

Discretionary Review Abbreviated Analysis

HEARING DATE: JANUARY 27, 2011

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

Reception:

415.558.6378

Fax:

415.558.6409 Planning

Information: 415.558.6377

Date: January 20, 2011

Case No.: 2010.1140D

Project Address: 518 Pennsylvania Avenue

Permit Application: 2010.0430.1452

Zoning: RH-2 (Residential, House District, One-Family)

40-X Height and Bulk District

Block/Lot: 4103/004

Project Sponsor: Gwen Bertolami

1000 Walnut Drive Lafayette, CA 94549

Staff Contact: Corey Teague – (415) 575-9081

corey.teague@sfgov.org

Recommendation: Do not take DR and approve as proposed

PROJECT DESCRIPTION

The proposal is to add a three story rear addition to the existing two-story single-family home. The existing home is only 33 feet deep. The proposed rear addition will add an additional 15 feet of depth in the rear at the first and second floors. The third floor will be set back 10 feet from the proposed rear building wall at the first and second floors. The first floor of the addition will be set back 5 feet from the southern property line, and the second and third floors will be set back 5 feet from both side property lines. Additionally, the new third floor will be set back 15 feet from the front building wall of the existing home to preserve the two-story character of the west side of Pennsylvania Avenue on this block.

SITE DESCRIPTION AND PRESENT USE

The subject property is located on the western side of Pennsylvania Avenue near the intersection with 20th Street, and contains a two-story single-family home. The rear of the property slopes up significantly, and a system of concrete terraces are carved into the slope.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject block is part of a large RH-2 Zoning District on the eastern face of Potrero Hill just west of Interstate 280. The block slopes up towards 20th Street to the north, and towards Mississippi Street to the west. The subject property is flanked on both sides by a grouping of other single-family homes of the same height and depth that were all built in the late 1940s. The opposite side of Pennsylvania Avenue is lined by a consistent block of three-story, two-family homes.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	November 2, 2010 – December 2, 2010	November 30, 2010	January 27, 2011	58 days

HEARING NOTIFICATION

ТҮРЕ	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	January 17, 2011	January 14, 2011	13 days
Mailed Notice	10 days	January 17, 2011	January 14, 2011	13 days

PUBLIC COMMENT

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

The letter of support for this project is from the owner of 500 Pennsylvania Avenue at the corner of 20th Street. The email of opposition to the project is from the owner of 530 Pennsylvania Avenue, which is two lots south of the subject property.

DR REQUESTOR

Marilyn Fong is the property owner of the adjacent rental property at 512 Pennsylvania Avenue, although she does not occupy the home.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached Discretionary Review Application, dated November 30, 2010.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached Response to Discretionary Review, dated January 14, 2011.

ENVIRONMENTAL REVIEW

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

SAN FRANCISCO
PLANNING DEPARTMENT

RESIDENTIAL DESIGN TEAM REVIEW

The RDT reviewed this project after the DR application was filed and, based on the information contained in the application, requested that the third floor of the proposed rear addition be set back 10 feet to reduce the impact on the DR Requestor's property. The Project Sponsor complied with the setback.

Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.

RECOMMENDATION:

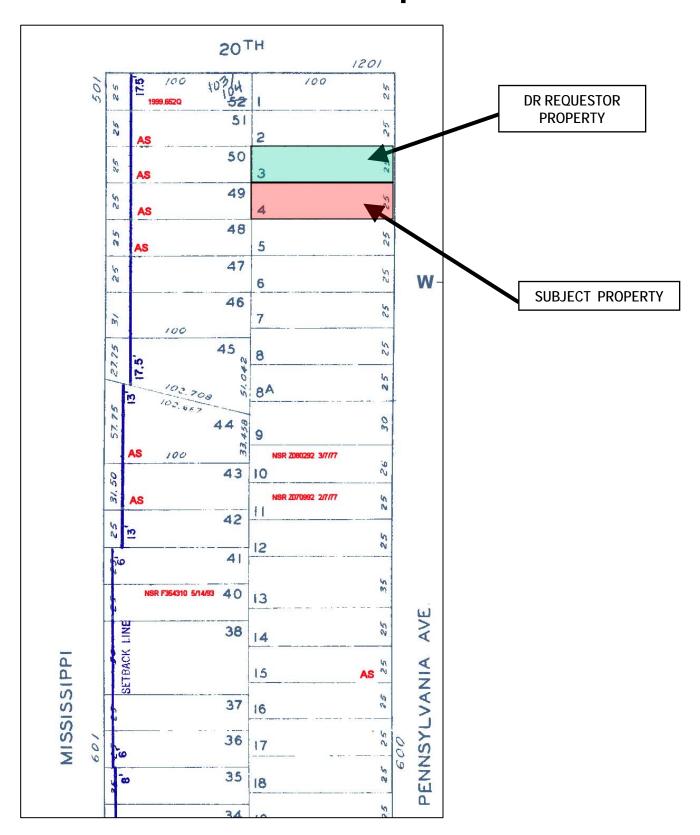
Do not take DR and approve project as proposed

Attachments:

Block Book Map
Sanborn Map
Topography Map
Zoning Map
Aerial Photographs
Site Photographs
Section 311 Notice
DR Application
Response to DR Application dated January 14, 2011
Letters of Support and Opposition
Reduced Plans with 3D Perspective

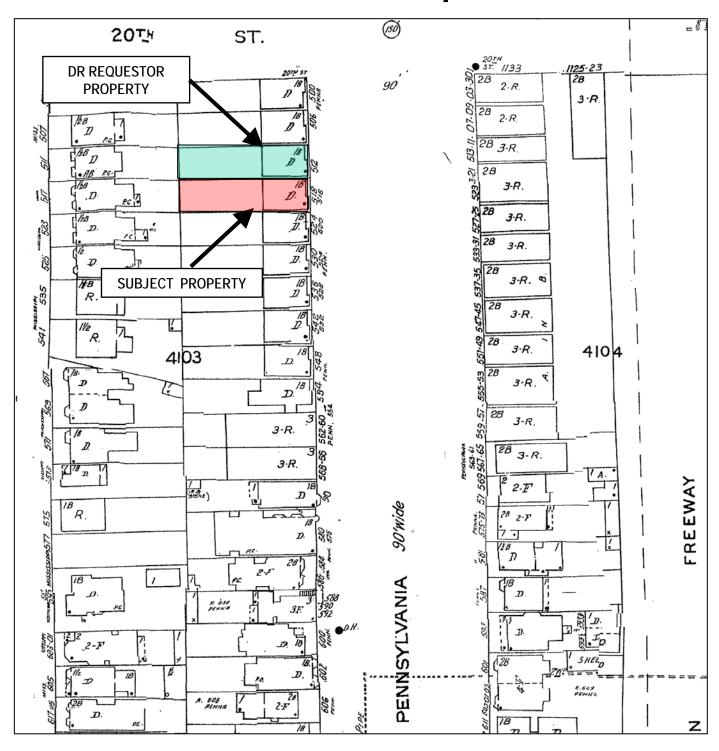
CT: G:\Documents\D\2010\518 Pennsylvania Ave\Abreviated Analysis.doc

Parcel Map





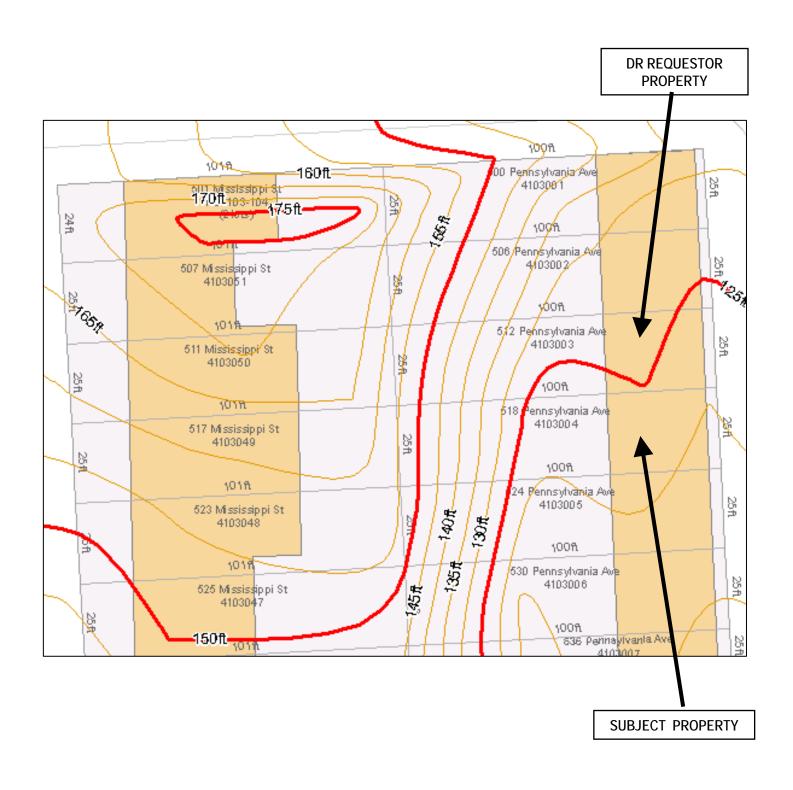
Sanborn Map*

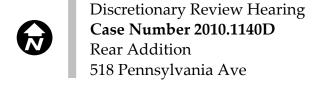


^{*}The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

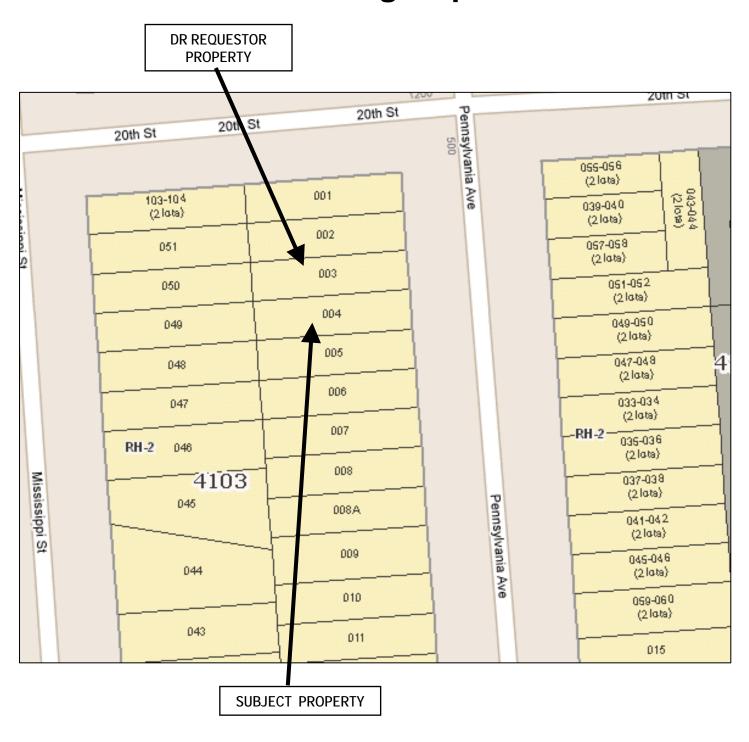


Topography Map





Zoning Map





Aerial Photo

DR REQUESTOR PROPERTY



SUBJECT PROPERTY



Aerial Photo

DR REQUESTOR PROPERTY



SUBJECT PROPERTY



Site Photo



NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On April 30, 2010, the Applicant named below filed Building Permit Application No. 2010.04.30.1452 (Alteration) with the City and County of San Francisco.

С	ONTACT INFORMATION	PROJECT	SITE INFORMATION
Applicant:	Gwen Bertolami	Project Address:	518 Pennsylvania Ave
Address:	1000 Walnut Drive	Cross Streets:	20 th and 22 nd Streets
City, State:	Lafayette, CA 94549	Assessor's Block /Lot No.: Zoning Districts:	4103/004
Telephone:	(925) 381-7440		RH-1 / 40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If your concerns are unresolved, you can 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.

	PROJECT SCOPE	
[] DEMOLITION and/or	[] NEW CONSTRUCTION or	[X] ALTERATION
[X] VERTICAL EXTENSION	[] CHANGE # OF DWELLING UNITS	[X] FACADE ALTERATION(S)
[] HORIZ. EXTENSION (FRONT)	[] HORIZ. EXTENSION (SIDE)	[X] HORIZ. EXTENSION (REAR)
PROJECT FEATURES	EXISTING CONDITIO	N PROPOSED CONDITION
FRONT SETBACK (Ground Floor)	+/- 2 feet	No Change
FRONT SETBACK (3rd Floor)	N/A	+/- 17 feet
SIDE SETBACKS		
BUILDING DEPTH		
REAR YARD		
HEIGHT OF BUILDING (in front)		
NUMBER OF STORIES (in front)		
NUMBER OF LEGAL DWELLING UNITS	1	No Change
NUMBER OF OFF-STREET PARKING SF		
	. ,	

PROJECT DESCRIPTION

The proposal is to add a 3rd floor with a 15-foot front setback and 3-story rear addition to the existing single-family home.

PLANNER'S NAME:

Corey Teague

PHONE NUMBER:

(415) 575-9081

DATE OF THIS NOTICE:

11-2-10

EMAIL:

corey.teague@sfgov.org

EXPIRATION DATE:

12-2-10

RECEIVED

Application for Discretionary Review

DEC 0 5 5010

APPLICATION FOR COUNTY OF S.F. Discretionary Review Application

Owner/Applicant Information			
DR APPLICANT'S NAME:			1 .
MARILYN FONG DRAPPHCANT'S ADDRESS:			
	ZIP CODE:	TELEPHONE:	1
PO BOX 880487	94188	14151254-780	7
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRET.	IONARY REVIEW NAME:	to the second suppose to the foliable second to the second	1
MR + MRS LLORENTE			İ
	ZIP CODE:	TELEPHONE:	1,
518 PENNSYLVANIA AUS	94107	1925 381-744	þ (
CONTACT FOR DR APPLICATION:			1 .
Same as Above MARILYN FONG			
ADDRESS:	ZIP CODE:	TELEPHONE:	4
POBOX 880 487	94188	1415) 254-780	フ
SIXATZI3 (c) YAHOO. COM			
1 2/ X 11/ 2/) & ///// CV: CV P/		erangement en	J
0.1			
2. Location and Classification			
STREET-ADDRESS OF PROJECT:		ZIP CODE:	
518 PENNSYLVANIA AUG	<u> </u>	94107	
20 TH ST / 22 ND	5 <i>T</i>		
ASSESSORS BLOCK/LOT: LOT DIMENSIONS: LOT AREA (SQ FT): ZONING DIST	TRICT:	HEIGHT/BULK DISTRICT:	į
4103 1004 100 K24.95 2495 R-7		40 ×	
	7. — 1		I
O Desiret Description			
3. Project Description			
Please check all that apply			
Change of Use Change of Hours New Construction	Alterations 🗗 🖸	emolition Other	
Aller A Pillia P FO F I TO WAR			
Additions to Building: Rear Front Height Si			
Present or Previous Use: 3/NGLE FAMILY	HOME		
Proposed Use: SINGLE FAMILY HOM	1E		
Building Permit Application No. 2010.04 30.145	2 Date File	ed: 4/20/-	

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	но
Have you discussed this project with the permit applicant?		
Did you discuss the project with the Planning Department permit review planner?		
Did you participate in outside mediation on this case?		

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

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

Application	on for Discretionary Review
CASE NUMBER: r Staff Use only	

Discretionary Review Request

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

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

I am requesting a review based on conflicts with Planning Code 101 which addresses the need for light, air, and privacy and Planning code 136 which addresses rear yard projections. The flat, usable portion of my yard is 20'4" deep and there is a steep, hilly, upslope at the rear of the yard to the end of the lot line (exhibit 1 & 2). The proposed project makes no allowance for how the hillside affects my use and enjoyment of my yard if they were to build to the grand proportion that they are requesting. The footprint of the proposed addition is 18 feet into the yard which covers all but 2'4" feet of my usable yard space to any direct sunlight from the south. If built as proposed, the addition would create a box like effect into the yard space and would cast an enormous shadow no less than the height and depth of the addition which would engulf both my home and my yard in total shade. (exhibit 3 depicts shadows cast by homes. Similar effect from proposed project.)

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:

The proposed addition is an increase of 1518' to an existing +- 900' house (totaling +- 2500 sq ft which is almost 3X what is currently in place). I border the project on the north side and the proposed addition would create a shadow that would block any direct sunlight from the south. The addition would also box in my rear yard, leaving me with 2'4" of unshaded, usable gardening space. This 2'4" basically is a light well. The hillside upslope is greater at the north end of the block and tapers off to the south. The neighbors to the south have a deeper level area in their yards and would not be as heavily impacted. They would also still have a southern exposure to direct sunlight in their yards. If built as proposed, the character of the block would be altered (exhibit 4) and my house because of the loss of direct sunlight to the yard would be reduced to a tear down property. I would incur a loss in the enjoyment of my yard and incur a financial reduction in the value of my property (exhibit 5). The other owners of the properties that comprise this row of similar homes may incur a reduction in value as the esthetics of the row of homes will be altered.

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?

I am requesting that the addition be scaled down. The proposed plans do not include the measurements for the proposed solar panels that will be installed on the roof. I would like to request that the back elevation be tiered so that there will be less light obstruction and create a smaller shadow footprint. I would also request that the extension into the rear yard be limited to cover no more than 25% of the current useable space from the back of the addition to the blockage caused by the rear hillside upslope. Plot maps do not depict the hilly topography that is present in assessors block 4103 thus the representation of the lot size is misleading. Mathematically, it appears feasible to allow such a grand addition but in reality, much of the hillside is unusable unless it is excavated which may cause crosion or settling problems for the neighbors on the bluff above us.

These concerns were shared during the public hearing and again with representatives of the owners but have seemingly no impact on their design or desire to compromise.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

a: The undersigned is the owner or authorized agent of the owner of this property.

b: The information presented is true and correct to the best of my knowledge.

c: The other information or applications may be required.

Signature:	Marign	Jory .	Date:	11/30/10
------------	--------	--------	-------	----------

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

MARCILYN FONG OWILL Owner / Authorized Agent (circle one)



Print - Maps Page 1 of 1

Bing Maps

518 Pennsylvania Ave, San Francisco, CA 94107-2914

My Notes

FREE! Use Bing 411 to find movies, businesses & more: 800-BING-411







1) EXAMPLES OF SHADOWS CAST FROM BUILDINGS SOUTH TO NORTH DIRECTION

2) AVERAGE SIZE OF USABLE REAR YARD





November 30, 2010



Marilyn Fong

Potrero Neighbor

Dear Marilyn,

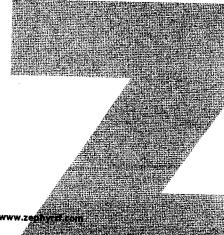
I can appreciate your concern regarding your neighbor's proposed construction. In my opinion, the construction would have an overall negative impact on the value of your home. Presently, I would estimate that the current value of your home is approximately \$800,000. Once your neighbor's proposed construction is complete, I would estimate that it will negatively impact the value of your property between \$50,000-\$100,000 and would suggest a listing price of \$699,000.

This is due to the significant loss of light throughout your property and primarily your backyard. Due to the proposed project blocking all southern exposure to your house, it is my opinion that your home will be colder and have potential mold/moisture issues. Additionally, since the usable portion of your yard will be most severely impacted by the proposed construction, your yard will become dark and uninviting due to the significant loss of light to the south, greatly impacting the value. Finally, the charm of the "curb appeal" will be lost when the proposed construction disrupts the charming consistent look of most of the homes on that portion of the block.

If there is anything else you need, do not hesitate to contact me. I hope you find this information helpful and look forward to working with you in the future.

Sincerely,

Michelle Stephens, Realtor



RESPONSE TO DISCRETIONARY REVIEW

JAN 1 4 2011

CASE NO: _____

BUILDING PERMIT NO: 2010.04.30.1452

ADDRESS: 518 PENNSYLVANIA AVENUE

PROJECT SPONSOR'S NAME: ERNEST H. LLORENTE

TELEPHONE NUMBER FOR PLANNING DEPARTMENT TO CONTACT: (415) 334-3660

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.)

Since the Pre-Application Meeting on March 27, 2010, we have identified, addressed, and compromised with every concern flagged by the DR Requester. Solutions about issues of lighting and shade problems affecting the Requester's backyard were addressed. To mitigate the shade problems, we accepted the Planning Department's design guidelines of minimum five (5) foot side setbacks before we applied for a building permit in May of 2010 instead of our original plan of three (3) foot presented during the Pre-Application meeting.

In addition, throughout the process, we have always redesigned the original plan to conform with the following building codes and the Design Review Team recommendations while keeping the Requester's concern in mind:

- fifteen (15) foot front setback
- preserved the existing gabled roof element at the front of the building for historical value and the associated front deck railing be located behind it
- revised the plan so that ground floor is better connected to the second floor
- reduced the size of the rear extension of 3rd floor addition by ten (10) feet

Our request to renovate the house that I grew up in is a reasonable request. It is not excessive in size and it conforms with the improved houses in the neighborhood. This house holds a very sentimental value to me. It has been with the family since my parents purchased it in 1951 and will stay with the family. It will not be rented out nor sold for profit. We love the neighborhood and the mixed group of people who have moved to the area in the last 15 years. While we appreciate the Requester's desire to keep her

rental property with overgrown vegetation on the upslope area that casts enormous shadow on the rear end of the flat, useable end of the backyard, we feel that it should not prevent us from improving our home for our family's comfort and enjoyment.

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. Indicate whether the changes were made before filing your application with the City or after filing the application.

Following the recommendations of the Design Review Team per Planner's e-mail below dated August 5, 2010, and after filing the application, the following have been incorporated in our design.

"The RDT took a look at the revisions today. Here is their response:

- The 3rd floor needs to be set back at least 15 feet in the front.
- The rear landing and stairway on the 3rd floor should be removed.
- The rear balcony on the second floor connecting to the stairs should be reduced to the minimum landing permitted under the Building Code.
- The side setback to the south should be increased from 3 feet 6 inches to 5 feet at the 2nd and 3rd floors. No side setbacks are needed for the ground floor. "

We have also complied with the Post DR recommendations from the Design Review Team to reduce the size of the rear length extension of the 3rd floor to five (5) feet instead of our original request of fifteen (15) feet. This has resulted in a reduced number of bedrooms that we wanted for the house.

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. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR Requester.

From the beginning, we have worked closely with the Planning Department in order to be in compliance with the Building Code Regulations and Guidelines. Please refer to the Site Plan and 3D Perspective that shows our willingness to comply with Post DR filing review by the Design Review Team, therefore, we feel that there is no adverse effect on the surrounding properties.

Our need for additional space is based on the fact that we will have our adult son lives with us to help with the care of my wife and his mother because of health issues that we do not need to explain on this response since it is a private matter. Her health concern is the reason that I have retired early from my job with the SF City Attorney's Office and our son's relocation from Sacramento. Because of our desire to accommodate the Requester's concern, we have agreed with Planning Department's recommendations resulting in a reduced number of bedrooms in our proposed improvements.

3. Please supply any additional information about the proposed project and the existing improvements on the property.

Number of	Existing	Proposed
Dwelling units (only one kitchen per unit – additional kitchens count as additional units)	1	1
Occupied stories (all levels with habitable rooms)	2	3
Basement levels (may include garage or windowless storage rooms)	1	1
Parking Spaces (off-street)	2 (tandem)	1
Bedrooms	2	2
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas)	787	2,151
Height	+/- 17 feet	+/- 26 feet
Building Depth	+/-33 feet	+/- 48 feet
Most recent rent received (if any)	none	none
Projected rents after completion of project	none	none
Current Value of Property	\$ 650,000 per last app	oraisal in April of 2010)
		unknown
Projected value (sale price) after completion of project (if known)	unknown	unknown

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

1/14/10

ATTACHMENT A

DISCRETIONARY REVIEW REQUEST

Section 1

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

I am requesting a review based on conflicts with Planning Code 101 which addresses the need for light, air, and privacy and Planning code 136 which addresses rear yard projections. The flat, usable portion of my yard is 20'4" deep and there is a steep, hilly, upslope at the rear of the yard to the end of the lot line (exhibit 1 & 2). The proposed project makes no allowance for how the hillside affects my use and enjoyment of my yard if they were to build to the grand proportion that they are requesting. The footprint of the proposed addition is 18 feet into the yard which covers all but 2'4" feet of my usable yard space to any direct sunlight from the south. If built as proposed, the addition would create a box like effect into the yard space and would cast an enormous shadow no less than the height and depth of the addition which would engulf both my home and my yard in total shade. (exhibit 3 depicts shadows cast by homes. Similar effect from proposed project.)

RESPONSE

The Requester claims that her backyard will have about 2'4" feet of useable yard space to any direct sunlight from the south after we build. In actuality, the flat, useable portion of all the backyards for the row of 10 houses in our block is about 26-27 feet. The backyard of the Requester should be the same. Please see attached photos (EXHIBITS A to C) to prove our statement.



Requester's fence taken from our backyard, measuring 26-27 linear feet which is the norm of the 10 like row of houses on the block. (Exhibit A)

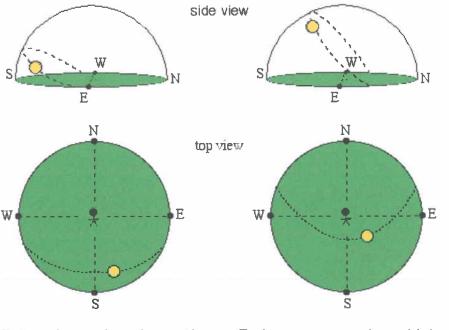


Improved house in the corner of Pennsylvania Avenue and 20th Street which has an extension of 16 feet. Our house is in green, the fourth house from the corner, and the Requester's is the 3rd house. (EXHIBIT B)



Fence of the improved corner house which shows the flat, useable area of more than 11 feet after the extension of 16 feet and exclusive of the deck. (EXHIBIT C)

Let's take a look at the position and motion of the Sun. Every day the Sun rises in an easterly direction, reaches maximum height when it crosses the meridian at local noon, and sets in a westerly direction. The exact position on the horizon of the rising and setting Sun varies throughout the year.



Fall + winter: short, low path. Sunrise in southeast Sunset in southwest

Spring + summer: long, high path Sunrise in northeast Sunset in northwest

When the Sun (in yellow) is above the celestial equator (an imaginary projection of earth's equator) during the seasons of spring and summer, we have more than 12 hours of daylight. The Sun will rise in the northeast, follow a long, high arc north of the celestial equator, and set in the northwest. Where exactly it rises or sets and how long the Sun is above the horizon depends on the day of the year and the observer's latitude. When the Sun is below the celestial equator during the seasons of autumn and winter, we have less than 12 hours of daylight. The Sun will rise in the southeast, follow a short, low arc south of the celestial equator, and set in the southwest. The exact path it follows depends on the date and the observer's latitude.

<u>Conclusion:</u> Our house and the rental property of the Requester slightly face the Northeast side of Potrero Hill. During the warmest and best lit seasons of the year, the light will not be reduced by the proposed extension. During the other seasons, when the effects of the shadowing would be felt, the yard would already be under indirect lighting condition during most of the day regardless of the extension because of the condition of the Requester's yard.

The Requester's backyard, as it is, has very little natural sunlight coming into the backyard due to the overgrown trees and vegetation. In an effort to reach a compromise prior to the hearing, we offered to trim back the overgrown vegetation. The backyard was at one time carefully groomed by her former tenants and had an active Koi Pond. Presently, the backyard has not been maintained and the pond has become a breeding ground for mosquitoes resulting in complaints from neighbors lodged with the Health Department (Please see attached e-mail below from the complaining neighbor who lives in Mississippi Street – EXHIBIT D). This and the overgrown vegetation is the reason for our offer to trim back the vegetation. (See EXHIBITS E to G) This offer has been rejected.

ke: Complaint of mosquitos	Page 1 of 1
From: /	
Hi Ernie,	
Nice to hear from you! I hope all is well with you guys, too.	
My recollection is that we called the SF Dept. of Public Health a few summers ago 2009. Whatever they did in response helped for a while, but by this past summer (was back in full force.	
All best,	
Andy	
On Mon, Jan 10, 2011 at 1:09 PM, <ehllorente@aol.com> wrote: Hi Andy, We met during Pennsylvania Avenue. I am the son of Abe Llorente, the property. I hope that all is well with you and your family. I am sending uns e-m when you complained to the Health Department about the mosquitos breeding immediate area. Please let me know by e-mail or you can call me on my cell pt to further discussions with you. Best wishes. Emie Llorente</ehllorente@aol.com>	in standing water in the

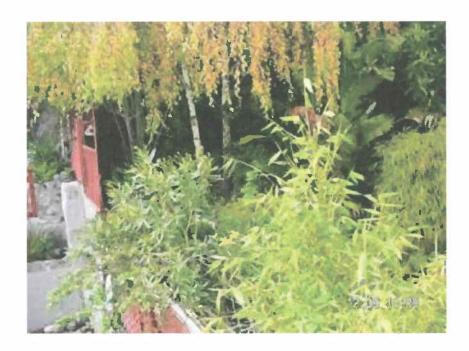
(EXHIBIT D)



Our yard and the neighbors' yard to the South. At 2:30 PM during the Fall/Winter time, it shows the sunlight is coming from South Westerly direction. With no hillside obstruction, sunlight still comes through even until after 4 PM. (Exhibit E)



Sunlight coming from the South Westerly direction at 2:30 PM on the Requester's yard is blocked by overgrown vegetation (Exhibit F)





Overgrown vegetation on the Requester's upslope end of yard casts its shadow on the flat, useable area of the backyard (Exhibit G)

DISCRETIONARY REVIEW REQUEST

Section 2

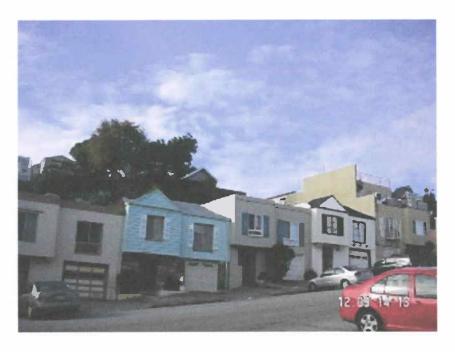
The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction.
Please explain how this project would cause unreasonable impacts. If you believe your property, the property of
others or the neighborhood would be adversely affected, please state who would be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

The proposed addition is an increase of 1518' to an existing +- 900' house (totaling +- 2500 sq ft which is almost 3X what is currently in place). I border the project on the north side and the proposed addition would create a shadow that would block any direct sunlight from the south. The addition would also box in my rear yard, leaving me with 2'4" of unshaded, usable gardening space. This 2'4" basically is a light well. The hillside upslope is greater at the north end of the block and tapers off to the south. The neighbors to the south have a deeper level area in their yards and would not be as heavily impacted. They would also still have a southern exposure to direct sunlight in their yards. If built as proposed, the character of the block would be altered (exhibit 4) and my house because of the loss of direct sunlight to the yard would be reduced to a tear down property. I would incur a loss in the enjoyment of my yard and incur a financial reduction in the value of my property (exhibit 5). The other owners of the properties that comprise this row of similar homes may incur a reduction in value as the esthetics of the row of homes will be altered.

RESPONSE

(Please refer to the RESPONSE in Section 1 regarding the Requester's concern about the lack of southern exposure to direct sunlight in her yard and her claim of 2'4" inches of light well in her yard after we build.)

The Requester stated that the character of the block will change if the plan extension is approved. The fact is the neighborhood, like other neighborhood has changed as new families move in and our proposed addition is consistent with these changes. The Planning Department has suggested that we keep the gabled roof and allow for a fifteen (15) foot front setback on the 3rd floor which would make 3rd floor improvements hardly noticeable outside and to limit the rear extension of the 3rd floor to five(5) feet from fifteen(15) feet. We have complied with that on our design and our improved house will not be out of sync with the rest of the homes on our block. Please see photos below of both sides of Pennsylvania Avenue to show that the character of the neighborhood has changed for the better and made it a better and safer place to live. (See EXHIBITS H to J)



Our property is the one in green, the Requester's house is directly to our right and the improved corner house is on the far right. (EXHIBIT H)



The row of houses across the street of subject properties which have all been recently updated.

(EXHIBIT I)



To the far right is our house in green. Please take note of the improved houses with three stories down the block. Because of topography, the third story blends nicely with the rest of the row houses on this block.



Additional photos of our green house, the Requester's house (2nd from the right)& improved houses with 3 stories

(EXHIBIT J)

The Requester also claims above in Section 2 that the proposed extension is too large and will cast a large shadow over her property resulting in mold problems for her building. She submitted a letter from Realtor Michelle Stephens who opined that her property at 512 Pennsylvania Avenue is valued at about \$800,000 and that the proposed addition would negatively impact that value by \$50,000 to \$100,000. (Exhibit 5 of the DR Application)

Based on our discussions with Michelle Stephens, she has stated that she wrote her letter without seeing the Requester's property, without reviewing any reports or studies on shade or mold and without consulting with experts in the field. Upon realizing her mistakes, Ms. Stephen agreed to write a retraction letter that she sent via e-mail attachment. In this second letter, Ms. Stephens states that her opinion on the decreased value due to shade and/or mold was solely based on what the Requester told her. Based on these facts, the original opinion of Michelle Stephens involving negative valuation due to shade/mold problems should not carry much "weight" in the hearing process.

As stated earlier, Michelle Stephens in her first letter, valued Requester's property at 512 Pennsylvania to be currently worth \$800,000. Ms. Stephens valuation of the 512 Pennsylvania Property at \$800,000 appears to be inconsistent with a recent appraisal of the subject property, 518 Pennsylvania, which was recently appraised by the bank for \$650,000 using four comps of recent sales in the neighborhood. Upon closer review of the comparables utilized by Ms. Stephens in her first letter, it appears that the comparable properties were remodeled and enlarged while the property at 512 Pennsylvania Avenue is substantially in its original condition. Therefore the valuation amounts made by Ms. Stephens should not be given much "weight" in the deliberations. See Exhibits below of the Retraction Letter from Ms. Stephens, summary of comparable properties used and our email exchanges with Ms. Stephens.(EXHIBITS K – M)

December 17, 2010

Mila Llorente Potrero Neighbor

Dear Mila,

Thank you for contacting me with regards to the letter I wrote on November 30, 2010 to your neighbor, Manilyn Fong. As we discussed on the phone, my letter was based on a conversation Marilyn and I had that day when she came in to my office. It was based solely on my knowledge of Potrero Hill real estate and the information she provided me in our conversation. It was not based on viewing the house in question nor on any written information she had regarding the proposed construction next door.

As per your request, I've included comparable sales activity on Potrero Hill and Dogpatch for single family homes for 2010. This is the information I used to provide Marilyn with a rough estimate. These include the following properties:

905 Vermont St.

1366 Rhode Island St.

1331 Kansas both times it was listed in 2010

1029 Rhode Island St. both times it was listed in 2010

1261 Rhode Island St.

923 Minnesota St. both times it was listed in 2010

2009 17th St.

1409 20th St.

594 Arkansas St.

534 Mississippi St.

1219 Rhode Island St.

If there is any further information you'd like, please feel free to contact me, or we can discuss it when we meet next week.

Sincerely,

Michelle Stephens, Realtor®
Sent via email with letter and cma as pdf

Retraction Letter attached to the e-mail below (EXHIBIT K)

Please review the summary page of properties below based on the CMA report date 12/17/10 attached to the same e-mail below. The CMA report from the realtor is available upon request.

Summary of Comparables for 512 Pennsylvania: a two bedroom, 1 bath home; 787 Sq Ft home on 2,495 SF lot as provided by Michelle Stephens of Zephyr Real Estate

Addresses	Listed Price			Features
905 Vermont Street	\$699,000	Lot	37 X 100	Detached remodeled 1 & 1, formal dining room, fireplace, tankless water heater, landscaped yard, side yard, 2 car garage
FOR SALE		Building Size	920 SF	
1366 Rhode Island	\$730,000	Lot	37 X 100 1,434	2 & 2 updated house, family room, bonus room, view from Master bed, fireplace
Sold on 10/19/10		Building Size	SF	
1331 Kansas	\$745,000	Lot	2500 SF	2 & 2 Main, 1 & 1 Bonus Lower, remodeled
Withdrawn		Building Size	902 SF	
1029 Rhode Island	\$769,000	Lot	2,500 SF 1,350	Victorian, 2 & 2 & fantastic views, large family room that opens to a landscaped yard with slate and decking
Sold on 11/2/10		Building Size	SF 3.500	Classic Victorian, 3 & 2, upgraded with formal LR and family room & eat-in
1261 Rhode Island	\$780,000	Lot	2,500 SF 1,809	kitchen
Sold on 10/29/10		Building Size	SF	
923 Minnesotta	\$785,000	Lot	26 X 100 1,487	Victorian, $2 \& 1$ with legal $1 \& 1$ apartment, eat-in kitchen and family room, dogpatch area
Sold on 11/16/10		Building Size	SF	
2009 17th Street	\$799,000	Lot	2,308 SF	Victorian with 2 & 1, landscaped rose garden, huge garage with lots of storage
FOR SALE		Building Size	990 SF	
1409 20th Street	\$799,000	Lot	1873 SF	Charming Cape Cod, extensively remodeled 2 & 1 with views and front porch
Sold on 7/23/10		Building Size	1225 SF	
594 Arkansas Street	\$800,000	Lot	2,766 SF 1,200	Remodeled 2 $\&$ 1 with water and downtown views including GG bridge, 2 car garage
Sold on 11/23/10		Building Size	SF	fireplace and hardwood floors
534 Mississippi Street	\$800,000	Lot	2,495 SF	Remodeled 2-Bd/1-Bath home w/open Living Rm and Dining Rm, Gourmet Kitchen and Brkfst Bar.
Sold on 12/9/10		Building Size	985 SF	Master Bedroom w/personal office, Guest Bdrm and Full Bath, deck on main level. Attic space ready to be developed.

(EXHIBIT L)

(EXHIBIT M) below- Email correspondence with the realtor

RE: Meeting next week

Page 1 of 3

From: Michelle Stephens < Michelle Stephens@zephyrsf.com>

To: mila818@aol.com <mila818@aol.com>

Subject: RE: Meeting next week
Date: Fri, Dec 17, 2010 7:29 am

Attachments: Letter_for_Mila.pdf (12K), CMA_for_Mila.pdf (482K)

Hi Mila,

Attached is my letter and the comparables. Tuesday at 1pm. If you'd like, we could meet at Farley's, on 18th St., or at my office on 20th St., or at your property so I can see what you are constructing. Just let me know.

Thanks! Michelle

michelle r stephens | realtor®/asst manager | m: 415.637.1898 | DRE #01224725

- Luck is the residue of design - Branch Rickey

From: mila818@aol.com [mila818@aol.com]
Sent: Thursday, December 16, 2010 7:03 PM

To: Michelle Stephens

Subject: Fw: Meeting next week

Hi Michelle, I did no realize that I sent this to myself. Pls see n read the full email below n let me know if that will work for you. Thanks a lot n hope to hear from u soon. We r out having dinner @ a good Thai rest in West Portal. U should try it if u r ever in this side of town.

Sent via BlackBerry by AT&T

From: "mila818@aol.com" <mila818@aol.com>
Date: Thu, 16 Dec 2010 21:28:29 -0500

To: <mila818@aol.com>
Subject: Meeting next week

Oh, I meant to say, Tuesday, December 21st, between 1 - 3 PM. I hope that works for you.

---Original Message---

From: mila818@aol.com <mila818@aol.com>

To: MichelleStephens@zephyrsf.com Sent: Thu, Dec 16, 2010 4:04 pm Subject: Re: About last night

I think after lunch on Tuesday, December would work for us also. I will get back to you on that.

Meanwhile, just wondering when you would be able to send us comps that you use to come up with the opinion letter of the devaluation of Marilyn's property. Please e-mail that as soon as you can.

I also would appreciate it if you could prepare a letter and send it to me as an e-mail attachment which explains what you told me last night: that you made that opinion without having the benefit of seeing the property because you were not given the time by your client and that your opinion was solely based on your conversation with her and not from any reports or independent studies on the property.

DISCRETIONARY REVIEW REQUEST

Section 3

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?

I am requesting that the addition be scaled down. The proposed plans do not include the measurements for the proposed solar panels that will be installed on the roof. I would like to request that the back elevation be tiered so that there will be less light obstruction and create a smaller shadow footprint. I would also request that the extension into the rear yard be limited to cover no more than 25% of the current useable space from the back of the addition to the blockage caused by the rear hillside upslope. Plot maps do not depict the hilly topography that is present in assessors block 4103 thus the representation of the lot size is misleading. Mathematically, it appears feasible to allow such a grand addition but in reality, much of the hillside is unusable unless it is excavated which may cause erosion or settling problems for the neighbors on the bluff above us.

These concerns were shared during the public hearing and again with representatives of the owners but have seemingly no impact on their design or desire to compromise.

RESPONSE

The Requester has proposed that the project be scaled down substantially in order to alleviate her concerns. It should be noted that she wants a sizeable reduction of the first and second floor extensions. These suggested reductions make no sense since the first floor extension is below her property line and will cause no shade problems as the houses are on a slope. The second floor extension would have minimal effect on her property. The Design Review Team of the Planning Department has made recommendations on the design following the submission of the Discretionary Review Application that would mitigate the shade problem caused by the extension and we are in agreement with that.

CONCLUSION

In sum, we have acted in good faith in developing and submitting plans for the extension of our house. We have had a public meeting, drafted and submitted a full report to the Planning Department, made changes to the design based on the recommendations of the Planning Department and have attempted settlement discussions with the Requester. Based on the above, we request that the Application for Discretionary Review be Denied with Prejudice.

Dear Mr. Teague,

I am the owner of the house located at 500 Pennsylvania Avenue. A number of years ago, I extended my house and went through the City process in order to obtain the requisite building permits.

I know Ernie and Mila Llorente and know of their effort to also improve their house at 518 Pennsylvania Avenue. I fully support this. I don't see the planned improvements of Mr. Llorente to be out of character with the row of houses on Pennsylvania Avenue and it would actually enhance the character of the block. It is my opinion that as families move in this area, their efforts to improve their homes have also resulted in the marked improvement and safety of the neighborhood.

Please advise the Planning Commission of my position on this project.

Sincerely,

Dan Ziegler

Dan Tiegler

From: ej Reply To: ej

To: corey.teague@sfgov.org

Subject: 518 Pennsylvania Avenue San Francisco

Date: 01/16/2011 10:40 PM

Dear Mr. Teaque,

I am writing as a concerned neighbor of the above addressee's plans to remodel their home. I understand that the neighbors at 512 Pennsylvania have protested against the project and I would like to support their protest.

The building of a three story home with extension into the back yard would adversely affect the property value of its neighbors should it set the precedent for more remodels in this 8 home row, which is now uniformly/architecturally identical.

The sound level would also increase if the living area were to extend to the backyard, in an already sound sensitive environment, where every sound is intensified and echoed due to the hillside and back of the buildings in this row.

I believe the owners of 512 Pennsylvania are opposed to the blocking of sunlight in their home and I wholeheartedly would agree to this protest. But most importantly if it were to affect the home value in the future, they should definitely not be allowed to make such a drastic remodel.

Please let me know if this letter is sufficient as I will not be able to come to the public hearing.

Thank you,

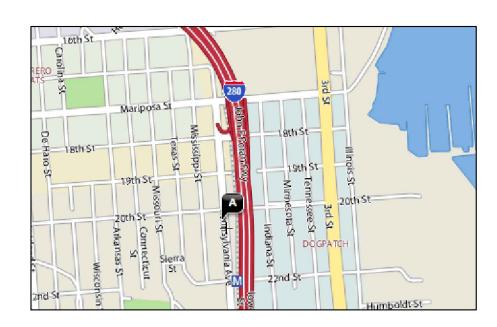
Elaine Louie 530 Pennsylvania

LLORENTE RESIDENCE

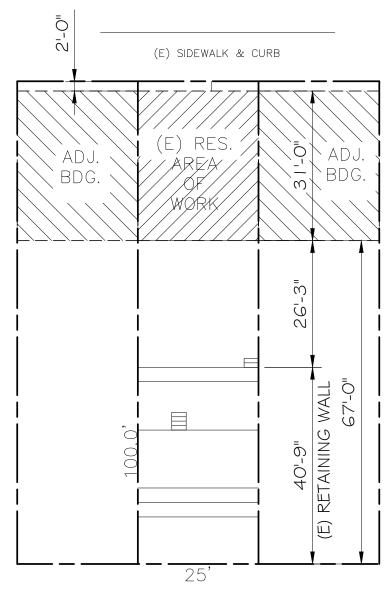
AERIAL VIEW



VICINITY MAP







EXISTING SITE PLAN

SHEET INDEX

- 1 EXISTING SITE PLAN & PHOTOS
- 2 PROPOSED SITE PLAN
- 3 PROPOSED FLOOR PLANS
- 4 EXISTING FLOOR PLANS & ELEVATIONS
- 5 PROPOSED ELEVATION VIEWS
- 6 PROPOSED SIDE ELEVATIONS 7 3D PERSPECTIVE OF PROPOSED ADDITION

REVISIONS DR

Gwen Bertolami, Designer 1000 Walnut Drive Lafayette, California 94549 (925) 381-7440



LLORENTE RESIDENCE 518 PENNSYLVANIA AVENUE SAN FRANCISCO CA

01/13/11 SCALE AS SHOWN DRAWN BY GB DWG FILE 1 of 7

LLORENTE RESIDENCE

SCOPE OF WORK

15' REAR ADDITION AND 3RD STORY ADDITION TO INCLUDE:

- 1ST FLOOR 656 SF ADDITION & GARAGE TO LIVING SPACE CONVERSION.
- 2ND FLOOR 228 SF ADDITION
- $\bigwedge \bullet$ 3rd floor 480 SF Addition
- ADDITIONAL (2) BATHROOMS
- RELOCATING ELECTRICAL & GAS METERS
- ROOF SOLAR PANELS
- 9.5'x25' FRONT DECK ON 3RD STORY
- \uparrow 15'x10' rear deck on 3rd floor
- EXTERIOR STAIRCASE FROM 1ST TO 2ND FLOOR
- PROPOSED ADDING STREET TREE

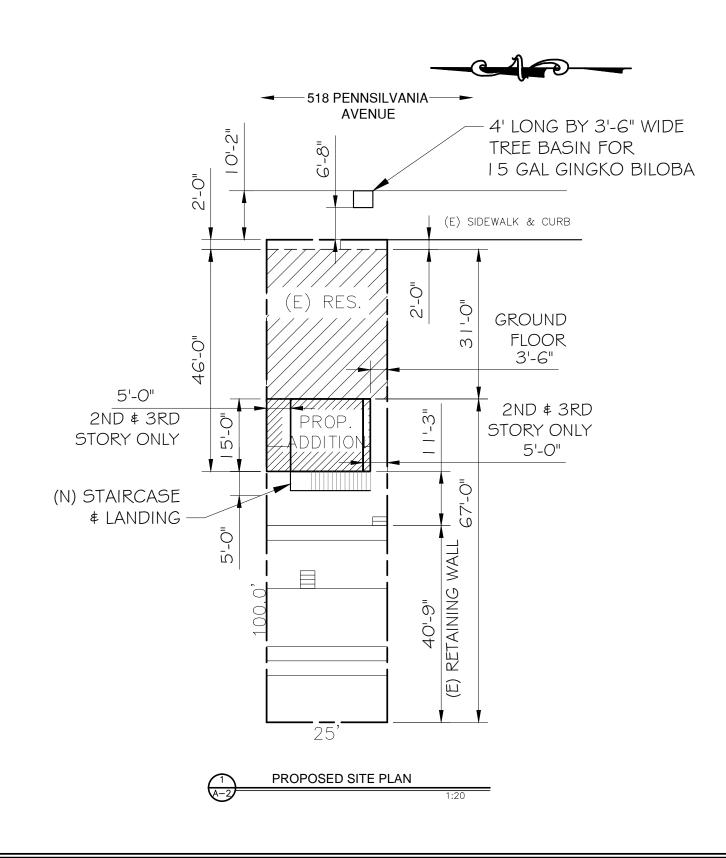
EXISTING SF 787 PROPOSED SF 2151

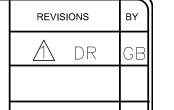
CLASSIFICATION

BUILDING TYPE: R-3
CONSTRUCTION TYP: V-B
BLOCK/LOT: 4103/04
ZONING: RH2

CODES & STANDARDS

2007 CALIFORNIA BUILDING CODE
2007 CALIFORNIA PLUMBING CODE
2007 CALIFORNIA MECHANICAL CODE
2007 CALIFORNIA ELECTRICAL CODE
2008 CALIFORNIA ENERGY EFFICIENCY STANDARDS
2007 CALIFORNIA FIRE CODE





Gwen Bertolami, Designer 1000 Walnut Drive Lafayette, California 94549 (925) 381-7440



SITE PLAN LLORENTE RESIDENCE 518 PENNSYLVANIA AVENUE SAN FRANCISCO CA

DATE 01/13/11

DRAWN BY GB

DWG FILE

NORTH

HEET

2 of 7

