



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: FEBRUARY 16, 2017

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: February 6, 2017
Case No.: **2013.1705DDDD/VAR**
Project Address: **659-661 Guerrero Street**
Permit Application: 2013.03.26.3083
Zoning: RTO-M [Residential Transit Oriented - Mission]
45-X Height and Bulk District
Block/Lot: 3588/056
Project Sponsor: Serina Calhoun
Syncopated Architecture
657 Fillmore Street
San Francisco, CA 94117
Staff Contact: Jeffrey Speirs – (415) 575-9106
jeffrey.speirs@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

PROJECT DESCRIPTION

The Request is for a Discretionary Review of Building Permit Application No. 2013.03.26.3083, which proposes the addition of two dwelling units, and the construction of a vertical addition with roof deck, a rear exterior stair, and interior renovations to an existing three-story two-family residence. The proposed fourth floor addition would be setback from the front wall by 9 feet, and 3 feet 6 inches from the rear wall. Overall, with the new vertical addition, the subject building would measure 36 feet 9 inches in height. The rear exterior stairs are proposed from grade up to the fourth floor, extending approximately 9 feet into the rear yard with a northern side setback of 5 feet. In addition, the project is requesting a Variance from the Zoning Administrator to address the Planning Code requirements for rear yard and dwelling unit exposure (Planning Code Sections 134 and 140).

SITE DESCRIPTION AND PRESENT USE

659-661 Guerrero Street is located on the west side of the subject block between 18th and 19th Streets. The subject lot has 25 feet of frontage along Guerrero Street with a lot depth of approximately 92 feet, and is currently developed with a three-story, two-family residence. The property is located in the RTO-M (Residential Transit Oriented - Mission) Zoning District with a 45-X Height and Bulk District.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the Mission neighborhood, which is generally considered to be bordered by 13th Street to the north, Cesar Chavez Street to the south, Highway 101 to the east, and Dolores Street to the west. 659-661 Guerrero Street is located on a block that is located in the RTO-M Zoning District to the west, and directly across the Guerrero Street from the RH-3 Zoning District. The residences on the subject block between 18th and 19th streets are predominantly defined by two-family dwellings, with a range of single-family to nineteen-family dwellings, constructed between 1910 and 1960

in a mix of architectural styles. Building heights are generally two to four stories, with most buildings having raised entrances to the second level. They are modest structures with restrained levels of ornamentation. The adjacent property to the north is improved with a three-story two-family dwelling that was constructed in 1909, while the adjacent property to the south is improved with a two-story single-family dwelling constructed in 1941. On the west side of Guerrero Street, the architectural style is also mixed, predominately three to four stories in height, with a mix of dwelling densities.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	October 8, 2013 – November 7, 2013	November 4, 2013	February 16, 2017	3 years, 3 months, and 12 days
311 Notice #2	10 days	February 3, 2017 – February 13, 2017			

Since the original public notice occurred three years ago, the Zoning Administrator determined that an additional 10-day public notice would be required.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	February 6, 2017	February 6, 2017	10 days
Mailed Notice	10 days	February 6, 2017	February 6, 2017	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	0	0

DR REQUESTOR

DR Requestor 1: Paul Hertzmann and Susan Herzig, whom reside at 58 Linda Street.
DR Requestor 2: Harold and Barbara Klingsporn, whom reside at 653 Guerrero Street.
DR Requestor 3: Joshua An Susan Chen, whom reside at 655 Guerrero Street.
DR Requestor 4: Mark and Barbara Allen, whom reside at 649-651 Guerrero Street.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Applications*, dated November 7, 2013.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated February 2, 2017.

ENVIRONMENTAL REVIEW

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

RESIDENTIAL DESIGN TEAM REVIEW

As the project was revised to include a rear exterior stair, the Residential Design Team (RDT) recommends the rear stair be set back from the northern property line an additional 2-feet (for a total of 5-feet) to eliminate the need for a fire-rated wall and to minimize light and privacy impacts to the northern neighbor. RDT finds the height and depth of the proposed project is compatible with the existing building scale and will not create a negative impact to the mid-block open space or result in substantial light and privacy impacts to the adjacent properties. RDT does not find any exceptional or extraordinary circumstances and recommends the Commission approve the project as currently proposed.

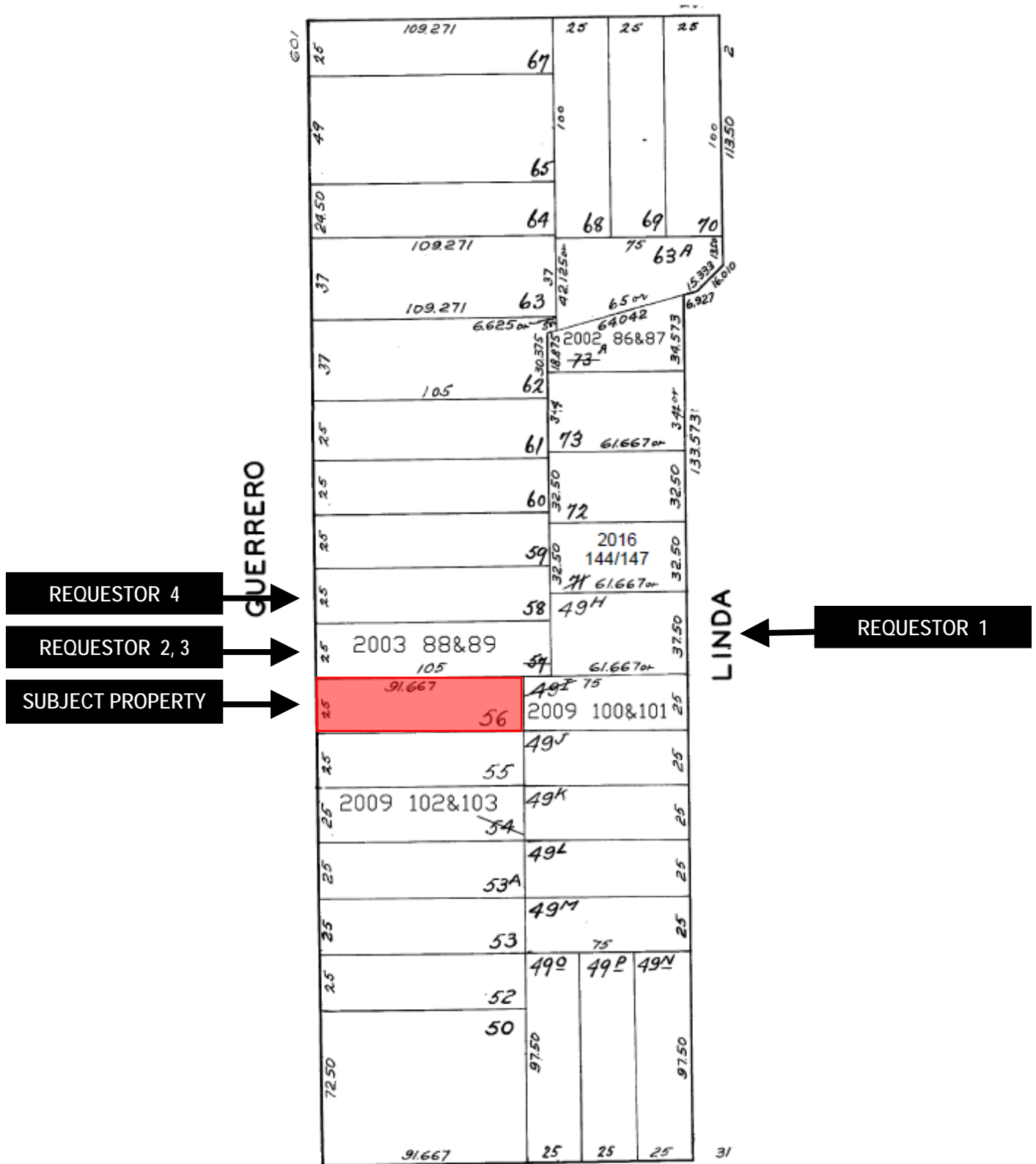
RECOMMENDATION:	Do not take DR and approve project as proposed
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Attachments:

Block Book Map
Sanborn Map
Zoning Map
Height & Bulk Map
Aerial Photographs
Context Photographs
Section 311 Notice
DR Application
Response to DR Application dated February 6, 2017
Reduced Plans

JS: G:\Documents\DRs\659-661 Guerrero Street\DR Analysis - Abbreviated.doc

Parcel Map



Discretionary Review Hearing
 February 16, 2017
 Case Number 2013.1705DDDD/VAR
 659-661 Guerrero Street

REQUESTOR 1



SAN FRANCISCO
PLANNING DEPARTMENT

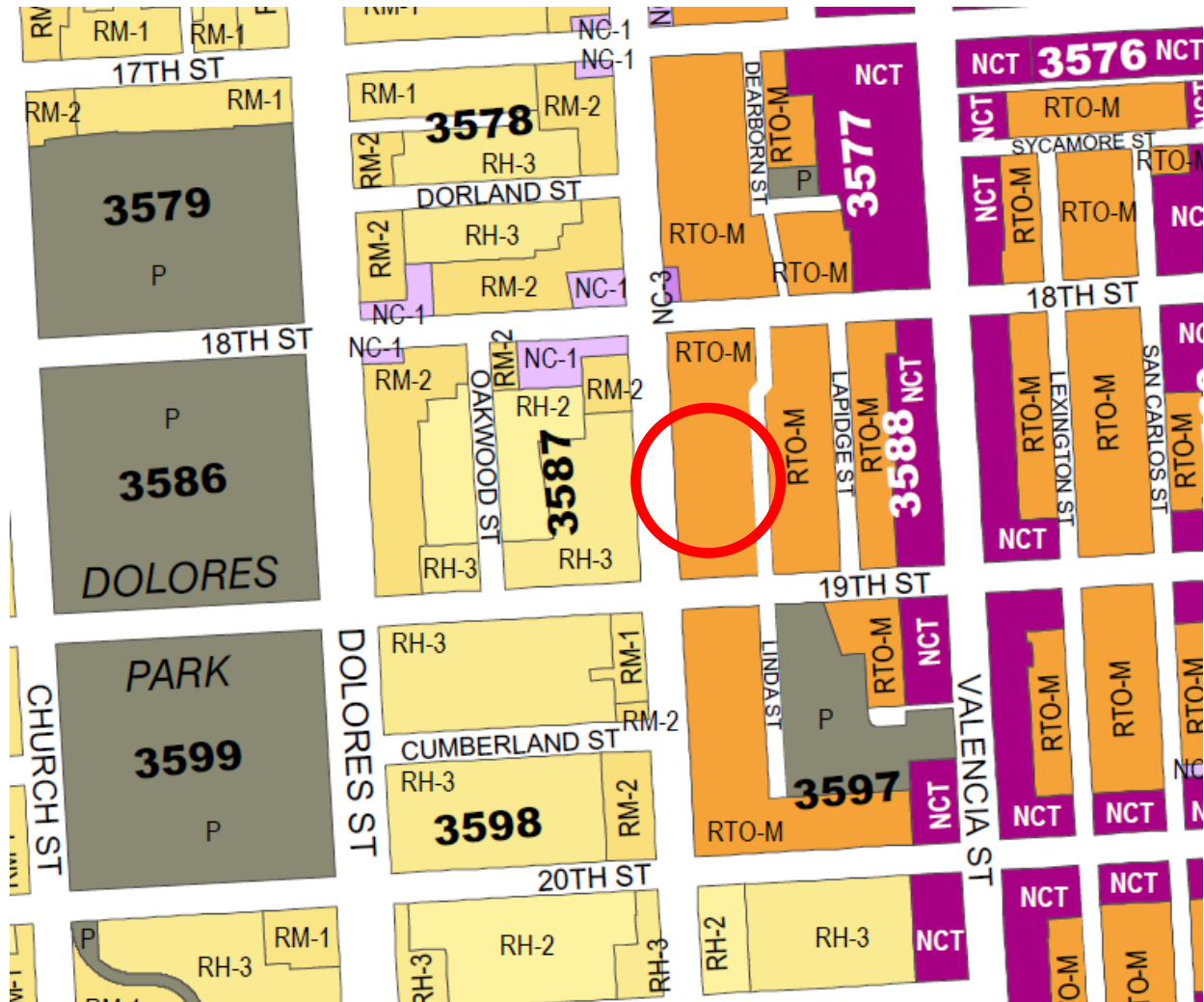
Aerial Photo



Aerial Photo



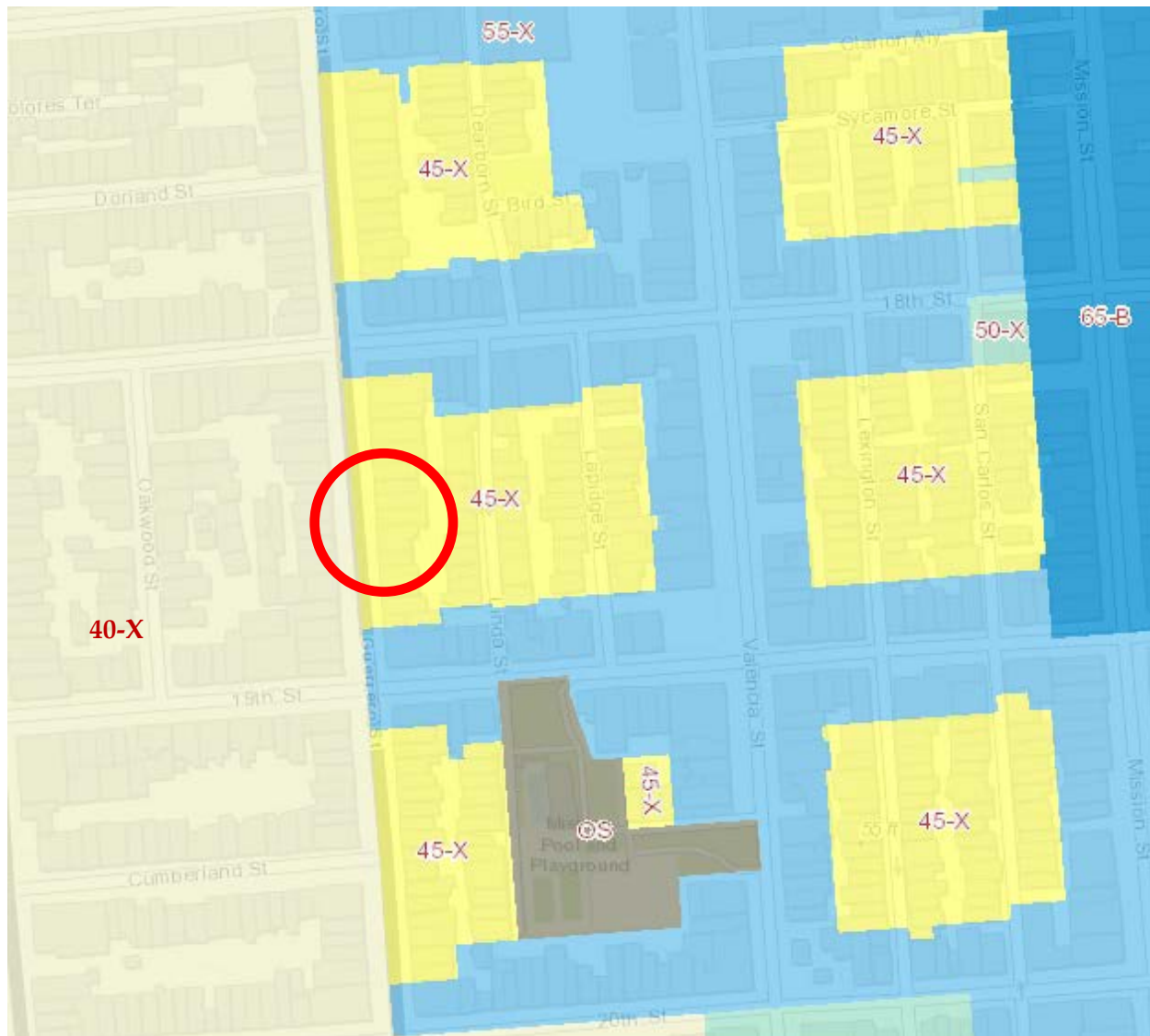
Zoning Map



Discretionary Review Hearing
February 16, 2017

Case Number 2013.1705DDDD/VAR
659-661 Guerrero Street

Height & Bulk Map



Site Photo



SUBJECT PROPERTY



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **March 26, 2013** the Applicant named below filed Building Permit Application No. **2013.0326.3083** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	659-661 Guerrero Street	Applicant:	Serina Calhoun
Cross Street(s):	18th and 19th Streets	Address:	657 Fillmore Street
Block/Lot No.:	3588/056	City, State:	San Francisco, CA 94117
Zoning District(s):	RTO-M 45X	Telephone:	(415) 558-9843

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the **10-day review period**, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Two-family Dwelling	Four-family Dwelling
Front Setback	0 feet	No change
Side Setbacks	0 feet	No change
Building Depth	+/- 54 feet	+/- 67 feet
Rear Yard	+/- 37 feet	+/- 25 feet to rear stairs
Building Height	+/- 27 feet	+/- 37 feet
Number of Stories	Three Stories	Four Stories
Number of Dwelling Units	2	4
Number of Parking Spaces	2	1
PROJECT DESCRIPTION		
A 10-Day Notice for the revised Project at 659-661 Guerrero Street. The Project proposes to add a 4th story to an existing 3-story two-family residential building, with interior alterations to create a total of 4 dwelling units. The vertical addition is set back an average of nine feet from the front façade, and includes a roof deck. Proposed work includes interior alterations on all existing floors as well as the removal of single parking space for the expansion of the bottom unit. In addition, rear exterior stairs to all levels are proposed. The proposed project will require a Variance Hearing which will be held jointly with the Discretionary Review Hearing, which is tentatively scheduled for February 16, 2017, as case numbers 2013.1705DRP and 2013.1705VAR. See attached plans. The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.		

For more information, please contact Planning Department staff:

Planner: Jeffrey Speirs
Telephone: (415) 575-9106
E-mail: jeffrey.speirs@sfgov.org

Notice Date: 2/3/17
Expiration Date: 2/13/17

GENERAL INFORMATION ABOUT PROCEDURES

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

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

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org. You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Paul Hertzmann and Susan Herzig		
DR APPLICANT'S ADDRESS: 58 Linda Street	ZIP CODE: 94110	TELEPHONE: (415) 956-8100
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Vigyan Ahirwar		
ADDRESS: 659 Guerrero Street	ZIP CODE: 94110	TELEPHONE: (415) 617-5479
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Lincoln Lue/Lincoln Lue Associates		
ADDRESS: 1567 33rd Avenue	ZIP CODE: 94122	TELEPHONE: (415) 665-5623
E-MAIL ADDRESS: llaarchitects@yahoo.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 659-661 Guerrero Street		ZIP CODE: 94110		
CROSS STREETS: 18th and 19th Streets				
ASSESSORS BLOCK/LOT: 3588 /056	LOT DIMENSIONS: ~ 25' x 91'	LOT AREA (SQ FT): ~ 2,291	ZONING DISTRICT: RTO-M	HEIGHT/BULK DISTRICT: 45X

3. Project Description

Please check all that apply

Change of Use ☒ Change of Hours ☐ New Construction ☐ Alterations ☒ Demolition ☐ Other ☐Additions to Building: Rear ☐ Front ☐ Height ☒ Side Yard ☐

Residential

Present or Previous Use:

Proposed Use: Residential

Building Permit Application No. 2013.0326.3083

Date Filed: March 26, 2013

RECEIVED

NOV 07 2013

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PIC

4. Actions Prior to a Discretionary Review Request

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

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

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

The Requestors have expressed their concerns to the owner and asked for sensible modifications to the proposed project. The owner appears uninterested in making changes to address the neighborhood's concerns. His architect even stated, "The owner at this point does not want to give anything up." Nevertheless, we remain open to working with the owner to find an agreeable solution.

Discretionary Review Request

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

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

Please see attached.

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

Please see attached.

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

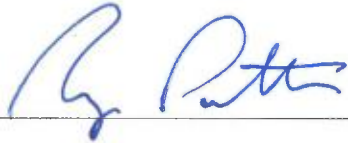
Please see attached.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: _____



Date: _____

11/7/13

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

Ryan J. Patterson, Esq.Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

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

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Covenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/>

NOTES:

- ☐ Required Material.
☒ Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Project Address: 659-661 Guerrero Street

Project Description: “The proposal is [to] add a 4th story to an existing 3-story two-family residential building, creating a third residential unit. The vertical addition includes a roof deck and new interior stairs. Proposed work includes interior alterations all existing floors as well as the removal of single parking space for the expansion of the bottom unit. In addition the second floor deck will be enlarged horizontally.”

DR Requestors: Susan Chen (655 Guerrero St.), Joshua Chan (655 Guerrero St.), Barbara Allen (649-51 Guerrero St.), Mark Allen (649-51 Guerrero St.), Susan Herzig (58 Linda St.), Paul Hertzmann (58 Linda St.), Barbara Klingsporn (653 Guerrero St.), and Harold Klingsporn (653 Guerrero St.) – neighbors who live directly adjacent to and behind the proposed project – respectfully request that the Planning Commission exercise its discretion to review and deny the subject application. These Requestors have lived in the neighborhood for up to 30 years, and they will be unreasonably – and unnecessarily – impacted by the proposed project.

1. Exceptional and Extraordinary Circumstances:

The proposed project includes the addition of a fourth story, a large fifth-floor party deck, and an unnecessary stair penthouse. The adjoining buildings are two- and three-story buildings. The proposed project is out of scale with the neighborhood and will have significant adverse effects, as discussed below. The application should be denied for a number of reasons:

The Building Code prohibits the project from being built as proposed:

- Type V wood-framed buildings with sprinkler systems are limited to four stories. (2010 Building Code, Table 503.) The Applicant proposes to add a fourth story *plus* a habitable fifth-floor deck, which is counted as a fifth story. (2010 Building Code, Section 1021.1.) Therefore, the proposed project would exceed the legal limit and cannot be built.
- Since the Building Code prohibits the construction of a fifth-floor habitable roof deck on this building, the stair penthouse should be eliminated in favor of one of the Guidelines’ preferred alternatives: a roof hatch, a court with stairs, or external stairs. The Building Code does not require a stair penthouse. (2010 Building Code, Section 1009.13.) Adding an additional eight feet of vertical mass to the top of this project with a stair penthouse is unnecessary and detrimental to the neighborhood.
- The proposed fourth story relies on the extension of two side-by-side stairwells to provide required egress. However, the exit doorways to these stairwells are closer together than the required “one-third of the length of the maximum overall diagonal dimension of the area served.” (2010 Building Code, Section 1015.2.1.)

The proposed project conflicts with the General Plan:

- Urban Design Policy 4.15: Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

- The proposed project is 1-2 stories taller than the adjacent buildings, resulting in significant massing and shading impacts. The neighboring buildings are predominantly modest two-unit, three-story buildings. This is a massive enlargement above the adjacent and neighboring buildings.
 - The creation of a large rooftop party deck, including an elevated hot tub, will cause a loss of privacy for the neighboring properties and will lead to significant noise in a residential setting.
- Urban Design Policy 4.12: Install, promote and maintain landscaping in public and private areas.
 - The proposed project's unnecessary height and massing will shade the common rear-yard open space, where neighbors' gardens and landscaping are flourishing under established light conditions.
 - Environmental Protection Policy 16.1: Develop land use policies that will encourage the use of renewable energy sources.
 - The proposed project will shade its neighbors' properties. The neighbors are evaluating the installation of solar panel systems, which would be rendered unfeasible if the project were built as proposed.
 - The proposed project's shading would also interfere with neighbors' passive solar heating.

The proposed project conflicts with the Planning Code's Priority Policies:

- Priority Policy 2: That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.
 - The proposed project would replace an appropriately sized home with a five-level apartment building that is out of character with the neighborhood.
- Priority Policy 4: That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.
 - The proposed project will simultaneously remove off-street parking while adding additional occupants. This will add a greater burden to the neighborhood's already overburdened street parking.
 - Based on the square footage (4,752 sq. ft.), the proposed project will have an occupancy load of 27 people with only two off-street parking spaces. Where will those people park?

The proposed project conflicts with the Planning Code's Purposes:

- Planning Code Section 101: This City Planning Code is adopted . . . for the following more particularly specified purposes: (c) To provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers.
 - The proposed project will reduce the light, air, and privacy available to neighboring properties.

The proposed project conflicts with the Residential Design Guidelines:

- Guideline: Design the scale of the building to be compatible with the height and depth of surrounding buildings.

- The proposed mid-block project is incompatible with the height of its surrounding buildings – up to two stories taller – which will cause the surrounding buildings to be shaded.
- Guideline: Design the height and depth of the building to be compatible with the existing building scale at the street.
 - The proposed project is incompatible with the existing building scale at the street, which will have significant massing impacts.
- Guideline: Design stair penthouses to minimize their visibility from the street.
 - As the Guidelines state, “Stair penthouses may also be entirely eliminated through the use of roof hatches, courts with stairs, or exterior rear stairs to the roof.” The stair penthouse in this proposal is unnecessary and a source of major adverse impacts on the neighborhood. It should be eliminated.

2. Unreasonable Adverse Impacts:

The Requestors and other nearby neighbors will be unreasonably impacted by the project as currently proposed.

- Joshua Chan and Susan Chen: 655 Guerrero Street
 - The Chan-Chen family comprises three generations, including a grandmother, a toddler, and a five-month-old infant.
 - The property’s light well is located immediately adjacent to the project. This light well is the sole, required source of light and air for the family’s two bedrooms. The project does not propose to match the light well.
 - The project’s proposed fourth-story addition and stair penthouse will significantly reduce the amount of light and air entering the light well.
 - Additionally, construction noise and debris particles *will* enter through the light well, and they will have a serious impact on the health of the family’s infant and toddler.
 - The property’s well-established garden lies directly northeast of the project and will be shaded by the proposed vertical addition. A solar system for the property will likewise be rendered unfeasible by the project’s shade impacts.
- Harold and Barbara Klingsporn: 653 Guerrero Street
 - The Klingsporn property’s light well is located immediately adjacent to the project. The project does not propose to match the light well, and the project’s stair penthouse would significantly reduce the amount of light in rooms that rely on the light well.
 - The property’s garden would be shaded by the proposed project. This garden contains a Meyer lemon tree and other prized plantings that are thriving in the established light conditions.
 - An anticipated solar panel system will be rendered unfeasible by the proposed project’s unnecessary shading.
- Mark and Barbara Allen: 649-651 Guerrero Street
 - The Allen family comprises three generations, including grandparents and an 18-month-old toddler.

- The Allen property is located two doors north of the project. It will experience significant massing impacts, as lines of sight from its living room, dining room, kitchen, and roof windows will be almost completely blocked by the proposed fourth story and stair penthouse. This massing is unnecessary and could be easily reduced.
 - The property will also experience a loss of sunlight due to the project's proposed vertical addition.
 - Construction noise and debris particles are likely to enter the home, and they will have a serious impact on the health of the family's 18-month-old.
- Paul Hertzmann and Susan Herzig: 58 Linda Street
 - The Hertzmann-Herzig property is located to the east of the project. Its home office, used daily by residents for more than 25 years, faces the project.
 - The property's garden will be shaded by the project's proposed vertical addition. This garden relies on established light conditions.
 - The property's passive solar heating will be diminished by the project's shade impacts.

3. Alternatives and Changes:

As discussed above, the Building Code prohibits this project from being built as proposed. Regardless of the Building Code, several changes are necessary to preserve the neighborhood's character and livability:

1. The proposed fourth-story vertical addition, fifth-floor rooftop party deck, and stair penthouse must be removed from the project to mitigate shade, privacy, and massing impacts.
2. To protect the toddler, infant, and grandmother living immediately adjacent to the project, construction hours must be limited and strict noise and dust controls must be implemented.
3. The elevated rooftop hot tub should be removed to reduce noise and privacy impacts.

Thank you for your consideration.

Ryan Patterson

From: Herzig Susan <susan@hertzmann.net>
Sent: Tuesday, November 05, 2013 7:07 PM
To: Ryan Patterson
Subject: authorization for DR applicationn

Follow Up Flag: Follow up
Flag Status: Flagged

Ryan J. Patterson
Attorney
Zacks & Freedman, P.C.
235 Montgomery Street, Suite 400
San Francisco, CA 94104

Dear Ryan,

We hereby authorize Zacks & Freedman, P.C./Ryan J. Patterson, Esq., as our agent to submit a discretionary review application on our behalf.

Sincerely,

Susan Herzig

Paul Hertzmann

Susan Herzig
Paul M. Hertzmann
P.O. Box 40447
San Francisco, CA 94140
Tele: 415-626-2677
susan@hertzmann.net
www.hertzmann.net

13-170501

BLOCK	LOT	OWNER	OADDR	CITY	STATE	ZIP
0001	001	RADIUS SERVICES NO. 3588056T	659-61 GUERRERO ST	ZACKSFREE	13	1029
0001	002	*****	*****	*****	*****	*****
0001	003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001	004	ZACKS & FREEDMAN	235 MONTGOMERY ST #400	SAN FRANCISCO	CA	94104
0001	005	*****	*****	*****	*****	*****
3587	008A	DANIEL GUNDLACH	650 GUERRERO ST	SAN FRANCISCO	CA	94110-1528
3587	008A	OCCUPANT	648 GUERRERO ST	SAN FRANCISCO	CA	94110-1528
3587	008A	OCCUPANT	650 GUERRERO ST	SAN FRANCISCO	CA	94110-1528
3587	008A	OCCUPANT	650A GUERRERO ST	SAN FRANCISCO	CA	94110-1528
3587	008A	OCCUPANT	650B GUERRERO ST	SAN FRANCISCO	CA	94110-1528
3587	009	ROGER & TRACY BECKER	1400 SAN JOSE AV	ALAMEDA	CA	94501-4044
3587	009	OCCUPANT	652 GUERRERO ST	SAN FRANCISCO	CA	94110-1528
3587	009	OCCUPANT	654 GUERRERO ST	SAN FRANCISCO	CA	94110-1528
3587	009	OCCUPANT	654A GUERRERO ST	SAN FRANCISCO	CA	94110-1528
3587	010	WONG & LEE TRS	664A GUERRERO ST	SAN FRANCISCO	CA	94110-1563
3587	010	OCCUPANT	660 GUERRERO ST	SAN FRANCISCO	CA	94110-1563
3587	010	OCCUPANT	662A GUERRERO ST	SAN FRANCISCO	CA	94110-1563
3587	010	OCCUPANT	662B GUERRERO ST	SAN FRANCISCO	CA	94110-1563
3587	010	OCCUPANT	664 GUERRERO ST	SAN FRANCISCO	CA	94110-1563
3587	010	OCCUPANT	664A GUERRERO ST	SAN FRANCISCO	CA	94110-1563
3587	010	OCCUPANT	666 GUERRERO ST	SAN FRANCISCO	CA	94110-1563
3588	049J	BRIAN VIGIL	1340 SEQUOIA CT	PARADISE	CA	95969-2664
3588	049J	OCCUPANT	64 LINDA ST	SAN FRANCISCO	CA	94110-1616
3588	049J	OCCUPANT	66 LINDA ST	SAN FRANCISCO	CA	94110-1616
3588	055	JUNE TONG	663 GUERRERO ST	SAN FRANCISCO	CA	94110-1527
3588	056	VIGYAN AHIRWAR	659 GUERRERO ST	SAN FRANCISCO	CA	94110-1527
3588	056	OCCUPANT	661 GUERRERO ST	SAN FRANCISCO	CA	94110-1527
3588	088	KLINGSPORN TRS	653 GUERRERO ST	SAN FRANCISCO	CA	94110-1527
3588	089	CHAN & CHEN	655 GUERRERO ST	SAN FRANCISCO	CA	94110-1527
3588	100	TIMOTHY AWAD	60 LINDA ST	SAN FRANCISCO	CA	94110-1616
3588	101	BRIAN INGLESBY	62 LINDA ST	SAN FRANCISCO	CA	94110-1616
9999	999	*****	*****	*****	*****	*****



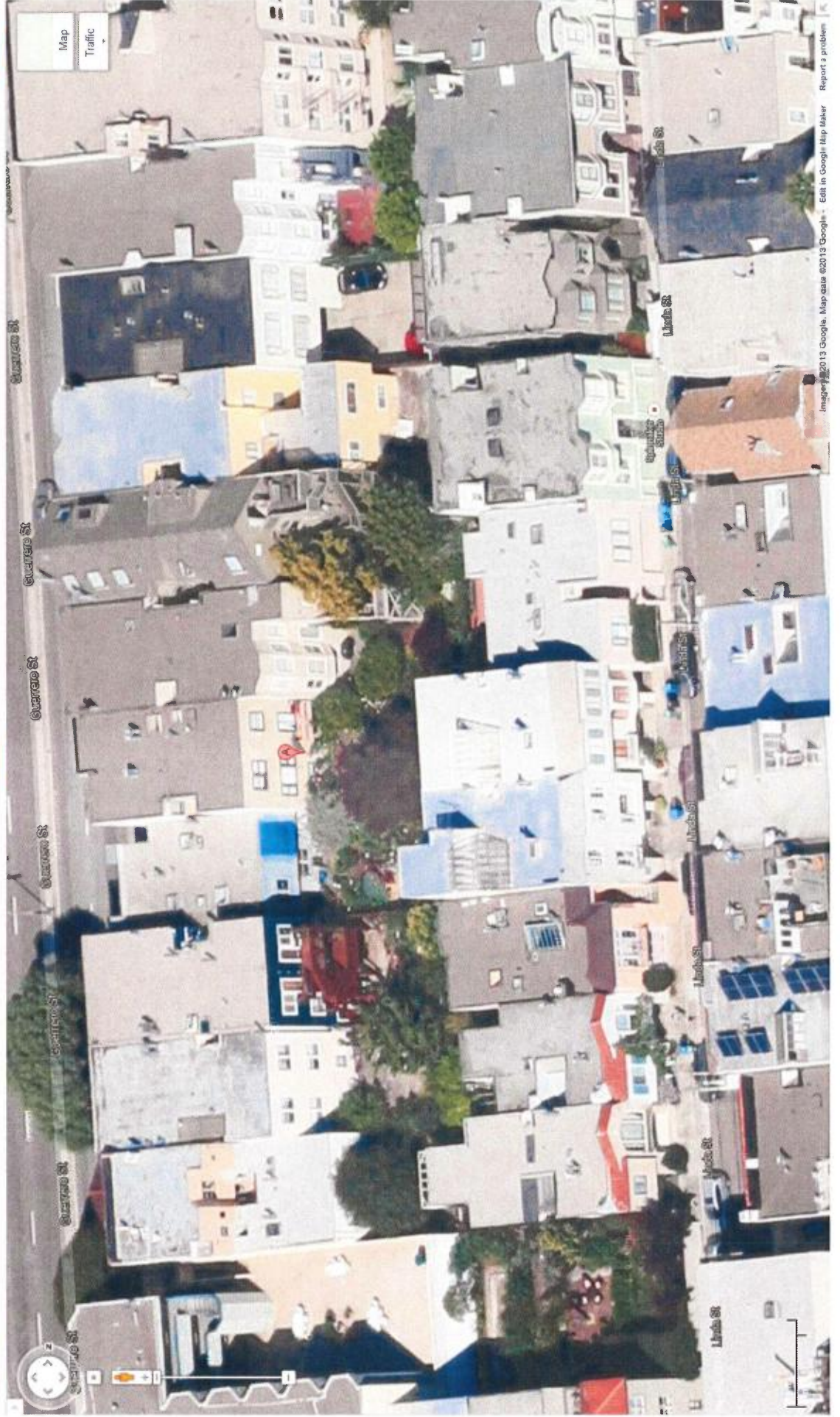
13.1705D



659-661 Guerrero Street

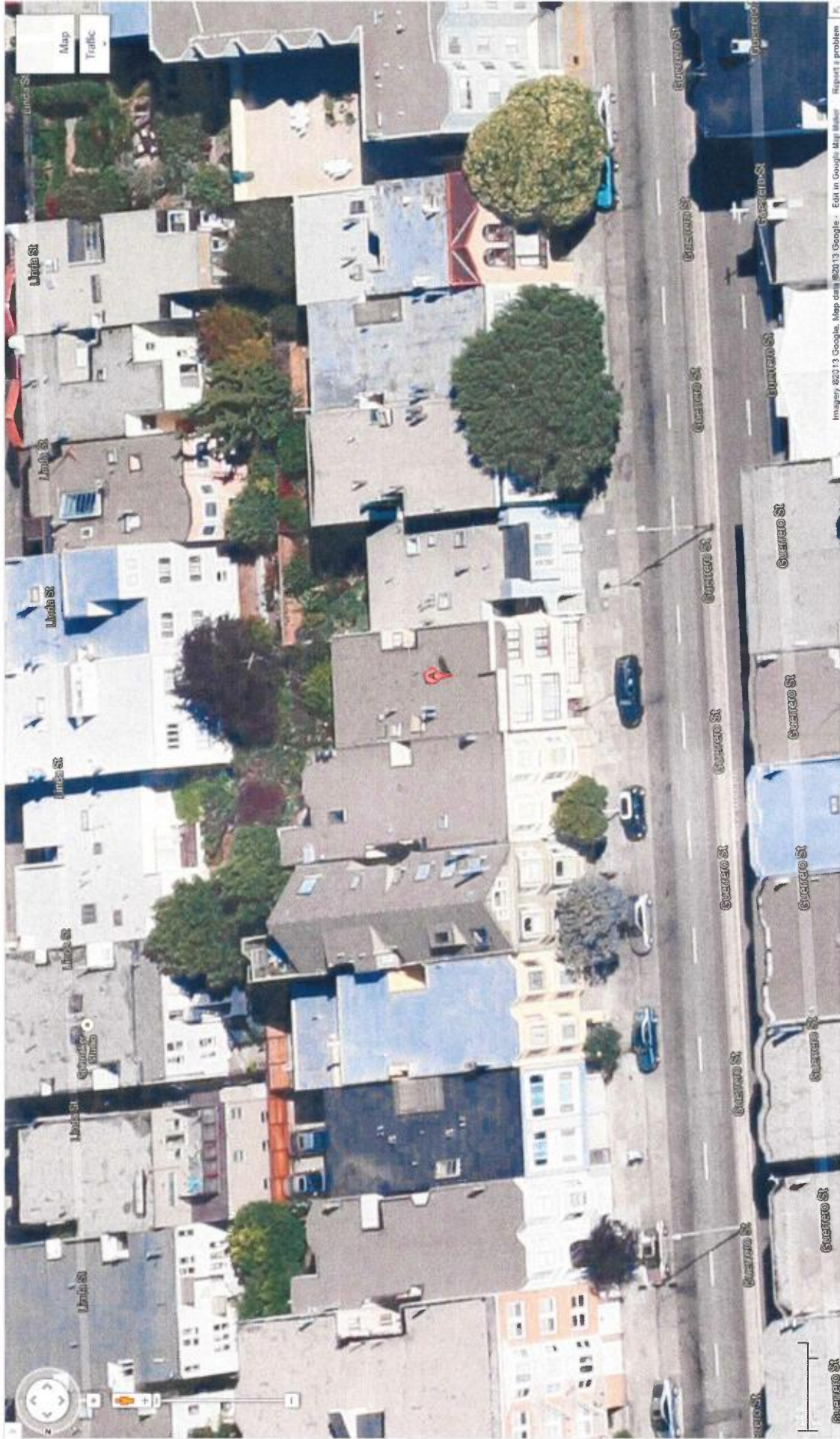


Sign in



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13-1705D



13.17050

13-17050

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Harold and Barbara Klingsporn		
DR APPLICANT'S ADDRESS: 653 Guerrero Street	ZIP CODE: 94110	TELEPHONE: (415)956-8100
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Vigyan Ahirwar		
ADDRESS: 659 Guerrero Street	ZIP CODE: 94110	TELEPHONE: (415) 617-5479
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Lincoln Lue/Lincoln Lue Associates		
ADDRESS: 1567 33rd Avenue	ZIP CODE: 94122	TELEPHONE: (415) 665-5623
E-MAIL ADDRESS: llaarchitects@yahoo.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 659-661 Guerrero Street		ZIP CODE: 94110		
CROSS STREETS: 18th and 19th Streets				
ASSESSORS BLOCK/LOT: 3588 /056	LOT DIMENSIONS: ~ 25' x 91'	LOT AREA (SQ FT): ~ 2,291	ZONING DISTRICT: RTO-M	HEIGHT/BULK DISTRICT: 45X

3. Project Description

Please check all that apply

Change of Use ☒ Change of Hours ☐ New Construction ☐ Alterations ☒ Demolition ☐ Other ☐Additions to Building: Rear ☐ Front ☐ Height ☒ Side Yard ☐

Residential

Present or Previous Use:

Proposed Use: Residential

Building Permit Application No. 2013.0326.3083

Date Filed: March 26, 2013

RECEIVED

NOV 07 2013

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P10

4. Actions Prior to a Discretionary Review Request

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

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

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

The Requestors have expressed their concerns to the owner and asked for sensible modifications to the proposed project. The owner appears uninterested in making changes to address the neighborhood's concerns. His architect even stated, "The owner at this point does not want to give anything up." Nevertheless, we remain open to working with the owner to find an agreeable solution.

Discretionary Review Request

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

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

Please see attached.

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

Please see attached.

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

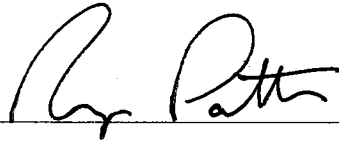
Please see attached.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: _____



Date: _____

11/7/13

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

Ryan J. Patterson, Esq.Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

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

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Covenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/>

NOTES:

☐ Required Material.

☒ Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Project Address: 659-661 Guerrero Street

Project Description: "The proposal is [to] add a 4th story to an existing 3-story two-family residential building, creating a third residential unit. The vertical addition includes a roof deck and new interior stairs. Proposed work includes interior alterations all existing floors as well as the removal of single parking space for the expansion of the bottom unit. In addition the second floor deck will be enlarged horizontally."

DR Requestors: Susan Chen (655 Guerrero St.), Joshua Chan (655 Guerrero St.), Barbara Allen (649-51 Guerrero St.), Mark Allen (649-51 Guerrero St.), Susan Herzig (58 Linda St.), Paul Hertzmann (58 Linda St.), Barbara Klingsporn (653 Guerrero St.), and Harold Klingsporn (653 Guerrero St.) – neighbors who live directly adjacent to and behind the proposed project – respectfully request that the Planning Commission exercise its discretion to review and deny the subject application. These Requestors have lived in the neighborhood for up to 30 years, and they will be unreasonably – and unnecessarily – impacted by the proposed project.

1. Exceptional and Extraordinary Circumstances:

The proposed project includes the addition of a fourth story, a large fifth-floor party deck, and an unnecessary stair penthouse. The adjoining buildings are two- and three-story buildings. The proposed project is out of scale with the neighborhood and will have significant adverse effects, as discussed below. The application should be denied for a number of reasons:

The Building Code prohibits the project from being built as proposed:

- Type V wood-framed buildings with sprinkler systems are limited to four stories. (2010 Building Code, Table 503.) The Applicant proposes to add a fourth story *plus* a habitable fifth-floor deck, which is counted as a fifth story. (2010 Building Code, Section 1021.1.) Therefore, the proposed project would exceed the legal limit and cannot be built.
- Since the Building Code prohibits the construction of a fifth-floor habitable roof deck on this building, the stair penthouse should be eliminated in favor of one of the Guidelines' preferred alternatives: a roof hatch, a court with stairs, or external stairs. The Building Code does not require a stair penthouse. (2010 Building Code, Section 1009.13.) Adding an additional eight feet of vertical mass to the top of this project with a stair penthouse is unnecessary and detrimental to the neighborhood.
- The proposed fourth story relies on the extension of two side-by-side stairwells to provide required egress. However, the exit doorways to these stairwells are closer together than the required "one-third of the length of the maximum overall diagonal dimension of the area served." (2010 Building Code, Section 1015.2.1.)

The proposed project conflicts with the General Plan:

- Urban Design Policy 4.15: Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

- The proposed project is 1-2 stories taller than the adjacent buildings, resulting in significant massing and shading impacts. The neighboring buildings are predominantly modest two-unit, three-story buildings. This is a massive enlargement above the adjacent and neighboring buildings.
- The creation of a large rooftop party deck, including an elevated hot tub, will cause a loss of privacy for the neighboring properties and will lead to significant noise in a residential setting.
- Urban Design Policy 4.12: Install, promote and maintain landscaping in public and private areas.
 - The proposed project's unnecessary height and massing will shade the common rear-yard open space, where neighbors' gardens and landscaping are flourishing under established light conditions.
- Environmental Protection Policy 16.1: Develop land use policies that will encourage the use of renewable energy sources.
 - The proposed project will shade its neighbors' properties. The neighbors are evaluating the installation of solar panel systems, which would be rendered unfeasible if the project were built as proposed.
 - The proposed project's shading would also interfere with neighbors' passive solar heating.

The proposed project conflicts with the Planning Code's Priority Policies:

- Priority Policy 2: That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.
 - The proposed project would replace an appropriately sized home with a five-level apartment building that is out of character with the neighborhood.
- Priority Policy 4: That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.
 - The proposed project will simultaneously remove off-street parking while adding additional occupants. This will add a greater burden to the neighborhood's already overburdened street parking.
 - Based on the square footage (4,752 sq. ft.), the proposed project will have an occupancy load of 27 people with only two off-street parking spaces. Where will those people park?

The proposed project conflicts with the Planning Code's Purposes:

- Planning Code Section 101: This City Planning Code is adopted . . . for the following more particularly specified purposes: (c) To provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers.
 - The proposed project will reduce the light, air, and privacy available to neighboring properties.

The proposed project conflicts with the Residential Design Guidelines:

- Guideline: Design the scale of the building to be compatible with the height and depth of surrounding buildings.

- The proposed mid-block project is incompatible with the height of its surrounding buildings – up to two stories taller – which will cause the surrounding buildings to be shaded.
- Guideline: Design the height and depth of the building to be compatible with the existing building scale at the street.
 - The proposed project is incompatible with the existing building scale at the street, which will have significant massing impacts.
- Guideline: Design stair penthouses to minimize their visibility from the street.
 - As the Guidelines state, “Stair penthouses may also be entirely eliminated through the use of roof hatches, courts with stairs, or exterior rear stairs to the roof.” The stair penthouse in this proposal is unnecessary and a source of major adverse impacts on the neighborhood. It should be eliminated.

2. Unreasonable Adverse Impacts:

The Requestors and other nearby neighbors will be unreasonably impacted by the project as currently proposed.

- Joshua Chan and Susan Chen: 655 Guerrero Street
 - The Chan-Chen family comprises three generations, including a grandmother, a toddler, and a five-month-old infant.
 - The property’s light well is located immediately adjacent to the project. This light well is the sole, required source of light and air for the family’s two bedrooms. The project does not propose to match the light well.
 - The project’s proposed fourth-story addition and stair penthouse will significantly reduce the amount of light and air entering the light well.
 - Additionally, construction noise and debris particles *will* enter through the light well, and they will have a serious impact on the health of the family’s infant and toddler.
 - The property’s well-established garden lies directly northeast of the project and will be shaded by the proposed vertical addition. A solar system for the property will likewise be rendered unfeasible by the project’s shade impacts.
- Harold and Barbara Klingsporn: 653 Guerrero Street
 - The Klingsporn property’s light well is located immediately adjacent to the project. The project does not propose to match the light well, and the project’s stair penthouse would significantly reduce the amount of light in rooms that rely on the light well.
 - The property’s garden would be shaded by the proposed project. This garden contains a Meyer lemon tree and other prized plantings that are thriving in the established light conditions.
 - An anticipated solar panel system will be rendered unfeasible by the proposed project’s unnecessary shading.
- Mark and Barbara Allen: 649-651 Guerrero Street
 - The Allen family comprises three generations, including grandparents and an 18-month-old toddler.

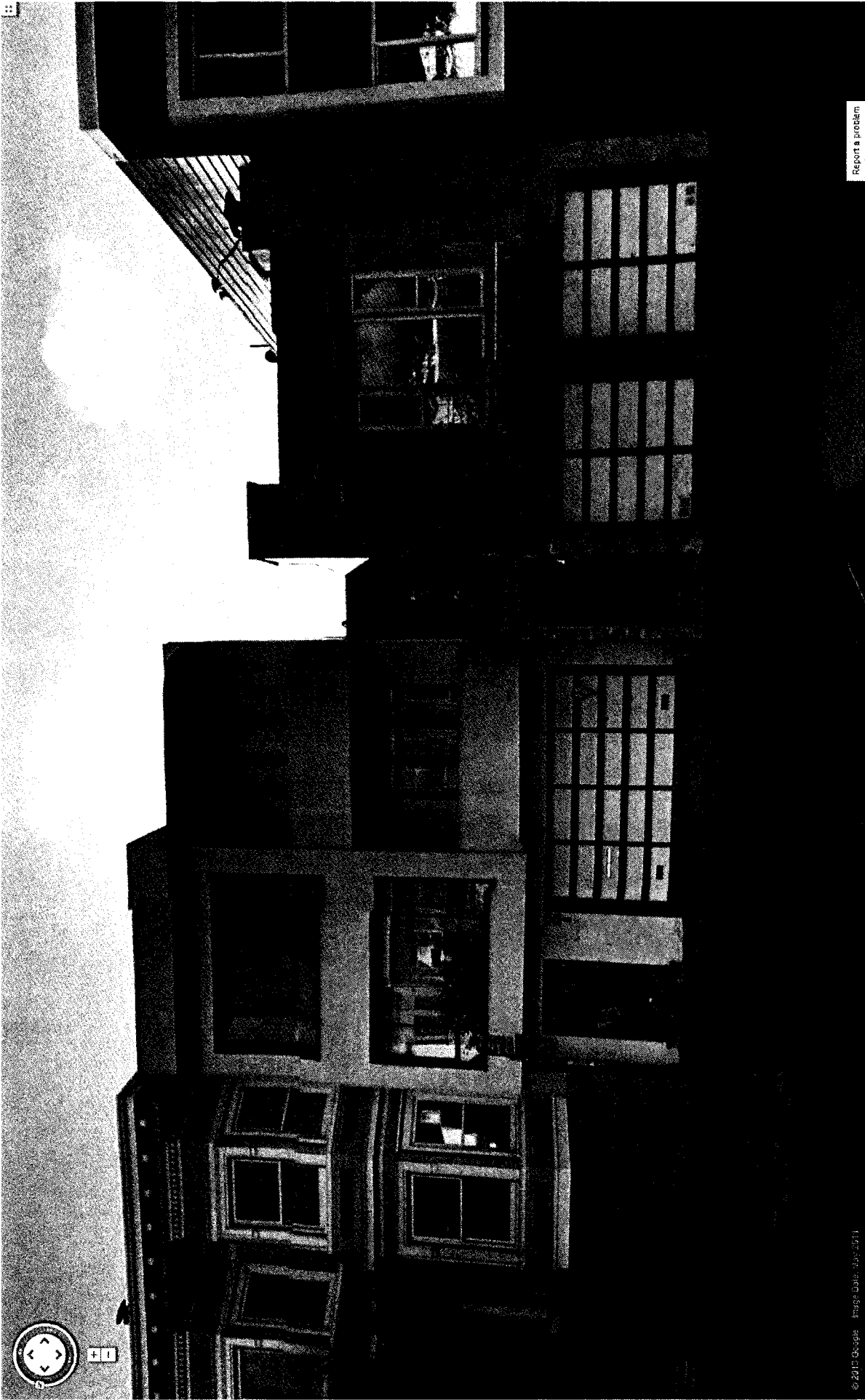
- The Allen property is located two doors north of the project. It will experience significant massing impacts, as lines of sight from its living room, dining room, kitchen, and roof windows will be almost completely blocked by the proposed fourth story and stair penthouse. This massing is unnecessary and could be easily reduced.
 - The property will also experience a loss of sunlight due to the project's proposed vertical addition.
 - Construction noise and debris particles are likely to enter the home, and they will have a serious impact on the health of the family's 18-month-old.
- Paul Hertzmann and Susan Herzig: 58 Linda Street
 - The Hertzmann-Herzig property is located to the east of the project. Its home office, used daily by residents for more than 25 years, faces the project.
 - The property's garden will be shaded by the project's proposed vertical addition. This garden relies on established light conditions.
 - The property's passive solar heating will be diminished by the project's shade impacts.

3. Alternatives and Changes:

As discussed above, the Building Code prohibits this project from being built as proposed. Regardless of the Building Code, several changes are necessary to preserve the neighborhood's character and livability:

1. The proposed fourth-story vertical addition, fifth-floor rooftop party deck, and stair penthouse must be removed from the project to mitigate shade, privacy, and massing impacts.
2. To protect the toddler, infant, and grandmother living immediately adjacent to the project, construction hours must be limited and strict noise and dust controls must be implemented.
3. The elevated rooftop hot tub should be removed to reduce noise and privacy impacts.

Thank you for your consideration.



Report a problem

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Google

659.661 Guerrero Street



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Imagery ©2013 Google, Map data ©2013 Google - Edit in Google Map Maker Report a problem

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Ryan Patterson

From: hak@retrotech.org on behalf of Harold Klingsporn <hal@retrotech.org>
Sent: Tuesday, November 05, 2013 6:24 PM
To: Ryan Patterson
Cc: Susann Hertzig; Paul Hertzmann; Barbara Klingsporn; josh chan; Susan S. Chen; Mark Allen; Barbara Allen

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

We hereby authorize Zacks & Freedman, P.C./Ryan J. Patterson, Esq., as our agent to submit a discretionary review application on our behalf.

Sincerely,

Harold A. Klingsporn
Barbara C. Klingsporn

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Joshua Chan and Susan Chen		
DR APPLICANT'S ADDRESS: 655 Guerrero Street	ZIP CODE: 94110	TELEPHONE: (415) 956-8100
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Vigyan Ahirwar		
ADDRESS: 659 Guerrero Street	ZIP CODE: 94110	TELEPHONE: (415) 617-5479
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Lincoln Lue/Lincoln Lue Associates		
ADDRESS: 1567 33rd Avenue	ZIP CODE: 94122	TELEPHONE: (415) 665-5623
E-MAIL ADDRESS: llaarchitects@yahoo.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 659-661 Guerrero Street		ZIP CODE: 94110		
CROSS STREETS: 18th and 19th Streets				
ASSESSORS BLOCK/LOT: 3588 /056	LOT DIMENSIONS: ~ 25' x 91'	LOT AREA (SQ FT): ~ 2,291	ZONING DISTRICT: RTO-M	HEIGHT/BULK DISTRICT: 45X

3. Project Description

Please check all that apply

Change of Use ☒ Change of Hours ☐ New Construction ☐ Alterations ☒ Demolition ☐ Other ☐Additions to Building: Rear ☐ Front ☐ Height ☒ Side Yard ☐
Residential

Present or Previous Use:

Proposed Use: Residential

Building Permit Application No. 2013.0326.3083

Date Filed: March 26, 2013

RECEIVED

NOV 07 2013

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P10

4. Actions Prior to a Discretionary Review Request

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

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

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Please see attached.

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Please see attached.

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Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
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Signature: _____



Date: _____

11/7/13

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

Ryan J. Patterson, Esq.

Owner / Authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

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

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
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Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
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Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
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Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/>

NOTES:

☐ Required Material.

☒ Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Project Address: 659-661 Guerrero Street

Project Description: “The proposal is [to] add a 4th story to an existing 3-story two-family residential building, creating a third residential unit. The vertical addition includes a roof deck and new interior stairs. Proposed work includes interior alterations all existing floors as well as the removal of single parking space for the expansion of the bottom unit. In addition the second floor deck will be enlarged horizontally.”

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- Since the Building Code prohibits the construction of a fifth-floor habitable roof deck on this building, the stair penthouse should be eliminated in favor of one of the Guidelines’ preferred alternatives: a roof hatch, a court with stairs, or external stairs. The Building Code does not require a stair penthouse. (2010 Building Code, Section 1009.13.) Adding an additional eight feet of vertical mass to the top of this project with a stair penthouse is unnecessary and detrimental to the neighborhood.
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The proposed project conflicts with the General Plan:

- Urban Design Policy 4.15: Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

- The proposed project is 1-2 stories taller than the adjacent buildings, resulting in significant massing and shading impacts. The neighboring buildings are predominantly modest two-unit, three-story buildings. This is a massive enlargement above the adjacent and neighboring buildings.
- The creation of a large rooftop party deck, including an elevated hot tub, will cause a loss of privacy for the neighboring properties and will lead to significant noise in a residential setting.
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 - The project’s proposed fourth-story addition and stair penthouse will significantly reduce the amount of light and air entering the light well.
 - Additionally, construction noise and debris particles *will* enter through the light well, and they will have a serious impact on the health of the family’s infant and toddler.
 - The property’s well-established garden lies directly northeast of the project and will be shaded by the proposed vertical addition. A solar system for the property will likewise be rendered unfeasible by the project’s shade impacts.
- Harold and Barbara Klingsporn: 653 Guerrero Street
 - The Klingsporn property’s light well is located immediately adjacent to the project. The project does not propose to match the light well, and the project’s stair penthouse would significantly reduce the amount of light in rooms that rely on the light well.
 - The property’s garden would be shaded by the proposed project. This garden contains a Meyer lemon tree and other prized plantings that are thriving in the established light conditions.
 - An anticipated solar panel system will be rendered unfeasible by the proposed project’s unnecessary shading.
- Mark and Barbara Allen: 649-651 Guerrero Street
 - The Allen family comprises three generations, including grandparents and an 18-month-old toddler.

- The Allen property is located two doors north of the project. It will experience significant massing impacts, as lines of sight from its living room, dining room, kitchen, and roof windows will be almost completely blocked by the proposed fourth story and stair penthouse. This massing is unnecessary and could be easily reduced.
 - The property will also experience a loss of sunlight due to the project's proposed vertical addition.
 - Construction noise and debris particles are likely to enter the home, and they will have a serious impact on the health of the family's 18-month-old.
- Paul Hertzmann and Susan Herzig: 58 Linda Street
 - The Hertzmann-Herzig property is located to the east of the project. Its home office, used daily by residents for more than 25 years, faces the project.
 - The property's garden will be shaded by the project's proposed vertical addition. This garden relies on established light conditions.
 - The property's passive solar heating will be diminished by the project's shade impacts.

3. Alternatives and Changes:

As discussed above, the Building Code prohibits this project from being built as proposed. Regardless of the Building Code, several changes are necessary to preserve the neighborhood's character and livability:

1. The proposed fourth-story vertical addition, fifth-floor rooftop party deck, and stair penthouse must be removed from the project to mitigate shade, privacy, and massing impacts.
2. To protect the toddler, infant, and grandmother living immediately adjacent to the project, construction hours must be limited and strict noise and dust controls must be implemented.
3. The elevated rooftop hot tub should be removed to reduce noise and privacy impacts.

Thank you for your consideration.



Report a problem

13.1705D

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Google

659-661 Guerrero Street



Sign in



Map Traffic

13:1705D

Report a problem



13.1705D

Ryan Patterson

From: joshwwchan . <josh.w.ww.chan@gmail.com>
Sent: Tuesday, November 05, 2013 6:49 PM
To: Harold Klingsporn
Cc: Susan Chen; Barbara Allen; Mark Allen; Barbara Klingsporn; Paul Hertzmann; Susann Hertzig; Ryan Patterson
Subject: Re:

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

We hereby authorize Zacks & Freedman, P.C./Ryan J. Patterson, Esq., as our agent to submit a discretionary review application on our behalf.

Sincerely,
Josh Chan and Susan Chen

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: Mark and Barbara Allen		
DR APPLICANT'S ADDRESS: 649-651 Guerrero Street	ZIP CODE: 94110	TELEPHONE: (415) 956-8100
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Vigyan Ahirwar		
ADDRESS: 659 Guerrero Street	ZIP CODE: 94110	TELEPHONE: (415) 617-5479
CONTACT FOR DR APPLICATION: Same as Above <input type="checkbox"/> Lincoln Lue/Lincoln Lue Associates		
ADDRESS: 1567 33rd Avenue	ZIP CODE: 94122	TELEPHONE: (415) 665-5623
E-MAIL ADDRESS: llaarchitects@yahoo.com		

2. Location and Classification

STREET ADDRESS OF PROJECT: 659-661 Guerrero Street		ZIP CODE: 94110		
CROSS STREETS: 18th and 19th Streets				
ASSESSORS BLOCK/LOT: 3588 /056	LOT DIMENSIONS: ~ 25' x 91'	LOT AREA (SQ. FT.): ~ 2,291	ZONING DISTRICT: RTO-M	HEIGHT/BULK DISTRICT: 45X

3. Project Description

Please check all that apply

Change of Use ☒ Change of Hours ☐ New Construction ☐ Alterations ☒ Demolition ☐ Other ☐Additions to Building: Rear ☐ Front ☐ Height ☒ Side Yard ☐

Residential

Present or Previous Use:

Proposed Use: Residential

Building Permit Application No. 2013.0326.3083

Date Filed: March 26, 2013

RECEIVED

NOV 07 2013

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
P10

4. Actions Prior to a Discretionary Review Request

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

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

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

The Requestors have expressed their concerns to the owner and asked for sensible modifications to the proposed project. The owner appears uninterested in making changes to address the neighborhood's concerns. His architect even stated, "The owner at this point does not want to give anything up." Nevertheless, we remain open to working with the owner to find an agreeable solution.

Discretionary Review Request

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

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

Please see attached.

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

Please see attached.

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

Please see attached.

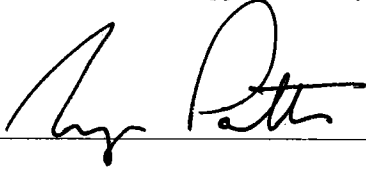
13-1705D

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: _____



Date: _____

11/7/13

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

Ryan J. Patterson, Esq.

Owner / authorized Agent (circle one)

Discretionary Review Application Submittal Checklist

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

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input checked="" type="checkbox"/>
Address labels (original), if applicable	<input checked="" type="checkbox"/>
Address labels (copy of the above), if applicable	<input checked="" type="checkbox"/>
Photocopy of this completed application	<input checked="" type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Covenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input checked="" type="checkbox"/>
Letter of authorization for agent	<input checked="" type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/>

NOTES:

☐ Required Material.☒ Optional Material.☐ Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

Project Address: 659-661 Guerrero Street

Project Description: "The proposal is [to] add a 4th story to an existing 3-story two-family residential building, creating a third residential unit. The vertical addition includes a roof deck and new interior stairs. Proposed work includes interior alterations all existing floors as well as the removal of single parking space for the expansion of the bottom unit. In addition the second floor deck will be enlarged horizontally."

DR Requestors: Susan Chen (655 Guerrero St.), Joshua Chan (655 Guerrero St.), Barbara Allen (649-51 Guerrero St.), Mark Allen (649-51 Guerrero St.), Susan Herzig (58 Linda St.), Paul Hertzmann (58 Linda St.), Barbara Klingsporn (653 Guerrero St.), and Harold Klingsporn (653 Guerrero St.) – neighbors who live directly adjacent to and behind the proposed project – respectfully request that the Planning Commission exercise its discretion to review and deny the subject application. These Requestors have lived in the neighborhood for up to 30 years, and they will be unreasonably – and unnecessarily – impacted by the proposed project.

1. Exceptional and Extraordinary Circumstances:

The proposed project includes the addition of a fourth story, a large fifth-floor party deck, and an unnecessary stair penthouse. The adjoining buildings are two- and three-story buildings. The proposed project is out of scale with the neighborhood and will have significant adverse effects, as discussed below. The application should be denied for a number of reasons:

The Building Code prohibits the project from being built as proposed:

- Type V wood-framed buildings with sprinkler systems are limited to four stories. (2010 Building Code, Table 503.) The Applicant proposes to add a fourth story *plus* a habitable fifth-floor deck, which is counted as a fifth story. (2010 Building Code, Section 1021.1.) Therefore, the proposed project would exceed the legal limit and cannot be built.
- Since the Building Code prohibits the construction of a fifth-floor habitable roof deck on this building, the stair penthouse should be eliminated in favor of one of the Guidelines' preferred alternatives: a roof hatch, a court with stairs, or external stairs. The Building Code does not require a stair penthouse. (2010 Building Code, Section 1009.13.) Adding an additional eight feet of vertical mass to the top of this project with a stair penthouse is unnecessary and detrimental to the neighborhood.
- The proposed fourth story relies on the extension of two side-by-side stairwells to provide required egress. However, the exit doorways to these stairwells are closer together than the required "one-third of the length of the maximum overall diagonal dimension of the area served." (2010 Building Code, Section 1015.2.1.)

The proposed project conflicts with the General Plan:

- Urban Design Policy 4.15: Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

- The proposed project is 1-2 stories taller than the adjacent buildings, resulting in significant massing and shading impacts. The neighboring buildings are predominantly modest two-unit, three-story buildings. This is a massive enlargement above the adjacent and neighboring buildings.
 - The creation of a large rooftop party deck, including an elevated hot tub, will cause a loss of privacy for the neighboring properties and will lead to significant noise in a residential setting.
- Urban Design Policy 4.12: Install, promote and maintain landscaping in public and private areas.
 - The proposed project's unnecessary height and massing will shade the common rear-yard open space, where neighbors' gardens and landscaping are flourishing under established light conditions.
 - Environmental Protection Policy 16.1: Develop land use policies that will encourage the use of renewable energy sources.
 - The proposed project will shade its neighbors' properties. The neighbors are evaluating the installation of solar panel systems, which would be rendered unfeasible if the project were built as proposed.
 - The proposed project's shading would also interfere with neighbors' passive solar heating.

The proposed project conflicts with the Planning Code's Priority Policies:

- Priority Policy 2: That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.
 - The proposed project would replace an appropriately sized home with a five-level apartment building that is out of character with the neighborhood.
- Priority Policy 4: That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.
 - The proposed project will simultaneously remove off-street parking while adding additional occupants. This will add a greater burden to the neighborhood's already overburdened street parking.
 - Based on the square footage (4,752 sq. ft.), the proposed project will have an occupancy load of 27 people with only two off-street parking spaces. Where will those people park?

The proposed project conflicts with the Planning Code's Purposes:

- Planning Code Section 101: This City Planning Code is adopted . . . for the following more particularly specified purposes: (c) To provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers.
 - The proposed project will reduce the light, air, and privacy available to neighboring properties.

The proposed project conflicts with the Residential Design Guidelines:

- Guideline: Design the scale of the building to be compatible with the height and depth of surrounding buildings.

- The proposed mid-block project is incompatible with the height of its surrounding buildings – up to two stories taller – which will cause the surrounding buildings to be shaded.
- Guideline: Design the height and depth of the building to be compatible with the existing building scale at the street.
 - The proposed project is incompatible with the existing building scale at the street, which will have significant massing impacts.
- Guideline: Design stair penthouses to minimize their visibility from the street.
 - As the Guidelines state, “Stair penthouses may also be entirely eliminated through the use of roof hatches, courts with stairs, or exterior rear stairs to the roof.” The stair penthouse in this proposal is unnecessary and a source of major adverse impacts on the neighborhood. It should be eliminated.

2. Unreasonable Adverse Impacts:

The Requestors and other nearby neighbors will be unreasonably impacted by the project as currently proposed.

- Joshua Chan and Susan Chen: 655 Guerrero Street
 - The Chan-Chen family comprises three generations, including a grandmother, a toddler, and a five-month-old infant.
 - The property’s light well is located immediately adjacent to the project. This light well is the sole, required source of light and air for the family’s two bedrooms. The project does not propose to match the light well.
 - The project’s proposed fourth-story addition and stair penthouse will significantly reduce the amount of light and air entering the light well.
 - Additionally, construction noise and debris particles *will* enter through the light well, and they will have a serious impact on the health of the family’s infant and toddler.
 - The property’s well-established garden lies directly northeast of the project and will be shaded by the proposed vertical addition. A solar system for the property will likewise be rendered unfeasible by the project’s shade impacts.
- Harold and Barbara Klingsporn: 653 Guerrero Street
 - The Klingsporn property’s light well is located immediately adjacent to the project. The project does not propose to match the light well, and the project’s stair penthouse would significantly reduce the amount of light in rooms that rely on the light well.
 - The property’s garden would be shaded by the proposed project. This garden contains a Meyer lemon tree and other prized plantings that are thriving in the established light conditions.
 - An anticipated solar panel system will be rendered unfeasible by the proposed project’s unnecessary shading.
- Mark and Barbara Allen: 649-651 Guerrero Street
 - The Allen family comprises three generations, including grandparents and an 18-month-old toddler.

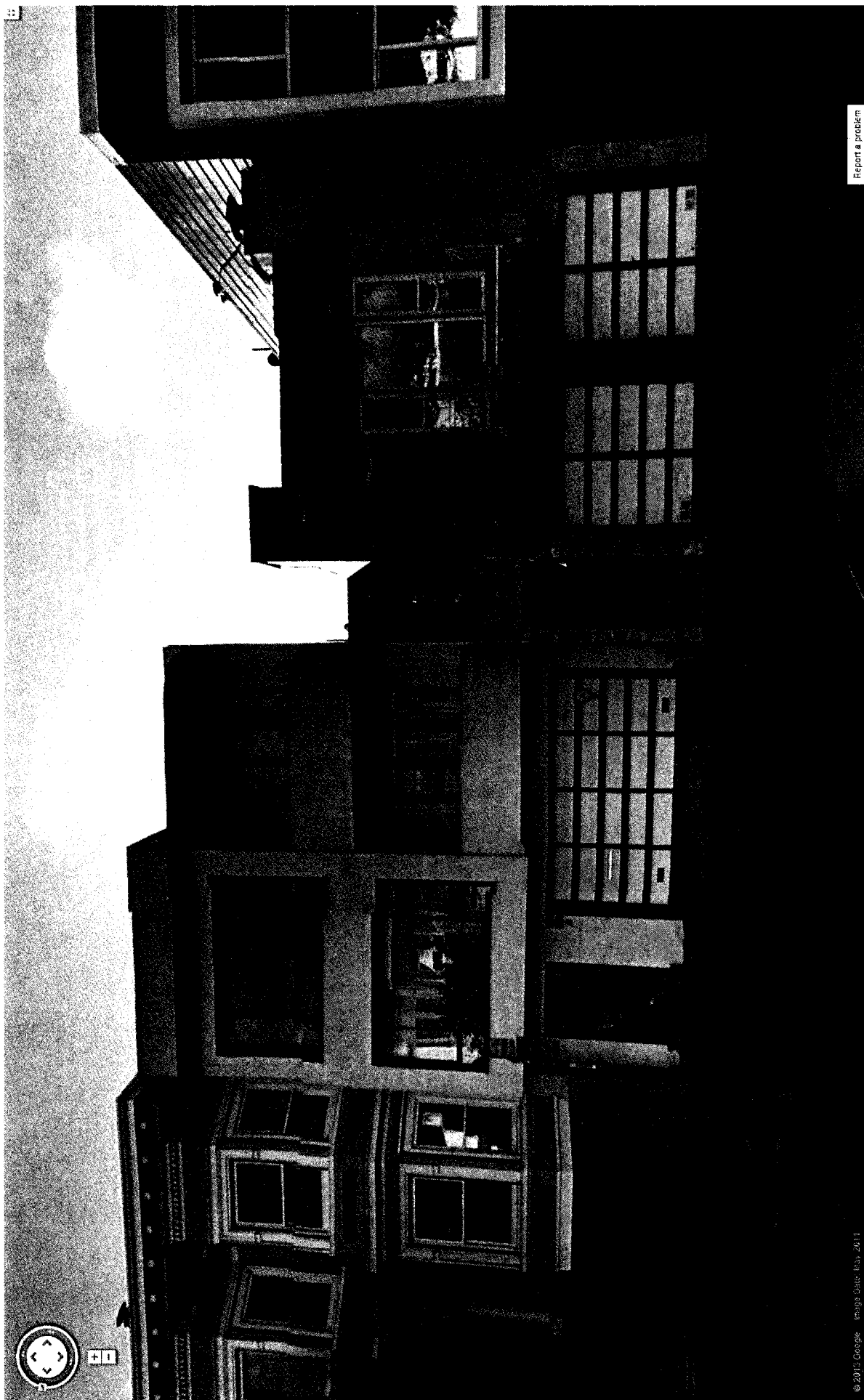
- The Allen property is located two doors north of the project. It will experience significant massing impacts, as lines of sight from its living room, dining room, kitchen, and roof windows will be almost completely blocked by the proposed fourth story and stair penthouse. This massing is unnecessary and could be easily reduced.
 - The property will also experience a loss of sunlight due to the project's proposed vertical addition.
 - Construction noise and debris particles are likely to enter the home, and they will have a serious impact on the health of the family's 18-month-old.
- Paul Hertzmann and Susan Herzig: 58 Linda Street
 - The Hertzmann-Herzig property is located to the east of the project. Its home office, used daily by residents for more than 25 years, faces the project.
 - The property's garden will be shaded by the project's proposed vertical addition. This garden relies on established light conditions.
 - The property's passive solar heating will be diminished by the project's shade impacts.

3. Alternatives and Changes:

As discussed above, the Building Code prohibits this project from being built as proposed. Regardless of the Building Code, several changes are necessary to preserve the neighborhood's character and livability:

1. The proposed fourth-story vertical addition, fifth-floor rooftop party deck, and stair penthouse must be removed from the project to mitigate shade, privacy, and massing impacts.
2. To protect the toddler, infant, and grandmother living immediately adjacent to the project, construction hours must be limited and strict noise and dust controls must be implemented.
3. The elevated rooftop hot tub should be removed to reduce noise and privacy impacts.

Thank you for your consideration.



13.1705D

Google

659.661 Guerrero Street



Sign in



13:1705D

Google

659 661 Guerrero Street



Sign in



13.1705D

Ryan Patterson

From: Barbara Allen <barballensf@gmail.com>
Sent: Tuesday, November 05, 2013 6:19 PM
To: Ryan Patterson
Cc: Barbara Klingsporn; Harold Klingsporn; joshwwchan.; Susan Chen; Paul Hertzmann; Herzig Susan; ICE Mark Allen
Subject: Authorization of Discretionary Review

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom It May Concern:

We hereby authorize Zacks & Freedman, P.C./Ryan J. Patterson, Esq., as our agent to submit a discretionary review application on our behalf.

Sincerely,

Barbara Allen

Mark Allen

RESPONSE TO DISCRETIONARY REVIEW (DRP)



**San Francisco
Planning**

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

Project Information

Property Address: 659-661 Guerrero St.

Zip Code: 94110

Building Permit Application(s): 201303263083

Record Number: 13-1705D

Assigned Planner: Jeffrey Speirs

Project Sponsor

Name: Serina Calhoun

Phone: (415) 558-9843

Email: serina@sync-arch.com

Required Questions

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

Please see attached.

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

Please see attached.

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

Please see attached.

Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)	2	4
Occupied Stories (all levels with habitable rooms)	2	4
Basement Levels (may include garage or windowless storage rooms)	0	0
Parking Spaces (Off-Street)	2	1
Bedrooms	4	9
Height	29'-8"	37'-0 1/2"
Building Depth	53'-11"	53'-11" (not incl. stairs)
Rental Value (monthly)	~\$3,500 est.	~\$10,500 est.
Property Value	~\$1.6M est.	~\$2.0M est.

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

Signature: 
Printed Name: **Serina Calhoun**

Date: **2/5/17**

☐ Property Owner
☒ Authorized Agent

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

Re: Response to Discretionary Review
PA #2013.0326.3083 – 659 Guerrero Street

Required Questions

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

We strongly feel that the proposed project should be approved because over the course of the 3+ years since the DR applications were first filed, our client has made every effort to work with both the DR requesters and the Planning Department/RDT. This included multiple meetings with the DR requesters, their lawyer acting as authorized agent, and their construction consultant, as well as several back and forth rounds between the Planning Department and their internal teams. By responding to both the DR requester's concerns as well as the Planning Department's comments, we feel that the resulting revised project is balanced, fair, and respectful of the surround neighboring character and development.

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

Subsequent meetings and email correspondence between ourselves, our client, the DR requesters and their representatives were held following their initial DR filing. Additional design review was undertaken by the Planning Department. Changes to the project were made based on feedback provided by both groups. The following are the DR requester's description of extraordinary and exceptional circumstances and concerns as stated in the DR application in bold type, followed by our response in italics.

Exceptional and extraordinary circumstances

The Building Code prohibits the project from being built as proposed:

- **Type V wood-framed buildings with sprinkler systems are limited to four stories (2010 Building Code, Table 503). The applicant proposed to add a fourth story plus a habitable fifth-floor deck, which is counted as a fifth story (2010 Building Code, Section 1021.1). Therefore, the proposed project would exceed the legal limit and cannot be built.**
The 2013 CBC 1021.1 as cited states the minimum number of exits or access to exits from a story AND an occupied roof, and does not explicitly state that they are one and the same. Further, 2013 CBC Chapter 2 defines "habitable space" as a space in a building for living, sleeping, eating, or cooking purposes. The proposed roof deck would be accessory to those spaces. The proposed project is within the buildable height and area as outlined in 2013 CBC Chapter 5.
- **Since the Building Code prohibits the construction of a fifth-floor habitable roof deck on this building, the stair penthouse should be eliminated in favor of one of the Guidelines' preferred alternatives: a roof hatch, a court with stairs, or external stairs. The Building Code does not require a stair**

penthouse. Adding an additional eight feet or vertical mass to the top of this project with a stair penthouse is unnecessary and detrimental to the neighborhood.

As stated above, the proposed project is within the buildable height and area as outlined in 2013 CBC Chapter 5. The proposed penthouse has been removed from the design in favor of a roof hatch accessed by an internal stair.

- **The proposed fourth story relies on the extension of two side-by-side stairwells to provide required egress. However, the exit doorways to these stairwells are closer together than the required “one-third of the length of the maximum overall diagonal dimension of the area served [as per building code].”**

The proposed project has been redesigned to eliminate one of the internal stairs and relocate it to the exterior at the rear, allowing for proper separation of exit doorways. The existing internal stair will be rebuilt in the same location in compliance with current building codes.

The proposed project conflicts with the General Plan:

- **Urban Design Policy 4.15: Protect the livability and character of residential properties from the intrusion of incompatible new buildings.**
 - **The proposed project is 1-2 stories taller than the adjacent buildings, resulting in significant massing and shading impacts. The neighboring buildings are predominantly modest two-unit, three-story buildings. This is a massive enlargement above the adjacent and neighboring buildings.**
The proposed project adds one additional story and would be similar and consistent in height to other buildings down the block, and have exterior features and materials consistent with the general neighborhood character. Anticipated shading and massing impacts are minimal as the addition will be built over the existing roof level and have no parapet. The height difference in roof level between the proposed project and its immediate neighbor to the north will be approximately 6'-4." The other immediate neighbor should receive no shading impact due to its southern location. Revisions to the project to mitigate the massing impact include removing the proposed stair penthouse and keeping the addition within setbacks per SF Planning Code.
 - **The creation of a large rooftop party deck, including an elevated hot tub, will cause a loss of privacy for the neighboring properties and will lead to significant noise in a residential setting.**
A number of revisions have been made to the roof deck element to minimize any impact on privacy and potential noise. The size of the roof has been reduced, setbacks from the roof edge have been increased to 5'-0" on each side and the hot tub is proposed to have a recessed installation to minimize its height. Further, the interior layout has been revised such that the roof deck is private to the top floor unit only, which will be occupied by the owner. There will be no public access to deck.
- **Urban Design Policy 4.12: Install, promote and maintain landscaping in public and private areas.**
 - **The proposed project's unnecessary height and massing will shade the common rear-yard open space, where neighbor's gardens and landscaping are flourishing under established light conditions.**
We find that the proposed project's height and massing is consistent with its surroundings. To minimize massing impacts, the project has been revised several times resulting in the removal of

the stair penthouse and the increased setback of the roof deck. The exterior egress stair was proposed at one point to be parallel with the rear building wall, but subsequent discussions with Planning and RDT have resulted in its current orientation as proposed.

- **Environmental Protection Policy 16.1: Develop land use policies that will encourage the use of renewable energy sources.**
 - **The proposed project will shade its neighbor's properties. The neighbors are evaluating the installation of solar panel systems, which would be rendered unfeasible if the project were built as proposed.**

As stated previously, all efforts have been made to minimize the massing and shade impacts of the proposed addition. The addition has been set back at the front and rear and the proposed stair penthouse has been removed in favor of a roof access hatch. Further, we feel that although the stated policy seeks to encourage the use of renewable energy, it should not do so by discouraging other development and severely limiting or restricting other development potential.
 - **The proposed project's shading would also interfere with neighbor's passive solar heating.**

Although no mention was made of any adverse effect on passive heating, we feel that the revisions to the project in the form of increased roof deck setbacks, removal of the stair penthouse, and proper setback of the addition itself will minimize shading impacts.

The proposed project conflicts with the Planning Code's Priority Policies:

- **Priority Policy 2: That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.**
 - **The proposed project would replace an appropriately sized home with a five-level apartment building that is out of character with the neighborhood.**

The proposed project is actually a four-story building that will be consistent in height and mass with the general neighborhood. Proposed exterior features and materials will also be consistent with the existing building features and materials. With multiple 1- and 3-bedroom units proposed, the project will also help to add housing stock to the city and offer units for different income levels.
- **Priority Policy 4: That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.**
 - **The proposed project will simultaneously remove off-street parking while adding additional occupants. This will add a greater burden to the neighborhood's already overburdened street parking.**

The proposed project is located in a transit-oriented neighborhood with access to MUNI bus lines. The increase in density in such an area where walking and other modes of transportation are supported will help to ease the burden on the supply of neighborhood parking. Further, the addition of bicycle parking in the existing garage to support and encourage alternative methods of transportation will also help to ease this burden.
 - **Based on the square footage (4,752 sf.ft.), the proposed project will have an occupancy load of 27 people with only two off-street parking spaces. Where will those people park?**

As stated above, the proposed project will seek to encourage alternative modes of transportation by providing bicycle parking. Additionally, the increase in density in an area where alternative transportation is already viable will help to minimize the impact of additional residents. Moreover, the stated occupancy above would relate more to egress requirements as prescribed by the California Building Code. In actuality, the number of tenants in this proposed 4-unit building is expected to be considerably less.

The proposed project conflicts with the Planning Code's Purposes:

- **Planning Code Section 101: This City Planning Code is adopted...for the following more particularly specified purposes: (c) To provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers.**
 - **The proposed project will reduce light, air, and privacy available to neighboring properties.**
All proposed developments and projects will reduce light, air, and sometimes privacy to neighboring properties in some way. We note that the proposed project has been revised numerous times in response to neighbors' concerns in a good faith effort to minimize such impacts. This includes, matching and enlarging adjacent light wells, reconfiguring interior layouts to minimize privacy concerns, removing the stair penthouse, setting back the addition at the rear, setting back the roof deck guardrails, and recessing the proposed hot tub.

The proposed project conflicts with Residential Design Guidelines:

- **Guideline: Design the scale of the building to be compatible with the height and depth of surrounding buildings.**
 - **The proposed mid-block project is incompatible with the height of its surrounding buildings – up to two stories, taller – which will cause the surrounding buildings to be shaded.**
The proposed project adds one additional story and would be similar and consistent in height to other buildings down the block. Anticipated shading and massing impacts are minimal as the addition will be built over the existing roof level and have no parapet. The height difference in roof level between the proposed project and its immediate neighbor to the north will be approximately 6'-4." The other immediate neighbor should receive no shading impact due to its southern location. Revisions to the project to mitigate the massing impact include removing the proposed stair penthouse and keeping the addition within setbacks per SF Planning Code.
- **Guideline: Design the height and depth of the building to be compatible with the existing building scale at the street.**
 - **The proposed project is incompatible with the existing building scale at the street, which will have significant massing impacts.**
We feel that the building is consistent with the scale of other buildings on the block. The roof level will be well below the maximum height allowed, and the overall mass of the building has been reduced by increasing setbacks and removing the proposed stair penthouse.
- **Guideline: Design stair penthouses to minimize their visibility from the street.**
 - **As the Guidelines state, "Stair penthouses may also be entirely eliminated through the use of roof hatches, courts with stairs, or exterior rear stairs to the roof." The stair penthouse in this**

proposal is unnecessary and a source of major adverse impacts on the neighborhood. It should be eliminated.

The proposed stair penthouse has been eliminated in favor of a roof hatch.

Concerns/adverse impacts

- **Joshua Chan and Susan Chen: 655 Guerrero Street**

- **The Chan-Chen family comprises three generations, including a grandmother, a toddler, and a five-month-old infant.**
- **The properties light well is located immediately adjacent to the project. This light well is the sole, required source of light and air for the family's two bedrooms. The project does not propose to match the light well.**

The project has been revised to include a light well that is 3'-0" wide light with an expanded length of 13'-9." A proposal was also made to paint the light well a brighter color to reflect more light. Further, the roof at the light well was proposed to be sloped to minimize its visual impact.

- **The project's proposed fourth-story addition and stair penthouse will significantly reduce the amount of light and air entering the light well.**

The proposed stair penthouse has been removed. The proposed roof level will be approximately 6'-4" above the neighbor's existing roof. Additionally, a portion of the roof that is adjacent to the existing light well is proposed to be sloped to further minimize the impact on light.

- **Additionally, construction noise and debris particles will enter through the light well, and they will have a serious impact on the health of the family's infant and toddler.**

Previously, there were discussions between our client and the DR requesters to possibly limit the hours of construction. This is still a possibility moving forward.

- **The property's well-established garden lies directly northeast of the project and will be shaded by the proposed vertical addition. A solar system for the property will likewise be rendered unfeasible by the project's shade impacts.**

The project was revised several times in meetings with the neighbors and the Planning Department to reduce the mass and minimize shading impacts as much as possible. Again, as stated above, the right to develop within reason should not be restricted for the sole benefit of another party.

- **Harold and Barbara Klingsporn: 653 Guerrero Street**

- **The Klingsporn property's light well is located immediately adjacent to the project. The project does not propose to match the light well, and the project's stair penthouse would significant reduce the amount of light in rooms that rely on the light well.**

The project has been revised to include a light well that is 3'-0" wide light with an expanded length of 13'-9." A proposal was also made to paint the light well a brighter color to reflect more light. Further, the roof at the light well was proposed to be sloped to minimize its visual impact.

- **The property's garden would be shaded by the proposed project. This garden contains a Meyer lemon tree and other prized plantings that are thriving in the established light conditions.**

The project was revised several times in meetings with the neighbors and the Planning Department to reduce the mass and minimize shading impacts as much as possible. This includes

removing the stair penthouse, setting back the addition at the rear, and setting back the roof deck guardrail.

- **An anticipated solar panel system will be rendered unfeasible by the proposed project's unnecessary shading.**

The project was revised several times in meetings with the neighbors and the Planning Department to reduce the mass and minimize shading impacts as much as possible. Again, as stated above, the right to develop within reason should not be restricted for the sole benefit of another party.

- **Mark and Barbara Allen: 649-651 Guerrero Street**

- **The Allen family comprises three generations, including grandparents and an 18-month-old toddler.**
- **The Allen property is located two doors north of the project. It will experience significant massing impacts, as lines of sight from its living room, dining room, kitchen, and roof windows will be almost completely blocked by the proposed fourth story and stair penthouse. This massing is unnecessary and could be easily reduced.**

In response to such concerns, the massing has been reduced. Revisions include removing the stair penthouse, setting back the addition at the rear, and setting back the roof deck guardrail. The owner has made every effort to address the DR requester's concerns about massing.

- **The property will also experience a loss of sunlight due to the project's proposed vertical addition.**

In response to such concerns, the massing has been reduced. Revisions include removing the stair penthouse, setting back the addition at the rear, and setting back the roof deck guardrail. The owner has made every effort to address the DR requester's concerns about massing and its effect on sunlight. The proposed vertical addition will be approximately 6'-4" higher than its adjacent neighbor to the north. At this height it is reasonable to expect that the effect on sunlight to that neighbor's adjacent property will be even less.

- **Construction noise and debris particles are likely to enter the home, and they will have a serious impact on the health of the family's 18-month-old.**

Previously, there were discussions between our client and the DR requesters to possibly limit the hours of construction. This is still a possibility moving forward.

- **Paul Herzmann and Susan Herzig: 58 Linda Street**

- **The Hertzmann-Herzig property is located to the east of the project. Its home office, used daily by residents for more than 25 years, faces the project.**

- **The property's garden will be shaded by the project's proposed vertical addition. This garden relies on established light conditions.**

In response to such concerns, the massing has been reduced. Revisions include removing the stair penthouse, setting back the addition at the rear, and setting back the roof deck guardrail. The owner has made every effort to address the DR requester's concerns about massing and its effect on sunlight. With the reduction in massing and given that the DR requester's garden is to the

east of the proposed addition, it is anticipated that the effect on sunlight to the area of concern will be minimal.

- **The property's passive solar heating will be diminished by the project's shade impacts.**
Although no mention of passive solar heating was made, it is anticipated that the effect on sunlight to areas of concern will be minimal, and that would include sunlight reaching the rear façade windows of 58 Linda St.

Alternatives and Changes

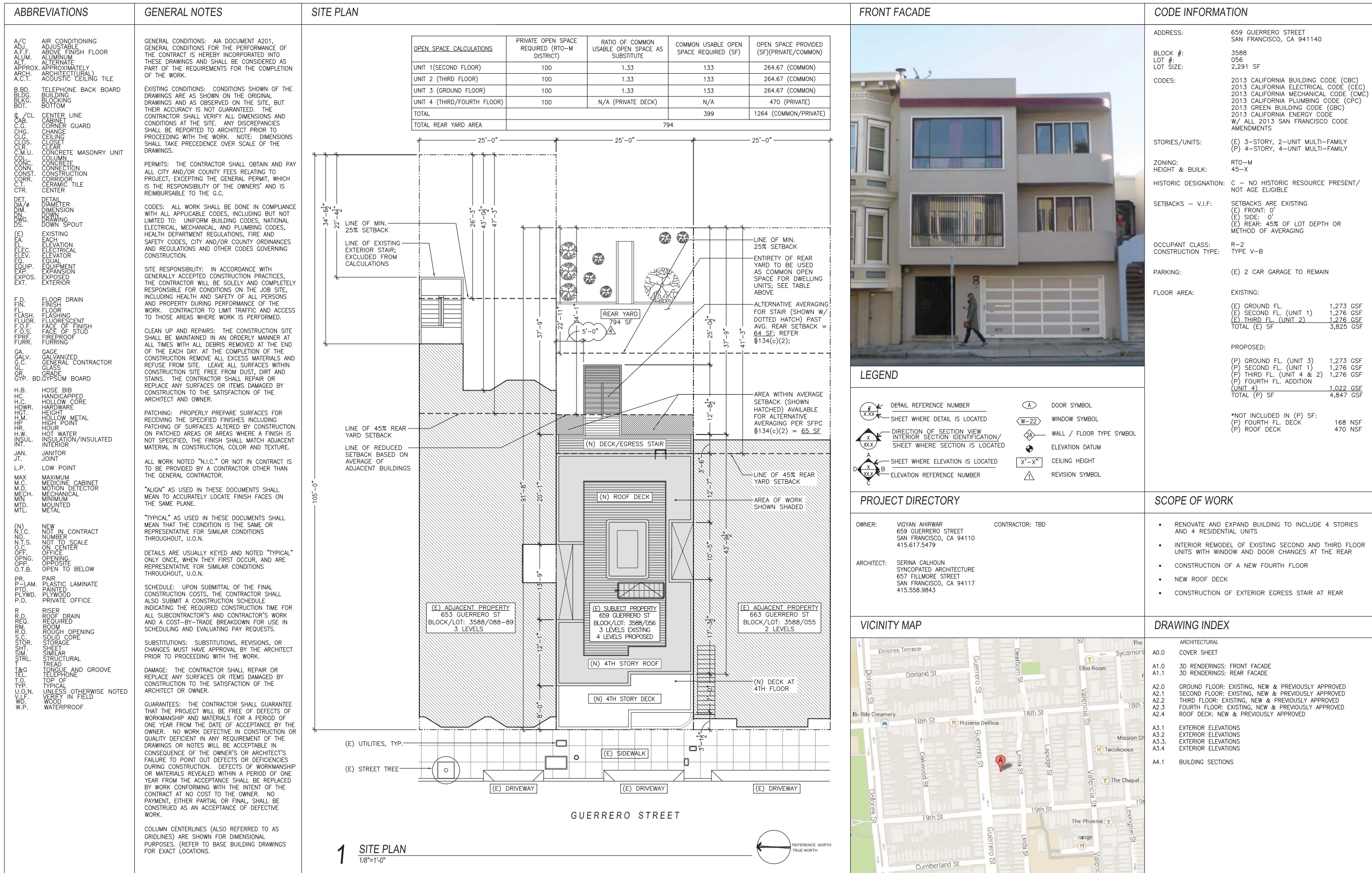
- 1. The proposed fourth-story vertical addition, fifth-floor rooftop party deck, and stair penthouse must be removed from the project to mitigate shade, privacy, and massing impacts.**
The fourth-story vertical addition will remain as proposed with revisions to address shade, privacy, and massing concerns. Changes include matching and enlarging adjacent light wells, reconfiguring interior layouts to minimize privacy concerns, removing the stair penthouse, setting back the addition at the rear, setting back the roof deck guardrails, and recessing the proposed hot tub.
- 2. To protect the toddler, infant, and grandmother living immediately adjacent to the project, construction hours must be limited and strict noise and dust controls must be implemented.**
Previously, there were discussions between our client and the DR requesters to possibly limit the hours of construction. This is still a possibility moving forward.
- 3. The elevated rooftop hot tub should be removed to reduce noise and privacy impacts.**
The project has been revised to address concerns of noise and privacy. We have proposed to recess the hot tub into the roof deck to decrease its overall height. Additionally, the guardrails of the roof deck have been setback 5'-0" at all sides to reduce privacy and the travel of noise. Further, the interior layout was reconfigured such that the roof deck is no longer accessible by all units. It will be privately accessed by the top unit which will be occupied by the owner.

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

Our client has made every effort in good faith to revise the proposed project to address the DR requester's concerns. Many of the revisions listed were the result of multiple meetings, discussions and extensive email correspondence between the DR requesters and the Planning Department, and at considerable expense of time and money to our client. We sincerely hope that the proposed project as revised alleviates the concerns of the DR requesters and that the project is able to move forward as proposed.

659 Guerrero Street

Vertical Addition and Interior Remodel



659 Guerrero St.
San Francisco, CA



659 Guerrero Street

San Francisco, CA
PROJECT NO. 14-43

DATE SET/ISSUE
11-11-2016 NOPDR #4
01-11-2017 PLANNING/RD TO REVISION

CONTACT:

SERINA CALHOUN

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serina@sync-arch.com

SCALE: AS NOTED

COVER
SHEET

A0.0

FRONT FACADE: EXISTING



FRONT FACADE: NEW PROPOSAL



FRONT FACADE: EXISTING



FRONT FACADE: NEW PROPOSAL



659 Guerrero St. San Francisco, CA



659 Guerrero Street
San Francisco, CA
PROJECT NO. 14-43

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CONTACT:
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SCALE: AS NOTED

FRONT FACADE
PERSPECTIVES

A1.0

REAR FACADE: EXISTING



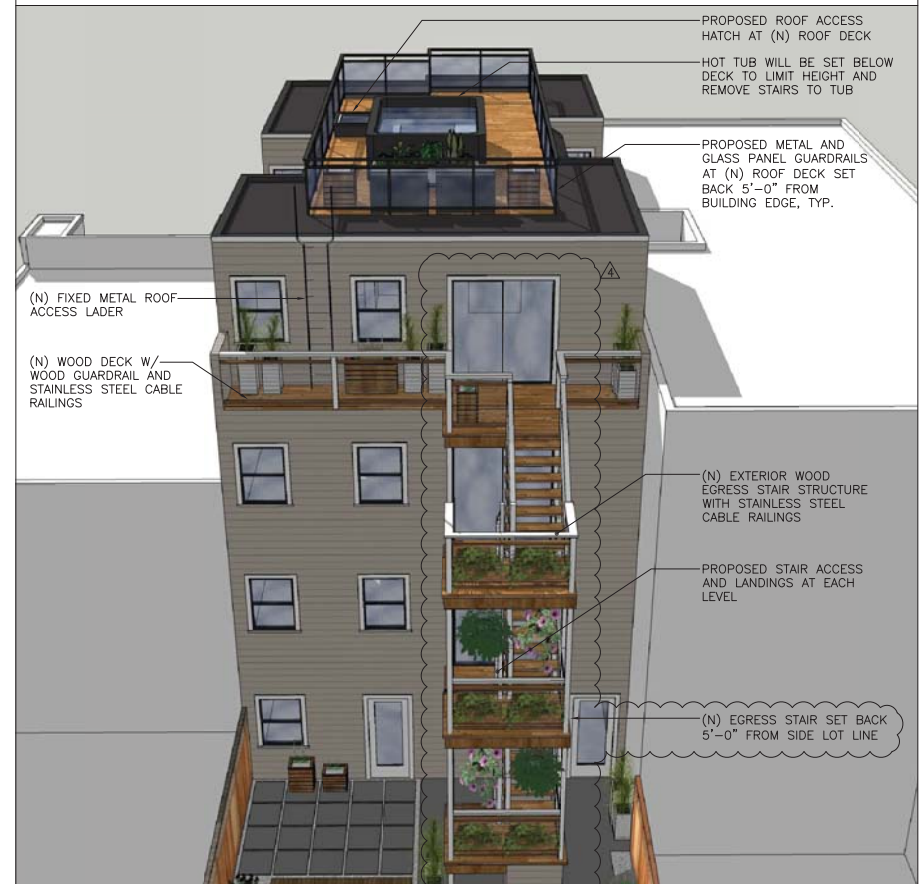
REAR FACADE: NEW PROPOSAL



REAR FACADE: EXISTING



REAR FACADE: NEW PROPOSAL



659 Guerrero St.
San Francisco, CA



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PROJECT NO. 14-43

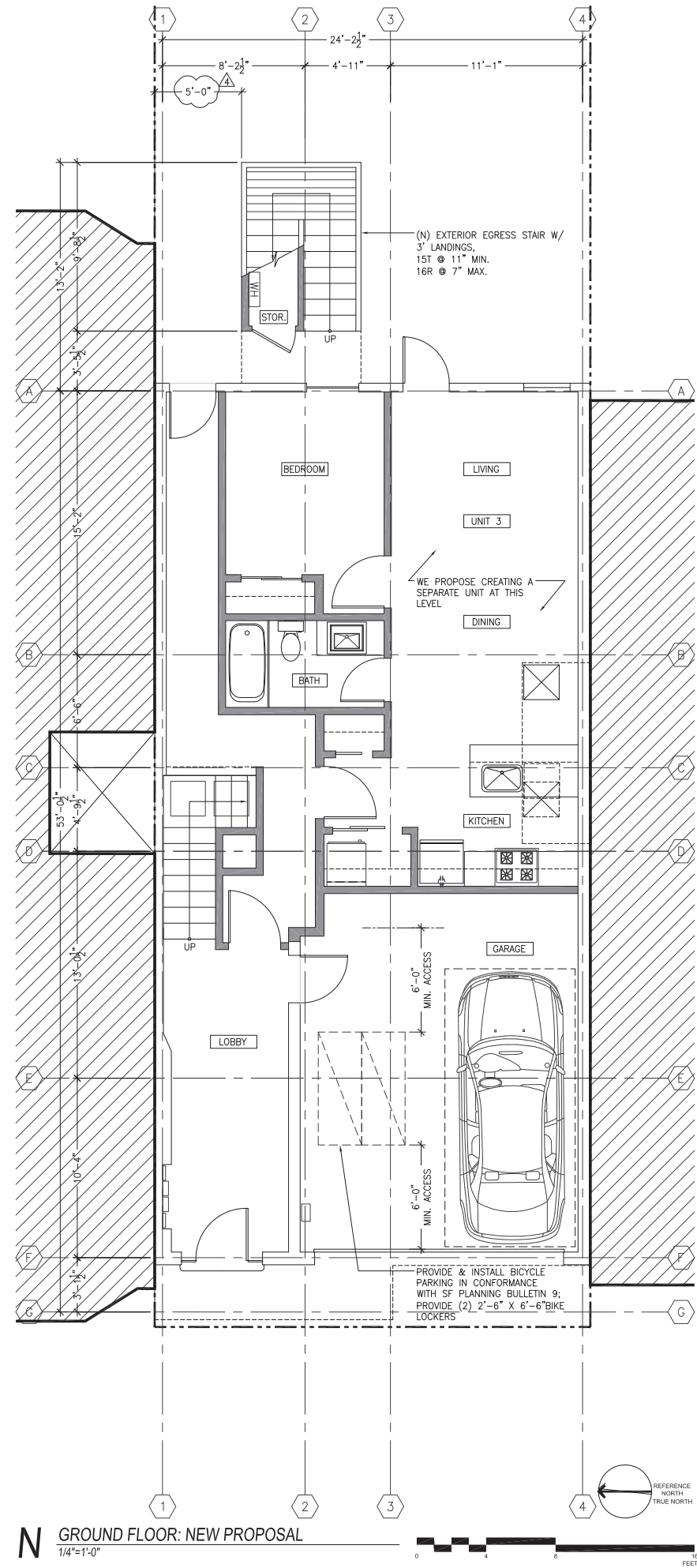
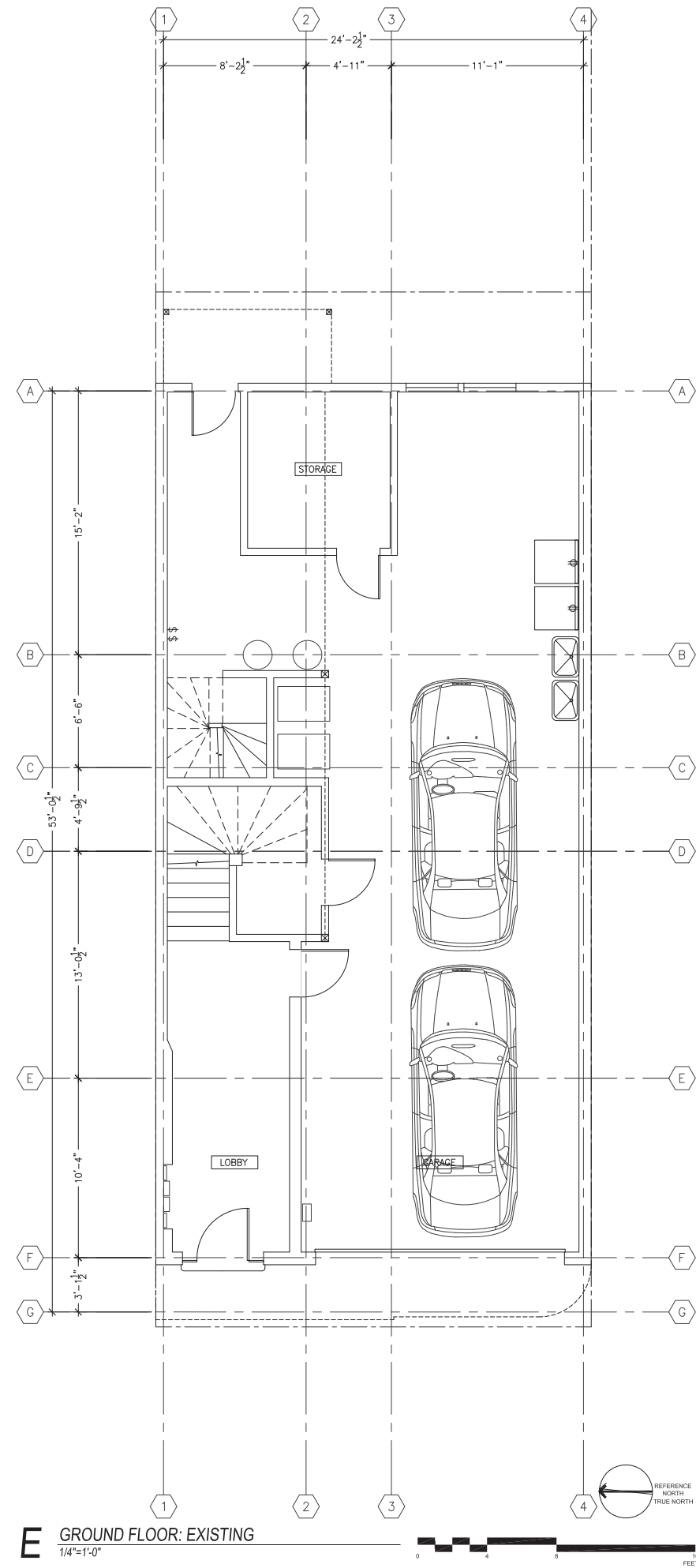
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SCALE: AS NOTED

REAR FACADE
PERSPECTIVES

A1.1



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San Francisco, CA
PROJECT NO. 14-43

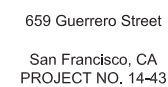
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SCALE: 1/4" = 1'-0"

GROUND FLOOR:
DEMOLITION &
NEW CONSTR.

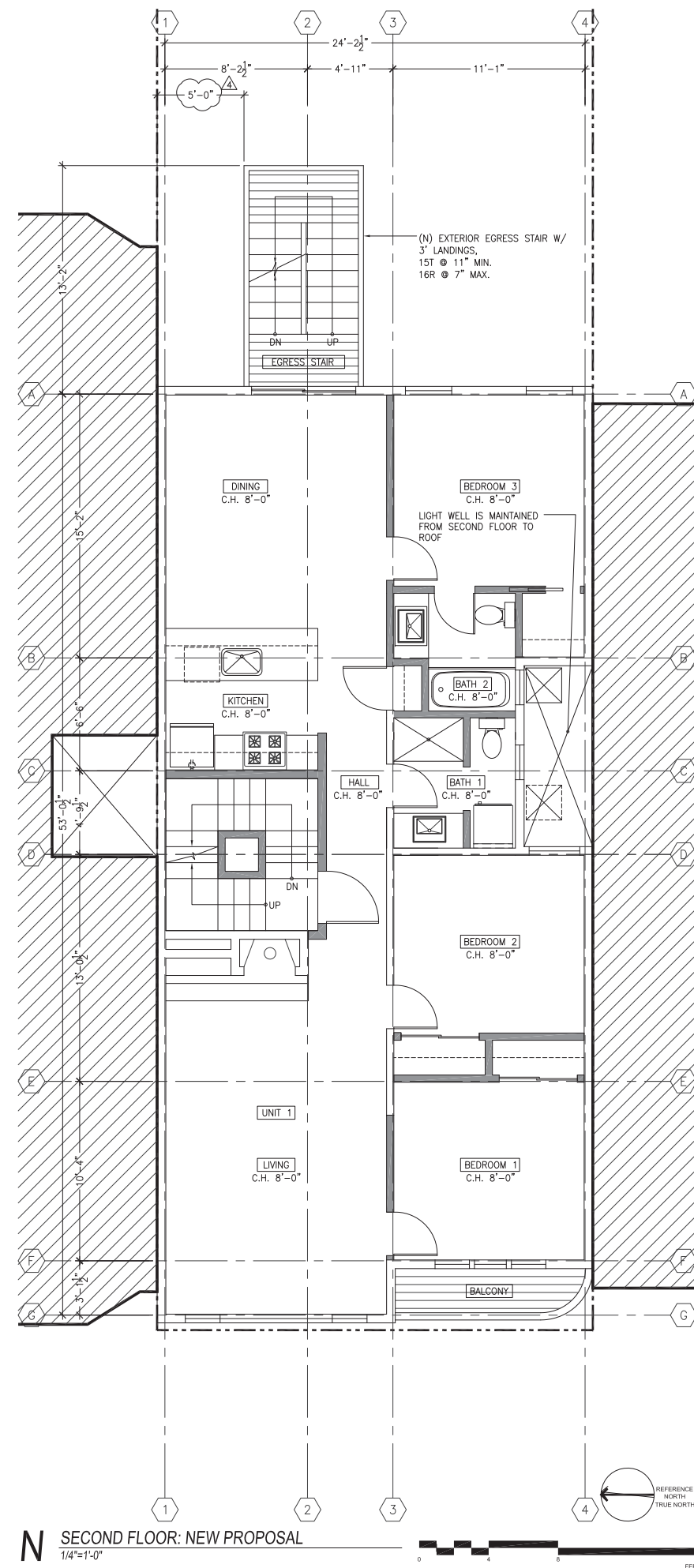
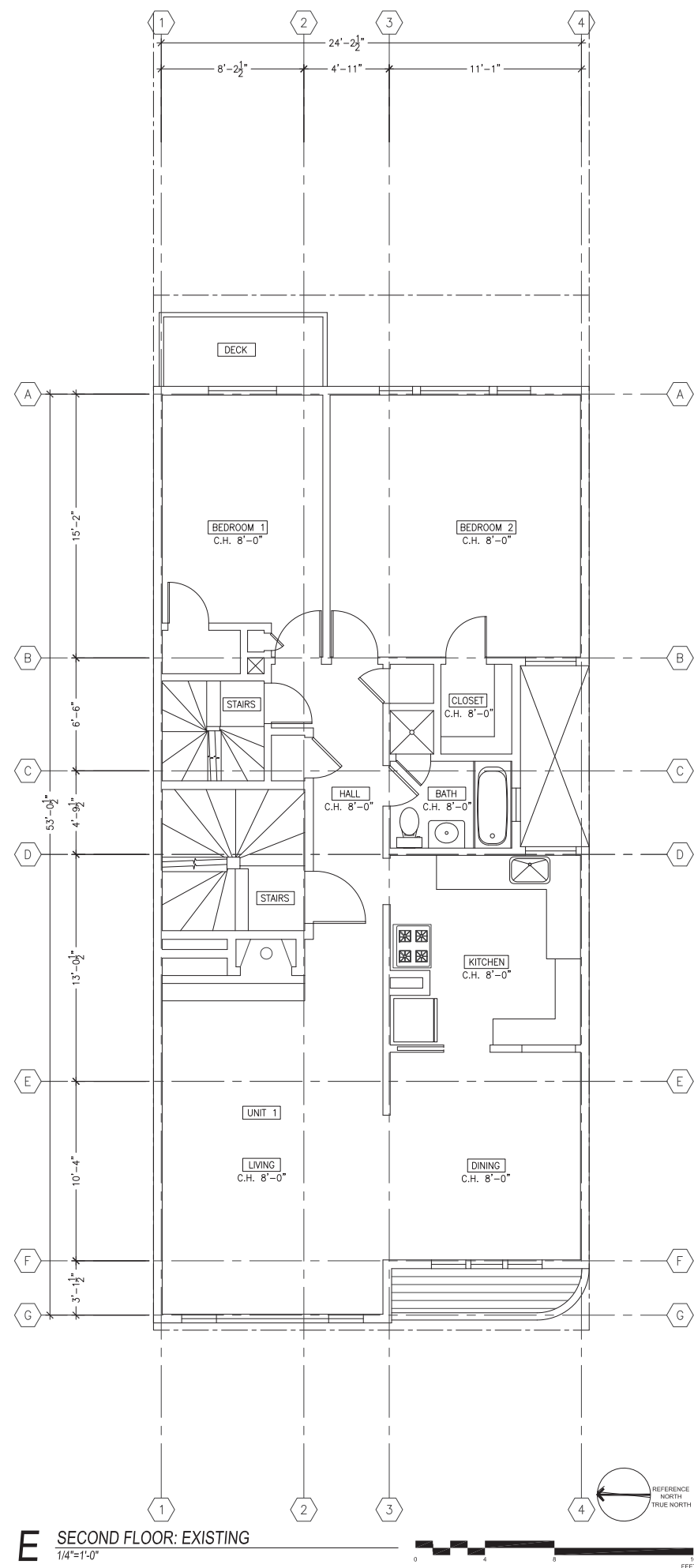
A2.0



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SECOND FLOOR:
DEMOLITION &
NEW CONSTR.

A2.1





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659 Guerrero Street
San Francisco, CA
PROJECT NO. 14-43

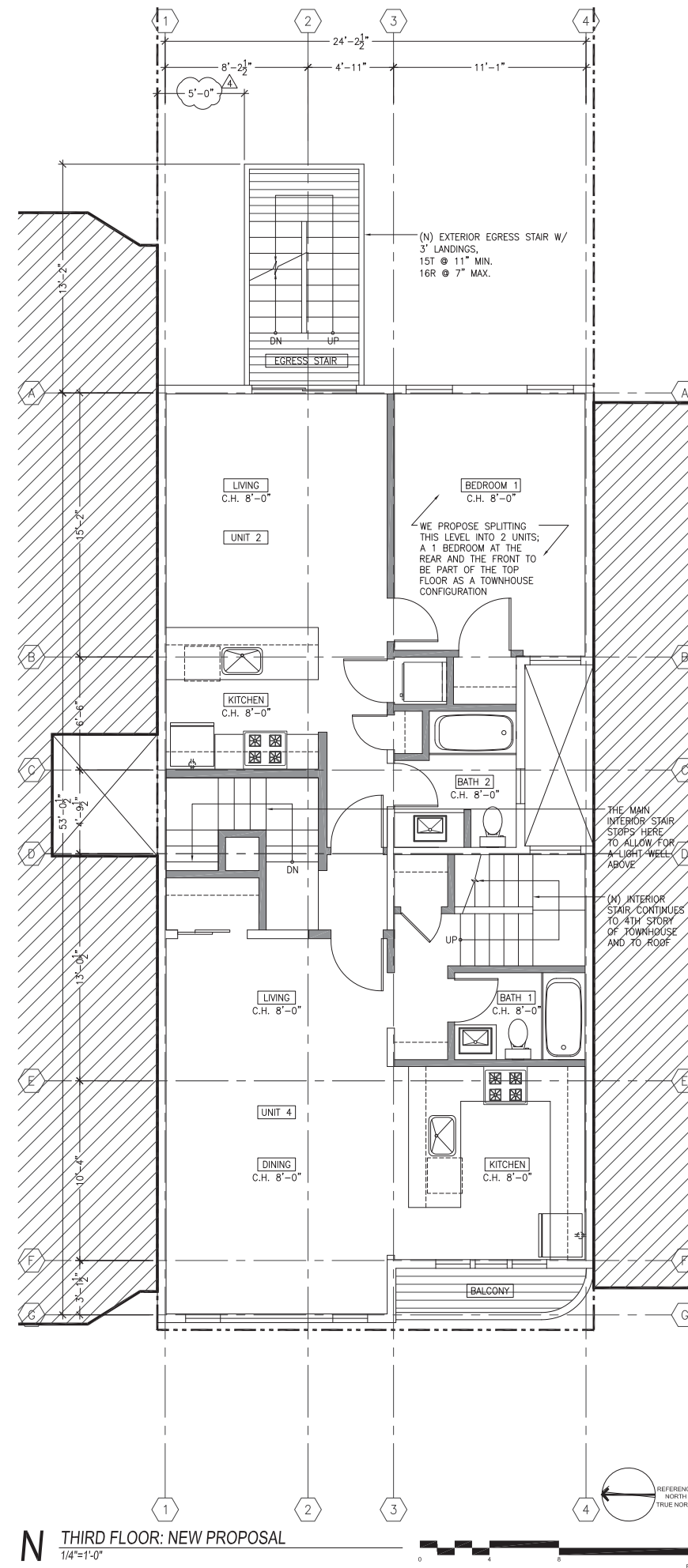
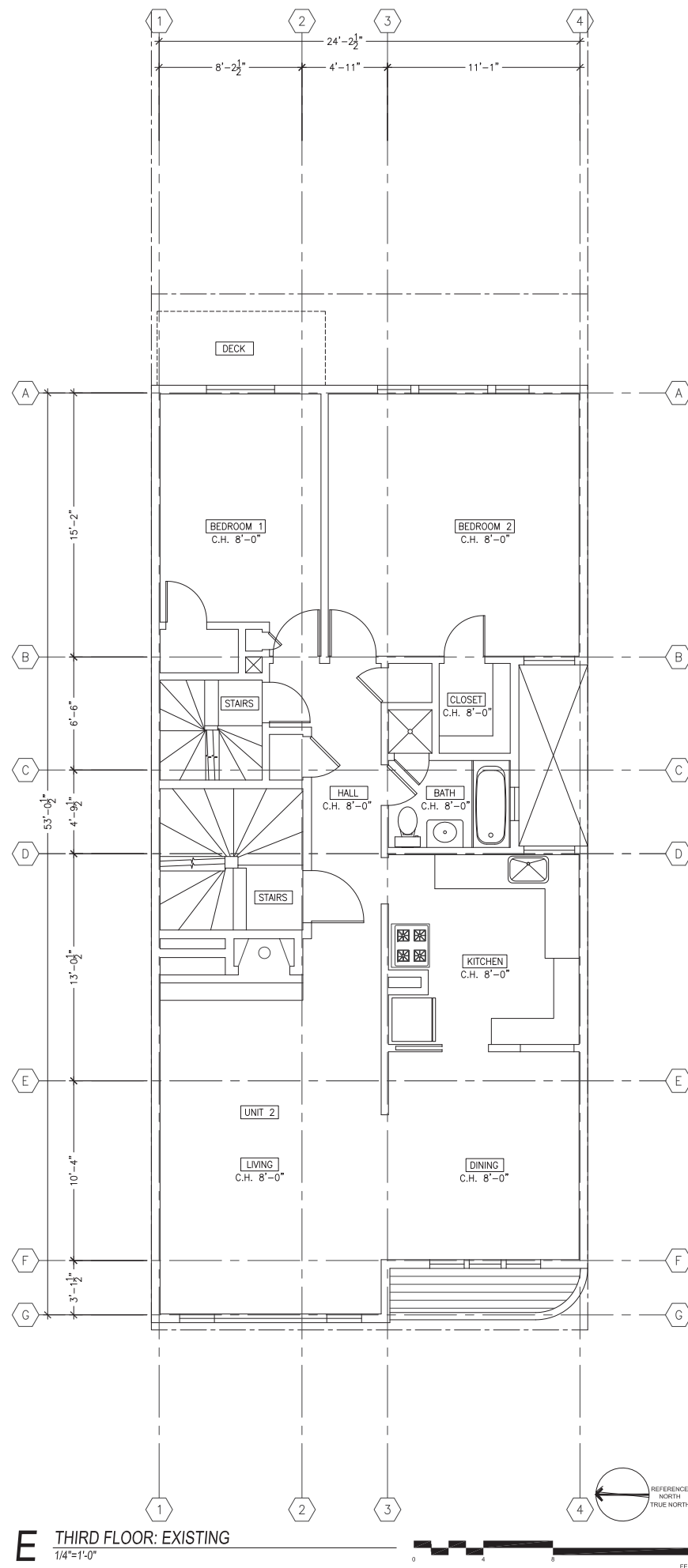
DATE SET ISSUE
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SCALE: 1/4" = 1'-0"

THIRD FLOOR:
DEMOLITION &
NEW CONSTR.

A2.2





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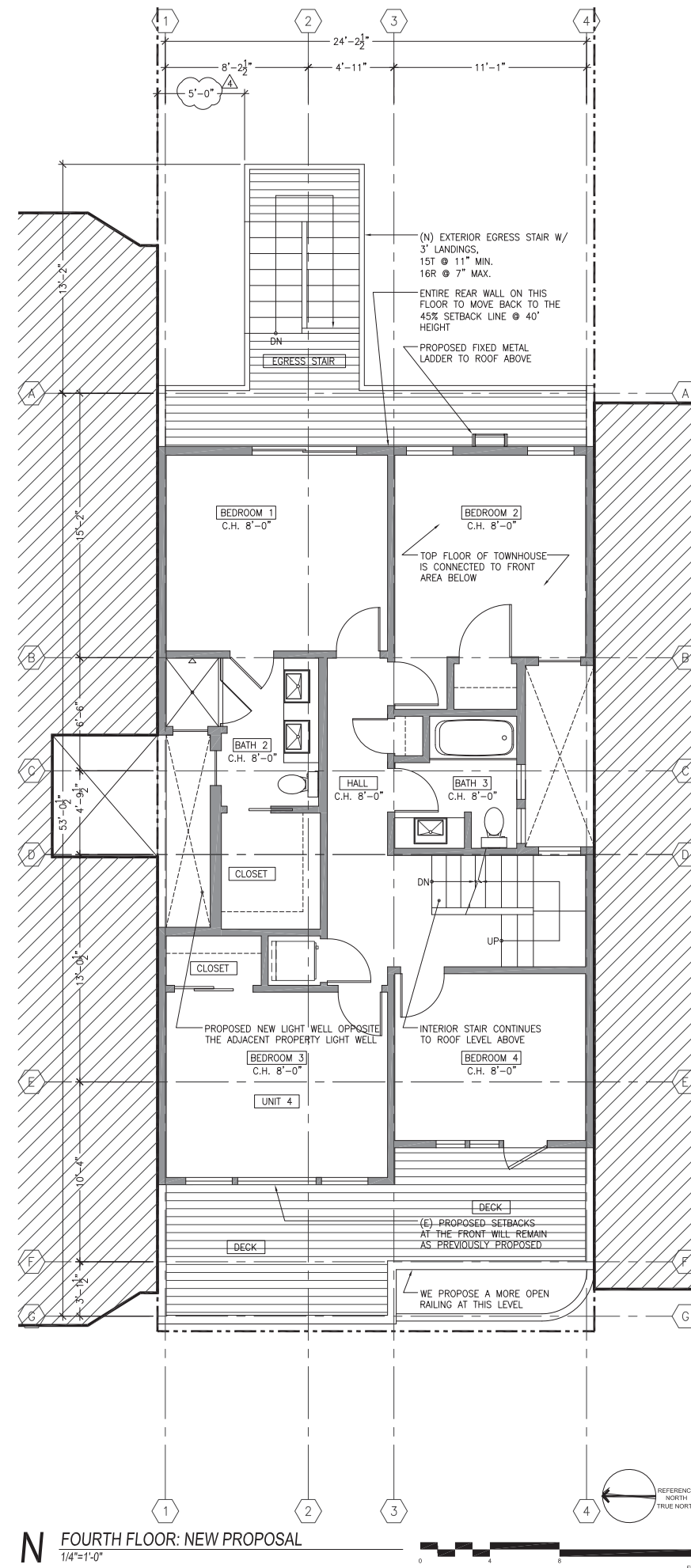
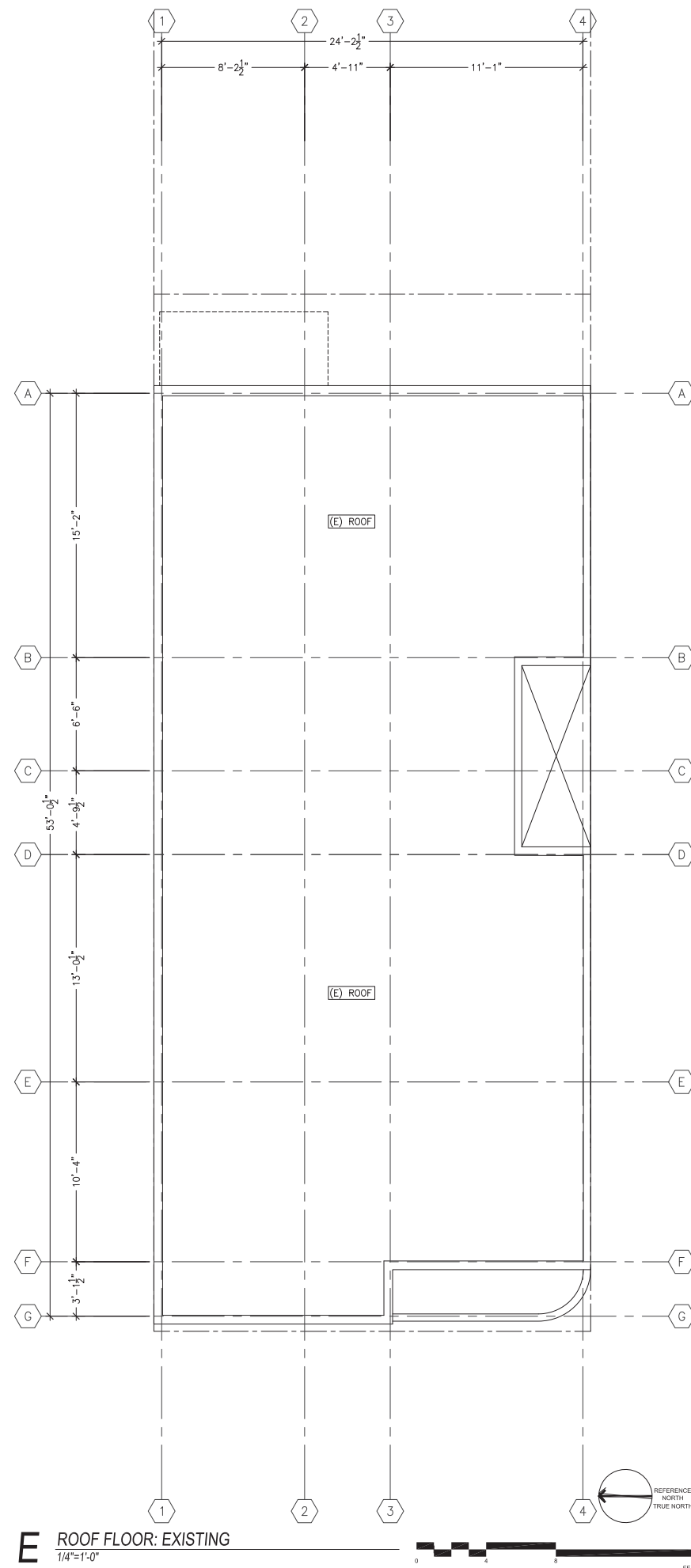
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SCALE: 1/4" = 1'-0"

FOURTH FLOOR:
DEMOLITION &
NEW CONSTR.

A2.3





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659 Guerrero Street

San Francisco, CA
PROJECT NO. 14-43

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CONTACT:

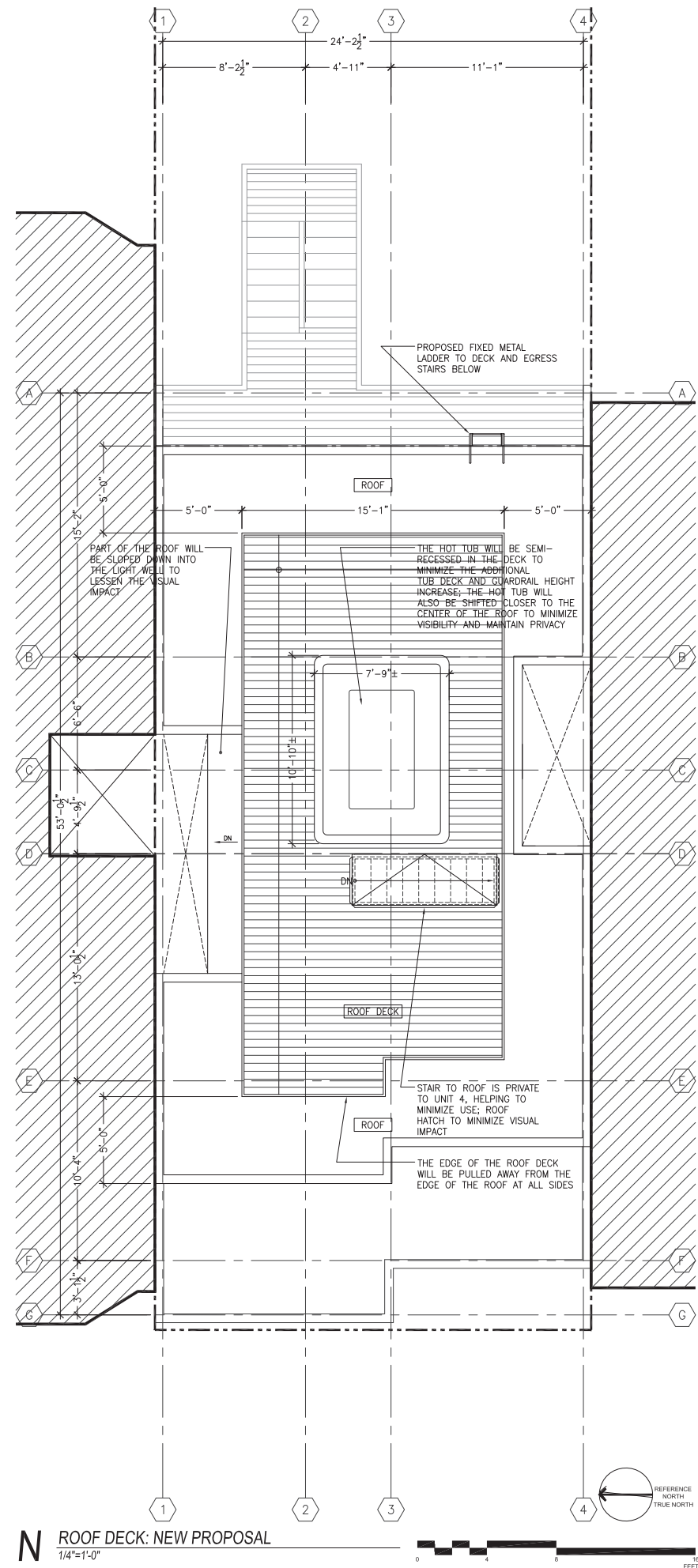
SERINA CALHOUN

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SCALE: 1/4" = 1'-0"

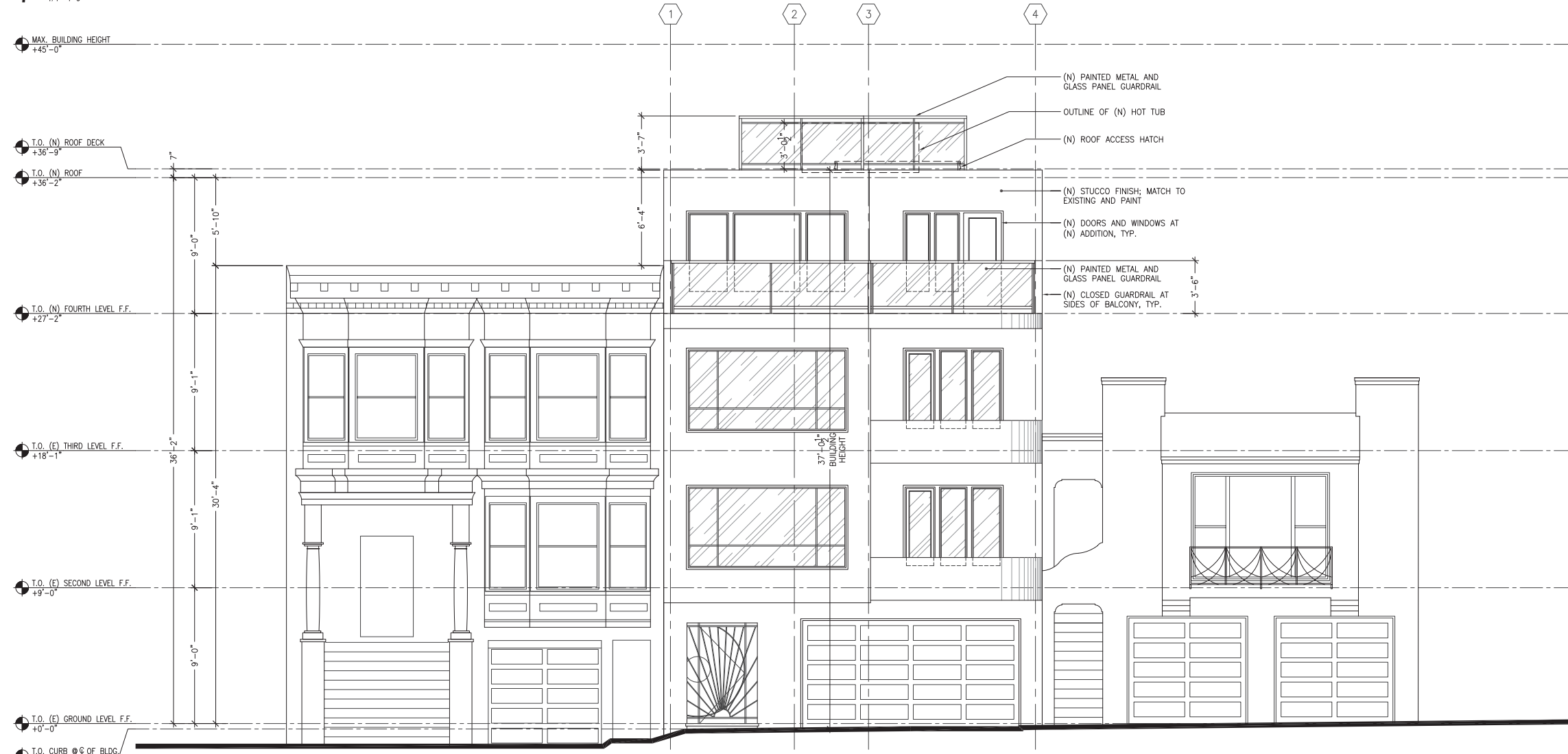
ROOF DECK:
DEMOLITION &
NEW CONSTR.

A2.4





1 WEST ELEVATION: EXISTING
1/4"=1'-0"



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



659 Guerrero St. San Francisco, CA



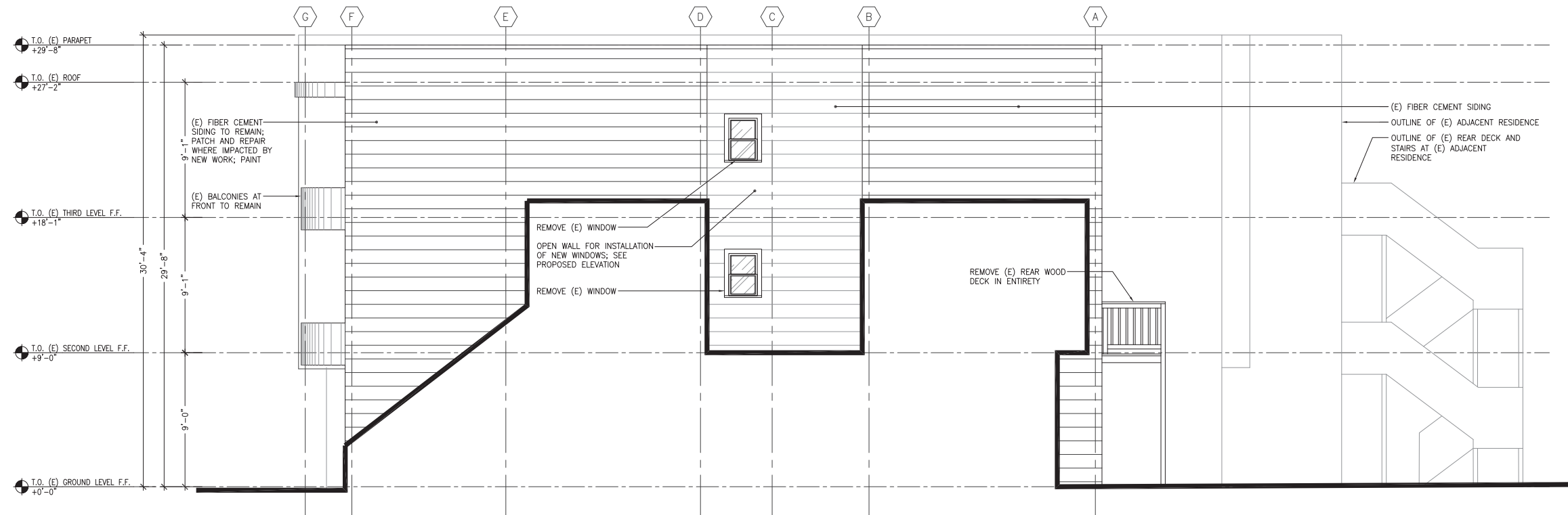
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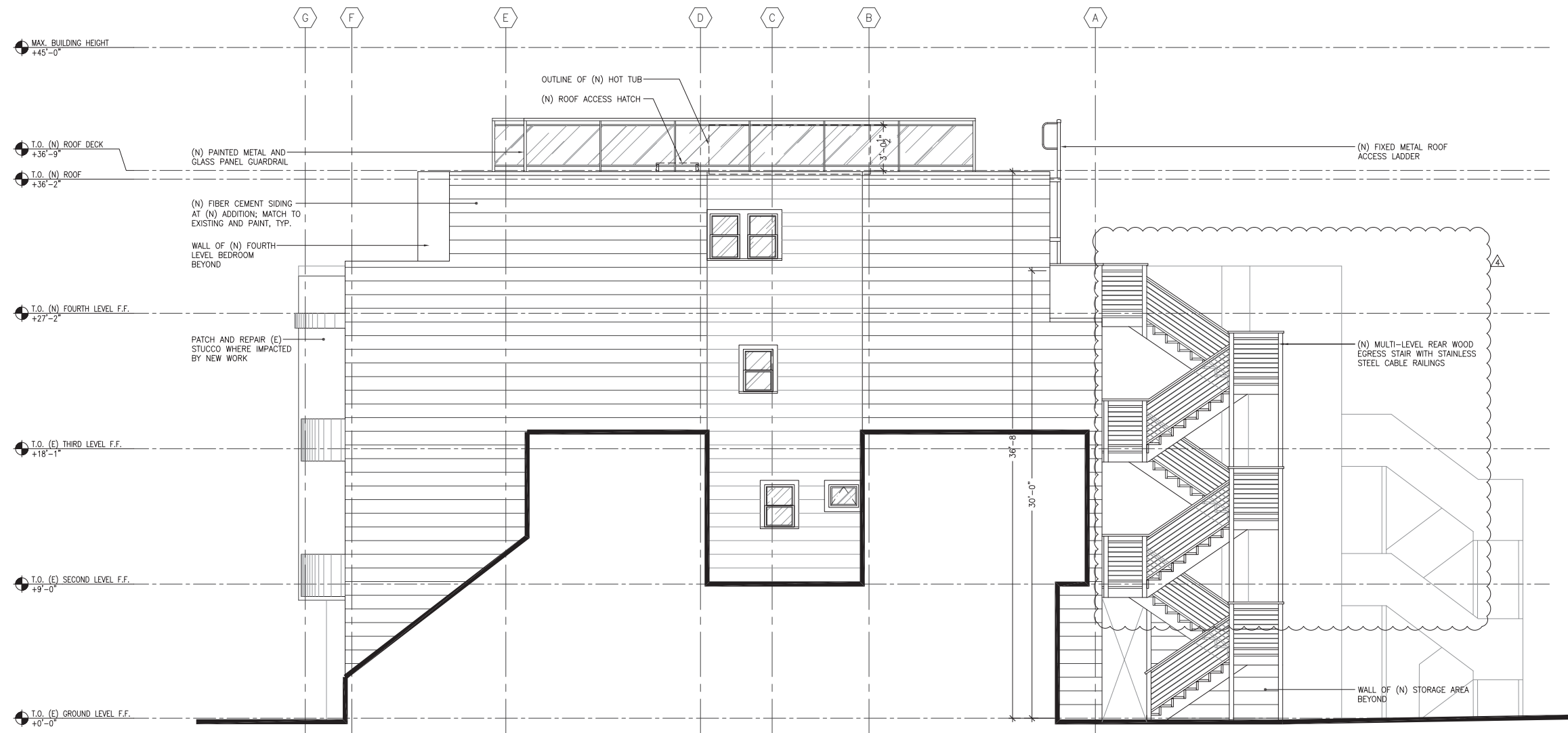
CONTACT:
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SCALE: 1/4" = 1'-0"

EXTERIOR
ELEVATIONS



1 SOUTH ELEVATION: EXISTING
1/4"=1'-0"



1 SOUTH ELEVATION: PROPOSED
1/4"=1'-0"



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SCALE: 1/4" = 1'-0"

EXTERIOR
ELEVATIONS

A3.2



659 Guerrero St. San Francisco, CA



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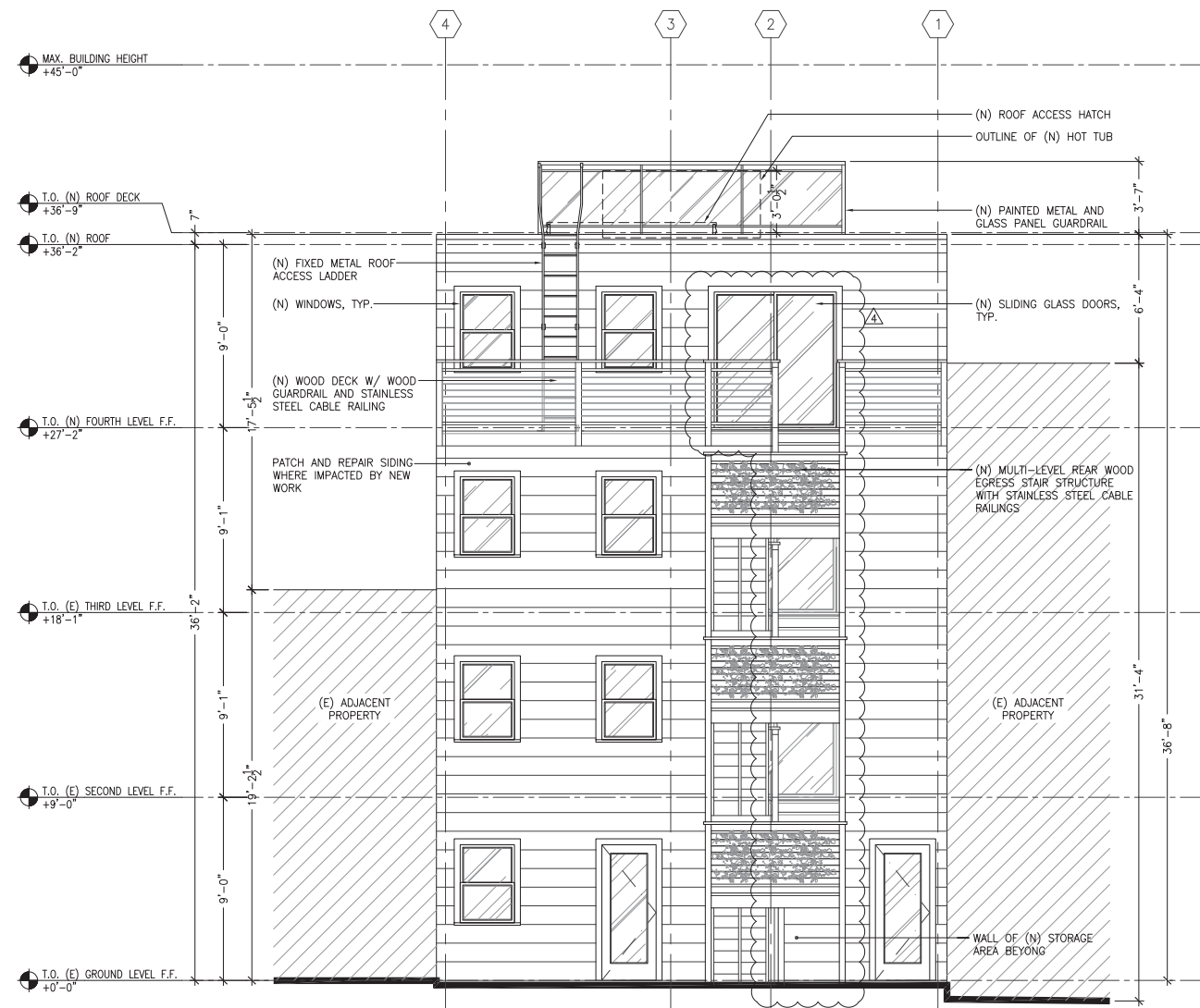
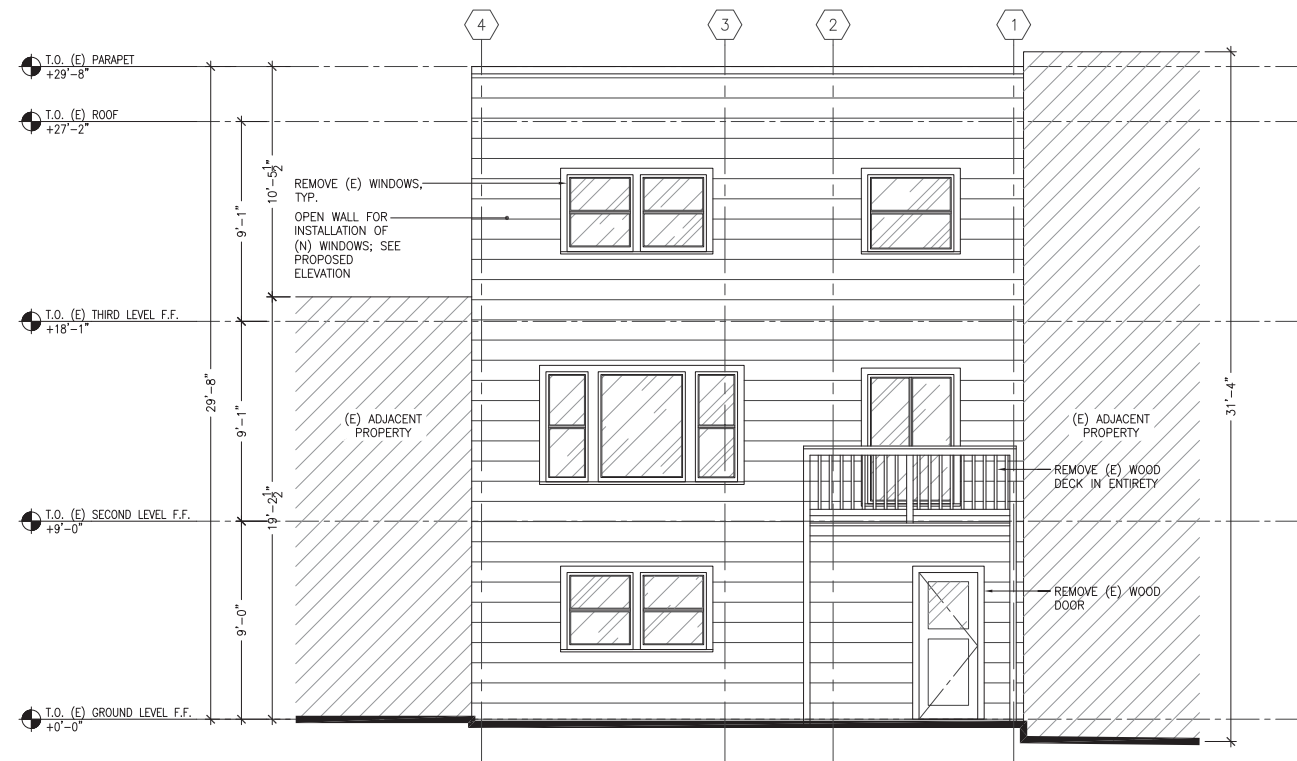
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SCALE: 1/4" = 1'-0"

EXTERIOR
ELEVATIONS

A3.3





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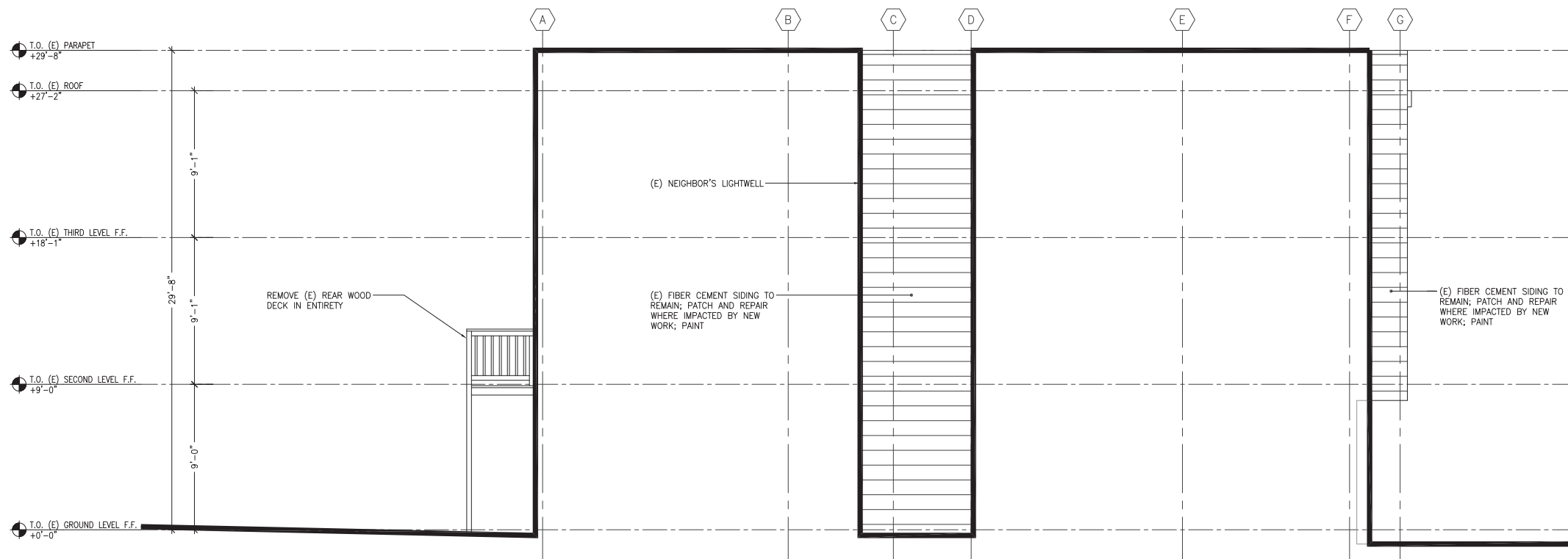
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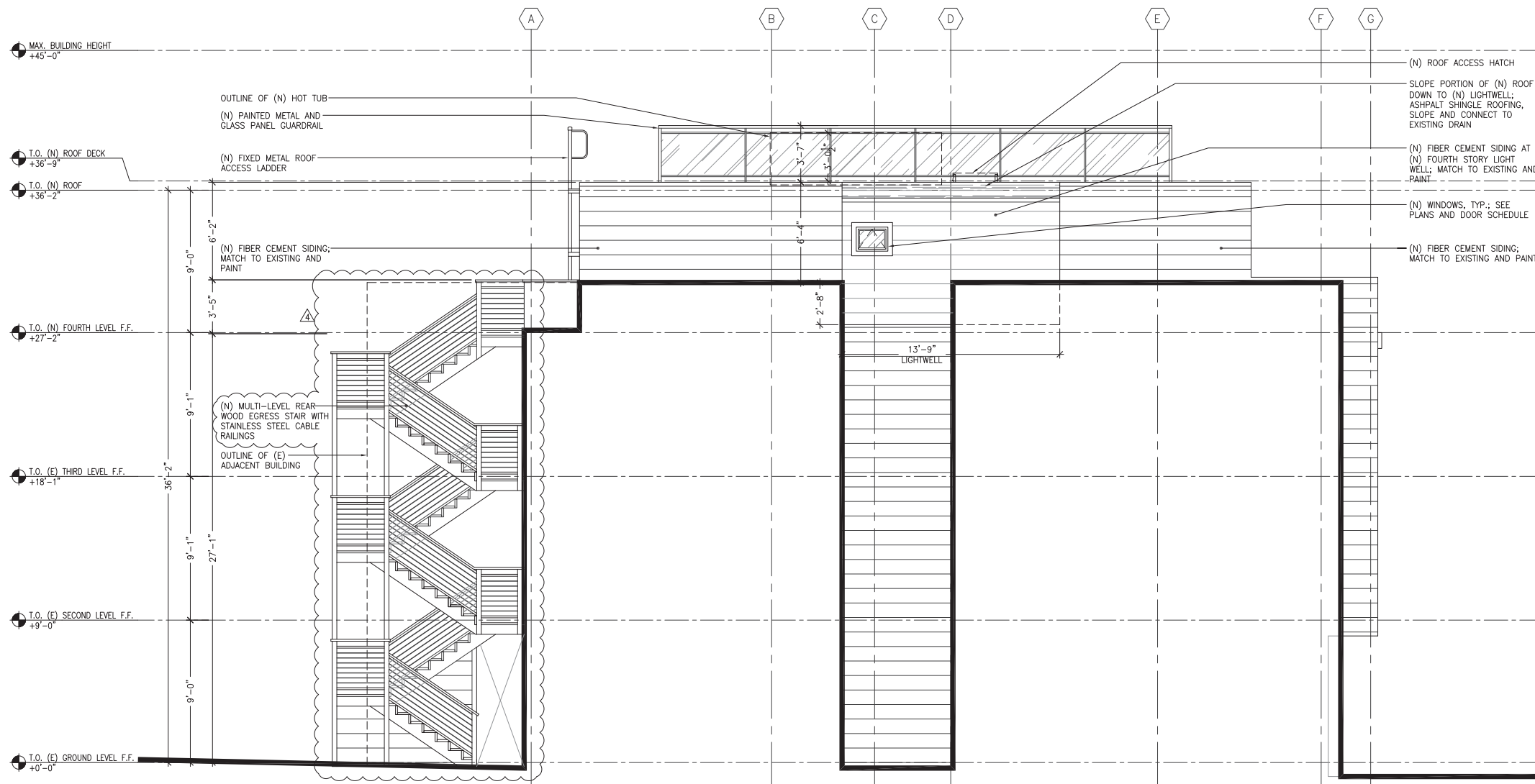
SCALE: 1/4" = 1'-0"

EXTERIOR
ELEVATIONS

A3.4



1 NORTH ELEVATION: EXISTING
1/4"=1'-0"



1 NORTH ELEVATION: PROPOSED
1/4"=1'-0"



659 Guerrero St. San Francisco, CA



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PROJECT NO. 14-43

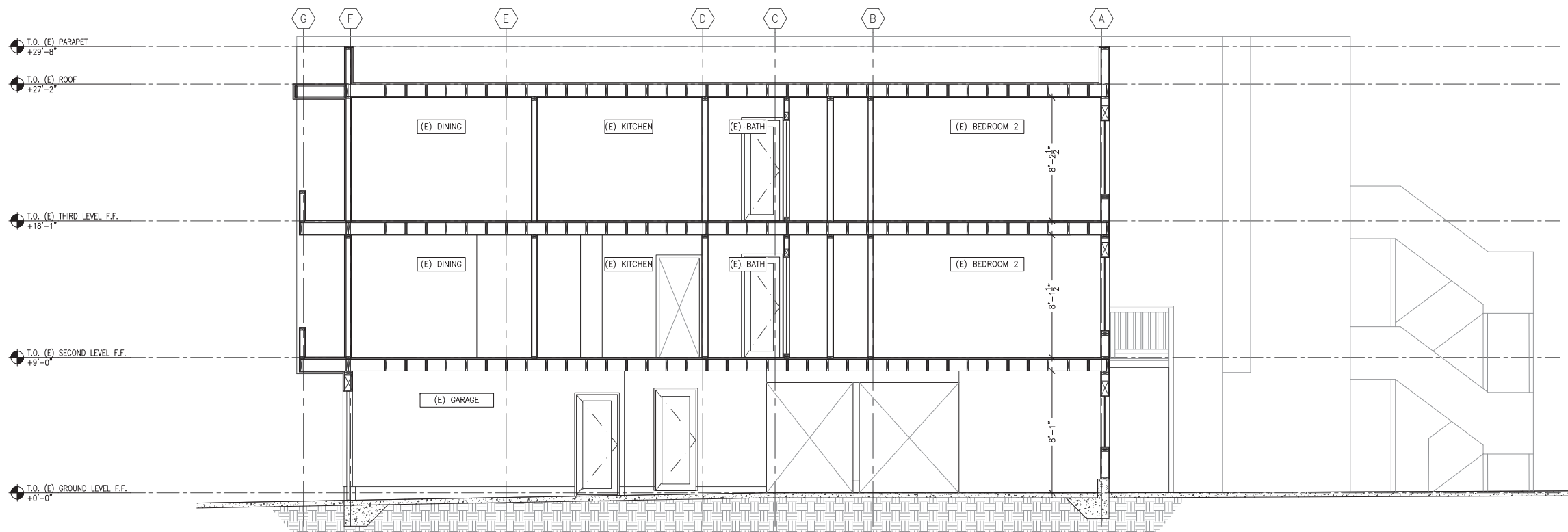
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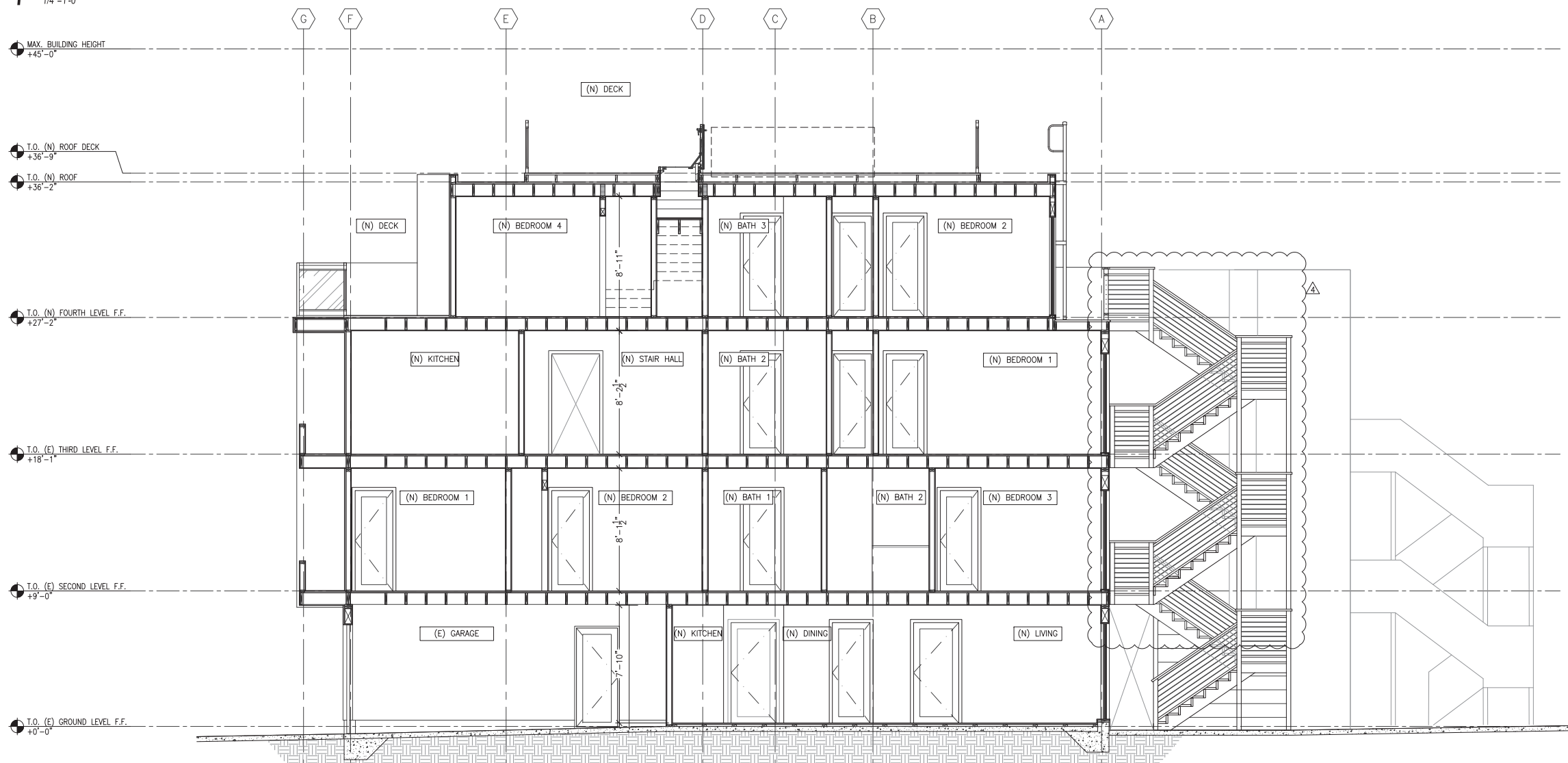
SCALE: 1/4" = 1'-0"

BUILDING
SECTIONS

A4.1



1 BUILDING SECTION: EXISTING
1/4"=1'-0"



1 BUILDING SECTION: PROPOSED
1/4"=1'-0"