



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: JANUARY 22, 2015

Date: January 12, 2015
Case No.: **2014.0797D**
Project Address: **435 10th Avenue**
Permit Application: 2014.03.07.0225
Zoning: RH-2 (Residential House, Two-Family)
40-X Height and Bulk District
Block/Lot: 1534/006
Project Sponsor: George Sun, Sun Architecture
411 15th Avenue, Suite A
San Francisco, CA 94118
Staff Contact: Alexandra Kirby – (415) 575-9133
alexandra.kirby@sfgov.org
Recommendation: **Do not take DR and approve as revised**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

The project proposes to construct a horizontal addition at the rear of the three-story, single-family residence. The addition would include one-, two- and three-story components. The two- and three-story component would measure 24' in width and 18'-3" in depth. The 12' by 12' one-story component would have a deck on its roof and would provide 5' wide setbacks at each side. No alterations are proposed at the front elevation.

It should be noted that the project originally proposed a horizontal addition at the rear of the house that included one-, two- and three-story components. The project originally proposed to construct a horizontal addition at the rear of the single-family, three-story residence. The addition consisted of two- and three-story components, measuring 22' in width and 18'-3" in depth. The project additionally proposed to construct a one-story high rear deck, 10' deep and 12' wide that projects beyond the addition, providing a 5' setback on the south side and an 8' setback on the north side. No alterations were proposed at the front elevation.

The originally-proposed project was subject to Section 311 notification from April 23, 2014, through May 23, 2014, and a Request for Discretionary Review was filed on May 22nd. Just prior to the scheduled September 4, 2014 Discretionary Review hearing before the Planning Commission, the project sponsor advised the Department that he wished to modify the project in a manner that would require additional Section 311 notification. The Discretionary Review hearing was therefore continued indefinitely to allow the Department to review the revised project and to conduct a new Section 311 notification, which occurred between November 7, 2014 and December 7, 2014. No additional requests for Discretionary Review were filed; however, the original Discretionary Review request was maintained.

SITE DESCRIPTION AND PRESENT USE

The subject property is located on Lot 006 in Assessor’s Block 1534 on the west side of 10th Avenue between Geary Boulevard and Anza Street in the Inner Richmond neighborhood. The project site contains a two-story over garage single-family dwelling constructed circa 1908 on a 25-foot wide by 120-foot deep lot.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

On the subject block-face and opposite block-face, the majority of the buildings are two to three-story, single-family, and multi-unit buildings. The subject block-face is zoned RH-2 (Residential, House, Two-Family). The corner lots at Geary Boulevard are within an NC-3 Zoning District.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 Days	April 23, 2014 – May 23, 2014	May 22, 2014	September 4, 2014, Continued Indefinitely	105 Days
311 Notice	30 days	November 07, 2014 – December 07, 2014	May 22, 2014	January 22, 2015	275 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 11, 2015	January 11, 2015	10 days
Mailed Notice	10 days	January 11, 2015	January 11, 2015	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	N/A	1 (DR Requestors)	N/A
Other neighbors on the block or directly across the street	2	1	N/A
Neighborhood groups	N/A	N/A	N/A

One neighbor, residing at 4545 Geary Boulevard, a business owner at 4601 Geary Boulevard, and the Star of The Sea School, located at 360 9th Avenue have submitted letters of support for the project. One neighbor at 430 10th Avenue has submitted a letter of opposition to the project.

DR REQUESTOR

Tracy West and Sydney Morgan, owners and residents of 431 10th Avenue, located to the immediate north of the subject property.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated May 22, 2014.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated August 16, 2014.

ENVIRONMENTAL REVIEW

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

RESIDENTIAL DESIGN TEAM REVIEW

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

- The mass of the proposed addition respects the massing of the adjacent neighbors. The proposed height and depth of the addition relate to the height and depth of the adjacent building to the north and no windows are proposed at the property line wall, which is set back 1' from the north property line. The design additionally steps down to provide light and air to the adjacent property to the south.
- RDT finds that the proposed one-story component of the project, which includes a deck on its roof, would not affect the privacy or light and air of the neighboring properties. The proposed rear deck will be 9' above grade and project 12' from the new rear building wall with 5' setbacks from the side property lines. As such the deck would not present an unusual effect on the privacy of the neighboring property to the north.

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

RECOMMENDATION: Do not take DR and approve project as revised

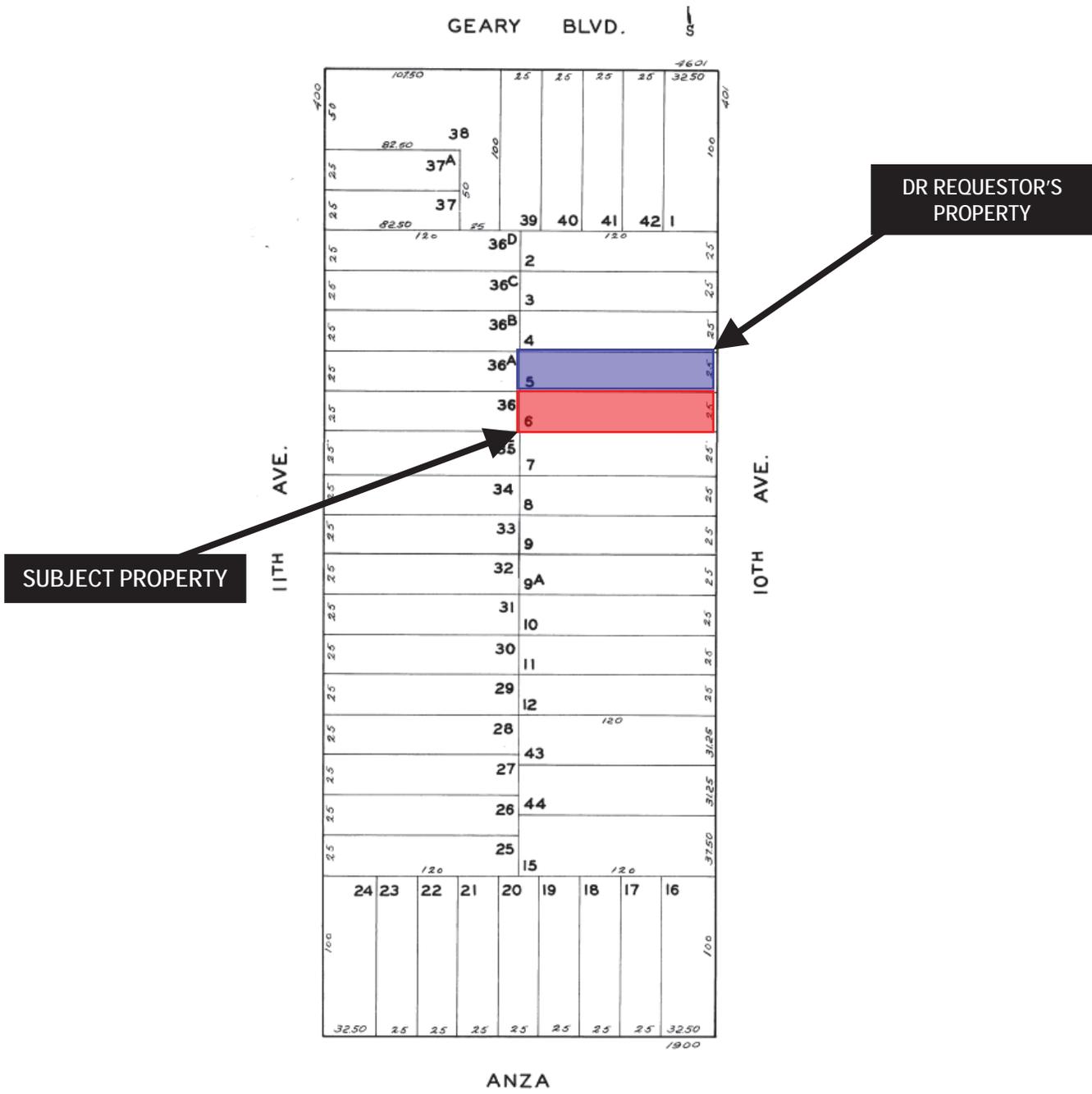
Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs

Context Photographs
Section 311 Notice
DR Application
Response to DR Application dated August 16, 2014
Reduced Plans

AK: G:\Building Permits\435 10th Ave\435 10th Ave -DR_Abbreviated analysis.doc

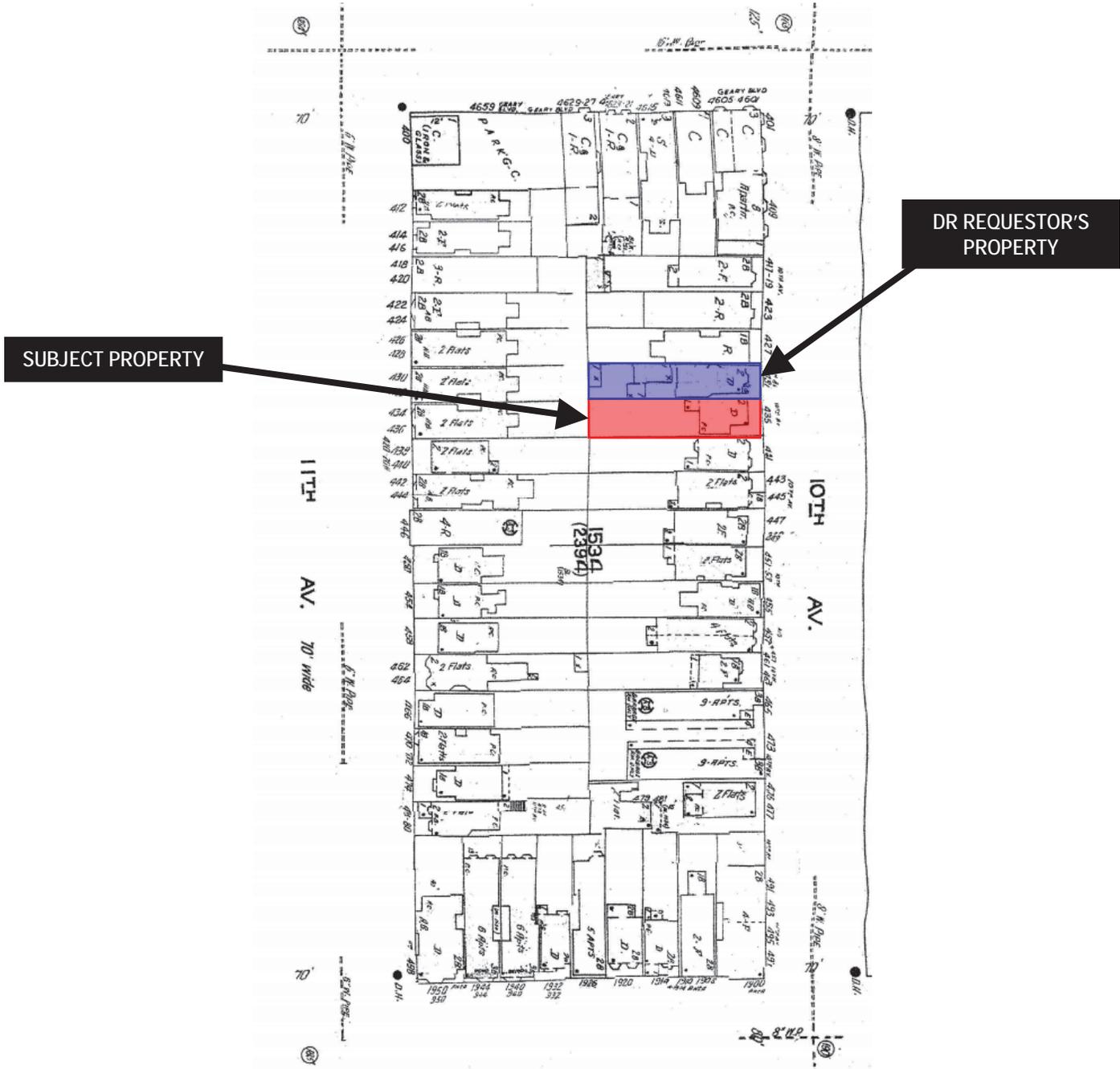
Parcel Map



Discretionary Review Hearing
 Case Number 2014.0797D
 435 10th Avenue



Sanborn Map*



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



Discretionary Review Hearing
 Case Number 2014.0797D
 435 10th Avenue

Aerial Photo



DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2014.0797D
435 10th Avenue

Aerial Photo

View to the east



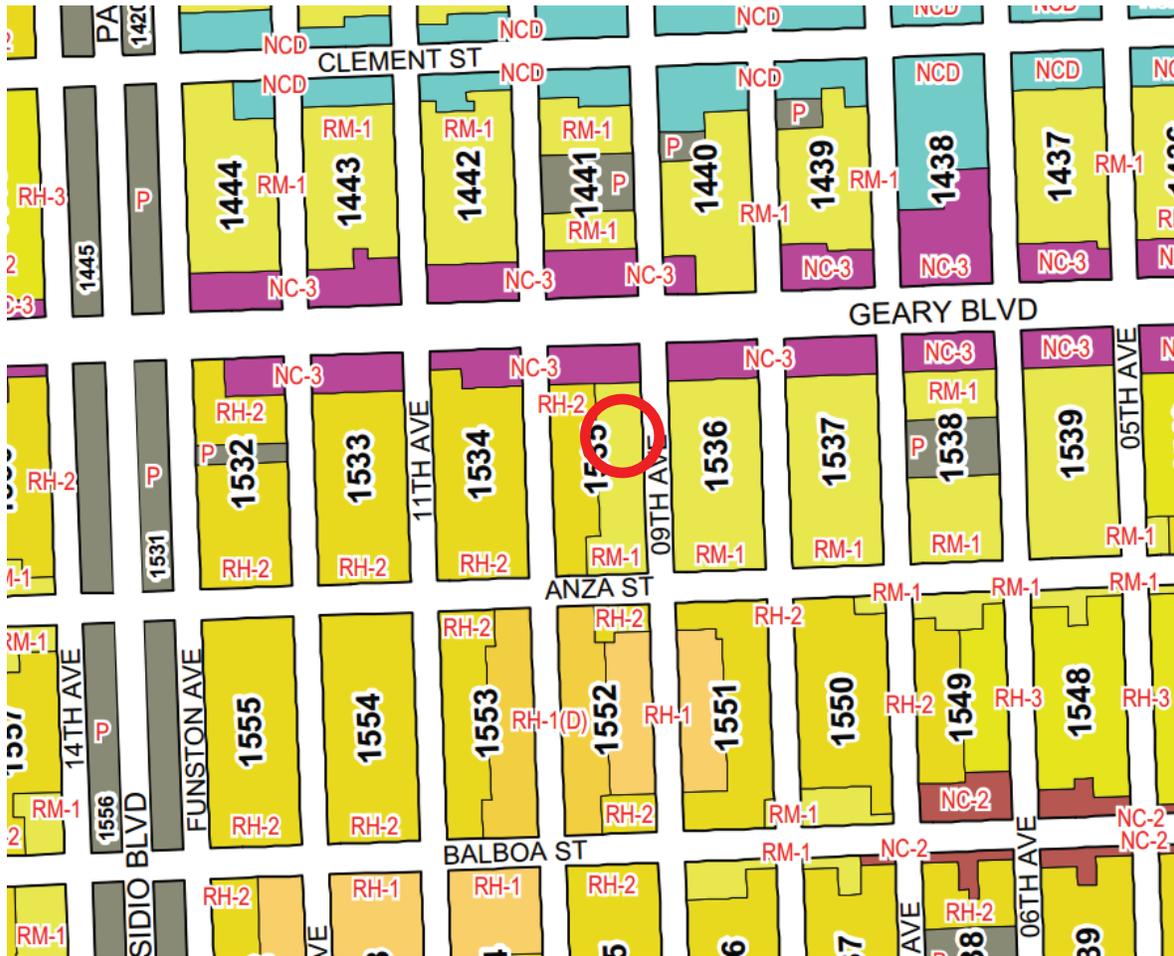
DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2014.0797D
435 10th Avenue

Zoning Map



Discretionary Review Hearing
Case Number 2014.0797D
435 10th Avenue

Site Photo



Discretionary Review Hearing
Case Number 2014.0797D
435 10th Avenue



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311/312)

On **March 7, 2014**, the Applicant named below filed Building Permit Application No. **2014.03.07.0225** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	435 10th Avenue	Applicant:	George Sun, Architect
Cross Street(s):	Geary Boulevard and Anza Street	Address:	411 15th Avenue, Suite A
Block/Lot No.:	1534/006	City, State:	San Francisco, CA 94118
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 387-2700

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	11'	No Change
Side Setbacks	None	No Change
Building Depth	48'	52'
Rear Yard	62'-6"	46'
Building Height	27'	No Change
Number of Stories	3	No Change
Number of Dwelling Units	1	1
Number of Parking Spaces	1	1
PROJECT DESCRIPTION		
<p>The project proposes to construct a vertical addition at the rear of the existing single-family, three-story residence. The addition will measure 24' in width, 18'-3" in depth, and three-stories in height. The project additionally proposes to construct a rear deck 12' deep and 12' wide that projects 8'-4" into the required rear yard with habitable space provided below. The proposed deck will provide a minimum setback of 5' at each side. No alterations are proposed at the front elevation. See attached plans for details.</p>		

For more information, please contact Planning Department staff:

Planner: Alexandra Kirby

Telephone: (415) 575-9133

E-mail: alexandra.kirby@sfgov.org

Notice Date: **11/07/2014**

Expiration Date: **12/07/2014**

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

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Block/Lot No.:	1534/006	City, State:	San Francisco, CA 94118
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 387-2700

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.

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PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
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PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	11'	No Change
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Building Depth	48'	52'
Rear Yard	62'-6"	56'-6"
Building Height	27'	No Change
Number of Stories	3	No Change
Number of Dwelling Units	1	1
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PROJECT DESCRIPTION		
<p>The project proposes to construct a horizontal addition at the rear of the existing single-family, three-story residence. The addition will measure 22' in width, 18'-3" in depth, and three stories in height, providing a 2' side setback at the north lot line and 1' side setback at the south lot line. The project additionally proposes to construct a rear deck 10' deep and 12' wide that projects 6'-4" into the required rear yard. The proposed deck will provide a minimum setback of 5' at each side. No alterations are proposed at the front elevation. See attached plans for details.</p>		

For more information, please contact Planning Department staff:

Planner: Alexandra Kirby

Telephone: (415) 575-9133

E-mail: alexandra.kirby@sfgov.org

Notice Date: **4/23/2014**

Expiration Date: **5/23/2014**

中文詢問請電: **(415) 575-9010**

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

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APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Tracy West & Sidney Morgan		
DR APPLICANT'S ADDRESS: 431 10th Avenue	ZIP CODE: 94116	TELEPHONE: (415)742-0234
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Nick and Signe Holsman		
ADDRESS: 435 10th Avenue	ZIP CODE: 94116	TELEPHONE: ()
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Garrett Colli & David Cincotta, c/o Jeffer Mangels Butler & Mitchell, LLP		
ADDRESS: 2 Embarcadero Center 5th Floor, San Francisco	ZIP CODE: 94111	TELEPHONE: (415) 984-9625
E-MAIL ADDRESS: GColli@jmbm.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 435 10th Avenue		ZIP CODE: 94116
CROSS STREETS: Geary & Anza		
ASSESSORS BLOCK/LOT: 1534 /006	LOT DIMENSIONS: 25x120	LOT AREA (SQ FT): 3000
ZONING DISTRICT: RH-2		HEIGHT/BULK DISTRICT: 40-x

3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard
Residential

Present or Previous Use:

Proposed Use: Residential

Building Permit Application No. 2014.03.07.0225

Date Filed: March 7, 2014

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

The Discretionary Review applicants discussed the project with the project applicants both at the pre-application meeting and in a subsequent series of exchanges. Pursuant to these discussions, the applicants made modest revisions to the design, including reducing the size of the proposed rear deck, and scaling back a proposed third floor balcony. These modifications do not adequately address the impacts to light, air and privacy to the residents of 431 10th Avenue, however.

Discretionary Review Request

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

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

The project will significantly and adversely affect light, air, and privacy at 431 10th Avenue. (Planning Code 101 (c); Guidelines pp. 16-17.) Specifically, the proposed three-story rear extension will act as a barrier to 431 10th Avenue that constrains the flow of light and air into the living space at 431 10th Avenue, which conflicts with Planning Code 101(c). The proposed rear expansion and deck will provide a direct line of sight into the living area, thereby compromising the privacy of the home's residents. (Planning Code 101(c), Guidelines pp. 16-17.)

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

The project's significant rearward and vertical expansion will unreasonably constrain light and air at 431 10th Avenue. When coupled with the proposed rear deck, substantial portions of the living space will be shaded and otherwise see a dramatic reduction in light and air access. Additionally, the elevated rear deck will allow those at 435 10th Avenue to see directly into private space at 431 10th Avenue. The magnitude of these impacts to the residents of 431 10th Avenue render them extraordinary and exceptional.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

The impacts listed above would be mitigated if the deck of the proposed elevated deck is removed from the project, and the rear expansion is reduced from a three story down to a two story expansion. The Discretionary Review applicants are further concerned about proposed excavation at 435 10th Avenue which is noted, but not described on the plans. If the project applicants cannot clarify the extent of the excavation and that such excavation can be done without injury to neighboring properties, the excavation should be prohibited.

14.0797D

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: _____



Date: _____

5/22/14

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

Garrett Coll:

Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent.**

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input type="checkbox"/>
Address labels (original), if applicable	<input type="radio"/>
Address labels (copy of the above), if applicable	<input type="radio"/>
Photocopy of this completed application	<input type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Convenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input 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 checked="" type="checkbox"/>

NOTES:

Required Material.

Optional Material.

Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

14.07970

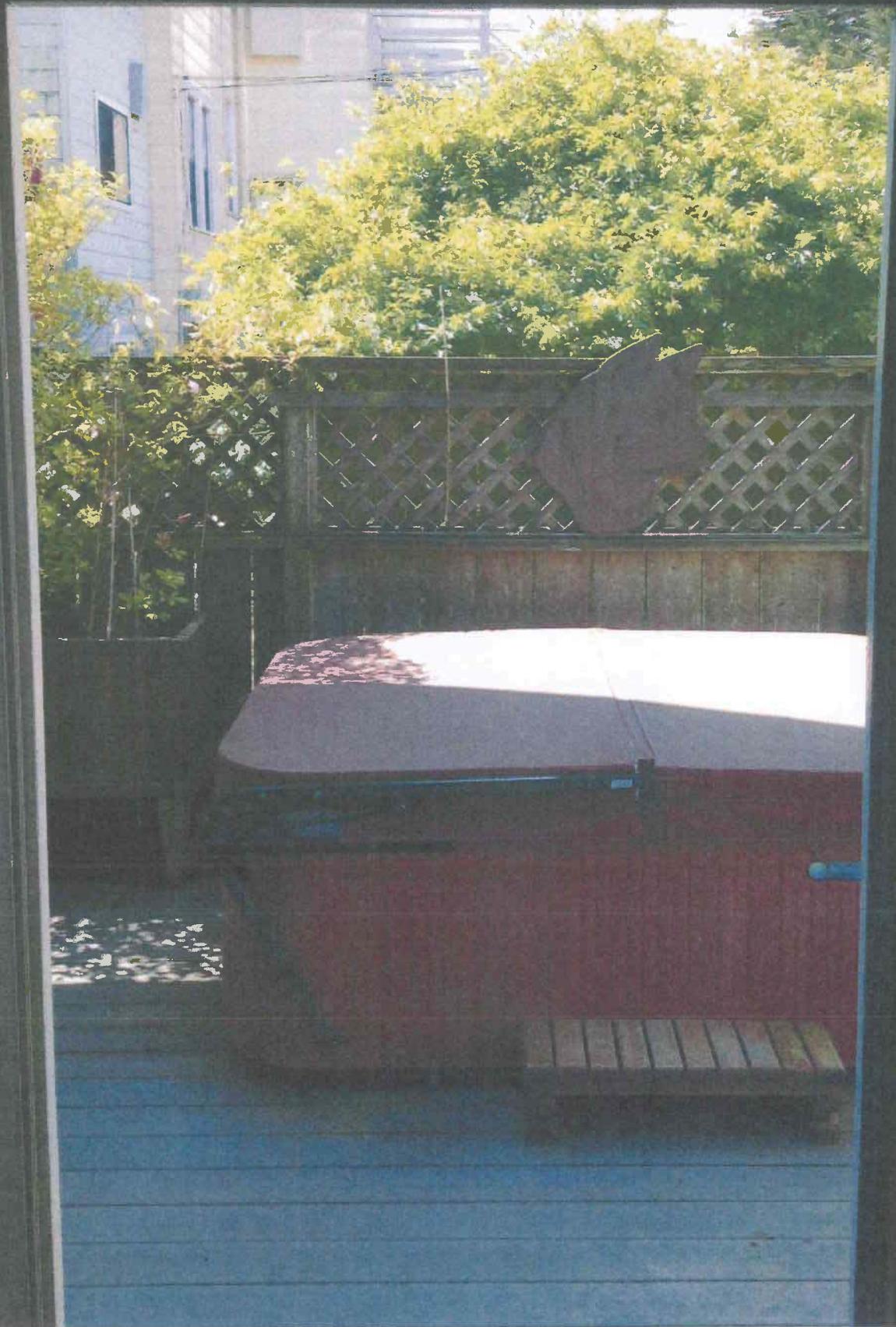


View from 431 10th Avenue showing area of expansion at 435 10th Avenue.
The proposed rear deck will extend two feet above the fence line.

14-0797D 1



View facing north toward area of 431 10th Avenue that will be shaded by the proposed project.



View from interior of 431 10th Avenue facing South toward
435 10th Avenue.

14.07970



Photo taken from the interior of 431 10th Ave; occupant is demonstrating extent of proposed rear deck at 435 10th Ave. based on current plans



View 13 from inside the Family Room at 431 10th Avenue. Light flowing in to the window will be substantially blocked by the project.

David P. Cincotta
Direct: (415) 984-9687
Fax: (800) 365-1372
DCincotta@jmbm.com

Two Embarcadero Center, 5th Floor
San Francisco, California 94111-3813
(415) 398-8080 (415) 398-5584 Fax
www.jmbm.com

January 12, 2014

President Cindy Wu
San Francisco Planning Commission
1650 Mission Street
San Francisco, California 94103

Re: **Building Permit Application Case No. 2014.03.07.0225 (435 10th Avenue) –Brief In Support of Request for Discretionary Review**

Dear President Wu and Members of the Planning Commission:

On behalf of Tracy West and Sidney Morgan, the owners of 431 10th Avenue (the “West-Morgan Property”), we are continuing our request that the Commission take discretionary review of the above-referenced building permit (the “Project”) due to extraordinary and exceptional circumstances created by the Project, which we outline in detail below.

I. Summary

The current iteration of this project is an attempt to punish Ms. West and Mr. Morgan for exercising their right to seek discretionary review. Whereas the project applicants previously pursued a design that incorporated certain limited mitigation measures to avoid impacts to light, air and privacy, the applicants pulled this design from the Commission’s calendar the day before the hearing, only to return with a grossly expanded project that removes **ALL** the prior design mitigations. As demonstrated by the table below, the project features that contribute most significantly to severe light, air and privacy impacts have all reverted back to their initial (i.e., pre-neighbor consultation) form. Discretionary review is warranted.

	February	April	September (current)
3rd Floor Light Setback	No light setback	2 foot light setback	No light setback
2nd Floor Deck	12’ projection 150 ft 2 (approx.)	6’8” projection 105 ft 2 (approx.)	12’ projection 150 ft 2 (projection)
2nd Floor Deck Stairs	Adjacent to West-Morgan Property	Not Facing West-Morgan Property	Adjacent to West-Morgan Property
3rd Floor Deck	4’ projection	3’8” projection	4’ projection

II. Background

A. **The Applicants' Original Proposal Would Have Warranted the Commission's Exercise of Its Discretionary Review Authority Due to Extraordinary and Exceptional Circumstances.**

In February, the Project applicants, Nick and Signe Holsman (the "Applicants") proposed to construct a dramatic addition to the structure located at 435 10th Avenue (the "Applicant Property"). Ms. West and Mr. Morgan (as well as other neighbors) raised concerns with the Applicants regarding the Project as proposed. In turn, the Applicants made modest reductions to the original proposal, which were incorporated into a revised design, including: (i) the incorporation of a setback of the third-floor structure on the north side to reduce light impacts; (ii) reduction in the projection of the second-story; and (iii) minimization of the third-story deck. These design corrections would have, to at least a minimal extent, reduced some impacts to light, air and privacy at the West-Morgan Property. However, Ms. West and Mr. Morgan chose to file a request for discretionary review because even with these mitigations, the project would have caused extraordinary and exceptional impacts in relation to their home (see Exhibit _ [Ms. West and Mr. Morgan's first brief in support of discretionary review].

B. **The Applicants Pulled Their Original Project From the Commission's Calendar the Day Before the Hearing Only to Return Now with A More Severe Proposal**

Notwithstanding a favorable Planning Department recommendation, the Applicants pulled their project from the Commission's September 4, 2014, calendar at approximately 2:00 p.m. the day before the hearing. This action came with neither warning nor an explanation to Ms. West and Mr. Morgan, who incurred substantial costs and inconvenience in preparation for the noticed hearing. The Applicants subsequently have made no efforts nor have they responded to any requests from Ms. West and Mr. Morgan to discuss this revised proposal. Nor have they contacted any other neighbor of which we are aware, regarding their proposal for a redesigned project. Indeed, the Applicants waited until they had settled on "final" plans, which were already submitted to the Planning Department, before sharing those plans with Ms. West and Mr. Morgan on September 29, 2014, in a lame attempt to paper this record with indicia of their purported "transparency." (Exhibit 1.)

The Applicants' current proposal can only be interpreted as a punitive reaction to Ms. West and Mr. Morgan's request for discretionary review. **Literally every design modification that the Applicants made in response to Ms. West and Mr. Morgan's concerns raised at the February pre-application meeting has been eliminated.** Ms. West and Mr. Morgan unequivocally communicated to the Applicants that the original Project would compromise light impacts to their dining room due to the rear expansion of the structure, and that privacy and light impacts would be significantly and adversely impacted by the proposed rear decks. The extent to which these design features will impact Ms. West and Mr. Morgan is addressed in detail below. Amazingly, the Applicants' current proposal fills in the modest light

setback, expands both decks, and reorients the rear stairs to be closer to the West-Morgan Property.

As now proposed, the existing structure would be expanded rearward by approximately 20 feet. This additional massing would occupy an area that is currently, and has always been, open space (up to a height of three stories). The expanded area would bring the rear wall of the Applicant Property to a point that is equivalent to the three-story portion of the West-Morgan Property. Moreover, the Project calls for a two-story deck structure and an attached stairway to the ground level, which would project an additional 15'8" into the existing open space. The lower-most point of the two-story deck would be equivalent in height to the top of the fence separating the Applicant Property and the West-Morgan Property. These revisions would permit people standing on the deck to be right on the property line and to look down and into the private living spaces of the adjacent West-Morgan Property, and substantially compromise the privacy of Ms. West, Mr. Morgan, and their family, as indicated by Exhibits 2 and 3.

C. The Applicants Refuse to Meet With Ms. West and Mr. Morgan and Have Ignored Every Invitation to Compromise

Ms. West and Mr. Morgan have attempted to reach a compromise with the Applicants to no avail. After the Applicants proposed the expanded project in September, Ms. West and Mr. Morgan invited the project planner to their home to evaluate the potential impacts first hand. At this meeting, Ms. West and Mr. Morgan proposed to avoid the discretionary review in exchange for the Applicants' agreement to re-incorporate the light-setback at the second and third stories of the rear expansion, a reduction in the second-story deck, and the removal of the third-floor deck. Not only did the Applicants reject this offer; they failed to even respond with a counter proposal.

As further described below, Ms. West and Mr. Morgan are concerned that the proposed three-story structure and attached two and three story decks will block light and air and compromise their privacy. Discretionary review is warranted in this case to avoid the placement of a highly-impactful and substantial structure within the mid-block open space.

III. Exceptional and Extraordinary Circumstances Justify the Commission's Exercise of its Discretionary Review Authority Over the Subject Application

A. The Project Will Significantly Reduce Light and Air Flowing to the West-Morgan Property

1. The Three-Story Structural Expansion Will Substantially Reduce Light and Air in the West-Morgan Property's Dining Room

As indicated in Exhibit 4, light flowing into the dining room of the West-Morgan property is already constrained due to the proximity of the existing north wall of the structure on

the Applicant Property to the West-Morgan Property. Currently, the north wall is only two stories in height, and light and air flow to the dining room of the West-Morgan Property is at a premium; the relationship of the two rooflines, as they are currently configured, shows an obvious intention to preserve light into the dining room of the West-Morgan Property. Under the Project, the north wall will shoot up to three stories. The effect of this increase in height will be to functionally render the dining room a cave that receives no direct sunlight, and very little indirect sunlight. (See Exhibit 4) The proposed rear expansion will prevent all light from accessing this window and will cause the “caving” of the space, which amounts to exceptional and extraordinary circumstances despite literal compliance with the Planning Code. To mitigate this impact, we propose that the plans be reconfigured to incorporate a light setback of two feet at the second and third story levels.

2. The Three-Story Expansion and Two-Story Deck Will Substantially Constrain Light and Air Flowing to the One-Story Portion of the West-Morgan Property

The three-story expansion of the structure will significantly limit light and air access within the lower one-story portions of the West-Morgan Property. Through the extension of the structure by nearly 20 feet in a horizontal direction and by an additional story in a vertical direction, light flowing from east to west will be substantially reduced. Highly-utilized portions of the West-Morgan Property, including the family room and Ms. West’s office, would be shaded for extended periods of the day given the configuration of the properties.

The proposed two-story deck would sit above the fence line to the south of the West-Morgan Property. Exhibit 2 demonstrates the location of the two-story deck from the perspective of the family room of the West-Morgan Property. As exemplified in the exhibit, the deck structure will substantially restrict light and air flowing into the family room. Under the current proposal, the deck balloons out from 6’8” to a full 12 feet, thereby significantly exacerbating the impact compared to the April design. The only light to this area flows from the south and east, which is a vantage point that would be significantly obscured by the addition of the deck.

Based on the foregoing, the proposed three-story structural addition and two-story deck would result in extraordinary and exceptional circumstances in terms of reductions of light and air to the West-Morgan Property.

Prior communications with the Applicants have indicated their position that the one-story portion of the West-Morgan Property is somehow entitled to lesser consideration under the Planning Code and the Residential Design Guidelines because this portion of the structure is a legal noncomplying structure. Of course, this is not true; quite the contrary, such structures are, indeed, “legal” and are not only entitled to light, air and privacy, but are also specifically protected by the Residential Design Guidelines. The Residential Design Guidelines expressly provide protections for impacts to noncomplying rear yard structures:

GUIDELINE: Articulate the building to minimize impacts on light to adjacent cottages.

Buildings located in rear yards are non-complying structures under the Planning Code and may themselves have an impact on the rear yard open space. However, when a proposed project is adjacent to a lot that has a cottage used as a dwelling unit at the rear of the lot, modifications to the building's design may be necessary to reduce light impacts... Consider the following modifications;

...Minimize rear projects such as decks and stairs. (Residential Design Guidelines, p. 21, Emphasis added.)

The one-story portion of the West-Morgan Property falls squarely within the purview of this Guideline, which is further indication of the need for appropriate mitigation.

We respectfully disagree with Planning Department staff who have interpreted the Guideline narrowly; namely, by concluding that the Guideline applies only to detached cottages based on an illustration in the Guidelines document. What would be the purpose of preserving light and air only to a detached rear yard cottage, and not to the living room portion of a structure that exists within the mid-block open space as a non-conforming use? Indeed, whereas a family like the West-Morgan family would logically spend a great deal of time in such an area, a detached cottage may be an art studio or a storage space that is rarely occupied. In other words, a better and permissible interpretation of the Guidelines is that non-conforming *living space* within the mid-block open space is entitled to protection, regardless of the irrelevant threshold issue of whether the space is attached to a primary structure. To interpret the Guidelines to encompass the living room of the West-Morgan Property would be a logical and appropriate exercise of the Commission's authority.

To mitigate the impacts to light and air, we propose that the three-story structural addition incorporate a light setback of two feet at the second and third floors, and that the two-story deck structure be limited to 4 feet in projection. Notably, Ms. West and Mr. Morgan do not object to the addition of living space on the ground-floor level, meaning that a reduced deck with living area underneath would be an acceptable compromise. We believe that a 4 foot projection would adequately serve both parties. In the alternative, if the Applicants desire more living area, then we propose that the second-floor deck simply be removed, and that the Applicants build out the ground-level projection to the full extent allowed by the Code.

B. The Project Should be Modified to Avoid the Loss of Privacy at Ms. West and Mr. Morgan's Home

As described above, the proposed two-story deck creates a serious privacy concern for Ms. West and Mr. Morgan. Due to the deck's elevation, people standing on the deck

will look down and over the fence currently separating the properties, and directly into the private living space of the West-Morgan Property. (See Exhibit 2, which demonstrates the position of the deck in relation to the family room at the West-Morgan Property; see also Exhibit 3, which shows the view into the West-Morgan Property's family room from the vantage point of the proposed deck). Specifically, the family room of the West-Morgan Property includes large glass doors facing south toward the location of the proposed deck. People standing on the deck would need to merely glance down in order to peer through the glass doors and into the family room. (See Exhibit 4.) While the pictures may at first glance seem humorous, the figures are true to size, and accurately depict the extent to which privacy at the West-Morgan Property would be comprised under the proposed project.

The Residential Design Guidelines clarify that mitigation may be required in order to avoid diminution in privacy. (See e.g., Residential Design Guidelines, p. 17.) As described above, we believe that appropriate mitigation would be to eliminate the deck or to reduce its horizontal projection to 4 feet. At 4 feet, the Applicants would still be able to place chairs on the deck facing towards the west so that the space could be utilized by several people simultaneously. By limiting the projection to 4 feet, the deck would not become a space where people would be encouraged to assemble with a direct line of sight into the private area of the West-Morgan Property. Incorporation of this mitigation would both rectify the privacy issue and reduce the impacts to light and air.

Consistent with the foregoing, the third-floor deck should be removed, as this projection presents yet another serious privacy concern. As stated by the Applicants in an e-mail to the Planning Department, the Applicants intend to "place 2 chairs on it and have a cup of coffee in the morning," among other things. This additional deck at a higher elevation will similarly allow users to peer into the private living spaces of the West-Morgan Property thereby compromising the privacy of the home. Accordingly, this feature should be removed or significantly limited so that people are not encouraged to congregate within the space.

IV. Conclusion

Despite Ms. West and Mr. Morgan's best efforts, the Applicants have thus far been unwilling to incorporate acceptable mitigations to render the Project consistent with the Planning Code and the Residential Design Guidelines. What is before the Commission now represents completely the opposite of what is intended by neighborhood pre-application requirements and Section 311: the Applicants ignored their neighbors' concerns, and went back to the Planning Department to see how far they could push the envelope while maintaining a favorable recommendation. Notwithstanding the Applicants' conduct, this Project would result in extraordinary and exceptional circumstances, namely severe impacts to light, air and privacy that would be disproportionately borne by Ms. West and Mr. Morgan. Therefore, an exercise of the Commission's discretionary review authority to impose appropriate mitigation is necessary. While we do not believe these measures will mitigate all of the negative impacts from the Applicant's proposed project, we respectfully request that the Commission impose the following design modifications if the project is permitted to proceed:

President Cindy Wu
January 12, 2014
Page 7

1. the three-story rear expansion incorporate a 2 foot setback at the second and third story levels on the north side.
2. that the two-story deck be eliminated or that the horizontal projection of the deck be limited to no more than 4 feet (no objection to ground floor living space).
3. that the third-floor deck be removed.

Thank you for your consideration.

Very truly yours,



DAVID P. CINCOTTA, Of Counsel to
Jeffer Mangels Butler & Mitchell LLP

DPC:gjc

cc: Alexandra Kirby, San Francisco Planning Department
Scott Sanchez, Zoning Administrator

EXHIBIT 1

Colli, Garrett J.

From: Colli, Garrett J.
Sent: Tuesday, September 30, 2014 4:13 PM
To: 'nholsman@aol.com'; gsun@sunarchitecture.com; ssholsman@yahoo.com; alexandra.kirby@sfgov.org
Cc: tracy.l.west@oracle.com; 'Sidney Morgan (simorgan)'
Subject: RE: 435 10th Ave Project

Mr. Holsman,

We are reviewing your plans. Consistent with your behavior of the last six months, you have not corresponded with us in any kind of good-faith manner that is actually designed to listen to our clients' concerns or to sincerely reach a compromise. Obviously, your revised drawings are not only unresponsive to Tracy and Sidney's concerns, but they undo previous design mitigations you had proposed and exacerbate the impacts we previously identified.

You used the statement "continued transparency." We obviously have different ideas of what "transparency" means. We have not seen any evidence of sincerity in your dealings with Tracy and Sidney. First, you terminated discussions unilaterally after we urged you to present us with terms of an agreement that would satisfy you. Indeed, you were non-responsive to our request for further discussions that I personally made via e-mail on July 8th. I note that in the voluminous documents you submitted to Ms. Kirby for inclusion in the Planning Commission Staff Report, you curiously edited out my request for such discussions. Then, you waited until the day before the September 4th discretionary review hearing to pull your matter from the calendar, knowing all along you intended to change your plans. This not only wasted the Planning Department's resources, but caused by my clients to incur attorney's fees and rearrange their schedules for no reason. Further, you spent the last several weeks floating preliminary plans through various levels of Planning Department staff, and are only now forwarding us the final plans without any discussion or possibility of alteration. Transparency would have meant conferring with your neighbors and sharing the preliminary plans so you could "hear input" (your words) before sending the plans to the Planning Department.

Just yesterday, we contacted Ms. Kirby in the Planning Department to ask about the progress of any work on your plans. Her brief description of your plans did not mention the fact that you now propose to expand your third story all the way to the north property line, thereby eliminating light access to the Wests' dining room and breaching a compromise reached with your neighbors after the last pre-application meeting. My suspicion is that you did not disclose this change to the Planning Department as it may have changed their opinion of your proposal. On that note, we will continue to insist that you conduct a new pre-application meeting, given that you've reneged on design compromises that resulted from the last meeting.

Given the major and adverse design modifications in your new plans, I can interpret your e-mail as nothing more than attempt to create another document you propose for inclusion in the Staff Report for a potential Planning Commission discretionary review hearing. Nevertheless, we remain open to the possibility of finding a solution that works for all sides. One that would, for example, give you permission to access the Wests' property during construction without committing an illegal trespass and/or permit what appears to be significant excavation in the rear expansion area. Please call me directly if you'd like to proceed. If not, you can anticipate our comments on your plans, after we conclude our review, via separate e-mail to you and the Planning Department.

Garrett Colli | Associate
Jeffer Mangels Butler & Mitchell LLP | JMBM
Two Embarcadero Center, 5th Floor, San Francisco, CA 94111
D: (415) 984-9625 | E: GColli@JMBM.com
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From: nholsman@aol.com [mailto:nholsman@aol.com]

Sent: Monday, September 29, 2014 6:13 PM

To: tracy.l.west@oracle.com; tracy_l_west@hotmail.com; Colli, Garrett J.; gsun@sunarchitecture.com; ssholsman@yahoo.com; alexandra.kirby@sfgov.org

Subject: 435 10th Ave Project

Ms. West & Mr. Colli,

In the spirit of our continued transparency in this process, please find attached a copy of the updated plans for our proposed renovation. We made some modest changes to address some areas of concerns with the prior design and now believe we have a design that fits the needs of our family. As we have shown & stated throughout this process, we are always open to hearing input from our neighbors and maintain that we will continue to work within the planning by-laws & guidelines of San Francisco.

Thank you,

Nick & Signe Holsman

EXHIBIT 2



**Privacy of living area compromised
by proposed deck**

Visual recreates perspective of deck
occupants (based on plans) relative to
living room

EXHIBIT 3

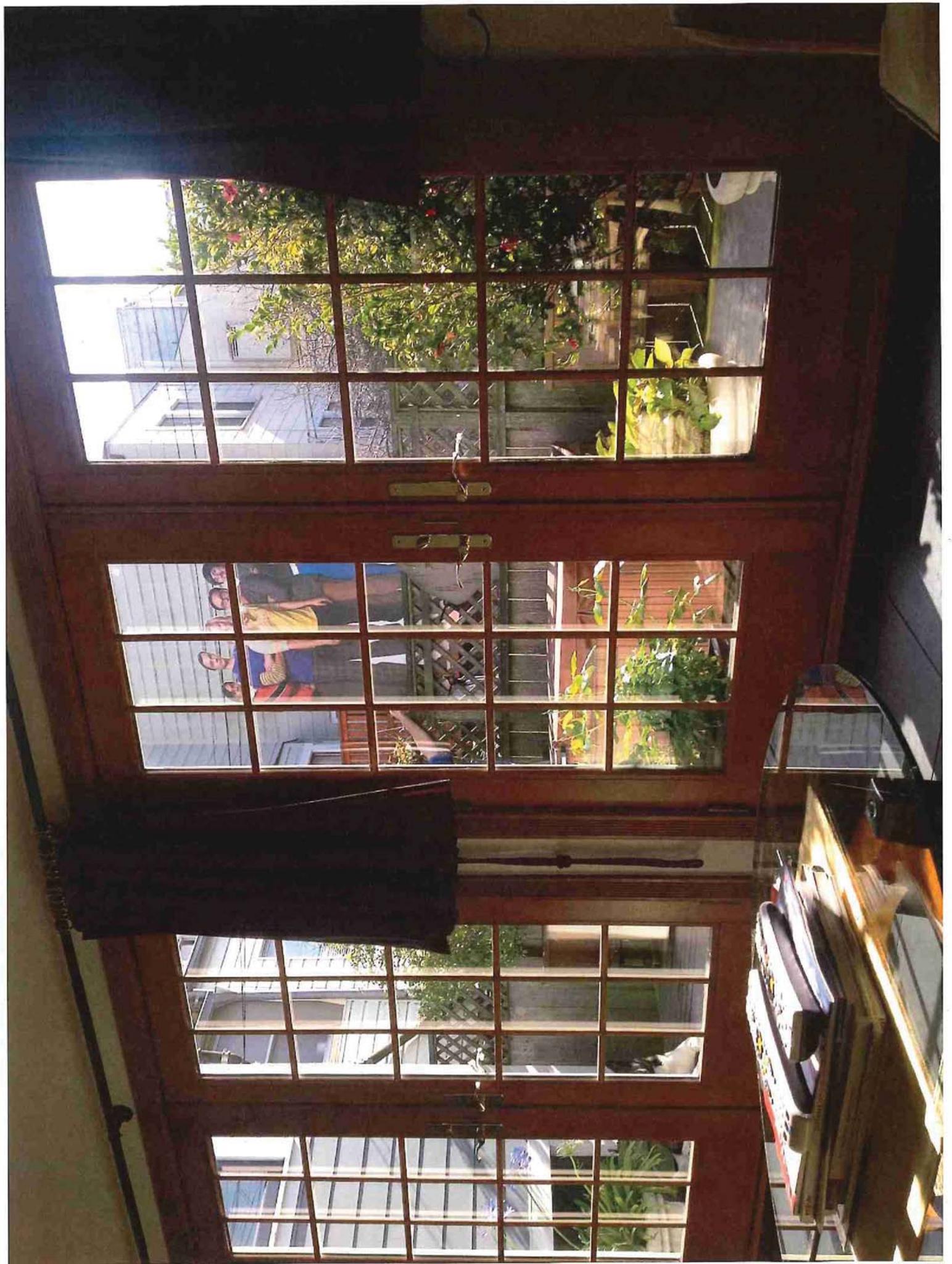
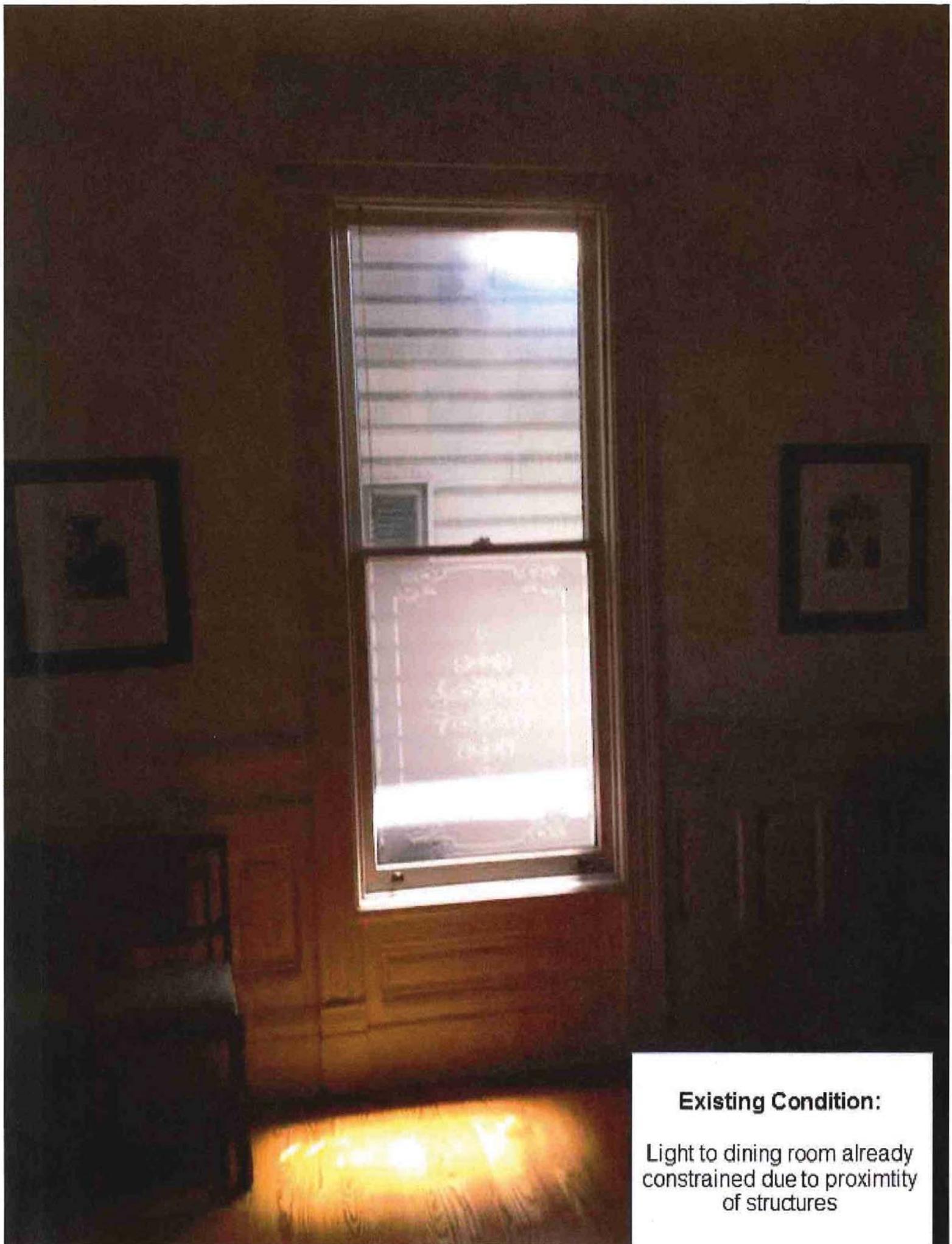


EXHIBIT 4



Existing Condition:

Light to dining room already constrained due to proximity of structures

David P. Cincotta
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Fax: (800) 365-1372
DCincotta@jmbm.com

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San Francisco, California 94111-3813
(415) 398-8080 (415) 398-5584 Fax
www.jmbm.com

August 25, 2014

VIA E-MAIL AND U.S. MAIL

President Cindy Wu
San Francisco Planning Commission
1650 Mission Street
San Francisco, California 94103

Re: **Building Permit Application Case No. 2014.03.07.0225 (435 10th Avenue) - Brief In Support of Request for Discretionary Review**

Dear President Wu and Members of the Planning Commission:

On behalf of Tracy West and Sidney Morgan, the owners of 431 10th Avenue (the “West-Morgan Property”), we are requesting that the Commission take discretionary review of the above-referenced building permit (the “Project”) due to extraordinary and exceptional circumstances created by the Project. Based upon the analysis contained herein as well as in our discretionary review application, we request that the Commission exercise its authority to minimize the substantial negative impacts on the light, air and privacy of Ms. West and Mr. Morgan.

I. Background

A. The West-Morgan Property is a Century-old Victorian Home that Must Be Preserved and Protected

The structure on the West-Morgan Property (431 10th Avenue) is a classic Victorian home that was built prior to the 1906 Earthquake (based on the date of an original Victorian mantel that still exists in the home). In addition to the original three-story structure, the home includes an attached one-story living area within the mid-block open space that exists as a legal non-complying structures. (See Exhibit 1) It is believed that the one-story living area is comprised of two earthquake cottages (used as temporary living space for displaced residents) that were transported to 431 10th Avenue and joined with the original structure over one century ago. Ms. West and Mr. Morgan have owned the property for 17 years, and have invested substantial time and money into the home, particularly for the purpose of maintaining period features, including:

- preserving the home's original, 1889 Victorian mantel;

- replacing all damaged period wainscoting, door, window and trim moldings to match existing period pieces;
- replacing a period plaster medallion;
- repairing the trim, pillars, and porch roof due to dry rot;
- replacing windows with custom copies of period pieces;
- repairing and refinishing all wood floors and stairs; and
- painting the exterior of the home three times (at great cost) to maintain the original Victorian painted appearance.

In addition to serving as a residence, Ms. West works from home on a full-time basis. The primary work space, where Ms. West spends the majority of each day, is located in the western-most portion of the one-story area on the side of the house immediately adjacent to the proposed project, as indicated on Exhibit 1.

B. The Proposed Project Would Add a Substantial Structure at 435 10th Avenue into the Mid-block Open Space

The Project applicants, Nick and Signe Holsman (the “Applicants”) propose to construct a dramatic addition to the structure located at 435 10th Avenue (the “Applicant Property”). As proposed, the existing structure would be expanded rearward by approximately 20 feet. This additional massing would occupy an area that is currently, and has always been, open space (up to a height of three stories). The expanded area would bring the rear wall of the Applicant Property to a point that is equivalent to the three-story portion of the West-Morgan Property. Moreover, the Project calls for a two-story deck structure and an attached stairway to the ground level, which would project an additional 9’8” into the existing open space. The lower-most point of the two-story deck would be equivalent in height to the top of the fence separating the Applicant Property and the West-Morgan Property, meaning that people standing on the deck would be in a position to look down and into the private spaces of the adjacent West-Morgan Property, and substantially compromise the privacy of Ms. West, Mr. Morgan, and their family.

Ms. West and Mr. Morgan are concerned that the proposed three-story structure and attached two-story deck will block light and air and compromise their privacy.

II. Exceptional and Extraordinary Circumstances Justify the Commission's Exercise of its Discretionary Review Authority Over the Subject Application

A. The Project Will Significantly Reduce Light and Air Flowing to the West-Morgan Property

1. The Three Story Structural Expansion Will Substantially Reduce Light and Air in the West-Morgan Property's Dining Room

As indicated in Exhibit 2, light flowing into the dining room of the West-Morgan property is already constrained due to the proximity of the existing north wall of the structure on the Applicant Property to the West-Morgan Property. Currently, the north wall is only two stories in height, and light and air flow to the dining room of the West-Morgan Property is at a premium. Under the Project, the north wall will shoot up to three stories. The effect of this increase in height will be to functionally render the dining room a cave that receives no direct sunlight, and very little indirect sunlight. (See Exhibit 3.) The proposed sloping of the roof at the second level (See Sheet A 3.3, Proposed Rear Elevation – West) will permit the flow of only a minimal amount of light and air to the dining room, and will not prevent the “caving” of the space, which amounts to exceptional and extraordinary circumstances despite literal compliance with the Planning Code. To mitigate this impact, we propose that the plans be reconfigured so that the portion of the proposed rear expansion is limited to two stories in height.

2. The Three-Story Expansion and Two-Story Deck Will Substantially Constrain Light and Air Flowing to the One-Story Portion of the West-Morgan Property

The three-story expansion of the structure will significantly limit light and air access within the lower one-story portions of the West-Morgan Property. Through the extension of the structure by nearly 20 feet in a horizontal direction and by an additional story in a vertical direction, light flowing from east to west will be substantially reduced. Highly-utilized portions of the West-Morgan Property, including the family room and Ms. West's office, would be shaded for extended periods of the day given the configuration of the properties.

The proposed two-story deck would sit above the fence line to the south of the West-Morgan Property. Exhibit 4 demonstrates the location of the two-story deck from the perspective of the family room of the West-Morgan Property. As exemplified in the exhibit, the deck structure will substantially restrict light and air flowing into the family room. Indeed, the only light to this area flows from the south and east, which is a vantage point that would be significantly obscured by the addition of the deck.

Based on the foregoing, the proposed three-story structural addition and two-story deck would result in extraordinary and exceptional circumstances in terms of reductions of light and air to the West-Morgan Property.

Prior communications with the Applicants have indicated their position that the one-story portion of the West-Morgan Property is somehow entitled to lesser consideration under the Planning Code and the Residential Design Guidelines because this portion of the structure is a legal noncomplying structure. Of course, this is not true; quite the contrary, such structures are, indeed, “legal” and are not only entitled to light, air and privacy, but are also specifically protected by the Residential Design Guidelines. The Residential Design Guidelines expressly provide protections for impacts to noncomplying rear yard structures:

GUIDELINE: Articulate the building to minimize impacts on light to adjacent cottages.

Buildings located in rear yards are non-complying structures under the Planning Code and may themselves have an impact on the rear yard open space. However, when a proposed project is adjacent to a lot that has a cottage used as a dwelling unit at the rear of the lot, modifications to the building’s design may be necessary to reduce light impacts...Consider the following modifications;

...Minimize rear projects such as decks and stairs. (Residential Design Guidelines, p. 21, Emphasis added.)

The one-story portion of the West-Morgan Property falls squarely within the purview of this Guideline, which is further indication of the need for appropriate mitigation.

To mitigate the impacts to light and air, we proposed that the three-story structural addition be limited to two stories (see above) and that the two-story deck structure be eliminated or reduced, consistent with the Residential Design Guidelines. A ground-level patio area would serve the same purpose as a deck, and could be even larger in size without impacting the West-Morgan Property. In the alternative, the deck should be reduced in terms of its horizontal projection to minimize light and air impacts. Reducing the horizontal projection from 6’8” (note that this 6’8” figure does not include the stairway and railing which also project outward) to 3 feet, we believe, would at least partially reduce the impact.

B. The Project Should be Modified to Avoid the Loss of Privacy at Ms. West and Mr. Morgan’s Home

As described above, the proposed two-story deck creates a serious privacy concern for Ms. West and Mr. Morgan. Due to the deck’s elevation, people standing on the deck will look down and over the fence currently separating the properties, and directly into the private living space of the West-Morgan Property. (See Exhibit 4, which demonstrates the position of the deck in relation to the family room at the West-Morgan Property; see also Exhibit 5, which shows the view into the West-Morgan Property’s family room from the vantage point of the proposed deck). Specifically, the family room of the West-Morgan Property includes large

glass doors facing south toward the location of the proposed deck. People standing on the deck would need to merely glance down in order to peer through the glass doors and into the family room. (See Exhibit 5.)

The Residential Design Guidelines clarify that mitigation may be required in order to avoid diminutions in privacy. (See e.g., Residential Design Guidelines, p. 17.) In this case, we believe that appropriate mitigation would be to eliminate the deck or to reduce its horizontal projection to 3 feet, so that it would function as a landing rather than a deck, where people would not be encouraged to linger. Incorporation of this mitigation would both rectify the privacy issue and reduce the impacts to light and air.

C. Ms. West and Mr. Morgan Have Undertaken Extraordinary Efforts to Resolve the Project's Design and Construction Impacts

As owners of a zero lot line property, Ms. West and Mr. Morgan were understandably concerned when the Applicants provided initial notice of the project. Ms. West and Mr. Morgan were first made aware of the Project through notice of a pre-application meeting. Ms. West attended the pre-application meeting in February, and voiced a number of concerns with the Project as originally proposed, including design-related impacts (e.g., impacts to light and privacy) and construction-related impacts (e.g., noise, parking, and access).

Design-Related Impacts:

Ms. West and Mr. Morgan requested that the Applicants revise their project in order to address the two primary design concerns referenced above. First, it was requested that the rear expansion be limited so as to minimize impacts to light, air and privacy to the West-Morgan Property. Second, Ms. West and Mr. Morgan asked that the two-story deck be either removed or minimized in order to avoid impacts to light and privacy that would result from the deck.

In response, the Applicants made a number of unsatisfactory adjustments to the original proposal. Such modifications include reducing the overall size of the deck, incorporating a setback between the two properties, and a reduction in the size of the third floor balcony. As described herein, these modifications would not mitigate the significant impacts to the West-Morgan Property's light, air and privacy that amount to exceptional and extraordinary circumstances necessitating the Commission's use of its discretionary review authority. We believe that the rear expansion should be limited to two stories in height, and that the two-story deck should be removed or, at minimum limited to three-feet in terms of its horizontal projection.

Construction-Related Impacts:

A significant construction undertaking as that contemplated by the project, especially given that the Applicant Property is a zero lot line property, raises concerns for

adjoining homeowners. Indeed, the West-Morgan Property was previously damaged in the course of a renovation project by the former owners of the Applicant Property, which required the replacement of redwood siding and for the home to be repainted (all at the expense of Ms. West and Mr. Morgan). In this case, Ms. West and Mr. Morgan noted a number of issues, which they brought to the attention of the applicants. For example, Ms. West and Mr. Morgan inquired about the adequacy of insurance coverage in the case of injury to their property, contractor parking, and disposal of construction debris. Further, and because the Applicants indicated that their contractors would need to access the West-Morgan Property, issues of safe and legally-authorized access were discussed.

The Applicants initially agreed with Ms. West and Mr. Morgan that a written construction agreement would best serve the parties' needs. Given the Applicants' express statement of their willingness to enter into such an agreement, our office prepared a draft document. The proposed agreement included provisions that are routinely found in construction agreements in San Francisco; e.g., pre-construction notice, pre-project photo/video surveying, and insurance protection. Further, the agreement included a license that would have bestowed upon the Applicants legal authorization to enter onto the West-Morgan Property to complete their project. However, and in a complete about face, the Applicants rejected the agreement and refused several offers to revise the language to address any concerns.

Although Ms. West and Mr. Morgan are disappointed in the Applicants' actions, they understand that the Applicants are under no obligation to enter into a construction agreement. It seems that the Applicants, however, have conflated the purpose of the construction agreement with this request for discretionary review. We have clarified to the Applicants that the purpose of the request for discretionary review is to obtain mitigation for design-related impacts, whereas the purpose of the construction agreement is to mitigate or to avoid construction-related impacts. While both forms of impact are extraordinary and unacceptable, Ms. West and Mr. Morgan believe that the construction-related impacts could cause physical damage to their property that would expose them to severe financial risk and potential claims for damage that may occur, and on that basis, offered to avoid the filing of the discretionary review application in exchange for the Applicants' consent to a construction agreement.

Our office has attempted on several occasions to negotiate with the Applicants, and has received no response. On May 20, 2014, Garrett Colli of my office sent an e-mail to the Applicants indicating Ms. West and Mr. Morgan's desire to reach a compromise. (Exhibit 6.) This e-mail went unanswered. On July 8, 2014, Mr. Colli sent another e-mail to the Applicants stating as follows:

Mitigation of the construction-related impacts is of paramount importance to my clients. Although we are confident that the Planning Commission will grant relief with regard to the light, air and privacy issues, it is often hard to predict what revisions to a project the Commission may make. **We would much rather try to resolve such modifications between us.** Further, the

Commission's actions may not protect my clients' home from damage during construction or facilitate safe access for construction personnel and residents alike. Accordingly, my clients would prefer to forego the discretionary review hearing in exchange for your participation in the construction agreement we previously proposed. **As I expressed to you previously, we are willing to work with you on the terms of an agreement that would be mutually satisfactory.** (Exhibit 7, emphasis added.)

The Applicants did not respond. Given the Applicants' initial unwillingness to make adequate modifications to the plans and their subsequent refusal to negotiate with our clients, the discretionary review request was filed and will be considered by the Commission.

III. The Section 311 Notification Circulated For the Project Misidentified the Project Site and Therefore Failed to Adequately Inform the Public of the Project

On April 23, 2014, the Planning Department distributed Section 311 notification materials that include the wrong address for the Project site. Specifically, the first page of the notification materials describes the property as "453 10th Avenue," rather than "435 10th Avenue," in three separate instances. (See Exhibit 8.) This defect is particularly significant, given that this first page of the materials, with the incorrect address, describes the purpose of the Section 311 notification to the recipient. To make matters worse, it is only on the first page of the materials that instructions are provided in Chinese and in Spanish, meaning that even if a reader were to have read past the first page notwithstanding the erroneous address, Chinese or Spanish speaking recipients would have been unable to comprehend the purpose of notice. Indeed, it is likely that those recipients that could interpret the materials may have disregarded the notice on the mistaken belief that the Project site is located on a more distant part of 10th Avenue.

We contacted staff regarding the deficient notice on August 19, 2014, and stated our opinion that the Project cannot proceed until legally adequate materials are distributed along with a renewed review period. (See Exhibit 8.) Staff conferred with the Zoning Administrator, and we are informed that the Zoning Administrator declined to distribute an accurate trilingual notice based on (a) the fact that subsequent pages of the notice (those pages that are only in English) correctly identified the Project site, and (b) posting of a notice at the site.

We respectfully disagree with the Zoning Administrator's conclusion not to re-notice the Project. Section 311(c)(5)(D) requires that the mail notification provide "[a] description about the recipient's rights to request additional information, to request Discretionary Review by the Planning Commission and to appeal to other boards or commissions..." It is only the first page of the notice, which was deficient in this case, which provides information on the discretionary review process in Chinese and in Spanish. Therefore, the Code requirement is not satisfied merely because the Project site was correctly identified on subsequent, English-only pages. Moreover Section 311(c)(2) states:

*Upon determination that an application is in compliance with the development standards of the Planning Code, the Planning Department shall cause a notice to be posted on the site pursuant to rules established by the Zoning Administrator **and** shall cause a written notice describing the proposed project to be sent...*
(Emphasis added.)

Clearly, the Planning Code requires two distinct forms of notice. On that basis, an accurate sign posted on the site does not overcome an inadequate mailed notice.

Based on the foregoing, we request that the Commission require that an accurate Section 311 mail notification be distributed so that non-English community members may be adequately informed of their rights under the Planning Code. It is our opinion that the Project cannot be approved without an adequate notice and corresponding review period.

IV. Conclusion

Despite Ms. West and Mr. Morgan's best efforts, the Applicants have thus far been unwilling to incorporate acceptable mitigations to render their project consistent with the Planning Code and the Residential Design Guidelines. The Project would result in extraordinary and exceptional circumstances, namely severe impacts to light, air and privacy that would be disproportionately borne by Ms. West and Mr. Morgan. Therefore, an exercise of the Commission's discretionary review authority to impose appropriate mitigation is necessary. In summary, we are asking that:

1. the three-story rear expansion be limited to two stories; and
2. that the two-story deck be eliminated or that the horizontal projection of the deck be limited to no more than 3 feet.

However, before this Project can move forward in any sense, an accurate Section 311 notification must be distributed in conjunction with a 30-day statutory review period to allow for adequate community participation.

Very truly yours,

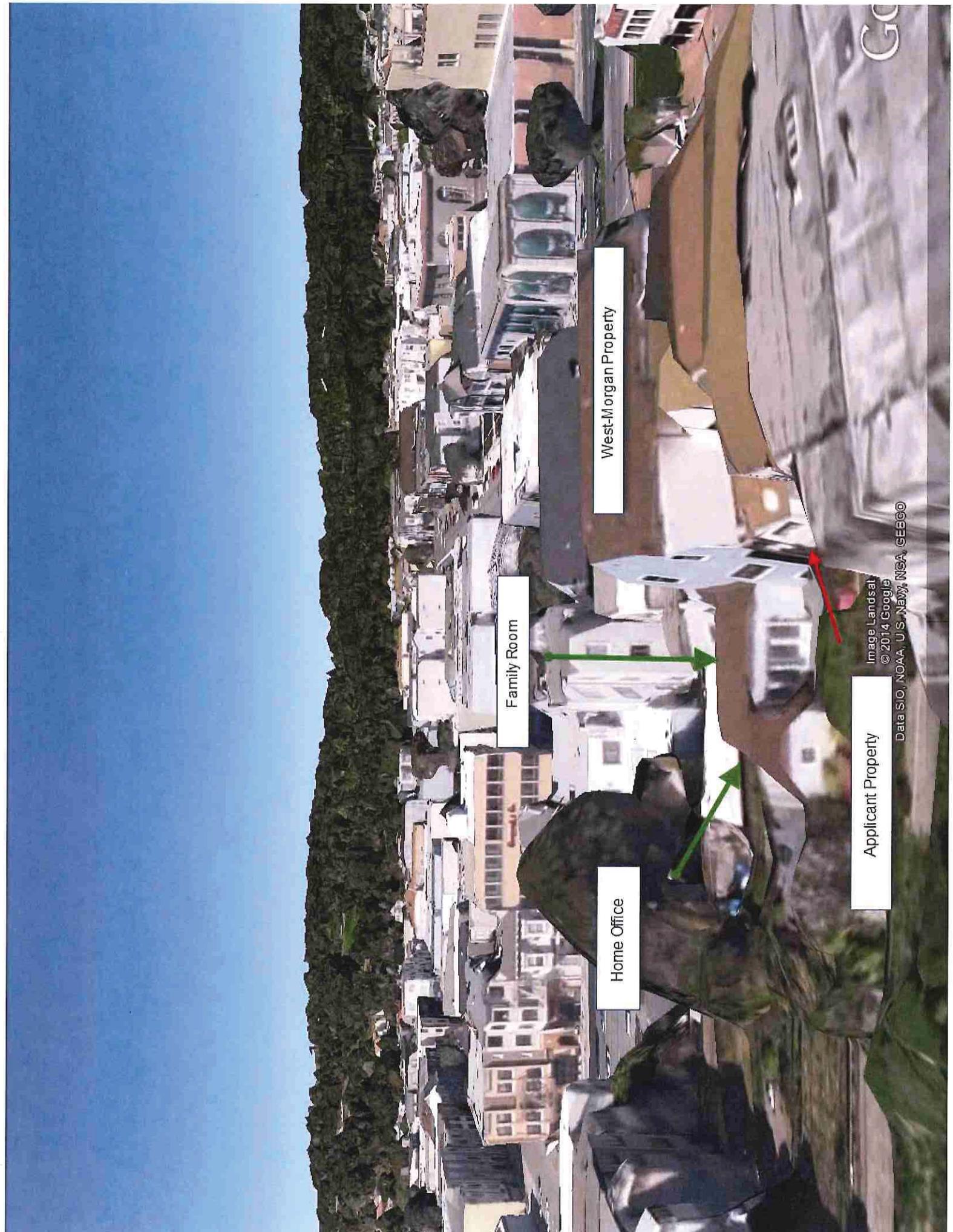


DAVID P. CINCOTTA, Of Counsel to
Jeffer Mangels Butler & Mitchell LLP

DPC:gjc

cc: Alexandra Kirby, San Francisco Planning Department
Scott Sanchez, Zoning Administrator

EXHIBIT 1



West-Morgan Property

Family Room

Home Office

Applicant Property

Image Landsat
© 2014 Google
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

GO

EXHIBIT 2

sole source of light to dining
room is already constrained

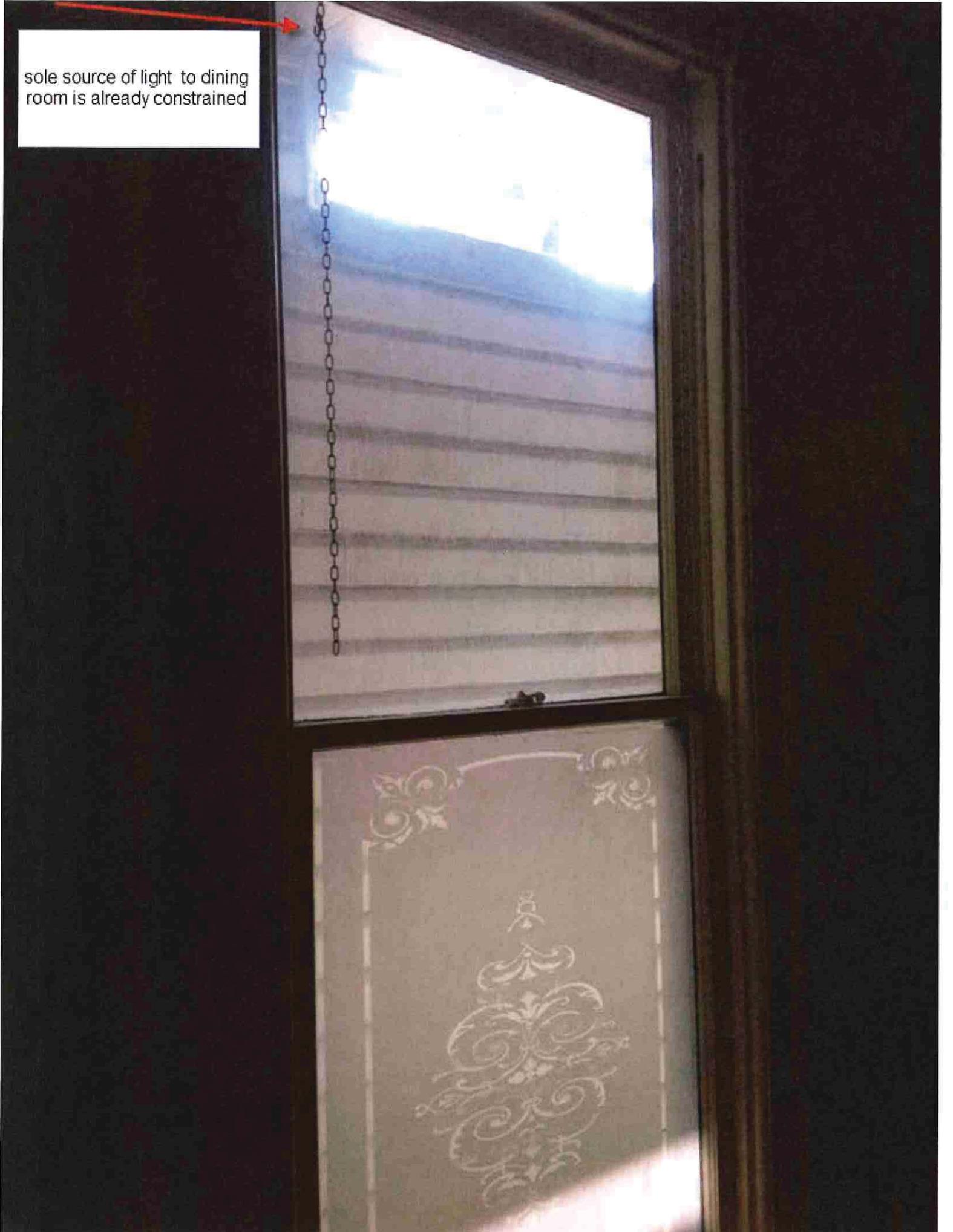


EXHIBIT 3

3-story addition will block all direct sunlight and allow for little indirect sunlight into dining room

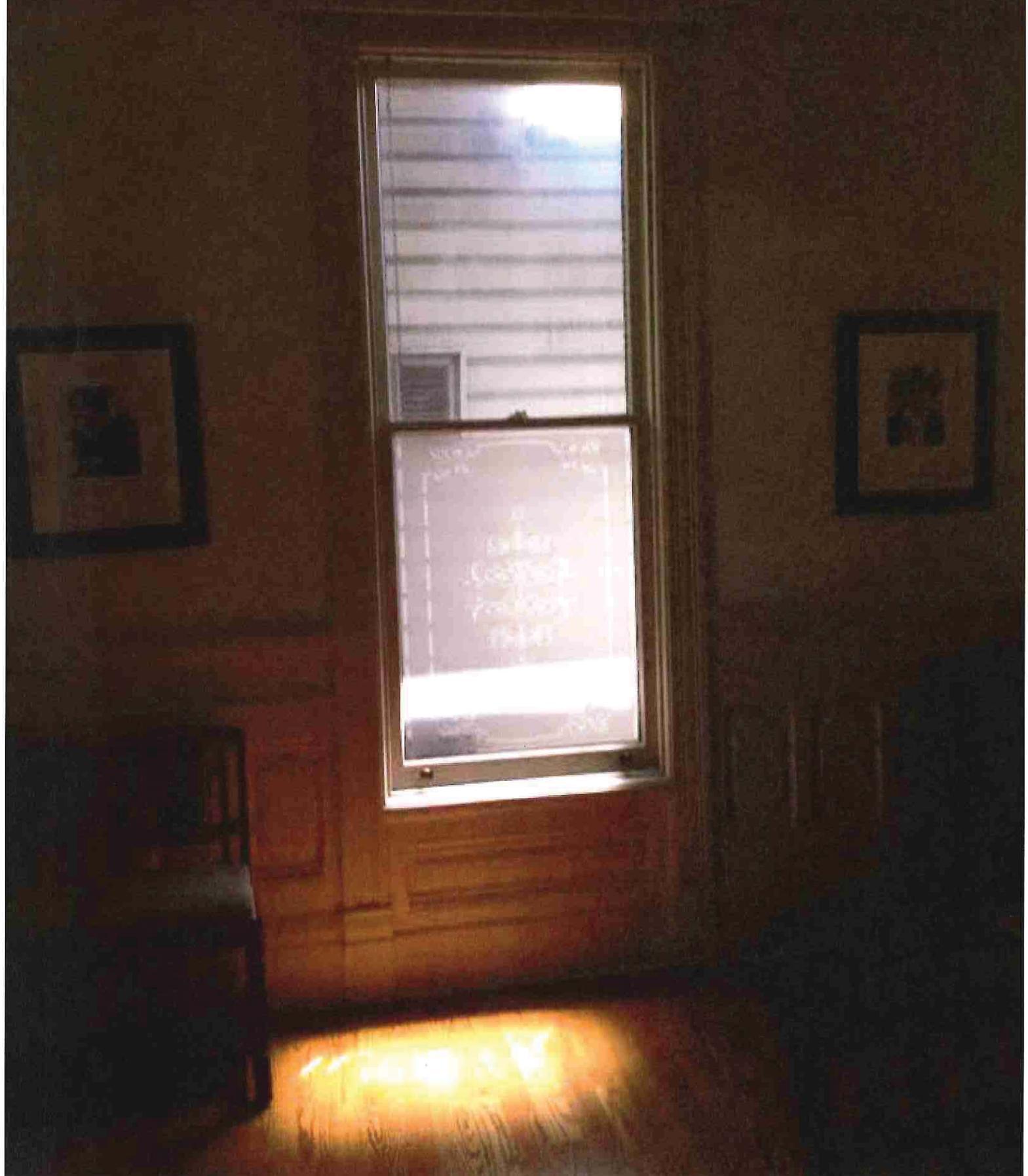


EXHIBIT 4

Ms. West demonstrating the location of the two-story deck; photo taken from within the living room of the West-Morgan Property



EXHIBIT 5

view looking into the family room of the West-Morgan Property
from the vantage point of the proposed two-story deck



EXHIBIT 6

Colli, Garrett J.

From: Colli, Garrett J.
Sent: Tuesday, May 20, 2014 10:13 AM
To: 'nholsman@aol.com'
Cc: ssholsman@yahoo.com; tracy.l.west@oracle.com; Cincotta, David
Subject: RE: Signed Plans (PLEASE RESPOND)

Mr. Holsman,

Thank you for your response. As I mentioned in my note yesterday, agreements of this type are common in San Francisco, and serve the purpose of avoiding conflicts that often arise in renovation projects affecting zero lot line properties. Please allow me to respond to those issues you raise below:

Parking: Our clients clarified that we would be happy to modify the text of the proposed agreement to clarify that your contractors would only be prohibited from blocking the driveway on the West-Morgan property.

Release of claims: The purpose of this language is to avoid future claims related to the **project**. Wouldn't you prefer to go forward knowing that my clients would waive the right to challenge your project (e.g., challenges to building permits, appeals, law suits)? This is intended to be a benefit to you.

In terms of the legal status of my clients' property, that issue is simply irrelevant. As a private citizen, you would not have standing to enforce a claim based on nonconformity with current zoning; this is an issue of City enforcement. What you call "grandfathering," also referred to as the principal of nonconforming uses, is based on the 5th Amendment's prohibition of "taking" private property without due process of law. I assure you, the 5th Amendment applies in San Francisco despite what you may have heard from a City Planner—there are thousands of legal nonconforming structures around the City.

In addition to the foregoing, we suggest you consider the fact that you may need my clients' permission for access to their property in order to complete your project. Use of the walkway is the obvious example. You may also need authorization with regard to your proposed excavation. I too, have spoken with Allie Kerby, and understand that you anticipate excavating approximately 3 feet. Under State law, you are obligated to provide lateral and subjacent support for the West-Morgan Property as part of your excavation. This may require shoring and even underpinning of the West-Morgan property, which would require my client's legal authorization. We agree with you that "a study documenting the current condition of the sub surface" of the West-Morgan Property's foundation would be useful, and would suggest that you perform such a survey before you excavate.

My intent is only to impress upon you the value of an agreement on the front end so as to avoid delay when you actually commence work. We understand that the process has been difficult for you to date. Given that this is only the first step of a much longer process, I hope you will consider our offer of an agreement as one way to avoid any number of unforeseen complications that may arise later. My firm typically represents developers (i.e., people in your position) and we routinely encourage them to enter construction agreements consistent with what we have sent to you.

I would further reemphasize that the list of accommodations you provided below diverge only slightly from what we have proposed in the agreement. **Would you be willing to sign the agreement if we attempt to accommodate your changes?**

Thank you,

Garrett

EXHIBIT 7

Colli, Garrett J.

From: Colli, Garrett J.
Sent: Tuesday, July 08, 2014 11:56 AM
To: nholsman@aol.com
Cc: Tracy West (tracy.l.west@oracle.com); Cincotta, David
Subject: 435 10th Avenue Discretionary Review
Attachments: West - Construction Agreement and Mutual Release.DOCX

Mr. Holsman,

I am informed by Ms. Kirby in the Planning Department that the Planning Commission will consider our request for discretionary review concerning your building permit application on September 4th. In an effort to avoid the hearing, its costs, potential delays, and the uncertainty of what may occur at such a hearing, my clients would like to suggest another attempt at reaching an agreement.

As you are aware, our concerns with your project are twofold. First, we are apprehensive about construction-related impacts, including, but not limited to potential damage to the century-old residence at 431 10th Avenue, and safe access for your contractors. It is due to these concerns that my clients proposed to enter into a construction agreement to protect both sides. Second, we have identified post-construction impacts to 431 10th Avenue that will be generated by the project, particularly the significant diminutions in light, air and privacy to my clients. Concerns about these post-construction impacts, which are independent from the construction-related impacts, led to the filing of the discretionary review request.

Mitigation of the construction-related impacts is of paramount importance to my clients. Although we are confident that the Planning Commission will grant relief with regard to the light, air and privacy issues, it is often hard to predict what revisions to a project the Commission may make. We would much rather try to resolve such modifications between us. Further, the Commission's actions may not protect my clients' home from damage during construction or facilitate safe access for construction personnel and residents alike. Accordingly, my clients would prefer to forego the discretionary review hearing in exchange for your participation in the construction agreement we previously proposed. As I expressed to you previously, we are willing to work with you on the terms of an agreement that would be mutually satisfactory.

Please contact me at your nearest convenience to discuss this matter further.

Thank you,

Garrett Colli | Associate

Jeffer Mangels Butler & Mitchell LLP | JMBM

Two Embarcadero Center, 5th Floor, San Francisco, CA 94111

D: (415) 984-9625 | E: GColli@JMBM.com

[VCARD](#) | [BIO](#) | [LINKEDIN](#)



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EXHIBIT 8

David P. Cincotta
Direct: (415) 984-9687
Fax: (800) 365-1372
DCincotta@jmbm.com

Two Embarcadero Center, 5th Floor
San Francisco, California 94111-3813
(415) 398-8080 (415) 398-5584 Fax
www.jmbm.com

August 19, 2014

VIA E-MAIL AND U.S. MAIL

Alexandra Kirby
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, California 94103

Re: **435 10th Avenue (Building Permit Application Case No.
2014.03.07.0225) - Defective Notice of Building Permit Application
Pursuant to Planning Code Section 311**

Dear Ms. Kirby:

As you know, our firm represents the owners of 431 10th Avenue, which adjoins the project applicant's property, 435 10th Avenue, on its north side. I write to bring to your attention a significant defect in the Section 311 notification materials distributed for the above-referenced building permit application.

On April 23, 2014, the Planning Department distributed Section 311 notification materials that include the **wrong address** for the property pursuant to which the building permit application applies. Specifically, the first page of the notification materials describes the property as "453 10th Avenue," rather than "435 10th Avenue," in three separate instances. (See **Exhibit A**, attached hereto.) This defect is particularly significant, given that this first page of the materials, with the incorrect address, describes the purpose of the Section 311 notification to the recipient. To make matters worse, it is only on the first page of the materials that instructions are provided in Chinese and in Spanish, meaning that even if a reader were to have read past the first page notwithstanding the erroneous address, Chinese or Spanish recipients would have been unable to comprehend the purpose of notice. Indeed, it is likely that those recipients that could interpret the materials may have disregarded the notice on the mistaken belief that the project site is located on a more remote part of 10th Avenue.

The purpose of Section 311 is to provide "...notice to property owners and residents neighboring the site of the proposed project and to interested neighborhood organizations, so that concerns about a project may be identified and resolved during the review of the permit." By misidentifying the project site in the notice materials, the purpose of Section 311 has not been satisfied in this case.

Alexandra Kirby
August 19, 2014
Page 2

We respectfully request that the Planning Department prepare and issue a new Section 311 notification that correctly identifies the project site as "435 10th Avenue" in every instance. Of course, an additional 30-day review period as contemplated by Section 311 should also be initiated. By this letter, the City is on notice of our position that the above-referenced building permit application cannot be lawfully approved without the issuance of corrected Section 311 notice materials.

Please do not hesitate to contact either me or my colleague Garrett Colli at (415) 984-9625 if you have any questions.

Very truly yours,



DAVID P. CINCOTTA, Of Counsel to
Jeffer Mangels Butler & Mitchell LLP

DPC:gjc

EXHIBIT A



SAN FRANCISCO PLANNING DEPARTMENT

April 23, 2014

The attached notice is provided under the Planning Code. It concerns property located at **453 10th Avenue, Building Permit Application Case No. 2014.03.07.0225** hearing may occur, a right to request review may expire or a development approval may become final unless appealed by **05/23/2014**. To obtain information about this notice in Spanish, please call (415) 558-6378, or in Chinese, please call (415) 558-6378. Please be advised that the Planning Department will require at least one business day to respond to any call.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Located **453 10th Avenue, Building Permit Application Case No. 2014.03.07.0225** 的是三藩市城市規劃局的通告。的建築計劃有關。如果在 **05/23/2014** 之前沒有人申請聽證會來檢討這一個建築計劃，這計劃可會被核准。如果你需要用華語獲得關於這通告的細節，請電415-558-6378。規劃部門將需要至少一個工作天回應。華語資料提供只是城市規劃局的一項服務，此項服務不會提供額外的權利或延伸任何要求檢討的期限。

El documento adjunto es referente a la siguiente **453 10th Avenue, Building Permit Application Case No. 2014.03.07.0225** Es un requisito del Código de Planeación (Planning Code). La posibilidad de una audiencia puede ocurrir. El derecho para revisar el archivo de este proyecto puede expirar o una decisión puede ser final si usted no presenta un documento de apelación antes de **05/23/2014**. Para obtener más información en Español acerca de este proyecto, llame al siguiente teléfono (415) 558-6378. Por favor tome en cuenta que le contestaremos su llamada en un periodo de 24 horas. El servicio en Español es proporcionado por el Departamento de Planeación (Planning Department) de la ciudad de San Francisco. Eso no garantiza ningún derecho adicional o extensión del tiempo requerido por la ley.



SAN FRANCISCO PLANNING DEPARTMENT

RESPONSE TO DISCRETIONARY REVIEW

Case No.: 2014.0791D

Building Permit No.: 2014.03.01.0225

Address: 435 10th Ave

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Sponsor's Name: Signe & Nick Holman

Telephone No.: 650 784 1183 (for Planning Department to contact)

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

We originally designed a project that was within city setbacks & guidelines. After talking through this at the pre neighborhood review, we heard our neighbors concerns and personally went door to door (in person) to address these concerns. We then had 712 meetings with our architect had multiple in person meetings with the DR requester & formally changed the design via an additional 2 design iterations. The DR requester met with us in her home and verbally agreed on all final changes as satisfactory to move forward. We love our neighborhood, we just want to design a great space for our family.

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

(1) reduced the scope (20%) from 1178 to 952 sq ft (365 is in the basement) (2) house pulled back in line with DR requestor's 3 story resident (we lost our attic) (3) Deck reduced from 150 sq ft to 105 sq ft (30% reduction) (4) Reorientated deck stairs twice (5) created a 2ft wide light well to address light issues in DR requestor's dining room (6) removed master bedroom side line window from other neighbors side (7) created light well on other neighbors side (8) ensured new addition won't touch either neighbor addressing drainage concerns of DR requestor (9) extended light well full length of addition to maximize light (impacting master bath) (10) moved 2nd floor deck another 3ft

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

We made changes to the design & verbally agreed on the final design with the DR requestor when we bought the home. It was a foreclosure, has a problems and we were willing to address those. We have 3 children, Saira (11, girl), Oliver (9, boy), Cooper (7, boy) and dog Max. We want to restore the house, stay at the local school (Star of the Sea) but need more space. We just want to build within the guidelines of our setbacks & enjoy our new home.

- Removed 3rd storey cantilevered office & reduced deck from 3186 to 3100
- Added slight slope to light well roof to assist with drainage. (13) scope further reduced

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

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

<u>Number of</u>	<u>Existing</u>	<u>Proposed</u>
Dwelling units (only one kitchen per unit –additional kitchens count as additional units)	<u>1</u>	<u>1</u>
Occupied stories (all levels with habitable rooms) ...	<u>2</u>	<u>2</u>
Basement levels (may include garage or windowless storage rooms)	<u>1</u>	<u>1</u>
Parking spaces (Off-Street)	<u>1</u>	<u>1</u>
Bedrooms	<u>3</u>	<u>4</u> (not including basement room at back of garage)
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	_____	_____
Height	_____	_____
Building Depth	_____	_____
Most recent rent received (if any)	<u>N/A</u>	<u>N/A</u>
Projected rents after completion of project	<u>N/A</u>	<u>N/A</u>
Current value of property	<u>\$1.2M</u> (corp. personal)	<u>not sure</u>
Projected value (sale price) after completion of project (if known)	<u>not sure</u>	<u>not sure</u>

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



 Signature

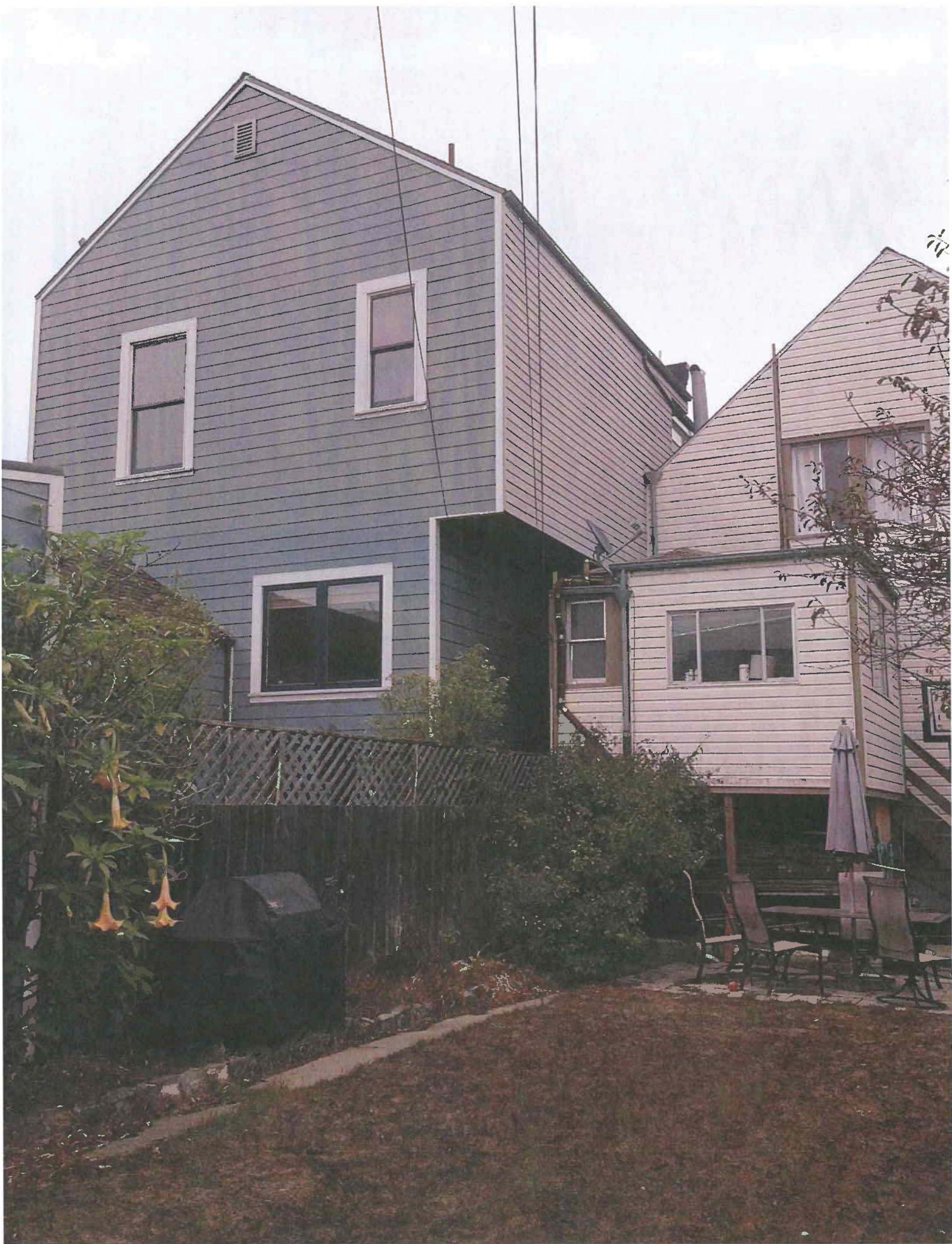
8/16/2014

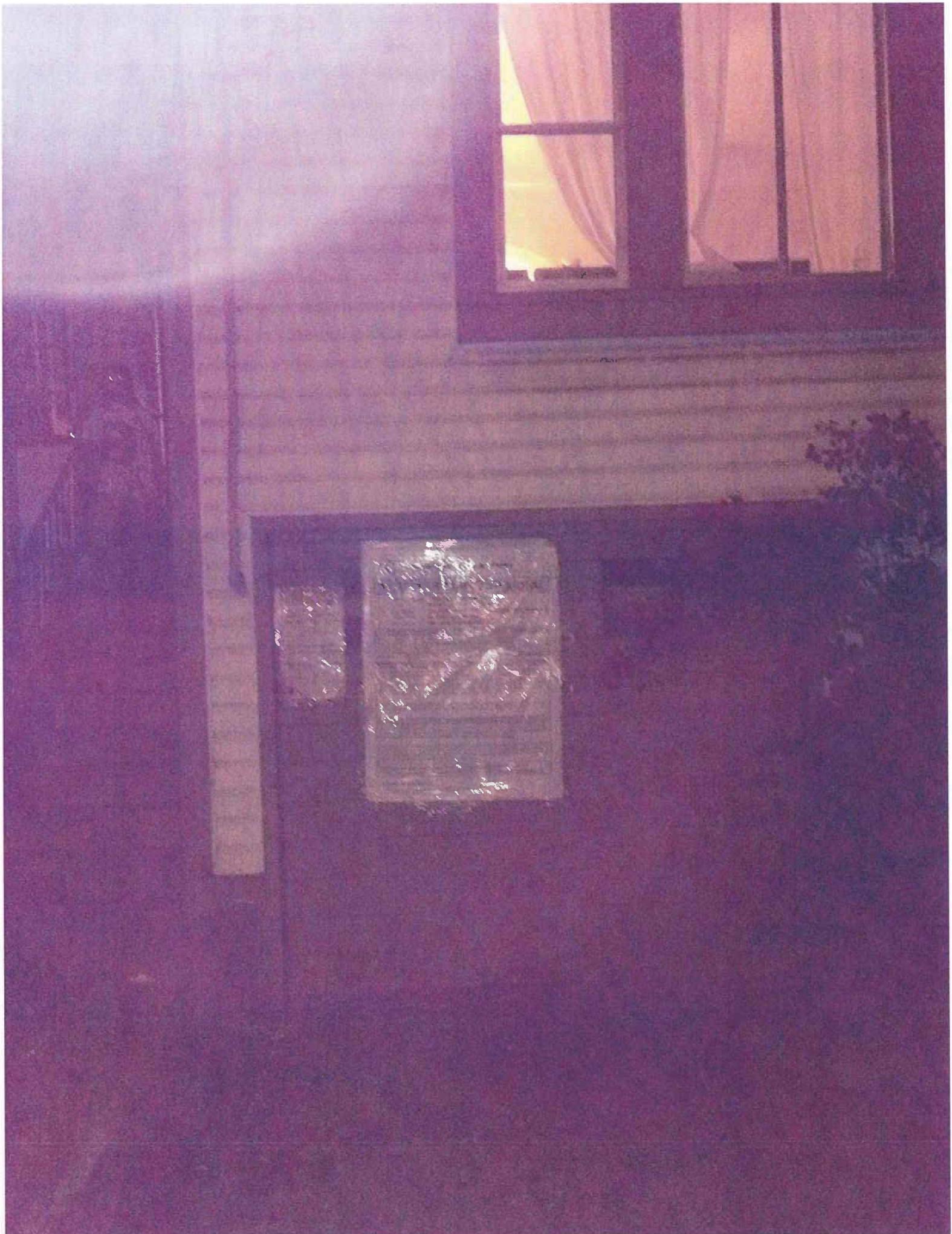
 Date

Nick Hulsmann

 Name (please print)









Explanation for why we asked for a continuance in September, and what changes were made to the plans and why.

After speaking with numerous friends and family members about our project, on September 1, 2014 we reached out to the San Francisco Planning Department to understand what steps we needed to complete to request a continuance of the initial discretionary review. Per the department's advice, we completed each of the steps they advised us to do, to complete this request in a manner that tried to minimize the impact such a decision would have on all parties involved.

We decided to request a continuance because we realized that the design we had finalized with the DR Requestor back in April, prior to the DR being filed, was not one that best met our family needs. Our initial design (first submitted and reviewed by the San Francisco Planning Department on January 25, 2014) was code compliant and we believed respected our neighbors around us. However after meeting with the DR Requestor and modifying our final design two additional times in the assumption that a DR was not going to be filed, the DR Requestor still filed a Discretionary Review Request even with all the changes we agreed upon in place. We were in a position where none of the previous three designs was acceptable and we were headed to a Discretionary Review hearing with a design that we didn't love and was not going to meet the needs of our family. Therefore, we asked for a continuance to address these concerns and made the following adjustments:

1. The rear deck was only 6'3 feet deep. We like to spend time outside with our three young kids and realized that this sized deck would not fit a table for our family to sit at. We decided to increase the size of the deck to give us adequate space to BBQ and watch the kids in the yard. The current rear deck is code compliant and respects the 5 feet boundary to the neighbors on either side
2. Setback modifications we made to avoid a Discretionary Review meant that my wife lost her proposed office. As we both work from home, we always were disappointed at the loss of this space and felt that an office was a must for the design. We decided to utilize the space under the rear deck for Signe's office. (this would be wasted otherwise) This space could also double as a space for her & my parents when they visit from Canada & Australia respectively. They are both in their 70's and need a comfortable space for when they visit us. We also have 7 siblings who all have children of their own & live abroad who also have these needs too. Currently, visitors use our bedroom (and we sleep in the children's room with them) when visiting; however this is not feasible for long term stays.
3. The 2'6" wide upper balcony off the master bedroom was not really functional. We would like to have room for a couple of chairs to have a coffee in the morning so this was increased by 1 foot, 6 inches. We know that it will still be tight but we are ok with that
4. The 3rd floor inset on the north wall makes the master bedroom & bath awkward. The space is cut up and we wanted to address that. We have always wanted a king bed and the previous design did not allow for that therefore we kept it in line with the original structure.

These design amendments have all been made within the guidelines of the city and are code compliant and will allow us to have the home that we are excited about and one that best fits our family and our needs. The current design is supported by both the San Francisco Planning Department and the Residential Design Review team who saw the need for no additional changes to the design. Both teams

were approached a second time to re-review these decisions (by the DR Requestor) and in completing this re-review & a site visit to both 431 & 435 10th Ave, San Francisco stood by their support.

Even with these revisions, we have made a number of changes to the design to accommodate our neighbors. These accommodations from the original submission on January 25, 2014 include:

1. Pulling back the rear extension of the property to match the DR Requestor's rear three story structure
2. Removal of all site line windows. We are adding no site line windows in this design.
3. Reduced the size of the original rear deck

We have now completed four (4) final designs, we have spent thousands of dollars on design change fees & mailing/application fees and have also almost reached the 1 year mark since we first submitted our design to the San Francisco Planning Department. However we love the design we have and look forward to moving forward with our project.

Thank you

Holsman Family

431 10th Ave's 10 ft setback together with our proposed 5 ft setbacks will create a buffer for between the two structures

Structure is approximately 10 ft from property line. With our deck's 5 ft setback. Our deck will be 15 ft from this structure

DR Requestor Property

Applicants Property

431 10th Ave's own cantilevered 3rd story, blocks light to lower level windows

Raised Deck Area running to the property line



Currently neighboring buildings extend ~40 ft beyond 435 10th Ave's rear wall setback

431 10th Ave has structures that sit on the property line which continue ~40 ft from rear portion of 435 10th Ave

DR Requestor Property

Applicants Property

Our project will not increase the maximum height of the building. The peak of our roof still wont even be at the level that 431 10th ave's upper story ceilings are at

There are no windows on the structure where we propose building to the property line



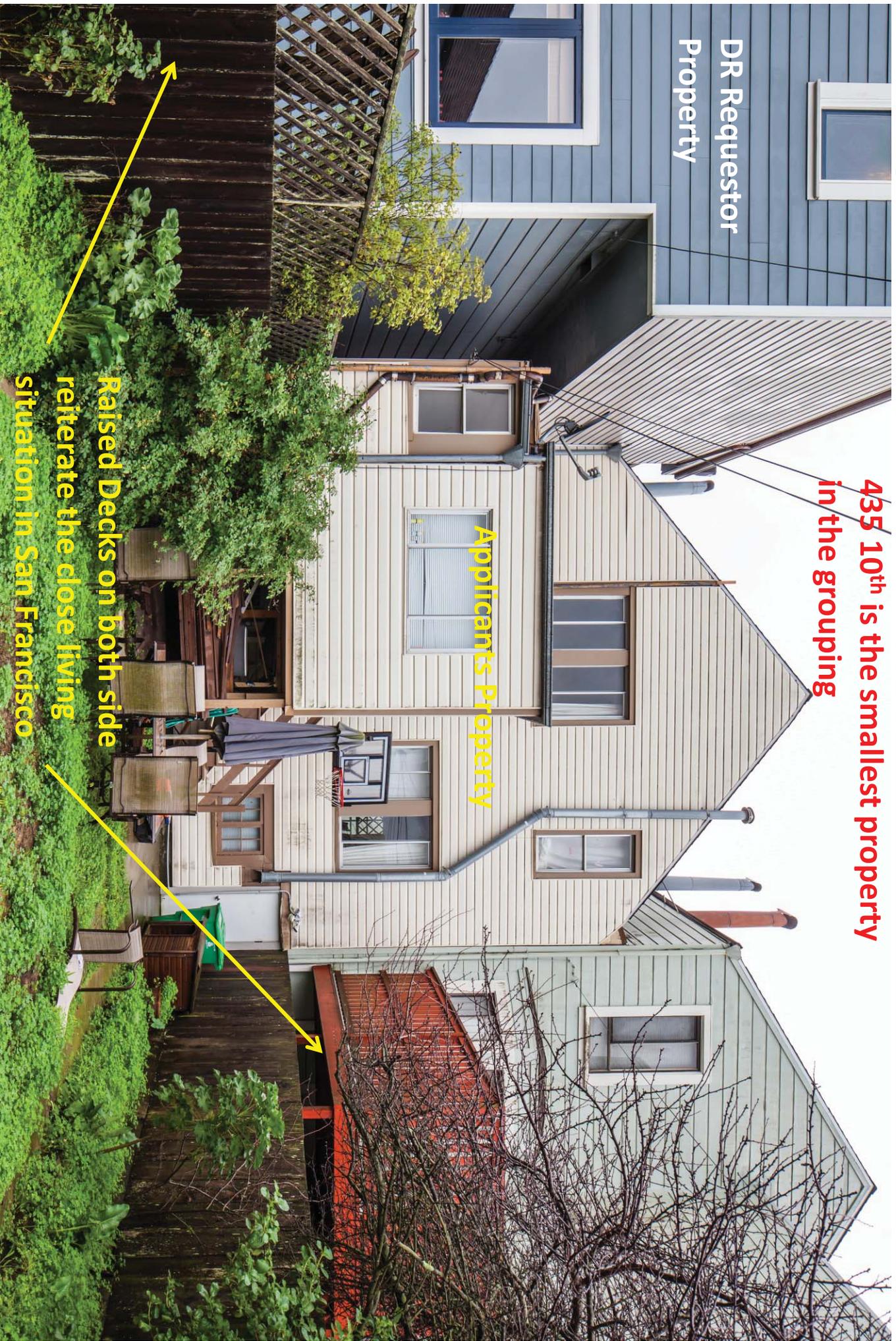
At ~1658 sq ft, 435 10th Ave is significant smaller than its neighboring buildings

435 10th is the smallest property in the grouping

DR Requestor Property

Applicants Property

Raised Decks on both side reiterate the close living situation in San Francisco



431 10th Ave's cantilevered 3rd story blocks light and air to its lower stories

DR Requestor Property

~3 foot cantilevered 3rd story built to the property line

Applicants Property



Location of dining room window. Cantilevered upper story blocking light

Our Rear expansion will match 431 10th Ave's three story rear setback

We are proposing to extend our rear structure ~4 feet to match the DR requestor's 3 story structure



January 11, 2015

San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: 10th Ave. D.R. Hearing

Dear Commissioners,

Due to personal schedule conflicts, I will not be able to attend the public hearing, so I am writing this letter to address the discretionary review requesters' concerns about light and privacy issues from the proposed addition to 435 10th Ave.

My clients, Mr. and Mrs. Holsman, the owners of this property, have two young sons and a daughter. They also have relatives in Canada and Australia who visit and stay with them a few times a year. In addition, both my clients work from home. The proposed addition will allow them to expand their living spaces, provide ground floor space for a home office/guest bedroom, and upgrade their bedrooms to accommodate an additional bathroom. The addition will make the house far better suited to serve the needs of a family of five who host occasional houseguests.

Our original proposal was to extend the rear wall to match the 45% setback line, with a deck extending 12' beyond the setback line that would stay within the permitted rear yard obstruction under the planning codes. To address the 431 10th Avenue neighbor's concerns that the addition would obstruct light and air on their property, we reduced our proposed extension of the rear wall to match the 431 10th Ave.'s rear wall, which is approximately 3'-7" short of the rear yard setback. Furthermore, we are now proposing the construction of a deck that has a 10' extension into the rear yard instead of a 12' extension. This would make the addition approximately 5'-7" shorter than what the planning codes allow. The deck will be approximately 8' above grade. My clients are sacrificing an extra bedroom that they originally desired in the addition so that their sons would no longer have to share a room. However, because of the many design revision requests from the DR requesters, and to respect the current open space pattern on the block, my clients' sons will continue to share a room.

Currently, the third story sidewalls of 431 10th Avenue extend to the property lines, and their third story sidewall overhangs their second floor by approximately 3'. This overhang blocks light into their second floor windows. The DR requesters claim that reducing our three story extension to a two story extension would constrain light and air to their property, but in fact, it is their own building overhang that blocks the light coming into their windows.

Our proposal does not have exterior openings facing 431 10th Ave, and our proposed deck has a 5' setback. The 431 10th Ave.'s rear structure is at least 10' or more from our property line. We have a total of at least 15' distance from the edge of our deck to their rear structure's south wall. This provides a generous distance between properties, especially in San Francisco. The privacy issue is therefore mitigated.

Ironically, the footprint of 431 10th Ave. is very large and is out of context for the existing rear yard open space on the block. In addition, the house in the front portion is three stories, one story taller than our property on 435 10th Ave.

The excavation will be approximately 30” below grade to accommodate the concrete foundation and to gain the proper ceiling height of 8’ for the office/guest bedroom. The 431 10th Ave. building is 3’ away from our property line wall. Since proper excavation and construction methods will be carried out by licensed and experienced contractors, the excavation and construction will not damage the adjacent properties.

In summary, since the beginning of last year, we have diligently made many design revisions to address the neighbors’ concerns. Our proposed design respects the pattern of the rear yard open space and addresses light and privacy issues by stopping short of the permitted extension limits. Therefore, I respectfully ask the commissioners to approve the project as proposed.

Very truly yours,

A handwritten signature in blue ink, appearing to read "George Sun".

George Sun, Architect, LEED AP
Architect Reg. No. 26949

Response to DR Requestor Submission

- PAGE 2, Section B: DR Requestor states the Holsman rearward expansion would be “approximately 20 feet” beyond the current structure. Per the submitted plans, we plan to extend the home 4 ft further, to align the proposed addition to the DR Requestor’s three story portion of their house. Not 20 ft as stated.

A: DR Requestor’s Home



A: Shows the DR Requestors property

B: Shows the Holsman property

C: Shows the proposed 4ft extension

D: Shows the current depth difference between the DR Requestor’s property & the Holsman property. Currently, the DR Requestor’s property is 39 ft longer than the Holsman property (42ft if including the DR Requestor’s rear deck). If the project goes ahead as planned the DR Requestor’s property will still extend >35ft beyond the rear wall of the Holsman property

Photo1: We had to take two measurements to illustrate the differences in size of the two properties because we only had a 25 ft tape measure. This shows the first 25ft measurement. Currently the difference in rearward setbacks between our property and the DR Requestors is around 39ft. If the proposed design is approved the DR Requestor's property will still be 35ft longer than our property.



Photo 2: Proof of the 25ft measurement in photo 1



Photo 3: Second Measurement of 10ft to be added to the 25ft in photo 1. Please note, these measurements are taken from the proposed extension rear wall.



Photo 4: Proof of the 10ft second measurement (to be added to the initial 25ft measurement)



Photo 5: Shows the 4ft proposed extension to the DR Requestors three story structure. Please note the large third story overhang on the DR Requestor's property which is the major factor for lack of light in their dining room. That window is directly below the third story overhang

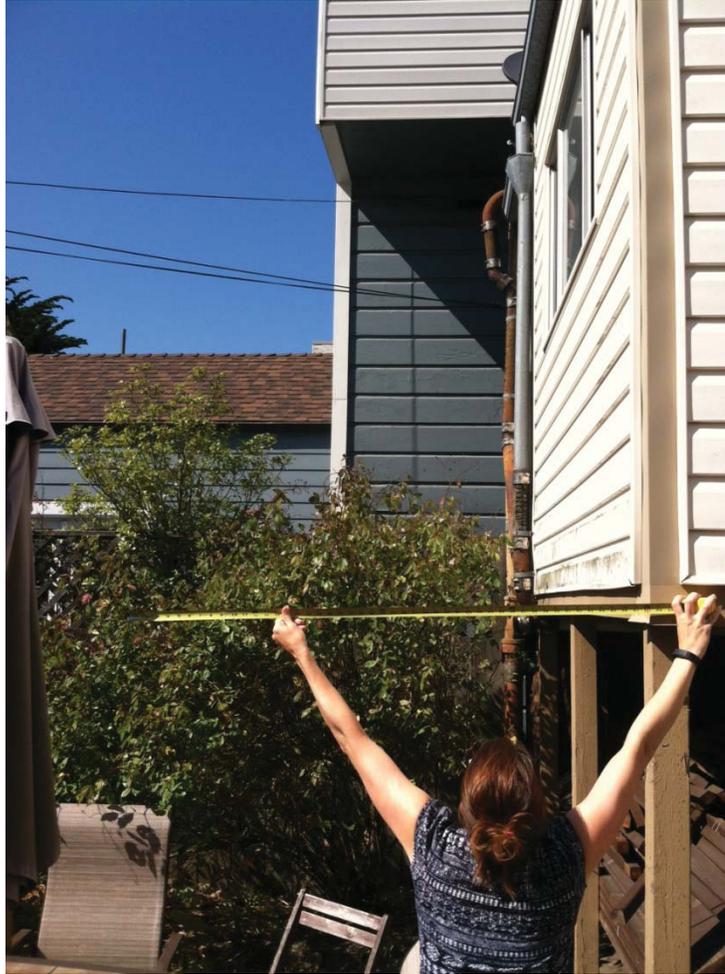


Photo 6: 4 ft measurement from our existing to the proposed designed expansion



- PAGE 3, Section B (11): The Holsman's addition will substantially reduce light and air to the DR Requestor's dining room window. Currently, the 2nd floor window in question is shaded by the the DR Requestors own third floor. (photo 5) Light comes from both the front and rear of the property. The Holsman's and the DR Requestors agreed on a solution to provide a 2 ft wide light/air well to mitigate this issue. We believed this issue was resolved.
- PAGE 4, Section 2A (11): We initially designed a deck per the setback guidelines of the city. Since talking with the DR Requestor, we reduced the scope of that deck on two separate times. We offer three different options on stair location and moved the deck from 5 ft to 8ft from the DR Requestors property line to maintain her light and privacy. We met with the DR Requestor and she agreed this was a solution to her issue
- PAGE 4, Section 2B : In relation to the DR Requestor's concerns of privacy, we are not adding any site line windows. We currently have 1 site line window and that will stay asis. We live in a very built up area, (See the photo below)



and have no concerns about what is happening at 431 10th Ave. I must also add that the DR Requestor's property has 15+ windows that look directly into her neighbors homes or yards (our house and the house on the other side of 431 10th Ave) that questions this concern.

- PAGE 6: There is a claim that the Holsmans misled the DR Requestors at the initially pre application meeting. We did agreed to look over a construction agreement, however when we received it, we were so shocked at the language within the document that we decide that entering into such agreement was not in our best interests. Here are a number of the responsibilities in the agreement:
 - *No Parking In Front of West Property.* The Holsmans and their contractors and subcontractors shall not park construction-related vehicles in front of the West-Morgan Property, including the driveway of the West-Morgan Property, during construction of the Project. (Under such agreement we couldn't park outside our own home as we have a shared parking spot "in front of the West-Morgan Property")
 - *Pre-Construction Survey.* Prior to the commencement of construction work, the Holsmans shall obtain at their expense a complete photographic survey of the pre-construction condition of both the interior and exterior walls and foundation of the West-Morgan Property's building and shall provide West and Morgan a complete set of prints or digital copies of said photographs. A representative of the West and Morgan will be present during the tour and survey. Such photographic survey shall be adequate in scope to permit a "before and after" comparison of building settlement, cracks and the like arising from the construction herein described. (Under such agreement, we would be liable for damage caused by an earthquake eg. the recent August 25th Napa earthquake)
 - *Advance Construction Notice.* The Holsmans shall provide West and Morgan with reasonable advance notice (7 calendar days) of the commencement of construction of the Project. The Holsmans also shall provide West and Morgan with reasonable advance notice (24-48 hours) of any construction work that may create unusually noisy conditions after 5 p.m. (Under such agreement, the city guidelines allowing work between 7am and 7pm wouldnt apply for us and costs/time would skyrocket)
 - *Insurance.* Prior to commencement of the Project, the Holsmans and/or the Contractor shall, at their expense, provide West and Morgan with proof of general liability insurance issued by reputable insurance companies, rated at least "A" by A.M. Best Company, evidencing that the West and Morgan and the West-Morgan Property are named therein as "additional insured" insuring against liability for personal injury or death and property damage arising from the Holsmans' renovation work. The insurance policy shall have limits of not less than \$2,000,00 for any one person injured or killed, not less than \$2,000,000 for any one incident, and not less than \$2,000,000 for property damage. The insurance required by this Section 2(f) will extend damage to the West-Morgan Property relating to the Holsmans' use of the license granted in Section 3 of this Agreement. (We really were not understanding why the DR Requestor needed to be on our policy and why they had a say in it)

Even so, we wrote the following letter to the DR Requestor's lawyer explaining what we were happy to do:

-----Original Message-----

From: nholsman <nholsman@aol.com>

To: GJC <GJC@JMBM.com>

Cc: ssholsman <ssholsman@yahoo.com>; tracy.l.west <tracy.l.west@oracle.com>; dc5 <dc5@jmbm.com>

Sent: Tue, May 20, 2014 8:02 am

Subject: Re: Signed Plans (PLEASE RESPOND)

Mr. Colli,

Thank you for reaching out to us. Please note that I responded to Tracy & Sid last week as to what we will agree to. I have cut & pasted it below:

Holsman's Obligation's

(a) ***Advance Construction Notice.*** As in any remodel, we understand that there will be noise from the project, we plan to keep all of the neighbors as well informed as we can regarding the project and will certainly make sure all city guidelines are adhered to. We will let also let you know what timeframe we plan to start the project.

(b) ***No Parking In Front of West Property.*** We will tell contractors that in no instance should they park across the driveway of the West-Morgan Property or any of our neighbors driveways, however the parking spot in front of 435 10th Ave shall be available for parking. Was this the parking space you didnt want the workers parking?

(c) ***Clean and Repair Sidewalk.*** We will definitely make all efforts to keep the sidewalk in front of the West-Morgan Property, the Holsman Property, and the property at 441 10th Avenue, free of construction debris and reasonably clean, and shall wash down the area on a regular basis. If there is any damage to the sidewalk from the contractors, we will repair those damages in a timely manner

(d) ***Debris Containers.*** Any debris containers associated with the Project will be covered when not in use, however we were told that locks are not standard on debris boxes. We can look into getting these if they make functional and financial sense.

(e) ***Plum Tree in Front of the West Property.*** We like the plum tree and wished there were more trees on 10th Ave so we will make all efforts to tell contractors that the tree is of importance to us & the neighborhood and will take all precautions to protect it. If there is any major damage caused by the Project, we will hire an arborist to assess the extent of any such damage and pay for the remedial actions recommended by the arborist.

(f) ***Insurance.*** We will certainly only use a licensed and bonded contractor for our project (per city requirements). We havent chosen a contractor yet but will let him or her know your concerns and will ensure they have insurance to protect themselves, their workers, us and our neighbors. We can update you as soon as we have chosen a contractor and addressed insurance with them.

(g) *Protection and Restoration of the West-Morgan Property.* As in the first section, we will keep you and all our neighbors as best informed as we can regarding the construction process, we will let you know the plan regarding the timing to upgrade any communal walls or fences separating the West-Morgan Property and the Holsman Property. We will make sure the contractors take all precautions to not damage any portion of the West-Morgan Property during the course of the renovation and will work quickly to repair any resulting damage at our expense.

(h) *Pre-Construction Survey.* We are happy to photograph the walkway, siding and walls separating the West-Morgan & Holsman properties for pre-construction condition of your property and we will send you and the planning department a complete set of prints or digital copies of said photographs. If a representative of the West-Morgan family can be present during the tour and photo session that would be great. We will also complete the same process within 14 days of the completion of construction. (after the 14 days we will consider the comparison closed) As we live in an earthquake zone, if there are any tremors of a magnitude over 3.0 we will have to readdress the photos. Please also let us know if any construction is occurring in your house that may impact these photos too. We also were wondering if you had a study documenting the current condition of the sub surface of your foundation to establish a baseline for review. If you do, please forward that over, as it is important to know this as your foundation is 25+ years old and probably has been affected by the seismic activity. That being said, if our project causes any damage to the West-Morgan home, we will work quickly to repair it.

We believe we have been very open and willing to compromise with the DR Requestor. We modified our design three times, with the DR Requestor agreeing that all outstanding issues were rectified February 28 (while we were standing in her living room). Aside from us not signing a litigious unfair construction document, we wouldn't be in this DR position. Obviously this has been a huge stress and cost to our family that we never expected. We hired a local San Francisco architect with 20+ years of experience, we have the support of our closest neighbors (next door & immediately across the street) and we want to build within the city rules and regulations. This has been a real disappointment especially since the DR Requestor completed her own major renovations (1 yearlong in duration) not too long ago.

Public Comment

Letters of Support and Opposition Received

Kirby, Alexandra (CPC)

From: Ayn Mcgee <aynmcgee@aol.com>
Sent: Tuesday, September 02, 2014 8:28 PM
To: Kirby, Alexandra (CPC)
Cc: tracy.l.west@oracle.com; gjc@jmbm.com
Subject: Building Permit Application No. 2014.03.07.0225.

Dear Ms. Kirby:

We are the owners of 430 10th Avenue, which sits directly opposite the area affected by the building permit application and write to express our objections to the project as drafted. As we understand matters, Nicholas and Signe Holdsmen, the owners of 435 10th Avenue, are proposing a drastic remodeling of their residence which will increase their square footage by more than 50%, expand inappropriately their property out to their property lines which will intrude on their neighbors' privacy, and obstruct light in one of the few light corridors available along the 400 block of 10th Avenue. What is more, we are very familiar with the Holdsmen's neighbor's property located at 431 10th Avenue. The proposed addition will obstruct significantly windows located along an adjoining property line as well as an open light corridor in a backyard. The Holdsmen have also proposed a very large second story deck alongside 431 10th Ave, which will obliterate most, if not all, privacy enjoyed by the 431 residents. We are also particularly concerned that the Holdsmen refuse to sign a reasonable construction agreement, which will indemnify their neighbors from any damage caused by the construction. Given that the construction will include foundation excavation work that could damage or undermine their neighbors' footings, the refusal to sign a construction agreement is inexplicable.

We generally support our neighbors improving their property in a reasonable way that does not infringe on their neighbors' light or right to use their property, including their right to privacy. What is particularly concerning here is that the scope as well as the size of these improvements threaten to violate the delicate agreement that San Francisco planners have long placed upon permit approvals. Unlike other municipalities, there is no right to a permit approval in San Francisco. Rather reflecting our densely populated city as well as our shared heritage of values, projects are only approved by grace or on a permissible basis. There is an understanding that projects should not intrude on property lines at the risk of invading privacy, be invasive to neighbors or darken light corridors. In addition, construction agreements are the normal requirement.

In sum, the project as proposed should not be approved. Christopher Rillo and Ayn McGee

--

Dec 2, 2014

To whom it may concern,

I am writing in support of the project at 435 10th Ave, San Francisco CA. I have spoken to the Holsmans' on a number of occasions and have also visited their home personally to fully understand what they plan to do and what impact it may have on their neighbors. I am writing this letter to lend support to their project and if you would like to reach out to me directly, please do so.

Thank you,

A handwritten signature in black ink, appearing to read "Richard O'Hara". The signature is fluid and cursive, with a large initial "R" and "O".

Richard O'Hara

McAvoy Ohara Mortuary

4545 Geary Blvd, SF

94118

Kirby, Alexandra (CPC)

From: Elena Mironova <d_elen99@yahoo.com>
Sent: Monday, January 05, 2015 1:48 PM
To: Kirby, Alexandra (CPC); nholsman@aol.com
Subject: Fwd: Building permit application #2014.03.07.0225

Sent from my iPad

Begin forwarded message:

From: Elena Mironova <d_elen99@yahoo.com>
Date: December 2, 2014 at 12:48:06 PM PST
To: "alexandra.kirby@sfgov.org" <alexandra.kirby@sfgov.org>
Subject: Building permit application #2014.03.07.0225

Hello Alexandra,

I reviewed the information regarding the proposed construction project at 435 10 th Ave. in San Francisco. I the owner of 2 businesses in the neighborhood and I totally support this project and have no concerns about it.

Best regards,
Elena Mironova
Russian Deli and Coffee Break owner
4601-4605 Geary Blvd.
SF, CA 94118

Sent from my iPad



October 1, 2014

To Whom It May Concern:

By way of introduction, my name is Terrence Hanley and I am the principal at Star of the Sea School here in the City. I am a native San Franciscan and this is my tenth year at Star. Last week a family who has three children attending Star reached out to share a concern with me.

Mr and Mrs. Nick Holsman bought a house in the neighborhood (435 10th ave) a few years back and moved in with their three children and dog. The kids started school here in August 2013 in grades 1, 3 and 5. Recently the Holsmans initiated a plan to increase the size of their house. Three kids and a dog will make that necessary sometimes. As currently configured, the house has one bathroom and that just doesn't meet the needs of a family of five.

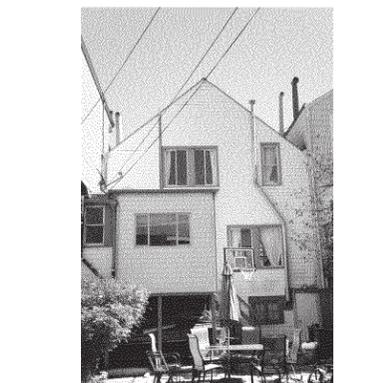
Unfortunately, their project has effectively been halted even though the Holsmans have worked with their neighbors throughout the process. I will leave it to others to evaluate the validity of the neighbor's concerns but the family did ask me to address one with which I am very familiar.

In the time they have been at Star of the Sea Mr Holsman has served on our Crab Feed Committee and been an assistant coach for the kids baseball and soccer teams. Mrs Holsman currently serves as Room Parent for the 6th grade. Each of these projects requires a great deal of time and hard work. Both parents are here at school quite often and their commitment to Star is a very important part of their family life. I have often spoken to their older child, Saila, about her plans for high school. Though she is only in 6th grade currently, it is clear that she plans to be part of this community for a long time. I have no doubt that the Holsmans hope to raise their family right here in the neighborhood and send them to high school and eventually to college from their home on 10th avenue. As long as the project fits within the confines of City Guidelines it seems clear to me that the project should be allowed to proceed and the Holsman family will continue to play a major role in the Star of the Sea school family.

Sincerely,

A handwritten signature in black ink that reads "T Hanley".

Terrence Hanley
Principal



SHEET INDEX

- A0 GENERAL NOTES, PROJECT DATA
- A1.1 SITE/ROOF PLAN
- A2.1 (E) FLOOR PLANS
- A2.2 PROPOSED FLOOR PLANS
- A3.1 (E) EXTERIOR ELEVATIONS
- A3.2 PROPOSED EXTERIOR ELEVATION
- A3.3 PROPOSED EXTERIOR ELEVATIONS
- A3.4 BUILDING SECTION



411 15TH AVE., SUITE A
SAN FRANCISCO, CA 94107
PHONE 415 387-2700



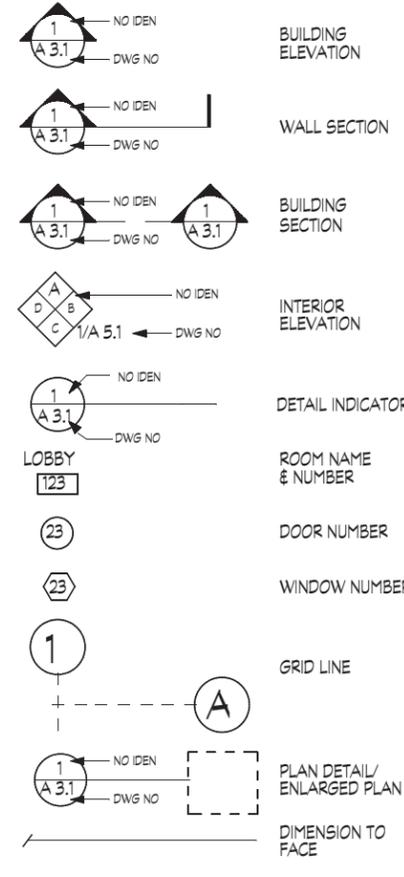
George S. Sun, AIA, Architect

HOLSMAN RESIDENCE
435 10TH AVE.
SAN FRANCISCO, CA 94118

ABBREVIATIONS

AB	ANCHOR BOLT	FAB	FABRICATE	PC	PRE-CAST	VB	VAPOR BARRIER
AC	ASPHALTIC CONCRETE	FD	FAN COOL UNIT	PL	PLATE	VCF	VITRIFIED CLAY PIPE
AD	AIR CONDITIONING	FO	FLOOR DRAIN	PLM	PLASTIC LAMINATE	VEH	VEHICULAR
ACT	ACOUSTIC CEILING	FC	FIRE EXTINGUISHER CABINET	PLS	PLASTER	VENT	VENTILATION
AD	AREA DRAIN	FIN	FINISH	PLYWD	PLYWOOD	VERT	VERTICAL
ADJ	ADJACENT	FL	FLOOR	PNT	PAINT(ED)	VF	VERIFY IN FIELD
ADMIN	ADMINISTRATIVE	FLOR	FLUORESCENT	PR	PREFAB	VWC	VINYL WALL COVERING
AFF	ABOVE FINISH FLOOR	FOC	FACE OF CONCRETE	PRF	PREFABRICATED	W	WASHER
AFS	ABOVE FINISH GRADE	FOF	FACE OF FINISH	PRF	POUNDS PER SQUARE FOOT	W/H	WATER HEATER
ALT	ALTERNATE	FOI	FACE OF STUD	PT	PRESSURE TREATED	W/O	WITHOUT
ALUM	ALUMINUM	FOH	FACE OF MASONRY	PT	PAPER TOWEL DISPENSER	WC	WATER CLOSET
APPROX	APPROXIMATE	FR	FIRE RESISTANT	PTD	PAPER TOWEL RECEPTACLE	WD	WOOD
ARCH	ARCHITECT OR ARCHITECTURAL	FRS	FURRING	PTF	POLYVINYL CHLORIDE	WG	WIRE GLASS
ASTM	AMERICAN SOCIETY TESTING & MATERIALS	FUR	FURRING	PVC	POLE AND SHELF	WGL	WALK-IN CLOSET
AUTO	AUTOMATIC	FWC	FABRIC WALL COVERING	QTY	QUANTITY	WO	WHERE OCCURS
BC	BRICK COURSE	GA	GALLON	QTY	QUANTITY	WSP	WATERSCOOP
BD	BOARD	GALV	GALVANIZED	R	REMOVE	WS	WEATHERSTRIP
BD/PH	BITUMINOUS	GB	GRADE BAR	(R)	REMOVE	WT	WEIGHT
BIDS	BUILDING	GR	GRADE	RA	RETURN AIR	WFF	WELDED WIRE FABRIC
BLK	BLOCK	SC	SCHEDULE	RA	RETURN AIR	WMM	WELDED WIRE MESH
BLAS	BLOSSOMS	SI	SALVAGED IRON	RAD	RADIUS	YD	YARD
BT	BOTTOM	SL	SLAB	RD	ROOF DRAIN		
BY	BEAM	GR	GRADE	REF	REFERENCE		
BYS	BUSHING	GRS	GALVANIZED SHEET METAL	REFR	REFRIGERATOR		
BTWN	BETWEEN	GYP	GYP	REINP	REINFORCED		
BUR	BUILT-UP ROOFING	HS	HOSE BIB	REQD	REQUIRED		
CAB	CABINET	HC	HOLLOW CORE	RES	RESILIENT		
CAB	CATCH BASIN	HCP	HANDICAPPED	RET	RETAINING		
CBM	CUBIC METERS	HCR	HORIZONTAL	REV	REVISION		
CBR	CERAMIC	HOWD	HARDWOOD	RH	RIGHT HAND		
CFM	CUBIC FEET PER MINUTE	HRC	HORIZONTAL	RM	ROOM		
CG	CORNER GUARD	HRC	HORIZONTAL	RO	ROUND		
CI	CONTROL JOINT	HP	HIGH POINT	RO	ROUGH OPENING		
CL	CENTER LINE	HT	HEIGHT	RWL	RAIN WATER LEADER		
CLG	CLEAR	HM	HOLLOW METAL	S	SINK		
CLR	CLEAR	ID	INSIDE DIAMETER	SC	SOLID CORE		
CMU	CONCRETE MASONRY UNIT	IN	INCLUDED	SCD	SEAT COVER DISPENSER		
CO	CLEAN OUT	INCL	INCLUDED	SCH	SCHEDULE		
COL	COLUMN	INT	INTERIOR	SD	SOAP DISPENSER		
CONC	CONCRETE	INV	INVERT	SECT	SECTION		
CONN	CONNECTION	IS	INVERT	SED	SEE ELECTRICAL DRAWINGS		
CONST	CONSTRUCTION	JC	JUNCTION BOX	SH	SHEET		
CONT	CONTINUOUS	JC	JUNCTION BOX	SHT	SHEET		
CONTR	CONTRACTOR	JST	JOIST	SHTN	SHEATHING		
CORR	CORROSION	JT	JOINT	SHL	SHOWER		
CPT	CARPET	KIT	KITCHEN	SMD	SEE MECHANICAL DRAWINGS		
CPT	CERAMIC TILE	KO	KITCHEN	SPEC	SPECIFICATION		
CT	COUNTERSINK	LD	LENGTH	SP	SEE PLUMBING DRAWINGS		
CTK	COUNTERSINK	LD	LENGTH	SQ	SQUARE		
D	DRYER	L	LENGTH	SS	STAINLESS STEEL		
DBL	DOUBLE	LAV	LAVATORY	SSD	SEE STRUCTURAL DRAWINGS		
DEM	DEMOLISH	LAM	LAMINATED	STC	SOUND TRANSMISSION CLASS		
DEPT	DEPTH	LPH	LEFT HAND	STD	STANDARD		
DET	DETAIL	LP	LOW POINT	STR	STRUCTURAL		
DF	DRINKING FOUNTAIN	LWR	LOWER	STRCT	STRUCTURAL		
DIA	DIAMETER	MACH	MACHINE	SYN	SYNTHETICAL		
DIAG	DIAGONAL	MAINT	MAINTENANCE	T	TREAD		
DIM	DIMENSION	MANUF	MANUFACTURER	TB	TOP AND BOTTOM		
DIP	DIP	MAX	MAXIMUM	TBS	TONGUE AND GROOVE		
DN	DOWN	MC	MEDICINE CABINET	TCS	TACKBOARD		
DO	DOUBLE OVEN	MSB	MESSENGER	TEL	TELEPHONE		
DS	DOWNSTREAM	MIN	MINIMUM	TEMP	TEMPERATURE		
DSP	DRY STAND PIPE	MISC	MISCELLANEOUS	TRFD	TRIP		
DW	DRAINAGE	MTR	MOISTURE RESISTANT	TH	THRESHOLD		
DWG	DRAWING	MTD	MOUNTED	THICK	THICKNESS		
(E)	EXISTING	MIS	MISCELLANEOUS	THRU	THROUGH		
EA	EACH	(N)	NEW	TCC	TOP OF CURB		
EL	ELEVATION	NAT	NATURAL	TOP CONC	TOP OF CONCRETE		
ELEV	ELEVATION	NC	NOT IN CONTRACT	TOP PL	TOP OF PLATE		
ELEC	ELECTRICAL	NOM	NOMINAL	TOP SL	TOP OF SLAB		
ELV	ELEVATOR	NTS	NOT TO SCALE	TOP STL	TOP OF STEEL		
EMER	EMERGENCY	OV	OVER	TOP WALL	TOP OF WALL		
ENAM	ENAMEL	CA	OVER ALL	TPD	TOILET PAPER DISPENSER		
ENCL	ENCLOSURE	CC	ON CENTER	TV	TELEVISION		
ENGR	ENGINEER(ED)	CC	ON CENTER	TP	TYPICAL		
EP	ELECTRICAL SUB-PANEL	CH	OVERHEAD	UBC	UNIFORM BUILDING CODE		
EQ	EQUAL	OP	OPENING	UH	UNIT HEATER		
EQPT	EQUIPMENT	OPP	OPPOSITE	UNF	UNFINISHED		
EM	EXHAUST						

SYMBOLS



GENERAL NOTES

- EXAMINATION OF SITE: THE CONTRACTOR SHALL THOROUGHLY REVIEW PLANS AND EXISTING SITE CONDITIONS, AND SATISFY HIM/HERSELF AS TO THE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED. THE CONTRACTOR SHALL VERIFY AT THE SITE ALL MEASUREMENTS AFFECTING THE WORK, AND SHALL BE RESPONSIBLE FOR THE CORRECTNESS FOR EXPENSES DUE TO HIS NEGLIGENCE TO EXAMINE, OR FAILURE TO DISCOVER CONDITIONS WHICH AFFECT THE WORK. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES, ERROR OR OMISSIONS TO THE ARCHITECT IMMEDIATELY.
- DURING CONSTRUCTION, REPORT ALL DISCREPANCIES AND OR CONFLICTS IN THE DRAWINGS TO THE ARCHITECT IMMEDIATELY.
- GENERAL OPERATIONS: THE CONTRACTOR SHALL, AFTER CONSULTING WITH THE OWNER, SCHEDULE THE WORK SO AS NOT TO INTERFERE UNDULY WITH NEIGHBORS, ETC. CONTRACTOR SHALL ALLAY DUST BY APPROVED MEANS AND MINIMIZE NOISE AS MUCH AS PRACTICAL. CONSTRUCTION HOURS AND GUIDELINES SHALL COMPLY WITH CITY ORDINANCES, AND IN NO CASE SHALL THE WORK INTERFERE WITH EXISTING STREETS, DRIVES, WALKS, PASSAGEWAYS, NEIGHBORS PROPERTY, IMPROVEMENTS AND THE LIKE.
- LIMITS OF WORK: WORK ZONE LIMITS ARE ESTABLISHED ON THE DRAWINGS. ALL CONTRACTORS, SUBCONTRACTORS AND TRADESMAN SHALL COORDINATE THEIR WORK WITH ONE ANOTHER WITHIN THE ESTABLISHED LIMITS.
- SEQUENCE OF WORK: IN THE EVENT ANY SPECIAL SEQUENCING OF THE WORK IS REQUIRED BY THE OWNER, THE CONTRACTOR SHALL ARRANGE A CONFERENCE BEFORE ANY SUCH WORK IS BEGUN.
- MEASUREMENTS: CONTRACTOR SHALL VERIFY ALL DIMENSIONS SHOWN ON DRAWINGS BY TAKING FIELD MEASUREMENTS; PROPER FIT AND ATTACHMENT OF ALL PARTS IS REQUIRED. BEFORE COMMENCING WORK, CHECK ALL LINES AND LEVELS INDICATED AND SUCH OTHER WORK AS HAS BEEN PROPERLY COMPLETED. SHOULD THERE BE ANY DISCREPANCIES, IMMEDIATELY REPORT IN WRITING TO THE ARCHITECT FOR CORRECTION OR ADJUSTMENT PRIOR TO THE COMMENCEMENT OF ANY RELATED WORK. IN THE EVENT OF THE CONTRACTOR'S FAILURE TO DO SO, THE CONTRACTOR SHALL BE FULLY AND SOLELY RESPONSIBLE FOR THE CORRECTION OR ADJUSTMENT OF ANY SUCH RELATED WORK OR ERRORS.
- ALL DIMENSIONS TAKE PRECEDENCE OVER SCALE. ALL DIMENSIONS ARE TO FACE OF STUD, UNLESS OTHERWISE NOTED. DIMENSIONS WITH CLR. ARE FROM FINISH MATERIALS. THE CONTRACTOR SHALL NOT SCALE DRAWINGS.
- RULES AND REGULATIONS: ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST RULES AND REGULATIONS OF THE 2013 CALIFORNIA BUILDING CODE, 2013 SPEC, 2013 CALIFORNIA MECHANICAL, ELECTRICAL, PLUMBING, ENERGY, GREEN BUILDING CODES, AND ALL LOCAL AND STATE LAWS AND ORDINANCES. NOTHING ON THE DRAWINGS SHALL BE CONSTRUCTED TO PERMIT
- CONSTRUCTION QUALITY: THE CONTRACTOR SHALL COMPLETE ALL WORK IN A GOOD WORKMANLIKE MANNER AT A LEVEL OR QUALITY OR TOLERANCE CONSISTENT WITH THE STANDARDS OF THE CONSTRUCTION INDUSTRY.
- NOTES: ALL PLAN NOTES IMPLY THE WORDS "THE CONTRACTOR SHALL....." OR "THE CONTRACTOR SHALL INSTALL....."
- ALL CONDITIONS NOT SPECIFICALLY DETAILED ON DRAWINGS SHALL BE SIMILAR TO THOSE SHOWN, OR THOSE DETAIL EXISTING IN THE FIELD AS OCCUR.
- THE CONSTRUCTION DOCUMENTS ARE PROVIDED TO ILLUSTRATE THE DESIGN AND GENERAL TYPE OF CONSTRUCTION DESIRED AND IMPLY THE FINEST QUALITY OF CONSTRUCTION, MATERIAL AND WORKMANSHIP THROUGHOUT.
- INSTALL ALL MATERIALS AND PRODUCTS IN STRICT ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS AND APPLICABLE CBO REPORTS. FURNISH AND INSTALL ALL COMPONENTS REQUIRED FOR A COMPLETE AND OPERATING SYSTEM.
- NEITHER THE ARCHITECT, NOR THE ENGINEERS, NOR THE OWNER SHALL BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES OF CONTRACTOR; SAFTY PRECAUTIONS AND PROGRAMS OF CONTRACTOR; THE ACTS OR OMISSIONS OF CONTRACTOR; OR THE FAILURE OF CONTRACTOR TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- SHOULD CONFLICTS OCCUR BETWEEN THE DRAWINGS AND SPECIFICATIONS, DRAWINGS SHALL GOVERN IN MATTERS OF DIMENSION OR QUANTITY; SPECIFICATIONS SHALL GOVERN IN MATTERS OF MATERIALS OR FINISHES.
- THE CONTRACTOR SHALL DO ALL WORK IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE BUILDING OFFICIAL. THE APPROVED PLANS AND SPECIFICATIONS SHALL NOT BE CHANGED OR MODIFIED WITHOUT THE APPROVAL OF THE BUILDING OFFICIAL. APPROVED SET OF DRAWINGS SHOULD BE ON JOB SITE AT ALL TIME IN A SECURED PLACE AND ACCESSIBLE TO CONTRACTORS AND SUBCONTRACTORS FOR REFERENCE.
- THE ARCHITECTS DO NOT ASSUME RESPONSIBILITY FOR UNDERGROUND UTILITIES NOR FOR THE EXISTENCE OF OTHER BURIED OBJECTS. THE LOCATION OF EXISTING UNDERGROUND UTILITY FACILITIES AS SHOWN ON THE PLANS ARE APPROXIMATE ONLY. THE CONTRACTORS SHALL CONTACT THE RESPECTIVE UTILITY COMPANY AND PROVIDE UTILITY LOCATION SERVICES AS REQUIRED TO OBTAIN THE EXACT DEPTH OF BURIAL AND HORIZONTAL LOCATION OF UTILITY LINES, CONDUITS, PIPES, ETC. PRIOR TO PERFORMING UNDERGROUND CONSTRUCTION, THE CONTRACTORS SHALL MAKE THE NECESSARY PROBES AND EXPLORATION TO IDENTIFY AREAS OF POSSIBLE CONFLICT WITH

PROJECT DATA

ZONING/USE:	RH2, R3
BLOCK/LOT:	1534/006
TYPE OF CONSTRUCTION:	V
SPRINKLERED:	NO
(E) GARAGE:	370 SF
LOT AREA:	3000 SF
GROUND FLOOR:	(E) (N)
SECOND FLOOR:	859 515
THIRD FLOOR:	735 331
TOTAL:	1697 115
(E) + (N):	2812

DESCRIPTION OF PROJECT:
HORIZONTAL AND VERTICAL ADDITION IN THE REAR FOR NEW BEDROOM SUITE /DEN ON THE GROUND FLOOR. NEW KITCHEN, FAMILY ROOM, HALF BATH, AND INTERIOR STAIR CONNECTING ON THE SECOND FLOOR TO THE GROUND FLOOR. EXTENDING OF (E) BEDROOM, AND A NEW MASTER SUITE ON THE THIRD FLOOR.

DIRECTORIES

OWNER'S CONTACT:	NICK HOLSMAN
ARCHITECT:	GEORGE SUN SUN ARCHITECTURE 411 15TH AVE., SUITE A SAN FRANCISCO, CA 94118 (415) 387-2700 GSUN@SUNARCHITECTURE.COM

ISSUED FOR:
DESCRIPTION DATE
SITE PERMIT/SECTION 311 3/10/14
CLIENT DESIGN REVISION 9/9/14

APPROVED FOR THE OWNER BY:
DRAWN BY: GSS
REVIEWED BY:
PLOT DATE: 3/9/14
PROJECT #: 1209-00

OWNER'S CONTACT: NICK HOLSMAN

ARCHITECT: GEORGE SUN
SUN ARCHITECTURE
411 15TH AVE., SUITE A
SAN FRANCISCO, CA 94118
(415) 387-2700
GSUN@SUNARCHITECTURE.COM

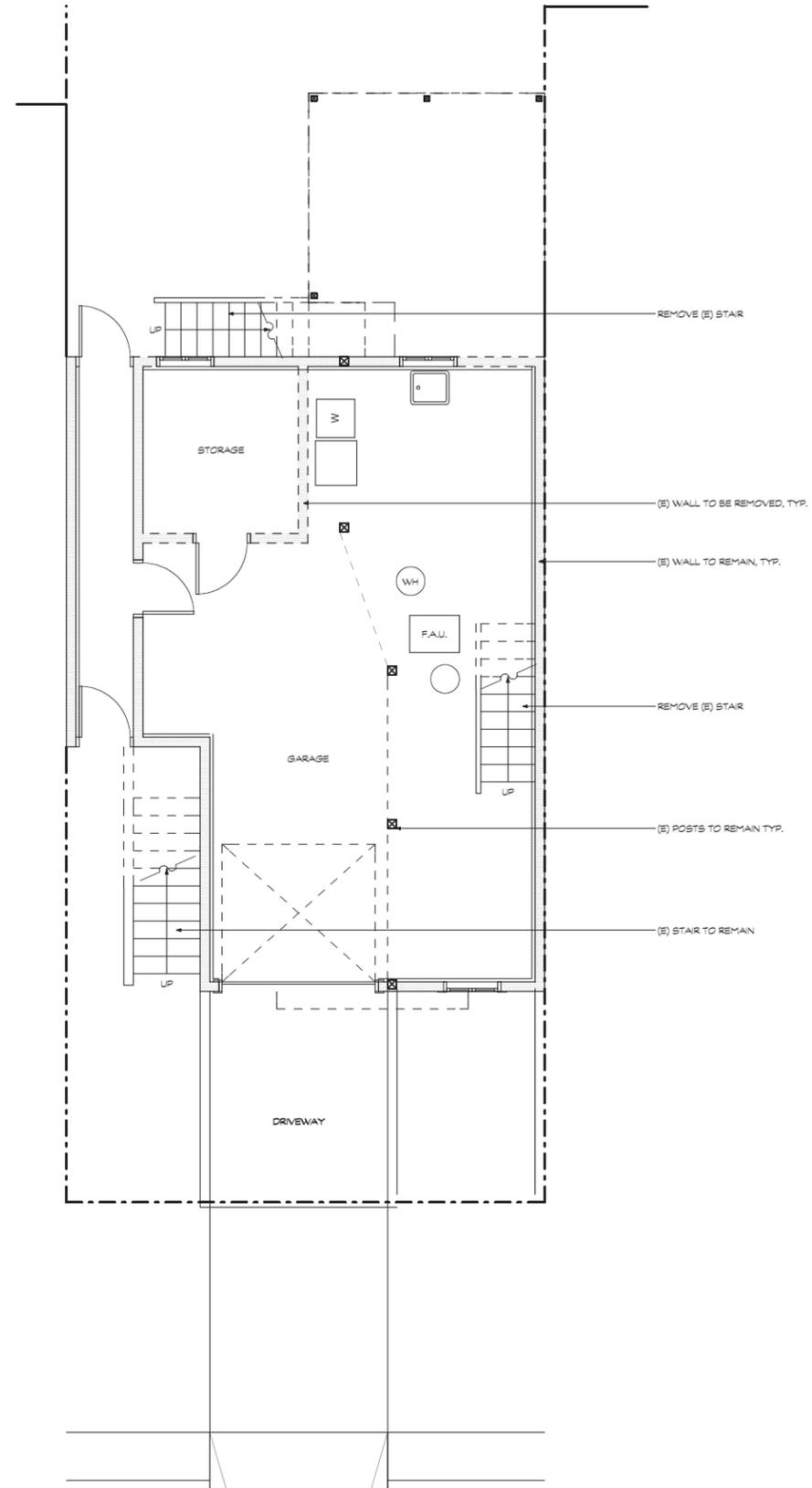
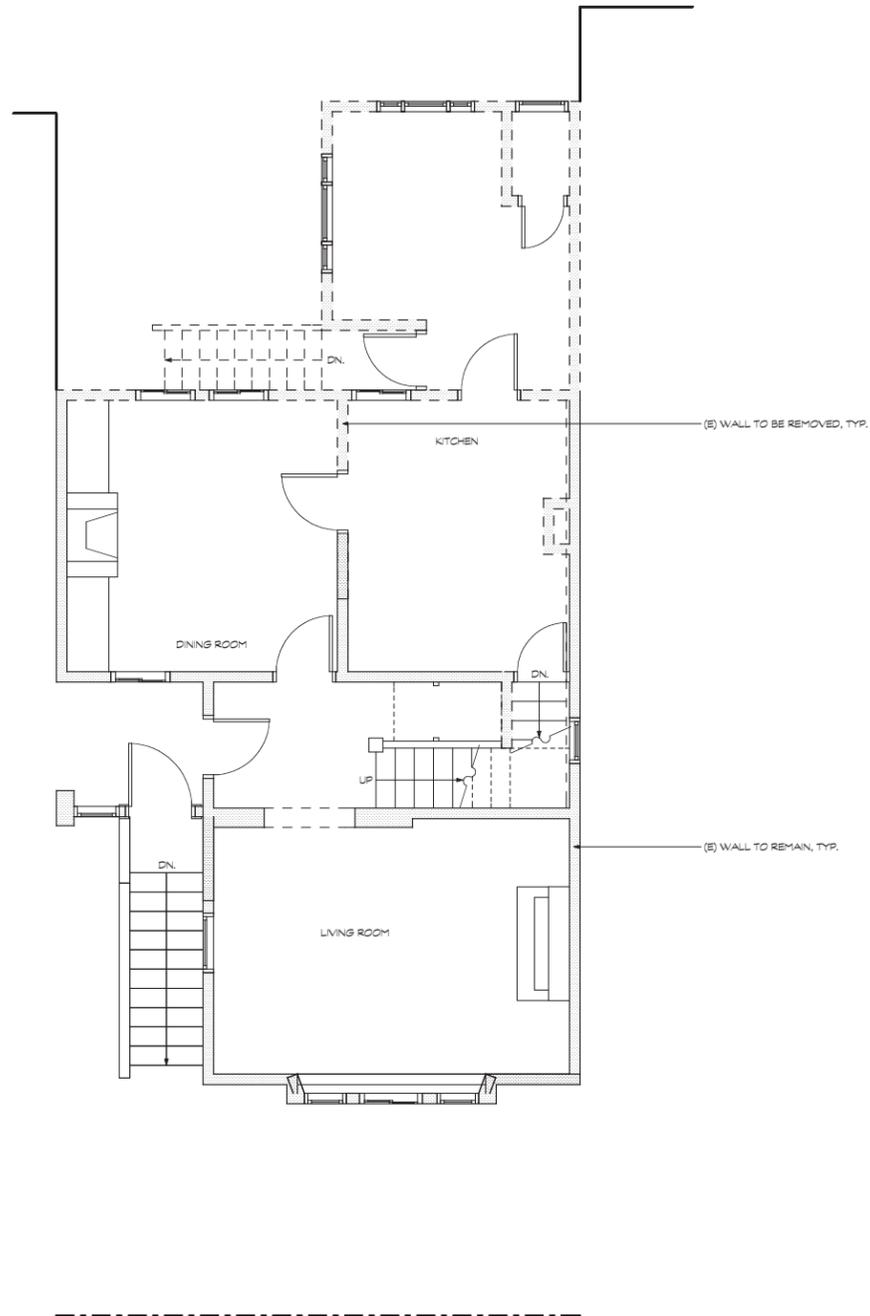
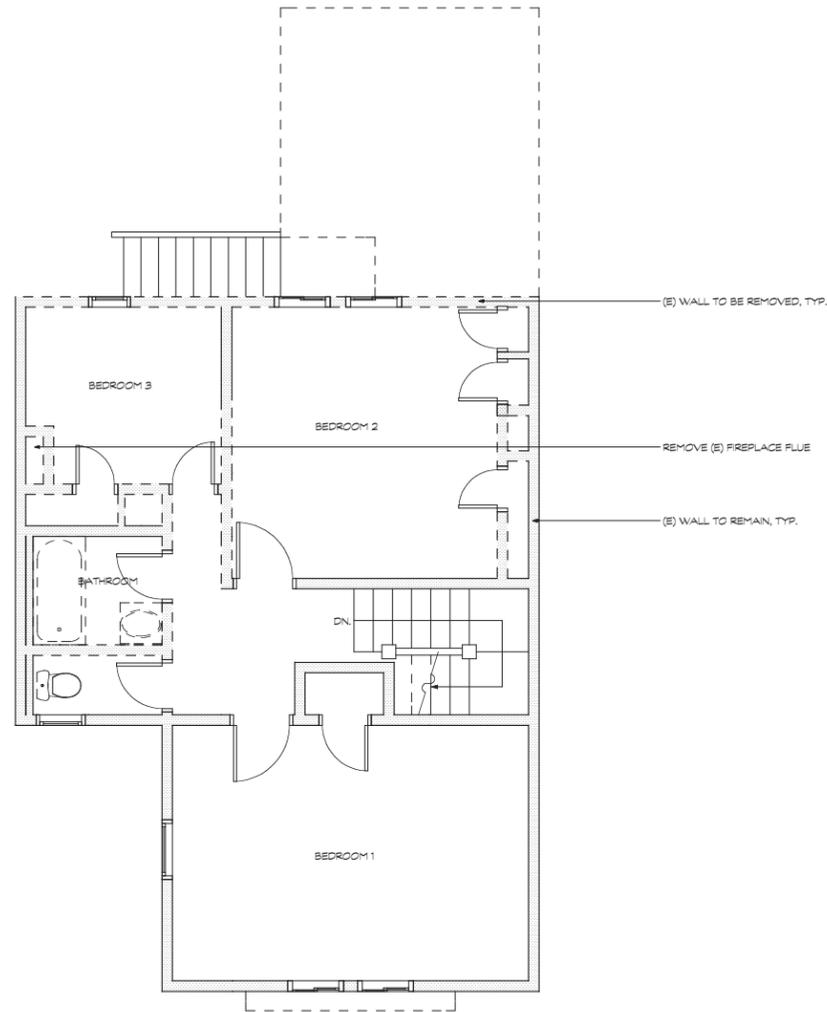
GENERAL NOTES AND SHEET INDEX

SCALE: AS INDICATED
SHEET NUMBER: AO

SHEET 1 OF 8



HOLSMAN RESIDENCE
435 10TH AVE.
SAN FRANCISCO, CA 94118



3 EXISTING THIRD FLOOR PLAN

1/4"=1'-0"

2 EXISTING SECOND FLOOR PLAN

1/4"=1'-0"

1 EXISTING GROUND FLOOR PLAN

1/4"=1'-0"



ISSUED FOR:	DATE
DESCRIPTION	11/8/13
CLIENT REVIEW	12/8/13
PRELIMINARY PRICING	1/25/14
PRE APPLICATION	3/10/14
SITE PERMIT/SECTION 311	

APPROVED FOR THE OWNER BY:

DRAWN BY: GSS
REVIEWED BY:
PLOT DATE: 3/9/14
PROJECT #: 1307.00

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SHEET TITLE:

EXISTING & DEMO.
FLOOR PLANS

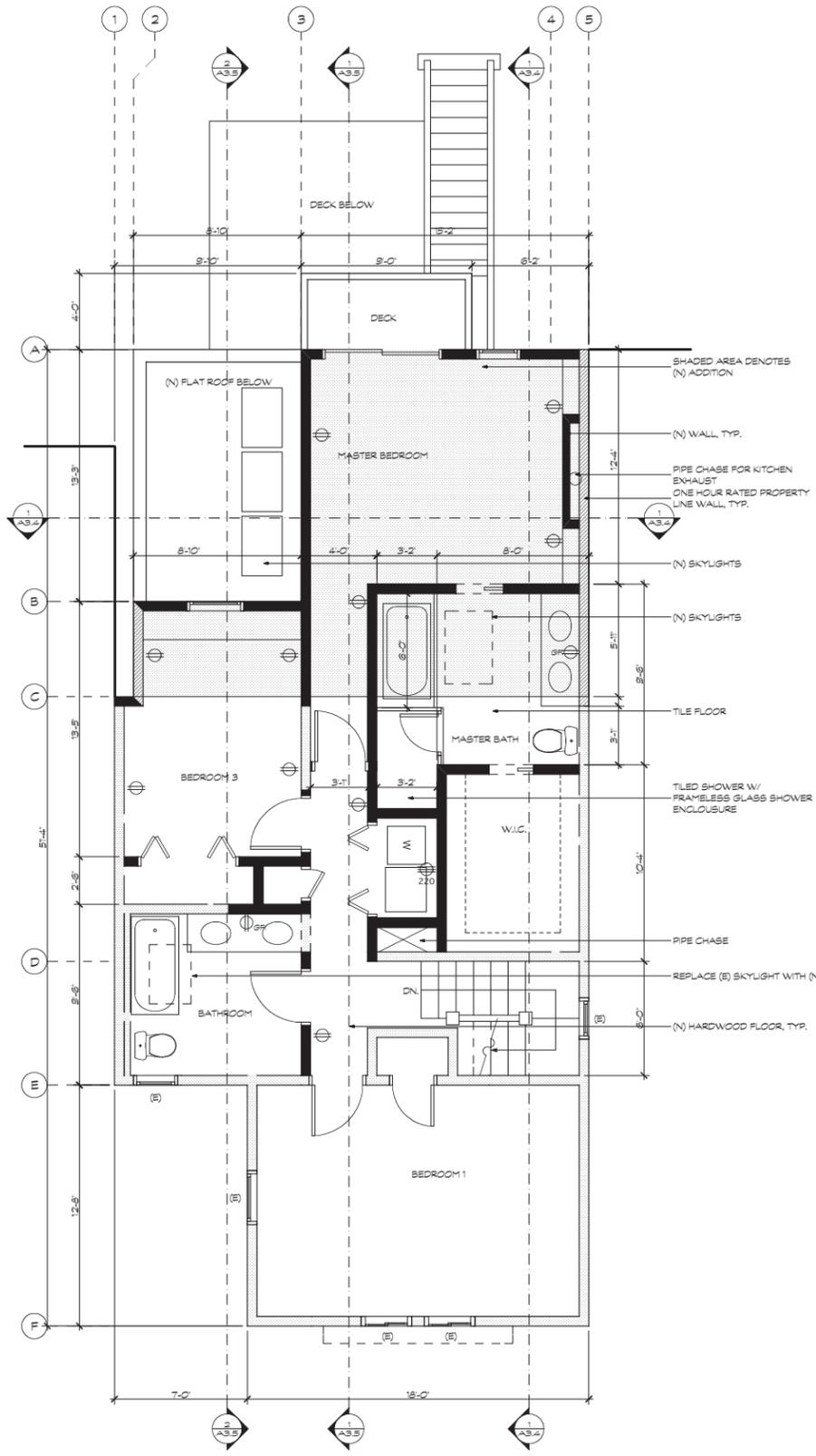
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SHEET NUMBER:

A 2.1

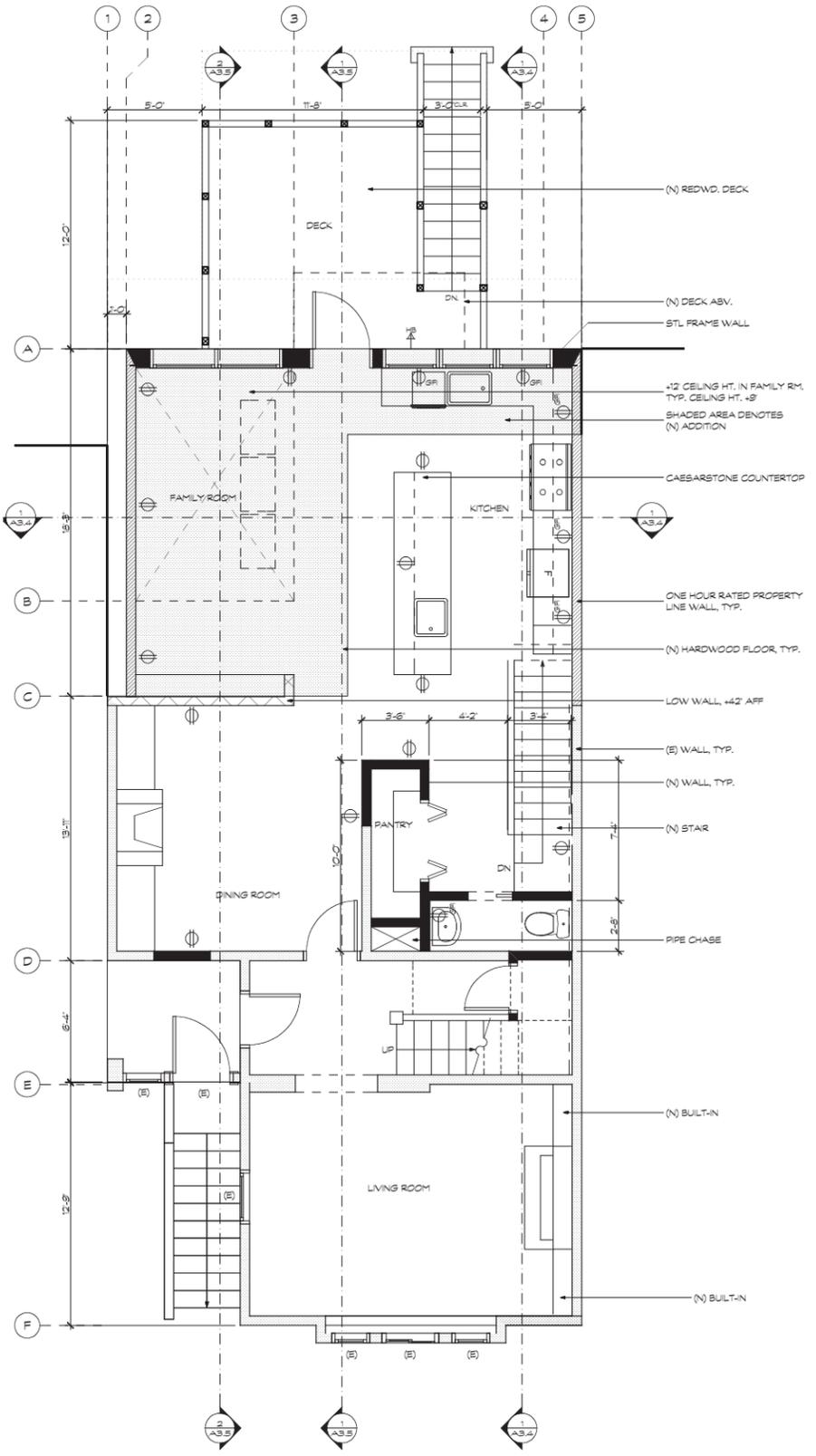
SHEET 3 OF 8



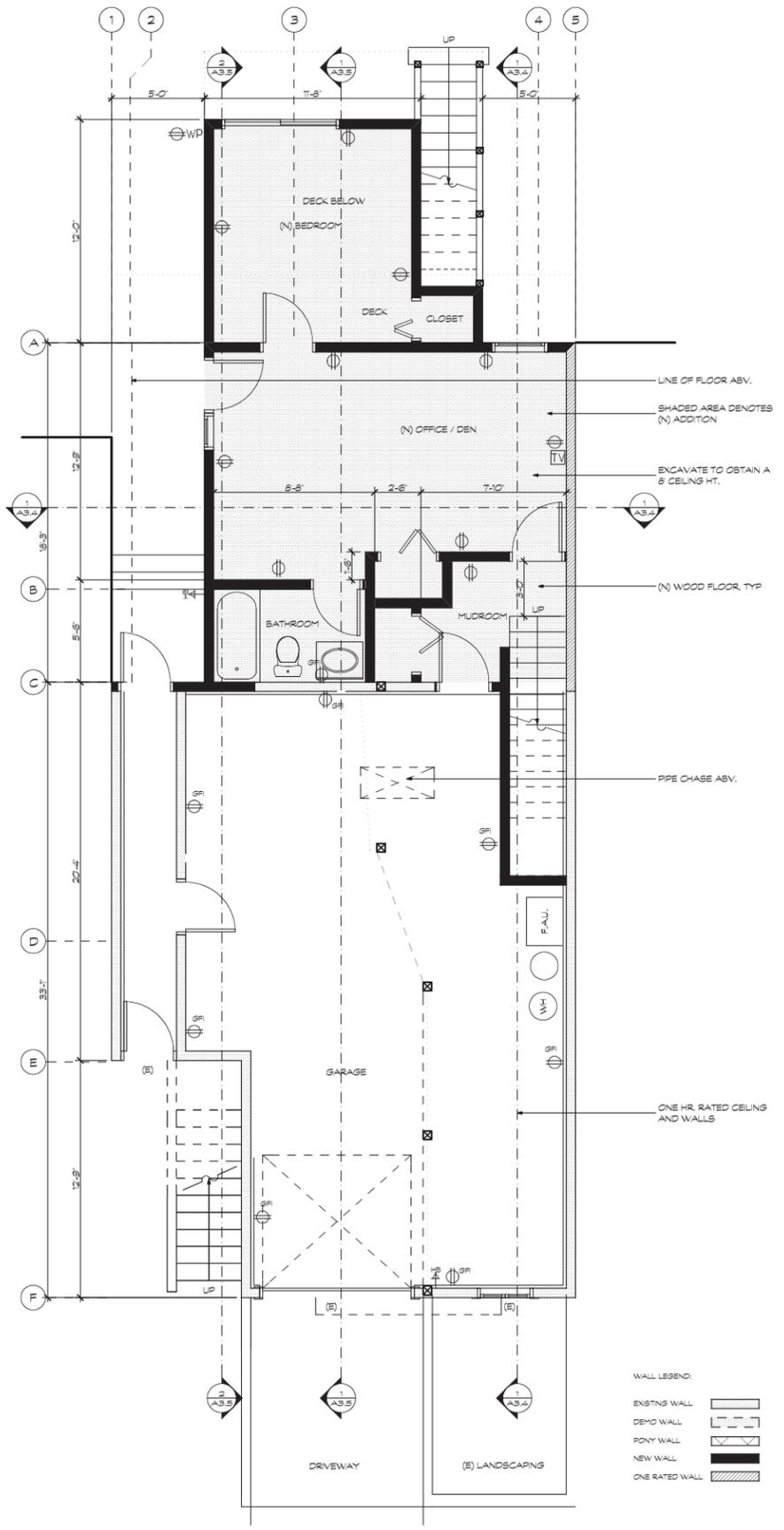
HOLSMAN RESIDENCE
435 10TH AVE.
SAN FRANCISCO, CA 94118



3 PROPOSED THIRD FLOOR PLAN
1/4"=1'-0"



2 PROPOSED SECOND FLOOR PLAN
1/4"=1'-0"



1 PROPOSED GROUND FLOOR PLAN
1/4"=1'-0"

WALL LEGEND:

EXISTING WALL	[Symbol]
DEM'D WALL	[Symbol]
PONY WALL	[Symbol]
NEW WALL	[Symbol]
ONE RATED WALL	[Symbol]

ISSUED FOR:

DESCRIPTION	DATE
CLIENT REVIEW	11/8/13
PRELIMINARY PRICING	12/9/13
PRE APPLICATION	1/25/14
DESIGN REVISION 1	2/20/14
DESIGN REVISION 2	3/3/14
SITE REVISION SECTION 311	3/10/14
CLIENT'S DESIGN REVISION	9/9/14

APPROVED FOR THE OWNER BY:

DRAWN BY: GSS
REVIEWED BY:
PICT DATE: 3/9/14
PROJECT #: 1307.00

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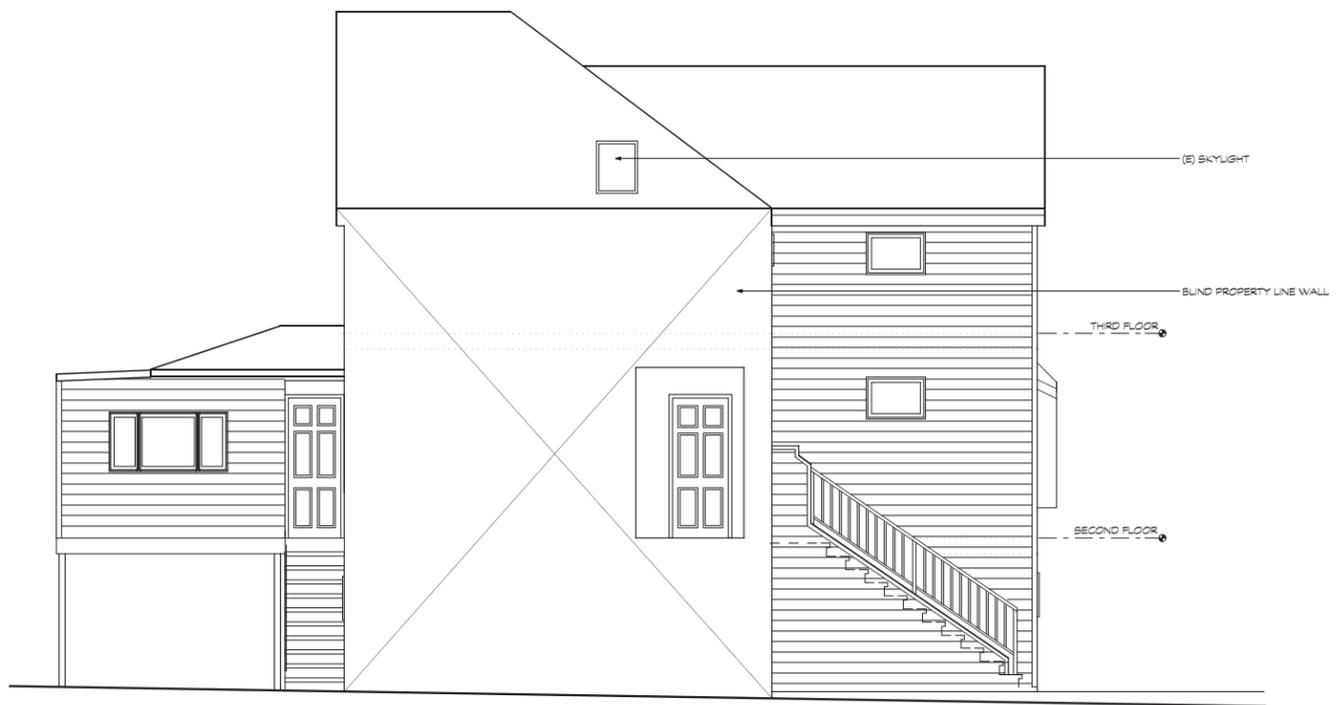
SHEET TITLE:

PROPOSED FLOOR PLANS

SCALE: AS INDICATED
SHEET NUMBER:



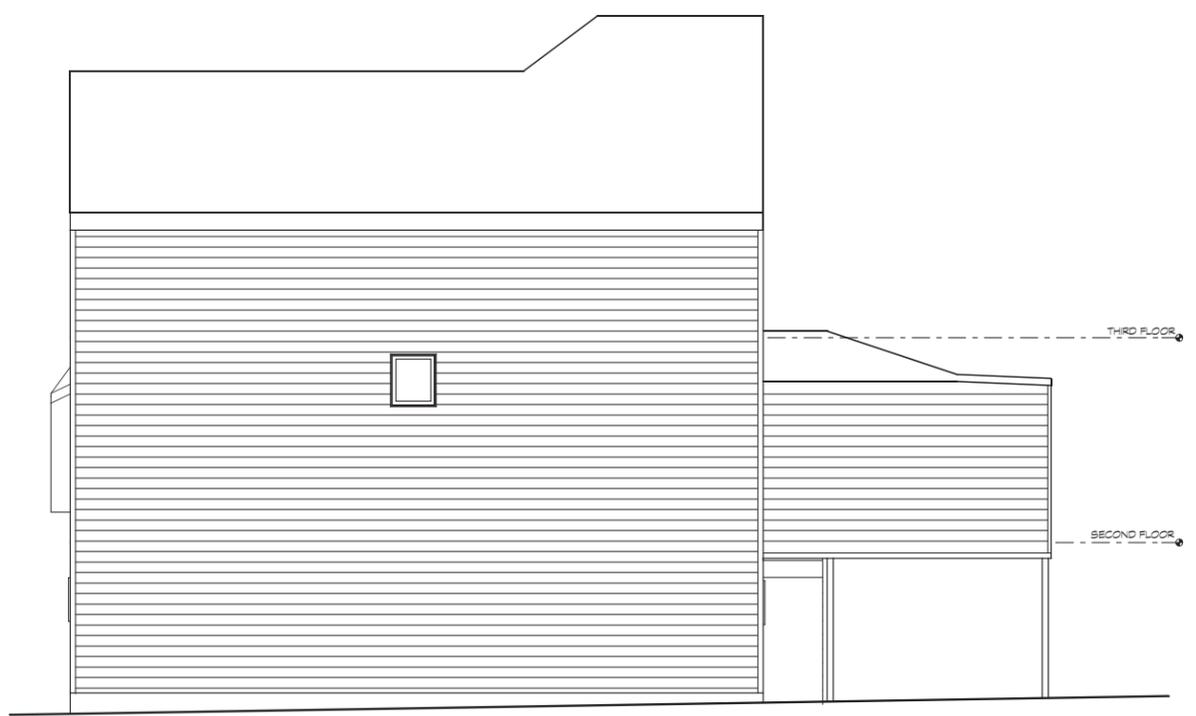
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SAN FRANCISCO, CA 94118



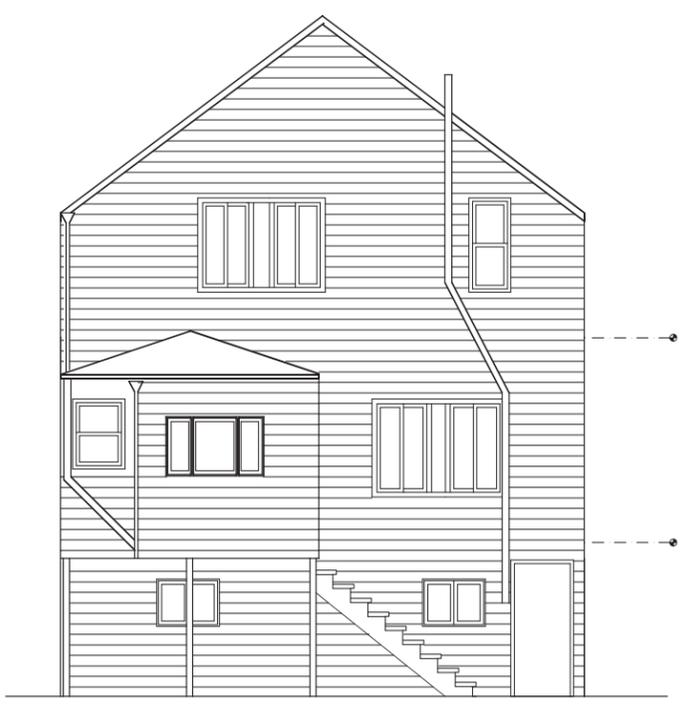
2 (E) LEFT SIDE ELEVATION- SOUTH 1/4"=1'-0"



1 (E) FRONT ELEVATION- EAST 1/4"=1'-0"



4 (E) RIGHT SIDE ELEVATION- NORTH 1/4"=1'-0"



3 (E) REAR ELEVATION- WEST 1/4"=1'-0"

ISSUED FOR:	
DESCRIPTION	DATE
PRELIMINARY PRICING	12/9/13
PRE APPLICATION	1/25/14
SITE PERMITS SECTION 311	3/10/14

APPROVED FOR THE OWNER BY:

DRAWN BY:	GSS
REVIEWED BY:	
PLOT DATE:	3/9/14
PROJECT #:	1307.00

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SHEET TITLE:

EXISTING EXTERIOR ELEVATIONS

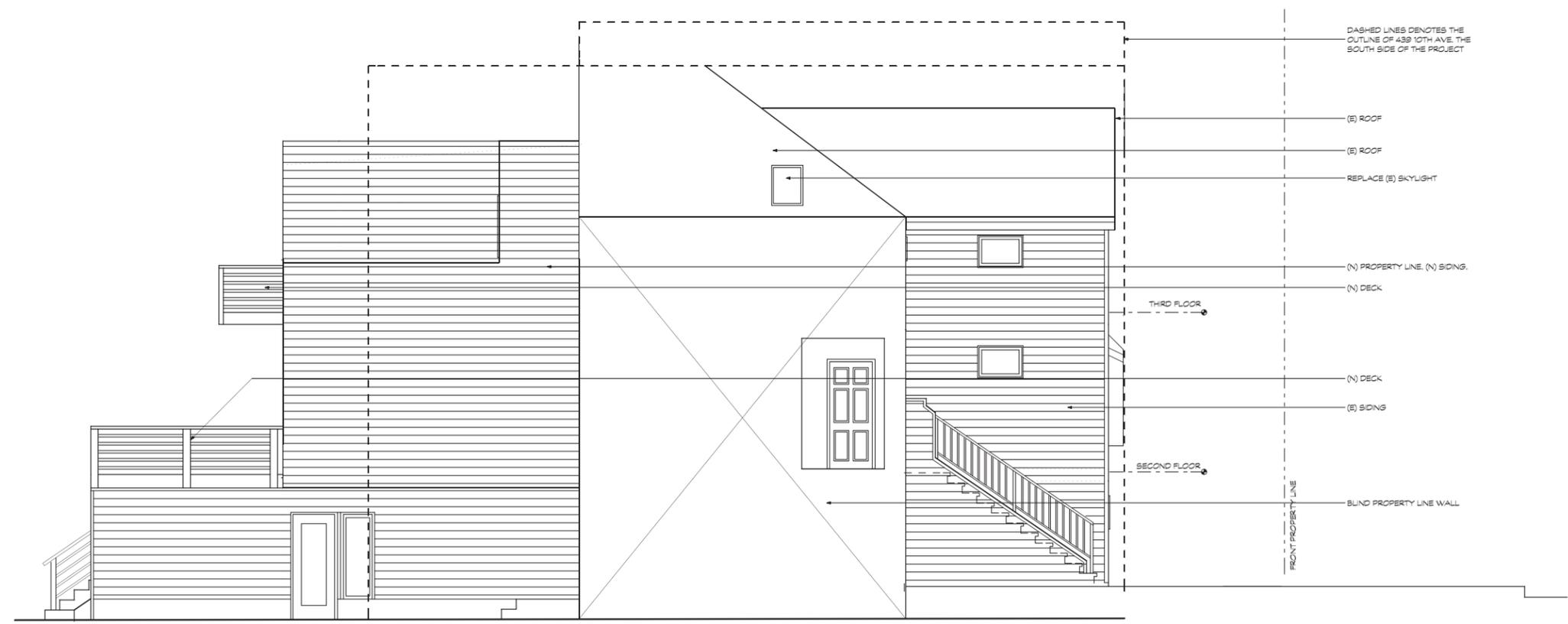
SCALE: AS INDICATED
SHEET NUMBER:

A 3.1



NO ALTERATIONS OF THE FRONT ELEVATION

1 EXISTING FRONT ELEVATION- EAST
1/4"=1'-0"



2 PROPOSED LEFT SIDE ELEVATION- SOUTH
1/4"=1'-0"

HOLSMAN RESIDENCE
435 10TH AVE.
SAN FRANCISCO, CA 94118

ISSUED FOR:	DATE
DESCRIPTION	12/9/13
PRELIMINARY PRICING	1/25/14
SITE PERMIT-SEC. 311	3/10/14
CLIENT DESIGN REVISION	9/9/14

APPROVED FOR THE OWNER BY:

DRAWN BY: GSS
REVIEWED BY:
PLOT DATE: 3/9/14
PROJECT #: 1307.00

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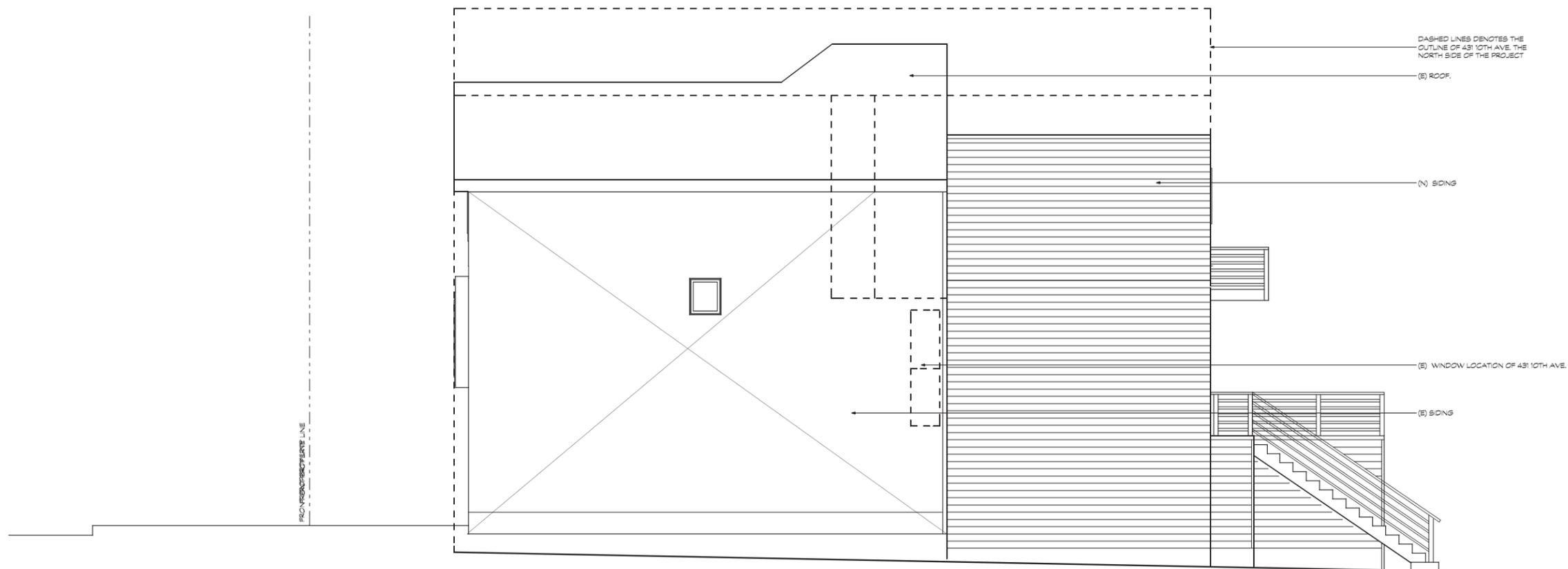
PROPOSED EXTERIOR ELEVATIONS

SCALE: AS INDICATED
SHEET NUMBER:

A 3.2



1 PROPOSED REAR ELEVATION- WEST
1/4"=1'-0"



2 PROPOSED RIGHT SIDE ELEVATION- NORTH
1/4"=1'-0"

HOLSMAN RESIDENCE
435 10TH AVE.
SAN FRANCISCO, CA 94118

ISSUED FOR:	DATE
DESCRIPTION	12/9/13
PRELIMINARY PRICING	1/25/14
SITE PERMIT-SEC. 311	3/10/14
CLIENT DESIGN REVISION	9/9/14

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DRAWN BY: GSS
REVIEWED BY:
PLOT DATE: 3/9/14
PROJECT #: 1307.00

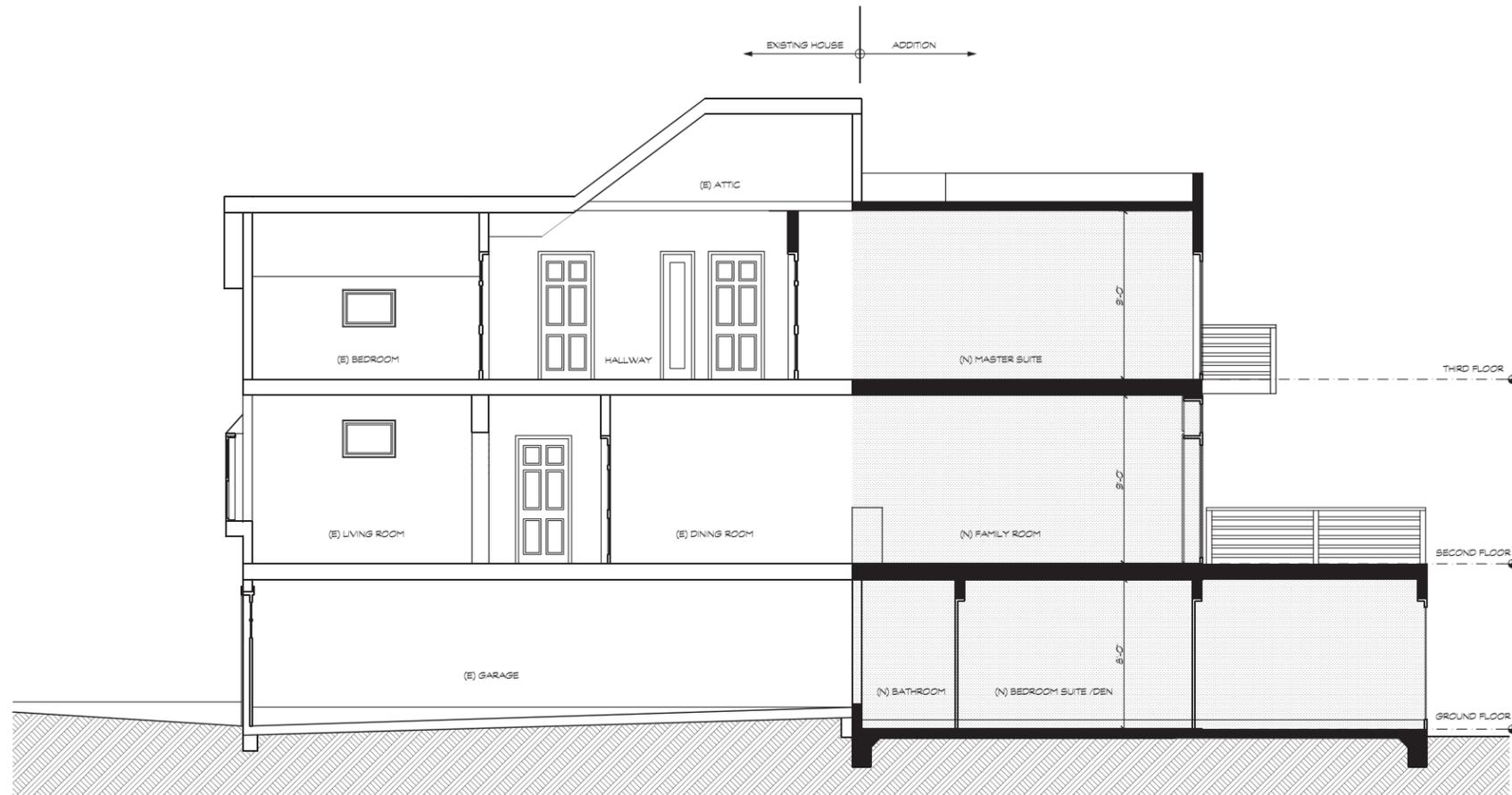
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SHEET TITLE:

**PROPOSED
EXTERIOR
ELEVATIONS**

SCALE: AS INDICATED
SHEET NUMBER:

A 3.3



1 BUILDING SECTION

1/4"=1'-0"

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435 10TH AVE.
SAN FRANCISCO, CA 94118

ISSUED FOR:	DATE
DESCRIPTION	12/9/13
PRELIMINARY PRICING	1/25/14
PRE APPLICATION	3/10/14
SITE PERMIT-SEC. 311	9/9/14
CLIENT DESIGN REVISION	

APPROVED FOR THE OWNER BY: _____
 DRAWN BY: GSS
 REVIEWED BY: _____
 PLOT DATE: 3/9/14
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**PROPOSED
EXTERIOR
ELEVATIONS**

SCALE: AS INDICATED
 SHEET NUMBER:

A 3.4