# Discretionary Review Full Analysis

**HEARING DATE JULY 21, 2016** 

*Date:* July 14, 2016

Case No.: 2014-003191DRP-08

Project Address: 40 BERNAL HEIGHTS BLVD./965, 985, 1025 POWHATTAN AVE.

Permit Application: 2014.0521.6382; 2014.0521.6394-6396

Zoning: RH-1 (Residential House, One-Family)

40-X Height and Bulk District

Block/Lot: 5640/010 Project Sponsor: Jess Zeng

SIA Consulting Corp. 1256 Howard St.

San Francisco, CA 94103

Staff Contact: Chris Townes – (415) 558-6620

chris.townes@sfgov.org

Recommendation: Do not take DR and approve the project as proposed.

### PROJECT DESCRIPTION

The Project includes the subdivision of an existing 7,492 square foot triangular-shaped undeveloped lot into four new lots and the construction of four three-level, single family residences (one single-family home on each new lot) including 40 Bernal Height Boulevard, 965 Powhattan Avenue, 985 Powhattan Avenue, and 1025 Powhattan Avenue. The building's range in gross floor area from 2,736 square feet to 3,426 square feet. Collectively, the four proposed buildings would result in an approximately 12,042 square foot residential development which provides 4,293 square feet of usable open space. Three buildings (965, 985, and 1025 Powhattan Avenue) are designed to front onto Powhattan Avenue and the building at 40 Bernal Heights Boulevard is designed to front onto Bernal Heights Boulevard. Building heights range from approximately 21'-9" to 27'-7" and the project provides a total of 10 off-street parking spaces, 5 Class 1 bicycle parking spaces, and 8 new street trees. Specifically, the proposed project would result in the construction of:

- (1) <u>965 Powhattan Avenue:</u> An approximately 2,756 square foot, 30-foot tall, three-level, three bedroom home with 671 square feet of usable open space and a two-car garage, on an approximately 2,073 square foot lot.
- (2) <u>985 Powhattan Avenue</u>: An approximately 3,426 square foot, 30-foot tall, three-level, three bedroom home with 1,060 square feet of usable open space and a three-car garage, on an approximately 1,997 square foot lot.
- (3) <u>1025 Powhattan Avenue:</u> An approximately 3,033 square foot, 30-foot tall, three-level, four bedroom home with 1,097 square feet of usable open space and a three-car stacked parking garage, on an approximately 1,755 square foot lot.

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Planning Information: 415.558.6377 (4) <u>40 Bernal Heights Boulevard:</u> An approximately 2,843 square foot, 30-foot tall, three-level, four bedroom home with 1,465 square feet of usable open space and a two-car garage, on an approximately 1,787 square foot lot.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on an undeveloped, approximately 7,612 square foot upsloping lot (with up to a 24-foot grade differential from the curb level along Powhattan Avenue to the curb level along Bernal Heights Boulevard) in the Bernal Heights neighborhood. The roughly triangular-shaped project site is bounded to the south by Powhattan Avenue, to the north by Bernal Heights Boulevard, to the west by an undeveloped portion of Rosenkranz Street, and to the east by an undeveloped portion of Carver Street. The project site has approximately 140 linear feet of frontage along Powhattan Avenue and 156 linear feet of frontage along Bernal Heights Boulevard.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site and surrounding neighborhood is located within the RH-1 (Residential House, One-Family) Zoning District, and composed primarily of single family residences; however the parcel immediately west of the subject lot and the parcels to the north and west across Bernal Heights Boulevard are undeveloped landscaped lots in the P (Public) Zoning District. The adjacent properties along Powhattan to the east, include a series of five three-story, flat-roof, single family residences constructed in 1960 with uniform height, massing and design. A 50-foot wide street, Nebraska Street, terminates into the middle of the project site's Powhattan Avenue frontage and the corner properties at the Nebraska Street/Powhattan Avenue intersection consist of two-level single family residences whose side yards are aligned along Powhattan Avenue facing the project site. The adjacent properties along Bernal Heights Boulevard to the east, include a series of five two-story, flat roof, single family residences constructed between 1959-1960 with uniform height, massing and design whose rooflines step with the laterally sloping topography of Bernal Heights Boulevard. Chapman Street branches off of Bernal Height Boulevard up the hill and includes a series of four two- to-three-story, flat-roof, single family residences with a uniform massing with no front or side yard setbacks that creates a defined street wall along the street-facing property line.

### **BUILDING PERMIT APPLICATION NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	December 28, 2015 – January 27, 2016	January 26, 2016	July 21, 2016	177 days

### **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	July 11, 2016	July 11, 2016	10 days
Mailed Notice	10 days	July 11, 2016	July 11, 2016	10 days

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### **PUBLIC COMMENT**

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

### Support:

- Lenny Turetsky, 331 Franconia Street

### Opposed:

- Darlyn Phillips
- J. Solorano and J.Garotte
- Quintin Rodriguez (resident of Powhattan Avenue)
- Carleton Hoffman
- Graciela Galindo

To date, all public correspondence received regarding the Project have been included in the Commission packet.

### DR REQUESTORS

- Elizabeth Brown, 2 Nebraska Street, and
- Kathy Angus, who resides at 99 Banks Street and is a member of the Bernal Heights South Slope Organization.

### **ISSUES & CONSIDERATIONS**

On December 1, 2015, the Board of Supervisors denied an appeal of the environmental review under the California Environmental Quality Act (CEQA) related to the approval by the Department of Public Works (DPW) of the Tentative Subdivision Map for a four-lot subdivision of 40 Bernal Heights Boulevard. The Board of Supervisors upheld DPW's decision to approve the four-lot subdivision.

## DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

**Issue #1:** The DR Requestors allege that the project is inconsistent with the Planning Code, the Residential Design Guidelines (RDG), the Bernal Heights East Slope Building Guidelines (BHESBG) and the General Plan. Specifically, the DR Requestors allege the project is inconsistent with the applicable design guidelines with respect to the following areas of building design:

- Front Yard Setback- In order to alleviate safety problems for both pedestrians and vehicles on Powhattan Avenue and Bernal Heights Boulevard, the project should provide front yard setbacks. Along Powhattan Avenue, the front setbacks should match those of the adjacent properties located at 1051-1075 Powhattan Avenue.
- <u>Entry Treatment</u>- The entry treatment incorporates a "hole-in-the-wall doorway" treatment that negatively impacts massing in that the front façade appears as a conspicuous massive wall that is out of character with the neighborhood.
- Massing- The project largely ignores the building bulk and architectural massing strategies outlined in the BHESBG; Rather, the project aims to maximize the allowable building envelope. Specifically, the project does not step with the sloped topography, does not adequately break up the overall massing, does not provide adequate side setbacks, and does not diminish the height of the rear portion of the buildings.
- <u>Side Yards</u>- The project does not provide the minimum 4-foot side yards cited in the BHESBG. The substandard side yard setbacks, coupled with the lack of front setbacks, results in the erosion of the unique character of the East Slope of Bernal Heights and violates Planning Code Section 242(e)(6).
- Façade Detailing, Colors and Materials- In conflict with the BHESBG, the four buildings within the project lack diversity. Given the lack of diversity amongst the buildings, the project reads as a singular massive wall along Powhattan Avenue that is not in scale with the buildings directly across the street and the broader vicinity. Increased use of façade elements and color variation is needed to create harmony and preserve neighborhood character between this development and the surrounding neighborhood.

**Issue #2:** The DR Requestors allege that the project is, in its totality, out of context and scale with the established character of the neighborhood and creates a precedent for denser development that will ultimately destroy the special and unique character of Bernal Heights for both current and future residents. In addition, the DR Requestors allege the project is in violation of specific General Plan Housing Element policies.

**Issue #3:** The DR Requestor alleges that the Bernal Heights East Slope Design Review Board still finds that improvements to the proposed project are necessary to fully incorporate the Bernal Heights East Slope Building Guidelines.

Specifically, the Bernal Heights East Slope Design Review Board stated, "... the Board still feels that the buildings are somewhat uniform and read as too much of a "project". The Bernal Heights East Slope Design Review Board requests that Project Sponsor consider some additional way of distinguishing the homes from one another, and take advantage of the unique site conditions to distinguish the individual homes' designs. In addition, the Bernal Heights East Slope Design Review Board requests the following:

1. Consider varying roof lines among the projects rather than using flat roofs at all four buildings.

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- 2. Look at options to enter off of the Carver Street stairs, either as primary or secondary entries. This could have the added advantage of improving public safety by providing "eyes on the street".
- 3. Call out exterior elevation materials and consider ways to vary them more between buildings. We like the material palette, but it is largely the same at each building. In addition, consider using color in a more varied way to distinguish the homes.
- 4. Vary detailed elements such as the garage door, rather than using the same one at each home.
- 5. Consider ways to make the patios attractive and useful to residents; it appears that these might become dark "pits" dominated by retaining walls. We suggest doing more terracing that responds to the natural slope, and increasing the planted areas rather than providing so much hardscaping.

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

### PROJECT SPONSOR'S RESPONSE

**Issue #1:** In response to the DR Requestors, the Project Sponsor has prepared the following response to the design issues:

- <u>Front Setbacks</u>- The Project Sponsor states that front setbacks are not a prevailing pattern in the neighborhood and should not be required for the project. In considering properties beyond the five buildings located at 1051-1075 Powhattan Avenue, it is evident that the majority of buildings in the vicinity do not have a front setback. Front setbacks are also not a regular feature along this portion of Bernal Heights Boulevard (including the properties located at 70-94 Bernal Heights Boulevard for example). The project is consistent with the applicable design guidelines in that the side setbacks provided, coupled with the open area left at the corner of Powhattan Avenue and Bernal Heights Boulevard and the newly proposed 40-foot wide terraced public right-of-way along Carver Street, will ensure the project retains a relationship to its topography, is consistent with the pattern of development in the neighborhood and achieves the goals of the applicable design guidelines.
- Entry Treatment- With regard to entry treatment, the Project Sponsor states that each building entrance has been thoughtfully and individually designed, and are not mere "hole-in-the-wall doorways." All entrances are setback from the street with landscaping and/or planters and the entrances have double-doors and/or sidelights and transoms. Entrance setbacks, landscaping, and detailing highlight the doorway and create a distinct transition from the street in a manner that is consistent with the BHESBG.
- Massing- With regard to massing, the Project Sponsor states that the project is compatible with the neighborhood mass and scale in a manner that conforms to the principles of the BHESBG. Rather than composing the buildings along Bernal Heights Boulevard, where they would be on down-sloping lots with heights that are incompatible with the neighborhood, three of the four buildings are located along Powhattan Avenue, the lower downhill side of the site. This massing organization is more compatible with the building pattern of the block and allows buildings to be

built into the hillside; thereby, minimizing project height along Bernal Heights Boulevard, the upper portion of the site. The buildings located at 1025 and 40 Bernal Heights Boulevard are adjacent to the newly created Carver Street and feature terraced rear yards that abut the public right-of-way. These rear yards will break up the massing and create additional open space to complement the Carver Street open space.

- <u>Side Yard</u>- The Project Sponsor states that the Project provides three-foot side setbacks between the middle building (985 Powhattan Avenue) and the other three buildings, coupled with the open spaces provided at the corner of Powhattan Avenue/Bernal Heights Boulevard and the newly proposed 40-foot wide terraced public right-of-way along Carver Street. These measures adequately achieve the goals of the BHESBG with regard to side spacing.
- Façade Detailing, Colors and Materials—The Project Sponsor states that the façade detailing, colors and materials are consistent with the RDG and the BHESBG. Utilizing a contemporary design vocabulary, the Project provides individually designed buildings that share common elements and materials to unify them as one development. Grouping of buildings that share common architectural characteristics from the same period, be it the 1920's, 1940's, or 1960's, are found throughout the neighborhood.

Issue #2: See DR Responses provided in Issue #1.

Issue #3: See DR Responses provided in Issue #1.

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

### **PROJECT ANALYSIS**

Department staff has reviewed the DR Requestor's concerns with the proposed project and presents the following comments:

**Issue #1:** In response to the DR Requestors, the Department has prepared the following response to the design issues:

- <u>Front Setbacks</u>- Per Planning Code Section 132, the Project is not required to provide a front yard setback. The Department finds that the Project's building footprints oriented along the front property lines, as proposed, are compatible with the surrounding neighborhood context.
- Entry Treatment- The Department finds the project's entry treatments are appropriate since they provide adequate relief along the front property line. In addition, the architectural detailing, a complementary palette of materials, entrance width, and landscape buffer from the sidewalk serve to provide a sense of depth and transition space between the entries and the public realm.
- Massing- The Department finds the project massing, as proposed, is compatible with the dominant three-story massing of the block context and the surrounding buildings within the

vicinity. The Project's massing relates to the upsloping topography of the site. The orientation and massing of 40 Bernal Heights Boulevard and 1025 Powhattan Ave allows these buildings to combine their rear yards to provide a well-defined shared mid-block open space that relates to the newly created Carver Street public right-of-way open space, as well as, the existing shared mid-block open space of the buildings on Block 5639 further east.

- <u>Side Yard</u>- Per Planning Code Section 133, the project is not required to provide a side yard setback. The Department finds that the project, as proposed, is consistent with the existing pattern of side spacing within the neighborhood and successfully protects public views from the upper street, Bernal Heights Boulevard.
- Façade Detailing, Colors and Materials- The Department finds that building colors are not regulated by the Planning Code and that the number of buildings contained within the project do not become overly monotonous in material selection within the mixed-character neighborhood. In addition, the surrounding neighborhood has several clusters of buildings constructed within the same era with similar façade detailing and architectural treatment. Examples of these clusters are found along Bernal Heights Boulevard, Powhattan Avenue and Nebraska Street.

Overall, the Department finds that the Project meets all aspects of the Planning Code, and is not seeking any variances or exceptions from any requirement of the Planning Code.

**Issue #2:** The Department finds that the Project is consistent with the scale and character of the immediate neighborhood. In addition, the Project, on balance, meets the objectives and policies of the General Plan.

**Issue #3:** The Department finds that the Project meets the BHESBG as follows:

- <u>Bulk/Massing</u>- The Department finds the project massing as a whole, as proposed, is compatible with the dominant three-story massing of the block context and surrounding buildings within the vicinity and relates well to the upsloping topography of the site.
- Entry Treatment- The Department finds the project's entry treatments are appropriate since they provide adequate relief along the front property line. In addition, the architectural detailing, a complementary palette of materials, entrance width, and landscape buffer from the sidewalk serve to provide a sense of depth and transition space between the entries and the public realm. The project does not propose any fencing or walls that would enclose the lots along the street frontages.
- <u>Vehicle Access</u>- The project provides garage doors and curb cuts that are limited to 10-feet, which allows for the width of each lot to accommodate at least one full parking space on the street.
- Landscaping/Front Setbacks/Street Trees- Although the project does not have a required front yard setback, the entrances are recessed from the front property line with landscaping and permeable ground surfacing. In addition, eight street trees are planted in an evenly-spaced manner along the street frontage for the four dwelling units.

- <u>Sideyards</u>- Per Planning Code Section 133, the project is not required to provide a side yard setback. The Department finds that the project, as proposed, is consistent with the existing pattern of side spacing within the neighborhood and successfully protects public views from the upper street, Bernal Heights Boulevard.
- Roof Treatment- The Department finds that the stepped roof treatment of the project responds
  well to the upsloping topography of the site and is compatible with the dominant flat-roof
  character of surrounding properties.
- <u>Façade Elements, Colors and Materials</u>- Building colors are not regulated by the Planning Code. The Department finds that the number of buildings contained within the project do not become overly monotonous in material selection within the mixed-character neighborhood. The project utilizes a high-quality palette of materials that is compatible with neighborhood context, including aluminum-framed windows, high-quality smooth stucco, fiber cement paneling, solid wood entry doors, glass railings, and custom wood garage doors

### **ENVIRONMENTAL REVIEW**

On July 22, 2015, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") per Section 15332, or Class 32, as described in the Certificate of Determination contained in the Planning Department files for this project (case no. 2014-002982ENV).

### RESIDENTIAL DESIGN TEAM REVIEW

Department staff held a meeting with the Residential Design Team (RDT) on April 6, 2016 to re-evaluate the project in relation to the applicable design guidelines and in light of the DR Requestors stated concerns. The RDT determined that the design issues raised by the DR Requestors are neither exceptional nor extraordinary in nature. The RDT reaffirmed its previous stance that the proposed building design, mass and scale is consistent with all applicable design guidelines and that modifications to the project are not warranted.

With regard to front yard setbacks, the RDT cited that safety is generally not addressed in the Residential Design Guidelines and that there is much precedent of garages abutting the front property line within the larger neighborhood context. The RDT also identified that deep front setbacks tend to encourage parking within the setback which is prohibited in the Planning Code. The building entrances were supported, as proposed, since they provide setbacks, architectural detail in the form of awnings and provide landscaping to accentuate their presence to the public realm. The overall building massing was deemed consistent with the dominant three-story massing of the surrounding buildings and block context. Furthermore, the sizes of individual building meet the size requirements of the Bernal Heights Special Use District and are in-scale with the other buildings at the street. The RDT determined that the side setbacks, as proposed, would protect public views from the upper street, Bernal Heights Boulevard, and are compatible with the existing pattern of side spacing within the neighborhood. Lastly, with regard to façade detailing, colors and materials, the RDT affirmed that color is not regulated and that the number of buildings contained within the project does not become overly monotonous in material selection within the mixed-character neighborhood.

Under the Commission's pending DR Reform Legislation, this project <u>would</u> be referred to the Commission, as this project involves new construction on a vacant lot.

### BASIS FOR RECOMMENDATION

- The Project is consistent with the objectives and policies of the General Plan.
- The Project is located in a zoning district, RH-1 (Residential House, One-Family), which permits residential use.
- The Project is consistent with and respects the varied neighborhood character, and provides an appropriate massing and scale within the neighborhood context.
- No extraordinary or exceptional circumstances were identified by the Residential Design Team.
- The Project would replace the currently vacant, underutilized lot with four new dwelling units to contribute to the City's housing stock.
- The Project composes the buildings in a manner that contributes towards a shared mid-block open space that complements the newly created Carver Street, 40-foot wide public right-of-way open space.
- The subject property, although publicly-accessible with landscaping, is not a public park; therefore, the project does not displace a public park or other neighborhood amenity.

### **RECOMMENDATION:**

Do not take DR and approve the project as proposed.

### **Attachments:**

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photos
Map showing lot size development pattern
Section 311 Notice
DR Application
Response to DR Application dated July 2, 2016
3-D Rendering
Reduced Plans

# **Design Review Checklist**

## **NEIGHBORHOOD CHARACTER (PAGES 7-10)**

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

Comments: The neighborhood architectural character is mixed with buildings that are typically two- to three-stories in height. Surrounding properties generally consist of single family residences whose construction dates span the past century with clusters built in the early 1920s, 1940s, 1950s and 1960s and within the past decade.

### SITE DESIGN (PAGES 11 - 21)

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

**Comments:** The placement of the buildings on their site responds to the topography, their position on the block, and to the placement of the surrounding buildings. The project respects the topography of the surrounding area by stepping the building heights down in relation to the downslope of the lots. The rear yards are articulated to minimize impacts on light to adjacent properties. The rear yards of 40 Bernal

Heights Boulevard and 1025 Powhattan Avenue are composed to contribute towards a shared mid-block open space that complements the newly created 40-foot wide Carver Street public right-of-way open space. The side setbacks provided between the middle building (985 Powhattan Avenue) and the other buildings are compatible with the existing pattern of side spacing within the neighborhood and protect public views from the upper street, Bernal Heights Boulevard.

## **BUILDING SCALE AND FORM (PAGES 23 - 30)**

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at	х		
the street?	•		
Is the building's height and depth compatible with the existing building scale at	X		
the mid-block open space?	•		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding	•		
buildings?	X		
Are the building's proportions compatible with those found on surrounding	v		
buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

**Comments**: The project scale is compatible with the height and depth of surrounding buildings within the neighborhood. Although the project is located within the 40-X Height and Bulk District, the proposed building heights range from approximately 21'-9" to 27'-7". The flat-roof, rectangular-formed buildings are compatible with the flat-roofed, rectangular formed surrounding properties, including the properties located along 1051-1075 Powhattan Avenue and 70-94 Bernal Heights Boulevard.

### **ARCHITECTURAL FEATURES (PAGES 31 - 41)**

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	x		
Does the location of the building entrance respect the existing pattern of building entrances?	x		
Is the building's front porch compatible with existing porches of surrounding buildings?	x		
Are utility panels located so they are not visible on the front building wall or on the sidewalk?			x
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	x		
Garages (pages 34 - 37)			

Is the garage structure detailed to create a visually interesting street frontage?	X	
Are the design and placement of the garage entrance and door compatible with	v	
the building and the surrounding area?	X	
Is the width of the garage entrance minimized?	X	
Is the placement of the curb cut coordinated to maximize on-street parking?	X	
Rooftop Architectural Features (pages 38 - 41)		
Is the stair penthouse designed to minimize its visibility from the street?		X
Are the parapets compatible with the overall building proportions and other	v	
building elements?	X	
Are the dormers compatible with the architectural character of surrounding		v
buildings?		^
Are the windscreens designed to minimize impacts on the building's design and		v
on light to adjacent buildings?		X

**Comments:** The building entrances successfully enhance the connection between the public realm of the street and the sidewalk and the private realm of the building through the use of setbacks, architectural detail in the form of awnings and the providing of landscaping to accentuate their presence to the public realm. To further enhance the public realm, the garage door widths and associated curb cuts have been minimized. The roof decks have been sensitively designed to provide roof access without the use of stair penthouses that project above the roof line. The use of clear glass railings at the upper levels protect the visual transparency of sightlines through the project from surrounding properties.

# **BUILDING DETAILS (PAGES 43 - 48)**

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

**Comments:** In order to contribute to the architectural character of the neighborhood, the proportion and size of the proposed windows relate to that of the existing buildings in the neighborhood. The project incorporates quality materials and finishes that relate to the surrounding neighborhood, including horizontal/vertical wood siding, wood paneling, smooth stucco, and anodized aluminum-framed windows.

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# **Design Review Checklist**

## **NEIGHBORHOOD CHARACTER (PAGES 7-10)**

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

Comments: The neighborhood architectural character is mixed with buildings that are typically two- to three-stories in height. Surrounding properties generally consist of single family residences whose construction dates span the past century with clusters built in the early 1920s, 1940s, 1950s and 1960s and within the past decade.

### SITE DESIGN (PAGES 11 - 21)

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

**Comments:** The placement of the buildings on their site responds to the topography, their position on the block, and to the placement of the surrounding buildings. The project respects the topography of the surrounding area by stepping the building heights down in relation to the downslope of the lots. The rear yards are articulated to minimize impacts on light to adjacent properties. The rear yards of 40 Bernal

Heights Boulevard and 1025 Powhattan Avenue are composed to contribute towards a shared mid-block open space that complements the newly created 40-foot wide Carver Street public right-of-way open space. The side setbacks provided between the middle building (985 Powhattan Avenue) and the other buildings are compatible with the existing pattern of side spacing within the neighborhood and protect public views from the upper street, Bernal Heights Boulevard.

## **BUILDING SCALE AND FORM (PAGES 23 - 30)**

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at	х		
the street?	•		
Is the building's height and depth compatible with the existing building scale at	X		
the mid-block open space?	•		
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding	•		
buildings?	X		
Are the building's proportions compatible with those found on surrounding	v		
buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

**Comments**: The project scale is compatible with the height and depth of surrounding buildings within the neighborhood. Although the project is located within the 40-X Height and Bulk District, the proposed building heights range from approximately 21'-9" to 27'-7". The flat-roof, rectangular-formed buildings are compatible with the flat-roofed, rectangular formed surrounding properties, including the properties located along 1051-1075 Powhattan Avenue and 70-94 Bernal Heights Boulevard.

### **ARCHITECTURAL FEATURES (PAGES 31 - 41)**

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	x		
Does the location of the building entrance respect the existing pattern of building entrances?	x		
Is the building's front porch compatible with existing porches of surrounding buildings?	x		
Are utility panels located so they are not visible on the front building wall or on the sidewalk?			x
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	x		
Garages (pages 34 - 37)			

Is the garage structure detailed to create a visually interesting street frontage?	X	
Are the design and placement of the garage entrance and door compatible with	v	
the building and the surrounding area?	X	
Is the width of the garage entrance minimized?	X	
Is the placement of the curb cut coordinated to maximize on-street parking?	X	
Rooftop Architectural Features (pages 38 - 41)		
Is the stair penthouse designed to minimize its visibility from the street?		X
Are the parapets compatible with the overall building proportions and other	v	
building elements?	X	
Are the dormers compatible with the architectural character of surrounding		v
buildings?		•
Are the windscreens designed to minimize impacts on the building's design and		v
on light to adjacent buildings?		λ

**Comments:** The building entrances successfully enhance the connection between the public realm of the street and the sidewalk and the private realm of the building through the use of setbacks, architectural detail in the form of awnings and the providing of landscaping to accentuate their presence to the public realm. To further enhance the public realm, the garage door widths and associated curb cuts have been minimized. The roof decks have been sensitively designed to provide roof access without the use of stair penthouses that project above the roof line. The use of clear glass railings at the upper levels protect the visual transparency of sightlines through the project from surrounding properties.

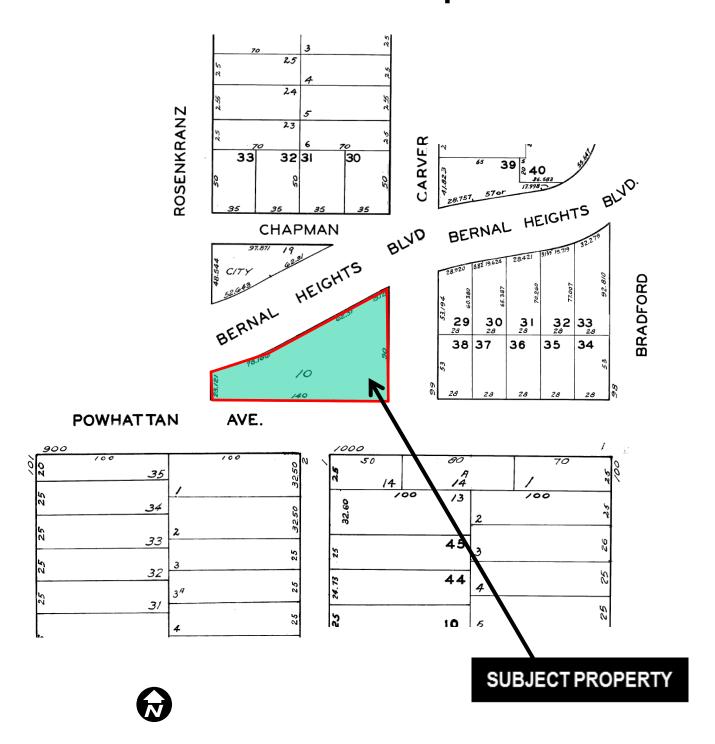
# **BUILDING DETAILS (PAGES 43 - 48)**

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

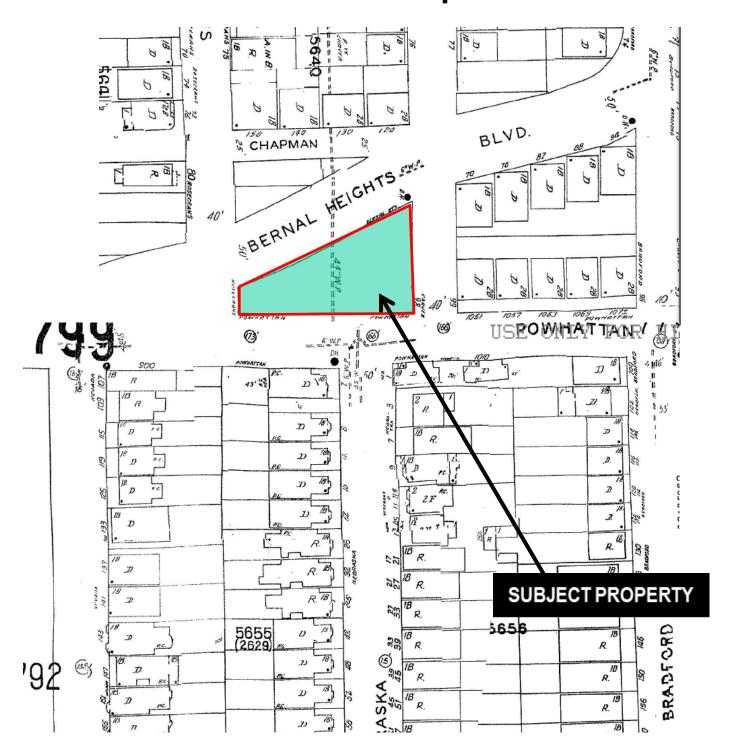
**Comments:** In order to contribute to the architectural character of the neighborhood, the proportion and size of the proposed windows relate to that of the existing buildings in the neighborhood. The project incorporates quality materials and finishes that relate to the surrounding neighborhood, including horizontal/vertical wood siding, wood paneling, smooth stucco, and anodized aluminum-framed windows.

SAN FRANCISCO.
PLANNING DEPARTMENT

# **Parcel Map**



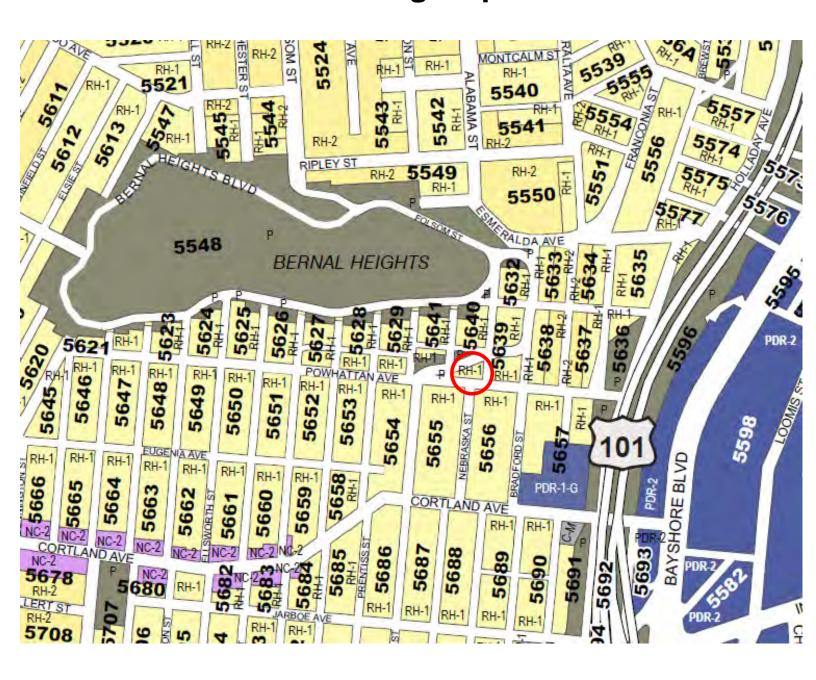
# Sanborn Map\*



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



# **Zoning Map**





# **Aerial Photo**



SUBJECT PROPERTY



# **Site Photos**



Looking east along Powhattan Avenue



Looking west along Powhattan Avenue

# **Site Photos**



Looking directly across Powhattan Avenue



# Looking west along Powhattan Avenue from Bradford Street/Powhattan Avenue

# **Site Photos**



# Looking north from Nebraska Street



# Looking north from further down Nebraska Street near base of Nebraska Street/Cortland Avenue

1650 Mission Street Suite 400 San Francisco, CA 94103

# **NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)**

On **May 22, 2014** the Applicant named below filed Building Permit Application No. **2014.05.21.6394S** with the City and County of San Francisco.

PROP	ERTY INFORMATION	APPL	LICANT INFORMATION
Project Address:	40 Bernal Heights Avenue	Applicant:	SIA Consulting Corp.
	Site is bounded by Bernal Heights		
Cross Street(s):	Blvd, Powhattan Ave and	Address:	1256 Howard Street
, ,	unimproved Carver St		
Block/Lot No.:	5640/010	City, State:	San Francisco, CA 94103
Zoning District(s):	RH-1/40-X (Bernal SUD)	Telephone:	(415) 922-0200

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					
□ Demolition	☑ New Construction	☐ Alteration			
☐ Change of Use	☐ Façade Alteration(s)	☐ Front Addition			
☐ Rear Addition	☐ Side Addition	☐ Vertical Addition			
PROJECT FEATURES	EXISTING	PROPOSED			
Building Use	Vacant Lot	Residential (single-family dwelling)			
Front Setback	Vacant Lot	0			
Side Setbacks	Vacant Lot	0 (east side); 2'-6" (west side)			
Building Depth	Vacant Lot	27'-9"			
Rear Yard	Vacant Lot	15'-0"			
Building Height	Vacant Lot	30'-0"			
Number of Stories	Vacant Lot	2-story over basement			
Number of Dwelling Units	Vacant Lot	1			
Number of Parking Spaces	Vacant Lot	2			
PROJECT DESCRIPTION					

New construction of a single-family dwelling on a downsloping vacant lot. The new structure is 2-story over basement upto 30'-0" in height. The proposed project would include subdivision of Block 5640 Lot 010 to create four new separate lots and construction of one single-family dwelling on each new lot.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:

Planner: Chris Townes

Telephone: (415) 575-9195 Notice Date: E-mail: Chris.townes@sfgov.org Expiration Date:

中文詢問請電: (415) 575-9010

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

# GENERAL INFORMATION ABOUT PROCEDURES

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

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

- 1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
- 2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at <a href="https://www.communityboards.org">www.communityboards.org</a> 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>). 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>. If the project includes multiple building permits, i.e. demolition and new construction, a <a href="https://www.sfplanning.org">separate request</a> for Discretionary Review must be submitted, with all required materials and fee, for <a href="https://www.sfplanning.org">each</a> 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>. 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.

1650 Mission Street Suite 400 San Francisco, CA 94103

# **NOTICE OF BUILDING PERMIT APPLICATION** (SECTION 311)

On **May 22, 2014** the Applicant named below filed Building Permit Application No. **2014.05.21.6382S** with the City and County of San Francisco.

PROP	ERTY INFORMATION	APPI	LICANT INFORMATION
Project Address:	965 Powhattan Avenue	Applicant:	SIA Consulting Corp.
	Site is bounded by Bernal Heights		
Cross Street(s):	Blvd., Powhattan Ave and	Address:	1256 Howard Street
, ,	unimproved Carver St		
Block/Lot No.:	5640/010	City, State:	San Francisco, CA 94103
Zoning District(s):	RH-1/40-X (Bernal SUD)	Telephone:	(415) 922-0200

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				
□ Demolition	☑ New Construction	☐ Alteration		
☐ Change of Use	☐ Façade Alteration(s)	☐ Front Addition		
☐ Rear Addition	☐ Side Addition	□ Vertical Addition		
PROJECT FEATURES	EXISTING	PROPOSED		
Building Use	Vacant Lot	Residential (single-family dwelling)		
Front Setback	Vacant Lot	0		
Side Setbacks	Vacant Lot	0 (east side); 13'-0" (west side)		
Building Depth	Vacant Lot	29'-0"		
Rear Yard	Vacant Lot	15'-9"		
Building Height	Vacant Lot	26'-10"		
Number of Stories	Vacant Lot	2-story over basement		
Number of Dwelling Units	Vacant Lot	1		
Number of Parking Spaces	Vacant Lot	2		
PROJECT DESCRIPTION				

New construction of a single-family dwelling on an upsloping vacant lot. The new structure is 2-story over basement upto 26'-10" in height. The proposed project would include subdivision of Block 5640 Lot 010 to create four new separate lots and construction of one single-family dwelling on each new lot.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:

Planner: Chris Townes

Telephone: (415) 575-9180 Notice Date: E-mail: chris.townes@sfgov.org **Expiration Date:** 

中文詢問請電: (415) 575-9010

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

# GENERAL INFORMATION ABOUT PROCEDURES

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

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

- 1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
- 2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at <a href="https://www.communityboards.org">www.communityboards.org</a> 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>). 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>. If the project includes multiple building permits, i.e. demolition and new construction, a <a href="https://www.sfplanning.org">separate request</a> for Discretionary Review must be submitted, with all required materials and fee, for <a href="https://www.sfplanning.org">each</a> 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>. 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.

1650 Mission Street Suite 400 San Francisco, CA 94103

#### ICE OF BUILDING PERMIT APPLICATION (SECTION 311

On May 22, 2014 the Applicant named below filed Building Permit Application No. 2014.05.21.6395S with the City and County of San Francisco.

PROP	ERTY INFORMATION	APPL	ICANT INFORMATION
Project Address:	985 Powhattan Avenue	Applicant:	SIA Consulting Corp.
	Site is bounded by Bernal Heights		
Cross Street(s):	Blvd., Powhattan Ave and	Address:	1256 Howard Street
, ,	unimproved Carver St		
Block/Lot No.:	5640/010	City, State:	San Francisco, CA 94103
Zoning District(s):	RH-1/40-X (Bernal SUD)	Telephone:	(415) 922-0200

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					
☐ Demolition	☑ New Construction	☐ Alteration			
☐ Change of Use	☐ Façade Alteration(s)	☐ Front Addition			
☐ Rear Addition	□ Side Addition	☐ Vertical Addition			
PROJECT FEATURES	EXISTING	PROPOSED			
Building Use	Vacant Lot	Residential (single-family dwelling)			
Front Setback	Vacant Lot	0			
Side Setbacks	Vacant Lot	0 (east side); 3'-0" (west side)			
Building Depth	Vacant Lot	43'-2"			
Rear Yard	Vacant Lot	15'-9"			
Building Height	Vacant Lot	27 '-7"			
Number of Stories	Vacant Lot	2-story over basement			
Number of Dwelling Units	Vacant Lot	1			
Number of Parking Spaces	Vacant Lot	3			
DPO IECT DESCRIPTION					

New construction of a single-family dwelling on an upsloping vacant lot. The new structure is 2-story over basement upto 27'-7" in height. The proposed project would include subdivision of Block 5640 Lot 010 to create four new, separate lots and construction of one single-family dwelling on each new lot.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:

Planner: Chris Townes

Telephone: (415) 575-9195 Notice Date: E-mail: chris.townes@sfgov.org **Expiration Date:** 

中文詢問請電: (415) 575-9010

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

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#### **ENVIRONMENTAL REVIEW**

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1650 Mission Street Suite 400 San Francisco, CA 94103

# **NOTICE OF BUILDING PERMIT APPLICATION** (SECTION 311)

On **May 22, 2014** the Applicant named below filed Building Permit Application No. **2014.05.21.6396S** with the City and County of San Francisco.

PROP	ERTY INFORMATION	APPL	LICANT INFORMATION
Project Address:	1025 Powhattan Avenue	Applicant:	SIA Consulting Corp.
	Site is bounded by Bernal Heights		
Cross Street(s):	Blvd., Powhattan Ave and	Address:	1256 Howard Street
	unimproved Carver St		
Block/Lot No.:	5640/010	City, State:	San Francisco, CA 94103
Zoning District(s):	RH-1/40-X (Bernal SUD)	Telephone:	(415) 922-0200

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				
□ Demolition	☑ New Construction	☐ Alteration		
☐ Change of Use	☐ Façade Alteration(s)	☐ Front Addition		
☐ Rear Addition	☐ Side Addition	□ Vertical Addition		
PROJECT FEATURES	EXISTING	PROPOSED		
Building Use	Vacant Lot	Residential		
Front Setback	Vacant Lot	0		
Side Setbacks	Vacant Lot	0 (east side); 3'-0" (west side)		
Building Depth	Vacant Lot	24'-0"		
Rear Yard	Vacant Lot	15'-0"		
Building Height	Vacant Lot	27'-6"		
Number of Stories	Vacant Lot	2-story over basement		
Number of Dwelling Units	Vacant Lot	1		
Number of Parking Spaces	Vacant Lot	2		
PROJECT DESCRIPTION				

New construction of a single-family dwelling on an upsloping vacant lot. The new structure is 2-story over basement upto 27-6" in height. The proposed project would include subdivision of Block 5640 Lot 010 to create four new separate lots and construction of one single-family dwelling on each new lot.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:

Planner: Chris Townes

Telephone: (415) 575-9195 Notice Date: E-mail: chris.townes@sfgov.org Expiration Date:

中文詢問請電: (415) 575-9010

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

# GENERAL INFORMATION ABOUT PROCEDURES

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

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

- 1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
- 2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at <a href="https://www.communityboards.org">www.communityboards.org</a> 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>). 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>. If the project includes multiple building permits, i.e. demolition and new construction, a <a href="https://www.sfplanning.org">separate request</a> for Discretionary Review must be submitted, with all required materials and fee, for <a href="https://www.sfplanning.org">each</a> 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 <a href="https://www.sfplanning.org">www.sfplanning.org</a>. 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.



Terry Milne, external secretary • 321 Rutledge • San Francisco 94110 • [285-8978]

April 18, 2014

Reza Khoshnavisan SIA Consulting 1256 Howard St San Francisco CA 94103 Re: 900-blk of Powhattan Ave Block/lot: 5639/10

# Dear Applicant:

The East Slope Design Review Board held a neighborhood meeting to review preliminary plans for a proposal to build four houses on the 900-block of Powhattan Avenue.

The Design Review Board believes that the plans do not comply with the East Slope Building Guidelines. There are several ways to use a contextual approach to the development. The first idea is to subdivide into three lots, so that the buildings can relate to the surrounding area and the topography.

The Building Guidelines call for space between buildings by use of "sideyards," and "significant entries." There should be a way individuate and articulate each building so it looks different from each other. Perhaps shortening each one with different front setbacks would be useful. The western-most building should be highly individual because it is a corner lot.

# Page 2 / 900-block Powhattan Ave

Since this is a large piece of property to be subdivided and developed, the Review Board recommends that a stairway-garden be explored for the Carver Street right-of-way. Bernal Heights is after all the most stairway-friendly neighborhood in San Francisco.

The Review Board wishes to thank the project sponsor for presenting the plans to the neighborhood. We would like to see more detail about how the water-line cutting through the property will be accommodated. The Board invites you to schedule another meeting to see the East Slope Building Guidelines more fully developed in the plans.

Cordially,

Jeff Saydah, Chair, Bernal Heights ESDRB



Terry Milne, external secretary • 321 Rutledge • San Francisco 94110 • [285•8978]

August 30, 2015

Mr. Amir Afifi SIA Consulting Corporation 1256 Howard Street San Francisco, CA 94103 amir@siaconsult.com Re: 965, 985, 1025 Powhattan + 40 Bernal Heights Boulevard Block/Lot: 5577/13

Dear Mr. Afifi,

The Bernal Heights East Slope Design Review Board held a 3rd neighborhood meeting on July 22<sup>nd</sup> to review revised plans for four proposed homes on the 900 block of Powahattan. The site is currently undeveloped.

The Board thanks you for addressing many of the concerns raised in our previous letter and providing landscape plans for the areas of the project interfacing with the public. We think that the plan for the new public stair and garden in the Carver Street right of way will add a very nice neighborhood amenity and is a very positive response to Board and neighbor comments. We also like the addition of street trees on Bernal Heights Boulevard and Powhattan, the fence treatment along Bernal Heights Boulevard, and the idea of improving the landscape at the prow of the site. We like the added sideyards, which create separation between the houses.

While we are encouraged by the increased variety of the architectural expression in the four buildings, the Board still feels that the buildings are somewhat uniform and read as too much of a "project." We request that you consider some additional ways of distinguishing the homes from one another, and take advantage of the unique site conditions to distinguish the individual homes' designs:

- 1. Consider varying roof lines among the projects rather than using flat roofs at all four buildings.
- Look at options to enter off of the Carver Street stairs, either as primary or secondary entries.This could have the added advantage of improving public safety by providing "eyes on the street."
- 3. Call out exterior elevation materials and consider ways to vary them more between buildings. We like the material palette, but it is largely the same at each building. In addition, consider using color in a more varied way to distinguish the homes.
- 4. Vary detailed elements such as the garage door, rather than using the same one at each home.
- 5. Consider ways to make the patios attractive and useful to residents; it appears that these might become dark "pits" dominated by retaining walls. We suggest doing more terracing that responds to the natural slope, and increasing the planted areas rather than providing so much hardscaping.

We note that neighbors attending the meeting raised a number of additional issues. Some are concerned that the homes are larger than the average size of nearby homes, while the sites are smaller. Some feel that a fewer number of homes should be built on this property. Some wish that the existing trees along Bernal Heights Boulevard could be saved, though the Board feels that this will be adequately mitigated by the new proposed trees.

The Board thanks the project sponsor for presenting the plans to the neighborhood and invites you to schedule another meeting to review refinements in response to the points enumerated here. Please call Terry Milne at 415-285-8978 to schedule.

Since the Board is not a City agency, it does not have the power to either approve or disapprove the application.

Cordially,

weray cowles

Wendy Cowles, Chair, Bernal Heights ESDRB



# SAN FRANCISCO PLANNING DEPARTMENT

# **Certificate of Determination Exemption from Environmental Review**

RH-1 (Residential - House, One-Family) District

40 Bernal Heights Boulevard/965-1025 Powhattan Avenue

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

Reception:

415.558.6378

415.558.6409

Planning Information: 415.558.6377

5640/010

7,612 square feet

Amir Afifi, SIA Consulting Corporation

Bernal Heights Special Use District

40-X Height and Bulk District

(415) 922-0200 ext. 104

2014-002982ENV

Jenny Delumo - (415) 575-9146

Jenny.Delumo@sfgov.org

# PROJECT DESCRIPTION:

Case No.:

Zoning:

Block/Lot:

Lot Size:

Project Sponsor:

Staff Contact:

Project Title:

The project site is located on an undeveloped, approximately 7,612-square-foot (sq. ft.) upslope lot in the Bernal Heights neighborhood. The roughly triangular-shaped project site is bounded to the south by Powhattan Avenue, to the north by Bernal Heights Boulevard, to the west by an undeveloped portion of Rosenkranz Street, and to the east by an undeveloped portion of Carver Street. The proposed project would include subdivision of the project site to create four new, separate lots, and construction of one single-family home on each new lot. Three of the new lots would front Powhattan Avenue and the fourth lot would front Bernal Heights Boulevard.

[Continued on next page]

#### **EXEMPTION CLASS:**

Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332). See page 306.

# **DETERMINATION:**

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

ah B. Jones

**Environmental Review Officer** 

cc: Amir Afifi, Project Sponsor

Max Putra, Current Planner

Distribution List Virna Byrd, M.D.F.

Supervisor David Campos, District 9 (via Clerk of the Board)

# PROJECT DESCRIPTION (continued):

Specifically, the proposed project would result in the construction of:

- (1) 965 Powhattan Avenue: An approximately 2,756-gross-square-foot (gsf), 30-foot-tall, three-bedroom home with a two-vehicle garage, on an approximately 2,073 sq. ft. lot.
- (2) 985 Powhattan Avenue: An approximately 3,426-gsf, 30-foot-tall, three-bedroom home with a three-vehicle garage, on an approximately 1,997 sq. ft. lot.
- (3) 1025 Powhattan Avenue: An approximately 3,033-gsf, 30-foot-tall, four-bedroom home with a three-vehicle stacked parking garage, on an approximately 1,755 sq. ft. lot.
- (4) 40 Bernal Heights Boulevard: An approximately 2,843-gsf, 30-foot-tall, four-bedroom home with a two-vehicle garage, on an approximately 1,787 sq. ft. lot.

Collectively, the four proposed buildings would result in an approximately 12,058 gsf residential development with ten off-street parking spaces. Excavation, to a maximum depth of approximately 22 feet below grade, is proposed in order to accommodate the basement levels. Eight new street trees would be planted as part of the project.

# **Project Approvals**

The proposed project is subject to notification under Section 311 of the City and County of San Francisco (the City) *Planning Code* and would require the following approvals:

- Subdivision Authorization: The proposed project would require authorization by San Francisco
  Public Works (Public Works) to subdivide the existing lot pursuant to provisions of the California
  Subdivision Map Act and the City's Subdivision Code and Subdivision Regulations.
- **Site Permit:** The proposed project would require the issuance of a site permit by the Department of Building Inspection (DBI).

**Approval Action:** The granting of the subdivision by Public Works is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco *Administrative Code*.

# **EXEMPTION CLASS (continued):**

CEQA Guidelines Section 15332, or Class 32, provides an exemption from environmental review for infill development projects that meet the following conditions. As discussed below, the proposed project satisfies the terms of the Class 32 exemption.

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

The San Francisco General Plan articulates the objectives and policies that guide the City's decision making as it pertains to, among other issues, environmental protection, air quality, urban design, transportation, housing, and land use. Permits to construct, alter or demolish buildings, or subdivide lots may not be issued unless the project conforms to the *Planning Code*, or an exemption is granted pursuant to provisions of the *Planning Code*. The project site is comprised of an undeveloped lot in a RH-1 (Residential House, One-Family), 40-X Height and Bulk District. The project site is also located within the Bernal Heights Special Use District (the "Bernal Heights SUD"), a zoning district established in Section 242 of the Planning Code to enable consistent and contextually appropriate development within the Bernal Heights neighborhood. For projects within the Bernal Heights SUD, all RH-1 zoning controls apply unless otherwise provided for in Section 242. The proposed project would include subdivision of the project site into four separate lots and construction of a two-story-over-basement home on each of the new lots. The use (residential) and height (30 feet tall) of the proposed buildings would conform to the use and height restrictions in RH-1 Districts and the Bernal Heights SUD. In addition, the proposed buildings would conform to the rear yard depth, building mass, and parking controls prescribed for RH-1 zoned lots within the Bernal Heights SUD.

The subdivision process is overseen by Public Works and implemented pursuant to provisions of the California Subdivision Map Act, and the City's *Subdivision Code* and Subdivision Regulations. However, prior to Public Works approval, the proposed project must be reviewed by other applicable City agencies, including the Planning Department. Planning Department review ensures the subdivision proposal is consistent with the General Plan, Proposition M (*Planning Code* Section 101.1), and other provisions of the *Planning Code*. The proposed subdivision of the existing lot, which is being reviewed under Public Works Project ID No. 8257, would result in the following new lots:

- (1) 965 Powhattan Avenue: An approximately 2,073 sq. ft. lot with a roughly 60 foot frontage.
- (2) 985 Powhattan Avenue: An approximately 1,997 sq. ft. lot with a roughly 35 foot frontage.
- (3) 1025 Powhattan Avenue: An approximately 1,755 sq. ft. lot with a roughly 45 foot frontage.
- (4) 40 Bernal Heights Boulevard: An approximately 1,787 sq. ft. lot with a roughly 36 foot frontage.

As proposed, the subdivided lots would meet the minimum width (25 feet) and minimum area (1,750 sq. ft.<sup>1</sup>) requirements for lots in an RH-1 District, pursuant to *Planning Code* Section 121. The proposed subdivision would also increase the allowable dwelling unit density on the

Per Planning Code Section 121(e)(2), in RH-1 Districts the minimum lot area is 2,500 sq. ft., except for lots with their street frontage entirely within 125 feet of the intersection between two streets that intersect at an angle of 135 degrees or less, then the minimum lot area is 1,750 sq. ft. The proposed lots are located within the first 125 feet of an intersection where the two streets meet at an angle of 135 degrees or less.

project site. Per *Planning Code* Section 209.1, in RH-1 Districts residential density is principally permitted at a ratio of one dwelling unit per lot and conditionally permitted at a ratio of one dwelling unit per 3,000 square feet of lot area, up to a maximum of three dwelling units per lot. The existing lot is approximately 7,612 sq. ft. Therefore, the project sponsor would be permitted to construct one dwelling unit on the project site or seek Conditional Use Authorization to construct up to three dwelling units on the project site.<sup>2</sup> Should the proposed project be approved, the subdivision would result in four lots, enabling the project sponsor to construct four dwelling units on the project site. While the proposed project would result in greater density on the project site, the subdivision would not conflict with applicable *Planning Code* provisions.

Overall, the proposed project is consistent with applicable General Plan objectives and policies as well as applicable zoning designations.

For informational purposes, on January 9, 2015, the Planning Department approved the Tentative Map Decision referral letter for the proposed subdivision.<sup>3</sup> The letter was signed in error as the Planning Department must issue a CEQA determination for the proposed subdivision prior to the approval of a Tentative Map. Therefore, the Planning Department submitted a Revocation Request to Public Works on March 13, 2015 requesting that Public Works rescind the subdivision map approval and return the map to the Planning Department for further review.<sup>4</sup> The City's Surveyor rescinded the approval on March 16, 2015.<sup>5</sup> Once this Certificate of Determination (the "Certificate") is published, the Planning Department may determine whether to approve, conditionally approve, or disapprove the Tentative Map. Should the Planning Department approve or conditionally approve the Tentative Map, Public Works would be required to re-notice property owners within a 300-foot-radius of the subject parcel, and undergo a 10-day appeal period prior to approving a Final Map.

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

The project site is an approximately .17 acre (7,612 sq. ft.) undeveloped lot located within a fully developed area of San Francisco. The project site is zoned residential and the lots in the project site vicinity are fully developed and serve residential uses. Therefore, the proposed project would be appropriately characterized as in-fill development of fewer than five acres, surrounded by urban uses.

<sup>&</sup>lt;sup>2</sup> Per the rules for calculating dwelling unit density under *Planning Code* Section 207, any "remaining fraction of one-half or more of the minimum of lot area per Dwelling Unit shall be adjusted upward to the next higher whole number of Dwelling Units".

<sup>&</sup>lt;sup>3</sup> San Francisco Public Works. *Tentative Map Decision: Tentative Map Referral to the Department of City Planning, Project ID 8257.* June, 10, 2014. This document, and all other documents referred to herein, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2014-002982ENV.

<sup>&</sup>lt;sup>4</sup> San Francisco Planning Department. Revocation Request. Case No. 2014.1023S. March 13, 2015.

<sup>&</sup>lt;sup>5</sup> San Francisco Public Works Subdivision Project Tracking system. *Project ID 8257*. <a href="http://bsm.sfdpw.org/subdivision/tracking/">http://bsm.sfdpw.org/subdivision/tracking/</a> Accessed May 13, 2015.

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

The project site is located in the Bernal Heights neighborhood on an undeveloped lot, which is adjacent to an undeveloped portion of Rosenkranz Street (west of the lot) and an undeveloped portion of Carver Street (east of the lot). As they are undeveloped, Carver and Rosenkranz Streets feature the same mix of plants and ground cover that occupy the subject lot and give the subject block the impression of one continuous open space. While the project site is currently undeveloped, it is located within an urban area with established development patterns.

The Bernal Heights neighborhood was once under evaluation by the U.S. Fish and Wildlife Service (the "USFWS") for its potential to serve as a critical habitat unit for Franciscan Manzanita, an evergreen shrub once believed to be extinct. Bernal Heights was initially placed on the list of potential Critical Habitat Units on September 5, 2012 when the USFWS published a proposed rule for designating critical habitat for Franciscan Manzanita, "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Franciscan Manzanita", which identified eleven potential Critical Habitat Units. Bernal Heights was removed from the Critical Habitat Unit list when the USFWS's final rule was published on December 20, 2013, as the USFWS determined that the area is "highly degraded" and does not feature the biological or physical characteristics required for the conservation of the Franciscan Manzanita, and therefore does not meet the USFWS's criteria for designation as a critical habitat. Consequently, the Bernal Heights Unit is considered non-essential for the conservation of Franciscan Manzanita and was not included in the final list of Critical Habitat Units.

The project site is located in a developed urban area and does not contain any known rare or endangered plant or animal species, or habitat for such species. Therefore, the project site has no value as a habitat for endangered, rare, or threatened species.

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

#### Traffic

In order to determine whether the proposed project would result in an adverse environmental impact on traffic conditions within the vicinity of the project site, the Planning Department used the *Transportation Impact Analysis Guidelines for Environmental Review* (the Transportation Guidelines) to evaluate traffic conditions during the weekday PM peak period (4:00 PM – 6:00

<sup>&</sup>lt;sup>6</sup> "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Franciscan Manzanita; Proposed Rule," 77 Federal Register No. 172 (September 5, 2012), pp. 54517-54548.

<sup>7</sup> Ibid.

<sup>&</sup>lt;sup>8</sup> "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Arctostaphylos franciscana* (Franciscan Manzanita); Final Rule," 78 Federal Register No. 245(December 20, 2013), pp. 77290-.

<sup>9</sup> Ibid.

PM). Weekday PM peak hours generally represent the time when the transportation system is most heavily used and is more likely to reach maximum capacity.

Based on the residential trip generation rates in the Transportation Guidelines, the proposed project is estimated to add 40 daily person trips. This includes 14 daily vehicle trips, three of which would occur during PM peak hour. The additional vehicle trips are not anticipated to significantly increase traffic in the project site vicinity or result in an adverse impact on the level of service. Based on this analysis, the proposed project would not substantially increase traffic relative to the existing capacity of the surrounding area's street system.

Construction-related impacts, generally, would not be considered significant due to their temporary and limited duration. While construction workers who drive to the project site would temporarily increase traffic volume and demand for street parking, the additional trips would not substantially affect traffic conditions. Therefore, the proposed project would not result in a significant impact on traffic.

#### Noise

Residential uses are considered noise sensitive uses because residential occupants are considered sensitive receptors. The Planning Department requires a detailed noise analysis for projects that propose to locate new residential development in areas where ambient noise is greater than 75 decibels (dBA¹0). The proposed four single-family residences would not be located in an area where environmental noise exceeds this threshold. As such, an Environmental Noise Study was not required for the proposed project. However, proposed projects must comply with noise insulation requirements prescribed by Title 24, Part II of the California Code of Regulations (Title 24). Through the building permit process, DBI would ensure that Title 24 requirements would be met.

Operations-related noise primarily comes from two sources: (1) increased vehicular traffic generated by project residents and employees, and by service and delivery trucks requiring access to the project site; and (2) mechanical building noise. Typically, traffic volume would have to double to produce an increase in ambient noise levels noticeable to most people. As previously discussed, the proposed project is estimated to add forty daily vehicle trips. Potential residents and visitors would increase the number of trips taken within the project area, but it would not result in a doubling of traffic. While one of the proposed buildings would include a mechanical parking stacker, building mechanical noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*). Therefore, the proposed project would not result in a substantial increase in operational noise within the vicinity of the project site.

Construction activities, another potential source of noise, are also regulated by the San Francisco Noise Ordinance. The ordinance stipulates when it is permissible to engage in constriction activities (7:00 AM - 8:00 PM), the type of equipment that can be used, and the conditions under which that equipment may be utilized. Construction-related noise would be temporary and

<sup>&</sup>lt;sup>10</sup> A-weighted sound levels (dBA) is the method for measuring environmental noise to reflect that human hearing is less sensitive to low sound frequencies.

intermittent, and the proposed project would be required to comply with the City's Noise Ordinance. Based on mandatory compliance with all applicable state and municipal codes, the proposed project would not result in a significant impact with respect to noise.

#### Air Quality

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO2), sulfur dioxide (SO2) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD), in their CEQA Air Quality Guidelines (May 2011), has developed screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. The proposed project meets the screening criteria, and therefore would not result in significant criteria air pollutant impacts.<sup>11</sup>

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the "Air Pollutant Exposure Zone," were identified based on health-protective criteria. Land use projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations. The project site is not located within an Air Pollutant Exposure Zone. Nor would the proposed project include the operation of stationary sources of air pollution. Therefore, the proposed project would not result in a significant impact with respect to exposure of sensitive receptors to substantial levels of air pollution.

Though the proposed project would require construction activities for the approximate eightmonth construction phase, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. The proposed project would also be subject to, and comply with, California regulations limiting idling to no more than five minutes, which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction-period TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution. Overall, the proposed project would not result in significant air quality impacts.

<sup>&</sup>lt;sup>11</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, Updated May 2011. Table 3-1.

<sup>&</sup>lt;sup>12</sup> California Code of Regulations, Title 13, Division 3, § 2485.

# Water Quality

The project site is an undeveloped lot covered with porous surfaces. While the proposed project would increase the impervious surface area on the project site, the proportion of impervious to porous surface cover would be similar to that found on other residential-development lots in the neighborhood. Any wastewater and storm water discharge resulting from the proposed project would flow into the City's combined sewer system and be treated to the standards of the City's National Pollutant Discharge Elimination System Permit prior to discharge to a receiving water body.

In addition, the City's Stormwater Management Ordinance requires any project that involves ground disturbance of 5,000 sq. ft. or greater to prepare a Stormwater Control Plan. The proposed project would exceed this threshold and is therefore subject to the ordinance. The project sponsor must prepare a Stormwater Control Plan demonstrating how the project will adhere to the performance measures outlined in the November 2009 Stormwater Design Guidelines (the "Guidelines") including reduction in total volume and peak flow rate of stormwater for areas in combined sewer systems. The San Francisco Public Utilities (SFPUC) Wastewater Enterprise, Urban Watershed Management Program is responsible for review and approval of the Stormwater Control Plan. Without SFPUC approval of a Stormwater Control Plan, no site or building permits can be issued. The Guidelines also require a signed maintenance agreement to ensure proper care of the necessary stormwater controls. Compliance with the ordinance requires the project to maintain or reduce the existing volume and rate of stormwater runoff at the subject property by retaining runoff onsite, promoting stormwater reuse, and limiting site discharge entering the combined sewer system. Therefore, the proposed project would not substantially alter existing groundwater quality or surface flow conditions and would not result in significant water quality impacts.

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

The project site is located in a dense urban area where all public services and utilities are currently available, and the proposed building would be able to connect to the City's water, wastewater, and electricity services. While the proposed project would minimally increase demand on public services and utilities, that demand would not exceed the capacity provided for this area. In addition, the project would minimize potable water usage in the proposed buildings, and subsequently the volume of wastewater discharged, through compliance with the City's Residential Water Conservation Ordinance (*Building Code* Chapter 12A) and the residential requirements for increasing indoor water efficiency, pursuant to *Green Building Code* Chapter 4. Therefore, the proposed project would be adequately served by all required utilities and public services.

#### DISCUSSION OF OTHER ENVIRONMENTAL ISSUES

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the established exceptions applies to the proposed project. Guidelines Section 15300.2,

subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed above, the proposed project would not have a significant effect on traffic, noise, air quality and water quality. In addition, the proposed project would not have a significant effect on the environment due to unusual circumstances for other environmental topics, including those discussed below.

**Geology and Soils.** According to Planning Department records, the project site has a slope of equal to or greater than 20 percent. Therefore, a geotechnical investigation was conducted on the site and the subsequent findings are summarized in this section.<sup>13</sup>

The geotechnical investigation involved project site reconnaissance, review of a 1993-94 investigation of and construction on a lot directly northeast of the subject property, review of engineering studies and observations made at properties in the project site vicinity, a review of pertinent geotechnical data, and geotechnical analysis of all findings. The project site features a northward uphill slope of approximately 20 to 25 percent. Two exploratory borings were drilled for a subsurface investigation at 81 Carver Street, just northwest of the project site, to a depth of approximately 10 feet below grade. The investigation revealed a soil mantel consisting of very loose silty clayey sand and firm sandy clay mixed with rock and glass fragments approximately five to eight feet deep. The fill is underlain by a layer of stiff to very stiff sandy silty clay approximately four feet deep, which grades into Greenstone bedrock to the maximum depth explored (15 feet below grade); though in some instances the Greenstone bedrock grades into chert bedrock. The area in which the project site is located typically features a subsurface of hard, brittle Franciscan formed chert intermixed with weathered, firm shale. This material was also observed at nearby properties at depths and with sampling resistance that indicate the presence of minimally weathered bedrock. No free ground water was detected on the site. According to Planning Department records, the project site is not in a Seismic Landslide Hazard Zone, nor did the geotechnical consultant observe signs of instability. Based on the stability of the of the hard bedrock below the soil mantel and low risk of landslides or liquefaction, the geotechnical report concludes that the site is suitable for construction of the proposed structures, provided their recommendations are incorporated into the design and implementation of the project.

The report recommends that (1) prior to the commencement of any work on the project site, survey points should be placed around the site and monitored while the foundation is installed; (2) due to the proposed depth of excavation, temporary shoring will be required during construction, particularly along Bernal Heights Avenue; (3) the foundation system should include steel-reinforced spread footings, and be constructed in a grid formation where isolated or perimeter footings are tied into the grid system; (4) a sub-drain system should be installed beneath garage slabs and lower level residential spaces. Additional recommendations regarding specialty contractors, site preparation, excavation, slab-on-grade placement, retaining walls, drainage, and other foundation engineering specifications are included in the report. Due to the variation in slope across the project site proposed excavation would range from approximately nine

<sup>&</sup>lt;sup>13</sup>Harold Lewis & Associates Geotechnical Consultants, Foundation Investigation, Four Proposed Residential Buildings, 965, 985, 1025 Powhattan Avenue and 40 Bernal Heights Boulevard, San Francisco, California, September 21, 2014.

to 15 feet below grade, with a potential maximum depth of approximately 22 feet below grade depending on site conditions during construction activities.

The proposed project would be required to conform to the San Francisco *Building Code*, which ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the DBI permit review process. DBI would review background information including geotechnical and structural engineering reports to ensure that the security and stability of adjoining properties and the subject property is maintained during and following construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the *Building Code*. In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards.

**Neighborhood Concerns.** A "Notification of Project Receiving Environmental Review" was mailed on February 17, 2015 to community organizations, tenants of affected property and properties adjacent to the project site, and those persons who own property within a 300 foot radius of the project site. Overall concerns raised by the public in response to the notice were taken into consideration and incorporated into this Certificate, as appropriate for CEQA analysis.

The Planning Department received approximately 127 comments from 115 people. Concerns related to physical environmental effects were raised about increased traffic, loss of open space, the potential presence of wildlife habitat on the project site, air quality, scope of excavation activities, and the potential noise and air quality impacts resulting from construction activities. These concerns are addressed in the *Remarks* section of this Certificate. Additional comments regarding the physical environmental effects of the proposed project include: (1) Off-street parking constraints cause by increased density; (2) shadow obstructing light to adjacent properties; (3) an exposed water blow valve on the project site; (4) removal of Significant Trees; (5) public access to the existing bus stop on Bernal Heights Boulevard; (6) public safety along Bernal Heights Boulevard. These concerns are addressed below:

(1) Section 242(e)(4) of the *Planning Code* prescribes the minimum number of off-street parking spaces for new construction projects located in the Bernal Heights SUD. Based on the amount of usable floor area the project proposes to construct (ranging approximately 2,043-2,244 sq. ft.), a minimum of two parking spaces must be provided for each of the four dwelling units. Therefore, a total of eight parking spaces are required. The project would include construction of a two-vehicle garage for two of the proposed homes and a three-vehicle garage for the other two homes. This would result in a total of ten parking spaces, thereby satisfying the off-street parking requirement for projects in the Bernal Heights SUD and the projected parking space demand for the project. Potential residents and visitors to the project site would also have access to alternative means of transportation. The project site is served by Muni bus routes 9, 9R, 23, 24, 67 and 292, which have stops within .5 miles of the project site. In addition, pursuant to *Planning Code* Section 155.2.10, the project must include at least one bicycle parking space per residential

<sup>14 511</sup> SF Bay. http://511.org/ Accessed January 22, 2015

- dwelling unit, for a total of four spaces. Therefore, the proposed project would facilitate adequate public transportation, biking, and vehicle access to the project site
- (2) Proposed projects are typically evaluated for their potential to cast new shadow on parks and open space if the proposed project may potentially cast new shadow in a manner that substantially affects the use and enjoyment of outdoor recreational facility or other public areas. The proposed buildings would potentially shade two Public Works-owned properties (Assessor's Block and Lot 5640/019 & 5641/011) just north of the project site. The lots are passive open spaces held by Public Works in order to protect slope stability. The spaces are not actively used for recreational enjoyment, nor are they conducive to such activity due to their steep slopes. In addition, while the proposed buildings would add new shade to portions of the project site and surrounding properties, the new shadow would be typical of that found in urban areas for in-fill development projects. Therefore, for the purposes of CEQA analysis, a shadow analysis is not required for the proposed project.
- (3) The project site currently features a San Francisco Public Utilities Commission (SFPUC) water blow valve, located at approximately the middle of the Powhattan Avenue frontage on the public right-of-way. DBI would consult with SFPUC during the building permit review process to determine the most appropriate location of the pipe, should relocation be required. Thus the location of the infrastructure would not substantially impact the safe provision of utilities and public services to properties in the project site vicinity.
- (4) The proposed project is subject to the City's Green Landscaping Ordinance (*Planning Code* Section 138.1) and Urban Forestry Ordinance (*Public Works Code* Article 16). The Green Landscaping Ordinance outlines a provision for adding street trees when undertaking new construction. The Urban Forestry Ordinance outlines provisions for the protection and/or removal of existing trees. To comply with these measures, the project sponsor submitted a Tree Planting and Protection Checklist form for each of the proposed subdivided lots. The Checklist discloses the number of existing Protected Trees on the proposed project site, the proposed project's potential impact to Protected Trees, the estimated number of required new Street Trees, and new Street Tree planting requirements based on the applicable Tree Schedule. The Checklist is reviewed by the Planning Department as well as Public Works, as the latter department must approve the removal and/or planting of any Protected Trees on the project site prior to issuance of a building permit. Based on the Checklists submitted for the proposed project, the project site contains four Significant Trees and no Landmark or Street Trees. The project sponsor must receive approval from Public works

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<sup>&</sup>lt;sup>15</sup> SIA Consulting Corp., Authorized Agent, *Required Checklist for Tree Planting and Protection*, 965, 985, and 1025 Powhattan Ave. and 40 Bernal Heights Blvd., May 20, 2014.

<sup>&</sup>lt;sup>16</sup> Protected Trees collectively refers to Significant Trees, Landmark Trees, and Street Trees located on or over a development. More information about these designations can be found in Public Works Director's Bulletin No. 2006-01: Tree Disclosure and Protection Requirements.

<sup>&</sup>lt;sup>17</sup> Based on the characteristics of the proposed project, new Street Tree requirements may fall under one of three Planning Department Tree Schedules. Please refer to the Tree Planting and Protection Checklist, located on the Planning Department website at <a href="http://www.sf-planning.org/modules/showdocument.aspx?documentid=8321">http://www.sf-planning.org/modules/showdocument.aspx?documentid=8321</a>, for a full description of the Tree Schedules.

for the proposed removal of the Significant Trees and for planting new Street Trees. Though the proposed project would include the removal of four Significant Trees on the project site, the Tree Protection and Planting Checklist reflects the City's standardized policy for addressing the routine protection, removal and/or planting of Protected Trees as prescribed by the Green Landscaping and Urban Forestry Ordinances. Therefore, any potential impact to Significant Trees would be addressed through the requirement that the sponsor obtain a permit from Public Works in order to remove or plant Protected Trees.

- (5) A Muni bus stop, which serves route 67, is located on Bernal Height Boulevard near the northwest corner of the project site where the subject property's western lot line meets Rosenkranz Street. It is not unusual for an in-fill development project in an urban area to be located near a public transit stop. In instances where a proposed project would impact access to a public transit stop, or in some way require the relocation of the transit stop, the project sponsor would coordinate with the Planning Department, any public agencies with jurisdiction over the transit stop, and Public Works to ensure the proposed work does not substantially impact the provision of public transportation services. As the proposed scope of work does not include any changes to the portion of the sidewalk where the bus stop is located, access to the bus stop would not be impacted by the proposed project.
- (6) The project would construct the proposed buildings so that two of the homes, 965 and 985 Powhattan Avenue, would have backyard patios facing Bernal Heights Boulevard. The proposed backyard for 985 Powhattan Avenue would provide a two-tiered, stepped patio where the portion of the patio closest to the sidewalk would be approximately one foot and eight inches in depth and the lower patio would be approximately four feet and eight inches in depth. This would result in a back yard with a total depth of approximately six feet and four inches below Bernal Height Boulevard's sidewalk grade. The proposed single-tiered patio for 965 Powhattan Avenue would be approximately four feet and four inches below grade. As the proposed recessed patios would be located along a public sidewalk, a neighborhood resident expressed concern that the depth of the patios would result in a public safety hazard.

Evaluation of public safety on sidewalks and streets is considered as part of the DBI permit review process. Project plans are routed to the Public Works, as appropriate, for a Plan Check to ensure compliance with the *Public Works Code*. Public Works Plan Checks include review of proposed activities that could affect public safety on the public-right-of-way. Therefore, ensuring public safety from potential sidewalk hazards in the project site vicinity would be addressed through the requirement for a Public Works review of the building permit application pursuant to its implementation.

Other comments about the merits of the proposed project were shared, however, comments that do not pertain to physical environmental issues and comments on the merits of the proposed project will be considered in the context of project approval or disapproval, independent of the environmental review process. While local concerns or other planning considerations may be grounds for modifying or denying the proposed project, in the independent judgment of the Planning Department, there is no substantial evidence that the proposed project would have a significant effect on the environment.

# CONCLUSION

The proposed project satisfies the criteria for exemption under the above-cited classification. In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

From: Secretary, Commissions (CPC)

To: Johnson, Christine (CPC); Cindy Wu; Richards, Dennis (CPC); Kathrin Moore; Michael Antonini; Rich Hillis;

Rodney Fong

Cc: Gerber, Patricia (CPC); Townes, Chris (CPC)

Subject: FW: Proposed housing development between Powhattan and Bernal Heights Blvd

**Date:** Wednesday, June 22, 2016 9:44:17 AM

#### Office of Commission Affairs

Planning Department: City & County of San Francisco 1650 Mission Street, Suite 400, San Francisco, CA 94103

Direct: 415-558-6309|Fax: 415-558-6409

commissions.secretary@sfgov.org www.sfplanning.org

----Original Message-----

From: Lenny T [mailto:sweetleonster@gmail.com]

Sent: Wednesday, June 22, 2016 7:22 AM

To: Secretary, Commissions (CPC)

Subject: Proposed housing development between Powhattan and Bernal Heights Blvd

As a resident of the neighborhood at Franconia and Samoset, I am writing to express my strong support for the proposed housing development between between Powhattan and Bernal Heights Blvd. The designs appear to be in keeping with the other homes nearby, especially those facing Powhattan.

No doubt you'll be hearing plenty of NIMBY negativity about this projec, as I'm sure you do about all projects. Already online I've seen concerns about the lack of front yards and the drive at the "busy" intersection of Powhattan and Nebraska Streets. First, virtually no homes on that side of Powhattan have front yards, nor do most on Bernal Heights Blvd. Second, calling that intersection busy is an exaggeration that strains credulity and makes me question the integrity and intentions of people raising this "concern." Third, the issue of residents not being able to see pedestrians and traffic when exiting their garages can be addressed by simple installing rounded mirrors nearby.

This city is in desperate need of more housing and I urge you to green light this project ASAP.

Sincerely, Lenny Turetsky 331 Franconia St. 415-794-5374

# **Townes, Chris (CPC)**

From:

Secretary, Commissions (CPC)

Sent:

Wednesday, July 13, 2016 11:09 AM

To:

Johnson, Christine (CPC); Cindy Wu; Richards, Dennis (CPC); Kathrin Moore; Michael

Antonini; Rich Hillis; Rodney Fong

Cc:

Townes, Chris (CPC); Gerber, Patricia (CPC)

Subject:

FW: STOP - Bernal Heights Blvd - Housing Development Project

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commissions.secretary@sfgov.org www.sfplanning.org











**From:** <u>dspscout7@comcast.net</u> [<u>mailto:dspscout7@comcast.net</u>]

**Sent:** Tuesday, July 12, 2016 9:51 PM **To:** Secretary, Commissions (CPC) **Cc:** <u>bernalneighbors@gmail.com</u>

Subject: STOP - Bernal Heights Blvd - Housing Development Project

Dear Jonas Ionin -

As a long time citizen of Bernal Heights we urge you to stop the housing development project on Bernal Heights Blvd. This will not only poorly effect the surrounding housing it will place added stress to parking, cut off scenic views, further crowd more people into an already over populated city and this plan simply does not fit in with the character of this neighborhood.

We are hard working class citizens that do not deserve to fall victim to the city's greed so please do your part and prevent this project from moving forward instead preserve what little history remains.

Stop this project - please!!!!

Thank you for your time and attention to this important matter.

Darlyn Phillips Powhattan/Banks Resident

# Townes, Chris (CPC)

From:

Secretary, Commissions (CPC)

Sent:

Wednesday, July 13, 2016 11:09 AM

To:

Johnson, Christine (CPC); Cindy Wu; Richards, Dennis (CPC); Kathrin Moore; Michael

Antonini; Rich Hillis; Rodney Fong

Cc:

Townes, Chris (CPC); Gerber, Patricia (CPC)

Subject:

FW: Project and Meeting Powhattan @ Nebraska

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commissions.secretary@sfgov.org www.sfplanning.org











**From:** Jo Solo [mailto:josolo888@gmail.com] **Sent:** Tuesday, July 12, 2016 5:59 PM

To: Secretary, Commissions (CPC)

Subject: Project and Meeting Powhattan @ Nebraska

Dear Jonas P. Ionin,

We are writing about the July 21<sup>st</sup> meeting about the 4 large luxury homes at Powhattan and Nebraska streets. We neighbors living a few feet away on Powhattan for over two decades. We will not be able to make it to the meeting due to work but wanted to express our concerns about the scale of this development. The houses around the area are about a thousand to two thousand LESS square feet than the units on proposed project. We are not against more housing in San Francisco, our own adult daughter who was raised on that same street can't afford to live anywhere in the area. What do these out of scale (for the neighborhood) do to alleviate the housing crisis for moderate income San Francisco residents? Please listen to the neighbors who are worried of the scale of this project. These will be changing the area forever with massive structures that are not contributing to the neighborhood or housing crisis. Please consider approving projects that are more in line with the surroundings.

Regards,

J. Solorzano and J. Garrotte

Powhattan Ave, SF

# **Townes, Chris (CPC)**

From:

Secretary, Commissions (CPC)

Sent:

Monday, July 11, 2016 4:04 PM

To:

Johnson, Christine (CPC); Cindy Wu; Richards, Dennis (CPC); Kathrin Moore; Michael

Antonini; Rich Hillis; Rodney Fong

Cc:

Townes, Chris (CPC); Gerber, Patricia (CPC)

Subject:

FW: Fwd:

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From: y vaya a [mailto:hayales5@aol.com] Sent: Monday, July 11, 2016 3:11 PM

To: commissions.secretary@sfqov.org.; bernalneighbors@gmail.com.

Subject: Fwd:

#### ----Original Message-----

From: y vaya a <hayales5@aol.com>

To: commmissions.secretary < commmissions.secretary@sfgov.org >; bernalneigbors < bernalneigbors@gmail.com > Sent: Mon, Jul 11, 2016 3:01 pm

Re: Proposed building of homes at Powhattan Nebraska Streets..

As a resident at Powhattan and only a block away from Nebraska, I disagree with this proposal since it's a continued nuisance of

the peace and quiet of the area that makes this area special in the neighborhood. Continued traffic from new homes in Franconia Street have already damaged the tranquility of live in this precious area of San Francisco. New homes will only alter the ability of permanent residents like myself, to include in the beauty of the southern slope of Bernal Heights and will create difficulty for residents to move about their businesses hopeful that traffic in the area of Nebraska and Powhattan will not change their way of life. It seems that danger awaits us in this corner and danger will compromise drivers in this corner.

Please don't allow this to happen to a peaceful and beautiful area of Bernal Heights, the Southern Slope.

Quintin Rodriguez- resident of Powhattan Avenue

# **Townes, Chris (CPC)**

From:

Secretary, Commissions (CPC)

Sent:

Wednesday, June 22, 2016 1:42 PM

To:

Townes, Chris (CPC); Johnson, Christine (CPC); Cindy Wu; Richards, Dennis (CPC); Kathrin

Moore; Michael Antonini; Rich Hillis; Rodney Fong

Cc:

Gerber, Patricia (CPC)

**Subject:** 

FW: development on Powhattan

#### Office of Commission Affairs

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commissions.secretary@sfgov.org www.sfplanning.org











**From:** carleton Hoffman [mailto:carletonhoffman@gmail.com]

**Sent:** Wednesday, June 22, 2016 12:22 PM **To:** Secretary, Commissions (CPC); Carl Hoffman

Subject: development on Powhattan

# hello,

i will probably be unable to attend the hearing concerning this so i am writing to register my opposition to it. i have lived in Bernal Heights for about 45 years, probably longer than most of the people who favor this project have been alive.

since that time i have seen this once-beautiful neighborhood destroyed by speculators and developers and as a renter for over 18 years of one of the supposedly historic "earthquake cottages" which of course was eventually demolished, had to try to avoid head-on collisions with arrogant interlopers driving the wrong way on our one-way street and disrupting the peace and quiet as they erected the tallest buildings in Bernal Heights.

now in my old age and living a 5-minute walk from that location, i resent having to put more time and energy into fighting this same avaricious attitude as a new crop of outsiders tries to take over and change the character of our neighborhood. i moved to Bernal Heights because i liked the area and the little house i ended up renting for 18 years. now the surrounding streets are being taken over by people who just want to turn a profit and have no intention of living here themselves.

the proposed development of this area will cause more disruption, noise and traffic problems, even after it is completed because of residents backing out of driveways directly into oncoming traffic on Bradford Street, for example.

it is important that open space exist in San Francisco and that every square inch of earth not be covered with concrete, there are amaryllis and other wildflowers growing in that area and it is one small plot where the few remaining honeybees and other pollinators can find what they need to survive.

we longtime residents of Bernal Heights appreciate and enjoy the open space we have and want it to remain. please do not approve of the development of this area of Powhattan/Bernal Heights Boulevard. thank you,

# Carleton Hoffman

# Townes, Chris (CPC)

From:

Secretary, Commissions (CPC)

Sent:

Tuesday, June 21, 2016 9:30 AM

To:

Johnson, Christine (CPC); Cindy Wu; Richards, Dennis (CPC); Kathrin Moore; Michael

Antonini; Rich Hillis; Rodney Fong

Cc:

Townes, Chris (CPC); Gerber, Patricia (CPC)

Subject:

FW: Concerns regarding building homes along powhattan

# Office of Commission Affairs

Planning Department | City & County of San Francisco 1650 Mission Street, Suite 400, San Francisco, CA 94103 Direct: 415-558-6309 | Fax: 415-558-6409

commissions.secretary@sfgov.org www.sfplanning.org











From: graciela [mailto:gracielasfmx@yahoo.com]

**Sent:** Monday, June 20, 2016 2:51 PM **To:** Secretary, Commissions (CPC)

**Subject:** Concerns regarding building homes along powhattan

As a longtime resident of Bernal Heights I am very concerned regarding the building of proposed luxury homes along Bernal Heights and Powhattan. I gind it hard to believe that planning codes and design guidelines will be ignored. Such development destroys the character of our neighborhood. As a longte resident of this area I strongly believe we have a right to protect it's charm and character and strongly object to the proposed houses on Powhattan and the disregard for existing codes.

# Graciela Galindo

Sent from my Verizon, Samsung Galaxy smartphone

Response to Discretionary Review

40 Bernal Heights Blvd

965 Powhattan Ave

985 Powhattan Ave

1025 Powhattan Ave

# Question 1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved?

The Discretionary Review Requestors ("DR Requestors") state that the Project does not meet the BHESG with regard to front yard setback, entrance treatment, side yards, bulk and architectural massing, and façade detailing and materials. Each are addressed below.

# 1. Front Yard Setback.

The DR Requestors request that the Project provide a front yard setback at each building. In particular, they would like the Project to match the front setbacks on the properties to the east at 1051 - 1075 Powhattan Avenue (see Attachment A), stating that these five houses establish the pattern in the neighborhood. However, looking beyond these five buildings shows that the majority of the buildings do not have a front setback. The properties directly across the street from the Property on the south side of Powhattan Avenue all front different streets with the sides of the buildings fronting Powhattan Avenue. This patterns continues along the southern side of Powhattan Avenue from Gates to Bradford Streets – only one house out of fourteen has a front setback along Powhattan Avenue. Further, 1101 and 1105 Powhattan Avenue, located on the north side of Powhattan Avenue to the east of 1051 – 1075 Powhattan Avenue do not feature front setbacks. Only the five houses cited by the DR Requestor contain front setbacks, and these buildings will be separated by a 40-foot wide public right-of-way, breaking up any continuity that this 'pattern' may create.

Front setbacks are also not a regular feature along this portion of Bernal Heights Boulevard. The homes are built along the sidewalk or are located on corners of streets, giving the appearance of a front setback when in fact they do not have one (see Attachment A). The five buildings to the east of the Property at 70 – 94 Bernal Heights Boulevard are directly behind those cited by the DR Requestors at 1051 – 1075 Powhattan Avenue (and were likely constructed by the same builder in 1959 and 1960) and do not have a front setback; rather, due to their location on a curved portion of Bernal Heights Boulevard, they have small driveway 'aprons' to allow vehicle access. 40 Bernal Heights Boulevard matches this pattern.

The BHESG state that when structures are placed back from the property line "a feeling of openness is maintained and access of light and air to the street is maximized." They go on to state that when a building is at the property line "all sense of topography is lost." Looking at the Property and surrounding built area it is clear that the topography is evident – houses are grouped together with

open space between building developments. The Project will continue this pattern, grouping the four buildings together and leaving open areas at the corner of Bernal Heights Boulevard/Powhattan Avenue and through the creation of the public right-of-way at Carver Street. There are also large expanses of open areas, including a public right-of-way directly across the street from the Property on the north side of Bernal Heights Boulevard. The intersection of Nevada, Powhattan Avenue, and Bernal Heights Boulevard is wide and contains corners with landscaping. The Project will maintain this condition. In addition, the Project is building a 40-foot wide terraced public right-of-way along Carver Street, which will break up the building pattern in the area and matches the conditions further to the east on Powhattan Avenue, where there is another large unimproved street in between housing developments. As mentioned above, the street pattern, which is based on the topography of the hill, creates large corner expanses where streets intersect, further enhancing the openness in the neighborhood (see Chapman Street and Bernal Heights Boulevard across from the Property in Attachment A). However, these are not front setbacks. Front setbacks are not a prevailing pattern in the neighborhood, yet light and air is still maximized. The Project is consistent with the pattern of development in the neighborhood and achieves the goals stated in the BHESG. As such, additional front setbacks should not be required for the Project.

# 2. Entrance Treatment.

The DR Requestors believe that the treatment of the entrances to the four buildings create "hole-in-the-wall doorways" and are not "a celebration"; rather, they are merely front doors. The examples of similar entrances provided in the BHESG show doorways that are voids or 'cut outs' on a larger façade. The Project does not match these examples. Each entrance has been individually designed and are not simple 'cut outs' of a façade. All entrance areas are setback from the street with landscaping and/or planters, and the entrances themselves have double-doors and/or sidelights and transoms. The design of the entrance area is incorporated into the design of the remainder of the building, through setbacks and fenestration pattern.

The BHESG wants the entry of a house to be "something special," a "transition between the street and the doorway," and that there is "special treatment [given] of the framing of the opening itself." Reviewing the Project, it is clear that each entrance has been thoughtfully designed and is distinct from the remainder of the building. Further, the setbacks, landscaping, and details of each entrance creates a distinct transition from the street and doorway. The examples provided in the BHESG show entrances on the second floors, covered porches, and decorative railings. All are on older building types and do not have setbacks or landscaping. There is no context provided for new design. We believe that the Project meets the BHESG and are not 'voids' but well-designed features that are incorporated into the overall design of each building.

# 3. Side Yards.

The DR Requestors would like the Project to incorporate side yards to further break up the bulk of each building. The project was redesigned to accommodate this request and feature side yards. 985 Powhattan Avenue (the middle building) is separated from its neighbors with two three-foot wide side

yards. Further, the entire site is surrounded by open space – 965 Powhattan Avenue abuts the 'prow' at the corner of Bernal Heights Boulevard/Powhattan Avenue. 1025 Powhattan Avenue and 40 Bernal Heights Boulevard face Carver Street, a 40-foot wide public right-of-way and are separated by 30 foot rear yards of each property. It is clear that the Project has sufficient side yards and other open space to meet the goals of the BHESG.

# 4. Bulk and Massing.

The DR Requestors ask that each building be redesigned so that they do not resemble "shoebox homes" and conform with the scale of the neighborhood. The BHESG acknowledges that massing is " [a problem] of relating a building to its topography." An analysis of the site and placement of each building shows that the Project meets the goals in the BHESG and adheres to the topography of the site and neighborhood. Instead of locating the buildings along Bernal Heights Boulevard, where they would be on down-sloping lots and have heights that are incompatible with the neighborhood, three of the four buildings are located on Powhattan Avenue on the downhill side of the site. This is more in keeping with the building pattern of the block while allowing the buildings to be built into the hillside, thereby minimizing the height along Bernal Heights Boulevard. It also minimizes the bulk of the buildings when standing at the corner of Bernal Heights Boulevard, Powhattan Avenue, and Nevada Street – the street pattern is consistent along Powhattan Avenue and there is a sense of openness along Bernal Heights Boulevard. Lastly, 1025 Powhattan Avenue and 40 Bernal Heights Boulevard are located along the Carver Street and feature terraced rear yards that abut the street. These rear yards break up the massing and create additional open space for this public right-of-way.

The Project further respects scale of the neighborhood through breaking up the massing of each building into articulated architectural pieces which reduces the solid plane of the facades. The DR Requestors would like the "massive wall" along Powhattan Avenue to be broken up. They fail to see that each building has entrances which are setback from the street, breaking up the massing. In addition, each building has been individually designed and incorporates bay windows, projecting balconies, and architectural features specifically designed to break up the façade. These features achieve the goals of the BHESG.

The DR Requestors would like the buildings to have setbacks or feature different roof patterns, thus matching the older homes in Bernal Heights. Looking at the building typology in the neighborhood, there are few homes that feature the bulk and massing that the DR Requestors are seeking (see Attachment A). The majority of homes in the neighborhood were constructed in the early to midnineteenth century and do not have setbacks at the rear of the buildings — most are rectangular in form with flat roofs. There are many buildings with gable roofs, but they are scattered throughout the neighborhood and concentrated north of the Property, up the hill on Nevada Street. The Project has been designed in a simple contemporary style, deliberately choosing not to mimic or create a 'false historicism' though adding roof forms that do not relate to the neighborhood. Instead, each building has been placed on the site to minimize its bulk and height, thus reducing its impact to the neighborhood.

In sum, the Project has been designed to take into account the neighborhoods scale and massing and conform to the principles in the BHESG.

# 5. <u>Façade Detailing and Materials.</u>

The DR Requestors would like the Project to be redesigned so that it creates 'more diversity' in the neighborhood. Under the "Façade Elements" chapter, the BHESG state:

"Bays, light wells, dormers, side yards, terraces, decks, entry porches, and the like, serve to break up the massing of the structure. They give the planar surfaces a three-dimensionality and diminish the likelihood of monolithic box forms."

The Project has been designed to meet the BHESG. The buildings are not in a mock-historic style, something the BHESG specifically acknowledges as undesirable, yet incorporates elements identified above – all in a contemporary design vocabulary. The result are four buildings, each individually designed, but that share common elements and materials, unifying them as one development. The Project clearly resembles design principles of today while respecting the pattern of design in the neighborhood. There are many other grouping of homes in the neighborhood that are also of their period, be it the 1920's, 1940's, or 1960's. The BHESG go on to say that that "in tackling the design of new buildings ... owners and buildings will be able to interpret the spirit of these guidelines, which define the area's charm in new and interesting ways." We believe that the Project does just this – interprets the guidelines in a way that respects the built pattern and design of the diverse neighborhood.

In sum, the Project meets the standards of both the Residential Design Guidelines and the Bernal Heights East Slope Guidelines.

Question 2. 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 and indicate whether they were made before or after filing your application with the City.

The project sponsor has already incorporated a number of project modifications over the course of Planning Department staff review and three meetings with the East Slope Design Review Board. These have included:

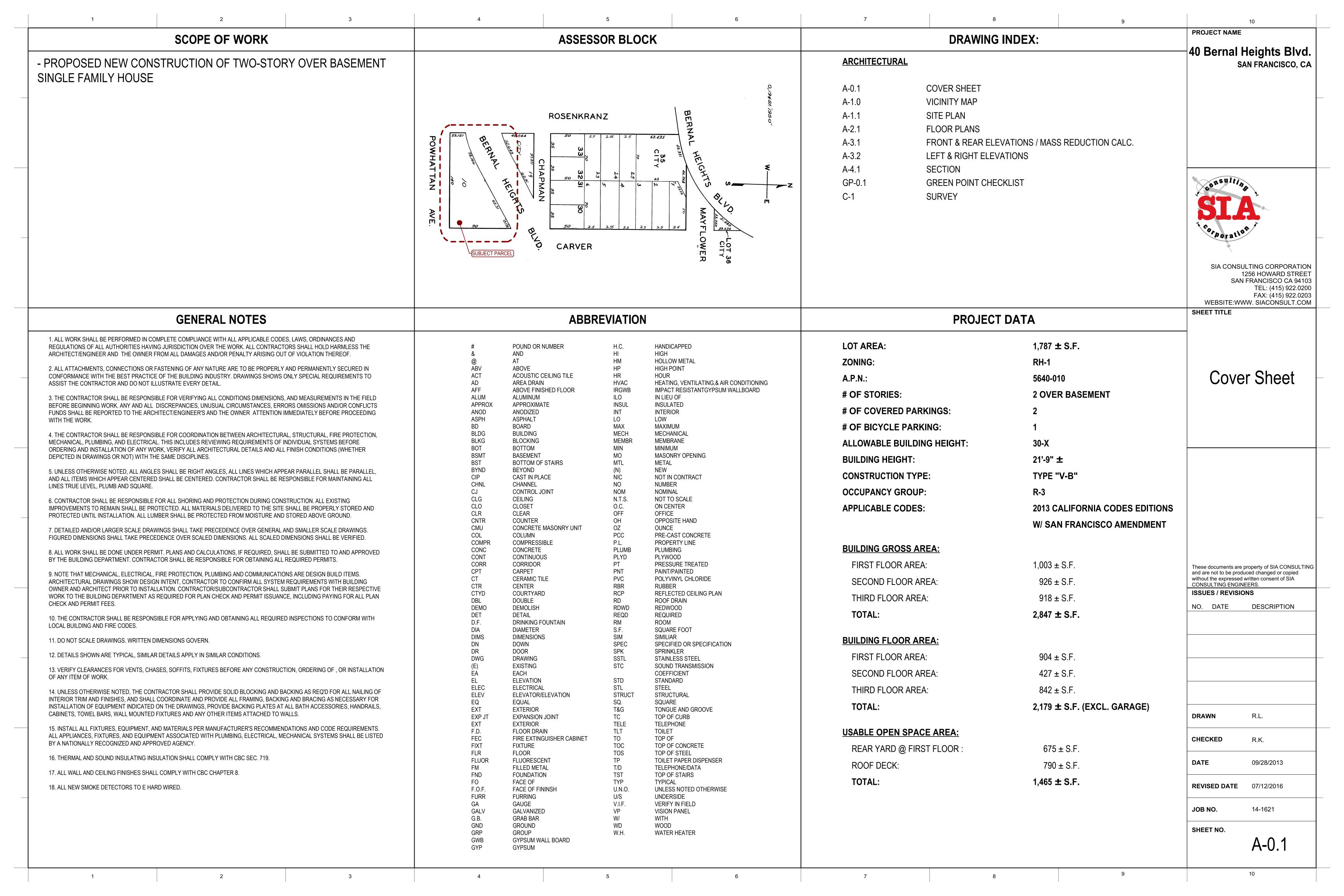
- Originally the homes were all attached. They have since been separated to reflect the existing, detached, single family home character of the surrounding area.
- The building heights have been reduced as follows:

40 Bernal Heights Blvd: 8'-3"
965 Powhattan Ave: 2'-11"
985 Powhattan Ave: 2'-5"
1025 Powhattan Ave: 2'-8"

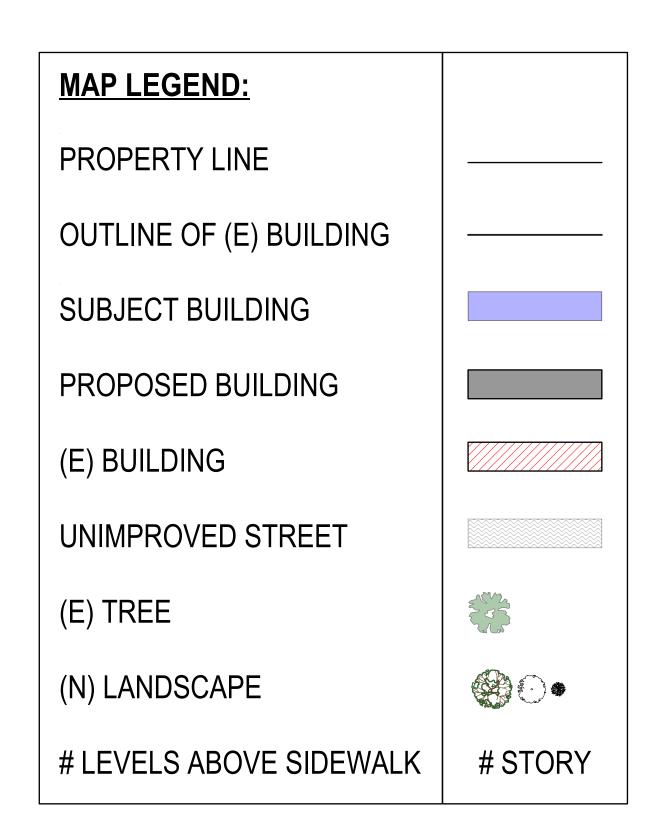
- The building's finish materials and facades have been modified to make them more distinguishable from each other.
- The project sponsor has agreed to a major landscaping plan for adjacent Carver Street, currently an unimproved paper street. In addition to significant new plantings, a public walkway will be constructed connecting Bernal Heights Blvd and Powhattan Ave.

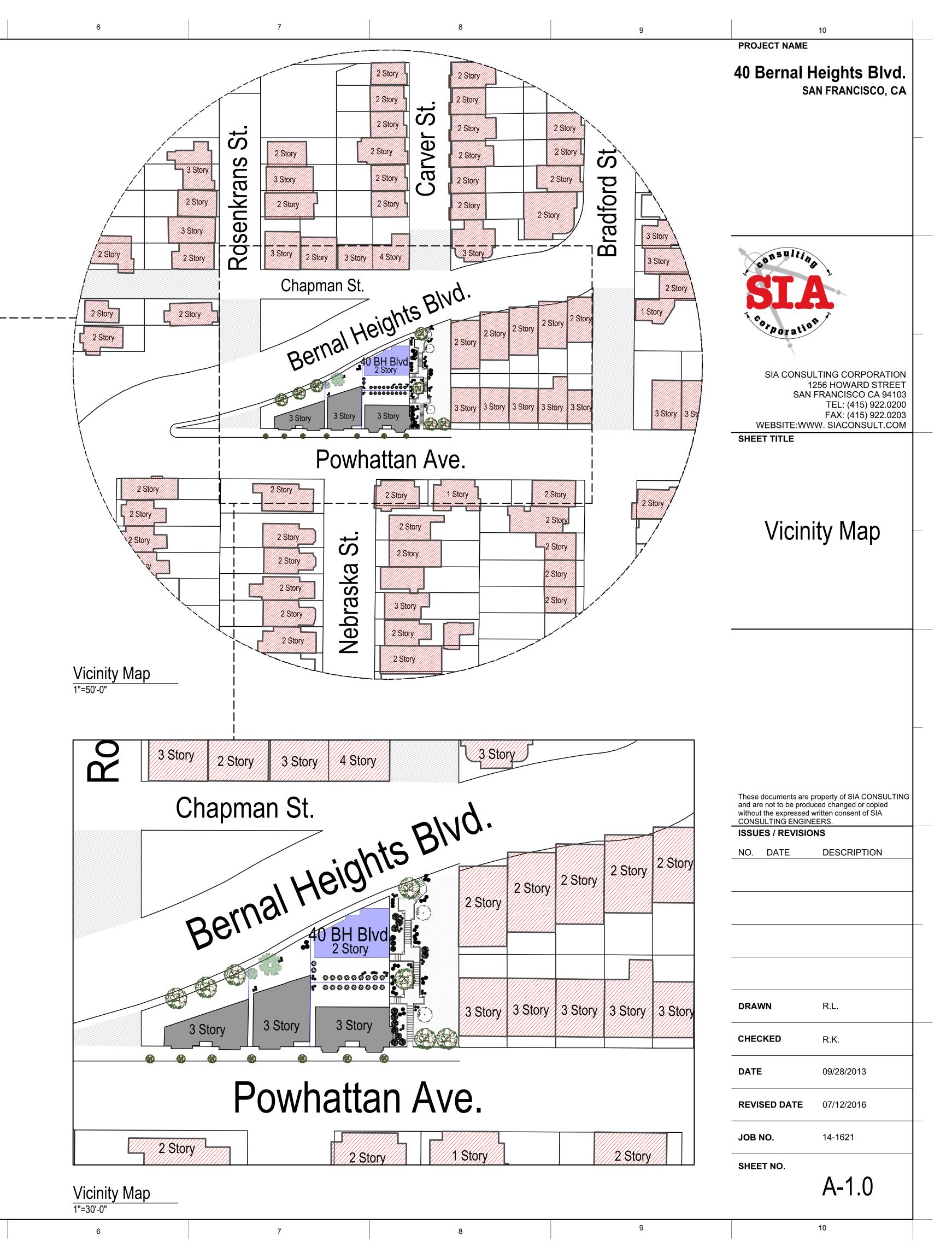
Question 3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

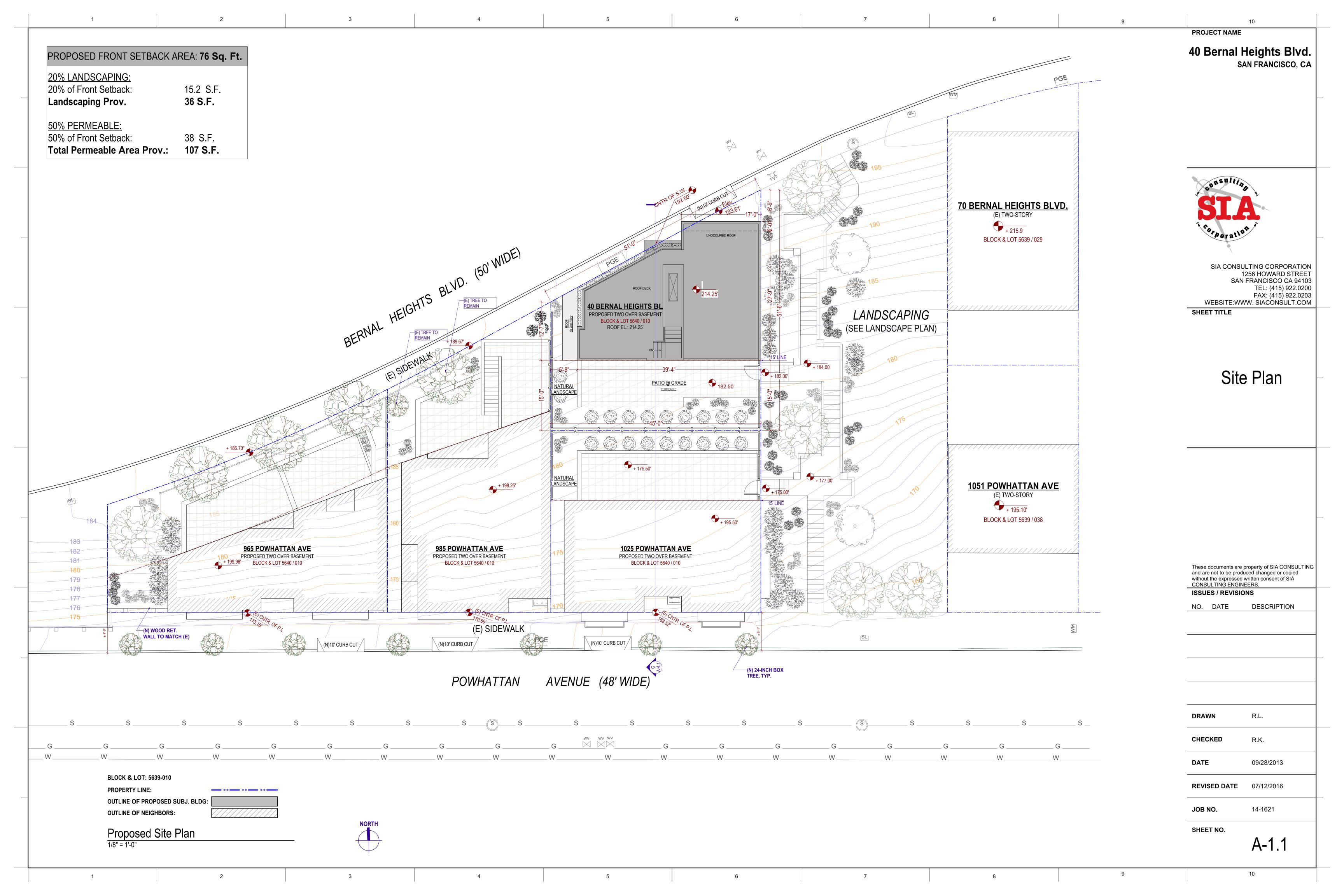
The discussion in question 1 above addresses how the project is consistent with the applicable guidelines and therefore does not adversely impact surrounding properties. The goal of the project is to provide four family-sized dwelling units. Two of the buildings have 3BR and two have 4BR. They achieve this with efficient sized homes ranging from 2,000 to 2,200 square feet in habitable area. The bedroom and other living areas are modest in size and any further significant reduction in massing will eliminate some of these bedrooms.





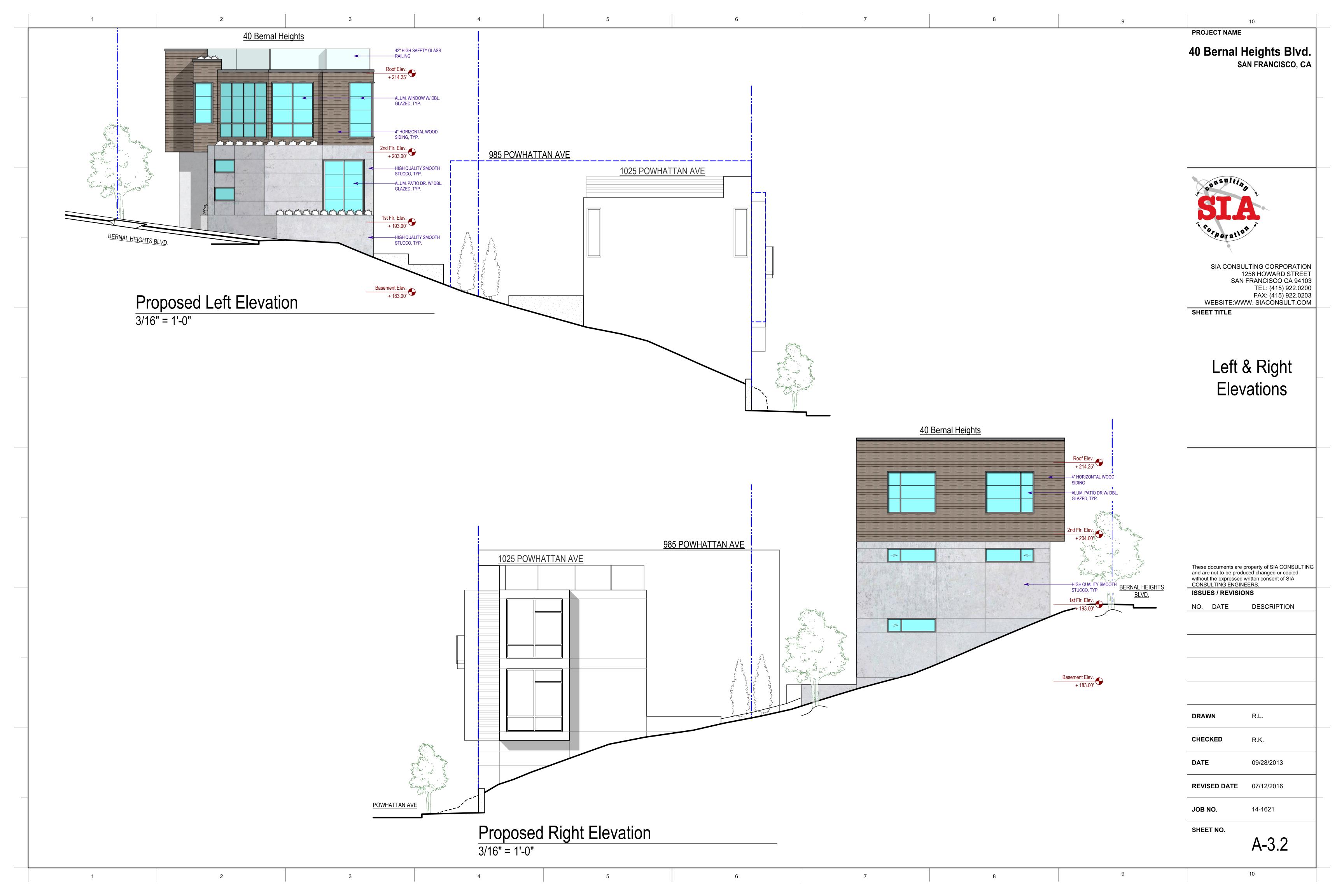


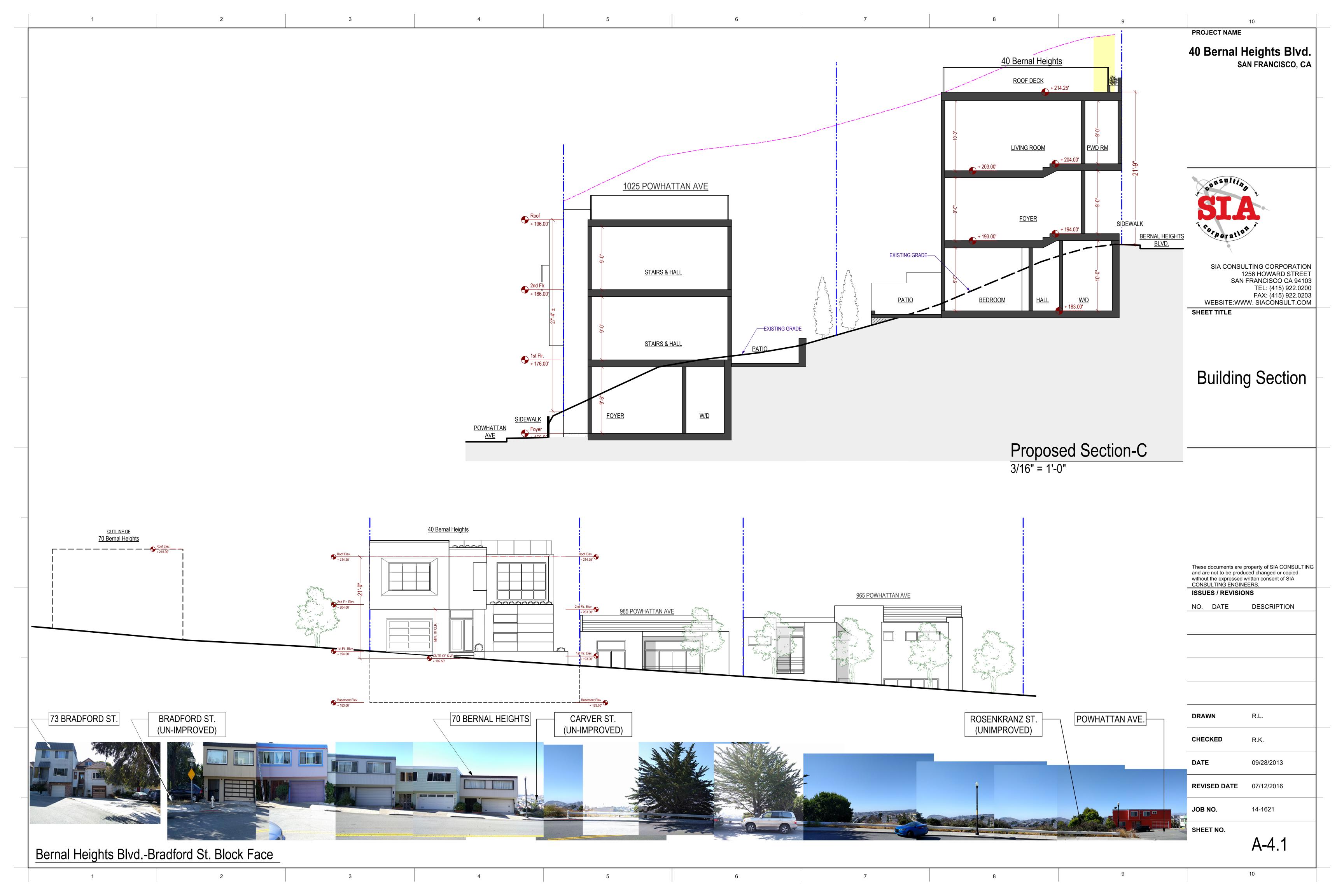












# Green Building: Site Permit Checklist

# **BASIC INFORMATION:**

These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.

Project Name 40 BERNAL HEIGHTS	Block/Lot 5610 / 010	Address 40 Bernal Heights Blvd.
Gross Building Area 2,847 ± SF	Primary Occupancy R-3	Design Professional/Applicant: Sign & Date  Bahman Ghassemzadeh
# of Dwelling Units 1	Height to highest occupied floor 21'-9"	Number of occupied floors

# **Instructions:**

As part of application for site permit, this form acknowledges the specific green building requirements that apply to a project under San Francisco Building Code Chapter 13C, California Title 24 Part 11, and related local codes. Attachment C3, C4, or C5 will be due with the applicable addendum. To use the form:

(a) Provide basic information about the project in the box at left. This info determines which green building requirements apply.

# **AND**

(b) Indicate in one of the columns below which type of project is proposed. If applicable, fill in the blank lines below to identify the number of points the project must meet or exceed. A LEED or GreenPoint checklist is not required to be submitted with the site permit application, but such tools are strongly recommended to be used .

Solid circles in the column indicate mandatory measures required by state and local codes. For projects applying LEED or GreenPoint Rated, prerequisites of those systems are mandatory. This form is a summary; see San Francisco Building Code Chapter 13C for details.

annual energy cost (LEED EAc2), OR

Part 6 2008), OR

demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24

purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).

**PROJECT NAME** 

40 Bernal Heights Blvd.

SAN FRANCISCO, CA

O STREET CA 94103 922.0200 922.0203 SULT.COM

NO.	DATE	DESCRIPTION

DRAWN	R.L.	

SHEET NO.

GP-0.1

ALL PROJECTS, AS APPLICABLE

Construction activity stormwater pollution prevention and site runoff controls - Provide a construction site Stormwater Pollution Prevention Plan and implement SFPUC Best Management Practices.	•
<b>Stormwater Control Plan:</b> Projects disturbing ≥5,000 square feet must implement a Stormwater Control Plan meeting SFPUC Stormwater Design Guidelines	•
Water Efficient Irrigation - Projects that include ≥ 1,000 square feet of new or modified landscape must comply with the SFPUC Water Efficient Irrigation Ordinance.	•
Construction Waste Management – Comply with the San Francisco Construction & Demolition Debris Ordinance	•
Recycling by Occupants: Provide adequate space and equal access for storage, collection and loading of compostable, recyclable and landfill materials.  See Administrative Bulletin 088 for details.	•

# **GREENPOINT RATED PROJECTS**

Proposing a GreenPoint Rated Project (Indicate at right by checking the box.)	
Base number of required Greenpoints:	75
Adjustment for retention / demolition of historic features / building:	
Final number of required points (base number +/-adjustment)	
GreenPoint Rated (i.e. meets all prerequisites)	•
<b>Energy Efficiency:</b> Demonstrate a 15% energy use reduction compared to 2008 California Energy Code,	
Title 24, Part 6.	
Meet all California Green Building Standards	
Code requirements (CalGreen measures for residential projects have	
been integrated into the GreenPoint Rated system.)	

# Notes

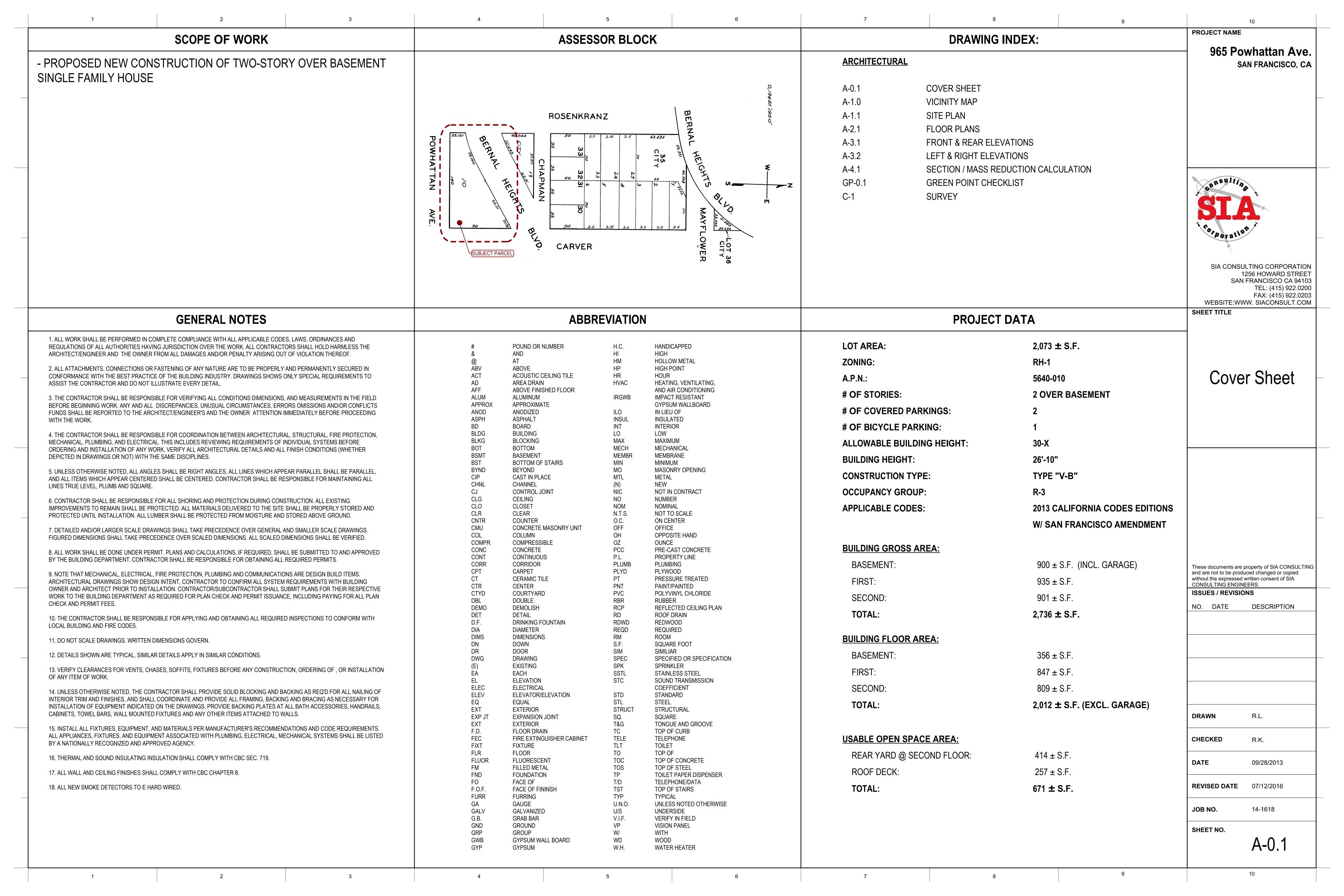
1) New residential projects of 75' or greater must use the "New Residential High-Rise" column. New residential projects with >3 occupied floors and less than 75 feet to the highest occupied floor may choose to apply the LEED for Homes Mid-Rise rating system; if so, you must use the "New Residential Mid-Rise" column.

2) LEED for Homes Mid-Rise projects must meet the "Silver" standard, including all prerequisites. The number of points required to achieve Silver depends on unit size. See LEED for Homes Mid-Rise Rating System to confirm the base number of points required.

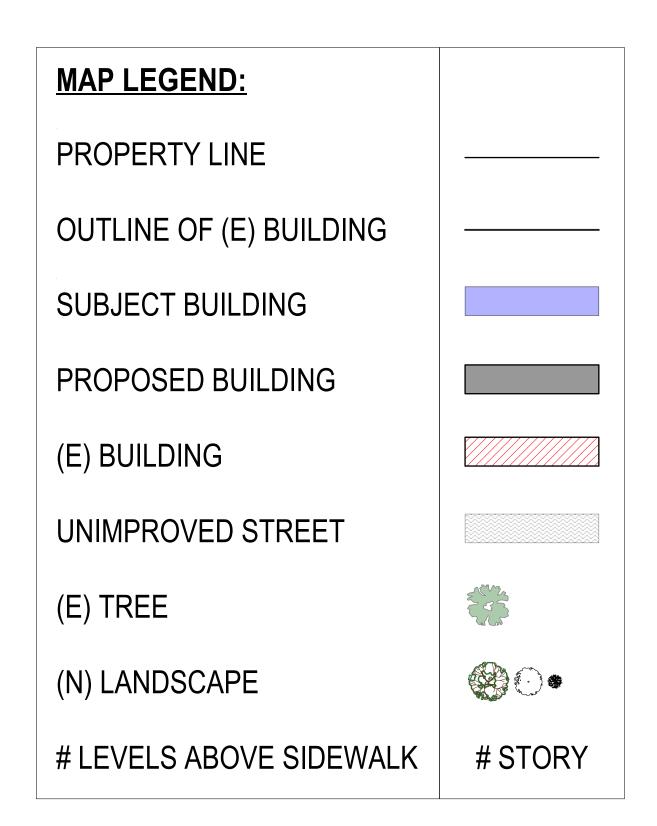
3) Requirements for additions or alterations apply to applications received on or after July 1, 2012.

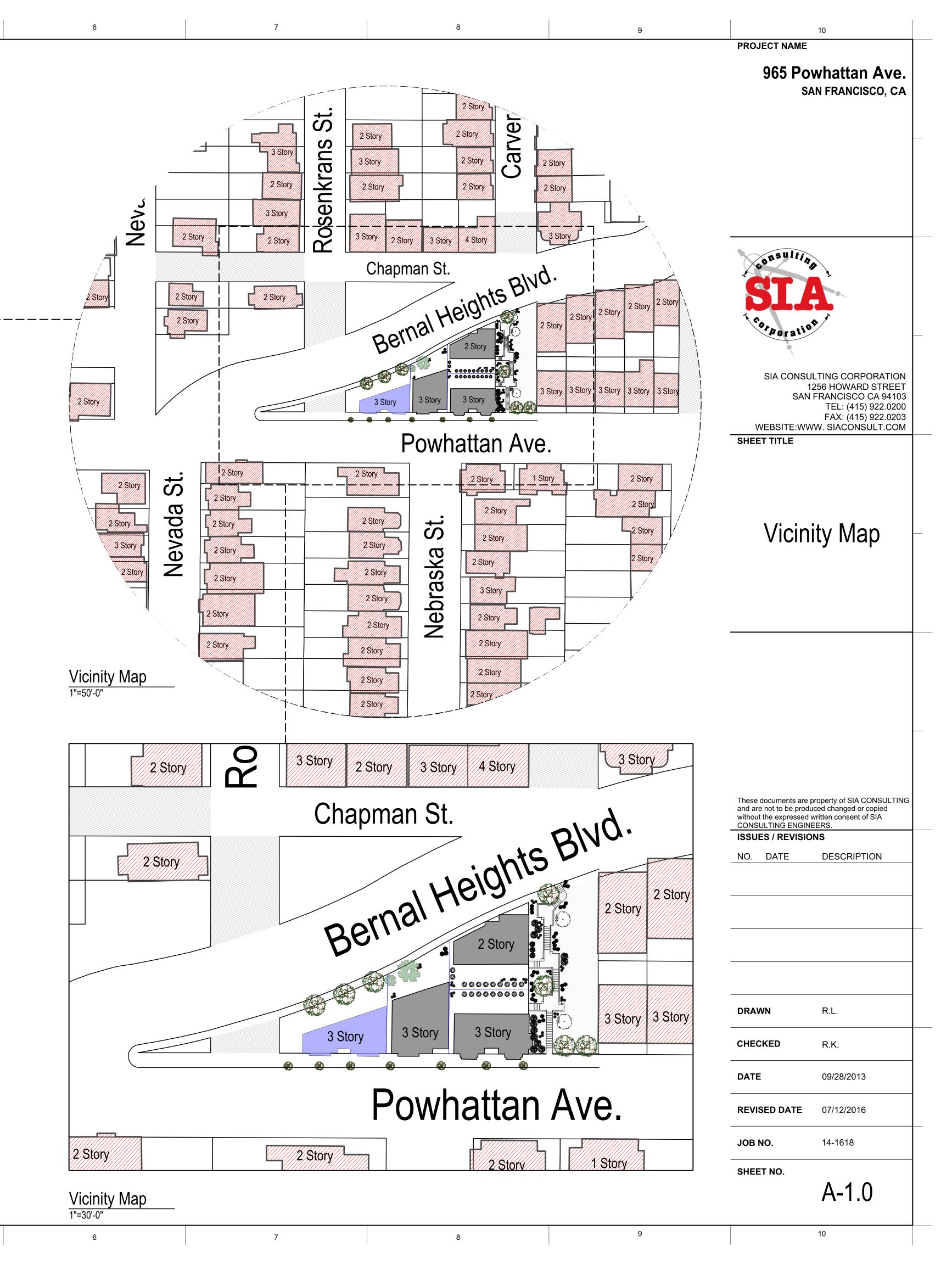
LEED PROJECTS						
	New Large Commercial	New Residential Mid-Rise <sup>1</sup>	New Residential High-Rise <sup>1</sup>	Commerical Interior	Commercial Alteration	Residential Alteration
Type of Project Proposed (Indicate at right)						
Overall Requirements:						
LEED certification level (includes prerequisites):	GOLD	SILVER	SILVER	GOLD	GOLD	GOLD
Base number of required points:	60	2	50	60	60	60
Adjustment for retention / demolition of historic features / building:				n/a		
Final number of required points (base number +/- adjustment)				50		
Specific Requirements: (n/r indicates a measure is no	. ,					
Construction Waste Management – 75% Diversion AND comply with San Francisco Construction & Demolition Debris Ordinance LEED MR 2, 2 points	•	•	•	•	Meet C&D ordinance only	•
15% Energy Reduction Compared to Title-24 2008 (or ASHRAE 90.1-2007) LEED EA 1, 3 points	•	LEED prerequisite of				
Renewable Energy or Enhanced Energy Efficiency Effective 1/1/2012: Generate renewable energy on-site ≥1% of total annual energy cost (LEED EAc2), OR Demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR Purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).		n/r	n/r	n/r	n/r	n/r
Enhanced Commissioning of Building Energy Systems LEED EA 3	•	Meet LEED prerequisites				
Water Use - 30% Reduction LEED WE 3, 2 points	•	n/r Meet LEED prerequisites				sites
Enhanced Refrigerant Management LEED EA 4	•	n/r	n/r	n/r	n/r	n/r
Indoor Air Quality Management Plan LEED IEQ 3.1	•	n/r	n/r	n/r	n/r	n/r
Low-Emitting Materials LEED IEQ 4.1, 4.2, 4.3, and 4.4	•	n/r	•	•	•	•
<b>Bicycle parking:</b> Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater, or meet LEED credit SSc4.2. (13C.5.106.4)	•	n/r See San Francisco Planning Code 155		•	n/r	n/r
<b>Designated parking:</b> Mark 8% of total parking stalls for low-emitting, fuel efficient, and carpool/van pool vehicles. (13C.5.106.5)	•			•	n/r	n/r
Water Meters: Provide submeters for spaces projected to consume more than 1,000 gal/day, or more than 100 gal/day if in building over 50,000 sq. ft. (13C.5.303.1)		n/r	n/r	n/r	n/r	n/r
<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit IEQ 5). (13C.5.504.5.3)		n/r	n/r		n/r	n/r
<b>Air Filtration:</b> Provide MERV-13 filters in residential buildings in air-quality hot-spots (or LEED credit IEQ 5). (SF Health Code Article 38 and SF Building Code 1203.5)	n/r	•	•	n/r	n/r	n/r
<b>Acoustical Control:</b> wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	•	See CE	BC 1207	•	n/r	n/r

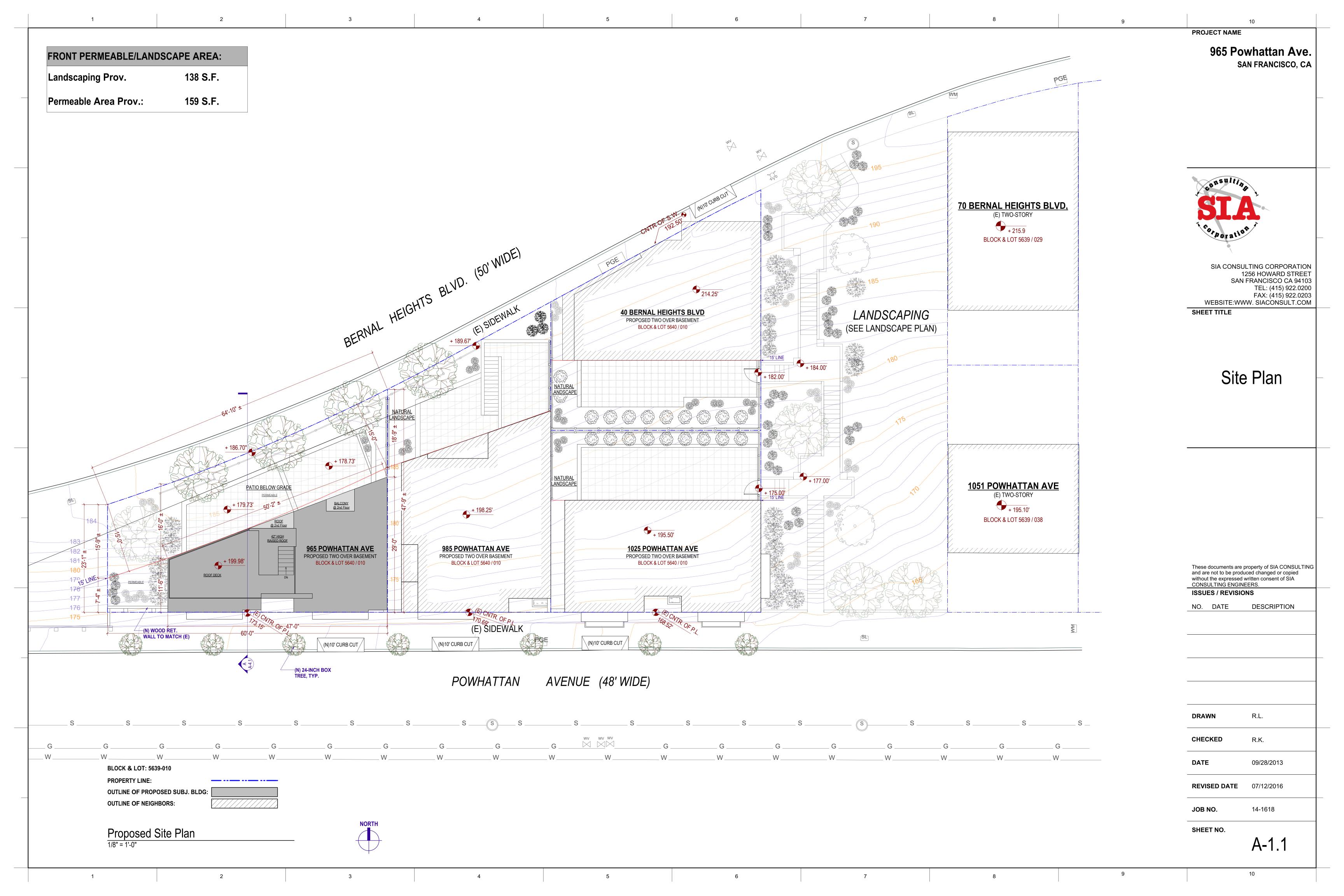
OTHER APPLICABLE NON-RESIDENTIAL PROJECTS			Corporation		
Requirements below only apply when the measure is applicable to the project. Code references below are applicable to New Non-Residential buildings. Corresponding requirements for additions and alterations can be found in Title 24 Part 11, Division 5.7. Requirements for additions or alterations apply to applications received July 1, 2012 or after. <sup>3</sup>	Other New Non- Residential	Addition >2,000 sq ft OR Alteration >\$500,0003	1 SAN	JLTING CORPOR 256 HOWARD S FRANCISCO CA TEL: (415) 9 FAX: (415) 9	
Type of Project Proposed (Check box if applicable)			WEBSITE:WW SHEET TITLE	VW. SIACONSUL	
Energy Efficiency: Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6. (13C.5.201.1.1)	•	n/r			
<b>Bicycle parking:</b> Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater (or LEED credit SSc4.2). (13C.5.106.4)	•	•	Green	Buildir	
<b>Fuel efficient vehicle and carpool parking:</b> Provide stall marking for low-emitting, fuel efficient, and carpool/van pool vehicles; approximately 8% of total spaces. (13C.5.106.5)	itting, fuel efficient, and carpool/van pool vehicles; approximately 8% of total			ecklist	
<b>Water Meters:</b> Provide submeters for spaces projected to consume >1,000 gal/day, or >100 gal/day if in buildings over 50,000 sq. ft.	•	•			
Indoor Water Efficiency: Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets, and urinals. (13C.5.303.2)	•	•			
<b>Commissioning:</b> For new buildings greater than 10,000 square feet, commissioning shall be included in the design and construction of the project to verify that the building systems and components meet the owner's project requirements. (13C.5.410.2)  OR for buildings less than 10,000 square feet, testing and adjusting of systems is required.		(Testing & Balancing)			
Protect duct openings and mechanical equipment during construction (13C.5.504.3)	•	•			
Adhesives, sealants, and caulks: Comply with VOC limits in SCAQMD Rule 1168 VOC limits and California Code of Regulations Title 17 for aerosol adhesives. (13C.5.504.4.1)		•			
Paints and coatings: Comply with VOC limits in the Air Resources Board Architectural Coatings Suggested Control Measure and California Code of Regulations Title 17 for aerosol paints. (13C.5.504.4.3)	•	•			
Carpet: All carpet must meet one of the following:  1. Carpet and Rug Institute Green Label Plus Program  2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350)  3. NSF/ANSI 140 at the Gold level  4. Scientific Certifications Systems Sustainable Choice  AND Carpet cushion must meet CRI Green Label,	•	•	These documents are and are not to be produ without the expressed CONSULTING ENGIN ISSUES / REVISIONO. DATE	uced changed or co written consent of S EERS.	
AND Carpet adhesive must not exceed 50 g/L VOC content. (13C.5.504.4.4)  Composite wood: Meet CARB Air Toxics Control Measure for Composite Wood (13C.5.504.4.5)					
<b>Resilient flooring systems:</b> For 50% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria or certified under the Resilient Floor Covering Institute (RFCI) FloorScore program. (13C.5.504.4.6)		•			
<b>Environmental Tobacco Smoke:</b> Prohibit smoking within 25 feet of building entries, outdoor air intakes, and operable windows. (13C.5.504.7)	•	•			
<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings. (13C.5.504.5.3)	•	Limited exceptions. See CA T24 Part 11 Section 5.714.6			
<b>Acoustical Control:</b> Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	•	See CA T24 Part 11 Section 5.714.7	DRAWN  CHECKED	R.L. R.K.	
CFCs and Halons: Do not install equipment that contains CFCs or Halons. (13C.5.508.1)	•	•			
Additional Requirements for New A, B, I, OR M Occupancy Projects	5,000 - 25,000	Square Feet	DATE	09/28/2013	
Construction Waste Management – Divert 75% of construction and demolition debris AND comply with San Francisco Construction & Demolition Debris Ordinance.	•	Meet C&D ordinance only	REVISED DATE	07/12/2016	
Renewable Energy or Enhanced Energy Efficiency  Effective January 1, 2012: Generate renewable energy on-site equal to ≥1% of total  annual energy cost (LEED EAC2). OR			JOB NO.	14-1621	

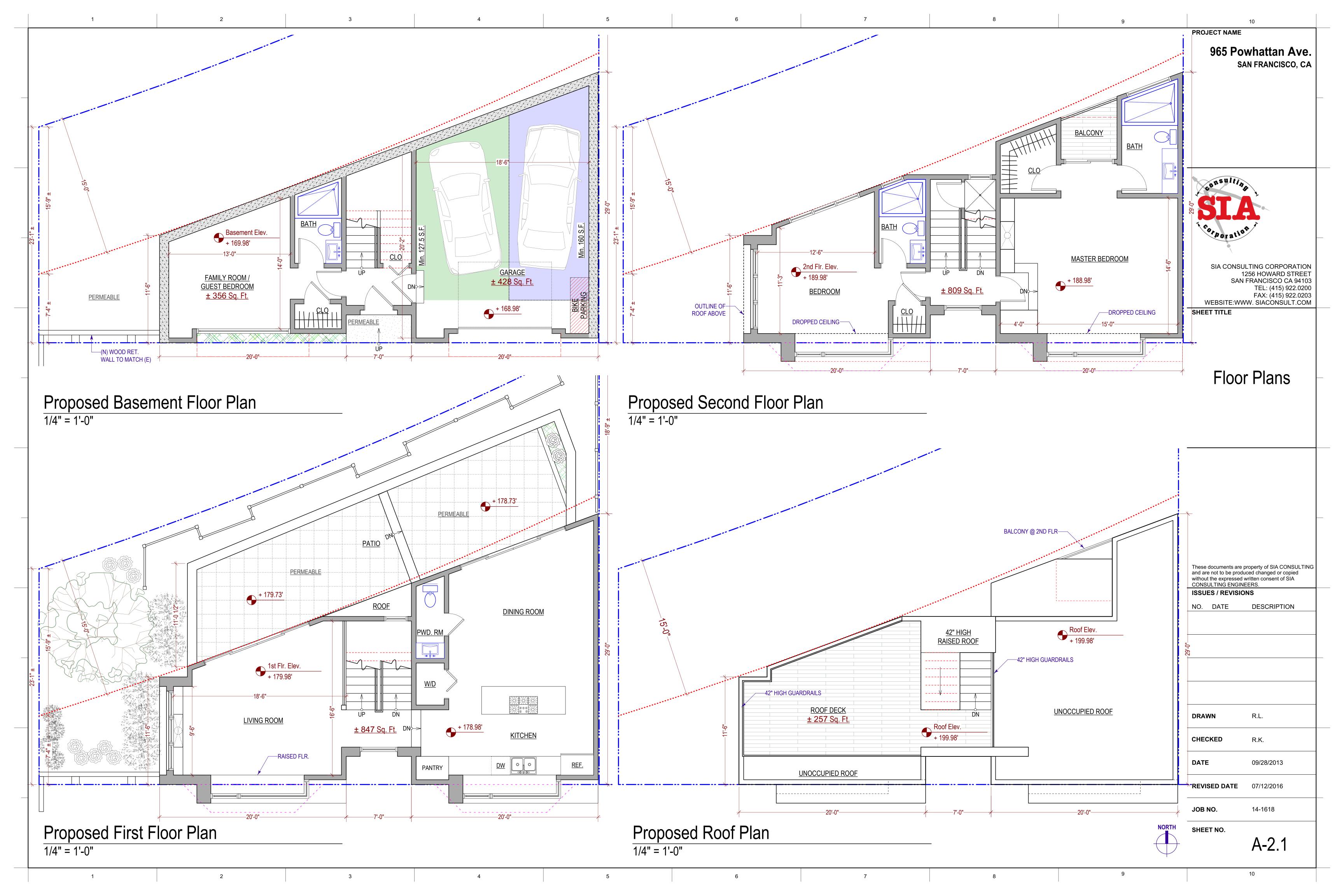




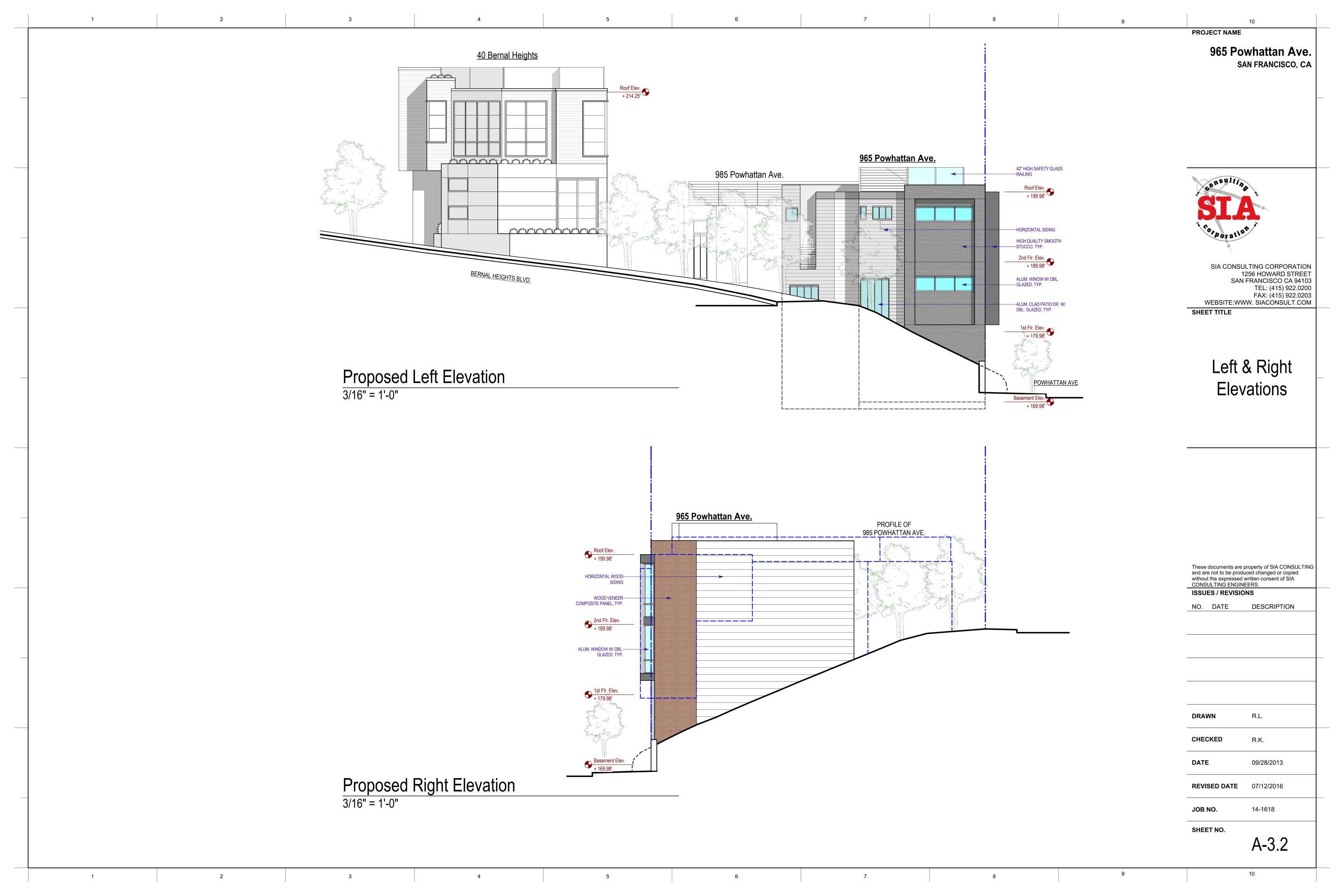


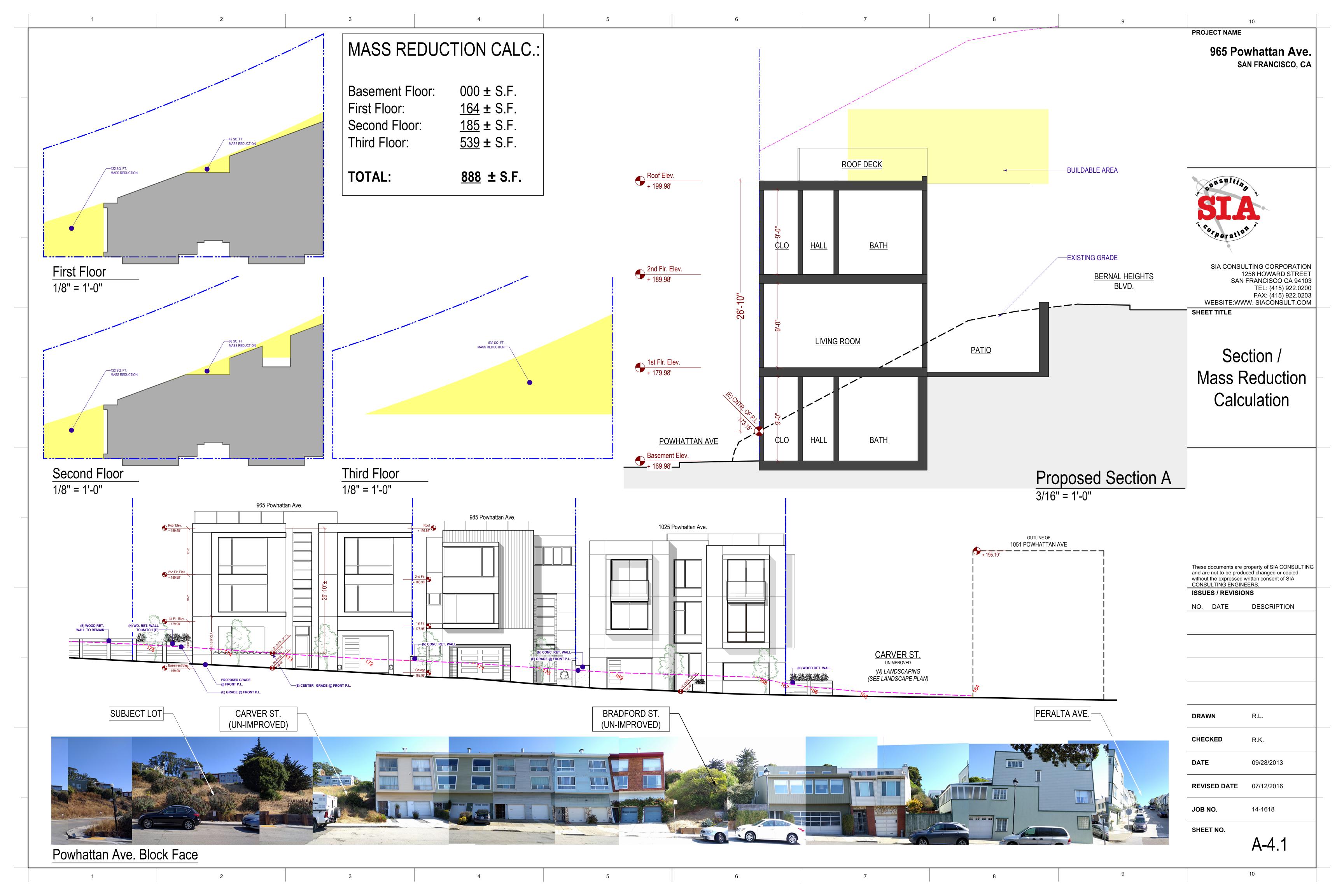












# Green Building: Site Permit Checklist

#### **BASIC INFORMATION:**

**ALL PROJECTS, AS APPLICABLE** 

Construction activity stormwater pollution

meeting SFPUC Stormwater Design Guidelines

comply with the SFPUC Water Efficient Irrigation

Ordinance.

Ordinance

prevention and site runoff controls - Provide a

and implement SFPUC Best Management Practices.

construction site Stormwater Pollution Prevention Plan

**Stormwater Control Plan:** Projects disturbing ≥5,000

square feet must implement a Stormwater Control Plan

Water Efficient Irrigation - Projects that include ≥

1,000 square feet of new or modified landscape must

**Construction Waste Management** – Comply with

the San Francisco Construction & Demolition Debris

**Recycling by Occupants:** Provide adequate space

and equal access for storage, collection and loading of

**GREENPOINT RATED PROJECTS** 

compostable, recyclable and landfill materials.

See Administrative Bulletin 088 for details.

Proposing a GreenPoint Rated Project

(Indicate at right by checking the box.)

Base number of required Greenpoints:

Adjustment for retention / demolition of

Final number of required points (base number +/-

**GreenPoint Rated** (i.e. meets all prerequisites)

**Meet all California Green Building Standards** 

(CalGreen measures for residential projects have

been integrated into the GreenPoint Rated system.)

1) New residential projects of 75' or greater must use the "New

Residential High-Rise" column. New residential projects with >3

occupied floors and less than 75 feet to the highest occupied floor

may choose to apply the LEED for Homes Mid-Rise rating system;

2) LEED for Homes Mid-Rise projects must meet the "Silver" standard,

including all prerequisites. The number of points required to achieve

Silver depends on unit size. See LEED for Homes Mid-Rise Rating

3) Requirements for additions or alterations apply to applications

if so, you must use the "New Residential Mid-Rise" column.

System to confirm the base number of points required.

received on or after July 1, 2012.

**Energy Efficiency:** Demonstrate a 15% energy use

reduction compared to 2008 California Energy Code,

historic features / building:

adjustment)

Title 24, Part 6.

Notes

**Code requirements** 

These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.

Project Name 965 Powhattan	Block/Lot 5640 / 010	Address 965 Powhattan Ave.
Gross Building Area 2,736 ± SF	Primary Occupancy R-3	Design Professional/Applicant: Sign & Date  Bahman Ghassemzadeh
# of Dwelling Units 1	Height to highest occupied floor 26'-10"	Number of occupied floors  3

**Overall Requirements:** 

features / building:

Ordinance

LEED EA 3

(13C.5.106.5)

75

LEED MR 2, 2 points

LEED EA 1, 3 points

Effective 1/1/2012:

cost (LEED EAc2), OR

15% Energy Reduction

compared to Title 24 Part 6 2008), OR

meet LEED credit SSc4.2. (13C.5.106.4)

building over 50,000 sq. ft. (13C.5.303.1)

credit IEQ 5). (13C.5.504.5.3)

and SF Building Code 1203.5)

total electricity use (LEED EAc6).

Base number of required points:

Final number of required points

(base number +/- adjustment)

Type of Project Proposed (Indicate at right)

**LEED certification level** (includes prerequisites):

**Specific Requirements:** (n/r indicates a measure is not required)

**Construction Waste Management – 75% Diversion** 

AND comply with San Francisco Construction & Demolition Debris

Renewable Energy or Enhanced Energy Efficiency

Demonstrate an additional 10% energy use reduction (total of 25%

Purchase Green-E certified renewable energy credits for 35% of

**Enhanced Commissioning of Building Energy Systems** 

Water Use - 30% Reduction LEED WE 3, 2 points

**Enhanced Refrigerant Management** LEED EA 4

**Indoor Air Quality Management Plan LEED IEQ 3.1** 

**Low-Emitting Materials** LEED IEQ 4.1, 4.2, 4.3, and 4.4

**Bicycle parking:** Provide short-term and long-term bicycle

parking for 5% of total motorized parking capacity each, or meet

San Francisco Planning Code Sec 155, whichever is greater, or

**Designated parking:** Mark 8% of total parking stalls

for low-emitting, fuel efficient, and carpool/van pool vehicles.

Water Meters: Provide submeters for spaces projected to

**Air Filtration:** Provide at least MERV-8 filters in regularly

occupied spaces of mechanically ventilated buildings (or LEED

**Air Filtration:** Provide MERV-13 filters in residential buildings in

Acoustical Control: wall and roof-ceilings STC 50, exterior

air-quality hot-spots (or LEED credit IEQ 5). (SF Health Code Article 38

windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)

consume more than 1,000 gal/day, or more than 100 gal/day if in

Generate renewable energy on-site ≥1% of total annual energy

Compared to Title-24 2008 (or ASHRAE 90.1-2007)

Adjustment for retention / demolition of historic

#### **Instructions:**

Commercial Residential

GOLD

60

Meet C&D

ordinance only

Meet LEED prerequisites

n/r

n/r

n/r

n/r

n/r

n/r

n/r

LEED

prerequisite only

n/r

n/r

n/r

n/r

n/r

n/r

n/r

Interior

GOLD

60

n/a

50

Meet LEED prerequisites

n/r

n/r

n/r

n/r

Alteration | Alteration

60

As part of application for site permit, this form acknowledges the specific green building requirements that apply to a project under San Francisco Building Code Chapter 13C, California Title 24 Part 11, and related local codes. Attachment C3, C4, or C5 will be due with the applicable addendum. To use the form:

(a) Provide basic information about the project in the box at left. This info determines which green building requirements apply.

#### AND

High-Rise<sup>1</sup>

SILVER

50

LEED PROJECTS

Commercial

GOLD

60

New Large Residential Residential

Mid-Rise<sup>1</sup>

SILVER

n/r

n/r

n/r

n/r

n/r

n/r

See San Francisco Planning

Code 155

(b) Indicate in one of the columns below which type of project is proposed. If applicable, fill in the blank lines below to identify the number of points the project must meet or exceed. A LEED or GreenPoint checklist is not required to be submitted with the site permit application, but such tools are strongly recommended to be used .

Solid circles in the column indicate mandatory measures required by state and local codes. For projects applying LEED or GreenPoint Rated, prerequisites of those systems are mandatory. This form is a summary; see San Francisco Building Code Chapter 13C for details.

Requireme

references

quirements

**PROJECT NAME** 

965 Powhattan Ave.

SAN FRANCISCO. CA

CORPORATION WARD STREET ISCO CA 94103 (415) 922.0200 (415) 922.0203 CONSULT.COM

Checklist

R.K.

14-1618 JOB NO.

SHEET NO.

Poration
SIA CONSULTING
1256 HC
SAN FRANC

Addition

>2,000sq ft

**Alteration** 

 $>$500,000^3$ 

n/r

Balancing)

Limited exceptions.

Part 11 Section

5.714.7

Meet C&D

n/r

Green Building

NO.	DATE	DESCRIPTION

**CHECKED** 

REVISED DATE 07/12/2016

SIA CONSULTING C
1256 HOV
SAN FRANCI
TEL:
FAX:
WEBSITE:WWW. SIAC
SHEET TITLE

ISSU	ES / REVISI	ONS
NO.	DATE	DESCRIPTION

NO.	DATE	DESCRIPTION

NO.	DATE	DESCRIPTION

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See CAT24 Part 11 Section 5.714.6 See CA T24

09/28/2013

ordinance only

GP-0.1

for additions and alterations can be found in Title 24 Part 11, Division 5.7.	other No eside

OTHER APPLICABLE NON-RESIDENTIAL PROJECTS

Requireme after.3 Type of Project Proposed (Check box if applicable) Energy Efficiency: Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6. (13C.5.201.1.1) **Bicycle parking:** Provide short-term and long-term bicycle parking for 5% of total

GOLD motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater (or LEED credit SSc4.2). (13C.5.106.4) Fuel efficient vehicle and carpool parking: Provide stall marking for low-emitting, fuel efficient, and carpool/van pool vehicles; approximately 8% of total

spaces. (13C.5.106.5)

or >100 gal/day if in buildings over 50,000 sq. ft.

Water Meters: Provide submeters for spaces projected to consume >1,000 gal/day,

Indoor Water Efficiency: Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets, and urinals. (13C.5.303.2) Commissioning: For new buildings greater than 10,000 square feet, commissioning shall be included in the design and construction of the project to verify that the building systems and components meet the owner's project requirements. (13C.5.410.2)

**OR** for buildings less than 10,000 square feet, testing and adjusting of systems is required. Protect duct openings and mechanical equipment during construction (13C.5.504.3)

Adhesives, sealants, and caulks: Comply with VOC limits in SCAQMD Rule 1168 VOC limits and California Code of Regulations Title 17 for aerosol adhesives. (13C.5.504.4.1) Paints and coatings: Comply with VOC limits in the Air Resources Board

Architectural Coatings Suggested Control Measure and California Code of Regulations Title 17 for aerosol paints. (13C.5.504.4.3) **Carpet:** All carpet must meet one of the following: 1. Carpet and Rug Institute Green Label Plus Program

2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350)

3. NSF/ANSI 140 at the Gold level 4. Scientific Certifications Systems Sustainable Choice

AND Carpet cushion must meet CRI Green Label, AND Carpet adhesive must not exceed 50 g/L VOC content. (13C.5.504.4.4) Composite wood: Meet CARB Air Toxics Control Measure for Composite Wood (13C.5.504.4.5

Resilient flooring systems: For 50% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria or certified under the Resilient Floor

Covering Institute (RFCI) FloorScore program. (13C.5.504.4.6) Environmental Tobacco Smoke: Prohibit smoking within 25 feet of building entries, outdoor air intakes, and operable windows. (13C.5.504.7)

Air Filtration: Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings. (13C.5.504.5.3)

Acoustical Control: Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)

Additional Requirements for New A, B, I, OR M Occupancy Projects 5,000 - 25,000 Square Feet **Construction Waste Management** – Divert 75% of construction and demolition

debris AND comply with San Francisco Construction & Demolition Debris Ordinance. Renewable Energy or Enhanced Energy Efficiency

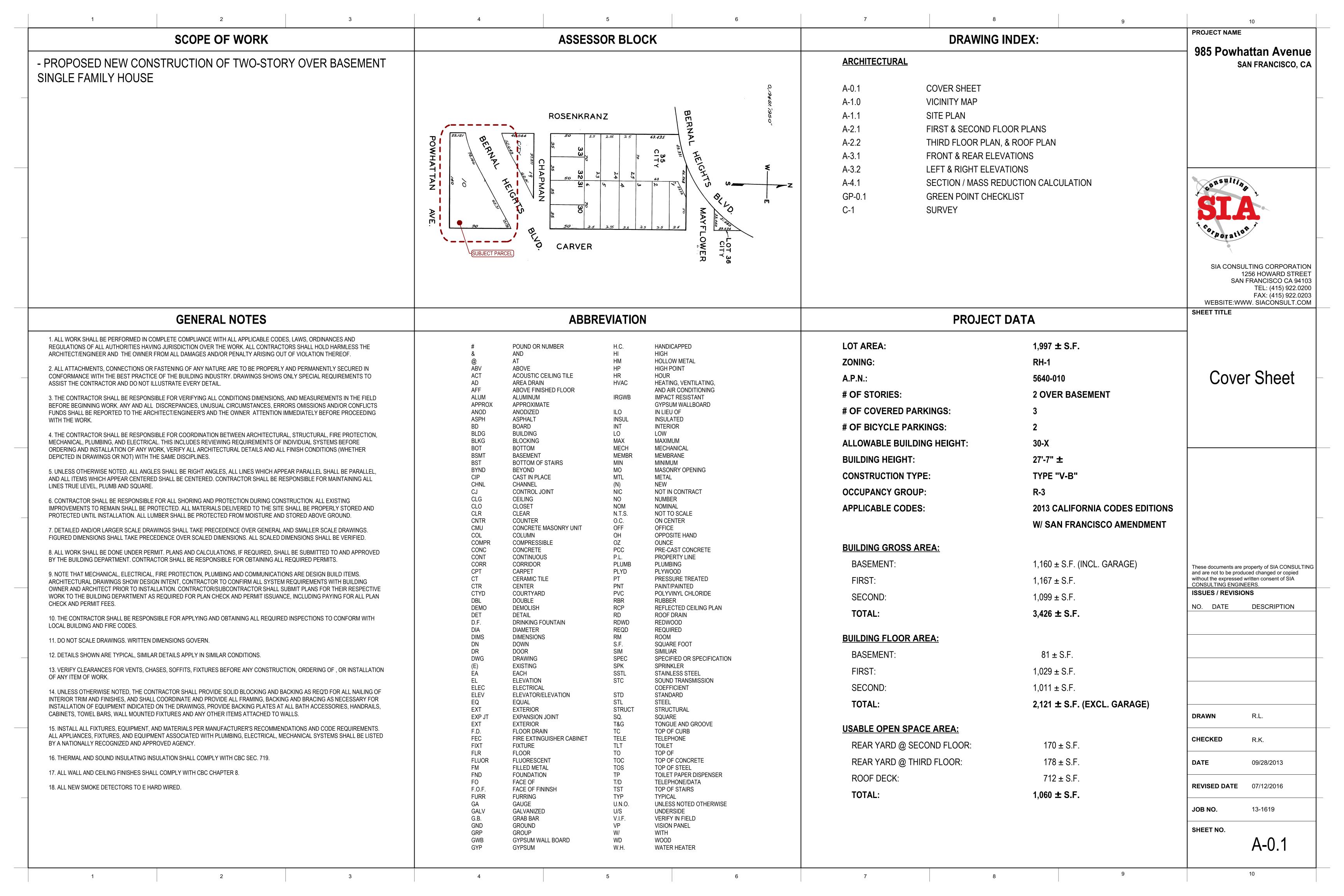
CFCs and Halons: Do not install equipment that contains CFCs or Halons. (13C.5.508.1

Effective January 1, 2012: Generate renewable energy on-site equal to ≥1% of total

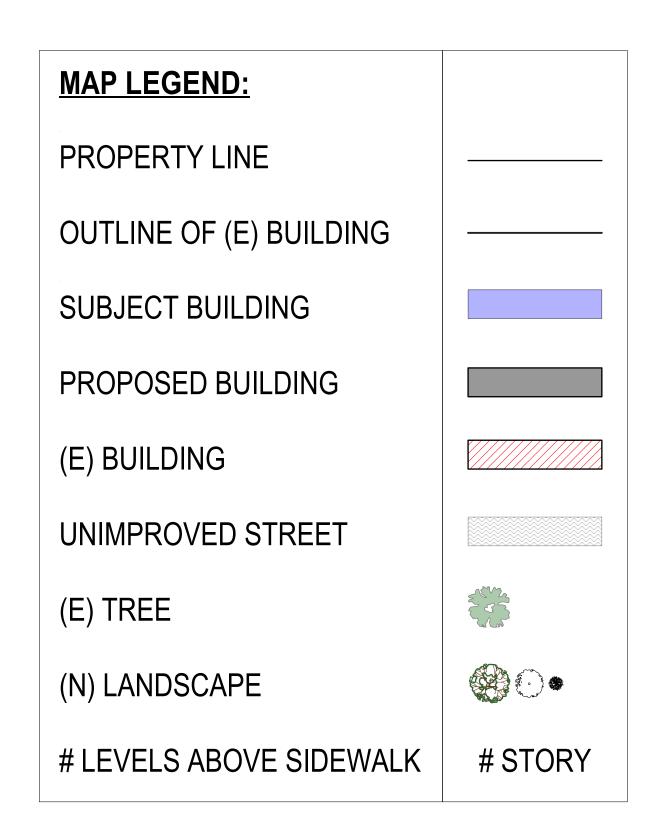
annual energy cost (LEED EAc2), OR demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24 purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).

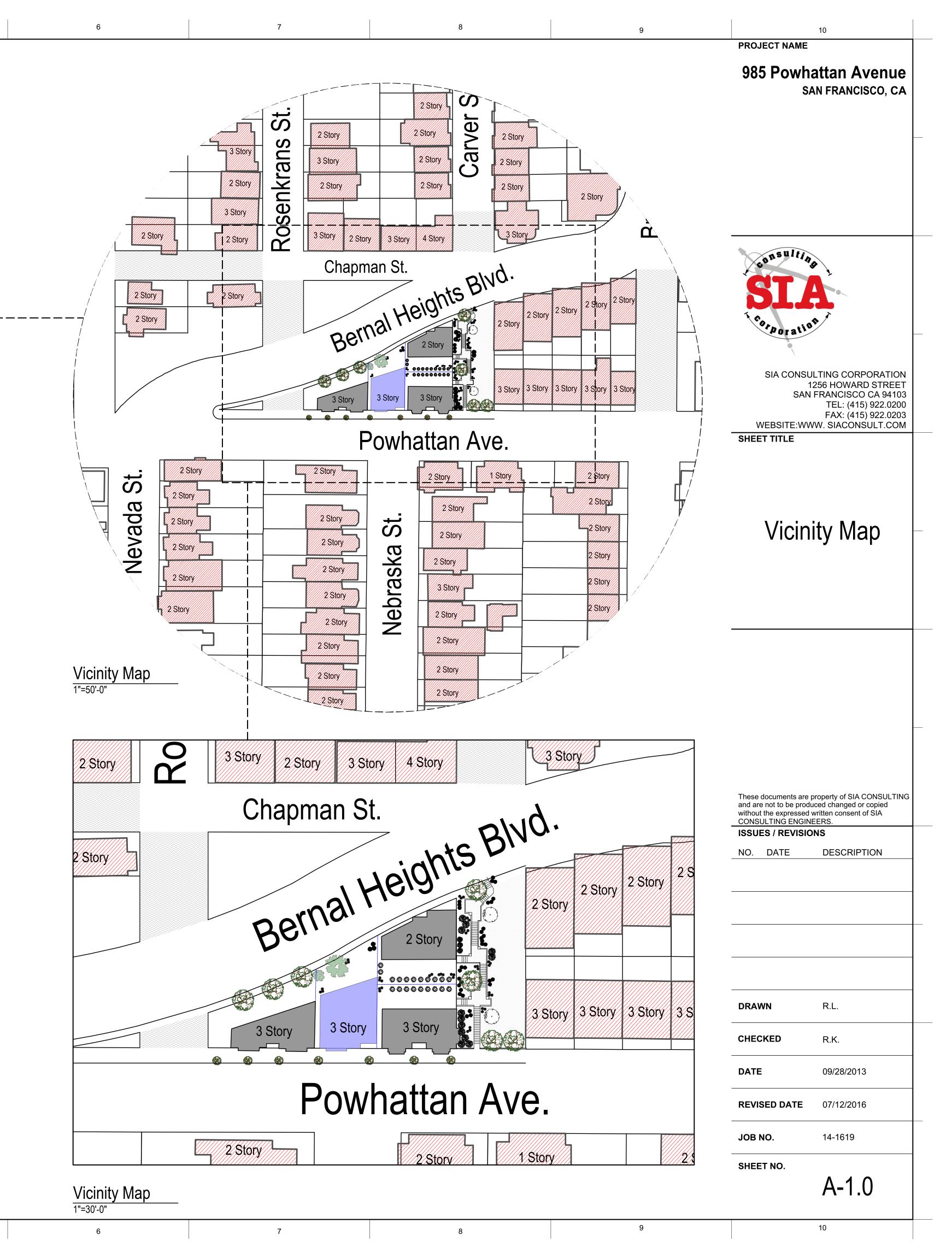
Part 6 2008), OR

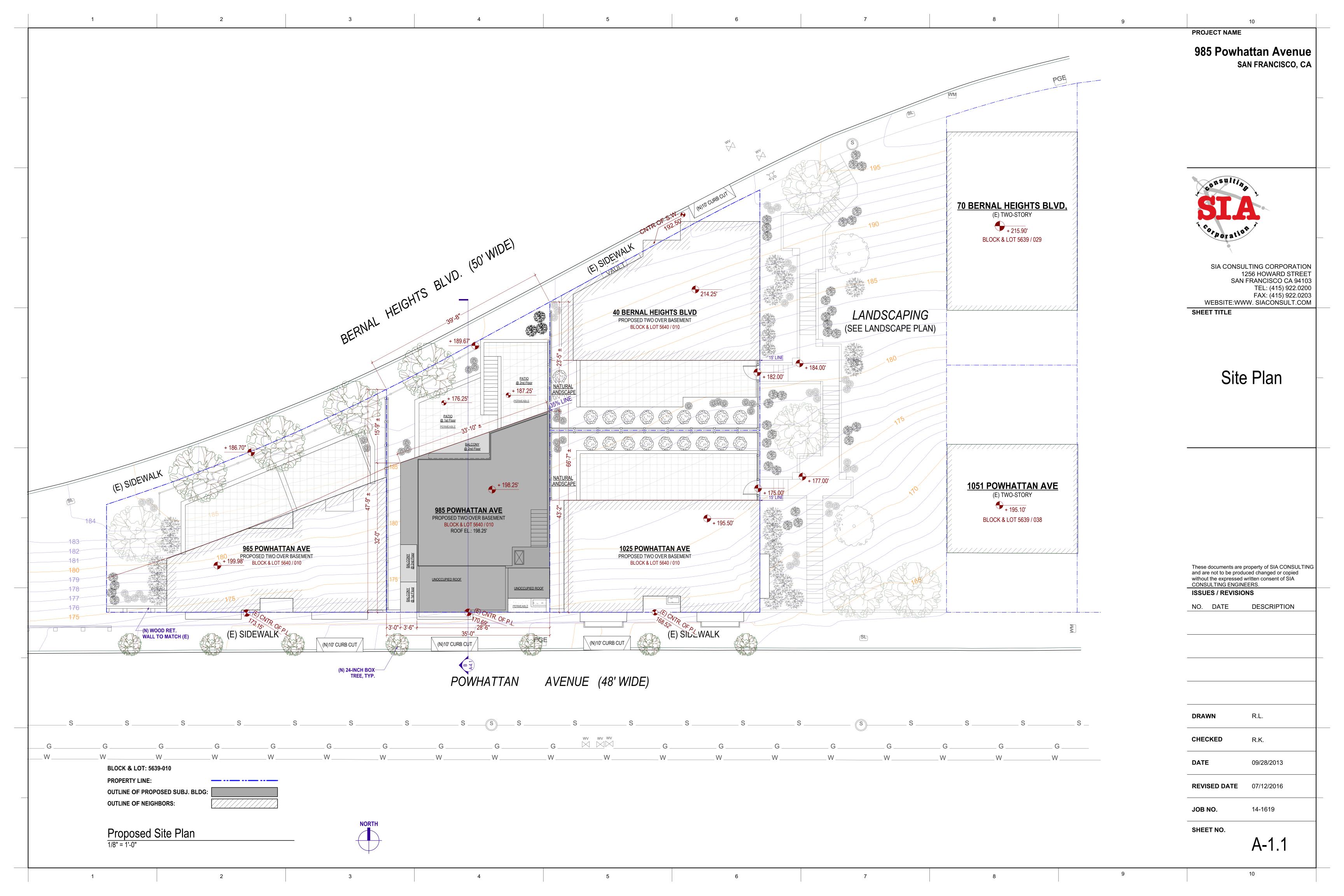
See CBC 1207

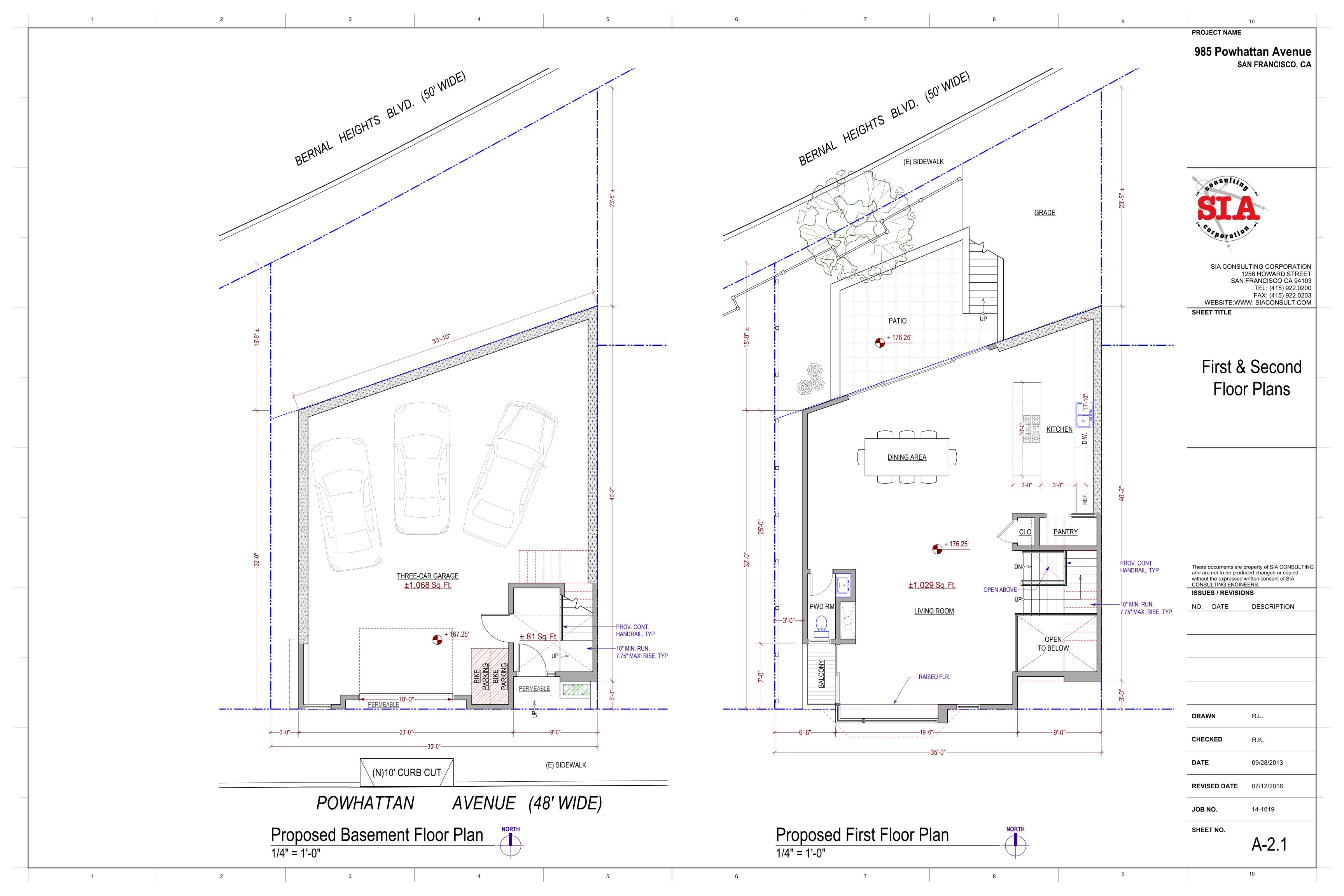


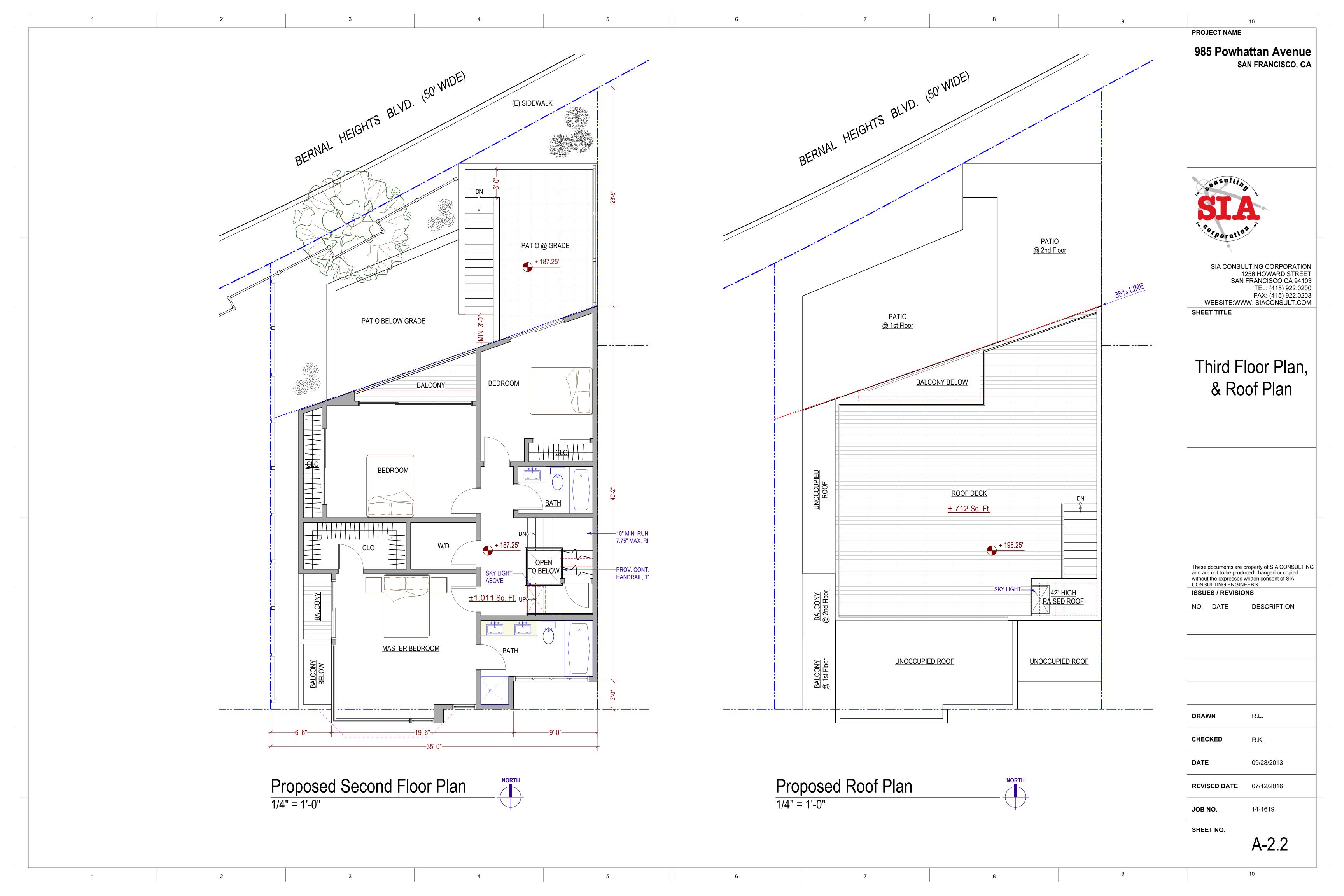


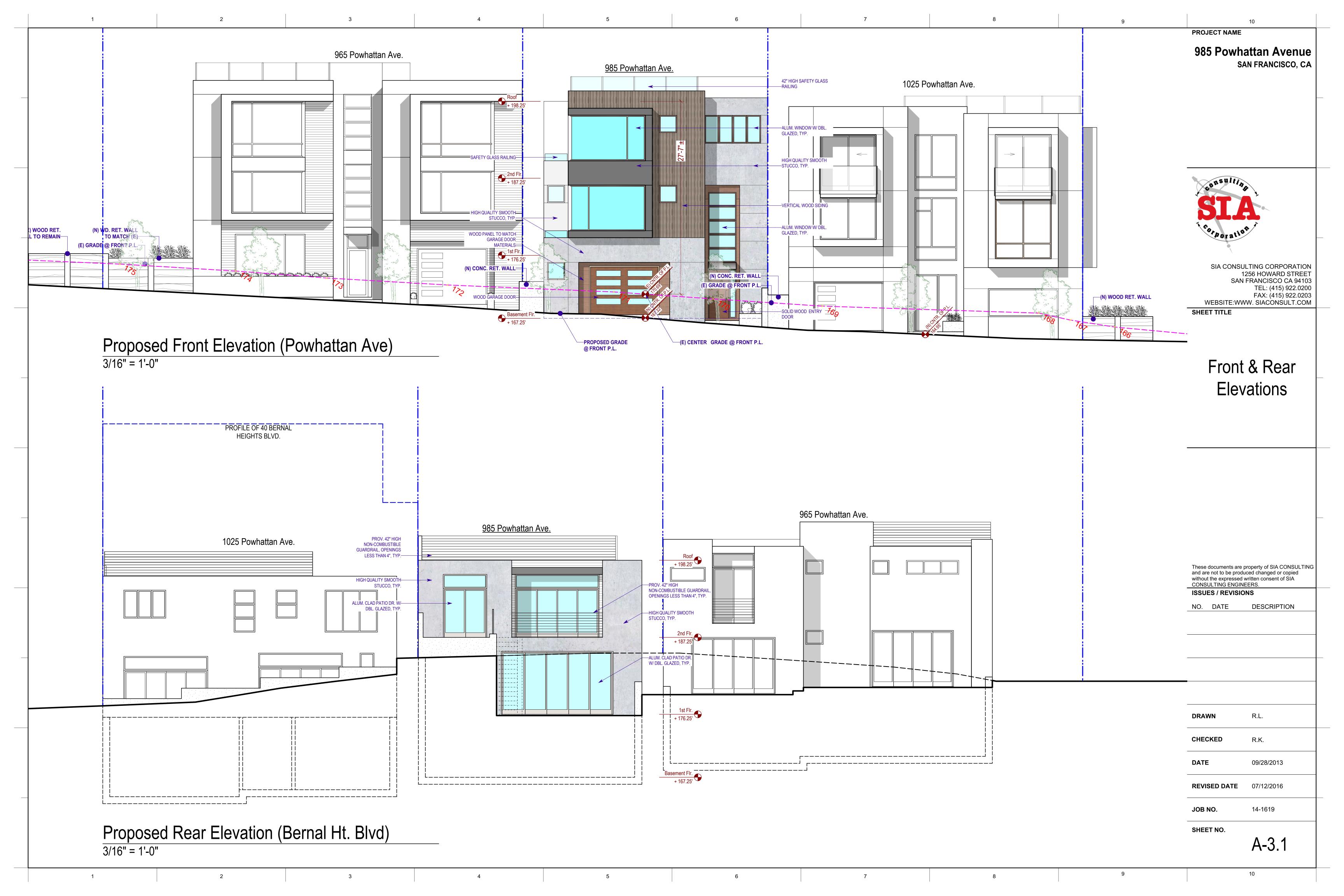


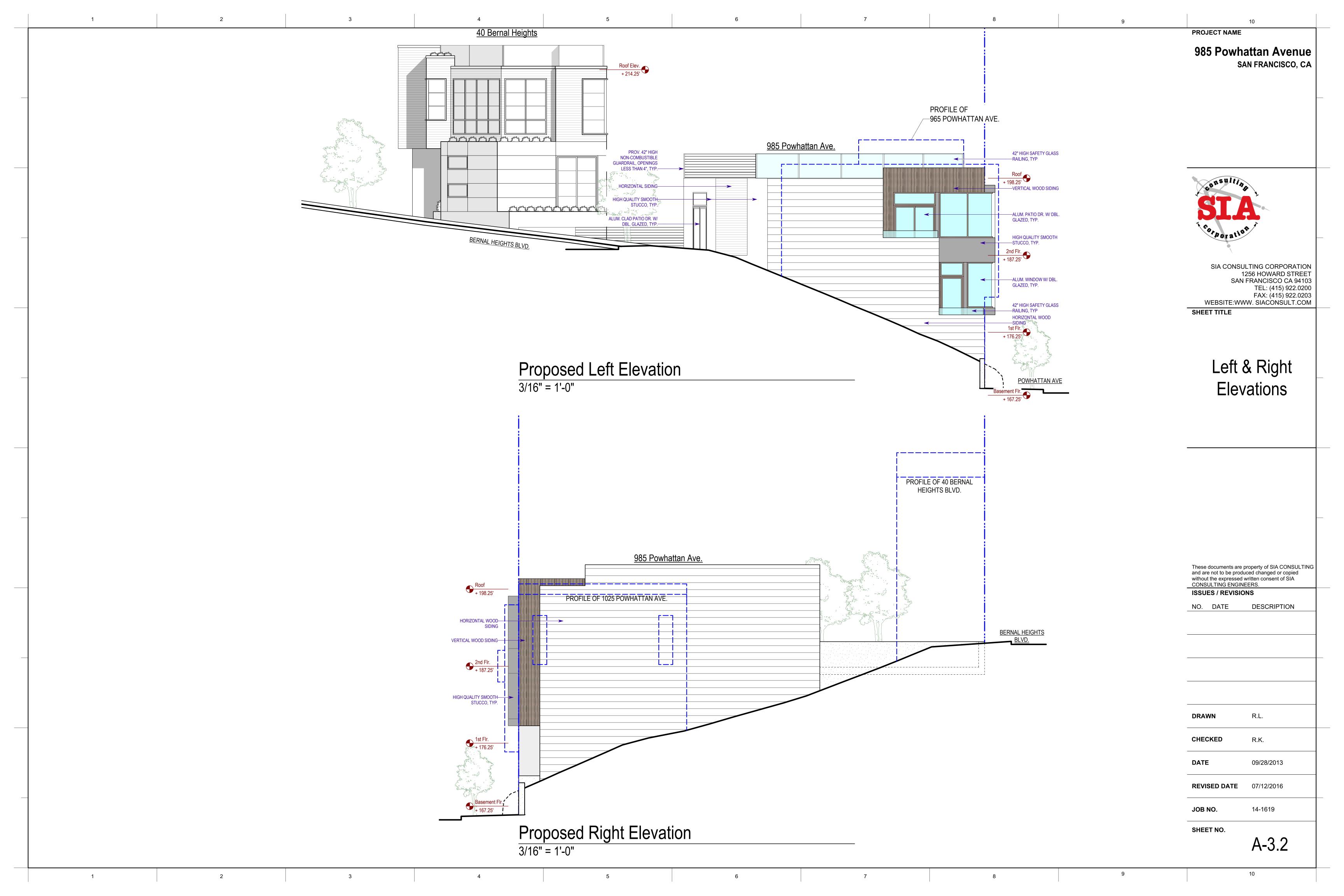


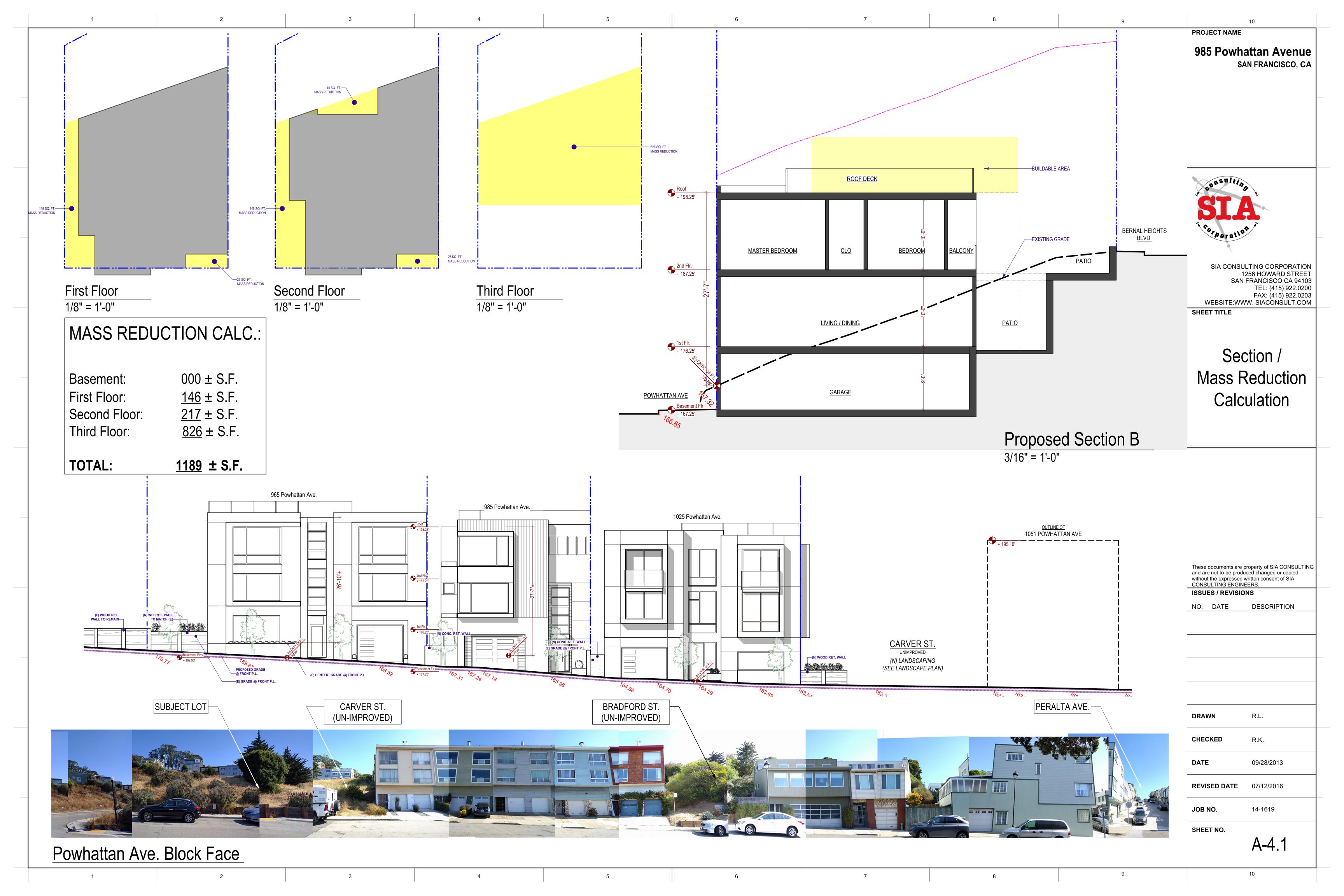












# Green Building: Site Permit Checklist

#### **BASIC INFORMATION:**

These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.

Project Name 985 Powhattan	Block/Lot 5640 / 010	Address 985 Powhattan Ave.
Gross Building Area  3,426 ± SF	Primary Occupancy R-3	Design Professional/Applicant: Sign & Date  Bahman Ghassemzadeh
# of Dwelling Units  1	Height to highest occupied floor 27'-7"	Number of occupied floors

#### **Instructions:**

As part of application for site permit, this form acknowledges the specific green building requirements that apply to a project under San Francisco Building Code Chapter 13C, California Title 24 Part 11, and related local codes. Attachment C3, C4, or C5 will be due with the applicable addendum. To use the form:

(a) Provide basic information about the project in the box at left. This info determines which green building requirements apply.

#### **AND**

(b) Indicate in one of the columns below which type of project is proposed. If applicable, fill in the blank lines below to identify the number of points the project must meet or exceed. A LEED or GreenPoint checklist is not required to be submitted with the site permit application, but such tools are strongly recommended to be used.

Solid circles in the column indicate mandatory measures required by state and local codes. For projects applying LEED or GreenPoint Rated, prerequisites of those systems are mandatory. This form is a summary; see San Francisco Building Code Chapter 13C for details.

annual energy cost (LEED EAc2), OR

Part 6 2008), OR

demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24

purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).

# SIA

**PROJECT NAME** 

985 Powhattan Avenue

SAN FRANCISCO, CA

SIA CONSULTING CORPORATION 1256 HOWARD STREET SAN FRANCISCO CA 94103 TEL: (415) 922.0200 FAX: (415) 922.0203 WEBSITE:WWW. SIACONSULT.COM

Green Building

# Checklist

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ISSUES / REVISIONS

DESCRIPTION

**DRAWN** R.L.

DATE 09/28/2013

**REVISED DATE** 07/12/2016

SHEET NO.

GP-0.1

14-1619

## ALL PROJECTS, AS APPLICABLE

/(EE   1(00E010, /(0 / (1   E10/(D)	
Construction activity stormwater pollution prevention and site runoff controls - Provide a construction site Stormwater Pollution Prevention Plan and implement SFPUC Best Management Practices.	•
Stormwater Control Plan: Projects disturbing ≥5,000 square feet must implement a Stormwater Control Plan meeting SFPUC Stormwater Design Guidelines	•
Water Efficient Irrigation - Projects that include ≥ 1,000 square feet of new or modified landscape must comply with the SFPUC Water Efficient Irrigation Ordinance.	•
Construction Waste Management – Comply with the San Francisco Construction & Demolition Debris Ordinance	•
Recycling by Occupants: Provide adequate space and equal access for storage, collection and loading of compostable, recyclable and landfill materials.  See Administrative Bulletin 088 for details.	•

#### **GREENPOINT RATED PROJECTS**

Proposing a GreenPoint Rated Project (Indicate at right by checking the box.)	
Base number of required Greenpoints:	75
Adjustment for retention / demolition of historic features / building:	
Final number of required points (base number +/-adjustment)	
GreenPoint Rated (i.e. meets all prerequisites)	•
<b>Energy Efficiency:</b> Demonstrate a 15% energy use reduction compared to 2008 California Energy Code,	
Title 24, Part 6.	
Meet all California Green Building Standards	
Code requirements (CalGreen measures for residential projects have	
been integrated into the GreenPoint Rated system.)	

#### Notes

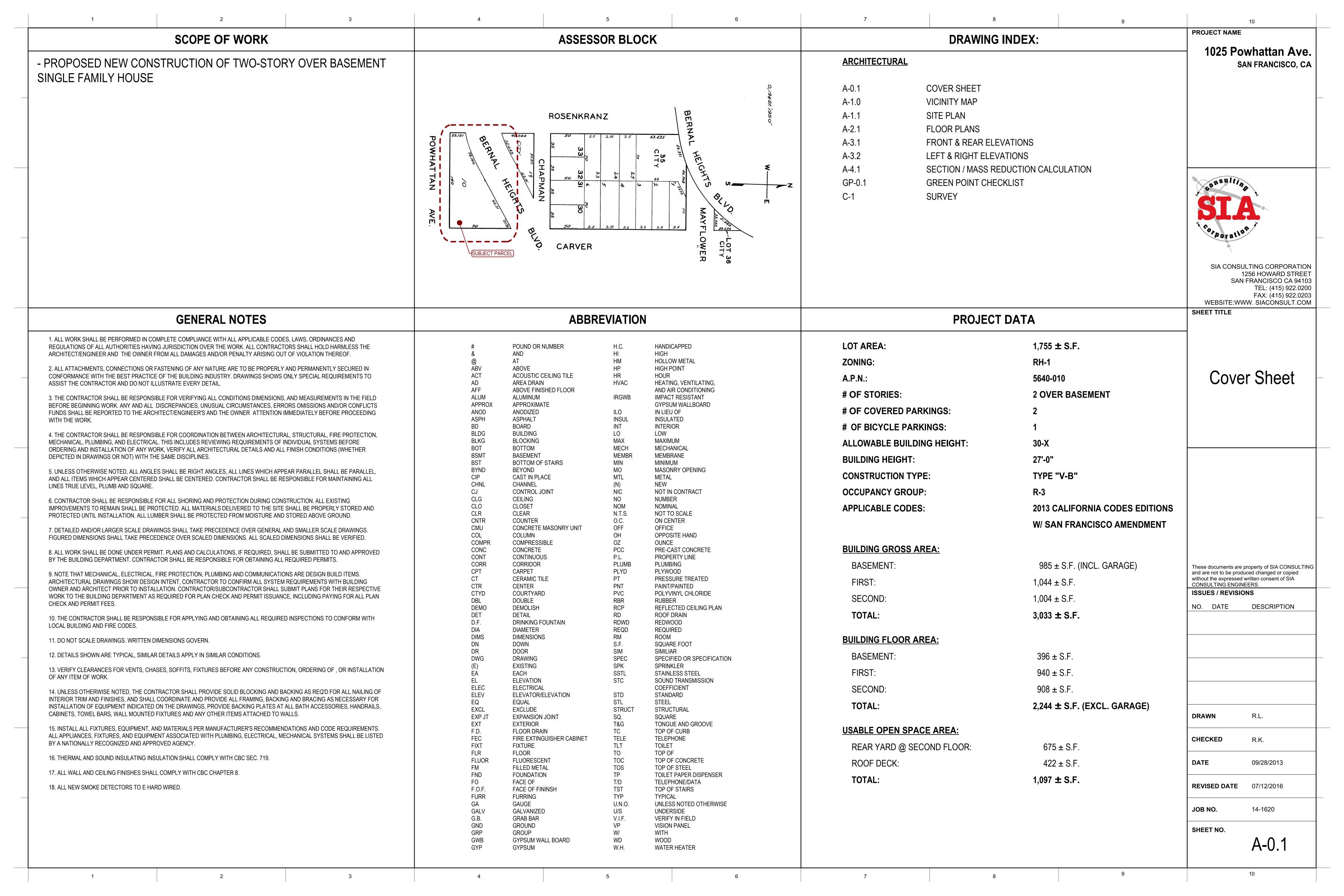
1) New residential projects of 75' or greater must use the "New Residential High-Rise" column. New residential projects with >3 occupied floors and less than 75 feet to the highest occupied floor may choose to apply the LEED for Homes Mid-Rise rating system; if so, you must use the "New Residential Mid-Rise" column.

2) LEED for Homes Mid-Rise projects must meet the "Silver" standard, including all prerequisites. The number of points required to achieve Silver depends on unit size. See LEED for Homes Mid-Rise Rating System to confirm the base number of points required.

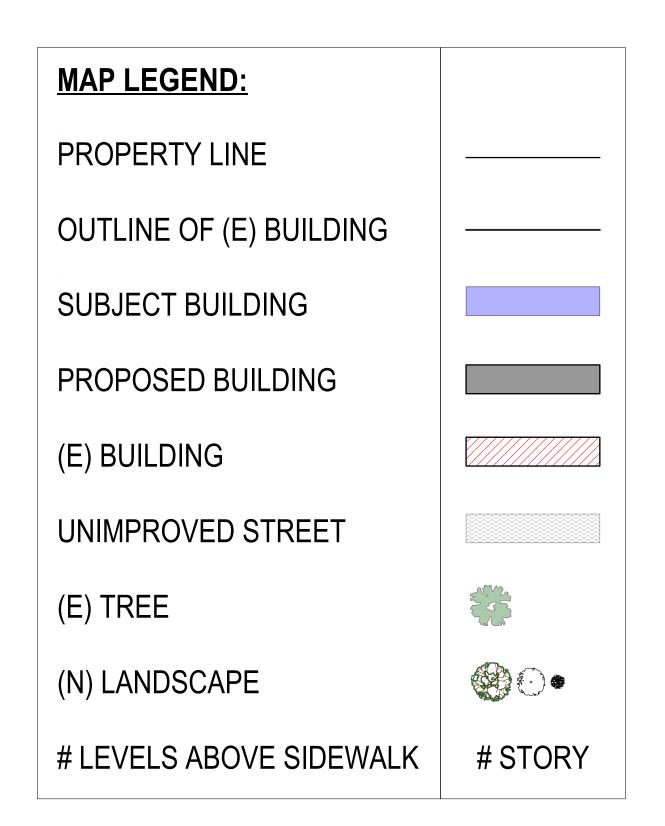
3) Requirements for additions or alterations apply to applications received on or after July 1, 2012.

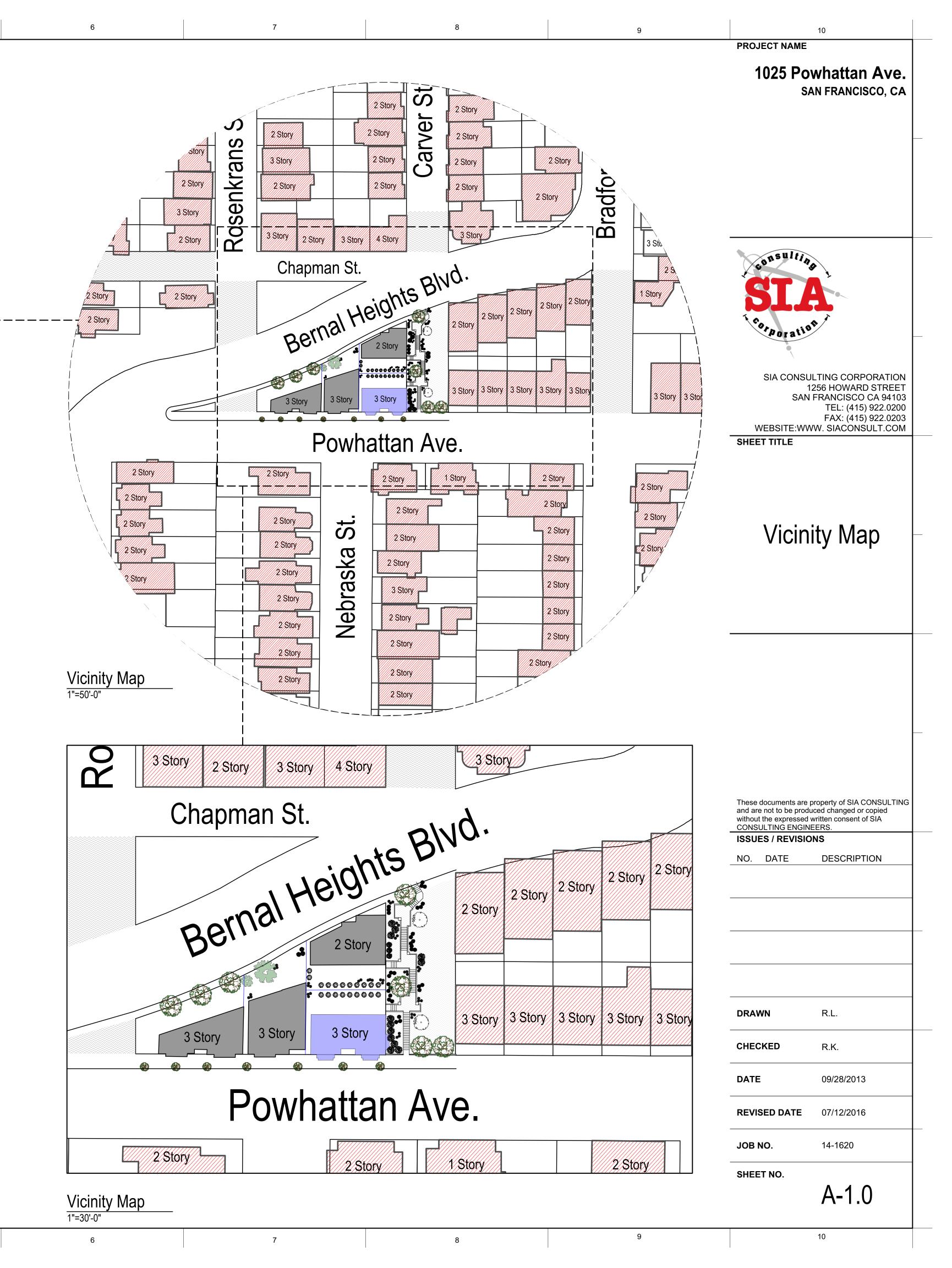
	LEED PROJECTS						
		New Large Commercial	New Residential Mid-Rise <sup>1</sup>	New Residential High-Rise <sup>1</sup>	Commerical Interior	Commercial Alteration	Residential Alteration
	Type of Project Proposed (Indicate at right)						
	Overall Requirements:						
	LEED certification level (includes prerequisites):	GOLD	SILVER	SILVER	GOLD	GOLD	GOLD
	Base number of required points:	60	2	50	60	60	60
	Adjustment for retention / demolition of historic features / building:				n/a		
	Final number of required points (base number +/- adjustment)				50		
	Specific Requirements: (n/r indicates a measure is no	ot required)					
	Construction Waste Management – 75% Diversion AND comply with San Francisco Construction & Demolition Debris Ordinance LEED MR 2, 2 points	•		•	•	Meet C&D ordinance only	
1	15% Energy Reduction Compared to Title-24 2008 (or ASHRAE 90.1-2007) LEED EA 1, 3 points	•	•		•	LE prerequi	ED site only
	Renewable Energy or Enhanced Energy Efficiency Effective 1/1/2012: Generate renewable energy on-site ≥1% of total annual energy cost (LEED EAc2), OR Demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR Purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).		n/r	n/r	n/r	n/r	n/r
	Enhanced Commissioning of Building Energy Systems LEED EA 3	•		Mee	t LEED prerequi	sites	
	Water Use - 30% Reduction LEED WE 3, 2 points	•	n/r	•	Mee	t LEED prerequi	sites
1	Enhanced Refrigerant Management LEED EA 4	•	n/r	n/r	n/r	n/r	n/r
l	Indoor Air Quality Management Plan LEED IEQ 3.1	•	n/r	n/r	n/r	n/r	n/r
	Low-Emitting Materials LEED IEQ 4.1, 4.2, 4.3, and 4.4	•	n/r	•	•	•	•
	<b>Bicycle parking:</b> Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater, or meet LEED credit SSc4.2. (13C.5.106.4)	•	See San Fran	/r cisco Planning	•	n/r	n/r
	<b>Designated parking:</b> Mark 8% of total parking stalls for low-emitting, fuel efficient, and carpool/van pool vehicles. (13C.5.106.5)	•	Code	e 155	•	n/r	n/r
	<b>Water Meters:</b> Provide submeters for spaces projected to consume more than 1,000 gal/day, or more than 100 gal/day if in building over 50,000 sq. ft. (13C.5.303.1)	•	n/r	n/r	n/r	n/r	n/r
	<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit IEQ 5). (13C.5.504.5.3)	•	n/r	n/r	•	n/r	n/r
I.	<b>Air Filtration:</b> Provide MERV-13 filters in residential buildings in air-quality hot-spots (or LEED credit IEQ 5). (SF Health Code Article 38 and SF Building Code 1203.5)	n/r	•	•	n/r	n/r	n/r
7	<b>Acoustical Control:</b> wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	•	See CB	C 1207	•	n/r	n/r

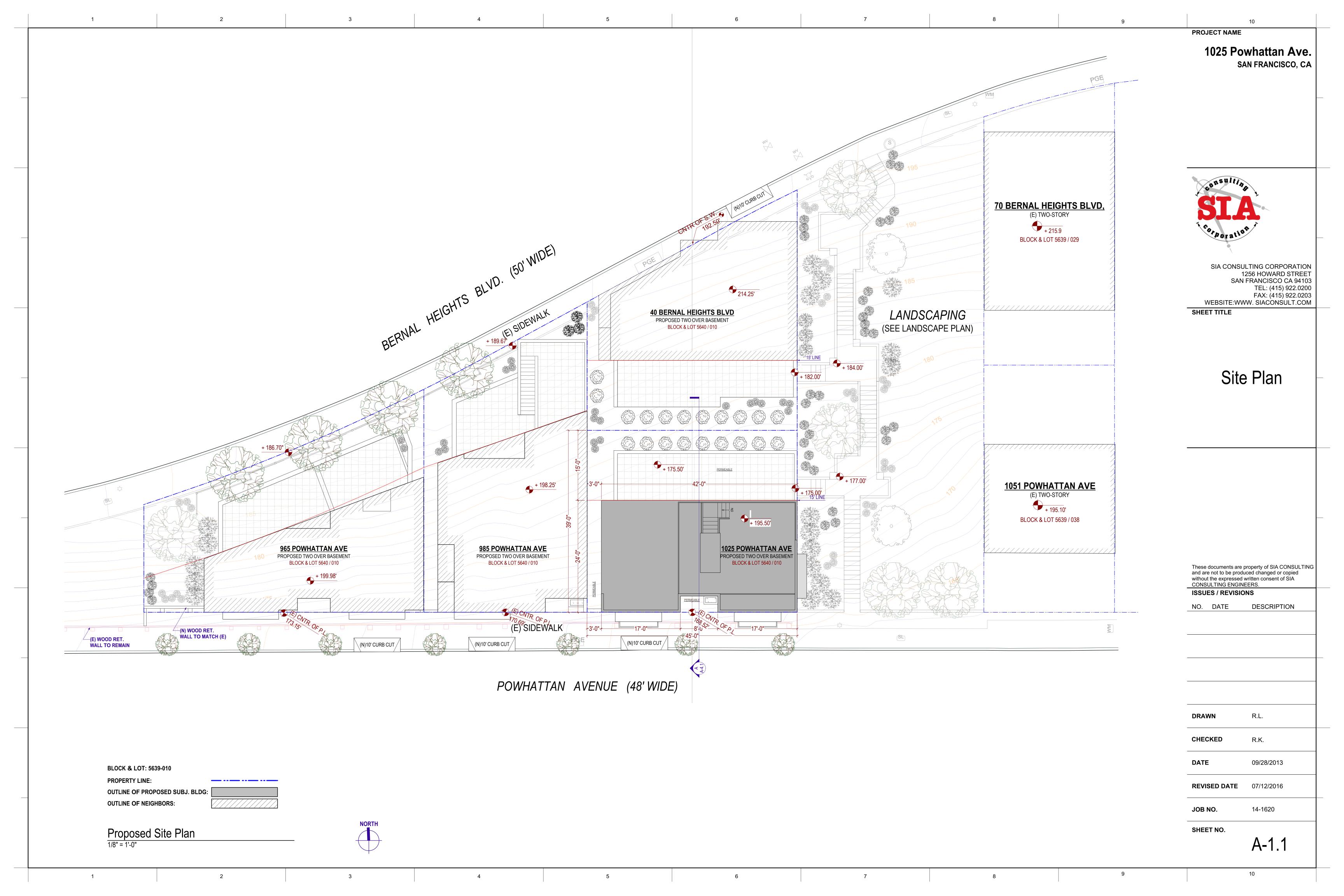
OTHER APPLICABLE NON-RESIDENTIA	L PROJE	CTS	Corp
Requirements below only apply when the measure is applicable to the project. Code references below are applicable to New Non-Residential buildings. Corresponding requirements for additions and alterations can be found in Title 24 Part 11, Division 5.7. Requirements for additions or alterations apply to applications received July 1, 2012 or after. <sup>3</sup>	Other New Non- Residential	Addition >2,000 sq ft OR Alteration >\$500,000 <sup>3</sup>	SIA
Type of Project Proposed (Check box if applicable)			SHEET TIT
<b>Energy Efficiency:</b> Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6. (13C.5.201.1.1)	•	n/r	
<b>Bicycle parking:</b> Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater (or LEED credit SSc4.2). (13C.5.106.4)	•		Gre
<b>Fuel efficient vehicle and carpool parking:</b> Provide stall marking for low-emitting, fuel efficient, and carpool/van pool vehicles; approximately 8% of total spaces. (13C.5.106.5)	•	•	
<b>Water Meters:</b> Provide submeters for spaces projected to consume >1,000 gal/day, or >100 gal/day if in buildings over 50,000 sq. ft.	•	•	
<b>Indoor Water Efficiency:</b> Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets, and urinals. (13C.5.303.2)	•	•	
<b>Commissioning:</b> For new buildings greater than 10,000 square feet, commissioning shall be included in the design and construction of the project to verify that the building systems and components meet the owner's project requirements. (13C.5.410.2)  OR for buildings less than 10,000 square feet, testing and adjusting of systems is required.	•	(Testing & Balancing)	
<b>Protect duct openings and mechanical equipment during construction</b> (13C.5.504.3)	•	•	
Adhesives, sealants, and caulks: Comply with VOC limits in SCAQMD Rule 1168 VOC limits and California Code of Regulations Title 17 for aerosol adhesives. (13C.5.504.4.1)		•	
<b>Paints and coatings:</b> Comply with VOC limits in the Air Resources Board Architectural Coatings Suggested Control Measure and California Code of Regulations Title 17 for aerosol paints. (13C.5.504.4.3)	•	•	
Carpet: All carpet must meet one of the following:  1. Carpet and Rug Institute Green Label Plus Program  2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350)  3. NSF/ANSI 140 at the Gold level  4. Scientific Certifications Systems Sustainable Choice  AND Carpet cushion must meet CRI Green Label,  AND Carpet adhesive must not exceed 50 g/L VOC content. (13C.5.504.4.4)	•		These documend and are not to without the exception CONSULTINISSUES / F
Composite wood: Meet CARB Air Toxics Control Measure for Composite Wood (13C.5.504.4.5)	•	•	
<b>Resilient flooring systems:</b> For 50% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria or certified under the Resilient Floor Covering Institute (RFCI) FloorScore program. (13C.5.504.4.6)	•	•	
Environmental Tobacco Smoke: Prohibit smoking within 25 feet of building entries, outdoor air intakes, and operable windows. (13C.5.504.7)	•	•	
<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings. (13C.5.504.5.3)	•	Limited exceptions. See CA T24 Part 11 Section 5.714.6	
<b>Acoustical Control:</b> Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	•	See CA T24 Part 11 Section 5.714.7	DRAWN
CFCs and Halons: Do not install equipment that contains CFCs or Halons. (13C.5.508.1)	•	•	
Additional Requirements for New A, B, I, OR M Occupancy Projects 5	5,000 - 25,000	Square Feet	DATE
<b>Construction Waste Management</b> – Divert 75% of construction and demolition debris AND comply with San Francisco Construction & Demolition Debris Ordinance.	•	Meet C&D ordinance only	REVISED I
Renewable Energy or Enhanced Energy Efficiency  Effective January 1, 2012: Generate renewable energy on-site equal to ≥1% of total annual energy cost (LEED EAc2). OR			JOB NO.

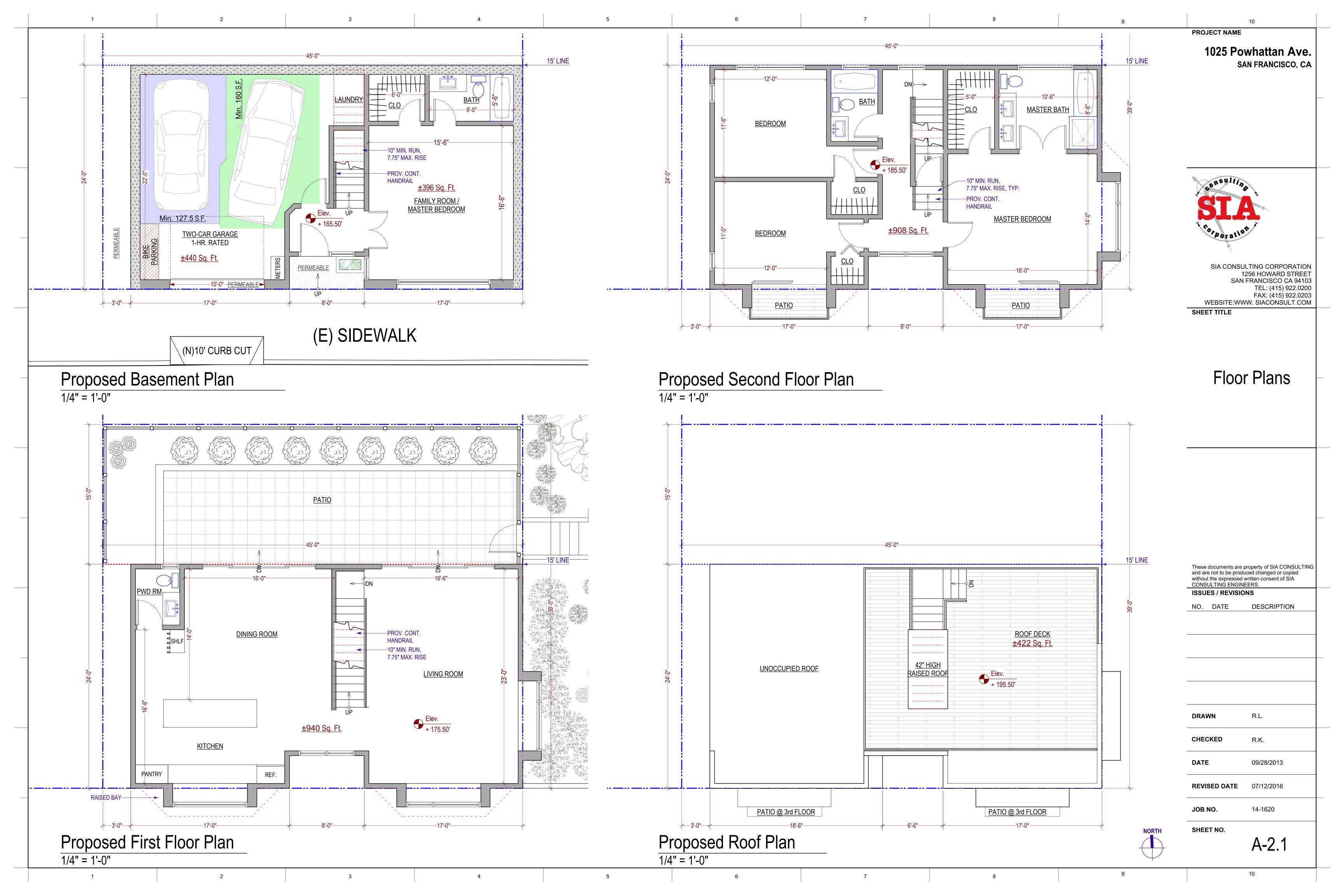




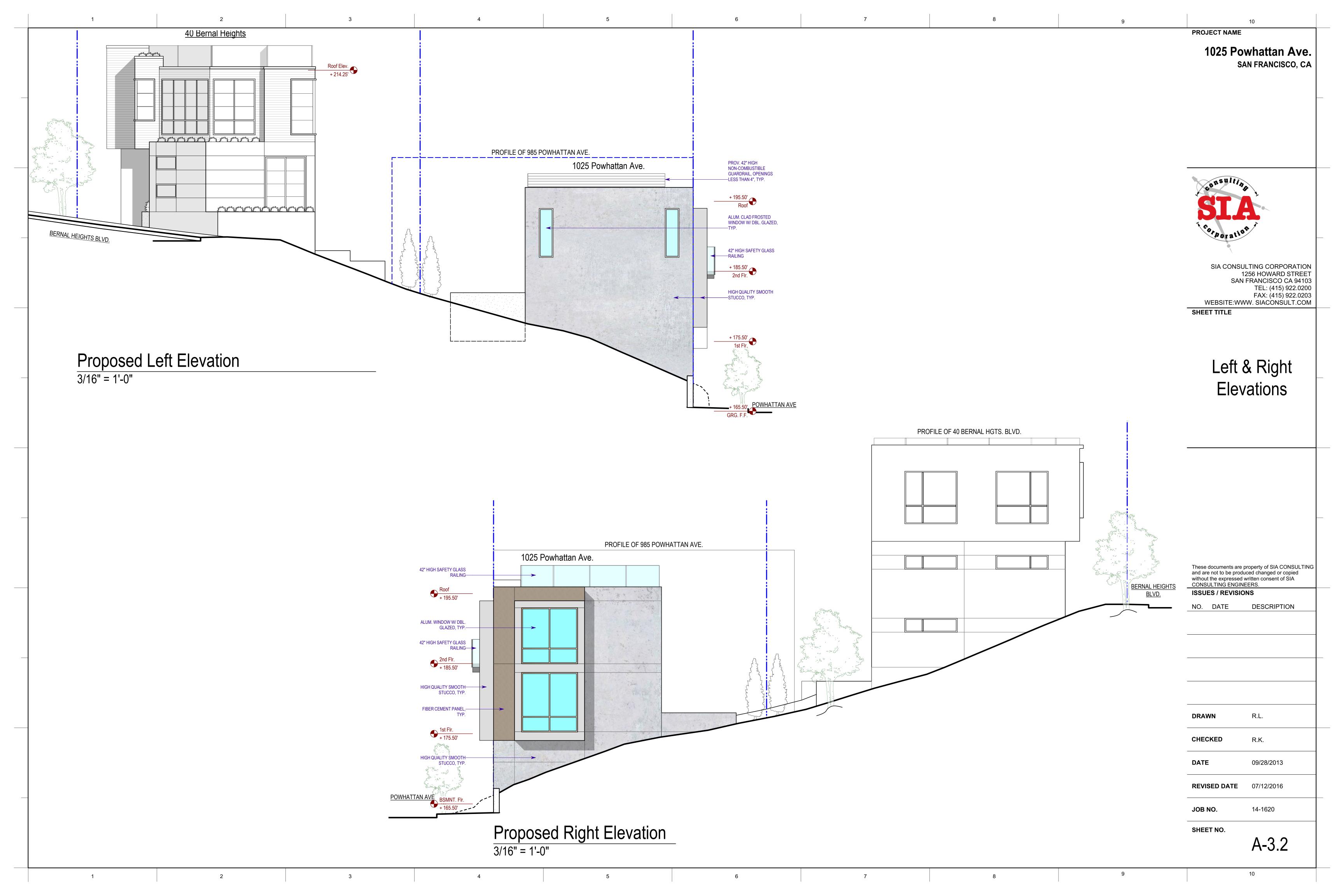


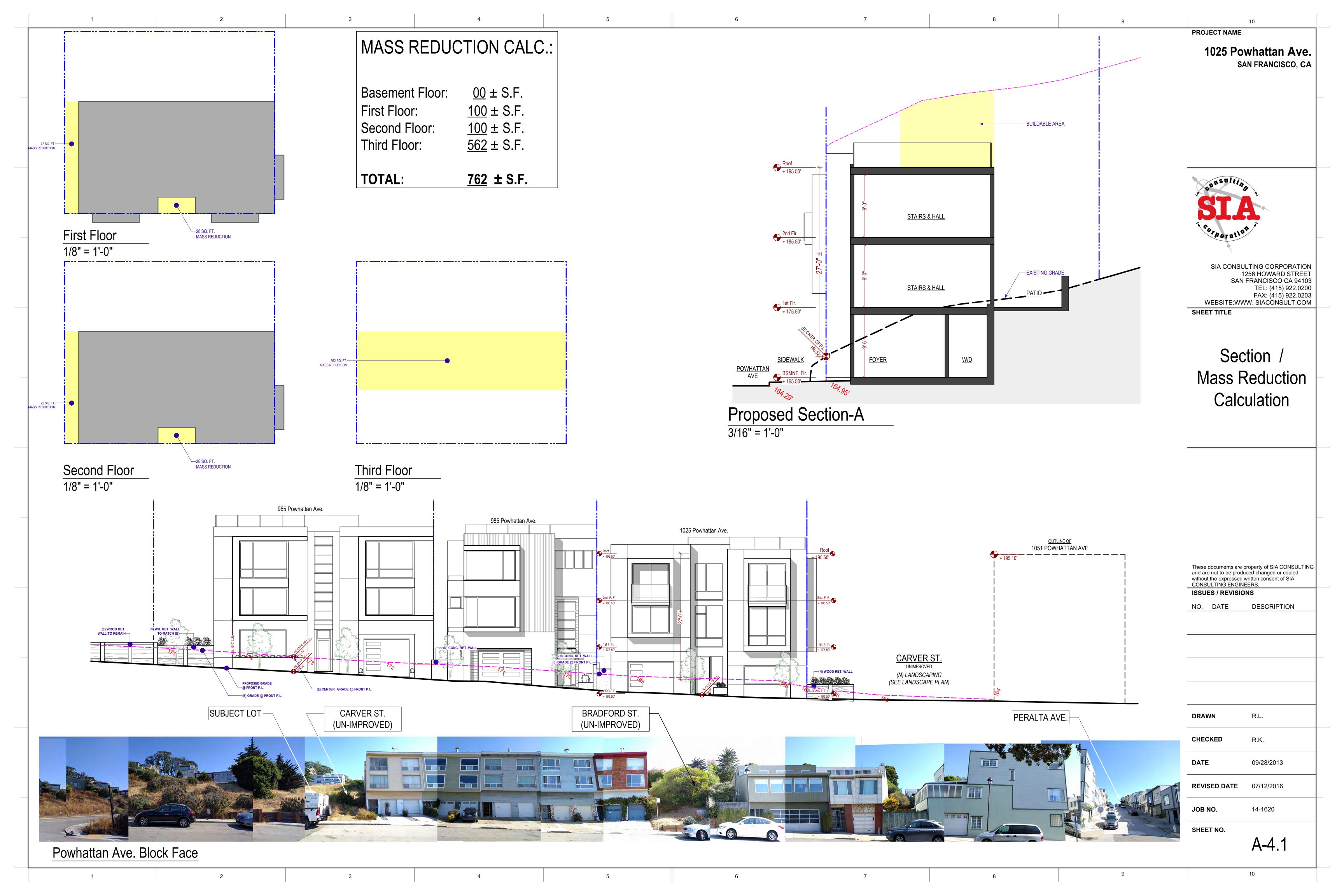












# Green Building: Site Permit Checklist

#### **BASIC INFORMATION:**

These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.

	Project Name 1025 POWHATTAN	Block/Lot 5640/010	Address 1025 POWHATTAN AVE.
-	Gross Building Area 3,033 ± SF	Primary Occupancy R-3	Design Professional/Applicant: Sign & Date  Bahman Ghassemzadeh
	# of Dwelling Units 1	Height to highest occupied floor 27'-0"	Number of occupied floors  3

### **Instructions:**

As part of application for site permit, this form acknowledges the specific green building requirements that apply to a project under San Francisco Building Code Chapter 13C, California Title 24 Part 11, and related local codes. Attachment C3, C4, or C5 will be due with the applicable addendum. To use the form:

(a) Provide basic information about the project in the box at left. This info determines which green building requirements apply.

#### **AND**

(b) Indicate in one of the columns below which type of project is proposed. If applicable, fill in the blank lines below to identify the number of points the project must meet or exceed. A LEED or GreenPoint checklist is not required to be submitted with the site permit application, but such tools are strongly recommended to be used .

Solid circles in the column indicate mandatory measures required by state and local codes. For projects applying LEED or GreenPoint Rated, prerequisites of those systems are mandatory. This form is a summary; see San Francisco Building Code Chapter 13C for details.

Renewable Energy or Enhanced Energy Efficiency

annual energy cost (LEED EAc2), OR

Part 6 2008), OR

Effective January 1, 2012: Generate renewable energy on-site equal to ≥1% of total

demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24

purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).

**PROJECT NAME** 

1025 Powhattan Ave.

SAN FRANCISCO, CA

SAN FRANCISCO CA 94103 FAX: (415) 922.0203 WWW. SIACONSULT.COM

## en Building hecklist

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DESCRIPTION

R.L. R.K.

09/28/2013

**TE** 07/12/2016 14-1620

SHEET NO.

JOB NO.

GP-0.1

## ALL PROJECTS, AS APPLICABLE

Construction activity stormwater pollution prevention and site runoff controls - Provide a construction site Stormwater Pollution Prevention Plan and implement SFPUC Best Management Practices.	
<b>Stormwater Control Plan:</b> Projects disturbing ≥5,000 square feet must implement a Stormwater Control Plan meeting SFPUC Stormwater Design Guidelines	•
Water Efficient Irrigation - Projects that include ≥ 1,000 square feet of new or modified landscape must comply with the SFPUC Water Efficient Irrigation Ordinance.	•
Construction Waste Management – Comply with the San Francisco Construction & Demolition Debris Ordinance	•
Recycling by Occupants: Provide adequate space and equal access for storage, collection and loading of compostable, recyclable and landfill materials.  See Administrative Bulletin 088 for details.	•

#### **GREENPOINT RATED PROJECTS**

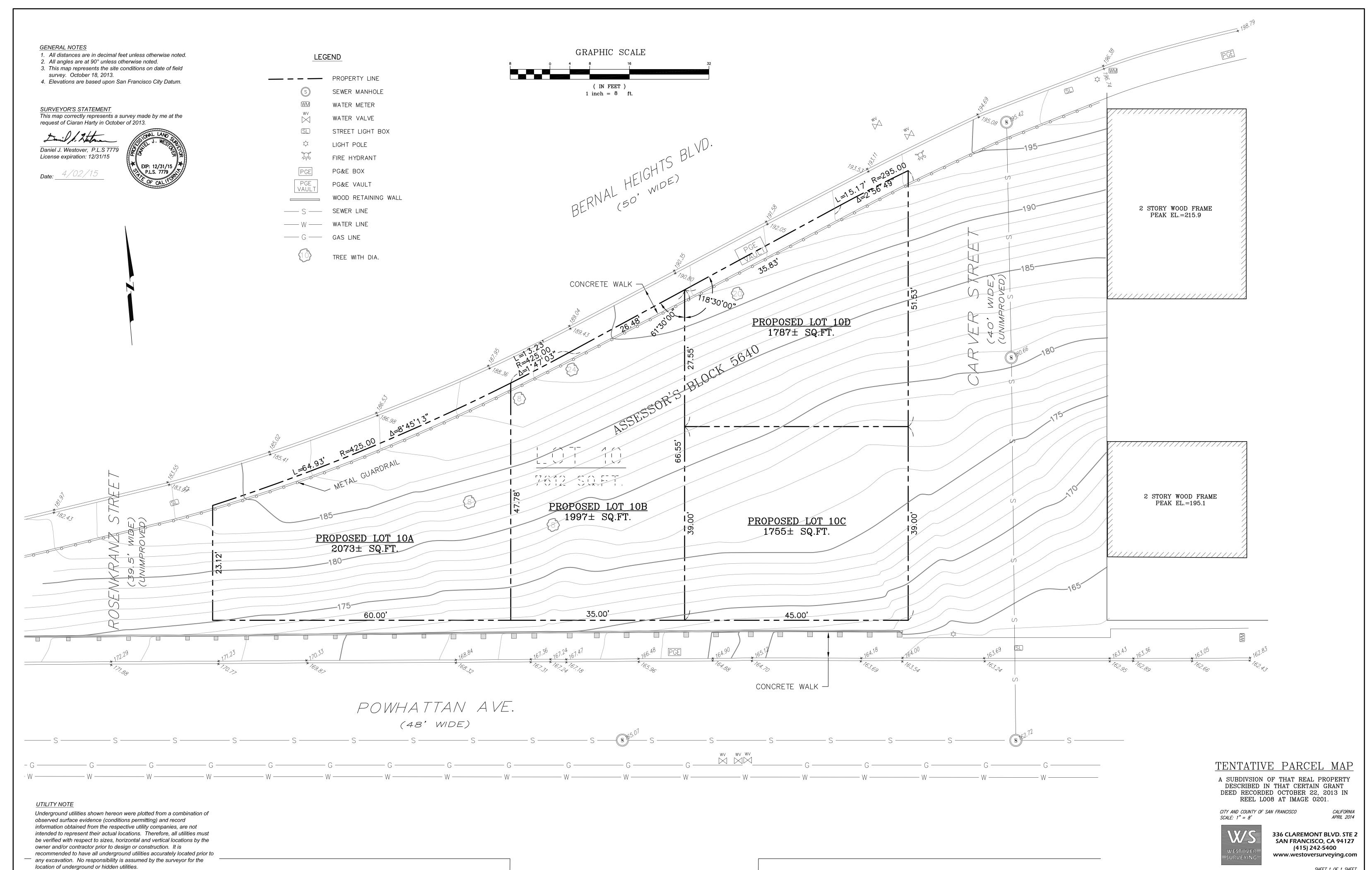
Proposing a GreenPoint Rated Project (Indicate at right by checking the box.)	
Base number of required Greenpoints:	75
Adjustment for retention / demolition of historic features / building:	
Final number of required points (base number +/-adjustment)	
GreenPoint Rated (i.e. meets all prerequisites)	•
Energy Efficiency: Demonstrate a 15% energy use	
reduction compared to 2008 California Energy Code, Title 24, Part 6.	•
Meet all California Green Building Standards	
Code requirements	
(CalGreen measures for residential projects have	
been integrated into the GreenPoint Rated system.)	

#### Notes

- 1) New residential projects of 75' or greater must use the "New Residential High-Rise" column. New residential projects with >3 occupied floors and less than 75 feet to the highest occupied floor may choose to apply the LEED for Homes Mid-Rise rating system; if so, you must use the "New Residential Mid-Rise" column.
- 2) LEED for Homes Mid-Rise projects must meet the "Silver" standard, including all prerequisites. The number of points required to achieve Silver depends on unit size. See LEED for Homes Mid-Rise Rating System to confirm the base number of points required.
- 3) Requirements for additions or alterations apply to applications received on or after July 1, 2012.

LEED PROJECTS								
	New Large Commercial	New Residential Mid-Rise <sup>1</sup>	New Residential High-Rise <sup>1</sup>	Commerical Interior	Commercial Alteration	Residential Alteration		
Type of Project Proposed (Indicate at right)								
Overall Requirements:								
LEED certification level (includes prerequisites):	GOLD	SILVER	SILVER	GOLD	GOLD	GOLD		
Base number of required points:	60	2	50	60	60	60		
Adjustment for retention / demolition of historic features / building:				n/a				
Final number of required points (base number +/- adjustment)				50				
Specific Requirements: (n/r indicates a measure is not construction Waste Management – 75% Diversion AND comply with San Francisco Construction & Demolition Debris Ordinance LEED MR 2, 2 points	. ,	•			Meet C&D ordinance only	•		
15% Energy Reduction Compared to Title-24 2008 (or ASHRAE 90.1-2007) LEED EA 1, 3 points	•	•	•	LEED prerequisite only				
Renewable Energy or Enhanced Energy Efficiency Effective 1/1/2012: Generate renewable energy on-site ≥1% of total annual energy cost (LEED EAc2), OR Demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR Purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).		n/r	n/r	n/r	n/r	n/r		
Enhanced Commissioning of Building Energy Systems LEED EA 3	•	Meet LEED prerequisites						
Water Use - 30% Reduction LEED WE 3, 2 points	•	n/r	n/r Meet LEED prerequisites			isites		
Enhanced Refrigerant Management LEED EA 4	•	n/r	n/r	n/r	n/r	n/r		
Indoor Air Quality Management Plan LEED IEQ 3.1	•	n/r	n/r	n/r	n/r	n/r		
Low-Emitting Materials LEED IEQ 4.1, 4.2, 4.3, and 4.4	•	n/r	•	•	•	•		
<b>Bicycle parking:</b> Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater, or meet LEED credit SSc4.2. (13C.5.106.4)	•	n/r See San Francisco Planning Code 155		•	n/r	n/r		
<b>Designated parking:</b> Mark 8% of total parking stalls for low-emitting, fuel efficient, and carpool/van pool vehicles. (13C.5.106.5)	•			•	n/r	n/r		
Water Meters: Provide submeters for spaces projected to consume more than 1,000 gal/day, or more than 100 gal/day if in building over 50,000 sq. ft. (13C.5.303.1)	•	n/r	n/r	n/r	n/r	n/r		
<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit IEQ 5). (13C.5.504.5.3)	•	n/r	n/r	•	n/r	n/r		
<b>Air Filtration:</b> Provide MERV-13 filters in residential buildings in air-quality hot-spots (or LEED credit IEQ 5). (SF Health Code Article 38 and SF Building Code 1203.5)	n/r	•	•	n/r	n/r	n/r		
Acoustical Control: Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	•	See CBC 1207		•	n/r	n/r		

Requirements below only apply when the measure is applicable to the project. Code		Addition	Corpora
references below are applicable to New Non-Residential buildings. Corresponding requirements for additions and alterations can be found in Title 24 Part 11, Division 5.7. Requirements for additions or alterations apply to applications received July 1, 2012 or after. <sup>3</sup>	Other New Non- Residential	>2,000 sq ft OR Alteration >\$500,000 <sup>3</sup>	SIA COI
Type of Project Proposed (Check box if applicable)			WEBSITE SHEET TITLE
Energy Efficiency: Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6. (13C.5.201.1.1)	•	n/r	
<b>Bicycle parking:</b> Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater (or LEED credit SSc4.2). (13C.5.106.4)	•		Gree
Fuel efficient vehicle and carpool parking: Provide stall marking for low-emitting, fuel efficient, and carpool/van pool vehicles; approximately 8% of total spaces. (13C.5.106.5)	•		С
<b>Water Meters:</b> Provide submeters for spaces projected to consume >1,000 gal/day, or >100 gal/day if in buildings over 50,000 sq. ft.	•	•	
<b>Indoor Water Efficiency:</b> Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets, and urinals. (13C.5.303.2)	•	•	
<b>Commissioning:</b> For new buildings greater than 10,000 square feet, commissioning shall be included in the design and construction of the project to verify that the building systems and components meet the owner's project requirements. (13C.5.410.2) <b>OR</b> for buildings less than 10,000 square feet, testing and adjusting of systems is required.	•	(Testing & Balancing)	
Protect duct openings and mechanical equipment during construction (13C.5.504.3)	•	•	
Adhesives, sealants, and caulks: Comply with VOC limits in SCAQMD Rule 1168 VOC limits and California Code of Regulations Title 17 for aerosol adhesives. (13C.5.504.4.1)	•	•	
<b>Paints and coatings:</b> Comply with VOC limits in the Air Resources Board Architectural Coatings Suggested Control Measure and California Code of Regulations Title 17 for aerosol paints. (13C.5.504.4.3)	•		
Carpet: All carpet must meet one of the following:  1. Carpet and Rug Institute Green Label Plus Program  2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350)  3. NSF/ANSI 140 at the Gold level  4. Scientific Certifications Systems Sustainable Choice  AND Carpet cushion must meet CRI Green Label,  AND Carpet adhesive must not exceed 50 g/L VOC content. (13C.5.504.4.4)	•		These documents and are not to be without the expre CONSULTING EI
Composite wood: Meet CARB Air Toxics Control Measure for Composite Wood (13C.5.504.4.5)	•	•	
<b>Resilient flooring systems:</b> For 50% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria or certified under the Resilient Floor Covering Institute (RFCI) FloorScore program. (13C.5.504.4.6)	•	•	
Environmental Tobacco Smoke: Prohibit smoking within 25 feet of building entries, outdoor air intakes, and operable windows. (13C.5.504.7)	•	•	
<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings. (13C.5.504.5.3)	•	Limited exceptions. See CA T24 Part 11 Section 5.714.6	
<b>Acoustical Control:</b> Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	•	See CA T24 Part 11 Section 5.714.7	DRAWN  CHECKED
CFCs and Halons: Do not install equipment that contains CFCs or Halons. (13C.5.508.1)	•	•	
Additional Requirements for New A, B, I, OR M Occupancy Projects 5	,000 - 25,000	Square Feet	DATE
Construction Waste Management – Divert 75% of construction and demolition debris AND comply with San Francisco Construction & Demolition Debris Ordinance.	•	Meet C&D ordinance only	REVISED DAT



SHEET 1 OF 1 SHEET

NO ADDRESSES

AB 5640 LOT 10









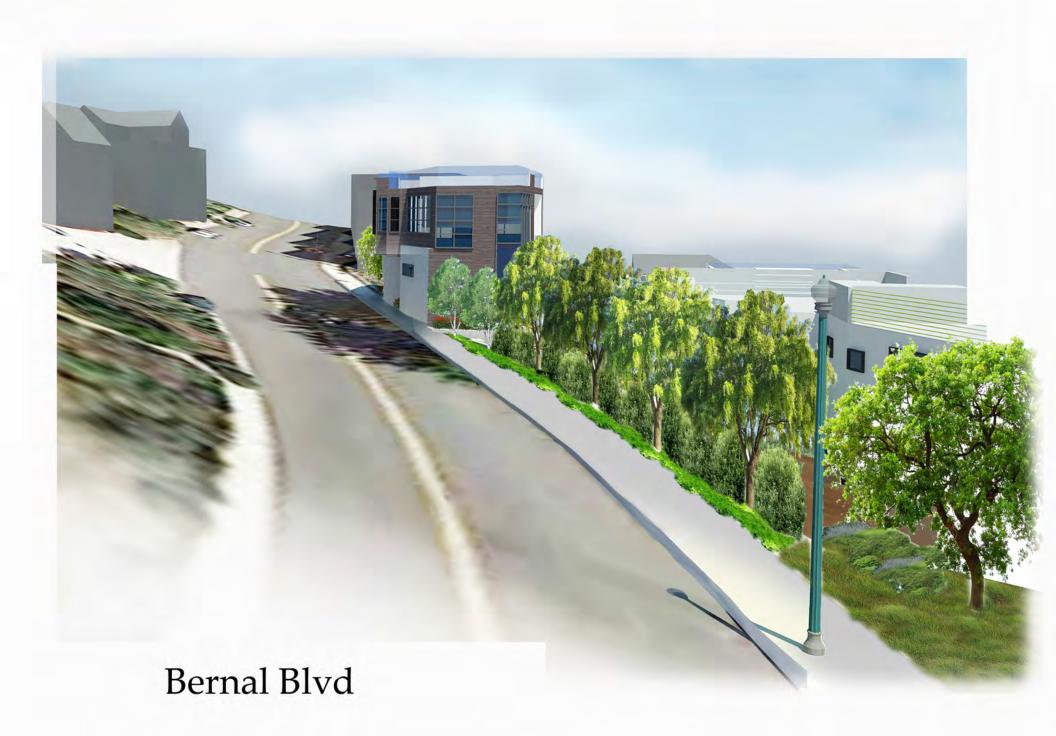








**\_** Upper stair entrance





Powhattan Avenue



## Powhattan Avenue

Streetscape Elevation

#### Attachment A: 40 Bernal Heights Boulevard, 965, 985 & 1025 Powhattan Avenue

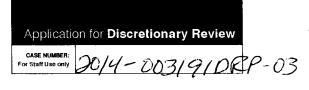




#### Attachment A: 40 Bernal Heights Boulevard, 965, 985 & 1025 Powhattan Avenue







# APPLICATION FOR Discretionary Review

RECEIVED

JAN 2 6 2016

1. Owner/Applicant Inf	ormation			CITY & CO	OUNTY OF S
DR APPLICANT'S NAME: lizabeth Brown/Colin Pe	theram/Karteek I	Patel/Linda Bet	tencourt/Melissa Sha	w on behalf of Be	rnal Heights
neighbors					
DR APPLICANT'S ADDRESS:			ZIP CODE:	TELEPHON	
2 Nebraska Street, San Fr	ancisco, CA		94110	(415)	826-3347 
PROPERTY OWNER WHO IS DOING	THE PROJECT ON WHIC	H YOU ARE REQUEST	ING DISCRETIONARY REVIEW N	AME:	
SIA Consulting Corp.					
ADDRESS:		<del></del>	ZIP CODE:	TELEPHO	NE:
1256 Howard Street, San	Francisco, CA	·-····································	94103	(415)	922-0200
CONTACT FOR DR APPLICATION:					
Same as Above					
ADDRESS:			ZIP CODE:	TELEPHOI	NE:
				( )	
E-MAIL ADDRESS:					
oetsybrown1@mac.com					
2. Location and Class  STREET ADDRESS OF PROJECT:  40 Bernal Heights Avenu  CROSS STREETS:  Bernal Heights Blvd/Pow	e, San Francisco,		arver Street		ZIP CODE: 94110
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BUL	K DISTRICT;
5640 /010	120x267x156	7,492 sq ft	RH-1	40-X (Be	rnal SUD)
3. Project Description Please check all that apply Change of Use  Chai	nge of Hours 🗌	New Constru	ction 🛣 Alterations	s Demolition	n [] Other []
Additions to Building: Present or Previous Use:	Rear Fro.	nt 🗌 Heigh	nt 🗌 Side Yard 🗆		
Proposed Use: New cons	struction of four	single-family d	wellings on an upslop	oing lot including	lot subdivision
Puilding Downit Applicati	2014.05.2	1.63945		Data Filadi	



#### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	ж
Have you discussed this project with the permit applicant?	13	
Did you discuss the project with the Planning Department permit review planner?	<b>[3</b> ]	
Did you participate in outside mediation on this case?	[3]	

5	Changes	Made to	the Pro	iect as	a Result	of Mediation
J.	Onlanges	WIGGE LO	uiciio	Joor as	a Hosait	Of Wicalation

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.  SEE ATTACHED	
	<del></del>

Application	on for <b>Discretionary Review</b>
CASE NUMBER: For Staff Use only	

#### 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.
_	SEE ATTACHED
_	
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:
S	EE ATTACHED
_	
_	
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?
	SEE ATTACHED
_	
_	
_	

#### 1) Reasons for requesting Discretionary Review

We represent more than 150 neighbors who live in close proximity to the proposed development project at 40 Bernal Heights Avenue, 965 Powhattan Avenue, 985 Powhattan Avenue and 1025 Powhattan Avenue, all of whom have signed letters to the Planning Department in opposition to this development project. We oppose the development project as currently proposed because the planned homes are not consistent with the Planning Code, Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines, and the General Plan. In addition, the proposed development project in its totality is out of context and scale with the established character of the surrounding neighborhood and creates a precedent for denser development that will ultimately destroy the special and unique qualities of Bernal Heights. Finally, the Bernal Heights East Slope Design Review Board still finds that improvements to the proposed development project are required to fully incorporate the Bernal Heights East Slope Building Guidelines. For these reasons, there are exceptional and extraordinary circumstances associated with this proposed development project that justify Discretionary Review.

Discretionary Review is justified for at least the following reasons:

1) The proposed development project violates the Residential Design Guidelines (RDG) and the Bernal Height East Slope Building Guidelines (BHESBG), both of which are fully incorporated into the San Francisco Planning Code<sup>2</sup>

#### a. Front Yard Setbacks:

See Exhibit 1, which shows the breadth of neighborhood opposition to the proposed development project. Houses shown in red represent neighbors who have signed letters opposing the current scope of the project.

<sup>&</sup>lt;sup>2</sup> See Section 311, Article III of the San Francisco Planning Code which fully incorporates the Residential Design Guidelines into the Planning Code. Section 311 requires the Planning Department to not only consider the Guidelines, but also to find that a new building is consistent with the Residential Design Guidelines (Superior Court Decision and Order No. 987418 of September 29, 1997). In addition, see Section 242(a)(6) of the San Francisco Planning Code which fully incorporates the Bernal Heights East Slope Building Guidelines into the Planning Code.

i. The RDG recognizes the front yard setback as significant because it provides "a transition between the public realm of the street and the private realm of the building...." As such, the RDG states that the front yard setback "must be treated so that it provides a pedestrian scale for the building and enhances the open space along the street." (Page 12, RDG: December 2003).

The BHESBG also provides that "[f]ront yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed back from the property line, a feeling of openness is maintained and the access of light and air to the street is maintained. When a house is placed up to a sidewalk on a sloped terrain, all sense of the topography of the lot is lost." (Page 6, BHESBG).

For this reason, the BHESBG indicates that front building setbacks are "essential." The BHESBG requires that front building setbacks "must be established by: 1. conforming to existing setbacks on adjacent or near adjacent houses; . . . 3. Topographic considerations." (Page 3, BHESBG).

Although the RDG and the BHESBG identify front yard setbacks as essential, none of the four homes that comprise the proposed development project include any front yard setbacks. In contrast, the established houses immediately east of the proposed development project on Powhattan Avenue (which are less than 50 feet from one of the proposed houses), are set back approximately 25 feet from the street.

The four homes comprising this development project should include front yard setbacks that conform to the established adjacent/near adjacent homes on Powhattan Avenue and Bernal Heights Boulevard.

The lack of front yard setbacks in current plans will result in a

conspicuous and massive wall along Powhattan Avenue that does not relate to the existing neighborhood.<sup>3</sup>

ii. Front yard setbacks will increase public safety by giving drivers who are entering either Powhattan Avenue or Bernal Heights Boulevard from the proposed development project an opportunity to check for pedestrians and traffic before entering the sidewalk/street.

First, the 2-3-car garages proposed on Powhattan Avenue will abut the only sidewalk that exists on Powhattan Avenue.<sup>4</sup>

Second, the 2-3-car garages proposed on Powhattan Avenue will result in many cars backing in or pulling out into the busy intersection of Powhattan Avenue and Nebraska Street.<sup>5,6</sup> This is potentially dangerous because Nebraska Street is a steep street, and as a result, its intersection with Powhattan Avenue has limited visibility. In addition, this intersection already experiences high traffic during commute times. It has also been the site of many accidents.

<sup>&</sup>lt;sup>3</sup> See Exhibit 2 which illustrates the front yard setback of the neighboring homes on Powhattan Avenue and the impact on the neighborhood should the proposed development project not include similar front yard setbacks as the adjacent/near adjacent homes.

<sup>&</sup>lt;sup>4</sup> See Exhibit 3 which illustrates how the proposed development project will relate to pedestrians as they use the only sidewalk on Powhattan Avenue.

<sup>&</sup>lt;sup>5</sup> See Exhibit 6 which illustrates how the proposed development project will relate to the existing neighborhood, and in particular the intersection of Powhattan Avenue and Nebraska Street.

<sup>&</sup>lt;sup>6</sup> See Exhibit 4 which illustrates the traffic patterns at the intersection of Powhattan Avenue and Nebraska Street which is the site of the proposed development project.

Third, the 2-car garage proposed on Bernal Heights Blvd. is in close proximity to a bus stop that experiences heavy pedestrian and vehicle traffic.<sup>7</sup>

In summary, front yard setbacks will help alleviate safety problems for both pedestrians and vehicles on Powhattan Avenue and Bernal Heights Boulevard.

b. Entry Treatment: The RDG recognizes building entrances as an important building feature. In fact, the RDG states that "[a] well–designed building entrance will appear welcoming and inviting to the pedestrian, making the neighborhood a pleasant place to live." (Page 31, RDG: December 2003).

As it relates to the East Slope of Bernal Heights, the BHESBG specifically identifies as a problem the treatment of entries in new construction; namely, the "hole-in-the-wall doorway." (Page 9, BHESBG). As a result, the BHESBG requires that the "entry of a house be made to be something special — a celebration — more than just a front door." (Page 9, BHESBG). In addition, the BHESBG provides numerous examples to illustrate the intent of the rule. The entry treatment of the four proposed homes in this development project completely ignores this BHESBG rule and actually incorporates the "hole-in-the-wall" doorway in all of the proposed new construction homes. The impact of the "hole-in-the-wall" doorway in all four of the proposed homes in this development project, as mentioned above, is that *the homes appear as a conspicuous massive wall that is out of character for the neighborhood*.

c. <u>Building Bulk and Architectural Massing</u>: The RDG recognizes the importance of scale in the design of a building. Specifically, the RDG states that "[i]t is essential for a building's scale to be compatible with that of surrounding

<sup>&</sup>lt;sup>7</sup> See Exhibit 5 which illustrates the bus stop on Bernal Heights Blvd. which is the side of the proposed development project.

buildings, in order to preserve the neighborhood character. Poorly scaled buildings will seem incompatible . . . and inharmonious with their surroundings." (Page 23, RDG: December 2003).

The BHESBG specifically identifies a problem with building bulk and architectural massing around the East Slope of Bernal Heights. The objectives of the BHESBG are summed up in the BHESBG and the existing City Planning Policies and in part include:

- Deter[ing] the possibilities of visually dominant buildings with blank and uninteresting exteriors which do not relate well to surrounding development;
- ii. Promot[ing] harmony in the visual relationships and transitions between new and older buildings; and
- iii. Encourag[ing] the construction of buildings which meet the ground and reflect the slope of the hill.

(Page 15, BHESBG).

In light of these objectives, the BHESBG identifies strategies including in part: 1) Step the building with the slope; 2) Break up the overall massing into articulated architectural pieces; 3) Break up solid plane of the facade; 4) Require at least a partial 4' wide sideyard on one side of the lot; 5) Diminish height of the rear portion of the building; and 6) Require pitched or usable flat roofs. (Page 16, BHESBG).

The four proposed homes in this development project largely ignore the strategies outlined in the BHESBG. In brief, the four proposed homes are an updated version of the maximum-building-envelope-shoebox homes described in the BHESBG. And, in fact, it is these original maximum-building-envelope-shoebox homes that eventually led to the implementation of the BHESBG.

The four proposed homes in this development project fail to: 1) step with the slope of the hill; 2) break up the overall massing into articulated architectural pieces; 3) break up the solid plane of the façade; 3) include at least a partial 4' sideyard; and 4) diminish height of the rear portion of the buildings. In fact, these four homes, if built as proposed, and as described above, will present a conspicuous and massive wall along Powhattan Street dwarfing the building across from Powhattan Street and elsewhere in the vicinity.<sup>8</sup>

d. <u>Sideyards:</u> The RDG recognizes the importance of side spacing between buildings because it "helps establish the individual character of each building while creating a rhythm to the composition of a proposed project." (Page 15, RDG: December 2003).

In addition, the BHESBG indicates that "[a]fter a long study of the pros and cons of requiring a sideyard on one side of the lot versus building lot line to lot line, it was determined that the inclusion of a sideyard is an essential ingredient in reaching our design objectives." (Page 17, BHESBG). Therefore, a four foot wide sideyard is required on one side of each 25' lot. (Page 19, BHESBG). The four proposed homes in this development project, however, only provide for a three foot wide sideyard and they are built directly to the street. Again, the failure by the proposed development project to incorporate the rules in the BHESBG results in the erosion of the unique character of the East Slope of Bernal Heights and it violates Section 242(e)(6) of the Planning Code.

e. <u>Façade Elements/Color and Materials</u>: The intent of the BHESBG as they relate to façade elements is to "maximize the possibilities for diversity while striving for harmony between dissimilar pieces on neighboring buildings so that they fit into a satisfying whole." (Page 24, BHESBG). As indicated in the BHESBG, buildings when seen together produce a total effect. In this particular instance,

<sup>&</sup>lt;sup>8</sup> See Exhibit 6 which illustrates how the houses in proposed development project facing Powhattan relate to the existing neighborhood.

the four homes in the proposed development project have little, if any, diversity. Given the lack of diversity of the proposed homes, the total effect of these buildings, as stated above, is to create a massive wall along Powhattan Avenue dwarfing the buildings across Powhattan Avenue and elsewhere in the vicinity. Introduction of façade elements and variation in color and materials into the homes of this proposed development project are necessary to create harmony between this development project and the neighboring buildings, and to preserve the unique and special character of the neighborhood.

2) The densely-built block of large, luxury homes that comprise the proposed development project in its totality is out of character for the East Slope of Bernal Heights and in violation of the City Planning Policies

Applicant plans to build four new large, luxury homes, averaging 2,139 sq ft livable space, on lots averaging 1,903 sq ft. In addition, the four large homes include approximately 1200 sq ft of non-livable space, e.g., garages and rooftop decks.

In contrast, existing nearby homes **average 1,313** sq ft of livable space on lots **averaging 2,064 sq ft.**<sup>9</sup> In addition, existing nearby homes generally have less non-livable space, e.g., typically single car garages and no rooftop decks.

In short, the proposed project would put roughly 800 additional square feet of livable space on each four lots that are already smaller than the neighborhood average. Even more troubling is the fact that the ratio of living space to lot size in the proposed development is 1.12, as compared to 0.63, which is ratio of living space to lot size of existing homes in the surrounding neighborhood.

The contiguous placement of four large homes on this irregularly shaped, steeply-sloped section of land<sup>10</sup> is out of character with the neighborhood and will create a massive

<sup>&</sup>lt;sup>9</sup> This assessment is derived from City Recorder's information about other lots and structures within three hundred (300) feet of the proposed development. See Exhibit 9.

wall dwarfing nearby homes and destroying the existing balance between built space and open space in the surrounding neighborhood.

Numerous sections of the <u>General Plan</u> address the preservation of neighborhood character, including but not limited to the following <u>Housing Element Policies</u>:

a. POLICY 11.3 Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.
 Accommodation of growth should be achieved without damaging existing residential neighborhood character.

To ensure character is not impacted, the City should continue to use **community planning** processes to direct growth and change according to a community-based vision.

The Planning Department should utilize *residential design guidelines*, *neighborhood specific design guidelines*, and other documents describing a specific neighborhoods character as guideposts to determine compatibility of proposed projects with existing neighborhood character.<sup>11</sup>

b. <u>POLICY 11.5</u> Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Residential density controls should reflect prevailing building types in established residential neighborhoods. Particularly in RH-1 and RH-2 areas, prevailing height and bulk patterns should be maintained to protect neighborhood character.

<sup>&</sup>lt;sup>10</sup> See Exhibit 8 which is a photograph taken from Bernal Heights Blvd. and shows the steep slope of the lot upon which the proposed development project is to be built.

c. <u>POLICY 11.2</u> ... *Proposed buildings should relate well to the street and to other buildings, regardless of style*. New and substantially altered buildings should be designed in a manner that conserves and respects neighborhood character.

In addition, <u>San Francisco Design Guidelines</u>, which are also applicable here, repeatedly reinforce the concept of neighborhood character:

- a. "Planning Department review of projects and development of guidelines should build on adopted local controls, including recently adopted Area Plans, neighborhood specific design guidelines, and historic preservation district documents...."
- b. "[T]hose guiding documents approved by the Planning Commission may be legally enforced by Planning staff."

In addition, the Bernal Heights Special Use District as set forth in Section 242(b) was also established "to reflect the special characteristics and hillside topography of an area of the City that has a collection of older buildings situated on lots generally smaller than the lot patterns in other low-density areas of the City and to encourage development in context and scale with the established character. . . ."

It is clear from the above provisions in the General Plan, the San Francisco Residential Design Guidelines, Section 242 of the Planning Code and the Bernal Heights East Slope Building Guidelines that the City Planning Policies focus on the concept of preservation of the neighborhood character, and in particular, the special and unique character of the Bernal Heights neighborhood. Moreover, it is clear from the above provisions that protection of neighborhood character is a planning priority in San Francisco – a priority that must be addressed in short-term decisions with long-term impacts. The proposed development project, however, is completely out of character with the neighborhood. As explained in detail above, *the mass, scale and density of this proposed development project on this irregularly shaped, steeply-sloped section of land are out of character* 

with the neighborhood and will result in a massive wall dwarfing nearby homes and destroying the existing balance between built space and open space in the surrounding neighborhood.

3) The Bernal Heights East Slope Design Review Board still finds that improvements are required to the proposed development project

The Bernal Heights East Slope Design Review Board has held three neighborhood meetings to review the proposed development project. As of the last meeting, held July 22, 2015, the Bernal Heights East Slope Design Review Board found that *the proposed development project requires improvements to ensure that East Slope Building Guidelines are fully incorporated into the plans*.

CONCLUSION: For the reasons set forth in this document, we maintain that Discretionary Review of the current development project is justified. In short, the proposed development project is not consistent with the Planning Code, Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines and the General Plan. In addition, the proposed development project in its totality is out of context and scale with the established character of the neighborhood and creates a precedent for denser development that will ultimately destroy the special and unique character of Bernal Heights for both current and future residents. Finally, the Bernal Heights East Slope Design Review Board still finds that improvements to the proposed development project are required to fully incorporate the Bernal Heights East Slope Building Guidelines.

## 2) Unreasonable impacts — how properties in the neighborhood would be adversely affected

DESTRUCTION OF NEIGHBORHOOD CHARACTER: The proposed development project subdivides a single vacant lot into a "block" of homes. This would be the first instance in recent Bernal Heights history of an undeveloped lot being developed into an entire block of houses. For this reason, attention to the characteristics of the neighborhood is particularly important. The contiguous placement of four large homes on this irregularly shaped, steeply-sloped section of land is in fact completely out of character with the neighborhood.

In addition, as detailed in response to question 1 of this application, the proposed homes in this development project represent a dramatic departure from the average livable-to-open-space ratio among nearby homes; namely a livable space to lot size ratio of 1.12 as opposed to 0.63 of the existing neighborhood. Mass is an important element of neighborhood character and the proposed mass of these homes on a steep hill would have an unreasonable and deleterious impact on the Bernal Heights neighborhood. In addition, the lack of front yard setbacks pushes the 30-foot facades up against the sidewalk, which again is inconsistent with existing adjacent/near adjacent buildings. Finally, there is little, if any, attempt to step the buildings with the slope of the lot, or include entry treatments, façade elements or a variety in colors and materials to minimize the overwhelming nature of the proposed development project and to attempt to blend the development project into the existing neighborhood. The overall impact of the proposed development project will be to negatively affect quality of life for current and future residents of Bernal Heights and to erode the neighborhood's distinctive character for the long term.

**NEW PRECEDENT FOR DENSER DEVELOPMENT:** The proposed development project will pave the way for further, denser development that will destroy the special and unique character of Bernal Heights.

Houses on Powhattan Avenue immediately east of the proposed project are 1960-1970 box constructions, built to the maximum building envelope and presenting massive facades to the street. These very houses eventually led to the Bernal Heights East Slope Building Guidelines (see Excerpts, Exhibit 10, *infra*, at 5 and 7). But even these houses, out of neighborhood

character as they are, average only 1616 square feet of livable space, and are set back 25' from the street. While there may be a few other houses in the Bernal Heights neighborhood above the 2000 square foot mark, as mentioned above, nowhere in the neighborhood is there a development of four such houses on contiguous lots, let alone an entire block. The houses proposed for these four lots will present a massive wall along Powhattan Avenue, dwarfing the buildings across Powhattan and elsewhere in the vicinity. The mass of the homes comprising the proposed development project will be out of scale for the neighborhood and set a dangerous precedent for future building — much as 1960-70s box construction buildings did in their era.

MAINTENANCE: Applicant's plans include a running 6-foot-high fence with plantings, located across three private lots, along Bernal Heights Boulevard, as well as a proposed public-access staircase, on the unimproved block of Carver Street (the "paper street" between Bernal Heights Boulevard and Powhattan Avenue directly to the east of 40 Bernal Heights Blvd and 1025 Powhattan Avenue). However, nowhere in the Applicant's plans is there any provision for ongoing maintenance of the landscaping or staircase or any assurance that public access to the staircase will be maintained. As a result, these features present potential liabilities, even hazards, to the neighborhood.

# 3) Alternatives or changes to proposed project that would respond to exceptional/extraordinary circumstances and reduce adverse effects

Applicant must revise the proposed development project, currently comprised of four large single family homes, to address neighbors' longstanding concerns about mass, density, neighborhood character, and the long-term maintenance of "public" features. Alternatives or changes to the proposed development project include the following:

- A reduction in the total square footage of the proposed homes such that the ratio of total built space (i.e., livable/non-livable) to lot size is consistent with the existing neighborhood. To achieve a ratio consistent with the existing neighborhood, Applicant can consider either reducing the size of the four homes on the currently proposed lots or increasing the lot size by pursuing a three-lot rather than four-lot approach to this space. In either case, the goal of the development project should be to keep its size consistent with the existing neighborhood and allow for more open space, thereby minimizing the overwhelming nature of the "dense wall" effect of construction on this irregularly shaped, steeply-sloped section of land.
- Front yard setback(s) consistent with adjacent/near adjacent homes on Powhattan Avenue, to break up the massive façade of the proposed development project and to address safety issues for pedestrians and drivers on Powhattan.
- Sideyard(s) that are at a minimum of four feet wide, as required by the BHESBG.
- Vary the roof lines among the houses rather than using flat roofs on all four homes.
- Include options to enter off the Carver Street stairs, either as primary or secondary entries.
   This could have the added advantage of improving public safety.
- Vary entry treatments, garages, façade elements, color and materials among the proposed homes to provide greater distinction between the homes and minimize the "project" quality of the development.
- Provide more terracing of the outside space (including patios) of the proposed homes to respond to the natural slope and increase planted areas rather than providing so much hardscaping.
- Landscaping and staircase solutions that ensure long-term accessibility, safety, upkeep, and
   aesthetic value of these features as well as a clear plan outlining ownership and ongoing

maintenance of landscaping and staircase on the unimproved Carver Street, as well as the unimproved block of Rosenkranz Street (the "paper street" between Bernal Heights Boulevard and Powhattan Avenue directly to the west of 40 Bernal Heights Blvd and 965 Powhattan Avenue). Ownership/maintenance solutions should be included in the deeds of the properties. In the alternative, a homeowners' association (HOA) for this development may be appropriate to clarify and ensure ownership/maintenance of the landscaping and staircase on Carver Street as well as well Rosenkranz Street.

- Given that no Environmental Impact Statement was required for this development, more indepth environmental testing is required (with results shared publicly) to ensure that there are will be no dangers to public health and safety as a result of excavation of serpentine soil of indeterminate asbestos content. In addition, clarity concerning the development project's impact on water run-off and drainage is required in light of the near total excavation of the slope of the vacant lot.
- On the land for the proposed development, there is an air vent for an underground pipe. It is unclear where the air vent will be relocated as well as if the relocation will have any adverse impacts to the venting required for the underground pipeline. Drawings should be updated to reflect this and an Environmental Impact Statement should be shared publicly reflecting the impacts created by the relocation of the air vent.

#### 5) Results of mediation

Over the past year and a half, we have met with the Applicant seven times, including but not limited to three community meetings of the Bernal Heights East Slope Design Review Committee, an informal meeting at the Bernal Heights Public Library, and a mediation session facilitated by Supervisor David Campos.

To understand the planning process, planning decisions to date, and our options for making a positive contribution to this project, we have met with representatives of the Planning Department three times (not including a hearing before the SF Board of Supervisors appealing subdivision of 40 Bernal Heights Drive into four lots).

In all conversations with the Applicant and the Planning Department (and in individual meetings with members of the Board of Supervisors), we have repeatedly and consistently expressed the concerns detailed in this application, including the proposed project's outsize mass and negative impact on current and long-term neighborhood character, but the Applicant is unwilling to address these core issues.

The Applicant has rejected any suggestion that a three-lot approach be considered, and has not made any meaningful revisions to plans. Despite suggestions that front yard **set**backs must be considered along Powhattan Avenue, the Applicant consistently shows plans that present a massive street-front façade along that street.

At junctures where we have approached the Applicant in the spirit of cooperation, the developer has met the concerns of 150 neighbors with threats to fence the property and build homes of even greater size and mass — or with plans for decorative landscaping and staircase, which would have no impact on mass and come with no assurance that either will be maintained by future owners (making them potentially a liability, not an asset).

Therefore, to address our legitimate concerns about this project's anticipated negative impacts on the immediate and long-term character of Bernal Heights — and hence on the quality of life in our neighborhood — we are pursuing a Discretionary Review as our only viable path to positive change. We stress: We are not opposed to development of this vacant

lot. In fact, we view the development of this space as an opportunity to enlarge our community of friends/neighborswithout compromising its unique and special character. However, proceeding with the Applicant's plans as proposed will result in the erosion of the very character that led us all to reside in the Bernal Heights neighborhood. Therefore, we remain opposed to these four houses, as currently planned, and to any development that would have a negative impact on the distinctive Bernal character that is protected by numerous city, planning, and neighborhood guidelines.

#### 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: (CMX)	A tax	Date: <u>Junuary 26, 20</u> /1
Print name, and indicate wh	nether owner, or authorized agent:	
	^	

ation for <b>Discretionary Review</b>	Application for Discretionary Review				
	CASE NUMBER: For Staff Use only				

# 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	
Address labels (original), if applicable	0
Address labels (copy of the above), if applicable	0
Photocopy of this completed application	0
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	9
Letter of authorization for agent	9
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)	

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.

RECEIVED

JAN 2 6 2016

CITY & COUNTY OF S.F.

For Department Use Only

Application received by Planning Department:

By: Michalsen

Date: 1/24/14.

To whom it may concern/San Francisco Planning Department:

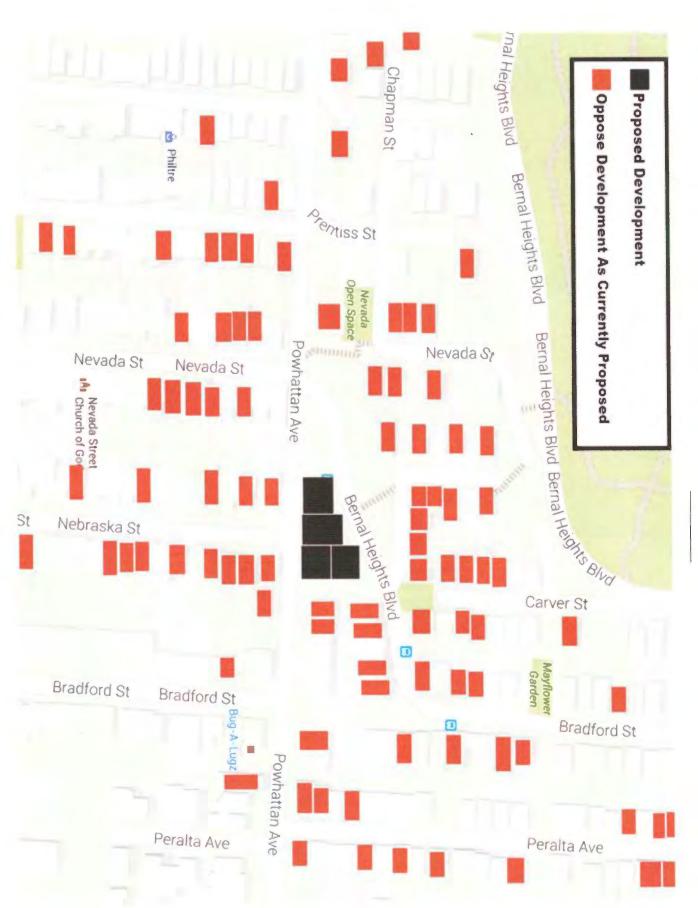
I authorize Karteek Patel to submit an application for Discretionary Review for 40 Bernal Heights Blvd. on my behalf.

Signed:

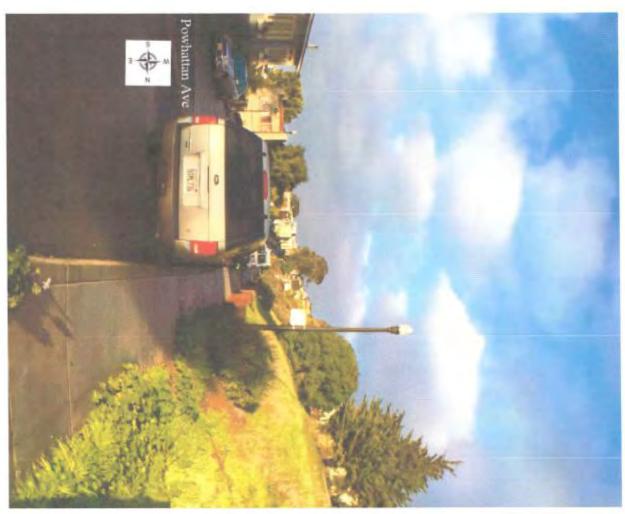
Elizabeth A. Brown 2 Nebraska Street

San Francisco, CA 94110



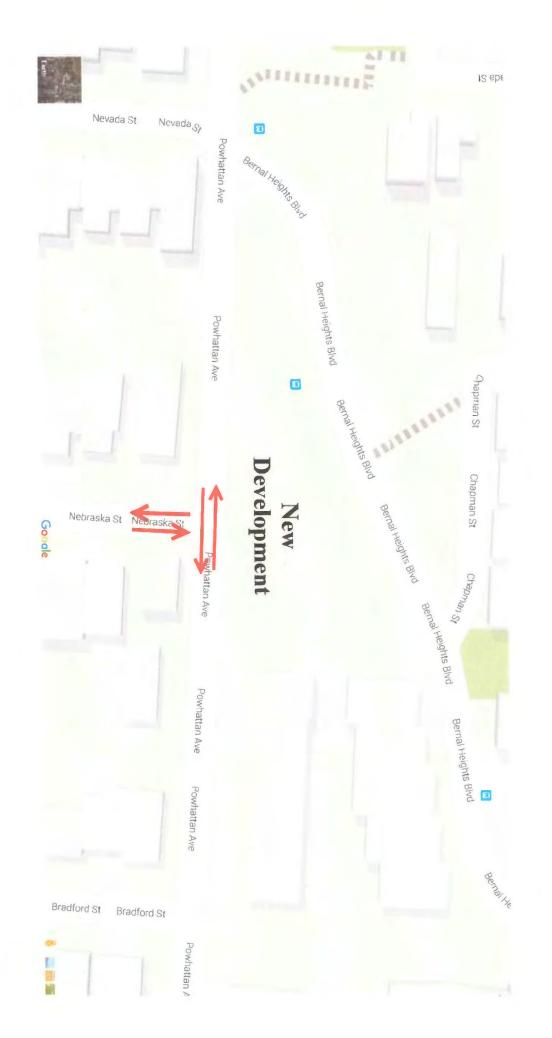








For Illustration Purposes Only





### Exhibit <u>6</u>





For Illustration Purposes Only

# Exhibit 8

# 40 Bernal Heights Blvd, Neighborhood Property Comparisons EXHIBIT9

Data from	CCSF Assessor's Proper	ty Search Datab	ase as of $7/2$	15/15		
		<del></del>		Bldg:Lot		
Average S	quare Footage	1313	2064	66%		
.=						
Address						
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot		
70	Bernal Heights Blvd	1456	1589	92%		
76	Bernal Heights Blvd	1148	1760	65%		
82	Bernal Heights Blvd	1272	1894	67%		
88	Bernal Heights Blvd	1456	2060	71%		
94	Bernal Heights Blvd	1456	2374	61%		1
44	Bradford	2000	1750	114%		
45	Bradford	1118	1498	75%		
49	Bradford	1335	1498	89%		, , , , , , , , , , , , , , , , , , ,
50	Bradford	1005	1750	57%		!
51	Bradford	1258	1698	74%		
52	Bradford	1620	1750	93%		
54	Bradford	1053	1500	70%		
57	Bradford	1815	3497	52%		
58	Bradford	825	1498	55%		
59	Bradford	950	1746	54%		
62	Bradford	825	1500	55%		
65	Bradford	1600	1746	92%		
66	Bradford	825	1498	55%		†
70	Bradford	1034	1498	69%		<u> </u>
71	Bradford	1000	1750	57%		<u> </u>
73	Bradford	1700	1750	97%		
74	Bradford	2099	2350	89%		
77	Bradford	1350	1746	77%		
79	Bradford	900	1750	51%		
81	Bradford	656	not listed	n/a		
110	Bradford	750	2600	29%		
35	Carver	1068	1750	61%		†
	Carver	320	1746	18%		
43	Carver	630	1746	36%		
	Carver	800				
	Carver	800				
	Carver	875				
	Carver	800				
	Carver	875		<del> </del>	<b>!</b>	
	Carver	800			<b></b>	
	Carver	874		<del> {</del>	<b></b>	
	Carver	1340			<b></b>	
	Carver	900			<u> </u>	+
	Carver	800			÷	+

Data from	<b>CCSF Assessor's Prop</b>					
		Bldg sq ft		Bldg:Lot		
Average S	quare Footage	1313	2064	· · · · · · · · · · · · · · · · · · ·		
average 3	quare rootage	1212	2004	0070		
Address						
louse #	Street	Bldg sq ft	Parcel sf	Bldg:Lot		
73	Carver	1112	1750	64%		
76	Carver	800	1746	46%		
77	Carver	875	1746	50%		
81	Carver	2252	2411	93%		
120	Chapman	2102	1750	120%		
130	Chapman	1610	1750	92%	J	
	Chapman	1085	1750	62%		
	Chapman	1650	1750	94%		<u> </u>
	Nebraska	650				<u> </u>
2	Nebraska	1250	3250	38%	÷	
	Nebraska	1550		<del>i</del>		
	Nebraska	1764		<del>-                                    </del>		
<del> </del>	Nebraska	1100	<b></b>	1		
	Nebraska	857		- <i>-</i>	ļ	
	Nebraska	2464				
	Nebraska	1100				
	Nebraska	1610	<b>.</b>			
	Nebraska	1500			1	
	Nebraska	1100				
	Nebraska	1125				
	Nebraska	1716				
	Nebraska	1785		- <del>-</del>		
	Nebraska	2129			· · · · · · · · · · · · · · · · · · ·	
	Nevada	2340				
	Nevada	1504				-
	Nevada	1140				
	Nevada	1050		<b>4</b>		
	Nevada	1275		‡		
		1466				
	Nevada	1460	<b> </b>	4		
	Nevada					ļ
	Nevada	1247				
	Nevada	950				-
	Nevada	1750				-
	Nevada	2235		4		ļ
	Nevada	975		4		
	Nevada	1210				
	Nevada	894			;	
	Nevada	1213	}	4	. <b>.;</b>	
124	Nevada	1117	7 2421	L 46%		1

Page 2 of 4 7/15/15

	rties within 300 Feet				:
Data from	CCSF Assessor's Prop	perty Search Datab	ase as of 7/:	15/15	
		DI-1	DI of	DIJI _4	
A	F	Bldg sq ft		Bldg:Lot	
Average S	quare Footage	1313	2064	66%	
Address					
	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
	Nevada	1957	2500	78%	
	Nevada	925	2425	ļ	
	Nevada	2736		78%	
	Nevada	1535		63%	
	Nevada	1167	3000	39%	
	Nevada	1760		75%	
141	Nevada	1336	2996	45%	
143	Nevada	1344	2495	54%	
144	Nevada	1911	2425	79%	
147	Nevada	1250	2500	50%	
150	Nevada	1625	1750	93%	
151	Nevada	1175	2495	47%	
155	Nevada	1175	2495	47%	
156	Nevada	1250	2909	43%	
159	Nevada	1175	2495	47%	
684	Peralta	1144	1750	65%	
688	Peralta	1144	1750	65%	
690	Peralta	1144	1750	65%	
694	Peralta	1452	1746	83%	
	Peralta	2119			
	Powhattan	1606			
	Powhattan	870			
	Powhattan	1656			
	Powhattan	1656		<u>.</u>	
	Powhattan	1656			
	Powhattan	1656			
	Powhattan	1656			
	Powhattan	1303			
	Powhattan	700		··	·
	Prentiss	600		- <del> </del>	
	<del>}</del>			-4	
	Prentiss	1180		.4	
	Prentiss	1705		-4	
	Prentiss	1000			
	Prentiss	1000		-4	
	Prentiss	1337			
	Prentiss	1365			
	. Prentiss	1005			
	Rosenkranz	1052			
68	Rosenkranz	1777	7 1750	102%	

Ratio of I	Building to Parcel Squ	are Footage			
For Prope	rties within 300 Feet	of 40 Bernal Heigh	ts Blvd, 965	, 985 and 10	25 Powhattan Avenue
	CCSF Assessor's Prop	· · · · · · · · · · · · · · · · · ·			
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average Square Footage		1313	2064	66%	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
70	Rosenkranz	1052	1750	60%	
71	Rosenkranz	2340	1750	134%	
74	Rosenkranz	1566	1746	90%	
75	Rosenkranz	1800	1746	103%	
76	Rosenkranz	1275	1750	73%	
80	Rosenkranz	924	1750	53%	
Average Square Footage		1313	2064	66%	

# BERNAL FEIGHTS EAST SLOPE BUILDING GUIDELINES

Prepared by the:

BERNAL HEIGHTS
EAST SLOPE
PRESERVATION
COMMITTEE

October 1986

San Francisco Planning Commission

Accepted by the

November 13, 1986

EXHIBIT

and the qualities that make it that way are cherished by all those whose development. The Bernal Heights East Slope is a special neighborhood special qualities of the East Slope preserved and enhanced by any new It is our hope that the following guidelines will serve as an aid to designers and builders of homes on Bernal Heights' East Slope. These building guidelines are the result of the community's desire to see the commitment to seeing them preserved has produced these building guidelines.

hillsides have given the East Slope its rural character, the lack of roads and services has periodically presented real danger to the residents. The history of the East Slope has been one of benign neglect by the City of San Francisco, however, while dirt roads and undeveloped

rural characteristics rapidly are disappearing along with views, open space and trees. Some new buildings have created "canyons" blocking sunlight Much recent development is not only inconsistent but often at odds with the smaller scale existing structures. As a result, the East Slope's and presenting building facades, which are all copies of a single undistinguished design.

In preparing these guidelines we have made a thorough inventory of present housing stock, vacant lots, open spaces, public areas, and streets,

both developed and undeveloped.

immediate neighbors. These guidelines are an effort to retain the spirit of our neighborhood and to establish criteria for new housing design that Predominant architectural components have been examined along will ensure, as much as possible, the continued existence of the East with the relationship of individual buildings to their lots and their Slope's unique character.

It is impossible to be fully comprehensive since nearly each vacant lot minimizing monotony and enhancing the visual appeal of new housing. guideline is met the resulting structure will be an architectural jewel. has its own peculiarities. There can be no guarantee that if every However, we hope these guidelines will point the way toward

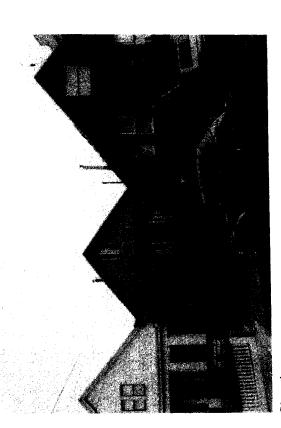
opment which have made Bernal Heights as humanly scaled as it is today encourage inventive diversity while conforming to the patterns of develthan restrictive. The intent is not to induce dull uniformity but rather to We have tried very hard to make the guidelines prescriptive rather

four-time winner of the National Honor Award of the American Institute In an interview recorded earlier in 1986, architect Hugh Jacobsen, a of Architects is quoted as saying:

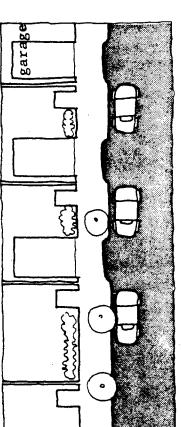
good manners, being part of the whole street, being part of the fabric of the Good architecture, rather than beating its chest or shouting at every great city— Florence, Rome, and especially Paris. The streets have continuity but each building also has its own individuality. The buildin are at once proud and humane, standing strong in their mutual respect. "From the beginning, I've looked at all architecture as a matter of neighbors, behaves like a well-mannered lady. There is politeness in

world. We fervently hope that newcomers to the East Slope, as part of great city, will be architecturally polite so that we, the old and the new, Certainly San Francisco is considered one of the great cities of the stand strong in our mutual respect. Double car entry: no full on-street curb space—street parking eliminated. entry: space for one car on street in front of each 25'-0" lot-street

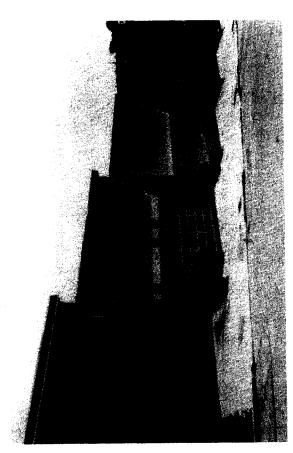
naximized.



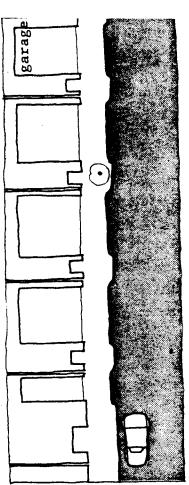
Situation



heme



Actual Situation



Plan of scheme

# LANDSCAPING · FRONT YARD SETBACKS · STREET TREES

residential areas is one of the most important factors in providing an It is recognized that landscaping and the inclusion of street trees in area with intimacy of scale and character.

## LANDSCAPING

built environment, and a reminder of our relationship to the earth. The bringing color and texture into the urban scene. More functionally, if geometry of building forms. Landscaping can be used as a device for properly planned, it can serve to disguise unsightly foundation work Greenery helps to provide privacy without barriers, soft edges in the fantastic geometry of biology combines well with the more rigid

# FRONT YARD SETBACKS

back from the property line, a feeling of openness is maintained and the placed up to the sidewalk on sloped terrain, all sense of the topography Front yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed access of light and air to the street is maximized. When a house is of the lot is lost.

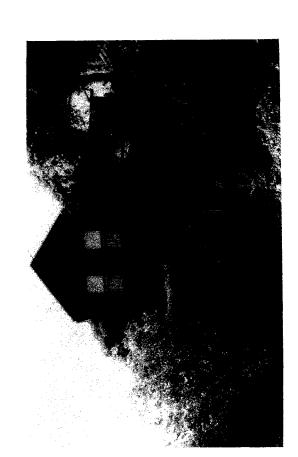
1971.) Street tree the sidewalk, are roost. They refle connecting us to "The livability, ar enhanced by tree Urban Design Pla (Fundamental Pr



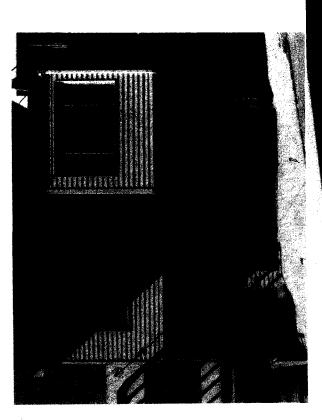
ut Building Setbacks are essential, and must be established by:

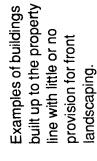
1. conforming to existing setbacks on adjacent or near-adjacent houses;

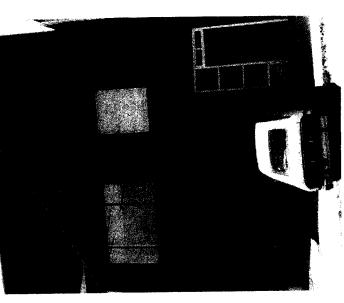
2. averaging when lot in question is between two existing structures; 3. topographic considerations.



mple of a well-landscaped front yard.





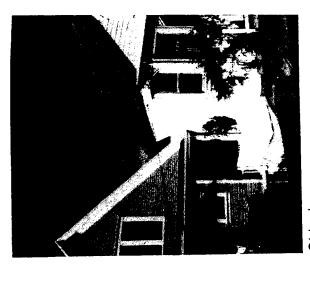


# BUILDING BULK & ARCHITECTURAL MASSING

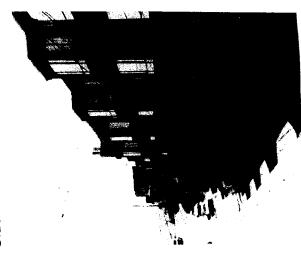
It has been recognized by the City of San Francisco, as well as by the destined to have a long term effect on the nature of our city and its neighborhoods. The Urban Design Element of the Comprehensive Plan for San Francisco supposedly includes design principles, which provide guidance to potential developers, in order to assure that new development be compatible with the delicate scale and character of the existing houses in hillside residential areas. If planning principles are to be judged by the success of the products, those set forth thus far have failed.

On Bernal Heights there are still many vacant lots, and in the last few years, development pressure has skyrocketed. The new "vernacular form" is the maximum-building-envelope-shoebox. The box presents an image more reminiscent of apartment units than of a house form. It is a solution without a context, which isolates itself from its setting by not acknowledging its neighbors, its views, its orientation towards light and air paths. It is a non-specific plan which developers scatter around the city wherever open lots occur.

When the box first appeared, the dull streetscape that it presented drew a lot of criticism. People called for a form more in keeping with the spirit of San Francisco's architecture. The bays and minuscule balconies which were tacked on have proven to be no more than band-aid solutions. The dressed-up box has not fooled anyone. Its token accoutions. The dressed-up box has not fooled anyone. Its token accoutinements, rather than being a part of the organic whole, are elements that deny the overall integrity of the building.



Older houses



Newer "shoebox" houses

5640/010

SIA Consulting Corp.

1256 Howard Street

SAN FRANCISCO, CA 94103

5639 038

**GROH ZINGESER TRUST** 

**1051 POWHATTAN AVE** 

SAN FRANCISCO, CA 94110

5640 031

MICHAEL V SNEAD TRUST

130 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 033

MARY LOU QUINTO LVG TR

150 CHAPMAN ST

SAN FRANCISCO, CA 94110

5655 001

**BROWN ELIZABETH A** 

2 NEBRASKA ST

SAN FRANCISCO, CA 94110

5655 035

CHANG WILLIAM H & ANITA P

900 POWHATTAN AVE

SAN FRANCISCO, CA 94110

5656 014

**BARRON DEBORAH K** 

1 NEBRASKA ST

SAN FRANCISCO, CA 94110

5639 029

NGIM MITZI H

70 BERNAL HEIGHTS BL

SAN FRANCISCO, CA 94110

5640 030

STEVEN FRITSCH RUDSER LVG TR

120 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 032

CUNNINGHAM-MCKNIGHT LVG TR

140 CHAPMAN ST

SAN FRANCISCO, CA 94110

5641 010

**CONSOLO MARY** 

80 ROSENKRANZ ST

SAN FRANCISCO, CA 94110

5655 007

PETHERAM COLIN

38 NEBRASKA ST

SAN FRANCISCO, CA 94110

5656 013

**MELISSA A SHAW TR** 

3 NEBRASKA ST

SAN FRANCISCO, CA 94110

5656 014A

**RETICKER AMY M** 

1010 POWHATTAN AVE

SAN FRANCISCO, CA 94110

### RECEIVED

Application for Discretionary Review

CASE NUMBER: 
For Staff Use only 30/4-003/9/0RP-04

JAN 2 6 2016

### 

Owner/Applicant Information			
DR APPLICANT'S NAME:			
Bernal Heights So. Slope Org DR APPLICANT'S ADDRESS:			
_ , ,	ZIP CODE:	TELEPHONE:	
90 Kothy Angus 99 Bourks ST. SF	94110	(415) 64	0-4368
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETION	ARY REVIEW NAME:		
SIA Consulting Corp.			
ADDRESS:	ZIP CODE:	TELEPHONE:	
1256 Howard Street, San Francisco, CA	94103	(415 ) 922-	0200
CONTACT FOR DR APPLICATION:	, , , , , , , , , , , , , , , , , , ,		
Same as Above			
ADDRESS:	ZIP CODE:	TELEPHONE:	
		( )	
E-MAIL ADDRESS:			
Katherangus & comeast. not			
, 7			
2. Location and Classification			
STREET ADDRESS OF PROJECT:		ZIP C	ODE:
40 Bernal Heights Avenue, San Francisco, CA		941	10
CROSS STREETS: Bernal Heights Blvd/Powhattan Avenue/Unimproved Carver Street			
ASSESSORS BLOCK/LDT: LOT DIMENSIONS: LOT AREA (SQ FT): ZONING DISTR	ICT:	HEIGHT/BULK DISTRI	CT:
5640 /010 120x267x156 7,492 sq ft RH-1		40-X (Bernal S	UD)
Additions to Building: Rear  Front  Height  Side Vacant lot  Present or Previous Use:  New construction of four single-family dwellings on	Alterations □ le Yard □ an upsloping lo	Demolition   including lot su	Other   Other
Proposed Use:			
Building Permit Application No.	Date l	Filed:	



### 4. Actions Prior to a Discretionary Review Request

Prior Action	YE8	NO
Have you discussed this project with the permit applicant?	<b>13</b>	
Did you discuss the project with the Planning Department permit review planner?		<b> X</b>
Did you participate in outside mediation on this case?		<b>C3</b> *

5.	Changes	Made to	the Proj	ect 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.  SEE ATTACHED	
	<u>_</u>

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

### From Bernal Heights South Slope Organization Discretionary Review for 4 new home construction applications: 40 Bernal Heights Blvd; 965, 985 and 1025 Powhattan Street

The BH South Slope Organization is a group of neighbors that has, for over 20 years, been reviewing the safety, neighborhood impact, and neighborhood concerns over new construction on a small section of the South Slope, where narrow steep streets, dead ends, and lack of visibility at intersections prevail, as do several small vacant lots. We are primarily interested in the safety and appropriateness of the new homes, which are often designed without taking into consideration important safety precautions or density/character concerns.

### **Safety**

The homes under consideration pose a safety risk to drivers and pedestrians because the garages abut the street, leaving no buffer zone. In addition, the proposed development project violates the Residential Design Guidelines (RDG) and the Bernal Height East Slope Building Guidelines (BHESBG) both of which are fully incorporated into the San Francisco Planning Code by not including a front setback.

Although the RDG and the BHESBG identify front yard setbacks as essential, none of the four homes that comprise the proposed development project include any front yard setbacks. In contrast, the established houses immediately east of the proposed development project on Powhattan Avenue (which are less than 50 feet from one of the proposed houses), are set back approximately 25 feet from the street.

Front yard setbacks will increase public safety by giving drivers who are entering either Powhattan Avenue or Bernal Heights Boulevard from the proposed development project an opportunity to check for pedestrians and traffic before entering the sidewalk/street.

1. There is only a sidewalk on the north side of Powhattan St, which is. the same side where the the 2-3-car garages proposed on Powhattan Avenue will directly abut the sidewalk. Because this is the only pedestrian walkway along this street, it is essential that pedestrians with strollers, using walkers, in wheelchairs, or who are sight impaired be able to easily access the sidewalk, along with the many children walking to school and residents walking to the bus stop. Therefore, a front setback is necessary in order for cars in the garage to not block the sidewalk when loading, unloading, or when they can't (or won't) find another legal parking space. In addition, without a setback, there is no visibility for

the driver backing out of the garage to see pedestrians on the sidewalk or for pedestrians to see the car backing out.

- 2. The 2-3-car garages proposed on Powhattan Avenue will result in many cars backing in or pulling out into the busy intersection of Powhattan Avenue and Nebraska Street. This is potentially dangerous because Nebraska Street is a steep street, and as a result, its intersection with Powhattan Avenue has extremely limited visibility at the corner. This corner already experiences high traffic during commute times and a high volume of pedestrians during the week and on the weekends. These include families with small children, elderly residents on their way to the bus, and people walking their dogs or just walking around the hill, which is a favorite activity of many Bernalites. This intersection has already been the site of multiple accidents, and the added factor of cars backing directly into an intersection that is blind to the cars coming up hill, as well as to pedestrians on the sidewalk, makes no sense. A front setback would provide a buffer zone for the transition of backing out of the garage onto street.
- 3. The 2-car garage proposed on Bernal Heights Blvd. is in close proximity to a bus stop that experiences heavy pedestrian traffic, and for the same reasons listed above a front setback would provide a transition from sidewalk to garage. This would be in keeping with the adjacent homes on Bernal Height Blvd.

In summary, front yard setbacks will help alleviate safety problems for both pedestrians and vehicles on Powhattan Avenue and Bernal Heights Boulevard.

### **Excessive Bulk**

Applicant plans to build four new large, luxury homes, averaging 2,139 sq ft livable space, on lots averaging 1,903 sq ft. for a ratio of 112% square footage to lot size. In addition, the four large homes include approximately 1200 sq ft of non-livable space, e.g., garages and rooftop decks, bringing the ratio to 175%. In contrast, existing nearby homes average 1,313 sq ft of livable space on lots averaging 2,064 sq ft. with a ratio of 66%. In addition, existing nearby homes generally have less non-livable space, e.g., typically single car garages and no rooftop decks. Even assuming they have approx. ½ additional non-livable space, the total ratio would still be about half of what the new homes are proposing.

When the bulk of 4 new homes, built closely together abutting high-traffic streets is twice as much as the average home in the larger neighborhood, it is clear

that they do not comply with the numerous sections of the General Plan which address the preservation of neighborhood character, including but not limited to the following Housing Element Policies:

POLICY 11.3 Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character. Accommodation of growth should be achieved without damaging existing residential neighborhood character.

In order to maintain both the safety and the character of the South Slope of Bernal Heights, we recommend that these plans be modified to include significant setbacks from the street and a reduction in bulk to more suitably reflect the character and balance of the neighborhood. Bernal residents have worked for years to create and monitor guidelines like the Bernal Heights East Slope Design Review Board guidelines, whose recommendations in this case were largely ignored by the developer, even though over 100 neighbors attended the BHESDRB meetings.

Application	on for <b>Discretionary Review</b>
CASE NUMBER: For Staff Use only	

### 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	<u>.</u>
Address labels (original), if applicable	<b>O</b>
Address labels (copy of the above), if applicable	9-
Photocopy of this completed application	0
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	2
Letter of authorization for agent	
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)	

NOTES:

Required Material.
Optional Material.

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

RECEIVED

JAN 2 6 2016

CITY & COUNTY OF S.F.

For Department Use Only

Application received by Planning Department:

Date: 1/26/14

### 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:	Kan	A PA		Date: _	Tarriany	26, 2014
Print name, and	d indicate whether or	wner, or authorize	ed agent:			
Owne	er / Aufthorized Agent (c)rcle on	e)				

Regarding the Discretionary Review Applications for:

965 Powhattan Street,985 Powhattan Street,1025 Powhattan Street,40 Bernal Heights Boulevard,

I authorize Karteek Patel to act as my agent to file the applications for these properties.

Kathy Angus, 99 Banks St., SF

For Bernal Height So. Sopo org

1/25/2016 Date

### 40 Bernal Heights Blvd, Neighborhood Property Comparisons EXHIBIT9

Data fron	erties within 300 Feet of an CCSF Assessor's Proper	ty Search Datab	ase as of 7/	15/15	
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064		
			2001	00/0	
Address				ļ	
House #	Street	Bldg sq ft	Parcel sf	Bidg:Lot	
<del></del>	Bernal Heights Blvd	1456	1589	<del> </del>	
	Bernal Heights Blvd	1148			
	Bernal Heights Blvd	1272	1894		
	Bernal Heights Blvd	1456		÷	
	Bernal Heights Blvd	1456		Ļ	
	Bradford	2000	ļ		
	Bradford	1118		· h	
	Bradford	1335			
	Bradford	1005			
·	. Bradford	1258			
	Bradford	1620	<u> </u>	<del> </del>	
	Bradford	1053		<del>:</del>	<del></del>
	Bradford	1815	<del>                                     </del>	<del></del>	
	Bradford	825	4		
	Bradford	950			
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	Bradford	1600			
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	) Bradford	1034			
	. Bradford	1000	······································	-	
	Bradford	1700			
	Bradford	2099			
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		1350			
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	L Bradford	656			
	Bradford	750			
	Carver	1068			
	3 Carver	320		·- <del>- </del>	
	Carver	630		<del></del>	
	Carver	800			
	Carver	800			
	7 Carver	875	•••		
	Carver	800		•••	
	1 Carver	875			
	1 Carver	800			
*******	Carver	874			
	B Carver	1340		4	
*******	Carver	900		4	
	2 Carver	800	1750	46%	

Data from	rties within 300 Feet CCSF Assessor's Prop	erty Search Datab	ase as of 7/	15/15	23 r Ownattan Avenue
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313		66%	
Average 3	quare rootage	1313	2004	0076	
Address					
	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
·····	Carver	1112	<del></del>	,	
	Carver	800			
	Carver	875		.j	
	Carver	2252			
	Chapman	2102			
	Chapman	1610	. {	ļ	
	Chapman	1010	<b> </b>		
	Chapman	1650			
	Nebraska	650			
	Nebraska	1250			
	Nebraska	1550		<del> </del>	
	Nebraska	1764		<u> </u>	
	Nebraska	1100		<del>   </del>	
	Nebraska	857			
	Nebraska	2464			
	Nebraska	1100			
	Nebraska	1610		.4	
	Nebraska	1500		- <b> -</b>	
	Nebraska	1100			
	Nebraska	1125		-4	
38	Nebraska	1716	2500	69%	
39	Nebraska	1785		- <del>-</del>	
56	Nebraska	2129	2500	85%	
	Nevada	2340	}		
42	Nevada	1504			
68	Nevada	1140	1746	65%	
	Nevada	1050	1750	60%	
74	Nevada	1275	1750	73%	
77	Nevada	1466	1750	84%	
98	Nevada	1477	7 2448	60%	
100	Nevada	1247	3393	37%	
104	Nevada	950	2421	39%	
108	Nevada	1750	2421	72%	
109	Nevada	2235	2495	90%	
114	Nevada	975	2425	40%	
115	Nevada	1210	2495	48%	
119	Nevada	894	1 2500	36%	
	Nevada	1213	3 2421	L 50%	
124	Nevada	1117	7 2421	L 46%	

Data from	rties within 300 Feet CCSF Assessor's Prop	perty Search Datab	ase as of 7/	15/15	
A		Bldg sq ft	Parcel sf	Bldg:Lot	
average S	quare Footage	1313	2064	66%	
Address					
louse #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
125	Nevada	1957	2500	78%	
130	Nevada	925	2425	\$k	
133	Nevada	2736		ļk	
	Nevada	1535	2425	ļ	
	Nevada	1167	3000	ļ	
	Nevada	1760	·	.\	
	Nevada	1336	4	45%	
	Nevada	1344			
	Nevada	1911			
	Nevada	1250		ļ	
	Nevada	1625		·	
	Nevada	1175	<del></del>	<del> </del>	
	Nevada	1175	<del> </del>	<del> </del>	
	Nevada	1250			
	Nevada	1175		.1	
	Peralta	1144			
	Peralta	1144			
	Peralta	1144		.4	
	Peralta	1452		4	
	Peralta	2119			
	Powhattan	1606		-ii	
	Powhattan	870			
	Powhattan	1656			
	Powhattan	1656		-4i	
	Powhattan	1656			
	Powhattan	1656			
	Powhattan	1656		. 4	
1108	Powhattan	1303	2470	53%	
1112	Powhattan	700	2975	24%	
	Prentiss	600	1746	34%	
93	Prentiss	1180	1746	68%	
101	Prentiss	1705	1750	97%	
107	Prentiss	1000	1750	57%	
115	Prentiss	1000	1746	57%	
119	Prentiss	1337	1750	76%	
125	Prentiss	1365	1750	78%	
131	Prentiss	1005	1746	58%	
67	Rosenkranz	1052	1746	60%	
68	Rosenkranz	1777	7 1750	102%	

Ratio of I	Building to Parcel Squ	are Footage	<del></del>	<del>=.:</del>	
For Prope	rties within 300 Feet	of 40 Bernal Heigh	ts Blvd, 965	, 985 and 10	25 Powhattan Avenue
	CCSF Assessor's Prop				
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064	66%	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
70	Rosenkranz	1052	1750	60%	
71	Rosenkranz	2340	1750	134%	
74	Rosenkranz	1566	1746	90%	
75	Rosenkranz	1800	1746	103%	
76	Rosenkranz	1275	1750	73%	
80	Rosenkranz	924	1750	53%	
Average S	quare Footage	1313	2064	66%	

# BERNAL HEIGHTS EAST SLOPE BUILDING GUIDFLINES

Prepared by the:

BERNAL HEIGHTS
EAST SLOPE
PRESERVATION
COMMITTEE

October 1986

San Francisco Planning Commission

Accepted by the

November 13, 1986

EHHBIT

It is our hope that the following guidelines will serve as an aid to designers and builders of homes on Bernal Heights' East Slope. These building guidelines are the result of the community's desire to see the special qualities of the East Slope preserved and enhanced by any new development. The Bernal Heights East Slope is a special neighborhood and the qualities that make it that way are cherished by all those whose commitment to seeing them preserved has produced these building guidelines.

The history of the East Slope has been one of benign neglect by the City of San Francisco, however, while dirt roads and undeveloped hillsides have given the East Slope its rural character, the lack of roads and services has periodically presented real danger to the residents.

Much recent development is not only inconsistent but often at odds with the smaller scale existing structures. As a result, the East Slope's rural characteristics rapidly are disappearing along with views, open space and trees. Some new buildings have created "canyons" blocking sunlight and presenting building facades, which are all copies of a single undistinguished design.

In preparing these guidelines we have made a thorough inventory of present housing stock, vacant lots, open spaces, public areas, and streets, both developed and undeveloped.

Predominant architectural components have been examined along with the relationship of individual buildings to their lots and their immediate neighbors. These guidelines are an effort to retain the spirit of our neighborhood and to establish criteria for new housing design that will ensure, as much as possible, the continued existence of the East Slope's unique character.

It is impossible to be fully comprehensive since nearly each vacant lot has its own peculiarities. There can be no guarantee that if every guideline is met the resulting structure will be an architectural jewel. However, we hope these guidelines will point the way toward minimizing monotony and enhancing the visual appeal of new housing.

We have tried very hard to make the guidelines prescriptive rather than restrictive. The intent is not to induce dull uniformity but rather to encourage inventive diversity while conforming to the patterns of development which have made Bernal Heights as humanly scaled as it is today

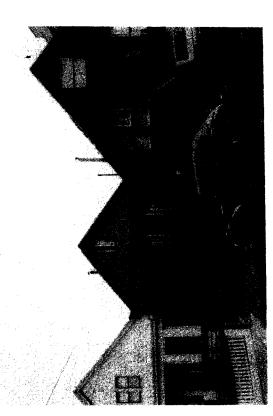
In an interview recorded earlier in 1986, architect Hugh Jacobsen, a four-time winner of the National Honor Award of the American Institute of Architects is quoted as saying:

"From the beginning, I've looked at all architecture as a matter of good manners, being part of the whole street, being part of the fabric of light. Good architecture, rather than beating Its chest or shouting at neighbors, behaves like a well-mannered lady. There is politeness in neighbors, behaves like a well-mannered lady. There is politeness in every great city— Florence, Rome, and especially Paris. The streets have continuity but each building also has its own individuality. The buildin are at once proud and humane, standing strong in their mutual respect."

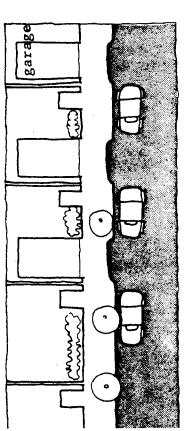
Certainly San Francisco is considered one of the great cities of the world. We fervently hope that newcomers to the East Slope, as part of a great city, will be architecturally polite so that we, the old and the new, stand strong in our mutual respect.

·entry: space for one car on street in front of each 25'-0" lot-street naximized.

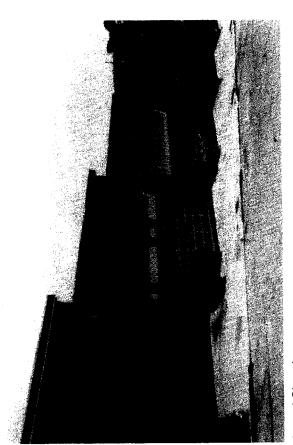
Double car entry: no full on-street curb space-street parking eliminated.



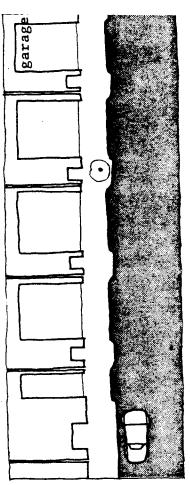
Situation



heme



Actual Situation



Plan of scheme

# LANDSCAPING · FRONT YARD SETBACKS · STREET TREES

## residential areas is one of the most important factors in providing an It is recognized that landscaping and the inclusion of street trees in area with intimacy of scale and character.

## LANDSCAPING

Greenery helps to provide privacy without barriers, soft edges in the built environment, and a reminder of our relationship to the earth. The fantastic geometry of biology combines well with the more rigid geometry of building forms. Landscaping can be used as a device for bringing color and texture into the urban scene. More functionally, if properly planned, it can serve to disguise unsightly foundation work and the like.

# FRONT YARD SETBACKS

Front yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed back from the property line, a feeling of openness is maintained and the access of light and air to the street is maximized. When a house is placed up to the sidewalk on sloped terrain, all sense of the topography of the lot is lost.

### STREET TREES

"The livability, ar enhanced by tree (Fundamental Pr Urban Design Pla 1971.) Street tree the sidewalk, are roost. They refle connecting us to



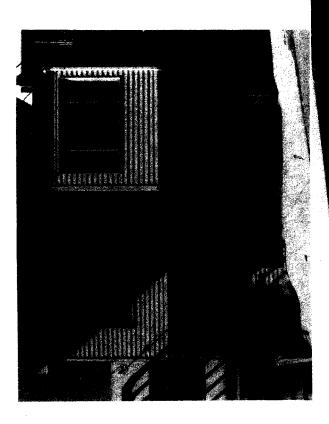
ut Building Setbacks are essential, and must be established by:

1. conforming to existing setbacks on adjacent or near-adjacent

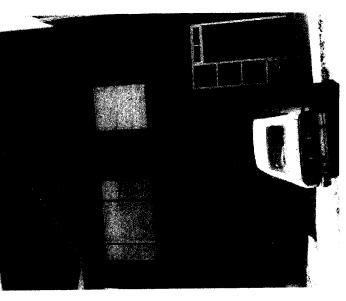
2. averaging when lot in question is between two existing structures; 3. topographic considerations.



mple of a well-landscaped front yard.



Examples of buildings built up to the property line with little or no provision for front landscaping.



# BUILDING BULK & ARCHITECTURAL MASSING

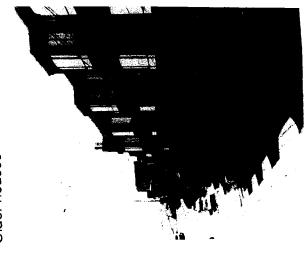
It has been recognized by the City of San Francisco, as well as by the residents of Bernal Heights, that the character of new construction is destined to have a long term effect on the nature of our city and its neighborhoods. The Urban Design Element of the Comprehensive Plan for San Francisco supposedly includes design principles, which provide guidance to potential developers, in order to assure that new development be compatible with the delicate scale and character of the existing houses in hillside residential areas. If planning principles are to be judged by the success of the products, those set forth thus far have failed

On Bernal Heights there are still many vacant lots, and in the last few years, development pressure has skyrocketed. The new "vernacular form" is the maximum-building-envelope-shoebox. The box presents an image more reminiscent of apartment units than of a house form. It is a solution without a context, which isolates itself from its setting by not acknowledging its neighbors, its views, its orientation towards light and air paths. It is a non-specific plan which developers scatter around the city wherever open lots occur.

When the box first appeared, the dull streetscape that it presented drew a lot of criticism. People called for a form more in keeping with the spirit of San Francisco's architecture. The bays and minuscule balconies which were tacked on have proven to be no more than band-aid solutions. The dressed-up box has not fooled anyone. Its token accoutnements, rather than being a part of the organic whole, are elements that deny the overall integrity of the building.



Older houses



Newer "shoebox" houses

5640/010

SIA Consulting Corp.

1256 Howard Street

SAN FRANCISCO, CA 94103

5639 038

**GROH ZINGESER TRUST** 

**1051 POWHATTAN AVE** 

SAN FRANCISCO, CA 94110

5640 031

MICHAEL V SNEAD TRUST

130 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 033

MARY LOU QUINTO LVG TR

150 CHAPMAN ST

SAN FRANCISCO, CA 94110

5655 001

**BROWN ELIZABETH A** 

2 NEBRASKA ST

SAN FRANCISCO, CA 94110

5655 035

CHANG WILLIAM H & ANITA P

900 POWHATTAN AVE

SAN FRANCISCO, CA 94110

5656 014

**BARRON DEBORAH K** 

1 NEBRASKA ST

SAN FRANCISCO, CA 94110

5639 029

NGIM MITZI H

70 BERNAL HEIGHTS BL

SAN FRANCISCO, CA 94110

5640 030

STEVEN FRITSCH RUDSER LVG TR

120 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 032

CUNNINGHAM-MCKNIGHT LVG TR

140 CHAPMAN ST

SAN FRANCISCO, CA 94110

5641 010

**CONSOLO MARY** 

**80 ROSENKRANZ ST** 

SAN FRANCISCO, CA 94110

5655 007

PETHERAM COLIN

38 NEBRASKA ST

SAN FRANCISCO, CA 94110

5656 013

**MELISSA A SHAW TR** 

3 NEBRASKA ST

SAN FRANCISCO, CA 94110

5656 014A

RETICKER AMY M

1010 POWHATTAN AVE

SAN FRANCISCO, CA 94110

### RECEIVED

Application for Discretionary Review CASE NUMBER: For Staff Use only

JAN 2 6 2016

### APPLICATION FOR STATE OF S.F. Discretionary Review

1 Owner/Applicant Information

DR APPLICANT'S NAME: Elizabeth Brown/Colin Pe	theram/Karteek	Patel/Linda Bet	tencourt/Melissa Shaw on b	ehalf of over 150 Be	rnal	
Heights neighbors						
DR APPLICANT'S ADDRESS:			ZIP CODE:	TELEPHONE:		
2 Nebraska Street, San F	rancisco, CA		94110	(415 )826-3347		
PROPERTY OWNER WHO IS DOING	THE PROJECT ON WHIC	CH YOU ARE REQUEST	ING DISCRETIONARY REVIEW NAME:			
SIA Consulting Corp.						
ADDRESS:		·· · · · · · · · · · · · · · · · ·	ZIP CODE;	TELEPHONE:		
1256 Howard Street, Sai	r Francisco, CA		94103	94103 (415 ) 922-0200		
CONTACT FOR DR APPLICATION:	····	<del></del>			<del></del>	
Same as Above						
ADDRESS:			ZIP CODE:	TELEPHONE:		
				( )		
E-MAIL ADDRESS:						
betsybrown1@mac.com	)					
STREET ADDRESS OF PROJECT: 965 Powhattan Avenue, cross streets: Bernal Heights Blvd/Por			arver Street	ZIP CODE: 94110		
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:		
5640 /010	120x267x156	7,492 sq ft	RH-1	40-X (Bernal SUD)		
3. Project Description  Please check all that apply Change of Use  Cha  Additions to Building:  Present or Previous Use:	nge of Hours 🗌 Rear 🗀 Fro Vacant lot		nction <b>⊠</b> Alterations □ nt □ Side Yard □	Demolition  O	ther 🗌	
New cor		single-family d	wellings on an upsloping lo	t includina lot subdi	vision	
Proposed Use:	2014.05.2					
Building Permit Applicat	ion No.	· · · · · ·	Date	Filed:	<del>-</del>	



### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<b>□X</b>	
Did you discuss the project with the Planning Department permit review planner?	[38	
Did you participate in outside mediation on this case?	[3]	

5. C	Changes	Made to	the P	roject a	as a	Result	of N	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.				
SEE ATTACHED				

Application	on for <b>Discretionary Review</b>
CASE NUMBER: For Staff Use only	

### 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.
_5	EE ATTACHED
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:
S	EE ATTACHED
_	
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?
9	SEE ATTACHED
_	
_	
_	

### 1) Reasons for requesting Discretionary Review

We represent more than 150 neighbors who live in close proximity to the proposed development project at 40 Bernal Heights Avenue, 965 Powhattan Avenue, 985 Powhattan Avenue and 1025 Powhattan Avenue, all of whom have signed letters to the Planning Department in opposition to this development project. We oppose the development project as currently proposed because the planned homes are not consistent with the Planning Code, Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines, and the General Plan. In addition, the proposed development project in its totality is out of context and scale with the established character of the surrounding neighborhood and creates a precedent for denser development that will ultimately destroy the special and unique qualities of Bernal Heights. Finally, the Bernal Heights East Slope Design Review Board still finds that improvements to the proposed development project are required to fully incorporate the Bernal Heights East Slope Building Guidelines. For these reasons, there are exceptional and extraordinary circumstances associated with this proposed development project that justify Discretionary Review.

Discretionary Review is justified for at least the following reasons:

1) The proposed development project violates the Residential Design Guidelines (RDG) and the Bernal Height East Slope Building Guidelines (BHESBG), both of which are fully incorporated into the San Francisco Planning Code<sup>2</sup>

### a. Front Yard Setbacks:

<sup>&</sup>lt;sup>1</sup> See Exhibit 1, which shows the breadth of neighborhood opposition to the proposed development project. Houses shown in red represent neighbors who have signed letters opposing the current scope of the project.

<sup>&</sup>lt;sup>2</sup> See Section 311, Article III of the San Francisco Planning Code which fully incorporates the Residential Design Guidelines into the Planning Code. Section 311 requires the Planning Department to not only consider the Guidelines, but also to find that a new building is consistent with the Residential Design Guidelines (Superior Court Decision and Order No. 987418 of September 29, 1997). In addition, see Section 242(a)(6) of the San Francisco Planning Code which fully incorporates the Bernal Heights East Slope Building Guidelines into the Planning Code.

i. The RDG recognizes the front yard setback as significant because it provides "a transition between the public realm of the street and the private realm of the building . . . ." As such, the RDG states that the front yard setback "must be treated so that it provides a pedestrian scale for the building and enhances the open space along the street." (Page 12, RDG: December 2003).

The BHESBG also provides that "[f]ront yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed back from the property line, a feeling of openness is maintained and the access of light and air to the street is maintained. When a house is placed up to a sidewalk on a sloped terrain, all sense of the topography of the lot is lost." (Page 6, BHESBG).

For this reason, the BHESBG indicates that front building setbacks are "essential." The BHESBG requires that front building setbacks "must be established by: 1. conforming to existing setbacks on adjacent or near adjacent houses; . . . 3. Topographic considerations." (Page 3, BHESBG).

Although the RDG and the BHESBG identify front yard setbacks as essential, none of the four homes that comprise the proposed development project include any front yard setbacks. In contrast, the established houses immediately east of the proposed development project on Powhattan Avenue (which are less than 50 feet from one of the proposed houses), are set back approximately 25 feet from the street.

The four homes comprising this development project should include front yard setbacks that conform to the established adjacent/near adjacent homes on Powhattan Avenue and Bernal Heights Boulevard.

The lack of front yard setbacks in current plans will result in a

conspicuous and massive wall along Powhattan Avenue that does not relate to the existing neighborhood.<sup>3</sup>

ii. Front yard setbacks will increase public safety by giving drivers who are entering either Powhattan Avenue or Bernal Heights Boulevard from the proposed development project an opportunity to check for pedestrians and traffic before entering the sidewalk/street.

First, the 2-3-car garages proposed on Powhattan Avenue will abut the only sidewalk that exists on Powhattan Avenue.<sup>4</sup>

Second, the 2-3-car garages proposed on Powhattan Avenue will result in many cars backing in or pulling out into the busy intersection of Powhattan Avenue and Nebraska Street.<sup>5,6</sup> This is potentially dangerous because Nebraska Street is a steep street, and as a result, its intersection with Powhattan Avenue has limited visibility. In addition, this intersection already experiences high traffic during commute times. It has also been the site of many accidents.

<sup>&</sup>lt;sup>3</sup> See Exhibit 2 which illustrates the front yard setback of the neighboring homes on Powhattan Avenue and the impact on the neighborhood should the proposed development project not include similar front yard setbacks as the adjacent/near adjacent homes.

<sup>&</sup>lt;sup>4</sup> See Exhibit 3 which illustrates how the proposed development project will relate to pedestrians as they use the only sidewalk on Powhattan Avenue.

<sup>&</sup>lt;sup>5</sup> See Exhibit 6 which illustrates how the proposed development project will relate to the existing neighborhood, and in particular the intersection of Powhattan Avenue and Nebraska Street.

<sup>&</sup>lt;sup>6</sup> See Exhibit 4 which illustrates the traffic patterns at the intersection of Powhattan Avenue and Nebraska Street which is the site of the proposed development project.

Third, the 2-car garage proposed on Bernal Heights Blvd. is in close proximity to a bus stop that experiences heavy pedestrian and vehicle traffic.<sup>7</sup>

In summary, front yard setbacks will help alleviate safety problems for both pedestrians and vehicles on Powhattan Avenue and Bernal Heights Boulevard.

b. <u>Entry Treatment</u>: The RDG recognizes building entrances as an important building feature. In fact, the RDG states that "[a] well–designed building entrance will appear welcoming and inviting to the pedestrian, making the neighborhood a pleasant place to live." (Page 31, RDG: December 2003).

As it relates to the East Slope of Bernal Heights, the BHESBG specifically identifies as a problem the treatment of entries in new construction; namely, the "hole-in-the-wall doorway." (Page 9, BHESBG). As a result, the BHESBG requires that the "entry of a house be made to be something special – a celebration – more than just a front door." (Page 9, BHESBG). In addition, the BHESBG provides numerous examples to illustrate the intent of the rule. The entry treatment of the four proposed homes in this development project completely ignores this BHESBG rule and actually incorporates the "hole-in-the-wall" doorway in <u>all</u> of the proposed new construction homes. The impact of the "hole-in-the-wall" doorway in all four of the proposed homes in this development project, as mentioned above, is that *the homes appear as a conspicuous massive wall that is out of character for the neighborhood*.

c. <u>Building Bulk and Architectural Massing</u>: The RDG recognizes the importance of scale in the design of a building. Specifically, the RDG states that "[i]t is essential for a building's scale to be compatible with that of surrounding

<sup>&</sup>lt;sup>7</sup> See Exhibit 5 which illustrates the bus stop on Bernal Heights Blvd. which is the side of the proposed development project.

buildings, in order to preserve the neighborhood character. Poorly scaled buildings will seem incompatible... and inharmonious with their surroundings." (Page 23, RDG: December 2003).

The BHESBG specifically identifies a problem with building bulk and architectural massing around the East Slope of Bernal Heights. The objectives of the BHESBG are summed up in the BHESBG and the existing City Planning Policies and in part include:

- Deter[ing] the possibilities of visually dominant buildings with blank and uninteresting exteriors which do not relate well to surrounding development;
- ii. Promot[ing] harmony in the visual relationships and transitions between new and older buildings; and
- iii. Encourag[ing] the construction of buildings which meet the ground and reflect the slope of the hill.

(Page 15, BHESBG).

In light of these objectives, the BHESBG identifies strategies including in part: 1) Step the building with the slope; 2) Break up the overall massing into articulated architectural pieces; 3) Break up solid plane of the facade; 4) Require at least a partial 4' wide sideyard on one side of the lot; 5) Diminish height of the rear portion of the building; and 6) Require pitched or usable flat roofs. (Page 16, BHESBG).

The four proposed homes in this development project largely ignore the strategies outlined in the BHESBG. In brief, the four proposed homes are an updated version of the maximum-building-envelope-shoebox homes described in the BHESBG. And, in fact, it is these original maximum-building-envelope-shoebox homes that eventually led to the implementation of the BHESBG.

The four proposed homes in this development project fail to: 1) step with the slope of the hill; 2) break up the overall massing into articulated architectural pieces; 3) break up the solid plane of the façade; 3) include at least a partial 4' sideyard; and 4) diminish height of the rear portion of the buildings. In fact, these four homes, if built as proposed, and as described above, will present a conspicuous and massive wall along Powhattan Street dwarfing the building across from Powhattan Street and elsewhere in the vicinity.<sup>8</sup>

d. <u>Sideyards</u>: The RDG recognizes the importance of side spacing between buildings because it "helps establish the individual character of each building while creating a rhythm to the composition of a proposed project." (Page 15, RDG: December 2003).

In addition, the BHESBG indicates that "[a]fter a long study of the pros and cons of requiring a sideyard on one side of the lot versus building lot line to lot line, it was determined that the inclusion of a sideyard is an essential ingredient in reaching our design objectives." (Page 17, BHESBG). Therefore, a four foot wide sideyard is required on one side of each 25' lot. (Page 19, BHESBG). The four proposed homes in this development project, however, only provide for a three foot wide sideyard and they are built directly to the street. Again, the failure by the proposed development project to incorporate the rules in the BHESBG results in the erosion of the unique character of the East Slope of Bernal Heights and it violates Section 242(e)(6) of the Planning Code.

e. <u>Façade Elements/Color and Materials</u>: The intent of the BHESBG as they relate to façade elements is to "maximize the possibilities for diversity while striving for harmony between dissimilar pieces on neighboring buildings so that they fit into a satisfying whole." (Page 24, BHESBG). As indicated in the BHESBG, buildings when seen together produce a total effect. In this particular instance,

<sup>&</sup>lt;sup>8</sup> See Exhibit 6 which illustrates how the houses in proposed development project facing Powhattan relate to the existing neighborhood.

the four homes in the proposed development project have little, if any, diversity. Given the lack of diversity of the proposed homes, the total effect of these buildings, as stated above, is to create a massive wall along Powhattan Avenue dwarfing the buildings across Powhattan Avenue and elsewhere in the vicinity. Introduction of façade elements and variation in color and materials into the homes of this proposed development project are necessary to create harmony between this development project and the neighboring buildings, and to preserve the unique and special character of the neighborhood.

2) The densely-built block of large, luxury homes that comprise the proposed development project in its totality is out of character for the East Slope of Bernal Heights and in violation of the City Planning Policies

Applicant plans to build four new large, luxury homes, averaging 2,139 sq ft livable space, on lots averaging 1,903 sq ft. In addition, the four large homes include approximately 1200 sq ft of non-livable space, e.g., garages and rooftop decks.

In contrast, existing nearby homes **average 1,313** sq ft of livable space on lots **averaging 2,064 sq ft.**<sup>9</sup> In addition, existing nearby homes generally have less non-livable space, e.g., typically single car garages and no rooftop decks.

In short, the proposed project would put roughly 800 additional square feet of livable space on each four lots that are already smaller than the neighborhood average. Even more troubling is the fact that the ratio of living space to lot size in the proposed development is 1.12, as compared to 0.63, which is ratio of living space to lot size of existing homes in the surrounding neighborhood.

The contiguous placement of four large homes on this irregularly shaped, steeply-sloped section of land <sup>10</sup> is out of character with the neighborhood and will create a massive

<sup>&</sup>lt;sup>9</sup> This assessment is derived from City Recorder's information about other lots and structures within three hundred (300) feet of the proposed development. See Exhibit 9.

wall dwarfing nearby homes and destroying the existing balance between built space and open space in the surrounding neighborhood.

Numerous sections of the <u>General Plan</u> address the preservation of neighborhood character, including but not limited to the following <u>Housing Element Policies</u>:

a. POLICY 11.3 Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.
 Accommodation of growth should be achieved without damaging existing residential neighborhood character.

To ensure character is not impacted, the City should continue to use **community planning** processes to direct growth and change according to a community-based vision.

The Planning Department should utilize *residential design guidelines*, *neighborhood specific design guidelines*, and other documents describing a specific neighborhoods character as guideposts to determine compatibility of proposed projects with existing neighborhood character.<sup>11</sup>

b. <u>POLICY 11.5</u> Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Residential density controls should reflect prevailing building types in established residential neighborhoods. Particularly in RH-1 and RH-2 areas, prevailing height and bulk patterns should be maintained to protect neighborhood character.

<sup>&</sup>lt;sup>10</sup> See Exhibit 8 which is a photograph taken from Bernal Heights Blvd. and shows the steep slope of the lot upon which the proposed development project is to be built.

c. <u>POLICY 11.2</u> ... Proposed buildings should relate well to the street and to other buildings, regardless of style. New and substantially altered buildings should be designed in a manner that conserves and respects neighborhood character.

In addition, <u>San Francisco Design Guidelines</u>, which are also applicable here, repeatedly reinforce the concept of neighborhood character:

- a. "Planning Department review of projects and development of guidelines should build on adopted local controls, including recently adopted Area Plans, neighborhood specific design guidelines, and historic preservation district documents...."
- b. "[T]hose guiding documents approved by the Planning Commission may be legally enforced by Planning staff."

In addition, the Bernal Heights Special Use District as set forth in Section 242(b) was also established "to reflect the special characteristics and hillside topography of an area of the City that has a collection of older buildings situated on lots generally smaller than the lot patterns in other low-density areas of the City and to encourage development in context and scale with the established character..."

It is clear from the above provisions in the General Plan, the San Francisco Residential Design Guidelines, Section 242 of the Planning Code and the Bernal Heights East Slope Building Guidelines that the City Planning Policies focus on the concept of preservation of the neighborhood character, and in particular, the special and unique character of the Bernal Heights neighborhood. Moreover, it is clear from the above provisions that protection of neighborhood character is a planning priority in San Francisco – a priority that must be addressed in short-term decisions with long-term impacts. The proposed development project, however, is completely out of character with the neighborhood. As explained in detail above, the mass, scale and density of this proposed development project on this irregularly shaped, steeply-sloped section of land are out of character

with the neighborhood and will result in a massive wall dwarfing nearby homes and destroying the existing balance between built space and open space in the surrounding neighborhood.

3) The Bernal Heights East Slope Design Review Board still finds that improvements are required to the proposed development project

The Bernal Heights East Slope Design Review Board has held three neighborhood meetings to review the proposed development project. As of the last meeting, held July 22, 2015, the Bernal Heights East Slope Design Review Board found that *the proposed development project requires improvements to ensure that East Slope Building Guidelines are fully incorporated into the plans*.

CONCLUSION: For the reasons set forth in this document, we maintain that Discretionary Review of the current development project is justified. In short, the proposed development project is not consistent with the Planning Code, Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines and the General Plan. In addition, the proposed development project in its totality is out of context and scale with the established character of the neighborhood and creates a precedent for denser development that will ultimately destroy the special and unique character of Bernal Heights for both current and future residents. Finally, the Bernal Heights East Slope Design Review Board still finds that improvements to the proposed development project are required to fully incorporate the Bernal Heights East Slope Building Guidelines.

### 2) Unreasonable impacts — how properties in the neighborhood would be adversely affected

DESTRUCTION OF NEIGHBORHOOD CHARACTER: The proposed development project subdivides a single vacant lot into a "block" of homes. This would be the first instance in recent Bernal Heights history of an undeveloped lot being developed into an entire block of houses. For this reason, attention to the characteristics of the neighborhood is particularly important. The contiguous placement of four large homes on this irregularly shaped, steeply-sloped section of land is in fact completely out of character with the neighborhood.

In addition, as detailed in response to question 1 of this application, the proposed homes in this development project represent a dramatic departure from the average livable-to-open-space ratio among nearby homes; namely a livable space to lot size ratio of 1.12 as opposed to 0.63 of the existing neighborhood. Mass is an important element of neighborhood character and the proposed mass of these homes on a steep hill would have an unreasonable and deleterious impact on the Bernal Heights neighborhood. In addition, the lack of front yard setbacks pushes the 30-foot facades up against the sidewalk, which again is inconsistent with existing adjacent/near adjacent buildings. Finally, there is little, if any, attempt to step the buildings with the slope of the lot, or include entry treatments, façade elements or a variety in colors and materials to minimize the overwhelming nature of the proposed development project and to attempt to blend the development project into the existing neighborhood. The overall impact of the proposed development project will be to negatively affect quality of life for current and future residents of Bernal Heights and to erode the neighborhood's distinctive character for the long term.

**NEW PRECEDENT FOR DENSER DEVELOPMENT:** The proposed development project will pave the way for further, denser development that will destroy the special and unique character of Bernal Heights.

Houses on Powhattan Avenue immediately east of the proposed project are 1960-1970 box constructions, built to the maximum building envelope and presenting massive facades to the street. These very houses eventually led to the Bernal Heights East Slope Building Guidelines (see Excerpts, Exhibit 10, *infra*, at 5 and 7). But even these houses, out of neighborhood

character as they are, average only 1616 square feet of livable space, and are set back 25' from the street. While there may be a few other houses in the Bernal Heights neighborhood above the 2000 square foot mark, as mentioned above, nowhere in the neighborhood is there a development of four such houses on contiguous lots, let alone an entire block. The houses proposed for these four lots will present a massive wall along Powhattan Avenue, dwarfing the buildings across Powhattan and elsewhere in the vicinity. The mass of the homes comprising the proposed development project will be out of scale for the neighborhood and set a dangerous precedent for future building — much as 1960-70s box construction buildings did in their era.

MAINTENANCE: Applicant's plans include a running 6-foot-high fence with plantings, located across three private lots, along Bernal Heights Boulevard, as well as a proposed public-access staircase, on the unimproved block of Carver Street (the "paper street" between Bernal Heights Boulevard and Powhattan Avenue directly to the east of 40 Bernal Heights Blvd and 1025 Powhattan Avenue). However, nowhere in the Applicant's plans is there any provision for ongoing maintenance of the landscaping or staircase or any assurance that public access to the staircase will be maintained. As a result, these features present potential liabilities, even hazards, to the neighborhood.

### 3) Alternatives or changes to proposed project that would respond to exceptional/extraordinary circumstances and reduce adverse effects

Applicant must revise the proposed development project, currently comprised of four large single family homes, to address neighbors' longstanding concerns about mass, density, neighborhood character, and the long-term maintenance of "public" features. Alternatives or changes to the proposed development project include the following:

- A reduction in the total square footage of the proposed homes such that the ratio of total built space (i.e., livable/non-livable) to lot size is consistent with the existing neighborhood. To achieve a ratio consistent with the existing neighborhood, Applicant can consider either reducing the size of the four homes on the currently proposed lots or increasing the lot size by pursuing a three-lot rather than four-lot approach to this space. In either case, the goal of the development project should be to keep its size consistent with the existing neighborhood and allow for more open space, thereby minimizing the overwhelming nature of the "dense wall" effect of construction on this irregularly shaped, steeply-sloped section of land.
- Front yard setback(s) consistent with adjacent/near adjacent homes on Powhattan Avenue,
   to break up the massive façade of the proposed development project and to address safety
   issues for pedestrians and drivers on Powhattan.
- Sideyard(s) that are at a minimum of four feet wide, as required by the BHESBG.
- Vary the roof lines among the houses rather than using flat roofs on all four homes.
- Include options to enter off the Carver Street stairs, either as primary or secondary entries.
   This could have the added advantage of improving public safety.
- Vary entry treatments, garages, façade elements, color and materials among the proposed homes to provide greater distinction between the homes and minimize the "project" quality of the development.
- Provide more terracing of the outside space (including patios) of the proposed homes to respond to the natural slope and increase planted areas rather than providing so much hardscaping.
- Landscaping and staircase solutions that ensure long-term accessibility, safety, upkeep, and aesthetic value of these features as well as a clear plan outlining ownership and ongoing

maintenance of landscaping and staircase on the unimproved Carver Street, as well as the unimproved block of Rosenkranz Street (the "paper street" between Bernal Heights Boulevard and Powhattan Avenue directly to the west of 40 Bernal Heights Blvd and 965 Powhattan Avenue). Ownership/maintenance solutions should be included in the deeds of the properties. In the alternative, a homeowners' association (HOA) for this development may be appropriate to clarify and ensure ownership/maintenance of the landscaping and staircase on Carver Street as well as well Rosenkranz Street.

- Given that no Environmental Impact Statement was required for this development, more indepth environmental testing is required (with results shared publicly) to ensure that there are will be no dangers to public health and safety as a result of excavation of serpentine soil of indeterminate asbestos content. In addition, clarity concerning the development project's impact on water run-off and drainage is required in light of the near total excavation of the slope of the vacant lot.
- On the land for the proposed development, there is an air vent for an underground pipe. It is unclear where the air vent will be relocated as well as if the relocation will have any adverse impacts to the venting required for the underground pipeline. Drawings should be updated to reflect this and an Environmental Impact Statement should be shared publicly reflecting the impacts created by the relocation of the air vent.

#### 5) Results of mediation

Over the past year and a half, we have met with the Applicant seven times, including but not limited to three community meetings of the Bernal Heights East Slope Design Review Committee, an informal meeting at the Bernal Heights Public Library, and a mediation session facilitated by Supervisor David Campos.

To understand the planning process, planning decisions to date, and our options for making a positive contribution to this project, we have met with representatives of the Planning Department three times (not including a hearing before the SF Board of Supervisors appealing subdivision of 40 Bernal Heights Drive into four lots).

In all conversations with the Applicant and the Planning Department (and in individual meetings with members of the Board of Supervisors), we have repeatedly and consistently expressed the concerns detailed in this application, including the proposed project's outsize mass and negative impact on current and long-term neighborhood character, but the Applicant is unwilling to address these core issues.

The Applicant has rejected any suggestion that a three-lot approach be considered, and has not made any meaningful revisions to plans. Despite suggestions that front yard setbacks must be considered along Powhattan Avenue, the Applicant consistently shows plans that present a massive street-front façade along that street.

At junctures where we have approached the Applicant in the spirit of cooperation, the developer has met the concerns of 150 neighbors with threats to fence the property and build homes of even greater size and mass — or with plans for decorative landscaping and staircase, which would have no impact on mass and come with no assurance that either will be maintained by future owners (making them potentially a liability, not an asset).

Therefore, to address our legitimate concerns about this project's anticipated negative impacts on the immediate and long-term character of Bernal Heights — and hence on the quality of life in our neighborhood — we are pursuing a Discretionary Review as our only viable path to positive change. We stress: We are not opposed to development of this vacant

lot. In fact, we view the development of this space as an opportunity to enlarge our community of friends/neighborswithout compromising its unique and special character. However, proceeding with the Applicant's plans as proposed will result in the erosion of the very character that led us all to reside in the Bernal Heights neighborhood. Therefore, we remain opposed to these four houses, as currently planned, and to any development that would have a negative impact on the distinctive Bernal character that is protected by numerous city, planning, and neighborhood guidelines.

### 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.

C;	m	٠.	ь.	re	٠

Date: January 26 2016

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

Owner / Authorized Agent (circle one)

plication for <b>Discretionary Review</b>	Application
	CASE NUMBER: For Staff Use only

### 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	
Address labels (original), if applicable	0
Address labels (copy of the above), if applicable	Q
Photocopy of this completed application	
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	
Letter of authorization for agent	<u> </u>
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)	

NOTES:

Required Material.

Optional Material.

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



JAN 2 6 2016

CITY & COUNTY OF S.F.

For Department Use Only

Application received by Planning Department:

Date: 1/26/14.

January 25, 2016

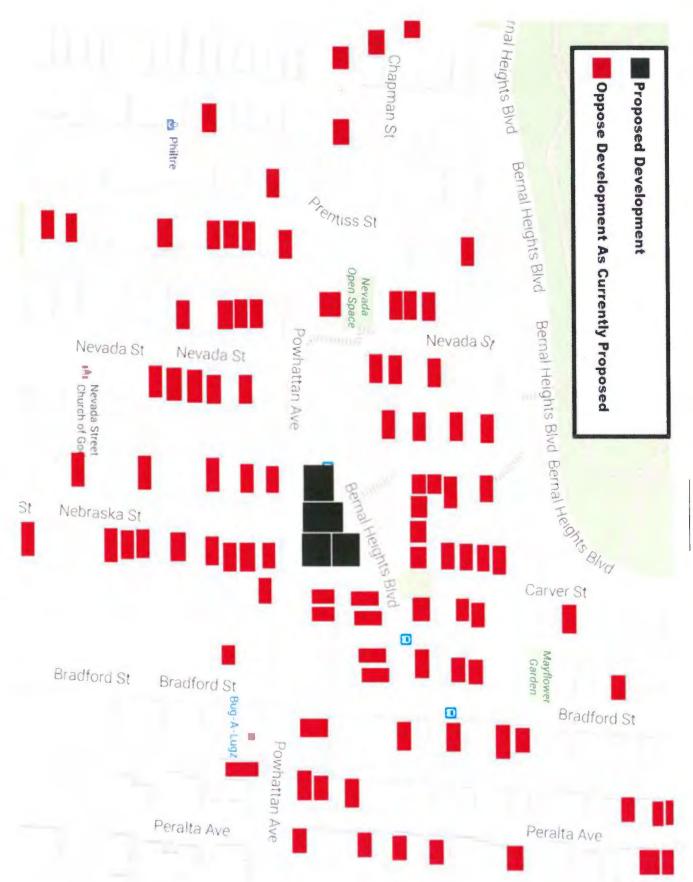
To whom it may concern/San Francisco Planning Department:

I authorize Karteek Patel to submit an application for Discretionary Review for 965 Powhattan Ave. on my behalf.

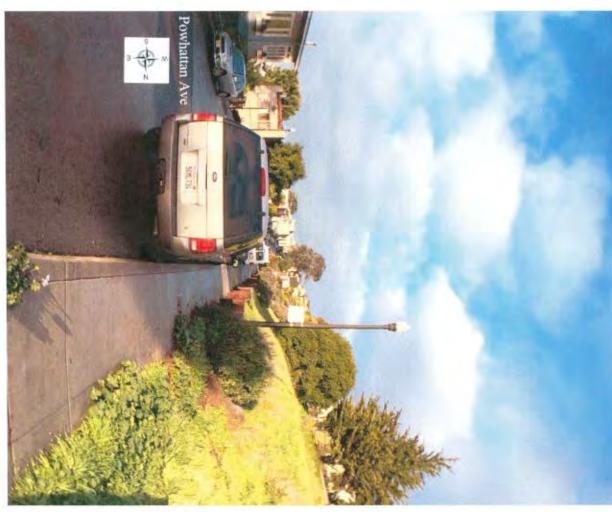
Signed:

Elizabeth A. Brown 2 Nebraska Street

San Francisco, CA 94110

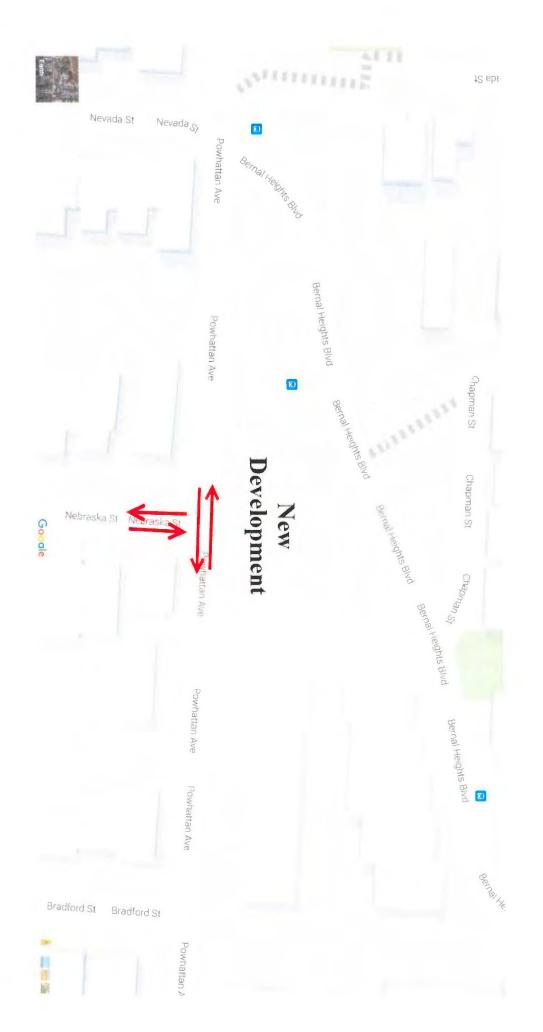


## Exhibit 2





For Illustration Purposes Only





### Exhibit <u>6</u>





For Illustration Purposes Only

# Exhibit Z



# Exhibit 8

### 40 Bernal Heights Blvd, Neighborhood Property Comparisons EXHIBIP9

	erties within 300 Feet of an CCSF Assessor's Proper				25 Pownattan Avenue
		DIJ &	I -£	21-1-1-1	· · · · · · · · · · · · · · · · · · ·
A	<u> </u>	Bldg sq ft	Parcel sf	Bldg:Lot	
Average :	Square Footage	1313	2064	66%	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
	Bernal Heights Blvd	1456	1589	92%	
	Bernal Heights Blvd	1148	1760	ļ	Dette (material
	Bernal Heights Blvd	1272	1894	67%	
**	Bernal Heights Blvd	1456		·	
	Bernal Heights Blvd	1456		ii.	
	Bradford	2000	1750	114%	
	Bradford	1118	1498	ļ	
49	Bradford	1335	1498	89%	
	Bradford	1005			
	Bradford	1258		Ļ	***************************************
52	Bradford	1620	1750	93%	
	Bradford	1053	1500	70%	
	Bradford	1815	3497	52%	
58	Bradford	825	1498	55%	
59	Bradford	950	1746	54%	
62	2 Bradford	825	1500	55%	
65	Bradford	1600	1746	92%	
66	Bradford	825	1498	55%	
70	) Bradford	1034	1498	69%	,
7:	L Bradford	1000	1750	57%	
73	Bradford	1700	1750	97%	
74	1 Bradford	2099	2350	89%	
77	7 Bradford	1350	1746	77%	
79	Bradford	900	1750	51%	***************************************
8:	1 Bradford	656	not listed	n/a	
110	) Bradford	750	2600	29%	
3	5 Carver	1068	1750	61%	
4:	3 Carver	320	1746	18%	
4	3 Carver	630	1746	36%	
5	5 Carver	800	1746	46%	Harring
5	6 Carver	800	1629	49%	
5	7 Carver	875	1746	50%	70044998
6	0 Carver	800	1750	46%	
6	1 Carver	875	1746	50%	
6	4 Carver	800	1746	46%	
6	5 Carver	874	1750	50%	
6	8 Carver	1340	1746	77%	
6	9 Carver	900	1750	51%	
7	2 Carver	800	1750	46%	

	rties within 300 Feet CCSF Assessor's Prop				25 POWIIALIAN AVENUE
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064	66%	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bidg:Lot	1
73	Carver	1112	1750	64%	
76	Carver	800	1746	46%	1
77	Carver	875	1746	50%	
81	Carver	2252	2411	93%	
120	Chapman	2102	1750	120%	
130	Chapman	1610	1750	92%	
140	Chapman	1085	1750	62%	
150	Chapman	1650	1750	94%	
1	Nebraska	650	1250	52%	
	Nebraska	1250	3250	38%	
3	Nebraska	1550	3250	48%	
7	Nebraska	1764	2500	71%	
8	Nebraska	1100	3249	34%	
9	Nebraska	857	2473	35%	
11	Nebraska	2464	2500	99%	
12	Nebraska	1100	2495	44%	
15	Nebraska	1610	2495	65%	
18	Nebraska	1500	2500	60%	
22	Nebraska	1100	2500	44%	
28	Nebraska	1125	2495	45%	
38	Nebraska	1716	2500	69%	
	Nebraska	1785			
56	Nebraska	2129	2500	85%	
41	Nevada	2340	3500	67%	
42	Nevada	1504		86%	
68	Nevada	1140	1746	65%	
73	Nevada	1050	1750	60%	
74	Nevada	1275	1750	73%	
77	Nevada	1466	1750	84%	
98	Nevada	1477		60%	
	Nevada	1247			
	Nevada	950			
	Nevada	1750			
	Nevada	2235			
***************************************	Nevada	975			
	Nevada	1210			
	Nevada	894			- maniana di maniana
120	Nevada	1213	3 2421	50%	

Average So	CCSF Assessor's Prop quare Footage	Bldg sq ft	ase as of 7/1	15/15	
Address	quare Footage	Rldg sa ft		:	
Address	quare Footage		Parcel sf	Bldg:Lot	
Address	quale l'ootage	1313	2064	66%	
***********		1313	2004	00%	
***********					
	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
	Nevada	1957	2500	78%	
	Nevada	925	2425	ļ	
	Nevada	2736	3497	<b></b>	
	Nevada	1535	2425		
	Nevada	1167		ļķ.	
	Nevada	1760		ļ	
	Nevada	1336		ļ	
***************************************	Nevada	1344		<u> </u>	<u>-</u>
	Nevada Nevada	1911		ļ	
	Nevada	1250		ļ	
	Nevada	1625			
	Nevada	1175			
	Nevada	1175		1	
	Nevada	1250		43%	
	Nevada	1175		4	
	Peralta	11/3		4	
	Peralta	1144			
	Peralta	1144			
	Peralta	1452		.4	
***************************************	Peralta	2119		-{ <del>-</del> -	
	Powhattan	1606			
	Powhattan	870			
	Powhattan	1656			
	Powhattan	1656			
1000117	Powhattan	1656			······
	Powhattan	1656			
	Powhattan	1656			
	Powhattan	1303			
	Powhattan	700			
	Prentiss Prentiss	600			
	Prentiss	1180			
	Prentiss	1705			
	Prentiss	1000			
	Prentiss	1000			
***************************************	Prentiss	1337			
	Prentiss	1365			
	Prentiss	1005			
	Rosenkranz Rosenkranz	1052 1777			

### 40 Bernal Heights Blvd, Neighborhood Property Comparisons

Ratio of E	Building to Parcel Squ	are Footage			
**************	***************************************	***************	ts Blvd, 965	, 985 and 10	25 Powhattan Avenue
	CCSF Assessor's Prop				
		Bldg sq ft	Parcel sf	Bldg:Lot	The state of the s
Average Square Footage		1313	2064	66%	
Address			111111111111111111111111111111111111111		
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
70	Rosenkranz	1052	1750	60%	
71	Rosenkranz	2340	1750	134%	4
74	Rosenkranz	1566	1746	90%	
75	Rosenkranz	1800	1746	103%	
76	Rosenkranz	1275	1750	73%	
80	Rosenkranz	924	1750	53%	1
Average S	quare Footage	1313	2064	66%	

# BERNAL HEIGHTS EAST SLOPE BUILDING GUIDELINES

Prepared by the:

BERNAL HEIGHTS
EAST SLOPE
PRESERVATION
COMMITTEE
October 1986

Accepted by the San Francisco Planning Commission

November 13, 1986

EHIBIT

and the qualities that make it that way are cherished by all those whose development. The Bernal Heights East Slope is a special neighborhood special qualities of the East Slope preserved and enhanced by any new designers and builders of homes on Bernal Heights' East Slope. These building guidelines are the result of the community's desire to see the It is our hope that the following guidelines will serve as an aid to commitment to seeing them preserved has produced these building guidelines.

The history of the East Slope has been one of benign neglect by the hillsides have given the East Slope its rural character, the lack of roads and services has periodically presented real danger to the residents. City of San Francisco, however, while dirt roads and undeveloped

rural characteristics rapidly are disappearing along with views, open space and trees. Some new buildings have created "canyons" blocking sunlight Much recent development is not only inconsistent but often at odds with the smaller scale existing structures. As a result, the East Slope's and presenting building facades, which are all copies of a single undistinguished design.

In preparing these guidelines we have made a thorough inventory of present housing stock, vacant lots, open spaces, public areas, and streets,

both developed and undeveloped.

immediate neighbors. These guidelines are an effort to retain the spirit of our neighborhood and to establish criteria for new housing design that Predominant architectural components have been examined along will ensure, as much as possible, the continued existence of the East with the relationship of individual buildings to their lots and their Slope's unique character.

It is impossible to be fully comprehensive since nearly each vacant lot minimizing monotony and enhancing the visual appeal of new housing. guideline is met the resulting structure will be an architectural jewel. has its own peculiarities. There can be no guarantee that if every However, we hope these guidelines will point the way toward

opment which have made Bernal Heights as humanly scaled as it is today encourage inventive diversity while conforming to the patterns of develthan restrictive. The intent is not to induce dull uniformity but rather to We have tried very hard to make the guidelines prescriptive rather

four-time winner of the National Honor Award of the American Institute In an interview recorded earlier in 1986, architect Hugh Jacobsen, a of Architects is quoted as saying:

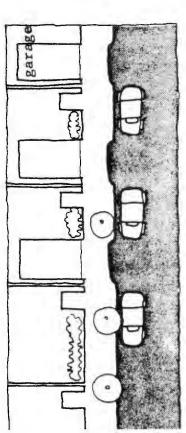
good manners, being part of the whole street, being part of the fabric of every great city— Florence, Rome, and especially Paris. The streets have continuity but each building also has its own individuality. The buildin are at once proud and humane, standing strong in their mutual respect. "From the beginning, I've looked at all architecture as a matter of neighbors, behaves like a well-mannered lady. There is politeness in city. Good architecture, rather than beating its chest or shouting at

world. We fervently hope that newcomers to the East Slope, as part of i great city, will be architecturally polite so that we, the old and the new, Certainly San Francisco is considered one of the great cities of the stand strong in our mutual respect.

Double car entry: no full on-street curb space-street parking eliminated. entry: space for one car on street in front of each 25'-0" lot-street naximized.



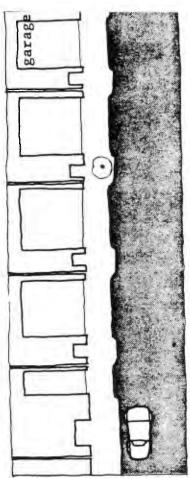
Situation



;heme



Actual Situation



Plan of scheme

# LANDSCAPING · FRONT YARD SETBACKS · STREET TREES

residential areas is one of the most important factors in providing an It is recognized that landscaping and the inclusion of street trees in area with intimacy of scale and character.

## LANDSCAPING

Greenery helps to provide privacy without barriers, soft edges in the built environment, and a reminder of our relationship to the earth. The fantastic geometry of biology combines well with the more rigid geometry of building forms. Landscaping can be used as a device for bringing color and texture into the urban scene. More functionally, if properly planned, it can serve to disguise unsightly foundation work and the like.

# FRONT YARD SETBACKS

Front yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed back from the property line, a feeling of openness is maintained and the access of light and air to the street is maximized. When a house is placed up to the sidewalk on sloped terrain, all sense of the topography of the lot is lost.

### STREET TREES

"The livability, ar enhanced by tree (Fundamental Pr Urban Design Pla 1971.) Street tree the sidewalk, are roost. They refle connecting us to



it Building Setbacks are essential, and must be established by:

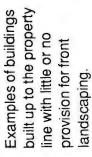
1. conforming to existing setbacks on adjacent or near-adjacent houses;

averaging when lot in question is between two existing structures;
 topographic considerations.



mple of a well-landscaped front yard.







# BUILDING BULK & ARCHITECTURAL MASSING

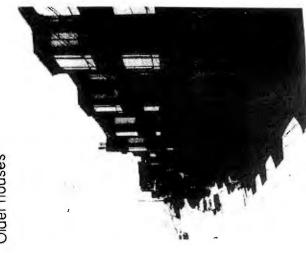
It has been recognized by the City of San Francisco, as well as by the residents of Bernal Heights, that the character of new construction is destined to have a long term effect on the nature of our city and its neighborhoods. The Urban Design Element of the Comprehensive Plan for San Francisco supposedly includes design principles, which provide guidance to potential developers, in order to assure that new development be compatible with the delicate scale and character of the existing houses in hillside residential areas. If planning principles are to be judged by the success of the products, those set forth thus far have failed.

On Bernal Heights there are still many vacant lots, and in the last few years, development pressure has skyrocketed. The new "vernacular form" is the maximum-building-envelope-shoebox. The box presents an image more reminiscent of apartment units than of a house form. It is a solution without a context, which isolates itself from its setting by not acknowledging its neighbors, its views, its orientation towards light and air paths. It is a non-specific plan which developers scatter around the city wherever open lots occur.

When the box first appeared, the dull streetscape that it presented drew a lot of criticism. People called for a form more in keeping with the spirit of San Francisco's architecture. The bays and minuscule balconies which were tacked on have proven to be no more than band-aid solutions. The dressed-up box has not fooled anyone. Its token accoutions. The dressed-up box has not fooled anyone. Its token accoutinements, rather than being a part of the organic whole, are elements that deny the overall integrity of the building.



Older houses



Newer "shoebox" houses

5640/010

SIA Consulting Corp.

1256 Howard Street

SAN FRANCISCO, CA 94103

5639 038

**GROH ZINGESER TRUST** 

1051 POWHATTAN AVE

SAN FRANCISCO, CA 94110

5640 031

MICHAEL V SNEAD TRUST

130 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 033

MARY LOU QUINTO LVG TR

150 CHAPMAN ST

SAN FRANCISCO, CA 94110

5655 001

**BROWN ELIZABETH A** 

2 NEBRASKA ST

SAN FRANCISCO, CA 94110

5655 035

CHANG WILLIAM H & ANITA P

900 POWHATTAN AVE

SAN FRANCISCO, CA 94110

5656 014

BARRON DEBORAH K

1 NEBRASKA ST

SAN FRANCISCO, CA 94110

5639 029

NGIM MITZI H

70 BERNAL HEIGHTS BL

SAN FRANCISCO, CA 94110

5640 030

STEVEN FRITSCH RUDSER LVG TR

120 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 032

**CUNNINGHAM-MCKNIGHT LVG TR** 

140 CHAPMAN ST

SAN FRANCISCO, CA 94110

5641 010

**CONSOLO MARY** 

80 ROSENKRANZ ST

SAN FRANCISCO, CA 94110

5655 007

PETHERAM COLIN

38 NEBRASKA ST

SAN FRANCISCO, CA 94110

5656 013

MELISSA A SHAW TR

3 NEBRASKA ST

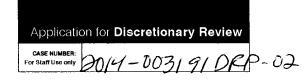
SAN FRANCISCO, CA 94110

5656 014A

RETICKER AMY M

1010 POWHATTAN AVE

SAN FRANCISCO, CA 94110



### **APPLICATION FOR** Discretionary Review JAN 2 6 2016

### RECEIVED

1. Owner/Ap	. Owner/Applicant Information					CITY & COUNTY OF S.F. PLANNING DEPARTMENT				
DR APPLICANT'S N	VAME:					PIC				
Borna	146	early ?	ied de	BO CH	TEX.					
DR APPLICANT'S A	IDDRESS:	1	,	$\mathcal{G}$	ZIP CODE:	TELEPHON	E:			
Lo Kos	they Av	QUE, 99	Banks	1 SF	94110	(4/5)	640-456			
PROPERTY OWNE	R WHO IS DOING	THE PROJECT ON WHIC	CH YOU ARE REQUEST	ING DISCRETION	ARY REVIEW NAME:					
SIA Consultin	ng Corp.									
ADDRESS:					ZIP CODE:	TELEPHON	IE:			
1256 Howard	d Street, Sai	n Francisco, CA		·	94103	(415)	922-0200			
CONTACT FOR DE	APPLICATION:									
Same as Above	×									
ADDRESS:					ZIP CODE:	TELEPHON	IE:			
						( )				
E-MAIL ADDRESS:			i	1	<del></del>	······································				
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0.1										
2. Location	and Class	sification								
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CROSS STREETS:				_						
Bernal Heigh	nts Blvd/Pov	whattan Avenue/	'Unimproved C	arver Street						
ASSESSORS BLO	CK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRIC	OT:	HEIGHT/BULF	(DISTRICT:			
5640	/010	20x267x156	7,492 sq ft	RH-1		40-X (Ber	Ï			
3. Project D Please check all that Change of Us	t apply	nnge of Hours □	New Constru	action 🗷 🛚 A	Alterations 🗆	Demolition	n 🗌 Other 🗌			
Additions to Present or Pre	_	Rear □ Fro	ont 🗌 Heigh	nt □ Side	e Yard 🗆					
Proposed Use	New cor	struction of four	single-family d	wellings on a	an upsloping lo	t including	lot subdivision			
Building Pern		2014.05.2	21.6382S		Date	Filed:				



4	Actions	Prior to a	Discretionary	/ Review	Request
т.	ACHOHS	i noi to a	Disciplian	y I ICVICVY	Hequest

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	[3]	
Did you discuss the project with the Planning Department permit review planner?		×
Did you participate in outside mediation on this case?		<b>[3</b>

<ol><li>Cł</li></ol>	nandes	Made 1	to the	Project a	as a l	Result of	Mediation
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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.  SEE ATTACHED	

Application for <b>Discretionary Review</b>	
CASE NUMBER: For Staff Use only	

### 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.
	EE ATTACHED
_	
_	
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:
S	EE ATTACHED
_	
_	
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_	
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?
	SEE ATTACHED
_	
_	
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### From Bernal Heights South Slope Organization Discretionary Review for 4 new home construction applications: 40 Bernal Heights Blvd; 965, 985 and 1025 Powhattan Street

The BH South Slope Organization is a group of neighbors that has, for over 20 years, been reviewing the safety, neighborhood impact, and neighborhood concerns over new construction on a small section of the South Slope, where narrow steep streets, dead ends, and lack of visibility at intersections prevail, as do several small vacant lots. We are primarily interested in the safety and appropriateness of the new homes, which are often designed without taking into consideration important safety precautions or density/character concerns.

### Safety

The homes under consideration pose a safety risk to drivers and pedestrians because the garages abut the street, leaving no buffer zone. In addition, the proposed development project violates the Residential Design Guidelines (RDG) and the Bernal Height East Slope Building Guidelines (BHESBG) both of which are fully incorporated into the San Francisco Planning Code by not including a front setback.

Although the RDG and the BHESBG identify front yard setbacks as essential, none of the four homes that comprise the proposed development project include any front yard setbacks. In contrast, the established houses immediately east of the proposed development project on Powhattan Avenue (which are less than 50 feet from one of the proposed houses), are set back approximately 25 feet from the street.

Front yard setbacks will increase public safety by giving drivers who are entering either Powhattan Avenue or Bernal Heights Boulevard from the proposed development project an opportunity to check for pedestrians and traffic before entering the sidewalk/street.

1. There is only a sidewalk on the north side of Powhattan St, which is. the same side where the the 2-3-car garages proposed on Powhattan Avenue will directly abut the sidewalk. Because this is the only pedestrian walkway along this street, it is essential that pedestrians with strollers, using walkers, in wheelchairs, or who are sight impaired be able to easily access the sidewalk, along with the many children walking to school and residents walking to the bus stop. Therefore, a front setback is necessary in order for cars in the garage to not block the sidewalk when loading, unloading, or when they can't (or won't) find another legal parking space. In addition, without a setback, there is no visibility for

the driver backing out of the garage to see pedestrians on the sidewalk or for pedestrians to see the car backing out.

- 2. The 2-3-car garages proposed on Powhattan Avenue will result in many cars backing in or pulling out into the busy intersection of Powhattan Avenue and Nebraska Street. This is potentially dangerous because Nebraska Street is a steep street, and as a result, its intersection with Powhattan Avenue has extremely limited visibility at the corner. This corner already experiences high traffic during commute times and a high volume of pedestrians during the week and on the weekends. These include families with small children, elderly residents on their way to the bus, and people walking their dogs or just walking around the hill, which is a favorite activity of many Bernalites. This intersection has already been the site of multiple accidents, and the added factor of cars backing directly into an intersection that is blind to the cars coming up hill, as well as to pedestrians on the sidewalk, makes no sense. A front setback would provide a buffer zone for the transition of backing out of the garage onto street.
- 3. The 2-car garage proposed on Bernal Heights Blvd. is in close proximity to a bus stop that experiences heavy pedestrian traffic, and for the same reasons listed above a front setback would provide a transition from sidewalk to garage. This would be in keeping with the adjacent homes on Bernal Height Blvd.

In summary, front yard setbacks will help alleviate safety problems for both pedestrians and vehicles on Powhattan Avenue and Bernal Heights Boulevard.

### **Excessive Bulk**

Applicant plans to build four new large, luxury homes, averaging 2,139 sq ft livable space, on lots averaging 1,903 sq ft. for a ratio of 112% square footage to lot size. In addition, the four large homes include approximately 1200 sq ft of non-livable space, e.g., garages and rooftop decks, bringing the ratio to 175%. In contrast, existing nearby homes average 1,313 sq ft of livable space on lots averaging 2,064 sq ft. with a ratio of 66%. In addition, existing nearby homes generally have less non-livable space, e.g., typically single car garages and no rooftop decks. Even assuming they have approx. ½ additional non-livable space, the total ratio would still be about half of what the new homes are proposing.

When the bulk of 4 new homes, built closely together abutting high-traffic streets is twice as much as the average home in the larger neighborhood, it is clear

that they do not comply with the numerous sections of the General Plan which address the preservation of neighborhood character, including but not limited to the following Housing Element Policies:

POLICY 11.3 Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character. Accommodation of growth should be achieved without damaging existing residential neighborhood character.

In order to maintain both the safety and the character of the South Slope of Bernal Heights, we recommend that these plans be modified to include significant setbacks from the street and a reduction in bulk to more suitably reflect the character and balance of the neighborhood. Bernal residents have worked for years to create and monitor guidelines like the Bernal Heights East Slope Design Review Board guidelines, whose recommendations in this case were largely ignored by the developer, even though over 100 neighbors attended the BHESDRB meetings.

### 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:	(m)	夕.	/ar

Date: VANUMY 26, 2016

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

Owner / Authorized Agent (directe one)

### Regarding the Discretionary Review Applications for:

965 Powhattan Street,985 Powhattan Street,1025 Powhattan Street,40 Bernal Heights Boulevard,

I authorize Karteek Patel to act as my agent to file the applications for these properties.

Kathy Angus, 99 Banks St., SA 94110 For Bornal Heights So. S 1/25/2016 Date

Application	on for <b>Discretionary</b>	Review
CASE NUMBER: For Staff Use only		

### 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	区
Address labels (original), if applicable	0
Address labels (copy of the above), if applicable	0
Photocopy of this completed application	
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	
Letter of authorization for agent	
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)	

NOTES:

Required Material.

Optional Material.

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

RECEIVED

JAN 2 6 2016

CITY & COUNTY OF S.F.

For Department Use Only Application received by Planning Department:

### 40 Bernal Heights Blvd, Neighborhood Property Comparisons EXHIBIT 9

	erties within 300 Feet of an CCSF Assessor's Proper					
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76	Carver	800	1746	46%	
77	Carver ·	875	1746	50%	
81	Carver	2252	2411	93%	
120	Chapman	2102	1750	120%	
130	Chapman	1610	1750	92%	
140	Chapman	1085	1750	62%	
150	Chapman	1650	1750	94%	
	Nebraska	650	1250	52%	
2	Nebraska	1250	3250	38%	
3	Nebraska	1550	3250	48%	
7	Nebraska	1764	2500	71%	
8	Nebraska	1100	3249	34%	
9	Nebraska	857	2473	35%	
11	Nebraska	2464	2500	99%	
12	Nebraska	1100	2495	44%	
15	Nebraska	1610	2495	65%	
18	Nebraska	1500	2500	60%	
22	Nebraska	1100	2500	44%	
28	Nebraska	1125	2495	45%	
38	Nebraska	1716	2500	69%	
39	Nebraska	1785	2500	71%	
56	Nebraska	2129	2500	85%	
41	Nevada	2340	3500	67%	
42	Nevada	1504	1750	86%	
68	Nevada	1140	1746	65%	
73	Nevada	1050	1750	60%	
74	Nevada	1275	1750	73%	
77	Nevada	1466	1750	84%	
98	Nevada	1477	2448	60%	
100	Nevada	1247	3393	37%	
104	Nevada	950	2421	. 39%	
108	Nevada	1750	2421	72%	
109	Nevada	2235	2495	90%	
114	Nevada	975	2425	40%	
115	Nevada	1210	2495	48%	
119	Nevada	894	2500	36%	
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67	7 Rosenkranz	1052	1746	60%	
65	3 Rosenkranz	177	7 1750	102%	

### 40 Bernal Heights Blvd, Neighborhood Property Comparisons

Ratio of I	Building to Parcel Squ	are Footage	*****		
For Prope	rties within 300 Feet	of 40 Bernal Heigh	ts Blvd, 965	, 985 and 10	25 Powhattan Avenue
	CCSF Assessor's Prop	**************************************			
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064	66%	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bidg:Lot	
70	Rosenkranz	1052	1750	60%	
71	Rosenkranz	2340	1750	134%	
74	Rosenkranz	1566	1746	90%	
75	Rosenkranz	1800	1746	103%	
76	Rosenkranz	1275	1750	73%	
80	Rosenkranz	924	1750	53%	
Average S	quare Footage	1313	2064	66%	

7/15/15

# BERNAL HEIGHTS EAST SLOPE BUILDING GUIDELINES

Prepared by the:

BERNAL HEIGHTS
EAST SLOPE
PRESERVATION
COMMITTEE

October 1986

Accepted by the San Francisco Planning Commission November 13, 1986



EXHIBIT

and the qualities that make it that way are cherished by all those whose development. The Bernal Heights East Slope is a special neighborhood special qualities of the East Slope preserved and enhanced by any new It is our hope that the following guidelines will serve as an aid to designers and builders of homes on Bernal Heights' East Slope. These building guidelines are the result of the community's desire to see the commitment to seeing them preserved has produced these building guidelines.

The history of the East Slope has been one of benign neglect by the hillsides have given the East Slope its rural character, the lack of roads and services has periodically presented real danger to the residents. City of San Francisco, however, while dirt roads and undeveloped

rural characteristics rapidly are disappearing along with views, open space and trees. Some new buildings have created "canyons" blocking sunlight Much recent development is not only inconsistent but often at odds with the smaller scale existing structures. As a result, the East Slope's and presenting building facades, which are all copies of a single undistinguished design.

In preparing these guidelines we have made a thorough inventory of present housing stock, vacant lots, open spaces, public areas, and streets,

both developed and undeveloped.

immediate neighbors. These guidelines are an effort to retain the spirit of our neighborhood and to establish criteria for new housing design that Predominant architectural components have been examined along will ensure, as much as possible, the continued existence of the East with the relationship of individual buildings to their lots and their Slope's unique character.

It is impossible to be fully comprehensive since nearly each vacant lot minimizing monotony and enhancing the visual appeal of new housing. guideline is met the resulting structure will be an architectural jewel. has its own peculiarities. There can be no guarantee that if every However, we hope these guidelines will point the way toward

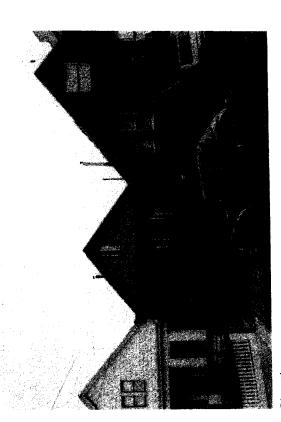
encourage inventive diversity while conforming to the patterns of development which have made Bernal Heights as humanly scaled as it is today than restrictive. The intent is not to induce dull uniformity but rather to We have tried very hard to make the guidelines prescriptive rather

four-time winner of the National Honor Award of the American Institute In an interview recorded earlier in 1986, architect Hugh Jacobsen, a of Architects is quoted as saying:

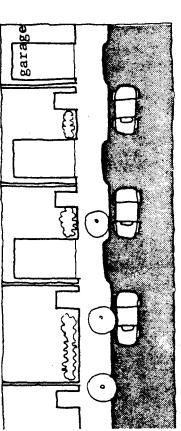
good manners, being part of the whole street, being part of the fabric of the Good architecture, rather than beating its chest or shouting at city. Good architecture, rather than beating its chest or shouting at every great city— Florence, Rome, and especially Paris. The streets have continuity but each building also has its own individuality. The buildin are at once proud and humane, standing strong in their mutual respect. "From the beginning, I've looked at all architecture as a matter of neighbors, behaves like a well-mannered lady. There is politeness in

world. We fervently hope that newcomers to the East Slope, as part of great city, will be architecturally polite so that we, the old and the new, Certainly San Francisco is considered one of the great cities of the stand strong in our mutual respect.

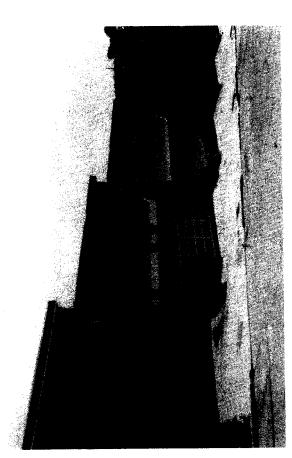
Double car entry: no full on-street curb space—street parking eliminated. entry: space for one car on street in front of each 25'-0" lot-street naximized.



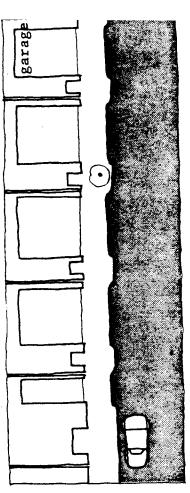
Situation



heme



Actual Situation



Plan of scheme

# LANDSCAPING · FRONT YARD SETBACKS · STREET TREES

residential areas is one of the most important factors in providing an It is recognized that landscaping and the inclusion of street trees in area with intimacy of scale and character.

## LANDSCAPING

Greenery helps to provide privacy without barriers, soft edges in the built environment, and a reminder of our relationship to the earth. The fantastic geometry of biology combines well with the more rigid geometry of building forms. Landscaping can be used as a device for bringing color and texture into the urban scene. More functionally, if properly planned, it can serve to disguise unsightly foundation work and the like.

## FRONT YARD SETBACKS

Front yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed back from the property line, a feeling of openness is maintained and the access of light and air to the street is maximized. When a house is placed up to the sidewalk on sloped terrain, all sense of the topography of the lot is lost.

### STREET TREES

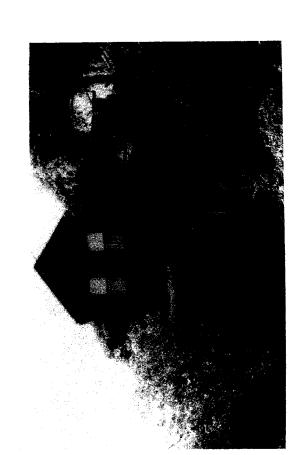
"The livability, are enhanced by tree (Fundamental Pr Urban Design Pla 1971.) Street tree the sidewalk, are roost. They refle connecting us to



it Building Setbacks are essential, and must be established by:

1. conforming to existing setbacks on adjacent or near-adjacent houses;

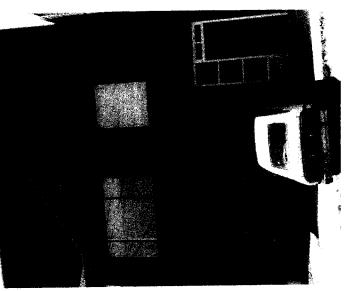
2. averaging when lot in question is between two existing structures; 3. topographic considerations.



mple of a well-landscaped front yard.



built up to the property Examples of buildings line with little or no provision for front landscaping.

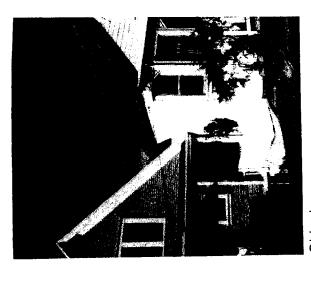


# BUILDING BULK & ARCHITECTURAL MASSING

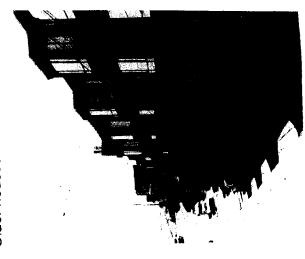
It has been recognized by the City of San Francisco, as well as by the residents of Bernal Heights, that the character of new construction is destined to have a long term effect on the nature of our city and its neighborhoods. The Urban Design Element of the Comprehensive Plan for San Francisco supposedly includes design principles, which provide guidance to potential developers, in order to assure that new development be compatible with the delicate scale and character of the existing houses in hillside residential areas. If planning principles are to be judged by the success of the products, those set forth thus far have failed.

On Bernal Heights there are still many vacant lots, and in the last few years, development pressure has skyrocketed. The new "vernacular form" is the maximum-building-envelope-shoebox. The box presents an image more reminiscent of apartment units than of a house form. It is a solution without a context, which isolates itself from its setting by not acknowledging its neighbors, its views, its orientation towards light and air paths. It is a non-specific plan which developers scatter around the city wherever open lots occur.

When the box first appeared, the dull streetscape that it presented drew a lot of criticism. People called for a form more in keeping with the spirit of San Francisco's architecture. The bays and minuscule balconies which were tacked on have proven to be no more than band-aid solutions. The dressed-up box has not fooled anyone. Its token accoutions. The dressed-up box has not fooled anyone. Its token accoutements, rather than being a part of the organic whole, are elements that deny the overall integrity of the building.



Older houses



Newer "shoebox" houses

5640/010

SIA Consulting Corp.

1256 Howard Street

SAN FRANCISCO, CA 94103

5639 038

**GROH ZINGESER TRUST** 

**1051 POWHATTAN AVE** 

SAN FRANCISCO, CA 94110

5640 031

MICHAEL V SNEAD TRUST

130 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 033

MARY LOU QUINTO LVG TR

150 CHAPMAN ST

SAN FRANCISCO, CA 94110

5655 001

**BROWN ELIZABETH A** 

2 NEBRASKA ST

SAN FRANCISCO, CA 94110

5655 035

CHANG WILLIAM H & ANITA P

900 POWHATTAN AVE

SAN FRANCISCO, CA 94110

5656 014

**BARRON DEBORAH K** 

1 NEBRASKA ST

SAN FRANCISCO, CA 94110

5639 029

NGIM MITZI H

70 BERNAL HEIGHTS BL

SAN FRANCISCO, CA 94110

5640 030

STEVEN FRITSCH RUDSER LVG TR

120 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 032

**CUNNINGHAM-MCKNIGHT LVG TR** 

140 CHAPMAN ST

SAN FRANCISCO, CA 94110

5641 010

**CONSOLO MARY** 

**80 ROSENKRANZ ST** 

SAN FRANCISCO, CA 94110

5655 007

PETHERAM COLIN

38 NEBRASKA ST

SAN FRANCISCO, CA 94110

5656 013

**MELISSA A SHAW TR** 

3 NEBRASKA ST

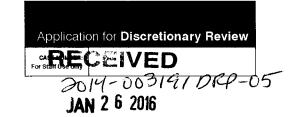
SAN FRANCISCO, CA 94110

5656 014A

RETICKER AMY M

1010 POWHATTAN AVE

SAN FRANCISCO, CA 94110



### **APPLICATION FOR Discretionary Review**

CITY & COUNTY OF S.F.

1. Owner/Ap	oplicant Info	ormation -			<u>.</u>		
DR APPLICANT'S I	NAME: Wn/Colin Pet	theram/Karteek	Patel/Linda Bet	tencourt/Me	lissa Shaw on	behalf of Be	rnal Heights
neighbors			. <del></del>		<b>.</b>		
DR APPLICANT'S		ancisso CA			ZIP CODE: 94110	TELEPHON	
2 Nebraska S	oureet, san Fr	ancisco, CA	· · · · · · · · · · · · · · · · · ·		34110	(415 )8	326-3347
PROPERTY OWNE	R WHO IS DOING	THE PROJECT ON WHI	CH YOU ARE REQUEST	ING DISCRETIONA	RY REVIEW NAME:		
SIA Consultir	ng Corp.						
ADDRESS:					ZIP CODE:	TELEPHON	E:
1256 Howar	d Street, San	Francisco, CA			94103	(415)	922-0200
CONTACT FOR DE	A PRI IOATION						
_	=						
Same as Above L	<u>-x</u>			<del></del>	ZIP CODE:	TELEPHON	
						( )	
E-MAIL ADDRESS	:				<u>L</u>		
betsybrown	1@mac.com						
2. Location  STREET ADDRES  985 Powhatt	S OF PROJECT:	ification San Francisco, C	:A				ZIP CODE: 94110
CROSS STREETS Bernal Heigl	-	rhattan Avenue,	/Unimproved Ca	arver Street		•	
Lagrana pu	OVE OT	L OT BUILTINGS IN	LIGITADEL MO ET			Luciourniu	Diothiot
ASSESSORS BLO	/010	LOT DIMENSIONS: 120x267x156	LOT AREA (SQ FT): 7,492 sq ft	ZONING DISTRIC	;i:	HEIGHT/BULK	
3. Project D	it apply	nge of Hours 🗌	New Constru	action 🗷 A	Alterations 🗆	Demolition	ı □ Other □
Additions to	_	Rear Fro	ont  Heigh	nt 🗌 Side	e Yard □		
Proposed Use	. New cons	struction of four	single-family d	wellings on a	n upsloping l	ot including	lot subdivision
Building Peri	<del></del>	2014.05.2 on No.	21.63955		Date	e Filed:	<del></del>
0		<del></del> -					



### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<b>□X</b>	
Did you discuss the project with the Planning Department permit review planner?	<b>[3</b> 8	
Did you participate in outside mediation on this case?	[3]	

5.	Changes	Made to	the Pro	oject 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. SEE ATTACHED				

Application	on for <b>Discretionary Review</b>
CASE NUMBER: For Staff Use only	

### 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.
	EE ATTACHED
_	
_	
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:
S	EE ATTACHED
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?
•	SEE ATTACHED
_	

Application for <b>Discretionary Review</b>								
CASE NUMBER: For Staff Use only								

### 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	TE/
Address labels (original), if applicable	0
Address labels (copy of the above), if applicable	9
Photocopy of this completed application	9
Photographs that illustrate your concerns	-
Convenant or Deed Restrictions	
Check payable to Planning Dept.	e
Letter of authorization for agent	9
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)	

NOTES:

Optional Material.

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

RECEIVED

JAN 2 6 2016 CITY & COUNTY OF S.F.

Application received by Planning Department:

Date: 1/24/14.

### 1) Reasons for requesting Discretionary Review

We represent more than 150 neighbors who live in close proximity to the proposed development project at 40 Bernal Heights Avenue, 965 Powhattan Avenue, 985 Powhattan Avenue and 1025 Powhattan Avenue, all of whom have signed letters to the Planning Department in opposition to this development project. We oppose the development project as currently proposed because the planned homes are not consistent with the Planning Code, Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines, and the General Plan. In addition, the proposed development project in its totality is out of context and scale with the established character of the surrounding neighborhood and creates a precedent for denser development that will ultimately destroy the special and unique qualities of Bernal Heights. Finally, the Bernal Heights East Slope Design Review Board still finds that improvements to the proposed development project are required to fully incorporate the Bernal Heights East Slope Building Guidelines. For these reasons, there are exceptional and extraordinary circumstances associated with this proposed development project that justify Discretionary Review.

Discretionary Review is justified for at least the following reasons:

1) The proposed development project violates the Residential Design Guidelines (RDG) and the Bernal Height East Slope Building Guidelines (BHESBG), both of which are fully incorporated into the San Francisco Planning Code<sup>2</sup>

### a. Front Yard Setbacks:

<sup>&</sup>lt;sup>1</sup> See Exhibit 1, which shows the breadth of neighborhood opposition to the proposed development project. Houses shown in red represent neighbors who have signed letters opposing the current scope of the project.

<sup>&</sup>lt;sup>2</sup> See Section 311, Article III of the San Francisco Planning Code which fully incorporates the Residential Design Guidelines into the Planning Code. Section 311 requires the Planning Department to not only consider the Guidelines, but also to find that a new building is consistent with the Residential Design Guidelines (Superior Court Decision and Order No. 987418 of September 29, 1997). In addition, see Section 242(a)(6) of the San Francisco Planning Code which fully incorporates the Bernal Heights East Slope Building Guidelines into the Planning Code.

i. The RDG recognizes the front yard setback as significant because it provides "a transition between the public realm of the street and the private realm of the building . . . ." As such, the RDG states that the front yard setback "must be treated so that it provides a pedestrian scale for the building and enhances the open space along the street." (Page 12, RDG: December 2003).

The BHESBG also provides that "[f]ront yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed back from the property line, a feeling of openness is maintained and the access of light and air to the street is maintained. When a house is placed up to a sidewalk on a sloped terrain, all sense of the topography of the lot is lost." (Page 6, BHESBG).

For this reason, the BHESBG indicates that front building setbacks are "essential." The BHESBG requires that front building setbacks "must be established by: 1. conforming to existing setbacks on adjacent or near adjacent houses; . . . 3. Topographic considerations." (Page 3, BHESBG).

Although the RDG and the BHESBG identify front yard setbacks as essential, none of the four homes that comprise the proposed development project include any front yard setbacks. In contrast, the established houses immediately east of the proposed development project on Powhattan Avenue (which are less than 50 feet from one of the proposed houses), are set back approximately 25 feet from the street.

The four homes comprising this development project should include front yard setbacks that conform to the established adjacent/near adjacent homes on Powhattan Avenue and Bernal Heights Boulevard.

The lack of front yard setbacks in current plans will result in a

conspicuous and massive wall along Powhattan Avenue that does not relate to the existing neighborhood.<sup>3</sup>

ii. Front yard setbacks will increase public safety by giving drivers who are entering either Powhattan Avenue or Bernal Heights Boulevard from the proposed development project an opportunity to check for pedestrians and traffic before entering the sidewalk/street.

First, the 2-3-car garages proposed on Powhattan Avenue will abut the only sidewalk that exists on Powhattan Avenue.<sup>4</sup>

Second, the 2-3-car garages proposed on Powhattan Avenue will result in many cars backing in or pulling out into the busy intersection of Powhattan Avenue and Nebraska Street.<sup>5,6</sup> This is potentially dangerous because Nebraska Street is a steep street, and as a result, its intersection with Powhattan Avenue has limited visibility. In addition, this intersection already experiences high traffic during commute times. It has also been the site of many accidents.

<sup>&</sup>lt;sup>3</sup> See Exhibit 2 which illustrates the front yard setback of the neighboring homes on Powhattan Avenue and the impact on the neighborhood should the proposed development project not include similar front yard setbacks as the adjacent/near adjacent homes.

<sup>&</sup>lt;sup>4</sup> See Exhibit 3 which illustrates how the proposed development project will relate to pedestrians as they use the only sidewalk on Powhattan Avenue.

<sup>&</sup>lt;sup>5</sup> See Exhibit 6 which illustrates how the proposed development project will relate to the existing neighborhood, and in particular the intersection of Powhattan Avenue and Nebraska Street.

<sup>&</sup>lt;sup>6</sup> See Exhibit 4 which illustrates the traffic patterns at the intersection of Powhattan Avenue and Nebraska Street which is the site of the proposed development project.

Third, the 2-car garage proposed on Bernal Heights Blvd. is in close proximity to a bus stop that experiences heavy pedestrian and vehicle traffic.<sup>7</sup>

In summary, front yard setbacks will help alleviate safety problems for both pedestrians and vehicles on Powhattan Avenue and Bernal Heights Boulevard.

b. Entry Treatment: The RDG recognizes building entrances as an important building feature. In fact, the RDG states that "[a] well–designed building entrance will appear welcoming and inviting to the pedestrian, making the neighborhood a pleasant place to live." (Page 31, RDG: December 2003).

As it relates to the East Slope of Bernal Heights, the BHESBG specifically identifies as a problem the treatment of entries in new construction; namely, the "hole-in-the-wall doorway." (Page 9, BHESBG). As a result, the BHESBG requires that the "entry of a house be made to be something special — a celebration — more than just a front door." (Page 9, BHESBG). In addition, the BHESBG provides numerous examples to illustrate the intent of the rule. The entry treatment of the four proposed homes in this development project completely ignores this BHESBG rule and actually incorporates the "hole-in-the-wall" doorway in <u>all</u> of the proposed new construction homes. The impact of the "hole-in-the-wall" doorway in all four of the proposed homes in this development project, as mentioned above, is that *the homes appear as a conspicuous massive wall that is out of character for the neighborhood*.

c. <u>Building Bulk and Architectural Massing</u>: The RDG recognizes the importance of scale in the design of a building. Specifically, the RDG states that "[i]t is essential for a building's scale to be compatible with that of surrounding

<sup>&</sup>lt;sup>7</sup> See Exhibit 5 which illustrates the bus stop on Bernal Heights Blvd. which is the side of the proposed development project.

buildings, in order to preserve the neighborhood character. Poorly scaled buildings will seem incompatible . . . and inharmonious with their surroundings." (Page 23, RDG: December 2003).

The BHESBG specifically identifies a problem with building bulk and architectural massing around the East Slope of Bernal Heights. The objectives of the BHESBG are summed up in the BHESBG and the existing City Planning Policies and in part include:

- Deter[ing] the possibilities of visually dominant buildings with blank and uninteresting exteriors which do not relate well to surrounding development;
- ii. Promot[ing] harmony in the visual relationships and transitions between new and older buildings; and
- iii. Encourag[ing] the construction of buildings which meet the ground and reflect the slope of the hill.

(Page 15, BHESBG).

In light of these objectives, the BHESBG identifies strategies including in part: 1) Step the building with the slope; 2) Break up the overall massing into articulated architectural pieces; 3) Break up solid plane of the facade; 4) Require at least a partial 4' wide sideyard on one side of the lot; 5) Diminish height of the rear portion of the building; and 6) Require pitched or usable flat roofs. (Page 16, BHESBG).

The four proposed homes in this development project largely ignore the strategies outlined in the BHESBG. In brief, the four proposed homes are an updated version of the maximum-building-envelope-shoebox homes described in the BHESBG. And, in fact, it is these original maximum-building-envelope-shoebox homes that eventually led to the implementation of the BHESBG.

The four proposed homes in this development project fail to: 1) step with the slope of the hill; 2) break up the overall massing into articulated architectural pieces; 3) break up the solid plane of the façade; 3) include at least a partial 4' sideyard; and 4) diminish height of the rear portion of the buildings. In fact, these four homes, if built as proposed, and as described above, will present a conspicuous and massive wall along Powhattan Street dwarfing the building across from Powhattan Street and elsewhere in the vicinity.<sup>8</sup>

d. <u>Sideyards</u>: The RDG recognizes the importance of side spacing between buildings because it "helps establish the individual character of each building while creating a rhythm to the composition of a proposed project." (Page 15, RDG: December 2003).

In addition, the BHESBG indicates that "[a]fter a long study of the pros and cons of requiring a sideyard on one side of the lot versus building lot line to lot line, it was determined that the inclusion of a sideyard is an essential ingredient in reaching our design objectives." (Page 17, BHESBG). Therefore, a four foot wide sideyard is required on one side of each 25' lot. (Page 19, BHESBG). The four proposed homes in this development project, however, only provide for a three foot wide sideyard and they are built directly to the street. Again, the failure by the proposed development project to incorporate the rules in the BHESBG results in the erosion of the unique character of the East Slope of Bernal Heights and it violates Section 242(e)(6) of the Planning Code.

e. <u>Façade Elements/Color and Materials</u>: The intent of the BHESBG as they relate to façade elements is to "maximize the possibilities for diversity while striving for harmony between dissimilar pieces on neighboring buildings so that they fit into a satisfying whole." (Page 24, BHESBG). As indicated in the BHESBG, buildings when seen together produce a total effect. In this particular instance,

<sup>&</sup>lt;sup>8</sup> See Exhibit 6 which illustrates how the houses in proposed development project facing Powhattan relate to the existing neighborhood.

the four homes in the proposed development project have little, if any, diversity. Given the lack of diversity of the proposed homes, the total effect of these buildings, as stated above, is to create a massive wall along Powhattan Avenue dwarfing the buildings across Powhattan Avenue and elsewhere in the vicinity. Introduction of façade elements and variation in color and materials into the homes of this proposed development project are necessary to create harmony between this development project and the neighboring buildings, and to preserve the unique and special character of the neighborhood.

2) The densely-built block of large, luxury homes that comprise the proposed development project in its totality is out of character for the East Slope of Bernal Heights and in violation of the City Planning Policies

Applicant plans to build four new large, luxury homes, averaging 2,139 sq ft livable space, on lots averaging 1,903 sq ft. In addition, the four large homes include approximately 1200 sq ft of non-livable space, e.g., garages and rooftop decks.

In contrast, existing nearby homes **average 1,313** sq ft of livable space on lots **averaging 2,064 sq ft.**<sup>9</sup> In addition, existing nearby homes generally have less non-livable space, e.g., typically single car garages and no rooftop decks.

In short, the proposed project would put roughly 800 additional square feet of livable space on each four lots that are already smaller than the neighborhood average. Even more troubling is the fact that the ratio of living space to lot size in the proposed development is 1.12, as compared to 0.63, which is ratio of living space to lot size of existing homes in the surrounding neighborhood.

The contiguous placement of four large homes on this irregularly shaped, steeply-sloped section of land <sup>10</sup> is out of character with the neighborhood and will create a massive

<sup>&</sup>lt;sup>9</sup> This assessment is derived from City Recorder's information about other lots and structures within three hundred (300) feet of the proposed development. See Exhibit 9.

wall dwarfing nearby homes and destroying the existing balance between built space and open space in the surrounding neighborhood.

Numerous sections of the <u>General Plan</u> address the preservation of neighborhood character, including but not limited to the following <u>Housing Element Policies</u>:

a. POLICY 11.3 Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Accommodation of growth should be achieved without damaging existing residential neighborhood character.

To ensure character is not impacted, the City should continue to use **community planning** processes to direct growth and change according to a community-based vision.

The Planning Department should utilize *residential design guidelines*, *neighborhood specific design guidelines*, and other documents describing a specific neighborhoods character as guideposts to determine compatibility of proposed projects with existing neighborhood character.<sup>11</sup>

b. <u>POLICY 11.5</u> Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Residential density controls should reflect prevailing building types in established residential neighborhoods. Particularly in RH-1 and RH-2 areas, prevailing height and bulk patterns should be maintained to protect neighborhood character.

<sup>&</sup>lt;sup>10</sup> See Exhibit 8 which is a photograph taken from Bernal Heights Blvd. and shows the steep slope of the lot upon which the proposed development project is to be built.

c. <u>POLICY 11.2</u> ... Proposed buildings should relate well to the street and to other buildings, regardless of style. New and substantially altered buildings should be designed in a manner that conserves and respects neighborhood character.

In addition, <u>San Francisco Design Guidelines</u>, which are also applicable here, repeatedly reinforce the concept of neighborhood character:

- a. "Planning Department review of projects and development of guidelines should build on adopted local controls, including recently adopted Area Plans, neighborhood specific design guidelines, and historic preservation district documents...."
- b. "[T]hose guiding documents approved by the Planning Commission may be legally enforced by Planning staff."

In addition, the Bernal Heights Special Use District as set forth in Section 242(b) was also established "to reflect the special characteristics and hillside topography of an area of the City that has a collection of older buildings situated on lots generally smaller than the lot patterns in other low-density areas of the City and to encourage development in context and scale with the established character. . . ."

It is clear from the above provisions in the General Plan, the San Francisco Residential Design Guidelines, Section 242 of the Planning Code and the Bernal Heights East Slope Building Guidelines that the City Planning Policies focus on the concept of preservation of the neighborhood character, and in particular, the special and unique character of the Bernal Heights neighborhood. Moreover, it is clear from the above provisions that protection of neighborhood character is a planning priority in San Francisco — a priority that must be addressed in short-term decisions with long-term impacts. The proposed development project, however, is completely out of character with the neighborhood. As explained in detail above, *the mass, scale and density of this proposed development project on this irregularly shaped, steeply-sloped section of land are out of character* 

with the neighborhood and will result in a massive wall dwarfing nearby homes and destroying the existing balance between built space and open space in the surrounding neighborhood.

3) The Bernal Heights East Slope Design Review Board still finds that improvements are required to the proposed development project

The Bernal Heights East Slope Design Review Board has held three neighborhood meetings to review the proposed development project. As of the last meeting, held July 22, 2015, the Bernal Heights East Slope Design Review Board found that *the proposed development project requires improvements to ensure that East Slope Building Guidelines are fully incorporated into the plans*.

CONCLUSION: For the reasons set forth in this document, we maintain that Discretionary Review of the current development project is justified. In short, the proposed development project is not consistent with the Planning Code, Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines and the General Plan. In addition, the proposed development project in its totality is out of context and scale with the established character of the neighborhood and creates a precedent for denser development that will ultimately destroy the special and unique character of Bernal Heights for both current and future residents. Finally, the Bernal Heights East Slope Design Review Board still finds that improvements to the proposed development project are required to fully incorporate the Bernal Heights East Slope Building Guidelines.

### 2) Unreasonable impacts — how properties in the neighborhood would be adversely affected

subdivides a single vacant lot into a "block" of homes. This would be the first instance in recent Bernal Heights history of an undeveloped lot being developed into an entire block of houses. For this reason, attention to the characteristics of the neighborhood is particularly important. The contiguous placement of four large homes on this irregularly shaped, steeply-sloped section of land is in fact completely out of character with the neighborhood.

In addition, as detailed in response to question 1 of this application, the proposed homes in this development project represent a dramatic departure from the average livable-to-open-space ratio among nearby homes; namely a livable space to lot size ratio of 1.12 as opposed to 0.63 of the existing neighborhood. Mass is an important element of neighborhood character and the proposed mass of these homes on a steep hill would have an unreasonable and deleterious impact on the Bernal Heights neighborhood. In addition, the lack of front yard setbacks pushes the 30-foot facades up against the sidewalk, which again is inconsistent with existing adjacent/near adjacent buildings. Finally, there is little, if any, attempt to step the buildings with the slope of the lot, or include entry treatments, façade elements or a variety in colors and materials to minimize the overwhelming nature of the proposed development project and to attempt to blend the development project into the existing neighborhood. The overall impact of the proposed development project will be to negatively affect quality of life for current and future residents of Bernal Heights and to erode the neighborhood's distinctive character for the long term.

**NEW PRECEDENT FOR DENSER DEVELOPMENT:** The proposed development project will pave the way for further, denser development that will destroy the special and unique character of Bernal Heights.

Houses on Powhattan Avenue immediately east of the proposed project are 1960-1970 box constructions, built to the maximum building envelope and presenting massive facades to the street. These very houses eventually led to the Bernal Heights East Slope Building Guidelines (see Excerpts, Exhibit 10, *infra*, at 5 and 7). But even these houses, out of neighborhood

character as they are, average only 1616 square feet of livable space, and are set back 25' from the street. While there may be a few other houses in the Bernal Heights neighborhood above the 2000 square foot mark, as mentioned above, nowhere in the neighborhood is there a development of four such houses on contiguous lots, let alone an entire block. The houses proposed for these four lots will present a massive wall along Powhattan Avenue, dwarfing the buildings across Powhattan and elsewhere in the vicinity. The mass of the homes comprising the proposed development project will be out of scale for the neighborhood and set a dangerous precedent for future building — much as 1960-70s box construction buildings did in their era.

MAINTENANCE: Applicant's plans include a running 6-foot-high fence with plantings, located across three private lots, along Bernal Heights Boulevard, as well as a proposed public-access staircase, on the unimproved block of Carver Street (the "paper street" between Bernal Heights Boulevard and Powhattan Avenue directly to the east of 40 Bernal Heights Blvd and 1025 Powhattan Avenue). However, nowhere in the Applicant's plans is there any provision for ongoing maintenance of the landscaping or staircase or any assurance that public access to the staircase will be maintained. As a result, these features present potential liabilities, even hazards, to the neighborhood.

### Alternatives or changes to proposed project that would respond to exceptional/extraordinary circumstances and reduce adverse effects

Applicant must revise the proposed development project, currently comprised of four large single family homes, to address neighbors' longstanding concerns about mass, density, neighborhood character, and the long-term maintenance of "public" features. Alternatives or changes to the proposed development project include the following:

- A reduction in the total square footage of the proposed homes such that the ratio of total built space (i.e., livable/non-livable) to lot size is consistent with the existing neighborhood. To achieve a ratio consistent with the existing neighborhood, Applicant can consider either reducing the size of the four homes on the currently proposed lots or increasing the lot size by pursuing a three-lot rather than four-lot approach to this space. In either case, the goal of the development project should be to keep its size consistent with the existing neighborhood and allow for more open space, thereby minimizing the overwhelming nature of the "dense wall" effect of construction on this irregularly shaped, steeply-sloped section of land.
- Front yard setback(s) consistent with adjacent/near adjacent homes on Powhattan Avenue,
   to break up the massive façade of the proposed development project and to address safety
   issues for pedestrians and drivers on Powhattan.
- Sideyard(s) that are at a minimum of four feet wide, as required by the BHESBG.
- Vary the roof lines among the houses rather than using flat roofs on all four homes.
- Include options to enter off the Carver Street stairs, either as primary or secondary entries.
   This could have the added advantage of improving public safety.
- Vary entry treatments, garages, façade elements, color and materials among the proposed homes to provide greater distinction between the homes and minimize the "project" quality of the development.
- Provide more terracing of the outside space (including patios) of the proposed homes to respond to the natural slope and increase planted areas rather than providing so much hardscaping.
- Landscaping and staircase solutions that ensure long-term accessibility, safety, upkeep, and aesthetic value of these features as well as a clear plan outlining ownership and ongoing

maintenance of landscaping and staircase on the unimproved Carver Street, as well as the unimproved block of Rosenkranz Street (the "paper street" between Bernal Heights Boulevard and Powhattan Avenue directly to the west of 40 Bernal Heights Blvd and 965 Powhattan Avenue). Ownership/maintenance solutions should be included in the deeds of the properties. In the alternative, a homeowners' association (HOA) for this development may be appropriate to clarify and ensure ownership/maintenance of the landscaping and staircase on Carver Street as well as well Rosenkranz Street.

- Given that no Environmental Impact Statement was required for this development, more indepth environmental testing is required (with results shared publicly) to ensure that there are will be no dangers to public health and safety as a result of excavation of serpentine soil of indeterminate asbestos content. In addition, clarity concerning the development project's impact on water run-off and drainage is required in light of the near total excavation of the slope of the vacant lot.
- On the land for the proposed development, there is an air vent for an underground pipe. It is unclear where the air vent will be relocated as well as if the relocation will have any adverse impacts to the venting required for the underground pipeline. Drawings should be updated to reflect this and an Environmental Impact Statement should be shared publicly reflecting the impacts created by the relocation of the air vent.

### 5) Results of mediation

Over the past year and a half, we have met with the Applicant seven times, including but not limited to three community meetings of the Bernal Heights East Slope Design Review Committee, an informal meeting at the Bernal Heights Public Library, and a mediation session facilitated by Supervisor David Campos.

To understand the planning process, planning decisions to date, and our options for making a positive contribution to this project, we have met with representatives of the Planning Department three times (not including a hearing before the SF Board of Supervisors appealing subdivision of 40 Bernal Heights Drive into four lots).

In all conversations with the Applicant and the Planning Department (and in individual meetings with members of the Board of Supervisors), we have repeatedly and consistently expressed the concerns detailed in this application, including the proposed project's outsize mass and negative impact on current and long-term neighborhood character, but the Applicant is unwilling to address these core issues.

The Applicant has rejected any suggestion that a three-lot approach be considered, and has not made any meaningful revisions to plans. Despite suggestions that front yard **set**backs must be considered along Powhattan Avenue, the Applicant consistently shows plans that present a massive street-front façade along that street.

At junctures where we have approached the Applicant in the spirit of cooperation, the developer has met the concerns of 150 neighbors with threats to fence the property and build homes of even greater size and mass — or with plans for decorative landscaping and staircase, which would have no impact on mass and come with no assurance that either will be maintained by future owners (making them potentially a liability, not an asset).

Therefore, to address our legitimate concerns about this project's anticipated negative impacts on the immediate and long-term character of Bernal Heights — and hence on the quality of life in our neighborhood — we are pursuing a Discretionary Review as our only viable path to positive change. We stress: We are not opposed to development of this vacant

lot. In fact, we view the development of this space as an opportunity to enlarge our community of friends/neighborswithout compromising its unique and special character. However, proceeding with the Applicant's plans as proposed will result in the erosion of the very character that led us all to reside in the Bernal Heights neighborhood. Therefore, we remain opposed to these four houses, as currently planned, and to any development that would have a negative impact on the distinctive Bernal character that is protected by numerous city, planning, and neighborhood guidelines.

### 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: _	(and	H. trad	Date:	JANUANG	26,20	16
--------------	------	---------	-------	---------	-------	----

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

Owner / Authorized Agent (circle one)

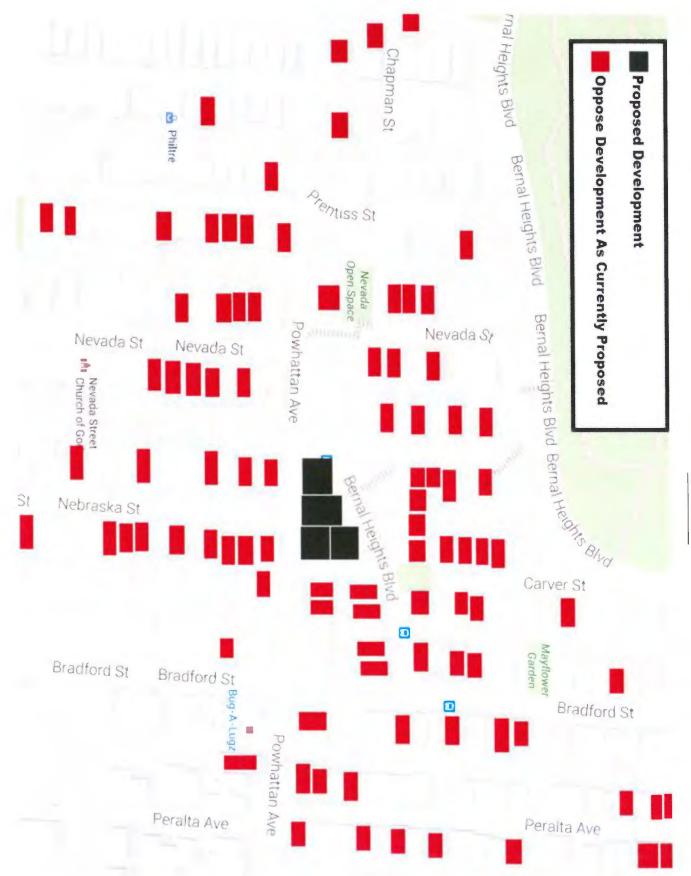
To whom it may concern/San Francisco Planning Department:

I authorize Karteek Patel to submit an application for Discretionary Review for 985 Powhattan Ave. on my behalf.

Signed:

Elizabeth A. Brown 2 Nebraska Street

San Francisco, CA 94110



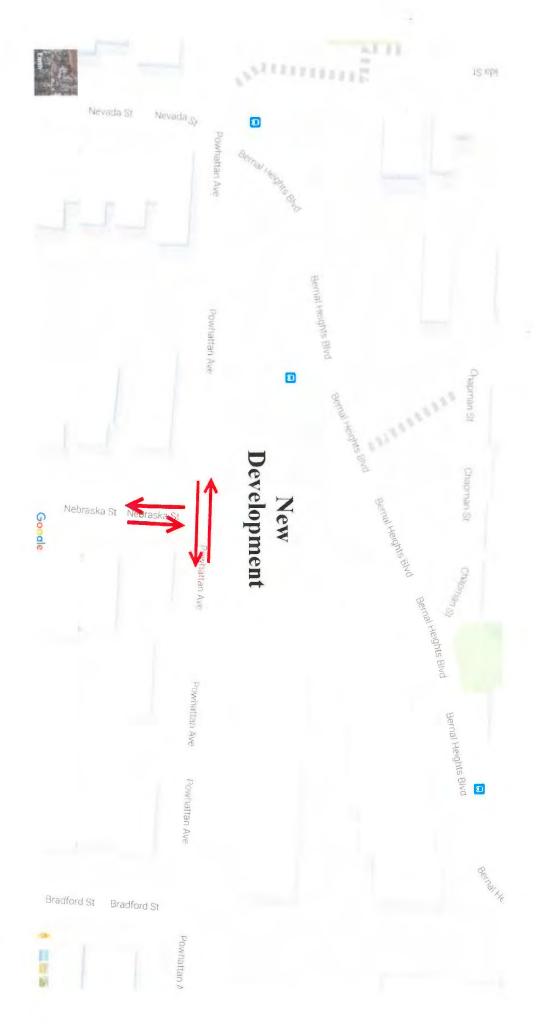


## Exhibit 3





For Illustration Purposes Only





### Exhibit <u>6</u>





For Illustration Purposes Only

## Exhibit Z



### Exhibit 8

### 

Data fron	n CCSF Assessor's Proper	ty Search Datab	ase as of 7/	15/15	
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	Square Footage	1313	· · · · · · · · · · · · · · · · · · ·	66%	
			2001	0070	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
70	Bernal Heights Blvd	1456	<del></del>	92%	
76	Bernal Heights Blvd	1148	1760	65%	
82	Bernal Heights Blvd	1272	1894	67%	
88	Bernal Heights Blvd	1456	2060	71%	
94	Bernal Heights Blvd	1456	2374	61%	
44	Bradford	2000	1750	114%	
45	Bradford	1118	1498	75%	
49	Bradford	1335	1498	89%	
50	Bradford	1005	1750	57%	
51	. Bradford	1258	1698	74%	
52	Bradford	1620	1750	93%	
54	Bradford	1053	1500	70%	
57	Bradford	1815	3497	52%	
58	Bradford	825	1498	55%	
59	Bradford	950	1746	54%	
62	Bradford	825	1500	55%	
65	Bradford	1600	1746	92%	
66	Bradford	825	1498	55%	
70	) Bradford	1034	1498	69%	
71	Bradford	1000	1750	57%	
73	Bradford	1700	1750	97%	
74	Bradford	2099	2350	89%	
77	<sup>7</sup> Bradford	1350	1746	77%	
79	Bradford	900	1750	51%	
8:	l Bradford	656	not listed	n/a	
110	) Bradford	750	2600	29%	
3!	Carver	1068	1750	61%	
43	3 Carver	320	1746	18%	
4:	3 Carver	630	1746	36%	
5	5 Carver	800	1746	46%	
50	5 Carver	800	1629	49%	
	7 Carver	875	1746	50%	
61	Carver Carver	800	1750	46%	
	1 Carver	875			. <del> </del> . <del></del>
6	4 Carver	800	1746	46%	
	5 Carver	874			
	8 Carver	1340	<b> </b>		.}
6	9 Carver	900	1750	51%	
7	2 Carver	800	1750	46%	

Data from	<b>CCSF Assessor's Prop</b>	erty Search Datab	ase as of 7/	15/15	
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064	66%	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
73	Carver	1112	1750		
76	Carver	800	1746	46%	
77	Carver	875	1746	50%	
81	Carver	2252	2411	93%	
	Chapman	2102	1750		
	Chapman	1610		.}	
	Chapman	1085			
	Chapman	1650		<u> </u>	
*	Nebraska	650		,	
	Nebraska	1250	.		
	Nebraska	1550	<u> </u>	:	
	Nebraska	1764	<del> </del>	1	
	Nebraska	1100		:	
	Nebraska	857		.4	
	Nebraska	2464			
	Nebraska	1100		44%	
	Nebraska	1610			
	Nebraska	1500			
	Nebraska	1100			
	Nebraska	1100			
	Nebraska	1716		. <del>.</del>	
	Nebraska	1710		.4	
	Nebraska	2129	}	.4	
	-}				
	Nevada	2340			
	Nevada	1504			
	Nevada	1140			
	Nevada	1050			
	Nevada	1275			
	Nevada	1466			<b></b>
. <b></b>	Nevada	1477			
	Nevada	1247			
	Nevada	950			
	Nevada	1750			4
	Nevada	2235		-4	. <del> </del>
	Nevada	975			·
	Nevada	1210			
	Nevada	894	}	. <b> </b>	.
. 770	Nevada	1213	3 2421	. 50%	

Data from	rties within 300 Feet CCSF Assessor's Prop	perty Search Datab	ase as of 7/	15/15	
		Bldg sq ft		Bldg:Lot	
Average S	quare Footage	1313	2064	66%	
A . A . B	••••••				
Address	C**	0146	D1-6	<b>511-1-</b>	
	Street	<del></del>		Bldg:Lot	
	Nevada	1957	2500	÷	
	Nevada	925		ļ	
	Nevada	2736			
	Nevada	1535			
	Nevada	1167	3000		
	Nevada	1760		. <del>}</del>	
	Nevada	1336	<b>4</b>		
	Nevada	1344		54%	
	Nevada	1911	Į	. <del> </del>	
	Nevada	1250		<u> </u>	
	Nevada	1625	I	<del></del>	
	Nevada	1175	<del></del>	<del></del>	
	Nevada	1175	•		
	Nevada	1250			
159	Nevada	1175	2495	47%	
684	Peralta	1144			
688	Peralta	1144	1750	65%	
690	Peralta	1144	1750	65%	
694	Peralta	1452	1746	83%	
698	Peralta	2119	1746	121%	
900	Powhattan	1606	1999	80%	
1010	Powhattan	870	2000	44%	
1051	Powhattan	1656	1484	112%	
1057	Powhattan	1656	1484	112%	
1063	Powhattan	1656	1481	112%	
1069	Powhattan	1656	1481	112%	
1075	Powhattan	1656	1484	112%	
1108	Powhattan	1303	2470	53%	
1112	Powhattan	700	2975	24%	
67	Prentiss	600	1746	34%	
93	Prentiss	1180	1746	68%	
101	Prentiss	1705	1750	97%	
107	Prentiss	1000	1750	57%	
115	Prentiss	1000	1746	57%	
119	Prentiss	1337	1750	76%	
125	Prentiss	1365	1750	78%	
131	Prentiss	1005	}		ļ
	Rosenkranz	1052			ii
· · · · · · · · · · · · · · · · · · ·	Rosenkranz	1777			·

Ratio of E	Building to Parcel Squ	are Footage		·	
		·····	ts Blvd, 965	, 985 and 10	25 Powhattan Avenue
	CCSF Assessor's Prop				
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064	66%	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
70	Rosenkranz	1052	1750	60%	
71	Rosenkranz	2340	1750	134%	
74	Rosenkranz	1566	1746	90%	
75	Rosenkranz	1800	1746	103%	
76	Rosenkranz	1275	1750	73%	
80	Rosenkranz	924	1750	53%	
Average S	quare Footage	1313	2064	66%	

## BERNAL HEIGHTS EAST SLOPE BUILDING GUIDELINES

Prepared by the:

BERNAL HEIGHTS
EAST SLOPE
PRESERVATION
COMMITTEE

Accepted by the San Francisco Planning Commission November 13, 1986



EHIBIT

and the qualities that make it that way are cherished by all those whose development. The Bernal Heights East Slope is a special neighborhood special qualities of the East Slope preserved and enhanced by any new designers and builders of homes on Bernal Heights' East Slope. These building guidelines are the result of the community's desire to see the It is our hope that the following guidelines will serve as an aid to commitment to seeing them preserved has produced these building guidelines.

The history of the East Slope has been one of benign neglect by the hillsides have given the East Slope its rural character, the lack of roads and services has periodically presented real danger to the residents. City of San Francisco, however, while dirt roads and undeveloped

rural characteristics rapidly are disappearing along with views, open space and trees. Some new buildings have created "canyons" blocking sunlight Much recent development is not only inconsistent but often at odds with the smaller scale existing structures. As a result, the East Slope's and presenting building facades, which are all copies of a single undistinguished design.

In preparing these guidelines we have made a thorough inventory of present housing stock, vacant lots, open spaces, public areas, and streets, both developed and undeveloped.

immediate neighbors. These guidelines are an effort to retain the spirit of our neighborhood and to establish criteria for new housing design that Predominant architectural components have been examined along will ensure, as much as possible, the continued existence of the East with the relationship of individual buildings to their lots and their Slope's unique character.

It is impossible to be fully comprehensive since nearly each vacant lot minimizing monotony and enhancing the visual appeal of new housing. guideline is met the resulting structure will be an architectural jewel. has its own peculiarities. There can be no guarantee that if every However, we hope these guidelines will point the way toward

opment which have made Bernal Heights as humanly scaled as it is today encourage inventive diversity while conforming to the patterns of develthan restrictive. The intent is not to induce dull uniformity but rather to We have tried very hard to make the guidelines prescriptive rather

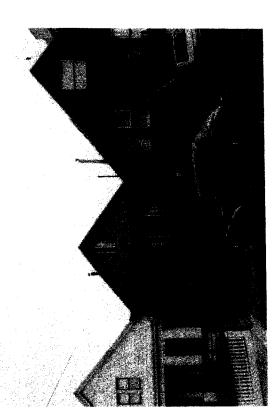
four-time winner of the National Honor Award of the American Institute In an interview recorded earlier in 1986, architect Hugh Jacobsen, a of Architects is quoted as saying:

good manners, being part of the whole street, being part of the fabric of t are at once proud and humane, standing strong in their mutual respect. every great city— Florence, Rome, and especially Paris. The streets have continuity but each building also has its own individuality. The buildin 'From the beginning, I've looked at all architecture as a matter of neighbors, behaves like a well-mannered lady. There is politeness in city. Good architecture, rather than beating its chest or shouting at

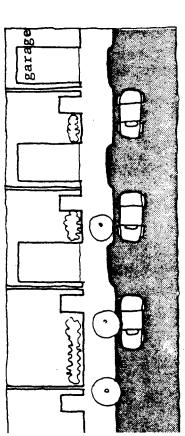
world. We fervently hope that newcomers to the East Slope, as part of great city, will be architecturally polite so that we, the old and the new, Certainly San Francisco is considered one of the great cities of the stand strong in our mutual respect.

entry: space for one car on street in front of each 25'-0" lot—street aximized.

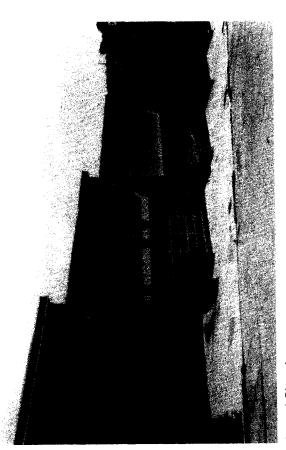
Double car entry: no full on-street curb space-street parking eliminated.



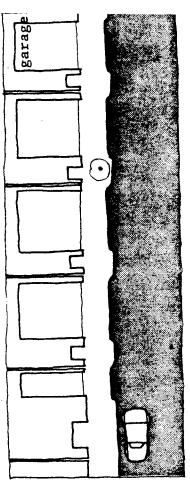
Situation



heme



Actual Situation



Plan of scheme

# LANDSCAPING · FRONT YARD SETBACKS · STREET TREES

residential areas is one of the most important factors in providing an It is recognized that landscaping and the inclusion of street trees in area with intimacy of scale and character.

## LANDSCAPING

built environment, and a reminder of our relationship to the earth. The properly planned, it can serve to disguise unsightly foundation work geometry of building forms. Landscaping can be used as a device for bringing color and texture into the urban scene. More functionally, if Greenery helps to provide privacy without barriers, soft edges in the fantastic geometry of biology combines well with the more rigid

## FRONT YARD SETBACKS

back from the property line, a feeling of openness is maintained and the placed up to the sidewalk on sloped terrain, all sense of the topography Front yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed access of light and air to the street is maximized. When a house is of the lot is lost.

### STREET TREES

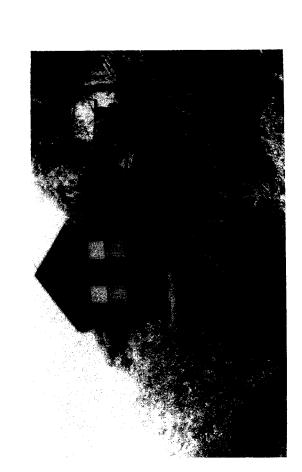
the sidewalk, are roost. They refle connecting us to (Fundamental Pr 1971.) Street free 'The livability, at enhanced by tree Urban Design Pla



ut Building Setbacks are essential, and must be established by:

1. conforming to existing setbacks on adjacent or near-adjacent houses;

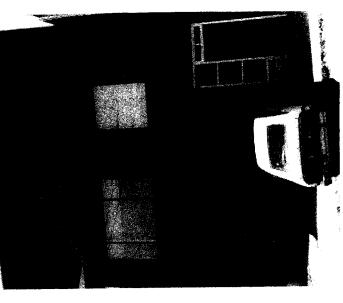
2. averaging when lot in question is between two existing structures; 3. topographic considerations.



mple of a well-landscaped front yard.



Examples of buildings built up to the property line with little or no provision for front landscaping.



## BUILDING BULK & ARCHITECTURAL MASSING

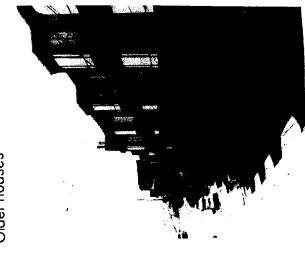
It has been recognized by the City of San Francisco, as well as by the residents of Bernal Heights, that the character of new construction is destined to have a long term effect on the nature of our city and its neighborhoods. The Urban Design Element of the Comprehensive Plan for San Francisco supposedly includes design principles, which provide guidance to potential developers, in order to assure that new development be compatible with the delicate scale and character of the existing houses in hillside residential areas. If planning principles are to be judged by the success of the products, those set forth thus far have failed.

On Bernal Heights there are still many vacant lots, and in the last few years, development pressure has skyrocketed. The new "vernacular form" is the maximum-building-envelope-shoebox. The box presents an image more reminiscent of apartment units than of a house form. It is a solution without a context, which isolates itself from its setting by not acknowledging its neighbors, its views, its orientation towards light and air paths. It is a non-specific plan which developers scatter around the city wherever open lots occur.

When the box first appeared, the dull streetscape that it presented drew a lot of criticism. People called for a form more in keeping with the spirit of San Francisco's architecture. The bays and minuscule balconies which were tacked on have proven to be no more than band-aid solutions. The dressed-up box has not fooled anyone. Its token accoutnements, rather than being a part of the organic whole, are elements that deny the overall integrity of the building.



Older houses



Newer "shoebox" houses

5640/010

SIA Consulting Corp.

1256 Howard Street

SAN FRANCISCO, CA 94103

5639 038

**GROH ZINGESER TRUST** 

**1051 POWHATTAN AVE** 

SAN FRANCISCO, CA 94110

5640 031

MICHAEL V SNEAD TRUST

130 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 033

MARY LOU QUINTO LVG TR

150 CHAPMAN ST

SAN FRANCISCO, CA 94110

5655 001

**BROWN ELIZABETH A** 

2 NEBRASKA ST

SAN FRANCISCO, CA 94110

5655 035

CHANG WILLIAM H & ANITA P

900 POWHATTAN AVE

SAN FRANCISCO, CA 94110

5656 014

BARRON DEBORAH K

1 NEBRASKA ST

SAN FRANCISCO, CA 94110

5639 029

NGIM MITZI H

70 BERNAL HEIGHTS BL

SAN FRANCISCO, CA 94110

5640 030

STEVEN FRITSCH RUDSER LVG TR

120 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 032

**CUNNINGHAM-MCKNIGHT LVG TR** 

140 CHAPMAN ST

SAN FRANCISCO, CA 94110

5641 010

CONSOLO MARY

**80 ROSENKRANZ ST** 

SAN FRANCISCO, CA 94110

5655 007

PETHERAM COLIN

38 NEBRASKA ST

SAN FRANCISCO, CA 94110

5656 013

**MELISSA A SHAW TR** 

**3 NEBRASKA ST** 

SAN FRANCISCO, CA 94110

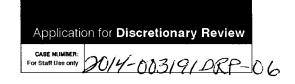
5656 014A

**RETICKER AMY M** 

1010 POWHATTAN AVE

SAN FRANCISCO, CA 94110

### RECEIVED



### APPLICATION FOR JAN 2 6 2013 CITY & COUNTY OF SE CITY & COUNTY OF SE

1. Owner/Applicant In	formátion					
DR APPLICANT'S NAME:	. ^	_				
Bornal +	teigut	5 So: 8	egick	Ole/		
DR APPLICANT'S ADDRESS:		,		ZIP CODE.	TELEPHON	/
90 Kathey And	of sug	Bankss	i, SF	94110	(2/12)	8024-04S
PROPERTY OWNER WHO IS DOING	THIS PROJECT ON WHI	CH VOLLABE DECLIEST	INC DISCRETION	A DV DEMEM NAME		
SIA Consulting Corp.	THE HOUSE ON WHI	CH TOO ARE REQUEST	ING DISCRETION	ANT REVIEW WANTE.		
ADDRESS:			······································	ZIP CODE:	TELEPHON	IE:
1256 Howard Street, Sar	n Francisco, CA			94103	(415)	922-0200
CONTACT FOR DR APPLICATION:						
Same as Above					[ <del></del> ,,,	<u> </u>
ADDRESS:				ZIP CODE:	TELEPHON	IE:
E-MAIL ADDRESS:				<u></u>	( )	
<b>k</b>	~ (	i i	-			
- Lainhand a	260 COL	MCCOEST.	NOC			
2. Location and Class	sification					
STREET ADDRESS OF PROJECT:			·			ZIP CODE:
985 Powhattan Avenue,	San Francisco, C	:A				94110
CROSS STREETS:						
Bernal Heights Blvd/Pov	whattan Avenue,	/Unimproved C	arver Street			
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRI	CT.	HEIGHT/BULK	DISTRICT
5640 /010	20x267x156	7,492 sq ft	RH-1	<b>01</b> .	40-X (Ber	
3040 /010		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			1 TO ACCES	
3. Project Description	l					
Please check all that apply Change of Use  Cha	nge of Hours 🗌	New Constru	uction 🛣	Alterations 🗌	Demolition	∩ □ Other □
Change of Osc [2] Cha	inge of Flours	ivew constitu	iction izs 7	Alterations [_]	Demondon	other 🗆
Additions to Building:		ont 🗌 Heigh	nt 🗌 Sid	e Yard 🗌		
Present or Previous Use:	Vacant lot					
Proposed Use:	struction of four	single-family d	wellings on	an upsloping lot	including	lot subdivision
Puilding Pormit Applicat	2014.05.	21.63955		Data I	iiladı	



### 4. Actions Prior to a Discretionary Review Request

Prior Action	YE8	NO
Have you discussed this project with the permit applicant?	<b>3</b>	
Did you discuss the project with the Planning Department permit review planner?		23
Did you participate in outside mediation on this case?		[38

5.	Changes	Made to	the Project	as a Resu	It 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.  SEE ATTACHED	

Application	on for	Discreti	onary F	Review
CASE NUMBER: For Staff Use only		- "		

### 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.
	SEE ATTACHED
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:
_5	EE ATTACHED
_	
_	
_	
_	
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?
,	SEE ATTACHED
_	
_	

### From Bernal Heights South Slope Organization Discretionary Review for 4 new home construction applications: 40 Bernal Heights Blvd; 965, 985 and 1025 Powhattan Street

The BH South Slope Organization is a group of neighbors that has, for over 20 years, been reviewing the safety, neighborhood impact, and neighborhood concerns over new construction on a small section of the South Slope, where narrow steep streets, dead ends, and lack of visibility at intersections prevail, as do several small vacant lots. We are primarily interested in the safety and appropriateness of the new homes, which are often designed without taking into consideration important safety precautions or density/character concerns.

### **Safety**

The homes under consideration pose a safety risk to drivers and pedestrians because the garages abut the street, leaving no buffer zone. In addition, the proposed development project violates the Residential Design Guidelines (RDG) and the Bernal Height East Slope Building Guidelines (BHESBG) both of which are fully incorporated into the San Francisco Planning Code by not including a front setback.

Although the RDG and the BHESBG identify front yard setbacks as essential, none of the four homes that comprise the proposed development project include any front yard setbacks. In contrast, the established houses immediately east of the proposed development project on Powhattan Avenue (which are less than 50 feet from one of the proposed houses), are set back approximately 25 feet from the street.

Front yard setbacks will increase public safety by giving drivers who are entering either Powhattan Avenue or Bernal Heights Boulevard from the proposed development project an opportunity to check for pedestrians and traffic before entering the sidewalk/street.

1. There is only a sidewalk on the north side of Powhattan St, which is. the same side where the the 2-3-car garages proposed on Powhattan Avenue will directly abut the sidewalk. Because this is the only pedestrian walkway along this street, it is essential that pedestrians with strollers, using walkers, in wheelchairs, or who are sight impaired be able to easily access the sidewalk, along with the many children walking to school and residents walking to the bus stop. Therefore, a front setback is necessary in order for cars in the garage to not block the sidewalk when loading, unloading, or when they can't (or won't) find another legal parking space. In addition, without a setback, there is no visibility for

the driver backing out of the garage to see pedestrians on the sidewalk or for pedestrians to see the car backing out.

- 2. The 2-3-car garages proposed on Powhattan Avenue will result in many cars backing in or pulling out into the busy intersection of Powhattan Avenue and Nebraska Street. This is potentially dangerous because Nebraska Street is a steep street, and as a result, its intersection with Powhattan Avenue has extremely limited visibility at the corner. This corner already experiences high traffic during commute times and a high volume of pedestrians during the week and on the weekends. These include families with small children, elderly residents on their way to the bus, and people walking their dogs or just walking around the hill, which is a favorite activity of many Bernalites. This intersection has already been the site of multiple accidents, and the added factor of cars backing directly into an intersection that is blind to the cars coming up hill, as well as to pedestrians on the sidewalk, makes no sense. A front setback would provide a buffer zone for the transition of backing out of the garage onto street.
- 3. The 2-car garage proposed on Bernal Heights Blvd. is in close proximity to a bus stop that experiences heavy pedestrian traffic, and for the same reasons listed above a front setback would provide a transition from sidewalk to garage. This would be in keeping with the adjacent homes on Bernal Height Blvd.

In summary, front yard setbacks will help alleviate safety problems for both pedestrians and vehicles on Powhattan Avenue and Bernal Heights Boulevard.

### **Excessive Bulk**

Applicant plans to build four new large, luxury homes, averaging 2,139 sq ft livable space, on lots averaging 1,903 sq ft. for a ratio of 112% square footage to lot size. In addition, the four large homes include approximately 1200 sq ft of non-livable space, e.g., garages and rooftop decks, bringing the ratio to 175%. In contrast, existing nearby homes average 1,313 sq ft of livable space on lots averaging 2,064 sq ft. with a ratio of 66%. In addition, existing nearby homes generally have less non-livable space, e.g., typically single car garages and no rooftop decks. Even assuming they have approx. ½ additional non-livable space, the total ratio would still be about half of what the new homes are proposing.

When the bulk of 4 new homes, built closely together abutting high-traffic streets is twice as much as the average home in the larger neighborhood, it is clear

that they do not comply with the numerous sections of the General Plan which address the preservation of neighborhood character, including but not limited to the following Housing Element Policies:

POLICY 11.3 Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character. Accommodation of growth should be achieved without damaging existing residential neighborhood character.

In order to maintain both the safety and the character of the South Slope of Bernal Heights, we recommend that these plans be modified to include significant setbacks from the street and a reduction in bulk to more suitably reflect the character and balance of the neighborhood. Bernal residents have worked for years to create and monitor guidelines like the Bernal Heights East Slope Design Review Board guidelines, whose recommendations in this case were largely ignored by the developer, even though over 100 neighbors attended the BHESDRB meetings.

### 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.

	11	// / 1	
Signature:	1Can	V.16-10	

Date: January 26,2016

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

Owner / Authorized Agent (circle one)

n for <b>Discretionary Review</b>
-

### 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	
Address labels (original), if applicable	0
Address labels (copy of the above), if applicable	<u> </u>
Photocopy of this completed application	<u>-</u>
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	□ □
Letter of authorization for agent	
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)	

NOTES:

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

RECEIVED

JAN 2 6 2016

CITY & COUNTY OF S.F.

For Department Use Only

Application received by Planning Department:

Date: 1/24/16

### 40 Bernal Heights Blvd, Neighborhood Property Comparisons EXHB1P9

Data from	CCSF Assessor's Proper	ty Search Datab	ase as of 7/	15/15	
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064	66%	
·					
Address					
louse #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
70	Bernal Heights Blvd	1456	1589	92%	
76	Bernal Heights Blvd	1148	1760	65%	
82	Bernal Heights Blvd	1272	1894	67%	
88	Bernal Heights Blvd	1456	2060	71%	
94	Bernal Heights Blvd	1456	2374	61%	
44	Bradford	2000	1750	114%	
45	Bradford	1118	1498	75%	
49	Bradford	1335	1498	89%	
50	Bradford	1005	1750	57%	
51	Bradford	1258	1698	74%	
52	Bradford	1620	1750	93%	
54	Bradford	1053	1500	70%	
57	Bradford	1815	3497	52%	
58	Bradford	825	1498	55%	
59	Bradford	950	1746	54%	
62	Bradford	825			
65	Bradford	1600	1746	92%	
	Bradford	825			- <del> </del>
	Bradford	1034			
	Bradford	1000		. 1	- <del> </del>
	Bradford	1700			
<b> , , .</b>	Bradford	2099		. <del>4</del>	. <del> </del>
	Bradford	1350	1746	77%	,
	Bradford	900			
	Bradford	656			
	Bradford	750			
	Carver	1068			
	Carver	320			
	Carver	630			
	Carver	800			
	Carver	800			
	' Carver	875			
	Carver	800			
	Carver	875		4	
	Carver	800			
	Carver	874			
	Carver	1340			<del>1</del>
69	Carver	900	1750	51%	Ó

	CCSF Assessor's Prop	··		r	***************************************
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313		66%	
-verage 3	quare rootage	1313	2004	00%	
Address					
	Street	Bldg sq ft	Parcel sf	Bidg:Lot	
73	Carver	1112	1750	64%	
***	Carver	800		ļ	
	Carver	875	<b></b>	50%	
	Carver	2252		ļ	
	Chapman	2102			
	Chapman	1610		92%	
	Chapman	1010			
	Chapman	1650	·····		
	Nebraska	650			
	Nebraska	1250		38%	
	Nebraska	1550			
	Nebraska	1764			
	Nebraska	1100	1	34%	
	Nebraska	857		35%	
	Nebraska	2464		4	
	Nebraska	1100		44%	
	Nebraska	1610		65%	
	Nebraska	1500			
	Nebraska	1100			
	Nebraska	1100			
	Nebraska	1716		. i	
	Nebraska	1716		.	
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	Nebraska Nevada	2129 2340		-4	
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	Nevada	1504 1140	}		
	Nevada Nevada	1050			
	Nevada				
	Nevada Nevada	1275			
		1466 1477			
	Nevada				
	Nevada	1247		.4	
	Nevada Nevada	950 1750		.4	
	Nevada	2235			
	Nevada			.4	
	Nevada Nevada	975 1210			
	Nevada	894		-4	
		<del></del>			
	Nevada Nevada	1213 1117			÷

Data from	rties within 300 Feet CCSF Assessor's Prop	erty Search Datah	ase as of 7/	15/15	
				13, 13	
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064	66%	
Address					
louse #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
125	Nevada	1957		78%	
130	Nevada	925	2425	38%	
133	Nevada	2736	3497	78%	
134	Nevada	1535		63%	
	Nevada	1167		ļ	
	Nevada	1760		ļ	
	Nevada	1336			
	Nevada	1344		54%	
	Nevada	1911		Ļ	
	Nevada	1250		Ļ	
	Nevada	1625		: :	
	Nevada	1175	<del> </del>	<del></del>	
	Nevada	1175		1	
	Nevada	1250			
	Nevada	1230			
	4				
	Peralta Domina	1144			
	Peralta	1144			
	Peralta	1144			
	Peralta	1452			
	Peralta	2119			
	Powhattan	1606		• <b></b>	
	Powhattan	870			
	Powhattan	1656			
	Powhattan	1656		- <b>i</b>	
	Powhattan	1656			
	Powhattan	1656			
	Powhattan	1656		. 4	
1108	Powhattan	1303			
1112	Powhattan	700	2975	24%	
67	Prentiss	600	1746	34%	
93	Prentiss	1180		68%	
101	Prentiss	1705	1750	97%	
107	Prentiss	1000	1750	57%	
115	Prentiss	1000		57%	
119	Prentiss	1337	7 1750	76%	
125	Prentiss	1365	5 1750	78%	
131	Prentiss	100!	5 1746	58%	
67	Rosenkranz	1052	2 1746	60%	
68	Rosenkranz	1777	7 1750	102%	

### 40 Bernal Heights Blvd, Neighborhood Property Comparisons

Ratio of B	Building to Parcel Squ	are Footage	· · · · · · · · · · · · · · · · · · ·			
For Properties within 300 Feet of 40 Bernal Heights Blvd, 965, 985 and 1025 Powhattan						
	CCSF Assessor's Prop					
		Bldg sq ft	Parcel sf	Bldg:Lot		
Average S	quare Footage	1313	2064	<del></del>		
Address						
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot		
70	Rosenkranz	1052	1750	60%		
71	Rosenkranz	2340	1750	134%		
74	Rosenkranz	1566	1746	90%		
75	Rosenkranz	1800	1746	103%		
76	Rosenkranz	1275	1750	73%		
80	Rosenkranz	924	1750	53%		
Average S	quare Footage	1313	2064	66%		

7/15/15

## BERNAL HEIGHTS EAST SLOPE BUILDING GUIDELINES

Prepared by the:

BERNAL HEIGHTS
EAST SLOPE
PRESERVATION
COMMITTEE

October 1986

San Francisco Planning Commission

Accepted by the

November 13, 1986

EXHIBIT

It is our hope that the following guidelines will serve as an aid to designers and builders of homes on Bernal Heights' East Slope. These building guidelines are the result of the community's desire to see the special qualities of the East Slope preserved and enhanced by any new development. The Bernal Heights East Slope is a special neighborhood and the qualities that make it that way are cherished by all those whose commitment to seeing them preserved has produced these building guidelines.

The history of the East Slope has been one of benign neglect by the City of San Francisco, however, while dirt roads and undeveloped hillsides have given the East Slope its rural character, the lack of roads and services has periodically presented real danger to the residents.

Much recent development is not only inconsistent but often at odds with the smaller scale existing structures. As a result, the East Slope's rural characteristics rapidly are disappearing along with views, open space and trees. Some new buildings have created "canyons" blocking sunlight and presenting building facades, which are all copies of a single undistinguished design.

In preparing these guidelines we have made a thorough inventory of present housing stock, vacant lots, open spaces, public areas, and streets, both developed and undeveloped.

Predominant architectural components have been examined along with the relationship of individual buildings to their lots and their immediate neighbors. These guidelines are an effort to retain the spirit of our neighborhood and to establish criteria for new housing design that will ensure, as much as possible, the continued existence of the East Slope's unique character.

It is impossible to be fully comprehensive since nearly each vacant lot has its own peculiarities. There can be no guarantee that if every guideline is met the resulting structure will be an architectural jewel. However, we hope these guidelines will point the way toward minimizing monotony and enhancing the visual appeal of new housing.

We have tried very hard to make the guidelines prescriptive rather than restrictive. The intent is not to induce dull uniformity but rather to encourage inventive diversity while conforming to the patterns of development which have made Bernal Heights as humanly scaled as it is today

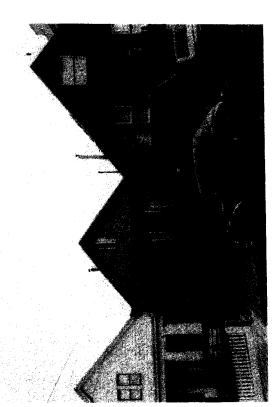
In an interview recorded earlier in 1986, architect Hugh Jacobsen, a four-time winner of the National Honor Award of the American Institute of Architects is quoted as saying:

"From the beginning, I've looked at all architecture as a matter of good manners, being part of the whole street, being part of the fabric of the is Good architecture, rather than beating its chest or shouting at neighbors, behaves like a well-mannered lady. There is politeness in neighbors, behaves like a well-mannered lady. There is politeness in every great city— Florence, Rome, and especially Paris. The streets have continuity but each building also has its own individuality. The buildin are at once proud and humane, standing strong in their mutual respect."

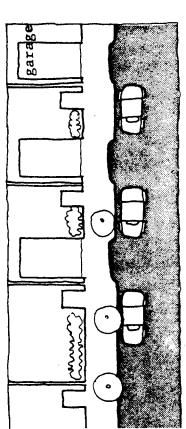
Certainly San Francisco is considered one of the great cities of the world. We fervently hope that newcomers to the East Slope, as part of a great city, will be architecturally polite so that we, the old and the new, stand strong in our mutual respect.

entry: space for one car on street in front of each 25'-0" lot—street naximized.

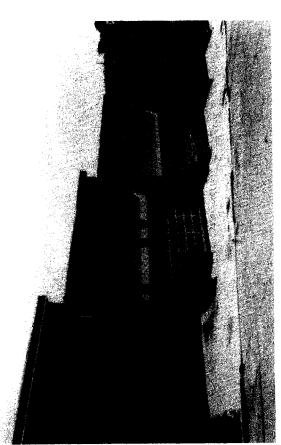
Double car entry: no full on-street curb space-street parking eliminated.



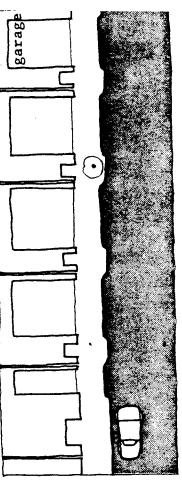
Situation

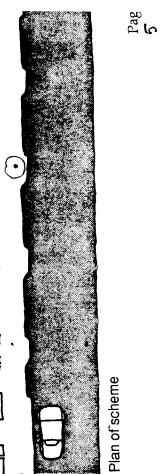


heme



Actual Situation





# LANDSCAPING · FRONT YARD SETBACKS · STREET TREES

residential areas is one of the most important factors in providing an It is recognized that landscaping and the inclusion of street trees in area with intimacy of scale and character.

## LANDSCAPING

built environment, and a reminder of our relationship to the earth. The bringing color and texture into the urban scene. More functionally, if geometry of building forms. Landscaping can be used as a device for properly planned, it can serve to disguise unsightly foundation work Greenery helps to provide privacy without barriers, soft edges in the fantastic geometry of biology combines well with the more rigid

## FRONT YARD SETBACKS

back from the property line, a feeling of openness is maintained and the placed up to the sidewalk on sloped terrain, all sense of the topography Front yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed access of light and air to the street is maximized. When a house is of the lot is lost.

STREET TREES

Urban Design Pla 1971.) Street free the sidewalk, are roost. They refle connecting us to

enhanced by tree (Fundamental Pr

"The livability, ar



it Building Setbacks are essential, and must be established by:

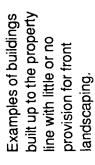
1. conforming to existing setbacks on adjacent or near-adjacent

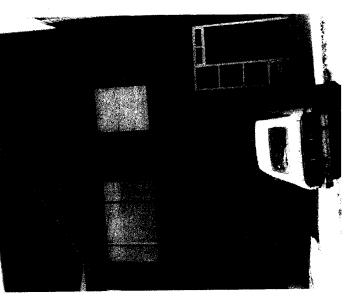
averaging when lot in question is between two existing structures;
 topographic considerations.



mple of a well-landscaped front yard.







# BUILDING BULK & ARCHITECTURAL MASSING

It has been recognized by the City of San Francisco, as well as by the residents of Bernal Heights, that the character of new construction is destined to have a long term effect on the nature of our city and its neighborhoods. The Urban Design Element of the Comprehensive Plan for San Francisco supposedly includes design principles, which provide guidance to potential developers, in order to assure that new development be compatible with the delicate scale and character of the existing houses in hillside residential areas. If planning principles are to be judged by the success of the products, those set forth thus far have failed.

On Bernal Heights there are still many vacant lots, and in the last few years, development pressure has skyrocketed. The new "vernacular form" is the maximum-building-envelope-shoebox. The box presents an image more reminiscent of apartment units than of a house form. It is a solution without a context, which isolates itself from its setting by not acknowledging its neighbors, its views, its orientation towards light and air paths. It is a non-specific plan which developers scatter around the city wherever open lots occur.

When the box first appeared, the dull streetscape that it presented drew a lot of criticism. People called for a form more in keeping with the spirit of San Francisco's architecture. The bays and minuscule balconies which were tacked on have proven to be no more than band-aid solutions. The dressed-up box has not fooled anyone. Its token accoutnons. The dressed-up box has not fooled anyone. Its token accoutnements, rather than being a part of the organic whole, are elements that deny the overall integrity of the building.



Older houses



Newer "shoebox" houses

5640/010

SIA Consulting Corp.

1256 Howard Street

SAN FRANCISCO, CA 94103

5639 038

**GROH ZINGESER TRUST** 

1051 POWHATTAN AVE

SAN FRANCISCO, CA 94110

5640 031

MICHAEL V SNEAD TRUST

130 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 033

MARY LOU QUINTO LVG TR

150 CHAPMAN ST

SAN FRANCISCO, CA 94110

5655 001

**BROWN ELIZABETH A** 

2 NEBRASKA ST

SAN FRANCISCO, CA 94110

5655 035

CHANG WILLIAM H & ANITA P

900 POWHATTAN AVE

SAN FRANCISCO, CA 94110

5656 014

BARRON DEBORAH K

1 NEBRASKA ST

SAN FRANCISCO, CA 94110

5639 029

NGIM MITZI H

70 BERNAL HEIGHTS BL

SAN FRANCISCO, CA 94110

5640 030

STEVEN FRITSCH RUDSER LVG TR

120 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 032

**CUNNINGHAM-MCKNIGHT LVG TR** 

140 CHAPMAN ST

SAN FRANCISCO, CA 94110

5641 010

**CONSOLO MARY** 

**80 ROSENKRANZ ST** 

SAN FRANCISCO, CA 94110

5655 007

PETHERAM COLIN

38 NEBRASKA ST

SAN FRANCISCO, CA 94110

5656 013

**MELISSA A SHAW TR** 

**3 NEBRASKA ST** 

SAN FRANCISCO, CA 94110

5656 014A

**RETICKER AMY M** 

1010 POWHATTAN AVE

SAN FRANCISCO, CA 94110

## Regarding the Discretionary Review Applications for:

965 Powhattan Street,985 Powhattan Street,1025 Powhattan Street,40 Bernal Heights Boulevard,

I authorize Karteek Patel to act as my agent to file the applications for these properties.

Kathy Angus, 99 Banks St., SF, 94110

Bernal Houghts So. Slope Org.

Date

## **RECEIVED**

Application for Discretionary Review

# JAN 2 6 2016 APPLICATION FOR CITY & COUNTY OF S.F. Discretionary Review

1. Owner/Applica		mation
_DR APPLICANT'S NAME:_	 _	 

DR APPLICANT'S NAME: Elizabeth Brown/Colin Pe	etheram/Karteek	Patel/Linda Bet	tencourt/Melissa Shaw on I	behalf of Be	rnal Heights
neighbors					
DR APPLICANT'S ADDRESS:			ZIP CODE:	TELEPHON	IE:
2 Nebraska Street, San F	rancisco, CA		94110	(415 )	326-3347
PROPERTY OWNER WHO IS DOING	THE PROJECT ON WHI	CH YOU ARE REQUEST	ING DISCRETIONARY REVIEW NAME:		
SIA Consulting Corp.					
ADDRESS:			ZIP CODE:	TELEPHON	Æ:
1256 Howard Street, Sar	r Francisco, CA		94103	(415)	922-0200
CONTACT FOR DR APPLICATION:					
Same as Above					
ADDRESS:			Z)P CODE:	TELEPHON	NE:
				( )	
E-MAIL ADDRESS:					
betsybrown1@mac.com					
2. Location and Class street Address of Project: 1025 Powhattan Avenue cross streets: Bernal Heights Blvd/Pov	e, San Francisco,	- "	arver Street		ZIP CODE: 94110
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULL	( DISTRICT:
5640 /010	120x267x156	7,492 sq ft	RH-1	40-X (Bei	nal SUD)
, and the second	nge of Hours 🗌			Demolition	n 🗌 Other 🗌
Additions to Building: Present or Previous Use:	Vacant lot	ont 🗌 Heigh	nt □ Side Yard □		
•		single-family d	wellings on an upsloping lo	t including	lot subdivision
Building Permit Applicat	2014.05.2 ion No.	21.63965	Date	Filed:	



### 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	МО
Have you discussed this project with the permit applicant?	<b>□3</b> 3	
Did you discuss the project with the Planning Department permit review planner?	<b>(3</b> )	
Did you participate in outside mediation on this case?	×	

5.	Changes	Made to	the Projec	t as a F	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.  SEE ATTACHED	
	_

Application for <b>Discretionary Review</b>						
CASE NUMBER: For Staff Use only						

# 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.
9	EE ATTACHED
_	
_	
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:
<u>S</u>	EE ATTACHED
_	
_	
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?
	SEE ATTACHED
_	
_	
_	

### 1) Reasons for requesting Discretionary Review

We represent more than 150 neighbors who live in close proximity to the proposed development project at 40 Bernal Heights Avenue, 965 Powhattan Avenue, 985 Powhattan Avenue and 1025 Powhattan Avenue, all of whom have signed letters to the Planning Department in opposition to this development project. We oppose the development project as currently proposed because the planned homes are not consistent with the Planning Code, Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines, and the General Plan. In addition, the proposed development project in its totality is out of context and scale with the established character of the surrounding neighborhood and creates a precedent for denser development that will ultimately destroy the special and unique qualities of Bernal Heights. Finally, the Bernal Heights East Slope Design Review Board still finds that improvements to the proposed development project are required to fully incorporate the Bernal Heights East Slope Building Guidelines. For these reasons, there are exceptional and extraordinary circumstances associated with this proposed development project that justify Discretionary Review.

Discretionary Review is justified for at least the following reasons:

1) The proposed development project violates the Residential Design Guidelines (RDG) and the Bernal Height East Slope Building Guidelines (BHESBG), both of which are fully incorporated into the San Francisco Planning Code<sup>2</sup>

### a. Front Yard Setbacks:

<sup>&</sup>lt;sup>1</sup> See Exhibit 1, which shows the breadth of neighborhood opposition to the proposed development project. Houses shown in red represent neighbors who have signed letters opposing the current scope of the project.

<sup>&</sup>lt;sup>2</sup> See Section 311, Article III of the San Francisco Planning Code which fully incorporates the Residential Design Guidelines into the Planning Code. Section 311 requires the Planning Department to not only consider the Guidelines, but also to find that a new building is consistent with the Residential Design Guidelines (Superior Court Decision and Order No. 987418 of September 29, 1997). In addition, see Section 242(a)(6) of the San Francisco Planning Code which fully incorporates the Bernal Heights East Slope Building Guidelines into the Planning Code.

i. The RDG recognizes the front yard setback as significant because it provides "a transition between the public realm of the street and the private realm of the building . . . ." As such, the RDG states that the front yard setback "must be treated so that it provides a pedestrian scale for the building and enhances the open space along the street." (Page 12, RDG: December 2003).

The BHESBG also provides that "[f]ront yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed back from the property line, a feeling of openness is maintained and the access of light and air to the street is maintained. When a house is placed up to a sidewalk on a sloped terrain, all sense of the topography of the lot is lost." (Page 6, BHESBG).

For this reason, the BHESBG indicates that front building setbacks are "essential." The BHESBG requires that front building setbacks "must be established by: 1. conforming to existing setbacks on adjacent or near adjacent houses; . . . 3. Topographic considerations." (Page 3, BHESBG).

Although the RDG and the BHESBG identify front yard setbacks as essential, none of the four homes that comprise the proposed development project include any front yard setbacks. In contrast, the established houses immediately east of the proposed development project on Powhattan Avenue (which are less than 50 feet from one of the proposed houses), are set back approximately 25 feet from the street.

The four homes comprising this development project should include front yard setbacks that conform to the established adjacent/near adjacent homes on Powhattan Avenue and Bernal Heights Boulevard.

The lack of front yard setbacks in current plans will result in a

conspicuous and massive wall along Powhattan Avenue that does not relate to the existing neighborhood.<sup>3</sup>

ii. Front yard setbacks will increase public safety by giving drivers who are entering either Powhattan Avenue or Bernal Heights Boulevard from the proposed development project an opportunity to check for pedestrians and traffic before entering the sidewalk/street.

First, the 2-3-car garages proposed on Powhattan Avenue will abut the only sidewalk that exists on Powhattan Avenue.⁴

Second, the 2-3-car garages proposed on Powhattan Avenue will result in many cars backing in or pulling out into the busy intersection of Powhattan Avenue and Nebraska Street.<sup>5,6</sup> This is potentially dangerous because Nebraska Street is a steep street, and as a result, its intersection with Powhattan Avenue has limited visibility. In addition, this intersection already experiences high traffic during commute times. It has also been the site of many accidents.

<sup>&</sup>lt;sup>3</sup> See Exhibit 2 which illustrates the front yard setback of the neighboring homes on Powhattan Avenue and the impact on the neighborhood should the proposed development project not include similar front yard setbacks as the adjacent/near adjacent homes.

<sup>&</sup>lt;sup>4</sup> See Exhibit 3 which illustrates how the proposed development project will relate to pedestrians as they use the only sidewalk on Powhattan Avenue.

<sup>&</sup>lt;sup>5</sup> See Exhibit 6 which illustrates how the proposed development project will relate to the existing neighborhood, and in particular the intersection of Powhattan Avenue and Nebraska Street.

<sup>&</sup>lt;sup>6</sup> See Exhibit 4 which illustrates the traffic patterns at the intersection of Powhattan Avenue and Nebraska Street which is the site of the proposed development project.

Third, the 2-car garage proposed on Bernal Heights Blvd. is in close proximity to a bus stop that experiences heavy pedestrian and vehicle traffic.<sup>7</sup>

In summary, front yard setbacks will help alleviate safety problems for both pedestrians and vehicles on Powhattan Avenue and Bernal Heights Boulevard.

b. Entry Treatment: The RDG recognizes building entrances as an important building feature. In fact, the RDG states that "[a] well–designed building entrance will appear welcoming and inviting to the pedestrian, making the neighborhood a pleasant place to live." (Page 31, RDG: December 2003).

As it relates to the East Slope of Bernal Heights, the BHESBG specifically identifies as a problem the treatment of entries in new construction; namely, the "hole-in-the-wall doorway." (Page 9, BHESBG). As a result, the BHESBG requires that the "entry of a house be made to be something special – a celebration – more than just a front door." (Page 9, BHESBG). In addition, the BHESBG provides numerous examples to illustrate the intent of the rule. The entry treatment of the four proposed homes in this development project completely ignores this BHESBG rule and actually incorporates the "hole-in-the-wall" doorway in <u>all</u> of the proposed new construction homes. The impact of the "hole-in-the-wall" doorway in all four of the proposed homes in this development project, as mentioned above, is that *the homes appear as a conspicuous massive wall that is out of character for the neighborhood.* 

c. <u>Building Bulk and Architectural Massing</u>: The RDG recognizes the importance of scale in the design of a building. Specifically, the RDG states that "[i]t is essential for a building's scale to be compatible with that of surrounding

<sup>&</sup>lt;sup>7</sup> See Exhibit 5 which illustrates the bus stop on Bernal Heights Blvd. which is the side of the proposed development project.

buildings, in order to preserve the neighborhood character. Poorly scaled buildings will seem incompatible . . . and inharmonious with their surroundings." (Page 23, RDG: December 2003).

The BHESBG specifically identifies a problem with building bulk and architectural massing around the East Slope of Bernal Heights. The objectives of the BHESBG are summed up in the BHESBG and the existing City Planning Policies and in part include:

- Deter[ing] the possibilities of visually dominant buildings with blank and uninteresting exteriors which do not relate well to surrounding development;
- ii. Promot[ing] harmony in the visual relationships and transitions between new and older buildings; and
- iii. Encourag[ing] the construction of buildings which meet the ground and reflect the slope of the hill.

(Page 15, BHESBG).

In light of these objectives, the BHESBG identifies strategies including in part: 1) Step the building with the slope; 2) Break up the overall massing into articulated architectural pieces; 3) Break up solid plane of the facade; 4) Require at least a partial 4' wide sideyard on one side of the lot; 5) Diminish height of the rear portion of the building; and 6) Require pitched or usable flat roofs. (Page 16, BHESBG).

The four proposed homes in this development project largely ignore the strategies outlined in the BHESBG. In brief, the four proposed homes are an updated version of the maximum-building-envelope-shoebox homes described in the BHESBG. And, in fact, it is these original maximum-building-envelope-shoebox homes that eventually led to the implementation of the BHESBG.

The four proposed homes in this development project fail to: 1) step with the slope of the hill; 2) break up the overall massing into articulated architectural pieces; 3) break up the solid plane of the façade; 3) include at least a partial 4' sideyard; and 4) diminish height of the rear portion of the buildings. In fact, these four homes, if built as proposed, and as described above, will present a conspicuous and massive wall along Powhattan Street dwarfing the building across from Powhattan Street and elsewhere in the vicinity.<sup>8</sup>

d. <u>Sideyards</u>: The RDG recognizes the importance of side spacing between buildings because it "helps establish the individual character of each building while creating a rhythm to the composition of a proposed project." (Page 15, RDG: December 2003).

In addition, the BHESBG indicates that "[a]fter a long study of the pros and cons of requiring a sideyard on one side of the lot versus building lot line to lot line, it was determined that the inclusion of a sideyard is an essential ingredient in reaching our design objectives." (Page 17, BHESBG). Therefore, a four foot wide sideyard is required on one side of each 25' lot. (Page 19, BHESBG). The four proposed homes in this development project, however, only provide for a three foot wide sideyard and they are built directly to the street. Again, the failure by the proposed development project to incorporate the rules in the BHESBG results in the erosion of the unique character of the East Slope of Bernal Heights and it violates Section 242(e)(6) of the Planning Code.

e. <u>Façade Elements/Color and Materials</u>: The intent of the BHESBG as they relate to façade elements is to "maximize the possibilities for diversity while striving for harmony between dissimilar pieces on neighboring buildings so that they fit into a satisfying whole." (Page 24, BHESBG). As indicated in the BHESBG, buildings when seen together produce a total effect. In this particular instance,

<sup>&</sup>lt;sup>8</sup> See Exhibit 6 which illustrates how the houses in proposed development project facing Powhattan relate to the existing neighborhood.

the four homes in the proposed development project have little, if any, diversity. Given the lack of diversity of the proposed homes, the total effect of these buildings, as stated above, is to create a massive wall along Powhattan Avenue dwarfing the buildings across Powhattan Avenue and elsewhere in the vicinity. Introduction of façade elements and variation in color and materials into the homes of this proposed development project are necessary to create harmony between this development project and the neighboring buildings, and to preserve the unique and special character of the neighborhood.

2) The densely-built block of large, luxury homes that comprise the proposed development project in its totality is out of character for the East Slope of Bernal Heights and in violation of the City Planning Policies

Applicant plans to build four new large, luxury homes, averaging 2,139 sq ft livable space, on lots averaging 1,903 sq ft. In addition, the four large homes include approximately 1200 sq ft of non-livable space, e.g., garages and rooftop decks.

In contrast, existing nearby homes **average 1,313** sq ft of livable space on lots **averaging 2,064 sq ft.**<sup>9</sup> In addition, existing nearby homes generally have less non-livable space, e.g., typically single car garages and no rooftop decks.

In short, the proposed project would put roughly 800 additional square feet of livable space on each four lots that are already smaller than the neighborhood average. Even more troubling is the fact that the ratio of living space to lot size in the proposed development is 1.12, as compared to 0.63, which is ratio of living space to lot size of existing homes in the surrounding neighborhood.

The contiguous placement of four large homes on this irregularly shaped, steeply-sloped section of land<sup>10</sup> is out of character with the neighborhood and will create a massive

<sup>&</sup>lt;sup>9</sup> This assessment is derived from City Recorder's information about other lots and structures within three hundred (300) feet of the proposed development. See Exhibit 9.

wall dwarfing nearby homes and destroying the existing balance between built space and open space in the surrounding neighborhood.

Numerous sections of the <u>General Plan</u> address the preservation of neighborhood character, including but not limited to the following **Housing Element Policies**:

a. POLICY 11.3 Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Accommodation of growth should be achieved without damaging existing residential neighborhood character.

To ensure character is not impacted, the City should continue to use **community planning** processes to direct growth and change according to a community-based vision.

The Planning Department should utilize *residential design guidelines*, *neighborhood specific design guidelines*, and other documents describing a specific neighborhoods character as guideposts to determine compatibility of proposed projects with existing neighborhood character.<sup>11</sup>

b. <u>POLICY 11.5</u> Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Residential density controls should reflect prevailing building types in established residential neighborhoods. Particularly in RH-1 and RH-2 areas, prevailing height and bulk patterns should be maintained to protect neighborhood character.

<sup>&</sup>lt;sup>10</sup> See Exhibit 8 which is a photograph taken from Bernal Heights Blvd. and shows the steep slope of the lot upon which the proposed development project is to be built.

c. <u>POLICY 11.2</u> ... Proposed buildings should relate well to the street and to other buildings, regardless of style. New and substantially altered buildings should be designed in a manner that conserves and respects neighborhood character.

In addition, <u>San Francisco Design Guidelines</u>, which are also applicable here, repeatedly reinforce the concept of neighborhood character:

- a. "Planning Department review of projects and development of guidelines should build on adopted local controls, including recently adopted Area Plans, neighborhood specific design guidelines, and historic preservation district documents...."
- b. "[T]hose guiding documents approved by the Planning Commission may be legally enforced by Planning staff."

In addition, the Bernal Heights Special Use District as set forth in Section 242(b) was also established "to reflect the special characteristics and hillside topography of an area of the City that has a collection of older buildings situated on lots generally smaller than the lot patterns in other low-density areas of the City and to encourage development in context and scale with the established character. . . ."

It is clear from the above provisions in the General Plan, the San Francisco Residential Design Guidelines, Section 242 of the Planning Code and the Bernal Heights East Slope Building Guidelines that the City Planning Policies focus on the concept of preservation of the neighborhood character, and in particular, the special and unique character of the Bernal Heights neighborhood. Moreover, it is clear from the above provisions that protection of neighborhood character is a planning priority in San Francisco — a priority that must be addressed in short-term decisions with long-term impacts. The proposed development project, however, is completely out of character with the neighborhood. As explained in detail above, *the mass, scale and density of this proposed development project on this irregularly shaped, steeply-sloped section of land are out of character* 

with the neighborhood and will result in a massive wall dwarfing nearby homes and destroying the existing balance between built space and open space in the surrounding neighborhood.

3) The Bernal Heights East Slope Design Review Board still finds that improvements are required to the proposed development project

The Bernal Heights East Slope Design Review Board has held three neighborhood meetings to review the proposed development project. As of the last meeting, held July 22, 2015, the Bernal Heights East Slope Design Review Board found that *the proposed development project requires improvements to ensure that East Slope Building Guidelines are fully incorporated into the plans*.

CONCLUSION: For the reasons set forth in this document, we maintain that Discretionary Review of the current development project is justified. In short, the proposed development project is not consistent with the Planning Code, Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines and the General Plan. In addition, the proposed development project in its totality is out of context and scale with the established character of the neighborhood and creates a precedent for denser development that will ultimately destroy the special and unique character of Bernal Heights for both current and future residents. Finally, the Bernal Heights East Slope Design Review Board still finds that improvements to the proposed development project are required to fully incorporate the Bernal Heights East Slope Building Guidelines.

# 2) Unreasonable impacts — how properties in the neighborhood would be adversely affected

subdivides a single vacant lot into a "block" of homes. This would be the first instance in recent Bernal Heights history of an undeveloped lot being developed into an entire block of houses. For this reason, attention to the characteristics of the neighborhood is particularly important. The contiguous placement of four large homes on this irregularly shaped, steeply-sloped section of land is in fact completely out of character with the neighborhood.

In addition, as detailed in response to question 1 of this application, the proposed homes in this development project represent a dramatic departure from the average livable-to-open-space ratio among nearby homes; namely a livable space to lot size ratio of 1.12 as opposed to 0.63 of the existing neighborhood. Mass is an important element of neighborhood character and the proposed mass of these homes on a steep hill would have an unreasonable and deleterious impact on the Bernal Heights neighborhood. In addition, the lack of front yard setbacks pushes the 30-foot facades up against the sidewalk, which again is inconsistent with existing adjacent/near adjacent buildings. Finally, there is little, if any, attempt to step the buildings with the slope of the lot, or include entry treatments, façade elements or a variety in colors and materials to minimize the overwhelming nature of the proposed development project and to attempt to blend the development project into the existing neighborhood. The overall impact of the proposed development project will be to negatively affect quality of life for current and future residents of Bernal Heights and to erode the neighborhood's distinctive character for the long term.

**NEW PRECEDENT FOR DENSER DEVELOPMENT:** The proposed development project will pave the way for further, denser development that will destroy the special and unique character of Bernal Heights.

Houses on Powhattan Avenue immediately east of the proposed project are 1960-1970 box constructions, built to the maximum building envelope and presenting massive facades to the street. These very houses eventually led to the Bernal Heights East Slope Building Guidelines (see Excerpts, Exhibit 10, *infra*, at 5 and 7). But even these houses, out of neighborhood

character as they are, average only 1616 square feet of livable space, and are set back 25' from the street. While there may be a few other houses in the Bernal Heights neighborhood above the 2000 square foot mark, as mentioned above, nowhere in the neighborhood is there a development of four such houses on contiguous lots, let alone an entire block. The houses proposed for these four lots will present a massive wall along Powhattan Avenue, dwarfing the buildings across Powhattan and elsewhere in the vicinity. The mass of the homes comprising the proposed development project will be out of scale for the neighborhood and set a dangerous precedent for future building — much as 1960-70s box construction buildings did in their era.

MAINTENANCE: Applicant's plans include a running 6-foot-high fence with plantings, located across three private lots, along Bernal Heights Boulevard, as well as a proposed public-access staircase, on the unimproved block of Carver Street (the "paper street" between Bernal Heights Boulevard and Powhattan Avenue directly to the east of 40 Bernal Heights Blvd and 1025 Powhattan Avenue). However, nowhere in the Applicant's plans is there any provision for ongoing maintenance of the landscaping or staircase or any assurance that public access to the staircase will be maintained. As a result, these features present potential liabilities, even hazards, to the neighborhood.

# 3) Alternatives or changes to proposed project that would respond to exceptional/extraordinary circumstances and reduce adverse effects

Applicant must revise the proposed development project, currently comprised of four large single family homes, to address neighbors' longstanding concerns about mass, density, neighborhood character, and the long-term maintenance of "public" features. Alternatives or changes to the proposed development project include the following:

- A reduction in the total square footage of the proposed homes such that the ratio of total built space (i.e., livable/non-livable) to lot size is consistent with the existing neighborhood. To achieve a ratio consistent with the existing neighborhood, Applicant can consider either reducing the size of the four homes on the currently proposed lots or increasing the lot size by pursuing a three-lot rather than four-lot approach to this space. In either case, the goal of the development project should be to keep its size consistent with the existing neighborhood and allow for more open space, thereby minimizing the overwhelming nature of the "dense wall" effect of construction on this irregularly shaped, steeply-sloped section of land.
- Front yard setback(s) consistent with adjacent/near adjacent homes on Powhattan Avenue,
   to break up the massive façade of the proposed development project and to address safety
   issues for pedestrians and drivers on Powhattan.
- Sideyard(s) that are at a minimum of four feet wide, as required by the BHESBG.
- Vary the roof lines among the houses rather than using flat roofs on all four homes.
- Include options to enter off the Carver Street stairs, either as primary or secondary entries.
   This could have the added advantage of improving public safety.
- Vary entry treatments, garages, façade elements, color and materials among the proposed homes to provide greater distinction between the homes and minimize the "project" quality of the development.
- Provide more terracing of the outside space (including patios) of the proposed homes to respond to the natural slope and increase planted areas rather than providing so much hardscaping.
- Landscaping and staircase solutions that ensure long-term accessibility, safety, upkeep, and aesthetic value of these features as well as a clear plan outlining ownership and ongoing

maintenance of landscaping and staircase on the unimproved Carver Street, as well as the unimproved block of Rosenkranz Street (the "paper street" between Bernal Heights Boulevard and Powhattan Avenue directly to the west of 40 Bernal Heights Blvd and 965 Powhattan Avenue). Ownership/maintenance solutions should be included in the deeds of the properties. In the alternative, a homeowners' association (HOA) for this development may be appropriate to clarify and ensure ownership/maintenance of the landscaping and staircase on Carver Street as well as well Rosenkranz Street.

- Given that no Environmental Impact Statement was required for this development, more indepth environmental testing is required (with results shared publicly) to ensure that there are will be no dangers to public health and safety as a result of excavation of serpentine soil of indeterminate asbestos content. In addition, clarity concerning the development project's impact on water run-off and drainage is required in light of the near total excavation of the slope of the vacant lot.
- On the land for the proposed development, there is an air vent for an underground pipe. It
  is unclear where the air vent will be relocated as well as if the relocation will have any
  adverse impacts to the venting required for the underground pipeline. Drawings should be
  updated to reflect this and an Environmental Impact Statement should be shared publicly
  reflecting the impacts created by the relocation of the air vent.

### 5) Results of mediation

Over the past year and a half, we have met with the Applicant seven times, including but not limited to three community meetings of the Bernal Heights East Slope Design Review Committee, an informal meeting at the Bernal Heights Public Library, and a mediation session facilitated by Supervisor David Campos.

To understand the planning process, planning decisions to date, and our options for making a positive contribution to this project, we have met with representatives of the Planning Department three times (not including a hearing before the SF Board of Supervisors appealing subdivision of 40 Bernal Heights Drive into four lots).

In all conversations with the Applicant and the Planning Department (and in individual meetings with members of the Board of Supervisors), we have repeatedly and consistently expressed the concerns detailed in this application, including the proposed project's outsize mass and negative impact on current and long-term neighborhood character, but the Applicant is unwilling to address these core issues.

The Applicant has rejected any suggestion that a three-lot approach be considered, and has not made any meaningful revisions to plans. Despite suggestions that front yard setbacks must be considered along Powhattan Avenue, the Applicant consistently shows plans that present a massive street-front façade along that street.

At junctures where we have approached the Applicant in the spirit of cooperation, the developer has met the concerns of 150 neighbors with threats to fence the property and build homes of even greater size and mass — or with plans for decorative landscaping and staircase, which would have no impact on mass and come with no assurance that either will be maintained by future owners (making them potentially a liability, not an asset).

Therefore, to address our legitimate concerns about this project's anticipated negative impacts on the immediate and long-term character of Bernal Heights — and hence on the quality of life in our neighborhood — we are pursuing a Discretionary Review as our only viable path to positive change. We stress: We are not opposed to development of this vacant

lot. In fact, we view the development of this space as an opportunity to enlarge our community of friends/neighborswithout compromising its unique and special character. However, proceeding with the Applicant's plans as proposed will result in the erosion of the very character that led us all to reside in the Bernal Heights neighborhood. Therefore, we remain opposed to these four houses, as currently planned, and to any development that would have a negative impact on the distinctive Bernal character that is protected by numerous city, planning, and neighborhood guidelines.

# 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:	aro	A/.	/an	

Date: <u>January 26,2016</u>

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

Owner / Anthorized Agent (circle one)

Application	on for <b>Discretionary Review</b>
CASE NUMBER: or Staff Use only	

# 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	
Address labels (original), if applicable	0
Address labels (copy of the above), if applicable	0
Photocopy of this completed application	4
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	
Letter of authorization for agent	Q .
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)	

NOTES:

Required Material.

Optional Material.

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

PECEIVED

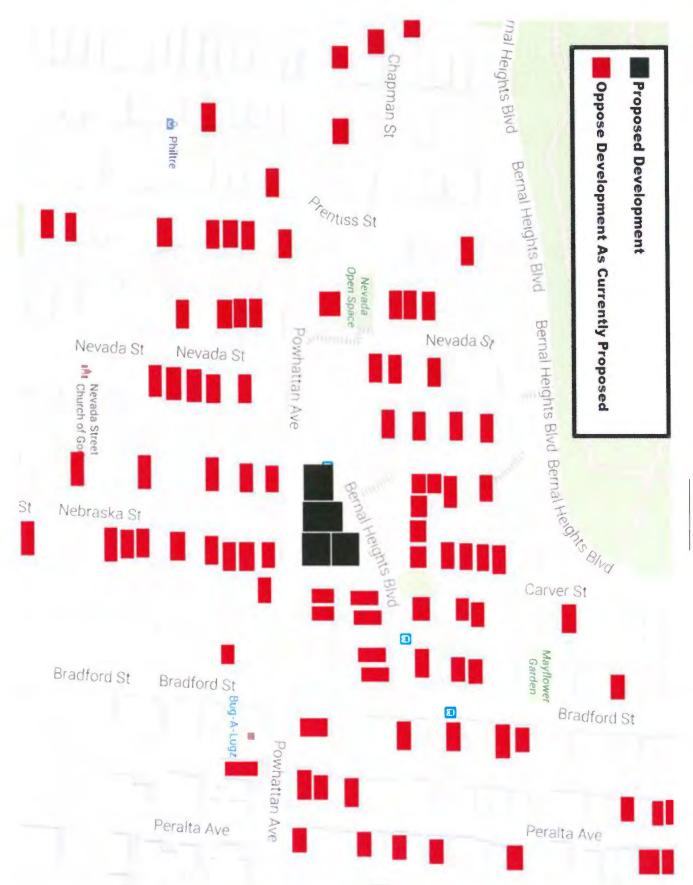
JAN 2 6 2016

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT

For Department Use Only

Application received by Planning Department:

Date: 1/26/14



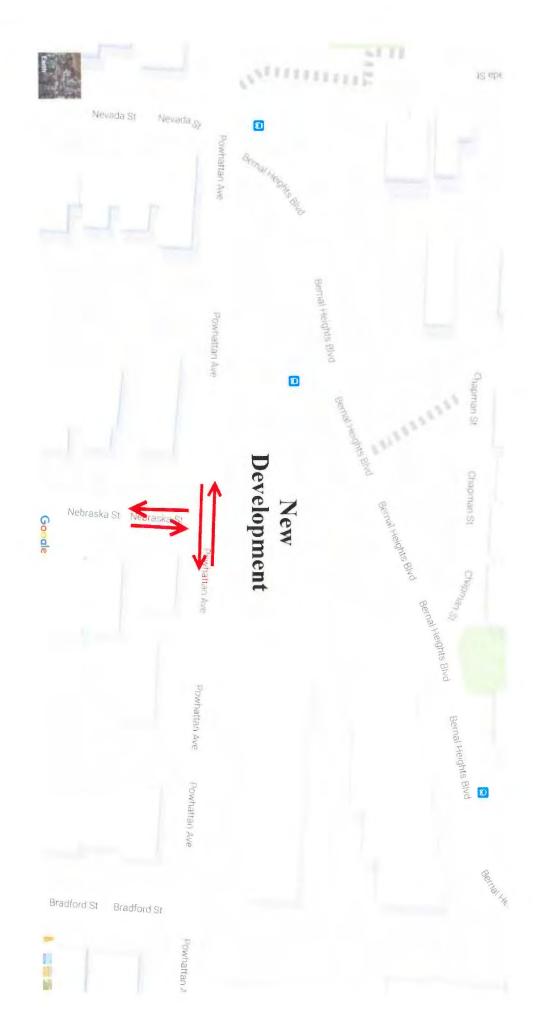


# Exhibit 3





For Illustration Purposes Only





# Exhibit <u>6</u>





For Illustration Purposes Only

# Exhibit Z



Exhibit 8

# 40 Bernal Heights Blvd, Neighborhood Property Comparisons EXHIBIT9

	CCSF Assessor's Proper	ty ocurcii batab	usc us 01 //	13/13	
		Bldg sq ft	Parcel sf	Bldg:Lot	
verage S	quare Footage	1313	2064	66%	
	1	2010	2001	0070	
Address					
	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
	Bernal Heights Blvd	1456	1589	92%	-
	Bernal Heights Blvd	1148	1760	65%	
	Bernal Heights Blvd	1272	1894		
	Bernal Heights Blvd	1456	2060		
	Bernal Heights Blvd	1456	2374	61%	
	Bradford	2000	1750	. <b></b>	
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	Bradford	1335	1498		
	Bradford	1005	1498		
	Bradford	1003			
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	Carver	800			
	Carver	874			
	Carver	1340			
20	Carver	900	1750	51%	

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56	Nebraska	2129			
	Nevada	2340		- <del> </del> <del> </del>	
	Nevada	1504			
	Nevada	1140			
	Nevada	1050		.4	
	Nevada	1275		.	
	Nevada	1466		-4	
	Nevada	1477		-1	
	Nevada	1247			
	Nevada	950			
	Nevada	1750			
	Nevada	2235			
114	Nevada	975			
115	Nevada	1210			
119	Nevada	894			
120	Nevada	1213			
124	Nevada	1117	2421	. 46%	

Data from	rties within 300 Feet CCSF Assessor's Prop	perty Search Datab	ase as of 7/	15/15	23 FOWNALIAN AVENUE
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064	<del> </del>	
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Address					
*****	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
	Nevada	1957	2500	78%	
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	Nevada	2736		. <del> </del>	
	Nevada	1535			
	Nevada	1167			
	Nevada	1760			
	Nevada	1336			
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	7 Prentiss	1000		57%	
	Prentiss	1000			
119	Prentiss	1337	7 1750	76%	
	Prentiss	1365	5 1750	78%	
131	l Prentiss	1005	5 1746	5 58%	
67	7 Rosenkranz	1052	1746	60%	
65	Rosenkranz	1777	7 1750	102%	

Ratio of I	Building to Parcel Squ	are Footage		·	
			its Blvd, 965	, 985 and 10	25 Powhattan Avenue
************	CCSF Assessor's Prop				
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average Square Footage		1313	2064	66%	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
70	Rosenkranz	1052	1750	60%	
71	Rosenkranz	2340	1750	134%	
74	Rosenkranz	1566	1746	90%	
75	Rosenkranz	1800	1746	103%	
76	Rosenkranz	1275	1750	73%	
80	Rosenkranz	924	1750	53%	
Average Square Footage		1313	2064	66%	

## BUILDING GUIDELINES BERNAL HEIGHT EAST SLOPE

Prepared by the:

BERNAL HEIGHTS PRESERVATION COMMITTEE October 1986 EAST SLOPE

San Francisco Planning Commission

Accepted by the

November 13, 1986

and the qualities that make it that way are cherished by all those whose development. The Bernal Heights East Slope is a special neighborhood special qualities of the East Slope preserved and enhanced by any new It is our hope that the following guidelines will serve as an aid to designers and builders of homes on Bernal Heights' East Slope. These building guidelines are the result of the community's desire to see the commitment to seeing them preserved has produced these building guidelines.

hillsides have given the East Slope its rural character, the lack of roads and services has periodically presented real danger to the residents. The history of the East Slope has been one of benign neglect by the City of San Francisco, however, while dirt roads and undeveloped

rural characteristics rapidly are disappearing along with views, open space and trees. Some new buildings have created "canyons" blocking sunlight Much recent development is not only inconsistent but often at odds with the smaller scale existing structures. As a result, the East Slope's and presenting building facades, which are all copies of a single undistinguished design.

In preparing these guidelines we have made a thorough inventory of present housing stock, vacant lots, open spaces, public areas, and streets, both developed and undeveloped

immediate neighbors. These guidelines are an effort to retain the spirit of our neighborhood and to establish criteria for new housing design that Predominant architectural components have been examined along will ensure, as much as possible, the continued existence of the East with the relationship of individual buildings to their lots and their Slope's unique character.

It is impossible to be fully comprehensive since nearly each vacant lot minimizing monotony and enhancing the visual appeal of new housing. guideline is met the resulting structure will be an architectural jewel. has its own peculiarities. There can be no guarantee that if every However, we hope these guidelines will point the way toward

opment which have made Bernal Heights as humanly scaled as it is today encourage inventive diversity while conforming to the patterns of develthan restrictive. The intent is not to induce dull uniformity but rather to We have tried very hard to make the guidelines prescriptive rather

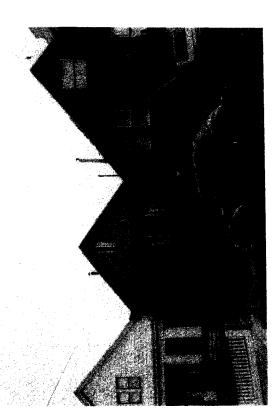
four-time winner of the National Honor Award of the American Institute In an interview recorded earlier in 1986, architect Hugh Jacobsen, a of Architects is quoted as saying:

good manners, being part of the whole street, being part of the fabric of are at once proud and humane, standing strong in their mutual respect. every great city— Florence, Rome, and especially Paris. The streets have continuity but each building also has its own individuality. The buildin "From the beginning, I've looked at all architecture as a matter of neighbors, behaves like a well-mannered lady. There is politeness in city. Good architecture, rather than beating its chest or shouting at

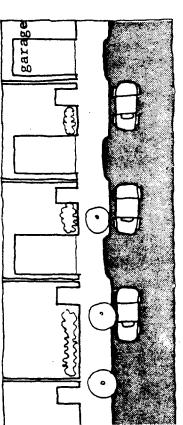
world. We fervently hope that newcomers to the East Slope, as part of great city, will be architecturally polite so that we, the old and the new, Certainly San Francisco is considered one of the great cities of the stand strong in our mutual respect.

entry: space for one car on street in front of each 25'-0" lot—street naximized.

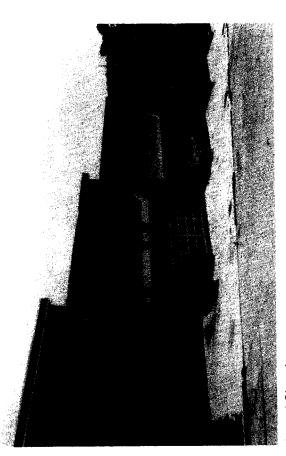
Double car entry: no full on-street curb space—street parking eliminated.



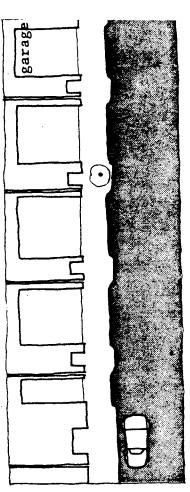
Situation



theme



Actual Situation



Plan of scheme

# LANDSCAPING · FRONT YARD SETBACKS · STREET TREES

residential areas is one of the most important factors in providing an It is recognized that landscaping and the inclusion of street trees in area with intimacy of scale and character.

## LANDSCAPING

built environment, and a reminder of our relationship to the earth. The bringing color and texture into the urban scene. More functionally, if geometry of building forms. Landscaping can be used as a device for properly planned, it can serve to disguise unsightly foundation work Greenery helps to provide privacy without barriers, soft edges in the fantastic geometry of biology combines well with the more rigid and the like.

# FRONT YARD SETBACKS

back from the property line, a feeling of openness is maintained and the placed up to the sidewalk on sloped terrain, all sense of the topography Front yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed access of light and air to the street is maximized. When a house is of the lot is lost.

## STREET TREES

1971.) Street tree roost. They refle enhanced by tree (Fundamental Pr Urban Design Pla the sidewalk, are connecting us to "The livability, ar



it Building Setbacks are essential, and must be established by:

1. conforming to existing setbacks on adjacent or near-adjacent

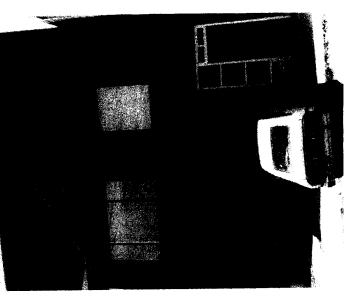
2. averaging when lot in question is between two existing structures; 3. topographic considerations.



mple of a well-landscaped front yard.



built up to the property Examples of buildings line with little or no provision for front landscaping.

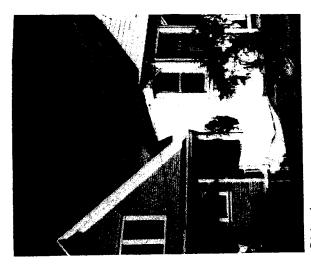


# BUILDING BULK & ARCHITECTURAL MASSING

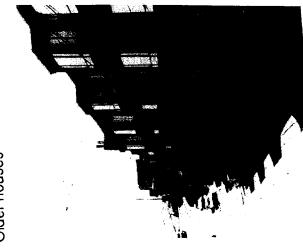
It has been recognized by the City of San Francisco, as well as by the residents of Bernal Heights, that the character of new construction is destined to have a long term effect on the nature of our city and its neighborhoods. The Urban Design Element of the Comprehensive Plan for San Francisco supposedly includes design principles, which provide guidance to potential developers, in order to assure that new development be compatible with the delicate scale and character of the existing houses in hillside residential areas. If planning principles are to be judged by the success of the products, those set forth thus far have failed.

On Bernal Heights there are still many vacant lots, and in the last few years, development pressure has skyrocketed. The new "vernacular form" is the maximum-building-envelope-shoebox. The box presents an image more reminiscent of apartment units than of a house form. It is a solution without a context, which isolates itself from its setting by not acknowledging its neighbors, its views, its orientation towards light and air paths. It is a non-specific plan which developers scatter around the city wherever open lots occur.

When the box first appeared, the dull streetscape that it presented drew a lot of criticism. People called for a form more in keeping with the spirit of San Francisco's architecture. The bays and minuscule balconies which were tacked on have proven to be no more than band-aid solutions. The dressed-up box has not fooled anyone. Its token accoutnements, rather than being a part of the organic whole, are elements that deny the overall integrity of the building.



Older houses



Newer "shoebox" houses

To whom it may concern/San Francisco Planning Department:

I authorize Karteek Patel to submit an application for Discretionary Review for 1025 Powhattan Ave. on my behalf.

Signed:

Elizabeth A. Brown

2/Nebraska Street San Francisco, CA 94110

5640/010

SIA Consulting Corp.

1256 Howard Street

SAN FRANCISCO CA 94103

5639 002

**JOHNSON TODD & ANTON AMY** 

58 BRADFORD ST

SAN FRANCISCO CA 94110

5639 004

PEESAPATI LEEL & MICHAUT EVELYNE

66 BRADFORD ST

SAN FRANCISCO CA 94110

5639 023

**BOETTCHER HONORA** 

445 MAYELLEN AVE

SAN JOSE CA 95126

5639 025

**BAILEY MICHAEL G** 

69 CARVER ST

SAN FRANCISCO CA 94110

5639 027

**DUNAWAY DAVID A & MYRIAM** 

125 BALTIMORE WAY

SAN FRANCISCO CA 94112

5639 029

NGIM MITZI H

70 BERNAL HEIGHTS BL

SAN FRANCISCO CA 94110

5639 001

KITCHEN GREG C S

54 BRADFORD ST

SAN FRANCISCO CA 94110

5639 003

BANDYOPADHYAY SOURAV

62 BRADFORD ST

SAN FRANCISCO CA 94110

5639 005

DONDELINGER EILEEN

70 BRADFORD ST

SAN FRANCISCO CA 941105702

5639 024

ARASH BABAKI LVG TR

73 CARVER ST

SAN FRANCISCO CA 94110

5639 026

SPIVAK ALICIA D

**65 CARVER ST** 

SAN FRANCISCO CA 94110

5639 028

LARKIN ERIK & MAUREEN

**57 CARVER STREET** 

SAN FRANCISCO CA 94110

5639 030

HELMUTH KAREN L & HAGUE TERRI A

76 BERNAL HEIGHTS BLVD

ANDERSEN ERIC C

82 BERNAL HEIGHTS BLVD

SAN FRANCISCO CA 94110

5639 033

LARRY JAMES BLACK 2002 REVOC TR

94 BERNAL HEIGHTS BLVD

SAN FRANCISCO CA 941105760

5639 035

**BENJAMIN B & MARIA C BRIONES 2008** 

1069 POWHATTAN AVE

SAN FRANCISCO CA 94110

5639 037

JOVANKA F SOLORZANO LVG TR

1057 POWHATTAN AVE

SAN FRANCISCO CA 94110

5639 039

HILDUM EDWARD A & SIDNEY S

**81 CARVER ST** 

SAN FRANCISCO CA 94110

5640 001

STILLERMAN C R

**56 CARVER ST** 

SAN FRANCISCO CA 94110

5640 003

**KOVACS KALMAN & MARY** 

3973 GEDDES CT

SOUTH SAN FRANCISCO CA 94080

5639 032

**WOLF MICHELLE A** 

88 BERNAL HEIGHTS BLVD

SAN FRANCISCO CA 94110

5639 034

MEEHAN CHRISTOPHER & KOORY MAR

1075 POWHATTAN AV

SAN FRANCISCO CA 94110

5639 036

COHN TRUST THE

1063 POWHATTAN AVE

SAN FRANCISCO CA 94110

5639 038

**GROH ZINGESER TRUST** 

1051 POWHATTAN AVE

SAN FRANCISCO CA 94110

5639 040

**GREY CAROL POSACKI** 

74 BRADFORD ST

SAN FRANCISCO CA 94110

5640 002

**SVETICH KELLA** 

**60 CARVER ST** 

SAN FRANCISCO CA 941105748

5640 004

ARENBERG POLLY LEE

**68 CARVER ST** 

## Smooth Feed Sheets™

5640 005

YEADAKER JACK C

72 CARVER ST

SAN FRANCISCO CA 94110

5640 023

**GARCIA FAMILY TRUST** 

5735 LAGUNA PARK DR

**ELK GROVE CA 95758** 

5640 025

**GARCIA FAMILY TRUST** 

5735 LAGUNA DR

**ELK GROVE CA 95758** 

5640 031

MICHAEL V SNEAD TRUST

130 CHAPMAN ST

SAN FRANCISCO CA 94110

5640 033

MARY LOU QUINTO LVG TR

150 CHAPMAN ST

SAN FRANCISCO CA 94110

5641 006

SINKAVICH FRANK & VALERIE A

70 ROSENKRANZ ST

SAN FRANCISCO CA 94110

5641 008

UNDERBERG BARBARA J

**76 ROSENKRANZ ST** 

SAN FRANCISCO CA 94110

5640 006

BROWN ELIZABETH A

2 NEBRASKA ST

SAN FRANCISCO CA 94110

5640 024

**BROWN BENJAMIN N S & BEEN RACHEL L** 

71 ROSENKRANZ ST

SAN FRANCISCO CA 94110

5640 030

STEVEN FRITSCH RUDSER LVG TR

120 CHAPMAN ST

SAN FRANCISCO CA 94110

5640 032

**CUNNINGHAM-MCKNIGHT LVG TR** 

140 CHAPMAN ST

SAN FRANCISCO CA 94110

5641 004

ANGELA HO SNEAD LVG TR

**163 MENDOSA AVE** 

SAN FRANCISCO CA 94116

5641 007

LESSING DAVID R & KO JUDY I

74 ROSENKRANZ ST

SAN FRANCISCO CA 94110

5641 010

**CONSOLO MARY** 

**80 ROSENKRANZ ST** 



SCHWARTZBERG ARTHUR

77 NEVADA ST

SAN FRANCISCO CA 941105756

5641 021

WU-CHIN 2007 REVOC TR

41 NEVADA ST

SAN FRANCISCO CA 94110

5655 002

**NELSON & MIYUKI KOBAYASHI TRUST** 

8 NEBRASKA ST

SAN FRANCISCO CA 94110

5655 003A

DARDIS PETER J

18 NEBRASKA ST

SAN FRANCISCO CA 94110

5655 005

DOMINIQUE FAMILY LVG TRUST

28 NEBRASKA ST

SAN FRANCISCO CA 94110

5655 007

PETHERAM COLIN

38 NEBRASKA ST

SAN FRANCISCO CA 94110

5655 009

FRIOLI BOBBI K

48 NEBRASKA ST

SAN FRANCISCO CA 94110

5641 019

**NARASIMHAN SABELO** 

165 BAINBRIDGE ST

**BROOKLYN NY 11233** 

5655 001

**BROWN ELIZABETH A** 

2 NEBRASKA ST

SAN FRANCISCO CA 94110

5655 003

**PONTEJOS 1993 TRUST** 

12 NEBRASKA ST

SAN FRANCISCO CA 94110

5655 004

**AQUINO FMLY TR** 

22 NEBRASKA ST

SAN FRANCISCO CA 94110

5655 006

SPADARELLA ANTHONY F

32 NEBRASKA ST

SAN FRANCISCO CA 94110

5655 008

**SOLIS MANUEL RAMOS** 

**42 NEBRASKA ST** 

SAN FRANCISCO CA 94110

5655 009A

LONGWORTH ALYS M/HOPE JONATHAN R

5262TM

Laser

52 NEBRASKA ST



GARRETT K B & MARKLE T E TRUST

38 NEBRASKA ST

SAN FRANCISCO CA 94110

5655 012

KUMAR ROGER AJIT&JESSICA RATCLIFF

66 NEBRASKA ST

SAN FRANCISCO CA 941105719

5655 014

ALEJANDRO ROSILLO REVOC TR

**76 NEBRASKA ST** 

SAN FRANCISCO CA 941105719

5655 020

MARQUEZ EVERARDO & LAURA

175 NEVADA ST

SAN FRANCISCO CA 94110

5655 022

MOORE SCOTT & MACWILLIAMSON AMY

165 NEVADA ST

SAN FRANCISCO CA 94110

5655 024

LINARES TRUST

155 NEVADA ST

SAN FRANCISCO CA 94110

5655 026

LEE STEVEN T

147 NEVADA ST

SAN FRANCISCO CA 94110

5655 011

SINGER MARTIN & SCALORA EVELYN A

60 NEBRASKA ST

SAN FRANCISCO CA 94110

5655 013

NATHANSON OMALLEY-BALDWIN 2011 LI

70 NEBRASKA ST

SAN FRANCISCO CA 941105719

5655 015

FORONDA CHARLES&KENNETH&DAVID

242 LOWELL ST

SAN FRANCISCO CA 94112

5655 021

ALISON SUMMERSTAR NASCHKE-MESSING REV TR

169 NEVADA ST

SAN FRANCISCO CA 94110

5655 023

KRAIKIT SP TRUST

159 NEVADA ST

SAN FRANCISCO CA 94110

5655 025

VALDEZ FAMILY REVOC LVG TR

151 NEVADA ST

SAN FRANCISCO CA 94110

5655 027

LOWSITISUKDI SATHITPONG & LOWS

573 8TH AVE

SAN FRANCISCO CA 94118

5262TM

PATEL KARTEEK H

2074 KIRKLAND RD

NAPA CA 94558

5655 030

SCHEIBLE KATHLEEN

133 NEVADA ST

SAN FRANCISCO CA 94110

5655 032

STASON SUZANNAH M

119 NEVADA ST

SAN FRANCISCO CA 94110

5655 034

CAVELIE HANS-OLAV G & SARAH E

109 NEVADA ST

SAN FRANCISCO CA 94110

5656 001

**EVANS WILFORD** 

100 BRADFORD ST

SAN FRANCISCO CA 94110

5656 003

**VANNINI LUCA** 

110 BRADFORD ST

SAN FRANCISCO CA 94110

5656 005

ANER RUTH YOUNG-PAYNE 2014 TRUST

1948 QUESADA AVE

SAN FRANCISCO CA 94124

5655 029

STEVEN RUDMAN & SANDRA CARLSON TR

137 NEVADA ST

SAN FRANCISCO CA 94110

5655 031

DENNIS JR & IVETTE C BERRIOS REV LVG TR

125 NEVADA ST

SAN FRANCISCO CA 94110

5655 033

PETERSON MATTHEW W & AMY

115 NEVADA ST

SAN FRANCISCO CA 94110

5655 035

CHANG WILLIAM H & ANITA P

900 POWHATTAN AVE

SAN FRANCISCO CA 94110

5656 002

DOLAN NIALL P

102 BRADFORD ST

SAN FRANCISCO CA 941105704

5656 004

VILLEGAS JETHRO & JOSEPHINE

116 BRADFORD ST

SAN FRANCISCO CA 94110

5656 006

ALLEN STEPHEN E & KEMP NANCY R

14865 BANNER QUALITY HILL RD

**NEVADA CITY CA 95959** 

## Smooth Feed Sheets™

5656 006A

ANNA EILEEN LI TR

130 BRADFORD ST

SAN FRANCISCO CA 94110

5656 013

MELISSA A SHAW TR

**3 NEBRASKA ST** 

SAN FRANCISCO CA 94110

5656 014A

RETICKER AMY M

1010 POWHATTAN AVE

SAN FRANCISCO CA 94110

5656 016

**GUPTA RAJIV S & PIERSANTI ROSELLA** 

15 NEBRASKA ST

SAN FRANCISCO CA 941105718

5656 018

CORONADO RAUL JR

140 BRADFORD ST

SAN FRANCISCO CA 94110

5656 020

ADELARDE A & GENIEVE C NAJARRO REVOC TRU

150 BRADFORD ST

SAN FRANCISCO CA 94110

5656 022

BERKOBEN KEITH

160 BRADFORD ST

SAN FRANCISCO CA 94110

5656 010

OCONNOR LAWRENCE W

11 NEBRASKA ST

SAN FRANCISCO CA 94110

5656 014

BARRON DEBORAH K

1 NEBRASKA ST

SAN FRANCISCO CA 94110

5656 015

CABA NORMAN J & VERNA L A

21 NEBRASKA ST

SAN FRANCISCO CA 94110

5656 017

**EST OF RITA M FARR** 

165 SOUTH PARK

SAN FRANCISCO CA 94107

5656 019

SHEPHARD ALICIA

146 BRADFORD ST

SAN FRANCISCO CA 94110

5656 021

**CROSS JERREL L** 

P O BOX 880024

SAN FRANCISCO CA 94188

5656 023

JANICE A MELARA TRUST

166 BRADFORD ST

SAN FRANCISCO CA 94110

5262TM

JACKSON LOUISE E

170 BRADFORD ST

SAN FRANCISCO CA 94110

5656 026

**BRIONES FAMILY TR** 

180 BRADFORD ST

SAN FRANCISCO CA 94110

5656 028

ROGELIO T MILA P MANZANA FMLY TR

190 BRADFORD ST

SAN FRANCISCO CA 941105704

5656 030

**LUCILLE NUNLEY 2007 REVOC TR** 

198 BRADFORD ST

SAN FRANCISCO CA 94110

5656 032

LULU BELVIS REVOC TR

1419 CORTLAND AVE

SAN FRANCISCO CA 94110

5656 034

**AGAWIN TRUST** 

81 NEBRASKA ST

SAN FRANCISCO CA 94110

5656 036

FONG FAMILY TRUST

69 NEBRASKA ST

SAN FRANCISCO CA 94110

5656 025

WILLIAMS KEVIN B

176 BRADFORD STREET

SAN FRANCISCO CA 94110

5656 027

ADIEL M & REMEDIOS B WRITER REVOC

1257 TURQUOISE DR

HERCULES CA 94547

5656 029

HIGHTOWER, ZETTIE B

194 BRADFORD ST

SAN FRANCISCO CA 94110

5656 031

**GAMMAD LEONARD & PACITA D** 

1425 CORTLAND AVE

SAN FRANCISCO CA 94110

5656 033.

HAUSMANN 2001 FAMILY TRUST

P.O. BOX 795

**ORANGEVALE CA 95662** 

5656 035

**ICHINOSE STEPHANIE ROMI** 

**75 NEBRASKA ST** 

SAN FRANCISCO CA 94110

5656 037

SAY FAMILY TRUST

63 NEBRASKA ST

**GREEN CHARLES JUDSON** 

**57 NEBRASKA ST** 

SAN FRANCISCO CA 94110

5656 040

KIRSTIE A MCCORNOCK LVG TR

45 NEBRASKA ST

SAN FRANCISCO CA 94110

5656 042

HARVEY BRYAN & AISLING

33 NEBRASKA ST

SAN FRANCISCO CA 94110

5656 044

LERNER MICHAEL S

9 NEBRASKA ST

SAN FRANCISCO CA 94110

5656 039

OFFRIL PRISCILLA

51 NEBRASKA ST

SAN FRANCISCO CA 94110

5656 041

IRFAN SAEED AHMED&SAEED FOZIA

39 NEBRASKA ST

SAN FRANCISCO CA 941105718

5656 043

ESSIE MAE WEEKS 2001 LVG TRUST

27 NEBRASKA ST

SAN FRANCISCO CA 94110

5656 045

MALINAO FAMILY TRUST

7 NEBRASKA ST

## Application for Discretionary Review CASE NUMBER: For Staff Use only 2014-031910RP-08

## RECEIVED

## APPLICATION FOR JAN 2 6 2016 Discretionary Review

i. Owner/Applicant into	ormation					
DR APPLICANT'S NAME:	- 0					
Bornal He	z Gelger	80.5	Jose	ZIP CODE:	TELEPHON	<u></u>
OF APPLICANTS ADDRESS:		0 \		24110		<del></del> -
To Pathy Avo	THEO,	RONK2+	SF	34110	PIPI	440-466
PROPERTY OWNER WHO IS DOING	FHE PROJECT ON WHI	CH YOU ARE REQUEST	ING DISCRETION	ARY REVIEW NAME:		
SIA Consulting Corp.						
ADDRESS:	· · · · · · · · · · · · · · · · · · ·		,	ZIP CODE:	TELEPHON	E:
1256 Howard Street, San	Francisco, CA			94103	1	922-0200
	·			1,		
CONTACT FOR DR APPLICATION:	****		<del></del>	· · · · · · · · · · · · · · · · · · ·		
Same as Above						
ADDRESS:				ZIP CODE:	TELEPHON	E:
					( )	
E-MAIL ADDRESS:						
Votte a aug 1	6	tan too				
Kathyangus 1	e com	@ 21 .1161				<del> </del>
•						
<ol><li>Location and Classi</li></ol>	fication					
STREET ADDRESS OF PROJECT:						ZIP CODE:
1025 Powhattan Avenue,	San Francisco,	CA				94110
CROSS STREETS:						L
Bernal Heights Blvd/Pow	hattan Avenue,	/Unimproved C	arver Street			
ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRI	CT:	HEIGHT/BULK	
5640 /010	120x267x156	7,492 sq ft	RH-1		40-X (Ber	nal SUD)
2 Project Description						
3. Project Description						
Please check all that apply						
Change of Use 🗌 🏻 Chan	ige of Hours 🗌	New Constru	iction 🔀 🛚 🛭	Alterations 🗌	Demolition	Other 🗌
Additions to Buildings	Rear Fro	ont 🗆 Hoigh	ht ☐ Side	e Yard 🗌		
Additions to Building:	Vacant lot	он 🗀 пеіді	.ii	e iaiu 🗀		
Present or Previous Use: _	*GCGITE SQC					
Proposed Use: New cons	truction of four	single-family d	wellings on	an upsloping lo	t including	lot subdivision
•	2014.05	21.6396S				
Building Pormit Application	on Nio			Data	Gilod:	



## 4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<b>I</b>	
Did you discuss the project with the Planning Department permit review planner?		Z
Did you participate in outside mediation on this case?		<b>[3</b> k

<ol><li>Changes Made to the Project as a Result of Media</li></ol>	ediation	of Mediatic	Result of I	a Resi	as	Projec	the	to	Made	Changes	5.
--	----------	-------------	-------------	--------	----	--------	-----	----	------	---------	----

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.  SEE ATTACHED	

Application	on for <b>Discretionary Review</b>
CASE NUMBER: For Staff Use only	

## 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.
	SEE ATTACHED
_	
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:
S	EE ATTACHED
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?
	SEE ATTACHED
_	

## From Bernal Heights South Slope Organization Discretionary Review for 4 new home construction applications: 40 Bernal Heights Blvd; 965, 985 and 1025 Powhattan Street

The BH South Slope Organization is a group of neighbors that has, for over 20 years, been reviewing the safety, neighborhood impact, and neighborhood concerns over new construction on a small section of the South Slope, where narrow steep streets, dead ends, and lack of visibility at intersections prevail, as do several small vacant lots. We are primarily interested in the safety and appropriateness of the new homes, which are often designed without taking into consideration important safety precautions or density/character concerns.

## <u>Safety</u>

The homes under consideration pose a safety risk to drivers and pedestrians because the garages abut the street, leaving no buffer zone. In addition, the proposed development project violates the Residential Design Guidelines (RDG) and the Bernal Height East Slope Building Guidelines (BHESBG) both of which are fully incorporated into the San Francisco Planning Code by not including a front setback.

Although the RDG and the BHESBG identify front yard setbacks as essential, none of the four homes that comprise the proposed development project include any front yard setbacks. In contrast, the established houses immediately east of the proposed development project on Powhattan Avenue (which are less than 50 feet from one of the proposed houses), are set back approximately 25 feet from the street.

Front yard setbacks will increase public safety by giving drivers who are entering either Powhattan Avenue or Bernal Heights Boulevard from the proposed development project an opportunity to check for pedestrians and traffic before entering the sidewalk/street.

1. There is only a sidewalk on the north side of Powhattan St, which is. the same side where the the 2-3-car garages proposed on Powhattan Avenue will directly abut the sidewalk. Because this is the only pedestrian walkway along this street, it is essential that pedestrians with strollers, using walkers, in wheelchairs, or who are sight impaired be able to easily access the sidewalk, along with the many children walking to school and residents walking to the bus stop. Therefore, a front setback is necessary in order for cars in the garage to not block the sidewalk when loading, unloading, or when they can't (or won't) find another legal parking space. In addition, without a setback, there is no visibility for

the driver backing out of the garage to see pedestrians on the sidewalk or for pedestrians to see the car backing out.

- 2. The 2-3-car garages proposed on Powhattan Avenue will result in many cars backing in or pulling out into the busy intersection of Powhattan Avenue and Nebraska Street. This is potentially dangerous because Nebraska Street is a steep street, and as a result, its intersection with Powhattan Avenue has extremely limited visibility at the corner. This corner already experiences high traffic during commute times and a high volume of pedestrians during the week and on the weekends. These include families with small children, elderly residents on their way to the bus, and people walking their dogs or just walking around the hill, which is a favorite activity of many Bernalites. This intersection has already been the site of multiple accidents, and the added factor of cars backing directly into an intersection that is blind to the cars coming up hill, as well as to pedestrians on the sidewalk, makes no sense. A front setback would provide a buffer zone for the transition of backing out of the garage onto street.
- 3. The 2-car garage proposed on Bernal Heights Blvd. is in close proximity to a bus stop that experiences heavy pedestrian traffic, and for the same reasons listed above a front setback would provide a transition from sidewalk to garage. This would be in keeping with the adjacent homes on Bernal Height Blvd.

In summary, front yard setbacks will help alleviate safety problems for both pedestrians and vehicles on Powhattan Avenue and Bernal Heights Boulevard.

## **Excessive Bulk**

Applicant plans to build four new large, luxury homes, averaging 2,139 sq ft livable space, on lots averaging 1,903 sq ft. for a ratio of 112% square footage to lot size. In addition, the four large homes include approximately 1200 sq ft of non-livable space, e.g., garages and rooftop decks, bringing the ratio to 175%. In contrast, existing nearby homes average 1,313 sq ft of livable space on lots averaging 2,064 sq ft. with a ratio of 66%. In addition, existing nearby homes generally have less non-livable space, e.g., typically single car garages and no rooftop decks. Even assuming they have approx.  $\frac{1}{3}$  additional non-livable space, the total ratio would still be about half of what the new homes are proposing.

When the bulk of 4 new homes, built closely together abutting high-traffic streets is twice as much as the average home in the larger neighborhood, it is clear

that they do not comply with the numerous sections of the General Plan which address the preservation of neighborhood character, including but not limited to the following Housing Element Policies:

POLICY 11.3 Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character. Accommodation of growth should be achieved without damaging existing residential neighborhood character.

In order to maintain both the safety and the character of the South Slope of Bernal Heights, we recommend that these plans be modified to include significant setbacks from the street and a reduction in bulk to more suitably reflect the character and balance of the neighborhood. Bernal residents have worked for years to create and monitor guidelines like the Bernal Heights East Slope Design Review Board guidelines, whose recommendations in this case were largely ignored by the developer, even though over 100 neighbors attended the BHESDRB meetings.

## 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: Carl Al-Mar	Date: JANUARY 26 2016
	•
Print name, and indicate whether owner, or authorized agent:	
KENTLEEK PUTEL	

Application	on for <b>Discretionary Review</b>
CASE NUMBER: For Staff Use only	

## 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	
Address labels (original), if applicable	Ø
Address labels (copy of the above), if applicable	0
Photocopy of this completed application	
Photographs that illustrate your concerns	
Convenant or Deed Restrictions	
Check payable to Planning Dept.	4
Letter of authorization for agent	
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)	

NOTES:

Optional Material.

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

RECEIVED

JAN 2 6 2016 CITY & COUNTY OF S.F.

Application received by Planning Department:

Date: 1/24/14,

## 40 Bernal Heights Blvd, Neighborhood Property Comparisons EXHBIF9

	rties within 300 Feet of an CCSF Assessor's Proper	ty Search Datab	ase as of 7/	15/15	
•••••		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064		
	1		2001	0070	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
	Bernal Heights Blvd	1456	1589	<del></del>	
	Bernal Heights Blvd	1148	1760	65%	
	Bernal Heights Blvd	1272	1894		
	Bernal Heights Blvd	1456			
	Bernal Heights Blvd	1456	d	61%	
	Bradford	2000			
	Bradford	1118		. <b></b>	
	Bradford	1335	·	4	
	Bradford	1005	<b> </b>		
	Bradford	1258	. <b> </b>		
	Bradford	1620		<del>1 </del>	
	Bradford	1053	<del></del>	<del></del>	
	Bradford	1815		<del> </del>	
	Bradford	825			
	Bradford	950		- <b>.</b>	
	Bradford	825			
	Bradford	1600		. 4 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -	
	Bradford	825			
	Bradford	1034		- <del>1</del>	
	. Bradford	1000	j	-4	
	Bradford	1700			
	Bradford	2099			
	' Bradford	1350		. <b></b>	
	Bradford	900			· <del>{</del> <del></del>
	Bradford	656			. •
	) Bradford	750	}	<del> </del>	
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	3 Carver	630		<del>.</del>	
	Carver	800			··
	5 Carver	800			
	7 Carver	875	<del>.</del>	<del>-</del>	. <del>.;</del> ,
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	l Carver	875			·
	1 Carver	800		4	
	5 Carver	874		4	
	3 Carver	1340			
**************	Carver	900			
	2 Carver	800			

	CCSF Assessor's Proj		1	·,·····	
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average S	quare Footage	1313	2064	66%	
	1000080	1010	2004	3070	
Address					
	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
73	Carver	1112	1750	<del>, , , , , , , , , , , , , , , , , , , </del>	
76	Carver	800	1746	46%	
77	Carver	875	1746	50%	
81	Carver	2252	2411	93%	
120	Chapman	2102	1750	120%	
	Chapman	1610	1750	92%	
	Chapman	1085	1750	62%	
	Chapman	1650			
	Nebraska	650	1250	52%	
2	Nebraska	1250	3250	38%	
3	Nebraska	1550	3250	48%	
7	Nebraska	1764	2500	71%	
8	Nebraska	1100	3249	34%	
9	Nebraska	857	2473	35%	
11	Nebraska	2464	2500	99%	
12	Nebraska	1100	2495	44%	
15	Nebraska	1610	2495	65%	
18	Nebraska	1500	2500	60%	
22	Nebraska	1100	2500	44%	
28	Nebraska	1125	2495	45%	
38	Nebraska	1716	2500	69%	
39	Nebraska	1785	2500	71%	
56	Nebraska	2129	2500	85%	
41	Nevada	2340	3500	67%	
42	Nevada	1504	1750	86%	
68	Nevada	1140	1746	65%	
73	Nevada	1050	1750	60%	
74	Nevada	1275	1750	73%	
77	Nevada	1466	1750	84%	
98	Nevada	1477	2448	60%	
100	Nevada	1247	3393	3 37%	
104	Nevada	950	2421	39%	
108	Nevada	1750	2421	l 72%	
109	Nevada	2235	2495	90%	
114	Nevada	975	2425	40%	
115	Nevada	1210	2495	48%	
119	Nevada	894	2500	36%	
120	Nevada	1213	3 2421	L 50%	
124	Nevada	1117	7 2421	L 46%	

or Prope	rties within 300 Feet	of 40 Bernal Heigh	its Blvd, 965	, 985 and 10	25 Powhattan	Avenue
Jata Irom	CCSF Assessor's Prop	perty Search Datab	ase as of 7/	15/15		
		Bldg sq ft	Parcel sf	Bldg:Lot		
Average S	quare Footage	1313	2064	<del> </del>		
	quarerrootoge		200-7	0070		
Address						
House #	Street	Bidg sq ft	Parcel sf	Bldg:Lot		
125	Nevada	1957	2500			
130	Nevada	925	2425	38%		
133	Nevada	2736	3497			
134	Nevada	1535				
· · · · · · · · · · · · · · · · · · ·	Nevada	1167	3000			
	Nevada	1760	4	ļ		
	Nevada	1336				
	Nevada	1344				· · · · · · · · · · · · · · · · · · ·
	Nevada	1911		44		
147	Nevada	1250	. {	50%		
	Nevada	1625		<u>i                                      </u>		
151	Nevada	1175	2495	47%		
155	Nevada	1175	2495	47%		
156	Nevada	1250	2909	43%		
	Nevada	1175	2495	47%		
	Peralta	1144		65%		
	Peralta	1144	1750	65%		
690	Peralta	1144	1750	65%		
	Peralta	1452		83%		
698	Peralta	2119	1746	121%		
900	Powhattan	1606	1999	80%		
1010	Powhattan	870	2000	44%		
1051	Powhattan	1656	1484	112%		
1057	Powhattan	1656	1484	112%		***************************************
1063	Powhattan	1656	1481	112%		
1069	Powhattan	1656	1481	112%		
1075	Powhattan	1656	1484	112%		
1108	Powhattan	1303	2470	53%		
1112	Powhattan	700	2975	24%		
67	Prentiss	600	1746	34%		
93	Prentiss	1180	1746	68%		***************************************
101	Prentiss	1705	1750	97%		,
107	Prentiss	1000	1750	57%		
115	Prentiss	1000	1746	5 57%		
119	Prentiss	1337	7 1750	76%		
125	Prentiss	1365	5 1750	78%		
131	. Prentiss	1005	5 1746	5 58%		,
67	' Rosenkranz	1052	2 1746	60%		
68	Rosenkranz	1777	7 1750	102%		

Ratio of Building to Parcel Square Footage For Properties within 300 Feet of 40 Bernal Heights Blvd, 965, 985 and 1025 Powhattan A					
		Bldg sq ft	Parcel sf	Bldg:Lot	
Average Square Footage		1313	2064	66%	
Address					
House #	Street	Bldg sq ft	Parcel sf	Bldg:Lot	
70	Rosenkranz	1052	1750	60%	
71	Rosenkranz	2340	1750	134%	
74	Rosenkranz	1566	1746	90%	
75	Rosenkranz	1800	1746	103%	
76	Rosenkranz	1275	1750	73%	
80	Rosenkranz	924	1750	53%	
Average S	quare Footage	1313	2064	66%	

# BERNAL HEIGHTS EAST SLOPE BUILDING GUIDELINES

Prepared by the:

BERNAL HEIGHTS
EAST SLOPE
PRESERVATION
COMMITTEE

October 1986

San Francisco Planning Commission

Accepted by the

November 13, 1986

EHHBIT

and the qualities that make it that way are cherished by all those whose development. The Bernal Heights East Slope is a special neighborhood special qualities of the East Slope preserved and enhanced by any new It is our hope that the following guidelines will serve as an aid to designers and builders of homes on Bernal Heights' East Slope. These building guidelines are the result of the community's desire to see the commitment to seeing them preserved has produced these building guidelines.

The history of the East Slope has been one of benign neglect by the hillsides have given the East Slope its rural character, the lack of roads and services has periodically presented real danger to the residents. City of San Francisco, however, while dirt roads and undeveloped

rural characteristics rapidly are disappearing along with views, open space and trees. Some new buildings have created "canyons" blocking sunlight Much recent development is not only inconsistent but often at odds with the smaller scale existing structures. As a result, the East Slope's and presenting building facades, which are all copies of a single undistinguished design.

In preparing these guidelines we have made a thorough inventory of present housing stock, vacant lots, open spaces, public areas, and streets,

both developed and undeveloped.

immediate neighbors. These guidelines are an effort to retain the spirit of our neighborhood and to establish criteria for new housing design that Predominant architectural components have been examined along will ensure, as much as possible, the continued existence of the East with the relationship of individual buildings to their lots and their Slope's unique character.

It is impossible to be fully comprehensive since nearly each vacant lot minimizing monotony and enhancing the visual appeal of new housing. guideline is met the resulting structure will be an architectural jewel. has its own peculiarities. There can be no guarantee that if every However, we hope these guidelines will point the way toward

opment which have made Bernal Heights as humanly scaled as it is today encourage inventive diversity while conforming to the patterns of develthan restrictive. The intent is not to induce dull uniformity but rather to We have tried very hard to make the guidelines prescriptive rather

four-time winner of the National Honor Award of the American Institute In an interview recorded earlier in 1986, architect Hugh Jacobsen, a of Architects is quoted as saying:

good manners, being part of the whole street, being part of the fabric of every great city— Florence, Rome, and especially Paris. The streets have continuity but each building also has its own individuality. The buildin are at once proud and humane, standing strong in their mutual respect. "From the beginning, I've looked at all architecture as a matter of neighbors, behaves like a well-mannered lady. There is politeness in dty. Good architecture, rather than beating its chest or shouting at

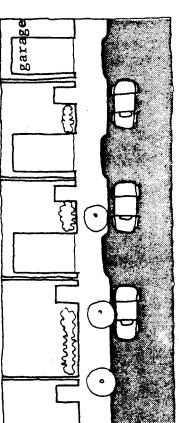
world. We fervently hope that newcomers to the East Slope, as part of a great city, will be architecturally polite so that we, the old and the new, Certainly San Francisco is considered one of the great cities of the stand strong in our mutual respect.

Double car entry: no full on-street curb space-street parking eliminated. entry: space for one car on street in front of each 25-0" lot-street

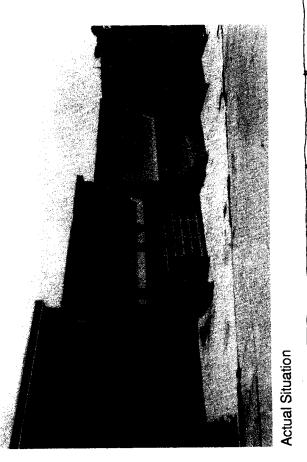
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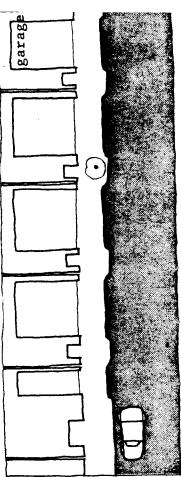


Situation



heme





Plan of scheme

# LANDSCAPING · FRONT YARD SETBACKS · STREET TREES

residential areas is one of the most important factors in providing an It is recognized that landscaping and the inclusion of street trees in area with intimacy of scale and character.

## LANDSCAPING

built environment, and a reminder of our relationship to the earth. The geometry of building forms. Landscaping can be used as a device for bringing color and texture into the urban scene. More functionally, if properly planned, it can serve to disguise unsightly foundation work Greenery helps to provide privacy without barriers, soft edges in the fantastic geometry of biology combines well with the more rigid

## FRONT YARD SETBACKS

back from the property line, a feeling of openness is maintained and the placed up to the sidewalk on sloped terrain, all sense of the topography Front yard setbacks pave the way towards increased opportunities for landscaping and variety of entry approaches. With structures placed access of light and air to the street is maximized. When a house is of the lot is lost.

## STREET TREES

the sidewalk, are roost. They refle connecting us to enhanced by tree Urban Design Pla 1971.) Street tree (Fundamental Pr "The livability, ar

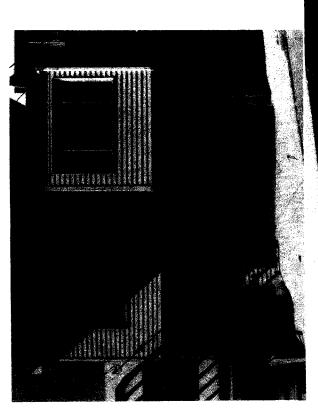


# it Building Setbacks are essential, and must be established by:

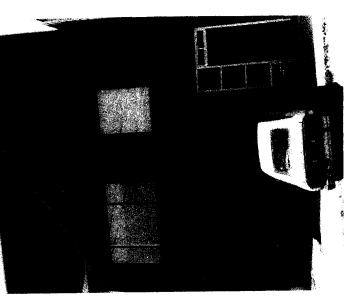
- 1. conforming to existing setbacks on adjacent or near-adjacent houses;
- averaging when lot in question is between two existing structures;
   topographic considerations.



mple of a well-landscaped front yard.



built up to the property Examples of buildings line with little or no provision for front landscaping.



# BUILDING BULK & ARCHITECTURAL MASSING

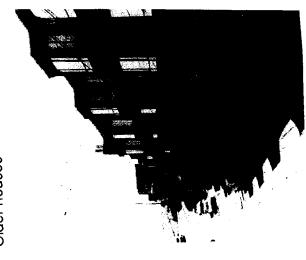
It has been recognized by the City of San Francisco, as well as by the residents of Bernal Heights, that the character of new construction is destined to have a long term effect on the nature of our city and its neighborhoods. The Urban Design Element of the Comprehensive Plan for San Francisco supposedly includes design principles, which provide guidance to potential developers, in order to assure that new development be compatible with the delicate scale and character of the existing houses in hillside residential areas. If planning principles are to be judged by the success of the products, those set forth thus far have failed.

On Bernal Heights there are still many vacant lots, and in the last few years, development pressure has skyrocketed. The new "vernacular form" is the maximum-building-envelope-shoebox. The box presents an image more reminiscent of apartment units than of a house form. It is a solution without a context, which isolates itself from its setting by not acknowledging its neighbors, its views, its orientation towards light and air paths. It is a non-specific plan which developers scatter around the city wherever open lots occur.

When the box first appeared, the dull streetscape that it presented drew a lot of criticism. People called for a form more in keeping with the spirit of San Francisco's architecture. The bays and minuscule balconies which were tacked on have proven to be no more than band-aid solutions. The dressed-up box has not fooled anyone. Its token accoutnements, rather than being a part of the organic whole, are elements that deny the overall integrity of the building.



Older houses



Newer "shoebox" houses

5640/010

SIA Consulting Corp.

1256 Howard Street

SAN FRANCISCO, CA 94103

5639 038

**GROH ZINGESER TRUST** 

**1051 POWHATTAN AVE** 

SAN FRANCISCO, CA 94110

5640 031

MICHAEL V SNEAD TRUST

130 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 033

MARY LOU QUINTO LVG TR

150 CHAPMAN ST

SAN FRANCISCO, CA 94110

5655 001

**BROWN ELIZABETH A** 

2 NEBRASKA ST

SAN FRANCISCO, CA 94110

5655 035

CHANG WILLIAM H & ANITA P

900 POWHATTAN AVE

SAN FRANCISCO, CA 94110

5656 014

BARRON DEBORAH K

1 NEBRASKA ST

SAN FRANCISCO, CA 94110

5639 029

NGIM MITZI H

70 BERNAL HEIGHTS BL

SAN FRANCISCO, CA 94110

5640 030

STEVEN FRITSCH RUDSER LVG TR

120 CHAPMAN ST

SAN FRANCISCO, CA 94110

5640 032

**CUNNINGHAM-MCKNIGHT LVG TR** 

140 CHAPMAN ST

SAN FRANCISCO, CA 94110

5641 010

**CONSOLO MARY** 

**80 ROSENKRANZ ST** 

SAN FRANCISCO, CA 94110

5655 007

PETHERAM COLIN

38 NEBRASKA ST

SAN FRANCISCO, CA 94110

5656 013

**MELISSA A SHAW TR** 

3 NEBRASKA ST

SAN FRANCISCO, CA 94110

5656 014A

RETICKER AMY M

1010 POWHATTAN AVE

## Regarding the Discretionary Review Applications for:

965 Powhattan Street, 985 Powhattan Street, 1025 Powhattan Street, 40 Bernal Heights Boulevard,

I authorize Karteek Patel to act as my agent to file the applications for these properties.

1/25/2010 Date

## DR REQUESTORS' REPLY TO PROJECT SPONSORS RESPONSE TO DISCRETIONARY REVIEW

(Submitted July 13, 2016)

40 Bernal Heights Blvd

965 Powhattan Ave

985 Powhattan Ave

1025 Powhattan Ave

## **Brief Summary of Goals and Objectives of DR Requestors and DR Applications:**

We represent more than 150 concerned neighbors who live in close proximity to the proposed development. We oppose the development project as currently planned because it is not consistent with the Planning Code, Residential Design Guidelines, the Bernal Heights East Slope Building Guidelines and the General Plan. We emphasize that we are <u>not</u> opposed to the development of this single location. We view the development of this space as an opportunity to enlarge our community of friends/neighbors without compromising the unique and special character of the neighborhood. We have made many attempts to communicate and collaborate with the developer/project sponsor. In each case, the project sponsor has proven unwilling to consider changes and has made threats to fence the property, remove trees, and build even larger structures. Most recently, the project sponsor has taken to destroying any and all notices that neighbors post concerning the DR hearing for this development project, thereby interfering with community speech (a legitimate free speech activity). We seek support from the Planning Commission because of these exceptional and extraordinary circumstances and request that they grant this Discretionary Review application.

## Question 1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved?

The Discretionary Review Requestors ("DR Requestors") state that the Project does not meet the BHESG with regard to front yard setback, entrance treatment, side yards, bulk and architectural massing, and façade detailing and materials. Each are addressed below.

## 1. Front Yard Setback.

The DR Requestors request that the Project provide a front yard setback at each building. In particular, they would like the Project to match the front setbacks on the properties to the east at 1051 - 1075 Powhattan Avenue (see Attachment A), stating that these five houses establish the pattern in the neighborhood. However, looking beyond these five buildings shows that the majority of the buildings do not

have a front setback. The properties directly across the street from the Property on the south side of Powhattan Avenue all front different streets with the sides of the buildings fronting Powhattan Avenue. This pattern continues along the southern side of Powhattan Avenue from Gates to Bradford Streets – only one house out of fourteen has a front setback along Powhattan Avenue. Further, 1101 and 1105 Powhattan Avenue, located on the north side of Powhattan Avenue to the east of 1051 – 1075 Powhattan Avenue do not feature front setbacks. Only the five houses cited by the DR Requestor contain front setbacks, and these buildings will be separated by a 40-foot wide public right-of-way, breaking up any continuity that this 'pattern' may create.

Front setbacks are also not a regular feature along this portion of Bernal Heights Boulevard. The homes are built along the sidewalk or are located on corners of streets, giving the appearance of a front setback when in fact they do not have one (see Attachment A). The five buildings to the east of the Property at 70 – 94 Bernal Heights Boulevard are directly behind those cited by the DR Requestors at 1051 – 1075 Powhattan Avenue (and were likely constructed by the same builder in 1959 and 1960) and do not have a front setback; rather, due to their location on a curved portion of Bernal Heights Boulevard, they have small driveway 'aprons' to allow vehicle access. 40 Bernal Heights Boulevard matches this pattern.

The BHESG state that when structures are placed back from the property line "a feeling of openness is maintained and access of light and air to the street is maximized." They go on to state that when a building is at the property line "all sense of topography is lost." Looking at the Property and surrounding built area it is clear that the topography is evident – houses are grouped together with open space between building developments. The Project will continue this pattern, grouping the four buildings together and leaving open areas at the corner of Bernal Heights Boulevard/Powhattan Avenue and through the creation of the public right-of-way at Carver Street. There are also large expanses of open areas, including a public right-of-way directly across the street from the Property on the north side of Bernal Heights Boulevard. The intersection of Nevada, Powhattan Avenue, and Bernal Heights Boulevard is wide and contains corners with landscaping. The Project will maintain this condition. In addition, the Project is building a 40-foot wide terraced public right-of-way along Carver Street, which will break up the building pattern in the area and matches the conditions further to the east on Powhattan Avenue, where there is another large unimproved street in between housing developments. As mentioned above, the street pattern, which is based on the topography of the hill, creates large corner expanses where streets intersect, further enhancing the openness in the neighborhood (see Chapman Street and Bernal Heights Boulevard across from the Property in Attachment A). However, these are not front setbacks. Front setbacks are not a prevailing pattern in the neighborhood, yet light and air is still maximized. The Project is consistent with the pattern of development in the neighborhood

and achieves the goals stated in the BHESG. As such, additional front setbacks should not be required for the Project.

## **DR Requesters' Reply:**

Front-yard setbacks are recognized as "paving the way toward increased opportunities for landscaping and variety of entry approaches." (See BHESBG, page 6). Moreover, when a house is placed up to the sidewalk on a sloped terrain such as in the proposed development, the BHESBG recognizes that "all sense of topography on the lot is lost." (See BHESBG, page 6). In addition, front-yard setbacks in this particular case will increase public safety by giving drivers an opportunity to check for pedestrians on the ONLY sidewalk on Powhattan Avenue and an opportunity to check for traffic before entering the street. For these reasons, front-yard setbacks are necessary in this proposed development.

Front-yard setbacks are required by Planning Code when buildings adjacent to the subject property have front setbacks (Section 132, Planning Code). An "[a]djacent building" is defined as a building on a lot adjoining the subject lot along a side lot line or where the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot for a distance of 50 feet or less parallel to the street or alley." (Section 242(d)(1) Planning Code). While the literal definition of an "adjacent building" may not include the instant situation (although this point is not entirely clear), the spirit of the Planning Code should include the scenario where the subject property is separated from the lot containing the nearest building by an unimproved street for a distance of 50 feet or less. In the present case, 1051 Powhattan Avenue is in fact less than 40 feet from the proposed development separated by an undeveloped lot (unimproved Carver Street), and this home should be considered an adjacent building. Given that 1051 Powhattan Avenue, as well as the other four homes (1057-1075 Powhattan Avenue), have front-yard setbacks of approximately 25 feet, a similar front-yard setback should be required in this proposed development.

In an effort to support the current development's lack of front-yard setbacks, the project sponsor tries to "look beyond" the most proximal (and most relevant) houses on Powhattan Avenue; however, the analysis is flawed for the following reasons:

1) Nineteen (19) homes exist having an entrance on Powhattan Avenue (and a Powhattan Avenue address) between the 600 and 1200 blocks of Powhattan Avenue. <u>Fifteen (15)</u> out of the nineteen homes <u>have front-yard setbacks</u>. Only 4 out of 19 of the homes (including 1101 and 1105 Powhattan Avenue identified by the project sponsor) lack front-yard setbacks. Clearly the pattern on Powhattan Avenue is to include front-yard setbacks.

- 2) Twenty (20) homes exist that abut Powhattan Avenue (but have entrances and addresses on other streets). Eleven (11) of these homes include a significant side yard such that the homes are positioned 20+ feet away from Powhattan Avenue, while nine (9) of these homes do not have a significant side yard. Clearly, the predominant pattern on Powhattan Avenue is to set the homes back from Powhattan Avenue.
- 3) While it may be true that other buildings abutting the southern side Powhattan Avenue (but having entrances and addresses on other streets), typically do not have significant side yards, the houses on the <u>northern</u> side of Powhattan Avenue (<u>like the proposed development</u>) have significant side yards such that the homes are setback from Powhattan Avenue at distances greater than 25 feet.
- 4) The project sponsor supports the lack of front-yard setbacks by pointing to the houses on Bernal Heights Boulevard. However, the BHESBG were created and adopted in response to these very "maximum-building-envelope-shoebox" homes of the '70s and '80s located on Bernal Heights Boulevard. It is completely inappropriate for the project sponsor to now rely on these homes to support the proposed development and ignore the guidelines clearly set forth in the BHESBG.
- 5) Even the homes cited by the project sponsor as lacking front-yard setbacks (i.e., 1101 and 1105 Powhattan Avenue) have a greater distance between the houses and curb than the proposed development. The proposed development directly abuts the sidewalk on Powhattan Avenue which is a mere 4.5-5.5 feet from the curb.

Based on the above, it is clear that the proposed development is NOT consistent with the pattern of development in the neighborhood and absolutely does NOT achieve the goals stated in the BHESG. As such, DR Requestor maintains that front-yard setbacks are essential and should be required for the proposed development.

## 2. Entrance Treatment.

The DR Requestors believe that the treatment of the entrances to the four buildings create "hole-in-the-wall doorways" and are not "a celebration"; rather, they are merely front doors. The examples of similar entrances provided in the BHESG show doorways that are voids or 'cut outs' on a larger façade. The Project does not match these examples. Each entrance has been individually designed and are not simple 'cut outs' of a façade. All entrance areas are setback from the street with landscaping and/or planters, and the entrances themselves have double-doors and/or sidelights and transoms. The design of the entrance area is

incorporated into the design of the remainder of the building, through setbacks and fenestration pattern.

The BHESG wants the entry of a house to be "something special," a "transition between the street and the doorway," and that there is "special treatment [given] of the framing of the opening itself." Reviewing the Project, it is clear that each entrance has been thoughtfully designed and is distinct from the remainder of the building. Further, the setbacks, landscaping, and details of each entrance creates a distinct transition from the street and doorway. The examples provided in the BHESG show entrances on the second floors, covered porches, and decorative railings. All are on older building types and do not have setbacks or landscaping. There is no context provided for new design. We believe that the Project meets the BHESG and are not 'voids' but well-designed features that are incorporated into the overall design of each building.

## **DR Requesters' Reply:**

As noted in our comments above, setbacks play a key role in entrance treatments of many nearby structures on Powhattan and Nebraska Street. In addition to conforming to planning guidelines and improving safety for pedestrians and drivers, adding setbacks for the proposed Powhattan houses would enable entrance treatments that incorporate front yards, trees, landscaping, and open space, conforming to the unique character of the neighborhood. Entrances currently proposed for these houses do not alleviate the massive-wall effect these houses would generate along Powhattan.

It should also be noted that the lower heights of existing homes on adjacent streets lend themselves to thoughtful entrance treatments that blend in with the neighborhood. Our hope is that any new houses would do the same. However, our main concern with the proposed structures remains the fact that, individually and as a collection of four, they are excessively large in mass and scale and out of character with the area.

## 3. Side Yards.

The DR Requestors would like the Project to incorporate side yards to further break up the bulk of each building. The project was redesigned to accommodate this request and feature side yards. 985 Powhattan Avenue (the middle building) is separated from its neighbors with two three-foot wide side yards. Further, the entire site is surrounded by open space – 965 Powhattan Avenue abuts the 'prow' at the corner of Bernal Heights Boulevard/Powhattan Avenue. 1025 Powhattan Avenue and 40 Bernal Heights Boulevard face Carver Street, a 40-foot wide public right-of-way and are separated by 30 foot rear yards of each property. It is clear that the Project has sufficient side yards and other open space to meet the goals of the

BHESG.

## **DR Requesters' Reply**:

While it is true that the project sponsor incorporated three-foot sideyards in response to issues raised by the East Slope Design Review Board, the rule set forth in the Bernal Heights East Slope Building Guidelines clearly states that a four-foot wide sideyard is required (See BHESBG, page 19). The DR Requestors maintain that the proposed development should comply with the BHESBG and include at a minimum, four- foot wide sideyards.

## 4. Bulk and Massing.

The DR Requestors ask that each building be redesigned so that they do not resemble "shoebox homes" and conform with the scale of the neighborhood. The BHESG acknowledges that massing is " [a problem] of relating a building to its topography." An analysis of the site and placement of each building shows that the Project meets the goals in the BHESG and adheres to the topography of the site and neighborhood. Instead of locating the buildings along Bernal Heights Boulevard, where they would be on down-sloping lots and have heights that are incompatible with the neighborhood, three of the four buildings are located on Powhattan Avenue on the downhill side of the site. This is more in keeping with the building pattern of the block while allowing the buildings to be built into the hillside, thereby minimizing the height along Bernal Heights Boulevard. It also minimizes the bulk of the buildings when standing at the corner of Bernal Heights Boulevard, Powhattan Avenue, and Nevada Street – the street pattern is consistent along Powhattan Avenue and there is a sense of openness along Bernal Heights Boulevard. Lastly, 1025 Powhattan Avenue and 40 Bernal Heights Boulevard are located along the Carver Street and feature terraced rear yards that abut the street. These rear yards break up the massing and create additional open space for this public right-of-way.

The Project further respects scale of the neighborhood through breaking up the massing of each building into articulated architectural pieces which reduces the solid plane of the facades. The DR Requestors would like the "massive wall" along Powhattan Avenue to be broken up. They fail to see that each building has entrances which are setback from the street, breaking up the massing. In addition, each building has been individually designed and incorporates bay windows, projecting balconies, and architectural features specifically designed to break up the façade. These features achieve the goals of the BHESG.

The DR Requestors would like the buildings to have setbacks or feature different roof patterns, thus matching the older homes in Bernal Heights. Looking at the building typology in the neighborhood, there are

few homes that feature the bulk and massing that the DR Requestors are seeking (see Attachment A). The majority of homes in the neighborhood were constructed in the early to mid-nineteenth century and do not have setbacks at the rear of the buildings – most are rectangular in form with flat roofs. There are many buildings with gable roofs, but they are scattered throughout the neighborhood and concentrated north of the Property, up the hill on Nevada Street. The Project has been designed in a simple contemporary style, deliberately choosing not to mimic or create a 'false historicism' though adding roof forms that do not relate to the neighborhood. Instead, each building has been placed on the site to minimize its bulk and height, thus reducing its impact to the neighborhood.

In sum, the Project has been designed to take into account the neighborhoods scale and massing and conform to the principles in the BHESG.

## **DR Requesters' Reply:**

At three stories and approximately 3,000 square feet of total buildable space each (counting ground floor), the three homes proposed for Powhattan Street will tower over their neighbors on Nevada and Nebraska Streets. The DR Requestors' concern is that, to anyone experiencing them from Powhattan — in any direction but particularly approaching Powhattan from Nebraska (where Nebraska St. crests) — these three houses, together, will create a massive, three-story wall without the visual relief of open space, with the look and feel of a veritable fortress (See Exhibit 6 in DR Application). The addition of roof decks\* — not found on nearby homes and out of character with the neighborhood — simply exacerbates this effect.

\*It should be noted that our comments did not address "roof patterns" as stated by the project sponsor. However roof decks are clearly out of character for an area in which many homes are 100 years old.

The project sponsor claims there is "no context provided for new design." However, the Bernal Heights neighborhood has numerous examples of thoughtful modern homes. This statement by the project sponsor demonstrates his reluctance to invest time and resources in creating a harmonious new development.

## 5. <u>Façade Detailing and Materials.</u>

The DR Requestors would like the Project to be redesigned so that it creates 'more diversity' in the neighborhood. Under the "Façade Elements" chapter, the BHESG state:

"Bays, light wells, dormers, side yards, terraces, decks, entry porches, and the like, serve to break up the massing of the structure. They give the planar surfaces a three-dimensionality and diminish the likelihood of

monolithic box forms."

The Project has been designed to meet the BHESG. The buildings are not in a mock-historic style, something the BHESG specifically acknowledges as undesirable, yet incorporates elements identified above – all in a contemporary design vocabulary. The result are four buildings, each individually designed, but that share common elements and materials, unifying them as one development. The Project clearly resembles design principles of today while respecting the pattern of design in the neighborhood. There are many other grouping of homes in the neighborhood that are also of their period, be it the 1920's, 1940's, or 1960's. The BHESG go on to say that that "in tackling the design of new buildings ... owners and buildings will be able to interpret the spirit of these guidelines, which define the area's charm in new and interesting ways." We believe that the Project does just this – interprets the guidelines in a way that respects the built pattern and design of the diverse neighborhood.

In sum, the Project meets the standards of both the Residential Design Guidelines and the Bernal Heights East Slope Guidelines.

## **DR Requesters' Reply**:

The BHESBG were created by concerned neighbors like the DR Requestors and were ultimately accepted by the SF Planning Commission in an effort encourage builders to design homes in such a way as to preserve and enhance the qualities inherent to the unique and special neighborhood. In fact, it was the "maximum-building-envelope-shoebox" homes of the '70s and '80s that were recognized by the BHESBG as being inconsistent and at odds with the smaller scale existing structures of the neighborhood. As a result, the BHESBG were generated with the intent to encourage inventive diversity and to ensure, as much as possible, the continued existence of the East Slope's unique character.

The proposed development is in fact a modernized version of the shoebox homes that the BHESBG recognized as inconsistent with the neighborhood. The project sponsor suggests that the four buildings in the proposed development project are "each individually designed" and "share common elements and materials, unifying them as one development." However, as recognized by the East Slope Design Review Board, the homes are <u>not</u> individually designed and, as planned, the three houses along Powhattan, in particular, will create the look and feel of a massive wall that stands out as anything but "diverse." DR Requestors maintain that any development project should include mixed visual character so that the homes contribute positively to the existing visual context of the neighborhood as opposed to creating the look and feel of a massive wall as depicted in Exhibit 6 of DR application.

Question 2. 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 and indicate whether they were made before or after filing your application with the City.

The project sponsor has already incorporated a number of project modifications over the course of Planning Department staff review and three meetings with the East Slope Design Review Board. These have included:

- Originally the homes were all attached. They have since been separated to reflect the existing, detached, single family home character of the surrounding area.
- The building heights have been reduced as follows:

o 40 Bernal Heights Blvd: 8'-3"

o 965 Powhattan Ave: 2'-11"

o 985 Powhattan Ave: 2'-5"

o 1025 Powhattan Ave: 2'-8"

- The building's finish materials and facades have been modified to make them more distinguishable from each other.
- The project sponsor has agreed to a major landscaping plan for adjacent Carver Street, currently an
  unimproved paper street. In addition to significant new plantings, a public walkway will be
  constructed connecting Bernal Heights Blvd and Powhattan Ave.

## **DR Requesters' Reply:**

Although the project sponsor has met with the East Slope Design Review Board (ESDRB) on three occasions, to date, the ESDRB has <u>NOT</u> approved the proposed development project. In fact, most, if not all, of the issues raised in the present DR application have been raised by the ESDRB and have been ignored by the project sponsor.

In addition, the modifications to which the project sponsor refers to do not address neighborhood concerns about the mass and scale of this proposed project. For example:

Modest detachments between the three Powhattan houses will not alleviate the
massive-wall/fortress-effect created by three contiguous three-story, 3,000-square-foot, roof-decked
structures.

- Building height reductions of between 2'5" and 2'11" for the Powhattan houses will not alleviate the massive-wall/fortress-effect created by three contiguous three-story, 3,000-square-foot, roof-decked structures.
- Minor modifications in finish materials will not alleviate the massive-wall/fortress-effect created by three contiguous three-story, 3,000-square-foot, roof-decked structures along Powhattan and a fourth similarly outsized house on Bernal Heights Drive.
- Landscaping and public walkway proposed for adjacent Carver Street were not requested by neighbors. In addition:
  - complete plans for proposed landscaping and walkway have not been provided by the project sponsor, so they cannot be thoroughly evaluated by neighbors;
  - the developer has not addressed issues of long-term maintenance, safety, and accessibility for these aspects of the project, nor made any provisions to ensure that landscaping will not be removed or walkway/staircase will not be blocked from public access by future homeowners; and
  - the addition of landscaping and walkway will not alleviate the massive-wall/fortress-effect created by three contiguous three-story, 3,000-square-foot, roof-decked structures along Powhattan and a fourth similarly outsized house on Bernal Heights Drive.

Question 3. 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. Include an explanation of your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

The discussion in question 1 above addresses how the project is consistent with the applicable guidelines and therefore does not adversely impact surrounding properties. The goal of the project is to provide four family-sized dwelling units. Two of the buildings have 3BR and two have 4BR. They achieve this with efficient sized homes ranging from 2,000 to 2,200 square feet in habitable area. The bedroom and other living areas are modest in size and any further significant reduction in massing will eliminate some of these bedrooms.

## **DR Requesters' Reply**:

Describing the four proposed houses as family-sized dwellings with 2,000-2,200 square feet of habitable area mischaracterizes them and their impact on neighborhood character. As proposed by the project sponsor, this high-profile corner of south-slope Bernal Heights will be transformed from sloping open space into a densely built triangle with three three-story, contiguous homes along Powhattan and a fourth three-story home on Bernal Height Drive, each home consisting of approximately 3,000-3200 total square

feet. Garages — which can be converted all or in part into additional living space — and roof decks contribute as much as 1,000 square feet of space to each footprint, in a neighborhood where the majority of surrounding homes have in the vicinity of 1,000 square feet of habitable area each.