



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Discretionary Review Full Analysis

HEARING DATE: NOVEMBER 14, 2013

*Date:* November 7, 2013  
*Case No.:* **2012.0759DV**  
*Project Address:* **2526 CALIFORNIA STREET / 33 PERINE PLACE**  
*New Construction*  
*Permit Applications:* 2012.06.11.2336 / 2012.06.11.2329  
*Zoning:* Upper Fillmore Street NCD (Neighborhood Commercial District)  
40-X Height and Bulk District  
*Block/Lot:* 0634/006  
*Project Sponsor:* John Stricklin  
c/o David Sternberg, Architect  
Sternberg Benjamin Architects  
1331 Harrison Street  
San Francisco, CA 94103  
*Staff Contact:* Glenn Cabreros, 415-558-6169  
[Glenn.Cabreros@sfgov.org](mailto:Glenn.Cabreros@sfgov.org)  
*Recommendation:* **Do not take DR and approve the project as proposed.**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project is to demolish the existing one-story commercial building and to construct two (2) new four-story, two-unit buildings, one building at each street frontage of the subject through lot. Full-lot coverage is proposed at the first (ground) floor to provide a three-car garage for each building.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the north side of California Street between Steiner and Pierce Streets on Lot 006 in Assessor's Block 0634. The subject property is a through lot with frontages on California Street and Perine Place. Perine Place is a narrow, one-block long street that runs between Steiner and Pierce Streets. The lot measures 25.8 feet wide by 120 feet deep with an area of approximately 3096 square feet. The site is currently occupied by a one-story commercial building fronting California Street and a paved parking pad fronting Perine Place.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The adjacent lot west (Lot 007) of the subject lot is also a through lot containing a three-story, three-unit building fronting California Street and a rear yard area occupied by a parking pad along Perine Place. Along California Street, the three lots (Lots 033, 004 and 003) directly to the east of the subject property are occupied by a Chevron gas station. Along Perine Place, the adjacent lot to the east (Lot 034) is the DR requestor's property and contains a two-story, two-unit building. The subject blockface along California

Street is characterized by three-story, residential buildings with the exception of the gas station at the intersection of California and Steiner Streets. The south blockface of Perine Place is characterized by a mix of parking pads, one-story garage structures and a few two- and three-story residential buildings. The north blockface of Perine Place is more solidly residential in character, with a mix of two- to five-story buildings, most of which are built to the street frontage.

**BUILDING PERMIT APPLICATION NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
312 Notice	30 days	August 15, 2013 September 14, 2013	September 12, 2013	November 14, 2013	63 days

**HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	November 4, 2013	November 4, 2013	10 days
Mailed Notice	10 days	November 4, 2013	November 4, 2013	10 days

**PUBLIC COMMENT**

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

**DR REQUESTOR**

**Barry Machin** for **Ann and Roger Machin**, owners of **19-21 Perine Place**, directly east and adjacent to the project site.

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

**Issue #1:** The project does not protect light and air access.

**Issue #2:** The project is out of scale with the surrounding buildings.

**Issue #3:** The project does not provide a front setback.

**Issues #4:** The project proposes 100 percent lot coverage, which is not in keeping with the block pattern.

The DR requestor proposes setbacks at both proposed buildings to create a project that is more in scale and of a size that is more consistent with patterns found on the block. Please also see the *Discretionary Review Application*, dated September 12, 2011 for additional information. The *Discretionary Review Application* is an attached document.

## **PROJECT ANALYSIS**

**Issue #1: Light and Air Access.** Construction of two buildings on this through lot, and through the variance process, allows for the placement of the rear yard area between the rear façades of the two proposed buildings at the subject site. As such, the rear façade of the building proposed to front Perine Place aligns approximately with the rear façade of the Requestor’s building. If a Code complying rear yard were proposed at the project, the permitted building envelope would create a development that would result in a taller building wall directly adjacent to the Requestor’s rear yard area. In an effort to address the west side setback and windows at the Requestor’s building, the project provides a lightwell that aligns with the adjacent windows and also provide sculpting/front and side setbacks at the uppermost floor.

**Issue #2: Building Scale.** The building proposed along California Street is a four-story building that is compatible with other three- and four-story buildings that exist on both sides of California Street. The building proposed along Perine Place is also a four-story building; however, the fourth floor is set back and sculpted to address the existing context of the directly adjacent properties – to the east is the Requestor’s two-story building with a gable roof and to the west is the rear yard (a parking pad) of a three-story building that fronts onto California Street. It should be noted that in Neighborhood Commercial Districts, full development in terms of building mass and residential density is generally encouraged.

**Issue #3: Front Setback.** In Neighborhood Commercial Districts, the Planning Code does not require a front setback. With regard to building design: along California Street, a proposed side setback provides a staggered front façade to better relate to the existing front setback and raised entry found at the adjacent building to the west. Along Perine Place, the front façade of the proposed building aligns with the front façade of the adjacent building to the east (Requestor’s building).

**Issues #4: Lot Coverage.** While full lot coverage is typically not the pattern found on the block, the subject lot is unique as it is to be developed with a residential use that abuts an automotive use to the east. Also full lot coverage is only proposed for one-story in height, which locates the required useable open space directly adjacent to the main living areas of the proposed dwelling units. The configuration of the proposed buildings allows both the California Street and Perine Place blockfaces to be developed with structures that hold the pattern of building walls found along both street frontages.

## **ENVIRONMENTAL REVIEW**

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301(1) and 15303(a).

## **OTHER ISSUES AND CONSIDERATIONS**

A rear yard modification of Planning Code Section 134 is requested to locate the rear yard area between the two buildings, and variance application (Case No. 2012.0759V) has been filed for the project. The public hearing for Variance Case No. 2012.0759V was heard on June 26, 2013 at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408. At the time of the variance hearing, several neighbors voiced opposition to the project, and the Zoning Administrator took the variance case under advisement to allow the Section 311 public notice to expire prior to rendering a Variance Decision. While an agreement was reached between the neighbors who voiced opposition to the variance and project sponsor, a sole DR request was filed by a member of the public who was not part of the agreement. A Variance Decision is pending the Commission's action on the Discretionary Review request.

## **URBAN DESIGN ADVISORY TEAM (UDAT)**

As the project is located within the Upper Fillmore Neighborhood Commercial District, the project is subject to review by the Department's UDAT. UDAT found the proposed development to be in consistent with the surrounding development patterns and also consistent with the general objectives of Neighborhood Commercial Districts to promote residential livability and increased housing density.

**Under the Commission's pending DR Reform Legislation, this project would be referred to the Commission, as this project involves new construction.**

## **BASIS FOR RECOMMENDATION**

Please describe the basis for the Department's recommendation.

- The project proposes a building massing, scale and height that is consistent with the existing development patterns while satisfying the goals envisioned for the Upper Fillmore NCD.
- The project is shaped and provides setbacks to protect light and air access to the DR requestor's property.
- The project would add four dwelling units to the City's housing stock.
- The project would demolish an underdeveloped lot containing a vacant one-story, commercial building on an underdeveloped lot.

<b>RECOMMENDATION:</b> <b>Do not take DR and approve the project as proposed.</b>
---

### **Attachments:**

Parcel Map  
Sanborn Map  
Aerial Photographs  
Zoning Map

Section 312 Notice

DR Application

Response to DR Application:

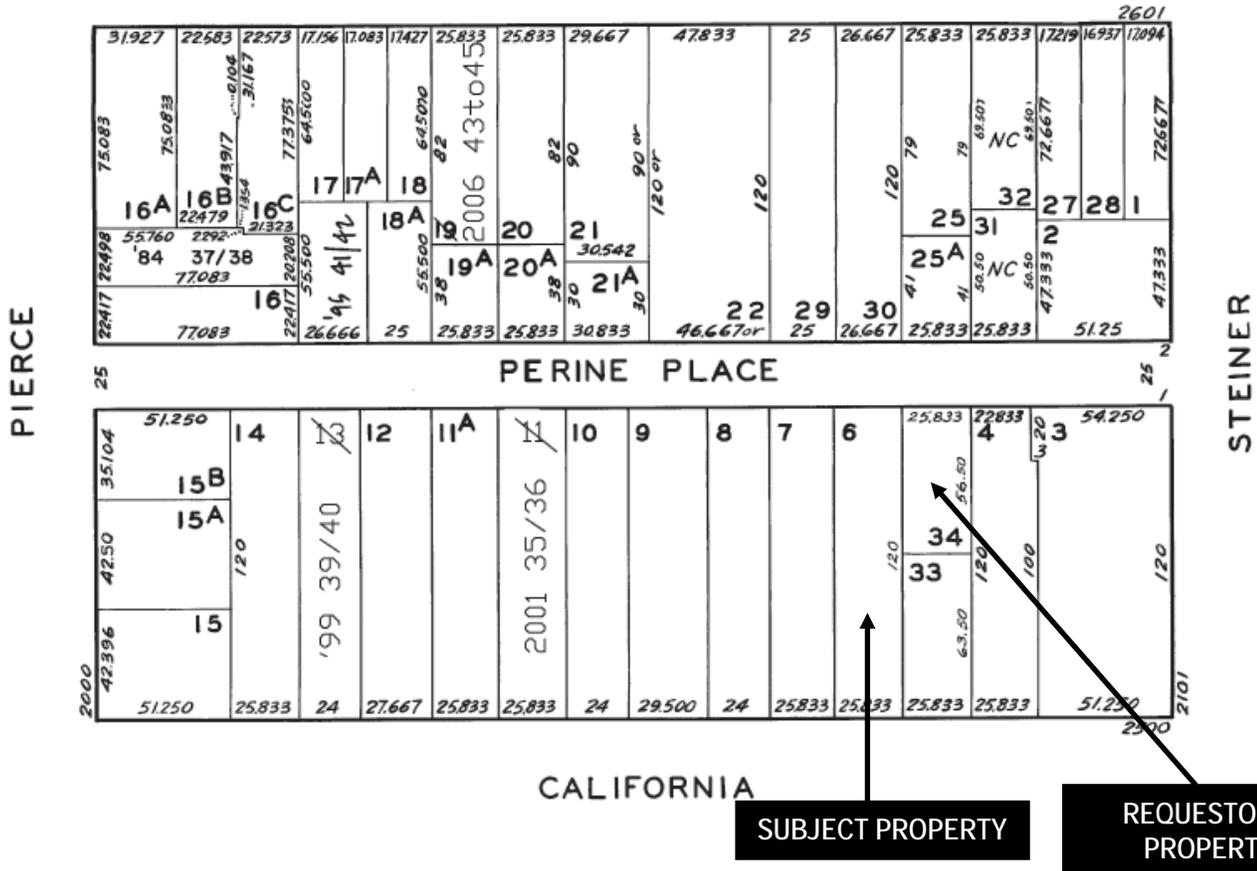
Reduced Plans

Renderings

*G:\Documents\2012\DR\2012.0759D - 2526 California 33 Perine\2012.0759D - 2526 California - 33 Perine - Analysis.doc*

# Parcel Map

SACRAMENTO

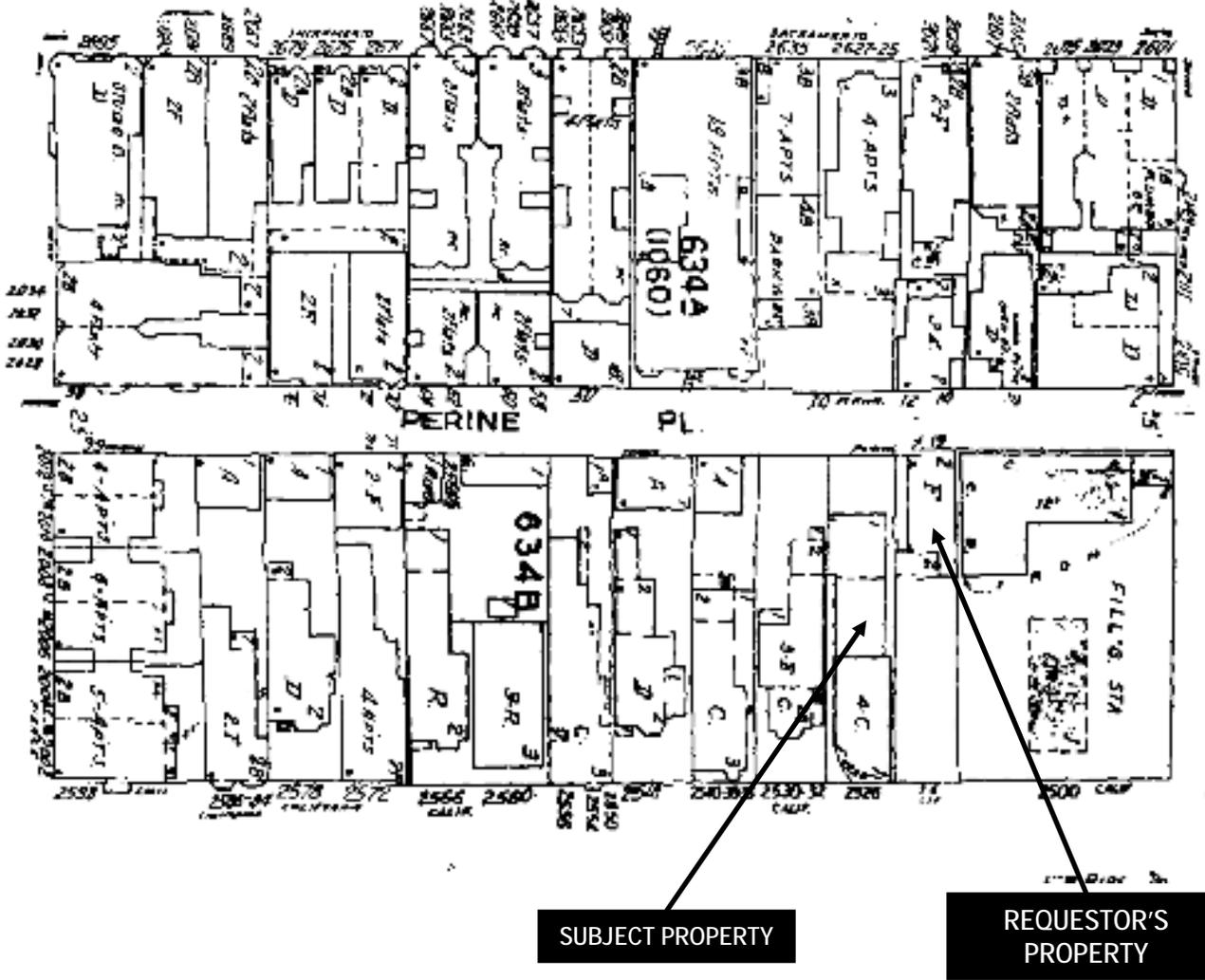


SUBJECT PROPERTY

REQUESTOR'S PROPERTY

Discretionary Review Hearing  
 Case Number 2012.0759DV  
 2526 California Street / 33 Perine Place  
 Hearing Date: November 14, 2013

# Sanborn Map\*



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



Discretionary Review Hearing  
Case Number 2012.0759DV  
2526 California Street / 33 Perine Place  
Hearing Date: November 14, 2013

# Aerial Photo 1 – California St. Frontage



SUBJECT PROPERTY

REQUESTOR'S PROPERTY



Discretionary Review Hearing  
Case Number 2012.0759DV  
2526 California Street / 33 Perine Place  
Hearing Date: November 14, 2013

# Aerial Photo 2 – Perine Street Frontage

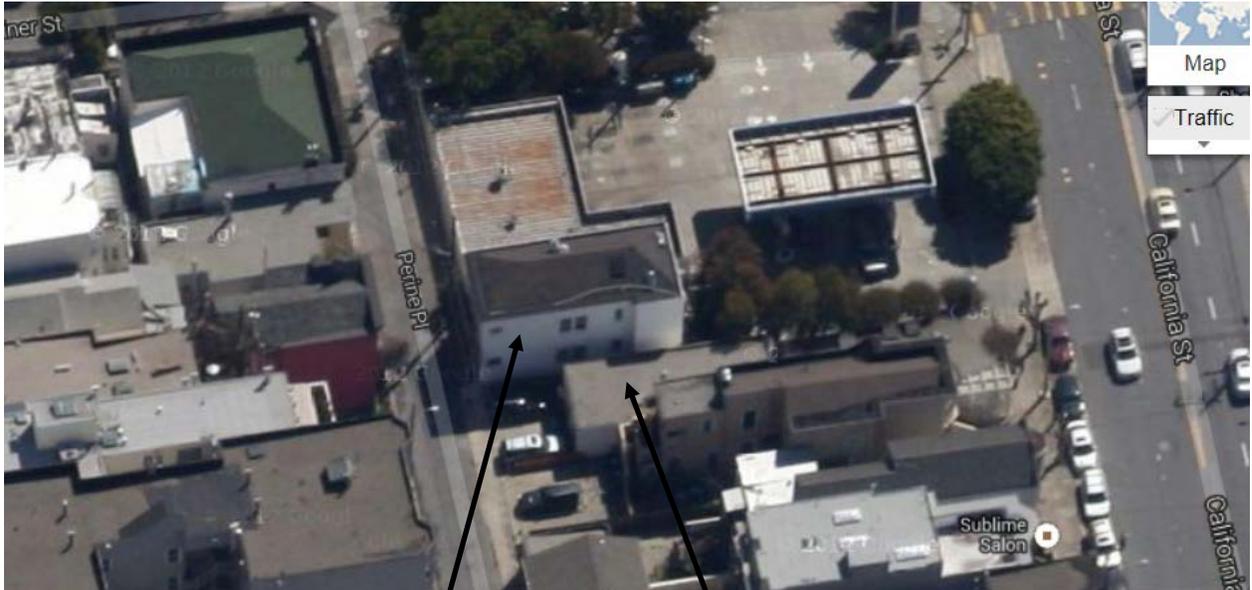


REQUESTOR'S  
PROPERTY

SUBJECT PROPERTY



# Aerial Photo 3



REQUESTOR'S  
PROPERTY

SUBJECT PROPERTY



# Aerial Photo 4

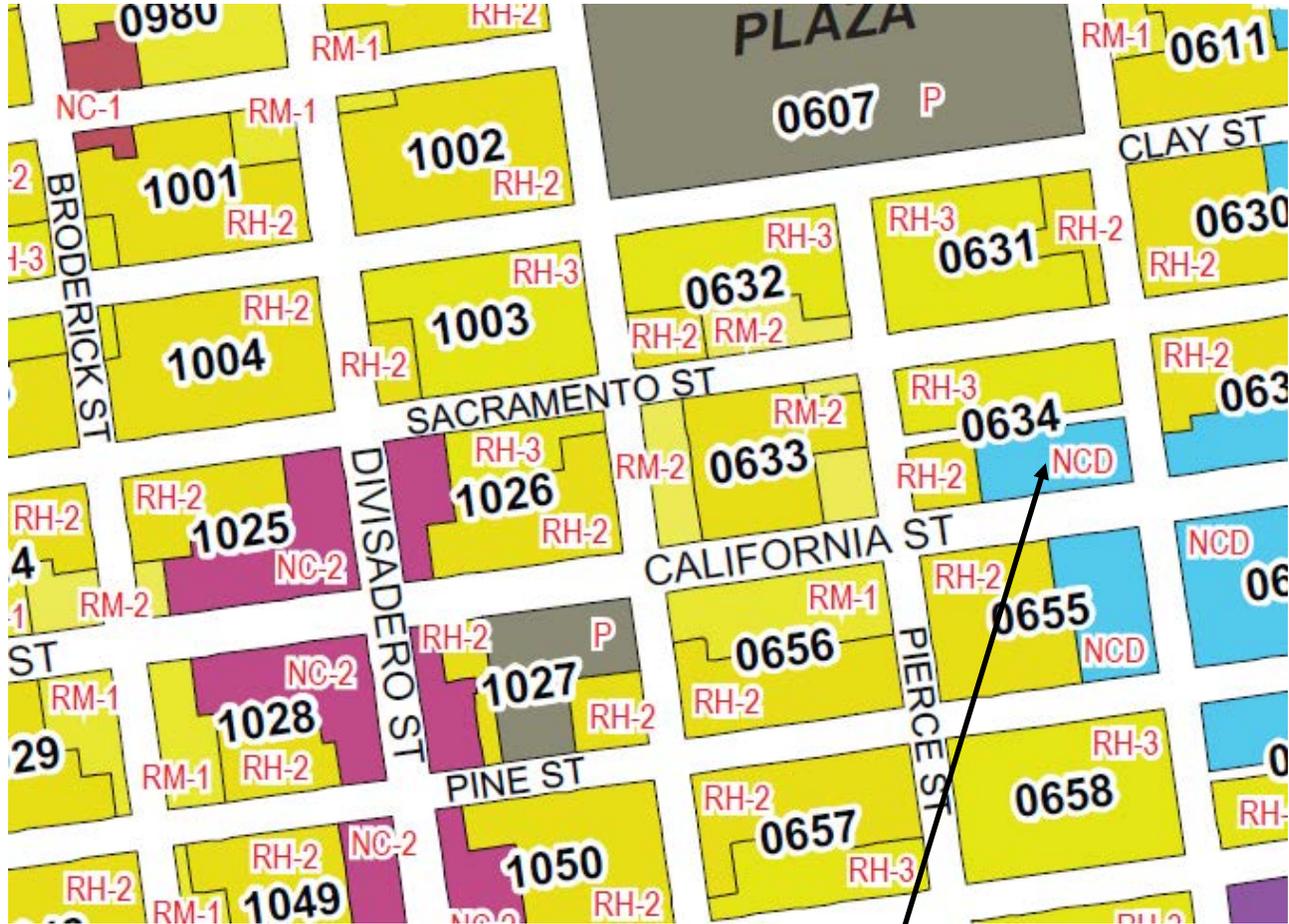


SUBJECT PROPERTY

REQUESTOR'S  
PROPERTY



# Zoning Map



SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2012.0759DV  
2526 California Street / 33 Perine Place  
Hearing Date: November 14, 2013



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On **June 11, 2012**, the Applicant named below filed Demolition Permit Application No. **2012.06.11.2333** and New Construction Permit Applications Nos. **2012.06.11.2329** and **2012.06.11.2336** with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	<b>David Sternberg, Architect</b>	Project Address:	<b>2526 California St. (33 Perine Pl.)</b>
Address:	<b>1331 Harrison Street</b>	Cross Streets:	<b>Steiner / Pierce Streets</b>
City, State:	<b>San Francisco, CA 94103</b>	Assessor's Block /Lot No.:	<b>0634/006</b>
Telephone:	<b>(415) 882-9783 ext. 11</b>	Zoning Districts:	<b>Fillmore NCD /40-X</b>

Under San Francisco Planning Code Section 312, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE		
<input checked="" type="checkbox"/> DEMOLITION	and/or	<input checked="" type="checkbox"/> NEW CONSTRUCTION or <input type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS <input 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 .....	Commercial / Retail .....	Multi-unit Residential
FRONT SETBACK .....	None .....	No Change
SIDE SETBACKS .....	None .....	No Change
BUILDING DEPTH .....	102 feet.....	120 feet @ ground floor
REAR YARD .....	18 feet.....	31 ft @ 2 <sup>nd</sup> floor (btwn. bldgs)
HEIGHT OF BUILDING .....	19 feet.....	40 ft @ each street frontage
NUMBER OF STORIES .....	1.....	4 stories
NUMBER OF DWELLING UNITS .....	None .....	4 (2 @ each building)
NUMBER OF OFF-STREET PARKING SPACES .....	3 (along Perine Pl).....	6 (3 spaces @ each garage)

### PROJECT DESCRIPTION

The project is to demolish the existing one-story commercial building and to construct two (2) new four-story, two-unit buildings, one building per each street frontage of the subject through lot. Full-lot coverage is proposed at the first (ground) floor to provide a three-car garage for each building. A rear yard modification from Planning Code Section 134 is requested to locate the rear yard area between the two buildings, and variance application (Case No. 2012.0759V) has been filed for the project. The public hearing for Variance Case No. 2012.0759V is scheduled to be heard on Wednesday, June 26, 2013 at 9:30 AM at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408. The public notice required for the variance hearing is mailed under a separate cover.

PLANNER'S NAME: **Glenn Cabreros**

PHONE NUMBER: **(415) 558-6169**

EMAIL: **glenn.cabreros@sfgov.org**

DATE OF THIS NOTICE: **08/15/2013**

EXPIRATION DATE: **09/14/2013**

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Barry C. Machin, Authorized Agent for Ann M. & Roger G. Machin		
DR APPLICANT'S ADDRESS: 1476 Lincoln Avenue, #106, San Rafael, CA	ZIP CODE: 94901	TELEPHONE: (415 )297-8916
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: David Sternberg, Architect, as Agent for owner, Folsom Star LLC		
ADDRESS: 1331 Harrison Street, San Francisco, CA	ZIP CODE: 94103	TELEPHONE: (415 ) 882-9783, X11
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ( )
E-MAIL ADDRESS: bcmac4965@att.net		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 2526 California Street/33 Perine Place, San Francisco, CA		ZIP CODE: 94115
CROSS STREETS: Steiner/Pierce Streets		
ASSESSORS BLOCK/LOT: 0634 /006	LOT DIMENSIONS: 120' x 25' 5"	LOT AREA (SQ FT): 3060
ZONING DISTRICT: Fillmore NCD/40X		HEIGHT/BULK DISTRICT: 40' 0"

## 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 

Commercial

Present or Previous Use:

Proposed Use: Residential

Building Permit Application No. 2012.06.11.2329; 2333; 2336

Date Filed: June 11, 2012

RECEIVED

SEP 12 2013

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
P/C

# Discretionary Review Request

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

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

Current design fails to meet requirements of Planning Code (PC) and Residential Design Guidelines. Specifically light and air (PC 101); Building Scale (PC 130, 136, 250); Front Yard Setback (PC 132); and Block Pattern (100% Coverage). Ann & Roger Machin own the property immediately abutting the east side of the proposed development from Perine Place for a length of 56.5'. *FOR FRONT YARD SETBACKS SEE EXHIBIT H. FOR LIGHT & AIR SEE EXHIBIT J*

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:

Perine Place is a residential community, not merely a service alley. The size of the proposed development is overpowering and will impact the light, air and view of the adjoining properties by about half. It will almost certainly decrease their values by a significant amount. It will split the community into two and it will destroy the ambience and character of this small enclave. Continued on 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?

An initial design of the project included setbacks on the west side on California Street and both sides on Perine Place recognized the problems with light and air. If these had been maintained and PC 132 followed and front yards setbacks (15') occur on California Street and Perine Place the development would be more in scale and size and block pattern consistent with the block. Continued on Exhibit B.

12.07590

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. Attached are: Self-explanatory letters (Exhibits C and D) to the City and County of San Francisco dated September 16, 2012, and June 24, 2013. Self-explanatory emails (Exhibits E) to David Sternberg, dated August 28, 2013, and September 8, 2013. To date no response received. Self-explanatory emails (Exhibit F) to Glen Cabrerros, dated August 28, 2013, and September 8, 2013, and his reply (Exhibit G) of September 10, 2013. This failed to address the light and air problems. Essentially no changes have been made despite our protests.

12.07590 4

2526 California Street/33 Perine Place, San Francisco

EXHIBIT A – Question 2 to continuation

In addition to the placement of rear yards at the proposed development is at third floor level which isolates the rear yard to Machin Lot 034 endangering the means of escape in case of fire.

## EXHIBIT B – Question 3 to continuation

A transcript of the architect's testimony at the June 26 hearing for a rear yard modification (see below) demonstrates the developer's concern for the impact on light and air:

We went through an initial design process. Very time consuming. We did everything that we think we are supposed to do. We held an initial project review meeting with planning before we even designed the building. They made suggestions as to their recommendations which we followed which entailed pursuing a rear yard variance so that it could be a central yard and another building or something on the alley. The initial design that we proposed offered setbacks to honor the front setbacks even though we were not required to do this, setback for the neighboring property to the west and a set back to honor the neighboring property on California Street to the west and then the realtor offered a set back to honor the eastern property to the east on Perine Alley. We submitted plans, the planners reviewed it through the design review. I don't know, I get them mixed up, what they are they known as. UDAT. And they requested major further revisions to honor the neighbors' access to light and air so we did a major redesign of the building revising locations of stairs and setting back any penthouses from side property lines. Also, in addition, that Perine Alley building complies with the alley setback requirements and so the project as designed has been fully vetted by the planning staff. In our opinion the project as proposed more than reinforces the plot pattern that is already there, and that's my diagram there, the red is our property while the neighboring property to the west which is the one above on the sheet does not honor the pattern of the block. The arrows show all the other properties on the block in question have this pattern and we also felt and we think the planning staff agrees with us. In fact other narrower walls facing Perine Alley and they asked for wider width of this building so they could have better building walls, a larger better building wall along Perine Alley because there is a predominance of structures and houses on the south side of Perine which we feel creates a better community for the Alley. The other thing too is we could have done five units. We are going to do four so that we could do a modest proposal of less units which are more in keeping with the neighborhood. And I also believe you have two letters of support for the project as well. Just to wind up. Curious to hear the testimony of the person that is appealing against the project. I know they're talking of problems of light and air.

"they" presumably referred to the planners and the "major redesign" also included elimination of the setbacks on the east and west property lines

Underline emphasis added

ROGER G. MACHIN  
30 Estates Court  
San Rafael, CA 94901

12.07590 6  
2526 California/33 Perine

EXHIBIT C

September 16, 2012

City and County of San Francisco  
Department of Building Inspection  
Central Permit Bureau  
1660 Mission Street  
San Francisco, CA 94103

Dear Sirs:

Re: Notification of Application for a Demolition Permit - Application No. 201206112333 -  
2526 California St. dated 8/30/2012

My wife and I are the owners of 19 and 21 Perine Place, San Francisco (Lot No. 034, Block 0634) which is the northerly parcel of the two adjoining on the east side of the subject applicant. My understanding is that this application, if approved, will eliminate a prescriptive easement which I have over the applicant's property. This prescriptive easement was to provide means of escape in case of fire from the basement of our property.

Entry from our property through an existing gate onto applicant's property provides direct and unobstructed access to Perine Place and has been in existence for many years prior to my purchasing the property in 1986. In 1987 permitted construction established a separate access from the rear of our property to Perine Place but the prescriptive easement was kept in full force and effect. As agreed with the inspector (A. Thompson) the gate remained because of the substandard rear yard clearance. The rear yard clearance could not be changed because the house goes back to the 1800s and a restricted yard clearance was not in effect when the property was built.

I have spoken to John Stricklin, the representative of Folsom Star LLC, but obtained no satisfactory resolution. He did offer to have a sprinkler system installed, but I did not accept this as a workable resolution. His attitude is unhelpful and I feel our prescriptive easement will be erased should you approve this permit.

Your consideration of our interests, prior to issuing a demolition permit, is respectfully requested.

Very truly yours,

Roger G. Machin

2526 California/33 Perine

12.0759D 7

EXHIBIT D

*ROGER G. MACHIN*  
*30 Estates Court*  
*San Rafael, CA 94901*

June 24, 2013

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

Dear Sirs:

Re: Case No: 2012.0759V; 2526 California Street/33 Perine Place

My wife and I are the owners of 19-21 Perine Place, the adjacent eastern neighbor of the above property. We have strong objections to the overall development. Due to health reasons we are unable to attend the hearing on June 26 on the rear yard variance. We do oppose the variance, as it merely adds to the already maximized size of the project, and request that this variance not be granted.

Further we wish to go on record as strongly opposing the 33 Perine Place structure. As far as I ascertain, no shadowing studies have been performed. 19-21 Perine will certainly be adversely affected, and its value diminished. It will destroy the ambience which Perine Place has enjoyed for many years.

It is my understanding that other Perine Place property owners are opposing the project - we add our voices to their opposition.

I have already, by letter of September 16, 2012, voiced our objection to the elimination of the prescriptive easement which we have over applicant's property. I am told that the City does not take into consideration such elimination and that it is between the owners. However, this development in its present form also creates an adverse impact on our tenants means of escape in the event of fire. I never did get a response to that letter.

Sincerely,

Roger G. Machin

2526 California /33 Perine 12.075 9D

8

Exhibit E

Subject: Fw: 2526 California St/33 Perine Pl., San Francisco  
From: rogan@att.net (rogan@att.net)  
To: dsternberg@sternbergbenjamin.com;  
Date: Sunday, September 8, 2013 12:16 PM

Dear Mr. Sternberg:

There is a very tight time-line on my problems. I know you were out of the office until 9/6 but I assumed you had someone taking care of things in your absence. May I please have a response.

Roger G. Machin

----- Forwarded Message -----

From: "rogan@att.net" <rogan@att.net>  
To: "d.sternberg@sternbergbenjamin.com" <d.sternberg@sternbergbenjamin.com>  
Sent: Wednesday, August 28, 2013 2:48 PM  
Subject: 2526 California St/33 Perine Pl., San Francisco

Dear Mr. Sternberg:

We have great concerns with your latest submittal on the proposed development of 2526 California St/33 Perine Pl ). My wife and I are the owners of 19-21 Perine Place . The impact on our property is not insignificant. Our concerns in particular relate to the window light and air, backyard and prescriptive easement and your request for rear yard modification.

In your presentation at the June 26th hearing you spoke of offering set-backs on the west of your development on California Street and on both east and west on Perine Alley (Place) evidencing your recognition of the light and air problems. We see none of these concessions on the current drawings although the City planners requested major revisions to further honor the neighbors' access to light and air. What happened to these concessions and what specifically were they?

My having spoken with John Strickland and having written to the City, you are aware of our position on the elimination of the easement and its effect of jeopardizing the means of escape in case of fire for the residents of our property. John Strickland's offer of a sprinkler system for our rear yard was not acceptable as the escape was not from fire in the back yard but from elsewhere in the building so we deemed sprinklers inadequate. The problem arises as our rear yard is at California Street level whereas your rear yard is at your second floor level, some 21 feet above, thereby eliminating our alternative means of escape. The reason for our concern is that our rear yard setback is significantly less than the minimum required, although it is grandfathered in.

If approved, your application for a rear yard modification would be a further impaction of the light and air problem. Have no shadow studies been performed? Why do you feel a need for this modification?

At the June 26 hearing one of the commissioners requested to look at your design for a 75% lot coverage. This seems to be more in accord with scale and coverage of the block pattern. May we have a copy of this design?

I did try telephoning but found you were out of the office until next week, hence this e-mail.

Sincerely,  
Roger G. Machin  
(253) 858-5617

2526 California / 33 Perine

12-07590

9

Exhibit F

page 1

**Subject:** Fw: 2526 California/33 Perine, San Francisco  
**From:** rogan@att.net (rogan@att.net)  
**To:** glenn.cabreros@sfgov.org;  
**Date:** Sunday, September 8, 2013 12:05 PM

Dear Mr. Cabreros:

This is a follow-up to my email letter of August 28, 2013. I assume you have had insufficient time since your return to the office on September 5 to answer it. I wish to be sure that that email letter is formally presented to the Planning Commission prior to approval of the project. At the June 26 hearing there was no presentation of our earlier opposition to the plans so we have no idea whether the Planning Commissioners were informed.

When you and I spoke on June 11 you mentioned that our substandard rear yard was "grandfathered" in. However, we do not have this in writing. Please officially confirm, in writing, that our non-conforming rear yard is not only "grandfathered" in but has an acceptable means of escape in case of fire without the prescriptive easement across the adjoining property, i.e., 33 Perine Place. The existence of the egress across the adjoining property was a major consideration in the approval of my building permit back in 1986. Your email to John Stricklin of June 14, 2013, states that "easements are considered private agreements not under the jurisdiction of the Planning Code". This contradicts what happened in 1986. Even accepting your statement to John, I do think the City's planning jurisdiction includes eliminating dangerous conditions.

To say that I am unhappy with how things are turning out is putting it mildly.

Sincerely,  
Roger G. Machin

----- Forwarded Message -----

**From:** "rogan@att.net" <rogan@att.net>  
**To:** Cabreros Glenn <glenn.cabreros@sfgov.org>  
**Sent:** Wednesday, August 28, 2013 3:43 PM  
**Subject:** 2526 California/33 Perine

Dear Mr. Cabreros:

We have great concerns with the latest submittal on the proposed development of 2526 California St/33 Perine Pl ). My wife and I are the owners of 19-21 Perine Place . The impact on our property is not insignificant. Our concerns in particular relate to the window light and air, backyard and prescriptive easement and the request for rear yard modification.

In the presentation at the June 26th hearing the architect, David Sternberg, spoke of offering set-backs on the west of the development on California Street and on both east and west on Perine Place evidencing his recognition of the light and air problems. We see none of these concessions on the current drawings although the City planners requested major revisions to further honor the neighbors' access to light and air. What happened to these concessions and what specifically were they?

You are aware of our position on the elimination of the easement and its effect of jeopardizing the means of escape in case of fire for the residents of our property. John Strickland's offer of a sprinkler system for our rear yard was not acceptable as the escape was not from fire in the back yard but from elsewhere in the building so we deemed sprinklers inadequate. The problem arises as our rear yard is at California Street level whereas the proposed rear yard for the 33 Perine Place is at the second floor level, some 21 feet above, thereby eliminating our alternative means of escape. The reason for our concern is

that our rear yard setback is significantly less than the minimum required, although, as you have advised, it is grandfathered in. Should not a fire marshal be asked to look at the situation? If approved, the application for a rear yard modification would be a further impaction of the light and air problem. Have no shadow studies been requested? Why do the developers feel a need for this modification?

At the June 26 hearing one of the commissioners requested to look at the Sternberg Benjamin design for a 75% lot coverage. This seems to be more in accord with scale and coverage of the block pattern.

Do you have a copy of this design?

My wife and I are currently in Washington State , returning in early October.

Sincerely

Roger G. Machin

(253) 549-5617

12.075 90

2526 California/33 Perine

12.0759D

11

Exhibit 9

**Subject:** RE: 2526 California/33 Perine, San Francisco  
**From:** Cabrerros, Glenn (glenn.cabreros@sfgov.org)  
**To:** rogan@att.net;  
**Cc:** johnstricklin@sbcglobal.net; dsternberg@sternbergbenjamin.com; scott.sanchez@sfgov.org;  
david.lindsay@sfgov.org;  
**Date:** Tuesday, September 10, 2013 12:00 PM

Mr. Machin:

Thank you for your emails. First of all, my apologies for not responding sooner, as I have been still catching up on work since my return.

Please note that the June 26 hearing was for a Variance hearing which was held by the Zoning Administrator (ZA) and not the Planning Commission. By way of this email, I've included the interested parties and the ZA with regard to your opposition to the project. To date, a formal decision on the variance has not been issued by the Zoning Administrator.

With regard to your inquiry, from the plans depicting your property at 19-21 Perine as provided by David Sternberg (project architect) depict your building's rear wall to be approximately 10 feet from your rear property line. The Fillmore NCD Zoning District for your property requires a rear yard equal to 25% of the lot depth or 15 feet, whichever is greater. Your lot is approximately 5 feet deep, thus the required rear yard is 15 feet. As your building is shown to be constructed into the required rear yard, those portions of your building, which pre-date the rear yard requirement, can be considered legal, noncomplying structures or "grandfathered" structures.

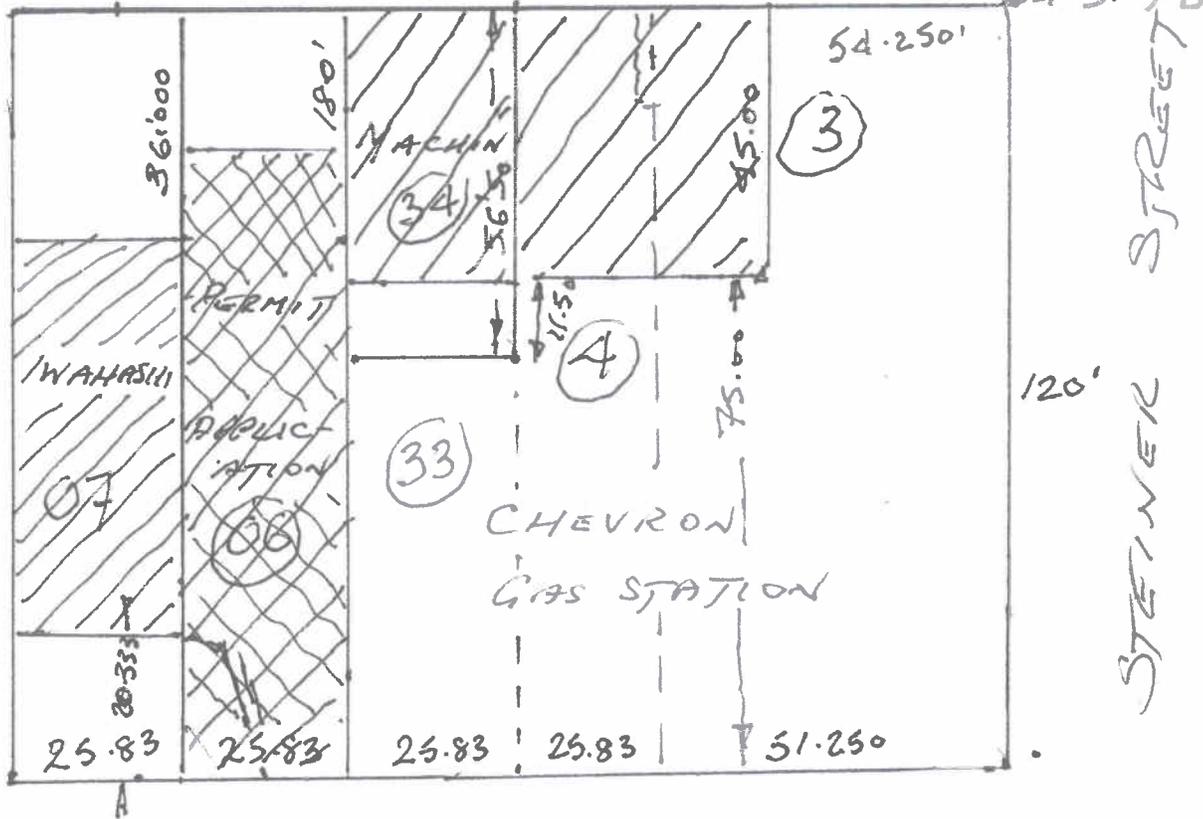
Again with regard to private easements, the Planning Code does not address such easements as they are considered private agreements, and private agreements do not fall under our jurisdiction. Enforcement of private matters would fall to the civil courts.

I hope these responses provide you with the additional information that you requested. Please let me know if you'd like additional information.

Thank you.

Glenn Cabreros, LEED AP  
Planner

PERINE PLACE 12.075.90



FRONT YARD SETBACKS

CALIFORNIA STREET	CHEVRON	75.00'
	IWAHASHI.	20.333'
		<u>95.333'</u>
	AVERAGE	47.667'
	PC132 MAXIMUM	<u>15.00'</u>
PERINE PLACE	MACHIN	0.00'
	IWAHASHI.	36.00'
		<u>36.00'</u>
	AVERAGE	18.00'
	PC132 MAXIMUM	<u>15.00'</u>

13

12.07590

CORNER OF PROPOSED BUILDING

EXHIBIT I

2526 CALIFORNIA / 33 PALM



AGENT AUTHORIZATION

We, Ann M. Machin and Roger G. Machin, are the owners of record of 19-21 Perine Place, San Francisco, CA 94115. We hereby authorize and appoint Barry C. Machin to act as our agent in the preparation and presentation of an Application for Discretionary Review to the San Francisco Planning Commission pertaining to the proposed development at 2526 California Street/33 Perine Place, San Francisco, CA 94115.

DATED this 10<sup>th</sup> day of September, 2013

  
Ann M. Machin

  
Roger G. Machin

## 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: Barry C. Machin

Date: 9/12/2013.

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

BARRY C. MACHIN, AUTHORIZED AGENT  
Owner / Authorized Agent (circle one)

TO: SAN FRANCISCO PLANNING COMMISSION MEMBERS

RE: CASE NO. 2012.0759D - DISCRETIONARY REVIEW HEARING NOV 14, 2013

Further to the Discretionary Review Application filed by my son, Barry Machin, as our agent, I now present additional and correcting information, identified as Exhibits 1-5.

EXHIBIT 1 - Article 7, Section 718 et seq. of the San Francisco Planning Code - Upper Fillmore Street Neighborhood Commercial District.

This zoning is primarily for retail/commercial. Residential use is only an accessory use to commercial and only above the first and second floor levels. Contrary to this, the proposed development has parking and residential on the first and second floors without any commercial development.

EXHIBIT 2 - Planning Code Interpretations, Code Section 134, Subject: Rear yards, two buildings on a lot

Proposal includes two buildings on one through-lot. This is precluded by this interpretation. The subject property is not adjoined by through-lots on both sides with two buildings on each.

EXHIBIT 3 - Notice of Building Permit Application

The "projects features" are misleading or incorrect.

FRONT SETBACK - The existing building is irregularly set back from the property line, not as stated.

SIDE SETBACKS - There are existing partial side setbacks on both sides of the subject property, not as stated.

REAR YARD - Existing 18 feet is being eliminated and a new frontage being established on the property line.

EXHIBIT 4 - Article 1, Section 101, Purposes of the City Planning Code

In particular please note paragraph 101(b) - protect the character and stability of residential, commercial and industrial areas; and paragraph 101(c) to provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers. (See in particular our Exhibit A to our original DR Application.) Neither of these purposes is achieved by the present proposal.

EXHIBIT 5 - Article 1, Section 101.1, Master Plan Consistency and Implementation

Paragraph (b)(1) states that the existing neighborhood serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

EXHIBIT 6 - Letter from Pacific Height Residential Assn and my response

Obviously PHRA is pro-residential regardless of the facts.

\*\*\*\*\*

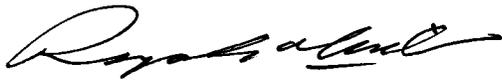
Clearly without commercial development on this site the priority policy of the Master Plan will not be enforced. A retail/commercial building is being demolished.

Further, please take into account the fact that the present proposal (as redesigned) fails to address the adjoining owners' rights of access to air, light and privacy, and secure safety from fire and other dangers. The infringement on these rights is clear. The project architect noted these concerns on his initial design but his remedies disappeared on the redesign.

I would also note that if you approve the developer's request to modify the rear yard requirements the impact on light and air of adjoining owners would be significantly increased.

Although being elderly, a layman and finding the Code, etc., less than user friendly, I feel I can say that the proposed project fails to comply with the San Francisco Planning Code and Master Plan. I trust the commission will require compliance in all aspects, even those I have failed to find.

Respectfully submitted,



Roger G. Machin  
November 3, 2013

# SEC. 718.1. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Upper Fillmore Street Neighborhood Commercial District is situated in the south-central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to Bush and extends west one block along California and Pine Streets. This medium-scaled, multi-purpose commercial district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services on a specialized basis to a wider trade area. Commercial businesses are active during both day and evening and include a number of bars, restaurants, specialty groceries, and specialty clothing stores.

The Upper Fillmore District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. Building standards regulate large lot and use development and protect rear yards above the ground story and at residential levels. Most commercial uses are permitted at the first two stories of new buildings. Special controls are designed to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent livability, additional bars (unless part of a full-service restaurant) and formula retail establishments are prohibited, other eating and drinking establishments and self-service specialty foods require conditional use authorization and ground-story entertainment and financial service uses are limited. In order to promote continuous retail frontage, drive-up and most automobile uses are prohibited.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

## SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			Upper Fillmore Street
No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
718.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 270, 271	40-X Height Sculpting on Alleys: § 261.1
718.11	Lot Size <i>[Per Development]</i>	§§ 121.1, 790.56	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
718.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
718.13	Street Frontage	§ 145.1	Required
718.14	Awning	§ 790.20	P § 136.1(a)
718.15	Canopy	§ 790.26	P § 136.1(b)
718.16	Marquee	§ 790.58	P § 136.1(c)
718.17	Street Trees		Required § 138.1
<b>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</b>			
718.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)

718.21	Use Size [Non-Residential]	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
718.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
718.23	Off-Street Freight Loading	§§ 150, 153 - 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
718.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
718.25	Drive-Up Facility	§ 790.30	
718.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
718.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.
718.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	
718.31	Business Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(f) 2
718.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Upper Fillmore Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
718.38	Residential Conversion	§ 790.84	P	C	
718.39	Residential Demolition	§ 790.86	P	C	C
<b>Retail Sales and Services</b>					
718.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
718.41	Bar	§ 790.22	C #		
718.43	Limited-Restaurant	§ 790.90	P #		
718.44	Restaurant	§ 790.91	C #		
718.45	Liquor Store	§ 790.55	C		
718.46	Movie Theater	§ 790.64	P		
718.47	Adult Entertainment	§ 790.36			
718.48	Other Entertainment	§ 790.38	C		
718.49	Financial Service	§ 790.110	C		
718.50	Limited Financial Service	§ 790.112	C		
718.51	Medical Service	§ 790.114	P	P	
718.52	Personal Service	§ 790.116	P	P	
718.53	Business or Professional Service	§ 790.108	P	P	

718.54	Massage Establishment	§ 790.60, § 1900 Health Code	C #		
718.55	Tourist Hotel	§ 790.46	C	C	C
718.56	Automobile Parking	§§ 156, 160, 790.8	C	C	C
718.57	Automotive Gas Station	§ 790.14			
718.58	Automotive Service Station	§ 790.17			
718.59	Automotive Repair	§ 790.15			
718.60	Automotive Wash	§ 790.18			
718.61	Automobile Sale or Rental	§ 790.12			
718.62	Animal Hospital	§ 790.6	C		
718.63	Ambulance Service	§ 790.2			
718.64	Mortuary	§ 790.62			
718.65	Trade Shop	§ 790.124	P		
718.66	Storage	§ 790.117			
718.68	Fringe Financial Service	§ 790.111			
718.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
718.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.4			
718.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
718.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
<b>Institutions and Non-Retail Sales and Services</b>					
718.70	Administrative Service	§ 790.106			
718.80	Hospital or Medical Center	§ 790.44			
718.81	Other Institutions, Large	§ 790.50	P	C	C
718.82	Other Institutions, Small	§ 790.51	P	P	P
718.83	Public Use	§ 790.80	C	C	C
718.84	Medical Cannabis Dispensary	§ 790.141	P		
718.85	Philanthropic Administrative Services	§ 790.107	P	P	P
<b>RESIDENTIAL STANDARDS AND USES</b>					
718.90	Residential Use	§ 790.88	P	P	P
718.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
718.92	Residential Density, Group Housing	§§ 207.1, 790.88 (b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
718.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
718.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		

718.95	Community Residential Parking	§ 790.10	C	C	C
--------	-------------------------------	----------	---	---	---

**SPECIFIC PROVISIONS FOR THE UPPER FILLMORE NEIGHBORHOOD COMMERCIAL DISTRICT**

<i>Article 7 Code Section</i>	<i>Other Code Section</i>	<i>Zoning Controls</i>
§ 718.41	§ 790.22	<b>Boundaries:</b> Applicable for the Upper Fillmore NCD. <b>Controls:</b> A new bar will be allowed with a conditional use authorization from the Planning Commission only in conjunction with a Restaurant use.
§ 718.43 § 718.44	§ 790.90 § 790.91	In considering a conditional use for a Restaurant, the Planning Commission shall consider whether the use proposes lunch service or other daytime usage in order to limit the number of such establishments on the block that have no daytime activity.
§ 718.43 § 718.44	§ 790.90 § 790.91	UPPER FILLMORE FORMULA RETAIL RESTAURANT AND LIMITED-RESTAURANT USES <b>Boundaries:</b> Upper Fillmore NCD. <b>Controls:</b> Formula Retail Restaurant and Limited-Restaurant Uses are NP.
§ 718.54	§ 790.60, § 1900 Health Code	MESSAGE ESTABLISHMENT <b>Controls:</b> Massage shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in Section 790.60(c). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the additional criteria described in Section 303(o).
§ 718.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD). <b>Boundaries:</b> The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Upper Fillmore Street Neighborhood Commercial District. <b>Controls:</b> Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 412-88, App. 9/10/88; Ord. 87-00, File No. 991963, App. 5/19/2000; Ord. 260-00, File No. 001424, App. 11/17/2000; Ord. 275-05, File No. 051250, App. 11/30/2005; Ord. 289-06, File No. 050176, App. 11/20/2006; Ord. 269-07, File No. 070671, App. 11/26/2007; Ord. 244-08, File No. 080567, App. 10/30/2008; Ord. 245-08, File No. 080696; Ord. 51-09, File No. 081620, App. 4/2/2009; Ord. 161-09, File No. 090367, App. 7/15/2009; Ord. 56-11, File No. 110070, App. 3/23/2011; Ord. 66-11, File No. 101537, App. 4/20/2011, Eff. 5/20/2011; Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. 75-12, File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013)

**AMENDMENT HISTORY**

Zoning Control Table: 718.69C and 718.69D added; Ord. 66-11, Eff. 5/20/2011. Zoning Control Table: 718.10 and 718.17 amended; Specific Provisions: 718.68 added; Ord. 140-11, Eff. 8/4/2011. Zoning Control Table: 718.43 and 718.44 amended, former categories 718.42, 718.67, and 718.69A deleted; Specific Provisions: 718.43, 718.44 (Upper Fillmore NCD) added; Ord. 75-12, Eff. 5/23/2012. Zoning Control Table: 718.13, 718.54, and 718.69B amended; Specific Provisions: 718.54 added; Ord. 56-13, Eff. 4/27/2013.

Code Section: 134

**Subject: Rear yards, two buildings on a lot**

**Effective Date: 11/86**

**Interpretation:**

Section 134(c)(4)(C) indicates that a through lot surrounded by through lots that are developed with buildings on both ends can also have a building on either end but that the depths of the adjacent buildings shall determine the depth of a yard which is to exist between the two buildings on the subject lot and that this yard shall be at least as deep as 25 percent of the subject lot's depth or 15 feet, whichever is greater. There is nothing in the Planning Code which addresses the yard requirements **when a dwelling legally exists at the rear of a lot that is not a through lot and there is a proposal to build another structure in the "buildable area" of this lot.** The Code places a greater requirement on a through lot than on a lot that is not a through lot. A minimum rear yard depth is required for the subject situation to correct this inequity and to fulfill the intent of the rear yard provisions. The minimum rear yard required for any residential development under the Planning Code is 25 percent of the subject lot's depth or 15 feet, whichever is greater. Therefore, **the minimum depth of a yard between two buildings on a lot in the subject situation is 25 percent of the subject lot's depth or 15 feet whichever is greater.** (It is noted that Section 140 of the Planning Code [titled, "All Dwelling Units In All Use Districts To Face On An Open Area"] will normally require a minimum of 25 feet in most situations that conform to the description of the subject situation.)

E  
X  
H  
I  
B  
I  
T  
2



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 312)

On June 11, 2012, the Applicant named below filed Demolition Permit Application No. 2012.06.11.2333 and New Construction Permit Applications Nos. 2012.06.11.2329 and 2012.06.11.2336 with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	David Sternberg, Architect	Project Address:	2526 California St. (33 Perine Pl.)
Address:	1331 Harrison Street	Cross Streets:	Steiner / Pierce Streets
City, State:	San Francisco, CA 94103	Assessor's Block /Lot No.:	0634/006
Telephone:	(415) 882-9783 ext. 11	Zoning Districts:	Fillmore NCD /40-X

Under San Francisco Planning Code Section 312, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE		
<input checked="" type="checkbox"/> DEMOLITION	and/or	<input checked="" type="checkbox"/> NEW CONSTRUCTION or <input type="checkbox"/> ALTERATION
<input type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS <input 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 .....	Commercial / Retail .....	Multi-unit Residential
FRONT SETBACK .....	None .....	No Change
SIDE SETBACKS .....	None .....	No Change
BUILDING DEPTH .....	102 feet .....	120 feet @ ground floor
REAR YARD .....	18 feet .....	31 ft @ 2 <sup>nd</sup> floor (btwn. bldgs)
HEIGHT OF BUILDING .....	19 feet .....	40 ft @ each street frontage
NUMBER OF STORIES .....	1 .....	4 stories
NUMBER OF DWELLING UNITS .....	None .....	4 (2 @ each building)
NUMBER OF OFF-STREET PARKING SPACES .....	3 (along Perine Pl).....	6 (3 spaces @ each garage)

### PROJECT DESCRIPTION

The project is to demolish the existing one-story commercial building and to construct two (2) new four-story, two-unit buildings, one building per each street frontage of the subject through lot. Full-lot coverage is proposed at the first (ground) floor to provide a three-car garage for each building. A rear yard modification from Planning Code Section 134 is requested to locate the rear yard area between the two buildings, and variance application (Case No. 2012.0759V) has been filed for the project. The public hearing for Variance Case No. 2012.0759V is scheduled to be heard on Wednesday, June 26, 2013 at 9:30 AM at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408. The public notice required for the variance hearing is mailed under a separate cover.

PLANNER'S NAME: Glenn Cabreros

PHONE NUMBER: (415) 558-6169

EMAIL: glenn.cabreros@sfgov.org

DATE OF THIS NOTICE: 08/15/2013

EXPIRATION DATE: 09/14/2013

E  
X  
H  
I  
B  
I  
T  
  
3

## SEC. 101. PURPOSES.

This City Planning Code is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare, and for the following more particularly specified purposes:

- (a) To guide, control and regulate future growth and development in accordance with the Master Plan of the City and County of San Francisco;
- (b) To protect the character and stability of residential, commercial and industrial areas within the City, and to promote the orderly and beneficial development of such areas;
- (c) To provide adequate light, air, privacy and convenience of access to property, and to secure safety from fire and other dangers;
- (d) To prevent overcrowding the land and undue congestion of population;
- (e) To regulate the location of buildings and the use of buildings and land adjacent to streets and thoroughfares, in such manner as to obviate the danger to public safety caused by undue interference with existing or prospective traffic movements on such streets and thoroughfares.

(Amended by Ord. 443-78, App. 10/6/78)

## SEC. 101.1. MASTER PLAN CONSISTENCY AND IMPLEMENTATION.

- (a) The Master Plan shall be an integrated, internally consistent and compatible statement of policies for San Francisco. To fulfill this requirement, after extensive public participation and hearings, the City Planning Commission shall in one action amend the Master Plan by January 1, 1988.
- (b) The following Priority Policies are hereby established. They shall be included in the preamble to the Master Plan and shall be the basis upon which inconsistencies in the Master Plan are resolved:
  - (1) That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
  - (2) That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;
  - (3) That the City's supply of affordable housing be preserved and enhanced;
  - (4) That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;
  - (5) That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;
  - (6) That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;
  - (7) That landmarks and historic buildings be preserved; and,
  - (8) That our parks and open space and their access to sunlight and vistas be protected from development.

E  
X  
H  
I  
B  
I  
T  
4

E  
X  
H  
I  
B  
I  
T  
5

(c) The City may not adopt any zoning ordinance or development agreement authorized pursuant to Government Code Section 65865 after November 4, 1986, unless prior to that adoption it has specifically found that the ordinance or development agreement is consistent with the Priority Policies established above.

(d) The City may not adopt any zoning ordinance or development agreement authorized pursuant to Government Code Section 65865 after January 1, 1988, unless prior to that adoption it has specifically found that the ordinance or development agreement is consistent with the City's Master Plan.

(e) Prior to issuing a permit for any project or adopting any legislation which requires an initial study under the California Environmental Quality Act, and prior to issuing a permit for any demolition, conversion or change of use, and prior to taking any action which requires a finding of consistency with the Master Plan, the City shall find that the proposed project or legislation is consistent with the Priority Policies established above. For any such permit issued or legislation adopted after January 1, 1988 the City shall also find that the project is consistent with the City's Master Plan.

(Added by Proposition M, 11/4/86)

ROGER G. MACHIN  
30 ESTATES COURT  
SAN RAFAEL, CA 94901

November 2, 2013

Mr. L. Gregory Scott  
President  
Pacific Heights Residents Assn  
2585 Pacific Avenue  
San Francisco, CA 94115

Dear Mr. Scott:

Re: 2526 California/33 Perine Discretionary Review

This will acknowledge and reply to your email letter of October 26, 2013, addressed to my wife and me. I would point out that we do not reside at 19 & 21 Perine but at the above address, as shown on your membership roles.

The PHRA board does not appear to have grasped the point of our DR Application. It is that the project in question does not conform to City Code. It has nothing to do with height limits and being in keeping with much of the blocks development.

As your letter points up, PHRA's mission is to preserve and protect the residential quality of Pacific Heights. Does that mean you are not interested in commercial zoning, which applies to this property? Retail is a necessary part of good residential areas. I did not think I would have to point up to your Board that residences such as 19-21 Perine were grandfathered in as residential when the zoning was established as commercial. I thought you were better equipped than I to evaluate the proposal from a code conformance point of view. Clearly I was wrong. Judging from your position you are quite prepared to see the retail/commercial zoning reduced. I have not seen any type of application requesting rezoning from the developer.

Thank you for your time. It is obvious that your organization is not to our benefit in any way and thus I ask that you remove our names from your membership. To assist in this I enclose a copy of an envelope from PHRA to Ann and myself forwarding notice of your annual meeting.

Yours truly,



Roger G. Machin

cc: Mr. David Sternberg  
1331 Harrison Street  
San Francisco, CA 94103

E  
X  
H  
I  
B  
I  
T  
  
6

# *PACIFIC HEIGHTS RESIDENTS ASSOCIATION*

2585 PACIFIC AVENUE  
SAN FRANCISCO, CA 94115  
TELEPHONE: (415) 922-3572

October 26, 2013

Mr & Mrs Roger Machin  
19 & 21 Perine  
San Francisco, CA 94115

Mr. David Sternberg  
1331 Harrison Street  
San Francisco, CA 94103

Dear Mr. & Mrs. Machin & Mr. Sternberg:

## **2526 California/33 Perine Discretionary Review**

As you know, PHRA represents the area bounded by Union, Bush, Presidio & Van Ness. Our mission is to preserve & protect the residential character of Pacific Heights.

After hearing views from each of you on the proposed project and reviewing the existing conditions and lot coverage for the block on both sides of Perine between Steiner & Pierce, the PHRA board voted to not support the request for Discretionary Review. In our view the proposed project is within the height limits as already zoned for the block and is very much in keeping with much of that block's development on both sides of Perine.

Thank you for your presentations.

Sincerely,

L. Gregory Scott  
President

**DISCRETIONARY REVIEW RESPONSE AND  
PROJECT SPONSOR PACKET -2526  
CALIFORNIA STREET/ 33 PERINE PLACE**

**San Francisco Planning Commission  
Case No. 12.0759D  
Hearing Date: November 14, 2013**

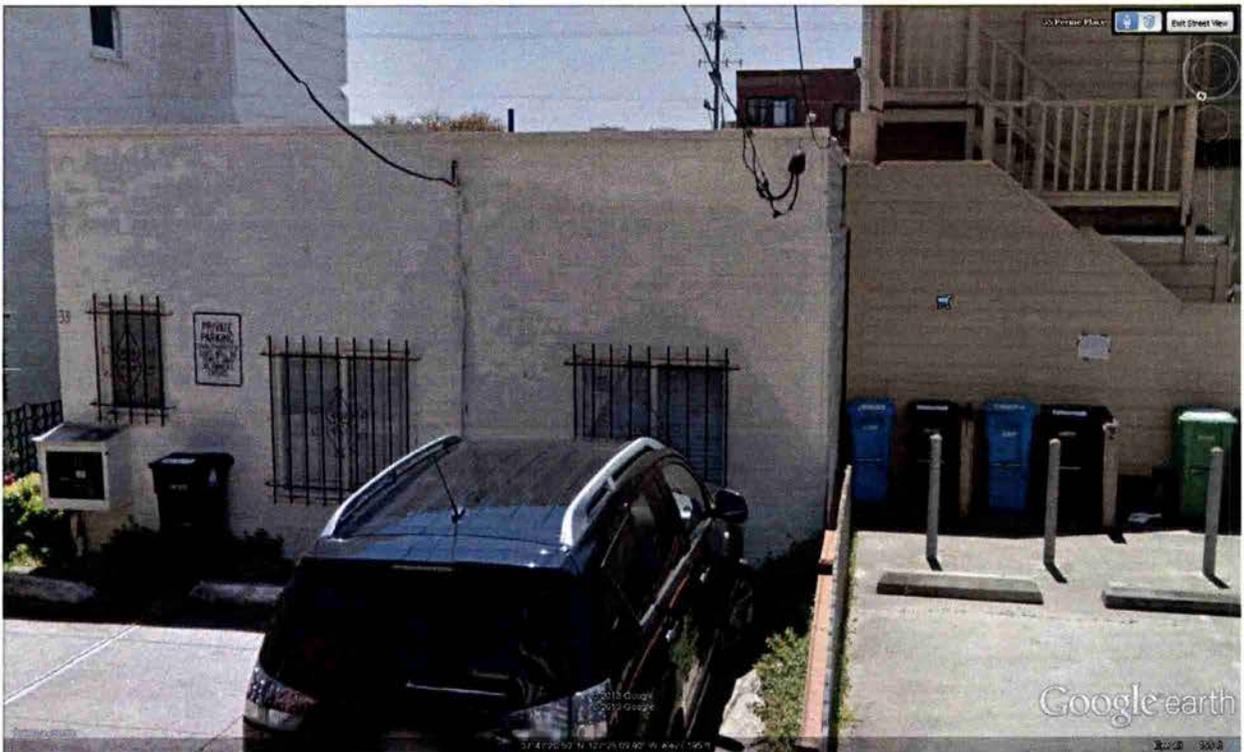
**Architect:** David Sternberg Architect; Sternberg/Benjamin Architects  
1331 Harrison Street, San Francisco, CA  
[www.sternbergbenjamin.com](http://www.sternbergbenjamin.com)

**Owner:** Folsom Star LLC  
601 Van Ness Ave, #E3606, San Francisco, CA  
[johnstricklin@sbcglobal.net](mailto:johnstricklin@sbcglobal.net)

**Attorney for  
Project Sponsor:** Stephen M. Williams  
1934 Divisadero Street, San Francisco, CA  
[smw@stevewilliamsllaw.com](mailto:smw@stevewilliamsllaw.com)



**2526 California Street**



**33 Perine Place (Alley at rear of California Street)**

## Table of Contents

<b>I. INTRODUCTION</b> .....	4
<b>II. SITE INFORMATION</b> .....	4
<b>III. PROJECT SUMMARY</b> .....	5
<b>IV. DESCRIPTION OF SITE AND PROPOSED PROJECT</b> .....	5
<b>V. NEIGHBORS AND THE PLANNING DEPT SUPPORT THE PROJECT BECAUSE OF SENSITIVE CHANGES MADE TO THE DESIGN</b> .....	6
<b>VI. RESPONSE TO DISCRETIONARY REVIEW</b> .....	7
<b>A. The Residential Design Guidelines Do Not Apply in a Commercial District</b> .....	8
<b>B. The Project Satisfies Heights Limits for “Mid-Block Passages” and Narrow Streets</b> .....	8
<b>C. The Project is Well-Designed and Fits the Neighborhood Pattern of Development</b> .....	10
<b>VII. CONCLUSION</b> .....	11

## Exhibits

<b>Exhibit 1</b> .....	<b>Assessor’s Map Block 634</b>
<b>Exhibit 2</b> .....	<b>Sanborn Map of Block 634</b>
<b>Exhibit 3</b> .....	<b>October 9, 2013 Letter from Pacific Heights Residents Association</b>
<b>Exhibit 4</b> .....	<b>February 15, 2013 Letter from Architect David Sternberg to Glenn Cabrerros</b>
<b>Exhibit 5</b> .....	<b>Additional Neighborhood Support Letters</b>
<b>Exhibit 6</b> .....	<b>Renderings of Project for California Street &amp; Perine Place</b>
<b>Exhibit 7</b> .....	<b>Site Permit Drawings</b>

**I. INTRODUCTION**

Folsom Star LLC (“Project Sponsor”) proposes to demolish the existing one-story commercial building located at 2526 California Street/33 Perine Place, Block 0634/Lot 006 (“Project Site”), and construct a new four-unit development with two residential dwelling units fronting on each street of the subject through lot (Assessor’s Map attached as Exhibit 1 showing through lot, subject site and DR Requestor’s lot). The current office building nearly fully covers the Project Site. The Project would locate the rear yard between the new buildings with rear yard provided at the second floor and above as permitted in this Neighborhood Commercial District.

In response to neighbors’ concerns and in response to the Planning Department’s suggestion to front a building on each street in order to preserve mid-block open space, the Project Sponsor has requested a rear yard modification to locate the rear yard area between the two buildings via variance application 2012.0759V. The Variance Hearing was held before the Zoning Administrator on June 26, 2013. The DR Requestor did not appear and object to the variance. Each new building would have a garage with three off-street parking spots and will include mandatory bicycle parking. The Project will create four new residential family oriented units.

John Stricklin, principal of Project Sponsor Folsom Star LLC, is a long-time housing developer in San Francisco. Since 1989, he has successfully designed, invested in, and built numerous projects including apartment buildings, in-fill mixed-use commercial buildings, small condominium buildings and single-family homes. He is working with respected architect David Sternberg of Sternberg Benjamin Architects. Mr. Sternberg has been a licensed California Architect in San Francisco since 1980. Together, they have completed numerous residential and mixed-use projects. Although Mr. Stricklin has been an active builder in San Francisco for nearly 23 years, this is the first of his projects to be subject to a Discretionary Review Application.

After proposing this Project in 2012, Mr. Stricklin and Mr. Sternberg have worked closely with many of the immediate and surrounding neighbors.<sup>1</sup> They have designed the Project with numerous cutbacks and modifications based on input from those neighbors and Planning Department staff to create a well-designed and practical concept, which will provide much-needed new housing units for the City.

**II. SITE INFORMATION**

**Street Address:** 2526 California Street/33 Perine Place  
**Cross Streets:** Steiner Street (east) and Pierce Street (west)  
**Assessor’s Block/Lot:** 0634/006  
**Zoning District:** Upper Fillmore Neighborhood Commercial District (§ 718.1)  
**Height/Bulk District:** 40-X

---

<sup>1</sup> My office was originally retained to represent the immediate adjacent neighbors to the west, the Nagata and Rock Mura families who have owned 2530-32 California Street since 1965. We originally opposed the project but Mr. Stricklin and Mr. Sternberg agreed to numerous substantial modifications to provide light to the adjacent building. As a result of the changes, the neighbors now fully *support* the Project.

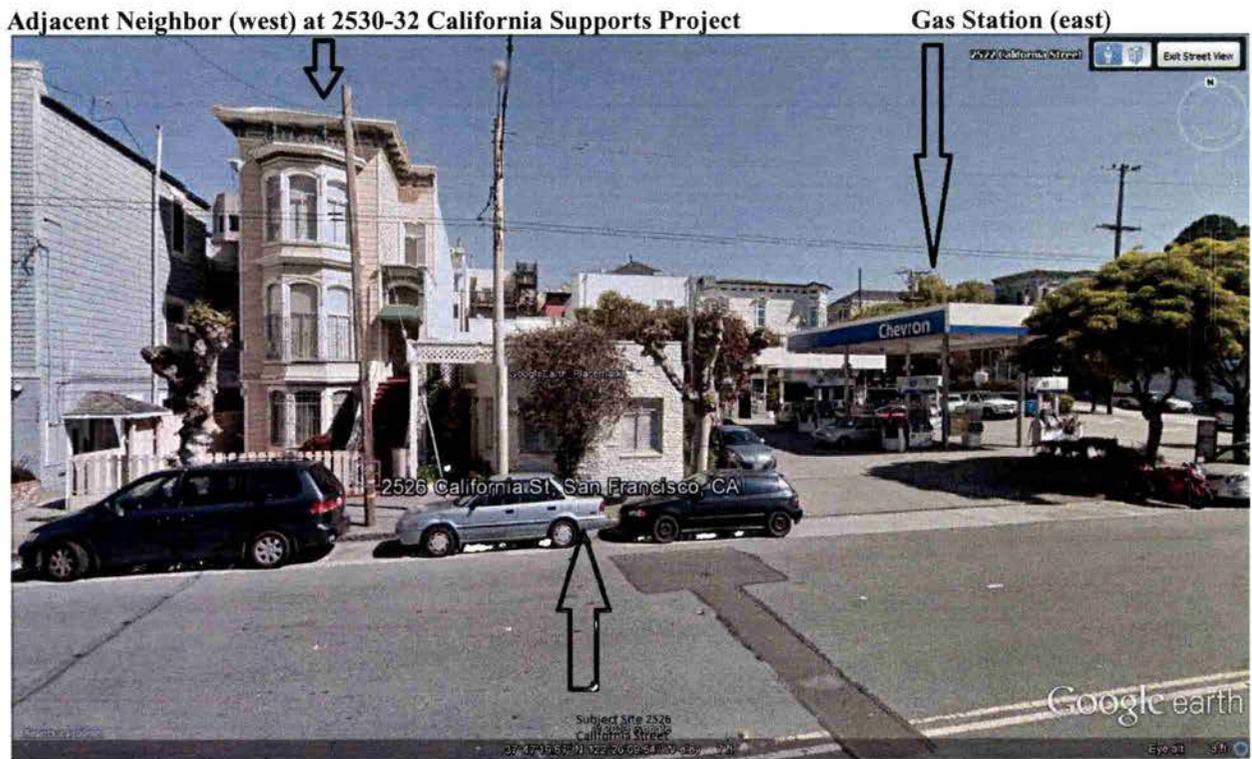
**Lot Area:** 3,099.60 sq. ft.  
**Existing Use:** Commercial/Office Use

**III. PROJECT SUMMARY**

**Proposed Use:** Two new, two-unit residential buildings  
**Building Height:** 40 feet on each street frontage with substantial setbacks on Perine Place greater than the requirements under § 261.1  
**Gross Square Footage:** 4,570 sq. ft. on Perine Place & 4,960 sq. ft. on California Street  
**Number of Stories:** Three Stories over garage

**IV. DESCRIPTION OF SITE AND PROPOSED PROJECT**

The proposed Project is located just west of the intersection of California Street and Steiner Street, in the Upper Fillmore District. The site is zoned Upper Fillmore Neighborhood Commercial District (Planning Code § 718.1). The Project Site is adjacent to the Chevron Service Station at 2500 California Street, the northwest corner of the intersection of California and Steiner Streets. The corner lot has been a gasoline filling station since 1956. Attached hereto as Exhibit 2 is the most recent Sanborn Map showing the Project Site and surrounding buildings.



**Subject Site at 2526 California Street**

The proposed Project would demolish the existing substandard commercial building, which was constructed in 1950, and would replace it with two new residential buildings. The proposed new residential buildings will front on California Street and Perine Place, with the proposed rear yard in between. Each of the two buildings will contain two residential units and off-street parking spaces at the ground level for three cars.

V. **NEIGHBORS AND THE PLANNING DEPT SUPPORT THE PROJECT BECAUSE OF SENSITIVE CHANGES MADE TO THE DESIGN**

From the beginning of the process, the Project Sponsor and the Architect have worked closely with surrounding neighbors and Planning staff. The Project Sponsor and the DR Requestor each made a presentation to the local neighborhood association, the Pacific Heights Residents Association (“PHRA”) and the PHRA specifically determined *to not support* the DR Requestor (PHRA Letter to Project Sponsor and DR Requestor attached as Exhibit 3). The Project has been modified in numerous ways in response to Planning Staff and the surrounding neighbors. In fact, Project Sponsor has earned the support of the Nagata and Rock Mura families who have owned the adjacent building immediately west at 2530-32 California Street for more than 45 years. Project Sponsor demonstrated great flexibility and cooperation on the design and substantially altered and reduced the proposed Project.

In response to comments from the neighbors and the Planning Department’s Urban Design Team (“UDAT”), many changes were made to the original design. Attached hereto as Exhibit 4 is a two-page letter dated February 15, 2013, from the Architect to Planner Glenn Cabrerros detailing numerous changes to the Project in response to the Department’s requests. The following redesigns, major alterations have been made to the Project:

**California Street building:**

- Redesign to provide an exposed and raised entry at west side
- Redesigned with light wells and side setbacks to correspond to the adjacent building to the west at 2530-32 California Street.
- Entryway redesigned to create greater “visual importance” at Planning staff request.
- Redesigned window treatment to create three stories of bay windows at façade.
- Redesigned interior stairs to create a substantial setback of penthouse from west property line and California Street.
- Created substantial setback for roof-top mechanical room away from west property line and California Street.

**Perine Place building:**

- Façade redesigned (as requested by UDAT) to have the “front façade hold the wall/building pattern for the full width of the lot,” as requested by Planning.

- Redesigned and added light wells and setbacks at the east side (for DR requestor) and to provide light to windows of adjacent building.
- Residential entry redesigned to create more prominence, as requested by Planning.
- Created substantial setbacks at fourth floor and relocated stair penthouse to accommodate light to east side neighbor (DR requestor).
- Created setback of roof terrace of five feet from both the east and west property lines.
- Redesigned terrace with glass railings and substantially reduced roof mechanical penthouse.

Additionally, both buildings were redesigned to create a “tripartite expression” with a defined base, body and top cornice. In response to Planning comments, window patterns and sizing were redesigned in both buildings. The cutbacks and modifications suggested by Planning staff, as well as the concessions made to both adjacent neighbors, have substantially reduced the envelope allowed by the current zoning at the site. Because the DR requestors’ building is located on a substandard lot at 19-21 Perine Place, the Project Sponsor could have utilized rear yard “averaging” and constructed a building at 40 feet in height covering 75% of the lot. The resulting design is sensitive to the adjacent buildings and the surrounding neighborhood and mirrors a new residential development directly across California Street.

## **VI. RESPONSE TO DISCRETIONARY REVIEW**

The Discretionary Review filed on behalf of absentee property owners, Roger and Ann Machin, provides an incorrect standard for review of the Project. The Discretionary Review Application claims that the proposed Project violates numerous provisions of the Planning Code and the Residential Design Guidelines. The DR Requestor also claims to hold some unspecified form of “prescriptive easement.” The DR Requestor’s lot at 19-21 Perrine Place is substandard in size, measuring less than 1500 square feet in area (See Exhibits A & B).

### **The DR Requestor Does Not Hold a Prescriptive Easement Across the Subject Lot**

Soon after the time that the DR Requestors became aware of the proposed Project, they made claims of a “prescriptive easement which (he has) over the applicant’s property.” See, attached as Exhibits to the Discretionary Review Application are letters from the DR Requestor dated September 16, 2012 (Exhibit 3), June 24, 2013 (Exhibit 4) and e-mail dated August 25, 2013 (Exhibit 5), e-mail dated September 8, 2013 (Exhibit 6), all claiming that the Project should be prevented because it would eliminate a claimed “prescriptive easement” over the Project Site.

The claim of a prescriptive easement has no basis in law or in fact and Project Sponsor and Planning staff have tried to dissuade Mr. Machin from this claim without success. Obviously, the claim by the DR Requestor that the Project should not go forward because of a mysterious concept of a “prescriptive easement” must be disregarded completely by the Commission.

**A. The Residential Design Guidelines Do Not Apply in a Commercial District**

The other claim made by the DR Requestor is that the Project violates the Residential Design Guidelines. On this point, the DR Requestor is also mistaken. Because the subject site is located in the Upper Fillmore Neighborhood Commercial District, the Residential Design Guidelines *do not apply*. The Residential Design Guidelines are applied only in residential-zoned districts and these arguments made by the DR requestor must be disregarded. However, notwithstanding the fact the RDG's do not apply in this case, Project Sponsor incorporated many of the RDG concepts into the Project to acknowledge neighboring buildings and the context and pattern of development on the block. This led to a settlement with the western neighbor.

Despite the DR Requestor's mistaken claim that the Residential Design Guidelines should be applied in this neighborhood commercial district, the Project has been thoroughly vetted and reviewed by the Planning staff and the UDAT for design considerations and impact to light on surrounding properties. The Project has earned the support of numerous adjacent neighbors and as noted above, the PHRA Board voted "to not support the request for Discretionary Review." The PHRA letter (Exhibit 3) Also states:

*"In our view, the proposed project is within the height limits as already zoned for the block and is very much in keeping with much of that block's development on both sides of Perine."*

Attached hereto and marked as Exhibit 5 are additional letter of support from direct neighbors of the Project on Perine Place, California Street and Steiner Street.

**B. The Project Satisfies Heights Limits for "Mid-Block Passages" and Narrow Streets**

Most of the objection from the DR Requestor seem to center on an assertion that the Project violates height limits on Perine Place. In fact, the proposed Project has been carefully sculpted to meet the height limit on Perine Place established for all such "narrow streets." The Project actually provides a greater setback at the top floor than required. Maximum allowable heights on Perine Place are specifically limited by the Planning Code at Section 261.1 which provides further limits on height in alleys and narrow streets. That section reads as follows:

**SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN, RTO, NC, NCT, EASTERN NEIGHBORHOODS MIXED USE, AND SOUTH OF MARKET MIXED USE DISTRICTS.**

(a) **Purpose.** *The intimate character of narrow streets (rights-of-way 40 feet in width or narrower) and alleys is an important and unique component of the City and certain neighborhoods in particular. The scale of these streets should be preserved to ensure they do not become overshadowed or overcrowded. Heights along alleys and narrow streets are hereby limited to provide ample sunlight and air, as follows:*

(b) **Definitions.**

(1) *"Narrow Street" shall be defined as a public right of way less than or equal to 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width created under the requirements of Section 270.2.*

(2) *"Subject Frontage" shall mean any building frontage in an RTO, NC, NCT or Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60 feet from an intersection with a street wider than 40 feet.*

(3) *"East-West Narrow Streets" shall mean all Narrow Streets, except those created pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-west orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets.*

(c) **Applicability.** *The controls in this Section shall apply in all RTO, NC, NCT, Eastern Neighborhoods Mixed Use, and South of Market Mixed Use Districts.*

(d) **Controls.**

(1) **General Requirement.** *Except as described below, all subject frontages shall have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting narrow street.*

Perine Place is forty feet (40') wide. The proposed Project more than meets the limit on height. In fact, because of the new height limits on narrow streets added to Section 261.1 just three years ago in 2010, the Project will present one of the smaller facades and most articulated facades on Perine Place. The proposed Project's façade on Perine Place presents a setback at the top floor in excess of the ten feet required by Section 261.1 and thereby increases the availability of light and air to the adjacent structures and across Perine. The Department is interested in creating an active street front on Perine Place so that it will no longer be relegated to serving as an outdoor parking lot for buildings fronting on California and Sacramento Streets.

There is a pattern of development on Perine Place that includes very large newer apartment buildings as well as older structures. Many of these buildings use Perine Place as the primary entrance to the structure for multiple families and residents. Approval of the Project will continue this pattern of development in the neighborhood. In fact, as shown in the photo below, across Perine Place from the Project Site are very large apartment buildings with no setbacks.

This in-fill development is sensitive to the block face on Perine and provides a greater setback than what is required. It is also sensitive to the California Street façade and compliments the existing neighboring buildings with light wells and setbacks greater than what is required by the Code. The scale is reduced even though two buildings are proposed as a code-compliant single building would be far larger in bulk and mass. The Project Sponsor's goal was to be a "good neighbor" and to present a building that would be a good addition to the neighborhood and would maintain the neighborhood feel and design.

The Perine façade and presence is sensitive and correctly scaled. There are numerous buildings which exceed the proposed Project in height, bulk and mass. The Project Sponsor

reduced the size of the proposal and has designed a building that “fits in” with the existing neighborhood and will promote Perine as an active and attractive street. It will not serve as a “parking lot” for a California Street building.



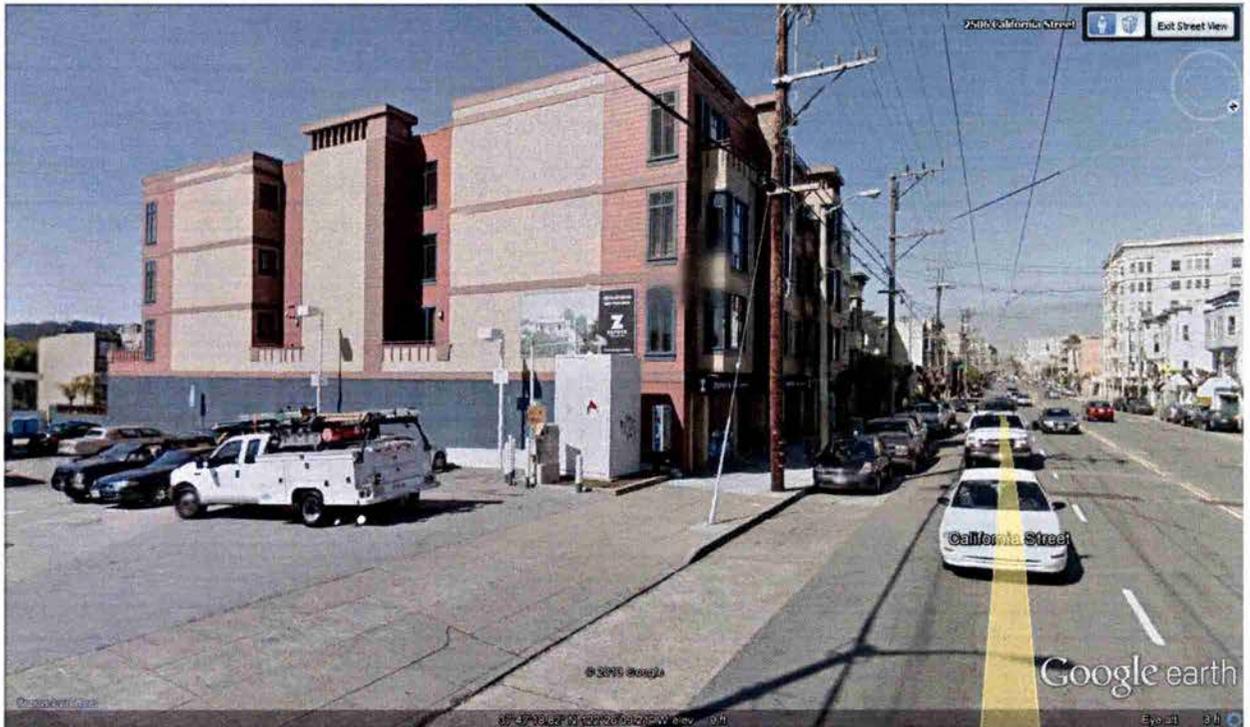
This is the View Directly Across Perine Place from the Project Site—Note 40+ foot heights with no setbacks.

### **C. The Project is Well-Designed and Fits the Neighborhood Pattern of Development**

The design of the proposed Project is a result of a collaborative effort between the architect, Planning staff and the neighbors. The two-building proposal was designed to create an active frontage on California Street and on Perine Place, and to prevent Perine Place from simply serving as a parking lot. This is one of the stated goals of Planning staff. Further, placing the required rear yard between the buildings serves the dual purpose of providing much-needed access to light and air to the adjacent western neighbor and follows a set pattern of development on the block, which has a residential unit fronting on California Street as well as additional units fronting on Perine Place. The proposed Project serves as a perfect “bookend” for the blockface and separates the residential and storefront commercial uses from the busy Chevron service station on the corner of California and Steiner. Plans for the Project are attached as Exhibit 7.

Recent approved and constructed new developments in the neighborhood reflect a similar pattern of using a distinctive building to separate uses on a block-face. Directly across the street from the subject site is a newly constructed mixed-use development, which is much larger than the proposed Project. The project at 2525 California Street houses the Zephyr Real Estate office on the ground floor and multiple residential units above. The building was constructed in 2006 and is more than 27,000 square feet. It also serves as a “bookend” for the block and serves to separate the residential uses on the block from the driveways of the busy gasoline station on the

southeast corner of California and Steiner Streets. As shown in the photo below, it is far larger than the proposed project and contains a minimal rear yard and few setbacks or articulations.



**New Building at 2525 California Street, Directly Across the Street from the Subject Site**

**VII. CONCLUSION**

Project Sponsor respectfully requests that the Planning Commission deny the request for Discretionary Review and approve the Project as proposed. The Discretionary Review is without merit and the DR Requestor does not have a “prescriptive easement” across the Project site. Further, although the Residential Design Guidelines do not apply in the subject neighborhood commercial district, the Project incorporates the concepts from the RDG’s into the Project. The Project has been sensitively designed to the buildings around it and will provide much-needed family housing in this Lower Pacific Heights neighborhood. The Project “fits-in” to this dynamic and exciting neighborhood commercial district.

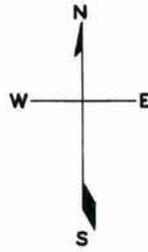
Respectfully submitted,

STEPHEN M. WILLIAMS  
On behalf of Project Sponsor, Folsom Star LLC

# **EXHIBIT 1**

**LOTS MERGED**

Lots  
23 merged into lot 22 1944  
1A merged into lot 2 1956  
lot13 into lots 39&40 for 1999 roll  
lot11 into lots35&36 for 2001 roll  
lot19 into lots43to45 for 2006 roll



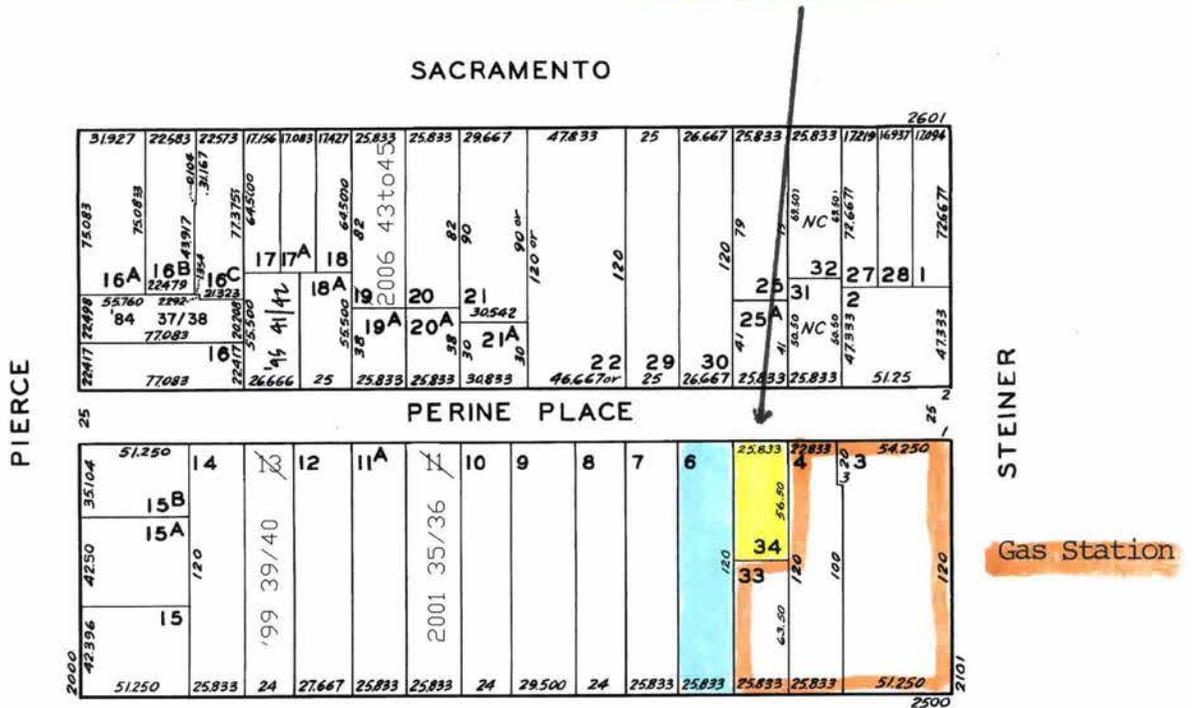
**634**

W.A. BLK. 390

REVISED	1963
"	1971
"	'84
"	'95

Revised 1999  
Revised 2000  
Revised 2001  
Revised 2006

DR Requestor 19-21 Perine



**CALIFORNIA**

**2032-2034 PIERCE ST.**

A CONDOMINIUM		
LOT NO.	UNIT NO.	% COMMON AREA
37	2032	31.610
38	2034	68.390

**74-76 PERINE PLACE**

A CONDOMINIUM		
LOT	UNIT	% COMM AREA
41	76	48.84
42	74	51.16

**2578-2580 CALIFORNIA STREET**

A CONDOMINIUM		
LOT	UNIT	% COMM. AREA
39	2578	46.40
40	2580	53.60

**2558-2560 CALIFORNIA STREET**

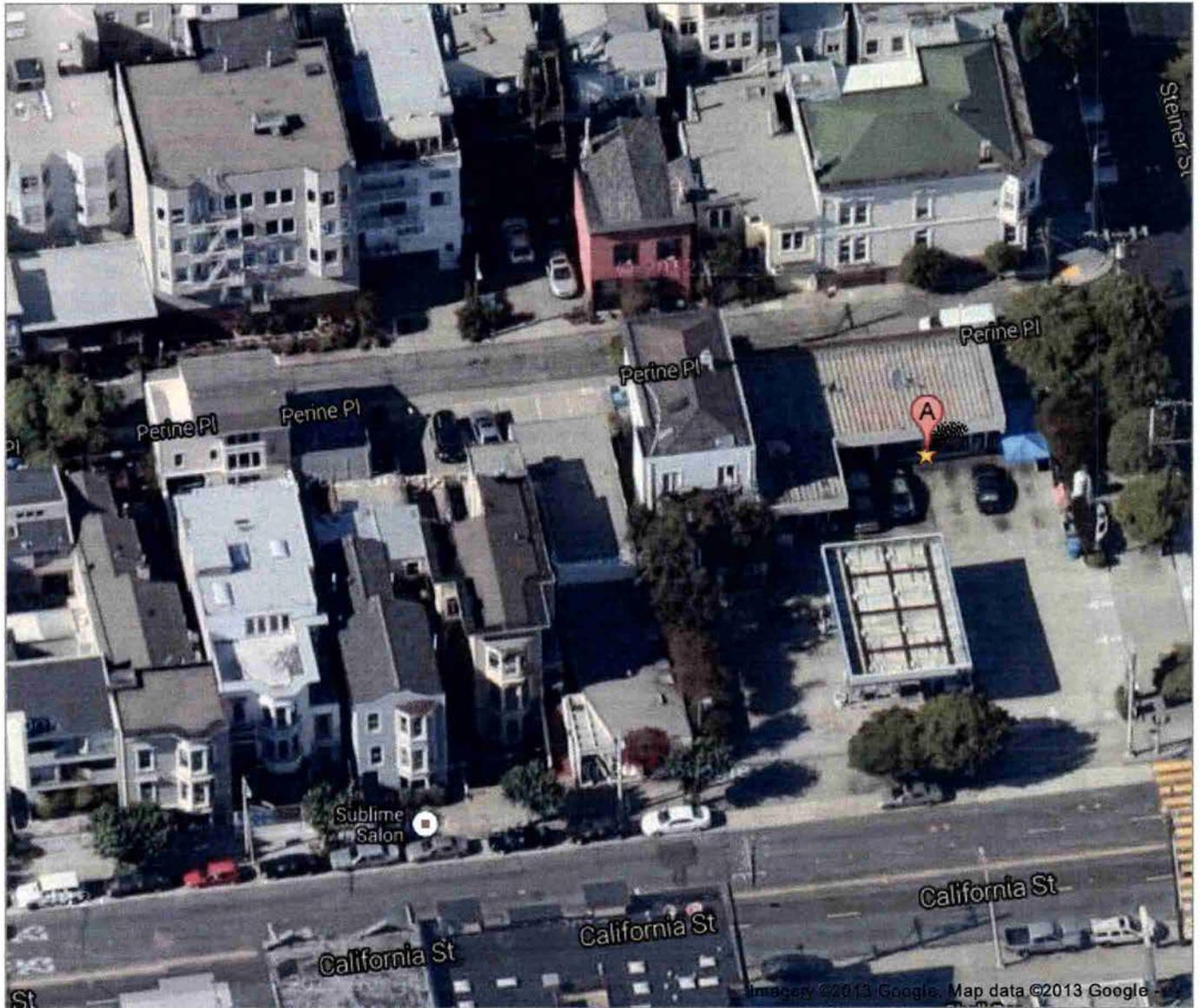
A CONDOMINIUM		
LOT	UNIT	% COMM. AREA
35	2558	29.604
36	2560	70.396

**2663-2667 SACRAMENTO ST.**

A CONDOMINIUM		
LOT	UNIT	% COMM. AREA
43	2663	48.75
44	2665	24.56
45	2667	26.69

Subject Lot 2526 California/ 33 Perine

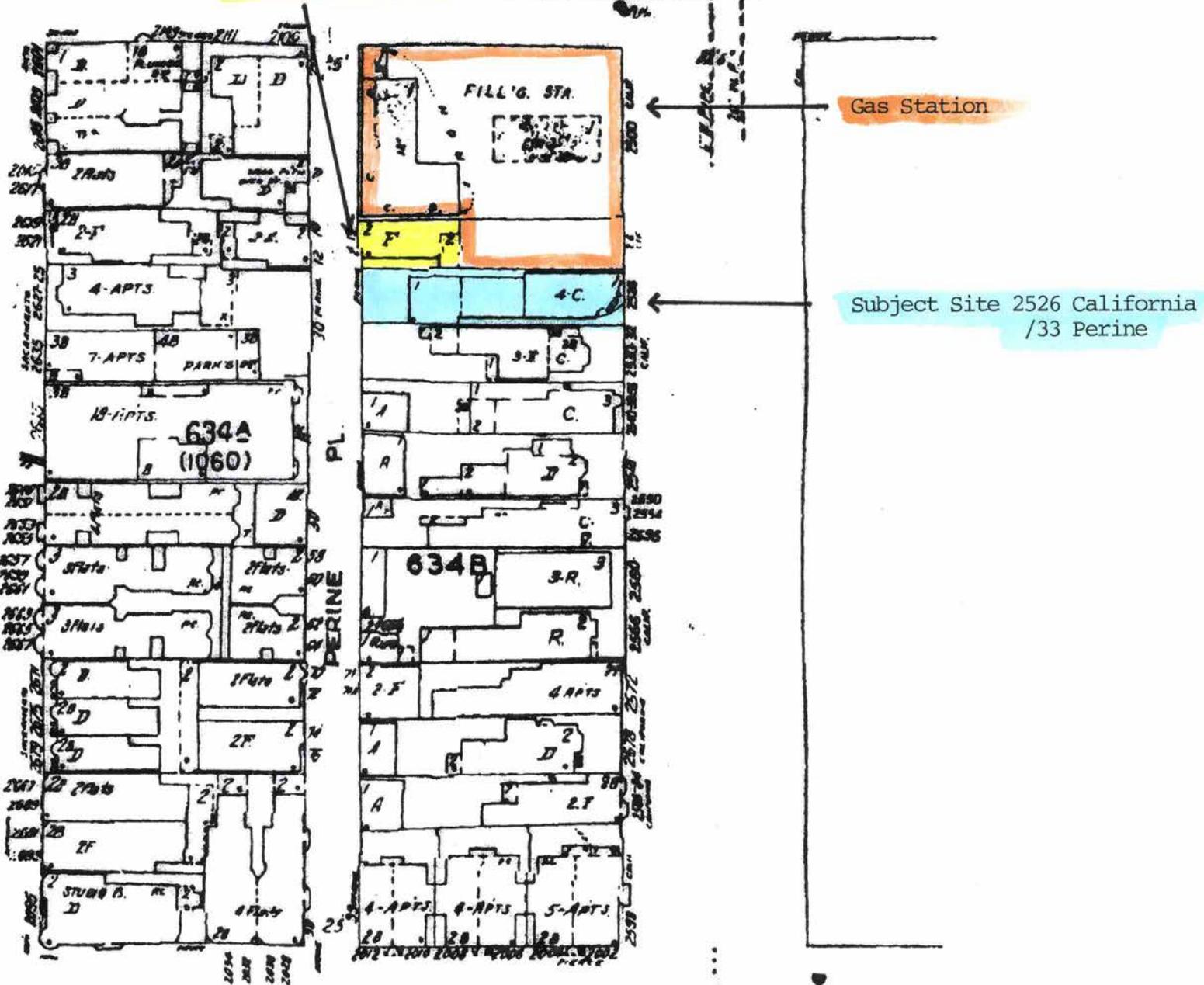
To see all the details that are visible on the screen, use the "Print" link next to the map.



# **EXHIBIT 2**

# ED TO THE MID 1990's RICAL CONTEXT 264

DR Requestor 19-21 Perine



Gas Station

Subject Site 2526 California /33 Perine

68'9" wide



# **EXHIBIT 3**

# PACIFIC HEIGHTS RESIDENTS ASSOCIATION

2585 PACIFIC AVENUE  
SAN FRANCISCO, CA 94115  
TELEPHONE: (415) 922-3572

October 9, 2013

Mr & Mrs Roger Machin  
19 & 21 Perine  
San Francisco, CA 94115

Mr. David Sternberg  
1331 Harrison Street  
San Francisco, CA 94103

Dear Mr. & Mrs. Machin & Mr. Sternberg:

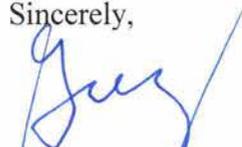
## **2526 California/33 Perine Discretionary Review**

As you know, PHRA represents the area bounded by Union, Bush, Presidio & Van Ness. Our mission is to preserve & protect the residential character of Pacific Heights.

After hearing views from each of you on the proposed project and reviewing the existing conditions and lot coverage for the block on both sides of Perine between Steiner & Pierce, the PHRA board voted to not support the request for Discretionary Review. In our view the proposed project is within the height limits as already zoned for the block and is very much in keeping with much of that block's development on both sides of Perine.

Thank you for your presentations.

Sincerely,



L. Gregory Scott  
President

cc: Steve M. Williams

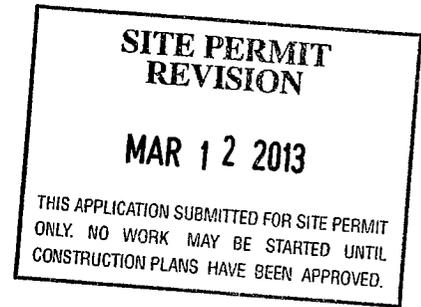
# **EXHIBIT 4**



STERNBERG  
BENJAMIN  
ARCHITECTS

February 15, 2013

Glenn Cabrerros  
SF Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479



RE: Response to Notice of Planning Department Requirements #1: 2526 CA / 33  
Perine Place, 0634 / 006. 2012.06.11.2336, 2012.06.11.2329, 2012.0759V,  
CA

Dear Glenn:

Both buildings have been completely redesigned to satisfy the City Planning comments.

1. Pre-Application materials are enclosed:
  - a. Invitation list.
  - b. Summary of questions/concerns.
  - c. Reduced copy of drawings used for Pre-Application Meeting.
2. Tree protection plan shall be submitted to DPW prior to commencement of construction.
3. Bay window dimensions have been revised.
4. Perine Street tree is now labeled 24" box sized.
5. Existing adjacent buildings have been shown with windows.
6. Rear yard variance is required for the central rear yard. Both new buildings are on one lot. Parking is allowed on the ground floor and the rear yard is at the second floor and above.
7. CA Street Building:
  - a. Exposed raised entry is provided at west side, as requested. Proposed side setbacks correspond to the existing neighbor building side setback.
  - b. Residential entry has been given greater visual importance.
  - c. Proposed bay window is now three stories tall, as requested.
  - d. Stair penthouse has been revised to be setback from the west property line wall, and is substantially set back from the CA Street front of the building so it will not be readily seen from the street.
  - e. Machine/Mechanical Room is required to be on the roof for water heaters, radiant heat boiler and other mechanical equipment. Ventilation and access require these elements to be on the roof. It is setback 5'-0" from the west wall, as requested, and is substantially set back from the CA Street front of the building so it will not be readily seen from the street.
8. Perine Building:
  - a. Street facing building notch has been removed and a new light well has been proposed at the east side to honor the existing neighbor's windows, as requested.
  - b. Residential entry has been made more prominent with the addition of stainless steel trim and recessed ledge and lighting for the address.

c. The northwest portion of the fourth floor has been setback 16'-5" for half of the width of the building, as requested. The requested 20' setback was not provided as the proposed configuration is adequate so that site lines from the other (north) side of Perine Place will not see the fourth floor even when setback 11'-4", see building section on sheet A7. The stair penthouse has also been relocated to the west side to better accommodate the east neighbor. In addition the stair to the roof is now exterior to keep the penthouse size smaller and lower. Glass railings are provided at the upper roof terrace.

d. The roof penthouse is substantially reduced by the use of an exterior stair to the upper roof. The parapet wall has been retained to give the bay window a body to back it up, as is typical of designs in this neighborhood. The parapet is also retained to provide a proper tripartite to the façade design.

9. Both Buildings:

a. Windows have been regularized and residential sized glazing provided.

b. The proposed revision now has a three-story bay window with tripartite expression with a base, body and top cornice.

Please do not hesitate to call us with any questions you may have.

Kindest Regards,



David Sternberg  
dsternberg@sternbergbenjamin.com  
Ext. 11

CC: J. Stricklin



**SITE PERMIT  
REVISION**

**MAR 12 2013**

THIS APPLICATION SUBMITTED FOR SITE PERMIT  
ONLY. NO WORK MAY BE STARTED UNTIL  
CONSTRUCTION PLANS HAVE BEEN APPROVED

# **EXHIBIT 5**

Neil Monnens  
50 Perine Place  
San Francisco, CA 94115  
415-221-0345

June 25, 2013

John Stricklin  
Folsom Star LLC  
601 Van Ness Avenue E3606  
San Francisco, CA 94102

Re: Variance & New Construction-  
Support for 33 Perine Place/2526 California Street

Dear John,

Thank you for meeting with me and reviewing your plans.

I would like to offer my support towards your proposed variance, permits and new construction at 33 Perine Place/2526 California Street.

I particularly like the following features:

- The preservation/creation of a midblock open space
- One of the two-unit buildings will be facing Perine Place
- You set back the top floor of your building on Perine Place
- The appropriate scale of your proposed project
- Your California Street building has an exterior stair and relates to the neighboring building

Buildings like this make it possible to raise families in the City and increase the supply of family housing as well as offer land owners appropriate options for building.

As a neighbor I look forward to the addition of these new homes to our neighborhood.

I support the planned variance and the permitting of these new buildings.

Thank you



Neil Monnens  
nmonnens@Gmail.com

June 21, 2013

San Francisco Planning Department  
1650 Mission Street  
San Francisco, California 94103  
Attn: Glenn Cabrerros

Folsom Star LLC  
601 Van Ness Avenue no. E3606  
San Francisco, California 94102  
Attn: John Stricklin

Re: **Support for 33 Perine Place/2526 California Street  
Variance & New Construction- 2 new two unit buildings**

Dear San Francisco Planning Department-

I am a neighbor to the property at 33 Perine Place/2526 California Street. I live across the street.

I would like to offer my enthusiastic support towards the proposed variance, permits and new construction.

I have met with the project sponsor, John Stricklin, reviewed the proposed plans/project and believe the variance to provide midblock open space and the two new buildings are properly scaled and will be a great addition to the neighborhood. The midblock open space is an unique way to provide a feeling of separation between the 4 units and also make Perine PI feel less congested than if a traditional tall, rectangular building was built.

I think that the improvement and addition of this project in our neighborhood is desirable and very needed. The existing building is an eyesore and must be removed. Buildings like the ones Mr Stricklin is proposing make it possible to raise families in the City and increase the supply of family-oriented housing. As a family of 5, with 3 children under 6 years old, we are extremely hopeful families will move in across the street after these new buildings are completed.

I support the planned variance and the addition of these new buildings.

Thank you,

Judy Kummer  
2109-2111 Steiner St.



LAW OFFICES OF  
**STEPHEN M. WILLIAMS**

1934 Divisadero Street | San Francisco, CA 94115 | TEL: 415.292.3656 | FAX: 415.776.8047 | smw@stevewilliamsllaw.com

August 28, 2013

via e-mail and first class mail

Scott F. Sanchez  
Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**RE: 2526 California Street/33 Perine Place**  
**Demolition App. Permit No.: 2012.06.11.2333**  
**New Construction App. Permit Nos.: 2012.06.11.2329 & 2012.06.11.2336**  
**Variance Case No.: 2012.0759v**

Dear Mr. Sanchez:

I am writing on behalf of the Rock Mura LLC, which owns the building at 2530 -2532 California Street. As you may recall, I appeared at the variance application hearing on June 26, 2013, to oppose the variance sought in connection with the above-noted project. Following that hearing, you urged the parties to continue to confer and to work together towards a possible compromise and settlement.

I am happy to report that the parties have been diligently meeting and negotiating since the variance hearing and have come to an agreement regarding the proposed project. The Rock Mura LLC hereby withdraws any and all objections to the project, including the requested variances, and hereby notifies you that the LLC members are in support of the proposed project.

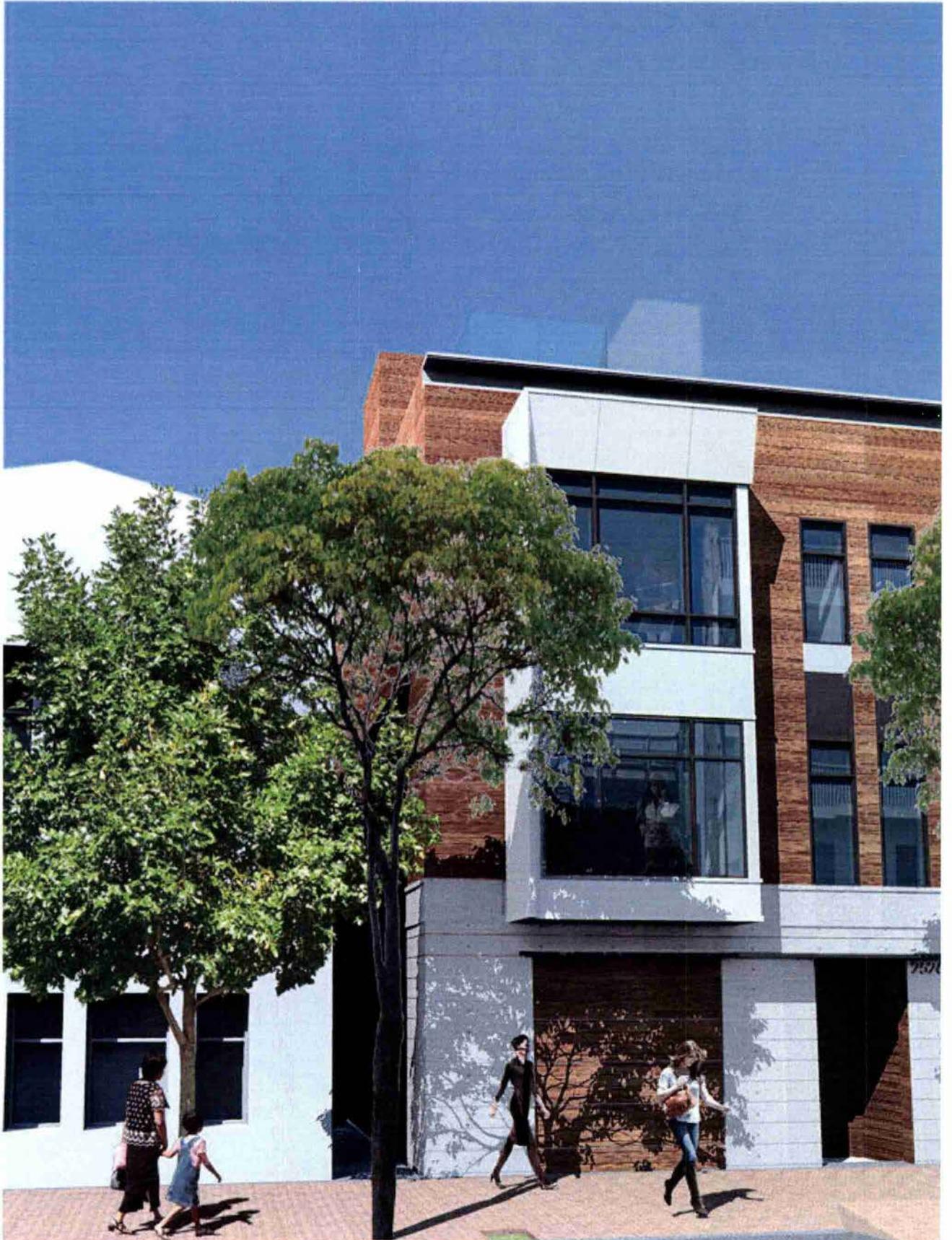
Very truly yours,

STEPHEN M. WILLIAMS

Cc: Rock Mura LLC  
John Stricklin  
David Sternberg

# **EXHIBIT 6**

Perine Place Conceptual Rendering



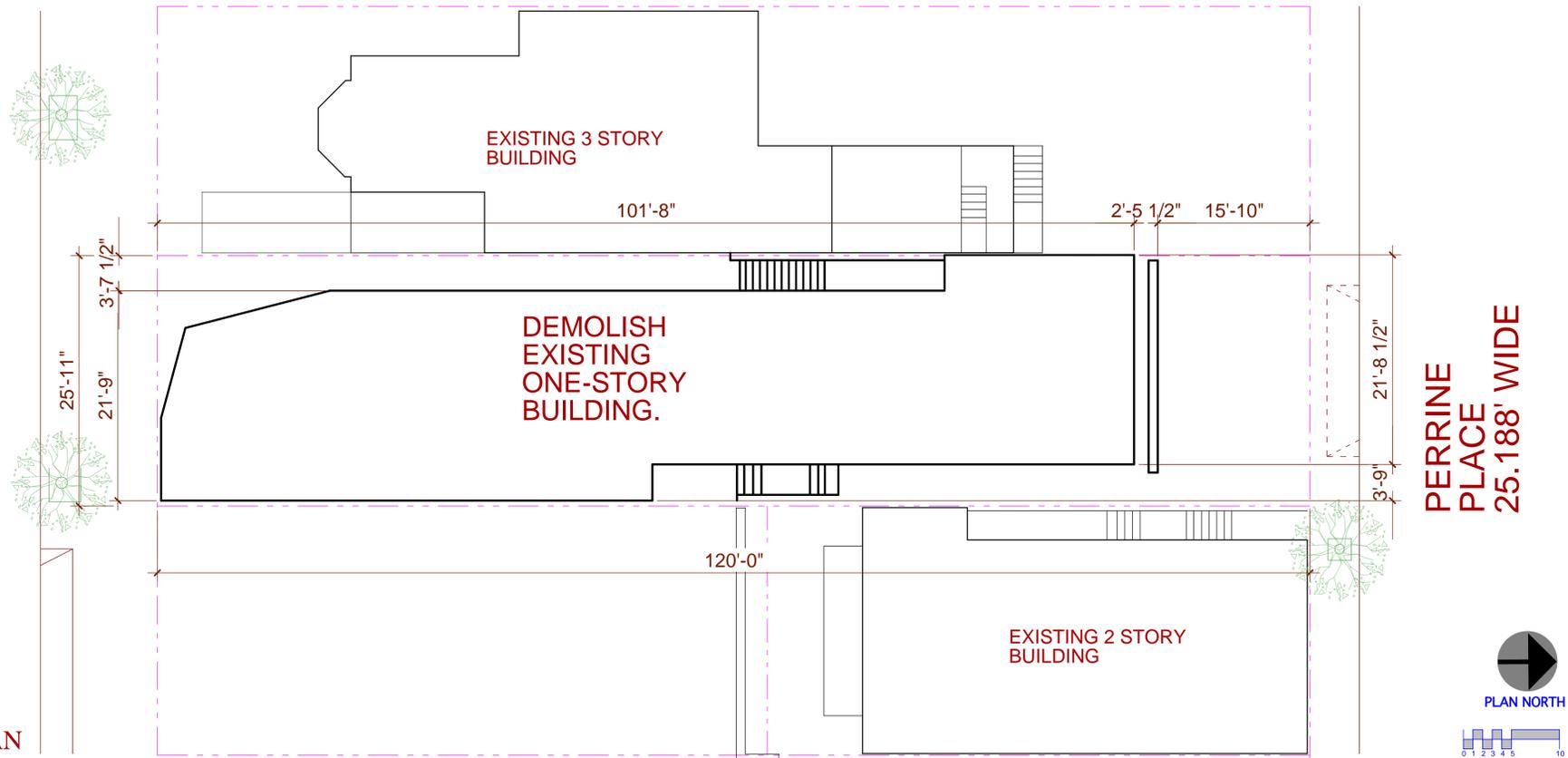
California Street Conceptual Rendering



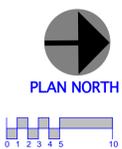
# EXHIBIT 7

DEMOLITION PLAN

CALIFORNIA STREET 85' WIDE

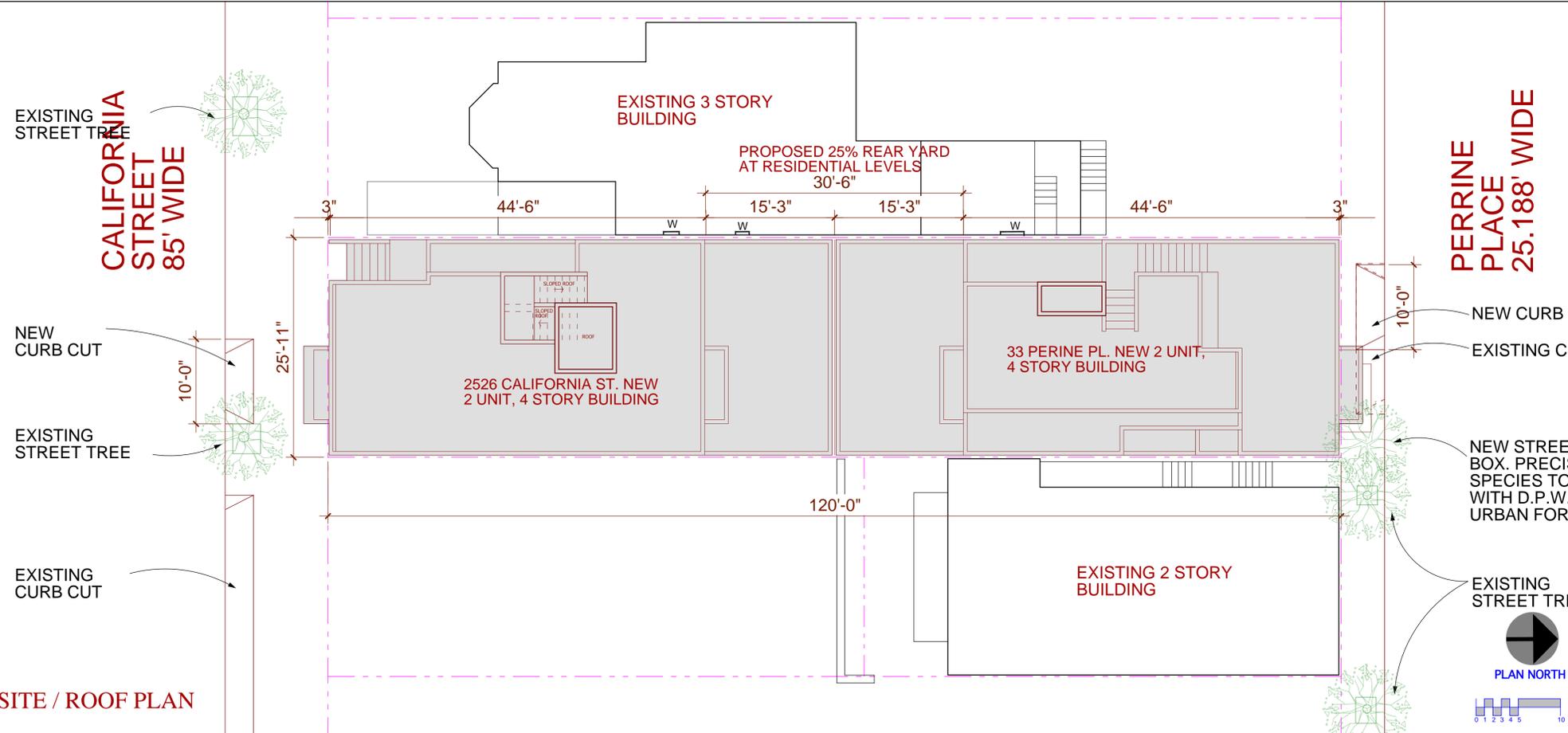


PERRINE PLACE 25.188' WIDE



SITE / ROOF PLAN

CALIFORNIA STREET 85' WIDE



PERRINE PLACE 25.188' WIDE



P.A. # 2012.06.11.2336 S  
Demolition P.A. # 2012.06.11.2333  
Variance Case # 2012.0759 V

Rev./Issue	Date
PERMIT	05/29/12
PLAN'G. REV.	02/18/13
PLAN'G. REV.	04/17/13
312 NOTIF.	08/05/13
Date:	04/06/12
Scale:	1/8"=1'-0"
Drawn:	DS
Sheet:	

NEW TWO UNIT BUILDING  
2526 CALIFORNIA STREET  
BLOCK 0634, LOT 006  
SAN FRANCISCO, CA

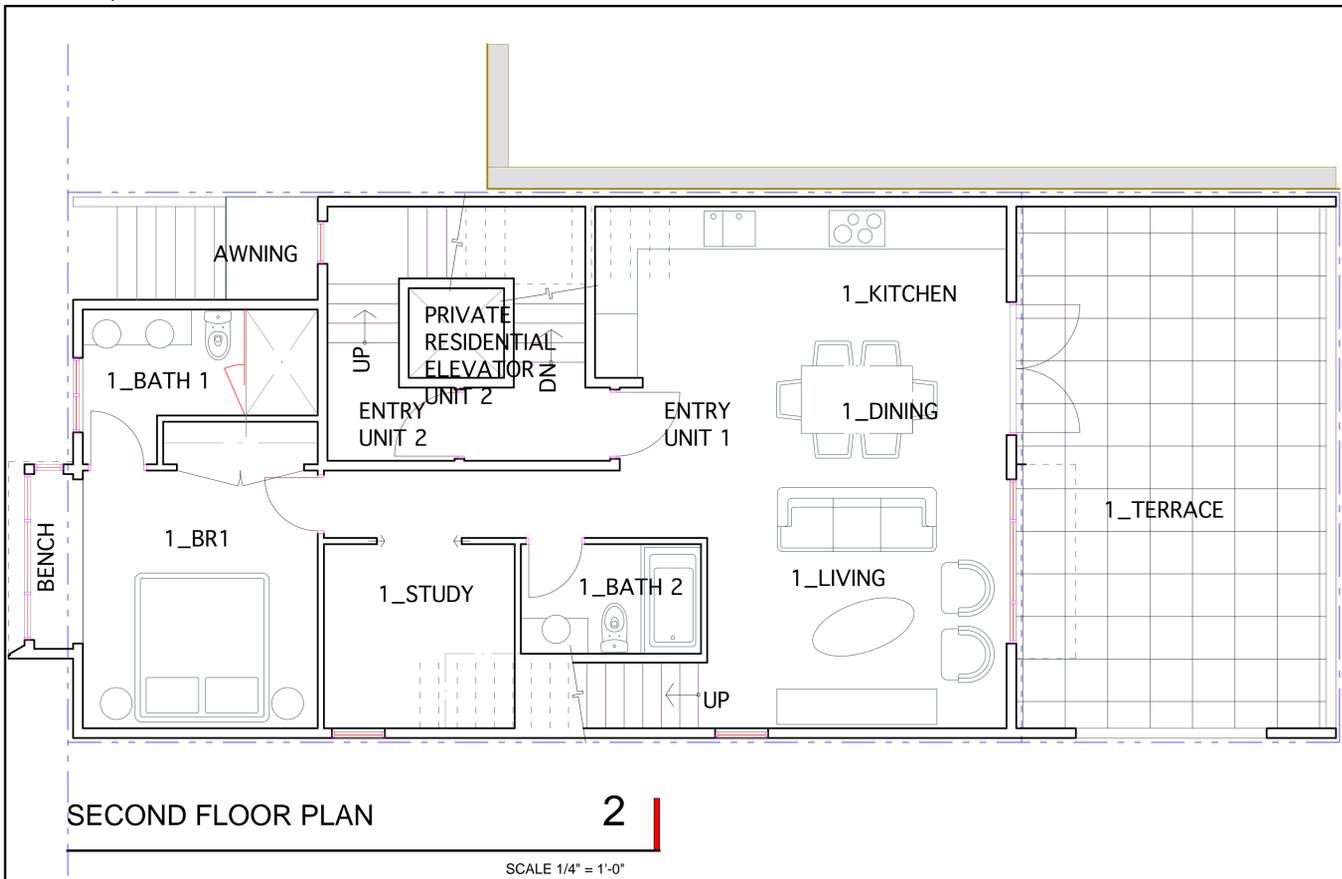
1331 HARRISON STREET  
SAN FRANCISCO CA 94103  
TEL. 415.882.9783 FAX. 415.882.9796

**STERNBERG BENJAMIN**  
ARCHITECTS

www.sternbergbenjamin.com

SITE / ROOF PLANS

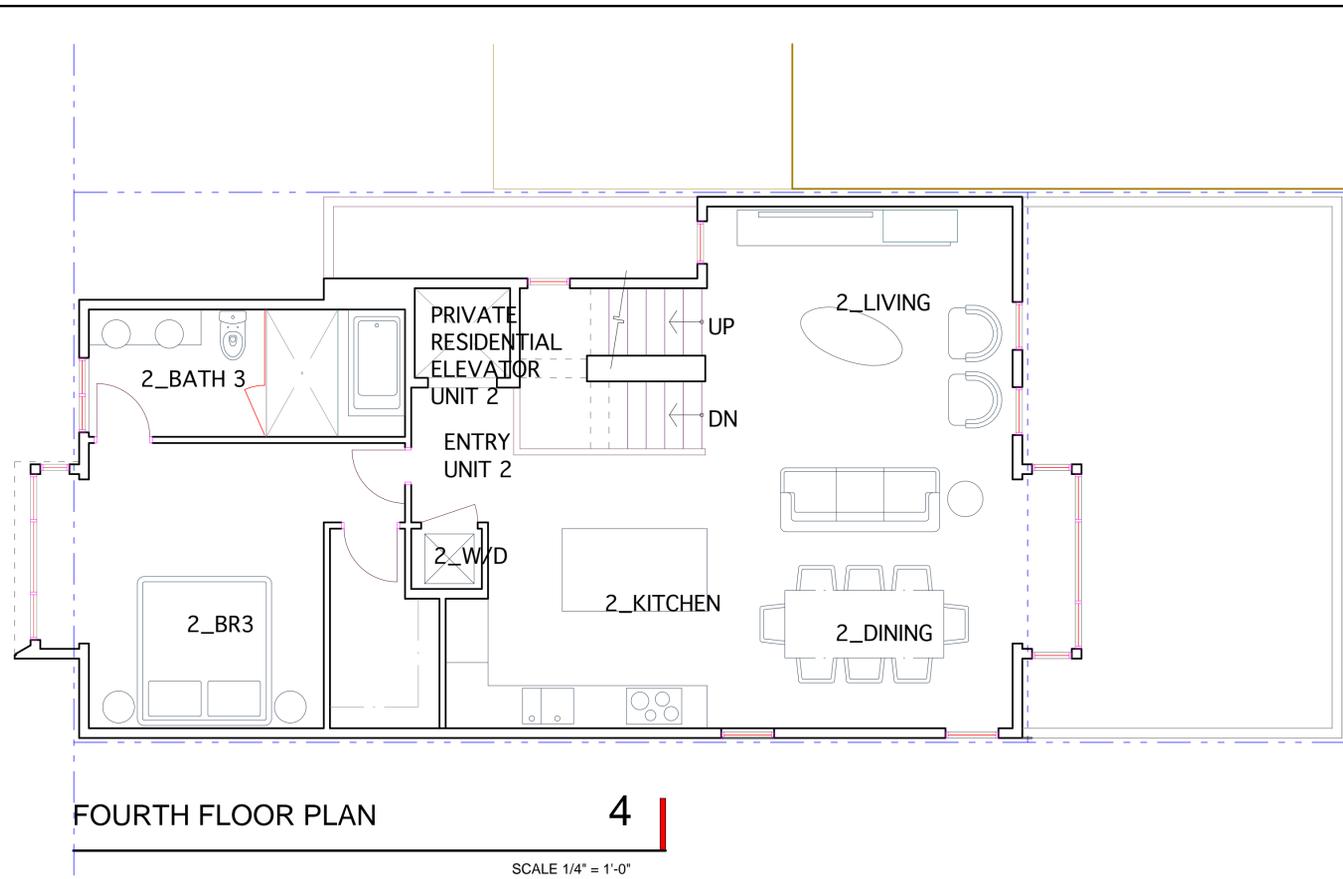
A1



SECOND FLOOR PLAN

2

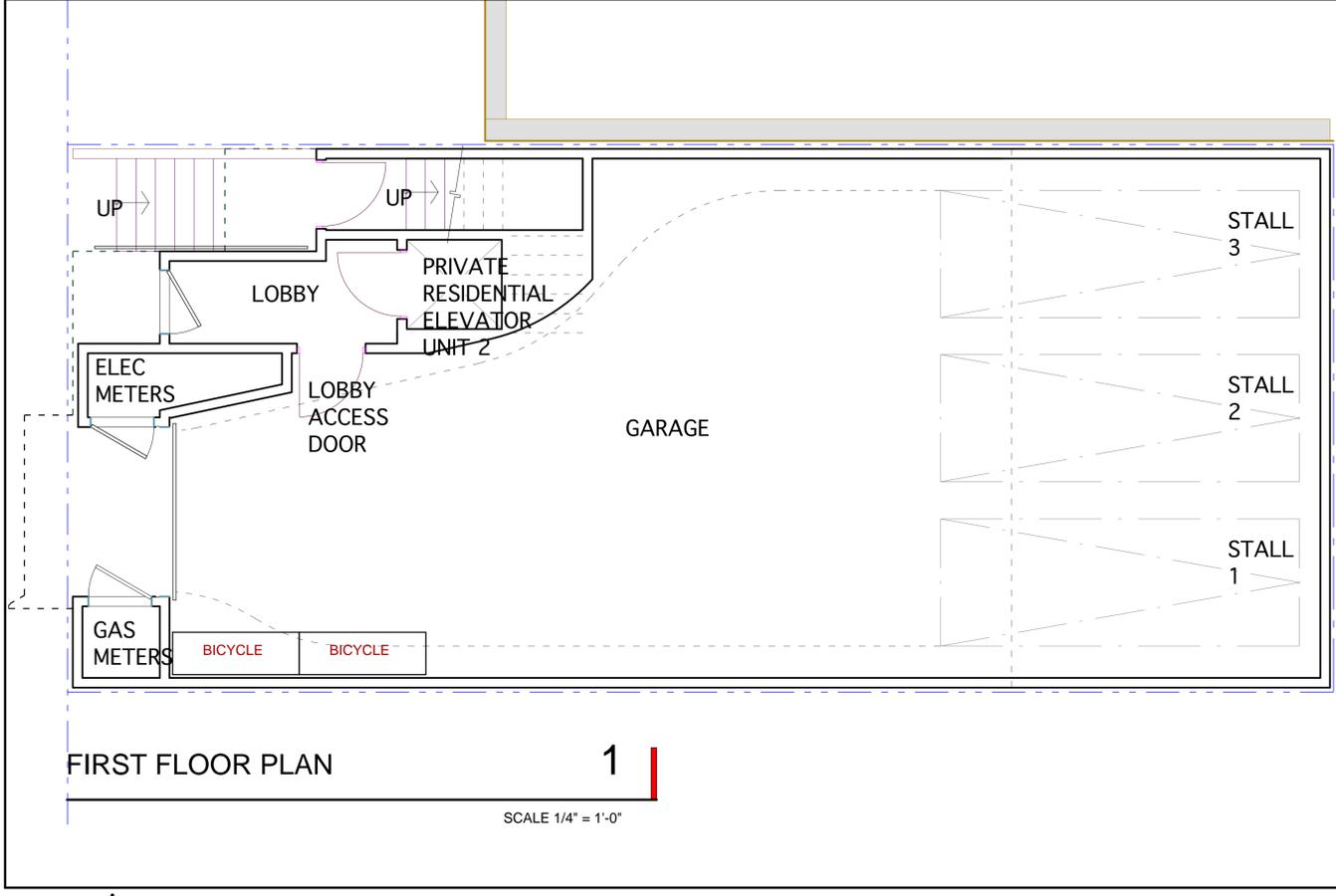
SCALE 1/4" = 1'-0"



FOURTH FLOOR PLAN

4

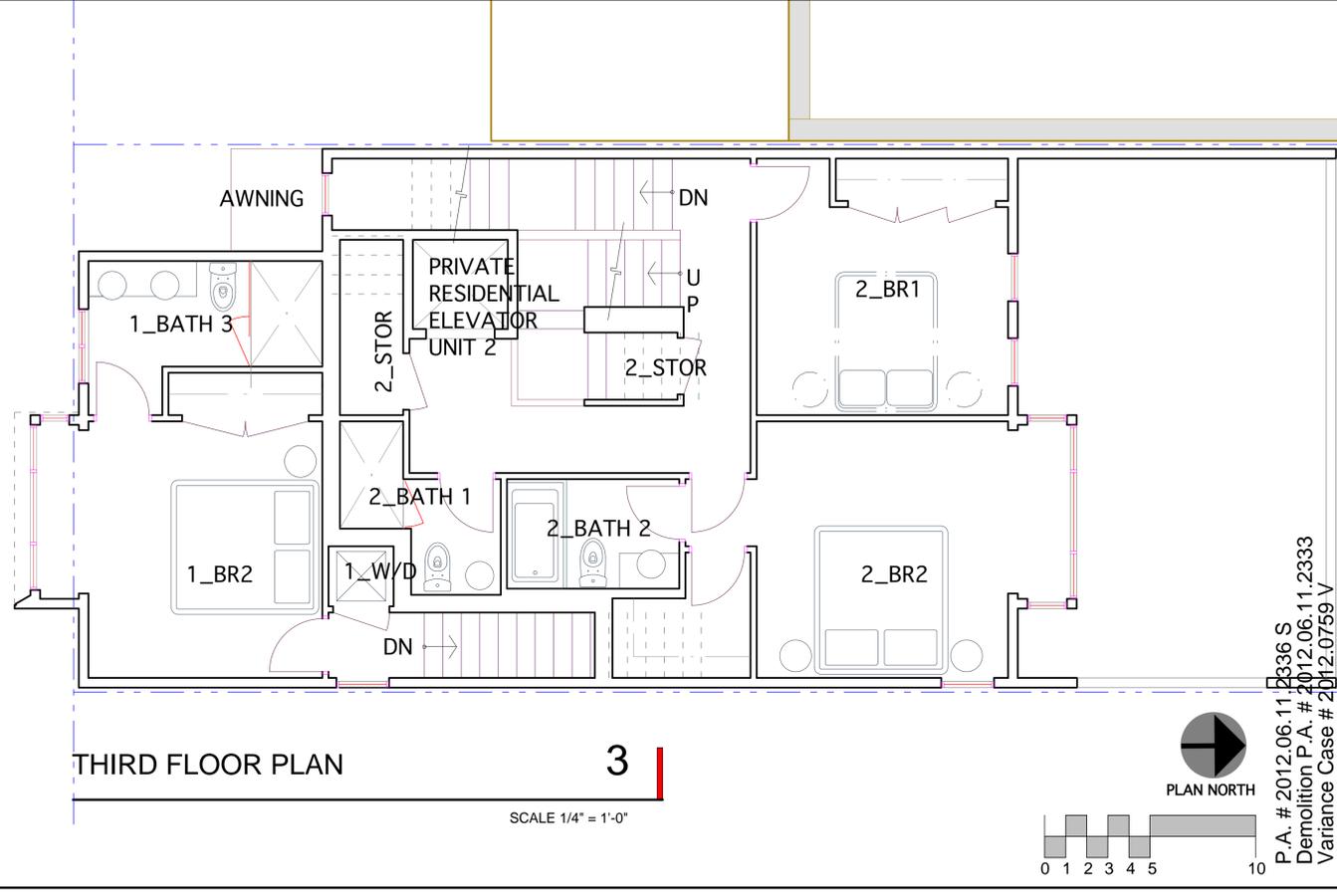
SCALE 1/4" = 1'-0"



FIRST FLOOR PLAN

1

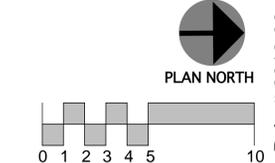
SCALE 1/4" = 1'-0"



THIRD FLOOR PLAN

3

SCALE 1/4" = 1'-0"

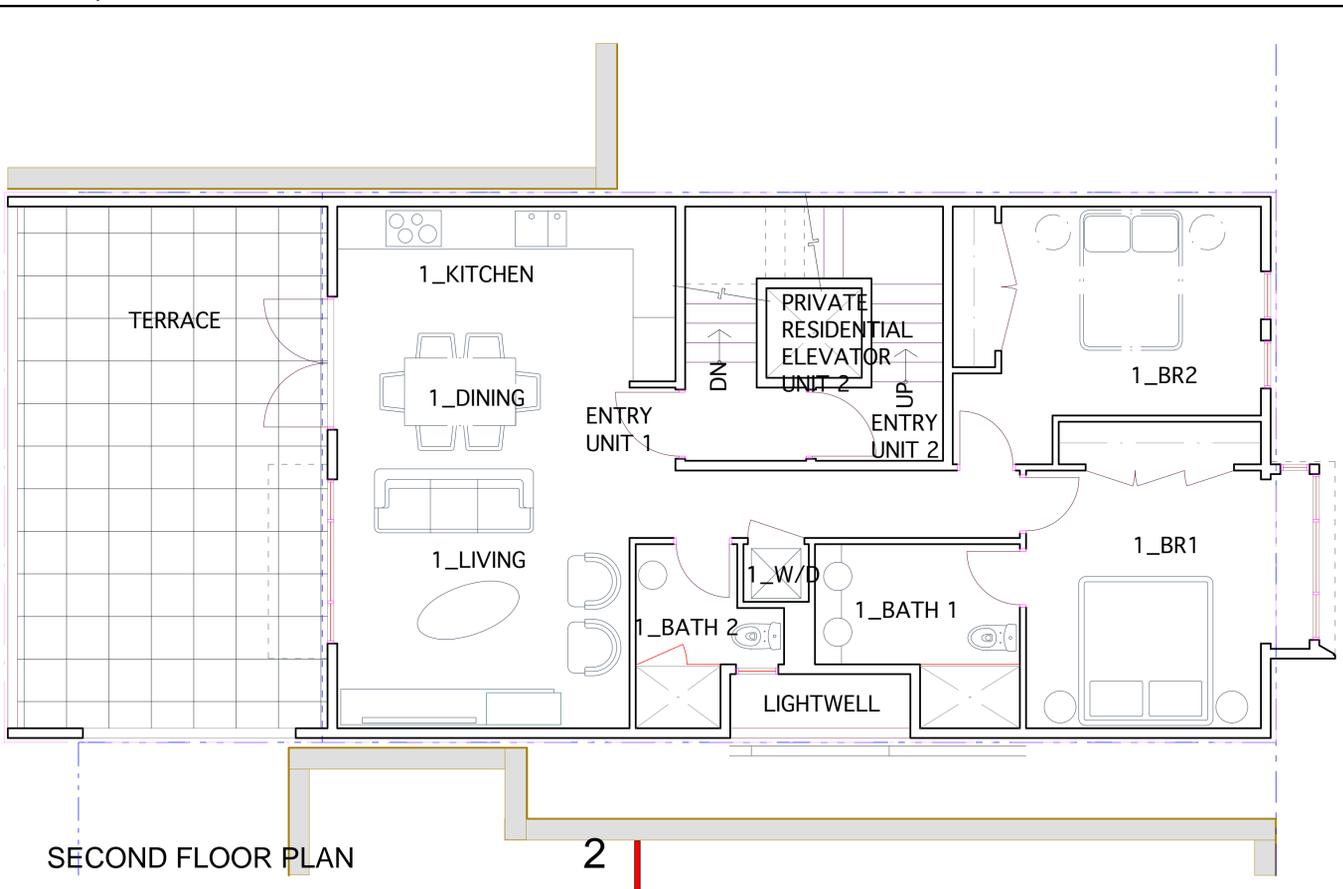


Rev./Issue	Date
PERMIT	05/29/12
PLAN'G. REV.	02/18/13
PLAN'G. REV.	04/17/13
312 NOTIF.	07/31/13

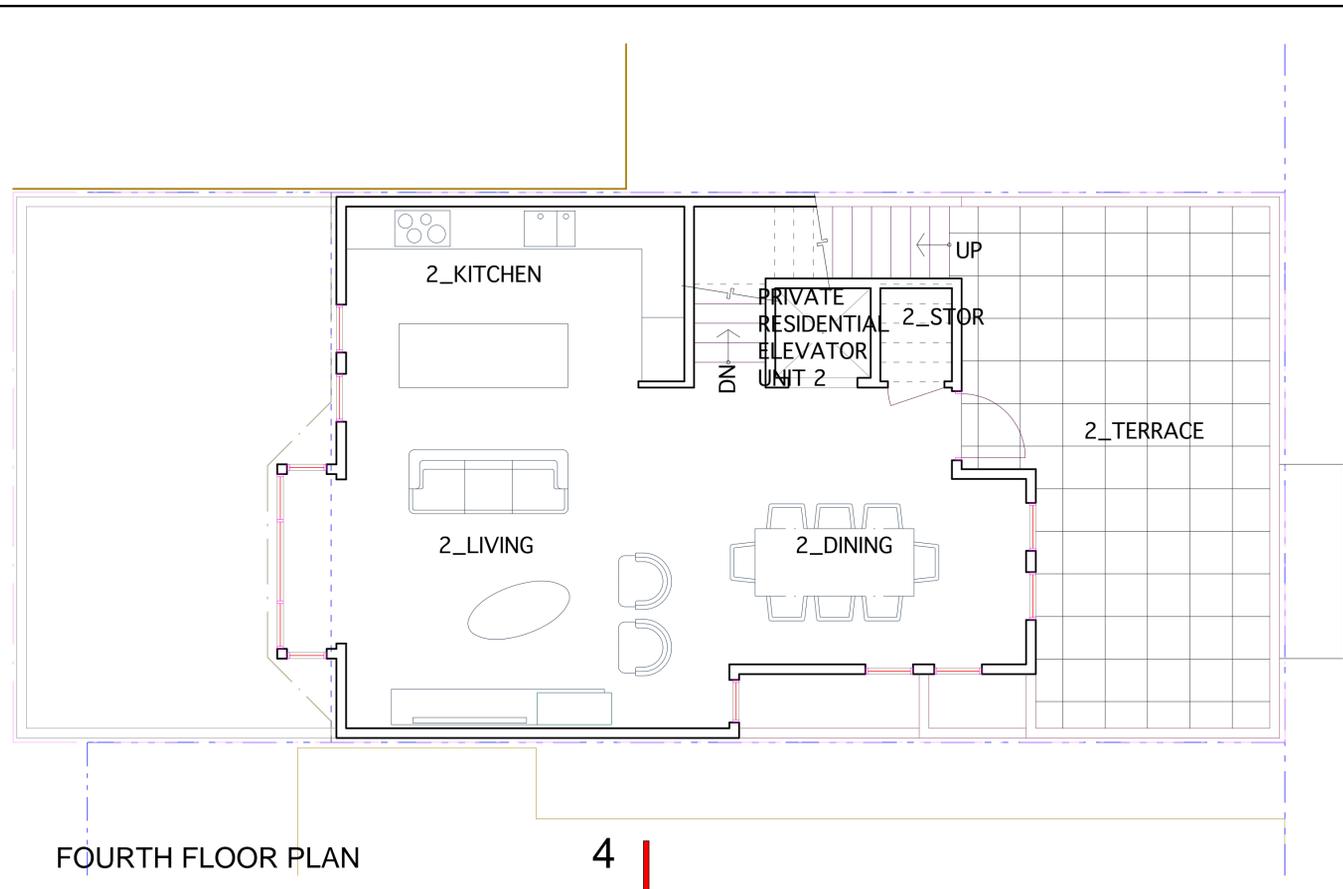
P.A. # 2012.06.11.2336 S  
Demolition P.A. # 2012.06.11.2333  
Variance Case # 2012.0759 V

Date:	04/06/12
Scale:	1/4"=1'-0"
Drawn:	DS
Sheet:	

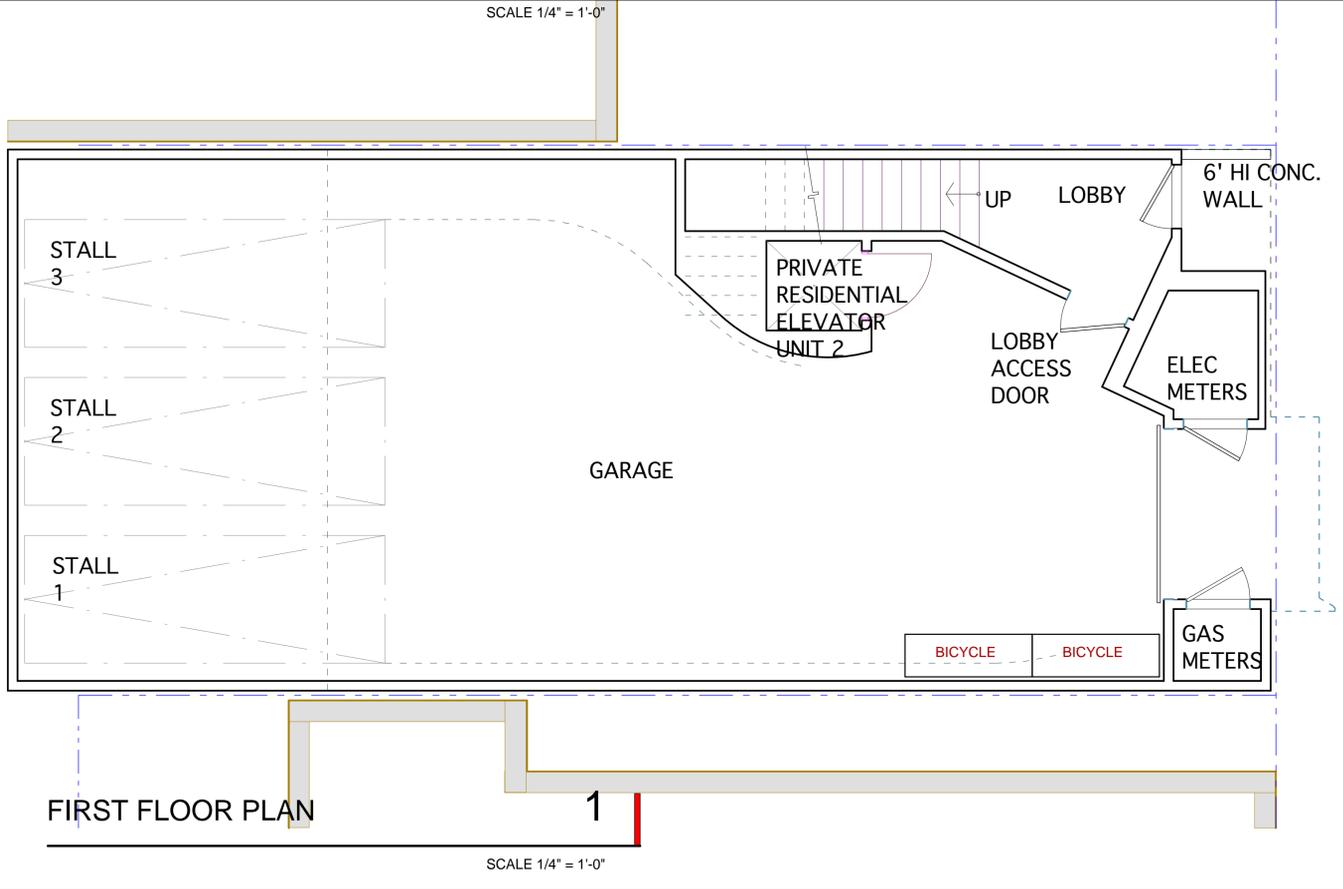
A2



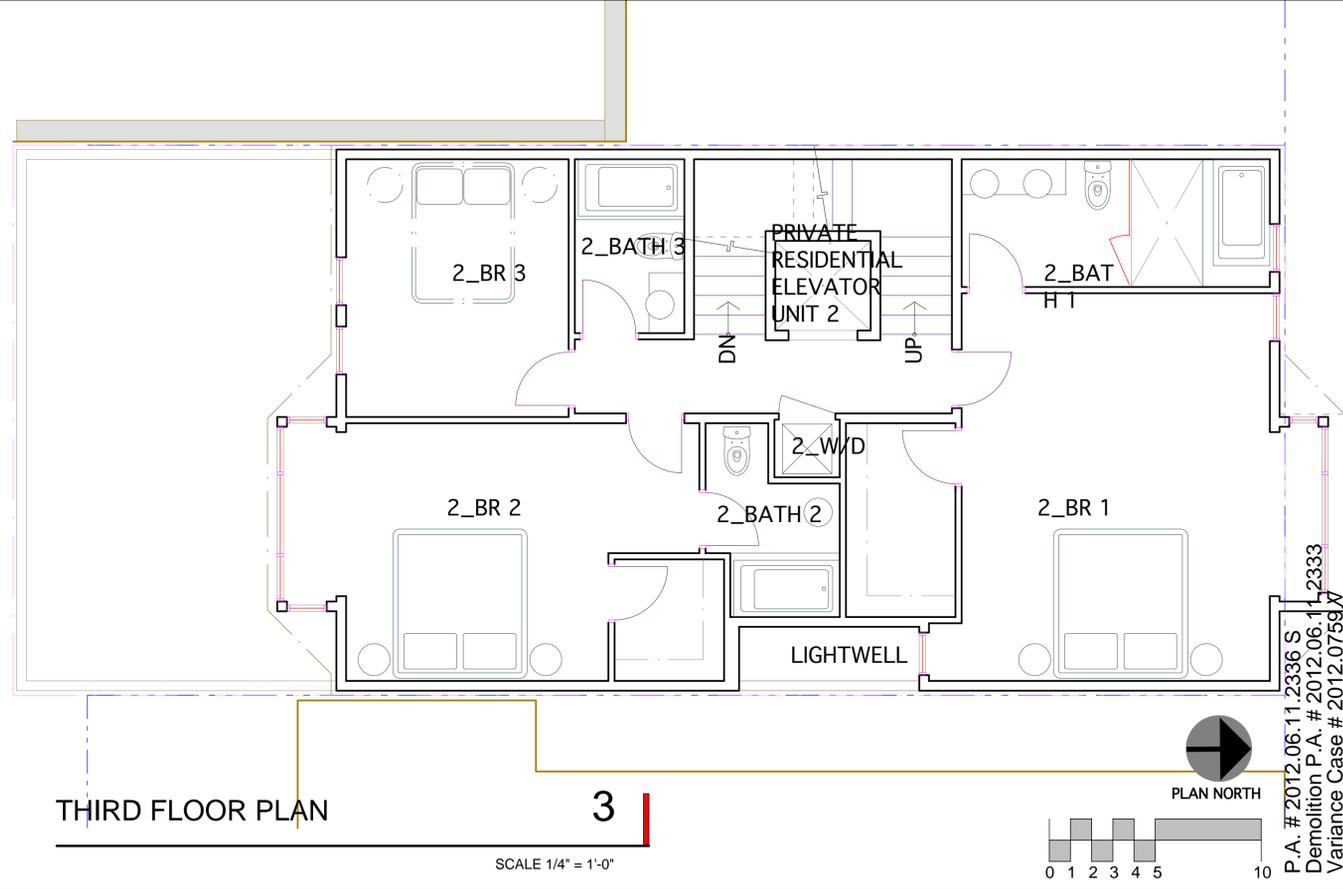
SECOND FLOOR PLAN 2



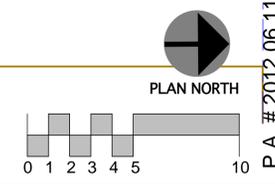
FOURTH FLOOR PLAN 4



FIRST FLOOR PLAN 1  
SCALE 1/4" = 1'-0"



THIRD FLOOR PLAN 3  
SCALE 1/4" = 1'-0"



Rev./Issue	Date
PERMIT	05/29/12
PLAN'G. REV.	02/18/13
PLAN'G. REV.	04/17/13
312 NOTIF.	07/31/13

P.A. # 2012.06.11.2336 S  
Demolition P.A. # 2012.06.11.2333  
Variance Case # 2012.0798W  
Date: 04/06/12  
Scale: 1/4"=1'-0"  
Drawn: DS  
Sheet: A3

Rev./Issue	Date
PERMIT	05/29/12
PLANG. REV.	02/18/13
PLANG. REV.	04/17/13
312 NOTIF.	08/05/13

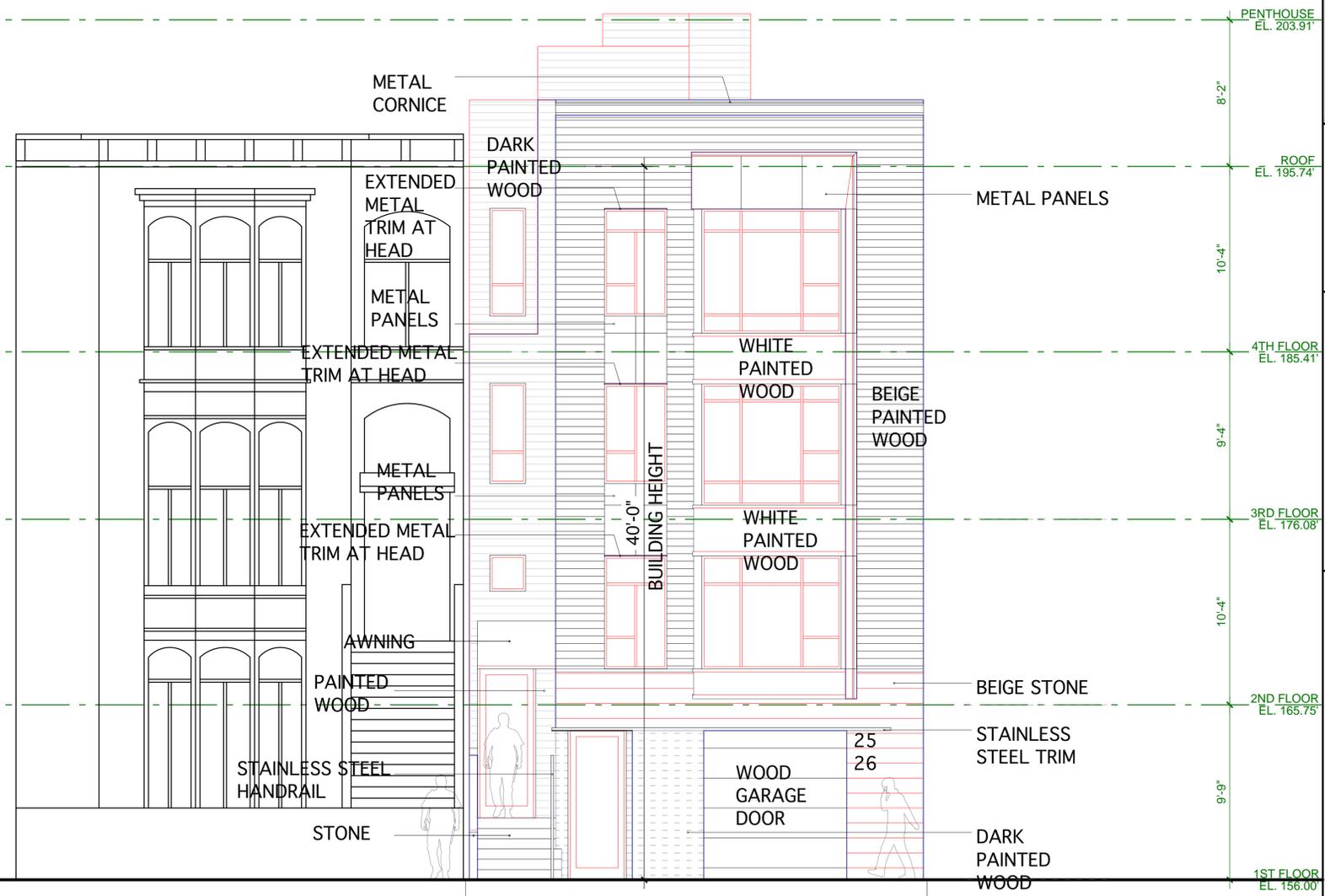
P.A. # 2012.06.11.2336 S  
 Demolition P.A. # 2012.06.11.2333  
 Variance Case # 2012.0759 V

Date:	04/06/12
Scale:	1/4"=1'-0"
Drawn:	DS
Sheet:	<b>A4</b>



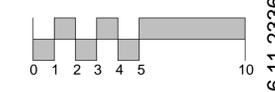
**NORTH (REAR) ELEVATION**

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



**SOUTH (FRONT) ELEVATION**

**2**  
 SCALE 1/4" = 1'-0"



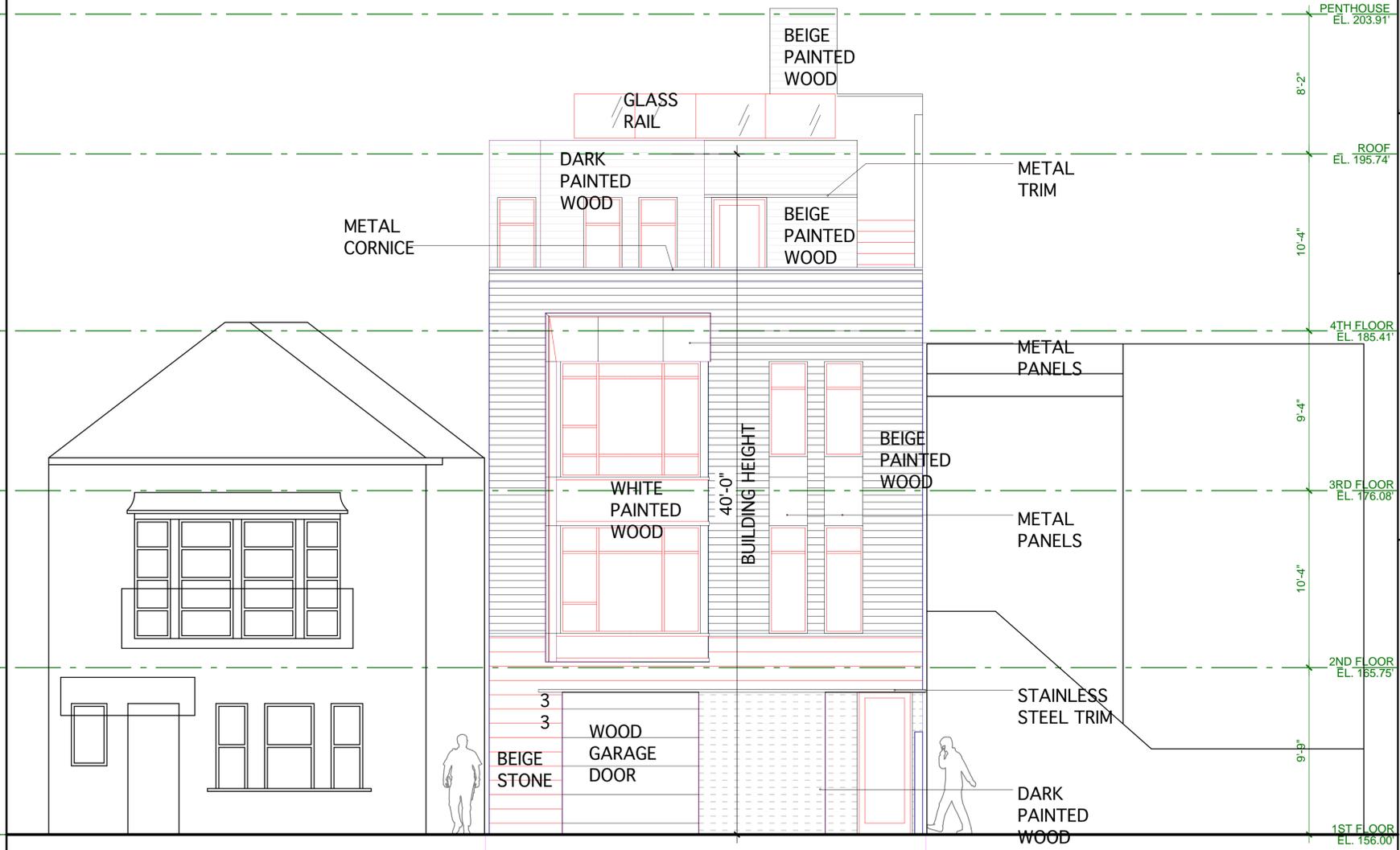
PENTHOUSE  
 EL. 203.91'  
 8'-2"  
 ROOF  
 EL. 195.74'  
 10'-4"  
 4TH FLOOR  
 EL. 185.41'  
 9'-4"  
 3RD FLOOR  
 EL. 176.08'  
 10'-4"  
 2ND FLOOR  
 EL. 165.75'  
 9'-9"  
 1ST FLOOR  
 EL. 156.00'



DARK PAINTED WOOD  
ALUMINUM WINDOWS  
BEIGE PAINTED WOOD

SOUTH (REAR) ELEVATION

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



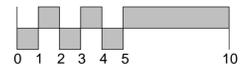
METAL CORNICE

GLASS RAIL  
DARK PAINTED WOOD  
BEIGE PAINTED WOOD  
METAL TRIM  
METAL CORNICE  
METAL PANELS  
METAL PANELS  
STAINLESS STEEL TRIM  
DARK PAINTED WOOD  
WOOD GARAGE DOOR  
BEIGE STONE  
40'-0" BUILDING HEIGHT  
BEIGE PAINTED WOOD  
WHITE PAINTED WOOD

PENTHOUSE EL. 203.91'  
8'-2"  
ROOF EL. 195.74'  
10'-4"  
4TH FLOOR EL. 185.41'  
9'-4"  
3RD FLOOR EL. 176.08'  
10'-4"  
2ND FLOOR EL. 165.75'  
9'-3"  
1ST FLOOR EL. 156.00'

NORTH (FRONT) ELEVATION

2  
SCALE 1/4" = 1'-0"



1331 HARRISON STREET  
SAN FRANCISCO CA 94103  
TEL. 415.882.9783 FAX. 415.882.9796  
STERNBERG BENJAMIN ARCHITECTS  
www.sternbergbenjamin.com

33 PERINE PLACE  
SOUTH AND NORTH  
ELEVATIONS

NEW TWO UNIT BUILDING  
33 PERINE PLACE  
BLOCK 0634, LOT 006  
SAN FRANCISCO, CA

Rev./Issue	Date
PERMIT	05/29/12
PLANG. REV.	02/18/13
PLANG. REV.	04/17/13
312 NOTIF.	08/05/13

P.A. # 2012.06.11.2336 S  
Demolition P.A. # 2012.06.11.2333  
Variance Case # 2012.0759 V

04/06/12  
Scale: 1/4"=1'-0"  
Drawn: DS  
Sheet:

A5





