



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis HEARING DATE: MAY 23, 2019

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: April 19, 2019
Case No.: 2016-009503DRP
Project Address: 149 Mangels Avenue
Permit Application: 2016.0712.2030
Zoning: RH-1 [Residential House, One-Family]
40-X Height and Bulk District
Block/Lot: 6765/043
Project Sponsor: Bill Eagan Architect
15 Perego Terrace, Suite 5
San Francisco, CA 94131
Staff Contact: David Winslow – (415) 575-9159
David.Winslow@sfgov.org
Recommendation: **Do not take DR and approve**

PROJECT DESCRIPTION

The project consists of new construction of a 3-story single-family house (2-stories at the street front) for a total of 3,160 square feet.

SITE DESCRIPTION AND PRESENT USE

The site is a vacant 25' x 125' down sloping lot adjacent to the Baden and Joost mini park, a 25' wide mid-block city owned open space.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The street-face of this block of Mangels has a consistent pattern of 2-story houses with varying setbacks from the street.

The mid-block open space of the combined rear yards has a varied alignment of rear building walls that do not terrace down with the slope at the rear yards.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	November 19, 2018 – December 19, 2018	12.14. 2018	5.23.2019	160 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	May 3, 2019	May 3, 2019	20 days
Mailed Notice	20 days	May 3, 2019	May 3, 2019	20 days
Online Notice	20 days	May 3, 2019	May 3, 2019	20 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	4	0
Neighborhood groups	0	1	0

DR REQUESTOR

William Wycko and Lisa Katzman of 139 Mangels Avenue, adjacent neighbors to the East of the proposed project.

DR REQUESTORS' CONCERNS AND PROPOSED ALTERNATIVES

1. A pre-existing foundation on 149 Mangels is physically linked to DR requestors' foundation and poses a hazard to the structure at 139 Mangels.
2. The proposed building is out of scale with surrounding neighborhood.
3. The proposed building intrudes into the mid-block open space.
4. The building form and character are incompatible with the surrounding neighborhood.
5. Light and air are impaired by building next to existing light well.

See attached *Discretionary Review Applications*, dated December 14, 2018.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The sponsor has complied with the Residential Design Team (RDAT) recommendations enumerated below, in relation to building massing at the rear to address issues related to scale, shading and privacy.

See attached *Response to Discretionary Review*, dated January 19, 2019.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Sections 15303 and 15032 [Class 3 - New Construction or Conversion of Small Structures, (a) One single-family residence, or a second unit in a residential zone;

and Class 32 – Infill Development Projects, meeting the following criteria: (a) consistent with the general plan and zoning applicable to the site; (b) on a site of no more than 5 acres substantially surrounded by urban uses; (c) on a site with no value as habitat for endangered, rare or threatened species; (d) no significant impacts related to traffic, noise, air quality, or water quality as a result of the project; and (e) the site may be served by all required utilities and public services.].

RESIDENTIAL DESIGN TEAM REVIEW

In light of the DR request, the Residential Design Advisory Team re-reviewed this project and confirmed that the proposal does not present any exceptional or extraordinary conditions with respect to the Residential Design Guidelines and the surrounding development patterns. Specifically:

1. The existence of the existing foundation is a condition that should be evaluated and remedied with the new construction, this is a matter beyond the scope of Planning to evaluate or enforce.
2. The proposed 2-story house maintains the scale at the street of the surrounding buildings, including the adjacent neighbor, consistent with the block face;
3. As the site slopes down, the height and extent of the proposed 3-story building is also consistent with the neighborhood scale at the rear. The existence of some houses with slightly down-sloping driveways and garages is not a consistent neighborhood pattern, nor a feature or pattern that RDAT reinforces, as long as the scale and massing of the building is compatible with the surrounding buildings.
4. The proposed building extends 1'-5" further than the adjacent neighbor in the rear to maintain the scale at the rear and preserve access to the mid-block open space.
5. The proposed rear decks are recessed or set back from the side lot lines by 3' and as such complies with guidelines regarding privacy.
6. The section of the proposed building indicates floor levels that minimize excavation.
7. The proposed building's 3-story light well matches 100% of the neighboring light well.
8. The façade composition and articulation is compatible with the neighborhood with respect to materials, proportions, and features.
9. The proposed building extends significantly less than the existing building adjacent to the Baden and Joost Mini Park and is not massed in a way to pose significant impacts to views from and light to the park.

RECOMMENDATION:	Do not take DR and approve
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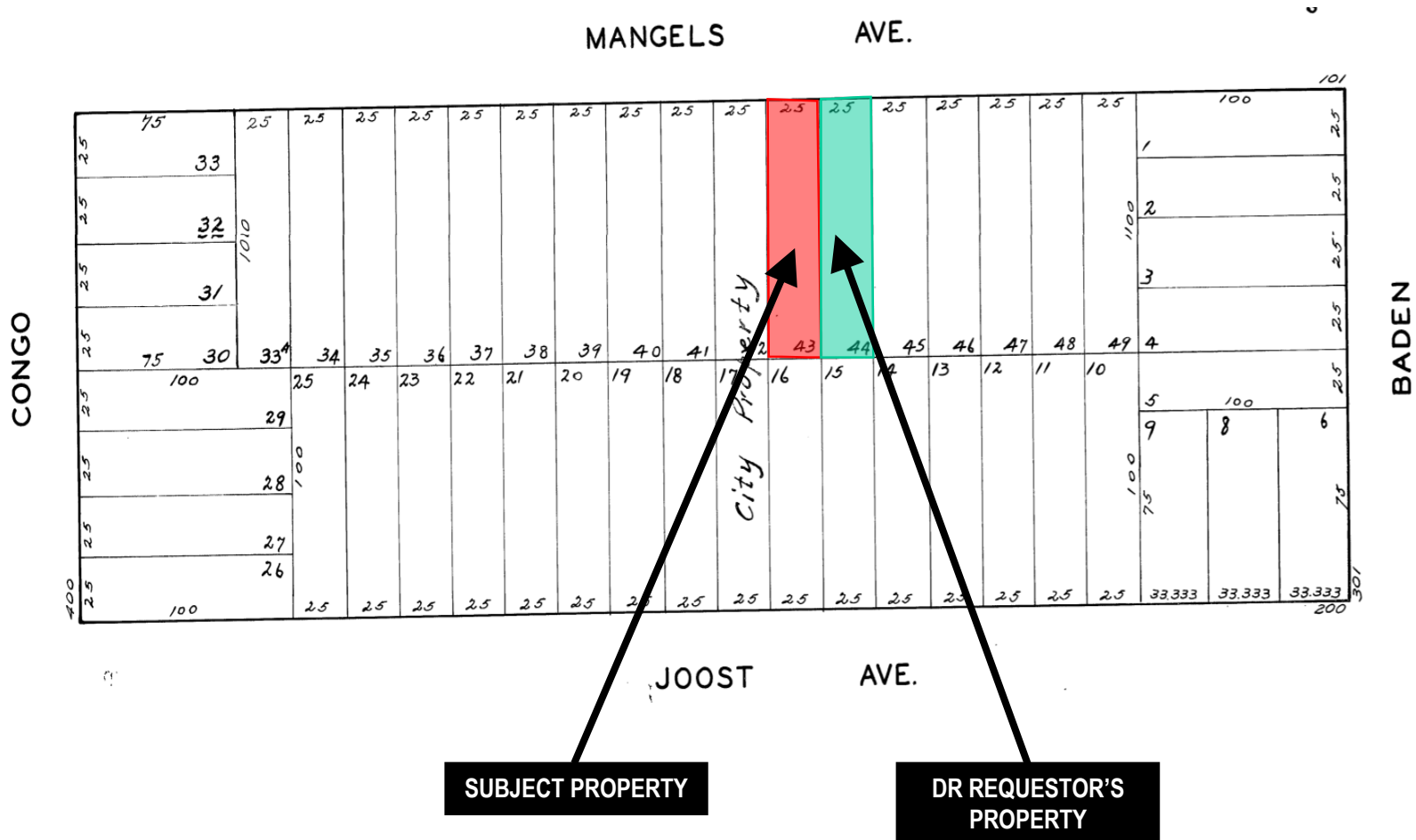
Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Context Photographs
Section 311 Notice
CEQA Determination
DR Application

Response to DR Application dated January 19, 2019
Reduced Plans dated 5.3.19
Color renderings

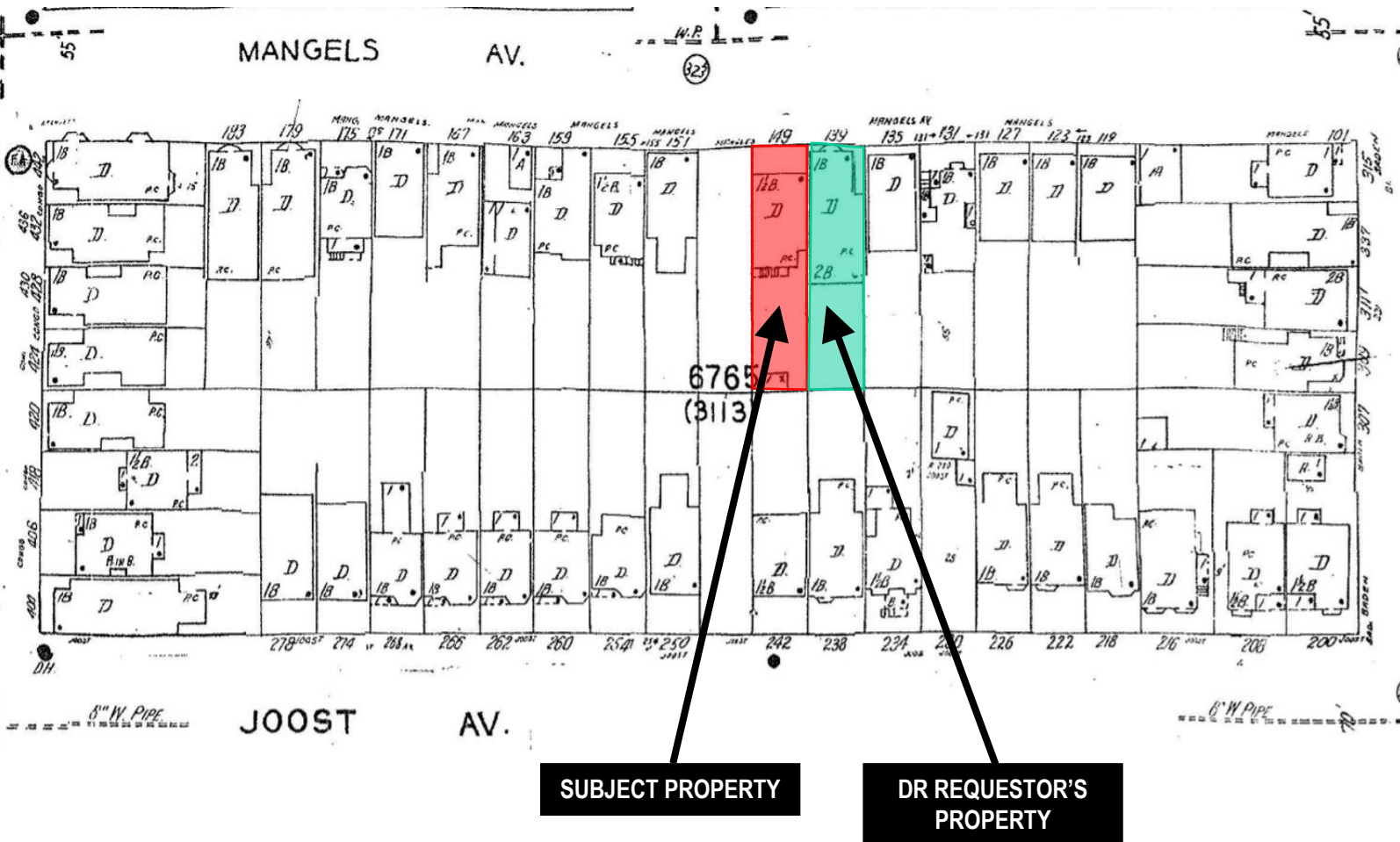
Exhibits

Parcel Map



Discretionary Review Hearing
Case Number 2016-009503DRP
149 Mangels Avenue

Sanborn Map*

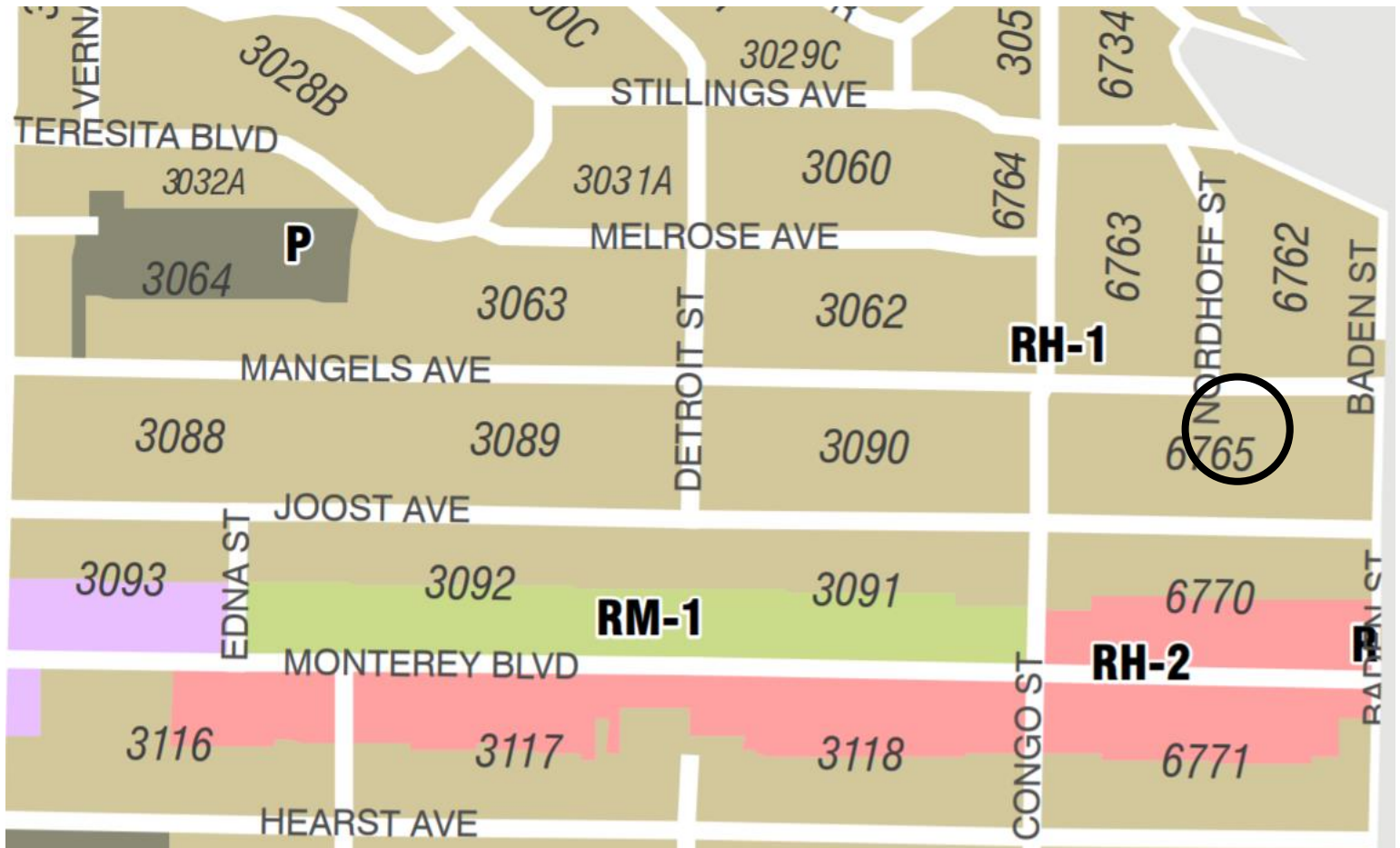


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing
Case Number 2016-009503DRP
149 Mangels Avenue

Zoning Map



Discretionary Review Hearing
Case Number 2016-009503DRP
149 Mangels Avenue

Aerial Photo

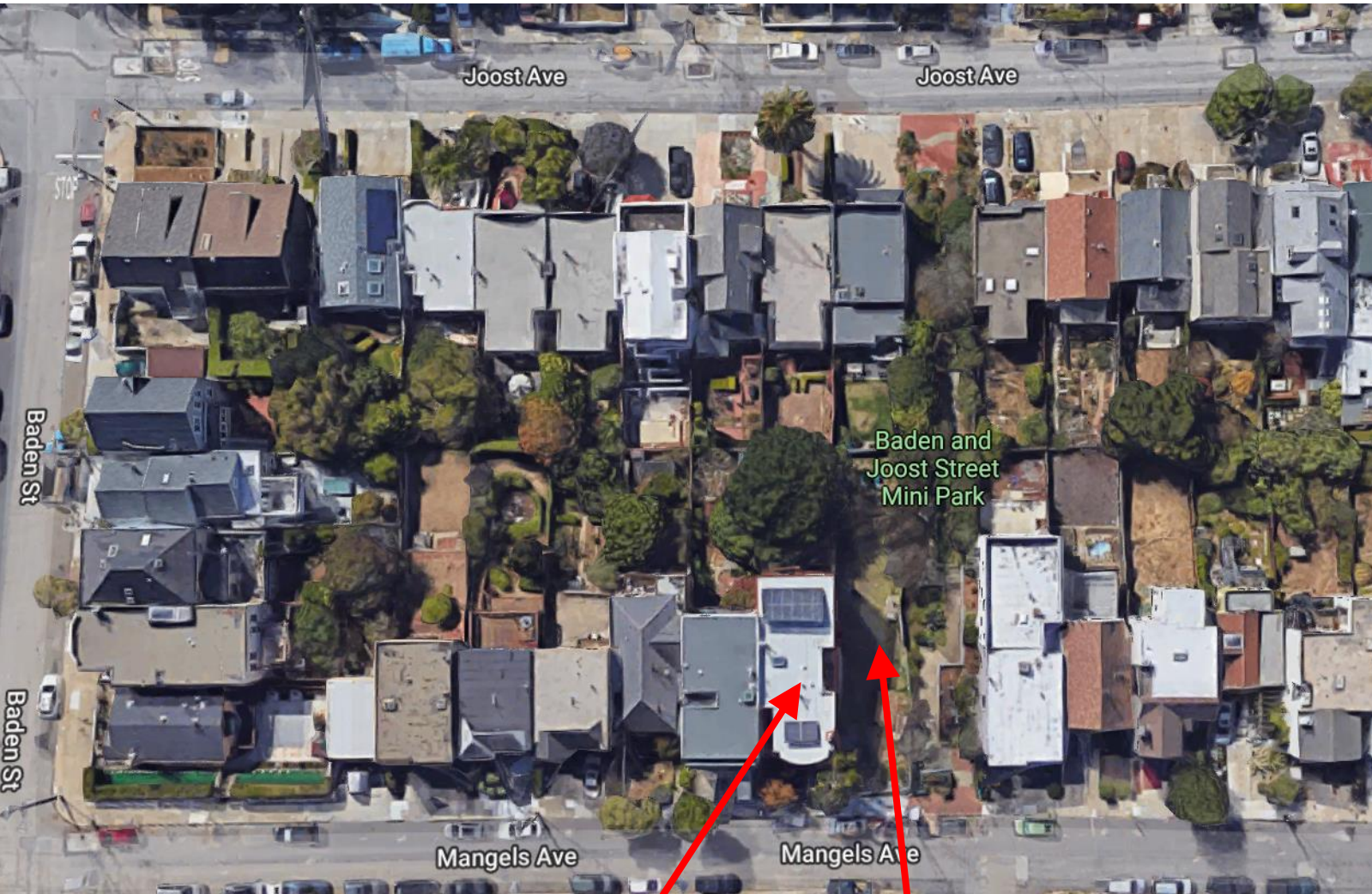


Discretionary Review Hearing
Case Number 2016-009503DRP
149 Mangels Avenue

Aerial Photo



Aerial Photo



DR REQUESTOR'S
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2016-009503DRP
149 Mangels Avenue

Aerial Photo



Discretionary Review Hearing
Case Number 2016-009503DRP
149 Mangel's Avenue

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 **July 12, 2016**, the Applicant named below filed Building Permit Application No. **2016.07.12.2060** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	149 Mangels Avenue	Applicant:	Bill Eagan Architect
Cross Street(s):	Nordhoff Street	Address:	15 Perego Terrace, Suite 5
Block/Lot No.:	6765/043	City, State:	San Francisco, CA 94131
Zoning District(s):	RH-1 / 40-X	Telephone:	(415) 260 1228
Record No.:	2016-009503PRJ	Email:	billagan7@gmail.com

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input checked="" type="checkbox"/> New Construction	<input type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Vacant Lot	Residential
Front Setback	NA	0 feet, 0 Inches
Side Setbacks	NA	NA
Building Depth	NA	60 feet, 0 Inches
Rear Yard	NA	25 feet, 0 Inches
Building Height	NA	21 feet, 6 Inches
Number of Stories	NA	3
Number of Dwelling Units	NA	1
Number of Parking Spaces	NA	1

PROJECT DESCRIPTION

The project proposes the new construction of a three-story, 3,160 square foot single-family home on a downward sloping, vacant lot. At the streetface, the building presents as two-stories tall with a height of 21 foot, 6 inches, and the first floor of the structure is located below street level. The building is proposed to be 60 feet deep with a eight-foot deep deck at the rear of the second floor and a 15-foot deep deck at the rear of the first floor.

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: Jeff Horn
Telephone: (415) 575-6925
E-mail: jeffrey.horn@sfgov.org

Notice Date: 11/19/18
Expiration Date: 12/19/18

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.



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2016-009503ENV
Project Title: 149 Mangels Avenue
Zoning: RH-1 (Residential-House, One Family) Use District
40-X Height and Bulk District
Block/Lot: 6765/043
Lot Size: 2,500 square feet
Project Sponsor: Bill Egan (415)-260-1228
Staff Contact: Justin Horner – (415) 575-9023
justin.horner@sfgov.org

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

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PROJECT DESCRIPTION:

The project site is located on Mangels Avenue on the block bounded by Mangels Avenue to the north, Congo Street to the west, Baden Street to the east and Joost Avenue to the south. The project site is currently vacant, except for the remnants of the foundation of a former structure that was demolished. The project site is located in an RH-1 (Residential - House, One Family) Use District and a 40-X Height and Bulk District in the Outer Mission neighborhood of San Francisco.

(Continued on next page)

EXEMPT STATUS:

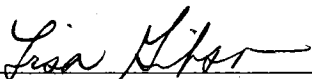
Categorical Exemption, Classes 3 and 32 (California Environmental Quality Act [CEQA] Guidelines Sections 15303 and 15332).

See page 2.

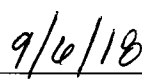
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DETERMINATION:

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



Lisa Gibson
Environmental Review Officer



Date

cc: Bill Egan, Project Sponsor
Jeff Horn, Current Planner
Distribution List

Virna Byrd, M.D.F.
Supervisor Mandelman, District 8, (via Clerk of the Board)

PROJECT DESCRIPTION (continued):

The proposed project includes clearing the project site of rocks, vegetation and other debris, including the removal of existing foundation footings which remain after the demolition of a former structure on the property, and the construction of a three-story, 21-feet-eight-inch-tall, approximately 3,406-square-foot single-family home with one off-street parking space. The proposed project includes excavation of up to 68 cubic yards to a maximum depth of 4 feet below grade.

Construction of the proposed project would take approximately 12 months.

Project Approvals

The proposed project requires a building permit from the Department of Building Inspection (building department).

Approval Action: If discretionary review before the Planning Commission is requested, the discretionary review hearing is the Approval Action for the project. If no discretionary review is requested, the issuance of a building permit by the building department is the Approval Action. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

EXEMPT STATUS (continued):

CEQA Guidelines Section 15303, or Class 3, applies to new construction or conversion of small structures, and provides an exemption from environmental review for the construction of up to three single-family residences in an urbanized area, such as San Francisco. The proposed project, one single-family home, therefore fits within the project type that is eligible for a Class 3 exemption.

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

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

The San Francisco General Plan, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The proposed project would not obviously or substantially conflict with any such policy, and would be consistent with the San Francisco General Plan and with applicable zoning designations. The site is located within the RH-1 (Residential-House-One family) Use District, which is intended to recognize, protect, conserve, and enhance areas characterized by dwellings in the

form of houses, usually with one unit with separate entrances, and limited scale in terms of building width and height. Thus, the proposed project, a single family home, is consistent with all General Plan designations and applicable zoning plans and policies.

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

The 2,500-square-foot project site is located within a fully developed area of San Francisco. The surrounding uses are residential. Thus, the proposed project would be properly characterized as an infill development surrounded by urban uses on a site of less than five acres.

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

The 2,500-square-foot project site has been previously developed and is located within a developed urban area. The project site has no value as habitat for rare, threatened, or endangered species.

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

Transportation

On March 3, 2016, in anticipation of the future certification of revised CEQA Guidelines pursuant to Senate Bill 743, the San Francisco Planning Commission adopted State Office of Planning and Research's recommendation in the Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA¹ to use the Vehicle Miles Traveled (VMT) metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.) Accordingly, this categorical exemption does not contain a separate discussion of automobile delay (i.e., traffic) impacts. Instead, a VMT screening analysis is provided within.

As shown in Table 1 below, existing average daily VMT per capita is 12.1 for the transportation analysis zone the project site is located in, 391. This is 30 percent below the existing regional average daily VMT per capita of 17.2. Given the project site is located in an area where existing VMT is more than 15 percent below the existing regional average, the proposed project's residential uses would not result in substantial additional VMT and impacts would be less-than-significant.

¹ This document is available online at: https://www.opr.ca.gov/s_sb743.php.

San Francisco 2040 cumulative conditions were projected using a SF-CHAMP model run, for existing conditions, but includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040. For residential development, the projected 2040 regional average daily VMT per capita is 16.1. Refer to Table 1 Average Daily Vehicle Miles Traveled, which includes the transportation analysis zone in which the project site is located, 391.

Table 1 Average Daily Vehicle Miles Traveled

<u>Land Use</u>	<u>Existing</u>			<u>Cumulative 2040</u>		
	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 391</u>	<u>Bay Area Regional Average</u>	<u>Bay Area Regional Average minus 15%</u>	<u>TAZ 391</u>
Households (Residential)	17.2	14.6	12.1	16.1	13.7	10.8
Source: SF Planning, <i>San Francisco Transportation Information Map – 149 Mangels Ave.</i> http://sfplanninggis.org/TIM/ Accessed: September 4, 2018.						

The proposed project includes the construction of a single-family home. Using the Planning Department's 2002 *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002), the proposed project is estimated to generate a total of ten daily person-trips, which includes a total of six daily vehicle-trips.² During the PM peak, the project would generate two person-trips, which includes one vehicle trip. Of the two PM peak person-trips from the proposed project, one would be a transit trip and one would be a vehicle trip. Mode split and vehicle occupancy data for the residential uses were obtained from the 2000 Census "Journey to Work" and Citywide Travel Behavior Survey figures. The incremental increase in traffic from the proposed project would not be considered a substantial increase relative to the existing capacity of the local street system. The change in traffic in the project area as a result of the proposed project would be indiscernible to most drivers. The proposed project would add a negligible increment to the cumulative long-term traffic increase on the neighborhood's roadway network. Thus, the project would not substantially affect the neighborhood's existing traffic conditions.

The project is expected to generate three daily transit person-trips, one of which would occur in the PM peak hour. The project site is well served by public transit including Muni and Bay Area Rapid Transit (BART) services; the 23-Monterey, 36-Teresita, 44-O'Shaughnessy bus lines and the J-Church light rail line all run

² *Transportation Impact Analysis Guidelines, Transportation Calculations*. This document (and all other documents cited in this report, unless otherwise noted), is available for review at 1650 Mission Street, Suite 400, San Francisco, CA, as part of Case No. 2014.0562E at 1650 Missions Street, Suite 400, San Francisco, CA, 94103.

within a quarter-mile of the project site. In addition, the project site is within 0.4 miles of the Glen Park BART station providing service to downtown and south San Francisco and points on the peninsula as well as points in the east bay. The impact of an increase of one PM peak transit trip would be indiscernible to most riders and would not result in delayed transit service. Additionally, sidewalks and streets are wide enough to support the anticipated increase in pedestrian and bicycle use. Thus, the project would not substantially affect the neighborhood's existing conditions for transit, bicycle, and pedestrian circulation.

The proposed project does not include any design features that would substantially increase traffic hazards (e.g., creating a new sharp curve or dangerous intersections), and would not include any incompatible uses; therefore, there would no impacts associated with traffic hazards for the proposed project.

Noise

Noises generated by residential uses are common and generally accepted in urban areas. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The proposed project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

Project construction would temporarily and intermittently increase noise and possibly vibration levels around the project site and may be considered an annoyance by occupants of nearby properties. Noise and vibration levels over the estimated 12-month construction period would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Construction noises associated with the proposed project would include minor excavation, truck traffic, and finishing. Of these, site work would likely generate the most construction-related noise. Throughout the construction period there would be truck traffic to and from the site, hauling away excavated materials and debris, or delivering building materials. It is anticipated that the construction hours would be working hours from 7a.m. to 5 p.m. during the week, with possible limited work during weekends.

The San Francisco Noise Ordinance (Article 29 of the Police Code) regulates construction-related noise. Compliance with this ordinance is required by law and would serve to reduce negative impacts of the proposed project on sensitive receptors. The ordinance requires that noise levels from individual pieces of

construction equipment, other than impact tools, not exceed 80 dBA³ at a distance of 100 feet from the source. Impact tools, such as jackhammers, must have both the intake and exhaust muffled to the satisfaction of the Director of the Department of Public Works or the Director of Building Inspection. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of Public Works or the Director of Building Inspection. The project must comply with regulations set forth in the Noise Ordinance.

The proposed building would not use pile driving. Given the above-mentioned City noise regulations and the temporary nature of construction work, construction noise would have a less-than-significant impact on the environment.

Air Quality:

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) in its *CEQA Air Quality Guidelines* (May 2017), has developed screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project's one dwelling unit is well below the Bay Area Air Quality Management District's (BAAQMD) screening levels for construction-related or operations-related criteria air pollutants.⁴

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but short-term) adverse effects to human health, including carcinogenic effects. In response to growing concerns of TACs and their human health effects, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health

³ dBA is the symbol for decibels using the A-weighted scale. A decibel is a unit of measurement for sound loudness (amplitude). The A-weighted scale is a logarithmic scale that approximates the sensitivity of the human ear.

⁴ BAAQMD, *CEQA Air Quality Guidelines*, May 2017, Chapter 3.

Code, Article 38 (Ordinance 224-14, effective December 8, 2014) (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

The proposed project is not within an Air Pollutant Exposure Zone. Therefore, the proposed project would not result in a significant impact with respect to siting new sensitive receptors in areas with substantial levels of air pollution.

The proposed project would require construction activities for the approximate 12-month construction phase. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes,⁵ which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction period TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution. In view of the above, the proposed project would not result in adverse impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Water Quality:

The proposed project would not generate substantial wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and stormwater would flow into the City's combined sewer system and would be subject to the standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plan prior to discharge.

Therefore, the proposed project would not result in adverse impacts related to water quality.

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

The project site is located in a dense urban area where all public services and facilities are available; no expansion of public services or utilities is anticipated. Therefore, the proposed project would not result in adverse impacts related to utilities and public services.

⁵ California Code of Regulations, Title 13, Division 3, § 2485. This regulation applies to on-road heavy duty vehicles and not off-road equipment.

DISCUSSION OF ENVIRONMENTAL ISSUES:

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

Guidelines Section 15300.2, subdivision (a), provides that a categorical exemption for exemption classes 3, 4, 5, 6 and 11 are qualified by consideration of project location. These classes of exemption shall not be used where the proposed project may have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The proposed project and project site vicinity are not located in an area where environmental resources of hazardous or critical concern are designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. As discussed below, there is no possibility of a significant effect on the environment due to hazardous or critical concerns.

Guidelines Section 15300.2, subdivision (b), provides that a categorical exemption shall not be used where the cumulative impact of successive projects of the same type in the same place, over time, is significant. As discussed below under "Cumulative Impacts," there is no possibility of a significant cumulative effect on the environment due to the proposed project.

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project has no features that distinguish it from other types of exempt projects under Class 3 and Class 32, such as its size or location.

While currently vacant, the project site originally included an 870-sf single-family dwelling built in 1910. On May 7, 2007, the building collapsed during the installation of a new foundation.⁶ This foundation work was being conducted without a building permit. The collapse of the original single-family dwelling and the unpermitted installation of the new foundation may have caused damage to the adjoining property at 139 Mangels Avenue, including to its foundation, interior finishes, and cracking of the chimney fireplace. Later that month, the building onsite was demolished,⁷ and the project site was cleared of debris from the structure. However, it is now known that there are remnant footings from the prior foundation that remain on the site. According to San Francisco Building Code Section 3303.4, when a building is demolished, the permittee must remove all debris and remove all parts of the structure above grade except those parts that are necessary to provide support for the adjoining property.

⁶ Demian Bulwa, "'Dream house' collapses on Sunnyside hill," *San Francisco Chronicle*, May 7, 2007. <https://www.sfgate.com/bayarea/article/SAN-FRANCISCO-Dream-house-collapses-on-2596529.php> This and all documents mentioned in this document are available for review at the San Francisco Planning Department, 1650 Mission Street, 4th Floor, San Francisco. Case # 2016-009503ENV.

⁷ Building Permit #200705080663. Date of final inspection: June 11, 2007. Additional detail regarding this building permit is available online at <http://dbiweb.sfgov.org/dbipts/default.aspx?page=PermitDetails>. Accessed January 19, 2018.

The above does not constitute an unusual circumstance in San Francisco. San Francisco is a developed, built-out urban area. Redevelopment of previously-developed sites, including the development of new single-family homes on such sites and the redevelopment of sites in close proximity to existing development, is common in San Francisco. Such redevelopment routinely includes, as required by San Francisco Building Code Section 3303.4, clearing sites of debris, including any remnants of previous development, as part of site preparation. The San Francisco Building Code accounts for the fact that redevelopment is undertaken in close proximity to adjacent development by limiting required site clearing only to those remnants that are not necessary to provide support for adjoining properties. As the San Francisco Building Code provides for development in close proximity to existing development on sites that may include elements necessary for the stability of adjacent structures, the project site would not be considered unusual. As discussed below, it has not yet been determined whether the remnants of the prior foundation existing on the project site are indeed necessary for the support of the adjoining property at 139 Mangels Avenue. However, even if the presence of remnants of previous development were to constitute an unusual circumstance, existing building department review procedures, outlined here and contained in the San Francisco Building Code and building department guidelines, would ensure that the proposed project would not result in a significant effect on the environment resulting from this condition.

Guidelines Section 15300.2, subdivision (d), provides that a categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The project site would not result in damage to scenic resources or a state designated scenic highway, and this exception will not be discussed further.

Guidelines Section 15300.2, subdivision (e), provides that a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code which addresses hazardous waste sites. As discussed below, the project site is not located on any list compiled pursuant to Section 65962.5 of the Government Code.

Guidelines Section 15300.2, subdivision (f), provides that a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. There is no historic resource on the project site and the construction of a single-family home on the site would not have the potential to affect any off-site resources. This exception will not be discussed further.

Hazardous Materials

Some building materials commonly used in older buildings, including asbestos and lead paint, could present a public health risk if disturbed during demolition of an existing building or if they remain on a project site and may be disturbed during subsequent construction. To determine whether the proposed project could result in a significant hazardous materials impact, the project sponsor provided background

materials on the demolition of the original building, including testing logs and information about the transport and disposal of asbestos-containing materials. Department staff and staff from the San Francisco Department of Public Health (public health department) reviewed the background materials and determined that the demolition materials were tested for asbestos-containing materials and were sampled and disposed of properly.⁸ On April 24, 2017, three soil samples were collected from the project site and analyzed for lead content.⁹ According to the analysis, lead was present in the soil, but at concentrations that were below health-based thresholds established by the United States (U.S.) Environmental Protection Agency, the U.S. Department of Housing and Urban development (HUD) and the U.S. Department of Health and Human Services (HHS).

The project site is not located on any list compiled pursuant to Section 65962.5 of the Government Code (also referred to as the Cortese list¹⁰) related to hazardous waste sites and releases of hazardous materials. However, on June 22, 2017, the public health department determined that the project site is subject to the Maher Ordinance. The goal of the Maher Ordinance, or Article 22 of the San Francisco Health Code, is to protect public health and safety by requiring appropriate handling, treatment, disposal, and when necessary, remediation of contaminated soils that are encountered in the building construction process. The public health department required the project sponsor to enroll in the Maher program, which the sponsor did through an application submitted on June 26, 2017. On December 7, 2017, the public health department requested a Phase II Environmental Site Assessment to provide further analysis of lead concentrations present on the project site. Pursuant to the Maher ordinance, public health department staff will review the Phase II report, once submitted, to determine if any remediation is required.

Given that asbestos-containing materials were properly disposed of at the time of removal, and that the project sponsor has enrolled in the Maher program with oversight by the public health department to address remaining hazards that may be present at the site, the proposed project would not result in significant hazardous materials impacts. Disposing of demolished structures that contain asbestos is fairly common when redeveloping properties and does not constitute an unusual circumstance.

⁸ San Francisco Planning Department, *Email from Jeanie Polling to Justin Horner*, April 10, 2017.

⁹ Environmental Lead Detect, Inc. *Soil Sample Results—Vacant Lot – 149 Mangels Avenue, San Francisco*, April 28, 2017.

¹⁰ Government Code section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. This list is a planning document used by the State, local agencies, and developers to comply with the California Environmental Quality Act requirements in providing information about the location of hazardous materials release sites. The list is online at <https://calepa.ca.gov/SiteCleanup/CorteseList/> accessed September 4, 2018.

Geology and Soils

Building Code Requirements, Department of Building Inspection Review Process, and the Slope and Seismic Hazard Zone Protection Act

Under the direction and management of the seven-member Building Inspection Commission, the mission of the building department is to oversee the effective, efficient, fair and safe enforcement of the City and County of San Francisco's Building, Housing, Plumbing, Electrical, Green Building, and Mechanical Codes, along with the Disability Access Regulations. The San Francisco Building Code consists of the California Building Code (state building code) with local amendments. San Francisco relies on the state and local regulatory process for review and approval of building permits pursuant to the state building code and the local building code as well as the state Seismic Hazards Mapping Act of 1990 (seismic hazards act) to ensure that the potential for adverse geologic, soils, and seismic hazards are adequately addressed.

The proposed project is required to conform to the local building code, which ensures the safety of all new construction in the City. In particular, Chapter 18 of the state building code, Soils and Foundations, provides the parameters for geotechnical investigations and structural considerations in the selection, design and installation of foundation systems to support the loads from the structure above. Section 1803 sets forth the basis and scope of geotechnical investigations conducted. Section 1804 specifies considerations for excavation, grading and fill to protect adjacent structures and prevent destabilization of slopes due to erosion and/or drainage. In particular, Section 1804.1 (excavation near foundations) requires that adjacent foundations be protected during excavation activities so that detrimental vertical or lateral (horizontal) movements do not occur as a result of project excavation. This is typically accomplished by underpinning or protecting adjacent foundations from detrimental lateral or vertical movement, or both. Section 1807 (foundation walls, retaining walls, and embedded posts and poles) specifies requirements to ensure stability of these features including seismic considerations. Sections 1808 - 1810 (foundations) specify requirements for foundation systems such that the allowable bearing capacity of the soil is not exceeded and differential settlement is minimized based on the most unfavorable loads specified in Chapter 16, Structural, for the structure's seismic design category and soil classification at the project site.

Geotechnical reports are required for all new construction in San Francisco. The building department reviews project-specific geotechnical reports during its review of building permits for projects. In addition, the building department may require additional site-specific soils report(s) through the building permit application process, as needed. The proposed project is subject to the building department's requirements for a geotechnical report and review of the building permit application pursuant to the building department's implementation of the building code, local implementing procedures, and state laws, regulations and guidelines, which would ensure that the proposed project would have no significant impacts related to soils, seismic or other geological hazards.

The function of a geotechnical report is to provide recommendations by a licensed geotechnical professional to a project's engineer of record, who will incorporate those recommendations into building permit-level drawings and construction documents, in order ensure that the proposed structure can be supported on the proposed foundation system. The report will also include geotechnical recommendations to minimize impacts on adjacent properties. The California Building Code also includes specific provisions, including Protection of Adjoining Properties (Section 3307)¹¹ and requirements that site drainage not be directed onto adjacent properties (Sections 1503 and J109.5).

As part of the review of the building permit application for the proposed project, the building department will review the project's construction documents and geotechnical reports prepared for the proposed project to ensure that the proposed design is in conformance with the recommendations in the geotechnical report and that those recommendations are captured and adequately rendered in the approved building plans. Additionally, the building department will confirm that the reports submitted meet the building department guidelines and building code requirements for geotechnical reports. At the time of any requested on-site inspection, the department's Field Inspector will review the work performed up to that point to ensure that it is consistent with the approved building plans.

Because landslides, earth movement, ground shaking and subsidence are likely to occur on or near steeply sloped properties and within other defined areas, such as those mapped on the State of California's Seismic Hazard Zone Map, causing severe damage and destruction to public and private improvements, the San Francisco Board of Supervisors adopted the Slope Protection Act (San Francisco Building Code Section 106A.4.1.4) to protect public health, safety and welfare. In May 2018, the Board of Supervisors, in Ordinance No. 121-18, updated and modified the City's Slope Protection Act. The newly titled Slope and Seismic Hazard Zone Protection Act (the "Act") identifies the scope of projects that will be subject to the Act and applies it to projects on sites that exceed an average slope of 4 horizontal to 1 vertical grade and to those projects where any portion of the property lies within the areas of the "Earthquake Induced Landslide Zones" in the Seismic Hazard Zone Map, released by the California Department of Conservation, Division of Mines and Geology, dated November 17, 2000. The projects subject to the Act would involve any of the following: (1) construction of a new building or structure having over 1,000 square feet of new projected roof area;¹² (2) a horizontal or vertical addition having over 500 square feet of new projected roof area; (3) shoring; (4) underpinning; (5) grading, including excavation or fill, of more than 50 cubic yards of earth materials; or (6) any other construction activity that, in the opinion of the building department Director, may have a substantial impact on the slope stability of any property.

¹¹ https://qcode.us/codes/lagunabeach/view.php?topic=14-14_50-14_50_132. Accessed December 27, 2017.

¹² "Projected roof area" refers to the area of a roof as measured from a birds-eye view. A projected roof measurement incorporates the length and width of a roof, but does not measure its height, or pitch.

Depending on a variety of factors, the building department will place projects subject to the Act into three different tiers of review that start with Tier I (staff review and analysis only), Tier II (required independent peer review), and Tier III (required review from the Structural Advisory Committee, a public body identified in the Building Code). When the assigned building department Plan Review Engineer determines that a project is subject to the Act, they shall confer with a building department review committee to determine what Tier to assign the project. The review committee shall have at least three building department engineers with the following qualifications: Supervising Engineer licensed in Structural Engineering, Supervising Engineer licensed in Civil Engineering, and a Plan Review Engineer licensed as a Geotechnical Engineer. As of publication of this document, the building department is in the process of finalizing its guidelines for review and analysis of projects subject to the Act, so the abovementioned process may change.

The project sponsor for 149 Mangels Avenue has submitted a building permit to the building department. However, the project's site permit is under review by the planning department. Once the planning department completes its review (including this environmental review), the building department will continue review for compliance with the building code. It cannot be established with certainty at this time whether the project will be subject to this Act and, if so, what Tier of review would be applicable.

It should be noted that the fact that the proposed project may be subject to the Slope and Seismic Hazard Zone Protection Act does not constitute an unusual circumstance. Approximately 59,645 parcels in San Francisco¹³ are included within an area mapped by the building department as being potentially subject to the Act. Further, projects with scopes of work meeting one or more of the other criteria established by the Act are also not unusual. Regardless, even if this were to constitute an unusual circumstance, existing building department review procedures, outlined here and contained in the San Francisco Building Code and building department guidelines, would ensure that the proposed project would not result in a significant effect on the environmental resulting from this condition.

San Francisco Building Code Chapter 17 also requires additional Special Inspection requirements for certain types of construction work, including demolition, excavation, grading and the installation of pilings and drilled piers. In these cases, the project sponsor is required to employ a qualified engineer or other certified specialist to perform inspections or tests. Only upon completion of any required Special Inspections shall the building department finalize a building permit. The building department determines the need for any Special Inspections and administers compliance with any requirements under Chapter 17.

¹³ SF Planning, *Email Correspondence between Mike Wynne, Senior GIS Business Analyst and Justin Horner, Environmental Planner*, Sept. 4, 2018

Geotechnical Analysis of the Project Site

The project site is currently vacant, but was occupied by a single-family home from the house's construction in 1910 until its collapse in May, 2007. Footings from the foundation of the former house currently remain at the project site, and these would be removed as part of the proposed project. The project site would be cleared of rocks, vegetation and other debris, and a new foundation constructed for the proposed home.

A geotechnical report was prepared for the proposed project in May, 2017 and updated in August, 2017.¹⁴ The most recent report indicates that the project site is located on a slope that is mapped as being underlain by weathered sandstone and shale bedrock, with weathered sandstone distributed uniformly across the site at about five to six feet below ground surface. The report found a moderate potential for erosion at the project site, but determined that erosion could be minimized through site design. The geotechnical report identified that the primary geotechnical issues facing the proposed project include appropriate seismic design and the design of new foundations to resist creep of near-surface soil at the hillside site. The report recommends, for the majority of the site, a foundation system consisting of drilled, cast-in-place, reinforced concrete piers and grade beams. To resist potential creep forces, piers constructed on sloping ground should be interconnected with reinforced concrete grade beams or tie beams oriented in the upslope-downslope direction. In any excavation areas where the bedrock is exposed, the foundation system may be continuous, shallow spread footings bearing on bedrock. The report concludes that compliance with the geotechnical recommendations included in the report, as well as the building code, would ensure the project would not result in significant geological impacts.

On July 12, 2017, the building department informed the planning department that the geotechnical report prepared for the proposed project in May, 2017 "covers all major geotechnical aspects and meets the generally accepted practices in Geotechnical Engineering [the building department has] been reviewing so far."¹⁵ The geotechnical reports currently prepared for the proposed project have satisfied the building department during a preliminary courtesy review as to the amount of detail appropriate for the environmental review and entitlement portions of the building permit approval process. These reports will be reviewed again as part of the building permit process.

For the above reasons, the planning department finds that there is substantial evidence in the record to support a conclusion that the proposed project would not have a significant effect on the environment due to unusual circumstances pertaining to geology and soils.

¹⁴ Miller Pacific Engineering Group, Geotechnical Investigation 149 Mangels Avenue, San Francisco, California, May 8, 2017. Miller Pacific Engineering Group, Updated Geotechnical Report Single Family Residence 149 Mangels Avenue San Francisco California, August 17, 2017.

¹⁵ Email to Justin Horner, Environmental Planner from Thomas Le, Building Plans Engineer, Department of Building Inspection, July 12, 2017.

Comments from Adjacent Neighbor and Planning Department Response

From September 2016 to February 2018, the planning department received written and verbal comments from the adjacent neighbor at 139 Mangels Avenue regarding geotechnical issues with the project site and the proposed development at 149 Mangels Avenue.¹⁶ These comments include, but are not limited to, concerns regarding the accuracy of information related to the existing conditions at the project site as represented in the geotechnical reports prepared for the proposed project; the level of detail regarding how the existing foundation footings at the project site would be removed; the level of detail in the geotechnical documents regarding the prior collapse of the original single-family home on the project site; the level of detail as to how construction-related impacts on the adjacent property would be avoided; the timing of the geotechnical analysis; and the sufficiency of the geotechnical reports' treatment of drainage issues.

With respect to the adjacent neighbor's geotechnical concerns, the planning department requested responses from the project sponsor's geotechnical engineer. On October 17, 2017, the planning department received supplementary information from the project sponsor, including a revised geotechnical report dated August 17, 2017,¹⁷ as well as a "peer review" of the August 17, 2017 geotechnical report, prepared by a licensed geotechnical engineer retained by the project sponsor's attorney, dated September 29, 2017.¹⁸ The August 17, 2017 geotechnical report expanded on the previous geotechnical report from May, 2017 by providing additional information regarding the history of the project site; new recommendations regarding underpinning of adjacent foundations during construction; additional recommendations regarding surface preparation of the project site, including the treatment of any existing on-site foundation footings; new recommendations regarding temporary and permanent cut slopes; and more detail regarding the proposed foundation design. The peer review geotechnical consultation determined that the August 17, 2017 geotechnical report had been "prepared in accordance with the standard of care as required by the geotechnical engineering profession." The consultant also recommended additional field exploration to determine the depth and extent of the on-site foundation remnants, including whether they extend under the adjacent 139 Mangels Avenue property.

In response to neighbor concerns regarding drainage at the site and the potential for damage to the adjacent property related to improper site drainage, the planning department consulted the building department.¹⁹ The building department related that the proposed project would be required to tie-in to the City's combined stormwater/sewer system, but that further analysis could not be performed before

¹⁶ These comments are available for review as part of the project file for case 2016-009503ENV.

¹⁷ Miller Pacific Engineering Group, *Updated Geotechnical Report Single Family Residence, 149 Mangels Avenue, San Francisco, California*, August 7, 2017.

¹⁸ Eddy T. Lau, *Geotechnical Consultation, Review of Geotechnical Report and Comments of the Environmental Planner, 149 Mangels Avenue, San Francisco, California*, September 29, 2017.

¹⁹ Steven Panelli, Chief Plumbing Inspector, Department of Building Inspection, personal conversation with Justin Horner, Environmental Planner, November 29, 2017, Kirk Means, Department of Building Inspection Technical Services, conversation, with Justin Horner, Planner and Debra Dwyer, Principal Planner, March 30, 2018.

technical construction drawings were made available as part of the building permit application. This is because certain details, such as the location and depth of the sewer, would not typically be identified until a project is entitled. The building department generally characterized the proposed project (i.e. the construction of a single-family home that would collect and direct stormwater off-site) as an improvement over the existing project site, which is an exposed vacant lot, where stormwater is not captured or controlled, potentially eroding the project site or directing runoff to neighboring properties or public rights-of-way.

Geology and Soils Conclusion

The project sponsor provided a geotechnical analysis of the project site and the proposed project from a licensed geotechnical engineer, and based on the building department's preliminary review, this information is consistent with the requirements of the building department and the building code. The proposed project is subject to the state and local building code review and approval process, which, if appropriate, would involve additional review of the sponsor's geotechnical report and include further detailed geotechnical analysis because of the project site's location in the Slope and Seismic Hazard Zone Protection Act boundaries. Because appropriate construction methods and measures would be incorporated into the proposed project as a result of this analysis, if applicable, and building department review, the proposed project would not result in significant soils, seismic or geological impacts due to unusual circumstances.

In light of the above, the planning department finds that the neighbor's concerns do not constitute a fair argument that the proposed project would have a significant impact on the environment due to unusual circumstances.

Cumulative Impacts

In accordance with the requirements of CEQA, the department analyzed the project as proposed in the Environmental Evaluation application, which was for the construction of a single-family residence on a vacant lot located at 149 Mangels Avenue. Within ¼ mile of the project site there are approximately 11 active planning applications. Nine of these are proposals for repair, renovation or expansion of existing structures, and are mostly residential in nature. One project, a block north of the project site, on the southwest corner of Stillings Avenue and Nordhoff Street, includes the demolition of an existing single-family home, the subdivision of the parcel, and the construction of four single family homes.²⁰ Another project, approximately 0.20 miles north of the project site, includes the construction of a new single family home on a vacant parcel.²¹ The development proposed for the area around the project site is not beyond what is typical of a residential neighborhood in San Francisco, and none of the proposed projects involve work at or adjacent to the project site. While construction vehicles may utilize

²⁰ 95 Nordhoff Street, Case No.2014.1490ENV.

²¹ 1247 Bosworth Street, Case No.2016-015471ENV.

the same roads at the same time, such occurrences would be infrequent and would not result in new or substantially intensified traffic hazards. Construction may occur at more than one project site at the same time, but such occurrences would be infrequent and would not result in new or intensified air quality or noise impacts. Both the Hazardous Materials and Geology and Soils issues described above are limited to the project site and would not combine with other projects in a manner that may result in significant cumulative impacts. Therefore, the proposed project does not contribute to a cumulatively considerable impact.

Conclusion. The proposed project satisfies the criteria for exemption under both Class 3 and Class 32; the entirety of the project is exempt under each of these classes. In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.



DISCRETIONARY REVIEW PUBLIC (DRP) APPLICATION

Discretionary Review Requestor's Information

Name: William Wycko & Lisa Katzman

Address: 139 Mangels Avenue, San Francisco, CA 94131

Email Address: wyckowilliam@comcast.net

Telephone: 415-587-8342

Information on the Owner of the Property Being Developed

Name: James Kong (real party in interest), fronted by Bill Egan Architect

Company/Organization: aka JKO Homes LLC & 149 Mangels LLC; possibly other fictitious business entities too

Address: 262 University Avenue, San Francisco, CA 94134

Email Address: mentroc@hotmail.com

Telephone: 415-710-1283

Property Information and Related Applications

Project Address: 149 Mangels Avenue, San Francisco, CA 94131

Block/Lot(s): Block 6765/Lot043

Building Permit Application No(s): 201607122060

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? (Including Community Boards)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

We have had a number of discussions about this project with the applicant and planning staff. There has been no mediation. No changes have been made to the project in response to our concerns, and the project sponsor has refused to communicate with us since June 2016. The only known change in response to planning staff input was to center the front door, which does not respond to any of our concerns and would be inconsistent with the predominant neighborhood pattern.

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
JUL 11 2016



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION PACKET

Pursuant to Planning Code Section 311 (d) and 312 (e), the Planning Commission may exercise its power of Discretionary Review over a building permit application.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, First Floor, San Francisco, where planners are available to assist you.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

WHAT TO SUBMIT:

- ☒ Two (2) complete applications signed.
- ☐ A Letter of Authorization for Agent from the owner giving you permission to communicate with the Planning Department on their behalf.
- ☒ Photographs or plans that illustrate your concerns.
- ☐ Related covenants or deed restrictions (if any).
- ☐ A digital copy (CD or USB drive) of the above materials (optional).
- ☒ Payment via check, money order or debit/credit for the total fee amount for this application. (See [Fee Schedule](#)).

HOW TO SUBMIT:

To file your Discretionary Review Public application, please submit in person at the Planning Information Center:

Location: 1660 Mission Street, Ground Floor
San Francisco, CA 94103-2479

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

RECEIVED

DEC 14 2018

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
PIC

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 standards of the Planning Code and the Residential Design Guidelines. 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 cite specific sections of the Residential Design Guidelines.

see attached reasons for requesting Discretionary Review

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 unreasonably affected, please state who would be affected, and how.

see attached enumeration of unreasonable impacts

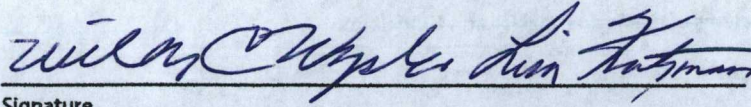
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

see attached changes to proposed project that could be readily accomplished

DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The information presented is true and correct to the best of my knowledge.
- b) Other information or applications may be required.



Signature

William Wycko & Lisa Katzman

Name (Printed)

adjacent neighbors/owners at 139 Mangels Avenue

415-587-8342

wyckowilliam@comcast.net

Relationship to Project
(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

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 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.

Exceptional and extraordinary circumstances include ongoing jeopardy to the adjacent 139 Mangels home, previously damaged by a 2007 slope slide, with 149 Mangels foundation physically linked to the earlier slide remaining that continues to illegally undermine the adjacent home, facts known to applicant prior to escrow but suppressed in his submittals. The proposed project is incompatible with our neighborhood's unusual context, complex topography, and character-defining patterns of low scale frontages, sloped front driveways and large rear yards. Other exceptional and extraordinary circumstances include the proposed 149 Mangels' monolithic structure that would dwarf the adjacent public park with adverse impacts because it would block scenic vistas, generate adverse shadowing and winds in the park, and eliminate verdant continuity with the neighborhood's characteristic mid-block open space. Opportunities to substantially reduce impacts of the project's outsized, incompatible development program have not been explored because of the applicant's intransigence and the Planning Department's unwillingness to conscientiously apply its *Residential Design Guidelines*, *Urban Design Guidelines*, and *Urban Design Element of the General Plan* to our Glen Park Terrace neighborhood.

NUMEROUS INCONSISTENCIES WITH RESIDENTIAL DESIGN GUIDELINES

The 149 Mangels project is inconsistent with the Planning Department's *Residential Design Guidelines (RDG)*. Notably, the project violates the following core *RDG Design Principles*:

- "Ensure that the building's scale is compatible with surrounding buildings.
- Ensure that the building respects the mid-block open space.
- Maintain light to adjacent properties by providing adequate setbacks.
- Provide architectural features that enhance the neighborhood's character."

DISRESPECTS VISUAL CHARACTER AND LIVABILITY EMBODIED IN OUR NEIGHBORHOOD'S MODEST VERTICAL SCALE, COMPATIBLE SETBACKS, AND ITS UNUSUAL BUILT PATTERN

RDG's central design principle regarding neighborhood character requires that buildings be designed "to be responsive to the overall neighborhood context, in order to preserve the existing visual character." (*RDG, Neighborhood Character: Design Principle*) Only one home along this Mangels frontage comes close to maximizing the allowable horizontal footprint (151 Mangels) and only one (135 Mangels) has an uninviting street-level garage door and atypical vertical frontage, but none combine all of these features as the 149 Mangels project proposes. Instead of "draw[ing] on the best features of surrounding buildings" (*RDG, Neighborhood Character: Mixed Visual Character Guideline*), the contextually insensitive 149 Mangels project is actually longer and taller than any existing singular negative outliers so that it degrades, rather than enhances, neighborhood character. (*RDG, Building Scale and Form: Building Scale Guideline & Building Scale at the Street Guideline*) Livability is impaired because, rather than "matching lightwells to augment livability and access to light and air" (*Urban Design Guidelines, Site Design S2*), the 149 Mangels project's lightwell is misaligned relative to the existing adjacent 139 Mangels lightwell in order to block interior light to the 139 Mangels home's kitchen and dining areas. The 149 Mangels project does not "protect the livability and character" of the scale and built patterns of surrounding buildings and would be an "intrusion of incompatible new building" (*Urban Design Element of the General Plan, Policy 4.15*) that fails "to enhance the area through sensitive development." (*RDG, Neighborhood Character: Mixed Visual Character Guideline*)



NEIGHBORHOOD PATTERN OF EXTENSIVE MID-BLOCK OPEN SPACE (PRE-SLOPE SLIDE 149 MANGELS HOME LOCATION HIGHLIGHTED WITH TARPS HIDING ILLEGAL WORK)

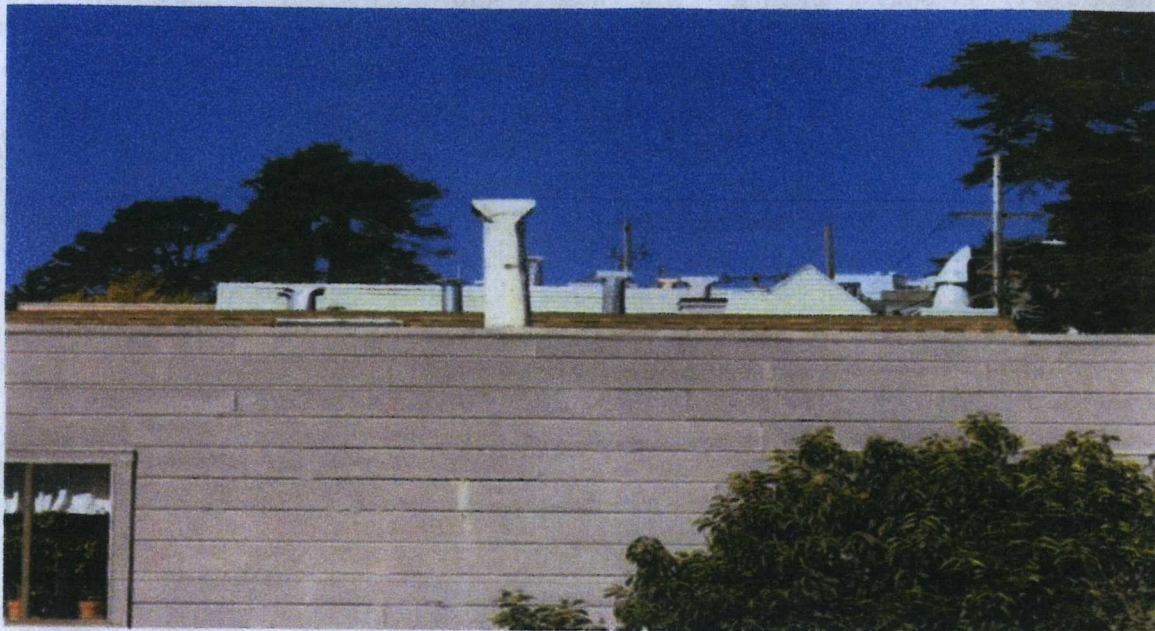
BUILDING SCALE AND LOT COVERAGE HOSTILE TO NEIGHBORHOOD'S UNUSUAL CONTEXT

The 149 Mangels project violates *RDG's* building scale guideline because it is not compatible with the unusual context represented in the limited height and depth of existing neighborhood homes. (*RDG, Building Scale and Form: Design Principle*) Down-slope-oriented surrounding buildings, aside from the previously noted singular outliers, typically extend vertically only one-and-a-half stories above street-level grade and open backyards account for 40-60 percent of each lot's depth, thereby creating extensive mid-block open space. (*RDG, Building Scale and Form: Building Scale at the Street Guideline & Building Scale at the Mid-Block Open Space Guideline*) The 149 Mangels project proposes an overlarge structure relative to our neighborhood's unusual context and complex topography, with a further extension for its maxed-out double-tiered rear decks. Rather than "site, orient and sculpt buildings to reinforce and accentuate built and natural topography" (*Urban Design Guidelines, Site Design S8*), the 149 Mangels project instead obtusely proposes to step-up its own vertical profile to well over 40 feet high in its rear (from grade to roof line) and to maximize its lot coverage into the rear yard with adverse impacts to the adjacent park and mid-block open space. (*RDG, Building Scale and Form: Building Scale at the Mid-Block Open Space Guideline*)

SITE DESIGN AND FORM INCOMPATIBLE WITH MID-BLOCK OPEN SPACE AND HOMES THAT STEP-DOWN ALONG SLOPES TO CONTOUR TO NEIGHBORHOOD'S COMPLEX TOPOGRAPHY

The proposed 149 Mangels project would also be inconsistent with *RDG's Site Design* guidance because it does not "respond to the topography of the site, its position on the block, and to the placement of surrounding buildings." (*RDG, Site Design: Topography Guideline*) The 149 Mangels site is situated adjacent to this block's lowest elevation along Mangels, with steep cross-gradients descending from Congo and less steep cross-gradients descending from Baden. Reading along its street frontage, the scale of this block's surrounding buildings taper from each direction down towards the mid-block public park to follow the contours of the block's cross-gradient topography. To the south on Joost Avenue as well as on the opposite side of Mangels, Nordhoff Street, there are also similar built patterns that mirror slopes towards the park with homes stepping-down to follow the terrain's slopes. The inharmonious 149 Mangels monolith would be a strikingly intrusive aberration incompatible with our neighborhood's complex topography and its unusual neighborhood context

that would ruin the strong continuity of the neighborhood's appealing mid-block open space as well as its flourishing natural linkage to the public park. (*RDG, Site Design: Design Principle*)



MANGELS HOMES STEPPING-DOWN CROSS-SLOPE TO PARK

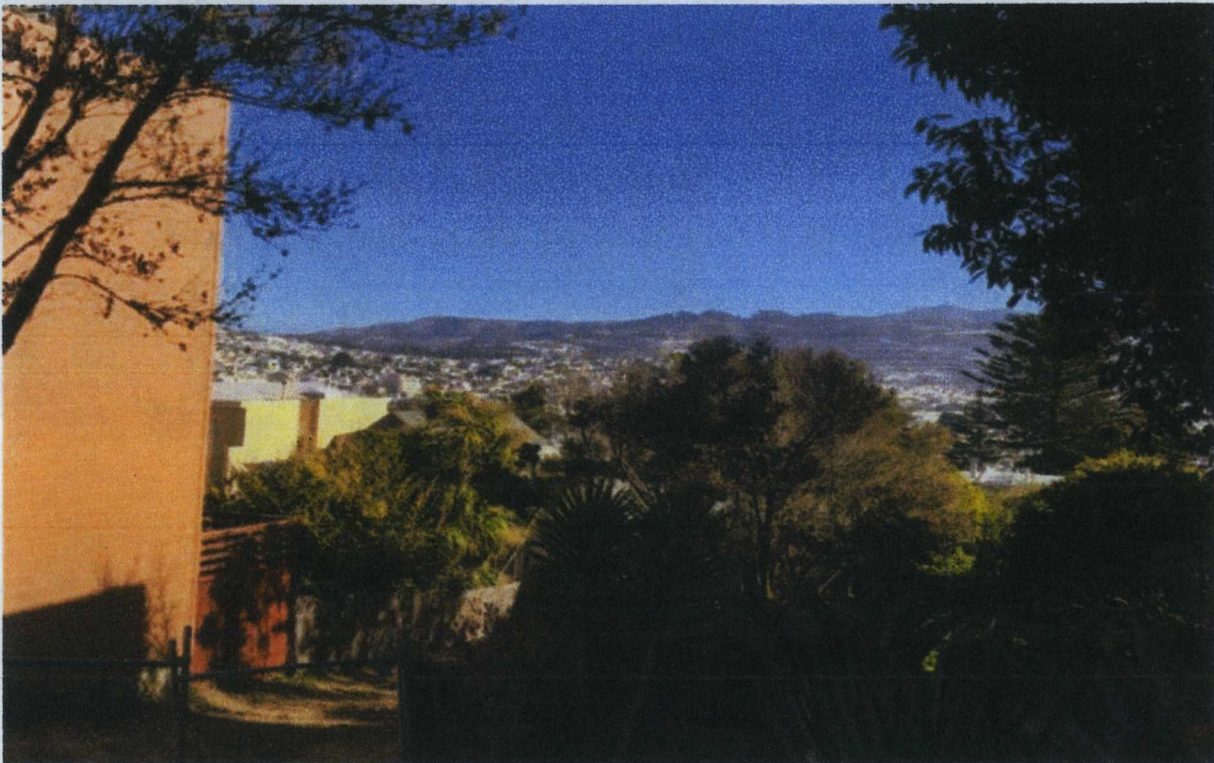


NORDHOFF HOMES STEPPING-DOWN SLOPE TO PARK

MONOLITHIC STRUCTURE THAT SHADES, CREATES WIND TUNNEL AND BLOCKS SCENIC VISTAS IN ADJACENT PARK

The negative effects associated with this contextual insensitivity would be even more pronounced because the project is located directly adjacent to a public park. In addition to its incompatible scale and depth compared to the predominant pattern for other neighborhood homes, the 149 Mangels project would present a massive,

unarticulated, over-40 feet high wall abutting the park with only a couple tiny windows, and this would create extensive morning shadowing of the park and a 75-feet long wind tunnel. In its initial review, the Planning Department's design team requested articulation and fenestration for this wall but capitulated after the applicant ignored these recommendations (despite *RDG's* clear guidance for *Site Design: Buildings Abutting Public Spaces Guideline & Building Details: Material Detailing Guideline*). Moreover, the project would violate *RDG's* design guideline for public views because it fails to protect major public views from public spaces. (*RDG, Site Design: Protect Major Public Views from Public Spaces Guideline; Urban Design Guidelines, Site Design S4; and Urban Design Element of the General Plan, Policy 1.1*) Notwithstanding misrepresentations by the applicant, the project would obstruct scenic views of San Bruno Mountain from many public as well as long-held private vantage points and, more specifically, block scenic vistas from the adjacent park of undeveloped open space on San Bruno Mountain's eastern flanks that taper towards San Francisco Bay. The project fails to "protect major views of the City as seen from public spaces such as streets and parks by adjusting the massing of proposed development projects to reduce or eliminate adverse impacts on public view sheds." (*RDG, Site Design: Protect Major Public Views from Public Spaces Guideline*).



SCENIC VISTA FROM PARK OF SAN BRUNO MOUNTAIN OPEN SPACE THAT WOULD BE OBLITERATED BY PROPOSED 149 MANGELS PROJECT

PROJECT PROMOTES AUTO-CENTRIC FRONTAGE INCONSISTENT WITH NEIGHBORHOOD'S CHARACTER-DEFINING SLOPED DRIVEWAYS THAT MODERATE SCALE & GARAGE IMPACTS

The 149 Mangels project would also be inconsistent with *RDG's* front setback guidelines because it disregards enhancement of the street. (*RDG, Site Design: Front Setback Guideline*) Our neighborhood lacks a unifying architectural style but there is unifying consistency in the treatment of front setbacks which are City-owned. An important existing character-defining feature of front setbacks along this block-face is driveways descending from street-level that reduce the scale of street-level frontages to provide "a visually interesting street frontage"

that would otherwise be visually dominated by garage doors. (*RDG, Architectural Features: Garages Guideline*) The front setback sloping driveway character-defining feature also serves to modulate the undulation of lots that have moderate cross-slopes and steep down-slopes while maintaining a modest vertical scale along Mangels. Contrariwise, the 149 Mangels project proposes a flat front setback driveway with a prominent street-level garage door, thereby encouraging vehicle parking in the front setback (blocking continuity for pedestrians along the publicly-owned right-of-way) and presenting an unwelcoming, auto-oriented frontage in a neighborhood where garages and driveways have traditionally and skillfully been designed not to overwhelm the front-facing facades of homes. (*RDG, Site Design: Front Setback Guideline*) The project's proposed positioning of its driveway at its eastern edge would further violate *RDG's* guidance by failing to maximize the number of on-street parking spaces available to the public. (*RDG, Architectural Features: Curb Cuts Guideline*) The driveway's location in combination with the location of an existing utility pole would likely preclude providing the required street tree. Furthermore, although not disclosed by the applicant, the park would be further degraded because the proposed 149 Mangels project would likely eliminate eight existing trees in the adjacent park whose existing protrusions over the project site would interfere with the proposed building. (*Urban Design Element of the General Plan, Policy 1.4 & Policy 4.12*)



CHARACTER-DEFINING SLOPED DRIVEWAY VS. FLAT FRONT SETBACK DOMINATED BY GARAGE DOOR

VIOLATIONS OF PLANNING CODE'S PRIORITY POLICIES

The proposed 149 Mangels project would violate three of the *Planning Code's Priority Policies*.

The project's monolithic scale is dramatically out of context with virtually every home on the same south-sloping blockface, which have a long-standing tradition of moderated height, bulk and scale to preserve sun and

light access to the park and to each other's yards. The project's outsized scale would violate **Priority Policy 8** by visually dwarfing the adjacent public park, significantly reducing access to sunlight in the park's most actively-used areas, generating a wind tunnel, and significantly impacting scenic public vistas from the park of San Bruno Mountain and the open space on its foothills tapering towards San Francisco Bay.

The project would also violate **Priority Policy 3** because only a massive luxury structure is proposed and an optimal chance to enhance the City's supply of affordable housing through provision of a lower-level in-law dwelling unit has been ignored. This represents a missed opportunity to support and implement San Francisco's Accessory Dwelling Unit and Unit Legalization Program at the 149 Mangels project site and contradicts the American Planning Association's recent award for this program.

The project would also violate **Priority Policy 2** because the project fails to conserve and protect the existing character of our neighborhood by instead proposing a massive, outsized luxury structure that would be inconsistent with the modest scale and predominant economic profile of residents of our Glen Park Terrace neighborhood. The 4,000 square foot building envelope proposed for the 149 Mangels project would exceed the size of any neighborhood homes---aside from one building which illegally functions as an apartment building in a single-family neighborhood. Even on its own lot, the project's myopic insular focus that is oblivious to any functional connection to its surroundings is epitomized by a *de minimis*, uninviting rear yard dominated by overgrown thickets of blackberry bushes. The proposed 149 Mangels project's insensitivity to its external setting contrasts with its elaborate luxury spec interior details featuring a 450 square foot master bedroom with bath, 85 square foot closets, four bedrooms (plus other space that could be converted into additional bedrooms or rentals), four bathrooms, 400 square feet in double-tiered rear decks, a three-level atrium, and a 300 square foot garage without providing any public benefits or addressing San Francisco's affordable housing needs.

The very design of this project -- in size, layout and lack of conformance to the architectural tradition of this street -- indicates that applicant has no interest in honoring the long-standing architectural tradition of gracefully stepping down the hillside in a way that neither overpowers natural topography nor the neighboring buildings' inherent respect for community urban design. It also demonstrates the applicant's primary intent is speculative, rather than neighborly: capitalizing on only a short-term interest in selling an overbuilt, opulent home with no stake in the neighborhood, in contrast with many neighbors who have lived here for decades. Despite our early requests for a dialogue to address these concerns and our sincere belief that slight revisions could readily be made to its most offending features, the applicant has refused to develop a home that is compatible with the topographically-distinct neighborhood fabric. The applicant and his agents have shown nothing but disrespect for neighbors and our neighborhood.

VIOLATIONS OF SECTION 311 PRE-APPLICATION PUBLIC NOTICING REQUIREMENTS

The applicant for the 149 Mangels project has not complied with the following pre-applications requirements of Planning Code Section 311:

- the location of the 149 Mangels lot was inaccurately described in the mailed notices as situated between Forester and Detroit (the lot is actually located between Baden and Congo);
- plans included with the mailed notice did not show the height of the proposed structure in relation to the adjacent 139 Mangels home;
- plans in the mailed notice did not accurately show the existing lightwell for the adjacent building;
- plans misrepresent the size of 139 Mangels' rear landing that accommodates stairs to its backyard in order to falsely make the proposed 149 Mangels project look more comparable;
- pre-application mailed notice submitted with 149 Mangels plans to Planning Department was falsified

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

and did not correspond to mailed notice that neighbors actually received for the June 6, 2016 meeting;

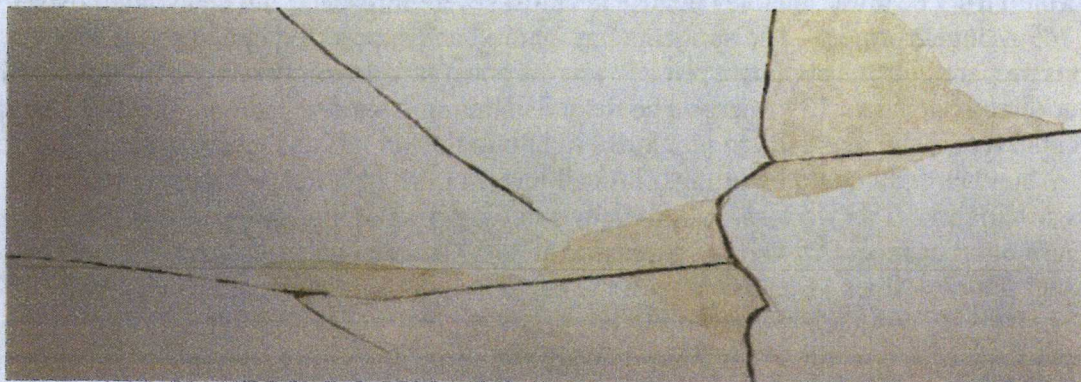
- applicant provided a notably inaccurate summary about issues raised in the pre-application meeting.
- processing of the 149 Mangels project should not have proceeded after the Planning Department was promptly informed about these violations of pre-application 311 requirements.

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:



BEFORE & AFTER 2007 SLOPE SLIDE AT 149 MANGELS (KPIX PHOTOS)

As the neighbors directly adjacent to the proposed 149 Mangels project, we would experience numerous unreasonable impacts. The remaining 149 Mangels foundation footings physically connected to the 2007 slope slide still illegally undercut and undermine our adjacent 139 Mangels foundation, causing ongoing damage to our home. The applicant and his agents have refused to recognize ongoing threats to our home or to support protective measures to prevent a repeat of the 2007 disaster. This issue is known to the applicant, Planning Department, and San Francisco Department of Building Inspection (SFD BI) but is not being effectively dealt with and represents the ultimate embodiment of a severe incompatibility issue and an unreasonable impact.



2017 CRACKS IN 139 MANGELS INTERIOR WALLS (ORIGINALLY REPAIRED A DECADE EARLIER) CAUSED BY CONTINUING PRESENCE OF 149 MANGELS FOUNDATION FOOTINGS THAT UNDERMINE 139 MANGELS HOME

The applicant has also refused to align his lightwell with our existing upper level lightwell, thereby blocking light to the kitchen and dining areas in the middle of our home when it would have been both very easy and cordially respectful for a new neighbor, building a home from the ground up, to accommodate these most basic of concerns. Instead of taking advantage of opportunities for getting light into the 149 Mangels project's interior through fenestration and articulation of its western wall, the applicant intends to extend his lightwell below the level of sewer lines, thereby creating potential flooding of our home's foundation whenever the requisite uphill pump clogs or fails during storm surges. Users of the 149 Mangels project's excessively elevated double-tiered rear decks would stare directly into our bedrooms, and the decks would tower over the adjacent park and many neighbors' rear yards.

The applicant intends to maximize lot coverage and present vertical frontages to the street and the adjacent park that would be incompatible with the unusual scale and character of our neighborhood. The 149 Mangels project's massive over-40-foot high scale at the structure's rear coupled with its maxed-out elevated double rear decks would eliminate our neighborhood's characteristic continuity between its extensive, lush mid-block rear yard open spaces and the public park adjacent to the project site. The attractiveness of the adjacent park would itself be greatly diminished. The excessive length and scale of the 149 Mangels project in combination with the only other outsized neighborhood structure (151 Mangels, on the other side of the park) would create a 75-foot long shady wind tunnel and would also significantly obstruct scenic vistas from the park and other public areas of San Bruno Mountain's open space. The anomalous monolith at 149 Mangels would thus generate numerous unreasonable impacts to our neighborhood.

Insensitivity to unusual context and disrespect for neighborhood character are not abrogated by mere compliance with the minimum standards of the Planning Code. For example, the Planning Code would permit us to expand our 139 Mangels home by two stories and its horizontal footprint by almost one third. As long-time residents who expect to live here many years longer, we would gain the benefits of views of the ocean, the Bay, Mt. Davidson and Diamond Heights plus more modern amenities. But the existing design of our home and improvements we have undertaken as well as those of most other existing neighborhood homes, in terms of massing, bulk and orientation, include compromises that are sensitive to our neighbors and their neighbors. Outsized expansion to get private benefits at the expense of incompatibility with our neighborhood's character and modest scale would therefore be inappropriate and unreasonable as would also the applicant's outsized, Code-compliant 149 Mangels project as proposed, especially in its unusual context and more impactful location dwarfing the adjacent park.

These impacts would truly be unreasonable because the most severe impacts could be avoided by sensitive redesign of the 149 Mangels project. The applicant has ignored and suppressed our engineer's recommendations prepared for the applicant prior to escrow about how to safely remove the foundation footings that undercut our directly adjacent 139 Mangels home and undermine our foundation. The 149 Mangels upper level lightwell could readily be realigned to maximize light into the kitchen and dining areas of our adjacent 139 Mangels home. Abundant light could be brought into all levels of the 149 Mangels structure through fenestration and articulation of its western wall, thereby avoiding risks of inundation of our 139 Mangels foundation because of an unnecessary vertical extension of 149 Mangels' adjacent lightwell well below the level of wastewater drainage lines. Consistent with the neighborhood's predominant pattern, the 149 Mangels project could be sensitively designed to conform to our neighborhood's character-defining sloped driveway front setback feature, thereby enabling a stepping-down of the entire structure to become more compatible with our neighborhood's unusual context and modest scale. These modifications would also reduce the unreasonable impacts inherent in the contextually insensitive design of the 149 Mangels project that, as proposed, would tower over the park and nearby homes, ruin continuity between the adjacent park and mid-block rear yard open spaces, block scenic vistas of San Bruno Mountain's open space from the adjacent park, and create extensive

shadowing and a wind tunnel in a park whose attractiveness has been enhanced over the past decade through the combined efforts of the San Francisco Recreation and Parks Department and neighborhood residents.
(<https://sf.curbed.com/maps/gardens-green-spaces-secret-parks-hidden-sf-map>)

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

We are requesting that the 149 Mangels project be modified to include each of the following provisions prior to any subsequent permit actions, that these provisions be binding on the project sponsor as well as any and all successors in interest, and that these project revisions become enforceable based on being recorded as a Notice of Special Restrictions (NSR) attached to the title of the 149 Mangels property.

(a) Provide specific details for safe removal of the existing 149 Mangels foundation footings that illegally undermine the adjacent 139 Mangels home. Detailed structural engineering plans, inclusive of safe procedures for this removal with shoring and engineered backfill material under the 139 Mangels foundation as well as specific safety precautions for foundations, retaining walls, proposed extensive digging, and other construction activities on the 149 Mangels site, need to be provided now. Protective procedures need to be ensured through on-site oversight and monitoring with legal authority to intervene, as necessary, by a geotechnical/structural expert of appellants' choice paid at the expense of the project sponsor. These protective measures would typically not be addressed in the 149 Mangels site permit, are not effectively addressed in its environmental review, and are unlikely to be required for subsequent building permits based on SFDBI's dismal track record for this site—unless mandated by the Planning Commission.

(b) Align the upper level lightwell for the 149 Mangels project with the existing upper level lightwell of the adjacent 139 Mangels home in order to optimize natural light into its upper level kitchen and dining areas.



**REMAINING DEFICIENT 149 MANGELS FOUNDATION FOOTINGS
THAT ILLEGALLY UNDERCUT AND UNDERMINE 139 MANGELS HOME,
NEGLECTED AND UNABATED BY SFDBI AND 149 MANGELS OWNERS FOR A DOZEN YEARS**

(c) Terminate the proposed 149 Mangels lightwell at its middle level to obviate stormwater collection below the level of street-level sewer lines, thereby avoiding the necessity for ten-foot uphill pumping that would create risks of storm surge flooding of adjacent 139 Mangels foundation from clogging or untimely engine failures.

(d)(i) Conform with the existing character-defining front setback sloping driveway feature along this block-face by changing the project's driveway so that it descends from street-level to the maximum extent possible consistent with gradient limitations. Conforming to this character-defining sloping driveway feature of our neighborhood would reduce adverse effects of its street-level frontage on Mangels that would otherwise be visually dominated by a garage door and be incompatible with the street's character-defining low scale. The Planning Commission should also seriously consider elimination of this project's proposed off-street parking space (consistent with proposed legislation) in order to preserve existing on-street parking and enable a lower street-level frontage that would better conform to our neighborhood's characteristic step-downs along slopes.

(d)(ii) If off-street parking were provided and a flat driveway in the street-level front setback were retained for the 149 Mangels project that incorporated significantly more sensitive treatment of its Mangels frontage, the entire structure needs to step-down beyond its garage to better conform to the neighborhood's prevailing vertical scale adjacent to the park and mid-block open space, using steps within the interior entryway between the garage wall and middle-level bathroom/pantry walls to thereby enable this vertical transition within the 149 Mangels structure.

(e) As requested in the initial Residential Design Team review but subsequently ignored, provide architectural articulation and substantially increased fenestration to the 149 Mangels project's western wall to reduce its overwhelming, monolithic interface with the adjacent park and to add natural light to all levels of the 149 Mangels structure. Unless the project's scale is stepped-down and the adverse effects of its massive western and southern walls are offset, significant shadowing and a wind tunnel would occur as well as visual dwarfing of the park and adverse impacts on scenic vistas in the most actively used portion of a park that has become attractive based on extensive improvements made by Recreation & Park and neighborhood residents.

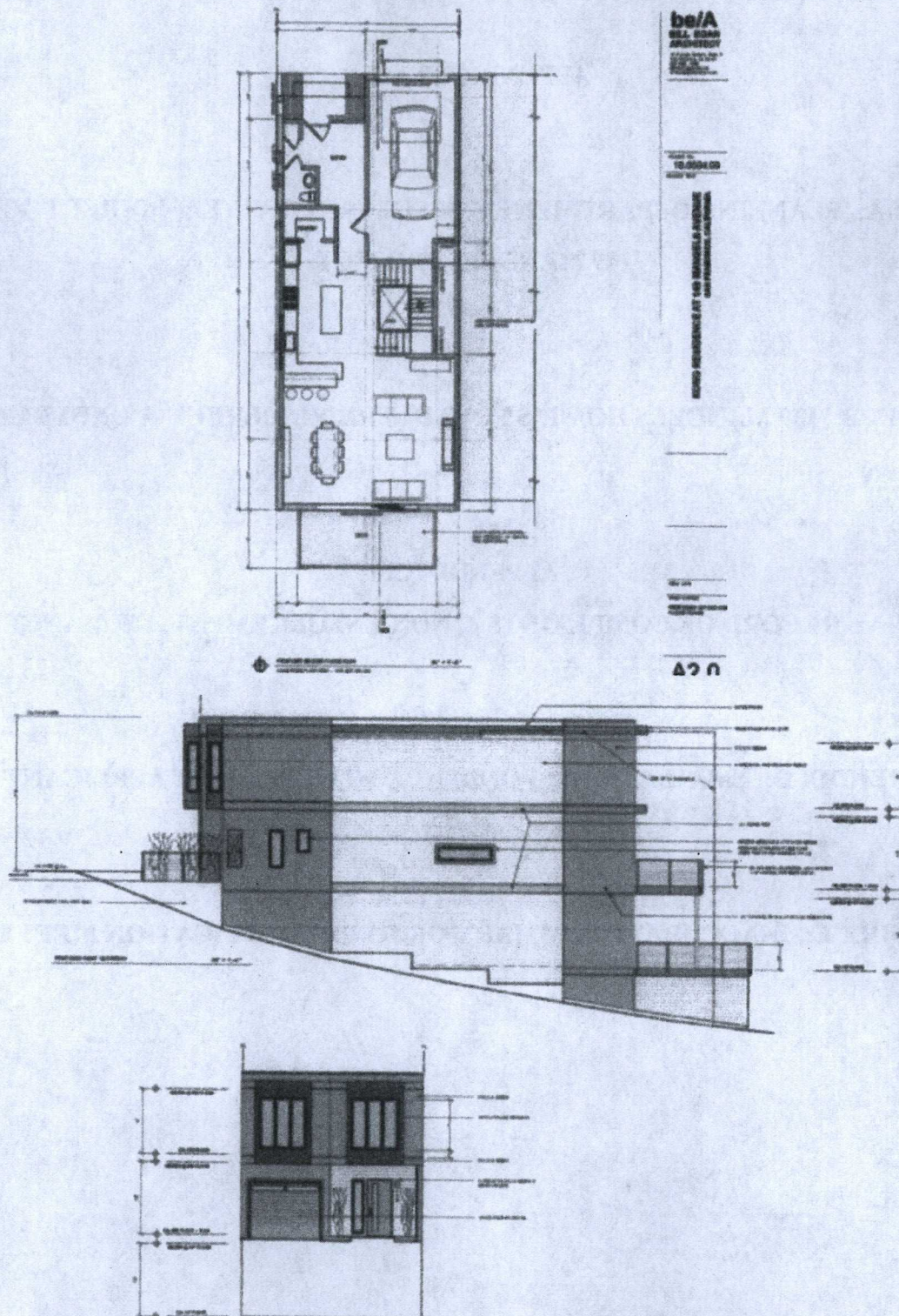
(f) Lower the elevation and reduce the number of rear decks to include only the lower deck, instead of the proposed maxed-out double-tiered rear decks, in combination with stepping-down the entire 149 Mangels structure in order to reduce its scale adjacent to the park and invasive towering over nearby homes.

(g) Although there are mixed opinions on this subject among neighbors, a lower-level in-law residential unit with access through the garage or separate passageway could be included to address San Francisco's acute needs for affordable housing.

h) Project sponsor shall bear full financial responsibility for replacement of the retaining wall in the City-owned front setback between 139 and 149 Mangels lot lines to accommodate the proposed driveway and access for the 149 Mangels project. Project sponsor shall also bear full financial responsibility for any changes or relocations of electrical, cable, internet, and any other utility lines or equipment for the 139 Mangels home and other affected homes that may need to be moved or may otherwise be affected by the 149 Mangels development.

i) During or in advance of construction of 149 Mangels project, project sponsor and its contractors shall be required, in conjunction with construction of 149 Mangels project, to allow repairs to buckling damage to the western wall of our 139 Mangels home caused by the ongoing presence of deficient 149 Mangels foundation footings that undercut our 139 Mangels home.

Incorporation of these modest changes could be readily accomplished while still realizing the applicant's objectives for capacious interior spaces and high-end amenities proposed for the 149 Mangels project.



**PROPOSED 149 MANGELS ENTRY LEVEL, WALL FACING PARK & FRONTAGE
 (BILL EGAN ARCHITECT: PARTIAL A2.0 & A5.0)**

APPENDICES A-E:

**APPENDIX A: PLANNING DEPARTMENT'S DESIGN REVIEW TEAM DIRECTIVES FOR
149 MANGELS PROJECT**

APPENDIX B: 139 MANGELS HOME'S FOUNDATION UNDERCUT & UNDERMINED

**APPENDIX C:
PARTIAL RECORD OF COMPLAINTS & NON-ENFORCEMENT, 149 MANGELS**

APPENDIX D: EMAIL CORRESPONDENCE WITH PROJECT APPLICANT

APPENDIX E: INACCURATE SUMMARY OF 311 PRE-APPLICATION MEETING

APPENDIX A: PLANNING DEPARTMENT'S DESIGN REVIEW TEAM DIRECTIVES FOR 149 MANGELS PROJECT

RESIDENTIAL DESIGN TEAM REVIEW

DATE: 08/15/2016

RDT MEETING DATE: 08/17/2016

PROJECT INFORMATION: Planner: Jeff Horn Address: 149 Mangels Avenue Cross Streets: Congo and Baden Streets

Block/Lot: 6765/043 Zoning/Height Districts: RH-/40-X

BPA/Case No. 2016.07.12.2060 Project Status: Initial Review Post NOPDR DR Filed

Amount of Time Req.: 5 min (consent) 15 minutes; 30 minutes (required for new const.)

Residential Design Team Members in Attendance:

Project Description: New construction of a 3-story single-family dwelling

Project Concerns (If DR is filed, list each concern.):

- Scale and massing and design adjacent to public right-of-way
- Consistency with block face
- Depth past adjacent neighbor
- Concerns from neighbor
 - height of building at rear
 - Rear decks incompatible with neighborhood
 - lightwell matching/size

RDT Comments:

- RDT requests the proposed light well on the subject property be shifted closer to the street (north) so as to better align with the adjacent light well on the property to the east.
- RDT requests streetscape perspective renderings from the top of the sidewalk where the steps from Baden and Joost Street Mini Park meet Mangels Aveue. The perspective should be towards the south, towards the aforementioned park, to assist RDT in understanding the proposed project's overall

impact on the public view shed from Mangels Avenue.

- RDT requires additional façade articulation to the west elevation as this façade will be visible and directly front onto a public right-of-way. RDT requires high quality materials and suggests additional fenestration and additional architectural features (e.g. belt course, moldings, etc.)

Notice of Planning Department Requirements #1

October 26, 2016

James Kong

262 University Street

San Francisco, CA 94134

RE: 149 Mangels Avenue (Address of Permit Work)

6765/043 (Assessor's Block/Lot)

2016.07.12.2060 (Building Permit Application Number)

Your Building Permit Application 2015.07.08.0927 has been received by the Planning Department and has been assigned to planner Jeff Horn. He has begun review of your application but the following information is required before it is accepted as complete and/or is considered Code-complying. Time limits for review of your project will not commence until we receive the requested information or materials and verify their accuracy.

In order to proceed with our review of your Building Permit Application, the following is required:

NOTE: Revisions may be requested to address the Planning Code, the Residential Design Guidelines and other local ordinances and policies. Based on the plans submitted, the following items are required to proceed with review of the subject Building Permit Application:

1. Residential Design Guidelines. The Planning Commission adopted the 2003 Residential Design Guidelines (RDG) to promote design that will protect neighborhood character. All residential permit applications in the RH, RM, and RTO zoning districts are subject to these Guidelines. You can download a copy of the Guidelines from our website at <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=5356> or purchase a copy at the Planning Department office, 4th floor. If you fail to adequately address these concerns the Department may initiate a Discretionary Review hearing for this project.

To response to the character defining features in the identified historic district, please consider the following:

- RDT requests the proposed light well on the subject property be shifted closer to the street (north) so as to better align with the adjacent light well on the property to the east. (RDG pgs. 16-17)
- RDT requests streetscape perspective renderings from the top of the sidewalk where the steps from Baden and Joost Street Mini Park meet Mangels Avenue. The RDG and the City's Urban Design Element call for the protection of major public views in the City. The perspective should be towards the south, towards the aforementioned park, to assist RDT in understanding the proposed project's overall impact on the public view shed from Mangels Avenue. (RDG pg. 18)

NOPDR #1 sent to: October 26, 2016 James Kong 2016.07.12.2060 262 University Street San Francisco, CA 94134

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

Additional comments may result from the review of this study.

- RDT requires additional façade articulation to the west elevation as this façade will be visible and directly front onto a public right-of-way. RDT requires high quality materials and suggests additional fenestration and additional architectural features (e.g. belt course, moldings, etc.). (RDG pgs. 47-48)

Per the Department's Plan Submittal Guidelines, please revise the plans to include the following additional information:

2. Front Yard Setback. On Sheet A1.0, please add the lot and building footprint for 151 Mangels Avenue to the site plan drawings. This information is needed to confirm your front yard setback, as provided in PC Section 132(a)... "In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the street or alley, such nearest building shall be deemed to be an 'adjacent building.'"

Additionally, the footprint of 139 Mangels Avenue does not appear to be drawn correctly, as it does not match the shape of the building as shown on aerial images or the Sanborn Map. The front building wall (ie front setback) for this building is the plane where the bay window meets the main building. The bay window is not a qualifying wall for measurement purposes.

The Sanborn Map can be viewed here: <http://sfplanninggis.org/PIM/Sanborn.html?sanborn=V9P918.PDF>

Please draw and label the front yard setback for the subject property.

3. Landscaping and permeable surfaces. Sheet A1.0 includes calculations for planted area with the front setback. However, the area described is actually the right-of-way of Mangels Avenue and not part of your parcel. Please coordinate with the Department of Public Works on what is allowable development for this area.

The building locations for 139 Mangels and 151 Mangels, (in which your setback is the average of) will determine the front yard for Planning Code Sections 132(g) and 132(h) to apply too.

Please note that further comment may follow review of the requested information.

Please provide the requested information within thirty (30) days. The application will be sent back to the Department of Building Inspection for cancellation if we do not receive the requested information in this time. Please contact the assigned planner if you need more time to prepare the requested information.

All plans submitted must be to an appropriate scale: site plan 1/8" = 1'; floor plans 1/4" = 1'. NOPDR #1 sent to: October 26, 2016 James Kong 2016.07.12.2060 262 University Street San Francisco, CA 94134

Plans should be clearly labeled.

All plan revisions must be filed at the Department of Building Inspection, Permit Processing Center, 1660 Mission Street, 2nd Floor. Do not submit plans directly to the Planning Department. Plans will not be accepted by mail or messenger, and all plans must be signed by preparer, architect or engineer.

Please respond fully with all requested information and/or plan revisions as described above. You may file any plan revisions responding to this notice at no extra charge. However, please be advised that failure to address all the items listed above, leading to additional requests for revisions beyond those filed in response to this notice, will require a Back-Check Fee for Permit Revisions (\$233 per hour, Planning Code Sections 355(a)2). If you file additional plan revisions in the future, those plan revisions will be subject to the Back-Check Fee.

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

Planning Department Applications and Publications are available at the Planning Information Center, 1660 Mission Street, 1st floor or via the Department website: www.sfplanning.org.

Please direct any questions concerning this notice to the assigned planner, **Jeff Horn** at jeffrey.horn@sfgov.org. Contact the assigned planner to set up any meeting, should one be necessary. Please do not come to the Planning Department to discuss this notice without an appointment.

Thank you for your attention to this notice. An early and complete response on your part will help expedite our review of your permit application.

JH:i:\building permit applications\2016\201607122060 - 149 mangels avenue\149 mangels avenue nopdr#1.doc

From: "Jeffrey Horn (CPC)" <jeffrey.horn@sfgov.org>
To: wycgowilliam@comcast.net
Sent: Friday, March 24, 2017 3:27:37 PM
Subject: RE: 149 Mangels Status

Hi Bill,

The RDT reviewed the revised plans (16.12.05 SET.PDF) provided by the Project Sponsor and which resulted in the following comments:

RDT Comments:

- As modified, RDT approves of the proposed massing.
- Align the entry with the expression above. (RDGs, pgs. 29, 31-32)
- The garage door should be a more compatible material such as wood. (RDGs, pgs. 34 and 47)

The Project Sponsor submitted the attached changes in response to the RDT comments (17.03.08 A2, A3, and A5).

APPENDIX B: 139 MANGELS HOME'S FOUNDATION UNDERCUT & UNDERMINED

Patrick Buscovich & Associates Structural Engineers, Inc.

WWW.BUSCOVICH.COM

235 MONTGOMERY STREET, SUITE 823, SAN FRANCISCO, CALIFORNIA 94104-2808 • TEL: (415) 788-2708 FAX: (415) 788-9663

June 11, 2007

Bill Wycko
139 Mangels Ave.
San Francisco, CA. 94131

RE: 139 Mangels Ave.

Job Number: 07.113

The subject building was re-inspected on Saturday June 2, 2007 to finalize the damage evaluation caused by the collapse of the adjoining building to the west at 149 Mangels. My office also performed earlier site visits to 139 Mangels after the adjoining building collapsed and during the demolition of this collapsed building. For the June 2nd site visit, the adjoining lot was substantially cleared of debris. The one area not visible on 139 Mangels is a portion of its foundation being blocked for viewing by a recently installed foundation for the collapsed building at 149 Mangels. This new foundation will have to be removed in the future for the construction of a new home on the now vacant lot. I have a concern that the new foundation work at 149 Mangels may have compromised the foundation at 139 Mangels. The only way to document this issue is to view the foundation of 139 Mangels when this chunk of concrete foundation at 149 Mangels is removed. If the foundation at 139 Mangels is compromised or undermined, it will need to be replaced. I would estimate about 30 linear feet of 139 Mangels may need foundation work at a cost of \$30,000 to \$40,000 (including design and permit fees). Since the lot is empty, it is obvious that a new single-family house will be built on the site. The Department of Building Inspection will require a complete new foundation for the new building. Thus, the old foundation will have to be removed, I have confirmed this with Department of Building Inspection (DBI). It is my professional opinion that the issues I have laid out regarding the foundation for 139 Mangels should be addressed prior to doing any cosmetic work. This is the number one priority in the process of determining the extent of the scope of the repairs. This is because if the foundation of 139 Mangels has been compromised, we may cause additional cosmetic cracking of the interior finishes fixing this issue. This will require the foundation work that was done at 149 Mangels be torn out in order to really see what the current situation is with your foundation.

Based upon my walk through of the house, it is my opinion that the collapse at 149 Mangels has caused limited non-structural damage to 139 Mangels beyond the foundation issue noted above. This includes;

1. Damage to the interior finishes – cracks. The level of new cracking requires that the interior of the house be patched and painted.
2. The chimney fireplace has suffered cracking in the exterior brick. At this point the fire box is no longer safe to burn wood without risking catching the wood framing around the chimney on fire. The fire box/chimney/fireplace needs to be rebuilt. Once a permit is filed to fix the chimney, the Bay Area Air Quality Management District (BAAQMD) rules apply and the fireplace will have to be rebuilt as a gas burner meeting current energy codes. The cost to demolish the wood burning fireplace and replace it with a gas fireplace is in the range of \$20,000 to \$30,000.

If you have any questions please feel free to call (415) 788-2708 x102.

Sincerely,

Patrick Buscovich
Structural Engineer



June 25, 2007

N:\Letter\2007\07.113 - 139 Mangels.doc

APPENDIX C:
PARTIAL RECORD OF COMPLAINTS & NON-ENFORCEMENT FOR 149 MANGELS

Welcome to our Permit / Complaint Tracking System!**COMPLAINT DATA SHEET**

Complaint Number: 201648938

Owner/Agent:	OWNER DATA SUPPRESSED	Date Filed:	
Owner's Phone:	--	Location:	149 MANGELS AV
Contact Name:		Block:	6765
Contact Phone:	--	Lot:	043
Complainant:	COMPLAINANT DATA SUPPRESSED	Site:	
		Rating:	
		Occupancy Code:	
		Received By:	GSAMARAS
Complainant's Phone:		Division:	BID
Complaint Source:	WEB FORM		
Assigned to Division:	BID		

Description: date last observed: 28-NOV-16; time last observed: 4 pm; identity of person performing the work: James Kong; exact location: None of the Above; building type: Residence/Dwelling WORK W/O PERMIT; STRUCTURAL PROBLEMS; WORK BEING DONE IN DANGEROUS MANNER; ; additional information: partial removal of foundation footing that undercuts our home's foundation; foundation installed without permits in 2007 and resulted previous structure crashing into our home; current owner informed of issue during escrow and provided guidance for safe investigation & removal of foundation footings by Patrick Boscovich, which have been ignored, thereby further jeopardizing foundation of our adjacent home at 139 Mangels;

Instructions:**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	CUMMINS	6305	7	

REFERRAL INFORMATION**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
11/30/16	CASE OPENED	BID	Cummins	CASE RECEIVED	
12/13/16	OTHER BLDG/HOUSING VIOLATION	BID	Cummins	CASE CONTINUED	talked with complaint on phone visit site and investigate. ccummins

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

12/14/16	OTHER BLDG/HOUSING VIOLATION	BID Cummins	CASE CONTINUED	made a site visit and took pictures. nobody was working at the site and no signs of recent work CCummins
02/14/17	OTHER BLDG/HOUSING VIOLATION	BID Cummins	CASE CLOSED	case closed no violations CCummins

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information

Online Permit and Complaint Tracking home page

From: wycgowilliam@comcast.net

To: "Colette Cummins" <Colette.Cummins@sfgov.org>

Sent: Monday, December 19, 2016 7:04:06 PM

Subject: 149 Mangels Complaint

Ms. Cummins,

Based on your file notes to the 149 Mangels complaint, there seems to be some confusion about the nature of the current complaint.

The long foundation footings for 149 Mangels along and undermining our 139 Mangels foundation were installed without appropriate permits or professional oversight almost ten years ago by a previous owner. This constituted past negligence by SFDBI that continues to threaten the structural integrity of our home---but that work is not what the current 149 Mangels complaint is about.

The current owner, James Kong (415-710-1283), was fully informed about this issue during escrow and our structural engineer, Patrick Boscovich, provided detailed guidance to Mr. Kong about how to properly investigate and safely remedy this prior unpermitted work nine months ago. Mr. Kong has chosen to ignore Mr. Boscovich's highly competent professional recommendations.

The source of our current 149 Mangels complaint is that Mr. Kong or his agents have recently instead unsafely removed portions of the shoddy foundation work installed by the previous owner. Because the 149 Mangels foundation footings illegally undercut our 139 Mangels foundation, anything that is done to the 149 Mangels foundation footings increases the danger to our 139 Mangels foundation and risks of further damage to our home.

While it may have been possible to wait to remove the illegal 149 Mangels foundation and do this in conjunction with new construction, Mr. Kong's preemptive actions now make it imperative that the illegal 149 Mangels foundation footings be fully removed immediately, with appropriate shoring of our 139 Mangels home and continuous supervision by Mr. Boscovich, in order to protect the structural integrity of our home. Failure to ensure that Mr. Kong implement this remedy immediately with proper protections for our home would further implicate SFDBI for negligence.

Bill Wycko & Lisa Katzman, owners & residents at adjacent 139 Mangels Avenue

From: wyckowilliam@comcast.net [mailto:wyckowilliam@comcast.net]
Sent: Wednesday, February 08, 2017 9:48 AM
To: Cummins, Colette (DBI)
Subject: Re: 149 Mangels Complaint

Ms. Cummins,

What specific enforcement actions is SFDBI taking regarding complaint #201648938 for 149 Mangels Avenue filed in November 2016?

Because your file notes did not (and still do not) accurately describe the complaint nor reflect remedial actions, we sent an email to you in December 2016 to clarify the complaint. The complaint concerns partial removal in November 2016 of foundation footings installed without permit or appropriate professional oversight a decade ago. These foundation footings on the 149 Mangels lot illegally undercut and thereby jeopardize our adjacent foundation at 139 Mangels. We filed the November 2016 complaint because any removal of the 149 Mangels foundation footings without appropriate supervision and shoring of our home increases the risks of further damage to our home.

Please respond about any follow-up and remedial actions taken regarding this complaint.

Thanks,

Bill Wycko & Lisa Katzman
Owners, 139 Mangels Avenue

From: Colette Cummins (DBI)
To: wyckowilliam@comcast.net
Cc: Kevin McHugh (DBI)
Sent: Tuesday, February 14, 2017 3:27:12 PM
Subject: RE: 149 Mangels Complaint

Good afternoon Bill and Lisa,

We are not finding any violation in regards to 149 Mangels . I called out again today , no-one is working there and there is no evidence of anyone working there. My supervisor, Senior Building Inspector Kevin Mc Hugh is copied in this email if you wish to take this further.

Regards

Colette Cummins, Building Inspector

City & County of San Francisco

Department of Building Inspection

1660 Mission Street, 3rd Floor

San Francisco CA 94103

415-575-6934 Phone

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

From: wyckowilliam@comcast.net

Date: 02/14/2017 6:43 PM (GMT-08:00)

To: "Cummins, Colette (DBI)"

Cc: "McHugh, Kevin (DBI)"

Subject: Re: 149 Mangels Complaint

Colette Cummins & Kevin McHugh,

As we have repeatedly emphasized, our concern is the recent (November 2016, possibly additional work more recently) partial removal of foundation footings on the 149 Mangels lot that is adjacent to and trespassing under our foundation at 139 Mangels. Your assertion that "there is no evidence of anyone working there" is inaccurate as the exposed rebar and chunks of removed concrete are obvious signs of work done without competent oversight or shoring of our home that increases jeopardy of further damage to our home, especially with ongoing torrential rains since this complaint was filed in November 2016, in addition to the substantial damages we incurred a decade ago when SFDBI failed to address unpermitted foundation work at 149 Mangels.

Bill Wycko & Lisa Katzman.

From: [Kevin McHugh \(DBI\)](#)

To: wyckowilliam@comcast.net, [Colette Cummins \(DBI\)](#)

Sent: Wednesday, February 15, 2017 10:25:26 AM

Subject: RE: 149 Mangels Complaint

Hi Bill and Lisa,

I contacted the owner of 149 mangels and he absolutely denies that he has did any work at the vacant lot or authorized anyone to do work there. He stated he is aware of the issues concerning the foundation and will not be doing anything at the lot until a permit is secured.

The Inspector saw no evidence of undermining and did not observe anyone working at the site so she closed the complaint.

If you believe your foundation has been undermined and presents a hazard, then immediately provide emergency shoring under the direct supervision of a structural engineer, provide me with the engineers report and evaluation within 24 hrs and submit permits with plans to DBI within 7 days to correct the undermining.

Thank You

Kevin Mc Hugh

Senior Building Inspector.

Re: 149 Mangels Complaint

wyckowilliam@comcast.net

2/15/2017 4:25 PM

To Kevin McHugh (DBI) Copy Lisa Katzman

5 attachments

Mr. McHugh,

Thanks for your response.

Attached is a preliminary evaluation prepared by Patrick Boscovich, which was included in property disclosures prior to purchase of 149 Mangels by James Kong. In essence, Mr. Buscovich concludes that the foundation footings at 149 Mangels put in by the previous owner without appropriate permits or our permission were installed to undercut our adjacent foundation at 139 Mangels and that these would need to be removed to fully evaluate risks to our home. In addition, during escrow, Mr. Buscovich met at length with James Kong, fully explained that these footings would need to be removed and replaced with appropriate care including shoring our home, and prepared a proposal for further investigation and remediation. This proposal is in the possession of James Kong. At that time, James Kong indicated that he would correct this situation but he subsequently reneged on this promise.

Also attached are two photos of the 149 Mangels foundation footings taken after James Kong acquired this property as well as a photo taken after a portion of these footings were removed prior to when we filed our complaint. Our home was repainted in August 2015, and the side facing the 149 Mangels lot was painted to the edge of the foundation footings that existed then. Evident in the November 2016 photo are exposed, unpainted sections including rebar and concrete chunks, where the foundation footings were recently removed. It is not credible to believe these sections were not removed by agents of James Kong. On the other hand, if this extent of foundation footings "collapsed naturally," then we have an even more serious situation because these footings go underneath our home.

These foundation footings exist because SFDBI failed to act on repeated complaints about unsafe foundation work at 149 Mangels a decade ago. Attached is a photo of what happened as a result. This caused substantial damage to our home then, and we want to avoid a repeat of potentially even more devastating damage to our home.

James Kong knowingly inherited this situation when he purchased the 149 Mangels property but has refused to address these problems and, most probably, compounded risks to our home by slipshod partial removal of his foundation footings that are illegally intertwined with our foundation. Any shoring of our home would have to be done on the 149 Mangels lot and would properly be the financial responsibility of James Kong.

Bill Wycko & Lisa Katzman

Welcome to our Permit / Complaint Tracking System!**Permit Details Report****Report Date:** 2/6/2018 1:01:05 PM**Application Number:** 200612290757**Form Number:** 8**Address(es):** 6765 / 043 / 0 149 MANGELS AV**Description:** EXTERIOR STAIR @ FRONT OF HOUSE 50% OR LESS, SIDING AT RIGHT & BACK, ROOF SHEATHING AND TERMITE REPAIR.**Cost:** \$2,000.00**Occupancy Code:** R-3**Building Use:** 27 - 1 FAMILY DWELLING**Disposition / Stage:**

Action Date	Stage	Comments
12/29/2006	TRIAGE	
12/29/2006	FILING	
12/29/2006	FILED	
12/29/2006	APPROVED	
12/29/2006	ISSUED	
6/11/2007	EXPIRED	

Contact Details:**Contractor Details:****License Number:** OWNER**Name:** OWNER**Company Name:** OWNER**Address:** OWNER * OWNER CA 00000-0000**Phone:****Addenda Details:****Description:**

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CNT-PC	12/29/06	12/29/06			12/29/06	CHEUNG JIMMY	
2	CPB	12/29/06	12/29/06			12/29/06	CHEUNG WAI FONG	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
Date					

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
6/11/2007	Chi Chiu Lau	EXPIRE	EXPIRE

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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Welcome to our Permit / Complaint Tracking System!**COMPLAINT DATA SHEET**

Complaint Number: 200794822

Owner/Agent: OWNER DATA
SUPPRESSED

Date Filed:

Owner's Phone: --

Location: 149 MANGELS AV

Contact Name:

Block: 6765

Contact Phone: --

Lot: 043

Complainant: COMPLAINANT DATA
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: Czarina Moreno

Complainant's Phone:

Division: BID

Complaint Source: TELEPHONE

Assigned to Division: BID

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

Description:

WORK BEYOND SCOPE OF PA #200612290757 - TEARING GROUND FLOOR FOUNDATION.

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	LAU	6236	7	

REFFERAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV INSPECTOR	STATUS	COMMENT
03/08/07	CASE OPENED	BID Lau	CASE RECEIVED	
03/09/07	HAZARDOUS BUILDING	BID Lau	FIRST NOV SENT	
02/01/08	HAZARDOUS BUILDING	BID Lau	CASE ABATED PA #200705080663 is complete.	

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

03/09/07

Inspector Contact Information

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 2/6/2018 1:02:36 PM

Application Number: 200703226945

Form Number: 8

Address(es): 6765 / 043 / 0 149 MANGELS AV

Description: FOUNDATION REPLACEMENT ONLY TO COMPLY NOV# 200794822

Cost: \$15,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

Action Date	Stage	Comments
3/22/2007	TRIAGE	
3/22/2007	FILING	
3/22/2007	FILED	
3/22/2007	PLANCHECK	
3/22/2007	APPROVED	
3/22/2007	ISSUED	
2/1/2008	EXPIRED	

Contact Details:
Contractor Details:

License Number: OWNER
 Name: OWNER
 Company Name: OWNER
 Address: OWNER * OWNER CA 00000-0000
 Phone:

Addenda Details:
Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-INSP	3/22/07	3/22/07			3/22/07		APPROVED BY ANDREW GREENE
2	PAD-MECH	3/22/07	3/22/07			3/22/07	ZHAN JAMES	
3	DPW-BSM	3/22/07	3/22/07			3/22/07	GAIME BERHANE	
4	CNT-CE	3/22/07	3/22/07			3/22/07	LEUNG TED	
5	CNT-PC	3/22/07	3/22/07			3/22/07	LEUNG TED	
6	CPB	3/22/07	3/22/07			3/22/07	CHUNG JANCE	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
2/1/2008	Chi Chiu Lau	EXPIRE	EXPIRE
4/2/2007	Chi Chiu Lau	REINFORCING STEEL	REINFORCING STEEL

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			4	REINFORCING STEEL AND PRETRESSING TENDONS	

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

Report Date: 2/6/2018 1:05:25 PM

Application Number: 200705080663

Form Number: 6

Address(es): 6765 /043 /0 149 MANGELS AV

Description: TO DEMOLISH 1 DWELLING UNIT WITH 2 STORY BUILDING

Cost: Not Specified

Occupancy Code:

Building Use: -

Disposition / Stage:

Action Date	Stage	Comments
5/8/2007	TRIAGE	
5/8/2007	FILING	
5/8/2007	FILED	
5/8/2007	APPROVED	
5/8/2007	ISSUED	
6/11/2007	COMPLETE	Final Inspection/Approved

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

Contact Details:

Contractor Details:

License Number: 609169
 Name: JOSEPH PATRICK CASSIDY
 Company Name: GRANITE EXCAVATION & DEMOLITION INC
 Address: 160 S. LINDEN AVE., STE 100 ST * SO. SAN FRANCISCO CA 94080-0000
 Phone: 6507378700

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CP-ZOC	5/8/07	5/8/07			5/8/07	BADINER LARRY	
2	BID-INSP	5/8/07	5/8/07			5/8/07	VENIZELOS THOMAS	
3	BID-INSP	5/8/07	5/8/07			5/8/07	JOHNSON CARLA	
4	CNT-CE	5/8/07	5/8/07			5/8/07	CHUN ROBERT	
6	DPW-BSM	5/8/07	5/8/07			5/8/07	TANG ELEANOR	
7	CPB	5/8/07	5/8/07			5/8/07	SHAWL HAREGGEWAIN	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
6/11/2007	Chi Chiu Lau	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD
6/1/2007	Chi Chiu Lau	FINAL INSPECT/APPRVD	PRE-FINAL

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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APPENDIX D: EMAIL CORRESPONDENCE WITH PROJECT APPLICANT

From: "James Kong" <mentroc@hotmail.com>
To: wyckowilliam@comcast.net
Sent: Wednesday, May 18, 2016 5:35:10 PM
Subject: 149 Mangels Ave

Hi Bill,

Attached is preliminary drawings for the site. Please review it and let me know what you think.

Best Regards,

James Kong

(415)710-1283

From: wyckowilliam@comcast.net <wyckowilliam@comcast.net>

Sent: Sunday, May 22, 2016 8:18 PM

To: James Kong

Subject: Re: 149 Mangels Ave

James,

Thanks for sharing these drawings. We do have a few questions:

- 1) What will the height of your building be? We're especially interested in the elevation of your 3rd floor compared to our upper level.
 - 2) Our light-well is 15 feet long---we would like yours to match instead of 12 1/2 feet shown in your drawings.
 - 3) We understand that you've extended your light-well to ground level to increase light into your building. We had problems with previous building draining water into our foundation, so we need to see how water in light-well would be collected and drained away from our foundation.
 - 4) Drawing for your 1st floor shows Zhou's illegal foundation adjacent to ours---as we've discussed, we expect Zhou's foundation (including the undercut to our foundation) to be removed and safely replaced under supervision of Pat Boscovich.
 - 5) Intended and likely use of 1st floor level is ambiguous---while other neighbors may have mixed opinions about building a legal in-law unit, we would rather see that explicitly included at outset with separate access & kitchen plumbing shown rather than done surreptitiously later on. Any design features that would allow an Airbnb-type use will be strongly opposed.
 - 6) What types of exterior materials would you plan to use?
 - 7) Five feet separation between property lines and 1st floor deck would avoid need for 1 hr. firewall shown with three feet separation. This deck seems excessively large and may have security issues (for us as well as your property) due to easy access from adjacent park.
 - 8) Existing front retaining wall would need to be replaced to accommodate your proposed driveway.
 - 9) For your 3rd floor deck, please consider extending this deck to the light-well to increase access to light in middle of your building and our home. Bathroom shown there could be repositioned adjacent to other 3rd floor bathroom with closet relocated; translucent wall between extended 3rd floor deck and light-well could combine privacy with greater interior access to light.
- We would be interested in meeting with you and your architect to address these concerns prior to the 311 requirements.

Bill Wycko & Lisa Katzman

From: "James Kong" <mentroc@hotmail.com>

To: wyckowilliam@comcast.net

Sent: Friday, May 27, 2016 12:26:23 AM

Subject: Re: 149 Mangels Ave

Hi Bill and Lisa,

Thanks for your feedback. Below are answers to your questions:

- 1) Our proposed height is 21'8" from the front and will hold the same level throughout. It will be similar height to the other neighboring house you used as an example the last time we talked to achieve a level garage.
- 2) The reason for the offset on the light well is to create some privacy for the both of us. Let me know what you think.
- 3) Per plumbing rules, the water in the light well would be collected on site and drained via the sewer system. No water would be directed towards your property.
- 4) The footing will be evaluated and addressed during the engineering process after we work out the envelope. I will have more details then.
- 5) There is no question as to the intent of the use of the 1st floor rooms - they can only be used as part of this single family resident. There is no access proposed or possible per the proposed design to access these rooms except via the interior stairway located in the center of the house.
- 6) External material will be wood and stucco.
- 7) There will be a fence installed to separate the park and the yard. The deck with the guardrails installed will be much taller than the fence so security shouldn't be an issue because it would not be easy to climb especially with the setback from the fence.
- 8) Which retaining wall are you talking about? your wall?
- 9) We did talk this over and came to the conclusion that it would not provide much additional lighting. We will be moving forward with the current proposed layout.

Best Regards,

James Kong

From: wyckowilliam@comcast.net <wyckowilliam@comcast.net>

Sent: Friday, May 27, 2016 10:00 AM

To: James Kong

Subject: Re: 149 Mangels Ave

James,

You are apparently unwilling to consider any changes to your preliminary plans or to provide additional details.

We have three windows that overlook our existing 15-foot long light-well, and these provide most of the natural light to the middle of our home. Your proposed offset will not address privacy issues. These could be dealt with through creative use of window materials for the openings in your light-well.

As you are aware, the existing foundation work on your property that illegally undercuts our foundation was shoddy work done without permits or competent oversight. It will not be acceptable to us to continue to risk the structural integrity of our home by retention of that unpermitted work, and this issue needs to be addressed now and not deferred. Even with the light-well drainage system you discuss, seepage around Zhou's substandard foundation work, which would extend throughout and beyond the length of your light-well, would undermine our foundation.

The front retaining wall is not on our property. This wall used to abut the outer edge of our home but separated and cracked as a result of the impact when Zhou's building crashed into our home in 2007. This wall has had increasing sag and deterioration in the intervening years and would be directly adjacent to your proposed driveway.

Our preference would be to resolve issues and reach reasonable compromises upfront, as the 311 process strongly encourages. If you remain substantively unresponsive, you should expect us to contest all aspects of your project at every stage of the plan review and environmental review processes including, if necessary, administrative and judicial appeals.

Bill Wycko & Lisa Katzman

From: "James Kong" <mentroc@hotmail.com>

To: wyckowilliam@comcast.net

Sent: Friday, June 10, 2016 4:59:34 PM

Subject: Re: 149 Mangels Ave

Hi Bill and Lisa,

Attached are the updated drawings. Please review them and let me know if you have any questions.

Best Regards,

James

Re: 149 Mangels Ave

wyckowilliam@comcast.net

6/11/2016 5:38 PM

To James Kong Copy billegan@gmail.com

James,

Regarding our conversation yesterday, removal of Bill Zhou's illegal foundation is not your bargaining chip in a negotiation. You were fully aware when you acquired this property that this unpermitted foundation undermines and jeopardizes our foundation. No other issues will be resolved until you provide details from a competent structural engineer about safely removing and replacing this trespassing foundation ("footing").

In your newly attached plans, your light-well still is not aligned with our light-well. As we've discussed, if you extend your light-well to your first level, we need to see drainage details upfront about how to ensure that stormwater would not flood to our foundation if your pump up to the sewage line is inadequate or malfunctions. There are alternative ways to get light into your lowest level including extending your upper level deck to the light-well, which would add five-six hours of direct sunlight to the light-wells.

Your new plans for the first time reveal that your building is proposed to be essentially a half-story higher for the entire length of our home as well as for your massive rear decks. The over-built scale of your proposed building needs to add setbacks and articulation so that it steps down with the slope towards the rear and also towards the adjacent park. This and other issues we have raised in previous communications need to be discussed and resolved before you submit your site permit.

Bill Wycko & Lisa Katzman

APPENDIX E: INACCURATE SUMMARY OF 311 PRE-APPLICATION MEETING

149 Mangels Spec Plans

wyckowilliam@comcast.net

8/11/2016 6:46 AM

To jeff.horn@sfgov.org

6 attachments

Jeff,

I reviewed yesterday the plans submitted for 149 Mangels.

For the reasons enumerated in our previous letter to Delvin Washington dated June 15, 2016, the 311 pre-application noticing was deficient and needs to be repeated in order to comply with requirements. In addition to the deficiencies identified in our previous correspondence, the notice submitted with the 149 Mangels plans was falsified and does not correspond to the notice that we received for the June meeting. The listing of attendees and account of the dialogue at the meeting are both grossly inaccurate. For example, there are no 2-story decks or decks that project beyond the rear edge of adjacent homes in this block, and even Kong and Egan did not have the audacity to falsely assert that "this is common in the neighborhood" at the meeting.

The plans submitted perversely accentuate the problems that we and other neighbors have previously raised to the project sponsor and his architect. Not only is our 15-foot long light-well still inaccurately depicted, but the location of the proposed 149 Mangels light-well is now positioned so that our kitchen and dining area windows will directly face a blank wall. The 149 Mangels light-well needs to be sized and positioned to match our existing light-well---this could be readily accomplished by reducing the length of the over-sized garage and relocating the upper level laundry room.

As an alternative to the proposed 2-story massive and invasive rear decks, we suggested that the upper level deck adjacent to the master bedroom be extended to the light-well to increase interior light and create a more usable and more private outside space. Instead of addressing this suggestion, the size of the upper level deck has apparently been reduced and no changes have been made to the rear decks.

The plans continue to extend the light-well to the bottom level of 149 Mangels. This would require a large pump to remove water to go up to the sewer line located ten feet above. The volume of water during storm surges would create the potential for flooding our home and damaging our foundation because these pumps do clog and do have untimely engine failures. The purported reason for unnecessarily including a ground-level light-well to increase lighting could be achieved through more effective methods including: use of sealed translucent materials for a light-well floor at the second level which would avoid pumping water uphill; extending the upper-level deck to the light-well, which would add 4-5 hours of direct southern sunlight to the interior; and adding windows to the massive western wall facing the adjacent park.

The project sponsor's unwillingness to remove the existing unpermitted, defective and trespassing 149 Mangels foundation footings remains unacceptable. Despite the threat of litigation from the

previous owner who did not want this information disclosed, we and our structural engineer, Patrick Boscovich, met at length with Mr. Kong during escrow and explained the extent of the problem as well as what needed to be done. Despite having early knowledge about the severity of this situation and earlier indications that it would be corrected, Mr. Kong has more recently refused to address this serious problem. Acceding to Mr. Kong's delay and defer strategy will not avoid recurrence of the disastrous consequences to our home that we experienced in 2007. The Planning Department would be legally negligent if it relies on DBI whose track record for this property has been to knowingly allow unsafe foundation work to proceed and whose practices have resulted in slides on other similarly-situated steeply-sloped properties elsewhere in San Francisco.

We will contact you again early next week to find out how you will be proceeding in your review of the 149 Mangels proposal.

Bill Wycko & Lisa Katzman

June 15, 2016

Mr. Delvin Washington
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Delvin,

In the near future, your team will be receiving for review a site permit for development of a vacant lot at 149 Mangels Avenue, Block 6765, Lot 43. We are the adjacent neighbors at 139 Mangels who would be most directly affected by this proposed project. The 149 Mangels lot is also directly adjacent to a sunny, inviting Recreation and Park linear park and another downslope home.

The new owner of the 149 Mangels lot, James Kong, and his architect, Bill Egan, sent out notice for a required 311 pre-application meeting on June 6, 2016. The 311 notice was deficient in the following respects:

- notice was not received by the neighbors directly across Mangels;
- notice was not received by the downslope tenants on Joost;
- plans included with the notice did not show the height of the proposed structure in relation to the adjacent building (our home);
- plans included with the notice did not accurately show the existing light-well for the adjacent building;
- the location of the 149 Mangels lot was inaccurately described as situated between Forester and Detroit; the lot is actually located between Baden and Congo.

Due to multiple deficiencies, the 311 pre-application noticing and meeting needs to be repeated prior to Planning Department review of any permit submittals for the 149 Mangels property.

We provided copies of the notice to a few neighbors who would otherwise have not been aware of this project. The issues raised by a handful of neighbors who were able to attend reflected the disastrous past history for this lot as well as concerns about the scale of the proposed project in the context of the existing character of our

Glen Park Terrace neighborhood. The low-lights of the past history include illegal foundation work in 2007 which resulted in the prior 149 Mangels building sliding down its steep slope, crashing into our home, causing substantial damage to our home, emergency demolition of the prior 149 Mangels structure, and nearly a decade of neglect and sleazy dealings by the previous owner. As proposed, the excessively massive size for the 149 Mangels project's building plus two-story rear decks would be out of character with the built pattern on Mangels, dwarf other buildings, and obliterate direct sunlight while creating a wind-swept and visual tunnel adversely affecting the adjacent park.

We are requesting to see the applicant's report about the 311 meeting when it is available. The issues actually raised at the meeting included the following:

1. James Kong needs to unequivocally commit now to removing unsafe existing foundation work on the 149 Mangels property that was done without requisite permits and has visible cracking and seepage, rather than asserting that this can be deferred, because the trespassing 149 Mangels foundation illegally undercuts and jeopardizes the 139 Mangels foundation; no permit application should be made nor reviewed unless the submittal incorporates work prepared by a competent structural engineer that documents how the existing illegal 149 Mangels foundation will be safely removed and replaced, including necessary shoring for our 139 Mangels home;
2. the light-well for the proposed 149 Mangels structure needs to be expanded and aligned to match the existing 15-foot long light-well for 139 Mangels to provide adequate interior light to both houses; extending 3rd floor deck to light-well would add 5-6 hours of direct sunlight;
3. drainage details are needed for the proposed three-level 149 Mangels light-well because of potential for accumulation of stormwater at its lowest level that would require substantial additional pumping capacity up to the street-level sewage line and thereby likely create flooding into the adjacent 139 Mangels foundation; these complications could be avoided by eliminating the lowest level of the proposed 149 Mangels light-well and instead using more effective alternatives to get light into its 1st level living space;
4. the existing retaining wall in the City-owned front setback adjacent to the proposed driveway for the 149 Mangels project needs to be replaced by James Kong to accommodate his proposed driveway; this wall formerly abutted the outer edge of the 139 Mangels structure but separated and cracked as a result of impacts when the previous 149 Mangels building crashed in 2007 and has increasing sag and deterioration in the intervening years;
5. the proposed two-level rear decks would result in a minimal remaining rear yard, tower over the adjacent park and our home, create extensive shading and winds adversely affecting the adjacent park, and invade the privacy of multiple existing nearby homes;
6. the 149 Mangels building needs to step down towards the rear yard and adjacent park to better conform its scale to its neighborhood setting through a combination of more creative design of its interior spaces such as reducing the vertical envelop beyond the garage space and street-facing 3rd floor bedrooms to align with the slope's contour, small amount of excavation, and setbacks and articulation to the building's front, rear, and/or sides;
7. the proposed 3300 square feet size for the proposed 149 Mangels project would exceed the size of any neighborhood homes (aside from one building which illegally functions as an apartment building); this luxury spec project featuring 450 square feet master bedroom & bath, four bedrooms (plus other space that

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

could be converted into additional bedrooms or rentals) and four bathrooms, 400 square feet in decks, a three-level atrium, 85 square feet closets, and 300 square feet garage might attract an upscale buyer in a hot real estate market, but we as long-term residents are wary that the project as proposed would ill-fit our modest neighborhood and be susceptible to subsequent conversions in a normal market.

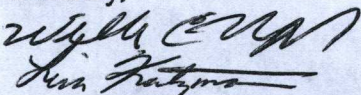
During the 311 meeting, James Kong came across as evasive, disingenuous and dishonest. This was disturbingly similar to the conduct of the previous owner that culminated in disastrous consequences and a decade of property blight. James Kong was previously made aware of most of these issues during the property escrow process and again subsequent to its sale but has generally been substantively unresponsive. Subsequent to this meeting, James Kong provided partial new plans that expanded but did not align his light-well and revealed his building as a half story higher than our 139 Mangels home.

The level of detail normally provided for plan check based on site permit submittal would not be sufficient to address many of these concerns. James Kong's strategy is clearly to defer rather than resolve critical issues during plan check but, based on its past track record for this property, we cannot rely on subsequent DBI review to adequately address these issues. Please ensure that your plan check process fully addresses all of these issues.

With respect to environmental review, the 149 Mangels project is situated on a steeply sloped lot and has unusual circumstances that preclude any environmental exemption. Thorough environmental evaluation is needed that provides detailed documentation regarding impacts related to geology/soils, hazards and hazardous materials, air quality, noise, wind, park shadowing, hydrology, and cumulative construction.

Please have your staff contact us early in your review process so that we can more fully discuss and resolve these and other issues. We can be contacted at 415-587-8342 or at wyckowilliam@comcast.net. We will be inaccessible during the month of July but expect that thorough review by your staff will require many months working with a recalcitrant project applicant and that reasonable opportunities for our input will be provided during plan check and prior to any permit issuance.

Sincerely,



Bill Wycko and Lisa Katzman
139 Mangels Avenue
San Francisco, CA 94131

cc: Sarah Jones, Environmental Review Officer

enclosures: Damage from 149 Mangels 2007 Crash
Structural Assessment of 149 Mangels Foundation by Patrick Buscovich
Cracks and Seepage in Unpermitted 149 Mangels Foundation
Sunlight in 139 Mangels Existing Light-well
Email Correspondence with James Hong (three pages)

NON-COMPLIANCE BY 149 MANGELS APPLICANT WITH PLANNING DEPARTMENT REQUIREMENTS

Pre-application 311 Noticing:

- The location of the 149 Mangels lot was inaccurately described in the mailed notices as situated between Forester and Detroit (the lot is actually located between Baden and Congo).
- Plans included with the mailed notice did not show the height of the proposed structure in relation to the adjacent 139 Mangels home.
- Plans in mailed notice did not accurately show the existing lightwell for the adjacent building.
- Plans misrepresent the size of 139 Mangels' rear landing that accommodates stairs to its backyard in order to falsely make the proposed 149 Mangels project look more comparable.
- Pre-application mailed notice submitted with 149 Mangels plans to Planning Department was falsified and did not correspond to mailed notice that neighbors received for the June 6, 2016 meeting.
- Applicant provided a notably inaccurate summary about issues raised in the pre-application meeting.

RDAT Review.

- RDT requests the proposed light well on the subject property be shifted closer to the street (north) so as to better align with the adjacent light well on the property to the east.---slight change to lightwell at middle level adjacent to garage that did nothing to augment light into upper level kitchen & dining areas of adjacent 139 Mangels
- RDT requests streetscape perspective renderings from the top of the sidewalk where the steps from Baden and Joost Street Mini Park meet Mangels Aveue. The perspective should be towards the south, towards the aforementioned park, to assist RDT in understanding the proposed project's overall impact on the public view shed from Mangels Avenue.---applicant stood behind tree with park atypically enveloped in shade in order to misrepresent significant impacts on scenic vistas from Joost/Baden Park
- RDT requires additional façade articulation to the west elevation as this façade will be visible and directly front onto a public right-of-way. RDT requires high quality materials and suggests additional fenestration and additional architectural features (e.g. belt course, moldings, etc.)---no windows added with additional articulation limited to slight recess of the middle section of the west-facing wall and wood sidings with wood trim belts at level splits
- Revision that centered the front door entrance is of questionable value, has never been an issue for us, and actually would be inconsistent with the neighborhood.

After Discretionary Review Appeal:

- Applicant failed to comply with deadline for submittal of Response to DR Appeal.
- Applicant's Response to DR Appeal failed to address adverse effects on surrounding properties nor provide any explanation about what prevents making the changes requested by requester.
- Applicant's Response to DR Appeal indicated applicant's belated willingness to align upper levels of his lightwell with adjacent 139 Mangels lightwell, terminate his lightwell at its middle level, add unspecified windows to park-facing western wall, add front landscaping, reduce size of lower rear deck, but no revised plans have been submitted that incorporate these changes nor has Planning Department staff done any follow-through with applicant to implement these changes.
- Required posted notice on 149 Mangels project site regarding DR Appeal Hearing was not done.

Dear San Francisco Planning Commissioners,

The 149 Mangels project applicant has not used the delay caused by his failure to provide required posted notice to make substantive changes to his project. The project is incompatible with our neighborhood's low vertical profile, large ground-level rear yards, homes stepping-down to Joost Baden Park, and existing continuity between characteristic extensive rear yard open spaces and the park. The 149 Mangels project is too big and bulky for our neighborhood. Its minimal rear yard and massive park-facing wall would adversely affect scenic vistas, cause shadowing, and create a wind tunnel in the adjacent park. The applicant continues to refuse to address the ongoing jeopardy to our adjacent 139 Mangels home caused by remaining illegal 149 Mangels foundation footings that undercut and undermine our home.



The applicant has indicated some willingness to modify his lightwell, add some windows to his massive western wall, and reduce by three feet the depth of one of his rear decks. More substantive project changes could be readily made that would reduce the project's height and perceived bulk, reduce impacts on the park and the surrounding neighborhood, and remove the blight that 149 Mangels owners have perpetuated for a dozen years, while still achieving the applicant's objectives. But the applicant has refused to consider these modifications or to address affordable housing needs by including an in-law apartment.

We are requesting that the Planning Commission require modifications to the 149 Mangels project to reduce its height and length, mitigate impacts to the park, remedy ongoing foundation safety issues, and address affordable housing needs. These changes are needed to make the 149 Mangels project better conform with our neighborhood's unusual context, complex topography, character-defining features that have been ignored, mid-block open space and park, and its modest scale and bulk that would otherwise be irreparably sacrificed for an overbuilt structure.

Bill Wycko & Lisa Katzman, Discretionary Review Appellants, wycowilliam@comcast.net



From: Barbara Dobrinen <dbdobrin@mac.com>
Sent: Wednesday, January 02, 2019 6:00 PM
To: Mandelman, Rafael (BOS); Winslow, David (CPC); jeffrey.hom@sfgov.org; richhillssf@gmail.com; Melgar, Myrna (CPC); planning@rodneyfong.com; Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC)
Subject: Re: the 149 Mangels Project

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

Dear San Francisco Supervisor Mandelman and Planning Commissioners,

The 149 Mangels project proposed for the vacant lot next to the park is too big for our low profile residential neighborhood. A reasonably large home could be built without being as excessively tall and long as the 149 Mangels project proposes. We greatly support the discretionary review appeal filed by Bill Wycko and Lisa Katzman, who live next to the project and whose home would be further jeopardized unless the undercut 149 Mangels foundation is required to be safely removed and its lightwell is modified.

We've lived in this neighborhood for 51 years and don't want its pleasant character ruined by an incompatible excessively large building by a developer who doesn't care about our neighborhood. We have steep terrain, a nice park, and good views, and any project should be designed to respect our neighborhood. Like existing homes, the 149 Mangels driveway should slope down to keep its front and the entire building lower. Like existing homes, the rear yard needs to be longer, especially because it would be adjacent to the park. The project's double-tiered rear decks are too high and would invade the privacy of many homes and are inappropriate next to the park.

The current and past owners have allowed their lot to blight our neighborhood for too long, but we want to see a reasonable project that isn't overbuilt. The project needs to be redesigned so that it fits better into our neighborhood. The project particularly needs to avoid creating too much shade and wind and ruining views in the adjacent park which we treasure.

Sincerely,

David and Barbara Dobrinen

dbdobrin@me.com

From: Martha Hooven <martha.hooven@gmail.com>
Sent: Saturday, December 15, 2018 4:28 AM
To: Winslow, David (CPC)
Subject: Proposed building at 149 Mangels Avenue

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

Dear Mr. Winslow,

We write as long time owners of 234 Joost Avenue with concerns about the size and scope of the proposed building at 149 Mangels Avenue. While we support more housing in the city, we believe it is important that new homes be in keeping with the size and character of existing neighborhoods.

As we understand the large box that is proposed to be constructed, our patio and garden will be deleteriously impacted by a looming edifice blocking light and generally towering over the back outdoor living spaces of our neighborhood on the north side of Joost Avenue.

We write to ask you to be sensitive to our concerns and to downsize and modify the building plans for this property to more appropriately align with the size and scope of our neighboring homes. The adjacent mini park to this property is a neighborhood treasure utilized by many and would be dwarfed by this outsized box structure, potentially creating windy conditions, as well as detracting from its bucolic design.

Fifteen years ago we filed a discretionary review appeal when the lot next to us (230 Joost) was proposed as a large multi level home. We had some success with the buildings department and with mediation in obtaining modifications that brought the home within the reasonable bounds of the neighborhood for both size and placement on the lot. We hope you will do the same for 149 Mangels.

Thank you for your careful consideration and review. Our home and neighborhood are very important to our family.

Sincerely,

Martha Hooven and Dennis Mayfield
234 Joost Avenue
SF 94131
martha.hooven@gmail.com

Steven Ganz and Judy Tick
49 Stillings Avenue
San Francisco, CA 94131

December 16, 2018

Dear San Francisco Planning Commissioners,

The project proposed for the vacant lot next to our community park is too out of scale for our neighborhood. We feel that a reasonably large home could be built without it being excessively tall and long as the 149 Mangels project proposes. We support the discretionary review appeal filed by Bill Wycko and Lisa Katzman, who live next to the project and whose home would be further jeopardized unless the undercut 149 Mangels foundation is required to be safely removed and its lightwell is modified.

We've lived in this neighborhood for 22 years and don't want its pleasant character ruined by an excessively large building by a developer who doesn't care about our neighborhood. With the dimension proposed, the public park and walkway will be placed in shadow of the new structure. Additionally, any new project should be designed to the scale and design within our neighborhood.

Like existing homes, the 149 Mangels driveway should slope down to keep its front and the entire building lower. Like existing homes, the rear yard needs to be longer, especially because it would be adjacent to the park. The project's double-tiered rear decks are too high and would invade the privacy of many homes and are inappropriate next to the park.

The project needs to be redesigned so that it fits better into our neighborhood. The project particularly needs to avoid creating too much shade and wind and ruining views in the adjacent park.

Sincerely,



Steven Ganz



Judy Tick

San Francisco Planning Department, 1650 Mission Street, Suite 400, SF, CA 94103

Planning Staff: David Winslow at david.winslow@sfgov.org (415-575-9159) and Jeff Horn at jeffrey.horn@sfgov.org (415-575-6925)

San Francisco Planning Commissioners:

Rich Hillis (current President): richhillissf@gmail.com

Myrna Melgar (current Vice President): myrna.melgar@sfgov.org

Rodney Fong: (415) 202-0436 planning@rodneyfong.com

Milicent A. Johnson: milicent.johnson@sfgov.org

Joel Koppel: joel.koppel@sfgov.org

Kathrin Moore: kathrin.moore@sfgov.org

Dennis Richards: dennis.richards@sfgov.org

District 8 Supervisor Raphael Mandelman:

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689

415-554-6968 (phone), 415-554-6909 (fax), Rafael.Mandelman@sfgov.org

Dear San Francisco Planning Commissioners (Supervisor Mandelman),

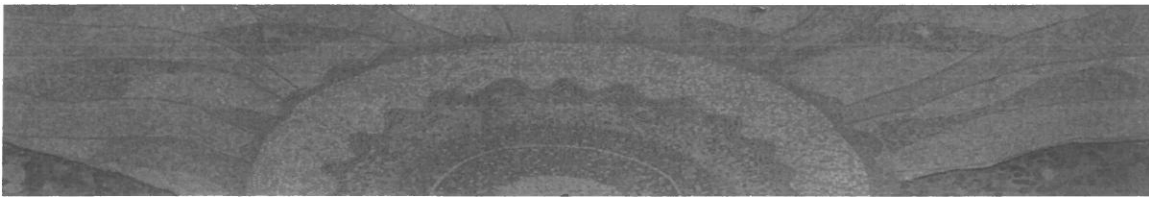
The project proposed for the vacant lot next to the park is too big for our low profile neighborhood. A reasonably large home could be built without being excessively tall and long as the 149 Mangels project proposes. We support the discretionary review appeal filed by Bill Wycko and Lisa Katzman, who live next to the project and whose home would be further jeopardized unless the undercut 149 Mangels foundation is required to be safely removed and its lightwell is modified.

We've lived in this neighborhood for 26 years and don't want its pleasant character ruined by an excessively large building by a developer who doesn't care about our neighborhood. We have steep terrain, a nice park, and good views, and any project should be designed to respect our neighborhood. Like existing homes, the 149 Mangels driveway should slope down to keep its front and the entire building lower. Like existing homes, the rear yard needs to be longer, especially because it would be adjacent to the park. The project's double-tiered rear decks are too high and would invade the privacy of many homes and are inappropriate next to the park.

The project needs to be redesigned so that it fits better into our neighborhood. The project particularly needs to avoid creating too much shade and wind and ruining views in the adjacent park.

Sincerely,

E. M. Uprichard
33 Nordhoff
SF CA 94131



The Sunnyside Neighborhood Association

Dear Supervisors Yee, Mandelman, Planning Commissioners, et al,

I'm writing to you today on behalf of William Wycko and Lisa Katzman, who are the homeowners at 139 Mangels Avenue. There is a proposed structure to be built on the vacant lot next to them, located at 149 Mangels Avenue. This lot happens to be next to a mini-park, which along with its greenery and staircases, serves as a nice respite and pause from the row houses that align both Mangels and Joost Avenues.

If you have visited the neighborhood, you might have noticed the charming single-family homes that align the street. The various character defining features for the south sloping homes, such as large yards, sloping driveways, and low frontages along Mangels Avenue complements the neighborhood in a way that adds to its pleasantness and character.

However, I am deeply concerned that the proposed development at 149 Mangels Avenue will be an affront to the street and the neighborhood. I am not asking that the developer radically alter the plans for the house, or to reduce the size to the point in which it becomes uninhabitable. I am only asking the developer to seriously consider the concerns of the neighbors, consider the character of the neighborhood, and consider the unique location of its position next to a park.

I would first of all like the developer to reduce the height and length of the building so that it respects the size of the neighboring single-family homes. When buildings are too high, they cast shadows over streets and parks which block the sunlight. I would also like to see improved design on the side which faces the park. To construct a wall with minimal windows facing the park is to design a structure against the park, not with it. Good architecture complements the environment rather than resist it. In its current design, we feel the wall facing the park is neither complementing nor respecting the park. It is building a wall between the residents and the neighbors, and invokes a defensive posture, rather than a friendly posture.

Furthermore, I am constantly distressed by what seems to me to be the lack of imagination in modern architecture. Recently, on the 200 block of Los Pamos Avenue, three identical box structure single family homes were built. This is not a new or unique phenomenon, unfortunately. Whenever a new home is built in San Francisco, developers seem to go right for the box development. What I am asking is the developer to do is to use is more imagination when it comes to designing the

house. Think outside the box, so to speak. Preserve more of the yard. Give the residents ample space to have a garden and experience a little bit of nature. The current design thinks of the yard and the garden as an afterthought, as an unimportant space, existing only because the city code requires it. I am asking that the yard be re-emphasized. Yards and gardens are a wonderful addition to any property if you give them room to thrive.

As the president of the neighborhood association in Sunnyside, it's my duty to look out for what is best for the neighborhood. Although I realize that the whole Bay Area and most of California is in a housing crisis, no one single project will solve it. Let us not let the sense of urgency we feel to build everywhere compel us into poor decisions and bad urban planning. Solving this housing crisis will take time and effort, but only if done correctly. I appreciate your time and consideration in advance to this matter.



Stephen Martin-Pinto

President,

Sunnyside Neighborhood Association

RESPONSE TO
DISCRETIONARY
REVIEW (DRP)



San Francisco
Planning

SAN FRANCISCO PLANNING DEPARTMENT
1680 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

Project Information

Property Address: **149 Mangels Avenue**

Zip Code: **94131**

Building Permit Application(s): **2016.0712.2060**

Record Number: **2016-009503DRP**

Assigned Planner: **Jeffery Horn**

Project Sponsor

Name: **James Kong**

Phone: **415.710.1283**

Email: **mentroc@hotmail.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.)

See additional page

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.

See additional page

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.

N/A

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)	0	1
Occupied Stories (all levels with habitable rooms)	0	3
Basement Levels (may include garage or windowless storage rooms)	0	0
Parking Spaces (Off-Street)	0	1
Bedrooms	0	4
Height	0	21'-6"
Building Depth	0	60'-0"
Rental Value (monthly)	0	na
Property Value	725,000	1,450,000

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

Signature: 	Date: 01.19.19
Printed Name: James Kong	<input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> 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.

1)

The project at 149 Mangels Ave has gone through multiple revisions during the RDT reviews in respect to the RDT and the neighbor's comments. Per SFDBI RDT NOPDR #1 10/26/16 we provided revisions to:

- Extended the light well on the north side of the east elevation 3 ft wider
- Generated a perspective view image to show impact to the adjacent park
- Redesigned the west elevation with additional façade articulation, which consist of slight recess of the middle section of the wall and used wood sidings with wood trim belts at level splits.
- Redesigning the north elevation, which includes relocation of the front entryway on the north elevation and change material on the garage door.

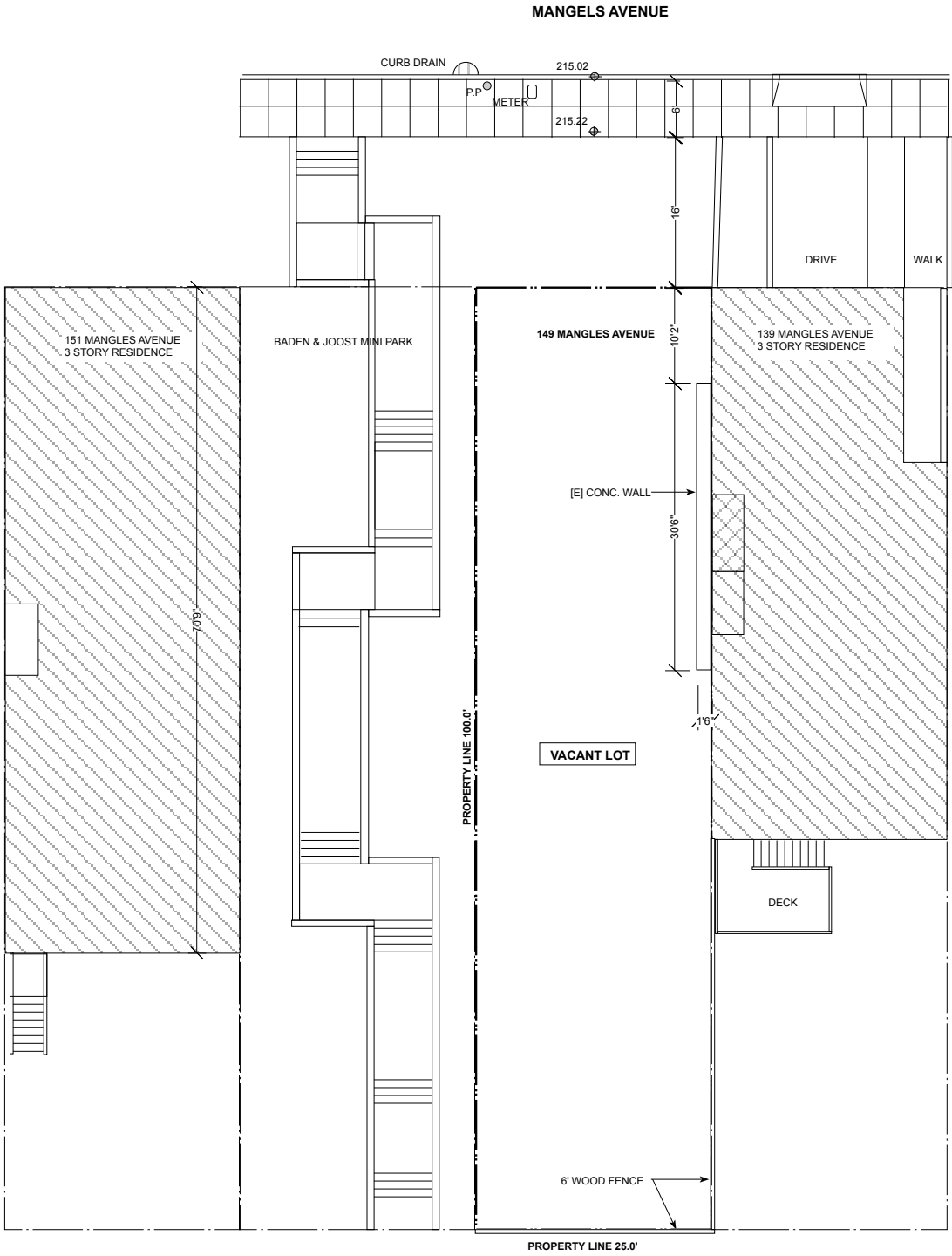
Additionally we spent over 2 years working with Environmental Planning for the Categorical Exception. During that process we made countless revisions to the Geological Engineering report and submitted all requested documents and testing/sampling per concerns of Environmental Planning, City Attorney and the neighbor.

We have worked diligently and patiently to comply with requests to meet SFDBI's regulations and codes.

2)

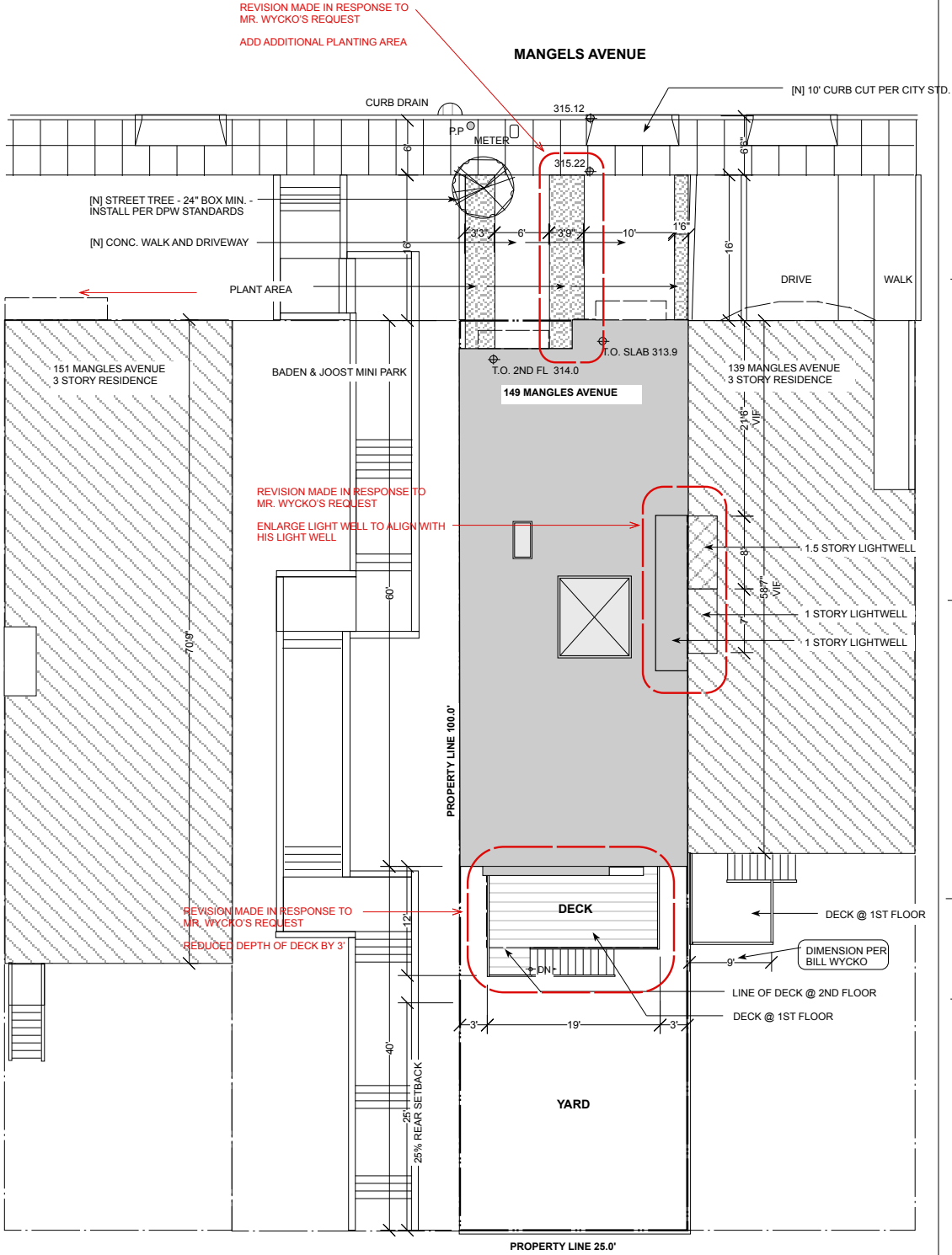
Alternatives and changes we are willing to make to address concerns of the DR requester will be:

1. Aligning the neighboring light well on the 3rd level.
2. Terminating the light well at the top of the second level.
3. Reducing the lower rear deck to 12 ft including the rear staircase leading down to the yard.
4. We can add additional windows to the 1st and 3rd level to further articulate the west elevation.
5. Add additional landscaping to the left side of the entryway on the north elevation.

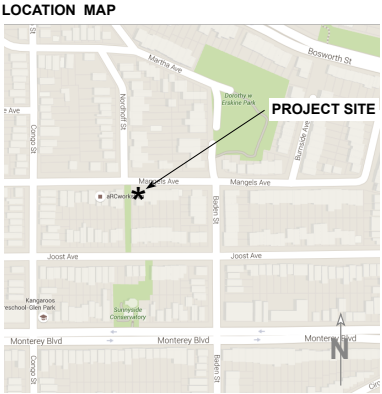


EXISTING / DEMOLITION SITE PLAN 1/8" = 1' - 0"

SITE DATA PER MERIDIAN SURVEYING ENGINEERING, INC.
DRAWING DATED NOVEMBER, 2016



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



PROJECT DATA		
ADDRESS - 149 MANGLES AVENUE, SAN FRANCISCO, CA		
BLOCK / LOT - 6765/043		
LOT AREA - 2500 S.F. [25'X100']		
ZONING - RH-1		
SEISMIC ZONE - E		
CLIMATE ZONE - 3		
OCCUPANCY	EXISTING	PROPOSED
EXISTING USE	VACANT LOT	R3
CONSTRUCTION	VACANT LOT	SFR
BUILDING AREA [GSF]	0	3662 SF
CONDITIONED FL. AREA		
1ST FLOOR [GSF]	0	818 SF
2ND FLOOR [GSF]	0	1042 SF
3RD FLOOR [GSF]	0	1302 SF
TOTAL COND. FL. AREA	0	3162 SF
NO. OF STORIES	0	3
BUILDING HEIGHT	-	21'-6"
SPRINKLER SYSTEM	-	FULL

CONTACT DIRECTORY	
OWNER / CONTACT	
JKO HOMES LLC - JAMES KONG	
262 UNIVERSITY STREET	
SAN FRANCISCO, CA. 94134	
510 710 1283	
ARCHITECT	
BILL EGAN	
15 PEREGO TERRACE #5	
SAN FRANCISCO, CA. 94131	
415.260.1228	

CODES, STANDARDS, ORDINANCES	
ALL WORK SHALL CONFORM TO THE FOLLOWING:	
2013 SAN FRANCISCO BUILDING CODE	
2013 CALIFORNIA ENERGY STANDARDS	
ALL LOCAL STANDARDS, ORDINANCES AND SPECIFICATIONS	

SCOPE OF WORK	
CONSTRUCT 3160 SF, 4 BEDROOM, 3 & 1/2 BATH, 1 CAR GARAGE, 3 STORY SINGLE FAMILY RESIDENCE ON VACANT LOT.	
INSTALL SPRINKLER SYSTEM PER SFFD	

SHEET INDEX	
A1.0	PROJECT DATA
A1.S	EXISTING AND PROPOSED SITE PLANS
A1.S	SURVEY
A2.0	PROPOSED FIRST AND SECOND FLOOR PLANS
A3.0	PROPOSED THIRD FLOOR AND ROOF PLANS
A4.0	PROPOSED BUILDING SECTION
A5.0	PROPOSED ELEVATIONS
A6.0	PROPOSED ELEVATIONS
A7.0	CONTEXT ELEVATIONS

be/A
BILL EGAN
ARCHITECT
405 Davis Ct. #1204
San Francisco, Ca. 94111
415 260 1228
billegan7@gmail.com
www.billeganarchitect.com

PROJECT NO.
16.0504.00
PROJECT TITLE

KONG RESIDENCE AT 149 MANGLES AVENUE
SAN FRANCISCO, CALIFORNIA

DATE	ISSUE
06.29.16	PROGRESS
07.07.16	SITE PERMIT APPL
12.05.16	REV#1 SITE PERMIT
11.06.18	REV#2 SITE PERMIT
04.05.19	REV#3

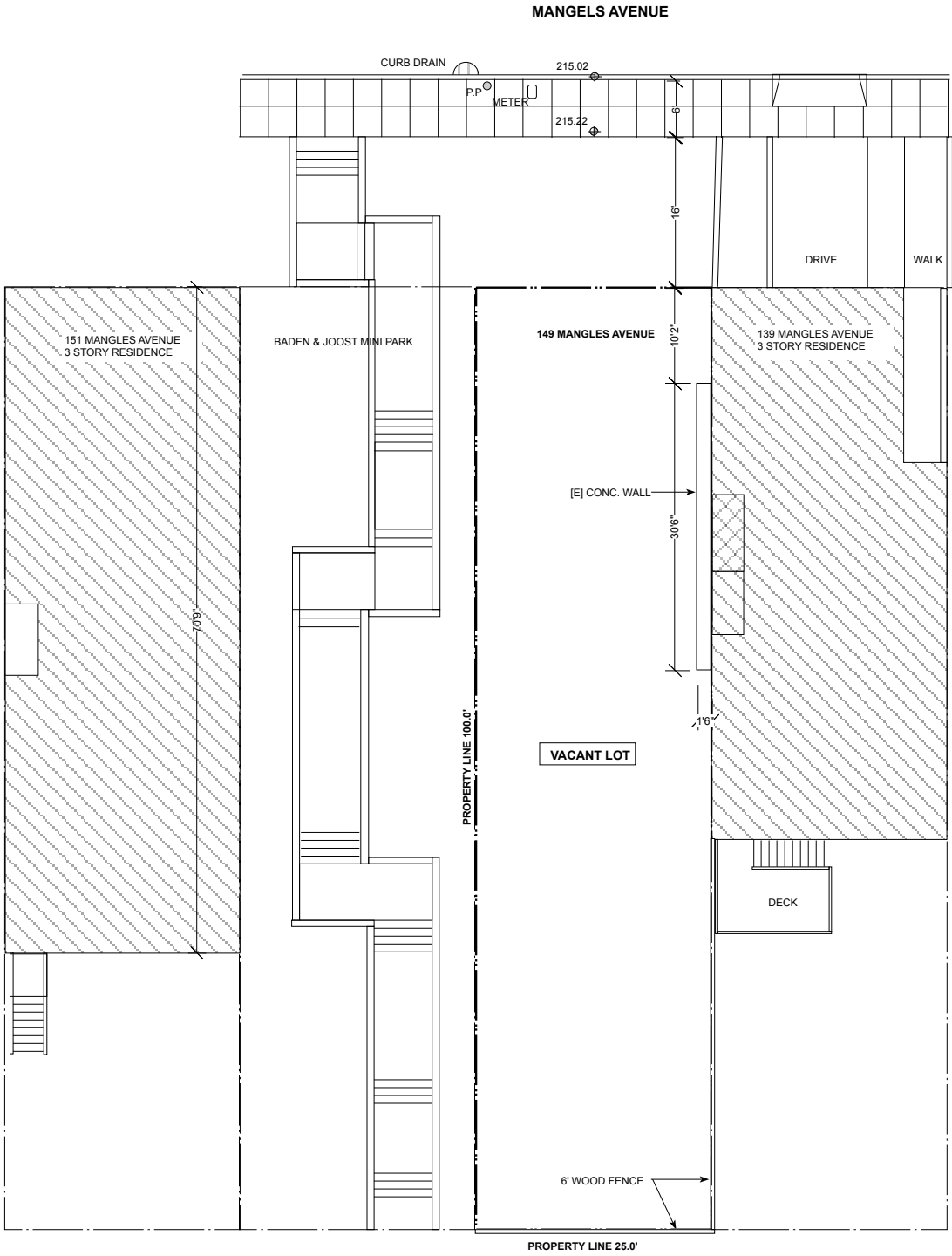
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SHEET CONTENT

PROJECT DATA
EXISTING AND
PROPOSED SITE PLANS

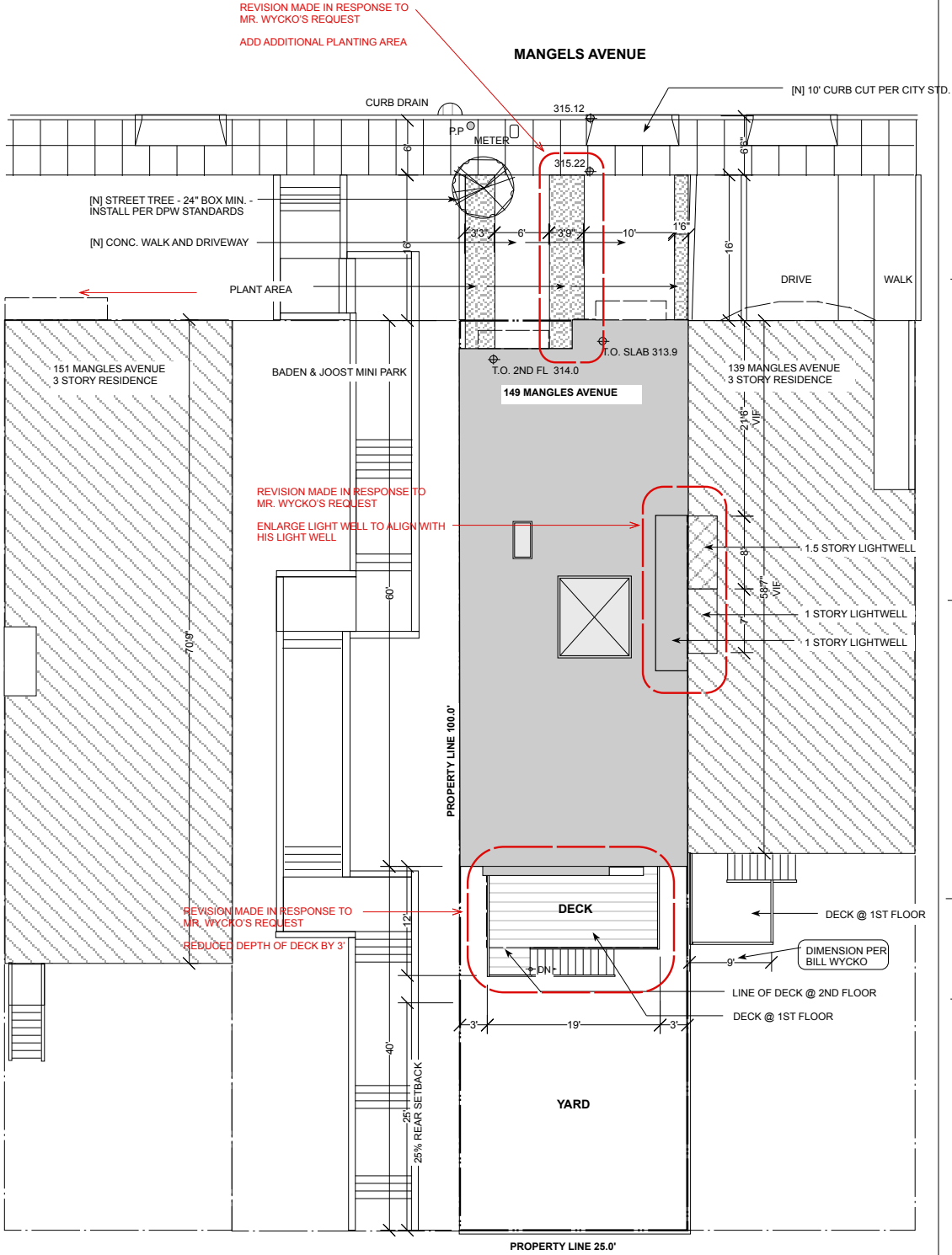
05.03.19 A1.0

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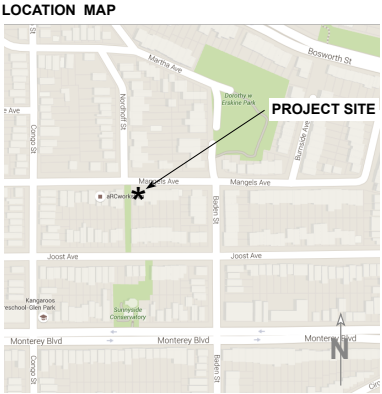


EXISTING / DEMOLITION SITE PLAN 1/8" = 1' - 0"

SITE DATA PER 'MERIDIAN SURVEYING ENGINEERING, INC'
DRAWING DATED NOVEMBER, 2016



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



PROJECT DATA		
ADDRESS - 149 MANGLES AVENUE, SAN FRANCISCO, CA		
BLOCK / LOT - 6765/043		
LOT AREA - 2500 S.F. [25'X100']		
ZONING - RH-1		
SEISMIC ZONE - E		
CLIMATE ZONE - 3		
OCCUPANCY	EXISTING	PROPOSED
EXISTING USE	VACANT LOT	R3
CONSTRUCTION	VACANT LOT	SFR
BUILDING AREA [GSF]	0	3662 SF
CONDITIONED FL. AREA		
1ST FLOOR [GSF]	0	818 SF
2ND FLOOR [GSF]	0	1042 SF
3RD FLOOR [GSF]	0	1302 SF
TOTAL COND. FL. AREA	0	3162 SF
NO. OF STORIES	0	3
BUILDING HEIGHT	-	21'-6"
SPRINKLER SYSTEM	-	FULL

CONTACT DIRECTORY	
OWNER / CONTACT	
JKO HOMES LLC - JAMES KONG	
262 UNIVERSITY STREET	
SAN FRANCISCO, CA. 94134	
510 710 1283	
ARCHITECT	
BILL EGAN	
15 PEREGO TERRACE #5	
SAN FRANCISCO, CA. 94131	
415.260.1228	

CODES, STANDARDS, ORDINANCES	
ALL WORK SHALL CONFORM TO THE FOLLOWING:	
2013 SAN FRANCISCO BUILDING CODE	
2013 CALIFORNIA ENERGY STANDARDS	
ALL LOCAL STANDARDS, ORDINANCES AND SPECIFICATIONS	

SCOPE OF WORK	
CONSTRUCT 3160 SF, 4 BEDROOM, 3 & 1/2 BATH, 1 CAR GARAGE, 3 STORY SINGLE FAMILY RESIDENCE ON VACANT LOT.	
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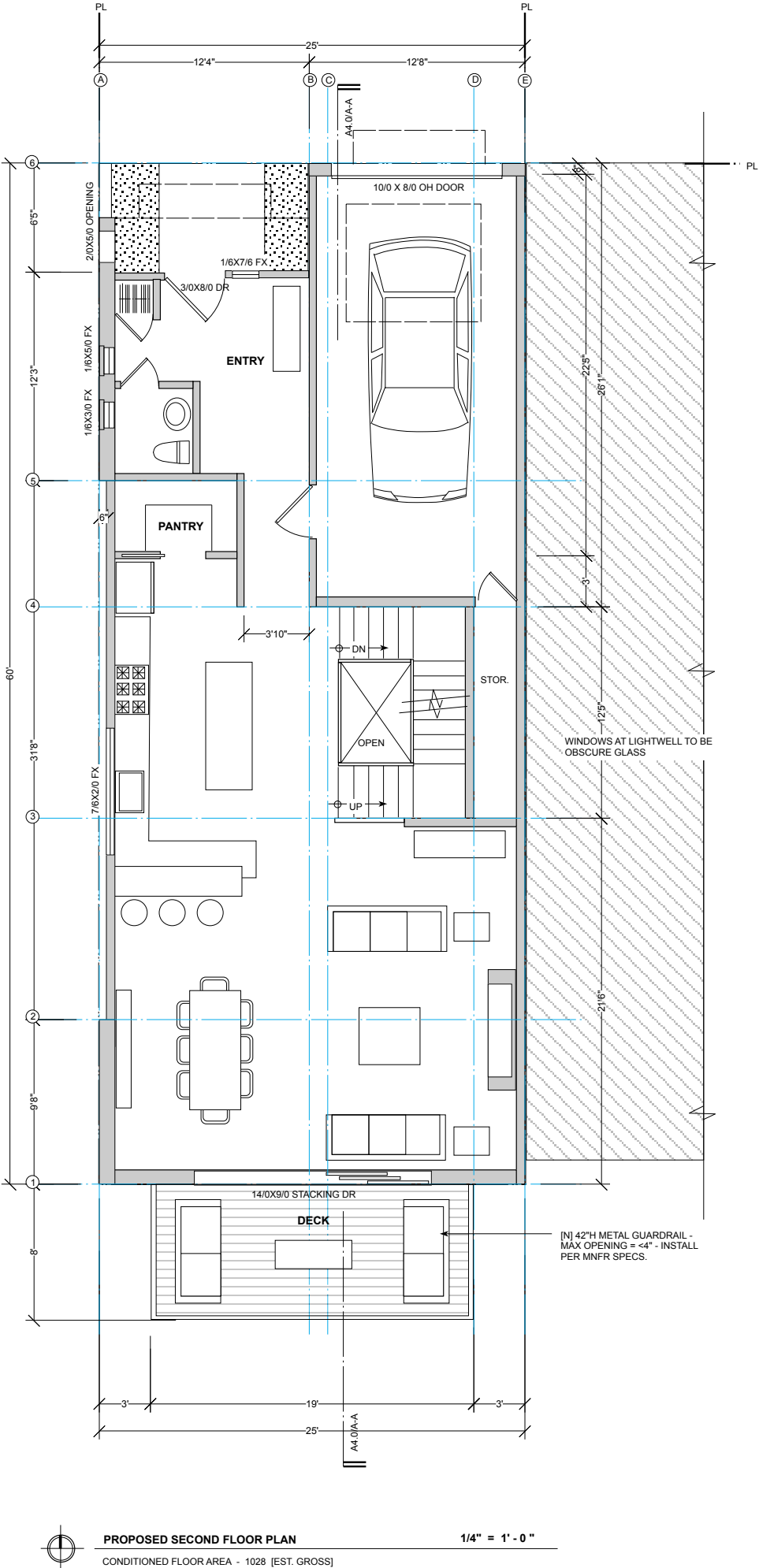
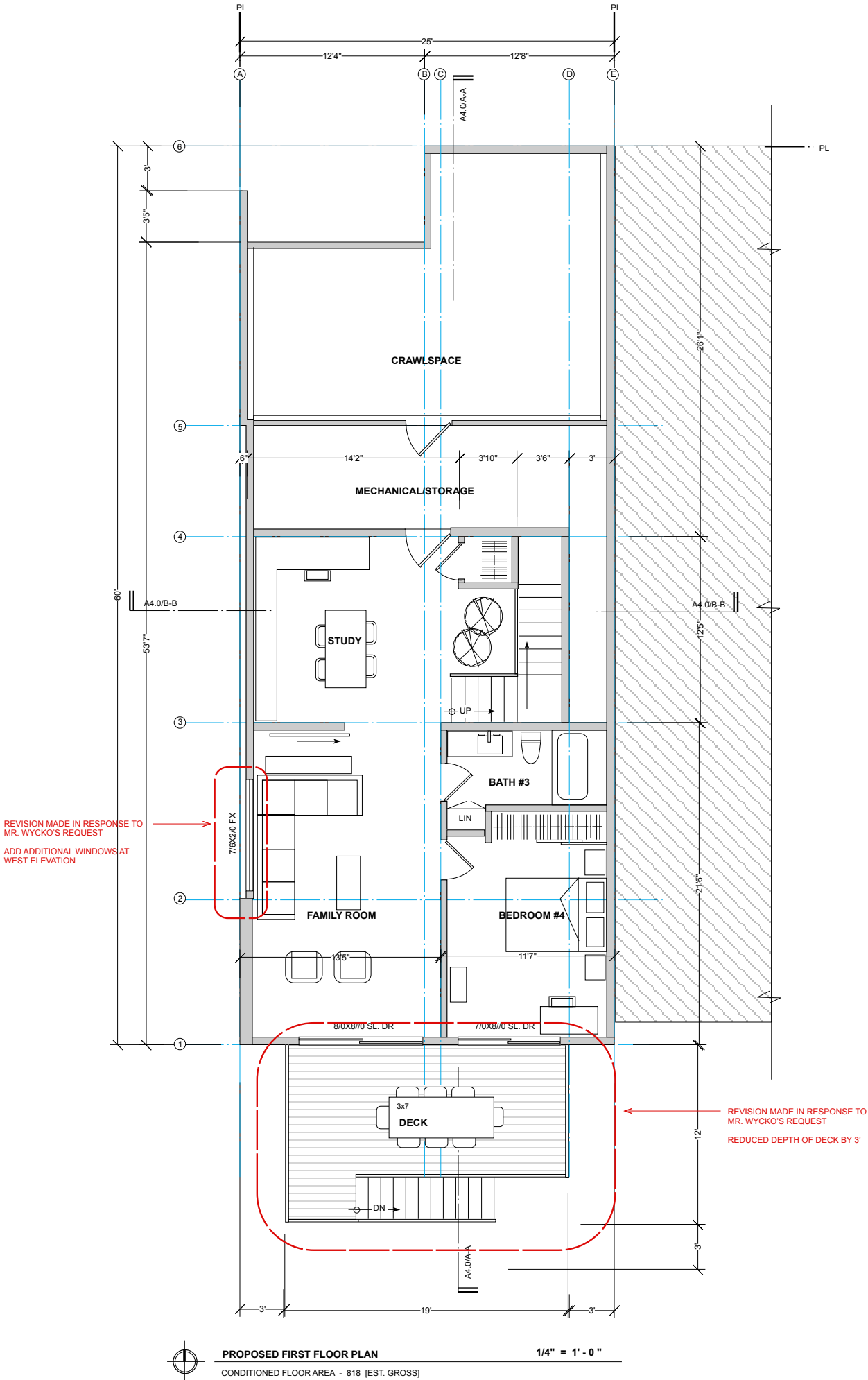
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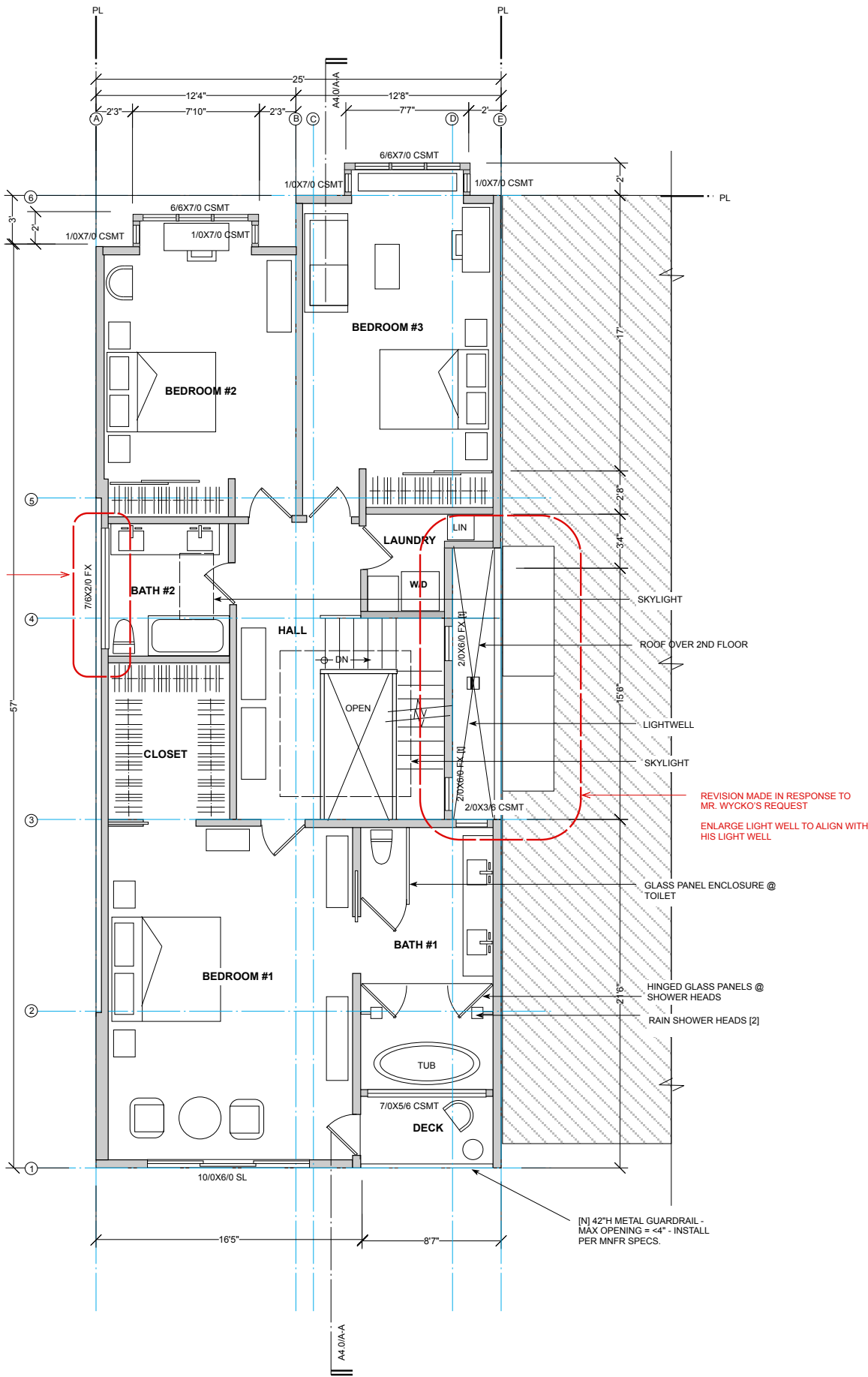
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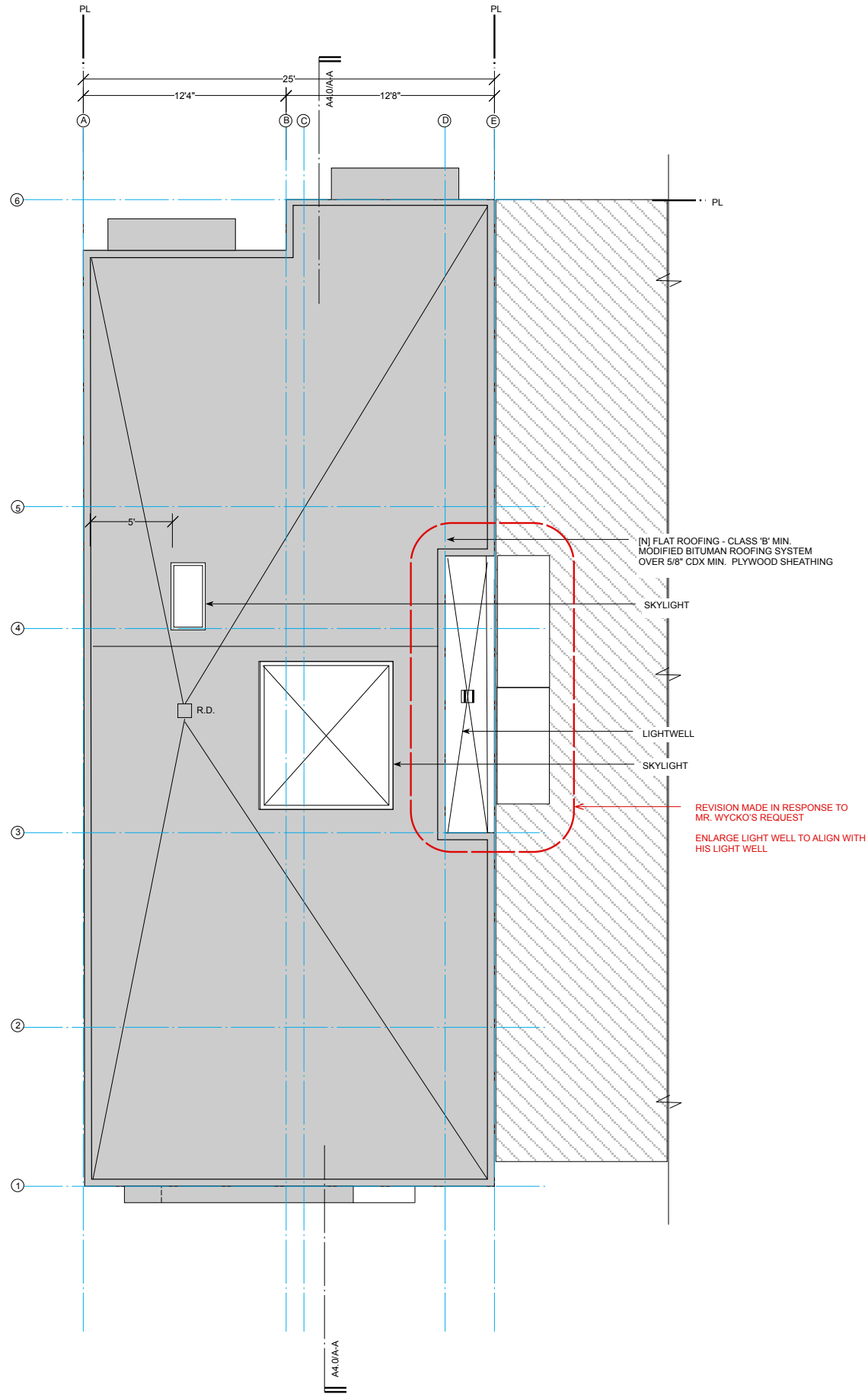
KONG RESIDENCE AT 149 MANGELS AVENUE
SAN FRANCISCO, CALIFORNIA





PROPOSED THIRD FLOOR PLAN
CONDITIONED FLOOR AREA - 1314 [EST. GROSS]

1/4" = 1' - 0"



PROPOSED ROOF PLAN

1/4" = 1' - 0"

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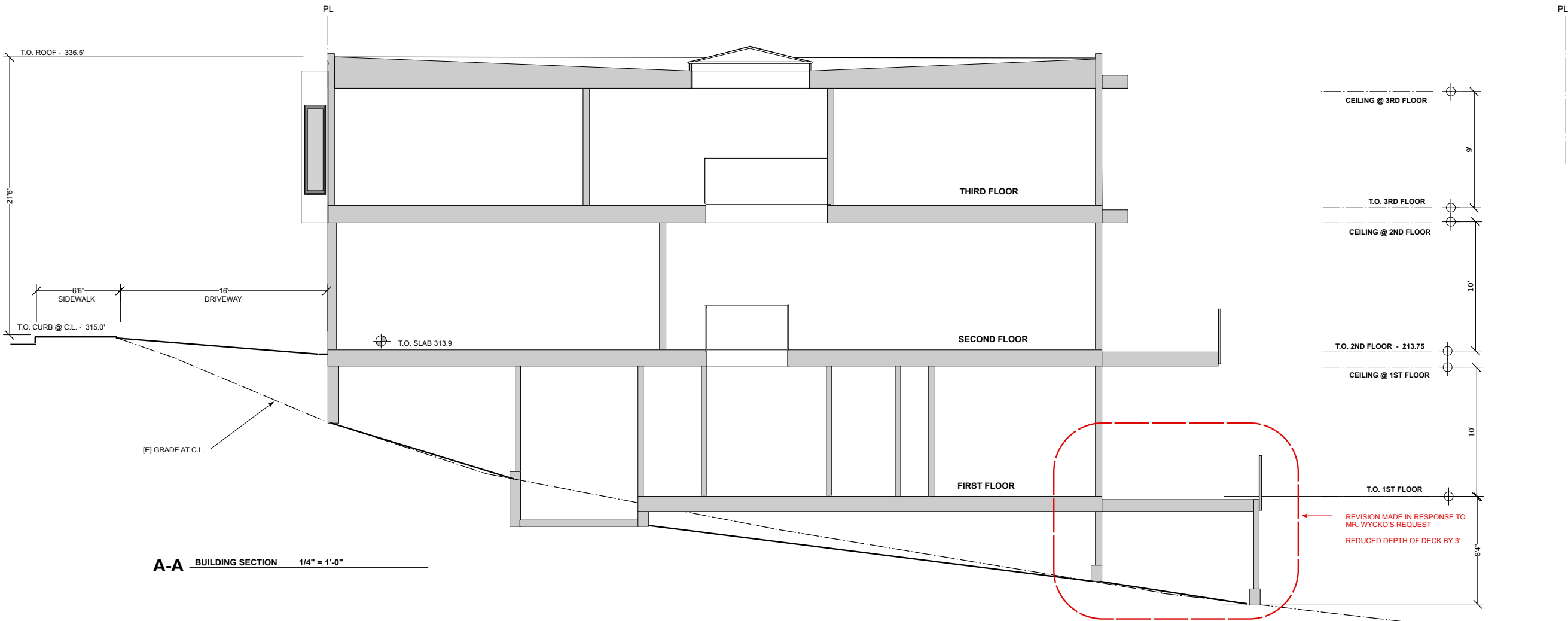
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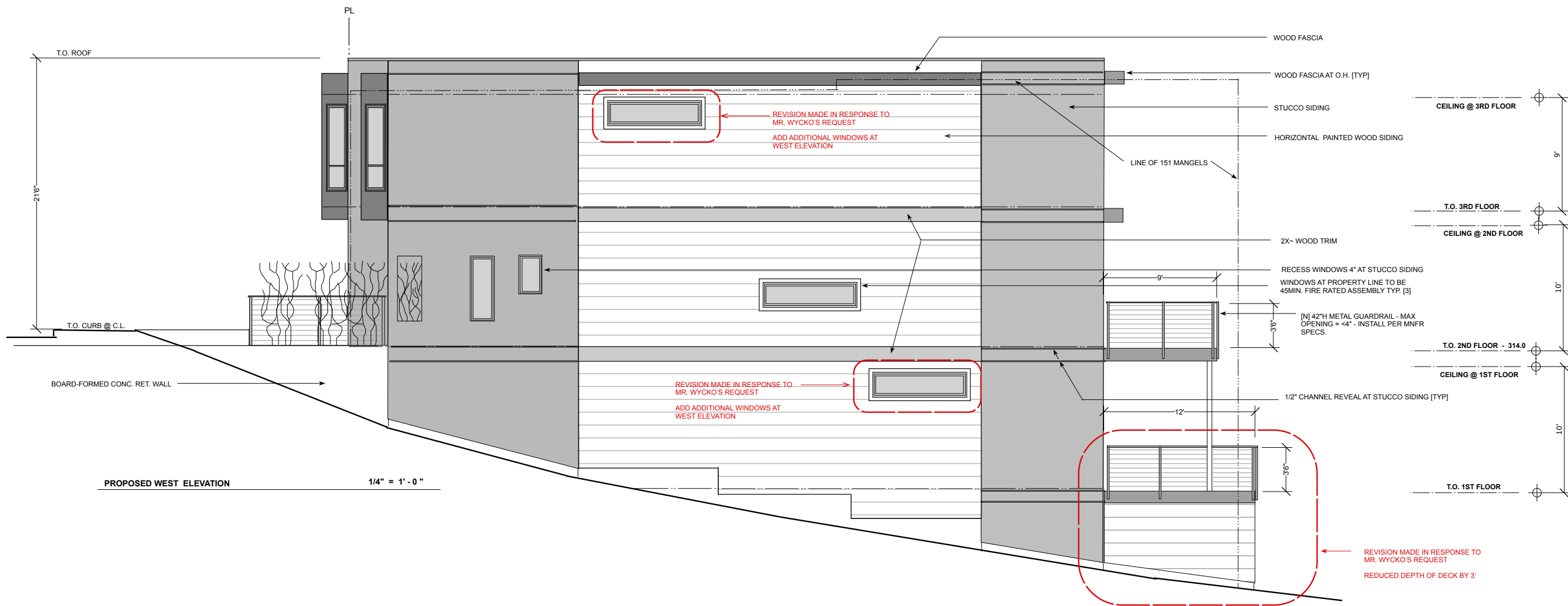
PRINT DATE:
SHEET CONTENT
PROPOSED 3RD FLOOR
AND ROOF PLANS

05.03.19 **A3.0**

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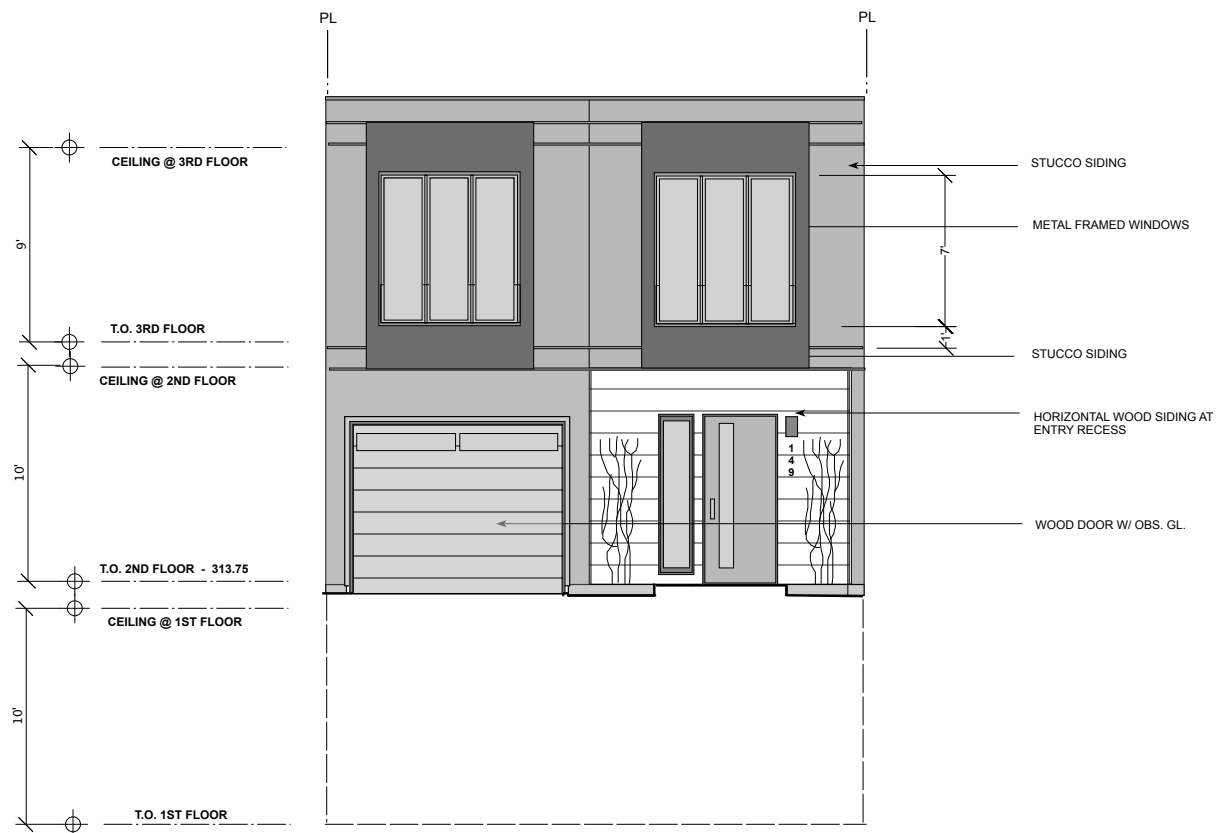
KONG RESIDENCE AT 149 MANGELS AVENUE
SAN FRANCISCO, CALIFORNIA





PROPOSED WEST ELEVATION

1/4" = 1' - 0"



PROPOSED NORTH ELEVATION

1/4" = 1' - 0"

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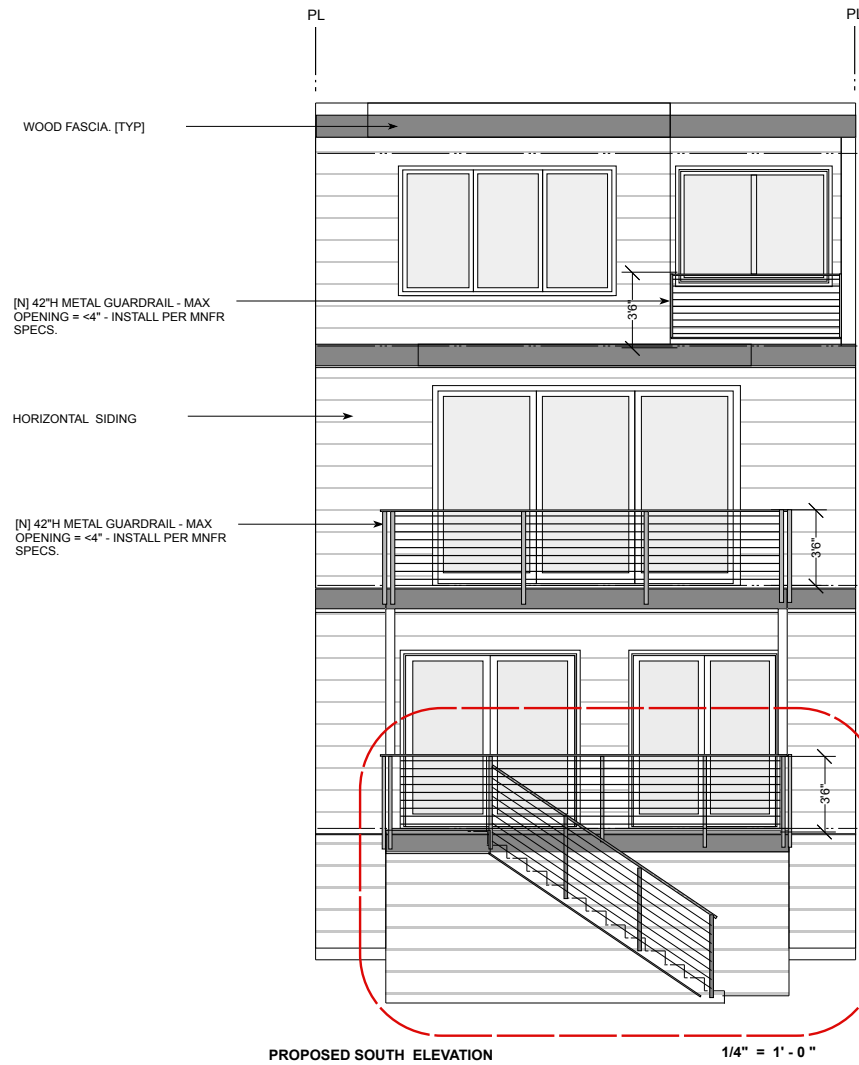
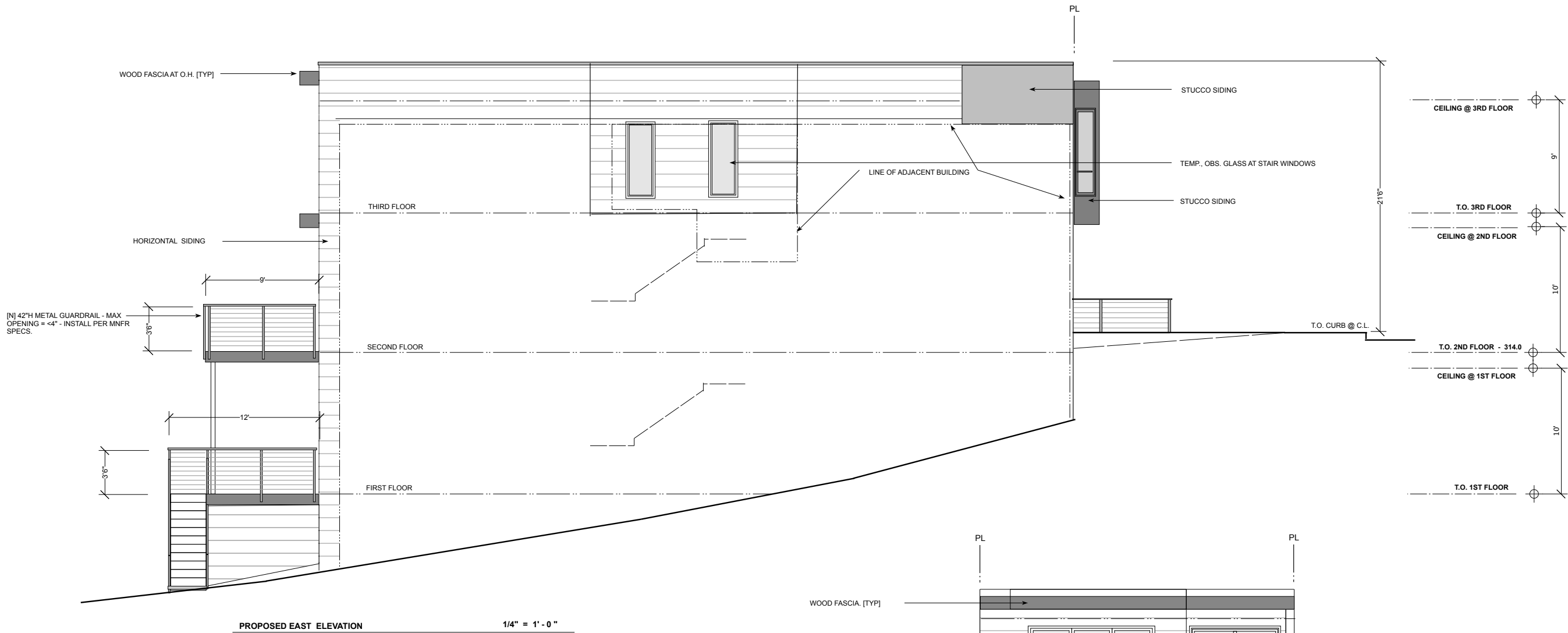
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PROPOSED ELEVATIONS

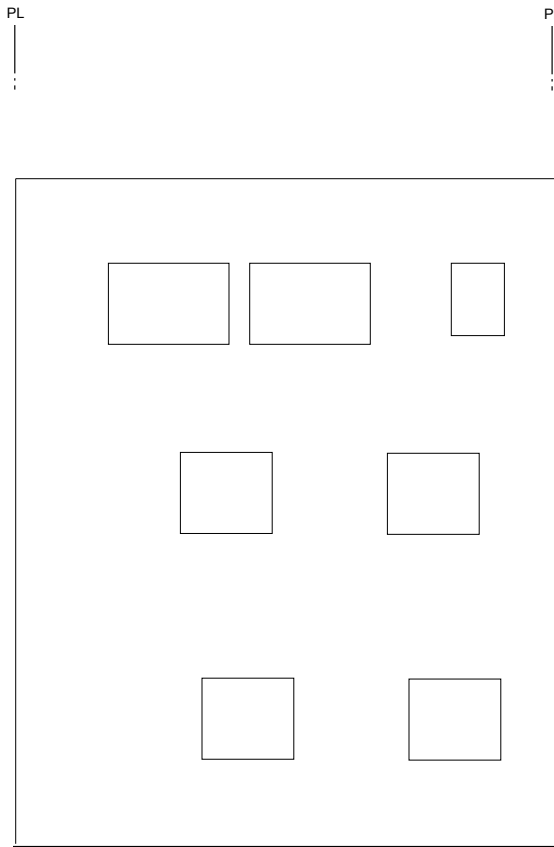
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A5.0

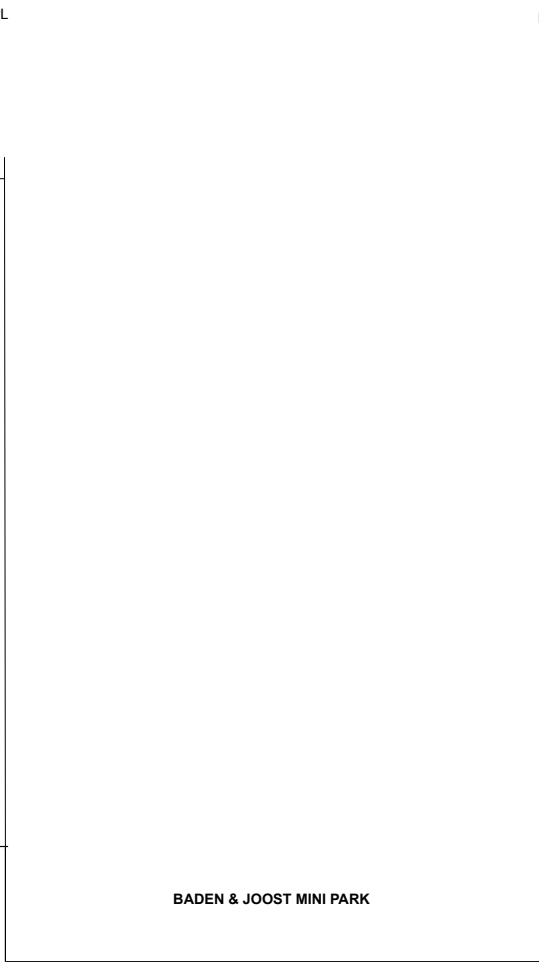
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REVISION MADE IN RESPONSE TO
MR. WYCKO'S REQUEST
REDUCED DEPTH OF DECK BY 3'



151 MANGELS

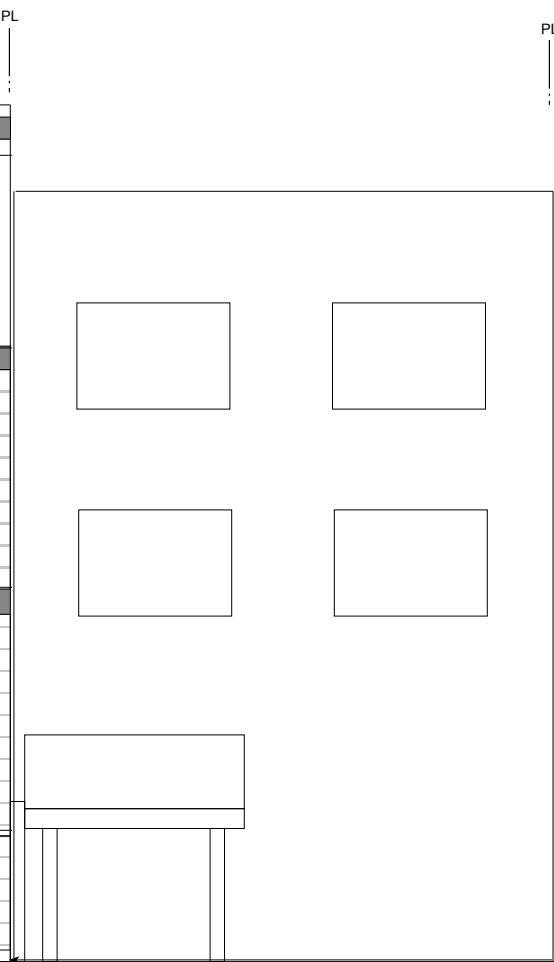


BADEN & JOOST MINI PARK

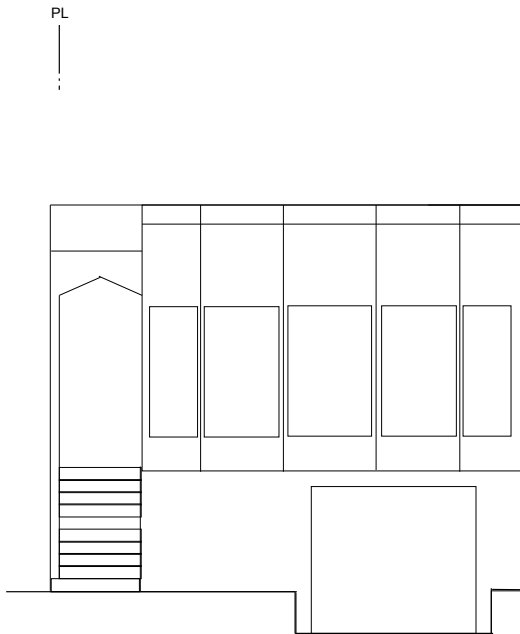


PROPOSED SOUTH ELEVATION

1/4" = 1' - 0"



139 MANGELS



139 MANGELS



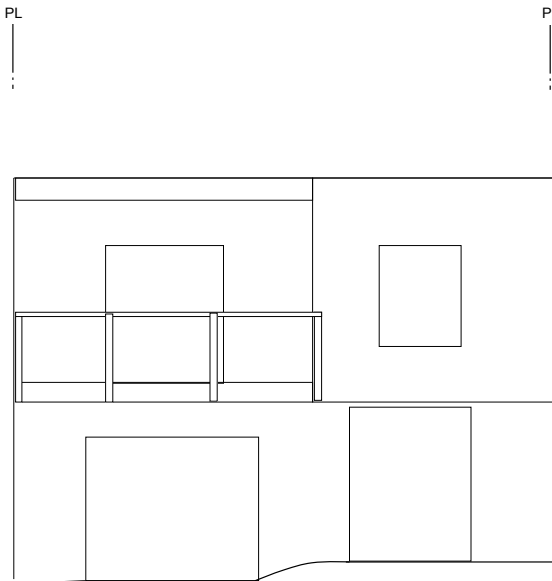
PROPOSED NORTH ELEVATION

1/4" = 1' - 0"

149 MANGELS

T.O. CURB

BADEN & JOOST MINI PARK



151 MANGELS

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CONTEXT ELEVATIONS

05.03.19 A7.0

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149 MANGELS

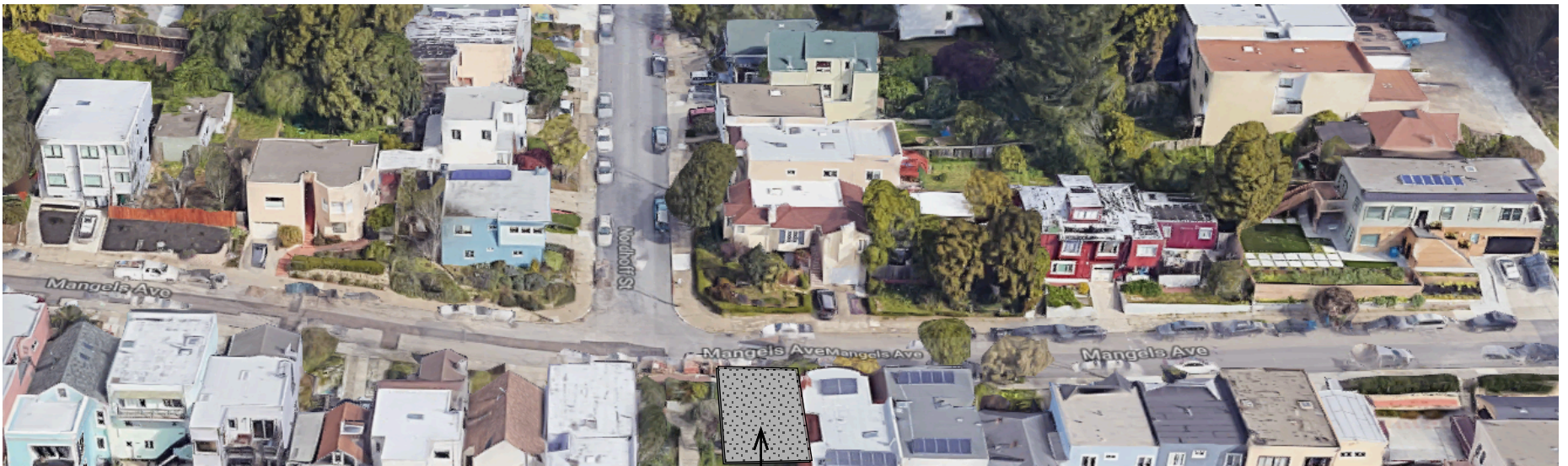
149 Mangels ave.

bill egan, architect

415.260.1228

1

DRAWING



149 MANGELS

HOUSES OPPOSITE

149 Mangels ave.

bill egan, architect 415.260.1228

1

DRAWING



149 MANGELS

149 Mangels ave.

bill egan, architect 415.260.1228

1

DRAWING



149 MANGELS

149 Mangels ave.

bill egan, architect 415.260.1228

2

DRAWING

ZACKS, FREEDMAN & PATTERSON

A PROFESSIONAL CORPORATION

235 Montgomery Street, Suite 400
San Francisco, California 94104
Telephone (415) 956-8100
Facsimile (415) 288-9755
www.zfplaw.com

May 15, 2019

President Myrna Melgar
San Francisco Planning Commission
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Re: Project Sponsor's Response to Request for Discretionary Review
Case No. 2016-009503DRP– 149 Mangels Avenue, San Francisco

Dear President Melgar and Members of the Planning Commission:

Our office represents James Kong, the owner of 149 Mangels Avenue, San Francisco (the "Property"). Mr. Kong proposes to build a single-family home at the Property on a vacant lot (the "Project"). The DR Requestors object to the Project on the basis that it is "incompatible with the neighborhood" and too big, despite the fact that its proposed height is the same as their adjacent neighbor's home.

There are no "exceptional or extraordinary circumstances" justifying Discretionary Review. The Project is Code-compliant and consistent with the character and scale of the neighborhood. It has been revised to address the DR Requestors' concerns, and should be approved.

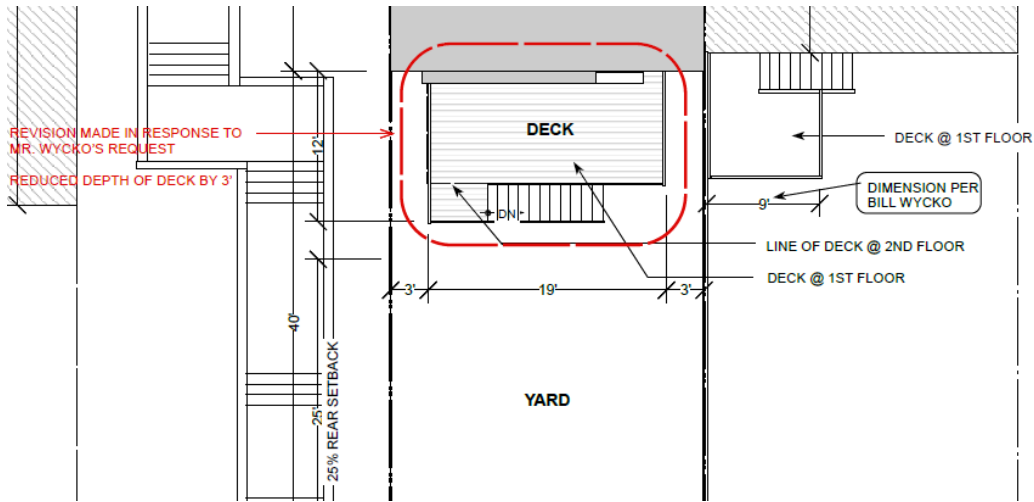
There are no exceptional or extraordinary circumstances

The DR requestors' rote concerns about neighborhood character and scale could be raised in relation to *any* new construction in any part of San Francisco. The question is whether the impact is exceptional or extraordinary, particularly where, as here, the project is fully Code-compliant.

The Project is consistent with the scale of the neighborhood

The Project is in scale with the neighborhood and the DR Requestors' own property. The DR Requestors claim that the Project will be taller than surrounding buildings. This is not correct. The Project is consistent with the scale of the block. Indeed, the adjacent building on the other side of the DR Requestors' property is the same height as the Project.

The DR Requestors have also objected to the depth of the Project, claiming that it is longer than adjacent buildings. However, the Project provides a 25% rear-yard setback, and its rear wall is nearly flush with the DR Requestors' rear wall:



The Project proposes a one-story pop-out at the rear, which is smaller than the two-story pop-out allowed by § 136 of the Planning Code. The only Project element that will extend beyond the DR Requestors' own rear deck is a staircase.

The Project will not unreasonably impact the Baden & Joost Street Mini-Park

The Project is adjacent to the Baden & Joost Street Mini-Park. This Mini-Park is essentially a stairway that connects Joost Avenue to Mangels Avenue, which has been enhanced with planting and garden areas. The DR Requestors claim that the “entire vista” of the San Bruno mountain open space will be “obliterated” by the Project. The only support for this assertion is a photo taken from one section of the park, facing towards the Property, and which appears to have been zoomed in. A more accurate depiction of the existing vista is available on Google streetview:



The existing vista is already largely obstructed by the existing large trees. This vista will not be significantly impacted by the Project:



The DR Requestors also claim, without evidence, that the Project will shade the Mini-Park. However, the Mini-Park is already largely shaded by the large trees and bushes at the park, as shown in the photo to the right from the Glen Park Association's website. There is no evidence that the Project will cause additional shadowing. In any event, the Project is not subject to Proposition K.

The Project will improve the existing conditions at both the Property and the DR Requestors' Property.

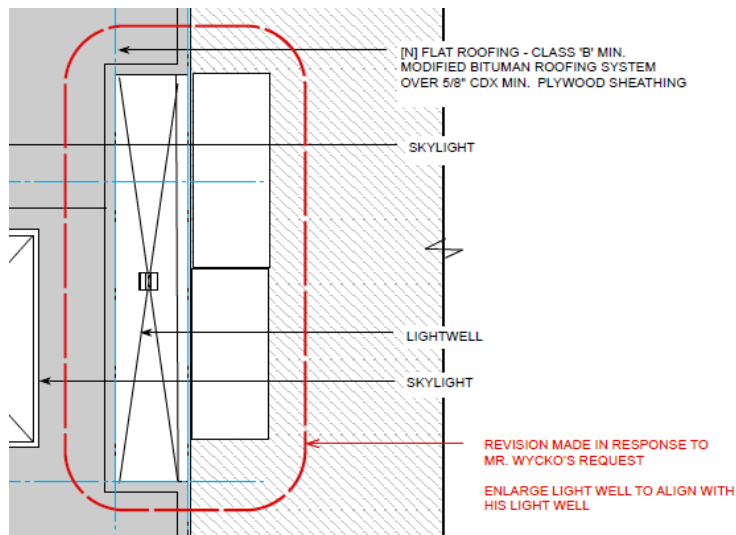
The DR Requestors state that the deteriorated foundations at the Property have undermined their building's foundations. This alleged damage was caused well before Mr. Kong purchased the Property, when the previous building on the lot was destroyed. The Project will be constructed in accordance with all applicable Codes and regulations. The Project will improve on the existing conditions at the Property, and the DR Requestors' Property, by installing new, Code-compliant foundations. The fact that damage occurred to the DR Requestors' property in the past, as a result of a previous owner's actions, is not a reason to grant discretionary review. It is a Building issue, not a Planning issue.



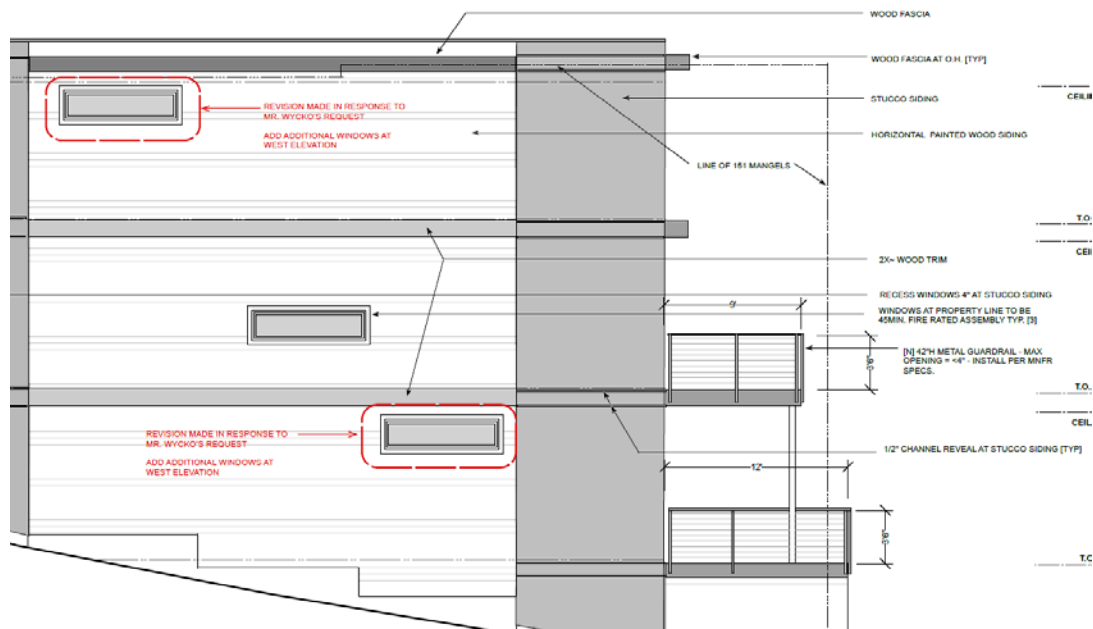
Numerous revisions have been made to the Project

Mr. Kong has made numerous revisions to the Project to accommodate the DR Requestors' concerns, including:

1. The Project lightwell adjacent to the DR Requestors' property has been enlarged to align with and extend beyond the DR' Requestors' lightwell:



2. The Project lightwell is now confined to the third floor of the Project, rather than extending down to the first floor. The lightwell will terminate at the same elevation as the DR Requestors' lightwell. This responds to the DR Requestors' concerns about potential drainage issues.
3. The first-floor deck has been pulled back by three feet.
4. An additional planting area will be installed at the streetfront.
5. Additional windows and articulation have been added to the western wall adjacent to the Mini-Park, to avoid the appearance of a large, blank wall:



Conclusion

This Project is not exceptional or extraordinary. It proposes to build housing on an empty lot that has been vacant for many years, and is subject to the Housing Accountability Act (Gov. Code § 65589.5.). The Project Sponsor has made numerous changes to accommodate the DR requestors. We respectfully request that the Planning Commission approve the Project as revised.

Very truly yours,

ZACKS, FREEDMAN & PATTERSON, PC

Ryan J. Patterson