

**BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO**

Appeal of  
MAHER MEMARZADEH, )  
Appellant(s) )  
vs. )  
ZONING ADMINISTRATOR, )  
Respondent )

Appeal No. **21-050**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on May 27, 2021, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the Revised Variance Decision issued on August 26, 2021 (DENIAL of an application for a Rear Yard Variance. The project proposes to construct a one-story vertical addition to the rear building that will include a roof deck and increase the height, as measured above the basement story, from 16 feet 2 inches at the room peak to over 32 feet. The new story is proposed to be used as a neighborhood-serving commercial use. The project also proposes a stairway and firewall along the eastern property line to provide access from the second story of the front building to the new roof deck on the rear building. Planning Code section 134 requires the subject property to maintain a rear yard equal to 25% of the lot depth at the second story and above and at the first if it contains a Dwelling Unit. The existing building at the rear of the lot occupies the entirety of the required rear yard and the proposed addition will increase the rear building envelope within the required rear yard, therefore a rear yard variance is needed. The Zoning Administrator denied the rear yard variance on the basis that the five findings required under Planning Code section 305(c) have not been met) at 408-412 Cortland Avenue. (Note: the original Variance Decision was issued on May 24, 2021).

**APPLICATION NO. 2015-008499VAR**

**FOR HEARING ON October 27, 2021**

Address of Appellant(s):

Address of Other Parties:

Maher Memarzadeh, Appellant(s) c/o Thomas Havel, Agent for Appellant(s) Havel Architects 2627 Mission Street, Suite 5 San Marino, CA 91108	N/A
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Date Filed: May 27, 2021

**CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS**

**PRELIMINARY STATEMENT FOR APPEAL NO. 21-050**

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I / We, **Mahe Memarzadeh**, hereby appeal the following departmental action: the **DENIAL** of a **Rear Yard Variance (Case No. 2015-008499VAR)** by the **Zoning Administrator** which was issued or became effective on: **May 24, 2021**, to: **Mahe Memarzadeh**, for the property located at: **408-412 Cortland Avenue**.

**BRIEFING SCHEDULE:**

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **July 1, 2021, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org) and [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org).

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **July 15, 2021, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org) and [thavel@havelarchitects.com](mailto:thavel@havelarchitects.com).

The Board's physical office is closed to the public and hard copies of the brief do NOT need to be submitted.

**Only photographs and drawings may be submitted by the parties at the hearing.**

Hearing Date: **Wednesday, July 21, 2021, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org). Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

**Please note** that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at [www.sfgov.org/boa](http://www.sfgov.org/boa) You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

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**The reasons for this appeal are as follows:**

See attachment to the preliminary Statement of Appeal.

**Appellant or Agent (Circle One):**

Signature: Via Email

Print: Name: Thomas N. Havel, Architect for appellant

The Applicant opposes and requests the Variance Decision be overturned based upon the following grounds:

- (a) FAILURE TO EXERCISE REASONABLE DILIGENCE TO DETERMINE RELEVANT FACTS despite Applicant's Multiple Requests, contradicting standard procedure in making required investigation to establish facts and special conditions when those facts and special conditions are unique conditions and aspects of a site not easily understood through other media. (Yokley, *Zoning Law and Practice* (1953), §130: pp. 317, 318, 319)
- (b) FAILURE TO CONSIDER AND OMISSIONS OF RELEVANT FACTS AT CA LICENSED ENGINEERS' DECLARATIONS
- (e) MISTAKES IN FACT AT 05/24/21 VARIANCE DECISION LETTER:
1. "...on top of the existing one-story residential building at the rear of the lot." (VDL, p.1/5)
  2. "...existing building at the rear of the lot falls within the required rear yard and contains a dwelling unit, resulting in a required rear yard at the first floor and above." (VDL, p.1/5)
  3. "...on top of the existing one-story residential building at the rear of the lot...." (VDL, p.2/5)
  4. "... rear structure contains a dwelling unit." (VDL, p.2/5)
  5. "... multiple dwelling units." (VDL, p.3/5)
  6. "... existing building at rear of lot already obstructs deeper than adjacent buildings." (VDL, p.3/5)
  7. "... 3-story building presence ..." (VDL, p.3/5)

Expert testimony from two CA licensed structural engineers, one a topography specialist, and the CA licensed architect of record attest Proposal is only viable option to achieve substantial property right.

DBI Permits #09618975 and #09715843 further attest existing one-story building at rear of Applicant's property: (A) **IS** legally permitted commercial use since 04/30/1998; (B) **DOES NOT** contain any dwelling units; (C) **IS NOT** a residential building.

The Applicant disclosed that fact to Planner Durandet on 06/08/2017 and Durandet confirmed receiving the emailed copy of DBI Permit #09715843 on 06/09/2017.

The existing building at rear of adjacent building obstructs 45.5 feet deep into Rear Yard from its rear lot line. It is undisputed fact that the existing building at rear of Applicant's property extends 27 feet into the property from its rear lot line. (05/24/2021, VDL, p.01/05)

**APPLICANT IS EXPERIENCING FINANCIAL DISTRESS DUE TO SFBOS ORDINANCE NO. 254-20 (RENT FORBEARANCE). THUS, APPLICANT REQUESTS ANY HEARING BE SET 180 DAYS OF DATE OF 05/24/21 VARIANCE DECISION LETTER BECAUSE OF ASSOCIATED EXPENDITURES OF BOA APPEARANCE.**



## REVISED VARIANCE DECISION

**Date:** August 26, 2021  
**Case No.:** 2015-008499VAR  
**Project Address:** 408-412 Cortland Avenue  
**Block/Lots:** 5678 / 025  
**Zoning:** Cortland Avenue NCD (NEIGHBORHOOD COMMERCIAL DISTRICT)  
**Height/Bulk:** 40-X Height and Bulk District  
**Applicant:** Thomas Havel, Havel Architects  
2627 Mission Street, Suite #5  
San Marino, CA 91108  
**Owner:** Memarzadeh Maher  
536 15th Street  
Santa Monica, CA 90402  
**Staff Contact:** kimberly durandet – 628-652-7315  
kimberly.durandet@sfgov.org

### Description of Variance – Rear Yard Variance Sought:

The subject property contains a basement story that covers the entire lot, a two-story building at the front of the lot, and a one-story building at the rear of the lot. The front building contains a restaurant on the first floor and a Dwelling Unit on the second floor. The interior courtyard between the two buildings is used as outdoor seating for the restaurant. The rear building is currently used as additional kitchen and dining space for the restaurant. However, the most recent 3-R Reports issued for the subject property (Nos. 201004295044 and 201004295043) indicate that the rear building contains a One Family Dwelling and the front building contains a Two Family Dwelling and Commercial use. Additional work is required to determine the existing legal uses in each building.

The project proposes to construct a one-story vertical addition to the rear building that will include a roof deck and increase the height, as measured above the basement story, from 16 feet 2 inches at the roof peak to over 32 feet. The new story is proposed to be used as a neighborhood-serving commercial use. The project also proposes a stairway and firewall along the eastern property line to provide access from the second story of the front building to the new roof deck on the rear building.

**Planning Code Section 134** requires the subject property to maintain a rear yard equal to 25% of the lot depth at the second story and above, and at the first story if it contains a Dwelling Unit. The existing building at the rear of the lot occupies the entirety of the required rear yard. The proposed addition will increase the rear building envelope within the required rear yard. Therefore, a variance is required.

### Procedural Background:

1. The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 and Class 3

categorical exemption.

2. The Zoning Administrator held a public hearing on **Variance Application No. 2015-008499VAR** on **March 24, 2021**.
3. The original Variance Decision Letter for this project was issued on May 24, 2021. That decision letter was appealed to the Board of Appeals on May 27, 2021 and the appeal cited several factual errors in the original letter. This revised decision letter is being issued to provide a more accurate project description, correct any factual errors included in the original letter, and provide additional information as needed. However, the final decision and overall rationale is not changed.
4. No associated building permit for the project has yet been filed.

### **Decision:**

**DENIED**, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a vertical addition to the rear building that will include a roof deck, property line stairs, and associated firewall.

### **Findings:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

#### **FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

#### **Requirement Not Met.**

- A. There are no exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district. The subject lot is a typical lot, being 25 feet wide, 100 feet deep, of regular shape, and containing no significant slope. Any previous slope on the lot is effectively neutralized by the basement story, which covers the entire lot and provides a level area to construct above. The surrounding lots on the subject block are also of typical size and shape and create a regular block layout. While Lots 26 and 27 to the east also have buildings that extend into the required rear yard, the subject lot and rear building still front directly onto a cohesive mid-block open space.
- B. The property is already well-developed. The basement story covers the entire lot, the ground floor of the front building has an existing restaurant use with residential use above, and the noncomplying rear structure is currently used for additional restaurant space. All the buildings fronting Cortland Avenue on the subject block are either one or two-stories tall and having a rear yard structure used for additional commercial space is not common in the district.

#### **FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the

applicant or the owner of the property.

**Requirement Not Met.**

- A. As described above, there are no exceptional and extraordinary circumstances related to the subject property that result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property. In this case, the literal enforcement of the Planning Code prevents a large vertical expansion of a building (and associated roof deck, stairs, and firewall) already located within the required rear yard, and for the purpose of constructing an additional commercial story that will have no visibility to the street, which is not a typical or usual development pattern.

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Not Met.**

- A. As stated above, the proposal is a large vertical expansion of a building (and associated roof deck, stairs, and firewall) already located within the required rear yard, and for the purpose of constructing an additional commercial story that will have no visibility to the street, which is not a typical or usual development pattern. Additionally, the property is already well-developed. Although it is the property owners desire to further develop the site, this is not a development proposal that is necessary for the preservation and enjoyment of a substantial property right of the subject property as the lot is already substantially developed, and the proposal is atypical and impactful to the vicinity.

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Not Met.**

- A. The existing building at the rear of the lot already obstructs deeper than the immediately adjacent buildings to the east and west (Lots 24 and 26). The proposed addition to the rear building would result in a building over 32 feet high – measured from the basement story – plus additional height from a 42-inch solid parapet and a separate glass railing. Including the basement story, which is exposed at the rear property line, this would create an approximately 4-story building presence (i.e., 40+ feet) at the far rear of the lot. This is a substantial addition at the rear of the lot that would further impact the mid-block open space and adjacent properties.
- B. The Planning Department determined the project be highly **inconsistent** with applicable design guidelines.
- C. Prior to the hearing, 8 members of the public sent correspondence or called Department staff in opposition to the project. The community opposition cited a number of concerns related to the scale of the development, the effect on neighboring property's access to light, air, and privacy, existing uses in the neighborhood, and the lack of need for the proposed use at this particular location. During the hearing,

the Zoning Administrator received 4 calls in opposition to the proposed project. The Department received no public comment in support of the project.

#### **FINDING 5.**

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

#### **Requirement Not Met.**

- A. This development is not consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project does not meet all relevant policies, including conserving neighborhood character.
1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
  2. The proposed project will not be in keeping with the existing housing and neighborhood character. The development of an additional, oversized commercial story with a roof deck at the rear of the property that would present an overall 4-story mass at the rear, is inconsistent with applicable design guidelines and not in keeping with the adjacent Residential District that has an established mid-block open space.
  3. The proposed project will have no effect on the City's supply of affordable housing.
  4. The proposed project does not adversely affect neighborhood parking or public transit.
  5. The project will have no effect on the City's industrial and service sectors.
  6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
  7. The project will have no effect on the City's landmarks or historic buildings.
  8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning

Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

**APPEAL:** Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit [www.sfgov.org/bdappeal](http://www.sfgov.org/bdappeal).

Very truly yours,



Corey A. Teague, AICP  
*Zoning Administrator*

**This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.**



# Cortland Mixed Use

## 408-412 Cortland Avenue, San Francisco 94110

### Block #5678, Lot #025

Cortland Mixed Use

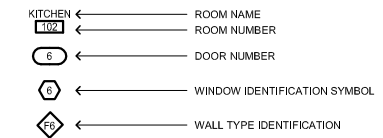
408-412 Cortland Avenue  
San Francisco, CA 94110  
Block #5678 Lot #025

**Havel Architects**

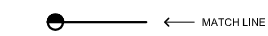
2627 Mission Street, Suite #5  
San Marino, California 91108  
(626) 792-2900  
WWW.HAVELARCHITECTS.COM

#### Symbols:

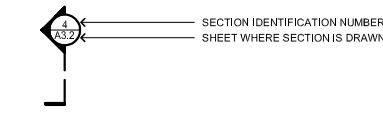
##### ROOM IDENTIFICATION



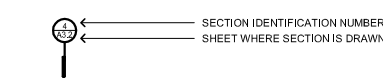
##### BUILDING CUTS



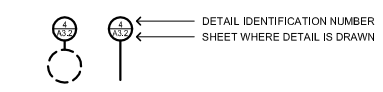
##### BUILDING SECTION



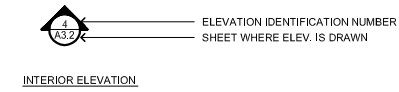
##### WALL SECTION



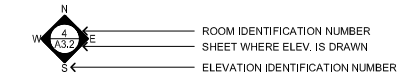
##### DETAIL REFERENCE



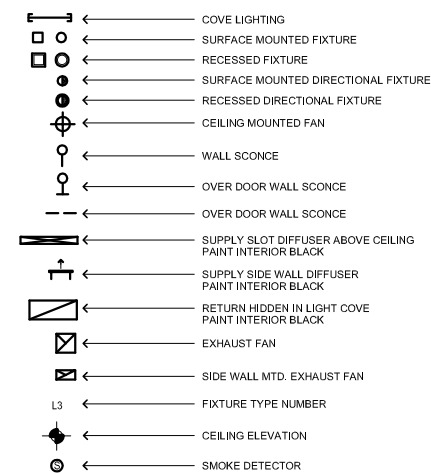
##### EXTERIOR ELEVATION



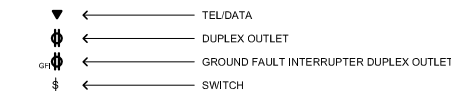
##### INTERIOR ELEVATION



##### REFLECTED CEILING PLAN SYMBOLS



##### ELECTRICAL



#### Abbreviations:

A.B.	ANCHOR BOLT	KIT.	KITCHEN
ABV.	ABOVE	K.O.	KNOCK OUT
A.C.	ASPHALTIC CONCRETE	LAM.	LAMINATE
ACOUS.	ACOUSTIC	LAV.	LAVATORY
AC	AREA CONDITIONING	LB.	POUND (S)
A.D.	AREA DRAIN	LN.	LINEAL OR LINEAR
ADJ.	ADJUSTABLE	LL	LINE LOAD
A.F.F.	ABOVE FINISH FLOOR	LT.	LIGHT
AGG.	AGGREGATE	LOUV.	LOUVER
A.J.T.	ACOUSTIC JOINT	LVL.	LEVEL
ALUM.	ALUMINUM	MACH.	MACHINE
ALT.	ALTERNATE	MAINT.	MAINTENANCE
A.P.	ACCESS PANEL	MAS.	MASONRY
APPROX.	APPROXIMATE	MATL.	MATERIAL
ARCH.	ARCHITECTURAL	MAX.	MAXIMUM
ASPH.	ASPHALT	M.C.	MEDICINE CABINET
A.V.	AUDIO VISUAL	MECH.	MECHANICAL
ACRYL.	ACRYLIC	MEMB.	MEMBRANE
A.C.	ASPHALTIC CONCRETE	MET.	METAL
BD.	BOARD	MEZZ.	MEZZANINE
BET.	BETWEEN	MFR.	MANUFACTURER
BITUM.	BITUMINOUS	MIN.	MINIMUM
BLDG.	BUILDING	MIRR.	MIRROR
BLK.	BLOCK	MISC.	MISCELLANEOUS
BLKG.	BLOCKING	M.O.	MASONRY OPENING
B.M.	BENCH MARK	MTD.	MOUNTED
BM.	BEAM	MUL.	MULLION
BOT.	BOTTOM	(N)	NEW
B.O.W.	BACK OF WALK	N.	NORTH
BRV.	BREAK	NAT.	NATURAL
B.U.R.	BUILTUP ROOFING	N.I.C.	NOT IN CONTRACT
BZ.	BRONZE	NO.	NUMBER
		NOM.	NOMINAL
		N.T.S.	NOT TO SCALE
		O.A.	OVERALL
		OBS.	OBSCURE
		O.C.	ON CENTER
		O.D.	OUTSIDE DIAMETER
		OR	OR OVERFLOW DRAIN
		OPP.	OPPOSITE
		O.S.A.	OUTSIDE AIR
		P.C.	PRE-CAST
		PL.	PLATE
		P.J.M.	PLASTIC LAMINATE
		PLAS.	PLASTER
		PLYWD.	PLYWOOD
		PR.	PROPERTY
		PROP.	PROPERTY
		PT.	POINT
		PTD.	PAINTED
		Q.T.	QUARRY TILE
		R.	RISER
		RAD.	RADIUS
		R.D.	ROOF DRAIN
		REF.	REFERENCE
		REFR.	REFRIGERATOR
		REINF.	REINFORCING
		REQD.	REQUIRED
		RESIL.	RESILIENT
		RSTR.	REGISTER
		RL.	RAILING
		RM.	ROOM
		R.O.	ROUGH OPENING
		R.O.W.	RIGHT OF WAY
		R.S.	ROOF SCREEN
		RTD.	RAISED
		RWD.	REDWOOD
		R.W.L.	RAIN WATER LEADER
		S.C.	SOLID CORE
		SCHED.	SCHEDULE
		S.D.	STORM DRAIN
		SEALANT	SEALANT
		SECT.	SECTION
		SERV.	SERVICE FEET
		S.F.	SQUARE FEET
		SH.	SHIELD
		SHR.	SHOWER
		SHT.	SHEET
		SHTG.	SHEATHING
		SIM.	SIMILAR
		SL.	SLOPE
		SPEC.	SPECIFICATION
		SQ.	SQUARE
		S.S.K.	SERVICE SINK
		S.S.T.	STAINLESS STEEL
		ST.	STREET
		STD.	STANDARD
		STL.	STEEL
		STN.	STAIN
		STOR.	STORAGE
		STRUCT.	STRUCTURAL
		SUSP.	SUSPEND (ED)
		SYM.	SYMMETRICAL
		T.	TREAD TILE
		T.B.	TOWEL BAR
		TEL.	TELEPHONE
		TEMP.	TEMPORARY
		TER.	TERRAZZO
		T.&G.	TONGUE AND GROOVE
		THK.	THICK
		T.O.C.	TOP OF CONCRETE
		TOIL.	TOILET
		T.O.P.	TOP OF PARAPET
		T.O.S.	TOP OF STEEL
		T.O.W.	TOP OF WALL
		T.V.	TELEVISION
		TYP.	TYPICAL
		U.B.C.	UNIFORM BUILDING CODE
		U.L.	UNDERWRITER'S LABORATORY
		UNF.	UNFINISHED
		U.O.N.	UNLESS OTHERWISE NOTED
		UR.	URINAL
		V.B.	VAPOR BARRIER
		VEST.	VESTIBULE
		VERT.	VERTICAL
		V.P.	VENEER PLASTER
		V.T.	VINYL TILE
		W.	WITH
		W.C.	WATER CLOSET
		WD.	WOOD
		WNSCT.	WAINSCOT
		W/O.	WITHOUT
		WP.	WATERPROOF
		WT.	WEIGHT
		X	BY (AS IN 2"x4")
		YD.	YARD

#### Sheet Index:

Sheet #	Sheet Title
G001	Cover Sheet
A101	Existing & Proposed Site Plan
A201	Existing & Proposed Basement Plan
A202	Existing & Proposed First Floor Plan
A203	Existing & Proposed Second Floor Plan
A204	Existing & Proposed Roof Plan
A301	Existing Street Elevation - Front Building
A302	Existing & Proposed North Elevations - Rear Building
A303	Existing & Proposed East Elevations - Rear Building
A304	Existing & Proposed South Elevations - Rear Building
A305	Existing & Proposed West Elevations - Rear Building
A306	Existing & Proposed Cross Sections - Rear Building
A307	Proposed Partial Longitudinal Section - Rear Building
A401	Perspective Renderings
C2	Green Building Checklist

#### Project Data:

**Project Address**  
408-412 Cortland Avenue  
San Francisco, California 94110

**Jurisdiction**  
City of San Francisco

**Zone**  
NC-2

**Number of Units**  
Existing: 1  
Proposed: 1

**Occupancy**  
(E) R3 & A2, New B

**Construction Type**  
Type VB

**Fire Sprinklers:**  
No Building Sprinklers

**Number of Stories**  
Existing: 1 Story / 1 Basement  
Proposed: 2 Stories / 1 Basement

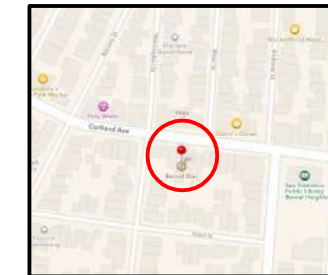
**Allowable Building Height**  
3 Story Unlimited  
Per Table 503 of 2013 CBC

**Lot Area:**  
2,500 s.f.

**Building Area:**

Conditioned Area:	Existing	Proposed
<b>Residential:</b>	1,200 s.f.	1,200 s.f.
<b>Retail:</b>	1,850 s.f.	2,518 s.f.
<b>Building Total:</b>	3,050 s.f.	3,718 s.f.
<b>Total Increase in Building Area:</b>		<b>668 s.f.</b>

#### Vicinity Map:



#### Scope of Work:

Add Second Level and Roof Deck to Rear of Property. No Work to be Performed at the Front of the Property.

Work to include:

- (N) Commercial Second Level and Private Residential Wood Roof Deck Over (E) Single Level Commercial Space.
- (N) Elevator to All Three Levels
- (N) Stairs in Mid Lot Courtyard to Access (N) Second Level at Rear of Property.
- (N) Stairs From (E) Private Residential Balcony at Rear of (E) Residential Unit to (N) Private Residential Roof Deck.
- Plumbing & Electrical Work (Via Separate Permit)

#### Contact Information:

**Owner**  
Maher Memarzadeh, PhD  
536 15th Street  
Santa Monica, California 90402  
(310) 310-5584

**Architect and Landscape Architect**  
Havel Architects  
2627 Mission Street, Suite #5  
San Marino, California 91108  
(323) 793-4928 - Telephone  
www.havelarchitects.com  
Thomas Havel, Architect  
thavel@havelarchitects.com

**Structural Engineer**  
T.B.D.

**Soils Engineer**  
T.B.D.

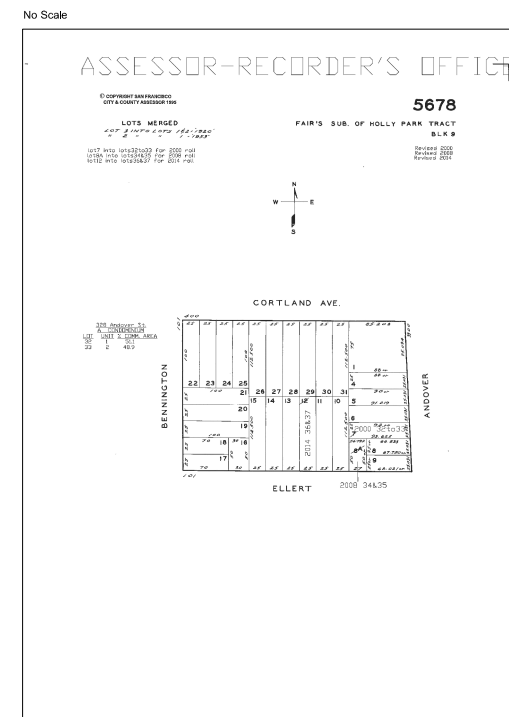
**General Contractor**  
T.B.D.

#### Legal Description:

TRACT: Fair's Sub of Holly Park Tract  
BLOCK: 9  
LOT: 25

#### Assessor's Parcel Map:

APN# xxxxxxxx



12.20.2018 ENVIRONMENTAL EVALUATION  
03.01.2017 VARIANCE SUBMITTAL

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#### Cover Sheet

**Project Number:**  
14017.00  
**Date:**  
12.20.2017  
**Scale:**  
As Noted  
**Drawn By:**  
TNH

#### Agencies:

**Planning Department**  
City of San Francisco Planning & Redevelopment  
Planner

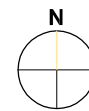
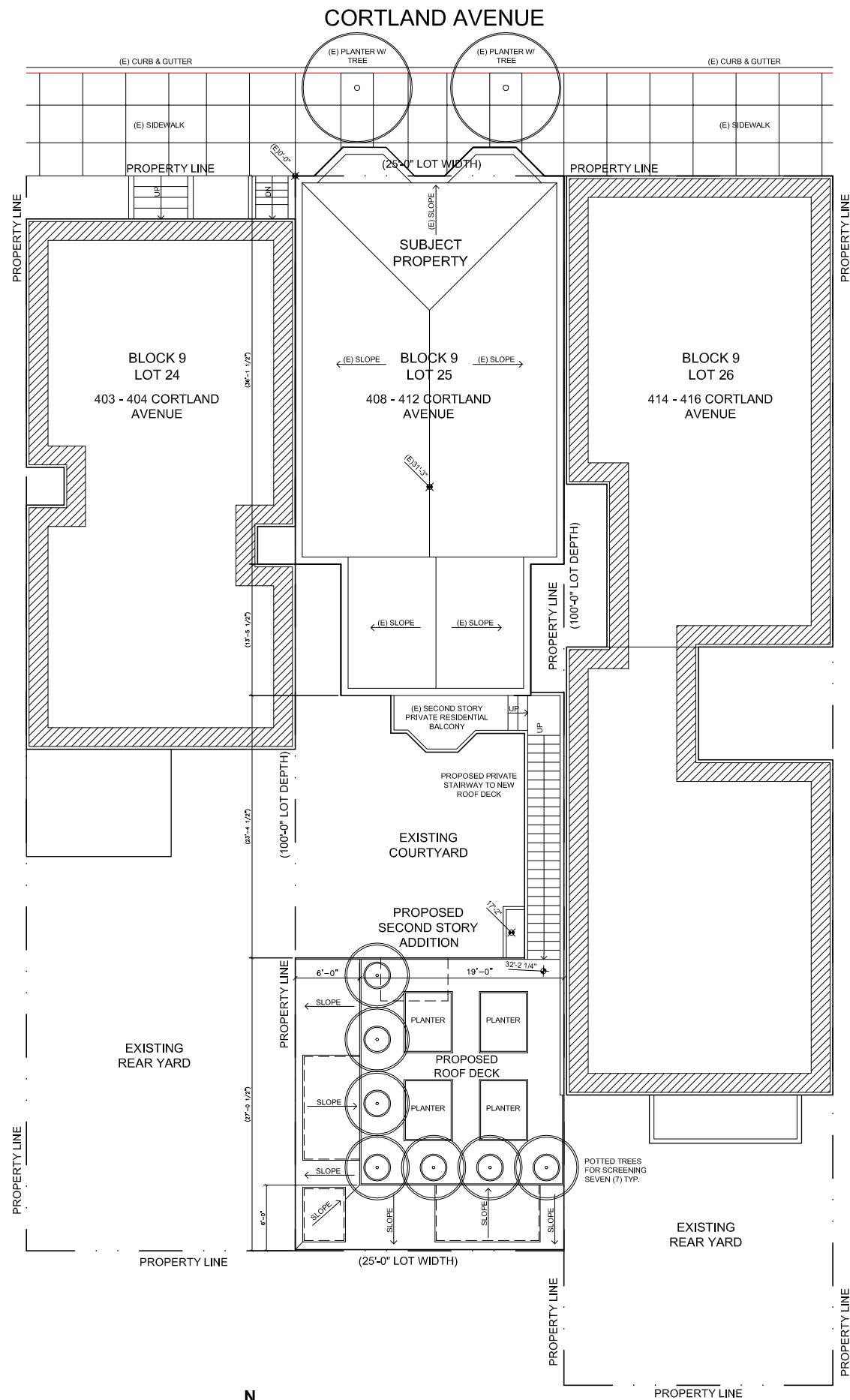
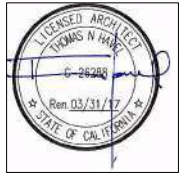
**Building Department**  
City of San Francisco Building & Safety  
Plan Checker

# G001

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

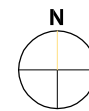
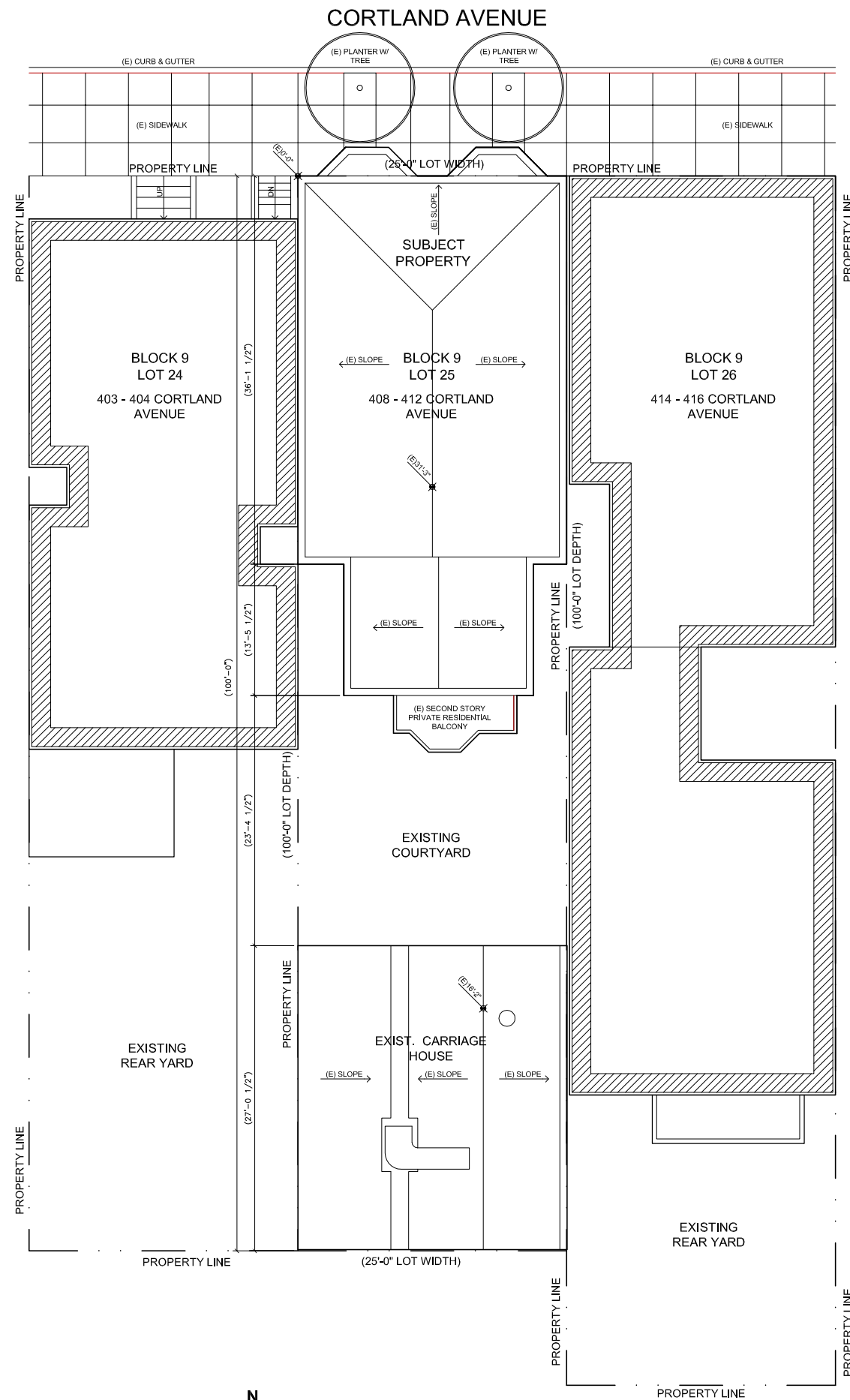
2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
 WWW.HAVELARCHITECTS.COM



**PROPOSED SITE PLAN**

3/16"=1'-0"

2



**EXISTING SITE PLAN**

3/16"=1'-0"

1

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL

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**EXISTING & PROPOSED SITE PLANS**

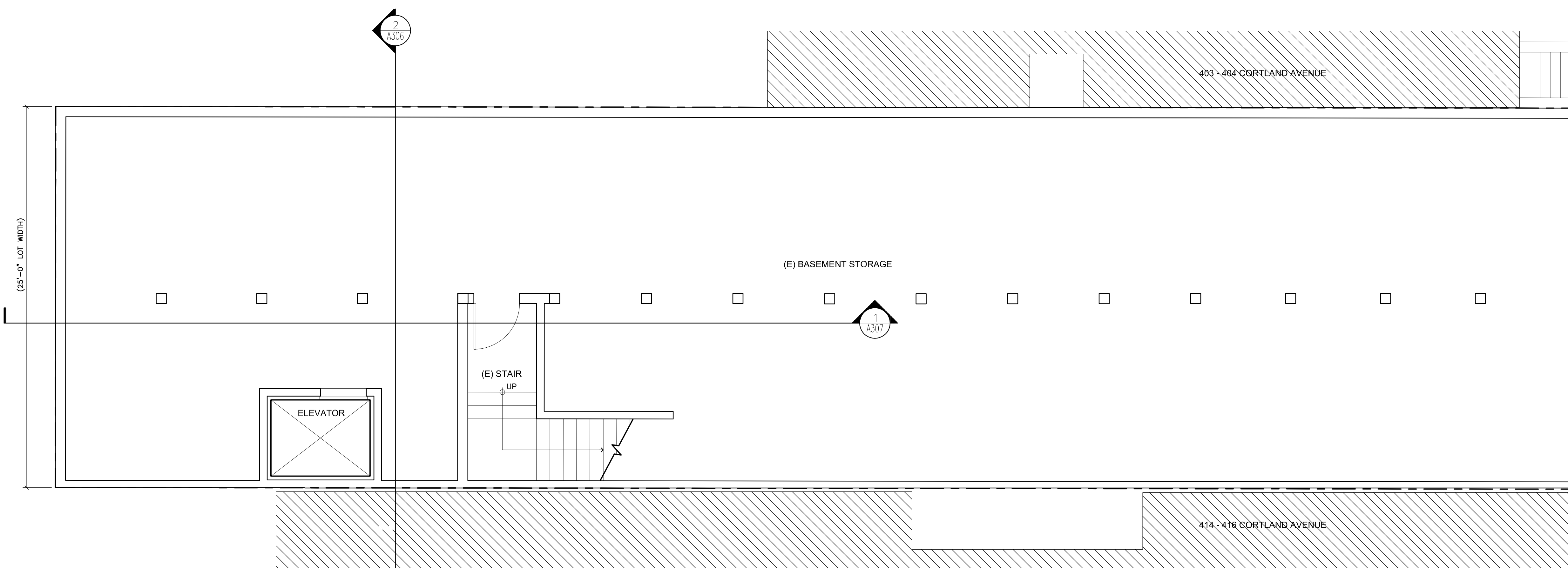
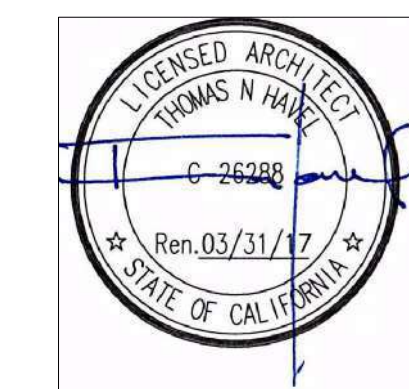
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 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A101**

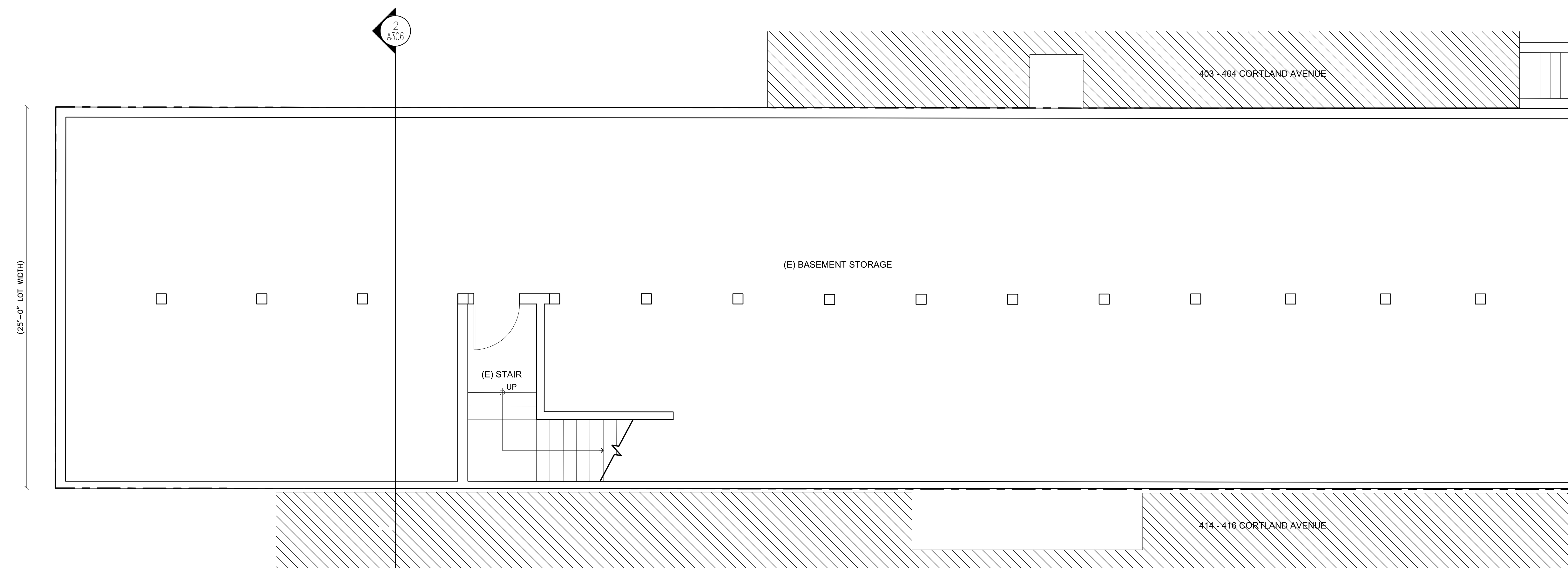
408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
 WWW.HAVELARCHITECTS.COM



**PROPOSED BASEMENT PLAN**  
 1/4"=1'-0" **2**



**EXISTING BASEMENT PLAN**  
 1/4"=1'-0" **1**

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL

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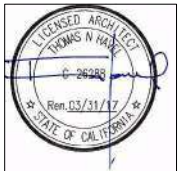
**EXIST. & PROP  
 BASEMENT  
 FLOOR PLANS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

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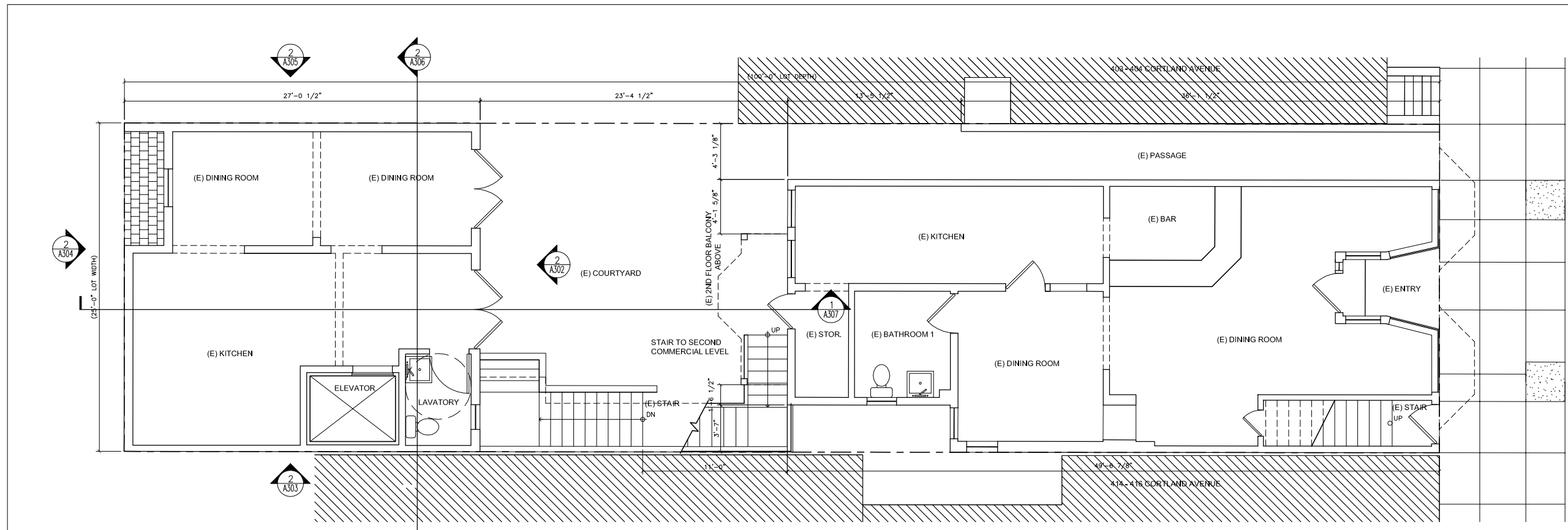


12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL  
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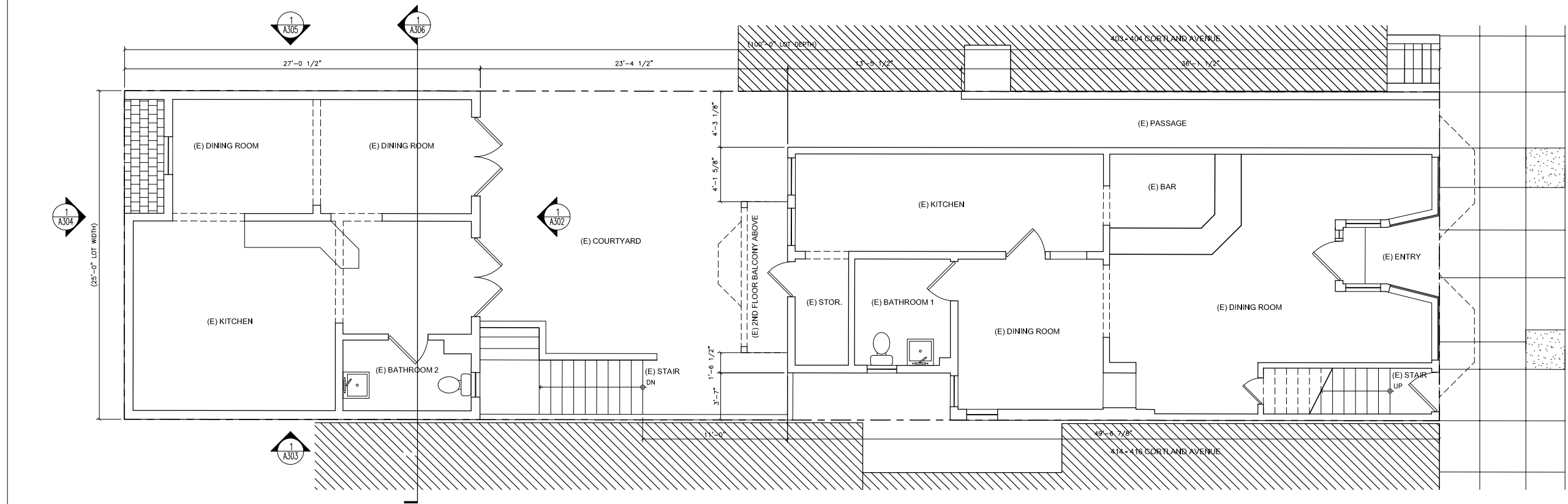
**EXIST. & PROP  
 FIRST FLOOR  
 PLANS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A202**



**PROPOSED FIRST FLOOR PLAN**  
 1/4"=1'-0" **2**

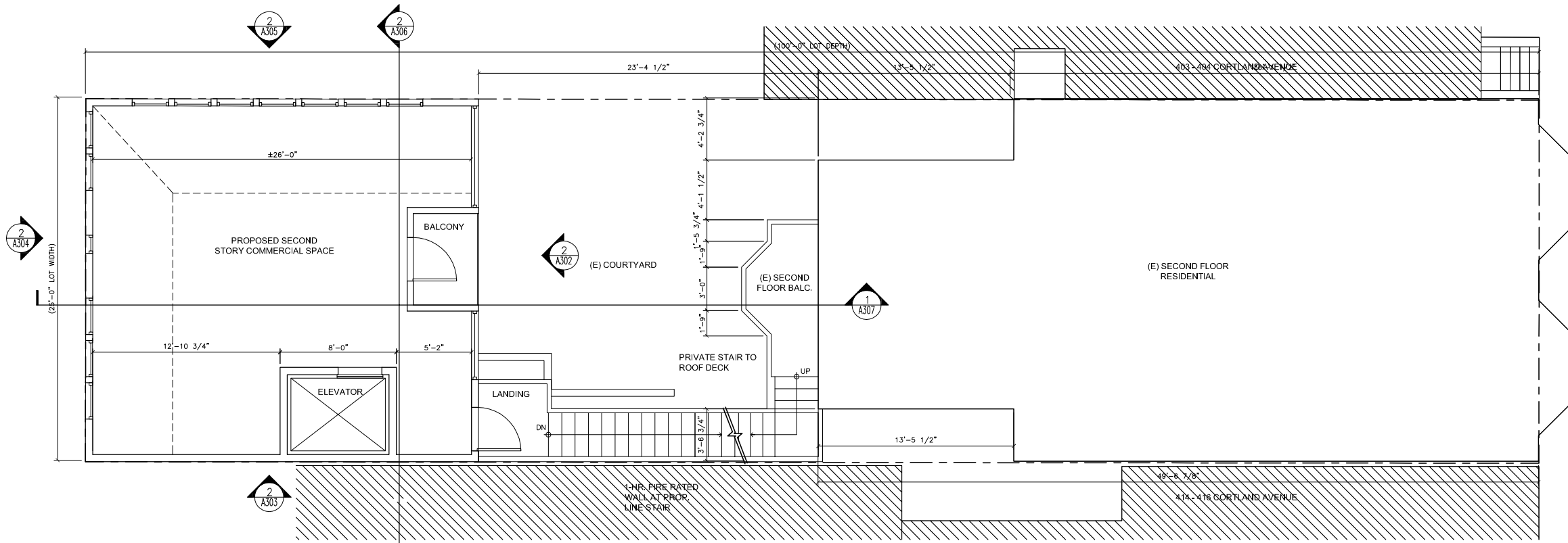


**EXISTING FIRST FLOOR PLAN**  
 1/4"=1'-0" **1**

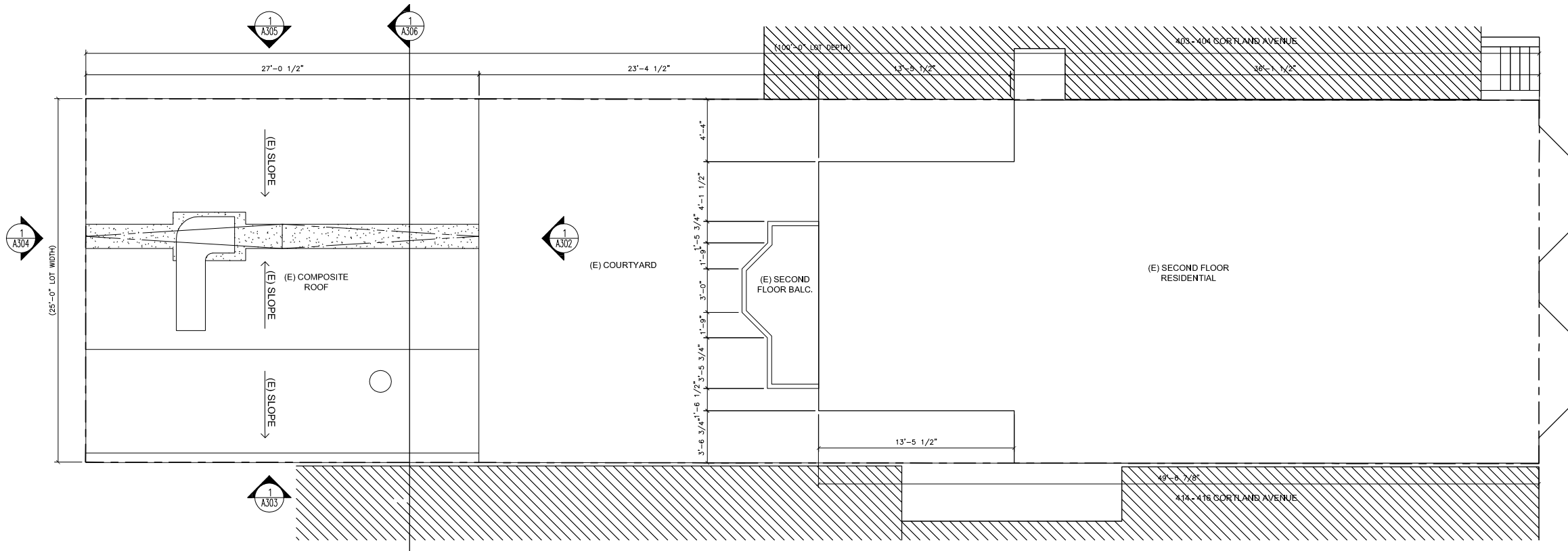
408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
 WWW.HAVELARCHITECTS.COM



**PROPOSED SECOND FLOOR PLAN**  
 1/4"=1'-0" **2**



**EXISTING SECOND FLOOR PLAN**  
 1/4"=1'-0" **1**

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL  
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**EXIST. & PROP  
 SECOND FLOOR  
 PLANS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A203**

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**  
 2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
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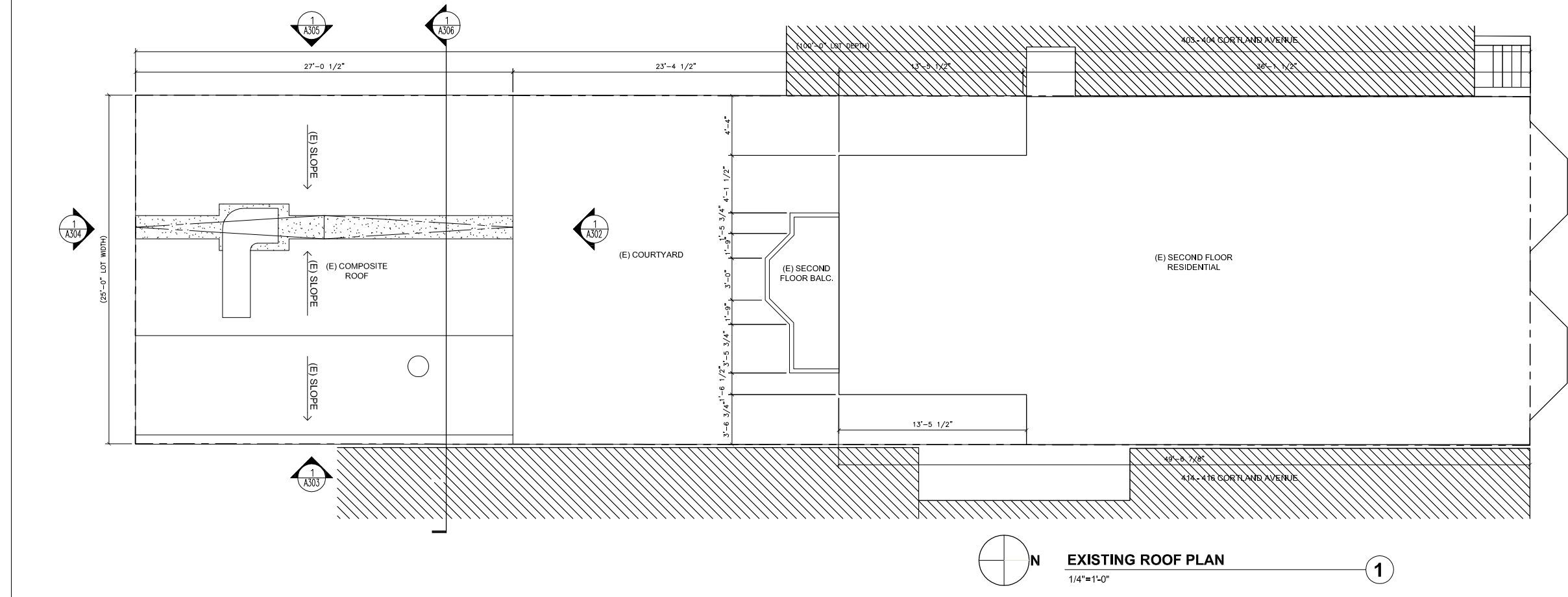
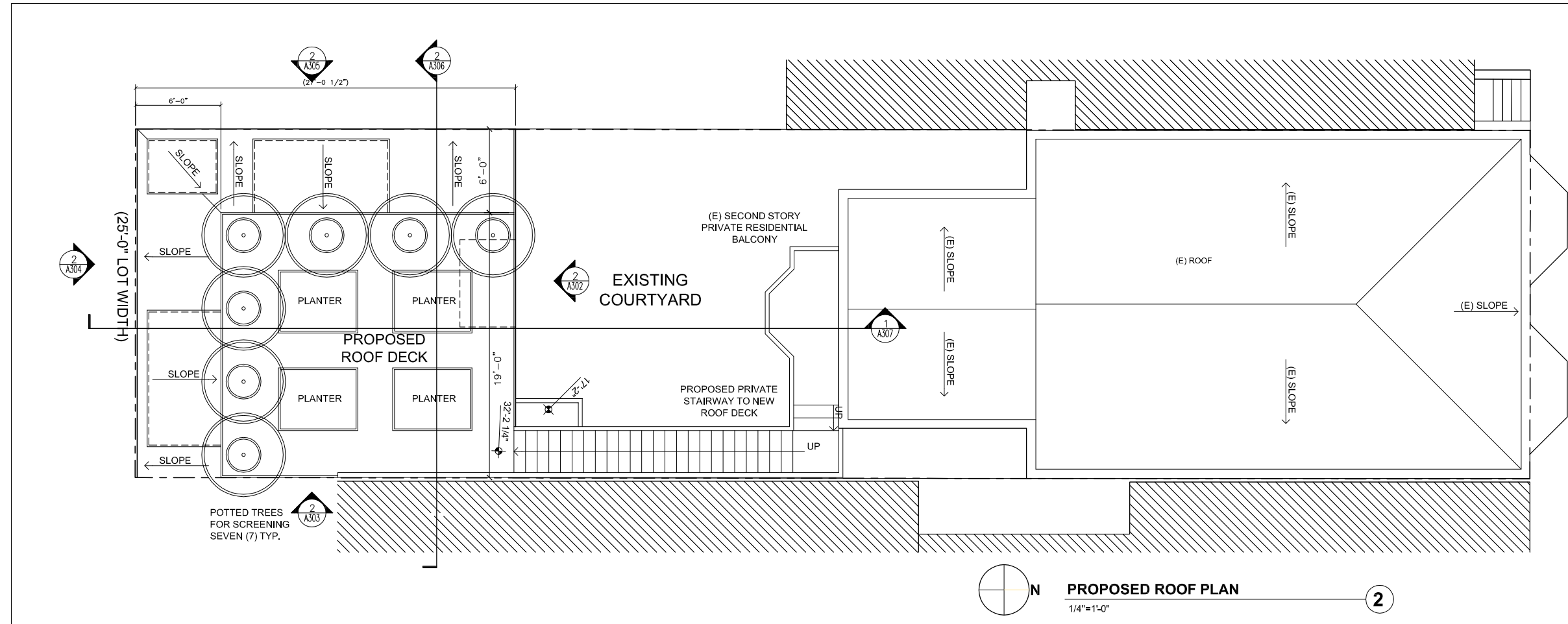
12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL

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**EXIST. & PROP  
 ROOF PLANS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

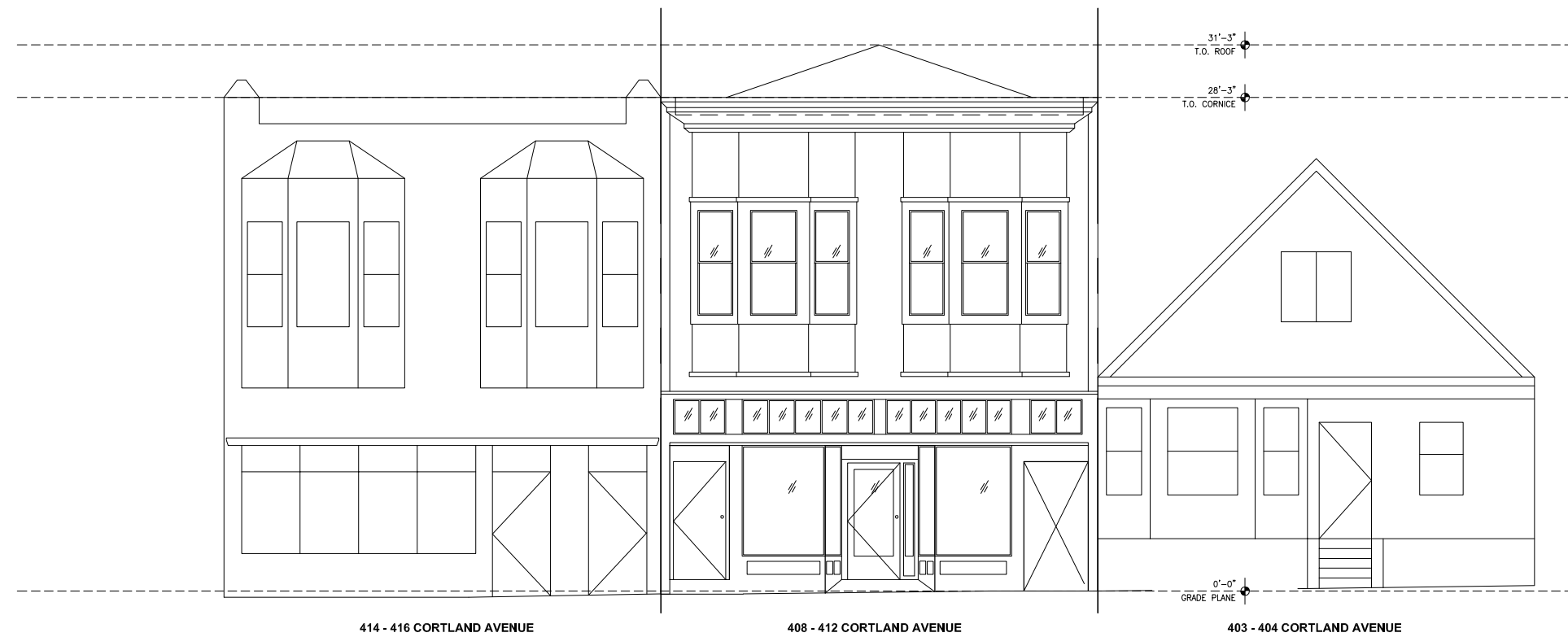
**A204**



408-412 Cortland Avenue  
San Francisco, CA 94110  
Block #5678 Lot #025

**Havel Architects**

2627 Mission Street, Suite #5  
San Marino, California 91108  
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414 - 416 CORTLAND AVENUE

408 - 412 CORTLAND AVENUE

403 - 404 CORTLAND AVENUE

**EXISTING NORTH (CORTLAND AVE.) ELEVATION 1**

1/4"=1'-0"

12.20.2018 ENVIRONMENTAL EVALUATION  
03.01.2017 VARIANCE SUBMITTAL

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**EXTERIOR ELEVATIONS**

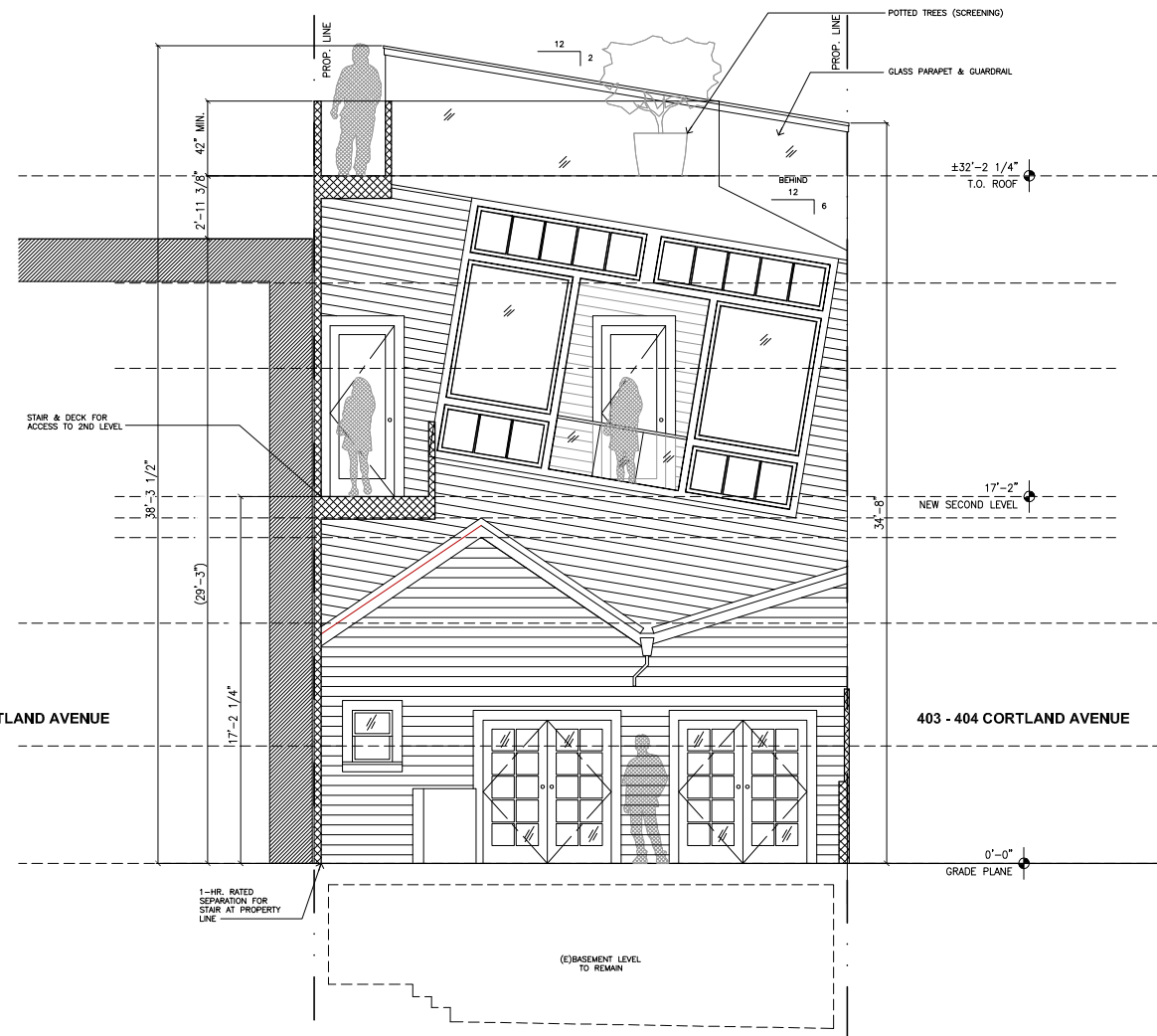
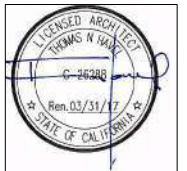
Project Number:  
14017.00  
Date:  
12.20.2017  
Scale:  
As Noted  
Drawn By:  
TNH

**A301**

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

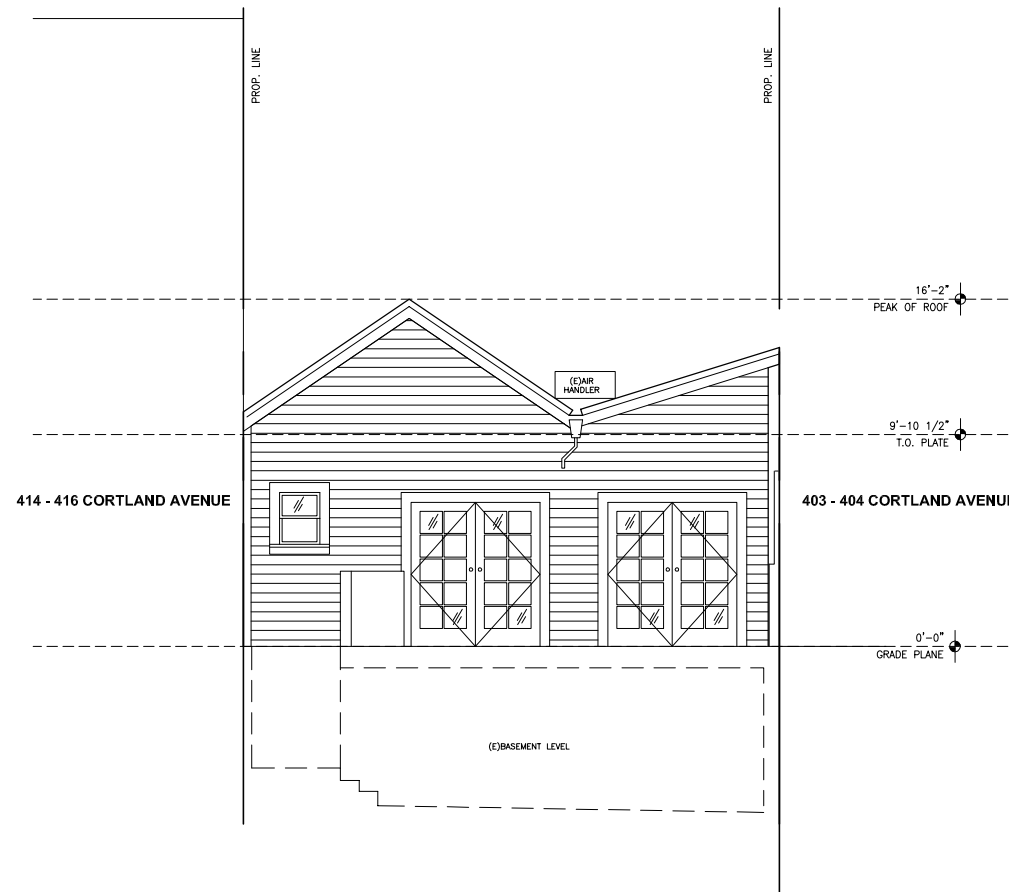
2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
 WWW.HAVELARCHITECTS.COM



**REAR BUILDING - PROP. NORTH ELEVATION**

1/4"=1'-0"

2



**REAR BUILDING - EXIST. NORTH ELEVATION**

1/4"=1'-0"

1

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL  
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**EXTERIOR ELEVATIONS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

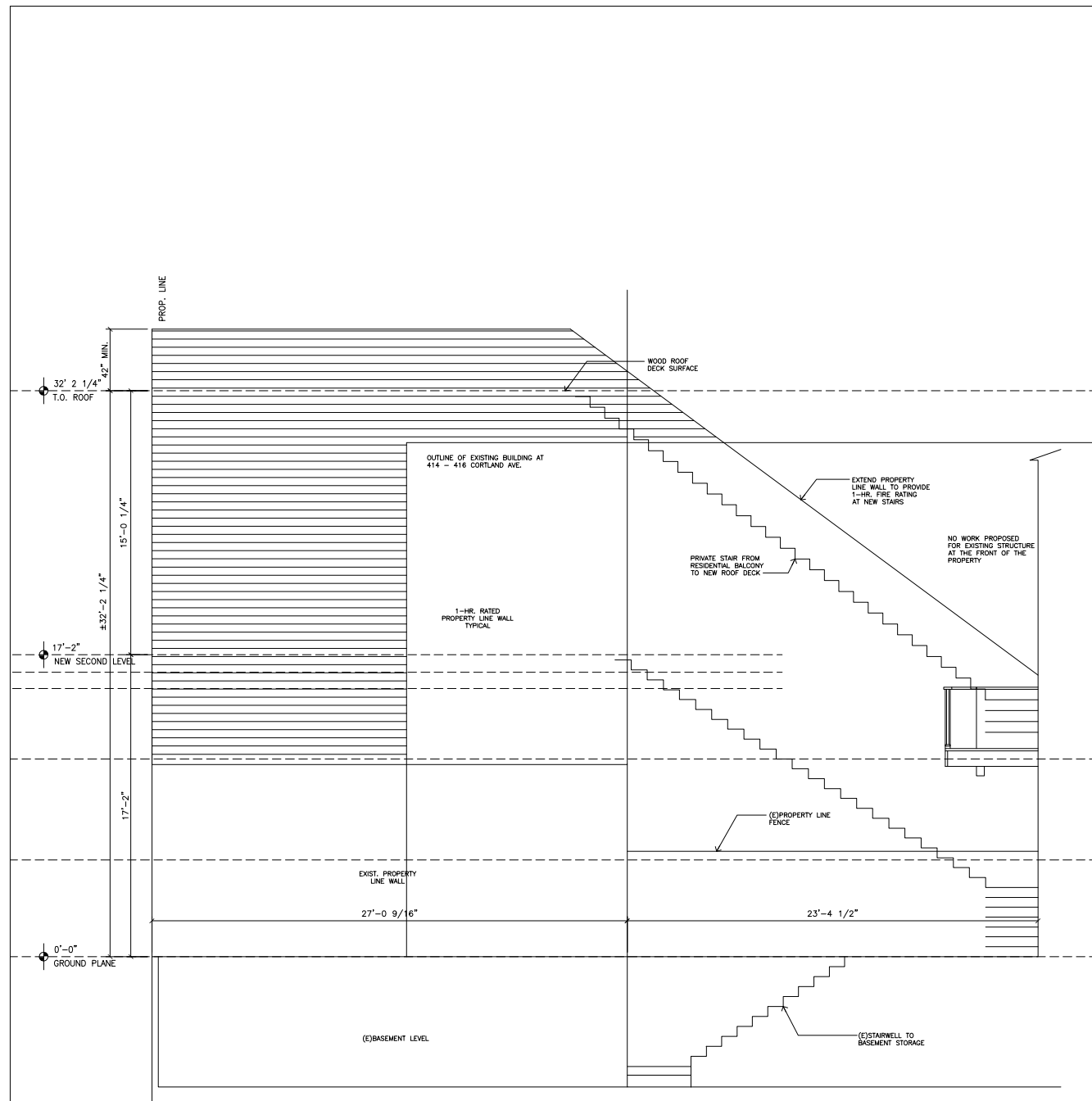
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408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

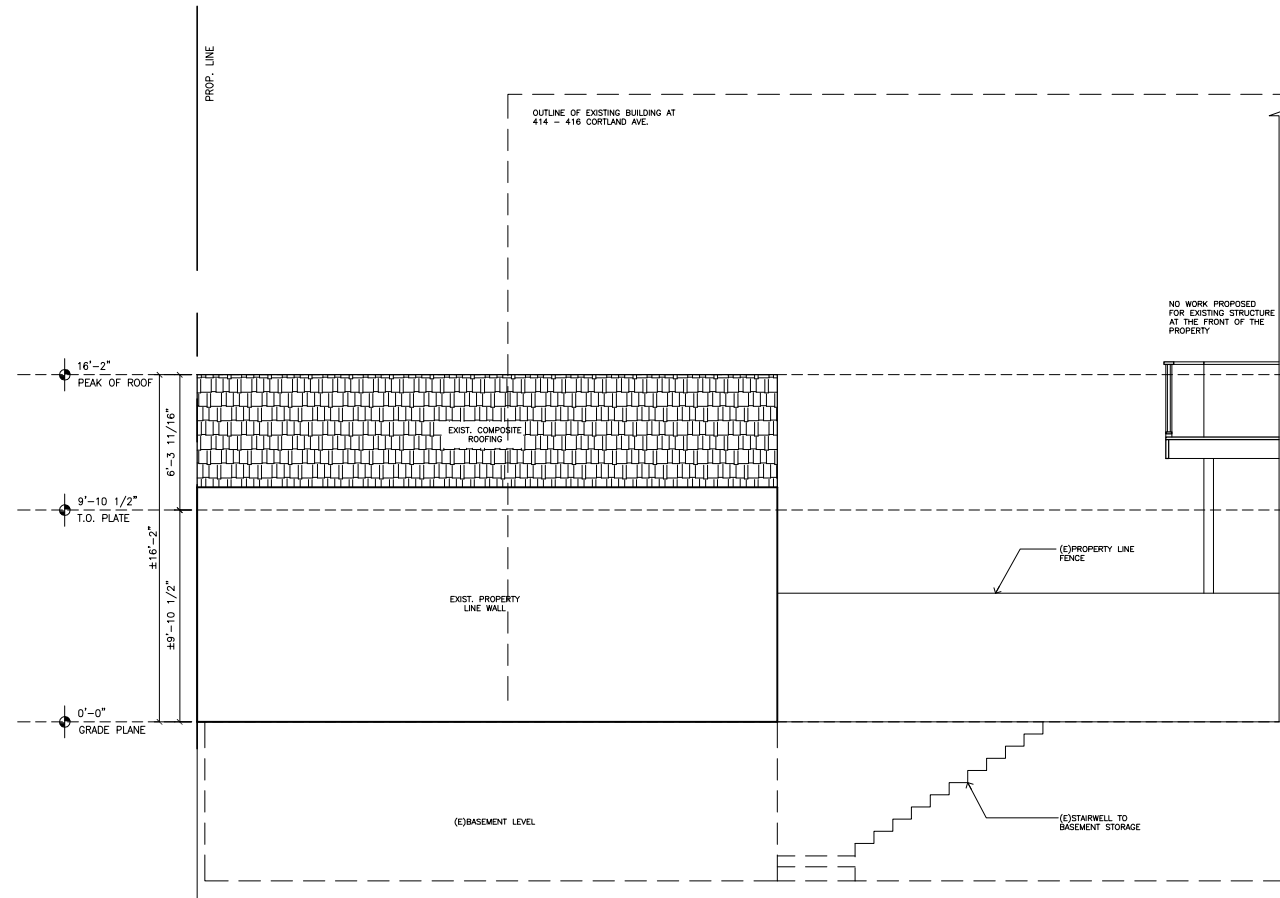
2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
 WWW.HAVELARCHITECTS.COM



**REAR BUILDING - PROP. EAST ELEVATION**

1/4"=1'-0"

2



**REAR BUILDING - EXIST. EAST ELEVATION**

1/4"=1'-0"

1

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL  
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**EXTERIOR ELEVATIONS**

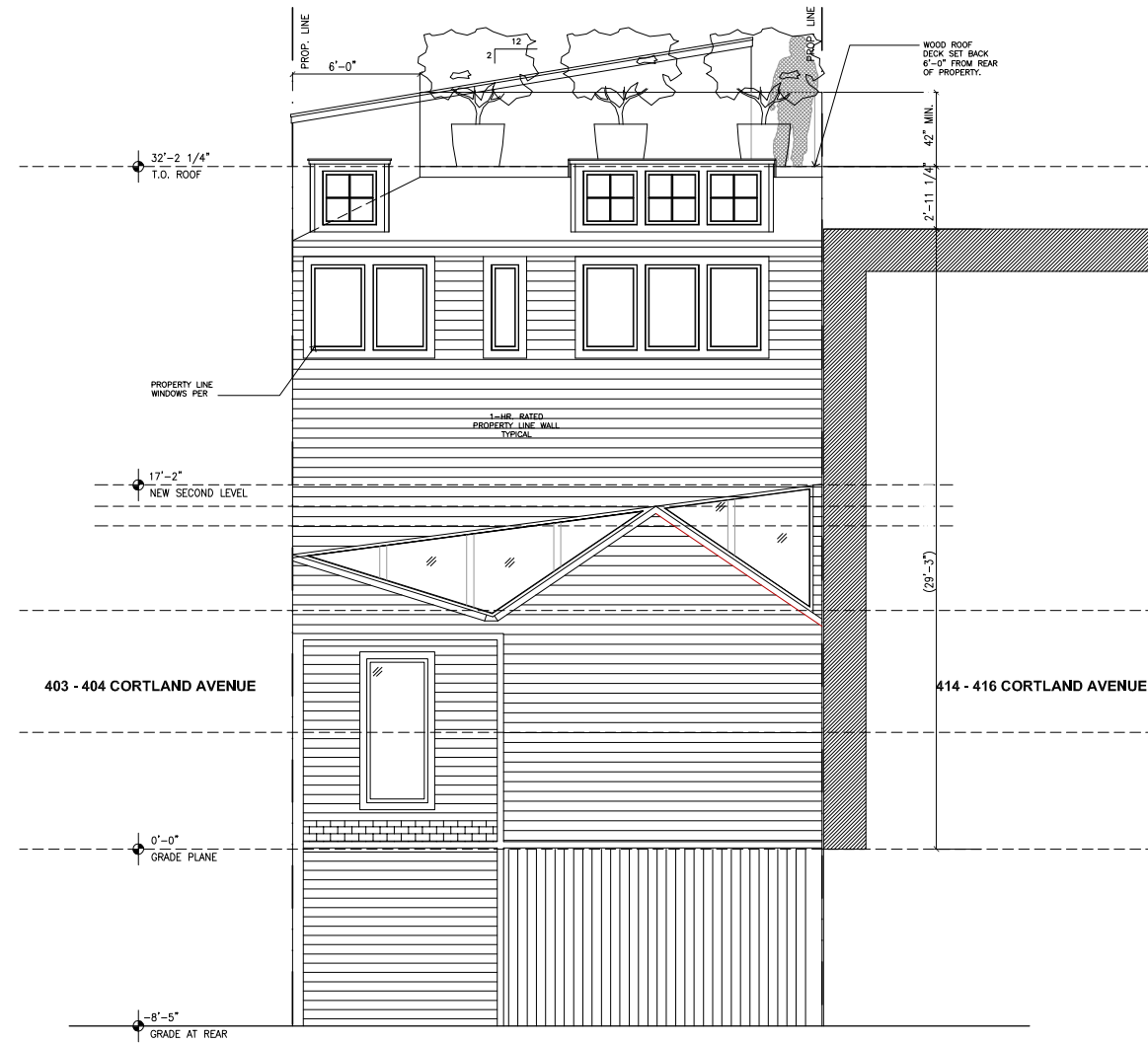
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 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A303**

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

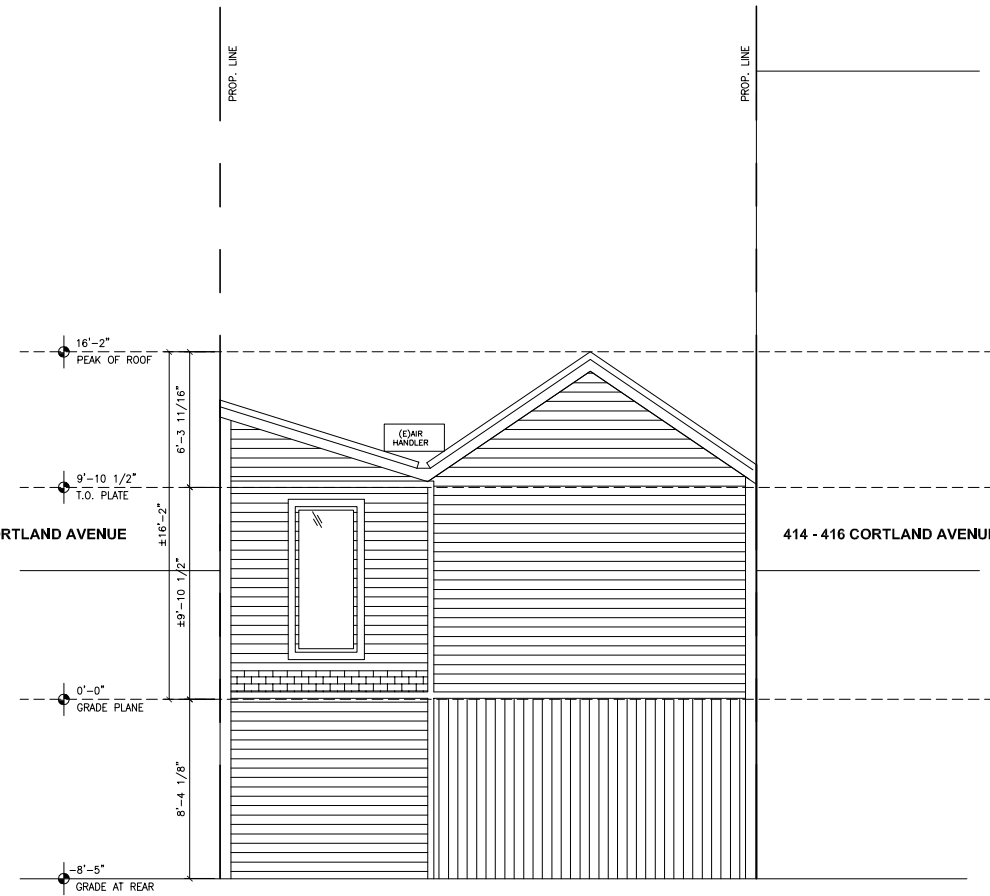
2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
 WWW.HAVELARCHITECTS.COM



**REAR BUILDING - PROP. SOUTH ELEVATION**

1/4"=1'-0"

2



**REAR BUILDING - EXIST. SOUTH ELEVATION**

1/4"=1'-0"

1

12.20.2018 ENVIRONMENTAL EVALUATION

03.01.2017 VARIANCE SUBMITTAL

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**EXTERIOR ELEVATIONS**

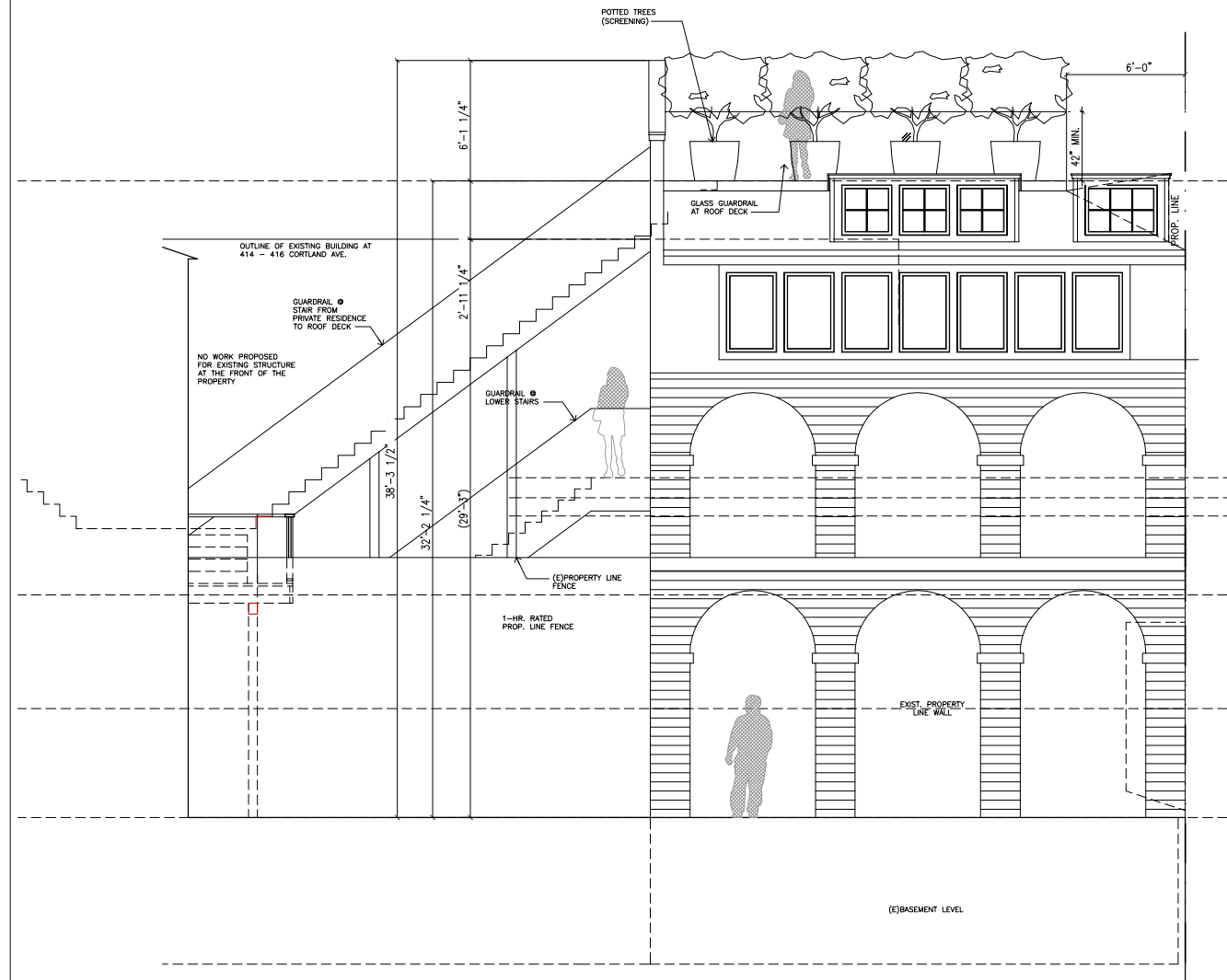
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 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A304**

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

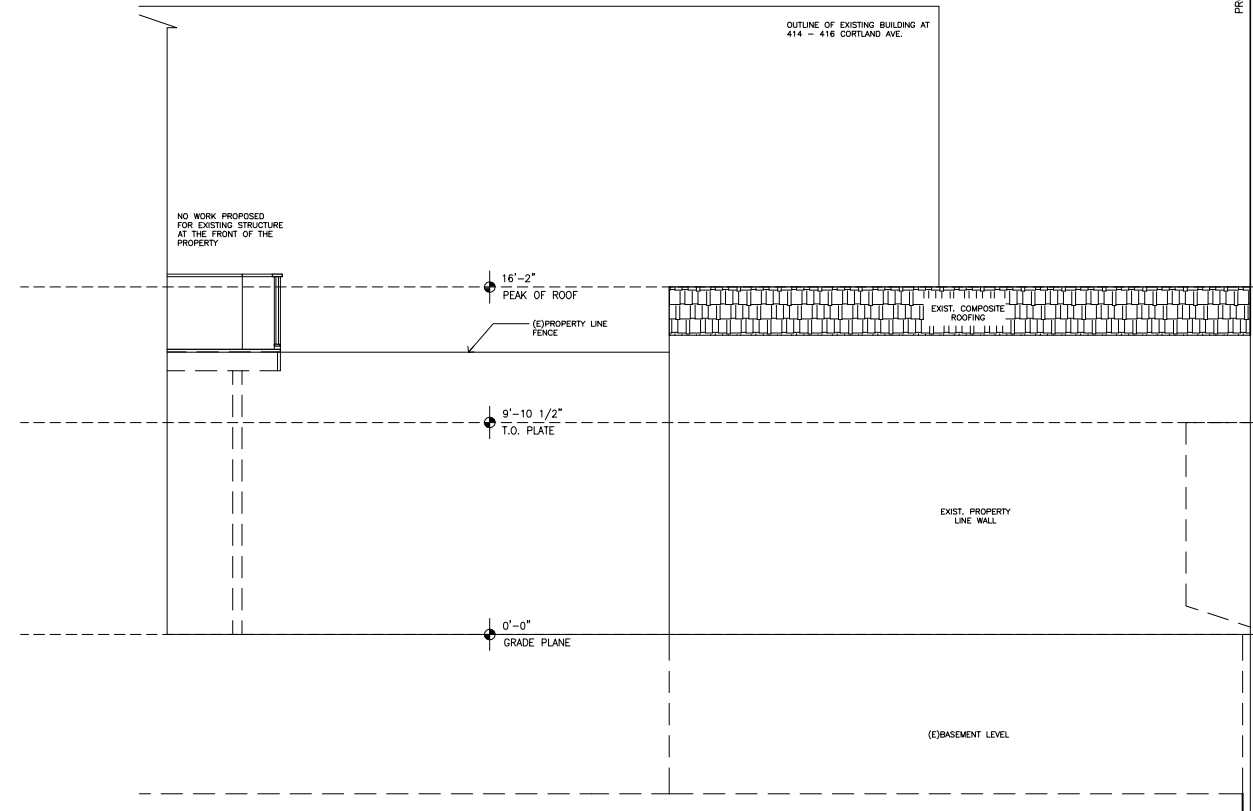
2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
 WWW.HAVELARCHITECTS.COM



**REAR BUILDING - PROP. WEST ELEVATION**

1/4"=1'-0"

2



**REAR BUILDING - EXIST. WEST ELEVATION**

1/4"=1'-0"

1

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL

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**EXTERIOR ELEVATIONS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A305**

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

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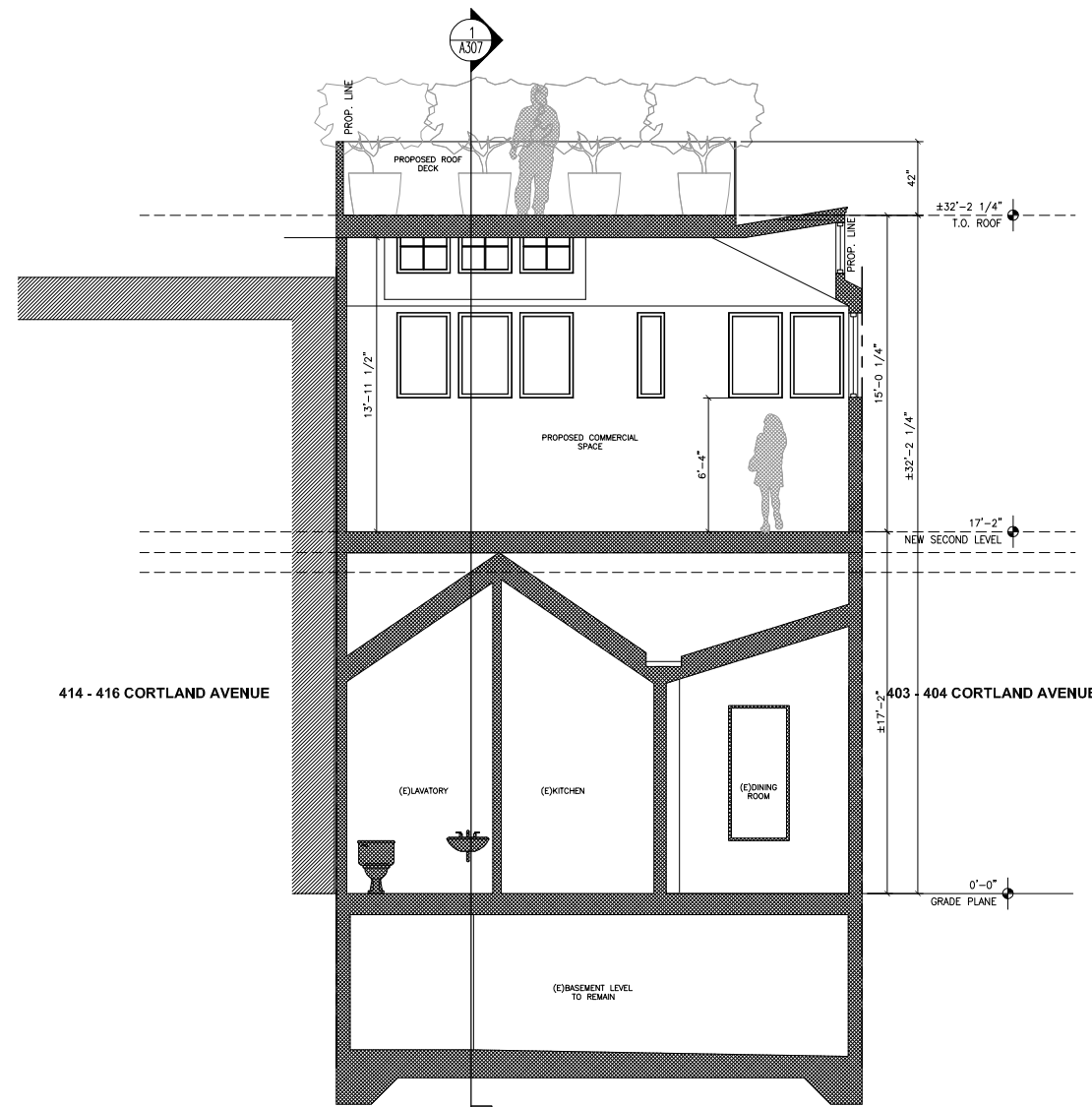


12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL  
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**BUILDING SECTIONS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

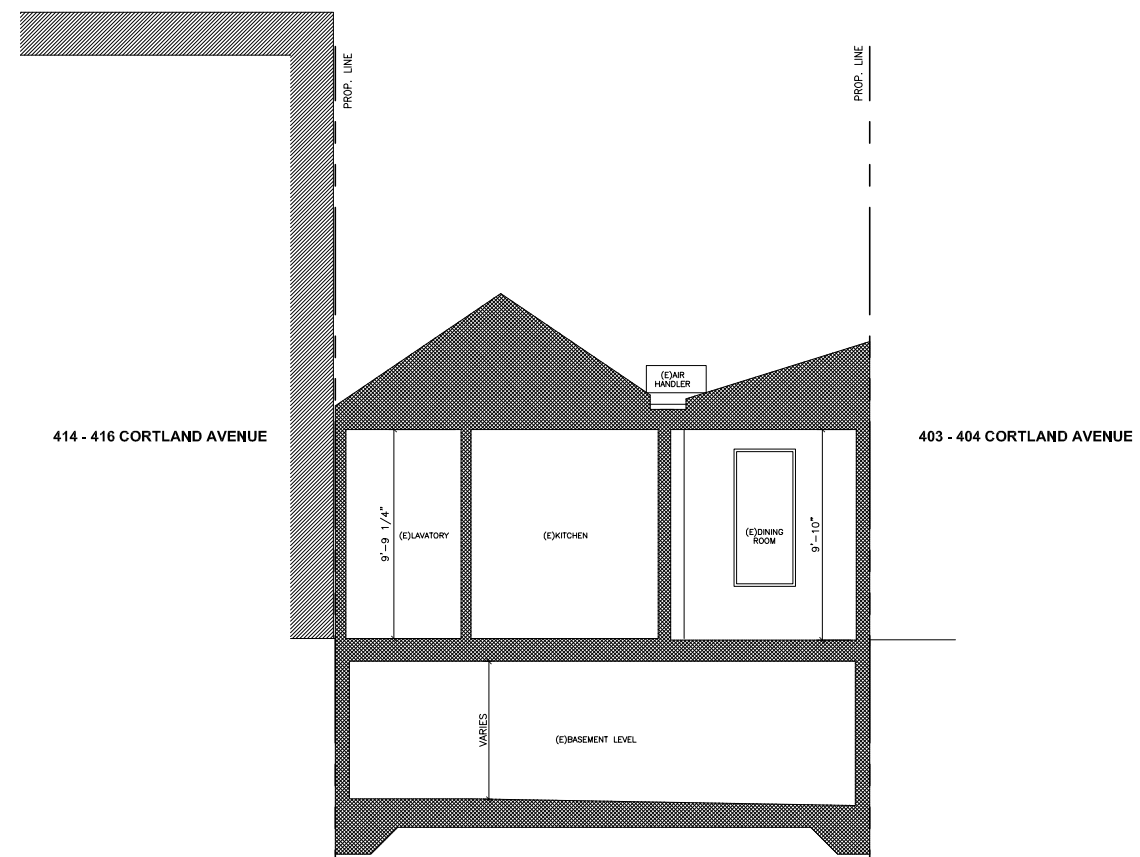
**A306**



**REAR BUILDING - PROP. CROSS SECTION**

1/4"=1'-0"

2



**REAR BUILDING - EXIST. CROSS SECTION**

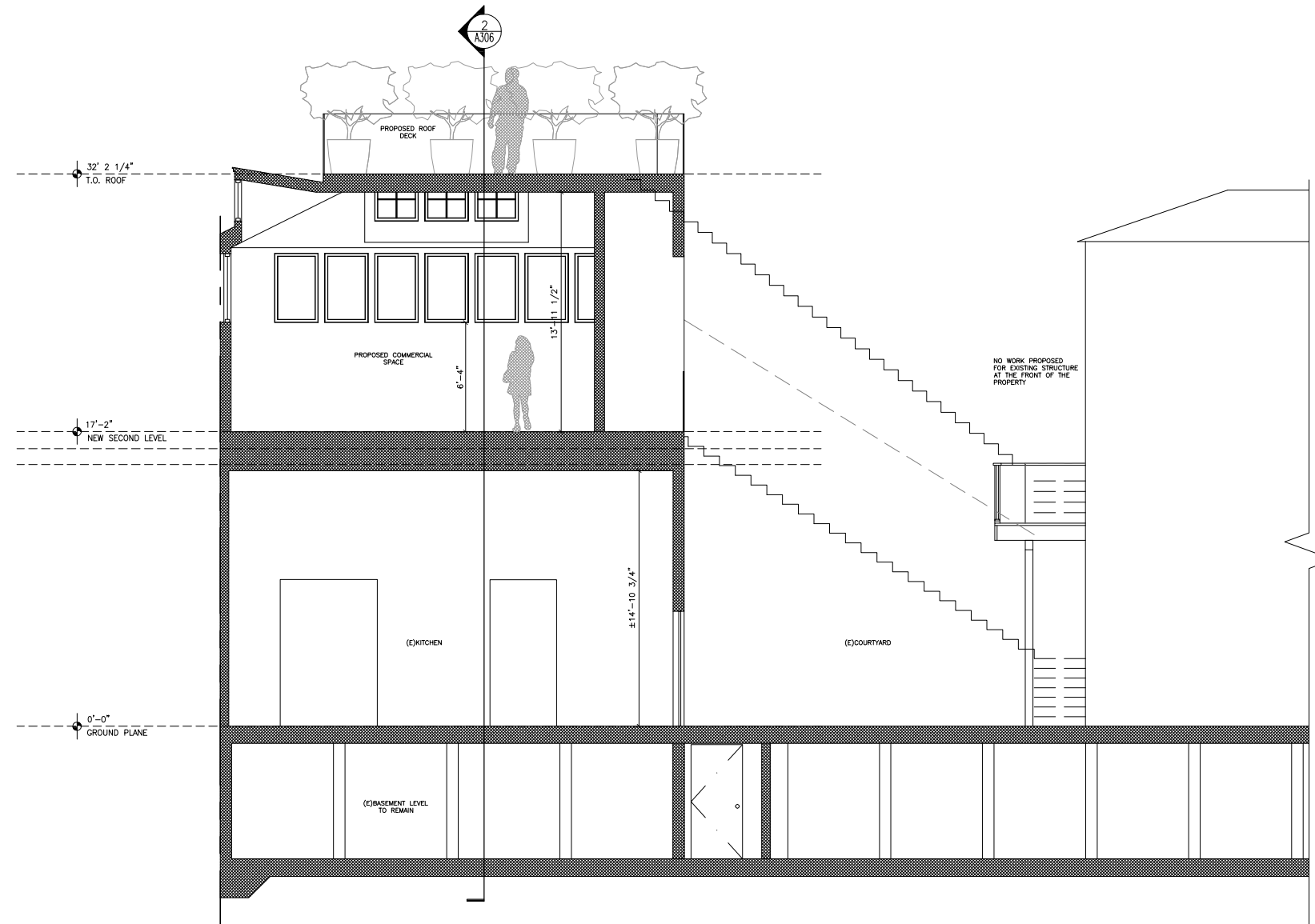
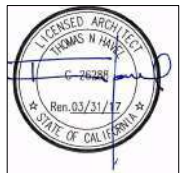
1/4"=1'-0"

1

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

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 San Marino, California 91108  
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**REAR BUILDING - PROP. PARTIAL LONGITUDINAL SECTION** ①  
 1/4"=1'-0"

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL

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**BUILDING SECTIONS**

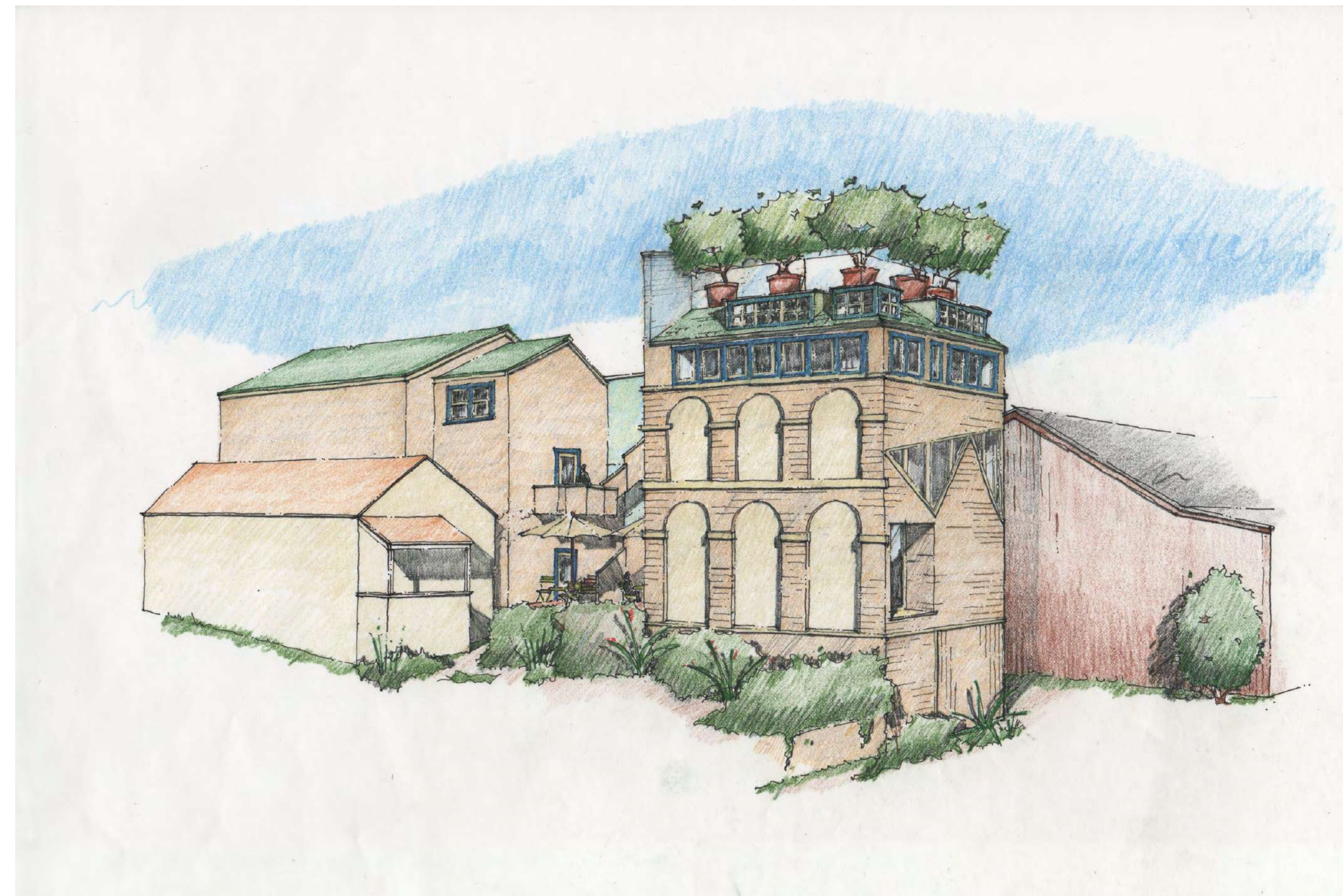
Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A307**

408-412 Cortland Avenue  
San Francisco, CA 94110  
Block #5678 Lot #025

**Havel Architects**

2627 Mission Street, Suite #5  
San Marino, California 91108  
(626) 792-2900  
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PERSPECTIVE 2

2



PERSPECTIVE 1

1

03.01.2017 VARIANCE SUBMITTAL

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**RENDERINGS**

Project Number:  
14017.00  
Date:  
03.01.2017  
Scale:  
As Noted  
Drawn By:  
TNH

**A401**

# Green Building: Site Permit Submittal

Attachment C-2: Version: July 1, 2014

## BASIC INFORMATION:

These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.

Project Name CORTLAND M XED USE	Block/Lot 5678/025	Address 408- 412 CORTLAND ST
Gross Project Area 1320 SF	Primary Occupancy B	Number of occupied floors 2
Design Professional/Applicant: Sign & Date		

## Instructions:

As part of application for site permit, this form acknowledges the specific green building requirements that apply to a project under San Francisco Green Building Code, California Title 24 Part 11, and related codes. Attachment C3, C4, C5, C6, C7, or C8 will be due with the applicable addendum. To use the form:

(a) Provide basic information about the project in the box at left. This info determines which green building requirements apply.

## AND

(b) Indicate in one of the columns below which type of project is proposed. If applicable, fill in the blank lines below to identify the number of points the project must meet or exceed. A LEED or GreenPoint checklist is not required to be submitted with the site permit application, but using such tools as early as possible is strongly recommended.

Solid circles in the column indicate mandatory measures required by state and local codes. For projects applying LEED or GreenPoint Rated, prerequisites of those systems are mandatory. See relevant codes for details.

## ALL PROJECTS, AS APPLICABLE

<b>Construction activity stormwater pollution prevention and site runoff controls</b> - Provide a construction site Stormwater Pollution Prevention Plan and implement SFPUC Best Management Practices.	●
<b>Stormwater Control Plan:</b> Projects disturbing ≥5,000 square feet must implement a Stormwater Control Plan meeting SFPUC Stormwater Design Guidelines	●
<b>Water Efficient Irrigation</b> - Projects that include ≥ 1,000 square feet of new or modified landscape must comply with the SFPUC Water Efficient Irrigation Ordinance.	●
<b>Construction Waste Management</b> – Comply with the San Francisco Construction & Demolition Debris Ordinance	●
<b>Recycling by Occupants:</b> Provide adequate space and equal access for storage, collection and loading of compostable, recyclable and landfill materials. See Administrative Bulletin 088 for details.	●

## GREENPOINT RATED PROJECTS

<b>Proposing a GreenPoint Rated Project</b> (Indicate at right by checking the box.)	
Base number of required Greenpoints:	75
Adjustment for retention / demolition of historic features / building:	
Final number of required points (base number +/- adjustment)	
<b>GreenPoint Rated</b> (i.e. meets all prerequisites)	●
<b>Energy Efficiency:</b> Demonstrate a 10% energy use reduction compared to Title 24, Part 6 (2013).	●
<b>Meet all California Green Building Standards Code requirements</b> (CalGreen measures for residential projects have been integrated into the GreenPoint Rated system.)	●

## Notes

- 1) New residential projects of 4 or more occupied floors must use the "New Residential High-Rise" column. New residential with 3 or fewer occupied floors must use the "New Residential Low Rise" column.
- 2) LEED for Homes Mid-Rise projects must meet the "Silver" standard, including all prerequisites. The number of points required to achieve Silver depends on unit size. See LEED for Homes Mid-Rise Rating System to confirm the base number of points required.

## LEED PROJECTS

	New Large Commercial	New Low Rise Residential	New High Rise Residential	Large First Time Commercial Interior	Commercial Major Alteration	Residential Major Alteration
<b>Type of Project Proposed</b> (Indicate at right)						
<b>Overall Requirements:</b>						
<b>LEED certification level</b> (includes prerequisites):	GOLD	SILVER	SILVER	GOLD	GOLD	GOLD
Base number of required points:	60	2	50	60	60	60
Adjustment for retention / demolition of historic features / building:				n/a		
Final number of required points (base number +/- adjustment)				50		
<b>Specific Requirements:</b> (n/r indicates a measure is not required)						
<b>Construction Waste Management – 75% Diversion</b> AND comply with San Francisco Construction & Demolition Debris Ordinance - LEED MR 2, 2 points	●	●	●	●	Meet C&D ordinance only	●
<b>Energy Use</b> Comply with California Title-24 Part 6 (2013) and meet LEED minimum energy performance (LEED EA p2)	●	LEED prerequisite	●	●	LEED prerequisite only	
<b>Renewable Energy or Enhanced Energy Efficiency Effective 1/1/2012:</b> Generate renewable energy on-site ≥1% of total annual energy cost (LEED EAc2), OR Demonstrate at least 10% energy use reduction (compared to Title 24 Part 6 2013), OR Purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).	●	n/r	n/r	n/r	n/r	n/r
<b>Enhanced Commissioning of Building Energy Systems</b> LEED EA 3	●	Meet LEED prerequisites				
<b>Water Use - 30% Reduction</b> LEED WE 3, 2 points	●	Meet LEED prerequisite	●	Meet LEED prerequisite		
<b>Enhanced Refrigerant Management</b> LEED EA 4	●	n/r	n/r	●	●	n/r
<b>Indoor Air Quality Management Plan</b> LEED IEQ 3.1	●	CalGreen 4.504.1	CalGreen 4.504.1	CalGreen 5.504.3	CalGreen 5.504.3	CalGreen 4.504.1
<b>Low-Emitting Materials</b> LEED IEQ 4.1, 4.2, 4.3, and 4.4	●	●	●	●	●	●
<b>Bicycle parking:</b> Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater, or meet LEED credit SSc4.2.	●	See San Francisco Planning Code 155			See San Francisco Planning Code 155	
<b>Designated parking:</b> Mark 8% of total parking stalls for low-emitting, fuel efficient, and carpool/van pool vehicles.	●			●	n/r	n/r
<b>Water Meters:</b> Provide submeters for spaces projected to consume more than 1,000 gal/day, or more than 100 gal/day if in building over 50,000 sq. ft.	●	n/r	n/r	●	(addition only)	n/r
<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit IEQ 5).	●	n/r	n/r	●	●	n/r
<b>Air Filtration:</b> Provide MERV-13 filters in residential buildings in air-quality hot-spots (or LEED credit IEQ 5). (SF Health Code Article 38 and SF Building Code 1203.5)	n/r	●	●	n/r	n/r	●
<b>Acoustical Control:</b> wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40.	●	See CBC 1207		●	(envelope alteration & addition only)	n/r

## OTHER APPLICABLE NON-RESIDENTIAL PROJECTS

Requirements below only apply when the measure is applicable to the project. Code references below are applicable to New Non-Residential buildings. Corresponding requirements for additions and alterations can be found in Title 24 Part 11, Division 5.7. Requirements for additions or alterations apply to applications received July 1, 2012 or after. <sup>1</sup>	Other New Non-Residential	Addition ≥1,000 sq ft OR Alteration ≥\$200,000 <sup>3</sup>
<b>Type of Project Proposed</b> (Check box if applicable)		
<b>Energy Efficiency:</b> Comply with California Energy Code, Title 24, Part 6 (2013).	●	●
<b>Bicycle parking:</b> Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater (or LEED credit SSc4.2).	●	●
<b>Fuel efficient vehicle and carpool parking:</b> Provide stall marking for low-emitting, fuel efficient, and carpool/van pool vehicles; approximately 8% of total spaces.	●	●
<b>Water Meters:</b> Provide submeters for spaces projected to consume >1,000 gal/day, or >100 gal/day if in buildings over 50,000 sq. ft.	●	Addition only
<b>Indoor Water Efficiency:</b> Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets, and urinals.	●	●
<b>Commissioning:</b> For new buildings greater than 10,000 square feet, commissioning shall be included in the design and construction of the project to verify that the building systems and components meet the owner's project requirements. OR for buildings less than 10,000 square feet, testing and adjusting of systems is required.	●	● (Testing & Balancing)
<b>Protect duct openings and mechanical equipment during construction</b>	●	●
<b>Adhesives, sealants, and caulks:</b> Comply with VOC limits in SCAQMD Rule 1168 VOC limits and California Code of Regulations Title 17 for aerosol adhesives.	●	●
<b>Paints and coatings:</b> Comply with VOC limits in the Air Resources Board Architectural Coatings Suggested Control Measure and California Code of Regulations Title 17 for aerosol paints.	●	●
<b>Carpet:</b> All carpet must meet one of the following: 1. Carpet and Rug Institute Green Label Plus Program, 2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350), 3. NSF/ANSI 140 at the Gold level, 4. Scientific Certifications Systems Sustainable Choice, OR 5. California Collaborative for High Performance Schools EQ 2.2 and listed in the CHPS High Performance Product Database AND carpet cushion must meet Carpet and Rug Institute Green Label, AND indoor carpet adhesive & carpet pad adhesive must not exceed 50 g/L VOC content.	●	●
<b>Composite wood:</b> Meet CARB Air Toxics Control Measure for Composite Wood	●	●
<b>Resilient flooring systems:</b> For 80% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria or certified under the Resilient Floor Covering Institute (RFCI) FloorScore program.	●	●
<b>Environmental Tobacco Smoke:</b> Prohibit smoking within 25 feet of building entries, outdoor air intakes, and operable windows.	●	●
<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings.	●	●
<b>Acoustical Control:</b> Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40.	●	● (envelope alteration & addition only)
<b>CFCs and Halons:</b> Do not install equipment that contains CFCs or Halons.	●	●
<b>Additional Requirements for New A, B, I, OR M Occupancy Projects 5,000 - 25,000 Square Feet</b>		
<b>Construction Waste Management</b> – Divert 75% of construction and demolition debris AND comply with San Francisco Construction & Demolition Debris Ordinance.	●	Meet C&D ordinance only
<b>Renewable Energy or Enhanced Energy Efficiency Effective January 1, 2012:</b> Generate renewable energy on-site equal to ≥1% of total annual energy cost (LEED EAc2), OR demonstrate a 10% energy use reduction compared to Title 24 Part 6 (2013), OR purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).	●	n/r

408-412 Cortland Avenue  
San Francisco, CA 94110  
Block #5678 Lot #025

## Havel Architects

2627 Mission Street, Suite #5  
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## 03.01.2017 VARIANCE SUBMITTAL

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## GREEN BUILDING

Project Number:  
14017.00  
Date:  
03.01.2017  
Scale:  
As Noted  
Drawn By:  
TNH

# C2

# BRIEF SUBMITTED BY THE APPELLANT(S)



1 Maher Memarzadeh  
2 536 15<sup>th</sup> Street  
3 Santa Monica, CA 90402  
4 Telephone: (310) 310-5584  
5 Email: maher@ucla.edu

6 *In Propria Persona*

7 BOARD OF APPEALS  
8 CITY AND COUNTY OF SAN FRANCISCO

9 MAHER MEMARZADEH, ) BOA Case No.: 21-050  
10 )  
11 Appellant, ) **APPELLANT’S BRIEF**  
12 )  
13 vs. )  
14 ) **Date:** October 27, 2021  
15 ) **Time:** 5:00 pm  
16 ZONING ADMINISTRATOR COREY )  
17 TEAGUE OF THE SAN FRANCISCO )  
18 DEPARTMENT OF PLANNING, ) **Subject property:** 408-412 Cortland Ave  
19 ) **SF Planning Application No:** 2015-008499VAR  
20 )  
21 Respondent. )

22 **INTRODUCTION**

23 Appellant Dr Maher Memarzadeh (“Appellant”), is the owner of 408-412 Cortland Avenue.  
24 Appellant appeals the determination by the San Francisco Planning Department’s Zoning  
25 Administrator (“ZA”) denying his application for a Rear-Yard Variance for a one-story vertical  
26 addition to an existing rear structure at his property.

27 Appellant through the Project Sponsor, also a CA Licensed Architect, has worked closely with  
28 Project Planner Kimberly Durandet (“Durandet”). From the July 2015 Project Review Meeting to the  
29 August 2017 Site Visit, during which Durandet prompted Appellant to undertake the CEQA process  
30 which granted the front façade of Appellant’s property “A-Historic Resource Present” status but  
31 required the exorbitant historic resource preservation firm Page Turnbull’s evaluation (2018-19), there  
32 was no doubt that Applicant, was seeking to achieve his constitutionally-guaranteed substantial  
33 property right as was discussed at the 2015 Project Review Meeting owing to exceptional and  
34 extraordinary circumstances of the subject property not *generally* applicable to other property in the  
35 same class of district or in the vicinity under identical zoning classification, cardinally that of

1 topography.<sup>1</sup> Through the whole process, Applicant hired scores of experts: certified planners, CA  
2 State licensed architects, CA State licensed engineers, and CA State Bar licensed land-use attorneys to  
3 assist in filing the Variance Application, including architect-prepared and presented plans, elevations,  
4 sections, and a Narrative that provides the reasoning for the Rear-Yard Variance causing *no change* to  
5 footprint of the rear structure.

6 Appellant proceeds with this appeal on grounds that his Rear-Yard Variance Application is  
7 reasonable and addresses the criteria of the Code as well as all concerns raised by the ZA in the  
8 08/26/2021 Revised Variance Decision Letter (“RVDL”).<sup>2</sup> Appellant respectfully requests that the  
9 Board of Appeals (“BOA”) grant his appeal by producing an order to overturn the decision of the ZA  
10 based upon the finding that the ZA erred and abused his discretion in issuing the 08/26/2021 RVDL  
11 without possessing the requisite facts, and had knowledge that the facts he did possess were disputed  
12 facts.<sup>3</sup> In case of a Modification, Appellant requests that the 08/26/2021 RVDL be subjected to a Site-  
13 Visit to correct its factual errors.<sup>4</sup> Further, Appellant requests that the ZA recuse himself based upon  
14 his disclosed biases and/or undisclosed conflicts of interest.<sup>5</sup>

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16 <sup>1</sup> The historic evaluation process is explicated in two key SF Planning Department publications: “SAN  
17 FRANCISCO PRESERVATION BULLETIN NO. 16 City and County of San Francisco Planning Department  
18 CEQA Review Procedures for Historic Resources” and “CATEGORICAL EXEMPTIONS FROM THE  
19 CALIFORNIA ENVIRONMENTAL QUALITY ACT.” Staff members are incentivized to determine every  
applicable property’s Historic Resource Status. Durandet was aware that if the rear building was not determined to  
be an historic resource, Durandet could then recommend that it be demolished.

20 <sup>2</sup> The 05/24/2021 Variance Decision Letter was rescinded because of the ZA’s own admission that he had “not  
21 conducted exhaustive review” of the permit history in his email of Jun 3, 2021, 1:47 PM: “In my haste to get this  
and other letters issued, I mistakenly referenced a superseded set of plans for this project, which accounts for some  
of the discrepancy.”

22 <sup>3</sup> Applicant Memarzadeh had requested that the ZA conduct a Site Visit on various occasions when the facts were  
23 disputed. However, the ZA refused to make “the required investigation to establish facts and special conditions  
when those facts and special conditions are unique conditions and aspects of the site not easily understood through  
other media.” The ZA could have prevented reliance on clear physical factual errors had he made a Site Visit.  
Those multiple material factual errors are displayed at both the VDL and the Revised VDL. See Footnote 6.

24 <sup>4</sup> Yokley, EC. Zoning Law and Practice. (1953; §130): “The Board...established pursuant to statute cannot refuse  
25 to perform the functions prescribed therein.” And “The Board has the duty to consider the ‘specific case’ of the  
applicant and to determine whether ‘special conditions’ warrant the granting of a variance.”

26 <sup>5</sup> Both at the VDL and at the RVDL, treatment of the project has been irregular: “the existing one-story residential  
27 building at the rear of the lot” (p.01-02/05, VDL); “[t]he existing building at the rear of the lot ...contains a  
dwelling unit” (p. 01-05, VDL); “rear structure contains a dwelling unit” (p. 02/05, VDL); “the property is already  
developed with ... multiple dwelling units” (p. 03-05, VDL); “... existing building at rear of lot already obstructs  
deeper than adjacent buildings” (p. 03/05, VDL); “not a typical or usual development pattern” (p.03/05, RVDL);  
28 “the proposal is atypical and impactful to the vicinity” (p.03/05, RVDL). Additionally the ZAs representation is  
internally inconsistent: “3-story building presence (p.03/05, VDL) vs. “4-story building presence” (p.03/05, RVDL)  
and “4-story mass at the rear.” (p.04/05, RVDL).

**FACTUAL ERRORS OF THE RVDL**

**A. Finding 1 [SF Planning Code 305(c)(1)]**

•**ERROR1** “There are no exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.” (RVDL, p.02/05)

• Expert finding **CA Licensed Engineer Rodrigo Santos, S.E., P.E.** (Lic.No.2984SE; Lic.No.37153CE): “It is erroneous to state there ‘are no exceptional or extraordinary circumstances applying to the property involved.’ It is a fact and undeniable that ‘topography’ of the landform caused the requirement for seismic upgrades and structural improvements in 1996-1997, demolition of which would make rebuilding technically infeasible and unduly burdensome, and necessitate the undertaking of the same work at the same lot but 25 feet to the north. The natural topography of the land and previous upgrades to respond to that topography qualify as the exceptional and extraordinary circumstances that do not apply *generally* to other property in the same class of district.” **EXH 41 SANTOS-URRUTIA 1996-97 STRUCTURAL DRAWINGS**

•**ERROR2** “The subject lot is a typical lot, being 25 feet wide, 100 feet deep, of regular shape, and containing no significant slope.” [Emphasis added] (RVDL, p.02/05)

• Expert finding **CA Licensed Engineer Peter J. Bekey, C.E.** (Lic.No.14786CE): “It is false to state that the subject lot contains ‘no significant slope.’ Compared to the topography at Blocks 5660, 5661, 5668, 5669, 5676, 5677, 5680, 5681, 5682, the topography at Block 5678 and at the northwesterly part of that Block (5678) and the slope at lot 025 of Block 5678 is substantial and significant.<sup>6</sup> **EXH 42 A-E:**

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There is necessity in the application of both Local Ordinance **AND** State Law: “...the preservation of a substantial property right... possessed by other property in the same class of district,” (SFPC§305(c)(3)) **AND** “deprivation [of] such property privileges enjoyed by other property in the vicinity and under identical zoning classification.” (CA Gov. Code §65906)

<sup>6</sup> “The Subject Property, lot 025, is near the southeast corner of Cortland and Bennington. Cortland, for several blocks to the east of Bennington has a flat slope of 1.7% to 0.35%, and for several blocks to the west of Bennington has a slope of 7%. In this area the roads intersecting Cortland from the north, have downhill slopes to Cortland in the range of 9.5% to 11.5%. The roads intersecting with Cortland from the south, easterly of Bennington, slope southerly at 9.5% to 15%, and the ones westerly slope northerly at 11.4% to 13%. Bennington seems to be the dividing line between streets sloping northerly and southerly, and has a slope of 3.9% in the northerly direction, which results in the intersection of Bennington and Ellert being about 8 feet higher than Cortland, and causing the westerly 150 feet of Ellert to have a slope of 18%. This has a negative impact on lots in the westerly quarter of Block 5678, the area within which the subject lot 025 is located. Block 5678, where the subject property is located, is where the slope of the cross streets to Cortland change the direction of their slope. This change of slope on Cortland at Bennington, and the change in the direction of the slope of the cross streets on the south side of

1 •**ERROR3** “Any previous slope on the lot is effectively neutralized by the basement  
2 story, which covers the entire lot and provides a level area to construct above.” (RVDL, p.02/05)

3 • Expert finding **CA Licensed Engineer Rodrigo Santos, S.E., P.E.**: “It is inaccurate and  
4 misleading in a structural sense to characterize any slope on a lot as ‘neutralized’ by a built  
5 improvement such as a basement story even if it ‘covers the entire lot and provides a level area  
6 to construct above.’ The Santos-Urrutia Structural Calculations from 1996-1997 required 23-  
7 pages to speak to the pre-existing slope that the ZA reports as ‘effectively neutralized.’ It cannot  
8 be disregarded that massing at the courtyard would still require major, expensive and high-risk,  
9 shoring and underpinning. That fact is ignored in the RVDL. Owner Dr Memarzadeh seeks to  
10 minimize disturbance to the existing landform caused from erecting tall retaining walls and  
11 shoring to sustain the excavation relevant to the Planning recommended demolition. The  
12 landform presents a 40-foot slope in one city block, a 17-foot slope within the northwesterly part  
13 of that block, and an 11-foot slope within the subject property.”<sup>7</sup> **EXH 43-44**

14 • Expert finding **CA Licensed Property Broker-Agent Chris Tracy**, CA Dept. of Insurance  
15 (Lic.No.0M43250), “...as relates to insurance and general risk management principles, that any  
16 course of action involving demolition increases hazards and therefore negatively impacts the  
17 safety profile of the property in question. Not only that, but risks involving demolition are likely  
18 to increase insurance costs and adversely impact insurability.” (April 2021) **EXH 45**

19 •**ERROR4** “The surrounding lots on the subject block are also of typical size and shape  
20 and create a regular block layout.” (RVDL, p.02/05)

21 • Expert finding **CA Licensed Engineer Peter Bekey, C.E.**: “The RVDL is not accurate where it  
22 states: ‘The surrounding lots on the subject block are also of typical size and shape and create a

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23 Cortland, also occurring at Bennington, has a negative impact on lot 025 of Block 5678, which results in an east-  
24 west slope of 1.7% on the fronting Cortland, and an east-west slope of 18% on Ellert at the rear of that lot, which is  
25 a large differential, warping the Block. This is an exceptional and extraordinary situation for lot 025, compared to  
26 other properties in the adjacent blocks fronting Cortland.” CA Licensed Engineer Peter J. Bekey, C.E.  
(Lic.No.14786CE): Apr 10, 2021, 7:21 AM & Oct 13, 2021, 2:54 PM.

26 Expert Engineer Bekey earmarked: 5676, 5677, 5680, 5681, 5682 and Appellant Memarzadeh earmarked: 5660,  
27 5661, 5668, 5669 on either side of the Cortland Commercial District as Blocks exhibiting much less slope than the  
28 subject block and lots within those Blocks as exhibiting much less slope than the subject lot. Together, they  
demonstrate that the topographical conditions at APN5678025 and the blocks at the Cortland Commercial District  
(NCD) do not apply *generally* to other property in the same class of district (NCD) pursuant to SFPC§305(c)(1).

<sup>7</sup> See *Orinda Assn. v. Board of Supervisors* (1986) for topography impacting landforms comprising individual lots.  
*Wheeler v. Gregg* (1949) and *Miller v. Board of Supervisors* (1981) contain definitions of landform  
area/surroundings.

1 regular block layout,' simply because the SF Assessor Recorder's Plan for Block 5678  
2 evidences lot 025 has a different shape and size when compared to lots 001, 008, 009, 016, 017,  
3 018, 032, 033, 034, 035." **ExH 46A-B**

4 •**ERROR5** "The property is already well-developed." [Emphasis added] (RVDL,  
5 p.02/05)

- 6 • Expert finding **CA Licensed Architect Thomas N Havel**: "It is not accurate to state that the  
7 subject property is 'already well-developed.' Floor Area Ratio (FAR) is a metric used to  
8 evaluate the density of development. The SF Planning Code (SFPC) §738 allows an FAR of  
9 2.5:1. The FAR figure for the subject property is: 1.37:1. The FAR figure for APN5678026 is  
10 1.46:1. The FAR figure for APN5678027 is 1.66:1. Thus, the FAR of the subject property as  
11 compared to the FARs of the adjacent parcels, namely lots 027 and 026, clearly prove that the  
12 subject property is deprived of privileges enjoyed by 'other property in the same class of district'  
13 (SFPC§305(c)(1)) and deprived 'of privileges enjoyed by other property in the vicinity under  
14 identical zoning classification (lots 026 and 027).'" (CA Gov. Code §65906). **EXH 47: FAR CALCS**
- 15 • Expert finding **CA Licensed Architect Thomas N Havel**: "The property is NOT 'well-  
16 developed': no net increase of building has been erected after 1911 based upon the SFDBI  
17 Permit History which demonstrates that since 1911, the type of work done qualified as  
18 'development' requiring DBI permission is limited to the 'Horizontal Addition of a Deck'  
19 (1997) and the 'Seismic Upgrade' (1997), the former of which the DBI Permit itself  
20 acknowledged as limited to 'Remove dry-rotted stairs/deck between buildings, install new  
21 deck/stairs. Deck encloses area under and connects the two buildings.' The ZA erroneously  
22 cites the 3-R Report in lieu of DBI Permits and Certificates of Completion which definitively  
23 identify the rear structure as commercial. 3-R Reports ('Reports of Residential Building  
24 Records') would not conceal the past history of a building and would be used in conjunction  
25 with the DBI Permit History for the most up-to-date information about a property.'" **EXH 48-49-50**

26  
27  
28 <sup>8</sup> Although the ZA in the RVDL Intro states: "The interior courtyard between the two buildings is used as outdoor seating for the restaurant. The rear building is currently used as additional kitchen and dining space for the restaurant. However, the most recent 3-R Reports issued for the subject property (Nos. 201004295044 and 201004295043) indicate that the rear building contains a One Family Dwelling, and the front building contains a

1 **B. Finding 2 [SF Planning Code 305(c)(2)]**

2 •**ERROR6** “...there are no exceptional and extraordinary circumstances related to the  
3 subject property that result in a practical difficulty or unnecessary hardship not created by or  
4 attributed to the applicant or the owner of the property.” (RVDL, p.03/05)

5 • Expert finding **CA Licensed Engineer Rodrigo Santos, S.E., P.E.**: “It is false to state that the  
6 subject property’s exceptional and extraordinary circumstances do not result in practical  
7 difficulty or unnecessary hardship not created by the applicant-owner. In 1995 and 1996, when  
8 insurance companies reduced earthquake coverages, a moderate magnitude 4.7 Richter Santa  
9 Clara County earthquake fostered the general temperament that another Loma Prieta would  
10 strike. The topography at APN5678025 caused the need for seismic upgrades and structural  
11 improvements, making demolition of those necessary upgrades and improvements now  
12 unwarranted. The subject property’s special conditions (i.e., its exceptional and extraordinary  
13 circumstances) that do not apply *generally* to other property in the same class of district, namely  
14 topography at the Cortland Avenue Commercial District, result in practical difficulty and  
15 unnecessary hardship. Neither hillside topography nor earthquakes are caused by the applicant-  
16 owner of the property, but exist because of the natural slope of the landform and previous  
17 upgrades that respond to protect those improvements in case of earth movement at that slope.  
18 Instead of technically infeasible and unduly burdensome ‘Demolition & Rebuilding,’ the most  
19 structurally sound plan is to build at the rear structure that has recently been seismically  
20 reinforced.” **EXH 51**

21 •**ERROR7** “...a large vertical expansion of a building (and associated roof deck, stairs,  
22 and firewall) already located within the required rear yard, and for the purpose of constructing an  
23 additional commercial story that will have no visibility to the street...” [Emphasis added] (p.03/05)

24  
25 Two Family Dwelling and Commercial use. Additional work is required to determine the existing legal uses in each  
26 building,” Durandet was in possession of the DBI Permits and on Jun 8, 2017 (9:54 PM), former SF Planning  
27 Department Planner Jim Bergdoll, AICP made Durandet aware of the facts that: “Building Permit #9715843,  
28 approved by SF DCP Planner Chavis and referencing permit 9618975, changed the use to commercial in 1997. This  
permit was signed off and completed per this approval. The unit must have been vacant and unusable for residential  
and used as storage for some time before that. While the current NC-2 zoning would not permit that without CU, it  
was approved at that time as you can see. The ‘96 permit was referenced, noting the residential use in the rear, so  
Chavis (who was a specialist in code enforcement while I was there ‘91-‘97) would have caught it if this change  
were not permitted. Another permit was approved 12/29/2000 by Planning over the counter for window  
replacement which also noted only one dwelling unit. We were going to order a new 3R report, but the 3R  
Department told me they no longer would do one on this property because it is commercial.”

- 1 • Expert finding **CA Licensed Architect Thomas N Havel**: “It is inaccurate to characterize the  
2 Variance as “a large vertical expansion of a building.” Compared to the existing structures at  
3 adjacent lots 026 and 027, the Variance at the subject property (Lot025) would add 668sqft, a  
4 fraction of what was proposed additional floor area at lots 026 and 027. Architects Feldman  
5 (Lot027), Swason (Lot026) and Marlatt (Lot032) contain figures in their plans of 2,856sqft,  
6 1,705sqft, and 6,394sqft, respectively, for proposed added square footage as a result of those  
7 improvements. **The critical fact is that the Variance will be for a vertical addition *not in the***  
8 ***public right-of-way.*** **EXH 52**

9 **C. Finding 3 [SF Planning Code 305(c)(3)]**

10 •**ERROR8** “...a large vertical expansion of a building (and associated roof deck, stairs, and  
11 firewall) already located within the required rear yard, and for the purpose of constructing an additional  
12 commercial story that will have no visibility to the street...” [Emphasis added] (p.03/05)  
**EMPHASIZES REDUNDANCY OF ERROR** **See Error 7**

13 •**ERROR9** “..the property is already well-developed.” [Emphasis added] (p.03/05)  
14 **EMPHASIZES REDUNDANCY OF ERROR:** **See Error 5**

15 •**ERROR10** “Although it is the property owners desire to further develop the site, this is  
16 not a development proposal that is necessary for the preservation and enjoyment of a substantial  
17 property right of the subject property as the lot is already substantially developed....” [Emphasis  
18 added] (RVDL, p.03/05)

- 19 • Expert finding **CA Licensed Architect Thomas N Havel**: “It is inaccurate to state that the  
20 subject lot is ‘already substantially developed.’ FAR is a metric used to evaluate the density of  
21 development. “Should the basement be remodeled and updated to meet occupancy levels for  
22 more than storage (i.e., food service), then the basement would be valued at 50% of the ground  
23 floor food service space,” and only 400sqft of its approx. 1,800sqft could be allocated for food  
24 service use because of its refrigeration, storage, and food prep requirements.<sup>9</sup> Based upon those  
25 usable commercial space constraints at the basement level of the subject property, and dissimilar  
26 existing tenancies (i.e., photo studio, retail bicycle shop, restaurant) the combined FARs of the  
27 adjacent parcels (including basement level) are as follows: APN5678025 (FAR: est.1.53:1);  
28 APN5678026 (FAR: 2.17:1); APN5678027 (FAR: 1.68:1)<sup>10</sup> **EXH 53-56**

<sup>9</sup> Fair Market Valuation Letter, August 23, 2018, SF Real Estate.com CA BRE License No. 02006673.

- “Due Process” Rights provide the correlation between the “property owner’s desire” and what the law allows for as the property owner’s substantial property right. The SF Planning Department has no jurisdiction to oppose property entitlements. Both local ordinance (SFPC§305(c)(3)) and state law (CA Gov. Code §65906) provide for “...the preservation and enjoyment of a substantial property right ... possessed by other property in the same class of district” and protect against “depriv[ation] [of] such property of privileges enjoyed by other property in the vicinity and under identical zoning classification,” respectively. **EXH 57**

**D. Finding 4 [SF Planning Code 305(c)(4)]**

•**ERROR11** “The proposed addition to the rear building would result in a building over 32 feet high – measured from the basement story – plus additional height from a 42-inch solid parapet and a separate glass railing. Including the basement story, which is exposed at the rear property line, this would create an approximately 4-story building presence (i.e., 40+ feet) at the far rear of the lot.” [Emphasis added] (RVDL, p.03/05)

- Expert finding **CA Licensed Architect Thomas N Havel**: “It is false to state that the Variance would create a ‘4-story building presence.’ The comparative heights of the nonconforming rear structures at APN5678025 and APN5678027 depend on Method of Measurement and Exemptions at SFPC§260 (Height Limits Measurement). Height at lot 027 is 32.97ft (224.04ft – 191.25ft); Height at lot 013 is 35.79ft (222.65ft – 186.86ft); Height at lot 012 is 38.05ft (224.91ft – 186.86ft).<sup>11</sup> **EXHIBIT 58-64**

•**ERROR12** “Prior to the hearing, 8 members of the public sent correspondence or called Department staff in opposition to the project.” (RVDL, p.04/05)

- Expert finding **CA Licensed Architect Thomas N Havel**: “It is inaccurate to reflect that ‘8 members of the public sent correspondence or called Department staff in opposition to the project.’ Durandet informed the Project Sponsor of the SF Planning Department receiving seven (7) written oppositions to the project in the form of Public Comment. **EXH 65**

---

<sup>10</sup> SF Planning Code (§738) allows an FAR of 2.5:1 for the Cortland Avenue Commercial District.

<sup>11</sup> The Havel Drawings reflect the height of the addition to be ± 32’–2 ¾” or rounded to the nearest non-decimal number: 32 feet in height. (32’–6” would be rounded up.) The proposal is two-story by code and cannot be considered two stories taller in any comparison. The following six figures are found at the KCA Topographical Survey: 224.04ft; 191.25ft; 222.65ft; 186.86ft; 224.91ft; 186.86ft.



1 • On April 05, 2021, the Project Sponsor documented those comments from Members of the  
2 Public as “Public Comments in Opposition of March 4 through March 23, 2021” and uploaded  
3 their comments as well as applicant-owner Memarzadeh’s responses to each comment onto the  
4 SF Planning website, which has been removed despite Appellant’s objections. **EXH 66**

5 • The seven members consisted of five owners at the four abutting lots of Block5678. The two  
6 other opponents to the project were from other blocks at the Bernal Heights neighborhood.<sup>12</sup>

7 •**ERROR13** “The community opposition cited a number of concerns related to the scale of  
8 the development, the effect on neighboring property’s access to light, air, and privacy, existing uses  
9 in the neighborhood, and the lack of need for the proposed use at this particular location.” (p.04/05)

10 • Expert finding **CA Licensed Architect Thomas N Havel**: “It should be observed that in the  
11 Variance Hearing’s Public Comment, only Mike Voight (Lot024) used the term ‘sunlight.’ The  
12 opponent who mentioned ‘air’ lives at Block5677, not at the subject Block5678. ‘Privacy’  
13 would only be the concern of the immediately abutting neighbors at lots 5678020, 5678021,  
14 5678024, and 5678026. In fact, as the ZA states: ‘private views are not a protectable interest in  
15 San Francisco.’ (*Seley v. City & County of San Francisco* (2016) SF Sup. Ct. Case No. CPF-15-  
16 514268: p.06/09)<sup>13</sup> ‘Privacy’ must be evaluated within the context of ‘topography’ at  
17 Block5678 and Lot025: the addition appears taller from Bennington because of a 17-foot  
18 downslope. ‘Privacy’ and its impacts on neighbors determined the form of the plans: the  
19 addition is setback, its windows are clerestory windows, they are inoperable, and they are  
20 positioned at 6-feet 6-inches above the floor of the addition.”

21 • Expert finding **CA Licensed Architect Thomas N Havel**: “There is substantial evidence in the  
22 record (i.e., Variance design plans/elevations and architect’s testimony) that the proposed  
23 addition is in scale with two adjacent buildings at APN5678026 and 027 and the proposed height  
24 will have a negligible effect on the neighboring rear yards’ access to light and air. Additionally,  
25 there are two, 4-story buildings at Block 5678 on Ellert Street at APN5678012 and 013. **EXH 66A**

26  
27 <sup>12</sup> They are documented as: Marcia Lieberman (5677013); Kathryn Shantz (5678020); Sue Hestor (5715002); Mary  
28 Young (5678026); Mike Voight (5678024); Kathy Kensinger (5678021); Kingmond Young (5678026).

<sup>13</sup> The City’s General Plan, SF Planning Code, and Residential Design Guidelines do not protect private views.

- The RDVL’s concern over “existing uses in the neighborhood, and the lack of need for the proposed use at this particular location” is a departure from the SFPC§305(c)(4): “[t]hat the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.”<sup>14</sup> The RVDL ignores that at 439 Cortland there existed a legacy business from 1909-1996: Arrow Pharmacy. Now, there is no like pharmacy in the vicinity. **EXH 67**
- Finding 4 ignores that the 12 members of the “public” were assembled and organized at the Bernal Heights neighborhood to foment tarnishing of the subject property’s Variance Application (SF Planning Record No. 2015-008499VAR). For example, there is the involvement of CA State Bar licensed attorney and Wheaton College alumnus Sue Carol Hestor (SBN73628), resident at APN5677013, 309 Bocana St, (law office at 870 Market St; Ste 1128, 94102-2906) who on May 25, 2019 stated to Appellant: “I am not the right person for this. Not my current range of practice.” Hestor had replied to Appellant’s query for a land-use expert to handle the rear-yard variance at his property (SF Planning Record No. 2015-008499VAR), during the previous year on June 18, 2018 and again on May 13, 2019. On March 4, 2021, Hestor commented to Durandet that there was “very little community awareness of proposed project,” and remarked that “the owner and architect are not from San Francisco which is not unusual for downtown projects, but not usual in small neighborhood projects.” [Emphasis added] In Finding 4(C), the ZA mentions: “During the hearing, the Zoning Administrator received 4 calls in opposition to the proposed project. The Department received no public comment in support of the project.”

**E. Finding 5 [SF Planning Code 305(c)(5)]**

**•ERROR14** “The proposed project will not be in keeping with the existing housing and neighborhood character.” [Emphasis added] (RVDL; p.04/05)

- Expert finding **CA Licensed Architect Thomas N Havel**: “It would be a mistake to state that the proposed project does not exhibit ‘existing housing and neighborhood character.’ The

---

<sup>14</sup> Yokley: (1953; §130): “[The Board] cannot broaden the restrictions laid down by the Ordinance.” (i.e., SFPC§305(c))

1 project’s clear reference to the common architectural features of the Arts & Crafts Movement  
2 from the turn of the previous century places the proposed addition within the existing historical  
3 neighborhood housing character as expressed, for example, at the fenestrations of the Architect  
4 Julia Morgan designed house on 2820 Vallejo St. in San Francisco as well as the fenestrations of  
5 the Greene Brothers’ designed William R. Thorsen House (1909).” EXH68-69

- 6 • Expert finding **CA Licensed Architect Thomas N Havel**: “It is adverse to not compare, and  
7 poses conflicts of interest for the ZA to exclude, approved SF Planning Record No. 2017-  
8 009635CUA (432 Cortland), the overscaled new construction of a 3-story over-basement, 33-  
9 foot-3-inches tall, mixed-use building (approx. 6,394 sqft) with three dwelling units, one ground  
10 commercial unit (measuring approx. 1,360 sqft). Conversely, the subject property maintains its  
11 existing courtyard space that continues the current fine-grained urban pattern that has historically  
12 characterized the Cortland Avenue neighborhood as opposed to 432 Cortland which is a radical  
13 departure from that historic urban context. EXH70A,B

14 •**ERROR15** “The development of an additional, oversized commercial story with a roof  
15 deck at the rear of the property that would present an overall 4-story mass at the rear, is inconsistent  
16 with applicable design guidelines...” [Emphasis added] (RVDL, p.04/05)

- 17 • Expert finding **CA Licensed Architect Thomas N Havel**: “It is false to state that the Variance  
18 would create a ‘4-story mass.’ The comparative heights of the nonconforming rear buildings at  
19 APN5678025 and 027 depend on Method of Measurement and Exemptions at SFPC§260  
20 (Height Limits Measurement).<sup>15</sup> The height of the easterly property-line wall at lot 026 is  
21 36.97ft (233.35ft – 196.38ft) when measured from the rear, 28’11” according to the Levy Plans,  
22 and 29’3” according to the Havel Plans. Despite the project sponsor’s multiple requests, the ZA  
23 has not provided an analysis of SFPC§260 as relevant to lots 025, 026 and 027. Additionally, it  
24 should be observed that SF Planning Staff’s quotas for abatement are reflected in the Urban  
25

26  
27 <sup>15</sup> The project planner’s final attempt to discuss the ZAs description of the proposed addition as a four(4)-story  
28 when the height is directly compared in context with the rear structures at APN5678026 and APN5678027 which  
are legally two(2)-story was on September 17, 2021. The ZA once again denied the project planner’s reasonable  
request.

1 Design Guidelines Matrix and Design Comments from the July 24, 2019 Plan Check Letter and  
2 propose an inadequate and absurd solution to the FAR issue:

3 The addition of a second floor with roof deck to the existing rear cottage would have adverse  
4 impacts to light and privacy to the neighbors. Recommend extending main building back to  
the average of the adjacent neighbors and demolishing cottage for open space instead.

5 ‘Applicable design guidelines’ are applied subjectively and irregularly: when compared with the  
6 scale of approved SF Planning Record No. 2017-009635CUA (432 Cortland), the variance  
7 sought for the subject property cannot be characterized as ‘oversized’ but rather within the scale  
8 of abutting or adjacent buildings at APN5678026 and 027.’<sup>16</sup> EXH 71

9 **•ERROR16** “...not in keeping with the adjacent Residential District that has an  
10 established mid-block open space.” [Emphasis added] (RVDL, p.04/05)

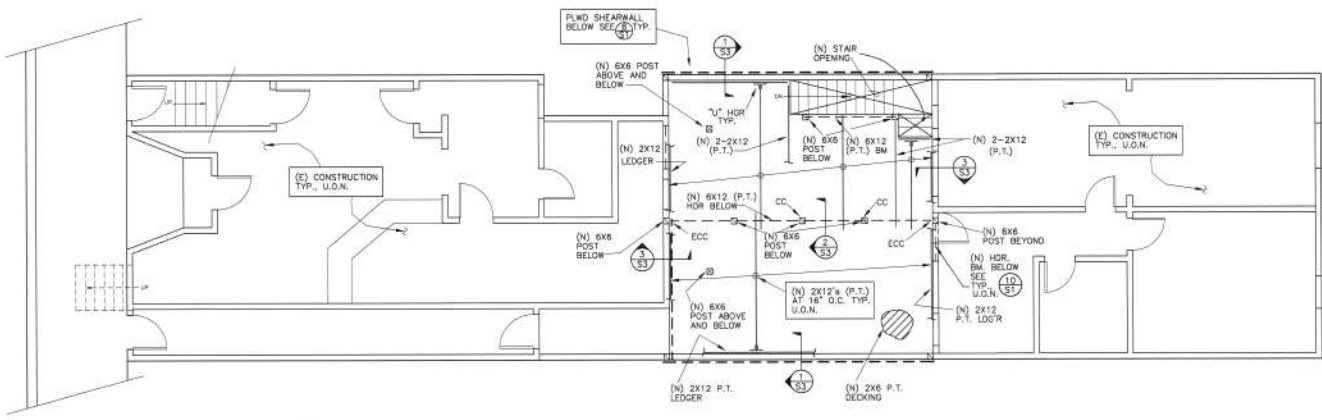
- 11 • Expert finding **CA Licensed Architect Thomas N Havel**: “It is inaccurate to state that the  
12 established mid-block open space does not contain built structures. The Sanborn Map of 1915  
13 reflects four nonconforming rear structures at lots 010, 011, 025, 027 have been located at the  
14 “established mid-block open space” for about 100 years. EXH 72
- 15 • Expert finding **AICP Planner Jim Bergdoll**: His 03/02/2016 Affidavit: “The residential portion  
16 of the Block has a significant additional mid-block open space of eight contiguous rear yards,”  
17 subsequently sustained by Bergdoll in reference to “the main part of that residential block [5678]  
18 behind” the rear property lines of 025 and 026 “where there is a nice chunk of contiguous open  
19 space. That is what the planners refer to as the mid-block open space. Disconnected rear yards  
20 like Voight 404 Cortland don’t usually count.” (Aug 8, 2017). Then Bergdoll maintained:  
21 “My comment in the meeting notes for Pre-application try to make the point that since there  
22 is already a sizeable contiguous mid-block open space from the back yards of Bennington  
23 and Ellert (despite the encroachments you note), adding a storey to your already filled in rear  
of property will not have much impact.” (Aug 9, 2017) EXH 73A,B

24 Dated: October\_14\_, 2021

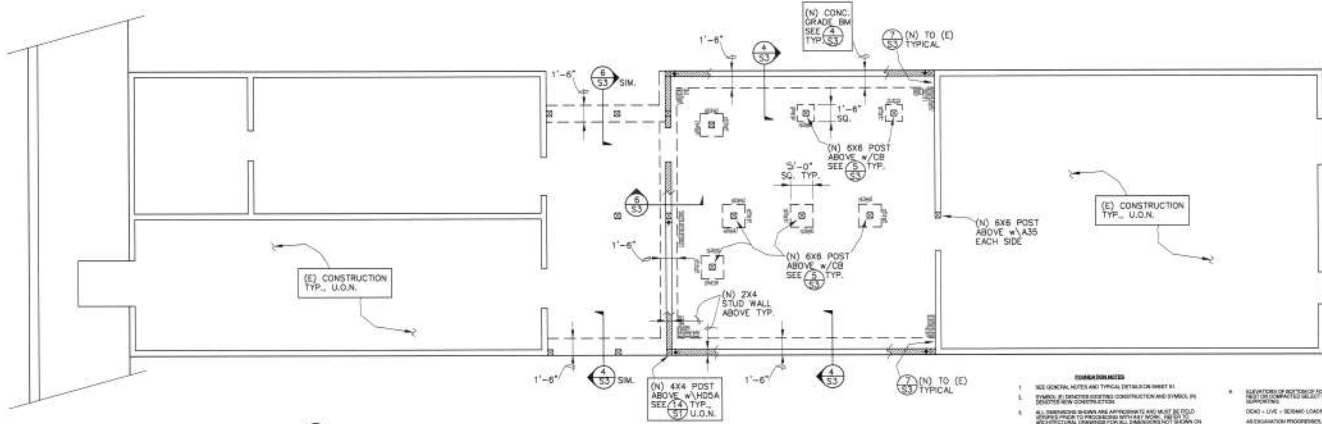
25 By:   
26 Appellant, Maher Memarzadeh  
27 In Propria Persona

28 <sup>16</sup> The David Marlatt architectural drawings that are supplemented by a glossy Shading Study in addition to its  
sections and elevations may have influenced Planning Staff to approve the proposed ostentatious and vulgar display  
of power at 432 Cortland Avenue.





MAIN LEVEL PLAN SCALE 1/4" = 1'-0"



LOWER LEVEL AND FOUNDATION PLAN SCALE 1/4" = 1'-0"

- REVISIONS**
- | NO. | DESCRIPTION | DATE | BY |
|-----|-------------|------|----|
|     |             |      |    |
|     |             |      |    |
|     |             |      |    |
|     |             |      |    |
|     |             |      |    |
|     |             |      |    |
|     |             |      |    |
|     |             |      |    |
|     |             |      |    |
- FOR CONTRACTOR:**
- SEE GENERAL NOTES AND TYPICAL DETAILS FOR ALL ITEMS.
  - CONCRETE SHALL BE CAST IN PLACE UNLESS OTHERWISE SPECIFIED.
  - ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE TO FACE UNLESS NOTED OTHERWISE.
  - CONCRETE SHALL BE CAST IN PLACE UNLESS OTHERWISE SPECIFIED.
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- FOR ARCHITECT:**
- CONCRETE SHALL BE CAST IN PLACE UNLESS OTHERWISE SPECIFIED.
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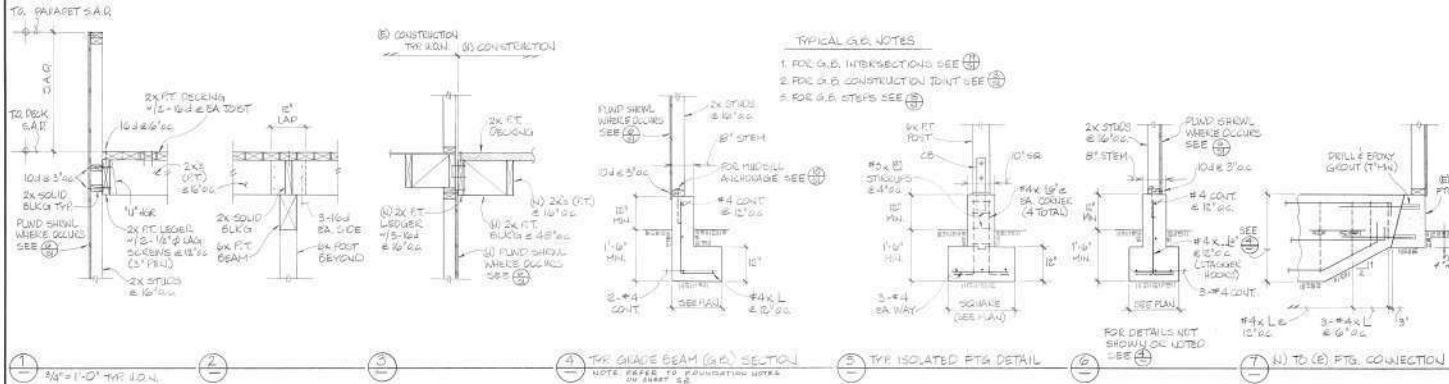
SANTOS & INCORPORATED  
 1000 MARKET STREET, SUITE 100  
 SAN FRANCISCO, CALIFORNIA 94102  
 TEL: 415.398.1234  
 FAX: 415.398.1235

Main Level Plan, Lower Level and Foundation Plan

Proposed New Deck Liberty Cafe  
 410 Cortland Street  
 San Francisco, California

Date: 9-12-96  
 Scale: 1/4" = 1'-0"  
 Drawn By: R.S.  
 Job #: 2096  
 Sheet: S2  
 OF THREE

EXH41-2



EXH41-3

# ASSESSOR-RECORDER'S OFFICE

© COPYRIGHT SAN FRANCISCO  
CITY & COUNTY ASSESSOR 1995

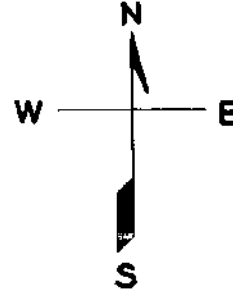
## 5678

**LOTS MERGED**  
LOT 3 INTO LOTS 1 & 2 '1920'  
" 2 " " 1 '1953'

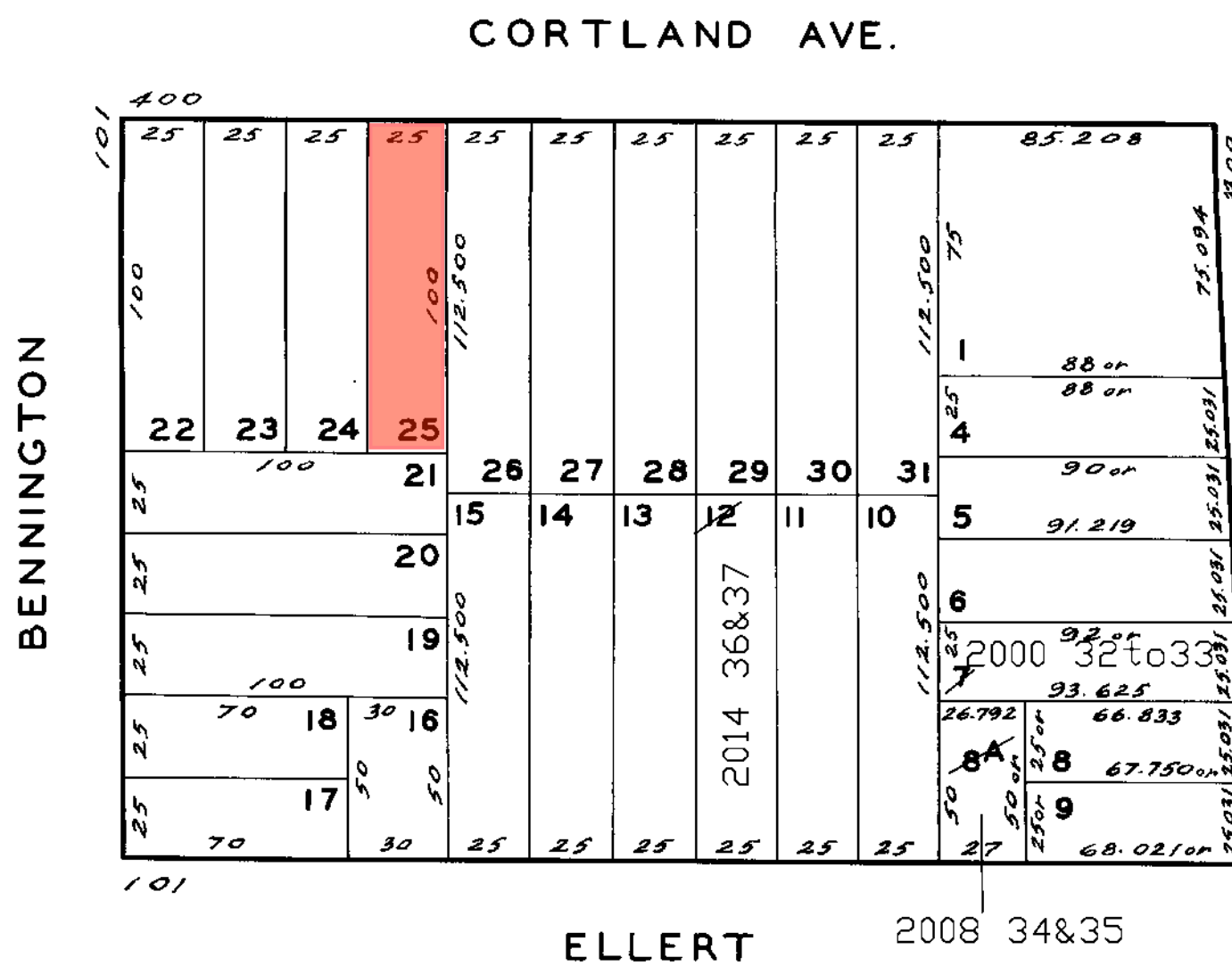
FAIR'S SUB. OF HOLLY PARK TRACT  
BLK 9

lot7 into lots32to33 for 2000 roll  
lot8A into lots34&35 for 2008 roll  
lot12 into lots36&37 for 2014 roll

Revised 2000  
Revised 2008  
Revised 2014



328 Andover St. A CONDOMINIUM		
LOT	UNIT	% COMM. AREA
32	1	51.1
33	2	48.9



Viewpoint B

Viewpoint A





Viewpoint A: Block 5678 - Slope at NW Corner of Folsom and Cortland

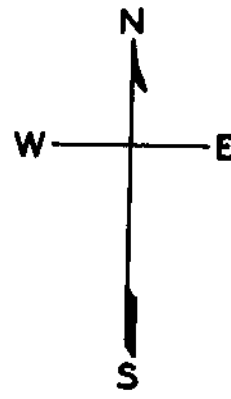
EXH42a-2



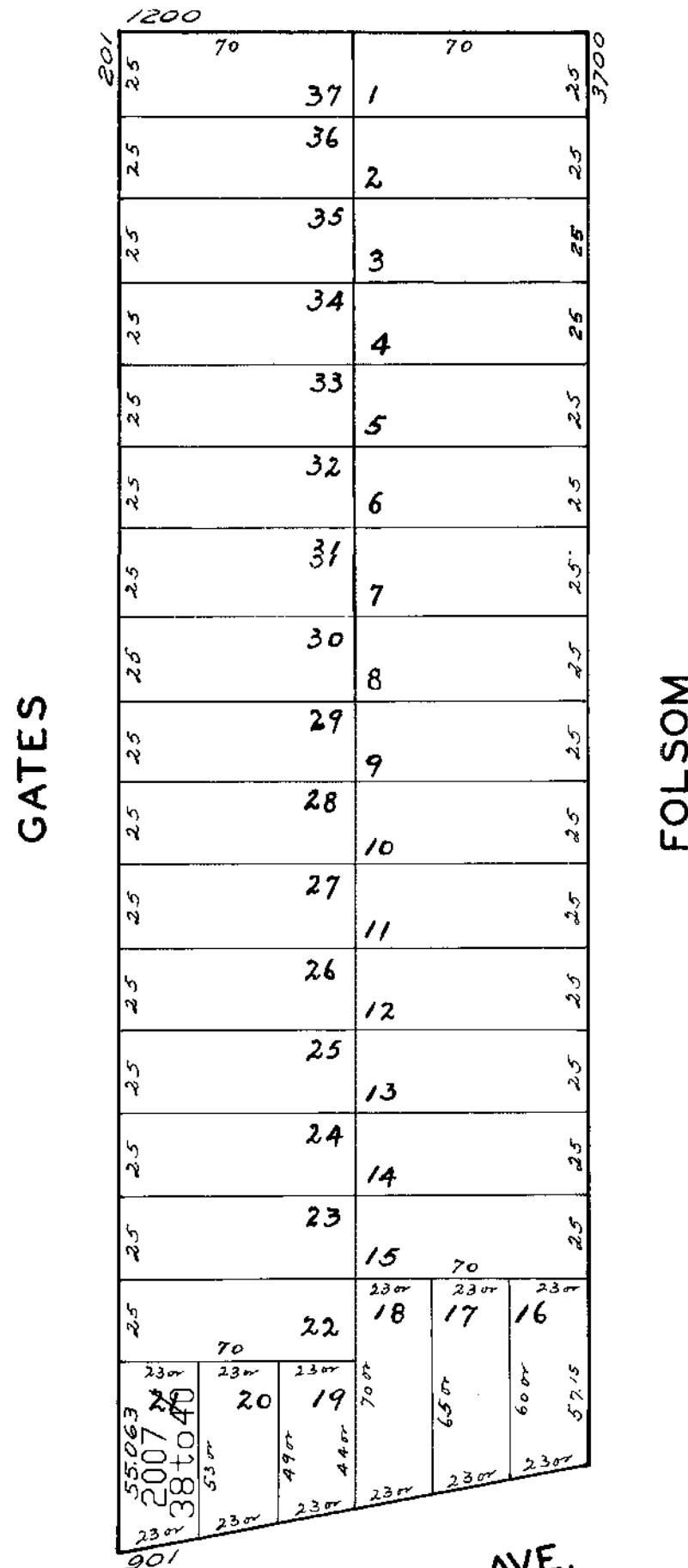
Viewpoint B: Block 5678 - Slope at NW Corner of Bennington and Ellert

EXH42a-3





EUGENIA AVE.



Viewpoint D



Viewpoint C

CORTLAND AVE.



Viewpoint C: Block 5660 NW Corner of Folsom and Cortland



Viewpoint D: Block 5660 NE Corner of Gates and Cortland

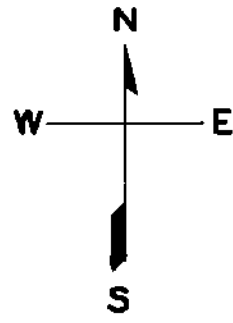


5661

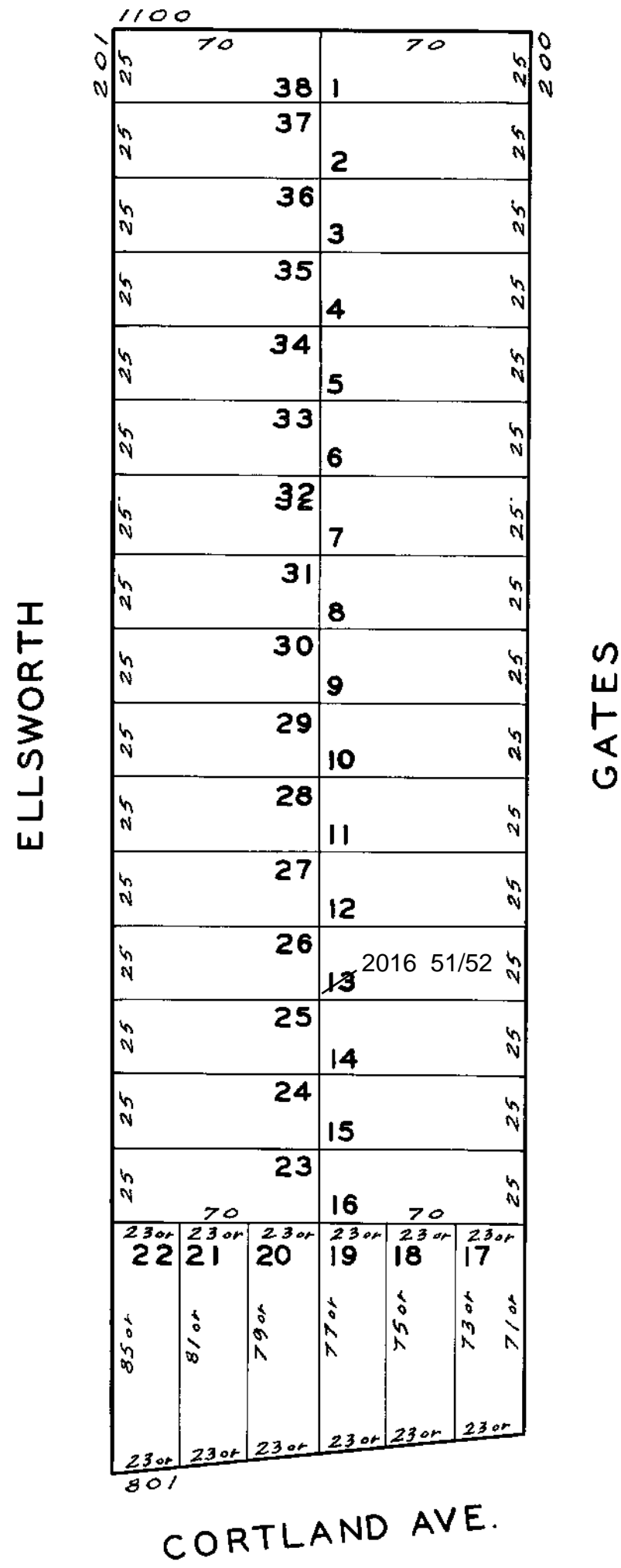
Lot 13 into lots 51 & 52 for 2016 roll

GIFT MAP NO. 1  
LOTS 386-423

REVISED 2016



EUGENIA AVE.



Viewpoint F

Viewpoint E



Viewpoint E: Block 5661 NW Corner of Gates and Cortland

Google

EXH42c-2



ONE WAY

ALSCO



Viewpoint F: Block 5661 NE Corner of Ellsworth and Cortland

EXH42c-3

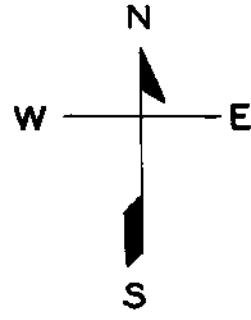


5668

COBB TRACT  
PRECITA VALLEY LANDS

REVISED 1970

LOTS MERGED  
LOT 22 INTO LOT 21-1954



EUGENIA AVE.

201			420	200		
			70		70	
			35	1		
			34	2		
			33	3		
			32	4		
			31	5		
			30	6		
			29	7		
			28	8		
			27	9		
			26	10		
			25	11		
			24	12		
			23			
			31.50	21	36	52
			70			
90	20	19	18	15	25	
				16	27	
				17		50
26	22	22		70		
231						

BONVIEW

BOCANA

Viewpoint H

Viewpoint G

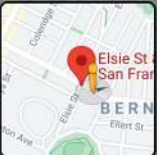
CORTLAND AVE.



15

EXH42d-2

Viewpoint G: Block 5668 NW Corner of Bocana and Cortland



Viewpoint H: Block 5668 NE Corner of Bonview and Cortland

EXH42d-3

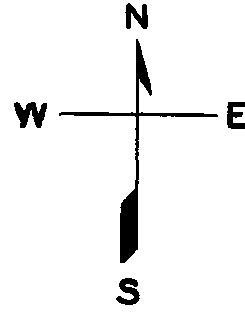
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CITY & COUNTY ASSESSOR 1995

**LOTS MERGED**  
*LOT 17A INTO STREET "1944"*  
lot12 into lots41&42 for 2013 roll

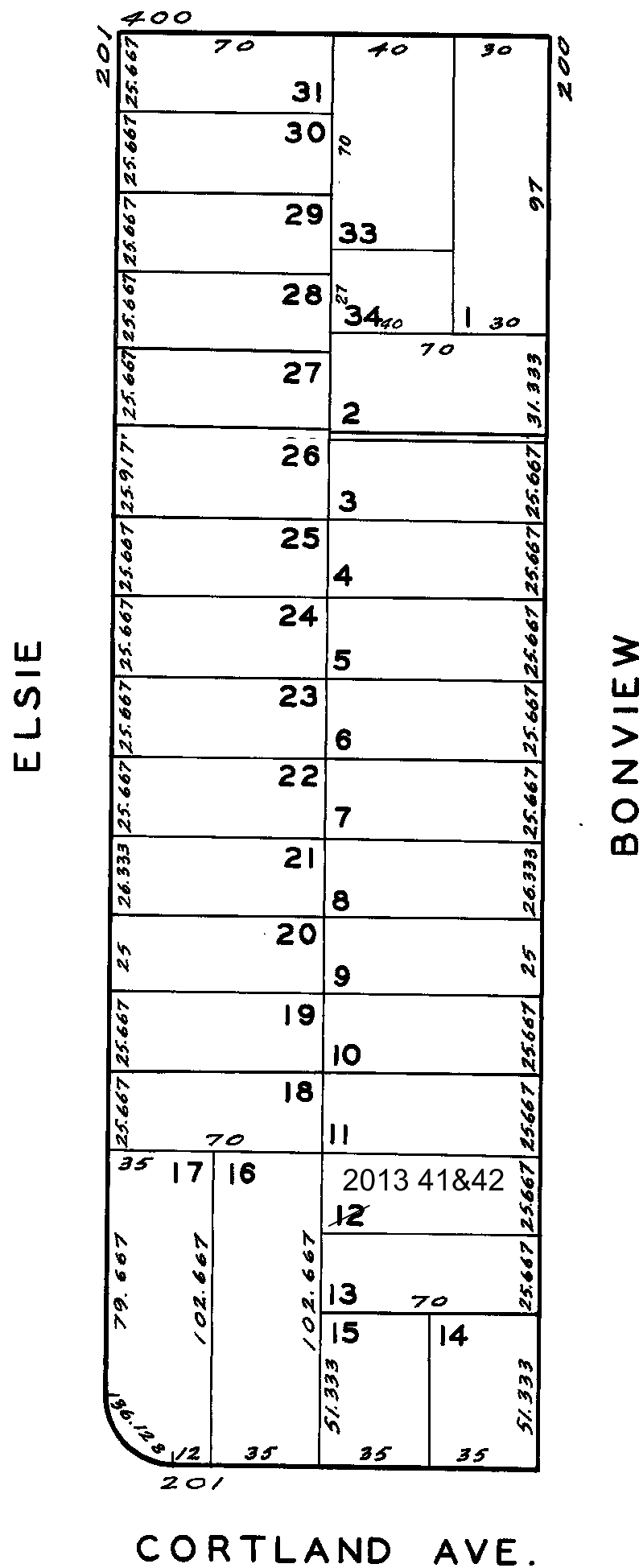
# 5669

PRECITA VALLEY LANDS  
COBB TRACT

REVISED '65  
Revised 2013



EUGENIA AVE.



Viewpoint J

Viewpoint I

CORTLAND AVE.



Viewpoint I: Block 5669 NW Corner of Bonview and Cortland

EXH42e-2



Viewpoint J: Block 5669 NE Corner of Elsie and Cortland

EXH42e-3

96016

STRUCTURAL CALCULATIONS FOR:

**NEW DECK @ LIBERTY CAFE**  
410 CORTLAND STREET  
SAN FRANCISCO, CA

REPORT PREPARED BY:

SANTOS & URRUTIA, INC.  
STRUCTURAL ENGINEERS  
555 DE HARO STREET, SUITE 250  
SAN FRANCISCO, CA 94107  
(415) 626-9377

JOB NUMBER: 2096

DATE: SEPTEMBER 27, 1996

PAGES: 2



EXH43-1

96016

STRUCTURAL CALCULATIONS FOR:

**NEW DECK @ LIBERTY CAFE**  
410 CORTLAND STREET  
SAN FRANCISCO, CA

REPORT PREPARED BY:

SANTOS & URRUTIA, INC.  
STRUCTURAL ENGINEERS  
555 DE HARO STREET, SUITE 250  
SAN FRANCISCO, CA 94107  
(415) 626-9377

SANTOS  
& URRUTIA  
KEEPS ALL  
OLD DRAWINGS  
IF YOU NEED.

JOB NUMBER: 2096

DATE: SEPTEMBER 27, 1996

PAGES: 2

THOUGHT  
I WOULD  
SEND THESE  
TO YOU



EXH43-2



LOAD	
DECK	
DECKING	4.5
2x12 @ 16" o.c.	3.2
MISC. MECH.	1.0
DEAD	8.7 ≈ 9 PSF
LIVE	80 PSF

## VERTICAL ANALYSIS

### JOISTS

SPAN = 12.0' ;  $\Delta = 12 \times 12 / 360 = 0.4$

$W = (9 + 80) \times 1.33 = 118 \text{ #/ft}$

$R = 118 \times 12 / 2 = 708 \text{ #}$  ; REQ'D A =  $708 \times 1.5 / 95 = 11.2 \text{ in}^2$

$M = 118 \times 12^2 / 8 = 2124 \text{ #-ft}$  ; REQ'D S =  $2124 \times 12 / 1150 = 22.2 \text{ in}^3$

REQ'D I =  $5 \times 118 \times 144^4 / 384 \times 12 \times 17000000 \times 0.4 = 81.0 \text{ in}^4$

USE 2x12 @ 16" o.c. ;  $W/S = 31.64 \text{ in}^3$

### BEAM NEAR STAIR

SPAN = 8.0' ;  $\Delta = 8 \times 12 / 360 = 0.267$

$W = 89 \times 4.5 = 400 \text{ #/ft}$

$R = 400 \times 8 / 2 = 1600 \text{ #}$  ; REQ'D A =  $1600 \times 1.5 / 85 = 28.3 \text{ in}^2$

$M = 400 \times 8^2 / 8 = 3200 \text{ #-ft}$  ; REQ'D S =  $3200 \times 12 / 1300 = 29.6 \text{ in}^3$

REQ'D I =  $5 \times 400 \times 96^4 / 384 \times 12 \times 16000000 \times 0.267 = 86.3 \text{ in}^4$

USE 6x8 ;  $W/S = 51.56 \text{ in}^3$  ;  $I = 193.36 \text{ in}^4$

### HEADERS @ MIDDLE OF DECK

SPAN = 6.0' ;  $\Delta = 6 \times 12 / 360 = 0.2$

$W = 89 \times 12 = 1068 \text{ #/ft}$  ;  $V = 3204 - \frac{11.5}{2} \times 1068 = 2181 \text{ #}$

$R = 1068 \times 6 / 2 = 3204 \text{ #}$  ; REQ'D A =  $2181 \times 1.5 / 85 = 38.5 \text{ in}^2$

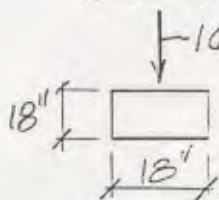
$M = 1068 \times 6^2 / 8 = 4806 \text{ #-ft}$  ; REQ'D S =  $4806 \times 12 / 1300 = 44.4 \text{ in}^3$

REQ'D I =  $5 \times 1068 \times 72^4 / 384 \times 12 \times 16000000 \times 0.2 = 97.3 \text{ in}^4$

USE 6x8 (SEE ABOVE)

## FOUNDATION

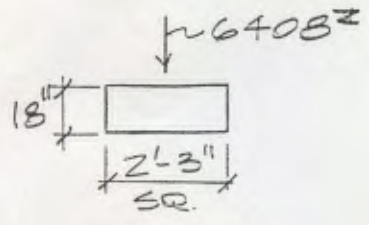
### SQUARE FOOTINGS



$P = 1600 \text{ #}$

SOIL PRESSURE =  $1600 / 1.5 \times 1.5 = 712 \text{ PSF} < 1500 \text{ PSF}$

OK



$$P = 2 \times 3204 = 6408 \text{#}$$

$$\text{SOIL PRESSURE} = 6408 / 2.25^2 = 1266 \text{ PSF} < 1500 \text{ PSF}$$

$$P_{\perp} = 1.17 \times 6408 / 2.25^2 = 2152 \text{ PSF}$$

$$M_{\perp} = 2152 \times 2.25 \times 1.17 / 2 = 2952 \text{#-ft}$$

$$R_{\perp} = 2952 \times 12 / 0.9 \times 27 \times 14.7^2 = 7 < 30$$

USE 3-#5 EA. WAY

CONNECTIONS B/W LEDGER & STUD

TRY 1/2"  $\phi$  LAG SCREWS @ 12" C.C.

$$P = 708 / 1.33 = 532 \text{#}$$

$$\text{NUMBER OF SCREWS} = 532 / 290 = 1.84$$

USE 2-1/2"  $\phi$  LAG SCREWS @ 12" C.C.

STRUCTURAL CALCULATIONS FOR:  
**NEW BAKERY @ LIBERTY CAFE**  
410 CORTLAND  
SAN FRANCISCO, CA

REPORT PREPARED BY:  
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JOB NUMBER: 2281

DATE: AUGUST 7, 1997

PAGES: 18

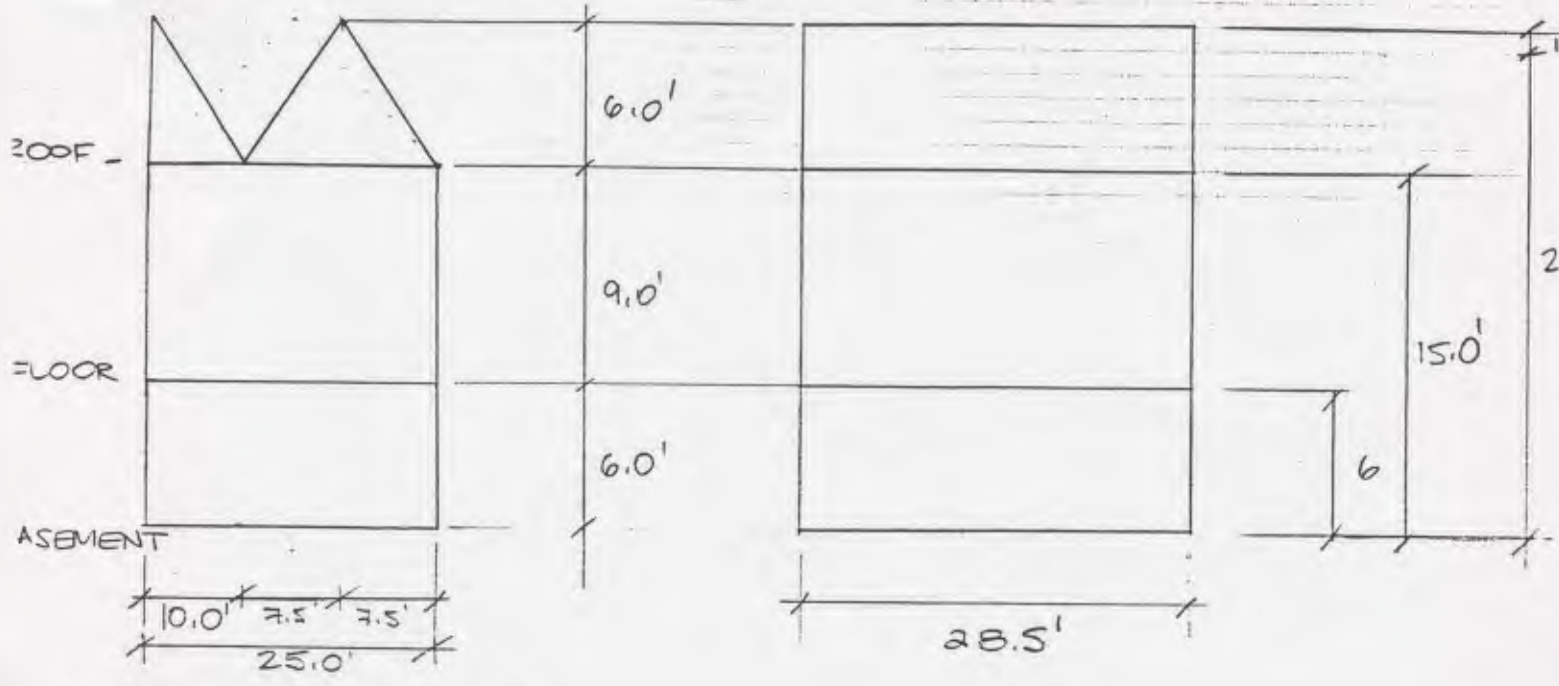


EXH43-5

# LATERAL ANALYSIS

FRONT ELEVATION

SIDE ELEVATION



- ROOF DL = 18 PSF
- FLOOR DL = 14 PSF
- INTERIOR WALLS DL = 10 PSF
- EXTERIOR WALLS DL = 12 PSF

WEIGHT OF ROOF: AREA \* DL

AREA = 25' x 28.5' = 712.5 ft<sup>2</sup>

EXT. WALLS = 25.5 + 25 + 28.5 + 16 = 95 ft

INT. WALLS = 2.5 + 1 + 6 + 1 + 2 + 6 + 8 + 6 + 27.5 + 8.5 + 8.5 = 77 ft

ROOF = 712.5 ft<sup>2</sup> x 18 PSF = 12825 #

EXT. WALLS = 12 PSF x 95 ft x (6 +  $\frac{9}{2}$ ) = 11970 #

INT. WALLS = 10 PSF x 77 ft x (6 +  $\frac{9}{2}$ ) = 8085 #

32880 #

WEIGHT OF FLOOR:

AREA = 712.5 ft<sup>2</sup>

EXT. WALLS = 25 + 25 + 28.5 + 28.5 = 107 ft

INT. WALLS = 27.5 + 8 + 2 + 1 + 1.5 + 1.5 + 2 + 1 + 5.5 + 4 + 5.5 + 0.5 = 60 ft

FLOOR = 712.5 ft<sup>2</sup> x 14 PSF = 12825 #

EXT. WALLS = 12 PSF x 107 ft x ( $\frac{9}{2}$  +  $\frac{6}{2}$ ) = 9630 #

INT. WALLS = 10 PSF x 60 ft x ( $\frac{9}{2}$  +  $\frac{6}{2}$ ) = 4500 #

# SEISMIC LOAD

$$V = \frac{z I C W}{R_w}$$

$$z = 0.4 ; I = 1.0 ; R_w = 8 ; h = 21' ; s = 1.5$$

$$C = \frac{1.25 S}{T^{2/3}} \leq 2.75$$

$$T = 0.020 (h)^{3/4} = 0.020 (21)^{3/4} = 0.196$$

$$C = 1.25 (1.5) / (0.196)^{2/3} = 5.55 > 2.75 \therefore \text{USE } 2.75 = C$$

$$V = \frac{(0.4)(1)(2.75)}{8} W = 0.1375 W$$

$$V = 0.1375 W$$

$$W = W_{\text{ROOF}} + W_{\text{FLOOR}} = 32880^{\#} + 26955^{\#} = 59835^{\#}$$

$$V = 8227.3^{\#} = 8.23^k$$

## WIND LOAD

$$p = C_e C_q q_s I$$

$$C_q = 1.3 ; q_s = 12.6 \text{ PSF} ; I = 1.0$$

$$C_{e1} = 0.72 ; C_{e2} = 0.67 ; C_{e3} = 0.62$$

$$P_1 = 0.72 \times 1.3 \times 12.6 \times 1 = 11.79 \text{ PSF} \quad x > 20'$$

$$P_2 = 0.67 \times 1.3 \times 12.6 \times 1 = 10.97 \text{ PSF} \quad 20' > x > 15'$$

$$P_3 = 0.62 \times 1.3 \times 12.6 \times 1 = 10.16 \text{ PSF} \quad x < 15'$$

### N-S

$$\text{ROOF} \quad (11.8(6.5) + 11.0(20-15) + 10.2(9/2)) \times 25 = 2817.50$$

$$\text{FLOOR} \quad 10.2 \times (9/2 + 6/2) \times 25 = 1912.50$$

$$\text{SINCE } 8.23^k > 4.73^k \quad \underline{\text{SEISMIC GOVERNS}} \quad 4730^{\#}$$

### E-W

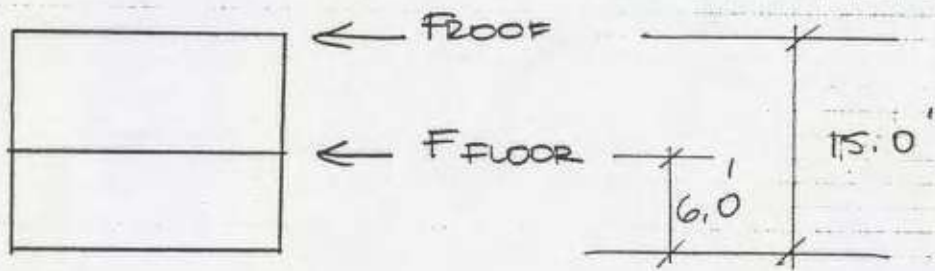
$$\text{ROOF} \quad (11.79 \times 6 \times 28.5 + 10.97 \times 9/2 \times 28.5) = 3423^{\#}$$

$$\text{FLOOR} \quad (10.97 \times 9/2 \times 28.5 + 10.16 \times 6/2 \times 28.5) = 2276^{\#}$$

$$\text{SINCE } 8.23^k > 5.0^k \quad \underline{\text{SEISMIC GOVERNS}} \quad 5699^{\#} \approx 5.7^k$$

# VERTICAL DISTRIBUTION OF FORCES

p. 3  
#228



STORY	$h_i$ (ft)	$W_i$ (k)	$W \times h$	$F_i$ (k)	$V_i$ (k)
ROOF	15.0	32.88	493.2	6.2	6.2
FLOOR	6.0	26.96	161.8	2.0	8.2
		$\Sigma$	<u>655</u>		

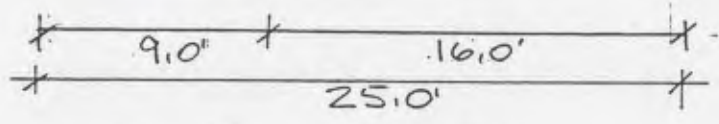
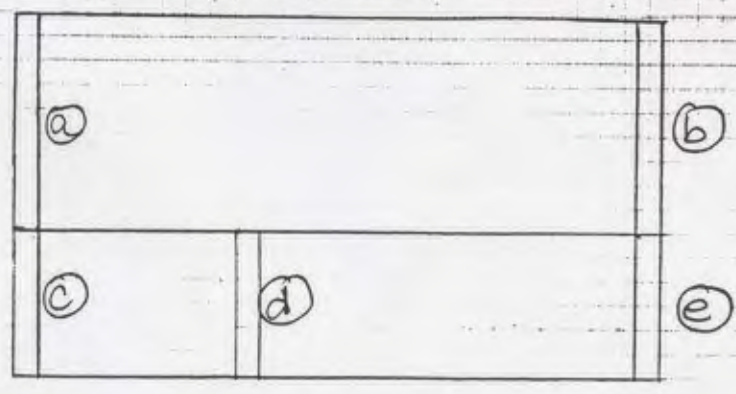
$$V = 8.23 \text{ k}$$

$$F_i = \frac{(V - F_t) W_i h_i}{\Sigma W_i h_i} ; F_t = 0$$

ROOF

FLOOR

BASEMENT



ROOF:

$$W_{ROOF} = \frac{6.12^k}{25.0'} = 248 \#/1'$$

$$R_a = 248 \#/1' \times \left( \frac{25}{2} \right) = 3100 \#$$

$$R_b = 248 \#/1' \times \left( \frac{25}{2} \right) = 3100 \#$$

$$R_T = 6.12^k = 6.12^k \checkmark$$

FLOOR:

$$W_{FLOOR} = \frac{2.0^k}{25.0'} = 80.0 \#/1'$$

$$R_c = 80.0 \#/1' \left( \frac{9}{2} \right) + R_a = 360 + 3100 \# = 3460 \#$$

$$R_d = 80.0 \#/1' \left( \frac{9}{2} + \frac{16}{2} \right) = 1000 \#$$

$$R_e = 80.0 \#/1' \left( \frac{16}{2} \right) + R_b = 640 \# + 3100 \# = 3760 \#$$

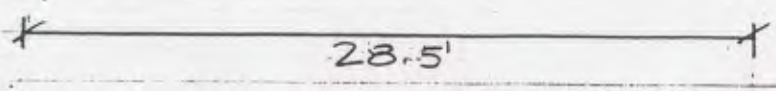
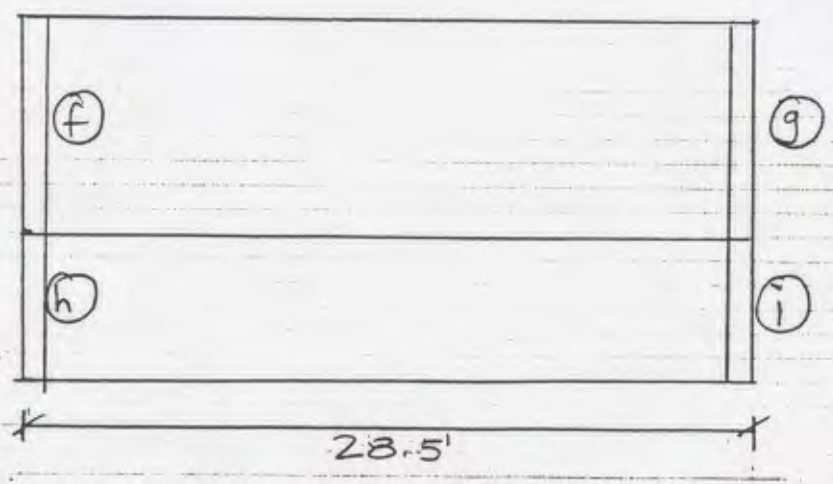
$$R_T = 8.12^k = 8.12^k \checkmark$$

E-W

ROOF

FLOOR

BASEMENT



## ROOF

$$W_{\text{ROOF}} = \frac{6.2 \text{ k}}{28.5'} = 217.54 \#/1$$

$$R_f = 217.54 \# \left( \frac{28.5}{2} \right) = 3100 \#$$

$$R_g = 217.54 \#/1 \left( \frac{28.5}{2} \right) = 3100 \#$$

$$R_T = 6.2 \text{ k} = 6.2 \text{ k} \checkmark$$

## FLOOR:

$$W_{\text{FLOOR}} = \frac{2.0 \text{ k}}{28.5'} = 70.2 \#/1$$

$$R_h = 70.2 \#/1 \left( \frac{28.5}{2} \right) + R_f = 1000.35 + 3100 = 4100 \#$$

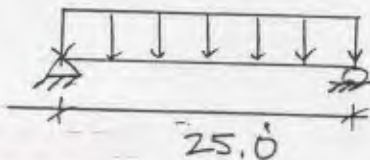
$$R_i = 70.2 \#/1 \left( \frac{28.5}{2} \right) + R_g = 1000.35 + 3100 = 4100 \#$$

$$R_T = 8.2 \text{ k} \checkmark$$

## HORIZONTAL DIAPHRAGMS

### N-S

FLOOR:

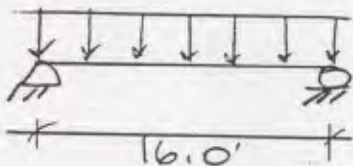


$$V_{\text{max}} = \frac{W_{\text{ROOF}} \times L}{2 \times D} = \frac{248 \# \times 25'}{2 \times 28.5'} = 109 \#/1$$

$$150 \#/1 > 109 \#/1 \checkmark$$

150 #/1 FOR EXISTING FLOOR.

FLOOR:



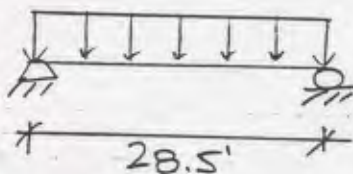
$$V_{\text{max}} = \frac{W_{\text{FLOOR}} \times L}{2 \times D} = \frac{80 \# \times 16'}{2 \times 28.5'} = 22.5 \#/1$$

$$150 \#/1 > 22.5 \#/1 \checkmark$$

150 #/1 FOR EXISTING FLOOR.

### E-W

OF:

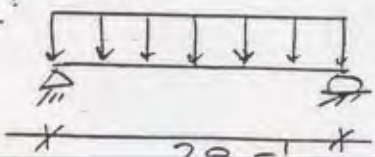


$$V_{\text{max}} = \frac{W_{\text{ROOF}} \times L}{2 \times D} = \frac{217.54 \#/1 \times 28.5}{2 \times 25} = 124 \#/1$$

$$150 \#/1 > 124 \#/1 \checkmark$$

150 #/1 FOR EXISTING FLOOR

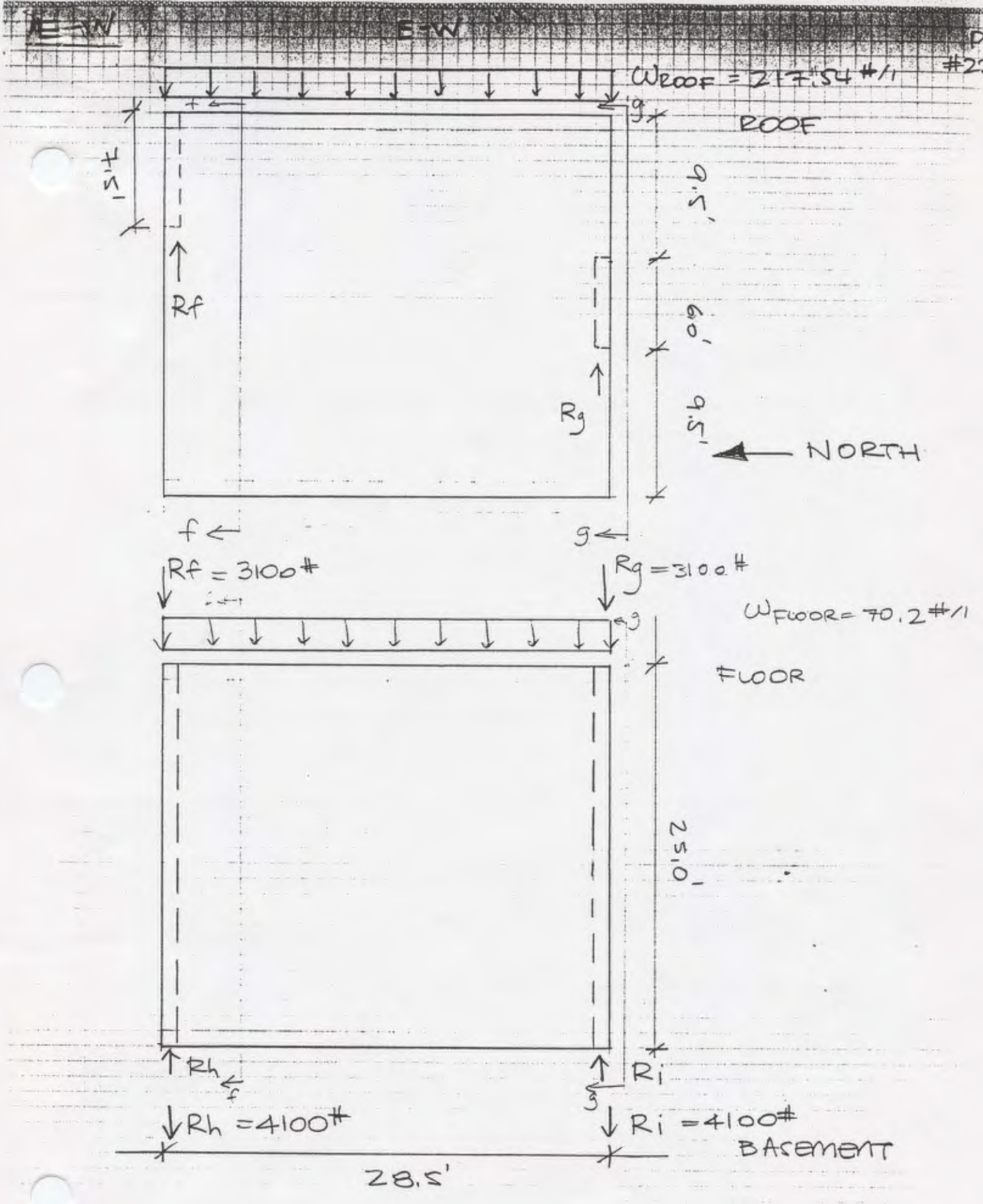
OR:



$$V_{\text{max}} = \frac{W_{\text{FLOOR}} \times L}{2 \times D} = \frac{70.2 \times 28.5}{2 \times 25} = 40 \#/1$$

$$150 \#/1 > 40 \#/1 \checkmark$$

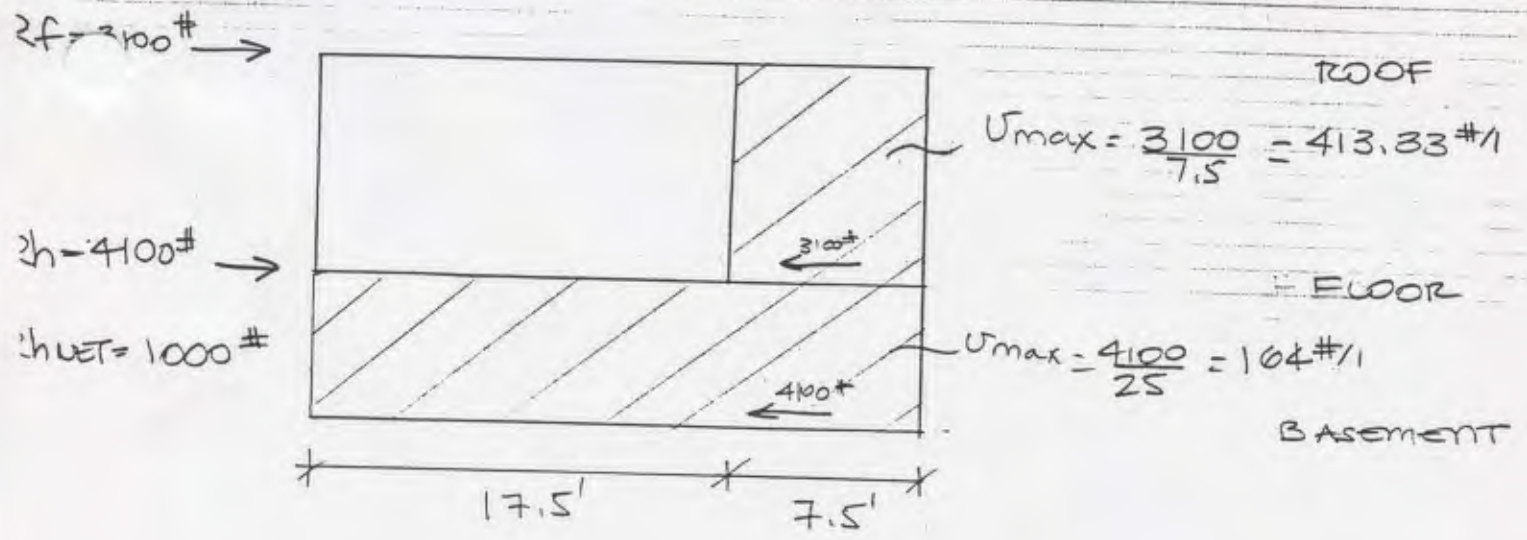




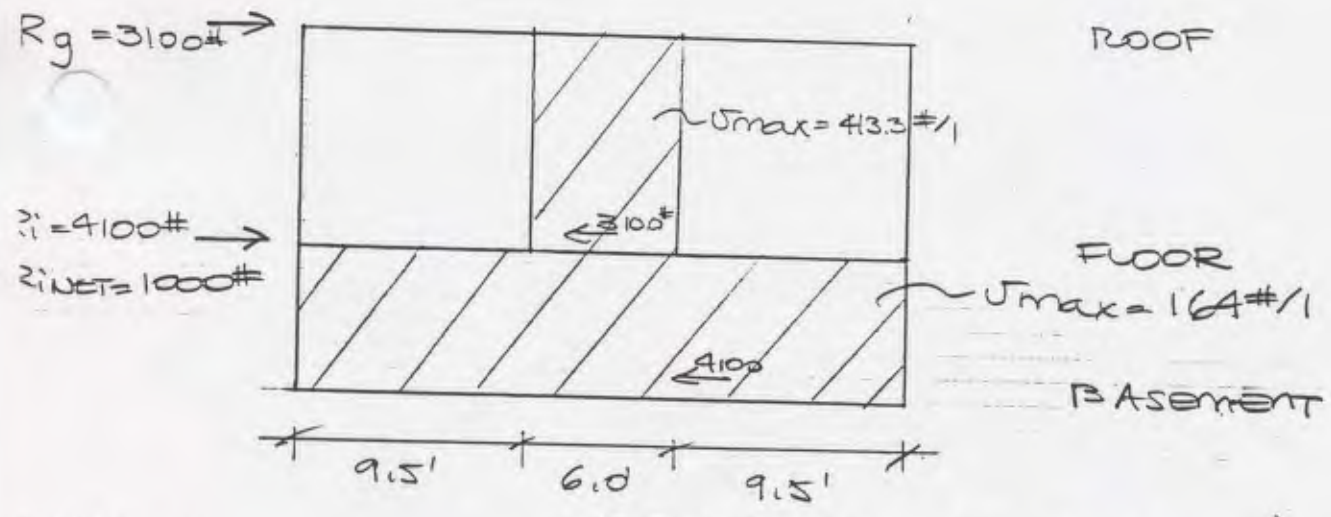
# SHEARWALLS

## SECTION f-f:

CUT E-W LOOKING N.



## SECTION g-g:



Wall

### ROOF TO FLOOR

$V_f = 3100 \#$

$U_{max} = 3100 \# / 7.5' = 413.33 \#/1$

$600 \#/1 > 413.33 \#/1$

USE 1/2" PLYW'D w/10d @ 3" o.c ( $q_f = 600 \#/1$ )

Wall

$V_g = 3100 \#$

$U_{max} = 3100 \# / 7.5' = 413.33 \#/1$

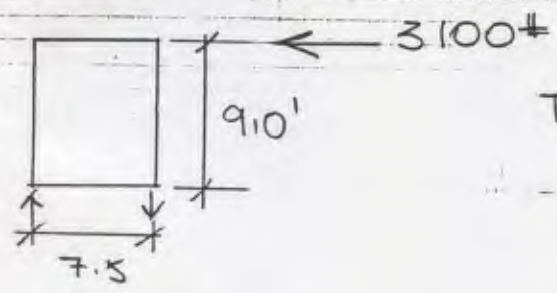
$600 \#/1 > 413.33 \#/1$

USE 1/2" PLYW'D w/10d @ 3" o.c ( $q_f = 600 \#/1$ )

OVERTURNING:

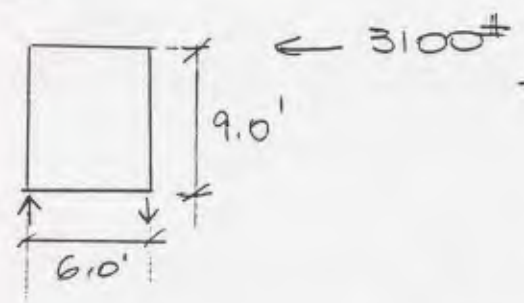
$Z = 2 \times \text{POST}$   
 $= 2 \times (1/2) = 3"$

f wall:



$T = (3100 \times 9) / 7.5 = 3720\#$   
 $4405\# > 3720\#$   
 USE HD6A ( $q_b = 4405\#$ )

g wall



$T = (3100 \times 9) / 6 = 4650\#$   
 $6465\# > 4650\#$   
 USE HD8A ( $q_b = 6465\#$ )

FLOOR TO BASEMENT

h wall

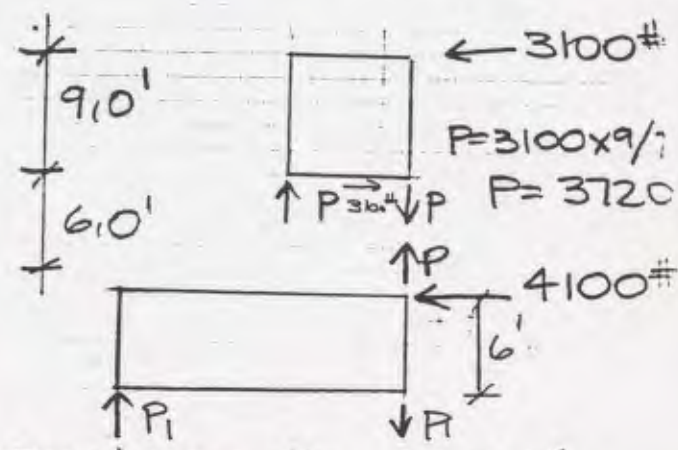
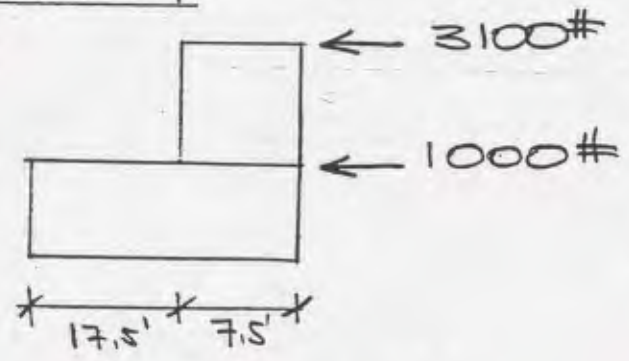
$V_h = V_f + V_g = 3100\# + 1000\# = 4100\#$   
 $U_{max} = 4100\# / 25' = 164\#/1$   
 $600\#/1 > 164\#/1$   
 USE 1/2" PLYW'D w/10d @ 3" o.c ( $q_b = 600\#/1$ )

wall

$V_i = V_g + V_i = 3100\# + 1000\# = 4100\#$   
 $U_{max} = 4100\# / 25' = 164\#/1$   
 $600\#/1 > 164\#/1$   
 USE 1/2" PLYW'D w/10d @ 3" o.c ( $q_b = 600\#/1$ )

OVERTURNING:

awall

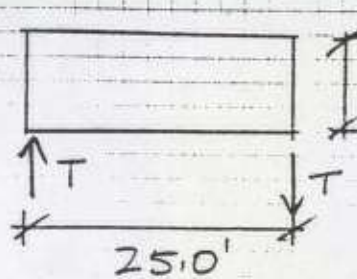


USE HD8A ( $q_b = 6465\#$ )  
 $6465\# > 4704\#$

$P_1 = (4100 \times 6) / 25 + P = 4704\#$

Wall

P#  
#22



1000#

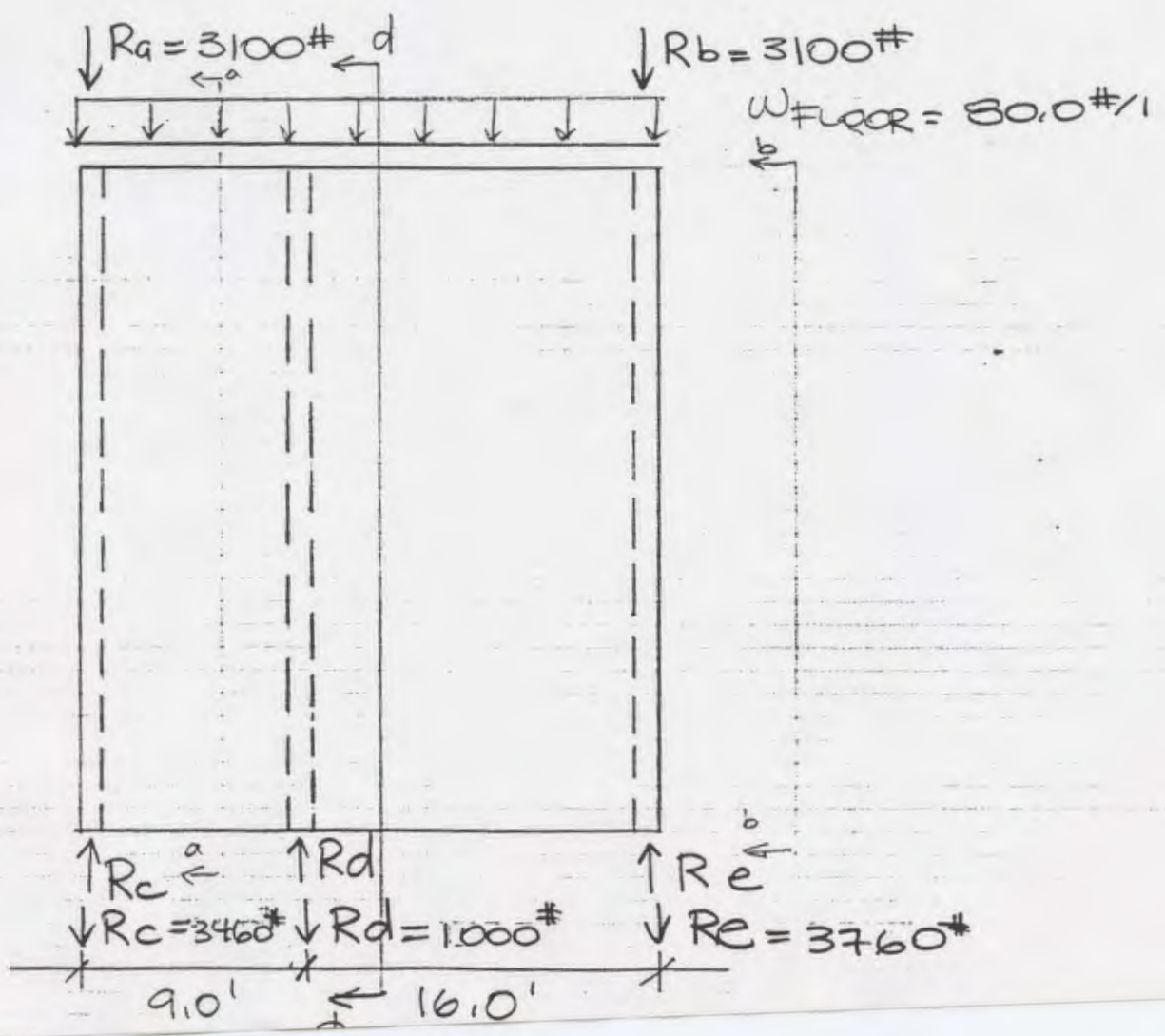
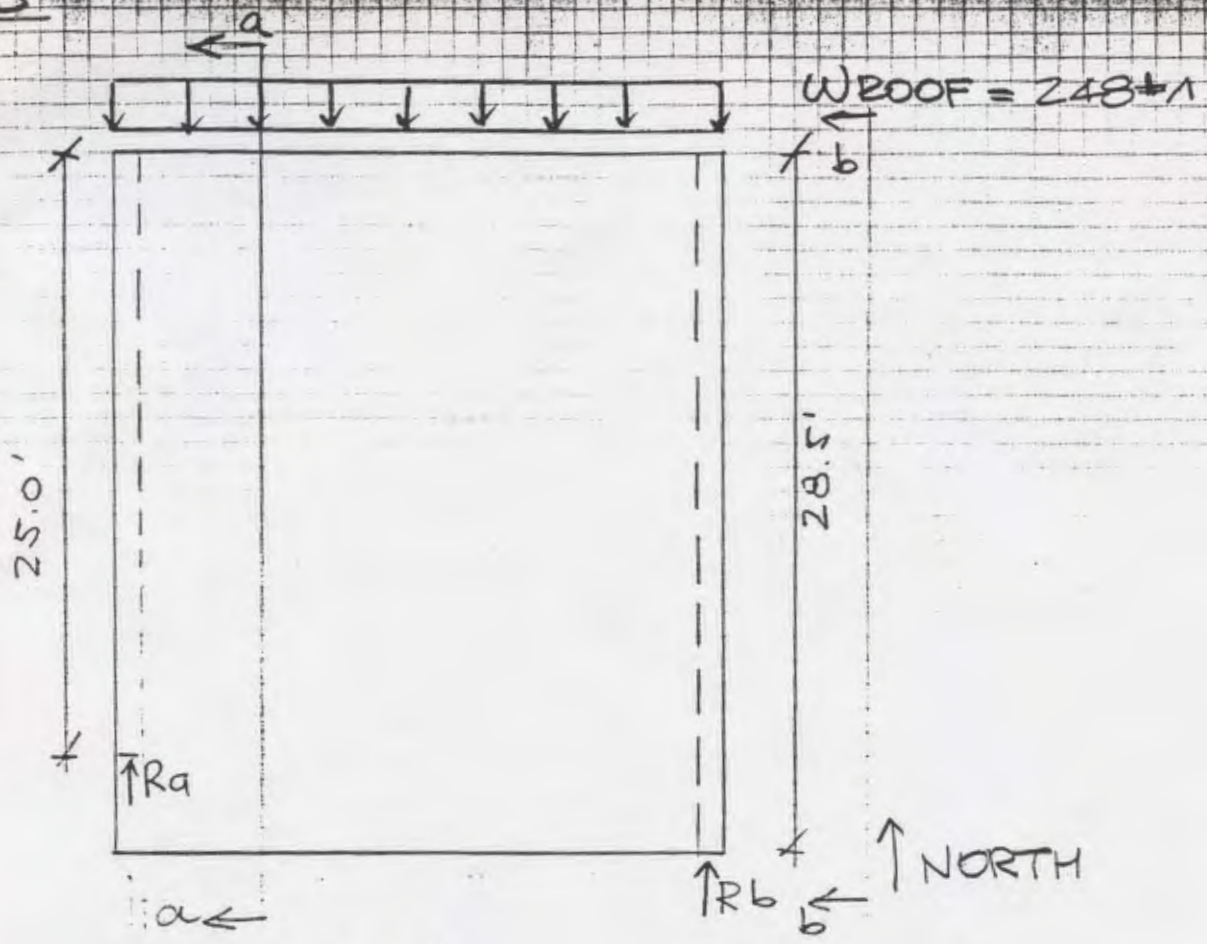
$$T = (1000 \times 6) / 25 = 240\#$$

HD2A (gb = 215#)

FROM SPECIFICATIONS ON DRAWINGS USE HD6A.

N-S

P.1  
#22

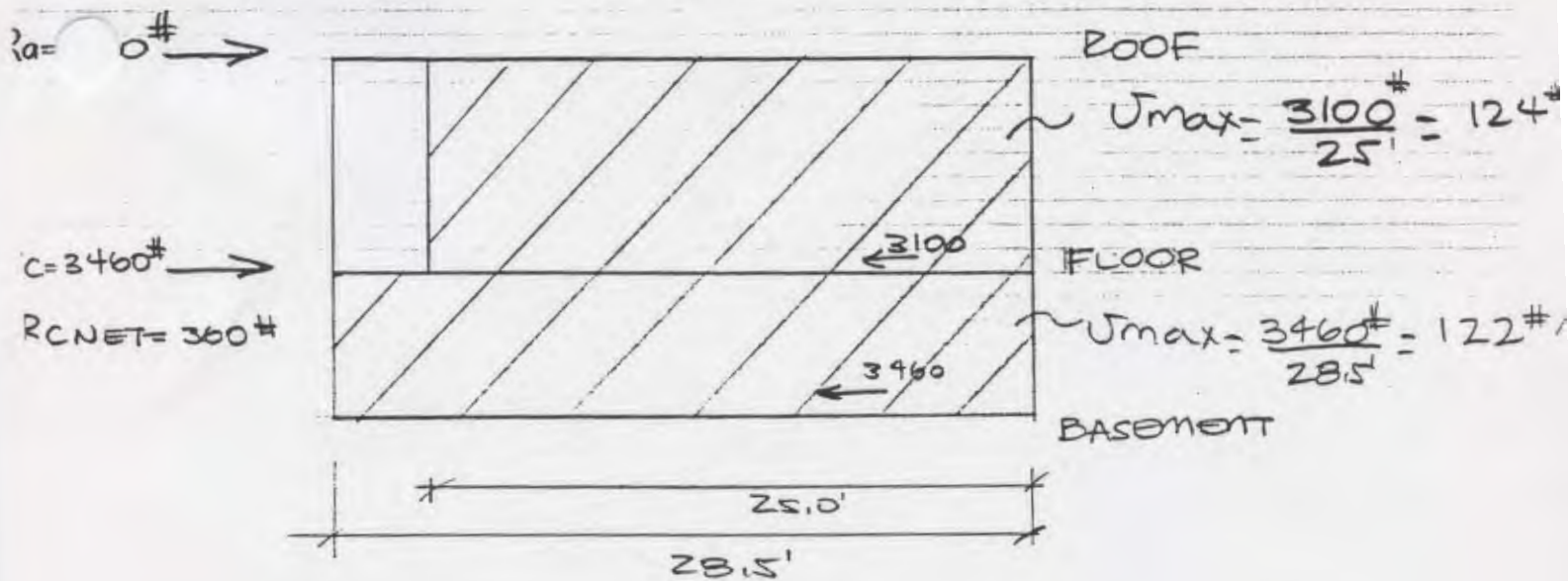


# SHEARWALLS

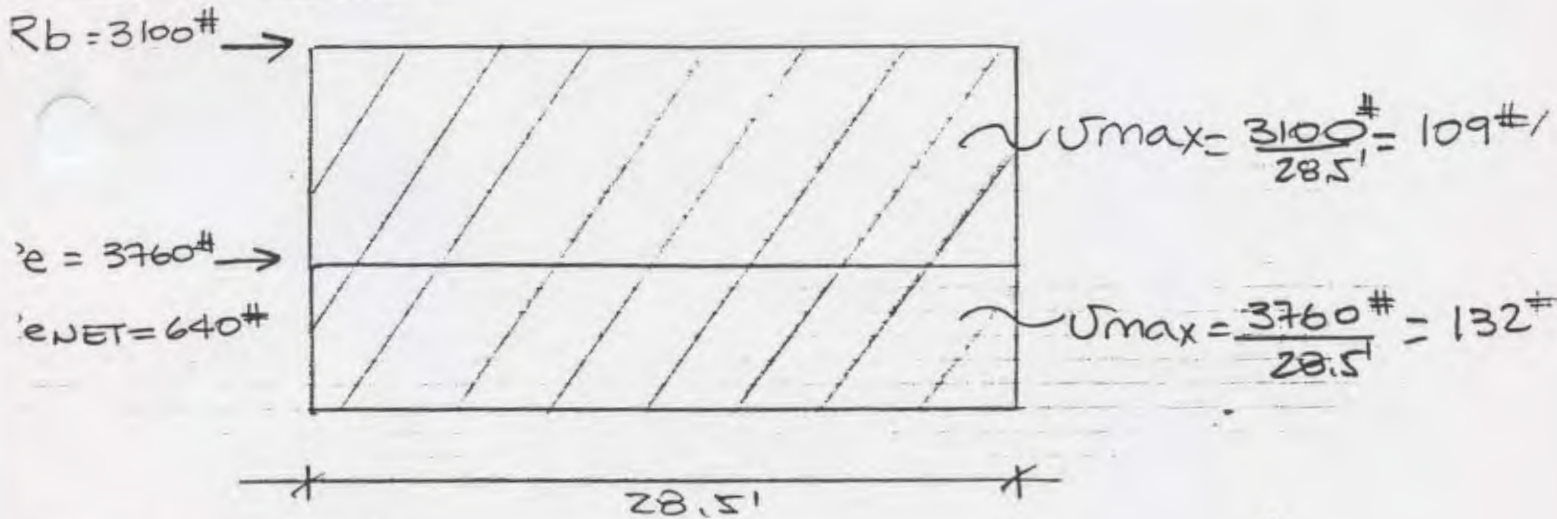
#22

## SECTION a-a:

CUT N-S LOOKING W



## SECTION b-b:



## SECTION d-d:



# ROOF TO FLOOR

## a wall

$$V_a = 3100 \#$$

$$U_{max} = 3100 \# / 25' = 124 \# / 1'$$

$$600 \# / 1' > 124 \# / 1'$$

USE 1/2" PLYW'D w/10d @ 3" o.c ( $q_b = 600 \# / 1'$ )

## b wall

$$V_b = 3100 \#$$

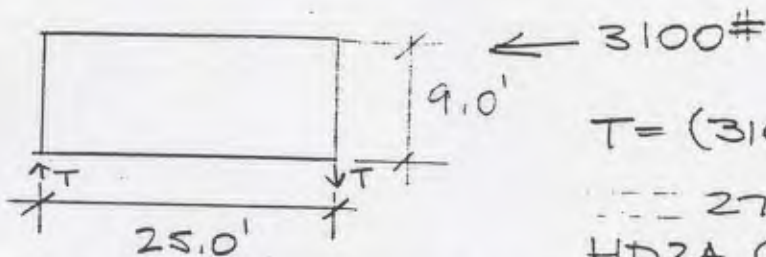
$$U_{max} = 3100 \# / 28.5' = 109 \# / 1'$$

$$600 \# / 1' > 109 \# / 1'$$

USE 1/2" PLYW'D w/10d @ 3" o.c ( $q_b = 600 \# / 1'$ )

## OVERTURNING

### a wall



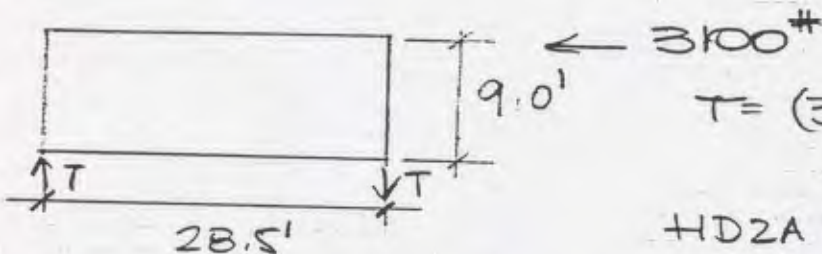
$$T = (3100 \times 9) / 25 = 1116 \#$$

$$2775 \# > 1116 \# \quad \text{OK}$$

$$\text{HD2A } (q_b = 2775 \#)$$

FROM SPECIFICATIONS ON DRAWINGS USE HD5A

### b wall



$$T = (3100 \times 9) / 28.5' = 979 \#$$

$$2775 \# > 979 \#$$

$$\text{HD2A } (q_b = 2775 \#)$$

FROM SPECIFICATIONS ON DRAWINGS USE HD5A

# FLOOR TO BASEMENT

## c wall

$$V_c = V_a + V_c = 3100\# + 360\# = 3460\#$$

$$U_{max} = 3460\# / 28.5' = 122\#/1$$

$$600\#/1 > 122\#/1$$

USE 1/2" PLYW/D w/10d @ 3" o.c ( $q_b = 600\#/1$ )

## d wall

$$V_d = 1000\#$$

$$U_{max} = 1000\# / 28.5' = 35\#/1$$

$$600\#/1 > 35\#/1$$

USE 1/2" PLYW/D w/10d @ 3" o.c ( $q_b = 600\#/1$ )

## e wall

$$V_e = V_b + V_e = 3100\# + 640\# = 3760\#$$

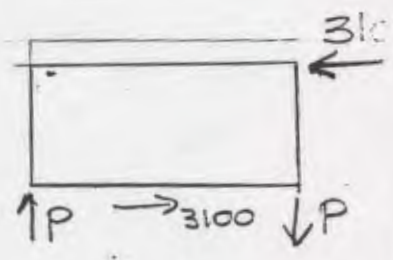
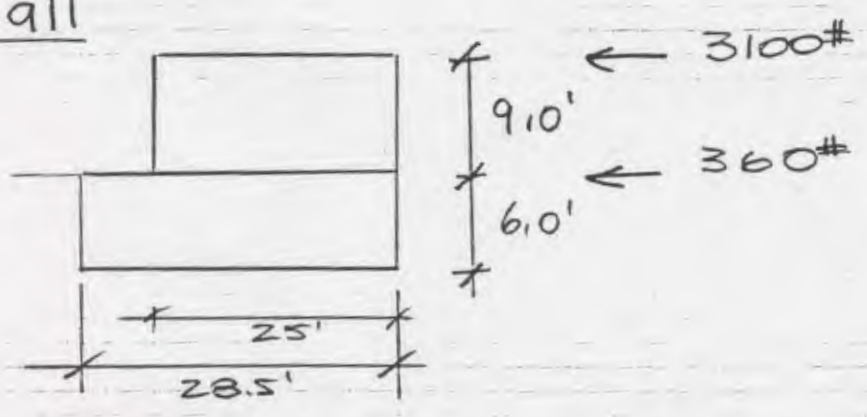
$$U_{max} = 3760\# / 28.5' = 132\#/1$$

$$600\#/1 > 132\#/1$$

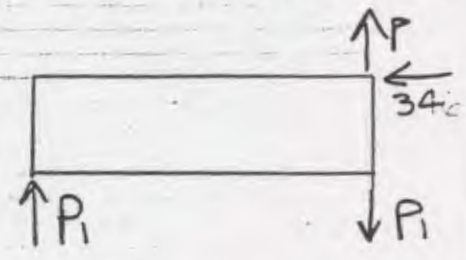
USE 1/2" PLYW/D w/10d @ 3" o.c ( $q_b = 600\#/1$ )

## VERTURNING:

### e wall



$$P = (3100 \times 9) / 25 = 1116$$



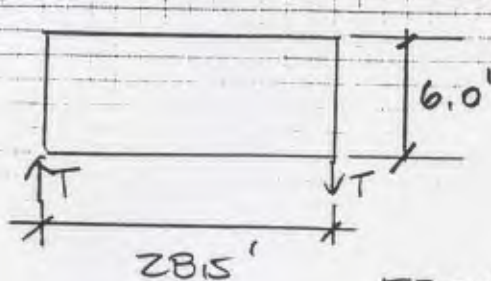
$$P_1 = (3460 \times 6) / 28.5 + P$$

$$P_1 = 1845\# < 2775\# \Rightarrow \text{HD2A}$$

FROM SPECIFICATIONS ON DRAWINGS USE HD6A



u wall



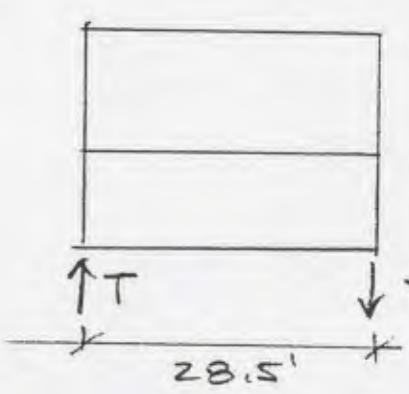
← 1000#

$$T = 1000 \times 6 / 28.5 = 211\#$$

211# < 2775# ⇒ HD2A

FROM SPECIFICATIONS ON DRAWINGS USE #D6A.

e wall



← 3100#

9.0'

← 640#

6.0'

$$T = (3100 \times 15 + 640 \times 6) / 28.5 = 1766\#$$

2775# > 1766# ⇒ HD2A

FROM SPECIFICATIONS ON DRAWINGS USE #D6A.

SILL PLATE

(h) and (i) walls

$$V = 4100\#$$

ASSUME 5/8" φ

$$V_{ALLOWABLE} = 910\#$$

$$\# \text{ BOLTS} = 4100 / (910 \times 1.33) = 3.4 \text{ bolts}$$

= 4 BOLTS

$$\text{SPACE} = 25' \times 12" / 3 = 100 \text{ IN} > 32 \text{ IN}$$

USE 5/8" φ A.B.'S @ 32" O.C

(c) wall

$$V = 3460\#$$

ASSUME 5/8" φ

$$V_{ALLOWABLE} = 910\#$$

$$\# \text{ BOLTS} = 3460 / (910 \times 1.33) = 2.86 \text{ bolts}$$

211  
#22

$$\text{SPACE} = 28.5' \times 12'' / 2 = 171 \text{ IN} > 32 \text{ IN}$$

USE 5/8"  $\phi$  A.B.'s @ 32" o.c.

c) wall

$$V_e = 3760 \#$$

ASSUME 5/8"  $\phi$

$$V_{\text{ALLOWABLE}} = 910 \#$$

$$\# \text{ BOLTS} = 3760 / (910 \times 1.33) = 3.1 \text{ bolts} \\ = 4 \text{ BOLTS}$$

$$\text{SPACE} = 28.5' \times 12'' / 3 = 114 \text{ IN} > 32 \text{ IN}$$

USE 5/8"  $\phi$  A.B.'s @ 32" o.c.

d) wall

$$V_d = 1000 \#$$

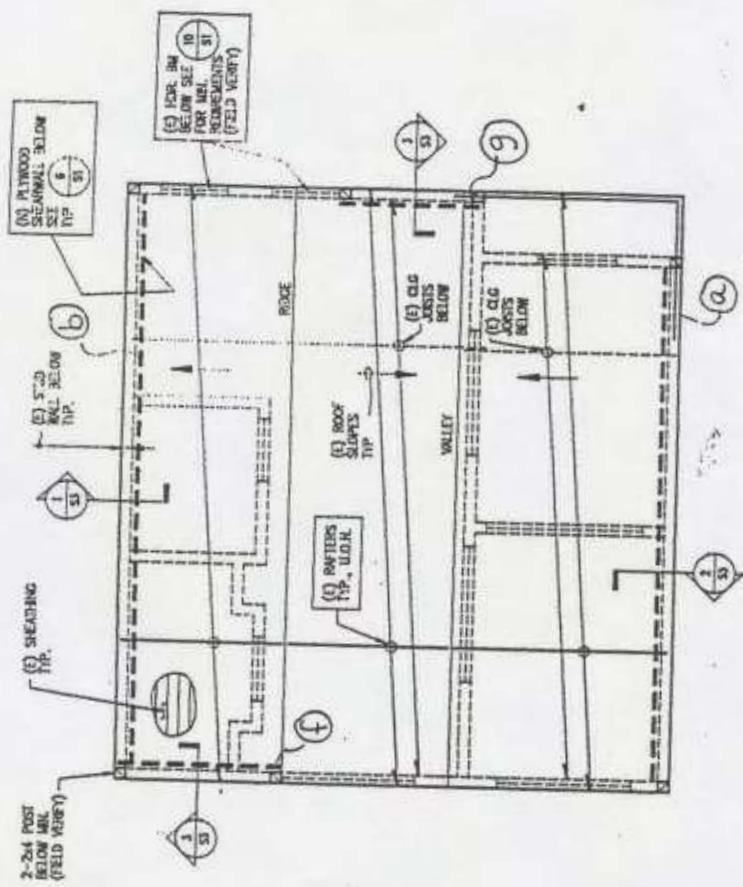
ASSUME 5/8"  $\phi$

$$V_{\text{ALLOWABLE}} = 910 \#$$

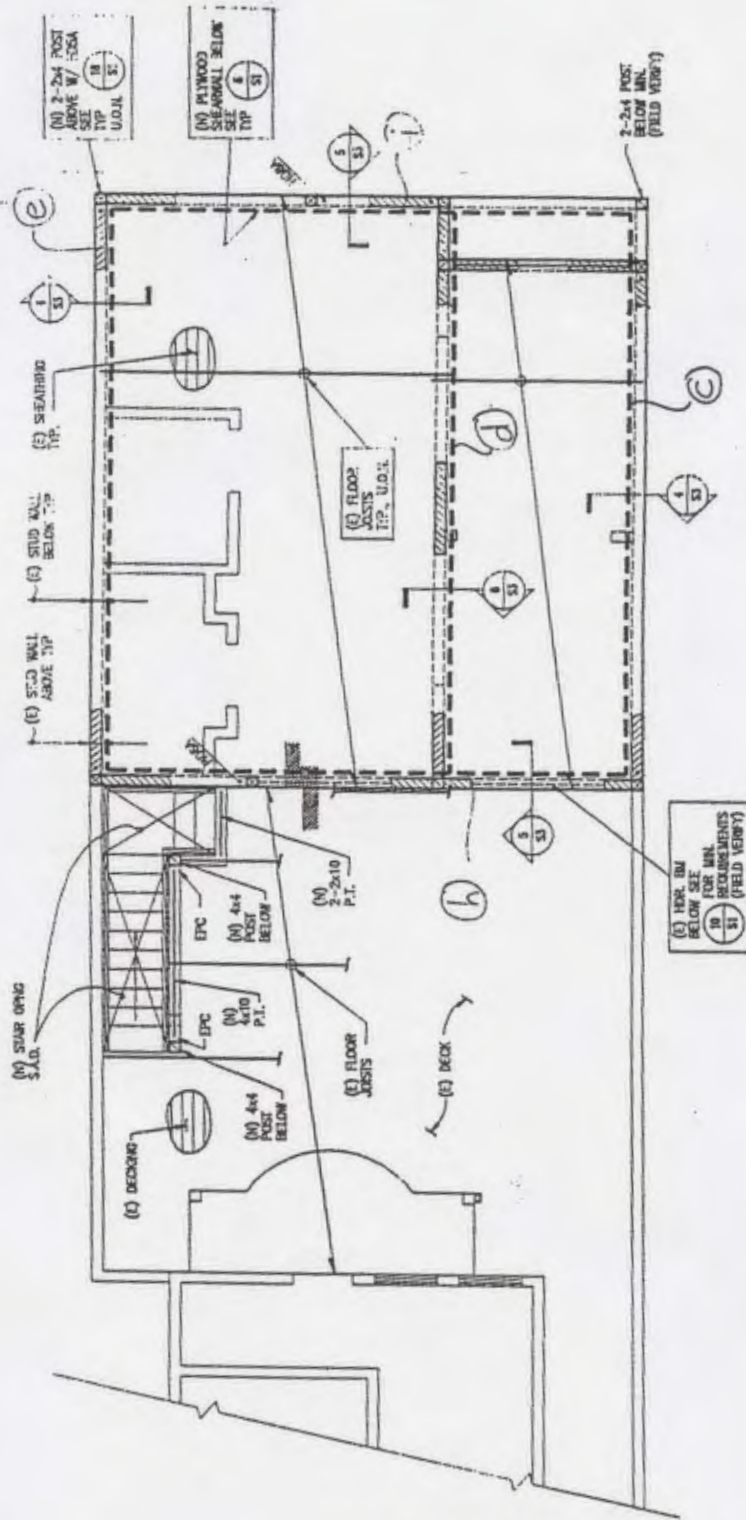
$$\# \text{ BOLTS} = 1000 / (910 \times 1.33) = 0.8 \text{ bolts} \\ = 1 \text{ BOLT}$$

$$\text{SPACE} = 28.5' \times 12'' / 1 = 342 \text{ IN} > 32 \text{ IN}$$

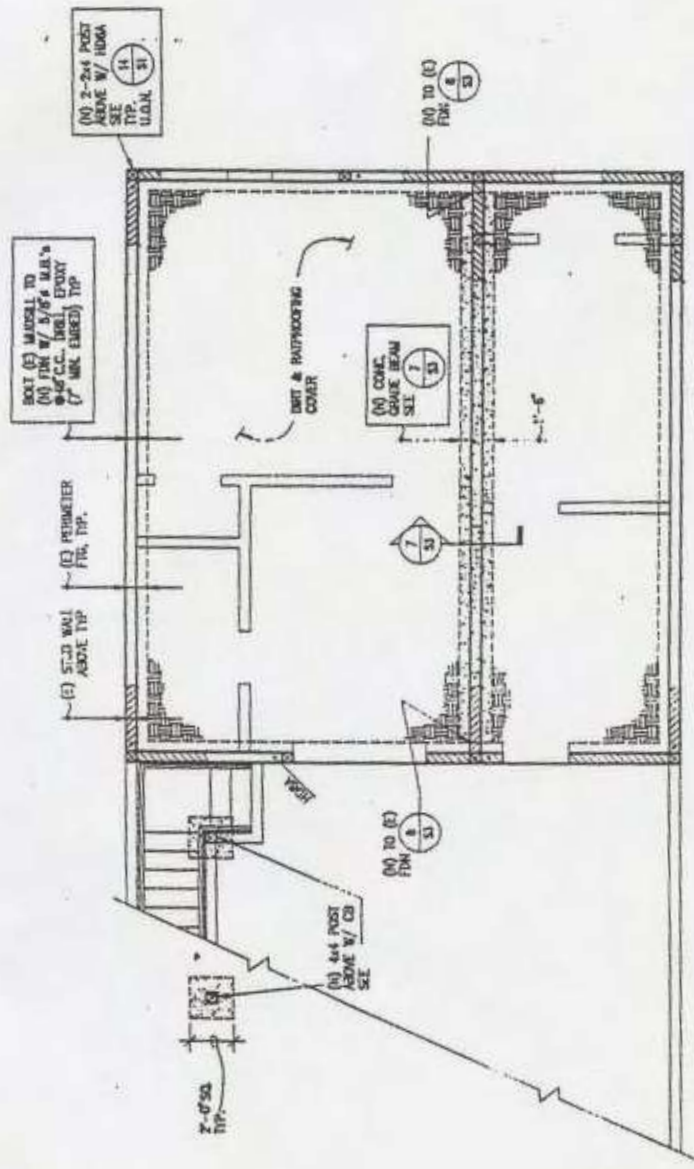
USE 5/8"  $\phi$  A.B.'s @ 32" o.c.



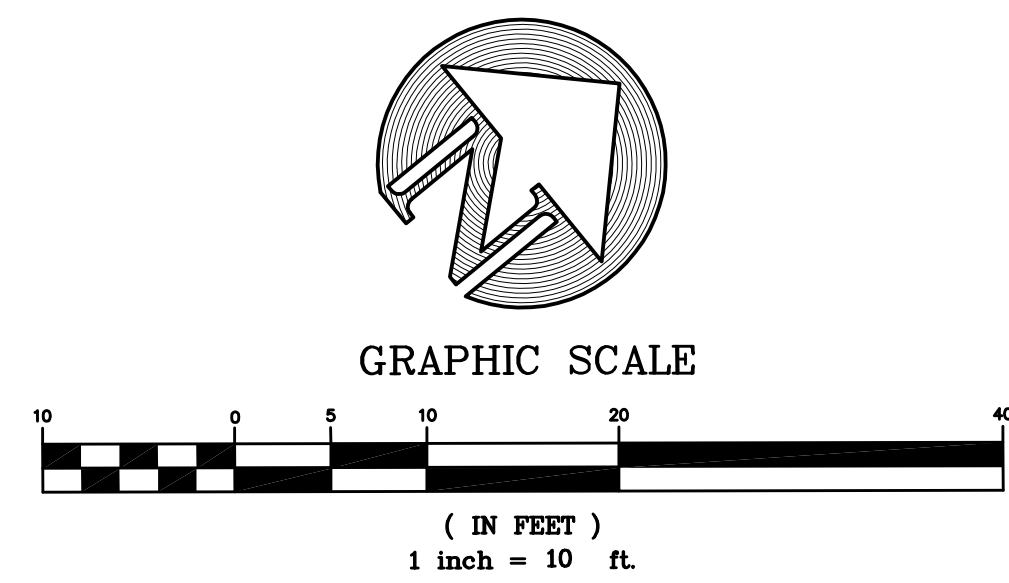
ROOF FRAMING PLAN



**FLOOR FRAMING PLAN**  
SCALE 1/4" = 1'-0"



**BASEMENT AND FOUNDATION PLAN**  
 SCALE 1/4" = 1'-0"



# CORTLAND AVENUE (60.00' WIDE)

### BASIS OF SURVEY

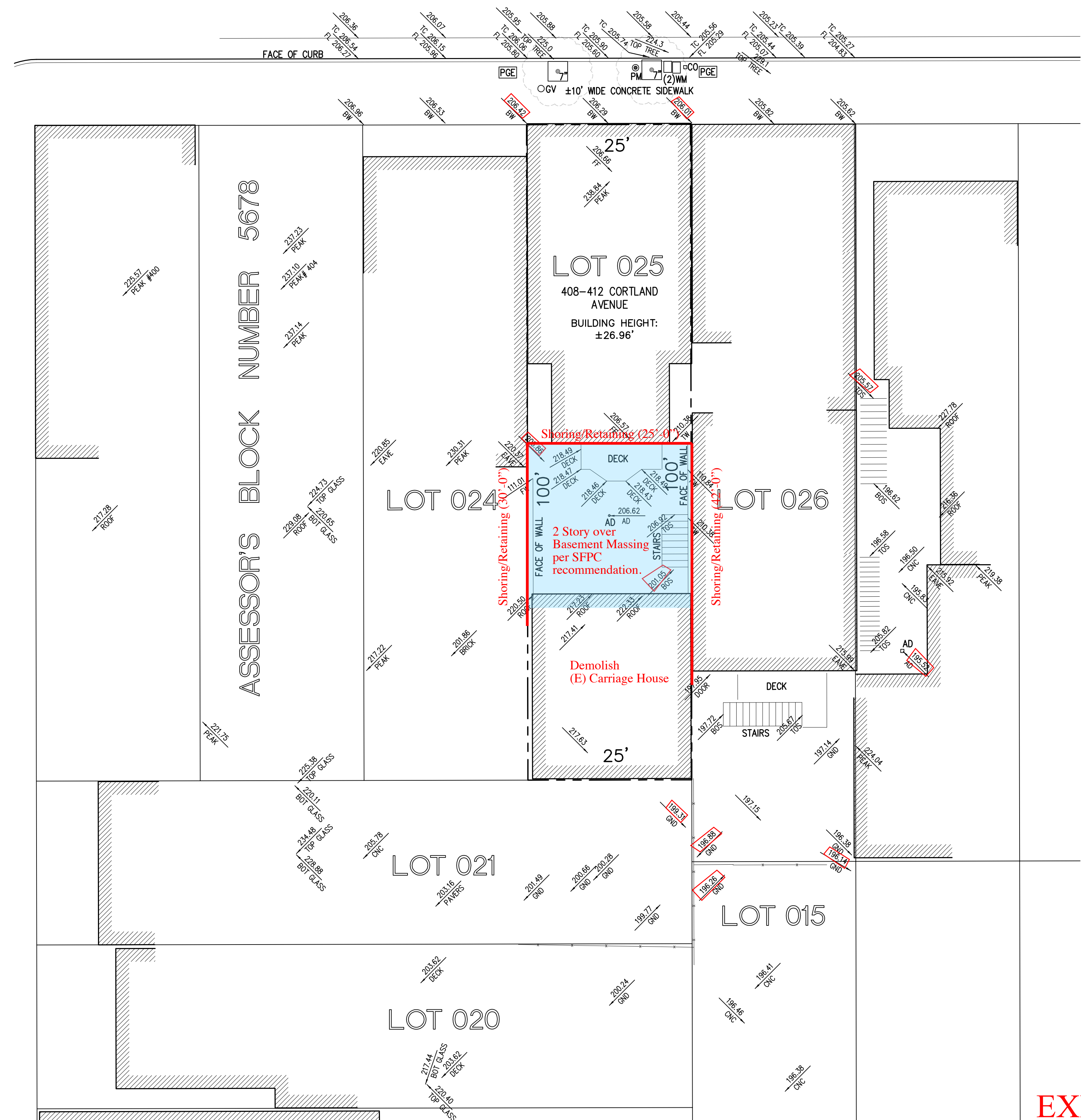
- ELEVATIONS BASED ON SAN FRANCISCO CITY DATUM AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CORTLAND AVENUE AND BENNINGTON STREET CROW CUT OUTER RIM SW. ELEVATION = 209.306'
- BOUNDARY SHOWN IS APPROXIMATE.

### ENGINEERS CERTIFICATE:

THIS SURVEY WAS UNDERTAKEN UNDER MY DIRECTION IN DECEMBER, 2017.

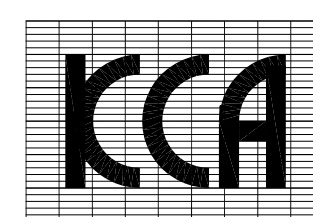
SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

KCA ENGINEERS, INC.  
PETER J. BEKEY  
R.C.E. NO. 14786  
EXPIRES: MARCH 31, 2019



EXH4

**KCA ENGINEERS, INC.**  
CONSULTING ENGINEERS • SURVEYORS • PLANNERS  
318 BRANNAN ST. • SAN FRANCISCO, CA 94107 • (415) 546-7111 • FAX: (415) 546-9472



APPROVED:	PROJECT NO.	DES. JH	DRW. YL		
APPROVED:		CKD. JH	REV. PJB		
		DATE FEB. 2018		09.06.18	ADDED ELEVATIONS
		JOB NO. 6476		02.23.18	PRELIMINARY
				NO.	DATE
					DESCRIPTION

TOPOGRAPHIC SITE SURVEY MAP FOR  
408-412 CORTLAND AVENUE  
ASSESSOR'S BLOCK 5678 ~ LOT 0253  
SAN FRANCISCO CALIFORNIA

SCALE:  
HORIZ. 1" = 10'  
VERT. \_\_\_\_\_  
2 OF 2

Dear Corey Teague and the Zoning Administration,

I am writing to express my opinion on a particular insurance matter as relates to: SF Planning Application  
No./Record No.: 2015-008499

Particularly the following under section S2:

Recommend extending main building back to the average of the adjacent neighbors and demolishing cottage for open space instead.

I opine, as relates to insurance and general risk management principles, that any course of action involving demolition increases hazards and therefore negatively impacts the safety profile of the property in question. Not only that, but risks involving demolition are likely to increase insurance costs and adversely impact insurability.

Regards,

Chris Tracy

Commercial Sales Team Manager

916-738-7706

ctracy@inszoneins.com

**EXH45**





# ASSESSOR-RECORDER'S OFFICE

© COPYRIGHT SAN FRANCISCO  
CITY & COUNTY ASSESSOR 1995

## 5678

### LOTS MERGED

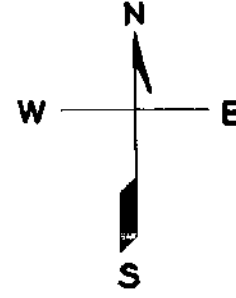
LOT 3 INTO LOTS 1 & 2 '1920'  
" 2 " " 1 '1953'

FAIR'S SUB. OF HOLLY PARK TRACT

BLK 9

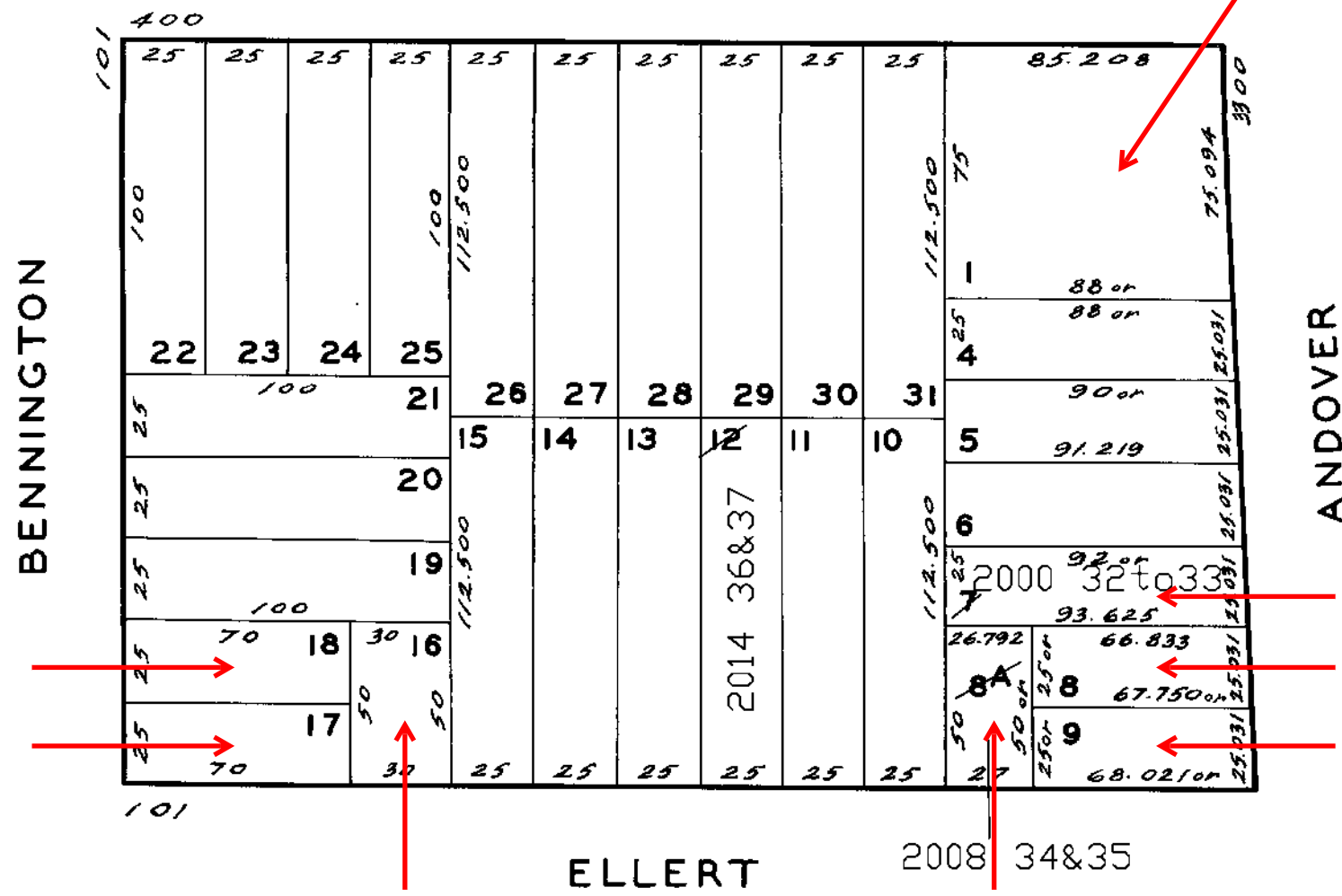
lot7 into lots32to33 for 2000 roll  
lot8A into lots34&35 for 2008 roll  
lot12 into lots36&37 for 2014 roll

Revised 2000  
Revised 2008  
Revised 2014



CORTLAND AVE.

328 Andover St. A CONDOMINIUM		
LOT	UNIT	% COMM. AREA
32	1	51.1
33	2	48.9



## FAR Calculations

### **APN 5678025:**

#### Front Building:

Commercial First Floor: 948 s.f.

Residential Second Floor: 1,168 s.f.

#### Rear Building:

Commercial First Floor: 648 s.f.

Proposed Commercial Second Floor: 668 s.f.

Total s.f. = 3,432 s.f. / Lot Area: 2,500 s.f. = **1.37 FAR**

### **APN 5678026:**

#### Building:

Commercial First Floor: 2,060 s.f.

Residential Second Floor: 1,990 s.f.

Total s.f. = 4,050 s.f. / Lot Area: 2,812.5 s.f. = **1.46 FAR**

### **APN 5678027:**

#### Front Building:

Square Footage: 2,856 s.f.

#### Rear Building:

Square Footage: 1,800 s.f.

Total s.f. = 4,656 s.f. / Lot Area: 2,812.5 s.f. = **1.66 FAR**

APPROVED  
Dept of Building Insp.

NOTE PERMITTED MAY 30 1997  
DECK ADDITION

ENLARGEMENT  
DESCRIPTION  
 VERTICAL  
 HORIZONTAL

APPROVED FOR ISSUANCE  
APPROVAL NUMBER  
APPROVAL DATE  
APPROVAL NUMBER  
APPROVAL DATE

APPLICATION FOR BUILDING PERMIT  
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF PUBLIC WORKS

FORM 3  OTHER AGENCIES REVIEW REQUIRED  
FORM 8  OVER-THE-COUNTER ISSUANCE  
12 NUMBER OF PLAN SETS + cads

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

DATE FILED 10-2-96 PERMITS RECEIPT NO. 285782 STREET ADDRESS OF JOB 410 CORTLAND AVE  
PERMIT NO. 822890 ISSUED 5-30-97 ESTIMATED COST OF JOB \$25,000

INFORMATION TO BE FURNISHED BY ALL APPLICANTS. Table with columns for existing building details (type of work, no. of stories, etc.) and proposed alterations (description, no. of stories, etc.).

CONTRACTOR NAME AND ADDRESS: DRISKY GUNTL 400 CORTLAND ST 9410

REMOVE DILY ROTTEN STAIRS/DECK BETWEEN BUILDINGS. INSTALL NEW DECK/STAIRS. DECK DOESN'T SEWER RESTAURANT. DECK ENCLOSES AREA UNDER AND CONNECTS THE TWO BUILDINGS. ENCLOSE REFR AREA UNDER RESTAURANT. PROVIDE 1-HR. FIRE-RATED SEPARATION TO OCCUPANCY.

ADDITIONAL INFORMATION - FORM 3 APPLICANTS ONLY. Fields for (17) ALTERATION, (18) STATE NEW HEIGHT, (19) ALTERATION EXTENSION, (20) OTHER EXISTING BLDG., (21) SIDEWALK SPACE, (22) WILL BUILDING EXTEND BEYOND PROPERTY LINE, (23) ARCHITECT OR ENGINEER DESIGN, (24) CONSTRUCTION UNDER.

IMPORTANT NOTICES. No change shall be made in the character of the occupancy or use without first obtaining a Building Permit... Grade lines as shown on drawings... BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED... THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

NOTICE TO APPLICANT. HOLD HARMLESS CLAUSE: The Permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco... I certify that in the performance of the work for which this Permit is issued, I shall not employ any person in any manner so as to become subject to the workman's compensation laws of California...

APPLICANT'S CERTIFICATION. I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

APPLICANT'S SIGNATURE: [Signature] DATE: 10/2/96

EXH48-1

CONDITIONS AND STIPULATIONS

<p>APPROVED: <input checked="" type="checkbox"/></p> <p>Consent of the building inspector at the start of work call 558-6096. For plumbing inspection scheduling call 558-6054, for electrical inspection scheduling call 558-6030. If the location is approved without site inspection, detailed plumbing or electrical plan review and does not constitute approval of the building. Work authorized must be done in accordance with all applicable codes. Any electrical or plumbing work shall require appropriate separate permits.</p> <p>Work must comply with the Residential Energy Conservation Ordinance, 613-89 before a final inspection approval can be issued for the work stated on this application.</p>	<p><b>For Residential Area Work ONLY</b></p> <p>WILLY YAU BUREAU OF BUILDING INSPECTION DATE 2-27-97</p> <p><b>For Commercial Area Work</b></p> <p>WILLY YAU BUREAU OF BUILDING INSPECTION DATE 2-27-97</p> <p>PERMITS SECTION</p> <p>DATE 4/22/97</p> <p>BUILDING INSPECTOR, BUR. OF BLDG. INSP.</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <input checked="" type="checkbox"/></p> <p>Approved per plans filed with permit 5/19/97</p> <p>AMC Aurora/Fishy</p> <p>DEPARTMENT OF CITY PLANNING 10/8/96</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <input checked="" type="checkbox"/></p> <p>NA</p> <p>BUREAU OF FIRE PREVENTION &amp; PUBLIC SAFETY</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <input checked="" type="checkbox"/></p> <p>The approval of this application and issuance of permit applies to specified work only and does not constitute an approval of the building.</p> <p><b>For Residential Area Work ONLY</b></p> <p>WILLY YAU BUREAU OF BUILDING INSPECTION DATE 2-27-97</p>	<p>SPECIAL INSPECTIONS AND TESTS ARE REQUIRED AS PER BUILDING CODE SECTION 1701</p> <p><b>For Commercial Area Work</b></p> <p>WILLY YAU BUREAU OF BUILDING INSPECTION DATE 4/22/97</p> <p>BUREAU OF BUILDING INSPECTION, BUR. OF BLDG. INSPECTION</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <input type="checkbox"/></p> <p>N/A</p> <p>BUREAU OF ENGINEERING</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <input type="checkbox"/></p> <p>DEPARTMENT OF PUBLIC HEALTH</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <input type="checkbox"/></p> <p>REDEVELOPMENT AGENCY</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <input type="checkbox"/></p> <p>HOUSING INSPECTION DIVISION</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>

HOLD SECTION — NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureaus or departments noted on this application, and attached statements of conditions or stipulations, which are hereby agreed to, part of this application.

Number of attachments  \_\_\_\_\_  
OWNER'S AUTHORIZED AGENT

DATE 10-4-96

APPLICATION FILING FEE-  
PLAN CHECKING RECEIPT

285782

RECEIVED OF

Mack/Wallace Architects

BUILDING APPLICATION NUMBERS

9618975

BUREAU APPLICATION

FEE FOR APPLICATION FILING AND CHECKING PLANS, PRESCRIBED BY SAN FRANCISCO BUILDING CODE

ESTIMATED COST OF JOB # 25,000	EXPIRATOR REVENUE FEE	PLAN CHECK FEE REVENUE FEE			FILING FEE 7223 # 26.65	DEMOLITION NOTICE FEE 212
		NEW CONSTRUCTION	ALTERATION	REUSE		
			# 299.75			
FINANCE FEE 7226	DGP FEE 7091 # 425.00	SURCHARGE # 30.00	FULL PLAN CHECK <input type="checkbox"/>	CITY AND COUNTY OF SAN FRANCISCO		
			1/4 PLAN CHECK <input type="checkbox"/>	DEPARTMENT OF BUILDING INSPECTION CENTRAL PERMIT BUREAU		

9003-01 (REV. 2/95)

TOTAL \$ 722.75

BY [Signature]

EXH48-3


**DEPARTMENT OF BUILDING INSPECTION**

City & County of San Francisco  
 1660 Mission Street, 2nd Floor, San Francisco, California 94103-2414  
 (415) 558-6001/558-6133 Fax (415) 558-6041

**PLAN REVIEW COMMENTS**

This application is being withheld pending resolution of the following comments. Until then the application is considered incomplete pursuant to Government Code Section 65943 and Chapter 4.5 of Division 1 Title 7; and is subject to cancellation in accordance with San Francisco Building Code Section 303(a).1.B. This approval of completion must **conclude by 12-30-96**, otherwise it is subject to cancellation.

Application No.: 9618975  
Ref. No.: 370  
Address: 410 Cortland St  
Building Type: 5  
Occupancy/Units: two building to become 1; R-3, B/ 1-unit and Restaurant + R-3 1-unit to become R-3 two unit and Restaurant  
Stories/Basements: 3/0 or 2/1?

copy to:

Architect:  
 Ronald S. Wallace  
 1108 Bryant St, 1st Flr  
 San Francisco, CA 94103

Phone: 626-6868

Engineer:  
 Rodrigo Santos  
 555 De Haro St., Ste. 250  
 San Francisco, CA 94107

Phone: 626-9377

Owner:  
 Cathy Guntl  
 410 Cortland St  
 San Francisco, CA 94110

Phone: c/o Architect 626-6880

Work Description: Deck horizontal Addition connecting two buildings enclosing court between.

**COMMENTS / CORRECTIONS REQUIRED (1995 San Francisco Building Code)**

1. Please clarify if the existing legal uses of the rooms in the basements of the two buildings in their lowest level.
2. Please clarify the use of the area enclosed and under the new deck.
3. According to the occupant loading for the various use of areas, please provide

Continue Next Page 9618975 Ref.: 370 410 Cortland St 10-31-96

EXH48-4

adequate second exiting if required, as applicable.

4. Please clarify the user of the areas (which unit or restaurant) mentioned in item 1 and 2 above. A 1-hour separation between units and between R-3 and B occupancy shall be provide.
5. Please provide 1-hour separation between restaurant and exit walkway thru. front building.
6. Please some photos of the existing buildings in their front and rear to clarify existing conditions. (Per my discussion with Residential Plan Check Manager Mr. Todd Huntington.)
7. Please provide elevation views to clarify relative elevations between exterior grade and top of floor of "Main Level", new deck, and top of floor of existing upper level all around the buildings. This is to help determine and clarify if the existing lowest level as being a story or basement per code definition.  
  
If building being a 3-story building, then proposed plan will remove a required exit for the top level terminating at a rear yard of at least 10 ft. depth (horizontal distance from building) per SFBC 1003.1.
8. Please provide 1-hour fire protection at new walls at property lines. Please provide fire wall at deck/walkway along side existing west property line. (Please show wall on both architectural and structural plans, as applicable.)
9. Please provide adequate lateral support design calculation for new deck connecting the front and rear building, with consideration of tributary loading (including tributary from existing building) demand for these new cross wall elements.
10. Please clarify dimension of post footing "Foundation Plan"/S2. Calc. calls for 2'-3" square footing differing from 2'-0" on plan.
11. Please clarify connection details at:  
(A) top deck railing to deck;  
(B) top deck posts intersection with mid-level deck.
12. Please clarify lateral support system of top deck. (No pull out loading on lag bolts per SFBC.)
13. Please clarify extent of plywood shear wall and holdown design on south side of deck.
14. Please clarify deck shear transfer elements. (e.g. any deck cross bracing, etc.?)
15. Please call in case on any question.

Department of Building Inspection Plan Reviewer: WILLY YAU 415-558-6134 10-31-96

EXH48-5



DEPARTMENT OF BUILDING INSPECTION

City & County of San Francisco  
1660 Mission Street, San Francisco, California 94103-2414

SPECIAL INSPECTION

A COPY OF THIS DOCUMENT SHALL BE KEPT ON THE BUILDING SITE - SFBC SEC. 363(b) 1995

JOB ADDRESS 410 CORTLAND ST APPLICATION NO. 9618975 ADDENDUM NO. \_\_\_\_\_  
OWNER NAME CATHY GUNT OWNER PHONE NO. 626-6880

REF. 370

Employment of Special Inspection is the direct responsibility of the OWNER, or the engineer/architect of record acting as the owner's representative. Special inspector shall be one of the following prescribed in Sec. 366(b). Name of special inspector shall be furnished to DBI District Inspector prior to start of the work for which the Special Inspection is required. A preconstruction conference is recommended for owner/builder or designer/builder projects, complex and highrise projects, and for projects utilizing new processes or materials.

In accordance with SFBC Sec. 366(a), Special Inspection and/or testing is required for the following work:

- |  |  |
|--|--|
| <input type="checkbox"/> 1. Concrete   | <input type="checkbox"/> 14. Exterior Facing   |
| <input checked="" type="checkbox"/> 2. Bolts Installed in Concrete <i>CALLED BY FRGR.</i>              | <input type="checkbox"/> 15. Demolition  |
| <input type="checkbox"/> 3. Special Moment-Resisting Concrete Frame                                    | <input type="checkbox"/> 16. Life Safety System  |
| <input checked="" type="checkbox"/> 4. Reinforcing Steel & Prestressing Tendons <i>CALLED BY FRGR.</i> | <input type="checkbox"/> 17. Retrofit of Unreinforced Masonry Buildings  |
| <input type="checkbox"/> 5. Welding  | <input checked="" type="checkbox"/> 18. Bolts Installed in Existing Masonry /Concrete  |
| <input type="checkbox"/> 6. High-Strength Bolting  | <input checked="" type="checkbox"/> 19. Shear Walls and Floor Systems Used as Shear Diaphragms   |
| <input type="checkbox"/> 7. Structural Masonry   | <input type="checkbox"/> 20. Special Cases:  |
| <input type="checkbox"/> 8. Reinforced Gypsum Concrete   | <input checked="" type="checkbox"/> Holdowns   |
| <input type="checkbox"/> 9. Insulating Concrete Fill   | <input type="checkbox"/> 21. Anchors Installed In Existing Concrete or Masonry, Pull/Torque Test Report Required By San Francisco Building Code Sec. 1701.5-20, 1613C, 1607C; (Tension Bolt Pull Test Proof Load Shall Be 2.5 Times the Design Load And Not Less Than 1,500 Pounds For Five Minutes (10% Deviation)) |
| <input type="checkbox"/> 10. Spray-On Fireproofing   |  |
| <input type="checkbox"/> 11. Piling, Drilled Piers and Caissons  |  |
| <input type="checkbox"/> 12. Shotcrete   |  |
| <input type="checkbox"/> 13. Special Grading, Excavation and Filing (Engineered)                       |  |

Structural observation per SFBC Sec. 366 for (list): \_\_\_\_\_

Certification is required for:  Glu-Jam components Other: \_\_\_\_\_

Prepared by: PORRILLO SANTOS / DONARD WALLACE Phone: 626-9377 / 626-6868  
Engineer/Architect of Record

Review by: WILLY YAU Phone: (415) 558-6134  
DBI Engineer or Plan checker

*(FOR RESIDENTIAL AREA WORK)*

TO DISTRICT BUILDING INSPECTOR: This copy is returned for your record. All reports were received and are acceptable.

DATE \_\_\_\_\_ DBI Engineer or Plan Checker, PCSD  
Per Special Inspection Report Dated \_\_\_\_\_ By \_\_\_\_\_

QUESTIONS ABOUT SPECIAL INSPECTION SHOULD BE DIRECTED IN THE ORDER OF:

- 1) Plan Check Engineer/Inspector: 558-6133, 2) District Building Inspector: 558-6096





**DEPARTMENT OF BUILDING INSPECTION**  
City & County of San Francisco  
1660 Mission Street, San Francisco, California 94103-2414

NOTIFICATIONS OF STRUCTURAL ADDITION      MAILED: 06/02/97      PAGE: 1

APPLICATION NUMBER: 9618975      PERMIT NUMBER: 822890      PERMIT ISSUED: 05/30/97  
BUILDING LOCATED AT: 410 CORTLAND AV      BLOCK/LOT: 5678 /025  
PERMIT HOLDER: CATHY GUNTLE      ADDRESS: 410 CORTLAND AVE.  
SAN FRANCISCO, CA      94110

DESC CODE:  
DESC: HORIZONTAL ADDITION

ADDRESSEE	MAILING ADDRESS	ADJACENT PARCEL LOCATION
KENSINGER KEARY M&KATHLEEN	125 BENNINGTON ST SAN FRANCISCO CA 94110	125 BENNINGTON ST BLOCK/LOT: 5678 /021
VOIGHT MICHAEL L	406 CORTLAND AV SAN FRANCISCO CA 94110	406 CORTLAND AV BLOCK/LOT: 5678 /024
DELEON MOISES TRUST THE	% DELEON RONALD 2009 NOTRE DAME AVE BELMONT CA 94002	414 - 416 CORTLAND AV BLOCK/LOT: 5678 /026

EXH48-7



City and County of San Francisco  
Department of Building Inspection

**CERTIFICATE OF FINAL COMPLETION AND OCCUPANCY**

LOCATION: 410 (number) CORTLAND AVE (street) 5678 (block and lot) 25

Permit Application No: 9618975 Type of Construction: IV Stories: 2 Dwelling Units: 2

Basements: 0 Occupancy Classification: REF # 9807018B/R2 No. of Guestrooms: 0 with cooking facilities: 0

Description of Construction: CONSTRUCTED A NEW DECK BETWEEN 2 EXISTING BUILDINGS

To the best of our knowledge, the construction described above has been completed and, effective as of the date the building permit application was filed, conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California. The above referenced occupancy classification is approved pursuant to Section 109 of the *San Francisco Building Code*.

Any change in the use or occupancy of these premises—or any change to the building or premises—could cause the property to be in violation of the *Municipal Codes* of the City and County of San Francisco and, thereby, would invalidate this *Certificate of Final Completion and Occupancy*. A copy of this *Certificate* shall be maintained on the premises and shall be available at all times. Another copy of this *Certificate* should be kept with your important property documents.

Before making any changes to the structure in the future, please contact the Department of Building Inspection, which will provide advice regarding any change that you wish to make and will assist you in making the change in accordance with the *Municipal Codes* of the City and County of San Francisco.

Approved: N/A 199 Bureau of Fire Prevention  
by: (Signature) (Printed Name)

Approved: N/A 199 Department of Public Health  
by: (Signature) (Printed Name)

This certificate issued on: APRIL 30, 1998  
**OBSERVE: APPROVAL**  
FRANK CHIU, Director of Building Inspection  
by: (Signature) T. FONG, Building Inspector  
by: (Signature) N/A, Housing Inspector  
(Signatures) (Printed Names)

BUILDING INSPECTION

OCT 07 1997

BUILDING FORM 3/8

APPROVED FOR ISSUANCE

09715313

1-13

NOTE CHANGE TO COMMERCIAL USE.

E

DEPT. OF BUILDING INSPECTION

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

FORM 3  OTHER AGENCIES REVIEW REQUIRED

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

FORM B  OVER-THE-COUNTER ISSUANCE

2 + copies NUMBER OF PLAN SETS

OFFICE COPY

DATE FILED 8-18-97 FILING FEE 1816 PERMIT NO. 834081

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

Table with columns for (A) TYPE OF CONSTRUCTION, (B) NO. OF STORES OF OCCUPANCY, (C) NO. OF BARRIERS AND COLLARS, (D) PRESENT USE, (E) OCCUP. CLASS, (F) NO. OF DWELLING UNITS, (G) TYPE OF CONSTRUCTION, (H) NO. OF STORES OF OCCUPANCY, (I) NO. OF BARRIERS AND COLLARS, (J) PROPOSED USE (LEGAL USE), (K) OCCUP. CLASS, (L) NO. OF DWELLING UNITS, (M) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?, (N) WILL STREET SPACE BE USED DURING CONSTRUCTION?, (O) WILL ELECTRICAL WORK TO BE PERFORMED?, (P) PLUMBING WORK TO BE PERFORMED?

SEISMIC UPDATES & ALTERATIONS TO EXISTING BUILDING @ REAR OF LOT, INSTALL NEW KITCHEN & BATH, CONVERSION TO BAKERY.

ADDITIONAL INFORMATION table with columns for (1) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?, (2) WILL SIDEWALK OVER SUBSIDEWALK SPACE BE REPAIRED OR ALTERED?, (3) ARCHITECT OR ENGINEER (DESIGN) CONSTRUCTION?, (4) CONSTRUCTION (OWNER NAME AND ADDRESS, DESIGNATION IF ANY, THERE IS ANOTHER CONSTRUCTION LICENSEE, LICENSE NUMBER), (5) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING?, (6) ANY OTHER EXISTING BLDG ON LOT IF YES, SHOW ON FLOT PLAN, (7) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?, (8) ARCHITECT OR ENGINEER (DESIGN) CONSTRUCTION?, (9) ADDRESS, (10) CALIF. CERTIFICATE NO.

IMPORTANT NOTICES, NOTICE TO APPLICANT, APPLICANT'S CERTIFICATION. I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

EXH49-1

DEPARTMENT OF BUILDINGS  
SECTION

CONDITIONS AND STIPULATIONS

Contact the district building inspector at the start of work at 558-6096. For plumbing inspection scheduling call 558-6054, for electrical inspection scheduling call 558-6030. This work shall be done in accordance with the provisions, detailed approval of the building department and must be done in strict accordance with applicable codes. Any electrical or plumbing work shall require appropriate separate permits.

N/A

APPROVED: *As per application + plans correct storage in 7th floor to Bakery Water Res in front building - see 96/8975*

APPROVAL OF THIS APPLICATION APPLIES TO SPECIFIED WORK OR TO ALL WORK TO BE INSTALLED UNDER THE PLANS. *GW Chavis 8/18/97*

APPROVED: *N/A*  
BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

APPROVED: *Per plan & code*  
SPECIAL INSPECTIONS AND TESTS ARE REQUIRED AS PER BUILDING CODE SECTION 1701  
*See Part 5-1*  
*Julius 9/15/97*  
CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

APPROVED: *Albert Sam 9/25/97*  
BUREAU OF ENGINEERING *N/A*

APPROVED: *As Noted on Approved Plans*  
*W/B* OCT 21 1997  
DEPARTMENT OF PUBLIC HEALTH

*N/A*  
REDEVELOPMENT AGENCY

APPROVED: *[Vertical line]*  
HOUSING INSPECTION DIVISION

NOTIFIED MR.
DATE: _____
REASON: _____
NOTIFIED MR.
DATE: _____
REASON: _____
NOTIFIED MR.
DATE: _____
REASON: _____
NOTIFIED MR.
DATE: _____
REASON: _____
NOTIFIED MR.
DATE: _____
REASON: _____
NOTIFIED MR.
DATE: _____
REASON: _____
NOTIFIED MR.

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

I agree to comply with all conditions or stipulations of the various bureau or departments noted on this application and attached statements of conditions or stipulations, which are hereby made a part of this application.  
Number of attachments   
*William Cortez*  
OWNER'S AUTHORIZED AGENT

EXH49-2

DATE 8-18-97

APPLICATION FILING FEE-  
PLAN CHECKING RECEIPT

291816

RECEIVED OF  
MOCK/WALLACE

BUILDING APPLICATION NUMBERS  
9715843

BUREAU APPLICATION

FEE FOR APPLICATION FILING AND CHECKING PLANS, PRESCRIBED BY SAN FRANCISCO BUILDING CODE						
ESTIMATED COST OF WORK	SUPERVISOR REVENUE 7200	PLAN CHECK FEE REVENUE 7220			FILING FEE 7225	DEMOLITION NOTICE FEE 1212
		NEW CONSTRUCTION	ALTERATION	SIGNING		
<u>\$40,000.00</u>			<u>315.41</u>		<u>20.05</u>	
<u>/</u>	<u>495.00</u>	<u>31.00</u>		FULL PLAN CHECK <input type="checkbox"/> 1/4 PLAN CHECK <input type="checkbox"/> <u>--</u>	CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION CENTRAL PERMIT BUREAU	

9003-01 (REV. 2/95)

TOTAL \$ 874.73

BY [Signature]

EXH49-3

**DISABLED ACCESS COMPLIANCE CHECKLIST  
PROFESSIONAL AFFIDAVIT**

**NOTE:**

Design professional: Incorporate this affidavit and the appropriate schedule from the checklist onto the cover sheet of the plan set when submitting a permit application to remodel or alter an existing building.

**PROJECT PROFILE:**

Property Address: 410 CVTland; Floor: -1; Room/Suite #: \_\_\_\_\_  
Existing Occupancy: STORAGE B-2; Proposed Occupancy: B-2  
Existing Use: STORAGE; Proposed Use: BAKERY

**CONSTRUCTION COST**

1. Construction cost shall be based on the Marshall & Swift Construction Cost Index. DBI may accept bona-fide contract prices upon review and approval.
2. Construction cost will be verified during plan check and inspection stages by DBI. In the event the cost has to be adjusted above the valuation threshold (based on the ENR US20 Cities average construction cost index. The cost index is updated annually, and the 1996 value is \$81,896.00. ), then your design may be required to provide full disabled access compliance.
3. When the project is valued under the threshold, then the construction cost will be used to evaluate the level of disabled access triggered by this project but it shall not exceed 20%.
4. The design professional shall verify all existing field conditions and certify that all information provided is accurate. A Stop Work Order or Correction Notice will be issued by DBI Inspector if the plans do not reflect the true field condition.

**PROFESSIONAL AFFIDAVIT (Please read and sign)**

- I have verified the existing site and building conditions for disabled access at the above proposed project and certify that all information shown on the attached checklist and referenced drawings is correct with regards to compliance with the disabled access provisions of the California Code of Regulations (CCR) Title 24.

Signature: [Signature] Date: 8/18/97

(Design Professional/Responsible Person)  
Print Name: GEN WALLACE

Address: 1100 BRYANT ST SF 94103

Firm: MOY WALLACE Phone No.: 626 6880

- Check One:  Architect  
 Engineer  
 Other Design Professional  
 License No. (If applicable) C8307

**PROFESSIONAL AFFIDAVIT (Continued)**

- This item must be checked by the Design Professional. The design professional must also be aware of the ADA requirement.

**IMPORTANT**

Two federal laws, the Americans with Disabilities Act (ADA) and the Federal Fair Housing Act are now in effect. They impose new federal disability access requirements on construction projects. DBI does not enforce Federal Law and will not be checking plans for compliance with these requirements. It is your responsibility to make sure that your plans are in conformance with federal law.

For information concerning the ADA contact: the Architectural Transportation Barrier Compliance Board at 1-800-872-2253 or the Department of Justice at (202) 514-0301. For information concerning the Fair Housing Act contact: HUD at (415) 556-0800.

EXH49-5

410 Cortland

**Checklist #1: Projects Which Are Valued Under The Threshold**

**Schedule B: Full Accessibility Will Be Provided With This Project**

Note: Complete only one Schedule per project. Reproduce this Schedule on the cover sheet of the plan set.

1.  The construction cost of this project is 40,000, which is less than \$81,896.00 "1996 ENR Construction Cost Index". (The cost index is updated annually.)

B.  This project will provide complete disabled access compliance.

	Existing Fully Complying	Upgrade to Complying	Details Shown in Drawing Numbers
1. At least one Accessible Entrance Note: This should be the primary entrance. Additional upgrade may be required if it is not.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
2. An Accessible Route to the Area of Remodel	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
3. At Least One Accessible Restroom for Each Sex Serving the Area of Remodel	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
4. Accessible Telephone	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Accessible Drinking Fountain	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Signage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
7. Visual Alarm	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Others (Describe means of compliance such as parking spaces, elevator, etc.)			<u>No parking available</u>





DEPARTMENT OF BUILDING INSPECTION  
City & County of San Francisco  
1660 Mission Street, San Francisco, California 94103-2444  
SPECIAL INSPECTION

A COPY OF THIS DOCUMENT SHALL BE KEPT ON THE BUILDING SITE - SUBC SECTION 106.4.2 (1995 SFBC)

JOB ADDRESS: 410 CORTLAND STREET APPLICATION NO: 9715843 ADDENDUM NO: \_\_\_\_\_  
OWNER NAME: LIBERTY CAFE OWNER PHONE NO: ( ) \_\_\_\_\_

Employment of Special Inspection is the direct responsibility of the OWNER, or the engineer/architect of record acting as the owner's representative. Special inspector shall be one of the following prescribed in Sec. 906.6: Name of special inspector shall be furnished to DBI District Inspector prior to start of the work for which the Special Inspection is required. A preconstruction conference is recommended for owner/builder or designer/builder projects, complex and high-rise projects, and for projects utilizing new processes or materials.

In accordance with SFBC Sec. 906.6, Special Inspection and/or testing is required for the following work:

- 1. Concrete
- 2. Bolts Installed in Concrete
- 3. Special Moment-Resisting Concrete Frame
- 4. Reinforcing Steel & Prestressing Tendons
- 5. Welding
- 6. High-Strength Bolting
- 7. Structural Masonry
- 8. Reinforced Gypsum Concrete
- 9. Insulating Concrete Fill
- 10. Sprayed-On Fireproofing
- 11. Piling, Drilled Piers and Caissons
- 12. Shotcrete
- 13. Special Grading, Excavation and Filling (Engineered)
- 14. Exterior Facing
- 15. Demolition
- 16. Life Safety System
- 17. Retrofit of Unreinforced Masonry Buildings
- 18. Bolts Installed in Existing Masonry /concrete
- 19. Shear Walls and Floor Systems Used as Shear Diaphragms
- 20. Special Cases: \_\_\_\_\_

Holdowns:  
Anchors installed in existing concrete or masonry, pull/torque test report required by San Francisco Building Code section 1701.5-20. 1615C, 1607

Structural observation per SFBC Sec. 906.7 for (list): \_\_\_\_\_ (702 (SFBC 995))

Certification is required for:  Glu-lam components Other: \_\_\_\_\_

Prepared by: RODRIGO SANTOS Phone: 415 626-9877  
Engineer/Architect of Record

Review by: Mike Phone: (415) 558- 6466  
DBI Engineer or Plan Checker 9/19/97

TO DISTRICT BUILDING INSPECTOR: This copy is returned for your record. All reports were received and are acceptable.

DATE \_\_\_\_\_ DBI Engineer or Plan Checker, PCSD  
Per Special Inspection Report Dated \_\_\_\_\_ By \_\_\_\_\_

QUESTIONS ABOUT SPECIAL INSPECTION SHOULD BE DIRECTED IN THE ORDER OF:  
1) Plan Check Engineer/Inspector: 558-6133. 2) District Building Inspector: 558-6096





City and County of San Francisco  
Department of Building Inspection

**CERTIFICATE OF FINAL COMPLETION AND OCCUPANCY**

LOCATION: 410 (number) CARTLAND (street) AVLS 5678 25 (block and lot)

Permit Application No: 9715843 Type of Construction: SN Stories: 1 Dwelling Units: 0

Basements: 0 Occupancy Classification: B-2 No. of Guestrooms: 0 with cooking facilities: 0

Description of Construction: CONVERTED REAR (E) BUILDING TO BAKERY

To the best of our knowledge, the construction described above has been completed and, effective as of the date the building permit application was filed, conforms both to the Ordinances of the City and County of San Francisco and to the Laws of the State of California. The above referenced occupancy classification is approved pursuant to Section 109 of the *San Francisco Building Code*.

Any change in the use or occupancy of these premises—or any change to the building or premises—could cause the property to be in violation of the *Municipal Codes* of the City and County of San Francisco and, thereby, would invalidate this *Certificate of Final Completion and Occupancy*. A copy of this *Certificate* shall be maintained on the premises and shall be available at all times. Another copy of this *Certificate* should be kept with your important property documents.

Before making any changes to the structure in the future, please contact the Department of Building Inspection, which will provide advice regarding any change that you wish to make and will assist you in making the change in accordance with the *Municipal Codes* of the City and County of San Francisco.

Approved: N/A 199 Bureau of Fire Prevention  
by: N/A (Signature) \_\_\_\_\_ (Printed Name)

Approved: N/A 199 Department of Public Health  
by: N/A (Signature) \_\_\_\_\_ (Printed Name)

This certificate issued on: APRIL 30, 1998

[Signature] **OBSERVE APPROVAL**  
FRANK CHOI, Director of Building Inspection

by: [Signature], Building Inspector  
by: N/A, Housing Inspector

(Signatures) (Printed Names)

BUILDING INSPECTION

City and County of San Francisco  
Department of Building Inspection



Gavin Newsom, Mayor  
Vivian L. Day, C.B.O., Director

**Report of Residential Building Record (3R)**  
(Housing Code Section 351(a))

**COPY**  
Original issued by  
Head of Dept

**BEWARE:** This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Planning Department and the Department of Building Inspection. Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law.

Address of Building **410 - 412 CORTLAND AV** Block **5678** Lot **025**

Other Addresses **USE DOES NOT TAKE INTO ACCOUNT USE CHANGE APPROVED DBI #09715843.**

- 1. A. Present authorized Occupancy or use: **TWO FAMILY DWELLING & COMMERCIAL (FRONT)**
- B. Is this building classified as a residential condominium? Yes No
- C. Does this building contain any Residential Hotel Guest Rooms as defined in Chap. 41, S.F. Admin. Code? Yes No
- 2. Zoning district in which located: **NC-2** 3. Building Code Occupancy Classification: **R-3**
- 4. Do Records of the Planning Department reveal an expiration date for any non-conforming use of this property? Yes No   
If Yes, what date? **The zoning for this property may have changed. Call Planning Department, (415) 558-6377, for the current status.**
- 5. Building Construction Date (Completed Date): **UNKNOWN**
- 6. Original Occupancy or Use: **UNKNOWN**
- 7. Construction, conversion or alteration permits issued, if any:

Application #	Permit #	Issue Date	Type of Work Done	Status
35945	35945	May 15, 1911	ADD TWO ROOMS	N
9703247	815468	Feb 24, 1997	TERMITE REPAIRS	C
9618975	822890	May 30, 1997	HORIZONTAL ADDITION OF DECK (CFC 2FD)	C
9715178	828788	Aug 11, 1997	REROOFING	C
9716778	830563	Aug 29, 1997	REMOVE LATH AND PLASTER FROM INTERIOR OF BUILDING AT REAR OF LOT AND INSTALL GYPSUM BOARD AT BEDROOM, KITCHEN, LIVING ROOM AND DINING ROOM AND BATHROOM	C
9715843	834081	Oct 07, 1997	SEISMIC UPGRADE	C
9807018	847864	Apr 22, 1998	RENEW APPLICATION #9618975 FOR FINAL	C
200012298885	929460	Dec 29, 2000	REPLACE 6 WINDOWS WITH DOUBLE PANE WINDOWS	X

- 8. A. Is there an active Franchise Tax Board Referral on file? Yes No
- B. Is this property currently under abatement proceedings for code violations? Yes No
- 9. Number of residential structures on property? **2**
- 10. A. Has an energy inspection been completed? Yes No  B. If yes, has a proof of compliance been issued? Yes No

The undersigned acknowledgement receipt of a copy of this document, pages 1 through 2

Seller \_\_\_\_\_ date \_\_\_\_\_  
 Seller \_\_\_\_\_ date \_\_\_\_\_  
 Buyer \_\_\_\_\_ date \_\_\_\_\_  
 Buyer \_\_\_\_\_ date \_\_\_\_\_

**Support Services**  
**1660 Mission Street - San Francisco CA 94103**  
**Office (415) 558-6080 - FAX (415) 558-6402 - www.sfdbi.org**

Department of Building Inspection  
1660 Mission Street - San Francisco CA 94103 - (415) 558-6080  
Report of Residential Record (3R)  
Page 2

Address of Building 410 - 412 CORTLAND AV

Block 5678

Lot 025

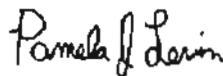
Other Addresses

Date of Issuance: 05 MAY 2010

Date of Expiration: 05 MAY 2011

By: MAY YU

Patty Herrera, Manager, Support Services



Pamela J. Levin, Deputy Director  
Department of Building Inspection

Report No: 201004295043  
**COPY**  
Original issued by  
Heidi Lee  
THIS REPORT IS VALID FOR ONE YEAR ONLY.

The law requires that, prior to the consummation of the sale or exchange of this property, the seller must deliver this report to the buyer and the buyer must sign it.

(For Explanation of terminology, see attached)

Support Services  
1660 Mission Street - San Francisco CA 94103  
Office (415) 558-6080 - FAX (415) 558-6402 - www.sfdbi.org

City and County of San Francisco  
Department of Building Inspection



Gavin Newsom, Mayor  
Vivian L. Day, C.B.O., Director

**Report of Residential Building Record (3R)**  
(Housing Code Section 351(a))

**BEWARE:** This report describes the current legal use of this property as compiled from records of City Departments. There has been no physical examination of the property itself. This record contains no history of any plumbing or electrical permits. The report makes no representation that the property is in compliance with the law. Any occupancy or use of the property other than that listed as authorized in this report may be illegal and subject to removal or abatement, and should be reviewed with the Planning Department and the Department of Building Inspection. Errors or omissions in this report shall not bind or stop the City from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. The preparation or delivery of this report shall not impose any liability on the City for any errors or omissions contained in said report, nor shall the City bear any liability not otherwise imposed by law.

**COPY**  
Original issued by  
Heidi Lee

Address of Building **408 CORTLAND AV**

Block **5678**

Lot **025**

**Other Addresses**

- 1. A. Present authorized Occupancy or use: **ONE FAMILY DWELLING (REAR)**
- B. Is this building classified as a residential condominium? Yes No
- C. Does this building contain any Residential Hotel Guest Rooms as defined in Chap. 41, S.F. Admin. Code? Yes No
- 2. Zoning district in which located: **NC-2**      3. Building Code Occupancy Classification: **R-3**
- 4. Do Records of the Planning Department reveal an expiration date for any non-conforming use of this property? Yes No   
If Yes, what date?      **The zoning for this property may have changed. Call Planning Department, (415) 558-6377, for the current status.**
- 5. Building Construction Date (Completed Date): **UNKNOWN**
- 6. Original Occupancy or Use: **UNKNOWN**
- 7. Construction, conversion or alteration permits issued, if any:

Application #	Permit #	Issue Date	Type of Work Done	Status
35945	35945	May 19, 1911	ADD TWO ROOMS	N
9517784	781144	Oct 23, 1995	DRY ROT REPAIRS	C
9715178	828788	Aug 11, 1997	REROOFING	C

- 8. A. Is there an active Franchise Tax Board Referral on file? Yes No
- B. Is this property currently under abatement proceedings for code violations? Yes No
- 9. Number of residential structures on property? **2**
- 10. A. Has an energy inspection been completed? Yes No  B. If yes, has a proof of compliance been issued? Yes No

Date of Issuance: **05 MAY 2010**  
Date of Expiration: **05 MAY 2011**  
By: **MAY YU**  
Report No: **201004295044**

**Patty Herrera, Manager, Support Services**

**Pamela J. Levin, Deputy Director**  
**Department of Building Inspection**

The undersigned acknowledgement receipt  
of a copy of this document,  
pages 1 through 2

Seller \_\_\_\_\_ date \_\_\_\_\_  
 Seller \_\_\_\_\_ date \_\_\_\_\_  
 Buyer \_\_\_\_\_ date \_\_\_\_\_  
 Buyer \_\_\_\_\_ date \_\_\_\_\_

**Support Services**  
**1660 Mission Street - San Francisco CA 94103**  
**Office (415) 558-6080 - FAX (415) 558-6402 - www.sfdbi.org**

Department of Building Inspection  
1660 Mission Street - San Francisco CA 94103 - (415) 558-6080  
Report of Residential Record (3R)  
Page 2

Address of Building 408 CORTLAND AV

Block 5678

Lot 025

Other Addresses

**COPY**  
Original issued by  
Heidi Lee

THIS REPORT IS VALED FOR ONE YEAR ONLY.

The law requires that, prior to the consummation of the sale or exchange of this property, the seller must deliver this report to the buyer and the buyer must sign it.

(For Explanation of terminology, see attached)

Support Services  
1660 Mission Street - San Francisco CA 94103  
Office (415) 558-6080 - FAX (415) 558-6402 - www.sfdbi.org



Date: May 14, 2021

SF Planning Variance Application#: 2015-008499 VAR PRJ  
Expert Declaration: Rodrigo Santos RS Structural Engineering Inc  
03/24/2021 Variance Hearing

Dear Zoning Administrator Corey Teague:

In 1996-98, I was asked to provide structural engineering services (by the Architectural Firm Mock and Wallace) for the then known and much esteemed Bernal Heights favorite culinary spot “The Liberty Café” located at 410 Cortland Avenue.

This effort included the construction of a new interconnecting patio between the front building facing Cortland Avenue and the rear Cottage. Additionally, I developed a full seismic upgrade scheme for the rear cottage. The process was memorialized at the Department of Building and required DBI Permit numbers #9618975 and #9715843. Refer to Exhibit A & B for the Structural Drawings and Structural Calculations.

The interconnecting patio served the dual purpose of providing vertical support for the patio as well as lateral support to the existing front building by using the property-line concrete grade beams as “buttresses”. The suggested removal of the interconnecting patio will have an adverse effect on the seismic performance of both the front building as well as the rear Cottage. (See Plan Check Letter, July 24, 2019, p.06/08.)

The removal of the patio grade beams will trigger a re-evaluation of the seismic performance of both the front building as well as the rear Cottage. This re-evaluation will likely result in the introduction of new property line foundations within the existing buildings. These new foundations will need to have a minimum embedment that will likely trigger the need to underpin the adjacent properties.

Based on these structural engineering challenges, we believe that any Alternate Development Plan that requires massing at the buildable area of the Inner Court poses the aforementioned risks and is ultimately impracticable and unfeasible because of the unique condition of the subject property. The recommendation of the 07/24/2019 Plan Check Letter (“extend the main building back to the average of the adjacent neighbors and demolish the cottage for open space”) poses considerable costs and risks, and actually causes the property owner financial hardship.

Upon revisiting the site and reviewing the recently completed Topographical Survey by KCA Engineers, we are extremely concerned by the suggestion of removing the existing patio grade beams. The Topographical Survey Data of Block 5678 AND Lot 025 constitutes the standard that determines an exceptional and extraordinary circumstance for both the property owner and adjacent neighbors. This new surveying data reveals the need of property line retaining walls that will exceed 10 feet in height.

Now, it appears that the existing basement walls under question are constructed of unreinforced brick masonry (UMB or UM) and the only all-brick walls are the front Cortland wall and return walls on the east

and west sides. In case the 07/24/2019 Planning Department Recommendation were implemented, the requirement would likely be to erect three (3) retaining walls along the northerly, easterly, and westerly perimeter of the Inner Court, of 25 feet, 42 feet, and 30 feet, respectively, all of the substantial height of 10 feet. These retaining walls would in turn trigger underpinning and shoring on the adjacent properties in addition to a Structural Advisory Committee (SAC) review, given the necessary excavation (Refer to Exhibit C). Neither Havel Architects nor RS Structural Engineering Inc support this Alternate Development Plan (07/24/2019 Plan Check Letter) because the proposed Havel plan would not require the costs or risks of shoring and retaining walls.

Just the determination and calculations required for the erection of additional bulk/mass of the 10-foot retaining walls would require a separate impact study.

My professional opinion is that the project recommended by the Planning Department because of the topography of both Block 5678 AND Lot 025 when compared to the proposed plan of the Havel Drawings is risky, logistically challenging, and costly.

Moreover, the Planning Department recommendation would cause loss of open space at basement level and at ground level.

From over 37 years of professional experience processing permits in San Francisco, these types of retaining walls will need as a minimum the following intermediate steps prior to approval by DBI:

1. Underpinning drawings for the adjacent properties immediately adjacent to the subject property.
2. Temporary shoring drawings prior to implementation of a permanent retention system (concrete retaining walls).
3. The two DBI permits referenced above (#9618975 and #9715843) will trigger a Structural Advisory Committee (SAC) review that will be extremely costly and time consuming and will likely require a geological evaluation of the site in addition to a Geotechnical Investigation.

Specific dangers, difficulties, environmental concerns, and prohibitive expenses of implementing the Recommendation include associated risks of increased excavation (e.g., caving), and potential for resulting building damage such as cracking, de-leveling and collapse. Any disturbance of the existing landform because of dangers of liquefaction or comparable risks should be avoided when possible.

Where the unique condition of the property causes financial hardship, there is no rule requiring a property owner to incur the expense to address the topographical uniqueness rather than obtaining a variance. Consequently, we cannot, in good faith and conscience state that the topographical uniqueness of the land could be alleviated by some reasonable amount of expenditure.

We cannot require the property owner to incur the expense to address the topographical uniqueness since the option of obtaining a Rear-Yard Variance for the less-than-two feet to except the Inner Court as the Rear Yard is available without contradicting SFPC§134(c)(2) and SFPC§130.

Based on these structural engineering challenges, we urge you to reconsider Planning's position in regard to the existing patio removal.



In conclusion, in order to faithfully reflect the existing conditions at APN 5678025, the following facts relevant to APN 5678025 would need to be augmented to the Public Record at the Variance Hearing of March 24, 2021.

In response to: *“There is a little bit of slope on the site but especially for San Francisco this is not the kind of slope that is really any impediment to development or creates any hardships or constricting of the development potential on the site. So I don’t think that, by itself, is a factor that can be relied on in terms of an exceptional or extraordinary circumstance.”* (Zoning Administrator Teague; 03/24/21 Variance Hearing; 32min 32sec – 32min 55sec)

FACT: KCA Surveyors have measured approximately 10.28% of downslope at APN 5678025.

FACT: The slope at APN 5678025 and its contiguous easterly boundary line is extrapolated as being between 10.28% and 17.23% across a much smaller site width with less corresponding accessibility because of the lot width of 25ft and the additional site constraints including but not limited to tall property-line buildings at the adjacent lots of 024 and 026. Please observe the following figures at the KCA Topographical Survey: 196.26ft; 206.86ft; 206.42ft.

FACT: The width of APN 5678025 is 25feet.

FACT: There is practical difficulty and unnecessary hardship to demolish and build on such a slope especially owing to the width of the property, limited accessibility, and seismic upgrades and structural reinforcement completed under the auspices of Santos & Urrutia Structural Engineers in 1998 and pursuant to DBI Permit numbers #9618975 and #9715843.

FACT: There exist adverse impacts at Block 5678 with its 40 ft. elevation difference between Ellert/Bennington and Ellert/Andover which constitutes a varied slope of between 12.12% and 19.35%.

FACT: There exist adverse impacts to the northerly part of Block 5678 with its approx. 7 ft. elevation difference between grade at Bennington (at lot 020) and grade at Cortland (at lot 025).

FACT: There exist adverse impacts at the north-westerly part of Block 5678 with its approx. 17 ft. elevation difference between ground points at the rear of lots 020 and 021 and grade at Bennington (at lot 020).

In response to: *“The lot itself is a very standard size. It’s a very typical shape and area, so there’s no real unique lot configuration issues here.”* (Zoning Administrator Teague; 03/24/21 Variance Hearing; 32min 55sec – 33min 06sec)

FACT: The configuration of APN 5678025 was further fixed in place in 1998 when “two buildings became one” (DBI Permit numbers #9618975 and #9715843) because of the structural reinforcement and seismic upgrades completed under the auspices of Santos & Urrutia Structural Engineers with the construction of the structure of the new deck designed by Architect Ron Wallace.

FACT: To dismantle that configuration in order to demolish and rebuild the rear structure 25 feet closer to the front property line for the sole purpose of abatement of a nonconformity would be considered causing additional hardship. (Unnecessary hardship already occurs where the

natural condition (i.e. topography) of the land places the property owner at a disadvantage vis-à-vis other property owners in the NCD District, as a direct and proximate cause of the slope of the parcel).

FACT: APN 5678026 and 5678027 are adjacent property under identical zoning classification that enjoy greater privileges because of the additional 12,500 cubic feet of potential expansion space afforded by the added 12.5 feet at their rear yards.

FACT: APN 5678025, the subject property, is deprived of enjoyment of a substantial property right possessed by other property (5678026 and 5678027) in the same class of district (NCD) because of that size difference (12.5 feet).

Sincerely,



*Rodrigo Santos*

Rodrigo Santos, S.E.  
RS Structural Engineering Inc



**Certificate of Compliance: Residential**

(Part 1 of 2)

**CF-1R**

Young Mix-Use = Res. Portion

11/7/2002

Project Title

Date

416 Cortland Ave. San Francisco

Project Address

Building Permit #

CALC 24

(530) 550-9484

Plan Check / Date

Documentation Author

Telephone

Field Check / Date

Computer Performance

3

Enforcement Agency Use Only

Compliance Method (Package or Computer)

Climate Zone

**GENERAL INFORMATION**

Total Conditioned Floor Area: 828 ft<sup>2</sup>

Average Ceiling Height: 9.1 ft

Total Conditioned Slab Area: 0 ft<sup>2</sup>

Building Type:

(check one or more)

Single Family Detached

Addition

Single Family Attached

Existing Building

Multi-Family

Existing Plus Addition

Front Orientation: (North) 0 deg

Floor Construction Type:  Slab Floor

Number of Dwelling Units: 1.00

Number of Stories: 2

Raised Floor

**EXH52-2**

**LOT 27 - 420 CORTLAND AVENUE - PROPERTY DATA**  
PROPERTY DATA

420 CORTLAND AVE  
BLOCK/LOT: 5678/27  
OCCUPANCY GROUP: R-3  
ZONING: NC-2  
CONSTRUCTION: TYPE V NR  
EXISTING USE: MULTI-UNIT RESIDENTIAL  
PROPOSED USE: MULTI-UNIT RESIDENTIAL & COMMERCIAL  
EXISTING DWELLING UNITS: 3  
PROPOSED DWELLING UNITS: 3  
PROPOSED COMMERCIAL UNITS: 2  
EXISTING & PROPOSED PARKING SPACES: 0  
LOT SIZE: 2,812 SQ.FT

**420 CORTLAND AVENUE - LOT 027**

FRONT BUILDING:

EXISTING RESIDENTIAL FLOOR AREA:	659 SQ FT
EXISTING STORAGE/BASEMENT FLOOR AREA:	1044 SQ FT
PROPOSED ADDITIONAL FLOOR AREA:	1096 SQ FT
TOTAL PROPOSED RESIDENTIAL FLOOR AREA:	698 SQ FT
TOTAL PROPOSED COMMERCIAL FLOOR AREA:	2158 SQ FT
TOTAL PROPOSED FLOOR AREA:	2856 SQ FT

REAR BUILDING:

EXISTING TWO RESIDENTIAL UNITS: NO CHANGE

LOT 30

# 432 CORTLAND

## SAN FRANCISCO, CA

---

### PROJECT DATA

**DESCRIPTION:** DEMO [E] 2,376 SQ. FT. UNDER SEPARATE PERMIT.  
CONSTRUCT NEW 4-STORY BUILDING CONSISTING OF THREE DWELLING UNITS ON  
STORIES 1, 3 AND 4, AND ONE STORY OF RETAIL COMMERCIAL SPACE AT STREET LEVEL.  
PROVIDE FOUR CLASS 1 AND TWO CLASS 2 BIKE PARKING SPACES.

**LOCATION:** 432 CORTLAND AVENUE  
SAN FRANCISCO, CA 94110

**PARCEL/LOT:** 5678/030

**LOT SIZE:** 2,809 SQ. FT. SQ. FT.

**BUILDING GROSS CONDITIONED AREA:**

	PROPOSED
FIRST FLOOR	1,790 SQ. FT.
SECOND FLOOR	1,663 SQ. FT.
THIRD FLOOR	1,593 SQ. FT.
FOURTH FLOOR	1,348 SQ. FT.

---

<b>TOTAL</b>	<b>6,394 SQ. FT.</b>
--------------	----------------------

**CONSTRUCTION:** V-B FULLY SPRINKLERED

**HEIGHT:** ALLOWABLE: 40-x PROPOSED: 33'-3"

**DISTRICT:** NC-2

**OCCUPANCY:** R-2 & B

**UNDER SEPARATE PERMITS:** DEMOLITION OF 2 STORY STRUCTURE, ELECTRICAL, MECH., FIRE SPRINKLERS

EXH52-4

COMMERCIAL RENTAL COMPARABLES FROM 2013 TO 2018 (COSTAR & LOOPNET)  
(FS=FULLY SERVICED, IG=INDUSTRIAL GROSS, NNN=NET)

<u>Address</u>	<u>Size (SF)</u>	<u>Price/SF</u>	<u>Status</u>
249 Cortland Avenue	1,200	\$4.17 FS	Leased 10/2015-retail
317 Cortland Avenue	1,500	\$3.00 IG	Leased 10/2013-retail
420 Cortland Avenue	1,360	\$2.76 NNN	Leased 2/2014-retail
513 Cortland Avenue	540	\$4.00 IG	Leased 10/2016-retail
919 Cortland Avenue	1,200	\$4.95 IG	Leased 5/2014-food
1000 Cortland Avenue	1,785	\$3.67 IG	Leased 10/2017-retail
3415 Mission Street	1,000	\$3.00 IG	Leased 2/2017-retail
3484 Mission Street	555	\$3.06 IG	Leased 7/2017-retail
3361 Mission Street	900	\$3.89 NNN	Leased 4/2016-retail
3293 Mission Street	1,500	\$3.33 IG	Leased 12/2016-retail
3187 Mission Street	4,000	\$2.88 IG	Leased 4/2018-retail
3041 Mission Street	5,600	\$4.16 IG	Leased 3/2018-medical
No available commercial retail on Cortland Avenue			
3468 Mission Street	7,063	\$2.9M	For Sale
3300 Mission Street	2,000	\$6.00 IG	Available-bar type 48
1633 Valencia Street	1,477	\$2.71	Available-industrial
3178 Mission Street	1,500	\$4.00	Available-retail

Using the data above, below is a breakdown of the subject property by area:

<u>Level</u>	<u>Size (SF)</u>	<u>Price/SF/Mo.</u>	<u>Value/Mo.</u>
Basement*	1,800	\$1.00	\$ 1,800
Food Service	1,150	\$4.50	\$ 4,600
Café/WineBar	700	\$4.00	\$ 2,800
<u>Patio</u>	<u>650</u>	<u>\$2.00</u>	<u>\$ 1,300</u>
	4,300		\$ 10,500

Blended price: \$2.45/SF

\*Basement was valued as storage only, even though the space is partial occupied. Should the basement be remodeled and updated in the near future to meet occupancy levels for more than storage (ie. office and/or food service), then the basement space would have been valued at \$2.25/SF, or about 50% of the ground floor food service space.

FROM 2013 VALUATION - COMMERCIAL RENTAL COMPARABLES (COSTAR & LOOPNET)

<u>Address</u>	<u>Size (SF)</u>	<u>Price/mo</u>	<u>Price/SF</u>	<u>Status</u>
399 Cortland Avenue	1,000	\$2,100	\$2.10	Leased 5/2009-retail
525 Cortland Avenue	700	\$1,850	\$2.64	Leased 7/2011-retail
560 Valencia Street	4,984	\$17,500	\$3.50	Leased 1/2013-retail
665 Valencia Street	2,100	\$8,400	\$4.00	Leased 1/2013-food
724 Valencia Street	2,500	\$10,000	\$4.00	Leased 5/2013-retail
728 Valencia Street	900	\$4,500	\$5.00	Leased 7/2012-food
820 Valencia Street	790	\$4,740	\$6.00	Leased 11/2012-retail
1640 Valencia Street	1,200	\$3,600	\$3.00	Leased 5/2013-office
1640 Valencia Street	3,000	\$9,000	\$3.00	Leased 4/2013-office
411 Valencia Street	700	\$3,500	\$5.00	Lease out for review-food
415 Valencia Street	600	\$3,000	\$5.00	Lease out for review-food
420 Cortland Avenue	1,360	\$3,750	\$2.75	Available-retail
317 Cortland Avenue	1,500	\$4,500	\$3.00	Available-retail
2700 24 <sup>th</sup> Street	2,016	\$8,064	\$4.00	Available-retail
3128 24 <sup>th</sup> Street	1,562	\$5,467	\$3.50	Available-retail
3344 24 <sup>th</sup> Street	536	\$3,000	\$5.60	Available-retail
2881 Mission Street	1,800	\$3,600	\$2.00	Available-food
3030 Mission Street	1,434	\$3,585	\$2.50	Available-retail
1429 Valencia Street	5,200	\$25,000	\$4.81	Available-retail

From 2013, below is an analysis of the subject property in 2013:

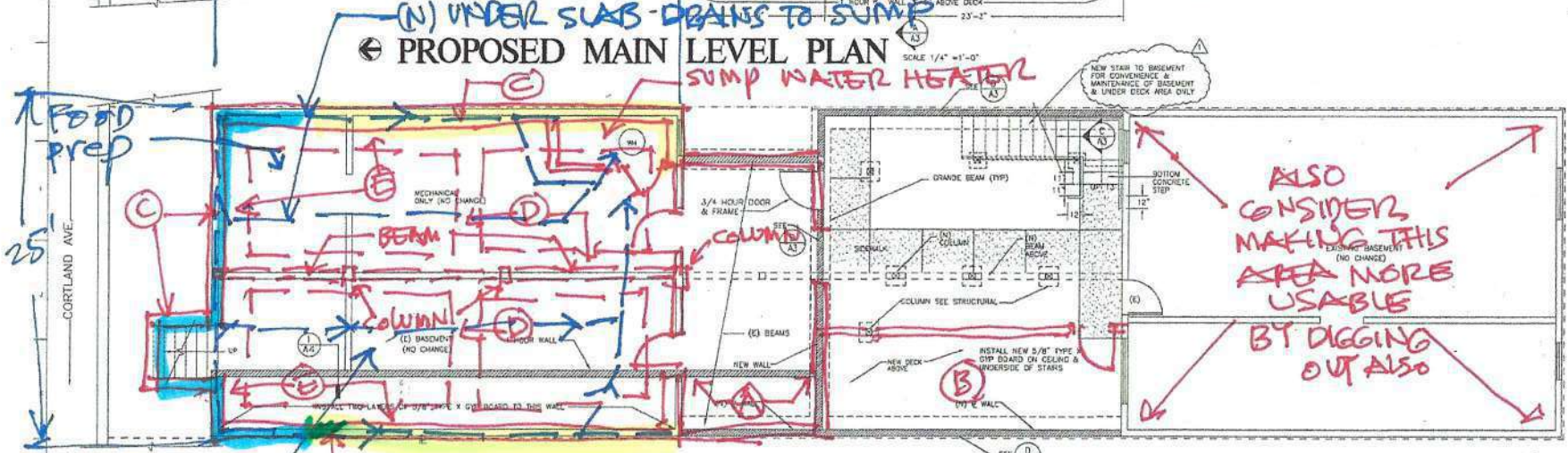
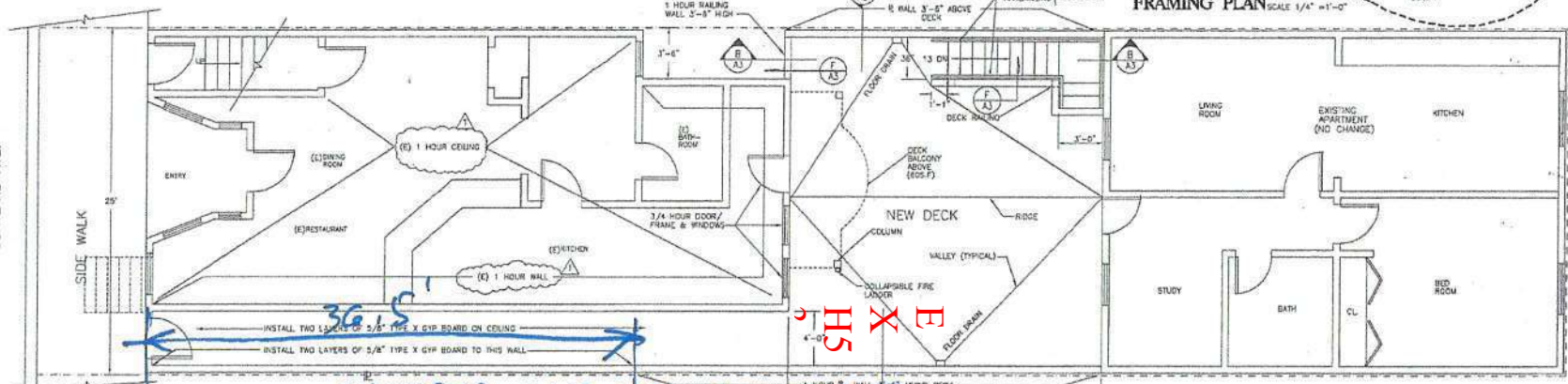
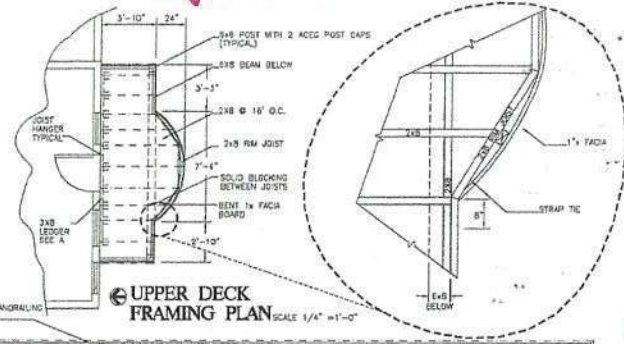
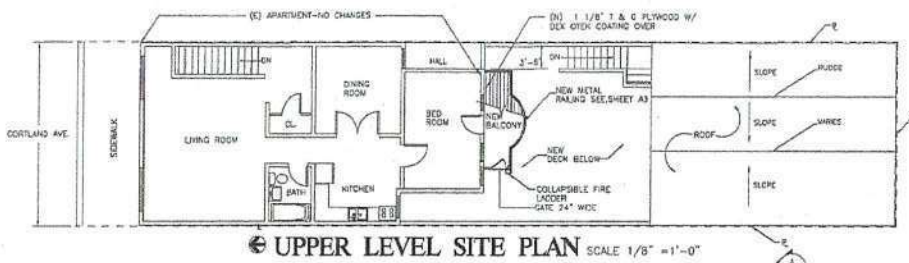
<u>Level</u>	<u>Size (SF)</u>	<u>Price/SF/Mo.</u>	<u>Value/Mo.</u>
Basement	1,800	\$0.75	\$ 1,350
Food Service	1,150	\$3.00	\$ 3,450
Cafe/Wine Bar	700	\$2.50	\$ 1,750
Patio	650	\$1.50	\$ 975
	4,300		\$7,525

Blended price: \$1.75/SF



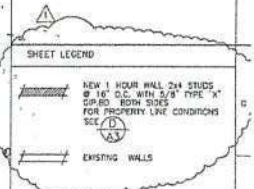
12/18  
Comments

**WOOD FRAME WALLS TO REMAIN (BUT FOUNDATIONS REMOVED/NEW DEEP CONC. WALL FOUNDATIONS ADDED)**  
**MASONRY (UMB) WALLS TO BE REMOVED & REPLACED WITH CONCRETE WALLS.**



ISSUANCE AND REVISION	
1	JAN/30/07
<b>MW</b>	
MOCK/WALLACE	
ARCHITECTURE	
INTERIOR DESIGN * SPACE PLANNING	
CONSTRUCTION MANAGEMENT	
1108 BRYANT STREET, FIRST FLOOR	
SAN FRANCISCO, CALIFORNIA 94103	
(415) 629-6860, FAX (415) 626-9382	
SHEET NOTES	

- (A) REMOVE WALL
- (B) EMPLOYEES LOCKERS
- (C) NEW CONC. WALL
- (D) NEW GRADE BEAM
- (E) NEW FOOTING



LIBERTY CAFE	
<b>PROPOSED NEW DECK</b>	
LIBERTY CAFE	
410 CORTLAND STREET	
SAN FRANCISCO, CALIFORNIA	
PLANS/ SECTION	
OF PROPOSED NEW DECK	
S/W PROJECT NUMBER	
96016	
ISSUED DATE:	
20 AUG 96	
DRAWING SCALE:	
1/2" = 1'-0"	
DRAWN BY:	
LARA	
CHECKED BY:	
LLM / HSW	
SHEET # OF #	
A2	
ARCH FILE:	
DWG	



**PROBABLE FOUNDATION/WALL CHANGES**  
**REMOVE BRICK WALLS/ NEW CONCRETE**

CORTLAND SKETCH 9/25/18

EXH55

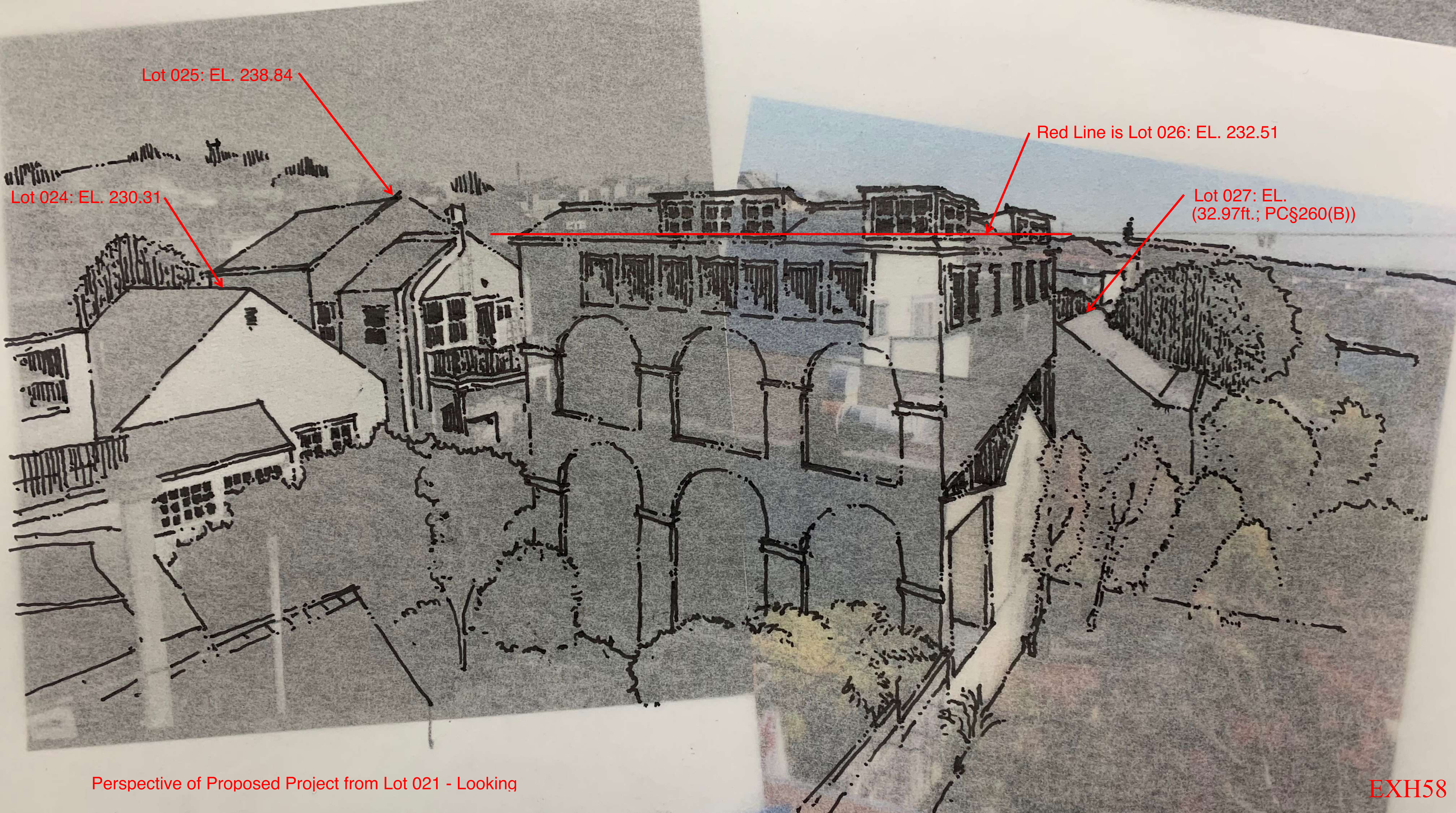
3-D GRAPHIC DEMONSTRATING WHAT  
2.5:1 MEANS ON 25'X112.5'X40' AND 25' X 100' X 40'

EXH56

SHADOW ANALYSIS

EXH57

“SPECIAL”



Lot 025: EL. 238.84

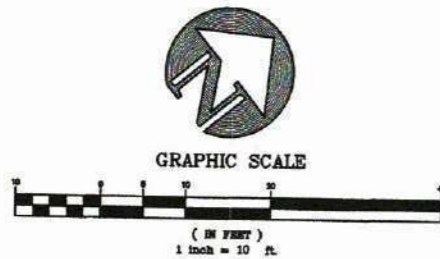
Red Line is Lot 026: EL. 232.51

Lot 027: EL. (32.97ft.; PC§260(B))

Lot 024: EL. 230.31

Perspective of Proposed Project from Lot 021 - Looking

CORTLAND AVENUE  
(60.00' WIDE)



BASIS OF SURVEY

- ELEVATIONS BASED ON SAN FRANCISCO CITY DATUM AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CORTLAND AVENUE AND BENNINGTON STREET CROW CUT OUTER RIM SW. ELEVATION = 209.306'
- BOUNDARY SHOWN IS APPROXIMATE.

ENGINEERS CERTIFICATE:

THIS SURVEY WAS UNDERTAKEN UNDER MY DIRECTION IN DECEMBER, 2017 AND MAY, 2019.

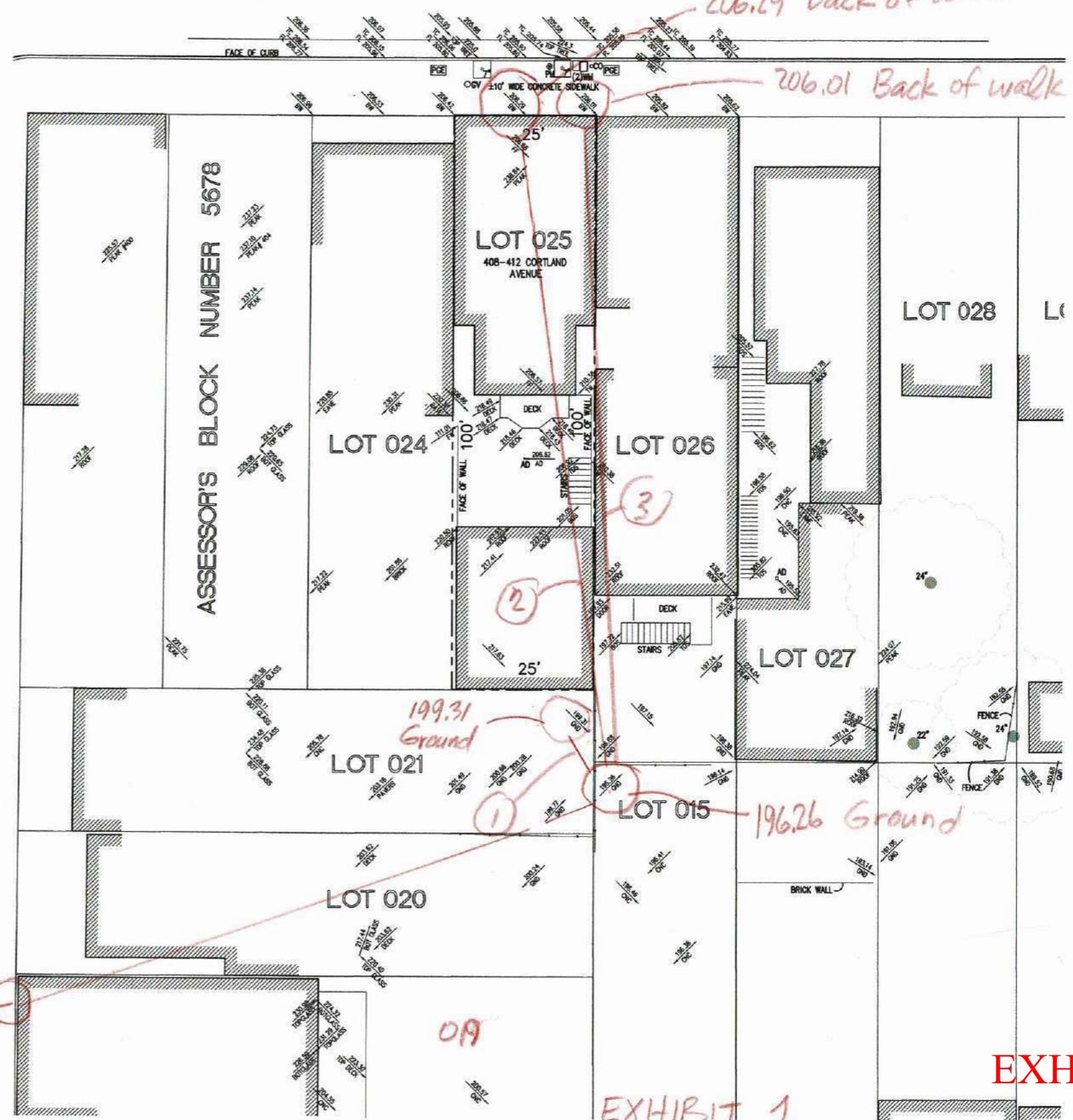
SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

KCA ENGINEERS, INC.  
PETER J. BEKEY  
R.C.E. NO. 14786  
EXPIRES: MARCH 31, 2021

①	②	③
199.31	206.29	206.01
196.26	- 196.26	196.26
3.05'	10.03'	9.75'

④
213.26
196.26
17.00 = 15.5%
110'

213.26  
BWV



EXH59a-1

EXHIBIT 1

**KCA ENGINEERS, INC.**  
CONSULTING ENGINEERS • SURVEYORS • PLANNERS

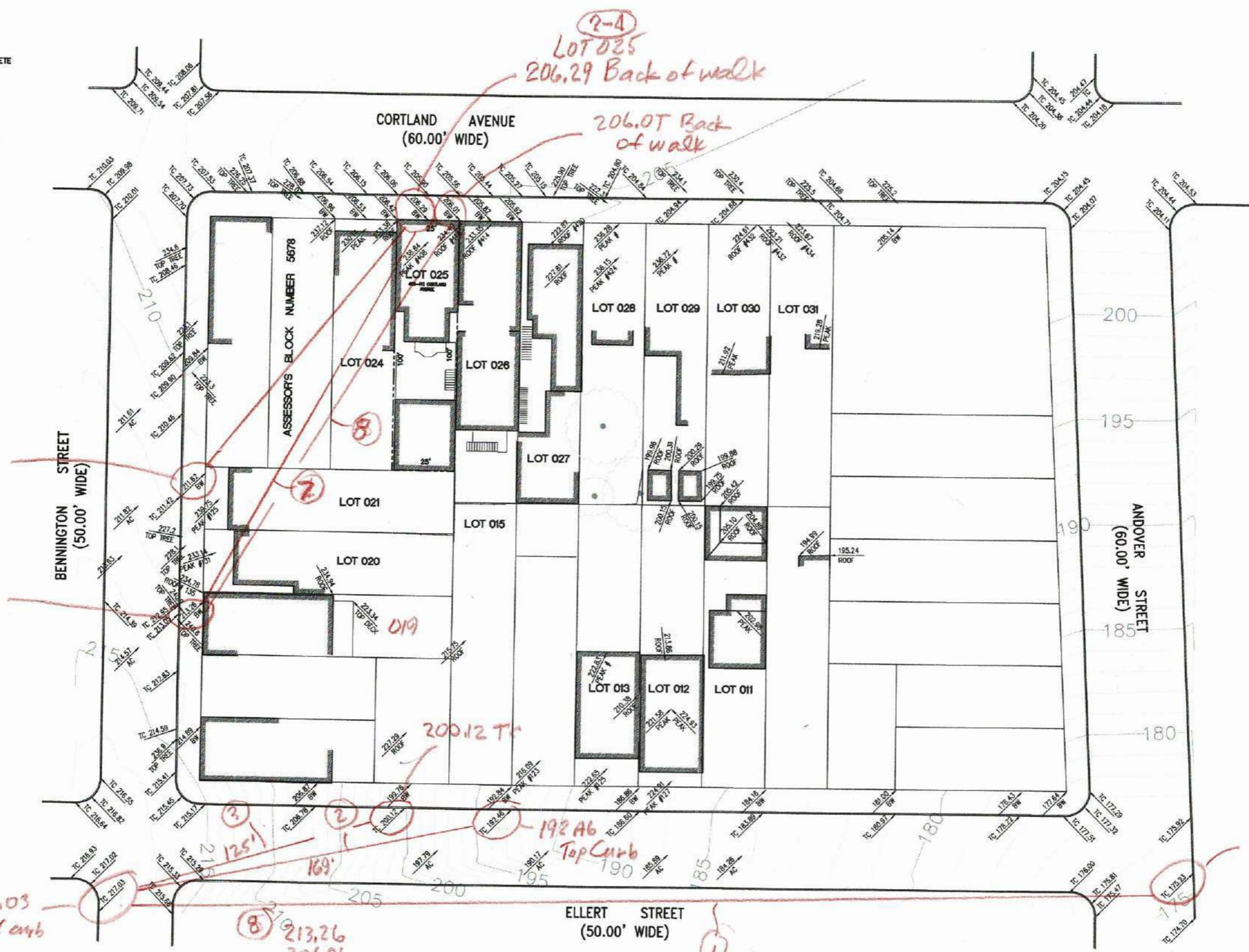


APPROVED:	PROJECT NO.	DES. JH	DRW. YL	08.21.18	ADDED ELEVATIONS
APPROVED:		CHKD. JH	REV. PUB	01.10.19	ADDED ELEVATIONS
		DATE	FEB. 2018	02.05.18	ADDED ELEVATIONS
		JOB NO.	6476	02.23.18	PRELIMINARY
		NO.	DATE	DESCRIPTION	

SAN FRANCISCO  
TOPOGRAPHIC SITE SURVEY MAP FOR  
408-412 CORTLAND AVENUE  
ASSESSOR'S BLOCK 5678 ~ LOT 0253  
CALIFORNIA

SCALE:  
HORIZ. 1" = 10'  
VERT. \_\_\_\_\_  
2 OF 2

- ABBREVIATIONS:**
- BW BACK OF WALK
  - AC ASPHALT - CONCRETE
  - FL FLOW LINE
  - JP JOINT POLE
  - GND GROUND
  - CNC CONCRETE
  - SP STREET POLE
  - MP MUNI POLE
  - PAC PACIFIC BELL BOX
  - SN SIGN
  - SL STREET LIGHT
  - SLB STREET LIGHT BOX
  - TC TOP OF CURB
  - WM WATER METER
  - UNK UNKNOWN
  - TOS TOP OF STEP
  - BOS BOTTOM OF STEP
  - PM PARKING METER
  - AD AREA DRAIN



①  
 217.03 TC  
 175.23 TC  
 41.80

②  
 217.03 TC  
 192.46 TC  
 24.57' ÷ 169  
 14.5%

③  
 217.03 TC  
 200.12  
 16.91' ÷ 125  
 13.5%

⑦  
 213.26  
 206.29  
 6.97

175.23 Top of curb

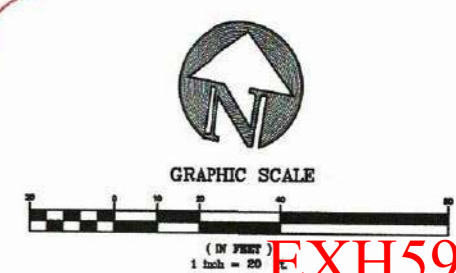


EXHIBIT 12

**KCA ENGINEERS, INC.**  
 CONSULTING ENGINEERS • SURVEYORS • PLANNERS  
 318 BRAWLEY ST. • SAN FRANCISCO, CA 94107 • (415) 548-7111 • FAX: (415) 548-9472



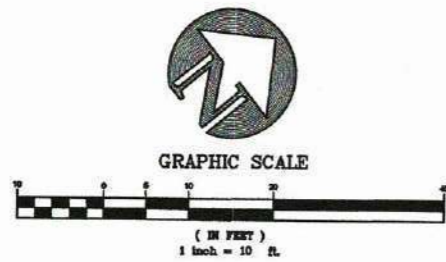
APPROVED:	PROJECT NO.	DES. JH	DRW. YL	06.21.18	ADDED ELEVATIONS
APPROVED:		CHKD. JH	REVD. PUB	01.10.19	ADDED ELEVATIONS
		DATE	FEB. 2018	06.06.18	ADDED ELEVATIONS
		JOB NO.	6476	02.23.16	PRELIMINARY
		NO.	DATE	DESCRIPTION	

SAN FRANCISCO  
 TOPOGRAPHIC SITE SURVEY MAP FOR  
 408-412 CORTLAND AVENUE  
 ASSESSOR'S BLOCK 5678 ~ LOT 0253

CALIFORNIA  
 SCALE:  
 HORIZ. 1" = 20'  
 VERT. \_\_\_\_\_  
 1 of 2

EXH59a-2

CORTLAND AVENUE  
(60.00' WIDE)



①  
234.48  
232.51  
1.97

②  
239.75  
224.04  
15.71

③  
200.24  
199.77  
0.47

④  
234.48  
220.40  
14.08

BASIS OF SURVEY

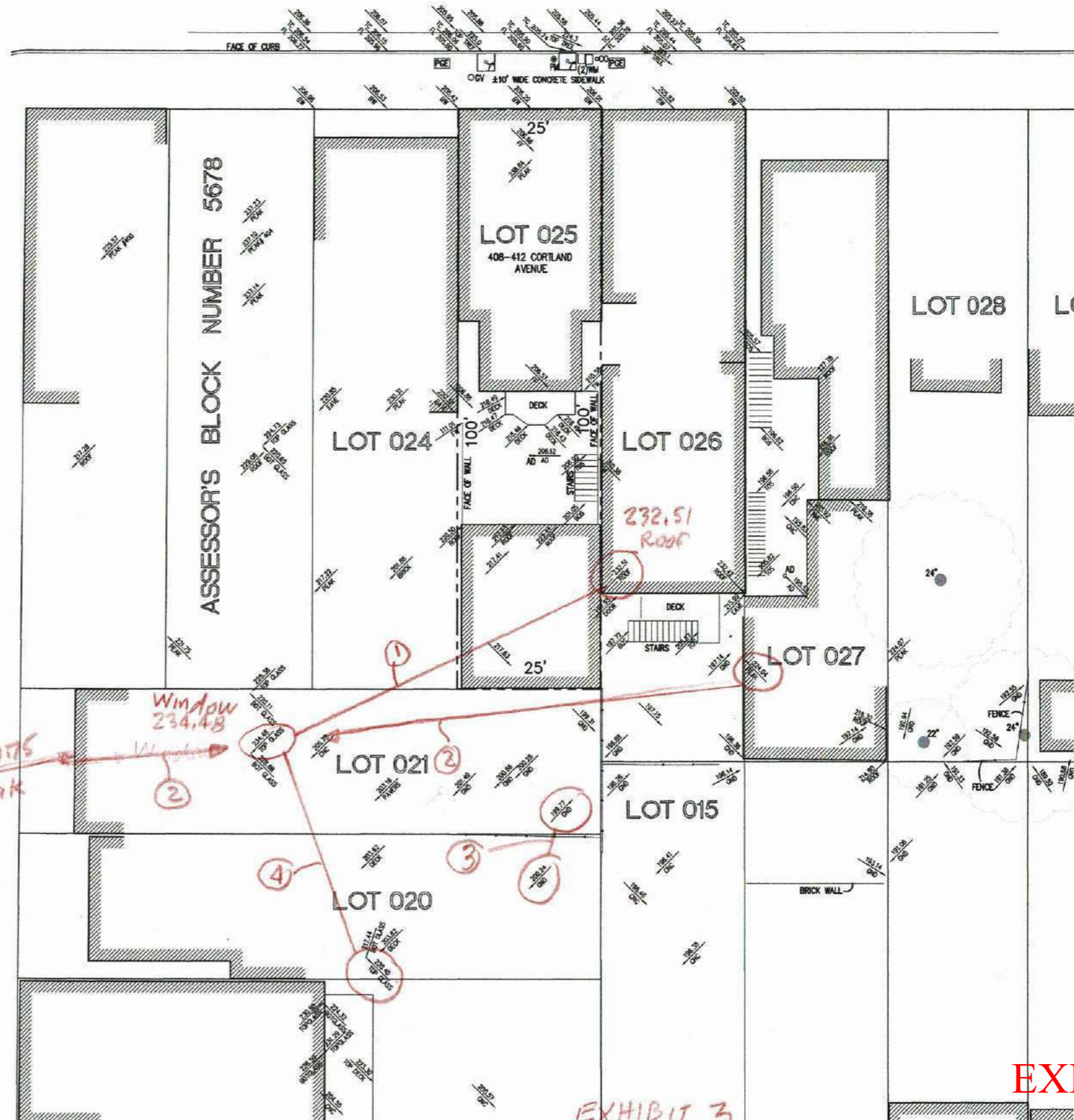
- ELEVATIONS BASED ON SAN FRANCISCO CITY DATUM AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CORTLAND AVENUE AND BENNINGTON STREET CROW CUT OUTER RIM SW. ELEVATION = 209.306'
- BOUNDARY SHOWN IS APPROXIMATE.

ENGINEERS CERTIFICATE:

THIS SURVEY WAS UNDERTAKEN UNDER MY DIRECTION IN DECEMBER, 2017 AND MAY, 2019.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

KCA ENGINEERS, INC.  
PETER J. BEKEY  
R.C.E. NO. 14788  
EXPIRES: MARCH 31, 2021



EXH59a-3

**KCA ENGINEERS, INC.**  
CONSULTING ENGINEERS • SURVEYORS • PLANNERS



APPROVED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_

PROJECT NO. \_\_\_\_\_

NO.	DATE	DESCRIPTION
06.21.19		ADDED ELEVATIONS
01.10.19		ADDED ELEVATIONS
09.06.18		ADDED ELEVATIONS
02.23.18		PRELIMINARY

SAN FRANCISCO

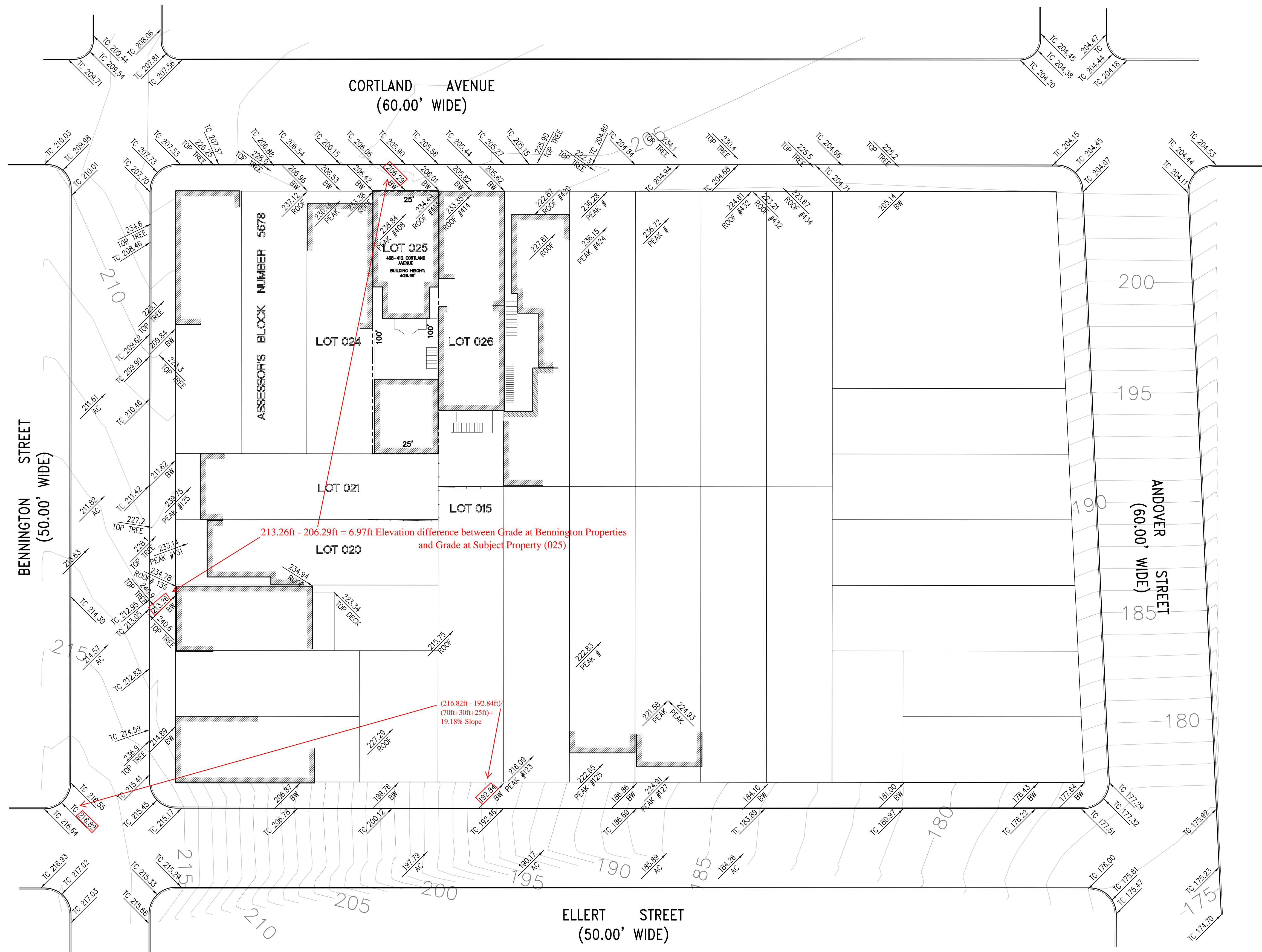
TOPOGRAPHIC SITE SURVEY MAP FOR  
408-412 CORTLAND AVENUE  
ASSESSOR'S BLOCK 5678 ~ LOT 0253

CALIFORNIA

SCALE:  
HORIZ. 1" = 10'  
VERT. \_\_\_\_\_  
2 OF 2

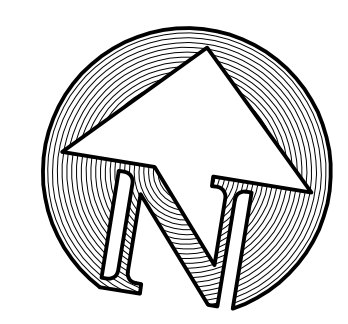






213.26ft - 206.29ft = 6.97ft Elevation difference between Grade at Bennington Properties and Grade at Subject Property (025)

(216.82ft - 192.84ft) / (70ft - 30ft - 25ft) = 19.18% Slope

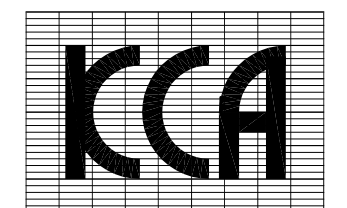


GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft. EXH59b-1

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CONSULTING ENGINEERS • SURVEYORS • PLANNERS  
318 BRANNAN ST. • SAN FRANCISCO, CA 94107 • (415) 546-7111 • FAX: (415) 546-9472



APPROVED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_

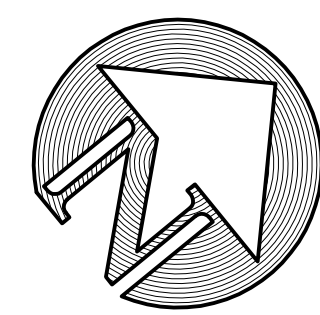
PROJECT NO.	DES. JH	DRW. YL			
	CKD. JH	REV. PJB			
DATE	FEB. 2018		09.06.18	ADDED ELEVATIONS	
JOB NO.	6476		02.23.18	PRELIMINARY	
			NO.	DATE	DESCRIPTION

SAN FRANCISCO

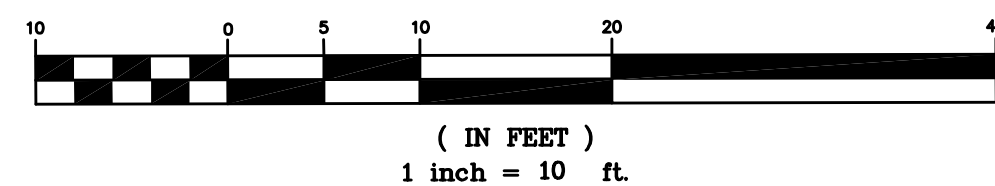
TOPOGRAPHIC SITE SURVEY MAP FOR  
408-412 CORTLAND AVENUE  
ASSESSOR'S BLOCK 5678 ~ LOT 0253

CALIFORNIA

SCALE:  
HORIZ. 1" = 20'  
VERT. \_\_\_\_\_  
1 OF 2



GRAPHIC SCALE



**BASIS OF SURVEY**

- ELEVATIONS BASED ON SAN FRANCISCO CITY DATUM AT THE SOUTHWEST CORNER OF THE INTERSECTION OF CORTLAND AVENUE AND BENNINGTON STREET CROW CUT OUTER RIM SW. ELEVATION = 209.306'
- BOUNDARY SHOWN IS APPROXIMATE.

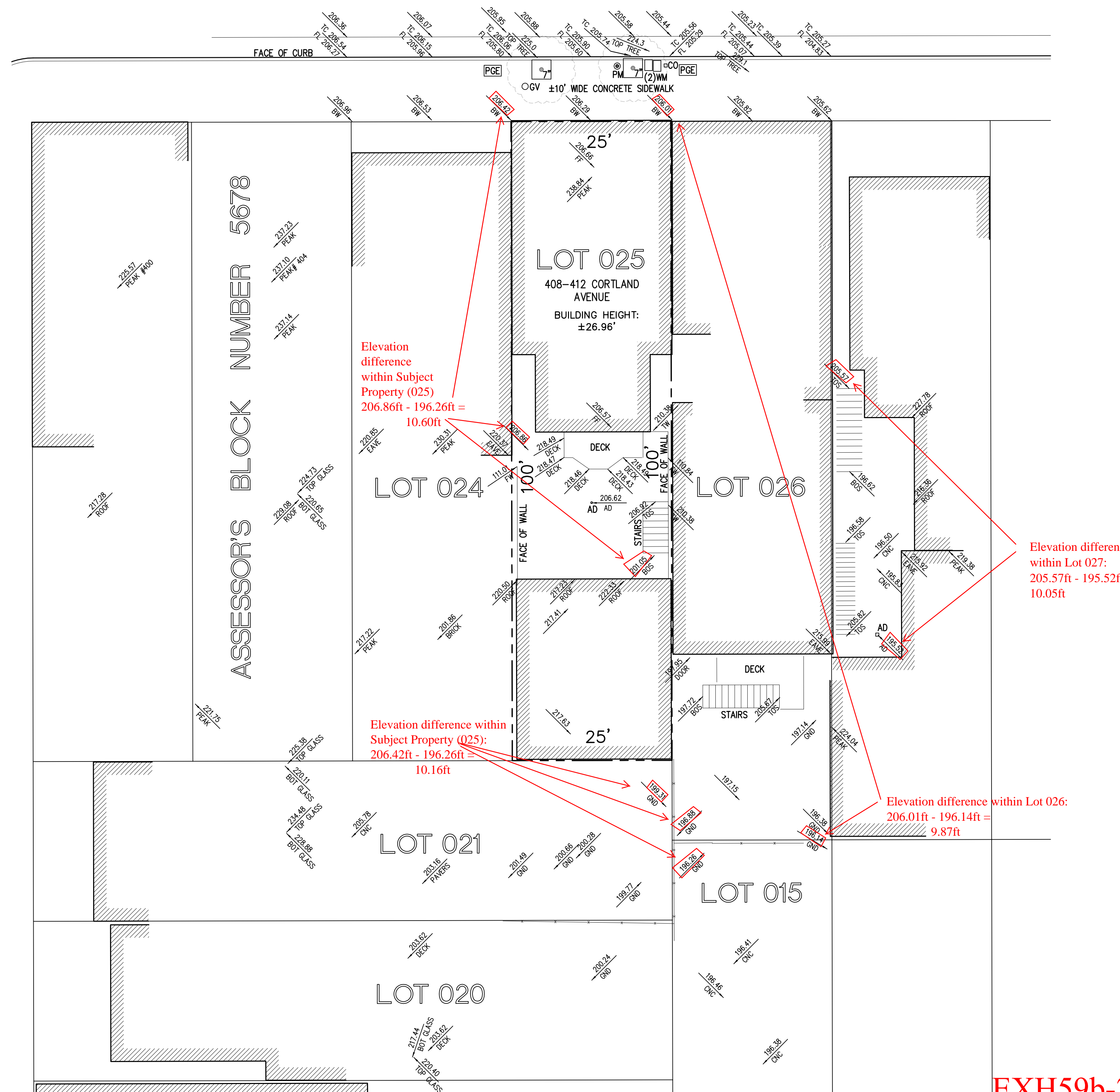
**ENGINEERS CERTIFICATE:**

THIS SURVEY WAS UNDERTAKEN UNDER MY DIRECTION IN DECEMBER, 2017.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

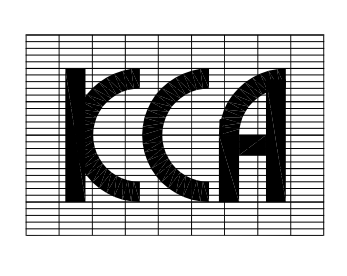
KCA ENGINEERS, INC.  
 PETER J. BEKEY  
 R.C.E. NO. 14786  
 EXPIRES: MARCH 31, 2019

**CORTLAND AVENUE  
 (60.00' WIDE)**



**EXH59b-2**

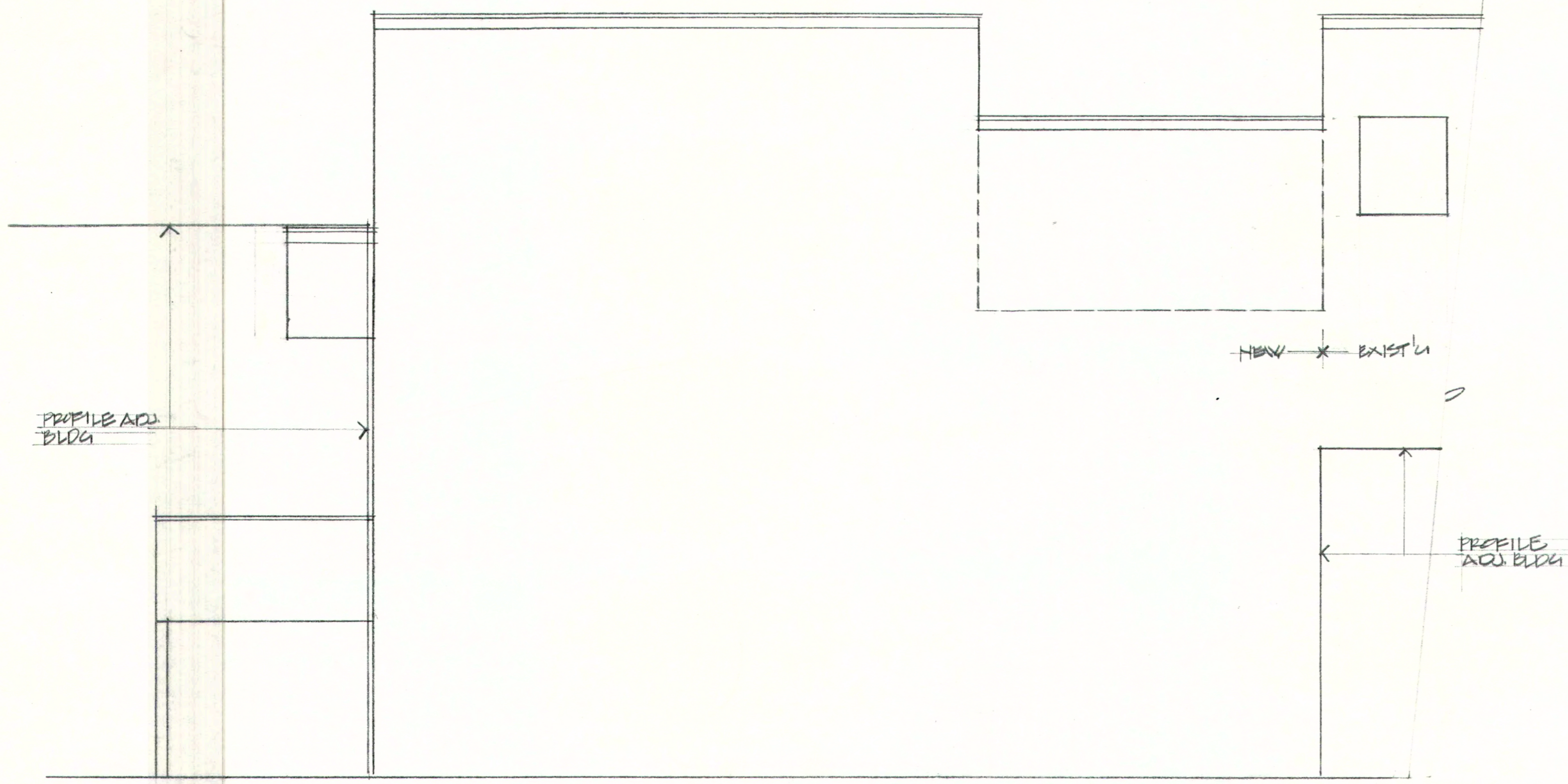
**KCA ENGINEERS, INC.**  
 CONSULTING ENGINEERS • SURVEYORS • PLANNERS  
 318 BRANNAN ST. • SAN FRANCISCO, CA 94107 • (415) 546-7111 • FAX: (415) 546-9472



APPROVED:	PROJECT NO.	DES. JH	DRW. YL		
APPROVED:		CKD. JH	REV. PJB		
		DATE FEB. 2018		09.06.18	ADDED ELEVATIONS
		JOB NO. 6476		02.23.18	PRELIMINARY
				NO.	DATE
					DESCRIPTION

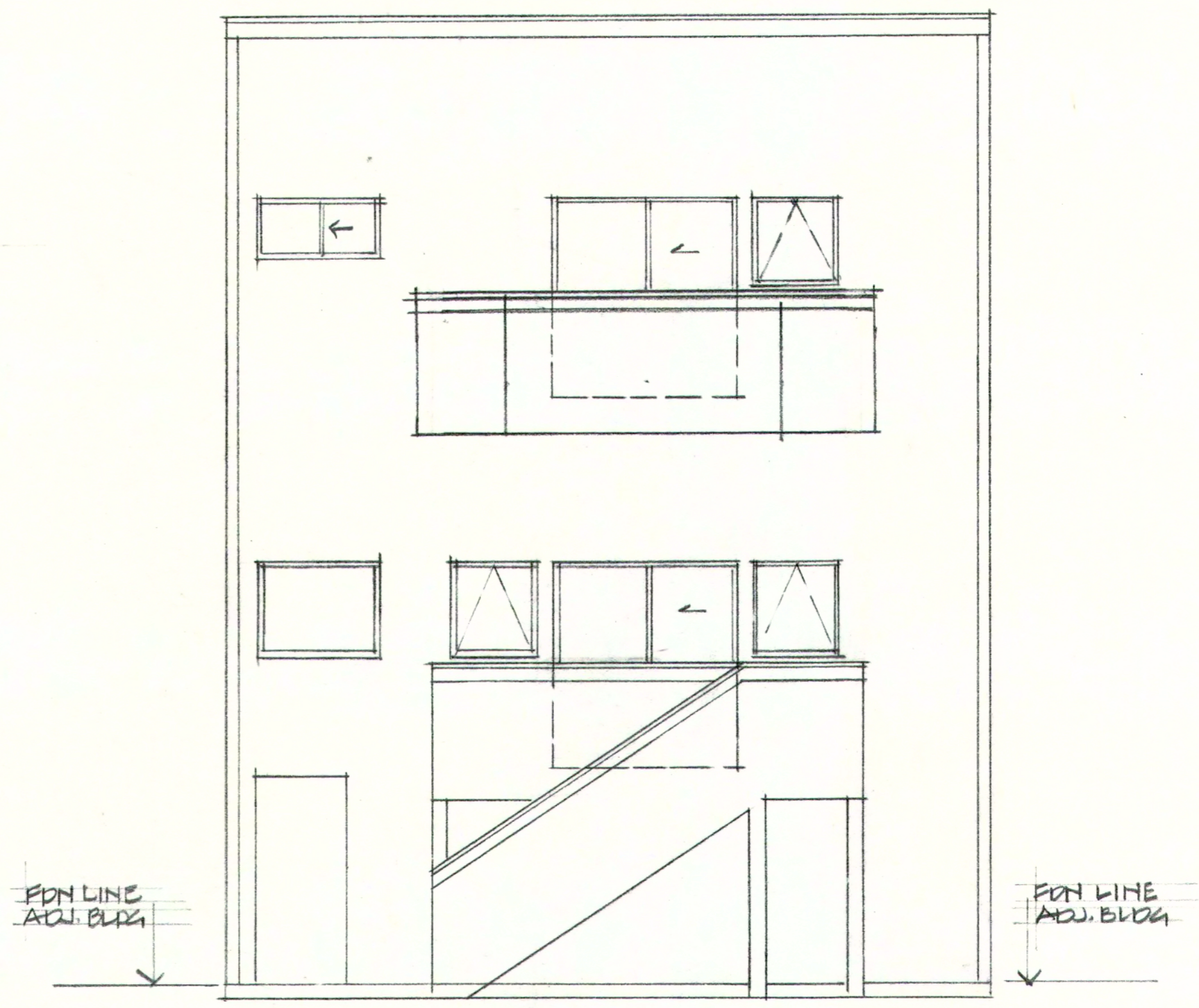
TOPOGRAPHIC SITE SURVEY MAP FOR  
 408-412 CORTLAND AVENUE  
 ASSESSOR'S BLOCK 5678 ~ LOT 0253  
 SAN FRANCISCO CALIFORNIA

SCALE:  
 HORIZ. 1" = 10'  
 VERT. \_\_\_\_\_  
 2 OF 2

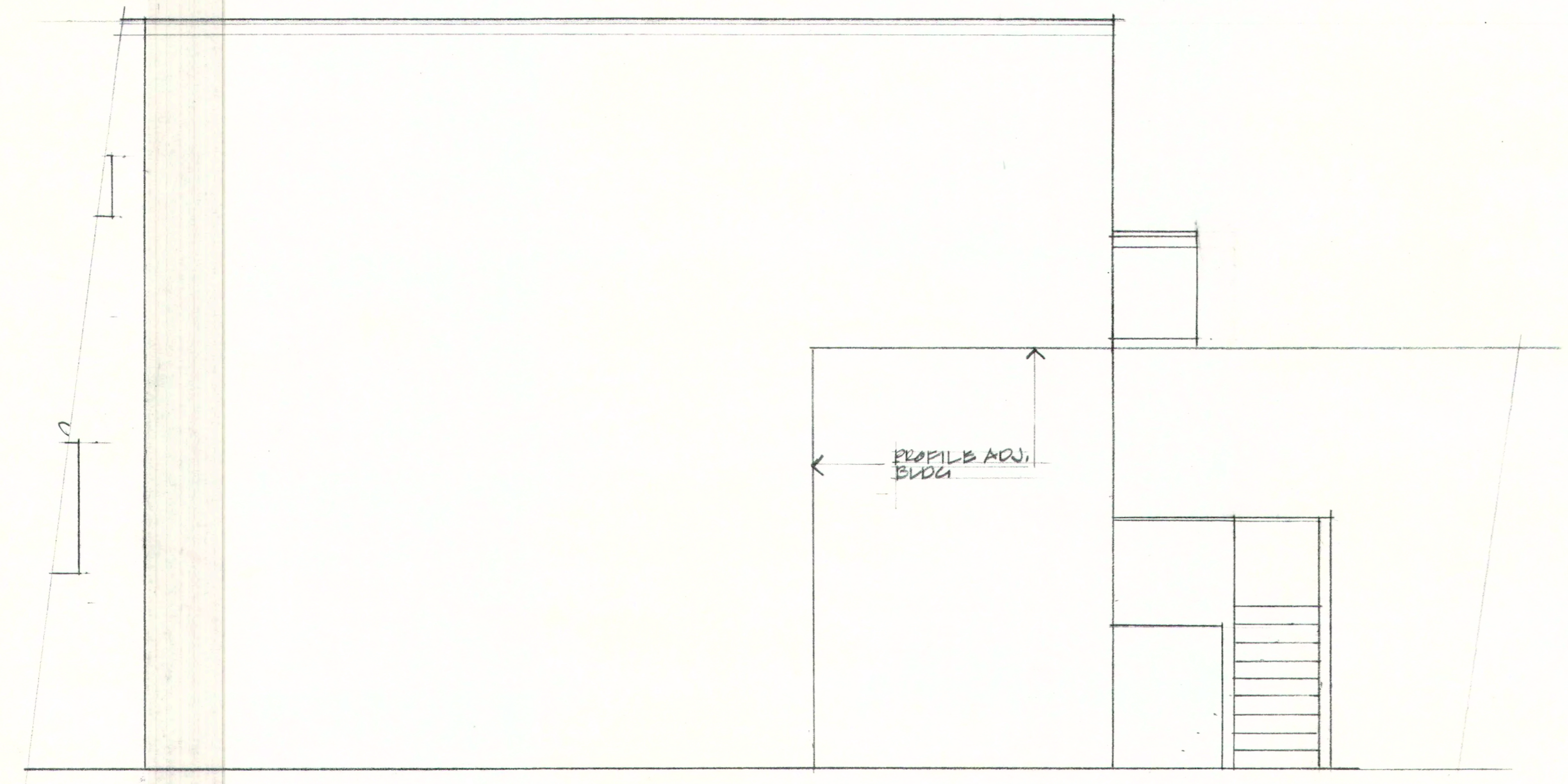
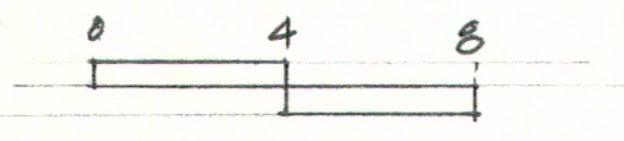


EAST ELEV  
 1/4" = 1'-0"

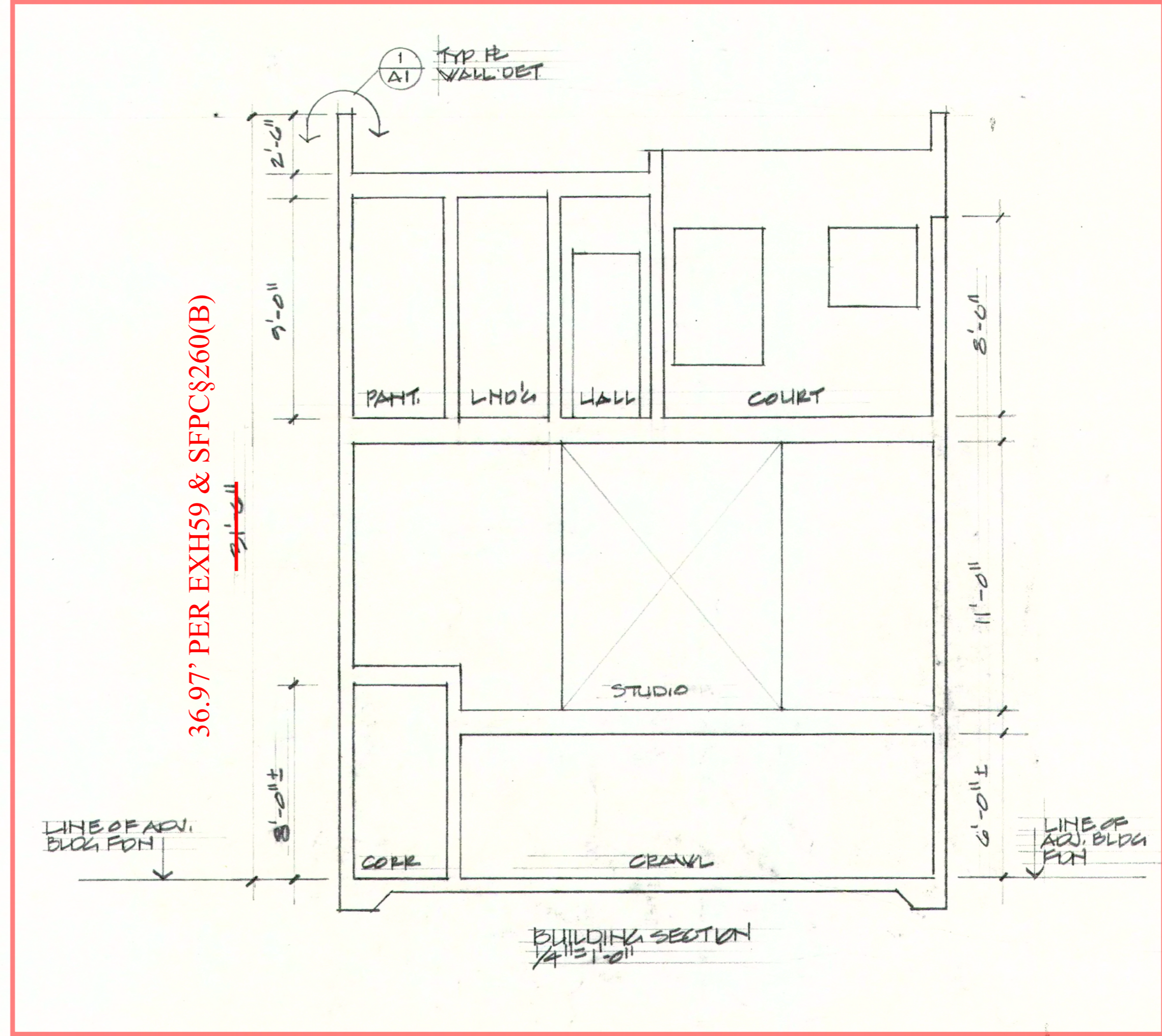
SIDING: PAINTED  
 WOOD TO MATCH EXIST'G  
 WINDOWS: VINYL



REAR (SOUTH) ELEV  
 1/4" = 1'-0"



WEST ELEV  
 1/4" = 1'-0"



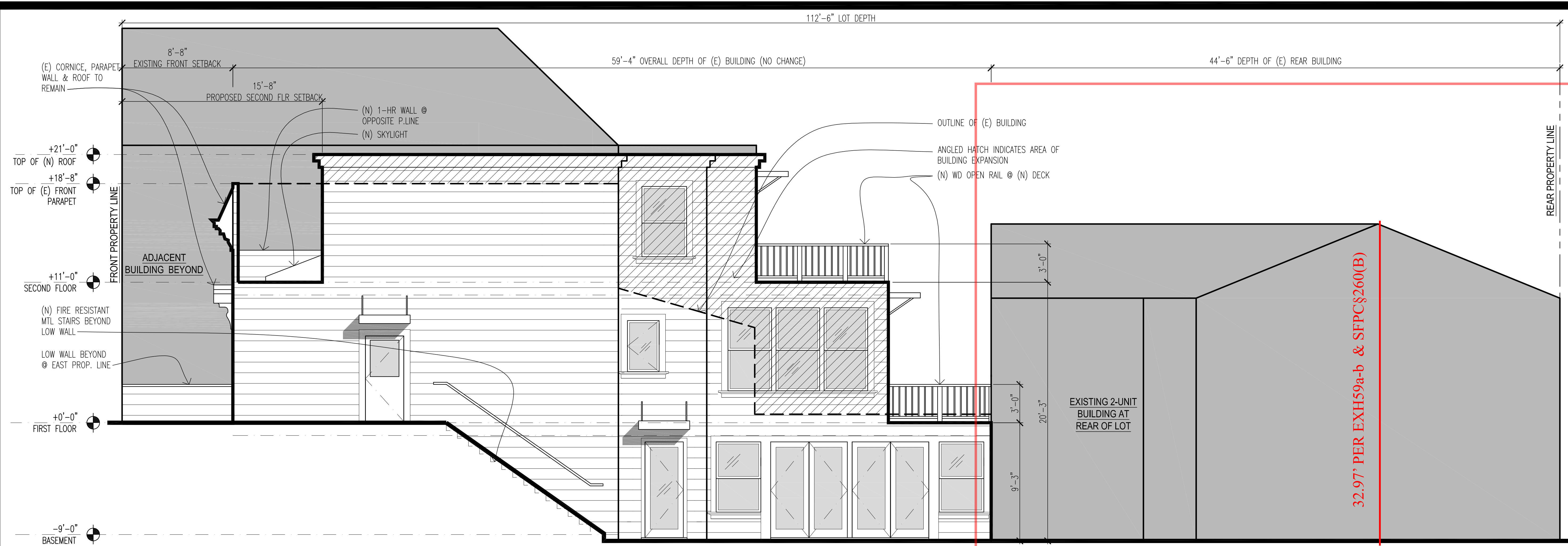
LOT 026 BUILDING HEIGHT PER KCA SURVEY (EXHIBIT 59a & 59b)

KINGMOND YOUNG  
 #14/416 CORTLAND

SEC 312	5.01.02
REV	6.16.02
PERMIT	10.12.02
	5.21.03

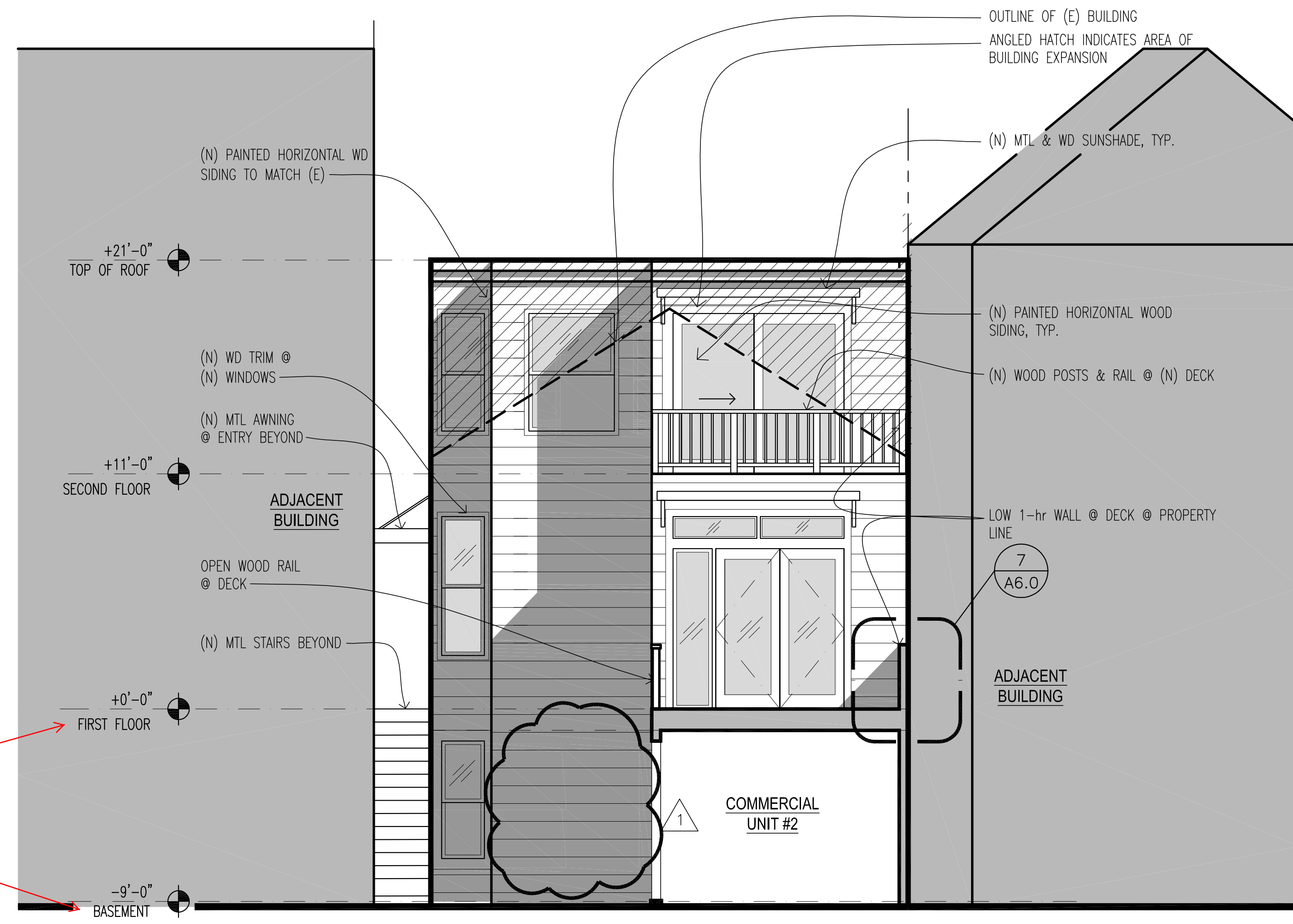
EXTERIOR ELEV  
 BLDG SECTION

EXH60



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

LOT 027 BUILDING HEIGHT PER KCA SURVEY (EXHIBIT 59a & 59b)



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

EXH61

feldman architecture  
1126 folsom st. suite 4  
san francisco ca 94103  
415.252.1441.voice  
415.252.1442.fax  
info@feldmanarchitecture.com

420 CORTLAND AVE  
SAN FRANCISCO, CA 94110  
OWNERS: TOM KENNEDY & KATHERINE BLUM 510-740-0310

CURRENT RELEASE 7 MAR, 2008

ISSUED FOR BUILDING DEPT ADDENDUM

PREVIOUS RELEASE

10/15/07 ISSUED FOR VARIANCE & SITE PERMIT

6/26/07 ISSUED FOR PLANNING DEPT REVIEW

SHEET TITLE  
PROPOSED ELEVATIONS

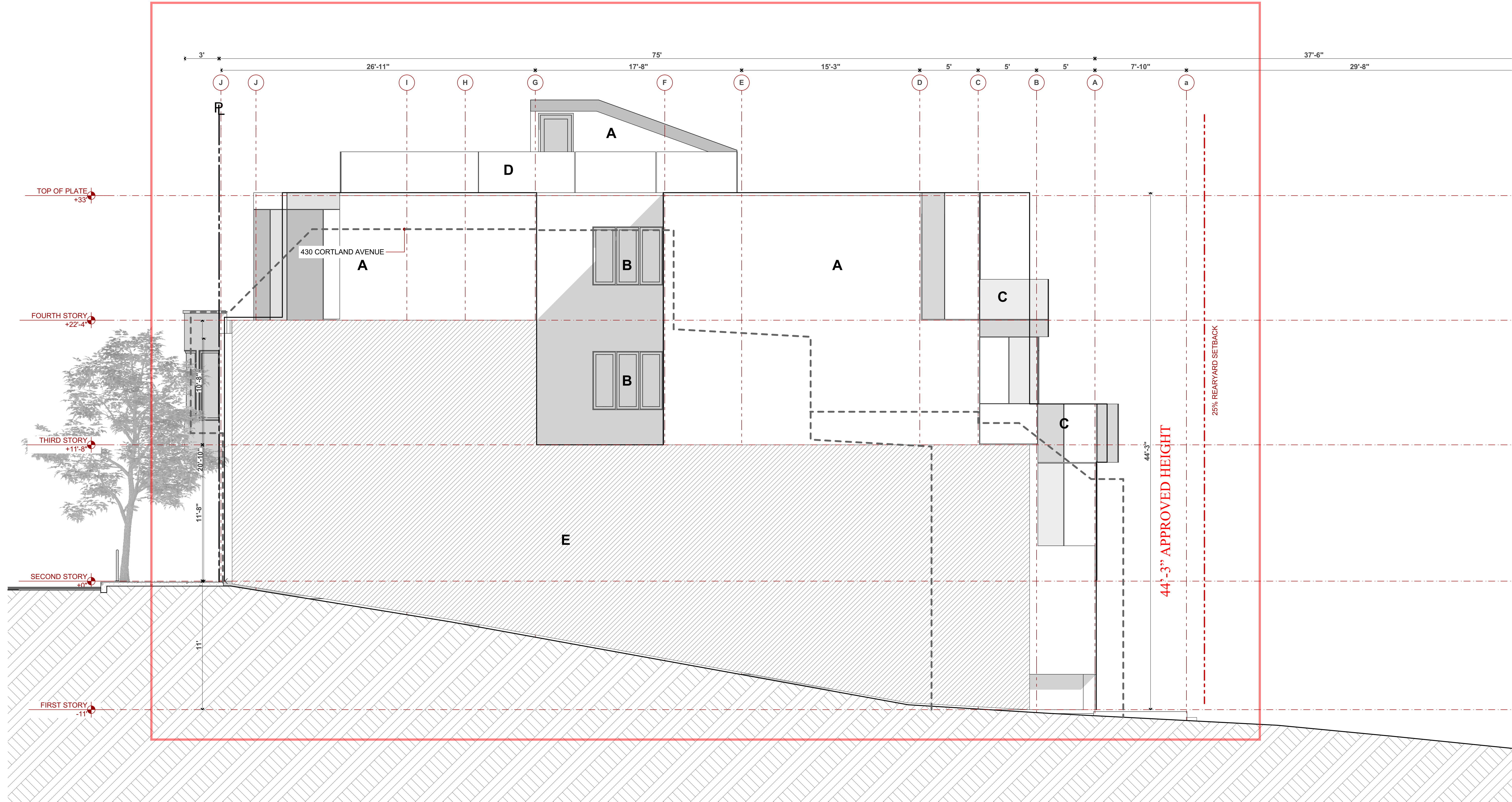
SCALE

JOB NUMBER  
420 CDR  
DRAWN BY  
TM

A3.1

SHEETS

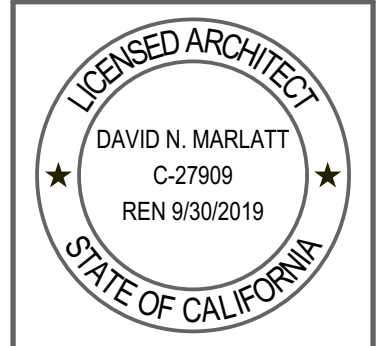
**MATERIAL KEY:**  
 A - 7/8" CEMENT STUCCO  
 B - ALUMINUM WINDOWS & STOREFRONT  
 C - FIBER CEMENT PANELS (3 COLORS) MOUNTED TO FURR'G STRIPS.  
 D - GLASS GUARDRAIL  
 E - FIBER CEMENT BLIND WALL



LOT 026 BUILDING HEIGHT PER KCA SURVEY (EXHIBIT 59)

PROPOSED WEST ELEVATION

1



**432 CORTLAND**  
 432 CORTLAND AVENUE  
 SAN FRANCISCO, CA 94110  
 APN: 56781030

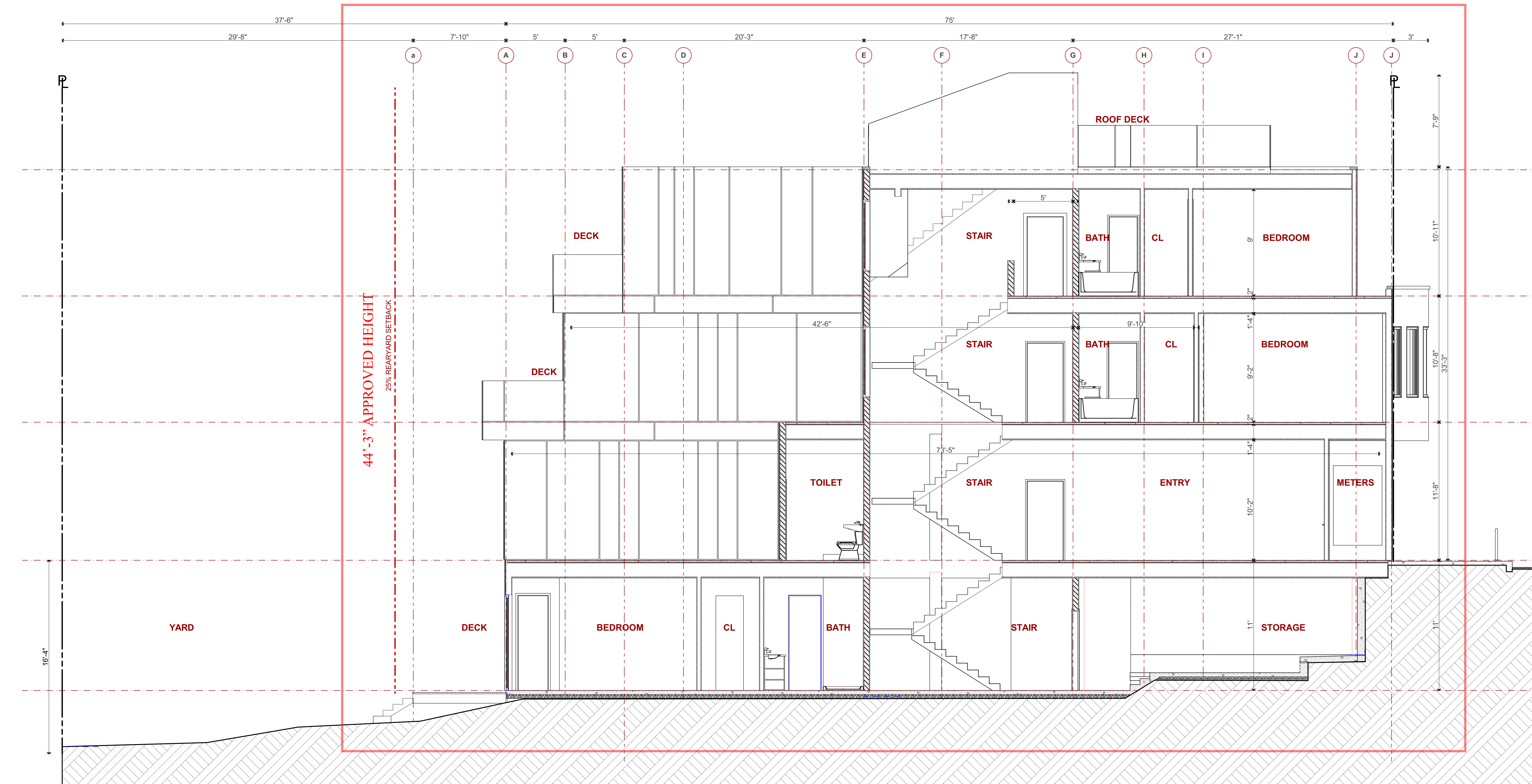
**SITE PERMIT**  
**PROPOSED WEST ELEVATION**

- Revisions:**
1. 4/24/18
  2. 7/20/18
  3. 9/05/18
  4. 11/08/18
  5. 02/01/19
  - 6.
  - 7.

SEPT 5, 2017

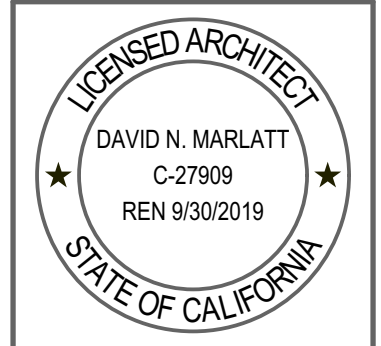
**A2.3**

EXH62



LOT 026 BUILDING HEIGHT PER KCA SURVEY (EXHIBIT 59)

LONGITUDINAL SECTION 1



**432 CORTLAND**  
 432 CORTLAND AVENUE  
 SAN FRANCISCO, CA 94110  
 APN: 56781030

**SITE PERMIT**  
**LONGITUDINAL SECTION**

- Revisions:**
1. 4/24/18
  2. 7/20/18
  3. 9/05/18
  4. 11/08/18
  5. 02/01/19
  - 6.
  - 7.

SEPT 5, 2017

**A3.0**

Lot 13: 35.97'

Lot 12: 38.07'



**PICTURE 5**

ELLERT STREET BUILDING HEIGHTS PER EXH59a & EXH59b

EXH64



# Havel Architects

2627 Mission Street, Suite #5 San Marino, California 91108

Project Planner Kimberly Durandet, Senior Planner  
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RE: Member of Public Verbal Statements in Opposition during the Variance Hearing of March 24, 2021

Project Address: 408-412 Cortland Avenue  
Assessor's Block/Lot: 5678/025  
Zoning District: NC-2 and 40-X  
Planning Record Number: 2015-008499PRJ VAR

Friday, May 07, 2021

Planner Durandet,

We have carefully reviewed the Members of the Public's verbal statements in opposition to Variance Application #2015-008499PRJ VAR, given at the Variance Hearing of March 24, 2021. We respectfully submit the following facts in rebuttal to the presented points. Excerpts from the statements in the public record are provided with the Project Sponsor Teams responses noted in **bold text**.

In agreement with Dr Memarzadeh's citation of E.C. Yokley, and the legal treatise, *Zoning Law and Practice*, at his email of Mar 30, 2021 at 10:44 AM (Subject Re: Testimony & Factual Submittal-Variance Application #2015-008499 VAR PRJ), I hereby request that you communicate our call for a Site-Visit by the Zoning Administrator to document the sufficiency of the property's facts and conditions as part of standard procedure in making the required investigation. As architect of record, I do so in order to reduce any dispute of facts that may be a hindrance to the approval of the rear-yard variance.

Sufficient knowledge of the conditions of the property and its surroundings are necessary to understand the justifications for the rear-yard variance.

## **KATHRYN SHANTZ (5678020)**

Kathryn Shantz Stated: (13:35 - 17:03)

Thank you so much for the opportunity to speak about this project. Um...I am one of the neighbors on 131 Bennington Street. Um...this is the second time I have spoken at one of these hearings, um...but the first time on the web-ex. Um...let me just say it's been tricky for some of the other neighbors. Um...we have about ten neighbors who are planning to join this call but its been tricky for us to navigate web-ex and get involved with this. However, many of us have written to the Planning Commission in um...to protest...um...with very specific um...reasons around why this project should not be passed.

**(14min 17sec)**

- **In my conversations with neighbors, I have noticed an inability and unwillingness to identify and focus on the relevant facts. I have reasonably attempted to convey that unwillingness as one-sided and recalcitrant. I have attempted to identify the facts that would allow for the Rear-Yard Variance as well as the components of the arguments at the Variance Application that correspond to SFPC §305(c). I have also encouraged neighbors to weigh the advantages along with the disadvantages and to embrace the proposal based on its advantages because of the impracticability of Alternate Development Plans. In no conversation with any neighbor did I propose the demolition of the Inner Courtyard or the Rear Carriage Structure.**

Um...so let me go through some of those reasons.

Um...first of all, the scale of this project is completely out of proportion to um...the existing neighborhood structures um...and it really um...the reason that these...these rules are put in place in Bennington, you know in the Bernal Heights neighborhood is so that we can preserve a neighborhood feel in our neighborhoods and this particular...approving this variance would completely fly in the face of that.

**(14min 52sec)**

- **The project is of a scale and finish that is contextually sensitive to the neighborhood. The project would provide visual relief to Lot 024 from the bulwark at Lot 026. Due to the previous structural work to the rear carriage house in 1996, the addition of a modestly-scaled, wood-framed, second-story addition of 677 square feet would require minimal additional structural upgrades. To describe this project as outsized for the neighborhood is an exaggeration.**
- **Regarding the Neighborhood character. The Project Sponsor Team agrees. The size and scale of the proposal has been designed in consideration of the existing context of the Cortland Neighborhood Commercial area (excluding Lot 026). The footprint at the rear of 408 Cortland Ave will be unchanged. The addition is a 677 square-foot, second-story addition that is not visible from the Public Right-of-Way.**

Um...so it it as as..for me personally, this um...would be a monstrosity. It would literally look into my my dining area, my, my bathroom area, my yard. Um and that's this goes the same for many of the

neighbors. Um...its right on the property line and um...none of the other buildings are right on the property line like that. (15min 17sec)

- **The second-story addition protects the courtyard and makes the Rear Yard even cozier. The addition further shields commercial scents and noise from the Mid-Block Open Space, specifically the rear of lots 020 and 021. Windows are set back from the property line, are inoperable, and placed above the average tall person’s eye level. You would have to be taller than 6ft 7in to be able to look down into the rear yards of the surrounding properties.**
- **The proposed addition of a second floor to the existing rear structure is the result of the consideration of a number of Alternative Development Plans as well as an acknowledgement of the importance of the existing courtyard to the immediate neighbors and the larger surrounding neighborhood. Any Development Plan such as the SF Planning Staff recommended demolition of the existing rear structure would add risk because of excessive destruction and would be impracticable and unfeasible. The Owner, Dr Maher Memarzadeh, opposes removal of the existing courtyard. Pursuant to the Planning Code, property owners have a substantial property right to seek parity with other property in the same class of district through a variance from the Code (§305(c)(3)). The fact is that the existing rear structure at 5678027 is 2.5 – 2.9 times the size of the existing rear structure at the subject property. Even after the addition, the existing rear structure at 5678027 will be 1.26 times the size as the expanded rear structure at 5678025.**
- **Our proposal does not change the existing footprint.**
- **I have spent a great many hours in conversation with 020 and 021. I have explained that the addition is modeled after the architecture that influenced California at the turn of the previous century by the Greene Brothers, most widely known for the Gamble House and classified by architectural historians as Arts and Crafts style. The addition is NOT in the Public Right-of-Way, and not visible from the street. It can only be seen if you walk to the rear of the property’s private courtyard. The rear of the addition will be visible to very specific lots from inside the Mid-Block Space; but the properties immediately east of Bennington and just south of Cortland look down at its clerestory windows because of the Hillside Topography of Block 5678.**
- **There is NO CHANGE to southerly views from Bennington.**
- **There is NO CHANGE to easterly views from Bennington.**
- **There is NO CHANGE to northerly views from Bennington.**
- **The only change is that Bennington neighbors’ instant views towards the rear of Lot 026 would be shielded by our addition. Instead of Bennington neighbors having northerly views onto 026’s bulwark structure, which is the 36-foot wall they have been staring at**

since 2006, they would have views of the proposed addition's south and west facing façades.

- **The Fact is that perspectives onto the NCD properties of Cortland are below eye-level from Bennington Properties in terms of elevation: the window at 5678021 is approximately two feet higher than Peak of 5678027.**

Um...it has nothing to do with the slope of the land, all of those um...all of that jargon around, you know, you know, why this might be approved, you know... you don't actually, in the reality of the scheme of things, is ridiculous. (15min 34sec)

- **The design of the proposal is based on the literal reading of the San Francisco Planning Code and physical fact. No jargon was utilized in the presentation.**
- **Topography causes neighbors' privacy concerns. Elevated perspectives from Bennington Neighbors windows (020/021) demonstrate how topography is the operational issue here. Ground points at Rear of Lots 020 and 021 are 17 feet lower than grade at Bennington. Grade at Bennington Street (213.26 feet) is seven (7) feet higher than Grade at Cortland (206.29 feet).**

Um...the facts of the matter are, from a practical standpoint that there is a thriving restaurant currently on the property, um...the B-Star restaurant which is a beloved, almost arguably historical restaurant in that building in the sense of, there is a large courtyard for outdoor dining. Um...it has a very unique feel to it, and the current structure is very unique and village-like. So, as you have probably heard through the years, Bernal Heights is considered a little village on the hill. Uh...So we would like to preserve that. (16min 13sec)

- **Again, the project is of a scale and finish that is contextually sensitive to the neighborhood. The project would provide visual relief to Lot 020 and Lot 021 and Lot 024 from the bulwark at Lot 026. Due to the previous structural work to the rear carriage house in 1996, the addition of a modestly-scaled, wood-framed, second-story addition of 677 square feet would require minimal additional structural upgrades. The proposal preserves the unique village-like feel. The Owner, Dr Maher Memarzadeh, opposes removal of the existing courtyard.**

In addition, for the structural issues, um...the entranceway for, into this backyard property has not been addressed. It's, it's an absolute fire hazard. I would like to hear more on why they think that that can be avoided. (16min 29sec)

- **In my conversations with Property Owner Shantz, I noticed that there are other issues that characterize opposition to the instant rear-yard variance, which is manifestly for less than two feet to consider the Inner Court as the Rear Yard. For any suspected permit violations, I assume you would contact DBI.**
- **Please refer to Architect Ron Wallace's October 11, 2018 Affidavit in which he identifies the relevant ADA standards and the occupancy limitations of the property pursuant to**

the San Francisco Building Code. Please also observe that it is a second-story addition of 677 square feet, considered a small project, to add the equivalent of a large room.

- **Architect Ron Wallace also identifies that the number of employees for the compounding pharmacy that serves mostly delivery patrons would not cause excessive foot traffic. The degree of alarm you are sounding is disproportionate to the size of the proposed addition: 677 square feet.**

Um...and you know, in addition to all of the noise and destruction, we would essentially lose um...this neighborhood would lose a beloved restaurant ... courtyard which the owners say that that is not the case, but it's it's very, very hard to predict to see that that would not be the case, particularly during COVID and particularly during...you know ... based on the landlord's interactions with the restaurant owners ... thank you so much. (17min 02sec)

- **There would be no change to the current cycle of ambient neighborhood noise. The number of employees at the pharmacy would be minimal, based upon the occupancy limitations of the property and use as determined by the City of SF and the SF Fire Department. In 677 square feet of space, there would be, at most, three employees. The additional noise generated by these employees would be completely masked by the level of the noise from the existing restaurant use. There would be very limited walk-up. Most business would be delivery. We have not yet indicated a proposal for hours of operation to be 24-hour service.**
- **These vacancies do not affect the storefronts on Cortland between Bennington Street and Wool Street. Pursuant to SFPC §303.1(a)(2), this is the only block that the Arrow Pharmacy can be relocated to, because it was originally and traditionally permitted to be at 439 Cortland. In addition, the commercial vacancy rates in a neighborhood have no bearing on a Property Owner's Substantial Right to improve his or her property.**

Please see the SF Planning Website: (<https://sfplanninggis.org/pim/>) for substantive facts and evidence, including images, upon which the Rear-Yard Variance Application is based.

### **AILEEN ICHIKAWA (5678029)**

Aileen Ichikawa stated: (17:13 - 18:45)

Hi, my name is Aileen Ichikawa. Not sure if I am up...I guess I am. (17min 19sec)

Um...Thank you, I am also a neighbor ... I am at 430 Cortland, so I am a few houses down, but um...I actually used to live on the property in question, there is a rental unit, ... my husband and I lived there for five years above the B-Star Restaurant. So I am very very familiar with the courtyard. And I just want to echo those very articulate comments from the last neighbor [Shantz] ... She really nailed it. (17min 46sec)

This institution used to be called Liberty Café. It was the first institution that really brought up all of Cortland Avenue. It was owned by Cathy Guntli before she passed away. It was the first restaurant that really brought this neighborhood together and um...changed the face of it. (18min 05sec)

So, you are talking about, really substantially changing that institution. It is a neighborhood gathering center. It is charming. They do all kinds of activities, jazz. They do cinemas, screened on the side of the building at night from the courtyard. And it's unimaginable to think that, you know, that we on Cortland in this village would lose this face. And it seems to me the proposed building is just huge and completely different from everything around it as was mentioned. Thank you. (18min 45sec)

- **The proposal maintains the existing courtyard space as a dining and activity space that the neighborhood enjoys. The property owner wants to maintain the current restaurant use and simply improve his property with a small 677 square foot second story addition.**
- **The project is of a scale and finish that is contextually sensitive to the neighborhood. The project would provide visual relief to Lot 024 from the bulwark at Lot 026. Due to the previous structural work to the rear carriage house in 1996, the addition of a modestly-scaled, wood-framed, second-story addition of 677 square feet would require minimal additional structural upgrades. The proposal preserves the unique character of the neighborhood that was pioneered by the Liberty Café.**
- **Our proposal does not change the existing footprint.**
- **I have spent a great many hours in conversation with neighbors, including Aileen. I have explained that the addition is modeled after the architecture that influenced California at the turn of the previous century by the Greene Brothers, most widely known for the Gamble House and classified by architectural historians as Arts and Crafts style. The addition is NOT in the Public Right-of-Way, and not visible from the street. It can only be seen if you walk to the rear of the property's private courtyard. The rear of the addition will be visible to very specific lots from inside the Mid-Block Space: but the properties immediately east of Bennington and just south of Cortland look down at its clerestory windows because of the Hillside Topography of Block 5678.**
- **The Owner, Dr Maher Memarzadeh, opposes removal of the existing courtyard.**

Please see the SF Planning Website: (<https://sfplanninggis.org/pim/>) for substantive facts and evidence, including images, upon which the Rear-Yard Variance Application is based.

### **SPEAKER #3 (ADDRESS UNCERTAIN)**

Speaker #3 stated: (18:58 - 21:58)

Hi, I'm also one of the neighbors around the corner on Bennington Street from B-Star Restaurant. I wanted to highlight a few comments that were made by the previous commenters. (19min 08sec)

I share in their disdain for this plan. I think they're; one, as a community feel; beyond just a restaurant. As mentioned by the last commenter, that courtyard is more than just a place where people eat, it is a place where people convene it is ... they project movies onto the walls, it is a place where folks have found refuge during COVID with outdoor seating being safely done. And in non-COVID times, it is an area where people gather in the community beyond ... beyond some of the other places because of its outdoor seating abilities. (19min 43sec)

- **Regarding the Neighborhood character. The Project Sponsor Team agrees. The size and scale of the proposal has been designed in consideration of the existing context of the Cortland Neighborhood Commercial area (excluding Lot 026). The footprint at the rear of 408 Cortland Ave will be unchanged. The addition is a 677 square-foot second-story addition that is not visible from the Public Right-of-Way.**
- **The Owner, Dr Maher Memarzadeh, opposes removal of the existing courtyard.**
- **The proposal maintains the existing courtyard space as a dining and activity space that the neighborhood enjoys. The property owner wants to maintain the current restaurant use and simply improve his property with a small 677 square foot second story addition.**
- **The project is of a scale and finish that is contextually sensitive to the neighborhood. The project would provide visual relief to Lot 020, Lot 021, and Lot 024 from the bulwark at Lot 026. Due to the previous structural work to the rear carriage house in 1996, the addition of a modestly-scaled, wood-framed, second-story addition of 677 square feet would require minimal additional structural upgrades.**

I think also to suggest that the back ... the slope of the backyard is an issue and then to propose the monstrosity that was shown in that final drawing is complete double talk. If you'd like to preserve the way that that backyard is done and improve it for the neighborhood, we could look at ways to potentially put in trees or to do things with the land, but certainly not to erect what looked like a ... a right-angled version of the Coliseum in an area that otherwise has an incredible community feel to it. (20min 21sec)

- **Topography causes neighbors' privacy concerns. Elevated perspectives from Bennington Neighbors windows (020/021) demonstrate how topography is the operational issue here. Ground points at Rear of Lots 020 and 021 are 17 feet lower than grade at Bennington. Grade at Bennington Street (213.26 feet) is seven (7) feet higher than Grade at Cortland (206.29 feet).**

- **The proposal incorporates a roof-top garden which incorporates trees to provide additional green space as well as provide privacy screening for the neighbors and the residents utilizing the roof-top garden.**
- **I have spent a great many hours in conversation with neighbors. I have not met with speaker #3 and had the chance to explain that the addition is modeled after the architecture that influenced California at the turn of the previous century by the Greene Brothers, most widely known for the Gamble House and classified by architectural historians as Arts and Crafts style. The addition is NOT in the Public Right-of-Way, and not visible from the street. It can only be seen if you walk to the rear of the property's private courtyard. The rear of the addition will be visible to very specific lots from inside the Mid-Block Space; but the properties immediately east of Bennington and just south of Cortland look down at its clerestory windows because of the Hillside Topography of Block 5678.**

I think also as proposed by the ... the builder at the beginning of this call, an incredible amount of jargon was used to push around the notion that this is a thinly veiled attempt to ultimately evict what is the restaurant owners and set up an area to push more and more construction into this neighborhood, which is unneeded, especially at a time when the community is galvanizing around how we can keep local businesses ... afloat and not just afloat but kind of ... beloved businesses still within the hearts and, in this case, in the stomachs of the neighborhood residents. **(21min 21sec)**

- **The design of the proposal is based on the literal reading of the San Francisco Planning Code and physical fact. No jargon was utilized in the presentation.**
- **The proposal maintains the existing courtyard space as a dining and activity space that the neighborhood enjoys. The property owner wants to maintain the current restaurant use and simply improve his property with a small 677 square foot second story addition.**
- **In response to speaker #3's concerns about impacts of "larger buildings"; "new construction"; "expansion into air/garden space"; as architect of record, I express a second-story addition of 677 square feet, with no change to the footprint of the existing structure, creating an additional 400 square feet of private usable open space at the roof, all without horizontally encroaching into Mid-Block Space.**

Also, I'd like to point out another issue that was mentioned by the first commenter ... the public commenter which is that none of those buildings do go back to their back property line which allows for a real courtyard feel outside the windows of all members of the Bennington, Cortland, Ellert ... I'm actually, I can't remember that the next street down ... um ... and with that a series of trees, a certain sense of community, and again that courtyard feel which bonds everybody together. **(21min 30sec)**

- **The second-story addition protects the courtyard and makes the Rear Yard even cozier. The addition further shields commercial scents and noise from the Mid-Block Open Space, specifically the rear of lots 020 and 021. Windows are set back from the property line, are**



inoperable, and placed above the average tall person's eye level. You would have to be taller than 6ft 7in to be able to look down into the rear yards of the surrounding properties.

- The proposed addition of a second floor to the existing rear structure is the result of the consideration of a number of Alternative Development Plans as well as an acknowledgement of the importance of the existing courtyard to the immediate neighbors and the larger surrounding neighborhood. Any Alternate Development Plan such as the recommended demolition of the existing rear structure would add risk because of excessive destruction and would be impracticable and unfeasible. The Owner, Dr Maher Memarzadeh, opposes removal of the existing courtyard. Pursuant to the Planning Code, property owners have a substantial property right to seek parity with other property in the same class of district through a variance from the Code (§305(c)(3)). The fact is that the existing rear structure at 5678027 is 2.5 – 2.9 times the size of the existing rear structure at the subject property. Even after the addition, the existing rear structure at 5678027 will be 1.26 times the size as the expanded rear structure at 5678025.
- Our proposal does not change the existing footprint.
- I have spent a great many hours in conversation with 020 and 021. I have explained that the addition is modeled after the architecture that influenced California at the turn of the previous century by the Greene Brothers, most widely known for the Gamble House and classified by architectural historians as Arts and Crafts style. The addition is NOT in the Public Right-of-Way, and not visible from the street. It can only be seen if you walk to the rear of the property's private courtyard. The rear of the addition will be visible to very specific lots from inside the Mid-Block Space; but the properties immediately east of Bennington and just south of Cortland look down at its clerestory windows because of the Hillside Topography of Block 5678.
- There is NO CHANGE to southerly views from Bennington.
- There is NO CHANGE to easterly views from Bennington.
- There is NO CHANGE to northerly views from Bennington.
- The only change is that Bennington neighbors' instant views towards the rear of Lot 026 would be shielded by our addition. Instead of Bennington neighbors having northerly views onto 026's bulwark structure, which is the 36-foot wall they have been staring at since 2006, they would have views of the proposed addition's south and west facing façades.
- The Fact is that perspectives onto the NCD properties of Cortland are below eye-level from Bennington Properties in terms of elevation: the window at 5678021 is approximately two feet higher than Peak of 5678027.

By having a building like this, it not only goes against what the fabric of this neighbored is built on, but of course then continues to push into a direction that, I don't think any of us want, which is the degradation of not just the feel of our community, but also a beloved business which we all spend a

lot of time at and want to continue supporting over the interests of private construction ownership. (21min 54sec)

Thank you.

Please see the SF Planning Website: (<https://sfplanninggis.org/pim/>) for substantive facts and evidence, including images, upon which the Rear-Yard Variance Application is based.

### MARY YOUNG (5678026)

Mary Young stated: (26:21 - 28:50)

Yes, thank you. This is Mary Young and I am the property owner, resident and business owner next to the proposed project at 414 – 416 Cortland Avenue and I have many objections to this project. (26min 41sec)

But, the most personal one is that this second story and roof-top garden will exist directly next to and above my bedroom, and I have a balcony outside of my bedroom with a sliding door, and I feel that I will lose all privacy outside of my bedroom as well as privacy in my back yard garden. We also have two sliding doors on our patio which is upstairs, and I am very concerned about safety and possible roof top access to my property if there is a roof-top garden on the property next door. (27min 29sec)

- **The private usable open space will be carefully configured to prevent views into the easterly neighbor’s balcony because of the required setback and design of the square-foot gardening deck which includes screening planting specific to this purpose. It should be noted that the mentioned balcony at Lot 026 along with its adjunct stairs encroach as protrusions into the rear-yard.**

And, as I have explained to the Architect and other people who have come by over the years to ask me to sign-off on this project and give my approval, I have had several different neighbors next door at 412 Cortland in the residential unit on the property. And, I have very many times gone over there to ask them to turn down the music and on two occasions have actually walked in to break-up parties. And, so I have every reason to expect that if there is a roof-top garden in the back that these parties will just extend outdoors and will be even more of a disruption than what I have already lived with. (28min 14sec)

- **The use at the private usable open space is residential by definition and will be restricted by lease agreement as well as relevant covenants or deed restrictions that would be in place at the Subject Property.**

I have also expressed concern over the fact that we have so many empty storefronts and property owners on this block who do have commercial properties for rent have been accepting reduced rent or no rent at all, or have had businesses move out. We have plenty of vacancies and plenty of space for a compound pharmacy on Cortland, even within the same block, if the community desires a compound pharmacy. (28min 47sec)

- **These vacancies do not affect the storefronts on Cortland between Bennington Street and Wool Street. Pursuant to SFPC §303.1(a)(2), this is the only block that the Arrow Pharmacy can be relocated to, because it was originally and traditionally permitted to be at 439 Cortland. In addition, the commercial vacancy rates in a neighborhood have no bearing on a Property Owner's Substantial Right to improve his or her property.**
- **During the Shelter-in-Place Orders which restricted social gatherings, the property owner's commercial tenants cut their rent by up to 70%.**

Thank you.

**Please see the SF Planning Website: (<https://sfplanninggis.org/pim/>) for substantive facts and evidence, including images, upon which the Rear-Yard Variance Application is based.**

# Havel Architects

2627 Mission Street, Suite #5 San Marino, California 91108

Project Planner Kimberly Durandet, Senior Planner  
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1650 Mission Street, Suite 400  
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RE: Member of Public Comments in Opposition of March 4 through March 23, 2021

Project Address: 408-412 Cortland Avenue  
Assessor's Block/Lot: 5678/025  
Zoning District: NC-2 and 40-X  
Planning Record Number: 2015-008499PRJ VAR

Monday, April 05, 2021

Planner Durandet,

We have carefully reviewed the Members of the Public's comments in opposition to Variance Application #2015-008499PRJ VAR. We respectfully submit the following facts in rebuttal to the presented points. The original formats of the emails and telephone conversation transcripts that you forwarded are included with the Project Sponsor Teams responses noted in **bold text**.

In agreement with Dr Memarzadeh's citation of E.C. Yokley, and the legal treatise, *Zoning Law and Practice*, at his email of Mar 30, 2021 at 10:44 AM (Subject Re: Testimony & Factual Submittal-Variance Application #2015-008499 VAR PRJ), I hereby request that you communicate our call for a Site-Visit by the Zoning Administrator to document the sufficiency of the property's facts and conditions as part of standard procedure in making the required investigation. As architect of record, I do so in order to reduce any dispute of facts that may be a hindrance to the approval of the rear-yard variance.

Sufficient knowledge of the conditions of the property and its surroundings are necessary to understand the justifications for the rear-yard variance.

## **MARCIA LIEBERMAN (5677013)**

Marcia states (03/10/2021 at 11:51 AM; [liebermanshare@gmail.com](mailto:liebermanshare@gmail.com)):

- “Cortland Avenue has more than 30% vacancy in commercial buildings that already exist on this street. These are long term vacancies that speak to there not being a need or interest in expansion of properties.”
  - **These vacancies do not affect the storefronts on Cortland between Bennington Street and Wool Street. Pursuant to SFPC §303.1(a)(2), this is the only block that the Arrow Pharmacy can be relocated to, because it was originally and traditionally permitted to be at 439 Cortland. In addition, the commercial vacancy rates in a neighborhood have no bearing on a Property Owner’s Substantial Right to improve his or her property.**
- “The charm and unique ambiance that the Cortland area currently has would be negatively impacted by larger buildings and new construction.”
  - **The Project Sponsor Team agrees. The size and scale of the proposal has been designed in consideration of the existing context of the Cortland Neighborhood Commercial area (excluding Lot 026). The footprint at the rear of 408 Cortland Ave will be unchanged. The addition is a 677 square-foot second-story addition that is not visible from the Public Right-of-Way. It certainly is not visible from Bocana Street which is 377 feet away.**
- “The quiet that we all enjoy in our nearby backyards would be degraded with a bigger building and expansion into air and garden space.”
  - **There would be no change to the current cycle of ambient neighborhood noise. The number of employees at the pharmacy would be minimal, based upon the occupancy limitations of the property and use as determined by the City of SF and the SF Fire Department. In 677 square feet of space, there would be, at most, three employees. The additional noise generated by these employees would be completely masked by the level of the noise from the existing restaurant use. There would be very limited walk-up. Most business would be delivery. We have not yet indicated a proposal for hours of operation to be 24-hour service.**
  - **In response to Marcia Lieberman’s concerns about impacts of “larger buildings”; “new construction”; “expansion into air/garden space”; as architect of record, I express a second-story addition of 677 square feet, with no change to the footprint of the existing structure, creating an additional 400 square feet of private usable open space at the roof, all without horizontally encroaching into Mid-Block Space.**
  - **Marcia lives at 309 Bocana St. located on the opposite side of an adjacent block. (FYI: Block/Lot: 5677/013)**

- Her property is 377-feet away from the proposed second-story addition. (FYI: distance between 5678025 and 5677013 = 117ft + 25ft + 100ft + 60ft + 25ft + 25ft+ 25ft)
- On Bocana, between Cortland and Ellert, there are 9 lots. 5677013 is the 5<sup>th</sup> lot south of Cortland.
- The distance between Cortland and Ellert on Bocana is 245.54ft.
- Grade Elevation of 309 Bocana St. (Block/Lot: 5677/013) is somewhere between 223 feet (Bocana/Cortland) and 252 feet (Bocana/Ellert).
- The slope on Bocana is 29 feet in height across a distance of 245.54 feet, or approximately 11.8%.
- Grade elevation at 414 Cortland (Block/Lot 5678026) is 232.51.
- The height at the rear of 420 Cortland (Block/Lot 5678027) is 32.97ft.
- Thus, the corner of Bocana and Ellert is perched above Block/Lot 5678026.
- Pursuant to Code, peak elevation of Marcia’s RH-2 structure may be maximized to 282ft in height.
- However, any structure at 5678025 would be limited to 40ft or 246.29ft. (Grade at Cortland Avenue at APN 5678025 is 206.29ft)
- Peaks of the following lots would be in direct field of vision of 5677013 in descending order:
  1. 5678021 (239.75ft)
  2. 5677002 (108 Bennington) (Unknown)
  3. 5678023 (402 Cortland) (221.75ft)
  4. 5677018 (308 Cortland) (Unknown)
  5. 5677023 (106 Bennington) (Unknown)
- The slope at the Hillside Topography down from Holly Park is reflected at the Sanborn Maps with grade elevation at corners of Ellert/Bocana; at Ellert/Bennington; at Bennington/Cortland; at Andover/Cortland; at Ellert/Andover; respectively as: 252ft; 216ft; 208ft; 205ft; 176ft.
- It is a fact that the difference in grade elevation between Ellert/Bennington and Ellert/Andover is 40 feet.

- **It is a fact that the difference in grade elevation between Ellert/Bocana and Ellert/Andover is 76 feet.**

## **SHANTZ (020)**

Shantz states Kathryn Shantz <[kathryns@gmail.com](mailto:kathryns@gmail.com)> Monday, March 8, 2021 5:12 PM:

- “I was shocked to see that the city plan is different than the one shared with me via Zoom by the owner's architect.”
  - **The Havel drawings presented to the neighbors are no different from the drawings, dated 12/20/2017, uploaded onto the SF Planning website. You can compare them with any hand drawing I have produced for illustration.**
- “We feel they shouldn't be allowed to build another story on top of an existing building that's already a disruptive variance.”
  - **The proposed addition of a second floor to the existing rear structure is the result of the consideration of a number of Alternative Development Plans as well as an acknowledgement of the importance of the existing courtyard to the immediate neighbors and the larger surrounding neighborhood. Any Alternate Development Plan such as the recommended demolition of the existing rear structure would add risk because of excessive destruction and would be impracticable and unfeasible. The Owner, Dr Maher Memarzadeh, opposes removal of the existing courtyard. Pursuant to the Planning Code, property owners have a substantial property right to seek parity with other property in the same class of district through a variance from the Code (§305(c)(3)). The fact is that the existing rear structure at 5678027 is 2.5 times the size of the existing rear structure at the subject property. Even after the addition, the existing rear structure at 5678027 will be 1.26 times the size as the expanded rear structure at 5678025.**
  - **Our proposal does not change the existing footprint.**
- “It will greatly infringe on our privacy and will ruin the treasured courtyard restaurant that is loved by the entire neighborhood.”
  - **The second-story addition protects the courtyard and makes the Rear Yard even cozier. The addition further shields commercial scents and noise from the Mid-Block Open Space, specifically the rear of lots 020 and 021. Windows are set back from the property line, are inoperable, and placed above the average tall person's eye level. You would have to be taller than 6ft 7in to be able to look down into the rear yards of the surrounding properties.**
  - **Topography causes neighbors' privacy concerns. Elevated perspectives from Bennington Neighbors windows (020/021) demonstrate how topography is the operational issue here. Ground points at Rear of Lots 020 and 021 are 17 feet**



**lower than grade at Bennington. Grade at Bennington Street (213.26 feet) is seven (7) feet higher than Grade at Cortland (206.29 feet).**

- “It is our opinion that the proposed structure is an absolute eye-sore.”
  - **I have spent a great many hours in conversation with 020 and 021. I have explained that the addition is modeled after the architecture that influenced California at the turn of the previous century by the Greene Brothers, most widely known for the Gamble House and classified by architectural historians as Arts and Crafts style. The addition is NOT in the Public Right-of-Way, and not visible from the street. It can only be seen if you walk to the rear of the property’s private courtyard. The rear of the addition will be visible to very specific lots from inside the Mid-Block Space: but the properties immediately east of Bennington and just south of Cortland look down at its clerestory windows because of the Hillside Topography of Block 5678.**
  - **There is NO CHANGE to southerly views from Bennington.**
  - **There is NO CHANGE to easterly views from Bennington.**
  - **There is NO CHANGE to northerly views from Bennington.**
  - **The only change is that Bennington neighbors’ instant views towards the rear of Lot 026 would be shielded by our addition. Instead of Bennington neighbors having northerly views onto 026’s bulwark structure, which is the 36-foot wall they have been staring at since 2006, they would have views of the proposed addition’s south and west facing façades.**
  - **The Fact is that perspectives onto the NCD properties of Cortland are below eye-level from Bennington Properties in terms of elevation: the window at 5678021 is approximately two feet higher than Peak of 5678027.**
- “There is also a significant fire hazard in the existing entranceway that I believe is not being adequately considered.”
  - **In my conversations with Property Owner Shantz, I noticed that there are other issues that characterize opposition to the instant rear-yard variance, which is manifestly for less than two feet to consider the Inner Court as the Rear Yard. For any suspected permit violations, I assume you would contact DBI.**
- “The owners are now saying the proposed second structure will be home to a new pharmacy (previously, they said it might be a pizza place, and my feeling is we probably have no idea what use may be allowed later).”
  - **The proposal has always been for a community or neighborhood pharmacy. The Variance Narrative has been accessible at the SF Planning website on-line since**

2016 and details the project textually. Eating and drinking is not allowed at the second story. The Owner is very serious about the history of AIDS and the consequentiality of Arrow Pharmacy becoming defunct in 1996.

- In 1996, because of extraordinary circumstances, after more than 87 years, Cortland was without its neighborhood pharmacy. Before it became defunct, Arrow Pharmacy had been in business at the same Cortland city block since 1909. In 1996, because of extraordinary circumstances, after more than 87 years, Cortland was without its neighborhood pharmacy.
- The year 1996 was similar to the year 2021 with respect to similar circumstances in the field of pharmacy and epidemiology:
  - AIDS deaths plummeted for first time since epidemic began.
  - Pharmacy business being restructured: pharmacies like Thrifty and Longs operating since WWII declared bankruptcy and went out of business.
  - The CDC documented that between 1995 and 1998, AIDS deaths declined by 63%, from 50,628 (1995) to 18,851 (1998).<sup>1</sup>
- “The landlord lives in LA and has been trying to build on this property for years.”
  - The places of the Owner’s residence should not affect his constitutionally-guaranteed substantial property right. In my conversations with the neighbors, I have noticed that there are other issues that characterize opposition to the Owner who has been spending his own time for the benefit of the neighborhood. The Owner purchased in 2010 and could have easily re-sold the property for a rapid profit. Instead, he has chosen to improve his own property in a way that would not only benefit himself but the whole block, as well.
- “If the neighbors are against this variance, will it still be possible for the owner to move forward? I’d like to understand all the dynamics - would it be possible to have a short call with you ahead of this hearing?”
  - In my conversations with neighbors, I have noticed a recalcitrance that I tried to convey as one-sided. I encouraged neighbors to weigh the advantages along with the disadvantages and to embrace the proposal based on its advantages because of the impracticability of Alternate Development Plans.

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<sup>1</sup> “HIV Surveillance – United States, 1981 – 2008.” Centers for Disease Control and Prevention. U.S. Department of Health and Human Services. In *Morbidity and Mortality Weekly Report (MMWR)* 60:21; June 3, 2011; p.690.

## **SUE HESTOR (5715002)**

Sue Hestor <[hestor@earthlink.net](mailto:hestor@earthlink.net)> Thursday, March 4, 2021 11:06 AM:

- “Construction and demolition on this block a continuing concern because of impacts on 24-Divis and pedestrian use of sidewalk.”
  - **Variance Application #2015-008499PRJ VAR proposes NO demolition. In fact, it does its utmost NOT to disturb the existing urban fabric. It is for a second-story addition of 677 square feet with no change to existing building footprint, no change to existing courtyard area and no change to the mid-block open space. Most construction will be conducted off-site and installed piecemeal. Use of a crane will reduce interruption of public transport.**

Sue Hestor <[hestor@earthlink.net](mailto:hestor@earthlink.net)> Thursday, March 4, 2021 3:25 PM:

- Not used to having so much activity in ONE side of ONE small block. Block which has so much pedestrian activity.
  - **Block 5678 has the most storefronts of any block at the Cortland Commercial District. Two properties, on the same side of the block, are undergoing improvements at the same time. The CUA at 5678030 or 432 Cortland Avenue is for a project that involves demolition and construction of a structure 10 times the size of what we are proposing. See SF Planning Record No.: 2017-009635CUA. It is for “new construction of a three-story-over-basement, 6,394 square foot, 33-foot-3-inches tall, mixed-use building (approximately 6,394 square feet) with three dwelling units, one ground floor restaurant.”**

Sue Hestor <[hestor@earthlink.net](mailto:hestor@earthlink.net)> Wednesday, March 17, 2021 11:34 AM:

- Use for 2nd story - retail establishment with sole presence on rear lot line has no precedent. Especially on down-ward sloping lot. Will affect lots to rear. Very little community awareness of proposed project. Variance hearings not at Planning Comm not very accessible to public - especially during shelter in place.
- **The Variance Narrative makes reference to second-story retail precedents (at page 5, footnote 3).**
- **The “rear lot line” is not a control for either “use” or “rear-yard location” at the NCD. §242(e)(2)(C)(iii) applies to SU-11.**
- **If we compare my client’s proposal at 408-412 Cortland Avenue with the recently approved CUA at 432 Cortland Avenue (2017-009635CUA), you will note the following:**
  - **408-412 Cortland proposes a modest 670 s.f. addition to the existing structure, while the project at 432 Cortland Avenue proposes a new-built structure of 6,394**

s.f. that maximizes the allowable square footage on the lot. It is almost ten times (10x) my client's proposal.

- 408-412 Cortland Avenue proposes no demolition of existing structures, rather seeks to embrace the existing inner courtyard, a long-standing neighborhood amenity, while the project at 432 Cortland Avenue proposes a complete demolition of the existing 2,376 square-foot building on-site and rebuilding with non-natural building materials.
  - 408-412 Cortland Avenue proposes a two-story over basement project (with residential square-foot roof garden), while the project at 432 Cortland Avenue proposes a three-story over basement project that is 33'-3" tall.
  - 408-412 Cortland Avenue proposes to utilize appropriately-scaled building materials and fenestration patterns that promote and celebrate the existing built character of the neighborhood, while 432 Cortland Avenue proposes that the future character of the neighborhood lies with larger scaled, metal building panels and oversized fenestration.
  - Finally, 408-412 Cortland Avenue seeks to respect the privacy of the surrounding neighbors through thoughtful and contextual fenestration patterns that carefully control site-lines from the proposed addition to adjacent properties and the mid-block open space.
  - The proposal at 432 Cortland Avenue use of large scale "window-wall" fenestration that exposes the ground-floor commercial space and the upper-floor residential spaces to both the street and the mid-block open space. This exposure not only impacts the privacy of the neighboring properties, but proposes a new pattern of architectural expression that provides no privacy for its occupants from both the street and the mid-block open space.
  - Ms. Hestor notes the slope and topography of Block 5678. Government Code Section 65906 identifies Topography as a Hardship: at fifty (50) feet of Cortland, then at seventy-five (75) feet of Cortland, and finally at the last ten (10) feet of Subject Property, the slope at Lot 025, progressively and at junctures, drops abruptly from grade and measures between 11% and 25% towards a noticeable depression beyond the rear lot line. That Topography is an exceptional and extraordinary circumstance, not self-imposed by Property Owner, but attributable to the natural conditions of Subject Property. Such circumstances make for practical difficulty for Property Owner to achieve his substantial property right as allowed for by specified provisions of the Planning Code.
- Durandet, Kimberly (CPC) <[kimberly.durandet@sfgov.org](mailto:kimberly.durandet@sfgov.org)> March 17, 2021 at 10:46:15 AM PDT
    - Mr. Havel,  
Below is a summary of a phone conversation with Ms. Hestor.

Ms. Hestor,

Please review and let me know if you disagree with any part of the summary.

- Phone Call Summary:  
3/16/2021 408 Cortland Sue Hestor, Attorney 415-846-1021 Re: Variance Application
- Ms. Hestor wanted verification on the proposed use of the 2<sup>nd</sup> floor addition. Staff relayed that the current proposal is for a pharmacy which is permitted on the 2nd floor under Section 738 subject to conditions under 202.2(a). She expressed concerns related to this use at this location in the rear building, access and delivery issues to get to the rear building. Although she did not object to the 2nd story addition for use by the bakery and café, she did not feel a pharmacy is appropriate in that location of the site.
  - **The intended use is a compounding pharmacy. Please refer to pages 5-6 of the Variance Narrative for a clear description of this use. The property owner inquires if Attorney Hestor is acting as legal counsel for his tenants. Dr Memarzadeh further remarks of his communications with Attorney Hestor on Jun 18, 2018, 10:50 AM and on May 13, 2019, 9:50 AM, and her reply of May 25, 2019, 10:28 AM.**
- She questioned the plans and the roof top open space. Staff explained that the proposed open space is intended for use by the residential unit above the commercial space of the front building.
  - **The proposed location is the best location for the code-required (§135) usable residential open space. It allows for the continuation of the neighborhood serving courtyard and utilizes a residential use as a buffer to the mid-block open space.**
- She questioned the unusual nature and process of this case. She questioned why **is there** no 311 notice, and noted that the owner and architect are not from San Francisco which is not unusual for downtown projects, but not usual in small neighborhood projects. This is noted because local architects understand SF neighborhood issues and permitting processes. Staff gave a general background on the process to date including that the Department does not support the current design as meeting the Residential Design Guidelines. Staff had recommended filing the building permit application so that 311 notification could be conducted in conjunction with the variance application. The project sponsor declined preferring to move forward only with the variance hearing at this time.
  - **The Owner's places of residence should not be an impediment to his substantial property right. Owner and Owner's consultants including his architects and attorneys have exhaustively considered Alternate Development Plans. Owner opposes excessive destruction as well as Planning Staff's recommendation for demolition because of geotechnical and environmental risks to adjacent lots.**

- Other issues of concern for developments on the south side of Cortland Ave. are that any work done on the property may affect adjacent building foundations, how any construction project will be staged to avoid traffic delays.
  - **The project sponsor team's consideration of Alternate Development Plans included the possible effect of the project on the adjacent buildings foundations. This possible impact along with the consideration of others have guided the project team to the current, most risk adverse, proposal. The construction of project will be executed by licensed state contractors and all work will be performed pursuant to City of San Francisco construction guidelines.**
- Lastly, she requested staff share concerns regarding the current phone-in method of participation for variance hearings. She does not know how to call in or where to find the information on our website for participation. Staff will relay these comments to the Zoning Administrators office.
  - **The property owner notes that Attorney Hestor's State Bar # is 73628. He believes that she may be trying to emphasize that the whole neighborhood could be mobilized against one owner's substantial property right.**

Best,  
Kimberly Durandet, Senior Planner  
Southeast Team / Current Planning  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: 628.652.7315 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

## MARY YOUNG (026)

**From:** Mary Young <[maryhaleyyoung@gmail.com](mailto:maryhaleyyoung@gmail.com)>  
**Sent:** Monday, March 22, 2021 5:21 PM  
**To:** Durandet, Kimberly (CPC) <[kimberly.durandet@sfgov.org](mailto:kimberly.durandet@sfgov.org)>  
**Subject:** Comments on #2015-008499VAR for Hearing on 3/24/21

Dear Planner Kimberly Durandet,

I plan to attend the hearing on Wednesday 3/24 and am submitting my comments in advance as suggested in the notice that I received in the mail.

I am an owner, along with my husband Kingmond Young, of the property directly next to the project to be discussed at the hearing.

We have owned, resided in and conducted business in our building at 414-416 Cortland Ave (Block 5678, Lot 026) since 1999. I will share with you my objections as a resident, property owner and business owner to the proposed project.

The proposed addition and rooftop garden would be directly beside and above my bedroom. I am not enthusiastic about the prospect of losing privacy from my bedroom balcony by having an outdoor garden above my balcony.

- **The private usable open space will be carefully configured to prevent views into the easterly neighbor's balcony because of the required setback and design of the square-foot gardening deck which includes screening planting specific to this purpose. It should be noted that the mentioned balcony at Lot 026 along with its adjunct stairs encroach as protrusions into the rear-yard.**

During the 20+ years that I have lived at 414 Cortland Ave, I have had several different neighbors living at 412 Cortland Ave. I have on more than one occasion gone over to ask tenants at 412 to turn down music and I have actually walked into parties in this apartment, sometimes with underage drinking going on. Therefore, I have a reasonable fear of tenant parties taking place on a rooftop garden, above and beside my bedroom.

- **The use at the private usable open space is residential by definition and will be restricted by lease agreement as well as relevant covenants or deed restrictions that would be in place at the Subject Property.**

I would also be giving up privacy in my backyard if a rooftop garden were to be built above a second story at this location. I am concerned about not only noise and lack of privacy from the proposed rooftop garden but also the possibility of trash blowing over or being thrown over into my yard.

- **The owner of Lot 026 fails to acknowledge that the wall they erected in 2006 at the easterly property line at Lot 026 has deeply impacted the privacy and views of Lot 025, increasing the shadows and reducing its access to light, both at the courtyard and at the**

**residential flat. Since 2006, the size of the bulwark structure and the lack of human scale in its materiality have made all residents and tenants feel “boxed in.” The 2006 bulwark at 026 was built before the death of Catherine Guntli, famous restaurateur of The Liberty Café.**

I also have safety concerns about strong winds blowing over lawn furniture, grills or the potted plants that I see in the drawings.

- **The addition as well as its private usable open space will be per the San Francisco Building Code.**

My other safety concern is with the overall security of my building. During heatwaves, we are able to leave our sliding doors to the balcony and patio open upstairs in our living space. I am very concerned that a property next to us with a rooftop garden might provide easy access to our roof. I do not welcome the possibility of upstairs break-ins.

- **Bernal Heights supports a lifestyle that is close knit and its residents are tolerant and respectful of other residents and businesses in the community. There is no reason to suspect that you would be a victim of a crime unless and until it occurs. It would be reasonably foreseeable from your perspective when it has occurred in the past.**

In addition to the lifestyle sacrifices that I imagine with these proposed changes to the property next door, I also have concerns about reduction of property value due to safety and noise issues.

- **The property owner at 025, Dr Maher Memarzadeh, is not requesting that you make any lifestyle sacrifices. His proposal seeks to achieve his substantial property right in a practical manner at the same time that the intended use of his improvement enhances existing neighborhood-serving retail uses. Such an improvement would only increase your property value.**

I am not aware of any rooftop gardens on our block. It appears to me that my neighbors have backyard gardens like I do. If we are considering “parity” between properties, I would like this to be taken into consideration.

- **Lot 026 is flanked on each side with properties that have nonconforming rear structures that create an interior paved courtyard. It is this exceptional circumstance of surroundings and location that necessitates that the code-required private usable open space at Lot 025 be located at the rear structure’s roof. Parity is sought based upon FAR and size of structures. Lot 026 is built to its legal limits at its first two floors and has an FAR of 1.46, whereas with the proposed addition at 408 Cortland, our total FAR with two levels would be only 1.37.**

When property owners on this block apply for permits to develop property, the zoning regulations apply to all of us. When one property owner is granted a variance it opens up the possibility that others will ask for the same.



- **The property owner at 025, Dr Maher Memarzadeh, is not requesting any special privilege. The property owner at 025 is merely seeking to achieve his constitutionally-guaranteed substantial property right.**

Bernal Heights has maintained a lifestyle that is unique and close knit by working together over the decades to support residents and businesses in the community. Talking to our neighbors over the backyard fence and exchanging fruit and produce from our gardens is a way of life here and that should not be replaced with rooftop potted plants.

- **The conversations and way of life described by the owner of Lot 026 currently do not exist between Lot 026 and Lots 027 and 025 to the east and the west. Ironically, it was the construction of the contextually insensitive addition at Lot 026 that ended this lifestyle with its immediate neighbors. The proposal of the roof-deck remains the owner of Lot 025's only option to provide code-required private usable open space (§135) "green space" for the on-site resident. The use at the private usable open space will be restricted and relevant covenants or deed restrictions would be in place at the Subject Property.**

Finally, I would like to talk about operating a business on Cortland Ave. Some of the commercial spaces on the block are owner occupied while others are rented to commercial tenants. We use the commercial space in our building to conduct our own business and have been a part of the business community in the neighborhood since 1999. For the past year business has been even more of a struggle than usual due to covid. As in all San Francisco neighborhoods, there are many commercial vacancies on Cortland Ave.

- **These vacancies do not affect the storefronts on Cortland between Bennington Street and Wool Street. This is the only block that the Arrow Pharmacy may be relocated to because it was originally and traditionally permitted to be at 439 Cortland. (See §303.1(a)(2))**

Property owners are collecting no rent or reduced rent for over a year now. I can only speak for myself but I can't imagine any commercial property owner around here being enthusiastic about another commercial space being constructed when we have so many vacant at this time.

- **During the Shelter-in-Place Orders which restricted social gatherings, the property owner's commercial tenants cut their rent by up to 70%.**

Thank you for reading my comments on this project. I appreciate your consideration.

Mary Haley Young  
414 Cortland Ave  
San Francisco, CA 94110

## VOIGHT (024)

From: Mike Voight <mike4659@comcast.net>  
Sent: Monday, March 22, 2021 8:51 PM  
To: Durandet, Kimberly (CPC) <kimberly.durandet@sfgov.org>  
Subject: 408 - 412 Cortland Avenue (record number: 2015-008499VAR)

Dear Ms. Durandet,

I want to express my concerns regarding the proposed project at 408-412 Cortland Avenue. My property at 406 Cortland is adjacent to the project and would be directly affected by this major construction project.

- **As explained to Mr. Voight on numerous occasions by the property owner's different professional consultants, including myself, the current architect of record, it is not a "major construction project". The proposal is for a contextually sensitive 677 square foot second-story addition. Previously, the property owner expressed and expresses concern about how the Plan Check Letter (p.05/08) incorrectly reflects the project as consisting of 2,303 square feet of commercial use. The fact is that only 677 square feet will be added at the second-story.**

East-West is a wellness center, using traditional Chinese medicine, acupuncture, herbal therapy, homeopathy, psychotherapy and group classes and the disruption of ongoing construction, noise and lack of privacy would be detrimental, particularly now as the business is only just recovering from a difficult 2020.

- **As explained to Mr. Voight on numerous occasions by the property owner's different professional consultants, including myself, the current Architect of record, the construction of parts of the 677 square foot addition will be prefabricated remotely and then will be installed at the site.**
1. The scale of the project is outsized to the neighborhood, and as access to the proposed construction site is limited to a small hallway (adjacent to 406 Cortland), and as 408-412 would have to be significantly reinforced to add an additional floor and roof garden, the amount of material that would have to be brought in by hand would likewise be significant. A long slog of construction, no matter how well managed would be yet another disruption to East-West, but also the other business' on the street, the restaurant leasing the property today, and of course adjacent neighbors.
- **The project is of a scale and finish that is contextually sensitive to the neighborhood. The project would provide visual relief to Lot 024 from the bulwark at Lot 026. Due to the previous structural work to the rear carriage house in 1996, the addition of a modestly-scaled, wood-framed, second-story addition of 677 square feet would require minimal additional structural upgrades. To describe this project as outsized for the neighborhood is an exaggeration.**

2. In the material presented to City Planners the Architect has talked expressively about the restaurant and about replacing Arrow Pharmacy, which closed many years ago. The new Compound Pharmacy the owner seems intent on renting to would not replace Arrow in the traditional sense of a pharmacy but would instead be specialized and serve a very specific population and would require very stringent laboratory facilities. And of course, Bernal Star, our beloved restaurant, which struggled to endure Covid lockdowns will be closed for the duration of construction.
  - **The retail services that Arrow Pharmacy provided were restricted as part of its state licensure (PHY12892). It is documented that it operated as a community pharmacy and a neighborhood pharmacy. Pharmacy compounding services are considered an amenity that are not commonly available.**
3. Aesthetics aside, the additional floor would, in size and proportion overshadow the adjacent space, cutting off sunlight from the existing restaurant patio but also the yard at 406 Cortland. The massing of this structure, already filling the entire property would be disproportionate to existing structures.
  - **As explained to Mr. Voight on numerous occasions by the property owner's different professional consultants, including myself, the present architect of record, the Alternate Development Plan to fill in the Inner Court is impracticable and unfeasible. Such a plan would indeed impact 406 Cortland to a much greater degree than what is proposed.**
  - **A Structural Engineering Expert based upon Subject Property's 1996 structural improvements opines that demolition is impracticable, unfeasible, dangerous, and absurd. It's more efficient to build atop the existing footprint, upon already reinforced footings from 1996. There's far less risk to existing foundations and land form if 10-foot retaining walls are avoided.**
  - **The property owner opposes the excessive destruction associated with erecting the same building 25 feet towards Cortland which poses considerable costs and risks solely for abatement of nonconformity. It is unreasonable to be required to demolish the existing structure to build a new structure at the Inner Court.**
4. If the project is approved in spite of the neighborhood's vocal objections to this ill-conceived proposal there would have to be a noise abatement plan, and also a guarantee that the roof garden would not be converted for other uses post-construction.
  - **As explained to Mr. Voight on numerous occasions by the property owner's different professional consultants, including myself, the present architect of record, the property owner has offered on several occasions to provide the legal text for such restrictions on use specific to the 400-square-foot private usable open space.**

Despite the admonitions of the property owner and architect, neither of whom reside in San Francisco, the project is neither desirable or compatible, would not in any way preserve the unique qualities of the neighborhood nor would it serve the regular, daily needs of the residents of Bernal Heights.

- **The Owner's and the Architect of Records places of residence should not be an impediment to their substantial property right or practice. Mr. Voight's opinion is argumentative and speculative. We encourage Neighbor Voight to review the history of Arrow Pharmacy and the medicinal needs that compounding pharmacies fulfill.**

Thank you,

Mike Voight  
406 Cortland Avenu  
San Francisco, CA 94110  
[mike4659@comcast.net](mailto:mike4659@comcast.net)

## KENSINGER (021)

From: kathy kensinger <bernalhillgirl@yahoo.com>  
Sent: Tuesday, March 23, 2021 12:22 PM  
To: Durandet, Kimberly (CPC) <kimberly.durandet@sfgov.org>  
Cc: Keary <kmilesk@att.net>  
Subject: 408-412 Cortland

Dear Ms. Durandet,

We wish to share our concerns regarding the Bernal Star project at 408-412 Cortland. Our property at 125 Bennington Street is directly behind the Bernal Star cottage and the back wall of this building is on our property line.

We have a brief historic review of a similar project 3 doors away. In the 70's what is now Progressive Grounds Coffeehouse was the ceramic studio of 2 artists.

Clay Art quickly became successful and grew to 50+ employees. The clay powder and kiln smoke blew over the neighborhood. Plans were made to tear down the building and replace it with a 3 story box. The city rejected the plan in favor of preservation. Clay Art grew too big for the location and moved on. There would be no Progressive Grounds and the Cortland St. commercial charm would have been spoiled.

What would happen if the proposed pharmacy grows as successful as the owner imagined? What chemicals will be in the environment? What recourse is there if the garden fails and becomes a self-sowing weed patch?

- **The intended use is a compounding pharmacy. It produces NO chemicals. The private useable open space is required by code and serves the residential unit with private access.**

There is only one entrance/exit for this entire address. There is no fire escape or back exit. There is no back yard. Any construction or demolition would affect our property and our privacy. We are very concerned about property damage and intrusion. We have not given consent for the use of our property for this project.

- **Please refer to Architect Ron Wallace's October 11, 2018 Affidavit in which he identifies the relevant ADA standards and the occupancy limitations of the property pursuant to the San Francisco Building Code. Please also observe that it is a second-story addition of 677 square feet, considered a small project, to add the equivalent of a large room.**

The addition of more stories and additional retail/residential also troubles us. This is an older building and there is no accommodation for emergency or fire exits even though the owner anticipates more residents and foot traffic. Again, only one small entrance/exit available.

- **Architect Ron Wallace also identifies that the number of employees for the compounding pharmacy that serves mostly delivery patrons would not cause excessive foot traffic. The degree of alarm you are sounding is disproportionate to the size of the proposed addition: 677 square feet.**

The building proposed is larger and not in keeping with the existing businesses and structures on Cortland Avenue. It does not fit in or present cohesiveness with the rest of the neighborhood.

- **Architect Thomas Havel whose CA state license is shown on the drawings at the SF Planning website has opined that the intended use, at the size, intensity, and proposed location, provides development that is necessary, desirable for, and compatible with General Plan’s goals/policies, the neighborhood, the community, and the existing architectural and aesthetic character of Cortland, for which it is proposed. Both mass and articulation of the proposed structure are compatible with scale of the district and with adjacent buildings since there is no significant enlargement of the existing building on lot.**
- **The Subject Property’s Location at three different zoning districts (NCD; RH-2; SU-11) and its Topography combine to produce visual effects that do not accurately reflect proportionality of grade, ground, and peaks in terms of elevation at Cortland, Bennington, and at the rear of lots.**

There has been no call or need for a replacement for Arrow Pharmacy, which has been closed for many years, yet the owner insists that the neighborhood “needs” this business and that 408-412 Cortland must be expanded to house it when there are other buildings/spaces available on this corridor which would be more accessible.

- **The intended use of the addition is restricted by the Planning Code. Owner Applicant proposes such a use based upon that Code. Block 5678 is the longest section of the Cortland Commercial District and Block 5678 has the most storefronts of any block at the Cortland Commercial District. Arrow Pharmacy was traditionally permitted to be located at 439 Cortland Avenue at Block 5665 which is directly across the street from Block 5678.**
- **Pursuant to Section 303.1(a)(2), revival, relocation, and reestablishment of the intended use preserves, enhances, expands opportunities for future employment and local business ownership.**
- **Pursuant to Section 303.1(a)(9), the intended use preserves unique qualities of Cortland by reviving historic use serving immediate residents’ daily living needs.**

- **In terms of “concentration” and “compatibility”, and “uses within the district and within the vicinity of the proposed project”, the intended use is not “formula” and there is no compounding pharmacy within the immediate walking area. The closest one is Daniels which is about 20 minutes away with public transport and requires significant walking. The next closest is Pharmaca Integrative in Cole Valley and is 20 minutes away in an automobile and 40 minutes in public transport. (§303.1(a)(13) & §303.1(d))**
- **In terms of accessibility, the storefronts between Bennington and Andover are the most accessible because they are located in the Cortland Commercial District at its flattest grade (slope).**
- **The Property Owner Applicant values that neighbors are alerting him about others whose prospective intellectual property (IP) infringement upon his idea and/or his design may be brought as a Complaint.**

Finally, this project would involve either demolition or major construction around an existing business, Bernal Star. This restaurant is an important and beloved hub for the neighborhood. Any closure would adversely impact all of their patrons. More importantly, the future of this restaurant would be severely affected by closure during construction especially after dealing with the pandemic.

- **Please refer to the Variance Narrative and the Project Description on the SF Planning website which concisely details it as a 677 square-foot second-story addition.**
- **Most construction will be conducted off-site and parts of the addition will be installed in a scheduled fashion intended to expedite the length of construction and minimize disturbance to neighboring residents and businesses.**

In closing, we feel that 408-412 Cortland serves the needs of this neighborhood in a wonderful fashion. Disrupting this for these costly, time consuming and perhaps unnecessary additions would have an adverse impact on all of us who live and work in Bernal.

- **The Property Owner is keen on keeping his property tenanted and keeping his existing tenancies in place as agreed upon pursuant to contractual obligations.**
- **Pursuant to Section 303(c)(1): intended use, at size, intensity, and proposed location, provides development that is necessary, desirable for, and compatible with General Plan’s goals/policies, the neighborhood, the community, and the existing architectural and aesthetic character of Cortland, for which it is proposed.**
- **Furthermore, both mass and articulation of proposed structure are compatible with scale of district and with adjacent buildings since there is no significant enlargement of existing building on lot.**

- **Remember, only 677 square feet being added onto the same footprint.**
- **After exhaustive consideration of Alternate Development Plans, there is public benefit in obtaining Code compliance by allowing continuance of a structural nonconformity because its advantages outweigh its disadvantages.**

Sincerely,

Keary and Kathy Kensinger  
125 Bennington Street



**Kingmond Young (026)**

From: Kingmond Young <kingmond1@gmail.com>  
Sent: Tuesday, March 23, 2021 2:52 PM  
To: Durandet, Kimberly (CPC) <kimberly.durandet@sfgov.org>  
Subject: Letter of Objection to Record No. - 2015-008499VAR (408-412 Cortland Ave., SF)

March 23, 2021

Dear Planning Department - Zoning Administrator,

I am writing to voice objection to Record No. - 2015-008499VAR (408-412 Cortland Ave., SF).

My opinions are informed from being a (20+ years) homeowner and resident of 414-416 Cortland, a native San Franciscan of over 50 years, and an Environmental Design Studies graduate.

Safety is inherent in all good design. On Rear Bldg. - Prop. North Elevation - 2 drawing, the proposed wood setback, is a mere 2'-11 ¼" above our roof. The proximity of access to either our (414 Cortland) bedroom deck or kitchen patio which is not clearly illustrated in submitted plans, is less than 10' and 20' respectively.

- **Lot 026 is immediately adjacent to the east of Lot 025 along a side lot line. The owner of Lot 026 fails to acknowledge the same impact his addition of 1996 had on the existing structures at Lot 025.**

The identification of this walkway or opening on the proposed roof garden as a "setback" is misleading. I would argue that it qualifies as an "opening". Thus a minimum 5' clearance from property line must be applied.

- **Stair/Walkway to the proposed roof deck is an exterior space and will be constructed appropriately per the San Francisco Building Code. There is no "opening" to an interior space that would need protection, thus the 5' clearance mentioned is inapplicable.**

Because the garden is designed for residential access I am very concerned. On 2 recent occasions I had to ask the residential tenants to quiet down their parties which was hosted by minors. The building is managed by an offsite company so we had to address the disturbances in person.

- **Property Owner, Dr Maher Memarzadeh, requests that the owner of Lot 026 contact the agent of the owner in like-circumstances.**
- **See SFPC§135 for private usable open space requirements.**

The idea of planters weighing several pounds 32+' above our garden space is a major red flag for potential accidents.

- **The Planters will be weighing much more than several pounds. Perhaps several hundred pounds. The anchoring of all building elements will be designed per the San Francisco Building Code.**

Bernal Heights has historically been known to be a reprieve from the 1906 Earthquake and a quiet peaceful community for thriving families. The face of the proposed building on the contrary is most disturbing. On (Rear Bldg. - Prop. North Elevation - 2.) - proposed windows are skewed about 15 degrees. The angle of the roof line also slants in the same direction and number of degrees, underscoring the jarring appearance of a building about to come crashing down. Where is the design parody in this architectural scheme?

- **That façade design described fronts a private courtyard and is not visible from the Public Right-of-Way. Furthermore the contextually insensitive addition at Lot 026 has no windows facing the courtyard and therefore would have no views upon the façade.**

Thank you for the opportunity to express my concerns on this project.

Sincerely,

Kingmond Young

--

Kingmond Young

Kingmond Young Photography

416 Cortland Ave

San Francisco, CA 94110

415-206-1680

online portfolio

<http://www.kingmond.com/>

follow me on FaceBook

<https://www.facebook.com/pages/Kingmond-Young-Photography/111780005529499>

Gallery and Stock Sales

[shhttp://www.etsy.com/shop/kingmond?ref=shop\\_sugg](shhttp://www.etsy.com/shop/kingmond?ref=shop_sugg)

Lot 13: 35.97'

Lot 12: 38.07'



**PICTURE 5**

ELLERT STREET BUILDING HEIGHTS PER EXH59a & EXH59b

EXH66a



California State Board of Pharmacy  
2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
Phone: (916) 518-3100 Fax: (916) 574-8618  
www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency  
Department of Consumer Affairs  
Gavin Newsom, Governor



December 2, 2020

HAVEL ARCHITECTS  
ATTN: THOMAS N. HAVEL  
2627 MISSION ST, SUITE 5  
SAN MARINO, CA 91108

**California State Board of Pharmacy License Verification**

This document reflects the license status of the person or entity identified below on this date with the California State Board of Pharmacy. It may be used as prima facie evidence of the facts recited below pursuant to California Business and Professions Code section 162.

**Licensee Name:** ARROW PHARMACY

**License Type:** PHARMACY

**License Number:** PHY 12892

**Status:** CANCELLED

**Issue Date:** 11/28/1965

**Expiration Date:** 12/01/1996

**Address of Record:** 439 CORTLAND AVE SAN FRANCISCO CA 94110

**Disciplinary Action:** NO RECORD OF DISCIPLINARY ACTION

Anne Sodergren  
Executive Officer

By

Barbera Schleicher  
Public Inquiry Analyst  
(916) 518-3081  
Barbera.Schleicher@dca.ca.gov



Visit our website at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)

EXH67-1

**Afflictions that the medications of the future Compounding Pharmacy  
would treat:**

Rheumatoid Arthritis; Hepatitis C; Crohn's Disease; Lymphoma; Leukemia;  
Autoimmune Disorders; Diabetes; Mellitus; Metastatic Cancers; Breast Cancer; Multiple  
Myeloma; Myelodysplastic Syndromes; Asthma; Chronic Obstructive Pulmonary  
Disease; Cardiovascular Diseases; Cholesterol; Multiple Sclerosis; Neutropenia; Non-  
Hodgkin's Lymphoma; HIV Infection; Cancer; Neuropathic Pain; Osteoarthritis Anemia;  
Macular Degeneration; Alzheimer's Disease; Oral Anticoagulant; Deep-Vein  
Thrombosis; Human Respiratory Syncytial Virus (RSV) Infection; Hyperphosphatemia;  
Allergic Rhinitis; Psoriasis; Psoriatic Arthritis; Dry Eye Syndrome; Bacterial Infections;  
Narcolepsy; Overactive Bladder; Prostate Cancer; Hyperparathyroidism;  
Hypothyroidism; Pneumococcal Disease; HIV/AIDS; Herpes Zoster; Oral Anticoagulant;  
Influenza; Osteoporosis.



EXH68



EXH69

SocketSite.com



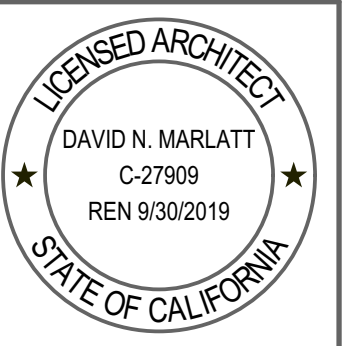
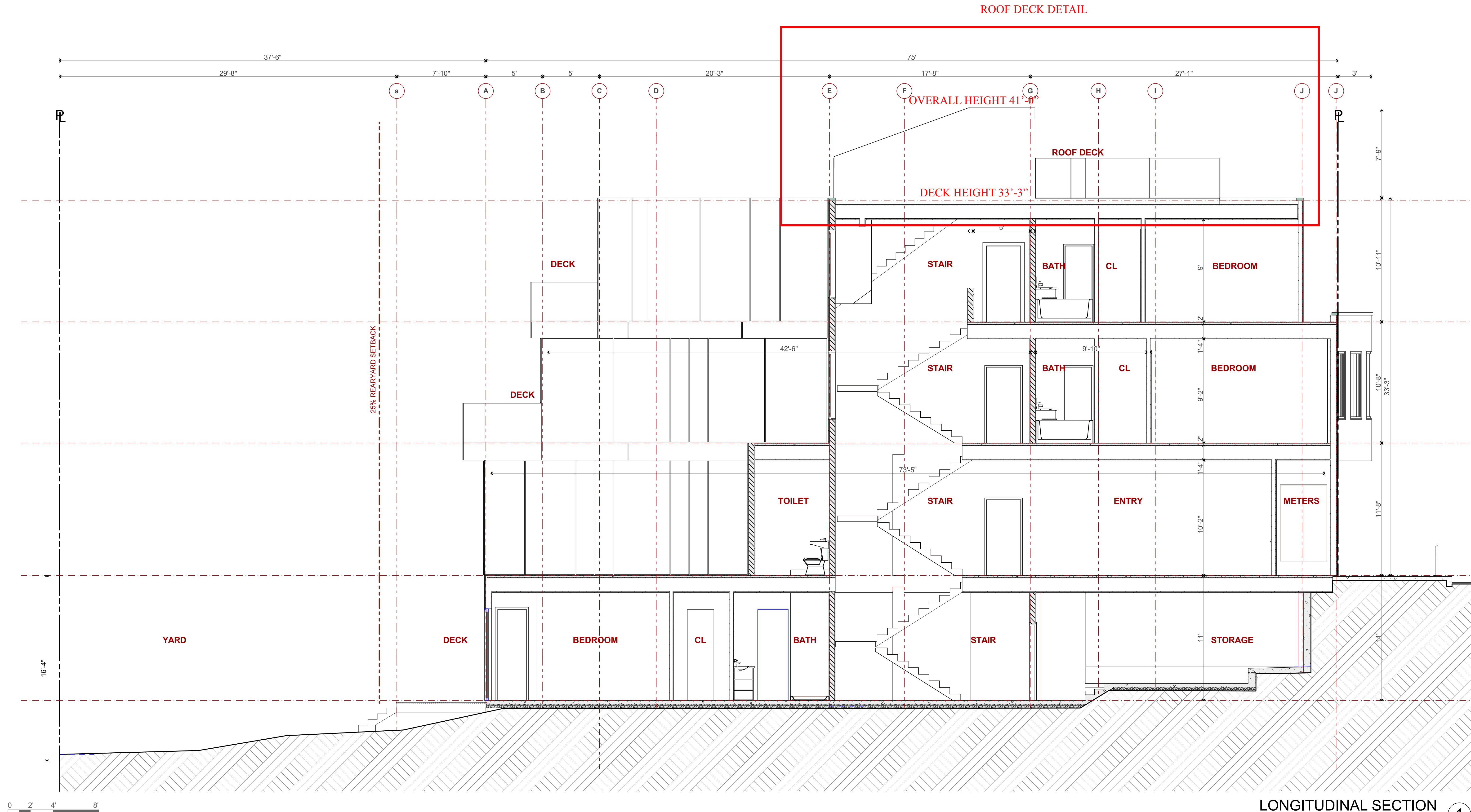
LOT 30 MASSING  
VIEW 4

EXH70a





LOT 30 MASSING



**432 CORTLAND**  
 432 CORTLAND AVENUE  
 SAN FRANCISCO, CA 94110  
 APN: 56781030

**SITE PERMIT**  
**LONGITUDINAL SECTION**

- Revisions:**
1. 4/24/18
  2. 7/20/18
  3. 9/05/18
  4. 11/08/18
  5. 02/01/19
  - 6.
  7. **EXH71**
- SEPT 5, 2017

**A3.0**



Block 5678

EXH72

Project Sponsor Response: NC-2 ZONING IS NOT SAME AS BERNAL HEIGHT S.U.D  
PROPOSAL IS ONLY BECAUSE THE PROPERTY IS NEAR AND NEARBY CURRENT  
25 FT IS MOST LOGICALLY PRESERVED IN THE MIDDLE OF THE PROPERTY  
THE RESIDENTIAL PORTION OF THE BLOCK HAS A SIGNIFICANT ADDITIONAL MID-BLOCK  
OPEN SPACE OF EIGHT CONTIGUOUS FEET.  
Bernal Heights S.U.D 175 BERNAL HEIGHTS S.U.D

EXH73a

# Pre-Application Meeting Sign-in Sheet

Meeting Date: 12-21-15  
 Meeting Time: 3:00 PM  
 Meeting Address: 1650 Mission St  
 Project Address: 408-412 Cortland  
 Property Owner Name: Dr. Maher Memarizadeh  
 Project Sponsor/Representative: Jim Bergdoll, Planning Consultant

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1.	Kathryn Shantz	131 Bennington	415 350 3518	KathrynS@gmail.com	<input checked="" type="checkbox"/>
2.					
(Not present)	Keri Kessinger	125 Bennington St.	94110		<input checked="" type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.	Jeff Speirs / SF Planning Dept. Rep.				<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>
15.					<input type="checkbox"/>
16.					<input type="checkbox"/>
17.					<input type="checkbox"/>
18.					<input type="checkbox"/>

## Summary of discussion from the Pre-Application Meeting

Meeting Date: 12/21/2015  
 Meeting Time: 3<sup>PM</sup>  
 Meeting Address: 1650 Mission St. 4th floor  
 Project Address: 408 Cortland Ave.  
 Property Owner Name: Dr. Maher Memarzedeh  
 Project Sponsor/Representative: Jim Bergdoll, AICP

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group): Kathryn Shantz / 131 Bennington  
Height of proposed structure exceeds what is allowed in Bernal Heights (30 feet?) - "zoned for 2 stories"  
 Project Sponsor Response: Height limit is 40 feet in NC-2 district (confirmed by Planning Dept. Staff)  
This property not in Bernal Heights Special Use District

Question/Concern #2: Rear yard requirement is 40% of lot in Bernal Heights, and building should not be allowed in rear of this lot. 40% of property should be garden. You shouldn't be allowed to build right up against another property.  
 Project Sponsor Response: NC-2 zoning is not same as Bernal Heights SUD Proposal is only because the Property's rear yard requirement of 25% is most logically preferred in the middle of the property. The residential portion of the block has a significant additional mid-block openness of eight contiguous rear yards.  
 Question/Concern #3: Privacy of residents at 131 Bennington + 125 Bennington will be compromised with rear windows looking down.

Project Sponsor Response: Rear property line windows, if needed can be designed to eliminate privacy concerns, putting them on the side if necessary, or making them very high on the wall.  
 Owner Sponsor offered privacy measures for neighbors windows, such as one-way translucent windows.  
 Question/Concern #4: Noise from restaurant + entertainment in the courtyard is problematic. Noise from commercial fans on building is a problem  
 Project Sponsor Response: Owner will look into noise problems. Adding another story vertical addition would actually block more of the noise from the courtyard.

# Affidavit of Conducting a Pre-Application Meeting, Sign-in Sheet and Issues/Responses submittal

I, Jim Bergdoll, do hereby declare as follows:

1. I have conducted a Pre-Application Meeting for the proposed new construction, alteration or other activity prior to submitting any entitlement (Building Permit, Variance, Conditional Use, etc.) in accordance with Planning Commission Pre-Application Policy.
2. The meeting was conducted at 1650 Mission Street, 4th Floor (location/address) on 12/21/15 (date) from 3pm (time).
3. I have included the  mailing list,  meeting invitation and postmarked letter,  sign-in sheet,  issue/  
 response summary, and reduced plans with the entitlement Application. I understand that I am responsible for the accuracy of this information and that erroneous information may lead to suspension or revocation of the permit. *Note: Mailed 12/4/2015 - Postmark does not show date*
4. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, March 2, 202016 IN SAN FRANCISCO.

J. R. Bergdoll Jr  
Signature

J. R. Bergdoll Jr.  
Name (type or print)

Agent/Consultant, Housing and Neighborhood Development  
Relationship to Project (e.g. Owner, Agent)  
(If Agent, give business name & profession)

408-410 Cortland Avenue, S.F.  
Project Address

# Cortland Mixed Use

## 408-412 Cortland Avenue, San Francisco 94110

### Block #5678, Lot #025

Cortland Mixed Use

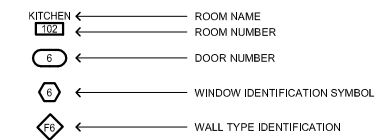
408-412 Cortland Avenue  
San Francisco, CA 94110  
Block #5678 Lot #025

**Havel Architects**

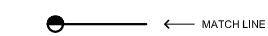
2627 Mission Street, Suite #5  
San Marino, California 91108  
(626) 792-2900  
WWW.HAVELARCHITECTS.COM

#### Symbols:

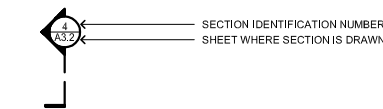
##### ROOM IDENTIFICATION



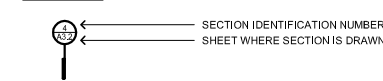
##### BUILDING CUTS



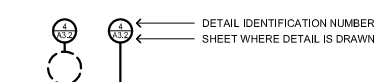
##### BUILDING SECTION



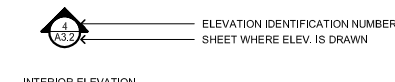
##### WALL SECTION



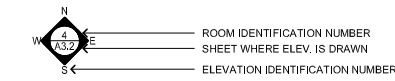
##### DETAIL REFERENCE



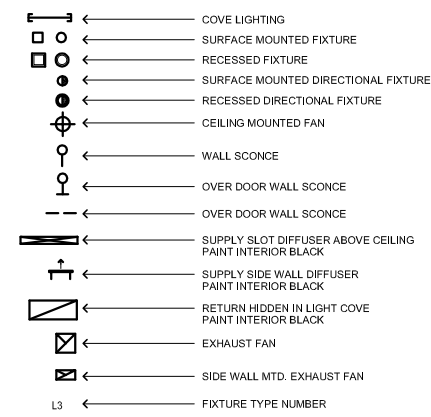
##### EXTERIOR ELEVATION



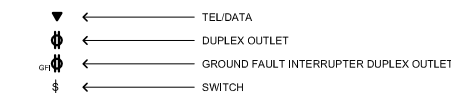
##### INTERIOR ELEVATION



##### REFLECTED CEILING PLAN SYMBOLS



##### ELECTRICAL



#### Abbreviations:

A.B.	ANCHOR BOLT	KIT.	KITCHEN
ABV.	ABOVE	K.O.	KNOCK OUT
A.C.	ASPHALTIC CONCRETE	LAM.	LAMINATE
ACOUS.	ACOUSTIC	LAV.	LAVATORY
AC	AREA CONDITIONING	L.B.	POUND (S)
A.D.	AREA DRAIN	LIN.	LINEAL OR LINEAR
ADJ.	ADJUSTABLE	L.L.	LINE LOAD
A.F.F.	ABOVE FINISH FLOOR	L.T.	LIGHT
AGG.	AGGREGATE	LOUV.	LOUVER
A.J.T.	ACOUSTIC JOINT	LVL.	LEVEL
ALUM.	ALUMINUM	MACH.	MACHINE
ALT.	ALTERNATE	MAINT.	MAINTENANCE
A.P.	ACCESS PANEL	MAS.	MASONRY
APPROX.	APPROXIMATE	MATL.	MATERIAL
ARCH.	ARCHITECTURAL	MAX.	MAXIMUM
ASPH.	ASPHALT	M.C.	MEDICINE CABINET
A.V.	AUDIO VISUAL	MECH.	MECHANICAL
ACRYL.	ACRYLIC	MEMB.	MEMBRANE
A.C.	ASPHALTIC CONCRETE	MET.	METAL
BD.	BOARD	MEZZ.	MEZZANINE
BET.	BETWEEN	MFR.	MANUFACTURER
BITUM.	BITUMINOUS	MIN.	MINIMUM
BLDG.	BUILDING	MIRR.	MIRROR
BLK.	BLOCK	MISC.	MISCELLANEOUS
BLKG.	BLOCKING	M.O.	MASONRY OPENING
B.M.	BENCH MARK	MTD.	MOUNTED
BM.	BEAM	MUL.	MULLION
BOT.	BOTTOM	(N)	NEW
B.O.W.	BACK OF WALK	N.	NORTH
BRV.	BREAK	NAT.	NATURAL
B.U.R.	BUILTUP ROOFING	N.I.C.	NOT IN CONTRACT
BZ.	BRONZE	NO.	NUMBER
		NOM.	NOMINAL
		N.T.S.	NOT TO SCALE
		O.A.	OVERALL
		OBS.	OBSCURE
		O.C.	ON CENTER
		O.D.	OUTSIDE DIAMETER
			OR OVERFLOW DRAIN
		OPNG.	OPENING
		OPP.	OPPOSITE
		O.S.A.	OUTSIDE AIR
		P.C.	PRE-CAST
		PL.	PLATE
		P.J.M.	PLASTIC LAMINATE
		PLAS.	PLASTER
		PLYWD.	PLYWOOD
		PR.	PAIR
		PROP.	PROPERTY
		PT.	POINT
		PTD.	PAINTED
		Q.T.	QUARRY TILE
		R.	RISER
		RAD.	RADIUS
		R.D.	ROOF DRAIN
		REF.	REFERENCE
		REFR.	REFRIGERATOR
		REINF.	REINFORCING
		REQD.	REQUIRED
		RESIL.	RESILIENT
		RSTR.	REGISTER
		RL.	RAILING
		RM.	ROOM
		R.O.	ROUGH OPENING
		R.O.W.	RIGHT OF WAY
		R.S.	ROOF SCREEN
		RTD.	RAISED
		RWD.	REDWOOD
		R.W.L.	RAIN WATER LEADER
		S.C.	SOLID CORE
		SCHED.	SCHEDULE
		S.D.	STORM DRAIN
		SEALANT	SEALANT
		SECT.	SECTION
		SERV.	SERVICE FEET
		S.F.	SQUARE FEET
		SH.	SHelf
		SHR.	SHOWER
		SHT.	SHEET
		SHTG.	SHEATHING
		SIM.	SIMILAR
		SL.	SLOPE
		SPEC.	SPECIFICATION
		SQ.	SQUARE
		S.S.K.	SERVICE SINK
		S.S.T.	STAINLESS STEEL
		ST.	STREET
		STD.	STANDARD
		STL.	STEEL
		STN.	STAIN
		STOR.	STORAGE
		STRUCT.	STRUCTURAL
		SUSP.	SUSPEND (ED)
		SYM.	SYMMETRICAL
		T.	TREAD TILE
		T.B.	TOWEL BAR
		TEL.	TELEPHONE
		TEMP.	TEMPORARY
		TER.	TERRAZZO
		T.&G.	TONGUE AND GROOVE
		THK.	THICK
		T.O.C.	TOP OF CONCRETE
		TOIL.	TOILET
		T.O.P.	TOP OF PARAPET
		T.O.S.	TOP OF STEEL
		T.O.W.	TOP OF WALL
		T.V.	TELEVISION
		TYP.	TYPICAL
		U.B.C.	UNIFORM BUILDING CODE
		U.L.	UNDERWRITER'S LABORATORY
		UNF.	UNFINISHED
		U.O.N.	UNLESS OTHERWISE NOTED
		UR.	URINAL
		V.B.	VAPOR BARRIER
		VEST.	VESTIBULE
		VERT.	VERTICAL
		V.P.	VENEER PLASTER
		V.T.	VINYL TILE
		W.	WITH
		W.C.	WATER CLOSET
		WD.	WOOD
		WNSCT.	WAINSCOT
		W/O.	WITHOUT
		WP.	WATERPROOF
		WT.	WEIGHT
		X	BY (AS IN 2"x4")
		YD.	YARD

#### Sheet Index:

Sheet #	Sheet Title
G001	Cover Sheet
A101	Existing & Proposed Site Plan
A201	Existing & Proposed Basement Plan
A202	Existing & Proposed First Floor Plan
A203	Existing & Proposed Second Floor Plan
A204	Existing & Proposed Roof Plan
A301	Existing Street Elevation - Front Building
A302	Existing & Proposed North Elevations - Rear Building
A303	Existing & Proposed East Elevations - Rear Building
A304	Existing & Proposed South Elevations - Rear Building
A305	Existing & Proposed West Elevations - Rear Building
A306	Existing & Proposed Cross Sections - Rear Building
A307	Proposed Partial Longitudinal Section - Rear Building
A401	Perspective Renderings
C2	Green Building Checklist

#### Project Data:

**Project Address**  
408-412 Cortland Avenue  
San Francisco, California 94110

**Jurisdiction**  
City of San Francisco

**Zone**  
NC-2

**Number of Units**  
Existing: 1  
Proposed: 1

**Occupancy**  
(E) R3 & A2, New B

**Construction Type**  
Type VB

**Fire Sprinklers:**  
No Building Sprinklers

**Number of Stories**  
Existing: 1 Story / 1 Basement  
Proposed: 2 Stories / 1 Basement

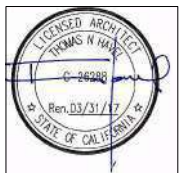
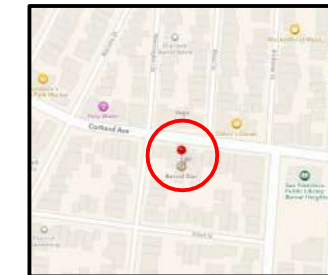
**Allowable Building Height**  
3 Story Unlimited  
Per Table 503 of 2013 CBC

**Lot Area:**  
2,500 s.f.

**Building Area:**

Conditioned Area:	Existing	Proposed
<b>Residential:</b>	1,200 s.f.	1,200 s.f.
<b>Retail:</b>	1,850 s.f.	2,518 s.f.
<b>Building Total:</b>	3,050 s.f.	3,718 s.f.
<b>Total Increase in Building Area:</b>		668 s.f.

#### Vicinity Map:



#### Scope of Work:

Add Second Level and Roof Deck to Rear of Property. No Work to be Performed at the Front of the Property.

Work to include:

- (N) Commercial Second Level and Private Residential Wood Roof Deck Over (E) Single Level Commercial Space.
- (N) Elevator to All Three Levels
- (N) Stairs in Mid Lot Courtyard to Access (N) Second Level at Rear of Property.
- (N) Stairs From (E) Private Residential Balcony at Rear of (E) Residential Unit to (N) Private Residential Roof Deck.
- Plumbing & Electrical Work (Via Separate Permit)

#### Contact Information:

**Owner**  
Maher Memarzadeh, PhD  
536 15th Street  
Santa Monica, California 90402  
(310) 310-5584

**Architect and Landscape Architect**  
Havel Architects  
2627 Mission Street, Suite #5  
San Marino, California 91108  
(323) 793-4928 - Telephone  
www.havelarchitects.com  
Thomas Havel, Architect  
thavel@havelarchitects.com

**Structural Engineer**  
T.B.D.

**Soils Engineer**  
T.B.D.

**General Contractor**  
T.B.D.

#### Cover Sheet

**Project Number:**  
14017.00  
**Date:**  
12.20.2017  
**Scale:**  
As Noted  
**Drawn By:**  
TNH

#### Agencies:

**Planning Department**  
City of San Francisco Planning & Redevelopment  
Planner

**Building Department**  
City of San Francisco Building & Safety  
Plan Checker

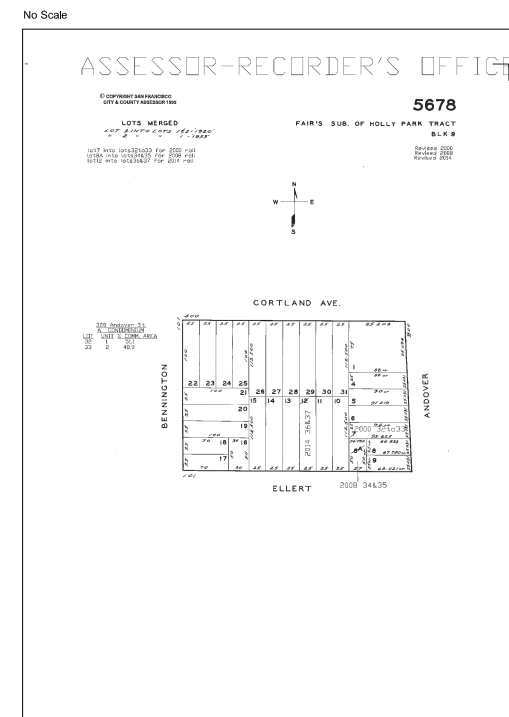
# G001

#### Legal Description:

TRACT: Fair's Sub of Holly Park Tract  
BLOCK: 9  
LOT: 25

#### Assessor's Parcel Map:

APN# xxxxxxxx

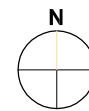
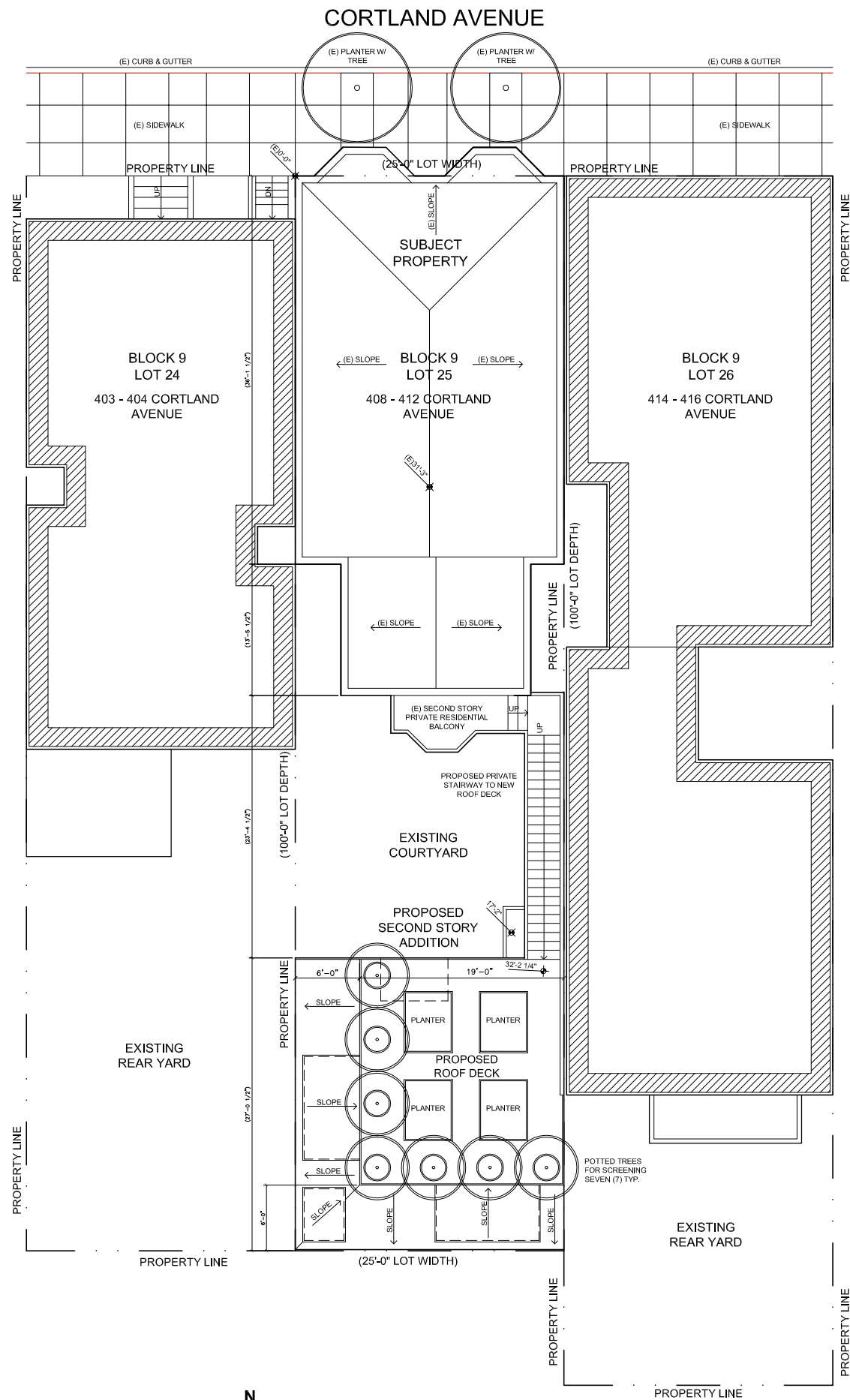
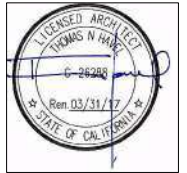




408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

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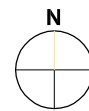
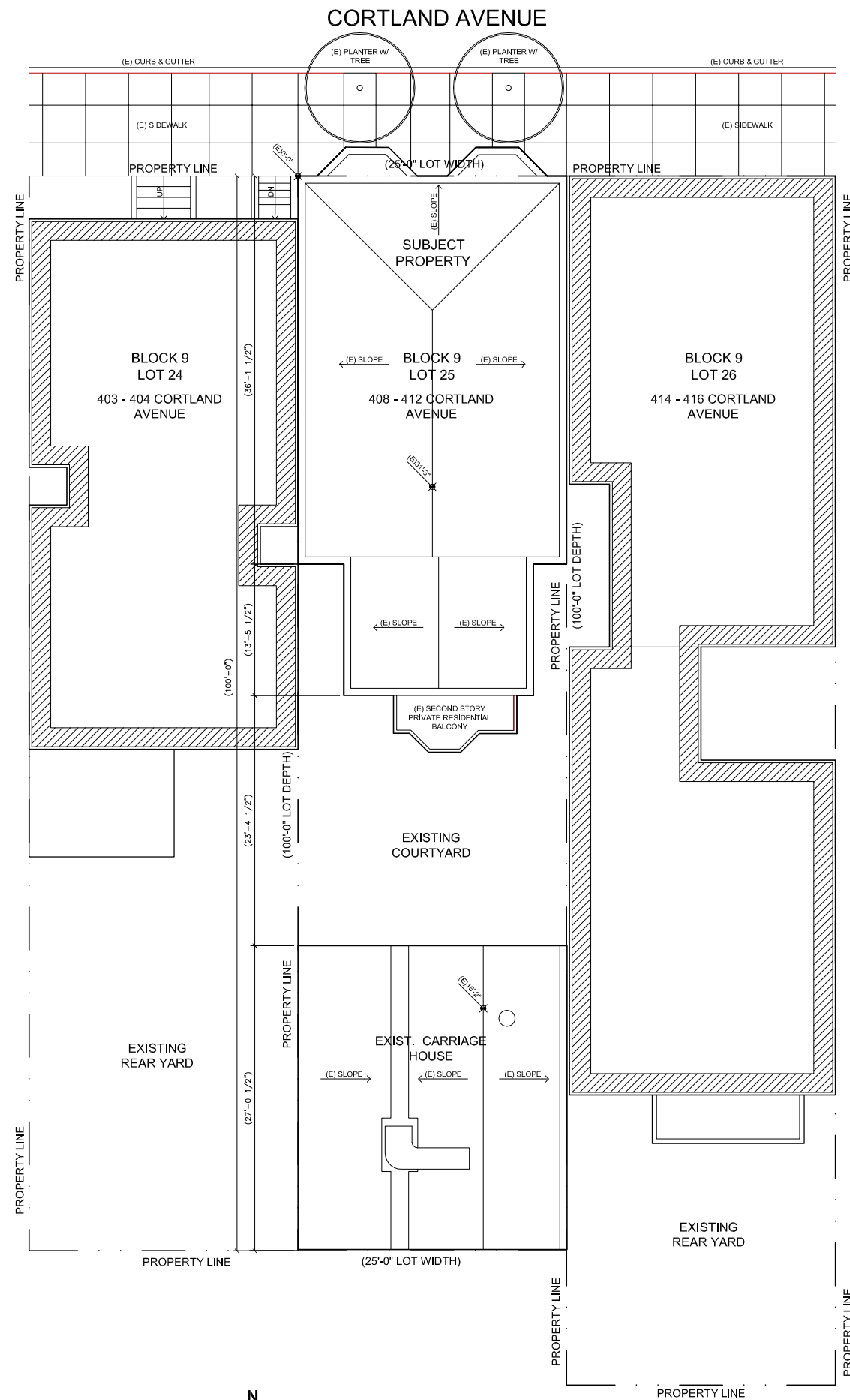
2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
 WWW.HAVELARCHITECTS.COM



**PROPOSED SITE PLAN**

3/16"=1'-0"

**2**



**EXISTING SITE PLAN**

3/16"=1'-0"

**1**

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL

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**EXISTING & PROPOSED SITE PLANS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A101**

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

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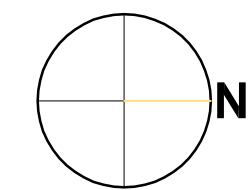
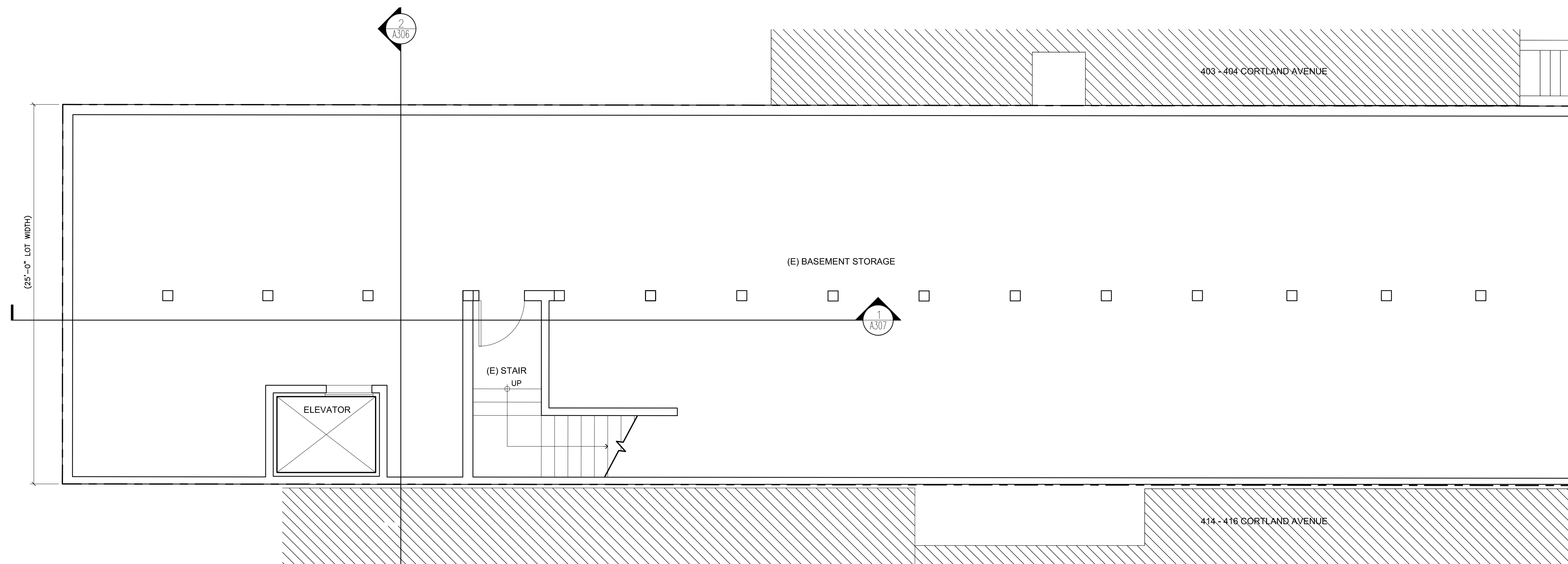
12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL

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**EXIST. & PROP  
 BASEMENT  
 FLOOR PLANS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

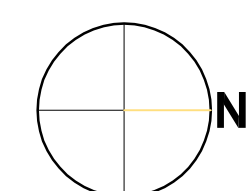
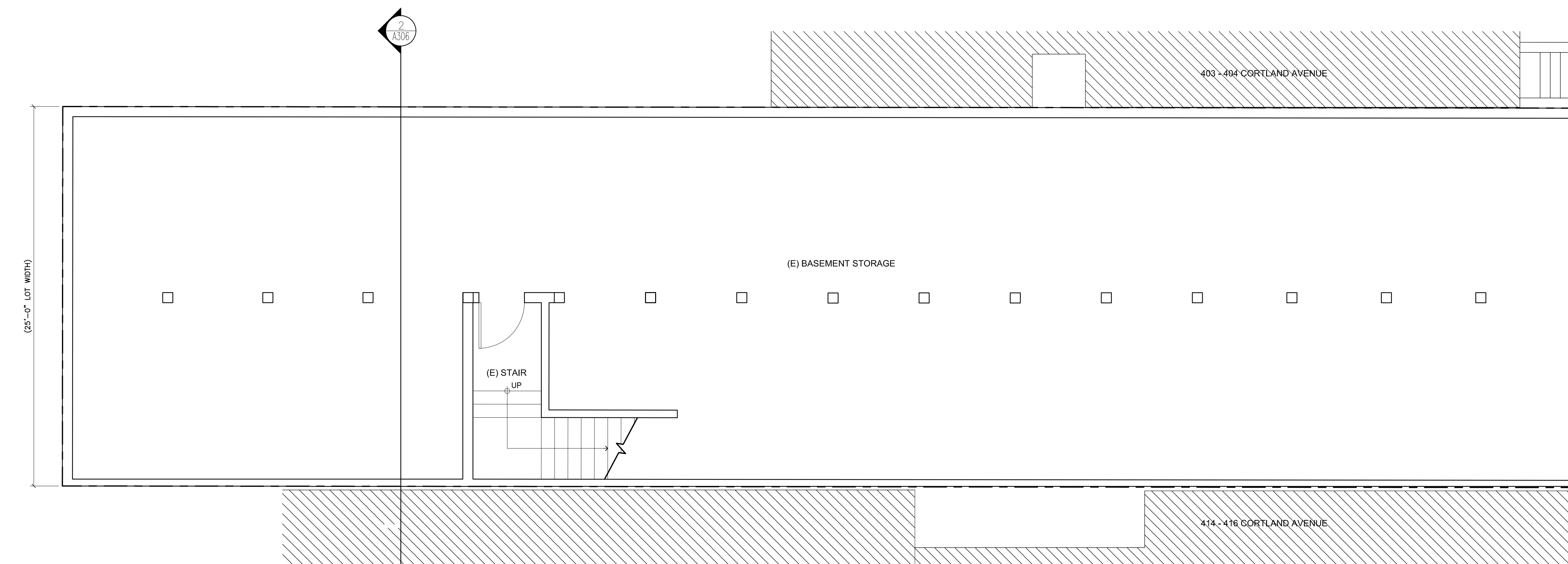
**A201**



**PROPOSED BASEMENT PLAN**

1/4"=1'-0"

2



**EXISTING BASEMENT PLAN**

1/4"=1'-0"

1

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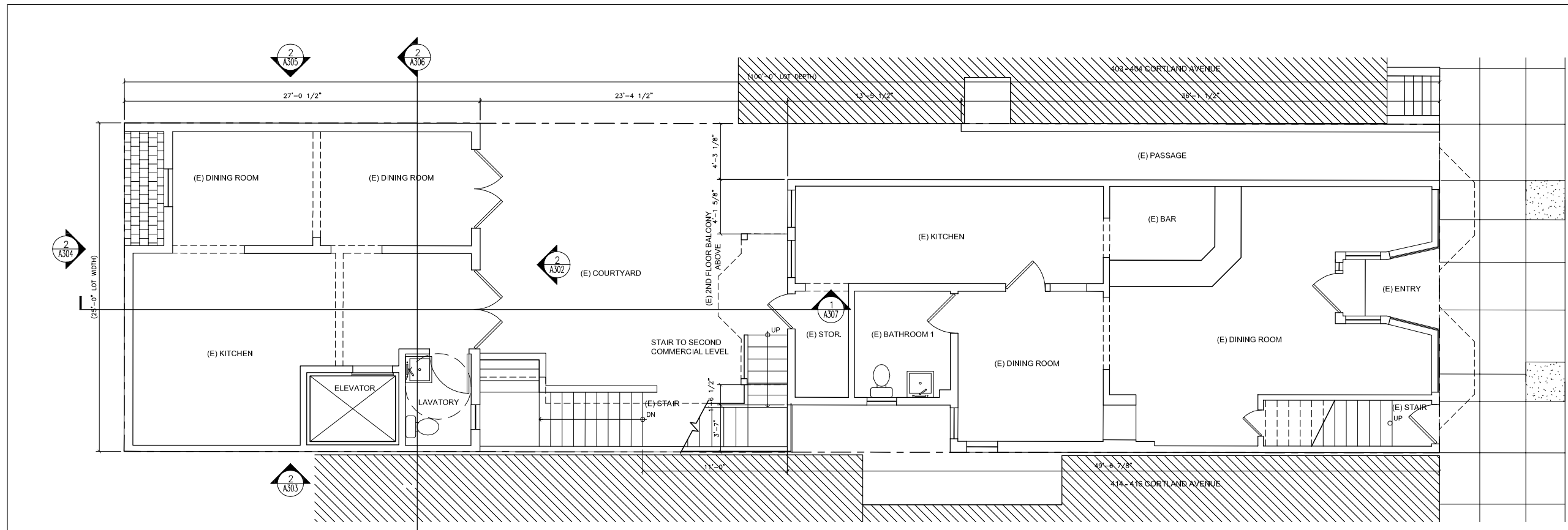


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 03.01.2017 VARIANCE SUBMITTAL  
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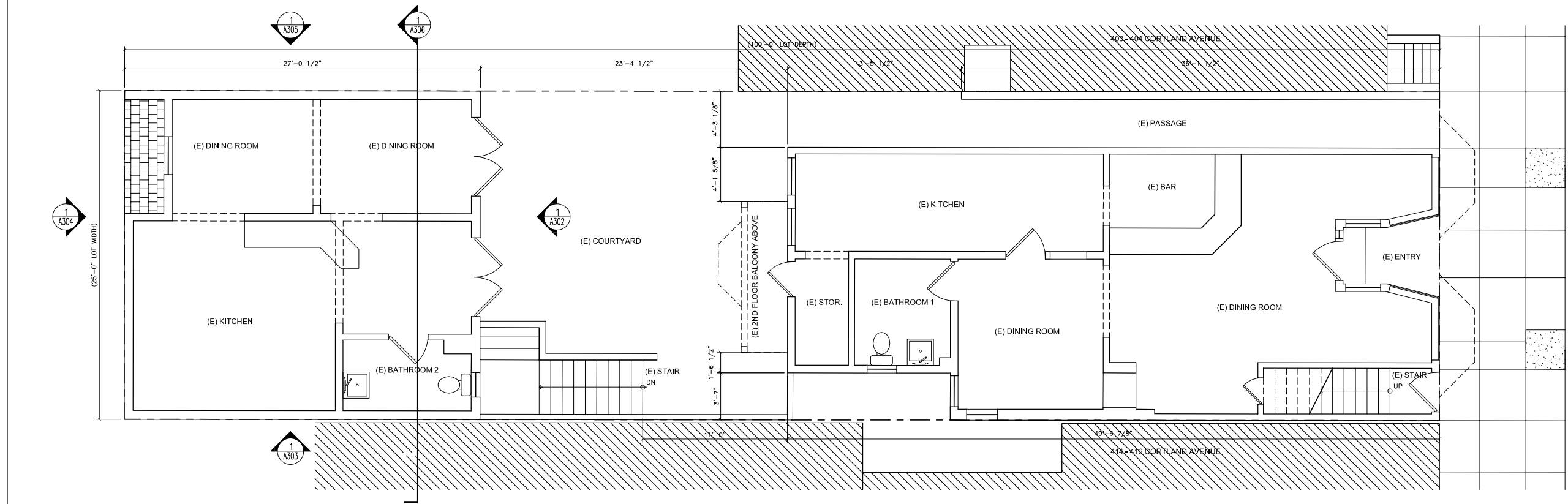
**EXIST. & PROP  
 FIRST FLOOR  
 PLANS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A202**



**PROPOSED FIRST FLOOR PLAN**  
 1/4"=1'-0" **2**

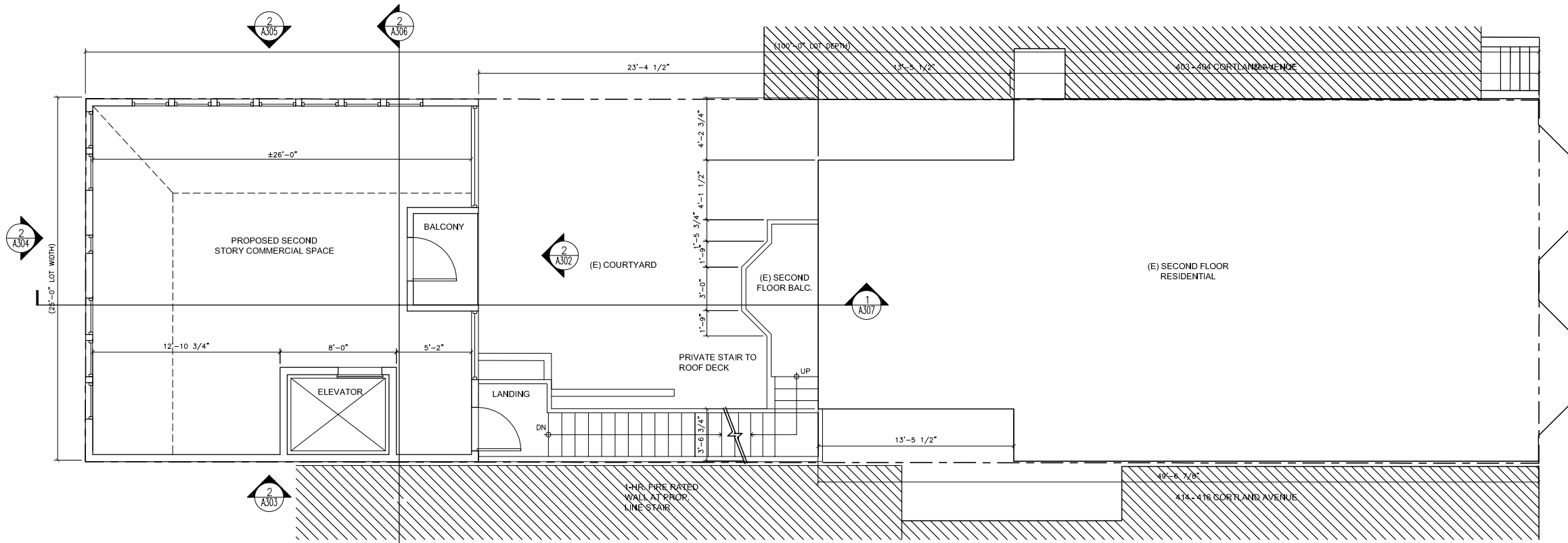


**EXISTING FIRST FLOOR PLAN**  
 1/4"=1'-0" **1**

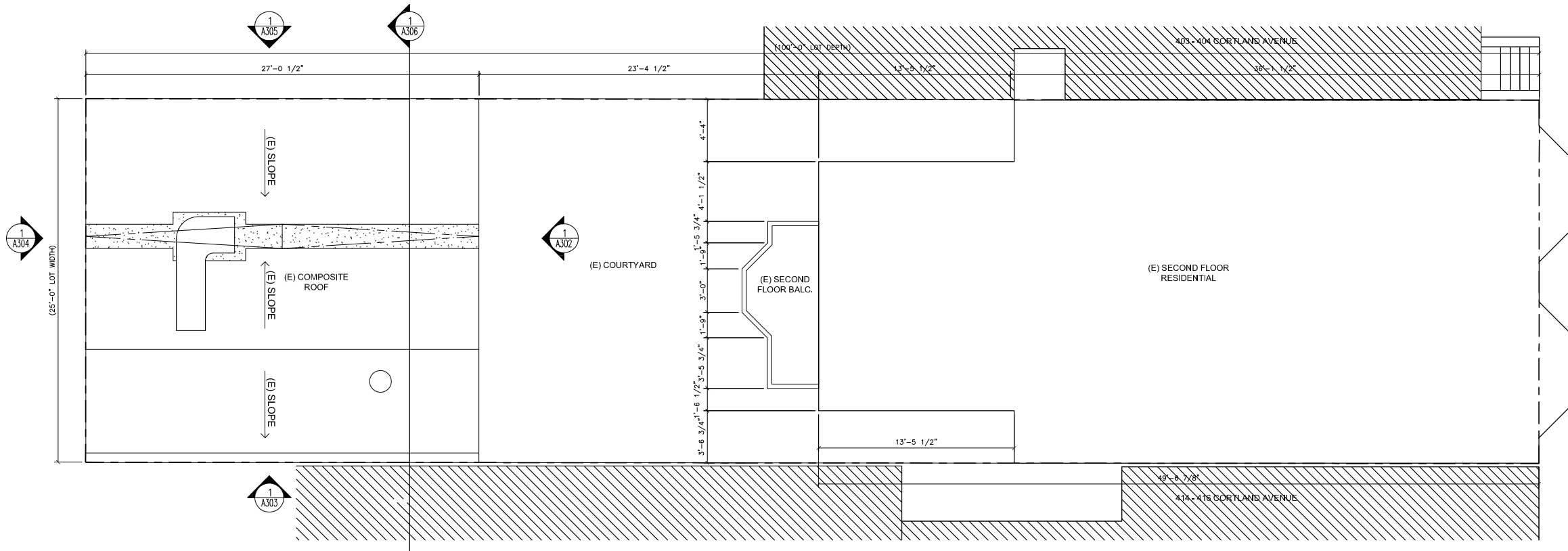
408-412 Cortland Avenue  
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 Block #5678 Lot #025

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**PROPOSED SECOND FLOOR PLAN**  
 1/4"=1'-0" **2**



**EXISTING SECOND FLOOR PLAN**  
 1/4"=1'-0" **1**

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL  
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**EXIST. & PROP SECOND FLOOR PLANS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A203**

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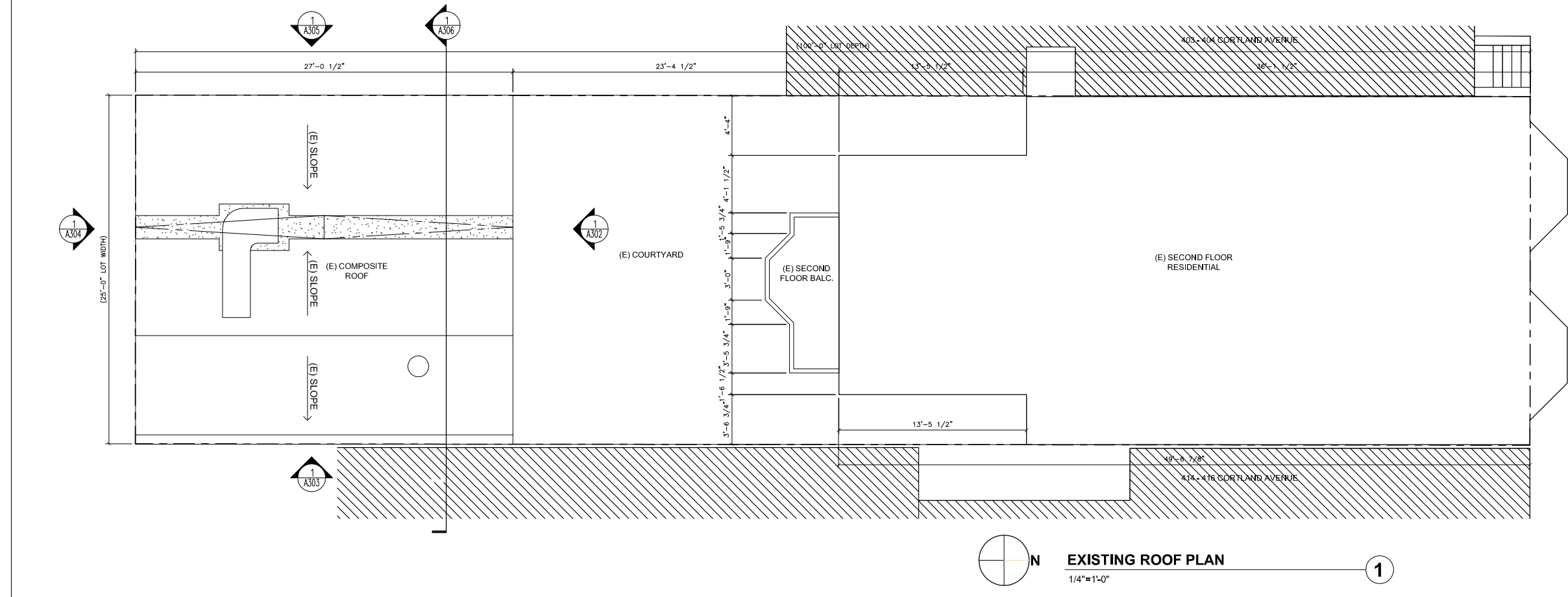
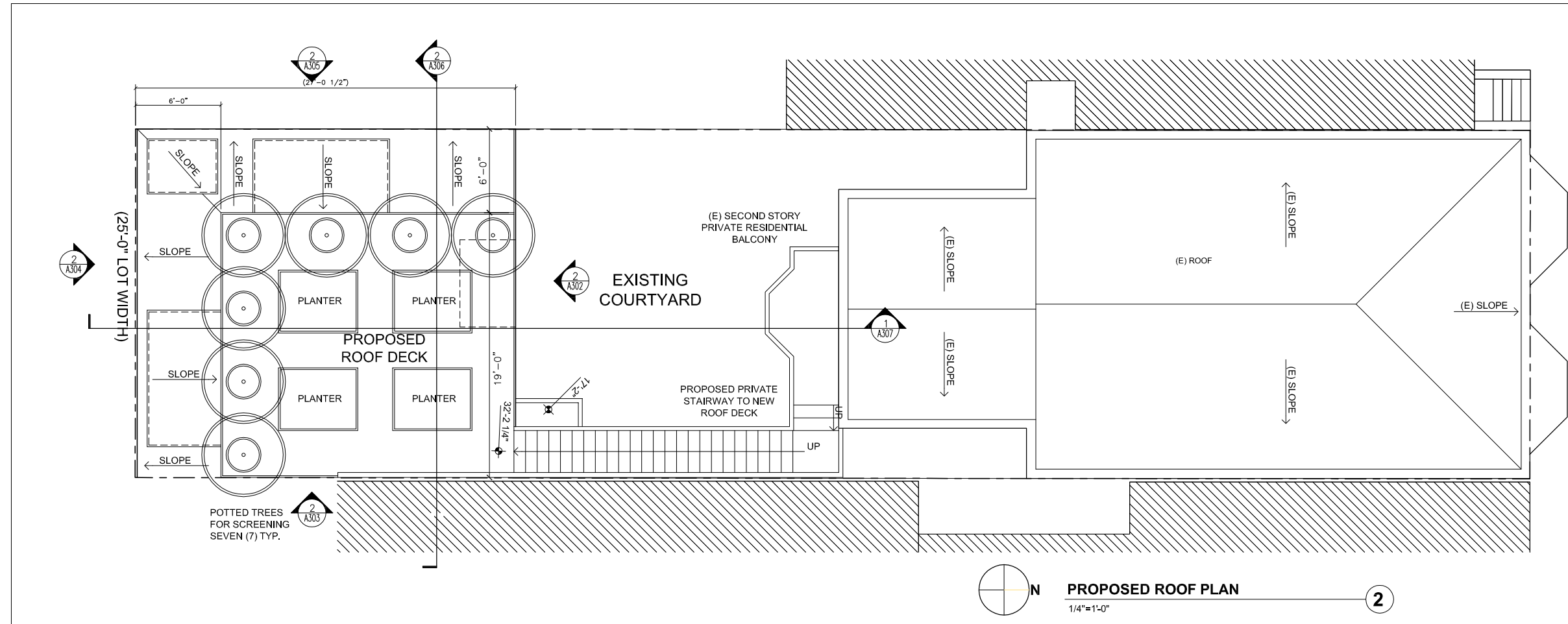
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 03.01.2017 VARIANCE SUBMITTAL

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**EXIST. & PROP  
 ROOF PLANS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

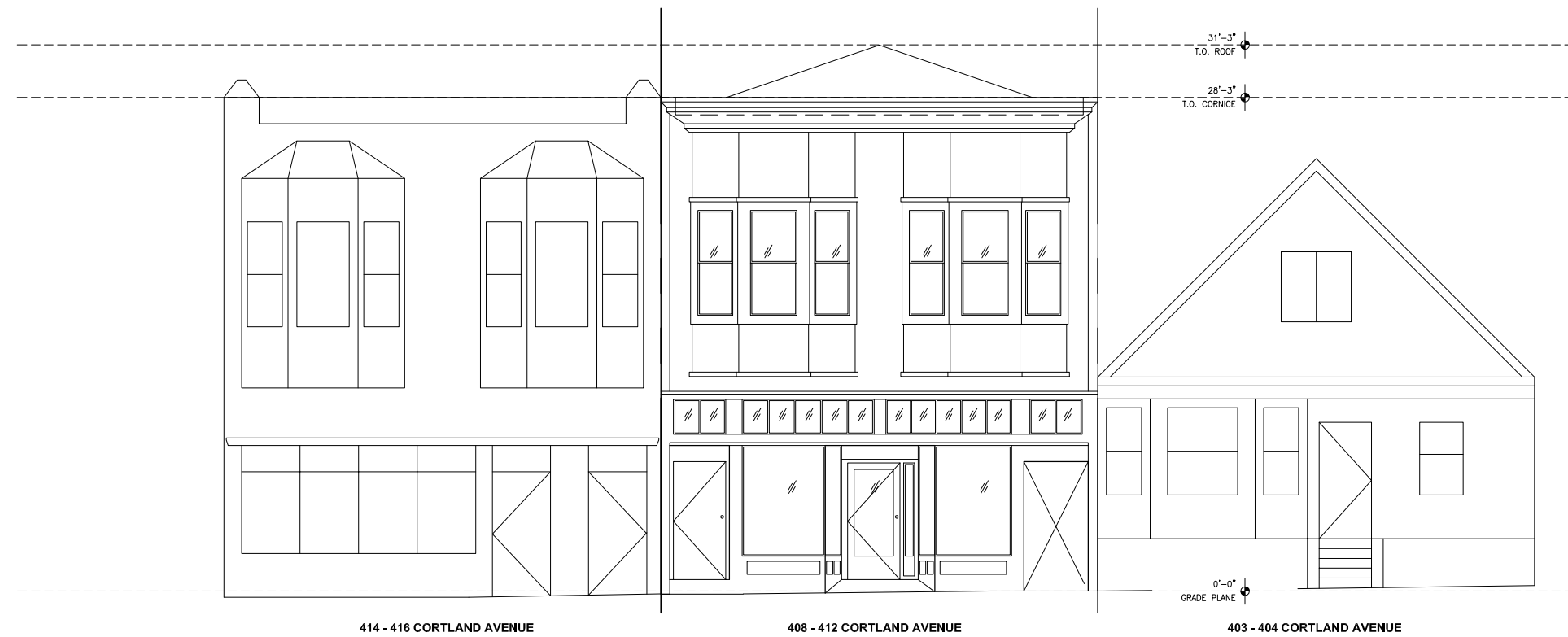
**A204**



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414 - 416 CORTLAND AVENUE

408 - 412 CORTLAND AVENUE

403 - 404 CORTLAND AVENUE

**EXISTING NORTH (CORTLAND AVE.) ELEVATION 1**

1/4"=1'-0"

12.20.2018 ENVIRONMENTAL EVALUATION  
03.01.2017 VARIANCE SUBMITTAL

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**EXTERIOR ELEVATIONS**

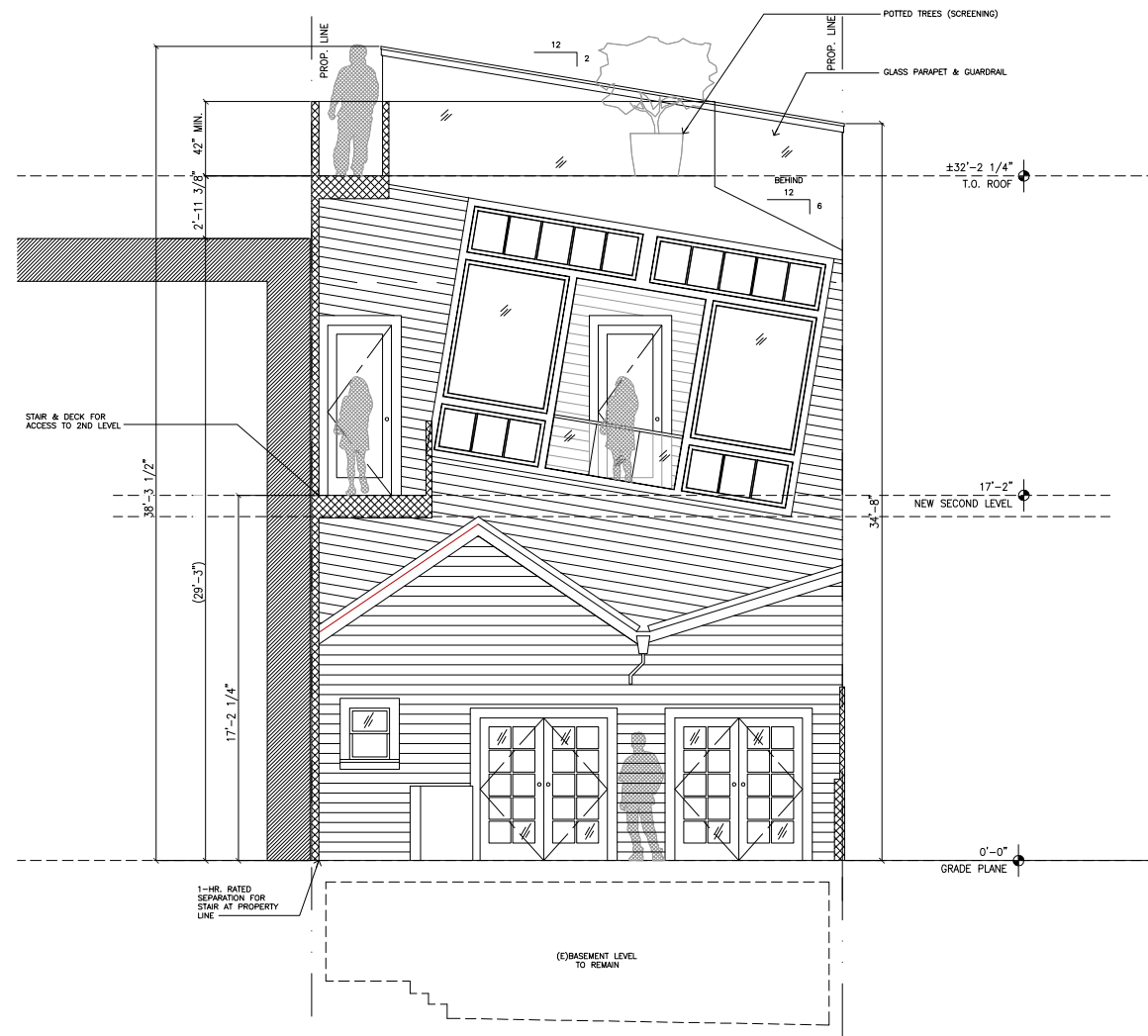
Project Number:  
14017.00  
Date:  
12.20.2017  
Scale:  
As Noted  
Drawn By:  
TNH

**A301**

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

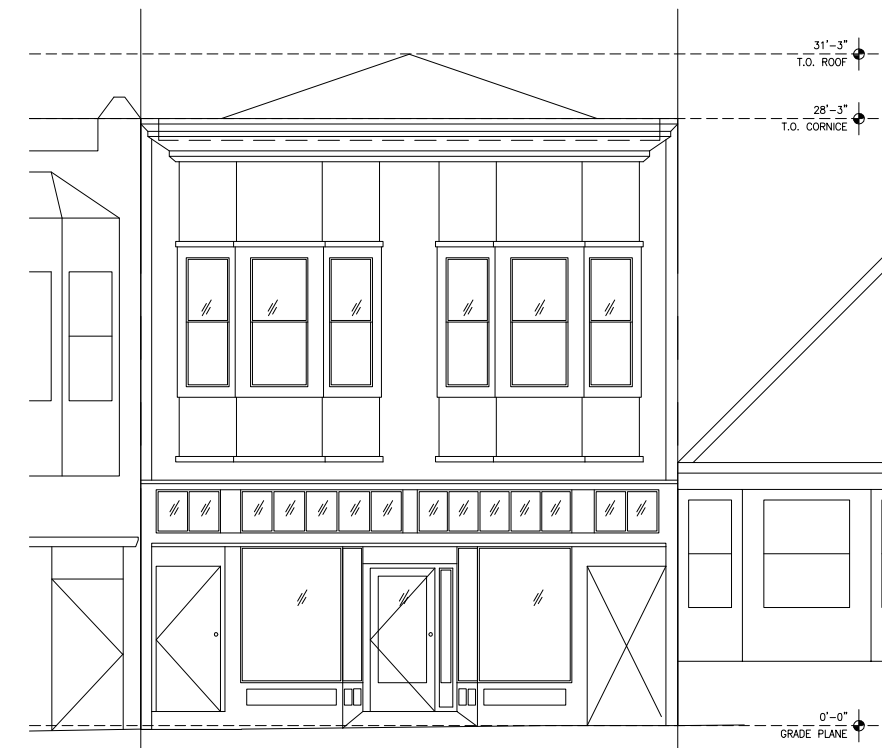
**Havel Architects**

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 San Marino, California 91108  
 (626) 792-2900  
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**PROPOSED COURT-YARD ELEVATION** ②  
 1/4"=1'-0"

**NOT VISIBLE FROM PUBLIC RIGHT OF WAY**



**EXISTING STREET (CORTLAND AVE.) ELEVATION** ①  
 1/4"=1'-0"

**ONLY ELEVATION VISIBLE FROM  
 CORTLAND AVENUE**

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL  
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**NORTH ELEVS.:  
 STREET &  
 COURTYARD**

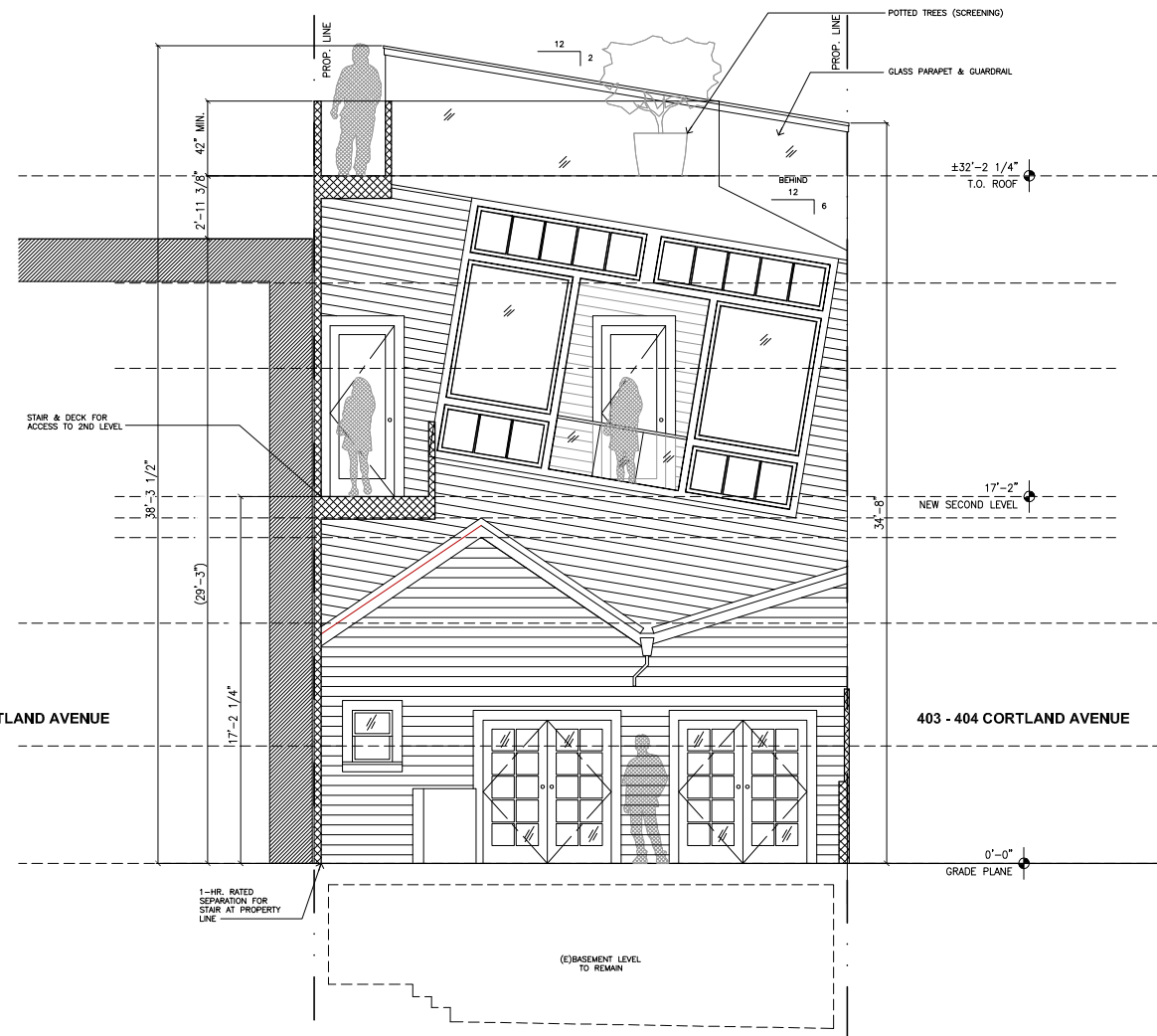
Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A301.1**

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

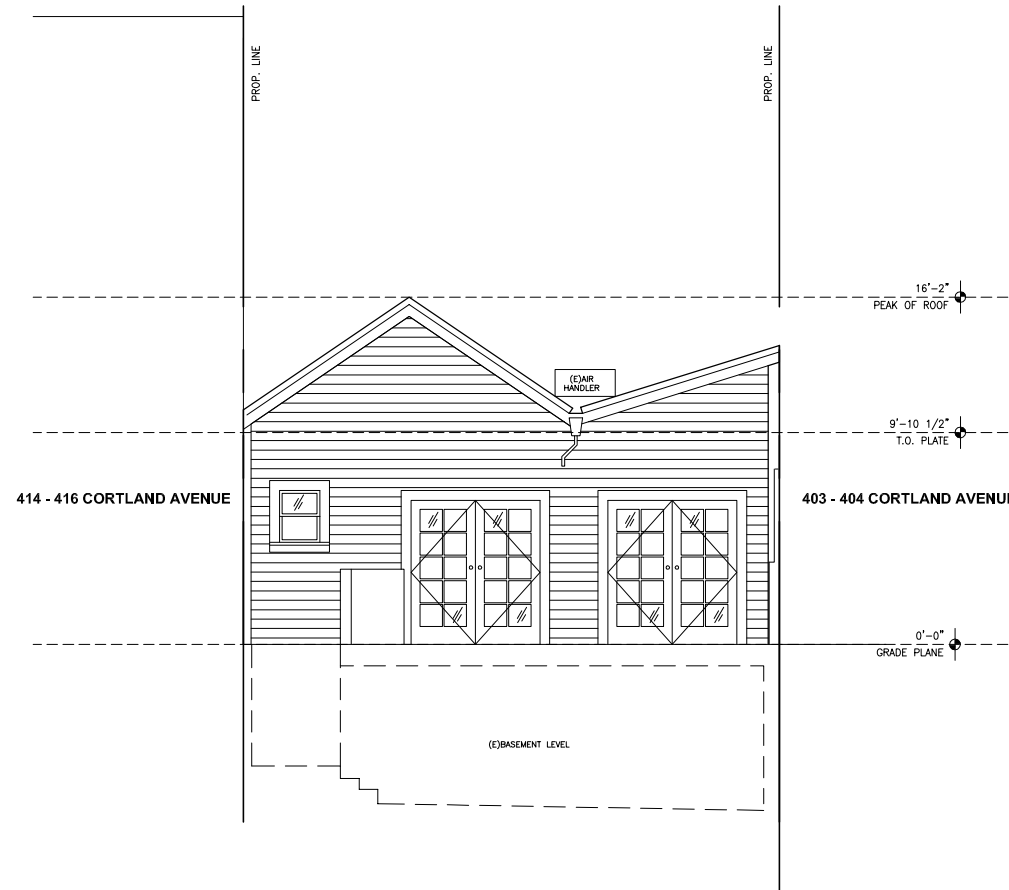
2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
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**REAR BUILDING - PROP. NORTH ELEVATION**

1/4"=1'-0"

2



**REAR BUILDING - EXIST. NORTH ELEVATION**

1/4"=1'-0"

1

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL  
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**EXTERIOR ELEVATIONS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

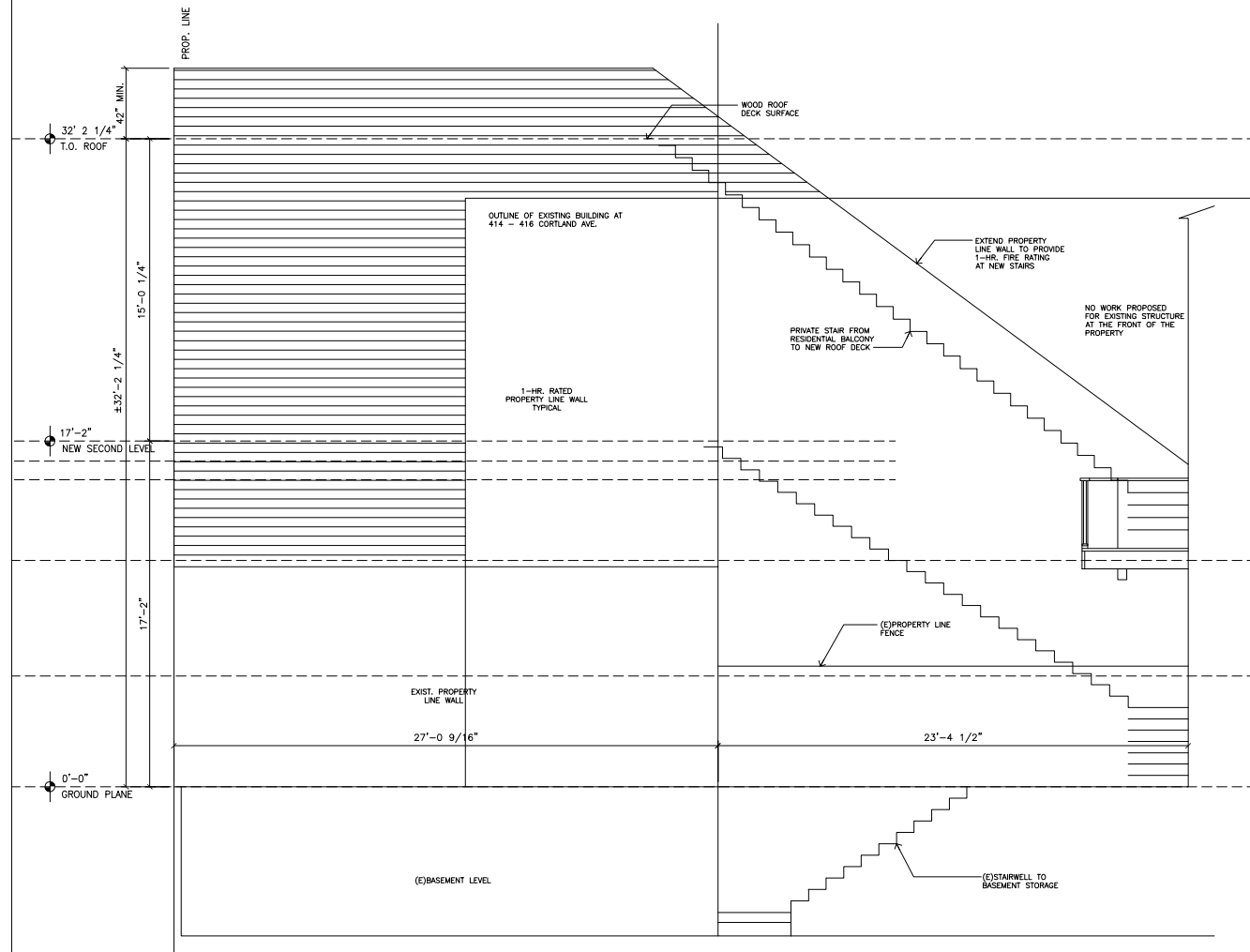
**A302**



408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

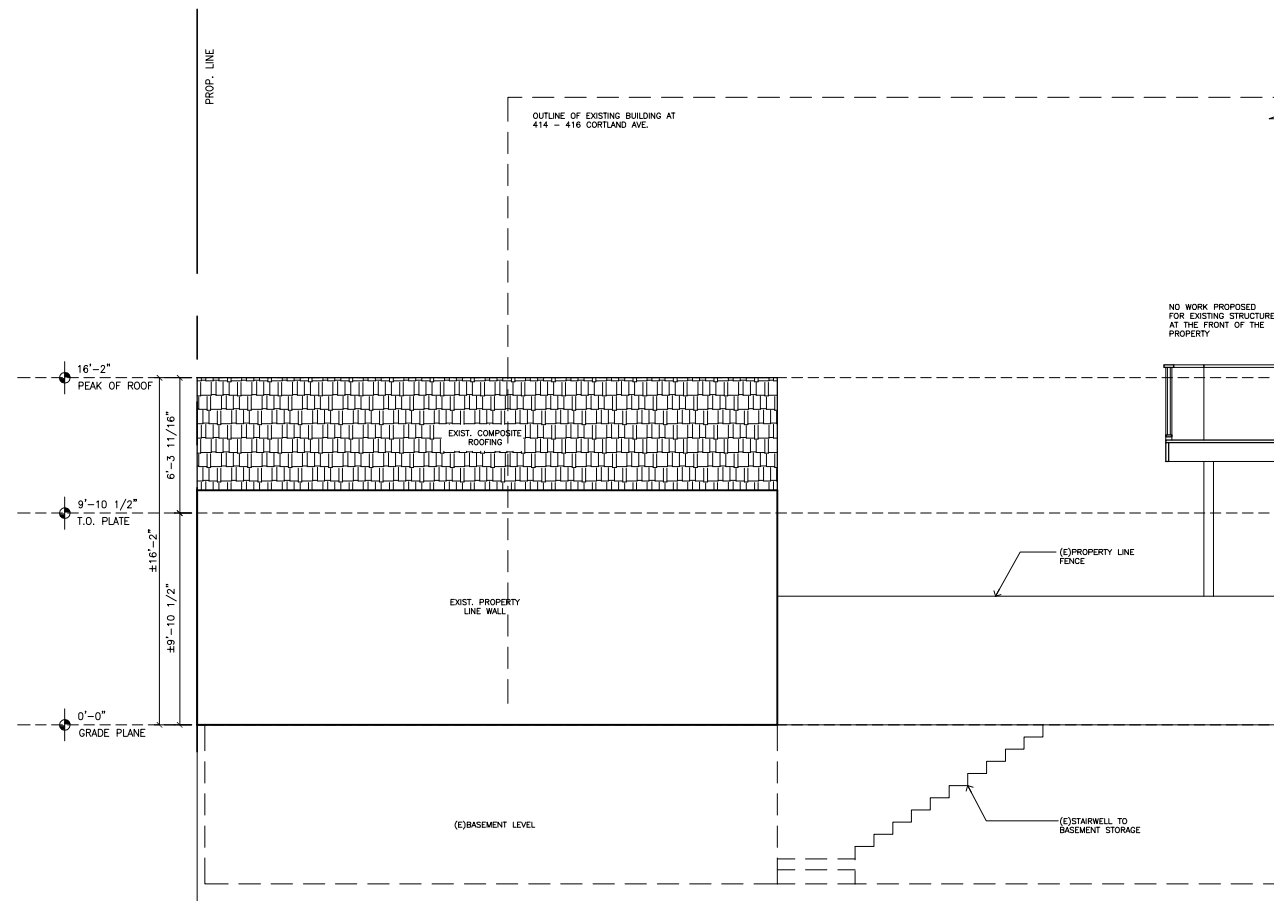
2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
 WWW.HAVELARCHITECTS.COM



**REAR BUILDING - PROP. EAST ELEVATION**

1/4"=1'-0"

2



**REAR BUILDING - EXIST. EAST ELEVATION**

1/4"=1'-0"

1

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL  
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**EXTERIOR ELEVATIONS**

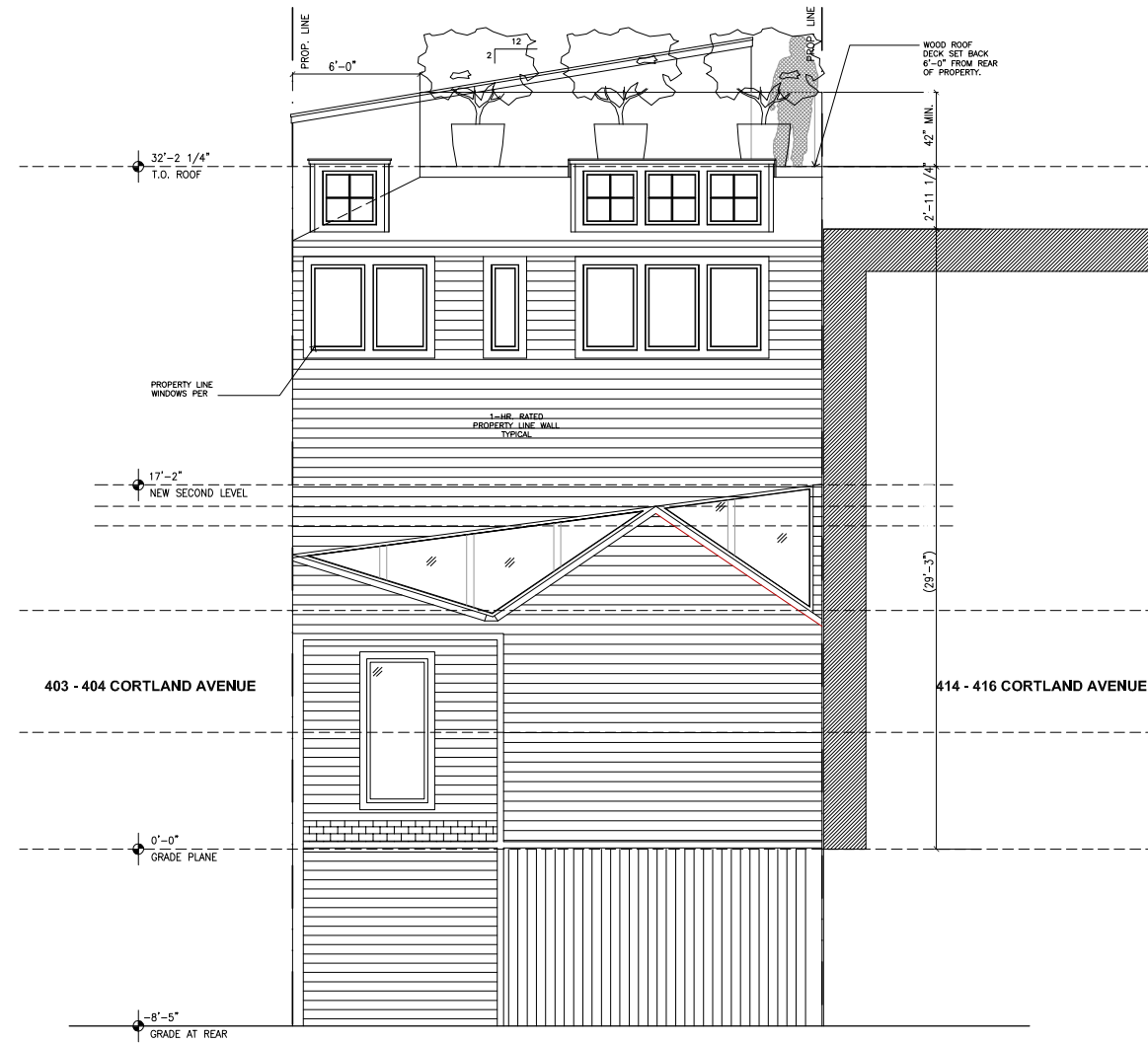
Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A303**

408-412 Cortland Avenue  
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 Block #5678 Lot #025

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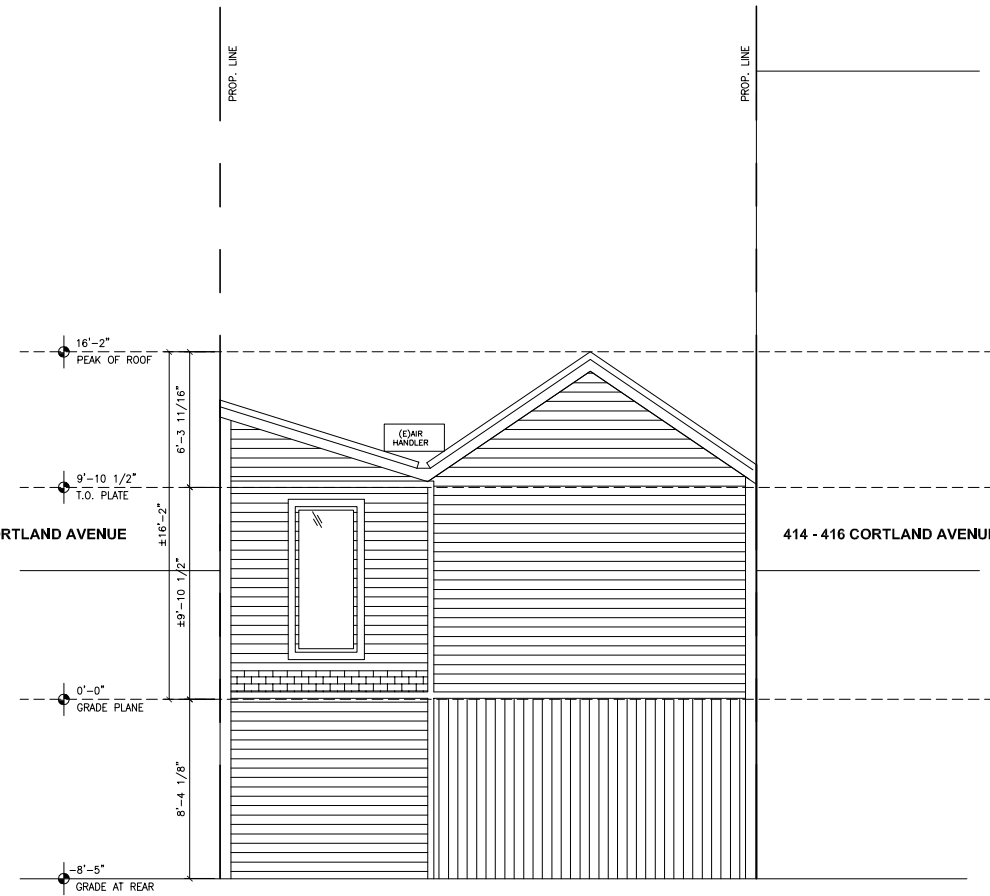
2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
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**REAR BUILDING - PROP. SOUTH ELEVATION**

1/4"=1'-0"

2



**REAR BUILDING - EXIST. SOUTH ELEVATION**

1/4"=1'-0"

1

12.20.2018 ENVIRONMENTAL EVALUATION

03.01.2017 VARIANCE SUBMITTAL

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**EXTERIOR ELEVATIONS**

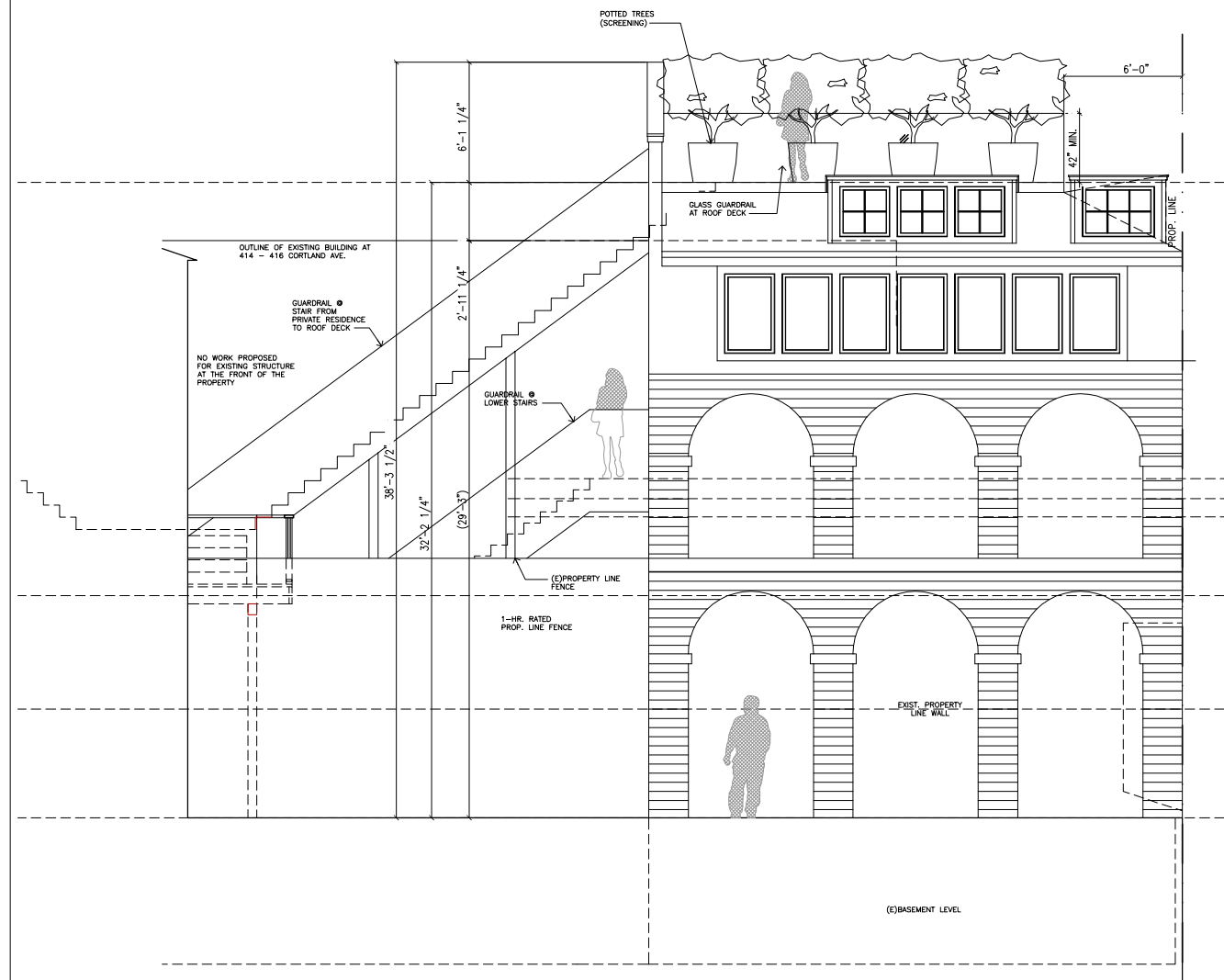
Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A304**

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

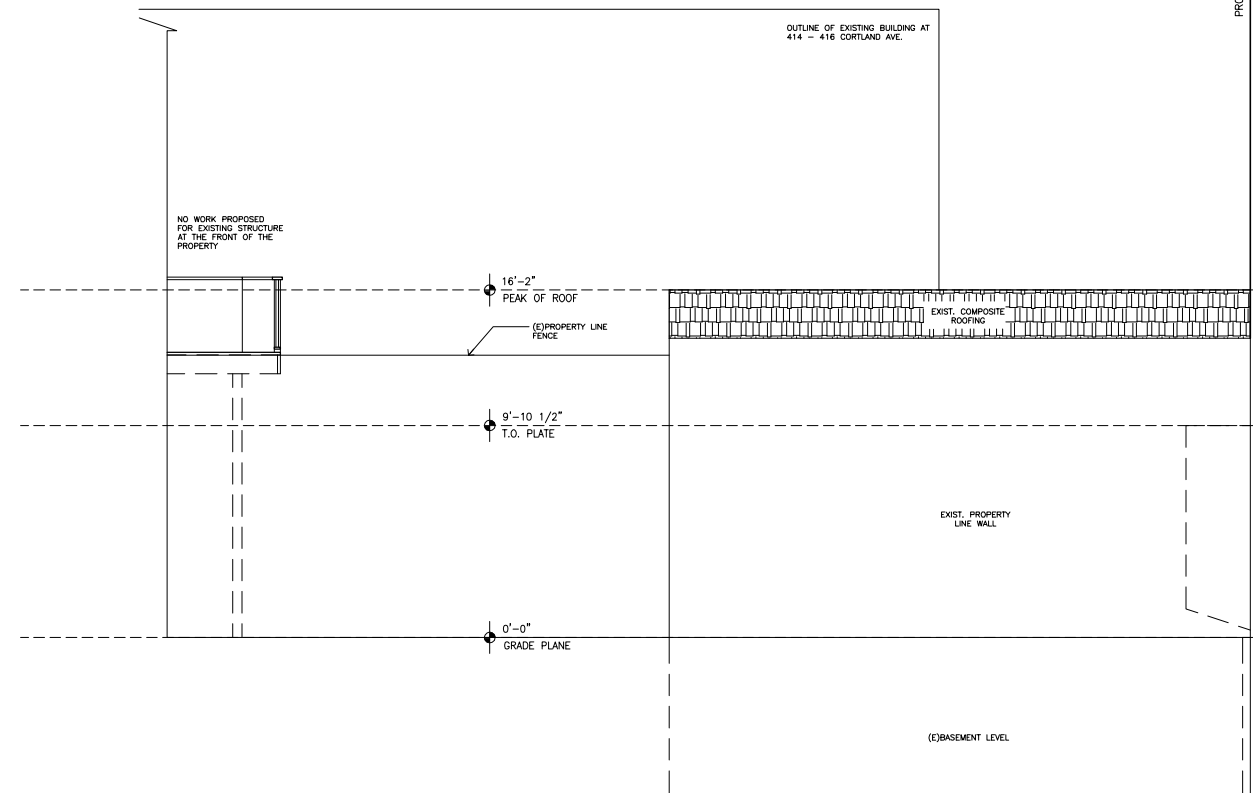
2627 Mission Street, Suite #5  
 San Marino, California 91108  
 (626) 792-2900  
 WWW.HAVELARCHITECTS.COM



**REAR BUILDING - PROP. WEST ELEVATION**

1/4"=1'-0"

2



**REAR BUILDING - EXIST. WEST ELEVATION**

1/4"=1'-0"

1

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL

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**EXTERIOR ELEVATIONS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A305**

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

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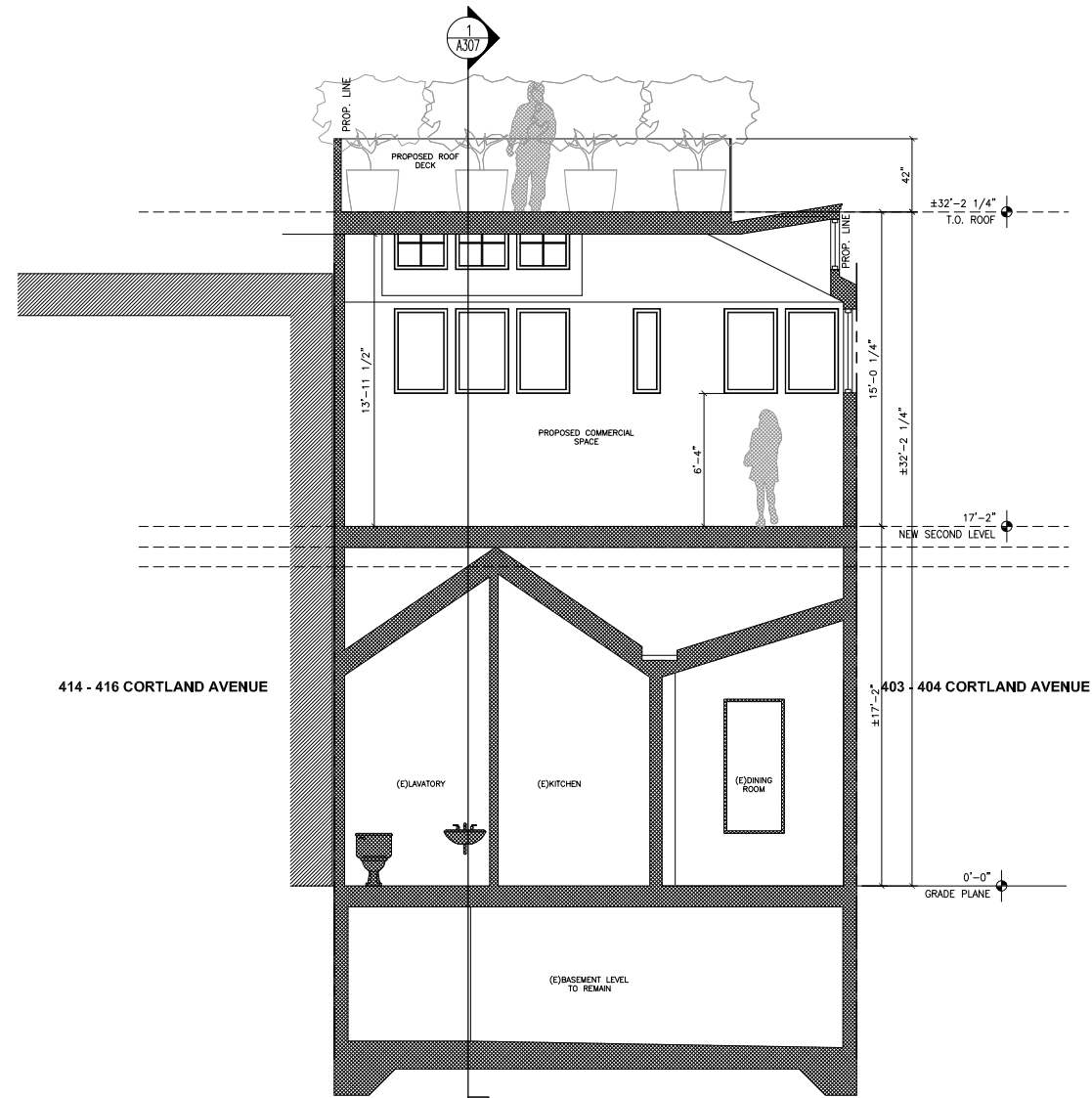


12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL  
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**BUILDING SECTIONS**

Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

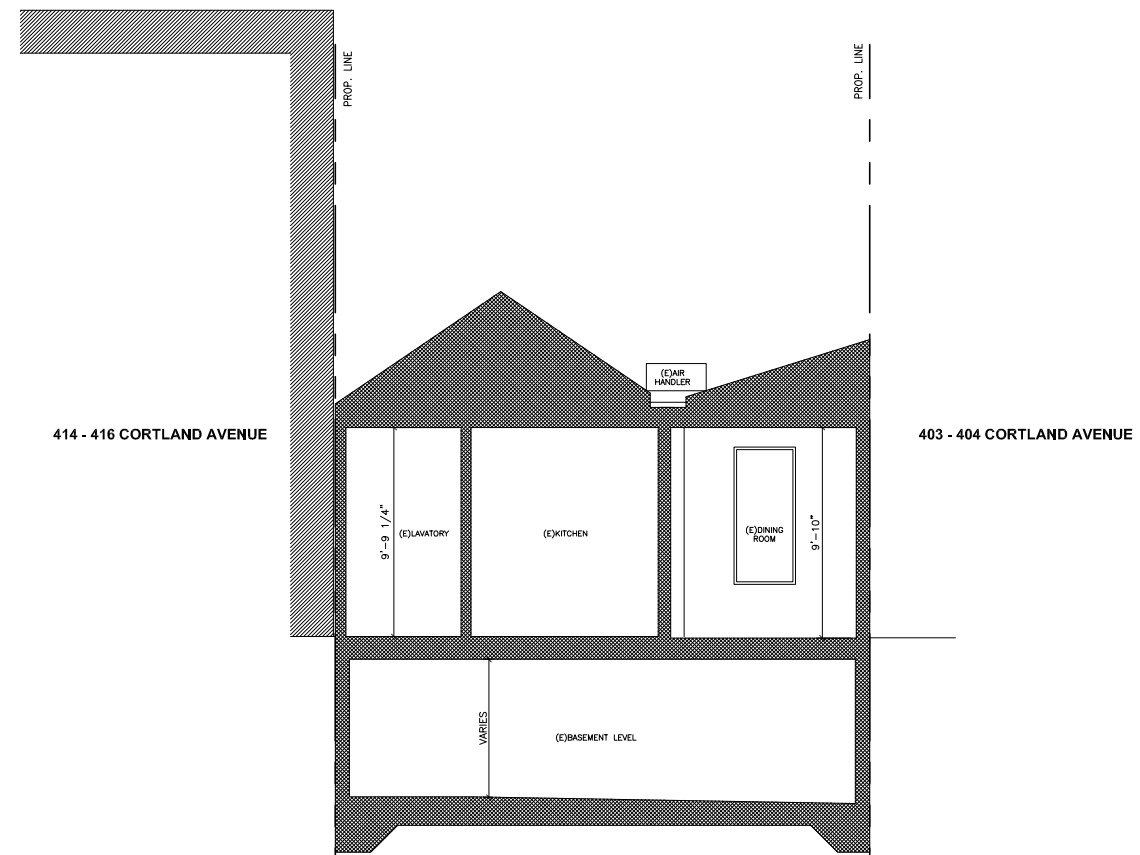
**A306**



**REAR BUILDING - PROP. CROSS SECTION**

1/4"=1'-0"

2



**REAR BUILDING - EXIST. CROSS SECTION**

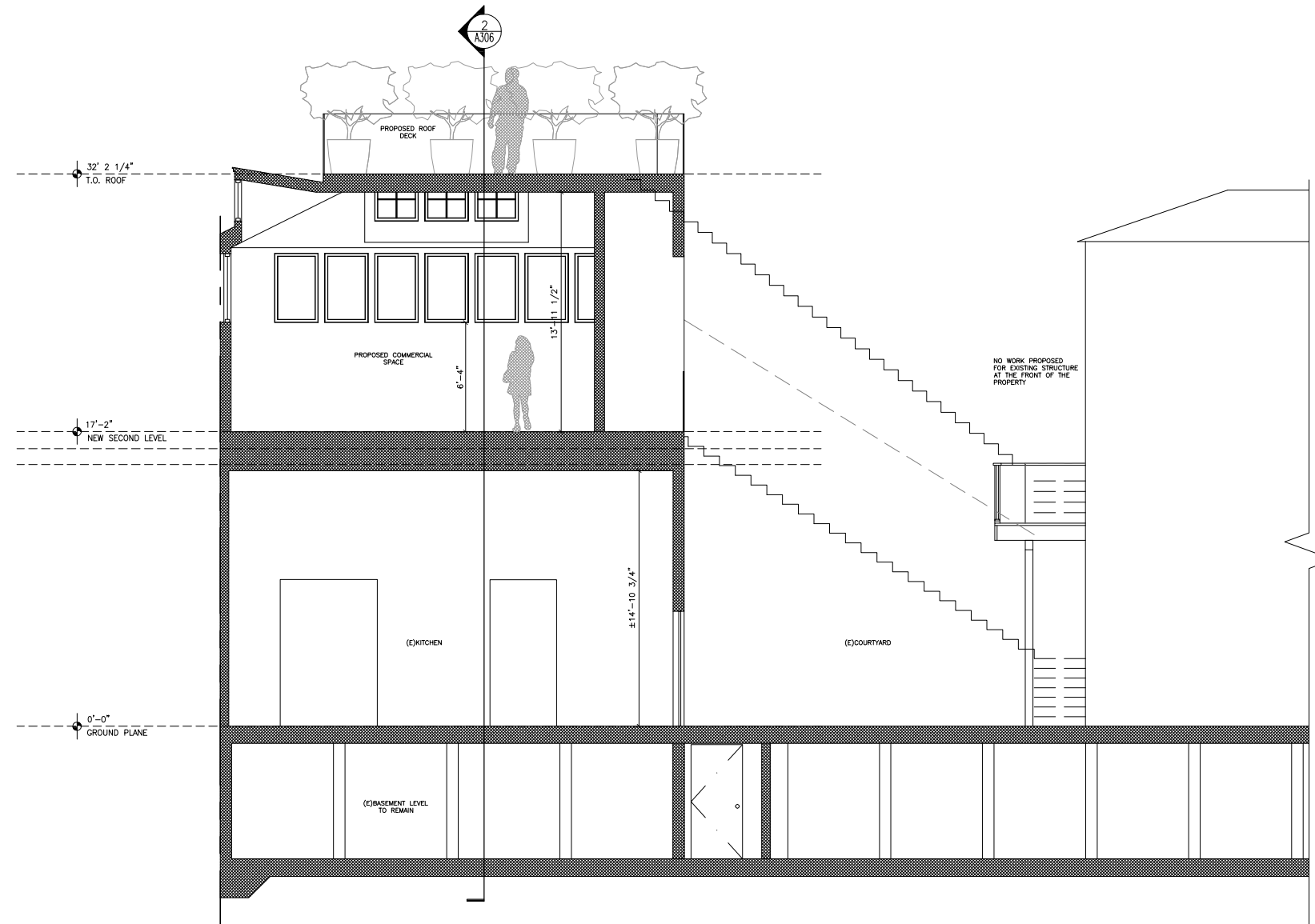
1/4"=1'-0"

1

408-412 Cortland Avenue  
 San Francisco, CA 94110  
 Block #5678 Lot #025

**Havel Architects**

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 San Marino, California 91108  
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**REAR BUILDING - PROP. PARTIAL LONGITUDINAL SECTION** ①  
 1/4"=1'-0"

12.20.2018 ENVIRONMENTAL EVALUATION  
 03.01.2017 VARIANCE SUBMITTAL

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**BUILDING SECTIONS**

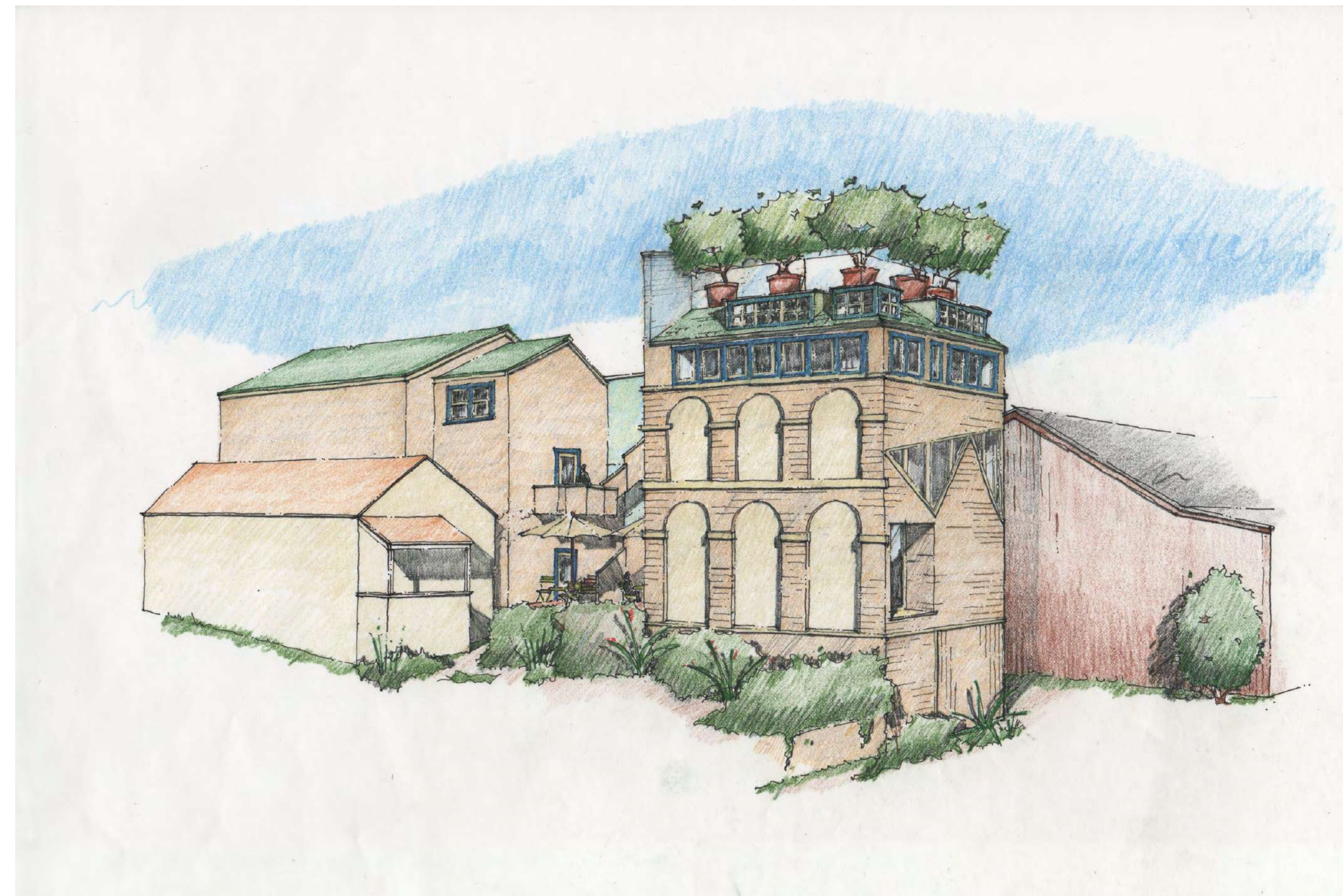
Project Number:  
 14017.00  
 Date:  
 12.20.2017  
 Scale:  
 As Noted  
 Drawn By:  
 TNH

**A307**

408-412 Cortland Avenue  
San Francisco, CA 94110  
Block #5678 Lot #025

**Havel Architects**

2627 Mission Street, Suite #5  
San Marino, California 91108  
(626) 792-2900  
WWW.HAVELARCHITECTS.COM



PERSPECTIVE 2

2



PERSPECTIVE 1

1

03.01.2017 VARIANCE SUBMITTAL

All ideas, designs, arrangements and plans indicated or represented by these drawings and specifications are the property and copyright of Havel Architects and were created, evolved and developed for use on and in connection with the specified project. None of such ideas, designs, arrangements or plans shall be used by or disclosed to any person, firm or corporation for any purposes whatsoever without the written permission of Havel Architects. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to the commencement of work.

**RENDERINGS**

Project Number:  
14017.00  
Date:  
03.01.2017  
Scale:  
As Noted  
Drawn By:  
TNH

**A401**

# Green Building: Site Permit Submittal

Attachment C-2: Version: July 1, 2014

## BASIC INFORMATION:

These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.

Project Name CORTLAND M XED USE	Block/Lot 5678/025	Address 408- 412 CORTLAND ST
Gross Project Area 1320 SF	Primary Occupancy B	Number of occupied floors 2
Design Professional/Applicant: Sign & Date		

## Instructions:

As part of application for site permit, this form acknowledges the specific green building requirements that apply to a project under San Francisco Green Building Code, California Title 24 Part 11, and related codes. Attachment C3, C4, C5, C6, C7, or C8 will be due with the applicable addendum. To use the form:

(a) Provide basic information about the project in the box at left. This info determines which green building requirements apply.

## AND

(b) Indicate in one of the columns below which type of project is proposed. If applicable, fill in the blank lines below to identify the number of points the project must meet or exceed. A LEED or GreenPoint checklist is not required to be submitted with the site permit application, but using such tools as early as possible is strongly recommended.

Solid circles in the column indicate mandatory measures required by state and local codes. For projects applying LEED or GreenPoint Rated, prerequisites of those systems are mandatory. See relevant codes for details.

## ALL PROJECTS, AS APPLICABLE

<b>Construction activity stormwater pollution prevention and site runoff controls</b> - Provide a construction site Stormwater Pollution Prevention Plan and implement SFPUC Best Management Practices.	●
<b>Stormwater Control Plan:</b> Projects disturbing ≥5,000 square feet must implement a Stormwater Control Plan meeting SFPUC Stormwater Design Guidelines	●
<b>Water Efficient Irrigation</b> - Projects that include ≥ 1,000 square feet of new or modified landscape must comply with the SFPUC Water Efficient Irrigation Ordinance.	●
<b>Construction Waste Management</b> – Comply with the San Francisco Construction & Demolition Debris Ordinance	●
<b>Recycling by Occupants:</b> Provide adequate space and equal access for storage, collection and loading of compostable, recyclable and landfill materials. See Administrative Bulletin 088 for details.	●

## GREENPOINT RATED PROJECTS

<b>Proposing a GreenPoint Rated Project</b> (Indicate at right by checking the box.)	
Base number of required Greenpoints:	75
Adjustment for retention / demolition of historic features / building:	
Final number of required points (base number +/- adjustment)	
<b>GreenPoint Rated</b> (i.e. meets all prerequisites)	●
<b>Energy Efficiency:</b> Demonstrate a 10% energy use reduction compared to Title 24, Part 6 (2013).	●
<b>Meet all California Green Building Standards Code requirements</b> (CalGreen measures for residential projects have been integrated into the GreenPoint Rated system.)	●

## Notes

- 1) New residential projects of 4 or more occupied floors must use the "New Residential High-Rise" column. New residential with 3 or fewer occupied floors must use the "New Residential Low Rise" column.
- 2) LEED for Homes Mid-Rise projects must meet the "Silver" standard, including all prerequisites. The number of points required to achieve Silver depends on unit size. See LEED for Homes Mid-Rise Rating System to confirm the base number of points required.

## LEED PROJECTS

	New Large Commercial	New Low Rise Residential	New High Rise Residential	Large First Time Commercial Interior	Commercial Major Alteration	Residential Major Alteration
<b>Type of Project Proposed</b> (Indicate at right)						
<b>Overall Requirements:</b>						
<b>LEED certification level</b> (includes prerequisites):	GOLD	SILVER	SILVER	GOLD	GOLD	GOLD
Base number of required points:	60	2	50	60	60	60
Adjustment for retention / demolition of historic features / building:				n/a		
Final number of required points (base number +/- adjustment)				50		
<b>Specific Requirements:</b> (n/r indicates a measure is not required)						
<b>Construction Waste Management – 75% Diversion</b> AND comply with San Francisco Construction & Demolition Debris Ordinance - LEED MR 2, 2 points	●	●	●	●	Meet C&D ordinance only	●
<b>Energy Use</b> Comply with California Title-24 Part 6 (2013) and meet LEED minimum energy performance (LEED EA p2)	●	LEED prerequisite	●	●	LEED prerequisite only	
<b>Renewable Energy or Enhanced Energy Efficiency Effective 1/1/2012:</b> Generate renewable energy on-site ≥1% of total annual energy cost (LEED EAc2), OR Demonstrate at least 10% energy use reduction (compared to Title 24 Part 6 2013), OR Purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).	●	n/r	n/r	n/r	n/r	n/r
<b>Enhanced Commissioning of Building Energy Systems</b> LEED EA 3	●	Meet LEED prerequisites				
<b>Water Use - 30% Reduction</b> LEED WE 3, 2 points	●	Meet LEED prerequisite	●	Meet LEED prerequisite		
<b>Enhanced Refrigerant Management</b> LEED EA 4	●	n/r	n/r	●	●	n/r
<b>Indoor Air Quality Management Plan</b> LEED IEQ 3.1	●	CalGreen 4.504.1	CalGreen 4.504.1	CalGreen 5.504.3	CalGreen 5.504.3	CalGreen 4.504.1
<b>Low-Emitting Materials</b> LEED IEQ 4.1, 4.2, 4.3, and 4.4	●	●	●	●	●	●
<b>Bicycle parking:</b> Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater, or meet LEED credit SSc4.2.	●	See San Francisco Planning Code 155			See San Francisco Planning Code 155	
<b>Designated parking:</b> Mark 8% of total parking stalls for low-emitting, fuel efficient, and carpool/van pool vehicles.	●			●	n/r	n/r
<b>Water Meters:</b> Provide submeters for spaces projected to consume more than 1,000 gal/day, or more than 100 gal/day if in building over 50,000 sq. ft.	●	n/r	n/r	●	(addition only)	n/r
<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit IEQ 5).	●	n/r	n/r	●	●	n/r
<b>Air Filtration:</b> Provide MERV-13 filters in residential buildings in air-quality hot-spots (or LEED credit IEQ 5). (SF Health Code Article 38 and SF Building Code 1203.5)	n/r	●	●	n/r	n/r	●
<b>Acoustical Control:</b> wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40.	●	See CBC 1207		●	(envelope alteration & addition only)	n/r

## OTHER APPLICABLE NON-RESIDENTIAL PROJECTS

Requirements below only apply when the measure is applicable to the project. Code references below are applicable to New Non-Residential buildings. Corresponding requirements for additions and alterations can be found in Title 24 Part 11, Division 5.7. Requirements for additions or alterations apply to applications received July 1, 2012 or after. <sup>1</sup>	Other New Non-Residential	Addition ≥1,000 sq ft OR Alteration ≥\$200,000 <sup>3</sup>
<b>Type of Project Proposed</b> (Check box if applicable)		
<b>Energy Efficiency:</b> Comply with California Energy Code, Title 24, Part 6 (2013).	●	●
<b>Bicycle parking:</b> Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater (or LEED credit SSc4.2).	●	●
<b>Fuel efficient vehicle and carpool parking:</b> Provide stall marking for low-emitting, fuel efficient, and carpool/van pool vehicles; approximately 8% of total spaces.	●	●
<b>Water Meters:</b> Provide submeters for spaces projected to consume >1,000 gal/day, or >100 gal/day if in buildings over 50,000 sq. ft.	●	Addition only
<b>Indoor Water Efficiency:</b> Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets, and urinals.	●	●
<b>Commissioning:</b> For new buildings greater than 10,000 square feet, commissioning shall be included in the design and construction of the project to verify that the building systems and components meet the owner's project requirements. OR for buildings less than 10,000 square feet, testing and adjusting of systems is required.	●	● (Testing & Balancing)
<b>Protect duct openings and mechanical equipment during construction</b>	●	●
<b>Adhesives, sealants, and caulks:</b> Comply with VOC limits in SCAQMD Rule 1168 VOC limits and California Code of Regulations Title 17 for aerosol adhesives.	●	●
<b>Paints and coatings:</b> Comply with VOC limits in the Air Resources Board Architectural Coatings Suggested Control Measure and California Code of Regulations Title 17 for aerosol paints.	●	●
<b>Carpet:</b> All carpet must meet one of the following: 1. Carpet and Rug Institute Green Label Plus Program, 2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350), 3. NSF/ANSI 140 at the Gold level, 4. Scientific Certifications Systems Sustainable Choice, OR 5. California Collaborative for High Performance Schools EQ 2.2 and listed in the CHPS High Performance Product Database AND carpet cushion must meet Carpet and Rug Institute Green Label, AND indoor carpet adhesive & carpet pad adhesive must not exceed 50 g/L VOC content.	●	●
<b>Composite wood:</b> Meet CARB Air Toxics Control Measure for Composite Wood	●	●
<b>Resilient flooring systems:</b> For 80% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria or certified under the Resilient Floor Covering Institute (RFCI) FloorScore program.	●	●
<b>Environmental Tobacco Smoke:</b> Prohibit smoking within 25 feet of building entries, outdoor air intakes, and operable windows.	●	●
<b>Air Filtration:</b> Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings.	●	●
<b>Acoustical Control:</b> Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40.	●	● (envelope alteration & addition only)
<b>CFCs and Halons:</b> Do not install equipment that contains CFCs or Halons.	●	●
<b>Additional Requirements for New A, B, I, OR M Occupancy Projects 5,000 - 25,000 Square Feet</b>		
<b>Construction Waste Management</b> – Divert 75% of construction and demolition debris AND comply with San Francisco Construction & Demolition Debris Ordinance.	●	Meet C&D ordinance only
<b>Renewable Energy or Enhanced Energy Efficiency Effective January 1, 2012:</b> Generate renewable energy on-site equal to ≥1% of total annual energy cost (LEED EAc2), OR demonstrate a 10% energy use reduction compared to Title 24 Part 6 (2013), OR purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EAc6).	●	n/r

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## 03.01.2017 VARIANCE SUBMITTAL

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## GREEN BUILDING

Project Number:  
14017.00  
Date:  
03.01.2017  
Scale:  
As Noted  
Drawn By:  
TNH

# C2

**BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)**





# Board of Appeals Brief

**Date:** October 21, 2021  
**Hearing Date:** October 27, 2021  
**Appeal No.:** 21-050  
**Address:** 408 Cortland Ave  
**Block/Lot:** 5678 / 025  
**Zoning/Height:** Cortland Avenue Neighborhood Commercial District  
40-X Height and Bulk District  
**Staff Contact:** Corey Teague, (628) 652-7328 or [corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)

## INTRODUCTION

The initial Variance Decision Letter for denial of this project was issued on May 24, 2021. However, the Appellant informed the Zoning Administrator of several factual errors in that letter. While those errors were limited, unintentional, and not impactful on the final decision, the Zoning Administrator issued a Revised Variance Decision Letter on August 26, 2021 denying the proposed variance, which is the decision currently before the Board. The Appellant was granted an approval to file their brief a week late, leaving the Planning Department only a week to respond. Additionally, the decision letter lays out the key points and rationale justifying the denial of the variance. However, this brief provides a short overview of the decision.

## PROPERTY INFORMATION

The Property is located at 408-412 Cortland Avenue within the Cortland Avenue Neighborhood Commercial District and 40-X Height and Bulk District. The subject lot is typical in width, depth, and size, being 25 feet by 100 feet. The subject building was constructed circa 1902 and, as currently occupied, includes 1) a basement level that occupies the entire lot, 2) a ground floor restaurant use within the front building, courtyard, and rear building, and 3) residential use on second floor of the front building.

## **BACKGROUND**

On July 7, 2015, the Planning Department conducted a project review meeting with the Appellant to provide initial feedback on a potential project on the lot. On April 5, 2016, the Appellant filed a rear yard variance application (2015-008499VAR) to construct a vertical addition to the rear building, which falls within the required rear yard. After substantial coordination and feedback with the Planning Department over the period of several years, including consistent feedback that the Department did not support the proposal, the case was heard at the regular variance hearing on March 24, 2021.

As stated in the decision letter, the Department received opposition from 8 members of the public prior to the hearing. The community opposition cited a number of concerns related to the scale of the development, the effect on neighboring property's access to light, air, and privacy, existing uses in the neighborhood, and the lack of need for the proposed use at this particular location. During the hearing, the Zoning Administrator received 4 calls in opposition to the proposed project. The Department received no public comment in support of the project.

During the hearing, the Zoning Administrator described his concerns that the project did not meet the required 5 findings to grant the variance. No exceptional or extraordinary circumstances apply to the property that creates any unnecessary hardship or practical difficulty not created by or attributed to the property owner. Additionally, the Planning Department found the proposal to be inconsistent with applicable design guidelines due, in part, to the impact on adjacent lots and the established mid-block open space, which is located down-slope from the proposed building addition.

## **ISSUES ON APPEAL**

This brief addresses only a limited number of issues raised in the Appellant's brief. All other issues may be addressed as-needed at the hearing.

**A. Errors in the Variance Decision Letter.**

The Appellant cites numerous “errors” in the variance decision letter. However, please note that the cited errors are not factual or technical errors. Instead, the “errors” cited in the Appellant’s brief are actually disagreements with the Zoning Administrator’s determination and interpretations related to the variance decision (i.e., are there exceptional and extraordinary circumstances, how much slope is significant, is the property already well-developed, etc.).

**B. Site Topography.**

The Appellant claims that the subject lot’s topography represents an exceptional and extraordinary circumstance per Finding 1. However, the subject lot’s downslope is modest and typical of other surrounding lots fronting Cortland Avenue. The lot’s slope is definitely not significant within the San Francisco context. Additionally, any slope that exists (or previously existing before the site was historically developed) did not prevent a full lot coverage basement being built, along with the 2-story front building and the smaller building at the rear.

**C. Height of Proposed Vertical Addition.**

The Appellant argues that the decision letter’s reference to proposal creating an approximately 4-story building presence (i.e., 40+ feet) is inaccurate. However, Sheet A304 of the Exhibit A plans shows the existing and proposed Rear/South elevations. The plans indicate that the existing building, including the basement level, presents to the south a total height of 24 feet 6 inches (Basement = 8 feet 4 inches, Upper Floor with Peaked Roof = 16 feet 2 inches). Due to the downward slope of the property, the basement level at the rear of the lot is substantially above grade. The proposed building would have a total height of 40 feet 7 inches to the roof line, which doesn’t account for the additional height created by the parapet above the roof level. As such, it is the Zoning Administrator’s position that the decision letter’s statement regarding height is accurate.

Board of Appeals Brief  
Appeal No. 21-050  
408 Cortland Avenue  
Hearing Date: October 27, 2021

## **CONCLUSION**

In light of the foregoing, the Planning Department respectfully requests that the Board of Appeals deny the appeal and uphold the variance decision letter to deny the proposed rear yard variance.

### **Attachments:**

Exhibit A: Revised Variance Decision Letter

**Cc:** Thomas Havel, Architect for Appellant (by email)  
Maher Memarzadeh, Property Owner – Appellant (by email)



## REVISED VARIANCE DECISION

**Date:** August 26, 2021  
**Case No.:** 2015-008499VAR  
**Project Address:** 408-412 Cortland Avenue  
**Block/Lots:** 5678 / 025  
**Zoning:** Cortland Avenue NCD (NEIGHBORHOOD COMMERCIAL DISTRICT)  
**Height/Bulk:** 40-X Height and Bulk District  
**Applicant:** Thomas Havel, Havel Architects  
2627 Mission Street, Suite #5  
San Marino, CA 91108  
**Owner:** Memarzadeh Maher  
536 15th Street  
Santa Monica, CA 90402  
**Staff Contact:** Kimberly Durandet – 628-652-7315  
kimberly.durandet@sfgov.org

### Description of Variance – Rear Yard Variance Sought:

The subject property contains a basement story that covers the entire lot, a two-story building at the front of the lot, and a one-story building at the rear of the lot. The front building contains a restaurant on the first floor and a Dwelling Unit on the second floor. The interior courtyard between the two buildings is used as outdoor seating for the restaurant. The rear building is currently used as additional kitchen and dining space for the restaurant. However, the most recent 3-R Reports issued for the subject property (Nos. 201004295044 and 201004295043) indicate that the rear building contains a One Family Dwelling, and the front building contains a Two Family Dwelling and Commercial use. Additional work is required to determine the existing legal uses in each building.

The project proposes to construct a one-story vertical addition to the rear building that will include a roof deck and increase the height, as measured above the basement story, from 16 feet 2 inches at the roof peak to over 32 feet. The new story is proposed to be used as a neighborhood-serving commercial use. The project also proposes a stairway and firewall along the eastern property line to provide access from the second story of the front building to the new roof deck on the rear building.

**Planning Code Section 134** requires the subject property to maintain a rear yard equal to 25% of the lot depth at the second story and above, and at the first story if it contains a Dwelling Unit. The existing building at the rear of the lot occupies the entirety of the required rear yard. The proposed addition will increase the rear building envelope within the required rear yard. Therefore, a variance is required.

**Procedural Background:**

1. The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 and Class 3 categorical exemption.
2. The Zoning Administrator held a public hearing on **Variance Application No. 2015-008499VAR** on **March 24, 2021**.
3. The original Variance Decision Letter for this project was issued on May 24, 2021. That decision letter was appealed to the Board of Appeals on May 27, 2021 and the appeal cited several factual errors in the original letter. This revised decision letter is being issued to provide a more accurate project description, correct any factual errors included in the original letter, and provide additional information as needed. However, the final decision and overall rationale is not changed.
4. No associated building permit for the project has yet been filed.

**Decision:**

**DENIED**, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a vertical addition to the rear building that will include a roof deck, property line stairs, and associated firewall.

**Findings:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

**FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

**Requirement Not Met.**

- A. There are no exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district. The subject lot is a typical lot, being 25 feet wide, 100 feet deep, of regular shape, and containing no significant slope. Any previous slope on the lot is effectively neutralized by the basement story, which covers the entire lot and provides a level area to construct above. The surrounding lots on the subject block are also of typical size and shape and create a regular block layout. While Lots 26 and 27 to the east also have buildings that extend into the required rear yard, the subject lot and rear building still front directly onto a cohesive mid-block open space.
- B. The property is already well-developed. The basement story covers the entire lot, the ground floor of the front building has an existing restaurant use with residential use above, and the noncomplying rear structure is currently used for additional restaurant space. All the buildings fronting Cortland Avenue on the subject block are either one or two-stories tall and having a rear yard structure used for additional commercial space is not common in the district.

**FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**Requirement Not Met.**

- A. As described above, there are no exceptional and extraordinary circumstances related to the subject property that result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property. In this case, the literal enforcement of the Planning Code prevents a large vertical expansion of a building (and associated roof deck, stairs, and firewall) already located within the required rear yard, and for the purpose of constructing an additional commercial story that will have no visibility to the street, which is not a typical or usual development pattern.

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Not Met.**

- A. As stated above, the proposal is a large vertical expansion of a building (and associated roof deck, stairs, and firewall) already located within the required rear yard, and for the purpose of constructing an additional commercial story that will have no visibility to the street, which is not a typical or usual development pattern. Additionally, the property is already well-developed. Although it is the property owners desire to further develop the site, this is not a development proposal that is necessary for the preservation and enjoyment of a substantial property right of the subject property as the lot is already substantially developed, and the proposal is atypical and impactful to the vicinity.

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Not Met.**

- A. The existing building at the rear of the lot already obstructs deeper than the immediately adjacent buildings to the east and west (Lots 24 and 26). The proposed addition to the rear building would result in a building over 32 feet high – measured from the basement story – plus additional height from a 42-inch solid parapet and a separate glass railing. Including the basement story, which is exposed at the rear property line, this would create an approximately 4-story building presence (i.e., 40+ feet) at the far rear of the lot. This is a substantial addition at the rear of the lot that would further impact the mid-block open space and adjacent properties.

- B. The Planning Department determined the project be highly **inconsistent** with applicable design guidelines.
- C. Prior to the hearing, 8 members of the public sent correspondence or called Department staff in opposition to the project. The community opposition cited a number of concerns related to the scale of the development, the effect on neighboring property's access to light, air, and privacy, existing uses in the neighborhood, and the lack of need for the proposed use at this particular location. During the hearing, the Zoning Administrator received 4 calls in opposition to the proposed project. The Department received no public comment in support of the project.

**FINDING 5.**

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

**Requirement Not Met.**

- A. This development is not consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project does not meet all relevant policies, including conserving neighborhood character.
  - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
  - 2. The proposed project will not be in keeping with the existing housing and neighborhood character. The development of an additional, oversized commercial story with a roof deck at the rear of the property that would present an overall 4-story mass at the rear, is inconsistent with applicable design guidelines and not in keeping with the adjacent Residential District that has an established mid-block open space.
  - 3. The proposed project will have no effect on the City's supply of affordable housing.
  - 4. The proposed project does not adversely affect neighborhood parking or public transit.
  - 5. The project will have no effect on the City's industrial and service sectors.
  - 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
  - 7. The project will have no effect on the City's landmarks or historic buildings.
  - 8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed, or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

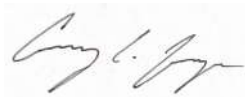


**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

**APPEAL:** Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 49 South Van Ness Ave, Suite 1475 (14th Floor), call 628-652-1150, or visit [www.sfgov.org/bdappeal](http://www.sfgov.org/bdappeal).

Very truly yours,



Corey A. Teague, AICP  
Zoning Administrator

**This is not a permit to commence any work or change occupancy. Permits from appropriate departments must be secured before work is started or occupancy is changed.**

# PUBLIC COMMENT

## Longaway, Alec (BOA)

---

**From:** James Nestor <james.nestor@gmail.com>  
**Sent:** Tuesday, July 13, 2021 11:17 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Bernal Neighbors Opposing 408-412 Cortland Street Proposal

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear SF Board Members:

I am writing to present my concerns regarding the proposed project at 408-412 Cortland Street, San Francisco. While my own home is not directly adjacent to the property in question, I live near enough that I would be directly affected by the disruption of such a massive construction project, especially by the top floor as it is currently proposed.

1. The scale of this project is completely out of proportion to, and makes no attempt whatsoever to fit in with, the existing architectural style and feel of Cortland street and of Bernal Heights in general. As shown in these plans, it is completely out of character with Bernal's small urban village feel.
2. The owner of the property and the architect are both people who do not live in San Francisco, and the owner has made it clear in past communications that he has no care or respect for the wishes of the people who actually live and work in this neighborhood. As far as I can see, little to no modification has been made to the original ideation of this project, despite feedback from neighbors expressing their concerns.
3. As an example of this, there has been no accommodation in these plans that I can see for the existing restaurant business occupying the space: their operations would either be forced out of the building for the duration of construction (an untenable situation for a restaurant already struggling from the loss of income due to COVID restrictions), or they would be forced to cease operations entirely. Bernal Star is a beloved restaurant providing one of the truly few family-friendly spaces to eat in Bernal Heights, and its loss would be deeply felt by the residents of the neighborhood. The owner's lack of concern for them makes it difficult to accept his protestations of good and honorable intentions for the space.
4. As a further example, the owner has also stated on numerous occasions that he wishes to install a formulating pharmacy in the space directly above the restaurant. There has been no outcry of any kind desiring such a business, nor any pressing need for one in the neighborhood, and if there was, there are numerous storefronts already available along the Cortland corridor suitable for such a pharmacy--but the owner has been completely unresponsive to our feedback saying we do not need, or want, one.
5. Expanding on my point in #1, the construction, as well as the finished project, would ruin the enjoyment of their gardens, as well as the privacy, of the neighbors immediately adjacent to the rear of the building. Again, the owner of 408-412 has made no accommodations to their complaints, nor shown any willingness whatsoever to do so.

The fact that Mr. Memarzadeh has not shown himself willing to work with the people living in proximity to this project, in any meaningful capacity, has convinced me that he truly does not care about anything but his own potential for profiting from the space. I do not have any confidence that he will work in good faith with us, as he has not in the past.

This project was unanimously denied just a few months earlier and for good reasons; please respect our neighborhood and the residents who live here.

Thank you for your time,

James Nestor

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<http://mrjamesnestor.com/>

*[Breath: The New Science of a Lost Art](#)*

## Longaway, Alec (BOA)

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**From:** James Nestor <james.nestor@gmail.com>  
**Sent:** Friday, October 15, 2021 7:28 AM  
**To:** BoardofAppeals (PAB)  
**Cc:** Rosenberg, Julie (BOA); Mejia, Xiomara (BOA)  
**Subject:** Re: Bernal Neighbors Opposing 408-412 Cortland Street Proposal

Thank you for the response. I apologize for not including my address: I'm at 119 Ellert Street, which shares extended backyard space with the proposed 408-412 project.

I should note that [Mr. Memarzadeh](#) has quite a reputation and his treatment of our [neighbors at Bernal Star](#) and throughout the neighborhood is renowned.

Please feel free to add these notes to my previous letter if that is possible and of any help.

Sincerely,  
James Nestor

On Thu, Oct 14, 2021, 22:05 BoardofAppeals (PAB) <[boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org)> wrote:

Dear James Nestor,

Thank you for your email. We will add your letter to the appeal file and give a copy to the commissioners of this Board.

Please feel free to contact me if you have any questions.

Best,

Alec Longaway

Alec Longaway

Legal Assistant, San Francisco Board of Appeals

49 South Van Ness, Suite 1475

San Francisco, CA 94103

Work PH: 1-628-652-1152

## Longaway, Alec (BOA)

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**From:** susan pattonfox <susan.pattonfox@comcast.net>  
**Sent:** Friday, October 15, 2021 11:17 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal No 21-050; 408-412 Cortland Avenue

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

October 15, 2021

To the San Francisco Planning Board Members:

I am writing to express my deep objection to the proposed project at 408-412 Cortland Avenue, San Francisco. My home is directly south of this address, on the south side of Ellert Street. My objection is based on the fourth criteria in the SF Planning Code section 305 (c) that must be met to grant a variance:

- 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity*

The plans offer no accommodation for Bernal Star, the existing restaurant business occupying 408-412. Bernal Star is a long standing, popular, locally owned restaurant, with a family friendly space offering local music and art as well as affordable food. Due to the extent of the plans, their operation would be forced out of the building for the duration of construction, which would probably cause the demise of the restaurant. This would be deeply felt by all the residents of the greater neighborhood. This would be materially detrimental to public welfare and would be materially injurious to the existing tenants.

The proposal states that the new space would be for a “neighborhood-serving commercial use”. There are six storefronts currently empty on Cortland Avenue: 301, 432, 439, 626, 925 and (soon) 701. Any of these are appropriate for a neighborhood-serving commercial use. None would require stairs to be accessed, or construction that would disrupt neighboring homes and yards.

This project was denied earlier this year and deserved to be denied again. Please respect our neighborhood and neighbors when you consider this application.

Thank you,

Susan Patton-Fox

120 Ellert Street, San Francisco 94110

## Longaway, Alec (BOA)

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**From:** katie storey <storeyk20@gmail.com>  
**Sent:** Monday, October 18, 2021 4:13 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 408 - 412 Cortland

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear SF Board Members:

I am writing to present my concerns regarding the proposed project at 408-412 Cortland Street, San Francisco. While my own home is not directly adjacent to the property in question, I live near enough that I would be directly affected by the disruption of such a massive construction project, especially by the top floor as it is currently proposed.

1. The scale of this project is completely out of proportion to, and makes no attempt whatsoever to fit in with, the existing architectural style and feel of Cortland street and of Bernal Heights in general. As shown in these plans, it is completely out of character with Bernal's small urban village feel.
2. The owner of the property and the architect are both people who do not live in San Francisco, and the owner has made it clear in past communications that he has no care or respect for the wishes of the people who actually live and work in this neighborhood. As far as I can see, little to no modification has been made to the original ideation of this project, despite feedback from neighbors expressing their concerns.
3. As an example of this, there has been no accommodation in these plans that I can see for the existing restaurant business occupying the space: their operations would either be forced out of the building for the duration of construction (an untenable situation for a restaurant already struggling from the loss of income due to COVID restrictions), or they would be forced to cease operations entirely. Bernal Star is a beloved restaurant providing one of the truly few family-friendly spaces to eat in Bernal Heights, and its loss would be deeply felt by the residents of the neighborhood. The owner's lack of concern for them makes it difficult to accept his protestations of good and honorable intentions for the space.
4. As a further example, the owner has also stated on numerous occasions that he wishes to install a formulating pharmacy in the space directly above the restaurant. There has been no outcry of any kind desiring such a business, nor any pressing need for one in the neighborhood, and if there was, there are numerous storefronts already available along the Cortland corridor suitable for such a pharmacy--but the owner has been completely unresponsive to our feedback saying we do not need, or want, one.
5. Expanding on my point in #1, the construction, as well as the finished project, would ruin the enjoyment of their gardens, as well as the privacy, of the neighbors immediately adjacent to the rear of the building. Again, the owner of 408-412 has made no accommodations to their complaints, nor shown any willingness whatsoever to do so.

The fact that Mr. Memarzadeh has not shown himself willing to work with the people living in proximity to this project, in any meaningful capacity, has convinced me that he truly does not care about anything but his own potential for profiting from the space. I do not have any confidence that he will work in good faith with us, as he has not in the past.

This project was unanimously denied just a few months earlier and for good reasons; please respect our neighborhood and the residents who live here.

Thank you for your time,  
Katie Storey  
119 Ellert Street  
SF CA 94110



## Longaway, Alec (BOA)

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**From:** David Tobiano <david@tobiano.com>  
**Sent:** Tuesday, October 19, 2021 9:01 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 408-412 Cortland Street, San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear SF Board Members:

I am writing to voice my concerns regarding the proposed project at [408-412 Cortland Street, San Francisco](#).

My home is one lot away from the property in question and we would be affected by the disruption of this out-of-scale project.

The owner has not meaningfully engaged with the local community despite repeated negative feedback from the local community.

We have no pressing use for a formulating pharmacy, and there are currently 2 vacant commercial spaces on the same block. That said, I respect the owner's right to do whatever he pleases with his property, as long as it complies with local rules and does not disrupt the community.

This project was unanimously denied just a few months earlier and for good reasons; please respect our neighborhood and the residents who live here.

Best regards

David Tobiano  
131 Bennington St, San Francisco, CA 94110

David Tobiano  
[david@tobiano.com](mailto:david@tobiano.com)  
+1 (415) 260 02 04  
[linkedin.com/in/davidt](https://www.linkedin.com/in/davidt)  
<http://techmachina.com>

## Longaway, Alec (BOA)

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**From:** kathy kensinger <bernalhillgirl@yahoo.com>  
**Sent:** Tuesday, October 19, 2021 9:52 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** New Building Proposal Appeal...

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear SF Board Members:

We are writing to express our concerns regarding the proposed project at Bernal Star, 408-412 Cortland Street, San Francisco. Our home is directly adjacent to the property in question and we will be directly affected by the disruption of such a massive construction project, especially by the top floor as it is proposed.

1. The scale of this project is completely out of proportion to, and does not fit in with the existing architectural style and feel of Cortland street and of Bernal Heights. It looks like something from another city and opposes Bernal's small urban village feel.
2. Neither the owner or the architect live in San Francisco, and the owner has made it clear in past communications that he does not care about the wishes of the people who live and work in this neighborhood. We have asked for modifications which have been ignored by the owner and architect.
3. Bernal Star, a beloved restaurant in Bernal Heights, occupies this space. This construction project would close this restaurant. The owner has made no concessions to keeping it open. We feel this would probably force this restaurant out of business and deprive the whole neighborhood of a wonderful community gathering place.
4. The owner has also stated on numerous occasions that he wishes to install a formulating pharmacy in the space above the restaurant. Once upon a time, we had a pharmacy on Cortland but that was at least 20 years ago. Times have changed and there's been no outcry for another pharmacy. Even if that were true, there's several other locations better suited and already available along Cortland but the owner has been

completely unresponsive to our feedback saying we do not need, or want, one.

5. We have two other issues with this project: privacy and health & safety. Building a roof garden would overlook all the neighboring homes and yards, impairing all our privacy. The owner has been unable to keep tenants in this apartment designated for the roof garden. We see it becoming a neighborhood blight and possible fire hazard. Furthermore, this property has only one entrance. There is no fire exit and it would be impossible to construct another exit. Adding more businesses and another floor accessed only by elevator would add to the congestion and increase safety hazards. These issues have been brought up to the owner to no avail.

This project was denied just a few months earlier and we see no new reasons that it should be reconsidered. Please respect our neighborhood's concerns and reject this appeal.

Thank you for attention to this matter,  
Kathy and Keary Kensinger

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<http://mrjamesnestor.com/>

## Longaway, Alec (BOA)

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**From:** Kathryn Shantz <kathryns@gmail.com>  
**Sent:** Tuesday, October 19, 2021 10:59 AM  
**To:** BoardofAppeals (PAB); Ronen, Hillary  
**Subject:** Letter of Opposition: 408-412 Cortland Street project

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear SF Board Members:

This letter outlines several serious concerns regarding the proposed project at [408-412 Cortland Street, San Francisco](#).

My home is directly across from this property and the proposed project would dramatically and negatively impact my family and home life.

While this owner of the property has already tried several times to get his project passed, he has not tried to understand or work with neighbors - rather, he has contrived increasingly infringing - even fantastical plans - that completely disregard the village-like feel of Bernal architecture.

Here are my top-line concerns:

*1. From a property owner standpoint:* We have stated many times that we do not want any structure built right on the property line, which would shadow and directly overlook our property. This suggestion is completely out of line with requirements and not in any way acceptable to us. Our minimum standard requirement for our yard is 40% of our property. We expect this property building to be built as far back from the property line as possible. We are currently working from home due to COVID and construction would make life impossible. There is also a family with baby/twins right next door. Post-construction, this project would truly ruin our enjoyment of our garden with a massive structure taking up the space of blue sky and a tremendous infringement of privacy/noise, etc.

*2. From a community member standpoint:* We believe that the B-Star restaurant property- one of the longest standing restaurants in Bernal if not the oldest, **should be granted historical status**. We need time to review this. Such a property should be designated a historical landmark and a unique value to San Francisco. There are several attributes that make this property historical - including the courtyard that can never be replaced. Once it's gone, it's gone. We have few chances to preserve these precious properties. Could someone from the city help us work on this?

*3.* Right now on Cortland, in the heart of Bernal, there are several unvacated storefronts/mixed-use spaces that have been derelict for years. They cast a feeling of decline.

B-Star has proven a resilient, thriving, and much-needed business - one that has helped the neighborhood get through Covid with food-care packages, delivery, and now, open/outdoor dining. Should we be tearing down properties that are vital to our prosperity right now? Removing this one-of-a-kind, highly popular restaurant

that draws people from all over the city, will very likely further depress our neighborhood. This is a mistake we can't afford.

While the owner insists that the B-Star could return after construction, this is not in any way feasible for the business owners. Their operations would either be forced out of the building for the duration of construction (an untenable situation for a restaurant already struggling from the loss of income due to COVID restrictions), or they would be forced to cease operations entirely.

4. The owner has offered multiple suggestions for the retail establishment in the space above the restaurant - ranging from a pizza/restaurant (which we already have several including one across the street) or a formulating pharmacy. There has been no outcry of any kind desiring such a business, nor any pressing need for one in the neighborhood, despite the owner trying to drudge up a case for this.

5. We would like to know why the narrow passageway to the courtyard/back restaurant - something that is technically a fire hazard right now - would be allowed as the main access point for additional retail/home structures. **We would expect a full evaluation from the fire marshall. Can the city help with this evaluation?**

In conclusion: Mr. Memarzadeh has not shown a willingness to work with us on his project and seems unable to hear let alone understand the differences in building a structure in Bernal Heights, versus where he currently lives in Los Angeles. I do not have any confidence that he will work with us or add value to our neighborhood.

This project was unanimously denied just a few months earlier and for good reasons, when many neighbors spoke up and wrote in their concerns.

Thank you for your time,

Kathryn Shantz

131 Bennington Street, San Francisco, CA 94110

completely unresponsive to our feedback saying we do not need, or want, one.

5. We have two other issues with this project: privacy and health & safety. Building a roof garden would overlook all the neighboring homes and yards, impairing all our privacy. The owner has been unable to keep tenants in this apartment designated for the roof garden. We see it becoming a neighborhood blight and possible fire hazard. Furthermore, this property has only one entrance. There is no fire exit and it would be impossible to construct another exit. Adding more businesses and another floor accessed only by elevator would add to the congestion and increase safety hazards. These issues have been brought up to the owner to no avail.

This project was denied just a few months earlier and we see no new reasons that it should be reconsidered. Please respect our neighborhood's concerns and reject this appeal.

Thank you for attention to this matter,  
Kathy and Keary Kensinger

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<http://mrjamesnestor.com/>

that draws people from all over the city, will very likely further depress our neighborhood. This is a mistake we can't afford.

While the owner insists that the B-Star could return after construction, this is not in any way feasible for the business owners. Their operations would either be forced out of the building for the duration of construction (an untenable situation for a restaurant already struggling from the loss of income due to COVID restrictions), or they would be forced to cease operations entirely.

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In conclusion: Mr. Memarzadeh has not shown a willingness to work with us on his project and seems unable to hear let alone understand the differences in building a structure in Bernal Heights, versus where he currently lives in Los Angeles. I do not have any confidence that he will work with us or add value to our neighborhood.

This project was unanimously denied just a few months earlier and for good reasons, when many neighbors spoke up and wrote in their concerns.

Thank you for your time,

Kathryn Shantz

131 Bennington Street, San Francisco, CA 94110

## Longaway, Alec (BOA)

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**From:** Kathryn Shantz <kathryns@gmail.com>  
**Sent:** Tuesday, October 19, 2021 11:03 AM  
**To:** BoardofAppeals (PAB); Ronen, Hillary  
**Subject:** Re: Letter of Opposition: 408-412 Cortland Street project

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Correction: I can't definitively state that the current corridor leading to the back of B Star is a fire hazard as I'm not an expert - but I do think it's important to have the fire marshall review this carefully as it is a long narrow potential entrapment.

On Tue, Oct 19, 2021 at 10:59 AM Kathryn Shantz <[kathryns@gmail.com](mailto:kathryns@gmail.com)> wrote:

Dear SF Board Members:

This letter outlines several serious concerns regarding the proposed project at [408-412 Cortland Street, San Francisco](#).

My home is directly across from this property and the proposed project would dramatically and negatively impact my family and home life.

While this owner of the property has already tried several times to get his project passed, he has not tried to understand or work with neighbors - rather, he has contrived increasingly infringing - even fantastical plans - that completely disregard the village-like feel of Bernal architecture.

Here are my top-line concerns:

*1. From a property owner standpoint:* We have stated many times that we do not want any structure built right on the property line, which would shadow and directly overlook our property. This suggestion is completely out of line with requirements and not in any way acceptable to us. Our minimum standard requirement for our yard is 40% of our property. We expect this property building to be built as far back from the property line as possible. We are currently working from home due to COVID and construction would make life impossible. There is also a family with baby/twins right next door. Post-construction, this project would truly ruin our enjoyment of our garden with a massive structure taking up the space of blue sky and a tremendous infringement of privacy/noise, etc.

*2. From a community member standpoint:* We believe that the B-Star restaurant property- one of the longest standing restaurants in Bernal if not the oldest, **should be granted historical status**. We need time to review this. Such a property should be designated a historical landmark and a unique value to San Francisco. There are several attributes that make this property historical - including the courtyard that can never be replaced. Once it's gone, it's gone. We have few chances to preserve these precious properties. Could someone from the city help us work on this?



3. Right now on Cortland, in the heart of Bernal, there are several unvacated storefronts/mixed-use spaces that have been derelict for years. They cast a feeling of decline.

B-Star has proven a resilient, thriving, and much-needed business - one that has helped the neighborhood get through Covid with food-care packages, delivery, and now, open/outdoor dining. Should we be tearing down properties that are vital to our prosperity right now? Removing this one-of-a-kind, highly popular restaurant that draws people from all over the city, will very likely further depress our neighborhood. This is a mistake we can't afford.

While the owner insists that the B-Star could return after construction, this is not in any way feasible for the business owners. Their operations would either be forced out of the building for the duration of construction (an untenable situation for a restaurant already struggling from the loss of income due to COVID restrictions), or they would be forced to cease operations entirely.

4. The owner has offered multiple suggestions for the retail establishment in the space above the restaurant - ranging from a pizza/restaurant (which we already have several including one across the street) or a formulating pharmacy. There has been no outcry of any kind desiring such a business, nor any pressing need for one in the neighborhood, despite the owner trying to drudge up a case for this.

5. We would like to know why the narrow passageway to the courtyard/back restaurant - something that is technically a fire hazard right now - would be allowed as the main access point for additional retail/home structures. **We would expect a full evaluation from the fire marshall. Can the city help with this evaluation?**

In conclusion: Mr. Memarzadeh has not shown a willingness to work with us on his project and seems unable to hear let alone understand the differences in building a structure in Bernal Heights, versus where he currently lives in Los Angeles. I do not have any confidence that he will work with us or add value to our neighborhood.

This project was unanimously denied just a few months earlier and for good reasons, when many neighbors spoke up and wrote in their concerns.

Thank you for your time,

Kathryn Shantz

131 Bennington Street, San Francisco, CA 94110

--

Kathryn Shantz

## Longaway, Alec (BOA)

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**From:** Heidi Moseson <hmoseson@gmail.com>  
**Sent:** Tuesday, October 19, 2021 7:03 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Please deny Mr. Memarzadeh's plans for 408-412 Cortland Street.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear SF Board of Appeals,

My family and I frequent the restaurant Bernal Star and love it dearly. It's one of the few family friendly spots in the neighborhood, and the owners are beloved in the community. From our understanding, Mr. Memarzadeh's plans would force Bernal Star out of business and shut them down. Further, Mr. Memarzadeh's plans would do nothing to address the need for more affordable housing in our city -- and the community does not want a beloved local merchant to be forced out of business.

Please deny Mr. Memarzadeh's plans for 408-412 Cortland St.

Many thanks,  
Heidi

## Longaway, Alec (BOA)

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**From:** Eric Schlakman <eric.schlakman@gmail.com>  
**Sent:** Tuesday, October 19, 2021 10:12 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Deny the New Building Appeal for 408-412 Cortland Street, San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

SF Board Members,

I live at 135 Bennington Street, just around the corner from the proposed — and previously/rightfully denied — project at 408-412 Cortland Street in San Francisco. I would like to voice my concerns over this project for a number of reasons.

- **The developer is greedy.** Maher Memarzadeh has been profiled by [Eater](#), [Hoodline](#), and the [Washington Post](#) for predatory actions he took during the pandemic to disenfranchise Bernal Star, the beloved Bernal Heights restaurant/institution that occupies the ground floor of this address. He has shown multiple times that he is not interested in building back the neighborhood, but rather only building his personal wealth. **We urge that you consider not only his greed, but also the preservation of Bernal Star as you deny this proposal/variance.**
- **The developer is needlessly litigious.** It's no wonder that Maher Memarzadeh sent lawyers to previous hearings about this property, each spouting flimsy claims and false assertions about the project and neighborhood. He turns to petty suits [over](#) and [over](#) and [over](#) again in futile attempts to rile up his opposition. **We urge you to consider not only his pestering, but also overuse of our city's courtroom and related services as you permanently deny his proposal/variance.**
- **The proposed project would block views.** My home is directly behind this property. The proposal could not only block views of Bernal Hill for me and my neighbors, but would also ruin the "bucolic donut hole" of trees and flower-filled yards behind each of our block's homes, since the development aims to build all the way back to the rear property line. With that in mind, it would also remove privacy for my wife and me, whose bedroom windows face the back of Bernal Star. (There is no issue now, but a new building with back-facing windows would peer directly into our bedroom.) **We urge you to consider not only his architecturally heinous plans, which do not fit with the charm and feel of Bernal, but also the damage this will do to sight lines for each of the neighbors' homes, including my own, as you deny this proposal/variance.**
- **The developer has no interest in helping Bernal Heights or its residents.** While Mr. Memarzadeh and his team of real estate cronies may suggest they will build housing and invite new business into their project, their claims are ignoble at best. With regard to residences, it is my understanding that Mr. Memarzadeh currently has a vacant 3-bedroom unit for rent above Bernal Star. With regard to business, we already have a beloved and vibrant restaurant there — complete with courtyard, events for kids, and delicious brunch, lunch, and dinner. He would surely evict these folks in favor of his proposed "pharmacy", something that has not been commonly requested by neighbors. In fact, there are other vacant storefronts on Cortland should that request need to be filled. But of course, Mr. Memarzadeh likely doesn't realize or care about that... because he lives in Los Angeles. **We urge you to consider not only how special this property is to Bernal residents, but how unscrupulously it could be rebuilt by an out-of-town developer, as you deny this proposal/variance.**

On behalf of me, my wife, my 4-year-old daughter (who said "Why would somebody try to take Bernal Star burgers away? That's my favorite place!"), my 1-year-old twins (who will certainly detest massive construction disrupting their

naps), and all my neighbors who share in concern about this project, **we urge you to permanently deny the proposal/variance for 408-412 Cortland Street.**

Thank you,  
Eric Schlakman

## Longaway, Alec (BOA)

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**From:** Lynne Rolland-Newburne <lrndfn123@gmail.com>  
**Sent:** Wednesday, October 20, 2021 9:46 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 410 Cortland Takeover

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors, .

We live at 123 Ellert St, San Francisco, CA 94110. We have watched the neighborhood change over the years. When 420 Cortland was Liberty Cafe it was a destination restaurant in the neighborhood. We mourned the closure. Now that Bernal Star is there it has become our favorite restaurant and one that is a children friendly restaurant. The owners are a hard working couple and loved by the neighborhood. The gentleman that owns the property has been doing shady dealings since day one. He had lawyers send letters to all the neighbors stating we must allow them on our property to survey. After speaking with the city I was told they had no right to invade our property. This has been going on for a long time We just received notice that the CBD store that is less than a block away from Bernal Star at 317 Cortland has applied to become a full service dispensary. This neighborhood does not need two dispensaries. Also in passing our privacy would be invaded as our yard and bedroom would be visible to this new business. Bernal is a close knit neighborhood and the neighbors all look out for one another. When we first moved here there was a problem with drugs and unwanted foot traffic. We overcame that problem and are begging you not to let this project go through.

Sincerely, Lynne Rolland-Newburne

## Longaway, Alec (BOA)

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**From:** Karen Zuercher <karenzuercher@gmail.com>  
**Sent:** Wednesday, October 20, 2021 10:04 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Please deny the New Building Appeal for 408-412 Cortland Street, SF

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear BOA,

Please block the proposal for a new building at 408-412 Cortland in SF. Not only is the current tenant a beloved neighbor and benefit to the community, but the proposed developer has been known to use intimidation tactics on his tenants (posting an eviction notice for \$24K back rent during the pandemic, despite an agreement in place with property management to pay partial rent) and lawsuits to get what he wants. He's not based in the Bay Area, but claims he wants to "give back" to the community. Please say no to this bully!

Best,

Karen Zuercher

Bernal Heights resident

## Longaway, Alec (BOA)

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**From:** Sasha Buscho <sashabeth@gmail.com>  
**Sent:** Wednesday, October 20, 2021 10:30 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 408-412 Cortland Street

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello - I am writing to ask you to please deny Mr. Memarzadeh's plans for 408-412 Cortland Street.

I frequent the area with your family, including two young kids, and we absolutely love dining at Bernal Star. I dislike the idea of non-SF residents coming into our neighborhood uninvited and treating beloved local businesses with a lack of respect. Losing Bernal Star, in place of an apartment building, would be a real loss for San Francisco.

Sasha

## Longaway, Alec (BOA)

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**From:** Jennifer Hellowell <hellawej@gmail.com>  
**Sent:** Wednesday, October 20, 2021 10:31 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** NO to new building appeal at 408-412 Cortland

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear SF Board of Appeals,

I am a proud and grateful Bernal Heights homeowner. I understand that there is an out-of-town developer who's trying to knock down our beloved Bernal Star on Cortland. I urge you to DENY the New Building Appeal for 408-412 Cortland Street, San Francisco.

Bernal Star is a beloved local restaurant that struggled to stay open and feed our neighborhood during the pandemic. Please do NOT let an out of town developed swoop in and destroy our lovey village feel, filled with local businesses like Bernal Star. Thanks for your consideration.

Best,  
Dr. Jennifer Hellowell  
156 Bonview

Sent from my iPhone



## Longaway, Alec (BOA)

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**From:** Ilana Schlesinger <ilanaleighsch@gmail.com>  
**Sent:** Wednesday, October 20, 2021 11:21 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** deny building appeal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**I am emailing to DENY the New Building Appeal for 408-412 Cortland Street, San Francisco.** I am a resident of Bernal Heights. Thanks!

Ilana Yakubovich, MA, RYT  
Director of Health and Wellness, San Carlos School District  
she/her/hers

## Longaway, Alec (BOA)

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**From:** Elisabeth Kohnke <ekohnke@gmail.com>  
**Sent:** Wednesday, October 20, 2021 11:36 AM  
**To:** BoardofAppeals (PAB)  
**Cc:** Christian Gainsley  
**Subject:** 408-412 Cortland ave

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Board of Appeals,

My husband and I have lived in Bernal since 2013 and we love Cortland ave and all of its charm. Part of what makes Cortland ave and our community so special is the history and the funky old buildings and vibrant businesses on Cortland. Most of them look like (and probably are) converted houses and many of them have surprising little gardens behind them. We recently heard about the developer from LA who is trying to develop the area where Bernal Star currently is. This was shocking news, and we (the community) should be able to have a say. It sounds like they have no interest in what the community needs or wants. We've found several articles written in SF and in the Washington Post about this greedy predatory developer, Maher Memarzadeh. This deal sounds like it's solely about grabbing prime real estate to make a big profit. Our community is not okay with this, we DENY the new building appeal for 408-412 Cortland ave. San Francisco.

Thank you for listening,  
Elisabeth Kohnke &  
Christian Gainsley

## Longaway, Alec (BOA)

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**From:** Michael Morris <michaelmorris825@gmail.com>  
**Sent:** Wednesday, October 20, 2021 11:52 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** 408-412 Cortland

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Hello Board of Appeals,

I'm writing today to express my support for the variance at 408-412 Cortland to provide additional commercial space.

I am a Bernal Heights resident and frequent stores on Cortland including Bernal Star (fantastic burgers). I welcome more commercial spaces and activity for the simple reason it gives people jobs and provides more services for the neighborhood. Property owners should be allowed to expand their properties without excessive government/neighborhood involvement. More stores in Bernal is good for everyone, I don't want this neighborhood frozen in time.

Michael Morris

## Longaway, Alec (BOA)

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**From:** Maria Davis <mariadavis7@yahoo.com>  
**Sent:** Wednesday, October 20, 2021 12:21 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Deny building permit for 408-412 Cortland

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**Hello, I am a Bernal Heights resident and I strongly encourage you to DENY the New Building Appeal for 408-412 Cortland Ave, San Francisco.**

Thanks so much

Maria Davis

## Longaway, Alec (BOA)

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**From:** amanda rubin <amandarubin1@gmail.com>  
**Sent:** Wednesday, October 20, 2021 1:35 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Request for Denial of Appeal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Members of the Board of Appeals,

My name is Amanda Rubin, and I am a resident of Bernal Heights.

During the course of the last year, I have become particularly involved with a number of neighborhood efforts to help save the amazing small businesses in our community. Off the top of my head, I can think of 6 that closed during the pandemic. Many more have been struggling and have only gotten by with the concerted effort of their neighbors. We know these institutions as an absolutely vital part to the community and safety of our neighborhood, and we do our best to help them.

**It is in this spirit that I ask you to deny the new building appeal for 408-412 Cortland Ave.**

The last year and a half have left many small businesses in our neighborhood struggling. Bernal Star, the tenant in this space, has not been immune. Bernal Star is unquestionably a keystone business in this corridor. The restaurant's space is unique, and historical, and (covid notwithstanding) they are always packed, usually with a line, on the weekend. They host and participate in many community events, including a Bernal film festival that is being held right now. Closing to allow for this construction would likely kill them.

The past few years have left this local main street with several vacant buildings, which has decreased foot traffic and increased crime. So much so, that on the same block as Bernal Star, on the street in Bernal with the most foot traffic, a young woman stopped at a stop sign was forcibly carjacked from her car at gunpoint. I shudder to think what would happen to our community if we continue to lose businesses, especially an absolutely foundational business like Bernal Star.

I understand the motivation to build more and better spaces for our community. That is not what this is. This is a death sentence for one of the strongest businesses in our neighborhood. I refuse to allow that, especially given all they have withstood in the past years.

Best,  
Amanda

## Longaway, Alec (BOA)

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**From:** Keith Berkoben <berkoben@gmail.com>  
**Sent:** Wednesday, October 20, 2021 2:09 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** Please deny variance for addition to 408-412 Cortland

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Hello,

I am a resident of bernal hts and Have reviewed the [proposed plans](#) for an addition to the rear building of 408-412 Cortland ave, and I think the change will have a detrimental effect on the existing space. The secret-feeling sunny courtyard that is often used to host outdoor movies and is a great place for brunch will be relegated to a dungeon-like hole by the additional height on the south side. The construction will also displace an existing neighborhood-owned business that will probably not be able to return with the new layout. Additionally, the odd, upside down house design of the addition is objectively hideous. Finally, the color renderings in the design are disingenuous. They indicate that the rear area will open up to the west side, but in fact, there is a high fence to the neighbor's property, blocking the light that the drawing implies is available.

With all the above in mind, I ask that the variance be denied.

~Keith Berkoben  
160 Bradford St.

## Longaway, Alec (BOA)

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**From:** Jude Hellewell <judehellewell@gmail.com>  
**Sent:** Wednesday, October 20, 2021 2:23 PM  
**To:** BoardofAppeals (PAB)  
**Subject:** 408-412 Cortland Ave

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Members of the Board of Appeals,

I would like to ask that you DENY the New Building Appeal for 408-412 Cortland Ave, San Francisco.

Sincerely,  
Jude Hellewell  
Bernal Heights  
San Francisco

## Longaway, Alec (BOA)

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**From:** Rachel Anne Dyke <radyke@gmail.com>  
**Sent:** Friday, October 22, 2021 7:44 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** New Building Proposal opinion 408-412 Cortland Street

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi,  
I am an SF resident and I am writing to voice my view and ask that you deny Mr. Memarzadeh's plans for 408-412 Cortland Street. I frequently spend time in the area with friends and we love Bernal Star - I hope that you deny their plans!  
Thanks  
Rachel