



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION PACKET

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

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

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

WHAT TO SUBMIT:

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

HOW TO SUBMIT:

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

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

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

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

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



DISCRETIONARY REVIEW PUBLIC (DRP)

APPLICATION

Discretionary Review Requestor's Information

Name:

Address:

Email Address:

Telephone:

Information on the Owner of the Property Being Developed

Name:

Company/Organization:

Address:

Email Address:

Telephone:

Property Information and Related Applications

Project Address:

Block/Lot(s):

Building Permit Application No(s):

ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?		
Did you discuss the project with the Planning Department permit review planner?		
Did you participate in outside mediation on this case? (including Community Boards)		

DISCRETIONARY REVIEW REQUEST

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

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

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

-
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?

DISCRETIONARY REVIEW REQUESTOR'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Signature

Name (Printed)

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____

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

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

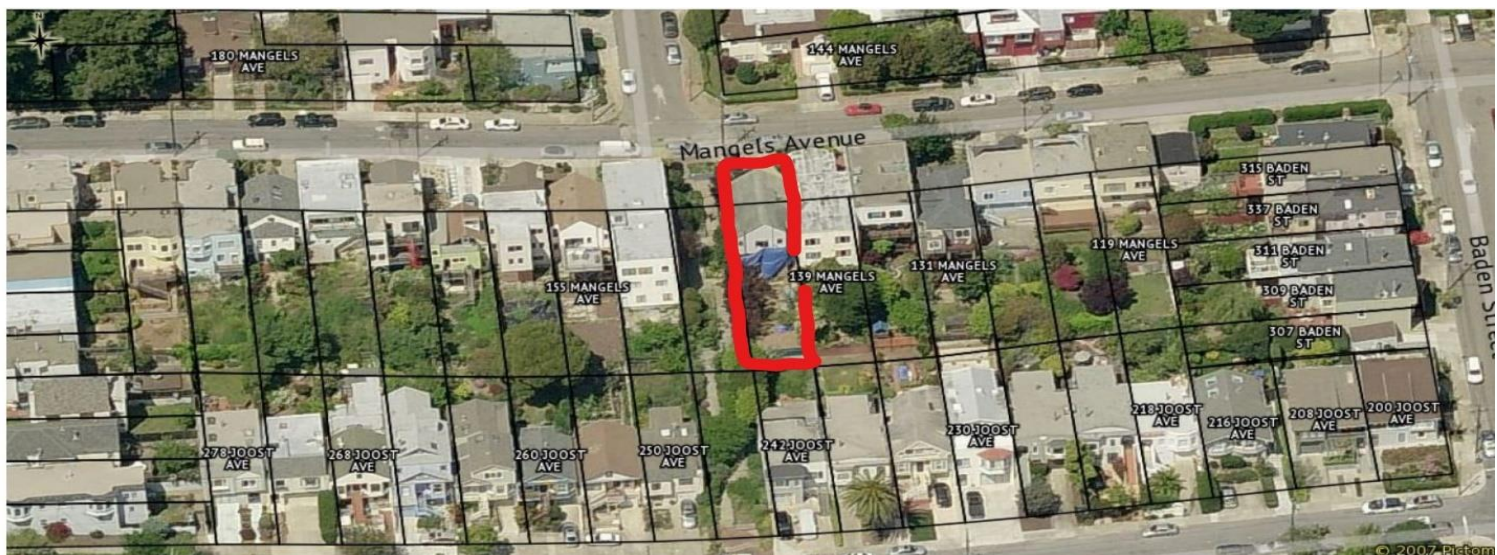
NUMEROUS INCONSISTENCIES WITH RESIDENTIAL DESIGN GUIDELINES

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

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

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

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



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

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

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

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

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

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



MANGELS HOMES STEPPING-DOWN CROSS-SLOPE TO PARK



NORDHOFF HOMES STEPPING-DOWN SLOPE TO PARK

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

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

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



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

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

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

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



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

VIOLATIONS OF PLANNING CODE'S PRIORITY POLICIES

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

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

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

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

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

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

VIOLATIONS OF SECTION 311 PRE-APPLICATION PUBLIC NOTICING REQUIREMENTS

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

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

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

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

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



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

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



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

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

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

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

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

shadowing and a wind tunnel in a park whose attractiveness has been enhanced over the past decade through the combined efforts of the San Francisco Recreation and Parks Department and neighborhood residents.

(<https://sf.curbed.com/maps/gardens-green-spaces-secret-parks-hidden-sf-map>)

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

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

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

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



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

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

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

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

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

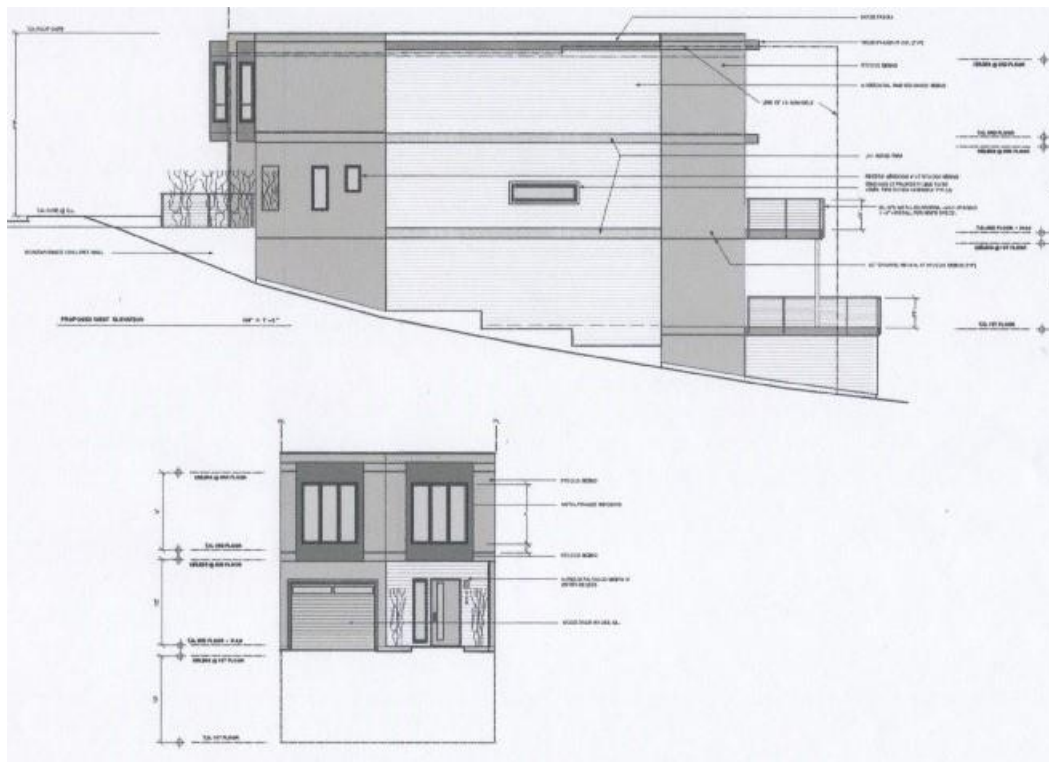
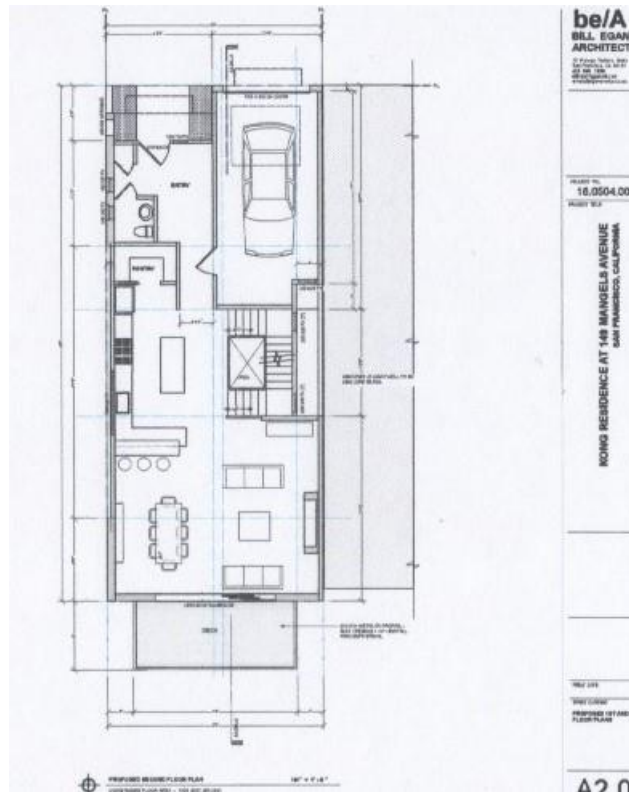
(f) Lower the elevation and reduce the number of rear decks to include only the lower deck, instead of the proposed maxed-out double-tiered rear decks, in combination with stepping-down the entire 149 Mangels structure in order to reduce its scale adjacent to the park and invasive towering over nearby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

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

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

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

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



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

APPENDICES A-E:

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

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

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

APPENDIX D: EMAIL CORRESPONDENCE WITH PROJECT APPLICANT

APPENDIX E: INACCURATE SUMMARY OF 311 PRE-APPLICATION MEETING

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

RESIDENTIAL DESIGN TEAM REVIEW

DATE: 08/15/2016

RDT MEETING DATE: 08/17/2016

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

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

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

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

Residential Design Team Members in Attendance:

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

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

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

RDT Comments:

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

impact on the public view shed from Mangels Avenue.

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

Notice of Planning Department Requirements #1

October 26, 2016

James Kong

262 University Street

San Francisco, CA 94134

RE: 149 Mangels Avenue (Address of Permit Work)

6765/043 (Assessor's Block/Lot)

2016.07.12.2060 (Building Permit Application Number)

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

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

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

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

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

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

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

Additional comments may result from the review of this study.

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

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

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

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

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

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

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

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

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

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

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

Plans should be clearly labeled.

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

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

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

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

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

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

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

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

Hi Bill,

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

RDT Comments:

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

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

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

WWW.BUSCOVICH.COM

Patrick Buscovich & Associates Structural Engineers, Inc.

235 MONTGOMERY STREET, SUITE 823, SAN FRANCISCO, CALIFORNIA 94104-2906 • TEL: (415) 788-2708 FAX: (415) 788-8653

June 11, 2007

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

RE: 139 Mangels Ave.

Job Number: 07.113

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

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

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

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

Sincerely,

Patrick Buscovich
Structural Engineer



June 25, 2007

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

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

Welcome to our Permit / Complaint Tracking System!

COMPLAINT DATA SHEET

Complaint Number: 201648938

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

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

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	CUMMINS	6305	7	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

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

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

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

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information

[Online Permit and Complaint Tracking home page](#)

From: wyckowilliam@comcast.net

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

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

Subject: 149 Mangels Complaint

Ms. Cummins,

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

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

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

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

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

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

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

Ms. Cummins,

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

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

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

Thanks,

Bill Wycko & Lisa Katzman
Owners, 139 Mangels Avenue

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

Good afternoon Bill and Lisa,

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

Regards

Colette Cummins, Building Inspector

City & County of San Francisco

Department of Building Inspection

1660 Mission Street, 3rd Floor

San Francisco CA 94103

415-575-6934 Phone

From: wyckowilliam@comcast.net

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

To: "Cummins, Colette (DBI)"

Cc: "McHugh, Kevin (DBI)"

Subject: Re: 149 Mangels Complaint

Colette Cummins & Kevin McHugh,

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

Bill Wycko & Lisa Katzman.

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

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

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

Subject: RE: 149 Mangels Complaint

Hi Bill and Lisa,

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

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

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

Thank You

Kevin Mc Hugh

Senior Building Inspector.

Re: 149 Mangels Complaint

wyckowilliam@comcast.net

2/15/2017 4:25 PM

To [Kevin McHugh \(DBI\)](#) Copy [Lisa Katzman](#)

[5 attachments](#)

Mr. McHugh,

Thanks for your response.

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

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

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

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

Bill Wycko & Lisa Katzman

Welcome to our Permit / Complaint Tracking System!**Permit Details Report****Report Date:** 2/6/2018 1:01:05 PM

Application Number: 200612290757

Form Number: 8

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

Description: EXTERIOR STAIR @ FRONT OF HOUSE 50% OR LESS, SIDING AT RIGHT & BACK, ROOF SHEATHING AND TERMITE REPAIR.

Cost: \$2,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

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

Contact Details:**Contractor Details:**

License Number: OWNER

Name: OWNER

Company Name: OWNER

Address: OWNER * OWNER CA 00000-0000

Phone:

Addenda Details:**Description:**

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

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

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

Appointments:

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

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

Special Inspections:

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

COMPLAINT DATA SHEET

Complaint Number: 200794822

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

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

Description:

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

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	LAU	6236	7	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

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

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

03/09/07

Inspector Contact Information

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

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

Application Number: 200703226945

Form Number: 8

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

Description: FOUNDATION REPLACEMENT ONLY TO COMPLY NOV# 200794822

Cost: \$15,000.00

Occupancy Code: R-3

Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

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

Contact Details:

Contractor Details:

License Number: OWNER

Name: OWNER

Company Name: OWNER

Address: OWNER * OWNER CA 00000-0000

Phone:

Addenda Details:

Description:

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

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

Appointments:

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

Inspections:

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

Special Inspections:

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

Welcome to our Permit / Complaint Tracking System!

Permit Details Report

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

Application Number: 200705080663

Form Number: 6

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

Description: TO DEMOLISH 1 DWELLING UNIT WITH 2 STORY BUILDING

Cost: Not Specified

Occupancy Code:

Building Use: -

Disposition / Stage:

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

149 MANGELS DISCRETIONARY REVIEW APPEAL APPLICATION SUPPLEMENTS

Contact Details:

Contractor Details:

License Number: 609169

Name: JOSEPH PATRICK CASSIDY

Company Name: GRANITE EXCAVATION & DEMOLITION INC

Address: 160 S. LINDEN AVE., STE 100 ST * SO. SAN FRANCISCO CA 94080-0000

Phone: 6507378700

Addenda Details:

Description:

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

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

Appointments:

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

Inspections:

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

Special Inspections:

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

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

To: wyckowilliam@comcast.net

Sent: Wednesday, May 18, 2016 5:35:10 PM

Subject: 149 Mangels Ave

Hi Bill,

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

Best Regards,

James Kong

(415)710-1283

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

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

To: James Kong

Subject: Re: 149 Mangels Ave

James,

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

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

Bill Wycko & Lisa Katzman

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

To: wycgowilliam@comcast.net

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

Subject: Re: 149 Mangels Ave

Hi Bill and Lisa,

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

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

Best Regards,

James Kong

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

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

To: James Kong

Subject: Re: 149 Mangels Ave

James,

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

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

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

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

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

Bill Wycko & Lisa Katzman

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

To: wyckowilliam@comcast.net

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

Subject: Re: 149 Mangels Ave

Hi Bill and Lisa,

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

Best Regards,

James

Re: 149 Mangels Ave

wyckowilliam@comcast.net

6/11/2016 5:38 PM

To James Kong Copy billegan@gmail.com

James,

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

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

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

Bill Wycko & Lisa Katzman

APPENDIX E: INACCURATE SUMMARY OF 311 PRE-APPLICATION MEETING

149 Mangels Spec Plans

wyckowilliam@comcast.net

8/11/2016 6:46 AM

To jeff.horn@sfgov.org

[6 attachments](#)

Jeff,

I reviewed yesterday the plans submitted for 149 Mangels.

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

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

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

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

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

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

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

Bill Wycko & Lisa Katzman

June 15, 2016

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

Dear Delvin,

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

cc: Sarah Jones, Environmental Review Officer

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