



# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Full Analysis HEARING DATE JULY 18, 2013

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

Reception:  
**415.558.6378**

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**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* July 11, 2013  
*Case No.:* 2012.0036D  
*Project Address:* 2445-2449 LARKIN STREET  
*Permit Application:* 2012.09.04.8875  
*Zoning:* RH-3 [Residential House, Three-Family]  
40-X Height and Bulk District  
*Block/Lot:* 0524/003  
*Project Sponsor:* Tyson Dirksen  
2447 Larkin Street  
San Francisco, CA 94109  
*Staff Contact:* Kate Conner – (415) 575-6914  
[kate.conner@sfgov.org](mailto:kate.conner@sfgov.org)  
*Recommendation:* **Take Discretionary Review and approve with modifications.**

### PROJECT DESCRIPTION

The proposal is to raise the existing three-unit building by approximately 6'-2" and make the following alterations: insert a new three-car garage; add a rear basement level; horizontally expand the penthouse level; construct new decks at the rear; and make interior alterations. Although there is no change in overall building depth, the existing decks at the rear are being reconstructed and reduced in depth. Variances from Planning Code Sections 134 (rear yard), 135 (open space), and 188 (expansion of a noncomplying structure) were granted by the Zoning Administrator at a public hearing on February 27, 2013. Although the building is being raised by approximately 6'-2", due to compression of the upper floors, the height of the building will only increase by 3' 3/4".

### SITE DESCRIPTION AND PRESENT USE

The project is located on the west side of Larkin Street, between Filbert and Greenwich Streets, Block 0524, Lot 003. The subject property is located within the RH-3 (Residential House, Three Family) District and the 40-X Height and Bulk District. The subject property is 22.5 feet wide and 97 feet deep, and steeply slopes down to the rear. The property is developed with a three-family five-story dwelling.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is residential in use and residentially zoned. Properties directly across Larkin Street are zoned RH-3 and are developed with two-family and single-family residences. There is another three family residence at the northeast corner of Filbert and Larkin Streets. The zoning changes to a RM-2 (Residential Mixed, Moderate Density) District at the southeast corner of Greenwich and Larkin Streets. On the same side of Larkin as the subject property, the zoning is RH-3 and the

properties are primarily developed with five and seven-unit buildings, aside from denser buildings located at the corners of Filbert and Greenwich Streets and the DR Requestor’s home at 2451 Larkin Street which has three residential units.

The Alice Marble Tennis Courts are located across Greenwich Street to the northeast of the subject property. Southwest of the subject property (at Polk and Filbert Streets) is the northernmost section of the Polk Street Neighborhood Commercial District.

**BUILDING PERMIT NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	February 8, 2013 - March 10, 2013	March 8, 2013	July 18, 2013	132 days

**HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	July 8, 2013	July 8, 2013	10 days
Mailed Notice	10 days	July 8, 2013	July 8, 2013	10 days

**PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)		1	1
Other neighbors on the block or directly across the street		2	
Neighborhood groups			

**DR REQUESTOR**

Rahul Narang, 2451 Larkin Street, San Francisco. Mr. Narang resides at the residence directly to the north of the subject property.

**DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES**

Issue #1: The DR Requestor is concerned that the proposal adversely affects light and privacy to his property. He has several existing lightwells; the proposed expansion of the fifth story (penthouse) does not match his adjoining lightwell. The DR Requestor’s lightwell contains four windows which are located at the stairway to the master bedroom, within the master bedroom, and in the master bathroom. The DR Requestor has suggested providing a matching lightwell.

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**Issue #2:** The DR Requestor is concerned about the adverse effect the Project will have on light to his top floor. The DR Requestor has suggested providing setbacks to lessen any potential shading.

**Issue #3:** The DR Requestor is concerned that the proposed solar panels may further impact the amount of light that he receives to his property. Although the solar installation's location has not been determined, the DR Requestor has requested that individual racks be installed to minimize the overall height of the sloped assembly and that any solar installation be set back 3'-0" from his property line.

**Issue #4:** The DR Requestor is concerned about the potential for roof access and negative effects that roof access may have on his property. He has requested that no additional parapets or roof access points be added within 5'-0" of the northern property line without his consent.

**Issue #5:** The DR Requestor is concerned that the required excavation may result in soil stability issues and/or impacts to his foundation. The DR Requestor has requested that the Project Sponsor pay for all shoring/underpinning as necessary.

Reference the *Discretionary Review Application* for additional information. The *Discretionary Review Application* is an attached document.

## PROJECT SPONSOR'S RESPONSE

**Issue #1:** The Project Sponsor states that the DR Requestor's lightwell in question does not extend for the entire height of the building. The lightwell is provided at the upper floor only. Two of the windows within the lightwell are frosted and need only indirect light and one is a transom window. The lightwell is narrow and measures only 3'-0" wide; thereby restricting the amount light to the windows which are perpendicular to the property line. The window on the west wall is off of a stairway, the frosted window on the east wall is off a bathroom, and the frosted window on the north wall leads to the master bedroom. Although the master bedroom is habitable, there are other sources of natural light to the bedroom, other than the frosted window, including two clerestory windows facing south, two clerestory windows facing west, and a large skylight over the master bedroom.

**Issue #2:** The Project proposes to raise the building approximately 6'-2"; however the increase to the overall height of the building is only 3'- $\frac{3}{4}$ " due to compression of the top two stories floor-to-floor heights. The approximate 3'-0" increase in building height will only cause a minimal reduction of light to the DR Requestor's building, allowed under the Residential Design Guidelines. The DR Requestor's home has numerous sources of light from skylights and clerestory windows, and the increased height will have only a minimal effect on the availability of light to the DR Requestor's property.

**Issue #3:** The solar panel positioning has not been finalized. The proposed solar panel positioning is addressed in a sun study undertaken by the Project Sponsor (DR Requestor Response Exhibit D) and the proposed positioning does not cause extra shading.

**Issue #4:** The proposal does not include a roof deck on top of the fifth story. This feature was removed after the DR Requestor expressed concerns about privacy during the pre-application meeting.

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**Issue #5:** The proposal does not require as much excavation as indicated in the DR application. The proposal requires two areas of excavation, each of approximately 6'-0". The majority of the new foundation will be at or near the existing foundation grade. Also, after the DR Requestor expressed concerns about the foundation, the original floor plan was altered and ceiling heights reduced to minimize the necessity of excavation work along the northern property line.

After discussion with the DR Requestor, a "Letter Agreement" was drafted to address many of his concerns including the roof deck on top of the fifth story, setting back solar panels, and other roof-top equipment. The Project Sponsor agreed to pay for any shoring and underpinning deemed necessary by the Project Sponsor's team. However, in this agreement, the Project Sponsor's team would have to declare the work to the DR Requestor's property necessary. Work would not be paid for by the Project Sponsor unless his engineering team agreed with the DR Requestor's structural engineering team's concerns. This last point has been the only issue of disagreement. The Project Sponsor has also offered to add the DR Requestor as an additionally insured party for the Project's Wrap-up Insurance.

## **PROJECT ANALYSIS**

The Department agrees with the DR Requestor that the southeast lightwell at the top story should be matched by the Project Sponsor. Planning staff overlooked this lightwell in initial reviews. Once alerted to this issue, the Department requested that it be matched by a depth of 3'-0" per standard procedure. All other lightwells on the DR Requestor's property are being matched accordingly. The sponsor does not wish to make this change to his plans at this stage of review, and as such, the Department is requesting the Commission to require this revision.

Soil stability issues are the purview of the Department of Building Inspection. A geotechnical report was prepared by a licensed engineer, Murray Engineers Inc. as part of the environmental case 2012.0036E. Solar installations are handled ministerially and are not reviewed by the Planning Department unless placed on elevating structures. To the Department's knowledge, the proposed solar installation would not consist of additional structural support and would therefore not be reviewed by Planning staff.

The proposed Project consists of excavation, garage installation, deck construction, lightwell infill, and vertical and horizontal additions. Although there are multiple scopes of work, the overall building depth is not increasing and the overall building height is increasing by approximately 3'-0". It is understandable that there may be some reduction in the amount of light to adjacent neighbors; however, the Department maintains that with the exception of the southeast lightwell, the DR Requestor's loss of light is minimal and consistent with what is to be expected in a dense urban environment. Nonetheless, the Department still recommends that the DR Requestor's southeast lightwell should be matched by the Project Sponsor up to a depth of three feet. With this proposed modification, the Department would be able to support the project as proposed.

## **ENVIRONMENTAL REVIEW**

On May 25, 2012, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

**RESIDENTIAL DESIGN TEAM REVIEW**

The Residential Design Team reviewed the proposal and determined that based on the size of the southern adjacent property’s light court, the proposal to fill in the subject property’s light well to the second story is supported because there is a negligible effect on the adjacent property’s access to light. With regard to the north light wells, the RDT supported filling in the light well at the second story but would like to see the lightwell matched at the fifth story. The RDT supports the proposed horizontal expansion of the penthouse leaving an 8’-0” front setback at the fifth story because the building retains a stepping pattern along the block face and the fifth floor will be minimally visible from the public right-of-way. The RDT also stated that soil stability issues were the jurisdiction of the Department of Building Inspection.

Under the Commission’s pending DR Reform Legislation, this project would be referred to the Commission, as this project involves construction that does not match a neighbor’s existing lightwell. If the lightwell were to be matched by a depth of 3’-0”, this project would not be referred to the Planning Commission.

**BASIS FOR RECOMMENDATION**

Take DR and approve the building permit with the following modifications:

- Match the northern neighbor’s southeastern lightwell to a depth of three feet.

**RECOMMENDATION:** Do not take DR and approve the project as proposed.

**Attachments:**

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Site Photograph
- Section 311 Notice
- DR Application
- DR Application Exhibit A: Photographs
- DR Application Exhibit B: Planning Department Email
- DR Application Exhibit C: Lighting Impacts
- Response to DR Application dated July 1, 2013
- Response to DR Application- Exhibit A: Neighborhood Compatibility Study
- Response to DR Application – Exhibit B: Reduced Plans
- Response to DR Application- Exhibit C: Photographs
- Response to DR Application – Exhibit D: Light Impacts
- Response to DR Application – Exhibit E: “Letter Agreement”
- Response to DR Application – Exhibit F: Emails with DR Requestor

## Design Review Checklist

### NEIGHBORHOOD CHARACTER (PAGES 7-10)

QUESTION	
The visual character is: (check one)	
Defined	X
Mixed	

**Comments:** The area surrounding the project site is residential in use and residentially zoned. Many are Victorian-era buildings constructed in the early 20<sup>th</sup> century. There are a few mid-century residential buildings scattered throughout the area. The residential density varies from single-family to apartment-houses.

### SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
<b>Topography (page 11)</b>			
Does the building respect the topography of the site and the surrounding area?			X
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	X		
<b>Front Setback (pages 12 - 15)</b>			
Does the front setback provide a pedestrian scale and enhance the street?			X
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?			X
Does the building provide landscaping in the front setback?	X		
<b>Side Spacing (page 15)</b>			
Does the building respect the existing pattern of side spacing?			X
<b>Rear Yard (pages 16 - 17)</b>			
Is the building articulated to minimize impacts on light to adjacent properties?		X	
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
<b>Views (page 18)</b>			
Does the project protect major public views from public spaces?			X
<b>Special Building Locations (pages 19 - 21)</b>			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?			X
Is the building articulated to minimize impacts on light to adjacent cottages?			X

**Comments:** The proposed addition does not affect the existing front setback. The existing front setback is landscaped and provides a pedestrian scale at the street. The project includes lightwell fill-in at both the northern and southern side property lines. After consideration by the Residential Design Team, two of the three proposed lightwell fill ins were determined to have negligible effect on the adjacent

property's access to light; however, the DR Requestor's existing southeastern lightwell should be matched to a depth of three feet to adequately preserve the light to the DR Requestor's windows.

**BUILDING SCALE AND FORM (PAGES 23 - 30)**

QUESTION	YES	NO	N/A
<b>Building Scale (pages 23 - 27)</b>			
Is the building's height and depth compatible with the existing building scale at the street?	X		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	X		
<b>Building Form (pages 28 - 30)</b>			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	X		
Are the building's proportions compatible with those found on surrounding buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

**Comments:** The proposed fifth floor expansion will be setback 8'-0" from the front building wall, which retains a stepping pattern along the block face, and results in a minimally visible fifth floor from the public right-of-way.

**ARCHITECTURAL FEATURES (PAGES 31 - 41)**

QUESTION	YES	NO	N/A
<b>Building Entrances (pages 31 - 33)</b>			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?	X		
Is the building's front porch compatible with existing porches of surrounding buildings?	X		
Are utility panels located so they are not visible on the front building wall or on the sidewalk?	X		
<b>Bay Windows (page 34)</b>			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	X		
<b>Garages (pages 34 - 37)</b>			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		
Is the placement of the curb cut coordinated to maximize on-street parking?	X		

<b>Rooftop Architectural Features (pages 38 - 41)</b>			
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other building elements?			X
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?			X

**Comments:** There is a precedent in the area for garage installations. The garage door has been minimized to a width of eight feet. Both adjacent neighbors have garages. The entrance design and location are being preserved and the entire building is being lifted.

**BUILDING DETAILS (PAGES 43 - 48)**

<b>QUESTION</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>Architectural Details (pages 43 - 44)</b>			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
<b>Windows (pages 44 - 46)</b>			
Do the windows contribute to the architectural character of the building and the neighborhood?	X		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	X		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	X		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	X		
<b>Exterior Materials (pages 47 - 48)</b>			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	X		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		
Are the building's materials properly detailed and appropriately applied?	X		

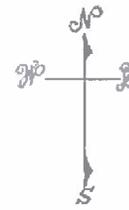
**Comments:** The proposed project will utilize high quality materials compatible with the existing architecture of the building.

KC: G:\DOCUMENTS\Northeast Cases and BPA\DR's\2445-2449 Larkin Street\DR - Full Analysis .doc

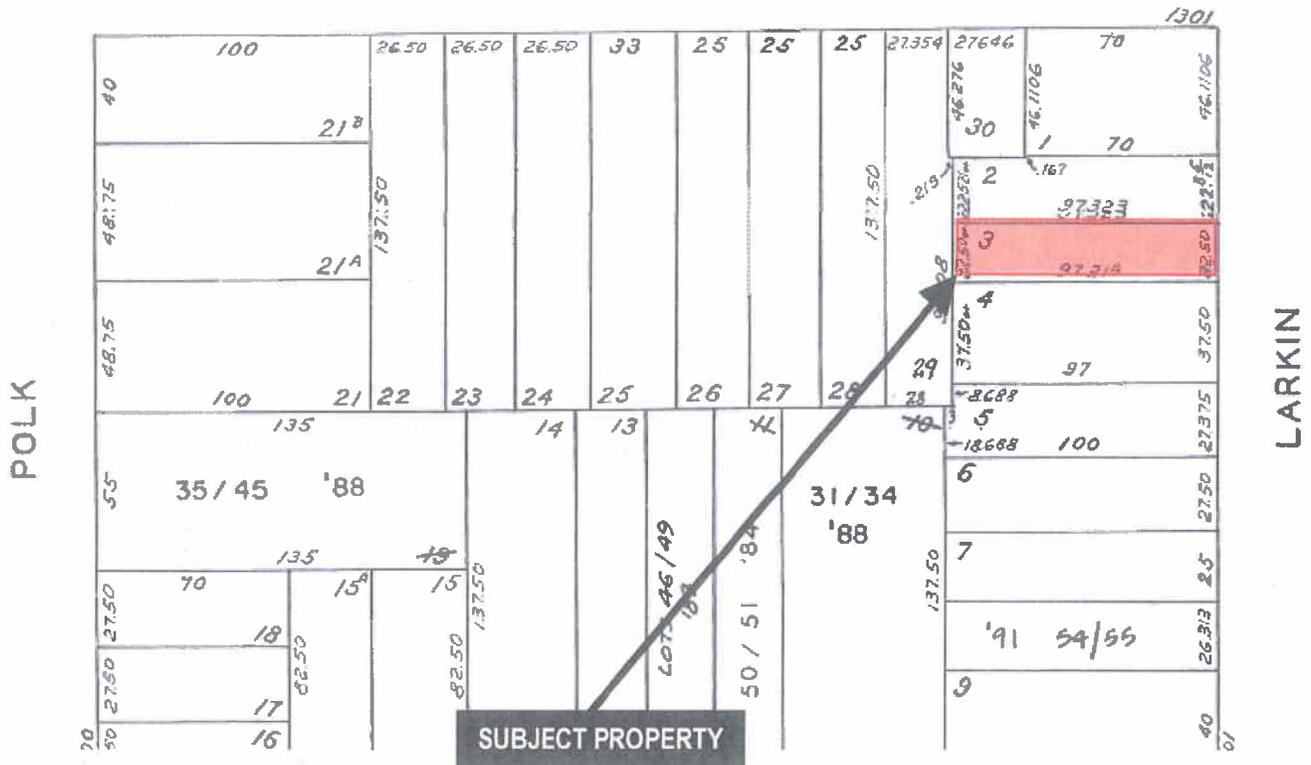
# Parcel Map

## A CONDOMINIUM

LOT	UNIT	% COMM. AREA
54	2415A	41.11
55	2415	58.89

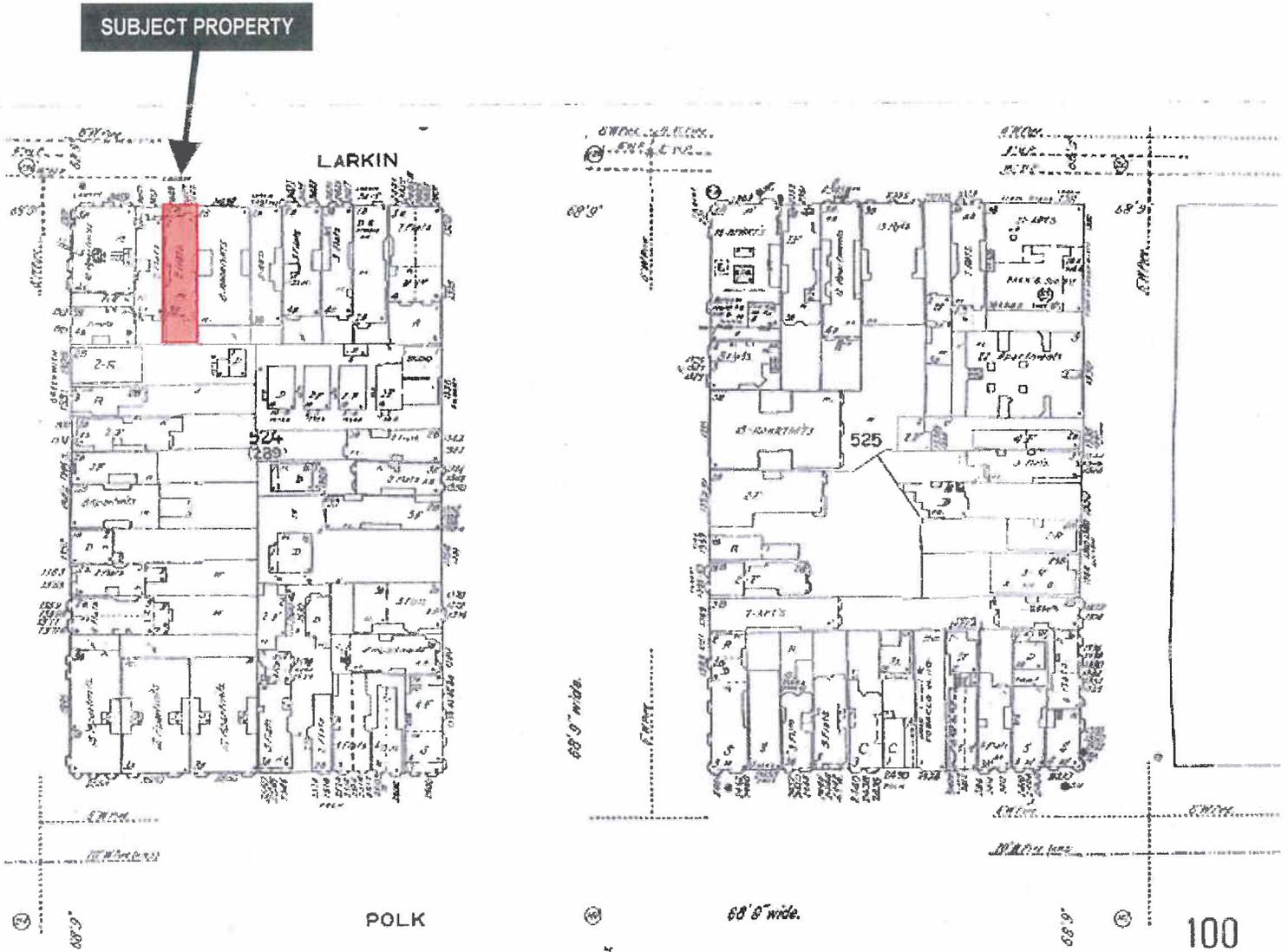


GREENWICH



Discretionary Review Hearing  
 Case Number 2012.0036D  
 2445-2449 Larkin Street

# 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 2012.0036D  
 2445-2449 Larkin Street



# Aerial Photo



**SUBJECT PROPERTY**



Discretionary Review Hearing  
Case Number 2012.0036D  
2445-2449 Larkin Street



# Site Photo



Discretionary Review Hearing  
Case Number 2012.0036D  
2445-2449 Larkin Street



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **September 4, 2012**, the Applicant named below filed Building Permit Application No. 2012.09.04.8875 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Tyson Dirksen	Project Address:	2445-2449 Larkin Street
Address:	2447 Larkin Street	Cross Streets:	Greenwich Street
City, State:	San Francisco, CA 94109	Assessor's Block /Lot No.:	0524/003
Telephone:	(650) 339-3376	Zoning Districts:	RH-3 /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 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.

PROJECT SCOPE		
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION or <input type="checkbox"/> ALTERATION
<input checked="" type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS <input checked="" type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE) <input checked="" type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES CONDITION	EXISTING CONDITION	PROPOSED
BUILDING USE .....	Three family dwelling .....	No Change
FRONT SETBACK .....	Approx. 7'-5" .....	No Change
SIDE SETBACKS .....	None .....	No Change
BUILDING DEPTH .....	Approx. 73'-0" .....	No Change
REAR YARD .....	11'-4" .....	13'-5"
HEIGHT OF BUILDING .....	Approx. 36 feet .....	Approx. 39 feet
NUMBER OF STORIES .....	5 .....	5 with basement
NUMBER OF DWELLING UNITS .....	3 .....	3
NUMBER OF OFF-STREET PARKING SPACES .....	0 .....	3

### PROJECT DESCRIPTION

The proposal is to raise the existing three-unit building by approximately 6'-2" in order to make the following alterations: insert a new three-car garage; add a rear basement level; horizontally expand the penthouse level; construct new decks at the rear; and make interior alterations. Although there is no change in the building depth, the existing decks at the rear are being reconstructed and reduced in depth. This project requires variances from Planning Code Sections 134 (rear yard) 135 (open space), and 188 (expansion of a noncomplying structure), which will be noticed separately at a later date.

PLANNER'S NAME: Kate Conner  
 PHONE NUMBER: (415) 575-6914  
 EMAIL: kate.conner@sfgov.org

DATE OF THIS NOTICE:  
 EXPIRATION DATE:

2/8/13  
 3/10/13

# NOTICE OF BUILDING PERMIT APPLICATION GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the site plan and elevations (exterior walls), and floor plans (where applicable) of the proposed project, including the position of any adjacent buildings, exterior dimensions, and finishes, and a graphic reference scale, have been included in this mailing for your information. Please discuss any questions with the project Applicant listed on the reverse. You may wish to discuss the plans with your neighbors and neighborhood association or improvement club, as they may already be aware of the project. Immediate neighbors to the project, in particular, are likely to be familiar with it.

Any general questions concerning this application review process may be answered by the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00 a.m. - 5:00 p.m. Please phone the Planner listed on the reverse of this sheet with questions specific to this project.

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

1. Seek a meeting with the project sponsor and the architect to get more information, and to explain the project's impact on you and to seek changes in the plans.
2. Call the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated discussion in a safe and collaborative environment through mediation. Community Boards acts as a neutral third party and has, on many occasions, helped parties 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, call the assigned project planner whose name and phone number are shown at the lower left corner on the reverse side of this notice, to review 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 over the permit application, you must make such request within 30 days of this notice, prior to the Expiration Date shown on the reverse side, by completing an application (available at the Planning Department, 1660 Mission Street, 1st Floor, or on-line at [www.sfplanning.org](http://www.sfplanning.org)). You must submit the application to the Planning Information Center (PIC) during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check, for each Discretionary Review request 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](http://www.sfplanning.org) or at the PIC located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at (415) 558-6377. If the project includes multi 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 approval (or denial) of the permit application by the Planning Department or Planning Commission may be made to the Board of Appeals within 15 days after the permit is issued (or denied) by the Superintendent of the Department of Building Inspection. Submit an application form 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 their current fees, contact the Board of Appeals at (415) 575-6880.

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Rahul Narang		
DR APPLICANT'S ADDRESS: 2451 Larkin St.	ZIP CODE: 94109	TELEPHONE: ( )
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Tyson, Katrina, John and Emily Dirksen (The Larkin Street Residences, LLC)		
ADDRESS: 2447 Larkin St.	ZIP CODE: 94109	TELEPHONE: (650 ) 339-3376
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS: 2451 Larkin St.	ZIP CODE: 94109	TELEPHONE: ( )
E MAIL ADDRESS: rahulnarang7@gmail.com		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 2445-2449 Larkin St.		ZIP CODE: 94109
CROSS STREETS: Greenwich St.		
ASSESSORS BLOCK/LOT: 0524 /003	LOT DIMENSIONS: 22.5'x97.219'	LOT AREA (SQ FT): 2187.23
ZONING DISTRICT: RH-3		HEIGHT/BULK DISTRICT: 40-x

## 3. Project Description

Please check all that apply

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

Present or Previous Use: Three family dwelling

Proposed Use: Three family dwelling

Building Permit Application No. 2012.09.04.8875

Date Filed: 9/4/12

4. Actions Prior to a Discretionary Review Request

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

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

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

No mediation has occurred, but concerns have been brought to the project sponsors' attention and they said they will look into how they can address them.

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## 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.

See attached

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

See attached

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

See attached

12.0036D

## 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: Rahuel Nany

Date: 3-8-13

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

\_\_\_\_\_  
Owner / Authorized Agent (circle one)

# Discretionary Review Application Submittal Checklist

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

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

NOTES:

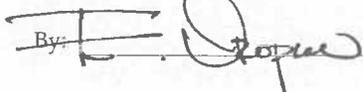
Required Material.

Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: 

Date: 3.8.13

12.00360

**Discretionary Review application for**  
 2445-2449 Larkin St.  
 Block: 0524 Lot: 003  
 Permit Application # 2012.09.04.8875  
 Date: March 7, 2013

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.**
  - See RDG, pg. 16. "articulate the building to minimize impacts on light and privacy to adjacent properties" and lighting impacts at 2451 Larkin (see Exhibit A, attached):
    - a. Windows in the stairwell leading to the master bedroom, top and exit window in the master bedroom, top floor sitting room and main stairwell will all have lighting impacts as a result of the increased building height.
    - b. Solar panel positioning on roof may impact lighting as well, but the positioning has not yet be determined.
    - c. Roof access is not indicated on the plans, but may also have an impact.
  - Proposed new construction may require excavation up to 9' 6" (please see Exhibit B, attached) and poses soil stability issues and potential affect to my foundation. Due to the close proximity of our homes, the proposed plan offers no assurance on the method and impact due to new excavation.
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 lighting impacts at 2451 Larkin St. are multiple and will affect many areas (see above and Exhibit C).
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?**
  - Re: lighting concerns, I'd like the design to be altered to limit the adverse impact, including using setbacks and shared light wells where applicable.
  - Re: solar panels request that they be individual racks to minimize the overall height of the sloped assembly and that that they cannot be installed within 3' of the North property line.
  - Re: roof access, if it is required, I would like no additional parapets or roof access points to be added within 5' of the North property line without my consent.
  - Re: foundation concerns, I request that the project sponsor pay for all shoring/underpinning as necessary.

DR 2445-2449 Larkin St.

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W A BLK. 26

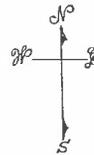
LOTS MERGED  
 LOT 20 INTO Lot 19 - 1918  
 12 46/49 '83  
 11 50/51 '87

REVISED '83  
 " '84  
 " '88  
 " '91

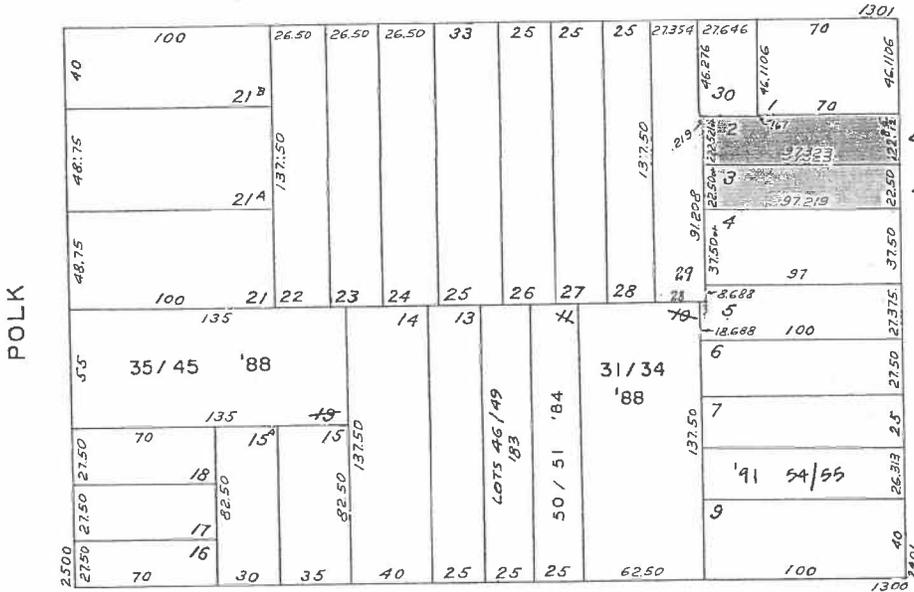
2415-2415A LARKIN ST.

A CONDOMINIUM

LOT	UNIT	% COMM. AREA
54	2415A	41.11
55	2415	58.89



GREENWICH



← Requestor's Property  
 ← Subject Property

FILBERT

1346-48-50 FILBERT ST.

A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
46	1346	24.4
47	1348	23.0
48	1350	28.1
49	1350A	24.5

1342-44 FILBERT ST.

A CONDOMINIUM

LOT	UNIT	COMM. AREA
50	1344	47.690
51	1342	52.310

1338 FILBERT ST

A CONDOMINIUM

LOT	UNIT	% COMM. AREA
31	1	25
32	2	25
33	3	25
34	4	25

RUSSIAN HILL COURT

2526-2550 POLK ST

A CONDOMINIUM

LOT	UNIT	% COMM. AREA
35	2526	7.30
36	2528	8.20
37	2530	9.00
38	2534	7.20
39	2536	8.00
40	2538	8.50
41	2540	9.60
42	2542	10.40
43	2546	8.80
44	2548	10.50
45	2550	12.50

DR / 2445-2449 Larkin St.

Exhibit A

Photos of 2451 Larkin St. lighting  
impacts.

12-00360

Exhibits A-C  
DR Request  
2445-2449  
Larkin St.



Exhibit A

PR 2445-2449 Larkin St



Exhibit A

PR 2445-2449 Larkin St

- Photo taken of 2451 Larkin from the roof of 2445 - 2449 Larkin St.
- This is a close up of the window that provides light to the stairwell that leads to/from the master bedroom. It is the ONLY SOURCE of natural light.

- Photo taken from the roof of 2445 - 2449 Larkin St facing North.

Photo taken from 2451 Larkin

- This is a photo of the exterior view of the window that provides light to the stairwell that leads to/from the master bedroom. It is the ONLY SOURCE of natural light.

- Photo taken from the exit window in the master bedroom facing south.

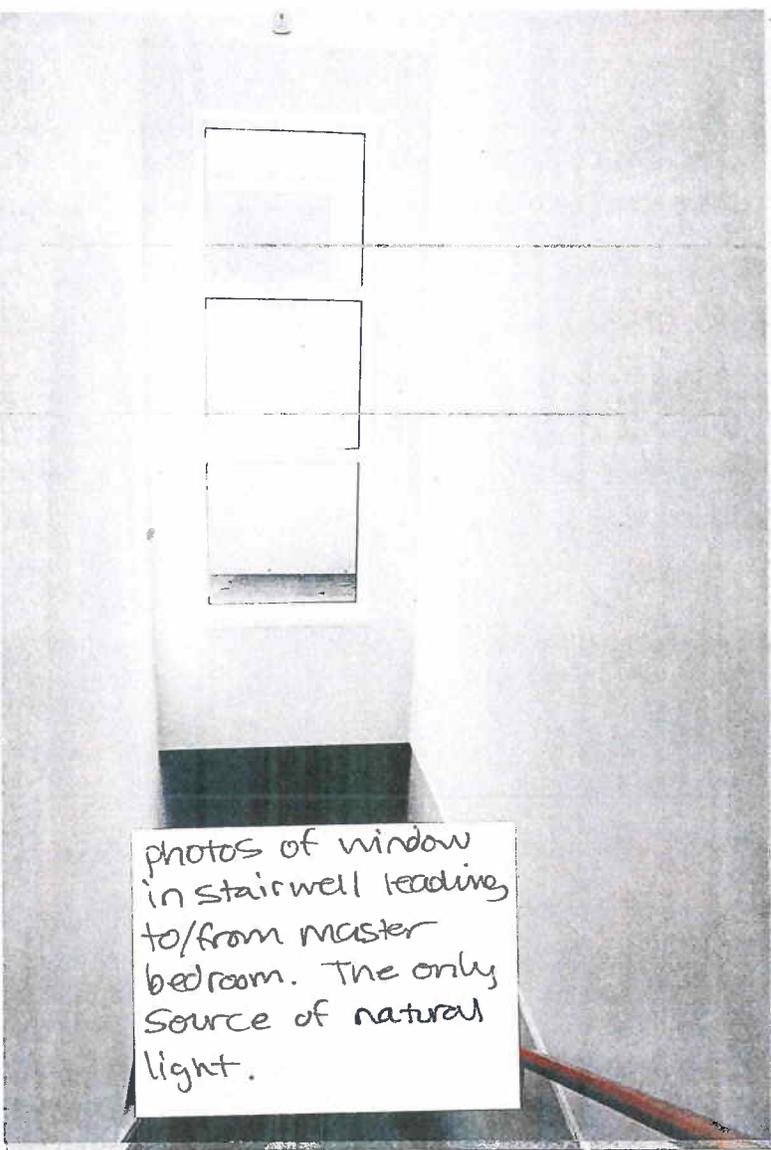


Exhibit A | 102 | 2445-2449 Larkin St.

• Photo taken at 2451 Larkin St.  
 • This photo shows the light that currently comes through the window at the top of the stairwell leading to/from the master bedroom and which will be impacted by the height increase at 2445-2449 Larkin. It is the only source of natural light.  
 • The photo was taken from the top of the stairs facing east.

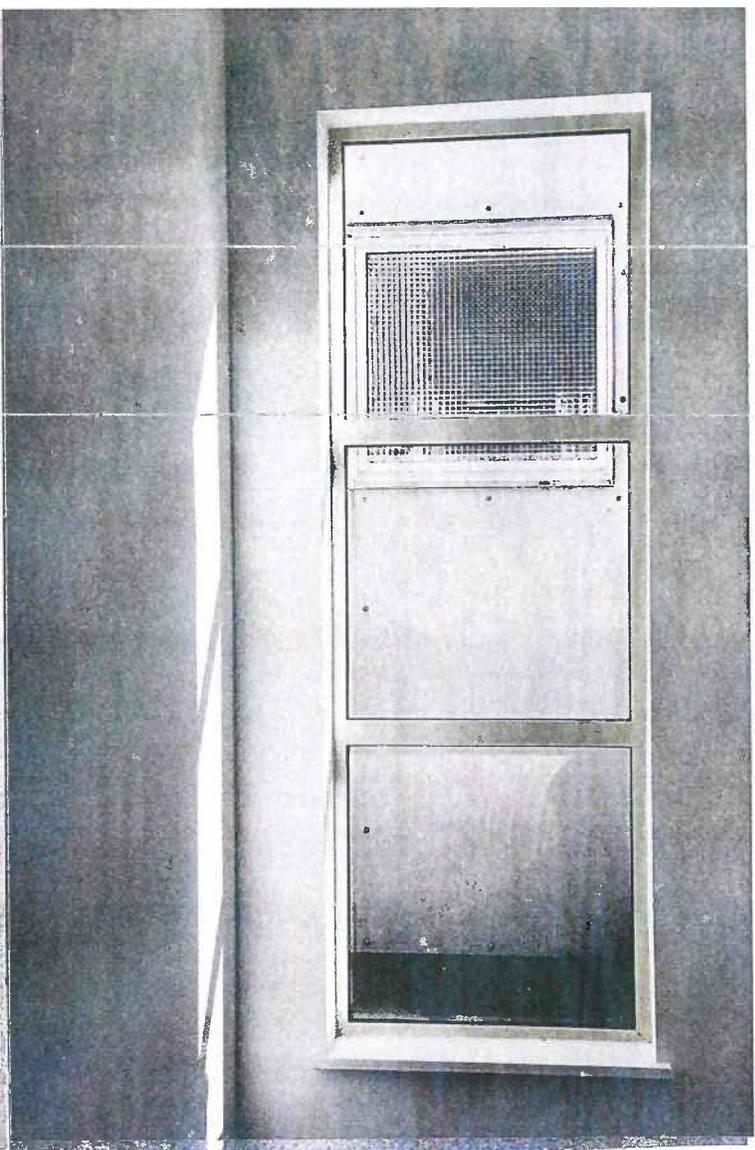


Exhibit A | 102 | 2445-2449 Larkin St.

• Photo taken at 2451 Larkin St.  
 • This is a closeup of the window at the top of the stairwell leading to/from the master bedroom and which will be impacted by the increased height of the building at 2445-2449 Larkin St.  
 • The photo was taken at the top of the stairs facing east.

Exhibit A

DR/2445-2449 Larkin St

- Photo taken at 2451 Larkin St.
- This photo shows the window that provides light to the main stairwell and will be impacted by the increased height at 2445-2449 Larkin St.
- The photo was taken from the top of the stairwell looking up toward the sky.

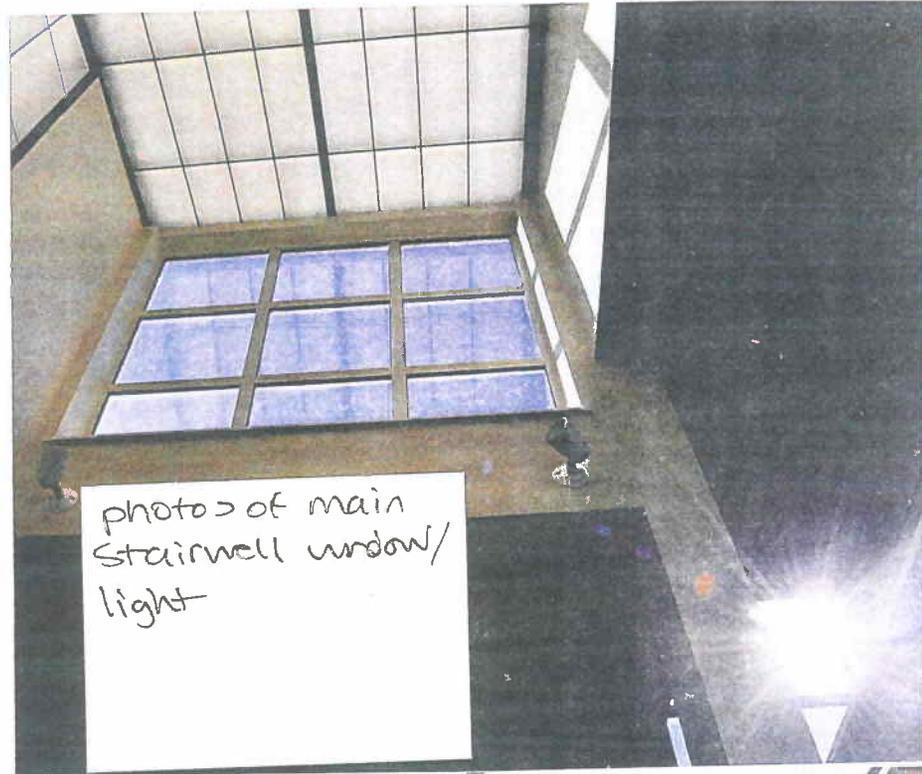


Exhibit A

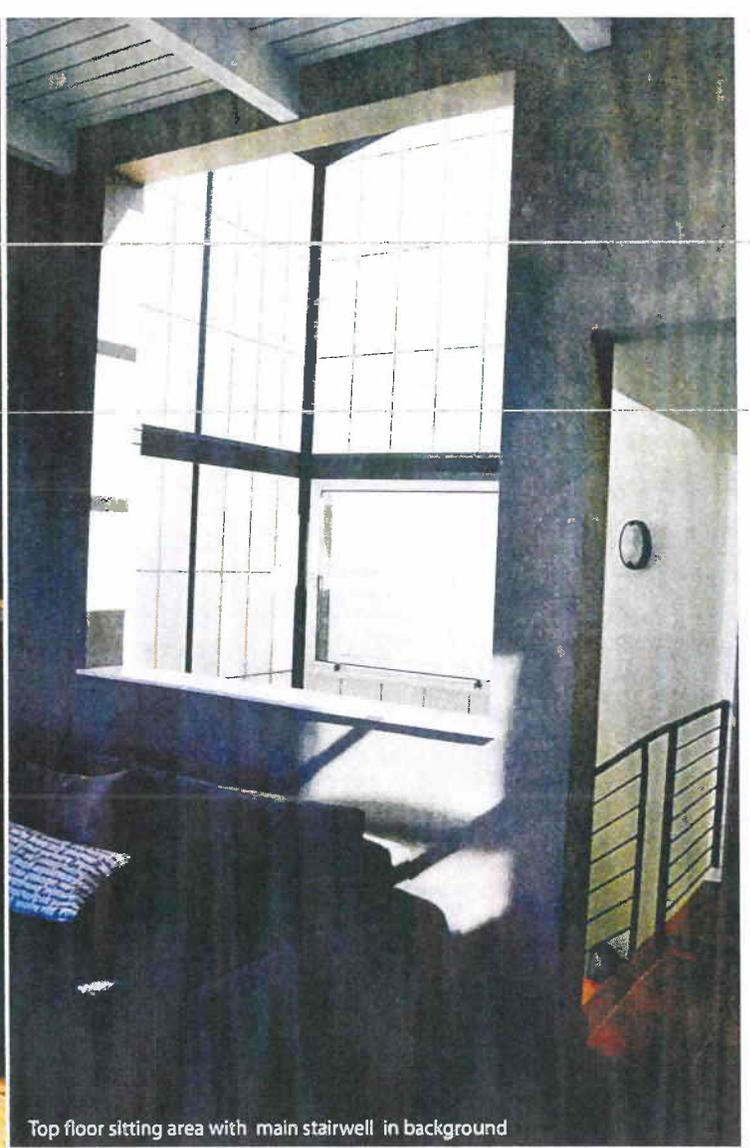
DR/2445-2449 Larkin St.

- Photo taken at 2451 Larkin St.
- This photo shows the current light that the main stairwell receives and which will be impacted by the height increase at 2445-2449 Larkin.
- The photo was taken from the top of the stairwell.





photos of window  
in top floor  
sitting room



Top floor sitting area with main stairwell in background

Exhibit A | DC | 2445-2449 Larkin St.

- Photo taken at 2451 Larkin St.
- Photo shows the window in to top floor sitting room and in the background, the window that provides light to the main stairwell. Both will be impacted by the increased height of 2445-2449 Larkin St.
- Photo taken from the far corner of the sitting room facing south-east.

Exhibit A | OR | 2445-2449 LARKIN ST.

- This photo taken at 2451 Larkin St.
- This photo shows the light that comes into the main stairwell from the window above it which will be impacted by the increased height of 2445-2449 Larkin St.
- Photo taken from the SW corner of the room facing north east.

- Photo taken from the roofline of 2445-2449 Larkin and is of 2451 Larkin.
- This photo shows a closeup of the windows that run along the top of the master bedroom and the window that provides light to the main stairwell from the outside.
- Photo taken from the roof of 2445-2449 Larkin facing north.

Exhibit A

DR. | 2445-2449 Larkin St.

Photo taken at 2451 Larkin St.

- This photo shows the windows that run around the top of the master bedroom and that will be impacted by the increased building height at 2445-2449 Larkin St.
- The photo was taken from the center of the bedroom facing south.



Impacted windows from neighbor's roof line: Main Window for Main Staircase, and Top windows of Master

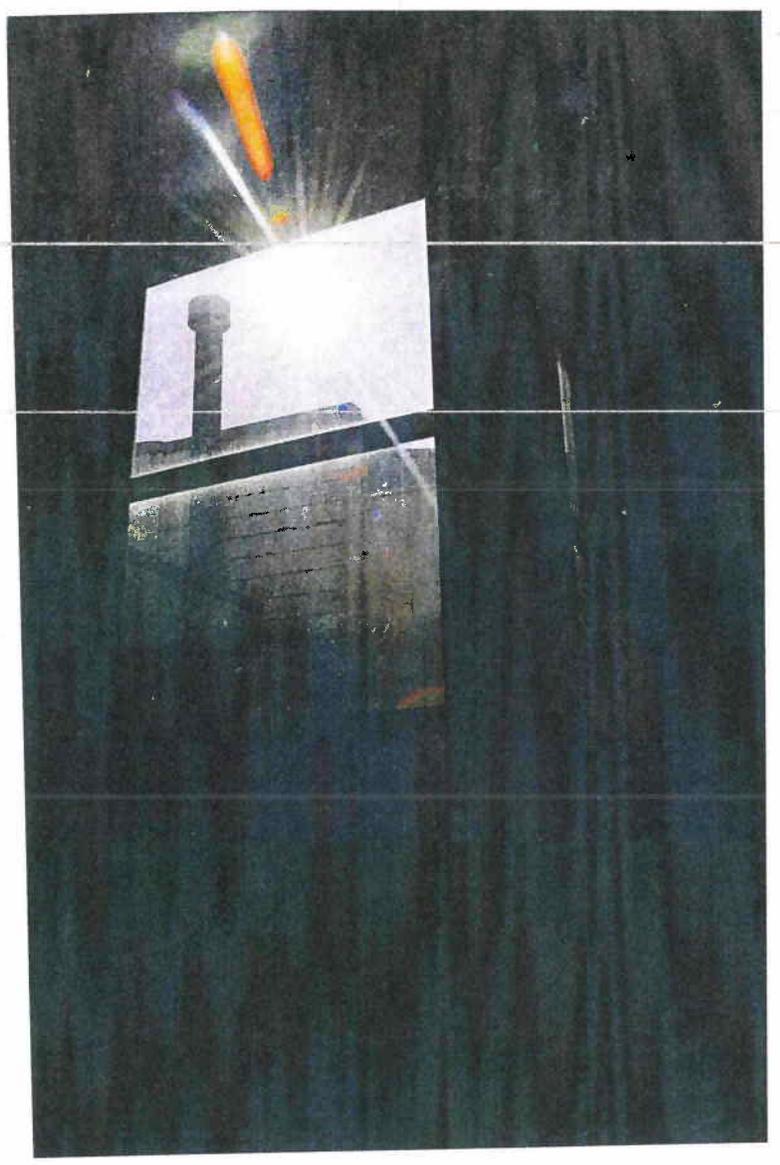


Exhibit A: 2445-2449 Larkin St

Photo taken at 2445 Larkin St.

This photo shows a close up of the window in the top floor sitting room that will be impacted by the increased building height at 2445-2449 Larkin St.

The photo was taken from the center of the room facing Southeast.



12.0036D

From: Monica Pereira/CTYPLN/SFGOV  
 Recipients: Brett Bollinger/CTYPLN/SFGOV@SFGOV  
 Subject: question Fw: Excavation depthRe: Additional fee (\$812) for 2447 Larkin Street project  
 Date: 08:19:21 AM Yesterday

Brett - this is very border line. Do you recommend a assign this project to EP planner for review? I'll bring you the file in minute.

Monica Cristina Pereira  
 Environmental Planner  
 San Francisco Planning Department  
 Environmental Planning  
 1650 Mission Street, Suite 400  
 San Francisco, CA 94103-2479  
 T:415.575.9107  
 F:415.558.6409  
[www.sfplanning.org](http://www.sfplanning.org)

----- Forwarded by Monica Pereira/CTYPLN/SFGOV on 01/12/2012 08:18 AM -----



Tyson Dirksen  
 <[tyson@d8development.com](mailto:tyson@d8development.com)>  
 >  
 01/11/2012 04:51 PM

To: [Monica.Pereira@sfgov.org](mailto:Monica.Pereira@sfgov.org)  
 cc

Subject: Re: Excavation depthRe: Additional fee (\$812) for 2447 Larkin Street project

Hi Monica,

The deepest level of excavation, based on submitted drawings, will be 9' 6".

The additional check for \$812 was dropped off this afternoon.

Thanks for your assistance!

Kind regards,

Tyson Dirksen

**D8 Development**

2121 Taylor St, #3

San Francisco, CA 94133

T: 650.339.3376

F: 650.741.1562

[tyson@d8development.com](mailto:tyson@d8development.com)

On Jan 12, 2012, at 10:18 AM, [Monica.Pereira@sfgov.org](mailto:Monica.Pereira@sfgov.org) wrote:

Tyson - I am not able to tell the depth of excavation for your project based on the submitted drawings. Will you please let me know what would the deepest level the site would be excavated? I am looking for feet not

12.0036D

DR 2445-2449 Larkin St.

Exhibit C  
11 pages

# Lighting Impacts

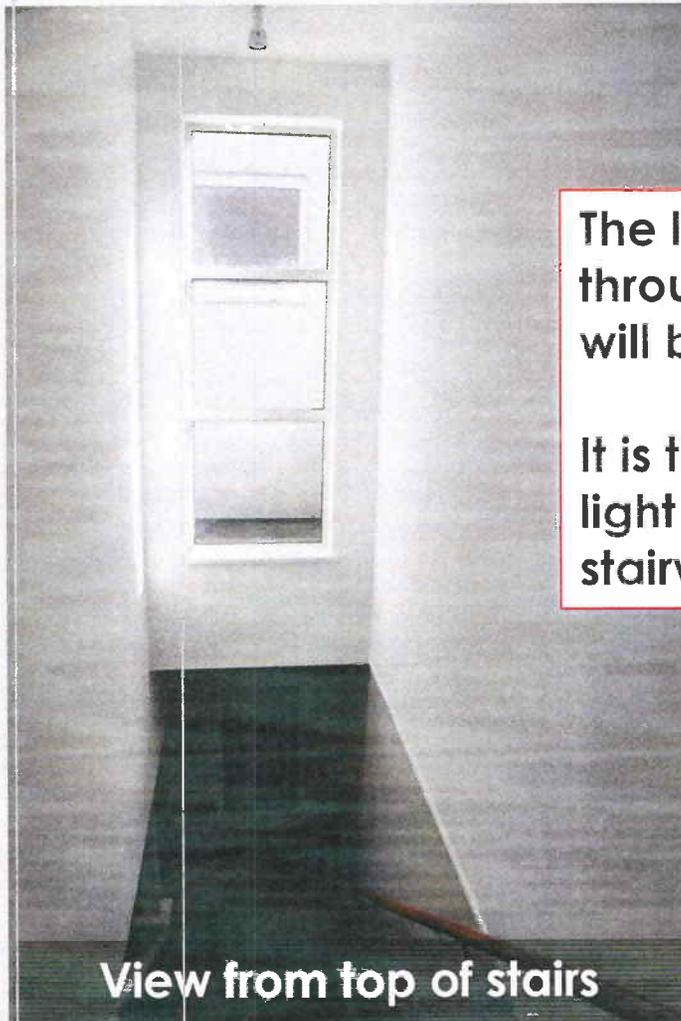
TO 2451 LARKIN ST.



**Natural light at 2451 Larkin will be impacted  
as a result of construction at 2445-2449 Larkin St.**

- See Residential Design Guidelines page 16 re: lighting impact
- All photos taken at 10:30 am
- Areas of impact include:
  - Window in stairwell leading to/from the master bedroom
  - Windows in master bedroom
  - Window above main stairwell
  - Window in sitting room on the top floor

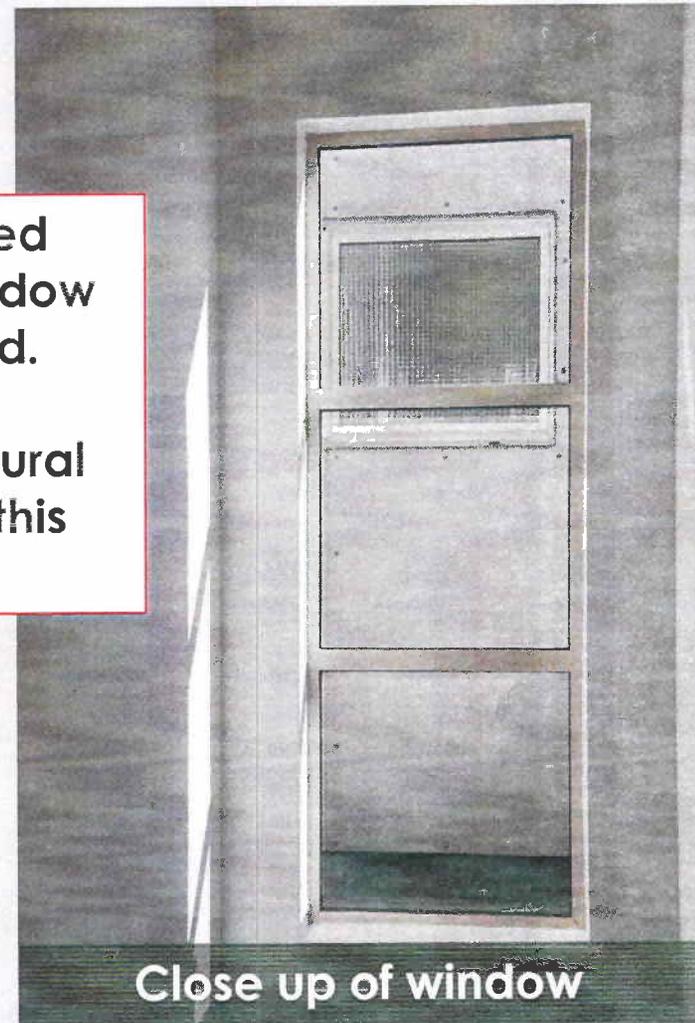
## Interior view of window in stairwell to/from master bedroom



**View from top of stairs**

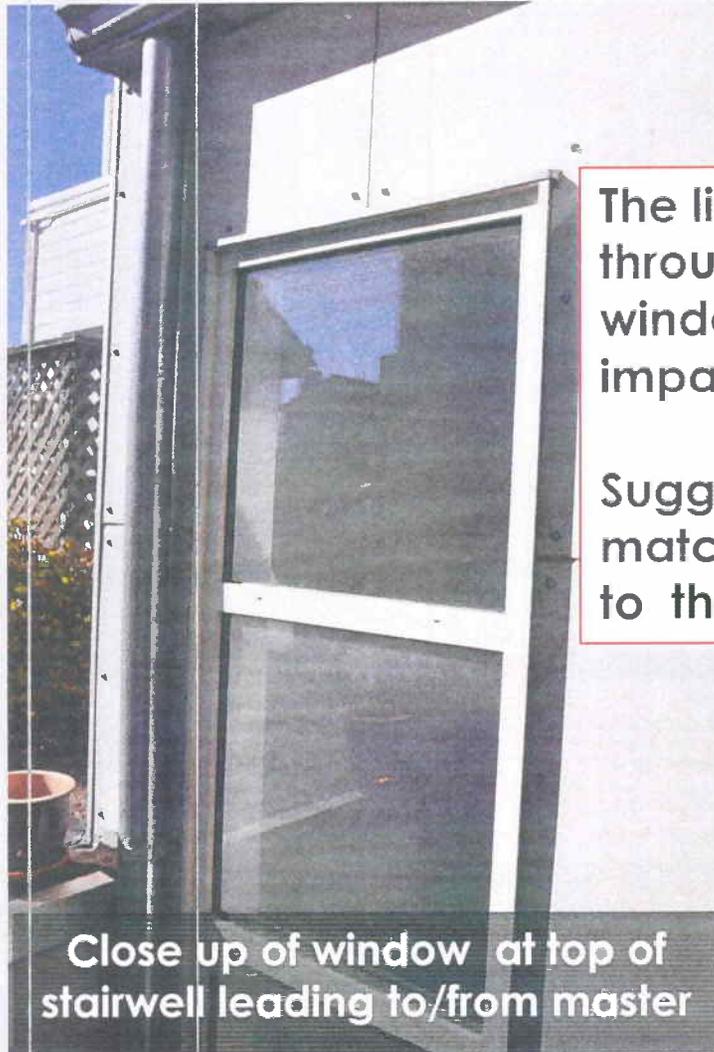
**The light received  
through this window  
will be impacted.**

**It is the only natural  
light source for this  
stairwell.**



**Close up of window**

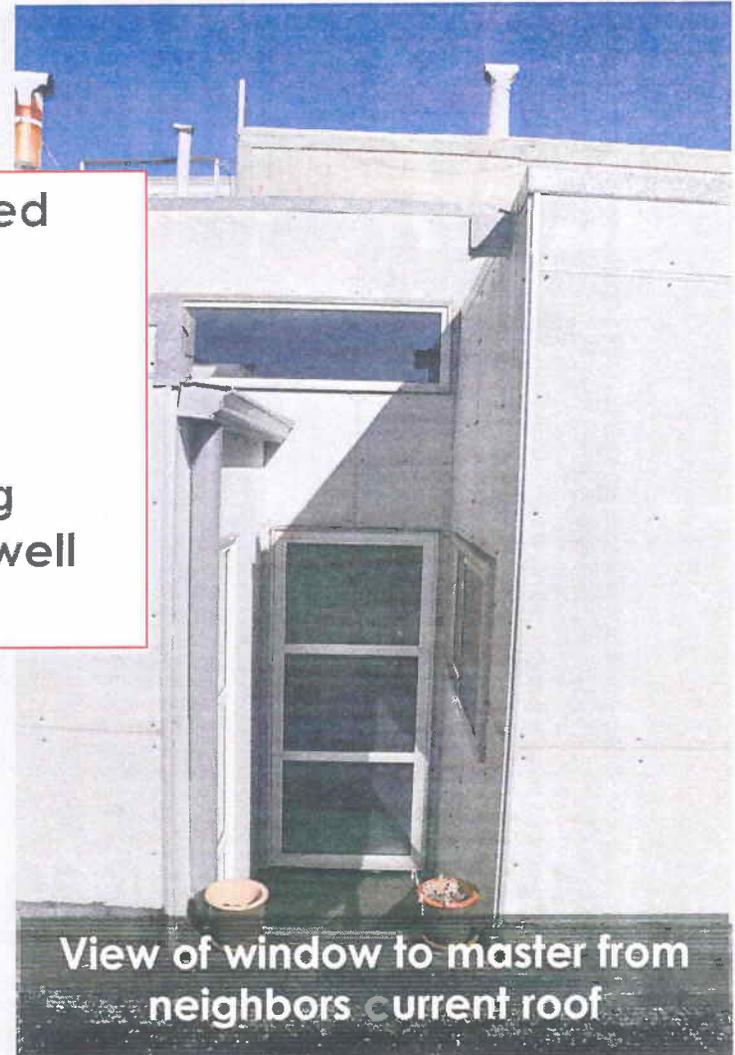
# Exterior view of two impacted windows – 1 in the stairwell leading to/from master and 1 to/from master



Close up of window at top of stairwell leading to/from master

The light received through these window will be impacted

Suggest adding matching light well to the plans



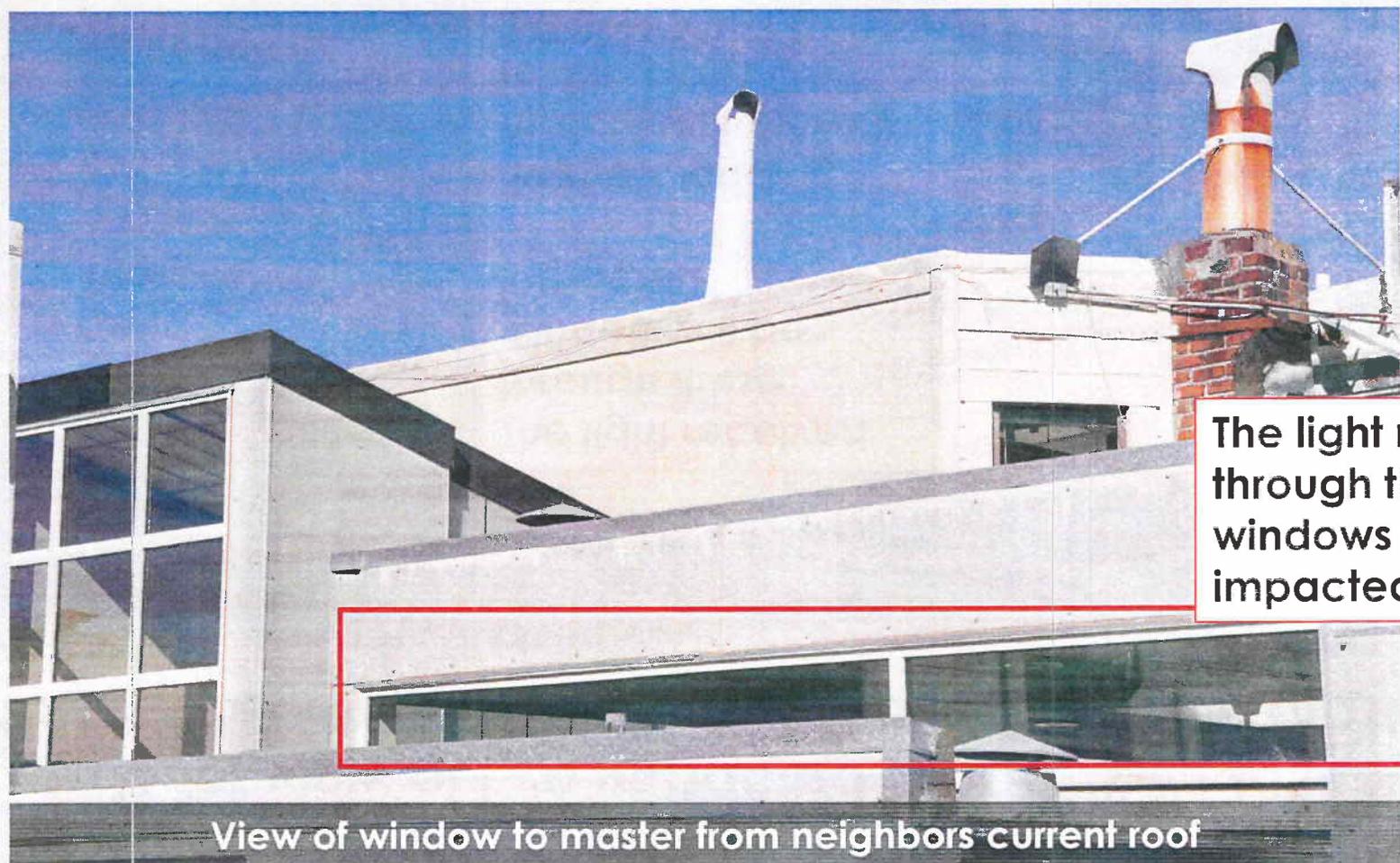
View of window to master from neighbors current roof

12.0036D

DR 2445-2449 Larkin St.

Exhibit C

## Exterior view of top master bedroom windows



The light received through these windows will be impacted

View of window to master from neighbors current roof

## Interior view of top master bedroom windows

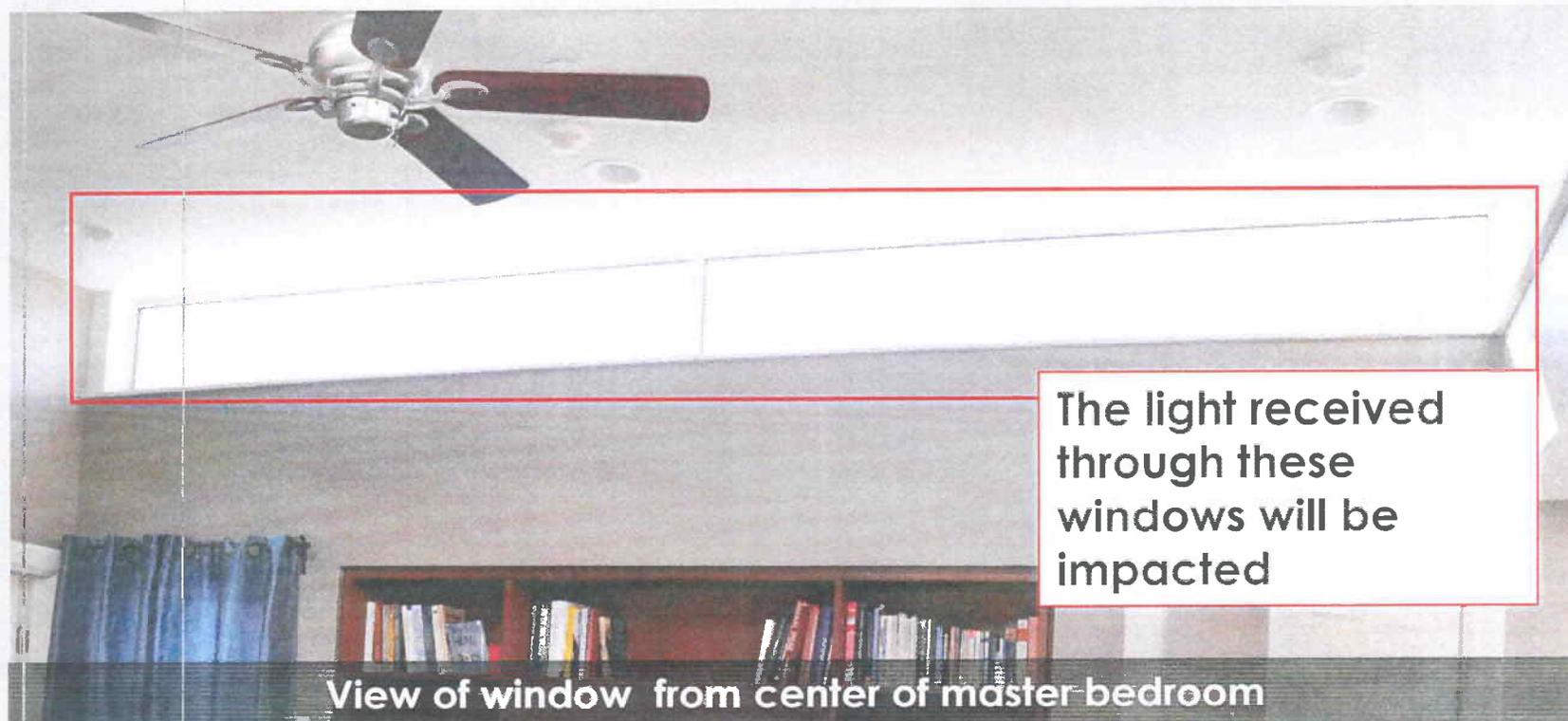


Exhibit C

## Exterior view of window above main stairwell

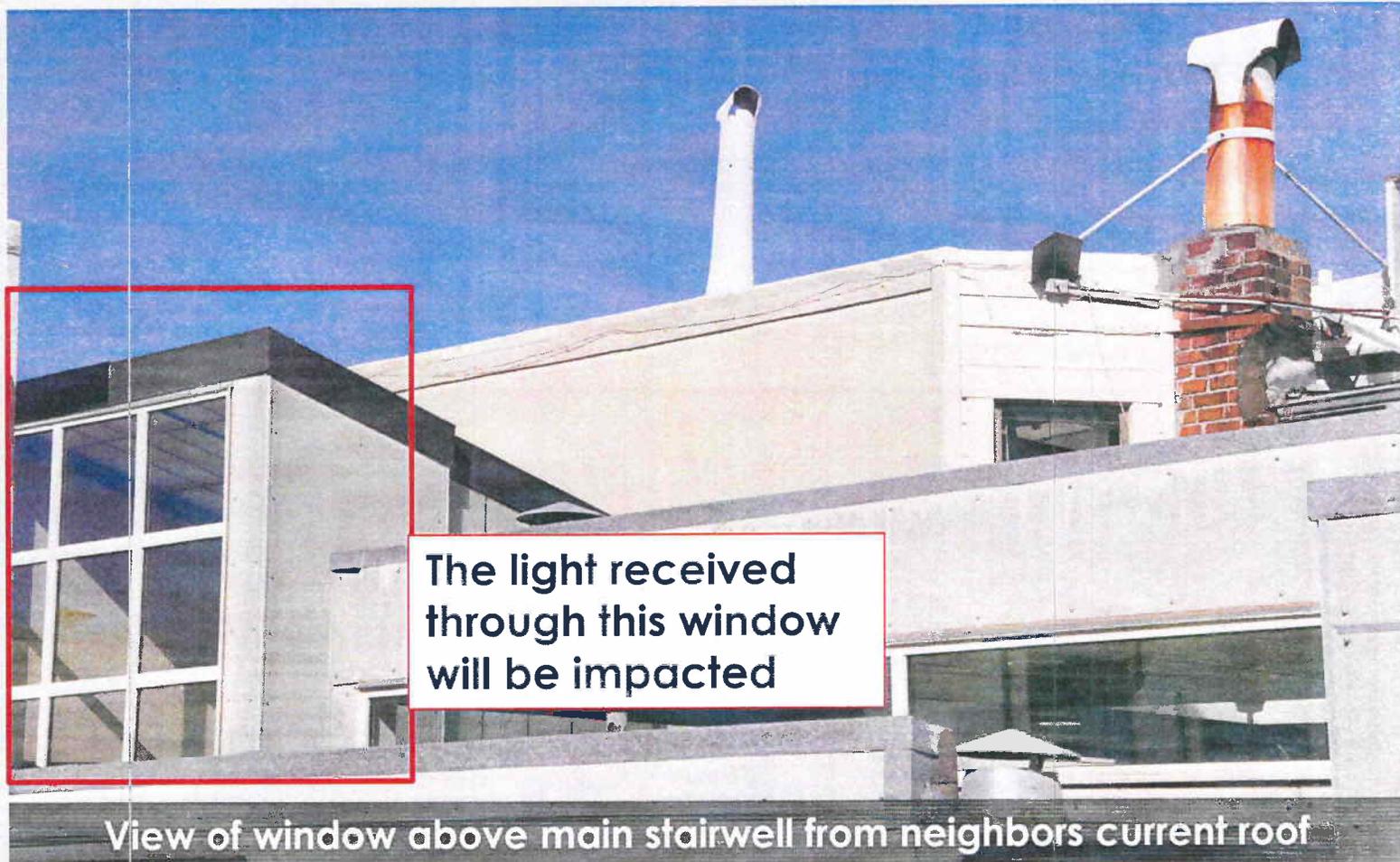
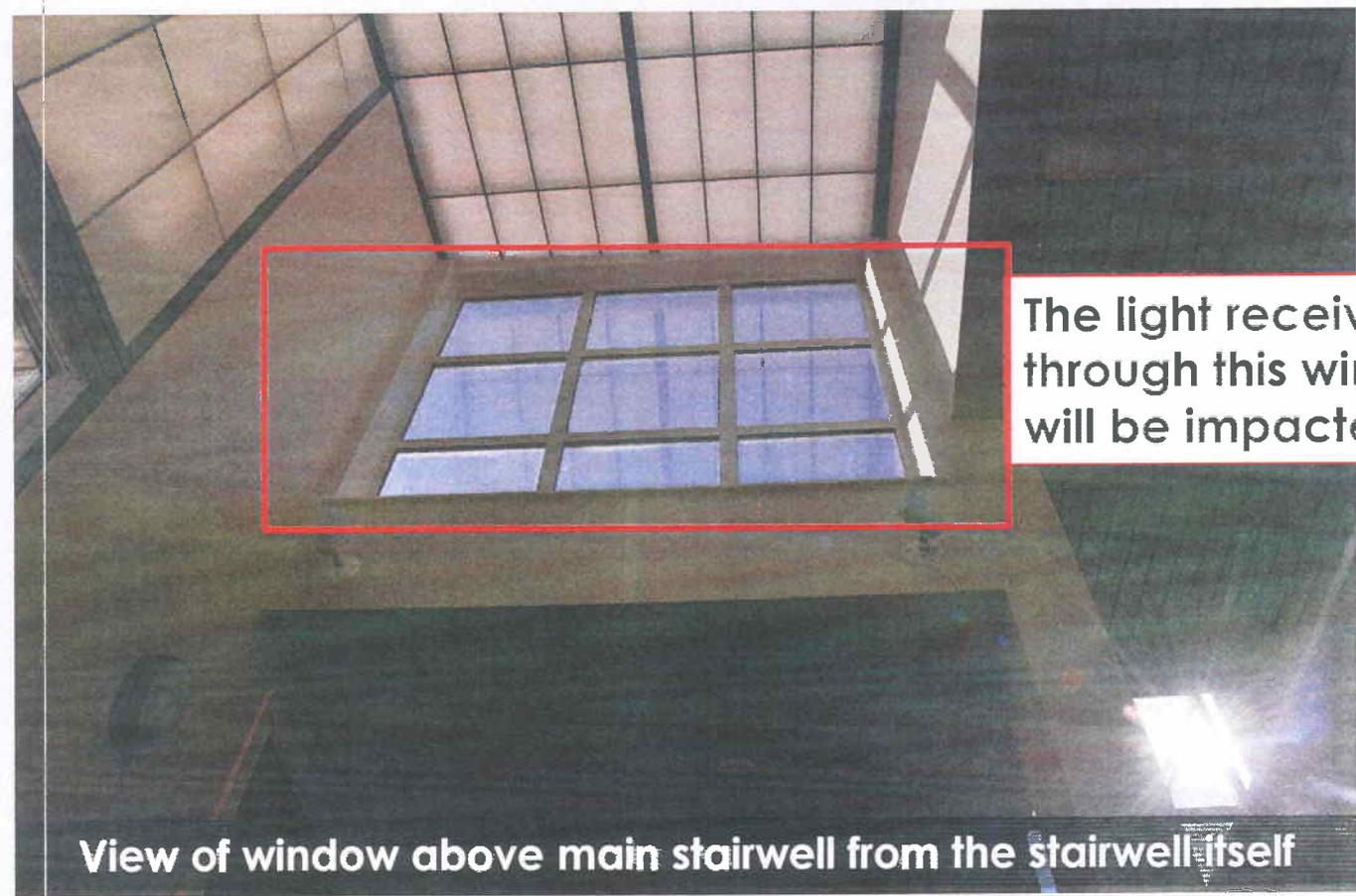


Exhibit C

# Interior view of window above main stairwell



View of window above main stairwell from the stairwell itself

**Light from window above main stairwell  
filters down the stairwell**



**View from the top of the stairwell down into it**

# Light from window above main stairwell filters down the stairwell



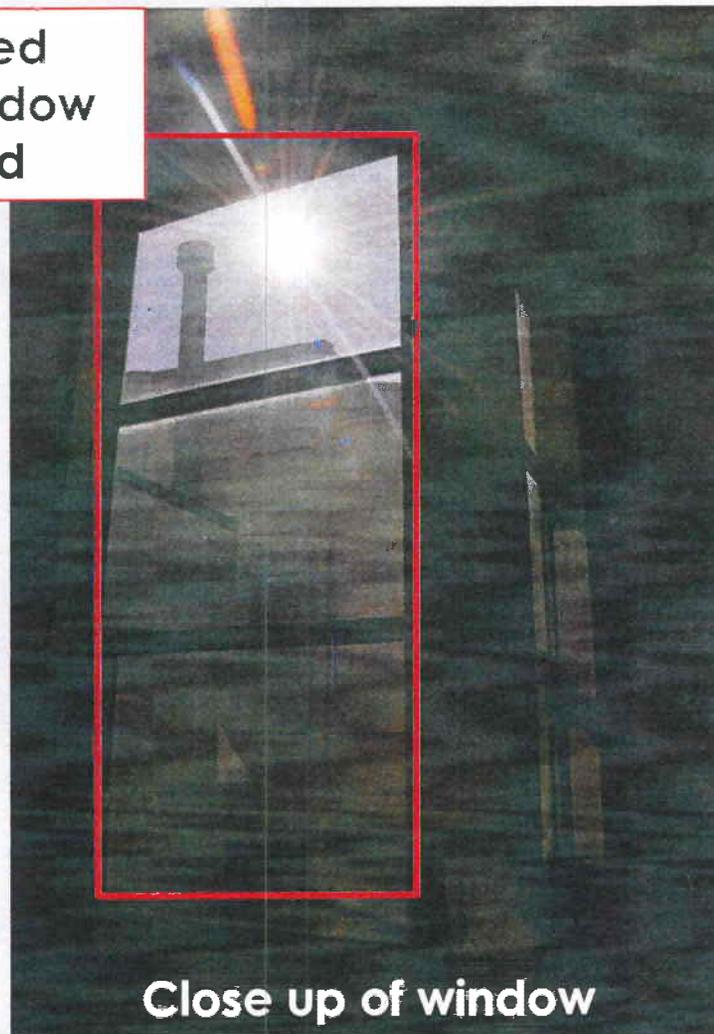
View from corner of sitting room. Stairwell is in the background.

# View of the window in the top floor sitting room



View from corner of room

The light received through this window will be impacted



Close up of window



# SAN FRANCISCO PLANNING DEPARTMENT

## RESPONSE TO DISCRETIONARY REVIEW

Case No.: 12.0036D  
Building Permit No.: 2012.09.04.8875  
Address: 2445-2449 Larkin St.

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Project Sponsor's Name: Tyson Dirksen

Telephone No.: (415) 624-3206 (for Planning Department to contact)

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 attached

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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.

See attached

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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.

See attached

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

4. Please supply the following information about the proposed project and the existing improvements on the property.

<u>Number of</u>	<u>Existing</u>	<u>Proposed</u>
Dwelling units (only one kitchen per unit –additional kitchens count as additional units) .....	3	3
Occupied stories (all levels with habitable rooms) ...	5	5
Basement levels (may include garage or windowless storage rooms) .....	0	1
Parking spaces (Off-Street) .....	0	3
Bedrooms .....	6	9
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	4,050	6,686
Height .....	Approx 36'	Approx 39'
Building Depth .....	Approx 73'	No Change
Most recent rent received (if any) .....	Owner Occupied - 2447 & 2449 \$1,940 for 2445 Larkin	
Projected rents after completion of project .....	Owner Occupied - 2447 & 2449 \$4,500 for 2445 Larkin	
Current value of property .....	\$1,770,000	
Projected value (sale price) after completion of project (if known) .....	\$3,000,000	

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



July 1, 2013

Tyson H. Dirksen

Signature

Date

Name (please print)



Tyson H. Dirksen

2447 Larkin Street, San Francisco, CA 94109  
Tel 415.624.3206 :: Cell 650.339.3376  
Fax 650.741.1562 :: tyson@d8development.com

2445-2449 LARKIN STREET

July 1, 2013

President Rodney Fong  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: 2445 Larkin Street – Response to Discretionary Review  
Planning Case Number 12.0036D  
Building Permit Application Number 2012.09.04.8875

Dear President Fong and Commissioners:

My parents, (John & Emily Dirksen), my wife (Katrina Dirksen), and I (Tyson Dirksen) own 2445-2449 Larkin Street (“the Property”). My wife and I reside in 2447 Larkin Street with our two children and my parents reside in 2449 Larkin Street when they are in San Francisco. My five siblings and their families also stay at 2449 Larkin Street when they are in San Francisco. Our good friends, Jeff and Andria Sato, reside in 2445 Larkin Street.

We have worked hard and in good faith to consult our neighbors and the Planning Department to craft a project that the neighborhood is comfortable with and the Planning Department can support. This has resulted in a project that proposes to update the structural integrity of the building, insert a new three-car garage, and open the rear façade to the beautiful views of the San Francisco Golden Gate bridge, while modestly expanding the existing building envelope, only increasing the height of the building by 3 feet, and significantly sets back the top story from the front and the rear of the lot. Despite working diligently with the Planning Department and extensively reaching out to neighbors to achieve a design that (1) worked for our family, (2) was supported by the entire neighborhood, and (3) was supported by the Planning Department, we were unable to satisfy our neighbors at 2451-2453 Larkin Street, the Discretionary Review Requester (“DR Requester”).

The proposed project is consistent with the Residential Design Guidelines and the character of the neighborhood. The DR Requester does not identify any exceptional or extraordinary circumstances that justify modification to the proposed project. We request that the Commission decline to take Discretionary Review and approve the Project as proposed.



Tyson H. Dirksen

2447 Larkin Street, San Francisco, CA 94109

Tel 415.624.3206 :: Cell 650.339.3376

Fax 650.741.1562 :: tyson@d8development.com

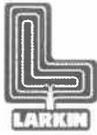
2445-2449 LARKIN STREET

## SPONSOR RESPONSE TO QUESTION 1

A. **Light Impact:** The project fully complies with the General Plan, Priority Policies, and the Residential Design Guidelines (“RDG”), although the DR requester claims that the project is not in compliance with “RDG pg. 16, ‘articulate the building to minimize impacts on light and privacy to adjacent properties’ and lighting impacts at 2451 Larkin.”

The Project proposes to raise the building approximately 6 ft 3 inches to accommodate for a new three-car garage but the Project compresses the top two story-to-story heights in order to minimize the increase in building height to only 3 ft <sup>3</sup>/<sub>4</sub> inches, thus minimizing the light impact on neighboring buildings. This 3 feet increase in height will cause only a minimal reduction of light to the DR Requester’s building, as one can see by the sun study in Exhibit D. This minimal reduction in light is in line with what is stated on page 16 of the RDG, “In areas with a dense building pattern, some reduction of light to the neighboring buildings can be expected with a building expansion.” Furthermore, one can see from the photos in Exhibit C that 2451-2453 Larkin St receives a lot of light through numerous skylights, high clerestories, and stairwell windows. The numerous sources of light further reduce the impact of small height increase.

In response to the DR Requester’s concerns about matching their top floor South-West light well, it should be noted that this light well does not run the entire height of the building and was only added in the building’s 2001 permit, when their penthouse level was added. In this Southwest light well, two of the windows are frosted, thus only needing indirect light, and, due to the light well’s narrowness, only 3 feet wide, the perpendicular windows to the property line only currently receive direct light for a short period of the day. Additionally, the San Francisco Planning Department usually allows the first floor of a light well to be filled in if the neighboring building’s adjacent rooms are not habitable – i.e. stairways, bathrooms, hallways, landings, closets, etc. In this Southwest light well, the window on the West wall is off a stairway, the frosted window on the East wall is off a bathroom, and the frosted window on the North wall leads to the Master Bedroom. While a bedroom is obviously habitable, there are numerous other sources of natural light in this master bedroom: two clerestory windows facing South; two clerestory windows facing West, and a large skylight over the master bedroom, so the overall light impact



Tyson H. Dirksen  
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## 2445-2449 LARKIN STREET

is only minimally impacted. Exhibit 3 has photos of this Southwest light well, clerestories, and skylights.

The proposed Project also incorporates open railings on all decks, low-sloped roofs, and fire-rated roofs to eliminate the need for parapet walls at the property line, as recommended on page 16 of the RDG.

B. **Solar panels:** The solar panel positioning has yet to be finalized but the sun study (Exhibit D) clearly shows that the proposed solar panel positioning does not cause any extra shading to the DR Requester's building.

C. **Roof access:** The roof access has been excluded from the current plans as the Project Sponsor eliminated the original design for roof deck on top of the fifth story after the DR Requester raised concerns about privacy of their master bedroom during the pre-application meeting.

D. **Excavation and soil stability:** The proposed Project does not necessitate 9' 6" as the Project Sponsor indicated in an email to the planning department back in January 11, 2012. The proposed Project only necessitates two small areas of excavation approximately 6'. A majority of the new foundation will be at the existing foundation grade or a couple of feet above or below the existing grade.

### SPONSOR RESPONSE TO QUESTION 2

Due to privacy concerns by the DR Requester during the Pre-Application meeting, the Project Sponsor eliminated the roof deck on the sixth story and also pulled back the rear decks from the North property line.

Due to concerns about the excavation and foundation work near the North property line raised by Rahul Narang at the Pre-Application meeting, the Project Sponsor altered the original floor plan and reduced ceiling heights to reduce the necessary excavation work at the North property line.

However, when the Project Sponsor approached Rahul Narang (the DR Requester) on August 6, 2012 to set up a time to review the updated plan set, in order to see if Rahul and Angela had any additional concerns before the Project sponsor submitted the building application, Rahul told him that he did not have time at the moment. Two weeks later when the Project Sponsor



Tyson H. Dirksen

2447 Larkin Street, San Francisco, CA 94109

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2445-2449 LARKIN STREET

attempted again to set up a time to discuss the latest plans but, when he rang Rahul answered the door, Rahul stated that he had just started to work from home and did not have time to meet. It was only 6 months later when the 311 Notification period was in affect that the DR Requester raised additional concerns.

### **SPONSOR RESPONSE TO QUESTION 3**

The Project Sponsor has always been open to input from his neighbors and has pursued to come to an agreement with the DR Requester since late February 25, 2013, when Rahul and Angela Narang shared their concerns about the light impact and the excavation work at property line. The DR Requester requested a legal “letter agreement” (Exhibit E) stating that the Project Sponsor would: not build a roof deck on top of the 5<sup>th</sup> story; not build parapet at the boundary line; would set back their solar panels and other necessary roof mounted mechanical equipment so as not to further impact their light; and pay for an existing conditions survey and any necessary shoring or underpinning work at 2451-2453 Larkin St. The Project Sponsor and DR Requester have come to an agreement on all major points except one that the Project Sponsor would pay for any shoring or underpinning on 2451-2453 Larkin St. The Project Sponsor has agreed to pay for any shoring or underpinning deemed necessary by the Project’s design team (geotechnical and structural engineer), but not when only the DR Requester’s structural engineer deems the the shoring or underpinning necessary and the Project’s design team does not. Still trying to come to an agreement, the Project Sponsor offered to add the DR Requester as an additionally insured for the Project’s Wrap-up Insurance Policy; however this too was not sufficient for the DR Requester.

Lastly, the Project Sponsor feels that the DR Requester’s structural engineer will agree with the Project design team’s findings so he has requested the Project’s structural and geotechnical engineer to continue designing the project, although it has yet to be approved by the planning department. The Project Sponsor hopes that there will be enough details and structural plans for the DR Requester’s structural engineer to approve the design before the planning commission hearing, and thus making the hearing unnecessary.



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2445-2449 LARKIN STREET

## CONCLUSION

In conclusion, the Project Sponsor has worked diligently to reach out to all neighbors, neighborhood groups, and interested parties and has taken their input into consideration when planning the proposed Project. The Project Sponsor has also agreed to the Narang's requests to help reduce the light impact of the project and to pay for any shoring or underpinning work should it be deemed necessary by the Project's design team. However, the Project Sponsor does not feel it is equitable to be required to pay for work that is not deemed necessary by the Project's design team, specifically the geotechnical or structural engineer. As a sign of good faith, the Project Sponsor has even offered to add the DR Requester as additionally insured on the Project's Wrap-up Insurance Policy, but this was not sufficient. Seeing the Project Sponsor and the DR Requester have not been able to come to an agreement, the Project Sponsor requests that the Commission decline to take Discretionary Review and approve the Project as proposed.

Kind Regards,

Tyson H. Dirksen

## LIST OF EXHIBITS

Exhibit A	Neighborhood Compatibility Study
Exhibit B	Project Plans and Renderings
Exhibit C	Photos of 2451 Larkin
Exhibit D	Light Study
Exhibit E	Letter Agreement
Exhibit F	Emails with DR Requester Regarding "Letter Agreement"

# Exhibit A

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**Neighborhood Compatibility Analysis**  
**2445-2449 Larkin St, San Francisco, CA 94109**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109

**SUMMARY TABLE**

<b>Address</b>	<b>Number of Stories</b>	<b>Garage</b>	<b>Height (Approx)</b>	<b>Number of Units</b>
<b>2401-09 Larkin Street</b>	3	Yes	30+	8
<b>2415A-15 Larkin Street</b>	2	Yes	20+	2
<b>2417-23 Larkin Street</b>	3	Yes	30+	4
<b>2425 Larkin Street</b>	5	Yes	30+	5
<b>2433 Larkin Street</b>	3	Yes	30+	5
<b>2439 Larkin Street</b>	3	Yes	40	7
<b>2451-53 Larkin Street</b>	3	Yes	30+	2
<b>2459 Larkin Street</b>	4	Yes	45	13
<b>2400-02 Larkin Street</b>	4	Yes	40	2
<b>2406 Larkin Street</b>	3	Yes	30	1
<b>2412-14 Larkin Street</b>	3	Yes	30+	2
<b>2420 Larkin Street</b>	4	Yes	40	1
<b>2424-28 Larkin Street</b>	3	Yes	30+	2
<b>2440 Larkin Street</b>	4	Yes	40	1
<b>2442 Larkin Street</b>	4	Yes	40	1
<b>2448-50 Larkin Street</b>	4	Yes	40+	2
<b>2460 Larkin Street</b>	5	Yes	55	10

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**Map of 2445-2449 Larkin Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**West Side of Larkin Street**  
**Photo taken from the corner of Larkin and Greenwich**



**East Side of Larkin Street**  
**Photo taken from the corner of Larkin and Greenwich**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



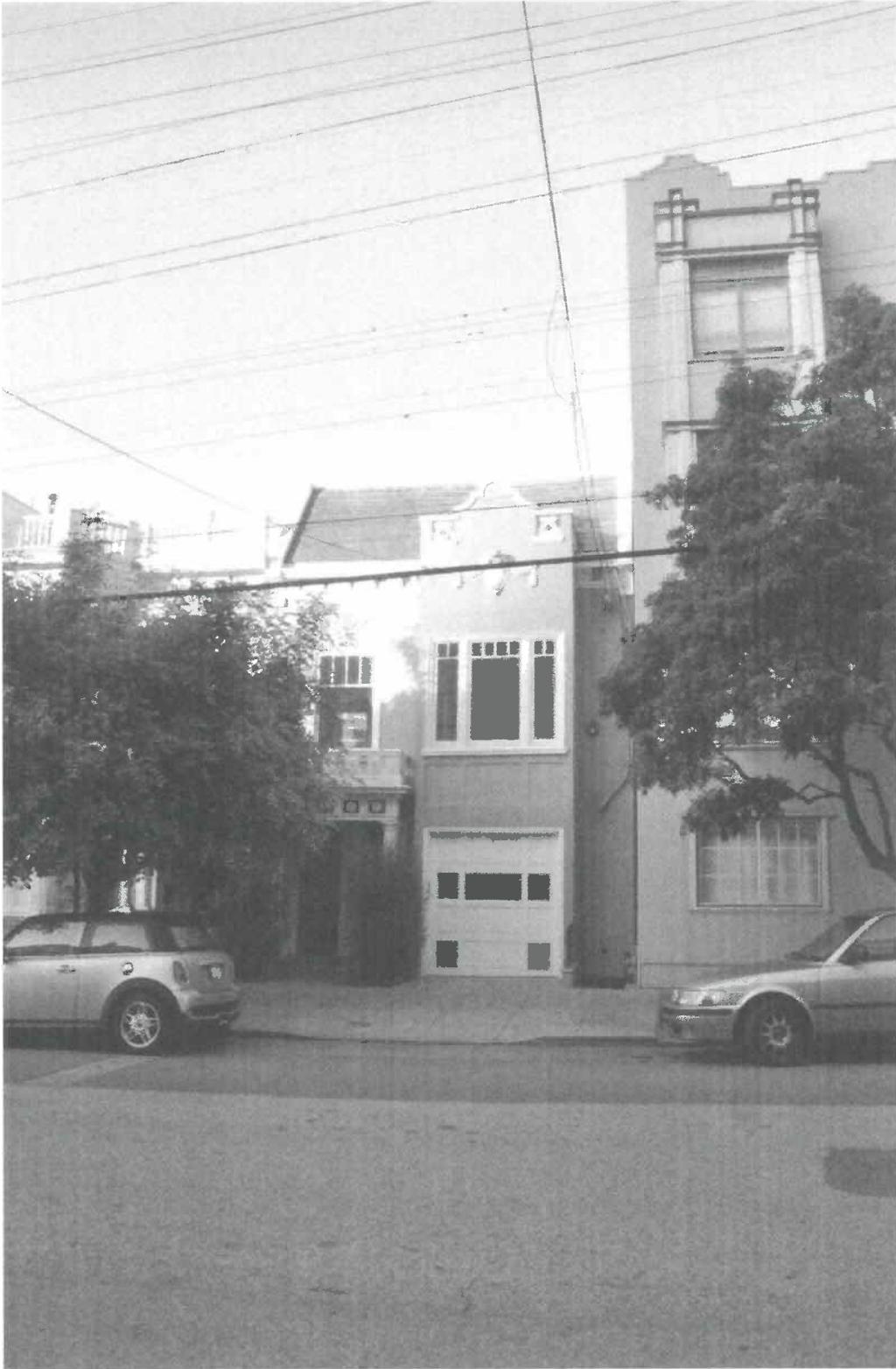
**2459 Larkin Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**2459 Larkin Street**  
**Photo taken from Greenwich Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**2451-53 Larkin Street**  
**Adjacent property to the North**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**2445-49 Larkin Street**  
**SUBJECT PROPERTY**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**2439 Larkin Street**  
**Adjacent property to the South**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**2433 Larkin Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



2425 Larkin Street

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



2417-23 Larkin Street

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**2415A-15 Larkin Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**2401-09 Larkin Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St. San Francisco, CA 94109

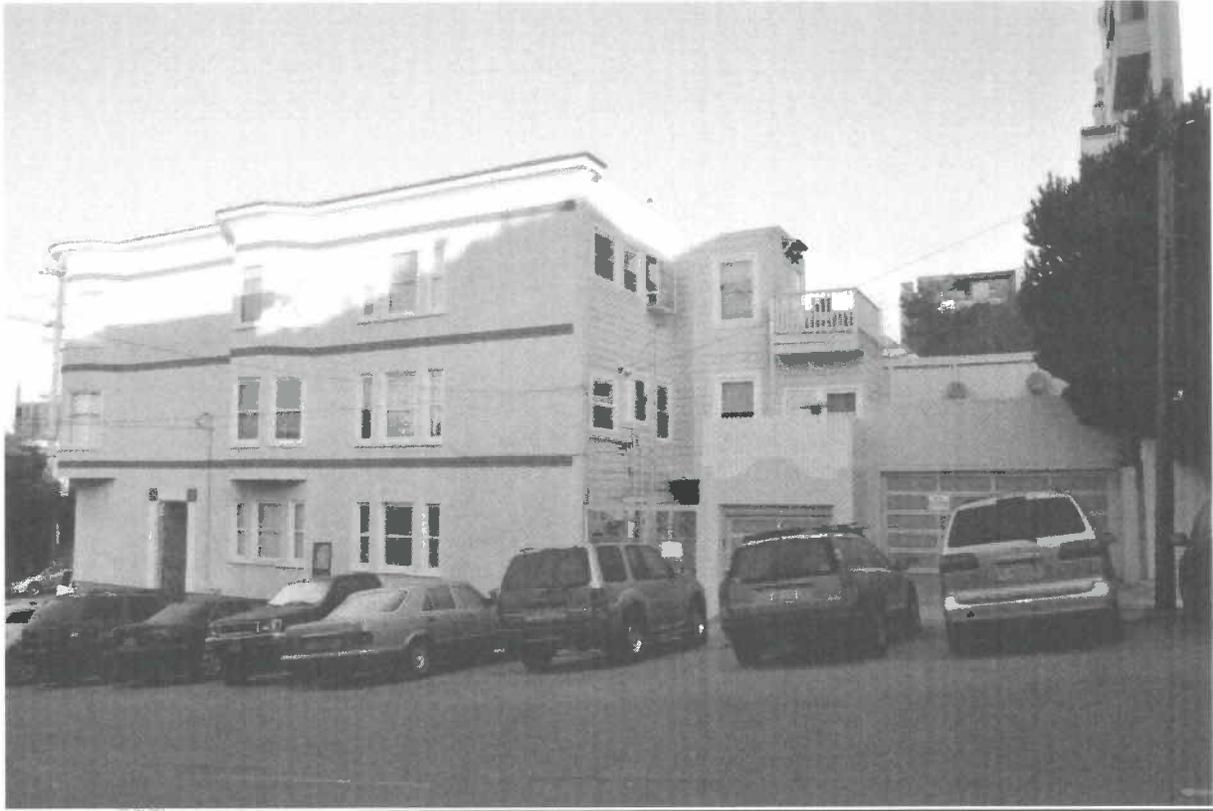


**2401-09 Larkin Street**  
**Taken From Filbert Street**



**2400-02 Larkin Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



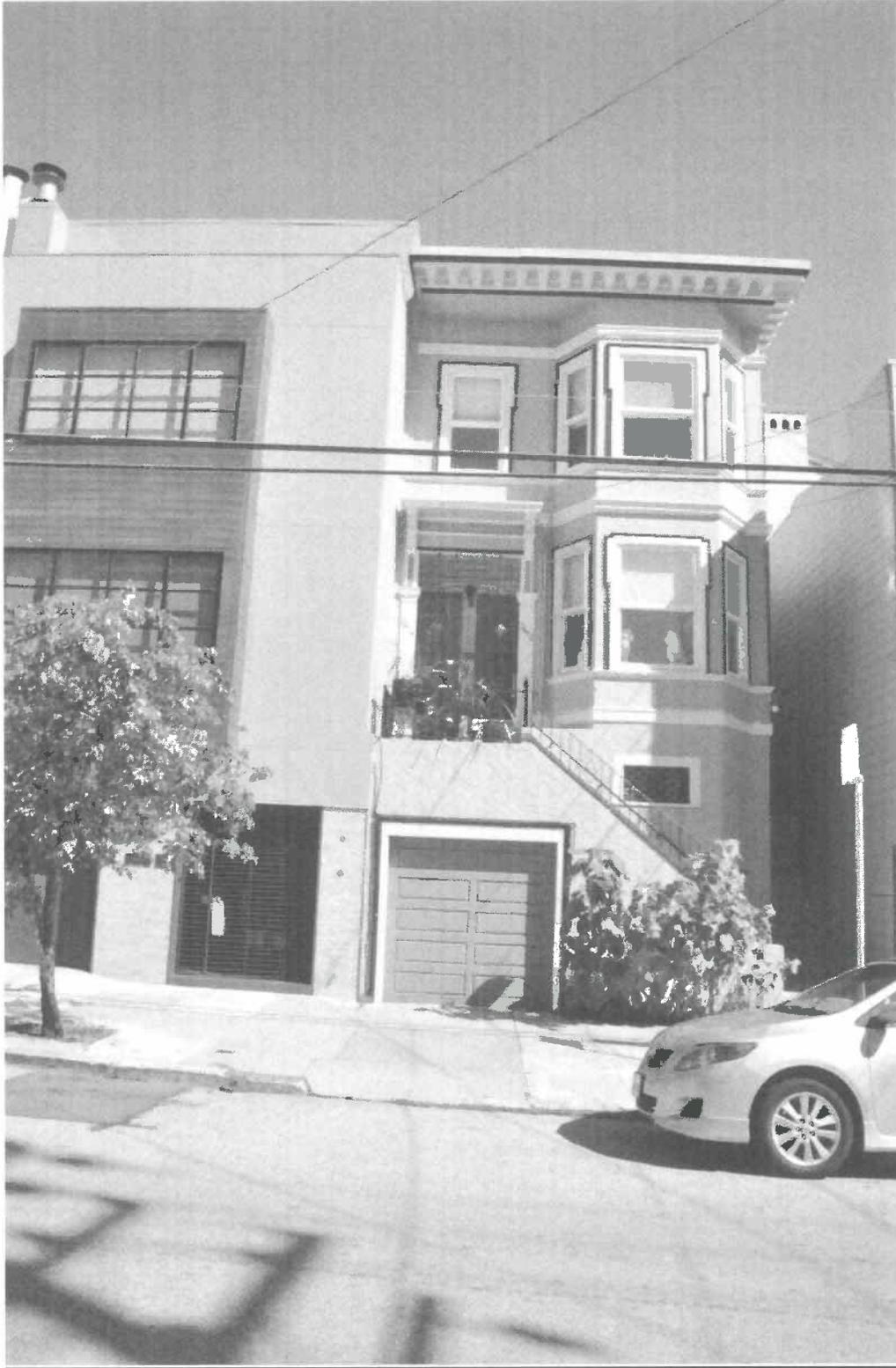
2400-02 Larkin Street  
Taken From Filbert Street

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



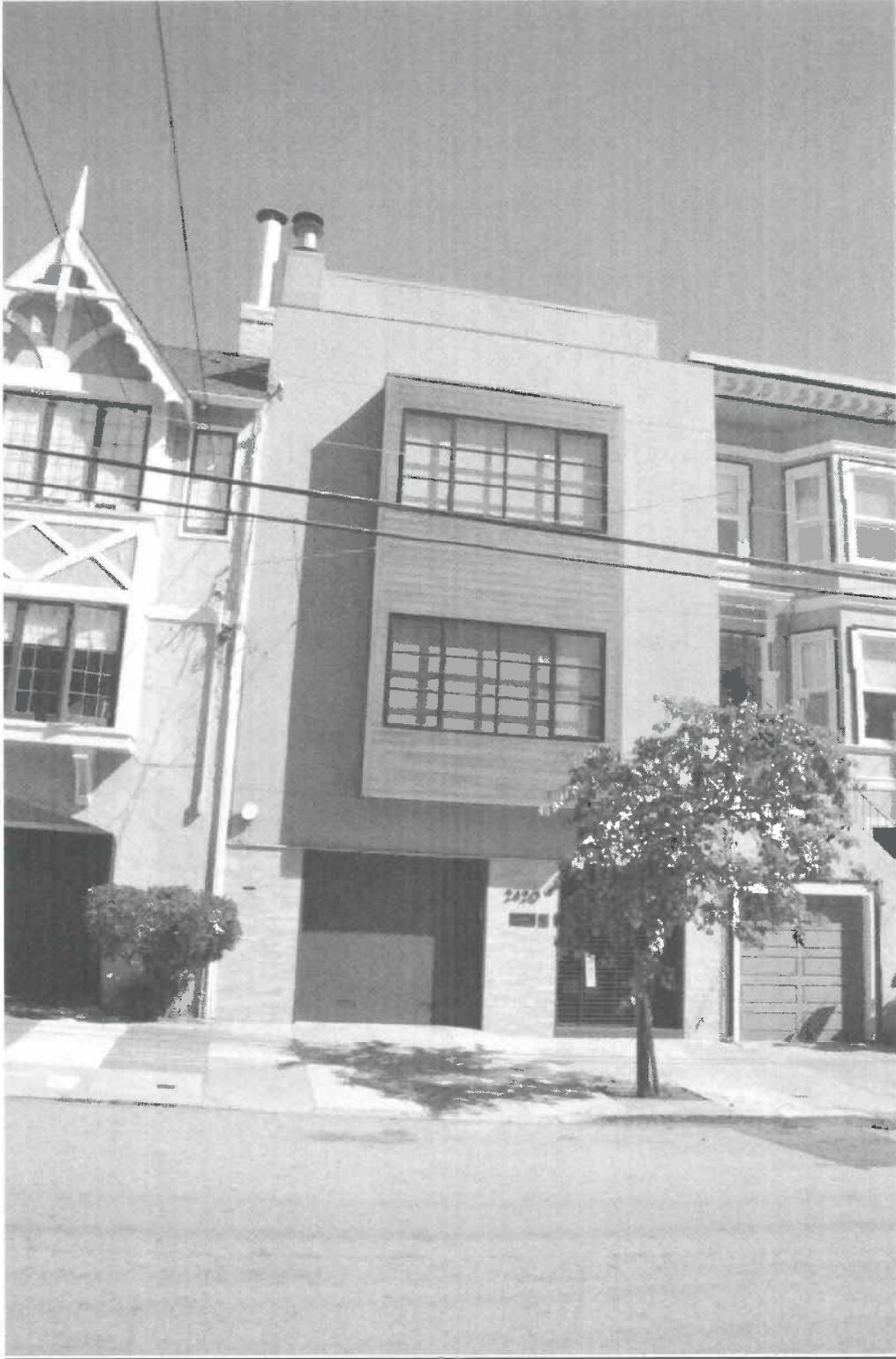
2406 Larkin Street

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



2412-14 Larkin Street

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**2420 Larkin Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



2424-28 Larkin Street

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



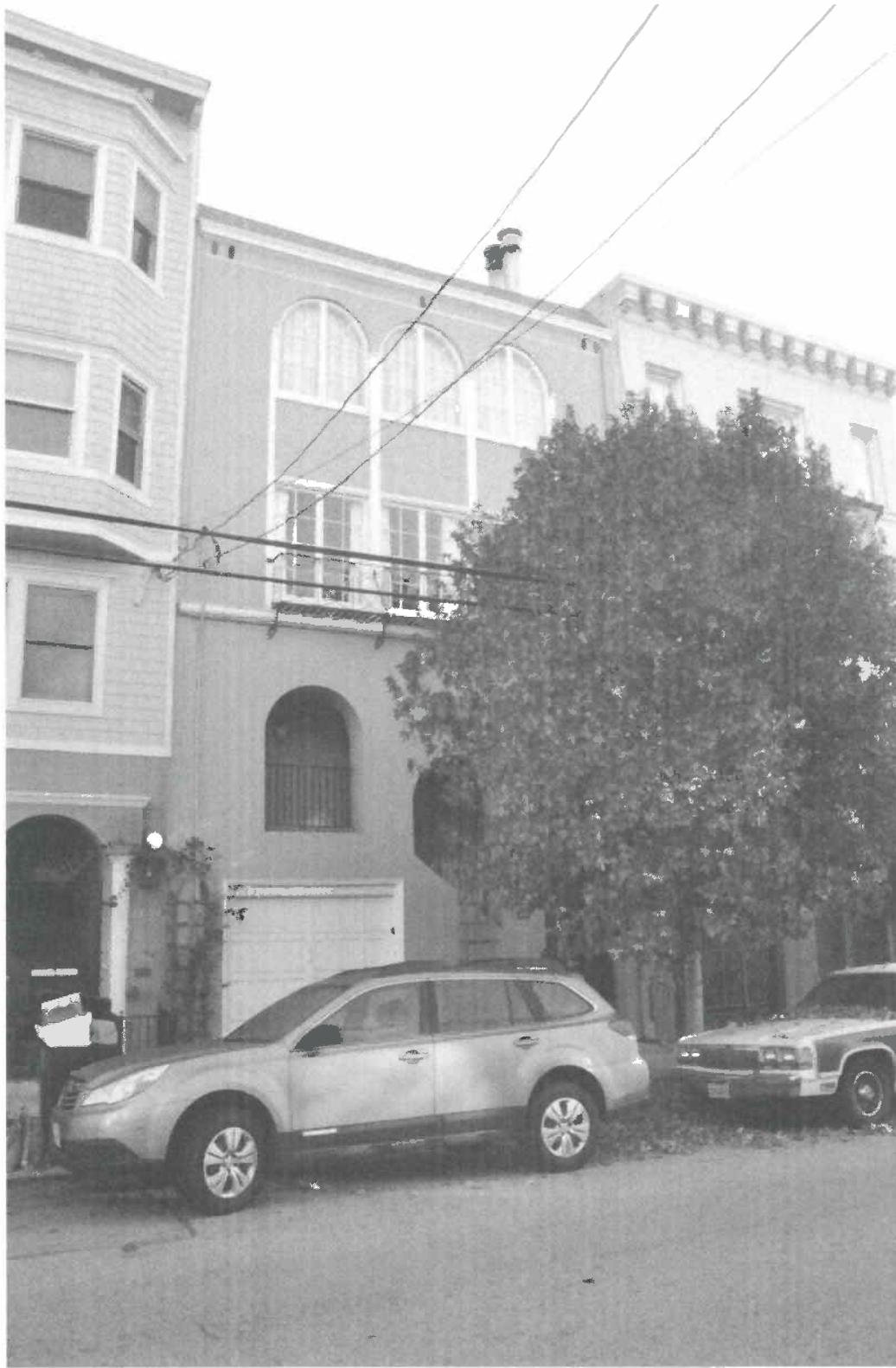
2430-32 Larkin Street

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



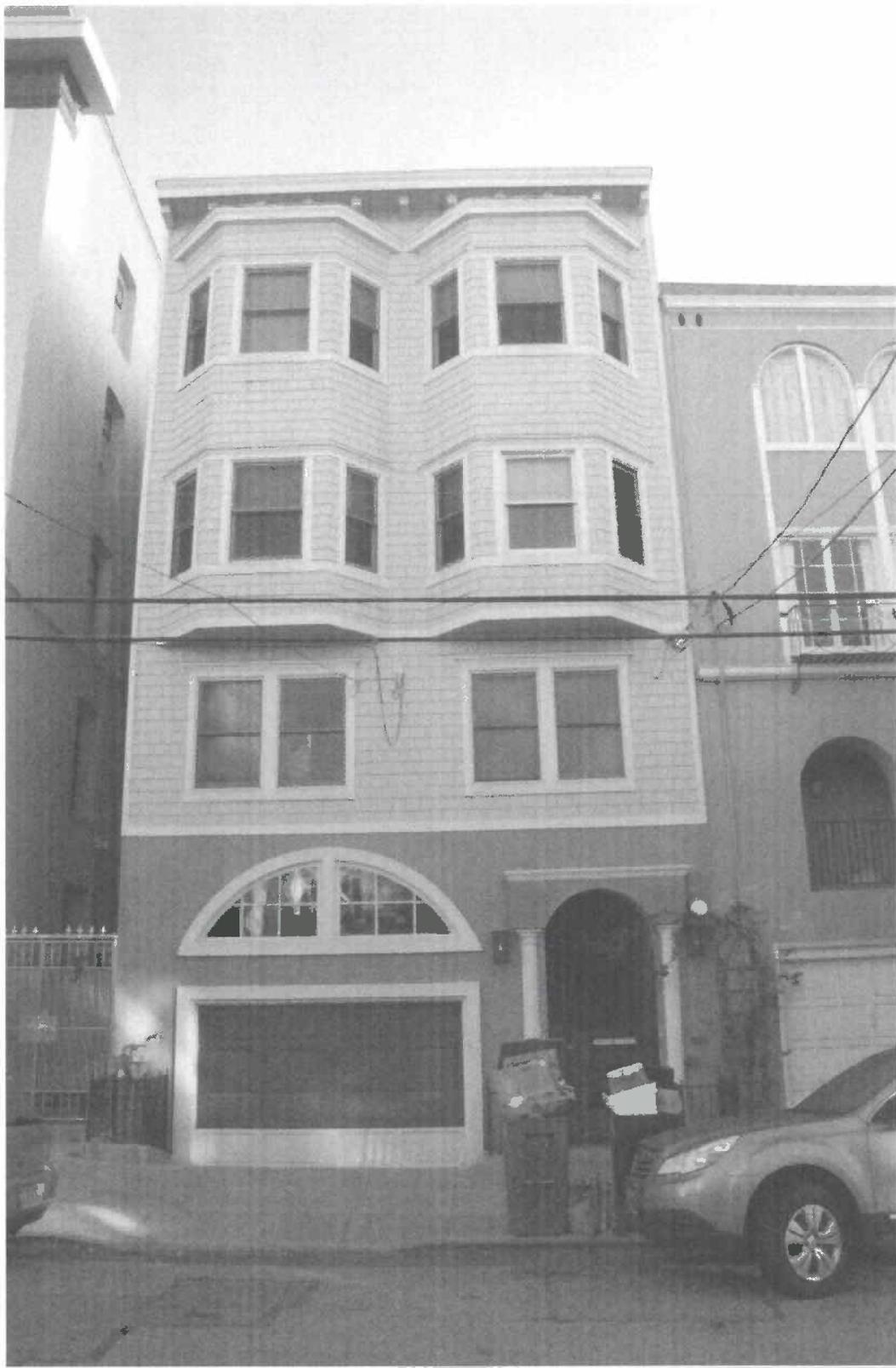
**2440 Larkin Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**2442 Larkin Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



**2448-50 Larkin Street**

Neighborhood Compatibility Analysis  
2445-2449 Larkin St, San Francisco, CA 94109



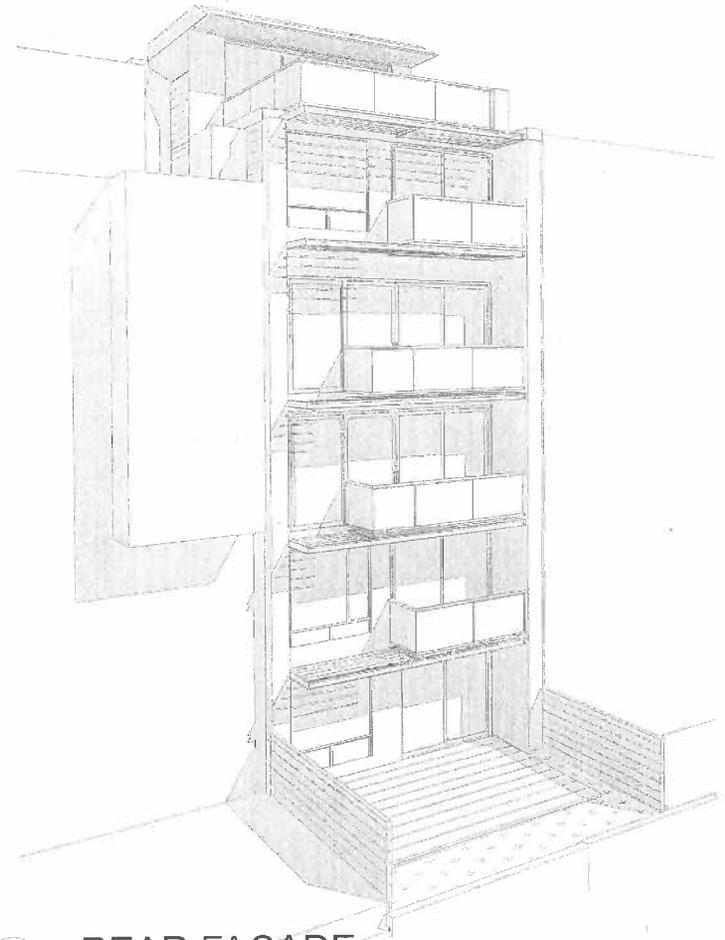
**2460 Larkin Street**



x  
A1

### FRONT FACADE

SCALE: 1:80



x  
A1

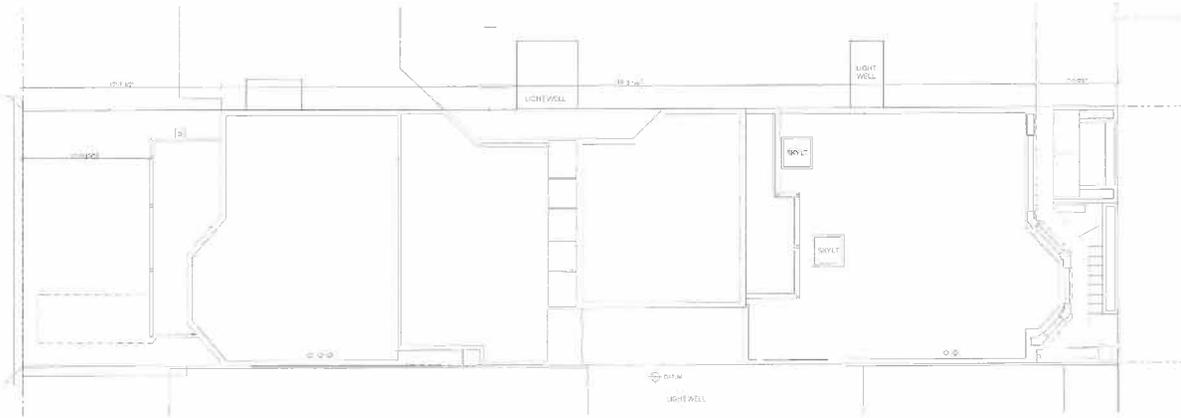
### REAR FACADE

SCALE: 1:80

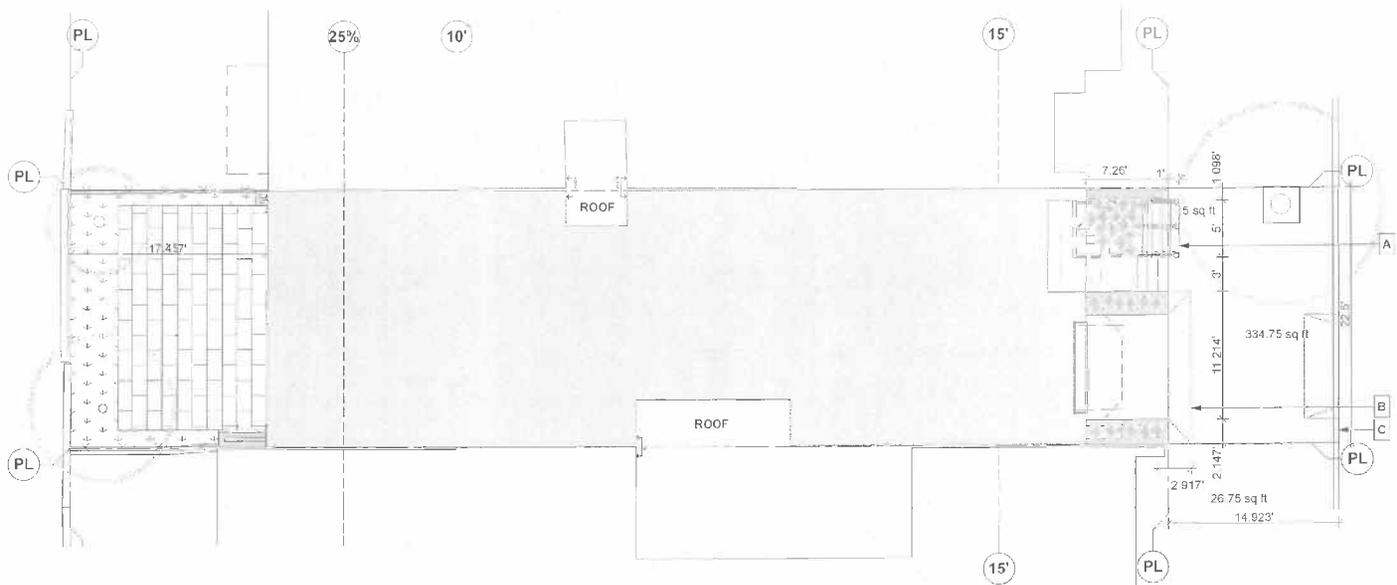
### RENDERINGS LARKIN ST RESIDENCES

2445-2449 LARKIN ST.  
SAN FRANCISCO, CA

SK # A1



**1**  
A2  
**EXISTING ROOF / SITE PLAN**  
SCALE 3/32" = 1'-0"

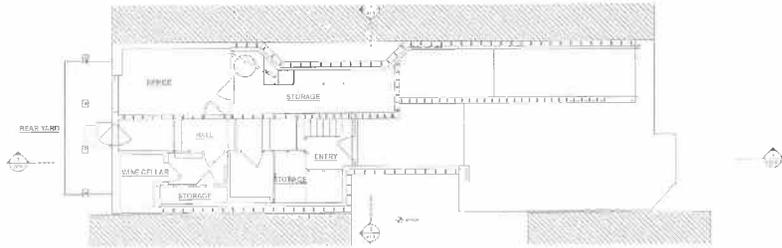


**2**  
A2  
**SITE PLAN**  
SCALE: 3/32" = 1'-0"

**SITE PLAN**  
**LARKIN ST RESIDENCES**  
2445-2449 LARKIN ST.  
SAN FRANCISCO, CA

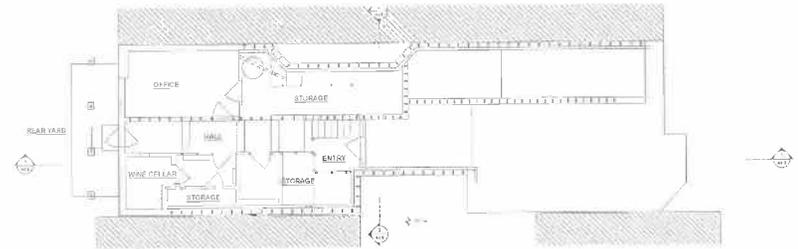


SK # **A2**



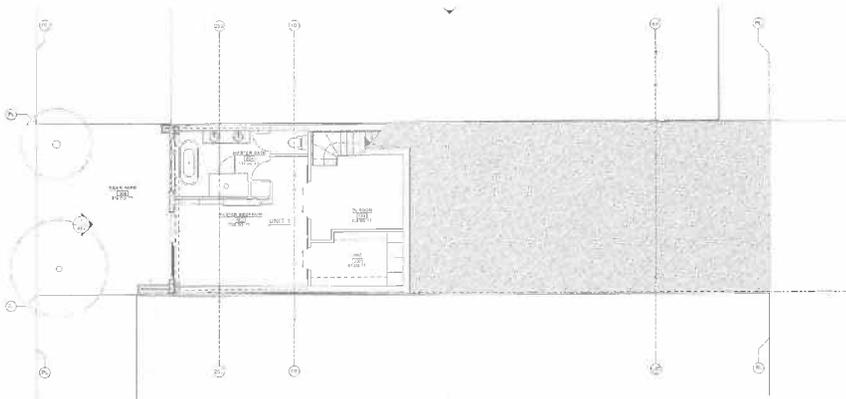
**1**  
A3  
**EXISTING STORY 1**

SCALE: 1/16" = 1'-0"



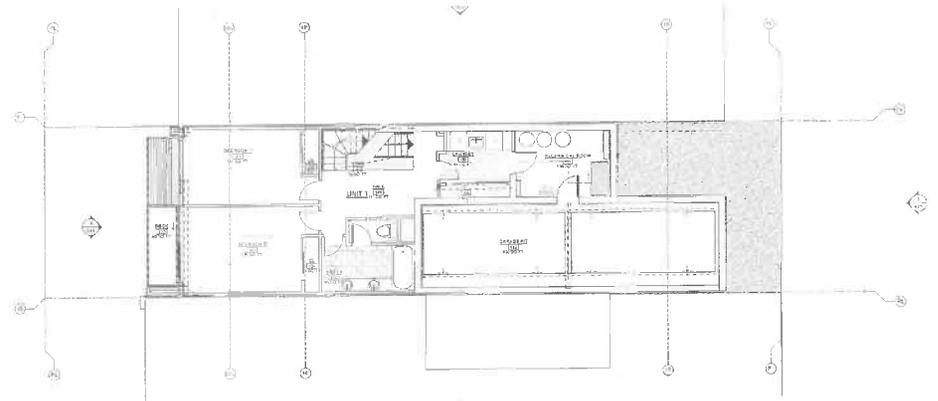
**3**  
A3  
**EXISTING STORY 1**

SCALE: 1/16" = 1'-0"



**2**  
A3  
**PROPOSED BASEMENT**

SCALE: 1/16" = 1'-0"



**4**  
A3  
**PROPOSED STORY 1**

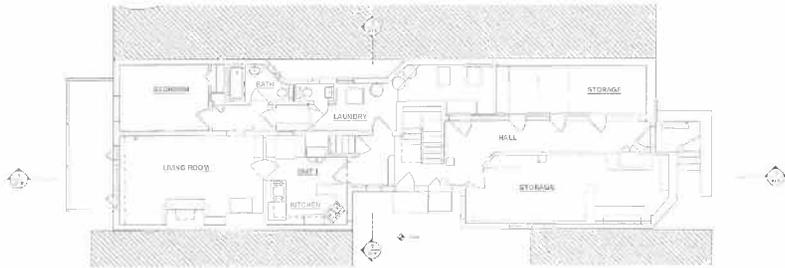
SCALE: 1/16" = 1'-0"

**LEGEND - DEMOLITION PLAN:**

□ DEMO EXISTING STRUCTURE

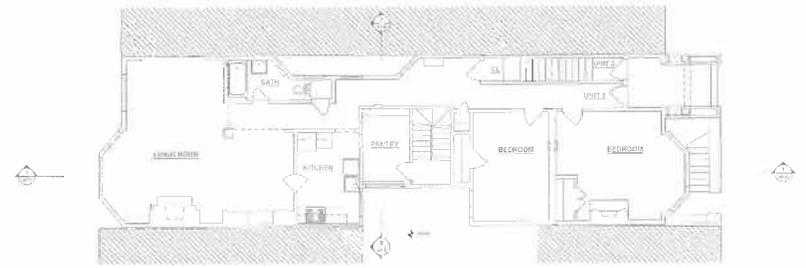
**FLOOR PLANS**  
**LARKIN ST RESIDENCES**  
2445-2449 LARKIN ST.  
SAN FRANCISCO, CA

SK # **A3**



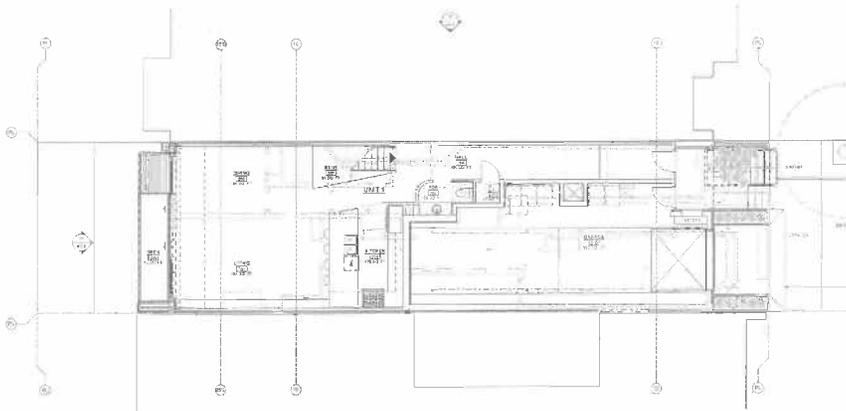
**1**  
A4 **EXISTING STORY 2**

SCALE: 1/16" = 1'-0"



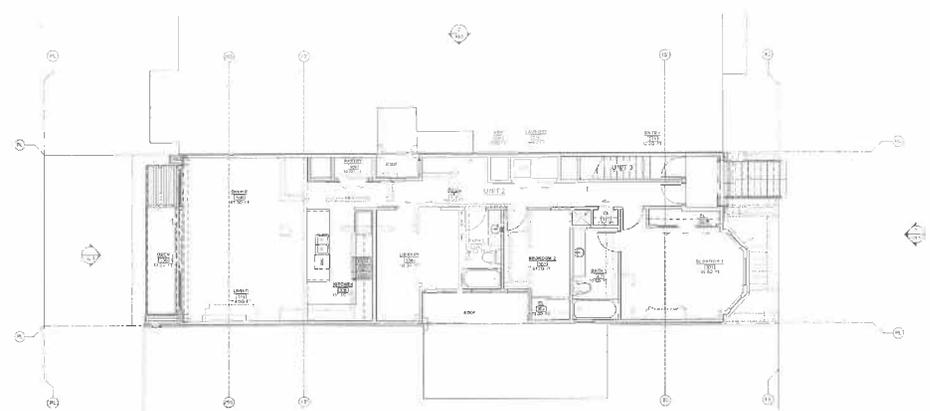
**3**  
A4 **EXISTING STORY 3**

SCALE: 1/16" = 1'-0"



**2**  
A4 **PROPOSED STORY 2**

SCALE: 1/16" = 1'-0"



**4**  
A4 **PROPOSED STORY 3**

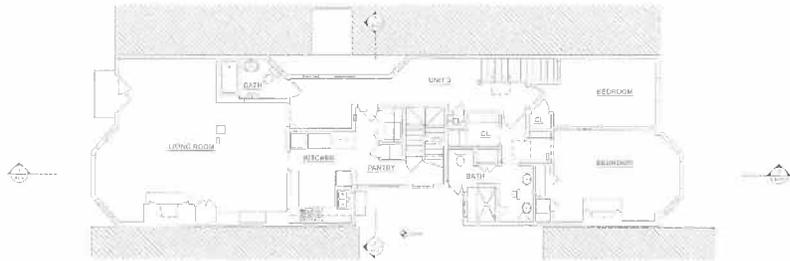
SCALE: 1/16" = 1'-0"

**LEGEND - DEMOLITION PLAN:**

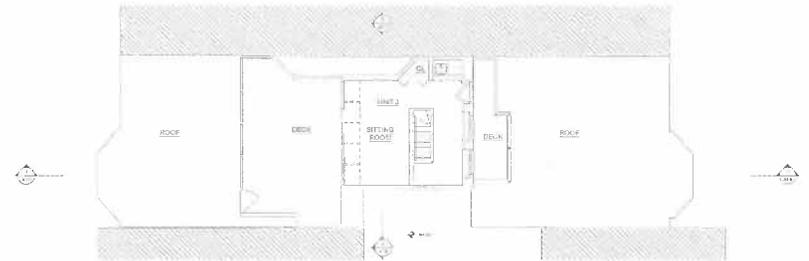
----- DEMO EXISTING STRUCTURE

**FLOOR PLANS**  
**LARKIN ST RESIDENCES**  
2445-2449 LARKIN ST.  
SAN FRANCISCO, CA

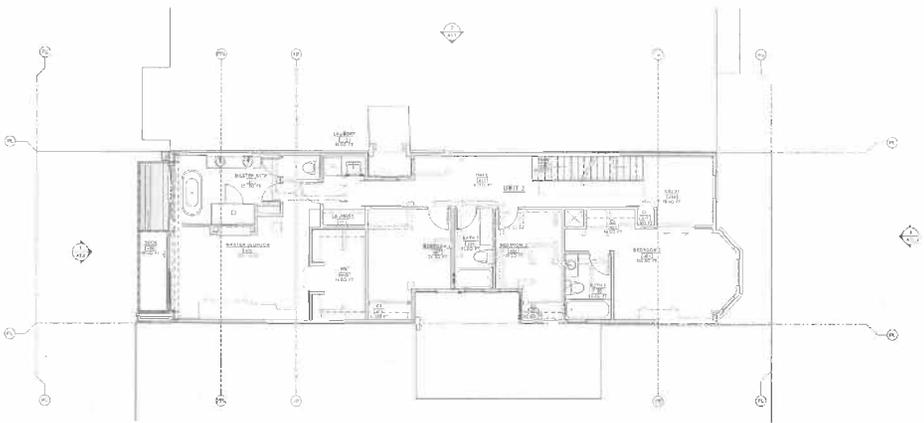
SK # **A4**



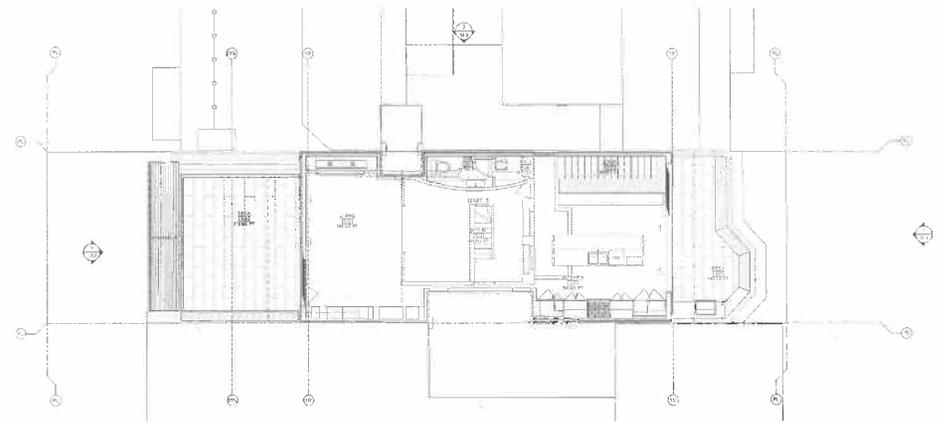
**1**  
A5  
**EXISTING STORY 4**  
SCALE: 1/16" = 1'-0"



**3**  
A5  
**EXISTING STORY 5**  
SCALE: 1/16" = 1'-0"



**2**  
A5  
**PROPOSED STORY 4**  
SCALE: 1/16" = 1'-0"



**4**  
A5  
**PROPOSED STORY 5**  
SCALE: 1/16" = 1'-0"

**LEGEND - DEMOLITION PLAN:**

□ DEMO EXISTING STRUCTURE

FLOOR PLANS  
**LARKIN ST RESIDENCES**  
2445-2449 LARKIN ST.  
SAN FRANCISCO, CA

SK # A5



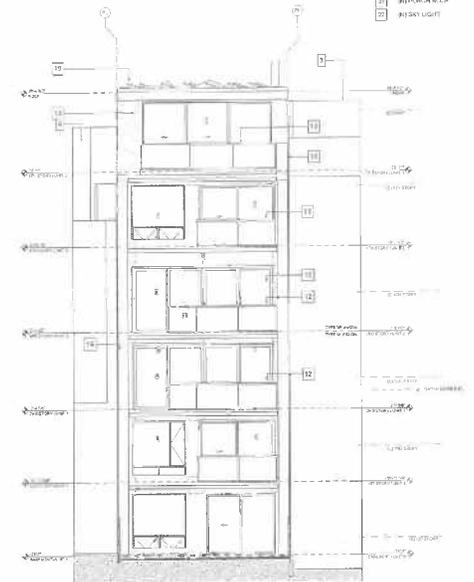
**1**  
A6  
**EXISTING ELEVATION**  
SCALE: 1/16" = 1'-0"



**2**  
A6  
**PROPOSED ELEVATION**  
SCALE: 1/16" = 1'-0"



**3**  
A6  
**EXISTING ELEVATION**  
SCALE: 1/16" = 1'-0"



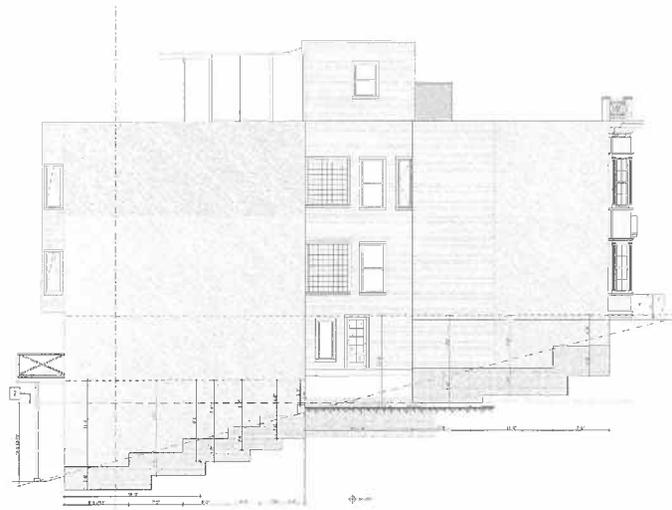
**4**  
A6  
**PROPOSED ELEVATION**  
SCALE: 1/16" = 1'-0"

**KEY NOTES - EXT. ELEVATIONS:**

- 1 EDGING FINISH LINE
- 2 GRADE PLANE
- 3 2025 LARKIN ST.
- 4 2025 LARKIN ST.
- 5 1/4" PLYWOOD METAL GARAGE DOOR
- 6 STONE VENEER
- 7 1/2" X 1/2" WOOD SIDING
- 8 CUSTOM WOOD WINDOWS AND DOORS
- 9 CUSTOM BRICK WALL WINDOWS AND DOORS
- 10 STUCCO (POLYMER FIBER)
- 11 1/2" WOOD SHARD Siding
- 12 FLUSH GLAZED BALCONY
- 13 METAL EDGE, METAL COLLARS & RAIN WATER ESCAPE
- 14 1/2" X 1/2" WOOD SIDING
- 15 STUCCO (POLYMER FIBER)
- 16 WOOD VENEER
- 17 EXPOSED CONCRETE
- 18 1/2" X 1/2" WOOD SIDING
- 19 PHOTOVOLTAIC PANELS
- 20 ALUMINUM STAIR
- 21 ALUMINUM BODY
- 22 AIR SKY LIGHT

**ELEVATIONS**  
**LARKIN ST RESIDENCES**  
2445-2449 LARKIN ST.  
SAN FRANCISCO, CA

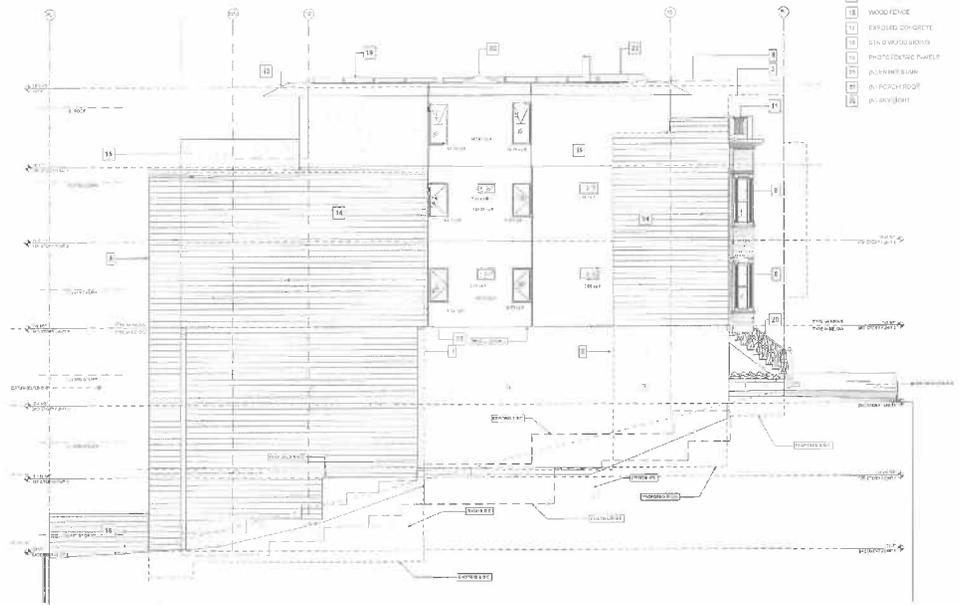
SK # A6



2  
A7

**EXISTING SOUTH ELEVATION**

SCALE: 1/16" = 1'-0"



**KEY NOTES - EXT. ELEVATIONS:**

- 1 ZONING ENVELOPE
- 2 GRADE PLANE
- 3 SITS LARKIN ST
- 4 INSULAR CREST
- 5 ALUMINUM METAL GARAGE DOOR
- 6 6 TONE VENTILATOR
- 7 PHOTO BOARDS SIGNAGE
- 8 CUSTOM WOOD W/ HORIZONTAL SLATS
- 9 CLASSIC METAL W/ HORIZONTAL SLATS
- 10 STUCCO (COLOR: T-10-01)
- 11 REYNOLDS QUARTZ ANGLE
- 12 GLASS GUARD RAILING
- 13 METAL BRACKET WITH GUTTERS & RAIN WATER LEADER
- 14 EXISTING WOOD SIGNAGE
- 15 STUCCO (COLOR: T-10-01)
- 16 WOOD FENCE
- 17 EXPOSED CONCRETE
- 18 SLIP RESISTANT GRASS
- 19 PHOTO SIGNAGE PANELS
- 20 POLYURETHANE
- 21 W/ PORCH ROOF
- 22 POLYURETHANE

6  
A7

**SOUTH ELEVATION**

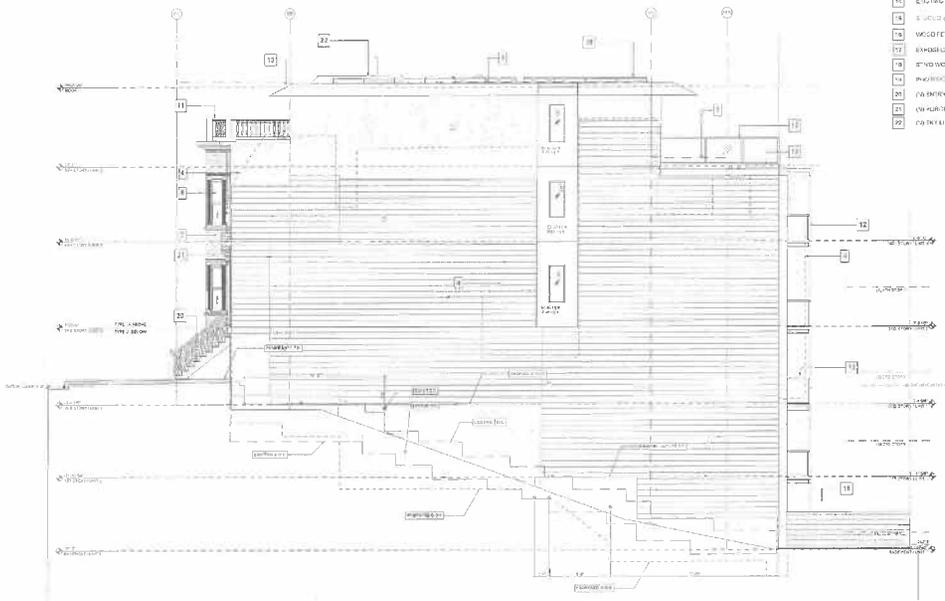
SCALE: 1/16" = 1'-0"

**ELEVATIONS**  
**LARKIN ST RESIDENCES**  
 2445-2449 LARKIN ST.  
 SAN FRANCISCO, CA

SK # **A7**



**1**  
A8  
**EXISTING NORTH ELEVATION**  
SCALE: 1/16" = 1'-0"



- KEY NOTES - EXT. ELEVATIONS:**
- 17 ALUMINUM CHIMNEYS
  - 2 BRICK PLANE
  - 3 240 LARKIN ST
  - 4 235 LARKIN ST
  - 5 ALUMINUM CASSE CASSE DOOR
  - 6 STONE VENEER
  - 7 HERRING BONE
  - 8 CUSTOM WOOD FINISHING AND DOORS
  - 9 CUSTOM WOOD FINISHING AND DOORS
  - 10 SLIDING DOOR (X-TYPE)
  - 11 RECYCLED WOOD FINISHING
  - 12 GLASS GUARD RAILING
  - 13 WOOD DECK, METAL RAILING & DOWNWELL
  - 14 BRICK
  - 15 8" SIP TRAC WOOD BOARD
  - 16 8" SLIDING DOOR (X-TYPE)
  - 17 WOOD FENCE
  - 18 EXPOSED CONCRETE
  - 19 8" SIP TRAC WOOD BOARD
  - 20 ALUMINUM RAILING
  - 21 POLYURETHANE PAINT
  - 22 POLYURETHANE PAINT

**2**  
A8  
**NORTH ELEVATION**  
SCALE: 1/16" = 1'-0"

**ELEVATIONS**  
**LARKIN ST RESIDENCES**  
2445-2449 LARKIN ST.  
SAN FRANCISCO, CA

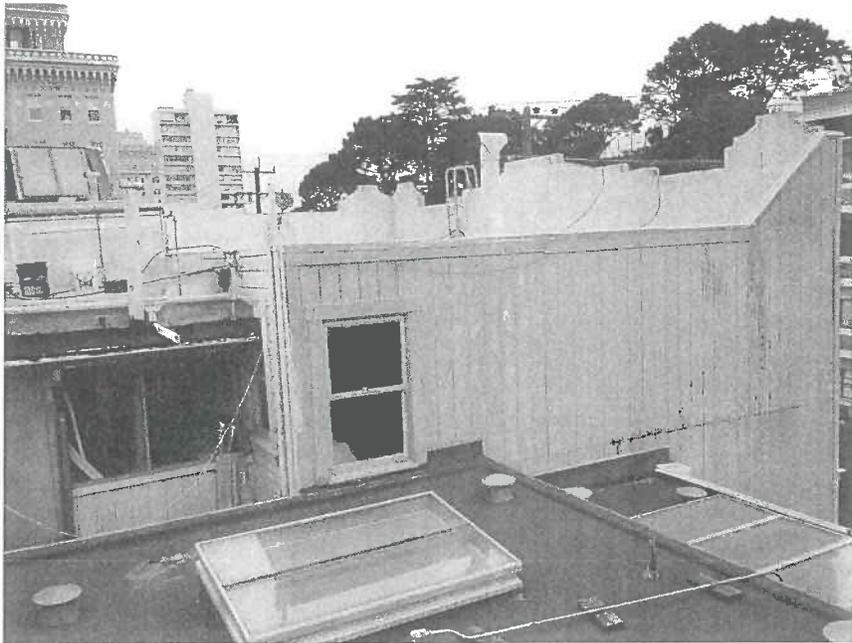
SK # A8

EXHIBIT C



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2445-2449 LARKIN STREET



View North Across 2451-2453 Larkin St to 2459 Larkin St



View North Across 2451-2453 Larkin St to 2459 Larkin St

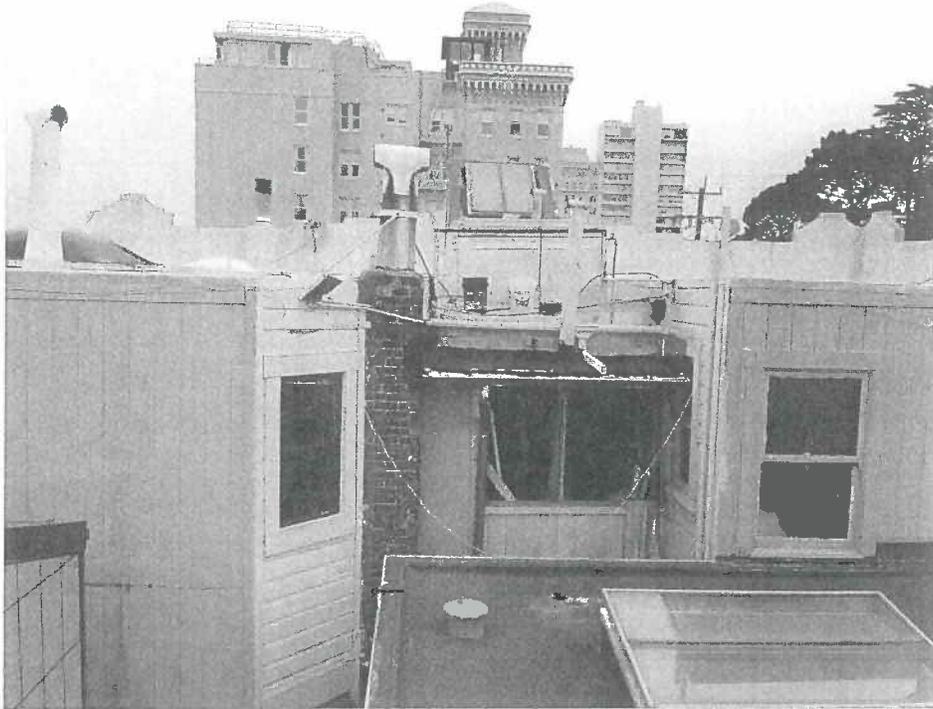
EXHIBIT C



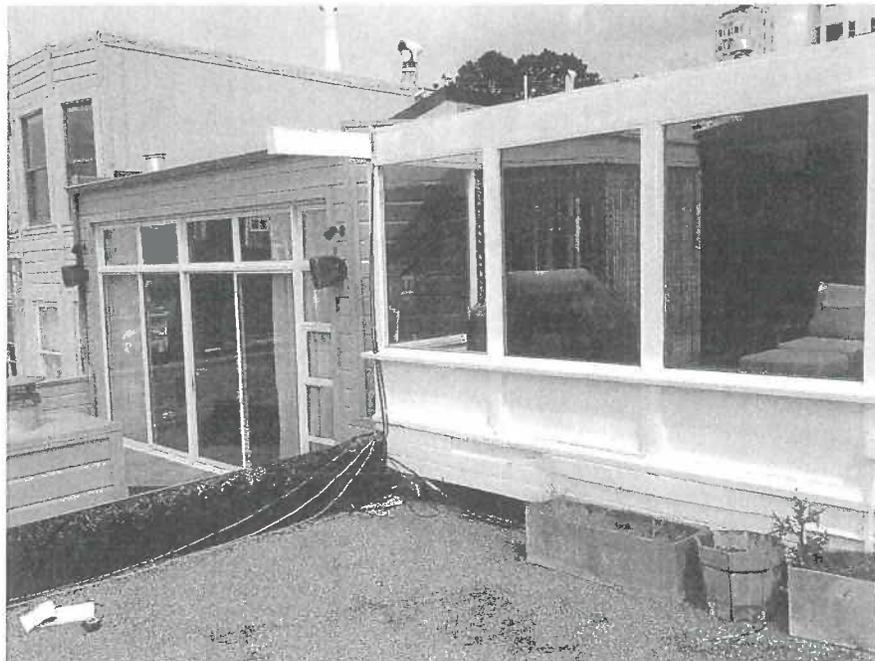
Tyson H. Dirksen

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2445-2449 LARKIN STREET



View North Across 2451-2453 Larkin St to 2459 Larkin St



Rear of 2445-2449 Larkin St and 2451-2453 Larkin St

EXHIBIT C



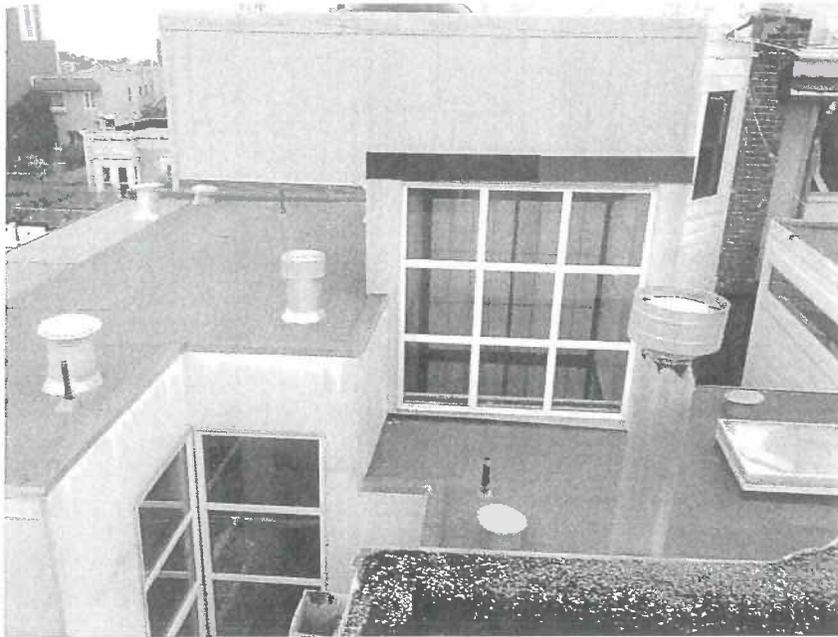
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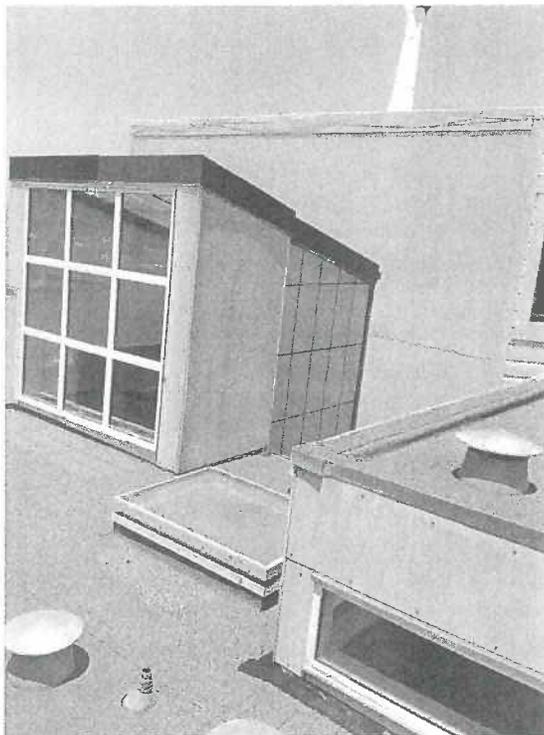
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2445-2449 LARKIN STREET



View of 2451-2453 Larkin St's Top Floor Sitting Room and Stairwell Roof from 2445-2449 Larkin's Roof



View of 2451-53 Larkin St's Stairwell Windows, Skylight at Upstairs Landing, and Clerestory Window at Master Bedroom

EXHIBIT C



Tyson H. Dirksen

2447 Larkin Street, San Francisco, CA 94109

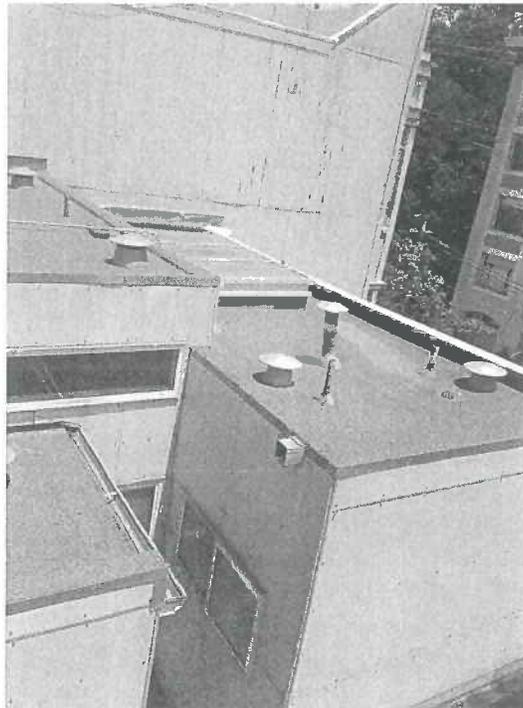
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Fax 650.741.1562 :: tyson@d8development.com

2445-2449 LARKIN STREET



View of 2451-2453 Larkin St's Master Bedroom Clerestory Window, and Stairwell Window from 2445-2449 Larkin's Roof Deck



View of 2451-2453 Larkin St's South-West Light Well which leads to Master Bedroom, Stairs, and Master Bath

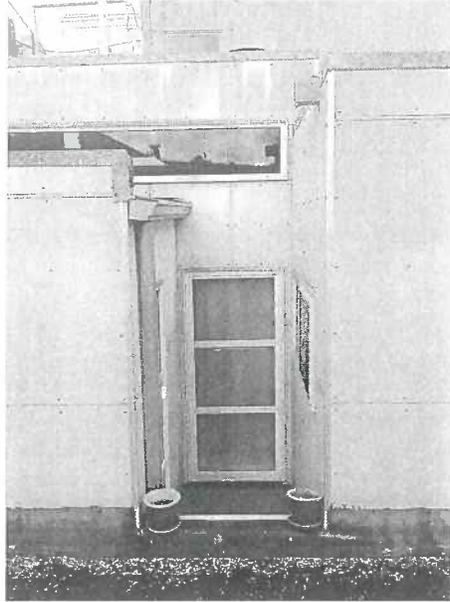
# EXHIBIT C



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2451-2453 LARKIN STREET



2451-2453 Larkin St's South West Light Well Off of Master Bedroom  
Secondary Stairs and Master Bath with Clerestory Above



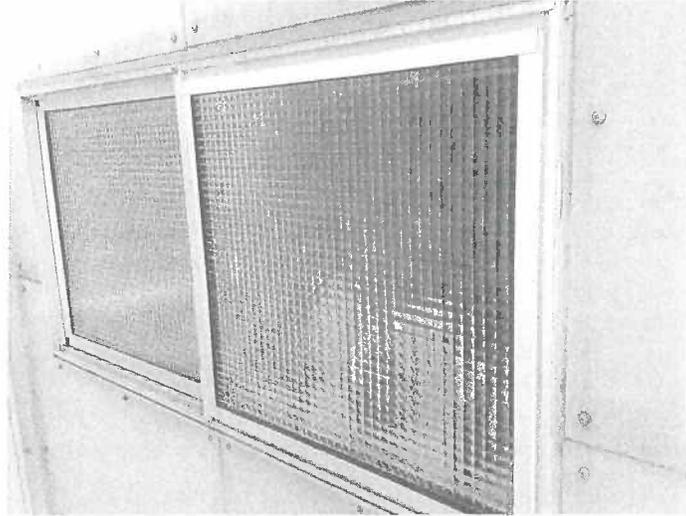
Two of Three Windows in Light Well are Frosted

# EXHIBIT C

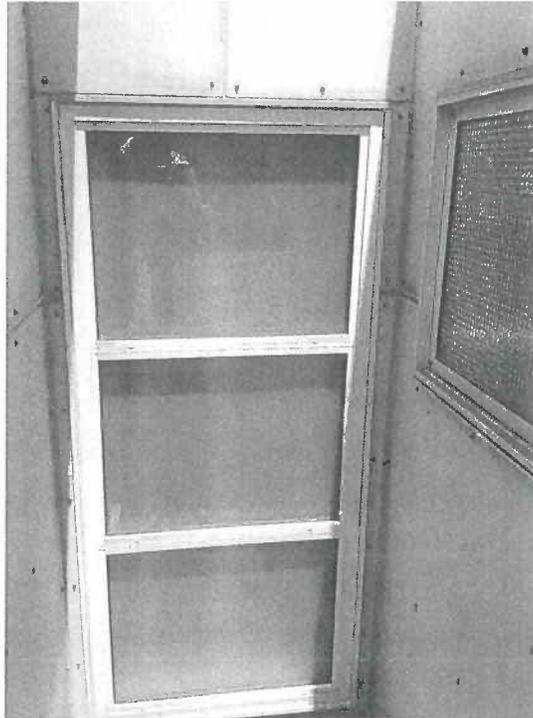


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Tel 415.624.3206 :: Cell 650.339.3376  
Fax 650.741.1562 :: tyson@d8development.com

2445-2449 LARKIN STREET



Frosted Window



Frosted Window

# EXHIBIT C



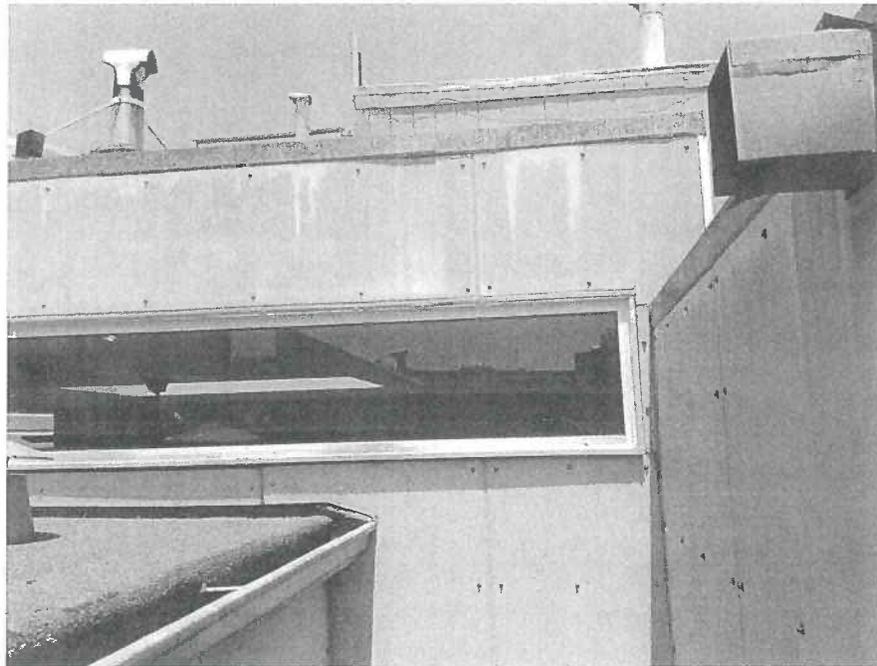
**Tyson H. Dirksen**  
2447 Larkin Street, San Francisco, CA 94109  
Tel 415.624.3206 :: Cell 650.339.3376  
Fax 650.741.1562 :: tyson@d8development.com

2448-2449 LARKIN STREET



**Clear Window that Off of Stairway**

(Does Not Receive a lot of Direct Light Because Facing West with other Light Well Wall 3' Away)



**Clerestory Window Above Light Well**

EXHIBIT C



Tyson H. Dirksen

2447 Larkin Street, San Francisco, CA 94109  
Tel 415.624.3206 :: Cell 650.339.3376  
Fax 650.741.1562 :: tyson@d8development.com

2445-2449 LARKIN STREET



View of 2451-2453 Larkin St's Skylight Above Master Bedroom and Clerestory Windows on South and West Side of Master Bedroom



**Tyson H. Dirksen**

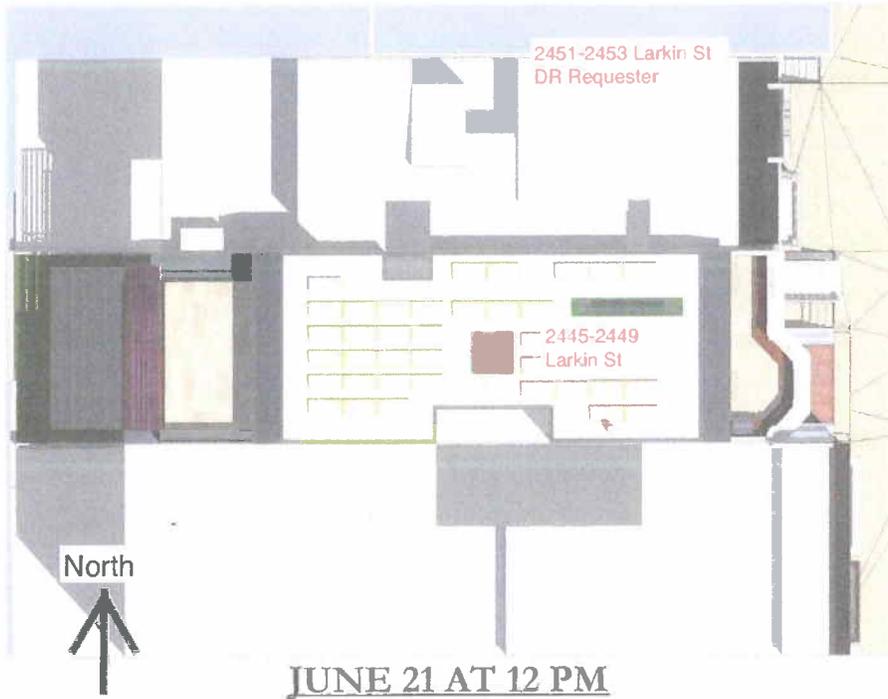
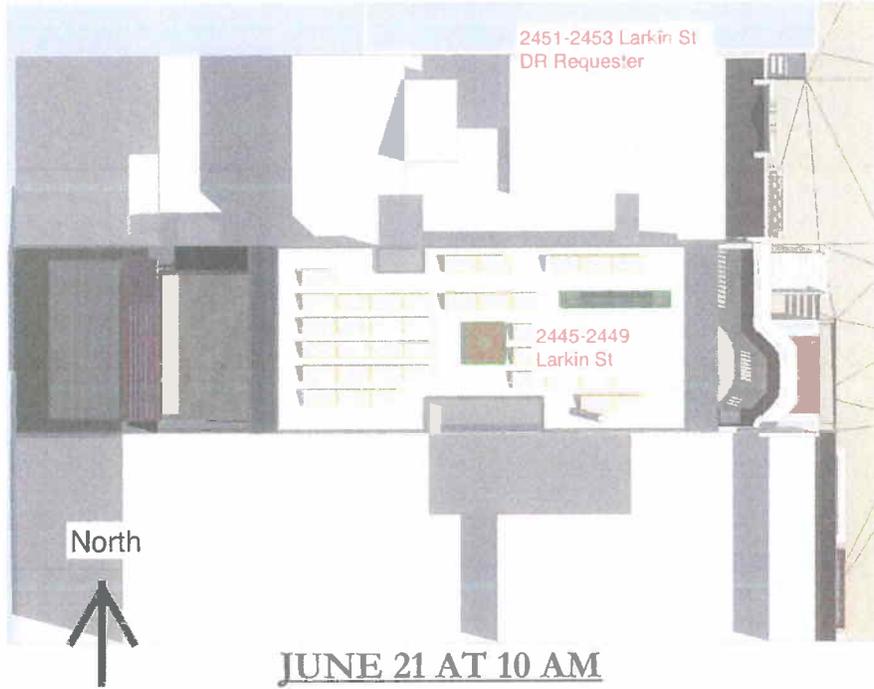
2447 Larkin Street, San Francisco, CA 94109

Tel 415.624.3206 :: Cell 650.339.3376

Fax 650.741.1562 :: [tyson@gmail.com](mailto:tyson@gmail.com)

**2445-2449 LARKIN STREET**

**Exhibit D**





Tyson H. Dirksen

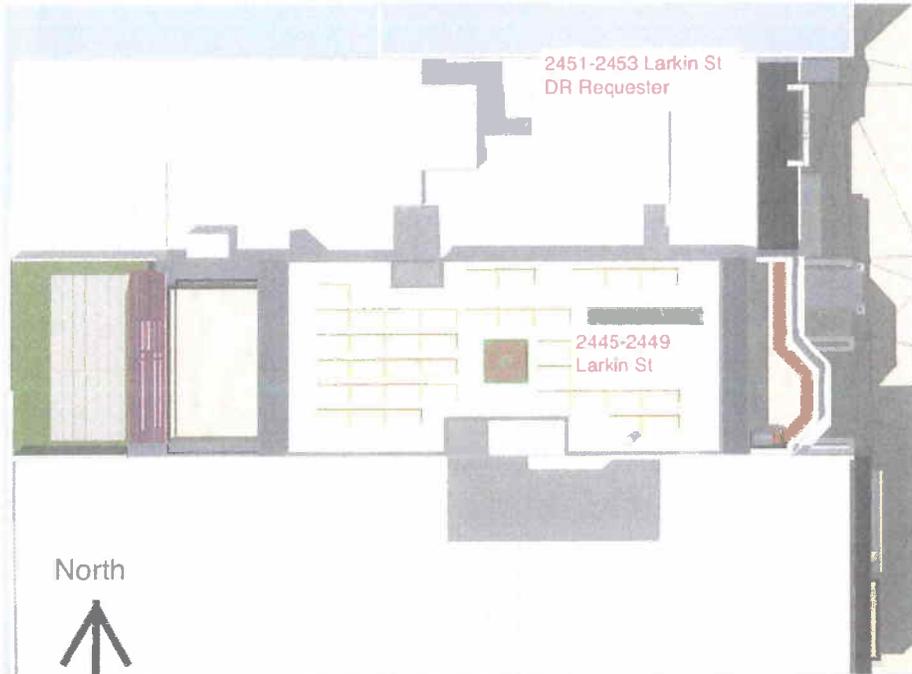
2447 Larkin Street, San Francisco, CA 94109

Tel 415.624.3206 :: Cell 650.339.3376

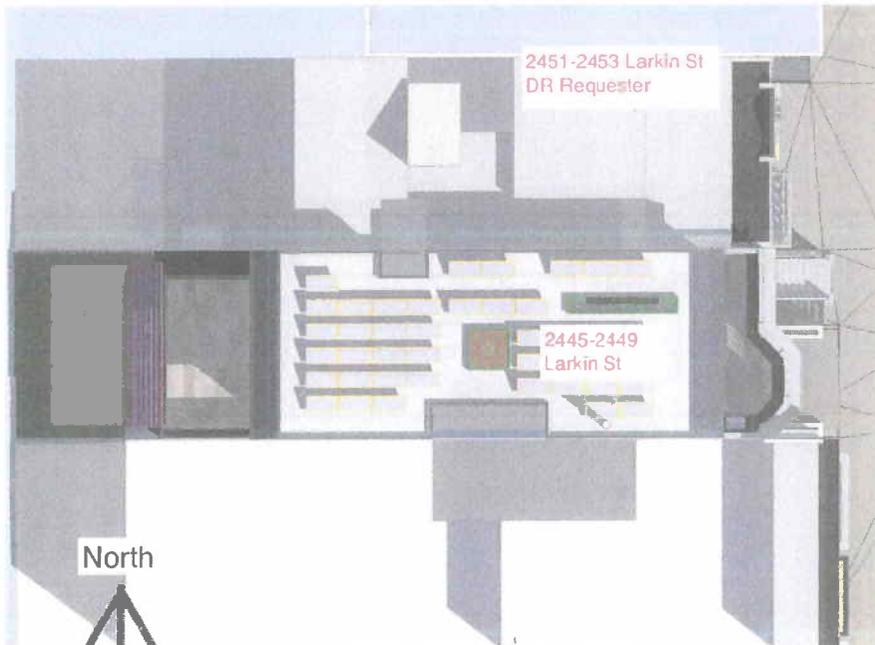
Fax 650.741.1562 :: [tyson@gmail.com](mailto:tyson@gmail.com)

2445-2449 LARKIN STREET

Exhibit D



JUNE 21 AT 2 PM



MARCH 21 AT 10 AM



Tyson H. Dirksen

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Tel 415.624.3206 :: Cell 650.339.3376

Fax 650.741.1562 :: [tyson@gmail.com](mailto:tyson@gmail.com)

2445-2449 LARKIN STREET

Exhibit D





**Tyson H. Dirksen**

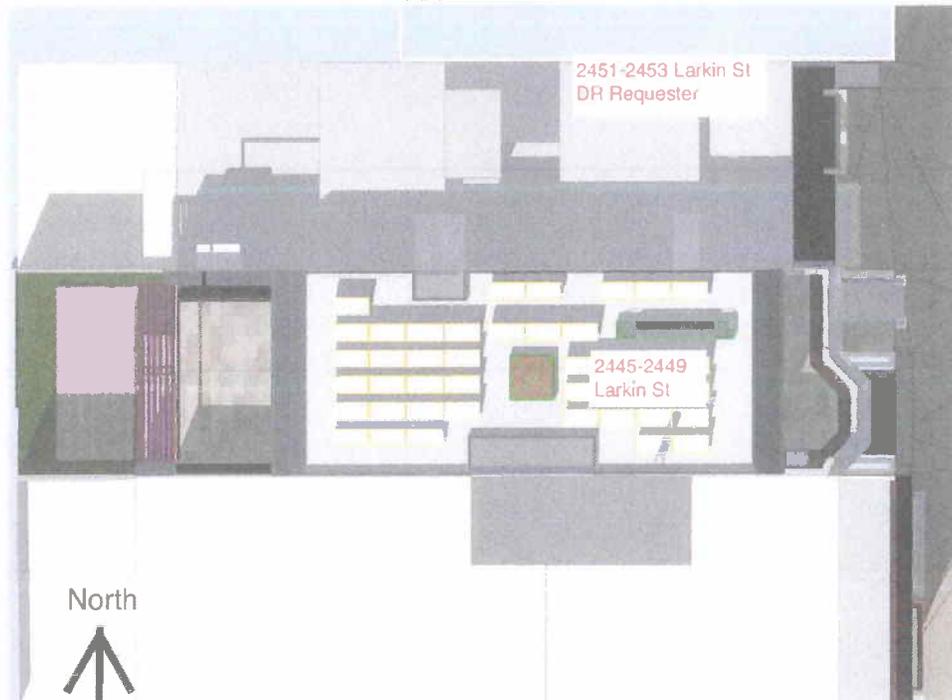
2447 Larkin Street, San Francisco, CA 94109

Tel 415.624.3206 :: Cell 650.339.3376

Fax 650.741.1562 :: [tyson@gmail.com](mailto:tyson@gmail.com)

2445-2449 LARKIN STREET

**Exhibit D**



North



**DECEMBER 21 AT 2 PM**

**EXHIBIT E**  
**“LETTER AGREEMENT”**

May 16, 2013

Rahul & Angela Narang  
2451-2453 Larkin Street  
San Francisco, CA 94109

Re: Proposed Development at 2445-2449 Larkin Street (the “Project”)

Dear Rahul & Angela:

This letter is to confirm our understanding and agreement concerning the Project, including our commitment to make certain design changes to the Project, and you withdrawing your pending request for discretionary review for the Project. This letter agreement shall be effective when fully counter-signed by all parties, and is subject to the following conditions:

- (1) We will name Rahul Narang and Angela Narang as additional insureds under the Project's Wrap Insurance Policy, primary and excess.
- (2) A copy of each of the Policies' Declaration's Pages and the Additional Insured Certificates are issued to you as soon as available and prior to commencement of earthwork related to the Project.
- (3) A complete set of the excavation and foundation plan sheets, specifications and geotechnical report for the Project are provided to you for peer review prior to us submitting for building plan check at the City.
- (4) All review of Project plans, specs, and documents shall be at your sole expense.

You have shown concern about the design of our foundation and structural support for the building on your property during excavation of the Project. While we believe that our design is acceptable and meets all building codes, to help mitigate your risk and as a sign of good faith we are willing to pay for an existing conditions survey of your building by a mutually agreed upon licensed surveyor. The surveyor will obtain data points at the following times to determine whether any material vertical movement of your building has occurred due solely to construction of Project: 1) prior to mass excavation, 2) at completion of foundation form work, 3) and at completion of foundation. Each survey report will be issued to you within seven (7) business days of completion, unless there are unforeseen delays outside of the surveyor's control.

Additionally, we will provide you with our draft proposed plans, specs, and reports related to the Project's earthwork and foundation activities for peer review. We will provide you with 5 business days to review the documents at which time reasonable concerns shall be provided to us in writing by a local, qualified, and licensed structural and/or geotechnical engineer(s) (“Engineers”) with at least 10 years of experience working on comparable projects in San Francisco. Given that we have engaged a highly reputable and experienced design and engineering team, we am very hopeful that your Engineers will be supportive and appreciative of our initial design. However, should your Engineers raise substantive concerns related to potential and material performance issues with your building directly related to the earthwork

## EXHIBIT E

### “LETTER AGREEMENT”

and foundation portion of our Project, our design team will consider addressing such concern in good faith through the following process:

- 1) If our design team agrees with your Engineers' recommendations, we will incorporate the recommendations into our design and construction scope.
- 2) If our design team disagrees with your Engineers' recommendations, then our design team will provide you with a written analysis including the requisite calculations and/or building code citations, describing why the recommendations of your structural engineer are unnecessary.

If the Project's design team determines underpinning of your building is necessary, we agree to pay for those construction costs, and you will cooperate with any necessary underpinning work and permits, including any necessary authorizations or approvals required by the Building Department. For the design of this underpinning, approximately 30 days prior to submittal for building plan check, we will provide you with our draft proposed plans, specs, and reports for peer review. We will provide you with 5 business days to review the documents at which time reasonable concerns shall be provided to us in writing by your Engineers. Should your Engineers raise substantive concerns related to potential and material performance issues with your building directly related to the underpinning work, our design team will consider addressing such concerns in good faith through the following process:

- 1) If our design team agrees with your Engineers' recommendations, we will incorporate the recommendations into our design and construction scope.
- 2) If our design team disagrees with your Engineers' recommendations, then our design team will meet and confer with your Engineers for the purpose of reaching a mutually agreeable compromise.
- 3) If a mutually agreeable compromise cannot be reached at such meeting, then our design team will provide you with a written analysis including the requisite calculations and/or building code citations, describing why the recommendations of your structural engineer are unnecessary.
- 4) Your Engineers will have 5 business days to issue its' own counter-opinion including its requisite calculations and/or building code citations. Provided that your Engineers provide the information required by the previous sentence, both opinions will then be submitted to a mutually agreed upon third party engineer for a final binding determination. Such 3<sup>rd</sup> party review shall be completed within 10 business days and the cost for such 3<sup>rd</sup> party engineering evaluation will be shared equally between the parties.

Understandably, we cannot agree in advance to make any changes that we believe are not structurally relevant or necessary; however, we do agree to consider the comments made by your engineer in good faith, with the ultimate goal of reasonably protecting your property from material physical damage caused solely by excavation and foundation work related to our Project. To be clear, we agree that the excavation and foundation plans will insure that your property is protected from physical damage, and that the plans are designed and approved by a

## EXHIBIT E

### “LETTER AGREEMENT”

qualified and reputable engineer. Furthermore, the City and County of San Francisco will need to approve the plans.

To ensure that you and your property is so protected we agree to the following Indemnity Clause: To the fullest extent permitted by law, The Larkin Street Residences LLC on its own behalf and on behalf of its respective insurers and sureties, expressly agree to fully defend, indemnify and hold Rahul Narang and Angela Narang harmless from and against all claims, losses, costs, damages and attorneys' fees, pertaining solely to (i) the design and/or performance of any excavation, shoring, underpinning, foundation and structural support work of any kind, on or incidental to the Project, and (ii) involving personal injury, death or property damage, including the actual and complete loss of use of property resulting there from but not damage to the work itself. Any loss of use shall be compensated at the rate of \$200 per day. This duty to defend, indemnify and hold harmless shall include all damages to the extent caused by any negligent act or omission, whether active or passive, excepting only when the indemnities are negligent or their conduct is willful or defects in construction of the existing building.

Separately, you have also raised some concern about the construction of a roof deck on the sixth level, the location of the proposed photovoltaic array on the sixth level roof, and any possible parapets on the sixth level roof. We agree to not build a roof deck on the sixth level. We are also willing to place the photovoltaic array or any parapets on the sixth level roof, except for the curbs necessary for the flat roof drainage, far enough South on the Project's roof in order to minimize any extra shading than our proposed Project will already cast onto your property on December 21st at 12PM.

In consideration for the above agreements, you expressly agree to (i) withdraw the pending discretionary review application you filed with the San Francisco Planning Department within 1 business day of execution of this agreement, and (ii) with regards to the issues addressed in your request for discretionary review, to not appeal or challenge the Project, including, without limitation: (a) the current building application number 2012.09.04.8875, (b) the current building permits relating to the Project, and/or (c) any other existing permits, entitlements, or municipal approvals for the Project. You also agree that this letter may be shown to the applicable governmental agency to confirm that the discretionary review is being withdrawn. However, it is also understood that should there be any material changes to the submitted plans (Schematic 41 dated 10/05/2012, including Revision 11/18/2012) for the Project after the date of this letter, you will still have the right to review them (if such right is granted by local ordinance) and that the above agreement does not affect any of your future rights to review or challenge same, in any forum. For purposes of this letter, material changes are any significant changes (more than 5%) to the above-grade building envelope's mass and location, and that are not necessary due to field conditions, clarifications, or corrections.

In the case of any dispute regarding the terms of this agreement, or any claimed breach of this agreement, the parties agree to first proceed to Mediation thru either a mutually agreeable Mediator or Mediation thru JAMS San Francisco office, costs to be split on a 50-50 basis. In the event Mediation is not successful in resolving such dispute, the parties may proceed either by Arbitration thru the AAA San Francisco office, but only if both parties agree, or via legal action

**EXHIBIT E**  
**“LETTER AGREEMENT”**

in the Superior Court of the City and County of San Francisco which shall have jurisdiction over such disputes. In any such dispute, each party will bear their own attorney's fees and costs.

If the above terms are acceptable, then please sign this letter in the space indicated below to confirm your agreement. Once fully signed and counter-signed, you will issue a letter noting:

"Please be advised, our Discretionary Review application dated \_\_\_\_\_ is hereby withdrawn. Thank you."

THE ABOVE TERMS ARE CONFIRMED AND AGREED TO:

THE LARKIN STREET RESIDENCES, LLC

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Name: Rahul Narang

By: \_\_\_\_\_

Name: Angela Narang

By: \_\_\_\_\_

# Exhibit F

Angela Chargois <angelachargois@gmail.com>  
To: Tyson Dirksen <tyson@d8development.com>  
Re: Revised doc

May 17, 2013 7:33 PM

Hi Tyson,

Thanks for the email and inserting the new phrasing.

One scenario that is still not covered from the phrasing you inserted is if your project design team determines underpinning of our building is unnecessary, BUT our engineering team determines it is necessary. This is why we had proposed the following in our original draft:

"all excavation, shoring, underpinning, foundation and structural support work of any kind related to or necessitated by the Project and as determined below will be at our sole expense".

This has been a point of concern since we began this process and are hoping we can get resolution on this. Once we resolve this issue, the other changes to the agreement we propose are:

Pg. 1, last paragraph - the 5 business days review is a little short; we would like to request 10 days. You have also inserted new language that our engineer have certain experience. We plan on hiring an engineer with deep experience, BUT the term "comparable projects in San Francisco" is somewhat ambiguous so we would like to strike this phrasing.

Pg. 3, Re: the Indemnity Clause, we would like to have the per day loss of use rate you added removed.

Pg. 3, third paragraph... please modify (as underlined) to read "you will still have the right to review them (if such right is granted or implied by local ordinance) and". We would also like to remove the phrase of "For purposes of this letter, material changes are any significant changes (more than 5%) to the above-grade building envelope's mass and location, and that are not necessary due to field conditions, clarifications, or corrections".

Should you like to meet to discuss these changes, we are still available to meet the evening of Saturday the 25th or Memorial Day.

Kind regards,  
Rahul and Angela

On May 16, 2013, at 1:11 PM, Tyson Dirksen <tyson@d8development.com> wrote:

Hi Rahul and Angela,

Of course, we plan to pay for all construction work in order to renovate our building on our property. Additionally, the Project's design team sees no need to do any work on your property, such as underpinning your building. However, should they see the need to underpin your property at a later date, we will take care of those construction costs. I have inserted that phrasing into the document.

"If the Project's design team determines underpinning of your building is necessary, we agree to pay for those construction costs, and you will cooperate with any necessary underpinning work and permits, including any necessary authorizations or approvals required by the Building Department."

Please see updated agreement attached. Please review as quickly as possible, since your DR has already delayed our schedule by 2+ months.

Kind regards,

Tyson Dirksen

2147 Larkin Street  
San Francisco, CA 94119  
T: 415.624.3296  
C: 650.337.3376  
E: tyson@l8development.com

<Larkin\_Letter\_Agreement - 2013.5.16.doc>

On May 15, 2013, at 5:36 PM, Angela <angelachargois@gmail.com> wrote:

Hi Tyson, a little hectic around here, apologies for taking so long to respond. In reviewing the doc, there are few things we'd like to tweak a bit, but the one major concern is that the phrase "all excavation, shoring, underpinning, foundation and structural support work of any kind related to or necessitated by the Project and as determined below will be at our sole expense" has been removed and no comparable phrase has replaced it. This leaves ambiguity as to whether you will cover these costs if deemed necessary through the process as outlined in the agreement.

Are you agreeing to pay for the costs of these things if deemed necessary? If so, we'd like to add that back to the agreement.

As I said, there are some other changes that we can make and return to you in a revised doc, but the major concern outlined above should first be addressed.

Unfortunately, we have very busy schedules over the next several days, but would be happy to meet to discuss next week if you are around. We aren't going out of town for the holiday, Sat evening or all day Monday are good for us.

Regards,  
Rahul and Angela

On May 14, 2013, at 2:45 PM, "Narang, Rahul" <Rahul.Narang@culumbi-management.com> wrote:

Ty,

Lets get back to him tonight.

From: Angela Chargois [mailto:angelachargois@gmail.com]  
Sent: Tuesday, May 14, 2013 2:43 PM  
To: Rahul; Narang, Rahul

Subject: Fwd: Revised doc

FYI

----- Forwarded message -----

From: Tyson Dirksen <[tyson@tsdcservices.com](mailto:tyson@tsdcservices.com)>  
Date: Tue, May 14, 2013 at 2:13 PM  
Subject: Re: Revised doc  
To: Angela Charcois <[angela.charcois@wvra.com](mailto:angela.charcois@wvra.com)>

Hi Angela,

I wanted to touch base to make sure that you received the revised letter agreement last Monday. Please let me know if you have any questions.

Regards,

Tyson Dirksen

D8 Development

2447 Larkin Street

San Francisco, CA 94109

T: 415.674.3766

C: 650.339.3370

F: 670.713.1563

[tyson@tsdcservices.com](mailto:tyson@tsdcservices.com)

On Apr 23, 2013, at 12:44 PM, Angela Charcois <[angela.charcois@wvra.com](mailto:angela.charcois@wvra.com)> wrote:

Hi Tyson, can you please send me the specifics of the voicemail you left yesterday? I want to try and capture your thoughts in the next draft of the agreement. Thanks, Angela

On Tue, Apr 9, 2013 at 2:46 PM, Tyson Dirksen <[tyson@tsdcservices.com](mailto:tyson@tsdcservices.com)> wrote:

Hi Rahul and Angela,

We did receive the revised doc and apologize for the belated reply.

We have been thinking a lot about your proposal but still do not feel comfortable with the structure of the peer review. As we previously stated, we have taken a lot of time to chose the Project team (structural engineer, geo-technical engineer, civil engineer, architect, building envelope consultant, water proofing consultant, etc) and don't feel comfortable allowing another engineer have final say of the Project's foundation is built. We are comfortable having a your engineer complete a peer review and make recommendations/comments. The Project's team will then review these recommendations made by your engineer and make justifications for their final design decisions in good faith with the ultimate goal of protecting your property from any physical damage caused by our work. **Not to mention, any building plans have to be approved by the San Francisco department of building inspection.**

There is some other language in the agreement that is too broad but I don't want to waste time refining that language until we come to terms on the peer review.

Let me know your thoughts or maybe it is best that we meet in person to discuss again.

Kind regards,

Tyson Dirksen

2447 Larkin Street

San Francisco, CA 94109

T: 415.621.7309

C: 650.336.3376

F: 650.741.1593

[www.tysondevelopment.com](http://www.tysondevelopment.com)

On Apr 7, 2013, at 4:22 PM, Angela Chargois <[angelachargois@gmail.com](mailto:angelachargois@gmail.com)> wrote:

Hi Tyson,

Just checking in to see if you have had time to review the revised doc that was sent on March 22 and if you had any comments/thoughts about it that you wanted to share.

Regards,

Rahul and Angela

On Mar 22, 2013, at 8:48 PM, Angela Chargois <[angelachargois@gmail.com](mailto:angelachargois@gmail.com)> wrote:

Hi Tyson,

Again, sorry for the delay in getting back to you due to being out of town.

We appreciate your offer to list us as an additional insured on your insurance policy. It does make us feel more comfortable, so we have incorporated that as well as a few other modifications as advised by our lawyer.

Please take a look and let us know your thoughts and if you have any questions.

Regards,

Rahul and Angela

From: Angela Chargois <[angelachargois@gmail.com](mailto:angelachargois@gmail.com)>

Date: March 12, 2013 5:20:19 PM PDT

To: Tyson Dirksen <[tyson@tysondevelopment.com](mailto:tyson@tysondevelopment.com)>

Subject: Re: Revised doc?

Thanks Tyson.

Rahul met with the lawyer today and he expects to hear back from him early next week. We'll be in touch.

Kind regards,

Angela

On Mar 11, 2013, at 2:40 PM, Tyson Dirksen <[tyson@tysondevelopment.com](mailto:tyson@tysondevelopment.com)> wrote:

Hi Angela and Rahul,

Sorry for the delay but we have discussing/researching your desired modification.

We have taken a lot of time to chose the project's design team (structural engineer, geo technical engineer, civil engineer, architect, building envelope consultant, water proofing consultant, etc) and feel confident that your engineer and our project's design team will concur on the construction means and methods. Thus, we agree to have the project's design teams to consider the comments made by your engineer in good faith, with the ultimate goal of protecting your property from any physical damage caused by our work. However

On May 14, 2013, at 2:13 PM, Tyson Dirksen <[tyson@tysondevelopment.com](mailto:tyson@tysondevelopment.com)> wrote:

Hi Angela,

I wanted to touch base to make sure that you received the revised letter agreement last Monday. Please let me know if you have any questions.

Regards,

Tyson Dirksen

D8 Development  
2471 Larkin Street  
San Francisco, CA 94109  
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C: 650.359.3376  
F: 650.711.1362  
[tyson@8dev.com](mailto:tyson@8dev.com)

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There is some other language in the agreement that is too broad but I don't want to waste time refining that language until we come to terms on the peer review

Let me know your thoughts or maybe it is best that we meet in person to discuss again.

Kind regards,

Tyson Dirksen

2471 Larkin Street  
San Francisco, CA 94109  
T: 415.624.3206  
C: 650.359.3376  
F: 650.711.1362  
[tyson@8dev.com](mailto:tyson@8dev.com)

On Apr 7, 2013, at 4:22 PM, Angela Chargois <[angela.chargois@gmail.com](mailto:angela.chargois@gmail.com)> wrote:

Hi Tyson,

Just checking in to see if you have had time to review the revised doc that was sent on March 22 and if you had any comments/thoughts about it that you wanted to share.

Regards,

Rahul and Angela

On Mar 22, 2013, at 8:48 PM, Angela Chargois <[angela.chargois@gmail.com](mailto:angela.chargois@gmail.com)> wrote:

Hi Tyson,

Again, sorry for the delay in getting back to you due to being out of town.

We appreciate your offer to list us as an additional insured on your insurance policy. It does make us feel more comfortable, so we have incorporated that as well as a few other modifications as advised by our lawyer.

Please take a look and let us know your thoughts and if you have any questions.

Regards,

Rahul and Angela

From: Angela Chargois <[angela.chargois@gmail.com](mailto:angela.chargois@gmail.com)>  
Date: March 12, 2013 5:20:19 PM PDT  
To: Tyson Dirksen <[tyson@8dev.com](mailto:tyson@8dev.com)>  
Subject: Re: Revised doc?

Thanks Tyson.

Rahul met with the lawyer today and he expects to hear back from him early next week. We'll be in touch.

Kind regards,  
Angela

On Mar 11, 2013, at 2:40 PM, Tyson Dirksen <[tyson@8dev.com](mailto:tyson@8dev.com)> wrote:

Hi Angela and Rahul,

Sorry for the delay but we have discussing/researching your desired modification.

We have taken a lot of time to chose the project's design team (structural engineer, geo-technical engineer, civil engineer, architect, building envelope consultant, water proofing consultant, etc) and feel confident that your engineer and our project's design team will concur on the construction means and methods. Thus, we agree to have the project's design teams to consider the comments made by your engineer in good faith, with the ultimate goal of protecting your property from any physical damage caused by our work. However, we feel more confident allowing the project's design team make the final decision on how it is built. To be clear, we agree that the excavation and shoring plans will insure that your property is protected from damage, and that the plans are designed and approved by a qualified and reputable engineer.

If it would make you feel more comfortable, we would be happy to list you as additional insured on our insurance policy.

Please review revised letter agreement and let me know if you have any further questions/desired modifications.

Kind regards,

Tyson Dirksen

D8 Development  
2447 Larkin Street  
San Francisco, CA 94109  
T: 415.624.3299  
F: 415.339.3370  
P: 415.741.1567  
[www.d8development.com](http://www.d8development.com)

<Larkin Letter Agreement - 2013.3.11.pdf>

On Mar 9, 2013, at 4:02 PM, Angela Charjois <[angela.charjois@gmail.com](mailto:angela.charjois@gmail.com)> wrote:

Hi Tyson,

We've reviewed the letter and one thing we see that needs to be modified is that you'd pay the cost of shoring or underpinning our foundation only if deemed necessary by your design team.

We don't feel comfortable leaving the determination to shore/underpin our foundation solely in the hands of your design team. We would prefer if your team would defer to our engineer's recommendation, and that you would cover the costs of that work if deemed necessary. So, how might we resolve this?

One solution may be to include an additional language that says if our engineer says proper measures need to be taken to protect our foundation, which may include shoring or and your team says that it isn't, then perhaps, at your expense, a third certified/qualified structural engineer of our choosing could be called upon to make the final determination. Open to any ideas you have about how we might address this.

You'll also need to remove the references to us not filing a DR since it has been filed.

We were able to find a new lawyer and will be meeting him to review the agreement on Tuesday. We'd like to bring any revisions to his attention at that meeting.

Thanks,  
Angela

On Mar 8, 2013, at 1:50 PM, Tyson Dirksen <[tyson@d8development.com](mailto:tyson@d8development.com)> wrote:

Just finished up revisions. See attached.

Tyson Dirksen

D8 Development  
2447 Larkin Street  
San Francisco, CA 94109  
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F: 415.339.3370  
P: 415.741.1567  
[www.d8development.com](http://www.d8development.com)

<Larkin Letter Agreement - 2013.3.8.pdf>

On Mar 8, 2013, at 1:47 PM, Angela Charjois <[angela.charjois@gmail.com](mailto:angela.charjois@gmail.com)> wrote:

Hi Tyson,

Just checking in to see if you had sent the revised doc? If so, it hasn't come through yet. If you haven't sent it yet, when might we expect it so we can pass that info on to a lawyer?

Also, as discussed yesterday, we went ahead and filed the DR today (due to the March 10 deadline) with the intention of yanking it once we come to an agreement.

Regards,  
Angela

On Thu, Mar 7, 2013 at 8:21 PM, <[angela.charjois@gmail.com](mailto:angela.charjois@gmail.com)> wrote:

Thanks, we have a few questions. Do you have time to discuss tonight? We are free now.  
Sent via BlackBerry by AT&T

----- Original Message-----

From: Tyson Dirksen <[tyson@d8development.com](mailto:tyson@d8development.com)>  
Date: Thu, 7 Mar 2013 19:56:08  
To: Angela <[angela.charjois@gmail.com](mailto:angela.charjois@gmail.com)>  
Subject: Re: My email address

Lets try it again.

Regards,

Tyson Dickson

D8 Development  
2447 Larkin Street  
San Francisco, CA 94109

T: 415.621.3200

C: 415.339.3374

F: 415.621.1562

[tyson.dickson@d8.com](mailto:tyson.dickson@d8.com)

On Mar 7, 2013, at 7:41 PM, Angela <[angela@char.com](mailto:angela@char.com)> wrote:

> Hi Tyson,

>

> I didn't receive anything from you today so I wanted to make sure you had my email address in email rather than just text.

>

> Regards,

> Angela

<Larkin\_Letter\_Agreement\_-\_Revision\_3-22-13.doc>

