





Date Filed:

BOARD OF APPEALS

JUL 14 2014

APPEAL # 14-134

CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS

**PRELIMINARY STATEMENT OF APPEAL**

I / We, **Joseph Foster**, hereby appeal the following departmental action: **ISSUANCE** of **Variance 2014.0016V** by the **Zoning Administrator** which was issued or became effective on: **July 10, 2014**, to: **Jane Miu**, for the property located at: **132 Corbett Avenue**.

**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: **August 21, 2014, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's and Other Parties' Briefs are due on or before: **September 04, 2014, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

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

Hearing Date: **Wednesday, September 10, 2014, 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 an original and 10 copies of all documents of support/opposition no later than one (1) 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 attachment to the Preliminary Statement of Appeal.

**Appellant or Agent (Circle One):**

Signature: *J. Foster*

Print Name: JOSEPH FOSTER

**Letter to the San Francisco Board of Appeals Regarding Zoning Variance**

DELIVERED IN PERSON ON JULY 14, 2014

Board of Appeals  
City & County of San Francisco  
1650 Mission Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103-2414  
Re: Joseph Foster v. Zoning Administrator  
Case No. 2014.0016V  
Approval of Rear Yard Variance for 132 Corbett Avenue  
Hearing Date: June 25, 2014  
Variance Letter Date: July 10, 2014

BOARD OF APPEALS

JUL 14 2014

APPEAL # 14-134

Dear Members of the Board of Appeals:

On behalf of the owners of 4343-4345 17th Street (located directly next to 132 Corbett Avenue), I am writing this letter to request your appeal of the Zoning Administrators decision to grant a rear yard variance for construction of a new building at 132 Corbett Avenue.

I request that you uphold Section 134 of the San Francisco Planning Code in this case for the following reasons:

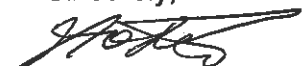
-The proposed project would be materially injurious to my property. The new project will block direct light into my building and restrict air flow. Neither the variance application nor the June 25 hearing contained quantitative evidence to refute this fact.

-The proposed project is not in harmony with the general purpose of the San Francisco Planning Code. Granting of this variance conflicts with the General Plan priorities of preserving neighborhood character and buildings of historical interest.

-No objective evidence supports the claim that this project represents an extraordinary circumstance in relation to the circumstances of other similar properties in San Francisco.

I therefore respectfully request your reversal of the Zoning Administrators granting of the subject rear yard variance as described in his letter of July 10, 2014.

Sincerely,

  
Joseph Foster  
4343 17<sup>th</sup> Street  
San Francisco, CA



# SAN FRANCISCO PLANNING DEPARTMENT

## Variance Decision

*Date:* July 10, 2014  
*Case No.:* 2014.0016V  
*Project Address:* 132 Corbett Avenue  
*Zoning:* RH-2 (Residential, House – Two-Family)  
 40-X Height and Bulk District  
*Block/Lots:* 2652 / 010  
*Applicant:* Jeff Burriss  
 665 3<sup>rd</sup> St., Suite 335  
 San Francisco, CA 94107  
*Owners:* Jean Miu  
 132 Corbett Ave.  
 San Francisco, CA 94114  
*Staff Contact:* Tina Chang – (415) 575-9197  
 Tina.chang@sfgov.org

1650 Mission St.  
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 CA 94103-2479

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BOARD OF APPEALS

JUL 14 2014

APPEAL # 14-134

### DESCRIPTION OF VARIANCE – REAR YARD VARIANCE SOUGHT:

The proposal is to construct a second dwelling unit at the rear of a through lot between 17<sup>th</sup> Street and Corbett Avenue. The property is currently developed with a two-story, single-family dwelling unit (fronting Corbett Avenue). The second dwelling unit (fronting 17<sup>th</sup> Street) would reduce the rear yard from approximately 71' 9" to 30' 8" (between the two buildings), or about 25% of the lot depth.

SECTION 134 OF THE PLANNING CODE requires a rear yard that is 45% of lot depth for properties within the RH-2 (Residential House, Two-Family) Zoning District. The project applicant requests a variance to this requirement to construct a second dwelling unit at the rear of the lot (fronting 17<sup>th</sup> Street).

### PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.
2. The Zoning Administrator held a public hearing on Variance Application No. 2014.0016V on June 25, 2014
3. A building permit has not yet been filed for this project. Section 311 neighborhood notification will be performed as part of the building permit.

**DECISION:**

**GRANTED**, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a second dwelling within the required rear yard of the subject property (fronting 17<sup>th</sup> Street), subject to the following conditions:

1. 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.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. 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.
5. This Variance Decision and the recorded Notice of Special Restrictions, Case No. 2012.0825V, 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.

**FINDINGS:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

**FINDING 1.**

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

**Requirement Met.**

- A. The subject 1,150 SF single-family residence fronting Corbett Avenue, constructed circa 1915, was built on a 3,057 SF through-lot, centrally located within the block and part of a series of buildings that create a strong mid-block open space pattern. Most other lots contributing to this pattern already have secondary structures on the opposite sides of the lot, or they front 17<sup>th</sup> Street.
- B. Due to the centrality of the subject within the larger context of the mid-block open space pattern and the topography of the lot, options to construct a secondary unit without compromising the established open space pattern are limited.

**FINDING 2.**

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

**Requirement Met.**

- A. Literal enforcement of the rear yard requirements of the Planning Code for the subject property results in hardship when attempting to construct a second dwelling unit on the lot, which is permitted as-of-right per the underlying zoning. The project sponsor has identified three alternatives for adding a second dwelling unit to the property:
  1. Add Height and depth to the existing house, creating a two-unit building fronting Corbett. The challenges imposed by this alternative include adding height and depth to the house which would compromise the mid-block open space pattern, contrary to the Residential Design Guidelines. Additionally, this alternative might negatively impact neighbors fronting 17<sup>th</sup> street (which are at a higher elevation than properties that front on Corbett Avenue).
  2. Demolish the existing house at Corbett and construct a new two-unit structure facing 17<sup>th</sup> Street. The challenges imposed by this alternative include demolition of the house, which was constructed in 1915 and is considered to be a potential historic resource. Additionally, protection and preservation of existing housing stock is a priority, per Planning Code Section 317.
  3. Add a second structure facing 17<sup>th</sup> Street. The challenges imposed by this alternative include the requirement for a rear yard variance; however, this proposal preserves the existing dwelling on the lot and complies with the Residential Design Guidelines.

**FINDING 3.**

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

**Requirement Met.**

- A. The subject property is within the RH-2 Zoning District, permitting two units per lot as-of-right. Denial of the variance would prevent the sponsor from adding a second dwelling unit to the subject property in a manner that complies with the Residential Design Guidelines and retains the existing building on the lot. Of the 34 lots on the block, approximately 23 or 67% housed multiple units. As such, the variance is necessary for the preservation and enjoyment of a substantial property right of the subject property possessed by other property in the same class of district.
- B. To achieve the preservation and enjoyment of a substantial property right possessed by other property in the same class of district, the project sponsor is proposing a rear yard amounting to

25% of lot depth, or approximately 30' 8", which would retain the existing dwelling on the lot. If approved as proposed, the property would function similar the pattern of development in the neighborhood and to the pattern of development on other through-lots (with dwelling units fronting opposing sides of the lot).

**FINDING 4.**

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

**Requirement Met.**

- A. One intent of the rear yard requirement is to establish and preserve a pattern of mid-block open spaces. The subject property is a through lot between Corbett Avenue and 17<sup>th</sup> Street, developed with an existing single-family dwelling (fronting Corbett Avenue). Construction of a new dwelling at the rear of the property (fronting 17<sup>th</sup> Street) and providing a rear yard between the two buildings will maintain and strengthen the mid-block open space, consistent with the Planning Department's Residential Design Guidelines and the intent of Planning Code Section 134.
- B. Granting the variance would not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity. The construction of a second dwelling unit at the rear of the lot minimizes disturbance of views, which are strongest facing south, down-sloping towards Corbett Avenue.
- C. The Planning Department is aware of opposition to the project from two neighbors; however, the project has been designed in a manner to reduce impacts on adjacent properties.

**FINDING 5.**

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

**Requirement Met.**

- A. 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, maintaining housing stock and the intent of Planning Code Section 134, from which the applicant desires a variance.
  - 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. The proposal will preserve the existing single family dwelling unit on the property and add a second dwelling unit to the property.

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.
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 utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a 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 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.

**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, 3<sup>rd</sup> Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez  
Zoning Administrator

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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.

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Copy to I:\Decision Documents\Variance Decision Letters\2014\2014.0016V - 132 Corbett Ave -  
Granted



DELIVERED IN PERSON ON AUGUST 18, 2014

Board of Appeals  
City & County of San Francisco  
1660 Mission Street, Room 3036  
San Francisco, CA 94103-2414  
Re: Joseph Foster v. Zoning Administrator

Appellant Brief\_Joseph Foster  
Case No. 2014.0016V  
Approval of Rear Yard Variance for 132 Corbett Avenue  
Hearing Date: June 25, 2014  
Variance Letter Date: July 10, 2014

## APPELLANT BRIEF (RE: ZONING VARIANCE 2014.0016V)

STATEMENT OF CASE. I, Joseph Foster, am the owner of 4343 17<sup>th</sup> Street in San Francisco. My neighbor, Jean Mui is the owner of 132 Corbett Avenue. Mrs. Mui applied for a rear yard zoning variance in January 2014, which would enable her to build a second single family residence on her lot. The proposed new building would be placed at the opposite end of her property (facing 17<sup>th</sup> Street). The new structure will directly adjoin my home with the effect of blocking needed air and light from the East. Although I opposed the variance request in my letter to the Zoning Administrator dated 6/17/2014 (attached), Mrs. Mui's request was granted in the hearing of June 25, 2014. I hereby request your appeal of this decision and assert that the Zoning Administrator erred or abused his discretion in this case. The effect of your appeal would be the enforcement of the rear yard zoning requirement as it relates to the project at 132 Corbett Avenue.

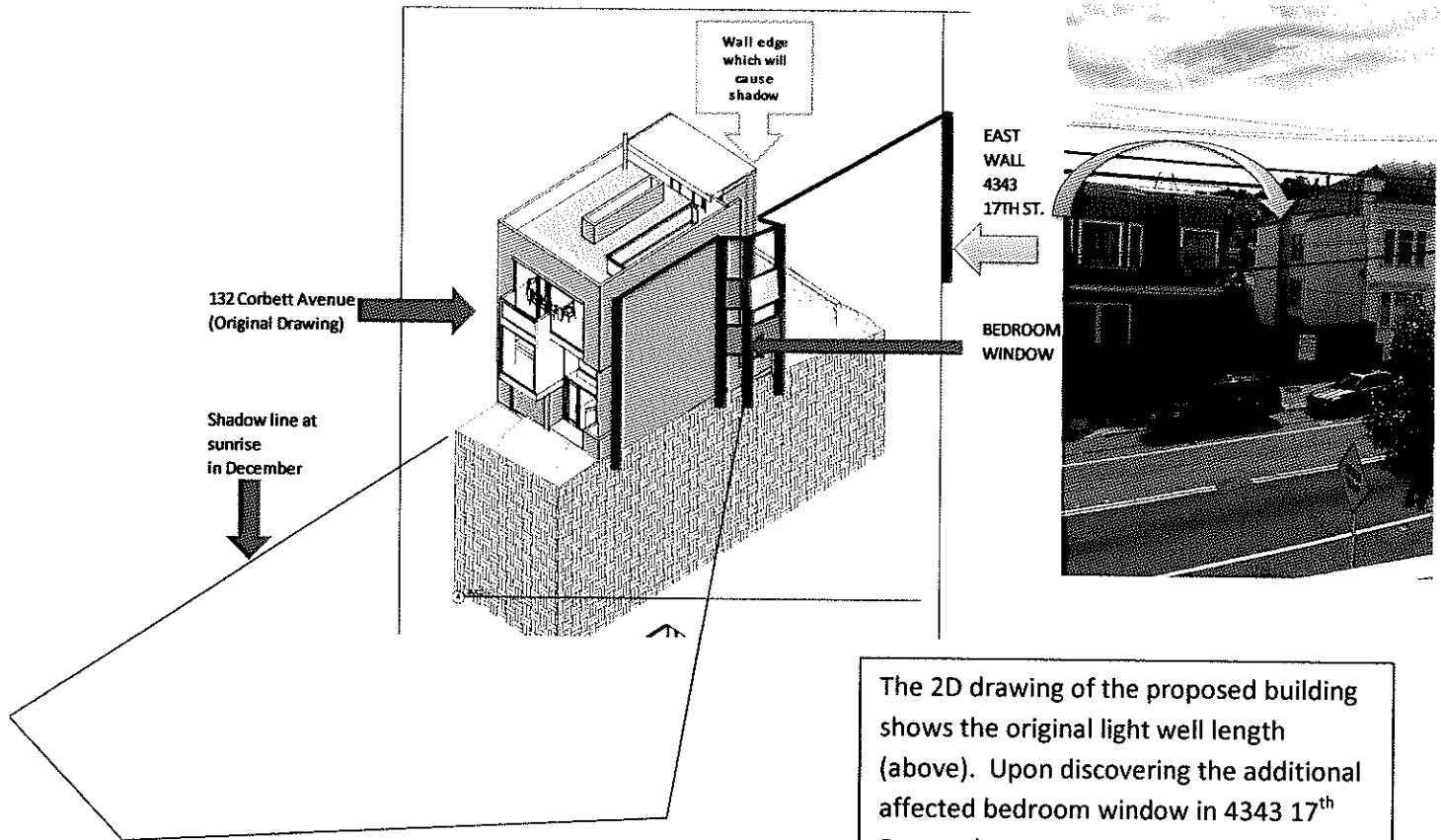
STATEMENT OF FACTS. Upon review of the plans for the 132 Corbett Avenue project, I found that a critical light and air emitting window on my property had been omitted from consideration by Mrs. Mui's architect. Plans for the new building were revised by extending the light well slightly in response to the new information. Unfortunately this minor adjustment fails to mitigate the substantial reductions in air and light imposed on my property by my neighbor. This failure to mitigate the substantial loss of light and air into my home will result in injury to me and my property.

ARGUMENT #1. In the hearing of June 25, the Zoning Administrator **erred** in finding that the subject rear yard variance will not be materially injurious to improvements in the vicinity. His explanation that "the project has been designed in a manner to reduce impacts on adjacent neighbors" does not support the conclusion that the final effects of the project, whether reduced or not, will be materially injurious to me and my property.

### ELEMENTS OF THE ACTION

- According to San Francisco Residential Design Guidelines;  
"When expanding a building into the rear yard, the impact of that expansion on light and privacy for abutting structures must be considered."  
"In these situations, the following design modifications can minimize impacts on light...  
-Provide setbacks on upper floors of the building  
-Include a sloped roof form in the design.  
-Provide shared light wells to provide more light to both properties.  
-Incorporate open railings on decks and stairs.  
-Eliminate the need for parapet walls by using a fire-rated roof."

EVIDENCE OF SHADOW EFFECT. The placement of a large-mass, three-story building on 17th Street will block light and air flow from the East into my dining room, bedroom and living room. These rooms represent over 50% of the interior floor area of 4343 17th Street. We submit that this floor space ratio meets any reasonable interpretation of the term "material". Furthermore, the loss of interior light and air in an urban environment such as San Francisco must be considered injurious by nature.



Light from bedroom window



View from bedroom window

The 2D drawing of the proposed building shows the original light well length (above). Upon discovering the additional affected bedroom window in 4343 17<sup>th</sup> Street, the project sponsor extended the light well by about two feet. Since the shadow effect on 4343 17<sup>th</sup> Street originates at the South edge of the proposed structure (seen as the orange post in the diagram), the change results in no material improvement in the shadow effect of the proposed building. Under the best light conditions, the new structure will cast a shadow over all East-facing windows of 4343 17<sup>th</sup> Street during the entire year. Due to its height (in relation to the existing open space at 132 Corbett Avenue), no shadow effect currently originates from 4341 17<sup>th</sup> Street on its neighbors to the West (seen on the photo in the lower right).

CONCLUSION #1. The shadow effect remains unchanged by an extension of the planned light well (since the shadows originate from the outer wall to the South). The architect acknowledges the insufficiency of this solution with the lack of windows that he envisions for the West side of his own building. Apparently he will not be subjecting his client to the darkness and restricted air flow that will be imposed on me. Indeed, the only material impact on the permanently dark light well will be achieved by reducing the height of the new structure in its entirety, providing a step down in height from the North to the South, widening the shared light well to allow light and air in all East facing windows or incorporating a slanted roof. Minor changes to the length or width of the shared light well are inadequate to prevent the shadow and air effects that will be materially injurious to 4343 17th Street. This demonstrated injury provides my first argument for appeal of the Zoning Administrator's June 25 decision.

ARGUMENT #2. The project proposed for 132 Corbett Ave. is identified as exempt from CEQA as a Class 1 categorical exemption. Although this exemption is assumed to be based on the subject property's existing status as a small single family residence, the completion of the proposed project will result in multiple units (and two large buildings) on the lot. The proposal for a second building at 132 Corbett Avenue specifically envisions a 1,915 square foot addition to an existing 1,150 square foot unit. Such additional improvements exceed the maximum 50% floor space increase prescribed for a CEQA exemption. Consequently, at first blush, the categorical exemption would not seem to apply. This alone should trigger a higher level of CEQA review and preclude a categorical exemption.

In addition, CEQA requires that the Class 1 exemption must consider buildings in a project's "immediate surroundings". Although page 3 of the Zoning Administrator's Variance Decision Letter states that the existing house at 132 Corbett Avenue "is considered a potentially historic resource", no mention is made of its surroundings. By assuming that the project is too small to have a detrimental impact on the environment and by disregarding the possibility that either the project site or neighboring historic resources will be negatively affected, the Zoning Administrator's June 25 decision represents an **abuse of his discretion**.

#### THE ELEMENTS OF THE ACTION

- According to CEQA (California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19),  
“(In determining a Class 1 Exemption) the key consideration involves whether the project involves negligible or no expansion of an existing use or purpose”
- According to CEQA Guideline section 15301(e), the proposed categorical exemption is generally not available if an addition to an existing structure would

“result in an increase of more than . . . 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.”

- According to San Francisco Planning Resolution 14952 and CEQA Guidelines section 15300.2(f),

“A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.”

- The San Francisco Planning Property Information Map lists 132 Corbett Avenue and its neighboring properties (including 4343 17th Street and 4341 17th Street) as “Resource Status B- Potential Historic Resource”

- According to San Francisco Preservation Bulletin 16, Potential Historic Resources are:

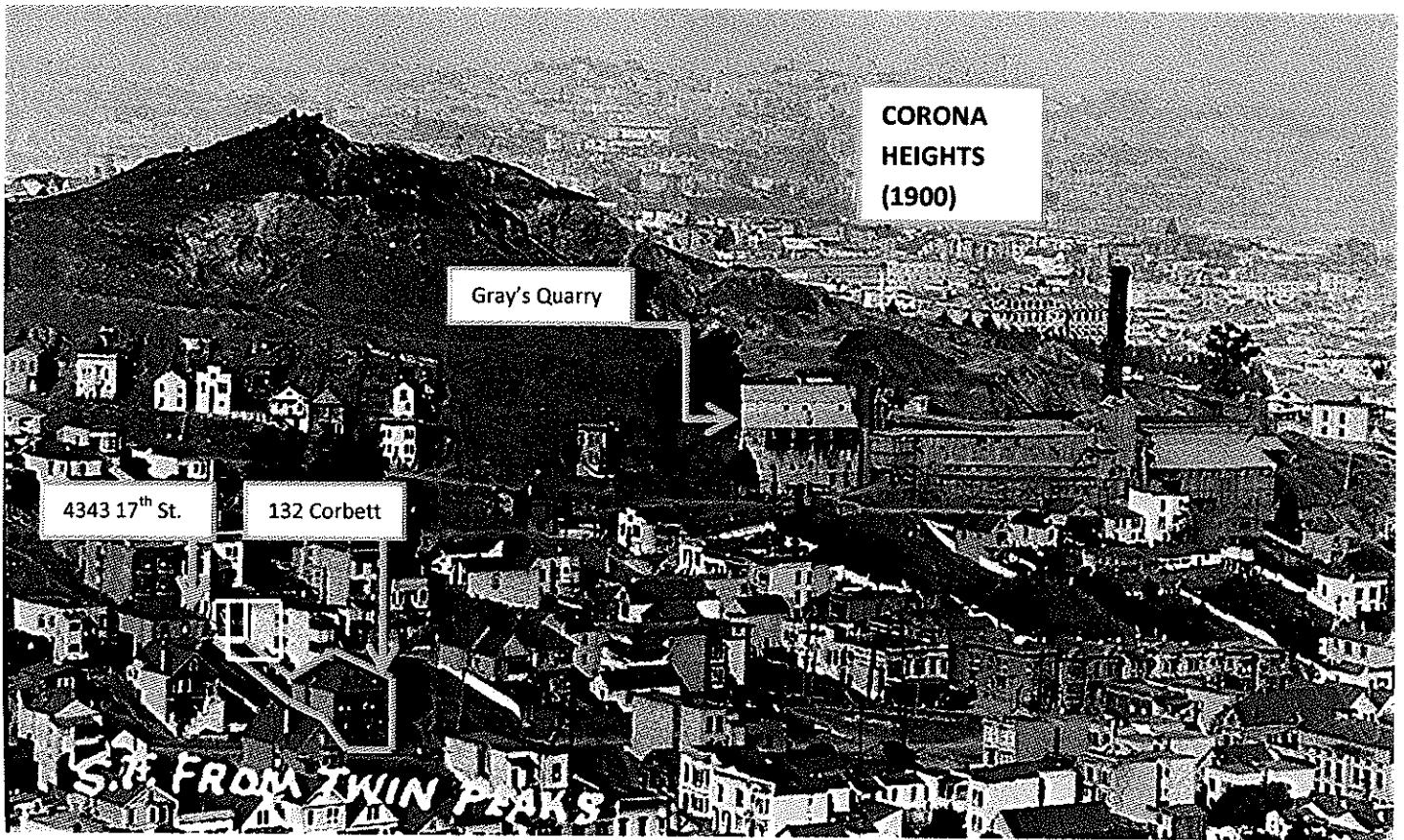
“Properties for which the City has information indicating that further consultation and review will be required for evaluation whether a property is an historical resource for the purposes of CEQA.”

- According to CEQA Section 15064.5,

“A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment”.

“The fact that a resource is not listed in the California Register or local register or identified in a historical resources survey does not preclude the lead agency from determining that the resource may be a historical resource as defined in Public Code Resources Section 5020.1(f) and 5024.1”

EVIDENCE OF HISTORICAL RESOURCE. 132 Corbett Avenue and many of its neighboring properties existed at the foot of “Gray’s Quarry” prior to the 1900 photograph shown on the following page. Survival of these buildings from the 1906 earthquake and fire resulted from their placement on one of the limited areas of bedrock adjoining San Francisco’s dense downtown. Because of its demonstrated resistance to earthquake, the area was used to relocate usable elements of ruined buildings from other parts of the City. The façade of 4343 17th Street is one such example of this practice. Due to this unique history, the older buildings of Corona Heights provide a rare catalog of San Francisco’s architectural styles both before and after the 1906 disaster. The local neighborhood organization (EVNA) is currently engaged in a project to document this history on a building- by- building basis.



Source: San Francisco Public Library

**CONCLUSION #2.** The reduced light and air that the 132 Corbett Avenue project will impose on 4343 17th Street represents a significant adverse change. Both 132 Corbett Avenue and many of its neighbors have been located on their lots for more than 50-years. Although their individual significance is not yet certain, their age and location in Corona Heights provides the possibility that they qualify under the Historic Preservation Board's definition of historic resources. Despite these factors, the Zoning Administrator has exercised his discretion to assume that these sites are not historic resources and thereby has elected to avoid the Preservation Board's authority in such matters. The new building's possible effects on historic resources provides my second argument in favor of the appeal.

**ARGUMENT #3.** As explained in my original letter of opposition to the subject zoning variance request, the front windows of my building cannot be opened. This handicap is based on their age and frailty. Therefore, fresh air to the front of my home is provided through East facing bedroom and dining room windows (which will be blocked by the new building at 132 Corbett Avenue). In addition, the distance of these windows from 17<sup>th</sup> Street has a buffering effect on the traffic noise when the bedroom and dining room windows are open.

Although repair and alteration of my front windows would seem to offer the opportunity to mitigate the reduced airflow and increased noise caused by the new building, my home's location in a Article 38 Potential Roadway Exposure Zone and Noise Mitigation Area indicate that the environmental impact of opening these windows would be more negative than positive. By dismissing my inability to mitigate the negative air flow and noise effects of the new building, the Zoning Administrator **abused his discretion**.

#### THE ELEMENTS OF THE ACTION

- According to CEQA Guideline section 15301(e), the categorical exemption can be used for additions of up to 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

(B) The area in which the project is located is **not environmentally sensitive**.

- According to San Francisco Housing Code, Chapter 1, Article 100

"It is hereby declared to be the policy of the City and County of San Francisco...to protect and promote the existence of sound and wholesome residential buildings, dwelling units and neighborhoods by the adoption and enforcement of such standards, regulations and procedures as will remedy the existence or prevent the development or creation of dangerous, substandard, unsanitary or obsolete and deficient residential buildings and dwelling units.

According to the San Francisco General Plan Policy 3.7 and 4.3,

"(San Francisco will) continue existing growth management policies in the city and give consideration to the overall air quality impacts of new development.

"(The City will) minimize exposure to San Francisco's population, especially children and the elderly, to air pollutants.

- According to San Francisco Health Code Article 38, particulate levels of PM2.5 are identified as potentially dangerous.

EVIDENCE OF NEGATIVE ENVIRONMENTAL IMPACT. The front windows of my home at 4343 17th Street are located less than 500 feet from the major roadway between the Upper Market Street area and the Haight/Golden Gate Park area. According to the The San Francisco Potential Roadway Exposure Zone Map average daily emissions on 17<sup>th</sup> Street now exceed the Health Department's standard. Specifically, the roadway produces concentrations of particulate matter as low as 2.5 microns. The American Lung Association reports that "when inhaled, particles of this size can penetrate into small airways and air exchange regions of the lungs". Sustained exposure to particulate matter below 10.0 causes or contributes to heart attack and stroke.



**CONCLUSION #3.** Article 38 of the San Francisco Health Code requires air mitigation for projects of ten units and more in Potential Roadway Exposure Zones and Noise Mitigation Areas. Therefore, the construction of a second single family home on the lot at 132 Corbett Avenue does not strictly require adherence to these laws by the project sponsor. However, viewed more broadly, the San Francisco health codes define the minimum air quality and maximum noise levels that the City aspires to achieve for its citizens. Since the only way to mitigate the negative light and air effects of the new building are to open windows facing a noisy and polluted roadway, the Zoning Administrator has left me the choice of 1.) permanent darkness in 50% of my home or 2.) altering a building (which may be a historical resource) and living with noise and pollution levels that have been deemed unacceptable by the City\*. My inability to mitigate the new building's negative environmental impacts provides our third argument supporting your appeal of the Zoning Administrator's June 25 zoning variance decision.

\* The air quality problem is further complicated by the regular use of my home by elderly family members.

**ARGUMENT #4.** The project proposed for 132 Corbett Avenue will result in two large mass structures on a single lot. The owner of 132 Corbett Avenue (Mrs. Mui) argues that this solution results from an extraordinary circumstance which prevents her from exercising her fundamental right to multiple dwelling units as a property owner in a RH-2 zoned block of the City.

Contrary to Mrs. Mui's argument, the majority of property owners in the 2652 block (Park Lane Tract #2) maintain multiple dwelling units in a single building. As such, they are able to preserve and enjoy the substantial property right of their RH-2 zoned area without imposing on adjacent buildings.



Indeed all of Mrs. Mui's neighbors in the mid-block area are able to afford each other light from either the East or West. This is accomplished by other lots on the block with the massing of a single multiple unit building at one end of a lot or another.

In Findings 2 and 3 of his Variance Decision Letter, the Zoning Administrator addresses the "exceptional or extraordinary circumstances" which Mrs. Mui alleges. As the Zoning Administrator points out, these circumstances must result in "practical difficulty or unnecessary hardship" that would deprive the owner of "enjoyment of a substantial property right" (if they had to comply with the normal zoning code requirements). Consequently, in the context of the present scenario, the Zoning Administrator would need to find that the owner of 132 Corbett would not be able to construct a viable second unit without the variance from the setback requirement.

The Zoning Administrator purports to make his findings by examining alternative designs for a second unit. However, one obvious alternative is missing: reducing the size of the unit. While Mrs. Mui may have a right to have two units, the San Francisco Municipal Code does not give her the right to build a second unit that is more than one and one-half times larger than the existing unit. If the owner can construct a smaller unit within the required setback, then the owner's need for the variance is self-imposed by the proposed design, and cannot be said to deprive the owner of a "substantial property right".

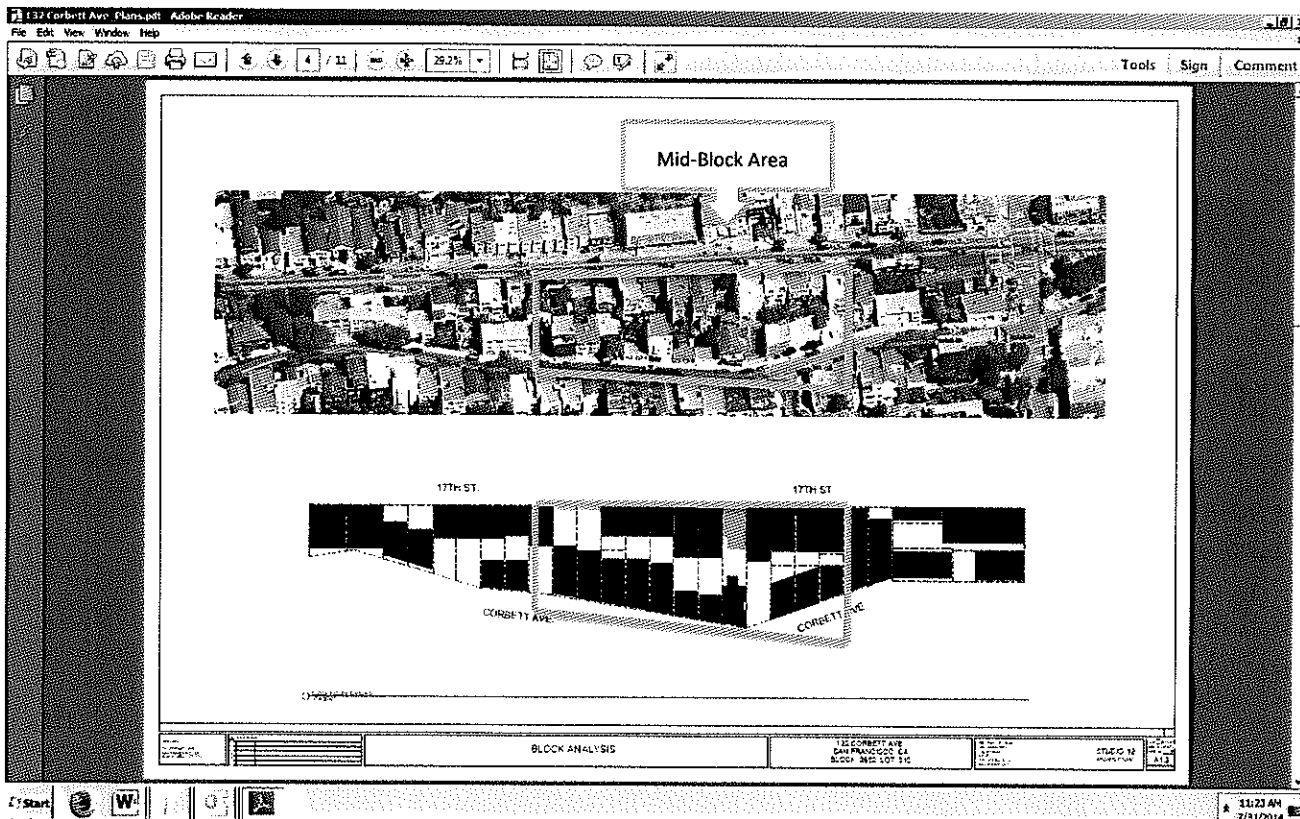
As a result, the Zoning Administrator has granted Mrs. Mui a special privilege denied by other property owners in the same class of district. Therefore, the Zoning Administrator erred in finding that that the approval of the subject variance was necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district. The effect of the decision is to grant Mrs. Mui a special privilege, not enjoyed by her neighbors.

#### THE ELEMENTS OF THE ACTION

- In *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 522 and *Orinda Ass'n v. Bd. of Supervisors* (1986) 182 Cal. App. 3d 1145, 116, the courts have held that there must be an "affirmative showing that the subject property differs substantially and in relevant aspects from other parcels in the zone."
- In *Broadway, Laguna, Vallejo Assn. v. Board of Permit Appeals of San Francisco* (1967) 66 Cal. 2d 767, 778.), the court recognized that a "self-imposed burdens cannot legally justify the granting of a variance."


- San Francisco Municipal Code section 305(c)(3) In granting a variance, the Zoning Administrator must find “(that) such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;
- California Government Code Section 65906. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- Rear Yard Variance Case #2009.0492V.


ABSENCE OF EXTRAORDINARY CIRCUMSTANCES. Of the 31 lots on the block shown below, 29 contain multiple dwelling units in a single building (94%). The diagram also shows the secondary uses in the mid-block area as either one story garages, one story cottages, open parking lots or open garden space. This pattern of massing results in direct light from either the East or the West for all property owners in the mid-block area.





Legend:

One-story garage, one-story cottage or open lot= 

Lot lines= 

By building a large-mass structure on 17<sup>th</sup> Street, Mrs. Mui will be the only property owner granted the right to a second multi-story structure in the mid-block area. As an alternative, a second one-story structure would match the rights enjoyed by all other property owners, preserve the direct light of her neighbors and fit in with her surroundings.

**CONCLUSION #4.** In 2009, Mrs Mui’s neighbor at 4347 17th Street applied for a rear-yard variance which would have resulted in two large-mass single-family homes on both sides of her lot. As was the case in other such applications, no rear yard zoning variance was approved. This precedent, together with the absence of multiple large mass buildings in the mid-block area provides our fourth argument for appealing the Zoning Administrator’s decision of June 25.

**ARGUMENT #5.** As a quasi-judicial action, a variance decision requires that all effected parties be provided with notice. In his Variance Decision Letter, however, the Zoning Administrator states that Section 311 neighborhood notification would be performed as part of the building permit application for the project at 132 Corbett Avenue. In their pursuit of the rear yard zoning variance, the project sponsor was allowed to delay its building permit application (and completion of 311 notification requirements) until AFTER a Zoning Variance decision was reached. Since Section 311 neighborhood notification requirements provide the only credible outreach on issues of concern about such projects, the delay in the building permit application allowed the project sponsor to effectively silence objections to their project in the zoning variance deliberations. By allowing this tactic of delay, the Zoning Administrator's decision is absent objective and balanced neighborhood input. Therefore the Zoning Administrator erred by permitting 311 notification to be conducted after his variance judgment was made.

## THE ELEMENTS OF THE ACTION

- According to San Francisco Planning Code Section 305

“(The Zoning Administrator) shall have power to grant only such variances as may be in harmony with the general purpose and intent of this Code

- According to San Francisco Planning Code Section 101.1(a)

“The (General) Plan shall be an integrated, internally consistent and compatible statement of policies for San Francisco.

- San Francisco General Plan Policy 1.4 ensures that:

“community based planning processes are used to generate changes to land use controls.”

- San Francisco General Plan Policy 10.2. obligates the Zoning Administrator to:

“implement planning process improvements to both reduce undue project delays and provide clear information to support community review.”

- *Topanga Assoc. for Scenic Community v. County of Los Angeles (1974) 11 Cal. 3d 506, 517*) defines a zoning variance decision as a quasi-judicial decision.
- *Horn v. County of Ventura (1979) 24 Cal. 3d 605, 613 – 618*) establishes the right of notice to all effected parties of a zoning decision.

EVIDENCE OF INSUFFICIENT COMMUNITY OUTREACH. Original plans were submitted in January of 2014 for variance to the minimum rear yard zoning requirement by the project sponsors of the new building proposed for 132 Corbett Avenue. In February of 2014 selected neighbors and members of neighborhood groups were contacted to attend presentations by the project sponsor. Confirmation of contact with all directly effected parties was not obtained. At these "Pre-Application Meetings" only the features and benefits of the project were presented. Since no building application had been sought or required, these meetings were basically promotional in nature and did not meet section 311 notice requirements.

CONCLUSION #5. In the area of 132 Corbett Avenue, two well-established neighborhood groups exist to evaluate new building proposals and their impact on matters of concern (including preservation of community character). Processes are in place at these groups to hear the voices of both proponents and opponents of

specific projects. They encourage accommodation between parties as well as guidance to decision-makers in the form of formal statements of support or opposition. The avoidance of these processes in the current case stands in stark contrast to previous zoning variance decisions affecting the neighborhood. Specifically, in his consideration of a similar variance for 4347 17th Street in 2009, the Zoning Administrator's active engagement with a wide range of stake holders is well documented. The absence of such engagement in the subject zoning decision represents our fifth argument in favor of your appeal.

#### EXHIBITS

- DIAGRAM 1. AREAS WITH AVERAGE DAILY EMISSIONS OF PM2.5 (Source: San Francisco Dept of Public Health)
- SAN FRANCISCO PROPERTY INFORMATION MAP FOR 132 CORBETT AVE.
- SAN FRANCISCO PROPERTY INFORMATION MAP OF 4343 17<sup>TH</sup> ST.
- SITE PERMIT PLANS FOR 132 CORBETT AVE. (2014)
- NOTICE OF VARIANCE HEARING
- APPELANTS ORIGINAL LETTER OF OPPOSITION
- VARIANCE DECISION LETTER
- SITE PERMIT PLANS FOR 4347 17<sup>TH</sup> ST. (2009)

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# EXHIBITS

Appellant Brief\_Joseph Foster

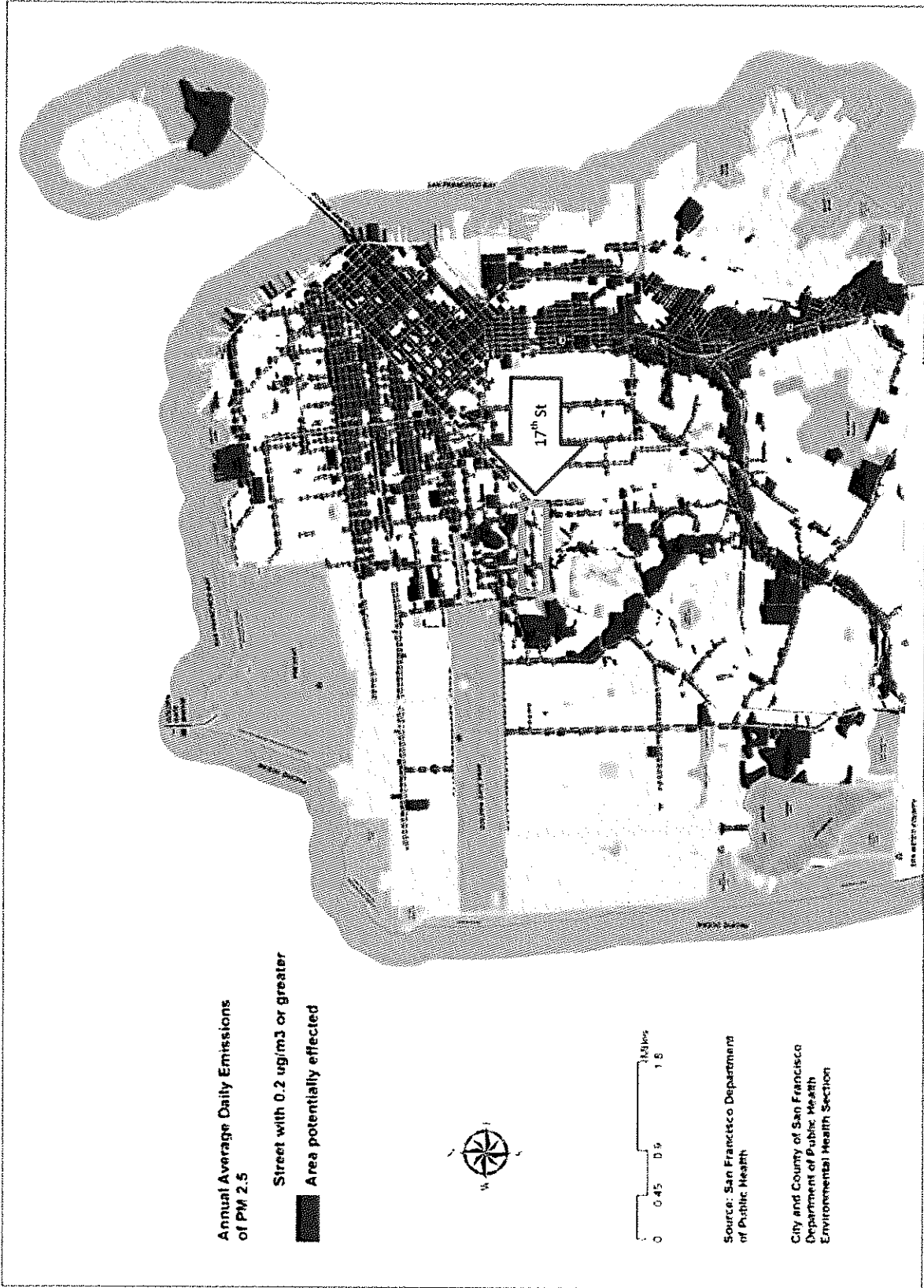
Case No. 2014.0016V

Approval of Rear Yard Variance for 132 Corbett Avenue

Hearing Date: June 25, 2014

Variance Letter Date: July 10, 2014

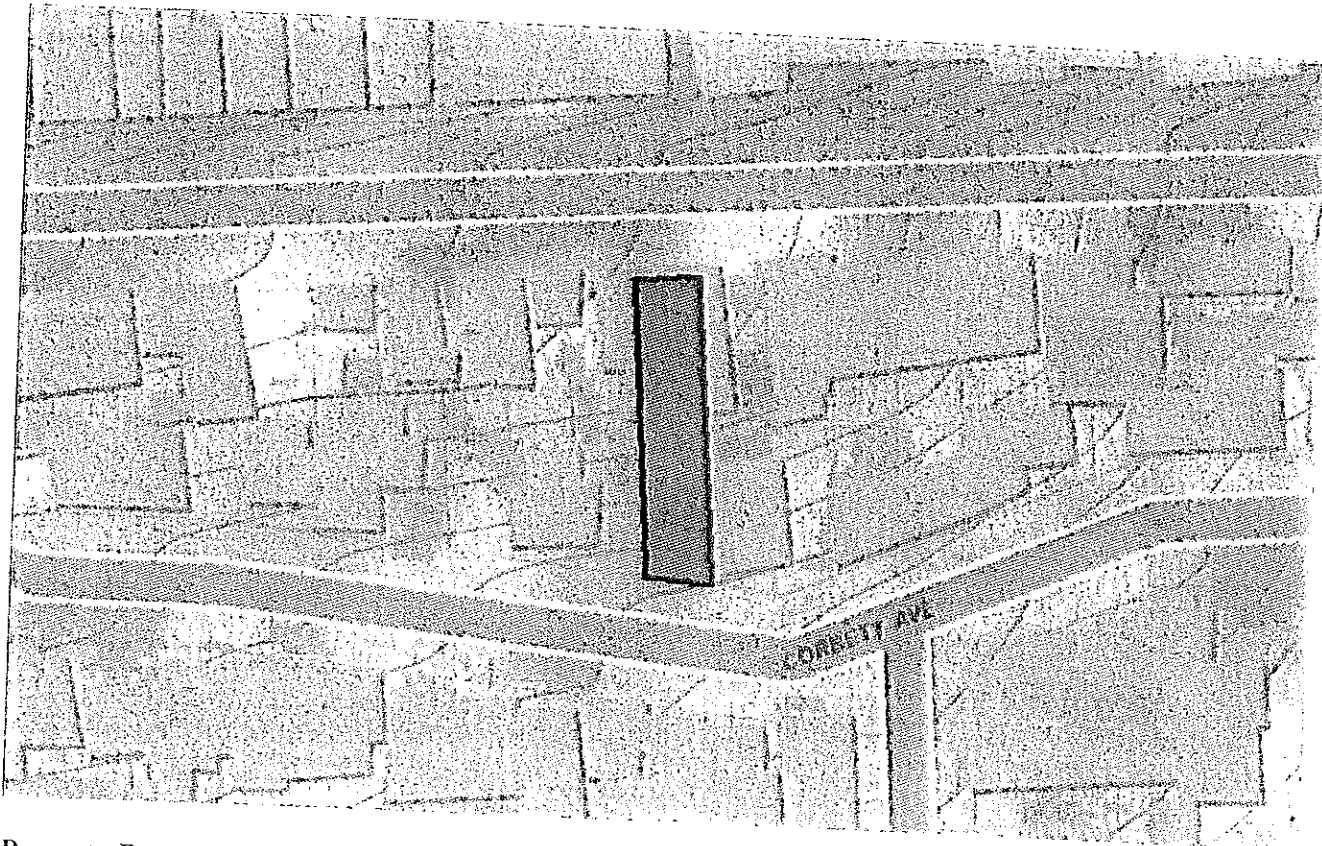
Diagram 1





# SAN FRANCISCO PLANNING DEPARTMENT

## Report for: 4343 17TH STREET



### Property Report: 4343 17TH STREET

General information related to properties at this location.

**PARCELS (Block/Lot):**

2652/038-039 (2 lots)

**ADDRESSES:**

4343 17TH ST, SAN FRANCISCO, CA 94114 (parcel 2652/038)

4345 17TH ST, SAN FRANCISCO, CA 94114 (parcel 2652/039)

**NEIGHBORHOOD:**

Castro/Upper Market

**CURRENT PLANNING TEAM:**

SW Team

**SUPERVISOR DISTRICT:**



NOTICE OF SPECIAL RESTRICTIONS:

None

ZONING LETTERS OF DETERMINATION:

None

Historic Preservation Report: 4343 17TH STREET

Historic preservation surveys and evaluations. The Historic Resource status shown on this page is tentative, to confirm the status of your property please speak to a Preservation Technical Specialist. Tel: 415-558-6377; Email: [pic@sfgov.org](mailto:pic@sfgov.org)

HISTORIC EVALUATION:

Parcel:	2652038
Building Name:	
Address:	4343 17TH ST
Planning Dept. Historic Resource Status:	<u>B - Potential Historic Resource</u>
California Register:	
National Register:	

ARTICLE 10 DESIGNATED HISTORIC DISTRICTS AND LANDMARKS:

None

ARTICLE 11 PRESERVATION DESIGNATION:

None

NATIONAL REGISTER HISTORIC DISTRICTS:

None

HISTORIC SURVEYS:

None

HISTORIC RESOURCE EVALUATION RESPONSES:

None

ARCHITECTURE:

Unknown

Projects Report: 4343 17TH STREET

Permits are required in San Francisco to operate a businesses or to perform construction activity. The Planning Department reviews most applications for these permits in order to ensure that the projects comply with the Planning Code. The 'Project' is the activity being proposed.

PROJECTS:

Case No.:	2007.0351Q
Contact:	<u>Planning Information Center</u> Tel: 415-558-6377
Case Type:	Condo Conversions - 2-4 units
Case Status:	Closed
Case Filed:	3/21/2007
Project Name:	4343 17TH ST
Project Description:	2-unit residential condo conversion
Project Decision:	Approved
Project Decision Date:	5/18/2007

Status:	COMPLETE
Status Date:	7/29/2005
Description:	ITEM 1C OF ATTACHED TERMITE REPORT NO. 7083-02 DATED 12/30/02- SF GOGOL CONSTRUCTIN
Cost:	\$900.00
<b>Permit:</b>	<b><u>200506286268</u></b>
Form:	8 - Alterations Without Plans
Filed:	6/28/2005
Address:	4345 17TH ST
Parcel:	2652/011
Existing:	2 FAMILY DWELLING
Proposed:	2 FAMILY DWELLING
Existing Units:	0
Proposed Units:	2
Status:	COMPLETE
Status Date:	7/29/2005
Description:	ITEM 1C OF ATTACHED TERMITE REPORT NO. 7083-02 DATED 12/30/02- SF GOGOL CONSTRUCTIN
Cost:	\$900.00
<b>Permit:</b>	<b><u>200011135474</u></b>
Form:	8 - Alterations Without Plans
Filed:	11/13/2000 10:20:54 AM
Address:	4345 17TH ST
Parcel:	2652/011
Existing:	1 FAMILY DWELLING
Proposed:	1 FAMILY DWELLING
Existing Units:	0
Proposed Units:	0
Status:	EXPIRED
Status Date:	5/13/2001 10:27:30 AM
Description:	REROOFING
Cost:	\$10,850.00
<b>Permit:</b>	<b><u>200010274274</u></b>
Form:	8 - Alterations Without Plans
Filed:	10/27/2000 12:20:14 PM
Address:	4343 17TH ST
Parcel:	2652/011
Existing:	PRKNG GARAGE/PRIVATE
Proposed:	PRKNG GARAGE/PRIVATE
Existing Units:	0
Proposed Units:	0
Status:	COMPLETE
Status Date:	1/25/2001
Description:	REPAIR OF DAMAGED WOODEN ROOF STRUCTURE, MATCH EXISTING
Cost:	\$3,000.00
<b>Permit:</b>	<b><u>200010274274</u></b>
Form:	8 - Alterations Without Plans
Filed:	10/27/2000 12:20:14 PM
Address:	4345 17TH ST
Parcel:	2652/011
Existing:	PRKNG GARAGE/PRIVATE
Proposed:	PRKNG GARAGE/PRIVATE
Existing Units:	0
Proposed Units:	0
Status:	COMPLETE

Status Date: 1/25/2001  
 Description: REPAIR OF DAMAGED WOODEN ROOF STRUCTURE, MATCH EXISTING  
 Cost: \$3,000.00

---

Permit: 200010274269  
 Form: 8 - Alterations Without Plans  
 Filed: 10/27/2000 11:55:58 AM  
 Address: 4343 17TH ST  
 Parcel: 2652/011  
 Existing:  
 Proposed:  
 Existing Units: 0  
 Proposed Units: 0  
 Status: TRIAGE  
 Status Date: 10/27/2000 11:57:28 AM  
 Description: REPAIR DAMAGED WOODEN ROOF STRUCTURE, MATCH EXISTING AREA OF REPAIR, APPAROX. 15%  
 Cost: -

Miscellaneous Permits Report: 4343 17TH STREET

Depending on the activity being proposed a permit may need to be obtained from the Fire Department, Health Department, Police Department, Alcoholic Beverage Commission or other organization. The Planning Department reviews most applications for these permits in order to ensure compliance with the Planning Code.

MISCELLANEOUS PERMITS REVIEWED BY THE PLANNING DEPT:  
None

Complaints Report: 4343 17TH STREET

The Planning Department and the Department of Building Inspection operate programs that ensure compliance with the San Francisco Planning Code and Building Inspection Commission Codes respectively. Additionally, they respond to customer complaints of potential code violations and initiate fair and unbiased enforcement action to correct those violations and educate property owners to maintain code compliance.

COMPLAINTS - PLANNING DEPT:  
None

Appeals Report: 4343 17TH STREET

Planning Projects, Building Permits and Zoning Determinations appealed to the San Francisco Board of Appeals.

APPEALS:  
None

Block Book Notifications Report: 4343 17TH STREET

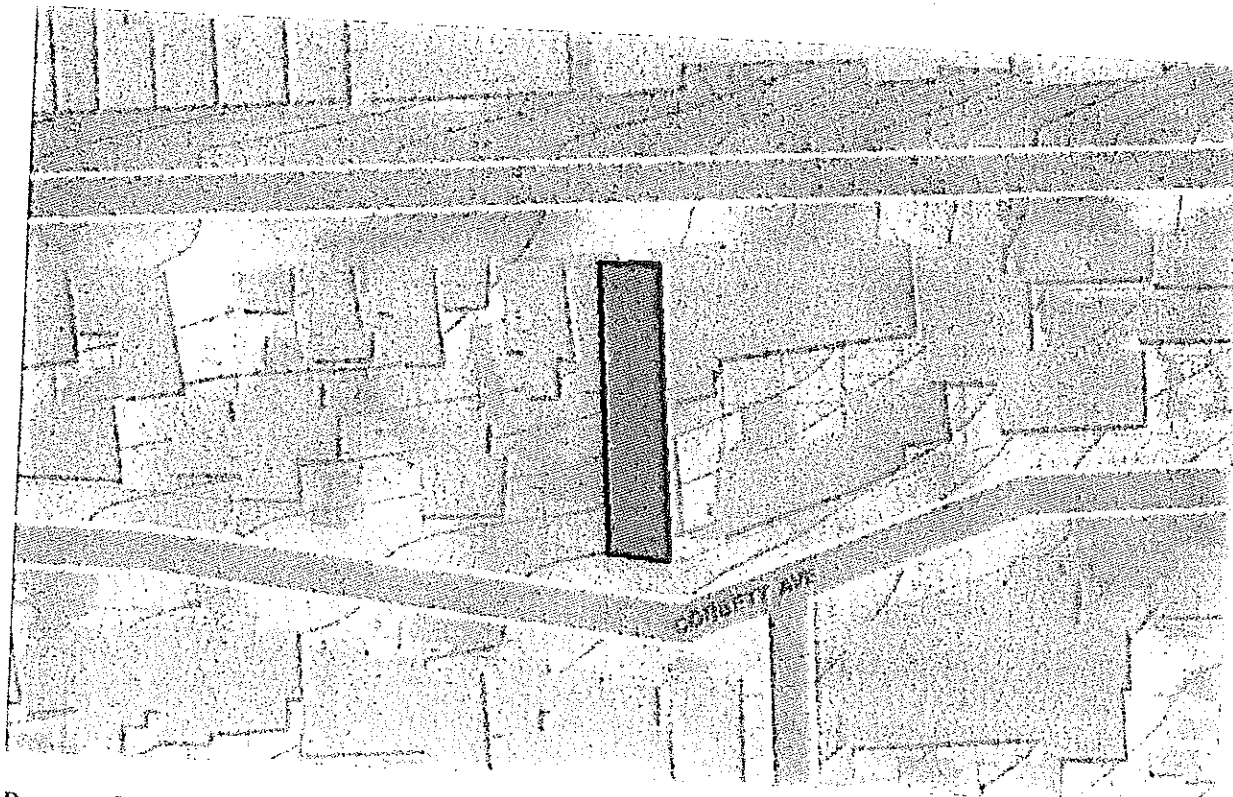
A Block Book Notification (BBN) is a request made by a member of the public to be notified of permits on any property that is subject to the San Francisco Planning Code.

BLOCK BOOK NOTIFICATIONS:  
None



# SAN FRANCISCO PLANNING DEPARTMENT

## Report for: 132 CORBETT AVENUE



### Property Report: 132 CORBETT AVENUE

General information related to properties at this location.

PARCELS (Block/Lot):

2652/010

ADDRESSES:

132 CORBETT AVE, SAN FRANCISCO, CA 94114

NEIGHBORHOOD:

Castro/Upper Market

CURRENT PLANNING TEAM:

SW Team

SUPERVISOR DISTRICT:

District 8 (Scott Wiener)

PORT:

Not under Port Jurisdiction

LIMITED AND NONCONFORMING USES:

None

REDEVELOPMENT AREAS:

None

OTHER INFORMATION:

*Control:* Article 38 Potential Roadway Exposure Zone  
*Description:* CEQA Impact: an Environmental Evaluation Application may be required for some types of development.  
 Site is located in an area which may have PM2.5 concentration greater than 0.2ug/m3. Newly constructed residential buildings must comply with ordinance 281-08, amending the San Francisco Health Code by adding Article 38.

*Added:* 3/19/2013

*Control:* Noise Mitigation Area  
*Description:* CEQA Impact: an Environmental Evaluation Application may be required for some types of development.

*Added:* 3/20/2013

*Control:* Slope of 20% or greater  
*Description:* CEQA Impact: an Environmental Evaluation Application may be required for some types of development.

*Added:* 3/19/2013

*Control:* In-Law Units  
*Description:* May be eligible for adding new in-law unit(s).

*Added:*

PLANNING AREAS:

None

MAYOR'S INVEST IN NEIGHBORHOODS INITIATIVE AREA:

None

COMMUNITY BENEFIT DISTRICT:

None

SCHOOLS:

None within 1,000ft

NOTICE OF SPECIAL RESTRICTIONS:

None

ZONING LETTERS OF DETERMINATION:

None

Historic Preservation Report: 132 CORBETT AVENUE

Historic preservation surveys and evaluations. The Historic Resource status shown on this page is tentative, to confirm the status of your property please speak to a Preservation Technical Specialist. Tel: 415-558-6377; Email: [pic@sfgov.org](mailto:pic@sfgov.org)

HISTORIC EVALUATION:

Existing:	1 FAMILY DWELLING
Proposed:	1 FAMILY DWELLING
Existing Units:	0
Proposed Units:	1
Status:	ISSUED
Status Date:	4/22/2014 11:54:00 AM
Description:	REMOVAL OF A INTERIOR WALL, NEW STRUCTURE, EXPANSION OF EXISTING KITCHEN, DEMO OF EXISTING ADDITION THAT IS DRY ROTTED OUT. NO ADDITIONAL SQUARE FEET ADDED.
CEQA CatEx:	<a href="#">View Categorical Exemption Evaluation</a>
Cost:	\$43,000.00
Permit:	<b>201309136813</b>
Form:	8 - Alterations Without Plans
Filed:	9/13/2013
Address:	132 CORBETT AV
Parcel:	2652/010
Existing:	1 FAMILY DWELLING
Proposed:	1 FAMILY DWELLING
Existing Units:	0
Proposed Units:	1
Status:	ISSUED
Status Date:	9/13/2013 3:29:13 PM
Description:	Add bottom 2 windows for replacement to job revision.
CEQA CatEx:	<a href="#">View Categorical Exemption Evaluation</a>
Cost:	\$600.00
Permit:	<b>201309106460</b>
Form:	8 - Alterations Without Plans
Filed:	9/10/2013
Address:	132 CORBETT AV
Parcel:	2652/010
Existing:	1 FAMILY DWELLING
Proposed:	1 FAMILY DWELLING
Existing Units:	0
Proposed Units:	1
Status:	ISSUED
Status Date:	9/12/2013 1:41:13 PM
Description:	8 WINDOWS REPLACEMENT (MILGARD ULTRA), FIBERGLASS. THE WINDOWS ARE NOT IN BEDROOM.
CEQA CatEx:	<a href="#">View Categorical Exemption Evaluation</a>
Cost:	\$4,500.00
Permit:	<b>201009201173</b>
Form:	8 - Alterations Without Plans
Filed:	9/20/2010
Address:	132 CORBETT AV
Parcel:	2652/010
Existing:	1 FAMILY DWELLING
Proposed:	1 FAMILY DWELLING
Existing Units:	0
Proposed Units:	1
Status:	ISSUED
Status Date:	9/20/2010 11:12:58 AM
Description:	REPLACE EXISTING FRONT 8 WINDOWS WITH NEW WOOD WINDOWS, REPLACE DAMAGED SIDING @ FRONT OF BUILDING, AREA = 800 SQ.FT., U-FACTOR =0.40 NO STRUCTURAL CHANGES.

COMPLAINTS - PLANNING DEPT:  
None

Appeals Report: 132 CORBETT AVENUE

Planning Projects, Building Permits and Zoning Determinations appealed to the San Francisco Board of Appeals.

APPEALS:

Appeal No.:	14-134
Address:	132 CORBETT AV
Nature of Appeal:	Granting of variance for a rear yard
Case Appealed:	2014.0016
Hearing Result:	
Filed:	7/14/2014
Referred to Planner:	
Response Due:	
Hearing Date:	9/10/2014
Findings Received Due:	
Rehearing Request:	
Planner:	TCHANG
Closed:	

Block Book Notifications Report: 132 CORBETT AVENUE

A Block Book Notification (BBN) is a request made by a member of the public to be notified of permits on any property that is subject to the San Francisco Planning Code.

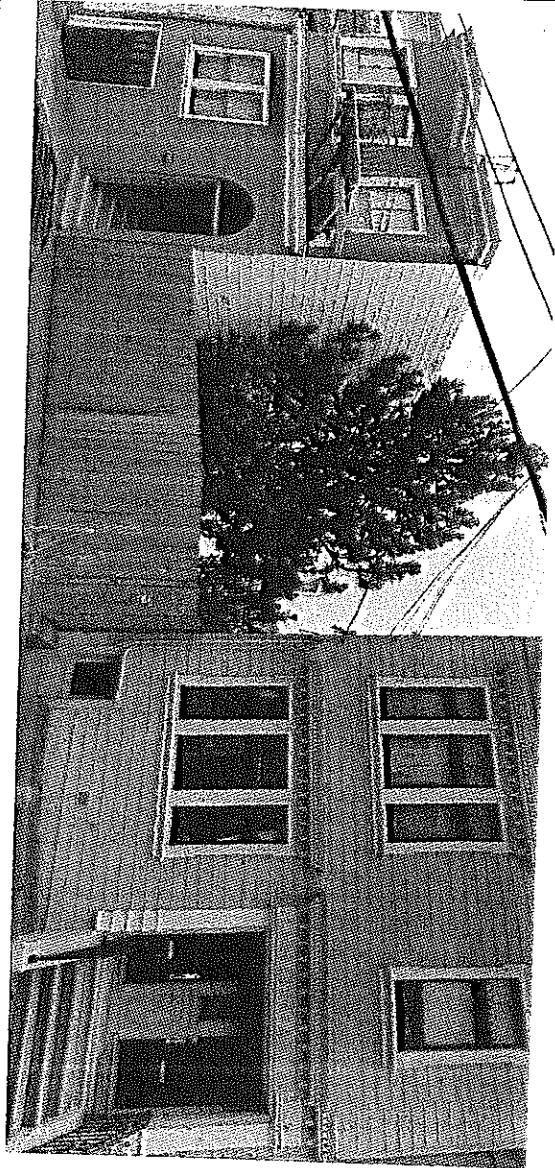
BLOCK BOOK NOTIFICATIONS:

None

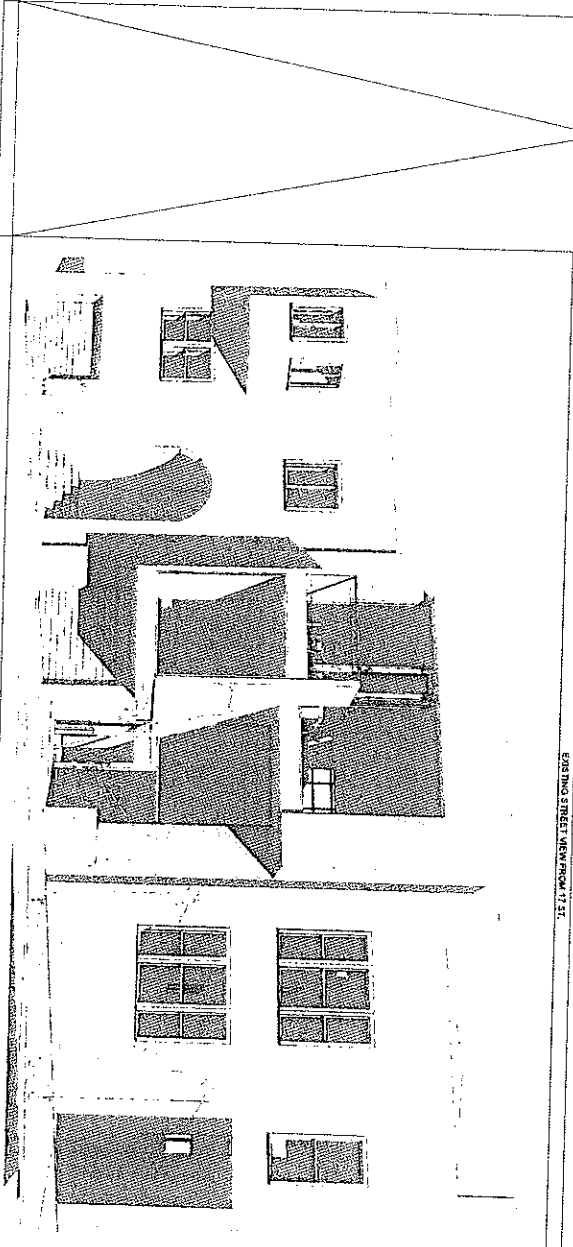
*The Disclaimer: The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an 'as is' basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.*

Printed: 7/16/2014

<http://propertymap.sfplanning.org>



EXISTING STREET VIEW FROM 17 ST.



PROPOSED STREET VIEW FROM 17 ST.

TITLE SHEET

132 CORBETT AVE  
SAN FRANCISCO, CA  
BLOCK 2892 LOT 010

↑ SUNSET DECEMBER

# SITE PERMIT SET

NEW RESIDENTIAL CONSTRUCTION  
6 JANUARY 2014

DESCRIPTION  
CONSTRUCTION OF A 1238 SQ. FT. SINGLE FAMILY RESIDENCE IN THE  
S17. THIS WILL BE THE SECOND ADDITION CORBETT AVE. AND 17TH  
STREET LOT. THE NEW CONSTRUCTION WILL BE FULLY  
REPRESENTATIVE.

PROJECT ADDRESS  
132 CORBETT AVE. SAN FRANCISCO, CA 94114

BLOCK AND LOT  
2892 / 010

ZONING DISTRICT  
RH-2 TWO FAMILY RESIDENTIAL

BULK AND HEIGHT  
48' - 3"

PLANNING DISTRICT  
SWTEAM

OCCUPANCY  
R-3

SPECIAL USE DIST.  
NA

LANDMARK STATUS  
NO

LOT AREA  
3669 SQ. FT.

UNIT AREA  
1238 SQ. FT. OCCUPABLE SQ. FT.  
289 SQ. FT. GARAGE

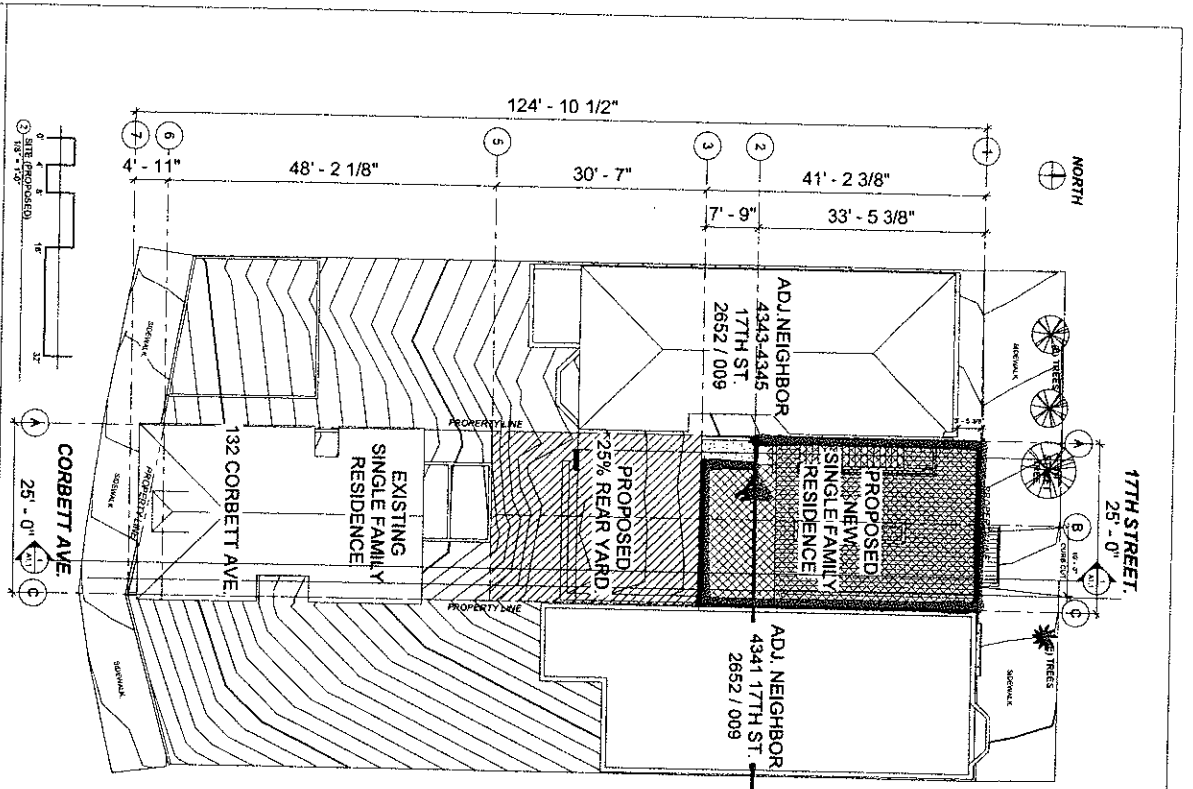
ARCH - GEN	A0.1	TITLE PAGE
ARCH - CIVIL	A1.0	SITE PLAN
ARCH - PLAN	A2.1	PROPOSED PLAN
ARCH - ELEV.	A3.1	ELEVATIONS
ARCH - ELEV.	A3.2	ELEVATIONS
ARCH - ELEV.	A3.3	ELEVATIONS
ARCH - SECT.	A4.1	SECTIONS

OWNER: ALEXANDER 3241 17TH AVE. SAN FRANCISCO, CA 94114	ARCHITECT: STUDIO 12 444 MARKET BLVD. #16 ATTN: CHUCK LEMOND 415.4572980
GENERAL CONTRACTOR: NOT YET SELECTED	STRUCTURAL ENGINEER: NOT YET SELECTED YET.
PROJECT DIRECTOR: ALEXANDER	ENERGY CALC. CD: 444 MARKET BLVD. #16 ATTN: CHUCK LEMOND 415.4572980

STUDIO 12  
ARCHITECTURE  
444 MARKET BLVD. #16  
SAN FRANCISCO, CA 94102  
TEL: 415.457.2980  
WWW.STUDIO12ARCH.COM

132 CORBETT AVE.





SITE PLAN

NO.	REVISION
1	ISSUED FOR PERMITS
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS

NO.	REVISION
1	ISSUED FOR PERMITS
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS

NO.	REVISION
1	ISSUED FOR PERMITS
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS

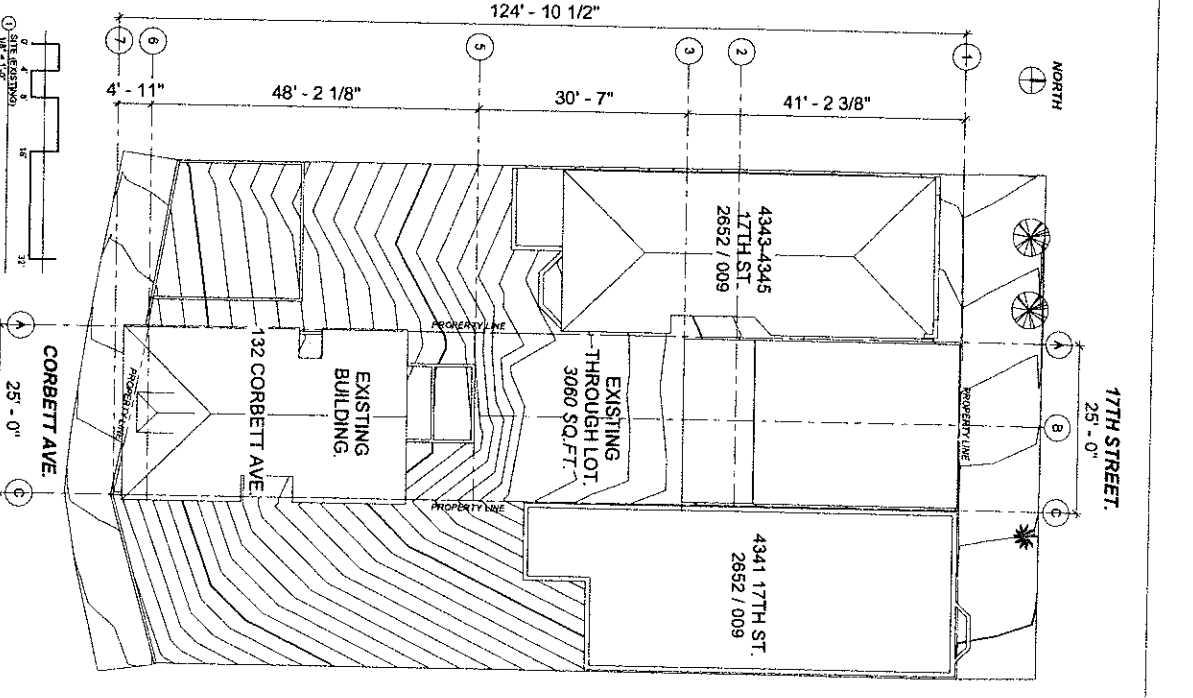
NO.	REVISION
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2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS

NO.	REVISION
1	ISSUED FOR PERMITS
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS

NO.	REVISION
1	ISSUED FOR PERMITS
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS

LIGHT WELL

LOT AREA: 3,080 SQ. FT.  
 REAR YARD 25% = 765 SQ. FT.  
 765 SQ. FT. / 25' = 30' - 7.2"  
 REAR YARD DIM: 25' X 30'-7"



SITE PLAN

NO.	REVISION
1	ISSUED FOR PERMITS
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS

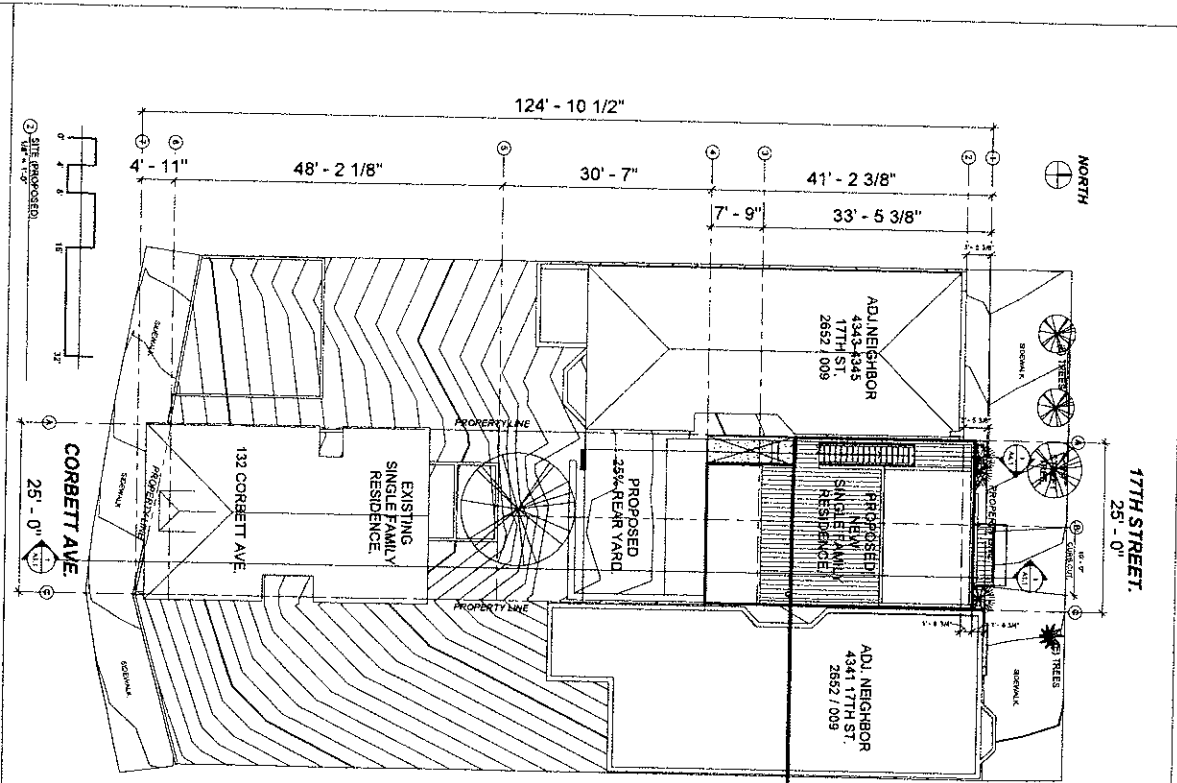
NO.	REVISION
1	ISSUED FOR PERMITS
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS

ORIGINAL

132 CORBETT AVE  
 SAN FRANCISCO, CA  
 BLOCK 2852 LOT 910

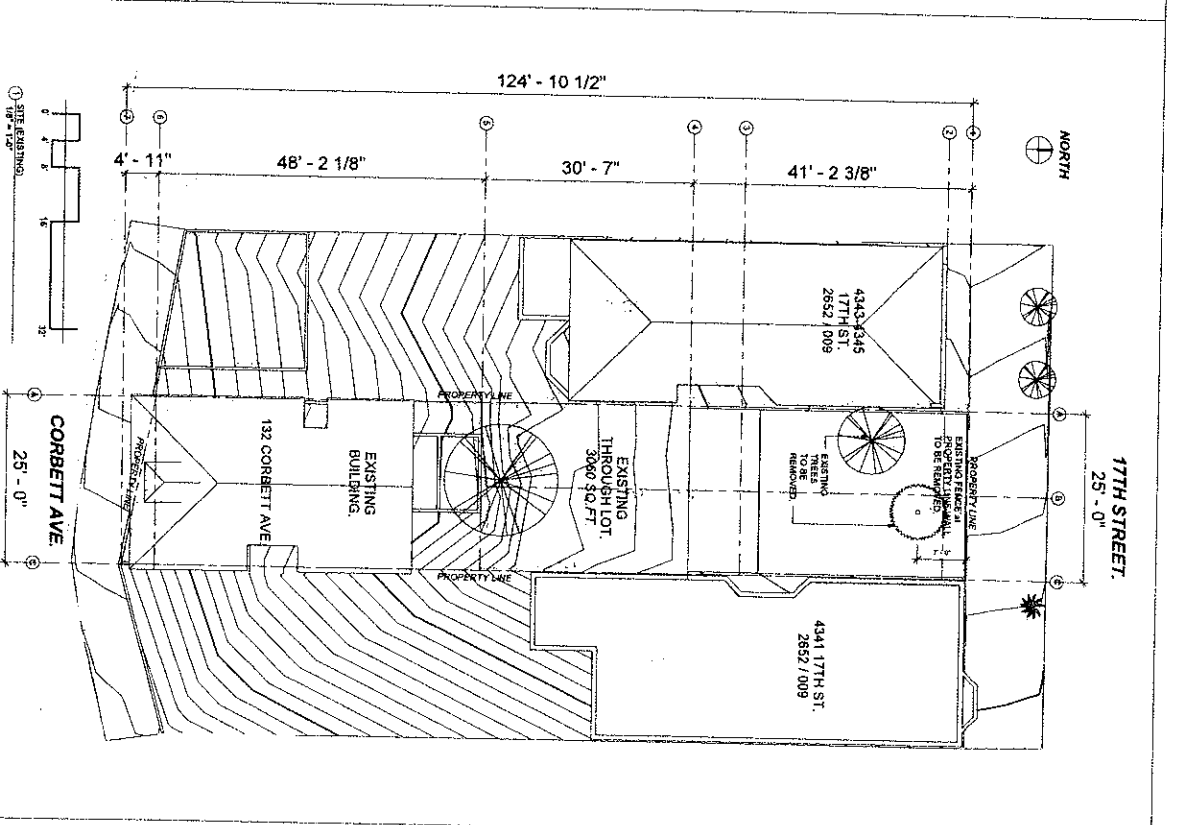
STUDIO 12  
 ARCHITECTURE

DATE: 08/20/12  
 SCALE: 1/8" = 1'-0"



Light well moved back 2 FT.

LOT AREA: 3,060 SQ. FT.  
 REAR YARD 25% = 765 SQ. FT.  
 765 SQ. FT. / 25' = 30' - 7 1/2"  
 REAR YARD DIM: 25' X 30'-7"



DATE: 08/11/11	SCALE: 1/8" = 1'-0"	SITE PLAN	132 CORBETT AVE SAN FRANCISCO, CA BLOCK 2652 LOT 070	STUDIO 12 ARCHITECTURE	SHEET NO. 110
PROJECT: 132 CORBETT AVE	DATE: 08/11/11				

REVISIED

Light well facing 177th St.

PROJECT  
132 CORBETT AVE  
SAN FRANCISCO, CA  
BLOCK 2682 LOT 010

NO.	REVISIONS
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

3D VIEWS

132 CORBETT AVE  
SAN FRANCISCO, CA  
BLOCK 2682 LOT 010

445 THIRD ST. #100  
SAN FRANCISCO, CA 94107  
TEL: 415.398.0172  
FAX: 415.398.0172

STUDIO 12  
ARCHITECTURE

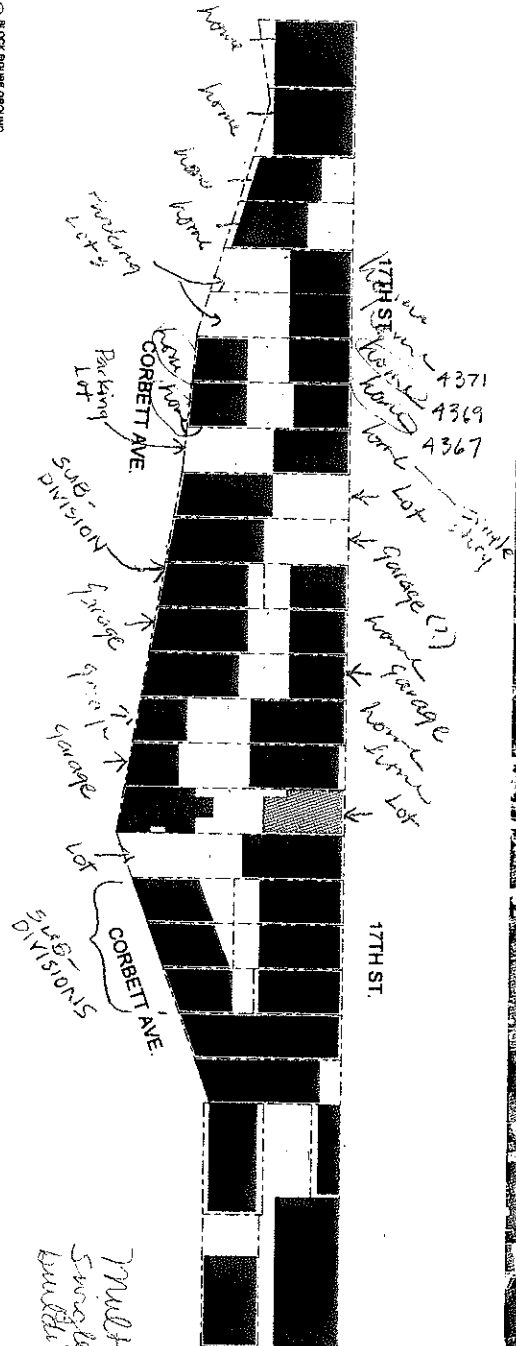
DATE: 12-15-12  
BY: [Signature]  
PROJECT: 132 CORBETT AVE  
SHEET: A1.2



↑ SUNRISE DECEMBER



CORBIN STEPS



17TH ST.

ORD ST.

29

Multiple units in a  
single large mass  
building 31 LOTS

NO.	DATE	REVISION
1		
2		
3		
4		
5		

BLOCK ANALYSIS

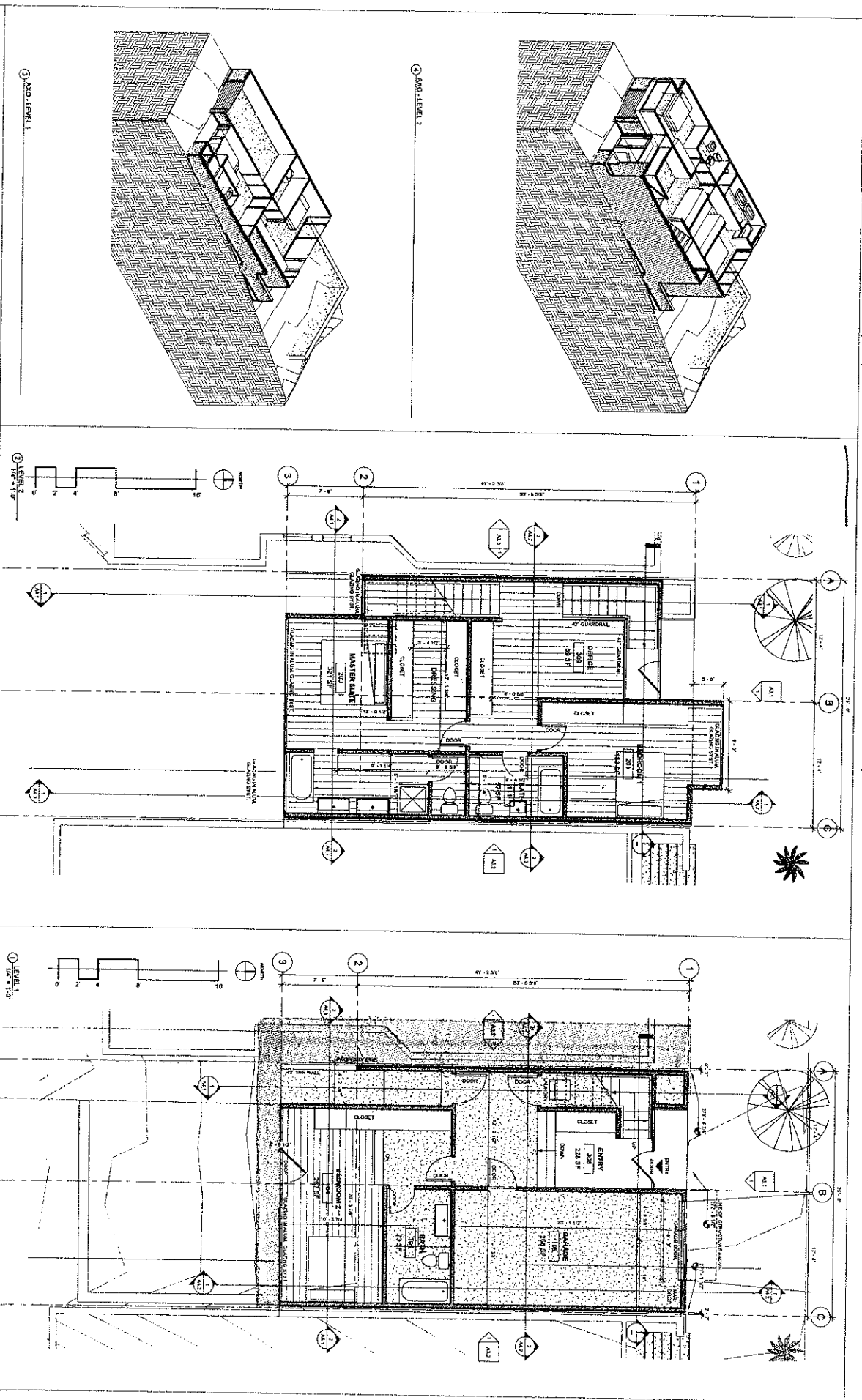
132 CORBETT AVE  
SAN FRANCISCO, CA  
BLOCK 2852 LOT: 010

STUDIO 12  
ARCHITECTURE

STUDIO 12  
ARCHITECTURE  
A13

2652 019  
2.52 20

AT LEAST 1 FT. OF SHADOW OVER  
 MY ENTIRE BUILDING UNDER  
 THE BEST CONDITIONS,



PROJECT 132 CORBETT AVE. SAN FRANCISCO, CA 94115	DATE 1/15/12	DESCRIPTION PLANS	SCALE AS SHOWN
132 CORBETT AVE. SAN FRANCISCO, CA BLOCK 2652 LOT 010			STUDIO 12 ARCHITECTURE A2.1

Minimum shadow (at noon on June 21) =

8'4" - 10'

VS.

3' 4" 2' 8"

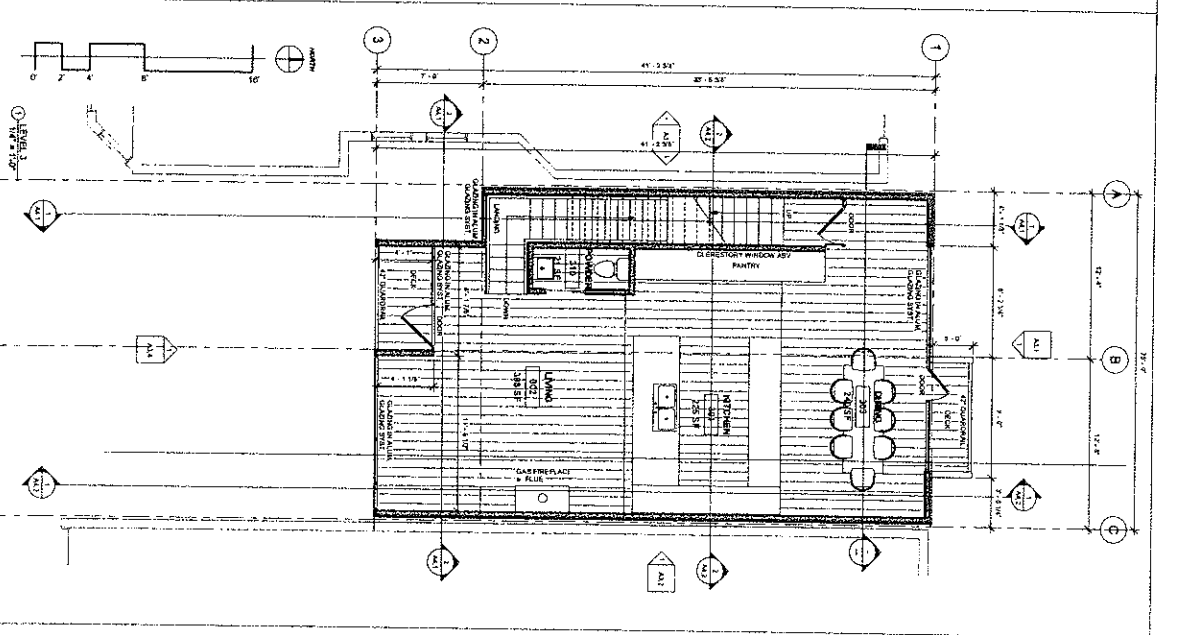
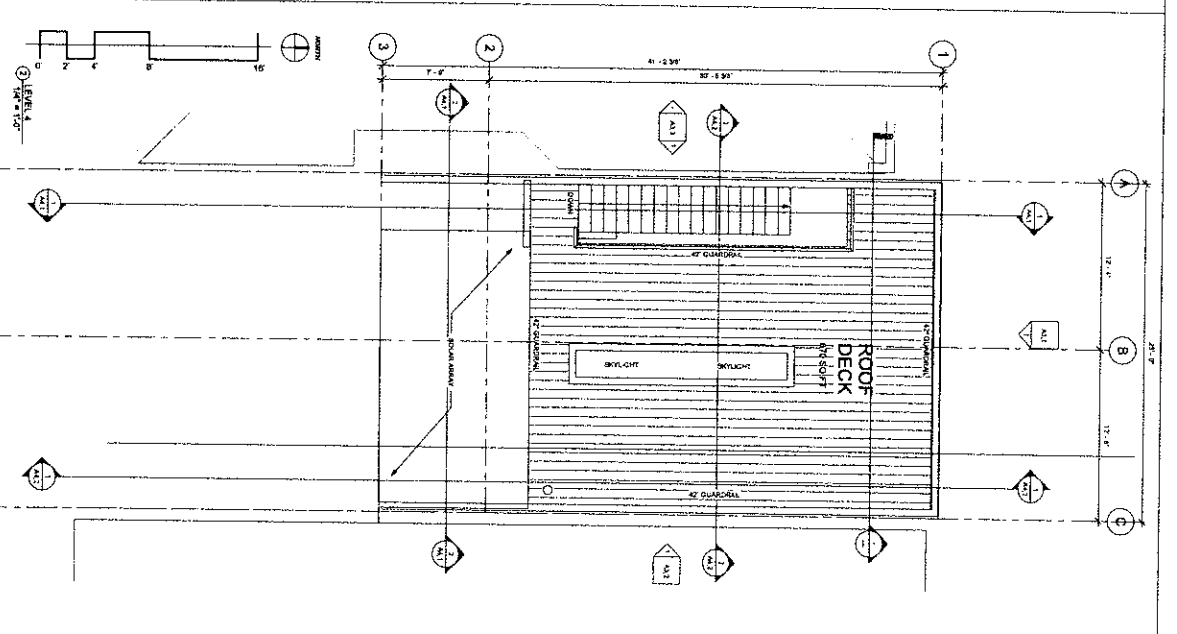
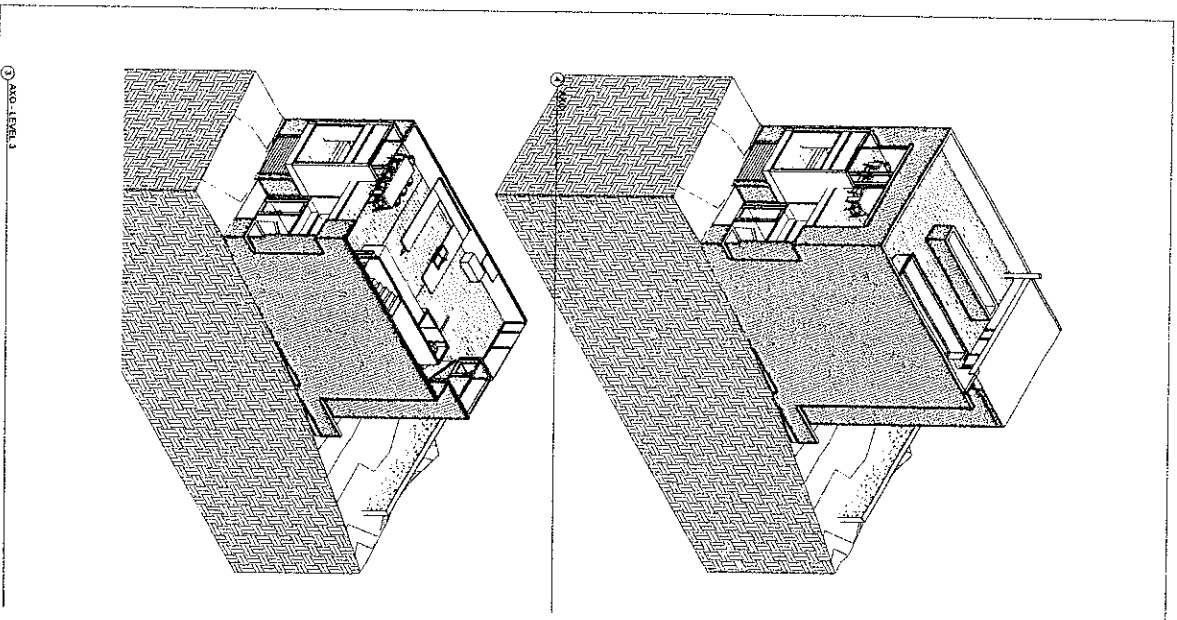
between buildings  
 level height wall

2024/01/11	2. ARCHITECT
12/15/23	1. ARCHITECT
11/15/23	1. ARCHITECT
10/15/23	1. ARCHITECT
09/15/23	1. ARCHITECT
08/15/23	1. ARCHITECT
07/15/23	1. ARCHITECT
06/15/23	1. ARCHITECT
05/15/23	1. ARCHITECT
04/15/23	1. ARCHITECT
03/15/23	1. ARCHITECT
02/15/23	1. ARCHITECT
01/15/23	1. ARCHITECT

132 CORBETTI AVE  
SAN FRANCISCO, CA  
BLOCK 2892 LOT 010

STUDIO 13  
ARCHITECTURE

DATE: 01/11/24  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

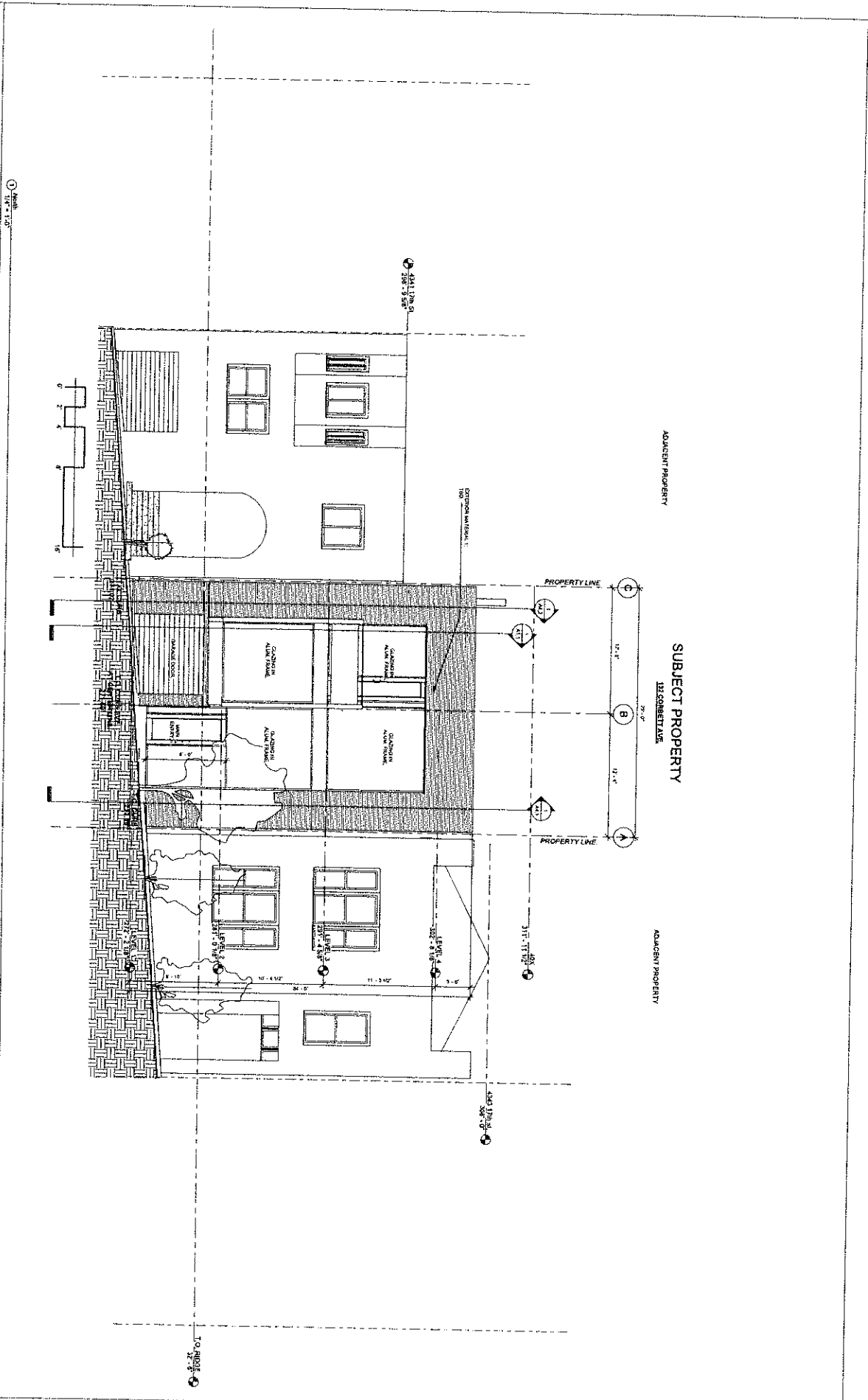


DATE	DESCRIPTION
10/15/11	ISSUED FOR PERMITS
10/15/11	ISSUED FOR PERMITS
10/15/11	ISSUED FOR PERMITS
10/15/11	ISSUED FOR PERMITS
10/15/11	ISSUED FOR PERMITS

# ELEVATIONS

132 CORBETT AVE  
SAN FRANCISCO CA  
BLOCK 2852 LOT 070

STUDIO 12  
ARCHITECTURE  
1015 MARKET ST  
SAN FRANCISCO CA 94102  
TEL: 415.398.1212  
WWW.STUDIO12ARCH.COM



1/8" = 1'-0"

DATE: 10/15/11  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

DATE	DESCRIPTION
11/15/11	ISSUED FOR PERMIT
11/15/11	REVISED
11/15/11	REVISED
11/15/11	REVISED
11/15/11	REVISED
11/15/11	REVISED

NO.	DATE	BY	DESCRIPTION
1	11/15/11	MM	ISSUED FOR PERMIT
2	11/15/11	MM	REVISED
3	11/15/11	MM	REVISED
4	11/15/11	MM	REVISED
5	11/15/11	MM	REVISED
6	11/15/11	MM	REVISED
7	11/15/11	MM	REVISED
8	11/15/11	MM	REVISED
9	11/15/11	MM	REVISED
10	11/15/11	MM	REVISED

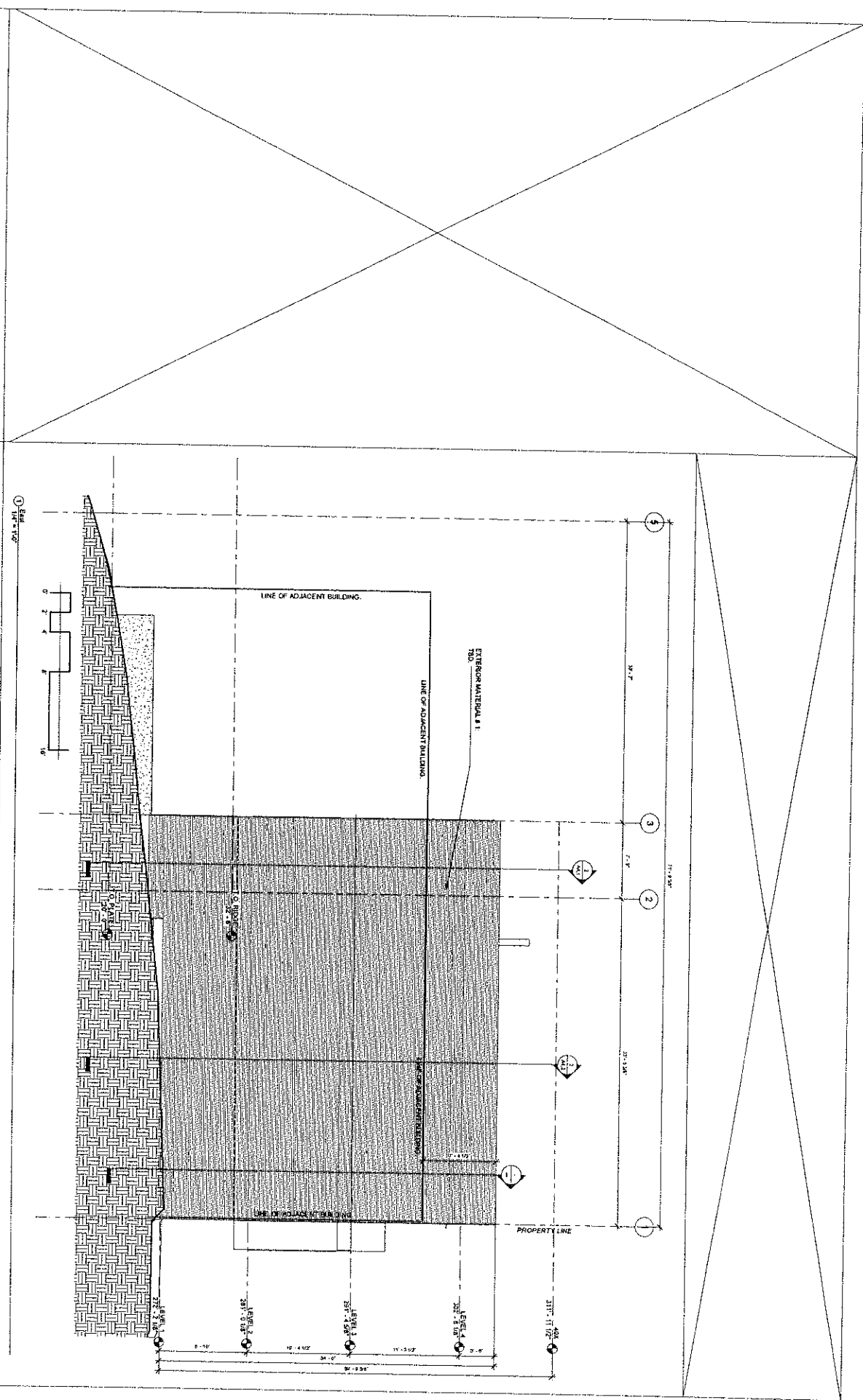
133 CORBETT AVE  
SAN FRANCISCO, CA  
BLOCK 2652 LOT: 010

# ELEVATIONS

133 CORBETT AVE  
SAN FRANCISCO, CA  
BLOCK 2652 LOT: 010

133 CORBETT AVE  
SAN FRANCISCO, CA  
BLOCK 2652 LOT: 010

STUDIO 12  
ARCHITECTURE  
A.3.2





DATE	DESCRIPTION
10/15/10	ISSUED FOR PERMITS
08/10/10	ISSUED FOR PERMITS
07/10/10	ISSUED FOR PERMITS
06/10/10	ISSUED FOR PERMITS
05/10/10	ISSUED FOR PERMITS
04/10/10	ISSUED FOR PERMITS
03/10/10	ISSUED FOR PERMITS
02/10/10	ISSUED FOR PERMITS
01/10/10	ISSUED FOR PERMITS

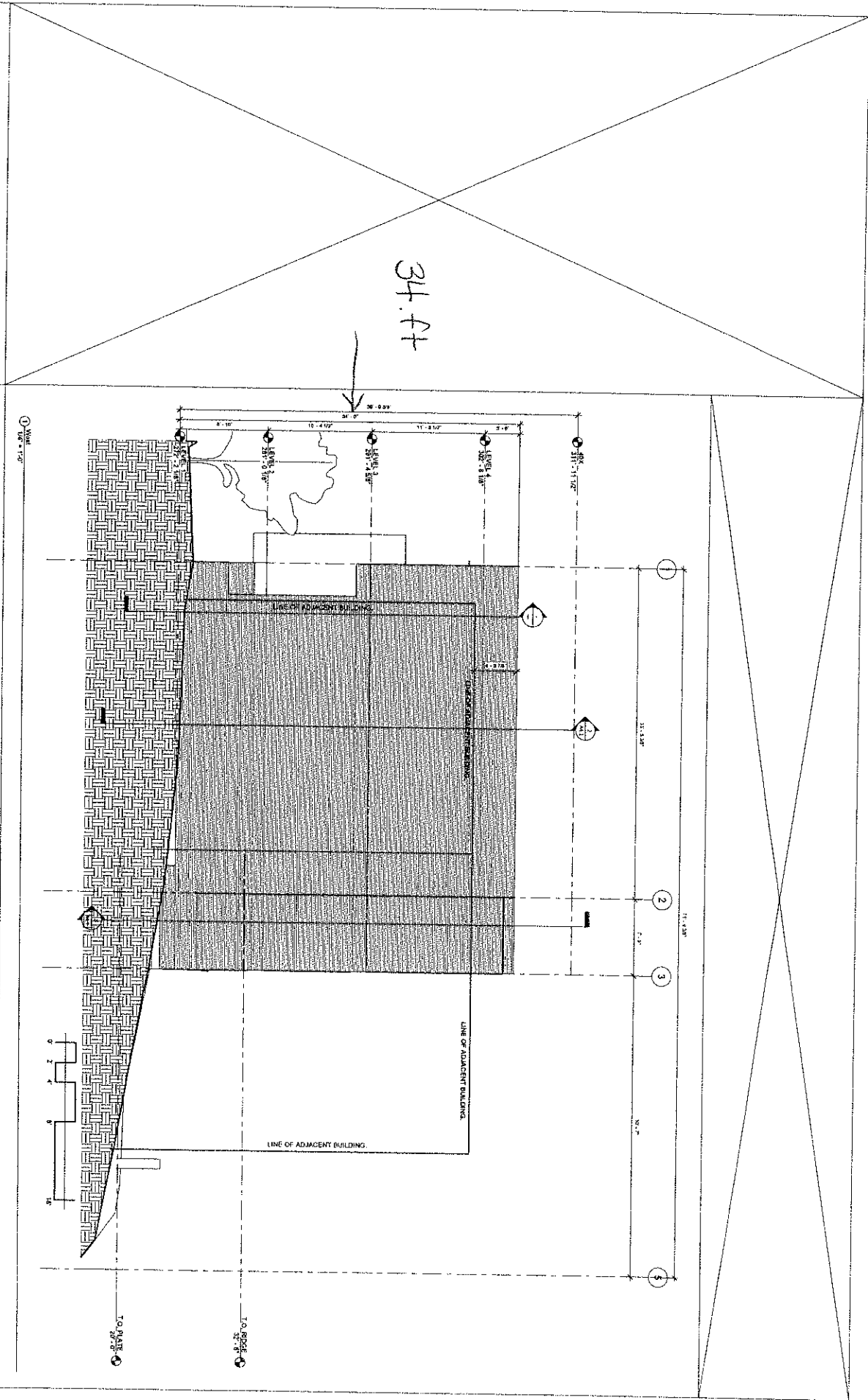
**ELEVATIONS**

132 CORBETT AVE.  
SAN FRANCISCO, CA  
BLOCK: 2652 LOT: 010

645 HUNTER ST.  
SAN FRANCISCO, CA  
94109  
TEL: 415.398.1010  
FAX: 415.398.1011

STUDIO 12  
ARCHITECTURE

DATE: 10/15/10  
DRAWN BY: [Signature]  
SCALE: A3.3



132 CORBETT AVE.  
BLOCK 2652 LOT 010

NO.	REVISIONS
1	
2	
3	
4	
5	

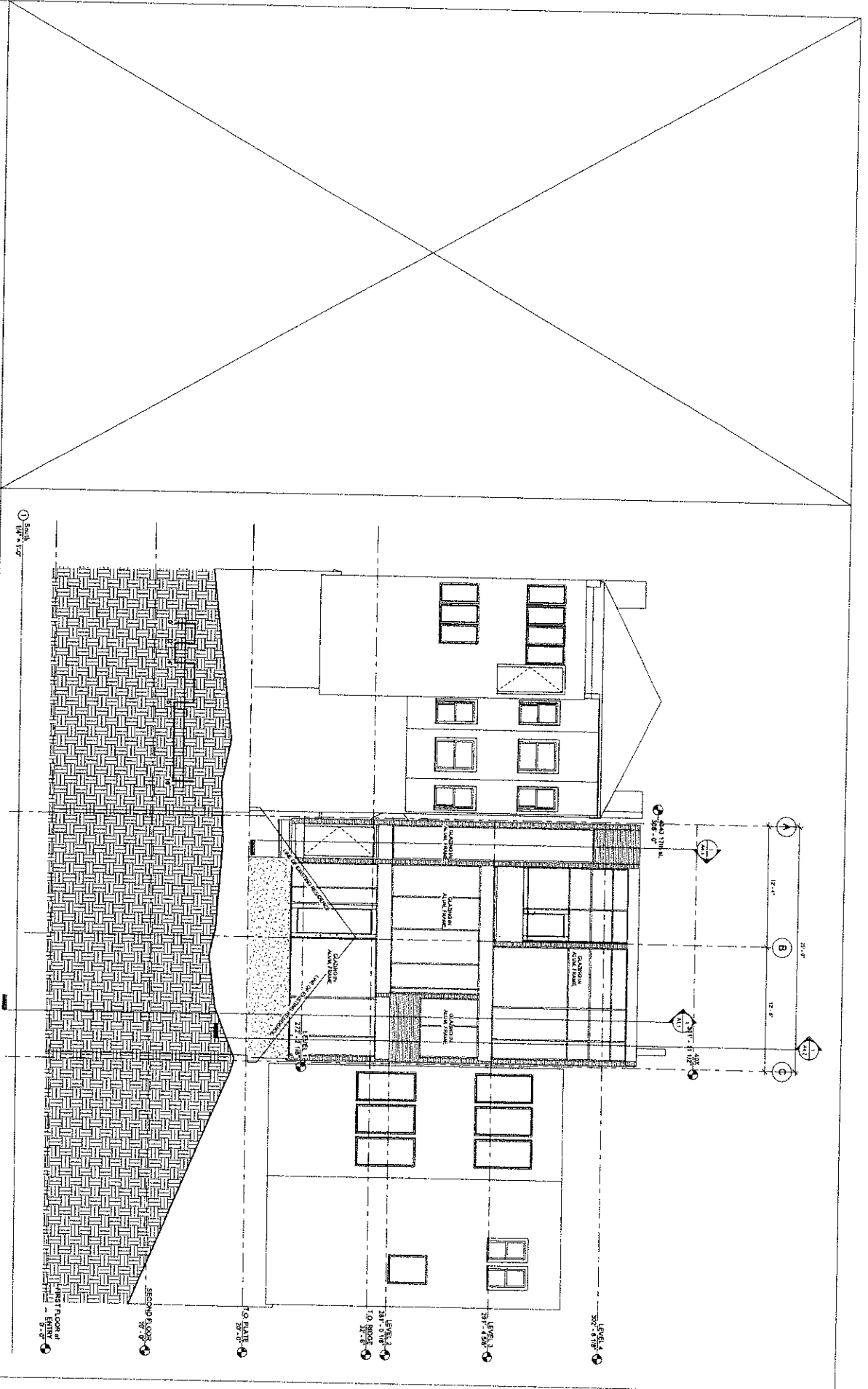
ELEVATIONS

132 CORBETT AVE.  
SAN FRANCISCO, CA  
BLOCK 2652 LOT 010

DATE: 08/11/17  
DRAWN BY: J. HARRIS  
CHECKED BY: J. HARRIS  
PROJECT NO: 17-001

STUDIO 12  
ARCHITECTURE

SCALE: AS SHOWN  
A3.4



132 CORBETT AVE.  
SAN FRANCISCO, CA  
BLOCK: 2682 LOT: 010

NO.	REVISION
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

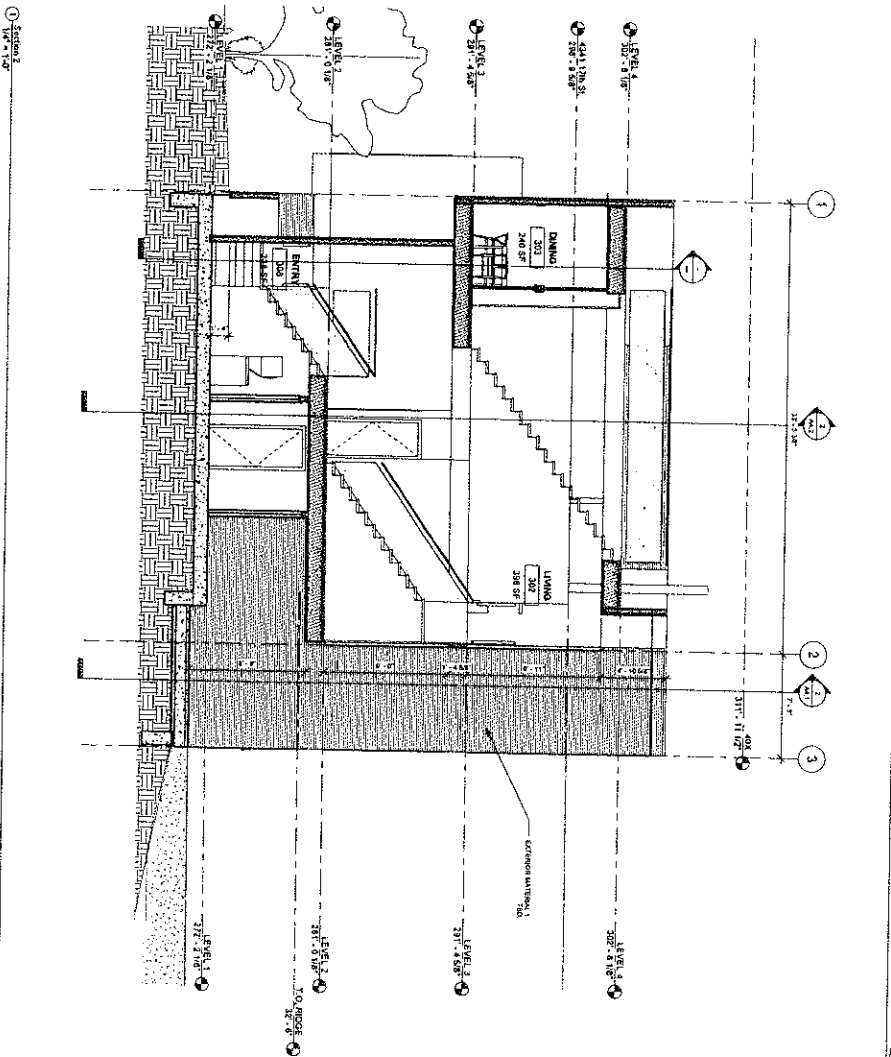
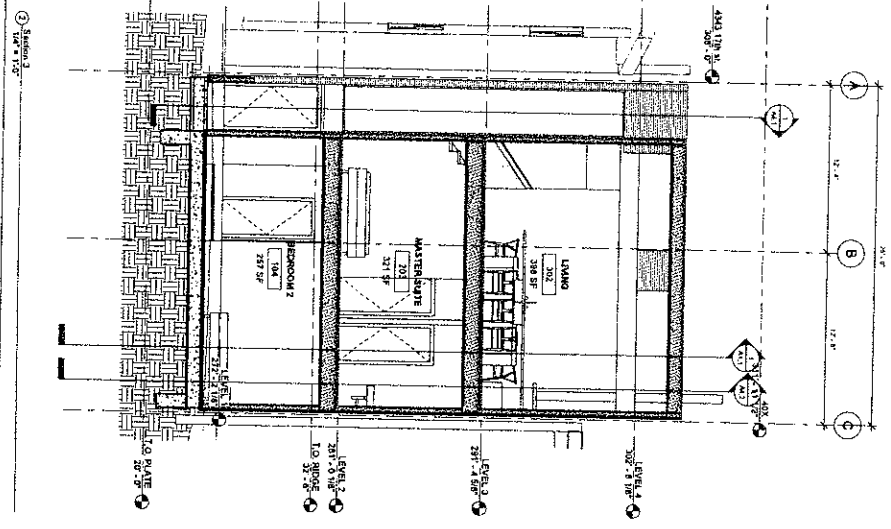
SECTIONS

132 CORBETT AVE.  
SAN FRANCISCO, CA  
BLOCK: 2682 LOT: 010

DATE: 01/15/10  
DRAWN BY: J. BROWN  
CHECKED BY: J. BROWN  
PROJECT NO: 100000102

STUDIO 12  
ARCHITECTS

SCALE: AS SHOWN  
DATE: 01/15/10  
PROJECT NO: 100000102  
SHEET NO: 01





**SAN FRANCISCO  
PLANNING DEPARTMENT**

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

**NOTICE OF PUBLIC HEARING**

Hearing Date: **Wednesday, June 25, 2014**  
 Time: **9:30 AM**  
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408**  
 Case Type: **Variance(Rear Yard)**  
 Hearing Body: **Zoning Administrator**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: <b>132 Corbett Avenue</b> Cross Street(s): <b>Hattie Street</b> Block / Lot No.: <b>2652/010</b> Zoning District(s): <b>RH-2</b> Area Plan: <b>N/A</b>	Case No.: <b>2014.0016V</b> Building Permit: <b>N/A</b> Applicant/Agent: <b>Jeff Burris</b> Telephone: <b>415.503.0212</b> E-Mail: <b>jeff@studio12arch.com</b>
<b>PROJECT DESCRIPTION</b>	
<p>The proposal is to construct a second dwelling unit at the rear of the subject property (fronting 17th Street), which is developed with an existing two-story, single-family dwelling unit (fronting Corbett Street). The two buildings would be separated by a rear yard of 30'-8", or about 25% of lot depth.</p>	
<p><b>SECTION 134 OF THE PLANNING CODE</b> requires a rear yard of 56'-2". The proposed dwelling unit would be located entirely within the rear yard; therefore, a variance is required.</p>	
<b>ADDITIONAL INFORMATION</b>	
<p><b>FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:</b>            Planner: <b>Tina Chang</b> Telephone: <b>415-575-9197</b> Mail: <b>Tina.Chang@sfgov.org</b></p>	
<p><b>ARCHITECTURAL PLANS:</b> The site plan and elevations of the proposed project are available on the Planning Department's website at: <a href="https://sf-planning.org/ftp/files/notice/2014.0016V">https://sf-planning.org/ftp/files/notice/2014.0016V</a></p>	

June 17, 2014

Scott Sanchez  
Zoning Administrator  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Joseph Foster  
4343 17<sup>th</sup> Street  
San Francisco, CA 94114

Dear Mr. Sanchez,

I have been the owner of 4343 17<sup>th</sup> Street in San Francisco since 2001. My property is the downstairs flat in the building directly next to the open space at 132 Corbett Avenue. I have reviewed plans for development of this open space by the new owner of 132 Corbett Avenue.

Based on these plans, I must register my **opposition** to my new neighbor's requested variances to Section 134 of the Planning Code. My opposition is based on:

1. The extreme reductions in light and air that would directly impact my property;
2. The necessity to alter a building of historical significance to partially offset the extreme light and air effects;
3. The over-development of the lot (stretching between 17<sup>th</sup> St and Corbett Avenue) which conflicts with the neighborhood character.

As shown on the attached diagram of my property, the proposed development would block direct light and air flow that currently comes from the East into the only windows in the master bedroom and dining room. I would note that the large window in the master bedroom is not shown on the plans submitted by the owner of 132 Corbett Avenue. This (omitted) window is critical to light and air flow on the East side and front of my property. The rooms that would be darkened by the project at 132 Corbett Avenue represent about 30% of the square footage of my flat.

Only limited air flow and no direct light currently comes into windows in the pantry or bathroom of my flat due to the close proximity of the other neighboring building at 4347-4349 17<sup>th</sup> Street. These rooms represent about 20% of the square footage of my flat.

If the proposed development is undertaken, the only remaining opportunity for continued light and air into my flat will be through the front and back windows. Four rooms represent 50% of the square footage of my flat. The front room is the living room, with 20% of the square footage of the flat and the back rooms are a bedroom, sun porch and kitchen with 30% of the square footage. The back rooms receive indirect sunlight during most of the year.

But (what would seem to be) an obvious conclusion that my flat will be left with light and air in 50% of the space is false. Currently, the front room receives substantial direct light and air flow from the large window in the bedroom that will be cut off by the new development. The light and air flow coming from the East into the front bedroom is delivered through two large French doors that divides the two rooms. This light and air flow is critical because the front room windows cannot be opened.

Like many historic buildings in San Francisco, the front windows are made of antique plated glass (original to the 19<sup>th</sup> century Edwardian building).<sup>\*</sup> Due to the frailty of the window frames, they cannot be opened without the risk of damage. Estimates from contractors indicate that restoration of the front windows can only be accomplished with substantial changes to their appearance (as well as at a very high cost). Consequently, bringing lost light and air flow into the front room would require removal and replacement of this historic element of the building. Without such a change, my flat will be left with indirect light and airflow in only 30% of the living space. No direct light from the East would enter the flat.

Physical alterations to my building are not the only changes that neighbors of 132 Corbett Avenue will be asked to accept. In Corona Heights, the grouping of structures has carefully evolved to take advantage of the natural curvature of the land and existing air flow patterns. Large mass buildings like mine and 132 Corbett Avenue have been intentionally juxtaposed to promote the impression of ample open space in this part of the city. This effect is particularly evident as one proceeds up Corbett Avenue from Hattie Street. The evolution of the neighborhood has been supported by balanced enforcement of minimum lot sizes, yard sizes and set-backs. Unfortunately, aerial photographs and flat maps cannot show the changes in elevation that make sense of the current building densities (and past allowances). The proposed project ignores this larger feature of its surroundings and attempts to impose a structure that is indifferent to its neighbors.

In summary, my first objection to the planned development arises from the extreme reduction on the air and light in my flat. Construction of the planned development would leave 70% of the square footage of my flat without direct light and air flow.


My second objection is that I will be forced to mitigate the extreme reduction in air and light with alterations to a building with historic significance in our neighborhood (removal or substantial alteration of the front windows).

My final objection stems from the placement of two large mass buildings on opposite ends of a 3,057 SF lot. This development effectively divides the property into two lots which are inconsistent with numerous sections of the planning code, the Master Plan and the character of the neighborhood.

\*Although the building is dated in City records as 1915, it is known that it was moved from its original location nearer to the current Market Street after the 1906 Earthquake.

Thank you for your consideration of this matter.

Sincerely,






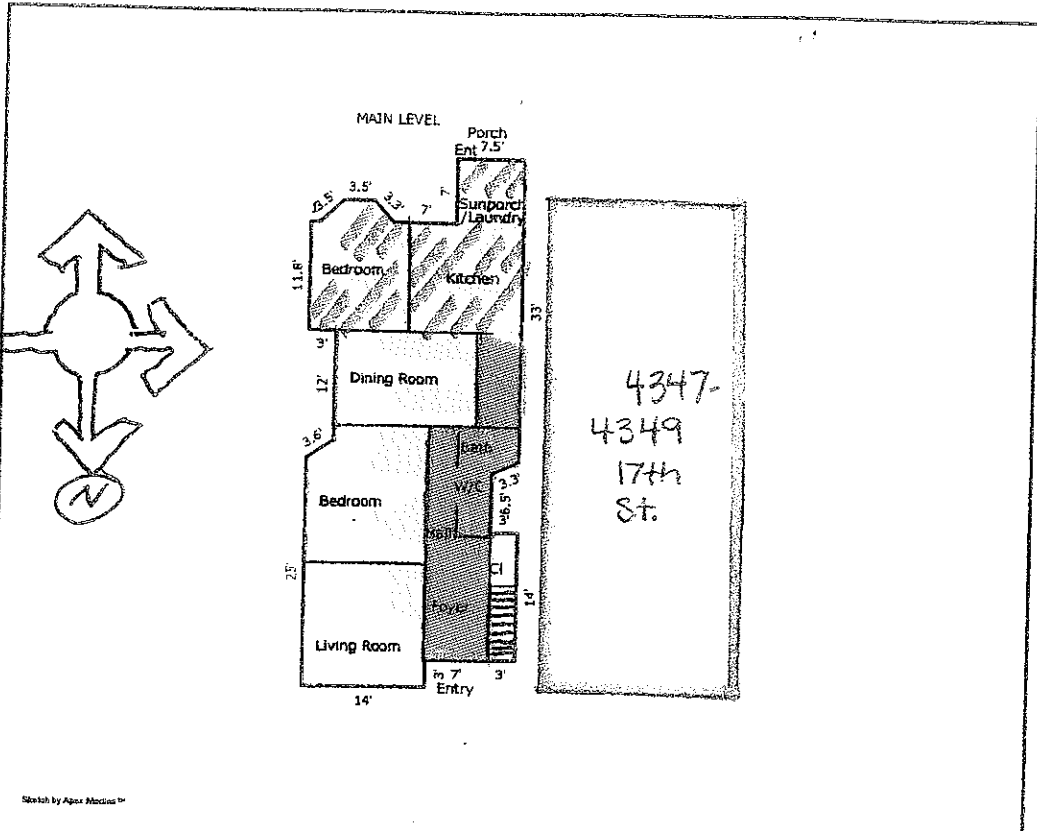
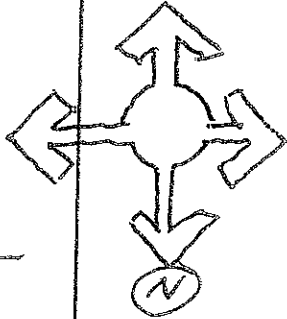
**Joe Foster**  
4343 17<sup>th</sup> Street  
San Francisco, CA 94114  
(408) 813-7585

Building Sketch

Borrower/Client	Foster		
Property Address	4343 17th St		
City	San Francisco	County	San Francisco
State	CA	Zip Code	94114-1804
Client	At Home Associates		

BEFORE

-  DIRECT LIGHT
-  INDIRECT LIGHT
-  SHADOW



Comments:



CURRENT CONDITION: OPEN SPACE AT 132 CORBETT AVE.

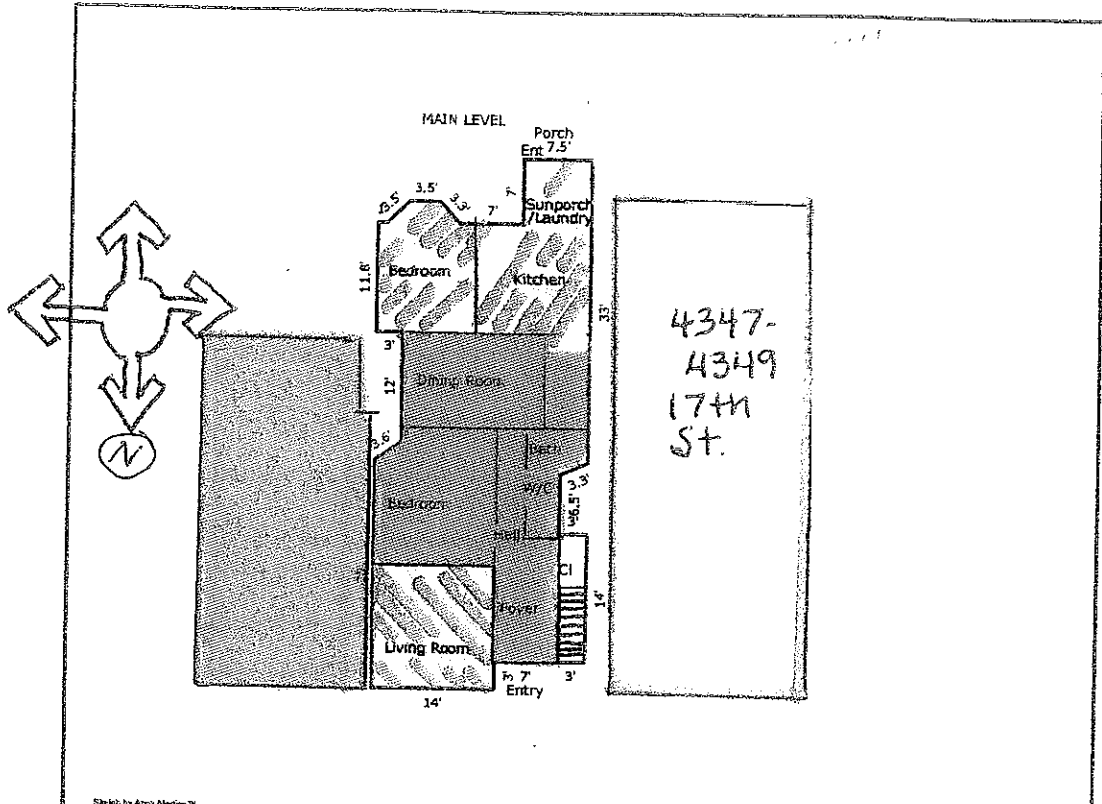
AREA CALCULATIONS SUMMARY				LIVING AREA BREAKDOWN		
Code	Description	Net Size	Net Totals	Breakdown		Subtotals
GLA1	First Floor	1194.1	1194.1	24.0 x 14.0		336.0
GR	Garage	200.0	200.0	7.8 x 21.0		162.6
OTZ	Storage	176.0	176.0	3.0 x 14.0		42.0
				0.3 x 24.0		6.0
				0.5 x 1.3 x 3.0		1.9
				7.0 x 7.5		52.5
				0.5 x 2.3 x 2.3		2.7
				11.8 x 24.0		282.0
				14.0 x 21.0		294.0
				3.5 x 2.3		8.2
				2.0 x 3.0		3.0
				0.5 x 2.3 x 2.7		3.1
Net Livable Area		(rounded)	1194	12 Items	(rounded)	1194

Building Sketch

Borrower/Client	Foster		
Property Address	4343 17th St		
City	San Francisco	County	San Francisco
State	CA	Zip Code	94114-1804
Client	At Home Associates		

AFTER

-  DIRECT LIGHT
-  INDIRECT LIGHT
-  SHADOW



Sketch by Apco Mapping™

Comments:

EFFECT OF NEW BUILDING

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GLA1	First Floor	1194.1	1194.1
GAR	Garage	200.0	200.0
OTR	Storage	176.0	176.0

LIVING AREA BREAKDOWN

Breakdown	Subtotals
First Floor	336.0
24.0 x 14.0	162.0
7.8 x 21.0	42.0
3.0 x 14.0	6.0
0.3 x 24.0	1.9
0.5 x 1.3 x 3.0	52.5
7.0 x 7.5	2.7
0.5 x 2.3 x 2.3	282.0
11.8 x 24.0	294.0
16.0 x 21.0	6.2
3.5 x 2.3	3.0
0.5 x 2.0 x 3.0	3.0
0.5 x 2.3 x 2.7	3.1

Net LIVABLE Area (rounded) 1194 12 Items (rounded) 1194





# SAN FRANCISCO PLANNING DEPARTMENT

## Variance Decision

*Date:* July 10, 2014  
*Case No.:* 2014.0016V  
*Project Address:* 132 Corbett Avenue  
*Zoning:* RH-2 (Residential, House – Two-Family)  
40-X Height and Bulk District  
*Block/Lots:* 2652 / 010  
*Applicant:* Jeff Burris  
665 3<sup>rd</sup> St., Suite 335  
San Francisco, CA 94107  
*Owners:* Jean Miu  
132 Corbett Ave.  
San Francisco, CA 94114  
*Staff Contact:* Tina Chang – (415) 575-9197  
Tina.chang@sfgov.org

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### DESCRIPTION OF VARIANCE – REAR YARD VARIANCE SOUGHT:

The proposal is to construct a second dwelling unit at the rear of a through lot between 17<sup>th</sup> Street and Corbett Avenue. The property is currently developed with a two-story, single-family dwelling unit (fronting Corbett Avenue). The second dwelling unit (fronting 17<sup>th</sup> Street) would reduce the rear yard from approximately 71' 9" to 30' 8" (between the two buildings), or about 25% of the lot depth.

SECTION 134 OF THE PLANNING CODE requires a rear yard that is 45% of lot depth for properties within the RH-2 (Residential House, Two-Family) Zoning District. The project applicant requests a variance to this requirement to construct a second dwelling unit at the rear of the lot (fronting 17<sup>th</sup> Street).

### PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.
2. The Zoning Administrator held a public hearing on Variance Application No. 2014.0016V on June 25, 2014
3. A building permit has not yet been filed for this project. Section 311 neighborhood notification will be performed as part of the building permit.

**DECISION:**

**GRANTED**, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a second dwelling within the required rear yard of the subject property (fronting 17<sup>th</sup> Street), subject to the following conditions:

1. 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.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. 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.
5. This Variance Decision and the recorded Notice of Special Restrictions, Case No. 2012.0825V, 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.

**FINDINGS:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

**FINDING 1.**

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

**Requirement Met.**

- A. The subject 1,150 SF single-family residence fronting Corbett Avenue, constructed circa 1915, was built on a 3,057 SF through-lot, centrally located within the block and part of a series of buildings that create a strong mid-block open space pattern. Most other lots contributing to this pattern already have secondary structures on the opposite sides of the lot, or they front 17<sup>th</sup> Street.
- B. Due to the centrality of the subject within the larger context of the mid-block open space pattern and the topography of the lot, options to construct a secondary unit without compromising the established open space pattern are limited.

**FINDING 2.**

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

**Requirement Met.**

- A. Literal enforcement of the rear yard requirements of the Planning Code for the subject property results in hardship when attempting to construct a second dwelling unit on the lot, which is permitted as-of-right per the underlying zoning. The project sponsor has identified three alternatives for adding a second dwelling unit to the property:
1. Add Height and depth to the existing house, creating a two-unit building fronting Corbett. The challenges imposed by this alternative include adding height and depth to the house which would compromise the mid-block open space pattern, contrary to the Residential Design Guidelines. Additionally, this alternative might negatively impact neighbors fronting 17<sup>th</sup> street (which are at a higher elevation than properties that front on Corbett Avenue).
  2. Demolish the existing house at Corbett and construct a new two-unit structure facing 17<sup>th</sup> Street. The challenges imposed by this alternative include demolition of the house, which was constructed in 1915 and is considered to be a potential historic resource. Additionally, protection and preservation of existing housing stock is a priority, per Planning Code Section 317.
  3. Add a second structure facing 17<sup>th</sup> Street. The challenges imposed by this alternative include the requirement for a rear yard variance; however, this proposal preserves the existing dwelling on the lot and complies with the Residential Design Guidelines.

**FINDING 3.**

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

**Requirement Met.**

- A. The subject property is within the RH-2 Zoning District, permitting two units per lot as-of-right. Denial of the variance would prevent the sponsor from adding a second dwelling unit to the subject property in a manner that complies with the Residential Design Guidelines and retains the existing building on the lot. Of the 34 lots on the block, approximately 23 or 67% housed multiple units. As such, the variance is necessary for the preservation and enjoyment of a substantial property right of the subject property possessed by other property in the same class of district.
- B. To achieve the preservation and enjoyment of a substantial property right possessed by other property in the same class of district, the project sponsor is proposing a rear yard amounting to

25% of lot depth, or approximately 30' 8", which would retain the existing dwelling on the lot. If approved as proposed, the property would function similar the pattern of development in the neighborhood and to the pattern of development on other through-lots (with dwelling units fronting opposing sides of the lot).

**FINDING 4.**

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

**Requirement Met.**

- A. One intent of the rear yard requirement is to establish and preserve a pattern of mid-block open spaces. The subject property is a through lot between Corbett Avenue and 17<sup>th</sup> Street, developed with an existing single-family dwelling (fronting Corbett Avenue). Construction of a new dwelling at the rear of the property (fronting 17<sup>th</sup> Street) and providing a rear yard between the two buildings will maintain and strengthen the mid-block open space, consistent with the Planning Department's Residential Design Guidelines and the intent of Planning Code Section 134.
- B. Granting the variance would not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity. The construction of a second dwelling unit at the rear of the lot minimizes disturbance of views, which are strongest facing south, down-sloping towards Corbett Avenue.
- C. The Planning Department is aware of opposition to the project from two neighbors; however, the project has been designed in a manner to reduce impacts on adjacent properties.

**FINDING 5.**

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

**Requirement Met.**

- A. 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, maintaining housing stock and the intent of Planning Code Section 134, from which the applicant desires a variance.
  - 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. The proposal will preserve the existing single family dwelling unit on the property and add a second dwelling unit to the property.

Variance Decision  
July 10, 2014

CASE NO. 2014.0016V  
132 Corbett Ave.

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.
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 utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a 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 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.

**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, 3<sup>rd</sup> Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez  
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.

G:\Documents\VARIANCES\132 Corbett Ave\_2014.0016V\132CorbettAve\_Variance Decision Letter.doc  
Copy to I:\Decision Documents\Variance Decision Letters\2014\2014.0016V - 132 Corbett Ave -  
Granted

COMMENTS TO THE APPLICANT

1. ADD A THREE STORY VERTICAL SECTION ON ONE OF THE TWO GARAGE UNITS ON CORRETT AVENUE.

2. MERGE THE TWO UNITS ON 17TH ST. INTO A SINGLE FAMILY HOME.

**ANDY FORREST, P.E.**  
 CIVIL ENGINEER  
 1000 S. GARDEN AVENUE, SUITE 200  
 SAN FRANCISCO, CA 94107  
 TEL: 415.774.1111  
 FAX: 415.774.1112  
 ANDY@ANDYFORREST.COM



434749 17TH STREET  
 MERGE TWO (E) UNITS ON 17TH STREET AND  
 ADD SINGLE UNIT ON TOP OF (E) GARAGE  
 FRONTING ON CORRETT AVENUE  
 SAN FRANCISCO, CALIF.

DATE: 07/18/09  
 DRAWN BY: J.M.A.M.  
 CHECKED BY: J.M.  
 SCALE: 1/8" = 1'-0"

**A-1**

**SCOPE OF WORK:**

- ADD A THREE STORY VERTICAL SECTION ON ONE OF THE TWO GARAGE UNITS ON CORRETT AVENUE.
- MERGE THE TWO UNITS ON 17TH ST. INTO A SINGLE FAMILY HOME.

**LIST OF SHEETS:**

1. SITE PLAN, (E) FLOOR PLAN, ELEVATIONS, NOTES
2. (E) ISOMETRIC
3. (N) ISOMETRIC
4. (E) DEMOLITION PLAN
5. (E) ROOF PLAN
6. (E) FRONT (SOUTH) ELEVATION
7. (N) FRONT (SOUTH) ELEVATION

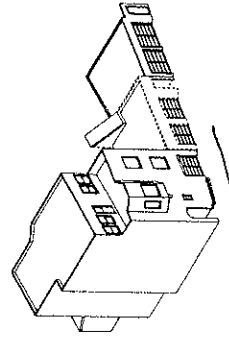
THIS PROJECT SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES:

- 2007 CALIFORNIA BUILDING CODE WITH SAN FRANCISCO AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH SAN FRANCISCO AMENDMENTS
- 2007 CALIFORNIA MECHANICAL CODE WITH SAN FRANCISCO AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH SAN FRANCISCO AMENDMENTS

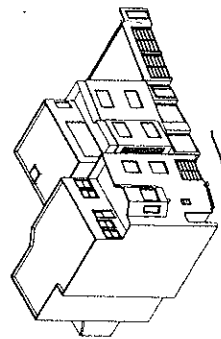
USE: SINGLE FAMILY  
 OCCUPANCY: R-3  
 3 STORY OVER GARAGE

**FLOOR AREAS:**

1ST FLOOR	696 SQ. FT.
2ND FLOOR	896 SQ. FT.
3RD FLOOR	323 SQ. FT.
<b>TOTAL</b>	<b>1915 SQ. FT.</b>
<b>GARAGE</b>	<b>653 SQ. FT.</b>
<b>TOTAL</b>	<b>2568 SQ. FT.</b>
3RD FLR. DECK	173 SQ. FT.



2 (E) ISOMETRIC 1/8" = 1'-0"



3 (N) ISOMETRIC 1/8" = 1'-0"

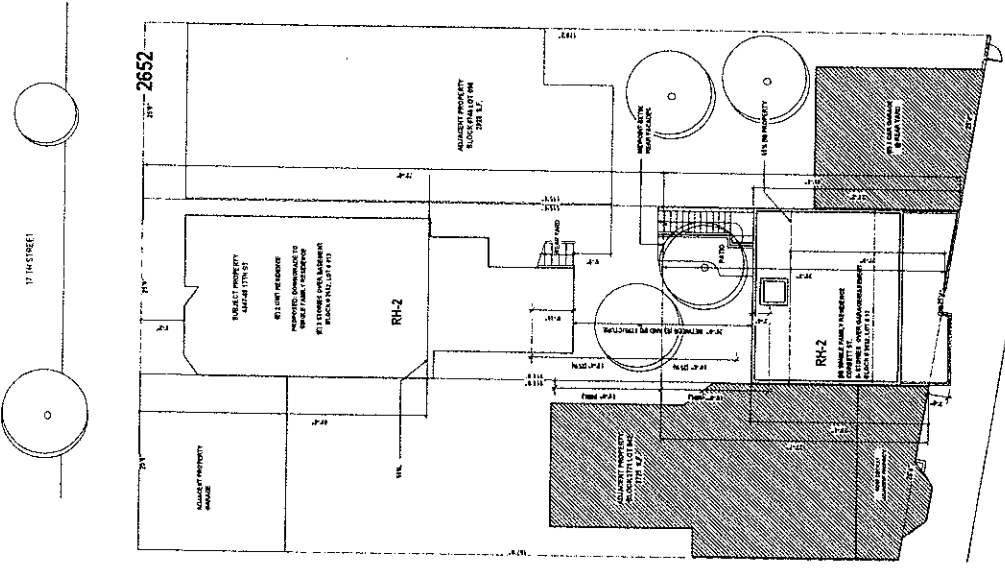
**WALL LEGEND**

- SOLID WALL
- EXTERIOR WALL
- INTERIOR WALL
- GLASS WALL
- PI-LIKE WALL

**DOOR / WINDOW LEGEND**

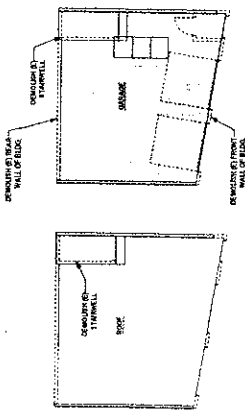
- GLASS DOOR
- GLASS WINDOW
- DOOR
- WINDOW
- DOOR REPLACEMENT
- WINDOW REPLACEMENT
- REPLACEMENT DOOR
- REPLACEMENT WINDOW

SEE EXPLANATION FOR ADDITIONAL NOTES

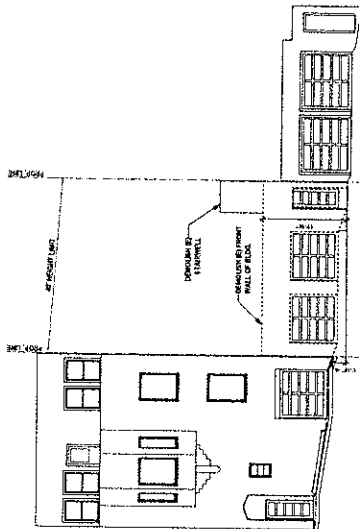


1 SITE PLAN 1/8" = 1'-0"

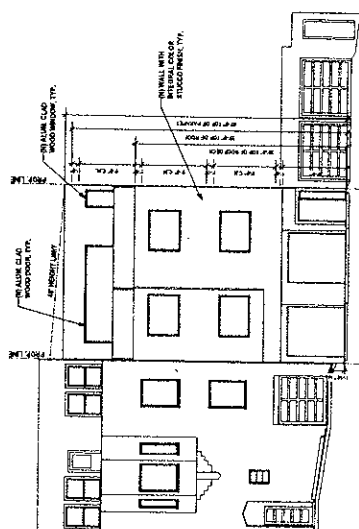
2009  
 Rear-Yard  
 Variance  
 Request  
 NOT APPROVED



4 (E) DEMOLITION PLAN 1/8" = 1'-0"



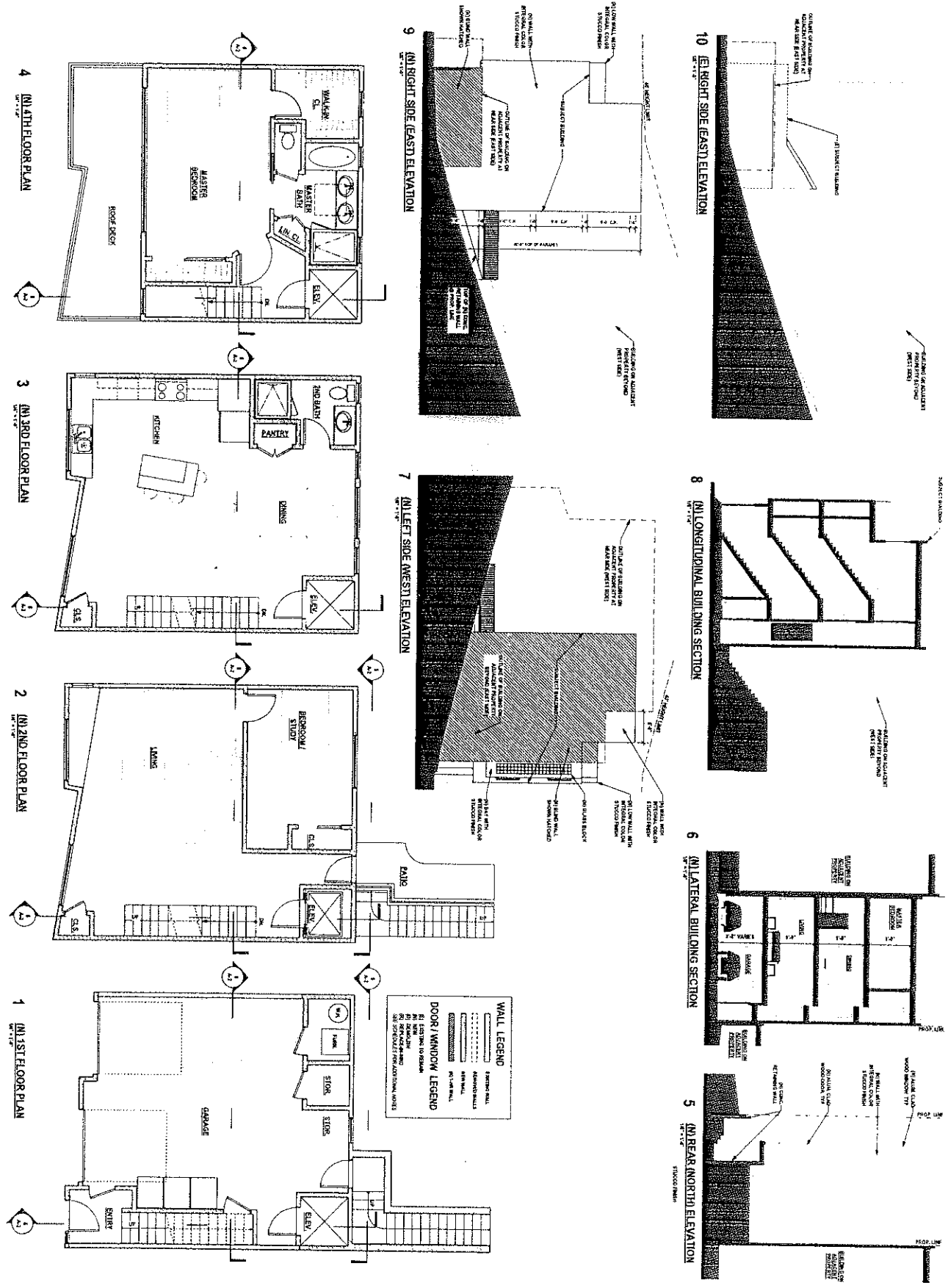
5 (E) ROOF PLAN 1/8" = 1'-0"



6 (E) FRONT (SOUTH) ELEVATION 1/8" = 1'-0"



7 (N) FRONT (SOUTH) ELEVATION 1/8" = 1'-0"



4347-49 17TH STREET  
 MERGE TWO (E) UNITS ON 17TH STREET AND  
 ADD SINGLE UNIT ON TOP OF (E) GARAGE  
 FRONTING ON CORBETT AVENUE  
 SAN FRANCISCO, CALIF.

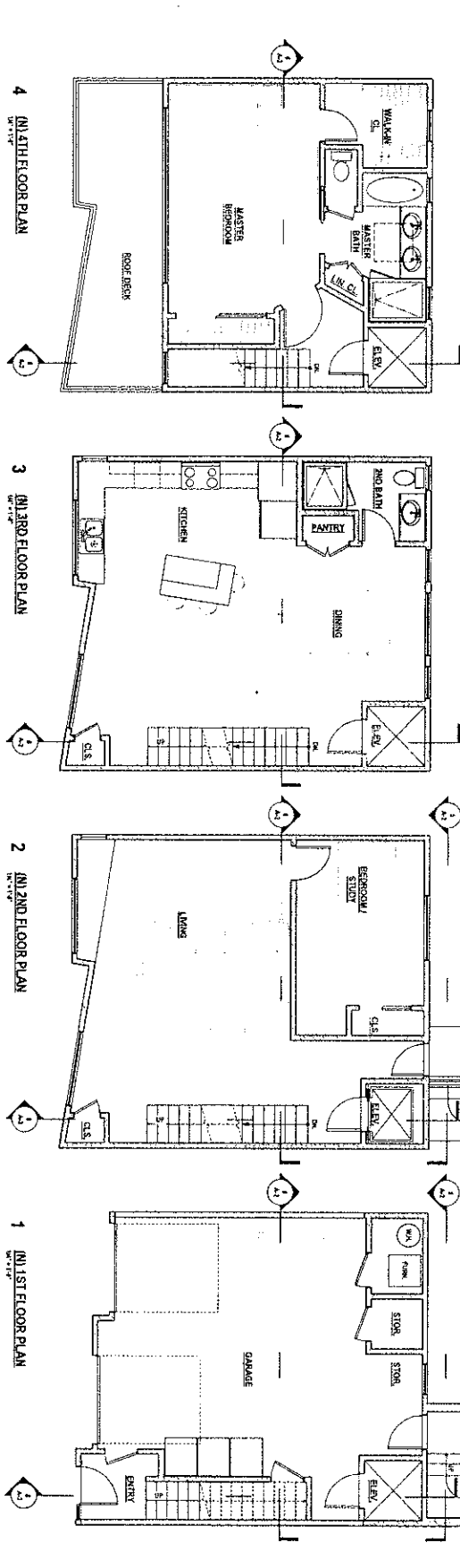
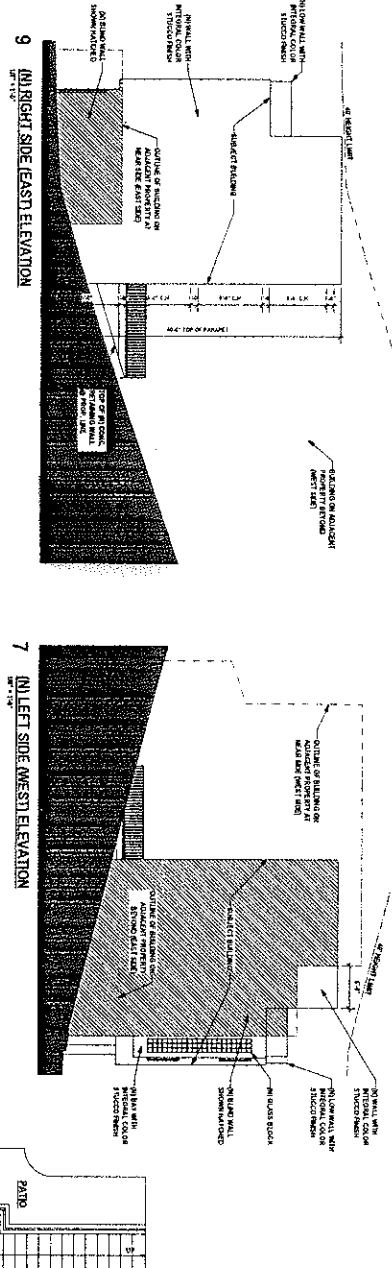
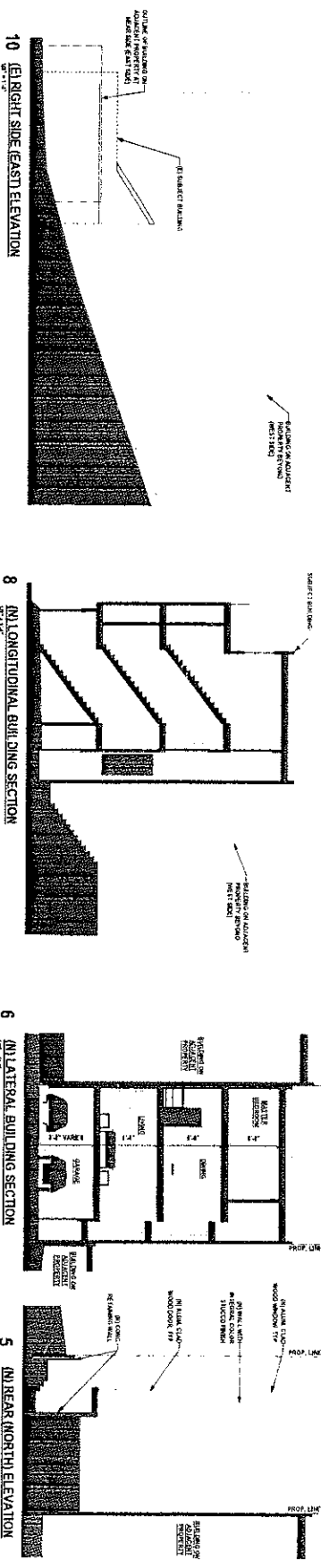
**ANDY FOREST, P.E.**  
 ARCHITECT

**REG. ARCHITECT**  
 No. C 20000  
 State of California

**COMMENTS:**

DATE: 08/11/14  
 DRAWN BY: AEF  
 CHECKED BY: M  
 SCALE: 1/8" = 1'-0"

**A-2**



- | WALL LEGEND        |                    |
|--------------------|--------------------|
| [Symbol]           | CONCRETE WALL      |
| [Symbol]           | STUCCO WALL        |
| [Symbol]           | BRICK WALL         |
| [Symbol]           | GLASS WALL         |
| [Symbol]           | GLASS WINDOW       |
| [Symbol]           | GLASS DOOR         |
| [Symbol]           | WOOD WALL          |
| [Symbol]           | WOOD WINDOW        |
| [Symbol]           | WOOD DOOR          |
| [Symbol]           | MASONRY WALL       |
| [Symbol]           | MASONRY WINDOW     |
| [Symbol]           | MASONRY DOOR       |
| [Symbol]           | ADDITIONAL MASONRY |
| DOOR/WINDOW LEGEND |                    |
| [Symbol]           | DOOR               |
| [Symbol]           | WINDOW             |
| [Symbol]           | GLASS DOOR         |
| [Symbol]           | GLASS WINDOW       |

COMMITTEE: RESIDENTS

DATE: 07/15/2011

PROJECT: 17TH STREET

CITY: SAN FRANCISCO

NO. 17TH STREET

PROJECT NO. 1111

3437-49 17TH STREET  
 MERGE TWO (E) UNITS ON 17TH STREET AND  
 ADD SINGLE UNIT ON TOP OF (E) GARAGE  
 FRONTING ON CORBETT AVENUE  
 SAN FRANCISCO, CALIF.

ANDY FORREST, P.E.  
 ARCHITECT

DATE: 07/15/2011

SCALE: AS SHOWN

NO. 17TH STREET

PROJECT NO. 1111

17TH STREET

A-2