



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis HEARING DATE: JUNE 20TH, 2013

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: June 13th, 2013
Case No.: 2012.0112D
Project Address: 201 Fair Oaks Street (a.k.a. 3645 23rd Street)
Permit Application: 2012.01.05.1778
Zoning: RH-3 [Residential, House, Three -Family] Zoning District
40-X Height and Bulk District
Block/Lot: 3647/032
Project Sponsor: Alice Barkley
Rincon Center II
121 Spear Street, Suite 200
San Francisco, CA 94106
Staff Contact: Tom Wang – (415) 588-6335
thomas.wang@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

PROJECT DESCRIPTION

The proposal under the current Building Permit Application No. 2012.01.05.1778 is to legalize the expansion of an existing roof deck to 22 feet wide, removing the glass screen and keeping the planter boxes. The planter boxes will be located along the western edge of the expanded roof deck and abut on the parapet above the west side wall.

PROJECT HISTORY

On February 11th, 2010, a Building Permit Application No. 2010.02.11.6387 was filed for alterations to an existing two-story, mixed-use building, containing a commercial storefront (LCU) on the ground floor and one single-family dwelling on the second floor.

The proposed work included renovations to both street facades; the creation of a garage on the ground floor to accommodate one off-street parking space, accessing from Fair Oaks Street; and the construction of a third-story penthouse with a roof deck. The third-story penthouse would be set back 15 feet from the north building wall on 23rd Street and 10 feet from the west building wall on Fair Oaks Street. Under the proposal, the commercial storefront (LCU) would occupy a portion of the ground floor and the single-family dwelling would occupy the remaining portion of the ground floor, including the proposed garage and den; the second floor and the third floor penthouse.

On August 13th, 2010, a DR Application, Case No. 2010.0737D, was filed by Fair Oaks Community Coalition (FOCC) on behalf of a number of neighbors, including the "current DR requestors," who were concerned about the project's impacts on the neighborhood character and the surrounding properties. The Project Sponsor and FOCC reached an Agreement that included a list of design modifications. Modifications related to the subject roof deck included "Reduce the size of the roof deck such that the

western edge lines up with the western wall of the penthouse and provide a six foot etched or otherwise translucent (i.e., not frosted or 'white') glass windscreen on the western edge of the roof deck." The DR Application was subsequently withdrawn by FOCC.

The original roof deck, approved under the Building Permit Application No. 2010.02.11.6387, included, in part; the construction of a deck on the second floor roof of a proposed two-story plus penthouse, mixed-use building. The roof deck was located north of the penthouse, 12 feet wide and 15 feet deep with a glass screen bolted in planter boxes placed along its western edge. The glass screen, 14 feet long and 6 feet tall, was set back 10 feet from the parapet above the west side wall and was not visible from the street.

Based upon the Project Sponsor's statement, the proposed work under the approved 2010 Building Permit was completed in August 2011 according to the Agreement and the Agreement was disclosed to the current owners of the property in October 2011 after they had closed the escrow account in July 2011.

The Zoning Administrator determined that the expansion of the roof deck under the current Building Permit Application No. 2012.01.05.1778 would be subject to a 10-day Notice instead of a Section 311 Notice.

SITE DESCRIPTION AND PRESENT USE

The Subject Property is on the southeast corner of Fair Oaks and 23rd streets; Lot 032 in Assessor's Block 3647 in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The lot measures 46 feet wide and approximately 67 feet deep, containing an area of 3,082 square feet. Existing grade on the lot slopes slightly down from west towards east and from south toward north. Currently, the lot contains two independent buildings. At 201 Fair Oaks Street (a.k.a. 3645 23rd Street) is the subject two-story plus penthouse, mixed use building. A commercial storefront (LCU) occupies a portion of the ground floor. A single-family dwelling occupies the remaining ground floor, the second floor and the penthouse. The second building at 3647 – 3649 23rd Street contains a three-story plus penthouse, two-family dwelling, constructed in late 2010.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Subject Property is in the Mission neighborhood. The surrounding neighborhood generally has a mixed visual character. The subject block-face fronting on 23rd Street consists of a mix of stucco and wood single- and two-family homes and multi-family apartment buildings. A variety of architectural styles and building forms exist on both sides of the street. Existing buildings on the subject block and the opposite block along 23rd Street are predominately three stories in height at the street level.

The immediately adjacent lot to the east, measuring 36 feet 6 inches wide and 67 feet deep, is developed with a three-story, two-family dwelling. The immediately adjacent lot to the south, measuring 28 feet 6 inches wide and 73 feet deep, is developed with a two-story, two-family dwelling.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
10-Day Notice*	10 days	January 23 rd , 2012 – February 2 nd , 2012	January 31 st , 2012	June 20 th , 2013	506 days from January 31 st , 2012**

*Based upon the Zoning Administrator's instructions, the expansion of the roof deck was subject to a 10-day Notice instead of a Section 311 Notice.

** The Project Sponsor requested that the DR hearing be scheduled after September 30th, 2012.

DR hearing on June 20th, 2013 was mutually agreed by the Project Sponsor and the DR Requestors.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	June 10 th , 2012	June 7 th , 2012	13 days
Mailed Notice	10 days	June 10 th , 2012	June 7 th , 2012	13 days

PUBLIC COMMENT

	SUPPORT*	OPPOSED	NO POSITION
Adjacent neighbor(s)	--	--	--
Other neighbors on the block or directly across the street	--	Two (DR Requestors)	--
Neighborhood groups	--	--	--

* The Project Sponsor included a number of support letters sent from residents on the subject and the opposite blocks and in the surrounding neighborhood.

DR REQUESTOR

Mark Anderson and Kimberlee Stryker, owners of a three-story, two-family home at 200 Fair Oaks Street, which is directly across Fair Oaks Street on the southwest corner of Fair Oaks and 23rd streets.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated January 30th, 2012.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated June 10th, 2013.

ENVIRONMENTAL REVIEW

The Department has determined that the Project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility).

RESIDENTIAL DESIGN TEAM REVIEW

The proposed legalization of the expansion of the roof deck does not require review by the Residential Design Team (RDT) because it will not result in an increase to the exterior dimensions of a residential building. However, the project and the DR Application have been reviewed by the Department senior management.

The DR Requestors are opposed to the legalization of the expansion of the roof deck because it is contrary to the previous Agreement. They are concerned about the integrity of the previous Agreement and the current privacy to the interior living spaces of the front rooms of their house will be adversely affected as a result of the expanded roof deck.

Based upon the subject property owners' statement, the previously constructed roof deck located north of the penthouse was dark during most of the day and expanding the roof deck into the 10 feet set-back will allow it to receive sunlight from the south.

During a site visit by staff, it did not appear that to legalize the expansion of the roof deck would result in a significant impact on privacy to the interior living spaces of the front rooms of the DR Requestors' house because the direct line of sight between the current roof deck and the front rooms had a horizontal distance of approximately 65 feet (verified from aerial photographs), which should be more than adequate to minimize privacy concern within a dense urban setting of San Francisco and it would be further blocked by a current three-story street tree in front of the DR Requestors' house.

Furthermore, although the previous developer and FOCC resolved a DR on the 2010 Building Permit by making an Agreement that included restrictions on the design of the roof deck, the current owners of the property may desire a larger roof deck to better meet their needs. Review of the legalization of the expansion of the roof deck by the Planning Department does not require its consistency with the Agreement attached to the withdrawal of the earlier DR Application, Case No. 2010.0737D. The existing roof deck provides the subject single-family dwelling with the only usable open space on the subject lot. An expansion of the existing roof deck by the owners of the property may commence only after a building permit is approved and issued by the City

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

RECOMMENDATION: Do not take DR and approve the Project as proposed

Attachments:

Block Book Map

Sanborn Map

Zoning Map

Aerial Photographs

Context Photos

10-Day Notice of current Building Permit Application

Section 311 Notice of 2010 Building Permit Application

DR Application

Project Sponsor's Response to DR Application

Reduced Plans

TW: G:\Documents\DRs\201 Fair Oaks Street\DR Analysis - Abbreviated.doc



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Proposed Approval

(REVISED)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

January 23rd, 2012

To Whom It May Concern:

RE: 201 Fair Oaks Street
(a.k.a. 3645 – 3649 23rd Street) (Address of Permit Work)
3647/032 (Assessor's Block/Lot)
2012.01.05.1778 (Building Permit Application Number)

This letter is to inform you that the Planning Department received a Building Permit Application to enlarge a previously approved roof deck and remove its associated glass windscreen at the subject property. The current roof deck and its associated glass windscreen were previously approved under Building Permit Application No. 2010.02.11.6387 and Discretionary Review Case No. 2010.0737D. This letter serves as the required 10-day notice of the proposed work under the current Building Permit Application No. 2012.01.05.1778.

The proposed work is to enlarge the previously approved roof deck by extending it 10 feet 4 inches to the west side wall of the subject building and to remove a 6 feet tall glass windscreen along the west edge of the previously approved roof deck.

If you would like to review the associated plans or have any questions about this application, please contact the assigned planner for this project, Tom Wang, at (415) 558-6335 or thomas.wang@sfgov.org within 10 days from the date of this letter. This project will be approved by the Planning Department if no request for Discretionary Review is filed by the end of the 10-day noticing period, February 2nd, 2012.

Sincerely,

Tom Wang, Planner
Southwest Team



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On February 11th, 2010, the Applicant named below filed Building Permit Application No. 2010.02.11.6387 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Troy Kashanipour architecture	Project Address:	3647, 3649 23 rd Street
Address:	2325 Third Street, Suite 413	Cross Streets:	SE corner of 23 rd & Fair Oaks
City, State:	San Francisco, CA 94107	Assessor's Block /Lot No.:	3647/032
Telephone:	(415) 431-0869	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 your concerns are unresolved, you can request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE			
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION	or <input checked="" 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 type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE	Residential above commercial	No Change
FRONT SETBACK	None on 23 rd Street	No Change
SIDE SETBACKS	None	No Change
BUILDING DEPTH	67 ft. measured from 23 rd Street	No Change
REAR YARD	None	No Change
HEIGHT OF BUILDING	32 feet above 23 rd Street curb	40 ft. above 23 rd Street curb
NUMBER OF STORIES	Two-story	Three-story
NUMBER OF DWELLING UNITS	One	One
NUMBER OF OFF-STREET PARKING SPACES	None	One

PROJECT DESCRIPTION

The existing two-story building contains a commercial storefront on the ground floor and one dwelling unit on the second floor.

The proposed work includes alterations to both street facades; the creation of a garage on the ground floor to accommodate one off-street parking space, accessing from Fair Oaks Street; and the construction of a partial third-story (penthouse) addition. The partial third-story addition will be set back 15 feet from the front building wall on 23rd Street and 10 feet from the side building wall on Fair Oaks Street in order to minimize its visibility from both streets.

PLANNER'S NAME: Tom Wang
 PHONE NUMBER: (415) 558-6335
 EMAIL: Thomas.wang@sfgov.org

DATE OF THIS NOTICE: 7-16-10
 EXPIRATION DATE: 8-15-10

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. They are specialists in conflict resolution through mediation and can often help resolve substantial disagreement in the permitting process so that no further action is necessary.
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.sfgov.org/planning). You must submit the application to the Planning Information Center during the hours between 8:00 a.m. and 5:00 p.m., with all required materials, and a check for \$300.00, for each Discretionary Review request payable to the Planning Department. 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.

Parcel Map

3647

HORNERS ADDN. BLK. 27

REVISED 1983
1987
RH-3
40-X

LOT 2 INTO 1875 79 4 10 - 1987

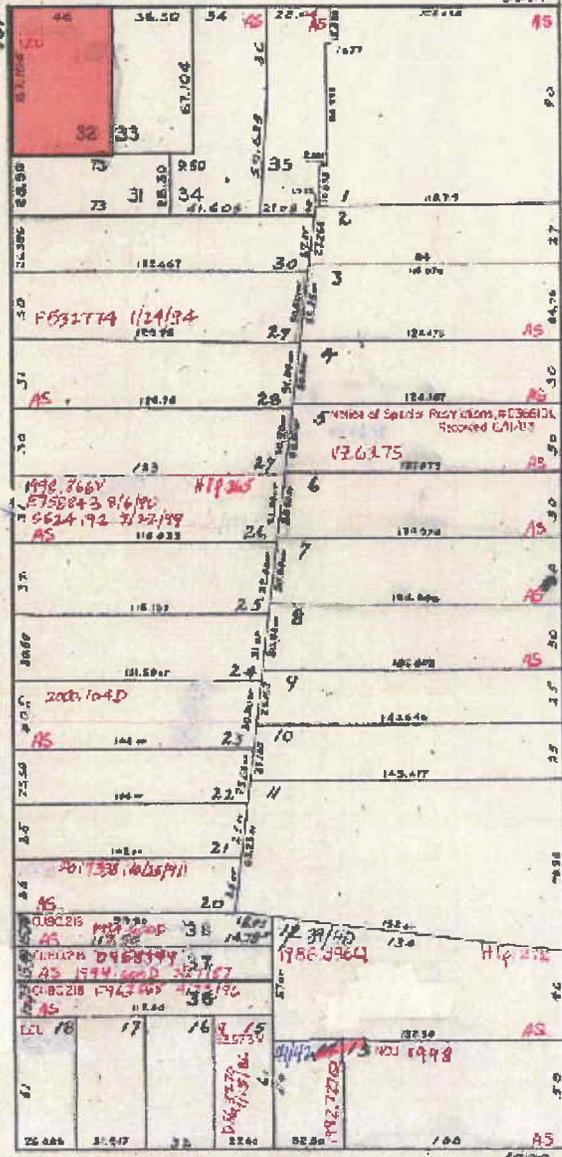
SUBJECT PROPERTY



23RD

FAIR OAKS

GUERRERO

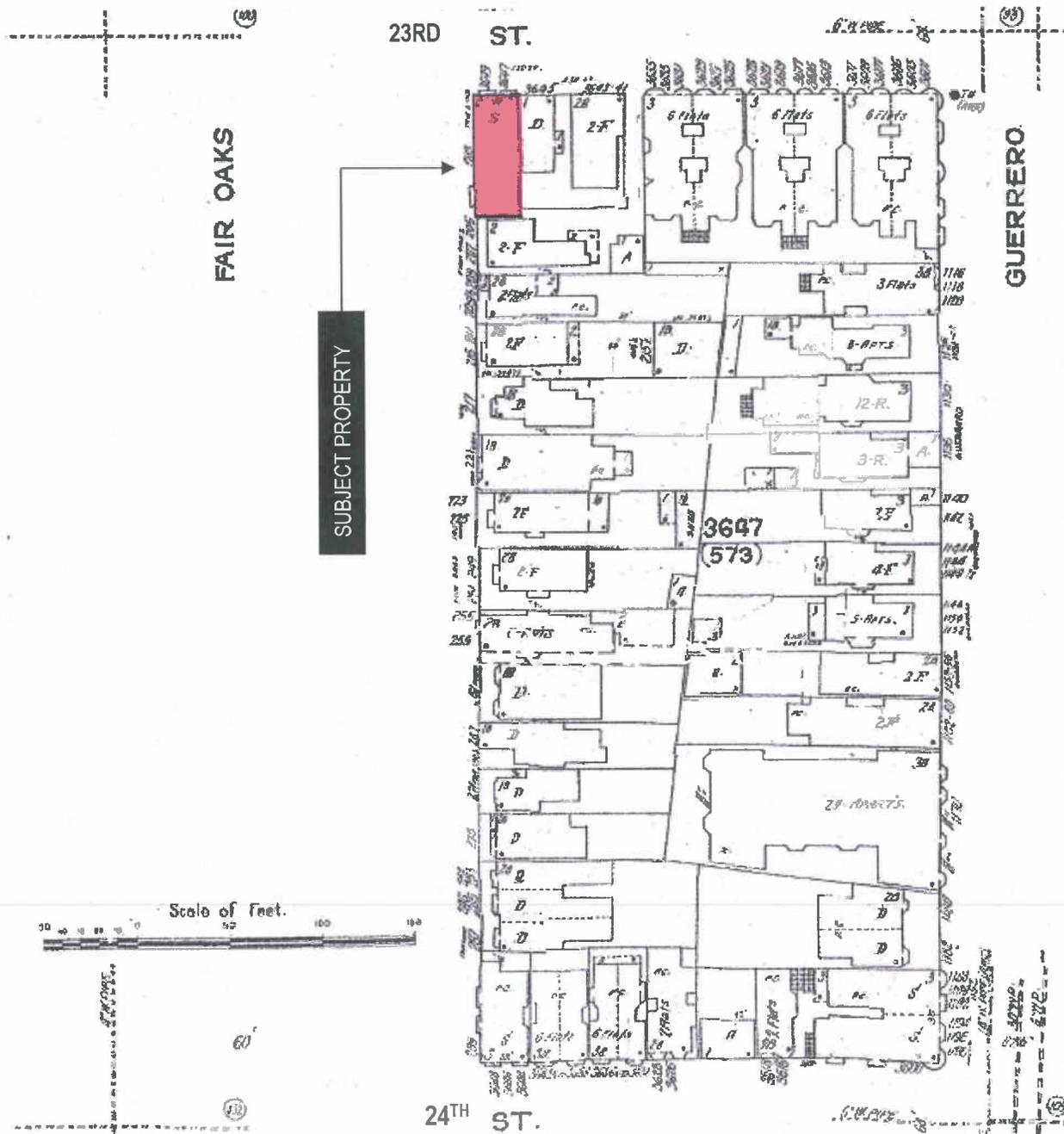


24TH

Planning Commission Hearing
Case Number 2012.0112D
201 Fair Oaks Street



Sanborn Map*

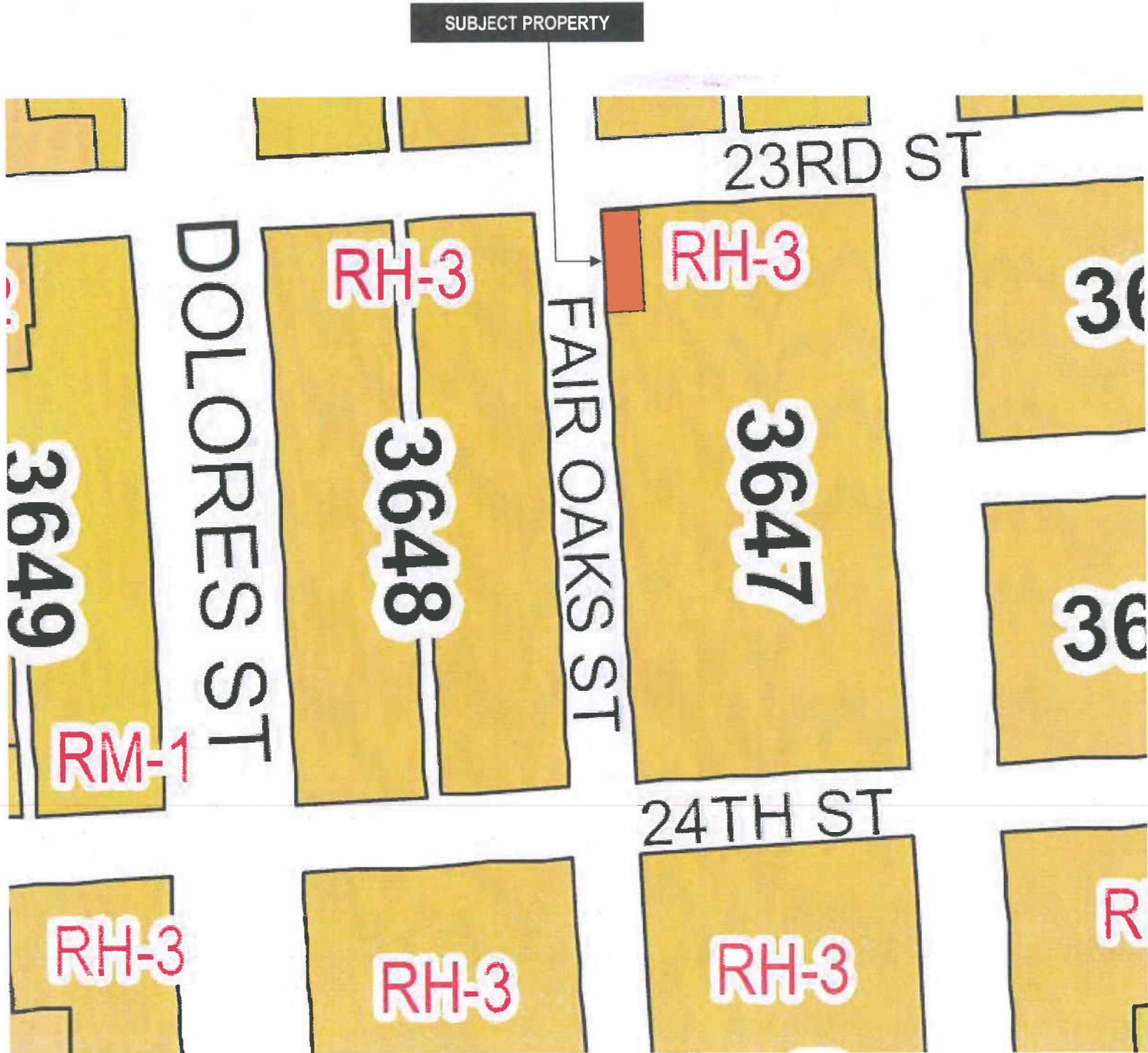


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Planning Commission Hearing
Case Number 2012.0112D
201 Fair Oaks Street

Zoning Map

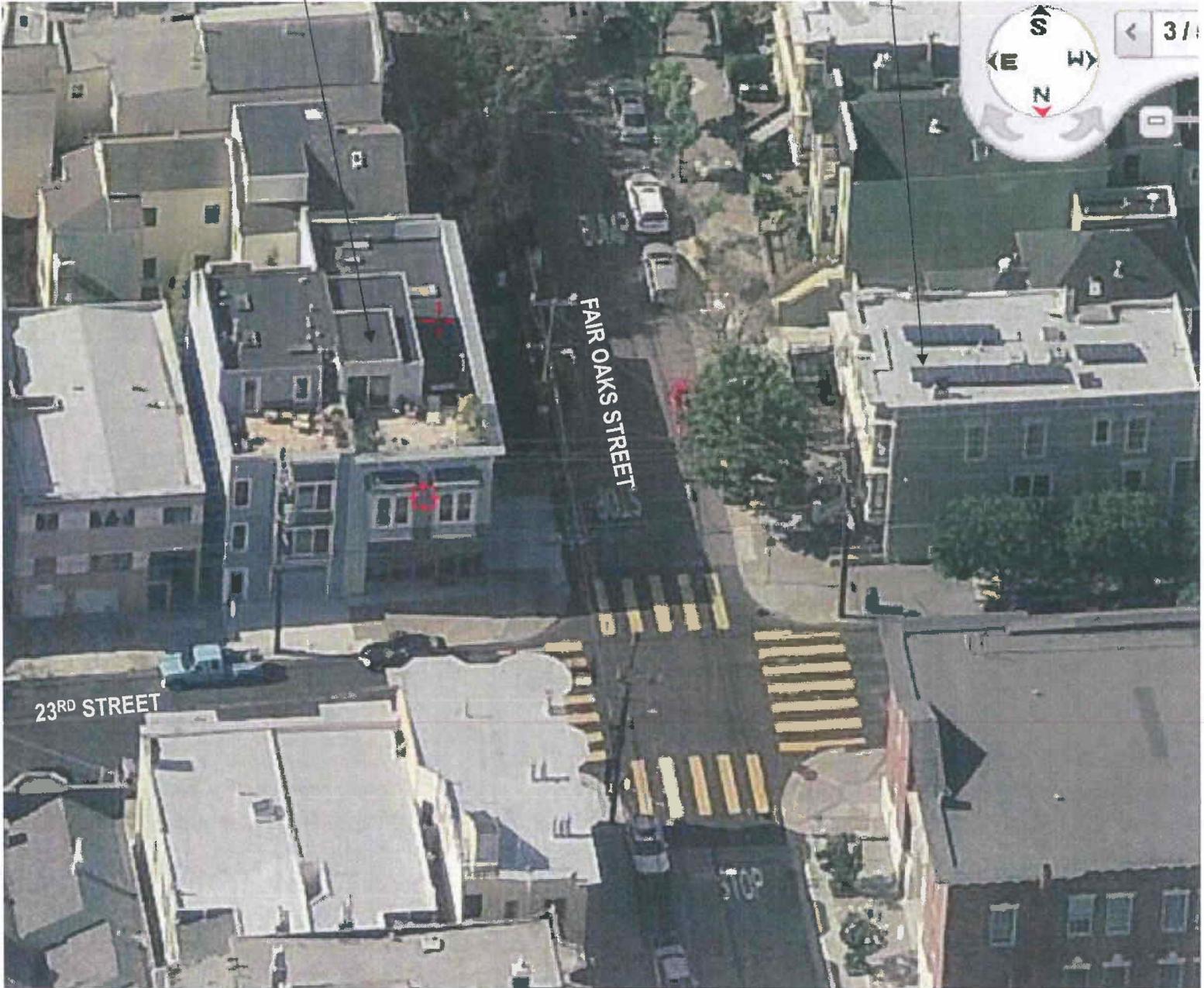


Planning Commission Hearing
Case Number 2012.0112D
201 Fair Oaks Street

Aerial Photo

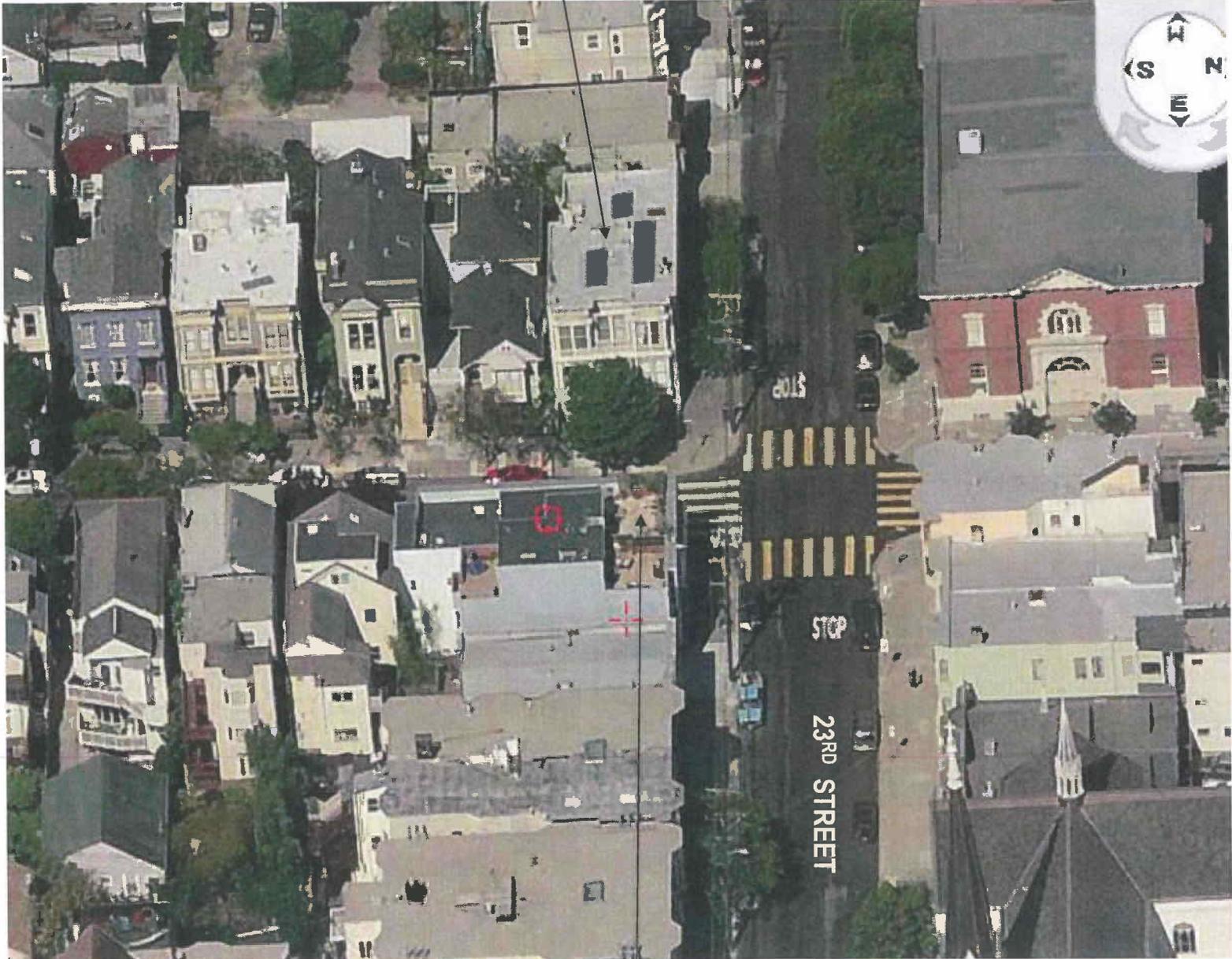
SUBJECT PROPERTY

DR REQUESTORS' PROPERTY



Aerial Photo

DR REQUESTORS' PROPERTY



SUBJECT PROPERTY



Planning Commission Hearing
Case Number 2012.0112D
201 Fair Oaks Street

June 10, 2013

President Rodney Fong
San Francisco Planning Commission
1650 Mission Street, 4th FL
San Francisco, CA 94103

Re: Roof Top Deck Expansion at 201 Fair Oaks Street—Case No. 2012.0112D Filed 1.31.12

President Fong and the Honorable Planning Commissioners:

History

This case concerns a two-story building located at the corner of 23d Street and Fair Oaks Street. In February 2010, developers Valdimir Chernyavskiy and Leon Kemel applied for permits to renovate the residential unit and a commercial space that fronts on 23d Street (Application Nos. 2010.02.11.6387 and 2010.01.21.15126).

The Fair Oaks Neighbors were concerned about the plans because the building is a prominent feature of Fair Oaks Street. In 2010, as the plans became available, the neighbors, the developer and his architect conferred extensively about the plans for the building (Exhibit "A"). Many issues concerning the appearance of the building were resolved, except that the parties could not agree on the developers' plan for a new 3d story penthouse and roof garden. The developers wanted to add the penthouse and roof deck to add outdoor space to the newly remodeled residence. The neighbors objected that the penthouse and roof garden were out of character of the building. Some neighbors said the deck raised privacy issues.

Absent an agreement, the neighbors filed an Application for Discretionary Review on August 13, 2010 (no. 10.0737D) (Exhibit B). However, after continued negotiations, by October 11, 2010, the parties reached an agreement under which neighbors agreed to dismiss their D.R. in exchange for the developers' agreement to make certain changes to their plans.

We, and other neighbors, agreed to the developer's proposal for an additional 'penthouse' on the top of the Victorian if their deck area was reduced and enclosed with opaque glass. The agreement was a compromise: the garden area created privacy for both neighbors and owners; it guaranteed new owners important views of downtown San Francisco; glare from outdoor lights would be eliminated, and the set back from the west side of the building fronting Fair Oaks Street minimized its visual impact from the street. The specific terms of the agreement were as follows:

- The roof top deck was to be set back from the Fair Oaks Street side of the building and the proposed deck on the west side would be eliminated;
- The size of the deck would be reduced from 520 sq' to 202 sq';
- A frosted glass screen wall added to the set back roof deck; and
- Exterior lights on the deck were to be dark sky compliant rather than general area lighting.

The agreement was memorialized in emails between Andy Segal representing the Fair Oaks Community Coalition ("FOCC"), the developers' architect Troy Kshanipour, and Thomas Wang of the Planning Department (Exhibit C).

After FOCC gave the Planning Department notice it was withdrawing its DR in light of the agreement, on October 12, 2010, Tom Wang sent Andy Segal an email stating that the developers'

"site application No. 2010.02.11.6378 for 3647, 3649 23rd Street will be approved with revised plans that have been agreed by you and [architect] Troy Kashanipour. An identical set of revised plans will also be saved in the Discretionary Review docket for future records" (Exhibit D).

The developers complied with the agreement and the building was completed. However, once owners Ken Aron and Felicia Eth took possession in September 2011, they expanded the roof deck and moved the wind screen to the edge of the building on Fair Oaks Street in violation of the agreement. They did the work without a permit (pictures are at Exhibit E).

In September 2011, Kimberlee S. Stryker notified Planning that the owners had violated the agreement. At the time, 2 separate members of Planning staff (Tom Wang by telephone and later Kevin Brussatori in person at the front desk, who conferred with Mr. Wang by phone) assured her that the owners would not be allowed to extend the deck due to the agreement that had recently been reached and recorded.

In September 2011, neighbors told the owners that their actions were contrary to their agreement with the developers. The neighbors met with the owners on two occasions to try to resolve the matter. During the second meeting on December 7, 2011, the owners said they would not change the roof deck to conform to the neighbors' agreement with the developers. The owners admitted they had performed the work without a permit. The neighbors told the owners they were prepared to file a D.R. if necessary (Exhibit F).

During the December 2011 meeting, the owners said they did not know about the agreement with the developers concerning the meeting, but the owners and developers have been working with the same architect, who was intimately involved in this controversy, from the inception of the project to date as they worked together to build out their new home. It is highly unlikely the developers or architect did not tell the owners about the dispute and its resolution. Also, co-owner Felicia Eth received a copy of an email dated February 27, 2011 from developer Leon Kemel to Andy Segal, who was then president of the Fair Oaks Neighbors, that states that he would be "working with deck glass at the first half of April" indicates the owners were privy to the discussions concerning the roof deck (Exhibit G).

In a telephone call on January 4, 2012, and in a letter January 5, 2012, Ms Stryker, on behalf of the neighbors, complained to DBI that roof deck work had been done without a permit. In response, DBI opened complaint number 201280075.

On January 5, 2012, the owners applied for a building permit to enlarge the existing roof deck within the buildable area and to remove the 6 foot tall glass windscreen along the west edge of the building (number 2012.01.05.1778). On January 23, 2012, the Planning Department issued its Notice of Proposed Approval of the application. Andy Segal, former president of F.O.C.C. has moved from the neighborhood. On January 30, 2012, Mark F Anderson and Kimberlee S. Stryker, who own a home across the street from the owners, filed the Application for the Discretionary Review that is now before the Commission (Exhibit H).

Violation of the California Building Code Concerning Guardrails

The California Residential Building Code Section R312 requires roof guardrails to be 42" minimum from the walking surface to the top of the guardrail (Exhibit "I"). DBI granted a permit based on the architect's January 12, 2012, drawings that show decking to the parapet, but with no dimensions of the height of the parapet (Exhibit "J"). Recent architect's drawings of May 29, 2013, show parapet height of 39." Since the height of the parapet is less than 42" and there are insufficient safety barriers surrounding the area, the permit approved by both DBI and Planning should not have been issued.

Issues Presented

The issues presented are whether a) the owners have the right to ignore the neighbors' agreement with the developers with respect to the size of the roof deck and b) whether the owners should be retroactively given a permit for the deck work.

In addition, there is an issue of DBI issuance of permission to build that is contrary to existing building code due to deck railing height, since the parapet is 39" high, yet code requires a minimum of 42" high. There are insufficient safety barriers around the parapet perimeter.

The Owners' Newly Proposed Deck Design

Since the new DR was filed, the owners have submitted two different design proposals in addition to the original of January 5, 2012. None of these drawings are to code; each has incorrect information and omits critical design dimensions.

After reviewing drawings submitted on May 5, 2013, Ms. Stryker told Planning that the drawings lacked dimensions for height and width of the parapet wall and proposed glass screens anywhere along the parapet would not meet historic requirements. Based on this observation Planning announced the owners withdrew these plans because they did not meet CEQA.

The revised plans before the Commission were submitted May 29, 2013 (Exhibit K). Essentially, except for the area with a small planter box of undetermined size, the plan proposes an open roof two stories tall with a 39" high parapet, no guardrails and insufficient perimeter safety barriers.

The current plan indicates a 39" parapet wall, which is insufficient to meet the residential building code requirement of a minimum height of 42." The drawings indicate a planter barrier of unspecified size at the west corner of the roof. There are no horizontal dimensions of the planter or the adjacent roof crown necessary to determine if the design meets code for a sufficient safety barrier at this location. Nor are any safety barriers shown along the north side or most of the west side of the roof parapet.

Conclusion

We ask the Commission to rule that the owners are bound by the October 2010 agreement. The agreement and revised plans were entered into the Planning Department's records as acknowledged by the Planning Department with Mr Wang's signature. The neighbors followed the intent and letter of the permit process that took more than 2 1/2 years of negotiations. However, as soon as the owners moved in, they expanded the deck without a permit.

We also ask that the Commission rule that the owners be required to conform to the agreement between the neighbors and the developers worked to resolve. The deck area should be returned to the agreed upon configuration, with safety barriers as needed, and exterior lights should be enclosed downlights to shield glare.

The owners' proposal to expand the deck goes against the agreement that was made and recorded; it ignores the process the Planning Department advocates and that neighbors have followed; it ignores a sense of fair play; nor does it comply with State and City residential codes or a reasonable expectation of safety.

Thank you

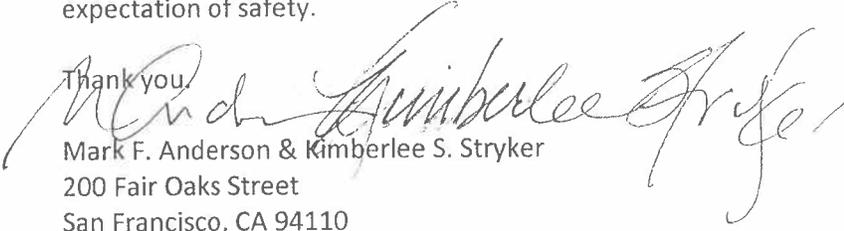

Mark F. Anderson & Kimberlee S. Stryker
200 Fair Oaks Street
San Francisco, CA 94110

Exhibit A

Andrew Segal

From: Troy Kashanipour [tk@tkworkshop.com]
Sent: Wednesday, February 10, 2010 7:03 PM
To: Andrew Segal
Cc: Kimberlee Stryker; LEON KEMEL; Vladimir Chernyavskiy; Jean-Paul Samaha
Subject: Re: ??

Hi Andy,

Yes, we have submitted plans for the components of the work not visible from the exterior including foundation work, seismic upgrades, renovation of the upper level dwelling unit with intermediate space, roof framing (not stair access). We have a separate permit application that will be submitted tomorrow for the exterior components: new entry at fair oaks street, new windows, garage doors, 305 sqft addition at the third level, and access stair to roof, roof deck, new storefront at 23rd, siding replacement, etc. This matches the work that you have seen in the last version of the plans.

I would be happy to forward to you PDF's of the drawings. I will be out of the office for the next couple of days but will get these to you early next week. You will of course be getting mailing materials for exterior changes. I am not sure the status of Jason's offer at this time, it might still be pending planning approval (I am not in the loop on this, but I can let you know if this is important at this point).

Please let me know if you have additional questions.

Best Regards,
Troy Kashanipour

Andrew Segal wrote:

> From the planning database, it appears you have filed plans to
> renovate the existing structure. Is that correct? May we see them?
> ... ats
>
> email sig png
>

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.733 / Virus Database: 271.1.1/2679 - Release Date: 02/10/10 11:38:00

*Fair Oaks Community Coalition
208 Fair Oaks Street
San Francisco, CA 94110*

May 23, 2010

Thomas Wang
Department of City Planning
1650 Mission Street
San Francisco, CA 94110

RE: 3649 23rd Street

Dear Thomas:

Thank you for taking the time to meet with us last week. We held a neighborhood meeting today and reviewed the revised drawings you provided for the referenced project. Among the reviewers was an architect who specializes in historic structures. The following summarizes our conclusions:

- Given that the project is within one block of the Liberty Hill Historic District, we are concerned that the proposed plan be evaluated for its potential impact on the district. The street has many intact Victorian residential and commercial buildings, many dating the 19th century. Perhaps the oldest structure on the street is the residence adjacent to the project, 205 Fair Oaks, which is from the 1860s. A city landmark, the Oakley House (#191) at 200-202 Fair Oaks is across the street from the project, and the old brick St. James School is diagonally across the street. The Holy Innocents Episcopal Church (455 Fair Oaks) is the oldest standing Episcopal church in the city and was designed by architect Ernest Coxhead.
- We cannot support the penthouse because it is simply not in character with the historic nature of the street and the neighboring district.
- The cornice treatment is original to the building, as well as the fascia moldings and upper soffits of the bay windows. The lower soffit of the west bay also appears original. No other original trim is remaining although it is expected that the original wood siding is largely intact below the shingle siding.

- We are concerned that the drawings state that some existing elements be restored and replicated when they have in fact been recently modified. All of the original brackets at the soffits of the three bay windows were removed without a permit nine years ago by former owner (the locations of the former brackets are still very visible). He also removed the shingle siding at the west bay window and added substandard trim to that bay overall. This is noted to be restored and then replicated onto the other bay windows. A more sensitive trim treatment needs to be developed for all of the bay windows, retaining the existing fascias and soffits, as well as the siding which is still largely remaining. If it is possible to let the contractor perform limited demolition of the existing shingle siding on one of the north bays, ghost lines in the paint could give a good indication of what was there. With that information a compatible trim approach, compliant with The Secretary's Standards for Rehabilitation and perhaps also including brackets at the original locations, could be designed.
- Two original window openings exist in the upper level near the center of the west façade and these clearly had arched windows that matched those at the bay windows. It is proposed to remove these window openings and add three new openings with flat-topped windows in almost exactly the same location. Removing the original window openings and relocating them a matter of inches is unnecessary to the plan although the third window opening is of benefit. The two original window openings should be retained and a new, 3rd matching window can be added in the middle of the two existing windows. While it is normally not preferred under The Secretary's Standards to add items that directly replicate a historic feature, in this case it appears preferable to removing original openings and reworking the historic siding for no apparent reason.
- Window at sidewalk along Fair Oaks is a detriment to the building façade.
- The new door opening proposed for Fair Oaks Street should be centered under the historic window as the existing lower window is now. There appears to be a slight offset in the drawings. The door opening, while perhaps slightly larger, can basically just replace the lower window that will be removed in the plan. Also, the door on the elevation drawing does not match the plan. It may well also be preferable to have the single door and sidelite shown on the plan and make the opening trim align completely with the window trim above. The

latter could also be accomplished by narrowing the wall opening at the street to match the window above, while leaving a slightly wider porch recess and door/sidelite opening.

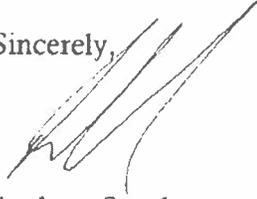
- The garage, recessed entry and service door trim are unresolved as no trim on garage or door openings are drawn. The construction will require corner trim, which should be shown. Sufficient trim detail at garage and service door should be reflected in drawings in a realistic manner that indicates size and detail.
- The siding along the Fair Oaks façade needs to be reviewed. As drawn it suggests “wedges” of siding. The drawings need to make a distinction between siding and exposed foundation.
- Horizontal steel supports at the bays (outriggers) should be within existing bay floor framing, not below as contractor has started to build. Keeping the supports within the floor framing will prevent a distortion of the bay window form.
- The steel moment frame is exposed through the corner windows at Fair Oaks and 23rd Street. This frame needs to be addressed. It is not evident in the drawing set given to the Planning Department. The steel frame impacts the exterior design as it is highly visible and alters the perception and character of the building at one of the most important pedestrian-oriented areas on Fair Oaks Street. This corner is the ‘gateway’ to the Fair Oaks neighborhood.
- To properly evaluate the project, we believe that you need additional finish details for the exterior elements. We understand the Secretary of the Interior’s guidelines, but without sufficient detail such review is not possible.

As we mentioned in our meeting, we are also concerned about the manner in which this project is moving forward. Construction on the interiors, including significant steel structural framing, is well advanced under separate permits, however the planning process and approval, as well as neighborhood notification has not yet occurred. Demolition of exterior elements to support structural work has occurred and complaints were filed. Other issues related to problems with construction and neighbors are also surfacing. We are concerned.

Mr. Thomas Wang
May 23, 2010
Page 4 of 4

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Segal', written over a faint dotted line.

Andrew Segal
President

cc: Michael Smith
Kim Stryker
FOCC Executive Committee

Exhibit B

APPLICATION REQUESTING DISCRETIONARY REVIEW ("D.R.")

This application is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets requirements of the Planning Code, City General Plan and Priority Policies of the Planning Code.

D.R. Applicant's Name Fair Oaks Community Coalition c/o Andrew Segal Telephone No: 415-341-1917

D.R. Applicant's Address 208 Fair Oaks Street
Number & Street (Apt. #)
San Francisco, CA 94110
City Zip Code

D.R. Applicant's telephone number (for Planning Department to contact): 415-341-1917
If you are acting as the agent for another person(s) in making this request please indicate the name and address of that person(s) (if applicable):

Name _____ Telephone No: _____

Address _____
Number & Street (Apt. #)
_____ City Zip Code

Address of the property that you are requesting the Commission consider under the Discretionary Review: 3647, 3649 23rd Street (Assessor's Parcel 3647/032 per Building Permit Application)

Name and phone number of the property owner who is doing the project on which you are requesting D.R.: Troy Kashanipour, 415-431-0869 (Applicant)

Building Permit Application Number of the project for which you are requesting D.R.: 2010.02.11.6387

Where is your property located in relation to the permit applicant's property?
Members of the Fair Oaks Community Coalition own property on both Fair Oaks and 23rd Streets proximate to the project.

A. ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

Citizens should make very effort to resolve disputes before requesting D.R. Listed below are a variety of ways and resources to help this happen.

- 1. Have you discussed this project with the permit applicant? YES **G** XXXXXX
- 2. Did you discuss the project with the Planning Department permit review planner? YES **G** XXXXX
- 3. Did you participate in outside mediation on this case? XXXXXXXXXXXXXXXXXXXXXXXX NO **G**

10.07370

4. If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the results, including any changes that were made to the proposed project so far.

We reached an agreement with the project sponsor whereby we would support the demolition of one historic structure on the property in exchange for restoration of the subject structure. We supported the demolition and it has occurred. The project sponsor subsequently elected not to restore the subject structure per our agreement but instead to substantially change the building (including its frontage). Project sponsor has agreed to reduce the size of a rooftop deck, but has otherwise made no changes requested by the neighborhood. The Planning Department has required project sponsor to undertake a more sensitive historic treatment of existing fabric.

B. DISCRETIONARY REVIEW REQUEST

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?

Discretionary Review is justified because the proposed project violates Priority Policy 101.1.a (2) in that the proposed modern penthouse is inconsistent with the 1800's character of Fair Oaks Street and the neighboring Liberty Hill Historic District and it violates Priority Policy 101.1.a (7) in that it fails to adequately preserve an historic building.

2. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

Members of the Fair Oaks Community Coalition believe that the project will adversely affect the character of Fair Oaks Street and thereby affect all who live and visit there.

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 B1)?

· Removal of the proposed penthouse and a more historically sensitive and compatible treatment of the Fair Oaks -
· facade.

10.0737D

Please write (in ink) or type your answers on this form. Please feel free to attach additional sheets to this form to continue with any additional information that does not fit on this form.

CHECKLIST FOR APPLICANT:

Indicate which of the following are included with this Application:

REQUIRED:

- G** Check made payable to Planning Department (see current fee schedule).
- G** Address list for nearby property owners, in label format, plus photocopy of labels.
- G** Letter of authorization for representative/agent of D.R. applicant (if applicable).
- G** Photocopy of this completed application.

OPTIONAL:

- G** Photographs that illustrate your concerns.
- G** Covenants or Deed Restrictions.
- G** Other Items (specify).

File this objection in person at the Planning Information Center. If you have **questions** about this form, please contact Information Center Staff from 8 a.m. to 5 p.m., Monday to Friday.

Plan to attend the Planning Commission public hearing which must be scheduled after the close of the public notification period for the permit.

Signed _____
Applicant

8/13/10

Date

Exhibit C



Troy Kashanipour
<tk@tkworkshop.com>

09/22/2010 05:37 PM

Please respond to
tk@tkworkshop.com

To Andrew Segal <asegal@libertyhilldevelopment.com>,
thomas.wang@sfgov.org, Vladimir Chernyavskiy
<juv@att.net>, LEON KEMEL <kemel92@sbcglobal.net>,

cc

bcc

Subject 3647-3649 23rd Street - Revised deck size

Hi Andy,

I spoke with Vladimir and Leon about your proposal of setting back the deck on the north side of the building and eliminating the deck on the west side. They agree to this proposal with the allowance of a 3' passage between the screen wall and the west face of the building for roof maintenance access. This will take us from a 520 sqft deck to a 245 sqft deck. I think this is a good compromise. The screen wall idea is also acceptable. This screen wall could be frosted glass above where visible from other buildings or maybe an entire panel of frosted glass.

Please see attached PDF sketches that illustrate the size of deck and location and height of screen.

Please let me know of the remaining Architectural comments. As I recall you had questions about the upper level finish. The upper level material would be a 4" wide cedar plank running horizontally with a semi-opaque stain. The color would match or be complimentary or match of the exterior color of the main building. It would look very clean with a matt finish.

Here is the website for cabot stain -
<http://www.cabotstain.com/ideas-and-projects/great-ideas/Siding.html>

The garage door was another issue that we discussed. It would have minimal trim and detail painted to match the exterior building color. This will allow it to be a background element with the doors, windows and bays as more important elements in the facade.

I hope this is all okay with the interested parties. It seems reasonable to me. If it is okay, I will revise the Site Permit drawings accordingly and send the to Tom at Planning!

Many thanks for your work on this! Email or call me if that is easier.

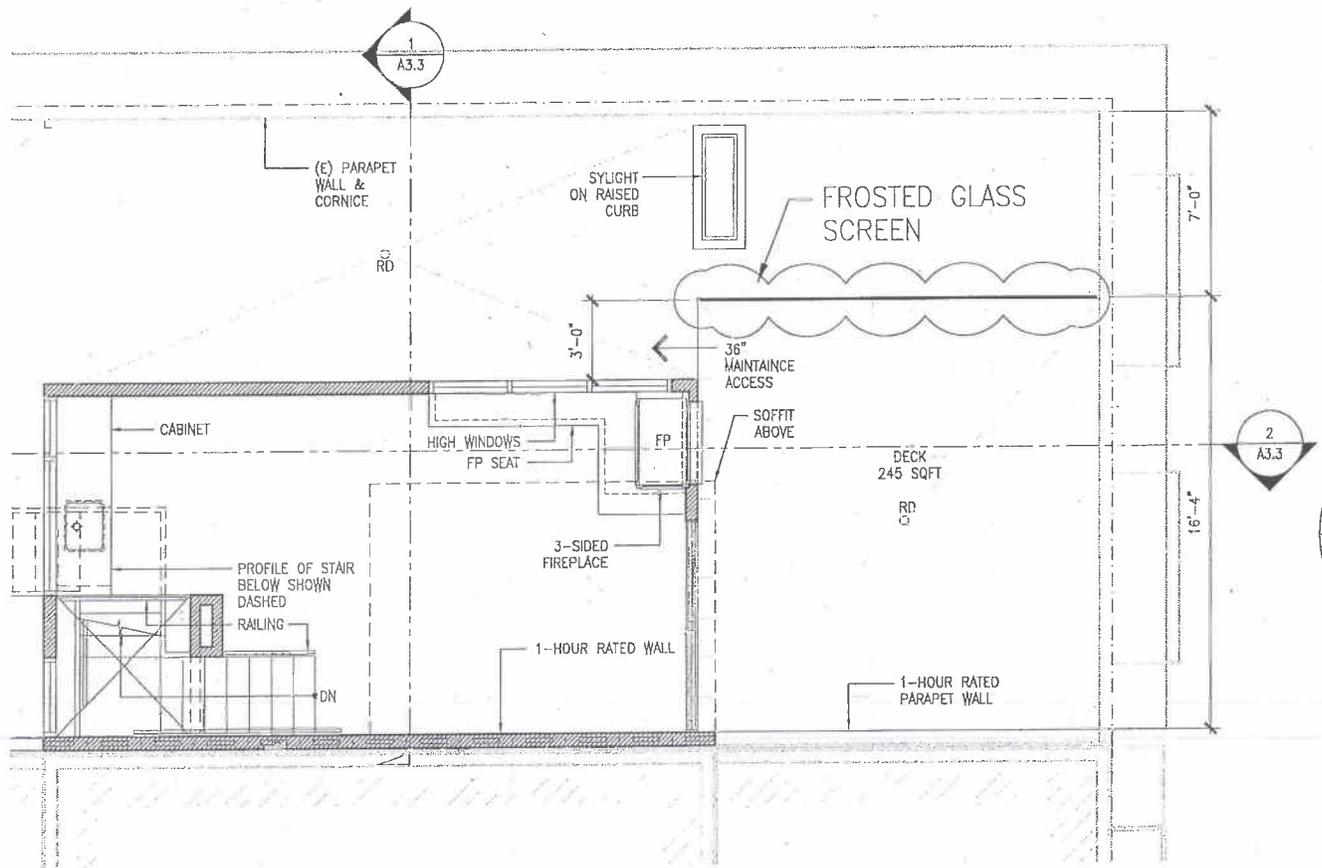
Best,
Troy

Troy Kashanipour Architecture. LEED AP
2325 Third Street Suite 413
San Francisco CA, 94107
phone/fax: 415.431.0869
cell: 415.290.8844
email: tk@tkworkshop.com

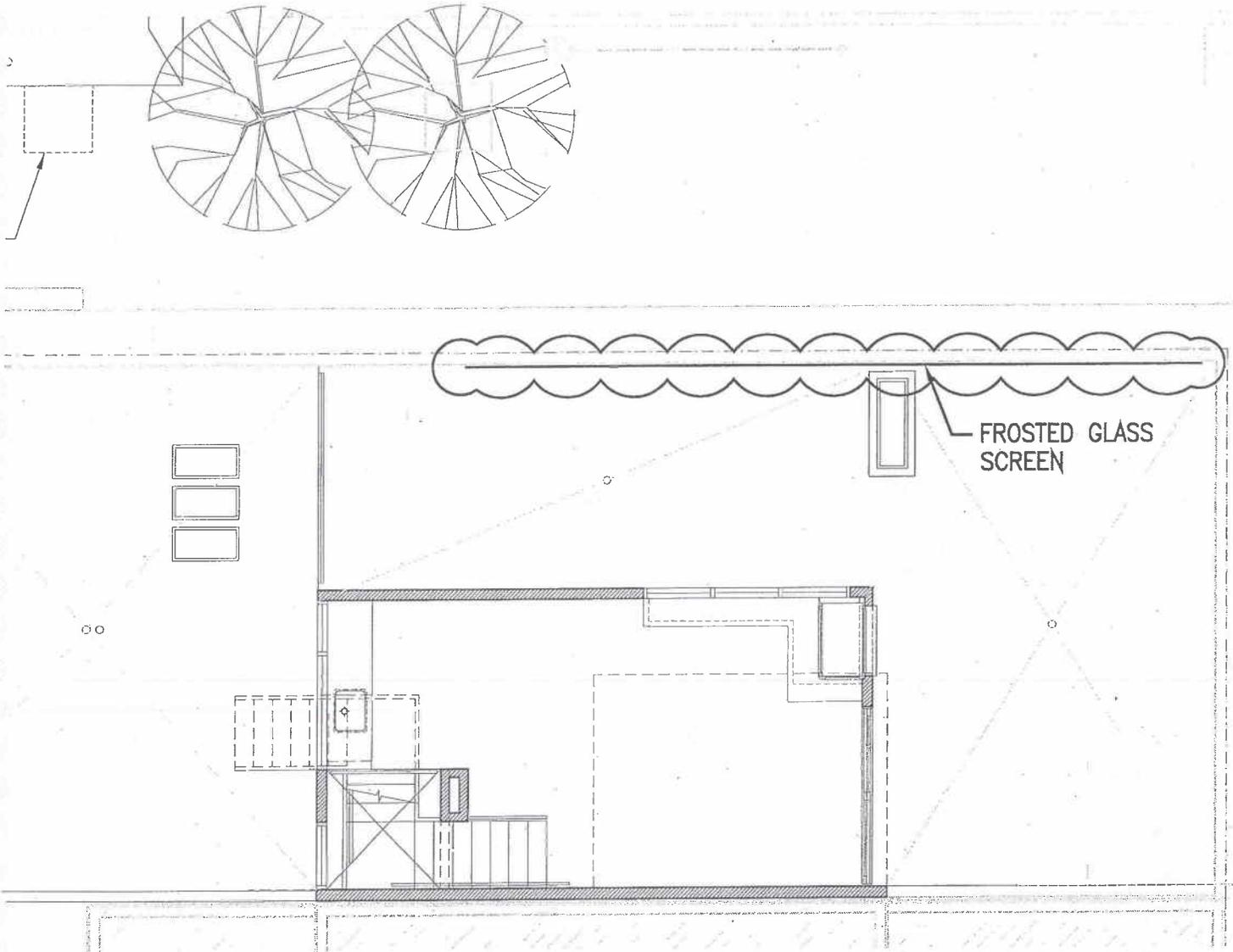
*Called on
9/23/2010*

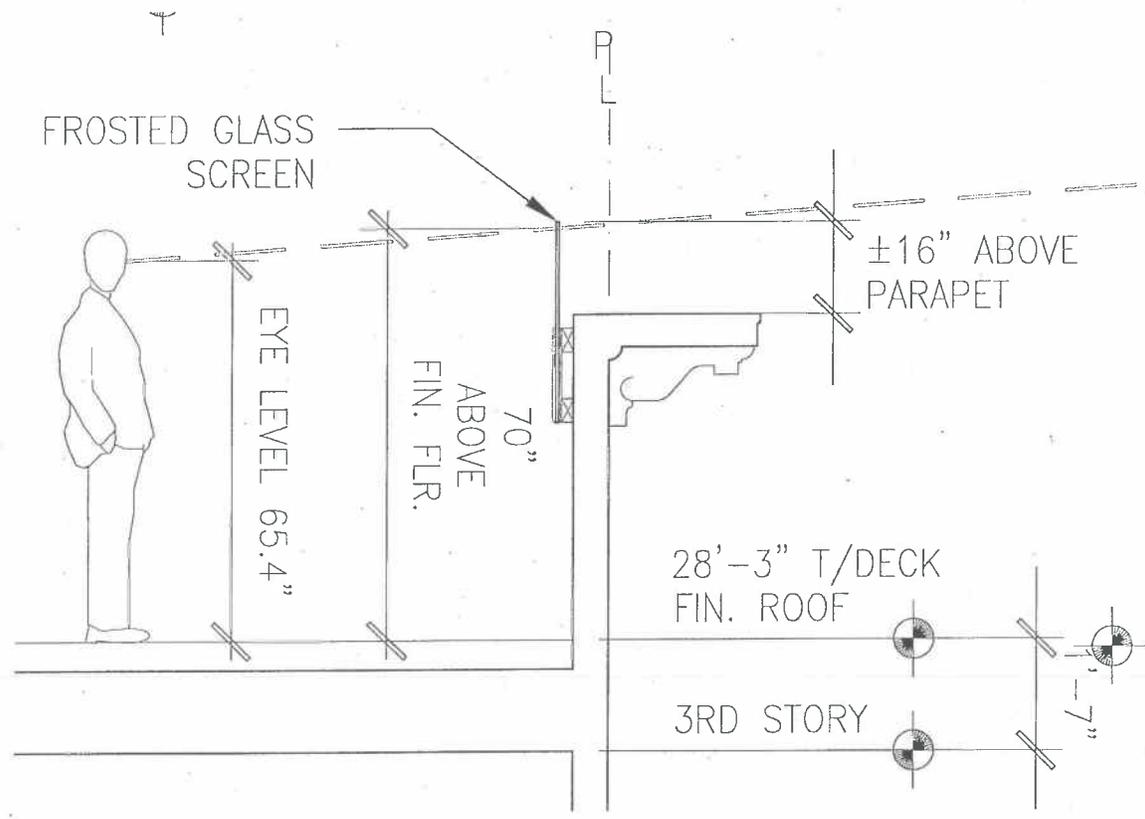


3647-3649 23rd Street - proposed screen smaller deck.pdf 3647-3649 23rd Street - proposed screen smaller deck section.pdf



Called T.K.
on 9/21/2010







Troy Kashanipour
<tk@tkworkshop.com>

09/28/2010 01:45 PM

Please respond to
tk@tkworkshop.com

To thomas.wang@sfgov.org

cc

bcc

Subject 3647-3649 23rd Street

Hi Tom,

I got a message from Andy Segal today. Kim does not accept our proposal without a further reduction in the size of the deck. She want for further reduce the size from 16'-6" wide to 13'-6". We started at 543 sqft, we proposed 247 sqft, she wants a reduction to 202 sqft.

What is your recommendation? Would it make sense for you to mediate this?

Best Regards,
Troy

--

Troy Kashanipour Architecture. LEED AP
2325 Third Street Suite 413
San Francisco CA, 94107
phone/fax: 415.431.0869
cell: 415.290.8844
email: tk@tkworkshop.com

*Called Kashanipour
on 9/28/2010.*



Andrew Segal
<asegal@libertyhilldevelopm
ent.com>

09/28/2010 03:28 PM

To "tk@tkworkshop.com" <tk@tkworkshop.com>,
"thomas.wang@sfgov.org" <thomas.wang@sfgov.org>,
Jean-Paul Samaha <jean-pauls@vanguardsf.com>, Vladimir

cc

bcc

Subject RE: 3547-3649 23rd Street - reduced size of deck response.

Great.

We have talked about a number of things so let me compile and send back to you in an email. If you revise/annotate the plans accordingly, I will sign and we can move forward. ...ats

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

From: Troy Kashanipour [mailto:tk@tkworkshop.com]

Sent: Tuesday, September 28, 2010 3:06 PM

To: Andrew Segal; thomas.wang@sfgov.org; Jean-Paul Samaha; Vladimir Chernyavskiy; LEON KEMEL

Subject: 3547-3649 23rd Street - reduced size of deck response.

Hi Andy,

Thanks for your message earlier today. I spoke with Leon and Vladimir. They both approve of the reduced size of deck on the condition that we can move forward quickly to eliminate the DR.

I spoke with Tom at Planning. Here is what needs to be done as the next step:

You and I need sign a set of Plans and Elevations saying that this is what has been agreed upon. This document is for Tom's case file.

Tom will need a letter from you saying that the FOCC withdraws the D.R.

Please let me know when we can schedule a time to sign the drawings or I can leave them on your doorstep and pick them up as well - whatever works for you. Thanks again for helping to resolve this.

Best Regards,
Troy

--
Troy Kashanipour Architecture. LEED AP
2325 Third Street Suite 413
San Francisco CA, 94107
phone/fax: 415.431.0869
cell: 415.290.8844
email: tk@tkworkshop.com



Andrew Segal
<asegal@libertyhilldevelopment.com>

10/11/2010 03:39 PM

To "thomas.wang@sfgov.org" <thomas.wang@sfgov.org>

cc Troy Kashanipour <tk@tkworkshop.com>, "LEON KEMEL
(kemel92@sbcglobal.net)" <kemel92@sbcglobal.net>,
"Vladimir Chernyavskiy (juv@att.net)" <juv@att.net>

bcc

Subject 3647-3649 23rd Street

Hi Thomas,

As you know, the project sponsor for 3647-49 23rd Street has agreed to make changes to the project design per the attached letter. These changes effectively mitigate the neighborhood concerns outlined in our Request for Discretionary Review. Based on the changes, we would like to rescind the request and urge you to grant approval based on the revised plans. Thank you for your help during the process and we all look forward to a successful project.

...Andrew Segal



Fair Oaks Community Coalition Final Agreement Letter.docx

*Fair Oaks Community Coalition
208 Fair Oaks Street
San Francisco, CA 94110*

Troy Kashanipour Architecture. LEED AP
2325 Third Street, Suite 413
San Francisco CA, 94107

RE: 3647-3649 23rd Street

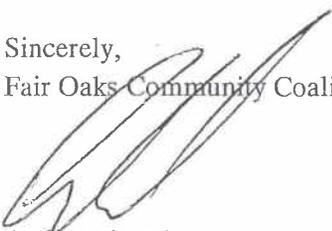
Dear Troy:

As we discussed, the Fair Oaks Community Coalition will retract its request for Discretionary Review based on the changes you have made to the attached drawings. I have clarified and initialed the relevant changes on the drawings indicating our agreement. To recap, the following changes have been made and should be incorporated into the permanent public record for the property:

1. Move Fair Oaks Entry door and vestibule so that the trim line up with the window above.
2. Line up curb cut with garage entry.
3. Paint penthouse with the same paint as the rest of the building to help it "disappear".
4. Move/shrink the west-facing windows in the penthouse higher on the wall such that a person standing inside cannot see properties on Fair Oaks.
5. Paint garage door and any trim with the same paint as the rest of the building, i.e., make it disappear.
6. Reduce the size of the roof deck such that the western edge lines up with the western wall of the penthouse.
7. Provide for a six foot etched or otherwise translucent (i.e., not frosted or "white") glass windscreen on the western edge of the roof deck.
8. All exterior lighting to be IDA certified (see attached guide re: International Dark Sky Association lighting standards).

Thank you for making these changes and we wish you the best of luck in completing the job and selling the units.

Sincerely,
Fair Oaks Community Coalition



Andrew Segal
President

cc: Thomas Wang, Department of City Planning, CCSF

Exhibit D

Thomas
Wang/CTYPLN/SFGOV
10/12/2010 11:42 AM

To Andrew Segal <asegal@libertyhilldevelopment.com>
cc Troy Kashanipour <tk@tkworkshop.com>
bcc
Subject Re: 3647-3649 23rd Street 

Mr. Segal:

Thank you for your E-mail. The site permit application No. 2010.02.11.6378 for 3647, 3649 23rd Street will be approved with revised plans that have been agreed upon by you and Troy Kashanipour. An identical set of revised plans will also be saved in the Discretionary Review docket for future records.

Sincerely,

Tom Wang

Andrew Segal <asegal@libertyhilldevelopment.com>



Andrew Segal
<asegal@libertyhilldevelopment.com>
10/11/2010 03:39 PM

To "thomas.wang@sfgov.org" <thomas.wang@sfgov.org>
cc Troy Kashanipour <tk@tkworkshop.com>, "LEON KEMEL (kemel92@sbcglobal.net)" <kemel92@sbcglobal.net>, "Vladimir Chernyavskiy (juv@att.net)" <juv@att.net>
Subject 3647-3649 23rd Street

Hi Thomas,

As you know, the project sponsor for 3647-49 23rd Street has agreed to make changes to the project design per the attached letter. These changes effectively mitigate the neighborhood concerns outlined in our Request for Discretionary Review. Based on the changes, we would like to rescind the request and urge you to grant approval based on the revised plans. Thank you for your help during the process and we all look forward to a successful project.

...Andrew Segal



Fair Oaks Community Coalition Final Agreement Letter.docx

CLIENT: 3647-3649 23RD STREET LLC
 1616 FRANKLIN STREET
 OAKLAND CA 94612
 PHONE: 510.856.1202
 EMAIL: HELEN.OZ@SBC2L.COM

ISSUE: DATE:
 ISSUED FOR PRE-APP MEETING #1 12.01.09
 ISSUED FOR PRE-APP MEETING #3 01.13.09
 ISSUED FOR SITE PERMIT 02.09.10
 SITE PERMIT REVISION 04.12.10
 SITE PERMIT REVISION #3 10.03.10

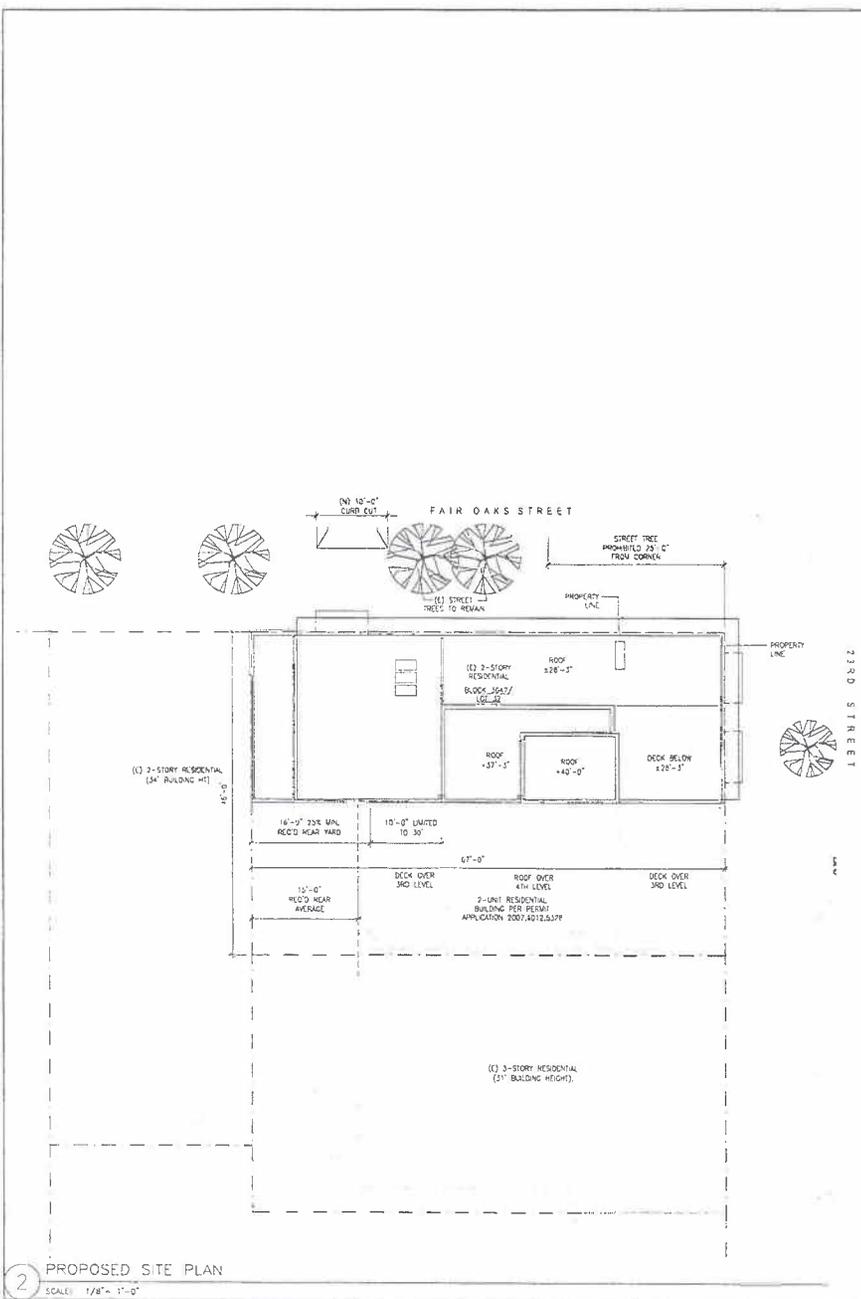
CONSULTANT:

APPROVAL:

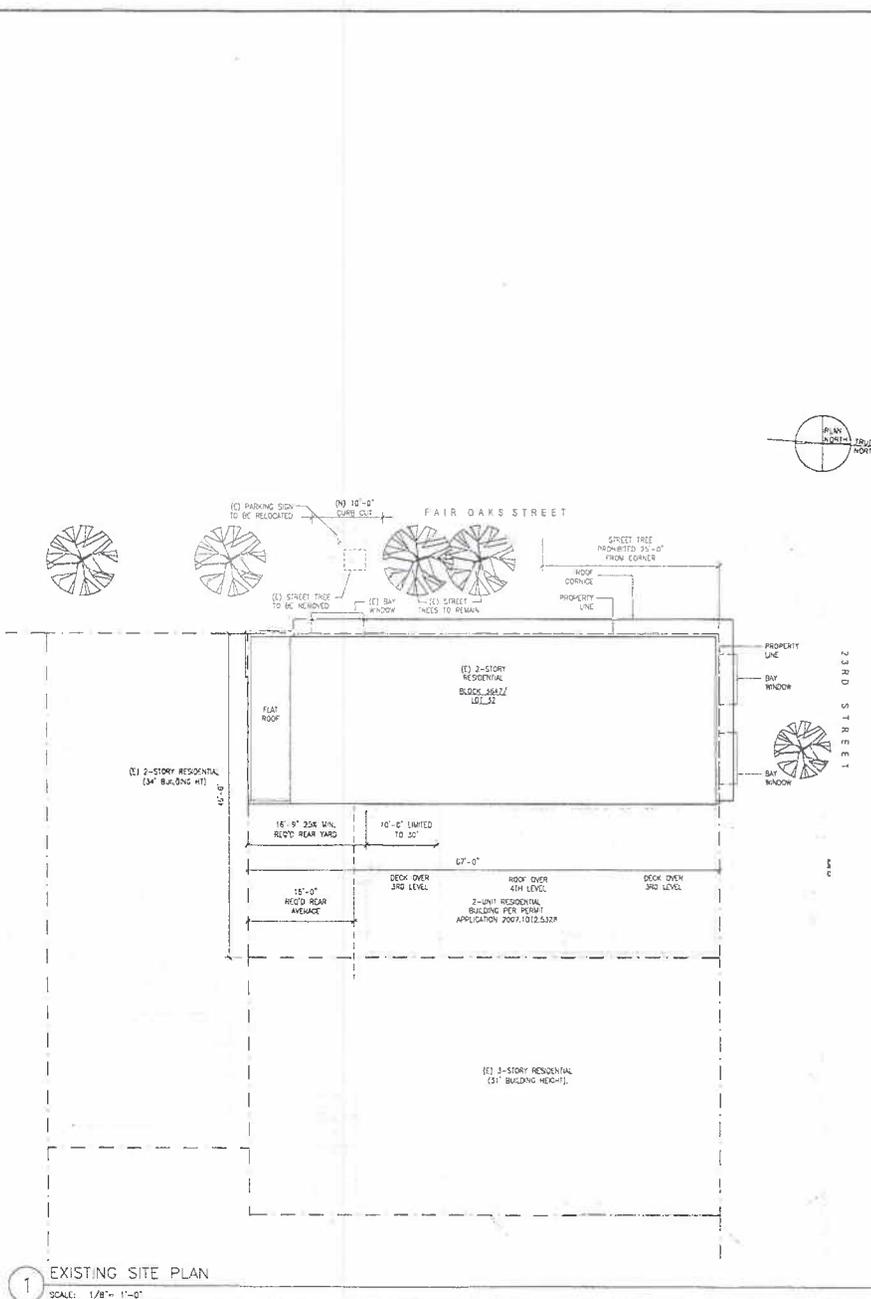
DRAWN: TK
 CHECKED: TK
 SCALE: AS SHOWN

EXISTING & PROPOSED SITE PLAN

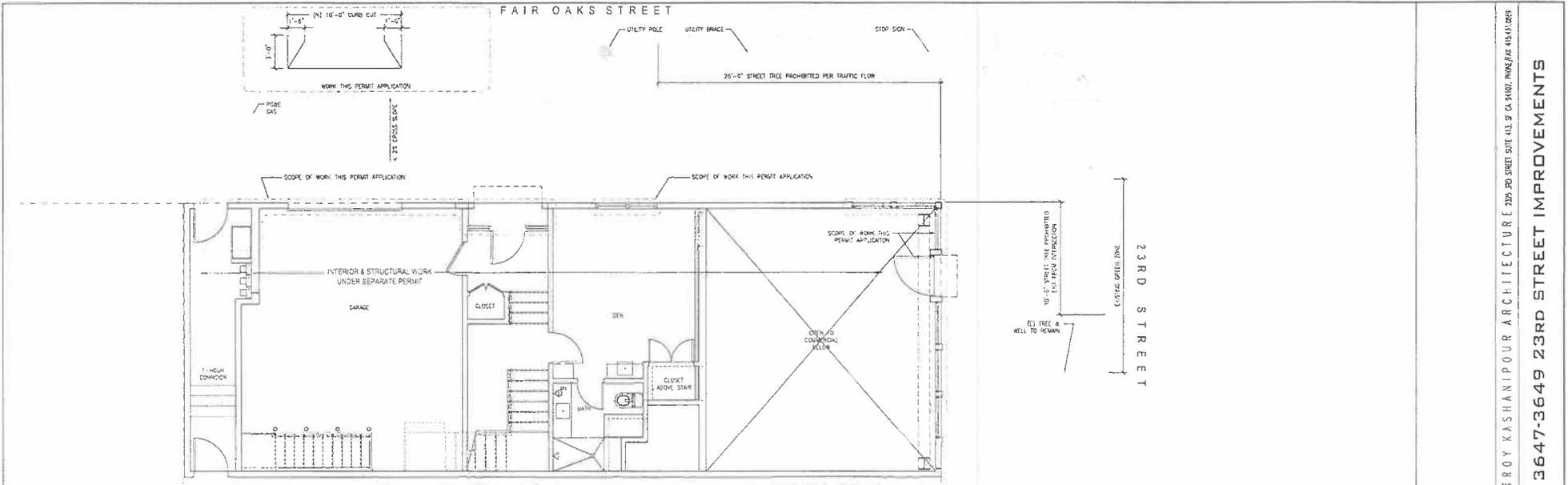
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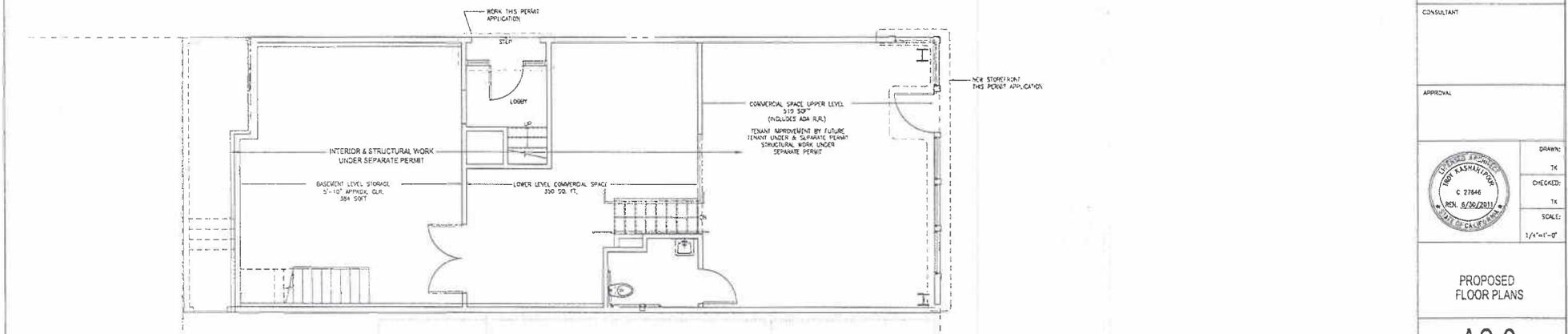
2 PROPOSED SITE PLAN
 SCALE: 1/8" = 1'-0"



1 EXISTING SITE PLAN
 SCALE: 1/8" = 1'-0"



2 PROPOSED FIRST LEVEL PLAN
SCALE: 1/4" = 1'-0"



1 BASEMENT LEVEL AND COMMERCIAL SPACE PLAN
SCALE: 1/4" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 2305 3RD STREET SUITE 412.9 CA 94612 PHOENIX 415.815.8889
3647-3649 23RD STREET IMPROVEMENTS

CLIENT:
3647-3649 23RD STREET LLC
1616 FRANKLIN STREET
OAKLAND CA 94612
PHONE: 510.886.3300
EMAIL: KEVEL92@BROADBAND.NET

ISSUE:	DATE:
ISSUED FOR PRE-APP MEETING #1	12.01.09
ISSUED FOR PRE-APP MEETING #3	01.13.09
ISSUED FOR SITE PERMIT	02.09.10
SITE PERMIT REVISION	04.14.10
HISTORIC REVIEW COMMENTS	06.02.10
HISTORIC REVIEW COMMENTS	06.15.10
SITE PERMIT REVISION #2	06.25.10
SITE PERMIT REVISION #3	10.02.10

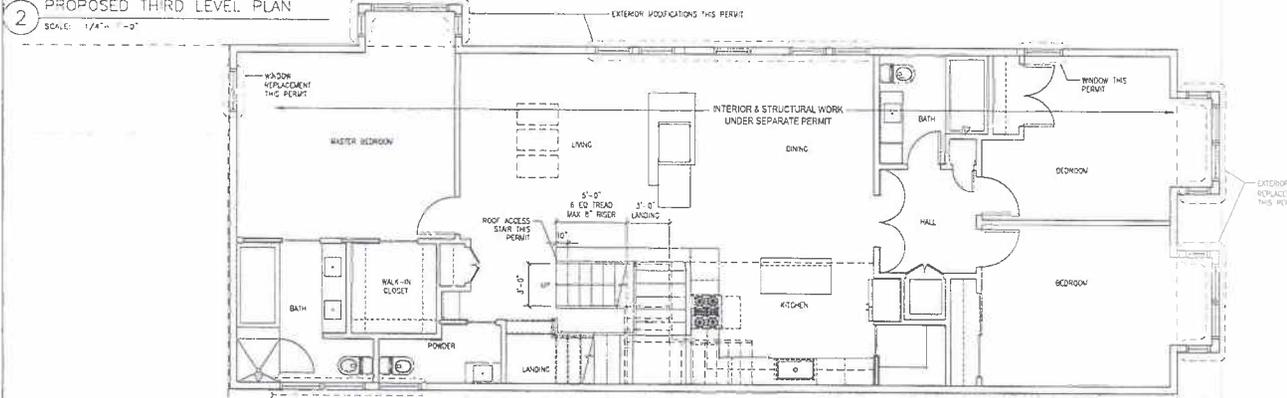
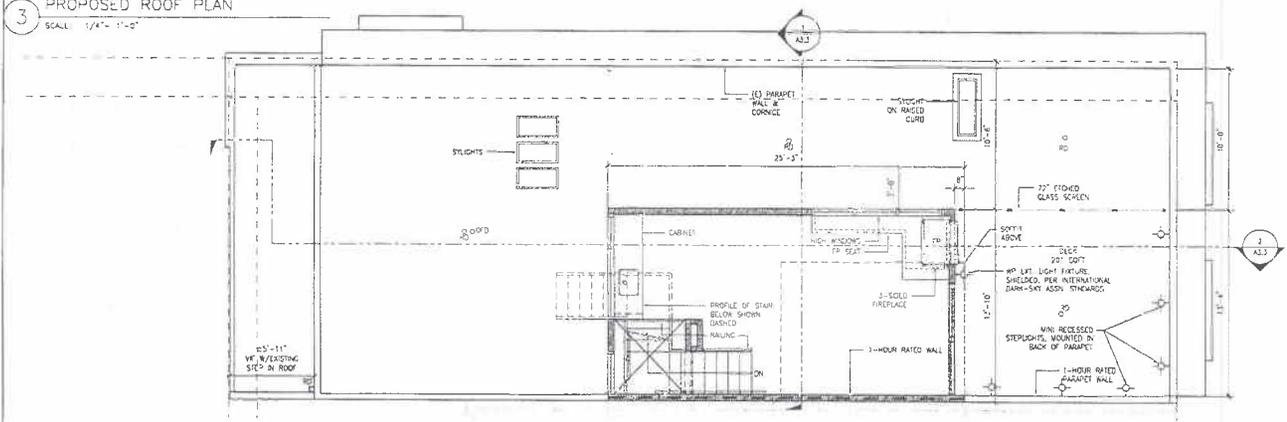
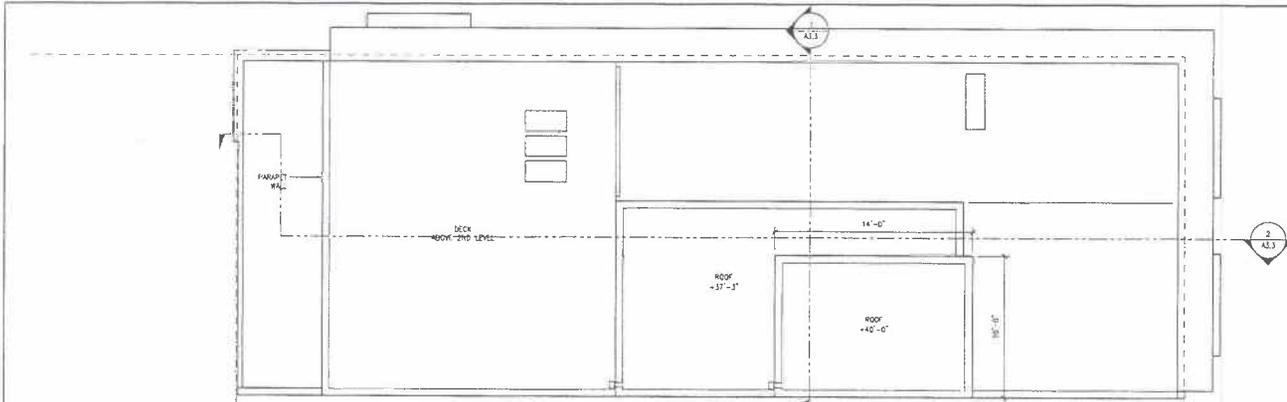
CONSULTANT:

APPROVAL:

DRAWN: TK
CHECKED: TK
SCALE: 1/4" = 1'-0"

PROPOSED FLOOR PLANS

A2.0



TROY KASHANIPOUR ARCHITECTURE 275 BRIDGE STREET 413.9 03 5101. PHONE/FAX 415.431.0888
3647-3649 23RD STREET IMPROVEMENTS

CLIENT: 3647-3649 23RD STREET LLC
1616 FARMER STREET
DUBLIN CA 94568
PHONE: 415.856.7800
EMAIL: TROY@TKARCH.COM

ISSUE: 02.09.09
ISSUED FOR PRE-APP MEETING #1 12.01.09
ISSUED FOR PRE-APP MEETING #3 01.13.09
ISSUED FOR SITE PERMIT 02.09.10
HISTORIC REVIEW COMMENTS 06.02.10
SITE PERMIT REVISION #2 06.25.10
SITE PERMIT REVISION #3 10.01.10

CONSULTANT:
APPROVAL:

PROFESSIONAL ARCHITECT
TROY KASHANIPOUR
C 37846
EXPI. 6/30/2011
STATE OF CALIFORNIA

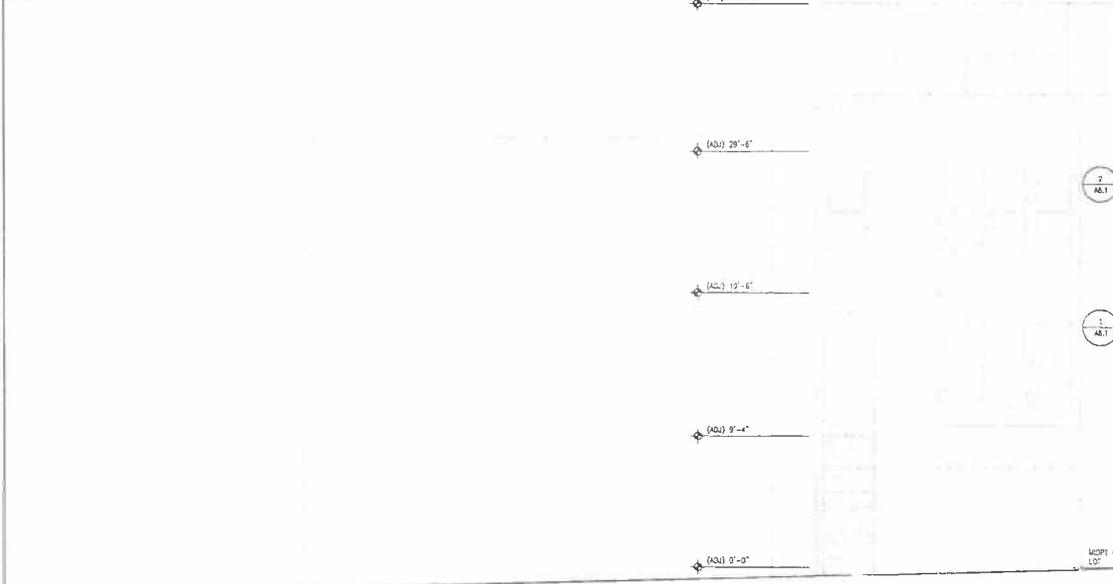
DATE: 12.01.09
DRAWN: TK
CHECKED: TK
SCALE: 1/4" = 1'-0"

PROPOSED FLOOR PLANS

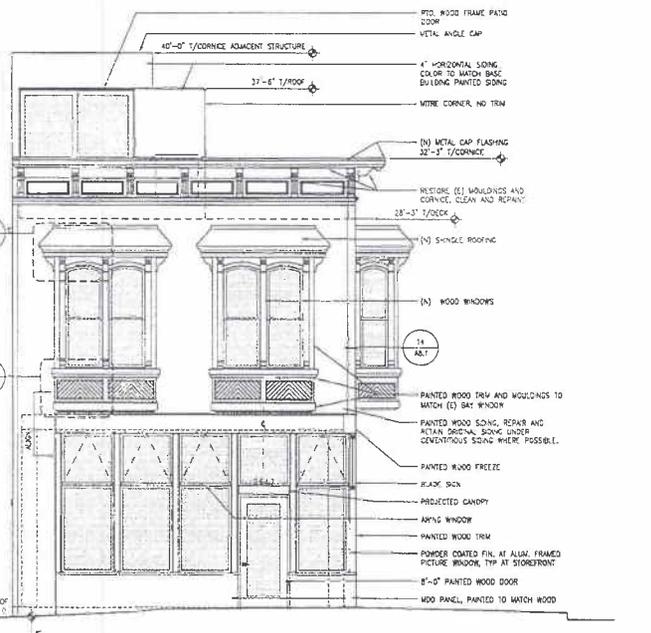
A2.1



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



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



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

CLIENT: 3647-3649 23RD STREET LLC
 1615 FRANKLIN STREET
 OAKLAND CA 94612
 PHONE: 510.808.1500
 EMAIL: MEMEL2@SBCCO.DBAI.NET

ISSUE: DATE:
 ISSUED FOR PRE-APP MEETING #1: 12.10.09
 ISSUED FOR PRE-APP MEETING #3: 01.13.09
 ISSUED FOR SITE PERMIT: 02.09.10
 SITE PERMIT REVISION: 04.14.10
 HISTORIC REVIEW REVISIONS: 06.02.10
 HISTORIC REVIEW REVISIONS: 06.18.10
 SITE PERMIT REVISION #2: 06.25.10
 SITE PERMIT REVISION #3: 10.03.10

CONSULTANT:
 APPROVAL:

DATE: 12/10/09
 TRK
 CHECKED: TRK
 SCALE: 1/4"=1'-0"

PROPOSED ELEVATIONS
A3.1



Exhibit E



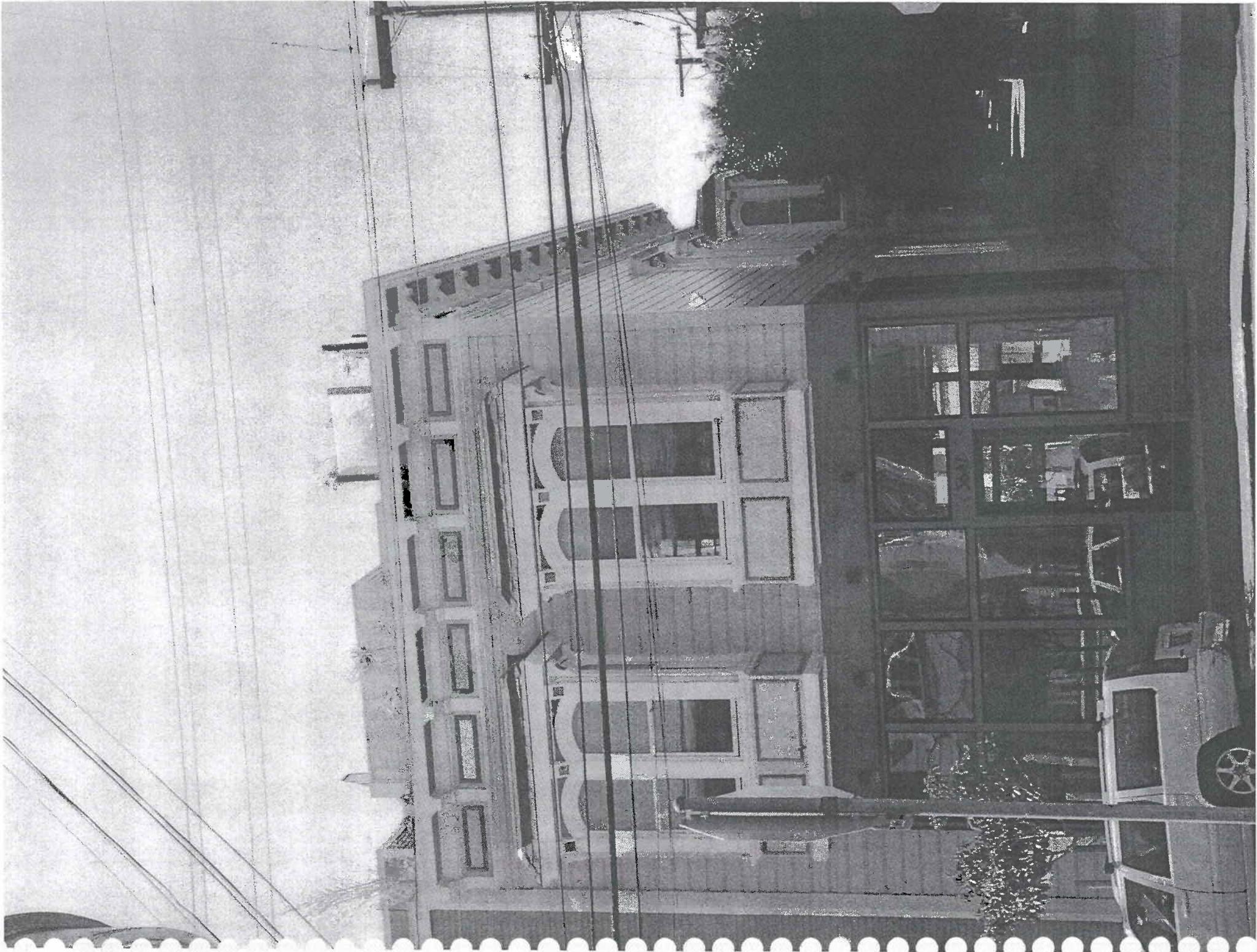


Exhibit F



Mark Anderson <mark@aoblawyers.com>

Ken & Felicia Aron residence

1 message

Mark Anderson <mark@aoblawyers.com>

Thu, Dec 8, 2011 at 11:32 AM

To: ecstarr@starrfinley.com

Bcc: vsag@sbcglobal.net, charlie.blair@sbcglobal.net, marylouise@beecroft.biz, Kimberlee Stryker <kstrykerdesign@gmail.com>, "Karen & Stephane" <karen.saux@gmail.com>, Andrew Segal <asegal@libertyhilldevelopment.com>

Dear Eric:

Thank you for meeting with us last night at Ken and Felicia Aron's residence.

You and your clients told us that they are not willing to return the glass wall to its original location as specified in the approved drawings.

As we explained, over the past three and a half years, a number of neighbors spent a good deal of time and effort with the developers concerning the details of the building before they began construction. The size of the deck and location of the glass wall as built were the result of a compromise between neighbors and the developer that addressed specific concerns voiced by a number of concerned neighbors. These elements were documented on the final approved plans recorded with the City.

After your clients took possession of the building, they moved the glass wall to the edge of the building and did so without securing a building permit from the City. Light sconces have been inserted on the façade of the penthouse giving general illumination instead of the down lights specified in the approved plans for dark sky compliance.

Your clients are now asking neighbors to accept the expanded deck and new glass wall location. No one who attended last night's meeting is willing to accept the newly expanded deck and glass wall location without a legal building permit. We request that your clients restore the deck area and glass wall to the location that was approved by the City and the neighbors through negotiations with the developer and replace the lighting to conform with the plan.

If your clients wish to expand their deck they should go through the permit process which likely will require a hearing. Please advise your clients that neighbors are likely to oppose such a proposal.

We are sorry that your clients have rejected the City's approved design. If your clients decline to restore the deck to its original configuration within the next 30 days a complaint will be lodged for illegal work.

Sincerely,

Mark F. Anderson on behalf of concerned neighbors
200 Fair Oaks St
San Francisco, CA 94110
Work phone: 415.651.1951

Exhibit G

From: LEON KEMEL [mailto:kemel92@sbcglobal.net]
Sent: Sunday, February 27, 2011 10:35 PM
To: Andrew Segal
Cc: Vladimir Chernyavskiy; Troy Kashanipour; Felicia Eth
Subject: Re: Glass

Hi Andrew

I will start working with deck glass at first half of the April

Glass will be in condition of the signed letter

Best

Leon Kemel

--- On Sun, 2/27/11, Andrew Segal <asegal@libertyhilldevelopment.com> wrote:

From: Andrew Segal <asegal@libertyhilldevelopment.com>
Subject: Glass
To: "LEON KEMEL (kemel92@sbcglobal.net)" <kemel92@sbcglobal.net>, "Troy Kashanipour" <tk@tkworkshop.com>
Date: Sunday, February 27, 2011, 3:17 PM

Hi,

Do you have a spec or sample of the etched translucent glass you are using on the upper deck? Probably wise to make sure it is not controversial before it is installed...

Exhibit H

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME:

Mark F Anderson & Kimberlee S Stryker

DR APPLICANT'S ADDRESS:

200 Fair Oaks St

ZIP CODE:

94110

TELEPHONE:

(415) 651-1951

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:

Kenneth Aron & Felicia Aron

ADDRESS:

201 Fair Oaks Street, aka 3647-3649 23d Street

ZIP CODE:

94110

TELEPHONE:

(415) 970-0717

CONTACT FOR DR APPLICATION:

Same as Above Mark F Anderson

ADDRESS:

200 Fair Oaks St

ZIP CODE:

94110

TELEPHONE:

(415) 651-1951

E-MAIL ADDRESS:

mark@aoblawyers.com

2. Location and Classification

STREET ADDRESS OF PROJECT:

201 Fair Oaks Street aka 3647-3649 23d Street, San Francisco, CA

ZIP CODE:

94110

CROSS STREETS:

Corner, 23d Street & Fair Oaks

ASSESSORS BLOCK/LOT:

3647 / 032

LOT DIMENSIONS:

LOT AREA (SQ FT):

ZONING DISTRICT:

HEIGHT/BULK DISTRICT:

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

Roof deck

Present or Previous Use:

Proposed Use: Roof deck expansion

Building Permit Application No. 2012.01.05.1778

Date Filed: 1/5/2012

4. Actions Prior to a Discretionary Review Request

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

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

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

The undersigned and concerned neighbors met with Mr and Mrs Aron in December 2011 and with planner Tom Wang in recent weeks.

Before Mr and Mrs Aron took possession of the property, we met with the developers on many occasions going back 3 years (see Exhibit A).

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 cite specific sections of the Residential Design Guidelines.

In September 2010, the owners breached an agreement FOCC had reached with the developers concerning the size and boundaries of a new roof deck. The agreement was recorded in the Planning Department by planner Tom Wang. Part of the agreement was that FOCC withdrew a pending DR.

Please see Exhibit A for the detailed history.

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 Exhibit A

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?

FOCC believes the owners should confine the deck to the agreed plan.

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: Mark F. Anderson

Date: 1/30/12

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

Mark F. Anderson

Owner Authorized Agent (circle one)

EXHIBIT A

Application for Discretionary Review (201 Fair Oaks Street)

Exhibit "A"

1. Reasons for this Request

Over the past 3 and ½ years, the Fair Oaks Community Coalition ("FOCC") negotiated first with one owner, Jason Luk, and later with new developers Leon Kemel and Vladimir Chernyavsky and their architect Troy Kashanipour concerning the remodeling of what is now 201 Fair Oaks Street.

In 2010, the developers proposed the addition of a penthouse and roof deck. FOCC objected that the additions raised privacy concerns, were unattractive, and not in keeping with the historical nature of the neighborhood, especially on this important corner property.

FOCC met with the developers and their architect on many occasions in 2009 and 2010 related to proposals for the building. Not able to reach agreement in August 2010, FOCC filed a DR. After more negotiations, in October 2010, the parties reached agreement under which a penthouse would be allowed if the deck size would be reduced and an opaque windscreen added to confine the deck space and to ensure privacy on the south and west side of the roof.

This agreement was memorialized on October 10, 2010. On that date, planner Tom Wang was notified and approved the plans showing the new deck plan. Mr Wang sent FOCC an email stating that the revised plans would be saved in the DR docket (see Exhibit 1). He stated at that time to FOCC members and again in November and January that he would deny any request to expand the deck by new owners based on the agreement made between the developers and the FOCC community under his oversight as Project Planner.

The owners moved in mid-2011. In August 2011, the owners' contractor extended the deck and windscreen to the west wall of the building on Fair Oaks Street side. The work was done without a permit.

FOCC notified the new owners of the agreement and met with them in December 2011. However, the owners were unwilling to modify the deck.

On January 5, 2012, FOCC submitted a complaint to DBI about the unpermitted work (see attached). Coincidentally, the owners later applied for a permit to extend the deck the same day.

FOCC submits that its agreement with the developers was binding on the new owners since it was made with oversight by Planning and the DR was withdrawn based on mutual agreement of terms. Hence the new owners should conform the deck to the agreed plan.

2. Impacts on the Neighborhood

The two primary concerns by neighbors over the original proposal for the penthouse and large roof deck addition were: a) retention and restoration of historic character on a highly visible corner building on Fair Oaks Street and b) loss of interior privacy to neighbors due to the

addition of windows in the original building facing Fair Oaks Street, new windows in the proposed penthouse, and the open roof deck that surveys the neighborhood.

By agreeing to a reduced roof deck, to the addition of a windscreen with opaque glass, and by raising the windows in the penthouse, the parties' agreement addressed the neighbors' desire for privacy yet allowed the developers and new owners to have a penthouse addition and useful recreational space on the roof deck with expansive views to both the north and west. The owners' illegal expansion of the roof deck breaches the negotiated agreement with the developers and compromises the neighbors' privacy concerns that had been solved and which lead them to retract the original DR request last year. It also compromises the integrity of the process that Planning advocates for community participation in neighborhood development, and for which the community spent over 100 hours of meetings, design discussion and communication with developers. In addition, it forces the neighborhood to file a second DR to resolve an issue that was assumed to be resolved less than a year prior to this one.

Letter to DBI

Application for Discretionary Review (201 Fair Oaks Street)

January 6, 2012
200 Fair Oaks Street
San Francisco, CA 94110
Work phone: 415.651.1951
Home phone: 415.648.3736
Email: mark@aoblawyers.com

Ms. May Ling Dea, District Inspector
Department of Building Inspection
Inspection Services Department
1660 Mission Street
San Francisco, CA 941XX

Re: Corner Property at Fair Oaks and 23d Street (Block 3647, Lot 32)

Dear Ms Dea:

This letter is a complaint that Mr Ken Aron and Ms Felicia Aron, owners of the above-captioned property, had exterior work performed without a permit. In addition, the work was contrary to plans submitted by the developers of the property under SF Planning review. The undersigned are concerned neighbors who request that the unpermitted work be removed.

Specifically, during the second week of September 2011, Mr and Mrs Aron had a contractor expand a roof deck beyond what was approved by the Planning Department and with no permit having been issued. The unpermitted deck work included installation of a glass wall on the edge of the building facing Fair Oaks Street which, according to the plans submitted by the developers to Planning on or about October 3, 2010, was to be set back a significant distance from Fair Oaks Street aligned with a newly built penthouse. The plans also called for down lights on the exterior facade; however, the owners installed lights that do not qualify as down lights.

Negotiations with the Developer. The undersigned negotiated over a three and a half year period with Leon Kemel and Vladimir Chernyavskiy, the developers of the property, on a number of design issues, including the size of the roof deck, the location of the glass wall that fronts the deck, and the type of roof lights to be installed. We objected to their original design for the roof deck that extended to all edges of the roof along Fair Oaks Street and to the proposed "penthouse". We believed the roof deck and penthouse as originally proposed were not consistent with the historical character of the building, was too visible from adjacent streets and intrusive to nearby neighbors. Not being able to reach agreement we filed a DR request on August 13, 2010 (case number 2010.09737D).

After we filed the request for a DR, we continued negotiating with the developers finally reaching a compromise on September 22, 2010. In an emails on that date Troy Kashanipour, the developers' architect, told Andy Segal of our group that his clients agreed to our proposal of setting back the deck on the Fair Oaks side of the building and eliminating the deck on the West

side of the building. The proposal reduced the deck size from 520 sq feet to 245 sq feet. Mr Kashanipour said the glass "screen wall idea" was also acceptable referring to an opaque glass wall we requested, to be set back and aligned with the façade of the penthouse. He concluded that "this is a good compromise." Based on the agreement with the developer for these changes we notified the project planner, Mr. Thomas Wang, and withdrew our discretionary review request. The changes were recorded with S.F. Planning and your records show a project decision date of October 11, 2010.

Copies of architects' plans showing the compromise are enclosed.

The building was completed in the following months. According to Mr and Mrs Aron, they purchased the building sometime in early 2011 before the project was completed.

Owners Unpermitted Work. Unfortunately, in early September 2011, Mr and Mrs Aron expanded the deck and changed the lighting as indicated above.

Following this unpermitted work, groups of neighbors have met with Mr and Mrs Aron on two occasions in an attempt to resolve these issues. However, Mr and Mrs Aron made it clear that they have no intention to return the glass wall to its original location and reduce the deck size as specified in the approved drawings. In fact, they stated they plan to enclose the entire roof for use as a roof deck. They did promise to address the lighting, but it does not appear they have done so.

Mr and Mrs Aron admit that they had a contractor perform the work without a permit. They have claimed they did not know a permit was required. They also claim that the developers did not inform them orally or in writing of our agreement concerning the roof deck.

As we have explained, we spent a good deal of time and effort with the developers and reached a compromise agreement. We object to the deck expansion from what was agreed to and to the lack of a permit.

Our Request. We ask that you investigate this matter and take action to ensure the deck is restored to the originally agreed upon configuration. That configuration was determined in good faith with both the developer and with City Planning and we believe this agreement should be honored.

Sincerely,

Mark Anderson

Blair Moser

Kim Stryker

Charles Moser, M.D.

Marylouise Becroft

Tom Wang Email

Application for Discretionary Review (201 Fair Oaks Street)

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

From: Thomas.Wang@sfgov.org [mailto:Thomas.Wang@sfgov.org]
Sent: Tuesday, October 12, 2010 11:43 AM
To: Andrew Segal
Cc: Troy Kashanipour
Subject: Re: 3647-3649 23rd Street

Mr. Segal:

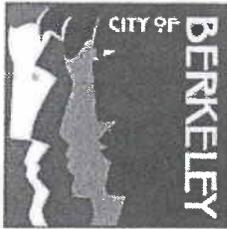
Thank you for your E-mail. The site permit application No. 2010.02.11.6378 for 3647, 3649 23rd Street will be approved with revised plans that have been agreed upon by you and Troy Kashanipour. An identical set of revised plans will also be saved in the Discretionary Review docket for future records.

Sincerely,

Tom Wang

Andrew Segal
<asegal@libertyhilldevelopment.com>
> To: "thomas.wang@sfgov.org"
<thomas.wang@sfgov.org>
10/11/2010 03:39 PM cc
Troy Kashanipour
<tk@tkworkshop.com>, "LEON KEMEL
(kemel92@sbcglobal.net)"
<kemel92@sbcglobal.net>, "Vladimir
Chernyavskiy (juv@att.net)"
<juv@att.net>
Subject
3647-3649 23rd Street

Exhibit I



City of Berkeley
Planning and Development Department
Building and Safety Division
2120 Milvia Street, Berkeley, CA 94704
Office: (510) 981 – 7440 Fax: (510) 981 – 7450
Email: BuildingandSafety@CityofBerkeley.info

DECK/PORCH/STAIR/GUARDRAIL PLAN REQUIREMENTS

For One and Two Family Residences & Townhomes not exceeding 3 Stories

Requirements for Permit Submittal based on the 2010 California Residential Code:

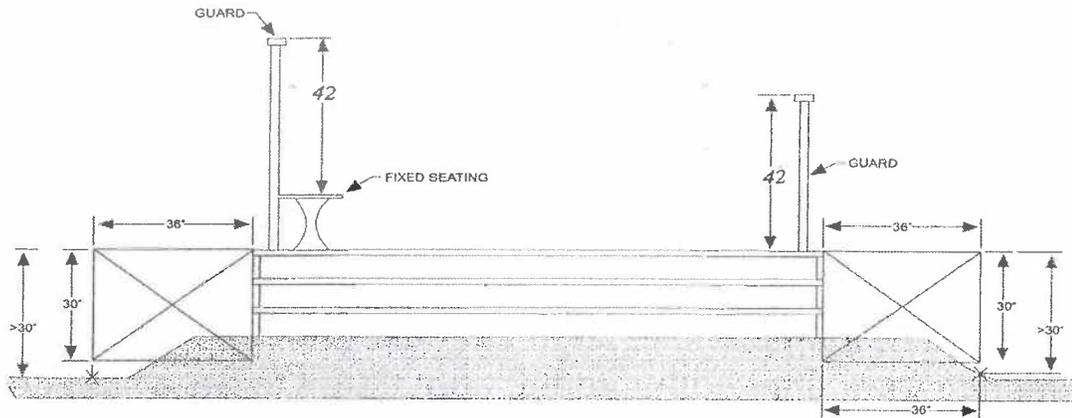
Before approval and issuance of a building permit for deck, porch, stair, handrails or guardrails applicant shall submit three sets of plans (minimum size 11"x17"), which are drawn to scale (or at the very minimum fully dimensioned), readable, legible, and include the following information: (Plan information listed in the items below could be combined if clarity is maintained)

PLAN SUBMITTAL REQUIREMENTS

1. **On first sheet of plans** include: (a) project address; (b) name, address and phone number of the owner and the person preparing the plans, (c) scope of work statement;
2. **Site Plan** showing all structures on the property, including location of existing and proposed deck(s)/stair(s)/porch(s) with distances to property lines, etc.
Note: Decks/stairs/porches/etc. are considered projecting elements and are subject to the following requirements based on the proximity to property lines:
 - A. Projecting elements are not allowed less than 2 feet from property lines. (CRC Table R302.1(1)).
 - B. Projecting elements located 2 or more feet to 5 feet from property lines must be protected on the underside by one-hour fire-resistance rated construction. (CRC Table R302.1(1)).
3. **Framing/Foundation Plan** showing the following:
 - A. Size, type, spacing and span of deck joists and supporting beams
Note: Deck framing (e.g., joists, beams, posts, decking, etc.) shall be of approved naturally durable or pressure-preservative-treated wood. (CRC Sec.R317.1.3, R202).
 - B. Size and location of piers and footings.
4. **Construction Sections/Details** showing the following:
 - A. Framing details, showing typical framing, connections, ledger attachment, connection hardware for beams to posts and to footings, etc. See *CRC PRESCRIPTIVE SUMMARY* below included for your guidance.
 - B. Pier/Footing detail(s) sized to accommodate tributary point loads and limit the soil bearing pressure to 1500 pounds per sq.ft. as set forth in CRC Section R403.1.1 and Table R401.4.1.
Note: Piers/footings shall extend a minimum of 12 inches below grade, shall be a minimum of 12" in any plan dimension, and shall have #4 bar reinforcing.
 - C. Cross-section/elevation drawing(s) including existing and proposed doors and windows. Landing and stair configuration may require existing window glazing be changed to safety glazing.
 - D. Stair section and/or detail(s) specifying: (a) maximum riser height; (b) minimum tread depth; (c) minimum width of 36 inches; (d) minimum headroom of 6'-8"; (e) framing (stringer) size, bracing, connections, footing. See *CRC PRESCRIPTIVE SUMMARY* below included for your guidance.
 - E. Handrail/Guardrail detailing to enable verifying compliance with the requirements of CRC Sections R311.7.7 and R312. See *CRC PRESCRIPTIVE SUMMARY* below included for your guidance.
 - F. Landing details. See *CRC PRESCRIPTIVE SUMMARY* below included for your guidance.

8. Guardrail Requirements:

- A. Guards shall be located along open sides of decks, porches, landings, stairs that are located more than 30 inches measured vertically to the floor or grade below at any point within 36 inches horizontally if the edge of the open side. (CRC Sec.R312.1).
- B. Guards shall be not less than 42 inches high measured vertically above the walking surface, adjacent fixed seating or the line connecting the leading edges of the treads. (CRC Sec.R312.2).



Exceptions:

- i. Guards on the open sides of stairs shall have a height not less than 34 inches measured vertically from a line connecting the leading edges of the treads.
 - ii. Where the top of the guard also serves as a handrail on the open sides of stairs, the top of the guard shall not be less than 34 inches and not more than 38 inches measured vertically from a line connecting the leading edges of the treads.
- C. Guards shall not have openings from the walking surface to the required guard height which allow passage of a sphere 4 inches in diameter. (CRC Sec.R312.3).
- Exceptions:
- i. The triangular openings at the open side of a stair, formed by the riser, tread and bottom rail of a guard, shall not allow passage of a sphere 6 inches in diameter.
 - ii. Guards on the open sides of stairs shall not have openings which allow passage of a sphere 4-3/8 inches in diameter.
- D. Guardrails and handrails shall be capable to withstand a single concentrated load of 200 lbs applied in any direction at any point along the top of the rail. (CRC Table R301.5 footnote d).
- E. Guardrail in-fill components, balusters and panel fillers shall be capable to withstand a horizontally applied normal load of 50 lbs on an area equal to 1 sq. ft. This load need not be assumed to act concurrently with any other live load requirement. (CRC Table R301.5 footnotes f and h).

9. Landing Requirements:

- A. Exterior doors onto decks/porches shall be provided with landings. The width of each landing shall be not less than the door served. Every landing shall have a minimum dimension of 36 inches measured in the direction of travel. Exterior landings are permitted to have a slope not exceeding $\frac{1}{4}$ unit vertical in 12 units horizontal (2%). (CRC Sec.R311.3).
- B. Exterior landings at the required egress door shall not be more than 1½ inches lower than the top of the threshold for the outswinging door and not more than 7¾ inches below the top of the threshold for the inswinging door. (CRC Sec.R311.3.1).
- C. Doors *other* than the required egress door shall be provided with landings not more than 7¾ inches below the top of the threshold. (CRC Sec.R311.3.2).
Exception: A landing is not required where a stairway of two or fewer risers is located on the exterior side of the door, provided the door does not swing over the stairway.

Exhibit J

25017A1000

BLDG. FORM 318

APPROVED FOR ISSUANCE

APPLICATION NUMBER
2012-01-05-1778

OSHA APPROVAL REQ.
APPROVAL NUMBER:

(His)
COMP 201280075, 200672403 (B10)

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF
BUILDING INSPECTION OF SAN FRANCISCO FOR
PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS
AND SPECIFICATIONS SUBMITTED HERewith AND
ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE
HEREINAFTER SET FORTH.

▼ DO NOT WRITE ABOVE THIS LINE ▼ AKA 3645-3647-3649 23rd St

DATE FILED 1-5-12	FILING FEE RECEIPT NO. 12011181	(1) STREET ADDRESS OF JOB 201 FAIR OAKS ST.	BLOCK & LOT 3647/032
PERMIT NO.	ISSUED	(2A) ESTIMATED COST OF JOB \$1,000.00	(2B) REVISED COST

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. V-B	(5A) NO. OF STORIES OF OCCUPANCY 3	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE SINGLE FAMILY RESIDENTIAL W/ ACCESSORY GROUND FER COMMERCIAL	(8A) OCCUP. CLASS R-3/B	(9A) NO. OF DWELLING UNITS 1
-----------------------------	---------------------------------------	--	---	----------------------------	---------------------------------

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. V-B	(5) NO. OF STORIES OF OCCUPANCY 3	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) SINGLE FAMILY RES W/ ACCESSORY GROUND FER COMMERCIAL	(8) OCCUP. CLASS R-3/B	(9) NO. OF DWELLING UNITS 1
----------------------------	--------------------------------------	---------------------------------------	---	---------------------------	--------------------------------

(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? NO <input checked="" type="checkbox"/>
---	---	---	---

(14) GENERAL CONTRACTOR OWNER-BUILDER ADDRESS ZIP PHONE CALIF. LIC. NO. EXPIRATION DATE

(15) OWNER - LESSEE (CROSS OUT ONE) ADDRESS ZIP BTRC# PHONE (FOR CONTACT BY DEPT.)
KENNETH ARON 201 FAIR OAKS ST. SF, CA 94110 (415) 970-0717

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
ENLARGE EXISTING ROOF TRUSS WITHIN BUILDABLE AREA



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Proposed Approval

(REVISED)

January 23rd, 2012

To Whom It May Concern:

RE: 201 Fair Oaks Street
(a.k.a. 3645 – 3649 23rd Street) (Address of Permit Work)
3647/032 (Assessor's Block/Lot)
2012.01.05.1778 (Building Permit Application Number)

This letter is to inform you that the Planning Department received a Building Permit Application to enlarge a previously approved roof deck and remove its associated glass windscreen at the subject property. The current roof deck and its associated glass windscreen were previously approved under Building Permit Application No. 2010.02.11.6387 and Discretionary Review Case No. 2010.0737D. This letter serves as the required 10-day notice of the proposed work under the current Building Permit Application No. 2012.01.05.1778.

The proposed work is to enlarge the previously approved roof deck by extending it 10 feet 4 inches to the west side wall of the subject building and to remove a 6 feet tall glass windscreen along the west edge of the previously approved roof deck.

If you would like to review the associated plans or have any questions about this application, please contact the assigned planner for this project, Tom Wang, at (415) 558-6335 or thomas.wang@sfgov.org within 10 days from the date of this letter. This project will be approved by the Planning Department if no request for Discretionary Review is filed by the end of the 10-day noticing period, February 2nd, 2012.

Sincerely,

Tom Wang, Planner
Southwest Team

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377



Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201280075
 Owner/Agent: OWNER DATA SUPPRESSED
 Date Filed: 01/05/2012
 Owner's Phone: --
 Location: 3647 23RD ST
 Contact Name: --
 Block: 3647
 Contact Phone: --
 Lot: 032
 Complainant: COMPLAINANT DATA SUPPRESSED
 Site:
 Rating:
 Occupancy Code: R-3
 Received By: May-Ling Dea
 Division: HIS
 Complainant's Phone:
 Complaint Source: TELEPHONE
 Assigned to Division: HIS
 Description: Extended and enclosed the roof deck without required permit.
 Instructions: AKA: 201 Fair Oak Street. Property being changed to condos.

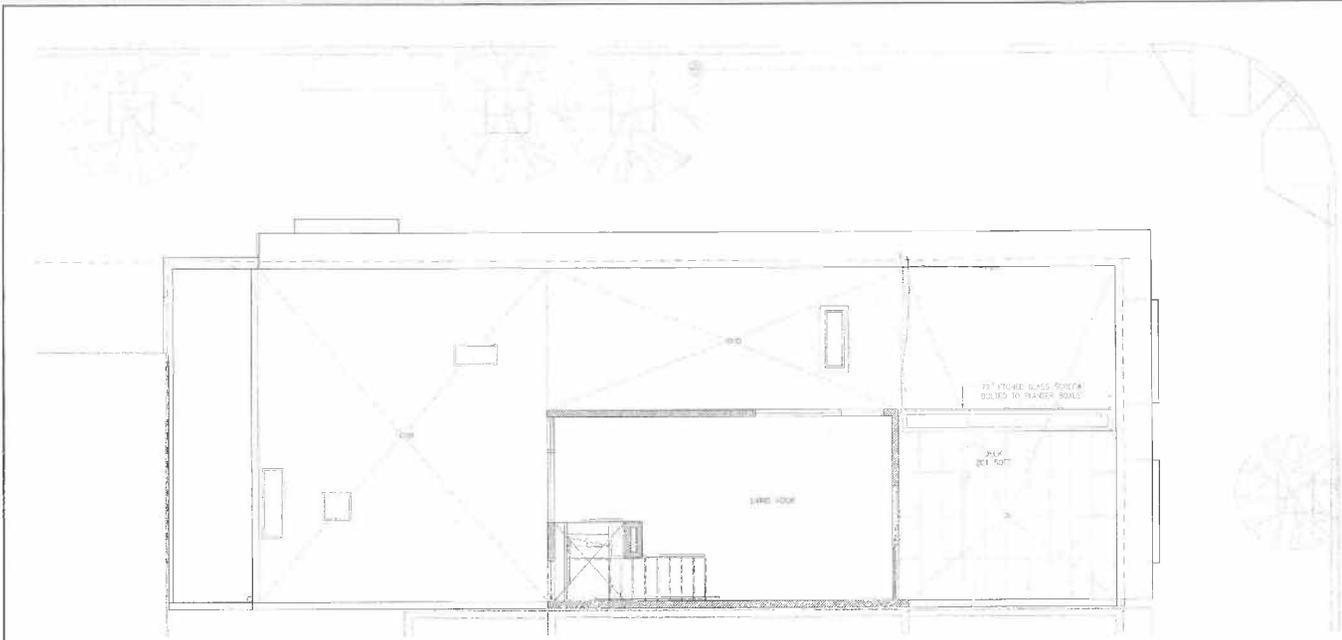
INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	MUNGOVAN	6239	14	

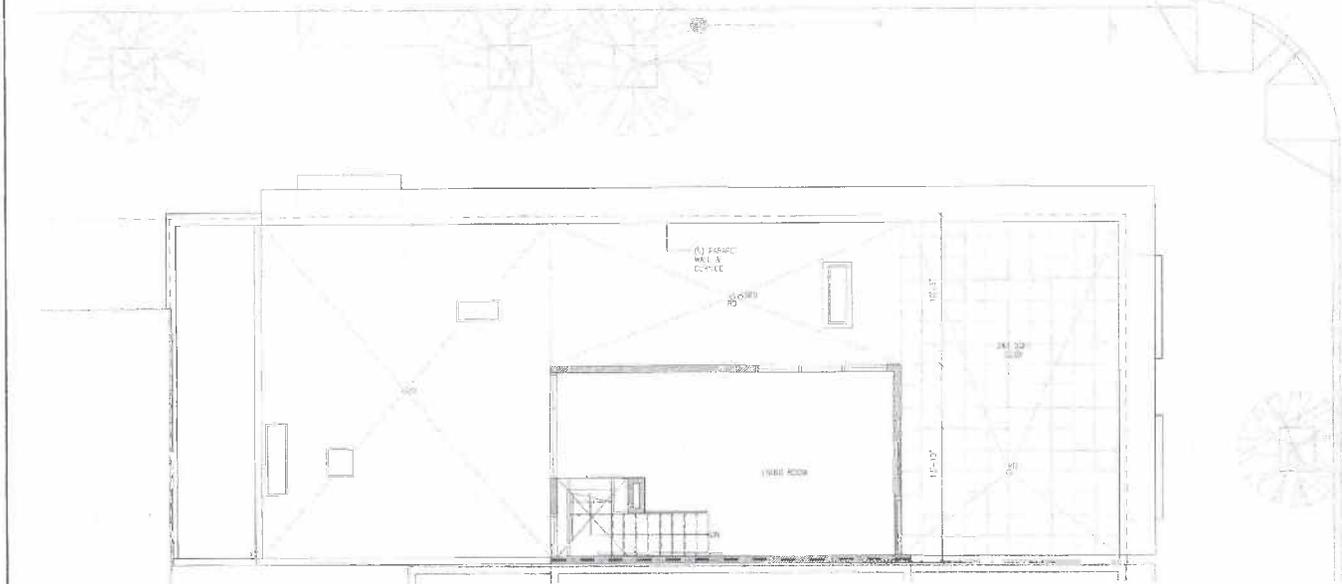
REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
01/05/12	CASE OPENED	HIS	Mungovan	CASE RECEIVED	
01/05/12	WITHOUT PERMIT-ADDED, DELETED - FLOOR OCCUPANCY	HIS	Mungovan	TELEPHONE CALLS	Inspection with complainant scheduled for 1/6/12 @ 10:30a.
01/06/12	WITHOUT PERMIT-ADDED, DELETED FLOOR OCCUPANCY	HIS	Mungovan	INSPECTION OF PREMISES MADE	Inspector Steve Mungovan met with the complainant who pointed out the possible work with out permit violations including expanding the roof deck, erecting a glass wall for the deck on the roof perimeter, and unapproved lighting. Photos were taken and permit history will be requested.
01/06/12	WITHOUT PERMIT-ADDED, DELETED FLOOR OCCUPANCY	HIS	Mungovan	PERMIT RESEARCH	
01/09/12	WITHOUT PERMIT - OTHER	HIS	Mungovan	REINSPECTION 1	Inspector Steve Mungovan attempted to perform an inspection on 1/9/12 at 11:15a at the subject property but was unable to gain entry because the property owner declined to provide access to the area in question. The owner stated that a permit application to move the wind screen (glass wall) back to its original location was being made by others. The Housing Inspector left his contact information to be passed onto that individual in order to contact the inspector.
01/10/12	WITHOUT PERMIT - OTHER	HIS	Mungovan	TELEPHONE CALLS	Spoke with the owners Real Estate agent who will arrange access to the roof deck area for inspection. Building Permit App. #2012-0105-1778 has been filed to legalize an enlarged deck area and remove the glass windscreen from the roofs perimeter.
01/13/12	WITHOUT PERMIT - OTHER	HIS	Mungovan	REINSPECTION 2	On 1/13/2012 @ 9:30a Inspector Mungovan met onsite with the owner and her architect B.Baumann and observed the following: 1)masonry decking material extending the width of the roof (east to west) along 23rd St. and from the front of the building on 23rd extending back (north to south) to the penthouse entry. 2) planter box/windscreens on the roof deck perimeter at the 23rd St./Fair Oaks corner of the roof. 3) two downward lit lighting fixtures on the north wall of the penthouse with energy efficient bulbs reportedly 30 watt in size. Architect B.Baumann will keep the inspector informed regarding the permit application/review process to legalize the existing conditions.
05/21/12	WITHOUT PERMIT - OTHER	HIS	Mungovan	CASE UPDATE	Received an e-mail from the realtor who reports that the permit application is on hold in Planning because a discretionary review has been filed by a neighbor; the hearing date has yet to be scheduled.
05/21/12	WITHOUT PERMIT - OTHER	HIS	Mungovan	TELEPHONE CALLS	Left a voice mail message with the realtor, B.Bauman, requesting a case update.
10/24/12	WITHOUT PERMIT - OTHER	HIS	Mungovan	TELEPHONE CALLS	Left a voice mail message with the realtor for an update on the permit application. Permit research indicates that a permit app. was filed 1/5/12 but has yet to complete the review process.
11/01/12	WITHOUT PERMIT - OTHER	HIS	Mungovan	TELEPHONE CALLS	Spoke with T.Wang of the Planning Dept. who reports that a Discretionary Review Request was made for Building Permit #201201051778 filed 1/2012 and that hearing will take place in approx. 3 months.



1 EXISTING THIRD LEVEL PLAN
SCALE: 1/4" = 1'-0"



2 PROPOSED THIRD LEVEL PLAN
SCALE: 1/4" = 1'-0"

DRAWING LIST

- A2.1 EXISTING AND PROPOSED FLOOR PLANS
- A3.1 PROPOSED ELEVATIONS

SCOPE OF WORK THIS PROJECT:

FINISH EXISTING ROOF DECK WITH BUILDABLE AREA OF 1001.91 SQ. FT. (E) CLASS WINDRESISTANT

APPLICABLE REGULATIONS & STANDARDS

- 2010 CALIFORNIA BUILDING CODE WITH SAN FRANCISCO AMENDMENTS
 - 2010 CALIFORNIA MECHANICAL CODE WITH SAN FRANCISCO AMENDMENTS
 - 2010 CALIFORNIA PLUMBING CODE WITH SAN FRANCISCO AMENDMENTS
 - 2010 CALIFORNIA ELECTRICAL CODE WITH SAN FRANCISCO AMENDMENTS
 - 2010 CALIFORNIA FIRE CODE WITH SAN FRANCISCO AMENDMENTS
 - ENERGY CODE, TITLE 24 CALIFORNIA CODE OF REGULATIONS
 - LIFE SAFETY CODE, 2007 EDITION NFPA 12
 - NFPA 13, 2007 EDITION
- APPLICABLE STANDARDS:
- UL-LINKSWRITERS LABORATORIES FIRE RESISTIVE DIRECTORY 2002 EDITION
 - UL-LINKSWRITERS LABORATORIES BUILDING MATERIALS DIRECTORY 2010 EDITION
 - SMACNA - FIRE SMOKE AND RADIATION DAMPERS INSTALLATION GUIDE FOR HVAC SYSTEMS, 3RD EDITION

BUILDING & PLANNING DEPARTMENT NOTES:

PROJECT NO.: 1347302
 ZONING: T-3
 OCCUPANCY: R-30 SINGLE FAMILY RESIDENTIAL WITH ACCESSORY GROUND FLOOR COMMERCIAL
 TYPE OF CONSTRUCTION: V-8 (NON-RATED)
 BUILDING IS EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM. NO MODIFICATION UNDER THIS PERMIT.

DRAWN BY:
 KEN ARON & FF, CA, 0711
 231 FINE OAK STREET
 SAN FRANCISCO, CA 94102

DATE: 01/28/12
 SCALE: 1/4" = 1'-0"

CONSULTANT:

APPROVAL:

RECEIVED
 JAN 05 2012
 CITY OF BUILDING INSPECTION
 HAS IN AN INSPECTION THE QUALITY
 STANDARDS FOR THIS PROJECT
 ACCEPTED



DATE: 01/28/12
 SCALE: 1/4" = 1'-0"

PROPOSED FLOOR PLANS

A2.1

TRACY VASHAN FOUR ARCHITECTURE 2301 FINE OAK STREET SAN FRANCISCO, CALIFORNIA
 3647-3649 23RD STREET IMPROVEMENTS

2012-01-25-1778

TROY KASHAN P.O. BOX 301417 SAN FRANCISCO, CA 94131

3647-3649 23RD STREET IMPROVEMENTS

OWNER:
KEVIN ARON & LUCIA LIH
203 HAW OAK STREET
DUBLIN, CALIFORNIA 94568

DATE: 01/05/2010
PROJECT FOR PERM: 01/05/10

EXPLANATION

APPROVAL

EXAMINER	DATE



RECEIVED
JAN 9 5 2010
CITY OF DUBLIN INSPECTION
FOR PLAN CHECKS. THE QUALITY
STANDARD FOR MICROFILMING
ACCEPTED.

PROPOSED ELEVATIONS

A3.1



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



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

Exhibit K

OWNER:
174 JOHN & TERESA CH
201 FAIROAKS STREET
SAN FRANCISCO, CA 94107

DATE:	DATE:
15/01/14	12/28/13
REVISION:	02/14/13

CONTRACT:

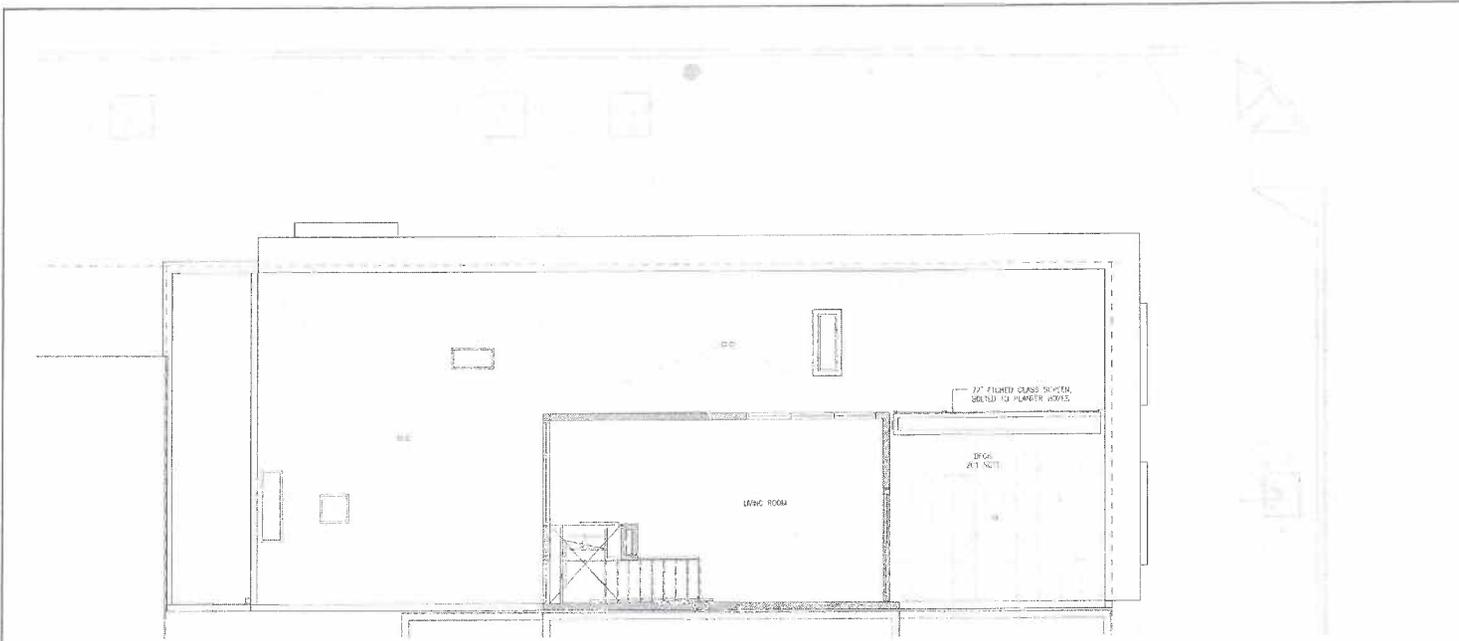
APPROVAL:



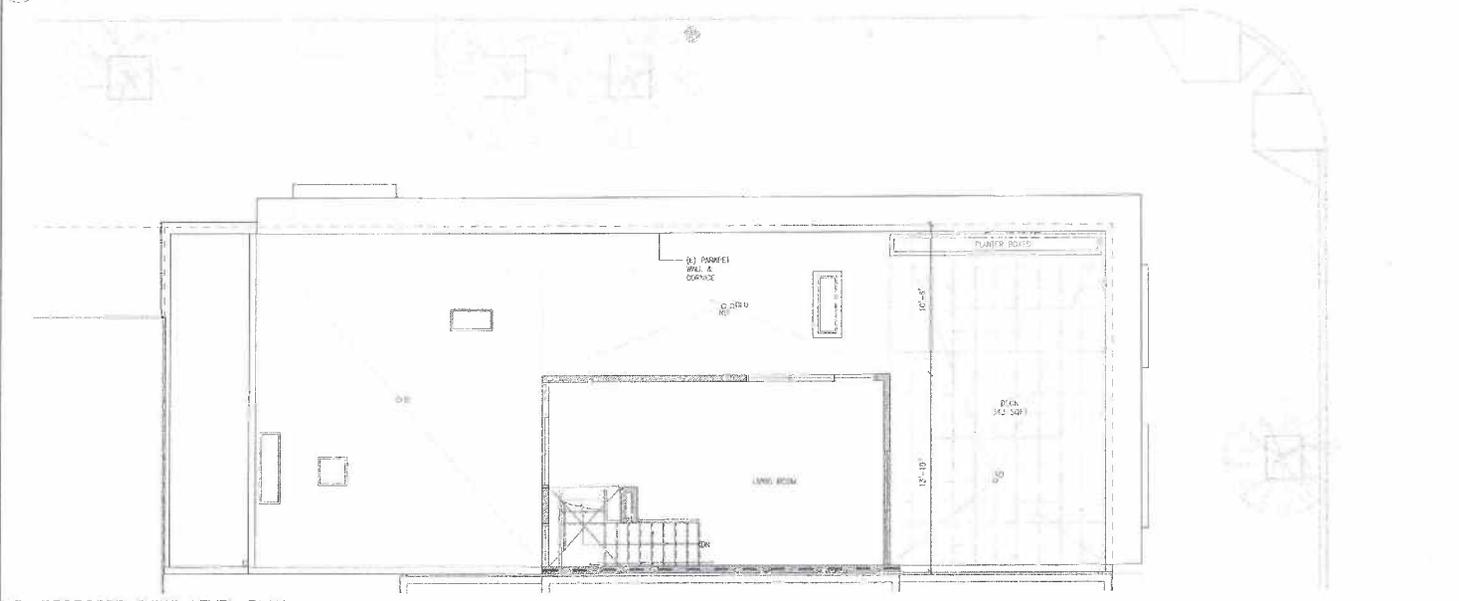
DRAWN:
JK
CHECKED:
RK
SCALE:
1/4" = 1'-0"

EXISTING & PROPOSED FLOOR PLANS

A2.1



1 EXISTING THIRD LEVEL PLAN
SCALE: 1/4" = 1'-0"



2 PROPOSED THIRD LEVEL PLAN
SCALE: 1/4" = 1'-0"



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



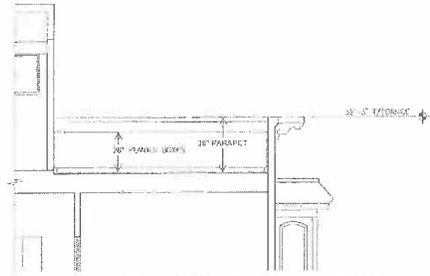
3 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"



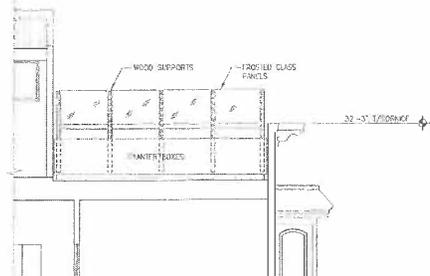
13 EXISTING NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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



2 PROPOSED PLANTER AS SEEN FROM PATIO
SCALE: 1/4" = 1'-0"



1 (E) ELEVATION AT GLASS SCREEN/PLANTER FROM PATIO
SCALE: 1/4" = 1'-0"

TROY KASPAK POUR ARCHITECTURE 250-330 GREEN ST. #1000 SAN FRANCISCO, CA 94102

201 FAIR OAKS STREET

OWNER:
WIN ARAU & PEGGY LEE
201 FAIR OAKS STREET
SAN FRANCISCO, CA 94107

ISSUE: 01/15/2011 DATE:
REVISION: 01/15/11 01/15/11

CONTRACT:

APPROVAL:



DRAWN: BK
CHECKED: BK
SCALE: 1/4" = 1'-0"

EXISTING & PROPOSED
ELEVATIONS

A3.1

Albany
Atlanta
Brussels
Denver
Los Angeles
New York

McKenna Long & Aldridge^{LLP}

121 Spear Street • Suite 200
San Francisco, CA 94105
Tel: 415.356.4600
mckennalong.com

Orange County
Rancho Santa Fe
San Diego
San Francisco
Washington, DC

ALICE SUET YEE BARKLEY
415.356.4635
Direct Fax: 415.356.3888

EMAIL ADDRESS
abarkley@mckennalong.com

VIA MESSENGER

June 10, 2013

Mr. Rodney Fong
President, Planning Commission
1650 Mission Street
San Francisco, CA 94013

Subject: Case Number 12.0112D
Discretionary Review Request of Expansion of a Single-Family Home Roof Deck
at 201 Fair Oaks, San Francisco, CA (Block 0974/010)

Dear President Fong:

This firm represents Felicia and Ken Aron ("Applicants") the owners of a mixed use building at 201 Fair Oaks Street, San Francisco ("Property"). Applicants propose to (1) legalize expansion of an existing roof deck from 14' x 13'-10" to 14' x 24'-4" (or from 201 sf to 343 sf), (2) remove the privacy translucent glass screen, and (3) to place planters against portions of the Fair Oaks Street frontage ("Project"). The roof deck is their only usable open space. The Project is Code compliant. Copies of the plans and elevations are attached hereto as **Exhibit 1**.

On January 31, 2012, Mark Anderson and Kimberlee Stryker, who are the owners of the Property directly across the street at 200 Fair Oaks Street ("DR Requestors"), filed a discretionary review request with the Planning Commission.

There are no extraordinary or exceptional circumstances that would warrant discretionary review of this Project. The Applicants have been advised by Planning staff that the Project will be presented to the Commission as an abbreviated discretionary review ("DR"). For the reasons discussed below, the discretionary review request should be denied.

PROJECT SITE

The Project Site ("Site"), located at the southeast corner of Fair Oaks and 23rd Streets, is in an RH-3 zoning district and a 40-X height and bulk district. The Site, measuring 46' by 67', is level and improved with four condominium units in two buildings – 201 Fair Oaks/3649 23rd Street and 3645-3647 23rd Street. Fair Oaks Street is a 60' wide right-a-way. See aerial photographs attached to the Case Report. The Project will not alter the bulk or massing of the existing 201 Fair Oaks building nor its neighborhood context. Photograph of the Project Site and vicinity are attached hereto as **Exhibit 2**.

The 201 Fair Oaks building, owned by the Applicants, contains a ground floor commercial condominium (a retail store) and the residential condominium occupied by the Applicants. A copy of the 2010 site plans, floor plans, elevations and sections are attached hereto as **Exhibit 3**. The 3645-3647 23rd Street building is a new building completed in August, 2011 as part of an overall project that included renovation and an addition to the 201 Fair Oaks Building. The residential condominium renovation by the previous developer included interior remodeling, the addition of a small fourth floor penthouse and a roof deck screened by planter/glass screen. Due to the approved location of the privacy planter/privacy glass screen, the roof deck is blocked off from the rest of the roof. The height of the west facing windows demanded by the FOCC and DR Requestors' preclude the use of the window to access the roof. Therefore, the developer had no choice but to put the Planter/privacy screen on wheels so that the roof can be maintained. The developer also extended tile so that when the planter/privacy screens are moved the roof will not be damaged causing water intrusion into the floor below.

2011 APPROVED PROJECT PLANS

When the Applicants purchased the Property, they were informed that the developer and the Fair Oaks Community Coalition ("FOCC") had agreed to certain design modifications in exchange for FOCC withdrawing its DR, and that further design modifications could be made in the future. The developer told the Applicants that he had agreed to the design modifications under duress even though those demands were without merit. A DR hearing would have delayed the approval of the development plans, resulting in a loss of the construction financing already in place. A copy of a letter dated March 29, 2013 from the Developer to the Planning Department is attached hereto as **Exhibit 4**. The Applicants were not provided with a copy of a disclosure document, including the letter from the neighborhood group to the project architect, until October 4, 2011, two and one-half months after escrow closed on July 19, 2011. A copy of the letter from FOCC to the project architect listing the design revisions is attached hereto as **Exhibit 5**. The planter/privacy screen was demanded by the DR Applicants to protect their privacy when the tree in front of their Fair Oaks facing windows drop its leaves in the winter.

The Applicants lived in San Mateo County from 1985 until they purchased the Property and moved to the City. While living in Burlingame, they replaced their exterior stairs and walkway after determining that no permit would be required for that work. The Applicants assumed, albeit incorrectly, that since expansion of the roof deck can be achieved by moving the planters/privacy screen against the Fair Oaks parapet, no permit would be required, since no construction is necessary.

The Applicants were unaware that moving the planters to give them a larger roof deck would require Planning Department approval until they received a notice of violation ("NOV") from the Department of Building Inspection. Upon receipt of the NOV, the Applicants consulted with an attorney and were informed that expansion of the roof deck area and moving the planter/privacy screen would require Planning Department approval, even though no structural work was involved and the building envelope would not be increased. The Applicants thereafter filed this permit application to legalize the expansion of the deck, to eliminate the glass screen, and to relocate the planters.

The Applicants have consulted with neighbors and found most of the neighbors to be supportive of the Project. Copies of support letters and a support petition are attached hereto as **Exhibit 6**.

PROJECT DESCRIPTION

The proposed Project ("Project") is the legalization of a roof deck extension by removing the privacy screen from the planters, relocating the planters against the Fair Oaks parapet, and using the entire tiled area of the roof as a deck. The height of the planters will be below the existing roof parapet. See Exhibit 1.

DISCRETIONARY REVIEW STANDARD

Discretionary Review is granted *only* if "exceptional and extraordinary circumstances" exist. Every building in the City has windows facing the street that could raise privacy issues. Street facing windows are not an exceptional or extraordinary circumstance. The DR Applicant alleges that the agreement entered into by FOCC and the architect was under the "oversight" of the Planning Department resulting in a withdrawal of the DR filed by FOCC. Therefore, it is argued that the Applicants should be required to abide by the agreement. It is noted that the DR requestors did not attach a copy of the "agreement" to their DR, and FOCC is not the DR Applicant in this case. Furthermore, even a cursory review of the terms of the agreement reveal that none of the design modifications in the FOCC letter addressed an extraordinary or exceptional circumstance. See Exhibit 5. Finally, the letter does not state that the design modifications would be finding on successor-in-interest or subsequent purchaser of the 201 Fair Oaks property.

ISSUES RAISED BY DR REQUESTORS

The DR Requestors allege that:

1. the roof deck would impair the historic character of the 201 Fair Oaks Building in a highly visible corner building; and
2. that the expanded deck will impact the “interior” privacy of the DR Requestors’ home.

Subsequent to filing of the DR, DR Requestors complained to the Planning Department that the Applicants failed to comply with other design modification items on the FOCC list.

RESPONSE TO ISSUES RAISED

The Applicants will first address compliance with the list of items on the FOCC letter to the agreement because she raised additional issues with the Planning Department after filing of the DR.

1. Compliance with the FOCC design modifications

The Developer and builder complied with the list of design modification in the letter from FOCC to the architect. Of the eight items listed, the following items have not been changed.

- The trim around the recess front entry aligns with the window trims above. See photograph attached hereto as **Exhibit 7**.
- The curb cut is aligned with the garage entry. See photograph attached hereto as **Exhibit 8**.
- The Penthouse, which is set back 14’ from 23rd Street and more than 10’ from Fair Oaks, is painted the same color as the rest of the building.
- The penthouse the windows facing DR Requestors’ building is a clearstory window to preserve the DR Requestors’ privacy. See photograph of the windows attached hereto as **Exhibit 9**.

- All exterior lighting is IDA certified. After several crimes occurred on the street, several neighbors complained about the dimness of the exterior light. See photographs of the exterior lighting on the penthouse attached hereto as **Exhibit 10**.

The FOCC letter is not signed by the developer, who is the previous owner of the building, and the letter does not preclude any future owner from deviating from the terms of that letter as long as proper permits are obtained, if required.

2. Responses To Specific Complaints

A. Historic Character of the building was not impaired.

The Project removes the 6' high glass screen. With the glass privacy screen removed, the roof deck extension and new planter location are not visible from the street or from DR requestors' home. Therefore, the Project will not alter the existing exterior appearance of the 201 Fair Oaks building in any way and will not impair the historic character of the building.

B. The Roof Deck Does Not Intrude On DR Requestor's Privacy

The roof deck is the only usable open space for the Applicants and their family. See **Exhibit 11** for photographs of the current deck and locations of the planter/privacy screen. The use of roof deck to meet usable open space requirement is common. There is nothing extraordinary or exceptional about this roof deck expansion application or DR Requestor's street facing windows. The DR requestors' continuing complaint that the roof deck amounts to an intrusion of their privacy is without merit. Fair Oaks is a 60' wide right-a-way.

The Applicants are obviously not interested in catching a glimpse of the DR Requestors' in their home. The planters with landscaping will address the DR Requestors' privacy concerns. It is noted that the photograph showing the DR Requestors' building (Exhibit 3) shows that the drapes are drawn.

C. Color of Garage Door and Trim

The Developer painted the garage door trim to match the trim color of other doors and windows, and painted the garage door to match the color of the wood siding. However, this paint scheme demanded by FOCC and the DR Requestors resulted in an invisible garage door, which was repeatedly blocked by parked cars. Consequently, Applicants' daughter was unable to use the car to attend swimming practice at 6 AM. To ensure their daughter's safety in having to leave the house very early in the morning and to arrive at

Commissioner Rodney Fong
June 10, 2012
Page 6 of 7

swimming practice in a timely manner, they repainted the garage door to match the trim color of the windows and doors. Finally, it is common to use a different color for the trim around doors and windows to enhance the architectural details. See Exhibit 8.

Based on the foregoing, it is respectfully submitted that the discretionary review request be denied and the Project be approved.

Very truly yours,



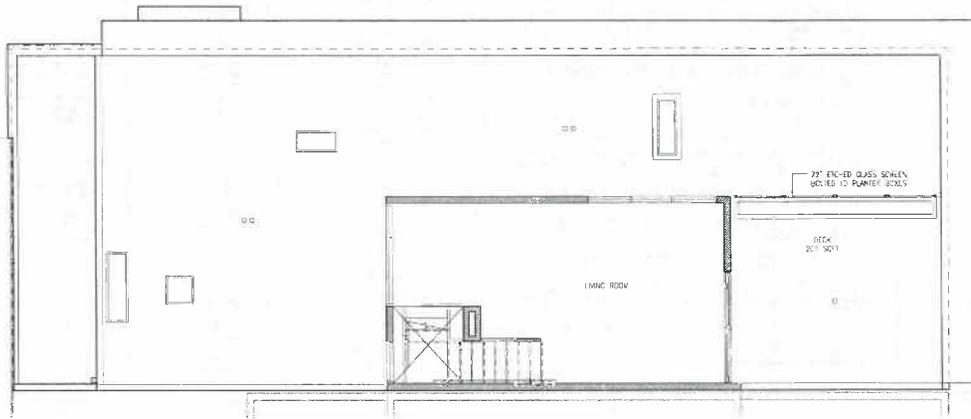
Alice Suet Yee Barkley
McKenna Long & Aldridge

Enclosures: Exhibits

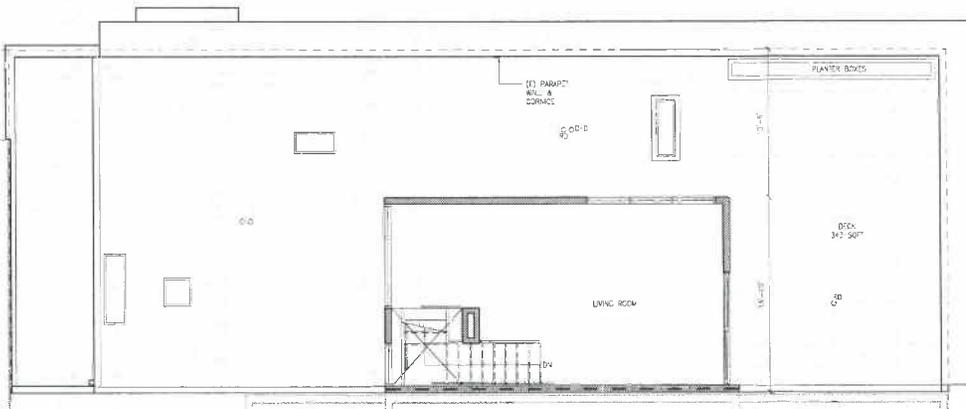
cc: Commissioner Michael Antonini
Commissioner Gwyneth Borden
Commissioner Rich Hillis
Commissioner Kathrin Moore
Commissioner Hisashi Sugaya
Commissioner Cindy Wu
Jonas Ionin, Commission Secretary
Scott Sanchez, Zoning Administrator
Thomas Wang, Planner
Mark Anderson & Kimberlee Stryker
Felicia and Ken Aron
File

TABLE OF EXHIBITS

- Exhibit 1 Floor plans and Elevation of Project
- Exhibit 2 Photographs of Project Site, DR Requestor's Building and Site Vicinity
- Exhibit 3 Plans approved by Planning Department in 2010.
- Exhibit 4 Copy of letter dated March 29, 2013 from Developer to Planning Department
- Exhibit 5 Undated Copy of letter from Fair Oaks Community Coalition to Project architect and disclosure package content dated October 4, 2011.
- Exhibit 6 Support letters and Support Petition
- Exhibit 7 Photograph showing entry door and windows above.
- Exhibit 8 Photograph of garage curb cut and garage door.
- Exhibit 9 Photograph of Penthouse windows facing 200 Fair Oaks
- Exhibit 10 Photographs of exterior lights on penthouse and street level.
- Exhibit 11 Current deck and locations of the planter/privacy screen.



1 EXISTING THIRD LEVEL PLAN
SCALE: 1/4" = 1'-0"



2 PROPOSED THIRD LEVEL PLAN
SCALE: 1/4" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 305 PINE STREET SUITE 403, SAN FRANCISCO, CA 94102

201 FAIROAKS STREET

OWNER:
KEN ARP & FLORA LIH
201 FAIROAKS STREET
SAN FRANCISCO, CA 94102

DATE	REVISION	BY
03/01/12	ISSUE FOR PERMITS	TK

CONSULTANT:

APPROVAL:



DESIGN:
TK
CHECKED:
TK
SCALE:
1/4" = 1'-0"

EXISTING & PROPOSED FLOOR PLANS

A2.1



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



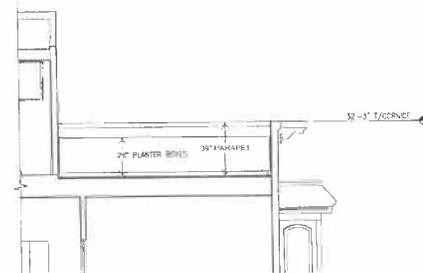
3 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"



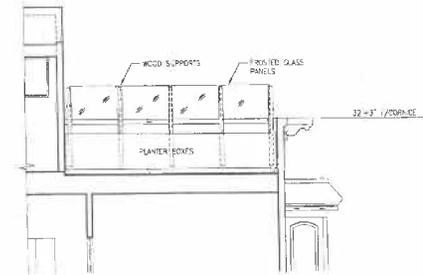
13 EXISTING NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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



2 PROPOSED PLANTER AS SEEN FROM PATIO
SCALE: 1/4" = 1'-0"



1 (E) ELEVATION AT GLASS SCREEN/PLANTER FROM PATIO
SCALE: 1/4" = 1'-0"

TROY KASHANIPOUR ARCHITECTURE 3105 3RD STREET SUITE 410 SAN FRANCISCO, CA 94103 415.398.1569

201 FAIROAKS STREET

OWNER:
RON ARON & FELICIA ET AL
201 FAIROAKS STREET
SAN FRANCISCO, CA 94107

GSLE: DATE:
SCALE: FOR PERM: CLASS: 11
ELEVATION: 06.29.13

CONSULTANT:

APPROVAL:



DESIGN:
BY:
CHECKED:
DATE:
SCALE:
1/4" = 1'-0"

EXISTING & PROPOSED
ELEVATIONS

A3.1



PROJECT SITE
23 rd Street Facade



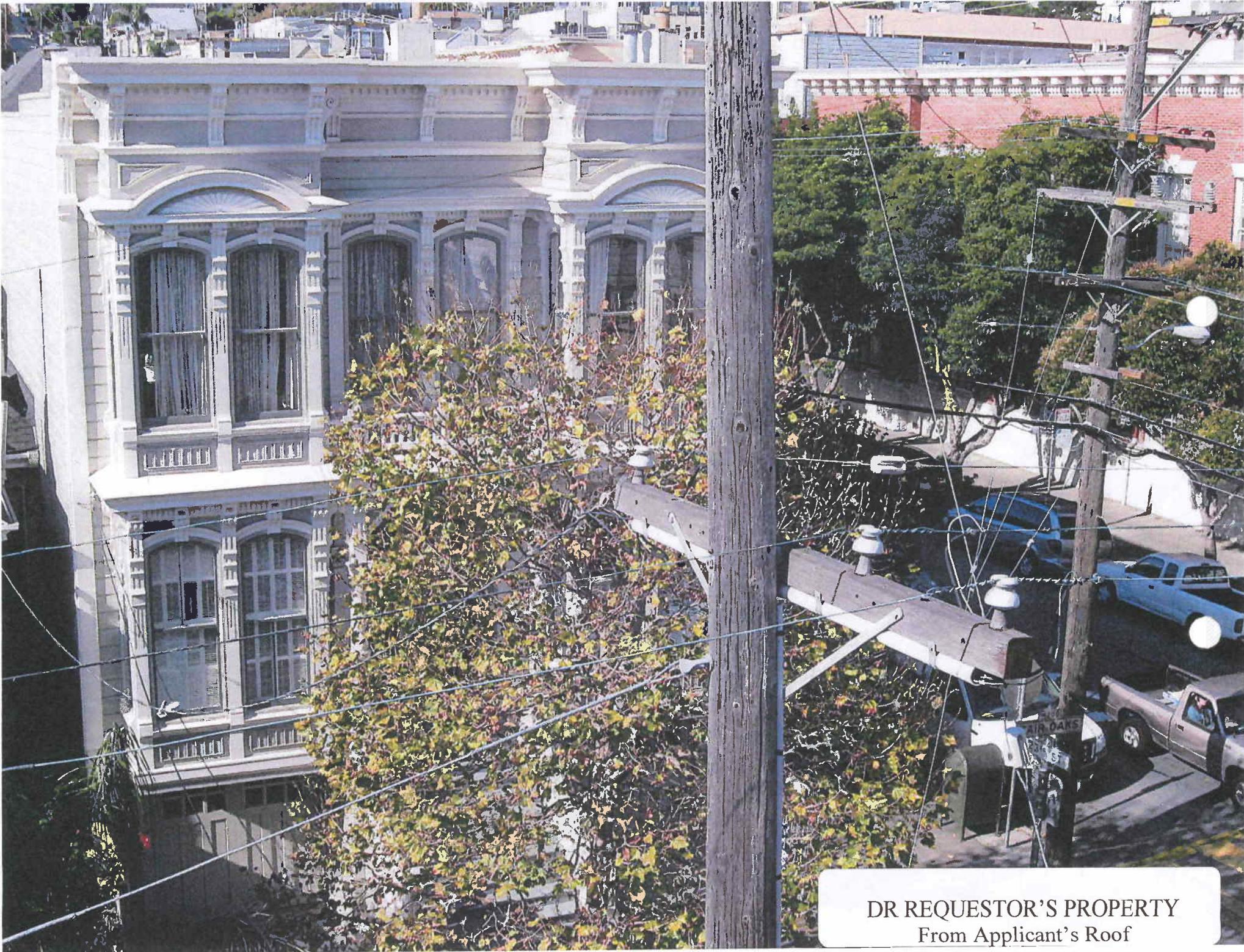
PROJECT SITE
Fair Oaks Street Facade



DR REQUESTOR'S PROPERTY
200-202 Fair Oaks Street



DR REQUESTOR'S PROPERTY
Fair Oaks Street Facade



DR REQUESTOR'S PROPERTY
From Applicant's Roof



Buildings South of 200-202 Fair Oaks



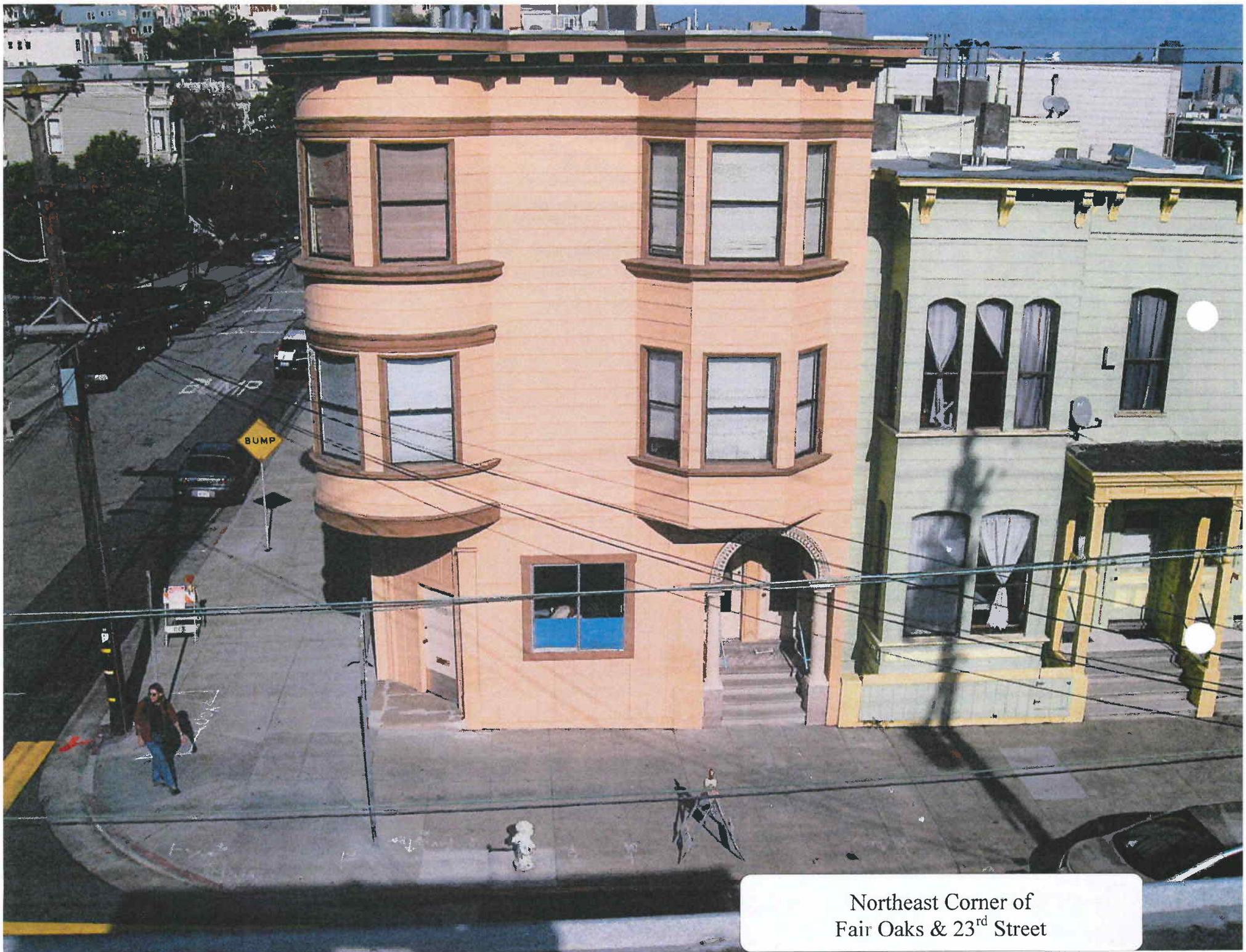
Buildings Further South of
200-202 Fair Oaks



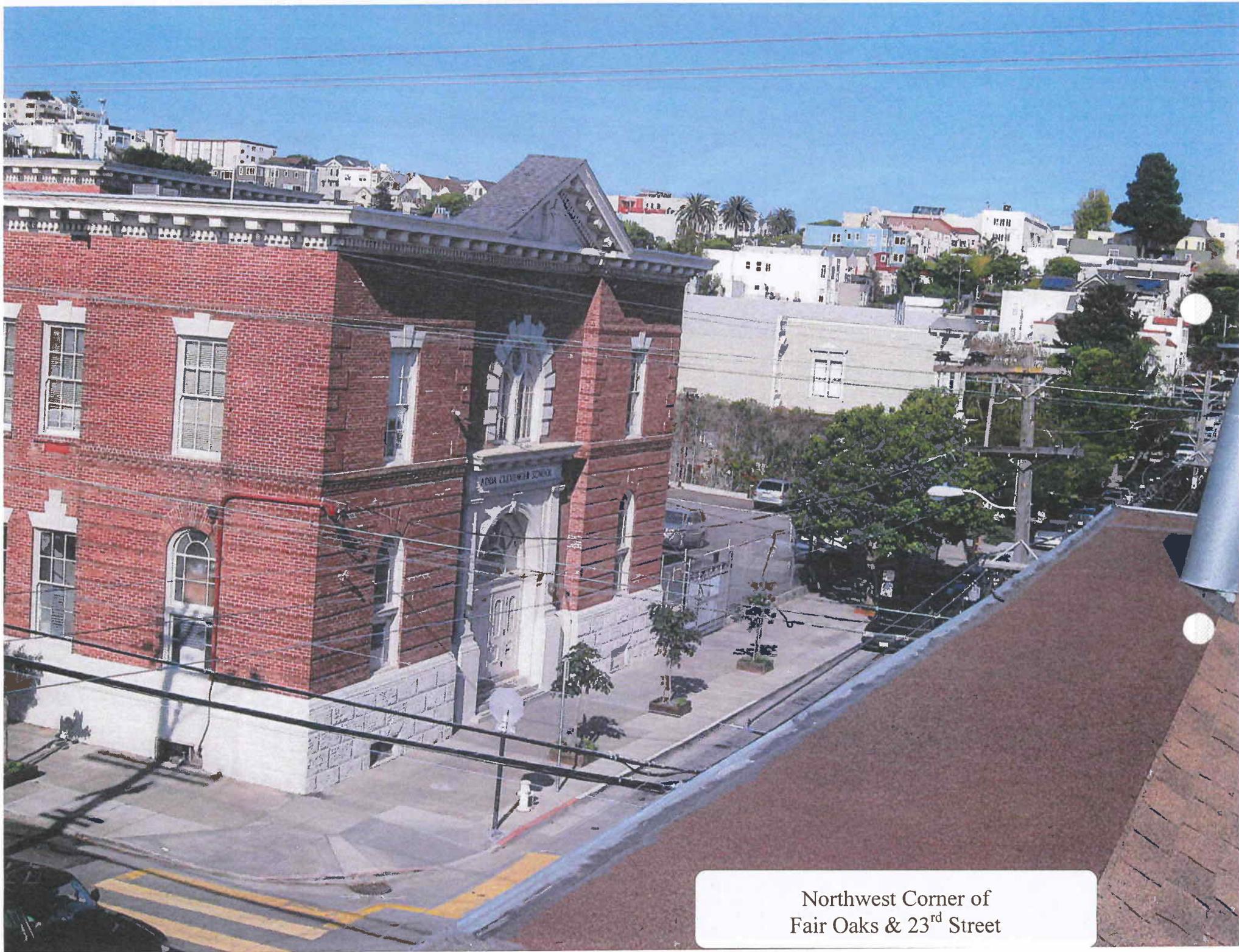
West Side of Fair Oaks looking
Toward 24th Street



Looking South Down Fair Oaks
Toward 24th Street



Northeast Corner of
Fair Oaks & 23rd Street



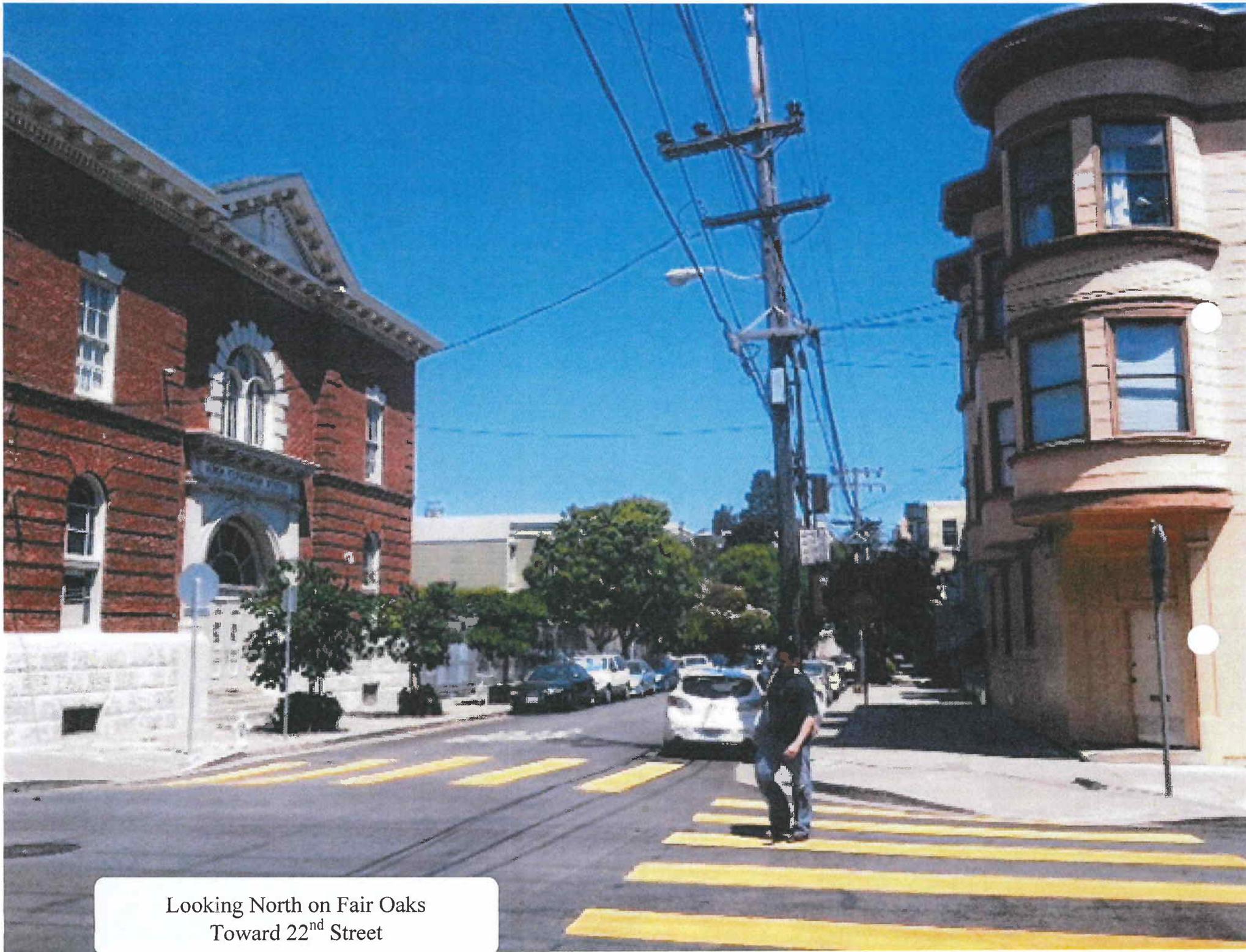
Northwest Corner of
Fair Oaks & 23rd Street



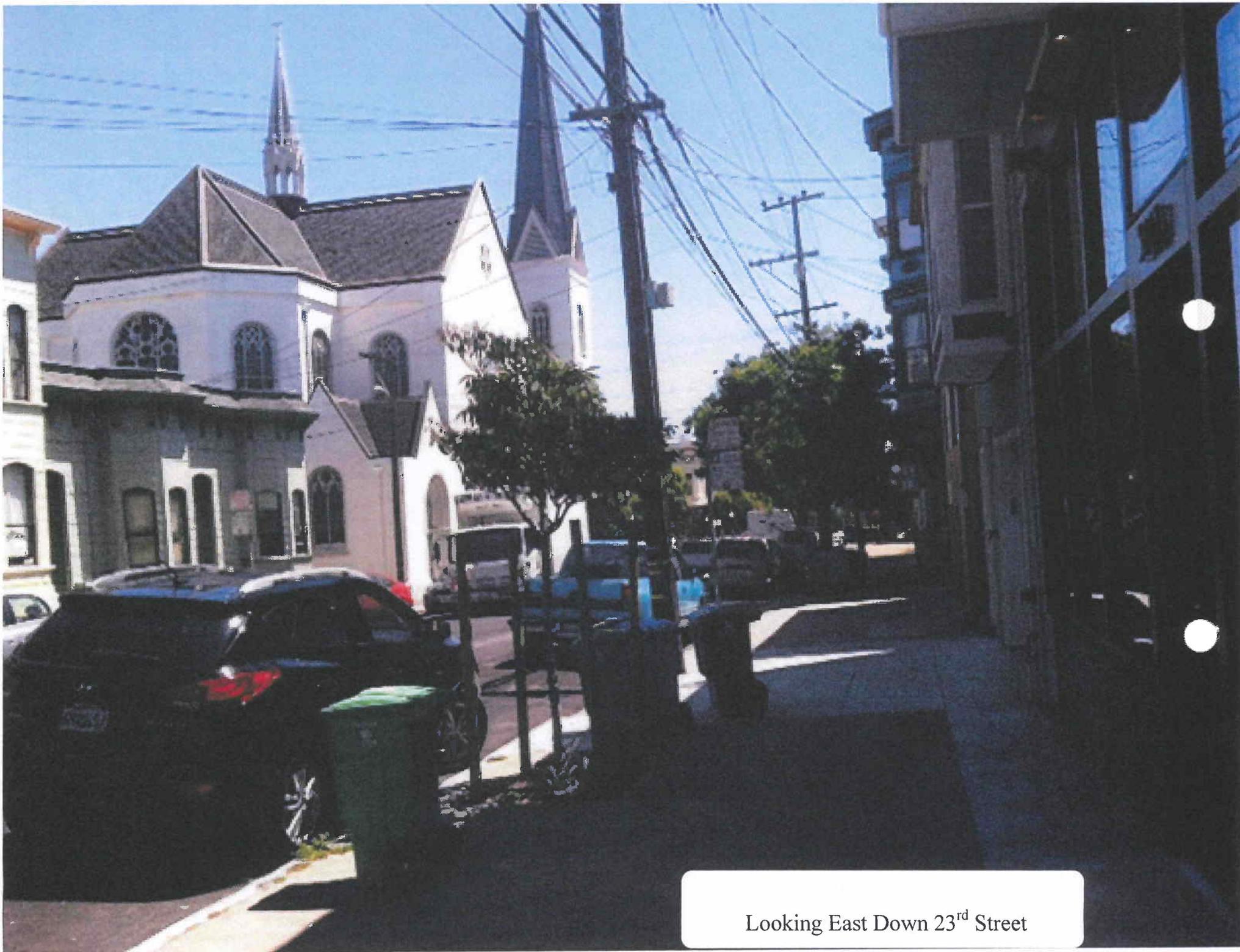
Looking West Toward North Side of
23rd Street



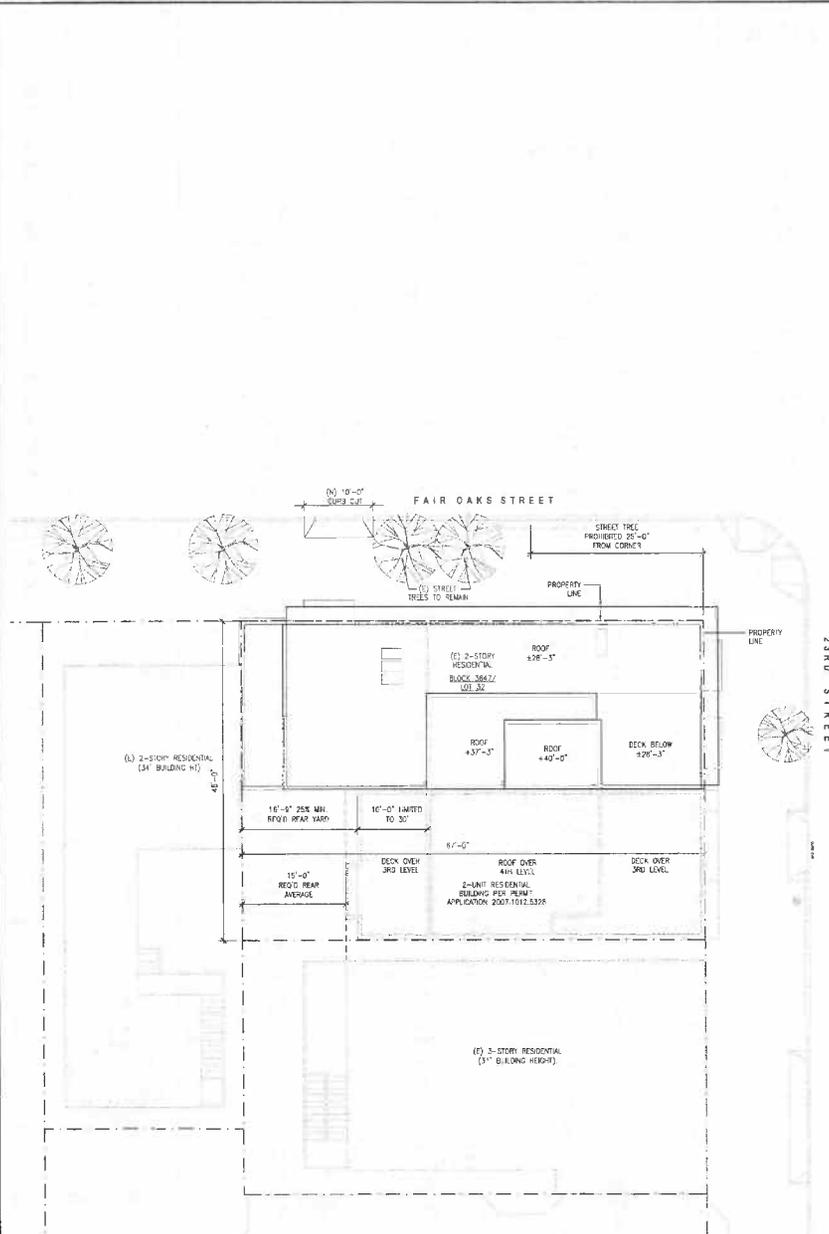
Looking Down East Side of Fair Oaks
Toward 22nd Street



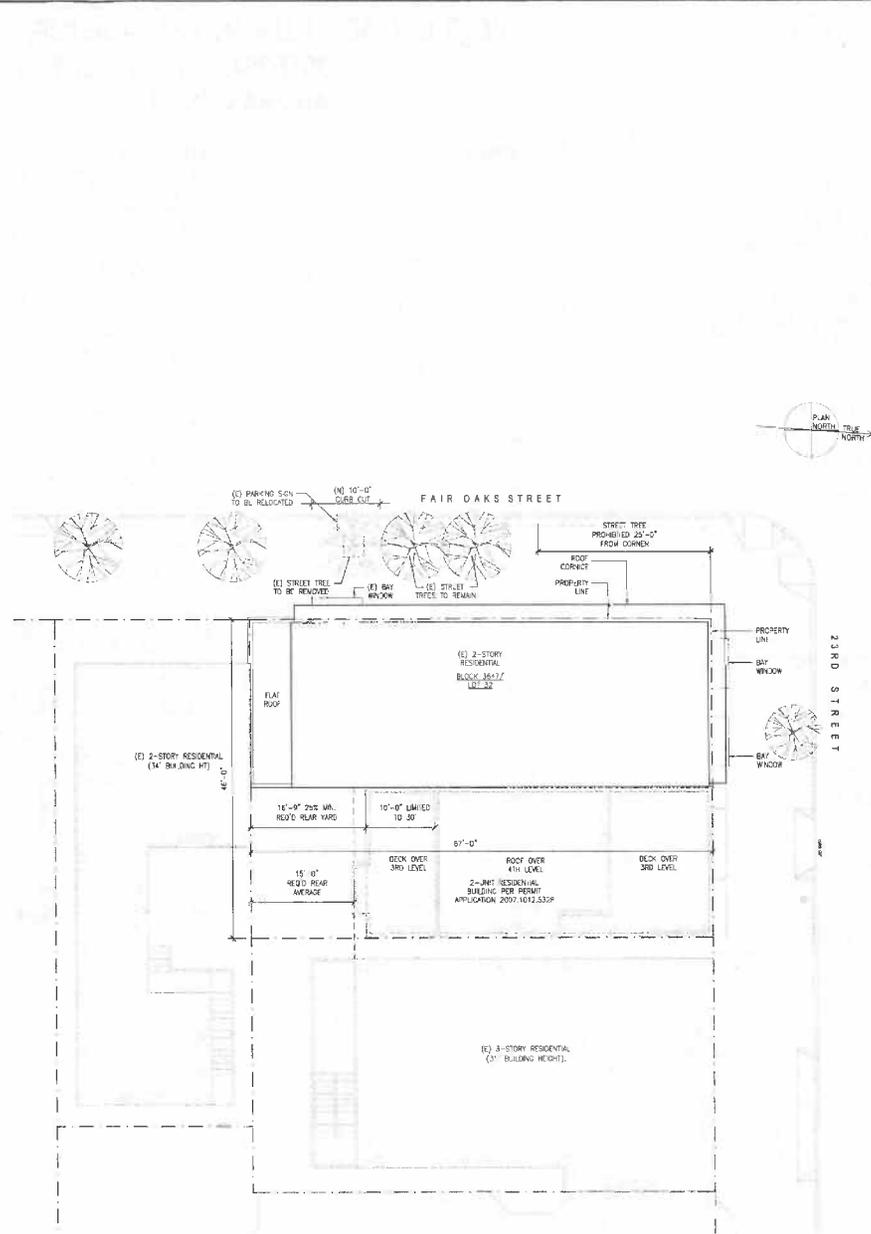
Looking North on Fair Oaks
Toward 22nd Street



Looking East Down 23rd Street



2 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



1 EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"

CLIENT:
3647-3649 23RD STREET LLC
1616 FRANKLIN STREET
OAKLAND CA 94612
PHONE: 510.836.3300
EMAIL: KEMEL@GWBROS.COM/ALN

ISSUED FOR PRE-APP MEETING #1 12/14/09
ISSUED FOR PRE-APP MEETING #2 01/13/10
ISSUED FOR SITE PERMIT 02/29/10
SITE PERMIT REVISION 04/15/11
SITE PERMIT REVISION #3 10/01/10

CONSULTANT:

APPROVAL:

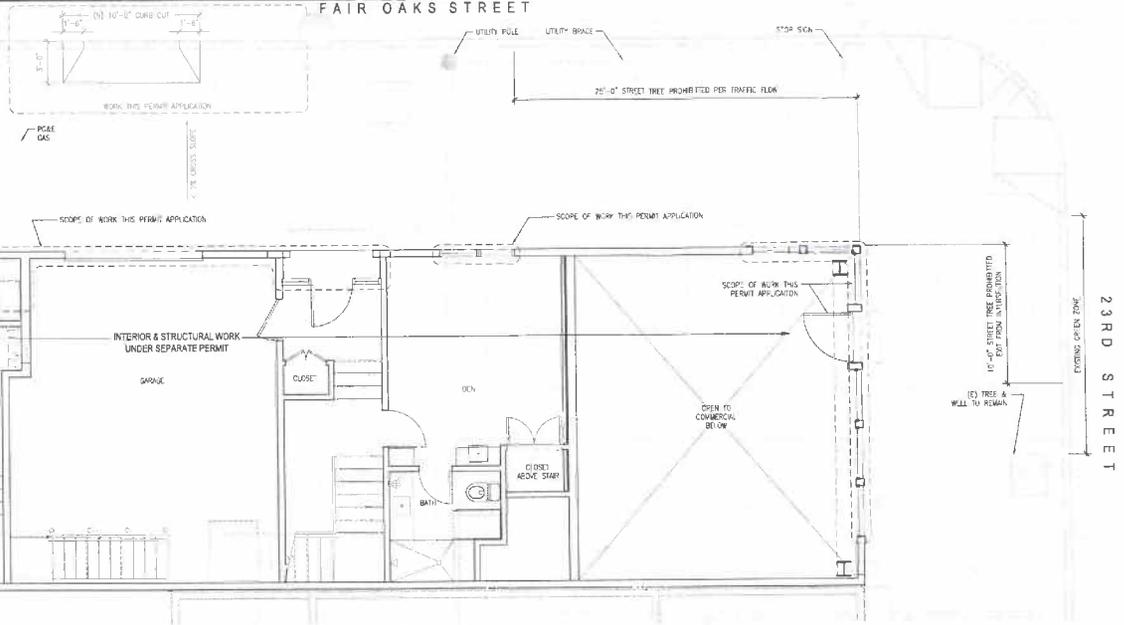


DRAWN: [initials]
CHECKED: [initials]
DATE: [initials]
SCALE: AS SHOWN

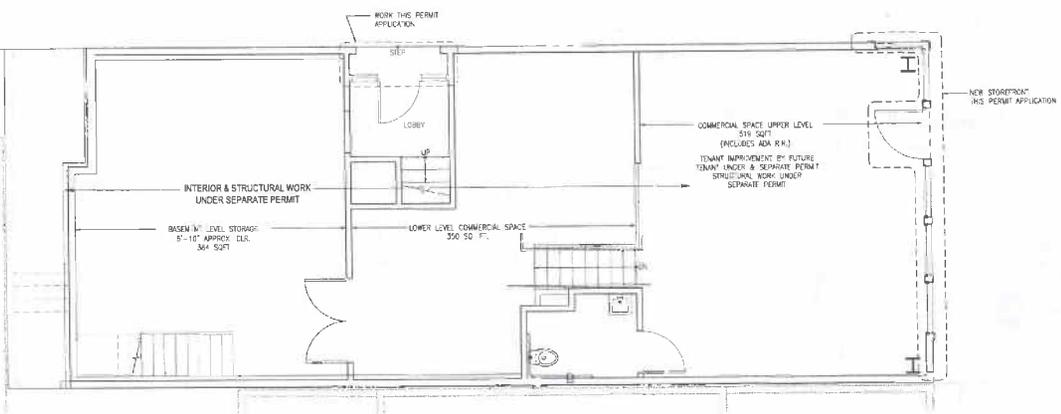
EXISTING & PROPOSED
SITE PLAN

A0.1

FAIR OAKS STREET



2 PROPOSED FIRST LEVEL PLAN
SCALE: 1/4" = 1'-0"



1 BASEMENT LEVEL AND COMMERCIAL SPACE PLAN
SCALE: 1/4" = 1'-0"

TROY KASHANIFOUR ARCHITECTURE 2255 9th STREET SUITE 412, SF CA 94103 PHONE/FAX 415.633.9899
3647-3649 23RD STREET IMPROVEMENTS

CLIENT:
 3647-3649 23RD STREET LLC
 1815 FRANKLIN STREET
 OAKLAND CA 94612
 PHONE: 510.855.1300
 FAX: 510.855.1300
 EMAIL: KFYI@2005CCO.COM/NET

- ISSUED FOR PRE-APP MEETING #1 12.01.09
- ISSUED FOR PRE-APP MEETING #2 01.13.09
- ISSUED FOR SITE PERMIT 02.09.10
- SITE PERMIT REVISION 04.14.10
- HISTORIC REVIEW COMMENTS 06.02.10
- HISTORIC REVIEW COMMENTS 06.18.10
- SITE PERMIT REVISION #2 06.25.10
- SITE PERMIT REVISION #3 10.03.10

CONSULT:

ARCHITECT:



DRAWN: TK
 CHECKED: TK
 SCALE: 1/4" = 1'-0"

PROPOSED FLOOR PLANS

A2.0



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



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

IRBY KASHANIPUR ARCHITECTURE C. 2015 3647-3649 23RD STREET, SUITE 411, 6A MARKET STREET, SAN FRANCISCO, CA 94103
3647-3649 23RD STREET IMPROVEMENTS

CLIENT:
3647-3649 23RD STREET LLC
1616 FRANK N STREET
DUBLINO CA 94017
PHONE: 510.834.7300
EMAIL: KEWEL@KPSBCO.COM/NET

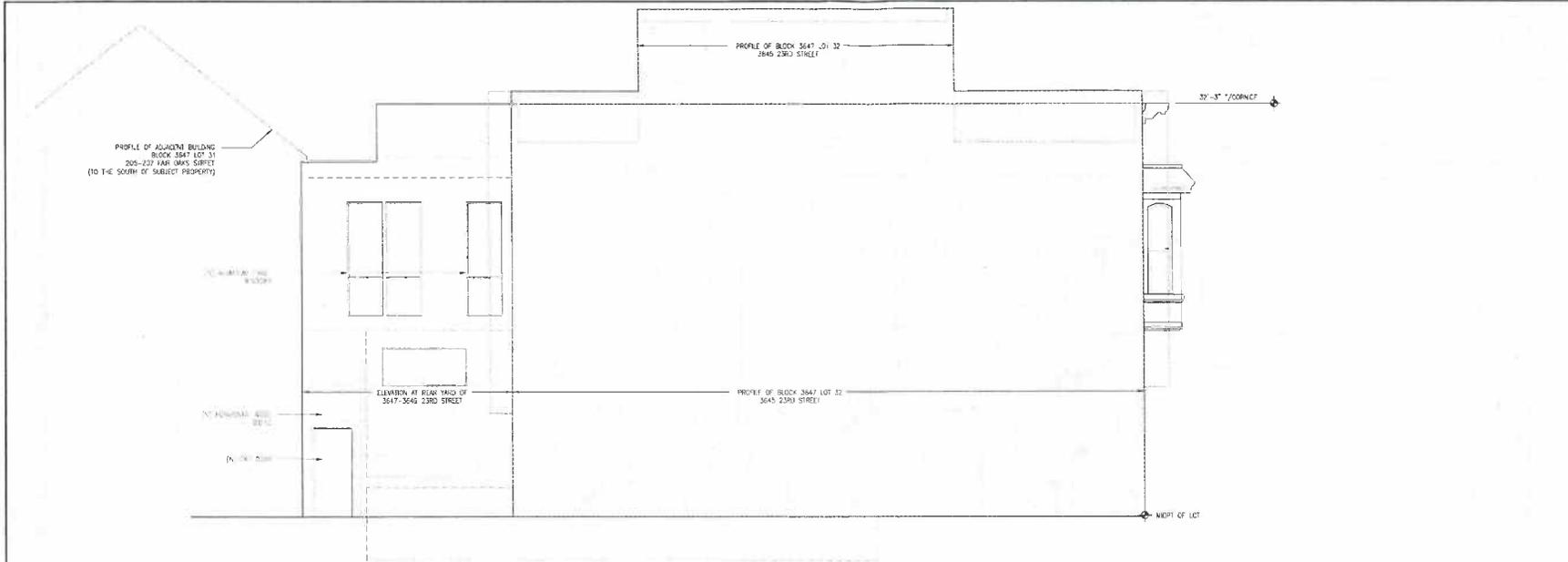
DATE	DESCRIPTION
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02/09/10	ISSUED FOR PRE-APP MEETING #3
02/09/10	ISSUED FOR SITE PERMIT
04/14/10	SITE PERMIT REVISION
06/02/10	HISTORIC REVIEW REVISIONS
06/08/10	HISTORIC REVIEW REVISIONS
06/25/10	SITE PERMIT REVISION #2
10/03/10	SITE PERMIT REVISION #3

DESIGNER:	IRBY KASHANIPUR ARCHITECTURE
DATE:	6/30/2011
PROJECT:	3647-3649 23RD STREET IMPROVEMENTS
DRAWN:	TK
CHECKED:	TK
SCALE:	1/4" = 1'-0"

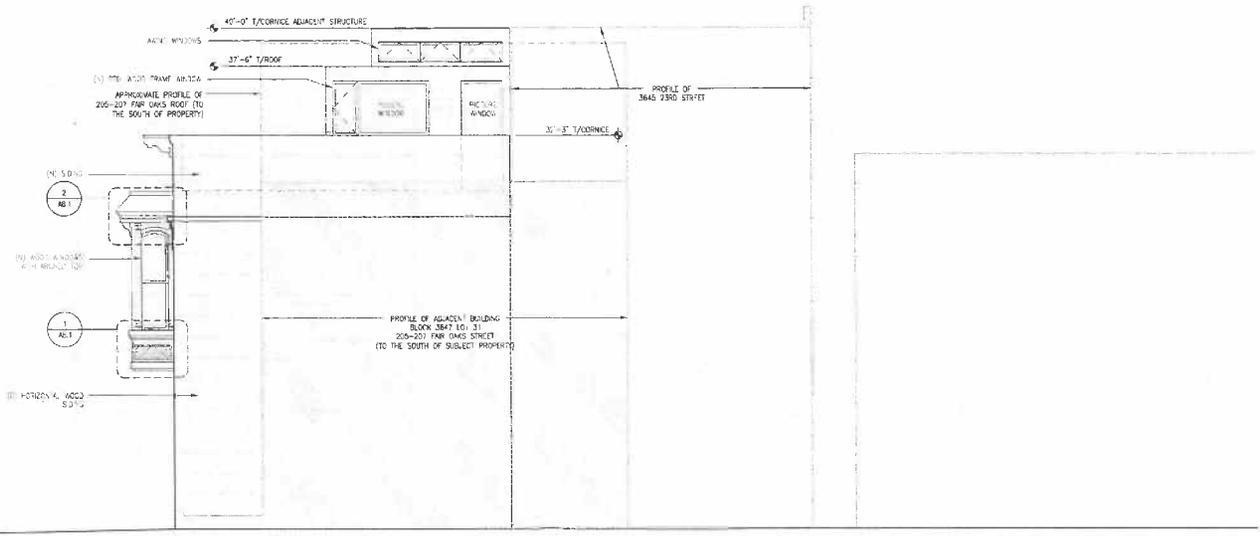
PROPOSED ELEVATIONS

A3.1





2 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"



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

TROY KASHANIPUR ARCHITECTURE 2325 3RD STREET SUITE 415 OF 416 WHITT, PIERCE/PARK (415) 418 8888
3647-3649 23RD STREET IMPROVEMENTS

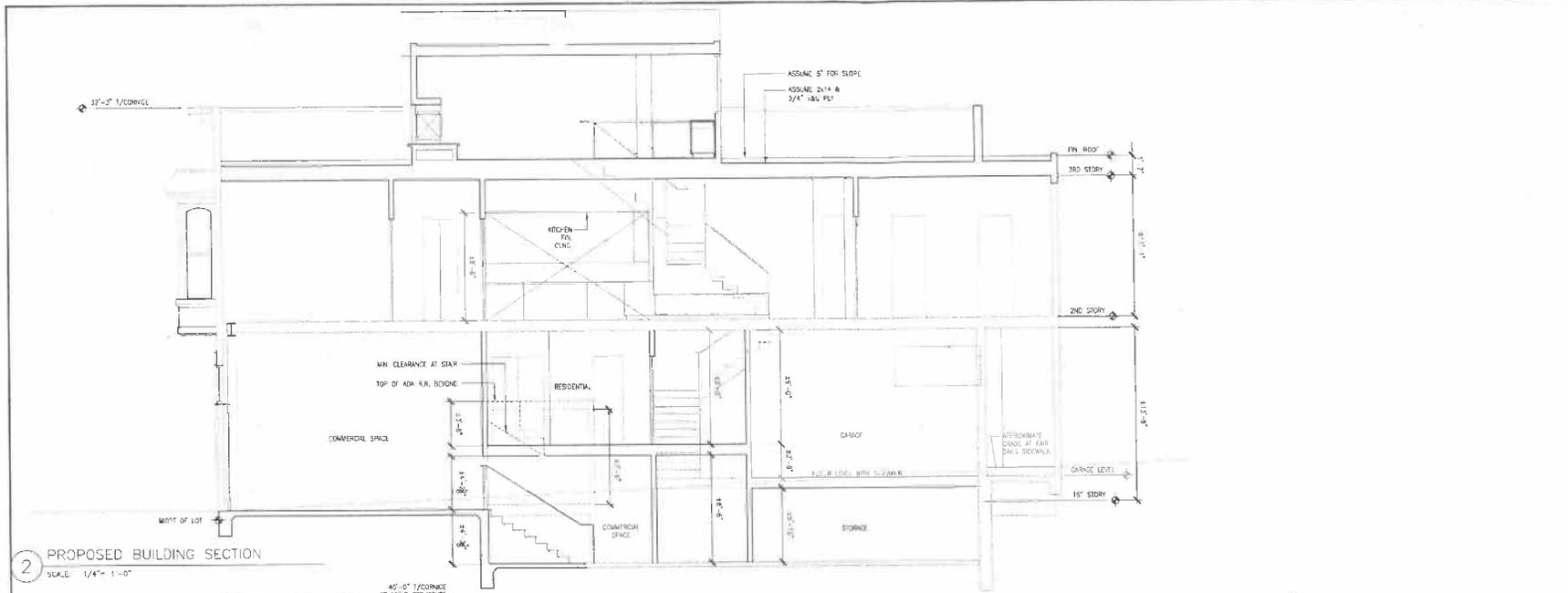
C.JEN:
 3647-3649 23RD STREET LLC
 1515 FRANKLIN STREET
 OAKLAND, CA 94612
 PHONE: 510.636.3000
 EMAIL: KENW@9240-BOGO.COM.AU

ISSUE	DATE
ISSUED FOR PRE-APP MEETING #1	12.10.09
ISSUED FOR PRE-APP MEETING #3	01.13.09
ISSUE FOR SITE PERMIT	02.09.10
HISTORIC REVIEW REVISIONS	06.02.10
SITE PERMIT REVISION	10.04.10

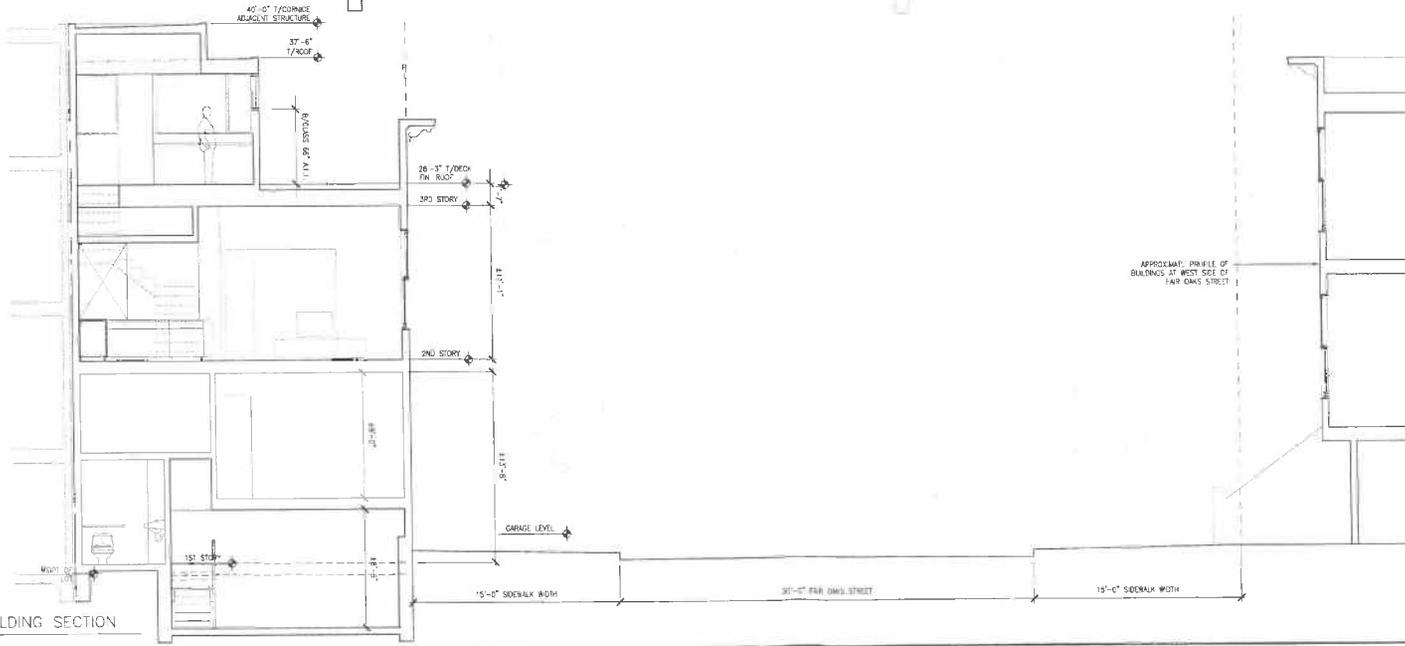
DRAWN: TK
 CHECKED: UPE/KEU
 DATE: 06/30/2011
 SCALE: 1/4" = 1'-0"



PROPOSED ELEVATIONS
A3.2



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



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

TROY KASHANI ARCHITECTURE 2300 3RD STREET SUITE 413, ST. CA. MIDTOWN/PK 416-471-8089
3647-3649 23RD STREET IMPROVEMENTS

CLIENT: 3647-3649 23RD STREET LLC
 1518 FRANKLIN STREET
 OAKLAND CA 94612
 PHONE: 510.858.1300
 EMAIL: KASHAN@TKA-ARCH.COM

ISSUED FOR PRE-APP MEETING: # 12.10.06
 ISSUED FOR PRE-APP MEETING: #3 01.13.09
 ISLT FOR 51T PERMIT: 02.08.10
 SITE PERMIT REVISION: 10.03.10

CONTRACT # 14.1

ARCHITECT



DRAWN: JK
 CHECKED: JK
 TR: JK
 SCALE: 1/4" = 1'-0"

BUILDING SECTIONS

A3.3

March 29, 2013

Mr. Thomas Wang
San Francisco Planning Department
1650 Mission Street, Fourth Floor
San Francisco, CA 94103

Dear Mr Wang:

I purchased the property located at 3645 — 3649 23rd Street (now known as 201 Fair Oaks) in September, 2009. At that time, the property was developed with a single family home (3645 23rd Avenue) and a mixed use building with ground floor commercial and residential unit above (3649 23rd Street). I submitted permit applications to demolish the single family home, to construct a 2-unit residential building, and to renovate the mixed use building including a vertical expansion of the residential unit.

I submitted the plans to the City in January, 2010. It quickly became apparent that a few of the neighbors were demanding design oversight on our plans, in spite of the fact that our original plans were within the scope of all regulations and required no variances from the Planning Code. We attended several meetings with representatives of the Fair Oaks Community Coalition, who appeared to me to be a loose association of some. Over time, we realized that the design changes demanded were directly towards satisfying the privacy or other concerns of the residents directly across the street at 202 Fair Oaks. The design revisions they demanded included:

- 1) Setting back of the 3rd floor as far back from 202 Fair Oaks as possible;
- 2) Changing the 3rd floor windows facing Fair Oaks to clearstory windows so that a person inside the room cannot see the 202 Fair Oaks property;
- 3) Reducing the size of the roof deck to line up with the west wall of the partial third floor and away from the Fair Oaks Street façade and away from the 202 Fair Oaks property;
- 4) Limiting the type of exterior lighting; and
- 5) Requiring the garage door be painted the same color as the building façade.

The demands were clearly not directed at community needs, but only to address privacy, view and other concerns of the owner who resides at 202 Fair Oaks. The requested size and location of the roof deck cast the maximum shadow and allowed the minimum sunlight exposure to the only open space we have. Painting the garage door the same color resulted in cars blocking the driveway.

Although most members of the community supported our renovation and were happy to have the neglected building restored as a home and commercial property, I also knew that I had no choice but to accept the restrictions imposed by FOCC. I was informed that the resident at 202 was a City Commissioner and that she would use her political influence in this instance. With that for

opposition, the project could take months or years before it would be approved. I could not tolerate any more delays, the possible loss of construction financing, and additional carrying costs that I cannot afford. Even though I knew that I would ultimately receive approval without the unreasonable conditions, I had no choice but to accept the agreement. Otherwise, I would lose this project and my financial investment due to intolerable delays.

The objections raised against 201 Fair Oaks, particularly by people who have made substantial modifications to their own homes and use the other units for short terms rentals for maximum income, seem unfair and at odds with the goals of providing family housing. I am enclosing printouts of the on-line advertising for short term rental.

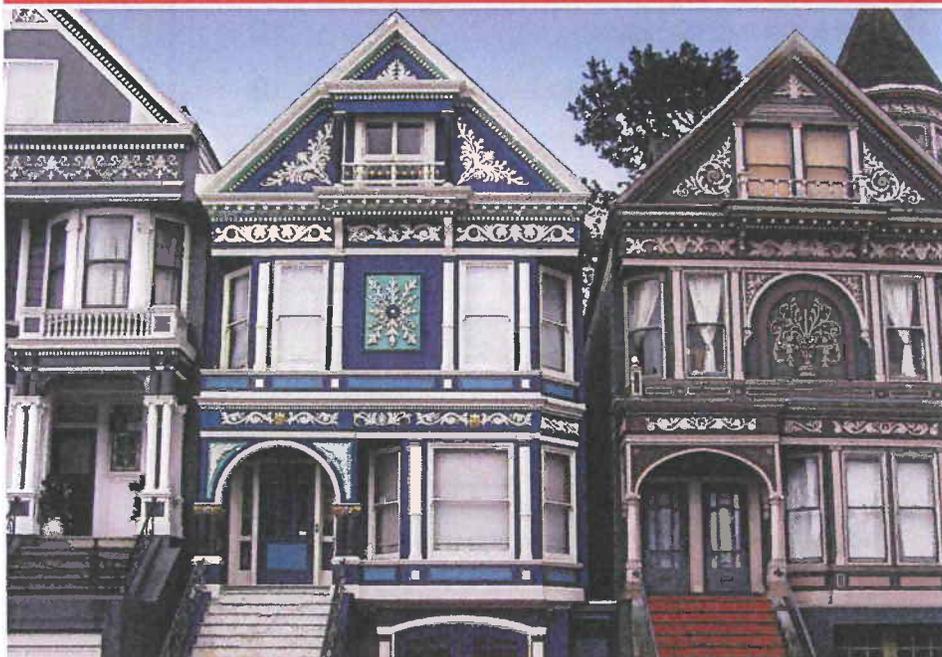
I support Ken Aron and his wife's permit application to remove the limitations on the roof deck.

Thank you,



Vladimir Chernyayskiy

Short-term Lodging Guide



fourteenth edition

UCSF

University of California
San Francisco

CampusLifeServices
HOUSING

Contents

Important Information	1
Housing Services Website	1
Bed & Breakfasts	2
Guest Apartments	5
Guest Houses	8
Hotels & Motels	10
San Francisco Map	12
Airport/Extended Stay Hotels	21
Resources	22

Important Information

The listings are based solely on information provided by the managers and owners of the guest apartments and houses, bed & breakfasts, hotels and motels listed in this guide. These listings are not affiliated in any manner with UCSF. Moreover, Housing Services does not investigate, endorse or guarantee the accommodations listed. It is advisable to make reservations in advance and, if possible, to visit the unit prior to making final commitments. Please inquire about UCSF discounts or special rates which are available at some of these establishments.

1

Housing Services Website www.housing.ucsf.edu

This interactive on-line service allows users to browse the most up-to-date off-campus listings as well as the short-term lodging listings. Users have the ability to search the Housing Services database to find accommodations that meet their personal price range and desired living arrangement.