



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis Abbreviated

HEARING DATE: MAY 27, 2010

Date: May 20, 2010
Case No.: **2009.0981D**
Project Address: **449-451 MISSISSIPPI STREET**
Zoning: RH-2 (Residential House, Two-Family)
40-X Height and Bulk District
Block/Lot: 4064/037
Project Sponsor: David Thompson
215 Vicksburg Street
San Francisco, CA 94114
Staff Contact: Corey Teague – (415) 575-9081
corey.teague@sfgov.org
Recommendation: **Do not take DR and approve project as proposed.**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to replace the existing deck and stairs at the rear of the two-unit building, which is two stories in the front and three stories in the rear, with new decks at the 1st (lowest level) and 2nd floors in the rear, a spiral staircase accessing all three floors, and property line firewalls. Minor door and window replacement in the rear of the building and a new six foot high rear yard fence are also included.

The Zoning Administrator held a public hearing for a rear yard variance for the new decks and stairs in the rear of the building on January 27, 2010. No decision letter was issued due to the Discretionary Review request filed on February 18, 2010.

SITE DESCRIPTION AND PRESENT USE

The 2,500 square foot project site contains a tall two-story structure with a raised entry and two dwelling units. The site slopes down in the rear towards Pennsylvania Avenue, and there is a basement level that results in a three-story rear façade.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site falls just west of Highway 280 and within a large area of RH-2 zoning in the Potrero Hill neighborhood. Mississippi Street between 19th and 20th Streets consists of one to three-story single-family and two-unit buildings. The eastern face slopes downhill toward Pennsylvania Avenue. The Pennsylvania Avenue portion of the subject block contains mostly one to three-story single-family and two-unit buildings. The subject block has a well-defined mid-block open space pattern, with the subject building and adjacent building to the south extending deeper than most other buildings on the block.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	May 17, 2010	May 17, 2010	10 days
Mailed Notice	10 days	May 17, 2010	May 17, 2010	10 days

PUBLIC COMMENT

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

The Department received no public comment on this case.

ISSUES AND RESPONSES

Issue 1: The proposed alteration is incompatible with the neighborhood character because it would be attached to the rear of a building that already extends into the required rear yard and sits higher on the hill than the requestor’s home.

Response: The existing building extends approximately five feet into the required rear yard. The existing rear deck at the basement level extends nearly eight feet beyond the rear of the building. The existing stairs going perpendicular from the basement level deck to the rear yard extend an additional eight feet into the rear yard. The stairs going up to the third floor deck extend approximately six feet beyond the rear of the building.

The replacement deck at the basement level will be much smaller than the existing, extending only one foot beyond the rear of the building. The proposed deck on the second floor will replace the existing stair structure and would have an almost identical depth, except for a small landing off the spiral staircase, which would extend nearly three feet deeper. The addition of the spiral staircase will allow the removal of significant existing stair mass, including between the second and third floor, and from the basement level deck to the rear yard.

The proposed overall deck design is very similar to those on the buildings immediately adjacent to the subject building. The proposed changes will actually bring the rear of the building more into character with its surroundings.

Issue 2: The proposed structure disrespects the topography of the site and the surrounding area.

Response: While the existing building is larger than would be permitted today by the Planning Code, the original rear deck design respected the sloping topography by setting the third floor deck further into the building, with deeper stairs and decks at lower levels. The proposal continues this theme.

Issue 3: The proposed alteration does not adequately minimize impact on light to adjacent properties, especially the rear of the DR Requestor's property.

Response: The overall proposed stair and deck replacement will actually extend less into the rear yard than the existing system, as discussed in the response to Issue 1 above. Therefore, the proposal will generally result in less shadow than the existing stair and deck system.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One (e)(1) - Minor Alteration of Existing Facility).

RESIDENTIAL DESIGN TEAM REVIEW

The request for Discretionary Review was reviewed by the Department's Residential Design Team (RDT). The RDT supports the project as proposed.

Under the Planning Department's proposed DR Reform Policy, this project would not be referred to the Planning Commission as this project does not meet the threshold of exceptional or extraordinary.

BASIS FOR RECOMMENDATION

The Department believes the project is not exceptional or extraordinary for the following reasons:

- The project is not exceptional or extraordinary in nature, in that it is consistent with the prevailing pattern of rear decks and spiral stair cases.
- The project occupies a smaller footprint and a more efficient layout than the existing configuration of rear decks and staircases.
- The project is consistent with the objectives and policies of the General Plan.

RECOMMENDATION: Do not take DR and approve project as proposed.

Attachments:

Block Book Map
Sanborn Map
Aerial Photographs
Zoning Map

Section 311 Notice
DR Application
Response to DR Application
Reduced Plans

CT: G:\documents\DI\2009\449-451 Mississippi St\DR Analysis Abbreviated.doc



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On November 19, 2009, the Applicant named below filed Building Permit Application No. 2009.11.19.1665 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	David Thompson	Project Address:	449-451 Mississippi Street
Address:	215 Vicksburg Street	Cross Street:	19 th and 20 th Streets
City, State:	San Francisco, CA 94114	Assessor's Block/Lot:	4064/037
Telephone:	(415) 550-3080	Zoning District:	RH-2 / 40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can 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.

PROJECT SCOPE			
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION	or <input checked="" type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS	<input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE)	<input checked="" type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING DEPTH (to rear bldg wall)	+/- 68 feet	No Change
REAR YARD (to rear decks)	+/- 16 feet	+/- 15 feet
NUMBER OF STORIES	3	No Change
NUMBER OF DWELLING UNITS	2	No Change

PROJECT DESCRIPTION

The proposal is to replace the existing deck and stairs at the rear of the building with new decks at the 1st, 2nd and 3rd floors, a spiral staircase, and property line firewalls. Minor door and window replacement in the rear of the building and a new 6 foot high rear yard fence are also included.

A rear yard variance is required for the new decks and stairs in the rear of the building. The variance hearing before the Zoning Administrator is tentatively scheduled for **January 27, 2010**, and a separate notification for that hearing will be issued.

PLANNER'S NAME: Corey Teague
 PHONE NUMBER: (415) 575-9081
 EMAIL: corey.teague@sfgov.org

DATE OF THIS NOTICE: 1/19/10
 EXPIRATION DATE: 2/18/10

APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R. Applicant's Name MAT CHENEY Telephone No: 415-244-6787

D.R. Applicant's Address 448 PENNSYLVANIA AVENUE
Number & Street (Apt. #)
SAN FRANCISCO 94107
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415-244-6787
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name _____ Telephone No: _____

Address _____
Number & Street (Apt. #)
_____ Zip Code
City

Address of the property that you are requesting the Commission consider under the Discretionary Review: 449-451 MISSISSIPPI STREET

Name and phone number of the property owner who is doing the project on which you are requesting

D.R.: DAVID THOMPSON 415-550-3080 (Applicant)
Steldon Pilliet and Michael Mugmon 415-839-9154

Building Permit Application Number of the project for which you are requesting

D.R.: 2009-11-19-1665 (ALTERATION)

Where is your property located in relation to the permit applicant's property?

My property is located on Pennsylvania Avenue, directly behind
Mr. Thompson's proposed Alteration.

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

1. Have you discussed this project with the permit applicant? YES NO
2. Did you discuss the project with the Planning Department permit review planner? YES NO
3. Did you participate in outside mediation on this case? Community Board Other

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

I had discussed the proposed project in its earlier form with Erika Jackson. The logic of extending what was already a nonconforming building (w/ the contour of the property) by increasing its massing was seen as unacceptable and something (the design) that should not be approved. I have attempted to contact Corey Teague.

B. DISCRETIONARY REVIEW REQUEST

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?

SEE ATTACHMENT 1-B.

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

SEE ATTACHMENT 1-B

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 B1)?

SEE ATTACHMENT 1-B

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

- G** Check made payable to Planning Department (see current fee schedule).
- G** Address list for nearby property owners, in label format, plus photocopy of labels.
- G** Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G** Photocopy of this completed application.

OPTIONAL:

- G** Photographs that illustrate your concerns.
- G** Covenants or Deed Restrictions.
- G** Other Items (specify).

File this objection in person at the Planning Information Center. If you have **questions** about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed  Applicant 2/18/10 Date

ATTACHMENT 1 - B

SECTION B. Discretionary Review Request

1. I am requesting a Discretionary Review for the following reasons:

- (a) The proposed alteration is incompatible with the neighborhood character. The City's General Plan sets a priority that existing housing and neighborhood character be conserved and protected to preserve the cultural and economic diversity of our neighborhoods. San Francisco's Residential Design Guidelines further state that proposed projects must be designed to be compatible with the scale, patterns, and architectural features of surrounding building, drawing from the elements that are common to the block. Mr. Thompson's (The Applicant) proposed rear yard extension of a structure that is already looming over the his rear yard, which already towers over my home, is not in character nor is compatible with the neighborhood, nor the block.
- (b) The proposed structure disrespects the topography of the site and the surrounding area. The Residential Guidelines state that new [construction] cannot disregard or significantly alter the existing topography of a site. The surrounding context guides the manner in which new structures fit into the landscape, particularly into slopes and hills. This can be achieved by designing the building (and any decks, etc.) so it follows the topography in a manner sensitive to the slope on which it is developed. On Potrero Hill, the Showplace Square/Potrero Area Plan requires that any development should respect the natural topography of Potrero Hill (Policy 3.1.2). Mr. Thompson's proposed rear yard extension is exacerbating the impact of a residential building that already towers my home, which I've owned since 1984. With respect to it's relationship to the Pennsylvania Street homes lower on the hill behind it, it ignores that Potrero Hill slopes down eastward to the Bay and fails to accentuate this natural topography.
- (c) The proposed alteration does not adequately minimize impact on light to adjacent properties. Section 101 of the Planning Code states that one of the purposes (of the Code) is to ensure access to light. Further, a key tenet of the Residential Design Guideline is to articulate [buildings] to minimize impacts on light and privacy to adjacent properties. 448 Pennsylvania Avenue, my home, receives light primarily through its rear hard windows, further down the hill. The row houses, condos and apartments above on Mississippi Street, directly behind my house, already ignoring the topography, loom many stories higher immediately behind my home, casting deep shadows onto my house from mid-day onward as the Sun sets to the West. To extend that mass Eastward, even closer to my home, does not serve any purpose other than to bolt on expanded view areas, almost directly above, blocking out more of what little light I am getting as it is.
- (d) There has been no attempt by the property owners, other that a vague reference last fall, nor their Architect, Mr. Thompson, to contact me about this proposed

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construction. This leads me to believe that they are not interested in discussing their actual plans with me.

2. If you believe that the property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

- (a) If the proposed alteration were to proceed, it would adversely affect the owners homes on both sides of me, and further, the entire block along Pennsylvania Avenue by increasing the mass of the large looming structure behind our homes, reducing the light drastically, and by ignoring the natural topography of Potrero Hill.

3. What alternatives or changes to the proposed a project, beyond changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects note above (in question B1)?

- (a) Reduce the scope of the project to repair what exists to day, and not expand even further into the rear yard set back. One clear opportunity would be for the property owners to focus on their ground level backyard, and not try to expand their views by effectively covering it up with new deck construction, stories above.

09.0981D

449-451 Mississippi Street
Case No.: 2009.0981V
Building Permit Application No.: 2009.11.19.1665
Case Type: Variance (Rear Yard)
S.F. Planning Commission Hearing Date: May 27, 2010

RESPONSE TO APPLICATION REQUESTING DISCRETIONARY REVIEW

The 449-451 Mississippi Project Sponsors submit the following response to the Application Requesting Discretionary Review (the "DR") filed by Matt Cheney.

The DR lacks merit for at least the following seven (7) reasons:

- 1. The proposed variance is so straight-forward that the Variance Administrator originally put it on the Planning Commission's agenda as a consent item.** Before Mr. Cheney filed his DR at the eleventh hour, the 449-451 Mississippi Project Sponsors' variance application was set for approval without discussion – implying that it met all applicable standards.
- 2. The proposed variance would reduce – not extend – the size of the existing deck.** Although Mr. Cheney claims that the project would "increas[e] [the deck's] massing" with a "rear yard extension," a cursory review of the proposed plans shows that this is simply not true. The existing rear deck structure currently extends approximately 14 feet into the rear yard. The proposed replacement would extend 12 feet – i.e., two fewer feet – into the rear yard. The only reason that a variance is required is because the new structure would leave less than the required 30 feet of rear yard. Replacing the rear deck as proposed would leave an even larger rear yard than the existing 40-year-old deck does at present.
- 3. The DR fundamentally misconstrues and misapplies applicable General Plan and Planning Code provisions and the Residential Design Guidelines.** First, with respect to the Residential Design Guidelines, the proposed construction is more compatible with the scale, patterns, and architectural features of the surrounding buildings than the current structure is. By moving the stairs to the side of the structure and opening up the deck, the proposed structure would be virtually identical in appearance to the adjacent decks immediately to the north and south.¹

Second, the proposed structure does not in any way alter or disrespect the topography of the site. The houses immediately behind Mr. Cheney's property to the west have always had zero-lot lines; the proposed deck – which is shorter than the houses – would not affect Mr. Cheney's property any more than it already does. The proposed construction would fall within the footprint of the existing structure. Again, it is conceptually no different

¹ See Photographs attached at Exhibit A.

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Case No.: 2009.0981V
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from the adjacent decks immediately to the north and south – though it would not extend as far into the yard as the southern deck does.

Third, the proposed structure could not possibly impact negatively the amount of light that Mr. Cheney receives to his stand-alone property, which receives light from all sides. Because the 449-451 Project Sponsors' house is uphill from Mr. Cheney's home and larger than the existing deck and the proposed replacement structure (which is smaller than the existing deck), the proposed deck would have no negative impact on the light Mr. Cheney's property receives; indeed; indeed, it could possibly have a positive impact.

4. **Mr. Cheney's neighbors support the proposed variance.** Although Mr. Cheney says that the proposed deck would "adversely affect the owners [of] homes on both sides of me," this is demonstrably false: Mr. Cheney's northern neighbor on Pennsylvania Avenue contacted the planner in support of the variance. Most tellingly, Mr. Cheney submitted the only DR on this matter; that is to say, there is no neighborhood opposition to this uncomplicated project.
5. **Mr. Cheney has long known about the project and has refused to meet and confer with the project sponsors.** As the 449-451 Mississippi Project Sponsors went through the application and variance process, they followed the Planning Department's pre-application, variance application, and 311 Neighborhood Notification requirements to the letter; neighbors received notices and signs were posted at the property.²

Mr. Cheney received notice just like everyone else surrounding him, both directly and constructively. Indeed, Mr. Cheney's next-door neighbor attended the open house held by the 449-451 Mississippi Project Sponsors to discuss the project; a sign-in sheet from that open house shows that Mr. Cheney's neighbors attended, but that he did not.³

Contrary to what Mr. Cheney says, the 449-451 Mississippi Project Sponsors have made every attempt to contact him about the project. Long before submitting their application to the Planning Commission, the Project Sponsors told Mr. Cheney of their desire to replace their structure. At that time, Mr. Cheney represented to one of the 449-451 Mississippi Project Sponsors that he would not object to their proposal. Since filing the DR, Mr.

² See Pre-Application and Variance Application at Exhibit B.

³ See Sign-In Sheet attached at Exhibit C.

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Cheney has not responded to multiple offers to discuss the project with the 449-451 Mississippi Project Sponsors.⁴

6. **Mr. Cheney filed the DR out of vengeance.** The Planning Commission and Zoning Administrator should take into account the Mr. Cheney's intent in filing the DR: revenge. Last year, Mr. Cheney filed an application to tear down his house and build a massive structure in its place. The application ran into major neighborhood opposition. The 449-451 Mississippi Project Sponsors – along with seven of their neighbors – filed a DR. Three other DRs were filed independently, to say nothing of the e-mails that the Planning Department received in opposition to the project. At the September 24, 2009 Planning Commission hearing, one Commissioner said of Mr. Cheney's plans that she "wouldn't even start to get into the problems" with them. Not long afterward, Mr. Cheney withdrew his plans. Simply put, Mr. Cheney is getting back at the 449-451 Mississippi Project Sponsors for getting in the way of a project that would have failed anyway.
7. **Safety counsels in favor of granting the variance application.** Putting aside Mr. Cheney's hollow concerns, the Project Sponsors note that the delay caused by the DR filing have exacerbated the structural weaknesses in the existing deck, whose beams help to support their house. The decaying deck needs to be replaced promptly, and the Project Sponsors believe that they have presented a responsible and conservative plan by which to do so.

The 449-451 Mississippi Project Sponsors look forward to answering any questions that the Planning Commission and the Zoning Administrator may have about their application. We appreciate your time and consideration of the variance request.

Michael Mugmon & Sheldon Rilliet
David Thompson, Architect
Project Sponsors
449-451 Mississippi Street
San Francisco, California 94107

⁴ See E-Mails from Sheldon Rilliet to Matt Cheney attached at Exhibit D.

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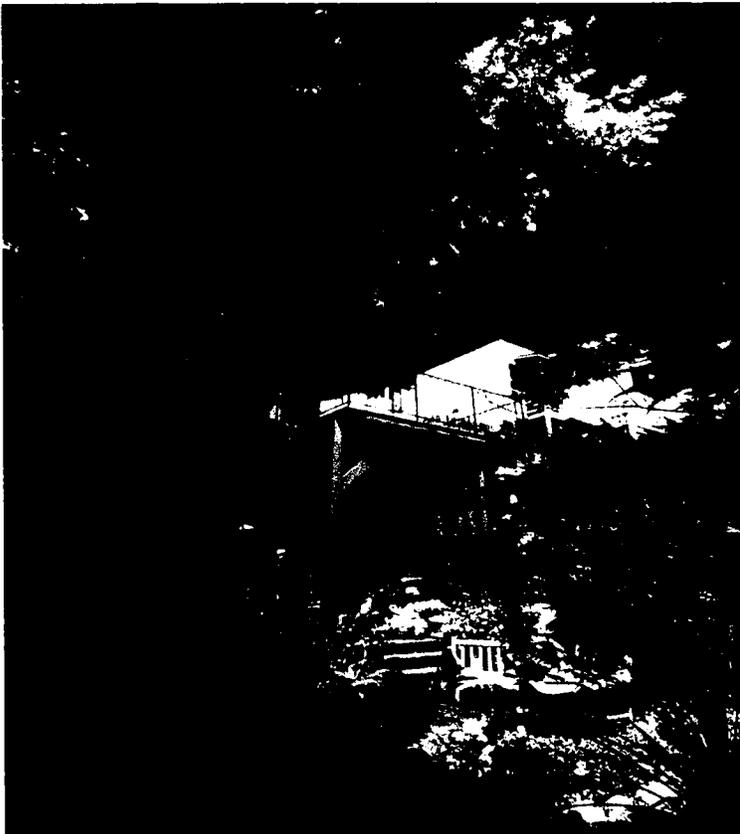
EXHIBIT A



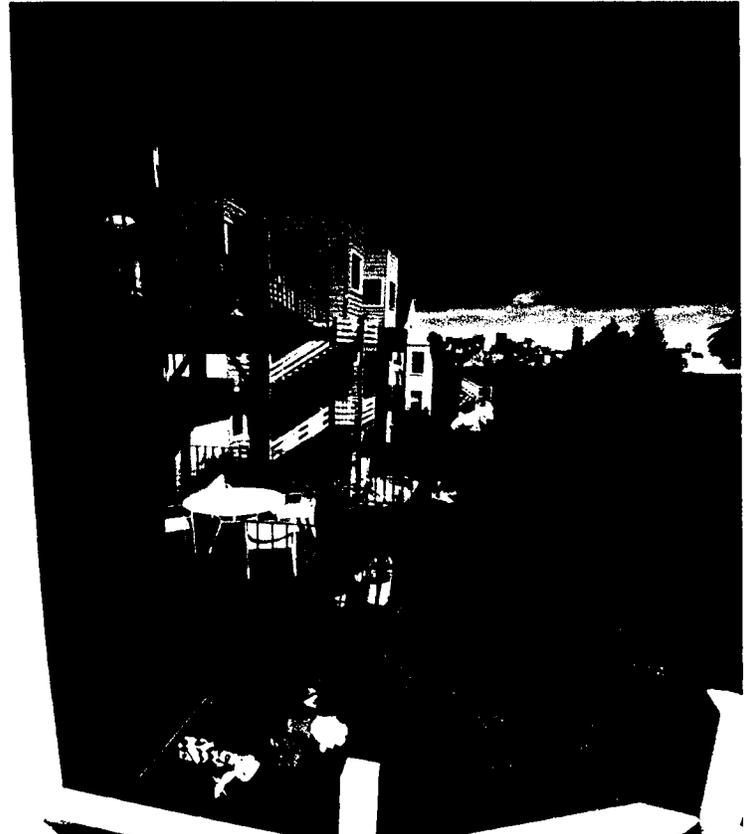
REAR OF ADJACENT BUILDING TO THE SOUTH



REAR OF SUBJECT PROPERTY



REAR OF ADJACENT PROPERTY TO THE NORTH



REAR OF ADJACENT BUILDINGS TO THE NORTH -
NOTE REAR DECKS AND STAIR EXTENSIONS



VIEW LOOKING EAST TO DR REQUESTORS PROPERTY - NOTE TREE BLOCKING VIEW



VIEW FROM SUBJECT PROP. TO REAR OF DR REQUESTORS PROP.



EXISTING STAIR AND DECK AT SUBJECT PROP.

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Case No.: 2009.0981V
Building Permit Application No.: 2009.11.19.1665
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EXHIBIT B

Notice of Pre-Application Meeting

9/14/09 (date)

Dear Neighbor:

You are invited to a neighborhood pre-application meeting to review and discuss the development proposal at 449-451 MISSISSIPPI ST (Block/Lot: 4064 37/38; Zoning: RH 2), in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor(s) to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once this project has been submitted as a Building Permit Application to the City, you may track its status on-line at www.sfgov.org/dbi.

The pre-application meeting is required because this project includes (check all that apply):

- New construction (subsequent to a demolition or on an undeveloped portion of the lot)
- Vertical additions that add seven or more feet (7') to the existing building height
- Horizontal additions that add more than ten feet (10') to the existing building depth at any level
- Decks that are subject to Section 311 or 312 Notification

The development proposal is to: REMOVE EXISTING REAR DECK AND STAIR STRUCTURE AND REPLACE WITH NEW DECK AND SPIRAL STAIR AND PROPERTY LINE FIRE WALLS

Existing # of dwelling units:	<u>2</u>	Proposed:	<u>0</u>	Permitted:	<u>2</u>
Existing bldg square footage:	<u>N/A</u>	Proposed:	<u>NO CHANGE</u>	Permitted:	<u>N/A</u>
Existing # of stories:	<u>3</u>	Proposed:	<u>NO CHANGE</u>	Permitted:	
Existing bldg height:	<u>32'-3" FRONT / 43'-3" REAR</u>	Proposed:	<u>NO CHANGE</u>	Permitted:	<u>40'-0" FRONT</u>
Existing bldg depth:	<u>76'-4"</u>	Proposed:	<u>NO CHANGE</u>	Permitted:	<u>70'-1"</u>
<u>INCLUDING REAR DECK</u>	<u>84'-2"</u>		<u>82'-5"</u>		

MEETING INFORMATION:

Property Owner(s) name(s): MICHAEL MUGMON & SHELDON RILLIET

Project Sponsor(s): DAVID THOMPSON, THOMPSON STUDIO ARCHITECTS

Contact information (email/phone): david@thompsonstudio.com 415-550-3080

Meeting Address*: 451 MISSISSIPPI ST. S.F CA

Date of meeting: SEPTEMBER 29TH, 2009

Time of meeting**: 6:00 PM

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

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

If you have any questions about the San Francisco Planning Code, Residential Design Standards, or general development process in the City, please call the Public Information Center at 415-558-6377, or contact the Planning Department via email at pic@sfgov.org. You may also find information about the San Francisco Planning Department and on-going planning efforts at www.sfplanning.org.

Affidavit of Conducting a Pre-Application Meeting, Sign-in Sheet and Issues/Responses submittal

I, DAVID THOMPSON, do hereby declare as follows:
(print name)

1. I have conducted a **Pre-Application Meeting** for the proposed new construction or alteration prior to submitting any entitlement (Building Permit, Variance, Conditional Use, etc.) in accordance with Planning Commission Pre-Application Policy.
2. The meeting was conducted at 451 MISSISSIPPI ST. (location/address)
on 9/29/09 (date) from 6 PM (time).
3. I have included the **mailing list, meeting initiation, sign-in sheet, issue/response summary, and reduced plans** with the entitlement Application. I understand that I am responsible for the accuracy of this information and that erroneous information may lead to suspension or revocation of the permit.
4. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, 9/30, 2009 IN SAN FRANCISCO



Signature

DAVID THOMPSON

Name (type or print)

ARCHITECT, THOMPSON STUDIO ARCHITECTS

Relationship to Project, e.g., Owner, Agent
(if Agent, give business name and profession)

449-451 MISSISSIPPI ST.

Project Address

Pre-Application Meeting Sign-in Sheet

Meeting Date: 9/29/09
 Meeting Time: 6 PM
 Meeting Address: 451 MISSISSIPPI ST
 Project Address: 449-451 MISSISSIPPI ST
 Property Owner Name: MICHAEL MUGMAN & SHELDON BLUET
 Project Sponsor/Representative: DAVID THOMPSON

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

NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1. <u>Usaleckie</u>	<u>453 MISSISSIPPI</u>	<u>415 999 0571</u>	<u>USALECKIE@GMAIL.COM</u>	<input type="checkbox"/>
2. <u>spiegelman neighbor</u>	<u>442 Penn Ave</u>	<u>415 268 7540</u>	<u>1spiegelman@msfb.com</u>	<input type="checkbox"/>
3. _____	_____	_____	_____	<input type="checkbox"/>
4. _____	_____	_____	_____	<input type="checkbox"/>
5. _____	_____	_____	_____	<input type="checkbox"/>
6. _____	_____	_____	_____	<input type="checkbox"/>
7. _____	_____	_____	_____	<input type="checkbox"/>
8. _____	_____	_____	_____	<input type="checkbox"/>
9. _____	_____	_____	_____	<input type="checkbox"/>
10. _____	_____	_____	_____	<input type="checkbox"/>
11. _____	_____	_____	_____	<input type="checkbox"/>
12. _____	_____	_____	_____	<input type="checkbox"/>
13. _____	_____	_____	_____	<input type="checkbox"/>
14. _____	_____	_____	_____	<input type="checkbox"/>

Summary of discussion from the Pre-Application Meeting

Meeting Date: 9/29/09
Meeting Time: 6 PM
Meeting Address: 451 MISSISSIPPI ST
Project Address: 449-451 MISSISSIPPI ST.
Property Owner Name: MICHAEL MUGMAN & SHELDON RILLET
Project Sponsor/Representative: DAVID THOMPSON

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

Question/Concern #1 by (name of concerned neighbor/neighborhood group): LISA FCKIE-
ASKED IF IT WOULD BE EASY TO CLIMB ONTO HER DECK FROM NEW STAIR -
IT WILL NOT BE BECAUSE OF FIRE WALL AND THE HEIGHT OF THE STAIR TREADS -
AGREED NO CHANGES REQUIRED.

Project Sponsor Response: L. SPIELLEMAN - HOPED THAT DECK WOULD NOT BE STAINED
DARK. EXPLAINED THAT THE GUARDRAIL & STAIR WOULD BE LIGHT COLORED
METAL & THE DECK FINISHED WOOD BE LEFT NATURAL TO TURN TO A
SILVERY GREY. - AGREED NO CHANGES REQUIRED

Question/Concern #2: _____

Project Sponsor Response: _____

Question/Concern #3: _____

Project Sponsor Response: _____

Question/Concern #4: _____

PRE APPLICATION MAILING LIST

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

BLOCK	LOT	OWNER	OADDR	CITY	STATE	ZIP
0001	001	RADIUS SERVICES NO. 4064037N	449-51 MISSISSIPPI ST	THOMPSON	09	1103
0001	002	.....	.....	.....	.....	.....
0001	003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001	004	DAVID THOMPSON	215 VICKSBURG ST	SAN FRANCISCO	CA	94114
0001	005	.....	.....	.....	.....	.....
4064	006A	LAURA SPIEGELMAN	442 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	007	MATTHEW CHENEY	448 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	007	OCCUPANT	448A PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	008	STEVEN HILLION	454 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	022	WILMA SWINSON TRS	441 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	022	OCCUPANT	443 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	022	OCCUPANT	445 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	033	LORENA HERNANDEZ	455 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	034	CHRIS MOTES	453 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	034	OCCUPANT	453A MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	037	SHELDON RILLIET TRS	449 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	038	SHELDON RILLIET TRS	449 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	038	OCCUPANT	451 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4065	028	BRIAN FERGUSON	448 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	029	MONSOUR TRS	523 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2934
4065	029	OCCUPANT	468 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	034	DUFFY TYNAN TRS	1266 DRAKE AV	BURLINGAME	CA	94010-4803
4065	034	OCCUPANT	440 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	035	DUFFY TYNAN TRS	1266 DRAKE AV	BURLINGAME	CA	94010-4803
4065	035	OCCUPANT	442 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	036	MARC DAVIS	444 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	037	SAM KANER TRS	446 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
9999	999	.....	.....	.....	.....	.....



Dan Billings
Parkview Heights Association P.U.D
3 Fontinella Terrace
San Francisco, CA 94107

Richard Tindall
Property Manager
Potrero Annex/Terrace Association
1095 Connecticut St.
San Francisco, CA 94107

Janet Carpinelli
Board
Lower Potrero Hill Neighbrhd Assn.
934 Minnesota Street
San Francisco, CA 94107

President
Potrero Boosters Neighborhood Assn.
1459 - 18th Street, Suite 133
San Francisco, CA 94107

Babette Drefke
Liaison
Potrero Beautification Group
701 Kansas Street
San Francisco, CA 94107

Lower Potrero Hill Prop. Own.&Rent
1116 Tennessee St.
San Francisco, CA 94107

Susan Eslick
President
Dogpatch Neighborhood Association
P.O. Box 78245
San Francisco, CA 94107

Dave Flores
California Energy Commission
1516 9th Street, Rm. MS40
Sacramento, CA 95814

Edward Hatter
Executive Director
Potrero Hill Neighborhood House
953 DeHaro Street
San Francisco, CA 94107

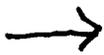
Sue Hestor
Attorney at Law
870 Market St., #1128
San Francisco, CA 94102

Sophie Maxwell
City Hall Room #244
Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

311 MAILING LIST

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

BLOCK	LOT	OWNER	OADDR	CITY	STATE	ZIP
0001	001	RADIUS SERVICES NO. 4064037N	449-51 MISSISSIPPI ST	THOMPSON	09	1103
0001	002					
0001	003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001	004	DAVID THOMPSON	215 VICKSBURG ST	SAN FRANCISCO	CA	94114
0001	005					
4064	002	RUTH JOHNSON	2635 FILLMORE ST #204	SAN FRANCISCO	CA	94115-1232
4064	002	OCCUPANT	400A PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	002	OCCUPANT	400B PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	002	OCCUPANT	400C PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	003	DAVID GIBBONS	418 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	004	MIGUEL QUIROZ ETAL	424 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	005	IRMA FLORES	430 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	006	PAUL MENGHETTI	434 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	006A	LAURA SPIEGELMAN	442 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	007	MATTHEW CHENEY	448 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	007	OCCUPANT	448A PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	008	STEVEN HILLION	454 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	009	MARGARET TOBIAS	460 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	010	ROTHENBERG & FISCHER	468 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	011	CHARLES SEEKAMP	472 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	011	OCCUPANT	474 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	016	LUCY FAREY-JONES	487 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	017	TODD BARTLETT ETAL	483 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	017	OCCUPANT	481 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	018	R & F PALOMAREZ	479 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	018	OCCUPANT	475 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	018	OCCUPANT	477 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	019	MCLAUGHLIN TRS	469 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	019	OCCUPANT	471 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	019	OCCUPANT	473 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	020	ALAN RANIS	465 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	020	OCCUPANT	461 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	020	OCCUPANT	463 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	022	WILMA SWINSON TRS	441 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	022	OCCUPANT	443 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	022	OCCUPANT	445 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	023	REDLAND GROUP INC	1155 TENNESSEE ST	SAN FRANCISCO	CA	94107-3416
4064	023	OCCUPANT	437 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	024	LOUIS JONES	431 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	024	OCCUPANT	433 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	024	OCCUPANT	435 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	025	CRAIG MERRILEES	20 S FORTHY PIER GATE 5	SAUSALITO	CA	94965
4064	025	OCCUPANT	425 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	025	OCCUPANT	427 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	025	OCCUPANT	429 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	026	MARIE TREXLER	417 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	026A	NOTZ TRS	415 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	026A	OCCUPANT	413 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	029	J & R RODRIGUEZ	138 CAMELIA DR	DALY CITY	CA	94015-2146
4064	029	OCCUPANT	476 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	029	OCCUPANT	478 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	030	CELESTE MCCARTHY	482 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	030	OCCUPANT	484 PENNSYLVANIA AV	SAN FRANCISCO	CA	94107-2912
4064	032	HALIL TURK	1220 20TH ST	SAN FRANCISCO	CA	94107-2908
4064	032	OCCUPANT	1222 20TH ST	SAN FRANCISCO	CA	94107-2908
4064	032	OCCUPANT	1222A 20TH ST	SAN FRANCISCO	CA	94107-2908
4064	033	LORENA HERNANDEZ	455 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	034	CHRIS MOTES	453 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	034	OCCUPANT	453A MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	035	M & C CASASSA	407 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	036	STEVEN LYSS TRS	409 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	037	SHELDON RILLIET TRS	449 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	038	SHELDON RILLIET TRS	449 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4064	038	OCCUPANT	451 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2927
4065	001A	JEFFREY DAUBER	406 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928



311 MAILING LIST

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

BLOCK LOT	OWNER	OADDR	CITY	STATE	ZIP
4065 001B	ROSS HERMAN	412 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 001B	OCCUPANT	412A MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 002	ANAVY TRS	418 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 002	OCCUPANT	420 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 003	GEORGE IOANNOU ETAL	424 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 003	OCCUPANT	426 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 004	FIRTH TRS	430 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 008	BERLINER & EVANS	474 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 009	MICHAEL MASER	1300 20TH ST	SAN FRANCISCO	CA	94107-2910
4065 028	BRIAN FERGUSON	448 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 029	MONSOUR TRS	523 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2934
4065 029	OCCUPANT	468 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 034	DUFFY TYNAN TRS	1266 DRAKE AV	BURLINGAME	CA	94010-4803
4065 034	OCCUPANT	440 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 035	DUFFY TYNAN TRS	1266 DRAKE AV	BURLINGAME	CA	94010-4803
4065 035	OCCUPANT	442 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 036	MARC DAVIS	444 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065 037	SAM KANER TRS	446 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
9999 999	.....	.....	.....	.....	.....

311 MAILING LIST

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

BLOCK	LOT	OWNER	OADDR	CITY	STATE	ZIP
4065	001B	ROSS HERMAN	412 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	001B	OCCUPANT	412A MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	002	ANAVY TRS	418 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	002	OCCUPANT	420 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	003	GEORGE IOANNOU ETAL	424 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	003	OCCUPANT	426 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	004	FIRTH TRS	430 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	008	BERLINER & EVANS	474 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	009	MICHAEL MASER	1300 20TH ST	SAN FRANCISCO	CA	94107-2910
4065	028	BRIAN FERGUSON	448 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	029	MONSOUR TRS	523 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2934
4065	029	OCCUPANT	468 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	034	DUFFY TYNAN TRS	1266 DRAKE AV	BURLINGAME	CA	94010-4803
4065	034	OCCUPANT	440 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	035	DUFFY TYNAN TRS	1266 DRAKE AV	BURLINGAME	CA	94010-4803
4065	035	OCCUPANT	442 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	036	MARC DAVIS	444 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
4065	037	SAM KANER TRS	446 MISSISSIPPI ST	SAN FRANCISCO	CA	94107-2928
9999	999	.....	.....	.....	.....	.....

Type of Application To Be Submitted: VARIANCE

1. Owner/Applicant Information

Property Owner's Name: MICHAEL MUGMON & SHELDON RILLET
Address: 449-451 MISSISSIPPI ST. ZIP: 94107 Telephone: ()
Applicant's Name: DAVID THOMPSON, THOMPSON STUDIO ARCHITECTS
Address: 215 VICKSBURG ST. S.F. CA ZIP: 94114 Telephone: (415) 550-3080
Contact for Project Information: DAVID THOMPSON
Address: 215 VICKSBURG ST. S.F. CA ZIP: 94114 Telephone: (415) 550-3080

2. Location and Classification

Street Address of Project: 449-451 MISSISSIPPI ST. S.F. CA ZIP: 94107
Cross Streets: 19TH ST & 20TH ST.
Assessor's Block/Lot: 404 37/38 Lot Dimensions: 20' x 100' Lot Area (Sq. Ft.): 2000 SF
Zoning District: RH2 Height/Bulk District: 40X

3. Project Description

Please Check
Change of Use Change of Hours New Construction
Alterations Demolition Other

Describe what is to be done: REMOVE EXISTING REAR DECK & STAIRS. REPLACE WITH NEW DECK, SPIRAL STAIR & PROPERTY LINE FIRE WALL.

Additions to Building:
Rear Front Height Side Yard

Present or Previous Use: TWO UNIT CONDO
Proposed Use: TWO UNIT CONDO
Building Permit Application No. _____ Date Filed: _____

4. Action(s) Requested (Include Planning Code Section which authorizes action)

VARIANCE TO REPLACE EXISTING DECK & STRUCTURE WHICH ENCRACHES INTO THE REAR YARD SET BACK WITH NEW DECK & STAIR STRUCTURE WHICH WILL ENCRACH INTO SETBACK. PLANNING CODE SECTION 134(C)

5. Applicant's Declaration

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.

Signed  Date 10/14/09
Applicant or owner

DAVID E. THOMPSON
(Print Name of Applicant in Full)

VARIANCE APPLICATION FORM

(Before completing this form, please read instructions on pages 11-17. Hand in only pages 5-10.)

The Charter and the Planning Code authorize the Zoning Administrator to hear and make determinations regarding applications for variances from the strict application of quantitative standards in the Planning Code. The Zoning Administrator has the power to grant only such variances as may be in harmony with the general purpose and intent of the Code and in accordance with the general and specific rules contained therein, and the Zoning Administrator has the power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions for reviewing variance requests. In granting any variance the Zoning Administrator must specify the character and extent thereof, and must also prescribe such conditions as are necessary to secure the objectives of the Code. No variance may be granted in whole or in part whose effect would be substantially equivalent to a reclassification of property; or which would permit any use, any height or bulk of a building or structure, or any type or size or height of sign not expressly permitted by the provisions of this Code for the district or districts in which the property in question is located; or which would grant a privilege for which a conditional use procedure is available or which would change a definition of the Code.

The Planning Code sets forth the following five requirements, all of which must be met if a variance is to be granted. State in detail the manner in which you believe each of these requirements is met in this case:

1. That there are exceptional or extraordinary circumstances applying to the property involved or the intended use of the property that do not apply generally to other property or uses in the same class of district.

SEE ATTACHED

2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Planning Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.

SEE ATTACHED

3. That the variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by the other property in the same class of district.

SEE ATTACHED

4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

SEE ATTACHED

5. That the granting of such variance will be in harmony with the general purpose and intent of this Planning Code and will not adversely affect the General Plan.

SEE ATTACHED

Indicate by application number any application for Building Permit or Business Licenses that have been filed in connection with the proposed use of this property:

PLANNING CASE NO. _____

ADDRESS 449-451 MISSISSIPPI STREET

BLOCK AND LOT NO. 4004 37/38

PRIORITY GENERAL PLAN POLICIES FINDINGS

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

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

THE PROJECT IS ON A RESIDENTIAL BUILDING AND WILL HAVE NO IMPACT ON NEIGHBORHOOD RETAIL USES.

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

THE PROPOSED PROJECT DOES NOT CHANGE THE ~~NE~~ EXISTING HOUSING & NEIGHBORHOOD CHARACTER. THE PROPOSED PROJECT IS IN CHARACTER WITH THE NEIGHBORHOOD WHERE ALL THE BUILDINGS HAVE REAR DECK & STAIRS MANY ENCHROACH INTO THE REAR YARD, INCLUDING THE ADJACENT BUILDING TO THE SOUTH.

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

THE EXISTING BUILDING HAS TWO RESIDENTIAL UNITS. THE PROPOSED PROJECT WILL NOT CHANGE THIS STATUS.

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

THE PROPOSED PROJECT WILL HAVE NO EFFECT ON COMMUTER TRAFFIC, MUNI OR PARKING SINCE THE PROJECT IS REPLACING AN EXISTING CONDITION, AND IS NOT ADDING ANY HABITABLE SPACE TO THE EXISTING CONDITIONS.

PRIORITY GENERAL PLAN POLICIES FINDINGS
(Continued)

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

NOT APPLICABLE AS THE PROPOSED PROJECT INVOLVES WORK ON A RESIDENTIAL BUILDING.

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

THE PROPOSED PROJECT WILL ENHANCE THE SAFETY OF THE EXISTING BUILDING BY REPLACING A ROTTEN DECK AND ROTTEN STAIR WITH NEW BUILT TO TODAY'S BUILDING CODE STANDARDS.

7. That landmarks and historic buildings be preserved; and

THE BUILDING IS NOT A LANDMARK OR HISTORIC SIGNIFICANT STRUCTURE. PROPOSED WORK IS LOCATED AT THE REAR OF THE BUILDING.

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

THE PROPOSED PROJECT IS NOT LOCATED NEAR ANY PARKS OR OPEN SPACE, THEREFORE WILL NOT AFFECT THEM. THE PROPOSED PROJECT WILL ACTUALLY REDUCE THE AMOUNT OF STRUCTURE IN THE REAR YARD.

DATE: 10/15/09
PROJECT ADDRESS 449-451 MISSISSIPPI ST.
ASSESSOR'S BLOCK/LOT 4064 37/38

ESTIMATED CONSTRUCTION COSTS

TYPE OF APPLICATION: ALTERATION

OCCUPANCY CLASSIFICATION: R3.B

BUILDING TYPE: TWO UNIT CONDO

TOTAL GROSS SQUARE FEET OF CONSTRUCTION _____

ESTIMATED SQUARE FOOTAGE:

BY PROPOSED USES: 95 SF. SECOND FLOOR DECK
2 1/2 STORY SPIRAL STAIR
(2) 6' LONG PROP. LINE FIREWALLS.

ESTIMATED CONSTRUCTION COST \$ 30,000⁰⁰

ESTIMATE PREPARED BY: DAVID THOMPSON, THOMPSON STUDIO ARCH.

FEE ESTABLISHED: _____

449-451 Mississippi Street Variance Application

1. The proposed project involves replacing the rotting and unsafe rear deck and stair structure at 449-451 Mississippi Street. Because of 449-451 Mississippi's narrow lot width, 20'-0", the building on the lot was originally constructed to extend deeper into the rear yard setback than it might have extended otherwise. Accordingly, the original construction required that the deck and stair structure extend into the rear yard setback.

The proposed project will result in both the replacement of a hazardous structure and a *decrease* in the encroachment into the rear yard from current conditions. The proposed replacement structure will provide easily accessible outdoor space for the lower residential unit, which currently has no immediate adjacent outdoor living area. It will also provide safe egress for the upper unit in the event that evacuation is required. Most of the neighboring properties on the same side of the street have similar rear decks and stairs, many of which currently encroach on their respective rear yard setbacks.

2. The hardship that requires the variance is the direct consequence of existing conditions. As a result of depth of the existing building, any rear deck and stair structure will necessarily encroach on the rear yard setback – just as the current structure does. Indeed, if the planning code provisions for the rear yard setback had originally been enforced (or, quite possibly, in effect when the original structure was built), then it would have been impossible to have a rear stair and deck structure as exists now. Further, the need to be able to exit the rear of the building is a safety issue, especially for the owner of the upper unit, who has a 3-year-old daughter. Additionally, having a small, readily accessible outdoor space is especially important for the owners of both units. In any event, there is little difference between the existing conditions and those that would result from the completion of proposed project.

3. The variance is necessary because the existing rear deck and stair structure is already located within the rear yard setback, and its replacement would require similar (although ultimately less) encroachment into the rear yard. Most of the neighboring properties have rear yard decks and stairs, and most of these structures fall within the rear yard setback – including the adjacent property to the south (453-455 Mississippi). This proposed project merely attempts to replace a feature that is currently available to the building owners with a safer, code-conforming structure.

4. Granting this variance will improve the public welfare, as well safety between adjacent properties. Because the proposed project involves removing a rotting deck and stair structure with a modern one, the safety of 449-451 Mississippi's occupants will be greatly improved. Also, by installing the code-required firewalls as fire protection between the adjacent buildings to the north and south, neighbors' safety will be enhanced (to say nothing of the additional privacy benefits they will accrue).

5. By approving this variance, 449-451 Mississippi's owners will be able to remove an unsafe structure and reduce the overall encroachment on the rear yard setback – thus bringing the building into closer conformance with the planning code and meeting important safety guidelines. Further, by allowing the owners to create a small deck at the second floor, the lower unit's occupant will gain a designated private outdoor space supported by the planning code. The proposed project creates a condition that is already prevalent on many of the buildings on the same side of Mississippi Street and therefore would not be affording 449-451 Mississippi's owners a benefit that the surrounding neighbors do not have.



SAN FRANCISCO
PLANNING DEPARTMENT

DECLARATION OF POSTING

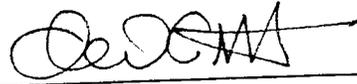
SUBMIT THIS COMPLETED DECLARATION AT THE PUBLIC HEARING
FOR VARIANCE USE ONLY

I, DAVID THOMPSON, do hereby declare as follows:

1. On JAN. 06, 200¹⁰~~9~~, I posted a public notice on the project site (one on each frontage for through and corner lots) stating that a public hearing will be held by the Zoning Administrator on _____
2. Attached to this declaration are photographs showing the duly posted public notices on the project site.
3. After posting the aforementioned notice, I personally inspected the posted notice during the weeks of and JAN 11th 2010 and JAN 18th 2010 and determined that the required notice was posted during the requisite duration between JAN 06 and JAN 27, 200~~9~~:2010

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, JAN. 26TH, 200¹⁰~~9~~; IN
SAN FRANCISCO.


Signature

DAVID THOMPSON
Name (Print or Type)

ARCHITECT
Relationship to Project: e.g. owner, Attorney, Architect, etc.



**SAN FRANCISCO
PLANNING DEPARTMENT**

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

NOTICE OF PUBLIC HEARING

Hearing Date: **Wednesday, January 27, 2010**
 Time: **Beginning at 9:30 AM**
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408**
 Case Type: **Variance (Rear Yard)**
 Hearing Body: **Zoning Administrator**

PROPERTY INFORMATION		APPLICATION INFORMATION	
Project Address:	449-451 Mississippi St	Case No.:	2009.0981V
Cross Street(s):	19th and 20th Streets	Building Permit:	2009.11.19.1665
Block /Lot No.:	4064/037	Applicant/Agent:	David Thompson
Zoning District(s):	RH-2 / 40-X	Telephone:	415-550-3080
Area Plan:	Potrero Hill	E-Mail:	david@thompsonstudio.com

PROJECT DESCRIPTION

The proposal is to replace the existing deck and stairs at the rear of the building with new decks at the 1st, 2nd and 3rd floors, a spiral staircase, and property line firewalls roughly in the same footprint. Minor door and window replacement in the rear of the building and a new 6 foot high rear yard fence are also included.

PER SECTION 134 OF THE PLANNING CODE the subject property is required to maintain a rear yard of 30 feet. The existing rear deck structure currently extends approximately 14 feet into the required rear yard. The replacement deck and stair structure would extend approximately 12 feet into the rear yard at most points, leaving a rear yard of approximately 15 feet. Therefore, a rear yard variance is required per Section 134.

ADDITIONAL INFORMATION

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:

Planner: **Corey Teague** Telephone: **(415) 575-9081** E-Mail: corey.teague@sfgov.org

中文詢問請電: 415.558.5956

Para información en Español llamar al: 415.558.5952



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On November 19, 2009, the Applicant named below filed Building Permit Application No. 2009.11.19.1665 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION	PROJECT SITE INFORMATION	
Applicant: David Thompson	Project Address:	449-451 Mississippi Street
Address: 215 Vicksburg Street	Cross Street:	19 th and 20 th Streets
City, State: San Francisco, CA 94114	Assessor's Block/Lot:	4064/037
Telephone: (415) 550-3080	Zoning District:	RH-2 / 40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can 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.

PROJECT SCOPE		
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION or <input checked="" type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS <input type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)	<input type="checkbox"/> HORIZ. EXTENSION (SIDE)	<input checked="" type="checkbox"/> HORIZ. EXTENSION (REAR)
PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING DEPTH (to rear bldg wall)	+/- 68 feet	No Change
REAR YARD (to rear decks)	+/- 16 feet	+/- 15 feet
NUMBER OF STORIES	3	No Change
NUMBER OF DWELLING UNITS	2	No Change
PROJECT DESCRIPTION		

The proposal is to replace the existing deck and stairs at the rear of the building with new decks at the 1st, 2nd and 3rd floors, a spiral staircase, and property line firewalls. Minor door and window replacement in the rear of the building and a new 6 foot high rear yard fence are also included.

A rear yard variance is required for the new decks and stairs in the rear of the building. The variance hearing before the Zoning Administrator is tentatively scheduled for January 27, 2010, and a separate notification for that hearing will be issued.

PLANNER'S NAME: Corey Teague
 PHONE NUMBER: (415) 575-9081
 EMAIL: corey.teague@sfgov.org

DATE OF THIS NOTICE:
 EXPIRATION DATE:

1/19/10
 2/18/10

449-451 Mississippi Street
Case No.: 2009.0981V
Building Permit Application No.: 2009.11.19.1665
Case Type: Variance (Rear Yard)
S.F. Planning Commission Hearing Date: May 27, 2010

EXHIBIT C

Pre-Application Meeting Sign-in Sheet

Meeting Date: 9/29/09
 Meeting Time: 6 PM
 Meeting Address: 451 MISSISSIPPI ST
 Project Address: 449-451 MISSISSIPPI ST
 Property Owner Name: MICHAEL MUGMAN & SHELIX BLUET
 Project Sponsor/Representative: DAVID THOMPSON

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

NAME/ORGANIZATION	ADDRESS	PHONE =	EMAIL	SEND PLANS
1. <u>Usaleckie</u>	<u>453 MISSISSIPPI</u>	<u>415 999 0571</u>	<u>USALECKIE@GMAIL.COM</u>	<input type="checkbox"/>
2. <u>spiegelman neighbor</u>	<u>442 Penn Ave</u>	<u>415 268 7540</u>	<u>1spiegelman@msb.com</u>	<input type="checkbox"/>
3. _____	_____	_____	_____	<input type="checkbox"/>
4. _____	_____	_____	_____	<input type="checkbox"/>
5. _____	_____	_____	_____	<input type="checkbox"/>
6. _____	_____	_____	_____	<input type="checkbox"/>
7. _____	_____	_____	_____	<input type="checkbox"/>
8. _____	_____	_____	_____	<input type="checkbox"/>
9. _____	_____	_____	_____	<input type="checkbox"/>
10. _____	_____	_____	_____	<input type="checkbox"/>
11. _____	_____	_____	_____	<input type="checkbox"/>
12. _____	_____	_____	_____	<input type="checkbox"/>
13. _____	_____	_____	_____	<input type="checkbox"/>
14. _____	_____	_____	_____	<input type="checkbox"/>

449-451 Mississippi Street
Case No.: 2009.0981V
Building Permit Application No.: 2009.11.19.1665
Case Type: Variance (Rear Yard)
S.F. Planning Commission Hearing Date: May 27, 2010

EXHIBIT D

From: Sheldon Rilliet <srilliet@apr.com>
Subject: **449/451 Mississippi St 2nd Means of Egress / Deck Project**
Date: 11March , 2010 10:17:25 AM PST
To: "matt.cheney@renewableventures.com" <matt.cheney@renewableventures.com>
David Thompson <david@thompsonstudio.com>, Michael Mugmon <michaelmugmon@gmail.com>, Sheldon Rilliet <srilliet@apr.com>
3 Attachments, 8.2 KB

Matt,

I understand that you have filed a Discretionary Review with regards to our project. I would like to have the opportunity to meet with you to review the plans (with our Architect, David Thompson). I believe that given the opportunity, once reviewed, you will come to the same conclusion that our other neighbors had (at our neighborhood review meeting) and understand why the project is necessary.

With the knowledge that we are all very busy with work; here are a few days that would work from our end: Tuesday 3/16/10 Wednesday 3/17/10 Thursday 3/18/10 anytime after 5pm. I hope that we can come to a conclusion quickly.

I look forward to meeting with you Matt.

Thanks

Sheldon

Sheldon Rilliet

DRE# 01828200

Alain Pinel Realtors

1440 Chapin Avenue, Suite 200

Burlingame, Ca. 94010

www.SheldonRilliet.com

Direct: 650.931.2085

Cell: 415.559.9691

Fax: 650.931.2099



sheldon rilliet
REALTOR

ALAIN PINEL
REALTORS

From: Sheldon Rilliet <srilliet@apr.com>
Subject: **FW: 449/451 Mississippi St 2nd Means of Egress / Deck Project Round 2**
Date: 18March , 2010 4:35:49 PM PDT
To: "matt.cheney@renewableventures.com" <matt.cheney@renewableventures.com>, Sheldon Rilliet <srilliet@apr.com>
Cc: David Thompson <david@thompsonstudio.com>, Michael Mugmon <michaelmugmon@gmail.com>
Attachments: 16.4 KB

Maybe the first email slipped through the cracks....

Please let me know if you have any desire to meet with me in regards to our 2nd Means of Egress / Deck Project.

Thanks Matt,

Sheldon

Sheldon Rilliet

DRE# 01828200

Alain Pinel Realtors

1440 Chapin Avenue, Suite 200

Burlingame, Ca. 94010

www.SheldonRilliet.com

Direct: 650.931.2085

Cell: 415.559.9691

Fax: 650.931.2099

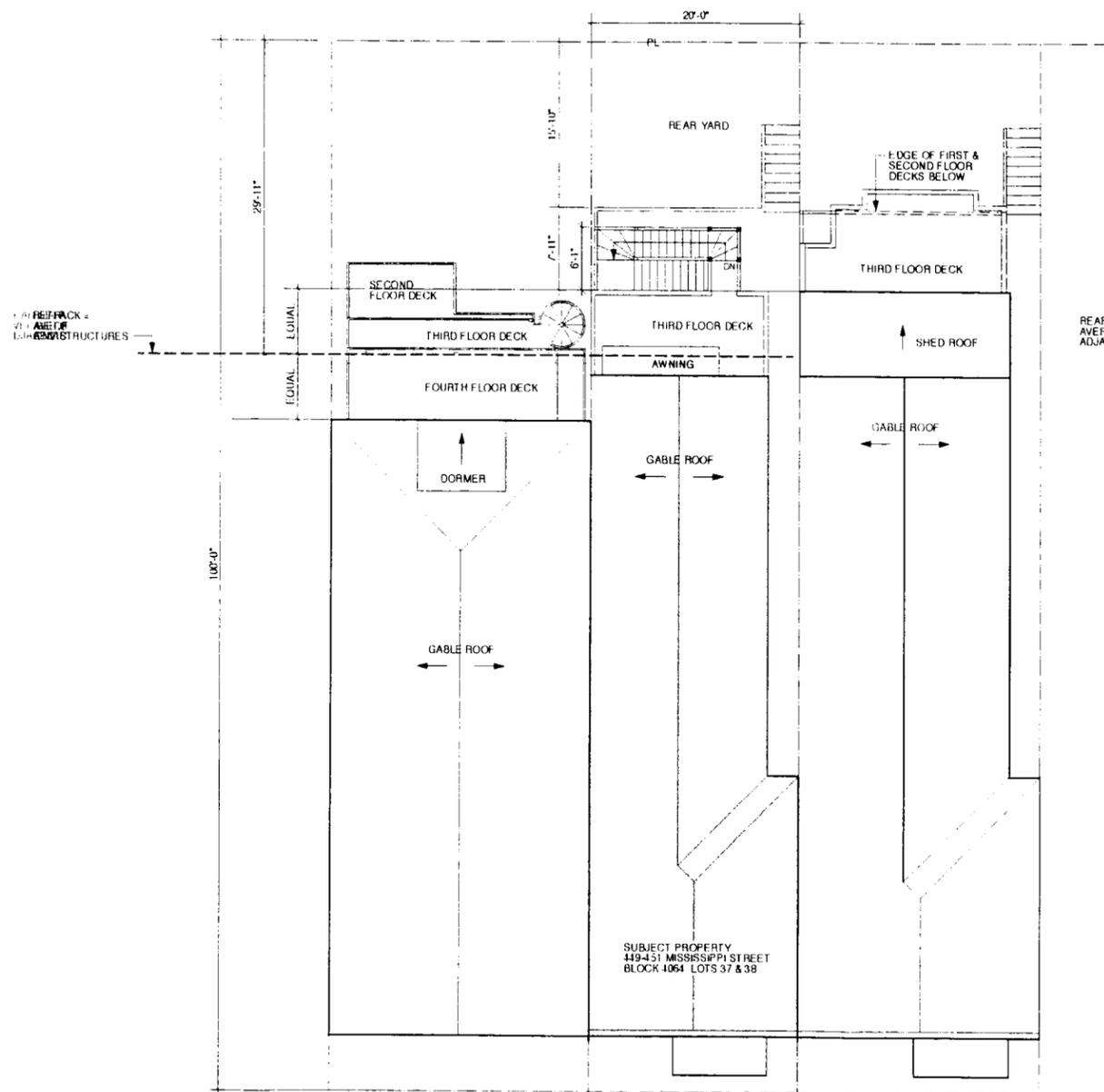


sheldon rilliet
REALTOR

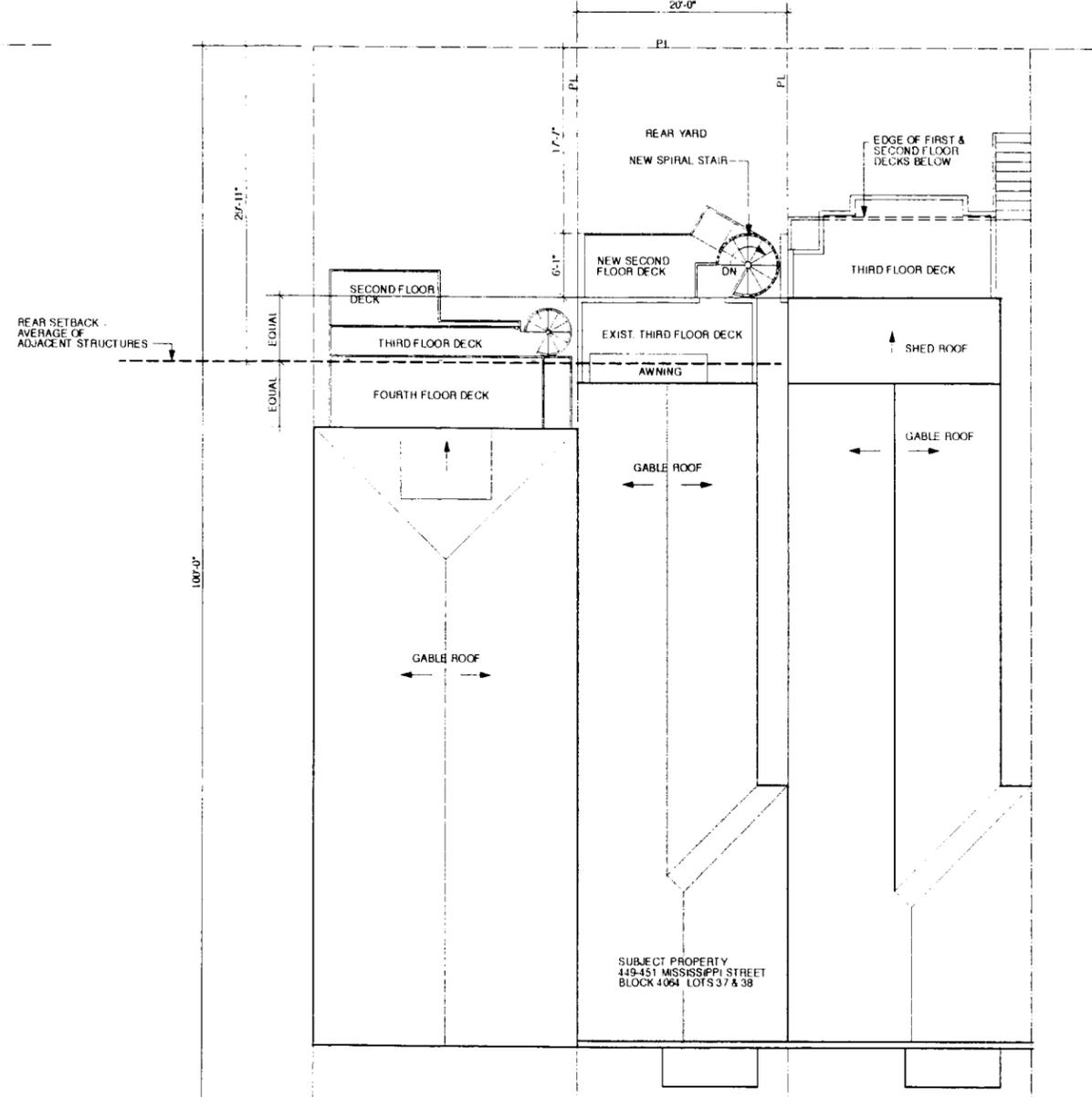
ALAIN PINEL
REALTORS

From: Sheldon Rilliet

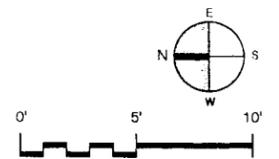
Sent: Thursday, March 11, 2010 10:17 AM



2 EXISTING SITE PLAN
 A1.1 1/8" = 1' - 0"



1 PROPOSED SITE PLAN
 A1.1 1/8" = 1' - 0"



449-451 MISSISSIPPI STREET DECK REMODEL

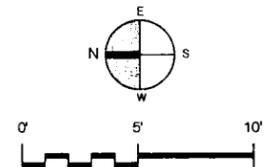
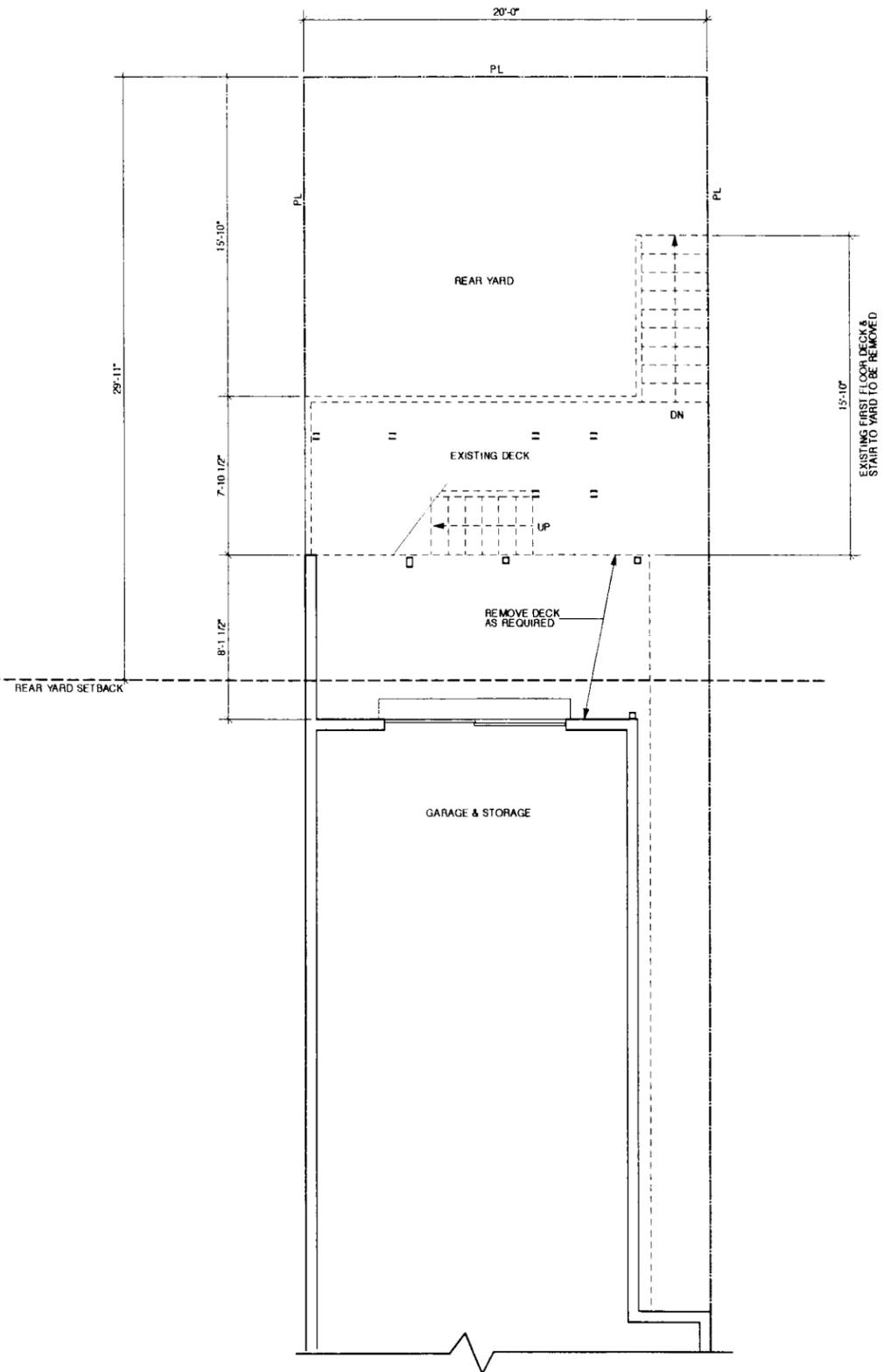
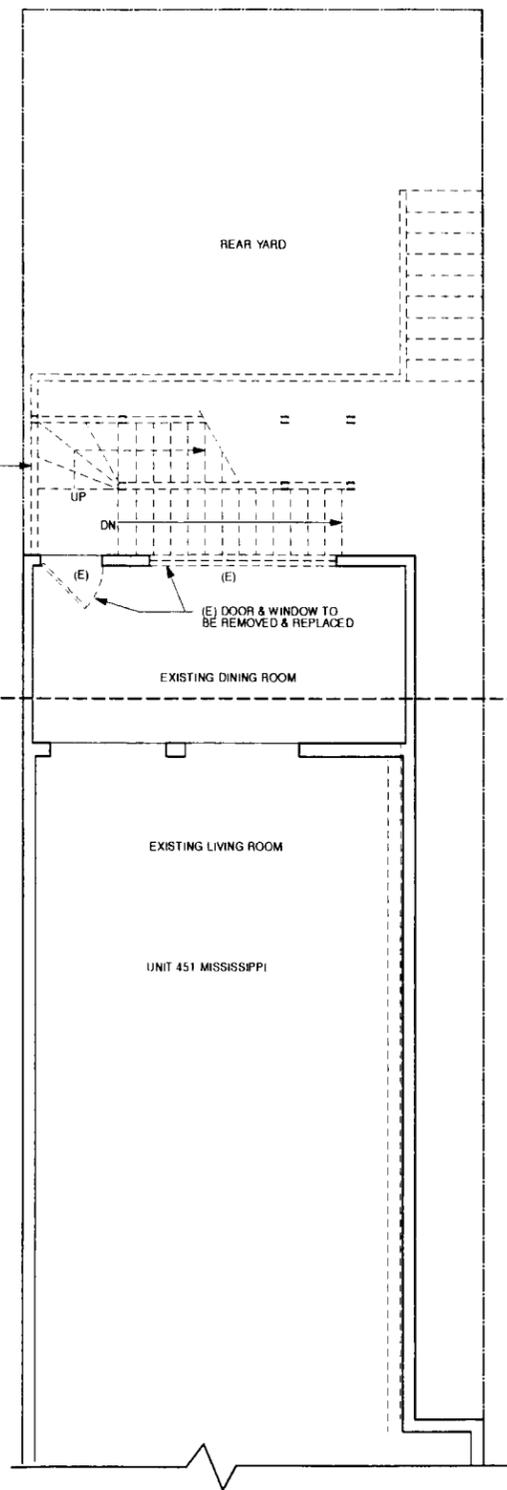
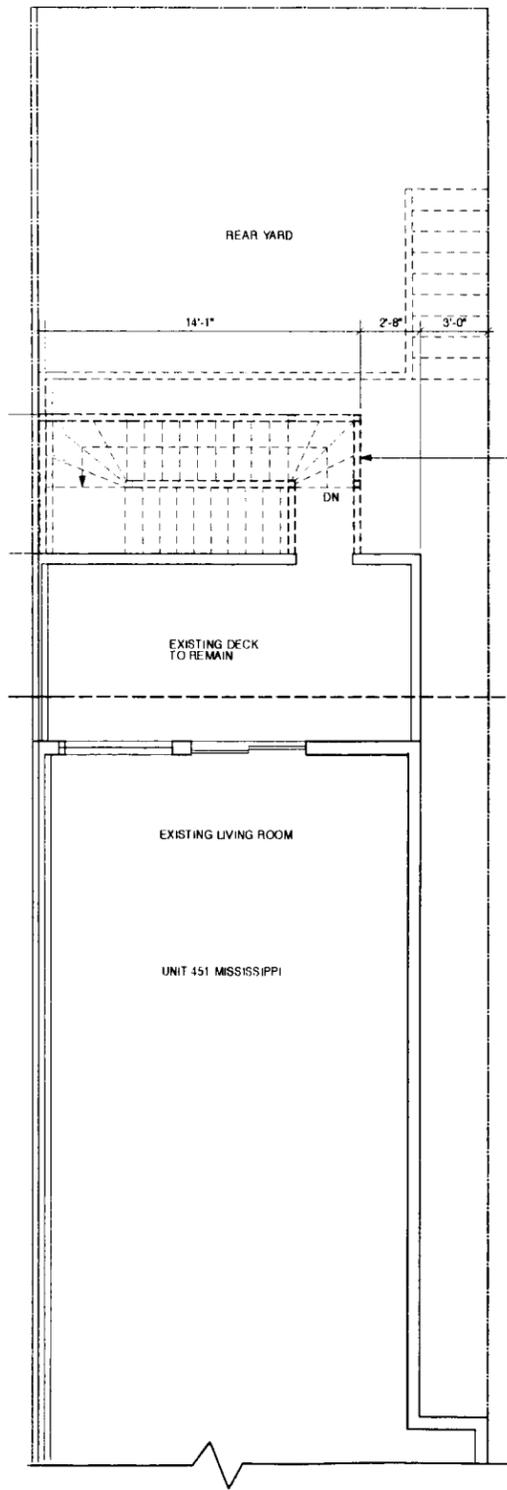
SAN FRANCISCO, CA 94107

BLOCK 4064 LOT 037/038 JOB # 0908

VARIANCE	10/15/09
PRE-APP. MTG	9/29/09

SITE/ROOF PLANS

A1.1

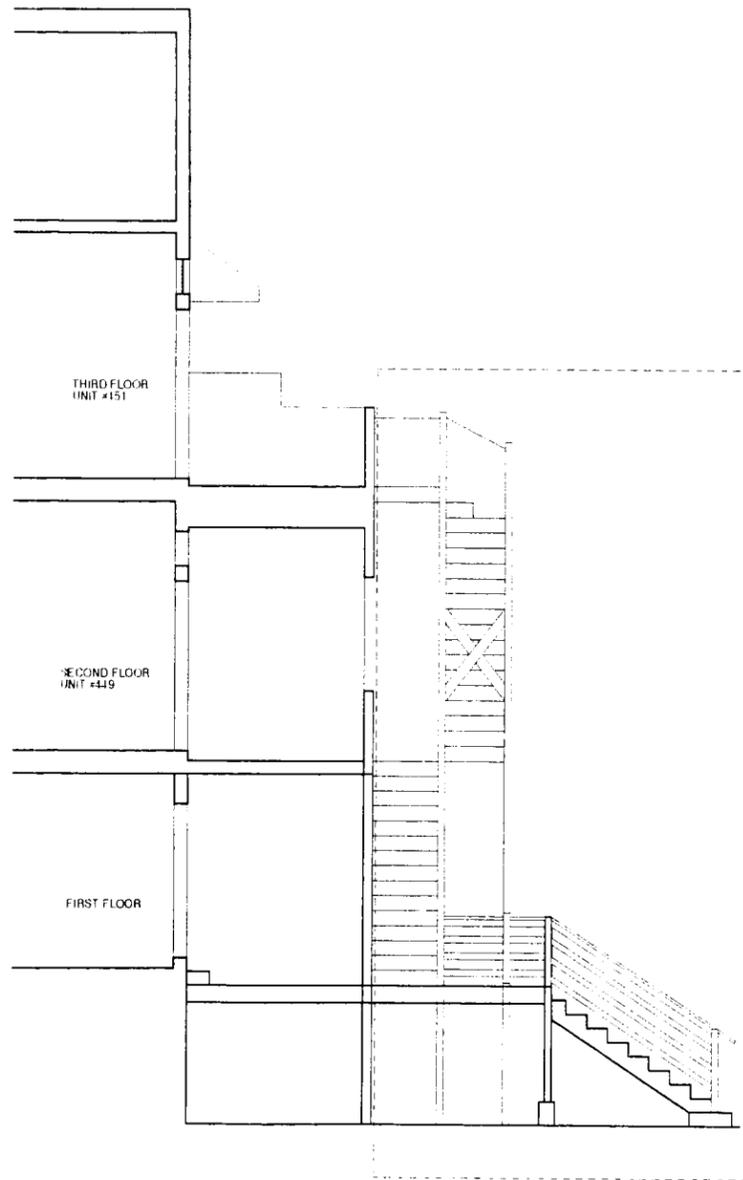


3 EXISTING THIRD FLOOR PLAN
 AE2.1 1/4" = 1'-0"

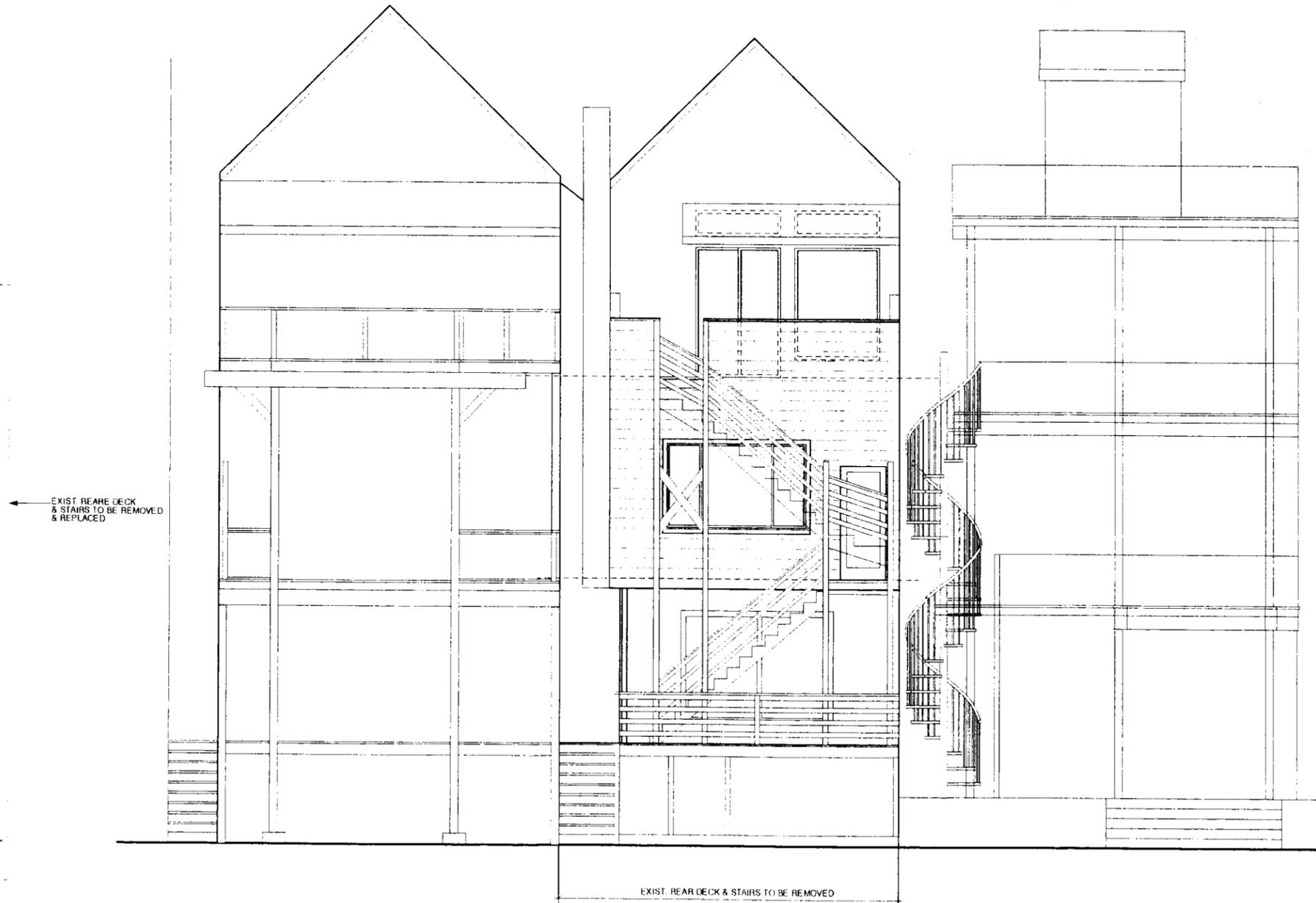
2 EXISTING SECOND FLOOR PLAN
 AE2.1 1/4" = 1'-0"

1 EXISTING FIRST FLOOR PLAN
 AE2.1 1/4" = 1'-0"

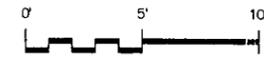
449-451 MISSISSIPPI STREET DECK REMODEL
 SAN FRANCISCO, CA 94107
 BLOCK 4084 LOT 037/038 JOB # 0908
 VARIANCE 10/15/09
 PRE-APPLICATION 9/29/09
 EXISTING PLANS
AE2.1
© THOMPSON STUDIO ARCHITECTS LLP 9/09



2 EXISTING PARTIAL BUILDING SECTION
 AE3.1 1/4" = 1' - 0"



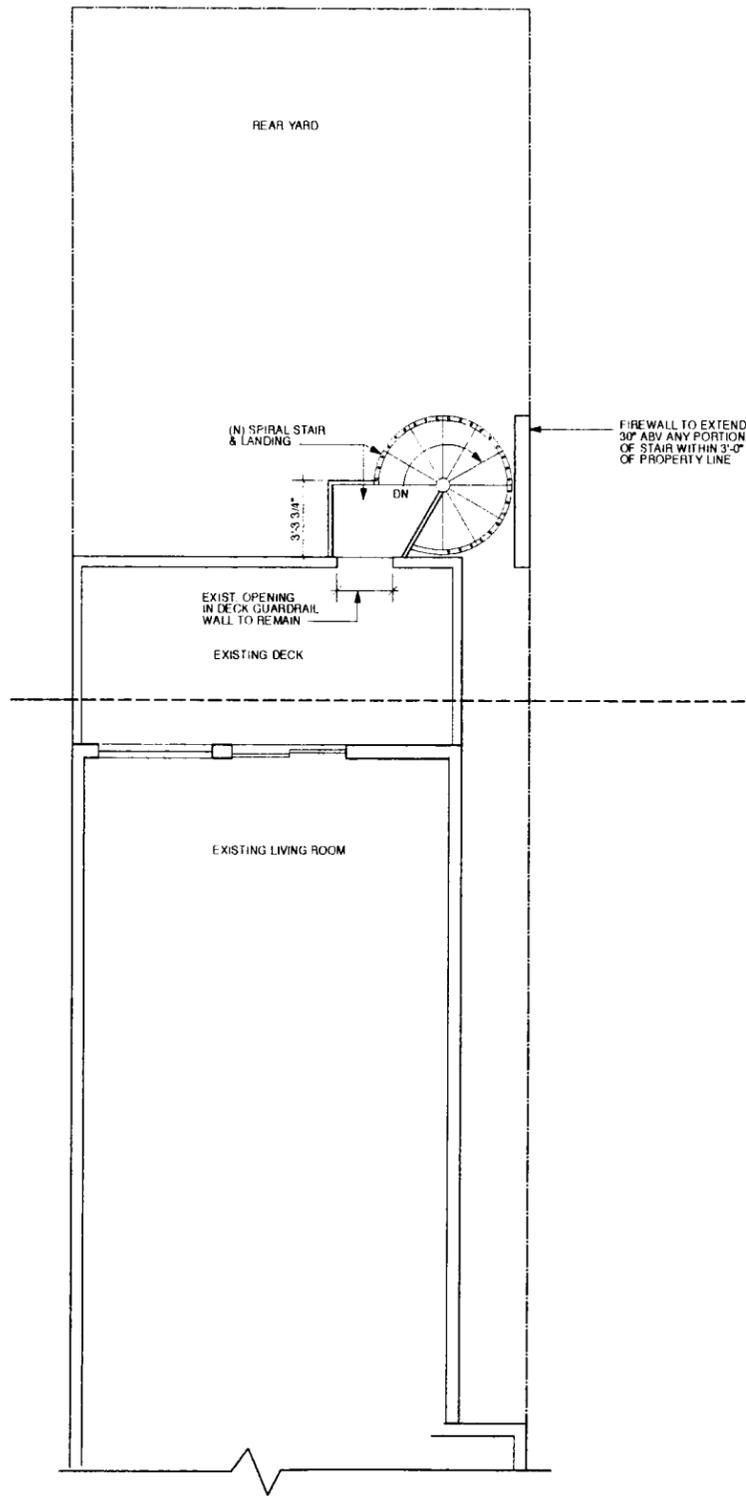
1 EXISTING REAR ELEVATION
 AE3.1 1/4" = 1' - 0"



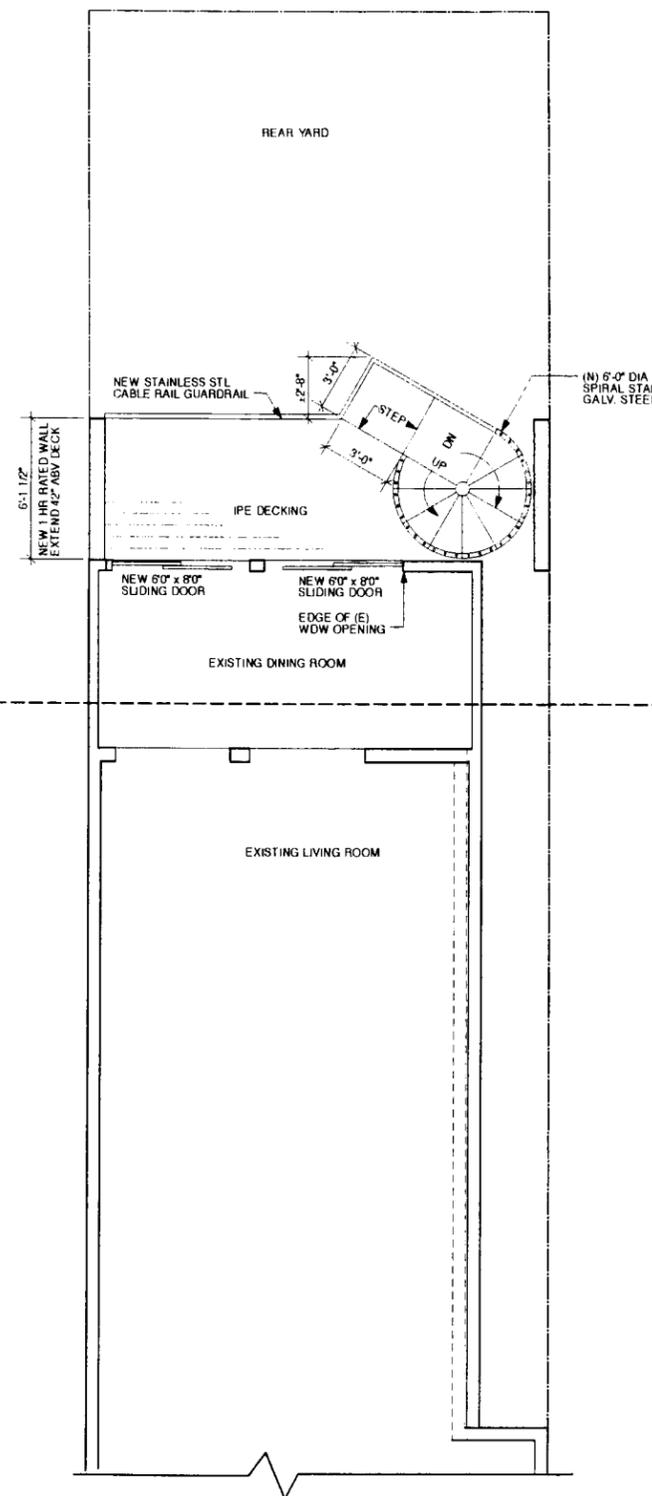
449 -451 MISSISSIPPI STREET DECK REMODEL
 SAN FRANCISCO, CA 94107
 BLOCK 4064 LOT 037/038 JOB # 09008

VARIANCE	10/15/09
PREAPP. MTG	9/29/09

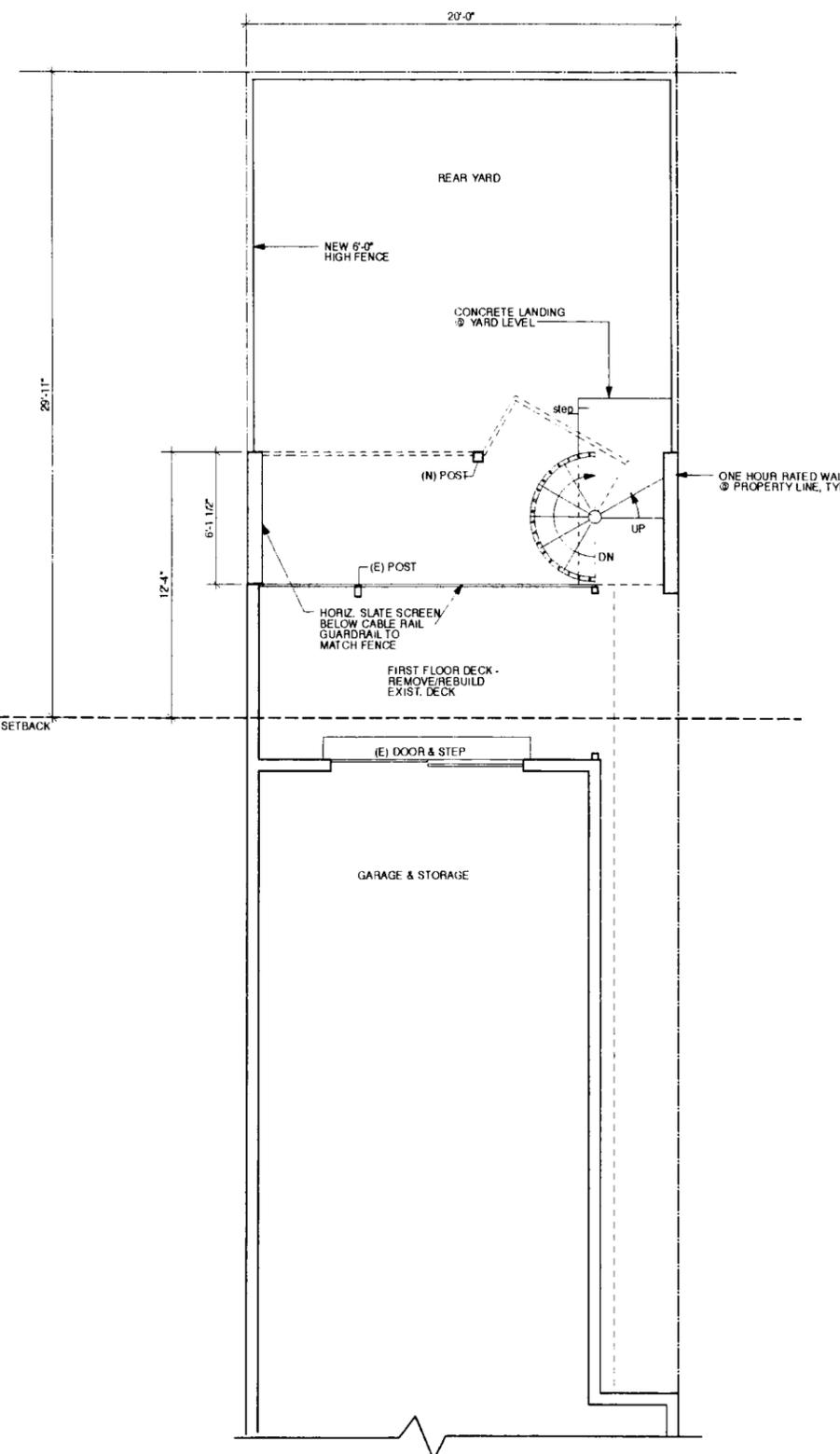
EXISTING REAR ELEVATIONS
AE3.1



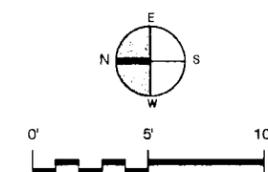
3 PROPOSED THIRD FLOOR PLAN - UNIT 449
 A2.1 1/4" = 1' - 0"



2 PROPOSED SECOND FLOOR PLAN - UNIT 451
 A2.1 1/4" = 1' - 0"



1 PROPOSED FIRST FLOOR PLAN
 A2.1 1/4" = 1' - 0"



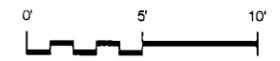
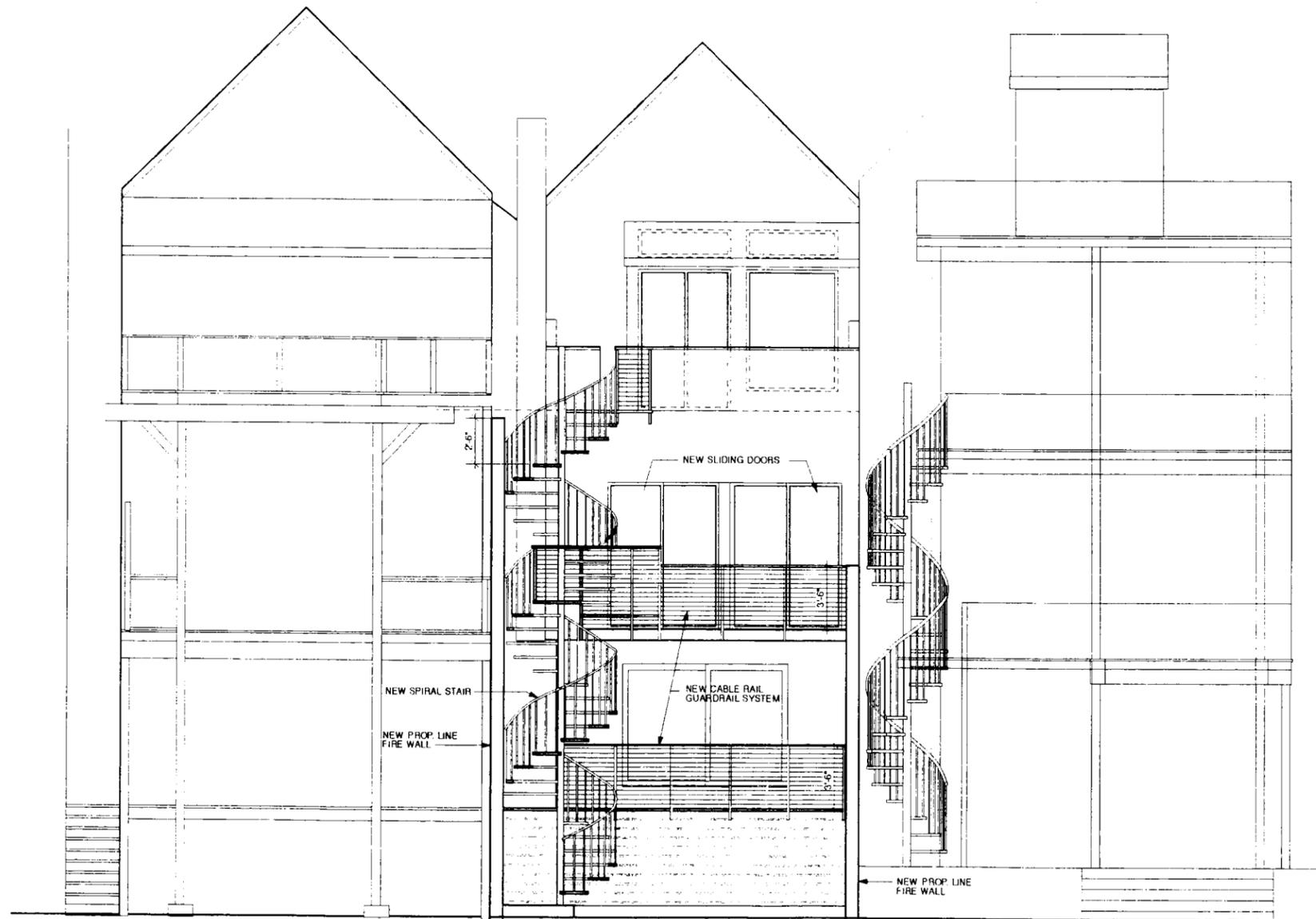
449-451 MISSISSIPPI STREET DECK REMODEL
 SAN FRANCISCO, CA 94107

BLOCK 4064 LOT 037.038	JOB # 0908
VARIANCE	10/15/09
PREAPPL. MTG	9/29/09

PROPOSED PLANS

A2.1

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1 PROPOSED REAR ELEVATION
 A3.1 1/4" = 1' - 0"

**449 -451
 MISSISSIPPI
 STREET
 DECK
 REMODEL**

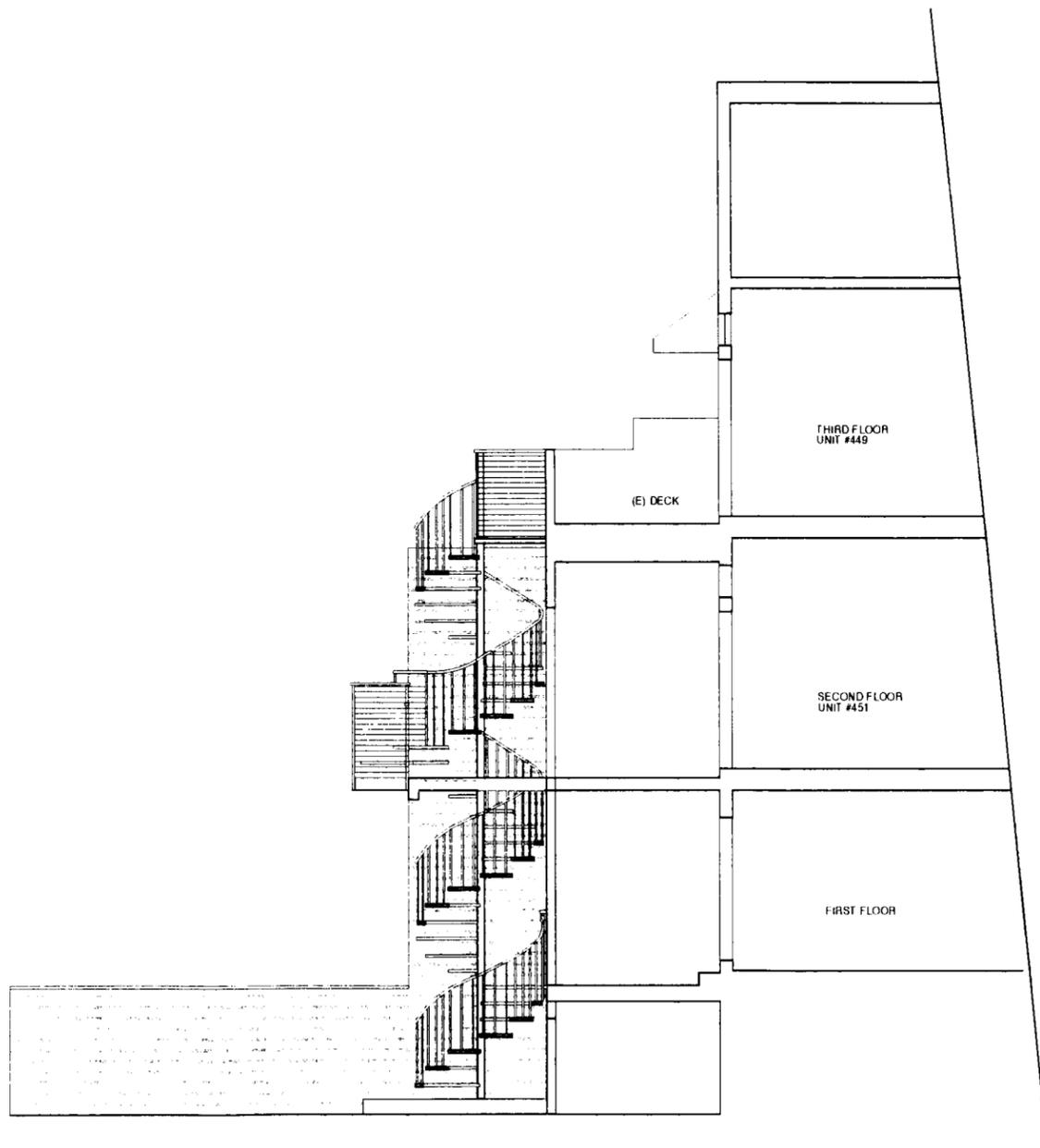
SAN FRANCISCO, CA 94107

BLOCK 4064 LOT 037/038 JOB # 0908

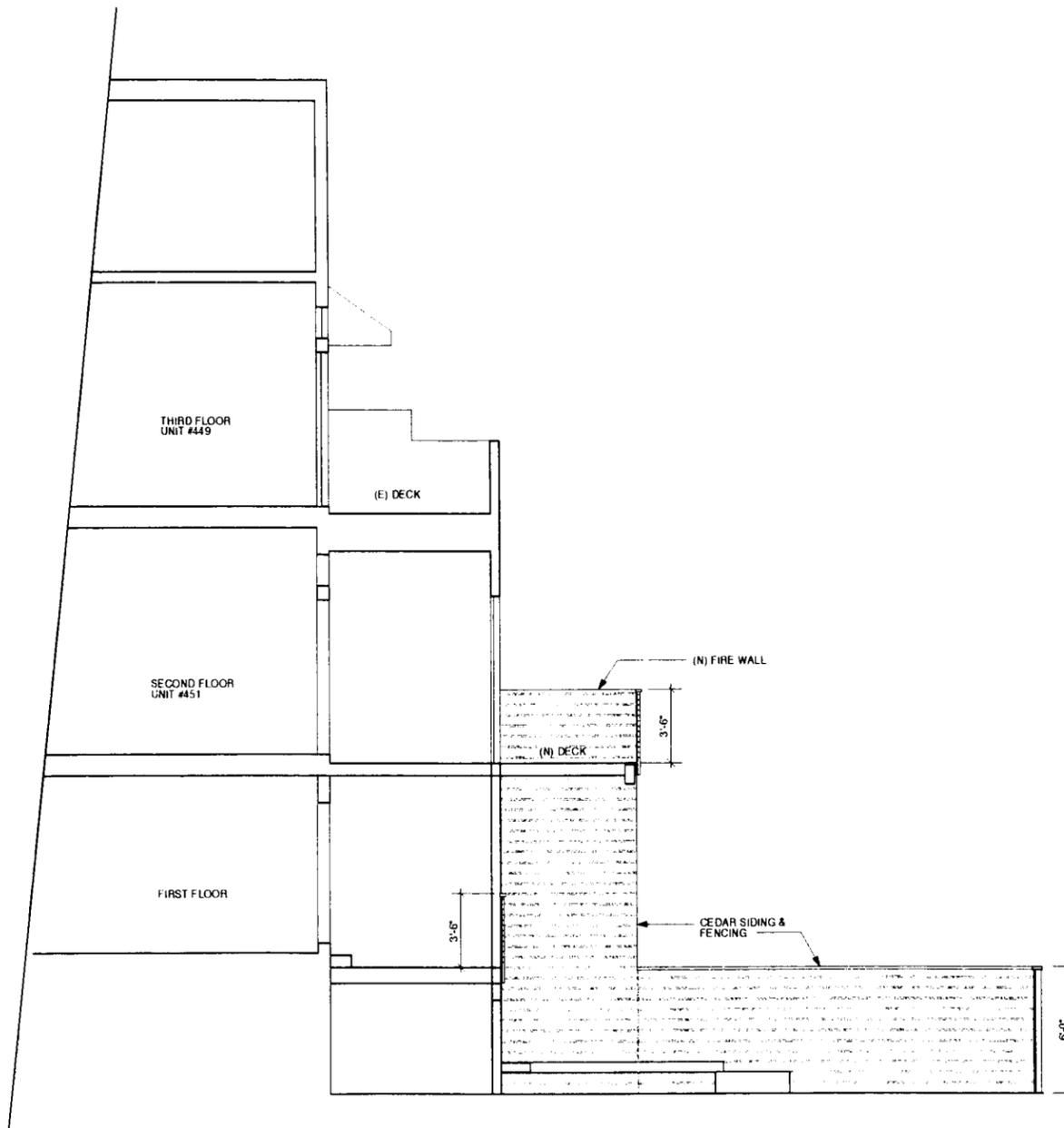
VARIANCE	10/15/09
PREAPP MTG	09/29/09

PROPOSED
 ELEVATIONS

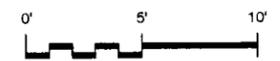
A3.1



2 PROPOSED PARTIAL BUILDING SECTION LOOKING SOUTH
A3.2 1/4" = 1'-0"



1 PROPOSED PARTIAL BUILDING SECTION LOOKING NORTH
A3.2 1/4" = 1'-0"



**449 -451
MISSISSIPPI
STREET
DECK
REMODEL**

SAN FRANCISCO, CA 94107

BLOCK 4064 LOT 037/038 JOB # 0908

PREAPP MTG	9/29/09
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PROPOSED
ELEVATIONS/
SECTIONS

A3.2

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