BOARD OF APPEALS

Date Filed:

BOARD OF APPEALS

JUL 08 2019

APPEAL # 19-047

City & County of San Francisco

REHEARING REQUEST

1598 Bay Condominium Association, **Appellant** seeks a rehearing of **Appeal No. 19-047**, which was decided on **June 26, 2019**. This request for rehearing will be considered by the Board of Appeals on Wednesday, **July 31, 2019**, at 5:00 p.m. in City Hall, Room 416, One Dr. Carlton B. Goodlett Place.

Pursuant to Article V, § 9 of the Rules of the Board of Appeals, the **response** to the written request for rehearing must be submitted by the opposing party and/or Department no later than **10 days from the date of filing, on or before July 18, 2019** and must not exceed six (6) double-spaced pages in length, with unlimited exhibits. Eleven (11) copies shall be submitted to the Board office with additional copies delivered to the opposing parties on the same day.

You or your representative **MUST** be present at the hearing. It is the general practice of the Board that only up to three minutes of testimony from each side will be allowed. Except in extraordinary cases, and to prevent manifest injustice, the Board may grant a Rehearing Request only upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if known at the time, could have affected the outcome of the original hearing.

Based on the evidence and testimony submitted, the Board will make a decision to either grant or deny your request. Four votes are necessary to grant a rehearing. If your request is denied, a rehearing will not be scheduled and the decision of the Board will become final. If your request is granted, a rehearing will be scheduled, the original decision of the Board will be set aside, and after the rehearing, a second decision will be made. Only one request for rehearing and one rehearing are permitted under the Rules of the Board.

Agent:

Signature: Rasul Grayson

Print Name: Rasul Grayson

1598 BAY CONDOMINIUM ASSOCIATION
1598 Bay Street
San Francisco, CA 94123

July 8, 2019

BOARD OF APPEALS
JUL 08 2019
APPEAL # RR 19-047

VIA HAND DELIVERY

Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

Re: **Appeal No. 19-047, 3620 Buchanan Street**

Dear President Swig and Members of the Board of Appeals:

Pursuant to the Rules of the Board of Appeals Section V.9(b), 1598 Bay Condominium Association ("1598 Bay") respectfully requests a rehearing of Appeal No. 19-047 (the "Appeal"), related to 3620 Buchanan Street's Rear Yard Modification Decision, Case No. 2016-010079CUA/VAR, issued by the Zoning Administrator on April 23, 2019 (the "Decision"). The Board may grant a rehearing in "extraordinary cases, and to prevent manifest injustice . . . upon a showing that new or different material facts or circumstances have arisen, where such facts or circumstances, if known at the time, could have affected the outcome of the original hearing." (Rules of the Board of Appeals Section V.9(b)).

On June 26, 2019, the Board of Appeals heard the Appeal, denied the Appeal, and upheld the Decision (the "Hearing"). Despite Appellant's constant requests for information as to how a new residential building at 3620 Buchanan Street could be built in the required rear yard of the Merryvale Antiques Building, the Zoning Administrator completely disregarded this question at the Hearing. Neither the Planning Department nor the Zoning Administrator nor the Board of Appeals has ever answered 1598 Bay's questions about the dimensions and location of the required rear yard for the entire subject lot or how the Project could be constructed within the required rear yard of the Merryvale Antiques Building. Two buildings are currently on the

subject lot. No subdivision of the subject lot has been processed. The Decision itself completely ignores this issue.

Furthermore, the three findings for a rear yard modification still cannot be met pursuant to Planning Code Section 134(e)(1). 3620 Buchanan Street will significantly impede the access of light and air and views from the homes in the 1598 Bay building by effectively eliminating all of the residents' views and replacing the views with a 40' tall dark wall built on the shared property line, while also creating a dark canyon blocking access to light and air.

The Board of Appeals has applied the law in a clearly erroneous manner which has resulted in manifest injustice to 1598 Bay. We respectfully request that a rehearing of the Appeal be granted.

Sincerely,

Carolyn Lee on behalf of 1598 Bay

1598 Bay Condominium Association

BRIEF(S) SUBMITTED BY DETERMINATION HOLDER(S)

FILE
BOARD OF APPEALS
JUL 18 2019
APPEAL #R.R. 19-047

REUBEN, JUNIUS & ROSE, LLP

July 18, 2019

Delivered via E-mail and Hand Delivery

President Rick Swig
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

Re: 3620 Buchanan Street
Block/Lot: 0459/003
Brief in Opposition to Rehearing Request for Appeal of Rear Yard Modification
Appeal Number: 19-047
BOA Hearing Date: August 7, 2019
Our File No.: 10529.01

Dear President Swig and Commissioners:

This office represents Tusker Corporation, the Manager of 3620 Buchanan Street (the "**Property**"), in connection with its proposal to demolish an existing single-story building and construct a new four-story residential building with eight dwelling units (the "**Project**"). The Project shares a large parcel with Landmark #58, San Francisco Gas Light Company's historic North Beach Station (the "**Gas Light Building**"). The Project provides new housing, activates the street, and opens up views of the Gas Light Building.

I. Procedural History

The Project has received abundant scrutiny from numerous City Departments, Boards, and Commissions, including the Planning Department, Architectural Review Committee of the Historic Preservation Commission, full Historic Preservation Commission, Planning

Commission, Zoning Administrator, Board of Supervisors, and this Board. The rear yard modification challenged here was approved by the Zoning Administrator with the required findings under Planning Code § 134(e)(1) (**Exhibit A**) and was unanimously upheld by this Board on June 26, 2019. Appellant now requests a rehearing of this Board's prior decision without alleging any new facts or circumstances for the Board to consider.

Moreover, 1598 Bay was only recently constructed with the very same rear yard modification challenged here, as well as additional variances. As was presented at the June 26 hearing, Appellant opposes the Project despite the fact that 1598 Bay itself created the site conditions it now complains about.

II. Project Description

The Project proposes to demolish the existing, non-historic single-story building on the site and construct a new four-story residential building with eight dwelling units. The Project proposes one accessible parking space, eight Class 1 bicycle parking spaces, and four Class 2 bicycle parking spaces. The Project would maintain most of the existing non-historic garden as open space between the new building and the Gas Light Building, preserving the garden for future use by both buildings and as green space for the neighborhood. The Project enhances the pedestrian experience of the Gas Light Building by partially opening up the existing non-historic garden wall to provide a view of the Gas Light Building from the sidewalk and street, while allowing the garden wall to remain as a prominent site feature, emphasizing the character of the total composition. The view is further benefitted by the stepped massing of the proposed building and the compatible materials, which lends a distinct but unified sense between the Gas Light Building and new residential building. Plans are attached here as **Exhibit B**.

The proposed building is highly appropriate for the context of the site and allows the addition of much needed dwelling units, while leaving the historic Gas Light Building untouched. The Project has gone through multiple rounds of design review, each time becoming more contextual for the site. Changes include pulling the west elevation back to be subordinate to the Gas Light Building, creating compatibility and texture in materials, adding window surrounds and brickwork, and defining the entryway.

III. Appellant's Request for a Rehearing Alleges no Manifest Injustice or New Material Facts

A rehearing request is only to be granted in extraordinary cases to prevent manifest injustice, or where new or different facts or circumstances have arisen that if known at the time of the original hearing could have affected the outcome of the hearing.

Appellant does not point to any "manifest injustice" or attempt to describe new or different material facts or circumstances in its request for a rehearing. Instead, Appellant states, as in its original appeal that there are "unanswered questions" with regards to the rear yard modification. The matter of the rear yard modification has been fully explored during the long history of this Project and the Zoning Administrator's findings approving the rear yard modification, very briefly summarized below.

The first criterion is that the project be residential and provide comparable open space to a Code-complaint rear yard. Here, the Project is residential, and the Project will maintain and improve a large open space courtyard directly adjacent to the Project to provide open space preferable to a narrow rear yard tucked at the back of the property.

The second criterion is that the project does not impede air or light access of adjacent properties. Here, 1598 Bay retains access to light and air, and the Project is consistent with the neighboring pattern of development. Moreover, the existing site conditions were created by 1598 Bay itself.

The third and final criterion is that the project will not adversely affect the interior block open space. Here, due to the block's industrial history, there is no well-defined interior block pattern nor midblock open space. There are two adjacent industrial buildings, and an adjacent residential building whose rear yard abuts the street. Therefore, the Project does not adversely affect the midblock open space.

The Board properly upheld these findings on June 26, 2019. Appellant does not allege *any* new facts or circumstances that could have materially affected the outcome of the Board of Appeals' decision, fails to supply the required names of witnesses or description of supporting documents supporting new facts, and fails to explain why such information was not introduced at the original hearing. It therefore entirely fails to meet the standard for the Board to reverse its earlier decision.

IV. Conclusion

The Project proposes to add well-designed housing to an underutilized area of a large lot, while deferring to and celebrating the adjacent Gas Light Building. Appellant identifies no issue that would support overturning either the Rear Yard Modification Decision or the Board's unanimous decision to uphold the Project after a full hearing. Therefore, we respectfully request that you deny Appellant's Request for Rehearing.

REUBEN, JUNIUS & ROSE, LLP

Jody Knight

Enclosures:

Exhibit A: Rear Yard Modification Decision
Exhibit B: Project Plans

cc: Darryl Honda, Commissioner
Ann Lazarus, Commissioner
Rachael Tanner, Commissioner

Exhibit A

SAN FRANCISCO
PLANNING DEPARTMENT

Rear Yard Modification Decision

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date:	April 23, 2019
Case No.:	**2016-010079VAR**
Project Address:	**3620 BUCHANAN STREET**
Zoning:	NC-2 (Neighborhood Commercial, Small Scale) Zoning District 40-X Height and Bulk District
Block/Lot:	0459/003
Project Sponsor:	Reuben, Junius & Rose, LLP One Bush Street Suite 600 San Francisco, CA 94104
Owner:	Gas Light Building, LLC 3620 Buchanan Street San Francisco, CA 94123
Staff Contact:	Laura Ajello – (415) 575-9142 *laura.ajello@sfgov.org*

DESCRIPTION OF VARIANCE – REAR YARD MODIFICATION SOUGHT:

The project will be located on the same parcel as City Landmark No. 58 and proposes 1) to demolish a non-contributory one-story garden house currently used as office space and a portion of the non-contributory garden patio, and 2) to construct a new 4-story, 8-unit residential building 8 Class 1 bicycle parking spaces, 4 Class 2 bicycle parking spaces, and one vehicle parking space. The portion of the existing garden to remain will be used as open space. The new building will extend to the rear property line. This location was recommended by the Historical Preservation Commission to create an open space at the front of the building to enhance pedestrian views to the landmark building on the same parcel (Certificate of Appropriateness Motion No. 0360).

Planning Code Section 134 requires properties in the NC-2 Zoning District to maintain a rear yard measuring 25 percent of the total lot area (but in no case less than 15 feet) at the lowest level containing a residential unit and at each succeeding level of the building. The proposed rear yard in the area of the L-shaped lot where the new building is proposed is not equal to 25% of the lot area. The Project proposes no rear yard located at the project area of the lot, which measures 49.9 feet deep (the minimum required rear yard is 15 feet). The proposed new building will extend to the rear property line. Therefore, a Rear Yard Modification per Planning Code Section 134(e) is required.

PROCEDURAL BACKGROUND:

1. The Planning Department determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class 32 – In-Fill Development Project) because the project includes in-fill residential development and meets the *Secretary of the Interior's Standards.*

2. The Zoning Administrator held a joint public hearing at the regularly scheduled Planning Commission hearing on **Rear Yard Modification Application No. 2016-010079CUA/VAR** on **January 31, 2019**. At this joint hearing the Planning Commission heard Conditional Use Authorization Case No. 2016-010079CUA and approved the project with conditions per Motion No. 20379.

3. Planning Code Section 311 notification was conducted in conjunction with the Conditional Use Authorization process.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a four-story residential building with eight dwelling units that will extend into the required rear yard on a parcel containing an existing City landmark, subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.

3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.

4. Minor modifications as determined by the Zoning Administrator may be permitted.

5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.

6. This Rear Yard Modification Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

CRITERIA:

Planning Code Section 134(e) states that in order to grant a Rear Yard Modification in a Neighborhood Commercial zoning district, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following three criteria:

CRITERION 1.

Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.

Requirement Met.

A. The site, known as Landmark No. 58, contains two buildings: the two-story S.F. Gas Light Co. building at the north end of the parcel (3636 Buchanan Street) and a one-story garden house at the southern end of the parcel (3620 Buchanan Street). Both buildings are presently used as offices. The one-story garden house and adjacent garden patio are not considered to be contributing features to the overall significance of the landmark site. The project will replace the non-historic one-story building with a residential building. The proposed project is entirely residential in use and proposes to add eight dwelling units on the subject property.

B. The property is an L-shaped corner lot with 118 feet of frontage on North Point Street and 174.7 feet on Buchanan Street. The subject property has a lot depth of approximately 49.9 feet at the area of work, resulting in a required rear yard of 15 feet. The area of the lot to be developed has a width of 105 feet, resulting in a required rear yard area of 1,575 square feet. The project proposes to use approximately half of the landscaped garden area between the two buildings as common usable open space for the residences. This is a comparable amount of at-grade open space that is approximately 1,098 square feet. Additionally, six dwelling units have private decks or patios totaling approximately 477 square feet. This results in a total of approximately 1,575 square feet of usable open space within the project dedicated to the residential use.

CRITERION 2.

The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties.

A. The subject property is unique in that it is a former industrial use that houses a City landmark, which abuts two industrial uses and one residential use. The proposed new building was designed under the direction of the Historical Preservation Commission, which recommended that the building be located at the rear property line. The new building is adjacent to the rear yard of a recently constructed residential building (former gas station site) to the south. As such, the proposed project will be consistent with the existing nearby pattern and will not introduce new significant impediments to light and air for adjacent properties.

B. The height and massing of both buildings was evaluated by the Planning Department's Urban Design Advisory Team (UDAT), which determined the building's design, height, and massing to be generally compatible with the neighborhood context and the immediately adjacent properties.

CRITERION 3.
The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

A. The subject block was developed with industrial uses and does not have a well-defined mid-block open space. The three adjacent lots do not contribute to mid-block open space, two of which are still industrial in use. The remainder of the subject block is dominated by a 241-unit residential complex that also does not contribute to mid-block open space. The proposed structure will not adversely affect the interior block open space formed by the rear yard of adjacent properties.

PRIORITY PLANNING POLICIES
This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

1. Existing neighborhood retail uses will not be adversely affected by the proposed project.

2. The proposed project will be in keeping with the existing housing and neighborhood character.

3. The proposed project will have no effect on the City's supply of affordable housing.

4. The proposed project does not adversely affect neighborhood parking or public transit.

5. The project will have no effect on the City's industrial and service sectors.

6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.

7. The project will have no effect on the City's landmarks or historic buildings. The project received a Certificate of Appropriateness (Motion No. 0360) from the Historic Preservation Commission.

8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government

Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,

Corey A. Teague, AICP
Zoning Administrator

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

Exhibit B

ib+a
architecture

3620 BUCHANAN STREET

PRESENTATION TO SAN FRANCISCO BOARD OF APPEALS

Date of Package: June 26, 2019

Project Sponsor:
Tusker Corporation
3636 Buchanan St.
San Francisco, CA 94123

251 south van ness ave, suite 300 - san francisco, ca 94103 - ian birchall and associates - p: 415.512.9660 - f:415.512.9663 - www.ibadesign.com

SHEET INDEX

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Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	CURRENT PROPOSED DESIGN FOR 3620 BUCHANAN HPC APPRO VED 11/7/18 & PC APPROVED 1/31/19	3620 BUCHANAN SHEET #: 2	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	AERIAL VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN	3620 BUCHANAN SHEET #: 3	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN FROM THE INTERSECTION OF BUCHANAN AND NORTH POINT	3620 BUCHANAN SHEET #: 4	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	VIEW OF PROPOSED DESIGN FROM THE LANDMARK BUILDING TOWARDS 3620 BUCHANAN	3620 BUCHANAN SHEET #: 5	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

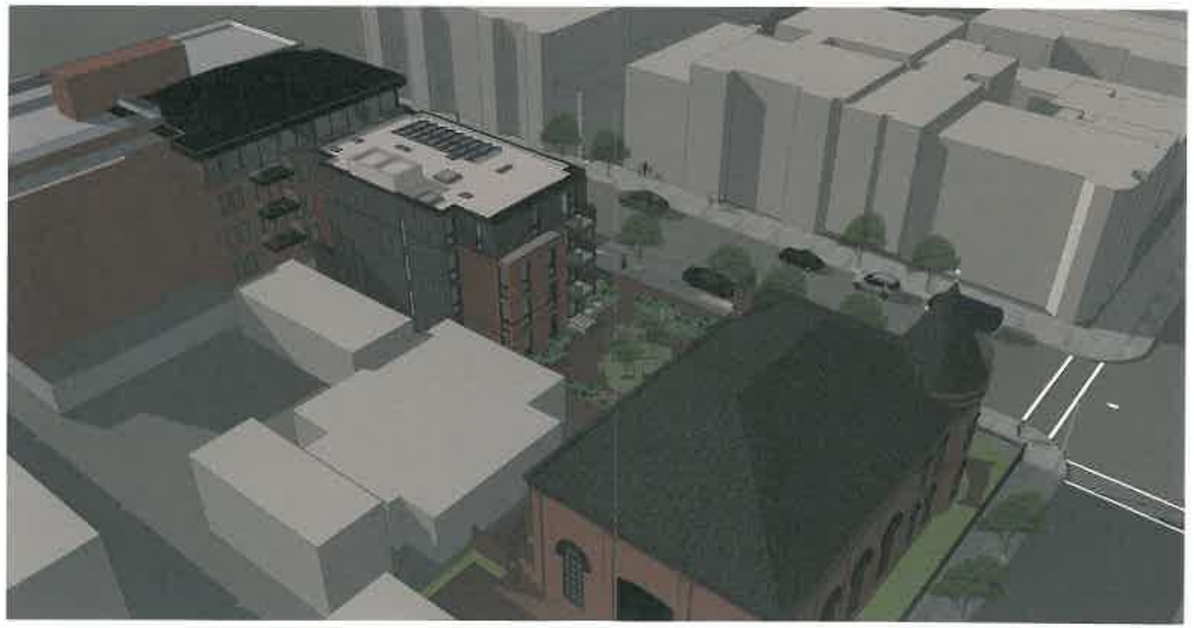
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN	3620 BUCHANAN SHEET #: 6	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	VIEW FROM 3620 BUCHANAN TOWARDS THE LANDMARK BUILDING W/ENTRY DETAIL	3620 BUCHANAN SHEET #: 7	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN

VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN

AERIAL VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN



REAR AERIAL VIEW FROM THE LANDMARK BUILDING

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	VIEWS OF PROPOSED DESIGN FOR 3620 BUCHANAN	3620 BUCHANAN SHEET #: 8	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

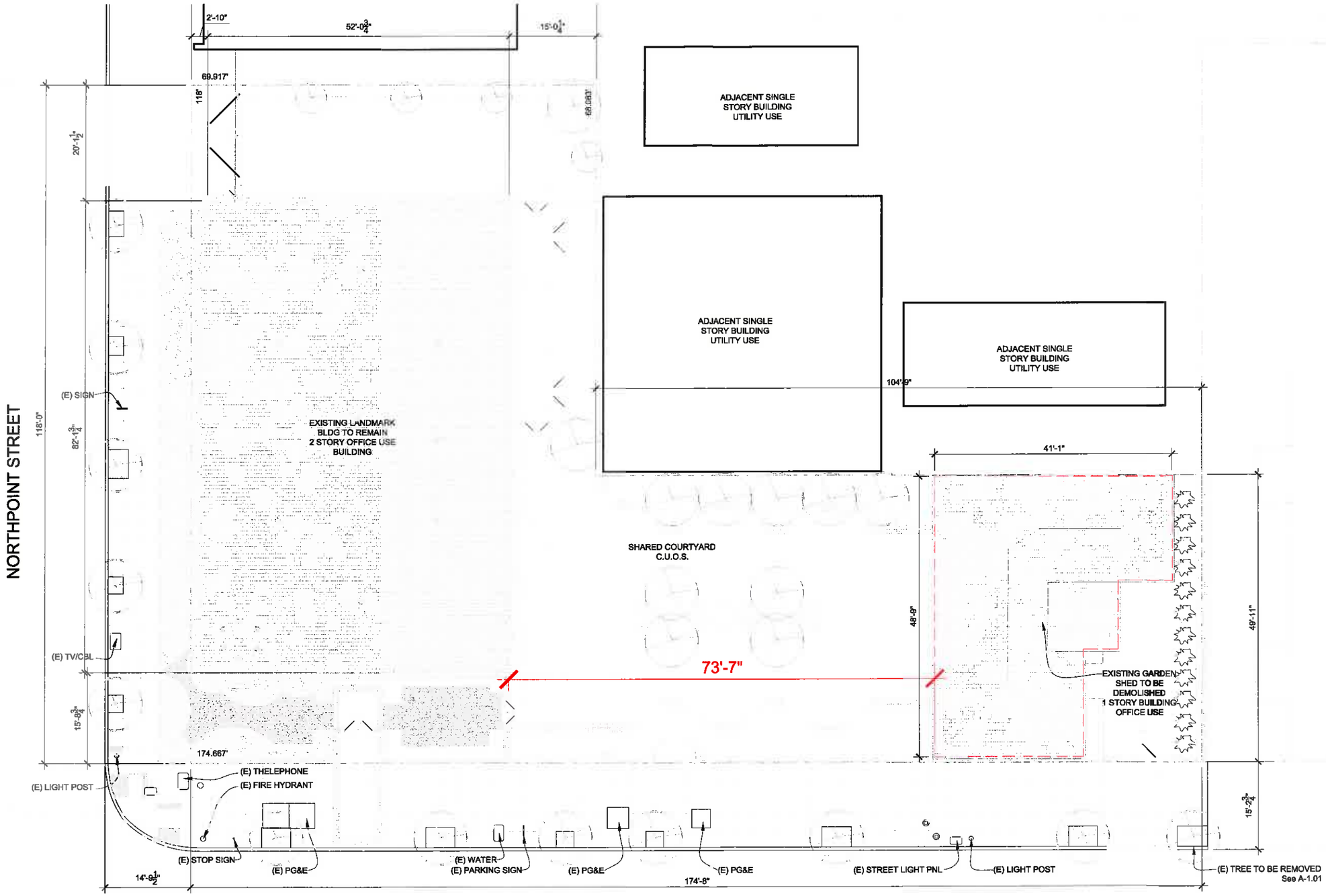
REAR AERIAL VIEW FROM ABOVE 1550 BAY

REAR AERIAL VIEW FROM ABOVE 1598 BAY

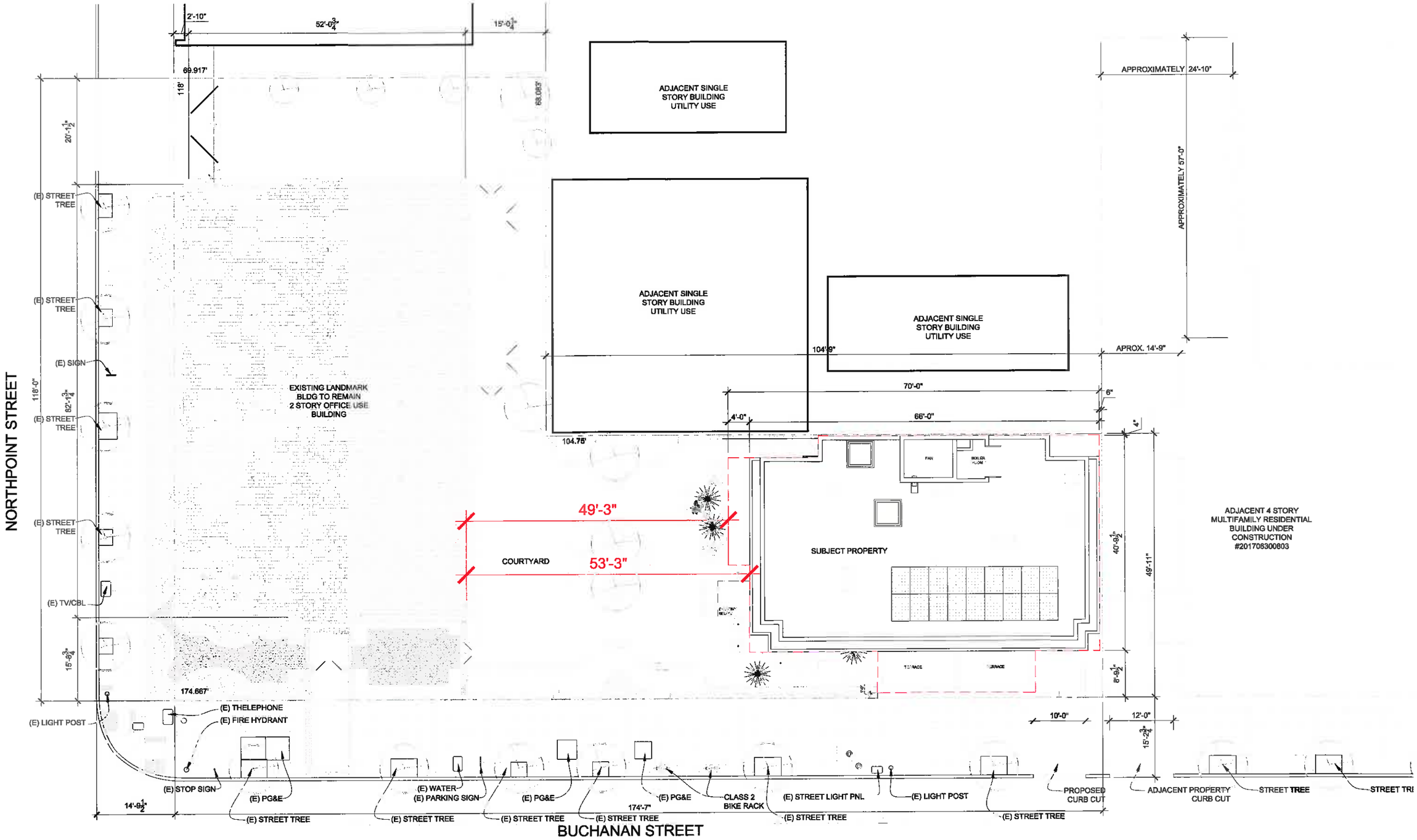
REAR VIEW FROM ABOVE 1550 BAY

REAR AERIAL VIEW FROM ABOVE THE LANDMARK BUILDING

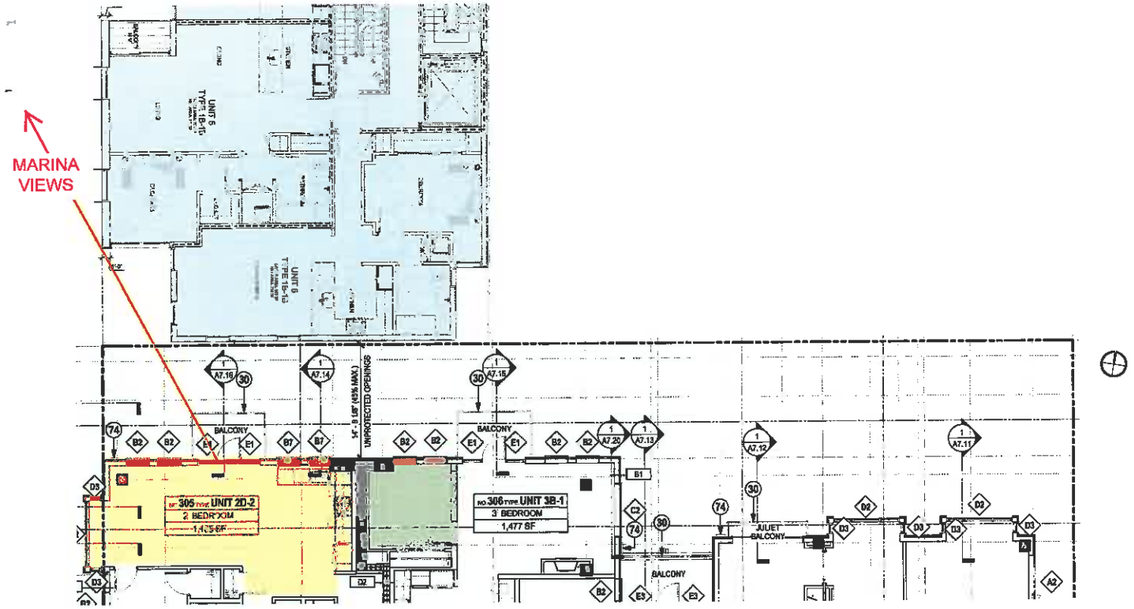
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	REAR VIEWS OF 3620 BUCHANAN	3620 BUCHANAN SHEET #: 9	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



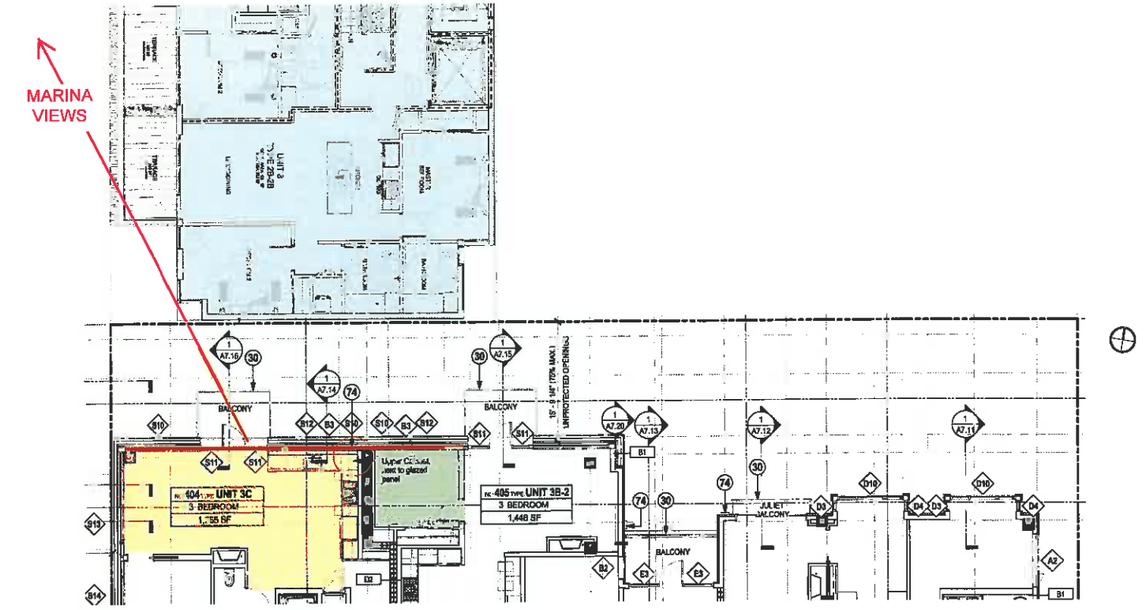
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	EXISTING SITE PLAN	3620 BUCHANAN SHEET #: 10	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



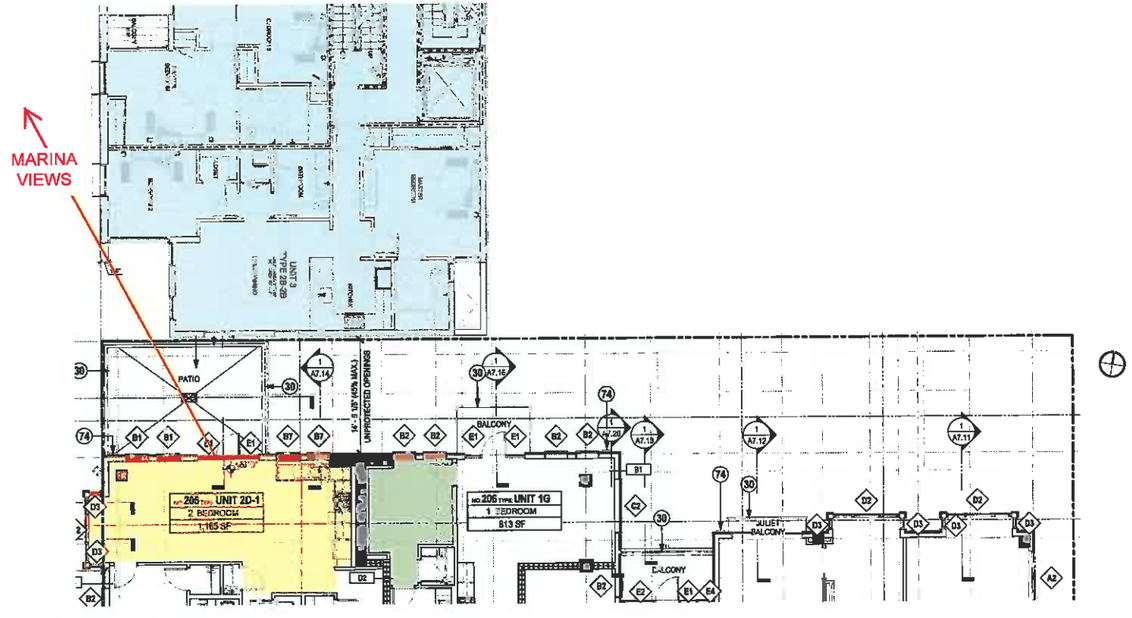
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED SITE PLAN	3620 BUCHANAN SHEET #: 11	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



P3 PLAN - SUBJECT PROPERTY & ADJACENT PROPTERTY (1598 BAY ST)



P4 PLAN - SUBJECT PROPERTY & ADJACENT PROPTERTY (1598 BAY ST)



P2 PLAN - SUBJECT PROPERTY & ADJACENT PROPTERTY (1598 BAY ST)

LEGEND

- SUBJECT PROPERTY (3620 BUCHANAN ST)
- LIVING ROOMS AT ADJACENT PROPERTY (1598 BAY ST) FACING SUBJECT PROPERTY = 3
- BEDROOMS AT ADJACENT PROPERTY (1598 BAY ST) FACING SUBJECT PROPERTY = 3
- WINDOWS AT ADJACENT PROPERTY (1598 BAY ST) FACING SUBJECT PROPERTY

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	FLOOR PLANS AT SUBJECT & ADJACENT PROPERTY: 1598 BAY ST.	3620 BUCHANAN SHEET #: 13	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

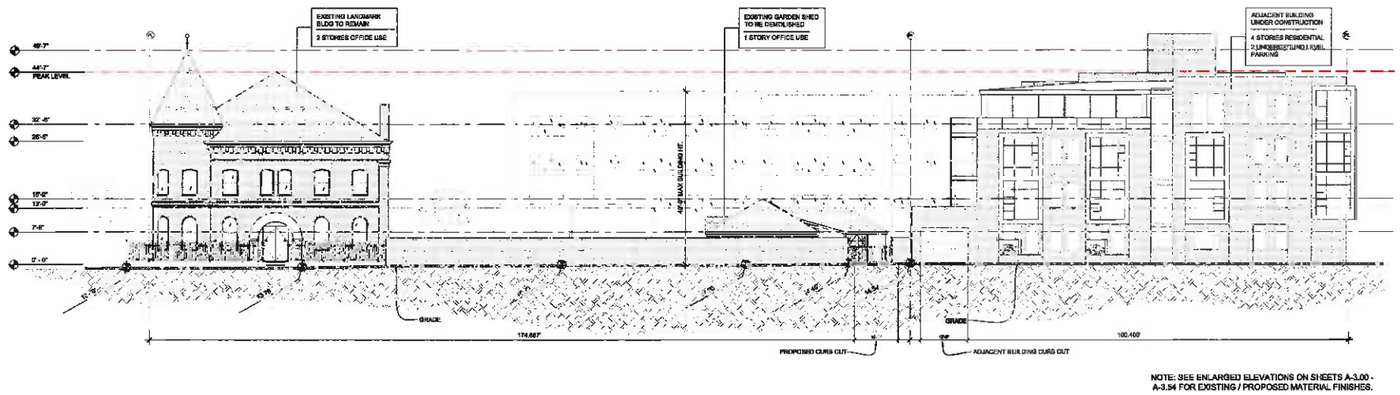
BUCHANAN ST. + NORTH POINT ST. - ADJACENT EXISTING BUILDING ON SHARED PARCEL

BUCHANAN ST. - EXISTING PROPERTY

BUCHANAN ST. + BAY ST. - ADJACENT PROPERTY

BUCHANAN ST. - ADJACENT PROPERTIES (ACROSS FROM 3620 BUCHANAN)

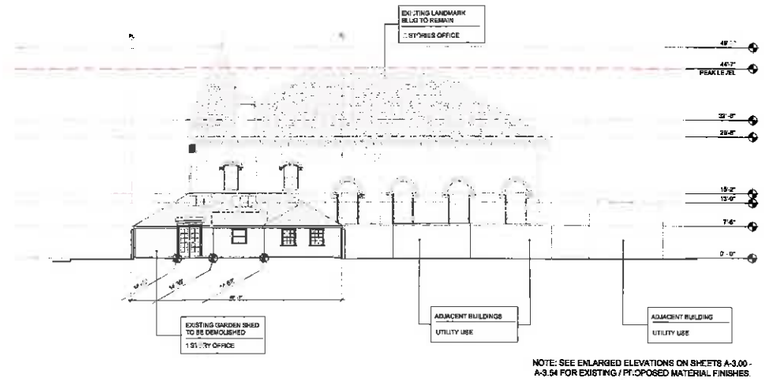
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	EXISTING SITE IMAGERY	3620 BUCHANAN SHEET #: 13	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



NOTE: SEE ENLARGED ELEVATIONS ON SHEETS A-3.00 - A-3.54 FOR EXISTING / PROPOSED MATERIAL FINISHES.

EXISTING STREET ELEVATION

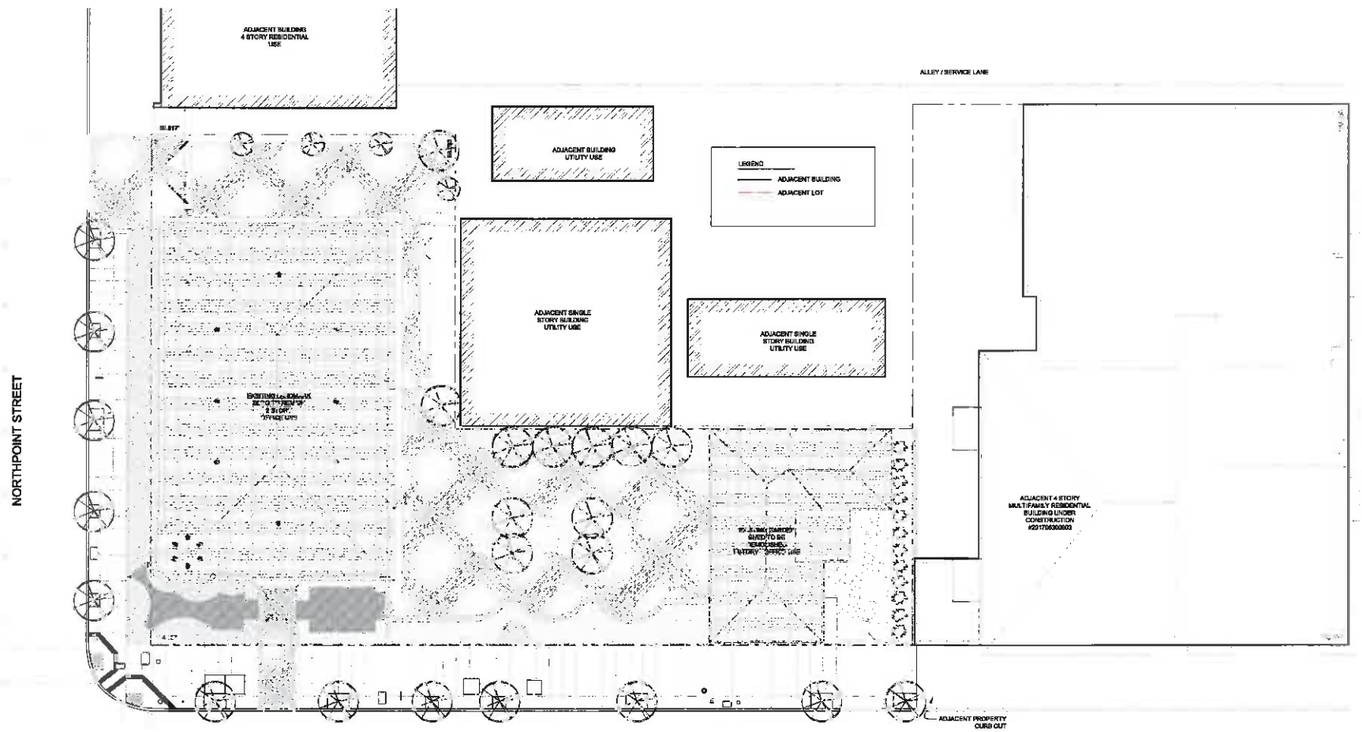
N.T.S



NOTE: SEE ENLARGED ELEVATIONS ON SHEETS A-3.00 - A-3.54 FOR EXISTING / PROPOSED MATERIAL FINISHES.

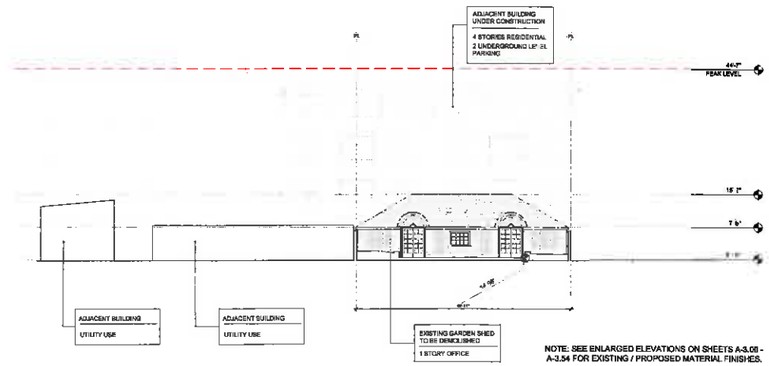
EXISTING SIDE ELEVATION

N.T.S



EXISTING SITE PLAN

N.T.S

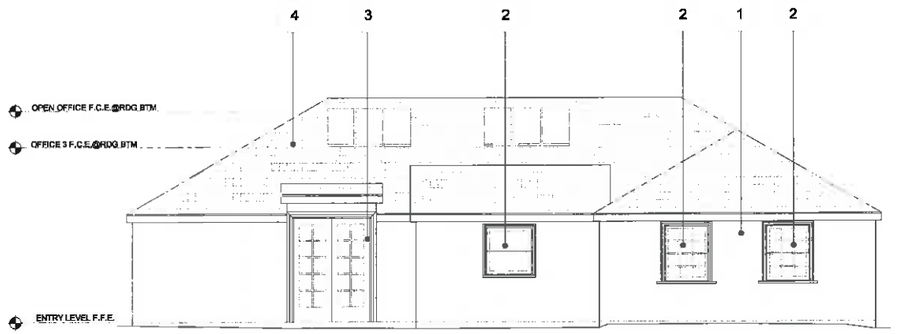


NOTE: SEE ENLARGED ELEVATIONS ON SHEETS A-3.00 - A-3.54 FOR EXISTING / PROPOSED MATERIAL FINISHES.

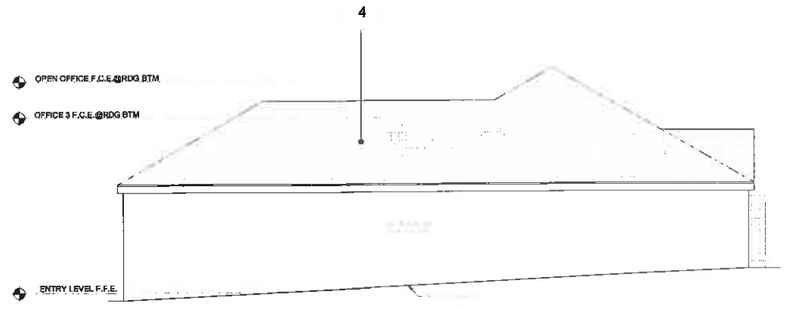
EXISTING REAR ELEVATION

N.T.S

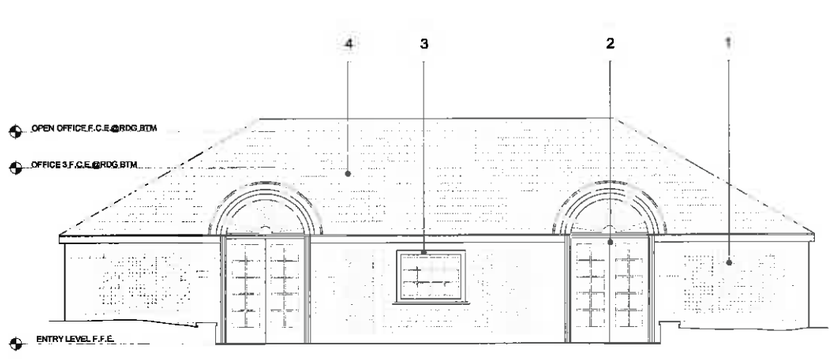
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROJECT SITE / EXISTING CONDITION ELEVATIONS + SITE PLAN	3620 BUCHANAN SHEET #: 14	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



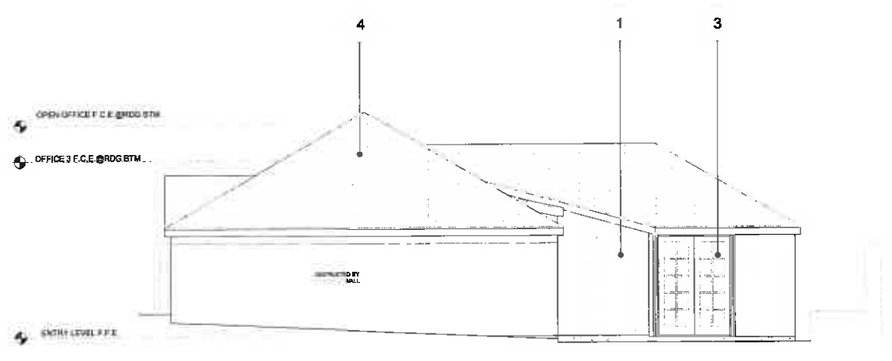
EXISTING GARDEN SHED - SOUTH ELEVATION N.T.S



EXISTING GARDEN SHED - EAST ELEVATION N.T.S



EXISTING GARDEN SHED - NORTH ELEVATION N.T.S

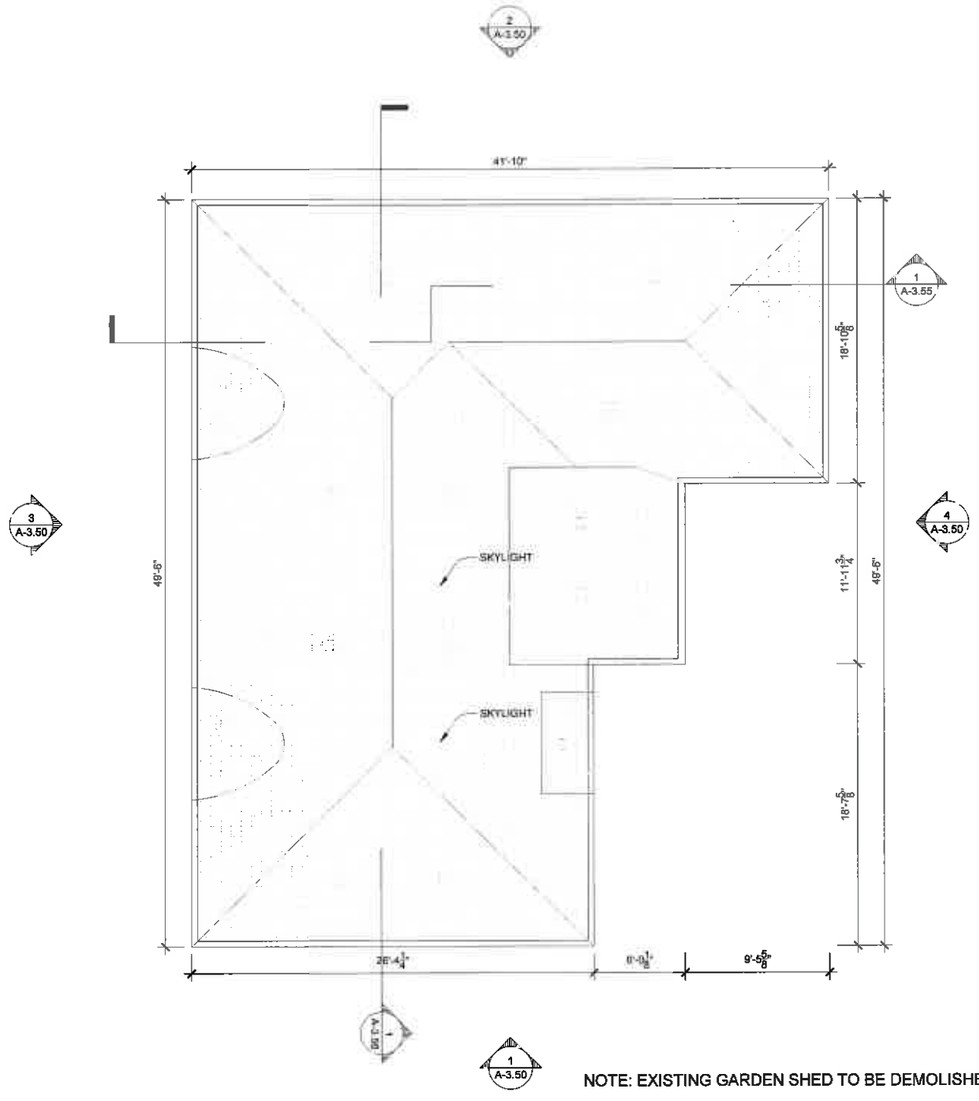


EXISTING GARDEN SHED - WEST ELEVATION N.T.S

(1) WOOD SIDING PAINTED (2) WOOD FRAME WINDOW PAINTED (3) WOOD FRAME DOOR PAINTED (4) ASPHALT COMPOSITE SHINGLE

KEYNOTES

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROJECT SITE / EXISTING CONDITION GARDEN SHED ELEVATIONS (NOTE: GARDEN SHED TO BE DEMOLISHED)	3620 BUCHANAN SHEET #: 15	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

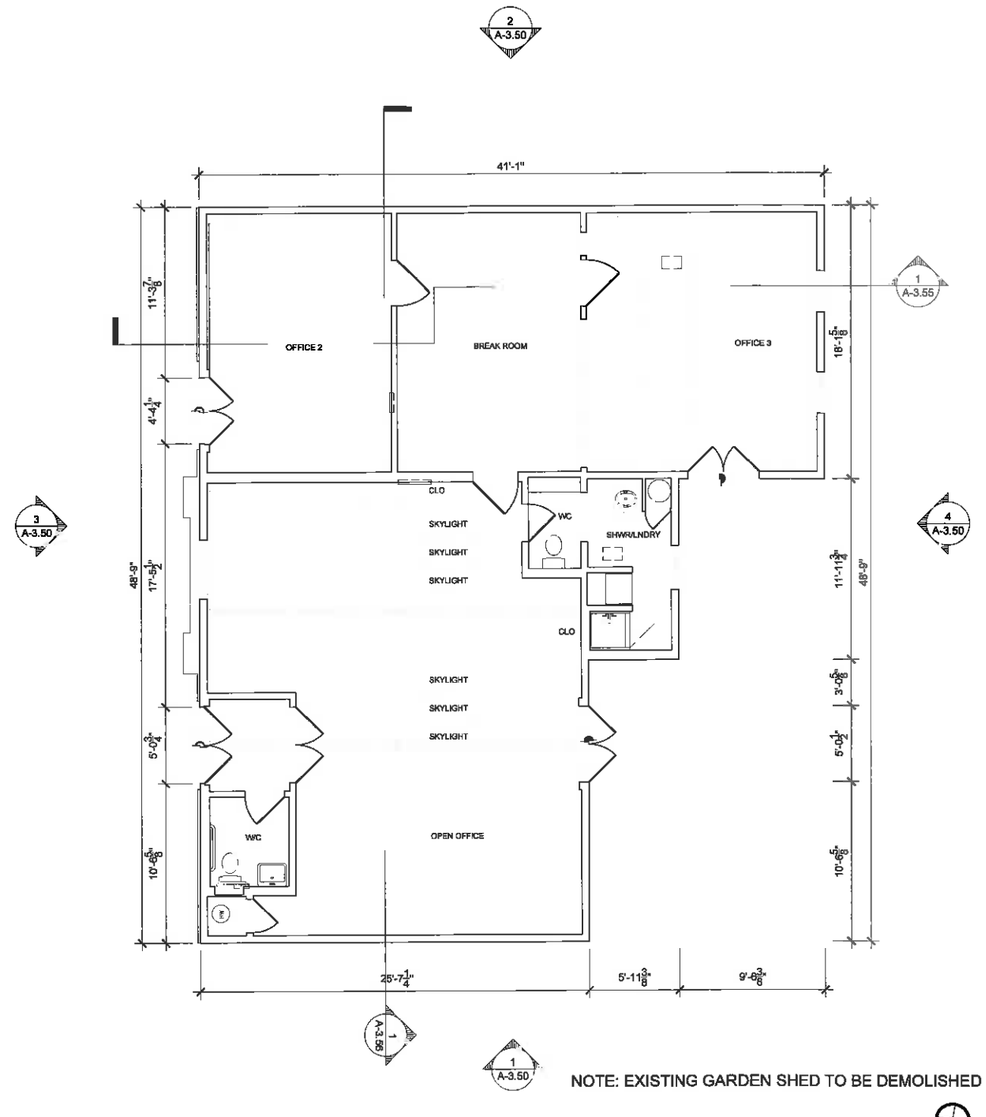


NOTE: EXISTING GARDEN SHED TO BE DEMOLISHED

LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

EXISTING GARDEN SHED - ROOF PLAN N.T.S



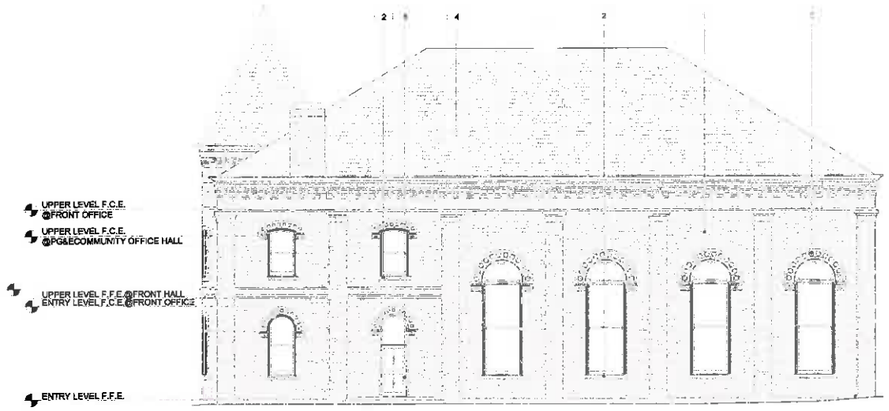
NOTE: EXISTING GARDEN SHED TO BE DEMOLISHED

LEGEND

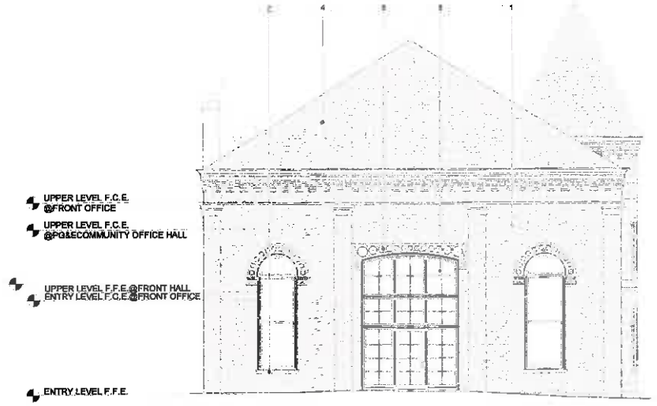
- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

EXISTING GARDEN SHED - P1 PLAN N.T.S

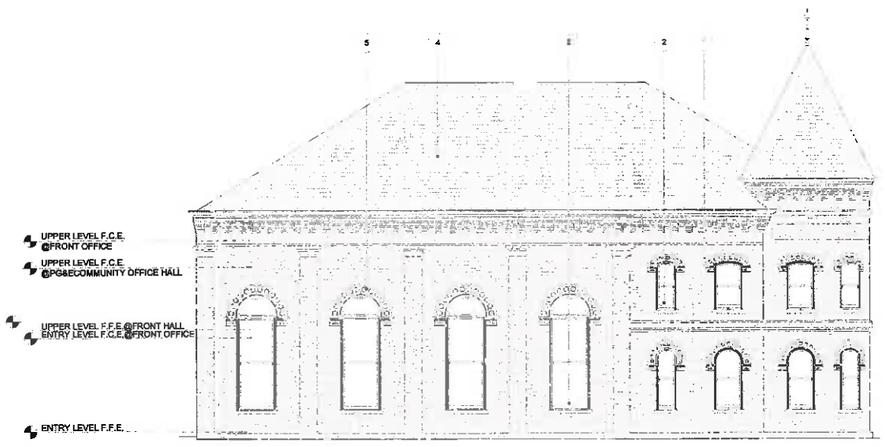
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROJECT SITE / EXISTING CONDITION GARDEN SHED PLANS (NOTE: GARDEN SHED TO BE DEMOLISHED)	3620 BUCHANAN SHEET #: 16	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



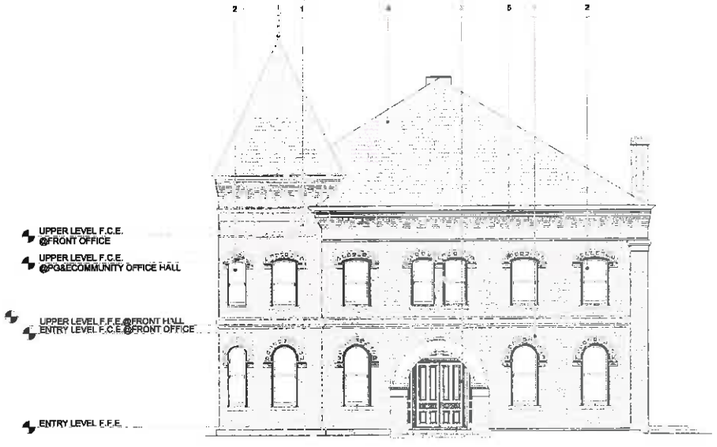
EXISTING LANDMARK BUILDING - SOUTH ELEVATION N.T.S



EXISTING LANDMARK BUILDING - EAST ELEVATION N.T.S



EXISTING LANDMARK BUILDING - NORTH ELEVATION N.T.S

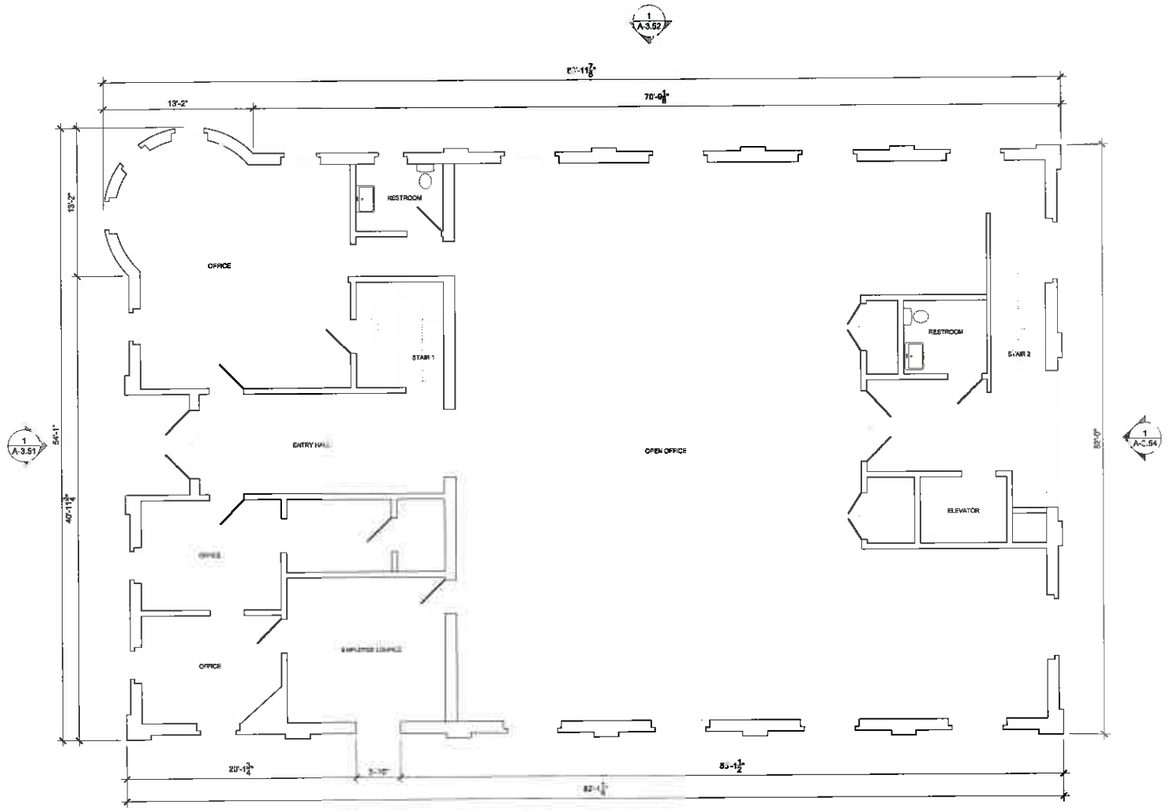


EXISTING LANDMARK BUILDING - WEST ELEVATION N.T.S

(1) BRICK WALL (2) WOOD FRAME WINDOW PAINTED (3) WOOD DOOR NATURAL FINISH (4) ASPHALT COMP. SHINGLE (5) STONE

KEYNOTES

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	EXISTING CONDITION LANDMARK BUILDING ELEVATIONS (NOTE: LANDMARK BUILDING TO REMAIN)	3620 BUCHANAN SHEET #: 17	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

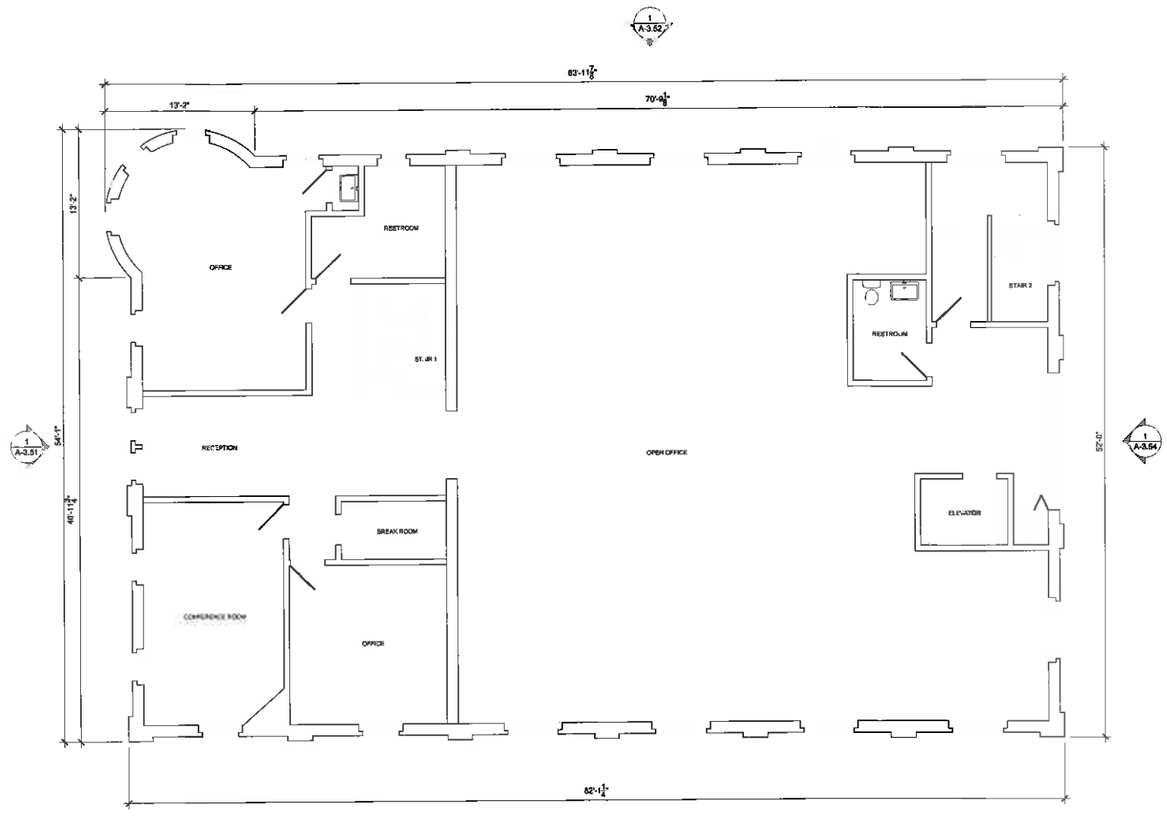


NOTE:EXISTING LANDMARK BUILDING TO REMAIN

LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

EXISTING LANDMARK BUILDING - P1 PLAN N.T.S



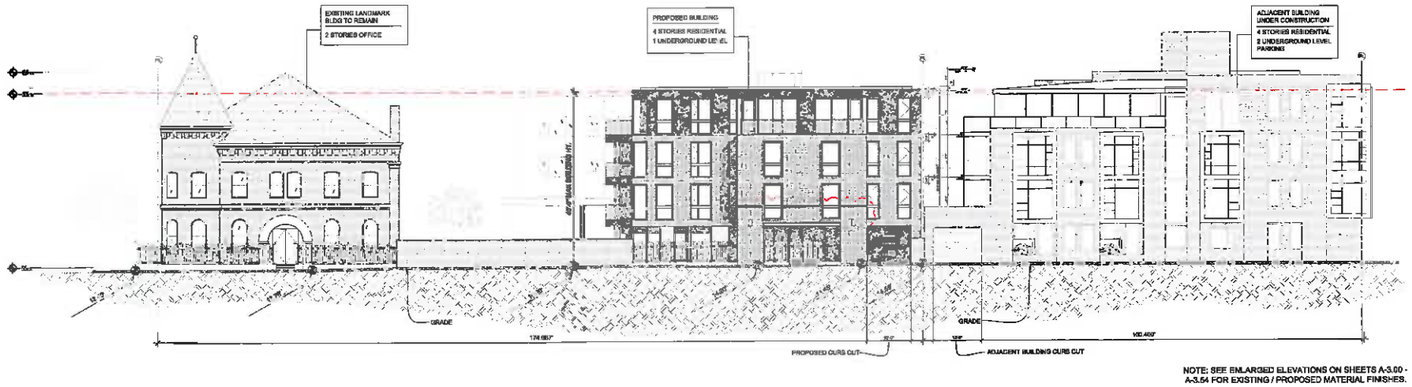
NOTE:EXISTING LANDMARK BUILDING TO REMAIN

LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

EXISTING LANDMARK BUILDING - P2 PLAN N.T.S

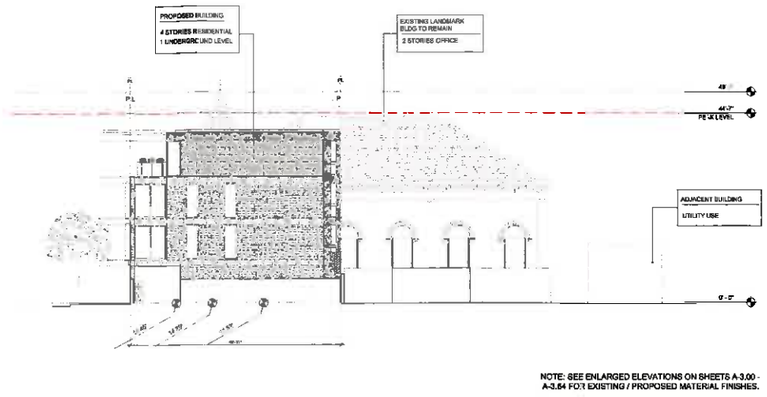
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	EXISTING CONDITION LANDMARK BUILDING PLANS (NOTE: LANDMARK BUILDING TO REMAIN)	3620 BUCHANAN SHEET #: 18	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



NOTE: SEE ENLARGED ELEVATIONS ON SHEETS A-3.00 - A-3.54 FOR EXISTING / PROPOSED MATERIAL FINISHES.

PROPOSED STREET ELEVATION

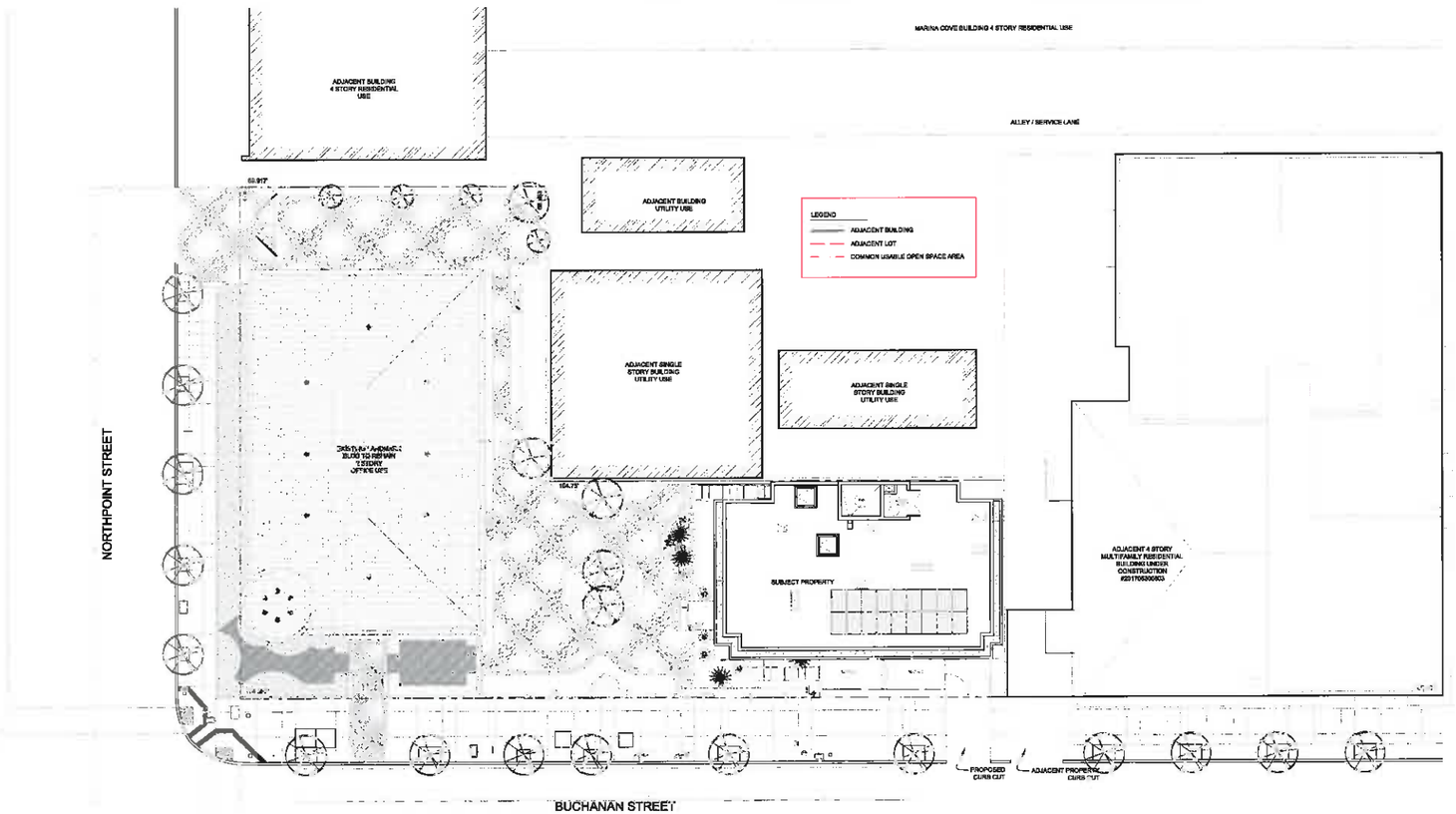
N.T.S



NOTE: SEE ENLARGED ELEVATIONS ON SHEETS A-3.00 - A-3.54 FOR EXISTING / PROPOSED MATERIAL FINISHES.

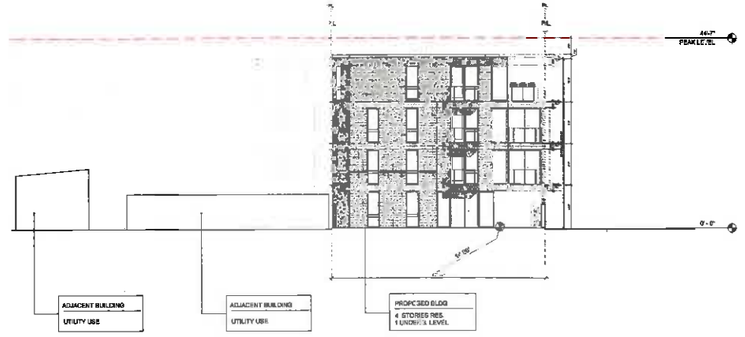
PROPOSED SIDE ELEVATION

N.T.S



PROPOSED SITE PLAN

N.T.S

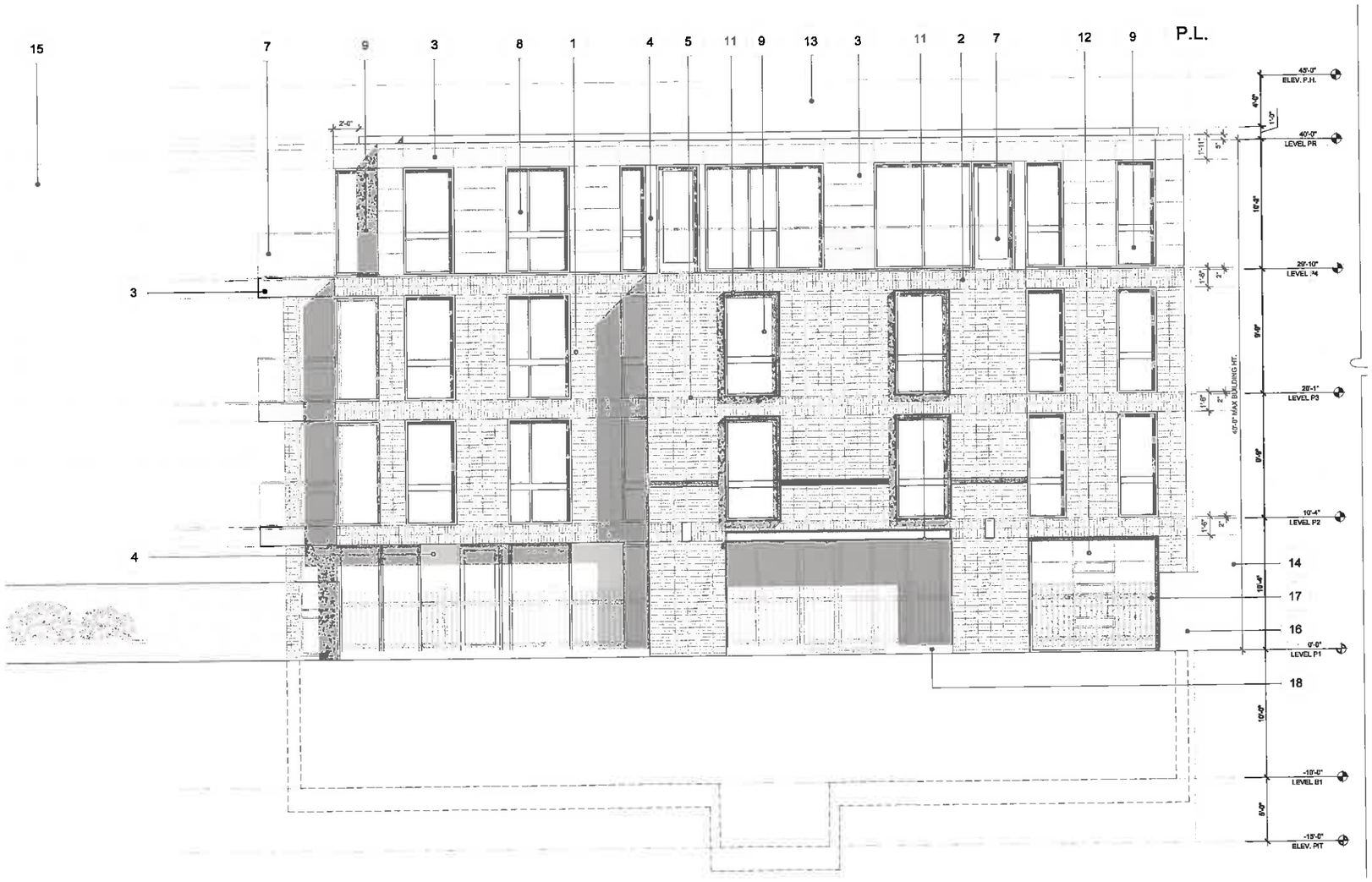


NOTE: SEE ENLARGED ELEVATIONS ON SHEETS A-3.00 - A-3.54 FOR EXISTING / PROPOSED MATERIAL FINISHES.

PROPOSED REAR ELEVATION

N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROJECT SITE / PROPOSED CONDITION ELEVATIONS + SITE PLAN	3620 BUCHANAN SHEET #: 19	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



N.T.S

PROPOSED WEST ELEVATION

1	THIN BRICK VENEER - STACK BOND (NORMAN SIZE)	7	ALUMINUM PICKET GUARDRAIL	13	ELEVATOR PENTHOUSE - STUCCO
2	THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)	8	ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING	14	ADJACENT BUILDING
3	EQUITONE PANEL (LINEA LT20)	9	ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING	15	BUILDING BEYOND
4	ALUMINUM WALL PANELS	10	ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS	16	EXISTING BRICK WALL
5	CONTROL JOINTS	11	ALUMINUM SHADOW BOX FRAME	17	WROUGHT IRON FENCE
6	GLASS GUARDRAIL	12	CUSTOM GARAGE DOOR - WITH EQUITONE PANEL	18	CONCRETE CURB

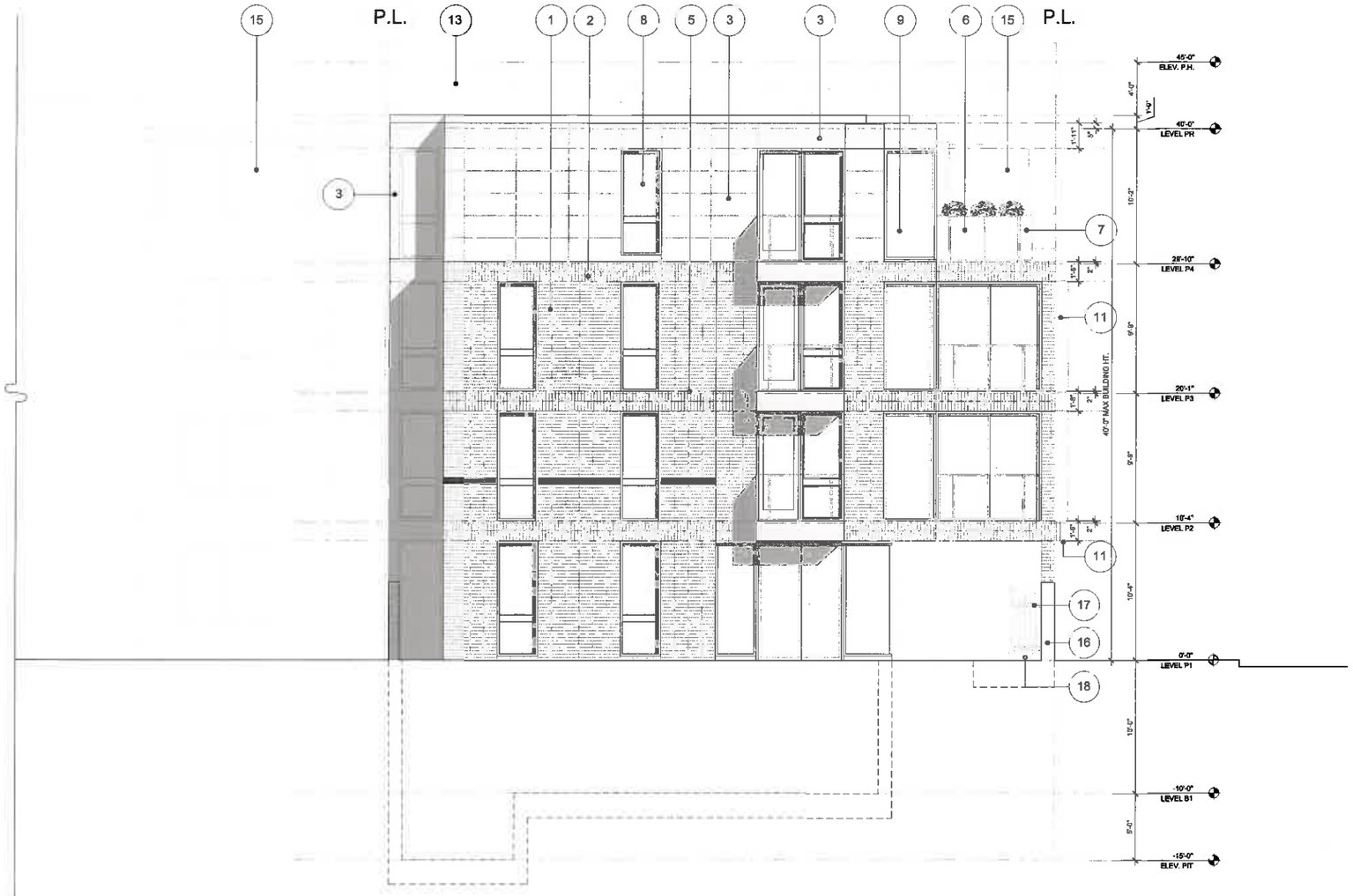
EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING. ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

KEYNOTES

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED WEST ELEVATION	3620 BUCHANAN SHEET #: 20	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

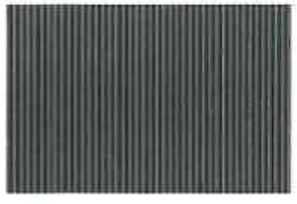


PROPOSED NORTH ELEVATION

N.T.S

KEYNOTES

1	THIN BRICK VENEER - STACK BOND (NORMAN SIZE)	7	ALUMINUM PICKET GUARDRAIL	13	ELEVATOR PENTHOUSE - STUCCO
2	THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)	8	ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING	14	ADJACENT BUILDING
3	EQUITONE PANEL (LINEA LT20)	9	ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING	15	BUILDING BEYOND
4	ALUMINUM WALL PANELS	10	ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS	16	EXISTING BRICK WALL
5	CONTROL JOINTS	11	ALUMINUM SHADOW BOX FRAME	17	WROUGHT IRON FENCE
6	GLASS GUARDRAIL	12	CUSTOM GARAGE DOOR - WITH EQUITONE PANEL	18	CONCRETE CURB

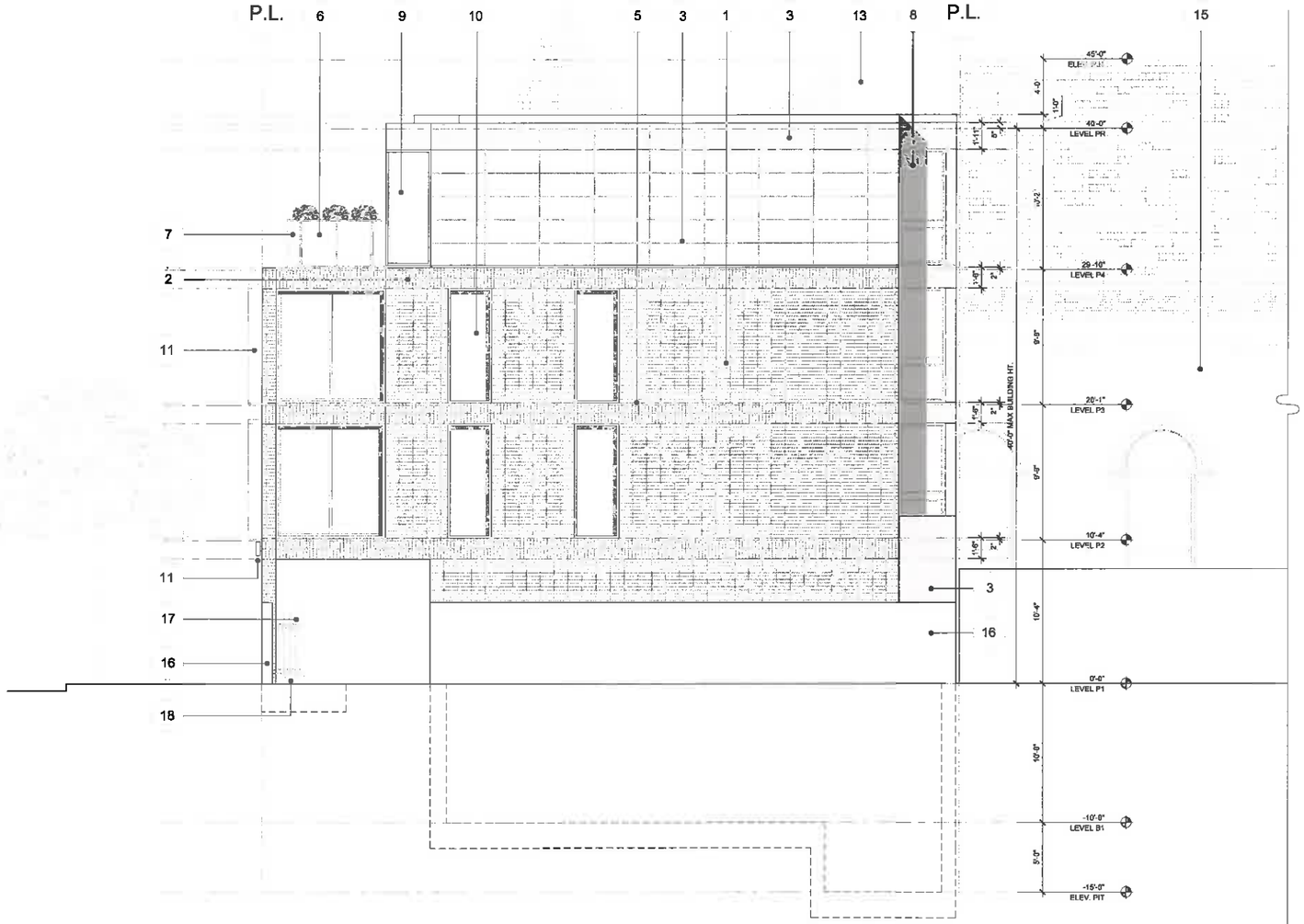


EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING. ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED NORTH ELEVATION	3620 BUCHANAN SHEET #: 21	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

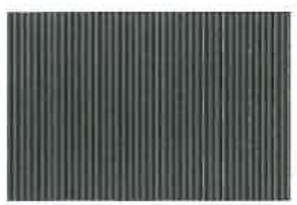


PROPOSED SOUTH ELEVATION

N.T.S

KEYNOTES

1	THIN BRICK VENEER - STACK BOND (NORMAN SIZE)	7	ALUMINUM PICKET GUARDRAIL	13	ELEVATOR PENTHOUSE - STUCCO
2	THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)	8	ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING	14	ADJACENT BUILDING
3	EQUITONE PANEL (LINEA LT20)	9	ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING	15	BUILDING BEYOND
4	ALUMINUM WALL PANELS	10	ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS	16	EXISTING BRICK WALL
5	CONTROL JOINTS	11	ALUMINUM SHADOW BOX FRAME	17	WROUGHT IRON FENCE
6	GLASS GUARDRAIL	12	CUSTOM GARAGE DOOR - WITH EQUITONE PANEL	18	CONCRETE CURB

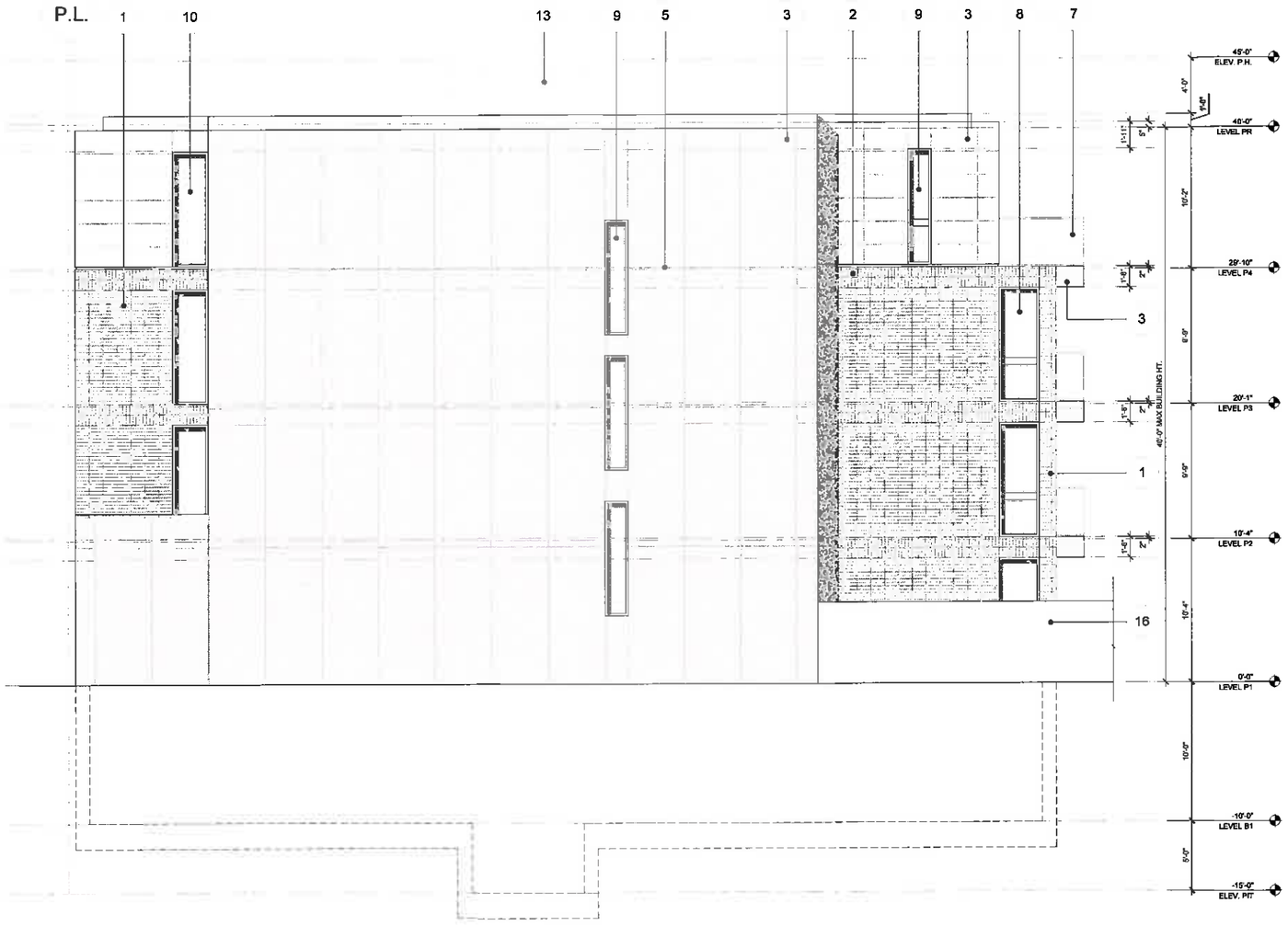


EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING. ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED SOUTH ELEVATION	3620 BUCHANAN SHEET #: 22	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



PROPOSED EAST ELEVATION

N.T.S

1	THIN BRICK VENEER - STACK BOND (NORMAN SIZE)	7	ALUMINUM PICKET GUARDRAIL	13	ELEVATOR PENTHOUSE - STUCCO
2	THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)	8	ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING	14	ADJACENT BUILDING
3	EQUITONE PANEL (LINEA LT20)	9	ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING	15	BUILDING BEYOND
4	ALUMINUM WALL PANELS	10	ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS	16	EXISTING BRICK WALL
5	CONTROL JOINTS	11	ALUMINUM SHADOW BOX FRAME	17	WROUGHT IRON FENCE
6	GLASS GUARDRAIL	12	CUSTOM GARAGE DOOR - WITH EQUITONE PANEL	18	CONCRETE CURB

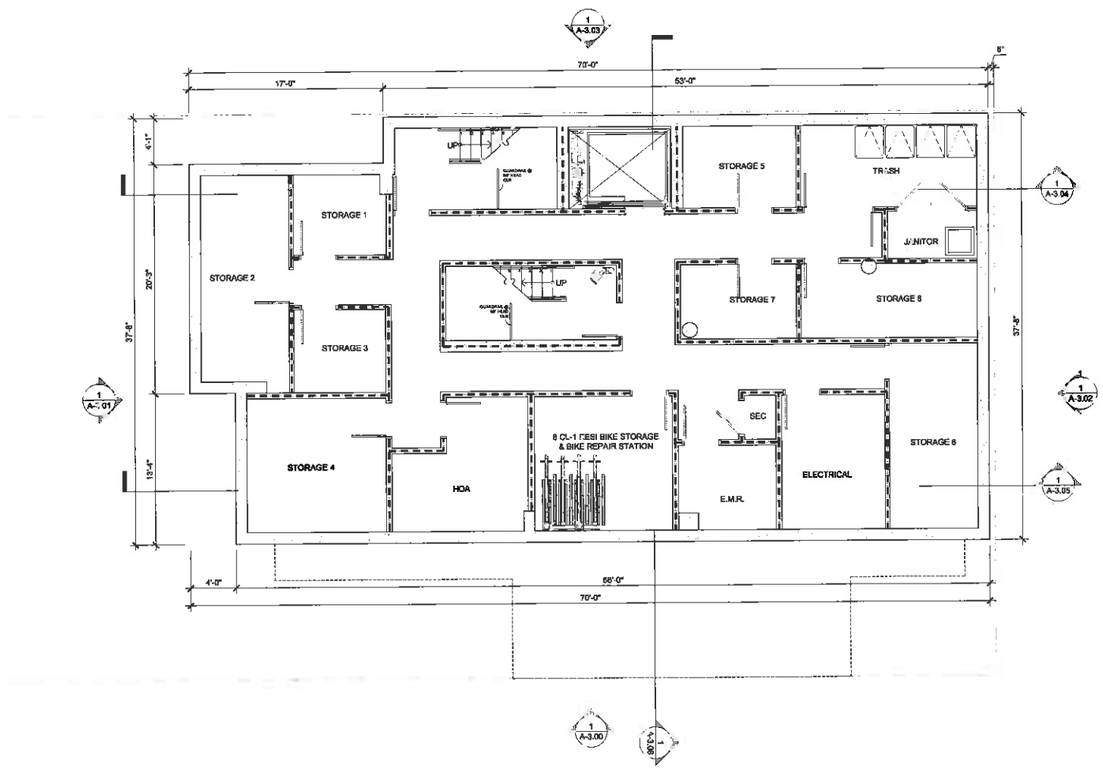
KEYNOTES

EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING. ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED EAST ELEVATION	3620 BUCHANAN SHEET #: 23	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

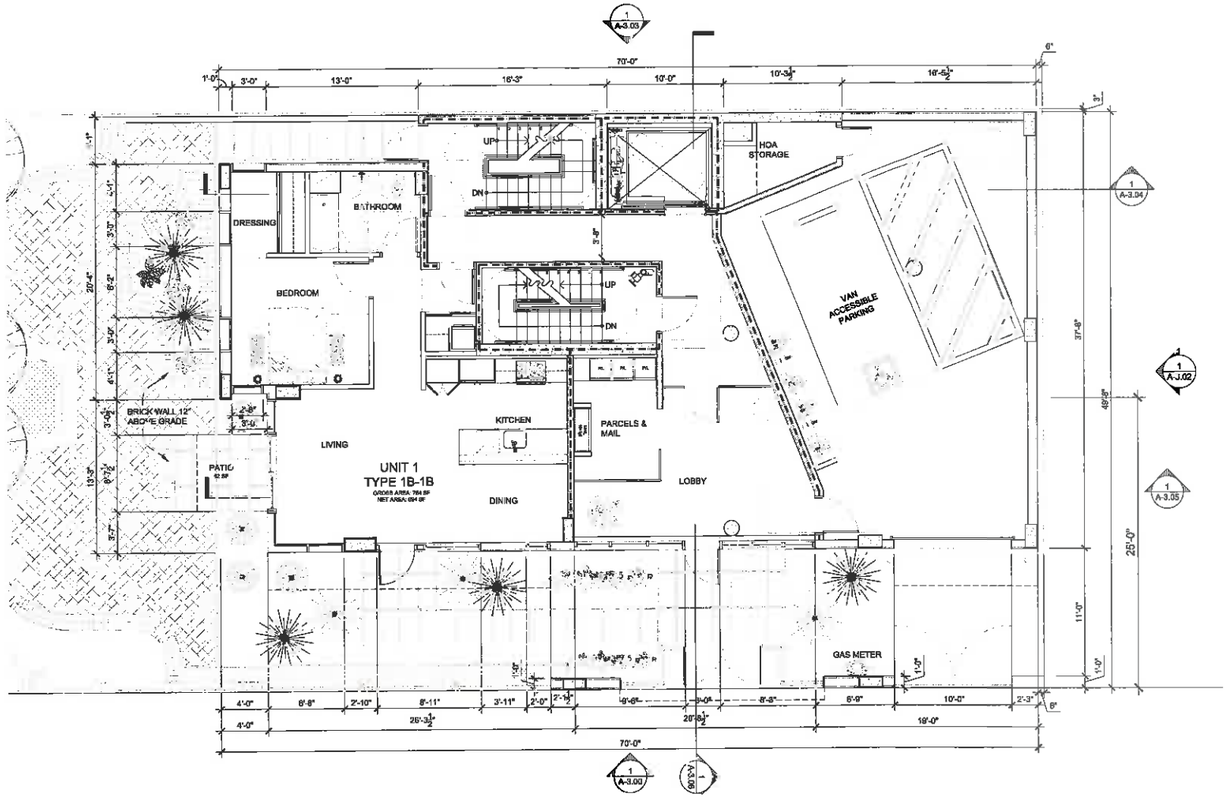


LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

N.T.S

PROPOSED B1 PLAN



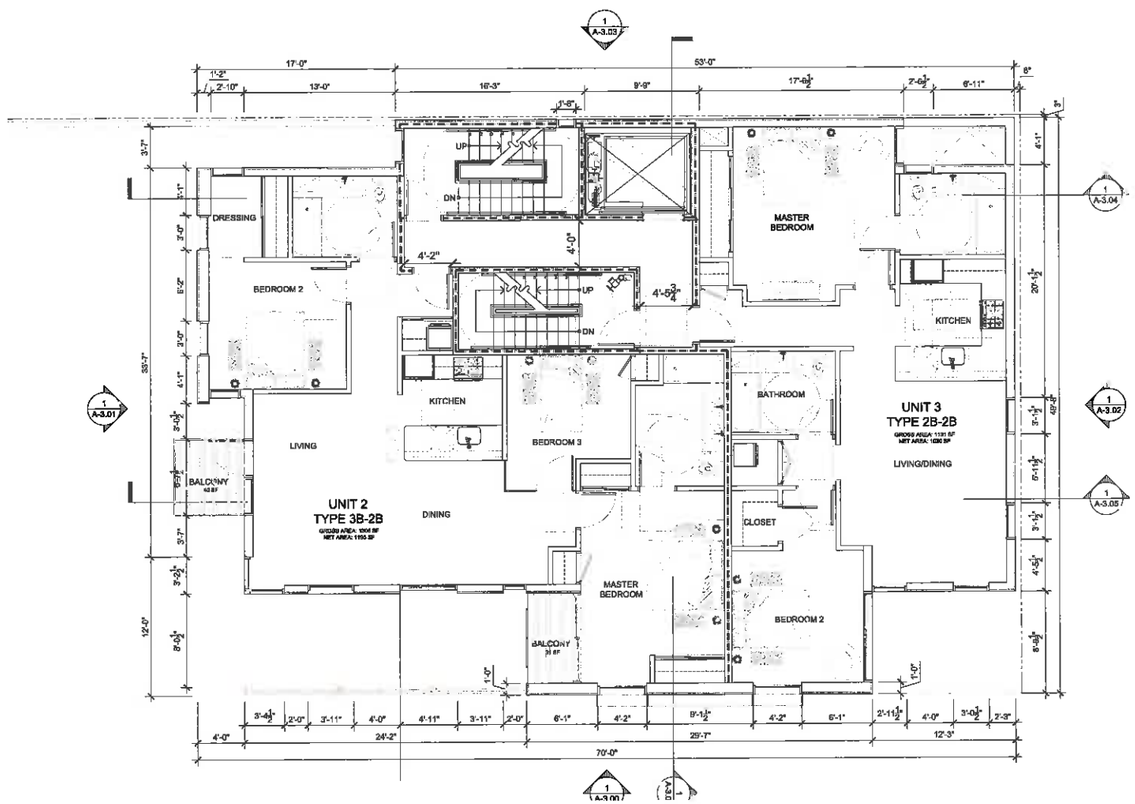
LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

N.T.S

PROPOSED P1 PLAN

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED BUILDING PLANS: BASEMENT + FIRST FLOOR	3620 BUCHANAN SHEET #: 24	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

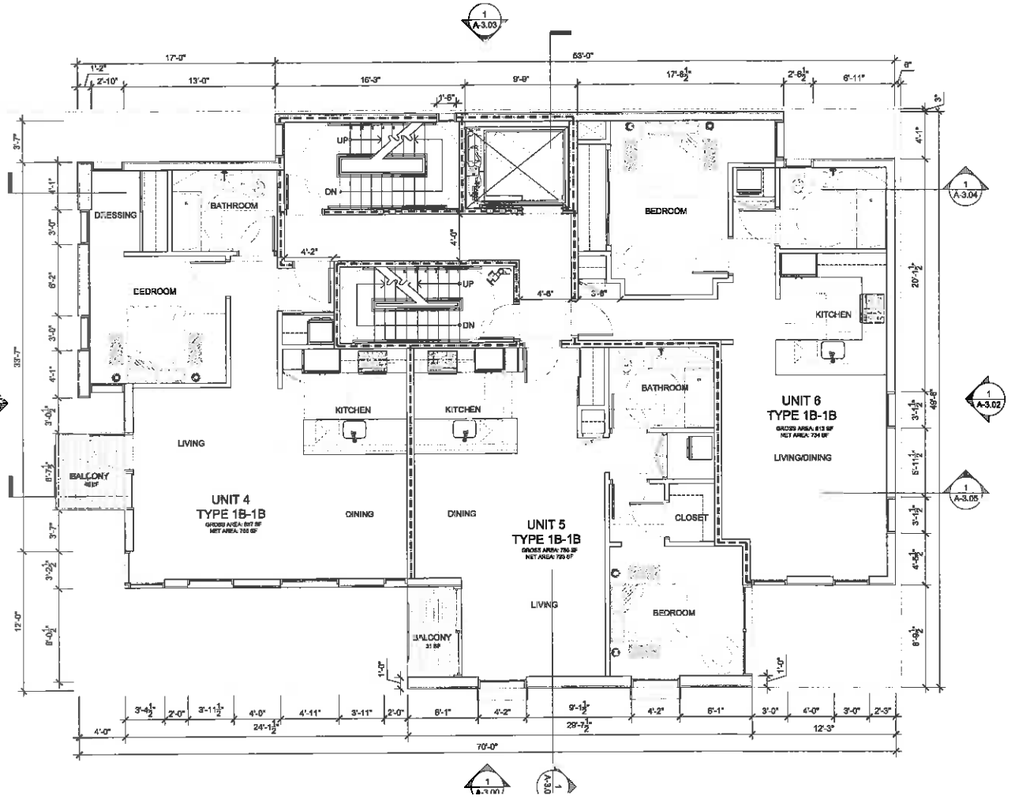


LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

PROPOSED P2 PLAN

N.T.S



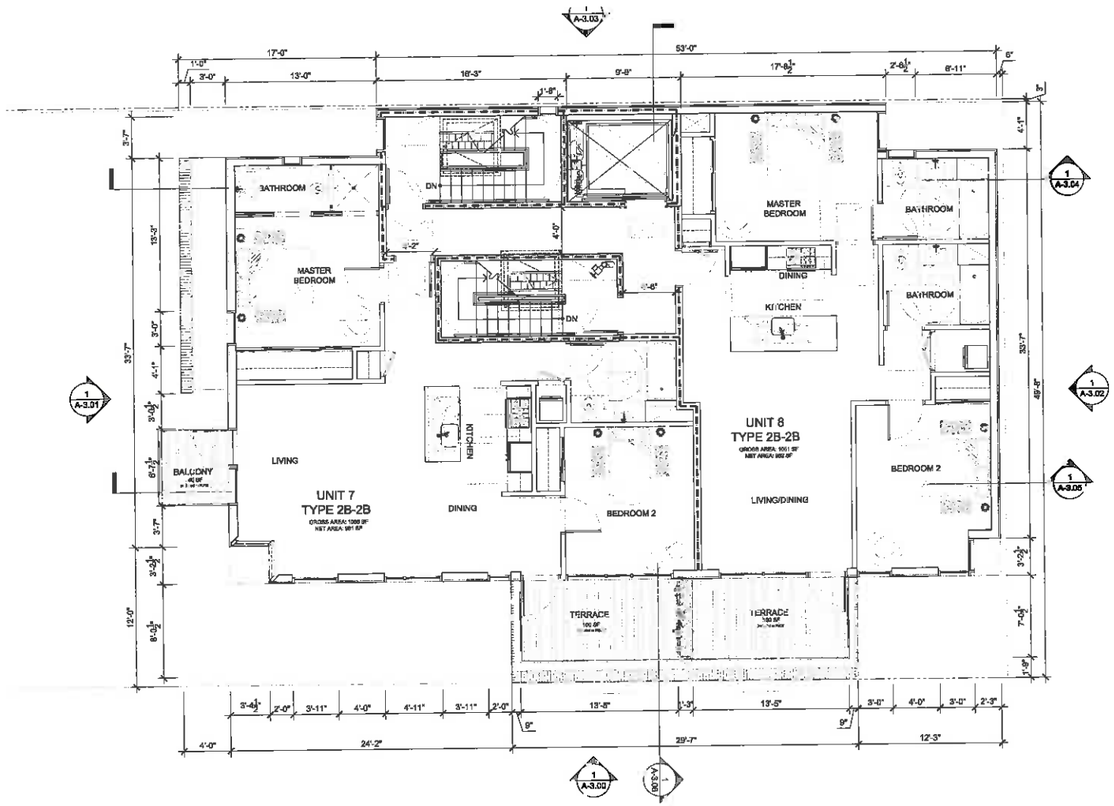
LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

PROPOSED P3 PLAN

N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED BUILDING PLANS: SECOND + THIRD FLOOR	3620 BUCHANAN SHEET #: 25	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

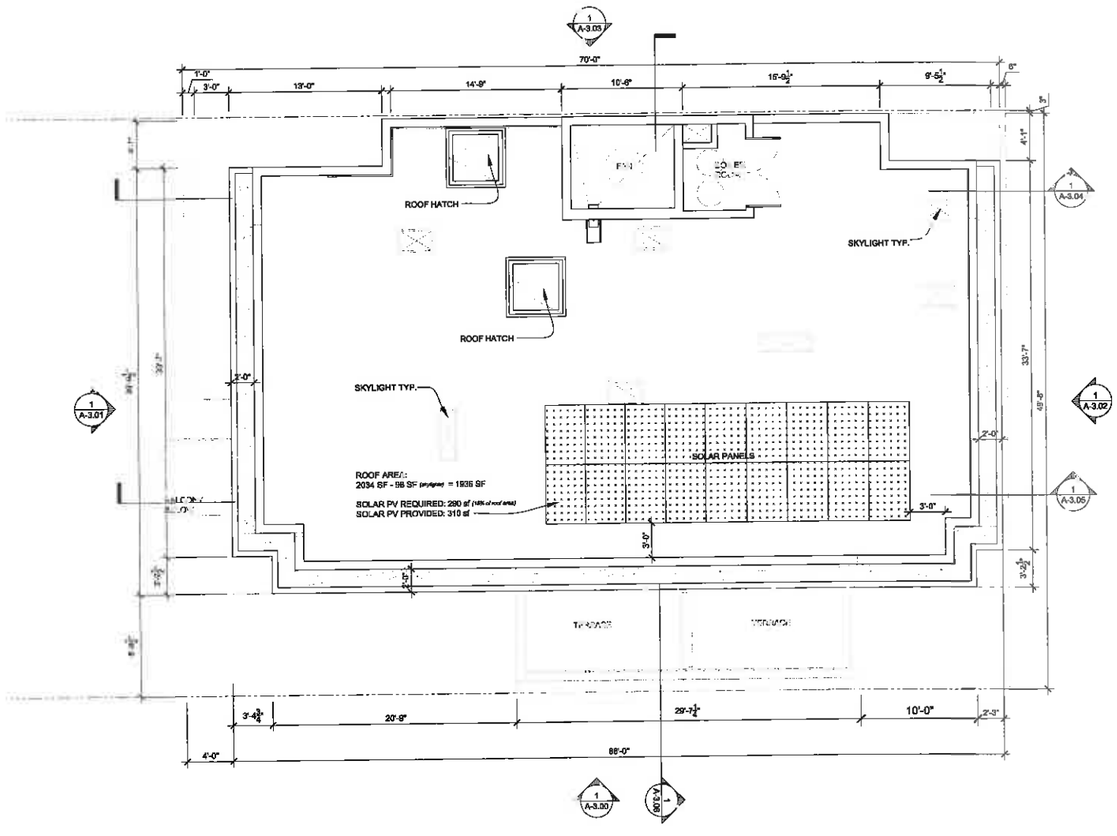


LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

N.T.S

PROPOSED P4 PLAN



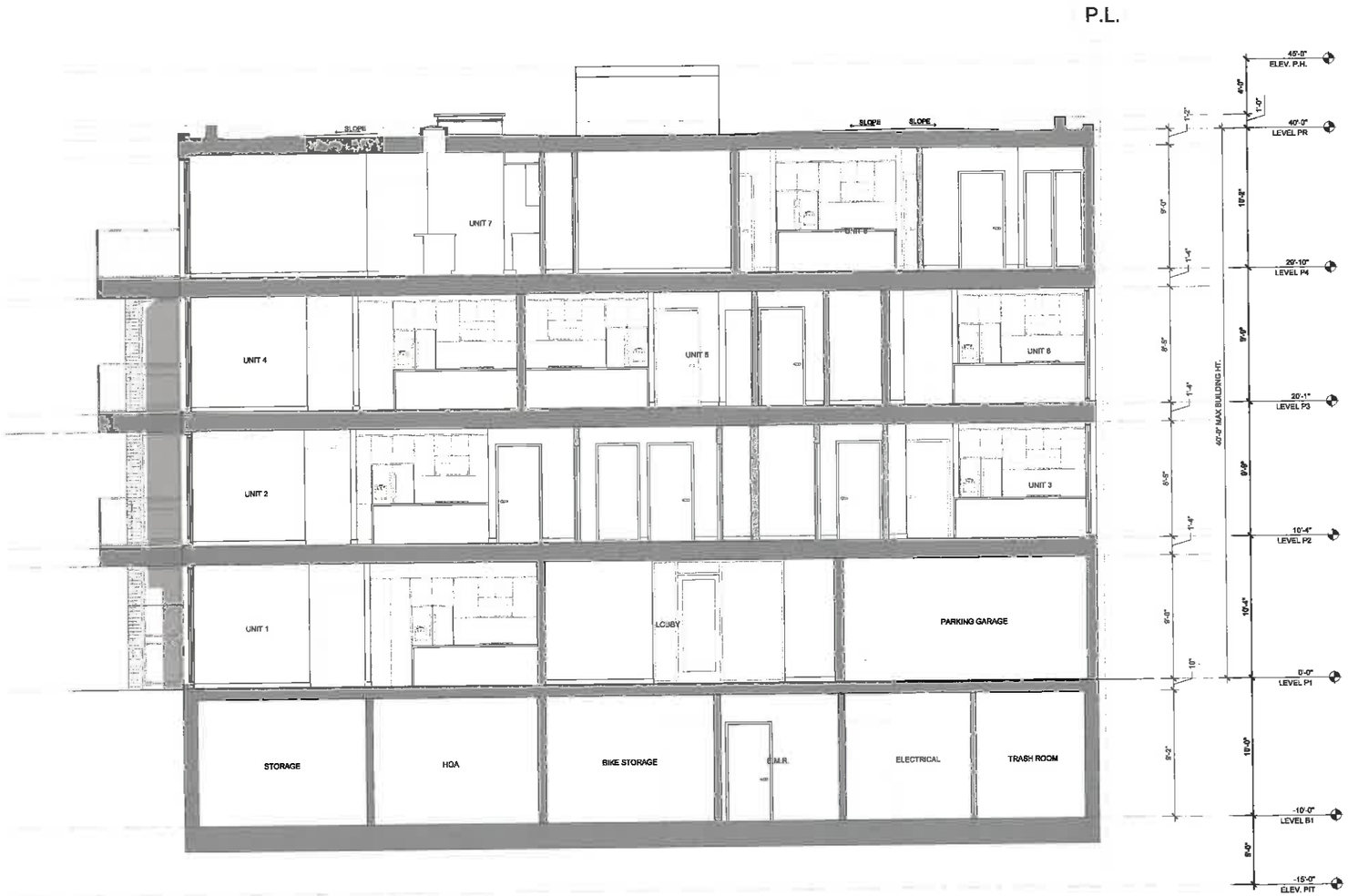
LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

N.T.S

PROPOSED ROOF PLAN

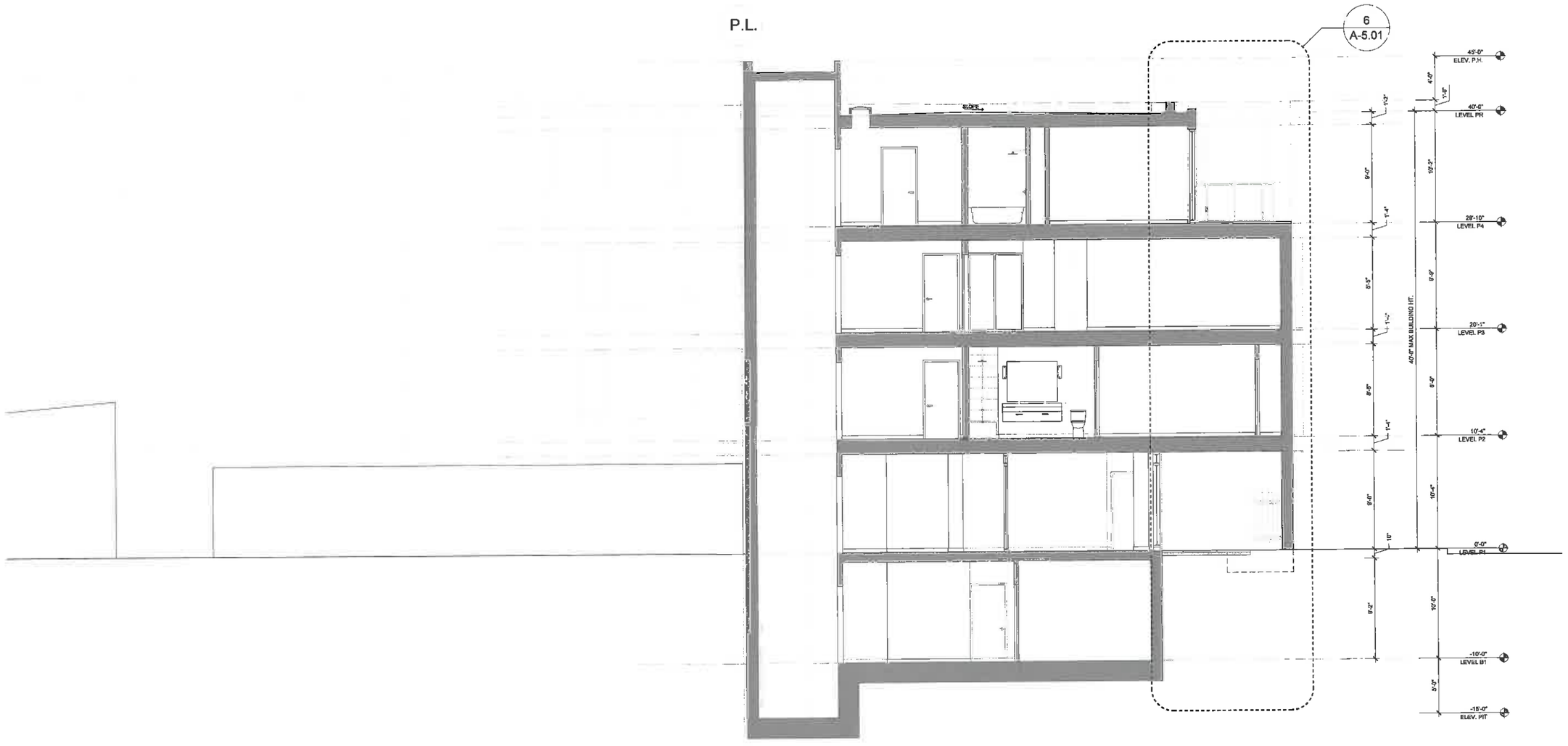
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED BUILDING PLANS FOURTH FLOOR + ROOF	3620 BUCHANAN SHEET #: 26	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



N.T.S

BUILDING SECTION 1

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED BUILDING SECTION	3620 BUCHANAN SHEET #: 27	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



BUILDING SECTION 2

N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED BUILDING SECTION	3620 BUCHANAN SHEET #: 28	ib+a architects Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

DOCUMENTS SUBMITTED FOR THE ORIGINAL HEARING ON JUNE 26, 2019

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
1598 BAY CONDOMINIUM ASSOCIATION, Appellant(s)

vs.

ZONING ADMINISTRATOR, Respondent

Appeal No. **19-047**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on May 02, 2019, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on April 23, 2019 to Gas Light Building LLC, of a Rear Yard Modification (for a project proposing to 1) demolish a non-contributory one-story garden house currently used as office space and a portion of the non-contributory garden patio, and 2) to construct a new four-story, eight-unit residential building, eight Class 1 bicycle parking spaces, four Class 2 bicycle parking spaces, and one vehicle parking space; the portion of the existing garden to remain will be used as open space, and the new building will extend to the read property line. Because the project proposes no rear yard located at the project area of the lot, and the new building will extend to the rear property line, a Rear Yard Modification per Planning Code Section 134(e) is required) at 3620 Buchanan Street.

CASE NO. 2016-010079VAR

FOR HEARING ON June 26, 2019

Address of Appellant(s):	Address of Other Parties:
1598 Bay Condominium Association , Appellant c/o Carolyn Lee, Attorney for Appellant Lubin Olson & Niewiadomski LLP 600 Montgomery Street, 14th Floor San Francisco, CA 94107	Gas Light Building LLC, Permit Holder c/o Jody Knight, Attorney for Permit Holder Reuben, Junius & Rose LLP One Bush Street, Suite 600 San Francisco, CA 94104

Date Filed:

BOARD OF APPEALS

MAY 02 2019

APPEAL # 19-047

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **1598 Bay Condominium Association**, hereby appeal the following departmental action: **ISSUANCE** of **Variance**, **Case No. 2016-010079VAR** by the **Zoning Administrator** which was issued or became effective on: **April 23, 2019**, to: **Gas Light Building, LLC** for the property located at: **3620 Buchanan Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **June 06, 2019**, **(no later than three Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible. CJ

Respondent's and Other Parties' Briefs are due on or before: **June 20, 2019**, **(no later than one Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: **Wednesday, June 26, 2019, 5:00 p.m., City Hall, Room 416,** One Dr. Carlton B. Goodlett Place.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See attached statement.

Appellant or Agent (Circle One):

Signature: Carolyn Lee

Print Name: Carolyn Lee

Board of Appeals: Preliminary Statement of Appeal of 2016-010079VAR
Project: 3620 Buchanan Street (the "Project")
Appellant: 1598 Bay Condominium Association

Rear Yard: The Project will demolish a garden house located on a Historic landmarked site in order to build a new 4-story, 8 unit residential building. Because the applicant of the Project has not subdivided the Project's large L-shaped lot into two separate lots (one for the Merryvale Antiques building and one for the proposed Project), it is unclear what the proposed Project does to the rear yard requirement of the historic Merryvale Antiques building and how the proposed Project's development is permissible. The proposed Project cannot meet the required rear yard modification findings of Planning Code Section 134(e)(1) because (A) the Project impermissibly uses the Merryvale Antiques building's required rear yard and open space area to count towards its comparable amount of usable open space, (B) the Project will significantly impact the residential development at 1598 Bay Street ("1598 Bay") as well as its neighbors' access to air, light and views, and (C) the Project will cast dark shadows onto the units in 1598 Bay that face onto the rear yard.

Amongst other reasons, the Zoning Administrator's findings are deficient because they do not take into account the protection owed to the Project's neighbors and their access to light and air and views. Whereas generally the Planning Code does not protect private views, Section 134(e)(1)(B) explicitly does. The Project's southern façade is currently designed as a 40' tall dark brick wall built on both the side and rear property lines (thereby providing no setbacks). The residents living in the units of 1598 Bay's northern façade will have to face an unsightly view, which will block their access to light and air by virtue of the shadows that will be cast onto their units. Views to the Bay will also be destroyed.

BOARD OF APPEALS
MAY 02 2019
APPEAL # 19-047

BOARD OF APPEALS

MAY 02 2019

APPEAL # 19-047

SAN FRANCISCO
PLANNING DEPARTMENT

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Rear Yard Modification Decision

Date:	April 23, 2019
Case No.:	**2016-010079VAR**
Project Address:	**3620 BUCHANAN STREET**
Zoning:	NC-2 (Neighborhood Commercial, Small Scale) Zoning District 40-X Height and Bulk District
Block/Lot:	0459/003
Project Sponsor:	Reuben, Junius & Rose, LLP One Bush Street Suite 600 San Francisco, CA 94104
Owner:	Gas Light Building, LLC 3620 Buchanan Street San Francisco, CA 94123
Staff Contact:	Laura Ajello – (415) 575-9142 *laura.ajello@sfgov.org*

DESCRIPTION OF VARIANCE – REAR YARD MODIFICATION SOUGHT:

The project will be located on the same parcel as City Landmark No. 58 and proposes 1) to demolish a non-contributory one-story garden house currently used as office space and a portion of the non-contributory garden patio, and 2) to construct a new 4-story, 8-unit residential building 8 Class 1 bicycle parking spaces, 4 Class 2 bicycle parking spaces, and one vehicle parking space. The portion of the existing garden to remain will be used as open space. The new building will extend to the rear property line. This location was recommended by the Historical Preservation Commission to create an open space at the front of the building to enhance pedestrian views to the landmark building on the same parcel (Certificate of Appropriateness Motion No. 0360).

Planning Code Section 134 requires properties in the NC-2 Zoning District to maintain a rear yard measuring 25 percent of the total lot area (but in no case less than 15 feet) at the lowest level containing a residential unit and at each succeeding level of the building. The proposed rear yard in the area of the L-shaped lot where the new building is proposed is not equal to 25% of the lot area. The Project proposes no rear yard located at the project area of the lot, which measures 49.9 feet deep (the minimum required rear yard is 15 feet). The proposed new building will extend to the rear property line. Therefore, a Rear Yard Modification per Planning Code Section 134(e) is required.

PROCEDURAL BACKGROUND:

1. The Planning Department determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class 32 – In-Fill Development Project) because the project includes in-fill residential development and meets the *Secretary of the Interior's Standards*.

2. The Zoning Administrator held a joint public hearing at the regularly scheduled Planning Commission hearing on **Rear Yard Modification Application No. 2016-010079CUA/VAR** on **January 31, 2019**. At this joint hearing the Planning Commission heard Conditional Use Authorization Case No. 2016-010079CUA and approved the project with conditions per Motion No. 20379.

3. Planning Code Section 311 notification was conducted in conjunction with the Conditional Use Authorization process.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a four-story residential building with eight dwelling units that will extend into the required rear yard on a parcel containing an existing City landmark, subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.

3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.

4. Minor modifications as determined by the Zoning Administrator may be permitted.

5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.

6. This Rear Yard Modification Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

CRITERIA:

Planning Code Section 134(e) states that in order to grant a Rear Yard Modification in a Neighborhood Commercial zoning district, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following three criteria:

CRITERION 1.

Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.

Requirement Met.

A. The site, known as Landmark No. 58, contains two buildings: the two-story S.F. Gas Light Co. building at the north end of the parcel (3636 Buchanan Street) and a one-story garden house at the southern end of the parcel (3620 Buchanan Street). Both buildings are presently used as offices. The one-story garden house and adjacent garden patio are not considered to be contributing features to the overall significance of the landmark site. The project will replace the non-historic one-story building with a residential building. The proposed project is entirely residential in use and proposes to add eight dwelling units on the subject property.

B. The property is an L-shaped corner lot with 118 feet of frontage on North Point Street and 174.7 feet on Buchanan Street. The subject property has a lot depth of approximately 49.9 feet at the area of work, resulting in a required rear yard of 15 feet. The area of the lot to be developed has a width of 105 feet, resulting in a required rear yard area of 1,575 square feet. The project proposes to use approximately half of the landscaped garden area between the two buildings as common usable open space for the residences. This is a comparable amount of at-grade open space that is approximately 1,098 square feet. Additionally, six dwelling units have private decks or patios totaling approximately 477 square feet. This results in a total of approximately 1,575 square feet of usable open space within the project dedicated to the residential use.

CRITERION 2.

The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties.

A. The subject property is unique in that it is a former industrial use that houses a City landmark, which abuts two industrial uses and one residential use. The proposed new building was designed under the direction of the Historical Preservation Commission, which recommended that the building be located at the rear property line. The new building is adjacent to the rear yard of a recently constructed residential building (former gas station site) to the south. As such, the proposed project will be consistent with the existing nearby pattern and will not introduce new significant impediments to light and air for adjacent properties.

B. The height and massing of both buildings was evaluated by the Planning Department's Urban Design Advisory Team (UDAT), which determined the building's design, height, and massing to be generally compatible with the neighborhood context and the immediately adjacent properties.

CRITERION 3.
The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

A. The subject block was developed with industrial uses and does not have a well-defined mid-block open space. The three adjacent lots do not contribute to mid-block open space, two of which are still industrial in use. The remainder of the subject block is dominated by a 241-unit residential complex that also does not contribute to mid-block open space. The proposed structure will not adversely affect the interior block open space formed by the rear yard of adjacent properties.

PRIORITY PLANNING POLICIES
This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

1. Existing neighborhood retail uses will not be adversely affected by the proposed project.

2. The proposed project will be in keeping with the existing housing and neighborhood character.

3. The proposed project will have no effect on the City's supply of affordable housing.

4. The proposed project does not adversely affect neighborhood parking or public transit.

5. The project will have no effect on the City's industrial and service sectors.

6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.

7. The project will have no effect on the City's landmarks or historic buildings. The project received a Certificate of Appropriateness (Motion No. 0360) from the Historic Preservation Commission.

8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government

Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,

Corey A. Teague, AICP
Zoning Administrator

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

BRIEF(S) SUBMITTED BY APPELLANT(S)

LUBIN | OLSON
LUBIN OLSON & NIEWIADOMSKI LLP
THE TRANSAMERICA PYRAMID
600 MONTGOMERY STREET, 14TH FLOOR SAN FRANCISCO, CALIFORNIA 94111
TEL 415 981 0550 FAX 415 981 4343 WEB lubinolson.com

June 6, 2019

CHARLES R. OLSON
Direct Dial: (415) 955-5020
Email: colson@lubinolson.com

VIA ELECTRONIC MAIL AND HAND DELIVERY

Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

Re: **Appeal No. 19-047, 3620 Buchanan Street**

Dear President Swig and Members of the Board of Appeals:

Our firm represents 1598 Bay Condominium Association ("1598 Bay"), the homeowner's association for the property located at 1598 Bay Street, which is immediately adjacent to the proposed project at 3620 Buchanan Street (the "Project"). On behalf of 1598 Bay, we are appealing the Project's Rear Yard Modification Decision, Case No. 2016-010079CUA/VAR, issued by the Zoning Administrator on April 23, 2019 (the "Decision") because it violates the Planning Code.

The Project consists of the demolition of a one-story garden house and a portion of the garden courtyard located within the same parcel designated as City Landmark No. 58 known as the Merryvale Antiques Building, and the construction of a new 4-story, 8-unit residential building. 1598 Bay recognizes that the City of San Francisco is in dire need of housing, and overall supports the construction of new residential units. However, the City's housing crisis does not justify decisions by the Zoning Administrator that violate the Planning Code. For the

reasons set forth in greater detail below, we respectfully request that the Board of Appeals overturn the Decision.

I. PROCEDURAL HISTORY

The Project is required to obtain several entitlements. The Project was first required to obtain a Certificate of Appropriateness from the Historic Preservation Commission (the "HPC") in order to determine the compatibility of the Project with the City Landmark No. 58. On November 7, 2018, the Project received its Certificate of Appropriateness in a narrow 4-3 approval after two public hearings at the HPC. The Planning Department determined that the Project is exempt from environmental review pursuant to CEQA Guidelines Section 15332 (Class 32 – In-Fill Development Project), and the Planning Commission approved a Conditional Use Authorization ("CUA") pursuant to Planning Code Sections 121.1, 303 and 711 for development on a lot larger than 10,000 square feet on January 31, 2019. Concurrently with the CUA, the Project sought a Rear Yard Modification pursuant to Planning Code Section 134(e)(1), and the Zoning Administrator issued its Decision on April 23, 2019, which is the subject of this current appeal.

II. STANDARD OF REVIEW

The Board of Appeals reviews the departmental decision de novo. *See* San Francisco Charter 4.106(c)(2) ("The Board of Appeals shall hear and determine appeals: From the rulings, decisions and determinations of the Zoning Administrator granting or denying applications for variances from any rule, regulation, restriction or requirement of the zoning or set-back ordinances, or any section thereof. Upon the hearing of such appeals, the Board may affirm, change, or modify the ruling, decision or determination appealed from, or, in lieu thereof, make

such other additional determinations as it shall deem proper in the premises, subject to the same limitations as are placed upon the Zoning Administrator by this Charter or by ordinance."). A Planning Code Interpretation for Section 134(e)(1) and 134(f), Effective Date 1993, explains that the rear yard requirements for a Neighborhood Commercial District may be waived by the Zoning Administrator pursuant to the procedure applicable to variances as set forth in several Code sections. The waiver thus requires the same appeal procedure as a variance. Pursuant to the Board of Appeals' Special Instructions for Parties, the Board of Appeals is not required to defer to the findings of fact or determinations of the underlying decision-maker when reviewing a variance decision.

III. THE DECISION VIOLATES THE PLANNING CODE.

Planning Code Section 134 makes clear that rear yard requirements apply to every building in the NC-2 Zoning District in order to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to the district, consistent with the location of adjacent buildings. As stated in Planning Code Section 134(a)(1), "[T]he minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet."[1] Planning Code Section 134(a)(1)(B) states for the NC-2 Zoning District, "Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit." The Merryvale Antiques Building currently occupies the 174.7

[1] The Zoning Administrator erroneously indicates that the "Planning Code Section 134 requires properties in the NC-2 Zoning District to maintain a rear yard measuring 25 percent of the *total lot area* (but in no case less than 15 feet) at the lowest level containing a residential unit and at each succeeding level of the building." (Decision, p.1, emphasis added.)

foot deep lot, resulting in a required rear yard of approximately 43.7 feet in length, which totals approximately 2,181 square feet of required rear yard area (43.7 feet times 49.9 feet, which is the width of the rear property line of the L-shaped lot). The construction of the Project will significantly reduce the Merryvale Antiques Building's required rear yard below the minimum requirement. Despite repeated requests, neither the Planning Department nor the Zoning Administrator has ever answered 1598 Bay's questions about the dimensions and location of the required rear yard for the subject lot or how the Project could be constructed within the required rear yard. The Decision completely ignores this issue.

While Planning Code Section 134 does permit the construction of some structures in the required rear yard, the Project is not a permitted obstruction specified in Planning Code Section 136. Planning Code Section 134(b) specifically states, "Only those obstructions specified in Section 136 of this Code shall be permitted in a required rear yard, and no other obstruction shall be constructed, placed or maintained within any such yard." Garden structures, such as greenhouses and sheds for storage of garden tools subject to certain size requirements, are an example of permitted obstructions contemplated by Planning Code Section 136(a)(23). A new, 4-story, 8-unit residential building is not listed in Planning Code Section 136 as a permitted obstruction allowed within the required rear yard.

Furthermore, the Zoning Administrator does not explain how the Project could be constructed within the required rear yard, which would impermissibly enlarge the currently non-complying garden house in violation of Planning Code Sections 172(b) and 186.1(b). The existing one-story garden house is a non-complying structure built within the required rear yard of the Merryvale Antiques Building. The existing garden house cannot be replaced with a larger

structure that would increase the discrepancy between the existing conditions on the lot and required standards for new construction set forth in the Planning Code. *See* Planning Code Sections 172(b) and 186.1(b).

In fact, the Project does not fit within this lot or within the limits of the Planning Code. Instead, the Zoning Administrator arbitrarily drew an artificial "lot line" for the "area of work," and focused only on whether the proposed new residential building needed a rear yard modification pursuant to Planning Code Section 134(e)(1). The "shared" open space for the Merryvale Antiques Building and the Project referred to in the Decision violates Planning Code Section 172(c) because the Project cannot use all or part of the required open space required for any other structure or use, which the Project does by using the required open space for the Merryvale Antiques Building to count towards its usable open space requirements.

IV. THE PROJECT CANNOT MEET THE REQUIRED REAR YARD MODIFICATION FINDINGS OF PLANNING CODE SECTION 134(E)(1).

As the Project sponsor has not subdivided the Project's large L-shaped lot, the Project requires a rear yard modification pursuant to Planning Code Section 134(e) because it is attempting to use the "rear yard" of the historic Merryvale Antiques Building to shoehorn the Project into the site. A rear yard modification requires that the following three criteria must be met pursuant to Planning Code Section 134(e)(1):

> (A) Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development;
>
> (B) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and
>
> (C) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

The Project cannot meet any of the three criteria. As discussed in greater detail below, the first requirement listed above cannot be met because a comparable amount of usable open space cannot be provided and the usable open space is not more accessible to residents. The second requirement cannot be met since the Project will significantly impede the access of light and air and views from the homes in the 1598 Bay building (by effectively eliminating the views shown in the photos attached as Exhibit A, and replacing the views with a 40' tall dark wall built on the shared property line, while also creating a dark canyon blocking access to light and air). The third requirement cannot be met since the Project materially and adversely affects the open space provided by the 1598 Bay building. There is no rationale that allows the Project to provide a comparable amount of usable open space by relying on the Merryvale Antiques Building's required rear yard and open space. Indeed, the Zoning Administrator completely ignores the rear yard required for the full lot, electing to pretend that the proposed "area of work" is a lot in and of itself and that only the Project requires a rear yard modification because it provides no rear yard.

A. The Project Impermissibly Uses the Merryvale Antiques Building's Required Rear Yard and Open Space Area to Count Towards Its Comparable Amount of Usable Open Space.

The Zoning Administrator cannot make a finding that is contrary to the intent and purposes of the Planning Code. Planning Code Section 172(c) states, "No required open space. . . existing or hereafter provided about, in or on any structure shall be reduced below the minimum requirements therefor set forth in this Code, or further reduced if already less than said minimum requirements. *No required open space. . . existing or hereafter provided for a structure or use and necessary to meet or meet partially the requirements of this Code for such structure or use*

shall be considered as all or part of the required open space. . . required for any other structure or use, except as provided in Section 160 for the collective provision or joint use of parking." (Emphasis added.) In the Decision, the Zoning Administrator makes no effort to explain how the "area of the lot to be developed" was calculated, nor attempts to explain how this might impact the rear yard and open space requirements for the existing Merryvale Antiques Building. By arbitrarily carving up the one parcel for the "area of the lot to be developed", the Decision allows the Project sponsor to manipulate the Planning Code in a way best suited for its purposes.

The Project must meet the requirement to provide a comparable amount of usable open space without violating the open space requirements for the existing Merryvale Antiques Building. As the Zoning Administrator states, the Project intends to use approximately half of the landscaped garden area between the two buildings as common usable open space. (Decision, p.3.) However, as set forth in Planning Code Section 172(c), the Project cannot use all or part of the required open space required for any other structure or use. In this case, the Project will encroach onto the Merryvale Antiques Building rear yard requirement in violation of Planning Code Section 172(c). See Exhibit B, Conditional Use Authorization 2016-010079CUA Project Plans dated January 31, 2019, Sheet 26.

B. The Project Will Significantly Impede the Access of Light and Air to and Views From Adjacent Properties.

The Zoning Administrator's findings are deficient because they do not take into account the protection owed to the Project's neighbors and their access to light and air and views. Whereas generally the Planning Code does not protect private views, Section 134(e)(1)(B) explicitly does. The Zoning Administrator errs with the finding that "the proposed project will be consistent with the existing nearby pattern and will not introduce new significant impediments

to light and air for adjacent properties," which completely ignores the Project's design in relation to its immediate neighbor, 1598 Bay. (Decision, p.3.) In fact, it is unclear which two buildings the Zoning Administrator is referring to when he makes references to the fact that the Planning Department's Urban Design Advisory team evaluated "both" buildings to determine that the building's design, height, and massing is generally compatible with the neighborhood context and the immediately adjacent properties.

The Project's southern façade is currently designed as a 40' foot high wall, using materials that include dark grey equitone paneling and dark red brick, set back less than six inches away from the shared property line with 1598 Bay. See Exhibit B, Conditional Use Authorization 2016-010079CUA Project Plans dated January 31, 2019, Sheets 10, 14, 26, 27 and 29. The residents living in the units of 1598 Bay's northern façade will have to face an unsightly view that also blocks their access to light and air by virtue of the shadows that will be cast onto their units. The utility of the balconies for residents of these 1598 Bay units will be completely compromised. The residents' views to the Bay, the Merryvale Antiques Building, the surrounding cityscape and sky will also be destroyed. See Exhibit A, Views from Units 206, 305, 306, 404, and 405. As indicated during the public comment period at the January 31, 2019, Planning Commission hearing, the residential neighbors to the east of the Project will also be harmed because their access to light and air will also be impeded. The Decision completely glosses over these facts that undermine the findings.

During the design review process, 1598 Bay accommodated its adjacent neighbors by setting back its new residential development from the shared property line by 15 feet. In contrast, the Project provides less than a six-inch setback at the shared property line.

C. The Project Will Adversely Affect the Interior Block Open Space Formed By the Rear Yards of Adjacent Properties.

The Zoning Administrator's findings also misconstrue the requirement that the Project not adversely affect the interior block open space formed by the rear yards of adjacent properties under Section 134(e)(1)(C). The Zoning Administrator's findings indicate that there is no interior block open space based on the Project's historical setting of larger industrial buildings, however, this completely ignores the new construction of 1598 Bay to the Project's south. In fact, the interior block open space formed by the rear yards of adjacent properties will be negatively affected.

V. THE ZONING ADMINISTRATOR ERRS IN MAKING ITS FINDINGS PURSUANT TO PLANNING CODE 134(E)(1) BECAUSE THE SUBJECT LOT IS A CORNER LOT.

In the findings for the rear yard modification, the Zoning Administrator does not acknowledge the Project's location on a corner lot, which already contains an existing building – the historic Merryvale Antiques Building. In fact, it is not clear, and the Zoning Administrator does not address at all, if the Project should be required to obtain a rear yard modification under Section 134(e)(2) instead of Section 134(e)(1) because of the Project's location on a Corner Lot. Section 134(e)(2), which applies to Corner Lots and Lots at Alley Intersections, states the following: "On a corner lot as defined by this Code . . . the required rear yard may be substituted *with an open area equal to 25 percent of the lot area* which is located at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court. . . ." (Emphasis added). The Zoning Administrator would have to the determine that the following four criteria are met:

(A) Each horizontal dimension of the open area shall be a minimum of 15 feet.

(B) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.

(C) The open area will provide for the access to light and air to and views from adjacent properties.

(D) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.

The Project would similarly be unable to meet all of the criteria under Section 134(e)(2) primarily because the Project would not satisfy the requirement to have an open area equal to 25% of the lot area. The lot measures 13,480 square feet. 25% of 13,480 square feet is 3,370 square feet.[2] However, the Zoning Administrator states that the Project proposes to use approximately half of the landscaped garden area between the two buildings as common usable open space for the residences, and calculates this comparable amount of at-grade open space to be provided at approximately 1,098 square feet, which would suggest the total square footage of the landscaped garden area to be approximately 2,200 square feet. The side yard areas of the Merryvale Antiques Building may contribute marginally to the total at-grade open space, but likely do not meet either criterion (A) or (B) above. The total amount of landscaped garden area and side yard areas are less than what is required for the open area pursuant to Section 134(e)(2) as a direct result of the large footprint of the Project.

* * * * *

[2] Note that this 25% open area calculation is greater than the calculation for the rear yard requirement given the property's L-shaped configuration, and the difference between using total lot area as opposed to total depth of lot.

We respectfully request that the Board of Appeals affirm the appeal and overturn the decision of the Zoning Administrator granting a Rear Yard Modification.

Sincerely,

Charles R. Olson

CRO/CJL

Exhibits:

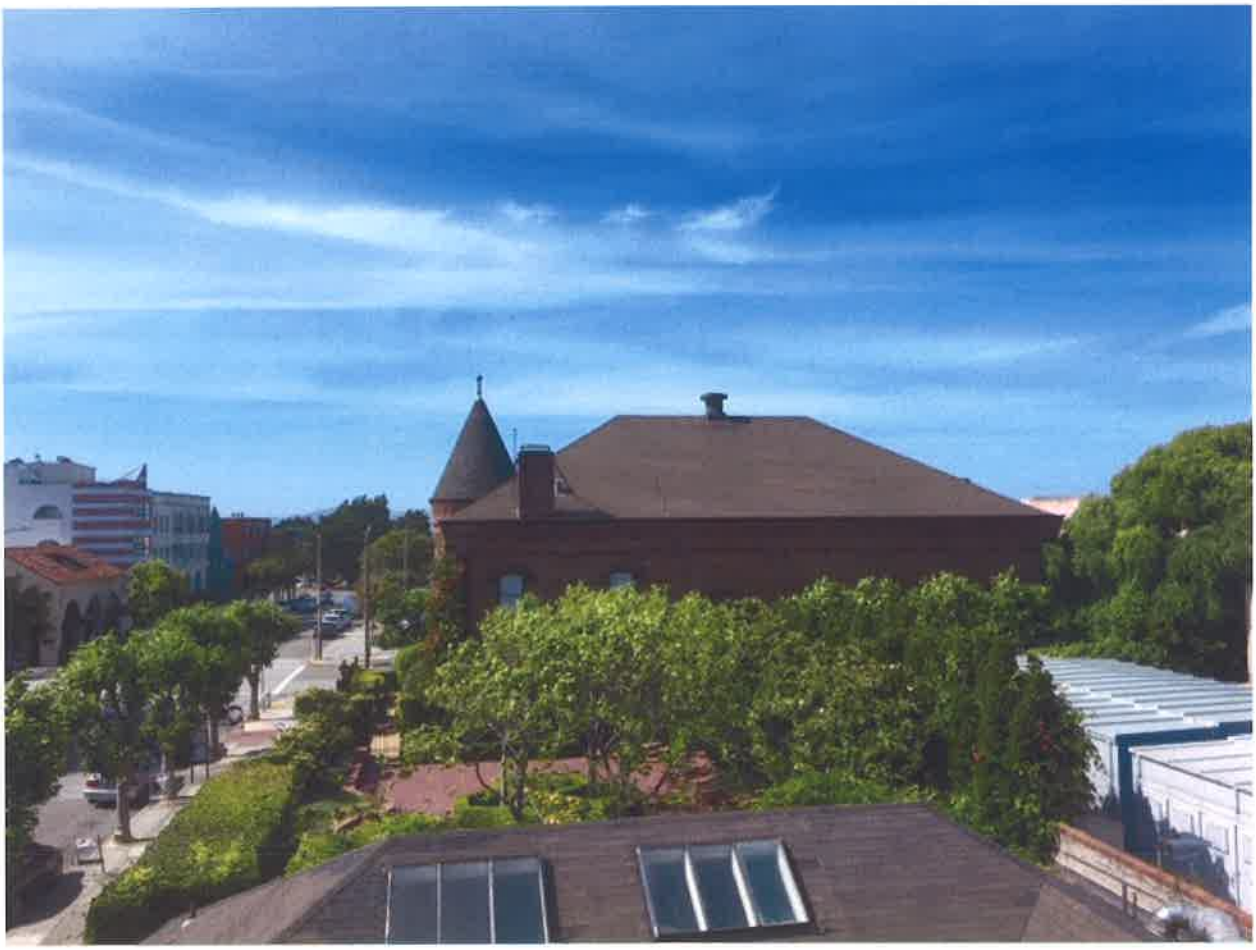
- Exhibit A Photo exhibits demonstrating existing views from 1598 Bay
- Exhibit B Conditional Use Authorization 2016-010079CUA Project Plans dated January 31, 2019

cc: Jody Knight, Reuben Junius & Rose
1598 Bay Condominium Association

EXHIBIT A

View from Unit 206
(on the northwestern side of 1598 Bay)

View from Unit 305
(on the northwestern side of 1598 Bay)



View from Unit 306
(on the north center side of 1598 Bay)

View from Unit 306
(on the north center side of 1598 Bay) (1)

View from Unit 404
(on the northwestern side of 1598 Bay)

View from Unit 405
(on the north center side of 1598 Bay)

EXHIBIT B

ib+a
architecture

3620 BUCHANAN STREET

PRESENTATION TO SAN FRANCISCO PLANNING COMMISSION

Date of Package: January 31, 2019

Project Sponsor:
Tusker Corporation
3636 Buchanan St.
San Francisco, CA 94123

251 south van ness ave, suite 300 - san francisco, ca 94103 - ian birchall and associates - p: 415.512.9660 - f:415.512.9663 - www.ibadesign.com

SHEET INDEX

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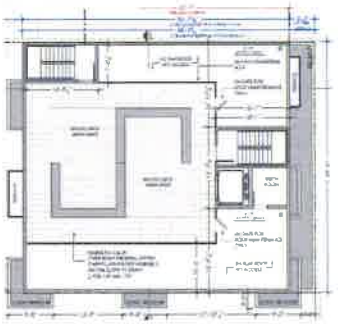
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	CURRENT PROPOSED DESIGN FOR 3620 BUCHANAN HPC APPROVED 11/7/18	3620 BUCHANAN SHEET #: 2	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

3620 Buchanan - Timeline

16_1003 Site Permit Submission (Sutro Architects) →

P1 FLOOR PLANS

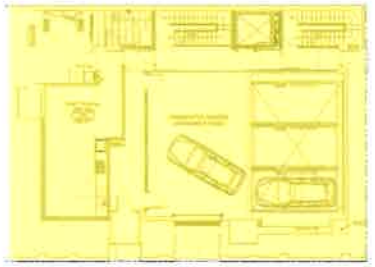
ROOF PLANS



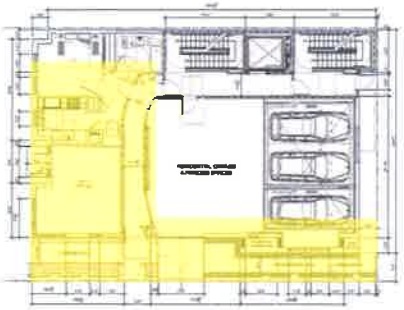
17_0403 UDAT Review Submission (IB+A) →

17_0505 NOPDR #1 Received

- Set back northwest corner for more visual access to landmark bldg.
- Simplify massing
- Set back fourth floor to be minimally visible from street
- Relocate parking to allow active use at bldg frontage
- Reconsider projecting balconies
- Minimize glazing + add punched windows
- Use materials to compliment landmark bldg.
- Terminate bldg. with strong & intentional top / shaped roof



17_0614 CU + Rear Yd Mod. + Revised Site Permit Submission – white scheme →



Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	DESIGN ITERATION TIMELINE (1 OF 3)	3620 BUCHANAN SHEET #: 3	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

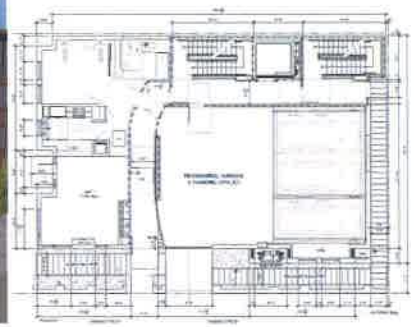
P1 FLOOR PLANS

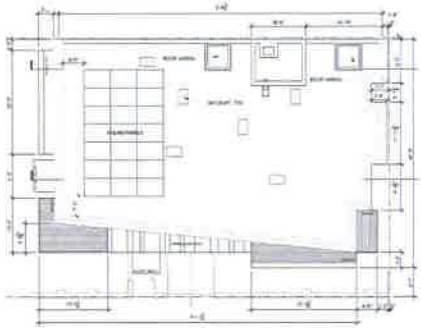
ROOF PLANS

17_0821 Plans Revised – copper scheme

17_1017 NOPDR #2 Received

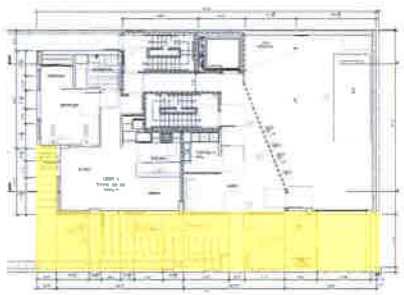
- Pull forward south portion of bldg. to provide stronger streetwall & push northern portion back to align w/landmark bldg.
- Bldg height should not exceed height of landmark bldg.
- Provide an active use at ground floor in lieu of proposed parking (i.e. additional res. Unit, lobby, or common space)
- Standing seam metal not appropriate to context





17_1114 Planning Meeting - Plans revised w/grey siding scheme

- Positive response to revised massing, treatment of building face at street, material choice, and proposed parking



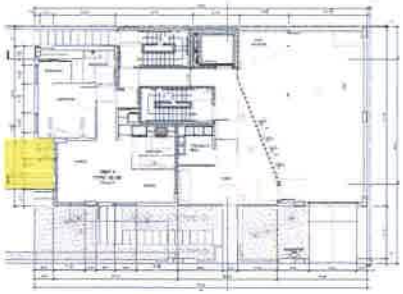
18_0108 Plans Revised – copper siding scheme
18_0209 Shadow Study Completed for Arnold Cohn (neighbor)
18_0320 Revised Plans Issued to Planning – copper siding scheme

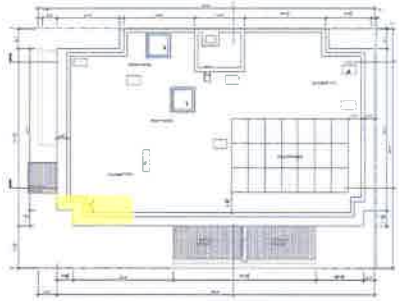
18_0510 NOPDR #3 Received

- Formalize lobby entry
- Entrance to ground floor unit & lobby should be pushed forward to be immediately accessed from the street
- Pull back west elevation so it sits behind landmark bldg.
- Continue brick on all sides of floors 1-3 + add punched openings
- Railings should relate to context (vertical railing w/bold top rails)
- Cladding at P4 should have randomized pattern / texture
- Articulate floors with horizontal feature
- Thicken surrounds of windows facing landmark bldg.

18_0523 Planning Meeting

- Replace copper siding w/Brick at P2-3
- Provide recessed windows
- Remove portion of existing wall in front of residential unit for visibility from the street





Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	DESIGN ITERATION TIMELINE (2 OF 3)	3620 BUCHANAN SHEET #: 4	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

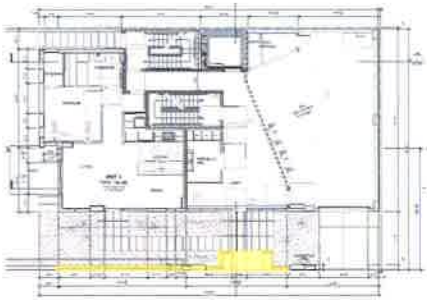
18_0815 ARC Hearing – brick scheme w/NOPDR #3 comments addressed

- Add string course & more defining features to main entry

18_1107 HPC Hearing – brick scheme w/ARC comments addressed

- APPROVED

P1 FLOOR PLAN



ROOF PLAN

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	DESIGN ITERATION TIMELINE (3 OF 3)	3620 BUCHANAN SHEET #: 5	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	CURRENT PROPOSED DESIGN FOR 3620 BUCHANAN HPC APPRO VED 11/7/18	3620 BUCHANAN SHEET #: 6	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	AERIAL VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN	3620 BUCHANAN SHEET #: 7	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN FROM THE INTERSECTION OF BUCHANAN AND NORTH POINT	3620 BUCHANAN SHEET #: 8	b+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	VIEW OF PROPOSED DESIGN FROM THE LANDMARK BUILDING TOWARDS 3620 BUCHANAN	3620 BUCHANAN SHEET #: 9	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN	3620 BUCHANAN SHEET #: 10	b+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	VIEW FROM 3620 BUCHANAN TOWARDS THE LANDMARK BUILDING W/ENTRY DETAIL	3620 BUCHANAN SHEET #: 11	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	VIEW FROM 3620 BUCHANAN TOWARDS THE LANDMARK BUILDING	3620 BUCHANAN SHEET #: 12	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN

VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN

AERIAL VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN

REAR AERIAL VIEW FROM THE LANDMARK BUILDING

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	VIEWS OF PROPOSED DESIGN FOR 3620 BUCHANAN	3620 BUCHANAN SHEET #: 13	ib+a Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

REAR AERIAL VIEW FROM ABOVE 1550 BAY

REAR AERIAL VIEW FROM ABOVE 1598 BAY

REAR VIEW FROM ABOVE 1550 BAY

REAR AERIAL VIEW FROM ABOVE THE LANDMARK BUILDING

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	REAR VIEWS OF 3620 BUCHANAN	3620 BUCHANAN SHEET #: 14	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

BUCHANAN STREET ELEVATION

1. LANDMARK BUILDING - TYPICAL WINDOW

2. LANDMARK BUILDING BRICK

3. EXISTING GARDEN WALL BRICK

4. 3620 BUCHANAN - PROPOSED TYPICAL WINDOW

5. 3620 BUCHANAN - PROPOSED BRICK

6. 1598 BAY - TYPICAL WINDOW

7. 1598 BAY ST. BRICK

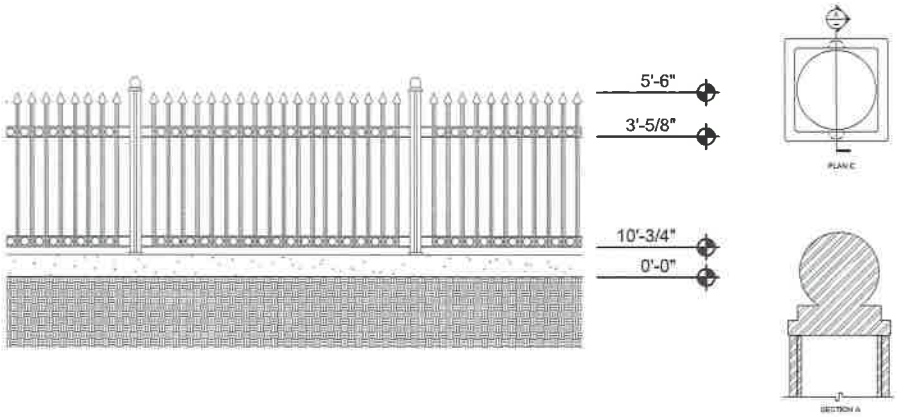
WINDOW DETAIL IMAGES

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	VISUAL COMPATABILITY ANALYSIS: EXISTING / PROPOSED WINDOW + BRICK DESIGN	3620 BUCHANAN SHEET #: 15	ib+a Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

EXISTING FENCE + GATES AT LANDMARK BUILDING

PROPOSED FENCE AT 3620 BUCHANAN

PROPOSED FENCE + GATES AT BUILDING ENTRY



PROPOSED FENCE ELEVATION

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	VISUAL COMPATABILITY ANALYSIS: EXISTING / PROPOSED FENCE DESIGN	3620 BUCHANAN SHEET #: 16	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

PROPOSED RAILING DESIGN AT 3620 BUCHANAN

1598 BAY

3611 BUCHANAN

1550 BAY

1550 BAY

1515 NORTH POINT

3501 LAGUNA

EXISTING RAILING DESIGNS OF NEIGHBORING PROPERTIES

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	VISUAL COMPATABILITY ANALYSIS: EXISTING / PROPOSED RAILING DESIGN	3620 BUCHANAN SHEET #: 17	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

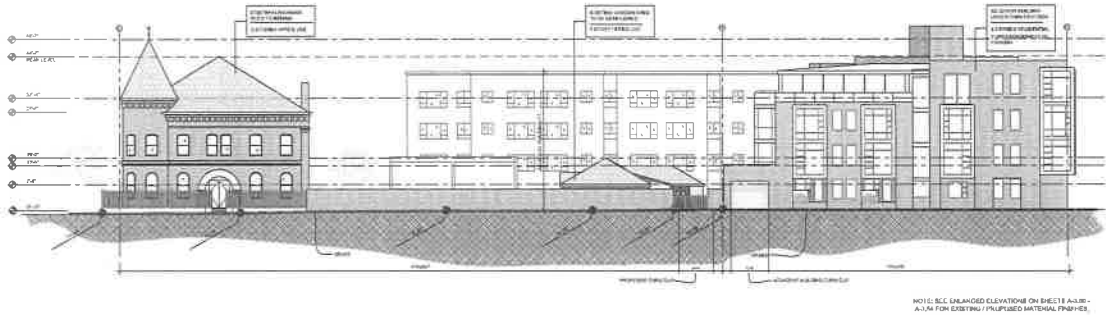
BUCHANAN ST. + NORTH POINT ST. - ADJACENT EXISTING BUILDING ON SHARED PARCEL

BUCHANAN ST. - EXISTING PROPERTY

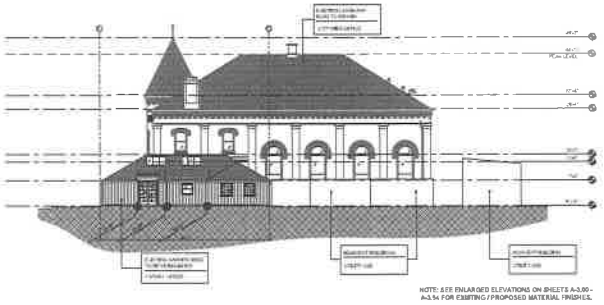
BUCHANAN ST. + BAY ST. - ADJACENT PROPERTY

BUCHANAN ST. - ADJACENT PROPERTIES (ACROSS FROM 3620 BUCHANAN)

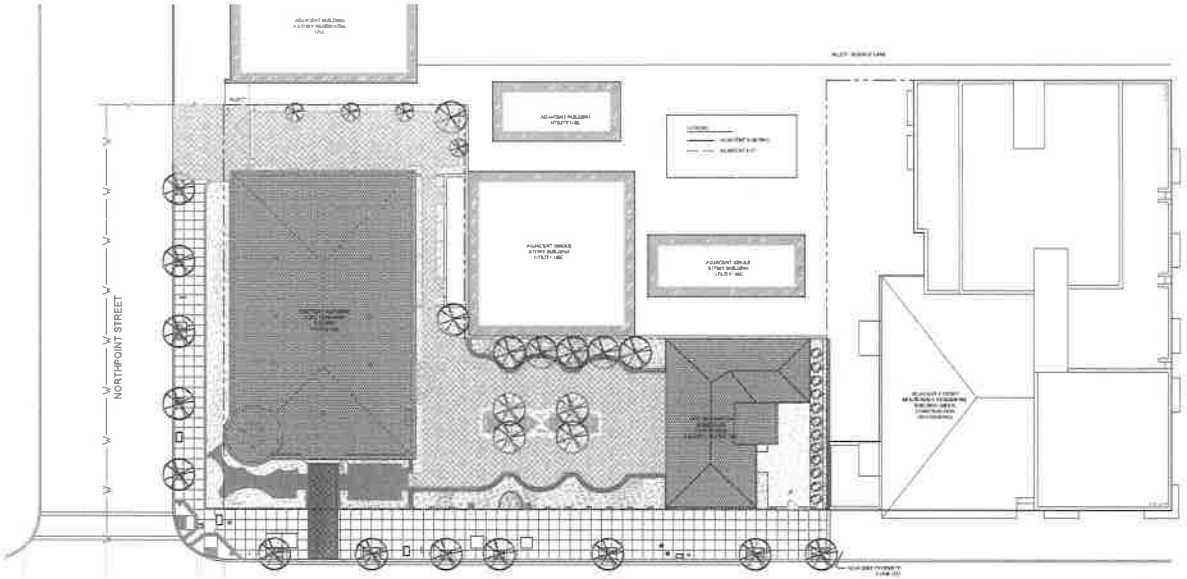
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	EXISTING SITE IMAGERY	3620 BUCHANAN SHEET #: 20	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



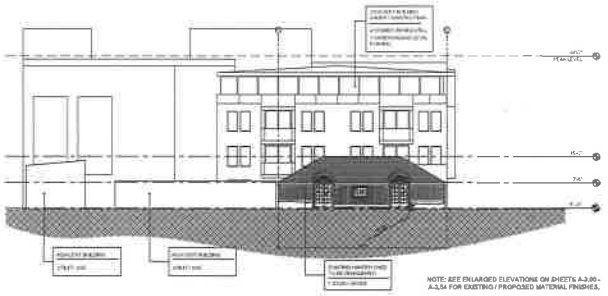
EXISTING STREET ELEVATION N.T.S



EXISTING SIDE ELEVATION N.T.S

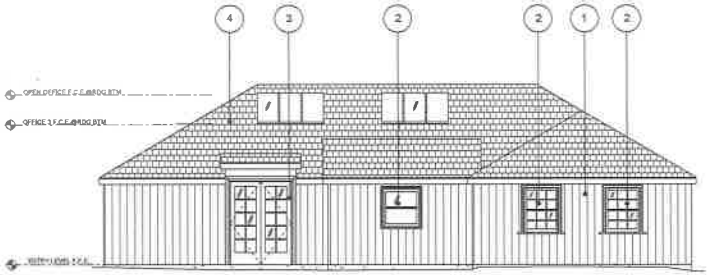


EXISTING SITE PLAN N.T.S

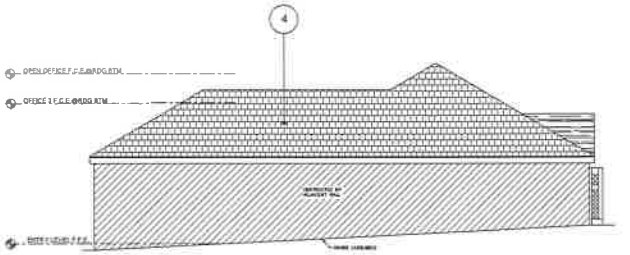


EXISTING REAR ELEVATION N.T.S

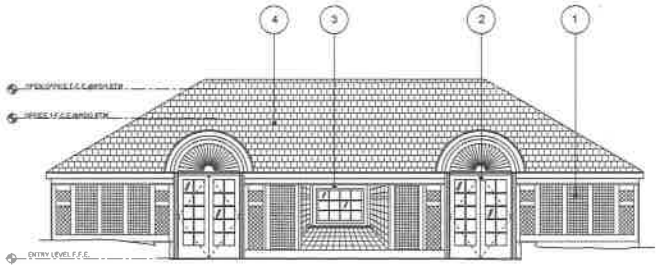
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	PROJECT SITE / EXISTING CONDITION ELEVATIONS + SITE PLAN	3620 BUCHANAN SHEET #: 21	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



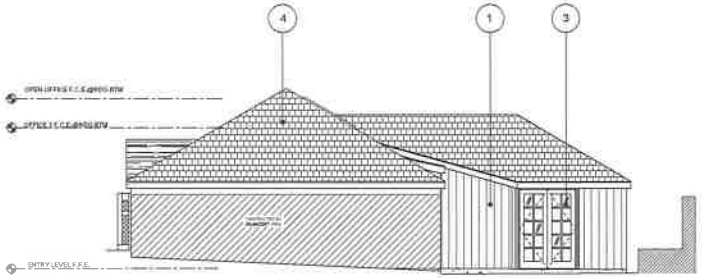
EXISTING GARDEN SHED - SOUTH ELEVATION N.T.S



EXISTING GARDEN SHED - EAST ELEVATION N.T.S



EXISTING GARDEN SHED - NORTH ELEVATION N.T.S



EXISTING GARDEN SHED - WEST ELEVATION N.T.S

1 WOOD SIDING PAINTED

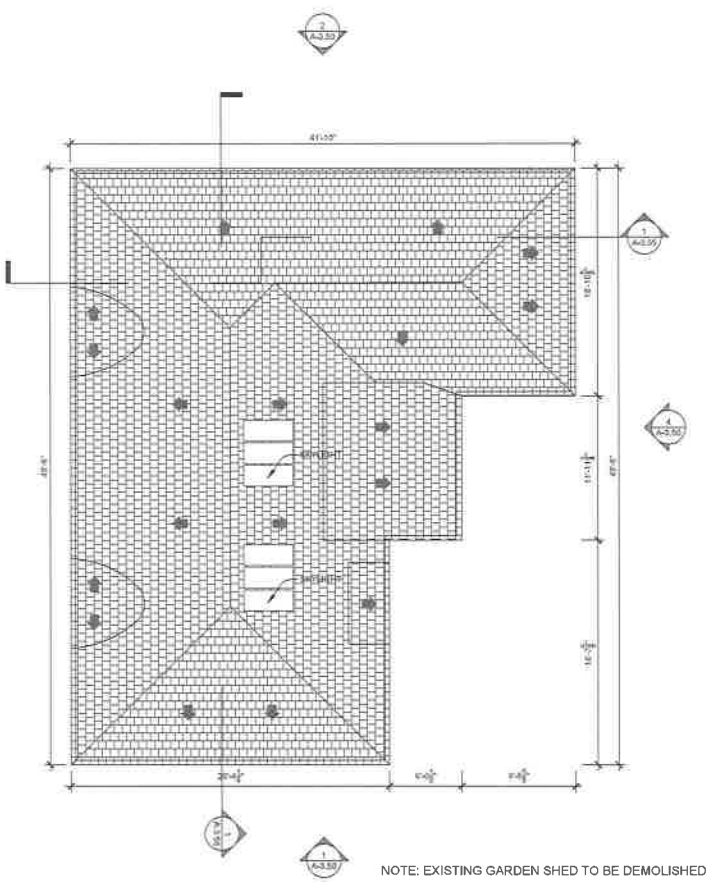
2 WOOD FRAME WINDOW PAINTED

3 WOOD FRAME DOOR PAINTED

4 ASPHALT COMPOSITE SHINGLE

KEYNOTES

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	PROJECT SITE / EXISTING CONDITION GARDEN SHED ELEVATIONS (NOTE: GARDEN SHED TO BE DEMOLISHED)	3620 BUCHANAN SHEET #: 22	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



NOTE: EXISTING GARDEN SHED TO BE DEMOLISHED

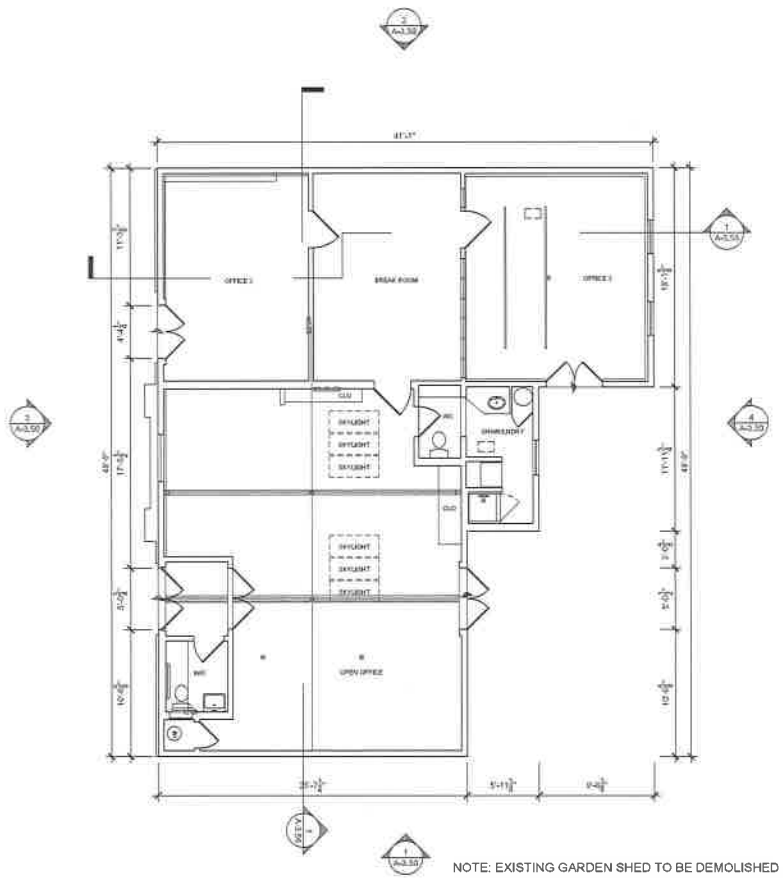
LEGEND

1 HOUR FIRE RATED WALL

2 HOUR FIRE RATED WALL

3 HOUR FIRE RATED WALL

EXISTING GARDEN SHED - ROOF PLAN N.T.S



NOTE: EXISTING GARDEN SHED TO BE DEMOLISHED

LEGEND

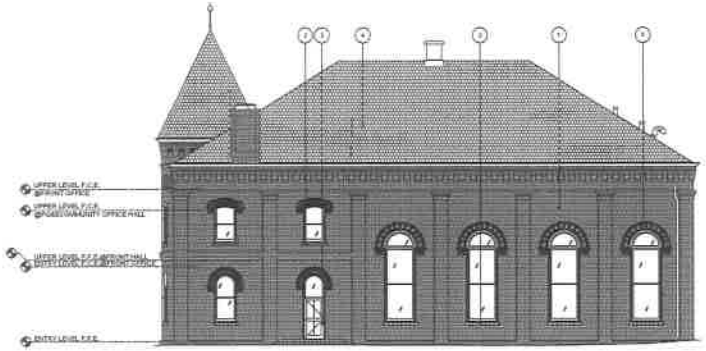
1 HOUR FIRE RATED WALL

2 HOUR FIRE RATED WALL

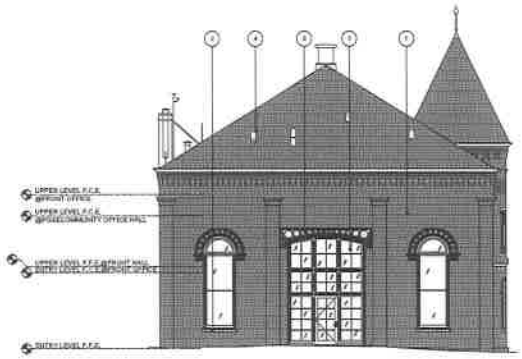
3 HOUR FIRE RATED WALL

EXISTING GARDEN SHED - P1 PLAN N.T.S

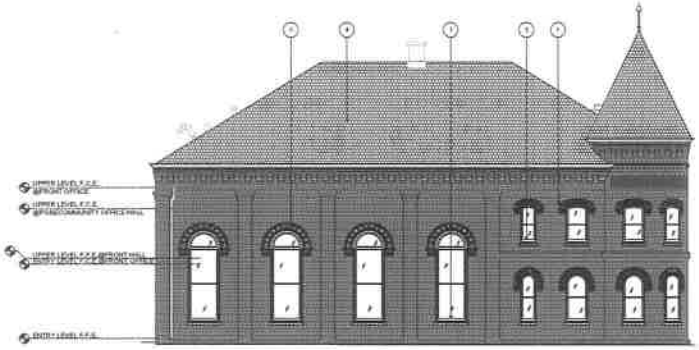
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	PROJECT SITE / EXISTING CONDITION GARDEN SHED PLANS (NOTE: GARDEN SHED TO BE DEMOLISHED)	3620 BUCHANAN SHEET #: 23	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



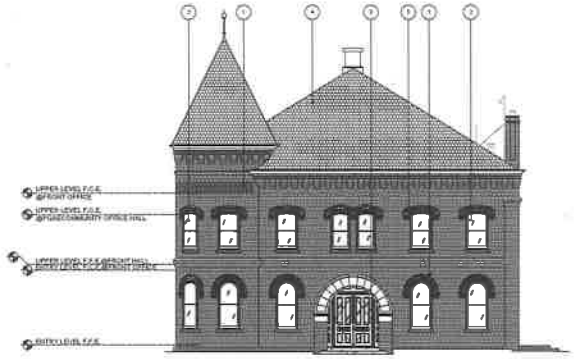
EXISTING LANDMARK BUILDING - SOUTH ELEVATION N.T.S



EXISTING LANDMARK BUILDING - EAST ELEVATION N.T.S



EXISTING LANDMARK BUILDING - NORTH ELEVATION N.T.S

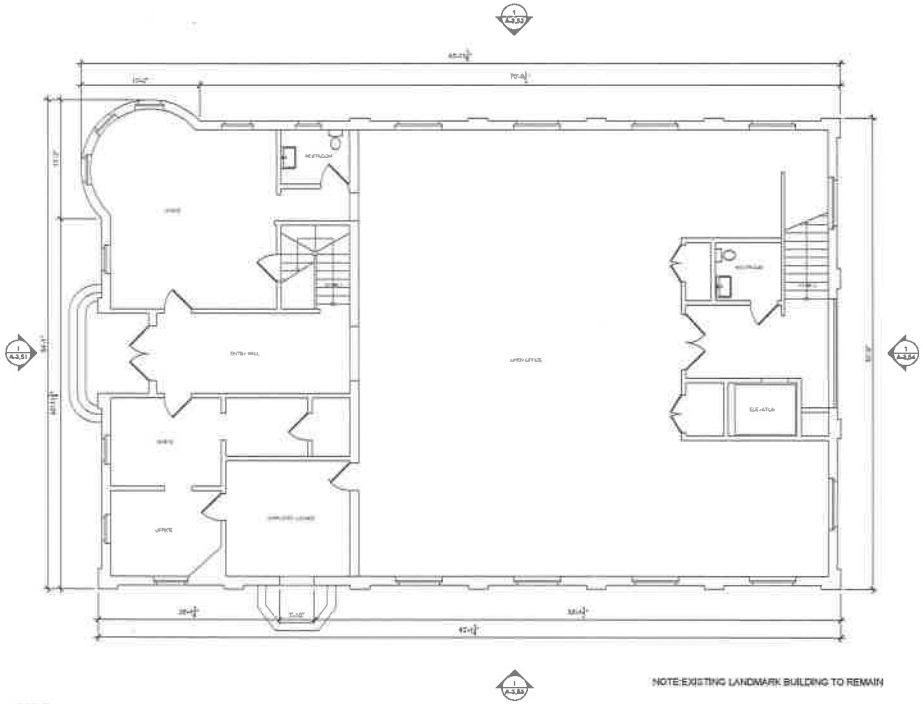


EXISTING LANDMARK BUILDING - WEST ELEVATION N.T.S

1 BRICK WALL 2 WOOD FRAME WINDOW PAINTED 3 WOOD DOOR NATURAL FINISH 4 ASPHALT COMP. SHINGLE 5 STONE

KEYNOTES

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	EXISTING CONDITION LANDMARK BUILDING ELEVATIONS (NOTE: LANDMARK BUILDING TO REMAIN)	3620 BUCHANAN SHEET #: 24	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



NOTE:EXISTING LANDMARK BUILDING TO REMAIN

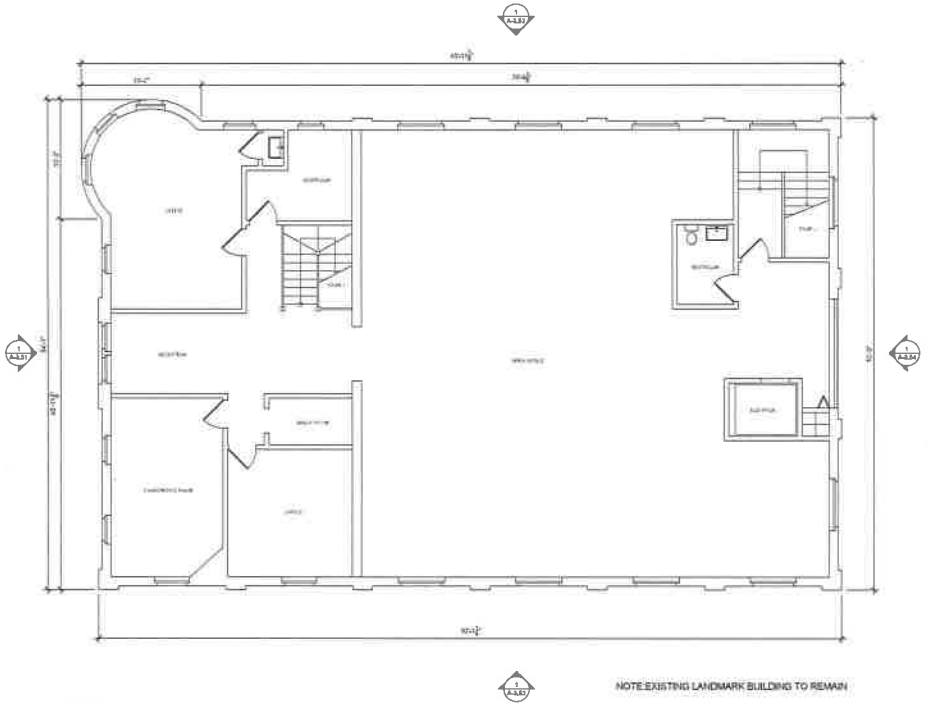
LEGEND

1 HOUR FIRE RATED WALL

2 HOUR FIRE RATED WALL

3 HOUR FIRE RATED WALL

EXISTING LANDMARK BUILDING - P1 PLAN N.T.S



NOTE:EXISTING LANDMARK BUILDING TO REMAIN

LEGEND

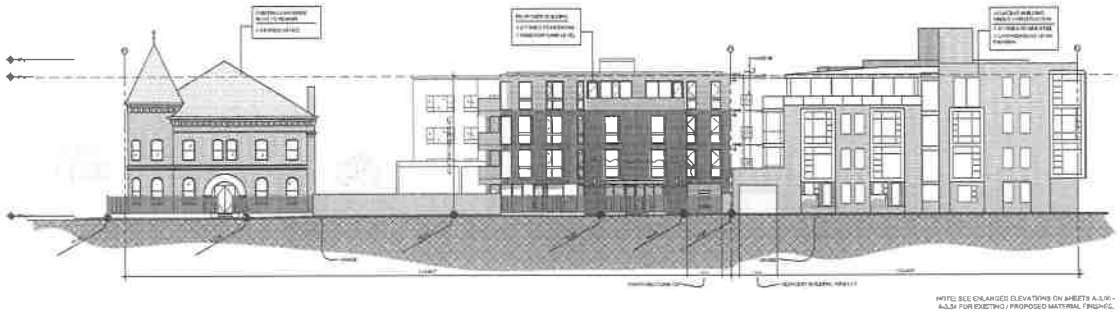
1 HOUR FIRE RATED WALL

2 HOUR FIRE RATED WALL

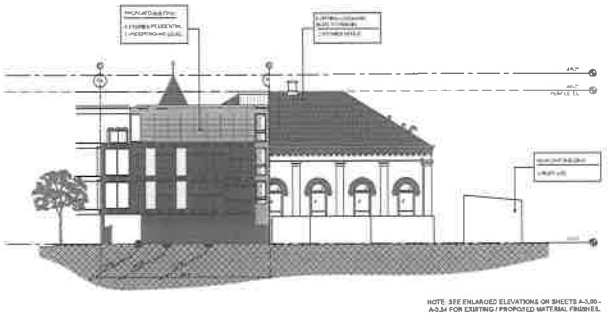
3 HOUR FIRE RATED WALL

EXISTING LANDMARK BUILDING - P2 PLAN N.T.S

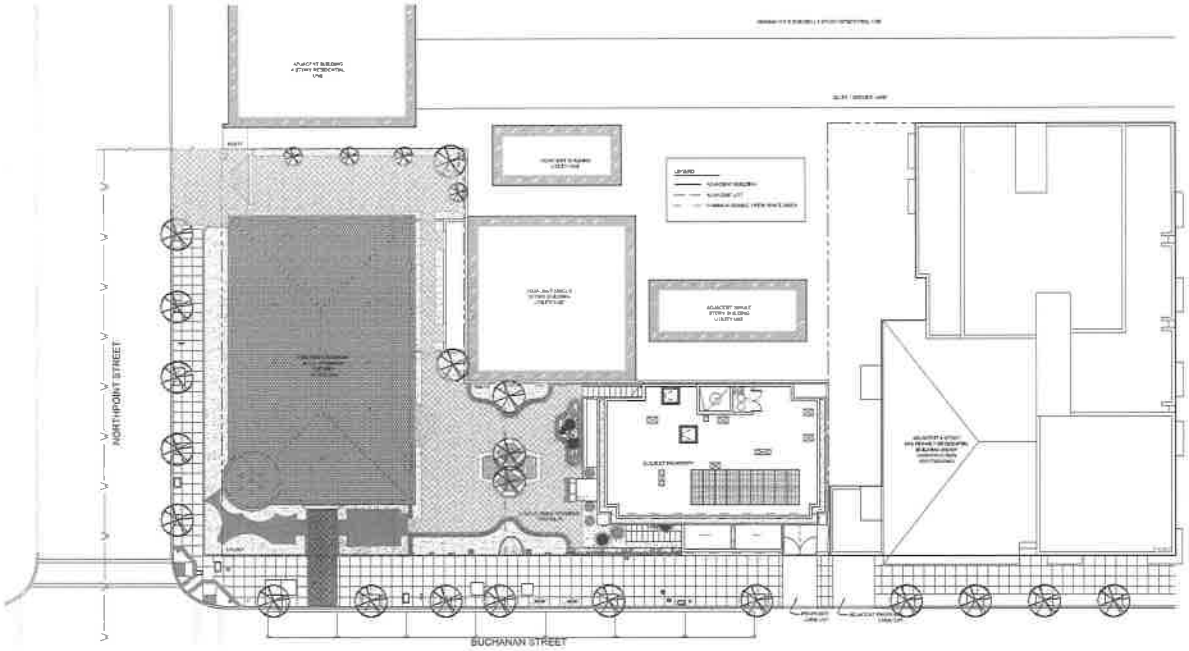
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	EXISTING CONDITION LANDMARK BUILDING PLANS (NOTE: LANDMARK BUILDING TO REMAIN)	3620 BUCHANAN SHEET #: 25	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



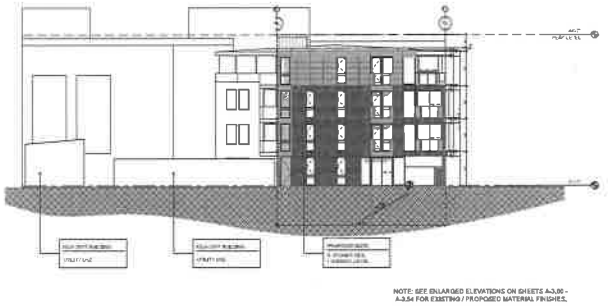
PROPOSED STREET ELEVATION N.T.S



PROPOSED SIDE ELEVATION N.T.S



PROPOSED SITE PLAN N.T.S



PROPOSED REAR ELEVATION N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	PROJECT SITE / PROPOSED CONDITION ELEVATIONS + SITE PLAN	3620 BUCHANAN SHEET #: 26	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

PROPOSED WEST ELEVATION

N.T.S

KEYNOTES

1. THIN BRICK VENEER - STACK BOND (NORMAN SIZE)
2. THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)
3. EQUITONE PANEL (LINEA LT20)
4. ALUMINUM WALL PANELS
5. CONTROL JOINTS
6. GLASS GUARDRAIL
7. ALUMINUM PICKET GUARDRAIL
8. ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING
9. ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING
10. ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS
11. ALUMINUM SHADOW BOX FRAME
12. CUSTOM GARAGE DOOR - WITH EQUITONE PANEL
13. ELEVATOR PENTHOUSE - STUCCO
14. ADJACENT BUILDING
15. BUILDING BEYOND
16. EXISTING BRICK WALL
17. WROUGHT IRON FENCE
18. CONCRETE CURB

EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	PROPOSED WEST ELEVATION	3620 BUCHANAN SHEET #: 27	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

PROPOSED NORTH ELEVATION

N.T.S

KEYNOTES

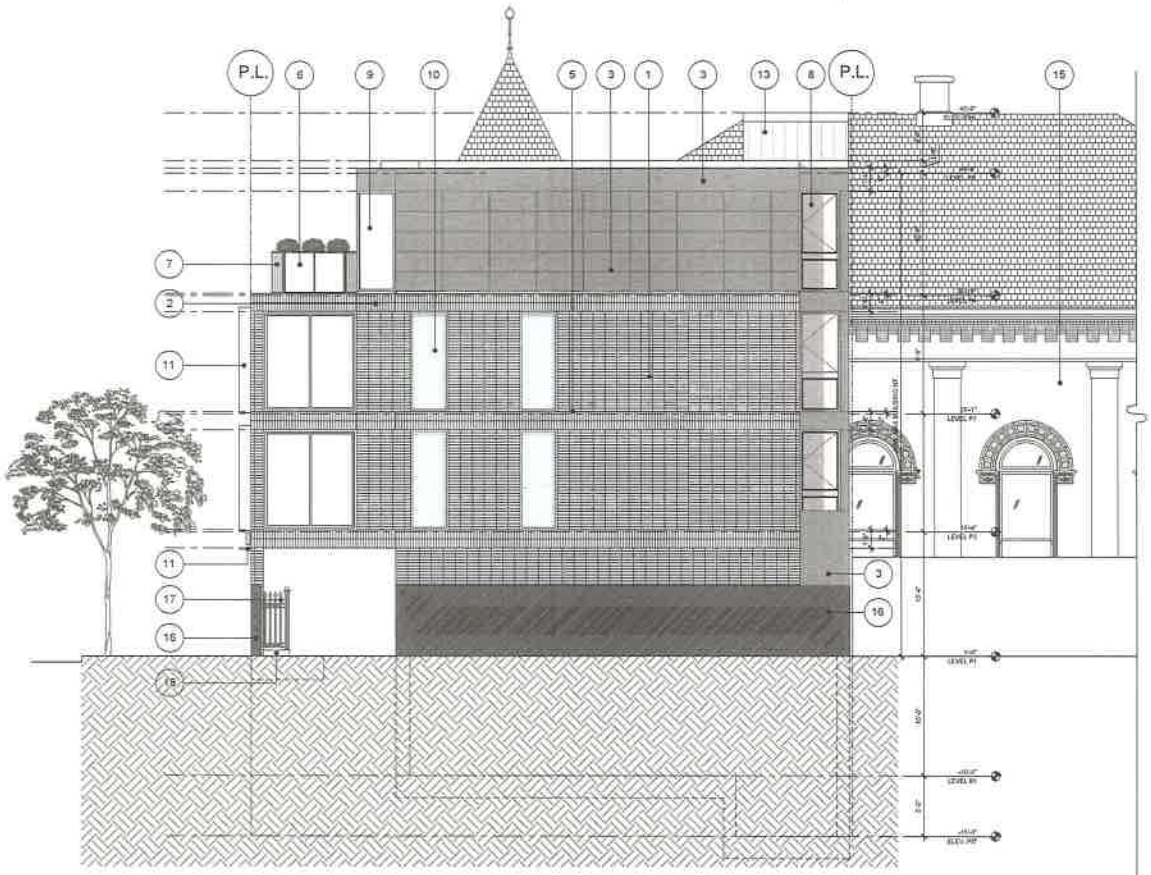
1. THIN BRICK VENEER - STACK BOND (NORMAN SIZE)
2. THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)
3. EQUITONE PANEL (LINEA LT20)
4. ALUMINUM WALL PANELS
5. CONTROL JOINTS
6. GLASS GUARDRAIL
7. ALUMINUM PICKET GUARDRAIL
8. ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING
9. ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING
10. ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS
11. ALUMINUM SHADOW BOX FRAME
12. CUSTOM GARAGE DOOR - WITH EQUITONE PANEL
13. ELEVATOR PENTHOUSE - STUCCO
14. ADJACENT BUILDING
15. BUILDING BEYOND
16. EXISTING BRICK WALL
17. WROUGHT IRON FENCE
18. CONCRETE CURB

EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	PROPOSED NORTH ELEVATION	3620 BUCHANAN SHEET #: 28	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



PROPOSED SOUTH ELEVATION

N.T.S

KEYNOTES

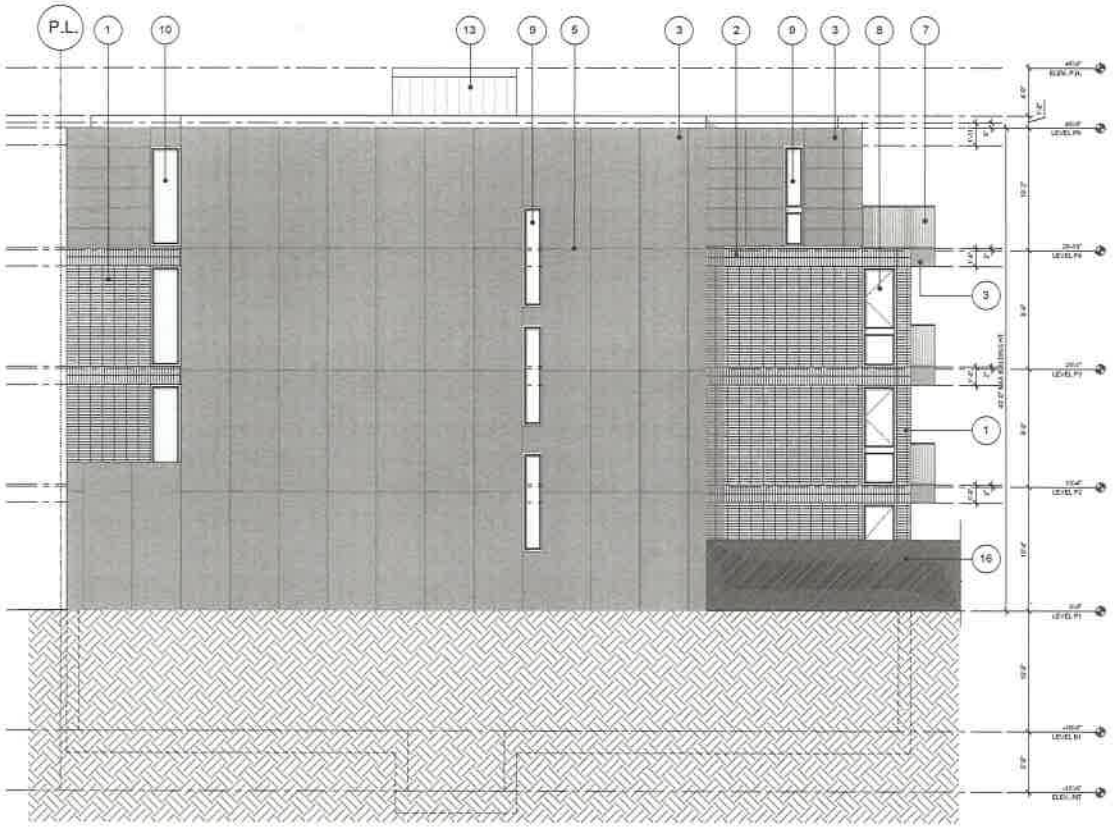
1. THIN BRICK VENEER - STACK BOND (NORMAN SIZE)
2. THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)
3. EQUITONE PANEL (LINEA LT20)
4. ALUMINUM WALL PANELS
5. CONTROL JOINTS
6. GLASS GUARDRAIL
7. ALUMINUM PICKET GUARDRAIL
8. ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING
9. ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING
10. ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS
11. ALUMINUM SHADOW BOX FRAME
12. CUSTOM GARAGE DOOR - WITH EQUITONE PANEL
13. ELEVATOR PENTHOUSE - STUCCO
14. ADJACENT BUILDING
15. BUILDING BEYOND
16. EXISTING BRICK WALL
17. WROUGHT IRON FENCE
18. CONCRETE CURB

EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING. ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	PROPOSED SOUTH ELEVATION	3620 BUCHANAN SHEET #: 29	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

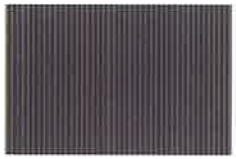


PROPOSED EAST ELEVATION

N.T.S

KEYNOTES

1. THIN BRICK VENEER - STACK BOND (NORMAN SIZE)
2. THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)
3. EQUITONE PANEL (LINEA LT20)
4. ALUMINUM WALL PANELS
5. CONTROL JOINTS
6. GLASS GUARDRAIL
7. ALUMINUM PICKET GUARDRAIL
8. ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING
9. ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING
10. ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS
11. ALUMINUM SHADOW BOX FRAME
12. CUSTOM GARAGE DOOR - WITH EQUITONE PANEL
13. ELEVATOR PENTHOUSE - STUCCO
14. ADJACENT BUILDING
15. BUILDING BEYOND
16. EXISTING BRICK WALL
17. WROUGHT IRON FENCE
18. CONCRETE CURB

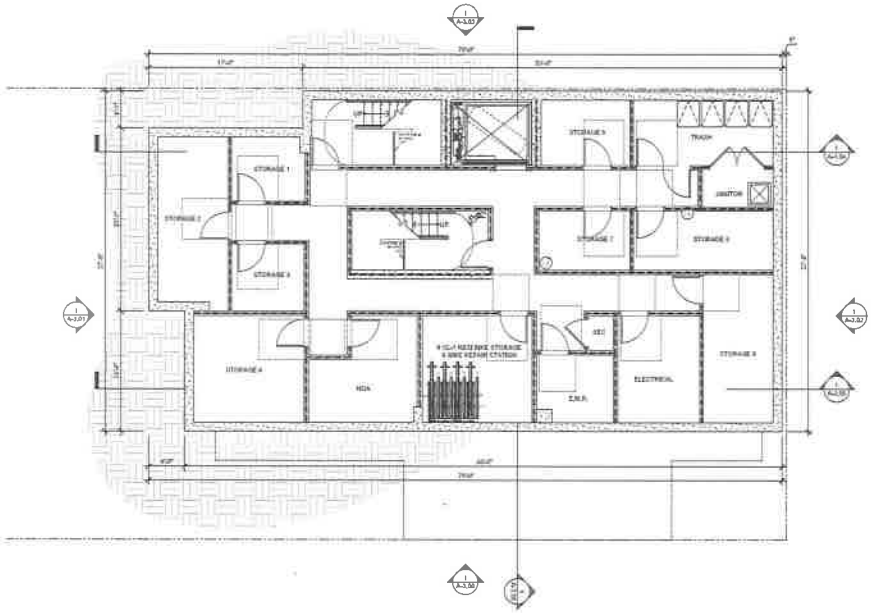


EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (ii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING. ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	PROPOSED EAST ELEVATION	3620 BUCHANAN SHEET #: 30	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



LEGEND

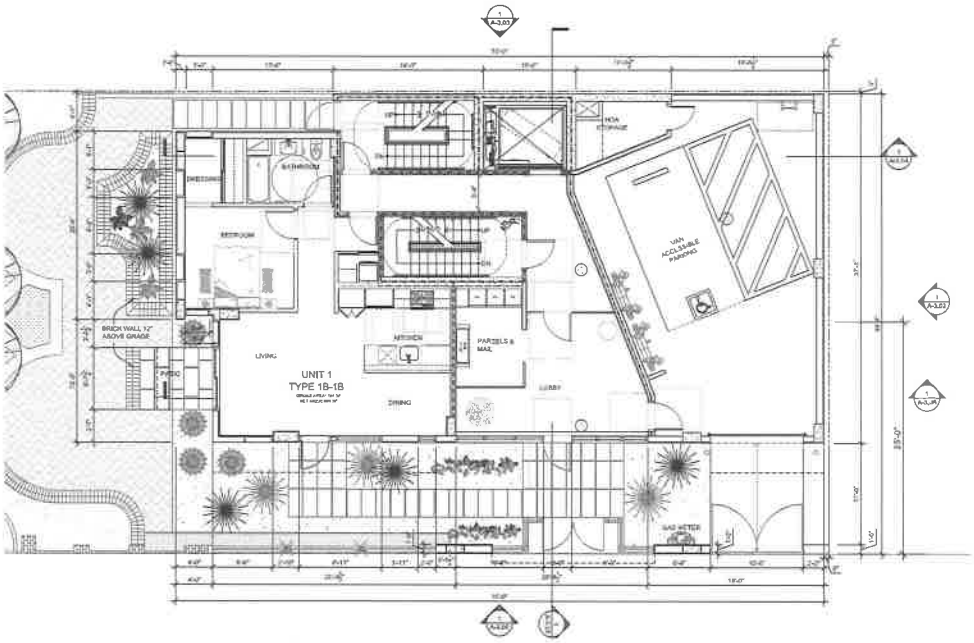
1 HOUR FIRE RATED WALL

2 HOUR FIRE RATED WALL

3 HOUR FIRE RATED WALL

PROPOSED B1 PLAN

N.T.S



LEGEND

1 HOUR FIRE RATED WALL

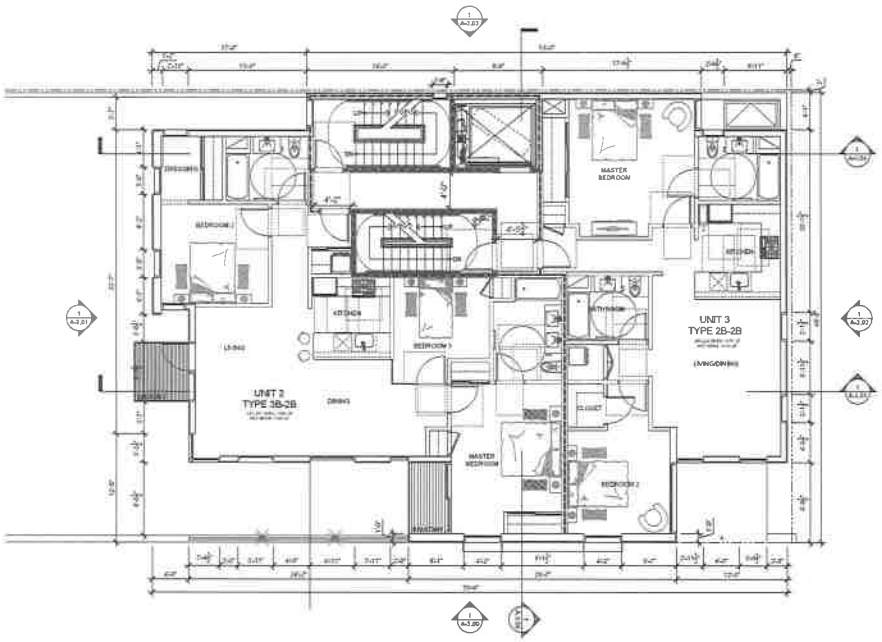
2 HOUR FIRE RATED WALL

3 HOUR FIRE RATED WALL

PROPOSED P1 PLAN

N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	PROPOSED BUILDING PLANS: BASEMENT + FIRST FLOOR	3620 BUCHANAN SHEET #: 31	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



LEGEND

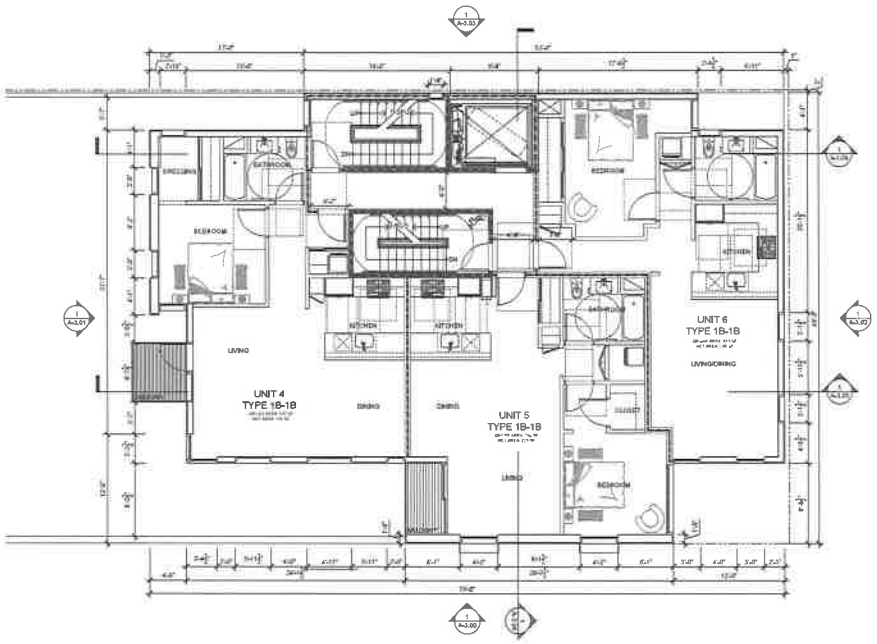
1 HOUR FIRE RATED WALL

2 HOUR FIRE RATED WALL

3 HOUR FIRE RATED WALL

PROPOSED P2 PLAN

N.T.S



LEGEND

1 HOUR FIRE RATED WALL

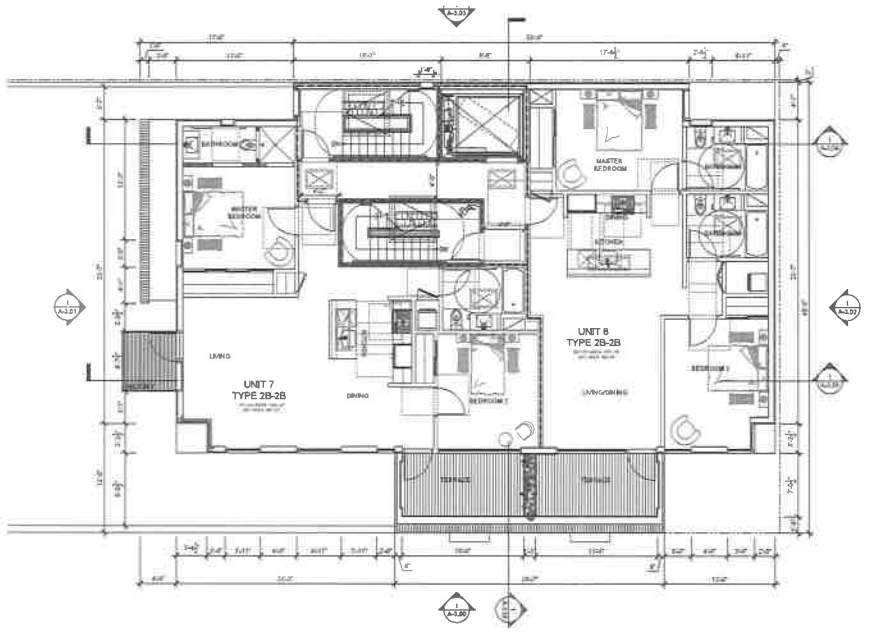
2 HOUR FIRE RATED WALL

3 HOUR FIRE RATED WALL

PROPOSED P3 PLAN

N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	PROPOSED BUILDING PLANS: SECOND + THIRD FLOOR	3620 BUCHANAN SHEET #: 32	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



LEGEND

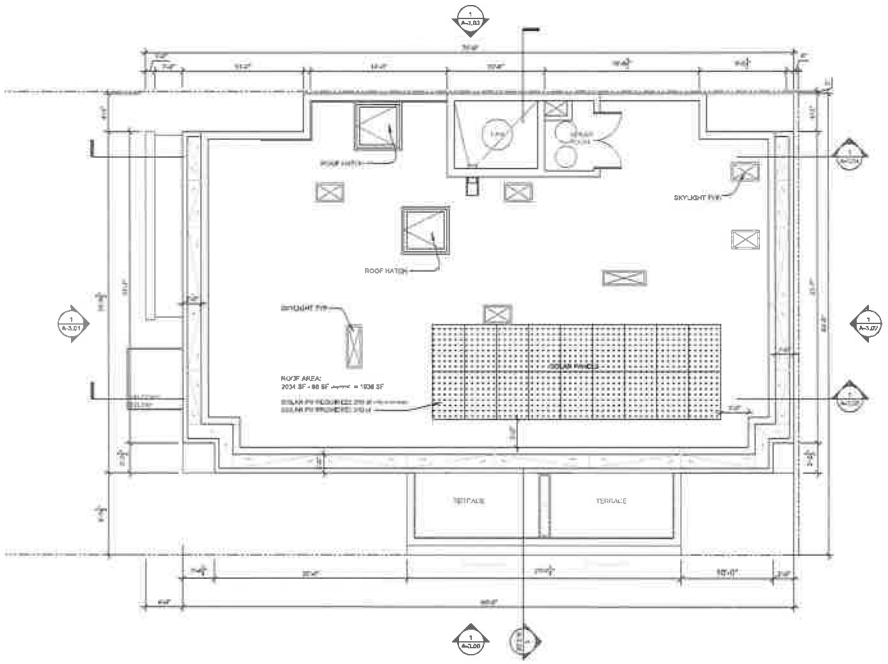
1 HOUR FIRE RATED WALL

2 HOUR FIRE RATED WALL

3 HOUR FIRE RATED WALL

PROPOSED P4 PLAN

N.T.S



LEGEND

1 HOUR FIRE RATED WALL

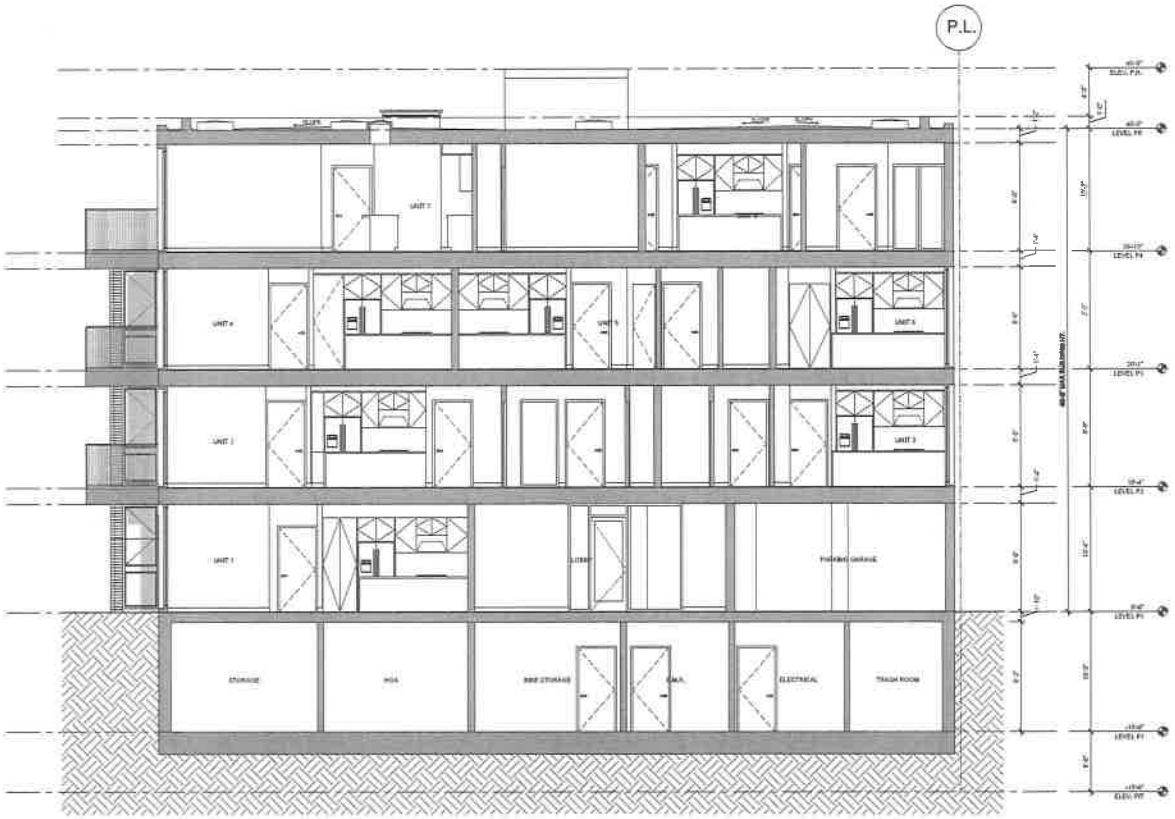
2 HOUR FIRE RATED WALL

3 HOUR FIRE RATED WALL

PROPOSED ROOF PLAN

N.T.S

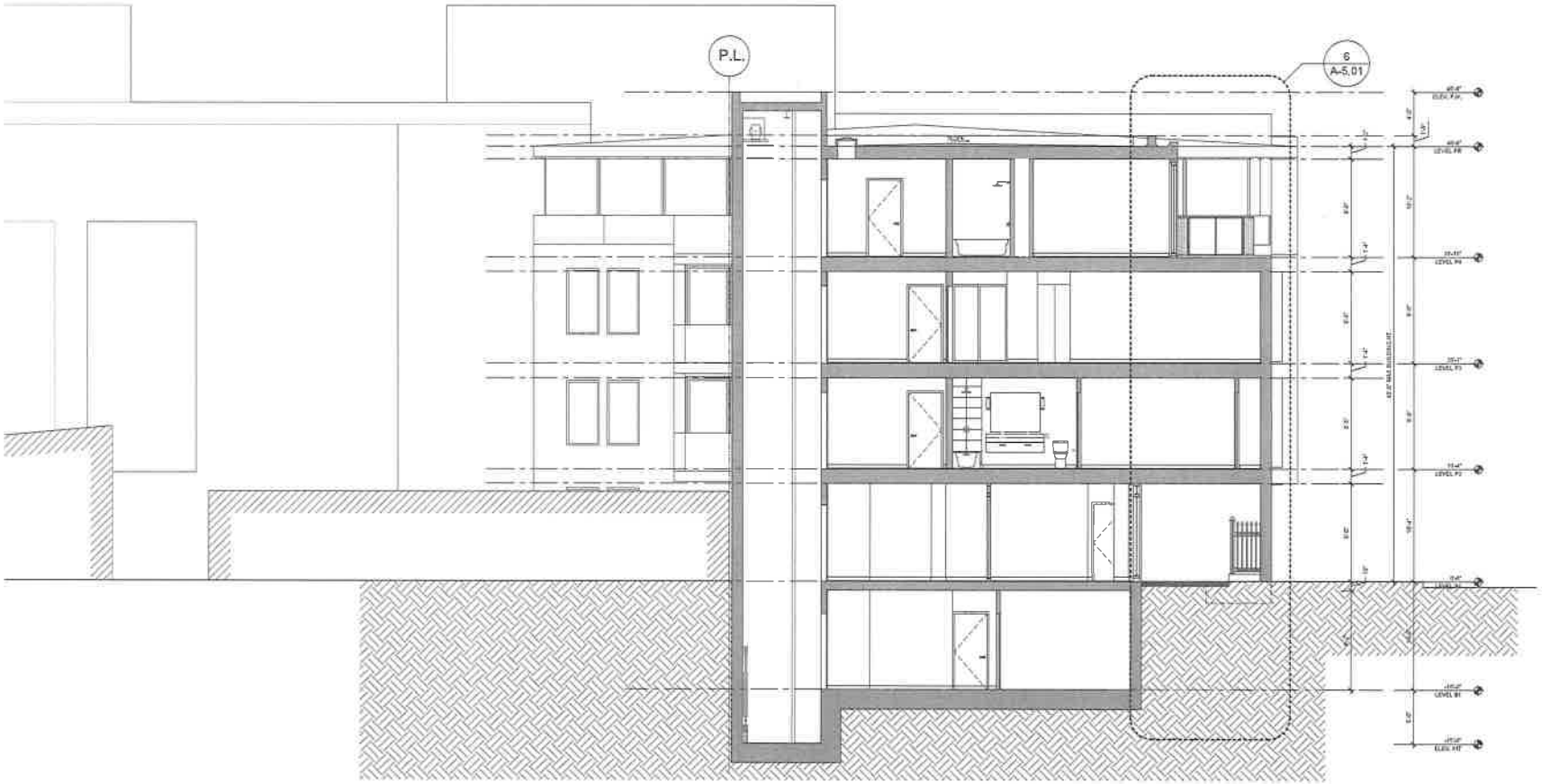
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	PROPOSED BUILDING PLANS FOURTH FLOOR + ROOF	3620 BUCHANAN SHEET #: 33	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



BUILDING SECTION 1

N.T.S

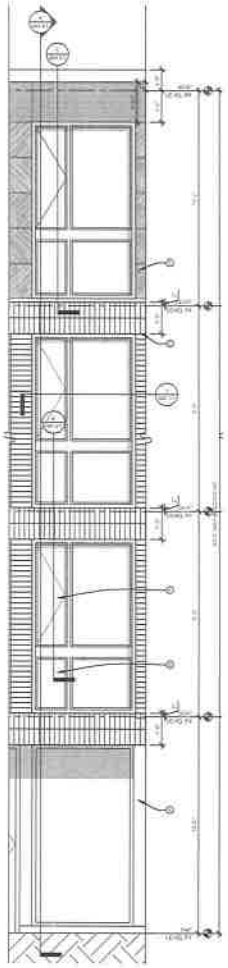
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	PROPOSED BUILDING SECTION	3620 BUCHANAN SHEET #: 34	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



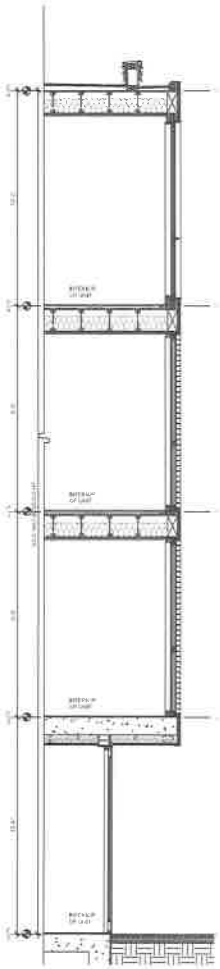
BUILDING SECTION 2

N.T.S

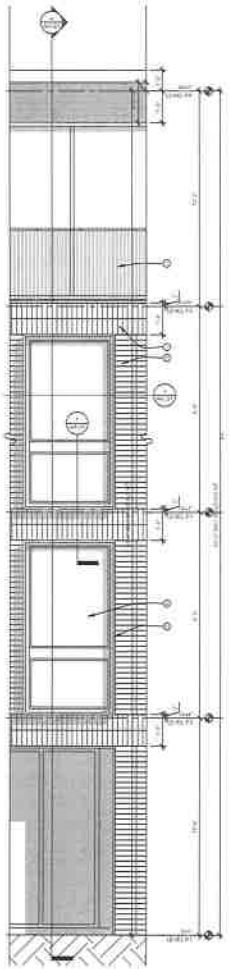
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	PROPOSED BUILDING SECTION	3620 BUCHANAN SHEET #: 35	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



FRONT ELEVATION N.T.S



WALL SECTION N.T.S



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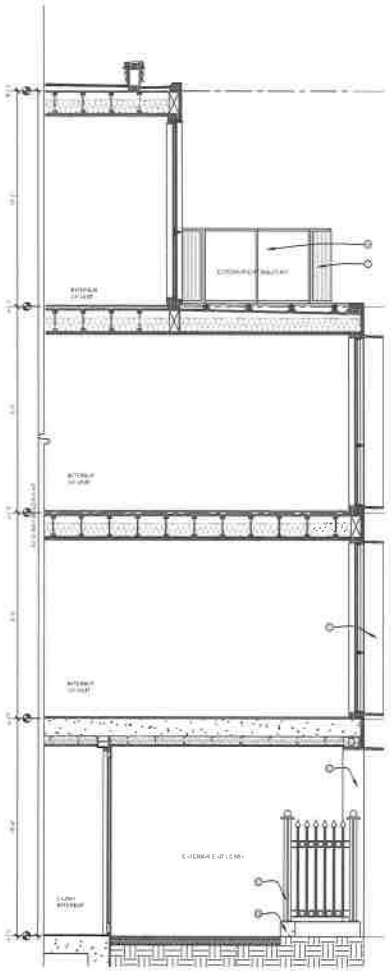
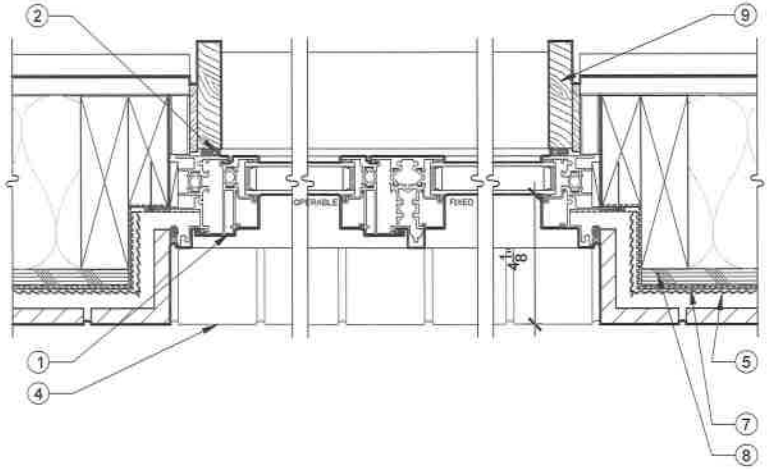


WALL SECTION N.T.S

KEYNOTES

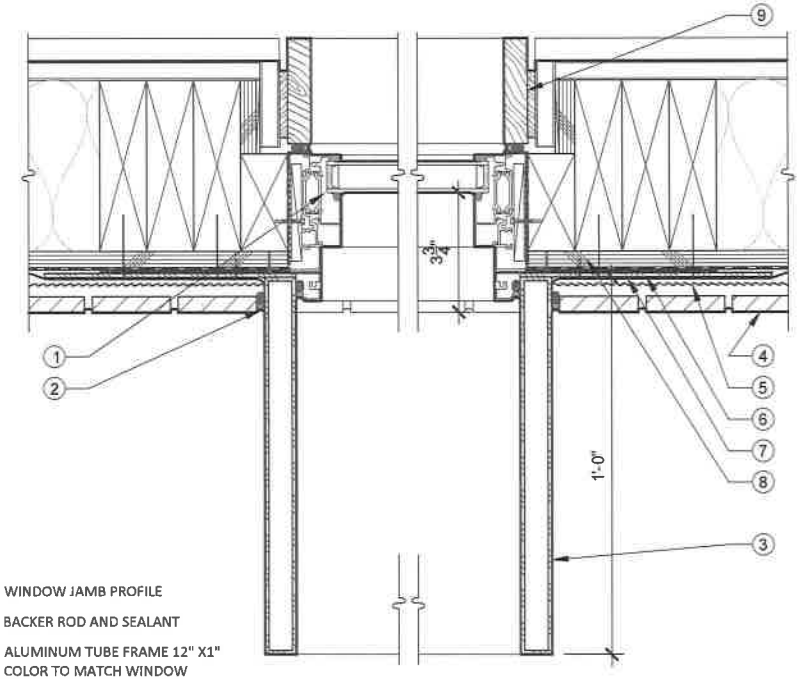
1. THIN BRICK VENEER - STACK BOND (NORMAN SIZE)
2. THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)
3. EQUITONE PANEL (LINEA LT20)
4. ALUMINUM WALL PANELS
5. CONTROL JOINTS
6. GLASS GUARDRAIL
7. ALUMINUM PICKET GUARDRAIL
8. ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING
9. ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING
10. ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS
11. ALUMINUM SHADOW BOX FRAME
12. CUSTOM GARAGE DOOR - WITH EQUITONE PANEL
13. ELEVATOR PENTHOUSE - STUCCO
14. ADJACENT BUILDING
15. BUILDING BEYOND
16. EXISTING BRICK WALL
17. WROUGHT IRON FENCE
18. CONCRETE CURB

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	PROPOSED WALL SECTIONS	3620 BUCHANAN SHEET #: 36	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



1. WINDOW JAMB PROFILE
2. BACKER ROD AND SEALANT
3. ALUMINUM TUBE FRAME 12" X1" COLOR TO MATCH WINDOW FRAME
4. THIN BRICK VENEER, 1/2" GROUT, SEE SPEC.
5. LATH OR MESH WITH 1/2" TO 3/4" MODIFIED MORTAR AND 1/8" ADHESIVE, SEE MANU.
6. ANCHOR PLATE SCREWED TO FRAMING
7. WRB, 2 LAYERS
8. PLYWOOD AS REQUIRED, S.S.D.
9. TRIM, SEE SPEC.

WINDOW JAMB @ BRICK WALL N.T.S



1. WINDOW JAMB PROFILE
2. BACKER ROD AND SEALANT
3. ALUMINUM TUBE FRAME 12" X1" COLOR TO MATCH WINDOW FRAME
4. THIN BRICK VENEER, 1/2" GROUT, SEE SPEC.
5. LATH OR MESH WITH 1/2" TO 3/4" MODIFIED MORTAR AND 1/8" ADHESIVE, SEE MANU.
6. ANCHOR PLATE SCREWED TO FRAMING
7. WRB, 2 LAYERS
8. PLYWOOD AS REQUIRED, S.S.D.
9. TRIM, SEE SPEC.

WINDOW JAMB WITH FIN @ BRICK WALL N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: Janurary 31, 2019	PROPOSED WALL + WINDOW DETAILS	3620 BUCHANAN SHEET #: 37	ib+a architecture

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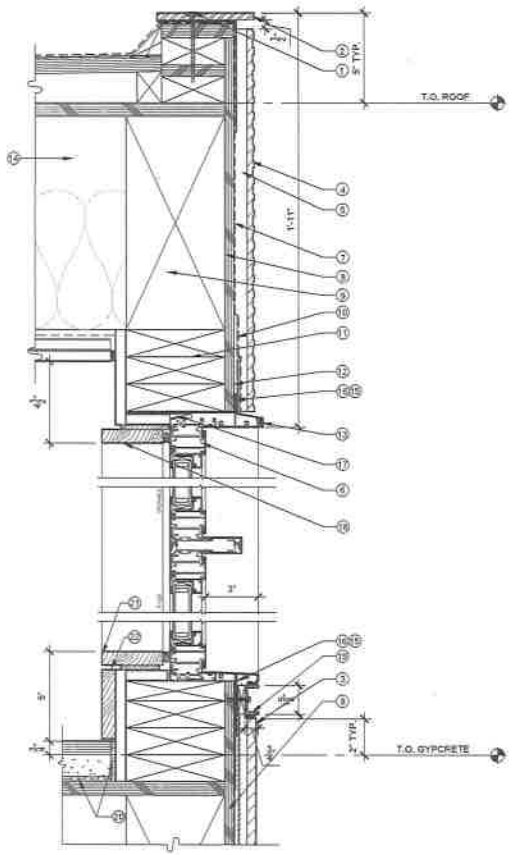
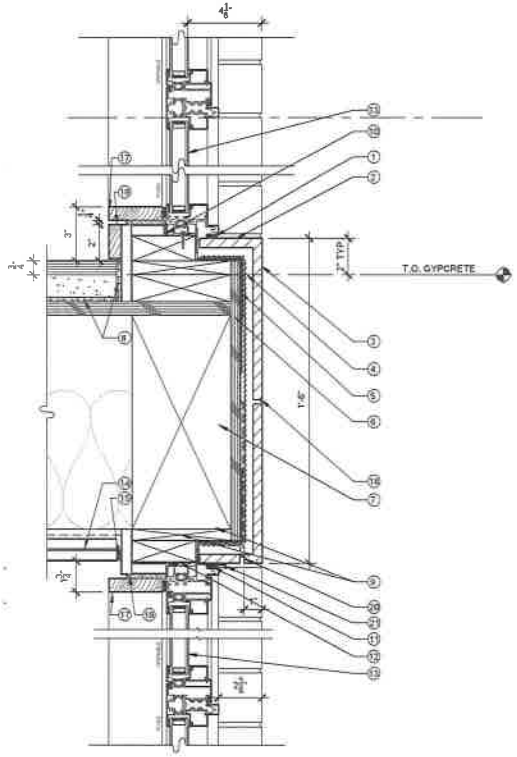


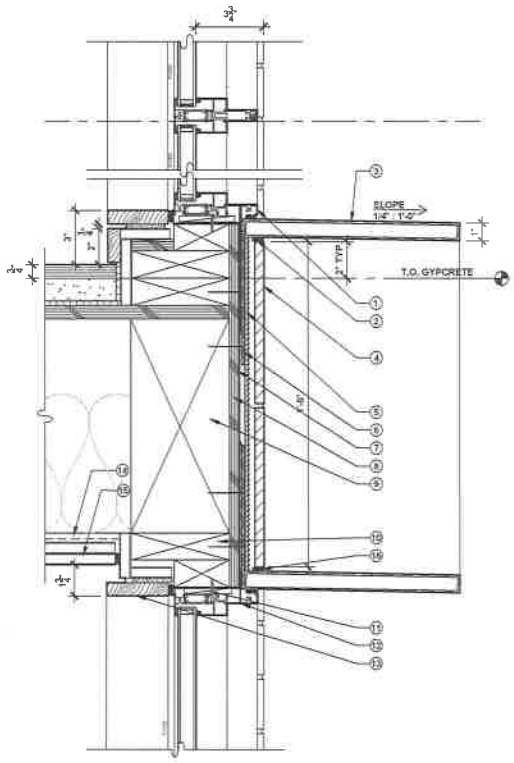
① SSTL. 1/2" Ø COACH BOLT & WASHER @ 36" OC. MAX SET IN 2 CONT. BEADS OF SEALANT
② 3/8" ALUM PC
③ THIN BRICK VENEER, SEE SPEC.
④ EQUITONE PANEL
⑤ FURRING STRIP 16" O.C
⑥ WINDOW HEAD
⑦ WRB, 2 LAYERS O/ GUARDFLASH
⑧ PLYWOOD AS REQUIRED, S.S.D.
⑨ 6X12 RIM JOINT, S.S.D.
⑩ 9" WIDE STRAIGHT FLASH O/ HEAD FLASHING
⑪ 2X6 TOP PLATES, S.S.D.
⑫ 9" FLEX WRAP.
⑬ ALUM HEAD FLASHING TO MATCH WINDOW FR . COLOR
⑭ 1 HR RATED ROOF ASSEMBLY SEE SCHED
⑮ FLUID APPLIED FLASHING AND JOINT COMPOUND O/ NAIL FIN
⑯ NAIL FIN O/ CONT. BEAD OF SEALANT
⑰ SHIM
⑱ TRIM, SEE SPEC.
⑲ ALUMINUM C CHANNEL TO MATCH WINDOW O/ FURRING STRIP EMBEDDED IN A CONTINUOUS BEAD OF SEALANT
㉙ ACOUSTIC MAT
㉑ 3/4" WOOD CASING
㉒ 3/4" BLACKED OUT REVEAL

WINDOW HEAD @ EQUITONE N.T.S



① BACKER ROD AND SEALANT WITH WEEPS
② WINDOW SILL
③ THIN BRICK VENEER, SEE SPEC.
④ LATH WITH 1/2" TO 3/4" MODIFIED MORTAR AND 1/4" ADHESIVE
⑤ WRB, 2 LAYERS O/ QUICKFLASH
⑥ PLYWOOD S.S.D.
⑦ 6X12, S.S.D.
⑧ ACOUSTIC MAT
⑨ BLOCKING, RIP TO FIT
⑩ BACK DAM IN FULL BED OF SEALANT
⑪ BACKER ROD AND SEALANT
⑫ SHIM
⑬ THERMALLY BROKEN ALUM. WINDOW
⑭ (2) LAYERS OF 5/8" GYP.
⑮ BRS
⑰ 3/4" WOOD CASING
⑱ MAX 3/4" MORTAR JOINT -RAKED OUT
⑲ 3/4" BLACKED OUT REVEAL
⑳ 3/8" PLASTIC WEEP PIPES IN JOINTS SET FLUSH W/ MORTAR - 1 PER JOINT
㉑ ALUM. HEAD FLASHING - COLOR TO MATCH WINDOW FRAME

WINDOW SILL AND HEAD @ BRICK N.T.S



① WINDOW SILL
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③ ALUMINUM TUBE FRAME 12" X1" COLOR TO MATCH WINDOW FRAME
④ THIN BRICK VENEER, 1/2" GROUT, SEE SPEC.
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⑥ ANCHOR PLATE SCREWED TO FRAMING
⑦ WRB, 2 LAYERS
⑧ PLYWOOD AS REQUIRED, S.S.D.
⑨ 6X12, S.S.D.
⑩ 2X6 TOP PLATES, S.S.D.
⑪ SHIM
⑫ WINDOW HEAD
⑬ TRIM, SEE SPEC.
⑭ ACOUSTIC MAT
⑮ (2) LAYERS OF 5/8" GYP.
⑯ SEALANT W/ WEEPS

WINDOW SILL AND HEAD WITH FIN @ BRICK N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: January 31, 2019	PROPOSED WALL + WINDOW DETAILS	3620 BUCHANAN SHEET #: 38	ib+a architecture Ian Birchall and Associates 251 South Van Ness Ave, Suite 300 San Francisco, CA 94103 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

BRIEF(S) SUBMITTED BY DETERMINATION HOLDER(S)

REUBEN, JUNIUS & ROSE, LLP

BOARD OF APPEALS
JUN 20 2019
APPEAL # 19-047

June 20, 2019

Delivered Via E-mail and Hand Delivery

President Rick Swig
San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

Re: 3620 Buchanan Street
Block/Lot: 0459/003
Brief in Opposition to Appeal of Rear Yard Modification
Appeal Number: 19-047
BOA Hearing Date: June 26, 2019
Our File No.: 10529.01

Dear President Swig and Commissioners:

This office represents Tusker Corporation, the Manager of 3620 Buchanan Street (the "**Property**"), in connection with its proposal to demolish an existing single-story building and construct a new four-story residential building with eight dwelling units (the "**Project**"). The Project shares a large parcel with Landmark #58, San Francisco Gas Light Company's historic North Beach Station (the "**Gas Light Building**"). The Project, which provides new housing, activates the street, and opens up views of the Gas Light Building, is supported by SF Heritage. **(Exhibit A)**

This Project has received abundant scrutiny from the Planning Department and at multiple prior hearings. Because the Project is on the same lot as a landmark building, a Certificate of Appropriateness was sought and granted on November 7, 2018 after hearings by the Architectural Review Committee ("**ARC**") and Historic Preservation Commission ("**HPC**"). The Project

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www.reubenlaw.com

received the approval of the Planning Commission for development of a large lot on January 31, 2019. The Project was further upheld on a CEQA appeal to the Board of Supervisors on April 16, 2019. Finally, the Project was granted a Rear Yard Modification by the Zoning Administrator on April 23, 2019 (**Exhibit B**). After several years of review, the Project has been repeatedly refined to provide attractive and compatible infill housing that will benefit the neighborhood and the City as a whole. (Project Plans, **Exhibit C**.)

Ironically, while Appellant 1598 Bay now challenges the Project's Rear Yard Modification, it was only recently constructed with the very same rear yard modification. Appellant opposes the Project despite the fact that 1598 Bay itself created the site conditions it now complains about. Appellant wants to be the last new residential development on the block, leaving the perfect infill space next door vacant.

I. PROJECT DESCRIPTION

The Project proposes to demolish the existing, non-historic single-story building on the site and construct a new four-story residential building with eight dwelling units. The Project proposes one accessible parking space, eight Class 1 bicycle parking spaces, and four Class 2 bicycle parking spaces. The Project would maintain most of the existing non-historic garden as open space between the new building and the Gas Light Building, preserving the garden for future use by both buildings and as green space for the neighborhood (see sheets 10 and 11, existing and proposed Site Plans, **Exhibit C**).

The Project enhances the pedestrian experience of the Gas Light Building by partially opening up the existing non-historic garden wall to provide a view of the Gas Light Building from the sidewalk and street, while allowing the garden wall to remain as a prominent site feature,

emphasizing the character of the total composition. The view is further benefitted by the stepped massing of the proposed building and the compatible materials, which lends a distinct but unified sense between the Gas Light Building and new residential building.

The proposed building is highly appropriate for the context of the site, and allows the addition of much needed dwelling units, while leaving the historic Gas Light Building untouched. The Project has gone through multiple rounds of design review, each time becoming more contextual for the site. Changes include pulling the west elevation back to be subordinate to the Gas Light Building, creating compatibility and texture in materials, adding window surrounds and brickwork, and defining the entryway.

II. PRESERVATION BACKGROUND

The Project site is currently developed with the historic Gas Light Building, as well as a non-historic one-story building that originally served as a garden house/workshop, and has recently been used as an office. These two buildings are connected by a non-historic garden. As detailed in the Historic Resource Evaluation (HRE) Part 1 prepared by Page & Turnbull and confirmed in the Preservation Team Review Form prepared by the City (**Exhibit D**), the Gas Light Building was developed between 1891 and 1893, while the garden house/workshop was constructed in 1958, and subsequently renovated into an office use in the 1980s. Roger Walther, CEO of Tusker Corporation, purchased the Gas Light Building in 1998, and carried out a careful and comprehensive restoration, including a seismic retrofit and all new electrical and mechanical systems to protect and preserve the historic Gas Light Building. Roger Walther also completely landscaped the garden. These careful renovations are indicative of the commitment of Roger

Walther and the Tusker Corporation to the Marina neighborhood and its historic resources and green spaces.

The building to be demolished is: (i) not designated as a San Francisco City Landmark or Structure of Merit; (ii) not within the boundaries of any existing locally designated historic districts or conservation districts; and (iii) is not listed in the California Historic Resources Information System. Demolition of the building does not remove a historic resource. Moreover, the Project has gone through a long evolution in order maximize compatibility with the Gas Light Building and provide an attractive and activating presence for the street.

III. THE LARGE SITE PROVIDES AMPLE OPEN SPACE

Planning Code Section 134 explicitly gives the Zoning Administrator the authority to modify or waive rear yard requirements in NC districts based on three criteria, which were each met here, as set out in the Rear Yard Modification Decision. In arguing that the Project approval "violates" the Planning Code, Appellant ignores this authority. The full L-size lot is 13,480 square-feet. With the new construction, the site would maintain a courtyard of between 49'3" and 53'3" between the new building and the existing Gas Light Building.

Appellant seems to argue that the Project leaves insufficient open space for the Gas Light Building, but the Gas Light Building is an office building, not a residential building with open space requirements.. Furthermore, even with the new building, the lot maintains 5,291 square-feet of open space. As Section 134 of the Planning Code explains, rear yard requirements "are intended to assure the protection and continuation of established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of

adjacent buildings." Here the Project is entirely in keeping with the scale of development and enhances the block by opening up views of the Gas Light Building from the street.

Appellant contends that due to the Project's location on a Corner lot, it may be subject to and may not meet the criteria of the rear yard modification Section 134(e)(2), under which a required rear yard may be substituted with an open area of 25% of the lot area between two or more buildings on the same lot. However, even if that section did apply, the Project would qualify for a modification since the open space provided is 5,291 sf which is equal to 39% of the 13,480 sf of lot area.

IV. THE CRITERIA FOR REAR YARD MODIFICATION WERE MET

As found by the Zoning Administrator, the Rear Yard Modification criteria were met as follows:

(A) Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.

The Property has a depth of approximately 49.9 feet. Therefore, there is a theoretical required rear yard of 15 feet. However, such a rear yard squeezed in at the back of the lot would be significantly less useable and attractive than the proposed common courtyard space and six Code-Complaint private balconies and patios providing 320 square-feet of open space. The courtyard is significantly larger, will get better light, is more accessible to the residents, and will maintain a visual connection with the streetfront. Therefore, the Project not only meets – it far exceeds – this requirement.

(B) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties.

The design of the proposed building has undergone exhaustive review by the Planning Department, ARC, HPC, Planning Commission, Zoning Administrator, and Board of Supervisors. It has been carefully designed to be compatible with both the Gas Light Building and the adjacent new residential building at 1598 Bay. In fact, the design was dictated by Planning preservation staff and the HPC. The new building will be set back from the sidewalk, which allows the existing garden wall to remain as a prominent site feature, and provides views of the Gas Light Building. While the Project is proposed for the same lot as the Gas Light Building, to a passerby they will appear to be on individual lots, separated by a large landscaped green space.

Because of the unique configuration of the large L-shaped lot with the existing landmarked building, a Code-Complaint rear yard is not feasible. The large landscaped courtyard between the Gas Light Building and the new building is far superior to any other potential configuration of common open space. The Project retains most of the existing courtyard on the lot, providing green space for the building and the streetfront. The Project will also enhance the neighborhood by reinforcing the multi-family residential nature of the area and adding to the street life.

Furthermore, the Project retains a 14'-9" separation between the proposed building and 1598 Bay for most of the adjacent frontage. The photos provided by Appellant are taken from the decks of 1598 Bay and do not show that from inside the units, the corner windows maintain their views. (see Sheet 13, **Exhibit C.)** Therefore, the Project will not significantly impede access to light and air from adjacent properties and provides a view of green space to pedestrians and neighbors. Moreover, 1598 Bay itself received a variance from rear yard requirements and was built while

the current development was underway. Therefore, the configuration of the buildings is largely caused by the construction of 1598 Bay itself.

(C) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

The block has no well-defined mid-block open space. The buildings at the rear are industrial uses that do not contribute to mid-block open space. There is also a 241-unit residential building that does not contribute to mid-block open space, and the adjacent building at 1598 Bay, which itself recently was granted a Rear Yard Modification to avoid creating mid-block open space on that lot. Therefore, the Project will not adversely impact existing interior block open space, and provides a superior use of the L-shaped lot by adding a compatible building, while retaining a large landscaped courtyard between the proposed building and the Gas Light Building.

V. Conclusion

The Project proposes to add well-designed housing to an underutilized area of a large lot, while deferring to and celebrating the adjacent Gas Light Building. The Appellant identifies no issues that would support overturning the Rear Yard Modification decision. Please let me know if you have any questions. I look forward to presenting this Project to you on June 26, 2019.

REUBEN, JUNIUS & ROSE, LLP

Jody Knight

cc: Darryl Honda, Commissioner
Ann Lazarus, Commissioner
Rachael Tanner, Commissioner

Exhibit A

SF HERITAGE www.sfheritage.org 2007 FRANKLIN STREET SAN FRANCISCO, CA 94109 415 441 3000

January 18, 2019

Jody Knight, Esq.
Reuben Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104

Re: 3620 Buchanan Street

Dear Ms. Knight:

On behalf of San Francisco Heritage, thank you for the opportunity to comment on the proposed infill project at 3620 Buchanan Street. Members of the project team presented to Heritage's Projects + Policy Committee at its meeting on November 30, 2018.

Heritage concurs with the conclusion of the Historic Preservation Commission, Planning Department, and Page & Turnbull that the period of significance for the City Landmark designation is from 1893 to 1958, terminating when PG&E ceased operations at 3620 Buchanan Street. As such, the Projects + Policy Committee agrees that the Garden Shop and landscape improvements – both added after 1958 – do not qualify as protected character-defining features, despite being located within the property boundaries identified in the original landmark designation ordinance.

All members of the Projects + Policy Committee were impressed by the attention to detail and sensitivity of the proposed infill design, including its varied fenestration, reduced massing, materials palette, degree of separation between the landmark building and new construction, and the setback at the corner of the new building to maximize views to the landmark building from the sidewalk.

Although we do not consider the landscape improvements to be character-defining features, Heritage believes that it will be important to maintain the permeability of the open space between the landmark building and the proposed new construction. We understand that the project sponsor also seeks to maintain the transparency of this space to the extent feasible while addressing security concerns. To this end, the sponsor has committed to consulting with Heritage on the design of any hedge, fence, or other barrier that may divide the open space between the buildings.

It seems likely that as units are purchased in the new building, there will be interest in creating a physical barrier between the two buildings. Providing sufficient open space

around the landmark building will be important to help maintain the integrity of the site. Heritage urges the project sponsor to consider donating a conservation easement now that will permanently protect the landmark building and its adjacent open space. I am happy to discuss easement options with you.

Thank you, again, for presenting to the Projects + Policy Committee. Please contact me directly at 415/441-3000 x15 or mbuhler@sfheritage.org should you have any questions.

Sincerely,

Mike Buhler
President & CEO

cc: Stephanie Cisneros, San Francisco Planning Department

Exhibit B

SAN FRANCISCO
PLANNING DEPARTMENT

Rear Yard Modification Decision

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date:	April 23, 2019
Case No.:	**2016-010079VAR**
Project Address:	**3620 BUCHANAN STREET**
Zoning:	NC-2 (Neighborhood Commercial, Small Scale) Zoning District 40-X Height and Bulk District
Block/Lot:	0459/003
Project Sponsor:	Reuben, Junius & Rose, LLP One Bush Street Suite 600 San Francisco, CA 94104
Owner:	Gas Light Building, LLC 3620 Buchanan Street San Francisco, CA 94123
Staff Contact:	Laura Ajello – (415) 575-9142 *laura.ajello@sfgov.org*

DESCRIPTION OF VARIANCE – REAR YARD MODIFICATION SOUGHT:

The project will be located on the same parcel as City Landmark No. 58 and proposes 1) to demolish a non-contributory one-story garden house currently used as office space and a portion of the non-contributory garden patio, and 2) to construct a new 4-story, 8-unit residential building 8 Class 1 bicycle parking spaces, 4 Class 2 bicycle parking spaces, and one vehicle parking space. The portion of the existing garden to remain will be used as open space. The new building will extend to the rear property line. This location was recommended by the Historical Preservation Commission to create an open space at the front of the building to enhance pedestrian views to the landmark building on the same parcel (Certificate of Appropriateness Motion No. 0360).

Planning Code Section 134 requires properties in the NC-2 Zoning District to maintain a rear yard measuring 25 percent of the total lot area (but in no case less than 15 feet) at the lowest level containing a residential unit and at each succeeding level of the building. The proposed rear yard in the area of the L-shaped lot where the new building is proposed is not equal to 25% of the lot area. The Project proposes no rear yard located at the project area of the lot, which measures 49.9 feet deep (the minimum required rear yard is 15 feet). The proposed new building will extend to the rear property line. Therefore, a Rear Yard Modification per Planning Code Section 134(e) is required.

PROCEDURAL BACKGROUND:

1. The Planning Department determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class 32 – In-Fill Development Project) because the project includes in-fill residential development and meets the *Secretary of the Interior's Standards*.

2. The Zoning Administrator held a joint public hearing at the regularly scheduled Planning Commission hearing on **Rear Yard Modification Application No. 2016-010079CUA/VAR** on **January 31, 2019**. At this joint hearing the Planning Commission heard Conditional Use Authorization Case No. 2016-010079CUA and approved the project with conditions per Motion No. 20379.

3. Planning Code Section 311 notification was conducted in conjunction with the Conditional Use Authorization process.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a four-story residential building with eight dwelling units that will extend into the required rear yard on a parcel containing an existing City landmark, subject to the following conditions:

1. The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Site or Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Site or Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

2. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.

3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.

4. Minor modifications as determined by the Zoning Administrator may be permitted.

5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.

6. This Rear Yard Modification Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

CRITERIA:

Planning Code Section 134(e) states that in order to grant a Rear Yard Modification in a Neighborhood Commercial zoning district, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following three criteria:

CRITERION 1.

Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.

Requirement Met.

A. The site, known as Landmark No. 58, contains two buildings: the two-story S.F. Gas Light Co. building at the north end of the parcel (3636 Buchanan Street) and a one-story garden house at the southern end of the parcel (3620 Buchanan Street). Both buildings are presently used as offices. The one-story garden house and adjacent garden patio are not considered to be contributing features to the overall significance of the landmark site. The project will replace the non-historic one-story building with a residential building. The proposed project is entirely residential in use and proposes to add eight dwelling units on the subject property.

B. The property is an L-shaped corner lot with 118 feet of frontage on North Point Street and 174.7 feet on Buchanan Street. The subject property has a lot depth of approximately 49.9 feet at the area of work, resulting in a required rear yard of 15 feet. The area of the lot to be developed has a width of 105 feet, resulting in a required rear yard area of 1,575 square feet. The project proposes to use approximately half of the landscaped garden area between the two buildings as common usable open space for the residences. This is a comparable amount of at-grade open space that is approximately 1,098 square feet. Additionally, six dwelling units have private decks or patios totaling approximately 477 square feet. This results in a total of approximately 1,575 square feet of usable open space within the project dedicated to the residential use.

CRITERION 2.

The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties.

A. The subject property is unique in that it is a former industrial use that houses a City landmark, which abuts two industrial uses and one residential use. The proposed new building was designed under the direction of the Historical Preservation Commission, which recommended that the building be located at the rear property line. The new building is adjacent to the rear yard of a recently constructed residential building (former gas station site) to the south. As such, the proposed project will be consistent with the existing nearby pattern and will not introduce new significant impediments to light and air for adjacent properties.

B. The height and massing of both buildings was evaluated by the Planning Department's Urban Design Advisory Team (UDAT), which determined the building's design, height, and massing to be generally compatible with the neighborhood context and the immediately adjacent properties.

CRITERION 3.
The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

A. The subject block was developed with industrial uses and does not have a well-defined mid-block open space. The three adjacent lots do not contribute to mid-block open space, two of which are still industrial in use. The remainder of the subject block is dominated by a 241-unit residential complex that also does not contribute to mid-block open space. The proposed structure will not adversely affect the interior block open space formed by the rear yard of adjacent properties.

PRIORITY PLANNING POLICIES
This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

1. Existing neighborhood retail uses will not be adversely affected by the proposed project.

2. The proposed project will be in keeping with the existing housing and neighborhood character.

3. The proposed project will have no effect on the City's supply of affordable housing.

4. The proposed project does not adversely affect neighborhood parking or public transit.

5. The project will have no effect on the City's industrial and service sectors.

6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.

7. The project will have no effect on the City's landmarks or historic buildings. The project received a Certificate of Appropriateness (Motion No. 0360) from the Historic Preservation Commission.

8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is used, all specifications and conditions of the variance authorization become immediately operative.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government

Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,

Corey A. Teague, AICP
Zoning Administrator

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

Exhibit C

ib+a
architecture

3620 BUCHANAN STREET

PRESENTATION TO SAN FRANCISCO BOARD OF APPEALS

Date of Package: June 26, 2019

Project Sponsor:
Tusker Corporation
3636 Buchanan St.
San Francisco, CA 94123

251 south van ness ave, suite 300 - san francisco, ca 94103 - ian birchall and associates - p: 415.512.9660 - f:415.512.9663 - www.ibadesign.com

SHEET INDEX

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10	EXISTING SITE PLAN				

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	CURRENT PROPOSED DESIGN FOR 3620 BUCHANAN HPC APPRO VED 11/7/18 & PC APPROVED 1/31/19	3620 BUCHANAN SHEET #: 2	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	AERIAL VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN	3620 BUCHANAN SHEET #: 3	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN FROM THE INTERSECTION OF BUCHANAN AND NORTH POINT	3620 BUCHANAN SHEET #: 4	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	VIEW OF PROPOSED DESIGN FROM THE LANDMARK BUILDING TOWARDS 3620 BUCHANAN	3620 BUCHANAN SHEET #: 5	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN	3620 BUCHANAN SHEET #: 6	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	VIEW FROM 3620 BUCHANAN TOWARDS THE LANDMARK BUILDING W/ENTRY DETAIL	3620 BUCHANAN SHEET #: 7	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN

VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN

AERIAL VIEW OF PROPOSED DESIGN FOR 3620 BUCHANAN

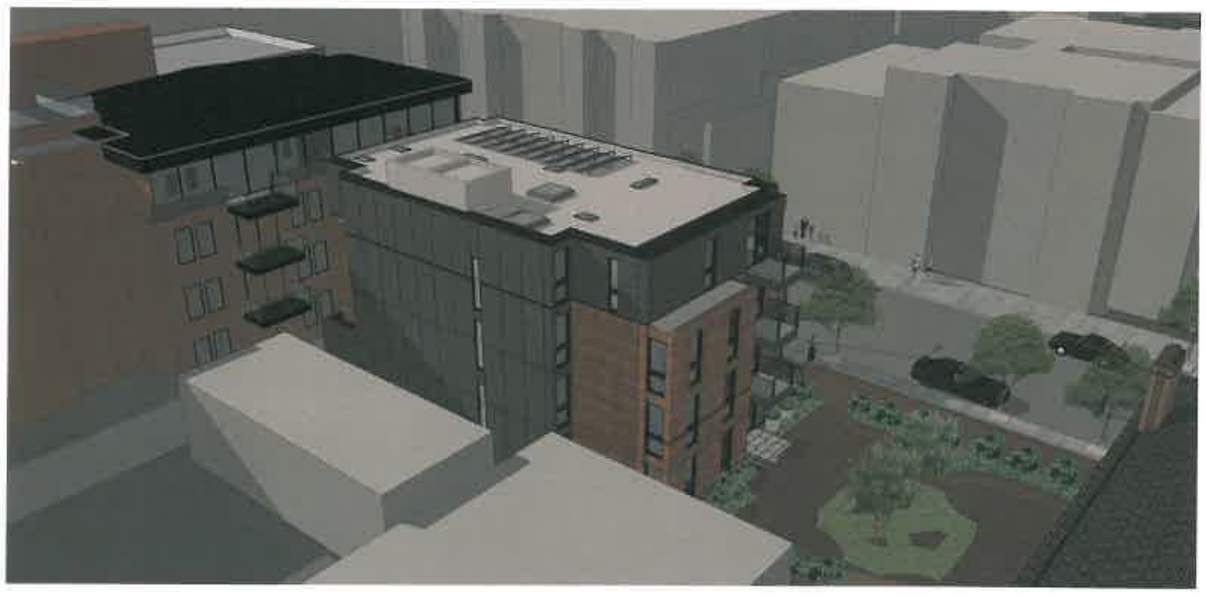
REAR AERIAL VIEW FROM THE LANDMARK BUILDING

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	VIEWS OF PROPOSED DESIGN FOR 3620 BUCHANAN	3620 BUCHANAN SHEET #: 8	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

REAR AERIAL VIEW FROM ABOVE 1550 BAY

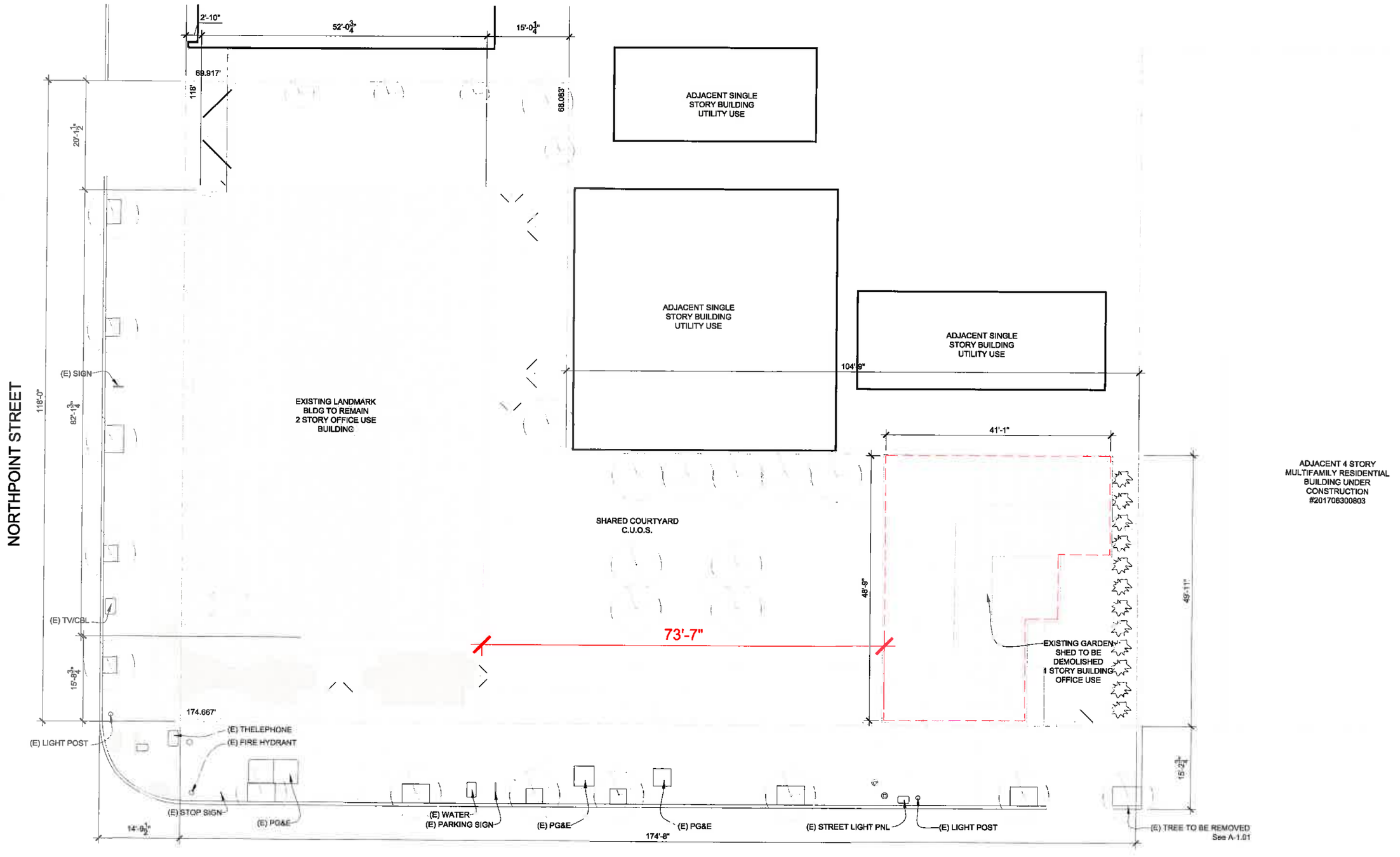
REAR AERIAL VIEW FROM ABOVE 1598 BAY

REAR VIEW FROM ABOVE 1550 BAY

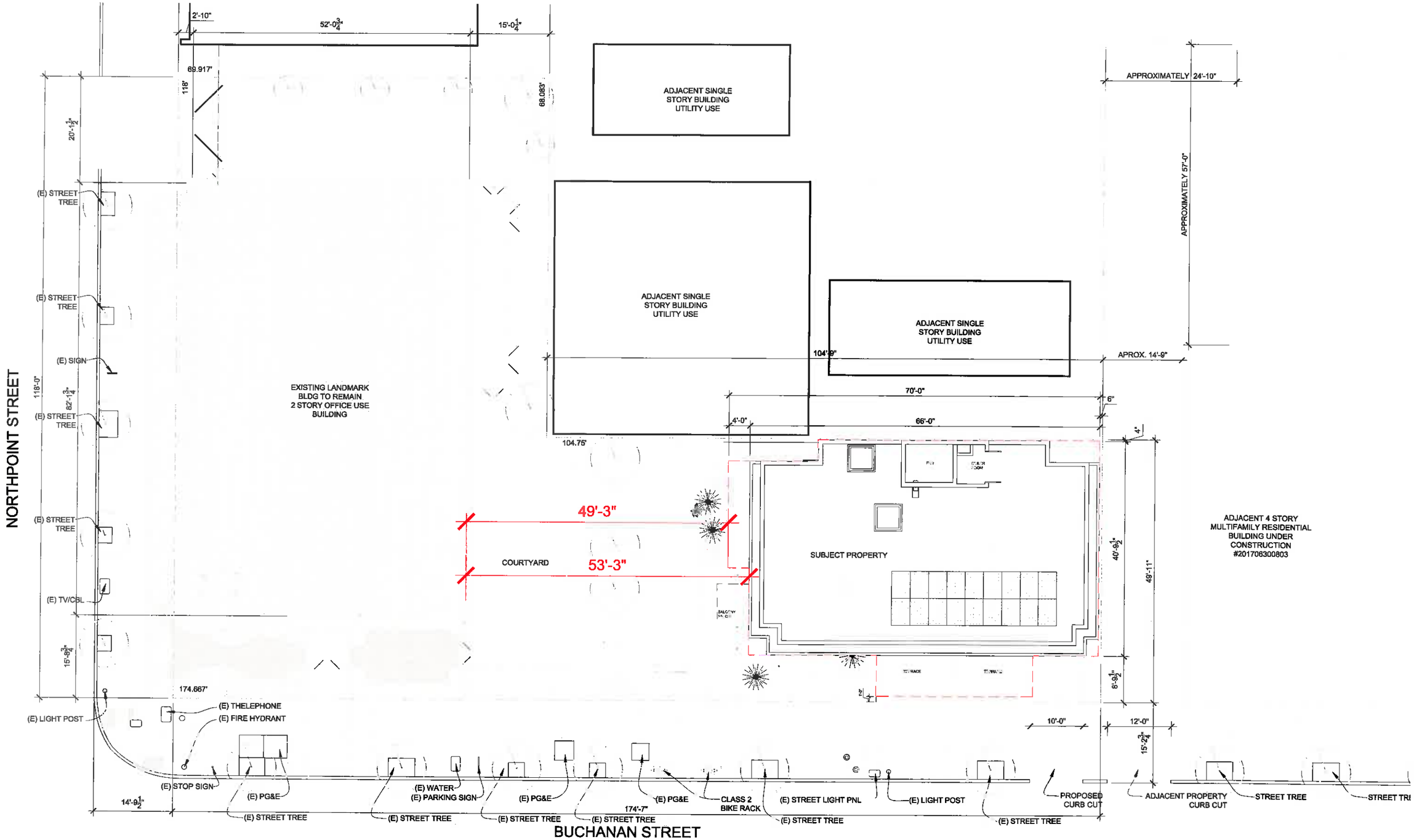


REAR AERIAL VIEW FROM ABOVE THE LANDMARK BUILDING

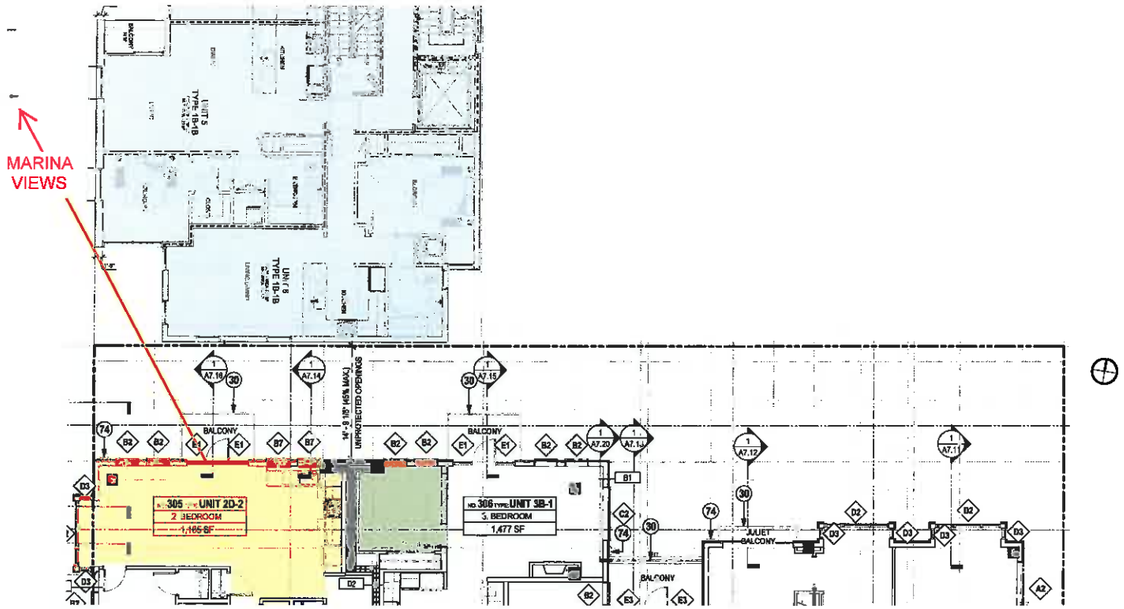
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	REAR VIEWS OF 3620 BUCHANAN	3620 BUCHANAN SHEET #: 9	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



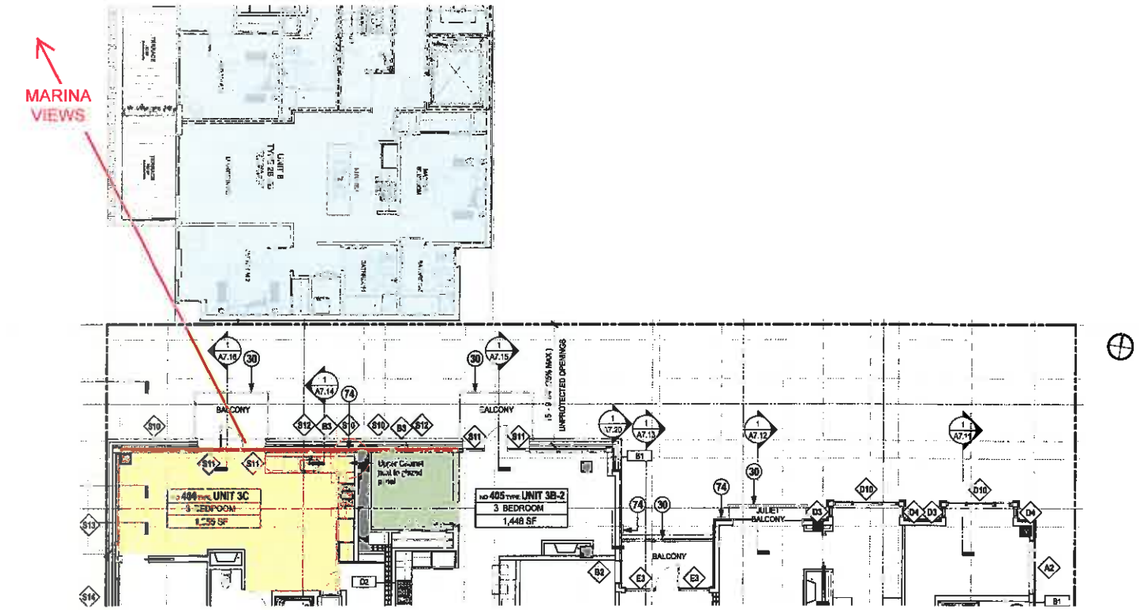
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	EXISTING SITE PLAN	3620 BUCHANAN SHEET #: 10	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



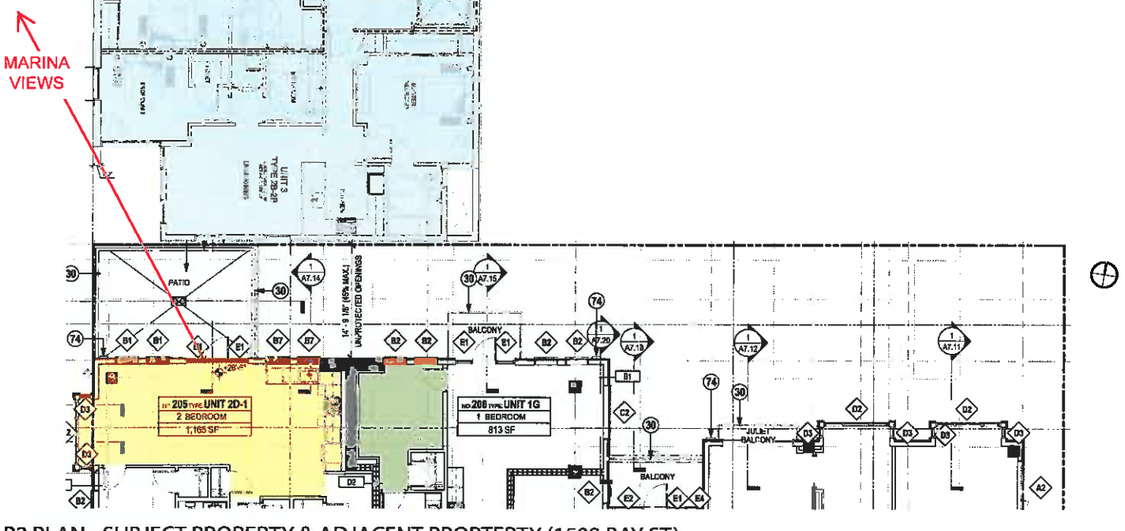
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED SITE PLAN	3620 BUCHANAN SHEET #: 11	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



P3 PLAN - SUBJECT PROPERTY & ADJACENT PROPTERTY (1598 BAY ST)



P4 PLAN - SUBJECT PROPERTY & ADJACENT PROPTERTY (1598 BAY ST)



P2 PLAN - SUBJECT PROPERTY & ADJACENT PROPTERTY (1598 BAY ST)

LEGEND

- SUBJECT PROPERTY (3620 BUCHANAN ST)
- LIVING ROOMS AT ADJACENT PROPERTY (1598 BAY ST) FACING SUBJECT PROPERTY = 3
- BEDROOMS AT ADJACENT PROPERTY (1598 BAY ST) FACING SUBJECT PROPERTY = 3
- WINDOWS AT ADJACENT PROPERTY (1598 BAY ST) FACING SUBJECT PROPERTY

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	FLOOR PLANS AT SUBJECT & ADJACENT PROPERTY: 1598 BAY ST.	3620 BUCHANAN SHEET #: 13	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

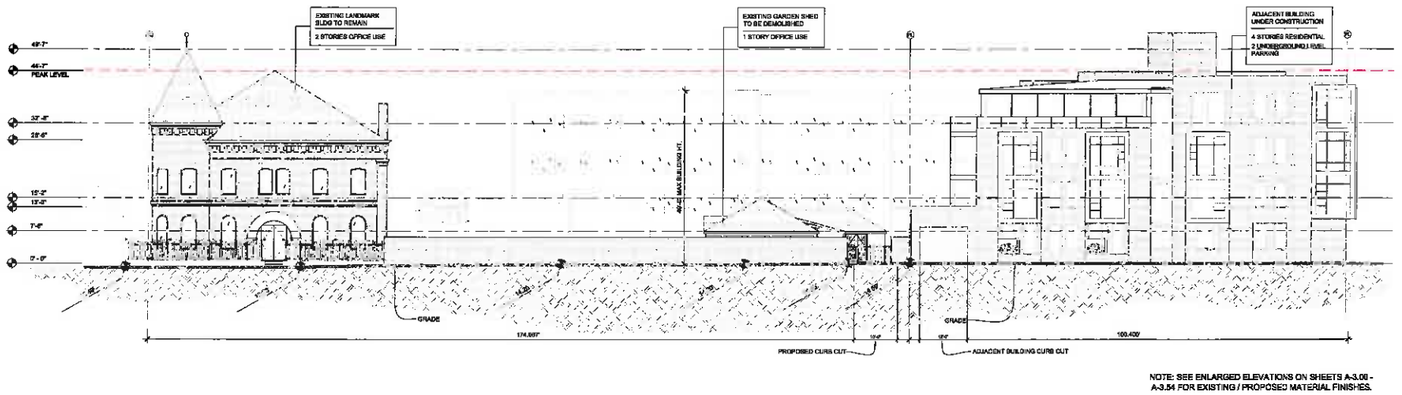
BUCHANAN ST. + NORTH POINT ST. - ADJACENT EXISTING BUILDING ON SHARED PARCEL

BUCHANAN ST. - EXISTING PROPERTY

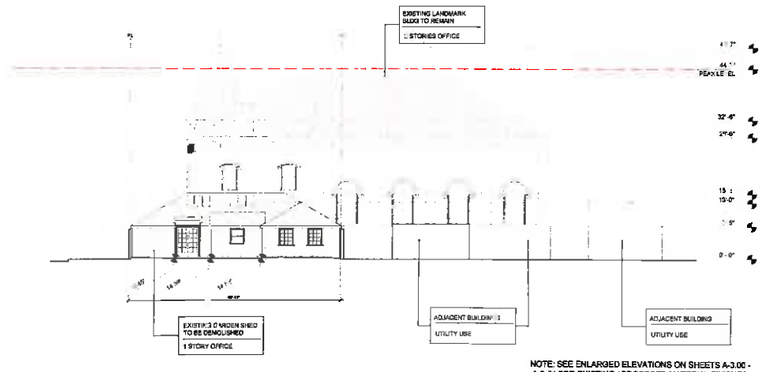
BUCHANAN ST. + BAY ST. - ADJACENT PROPERTY

BUCHANAN ST. - ADJACENT PROPERTIES (ACROSS FROM 3620 BUCHANAN)

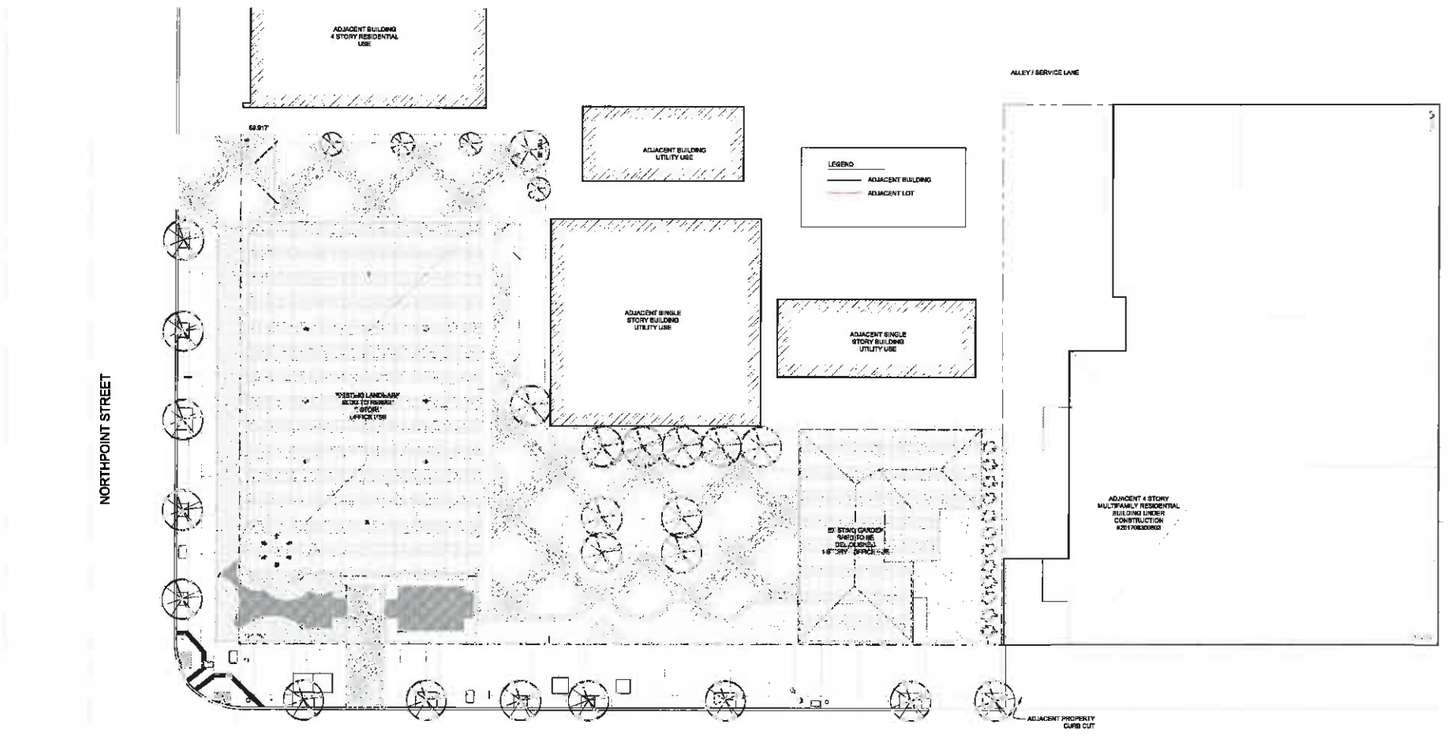
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	EXISTING SITE IMAGERY	3620 BUCHANAN SHEET #: 13	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



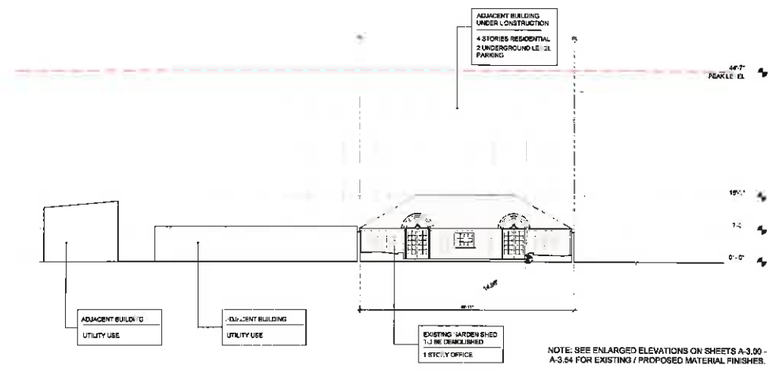
EXISTING STREET ELEVATION N.T.S



EXISTING SIDE ELEVATION N.T.S

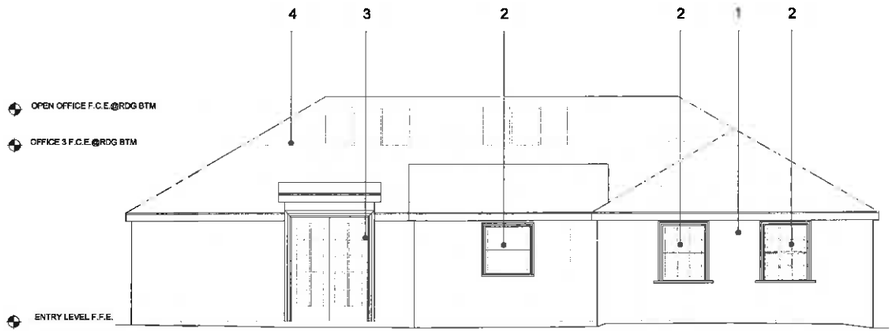


EXISTING SITE PLAN N.T.S

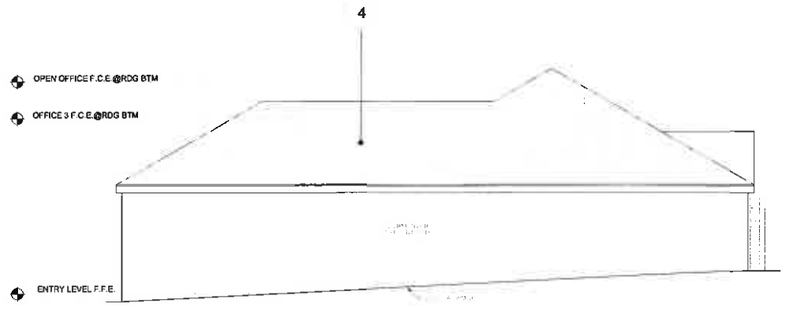


EXISTING REAR ELEVATION N.T.S

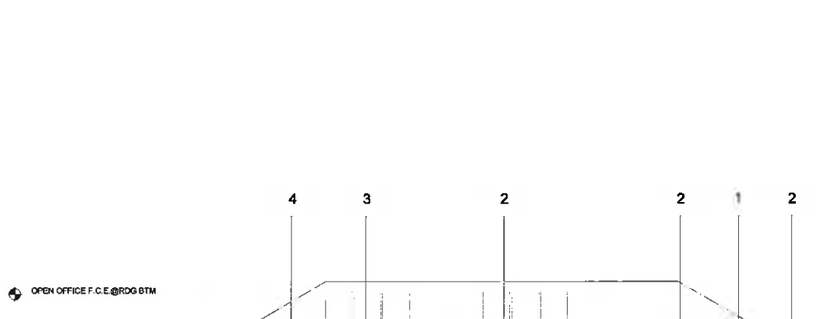
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROJECT SITE / EXISTING CONDITION ELEVATIONS + SITE PLAN	3620 BUCHANAN SHEET #: 14	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



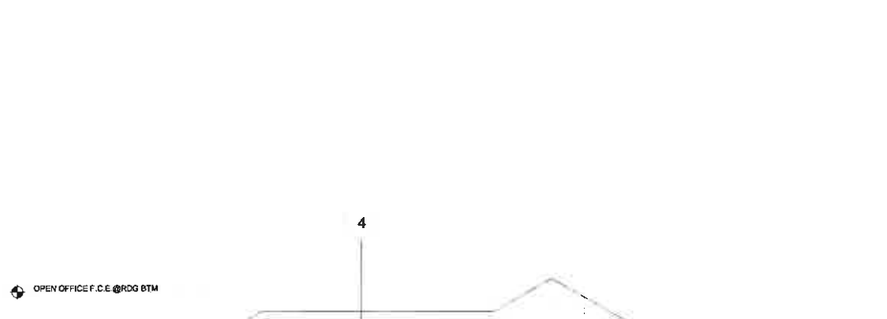
EXISTING GARDEN SHED - SOUTH ELEVATION N.T.S



EXISTING GARDEN SHED - EAST ELEVATION N.T.S



EXISTING GARDEN SHED - NORTH ELEVATION N.T.S

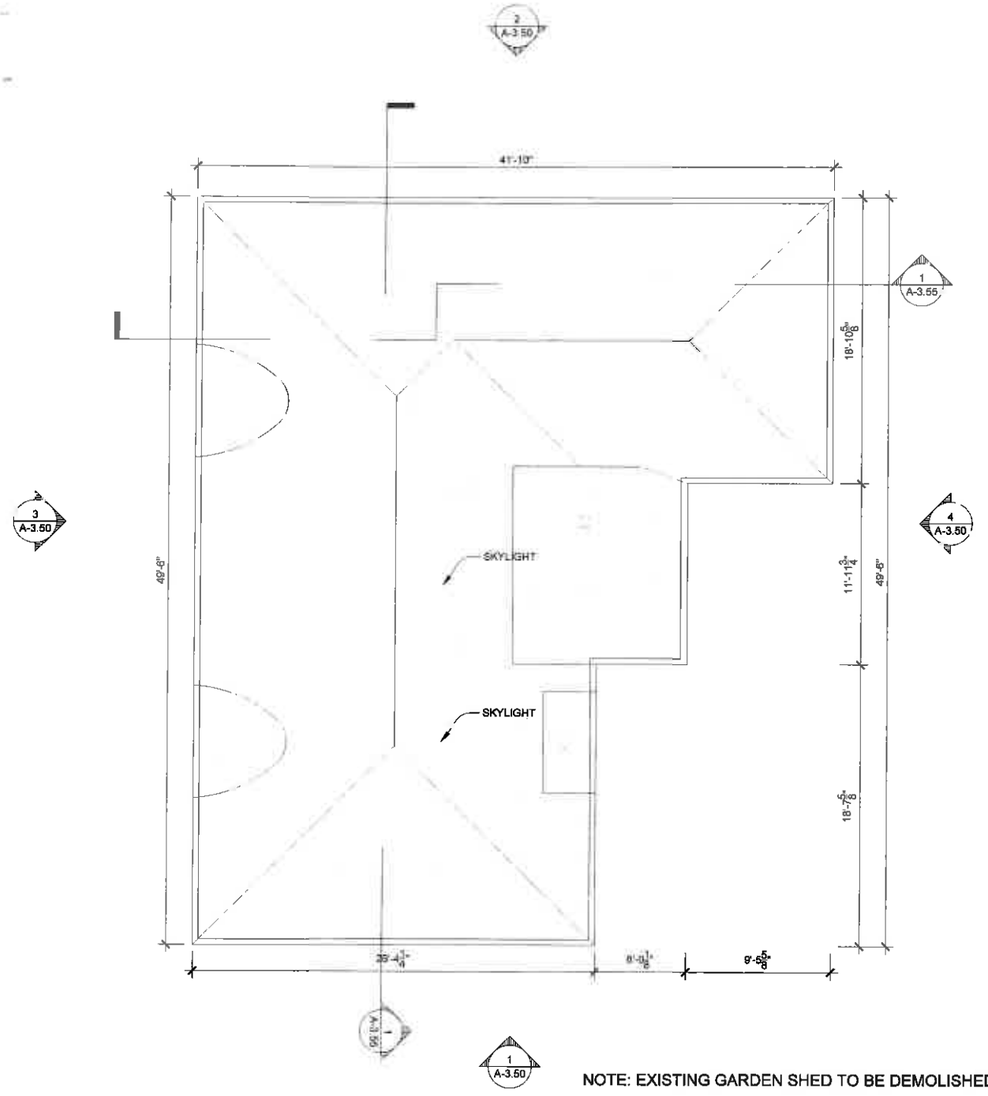


EXISTING GARDEN SHED - WEST ELEVATION N.T.S

(1) WOOD SIDING PAINTED (2) WOOD FRAME WINDOW PAINTED (3) WOOD FRAME DOOR PAINTED (4) ASPHALT COMPOSITE SHINGLE

KEYNOTES

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROJECT SITE / EXISTING CONDITION GARDEN SHED ELEVATIONS (NOTE: GARDEN SHED TO BE DEMOLISHED)	3620 BUCHANAN SHEET #: 15	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

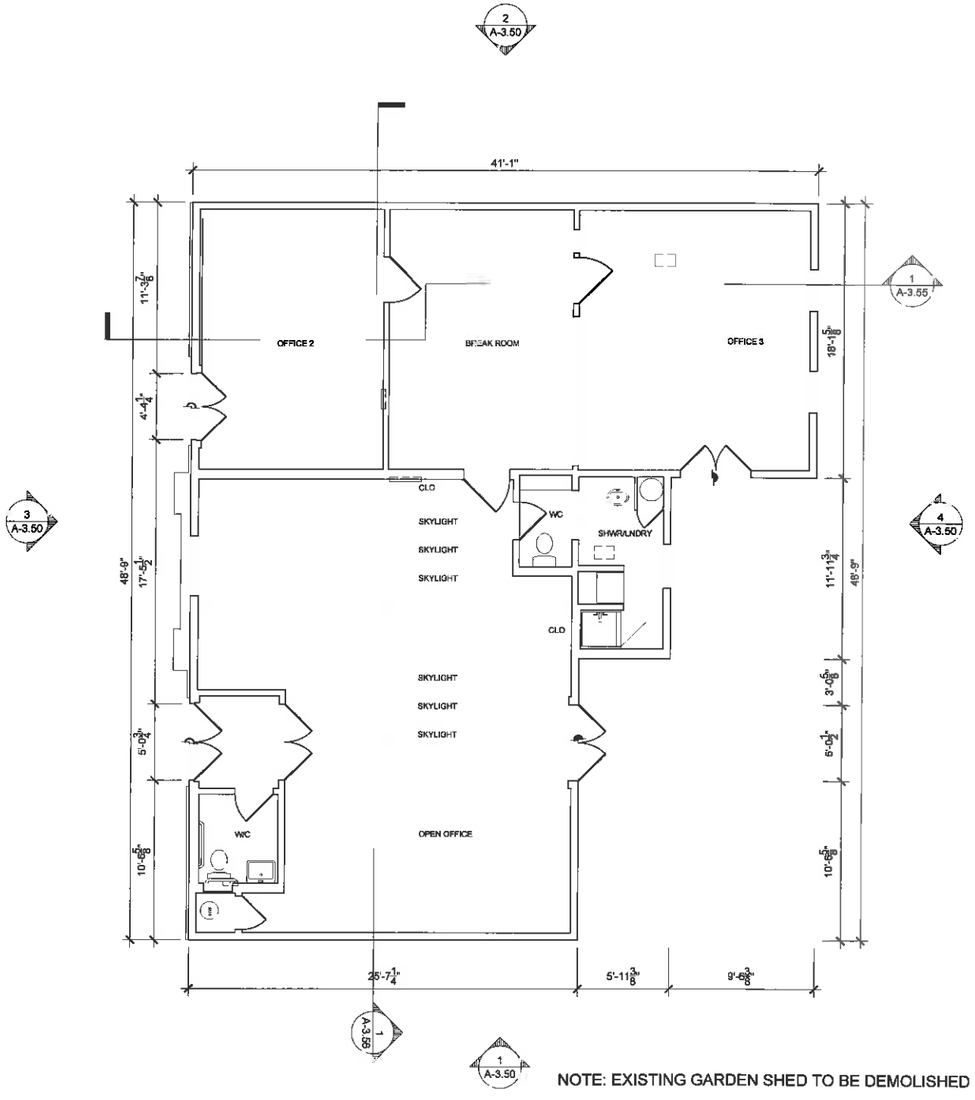


NOTE: EXISTING GARDEN SHED TO BE DEMOLISHED

LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

EXISTING GARDEN SHED - ROOF PLAN N.T.S



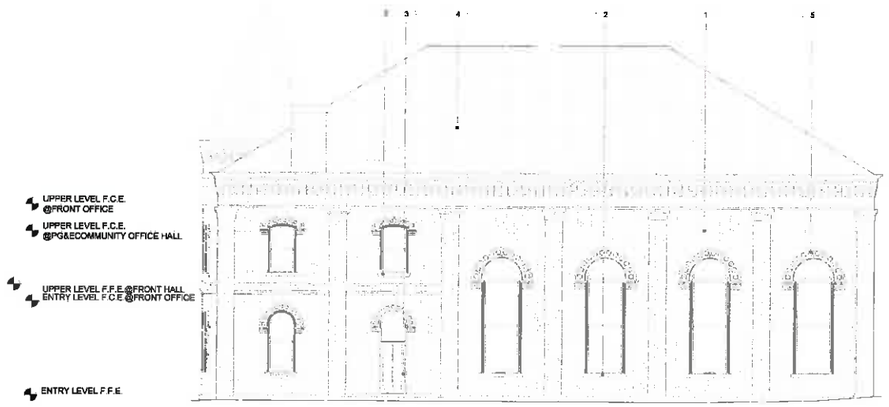
NOTE: EXISTING GARDEN SHED TO BE DEMOLISHED

LEGEND

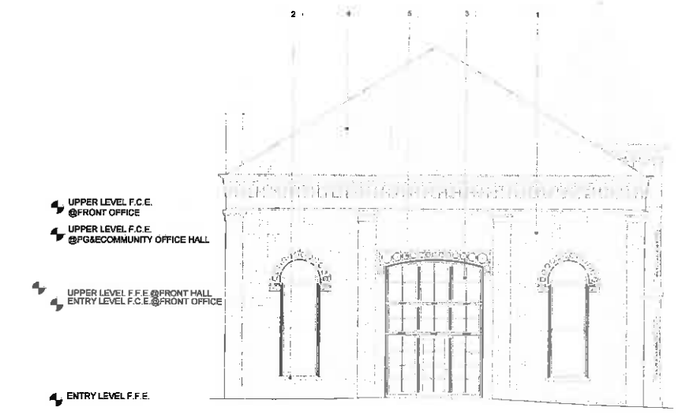
- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

EXISTING GARDEN SHED - P1 PLAN N.T.S

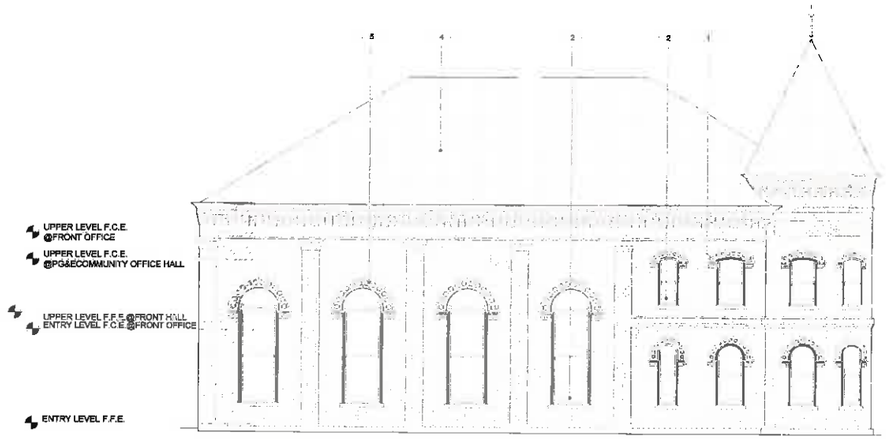
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROJECT SITE / EXISTING CONDITION GARDEN SHED PLANS (NOTE: GARDEN SHED TO BE DEMOLISHED)	3620 BUCHANAN SHEET #: 16	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



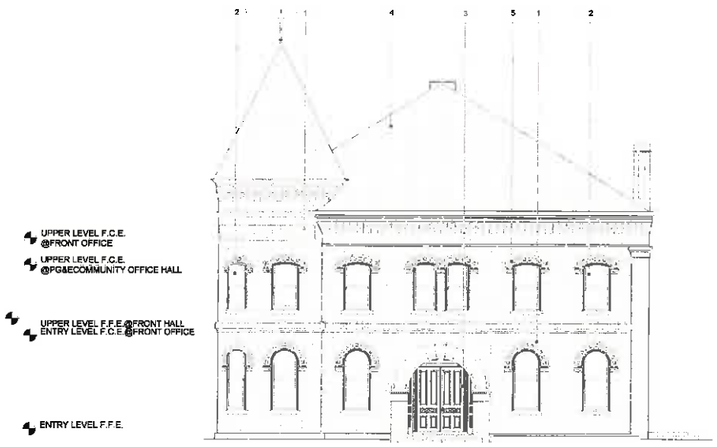
EXISTING LANDMARK BUILDING - SOUTH ELEVATION N.T.S



EXISTING LANDMARK BUILDING - EAST ELEVATION N.T.S



EXISTING LANDMARK BUILDING - NORTH ELEVATION N.T.S

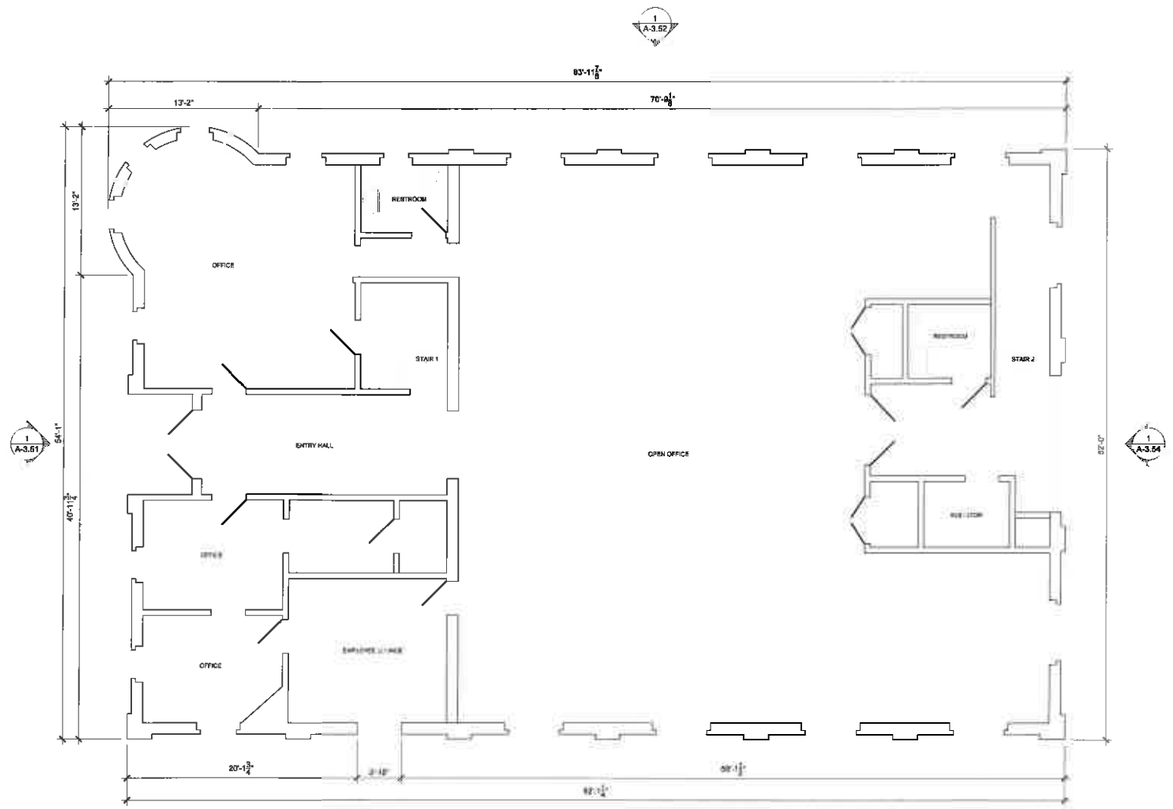


EXISTING LANDMARK BUILDING - WEST ELEVATION N.T.S

(1) BRICK WALL (2) WOOD FRAME WINDOW PAINTED (3) WOOD DOOR NATURAL FINISH (4) ASPHALT COMP. SHINGLE (5) STONE

KEYNOTES

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	EXISTING CONDITION LANDMARK BUILDING ELEVATIONS (NOTE: LANDMARK BUILDING TO REMAIN)	3620 BUCHANAN SHEET #: 17	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

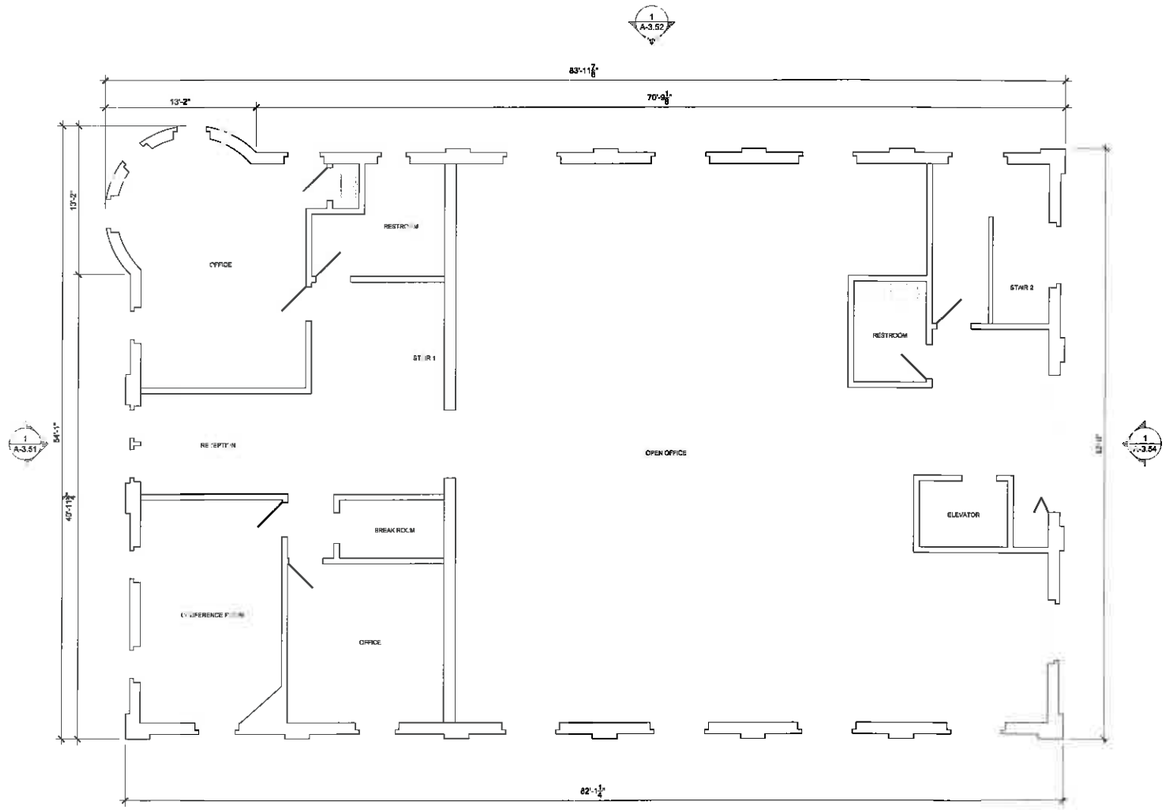


NOTE:EXISTING LANDMARK BUILDING TO REMAIN

LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

EXISTING LANDMARK BUILDING - P1 PLAN N.T.S



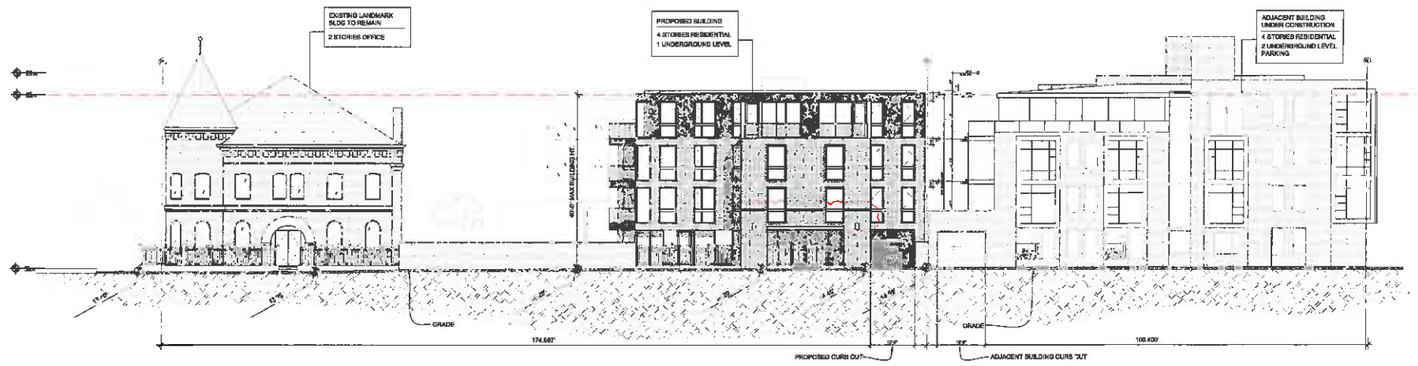
NOTE:EXISTING LANDMARK BUILDING TO REMAIN

LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

EXISTING LANDMARK BUILDING - P2 PLAN N.T.S

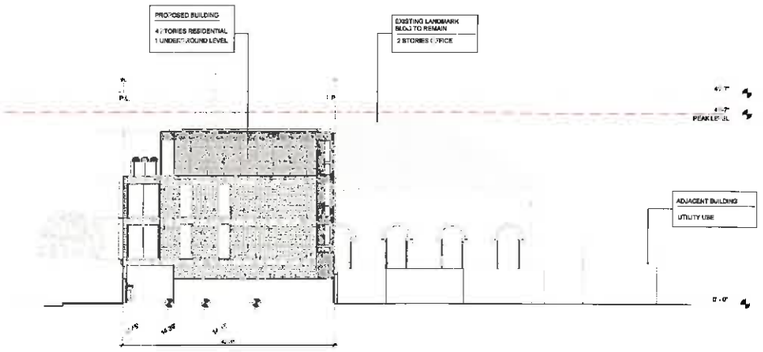
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	EXISTING CONDITION LANDMARK BUILDING PLANS (NOTE: LANDMARK BUILDING TO REMAIN)	3620 BUCHANAN SHEET #: 18	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



NOTE: SEE ENLARGED ELEVATIONS ON SHEETS A-3.00 - A-3.54 FOR EXISTING / PROPOSED MATERIAL FINISHES.

PROPOSED STREET ELEVATION

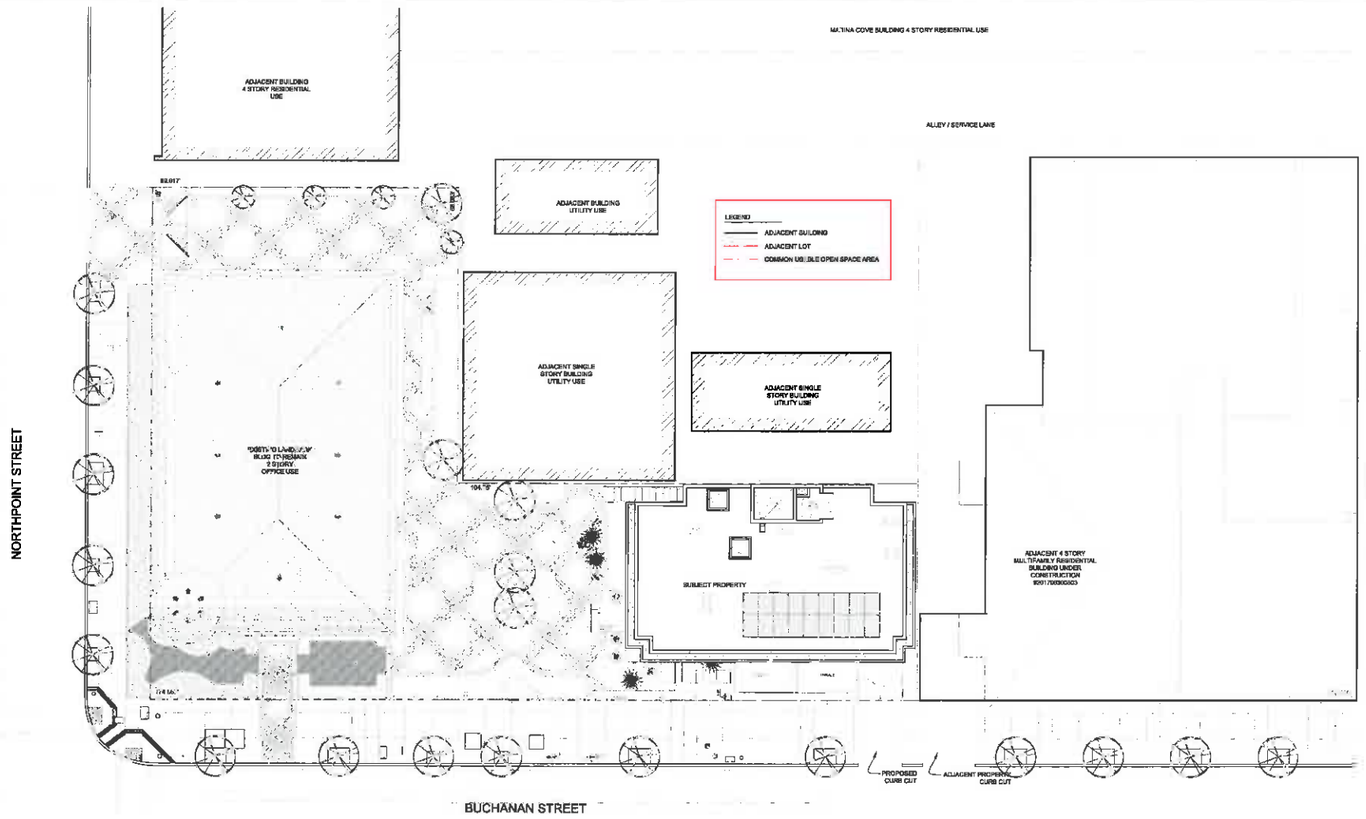
N.T.S



NOTE: SEE ENLARGED ELEVATIONS ON SHEETS A-3.00 - A-3.54 FOR EXISTING / PROPOSED MATERIAL FINISHES.

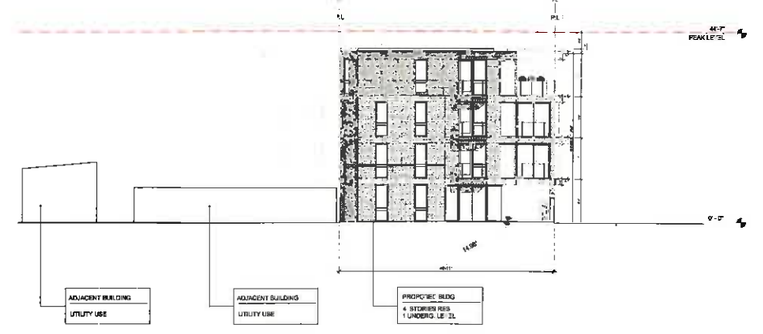
PROPOSED SIDE ELEVATION

N.T.S



PROPOSED SITE PLAN

N.T.S

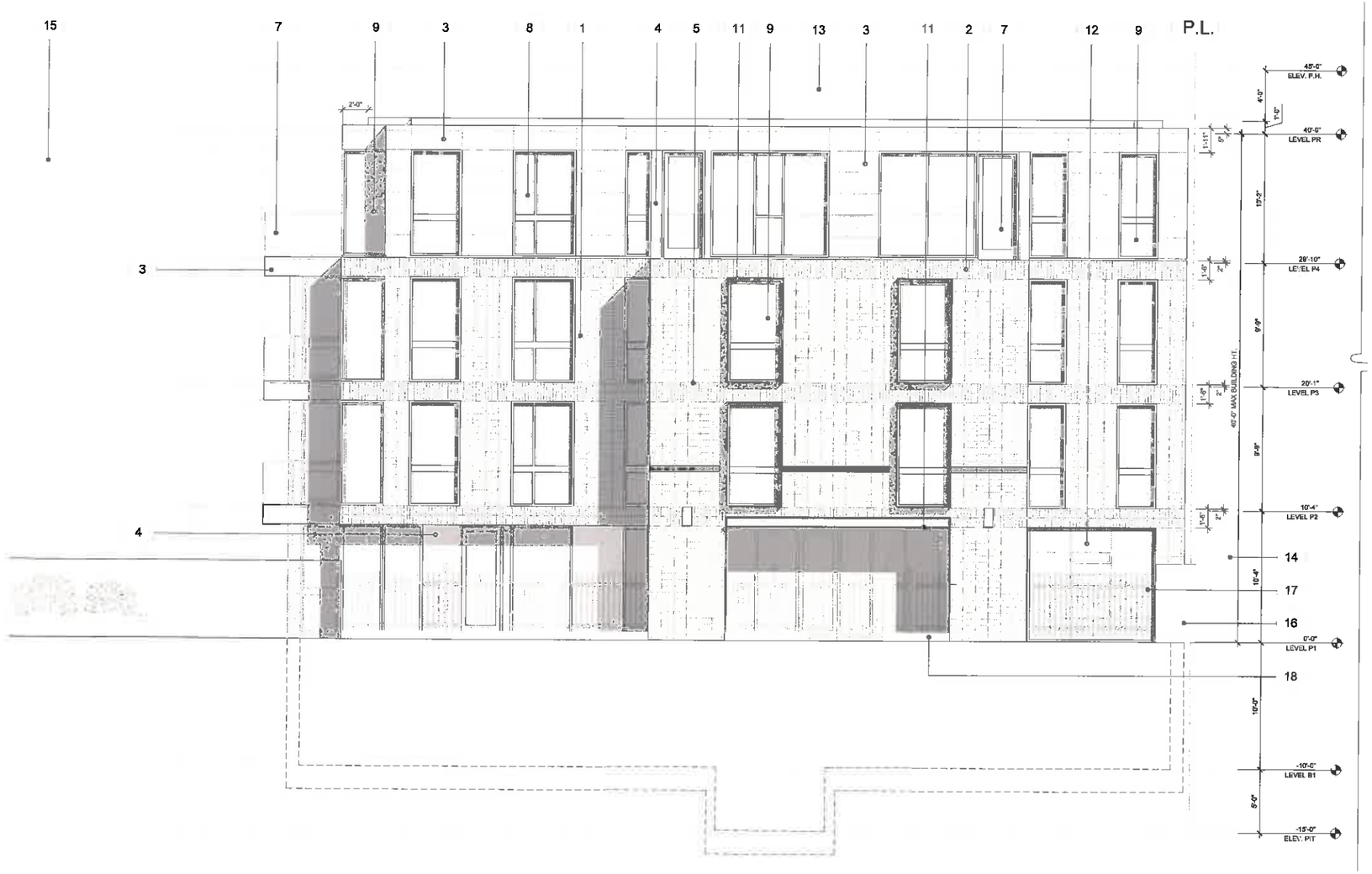


NOTE: SEE ENLARGED ELEVATIONS ON SHEETS A-3.00 - A-3.54 FOR EXISTING / PROPOSED MATERIAL FINISHES.

PROPOSED REAR ELEVATION

N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROJECT SITE / PROPOSED CONDITION ELEVATIONS + SITE PLAN	3620 BUCHANAN SHEET #: 19	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



PROPOSED WEST ELEVATION

N.T.S

KEYNOTES

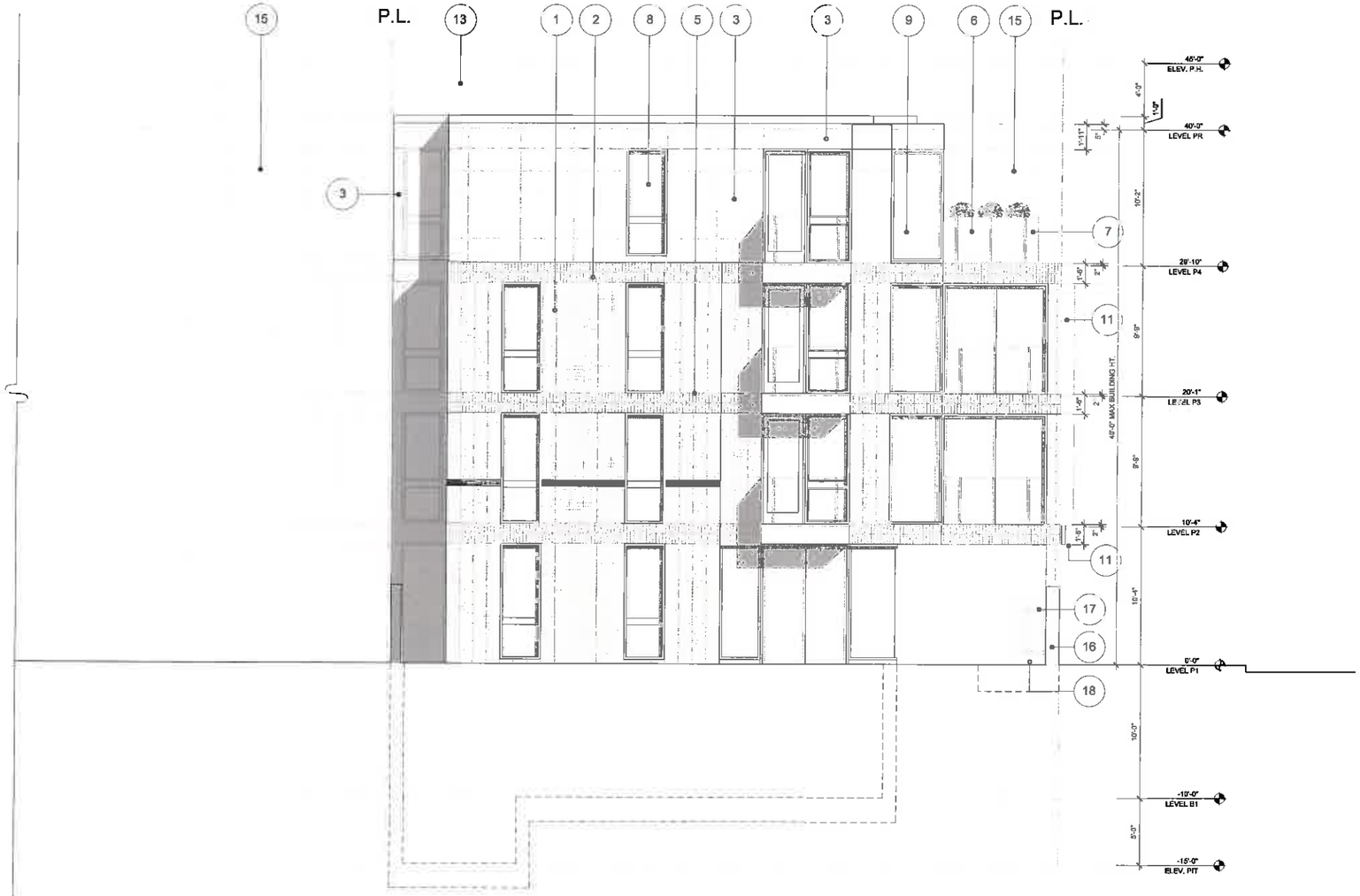
1	THIN BRICK VENEER - STACK BOND (NORMAN SIZE)	7	ALUMINUM PICKET GUARDRAIL	13	ELEVATOR PENTHOUSE - STUCCO
2	THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)	8	ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING	14	ADJACENT BUILDING
3	EQUITONE PANEL (LINEA LT20)	9	ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING	15	BUILDING BEYOND
4	ALUMINUM WALL PANELS	10	ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS	16	EXISTING BRICK WALL
5	CONTROL JOINTS	11	ALUMINUM SHADOW BOX FRAME	17	WROUGHT IRON FENCE
6	GLASS GUARDRAIL	12	CUSTOM GARAGE DOOR - WITH EQUITONE PANEL	18	CONCRETE CURB

EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING. ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED WEST ELEVATION	3620 BUCHANAN SHEET #: 20	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



PROPOSED NORTH ELEVATION

N.T.S

KEYNOTES

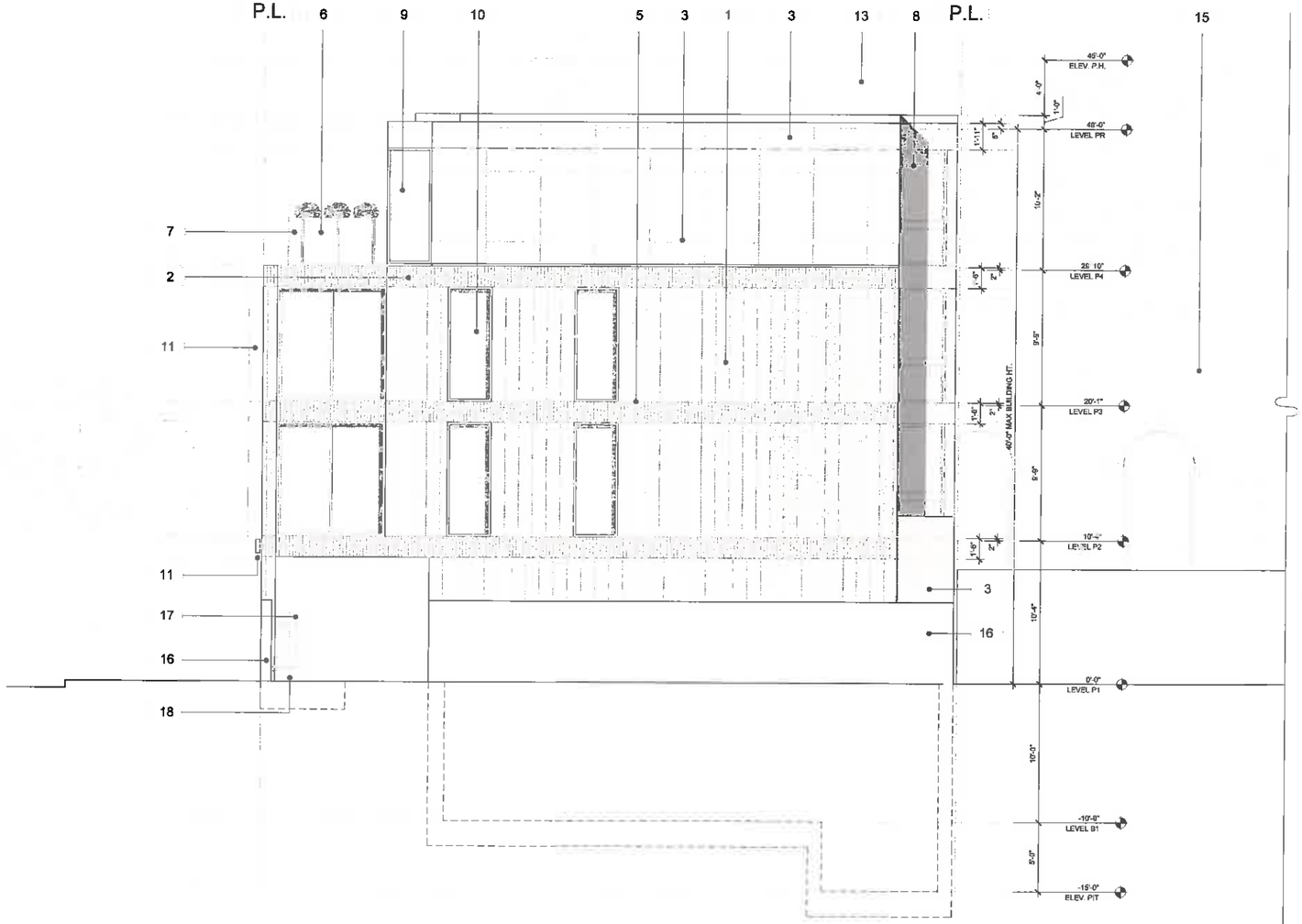
1	THIN BRICK VENEER - STACK BOND (NORMAN SIZE)	7	ALUMINUM PICKET GUARDRAIL	13	ELEVATOR PENTHOUSE - STUCCO
2	THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)	8	ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING	14	ADJACENT BUILDING
3	EQUITONE PANEL (LINEA LT20)	9	ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING	15	BUILDING BEYOND
4	ALUMINUM WALL PANELS	10	ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS	16	EXISTING BRICK WALL
5	CONTROL JOINTS	11	ALUMINUM SHADOW BOX FRAME	17	WROUGHT IRON FENCE
6	GLASS GUARDRAIL	12	CUSTOM GARAGE DOOR - WITH EQUITONE PANEL	18	CONCRETE CURB

EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING. ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED NORTH ELEVATION	3620 BUCHANAN SHEET #: 21	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



PROPOSED SOUTH ELEVATION

N.T.S

KEYNOTES

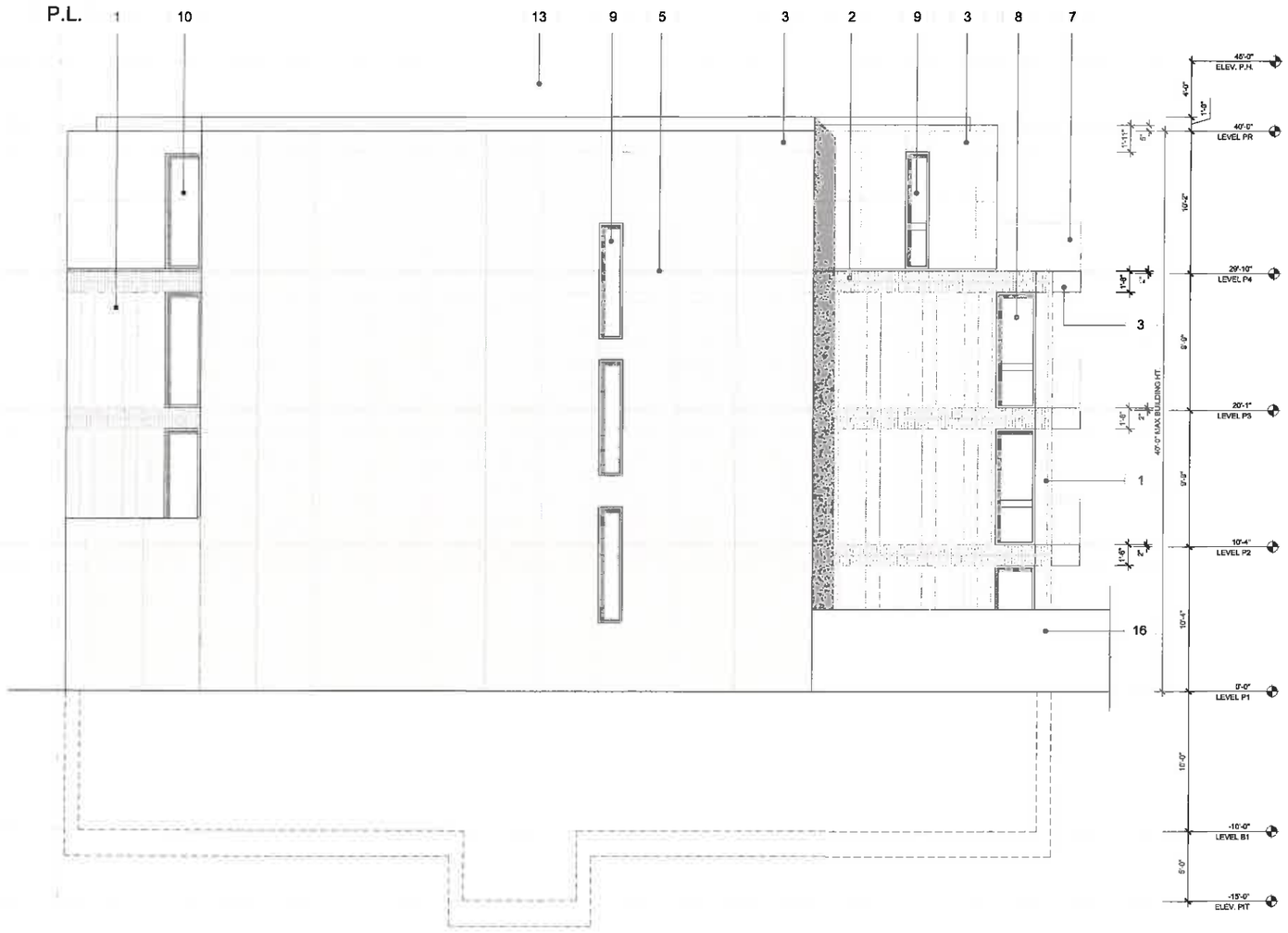
1	THIN BRICK VENEER - STACK BOND (NORMAN SIZE)	7	ALUMINUM PICKET GUARDRAIL	13	ELEVATOR PENTHOUSE - STUCCO
2	THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)	8	ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING	14	ADJACENT BUILDING
3	EQUITONE PANEL (LINEA LT20)	9	ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING	15	BUILDING BEYOND
4	ALUMINUM WALL PANELS	10	ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS	16	EXISTING BRICK WALL
5	CONTROL JOINTS	11	ALUMINUM SHADOW BOX FRAME	17	WROUGHT IRON FENCE
6	GLASS GUARDRAIL	12	CUSTOM GARAGE DOOR - WITH EQUITONE PANEL	18	CONCRETE CURB

EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING. ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED SOUTH ELEVATION	3620 BUCHANAN SHEET #: 22	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

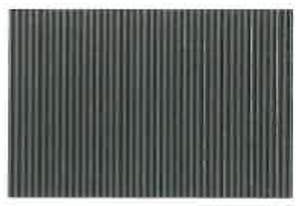


PROPOSED EAST ELEVATION

N.T.S

KEYNOTES

1	THIN BRICK VENEER - STACK BOND (NORMAN SIZE)	7	ALUMINUM PICKET GUARDRAIL	13	ELEVATOR PENTHOUSE - STUCCO
2	THIN BRICK VENEER - SAILOR COURSE (NORMAN SIZE)	8	ALUMINUM WINDOWS - OPERABLE W/ CLEAR GLAZING	14	ADJACENT BUILDING
3	EQUITONE PANEL (LINEA LT20)	9	ALUMINUM WINDOWS - NON OPERABLE W/ CLEAR GLAZING	15	BUILDING BEYOND
4	ALUMINUM WALL PANELS	10	ALUMINUM WINDOWS - NON OPERABLE W/ FRITTED GLASS	16	EXISTING BRICK WALL
5	CONTROL JOINTS	11	ALUMINUM SHADOW BOX FRAME	17	WROUGHT IRON FENCE
6	GLASS GUARDRAIL	12	CUSTOM GARAGE DOOR - WITH EQUITONE PANEL	18	CONCRETE CURB

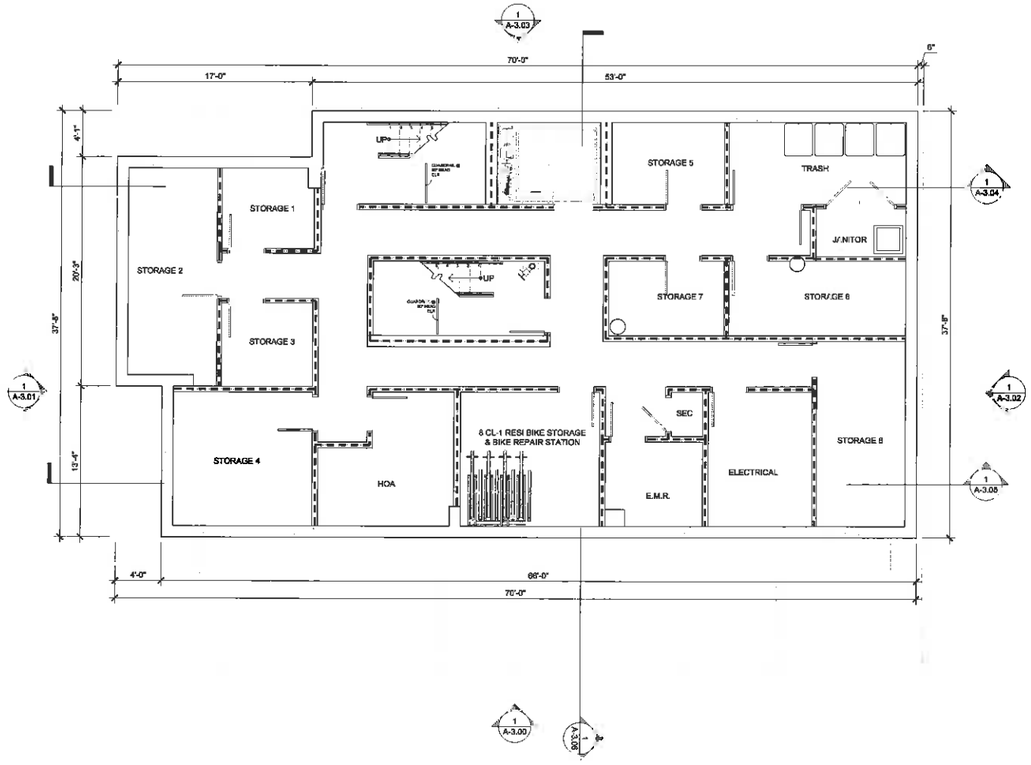


EQUITONE PANEL

THIN BRICK

NOTE: PER PLANNING CODE SECTION 139, BIRD-SAFE GLAZING TREATMENT IS REQUIRED SUCH THAT THE BIRD COLLISION ZONE (SECTION 139(c)(A)(i) AND (iii), FACING THE URBAN BIRD REFUGE CONSISTS OF NO MORE THAN 10% UN-TREATED GLAZING. ADDITIONALLY, MINIMAL LIGHTING SHALL BE USED. LIGHTING SHALL BE SHIELDED, AND NO UPLIGHTING SHALL BE USED.

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED EAST ELEVATION	3620 BUCHANAN SHEET #: 23	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

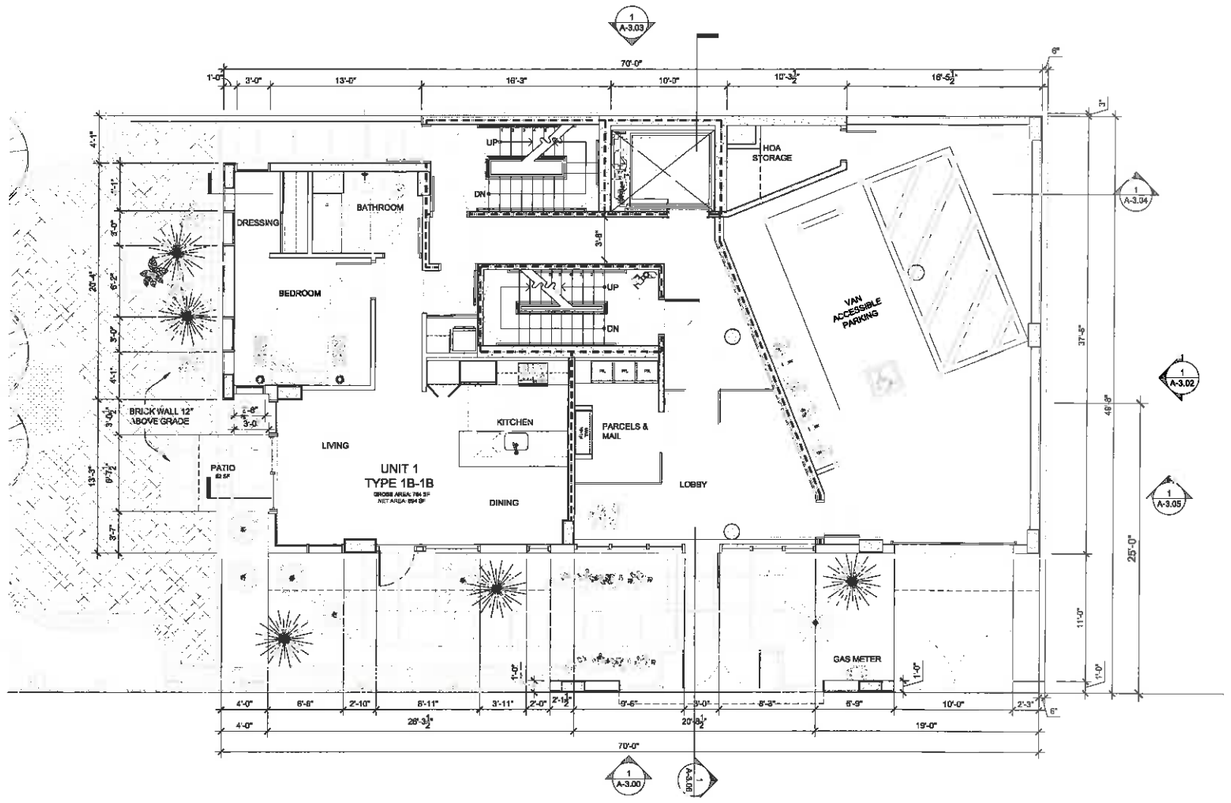


LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

PROPOSED B1 PLAN

N.T.S



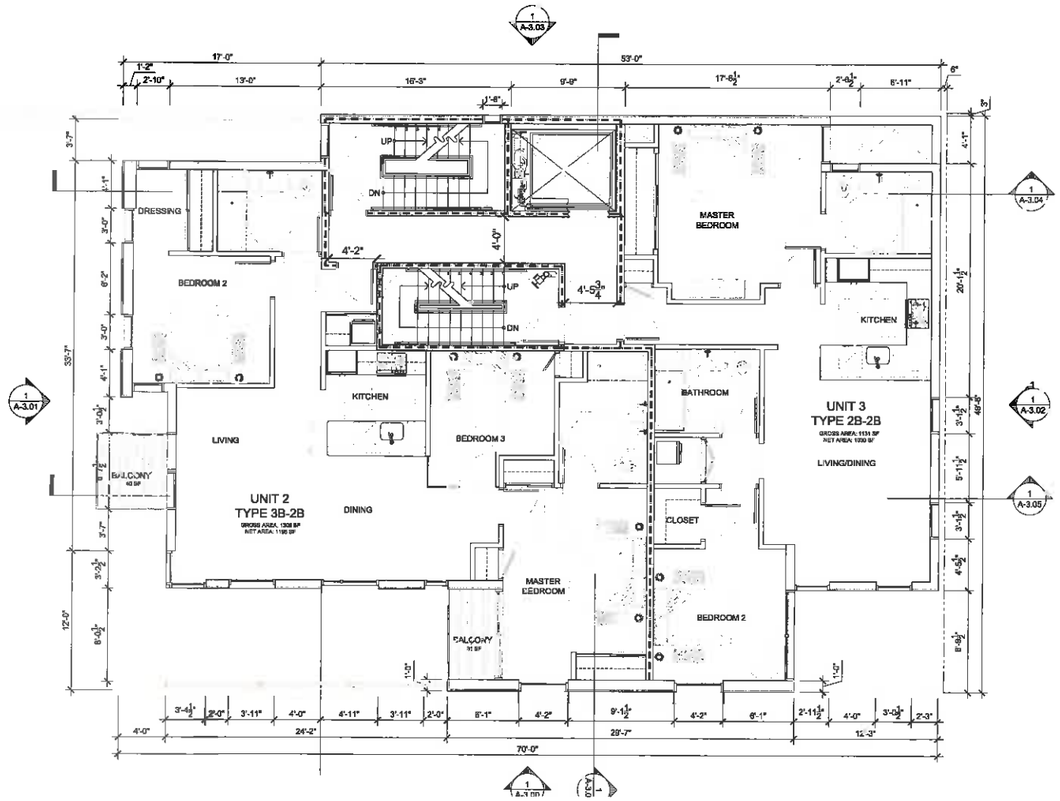
LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

PROPOSED P1 PLAN

N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED BUILDING PLANS: BASEMENT + FIRST FLOOR	3620 BUCHANAN SHEET #: 24	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

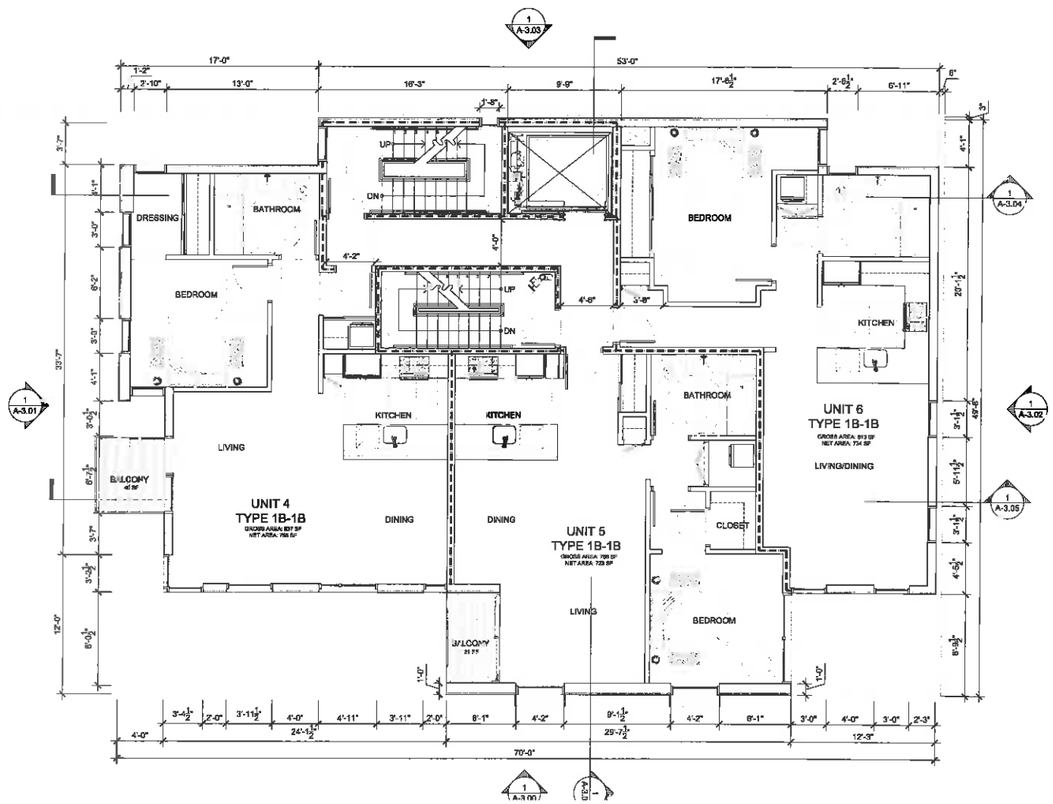


LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

PROPOSED P2 PLAN

N.T.S



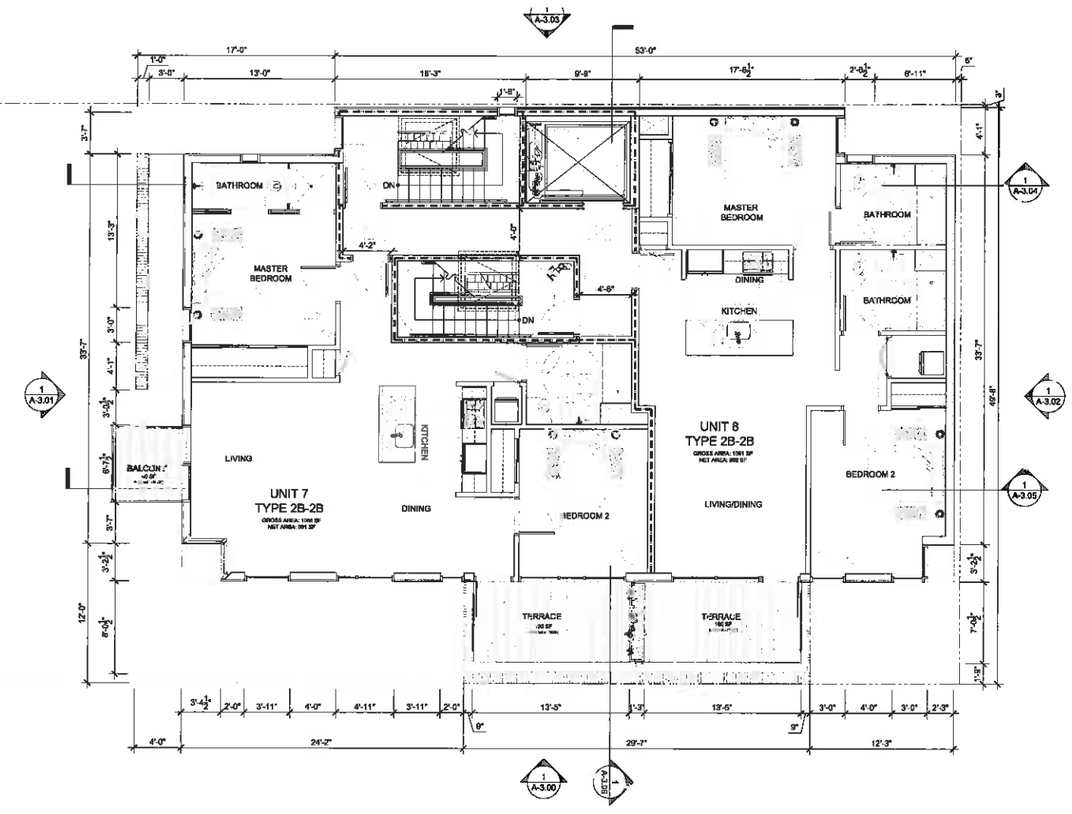
LEGEND

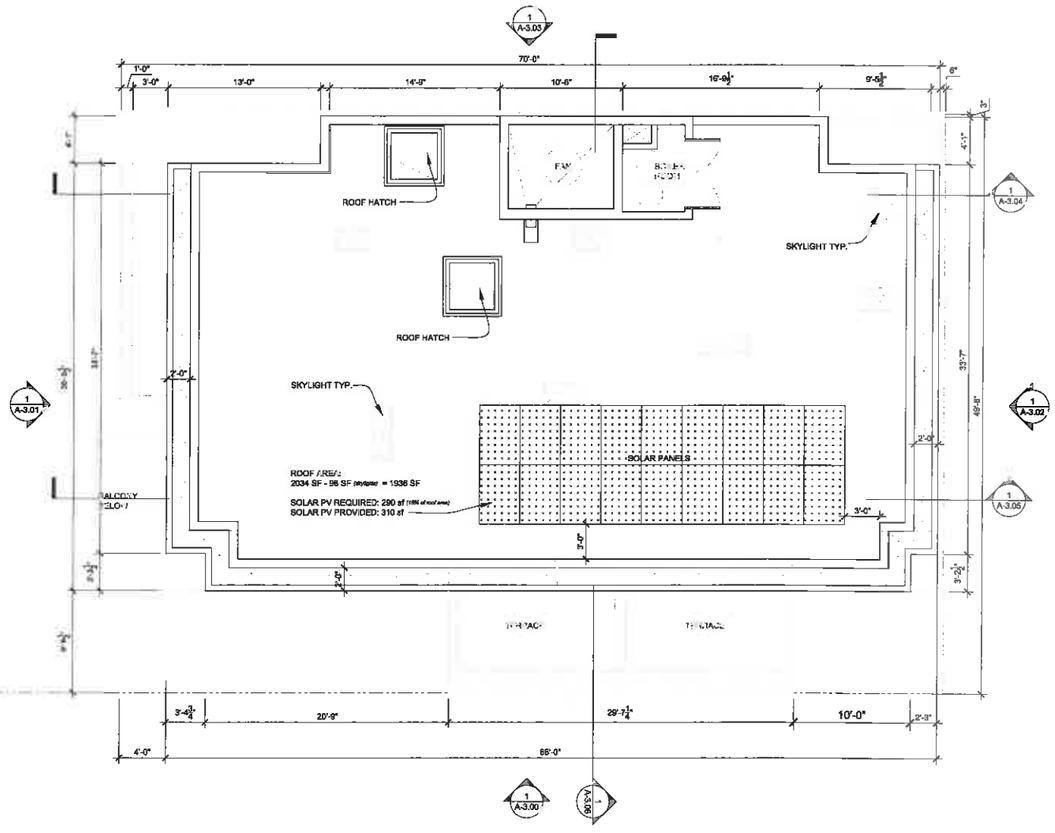
- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

PROPOSED P3 PLAN

N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED BUILDING PLANS: SECOND + THIRD FLOOR	3620 BUCHANAN SHEET #: 25	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com





LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

PROPOSED P4 PLAN

N.T.S

LEGEND

- 1 HOUR FIRE RATED WALL
- 2 HOUR FIRE RATED WALL
- 3 HOUR FIRE RATED WALL

PROPOSED ROOF PLAN

N.T.S

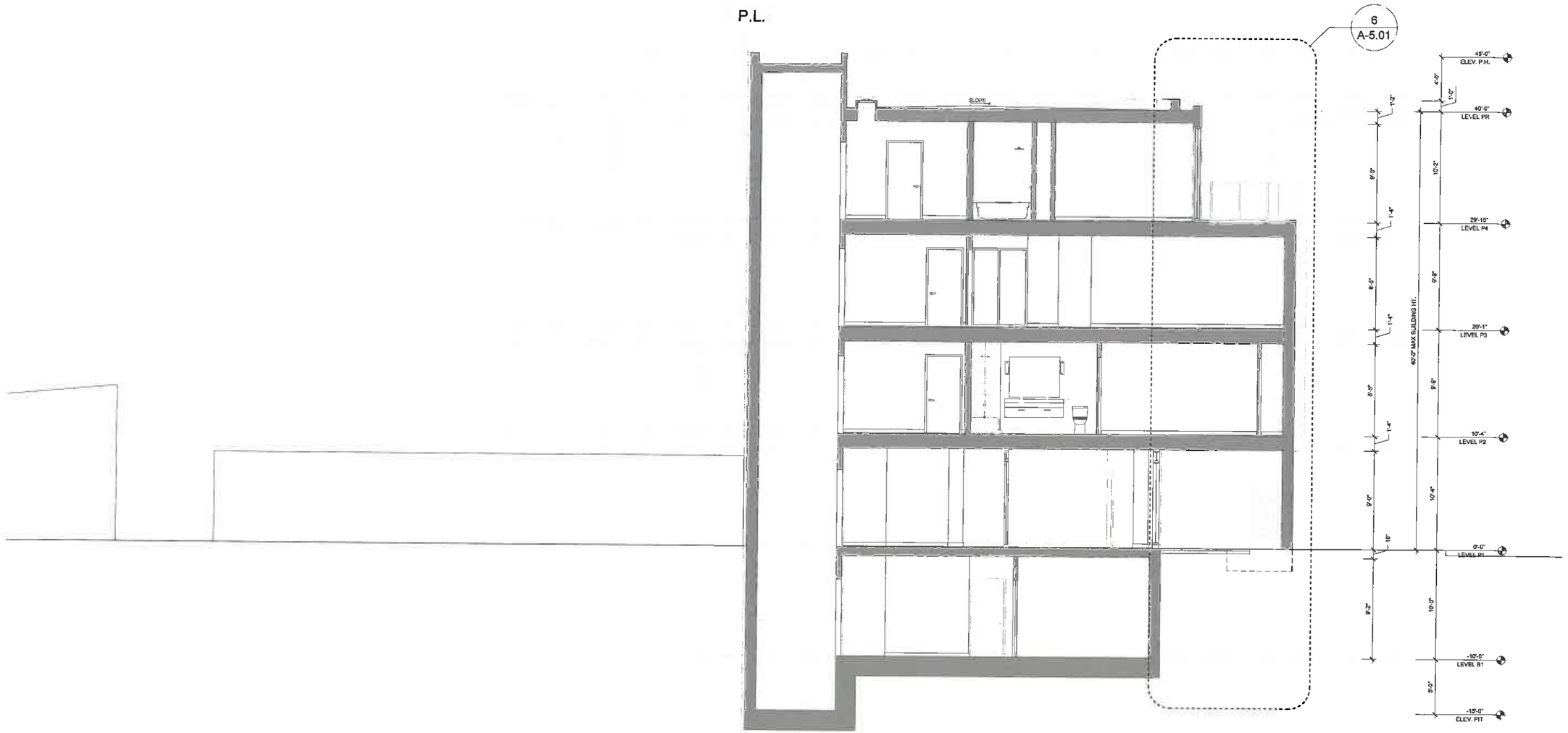
Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED BUILDING PLANS FOURTH FLOOR + ROOF	3620 BUCHANAN SHEET #: 26	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

P.L.

BUILDING SECTION 1

N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED BUILDING SECTION	3620 BUCHANAN SHEET #: 27	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com



BUILDING SECTION 2

N.T.S

Tusker Corporation 3636 Buchanan St. San Francisco, CA 94123	Date of Package: June 26, 2019	PROPOSED BUILDING SECTION	3620 BUCHANAN SHEET #: 28	ib+a architecture Ian Birchall and Associates 177 Post St, Suite 920 San Francisco, CA 94108 p: 415.512.9660 f: 415.512.9663 www.ibadesign.com

Exhibit D

SAN FRANCISCO
PLANNING DEPARTMENT

PRESERVATION TEAM REVIEW FORM

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Preservation Team Meeting Date:		**Date of Form Completion**	8/1/2018

PROJECT INFORMATION:		
Planner	Address:	
Stephanie Cisneros	3620 Buchanan Street	
Block/Lot	Cross Streets	
0459/003	Bay Street and North Point	
CEQA Category	Art 10/11	BPA/Case No.
A	Article 10	2016-010079ENV

PURPOSE OF REVIEW:			**PROJECT DESCRIPTION:**	
(•) CEQA	( ) Article 10/11	( ) Preliminary/PIC	( ) Alteration	(•) Demo/New Construction

DATE OF PLANS UNDER REVIEW:	8/5/16; revised 7/31/2018

PROJECT ISSUES:	
☒	Is the subject Property an eligible historic resource?
☐	If so, are the proposed changes a significant impact?
	Additional Notes:
	The purpose of this review is to establish the historical significance of the 1-story garden house (3620 Buchanan Street) that is located on the landmark site with the Historic Gas Light Building, Landmark No. 58 (3636-40 Buchanan Street). The two buildings share a single L-shaped lot. A Historic Resource Evaluation Part 1 completed by Page & Turnbull (May 20, 2016; revised final July 2018) has been submitted.

PRESERVATION TEAM REVIEW:			
Category:	(•) A	( ) B	( ) C

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: ( ) Yes (•) No	Criterion 1 - Event: (•) Yes ( ) No
Criterion 2 -Persons: ( ) Yes (•) No	Criterion 2 -Persons: ( ) Yes (•) No
Criterion 3 - Architecture: ( ) Yes (•) No	Criterion 3 - Architecture: (•) Yes ( ) No
Criterion 4 - Info. Potential: ( ) Yes (•) No	Criterion 4 - Info. Potential: ( ) Yes (•) No
Period of Significance:	Period of Significance: 1893-1958
	( ) Contributor (•) Non-Contributor

Complies with the Secretary's Standards/Art 10/Art 11:	○ Yes	○ No	○ N/A
CEQA Material Impairment to the individual historic resource:	○ Yes	○ No	
CEQA Material Impairment to the historic district:	○ Yes	○ No	
Requires Design Revisions:	○ Yes	○ No	
Defer to Residential Design Team:	○ Yes	○ No	

PRESERVATION TEAM COMMENTS:

According to the information presented in the Historic Resource Evaluation (HRE) prepared by Page & Turnbull (July 2018) and information found in the Planning Department files, the subject building at 3620 Buchanan Street is a one-story vernacular garden house with Neo-French and Ranch elements. The garden house is located on the south end of the L-shaped lot occupied by City Landmark No. 58 (Merryvale Antiques/S.F. Gas Light Co. building). The lot also contains a garden between the landmark building and the garden house. The S.F. Gas Light Co. building was constructed ca. 1891 - 1893 and was owned and occupied by the S.F. Gas Light Company (later to become Pacific Gas & Electric) and was one component of the larger industrial complex surrounding the site named the Gas Cove Complex. The subject site became the main component of the S.F. Gas Light Co.'s North Beach Station.

The property was sold to Dent Macdonough and his wife Margaret in 1958. The Macdonoughs undertook an extensive rehabilitation of the property immediately upon ownership, which included restoration and reuse of the 1890s landmark building as a high end antique shop; construction of the garden house designed by Clifford Conly; construction of a garden designed by Jean Wolff (who often assisted with the execution of Thomas Church designs); and installation of the extant six-foot tall brick wall around the garden. The property was again sold in 1980 to the Pacific Union Land Company and again in 1998 to Roger Walther, a real estate developer, who also undertook extensive renovations to the entire site in 2000 as detailed in the HRE.

Staff is in agreement with the findings presented in the HRE regarding 3620 Buchanan Street. The building and garden do not appear to be significant under Criteria 1, 2 or 3 such that they would qualify individually for listing in the California Register. They are not associated with events or people that have made significant contributions to the broad patterns of local or regional history. Merryvale Antiques, who occupied the site from 1958 until 1980, does not appear to have made significant contributions to local, state or regional history. The building and garden are not architecturally distinct such that they would qualify individually for listing in the California Register.

Staff is also in agreement with the findings of the HRE that 3620 Buchanan Street and the adjacent garden are not contributing features of the landmark site. The site is significant for its association with the construction and operation of the S.F. Gas Light Co., the period of which can be defined as 1891-1958. The subject building and garden were constructed after this period.

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
Allison Vanderslice	8/21/2018

PUBLIC COMMENT

HD 6/26/19

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS
JUN 24 2019
APPEAL # 19-047

From: Arnold Cohn <sfamc2@gmail.com>
Sent: Sunday, June 23, 2019 3:55 PM
To: BoardofAppeals (PAB)
Subject: Appeal 19-047 2016-010079CUA/VAR

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This email regards the Tusker Corporation's (3620 project developer) lawyer's response (Jodi Knight) to the Rear Yard Modification hearing.

The response states that the City Planning Department has decided the lot area for the proposed building is not a landmarked area. I presented numerous official City legal documents [including City Ordinance File 90-73-8 12-74 signed Jan. 2, 1974 by Mayor Joseph Alioto] to the Historical Preservation Committee, that stated the landmark included the Merryvale Antiques building, and the Garden and Garden Shop building area (proposed building site area). The Historical Preservation Commission voted 4-3 allowing the City planners to ignore that city ordinance and support construction on a legally defined landmarked site. For example, I rob a bank and get $500. My city public defender and city prosecutor decide to change the bank robbery laws. Without any legislative action, they decide that anyone robbing a bank and getting less than $501 is not a criminal and should not be prosecuted.

The response also states that residents of 1550 Bay facing Buchanan Street will not be impacted by the proposed construction. The proposed construction will impact both fresh air and breezes, and light to those residents of 1550 Bay facing Buchanan Street (including me). These residents will be entirely encircled by other buildings and the proposed building which will decrease their air and breezes, and light availability.

The response completely ignores the impact the proposed construction will have on the existing residents of Buchanan Street. The proposed building has eight units but only one parking space. Where will those seven cars rest when not on the road? Buchanan Street is a narrow street supporting MUNI buses, heavy delivery trucks to Safeway and the Post Office, and the usual heavy auto and truck delivery traffic using Buchanan Street.

Why is the City planning department allowing the project developer to violate the rear yard requirement rules defined in the Planning Code Section 134(a)(1) and 134 (a)(1)(B)?

Arnold Cohn
1550 Bay, Unit B126
S.F., CA. 94123

HD 6/26/19

FILE

Mejia, Xiomara (BOA)

BOARD OF APPEALS

JUN 25 2019

APPEAL # 19-047

From: linda@kembytv.com
Sent: Tuesday, June 25, 2019 1:43 PM
To: BoardofAppeals (PAB)
Subject: CASE NO. 2016-010079VAR APPEAL NO. 19-047

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm Linda Kemby and am a resident at 1550 Bay St., SF. My window faces the proposed building site at on Buchanan St. between Bay St. and Northpoint. I strongly oppose the Buchanan St. building project for the following reasons:

VIOLATION OF ORDINANCE:
The Merryvale Antiques City ordinance File 90-73-8, 12-74 was signed and executed by former Mayor Alioto in 1974.
It defines and includes the proposed construction site as Merryvale Antiques Historical Landmark 58.
By allowing the Buchanan St. project to move forward, wouldn't the City Planning department be in violation the above described ordinance?

The Historical Preservation Commission's 4-3 vote to move this project forward was baffling, given the above violation of a decision dedicated to maintaining the history of this site.
CONGESTION/TRAFFIC ON NARROW RESIDENTIAL ST:
The proposed Buchanan Street building has eight units but only one parking space. Where will those seven cars rest when not on the road? Buchanan Street is a narrow street supporting MUNI buses, heavy delivery trucks to Safeway and the Post Office, and the usual heavy auto and truck delivery traffic using Buchanan Street.
ENVIRONMENTAL AND QUALITY OF LIFE IMPACT ON THE NEIGHBORHOOD:
The proposed construction will impact air and light availability to over 24 westward facing 1550 Bay St. tenants. This proposed building will create a virtual "wall".
Additionally, the argument given in past hearings about adding units to aid in the San Francisco housing crisis is not viable, with potential delivery of only 8 multi-million dollar units. If this is part of the argument for moving forward with this project, doesn't it make sense to demand that the developer create as many units as possible, so more residents can benefit and put a bigger dent in our housing crisis? Needless to say, the city needs more lower income housing versus multi-million dollar homes.
Thank you for your consideration.
Sincerely,
Linda Kemby
Producer/Reporter
KembyTV
1550 Bay St., Apt 414
San Francisco, CA 94123