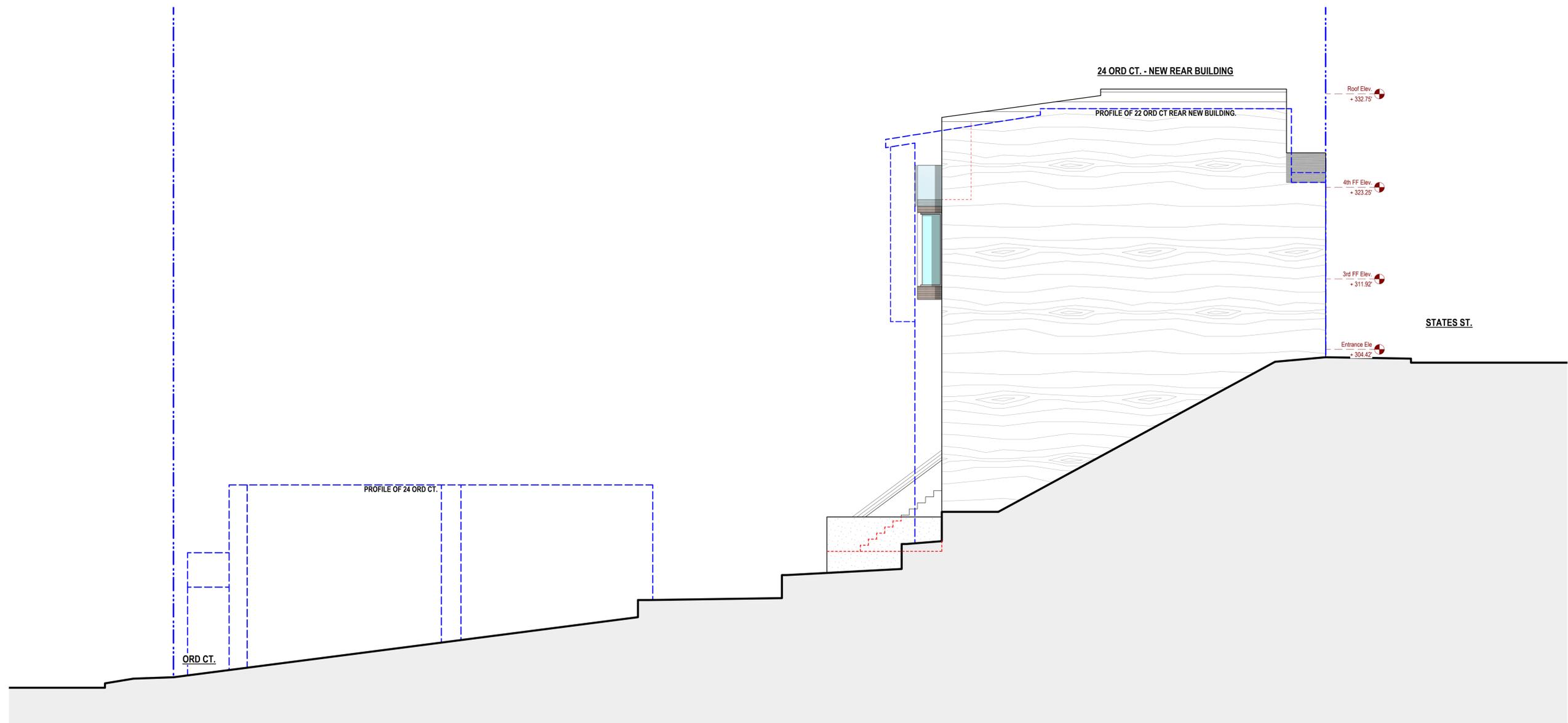
DATE 08/19/2013

REVISED DATE 10/16/2013

JOB NO. 13-

SHEET NO.

A-3.3



Proposed Right Elevation

1/4" = 1'-0"