

April 23, 2015

Via Messenger

Hon. Ann Lazarus
President, San Francisco Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

Re: Appeal No. 15-042: BPA No. 201307010898S
2853-2857 Broderick
Hearing Date: April 29, 2015

Dear President Lazarus and Commissioners:

We represent Pamela Whitehead and Melinda Nykamp, owners of the above referenced property. This 4,526 square foot home is a historic resource under CEQA.¹ It has been sitting vacant and boarded up from fire and water damage since 2010. Five years later,² after two Discretionary Review ("DR") hearings before the Planning Commission³, two CEQA appeals before the Board of Supervisors and three hearings before this Board (excluding this appeal), this home remains a vacant eyesore on a block of otherwise beautiful, predominantly single-family,⁴

¹ Upon completion of the rehabilitation, the home will be approximately 4,526 sf due to a minor expansion of 230 sf or 5% of the total square footage. Appellant's statement that upon completion the building will be 5,500 sf is completely without factual support. See Appellant's Brief ("App. Brief") at p. 1.

² Attached as *Attachment 1* is our July 28, 2014 letter and exhibits to the Planning Commission responding to the then-request that the DR hearing on the same building permit before you be continued for two months. *Exhibit B* to that letter contains a summary of the events on this Project up until that time. Attached as *Attachment 2* is our September 8, 2014 letter responding specifically to the DR requests and relevant exhibits. The Attachments contain numerous documents relating to the height discrepancy of the building that was discovered after it was lifted in March 2013 to the permitted 36". It is this fact that has caused the delays in project approvals and precipitated the numerous public hearings. *Exhibit A* is a succinct letter dated April 17, 2015 from Ms. Whitehead's surveyor summing up his conclusions that the building was lifted the permitted height and no higher.

³ This most recent DR hearing, which included the permit on appeal, was held on September 14, 2014.

⁴ Appellant's statement that "every building on the blockface -since 1890- is a two-unit building" fails to mention that across the street-including Appellant's home-are predominantly single family homes as are the adjacent blocks on Filbert Street. Attached as *Attachment 3* is our July 28, 2014 letter and exhibits to the Planning Commission in

historic homes. We can think of no neighborhood in the City where a handful of property owners, some of whom do not even live on the block, would use every means to stop rehabilitation of this historic home and return it to residential use.

Like other attempts to incite our clients to throw up their hands and walk away from rehabilitating this home, causing Ms. Whitehead to forego her desire to move from Mill Valley with her partner and their two children to the neighborhood where she grew up, this appeal is without merit. Appellant asserts three bases for his appeal: (1) an appraisal was not timely filed within six months of the April 9, 2013 filing of the Dwelling Unit Merger (“DUM”) Application with the Planning Department⁵; (2) the December 2, 2013 appraisal did not properly value the two units; and (3) a Mandatory DR hearing should have been held.

We will show that the policy rationale for the appraisal – to assess whether

the least expensive unit proposed for merger has a value greater than at least 80% of the combined land and structure values of single-family homes in San Francisco, as determined by a credible appraisal, made within six months of the application to merge

was satisfied. The appraisal submitted by Ms. Whitehead’s appraiser, Roger Ostrem, follows well-established practice to evaluate each of the units based on returning the fire-damaged

anticipation of an August 7, 2014 Discretionary Review hearing. Exhibit I to that letter highlights the numerous single family homes in the immediately surrounding blocks.

⁵ See Planning Code Section 317(e)(3). Unless otherwise noted, all statutory references are to the San Francisco Planning Code.

Administrative review criteria shall ensure that only those Residential Units proposed for Merger that are demonstrably not affordable or financially accessible housing are exempt from Mandatory Discretionary Review hearings. Applications for which the least expensive unit proposed for merger has a value greater than at least 80% of the combined land and structure values of single-family homes in San Francisco, as determined by a credible appraisal, made within six months of the application to merge, are not subject to a Mandatory Discretionary Review hearing. The Planning Commission, in the Code Implementation Document, may increase the numerical criterion in this subsection by up to 10% of its value should it deem that adjustment is necessary to implement the intent of this Section 317, to conserve existing housing and preserve affordable housing.



building to its original two-unit use and then assigning a value based on square footage to each of the units without regard to the type of ownership (*e.g.*, TIC, condominium). Both units exceeded the 80% valuation threshold established by Section 317(e)(3)⁶, which would authorize administrative review and approval of the DUM (*e.g.*, no Mandatory DR hearing before the Planning Commission).⁷ Lastly, a staff-initiated and a public DR hearing was held by the Planning Commission, which included the DUM.⁸ As noted by Appellant, Commissioners Moore and Richards voted against the motion denying DR based solely on their opposition to the current DUM policy, with the other five Commissioners voting to approve the project as proposed, including the DUM.

FACTUAL BACKGROUND⁹

A. Timing of the Appraisal

The DUM Application was filed on April 9, 2013. We do not dispute that Section 317 required an appraisal of the units subject to the DUM Application to be filed with the Planning Department by October 9, 2013. An appraisal prepared by Roger Ostrem, a certified appraiser, was filed with the Planning Department on December 2, 2013.¹⁰ However, based on official communications from the Planning Department and emails between Planner Glenn Cabreros and

⁶ The 80% threshold until early 2014 was \$1.342M. On March 5, 2014, the appraised value for DUM's eligible for administrative review increased to \$1.506M. Mr. Ostrem's appraisal found that both units exceeded the latter value, which is applicable to this Application.

⁷ Appellant fundamentally misconstrues the differences among "administrative review" of the DUM Application, the DR process and permit issuance. He states that the "administrative decision to, [sic] allow the merger has never been subject to a public hearing. . . ." Appellant's Brief, p. 2. Appellant further states that the "neighbors made numerous attempts to clarify the procedure for administratively approving the merger." Appellant's brief, p. 9. First, the September 18, 2014 DR hearing considered the DUM. Second, "administrative review" to decide whether to approve the DUM Application is a staff-level assessment of the Application.

⁸ See Exhibit B.

⁹ Facts relevant to the permit and appeal history of this project are provided in our July 28, 2014 letter to the Planning Commission. See fn. 2 *supra*.

¹⁰ See Exhibit C.

Stephen Antonaros, the project architect, it is clear that the Department did not begin enforcing the timeline for filing the appraisal for this DUM Application until the building permit application was deemed complete. Thus, on July 9, 2013 Mr. Cabreros emailed Mr. Antonaros that he was “advised by the Zoning Administrator to hold off on review of the merger, until the height issue is resolved.”¹¹ The height discrepancy and related permit issues, which subsumed this project, were not likely to be resolved to Mr. Sanchez’s satisfaction for many months after submission of the DUM Application.

Mr. Cabreros’ July 9, 2013 email explains why the Planning Department’s first Notice of Planning Department Requirements #1 (“NOPDR”)¹² on the DUM Application was sent on July 23, 2013, which is several months beyond the 30 days required under the PSA. In it, Mr. Cabreros did not note at all the need for filing an appraisal in order to render the DUM Application complete. It was only in NOPDR# 2, dated October 16, 2013, that Mr. Cabreros mentioned for the first time the need for an appraisal.¹³ This suggests that the “height issue” referred to in the July 9, 2013 email had been satisfactorily addressed. By this time, however, the six-month period for an appraisal to be timely filed had passed.

Mr. Cabreros clearly acknowledged delays in his processing the DUM Application along with the other outstanding permits, much of this due to Mr. Zaretsky’s persistent oversight of this project.¹⁴ As a result of his ongoing complaints and the Planning Department’s own concerns

¹¹ See Exhibit D.

¹² See Exhibit E. An NOPDR is required under the state Permit Streamlining Act (“PSA”). See Cal. Govt. Code §§ 65920-65964. The PSA requires that local agencies, like the Planning Department, notify permit applicants of requirements for a complete application (*e.g.*, contains all information required for the application to be reviewed). The first notice is required within 30 days of filing an application and then again on rolling 30-day periods if revisions are made or new submittals provided. Under the PSA, NOPDR#1 should have been sent by May 9, 2013 but was not sent for 106 days.

¹³ See Appellant’s Brief, Tab 8.

¹⁴ See Attachment 1.



about plan inconsistencies, Mr. Sanchez suspended the building permits on February 5, 2014.¹⁵ He also requested submittal of new plans incorporating all approved and completed work, this Board's modifications to an earlier-appealed permit, and proposed work for which no permits have been issued, including the DUM. This permit is referred to as the "consolidated permit." Mr. Cabreros' review of those plans was not completed until early June, 2014. Thus, even though the appraisal was filed on December 2, 2013, whether it could serve as the basis for administrative review was not even considered until the summer of 2014.

B. Substance of the Appraisal

In letters dated February 11, 2014 and December 23, 2014, Mr. Ostrem explains the methodology for his valuations, why it is appropriate to appraise each of the two units as a fractional part of the building, and why the correct characterization of the building for valuation was "subject to completion" rather than "as is."¹⁶ Mr. Zaretsky also obtained an appraisal dated December 2, 2013.¹⁷ Mr. Ostrem's December 23, 2014 letter identifies numerous deficiencies in this appraisal.¹⁸ Mr. Ostrem's appraisal, which is more grounded in sound real estate considerations than Mr. Zaretsky's appraisal, appraised the value for each of the units based on their respective square footage. The 2-bedroom 2853 Broderick, at 43% of the total square footage was appraised at \$1,526,500. The 4-bedroom 2857 Broderick, at 57% of the total square

¹⁵ This Board denied Mr. Zaretsky's appeal of the Release the Suspension on February 11, 2015.

¹⁶ See Exhibit F.

¹⁷ See Appellant's Brief, Tab 11. Mr. Zaretsky also conducted his own survey of the building without permission from Ms. Whitehead. See *Attachment 1, Exhibit G*.

¹⁸ This appraisal was not submitted to the Planning Department prior to the DR hearing.

footage was appraised at \$2,023,500.¹⁹ Both units exceeded the applicable valuation threshold at the time the DUM application was approved by the Planning Commission or \$1.506M.

C. The DR Hearing was Staff-Initiated and Had Two Public DR Requests.

Section 317(e)(3) allows administrative review of a DUM, which exempts the DUM from Mandatory Discretionary Review before the Planning Commission, only when the units exceed the 80% valuation threshold. Section 102 defines Mandatory Discretionary Review as “a hearing before the Planning Commission that is required by the Planning Code at which the Commission will determine whether to approve, modify, or disapprove a permit application.” The Staff Report for the September 18, 2014 DR hearing states that “[p]er the appraisal submitted by the applicant, the dwelling unit merger may be approved administratively by the Zoning Administrator as each dwelling unit is above the affordability thresholds of the Planning Code Section 317 and not subject to a Mandatory DR hearing.”²⁰ (Emphasis added.)

Even though the Zoning Administrator determined after review of the appraisal that the DUM met the standards for administrative approval, given the contentious history of the overall project and all the various permitting complexities, he decided that the public interest would be best served by a transparent DR process for the consolidated permit, including the DUM. We agreed with this approach.

Based on the reasons below, the appeal should be denied in its entirety.

¹⁹ Mr. Ostrem updated his analysis in late 2014 to reflect the fact that, under the “subject to completion” standard, the December 2, 2013 valuation of the building was increased by the insurance proceeds and the cost of permits, for a total of \$320,000. See Exhibit F.

²⁰ See Exhibit B, Staff Report, p. 4.



ARGUMENT

- 1. The acknowledged delay in the Planning Department's review of the DUM Application for reasons under the Planning Department's sole control justifies treating the December 2, 2013 filing of the appraisal as filed in compliance with Section 317.**

Mr. Cabrerros advised the project team on July 9, 2013, or 3 months after the DUM Application was filed, that Mr. Sanchez told him to delay review of the DUM Application until the height and permit issues had been resolved.²¹ Nothing in Section 317(e)(3) precludes this Board from interpreting that Section to allow additional time for compliance with the appraisal requirement (up to six months total) equal to the time during which the Planning Department intentionally did not process the DUM Application. Here, that additional three months would be tacked on to July 10, 2013 at the earliest, and would have permitted a timely appraisal to be filed no later than January 10, 2014. This is a fair and equitable result given the convoluted permit history associated with this project and the Department's decision to not review the DUM Application until the height and permit issues were resolved.

The Zoning Administrator is authorized to administer the Planning Code.²² The Department has already interpreted the appraisal time requirement to be flexible. For example, it allowed appraisals to be filed six months prior to filing of an Application, creating an effective one-year period in which appraisals can be filed.²³ The proposed approach similarly furthers the intent of the appraisal requirement (requiring an appraisal before a DUM Application can be

²¹ See Exhibit D.

²² Section 307 vests the Zoning Administrator with certain "powers . . . in administration and enforcement of the Code." This includes exercising his discretion in interpreting how the Code should be applied based on the facts.

²³ See Exhibit H, March 6, 2014 DR Analysis for a DUM for 2 units at 1060 Green. The Application was filed on August 15, 2013 but the appraisals were done prior to filing the applications.

approved) without absurd or harsh results, like a strict cut-off period when the facts show that months have passed before the Planning Department began review of the application.

This approach is also consistent with the purpose of the appraisal. In wanting to facilitate mergers that do not result in the loss of an affordable unit, the Board of Supervisors required an appraisal as the starting point. Only if the valuation did not exceed the 80% threshold would a Mandatory Discretionary Review hearing be held. The sole purpose of the appraisal is to identify affordable units so that greater scrutiny is applied to those merger requests.

Given the pace of development since 2012, the time between application submittal and the Department's review of an application can be months. Under a strict six-month limit, review may not have started. When as here, the Department has conveyed its unequivocal intention to not review a DUM Application until a condition only within the Department's control is met, it is only fair and reasonable to allow flexibility with respect to the date an appraisal is filed. Here, an appraisal was filed close to eight months after the DUM Application.

Requiring strict compliance with the timing requirement in the red-hot market of the last several years runs the risk that a unit will be undervalued if there is a lengthy delay between the appraisal and the approval hearing.²⁴ In this case, the DR hearing was held 19.5 months from the date the DUM Application was filed and 9.5 months from the date of the appraisal was filed. Based on the above, this Board should deny the appeal on the basis that the timing of the filed appraisal was reasonable and satisfied the intent and purpose of Section 317(e)(3).

²⁴Mr. Ostrem determined that the valuation of the units on October 9, 2013, the date an appraisal would need to have been filed under strict enforcement of Section 317(e)(3), also exceeded the 80% threshold of \$1.506M. See Exhibit G.



2. **Mr. Ostrem's valuations are far more reliable and consistent with long-standing appraisal and real estate practices than Mr. Zaretsky's appraisal. His appraisal should be the basis for determining whether the units are unaffordable under the 80% criteria.**

Appellant argues that because the appraisal valuations provided by Mr. Ostrem are not accurate and only the valuations computed by Mr. Zaretsky's appraiser are valid, the units should be deemed affordable because they do not exceed the \$1.506M threshold applicable in 2014. However, Mr. Ostrem points out numerous deficiencies with Mr. Zaretsky's appraisal and explains in eloquent detail why the appraisal he prepared comports with sound appraisal and real estate practices, especially with regards to the unusual condition of the subject units (*e.g.*, under repair with a target date for completion difficult to predict).²⁵ Planning staff did not consider Mr. Zaretsky's appraisal in determining the level of review of the DUM Application. Mr. Zaretsky's appraisal should similarly not be given any evidentiary weight by this Board.

Based on the appraisals and Mr. Ostrem's letters, the Board should rely only on his appraisal in determining whether the subject units are affordable. In contrast to Mr. Zaretsky's appraisal, Mr. Ostrem meticulously documents the "comps" and explains the rationale for choosing them. The other appraisal's reliability is undermined by its selectivity with regard to comps (*e.g.*, using three and four unit buildings) and its reliance on an ownership structure of each unit (*e.g.*, TIC), which has never been contemplated nor is it relevant to the purpose of the appraisal. This approach only adds confusion and decreases trust in its conclusions. The overwhelming evidence supports use of only Mr. Ostrem's appraisal and rejecting the appeal based on Appellant's contention that the Ostrem appraisal is improper.

²⁵ See Exhibit F.

3. The Three DR “requests” heard by the Planning Commission on September 14, 2014 approximated a Mandatory Discretionary Review hearing.²⁶

Section 317(e)(3) allows the Zoning Administrator to decide whether a DUM Application is subject to administrative review or should be heard at a Mandatory DR hearing.²⁷ Here, the Zoning Administrator properly exercised his discretion and found that the appraisal prepared by Mr. Ostrem provided reliable and credible evidence that both units exceeded the 80% valuation threshold of \$1.506M. Based on that finding, Mr. Sanchez could have exempted the DUM Application from the Planning Commission’s review and simply allowed staff to approve the DUM Application.²⁸ But he did not. Instead, given his concern for the integrity of the review process, particularly on contentious projects such as this (and that the Planning Commission had taken DR in 2011 on this project to affirm that the building not be lifted more than 36”), he determined that the DUM would be part of a staff-initiated DR regardless of whether public DR requests were filed. We did not oppose this approach.

Even though a Mandatory DR was not held, the discussion that the Planning Commission held during its DR hearing was quite robust and included documents that reviewed and analyzed many of the same issues that would have been raised in a Mandatory DR hearing. Those documents included but are not limited to our several attachments including the July 28, 2014 analysis of the DUM Application under the Section 317(e)(2) criteria that would apply in a Mandatory DR hearing and our September 8, 2014 analysis of and rebuttal to the public DR

²⁶ Appellant did not appear at or submit written materials at the DR hearing.

²⁷ See Staff Report excerpt at Exhibit B.

²⁸ However, because the DUM was part of the consolidated permit, it would have been reviewed by the Planning Commission as part of a public DR request.



Requestors arguments. The hearing was similar in scope to what would have occurred in a Mandatory DR.²⁹

Like a Mandatory DR, the Commissioners discussed a panoply of issues, including but not limited to, the appropriateness of the DUM Application in the context of the site's RH-2 zoning and the appraised valuation.³⁰ We took seriously the purpose of the DR hearing, which was to evaluate all elements of the proposed consolidated permit. We participated in the hearing by providing lengthy written analyses and exhibits as well as oral testimony on the "hot-button" issues of building height and the DUM. There were only two supporters for the DR Requestors.

Mr. Sanchez's decision to exempt the DUM Application from Mandatory DR was based on a reasonable exercise of his discretion. Rather than failing to hold a hearing on the DUM Application at all, however, he required a staff-initiated DR hearing on the DUM and the other issues bound in the consolidated permit. Appellant has provided no substantial evidence demonstrating that the Zoning Administrator abused his discretion in not requiring Mandatory DR on these facts. The Planning Commission and the public had before it every issue affecting this project, ranging from the height discrepancy on the initial plans to whether the building was lifted 36" to Commissioner Moore's and Richards' concerns as to whether the 80% threshold was preserving affordable units.³¹ Neither of the DR Requestors focused on the DUM Application.

Based on the above, we request that Board deny the appeal on the grounds that a Mandatory DR hearing was not required for this DUM Application.

²⁹ In contrast, Mr. Zaretsky was the only DR Requestor to submit documents. He submitted a 120 page document by email to the Planning Commission the night before the hearing, comprised primarily of hundreds of emails between him and City staff and/or Ms. Whitehead.

³⁰ See Exhibit I, transcript of hearing .

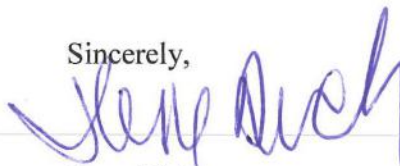
³¹ *Id.*, at pp. 11-14.

CONCLUSION

Based on the above, the appeal should be denied in its entirety. Appellant cannot show any harm to his or the public's interest from approval of the DUM by the Commission or via the building permit. An appraisal was filed less than two months later than required by Section 317(e)(3). The Zoning Administrator properly exercised his discretion in accepting the appraisal at that time due to his instruction that Mr. Cabrerros not review the pending DUM Application until other permit issues were addressed. The additional seven weeks to file the appraisal was reasonable under the circumstances.

The December 2, 2013 appraisal meets the high standards required for its purpose, unlike Mr. Zaretsky's appraisal. Mr. Ostrem calculated the appraisal value as of October 9, 2013, finding that on that date, each of the units exceeded the \$1.506M threshold. Lastly, even though a Mandatory DR was not required, the Zoning Administrator's decision to take a staff-initiated DR on the consolidated permit was a proper exercise of his discretion and in furtherance of the purpose of DR under Section 317(e)(3). While this was not legally required, we welcomed the opportunity for the Commission's views. The Commission voted 5-2 not to take DR and approve the project as proposed. We request that this Board similarly approve the project as proposed by denying this appeal.

Sincerely,



Ilene Dick

ID
Attachments

EXHIBIT A

Building Height Explanation

April 17, 2015

TO: Pam Whitehead
50 Magdalena Court
Mill Valley, CA 94941

PROJECT: Residential Alteration
2853 & 2857 Broderick Street
Block 0947, Lot 002
San Francisco, CA 94123

As my schedule conflicts with the upcoming meeting on the above project, I was asked to give an explanation on our verification that the building was raised three feet.

I only measured the floor level of the building to see if it was raised the prescribed 36 inches, which it was and has not changed on any of the times that we measured it. (ie. 4-30-2013, 11-01-2013 and 11-03-2014.) Because we did have access to the interior of the building, measuring the floor is the best way that I know to measure the building being lifted from its original elevation to a new elevation.

In his February 6, 2015 letter, Mr. Ron stated that he was not given access to the interior of the building and could not verify our measurements. I do not have control over the access issue.

I did not measure Mr. Ron's monitoring points because I did not know about them initially and they were not relevant to what I was asked to do, which was check that the building was lifted 36 inches, and the most accurate way that I could do that was to measure the floor elevations. If the monitoring points moved after the building was raised, then I can't give a definitive reason for this. We measured the floor, and the floor elevation has not changed since our 4-30-2013 measurements.



Gregory J. Cook, RCE 31570

EXHIBIT B

G. DISCRETIONARY REVIEW CALENDAR

The Commission Discretionary Review Hearing Procedures provide for presentations by staff, followed by the DR requestor team, followed by public comment opposed to the project, followed by the project sponsor team, followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

17a. 2013.0831DV (M.
SMITH: (415) 558-6322)

1784 SANCHEZ STREET - west side between Randall and 30th Streets, Lot 014 in Assessor's Block 6653 - **Staff-Initiated request for Discretionary Review** of Building Permit Application No. 2014.03.14.0813, proposing to remove the existing one-story utility room at the rear of the building and construct a two-story, flat roofed addition at the rear of the building. The addition would extend the existing building depth by five feet and remove a small portion of the existing gabled roof at the rear. The project requires a rear yard variance pursuant to Section 134 of the Planning Code, which will also be considered at this hearing by the Zoning Administrator. The property is located within a RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Staff Analysis: Full Discretionary Review

Preliminary Recommendation: Do not take Discretionary Review and Approve

17b. 2013.0831DV (M. SMITH: (415)
558-6322)

1784 SANCHEZ STREET - west side between Randall and 30th Streets, Lot 014 in Assessor's Block 6653 - **Request for a rear yard variance** pursuant to Section 134 of the Planning Code for Building Permit Application No. 2014.03.14.0813, proposing to remove the existing one-story utility room at the rear of the building and construct a two-story, flat roofed addition at the rear of the building. The addition would extend the existing building depth by five feet and remove a small portion of the existing gabled roof at the rear. The property is located within a RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District.

18. 2014.1009D (E. TUFFY: (415)
575-9191)

300 WAWONA STREET - west side, at the intersection with 14th Street; Lot 025 in Assessor's Block 2482 - **Request for Discretionary Review** of Building Permit Application No. 2014.06.21.0174 proposing interior rehabilitation, construction of a one-story vertical addition and a horizontal rear addition off the westernmost corner of an existing single-family dwelling. The subject property is located within a RH-1(D) [Residential House, One-Family (Detached)] District and 40-X Height and Bulk District. The proposal was subject to additional review by Preservation staff to meet design guidelines for historic resources under CEQA. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Staff Analysis: Abbreviated Discretionary Review

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

19. 2013.0433DDD (G.
CABREROS: (415) 558-6169)

2853 BRODERICK STREET - west side between Filbert and Union Streets, Lot 002 in Assessor's Block 0947 - **Staff-Initiated and two publicly-filed requests for Discretionary Review** of Building Permit Application No. 2013.10.28.0336, proposing to clarify a height discrepancy approved under Building Permit Application No. 2011.03.25.2839, which permitted the existing three-story-over-basement, two-unit building to be lifted 3 feet to insert a two-car garage within the basement level. The current project also proposes additional work including a dwelling unit merger from 2 to 1 unit, a side horizontal addition at the south side façade, and vertical additions and rear façade alterations to construct dormers and a deck at the roof/attic level within a RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

Staff Analysis: Full Discretionary
Review

Preliminary Recommendation: Do Not Take Discretionary Review and Approve

(Continued from Regular Meeting of August 7, 2014)

H. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

ADJOURNMENT

Hearing Procedures

The Planning Commission holds public hearings regularly, on most Thursdays. The full hearing schedule for the calendar year and the Commission Rules & Regulations may be found online at: www.sfplanning.org.

Public Comments: Persons attending a hearing may comment on any scheduled item.

v When speaking before the Commission in City Hall, Room 400, please note the timer indicating how much time remains. Speakers will hear two alarms. The first soft sound indicates the speaker has 30 seconds remaining. The second louder sound indicates that the speaker's opportunity to address the Commission has ended.

Sound-Producing Devices Prohibited: The ringing of and use of mobile phones and other sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal of any person(s) responsible for the ringing or use of a mobile phone, pager, or other similar sound-producing electronic devices (67A.1 Sunshine Ordinance: Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For most cases (CU's, PUD's, 309's, etc...) that are considered by the Planning Commission, after being introduced by the Commission Secretary, shall be considered by the Commission in the following order:

1. A thorough description of the issue(s) by the Director or a member of the staff.
2. A presentation of the proposal by the Project Sponsor(s) team (includes sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors) would be for a period not to exceed 10 minutes, unless a written request for extension not to exceed a total presentation time of 15 minutes is received at least 72 hours in advance of the hearing, through the Commission Secretary, and granted by the President or Chair.
3. A presentation of opposition to the proposal by organized opposition for a period not to exceed 10 minutes (or a period equal to that provided to the project sponsor team) with a minimum of three (3) speakers. The intent of the 10 min block of time provided to organized opposition is to reduce the number of overall speakers who are part of the organized opposition. The requestor should advise the group that the Commission would expect the organized presentation to represent their testimony, if granted. Organized opposition will be recognized only upon written application at least 72 hours in advance of the hearing, through the Commission Secretary, the President or Chair. Such application should identify the organization(s) and speakers.
4. **Public testimony from proponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.
5. **Public testimony from opponents of the proposal:** An individual may speak for a period not to exceed three (3) minutes.



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE SEPTEMBER 18, 2014

(CONTINUED FROM REGULAR MEETING OF AUGUST 7, 2014 WITHOUT HEARING)

Date: September 11, 2014
Case No. 2013.0433DDD
Project Address: 2853-2857 Broderick Street
Permit Application: 2013.07.01.0898
Zoning: RH-2 [Residential House, Two-Family]
40-X Height and Bulk District
Block/Lot: 0947/002
Project Sponsor: Stephen Antonaros, Architect
2261 Market Street, #324
San Francisco, CA 94114
Staff Contact: Glenn Cabreros – (415) 588-6620
glenn.cabreros@sfgov.org
Recommendation: **Do not take Discretionary Review and approve**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project proposes to clarify a height discrepancy approved under Building Permit Application No. 2011.03.25.2839, which permitted the existing three-story-over-basement, two-unit building to be lifted 3 feet to insert a two-car garage within the basement level. That project was considered and approved by the Planning Commission in 2011 under Case No. 2010.0394D. The current project also proposes additional work including a dwelling unit merger from 2 units to 1 unit, a side horizontal addition at the south side façade, and vertical additions and rear façade alterations to construct dormers and a deck at the roof/attic level.

SITE DESCRIPTION AND PRESENT USE

The project site contains a three-story-over-basement building containing two dwelling units. The first floor above the basement level contains one dwelling unit with an entry along the south side façade. The second and third floors are occupied by the second dwelling unit with its own entry on the northern side of the front façade. The project lot measures approximately 34.5 feet wide by 80 feet deep with an area of 2,760 square feet.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The circa 1900 subject building is one of a group of four detached buildings that have similar massing, scale, side setbacks and architectural expression. The adjacent building to the north is a three-story-over-basement, two-unit building at the intersection of Broderick and Filbert Streets with a two-car garage accessed from Filbert Street. The adjacent building to the south is a two-story-plus-attic-over-basement,

two-unit building. In general, the subject block face is characterized by three-story-over-basement/garage buildings, while the opposite block face is characterized by four-story structures (two, two-story building do exist on the opposite block face, but closer towards Union Street). The subject block face is within the RH-2 Zoning District, while the most of the opposite block face is within the RH-1 Zoning District. The subject property is within the Cow Hollow neighborhood and subject to the Cow Hollow Design Guidelines.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE
311 Notice	30 days	July 7, 2014, – August 6, 2014	April 9, 2013	August 7, 2014

The DR File Date above reflects the filing date of the Dwelling Unit Merger application, Case No. 2013.0433D.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	July 28, 2014	July 28, 2014	10 days
Mailed Notice	10 days	July 28, 2014	July 28, 2014	10 days

PUBLIC COMMENT

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

The previous DR requestor (Case No. 2010.0394D), **Irving Zaretsky**, owner of 2845-2847 Broderick Street, directly south and adjacent to the project, who opposed the original building permit application that approved the lifting of the building 3 feet, continues to be opposed to the current project

DR REQUESTORS

The subject DR request, Case No. 2013.0433D, is a Mandatory DR request as the project was previously heard by the Commission as a publicly-filed DR request under Case No. 2010.0394D.

Due to the appraised value of each of the two dwelling units proposed to be merged to result in a single-family residence, the proposed dwelling unit merger is exempt from a Mandatory DR hearing as each dwelling unit is above the affordability thresholds of Planning Code Section 317.

In addition to the Mandatory DR cases above, two Discretionary Review requests were filed by members of the public:

Irving Zaretsky, owner of 2845-2847 Broderick Street, directly south and adjacent to the project. (Mr. Zaretsky is the original DR request for the project that proposed to lift the building three feet under DR Case No. 2010.0394D.)

Timothy Acuri, resident of 2853 Broderick Street, across Broderick Street from the project.

PUBLICLY-FILED DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

Mr. Zaretsky's issues:

Issue #1: With regard to the physical envelope of the proposed project, Mr. Zaretsky states that the height and lift of the existing building exceeded the scope of the original permit. He also has concerns regarding the additional expansion of the building and the merger of the two dwelling units into a single-family residence. Mr. Zaretsky would like to see the building lowered and the proposed expansions removed from the project to allow the building to be restored to its original condition.

Issue #2: Mr. Zaretsky is concerned that the project will remove historic materials. The current proposal has been reviewed by Environmental and Historical Preservation staff. The project is found to be appropriate, and was issued a Categorical Exemption per CEQA (California Environmental Quality Act).

Issue #3: Mr. Zaretsky has concerns regarding excavation and drainage. Excavation and drainage issues do not fall under the purview of the Planning Code or the Residential Design Guidelines, as such issues are under the jurisdiction of the Building Code.

Mr. Acuri's issues:

Issue #1: Mr. Acuri states that he did not have the opportunity to review the revised plans and that due process was not served in obtaining the original permit application which proposed to lift the building.

Reference the *Discretionary Review Applications* for additional information. The *Discretionary Review Applications* from the publicly-filed DRs are attached documents.

ISSUES AND CONSIDERATIONS

Height Correction: Under previously approved Building Permit Application No. 2011.0325.2839, the subject building was lifted 3 feet to the As-Built (existing) condition at the subject property. During construction it was discovered that the existing and proposed dimensioned heights disclosed on the plans under Building Permit Application No. 2011.03.25.2839 were incorrectly stated, and the dimensions stated on the plans were deficient by 3 feet. The subject permit application has been filed to demonstrate that the subject building was lifted 3 feet, however to a height of 40 feet, rather than to 37 feet as stated in BPA No. 2011.03.25.2839.

2 to 1 Dwelling Unit Merger: Per the appraisal submitted by the applicant, the dwelling unit merger may be approved administratively by the Zoning Administrator as each dwelling unit is above the affordability thresholds of Planning Code Section 317 and not subject to a Mandatory DR hearing.

Additional Alterations beyond Original Approval: As part of the subject permit application, the project sponsor (a new owner of the project) has consolidated all desired work at the property into the subject permit application. As viewed from the public right-of-way, the Department finds the proposed side horizontal additions would retain the side spacing pattern that is created by the existing buildings on the subject block face of Broderick Street. The Department is supportive of the alterations at the attic/roof level, as the alterations are within the existing building footprint, include a reduction of the building envelope and the alterations at the roof level are behind the main roof ridge that is parallel to the front façade and therefore the roof alterations would be minimally visible from the public right-of-way.

ENVIRONMENTAL REVIEW

The consolidation of all work into one project/permit application required additional Environmental Review per Case No. 2013.0433E. On July 3, 2014, the Department determined that the proposed project is exempt from environmental review. See attached Categorical Exemption Certificate.

BASIS FOR RECOMMENDATION

Upon review of the subject permit application, the Department recommends the Commission not take DR and approve the project based on the following:

- The correction to the building height as dimensioned on the plans should be approved, as the building was lifted 3 feet, which is consistent with the Commission's prior approval of BPA No. 2011.03.25.2839 per Case No. 2010.0394D.
- The proposed side additions would retain the existing development pattern as viewed from the public right-of-way.
- The proposed vertical additions are proposed within the existing building footprint and would be minimally visible from the public right-of-way.
- The proposal has been reviewed as one consolidated project, including Environmental Review of the project in its entirety for the purposes of CEQA.

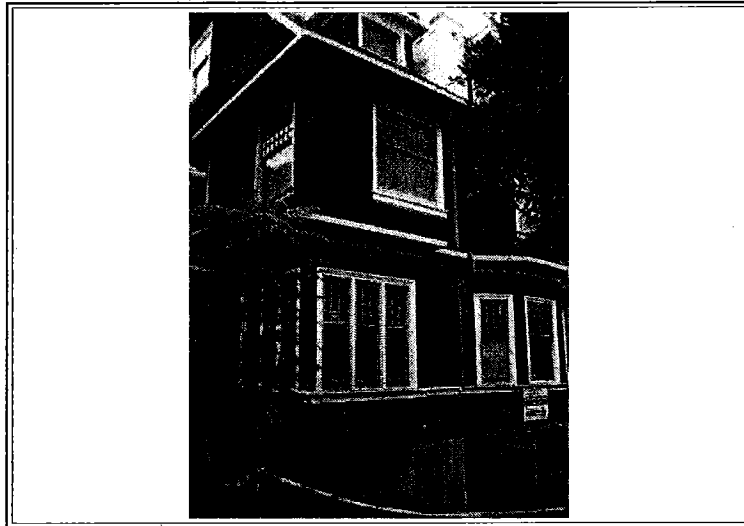
RECOMMENDATION: Do not take Discretionary Review and approve the project.

Attachments:

DR Applications submitted by Irving Zaretsky and Timothy Acuri
Categorical Exemption Certificate
Section 311 Notification for current project (BPA# 20132.07.01.0898)
DR Report, Case No. 2010.0394D, dated September 29, 2011
DR Action Memo, DRA-0229, dated November 1, 2011
Project Sponsor Submittal: Response to Discretionary Review and Reduced Plans

EXHIBIT C

APPRAISAL OF



LOCATED AT:

2853-2857 Broderick Street
San Francisco, CA 94941

CLIENT:

Pam Whitehead
50 Magdalena Ct
Mill Valley, CA 94941

AS OF:

December 2, 2013

BY:

Roger A. Ostrem

December 5, 2013

Pam Whitehead
50 Magdalena Ct
Mill Valley, CA 94941

File Number: 20131127PW

In accordance with your request, I have appraised the real property at:

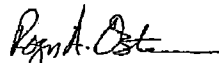
2853-2857 Broderick Street
San Francisco, CA 94941

The purpose of this appraisal is to develop an opinion of the defined value of the subject property, as improved. The property rights appraised are the fee simple interest in the site and improvements.

In my opinion, the defined value of the property as of December 2, 2013 is:

\$3,550,000
Three Million Five Hundred Fifty Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, assignment conditions and appropriate certifications.


Roger A. Ostrem

Residential Appraisal Report

File No. 20131127PW

The purpose of this appraisal report is to provide the client with a credible opinion of the defined value of the subject property, given the intended use of the appraisal.

Client Name/Intended User **Pam Whitehead** E-mail **whiteheadwest@msn.com**
 Client Address **50 Magdalena Ct** City **Mill Valley** State **CA** Zip **94941**
 Additional Intended User(s) **Client's designated associates**

PURPOSE
 Intended Use **Determine the contributory market value of each unit in a 2-unit house, with the intended purpose of consolidating the existing 2-unit property into a single family house.**
 Property Address **2853-2857 Broderick Street** City **San Francisco** State **CA** Zip **94941**
 Owner of Public Record **2853 Broderick LLC** County **San Francisco**

SUBJECT
 Legal Description **Refer to preliminary title report**
 Assessor's Parcel # **0947-002** Tax Year **2012** R.E. Taxes \$ **2,131**
 Neighborhood Name **Cow Hollow** Map Reference **647-F4** Census Tract **128.00**
 Property Rights Appraised Fee Simple Leasehold Other (describe)

SALES HISTORY
 My research did did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.
 Prior Sale/Transfer: Date **05/30/2012** Price **\$1,800,000** Source(s) **County Records**
 Analysis of prior sale or transfer history of the subject property (and comparable sales, if applicable) **Within the past 36 months the subject recorded a sale from the Inger M Conrad Trust to the PJ Whitehead Family Trust, with a sales price of \$1,800,000, recorded on 05/30/2012. The subject later recorded a transfer from the PJ Whitehead Family Trust to 2853 Broderick LLC on 05/09/2013 with no recorded transaction value. The comps have not recorded additional sales in the 12 months prior to the effective date of this appraisal.**

Offerings, options and contracts as of the effective date of the appraisal **None**

Neighborhood Characteristics	One-Unit Housing Trends	One-Unit Housing	Present Land Use %
Location <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Rural	Property Values <input checked="" type="checkbox"/> Increasing <input type="checkbox"/> Stable <input type="checkbox"/> Declining	PRICE AGE	One-Unit 50 %
Built-Up <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	Demand/Supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply	\$(000) (yrs)	2-4 Unit 20 %
Growth <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	Marketing Time <input checked="" type="checkbox"/> Under 3 mths <input type="checkbox"/> 3-6 mths <input type="checkbox"/> Over 6 mths	860 Low 5	Multi-Family 20 %
Neighborhood Boundaries Bounded on the north by Lombard Street, on the south by Green Street, on the east by Van Ness Avenue and on the west by Lyon Street.		5,300 High 150	Commercial 10 %
		2,200 Pred. 85	Other %

NEIGHBORHOOD
 Neighborhood Description **The subject's neighborhood is built out with a mixture of residential land uses including single family homes, condos, TICs and multi-unit residential buildings. The neighborhood is very well maintained and many properties in the area have been remodeled or upgraded. The neighborhood has retail districts that run along Union Street and Fillmore Street. The area is within walking distance to the Marina Green and the adjacent San Francisco Bay. All community services are available.**
 Market Conditions (including support for the above conclusions) **A review of District 7 (Pacific Hts, Presidio Hts, Marina, Cow Hollow) market conditions for 2-unit houses reveals the following: Over the past 12 months there have been 25 sales; during the same time period median prices for 2-unit properties increased from \$2,000,000 to \$2,200,000; the number of days on the market decreased from 30 to 16. Currently there are 6 listings on the MLS with an average list price of \$2,530,000.**

Dimensions **34.5 x 80** Area **2,757 sf** Shape **Rectangular** View **City Streets**
 Specific Zoning Classification **RH-2** Zoning Description **Residential Housing District, 2 Units**
 Zoning Compliance Legal Legal Nonconforming (Grandfathered Use) No Zoning Illegal (describe)
 Is the highest and best use of the subject property as improved (or as proposed per plans and specifications) the present use? Yes No If No, describe. **Highest and best use is conversion to a single family house as currently being proposed per plans and specs.**

SITE
 Utilities Public Other (describe) Public Other (describe) Off-site Improvements—Type Public Private
 Electricity Water Street **Asphalt**
 Gas Sanitary Sewer Alley **None**
 Site Comments **Subject site is typical of the neighborhood.**

IMPROVEMENTS
 GENERAL DESCRIPTION # of Units One One w/ Acc. unit 2
 # of Stories **4**
 Type Det. Att. S-Det./End Unit
 Existing Proposed Under Const.
 Design (Style) **Traditional**
 Year Built **circa 1900**
 Effective Age (Yrs) **75**
 Heating None FWA HW Radiant
 Drop Stair Stairs Other Fuel Gas
 Floor Scuttle Cooling Central Air Conditioning Patio/Deck Deck Porch
 Finished Heated Individual Other None Pool Other
 Amenities Refrigerator Range/Oven Dishwasher Disposal Microwave Washer/Dryer Other (describe)

FOUNDATION	EXTERIOR DESCRIPTION materials	INTERIOR materials
<input type="checkbox"/> Concrete Slab <input checked="" type="checkbox"/> Crawl Space	Foundation Walls Concrete	Floors Hardwood
<input type="checkbox"/> Full Basement <input type="checkbox"/> Partial Basement	Exterior Walls Wood Shingle	Walls Sheetrock
Basement Area 0 sq. ft.	Roof Surface Shingle	Trim/Finish Wood/Paint
Basement Finish 0 %	Gutters & Downspouts Galvanized	Bath Floor Tile
<input type="checkbox"/> Outside Entry/Exit <input type="checkbox"/> Sump Pump	Window Type Single Pane	Bath Wainscot Tile
	Storm Sash/Insulated None	Car Storage <input type="checkbox"/> None
	Screens None	<input checked="" type="checkbox"/> Driveway # of Cars 0
	Amenities <input type="checkbox"/> Wood Stove(s) #	Driveway Surface Concrete
	<input checked="" type="checkbox"/> Fireplace(s) # 4 <input type="checkbox"/> Fence	<input checked="" type="checkbox"/> Garage # of Cars 2
	<input checked="" type="checkbox"/> Patio/Deck Deck <input type="checkbox"/> Porch	<input type="checkbox"/> Carport # of Cars 0
	<input type="checkbox"/> Pool <input type="checkbox"/> Other	<input type="checkbox"/> Att. <input type="checkbox"/> Det. <input checked="" type="checkbox"/> Built-In

Finished area above grade contains: **12 Rooms 6 Bedrooms 5 Bath(s) 4,372 Square Feet of Gross Living Area Above Grade**
 Additional Features **2853 Broderick consists of 1,882 sf (43 % of total space) and has 5 rooms/2 bedrooms/2 baths. 2857 Broderick consists of 2,490 sf (57% of total space) and has 7 rooms/4bedrooms/3 baths.**

Comments on the improvements **See Attached Addendum**

Residential Appraisal Report

File No. 20131127PW

FEATURE	SUBJECT	COMPARABLE SALE NO. 1			COMPARABLE SALE NO. 2			COMPARABLE SALE NO. 3		
2853-2857 Broderick Street Address San Francisco		2821-2823 Broderick Street San Francisco			2051-2053 Broadway San Francisco			2405 Washington Street San Francisco		
Proximity to Subject		0.03 miles S			0.75 miles ESE			0.71 miles ESE		
Sale Price	\$		\$	3,560,000		\$	3,150,000		\$	3,750,000
Sale Price/Gross Liv. Area	\$	sq. ft.	\$	788 sq. ft.	\$	904 sq. ft.	\$	962 sq. ft.		
Data Source(s)		San Francisco MLS# 396733			San Francisco MLS# 412369			San Francisco MLS# 401725		
Verification Source(s)		County Doc# J517977-00			County Doc# J763571-00			County Doc# J532533-00		
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	(+) \$ Adjustment	DESCRIPTION	(-) \$ Adjustment	DESCRIPTION	(-) \$ Adjustment			
Sale or Financing Concessions		Trust Sale		No Concessions		No Concessions				
		Cash Sale		Conventional		Conventional				
Date of Sale/Time		05/25/2012	350,000	09/27/2013		10/26/2012	375,000			
Location	Urban	Urban		Urban		Urban				
Leasehold/Fee Simple	Fee Simple	Fee Simple		Fee Simple		Fee Simple				
Site	2,757 sf	4,097 sf		3,436 sf		3,223 sf				
View	City Streets	City Streets		City Streets		City Streets				
Design (Style)	Traditional	Traditional		Traditional		Victorian				
Quality of Construction	Good	Good		Good		Good				
Actual Age	113+/-	104		65		113+/-				
Condition	Fair	Average	-320,000	Average	-320,000	Average	-320,000			
Above Grade	Total Bdrms Baths	Total Bdrms Baths		Total Bdrms Baths		Total Bdrms Baths				
Room Count	12 6 5	12 6 5		10 4 4	25,000	9 6 3.1	40,000			
Gross Living Area	4,372 sq. ft.	4,520 sq. ft.	-37,000	3,485 sq. ft.	222,000	3,900 sq. ft.	118,000			
Basement & Finished Rooms Below Grade	None	None		None		None				
Functional Utility	Average	Average		Average		Average				
Heating/Cooling	FWA/None	FWA/None		FWA/None		FWA/None				
Energy Efficient Items	None	None		None		None				
Garage/Carport	2 Car Garage	2 Car Garage		2+ Car Garage		1 Car Garage	35,000			
Porch/Patio/Deck	Decks	Decks		Patio		Garden				
Unit 1	5 Rm/2 BR/2 BA	5 Rm/2 BR/2 BA		5 Rm/2 BR/2 BA		5 Rm/2 BR/1 BA				
Unit 2	7 Rm/4 BR/3 BA	7 Rm/4 BR/3 BA		5 Rm/2 BR/2 BA		4 Rm/4 BR/2.1 BA				
Net Adjustment (Total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ 7,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ 73,000	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 248,000			
Adjusted Sale Price of Comparables		Net Adj. -0.2%		Net Adj. -2.3%		Net Adj. 6.6%				
		Gross Adj. 19.9%	\$ 3,553,000	Gross Adj. 18.0%	\$ 3,077,000	Gross Adj. 23.7%	\$ 3,998,000			

Summary of Sales Comparison Approach See Attached Addendum

COST APPROACH TO VALUE

Site Value Comments The area is built out and there are no recent land sales of vacant sites to support an estimate of site value using the sales comparison approach. Site value is determined by allocation using the county assessor's tax records as a basis for arriving at results. Per the county assessor, land values in the area are typically high, ranging from 60%-70% of total value. The subject's land value is estimated at the high end of the range.

ESTIMATED <input type="checkbox"/> REPRODUCTION OR <input checked="" type="checkbox"/> REPLACEMENT COST NEW	OPINION OF SITE VALUE	\$ 2,485,000
Source of cost data Marshall & Swift, Local Contractors	Dwelling 4,372 Sq. Ft. @ \$ 475	\$ 2,076,700
Quality rating from cost service 6.0 Effective date of cost data 12/02/2013	Sq. Ft. @ \$	
Comments on Cost Approach (gross living area calculations, depreciation, etc.)		
See Attached Addendum	Garage/Carport 504 Sq. Ft. @ \$ 150	\$ 75,600
	Total Estimate of Cost-New	\$ 2,152,300
	Less 150 Physical Functional External	
	Depreciation 1,130,800	\$(1,130,800)
	Depreciated Cost of Improvements	\$ 1,021,500
	As-is Value of Site Improvements	\$ 50,000
	INDICATED VALUE BY COST APPROACH	\$ 3,556,500

INCOME APPROACH TO VALUE

Estimated Monthly Market Rent \$	n/a	X Gross Rent Multiplier	n/a	= \$	n/a	Indicated Value by Income Approach
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Summary of Income Approach (including support for market rent and GRM) Rent control is in effect in San Francisco. Rent control reduces the income potential of a property, which results in an artificially lower value for the property. Therefore, the income approach is not considered to be a reliable indicator of value and is not used in this appraisal assignment.

Indicated Value by: Sales Comparison Approach \$3,550,000 Cost Approach (if developed) \$ 3,556,500 Income Approach (if developed) \$ n/a

The reconciled value of the subject is \$3,550,000 as of the effective date of this appraisal. Individual contributory values have been assigned to each unit based on the percentage of square footage of each unit. The value for each unit is as follows:

2853 Broderick: \$3,550,000 x 43% = \$1,526,500

2857 Broderick: \$3,550,000 x 57% = \$2,023,500

This appraisal is made "as is," subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed subject to the following:

Based on the scope of work, assumptions, limiting conditions and appraiser's certification, my (our) opinion of the defined value of the real property that is the subject of this report is \$ 3,550,000 as of 12/02/2013, which is the effective date of this appraisal.

Residential Appraisal Report

File No. 20131127PW

FEATURE		SUBJECT		COMPARABLE SALE NO. 4			COMPARABLE SALE NO. 5			COMPARABLE SALE NO. 6		
2853-2857 Broderick Street		2847-2849 Washington St		1655-1657 Beach Street								
Address San Francisco		San Francisco		San Francisco			San Francisco					
Proximity to Subject		0.48 miles SSE		0.68 miles NE								
Sale Price		\$ 5,300,000		\$ 4,100,000								
Sale Price/Gross Liv. Area		\$ 976 sq. ft.		\$ 1,005 sq. ft.								
Data Source(s)		San Francisco MLS# 405603		San Francisco MLS# 414385								
Verification Source(s)		County Doc# J662136-00		Real Estate Agent								
VALUE ADJUSTMENTS	DESCRIPTION		DESCRIPTION		+() \$ Adjustment	DESCRIPTION		+() \$ Adjustment	DESCRIPTION		+() \$ Adjustment	
Sale or Financing Concessions	No Concessions		Conventional			Active Listing						
Date of Sale/Time	05/21/2013		530,000			10/18/2013 List						
Location	Urban		Urban			Urban						
Leasehold/Fee Simple	Fee Simple		Fee Simple			Fee Simple						
Site	2,757 sf		3,510 sf			3,436 sf						
View	City Streets		City Streets			City Streets						
Design (Style)	Traditional		Victorian			Spanish Med.						
Quality of Construction	Good		Good			Good						
Actual Age	113+/-		113+/-			82						
Condition	Fair		V. Good/Remod		-820,000	V. Good/Remod		-570,000				
Above Grade	Total	Bdms	Baths	Total	Bdms	Baths	Total	Bdms	Baths	Total	Bdms	Baths
Room Count	12	6	5	12	6	5	12	6	5			
Gross Living Area	4,372 sq. ft.		5,430 sq. ft.		-265,000	4,080 sq. ft.		73,000				
Basement & Finished Rooms Below Grade	None		None			None						
Functional Utility	Average		Average			Average						
Heating/Cooling	FWA/None		FWA/None			FWA/None						
Energy Efficient Items	None		None			None						
Garage/Carport	2 Car Garage		2 Car Garage			2+ Car Garage						
Porch/Patio/Deck	Decks		Patio			Decks						
Unit 1	5 Rm/2 BR/2 BA		5 Rm/2 BR/2 BA			5 Rm/2 BR/2 BA						
Unit 2	7 Rm/4 BR/3 BA		7 Rm/4 BR/3 BA			7 Rm/4 BR/3 BA						
Net Adjustment (Total)			<input type="checkbox"/> + <input checked="" type="checkbox"/> -		\$ 555,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> -		\$ 497,000	<input checked="" type="checkbox"/> + <input type="checkbox"/> -		\$ 0	
Adjusted Sale Price of Comparables			Net Adj. -10.5%			Net Adj. -12.1%			Net Adj. 0.0%			
			Gross Adj. 30.5%		\$ 4,745,000	Gross Adj. 15.7%		\$ 3,603,000	Gross Adj. 0.0%		\$ 0	
Summary of Sales Comparison Approach See Attached Addendum												

SALES COMPARISON APPROACH

Scope of Work, Assumptions and Limiting Conditions

Scope of work is defined in the Uniform Standards of Professional Appraisal Practice as "the type and extent of research and analyses in an assignment." In short, scope of work is simply what the appraiser did and did not do during the course of the assignment. It includes, but is not limited to: the extent to which the property is identified and inspected, the type and extent of data researched, the type and extent of analyses applied to arrive at opinions or conclusions.

The scope of this appraisal and ensuing discussion in this report are specific to the needs of the client, other identified intended users and to the intended use of the report. This report was prepared for the sole and exclusive use of the client and other identified intended users for the identified intended use and its use by any other parties is prohibited. The appraiser is not responsible for unauthorized use of the report.

The appraiser's certification appearing in this appraisal report is subject to the following conditions and to such other specific conditions as are set forth by the appraiser in the report. All extraordinary assumptions and hypothetical conditions are stated in the report and might have affected the assignment results.

1. The appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or title thereto, nor does the appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
 2. Any sketch in this report may show approximate dimensions and is included only to assist the reader in visualizing the property. The appraiser has made no survey of the property.
 3. The appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have been previously made thereto.
 4. Neither all, nor any part of the content of this report, copy or other media thereof (including conclusions as to the property value, the identity of the appraiser, professional designations, or the firm with which the appraiser is connected), shall be used for any purposes by anyone but the client and other intended users as identified in this report, nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent of the appraiser.
 5. The appraiser will not disclose the contents of this appraisal report unless required by applicable law or as specified in the Uniform Standards of Professional Appraisal Practice.
 6. Information, estimates, and opinions furnished to the appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished to the appraiser is assumed by the appraiser.
 7. The appraiser assumes that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, or for engineering or testing, which might be required to discover such factors. This appraisal is not an environmental assessment of the property and should not be considered as such.
 8. The appraiser specializes in the valuation of real property and is not a home inspector, building contractor, structural engineer, or similar expert, unless otherwise noted. The appraiser did not conduct the intensive type of field observations of the kind intended to seek and discover property defects. The viewing of the property and any improvements is for purposes of developing an opinion of the defined value of the property, given the intended use of this assignment. Statements regarding condition are based on surface observations only. The appraiser claims no special expertise regarding issues including, but not limited to: foundation settlement, basement moisture problems, wood destroying (or other) insects, pest infestation, radon gas, lead based paint, mold or environmental issues. Unless otherwise indicated, mechanical systems were not activated or tested.
- This appraisal report should not be used to disclose the condition of the property as it relates to the presence/absence of defects. The client is invited and encouraged to employ qualified experts to inspect and address areas of concern. If negative conditions are discovered, the opinion of value may be affected.
- Unless otherwise noted, the appraiser assumes the components that constitute the subject property improvement(s) are fundamentally sound and in working order.
- Any viewing of the property by the appraiser was limited to readily observable areas. Unless otherwise noted, attics and crawl space areas were not accessed. The appraiser did not move furniture, floor coverings or other items that may restrict the viewing of the property.
9. Appraisals involving hypothetical conditions related to completion of new construction, repairs or alteration are based on the assumption that such completion, alteration or repairs will be competently performed.
 10. Unless the intended use of this appraisal specifically includes issues of property insurance coverage, this appraisal should not be used for such purposes. Reproduction or Replacement cost figures used in the cost approach are for valuation purposes only, given the intended use of the assignment. The Definition of Value used in this assignment is unlikely to be consistent with the definition of Insurable Value for property insurance coverage/use.
 11. The ACI General Purpose Appraisal Report (GPAR™) is not intended for use in transactions that require a Fannie Mae 1004/Freddie Mac 70 form, also known as the Uniform Residential Appraisal Report (URAR).

Additional Comments Related To Scope Of Work, Assumptions and Limiting Conditions

An on-site inspection of the land and improvements was conducted. The improvements were measured from approved architect's plans and a sketch of the floor plan was produced. The condition of the property was analyzed. The neighborhood was inspected. Regional, city and neighborhood demographic data was analyzed. The current zoning status of the site was verified with the applicable city/county planning department. The flood zone status of the property was investigated and reported. Recent, comparable sales transactions were selected from the subject's neighborhood and analyzed. Data sources include the multiple listing service, realtors, and county records accessed through the county assessor's office. Three approaches to value were used, or considered, to determine an opinion of value. The three approaches include the sales comparison approach, the cost approach and the income capitalization approach.

The appraiser did not review the title report and a title report was not made available to the appraiser.

The appraiser inspected visible and accessible areas only.

The appraiser is not a professional home inspector and this appraisal should not be relied upon to disclose possible building defects that may exist. The appraiser does not guarantee that the house is free of defects. The appraiser recommends the enlistment of a qualified home inspector if such an investigation is required.

The appraiser did not conduct an investigation to discover the presence of mold, asbestos, urea formaldehyde, radon or other potentially hazardous materials that may affect the property and its value. The appraiser is not qualified to determine the cause of mold, the type of mold that may be present or whether the mold might pose a risk to the property or its inhabitants. The appraiser is not an environmental inspector and is not an expert in the field of hazardous material investigation. The appraiser recommends the enlistment of a qualified expert in the field of hazardous material investigation if such an investigation is required.

The appraiser did not conduct research to uncover information about the location of possible adverse, external conditions in the neighborhood.

Appraiser's Certification

The appraiser(s) certifies that, to the best of the appraiser's knowledge and belief:

- 1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are the appraiser's personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. Unless otherwise stated, the appraiser has no present or prospective interest in the property that is the subject of this report and has no personal interest with respect to the parties involved.
4. The appraiser has no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. The appraiser's engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. The appraiser's compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. The appraiser's analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
8. Unless otherwise noted, the appraiser has made a personal inspection of the property that is the subject of this report.
9. Unless noted below, no one provided significant real property appraisal assistance to the appraiser signing this certification. Significant real property appraisal assistance provided by:

Additional Certifications:

This appraisal is developed and reported in compliance with the Uniform Standards of Professional Appraisal Practice. I certify that, to the best of my knowledge and belief, I have not performed any additional services regarding the subject property, as an appraiser, or in any other capacity, within the 3 year time period immediately preceding acceptance of this appraisal assignment.

Definition of Value: [X] Market Value [] Other Value:

Source of Definition: Appraisal Institute Dictionary of Real Estate Appraisal

Market value is defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably and assuming the price is not affected by undue stimulus. Inflict in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) buyer and seller are typically motivated,
(2) both parties are well informed and well advised and acting in what they consider their own best interest,
(3) a reasonable time is allowed for exposure in the open market,
(4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto, and
(5) the price represents the normal consideration of the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

ADDRESS OF THE PROPERTY APPRAISED:

2853-2857 Broderick Street
San Francisco, CA 94941

EFFECTIVE DATE OF THE APPRAISAL: 12/02/2013

APPRAISED VALUE OF THE SUBJECT PROPERTY \$ 3,550,000

APPRAISER

Signature: [Handwritten Signature]
Name: Roger A. Ostrem
State Certification # AR028299
or License #
or Other (describe): State #:
State: CA
Expiration Date of Certification or License: 09/06/2015
Date of Signature and Report: 12/04/2013
Date of Property Viewing: 12/02/2013
Degree of property viewing:
[X] Interior and Exterior [] Exterior Only [] Did not personally view

SUPERVISORY APPRAISER

Signature:
Name:
State Certification #
or License #
State:
Expiration Date of Certification or License:
Date of Signature:
Date of Property Viewing:
Degree of property viewing:
[] Interior and Exterior [] Exterior Only [] Did not personally view

ADDENDUM

Client: Pam Whitehead	File No.: 20131127PW	
Property Address: 2853-2857 Broderick Street	Case No.:	
City: San Francisco	State: CA	Zip: 94941

Quality and Condition of Property

The subject is a 2-unit house. The lower unit is 2853 Broderick and the upper unit is 2857 Broderick. In March 2010 the interior of the house was burned in an arson fire and the interior was gutted as a result of the damage. The previous owner submitted plans to restore the property to its original use. The plans were approved and a permit was issued to rebuild the interior with an approved budget of \$320,000.

The lower unit consists of the original 1st floor consisting on 1,170 sf plus an additional 712 sf of space on the garage floor, now referred to as the 1st floor. The additional 712 sf of space is included in this appraisal as part of the lower unit since it was part of the plans submitted by the previous owner that were approved and legally permitted. Additionally, a 2-car garage was included in the approved plans and is also included in this appraisal.

On 05/30/2012 the house was sold to the current owner who is attempting to reconfigure the house from its original 2-unit use into a single family house. However, the intent of this appraisal is to value the two units individually and attribute a contributory market value to each. The appraisal therefore relies on the original configuration of the house and not on the newly proposed single family configuration.

The original configuration of 2853 Broderick was a 2 bedroom/2bath unit with a kitchen, living room and dining room. The new 712 sf addition, previously approved, is simply referred to as living space in this appraisal. The total square footage is 1,882 sf.

The original configuration of 2857 Broderick was a 4 bedroom/3 bath unit with a kitchen, living room and dining room. The unit consisted of 1,395 sf on the lower level and 1,095 sf on the upper level for a total of 2,490 sf.

The condition of the house is rated fair and the neighborhood standard is rated average. The interior of the house is currently gutted and, as a result, the condition of the subject is currently below the neighborhood standard. The original construction quality of the house is rated good and is similar to the surrounding neighborhood standard.

Comments on Sales Comparison

The search for comps involved analyzing sales of 2-unit buildings located in District 7. District 7, as defined by the San Francisco Association of Realtors, includes Pacific Hts, Presidio Hts, the Marina and the subject's immediate neighborhood of Cow Hollow. A typical buyer interested in purchasing within the subject's neighborhood would typically search for properties throughout District 7. Comps 1-4 are closed sales transactions. Comp 5 is an active listing.

Single family house sales and condo sales dominate the neighborhood sales market and the volume of 2-unit building sales is low. As a result, it is necessary to extend the search back in time approximately 18 months in order to have a sufficient number of similar property sales to analyze to produce a credible result.

Comps 1, 3 & 4 are adjusted for time at the rate of price increase posted for 2-unit buildings over the past 12 months. The 6 month period prior to the most recent 12 months recorded less price appreciation for 2-unit buildings and no additional adjustment for time is made for that period.

The subject has a typical site for the local market, which is matched by all of the comps. Site sizes differ moderately but all of the comps have a narrow street frontage and all have back yards that add little additional utility. Therefore despite moderate site size differences, the effective utility of the sites are all considered similar to the subject.

The subject's current condition is rated fair and an across the board line item adjustment has been made in order to bring the condition of the property back to its pre-fire condition of average, and in line with neighborhood standard. The line item adjustment is a cost to cure based on the previous owner's approved plans and budget to restore the property's pre-fire condition. The previous owner's budget was \$320,000 to make the restoration.

All of the comp's condition ratings are as of their close of escrow date. Comps 4 & 5 have additional condition adjustments since their condition exceeds the neighborhood average to which the subject is assumed to be restored to. In addition to the \$320,000 across the board adjustment, Comps 4 and 5 are adjusted by an additional \$500,000 and \$250,000, respectively, based on budget estimates provided by real estate agents for each property.

Since this appraisal has the intent of determining the contributory value of each of the subject's 2- units, a breakdown of each of the comps 2-units has been displayed. The comps are generally similar in bedroom/bathroom count as the subject. Comp 1's room breakdown has been estimated due to a lack of available information in the published county records and in the MLS.

Comp adjustments are based on a combination of matched pair analysis from appraisals done in the subject's market area and by relying on the appraiser's data files, which contain market data collected over time.

Primary weight in the sales comparison approach is given to Comp 1 because it is similar to the subject and is located on the same street and block as the subject; it differs primarily with regard to time of sale. Comp 1 has an adjusted sale price of \$3,553,000. Comps 1, 2 & 3 are all closed sales transactions with acceptable amounts of adjustment, their average adjusted sales price is \$3,542,000. Comp 4 is given tertiary weight due to its large gross adjustment, which exceeds typical guidelines. Comp 5 is an active listing that has been added to demonstrate the current asking price for a similar property. It is given secondary weight since its final sales price is unknown. Placing equal emphasis on both Comp 1, and on the average of Comps 1-3, results in a reconciled value of approximately \$3,550,000 for the subject using the sales comparison approach to value.

Cost Approach Comments

Due to the very low amount of home construction in the area, published cost manuals such as Marshall & Swift, etc. are generally less reliable than in many other areas. Cost data from Marshall & Swift is utilized in this report but is augmented by cost data collected from local general contractors and from the appraiser's files.

The age/life method has been used to determine depreciation. Due to updates and good maintenance, the effective age of

ADDENDUM

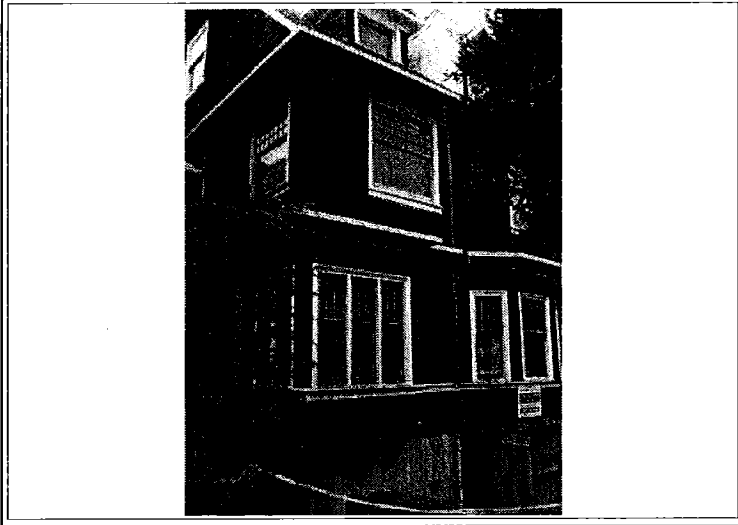
Client: Pam Whitehead	File No.: 20131127PW	
Property Address: 2853-2857 Broderick Street	Case No.:	
City: San Francisco	State: CA	Zip: 94941

the improvements has been lowered.

Any cost approach information contained in this report, including any information provided under the heading "Cost Approach to Value" has been provided at the request of the client/intended user of this report. The provision of such information does not change the intended use or the intended client/user of this report. It should not be relied upon for the purpose of determining the amount or type of insurance coverage to be placed on the subject property. The appraiser assumes no liability for any insurable value estimate or opinion that is inferred from this information and does not guarantee that any insurable value estimate or opinion inferred from this report will result in the subject property being fully insured for any loss that may be sustained. The appraiser recommends that an insurance professional be consulted to determine the appropriate amount and type of insurance to be placed on the subject premises.

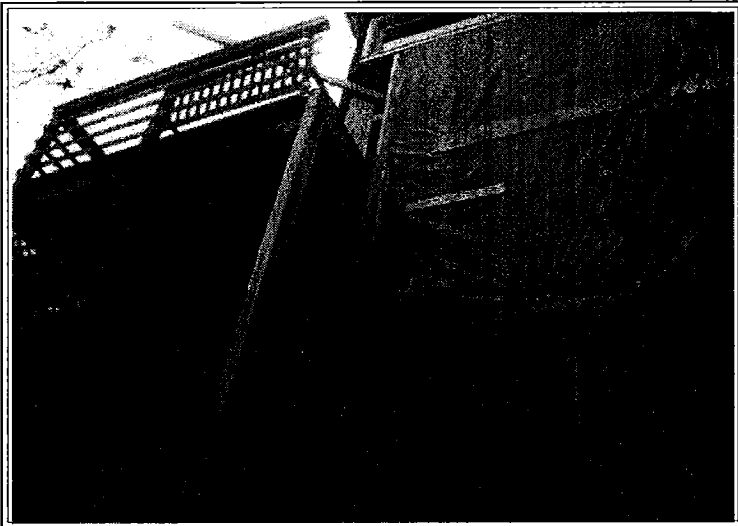
SUBJECT PROPERTY PHOTO ADDENDUM

Client: Pam Whitehead	File No.: 20131127PW
Property Address: 2853-2857 Broderick Street	Case No.:
City: San Francisco	State: CA Zip: 94941

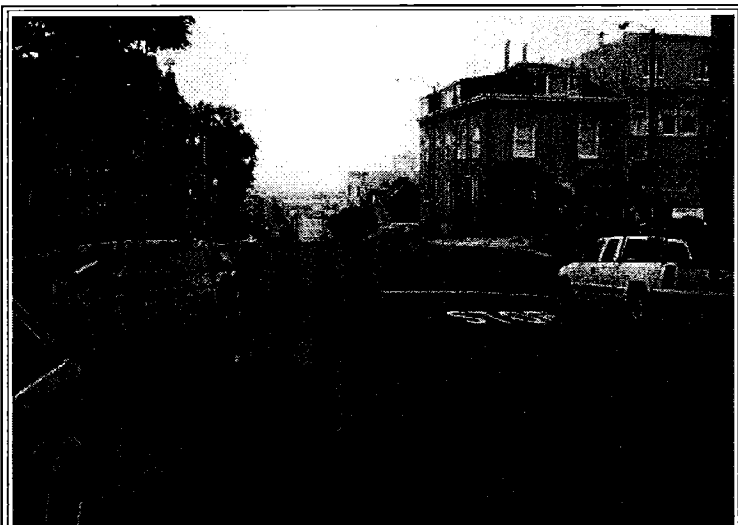


FRONT VIEW OF
SUBJECT PROPERTY

Appraised Date: December 2, 2013
Appraised Value: \$ 3,550,000



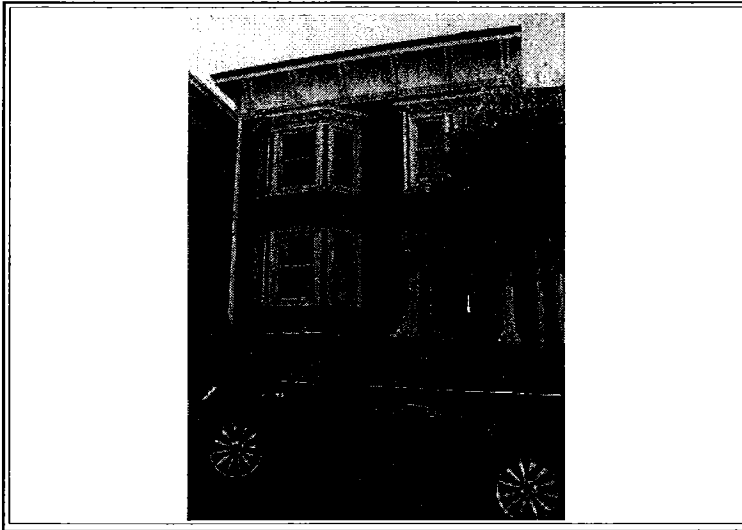
REAR VIEW OF
SUBJECT PROPERTY



STREET SCENE

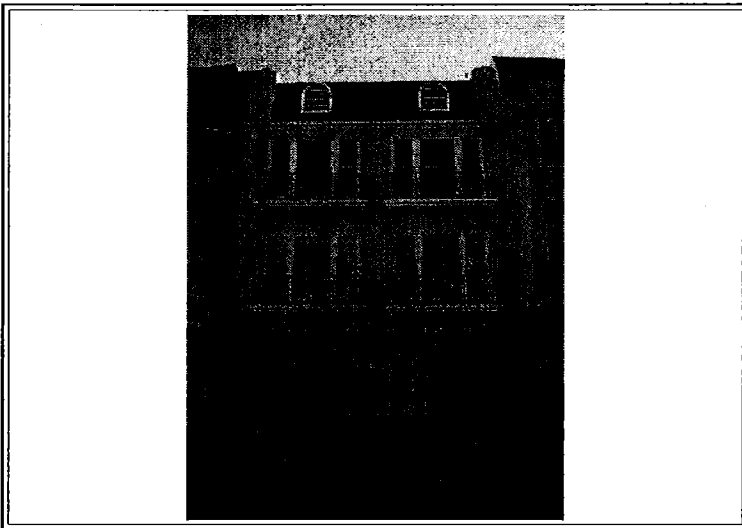
COMPARABLE PROPERTY PHOTO ADDENDUM

Client: Pam Whitehead	File No.: 20131127PW
Property Address: 2853-2857 Broderick Street	Case No.:
City: San Francisco	State: CA Zip: 94941



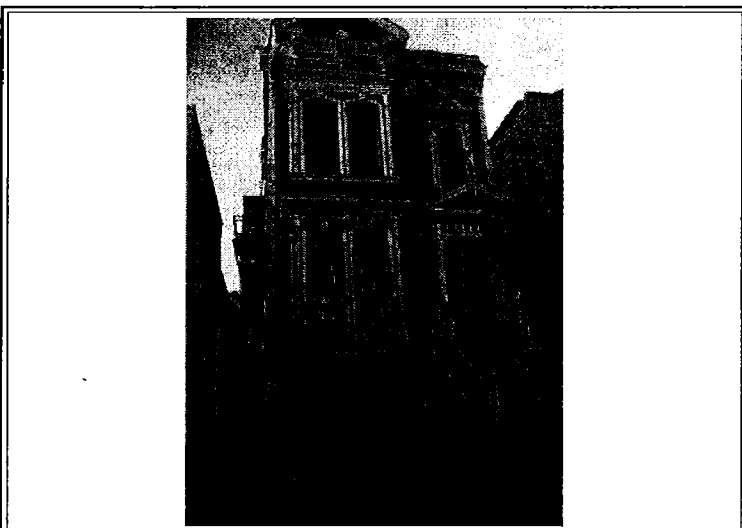
COMPARABLE SALE #1

2821-2823 Broderick Street
San Francisco
Sale Date: 05/25/2012
Sale Price: \$ 3,560,000



COMPARABLE SALE #2

2051-2053 Broadway
San Francisco
Sale Date: 09/27/2013
Sale Price: \$ 3,150,000

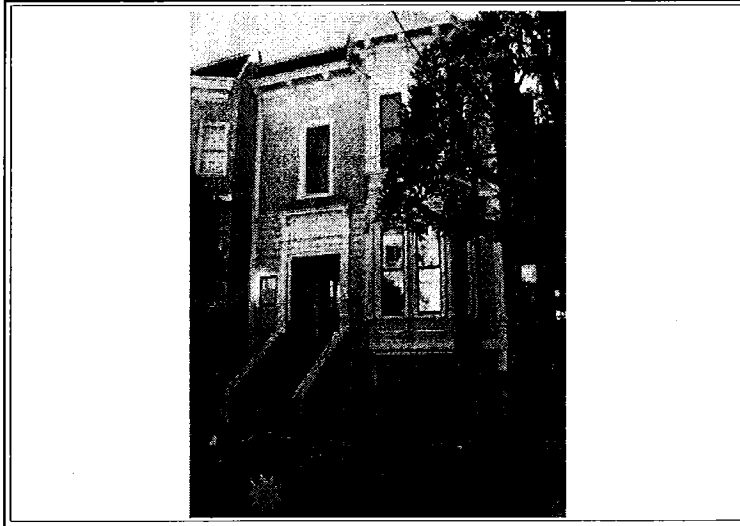


COMPARABLE SALE #3

2405 Washington Street
San Francisco
Sale Date: 10/26/2012
Sale Price: \$ 3,750,000

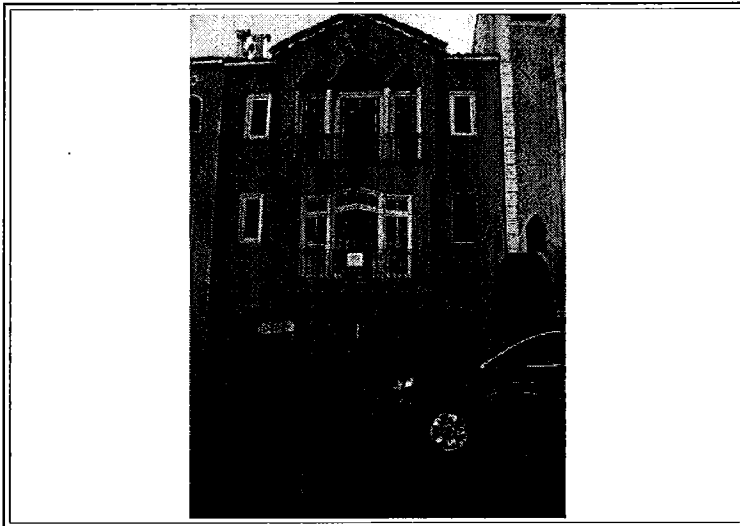
COMPARABLE PROPERTY PHOTO ADDENDUM

Client: Pam Whitehead	File No.: 20131127PW
Property Address: 2853-2857 Broderick Street	Case No.:
City: San Francisco	State: CA Zip: 94941



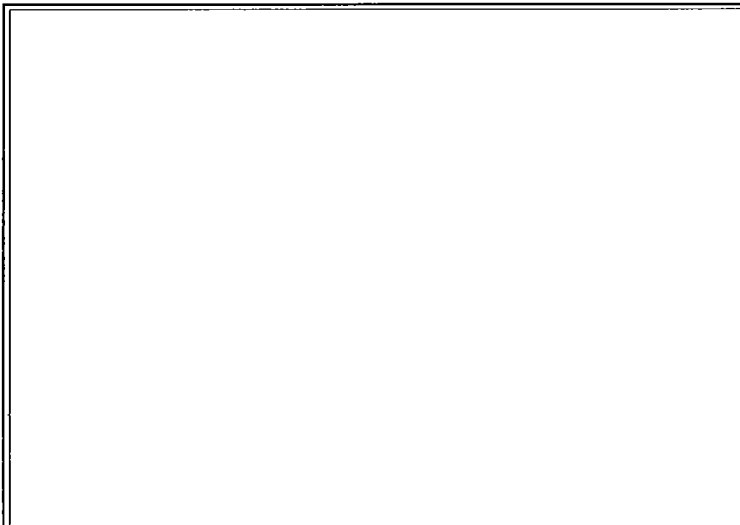
COMPARABLE SALE #4

2847-2849 Washington St
San Francisco
Sale Date: 05/21/2013
Sale Price: \$ 5,300,000



COMPARABLE SALE #5

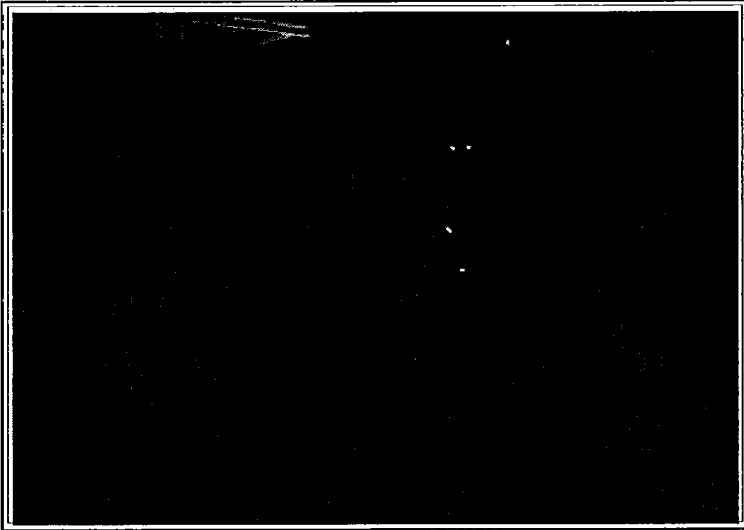
1655-1657 Beach Street
San Francisco
Sale Date: 10/18/2013 List
Sale Price: \$ 4,100,000



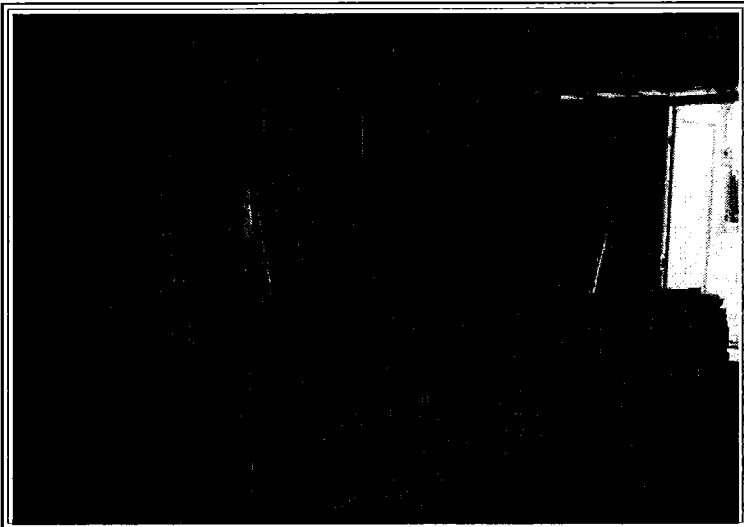
COMPARABLE SALE #6

Sale Date:
Sale Price: \$

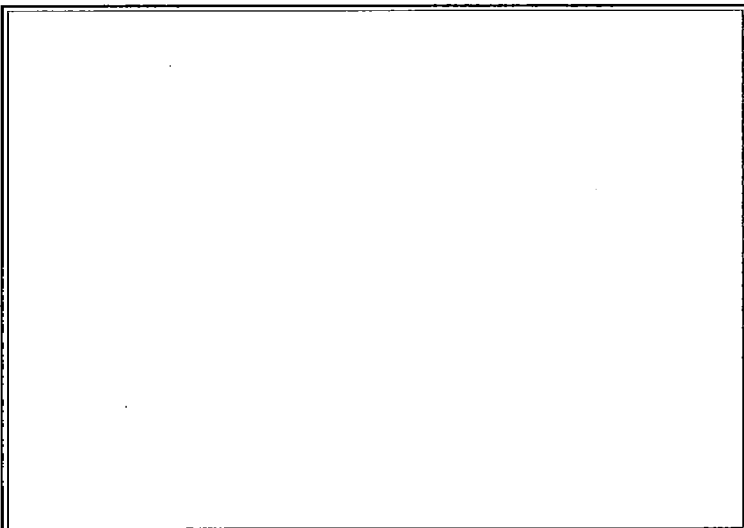
Client: Pam Whitehead	File No.: 20131127PW
Property Address: 2853-2857 Broderick Street	Case No.:
City: San Francisco	State: CA Zip: 94941



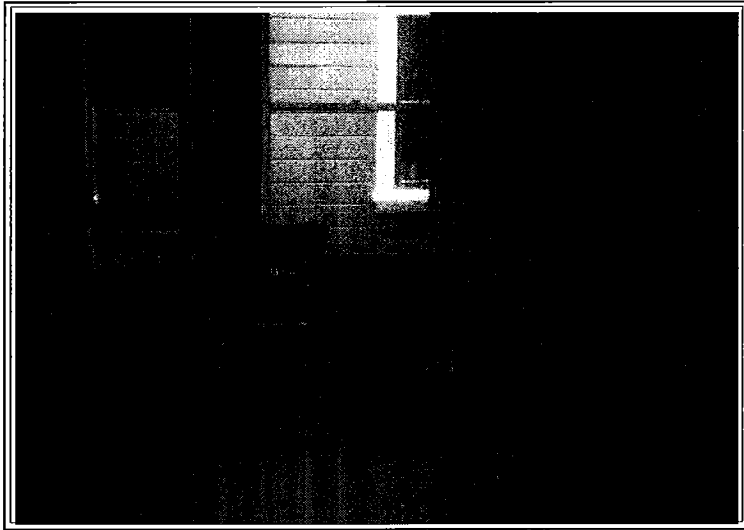
1st Floor Space
Living Area



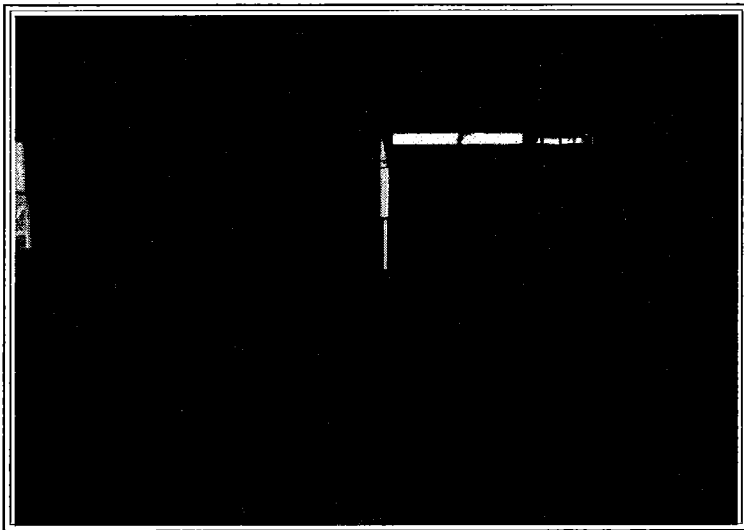
1st Floor Space
Garage



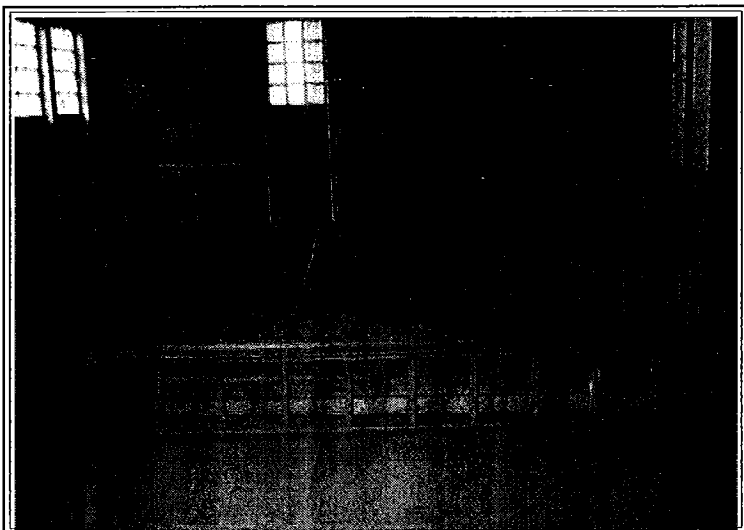
Client: Pam Whitehead	File No.: 20131127PW	
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City: San Francisco	State: CA	Zip: 94941



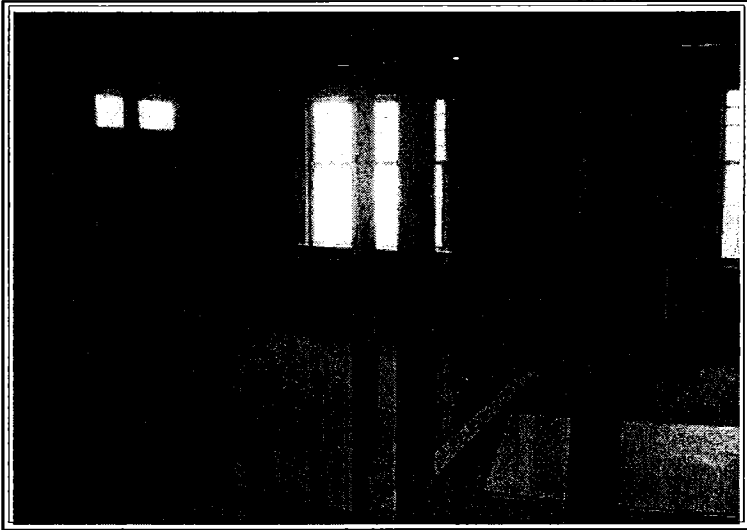
2nd Floor Space



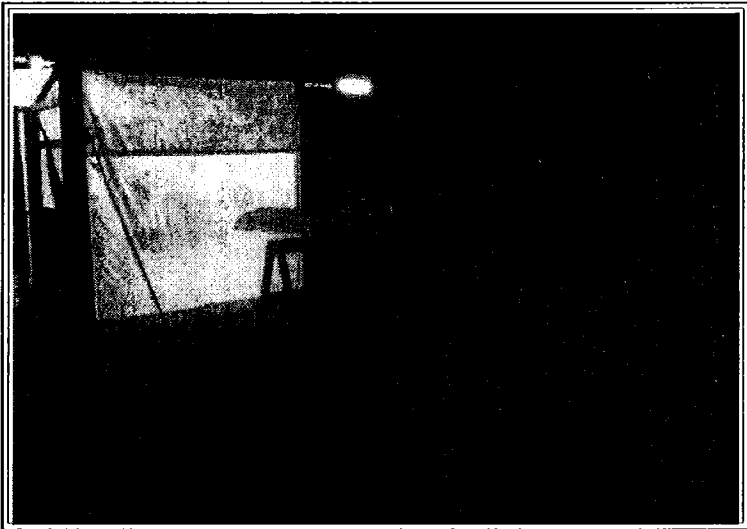
2nd Floor Space



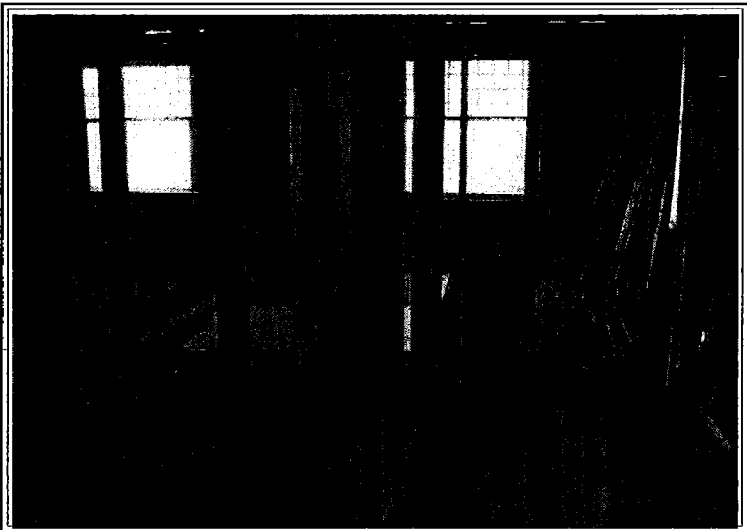
2nd Floor Space



3rd Floor Space



3rd Floor Space



3rd Floor Space

Client: Pam Whitehead

File No.: 20131127PW

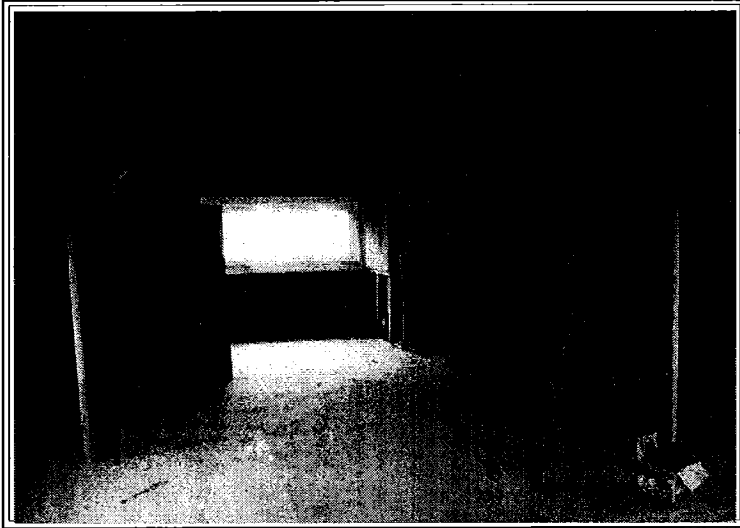
Property Address: 2853-2857 Broderick Street

Case No.:

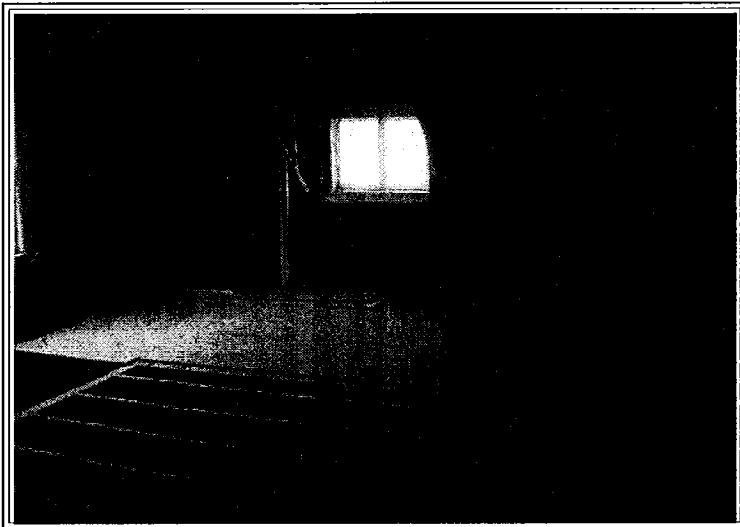
City: San Francisco

State: CA

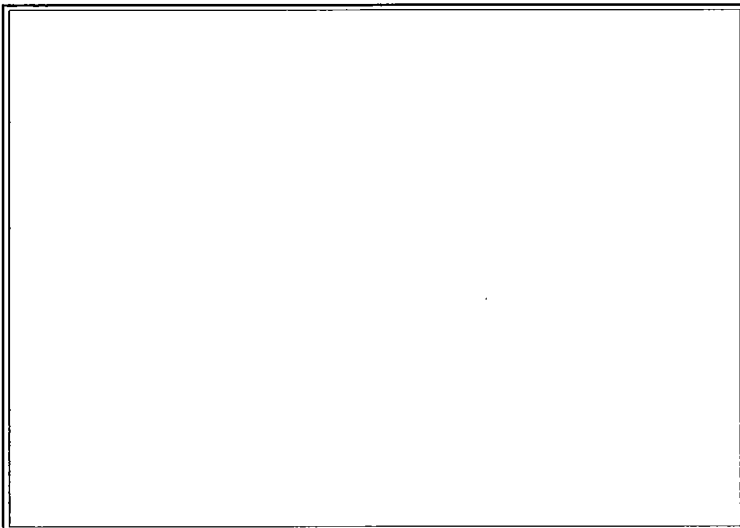
Zip: 94941



4th Floor Space

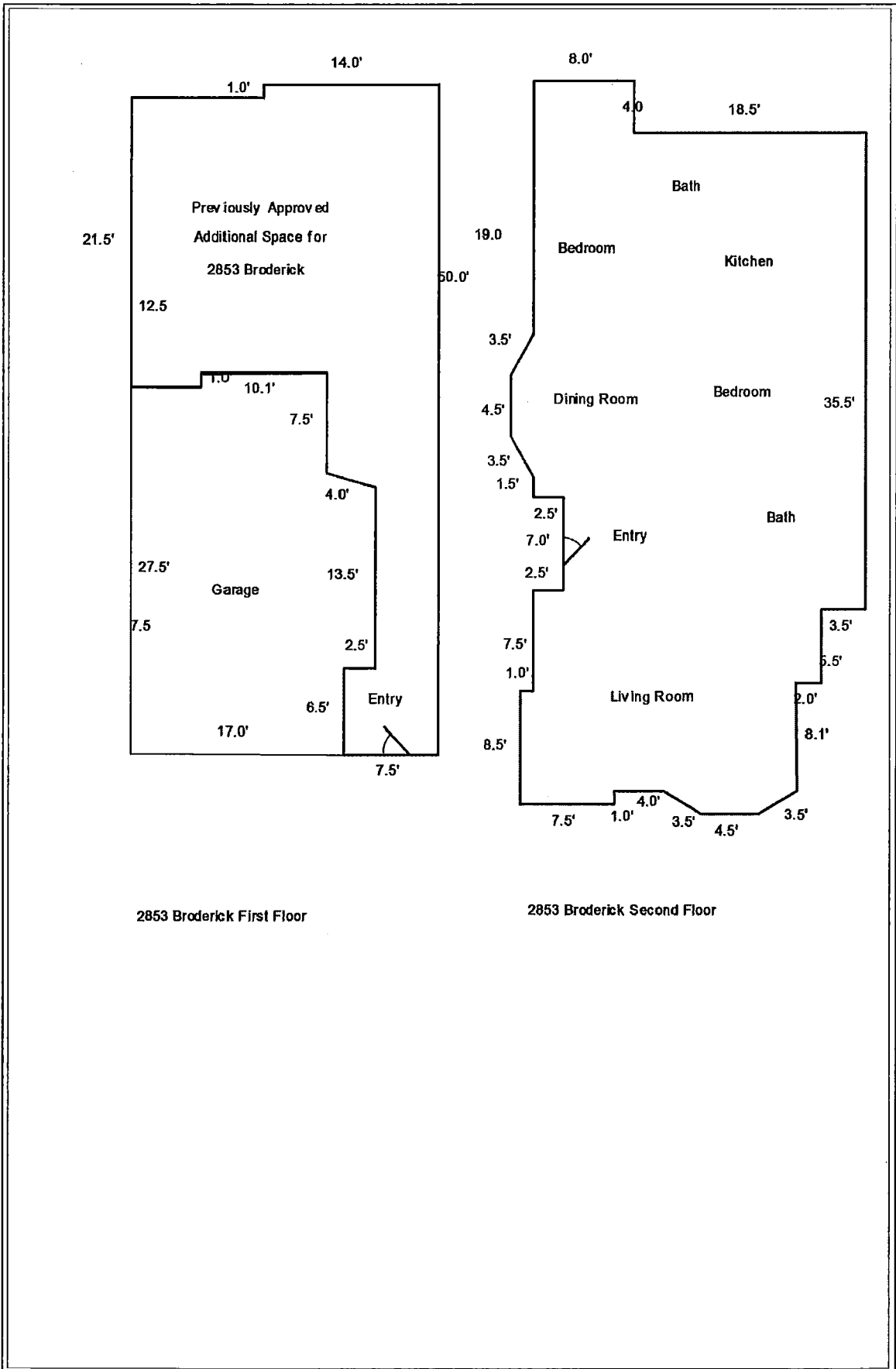


4th Floor Space



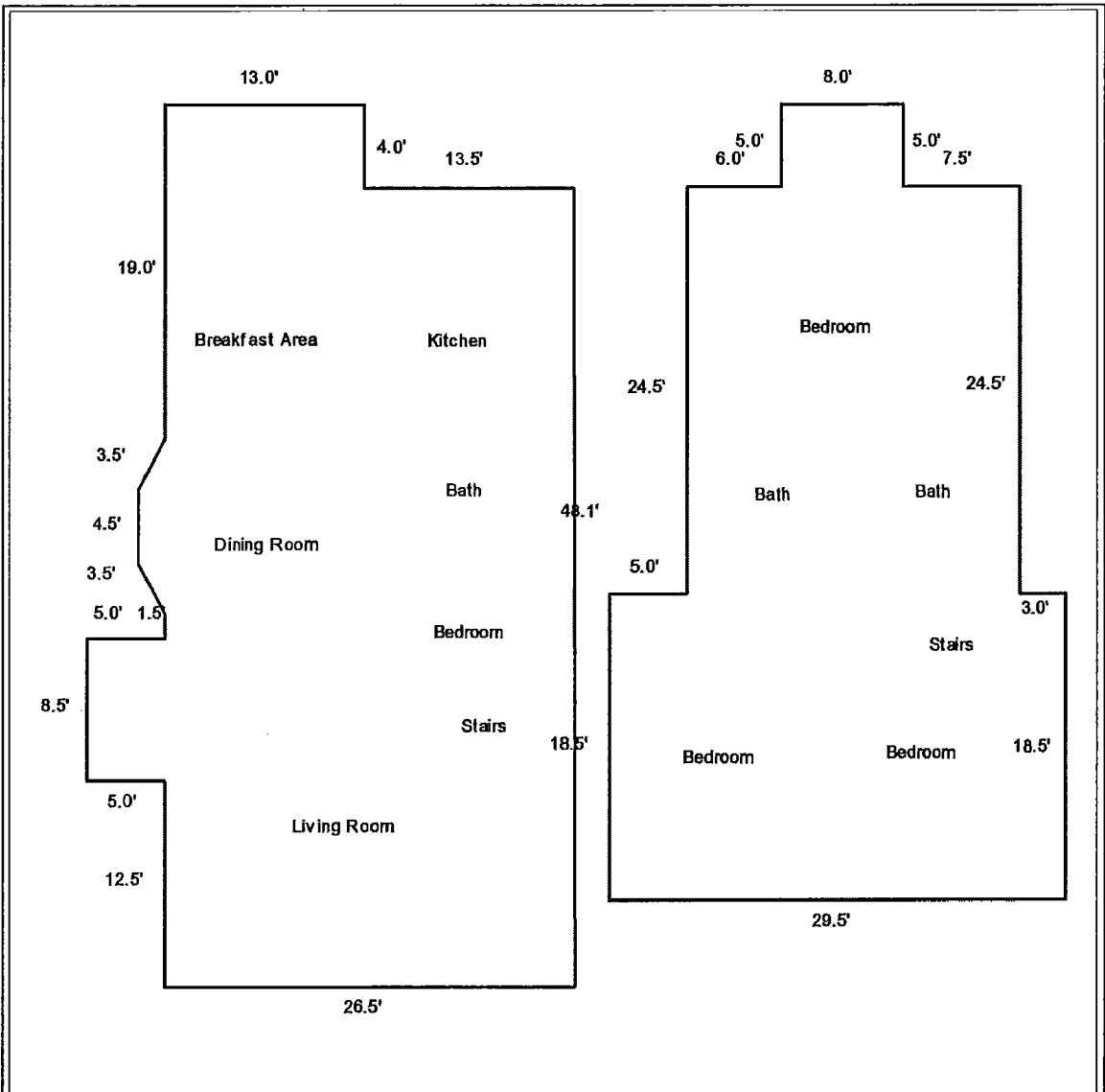
FLOORPLAN SKETCH

Client: Pam Whitehead	File No.: 20131127PW
Property Address: 2853-2857 Broderick Street	Case No.:
City: San Francisco	State: CA Zip: 94941



FLOORPLAN SKETCH

Client: Pam Whitehead	File No.: 20131127PW
Property Address: 2853-2857 Broderick Street	Case No.:
City: San Francisco	State: CA Zip: 94941



2857 Broderick Third Floor

2857 Broderick Fourth Floor

SKETCH CALCULATIONS		Perimeter	Area
Living Area			
2853 Broderick First Floor			711.8
2853 Broderick Second Floor			1170.2
2857 Broderick Third Floor			1395.3
2857 Broderick Fourth Floor			1095.0
Total Living Area			4372.3
Garage Area			
Garage			503.7
Total Garage Area			503.7

PLAT MAP

Client: Pam Whitehead File No.: 20131127PW
 Property Address: 2853-2857 Broderick Street Case No.:
 City: San Francisco State: CA Zip: 94941

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lot 19 into lots 57 & 58 for 2011 roll

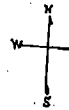
9477

W A BLK 550

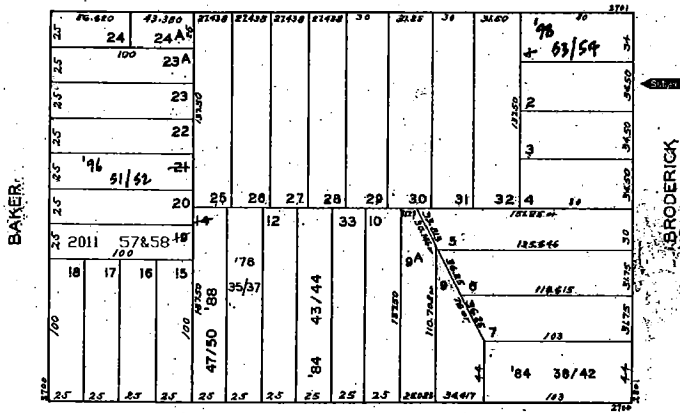
REVISED '73
 " '78
 " '84
 " '88
 " '96
 " '98
 Revised 2011

2865-2869 BRODERICK ST.
 A CONDOMINIUM

LOT	UNIT	% COMM AREA
53	2865	32
54	2869	68



FILBERT



UNION

2766 UNION STREET
 A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
35	2762	20.125
36	2764	37.315
37	2766	42.560

2750-2762 UNION ST.
 A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
33	2752	55.78
44	2760	44.22

2700-09 UNION ST.
 A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
38	2700	28
39	2702	16
40	2704	20
41	2706	19
42	2708	17

2774 UNION ST
 A CONDOMINIUM

LOT	UNIT	% COMM AREA
47	1	43.785
48	2	18.307
49	3	18.270
50	4	19.633

2734-2736 BAKER ST.
 A CONDOMINIUM

LOT	UNIT	% COMM AREA
51	2734	45
52	2736	55

LOCATION MAP

Client: Pam Whitehead
Property Address: 2853-2857 Broderick Street
City: San Francisco

File No.: 20131127PW
Case No.:
State: CA
Zip: 94941

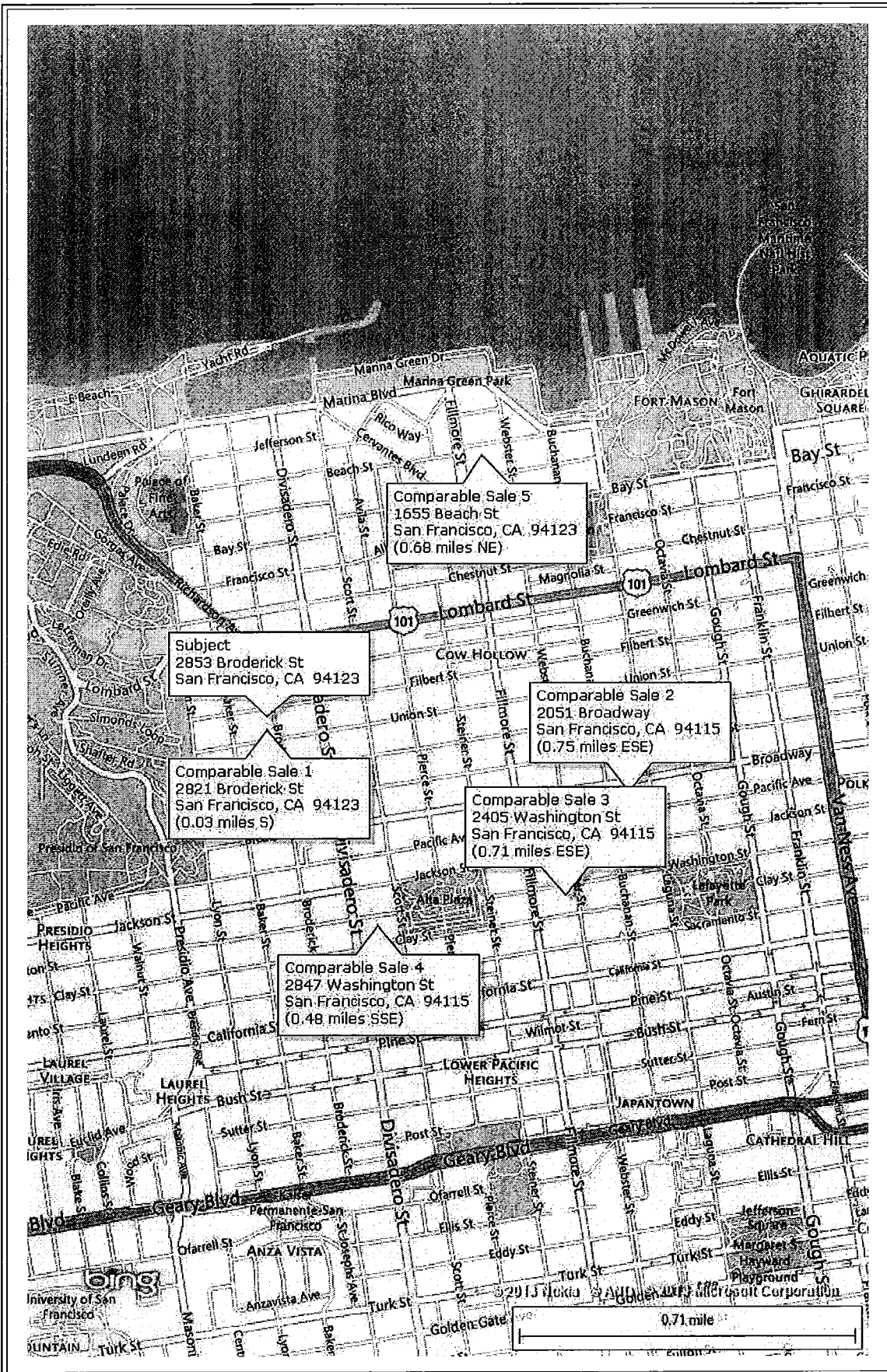


EXHIBIT D

Dick, Ilene (19) x4958

From: Stephen Antonaros [santonaros@sbcglobal.net]
Sent: Tuesday, April 21, 2015 1:37 PM
To: Dick, Ilene (19) x4958; Whitehead Pam
Subject: Fwd: 2853 Broderick-DUR

Begin forwarded message:

Subject: Re: 2853 Broderick-DUR

From: Stephen Antonaros <santonaros@sbcglobal.net>

Date: July 9, 2013 at 5:52:38 PM PDT

Cc: Whitehead Pam <whiteheadwest@msn.com>, "Sanchez, Scott" <scott.sanchez@sfgov.org>, "Lindsay, David" <david.lindsay@sfgov.org>

To: "Cabreros, Glenn" <glenn.cabreros@sfgov.org>

Glenn,

That permit should be on your desk. It is very straight forward. When do you expect that you can review it?

Stephen Antonaros, ARCHITECT
2298 Third Street
San Francisco, California 94107
(415)864-2261
www.antonaros.com

On Jul 9, 2013, at 5:11 PM, Cabreros, Glenn wrote:

Stephen:

I've been advised by the Zoning Administrator to hold off on review of the merger, until the height issue is resolved.

Glenn Cabreros, LEED AP
Planner

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6169 | Fax: 415-558-6409
Email: glenn.cabreros@sfgov.org
Web: www.sfplanning.org

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

From: Stephen Antonaros [<mailto:santonaros@sbcglobal.net>]
Sent: Tuesday, July 09, 2013 4:03 PM
To: Cabrerros, Glenn
Cc: Whitehead Pam
Subject: 2853 Broderick-DUR

Glenn,

What is the status of the application for a Dwelling unit removal for Broderick St. The application was submitted 3 months ago on April 09.

The owner would like to move ahead on that separate from the proposal for new exterior work.

Please let me know if there is anything else you need for the Dwelling unit merger application.

Thanks

Stephen Antonaros, ARCHITECT
2261 Market Street #324
San Francisco, California 94114
(415) 864-2261
www.antonaros.com

EXHIBIT E



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Planning Department Requirements #1

June 10, 2008

Stephen Antonaras, Architect
2261 Market Street, #324
San Francisco, CA 94114

RE: 2853-2857 Broderick Street (Address of Permit Work)
0947/002 (Assessor's Block/Lot)
2013.07.01.0898 (Building Permit Application Number)
2013.0433D (Case Number)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Your Building Permit Application No. 2013.07.01.0898 and Dwelling Unit Merger Application Case No. 2013.0433D have been received by the Planning Department and have been assigned to planner Glenn Cabrerros. Your planner has begun review of your application but the following information is required before it is accepted as complete and/or is considered Code-complying. Time limits for review of your project will not commence until we receive the requested information or materials and verify their accuracy.

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

1. To qualify for an administrative review (Categorical Exemption), the front door on the right side of the front elevation must remain in the same location as previously authorized under the previous Categorical Exemption, Case No. 2010.0394E. The vertical addition towards the rear of the roof would be able to be administratively reviewed. If it is necessary to relocate the front (right) door, an Environmental Exemption application should be filed; see item #2 below.
2. As the existing building is over 50 years old and the project is visible from the public right-of-way, an Environmental Evaluation application is required. An application is available at the Planning Information Counter 1660 Mission Street, 1st floor or at www.sfplanning.org. The Department's *California Environmental Quality Act* (CEQA) review process requires that all proposals for demolition or exterior alteration to buildings 50 years or older be analyzed to determine 1) whether or not the building is an historic resource and 2) whether or not the project meets the *Secretary of Interior Standards for the Treatment of Historic Properties* (Standards).

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

NOPDR #1 sent to:
Stephen Antonaras, Architect
2261 Market Street, #324
San Francisco, CA 94114

July 23, 2013
2013.07.01.0898 and 2013.0433D
2853-2857 Broderick Street

3. Please submit a reference set of the site permit (BPA No. 2011.03.25.2839) approved by the Planning Department on February 1, 2012. Also submit a reference set of the building permit application (No. 2012.09.26.0727) as approved on October 1, 2012 per Board of Appeals Decision Appeal No. 12-056.
4. Submit existing and proposed site plans, floor plans and elevations for the proposed Dwelling Unit Merger as a formal plan revision to the subject building permit application (No. 2013.07.01.0898). As the recent plan submittal reveals that the project was initially approved by the Planning Commission at a Discretionary Review hearing (Case No. 2010.0394D) with the incorrect height and inaccurate relationship to the adjacent buildings, the corrected drawings require additional public notification under Section 311 and the project will also be subject to the Commission's review at a Discretionary Review hearing. As such, the work required by the Dwelling Unit Merger shall be included with the plans for the height correction (under the subject the building permit application) for the Commission's consideration.
5. Please submit Section 311 Public Notification materials.
6. Please note that once the required materials above are submitted, additional comments may be provided to complete your application.

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

All plans submitted must be to an appropriate scale: site plan 1/8" = 1'; floor plans 1/4" = 1'. Plans should be clearly labeled.

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

Please respond fully with all requested information and/or plan revisions as described above. You may file any plan revisions responding to this notice at no extra charge. However, please be advised that failure to address all the items listed above, leading to additional requests for revisions beyond those filed in response to this notice, will require a Back-Check Fee for Permit Revisions (\$238 per hour, Planning Code Sections 355(a)2). If you file additional plan revisions in the future, those plan revisions will be subject to the Back-Check Fee.

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

Please direct any questions concerning this notice to the assigned planner, **Glenn Cabreros at (415) 558-6169 or glenn.cabreros@sfgov.org**. Contact the assigned planner to set up any meeting, should one be

NOPDR #1 sent to:
Stephen Antonaras, Architect
2261 Market Street, #324
San Francisco, CA 94114

July 23, 2013
2013.07.01.0898 and 2013.0433D
2853-2857 Broderick Street

necessary. Please do not come to the Planning Department to discuss this notice without an appointment.

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

c: Pam Whitehead, 2953 Broderick Street, SF, CA 94123

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EXHIBIT F

To: Pam Whitehead

Regarding: 2853-2857 Broderick Street, San Francisco Appraisal

Date: 02/11/2014

Pam,

I recently appraised the property located 2853-2857 Broderick Street in San Francisco for you. The intended use of the appraisal was to assist in determining whether the 2-unit building could be converted to a single family house, per the City of San Francisco's Planning Department guidelines. The appraisal assignment asked for a separate valuation of each of the building's two units.

In March 2010 the interior of the house was burned in an arson fire and the interior was gutted as a result of the damage. My appraisal values the property as if it was rebuilt to its original use and then assigns a separate value to each of the two units. Since 2-unit buildings are not sold as individual units but rather as one building, the appropriate methodology for valuing each unit in the subject property is to analyze and assign values to similar 2-unit sales comps with each comp valued as one entire building rather than as two separate units, since the two units are not sold separately. The two units are then assumed to each add a contributory value to the total value of the building in an amount equal to the percentage of space occupied by that unit.

The value of 2853-2857 Broderick, when valued as a 2-unit building, is \$3,550,000 as of 12/02/2013 (refer to Reconciliation, page 2 of appraisal report). 2853-2857 Broderick consists of approximately 4,372 sf of space (refer to Appraisal Addendum entitled Quality and Condition of Property). 2853 Broderick occupies approximately 1,882 sf, or 43% of the entire building; 2857 Broderick occupies approximately 2,490 sf or 57% of the entire building. Each unit provides a contributory value to the entire building in direct proportion to its percentage of the entire building. Therefore, based on the percentage of space occupied by each unit, the value for each unit, if valued separately, is:

2853 Broderick: \$1,526,500

2857 Broderick: \$2,023,500

Using a similar methodology, each of the five comps in the appraisal report can be given a separate unit value based on their individual percentage of space occupied in the building. Following is a breakdown of individual unit values for each of the comps, which can then be compared to the subject's individual unit values:

2853 Broderick: \$1,526,500

Comp 1: \$1,480,417

Comp 2: \$1,538,500

Comp 3: \$2,221,111

Comp 4: \$1,977,083

Comp 5: \$1,501,250

2857 Broderick: \$2,023,500

Comp 1: \$2,072,583

Comp 2: \$1,538,500

Comp 3: \$1,776,889

Comp 4: \$2,767,917

Comp 5: \$2,101,750

It can be concluded that the individual values assigned to each unit in the subject property are well supported in the marketplace.

Roger Ostrem
Greenhill Appraisal
License #AR028299

December 23, 2014

Pam Whitehead
50 Magdalena Ct
Mill Valley, CA 94941

Re: 2853-2857 Broderick Street, San Francisco

Dear Ms. Whitehead,

This letter is intended to provide additional clarification to the appraisal that I performed for your property at 2853-2857 Broderick Street. I will also address issues that have arisen since my 12/02/2013 appraisal of the property, as they relate to the appraisal.

Issues/Questions Relating to the Appraisal Process:

(Questions Asked) What is the appraisal supposed to value, etc.?

- The appraisal is intended to determine the market value of each of two units in a 2-unit residential property.
- Since the building has been subject to a fire and has a burned out interior which needs to be rebuilt, the property can be valued on either an "as is" basis or on a "subject to completion" basis. The appraisal originally valued the property on an "as is" basis. The appraisal has recently been revised and updated in order to value the property on a "subject to completion" basis. The effective date of the appraisal remains unchanged.
- A "subject to completion" valuation per plans and specs is considered to be the appropriate methodology for the intended purpose of this report. Utilizing a "subject to completion" market valuation is the standard appraisal practice required by banks when providing construction loans and also by secondary market participants such as Fannie Mae and Freddie Mac. An "as is" valuation remains included in the report as a point of reference; however, the final reconciled value of the property is based on a "subject to completion" condition.
- It has been questioned whether the property should be valued prior to its fire, or after its fire but before a lift of the building, or after a lift of the building, or as a raw shell that is inhabitable. Since construction lenders and secondary market participants require similar properties to be valued in a "subject to completion" manner, all of the potential alternate scenarios are considered inappropriate for determining the market value of the building. Any of the alternate proposed scenarios would have the strong possibility of leading to an inaccurate market value of the subject property. The only likely purpose for utilizing one of these alternate proposed scenarios would be to deliberately undervalue the property below its actual market value.
- The appraisal process relies on the sales comparison approach to value, which is the primary methodology of valuing residential properties. A fundamental requirement of the sales comparison approach is the principle of substitution. This principle states that a buyer will likely pay a similar price for a substitute property which has similar characteristics. It is therefore essential that the comps used in the appraisal process be similar in order to satisfy the principle

of substitution. It has been suggested that the property could be valued as a condo, as a co-op or as a TIC. Valuing the property as if it is something other than what it actually is would not be acceptable appraisal practice. Doing so would invalidate the required principle of substitution, since the subject is none of these alternate property types.

- My appraisal of the subject has been properly compared to five similar properties, all of which are comparable 2-unit buildings and none of which are condos, co-ops or TIC's.
- The appraised market value of the property is not influenced by any final permit requirements and/or appeals that may be in process, since the subject's market value is "subject to completion".
- A question has been raised about the actual construction cost of the project. A proper cost approach to value in an appraisal is not based on a renovation budget but instead is based on what a building would cost if replaced and built as a new building and then depreciated to its current condition. Refer to Cost Approach to Value section.
- The current owner's construction budget is immaterial to its market value. Cost does not equal value. If cost equaled value, no future residential projects would be built.
- The use of 2821-2823 Broderick Street as a comp has been questioned. Per the MLS listing and the available county records the two properties compare as follows: 4,372 sf living area (subject) vs. 4,502 sf (2821-2823 Broderick Street); 2,757 sf lot size (subject) vs. 4,097 sf (2821-2823 Broderick Street). The property at 2821-2823 Broderick Street sold for \$3,560,000 on 05/25/2012. What the complaint failed to mention was the most recent sale of the property: 2821-2823 Broderick Street sold on 02/12/2014 for \$11,100,000. The property was likely remodeled and may have increased in size, but the sales transaction none-the-less represents a dramatic increase in sales price for a similar property on the same block as the subject, which will likely benefit the market value of the subject.

Comments on Alternate Appraisal

- An alternate appraisal of the subject property was performed by Walkup Clark & Associates, dated 12/02/2013.
- Subject property is valued as if held in TIC (Tenancy in Common) ownership.
- The public records, as well as the Walkup Clark appraisal, clearly state that the property is held by a family trust. The property is not held as a TIC. There are no plans to convert the property to a TIC. Therefore, valuing the property as a TIC is misleading and results in an unreliable and invalid appraisal result.
- The Walkup Clark appraisal additionally references details about converting the property to condominiums; however, the subject is not a condominium and there are no plans to convert the building to condos. Inclusion of condo conversion information is also misleading.
- Since TIC units typically sell at price points well below other traditional residential units in San Francisco, valuing the subject property as if it contained existing and/or planned TIC units results in undervaluing the subject below its actual market value.
- As previously stated in this letter, the principle of substitution is a primary and required component of the sales comparison approach to value. The subject is not held as a TIC property

and is not planned to become one, yet all of the comps used in the appraisal are TIC units. Therefore, the principle of substitution has not been followed, resulting in highly questionable valuation results.

- The subject is a 2-unit building. The principle of substitution requires that comps be chosen based on their similarity. The Walkup Clark appraisal includes comps from a 3-unit building, a 5-unit building, a 6-unit building and a 4-unit building (333 Spruce St, 3132 Scott St, 3128 Washington St and 436 Laurel St, respectively). Buildings with 3, 5, 6 and 4 units are not similar to 2-unit buildings and do not satisfy the principle of substitution. The market places a higher value per unit on individual units in 2-unit buildings and a lower value per unit on individual units in buildings with 3, 5, 6 or 4 units since the value of the land is proportionally distributed over a larger number of units in larger multi-unit buildings. Using comps from larger, non-similar buildings is an inaccurate methodology that results in undervaluing the subject property.
- The Walkup Clark appraiser did not inspect the interior of the subject property, which is atypical for a valuation in this price point; the supervising appraiser did not view the property at all. This raises concerns over a complete and accurate understanding of the subject property and its value.

Hopefully the remarks and observations included in this correspondence help to further understand and clarify the appraisal that I performed on your property at 2853-2857 Broderick Street as well as point out deficiencies in the alternate appraisal that was presented to me and reviewed by me.

Sincerely,

Roger Ostrem
Certified Appraiser #AR028299

EXHIBIT G

Date: April 22, 2015

To: Pam Whitehead
Ilene Dick, Esq.

Re: 2853-2857 Broderick Street, San Francisco

I previously appraised the 2-unit property located 2853-2857 Broderick Street on December 2, 2013. A question has arisen regarding the value of the property on an earlier date; specifically what would the value of the property have been on October 9, 2013. This memo addresses that specific issue.

- The original appraisal valued the property at \$3,550,000 as of December 2, 2013. The building consists of two units. The contributory value of each unit has been assigned based on its individual square footage as a percentage of the building's total gross living area, as follows:
2853 Broderick: $\$3,550,000 \times 43\% = \$1,526,500$
2857 Broderick: $\$3,550,000 \times 57\% = \$2,023,500$
- The difference in time between the effective date of the original appraisal on December 2, 2013, and the value of the property on the specific date in question, October 9, 2013, is minor and amounts to approximately two months.
- All of the comps in the original appraisal have sales date prior to October 9, 2013; therefore, there is no need to present alternate comps. Additionally, the details of the original appraisal remain unchanged during the time period between October 9, 2013 and December 2, 2013.
- Time adjustments to comps reflect changes in market pricing between the sales date of a comp and the effective date of the appraisal. Time adjustments are addressed in the sales comparison grid starting on page 2 of the original appraisal form and continuing on the following page. Time adjustments are included on the line item entitled "Date of Sale/Time".
- Comps 1, 3 and 4 were adjusted for time in the original appraisal. Adjustments for time were based on market price changes for 2-unit buildings in the subject's neighborhood during the 12 month period prior to the effective date of the appraisal. The neighborhood market rate of change for that 12 month period was +0.83% per month. The 6 month period prior to that 12 month period recorded flat market conditions for 2-unit buildings in the subject's neighborhood and no additional time adjustments were therefore required during that 6 month period.
- Changing the time adjustment for Comps 1, 3 and 4 results in the following line item changes for each comp based on a market rate of change of 0.83% per month x 2 months, the difference between October 9, 2013 and December 2, 2013:

<u>Original Time Adjustment</u>	<u>Adjust for 2 Months</u>	<u>Revised Time Adjustment</u>
Comp 1: 350,000	-59,000	291,000
Comp 3: 375,000	-62,000	313,000
Comp 4: 530,000	-88,000	442,000

- The revised time adjustment has the effect of lowering the adjusted sales price for 3 of the 5 comp as follows:

<u>Original Adjusted Sales Price</u>	<u>Revised Adjusted Sales Price</u>
Comp 1: \$3,553,000	\$3,494,000
Comp 2: \$3,077,000	\$3,077,000 (no time adjustment in original appraisal)
Comp 3: \$3,998,000	\$3,936,000
Comp 4: \$4,745,000	\$4,657,000
Comp 5: \$3,603,000	\$3,603,000 (listing, no change required)

- The method of arriving at the final market value of the subject property is unchanged from the original appraisal. The original appraisal used a methodology of reconciling the market price of the subject by placing primary weight on the adjusted sales price of Comp 1, which now becomes \$3,494,000 after applying the revised time adjustment. The original appraisal applied equal weighting to the average of the three adjusted sales prices of Comps 1, 2 and 3; the average of the three becomes \$3,502,000 after applying the revised time adjustment. Comp 4 is once again given less weight in the final value reconciliation due to its large required gross adjustment; however, Comp 4 has a large adjusted sales price of \$4,657,000 which is given tertiary weight. Comp 5 was listed at \$3,603,000 at the time and is given secondary consideration since it was not a closed sale.
- After applying revised time adjustments to Comps 1, 3 and 4 and giving minor weight to Comps 4 and 5, the market value of the subject property as of October 9, 2013 is: \$3,518,000.

The value of each unit is as follows:

2853 Broderick: $\$3,518,000 \times 43\% = \$1,513,000$

2857 Broderick: $\$3,518,000 \times 57\% = \$2,005,000$

Roger Ostrem
Greenhill Appraisal
License #AR028299

EXHIBIT H



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis

Dwelling Unit Merger

HEARING DATE: MARCH 13, 2014

Date: March 6, 2014
Case No.: 2013.1133D
Project Address: 1070 GREEN STREET
Permit Application: 2013.07.25.2782
Zoning: RM-2 (Residential, Mixed, Moderate Density)
40-X Height and Bulk District
Block/Lot: 0121A/031 and 033
Project Sponsor: Gregory Evard
171 Main Street #180
Los Altos, CA 94022
Property Owner: James and Trudy Chiddix
1070 Green Street, Units 1101 and 1103
San Francisco, CA 94133
Staff Contact: Kanishka Burns – (415)575-9112
kanishka.burns@sfgov.org
Recommendation: **Do not take discretionary review and approve as proposed**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposal is to merge a one bedroom, one bathroom condominium unit (unit 1103/lot 033) with the adjoining two bedroom, one and a half bathroom condominium unit (unit 1101/lot 031) in a 47 unit building (known as the Green Hill Tower) that was constructed in 1961. The resulting unit would consist of three bedrooms, two and a half bathrooms, living room, dining room, kitchen, two new closets and a dressing area. The terrace of unit 1103 would be enlarged by expanding into the existing living space. The proposed merger will accommodate the household that currently resides in unit 1101 and as well as unit 1103, which was purchased in May 2013. Unit 1103 was appraised at \$1.5M on June 24, 2013 and unit 1101 was appraised at \$2.4M on October 17, 2013. Units that appraise below \$1.342M are considered to be financially accessible or demonstrably affordable housing. The units proposed for merger are not financial accessible or demonstrably affordable housing. The proposal is subject to the Section 311 Neighborhood Notification due to the change of use, and was conducted from December 24, 2013 to January 23, 2014.

BACKGROUND

The subject Dwelling Unit Merger application was filed on August 15, 2013 and reviewed against the Dwelling Unit Merger criteria of Planning Code Section 317(e) which was in effect at the time. The Project was determined to qualify for Administrative Approval because it met a supermajority (at least four out of five) of the merger criteria and was demonstrably not affordable or financially accessible housing. The

Administrative Approval. However, the Mayor’s Executive Directive 13-01 was issued on December 18, 2013 and the Working Group Response issued on February 3, 2014 requires Mandatory Discretionary Review for the loss of dwelling units in buildings with more than two units. On January 24, the Section 317 criteria for Dwelling Unit Mergers were amended and on March 5, 2014 the threshold for appraisals was raised to \$1.506M. The Project is no longer eligible for Administrative Approval under the Planning Code because it is not demonstrably unaffordable and it is subject to Mandatory Discretionary Review hearing under Executive Directive 13-01 because the building has more than two units.

SITE DESCRIPTION AND PRESENT USE

The subject property is located on the north side of Green Street, between Mason and Taylor Streets, lot 010 in Assessor’s Block 0119 and is located within the RM-2 (Residential-Mixed, Moderate Density) Zoning District and the 40-X Height and Bulk District. The property is developed with a three-story over basement, 3,300 square foot building that was constructed in 1908 with three residential flats, occupying one floor each and a two car garage in the basement. The ground floor two-bedroom, two-bathroom flat has been renter occupied since October 2012 while the two upper flats are occupied by the owner. The existing building is a noncomplying structure as it does not meet the Planning Code requirements for rear yard and usable open space.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject property is located in the Russian Hill neighborhood in a moderate density residential area. The Project is located across the street from the 27 story Royal Towers luxury condominium building and within the vicinity of North Beach, Nob Hill and Chinatown. The surrounding area consists primarily of three and four-story residential and mixed use buildings, with the exception of the Royal Towers building. The RM-2 Residential Mixed Moderate Density District is described in the Planning Code as follows:

These districts are generally similar to RM-1 Districts [a mixture of dwelling types found in RH Districts with a significant number of apartment buildings], but the overall density of units is greater and the mixture of building types and unit sizes is more pronounced. Building widths and scales remain moderate and considerable outdoor space is still available. The unit density permitted requires careful design of new structures in order to provide adequate amenities for residents. Where nonresidential uses are present, they tend to offer services for wider areas than in RM-1 Districts.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	August 4, 2014	August 4, 2014	10 days
Mailed Notice	10 days	August 4, 2014	August 4, 2014	10 days

EXHIBIT I

SEPTEMBER 18, 2014 DR HEARING TRANSCRIPT

... and places you on Item 19 for case #2013.0433DD&D @ at 2853 Broderick Street

A staff initiated and two publicly filed requests for discretionary review.

GLENN CABREROS

Good evening President Wu and members of the Commission. Glenn Cabrerros of department staff. The discretionary review request before you is located at 2853 through 2857 Broderick Street in an RH2 zoning district in a 40X height and bulk district. The project proposes to correct the height discrepancy on an issued 2011 building permit application which allowed the existing three-story over basement two unit building to be lifted three feet to insert a two-car garage within the basement level. Commissioners, some of you may recall this original application to lift the building by three feet as that project was considered by this Commission and approved in 2011. Under discretionary review case 2010.0394D. The original project proposed to lift the building from for three feet from a height of 34 feet to 37 feet and that was the approval by this Commission at that time. While the project was under construction under the issued permit, it was discovered that the reference height on the plans were inaccurate and from a resurvey of the lot, it revealed that the building was actually lifted three feet but from an existing 37 foot to a height of 40 feet. Since the time of that original approval, a new project sponsor has acquired the project and the property. This project sponsor is now seeking approval of a subject building permit application to correct the height discrepancies on the plans but also to consolidate all project work into one permit including a dwelling unit merger from two units to one unit, a side horizontal addition and vertical additions and also rear façade alterations. The scope of additional work was analyzed as one project for the purpose of CEQA as it is a new project and the project was found to be exempt from environmental review.

Jumping to the plans included within your packet, the architect has attempted to demonstrate three different conditions. First of all the conditions as shown on the approved 2011 building permit application. The second condition shows that as built condition of the project as it stands today based on a resurvey of the property and the third condition is the proposed plans to consolidate all work proposed under one permit application which is the subject of the permit application that is the subject of this DR.

With regard to the dwelling unit merger from two units to one unit, an appraisal was submitted by the project sponsor which demonstrates both units exceed the affordability thresholds for both, excuse me, for dwelling unit mergers and the proposed unit merger would be able to be approved administratively for the department's dwelling unit merger policies and therefore would be exempt from discretionary review hearing for the unit merger. At this time, the DR requesters are concerned that the proposed project exceeded the scope of work of the original permit and the building should be restored to its original condition. The DR requesters are also concerned about the dwelling unit merger and the removal of additional historic materials. Generally, the requesters are also concerned that the project has not received proper due process and that has not been served properly.

In closing, the department recommends the Commission to not take discretionary review and to approve the project as proposed. The correction to the building height as the mention of

the plan should be approved as the building was indeed lifted three feet and that it's consistent with the Commission's previous approval. The proposed site additions would retain the existing development pattern as viewed from the public right-of-way. The proposed vertical additions are actually within the existing building footprint and towards the rear of the property. And lastly, the project has been reviewed as one consolidated project wrapping all of the elements together in one project and that also includes the environmental review for the purposes of CEQA.

At this time, I'd be happy to answer any questions or comments. Thank you.

PRESIDENT WU

So DR requester, there were two DR requesters and I believe Mr. Arcuri will give his time also to Mr. Zaretsky.

IRVING ZARETSKY

Good evening, Commissioners.

My name is Irving Zaretsky and I represent 2845, 2847 Broderick Street, the building next door immediately to the south. We met once before in 2011 when you took discretionary review. At that time, before us was a set of plans that depicted the building as 34 feet and it has been incorrect since. What I'm here today is to address primarily the issues of jurisdiction and the legality of the permits. It is a threshold issue. Before we can proceed in any other way to the substantive issues which we have not responded to today, we have to address the procedural and the jurisdictional issues. Therefore, in order to not waive our rights and in order to be able to proceed in judicial venues, we have got to take this issue of jurisdiction first and foremost.

The issue that we face today is that in our neighborhood, we have never had a case like this before. Lots of people have remodeled and improved their homes. This has never been a case that we have seen. When we last met and after the issue was appealed and there was a CEQA appeal and it ended up on September 4, 2012, we assumed that everything was settled and the project sponsor was going to go on and just build her building and things were fine. What we discovered was something quite different. At the end of the CEQA appeal, there was an agreement that was arbitrated by Supervisor Mark Farrell and he and Catherine Stefani did a superb job in bringing the parties together and being able to come up with an agreement that everybody felt they could live with. At the end of the meeting of the Board of Supervisors, Supervisor Farrell, Mr. Kevlin, the project sponsor's attorney and I walked out, shook hands and the attorney asked would we allow him to take and run out the agreement to the Board of Appeals. He turns out we found out 16 months later on March 5, he never got there and no one knew anything about it. So, in other words, the entire agreement was never delivered. The agreement is, by its own terms, and I've sent you—I hope you have looked at the paperwork because you've seen it. It has the following distinguishing features. Number one, it is one document. Agreement and appendix are one document in its own terms. Two, it's non severable. Three, it can be modified only by a subsequent agreement. Four, if one provision is unenforceable, other provisions remain intact. Five, it was drafted by her lawyer. Six, they both demanded that it be signed by all neighbors. Initially, it was going to be myself, my sister and my niece who are owners of the building next door and she refused to accept that as a sole signature but required all the neighbors around to sign it and finally, all signatories had to

approve non-minor changes.

What happened, and let me give you a skeleton. The lawyer never got there. The Board of Appeals approved it thinking that it was before them and everything was quiet. We didn't hear anything until about February. Inquiries about why isn't the procedure, the building being built and so on, she says we are working on it and if something happens, we will let you know. Now we have received the Freedom of Information Sunshine request of documents from the Planning Department and I thank you very much for being so prompt. DBI has not yet turned their materials in and the reason we're asking you today to postpone this hearing on the substantive issues is to allow the Board of Supervisors and the City Attorney to render an opinion in writing as to the jurisdiction; whether this Commission has jurisdiction at this time to hear this case.

What happens, essentially, is that no one heard anything until February, but the documents show that beginning November, the project sponsor began to disavow the plans that she got were her plans and she demanded that she had a whole different set of plans and she was working on it. None of us knew anything about it. What happened in she raised her building in around February or March and we discovered that by the terms of the agreement, she was supposed to mark it where she raised it so it could be verified as to the 36 inches which you had required. And we asked for verification, and she said she didn't mark it. So we hired a very respectable surveyor, Ben Ron. And he surveyed the building and the results were given to you and in fact the building was raised more than 36 inches and you've got the documentation in your file. And essentially, the problem was that the (I get this too. Oh, there we are.)

Mr. Sanchez made a site visit, an unannounced site visit, and measured it from the southern-most highest element of the property and measured about 39 inches. In fact, what I've pointed out that the building is on a slope so it's a 3.6 slope. Therefore, the mid-center of curb from which the code requires you to measure is 1.8 inches, one foot, eight inches, and therefore you can see that no matter where you measure 36 inches on a slope, the lower down to the mid-center that you go, the building will sit lower down in the air because this is just basic geometry, that, you know, at the northern-most side, the building will be up about 54 inches, on the uppermost side, it'll be 36 but in the middle, it's a lot more than that. DBI wanted to measure it. Mr. Duffy went out there. He promised to measure it but he didn't and said he relied on the project sponsor.

So essentially, what we have here is simply an issue of measurement that we have to deal with. Let me give you the skeletal amount. So there was an agreement. It was never handed in in full. There was a disavowal and then around February, we got a frantic call from the project sponsor, Pam Whitehead, in tears saying you've got to help me out. City Planning won't let me do a thing. I want to make some changes. You know, we all agreed that I could make some changes—the minor ones by the requirements of code there was no problem with and the non-minor ones, we had to have a discussion and approval by the signatories. They won't listen to me. Would you please come down and take a look at what I've got going and she then disclosed for the first time that she had financial considerations. She bought the building for something like a million, seven fifty, put down fifty thousand. The previous owner, Mrs. Conrad, who was our neighbor for some 45 years, took back the paper for three years and she had to refinance it at the end of which time and she says I'm worried. I want to get this building built. I want to finish it and I want to secure my financing.

My sister and I, immediately the next day, this is on the evening of March 6, immediately on the next day, went down there. She showed us some plans and she said she would like to change the building. My sister immediately noticed a difference. There was an elevator where there should have been a place for a second means of egress for the two unit building that we, Mr. Sanchez and I all worked very hard to accomplish. And we did accomplish it in the agreement. It was all set to go. And she says yes, I want an elevator. I want to make it a home. I want to move here. I was a child here. I grew up and so on and so forth.

And she said, you got to help me out. You got to contact him and tell him that you saw the plans and it's ok with you. We said to her, look, we can't interfere between you and the City Planning Department and, you know, if you're going to do something, and she said, no, you've got to do it. It's a terrible situation. I get home. Mr. Antonaros calls me and he says, Irving, you got to say anything, something, just tell 'em that you saw it, sends me an email and he says, say something light. We have all the documents here in the portfolio. And I wrote back and I said they have asked me to tell you that it's ok with us and there is basically no change in the outer envelope of the building. It's internal changes. It was foreseen in the agreement and indeed it was. It had a road map. Keep in mind that there is a road map at each step of the way, how to proceed.

Mr. Sanchez apparently said no. We called up, the next thing we knew, there was conversations back and forth and you guys received a lot of emails from me. In fact, so many that one of you asked me back and said, could you just please wait until the hearing and not send us emails anymore? And maybe it was Mr. Antonini. I don't remember. [chime] Is my time up?

WOMAN

You have 30 seconds.

IRVING ZARETSKY

Oh wow. What happened then was – what we have is, Mr. Sanchez writes in the – I've been here 10 minutes already?

WOMAN

Correct.

IRVING ZARETSKY

I have Mr. – writes in the notes that he wants a letter from Mr. Zaretsky. Mr. Zaretsky and then Mr. Cabrerros say it will be in lieu of a 311 notification, without notifying me at all, which was the first violation of civil rights.

WOMAN

Thank you.

MAN

Your time is up.

IRVING ZARETSKY

I'll have to take it up again in rebuttal.

WOMAN

Are there members of the public in support of the DR? ... Members of the public who are opposed to the project?

DON MOOREHEAD

Commissioners, my name is Don Moorehead, I live at 2715 Filbert Street. My property runs through four properties on Broderick, including the subject property. The comments that I want to make are general comments to generally all the homeowners in San Francisco. When my wife and I bought our house on Filbert in 1984, we had reasonable view of the Bay. We had a backyard that was sunlit from 10:30 to 7:00 in the evening. We had a kitchen that had nice light and so on. In the ensuing years, the neighbors across the street went up. We now have a peek at the Bay if we stand on a ladder in our attic. Our backyard, our deck is mildew and dry rot. There is never sun in the back yard because the house next door not only went up, but built back to the back yard. The current project that we're considering here is, having gone up 36 inches, took most of the light from the Eastern exposure. By the time we square off this building on the second, first and second floors, it's going to take the light on the sides of the building. So we're now going to have a kitchen – by the time she puts up a fence in the back yard, we're going to essentially have a black, dark kitchen. So the consideration, legally this ought to be called a taking, because I bought this property because it had features that I was willing to pay for. I don't have those features any more. And my neighbors have now got enhanced value on their properties from the taking. And I think we need to consider that. Not only just on this property, but on all the properties. I think that has to be in the considerations that you make in determining whether or not plans are approved. Thank you for your time.

WOMAN

Thank you.

PATRICIA VAUGHEY

This has been one of the hardest cases I've ever seen and the most despicable cases I've ever seen in my 30 years of being here. It equates to the, I call the Academy of Art issues. I've never seen so many complaints. I've never seen so many building against – Scott Sanchez in the Department of Building Department telling them not to build and they continue to build. I've seen a back – as Glen said, with the existing square footage, well, in one of these expansions they tore out the back yard, expanded the back wall, expanded it to include all of the stairwells. They were supposed to have emergency plumbing and they continued cooking, fixing it past it. They didn't measure the front right. This has been really a hard case. Our group believes that

you have the right to embellish your house but this has been so many violations that are saying we support the DR requestors because of these violations. Number two, if you decide to build, to vote for this, there are going to be two repercussions. One of them because of all of these infractions that they have not followed, every other developer in town can use this case as a precedent case and it's going to cost the Department a lot of money, because there are going to be more DRs, more problems, etc. Number two, if you decide to vote for this, I think that they should bring the back wall back to the original. I think they should do the correct 36 inches. They don't need dormers on both sides, because the 7:00 sun comes into the last speaker's house, and he's not going to have any, and why do they have to square off the top? Just leave the roof at an angle so more light is, comes into the back yards. The reason why you should continue this and find out what your legalities are on this, because it was heard in several different departments, I think that there are more ways to compromise than this and I think that we can work a solution out. The problem is, is from the day one, the first meeting I went to and I sat there and watched and didn't say anything: I saw noncooperation from the architect as well as from the developer, and I think you should look at this case very carefully because there are a lot of ramifications down the line that could repercuss on the Department. Looking for compromises, seeing if we could find some. Thank you.

WOMAN

Thank you. Are there additional speakers in support of the DR? No? OK. Project sponsor, because there were two DR requestors, you have ten minutes.

ILENE DICK

Thank you. Good evening, President Wu, Members, Mr. Sanchez, Mr. Jocelyn. Ilene Dick, Farella Braun & Martel on behalf of the project sponsors, Pam White and Melinda Nykamp who are in the audience with us.

I'm going to start with, quite frankly, with the bizarre requests which Mr. Zaretsky emailed to me last evening, and he explained earlier to you, that somehow this Commission has to wait for an attorney from the – for an opinion from the City Attorney's Office to both the Board of Supervisors, for an order to take jurisdiction. And it's all premised on this settlement agreement that was executed with respect to this CEQA appeal that took place a few years ago. Somehow Mr. Zaretsky, and I should add in the documents that Mr. Zaretsky shared with all of us, Mr. Sanchez made clear at the time and I'll reiterate, settlement agreements like this are private agreements. The City is not a party, they don't belong in the file, they never go in the file. And so after I read the documents last night, I went and I downloaded the Board of Supervisors' motion on the CEQA appeal, the Board of Appeals minutes on their determination where the settlement agreement was discussed, as well as a transcript of the Board of Appeals hearing – I'd like you all to have that. Because in none of these documents does it mention in any way, ratification, adoption, dependence on the settlement agreement. The settlement agreement simply stated, at the time of the CEQA appeal hearing, by Mr. Zaretsky, Ms. Whitehead and Ms. Nykamp's then-lawyer, Mr. Kevlin, that they've made an agreement, the CEQA appeal is withdrawn. The Board still continued to affirm the categorical exemption at the time. So there is no question that this Commission had jurisdiction, the Board of Appeals had subsequent jurisdiction because there had been a final CEQA document at the time. So I wanted to get that out of the way. Again, and I'll leave it to the City family to decide how to address

other issues that Mr. Zaretsky raised.

We are here, as Mr. Cabrerros had stated, to review a consolidated permit. It's an unusual permit, you probably haven't seen this frequently because it is intended to kind of cast a wide net on everything that has happened at this property and is proposed for the property. And reason is, the suspension that Mr. Sanchez had imposed in February – and there's a history here. There's no question. And I'm not going to go in he said, she said, they said. I think this is why we're here tonight. The project architect has put everything in accurate detail on the project plans: what's been approved, what's been built, what was approved by the Board of Appeals and what is proposed. That's what's here.

Mr. Zaretsky and Mr. Arcuri are entitled to a DR request, which they filed. However, rather than seeking to work with the project sponsor, what did they both ask for? Is to undo everything that had been done. Again, a request in and of itself that doesn't meet the spirit DR one way or the other. Because the idea is we're supposed to be compromising and discussion. But basically undo it. And all of this stems, as I'm sure you've ascertained from my papers, what Mr. Zaretsky has said, this started all with the height discrepancy. That was, again, an innocent mistake by the project architect at the time.

So with that said, I want to devote some of the time we have here to Mr. Cook, who is a surveyor whose measurements, on the basis of his measurements that Mr. Antonaros has redrawn the plans that are before you tonight. Thank you.

MR. COOK

Hello, my name is Gregory Cook. I'm a civil engineer and a land surveyor. Somewhere around May of 2012 we went out and we measured the property for the boundary and setbacks and we also put some drill holes and shot some elevations on points that are on the street curbs north and south side as well as the walkway, this brick walk right out in front of the front door. So we had several points that we used to check as to where we came back we could re-check those same points. Because everything's relative to different datums but we didn't want to have one datum where it could be off, so we had 3 or 4 checks. We measured the front door to be a certain distance above those points that we had out there. And when we came back to check it, we found that the building was raised 3 feet on the floor. And then again – and I've got – I don't know if it's helpful to see this – but it shows some of the points out in the street and the drill holes north and south. I think you have it as Exhibit G. Also when we went back out in November of 2013 and we re-surveyed the same things, we shot all the same control points, top of curb, north and south side. And there was marks, like I said, we put drill holes in that we were able to find and that are still there. And there's also a cut L on the south top of curb right in line with the property line, and that's a part of the recorded map. So we had good reference points that we re-shot from, but we did the same thing: check all the points. They matched up close. And we measured the floor off of those points and found that the floor and the building had been raised 3 feet. That's basically it. We also went out and measured the roof, because we were never asked to measure that originally. We were just asked to check, did the building go up 3 feet? Yes, the building went up 3 feet. And then we, at this November date, went out and measured the roof as well. And I think that's it. If you have any questions, feel free to give me a call.

STEVEN ANTONAROS

Good evening, Commissioners. Steven Antonaros, I'm the project architect. And as you might imagine, I'm very interested in seeing this project behind me. But for the purposes of explanation of some of the history, I'd like to say that the project – my involvement goes back before this project owner. I was hired by the original owner, who owned the property for 55 years, after a fire. So when I was called out to do the work, the house had just had the fire. There were some inaccessible spaces, and there was limited access. There was also this, again, a house that was lived in for that long by the same family, and the historic brush or hedges in the front kept access from surveying the curb. We didn't have a survey. I measured the building according to how it sat on the land around it. So the drawings I did were actually accurate for the 3 views of the building, the side and the rear. It was really just the relationship of the curb to the building that was off. So this consolidated permit corrects that. The additions that are proposed are 90% an interior remodel. The dormer extensions are benign and within the profile of the ridge roof and I think, as the Zoning Administrator can attest to, he himself measured the building being raised 3 feet. The District Inspector measured it. The surveyor was called out to confirm it. And that's all there is to the project. I'm available for any questions.

MS. DICK

I just want to make sure that we're all clear that this building is within the 40 foot height limit; it does not exceed the 40 foot height limit, and contrary to what Mr. Zaretsky said, he's not put anything in the record other than Mr. Ron's letter, so we have put in a stamped survey from a licensed surveyor to show all that. I just want to be clear on that.

PAM WHITEHEAD

Good evening. I'm Pam Whitehead and this is Melinda Nykamp, my partner. We were thinking by now we'd actually live in the house, but I grew up around the corner and lived there 26 years, on Filbert. And bought the house from my friend's mom, and I've known them since I was 4. And the project became too much for them. She actually wanted the garage originally, because she was 82 at the time, and parking was becoming a problem. And I guess the fire gave her that opportunity to make changes to the house at the same time.

So this has been a long process for us. We're exhausted, and we really hope that you do not take DR on this. Thank you.

MELINDA NYKAMP

I second the motion. I've been a little behind the scenes on this, but the financial strain alone, the emotional strain of the last two years of owning this building, thinking we're moving; oh it will be nine months, it will be twelve, we're saving money to hire builders and to do work, not to hire attorneys and be back in it. It just feels like one thing after another. If it's not the height it's something else that's going to pop up, and it's been a very long road. It would mean a lot if we could move forward.

WOMAN

DR requestor, you have a two minute rebuttal.

MR. ZARETSKY

In machine-gun fashion, it's a habeas corpus case. Where is the agreement? The agreement has to be filed with the Board of Appeals as one document. They never did. Therefore what we have right now is a parent agreement that gave rise to addenda which are progeny agreements which fall with the original agreement. Therefore what we have here is an original permit that was used as a decoy in order to start some piecemeal addenda agreements and thereby come up with where we are today. I should add to you that on March 12 the project sponsor wrote to Mr. Sanchez, "if the plans alone cannot specify all the conditions of our agreement regarding the neighbor issues, the agreement was part of the overall settlement that was ultimately signed and should be on file with the Board of Appeals as party to the plan set. The reason for the signed agreement was to have something to follow as the plans alone cannot specify all the conditions to our agreement regarding the neighbors' issues."

What happened was, her lawyer never showed up, he gave it to Mr. Antonaros at the Board of Appeal meeting on March 5. He says he didn't deliver it, he gave it to the project sponsor. The project sponsor sequestered it. Until today it has never been delivered. We checked with the Board of Appeals. The file is empty. There is no agreement. It's basically a phantom hearsay agreement with verbal references to an agreement that might exist, but it was never delivered. So this is a very simple case of you cannot pass any judgment on something that is not before you. Any more than a judge on appeal can pass a lower court decision unless it's physically delivered to him. So as far as we are concerned – and the recognition my Mr. Sanchez was all along that there was an agreement. The fact that he interpreted it as a private agreement has never come up either at the Board of Supervisors or anywhere else. It was one document. Therefore their point is that – and this was not before Mr. Sanchez to review or pass judgment on, because it was never handed in. You cannot analyze and bring into a case that was never put in in the first place.

So this is a very complicated jurisdictional issue of just precisely who has authority at this time. The last governmental body to have had authority over this document was the Board of Supervisors who had the entire agreement before them, and that's what Supervisor Ferrell had in his hand, that's what they ratified. There was never any question of splitting the two as the project sponsor says itself, on March 12 to Mr. Sanchez. With regarding to the 311 notifications, I was not the only signatory. Mr. Sanchez was correct: it should have never been issued but somehow between him and Mr. Cabrerros, they agreed at some point have me bring in a letter in lieu of a 311 notification when the notification catchment area is the entire area, not just me. And the signatories to the agreement are all the other neighbors. So there was absolutely no way of using me as sole point. As a person who writes a letter that would justify afterwards a 311 notification. So you've got a fundamental civil rights case of informed consent, the right to know, the right to have the 311 come about. Furthermore, with regard to the height, we do have repeatedly, our surveyor pointing it out, an enormous correspondence. Mr. Cook does not ever arrive until after all of this has been found out. We requested to see the documents. We requested to see his work papers. We request to see the work papers of the house movers. Nobody wants to talk. And the point is, right now it is over 40 feet on the north elevation.

Thank you.

WOMAN

Thank you. Project sponsor, you have a two minute rebuttal.

MS. DICK

Commissioners, I'll be brief. I know we've all had a long day. Again, I'm going to leave Mr. Zaretsky's arguments about a habeas corpus and all of that to the City family, other than to reiterate once again, you have jurisdiction in my view. The City Attorney can advise you separately, but we're all properly here on this discretionary review on this permit and any other permit that goes forward. They're all validly issued.

The issue around the height again, as I said, is taken on this shrouded, kind of mystical thing. And I want to kind of demystify it. Mr. Zaretsky – we provided a picture actually in one of our several papers which I'm sorry I had to do – but Mr. Zaretsky was taken out there with the vest on, with the fellows who were doing the surveying and the heavy equipment in the background, and in fact when Mr. Cook came out to do his first survey, Mr. Zaretsky's niece was there. So this has all been out in the open. There's been nothing hidden. It was all clear. And again, while Mr. Zaretsky claims there has been a flurry of communication from his surveyor, Mr. Ron, there's only two letters in the record and we don't have a stamped survey. Bottom line is, we've given you a survey. The plans accurately document the height. Mr. Sanchez himself has gone out and measured it. We need to put this behind us. Please, please deny the DR. Approve this project as proposed so this can move forward. I thank you very much.

WOMAN

OK, thank you. The public hearing is closed. Commissioner Richards?

COMMISSIONER RICHARDS

Question for the City Attorney. Is there any jurisdiction issue, in your opinion?

DEPUTY CITY ATTORNEY

Deputy City Attorney, Susan Cleveland-Knowles, I have taken a look at the information provided by Mr. Zaretsky and I've conferred with the Zoning Administrator. Sort of an initial matter, there is a new permit, or a revised permit in this case, and a new categorical exemption. So there's really nothing that puts this outside of the normal discretionary review process and the normal approval process under CEQA. There's definitely a lot of history to this case, and just to address the claims about the Board of Appeals proceedings, those proceedings are final and the time to challenge that decision has well passed. There's also nothing that was provided to us today that indicates that there was anything irregular about that. As has been noted and was stated by several people, there was a private agreement between the parties in this instances. And that was a private agreement and any enforcement of that agreement would be between the two parties. I'll leave any discussion about whether the 311 notification in this case was adequate to the Zoning Administrator. And in terms of the continuance, the City Attorney's

office does not plan to issue any determination on this matter and I do not know of any jurisdiction that the Board of Supervisors would have to do so.

COMMISSIONER RICHARDS

Thank you. I think the only thing in this DR that resonates me that actually would want to take DR would be the combining of the two units. I started this hearing talking about family housing, luxury family housing. What we have is a 4 bedroom unit of 2,500 square feet being combined with a 2 bedroom unit of 1,800 square feet for a grand total of roughly 4,500 square feet. It's six bedrooms. This is bigger than 115 Telegraph Hill last week. It's huge. It qualifies for – I'm getting a little bit tired – the First Republic luxury family housing category. More than 3 bedrooms, more than 3 million, 3-1/2 million in the back is the value of this. And to me, one family gets to move in. It was a tenant-occupied before the fire. But one family doesn't get to live here. So that would compel me to actually recommend taking DR.

WOMAN

Commissioner Antonini?

COMMISSIONER ANTONINI

Well, in regards to that, staff has already made very clear that it's not before us because each unit has been appraised to be above the amount, I think it's 1.5 million, I'm not sure what the amount is per unit, but they're clearly both above the amount, so that part of it is not really part of this deal. In fact, I'm not really sure – I guess the reason we have a DR is we've had – I seem to remember this case from a couple of years ago – but then it went on to the Board of Supervisors and permit appeals, but I do not believe there was another DR in the past. Or am I wrong about that? I think it was conditional use ...

MR. SANCHEZ

No, there was just the one discretionary review previously that was filed by one of the DR requestors here today.

COMMISSIONER ANTONINI

Yeah, there might have been one before but then my question is, why is it before – because we have combined plans now, and therefore they're allowed to file another DR?

MR. SANCHEZ

It is before you today because it is a revision, the documents changes, the discrepancies from the previous plans. They're also making some minor changes to what you had previously seen. Last time you did take discretionary review. You did not have any changes to the project but you took discretionary review and stated that you didn't want them to build, to raise it any more than 36" which is what they were proposing to do in the first place. So we felt that since you'd taken DR, it should come back to you. And I would say that in terms of the dwelling unit merger, certainly it is exempt from discretionary review hearing under the Planning Code because it does exceed appraised value of more than \$1.506 million. However, it is on the

permit, on the plans that is before you. So, you know, certainly that is within your discretion. I think that would raise other policy issues that I think would want to discuss, and if the Commission would like to have us all of those projects before you? Because right now we wouldn't typically do that. And so I think we have some other policy considerations in terms of how we would treat other projects that would be similar – I would think we'd want to discuss further with you.

COMMISSIONER ANTONINI

Well, I would say no because that's been decided even at the Board of Supervisors level that this is above that amount. We're not going to bring projects in. And I think this sounds like basically the same project as before, but there are some additions in what Mr. Cabrerros had said is, it sounds like most of the changes are interior but they're adding some dormers which it was said the impact of these is not significant. So – and then staff is in agreement that it has been raised to a height that was allowed to be raised and it's under 40 feet, is that correct?

MR. SANCHEZ

That is correct. And I would add, there has been – and it's been said exhaustive amount of staff time spent on this project over the years going back to the discretionary review, the appeal hearings, subsequently addenda, enforcement of the project. I've been out to the site to measure it. DBI has been out to the site to measure it. There have been other appeals related to the addition of the curb cut for the project as well. So yes, and staff has worked extensively. Mr. Cabrerros is now, as you know, has other duties in the department, but he has spent still a significant amount of time ensuring that these plans are in fact accurate.

COMMISSIONER ANTONINI

So based upon that, I'm going to move to not take DR and approve the project because this is a project that basically complies, and the additions are felt to be non-significant.

WOMAN

Second.

WOMAN

Commissioner Moore.

COMMISSIONER MOORE

For me it remains a policy issue just using the description about \$1 million-something rather as the dividing line about having previously supported a project which restored 2 units versus now a project which comes back as a unit merger. The nexus study was never really clearly presented to us as a number. The number is being created in a heated economy where even middle-class people would have to disagree with that number being kind of where the needle tips the scale. I personally have policy issues with it. For me, the mayor's discussion is a far larger over-arching recommendation that we're looking at the densified City. The densified City takes – requires me to take a look at every property. In an RH2 we are encouraged to

uphold the zoning that is in place and the request for unit merger under this newly revised plan is something I cannot really support.

WOMAN

Commissioner Johnson.

COMMISSIONER JOHNSON.

Thank you very much. Just really quickly. I'm going to support not taking the DR, but I would just echo some of the comments from Commissioner Richards and Commissioner Moore that if we want to take up the policy issues around what is the dividing line, if any, that we can draw for a gray line about what constitutes above sort of market rate, or you know – Commissioner Richards has said luxury housing, and how we should do that and be more consistent with it. I would totally support that. But I just don't support applying that sort of subjective, at this point, decision because it's not our policy to this one project.

WOMAN

Commissioner Moore.

COMMISSIONER MOORE.

I was on the Commission when we reviewed and spent a bit of time on looking at this project in 2011. And at that time I supported a two-unit building. And I will do the same today.

MAN

Commissioners, there is a motion and a second to not take DR and approve the project as proposed on that motion. Commissioner Antonini?

COMMISSIONER ANTONINI

Aye.

MAN

Commissioner Hillis?

COMMISSIONER HILLIS

Aye.

MAN

Commissioner Johnson?

COMMISSIONER JOHNSON

Aye.

MAN

Commissioner Moore?

COMMISSIONER MOORE

No.

MAN

Commissioner Richards?

COMMISSIONER RICHARDS

No.

MAN

Commissioner Fong?

COMMISSIONER FONG

Aye.

MAN

And Commission President Wu?

COMMISSION PRESIDENT WU

Aye.

MAN

So moved, Commissioners, that motion passes 5 to 2, with Commissioners Moore and Richards voting against. Commissioners, that places you on public comment. I have no speaker cards.

WOMAN

Is there any general public comment? Seeing none, general public comment is closed.
Meeting adjourned.

ATTACHMENT 1



**FARELLA
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July 28, 2014

Via Messenger and E-Mail cwu.planning@gmail.com

Cindy Wu, President
San Francisco Planning Commission
1650 Mission, 4th Floor
San Francisco, CA 94102

Re: 2853-2857 Broderick-Case No. 2013.0433D:
Opposition to Request for Continuance of August 7, 2014 Mandatory DR Hearing

Dear Commissioner Wu and Members:

We represent Pamela Whitehead and Melinda Nykamp, owners of the above referenced property. This 4,296 square foot home is a historic resource under CEQA.¹ It has been sitting vacant and boarded up from fire and water damage since 2010. Yet, in an email dated July 14, 2014 to Commissioner Wu, Scott Sanchez, David Lindsay and Glenn Cabrerros—Irving Zaretsky—the individual who has been zealously leading the small band of opponents in preventing this home from getting back to use—requested that the above hearing be continued 45 days from August 7, 2014 “or after September 20th.”² Staff is neither requesting nor supporting such a continuance. We respectfully request that you agree with staff, and based on the facts and reasons below, deny this outrageous request and hold the DR hearing as noticed on August 7, 2014.

FACTUAL BACKGROUND

Attached as Exhibit B is a summary of events based on the parties, the permits and the entitlement history. The entitlements needed by this property were necessitated by a March 4, 2010 fire that occurred in the home while it was occupied by its former owner, an 82 year old woman who had lived there with her family for 55 years. On March 5, 2010, the very day after the fire occurred, Mr. Zaretsky filed a complaint with DBI for an “unsafe building”.³ He went on to make 8 more complaints to DBI. Exhibit C.

¹ Upon completion of the rehabilitation, the home will be approximately 4,526 sf due to a minor expansion of 230 sf or 5% of the total square footage.

² See Exhibit A.

³ Mr. Zaretsky does not live near this building. He owns and rents a 2 unit building immediately to the south of the subject property.

From that day forward, Mr. Zaretsky became seemingly possessed by this project and was exhaustively involved in every facet of its review by the Planning Department and DBI.⁴ For example, Mr. Zaretsky was the DR requestor in 2011 on BPA#201103252839 (“BPA#2839”), a revision site permit for a “vertical/horizontal addition; rais[ing] the building 36”, build new garage and rooms down for expansion, new curb cut.”⁵ For the same permit, he was one of a few appellants on the 2012 appeal to the Board of Appeals and the appeal of its Categorical Exemption for to the Board of Supervisor in 2012. Not to let matters rest, Mr. Zaretsky also appealed the 2013 permit for the curb cut that was within the scope of work approved by BPA#2839.⁶

According to the Suspension Letter, it was issued to consolidate work already approved or built under issued permits and any additional proposed work under one “master” permit. Exhibit D. Given the onslaught of complaints, appeals and hyper-aggressive oversight of the project by Mr. Zaretsky, the Zoning Administrator opted to provide all parties (City, project sponsor and opponents) a means to clarify what had been built, what has been approved and what is proposed. The Suspension Letter makes clear that no hearings would be held or permits issued until there has been “consolidated building permit issued to 1. Correct errors on the approved plans; 2. Document the entire scope of work for the proposed project; and 3. Respond fully to Notices of Planning Department Requirements with a complete and accurate submittal.” Plans in response to the Suspension Letter were submitted to Mr. Cabrerros on May 1, 2014. These plans are the basis for the August 7, 2014 Mandatory DR Hearing for which Mr. Zaretsky is seeking a continuance.

The Suspension Letter references that one of the complaints received about the project was that “it was not being built according to approved plans, including an error in the depiction of the height of the building on approved plans.” That complaint was made to DBI by Mr. Zaretsky on May 20, 2013 and again on October 21, 2013. Exhibit E. The origin of the height discrepancy referred to in the Suspension Letter relates to the 3’ lift approved as part of this Commission’s October 6, 2011 DR hearing. The building was to be raised 3’, within the 40’ height limit, to allow for a garage. Noting that no modifications to the project were necessary, the Commission took DR to “emphasize that the project shall not be raised more than 3 feet (3’-0” absolute measurement).” Exhibit F.

At no time prior to the 2011 DR hearing was the height of the building before the lift disputed. The building was raised 3’ on March 6, 2013 as permitted under BPA# 2839, which was issued on February 8, 2013. Even though the building was raised pursuant to a valid building permit, Mr. Zaretsky caused the actual height of the building after the lift to become a

⁴ While we have not made a request for City staff emails under the Sunshine Ordinance, we have been told by staff at both Departments that there are several hundred emails from Mr. Zaretsky on this property.

⁵ The only concern Mr. Zaretsky raised for the 2011 DR was that a side addition for a landing would “force all traffic to its rear yard to trespass on my property next door... and forces me to give permanent easement to the project owner which would result in adverse possession of portion of my land.” There was no objection to the proposed 36” lift of the building at that time or to any other aspect of the project.

⁶ That appeal hearing was held on February 5, 2014, but was tabled to the call of the chair due to Mr. Sanchez’s announcement at that hearing that he would be suspending 5 of building permits issued for this project.

heated topic for over a year after the issuance of the permit. He focused on this issue even though the City's only concern is that the final height approved under a building permit is within the applicable height limit.⁷ Since the building is within the 40' height limit, the height issue is immaterial to any future proceedings reviewing project entitlements.⁸

In an unbelievable display of audacity, unbeknownst to my clients at the time, Mr. Zaretsky hired surveyors Martin Ron & Associates to survey the height of my client's building. This activity was done *without notice to my client, on July 5, 2012 and April 30, 2013*. Despite the fact that he thought he had found the "silver bullet" to kill my client's project, for reasons that still remain a mystery, he waited almost 1 year to release Mr. Ron's letter regarding his survey of the building. Yet, the actual survey prepared by Mr. Ron for Mr. Zaretsky was never released.

In contrast, Ms. Whitehead hired a surveyor to put to rest Mr. Zaretsky's allegations. Gregory Cook, a licensed surveyor, stated in a stamped communication to DBI on April 30, 2013 that the building was "raised three feet" from his prior May 2012 measurement. Exhibit G.⁹ Mr. Cook also prepared a survey of the building height. Exhibit H. It confirms that the building was 39'10". On November 15, 2013 Mr. Cook wrote to Ms. Whitehead to explain in greater detail the points he used to measure the building's height. Those measurement were the basis of his conclusion that the building was raised only 36". Exhibit G.

The only credible evidence of building height is Mr. Cook's survey and the related stamped, explanatory documents. Based on sound survey practice, Mr. Cook, independently confirmed that the building was raised 3', and is within the 40' height limit. See Exhibits F and H. Mr. Sanchez also measured the building and confirmed that it does not exceed the 40' height limit.¹⁰

The above are only the most salient examples of Mr. Zaretsky's continuous and overzealous involvement with the entitlements for rehabilitation of this building. These facts show that Mr. Zaretsky is extremely familiar with the project and has dissected it from every angle: building permit, CEQA, available appeals and survey. Because he claims to be the "representative" of these other "neighbors", it is also reasonable to presume that they too are as aware and up to date on project status as he is.¹¹ As proof that Mr. Zaretsky periodically checks

⁷ The permit that will be before the Planning Commission on August 7, 2014 will be the permit that will authorize all work—past and future—on this building. Planning staff made sure that the plans for that permit show the correct building elevations based on survey data.

⁸ The source of the height concern was a discrepancy on the front elevation on only 1 plan set of the 5 permits issued. On that set, the front elevation was incorrectly shown as 34' when it was in fact 36'10". Note that it is not required by either the Building Code or the Planning Code that a survey be done for a building permit application to be complete and for the permit to issue. Nor is it unusual to find slight discrepancies between plan elevations and existing conditions.

⁹ At that time, Mr. Zaretsky was alleging that the height increase exceeded the permitted 36".

¹⁰ Mr. Sanchez stated that he had measured the height to be within the 40' height limit in a March 28, 2014 meeting with myself and Mr. Cabrerros.

¹¹ Note that many of those additional recipients are cc'd in the email requesting the continuance, which he signed as Irving Zaretsky
Neighbors on Broderick and Filbert Streets.

the planning file, attached as Exhibit I are copies of the “public records” sheet showing who and when has reviewed Department project files.¹²

Lastly, consistent with the good faith that my clients have continuously exercised throughout their 2 year ordeal, on July 7, 2014, we invited by email Mr. Zaretsky and all the neighbors cc'd on his July 14, 2014 email to you an opportunity to meet with the project team on July 15, 2014 to discuss the DR plans at my Financial District office. We thought that would be more convenient and comfortable than meeting at the project site. See Exhibit J. However, one of the neighbors emailed me the next day that he would not attend a meeting at my office because they thought it was a conflict of interest to attend a meeting at the project sponsor's lawyer's office. *Id.*¹³ We then switched the meeting to the fire damaged home from 6PM to 8PM. Only Geoff Wood, chair of the Cow Hollow Association Zoning Committee, and Dieter Tede, who resides at 2827 Broderick and is a supporter of the project, attended. After they left, Ms. Whitehead, Mr. Antonaros and I remained on the sidewalk until 8PM in the event that a neighbor may want to discuss the pending plans and upcoming DR hearing. Rather than taking the opportunity to civilly discuss the pending plans, we saw Mr. Zaretsky surreptitiously talking to 2 project opponents on the other side of the block—Mr. Goss at 2830 Broderick and Mr. Wythes at 2844 Broderick. Thus, rather than attending a meeting with the project team to frankly discuss the “consolidated plan set”, the few project opponents there are opted to continue to talk only amongst themselves.

These facts unequivocally show that Mr. Zaretsky has the skill, acumen and energy to stay on top of every facet, every communication and every City agency action on any plans, permits and entitlements related to this project. Based on these facts, his statement that he needs more time to become more familiar with this project is frivolous.

ARGUMENT

Mr. Zaretsky's request for any continuance must be rejected. His stated reason for needing to delay the DR hearing to “after September 20th” is:

This is a very complicated and significant case not only for the neighbors and residents of Cow Hollow, but also for San Franciscans in all neighborhoods, both property owners and renters. This is a four year case that now needs to be summarized.

Neither of these assertions have merit and, in light of the facts presented above, are absurd.

It is reasonable to assume that all his emails are similarly written and include the same additional recipients. However, very few of those individuals have filed protests and/or attended project hearings.

¹² Unlike the Planning Department, DBI does not maintain records as to who has reviewed building permits or plans.

¹³ In his email, Mr. Arcuri, one of the project opponents, makes a passing reference to the fact that the opponents are thinking of hiring a lawyer. We strongly urge you not to consider a continuance if the project opponents request one because they decided to hire a lawyer at this late stage. They have known I have been representing Ms. Whitehead since early April. See Exhibit K. Further proof that the opponents knew I was representing my clients was their effort to have my representation of Ms. Whitehead deemed a conflict because I serve on the Department of Building Inspection's Code Advisory Committee. See Exhibit L. If the opponents genuinely concerned that they needed a lawyer because I had been hired, they have had several months to make that decision. They should not be rewarded with a continuance because they deferred hiring counsel just to obtain a continuance.

First, as shown in detail above, for 4 years, Mr. Zaretsky, has been aggressively involved in reviewing, contesting, and generally trying to stop or slow down every minutiae concerning a permit or approval needed for this home to return to residential use. He has been the “ringleader” with a following of only a handful of neighbors. He initiated Discretionary Review of the site permit in 2011, and in 2012, he filed the appeals of that permit to the Board of Appeals and to the Board of Supervisors its Categorical Exemption. And to prevent this house from having a garage like the majority of other houses on these blocks, he appealed the DPW permit for the curb cut for the garage. He has complained to DBI 9 times over 3 years, the first shortly after the fire occurred in 2010.

Second, he had ample information from the issuance of the Suspension Letter (February 5, 2014) that a DR hearing on the required “consolidated plans” was forthcoming. In addition, Mr. Cabrerros emailed him on July 2, 2014 that the DR hearing was going to be scheduled.¹⁴ Exhibit M.¹⁵ He has reviewed the project files.¹⁶ While no specific date for the DR hearing was provided in these latter materials, based on his presence at the February 5, 2014 Board of Appeals hearing and his review of Planning Department files since, he certainly knew a DR hearing was going to occur.

Given that Mr. Zaretsky was aware that the Suspension Letter required submittal of new plans that in turn would be subject to DR, he had every opportunity to review the plans submitted on May 1, 2014. It has been almost 3 months since those plans were filed. It is hard to believe that given Mr. Zaretsky’s continuous review of the project files, his visits to the Planning Department and email requests, he did not have or view a copy of those plans before he received them with the required DR notice. Even taking his request at face value, he knows the details of the consolidated plan set as well as the project sponsor, the project architect and the project planner. There is absolutely no basis in fact to grant his plea that he is faced with trying to understand a “complicated and significant case”.

The other basis for his request—that this DR hearing has Citywide implications—is also without merit or factual support. A DR hearing for a vacant, fire damaged home in Cow Hollow would have no implications for other neighborhoods in the City. Every DR case has its own neighborhood/site-specific circumstances and solutions. Indeed, the purpose of DR is to ensure that a development is designed to be compatible with a specific site, streetscape, slope, and architecture on a block. Because each project site is unique, so are the design choices. Whether DR is taken and, if so, what modifications are made for a house in Cow Hollow will not have *any* bearing on what happens in DR to a house in the Outer Sunset. DR is by design a case-by-case determination by this Commission, being granted only when there are “exceptional or

¹⁴ He also got mailed notice of the DR hearing on July 7, 2014 as did anyone else who was entitled to or requested such notice.

¹⁵ He may well have received or sent other emails to or from City staff prior to my representation of Ms. Whitehead regarding the pending DR hearing or the process anticipated after issuance of the Suspension Letter. As noted in fn. 2, *supra.*, we have not made a Sunshine Ordinance request to review Planning staff emails given how many there are.

¹⁶ See Exhibit I, *supra.*

extraordinary circumstances” on a particular property. DR is not intended to be the basis for Citywide design policy.

Lastly, the request for “at least 45 days” in addition to the 30 day public notice has no other purpose than to further delay final entitlements for this house. It is hard to imagine any group of neighbors in any neighborhood in this City that would do everything possible to prevent the repair and rehabilitation of a fire damaged home. Yet, there can be other discernible motive for Mr. Zaretsky’s request.¹⁷ The consolidated plans have the added benefit of showing everything that has and will be done to the interior and exterior of this home. An additional 45 days to review them will not alter the concerns or objections that will be raised by Mr. Zaretsky or the neighbors in any or all of the appeals they will file. This is particularly true because the 90% of the work shown on the DR set has already been reviewed in earlier separate plans.¹⁸

For the above reasons, we respectfully request that you deny Mr. Zaretsky’s request for a continuance and hear the DR on August 7, 2014.

CONCLUSION

Mr. Zaretsky has provided no facts or policy to support his requested continuance. The only reason for his request is to further delay my clients’ ability to continue work on the home. With winter approaching, the “consolidated plan set” that will be before the Commission and the public on August 7, 2014 will clarify all the modifications that have and will be done at this home. This streamlined approach reduces the opportunity for Mr. Zaretsky to serially appeal multiple permits. It also gives my clients one permit with one set of plans from which they can build and the City can evaluate conformance. Mr. Zaretsky retains his rights under the Municipal Code and the Charter to appeal these entitlements. However, it is our hope that with the denial of his request, cooler heads amongst the few opponents will finally prevail. Doing so

¹⁷ At the February 5, 2014 appeal on the encroachment permit for the curb cut, Commr. Hwang asked Mr. Zaretsky what his motive was in fighting this project. She got no response.

¹⁸ The only new elements of the project are the:

- A. Dwelling unit merger: Legally convert the building’s use from 2 units to a single family residence.
- B. Front door modifications.
- C. Rear roof modifications that include expanding the existing dormers to minimum ceiling height to the existing 4th floor.
- D. Add a roof deck at the northwest portion of the 4th floor.
- E. Expansion of angled bay on upper 2 floors which will not be visible from the street.
- F. Add external stairs to the roof deck. Neither the stairs or the deck will be visible from the street.
- G. If the Dwelling Unit Merger is approved, remove the rear original stairs from the 2nd floor to the 3rd floor.

Cindy Wu, President
July 28, 2014
Page 7



will allow my clients to return this home to active use and raise their 2 young children there within the next year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ilene Dick'.

Ilene Dick

ID

Vice President Fong (by email)
Commissioner Antonini (by email)
Commissioner Hillis (by email)
Commissioner Johnson (by email)
Commissioner Moore (by email)
Commissioner Sugaya (by email)
Jonas Ionin (by email)
Pam Whitehead/Melinda Nykamp (by email)
Scott Sanchez (by email)
David Lindsay (by email)
Glenn Cabreros (by email)
Irving Zaretsky (by email)
Stephan Antonaros (by email)

301974470948.3

EXHIBIT A

Dick, Ilene (19) x4958

From: 714515@gmail.com
Sent: Tuesday, July 15, 2014 11:09 AM
To: cwu.planning@gmail.com
Cc: Dick, Ilene (19) x4958; Glenn (CPC) Cabrerros; David (CPC) Lindsay; Scott (CPC) Sanchez; wmore@aol.com; kbgoss@pacbell.net; rwgoss@pacbell.net; fmaitsai@yahoo.com; michael@jaegermchugh.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; Povlitz; timothy.arcuri@cowen.com; amanda@hoenigman.com; paulmaimai@yahoo.com; nancy leavens nancy; Will Morehead (; dod.fraser@gmail.com; ethurston@gmail.com; DXN2700@aol.com; john.rahaim@sfgov.org; Geoff Wood; elarkin@hill-co.com; Brooke Sampson; lbrooke@lmi.net (lbrooke@lmi.net); info@cowhollowassociation.org; Cynthia2ndemail@gmail.com; merijohn@merijohn.com (; Catherine Stefani; Mark Farrell
Subject: Fwd: 2853-57 Broderick Street -- Hearing date August 7, 2014: Opposition to request for continuance.

Dear Commissioner Wu:

In response to the opposition for the postponement expressed below by the Project Sponsor representative, please be advised that on July 2, 2014 I contacted Glenn Cabrerros that we would need a postponement. It was Glenn

Cabrerros who informed me that we, the neighbors, should contact you for our request and simply copy him with our email to you. We are unaware that the Planning staff is not supporting our request. We only wrote to you and copied them last evening. We have not spoken with them since.

I believe that you are well aware of, as is the Department of City Planning, that the neighbors on Broderick Street and Filbert Street have all been actively involved with the project at 2853-57 Broderick street. We are sure that the Planning Department staff will acknowledge their communications with other neighbors with regard to this project. The issues raised by the 2853 project is not a single neighbor 'disagreement'. It is of concern to the neighbors and to the greater Cow Hollow community.

The drawings submitted on May 1, 2014 by the project sponsor are new to us as is much of the material in the files which we have not previously seen. It is impossible for us to meet the August 7th Hearing deadlines.

Thank you,
Irving Zaretsky
Neighbors on Broderick and Filbert streets
Begin forwarded message:

From: <IDick@fbm.com>
Subject: RE: 2853-57 Broderick Street -- Hearing date August 7, 2014: Opposition to request for continuance.
Date: July 15, 2014 10:16:58 AM PDT
To: <cwu.planning@gmail.com>
Cc: <whiteheadwest@msn.com>, <714515@gmail.com>, <david.lindsay@sfgov.org>, <scott.sanchez@sfgov.org>, <santonaros@sbcglobal.net>, <glenn.cabrerros@sfgov.org>

Commissioner Wu, we represent Pam Whitehead, the project sponsor in this matter. We would respectfully request that no decision be made on this unsubstantiated request for a continuance from the properly noticed 8/7 Mandatory DR hearing until you've reviewed the memo we are preparing that will show that the requested continuance should be denied. Note that staff is not requesting or supporting a continuance of this matter.

We will show that, contrary to Mr. Zaretsky's allegations, he has been intimately involved with every facet of this project from the beginning (e.g., 2011). Because of that involvement, this project is not a "very complicated and significant case" as Mr. Zaretsky asserts. He is single-handedly leading opposition to this project and has already subject it to 1 DR (2011), 2 appeals at the Board of Appeals (one on a building permit (2011) and one on the DPW permit for a curb cut(2014)) and 1 CEQA appeal (2012). He has kept in touch with Mr. Cabrerros and Mr. Sanchez and periodically reviewed the case file.

We will show his requested continuance is nothing more than to simply delay returning this fire damaged historic resource to a residence and to harass my client. The sole result of a continuance will be to leave this home in its vacant, boarded condition, which it has been in for 4 years.

Thank you in advance for your consideration.

Ilene R Dick
Spc Counsel Attny
idick@fbm.com
415.954.4958



Russ Building
235 Montgomery Street
San Francisco / CA 94104
T 415.954.4400
F 415.954.4480
www.fbm.com

From: 714515@gmail.com [<mailto:714515@gmail.com>]
Sent: Monday, July 14, 2014 6:00 PM
To: David (CPC) Lindsay; Scott (CPC) Sanchez
Cc: Dick, Ilene (19) x4958
Subject: Fwd: 2853-57 Broderick Street -- Hearing date August 7, 2014

Dear Messrs. Lindsay and Sanchez:

I received an automatic email response from Mr. Cabrerros that he will be out of the office until July 25th. Hence, I would appreciate to hear from you with regard to my email to Commission President Wu in regard to the request to postpone the Hearing of August 7th for 45 days and to be scheduled after September 20th.

Thank you,
Irving Zaretsky
Neighbors on Broderick and Filbert Streets

Begin forwarded message:

From: 714515@gmail.com

Dick, Ilene (19) x4958

From: Dick, Ilene (19) x4958
Sent: Tuesday, July 15, 2014 10:17 AM
To: 'cwu.planning@gmail.com'
Cc: Whitehead Pam; '714515@gmail.com'; David (CPC) Lindsay; Scott (CPC) Sanchez; santonaros@sbcglobal.net; 'Cabreros, Glenn (CPC)'
Subject: RE: 2853-57 Broderick Street -- Hearing date August 7, 2014: Opposition to request for continuance.

Commissioner Wu, we represent Pam Whitehead, the project sponsor in this matter. We would respectfully request that no decision be made on this unsubstantiated request for a continuance from the properly noticed 8/7 Mandatory DR hearing until you've reviewed the memo we are preparing that will show that the requested continuance should be denied. Note that staff is not requesting or supporting a continuance of this matter.

We will show that, contrary to Mr. Zaretsky's allegations, he has been intimately involved with every facet of this project from the beginning (e.g., 2011). Because of that involvement, this project is not a "very complicated and significant case" as Mr. Zaretsky asserts. He is single-handedly leading opposition to this project and has already subject it to 1 DR (2011), 2 appeals at the Board of Appeals (one on a building permit (2011) and one on the DPW permit for a curb cut(2014)) and 1 CEQA appeal (2012). He has kept in touch with Mr. Cabreros and Mr. Sanchez and periodically reviewed the case file.

We will show his requested continuance is nothing more than to simply delay returning this fire damaged historic resource to a residence and to harass my client. The sole result of a continuance will be to leave this home in its vacant, boarded condition, which it has been in for 4 years.

Thank you in advance for your consideration.

Ilene R Dick
Spc Counsel Attny
idick@fbm.com
415.954.4958



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San Francisco / CA 94104
T 415.954.4400
F 415.954.4480
www.fbm.com

From: 714515@gmail.com [<mailto:714515@gmail.com>]
Sent: Monday, July 14, 2014 6:00 PM
To: David (CPC) Lindsay; Scott (CPC) Sanchez
Cc: Dick, Ilene (19) x4958
Subject: Fwd: 2853-57 Broderick Street -- Hearing date August 7, 2014

Dear Messrs. Lindsay and Sanchez:

I received an automatic email response from Mr. Cabreros that he will be out of the office until July 25th. Hence, I would appreciate to hear from you with regard to my email to Commission President Wu in regard to the request to postpone the Hearing of August 7th for 45 days and to be scheduled after September 20th.

Thank you,
Irving Zaretsky
Neighbors on Broderick and Filbert Streets

Begin forwarded message:

From: 714515@gmail.com
Subject: 2853-57 Broderick Street -- Hearing date August 7, 2014
Date: July 14, 2014 5:37:26 PM PDT
To: "cwu.planning@gmail.com" <cwu.planning@gmail.com>
Cc: "wmore@aol.com" <wmore@aol.com>, "kbgoss@pacbell.net" <kbgoss@pacbell.net>, "rwgoss@pacbell.net" <rwgoss@pacbell.net>, "mait sai@yahoo.com" <mait sai@yahoo.com>, "michael@jaegermchugh.com" <michael@jaegermchugh.com>, "annabrockway@yahoo.com" <annabrockway@yahoo.com>, "ericreimers@gmail.com" <ericreimers@gmail.com>, "dorinetowle@me.com" <dorinetowle@me.com>, "vince@citymarkdev.com" <vince@citymarkdev.com>, Kate Kardos <kdkmanagement@yahoo.com>, "cjones@forwardmgmt.com" <cjones@forwardmgmt.com>, Povlitz <rpovlitz@yahoo.com>, "timothy.arcuri@cowen.com" <timothy.arcuri@cowen.com>, "amanda@hoenigman.com" <amanda@hoenigman.com>, "paulmaimai@yahoo.com" <paulmaimai@yahoo.com>, nancy leavens nancy <nancyp.leavens@gmail.com>, "Will Morehead (" <letsbond@gmail.com>, "dod.fraser@gmail.com" <dod.fraser@gmail.com>, "ethurston@gmail.com" <ethurston@gmail.com>, "DXN2700@aol.com" <DXN2700@aol.com>, Geoff Wood <ggwood2@gmail.com>, "elarkin@hill-co.com" <elarkin@hill-co.com>, Brooke Sampson <brookesampson@yahoo.com>, "lbrooke@lmi.net (lbrooke@lmi.net)" <lbrooke@lmi.net>, "info@cowhollowassociation.org" <info@cowhollowassociation.org>, "Cynthia2ndemail@gmail.com" <Cynthia2ndemail@gmail.com>, "merijohn@merijohn.com" <merijohn@merijohn.com>, Catherine Stefani <catherine.stefani@sfgov.org>, Mark Farrell <info@markfarrell.com>, "john.rahaim@sfgov.org" <john.rahaim@sfgov.org>, jonas.ionin@sfgov.org, "Glenn (CPC) Cabreros" <glenn.cabreros@sfgov.org>, David Lindsay <david.lindsay@sfgov.org>, Scott Sanchez <scott.sanchez@sfgov.org>

Dear Commission President Wu:

On behalf of the neighbors on Broderick and Filbert street, We request a postponement of 45 days for the Hearing currently set for August 7th. We request that the Hearing be set for any time after September 20th.

On July 2nd I was informed by Glenn Cabreros that the Hearing has been set for August 7th. I have viewed the plans and files and they are still available for viewing to the neighbors for another few days. There is an overwhelming amount of material in the files, and multiple sets of plans that have to be analyzed. Many of the neighbors are away during the next few weeks and some may not be available on August 7th. It is impossible for us to respond in writing to the Commission prior to August 7th and to comply with the deadline of July 28th.

Please keep in mind that the Project Sponsor has taken OVER ONE YEAR to respond to the Notice to submit revised plans and to submit them to a 311 Hearing. She has taken several months to respond to Mr. Sanchez's request to submit one set of comprehensive plans. July 2nd was the first time we heard that the complete set of plans have been submitted and analyzed by City Planning. Prior to that we only knew that plans were submitted in February-March of 2014. It was after July 2nd that we learned that plans were submitted on May 1st.

This is a very complicated and significant case not only for the neighbors and residents of Cow Hollow, but also for San Franciscans in all neighborhoods, both property owners and renters. This is a four year case that now needs to be summarized.

We have to be given sufficient time to digest the material and deal with the myriad of issues that are threshold concerns that need to be addressed prior to our written response to the Hearing and the Hearing itself.

Please advise us as soon as possible whether you will grant us the 45 day extension from August 7th and what date the Hearing would be scheduled for.

Thank you,
Irving Zaretsky
Neighbors on Broderick and Filbert Streets

EXHIBIT B

SUMMARY OF PROJECT HISTORY

The following is a summary of the last 4 years of history and renovations on this property:

WHO:

Mrs. Inger Conrad. Prior long-term owner of 2853-57 Broderick, a 2-unit building in the Cow Hollow neighborhood ("Home"). Owned and resided with her family in the Home for over 55 years until a fire in 2010 severely damaged it, causing her to temporarily relocate.

Pam Whitehead and Melinda Nykamp. Current owners of Home. Pam grew up around the corner on Filbert near Broderick. Ms. Conrad's daughter remains a close friend of Pam's. Although Pam and Melinda live with their 2 young children in Mill Valley, they wanted to relocate their family back to Pam's childhood neighborhood. They bought the Home from Ms. Conrad in 2012, after initial permits for repairing the fire damage and renovation had been issued.

Irving Zaretsky. Co-owner of tenant occupied 2-unit building adjacent to the Home at 2845-47 Broderick. Mr. Zaretsky owns this property rental property with his niece, Kate Kardos-Polevoi and sister, Zeeva Kardos. Mr. Zaretsky has been the leading opposition to the rehabilitation of the Home and its return to a habitable condition.

Neighbors on Broderick or Filbert. Following Mr. Zaretsky, 5-6 neighbors have passively opposed building permits, a CEQA categorical exemption and a DPW permit for a curb cut to enable a garage.

WHAT

The Home is an historic resource. Damage due to the fire was mostly internal. Its return to habitable use required a multi-step permit process. Due to delays caused by Zaretsky and the neighbors use of every possible review provided by the City's permit process, the Home has been a vacant, attractive nuisance for the **past 4 years.**

HOW

When fire damages a home, the first building permits pulled are to repair the fire and water damage. When proceeds for insurance are obtained, additional permits are issued to rebuild the home so it can be placed back into use. Typically, work is done under those permits occurs without review because no neighbors want to enable a vacant, fire damaged building to remain in that condition for a long period of time. San Francisco neighborhoods and neighbors would abhor the idea of having a vacant, fire damaged 3-story wood-frame structure in their midst. It is common knowledge that such buildings attract vermin and other public health hazards, and can themselves result in a fire. On a block of stately wood-frame homes like this, the long-term presence of such a building would cause great resentment. Neighbors of that building would be fighting the City and the owner to immediately repair and rehabilitation the building.

Without explanation, that has not happened here. Despite not living on this block and never asserting any reason for appealing almost every entitlement issued by City agencies for the rehabilitation of the building, the Home has remained in its vacant, unrepaired state for 4 years.

ENTITLEMENT HISTORY:

2011:

- The first 2 permits pulled were to address the fire and water damage. These permits were issued in March and August 2011, respectively.
- A Class 1 Categorical Exemption on the rehabilitation and upgrade of the Home was issued on July 3, 2011.
- A Discretionary Review hearing was held on October 6, 2011 for a revision site permit (BPA#201103252839; BPA#2839) to raise the building 3' to insert a garage and provide for habitable rooms on the ground floor. The Planning Commission took DR only to "emphasize the project shall not be raised more than 3 feet (3'-0" absolute measurement)."
- A variance to authorize work under BPA#2839 was granted on November 17, 2011. This variance was the only appealable entitlement that Zaretsky did not appeal.

2012:

- BPA #2389 was issued on April 17, 2012.
- BPA #2389 was appealed by Zaretsky to the Board of Appeals on May 2, 2012. The basis of the appeal was that the proposed bay additions on the south side of the building, adjacent to Zaretsky's rental property, would result in "adverse possession". The appeal was granted on June 20, 2012, with the Board of Appeals imposing conditions modifying the plans.
- To delay a rehearing of the Board of Appeals decision (and thus finalizing the Board of Appeals' decision releasing the suspension of BPA#2389), Zaretsky and some neighbors filed a CEQA appeal to the Board of Supervisors on July 10, 2012. It was scheduled to be heard on September 4, 2012. Sup. Farrell, in whose district the property was located, mediated a settlement agreement amongst the parties. It resulted in withdrawal of the CEQA appeal and an agreement to interior changes to the building as well as limiting exterior modifications, such as the height of the building to no more than the 3' previously approved. (NOTE: The Planning Commission's DR decision already imposed that condition on the permit.) However, the settlement was rendered unenforceable under its own terms due to later events.
- As a result of the settlement, Board of Appeal's rehearing of BPA #2389 was held on September 19, 2012 to memorialize the change to the plans approved by the Board in granting the appeal. Planner David Lindsay signed off on these plans on October 1, 2012.

2013:

- In order to build the garage approved by the Planning Commission and the Board of Appeals in 2011 and 2012, respectively, the Department of Public Works (DPW) had to issue a minor sidewalk encroachment permit for the curb cut from the street. On December 10, 2013 a DPW hearing officer granted that permit.

2014:

- Zaretsky appealed the minor sidewalk encroachment permit to the Board of Appeals. The appeal was heard at the Board of Appeals on February 5, 2014. The hearing was tabled to the call of the chair because ZA Sanchez had informed the Board during the hearing that he was suspending 5 of the building permits issued for this building in order to have issued a "consolidated building permit to 1) correct errors on the approved plans, 2) document the entire scope of work for the proposed project, and 3)

to fully respond to Notices of Planning Department Requirements with a complete and accurate submittal" ("consolidated plan set").

•On May 1, 2014, project architect Stephen Antonaros submitted to the Planning Department the "consolidated plan set" in conformance with the ZA's suspension. Those plans are before the Planning Commission in its August 7, 2014 Mandatory Discretionary Review hearing.

The consolidated plan set consists of plans for work in 3 distinct time periods:

1. Approved and/or built under prior validly issued permits
2. Approved by the Board of Appeals in 2012
3. Yet to be approved, including a dwelling unit merger

•A Class 1 Categorical Exemption issued on July 2, 2014 for the consolidated plan set.

PURPOSE OF THE MANDATORY DR HEARING

The purpose of the Mandatory Discretionary Review (DR) Hearing is for the Commission to review and to determine whether modifications to the consolidated plan set should be modified. In 2011, the Planning Commission reviewed most of the work under the category of "approved and/or built under prior validly issued permits". In its September 20, 2012 action, the Board of Appeals further modified the scope of work approved by the Commission. The new work, which reflects the work that Ms. Whitehead and Ms. Nykamp want to do to the Home (but have yet to obtain approvals for) includes only the following:

- A. Dwelling unit merger: Convert the from 2 units to a single family residence.
- B. Front door modifications.
- C. Rear roof modifications that include expanding the existing dormers to minimum ceiling height and to the existing 4th floor. These modifications are not visible from the street.
- D. Add a roof deck the northwest side of roof that will not be visible from the street.
- E. Expansion of angled bay on upper 2 floors which will not be visible from the street.
- F. Add external stairs to the roof deck that will not be visible from the street.
- G. If the Dwelling Unit Merger is approved, remove the rear internal stairs from the 2nd floor to the 3rd floor.

EXHIBIT C

Permits, Complaints and Boiler PTO Inquiry

You selected:

Address: **2853 BRODERICK ST** Block/Lot: **0947 / 002**

Please select among the following links, the type of permit for which to view address information:

[Electrical Permits](#) [Plumbing Permits](#) [Building Permits](#) [Complaints](#)

(Complaints matching the selected address.)

Complaint #	Expired	Date Filed	Active	Div	Block	Lot	Street #	Street Name
201450191		02/06/2014	Y	BID	0947	002	2853	BRODERICK ST
201344021		12/19/2013	N	PID	0947	002	2853	BRODERICK ST
201335331		10/31/2013	Y	BID	0947	002	2853	BRODERICK ST
201329521		10/09/2013	N	BID	0947	002	2853	BRODERICK ST
201329281		10/08/2013	N	PID	0947	002	2853	BRODERICK ST
201306071		05/24/2013	N	BID	0947	002	2853	BRODERICK ST
201305201		05/20/2013	Y	BID	0947	002	2853	BRODERICK ST
201226781		05/11/2012	N	BID	0947	002	2853	BRODERICK ST
201065414		08/30/2010	Y	BID	0947	002	2857	BRODERICK ST
201035952		03/05/2010	N	BID	0947	002	2853	BRODERICK ST

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

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Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201035952

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: --

Contact Name: --

Contact Phone: --

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed: 03/05/2010

Location: 2853 BRODERICK ST

Block: 0947

Lot: 002

Site:

Rating:

Occupancy Code:

Received By: Christina Wang

Division: BID

Complainant's

Phone:

Complaint Source: TELEPHONE

Assigned to

Division: BID

Description: unsafe bldg.

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	RAFAEL JR.	1034	4	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
03/05/10	HAZARDOUS BUILDING	BID	Duffy	FIRST NOV SENT	
03/05/10	CASE OPENED	BID	Duffy	CASE RECEIVED	
10/25/10	HAZARDOUS BUILDING	CES	Duffy	CASE CONTINUED	Permit filed, refer to district inspector.
02/19/13	HAZARDOUS BUILDING	BID	Rafael Jr.	CASE CLOSED	Duplicate complaint - see CTS #201065414.

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID): 03/05/10

Inspector Contact Information

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

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EXHIBIT D



SAN FRANCISCO PLANNING DEPARTMENT

Suspension Request

February 5, 2014

Tom C. Hui, S.E., C.B.O.
Director
Department of Building Inspection
1660 Mission Street, Sixth Floor
San Francisco, CA 94103

Building Application Nos.: 201103111905, 201103252839, 201108031630, 201209260727 and 201309247638
Property Address: 2853-2857 Broderick Street
Block and Lot 0947/002
Zoning District: RH-2/40-X
Staff Contact: Glenn Cabreros – (415) 558-6169
glenn.cabreros@sfgov.org

Dear Mr. Hui,

This letter is to request that the Department of Building Inspection (DBI) suspend Building Permit Application Numbers 201103111905, 201103252839, 201108031630, 201209260727 and 201309247638 (various scopes of work including vertical/horizontal expansion) for the property at 2853-2857 Broderick Street.

Last year, the Planning Department received complaints that the subject building is not being built according to approved plans, including an error in the depiction of the height of the building on approved plans. The Planning Department requested a revision to the approved plans to document the correct height of the building. In response, the Project Sponsor submitted Building Permit Application No. 201307010898; however, the project sponsor has yet to fully respond to Notices of Planning Department Requirements issued for this permit and submit complete and accurate plans for the project. The most recent revisions for the project (Revision 3) include an expansion of the subject building that is inconsistent with approved plans (which were adopted by the Board of Appeals). As such, the Planning Department is requesting suspension of Building Permit Application Numbers 201103111905, 201103252839, 201108031630, 201209260727 and 201309247638 until such time that the Project Sponsor has been issued a consolidated building permit to 1) correct errors on the approved plans, 2) document the entire scope of work for the proposed project and 3) respond fully to Notices of Planning Department Requirements with a complete and accurate submittal.

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

Reception:
415.558.6378

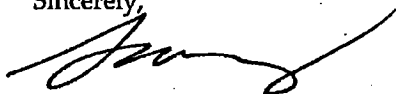
Fax:
415.558.6409

Planning
Information:
415.558.6377

Tom Hui, Director DBI
Suspension Request
2853-2857 Broderick Street
February 5, 2014

APPEAL: Any aggrieved person may appeal this letter to the Board of Appeals within fifteen (15) days after the date of the issuance of this letter. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, or call 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

CC: Property Owner
Daniel Lowrey, Deputy Director, Department of Building Inspection

EXHIBIT E

Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201305201

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: --

Contact Name:

Contact Phone: --

Complainant: COMPLAINANT DATA SUPPRESSED

Date Filed: 05/20/2013

Location: 2853 BRODERICK ST

Block: 0947

Lot: 002

Site:

Rating:

Occupancy Code:

Received By: Alma Canindin

Division: PID

Complainant's

Phone:

Complaint

Source: TELEPHONE

Assigned to

Division: BID

Description: Building lifted above 36" as directed by City Planning Commission DRA-0229. Building currently is 39'-11". It is supposed to be per plans 37'. Field measurement by survey shows non-compliance with plans and permit.

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	FESSLER	6252	4	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
05/20/13	CASE OPENED	BID	Fessler	CASE RECEIVED	
05/22/13	OTHER BLDG/HOUSING VIOLATION	BID	Fessler	FIRST NOV SENT	Issued by Thomas Fessler
03/21/14	OTHER BLDG/HOUSING VIOLATION	BID	Fessler	SECOND NOV SENT	2nd NOV sent by N Gutierrez
04/16/14	OTHER BLDG/HOUSING VIOLATION	BID	Fessler	CASE UPDATE	2nd copy of NOV mailed by jj
04/18/14	OTHER BLDG/HOUSING VIOLATION	PID	Fessler	CASE UPDATE	2nd NOV was sent out in error. Refer back to dist inspector per T. Venizelos. (mra)

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

05/22/13
03/21/14

Inspector Contact Information

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

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NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION
City and County of San Francisco
1660 Mission St. San Francisco, CA 94103

NOTICE: 1

NUMBER: 201305201
DATE: 22-MAY-13

ADDRESS: 2853 BRODERICK ST

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS, TOWNHOUSES) BLOCK: 0947 LOT: 002

If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: PAMELA J WHITEHEAD FAMILY TR
MAILING: PAMELA J WHITEHEAD FAMILY T
ADDRESS: PAMELA J WHITEHEAD, TRUSTEE
50 MAGDALENA COURT
MILL VALLEY CA 94941

PHONE #: --

PERSON CONTACTED @ SITE: PAMELA J WHITEHEAD FAMILY TRUS

PHONE #: --

VIOLATION DESCRIPTION:

VIOLATION DESCRIPTION:	CODE/SECTION#
<input type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

A complaint has been filed with this Department. A subsequent site inspection has revealed that construction work has started that is part of the addendum. Excavation, shoring and placement of rebar is evident at the time of the site inspection. This work is part of PA#201103252839, site permit was issued on 2/8/2013. Building has been raised approx 36".

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

415-575-6923

- FILE BUILDING PERMIT WITHIN DAYS (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
- OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN DAYS. NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

● FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN.
SEE ATTACHMENT FOR ADDITIONAL WARNINGS.

Stop all work immediately. No work may take place until the appropriate permits have been issued. Schedule a start work inspection upon issuance of permit. Verification of height of building is also required prior to start of work.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- 9x FEE (WORK W/O PERMIT AFTER 9/1/60) 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)
- OTHER: REINSPECTION FEE \$ NO PENALTY
(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Thomas P Fessler

PHONE # 415-575-6923

DIVISION: BID

DISTRICT: 4

By: (Inspector's Signature) _____

Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201335331
Owner/Agent: OWNER DATA SUPPRESSED
Owner's Phone: --
Contact Name: --
Contact Phone: --
Complainant: COMPLAINANT DATA SUPPRESSED
Date Filed: 10/31/2013
Location: 2853 BRODERICK ST
Block: 0947
Lot: 002
Site:
Rating:
Occupancy Code:
Received By: JingJing Lu
Division: BID
Complainant's Phone:
Complaint Source: TELEPHONE
Assigned to Division: BID
Description: The current height of this building is inconsistent with the height show on the plans.

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	FESSLER	6252	4	

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
4/30/2014	Catherine Byrd	BID	Return to Tom Venizelos
4/18/2014	Maria Asuncion	CES	Refer to Director's Hearing for abatement.

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
10/31/13	CASE OPENED	BID	Duffy	CASE RECEIVED	
11/01/13	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	FIRST NOV SENT	1st NOV sent by JD
11/05/13	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	CASE UPDATE	1st copy of NOV mailed by JJ
03/21/14	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	SECOND NOV SENT	2nd NOV sent by N Gutierrez
04/15/14	OTHER BLDG/HOUSING VIOLATION	BID	Duffy	CASE UPDATE	2nd copy of NOV mailed by jj
04/18/14	GENERAL MAINTENANCE	BID	Duffy	REFERRED TO OTHER DIV	transfer to div CES
04/22/14	GENERAL MAINTENANCE	CES	Hinchion	CASE RECEIVED	
04/29/14	GENERAL MAINTENANCE	CES	Hinchion	CASE RETURNED	to BID per request-
04/30/14	OTHER BLDG/HOUSING VIOLATION	BID	Fessler	CASE UPDATE	Route to Tom Venizelos per his request
04/30/14	GENERAL MAINTENANCE	CES	Hinchion	REFERRED TO OTHER DIV	transfer to div BID

COMPLAINT ACTION BY DIVISION

NOV (HIS): **NOV (BID):** 10/31/13
 03/21/14

Inspector Contact Information

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

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NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe,
Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION NOTICE: 1
City and County of San Francisco
1660 Mission St. San Francisco, CA 94103

NUMBER: 201335331
DATE: 31-OCT-13

ADDRESS: 2853 BRODERICK ST

OCCUPANCY/USE: R-3 (RESIDENTIAL- 1 & 2 UNIT DWELLINGS, TOWNHOUSES) BLOCK: 0947 LOT: 002

If checked, this information is based upon site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.

OWNER/AGENT: PAMELA J WHITEHEAD FAMILY TR
MAILING PAMELA J WHITEHEAD FAMILY T
ADDRESS PAMELA J WHITEHEAD, TRUSTEE
50 MAGDALENA COURT
MILL VALLEY CA 94941

PHONE #: --

PERSON CONTACTED @ SITE:

PHONE #: --

VIOLATION DESCRIPTION:

VIOLATION DESCRIPTION:	CODE/SECTION#
<input type="checkbox"/> WORK WITHOUT PERMIT	106.1.1
<input type="checkbox"/> ADDITIONAL WORK-PERMIT REQUIRED	106.4.7
<input type="checkbox"/> EXPIRED OR <input type="checkbox"/> CANCELLED PERMIT PA#:	106.4.4
<input type="checkbox"/> UNSAFE BUILDING <input type="checkbox"/> SEE ATTACHMENTS	102.1

The current height of this building is inconsistent with the height show on the plans. The existing height of the building was show in error on the existing elevation on the approval plans, the height difference could be as much as 36". A correction notice was issued by DBI in May 2013 requiring a revision permit be obtained to correct the building height as it currently exist. A revision permit was filed but +3 date has not been issued.

CORRECTIVE ACTION:

- STOP ALL WORK SFBC 104.2.4** 415-558-6656
- FILE BUILDING PERMIT WITHIN DAYS (WITH PLANS) A copy of This Notice Must Accompany the Permit Application
- OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.
- CORRECT VIOLATIONS WITHIN DAYS. NO PERMIT REQUIRED
- YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.
- **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE ATTACHMENT FOR ADDITIONAL WARNINGS.**

Stop all work at this property until a revision permit has been approved and issued. The revision permit must be approved by planning dept. The building has already been raised by approx 36"

INVESTIGATION FEE OR OTHER FEE WILL APPLY

- 9x FEE (WORK W/O PERMIT AFTER 9/1/60) 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)
 - OTHER: REINSPECTION FEE \$ NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)
- APPROX. DATE OF WORK W/O PERMIT VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Joseph P Duffy
PHONE # 415-558-6656

DIVISION: BID

DISTRICT :

By: (Inspector's Signature) _____

EXHIBIT F



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: November 1, 2011
TO: Interested Parties
FROM: Linda D. Avery
Planning Commission Secretary
RE: Planning Commission Action – No. DRA -- 0229

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Property Address: 2853-2857 Broderick Street
Building Permit Application No.: 2011.03.25.2839
Discretionary Review Case No.: 2010.0394D

On October 6, 2011, the Planning Commission conducted a Discretionary Review hearing to consider the following project:

2853-2857 BRODERICK STREET - west side between Filbert and Union Streets, Lot 002 in Assessor's Block 0947 - Request for Discretionary Review of Building Permit Application No. 2011.03.25.2839 proposing to raise the existing three-story-over-basement, two-unit building three feet to insert a two-car garage within the basement level, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

ACTION

The Commission determined that no modifications to the project were necessary; however the Commission took Discretionary Review to emphasize the project shall not be raised more than 3 feet (3'-0" absolute measurement).

FINDINGS

The reasons the Commission took the action described above include:

The Commission recognized that there are no extraordinary or exceptional circumstances in the case. While the Commission recognized enforcement of the building height at the time of construction is under the purview of the Department of Building Inspection (DBI) and with the understanding that the Building Code allows for a plus/minus six inch (+/-0'-6") tolerance field measurement as compared to the plan dimensions, the Commission expressed that three feet (3'-0") shall be the absolute height the building shall be raised.

Memo

Speakers at the hearing included:

In support of the project	In support of the DR request
Stephen Antonaros	Patrick Buscovich
Inger Conrad	Irving Zaretsky

Ayes: Commissioners Olague, Antonini, Borden, Fong, Miguel, Moore and Sugaya.

Nays: (none)

Absent: (none)

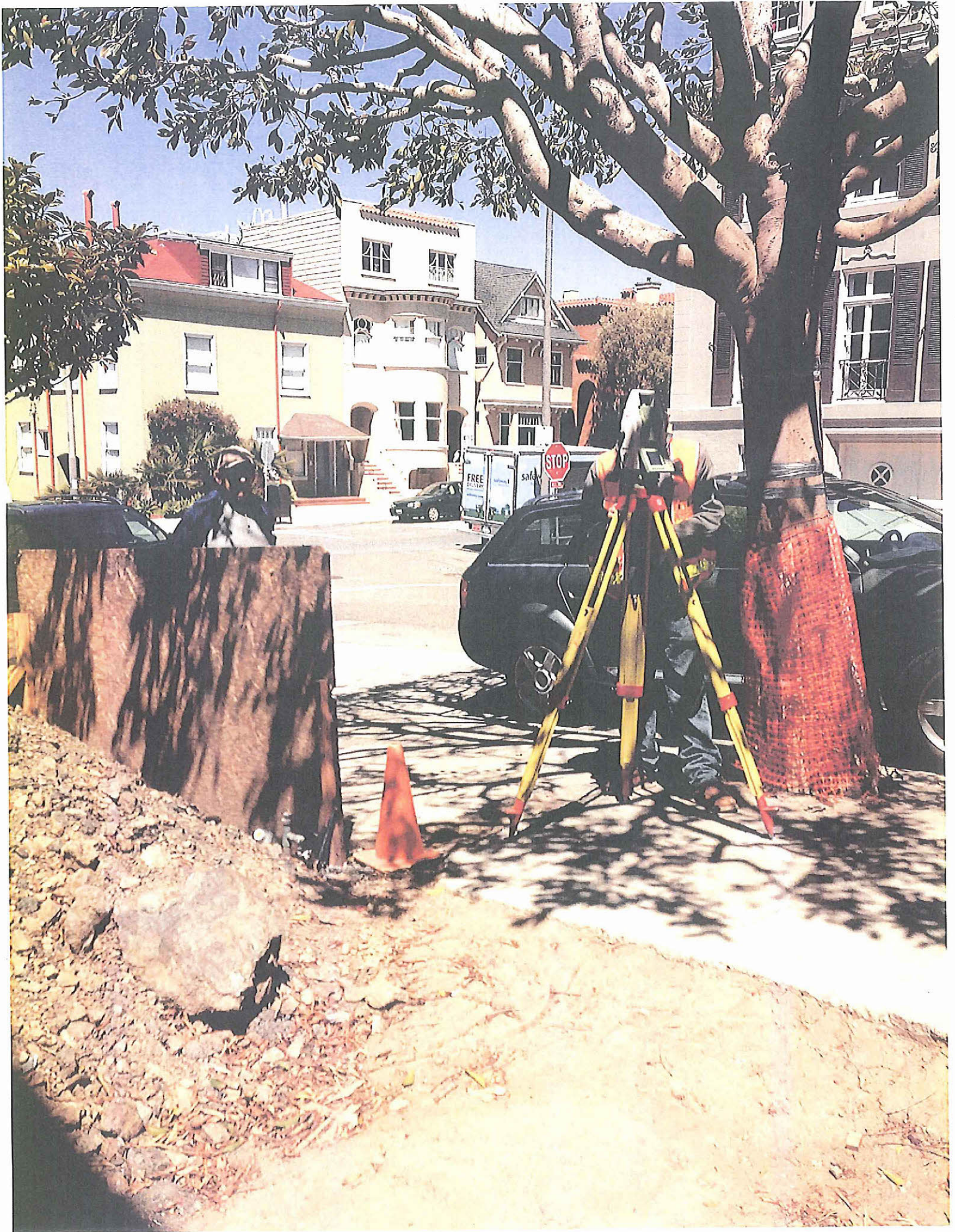
Case Planner: Glenn Cabreros, 415-558-6169

You can appeal the Commission's action to the Board of Appeals by appealing the issuance of the permit. Please contact the Board of Appeals at (415) 575-6880 for further information regarding the appeals process.

c: Linda D. Avery

GC G:\Documents\2010\DR\2010.0394D - 2853-2857 Broderick\2010.0394D - 2853-2857 Broderick - Action Memo.doc

EXHIBIT G



Height Certification

April 30, 2013

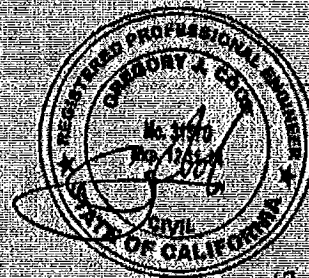
TO: City and County of San Francisco
1660 Mission Street
San Francisco, CA 94103
Attn: Department of Building Inspection

PROJECT: Residential Alteration
2853 & 2857 Broderick Street
Block 0947, Lot 002
San Francisco, CA 94123

A site visit was made and the building was measured to determine the height that the building was raised from its previous elevation, which was measured in May of 2012.

From these measurements, it was determined that the building was raised three feet. (per measurement on 4-30-2013.)


Gregory J. Cook RCE 31570
(Project Engineer)



GREGORY J. COOK R. C. E.
Civil Engineering · Planning · Surveying
P. O. Box 18442 So. Lake Tahoe, Ca. 96151 (530) 544-7774

Height Measurement Explanation

November 15, 2013

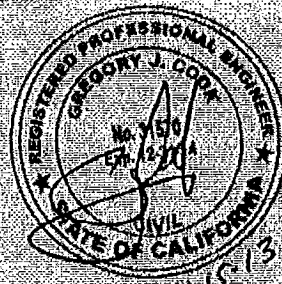
TO: Pam Whitehead and whoever is concerned
RE: Residential Alteration
2853 & 2857 Broderick Street
San Francisco, CA 94123

I have been asked to explain how I measured the original building floor elevation and how I determined that it was raised 36 inches. This is a simple procedure that I am sure most would find unnecessary to explain.

First, a point on or near the property was chosen that would not change in elevation, such as a back of walk or top of curb, (several were measured to provide for multiple checks), then a location was chosen near the building entry floor, in this case, the brick walk adjacent to the entry door. Then the floor at the same entry was measured off of this point, in this case with a tape measure since it was only a few inches.

After the building was raised up, the same procedure was repeated, using the same point on the brick walk next to the entry door and floor was re-measured and checked to make sure it remained at the same elevation relative to those at the street. Then the building entry floor was measured and found to be 36 inches higher than originally measured. Two other corner points on the house were also checked pre and post lifting and confirmed the uniform change in the building elevation. The entry elevation was originally used because it was the simplest and easiest to measure and verify.


Gregory J. Cook RCE 31570
(engineer/surveyor)

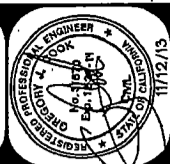


GREGORY J. COOK R.C.E.
Civil Engineering • Planning • Surveying
P. O. Box 18442 So. Lake Tahoe, Ca. 96151 (530) 544-7774

EXHIBIT H

No	Description	By	Date

GREGORY J. COOK
ENGINEER
P.O. BOX 18442
SOUTH LAKE TAHOE, CA 96151
530-544-7774

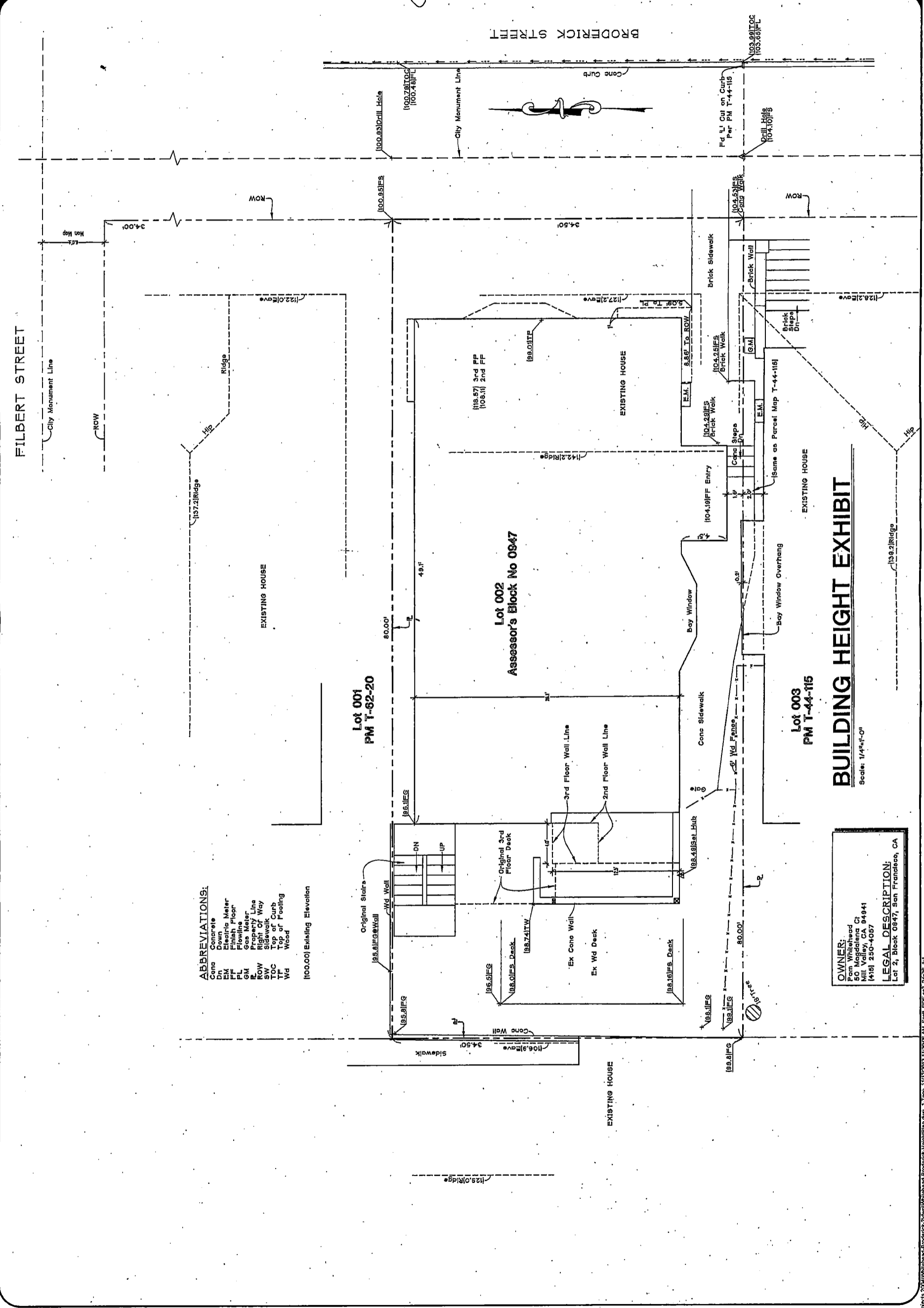


Building setback Exhibit

Owner:
Pam Whitehead
2853 & 2857 Broderick St
San Francisco, CA
Block 0947 Lot 002

Project no. WHIT-04
drawn S.A.M.
date November 12, 2013
scale 1/4"=1'-0"

sheet **1**
of 1 sheets



ABBREVIATIONS:
Cn Concrete
Dn Down
Elec Electric Meter
FM Floor Finish
FL Flowline
GM Gas Meter
E Property Line
R Right of Way
ROW Right of Way
TOC Top of Curb
TF Top of Footing
Wd Wood
[100.00] Existing Elevation

OWNER:
Pam Whitehead
50 Magdalena Ct
Walpole, CA 94941
(415) 250-4007

LEGAL DESCRIPTION:
Lot 2, Block 0947, San Francisco, CA

BUILDING HEIGHT EXHIBIT
Scale: 1/4"=1'-0"

ET:Land Project 2004\Whitehead-Broderick-2\wg\Whitehead-Broderick-10947\plan.dwg, 11/12/2013 11:30:05 AM, Scott, TDP-gcs, 24x36, 1:1

EXHIBIT I



SAN FRANCISCO PLANNING DEPARTMENT

Request to View Public Record

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE OF REQUEST: 8/6/13 BLOCK / LOT: 0947/002

NAME OF REQUESTOR: Irving Zaretsky

PHONE # OR EMAIL OF REQUESTOR: liz@me.com

SUBJECT PROPERTY ADDRESS: 2853 Broderick Street

RELATED CASE #: 2013.07.01.0898

DESCRIPTION: Planning Case File Planning Case File -All (Documents incl. Environmental)

Environmental Determination Historical File Motion

Variance Decision Letter GA Sign File 311/312 Documents

Code Enforcement File Other

All (This includes all documents related to the address listed above, not a specific project)

IF OTHER, PLEASE DESCRIBE: Building permit application and plans

STAFF NAME AND PHONE #: G. Cabrerros x8-6169

RULES FOR REVIEWING PUBLIC RECORDS:

Records retrieved from offsite may take up to two weeks. Records placed for public viewing will remain accessible for ten business days after which they will be returned to storage or be re-filed. All persons wishing to view original records of the Department must show adequate personal identification. Upon completion of the review, requestor must sign above indicating that s/he has reviewed the file. Neither the docket nor its contents shall leave the reception area or reviewing room unless accompanied by an employee of the Department. Copies of any public record may be photocopied in the Department for the price established by ordinance. **Records must be returned intact to the receptionist.**

Please initial that you understand the rules for viewing: _____

DATE OF REVIEW: 8/6/13

TYPE OF IDENTIFICATION PROVIDED: DL

NAME OF REVIEWER (if different from Requestor): [Signature]

REVIEWER'S SIGNATURE [Signature] Review completed Return

AUG 06 2013

IMMEDIATE DISCLOSURE:

This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request card or the envelope, subject line, or cover sheet in which the request is transmitted.



SAN FRANCISCO PLANNING DEPARTMENT

Review completed Return

MAR 31 REC'D

to Planner or Record Ct

Request to View Public Record

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning Information:
415.558.6377

DATE OF REQUEST: 3/28/14 BLOCK / LOT: 0947/002

NAME OF REQUESTOR: Irving Zaretsky, Paul Wythes, Karen Goss

PHONE # OR EMAIL OF REQUESTOR: paulmaimai@yahoo.com, 714515@gmail.com

SUBJECT PROPERTY ADDRESS: 2853 Broderick Street

RELATED CASE #: 2013.0433D & 20123.0433E

- DESCRIPTION:
- Planning Case File
 - Environmental Determination
 - Variance Decision Letter
 - Code Enforcement File
 - All (This includes all documents related to the address listed above, not a specific project)
 - Planning Case File - All (Documents incl. Environmental)
 - Historical File
 - GA Sign File
 - Other
 - Motion
 - 311/312 Documents

IF OTHER, PLEASE DESCRIBE: DR and E docket files and plans.

STAFF NAME AND PHONE #: Glenn Cabreros 558-6169

RULES FOR REVIEWING PUBLIC RECORDS:

Records retrieved from offsite may take up to two weeks. Records placed for public viewing will remain accessible for ten business days after which they will be returned to storage or be re-filed. All persons wishing to view original records of the Department must show adequate personal identification. Upon completion of the review, requestor must sign above indicating that s/he has reviewed the file. Neither the docket nor its contents shall leave the reception area or reviewing room unless accompanied by an employee of the Department. Copies of any public record may be photocopied in the Department for the price established by ordinance. Records must be returned intact to the receptionist. Please initial that you understand the rules for viewing: _____

DATE OF REVIEW: 3/31/14

TYPE OF IDENTIFICATION PROVIDED: DL

NAME OF REVIEWER (if different from Requestor): [Signature]

REVIEWER'S SIGNATURE [Signature]

IMMEDIATE DISCLOSURE:

This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted.



SAN FRANCISCO PLANNING DEPARTMENT

Request to View Public Record

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE OF REQUEST: 7/3/14 BLOCK / LOT: 0947/002

NAME OF REQUESTOR: Irving Zaretsky

PHONE # OR EMAIL OF REQUESTOR: 714515@gmail.com

SUBJECT PROPERTY ADDRESS: 2853-2857 Broderick Street

RELATED CASE #: 2013.0433DE & BPA#2013.07.01.0898

DESCRIPTION: Planning Case File Planning Case File -All (Documents incl. Environmental)

Environmental Determination

Historical File

Motion

Variance Decision Letter

GA Sign File

311/312 Documents

Code Enforcement File

Other

All (This includes all documents related to the address listed above, not a specific project)

IF OTHER, PLEASE DESCRIBE: Plans from Building Permit Application included.

STAFF NAME AND PHONE #: Glenn Cabreros 558-6169

RULES FOR REVIEWING PUBLIC RECORDS:

Records retrieved from offsite may take up to two weeks. Records placed for public viewing will remain accessible for ten business days after which they will be returned to storage or be re-filed. All persons wishing to view original records of the Department must show adequate personal identification. Upon completion of the review, requestor must sign above indicating that s/he has reviewed the file. Neither the docket nor its contents shall leave the reception area or reviewing room unless accompanied by an employee of the Department. Copies of any public record may be photocopied in the Department for the price established by ordinance. **Records must be returned intact to the receptionist.**

Please initial that you understand the rules for viewing: _____

DATE OF REVIEW: 7/7/14

*Hold for 10 days
07/10/14*

TYPE OF IDENTIFICATION PROVIDED: _____

NAME OF REVIEWER (If different from Requestor): _____

REVIEWER'S SIGNATURE: 

IMMEDIATE DISCLOSURE:

This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted.

RELATED CASE #: 2013.0433DE & BPA#2013.07.01.0898
 SUBJECT PROPERTY ADDRESS: 2853-2857 Broderick Street
 NAME OF REQUESTOR: Irving Zaretsky
 PHONE # OR EMAIL OF REQUESTOR: 714515@gmail.com

OFFSITE DOCKET ORDER INFORMATION:

File I.D.: _____ Box Number: _____

(Case Number & Suffix)

Per Planning Code Section 351 (c) Miscellaneous Services, on July 1, 2009, the Planning Department will charge \$7.15 for cost recovery per docket for requested dockets that are stored off site. Payment is required before order is placed.

DUPLICATION FEES AND PAYMENT INFORMATION

\$.10 per side is charged for all b/w copies.

Number of copies made by reviewer _____ x \$.10 = \$ 0.00 Total

Number of copies to be made by Staff _____ x \$.10 = \$ 0.00 Total

(NOTE: Staff has 10 business days to respond to request for duplication of records)

Audio cassette reproduction (per hearing) _____ x \$1.00 = \$ 0.00 Total

CD or other media reproduction (per CD) _____ x \$.25 = \$ 0.00 Total

Number of offsite dockets requested _____ x \$7.15 = \$ 0.00 Total

Payment received by: _____ \$ 0.00 Total Paid

Cash: _____ or Check # _____ Receipt Number: _____

Files Not Found, Amount of refund: _____

Cash: or Check #: _____ Date of refund: _____

CHECK OFF BY RECEPTION STAFF AFTER REVIEW:

When review is complete, file should be returned to the Reception Staff and identification returned to reviewer.

Initial: _____ Records Returned to Reception Staff by Reviewer.

Initial: _____ Notify Planning Staff (name): _____ by email to pick up file(s)

EXHIBIT J

Dick, Ilene (19) x4958

From: Dick, Ilene (19) x4958
Sent: Thursday, July 10, 2014 12:21 PM
To: 'Arcuri, Timothy'
Cc: whiteheadwest@msn.com; mnykamp@msn.com
Subject: RE: 2853 Broderick: July 15th Neighbor Meeting-6-8PM at 235 Montgomery Street, 17th Floor
Attachments: FW: 2853 Broderick Street

Mr. Arcuri, thank you for your message. You are free not to attend the meeting. We are hosting here because 2853 Broderick is not able to do so; we thought that a downtown location would make it easier for neighbors to attend directly from work. It is not unusual at all for all members of a project sponsor's team to attend neighborhood meetings, including the attorney. In my experience, it is far more productive and efficient to have all interested persons in the same room to go over the facts and plans.

As to your allegation that my membership on the Code Advisory Committee creates a conflict or is somehow improper, I have attached DBI Deputy Director Dan Lowery's May 14, 2014 response to Mr. Wythes May 9, 2014 email. Director Lowery states unequivocally that there is no conflict.

Best,

Ilene R Dick
Spc Counsel Attny
idick@fbm.com
415.954.4958



Russ Building
235 Montgomery Street
San Francisco / CA 94104
T 415.954.4400
F 415.954.4480
www.fbm.com

From: Arcuri, Timothy [mailto:Timothy.Arcuri@cowen.com]
Sent: Thursday, July 10, 2014 7:46 AM
To: Dick, Ilene (19) x4958
Cc: whiteheadwest@msn.com; mnykamp@msn.com
Subject: RE: 2853 Broderick: July 15th Neighbor Meeting-6-8PM at 235 Montgomery Street, 17th Floor

Hi Ilene – Thanks for the email, I would most certainly like to discuss the plans with Stephen and Pam. However, I don't consider it appropriate for the meeting to take place under your auspices as you are legally representing the project sponsor, while we are currently not legally represented (although certainly possible in the future). Additionally, you sit on CAC which I also consider to be a conflict in this case.

While I am in no way representing other neighbors, I know there are many that feel the same way about this proposed meeting.

Thanks
Tim

Timothy M. Arcuri

Managing Director
Cowen and Company, LLC
555 California St, 5th Floor
San Francisco, CA 94104
Tel: 415-646-7217
Mobile: 415-710-5550
timothy.arcuri@cowen.com



From: IDick@fbm.com [<mailto:IDick@fbm.com>]
Sent: Monday, July 07, 2014 4:45 PM
To: 714515@gmail.com; amanda@hoenigman.com; annabrockway@yahoo.com; brookesampson@yahoo.com; cjones@forwardmgmt.com; cynthia2ndemail@gmail.com; dieter@hoppercreek.com; dod.fraser@gmail.com; dorinetowle@me.com; elarkin@hill-co.com; ericreimers@gmail.com; ethurston@gmail.com; ggwood2@gmail.com; info@cowhollowassociation.org; ijz@pacbell.net; kgoss@pacbell.net; kdkmanagement@yahoo.com; lbrooke@lmi.net; letsbond@gmail.com; mait sai@yahoo.com; marri61@sbcglobal.net; merijohn@merijohn.com; michael@jaegermchugh.com; nancyp.leavens@gmail.com; ntede@aol.com; paulmaimai@yahoo.com; rpovlitz@yahoo.com; rwgoss@pacbell.net; santonaros@sbcglobal.net; Arcuri, Timothy; vince@citymarkdev.com; wmore@aol.com
Cc: glenn.cabreros@sfgov.org; whiteheadwest@msn.com; mnykamp@msn.com; scott.sanchez@sfgov.org
Subject: 2853 Broderick: July 15th Neighbor Meeting-6-8PM at 235 Montgomery Street, 17th Floor

Good afternoon! I represent Pam Whitehead and Melinda Nykamp with respect to 2853 Broderick. I am writing to invite you to a meeting at our offices on Tuesday, July 15th from 6-8PM to discuss the plans being reviewed by the Planning Commission at its August 7th meeting. Beverages and light appetizers will be served. Below is a detailed agenda of what will be discussed. We look forward to seeing you then. For your convenience, I've attached a copy of the plans that will be before the Planning Commission.

We are located at:
235 Montgomery (between Bush and Pine)
The meeting will be on the 21st floor. Please tell Security that is your destination.

Dear Neighbors,

As most of you know, we have been waiting for the Planning Department to complete its review of the plans for all the work that will be permitted for this building. In April 2014, Planner Glenn Cabreros asked that we submit one plan set ("consolidated plan set") showing everything that has been and will be done to the building under approved permits. That work includes: 1. work that was done under previously issued permits; 2. work that was approved by the Board of Appeals in 2012, updated with survey data to clarify building height; and, 3. the remaining work that we want to do. The consolidated plan set received a categorical exemption from Planning's Historic Preservation staff, finding that none of the proposed work negatively affects the building's historic features.

Some of you will receive in the mail this week a notice from the Planning Department for an August 7, 2014 Mandatory Discretionary Review (DR) Hearing for this project. Given that, we would like to invite all of you to a meeting at Farella Braun + Martel's offices on July 15th at 6-8 pm.

Melinda, Pam and I will be there to discuss this project along with project architect Stephen Antonaros.

We are inviting all of the neighbors and others who have expressed interest in this project over the past 4 years to discuss together the upcoming review by the Planning Commission. Rather than have separate meetings, we want to share with all of you in one meeting the final proposed plans (most of which have been shown in separate permits) and to discuss any remaining concerns with the project.

Our goals for this meeting are straightforward:

1. Past History: Ensure that all the neighbors have the same information with regard to the City reviews that have occurred over the last 2 years.

2. Current: Go over the consolidated plan set and the purpose of the August 7th DR hearing. The consolidated plan set will be the plans for which a building permit will be issued following a successful DR hearing, superseding all previously issued plans. This version of the plans are similar to the plans we showed many of you during our May 2013 pre-application neighborhood meeting as well as private meetings.

The changes to those prior plans are:

A. Dwelling unit merger: Legally convert the building's use from 2 units to a single family residence. This would bring this building into conformity with most homes on block.

B. Front door modifications.

C. Rear roof modifications that include expanding the existing dormers to minimum ceiling height to the existing 4th floor.

D. Add a roof deck at the northwest portion of the 4th floor.

E. Expansion of angled bay on upper 2 floors which will not be visible from the street.

F. Add external stairs to the roof deck. Neither the stairs or the deck will be visible from the street.

G. If the Dwelling Unit Merger is approved, remove the rear original stairs from the 2nd floor to the 3rd floor. .

3. Height clarification: As you know, Stephen Antonaros, the project architect, made a numerical error on earlier plans with respect to the existing height of the building and the height when raised 3'. You will note that the consolidated plan set corrects that error on the plans based on survey data. .

We look forward to seeing you on July 15th at Farella Braun's offices and updating everyone interested with our project.

Thanks,

Ilene R Dick
Spc Counsel Attny
idick@fbm.com
415.954.4958



Russ Building
235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400
F 415.954.4480
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Farella Braun + Martel LLP

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the information contained herein is accurate, complete or up to date, nor shall Cowen have any responsibility to update any opinions or other information contained herein.

EXHIBIT K

Dick, Ilene (19) x4958

From: Lowrey, Daniel (DBI) [daniel.lowrey@sfgov.org]
Sent: Tuesday, April 08, 2014 2:02 PM
To: Dick, Ilene (19) x4958
Subject: RE: 2853 Broderick: Meeting with Scott Sanchez-week of 4/14

Good Afternoon Ilene,

Give me some times you are available next week and I will let you know if I am available.

From: IDick@fbm.com [mailto:IDick@fbm.com]
Sent: Tuesday, April 08, 2014 10:49 AM
To: Lowrey, Daniel (DBI)
Subject: 2853 Broderick: Meeting with Scott Sanchez-week of 4/14

Dan, per my voicemail, I wanted to get some available times next week to meet with Scott and I to discuss the scope of work that can be done on this house while the permits are suspended.

Thanks,

Ilene R Dick
Spc Counsel Attny
idick@fbm.com
415.954.4958



Russ Building
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San Francisco / CA 94104

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F 415.954.4480
www.fbm.com

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Farella Braun + Martel LLP

Dick, Ilene (19) x4958

From: Cabrerros, Glenn (CPC) [glenn.cabreros@sfgov.org]
Sent: Tuesday, April 08, 2014 5:42 PM
To: Dick, Ilene (19) x4958
Cc: Lindsay, David (CPC)
Subject: RE: 2853 Broderick

Hi Ilene-

Thanks for your voicemail as well. My week is already booked out, but I should be able to meet next Thursday afternoon or Friday. A meeting regarding the plans may be premature at this point, but feel free to continue discussions with Scott and Dan regarding what work, if any, could occur at the project site. When were you to meet with Scott and Dan Lowery next week?

The plans I would need for the Commission review should also capture any comments from our Historic Preservation staff, if they need to request revisions for the project to comply with the Secretary of Interior Standards. Shelley Caltagirone is assigned to the historic review, and she is anticipating her review to be completed before June.

Thank you.

**Glenn Cabrerros, LEED AP
Planner**

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6169 | Fax: 415-558-6409
Email: glenn.cabreros@sfgov.org
Web: www.sfplanning.org



From: IDick@fbm.com [mailto:IDick@fbm.com]
Sent: Tuesday, April 08, 2014 10:53 AM
To: Cabrerros, Glenn (CPC)
Subject: 2853 Broderick

Glenn, I hope you are well! Per my voicemail, I'd like to schedule a meeting with you and project architect Stephan Antonaros to go over the plans for permits that have been suspended. This should be a brief (no more than 30 minutes) meeting. I'd appreciate it if you could schedule it this week in advance of the follow up meeting with Scott and Dan Lowery next week.

Please let me know available times. Thanks in advance.

Best,

Ilene R Dick
Spc Counsel Attny
idick@fbm.com
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

Russ Building
235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400
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Farella Braun + Martel LLP

Dick, Ilene (19) x4958

From: Dick, Ilene (19) x4958
Sent: Monday, April 21, 2014 3:10 PM
To: 'Sanchez, Scott'; 'Cabreros, Glenn (CPC)'
Cc: 'Pam Whitehead'; 'Antonaros Stephen'
Subject: 2853 Broderick: Exterior work permitted to proceed

Scott, thank you for convening the meeting Wednesday, April 16th, with DBI Deputy Director Dan Lowery, and Glenn Cabreros. Per our meeting you are authorizing the below work to take place on the exterior of 2853 Broderick (with nominal interior work related to the drainage) during the pendency of the suspension of 5 building permits begun on 2/05/14. In order to complete the drainage system, the 3/18/14 suspension of PP20131220876 needs to be modified since drainage work was approved under that permit.

Per the meeting, you will forward this email to Deputy Director Lowery (who will also send it to Chief Plumbing Inspector Steve Panelli) so that all relevant DBI field/inspection staff is aware that this scope of work can occur while these permits are suspended. The meeting between myself, Mr. Antonaros and Glenn Cabreros clearly identified the modifications Mr. Cabreros wanted to the plan set for BPA No. 201307010898, which will be the master plan set. Once those revisions are approved, we will cancel BPA No. 201309066151 since those revisions will be correctly shown on the master set. Upon Mr. Cabreros' approval of the plan revisions, we respectfully request that the February 5, 2014 suspension be lifted, with the understanding that no work can occur that has not already been approved.

Below is a list of items and the description of the scope of work for drainage that you authorized during the suspension. The drainage work includes nominal inside work limited solely to facilitating the exterior drainage work you approved:

- Power washing walls and windows
- Repair and replace windows in-kind
- Paint, prep, sand windows and all trim
- Install downspouts and rain gutters
- Trench for drainage and to install the underground drain lines, lateral and hook ups all related to sewer connection. To be sure there is clarity on the scope of work required for the drainage to the City system, here is additional relevant information/work that must be done to ensure an adequate and working drainage system at this site:

1. The sand trap and the sump pump need to be installed.
2. Related to PP20131220876, the plumber will need to complete hook-ups to existing drains that have already been installed. That work was permitted under this plumbing permit.
3. To finalize that work, the plumber will need to install new pipes at grade level. The pipes are installed at grade to accurately assess and account for all drainage from both inside and outside the building from the lateral to the City's main in the street. This requires approximately 1 day for the plumber to move copper pipes that were installed incorrectly in the garage.

Please let me know if you need additional information. It is our understanding that with this email, the above-described work can commence. Please confirm by "reply to all" that that is correct.

Thanks again for your continuing professional courtesy in this matter. We look forward to working with you and your staff to bring this project to the Commission at the earliest time possible.

Best,

Ilene R Dick

Spc Counsel Attny
idick@fbm.com
415.954.4958

f FARELLA BRAUN + MARTEL LLP

Russ Building
235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400
F 415.954.4480
www.fbm.com

Dick, Ilene (19) x4958

From: Sanchez, Scott (CPC) [scott.sanchez@sfgov.org]
Sent: Tuesday, April 22, 2014 4:32 PM
To: Dick, Ilene (19) x4958; Cabrerros, Glenn (CPC)
Cc: whiteheadwest@msn.com; santonaros@sbcglobal.net; Lowrey, Daniel (DBI); O'Riordan, Patrick (DBI)
Subject: RE: 2853 Broderick: Exterior work permitted to proceed

Hello Ilene,

Thank you for the email. The scope of work outlined below to secure/weatherize the building is consistent with our discussion last week and may be performed under the current permit suspension requested by our Department. We would also like to reiterate that the scope of work is limited to that discussed blow and will not include any other work. We are allowing this work as a courtesy to ensure that the building, a known historic resource, is protected. If the project sponsor performs any work beyond that which is listed below, we will coordinate with DBI to ensure swift and total enforcement of the suspension.

Regards,
Scott F. Sanchez
Zoning Administrator

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6350 | Fax: 415-558-6409
Email: scott.sanchez@sfgov.org
Web: www.sfplanning.org

Planning Information Center (PIC): 415.558.6377 or pic@sfgov.org
Planning Information Map (PIM): <http://propertymap.sfplanning.org>



From: IDick@fbm.com [mailto:IDick@fbm.com]
Sent: Monday, April 21, 2014 3:10 PM
To: Sanchez, Scott (CPC); Cabrerros, Glenn (CPC)
Cc: whiteheadwest@msn.com; santonaros@sbcglobal.net
Subject: 2853 Broderick: Exterior work permitted to proceed

Scott, thank you for convening the meeting Wednesday, April 16th, with DBI Deputy Director Dan Lowery, and Glenn Cabrerros. Per our meeting you are authorizing the below work to take place on the exterior of 2853 Broderick (with nominal interior work related to the drainage) during the pendency of the suspension of 5 building permits begun on 2/05/14. In order to complete the drainage system, the 3/18/14 suspension of PP20131220876 needs to be modified since drainage work was approved under that permit.

Per the meeting, you will forward this email to Deputy Director Lowery (who will also send it to Chief Plumbing Inspector Steve Panelli) so that all relevant DBI field/inspection staff is aware that this scope of work can occur while these permits are suspended. The meeting between myself, Mr. Antonaros and Glenn Cabrerros clearly identified the modifications Mr. Cabrerros wanted to the plan set for BPA No. 201307010898, which will be the master plan set. Once those revisions are approved, we will cancel BPA No. 201309066151 since those revisions will be correctly shown on the master set. Upon Mr. Cabrerros' approval of the plan revisions, we respectfully request that the February 5, 2014 suspension be lifted, with the understanding that no work can occur that has not already been approved.

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- Power washing walls and windows
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- Trench for drainage and to install the underground drain lines, lateral and hook ups all related to sewer connection. To be sure there is clarity on the scope of work required for the drainage to the City system, here is additional relevant information/work that must be done to ensure an adequate and working drainage system at this site:

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2. Related to PP20131220876, the plumber will need to complete hook-ups to existing drains that have already been installed. That work was permitted under this plumbing permit.
3. To finalize that work, the plumber will need to install new pipes at grade level. The pipes are installed at grade to accurately assess and account for all drainage from both inside and outside the building from the lateral to the City's main in the street. This requires approximately 1 day for the plumber to move copper pipes that were installed incorrectly in the garage.

Please let me know if you need additional information. It is our understanding that with this email, the above-described work can commence. Please confirm by "reply to all" that that is correct.

Thanks again for your continuing professional courtesy in this matter. We look forward to working with you and your staff to bring this project to the Commission at the earliest time possible.

Best,

Ilene R Dick
Spc Counsel Attny
idick@fbm.com
415.954.4958



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235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400
F 415.954.4480
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Farella Braun + Martel LLP

Dick, Ilene (19) x4958

From: Sanchez, Scott (CPC) [scott.sanchez@sfgov.org]
Sent: Thursday, May 08, 2014 7:00 AM
To: Irving Zaretsky; Lindsay, David (CPC); Cabrerros, Glenn (CPC); Dick, Ilene (19) x4958; Stefani, Catherine
Cc: wmore@aol.com; kbgoss@pacbell.net; michael@jaegermchugh.com; rwgoss@pacbell.net; mait sai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; paulmimai@yahoo.com; timothy.arcuri@cowen.com; amanda@hoenigman.com; Povlitz; nancy leavens nancy; Will Morehead (; Geoff Wood; Cynthia2ndemail@gmail.com; elarkin@hill-co.com; lbrooke@lmi.net (lbrooke@lmi.net); info@cowhollowassociation.org; Brooke Sampson; merijohn@merijohn.com (
Subject: RE: 2853 Broderick Street

Dear Mr. Zaretsky,

Thank you for the email. To clarify, the approved scope of work to secure/weatherize the building only allows work on existing windows (in-kind) and does not allow the addition of any new windows; the sewer connection will be required for a project of any height; and installation of gutters/downspouts to provide drainage does not vest any rights in the existing permit. As we have noted repeatedly, the subject project requires a revision permit. The revision permit is currently undergoing environmental review, which is anticipated to be completed in early June. Once environmental review for the revision permit has been completed, we will perform the Section 311 notification and conduct a Discretionary Review hearing at the Planning Commission for their consideration of the revision permit, which is anticipated to be held in July or August. I trust that this will answer any remaining questions that you have on this project for the time being.

Regards,
Scott F. Sanchez
Zoning Administrator

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6350 | Fax: 415-558-6409
Email: scott.sanchez@sfgov.org
Web: www.sfplanning.org

Planning Information Center (PIC): 415.558.6377 or pic@sfgov.org
Planning Information Map (PIM): <http://propertymap.sfplanning.org>



From: Irving Zaretsky [mailto:iiz@me.com]
Sent: Wednesday, May 07, 2014 7:11 PM
To: Sanchez, Scott (CPC); Lindsay, David (CPC); Cabrerros, Glenn (CPC)
Cc: wmore@aol.com; kbgoss@pacbell.net; michael@jaegermchugh.com; rwgoss@pacbell.net; mait sai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; paulmimai@yahoo.com; timothy.arcuri@cowen.com; amanda@hoenigman.com; Povlitz; nancy leavens nancy; Will Morehead (; Geoff Wood; Cynthia2ndemail@gmail.com; elarkin@hill-co.com; lbrooke@lmi.net (lbrooke@lmi.net); info@cowhollowassociation.org; Brooke Sampson; merijohn@merijohn.com (
Subject: Re: 2853 Broderick Street

Dear Mr. Sanchez:

In response to your email, we don't understand why you have granted permission for the change of windows when many new windows have been added and they are all under the new review as to historical preservation.

Also, why did you grant permission to do drainage when the height of the building is again under review and the issue will be raised in future Hearings and Appeals. Rain gutters and downspouts are subject to what is decided on the roof development and that is still pending.

It seems that structural work should wait until all the reviews, hearings and appeals are finished and final permits are issued. We can understand painting as weatherproofing but not the structural work you suggest.

Is everything really a 'done deal' and we are simply not privy to it????

Please advise,

Irving Zaretsky

Neighbors on Broderick and Filbert streets

On May 7, 2014, at 3:36 PM, Paul Wythes <paulmimai@yahoo.com> wrote:

FYI. Below is the reply from Scott Sanchez regarding the work that was recently done at this property.

Paul

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

From: "Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>

To: Paul Wythes <paulmimai@yahoo.com>; "Cabreros, Glenn (CPC)" <glenn.cabreros@sfgov.org>; "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org>

Cc: "Lindsay, David (CPC)" <david.lindsay@sfgov.org>

Sent: Wednesday, May 7, 2014 3:16 PM

Subject: RE: 2853 Broderick Street

Dear Mr. Wythes,

Thank you for the email. In February, I suspended the permits for 2853 Broderick Street, but noted that the project sponsor may perform work necessary to secure/weatherize the building (in part because this building is a known historic resource). It came to my attention after the suspension that neighbors were concerned that work beyond that to secure/weatherize the building may have been performed. On April 16, 2014, I met with representatives of the project sponsor (Ilene Dick – attorney; Stephen Antonaros – architect) and staff from DBI to discuss to discuss specific work which may be performed to secure/weatherize the building to ensure that all parties (project sponsor and City agencies) were clear on the limited work that may be performed. On April 22, 2014, I authorized that DBI allow the following work:

- Power washing walls and windows
- Repair and replace windows in-kind
- Paint, prep, sand windows and all trim
- Install downspouts and rain gutters
- Trench for drainage and to install the underground drain lines, lateral and hook ups all related to sewer connection.

Any work in excess of those stated above would be considered a violation of the suspension and result in immediate enforcement.

Please let me know if you have any questions.

Regards,
Scott F. Sanchez
Zoning Administrator

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<[image001.png](#)> <[image002.png](#)> <[image003.png](#)> <[image004.png](#)> <[image005.png](#)>

From: Paul Wythes [<mailto:paulmimai@yahoo.com>]
Sent: Tuesday, May 06, 2014 4:25 PM
To: Cabreros, Glenn (CPC); Venizelos, Thomas (DBI)
Cc: Sanchez, Scott (CPC); Lindsay, David (CPC)
Subject: Re: 2853 Broderick Street

Thanks for your help. I'm looking forward to hear your reply.

Paul

From: "Cabreros, Glenn (CPC)" <glenn.cabreros@sfgov.org>
To: Paul Wythes <paulmimai@yahoo.com>; "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org>
Cc: "Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>; "Lindsay, David (CPC)" <david.lindsay@sfgov.org>
Sent: Monday, May 5, 2014 9:49 AM
Subject: RE: 2853 Broderick Street

I've copied the Zoning Administrator, who may have additional insight to your inquiry below.

Thank you.

**Glenn Cabreros, LEED AP
Planner**

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6169 | Fax: 415-558-6409
Email: glenn.cabreros@sfgov.org
Web: www.sfplanning.org

<[image006.png](#)> <[image007.png](#)> <[image008.png](#)> <[image009.png](#)> <[image010.png](#)>

From: Paul Wythes [<mailto:paulmimai@yahoo.com>]
Sent: Friday, May 02, 2014 8:32 PM
To: Venizelos, Thomas (DBI)
Cc: Cabreros, Glenn (CPC)
Subject: Re: 2853 Broderick Street

Thomas,

Thanks for the reply, but I'm still a bit confused. As far as I can tell, no work has been performed on this house since March 18. It was only this past week that we noticed work starting up again, hence the questions coming from the neighborhood.

The bigger question I have concerns why plumbing work is allowed to continue while the permit is suspended. It would seem to me that all work would be suspended until the permit has been reinstated. I don't understand why plumbing is allowed while other work isn't. What other work is allowed even though the permit is suspended?

I'm copying Glenn Cabrerros who hopefully can provide some additional context regarding the March 18 decision / email.

Thanks again,
Paul

On May 2, 2014, at 8:42 AM, "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org> wrote:

Mr. Wythes,

The stop work for plumbing work that was issued on March 18 was in error. Deputy Director Lowrey allowed plumbing work to proceed per an advisement from the Planning Department.

Regards,

Thomas Venizelos
Senior Building Inspector
Department of Building Inspection

From: Paul Wythes [<mailto:paulmimai@yahoo.com>]
Sent: Thursday, May 01, 2014 5:04 PM
To: Venizelos, Thomas (DBI); O'Riordan, Patrick (DBI)
Cc: Mai Mai Wythes; Caltagirone, Shelley (CPC); Arcuri Timothy; Richard Goss; Karen Goss; Amanda Hoenigman; Vince Hoenigman; Irving Zaretsky; Cabrerros, Glenn (CPC); Nancy Leavens; Stefani, Catherine; Lowrey, Daniel (DBI); Fessler, Thomas (DBI)
Subject: Re: 2853 Broderick Street

Thomas,

On March 18, inspector Fessler conducted a site visit to this property and found the workers performing plumbing work. You sent out an email that said the following:

Inspector Fessler conducted a site visit today and found that the plumbing contractor was working on a building sewer lateral. The contractor was asked to stop work and vacate the site. The contractor complied with the inspectors request.

Can you please explain why the plumbing contractor was asked to stop work on March 18 but is not being asked to stop work today? Has something changed between then and now?

Thank you,
Paul Wythes

From: "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org>
To: "O'Riordan, Patrick (DBI)" <patrick.oriordan@sfgov.org>; "Paul Wythes" <paulmimai@yahoo.com>
Cc: Mai Mai Wythes <mait sai@yahoo.com>; "Caltagirone, Shelley (CPC)" <shelley.caltagirone@sfgov.org>; Arcuri Timothy <Timothy.Arcuri@cowen.com>; Richard Goss <rwgoss@pacbell.net>; Karen Goss <kbgoss@pacbell.net>; Amanda Hoenigman <amanda@hoenigman.com>; Vince Hoenigman <vince@citymarkdev.com>; Irving Zaretsky <ijz@me.com>; "Cabrerros, Glenn (CPC)" <glenn.cabrerros@sfgov.org>; "nancyp.leavens@gmail.com" <nancyp.leavens@gmail.com>; "Stefani, Catherine" <catherine.stefani@sfgov.org>; "Lowrey, Daniel (DBI)" <daniel.lowrey@sfgov.org>; "Fessler, Thomas (DBI)" <thomas.fessler@sfgov.org>
Sent: Thursday, May 1, 2014 3:14 PM
Subject: RE: 2853 Broderick Street

To All Concerned,

EXHIBIT L

Dick, Ilene (19) x4958

From: Dick, Ilene (19) x4958
Sent: Thursday, May 15, 2014 2:17 PM
To: Whitehead / Nykamp: Broderick Street
Subject: FW: 2853 Broderick Street

Ilene R Dick
Spc Counsel Attny
idick@fbm.com
415.954.4958



Russ Building
235 Montgomery Street
San Francisco / CA 94104
T 415.954.4400
F 415.954.4480
www.fbm.com

From: Lowrey, Daniel (DBI) [<mailto:daniel.lowrey@sfgov.org>]
Sent: Thursday, May 15, 2014 2:16 PM
To: paulmaimai@yahoo.com
Cc: Sanchez, Scott (CPC); Hui, Tom (DBI); Strawn, William (DBI); O'Riordan, Patrick (DBI); Venizelos, Thomas (DBI); Dick, Ilene (19) x4958
Subject: RE: 2853 Broderick Street

Hello Paul,

DBI has reviewed your concerns about a possible conflict- of- interest with respect to Ms. Dick and have determined there is no conflict of interest situation here concerning 2853 Broderick St.
Thank You

From: Hui, Tom (DBI)
Sent: Friday, May 09, 2014 8:53 PM
To: Lowrey, Daniel (DBI); O'Riordan, Patrick (DBI)
Cc: Venizelos, Thomas (DBI); Strawn, William (DBI)
Subject: Fwd: 2853 Broderick Street

Hi Dan and Pat,
Please, review this email and work with Scott in this case.
Bye
Tom

Sent from my iPhone

Begin forwarded message:

From: "Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>
Date: May 9, 2014 at 8:27:17 PM PDT

To: Paul Wythes <paulmimai@yahoo.com>, "Hui, Tom (DBI)" <tom.hui@sfgov.org>, "IDick@fbm.com" <IDick@fbm.com>
Cc: "Cabreros, Glenn (CPC)" <glenn.cabreros@sfgov.org>, "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org>, "Lindsay, David (CPC)" <david.lindsay@sfgov.org>, Irving Zaretsky <iiz@me.com>, Amanda Hoenigman <amanda@hoenigman.com>, Vince Hoenigman <vince@citymarkdev.com>, Richard Goss <rwgoss@pacbell.net>, Karen Goss <kbgoss@pacbell.net>, Arcuri Timothy <Timothy.Arcuri@cowen.com>, nancy leavens nancy <nancyp.leavens@gmail.com>, Mai Mai Wythes <maitsai@yahoo.com>, "Stefani, Catherine" <catherine.stefani@sfgov.org>
Subject: Re: 2853 Broderick Street

Hello Paul,

Thank you for the email. This is a DBI matter, but from what I understand the Code Advisory Committee (CAC) is appointed by the Building Inspection Commission and makes technical recommendations on code changes and rules/regulations to the Director of DBI. The CAC is advisory only and does not manage or oversee DBI. The CAC is comprised of a variety of building-related professionals (architects, engineers, attorneys, contractors, etc.) and I understand that these individuals actively practice their professions in the City (their involvement in the CAC does not preclude them from doing so). As such, I don't believe that there is a conflict of interest, but I'm copying the Director of DBI to see if he has any concerns. I'm also copying Ms. Dick so she has the ability to respond.

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

Tel: 415.558.6350
Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org
Webpage: <http://www.sfplanning.org>

Planning Information Center (PIC):
415.558.6378
Property Information Map (PIM):
<http://propertymap.sfplanning.org>

On May 9, 2014, at 7:58 PM, Paul Wythes <paulmimai@yahoo.com> wrote:

Scott,

Dick, Ilene (19) x4958

From: Dick, Ilene (19) x4958
Sent: Monday, May 12, 2014 8:44 AM
To: 'Sanchez, Scott (CPC)'; Paul Wythes; Hui, Tom (DBI); 'whiteheadwest@msn.com'
Cc: Cabrerros, Glenn (CPC); Venizelos, Thomas (DBI); Lindsay, David (CPC); Irving Zaretsky; Amanda Hoenigman; Vince Hoenigman; Richard Goss; Karen Goss; Arcuri Timothy; nancy leavens nancy; Mai Mai Wythes; Stefani, Catherine
Subject: RE: 2853 Broderick Street

Scott, thank you for including me in this email so I can further explain to Ms. Whitehead's neighbors that my membership on the Code Advisory Committee (CAC) does not preclude me from meeting with DBI staff or appearing before the Building Inspection Commission on behalf of clients. Director Hui can confirm this as well. As a CAC member, I do not make or participate in any decisions regarding specific permits, projects or enforcement actions. There is thus no conflict or unethical conduct when I work with City staff, including DBI, on project specific matters. I hope the below explanation, along with the relevant Building Code provisions, explains why I am permitted to represent Ms. Whitehead any other clients with DBI staff.

I want to be clear that the CAC is not a "subcommittee" of the Building Inspection Commission (BIC). While appointed by the BIC, the 17 CAC members are advisory to the BIC, the Board of Supervisors and DBI staff on issues related to DBI's administration and enforcement of the several Codes it administers (Building, Housing, Mechanical, Electrical and Plumbing) and other Municipal Code provisions which involve DBI. I voluntarily serve as one of 3 public members of the CAC pursuant to SF Building Code Section 105A.4. As the name implies, the CAC's scope is limited to *advising* DBI staff and the BIC on code changes recommended by members of the Board of Supervisors, by DBI staff, other City agencies or by the State of California and its code-drafting agencies. See Section 105.A.4.2 below. The CAC does not make recommendations based on individual permits, specific projects or specific enforcement actions. Its sole function is to review Code and rule changes and make recommendations as a group to DBI staff, the BIC and/or the Board of Supervisors.

In addition to the 3 public members, the CAC's voluntary membership (none of us are paid for our time preparing for or attending meetings) consists of a diverse group of 14 design and other professionals with designated expertise in areas of DBI involvement (e.g., disabled access), concern (e.g., historic preservation) or a specific constituency (e.g. property management). See list of members' qualifications in Section 105.A.4.3.1 below. The Board of Supervisors decided this representative and well-rounded group was necessary for DBI to get the broadest feedback from a wide range of its "customers" as it considers the impacts of Code changes on plan review and Code implementation and enforcement. Because of this approach, nothing in the Building Code or elsewhere in the Municipal Code precludes any CAC members from working with DBI staff or appearing before the BIC as part of their business or profession. If it did, there wouldn't be a CAC as currently constituted. That's because such a prohibition would detrimentally impact each members' livelihood.

I hope that by reviewing the actual SF Building Code provisions governing the CAC's role, Ms. Whitehead's neighbors are clear that I am not precluded by membership on the CAC from meeting with DBI staff on specific permit or project issues regarding 2853 Broderick or any other property.

105A.4 Code Advisory Committee.

105A.4.1 Establishment. There is hereby created a Code Advisory Committee consisting of seventeen members who are qualified by experience and training to pass upon matters pertaining to the development and improvement of the content of this code and the San Francisco Housing Codes and their related rules and regulations as well as provisions of other parts of the Municipal Code that the Building Official and the Building Inspection Commission determines have an impact on construction permits.

105A.4.2 Functions. Its functions shall be:

1. To review recommendations for code changes made by the Building Official the Building Inspection Commission pursuant to Section 104A.2.11.
2. To develop, review and recommend code changes to the Building Official and the Building Inspection Commission.
3. To review rules and regulations promulgated by the Building Official and the Building Inspection Commission pursuant to Section 104A.2.1.
4. To recommend to the Building Official and the Building Inspection Commission, within 30 days after the effective date of a new edition of a code, which existing Section 104A.2 rules and regulations should remain in effect, be modified or be canceled.

105A.4.3.1 Members. In the event that a vacancy occurs during the term of office of any member of the Code Advisory Committee, a new member shall be appointed in a manner similar to that described herein for new members. The membership shall consist of:

1. A licensed architect whose practice is primarily in the area of major commercial and institutional projects of Type I and II construction.
2. A licensed architect whose practice is primarily in the area of smaller commercial and residential projects of Type III and V construction.
3. A registered civil engineer whose practice is primarily in the area of major commercial and institutional projects of Type I and II construction and who has the authority to use the title "Structural Engineer."
4. A registered civil engineer whose practice is primarily in the area of smaller commercial and residential projects of Type III and V construction.
5. A registered mechanical engineer or licensed mechanical contractor.
6. A registered fire protection engineer who practices in the area of fire protection.
7. A registered electrical engineer or licensed electrical contractor.
8. A representative of a licensed general contractor whose work is primarily in the area of major commercial and institutional projects of Type I and II construction.
9. A representative of a licensed general contractor whose work is primarily in the area of alterations, remodeling or restoration.
10. A representative of a licensed general contractor whose work is primarily the construction of single- and multifamily residential construction for its own account.
11. A commercial property owner or a person practicing in the area of property management.
12. A representative of the general business community.
13. A person qualified in the area of historical preservation.
14. A person, preferably with a disability, who is knowledgeable about disability access regulations.
15. Three at-large members who may, but need not, possess technical skills or knowledge.

From: Sanchez, Scott (CPC) [<mailto:scott.sanchez@sfgov.org>]

Sent: Friday, May 09, 2014 8:27 PM

To: Paul Wythes; Hui, Tom (DBI); Dick, Ilene (19) x4958

Cc: Cabrerros, Glenn (CPC); Venizelos, Thomas (DBI); Lindsay, David (CPC); Irving Zaretsky; Amanda Hoenigman; Vince Hoenigman; Richard Goss; Karen Goss; Arcuri Timothy; nancy leavens nancy; Mai Mai Wythes; Stefani, Catherine

Subject: Re: 2853 Broderick Street

Hello Paul,

Thank you for the email. This is a DBI matter, but from what I understand the Code Advisory Committee (CAC) is appointed by the Building Inspection Commission and makes technical recommendations on code changes and rules/regulations to the Director of DBI. The CAC is advisory only and does not manage or

oversee DBI. The CAC is comprised of a variety of building-related professionals (architects, engineers, attorneys, contractors, etc.) and I understand that these individuals actively practice their professions in the City (their involvement in the CAC does not preclude them from doing so). As such, I don't believe that there is a conflict of interest, but I'm copying the Director of DBI to see if he has any concerns. I'm also copying Ms. Dick so she has the ability to respond.

Regards,
Scott F. Sanchez
Zoning Administrator
San Francisco Planning Department
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<http://propertymap.sfplanning.org>

On May 9, 2014, at 7:58 PM, Paul Wythes <paulmimai@yahoo.com> wrote:

Scott,

I noticed that in addition to representing Pam Whitehead, Ilene Dick also serves on DBI's Code Advisory Committee. From what I can tell, the Code Advisory Committee works closely with the Building Inspection Commission.

Do you think Ms. Dick's presence at the April 16 meeting represented a potential conflict of interest? If not, can you please explain why?

Thanks,
Paul Wythes

From: "Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>
To: Paul Wythes <paulmimai@yahoo.com>; "Cabrerros, Glenn (CPC)" <glenn.cabreros@sfgov.org>; "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org>
Cc: "Lindsay, David (CPC)" <david.lindsay@sfgov.org>
Sent: Wednesday, May 7, 2014 3:16 PM
Subject: RE: 2853 Broderick Street

Dear Mr. Wythes,

Thank you for the email. In February, I suspended the permits for 2853 Broderick Street, but noted that the project sponsor may perform work necessary to secure/weatherize the building (in part because this building is a known historic resource). It came to my attention after the suspension that neighbors were concerned that

work beyond that to secure/weatherize the building may have been performed. On April 16, 2014, I met with representatives of the project sponsor (Ilene Dick – attorney; Stephen Antonaros - architect) and staff from DBI to discuss to discuss specific work which may be performed to secure/weatherize the building to ensure that all parties (project sponsor and City agencies) were clear on the limited work that may be performed. On April 22, 2014, I authorized that DBI allow the following work:

Power washing walls and windows

-Repair and replace windows in-kind

-Paint, prep, sand windows and all trim

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-Trench for drainage and to install the underground drain lines, lateral and hook ups all related to sewer connection.

Any work in excess of those stated above would be considered a violation of the suspension and result in immediate enforcement.

Please let me know if you have any questions.

Regards,
Scott F. Sanchez
Zoning Administrator

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<image001.png> <image002.png> <image003.png> <image004.png> <image005.png>

From: Paul Wythes [<mailto:paulmimai@yahoo.com>]
Sent: Tuesday, May 06, 2014 4:25 PM
To: Cabrerros, Glenn (CPC); Venizelos, Thomas (DBI)
Cc: Sanchez, Scott (CPC); Lindsay, David (CPC)
Subject: Re: 2853 Broderick Street

Thanks for your help. I'm looking forward to hear your reply.

Paul

From: "Cabrerros, Glenn (CPC)" <glenn.cabrerros@sfgov.org>
To: Paul Wythes <paulmimai@yahoo.com>; "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org>
Cc: "Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>; "Lindsay, David (CPC)" <david.lindsay@sfgov.org>
Sent: Monday, May 5, 2014 9:49 AM
Subject: RE: 2853 Broderick Street

I've copied the Zoning Administrator, who may have additional insight to your inquiry below.

Thank you.

Glenn Cabrerros, LEED AP
Planner

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6169 | Fax: 415-558-6409

ATTACHMENT 2



ILENE DICK
idick@fbm.com
D 415.954.4958

September 8, 2014

Via E-Mail Glenn.Cabreros@sfgov.org

Cindy Wu, President
San Francisco Planning Commission
1650 Mission, 4th Floor
San Francisco, CA. 94103

Re: 2853 Broderick: 2013.0433D
Response to DR Requests: Dwelling Unit Merger/Exterior Modifications
September 18, 2014 Hearing

Dear President Wu, Vice-President Fong and Members:

We represent Pamela Whitehead and Melinda Nykamp, the owners of the above referenced property. This DR hearing is being held to obtain your approval of a consolidated plan set for modifications to the fire-damaged, vacant 4-story, approximately 4,526 square feet, 2-unit home. The plans before you include both exterior modifications and the merger of the 2-bedroom lower unit to create a 4-bedroom, single-family home with garage. Based on the documents in the record and the testimony that you will hear on September 18, 2014, we respectfully request that the Commission follow staff's recommendation and reject the DR and approve the project as proposed.

As you may recall, this home has had a circuitous 4+-year permit history, beginning with building permits pulled to repair the consequences of a tragic fire that occurred there on March 4, 2010. On July 28, 2014, we emailed you a letter outlining the history of this project to substantiate our opposition to the opponents' (including both DR requestors) request that the then-scheduled August 7, 2014 Mandatory DR hearing be continued to at least September 20, 2014. As part of that letter, we documented in detail the history of this project to date¹. We also provided documentation to refute the various issues that the DR requestors will use on September 18th to convince you to take DR, such as lowering the home by the 3' it was raised on March 6, 2013.² And in a companion letter submitted to Glenn Cabreros on July 28, 2014 in response to the Mandatory DR that was then-pending on August 7, 2014, we explained why there are no circumstances under which DR could be granted.

Since then, two DR requests were timely filed. This letter focuses only on the issues raised by those DR requestors. Based on the ample record we have provided you, including this letter, you have sufficient evidence before you to reject the DR requestors' attempts to further

¹ See July 28, 2014 letter entitled "Opposition to Request for Continuance of August 7, 2014 Mandatory DR Hearing" ("Opposition to continuance"), Exhibit B.

² See Opposition to continuance, pp. 2-3, Exhibits G-H.

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9/8/14

SAN FRANCISCO ST. HELENA www.fbm.com

delay returning this house to a home. This Commission should reject Discretionary Review and approve the consolidated plans before it so that the remaining exterior modifications and the Dwelling Unit Merger can be realized.

MR. ARCURI'S REQUEST PROVIDES NO SUBSTANTIVE GROUNDS UNDER THE PLANNING CODE THAT WARRANT DISCRETIONARY REVIEW.

Mr. Arcuri lives across the street from the project at 2832 Broderick. Rather than identifying any "exceptional and extraordinary circumstances associated with the proposed project," his DR request focuses almost entirely on the lack of "due process." In his words, the absence of "due process" justifies granting DR because "the revised plans were never submitted to [him] in their entirety and in a timely fashion." He also complains that there was no "due process" in obtaining the permit to "raise the house" by 3 feet.³

The technical meaning of "due process" is that a property owner is entitled to "reasonable notice and an opportunity to be heard before there is a governmental deprivation of a significant property interest."⁴ Generally, in the land use context, that means that a property owner near the site where an entitlement or permit is sought is entitled to get notice of a pending action by a public agency that may affect that individual's property. Assuming that is what Mr. Arcuri is referring to when he uses the term "due process," under San Francisco's very aggressive noticing of administrative actions in the land use arena, there is no doubt that Mr. Arcuri received or could have requested notice of every action taken on the building permits and plans and related appeals for this property.

First, the Planning Department provides for a Block Book Notification or "BBN"⁵ at an annual cost of \$35. Under the BBN, Mr. Arcuri could have obtained notice of every building permit issued for 2853 Broderick that would be reviewed by the Planning Department with that payment.⁶ Second, if the "revised plans" being referred to are the consolidated plan set that is the basis for this DR request, Mr. Arcuri got a copy of those plans from the Planning Department on or about July 7, 2014, which is the date that the DR Notice was sent by Planning staff to adjacent neighbors and those who requested such notice.⁷ Third, the permit authorizing raising the house by 3' was subjected to 3 different administrative reviews: a DR hearing held by this Commission on October 6, 2011; an appeal to the Board of Appeals on May 2, 2012 with a

³ The "permit" he is referring to is Building Permit Application No. 201103252839, a revision site permit. It was issued on April 17, 2012 and appealed to the Board of Appeals by Mr. Zaretsky on May 2, 2012. Its scope was to raise the building 3' to insert a garage and provide for habitable rooms on the ground floor.

⁴ See *Horn v County of Ventura* (1979) 24 C3d 605, 612.

⁵ A Block Book Notification (BBN) is a request made by a member of the public to be provided notice of permits on any property within the City that is subject to the Planning Code. That would have included all the permits issued for the project including the one subject to this DR request.

⁶ All of the permits issued for exterior work on this site would have been reviewed by the Planning Department. A BBN would not, however, provide notice of a permit subject to Section 311 notice since Mr. Arcuri would have been notified of the permit under the Section 311 process.

⁷ See Exhibit A. Another way for Mr. Arcuri to have obtained a copy of the consolidated plan set in the absence of filing a BBN, was to periodically check with Mr. Cabrerons on the status of plans complying with the Suspension Letter.

decision on June 20, 2012, and a rehearing on September 19, 2012; and a CEQA appeal filed with the Board of Supervisors on July 10, 2012, with a hearing held on September 4, 2012.⁸ Because his home is up the block and across the street from the Ms. Whitehead's property, Mr. Arcuri would have gotten notice from the Planning Commission and Board of Appeals for each such action.⁹

Based on the above, this Commission should not grant DR to Mr. Arcuri based on a "lack of due process." Not only is that not a basis for DR, but Mr. Arcuri received notice of the permits subject to Section 311 including the permit subject to his DR request, and of the appeal to the Board of Appeals. My client cannot be blamed for his failure to file a BBN, which could have provided him notice of every building permit application filed on my clients' property and subject to Planning Department review.

MR. ZARETSKY WANTS THE HOME RETURNED TO ITS PRE-FIRE CONDITION. NONE OF HIS OBJECTIONS QUALIFY AS EXTRAORDINARY OR EXCEPTIONAL CIRCUMSTANCES. GRANTING HIS OUTLANDISH REQUEST WOULD EXCEED THE COMMISSION'S DR AUTHORITY AND CAUSE EXTREME AND UNJUSTIFIABLE HARDSHIP TO MY CLIENTS.¹⁰

- A. None of the "acts" that Mr. Zaretsky lists as "reasons" for this Commission to take DR are exceptional or extraordinary. Most have been approved by final and unappealable entitlements, building permits, and/or CEQA exemptions or will be addressed upon the release of the permits subject to the Zoning Administrator's suspension and issued pursuant to this DR.**

In seeking DR, Mr. Zaretsky wants to surpass the typical DR remedy and take DR to an entirely new level. Rather than just asking the Commission to modify architectural details or tinker with the massing or scale of certain features, he wants this Commission to use its DR authority to undo all of the work that has been done on the exterior of this building over the last 4 years. This request goes substantially beyond the Commission's DR authority.

The authority to review permit applications that meet the minimum standards applicable under the Planning Code is set forth by City Attorney Opinion No. 845, dated May 26, 1954. The opinion states that the authority for the exercise of discretionary review is "a sensitive discretion . . . which must be exercised with the utmost restraint" to permit the Commission "to deal in a special manner with exceptional cases." Therefore, discretionary review should be exercised only when exceptional and extraordinary cases

⁸ Under the Board of Supervisors' procedures in effect at the time of the September 4, 2012 hearing on the categorical exemption, the appellants were required to provide to the Board Clerk the names of interested parties who should be notified of the hearing. Since Mr. Arcuri was not an appellant, and Mr. Zaretsky was the lead appellant, it was up to Mr. Zaretsky as to whether Mr. Arcuri received notice of the CEQA appeal hearing.

⁹ See e.g., Planning Code Section 311(c)(2)(A), requiring notice to "all properties within 150 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot." Section 12 of the SF Business and Tax Regulations Code contains the same notice requirements for Board of Appeals hearings.

¹⁰ Because both Mr. Arcuri and Mr. Zaretsky request that the "building be lowered 3'", we address this issue here.

apply to the proposed construction and modifications required only where the project would result in a significant impact to the public interest. (Emphasis added.)

See Application Packet for Discretionary Review, p. 3.¹¹

Under the stepwise analysis required by the City Attorney's 1954 opinion, the Commission first needs to decide whether there are "exceptional or extraordinary" circumstances. If there are, the Commission can then require modifications to the project, but only if the project as proposed would significantly impact the "public interest." Mr. Zaretsky has not satisfied either criteria required for the Commission to take DR.

He has not shown anything extraordinary or exceptional about the modifications that have been done and/or are proposed for this house, all of which are shown in the consolidated permit before the Commission. Second, the building has only been raised 3' and only to enable this home to have a below grade garage in a neighborhood where most buildings have that amenity. Third, most of the work he complains of involves only modest expansions of existing side bay or minor new features, none of which are visible from a street and all of which are setback so as to have no shadow or privacy impact on any adjacent property. Lastly, most of what he wants removed has already been approved by issued and final building permits or entitlements, including a variance.¹² These are not exceptional or extraordinary circumstances justifying DR.

B. Mr. Zaretsky has provided no evidence that the project creates a "public" impact to any of the adjacent properties, necessitating DR to lessen that impact. In fact, all of the project modifications are far less severe and extensive than that usually associated with DR cases.

This project began four years ago under the cloud of a tragic fire. When Ms. Whitehead and Ms. Nykamp bought the building, their intention was to finish the repair of the damage due to the fire and to reconfigure the interior to accommodate their family. Nothing uncommon or excessive was proposed for the exterior. The overriding principle guiding their renovations was to preserve the historic exterior features and to redesign the interior as a 21st century family-centered home.

The modest exterior alterations are proposed to enhance the connection between the interior and exterior of the house. The expansion of the existing bay, upgraded stairs, and proposed new roof decks are intended to enhance the rear yard/open space which is limited by the lot's 80' depth. Raising a house to accommodate a garage is a common occurrence in San

¹¹ <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=491>

¹² The chart attached as Exhibit B shows the permits and entitlements, many of which are final (e.g., no longer subject to appeal) that are the basis for the project features that Mr. Zaretsky wants removed under this DR. However, features that were built under permits that are final cannot be considered modification under this DR. They are on the consolidated plan set only to ensure consistency between previously issued plans, not to be the basis for newly issued permits other than the permit subject to DR. The Variance is attached as Exhibit C.

Francisco. This is especially true when, as here, a family has two cars and two young children, each of whom need to be driven to and from separate school and social activities.

That the height of the house was improperly shown on the initial 2011 plans was nothing more than an innocent mistake by the project architect. Yet, it has become the all-consuming issue driving Mr. Zaretsky's objections. Despite the fact that the raised height has been repeatedly shown to have been the permitted 3' more than pre-raised condition and within the 40' height limit, Mr. Zaretsky remains undaunted in his efforts to reduce the building to its pre-raised condition. He is unfazed by the confirmation of the height by the Zoning Administrator and on stamped survey drawings prepared by a licensed surveyor. In spite of the overwhelming evidence that the building was lifted the permitted 3' and is within the permitted 40' height limit, Mr. Zaretsky persists in penalizing my client for the innocent mistake that started this saga.

The most extensive modification to the house is the 3' height increase done in 2013. To evaluate whether Mr. Zaretsky's demand merits DR, this modification should be viewed in the proper context. Most vertical expansions on residential buildings subject to DR (and done in the City) create an additional story or more, measuring from 10'-12'/story. The 3' lift of this home pales in comparison. In fact, 3-feet is barely an increase in height in the DR context. Moreover, the lift brought the house into conformity with the prevailing streetscape, which is closer to the 40' height limit. It also enabled this home to have an amenity common to other homes-off-street parking. Similarly, decks and stairs are frequently added to the rear of existing buildings as part of renovations to enable greater enjoyment of rear yards and mid-block open space. Such was the intent here. Those projects do not typically warrant DR.

Whether considered independently or together, there is no evidence that the project results in a noticeable impact to any adjacent properties. There is no shadow impact given the relative property configurations. There are no privacy impacts since the rear modifications are modest and set back from the adjacent properties. Lastly, as documented in the Staff Report for this matter, the project complies with the citywide Residential Design Guidelines and the Cow Hollow Design Guidelines. It also furthers several applicable General Plan policies.¹³ Thus, there are no public impacts from the modifications that Mr. Zaretsky wishes removed that would justify taking DR and requiring that approved and completed work be undone.

1. The project does not impact the home's historic character-defining features.

Mr. Zaretsky wants this Commission to find that a "public impact" exists because the home is a historic resource. However, both categorical exemptions issued by Planning found otherwise. Since Mr. Zaretsky appealed the 2011 Categorical Exemption¹⁴ to the Board of Supervisors, he knows that document found no impact to the home's historic features resulting from the work done at that time, including raising the home the permitted 3'. The 2014

¹³ See Exhibit D.

¹⁴ See Categorical Exemption Case No. 2010.0394E, pp. 2-3 attached as Exhibit E; see also Case No. 2013.0433E, 2014 Categorical Exemption, pp. 6-9, attached as Exhibit F.

Categorical Exemption reached the same conclusion with respect to the work “proposed” under the consolidated permit. There is thus no basis for this Commission to conclude that there are any historic resource impacts that rise to the level of a public impact. The following excerpts from the categorical exemptions conclusively refute Mr. Zaretsky’s assertions.

The 2011 Categorical Exemption specifically found that:

- The proposed project would retain the historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition style building dating from the Cow Hollow/Pacific Heights earliest period of development.
- No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. While the height of the ground floor level will be increased by approximately three (3) feet, the change would not significantly impact the overall proportions of the three-story façade. The new garage door opening would occur at the new raised portion of the building and would not cause the removal of historic material. Although the entry stairs would be extended to accommodate the new height, they are not original to the building so that their replacement would not remove historic material.
- The proposed addition would not negatively impact the character-defining features of the building or the site as it would be constructed at the rear of the building, which is not visible from the adjacent public rights-of-way. The proposed garage door at the front façade would be placed flush with the plane of the façade so as to retain the volume of the building at its base. The door would also be constructed of solid wood and details to be compatible with the historic design.

Based on the above, there are no impacts to other nearby properties or to the historic features of the home that justify taking DR and modifying the project.

- C. The only effect of taking DR and modifying the project as requested would be to cause the home to remain vacant for an indefinite time. That is contrary to the City’s housing policy and the goal of eliminating neighborhood nuisances.**

As underscored in our July 28, 2014 letter,¹⁵ the purpose of granting the permit subject to these DR requests is to contain in one plan set all the work on the home that has been done, approved and proposed. With this approach, the Planning Department, DBI, the neighbors and my clients will have the same plan set from which to evaluate the compliance of all future work. Approval of these plans and the permit will simplify the permit process for all involved by establishing the permitted scope of work and ensuring that it does not change without revised, approved plans and permits. It will also allow my clients to proceed with the work necessary to

¹⁵ See pp. 2-3 of July 28, 2014 letter on DR request.

make their home ready for occupancy and to ensure that the historic resource is protected from the elements and the site is amply drained.

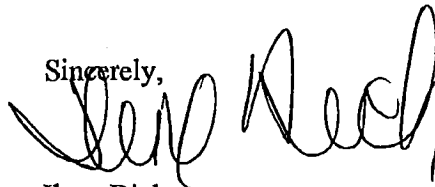
In contrast, taking Mr. Zaretsky's approach has the singular goal of having my clients' walk away from an investment of many hundred thousand dollars on the purchase and renovation of a home they wanted to raise their family in but were unable to given the ongoing battle being waged by Mr. Zaretsky. This punishment arises from one innocent mistake that has not been shown to impact any individual or property. It has, however, driven the seven-month suspension, this DR hearing and the appeals expected to follow.

The greatest impact from granting DR as requested is that this beautiful historic home will remain in its partially repaired condition and empty. That a neighborhood would prefer that result to one where a family is living in and maintaining a home is extraordinary. And this condition will not easily disappear since no buyer will purchase a home with a neighbor like Mr. Zaretsky able to inflict financial and emotional damage for every permit pulled.

CONCLUSION

Based on the above, both DR requests should be denied. Neither Mr. Arcuri or Mr. Zaretsky provide any facts that would rise to exceptional and extraordinary circumstances. Mr. Arcuri does not provide any facts, relying solely on the notion that his unnamed deprivation of "due process" warrants taking DR and modifying the project. Both men want DR taken to undo all the work that has been done. Even though this is an extreme and indefensible remedy, neither request documents what "public" impacts the project has that would justify that excessive remedy nor how the direct result of this action-leaving the house vacant and unused-would be a benefit to the immediate neighborhood.

Sincerely,



Ilene Dick

ID

Enclosures

cc: (Via Email w/encls.)
Pam Whitehead/Melinda Nykamp
Stephan Antonaros
Tim Arcuri
Irving Zaretsky

EXHIBIT A

EXHIBIT A



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On July 1, 2013 the Applicant named below filed BPA No. 2013.07.01.0898 with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	2853 Broderick Street	Applicant:	Stephen Antonaros, Architect
Cross Street(s):	Filbert/Union Streets	Address:	2261 Market Street, #324
Block/Lot No.:	0947 / 002	City, State:	San Francisco, CA 94114
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 864-2261

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

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input checked="" type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	AS APPROVED / AS BUILT	PROPOSED
Building Use	Two-family dwelling / No Change	Single-family residence
Front Setback	10 feet / 10 feet	No Change
Side Setbacks	6'@south & 2'@ north / No Change	2' @ south & 2' @ north side
Building Depth	57 feet / No Change	No Change
Rear Yard	13 feet / No Change	No Change
Building Height	37' to ridge / 40' to ridge	No Change
Number of Stories	3 over garage / No Change	No Change
Number of Dwelling Units	2 / No Change	1
Number of Parking Spaces	2 / No Change	No Change

PROJECT DESCRIPTION

*Under previously approved BPA#2011.03.25.2839, the subject building was lifted 3 feet to the As Built (existing) condition at the subject property. During construction it was discovered that the existing and proposed dimensioned heights disclosed under BPA#2011.03.25.2839 were incorrectly stated and were deficient by 3 feet. The subject permit application has been filed to demonstrate that the subject building was lifted 3 feet to a height of 40 feet, rather than to 37 feet as stated in BPA#2011.03.25.2839. The subject permit application also proposes additional work including a dwelling unit merger from 2 to 1 unit and side and vertical additions to the existing building. A Discretionary Review hearing, Case No. 2013.0433D, for the project is scheduled for 12:00 p.m. on Thursday, August 7, 2014 at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, San Francisco, CA. The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:

Planner: Glenn Cabreros
 Telephone: (415) 558-6169
 E-mail: glenn.cabreros@sfgov.org

Notice Date: 7/7/14
 Expiration Date: 8/6/14

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

EXHIBIT B

EXHIBIT B

EXHIBIT B

Reason	Entitlement	Timing/City Action	Comments
Height/lift of building beyond permit scope ¹	BPA # 201103252839	-Issued 4/17/12; specifically allows raising the building by 3' -DRA memo issued on 11/1/11 denying DR but requiring the building be raised no more than 3' ² -Whitehead's licensed surveyor confirms that the building was raised only the permitted 3' ³ -Raised height is 39'10", below the 40' height limit	-Building lifted in accordance with permit on 3/6/13 -Work on interior of building based on plans and permits consistent with raised height. Interior work included moving interior walls. -Purpose of Mandatory DR is to approve 1 plan set that will: memorialize and legalize all work in the home that has been approved/as built, required by the Board of Appeals, or is pending pursuant to the DR. -To require the building height to be reduced would be an extreme and unjust hardship on the owner. DR Requestors have not shown any impact from the increased height.
South elevation into side setback	BPA # 201103252839	-Subject of 2011 DR request - DRA memo issued on 11/1/11 denying DR but requiring the building be raised no more than 3' ⁴ -Building raised in compliance with DRA memo	-Relative site conditions between the subject and requestor's property remain unchanged from 2011. -The 2011 Planning Commission determined that these features would have no impact on Mr. Zaretsky's property. -Given that the site conditions remain the same as they were in 2011, this modification should also be denied.

¹ Because this issue is also raised by Mr. Arcuri, these comments apply to Mr. Arcuri's DR request.

² See Opposition to continuance, Exhibit F.

³ *Id.*, pp. 2-3, Exhibits G and H.

⁴ See Opposition to continuance, Exhibit F.

Extension of building into rear yard setback	-Variance No. 2010.0394V ⁵ -BPA # 201103252839	-Variance approved on 11/17/11 -Not appealed	-Variance granted to insert a garage and habitable rooms at the ground floor and for alterations at the rear of the building, a portion of which is located within the required rear yard. -Mr. Zaretsky would have received notice of the variance hearing. -He failed to object at the time of the hearing and should not be allowed to do so almost 3 years later.
Elimination of portion of rear yard by deck extensions	-BPA # 201309247638	Permit subject to 9/18/14 DR hearing	-Shown on consolidated plan set as part of "Final Proposed" Alterations. -Extensions are within buildable area of lot.

⁵ See Exhibit C to 9/8/14 letter.

<p>Elimination of historical features of building such as dormers , roof deck and height</p>	<p>-BPA # 201309247638 -Categorical Exemption issued on 7/3/14 -Categorical exemption issued on 7/3/11</p>	<p>Permit subject to 9/18/14 DR hearing</p>	<p>-Raising of the building and expansion of the ground floor level towards the rear of the building were reviewed and approved by the 2011 Categorical Exemption. Staff stated that “this slight alteration in height has not unduly changed the original scale of the building or the building’s relationship to its setting within the historic district. The work also did not remove any character-defining features of the building.” See also 2014 Categorical Exemption, p. 6.</p> <p>-The proposed side and rooftop additions, including the decks and dormers, would not negatively impact the character-defining features of the building or the site as they would be constructed towards the rear of the building, which is not visible from the adjacent public rights-of-way.</p> <p>Thus, the character of the property and district as viewed by the public would be retained.</p> <p>Moreover, the proposed addition, dormers, and roof decks would be constructed with contemporary windows and detailing such that they are distinguished as contemporary features. See 2014 Categorical Exemption, p. 9.</p>
<p>Enlargement of decks</p>			<p>No decks were ever enlarged as part of any work done under any of the permits.</p>

Gardening shed in rear yard eliminated open space	No shed ever built. No permit would have ever been required for it to be built under the SF Building Code Section 106.A.2.1. ⁶		Agreement with potentially affected neighbor Don Morehead that the shed, which measured 10'x10'x8,' will never be built.
Removal of rental unit and merger into a home	-BPA # 201309247638	Permit subject to 9/18/14 DR hearing	Included in the "Final/Proposed" Alteration plan sheets of the consolidated plan set.
Excavation and water drainage.	-BPA # 201309247638	Permit subject to 9/18/14 DR hearing	-Properly addressed as part of DBI permit review.

⁶ This section exempts from building permit the construction of "[o]ne-story detached accessory buildings or structures used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 100 square feet (9.29 m²)." The shed that was proposed (and never built) met this criteria.

EXHIBIT C

EXHIBIT C



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: November 17, 2011
Case No.: 2010.0394V
Project Address: 2853-2857 BRODERICK STREET
Zoning: RH-2 [Residential, House, Two-Family] District
40-X Height and Bulk District
Block/Lots: 0947/002
Applicant: Stephen Antonaros, Architect
2261 Market Street #324
San Francisco, CA 94114
Owner: Inger Conrad and Marri Lemaire
2857 Broderick Street
San Francisco, CA 94123
Staff Contact: Glenn Cabreros – (415) 558-6169
glenn.cabreros@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VARIANCES – REAR YARD AND NONCOMPLYING STRUCTURE VARIANCES SOUGHT:

The proposal is to raise the existing two-family residence three feet to insert a garage and habitable rooms at the ground floor. The proposal also includes alterations at the rear of the building, a portion of which is located within the required rear yard.

PER PLANNING CODE SECTION 134, the subject property is required to maintain a rear yard of approximately 20 feet. The existing rear deck, stairs and bay window project approximately 11 feet into the required rear yard at the greatest depth of the structure. The project proposes to retain the existing structures that project into the rear yard, including continued access to the rear yard via the rear deck and stairs.

PER PLANNING CODE SECTION 188, a noncomplying structure may be altered provided no new discrepancy is created. The rear portions of the existing building, including the rear deck and stairs, are noncomplying structures as they were originally constructed within the required rear yard. The project proposes to retain these noncomplying features while raising the building three feet. This new discrepancy would be contrary to Section 188.

PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption per Case No. 2010.0394E.
2. The Zoning Administrator held a public hearing on Variance Application No. 2010.0394V on April 27, 2011.

3. Per Planning Code Section 311, public notification for the associated building permit application, No. 2011.03.25.2839, was conducted from June 14, 2011 to July 13, 2011. On July 1, 2011, a request for Discretionary Review request, Case No. 2010.0394D, was filed by the owner of the adjacent building directly south of the subject lot. From August 8, 2011 to September 6, 2011, the project was re-noticed pursuant to Section 311 to correct an error regarding the height limit as depicted on the plans mailed with the original notice. The project scope-of-work was not revised between the time of the initial notice and the re-notice.
4. On October 6, 2011, the Planning Commission held a hearing for the aforementioned Discretionary Review case and approved the building permit application for the proposed project per Discretionary Review Action No. DRA-0229.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to raise the building three feet to insert a garage at the ground floor and to alter the existing rear stairs and deck structure to provide continued access to the rear yard subject to the following conditions:

1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
2. As two existing street trees are to be retained and a new curb cut and driveway are proposed within the trees' driplines, the applicant shall submit a Tree Protection Plan, by a certified arborist as required by the Tree Disclosure Statement. The Tree Protection Plan shall be reproduced onto the construction plans submitted with the Site or Building Permit Application for the project. In the event the trees are to be removed, a Tree Removal Permit shall be secured from the Department of Public Works, Urban Forestry Division, and a minimum of one (1) 24-inch-box sized replacement street tree shall be planted.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
4. Minor modifications as determined by the Zoning Administrator may be permitted.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

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 Met.

- A. The subject property, constructed circa 1900 – prior to the Planning Code rear yard requirement, has a lot depth of approximately 80 feet with the existing building constructed deep into the lot. The existing rear yard depth is approximately 13 feet with a portion of the rear yard depth measuring 9 feet deep to the existing rear stair structure. The existing building is constructed over a partial basement level on a down-sloping lot. The rear wall of the existing building is within the buildable area for the lot; however the existing rear deck and stairs – which provide access to open space and the rear yard from both dwelling units contained in the building – are constructed within the required rear yard.
- B. The subject lot is a downward sloping lot that contains a three-story building over a partial basement level. The slope of the lot in combination with the existing conditions of the structure on the lot creates extraordinary circumstances at the subject property. With other properties in the same class of district, development of the ground floor or basement level into a habitable floor and/or a garage would not require the building to be lifted. In comparison to the subject lot, other properties on flatter lots may have basement levels or unconditioned ground floors that are easily converted to habitable rooms and/or a garage without the necessity to lift the building. Contrastingly, other properties on steeper lots than the subject lot may have the ability to insert a garage at street level (above any basement levels).

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 Met.

- A. Literal enforcement of the provisions of the Planning Code would permit the building to be raised three feet without a variance, as the existing main rear wall of the building is within the buildable area and no expansion of the building footprint is proposed. While the literal enforcement of the Code would allow the building to be raised, the Code presents a practical difficulty as the Code prevents alterations to the existing rear deck and stair structure located along the rear wall of the building as these structures are noncomplying in that they are located within the required rear yard. Moreover, literal enforcement of the Code creates an

unnecessary hardship, as the existing deck and stair structure provide access to useable open space located at the level of the rear yard. While the existing decks provide some useable open space to both dwelling units, literal enforcement of the Code would not allow the noncomplying stairs to be altered once the building is raised. As such, access to the rear yard level would not be possible from the stairs unless they are altered to meet grade.

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 Met.

- A. Other properties are able to insert a garage into an existing building, as many properties contain a full height basement level and/or are located on a flat lot. Such properties are able to enjoy the benefit of off-street residential parking on-site.
- B. Other properties on the blockface that are also in the same class of district have been altered to provide a garage at the basement or ground floor level.
- C. Most properties in this same class of district contain residential buildings on lots with a depth of at least 100 feet. The subject lot for the project is substandard in depth, measuring only 80 feet. Properties with deeper lots are more likely to enjoy property rights, particularly alterations at the rear of the building, without having to request variances.

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 Met.

- A. Granting the variances would improve the livability of the subject property and would not be materially detrimental to the public welfare or materially injurious to the neighboring properties. The insertion of the garage would not change the existing building footprint, and the area of the rear yard would also remain unchanged.
- B. A Discretionary Review request (Case No. 2010.0394D) was heard by the Planning Commission on October 6, 2011. The Commission recognized that the project did not contain or create exceptional or extraordinary circumstances. While the Commission recognized that enforcement of the building height at the time construction is under the purview of the Department of Building Inspection (DBI), the Commission took Discretionary Review to direct the applicant that three feet (3'-0") shall be the absolute height the building shall be raised.

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 Met.

- A. This development is 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 meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
1. The proposed project does not adversely affect neighborhood parking or public transit.
 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing two-family dwelling unit on the property.
 3. The project will have no effect on the City's industrial and service sectors.
 4. The proposed project will have no effect on the City's supply of affordable housing.
 5. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
 6. The project will have no effect on the City's landmarks or historic buildings.
 7. The project would not affect any existing or planned public parks or open spaces.
 8. Existing neighborhood retail uses will not be adversely affected by the proposed project.

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.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

Variance Decision
November 17, 2011

CASE NO. 2010.0394V
2853-2857 Broderick Street

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 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez
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.

GC G:\Documents\2010\Variance\2010.0394V - 2853-2857 Broderick\2010.0394V - 2853-2854 Broderick - Granted.doc
Copy to I:\Decision Documents\Variance Decision Letters\2010\2010.0394V -- 2853-2857 Broderick - Granted

ATTACHMENT 3



ILENE DICK
idick@fbm.com
D 415.954.4958

July 28, 2014

Via Messenger

Cindy Wu, President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA. 94102
ATTN: Glenn Cabreros, Planner

Re: 2853 Broderick: 2013.0433D
Mandatory Discretionary Review: Dwelling Unit Merger/Exterior Modifications
August 7, 2014 Hearing Date

Dear President Wu, Vice-President Fong and Members:

We represent Pamela Whitehead and Melinda Nykamp, the owners of the above referenced property. This matter is before you to approve a consolidated plan set for modifications to the currently fire-damaged, vacant 4-story, approximately 4,526 square feet, 2-unit home. The plans include both exterior modifications and the merger of the 2-bedroom lower unit to create a 4-bedroom, single-family home with garage. In a companion letter filed today regarding our opposition to the opponents request that this hearing be continued, we documented the history of this project to date. Accordingly, this letter will focus primarily on the substantive issues before you under Discretionary Review for both the exterior modifications and the Dwelling Unit Merger.

All our clients want to do is to return this beautiful, stately home to residential use so that they can move back to San Francisco from Mill Valley with their two young children. Ms. Whitehead grew up around the corner from this home and wants her children to have the same wonderful childhood experiences that she had in this neighborhood. Given our clients two-year journey to rehabilitate this home to accommodate their family, we urge you to allow this project to go forward as proposed. We thus respectfully request that you do not take Discretionary Review and approve the project as proposed, including approval of the Dwelling Unit Merger.

Russ Building • 235 Montgomery Street • San Francisco, CA 94104 • T 415.954.4400 • F 415.954.4480

301974481654.5
7/28/14

SAN FRANCISCO ST. HELENA www.fbm.com

ARGUMENT

DISCRETIONARY REVIEW SHOULD NOT BE TAKEN AND THE EXTERIOR MODIFICATIONS SHOWN IN THE CONSOLIDATED PLAN SET AND THE DWELLING UNIT MERGER SHOULD BE APPROVED.

I. THE APPROVED AND PROPOSED EXTERIOR MODIFICATIONS DO NOT QUALIFY AS "EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES."

- A. Almost all of the exterior modifications subject to this Discretionary Review ("DR") have been subject to public scrutiny and several public hearings. The changes that have not previously been subject to a public hearing are modest and do not merit taking Discretionary Review.**

The fire that occurred in March 2010 was confined primarily to the interior of the building, leaving unscathed the building's exterior. Exhibit A. Given the extent of the fire and resulting water damage, the first permit and plans to be filed for this building were to clean up and render safe the interior. That permit was filed on March 11, 2011. The site permit was next filed on March 25, 2011 and issued on April 17, 2012. This permit was the focus of the numerous administrative appeals on this project. Its scope was "raise bldg 36," build new garage and rooms down for expansion, new curb cut. Exhibit B.¹ Work authorized under this permit and subsequently issued permits is shown on the DR plans² under the headings "As-Built, As Approved-Interior Changes + Survey Verification."³

The DR plans also include the modifications required by the Board of Appeals in its September 20, 2012 decision on an appeal filed by Mr. Zaretsky. Exhibit C contains the Board of Appeals plans as signed off by all parties. See also DR Plan sheets A2.1 and A2.2. The modest modifications required by the Board of Appeals are: side stair removal from existing grade to new second story entry porch; adding a low fence for screening of landscaping at the northeast corner of the 1st floor; and, adding new steps down to the blind door near the northeast corner of the 1st floor.

As described in the companion letter regarding the opponents' continuance request, allegations about the accuracy of the building's actual height as shown on approved plans played a major role in the Zoning Administrator's suspension of five of the building permits issued for this project. To fully and finally resolve this issue, the DR plans unequivocally show that the

¹ By the time this permit was issued, my clients had purchased the property from its long-time owner.

² We also refer to the DR Plans as the "consolidated plan set" to highlight that the plans show the entire scope of work that has been or will be done to the building under: (1) approved permits; (2) modifications to approved plans required by the Board of Appeals; and, (3) all future, yet-to-be issued permits. Based on the issues underlying the contentious history of this project, Planning staff wisely required that everything that has and will be done to this building under permit be shown in one "consolidated plan set." All of the work shown on these plans would be fully and finally approved and/or authorized by the issuance of the permit based on these plans.

³ The Scope of Work on the face page of the DR plan set specifically states that:

This permit rectifies discrepancies in previous permits as to height notation, accurate setback, and outline of existing building and other minor details either altered or to remain under this permit.

building height is 39'10". Moreover, to ensure that the plans are based on survey data as opposed to unsubstantiated "eyeballing" of the height, each plan sheet for the Site Plans, Floor Plans and Elevations for each of the three categories of scope of work—As built, As Approved; As Approved by Board of Appeals; and, Final Approved Alterations—are referenced to "Survey Verification." That verification was based on measurements taken post-building lift by Greg Cook, Ms. Whitehead's surveyor. **Exhibit D** contains Mr. Cook's height survey. See also Plan Sheets 4.1-4.4.

Lastly, to fulfill Planning staff's goal of having this Commission and plan review staff at DBI and Planning review the entirety of work that has been and proposes to be done on this home, the DR plans contain a plan sheet for "Final Proposed Alterations" for the site plans, floor plans and elevations. The list of those alterations is quite modest. The only new elements of the project are the:

1. Dwelling unit merger: Merger of the two units to create a single-family home.
2. Front door modifications.
3. Rear roof modifications that include expanding the existing dormers to minimum ceiling height of the existing 4th floor.
4. Addition of a roof deck at the northwest portion of the 4th floor.
5. Expansion of the angled bay on upper two floors. It will not be visible from the street.
6. Addition of external stairs to the roof deck. Neither the stairs or the deck will be visible from the street.
7. If the Dwelling Unit Merger is approved, removal of the rear original stairs from the 2nd floor to the 3rd floor.⁴

B. The approved and proposed exterior modifications do not create or cause any exceptional or extraordinary circumstances.

A Discretionary Review hearing was held on this project on October 6, 2011. There are few differences between that project and the one before this Commission in 2014. In an unusual action, in 2011 the Commission took DR even though it found that "no modifications to the project were necessary." It did so "to emphasize the project shall not be raised more than 3 feet (3'-0" absolute measurement)."⁵ This is a project that is not expanding the building envelope horizontally or vertically to provide for additional occupiable space; is maintaining the façade of a historic resource; and, is setting back stairs and decks to not be visible from the street. All

⁴ See Plan Sheets A1.1

⁵ See Discretionary Action Memo, dated November 1, 2011. **Exhibit E.**

prior approved and proposed modifications are extremely modest. All of the modifications are consistent with applicable Residential Guidelines.

Based on the above, there is nothing about the exterior modifications that results in “exceptional or extraordinary circumstances.” As noted on the Planning Department website:

Discretionary Review is a special power of the Planning Commission however, outside the normal building permit application approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with a proposed project. The Commission has been advised by the City Attorney that the Commission's discretion is sensitive and must be exercised with utmost constraint.⁶

None of the exterior modifications that would be authorized by approval of the DR plans warrants being qualified as “exceptional or extraordinary circumstances.” The Commission should vote not to take DR and approve the exterior modifications as proposed.

II. THE PROPOSED DWELLING UNIT MERGER SATISFIES THE INTENT OF THE CRITERIA FOR MERGER UNDER PLANNING CODE SECTION 317(E).

This building has two units. The upper 2,491 sf unit consists of 4 bedrooms. The lower 1,785 sf unit consists of 2 bedrooms. The owners prior to my clients, the Conrads, lived in their home for 55 years. My clients have no knowledge of the lower unit's rental history. According to one of the two surviving members of the Conrad family⁷, the lower unit was never continuously rented during their occupancy. Exhibit F. The last time the lower unit was rented was for an unknown period of time prior to the March 4, 2010 fire. *Id.* The then-tenant voluntarily left as a result of the fire. The building has been vacant since the fire. No evictions—with or without just cause under the Rent Ordinance—have ever taken place at this property.

My clients purchased this home directly from the long-term owner (with whom Ms. Whitehead has had a close personal relationship since she was a child) with the sole intent of relocating with their two young children from Mill Valley to San Francisco. In order to make the house functional for their family, the lower unit needed to be merged to provide for a more flexible floor plan for their family and extended family. This house is similar in size and scale to all of the surrounding single-family homes.

The proposed merger meets the intent of most of the seven (7) factors used in evaluating the propriety of a Dwelling Unit Merger under Planning Code Section 317(e).

- (A) Whether removal of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied.

⁶ <http://www.sf-planning.org/index.aspx?page=2754#drapp>

⁷ Ms. Inger Conrad, the elderly woman who sold the home to my clients, suffers from dementia.

The unit proposed for merger has been vacant since the March 4, 2010 fire. My clients bought the home in 2012 so they could occupy the entire building as a single-family home with their two young children. Immediately prior to the fire, the unit was tenant-occupied for an unknown period of time. The tenant left voluntarily after the fire. However, this criteria is intended to avoid the loss of long-term and affordable rental housing. This rental unit has never been "long-term" rental housing since it was so infrequently and inconsistently rented during the prior owner's 55-year occupancy. See Exhibit F. In fact, during that 55-year period, the unit was rented out very inconsistently. *Id.* The unit is also not "affordable" since it is valued at \$1,526,500. Exhibit G.⁸

- (B) Whether removal of the unit(s) and the merger with another is intended for owner occupancy.

Upon approval of the merger and completion of the work proposed by the DR plans, the single-family home would be occupied by my clients and their two young children.

- (C) Whether the removal of the unit(s) will remove an affordable housing unit as defined in Section 415 of this Code or housing subject to the Rent Stabilization and Arbitration Ordinance.

Based on the appraisal attached as Exhibit G, the unit would not be considered an affordable unit under Planning Code Section 415. It is, however, subject to the Rent Stabilization and Arbitration Ordinance.

- (D) Whether removal of the unit(s) will bring the building closer into conformance with prescribed zoning.

The current zoning is RH-2, which permits as of right single-family homes and 2-unit buildings. Thus, the removal of the unit maintains the building's conformance with the prescribed zoning.

- (E) If removal of the unit(s) removes an affordable housing unit as defined in Section 401 of this Code or units subject to the Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed.

⁸ When merger was first proposed by my clients for this property in 2012, Planning staff was considering having the determination made under "Administrative Review." Planning Code Section 317(e)(3). Under that section's administrative review criteria, only units that are "demonstrably not affordable or financially accessible housing are exempt from Mandatory Discretionary Review hearings." This Dwelling Unit Merger application is not being heard under Mandatory Discretionary Review as a result of the merger application. Nonetheless, the criteria under Section 317(e)(3) for determining that the lower unit is not affordable should still be applied. Under that section, if "the least expensive unit proposed for merger has a value greater than at least 80% of the combined land and structure values of single-family homes in San Francisco, as determined by a credible appraisal, made within six months of the application to merge" the unit is not affordable. Here, the lower unit exceeds the 80th percentile value of \$1,506,000 as determined by 2013 City Assessor's data. See Exhibit H.

The single-family home resulting from the merger will double the number of bedrooms of the merged unit from 2 to 4 bedrooms; will increase the square footage of the merged unit by 2.5 times; and, will provide privacy as well as "child-only" space for the family's 2 young children. They will have their own separate bedrooms and a shared bath, as well as an interior sunroom and playroom. My clients have designed the interior space to be particularly sensitive to their children's' needs now while they are young (*e.g.*, under 10) and as they grow older.

- (F) Whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units.

The number of bedrooms in the single-family home will be less than the number of bedrooms in the separate units.

- (G) Whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations.

Merger of the unit will not correct design or functional deficiencies.

As can be seen from the Sanborn Map, the vast majority of buildings within a two-block radius of the project site are single-family homes. Exhibit I. Merger of this unit will not result in the loss of an affordable rental unit. The resulting building will preserve a historic resource and bring a fire-damaged building into code compliance, including seismic upgrades.

Based on the above, the Dwelling Unit Merger should be approved.

III. THE ALLEGATIONS OF A FEW DISGRUNTLED PROPERTY OWNERS ARE NOT SUFFICIENT TO FIND THAT THERE IS A "PUBLIC INTEREST" IN TAKING DISCRETIONARY REVIEW ON EITHER THE EXTERIOR MODIFICATIONS OR THE DWELLING UNIT MERGER.

Based on the project history set forth in the companion letter we filed opposing the request for continuance, we pointed out that the ostensible "opponents" to this project consist primarily of Mr. Zaretsky, who owns but does not live in the two-unit condominium building to the south of this property and a small band of other neighbors. Exhibit J shows the location of the very few neighbors on this block who have been identified as "project opponents." Despite that nomenclature, with the exception of Mr. Zaretsky, very few have filed appeals and/or spoken at hearings on those appeals. When, as here, there is a single individual who is ever-present and claims to represent the interests of the "many," the Commission should be especially cautious about taking those claims at face value and taking DR on the basis of those claims.

According to my clients and their architect, for the past 2+ years, the sole continuous source of opposition has been Mr. Zaretsky. While my clients have welcomed constructive discussion about how the project could be modified to address any genuine neighborhood concerns, Mr. Zaretsky has constantly moved the target. Like Lucy in the "Peanuts" cartoons, Mr. Zaretsky has "pulled the ball" from my clients. The most egregious example of this, which

Cindy Wu, President
July 28, 2014
Page 7



is documented in the companion letter,⁹ is Mr. Zaretsky's keeping silent about his purported discovery of height discrepancies for approximately nine months after he performed a survey of my clients' building without their knowledge or consent. Performed solely to keep the City suspicious about the actual height of the building, Mr. Zaretsky has used that threat (without an actual survey) to prevent my clients from proceeding to finish rehabilitation of this building. In fact, one of the motivating factors in Mr. Sanchez's issuance of the Suspension Letter was Mr. Zaretsky's constantly questioning the compliance of the building's height with the approved permit and plans.

This kind of conduct should not be the basis for making a determination about whether DR should be taken. The scope of the Commission's review should be based on fact and not unsubstantiated allegations. It is our hope that any opposition to this DR be evaluated based on facts and merit, not innuendo and assertions.

CONCLUSION

Based on the above, the Commission should not exercise Discretionary Review and should approve the DR plans as proposed. None of the exterior modifications rise to the level or result in extraordinary and exceptional circumstances. The Dwelling Unit Merger is not eliminating an affordable rental unit or a long-term and continuous source of rental housing. There are no facts or policies that would support taking DR on either of these proposals.

Sincerely,

Ilene Dick

ID

cc: (Via Email)
Pam Whitehead/Melinda Nykamp
Scott Sanchez
David Lindsay
Glenn Cabrerros
Steven Antonaros

⁹ See p. 3 of July 28, 2014 letter from me to Commission President Wu.

EXHIBIT A





EXHIBIT B

APPROVED
Dept. of Building Inspection
BUILDING PERMIT

APR 17 2012

MAR 25 2011

Capacity Charges

Water \$94
Wastewater \$100

APPLICATION APPROVED FOR SITE
WORK MAY BE STARTED
IF THE CONSTRUCTION PLANS HAVE
BEEN APPROVED.

BUILDING ENLARGEMENT
DESCRIPTION
 VERTICAL
 HORIZONTAL

SFUS
750

BLDG. FORM 318

APPLICATION NUMBER
20110325395
OFFICE APPROVAL NUMBER

N/V 20100544 (BID)
N/V 20103952 (BID)

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE COUNTER ISSUANCE

2 NUMBER OF PLAN SETS
DBR

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

DATE FILED MAR 25 2011	FILED RECEIPT NO. 1103207	(1) STREET ADDRESS OF JOB 2853-2857 BRODERICK ST	BLOCK & LOT 0947/002
PERMIT NO. 1262423	ISSUED APR 17 2012	(2A) ESTIMATED COST OF JOB \$5000	(2B) REVISED COST: \$5000

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING					
(4A) TYPE OF CONSTR. 3N	(5A) NO. OF STORIES OF OCCUPANCY 3	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE 574 TWO-FAMILY DWELLING	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS 2
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION					
(4) TYPE OF CONSTR. 5N	(5) NO. OF STORIES OF OCCUPANCY 4	(6) NO. OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) TWO-FAMILY DWELLING	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS 2
(10) IS AUTO RUMMAY TO BE CONSTRUCTED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(14) GENERAL CONTRACTOR UNDEVELOPED BY MICHAEL OWAN	ADDRESS	PHONE	CALIF. LIC. NO.	EXPIRATION DATE	
(15) OWNER - LESSEE (CROSS OUT ONE) INGER CONRAD	ADDRESS 607 Verdana SOMOMA CA	PHONE (FOR CONTACT BY DEPT.) (707) 939-8150			
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT) RAISE BLDG 36" ; BUILD NEW GARAGE + ROOMS DOWN - FOR FUTURE EXPANSION ; NEW CURB C&S					

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	36 FT.	(19) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA	SQ. FT.
(21) WILL SIDEWALK OVER SIDE-SIDEWALK SPACE BE REPAIRED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON FLOT PLAN)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(25) ARCHITECT OR ENGINEER (DESIGN) (CONSTRUCTION)	STEPHEN ANTONAROS 2261 MARKET STREET		ADDRESS	C-74386		CALIF. CERTIFICATE NO.	
(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")							

IMPORTANT NOTICES

No change shall be made in the character of the occupancy of use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or remodeling used during construction, to be closer than 10' to any wire containing more than 750 volts See Sec 320, California Electrical Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not shown, please determine correct grade lines, cuts and fills together with complete details of retaining walls and soil tests required must be submitted to this department for approval.

ANY VIOLATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WORKING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WORKING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (1) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT, NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX
 OWNER ARCHITECT
 LESSEE AGENT
 CONTRACTOR ENGINEER

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 from and against any and all claim, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 2800 of the Labor Code of the State of California, the applicant certifies to business under (i), or (ii) designated below or shall indicate last (ii), or (iv), or (v), whichever is applicable. If however item (i) is checked item (iv) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

- I have and will maintain a certificate of consent to suit hours for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance number and policy number are:
Carrier _____
Policy Number _____
- The cost of the work to be done is \$100 or less.
- 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 workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply herewith with the provisions of Section 2800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent: Stephen Antonaros Date: 3/23/11

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 THERE TO WILL BE COMPLIED WITH.

OFFICE COPY

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED: THIS APPLICATION APPROVED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED. By: <i>[Signature]</i> JOSEPH YU DBI MAR 29 2012 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: 3/25/12 REASON: ON TOP OF CASE NOTIFIED MR.
<input type="checkbox"/>	APPROVED: Raise building 3 ft. to meet garage rear alterations per variance decision, Case No. 1010.0244V Approved Glenn Cabrera 2/1/12 DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: DPW/BSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO DBI FINAL CALL 554-7149 TO SCHEDULE. By LTC 3/5/12 Liang Tian Cy, DPW/BSM BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ REDEVELOPMENT AGENCY	DATE: _____ REASON: _____ NOTIFIED MR.
<input type="checkbox"/>	APPROVED: _____ SEE ATTACHED _____ 3/19/12 HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____ NOTIFIED MR.

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

Number of attachments

[Signature]
 OWNERS AUTHORIZED AGENT

[Signature]

EXHIBIT C

9/9/12 JCK
gzk

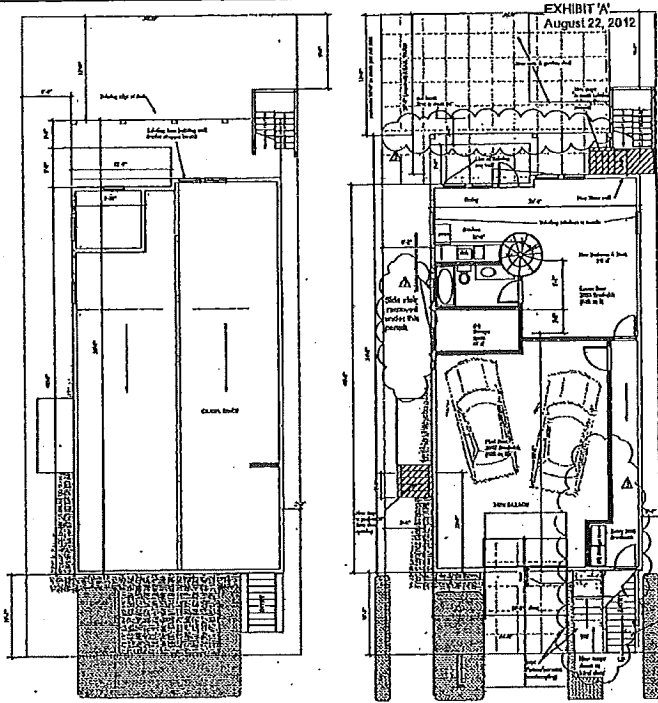


EXHIBIT 'A'
August 22, 2012

PROJECT NO.	12-0000000000
DATE	08/22/12
SCALE	AS SHOWN
STEBBY ANTONIUS ARCHITECT	
ALTERATION & VARIANCE 351 & 357 BROADWAY, SAN FRANCISCO, CA 94133 3408 0011 04 002	
42	

9/4/12 Jf
JCK

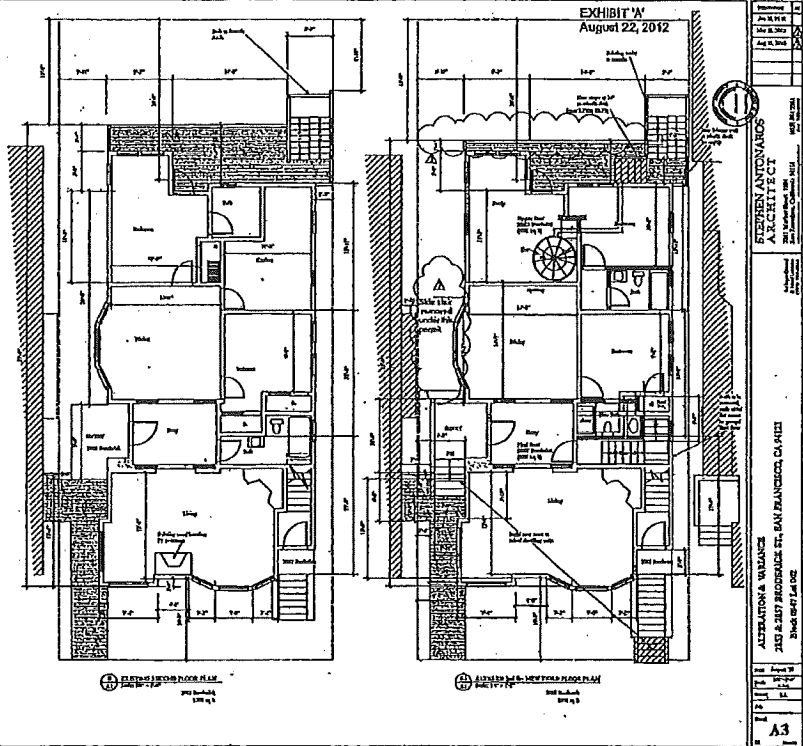


EXHIBIT 'N'
August 22, 2012

EXISTING SECOND FLOOR PLAN
215 & 217 Broadway St.
198 sq. ft.

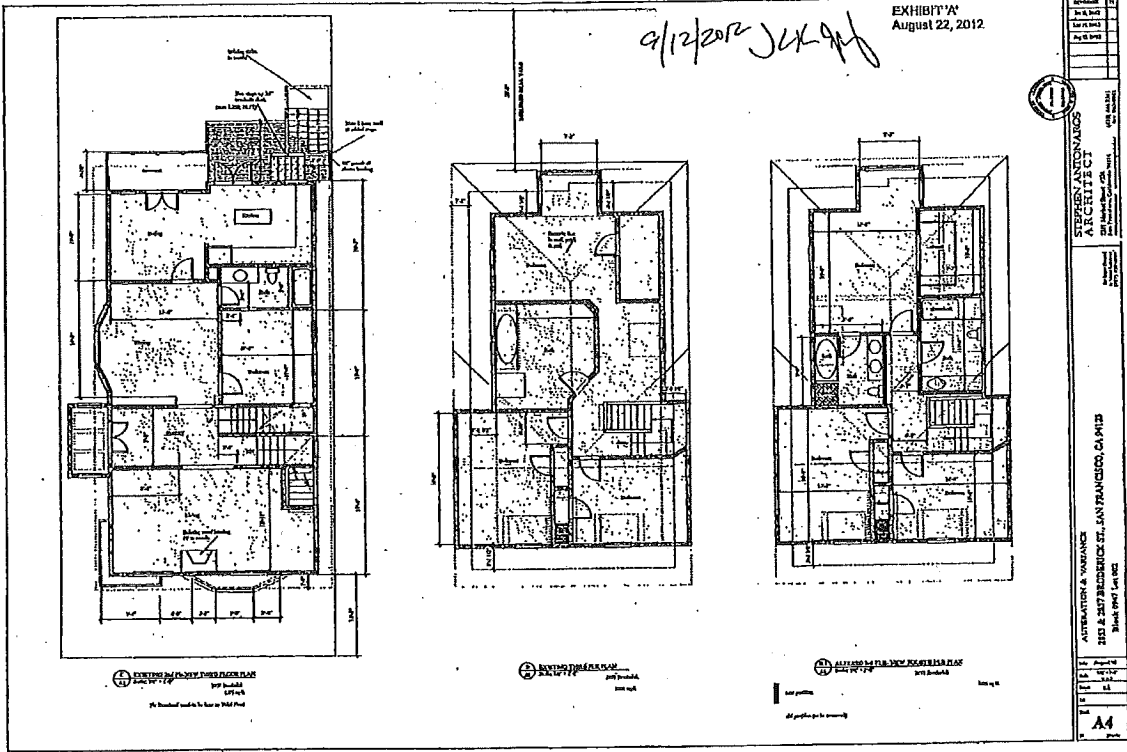
ALTERED SECOND FLOOR PLAN
215 & 217 Broadway St.
294 sq. ft.

Project Name	215 & 217 Broadway St., San Francisco, CA 94133
Project No.	
Sheet No.	A3
Scale	
Author	Stephen Antonaros
Designer	
Checker	
Engineer	
Architect	STEPHEN ANTONAROS ARCHITECT
Address	1000 Market Street, Suite 1000, San Francisco, CA 94102
Phone	(415) 774-1111
Fax	(415) 774-1112
Website	www.stephenantonaros.com
Professional Seal No.	10000
Professional Seal State	CA

ALTERATION & ADDITION
215 & 217 BROADWAY ST., SAN FRANCISCO, CA 94133
Sheet No. A3 of 02

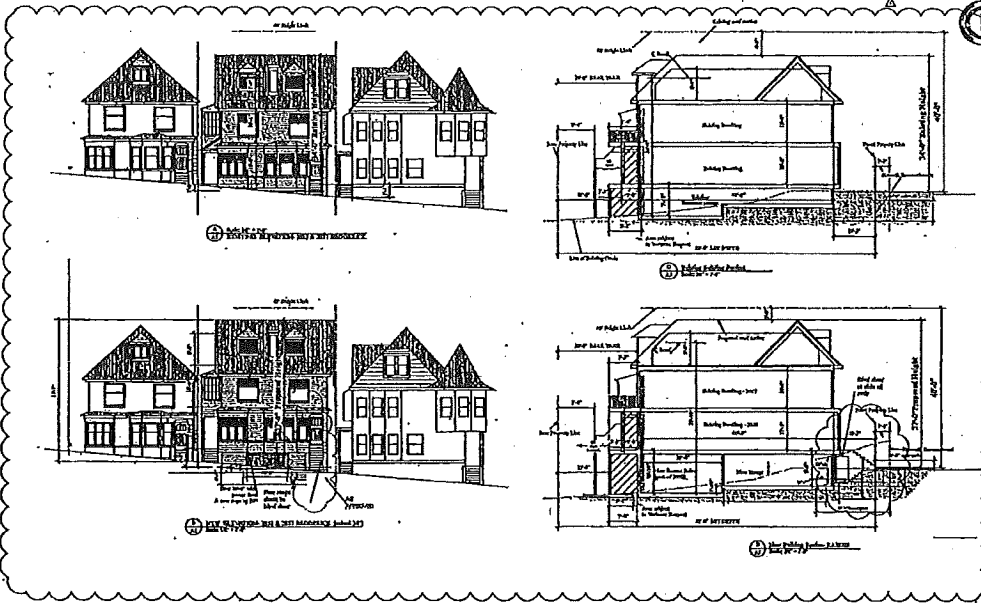
9/12/2012 JCL/AM

EXHIBIT 'A'
August 22, 2012



9/4/12 gsk

EXHIBIT 'A'
August 22, 2012



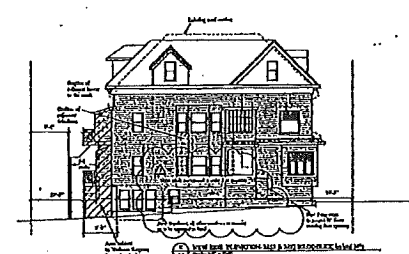
11
 STEPHEN ANTONIARDES
 ARCHITECT
 2133 B. 257 BLOOR STREET, SAN FRANCISCO, CA 94113
 (415) 774-1400
 www.stephenantoniarde.com
 A5

9/14/12 JCK

EXHIBIT 'A'
August 22, 2012



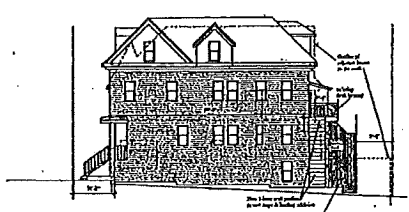
1. NEW SIDE ELEVATION AND PORCH DECK



2. NEW FRONT ELEVATION AND PORCH DECK



3. NEW SIDE ELEVATION AND PORCH DECK



4. NEW FRONT ELEVATION AND PORCH DECK



PROJECT NO.	12-001
DATE	8/22/12
SCALE	AS SHOWN
SEYMOUR VARGAS ARCHITECT 211 Broadway, Suite 100 San Francisco, CA 94133 Phone: 415.398.1111 Fax: 415.398.1112	
ALTERATION & VARIANCE 213 & 217 BROADWAY ST., SAN FRANCISCO, CA 94133 100% 001 Lot 001	
DATE	8/22/12
BY	JCK
SCALE	AS SHOWN
A6	

EXHIBIT D

EXHIBIT E



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: November 1, 2011
TO: Interested Parties
FROM: Linda D. Avery
Planning Commission Secretary
RE: Planning Commission Action – No. DRA -- 0229

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Property Address: 2853-2857 Broderick Street
Building Permit Application No.: 2011.03.25.2839
Discretionary Review Case No.: 2010.0394D

On October 6, 2011, the Planning Commission conducted a Discretionary Review hearing to consider the following project:

2853-2857 BRODERICK STREET - west side between Filbert and Union Streets, Lot 002 in Assessor's Block 0947 - Request for Discretionary Review of Building Permit Application No. 2011.03.25.2839 proposing to raise the existing three-story-over-basement, two-unit building three feet to insert a two-car garage within the basement level, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

ACTION

The Commission determined that no modifications to the project were necessary; however the Commission took Discretionary Review to emphasize the project shall not be raised more than 3 feet (3'-0" absolute measurement).

FINDINGS

The reasons the Commission took the action described above include:

The Commission recognized that there are no extraordinary or exceptional circumstances in the case. While the Commission recognized enforcement of the building height at the time of construction is under the purview of the Department of Building Inspection (DBI) and with the understanding that the Building Code allows for a plus/minus six inch (+/-0'-6") tolerance field measurement as compared to the plan dimensions, the Commission expressed that three feet (3'-0") shall be the absolute height the building shall be raised.

Memo

Speakers at the hearing included:

In support of the project	In support of the DR request
Stephen Antonaros	Patrick Buscovich
Inger Conrad	Irving Zaretsky

Ayes: Commissioners Olague, Antonini, Borden, Fong, Miguel, Moore and Sugaya.

Nayes: (none)

Absent: (none)

Case Planner: Glenn Cabreros, 415-558-6169

You can appeal the Commission's action to the Board of Appeals by appealing the issuance of the permit. Please contact the Board of Appeals at (415) 575-6880 for further information regarding the appeals process.

c: Linda D. Avery

GC G:\Documents\2010\DR\2010.0394D - 2853-2857 Broderick\2010.0394D - 2853-2857 Broderick - Action Memo.doc

EXHIBIT F

To whom it may Concern,

Our family owned and occupied both units at different times at 2853-2857 Broderick Street throughout a time span of 55 years before the fire.

I Marri Lemaire, formally Marri Conrad, spent most of my childhood (1961- 1978) in both units of 2853 and 2857 Broderick Street, my early years on the first floor and later years on the top floors.

I do remember when others occupied the ground floor unit once we decided to move upstairs in addition to close family friends and relatives from time to time.

I do not know what the rental amount for the last tenant before the fire. The extra income my mother was receiving was helpful toward her expenses after my father passed away in 2009. Unfortunately most paperwork was either damaged by the fire or taken by my brother.

After my father passed away, my brother Niels Conrad came to live/ stay with my mother, as he was going through a difficult time, and needed a place to stay. No one could see just what a hard time he was going through clearly.

Unfortunately on March 4th, 2010, he set fire to our family home. Both my mother and the woman (tenant) in the lower unit were forced to move out due to the fire damage. My brother was subsequently convicted of arson, and took his own life in 2013 while in jail.

Our family has been through our share of difficulty over the last five years. The loss of my dad, the loss of my brother, the fire in our family home, and the need to move my mother from the place she called home for over 55 years. In late May 2012 we sold the home to Pam Whitehead---my close friend from early childhood--- we knew she would do a great job restoring it, and it would stay close to the family. Currently it is unimaginable to me for the home to sit unfinished and vacant, to continue to hear of the completely senseless continued run-around that Pam and her family is getting from Irving Zaretsky and any possible neighbors he has managed to bring into his fight.

Sincerely,


Marri Lemaire

EXHIBIT G

To: Pam Whitehead
Regarding: 2853-2857 Broderick Street, San Francisco Appraisal
Date: 02/11/2014

Pam,

I recently appraised the property located 2853-2857 Broderick Street in San Francisco for you. The intended use of the appraisal was to assist in determining whether the 2-unit building could be converted to a single family house, per the City of San Francisco's Planning Department guidelines. The appraisal assignment asked for a separate valuation of each of the building's two units.

In March 2010 the interior of the house was burned in an arson fire and the interior was gutted as a result of the damage. My appraisal values the property as if it was rebuilt to its original use and then assigns a separate value to each of the two units. Since 2-unit buildings are not sold as individual units but rather as one building, the appropriate methodology for valuing each unit in the subject property is to analyze and assign values to similar 2-unit sales comps with each comp valued as one entire building rather than as two separate units, since the two units are not sold separately. The two units are then assumed to each add a contributory value to the total value of the building in an amount equal to the percentage of space occupied by that unit.

The value of 2853-2857 Broderick, when valued as a 2-unit building, is \$3,550,000 as of 12/02/2013 (refer to Reconciliation, page 2 of appraisal report). 2853-2857 Broderick consists of approximately 4,372 sf of space (refer to Appraisal Addendum entitled Quality and Condition of Property). 2853 Broderick occupies approximately 1,882 sf, or 43% of the entire building; 2857 Broderick occupies approximately 2,490 sf or 57% of the entire building. Each unit provides a contributory value to the entire building in direct proportion to its percentage of the entire building. Therefore, based on the percentage of space occupied by each unit, the value for each unit, if valued separately, is:

2853 Broderick: \$1,526,500
2857 Broderick: \$2,023,500

Using a similar methodology, each of the five comps in the appraisal report can be given a separate unit value based on their individual percentage of space occupied in the building. Following is a breakdown of individual unit values for each of the comps, which can then be compared to the subject's individual unit values:

2853 Broderick: \$1,526,500

Comp 1: \$1,480,417

Comp 2: \$1,538,500

Comp 3: \$2,221,111

Comp 4: \$1,977,083

Comp 5: \$1,501,250

2857 Broderick: \$2,023,500

Comp 1: \$2,072,583

Comp 2: \$1,538,500

Comp 3: \$1,776,889

Comp 4: \$2,767,917

Comp 5: \$2,101,750

It can be concluded that the individual values assigned to each unit in the subject property are well supported in the marketplace.

Roger Ostrem

Greenhill Appraisal

License #AR028299

EXHIBIT H



SAN FRANCISCO
PLANNING
DEPARTMENT

Removal of Dwelling Units Periodic Adjustment to Numerical Criteria

The values associated with the following criteria are subject to administrative updates and shall be adjusted periodically by the Zoning Administrator based on established economic real estate and construction indicators.

CRITERION:	INITIAL VALUE:	BASED UPON:
1. 80th Percentile of San Francisco single-family home values (structure & land)	\$1,506,000.00	2013 City Assessor's Data
2. Replacement Cost per square foot for all occupied, finished spaces	\$240.00	DBI Index
3. Replacement Cost per square foot for unfinished space with flat ceiling & >7'-6" of headroom (e.g., basements, garages)	\$110.00	DBI Index
4. Replacement Cost per square foot for unfinished space with sloping ceiling & >5'-0" of headroom (e.g., attic space below pitched roof)	\$60.00	DBI Index
5. Replacement Cost per square foot for non-occupiable space without legal headroom (e.g., 30" high crawl space below raised floor)	\$15.00	DBI Index
6. Replacement Cost per square foot for site work (e.g., walks, driveways, landscaping, retaining walls not part of the building foundation, etc.)	\$0.00	(cost excluded)

The following values are subject to non-legislative updates and may be adjusted periodically by the Planning Commission to further the efficacy of Section 317, in order to promote the objectives of the General Plan and Planning Code.

CRITERION:	INITIAL VALUE: (Adopted May 10, 2007)	BASED UPON:
1. Definition B of Demolition re: removal of the front and rear building walls	> 50%	policy efficacy
2. Definition B of Demolition re: removal of all exterior walls,	> 65%	policy efficacy
3. Definition C of Demolition re: removal, replacement, relocation of the defining elements of the existing building envelope and volume (measured in square feet)	> 50%	policy efficacy
4. Definition of (Tantamount to) Merger re: reduction of an existing Residential Unit's floor area (measured in square feet)	> 25%	policy efficacy
5. Definition of (Tantamount to) Conversion re: reduction of an existing Residential Unit's floor area (measured in square feet)	> 25%	policy efficacy

EXHIBIT I

42'0"

DIVISADERO

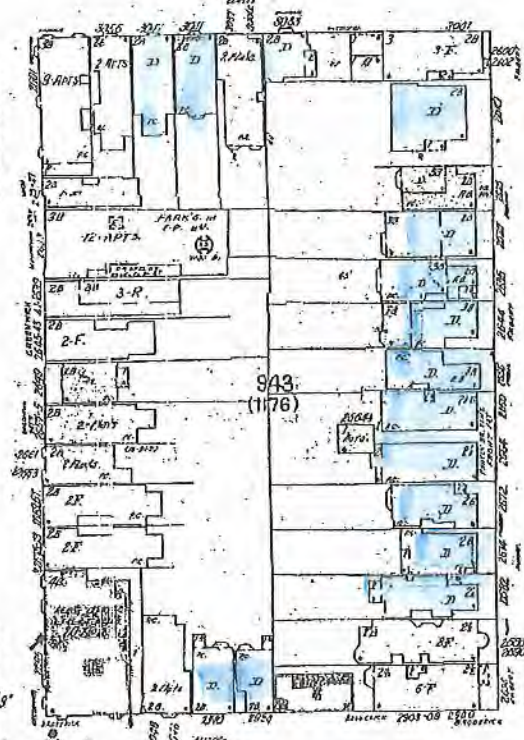
20

82'6" wide

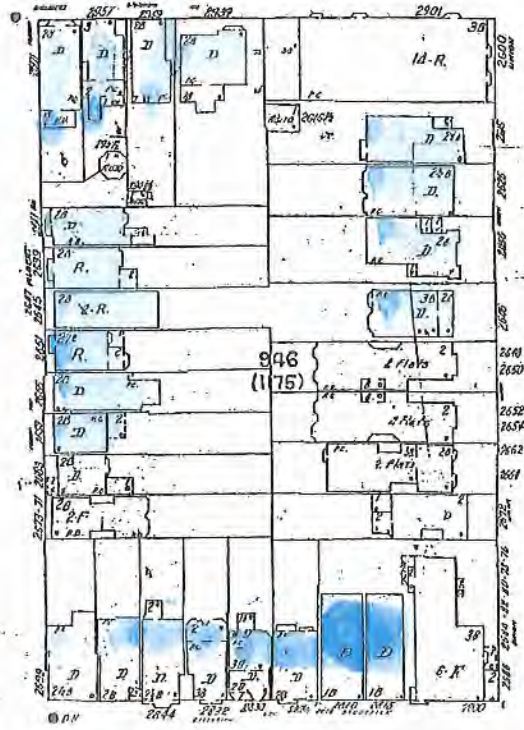
82'0"



GREENWICH



FILBERT

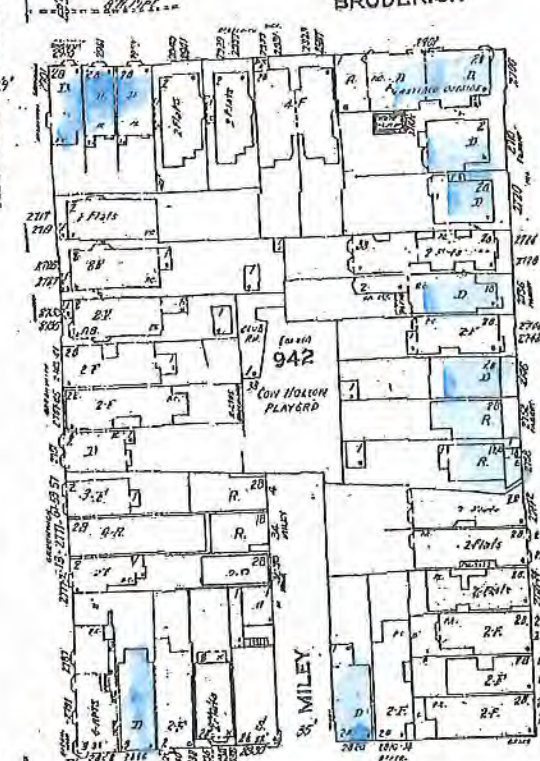


UNION

68'9"

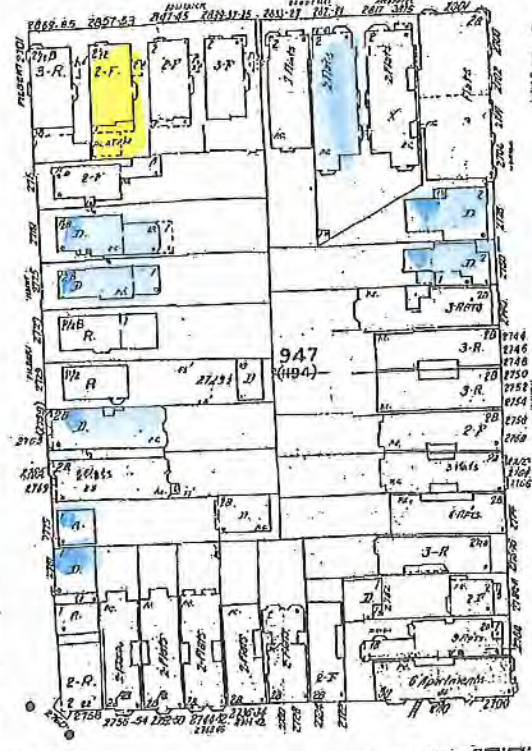


BRODERICK



MILEY

68'9"



BAKER

68'9" wide

68'9" wide

68'9"



EXHIBIT J

lot 19 into lots 57 & 58 for 2011 roll

946

W A BLK. 491

REVISED '57
" " '77
" " '81
Revised 1998

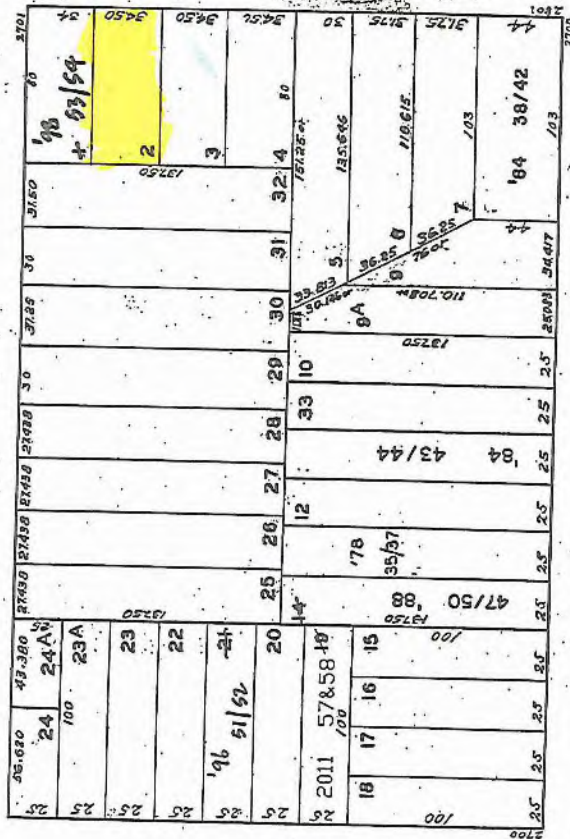
Blue = Opponent
Yellow = Project Site



2865-2869 BRODERICK ST.
A CONDOMINIUM

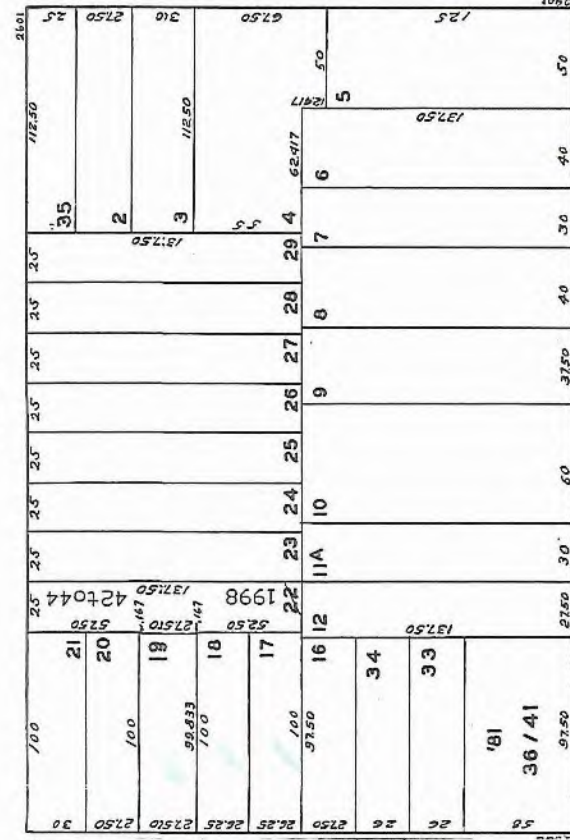
LOT	UNIT	% COMM. AREA
53	2865	32
54	2869	68

FILBERT



BRODERICK

FILBERT



DIVISADERO

UNION

2766 UNION STREET
A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
35	2762	20.125
36	2764	37.315
37	2766	42.560

2750-2752 UNION ST.
A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
43	2752	55.78
44	2750	44.22

2670-2686 UNION ST.
A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
36	2676	7.359
37	2678	7.558
38	2680	7.609
39	2682	22.827
40	2684	22.621
41	2686	32.026
42		

2774 UNION ST.
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
47	1	43.785
48	2	18.307
49	3	18.275
50	4	19.633

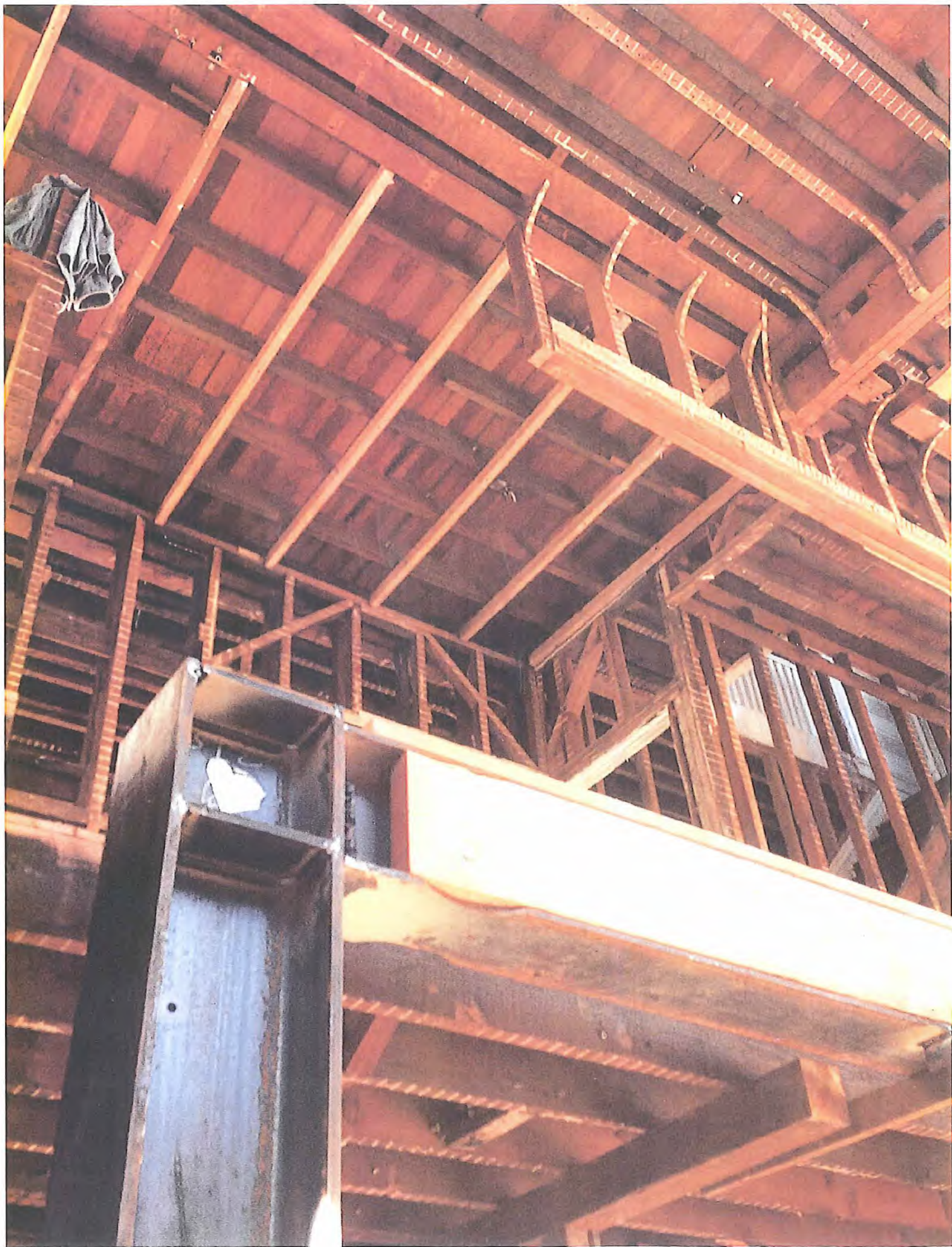
2734-2736 BAKER ST.
A CONDOMINIUM

LOT	UNIT	% COMM. AREA
51	2734	45
52	2736	55

2671-2675 FILBERT ST.
A CONDOMINIUM

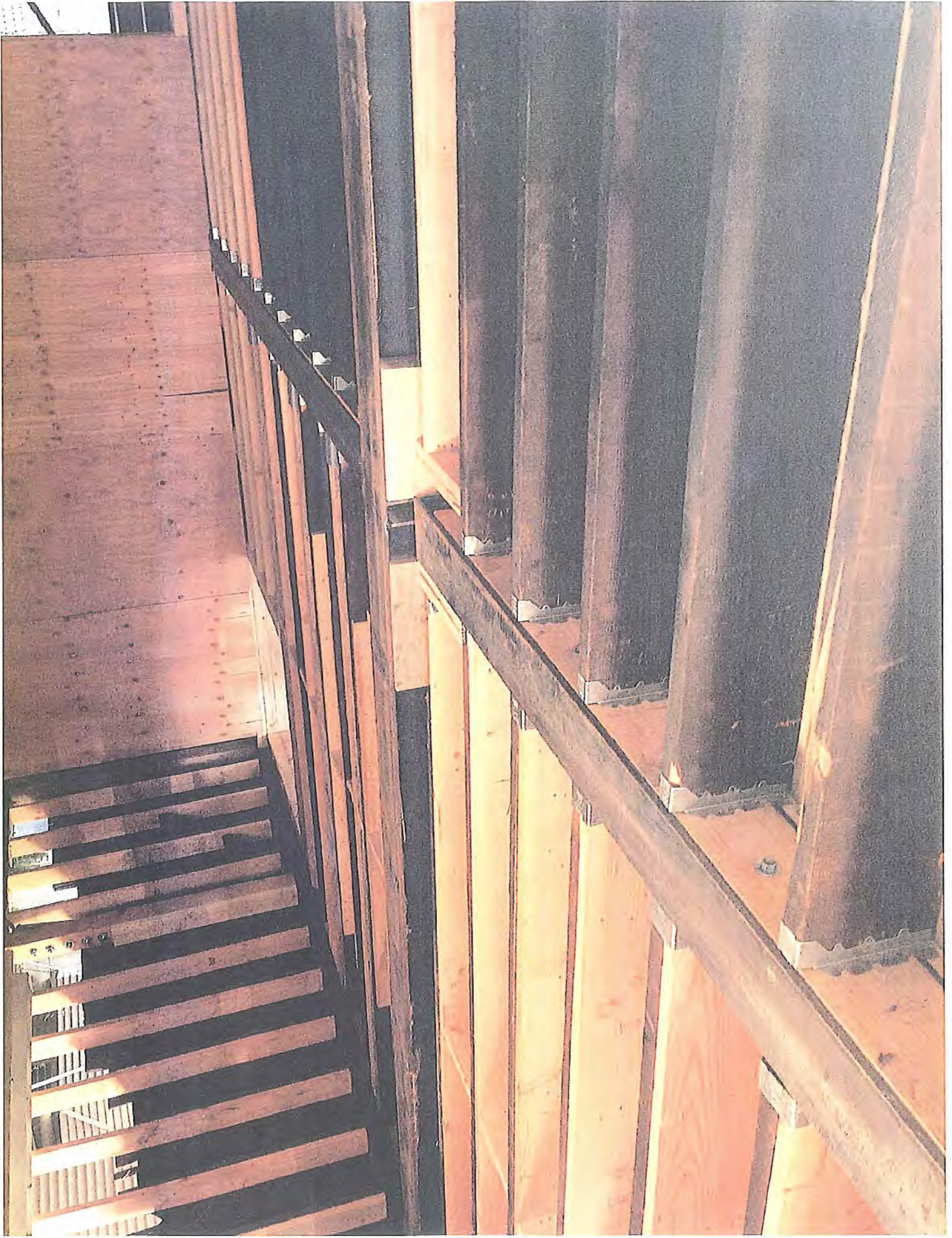
LOT	UNIT	% COMM. AREA
42	2671	33.45
43	2673	31.83
44	2675	34.72

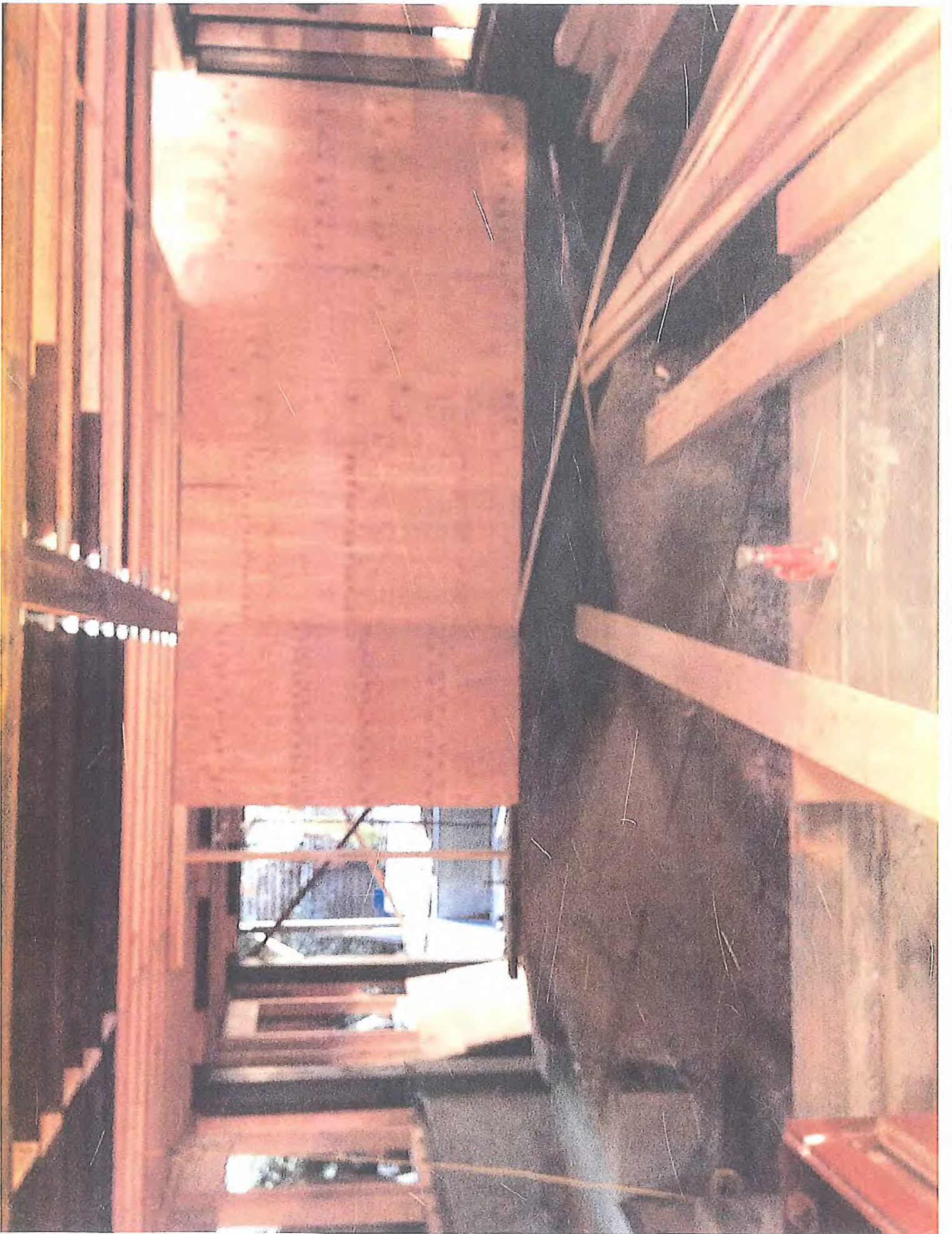
INTERIOR PHOTOS



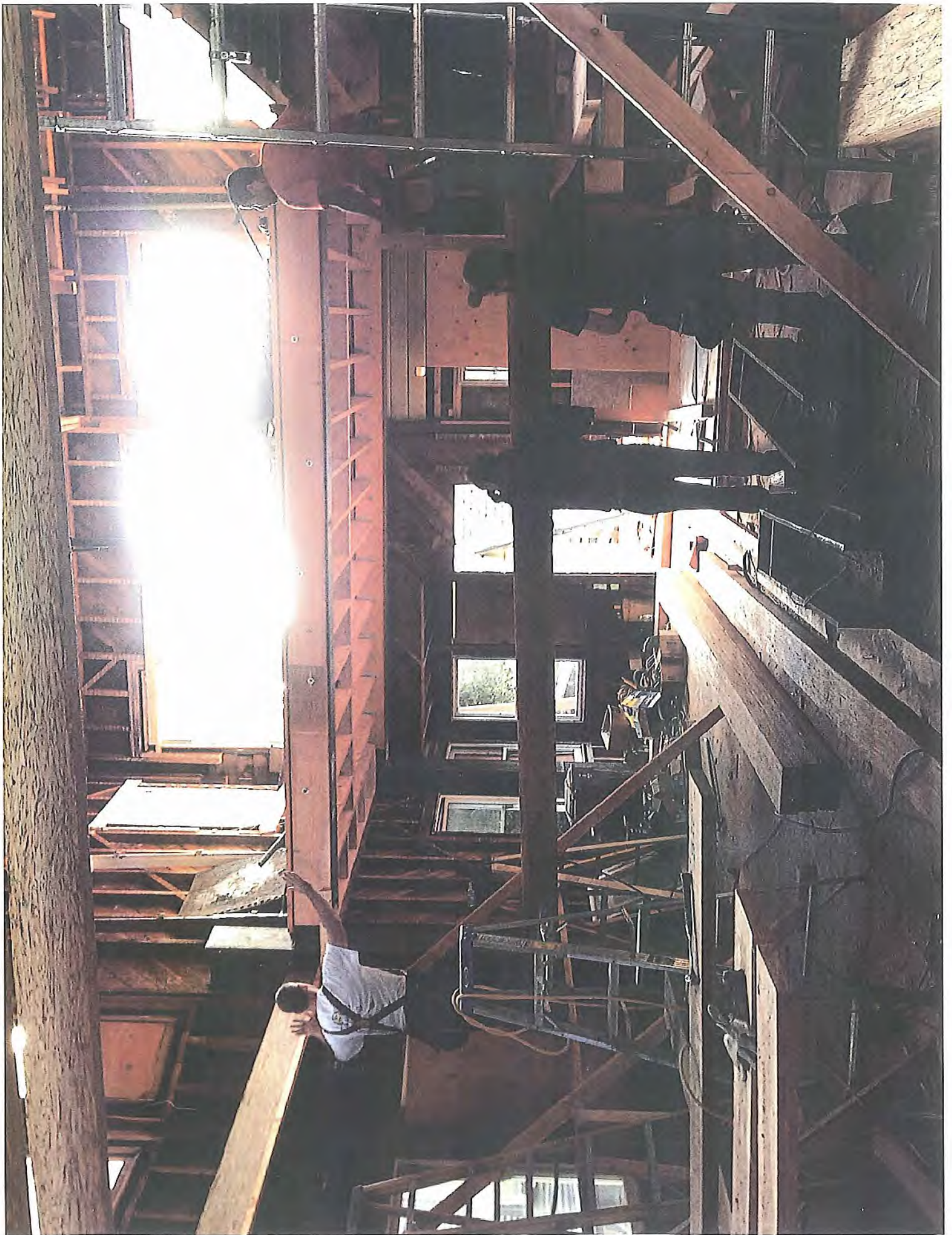


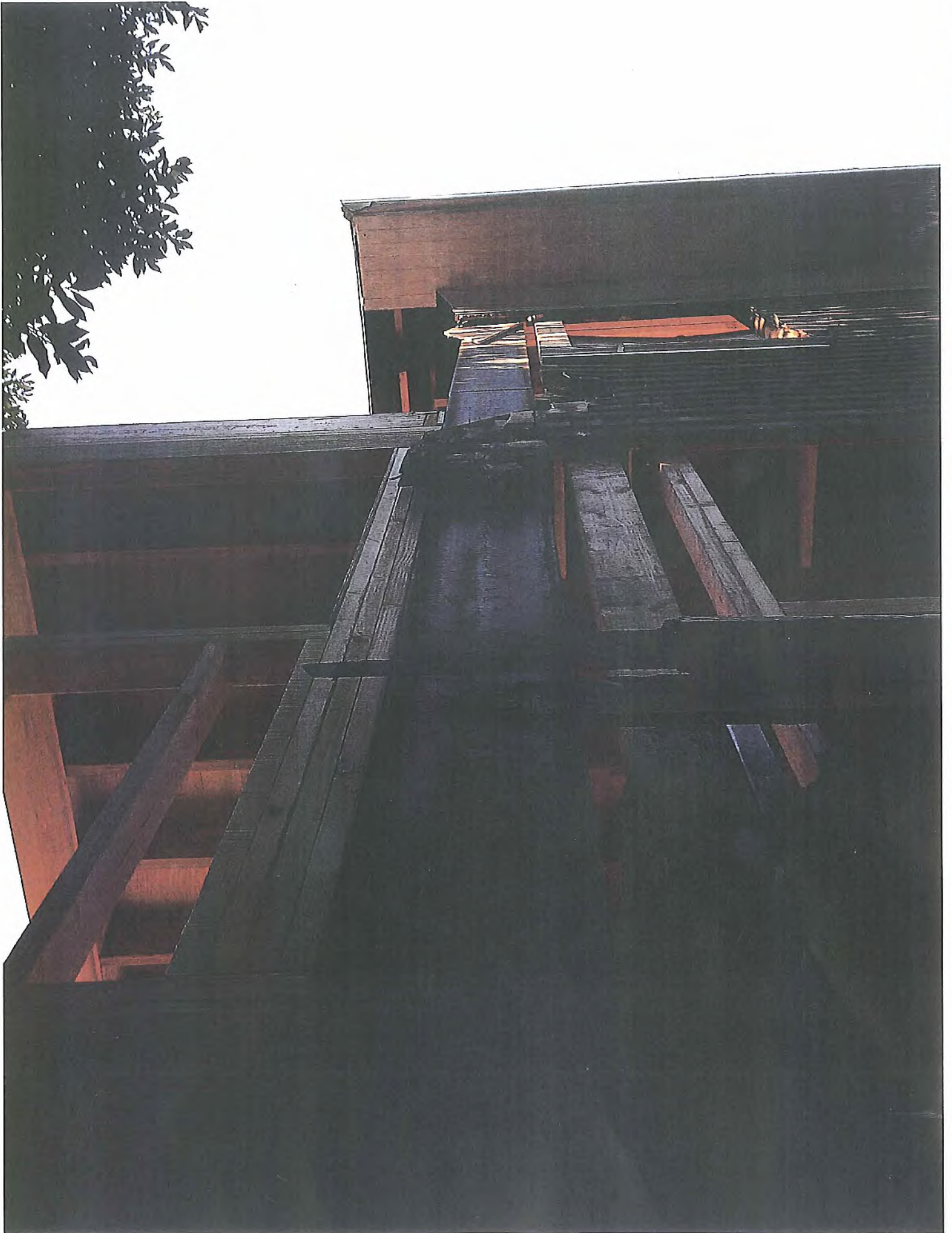




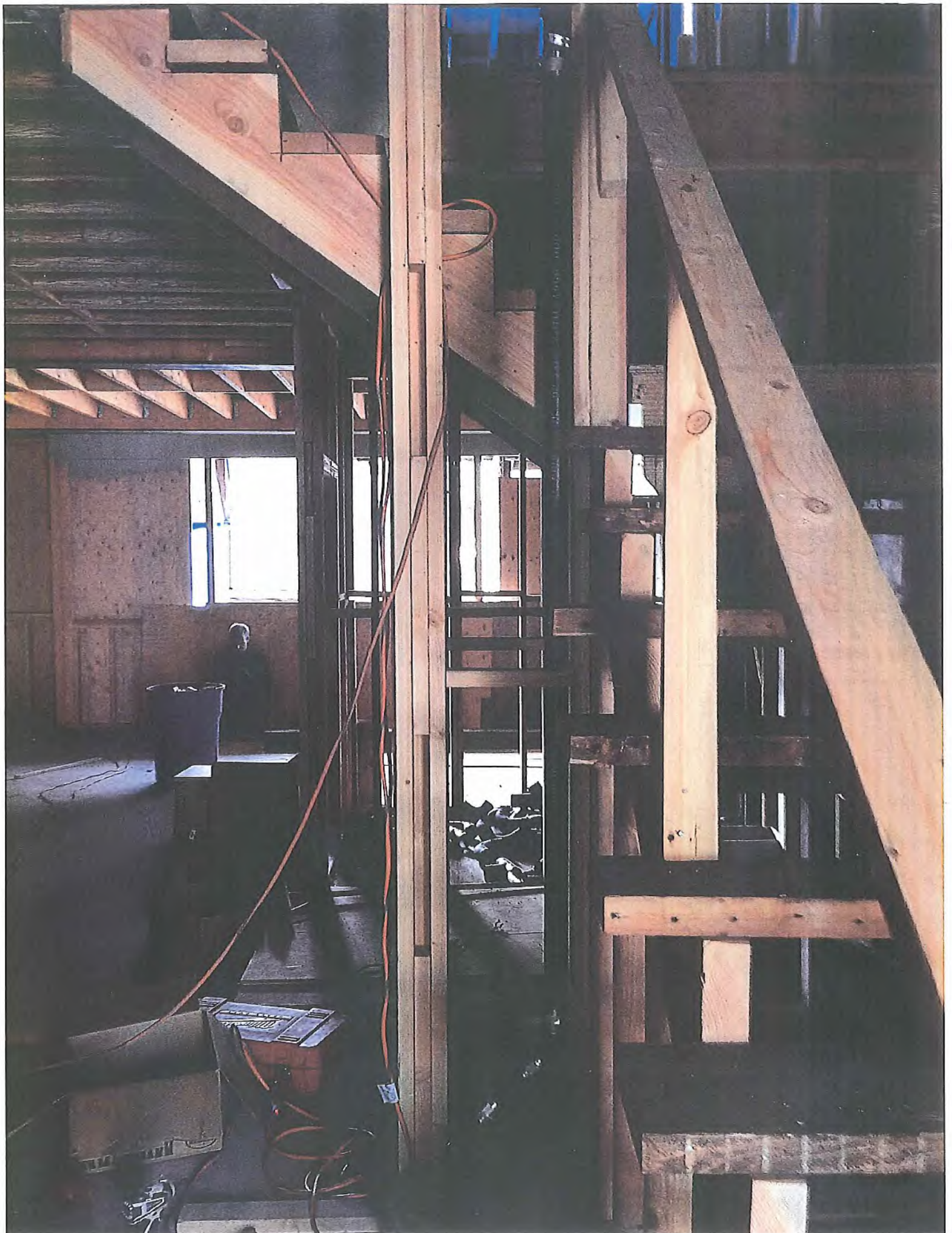




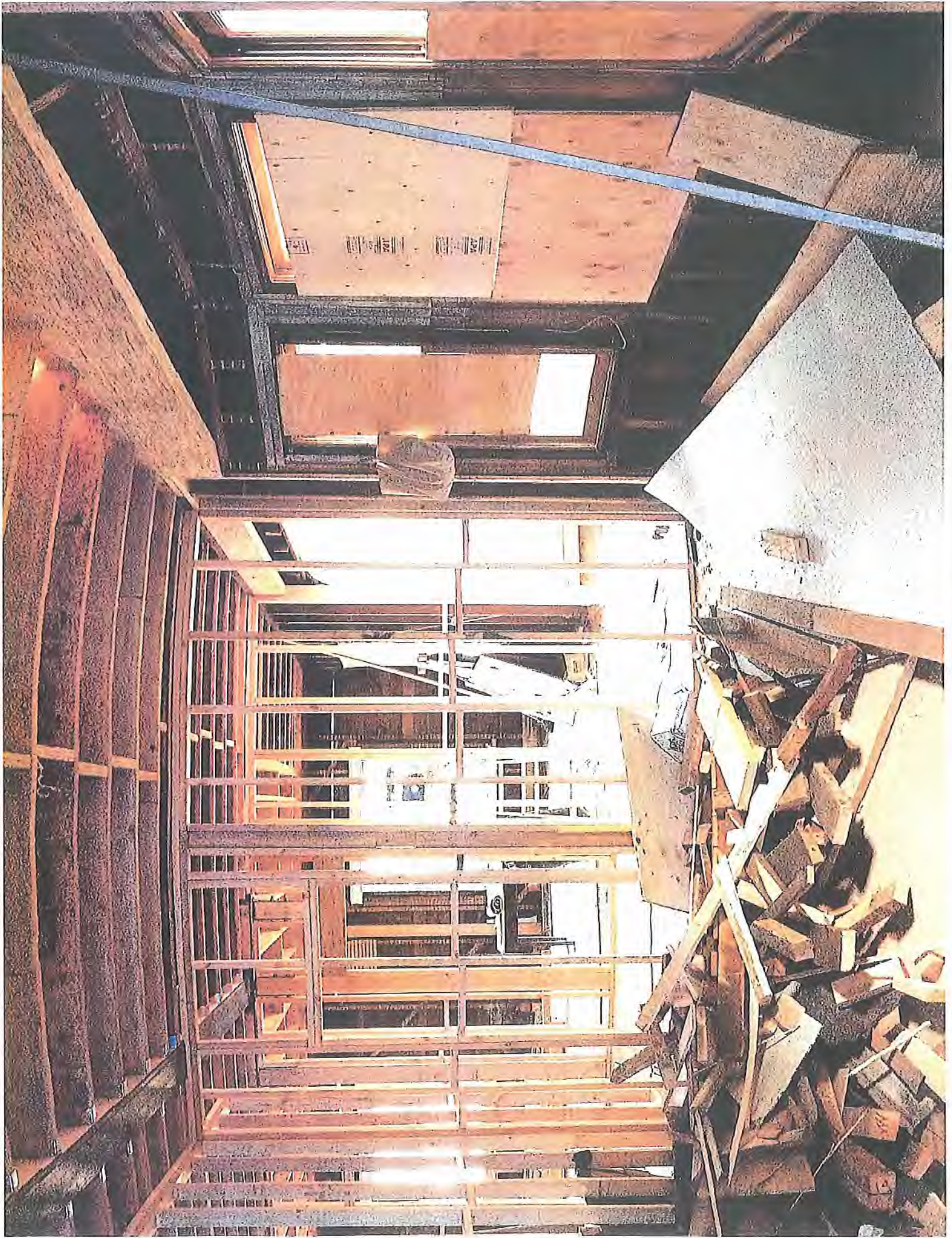














**PANORAMIC
BLOCK FACES
PHOTOS**



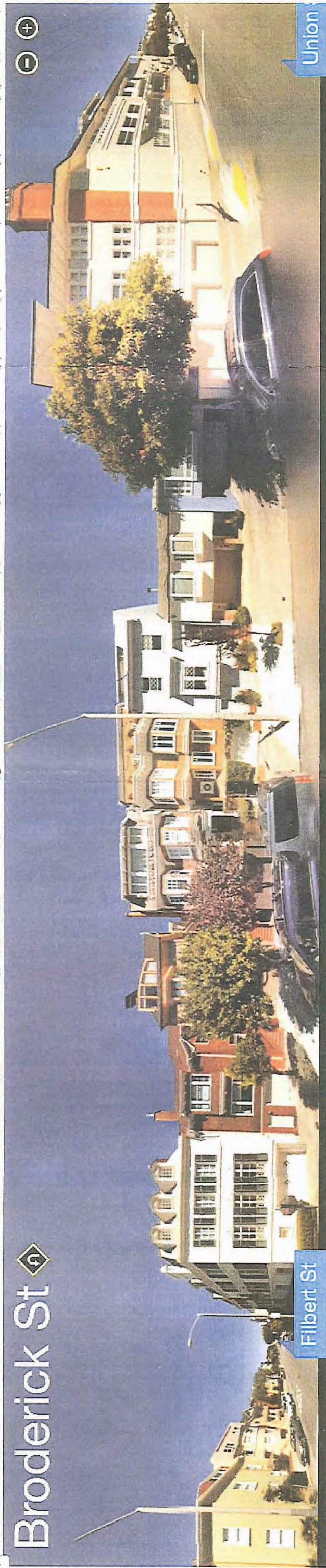
Broderick St

Union St

Filbert St



Broderick St



Filbert St

Union

PROJECT PLANS

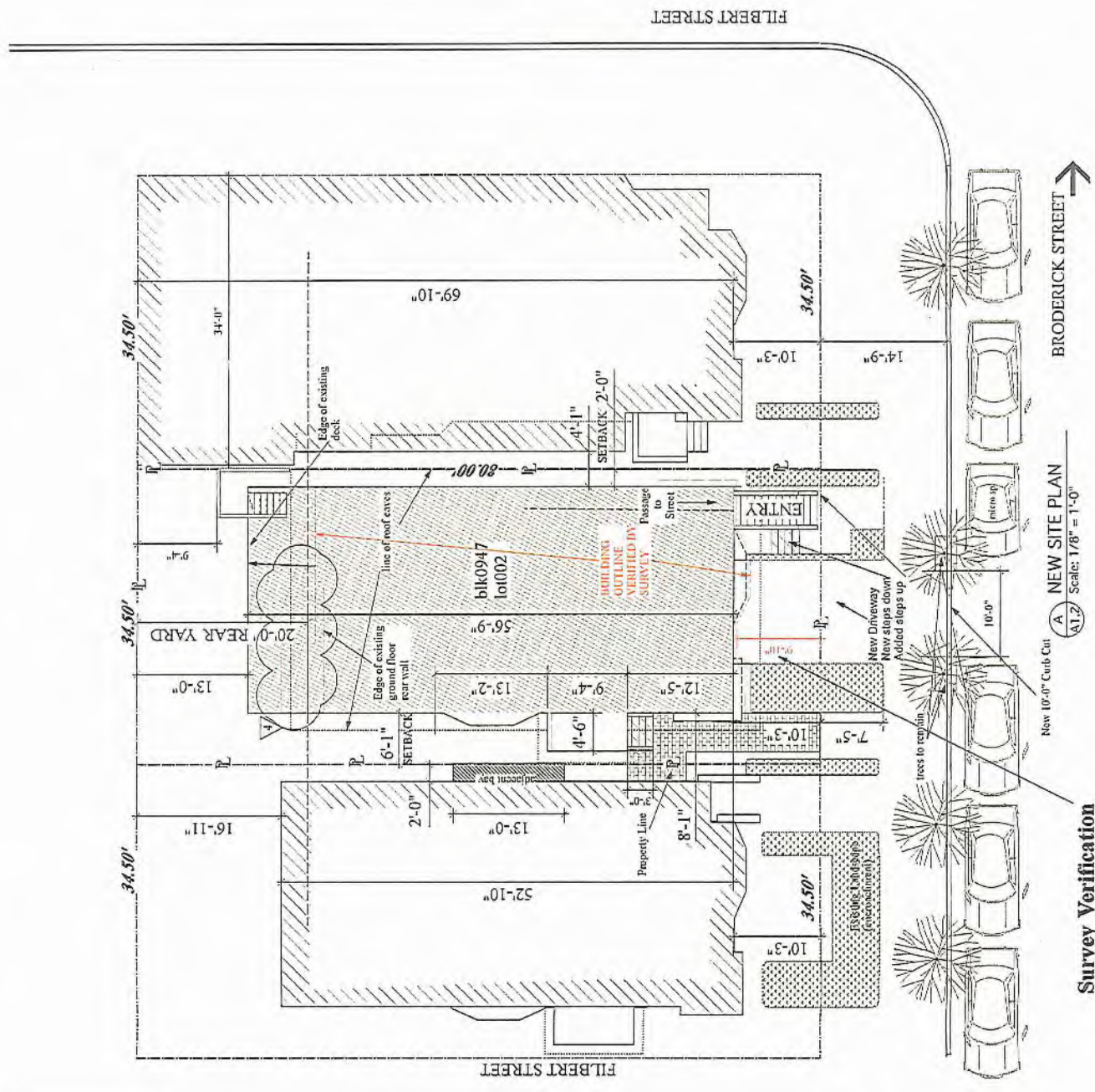
REVISIONS	BY
	Jun 24, 2014
	Feb 20, 2014
	May 01, 2014



AS APPROVED Board of Appeal
(Updated w/ Survey Data)

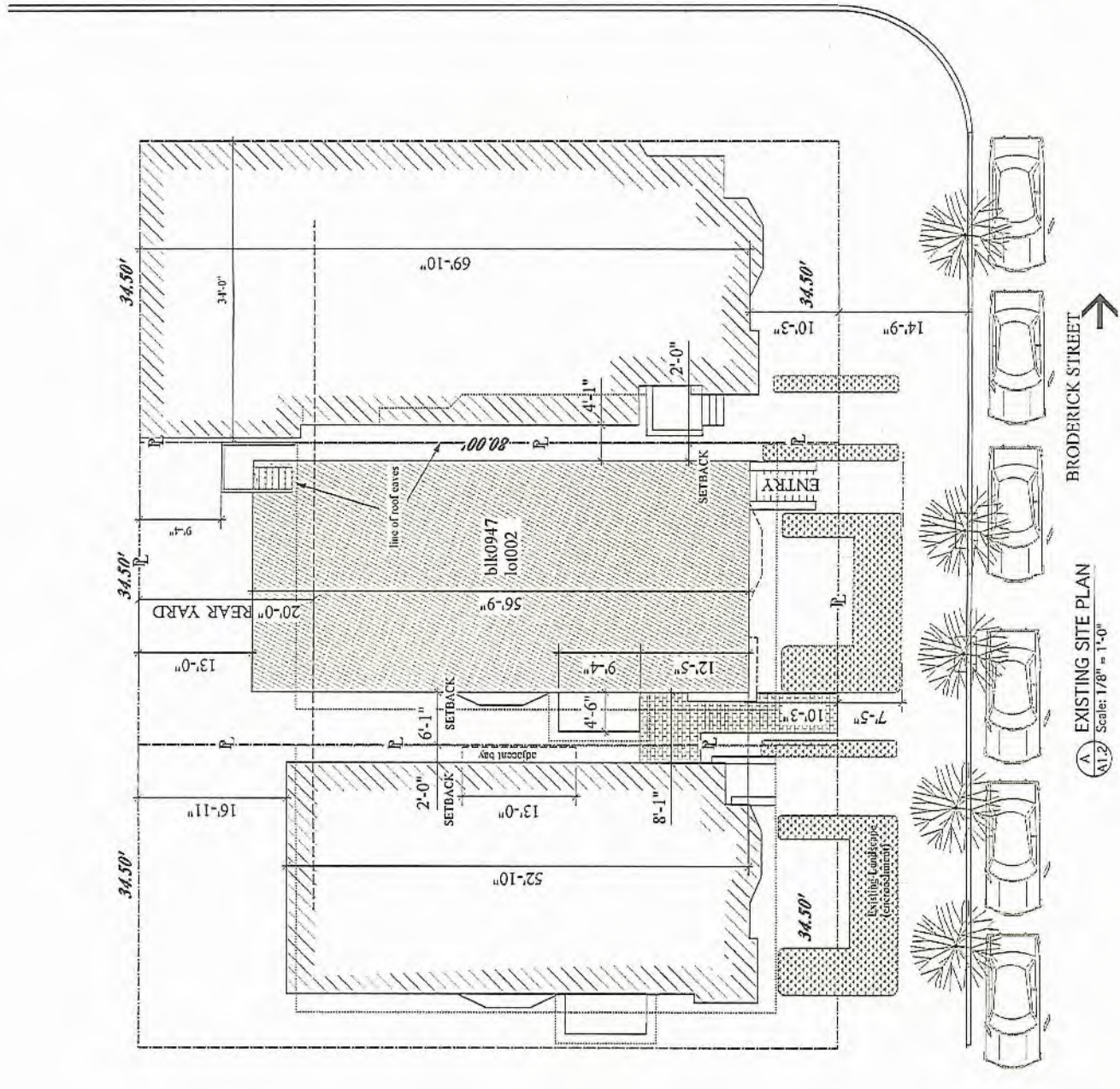
NEW SITE PLAN
Scale: 1/8" = 1'-0"

Survey Verification
New 10'-0" Cubic Cut
A1.2



AS APPROVED Board of Appeals

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



REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

261 Market Street #324
San Francisco, California 94114
(415) 864 2261
fax 855-0961

STEPHEN ANTONAROS
ARCHITECT

ADDITONS & ALTERATIONS & DWELLING UNIT MERGER
2853 BRODERICK ST., SAN FRANCISCO, CA 94123
Block 0947 Lot 002

As Approved, ALTERED and NEW 1st FLOOR PLANS

REVISIONS
Date
Scale
Drawn
Job
Sheet

Jan 24, 2014
1/8" = 1'-0"
SA
A2.1

2853 BRODERICK ST., SAN FRANCISCO, CA 94123
Block 0947 Lot 002

As Approved, ALTERED and NEW 1st FLOOR PLANS

ADDITONS & ALTERATIONS & DWELLING UNIT MERGER

2853 BRODERICK ST., SAN FRANCISCO, CA 94123
Block 0947 Lot 002

As Approved, ALTERED and NEW 1st FLOOR PLANS

ADDITONS & ALTERATIONS & DWELLING UNIT MERGER

2853 BRODERICK ST., SAN FRANCISCO, CA 94123
Block 0947 Lot 002

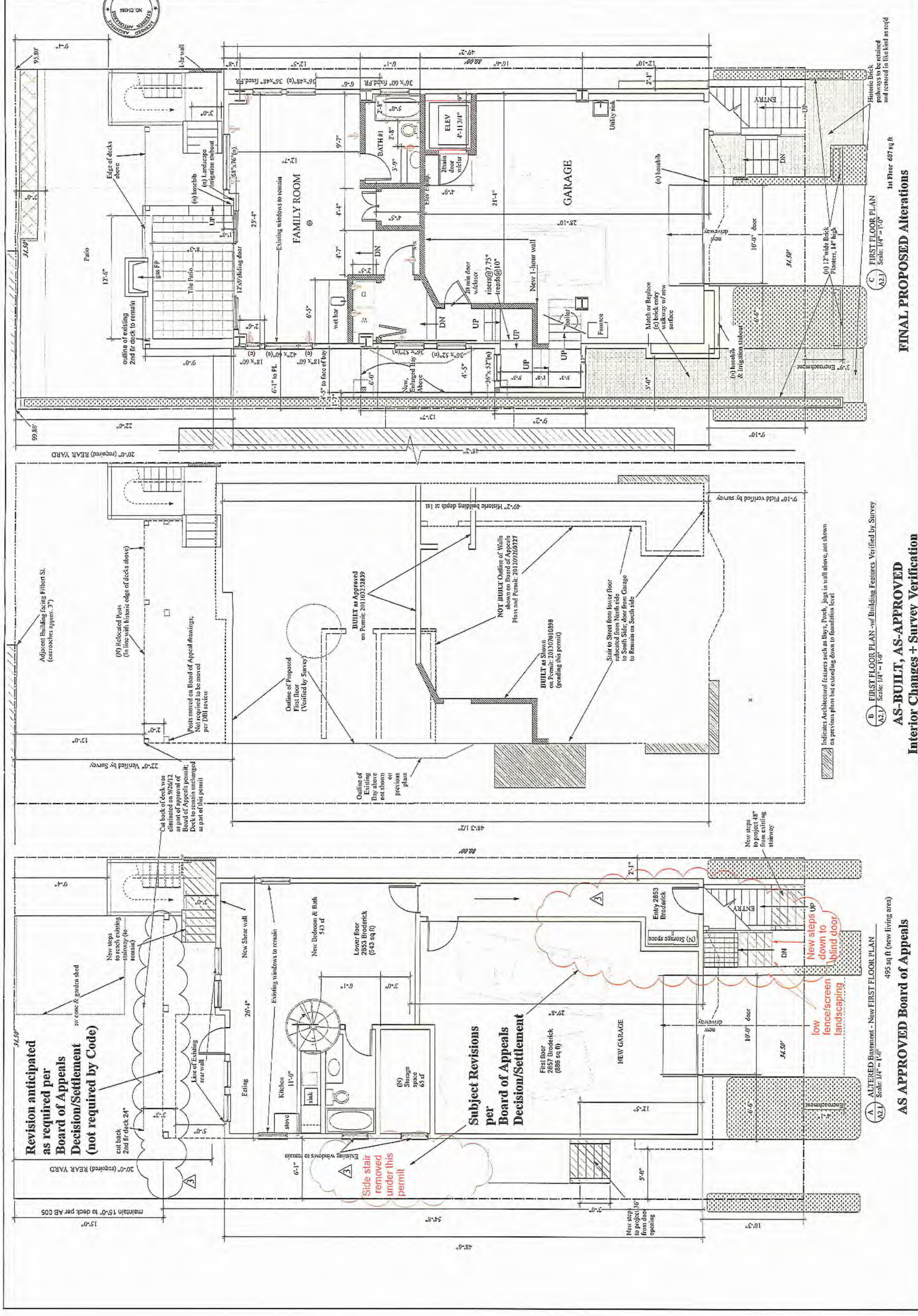
As Approved, ALTERED and NEW 1st FLOOR PLANS

ADDITONS & ALTERATIONS & DWELLING UNIT MERGER

2853 BRODERICK ST., SAN FRANCISCO, CA 94123
Block 0947 Lot 002

As Approved, ALTERED and NEW 1st FLOOR PLANS

ADDITONS & ALTERATIONS & DWELLING UNIT MERGER



FINAL PROPOSED Alterations
1st Floor 607 sq ft
Scale: 1/4" = 1'-0"

AS-BUILT, AS-APPROVED Interior Changes + Survey Verification
Scale: 1/4" = 1'-0"

AS APPROVED Board of Appeals
495 sq ft (new living area)
Scale: 1/4" = 1'-0"

ALTERED BASEMENT - NEW FIRST FLOOR PLAN
Scale: 1/4" = 1'-0"

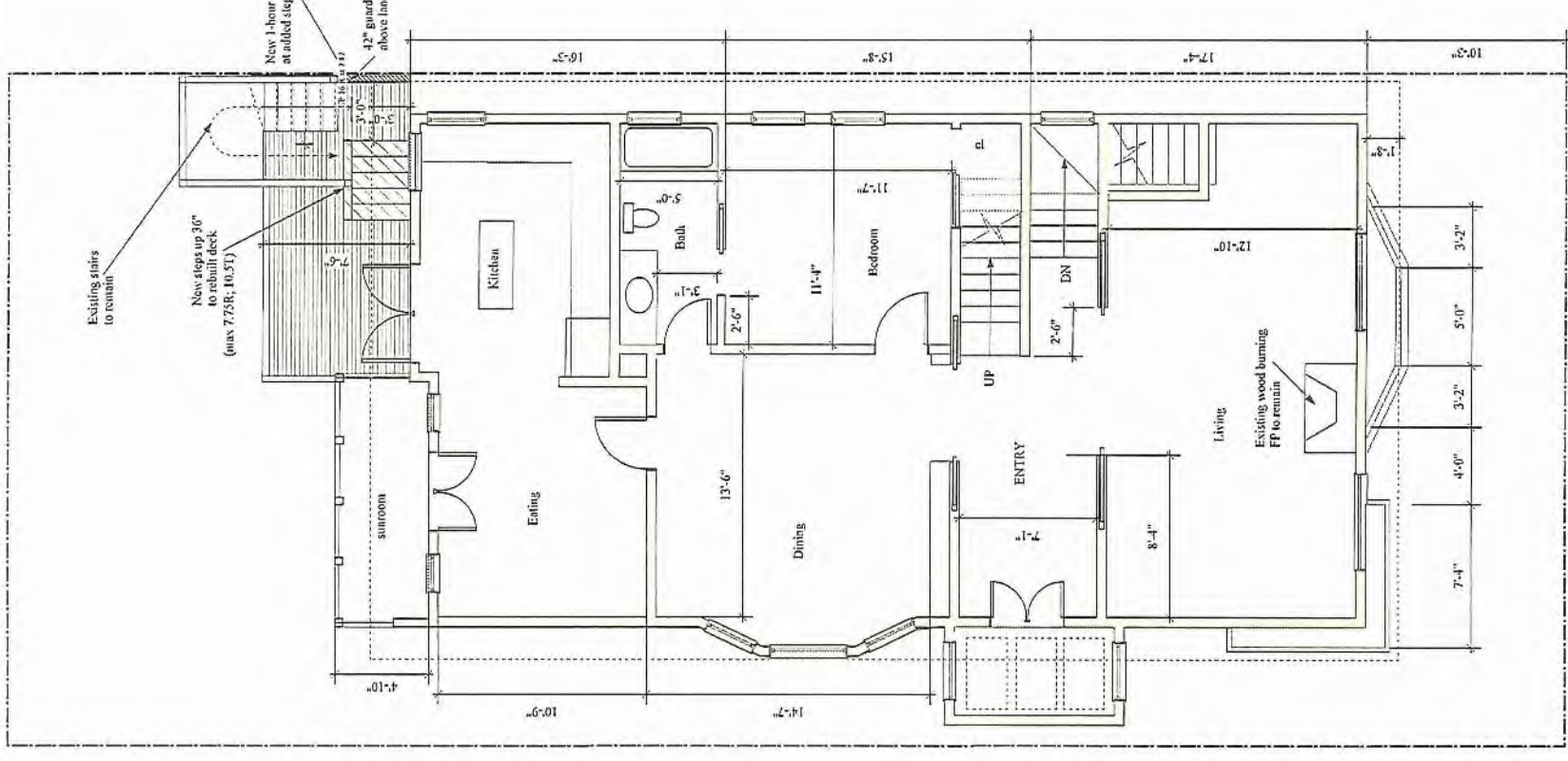
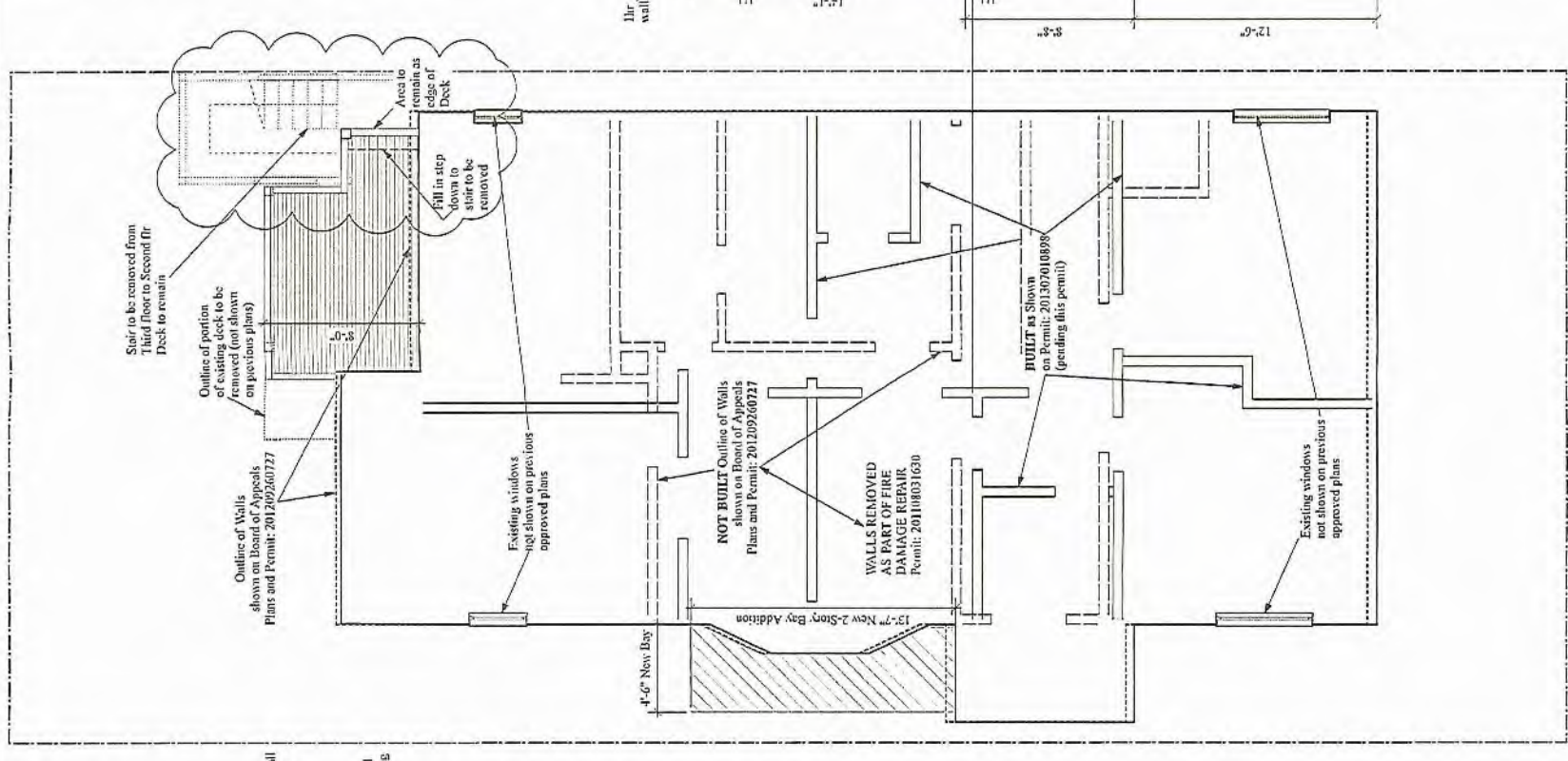
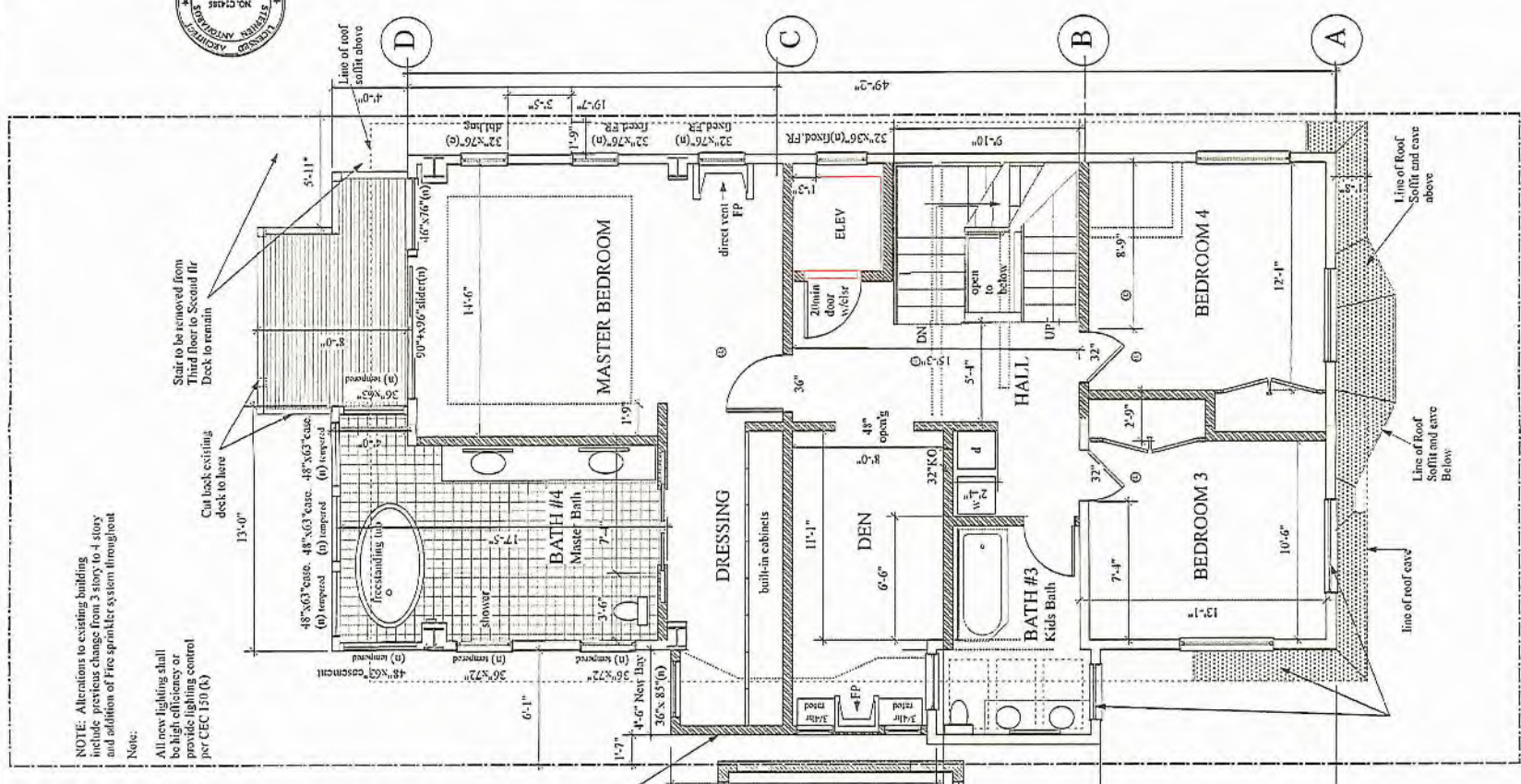
REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

STEPHEN ANTONAROS ARCHITECT
 2261 Market Street #324
 San Francisco, California 94114
 (415) 864-2261 Fax 863-0961
 stephen@antonaros.com antonaros@stephenantonaros.com

For
 Kyskamp, Whitehead Family Trust
 (415) 250-4057

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 As Approved, ALTERED and NEW 3rd FLOOR PLANS

Date	Jan 2014
Scale	1/8" = 1'-0"
Drawn	SA
Job	
Sheet	A2.3
Of	3



NOTE: Alterations to existing building include previous change from 3 story to 4 story and addition of Fire sprinkler system throughout

Notes:
 All new lighting shall be high efficiency or provide lighting control per CEC 150 (L)



C NEW THIRD FLOOR PLAN
 A2.3 Scale: 1/8" = 1'-0"

B THIRD FLOOR PLAN-Updated
 A2.3 Scale: 1/8" = 1'-0"

A EXISTING 2nd FLOOR-NEW THIRD FLOOR PLAN
 A2.3 Scale: 1/8" = 1'-0"

New 3rd Floor w/Enlarged Bay 1,467 sq ft

No Structural work to be done on Third Floor

FINAL PROPOSED Alterations

AS-BUILT, AS-APPROVED Interior Changes + Survey Verification

AS APPROVED Board of Appeals

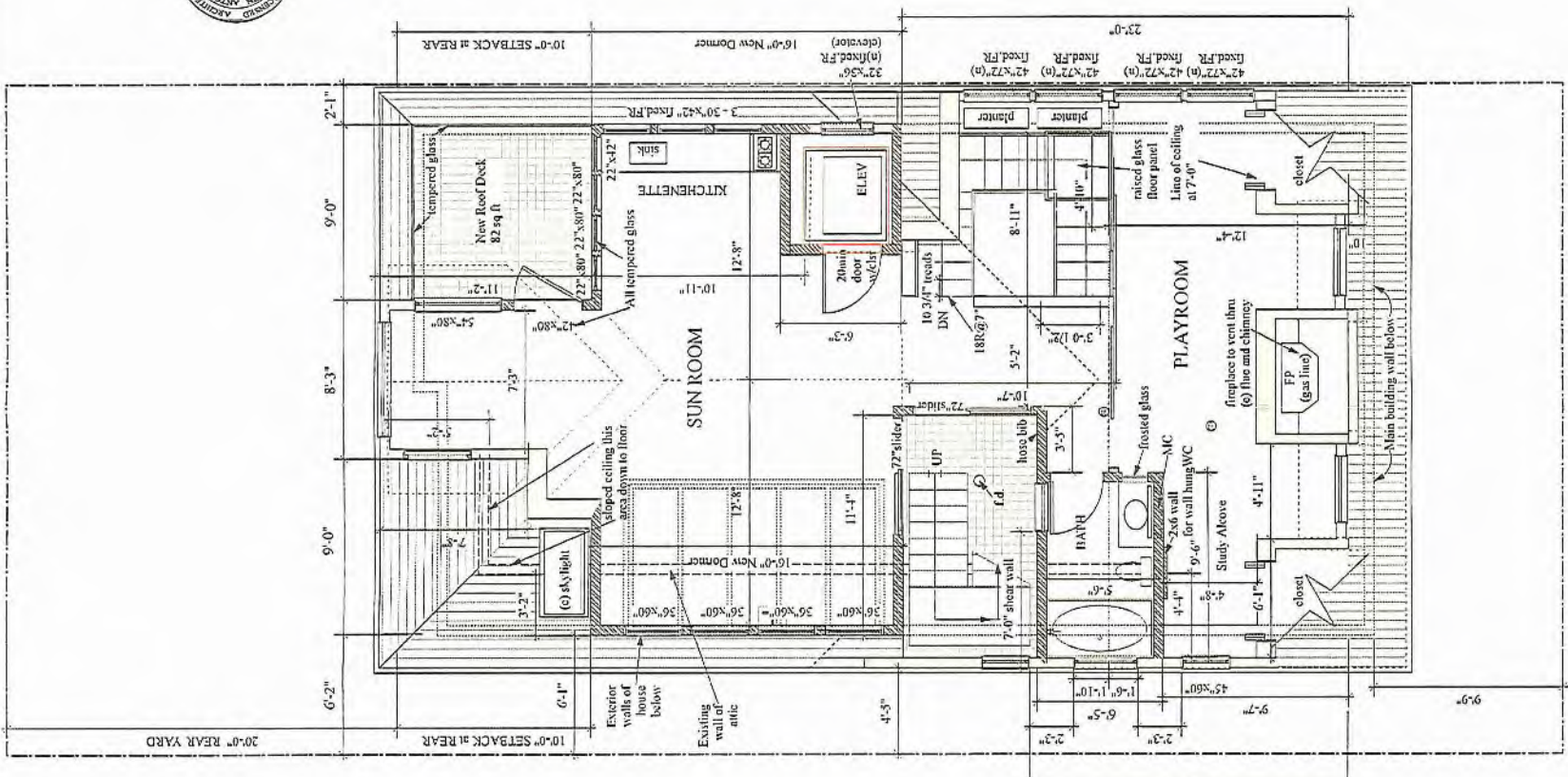
REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

STEPHEN ANTONAROS ARCHITECT
 2261 Market Street #324
 San Francisco, California 94114
 (415) 864 2261
 (415) 863-0961
 www.stephenantonaros.com
 santonaros@stephenantonaros.com

for
 Hyamp Winhold
 Family Trust
 (415) 250-4057

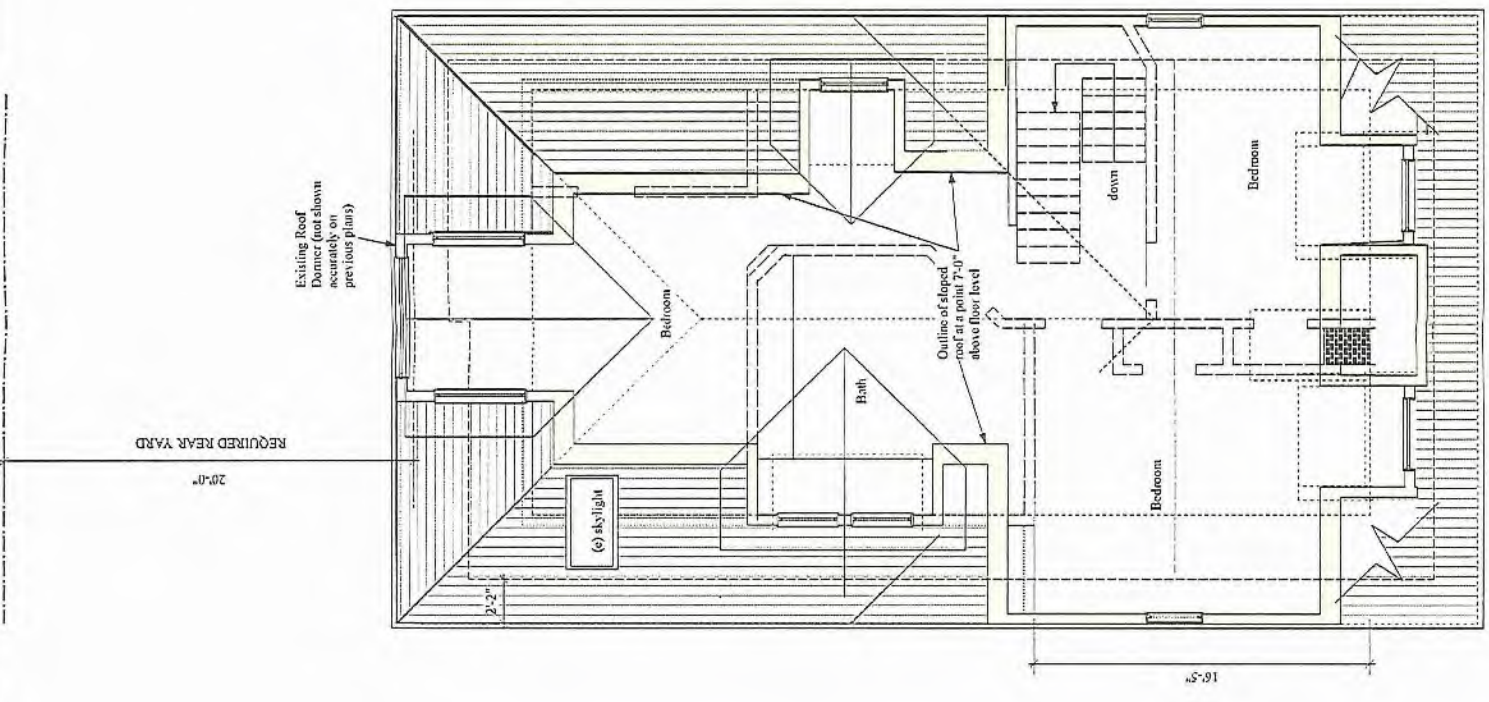
As Approved, ALTERED and NEW 4th FLOOR PLANS
 2837 Broderick St., SAN FRANCISCO, CA 94123
 ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 Block 0947 Lot 002

Date: Jan 2014
 Scale: 1/8" = 1'-0"
 u.o.m.
 Drawn: SA
 Job:
 Sheet: **A3.1**
 of: 3 Sheets



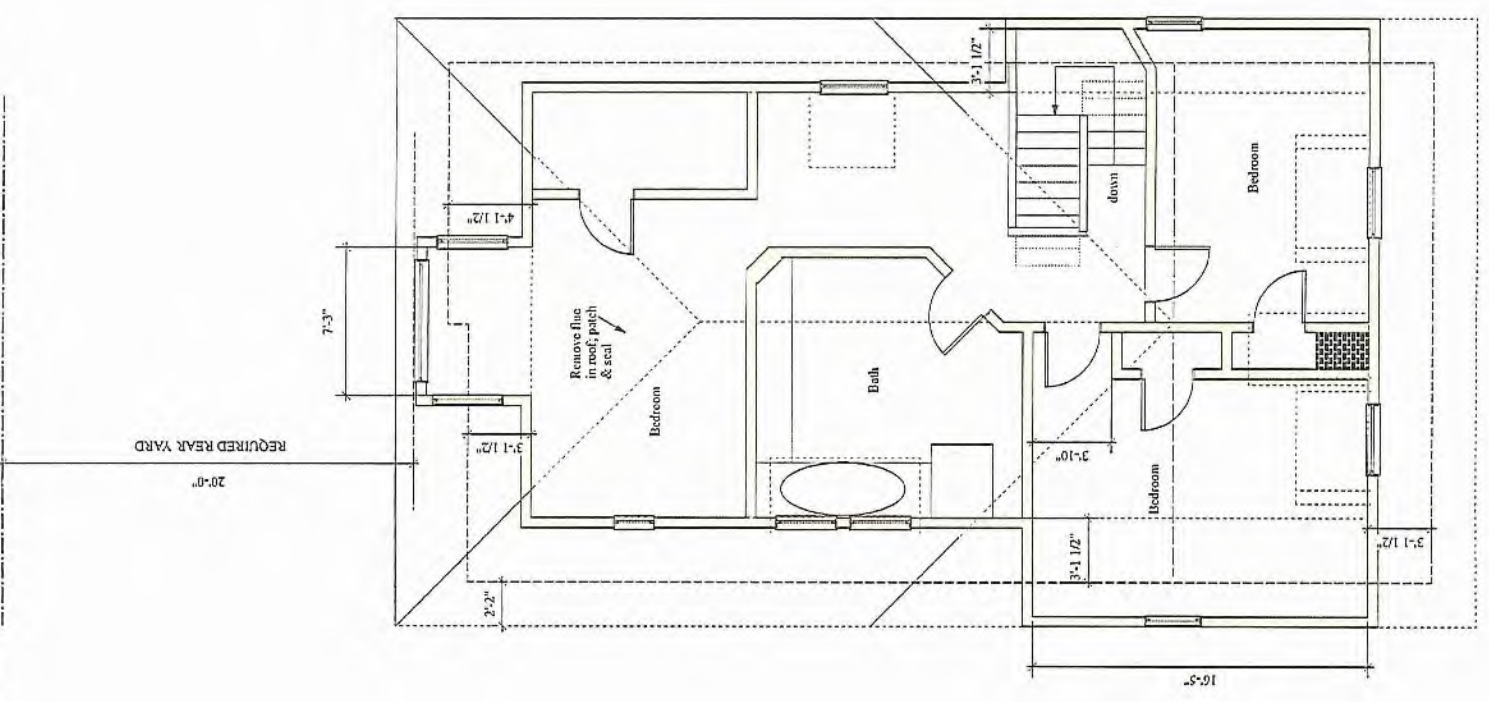
C NEW FOURTH FLOOR PLAN
 A3.1 Scale: 1/4" = 1'-0"
 New 4th Floor 997 sq ft

FINAL PROPOSED Alterations



D FOURTH FLOOR PLAN-Roof Section shown cut at 7'-0" High ceiling point
 A3.1 Scale: 1/4" = 1'-0"
 2837 Broderick
 929 sq ft

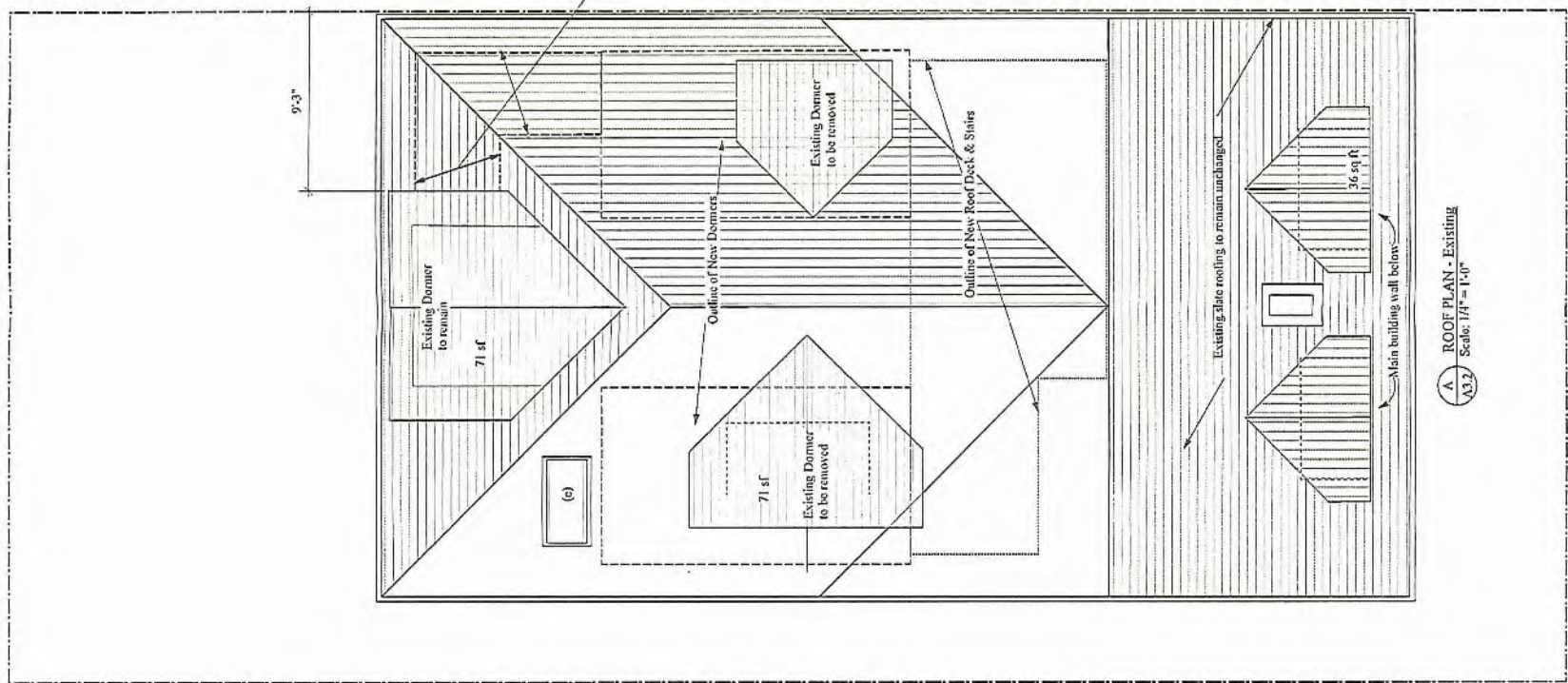
AS-BUILT, AS-APPROVED
 Interior Changes + Survey Verification



A EXISTING THIRD FLR PLAN
 A3.1 Scale: 1/4" = 1'-0"
 2837 Broderick
 1096 sq ft

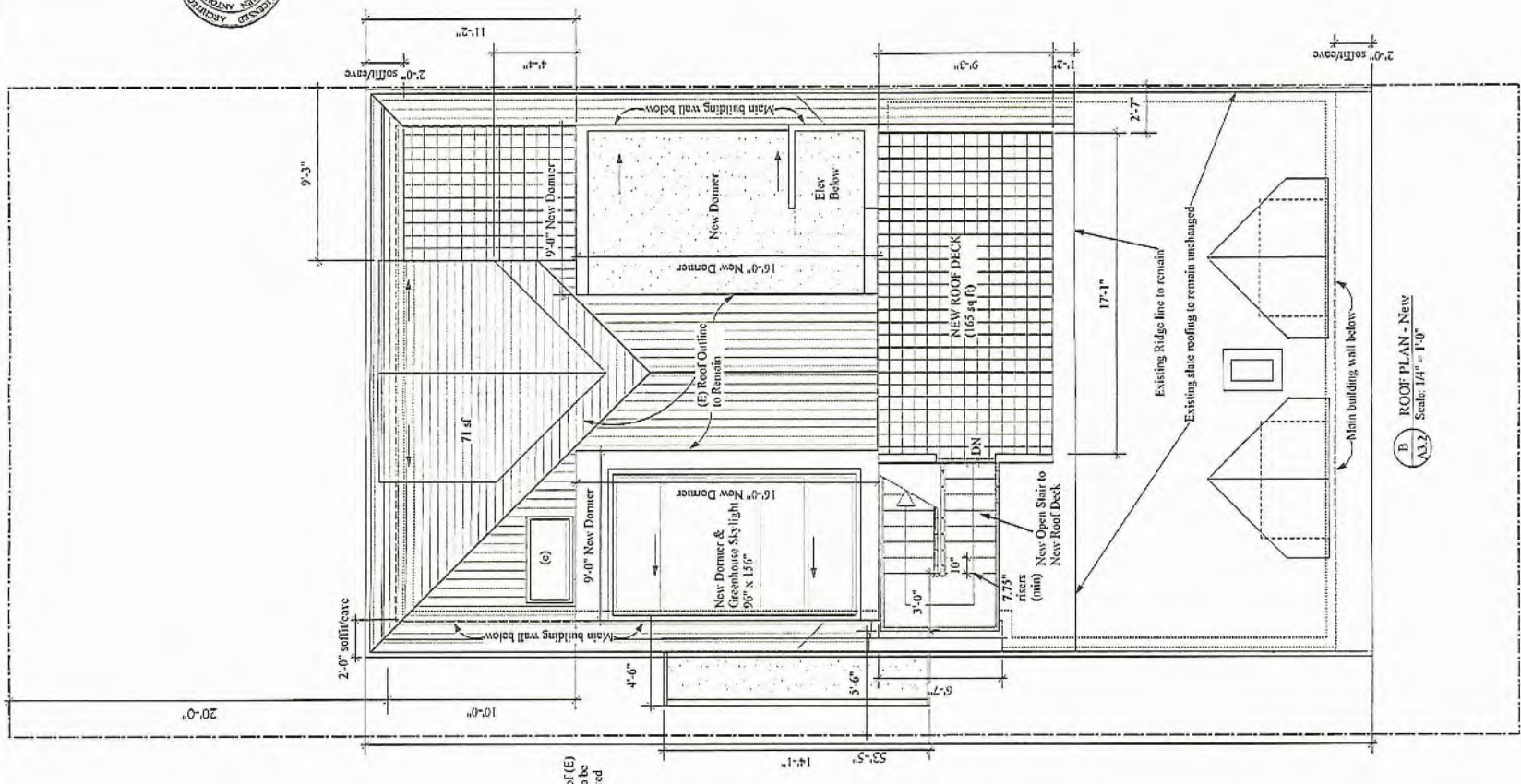
AS APPROVED Board of Appeals

EXISTING ROOF PLAN



(A) ROOF PLAN - Existing
Scale: 1/4" = 1'-0"

FINAL PROPOSED Alterations to ROOF



(B) ROOF PLAN - New
Scale: 1/4" = 1'-0"

1st Floor 607 sq ft ← feet reduction from previously approved under 201103232839
 2nd Floor 1455 sq ft
 3rd Floor 1467 sq ft
 4th Floor 997 sq ft
 2853 Broderick 4526 sq ft
TOTAL

First floor under this permit reduced from 726 sq ft to 607, 119 sq ft less
 Fourth floor under this permit increased from 929 sq ft to 997, 68 sq ft more
 Total net 51 sq ft less than previously approved for all floors combined

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
EXISTING and NEW ROOF PLANS

STEPHEN ANTONAROS ARCHITECT
 2261 Market Street #524
 San Francisco, California 94114
 (415) 864 2261
 fax 853-0961
 stephen@antonaros.com
 antonaros@sigbo.com



REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 04, 2014	

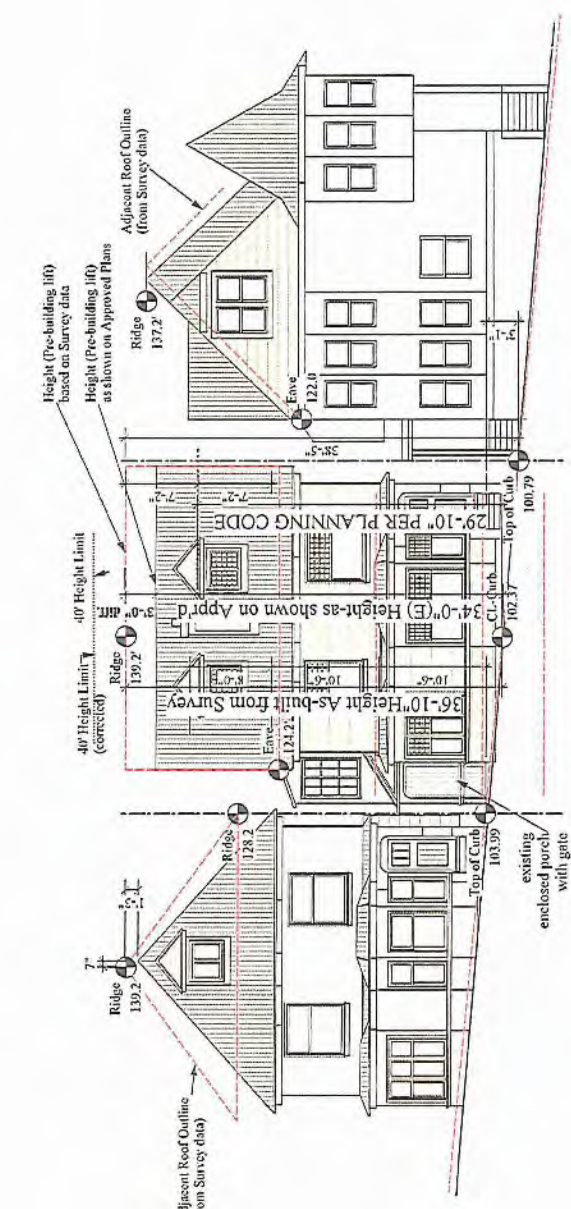
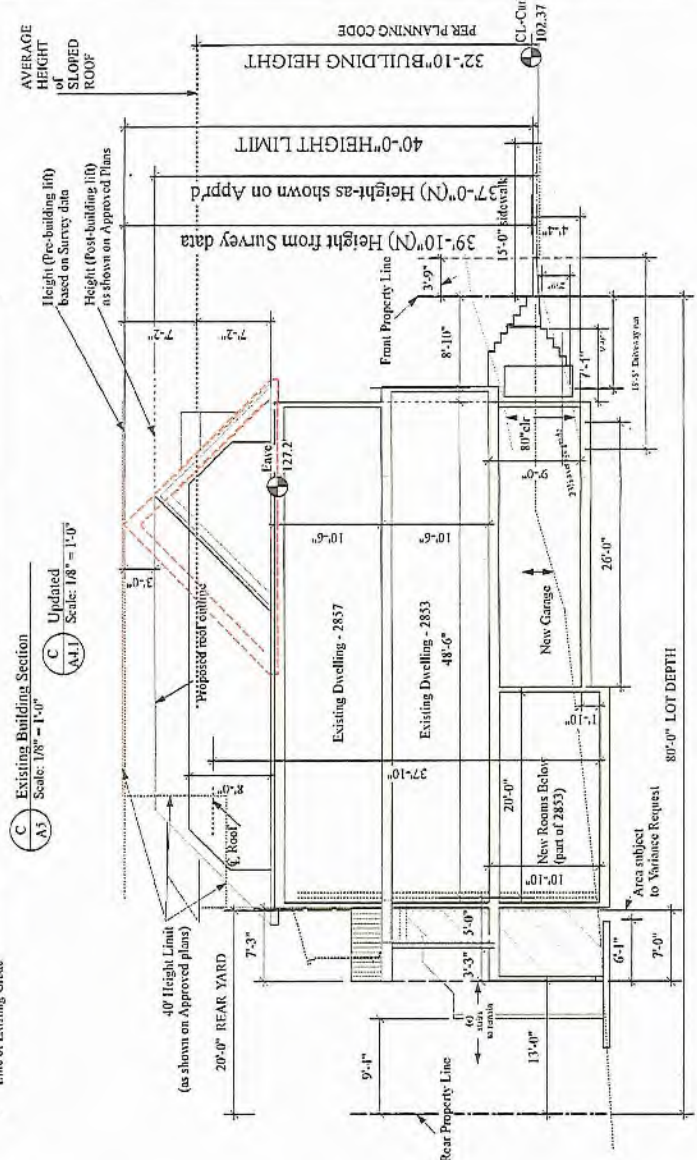
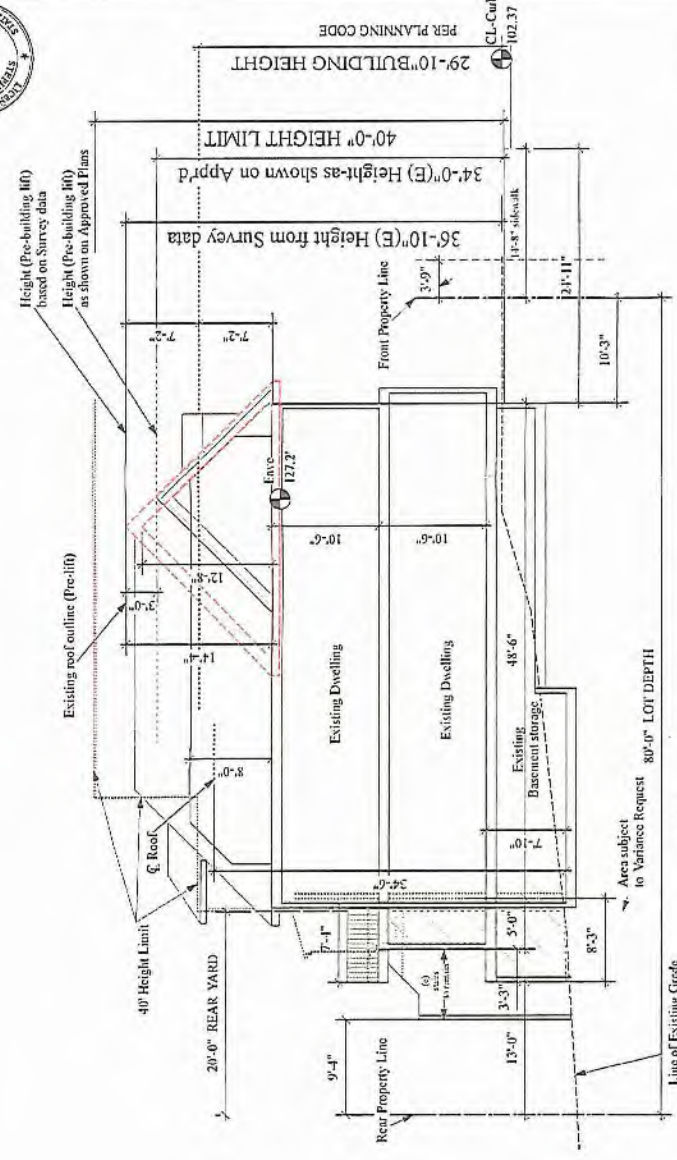
REVISIONS	BY
Jan 25, 2012	
Mar 15, 2012	
Aug 13, 2012	
Mar 20, 2013	
Aug 28, 2013	
Nov 21, 2013	

STEPHEN ANTONAROS ARCHITECT
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 www.stephenantonaros.com
 santonaros@stephenantonaros.com

for Plans Withdrawn
 (415) 250-0057

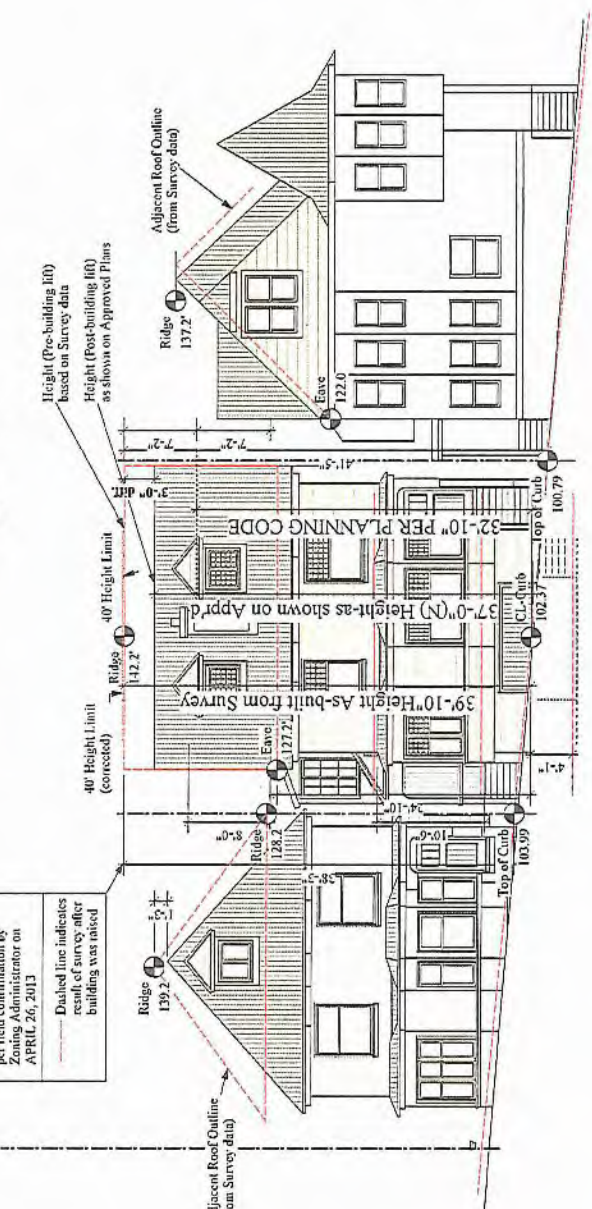
UPDATE ELEVATIONS WITH SURVEY DATA
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 As Approved Elevations + Survey Data

EXHIBIT 'A'
 August 22, 2012
 (updated w/ new Survey Data)



A EXISTING ELEVATION - 2853 & 2857 BRODERICK
 Scale: 1/8" = 1'-0"
 Updated
 A4.1

NOTE: Building raised 3'-0" per field confirmation by Zoning Administrator on APRIL 26, 2013
 Dashed line indicates result of survey after building was raised



B NEW ELEVATION - 2853 & 2857 BRODERICK (raised 3'-0")
 Scale: 1/8" = 1'-0"
 Updated
 A4.1

SURVEY DATA from field survey conducted on November 01, 2013

Survey Verification
 corrects APPROVED dwgs
 of BUILDING HEIGHT
 at FRONT

D New Building Section - RAISED
 Scale: 1/8" = 1'-0"
 Updated
 A4.1

C Existing Building Section
 Scale: 1/8" = 1'-0"
 Updated
 A4.1

REVISIONS	BY
Jan 25, 2012	
Mar 15, 2012	
Aug 13, 2012	
Mar 20, 2013	
Aug 28, 2013	
Nov 21, 2013	

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For Plan Worksheet
 (415) 250-0537

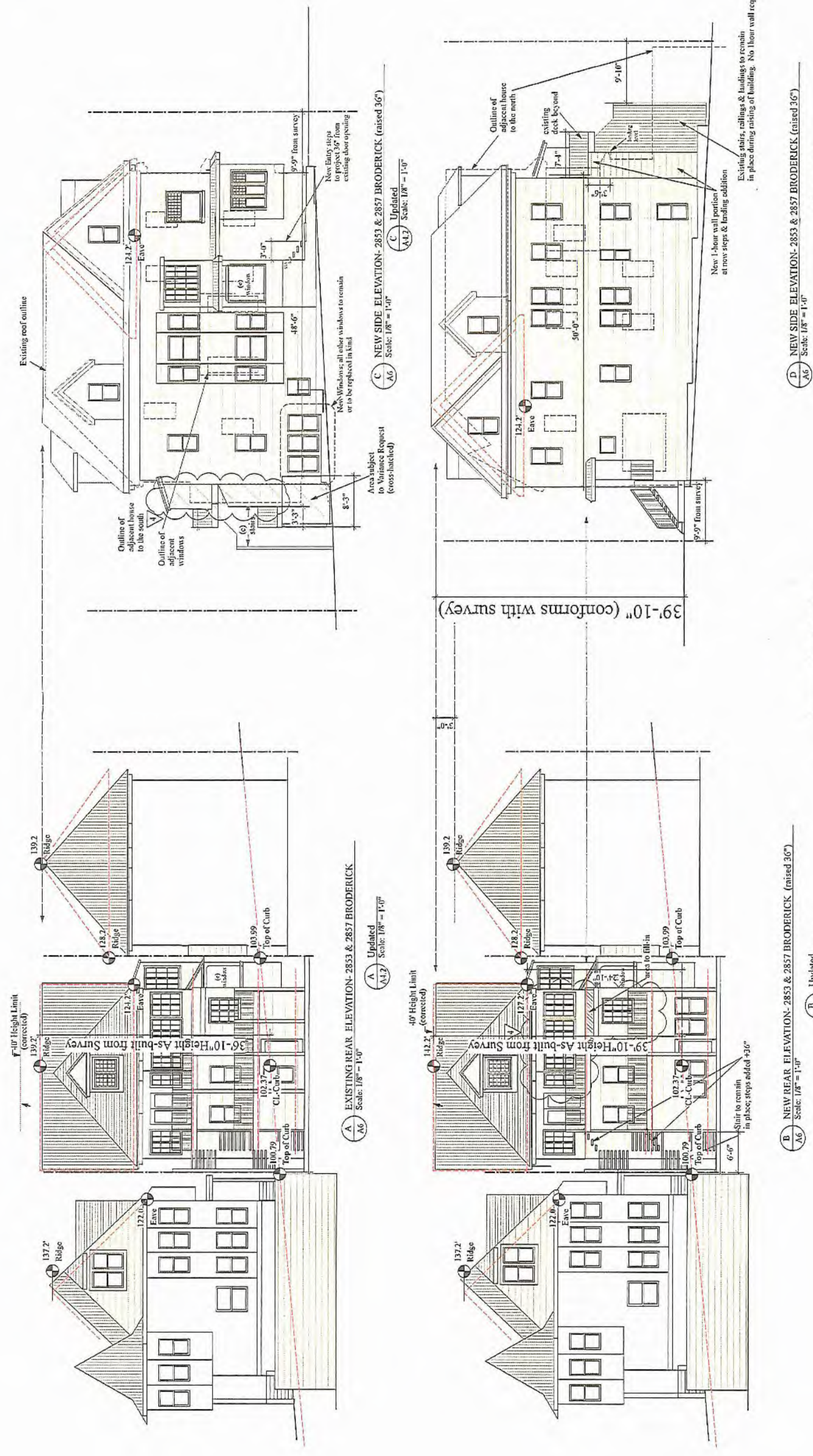
UPDATE ELEVATIONS with SURVEY DATA
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 As Approved Elevations + Survey Data

Date	August '10
Scale	1/8" = 1'-0" u.o.n.
Drawn	SA
Job	
Sheet	A4.2
Of	Sheets

EXHIBIT 'A'
 August 22, 2012
 (updated w/ new Survey Data)



Update Elevations per Survey data



Survey Verification
 conforms to APPROVED dwgs
 of BUILDING HEIGHT
 at REAR and SIDES

(D) Updated
 A1.7 Scale: 1/8" = 1'-0"

(C) NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (raised 3/6")
 Scale: 1/8" = 1'-0"

(C) NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (raised 3/6")
 Scale: 1/8" = 1'-0"

(A) EXISTING REAR ELEVATION- 2853 & 2857 BRODERICK
 Scale: 1/8" = 1'-0"

(A) Updated
 A1.7 Scale: 1/8" = 1'-0"

(B) NEW REAR ELEVATION- 2853 & 2857 BRODERICK (raised 3/6")
 Scale: 1/8" = 1'-0"

(B) Updated
 A1.7 Scale: 1/8" = 1'-0"

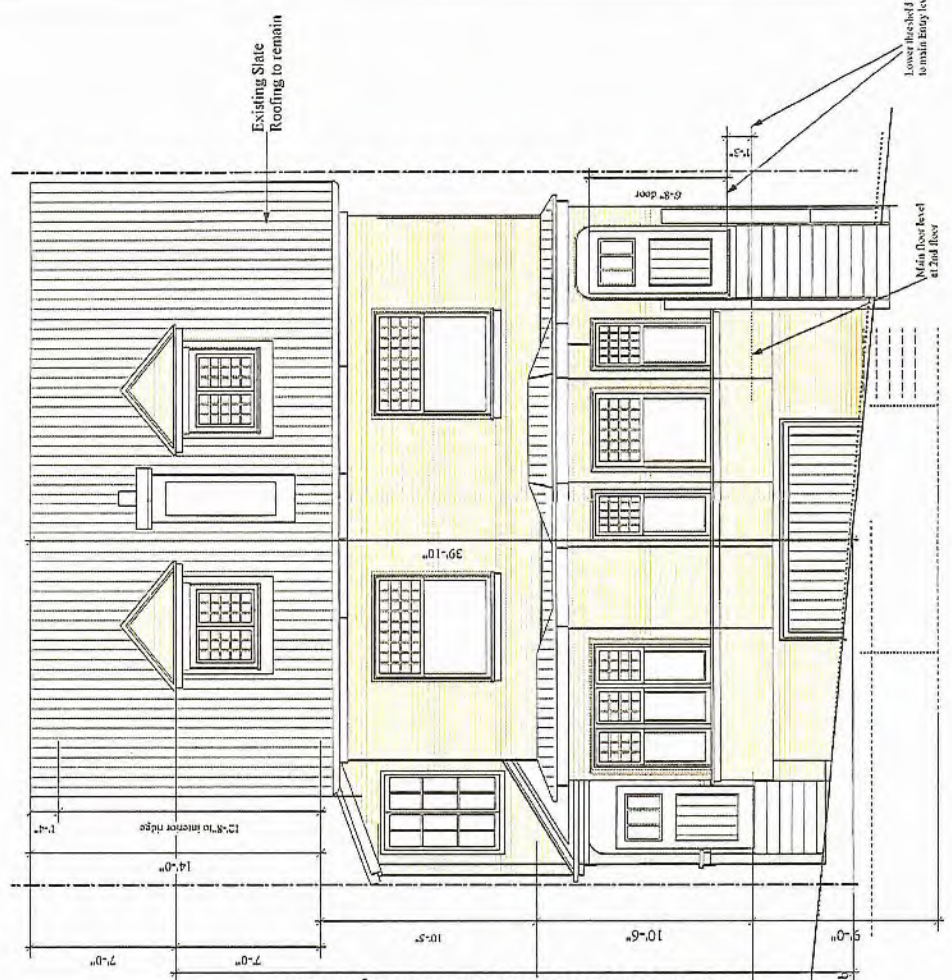
REVISIONS	BY
	Jan 24, 2014
	Feb 20, 2014
	May 01, 2014
	July 28, 2014

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 santonaros@comcast.net
STEPHEN ANTONAROS
ARCHITECT

for
 Mykemyr-Winkelhead
 Family Trust
 (415) 250-4057

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
EXISTING FRONT and SIDE ELEVATIONS

Date: Jan 2014
 Scale: 1/8" = 1'-0"
 u.o.b.
 Drawn: SA
 Job:
 Sheet: **A4.3**
 of: 3



A EAST ELEVATION as approved - 2853 & 2857 BRODERICK
 A4.3 Scale: 1/8" = 1'-0"



D SOUTH ELEVATION - 2853 BRODERICK
 A4.3 Scale: 1/8" = 1'-0"

EXISTING ELEVATIONS
 AS APPROVED
 (Updated w/ Survey Data)

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	
July 23, 2014	

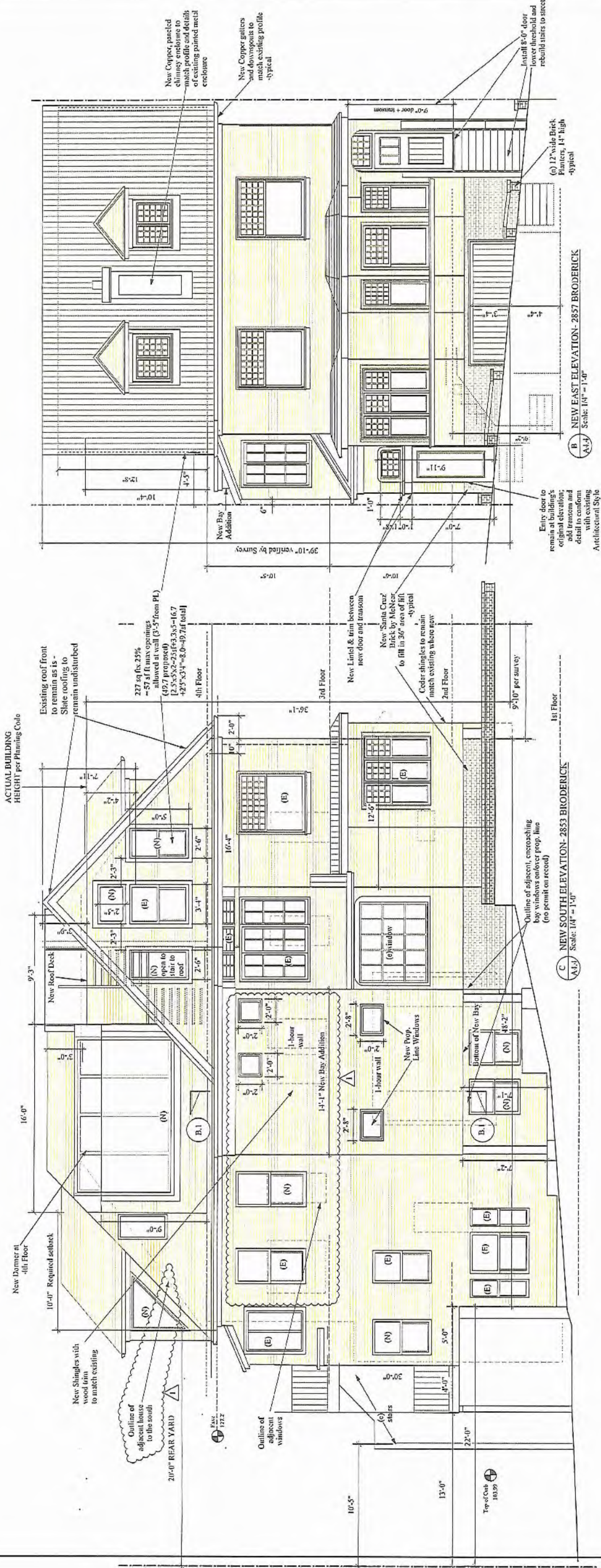


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For
 Nykam-Wilhelm
 Family Trust
 (415) 250-4057

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
NEW FRONT and SIDE ELEVATIONS

Date	Jan 2014
Scale	1/8" = 1'-0" n.o.s.
Drawn	SA
Job	
Sheet	A4.4
Of	Sheets



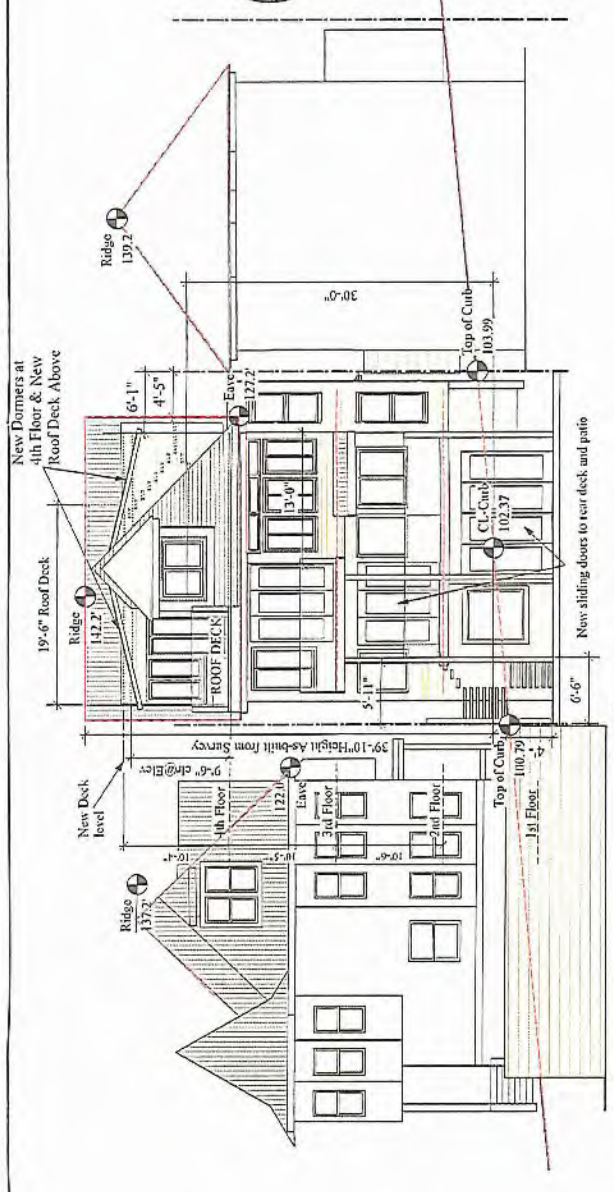
PROPOSED ALTERATIONS

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

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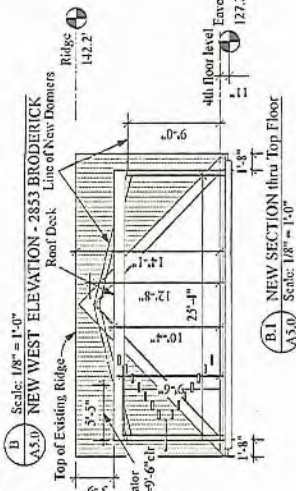
ADDITONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 EXISTING + NEW REAR AND SIDE ELEVATIONS

Date: Jan 2014
 Scale: 1/8" = 1'-0"
 Drawn: SA
 Job: A5.0
 Sheet: A5.0
 of: 5 Sheets

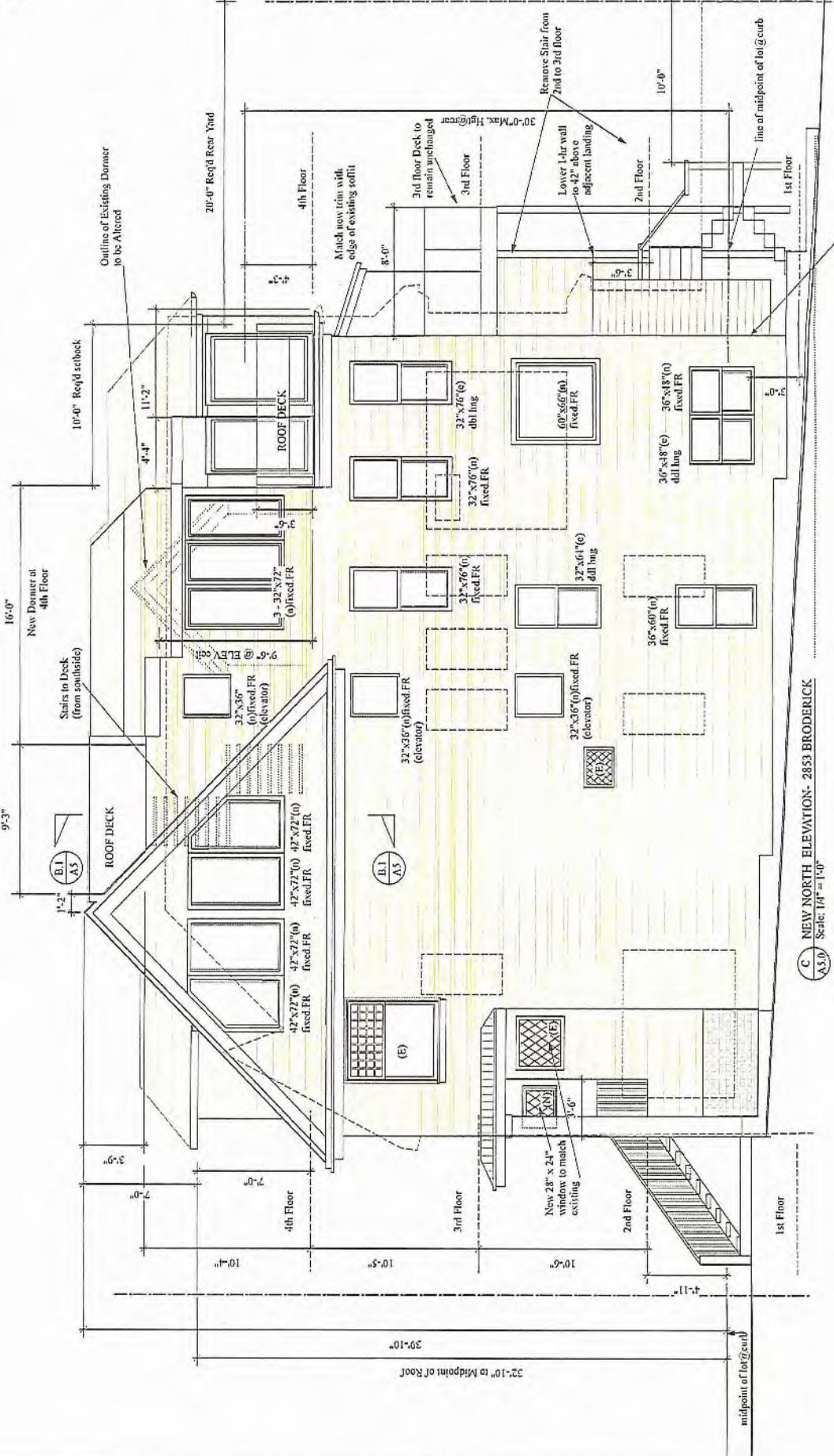


UPDATED REAR ELEVATIONS
Existing + Proposed

A EXISTING WEST ELEVATION
 A5.0 Scale: 1/8" = 1'-0"



B.1 NEW SECTION thru Top Floor
 A5.0 Scale: 1/8" = 1'-0"



C NEW NORTH ELEVATION- 2853 BRODERICK
 A5.0 Scale: 1/4" = 1'-0"

PROPOSED ALTERATIONS

(6) 1-hour wall
 (per previous apprt'l)



APPROVED PLANS
AND
PERMITS

REVISIONS	BY	DATE
1	SA	Jan 24, 2014
2	SA	Feb 20, 2014
3	SA	May 01, 2014
4	SA	1/23/15

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As Approved + NEW SITE PLANS
 Block 0947 Lot 002
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER

Date: Jan. 2014
 Scale: 1/8" = 1'-0"
 u.o.s.
 Drawn: SA
 Job: SA
 Sheet: A1.1
 Of: 8 Sheets

Building Data
 APPLICABLE CODES:
 2010 California Historical Code*
 2010 California Building Code
 2010 Mechanical Code
 2010 Plumbing Code
 2010 Electrical Code
 2010 San Francisco Building Code
 *Qualified Historic Building

CONSTRUCTION: Four Stories
 TYPE: Type SA
 (Fully Sprinkled)
 OCCUPANCY: R-3/S
 CLASSIFICATION: R-3/S
 Fire Sprinkler: NFPA 13 throughout per CBC 903.3.1.1
 under Separate Permit
 1/23/15

SUBJECT TO ALL CONDITIONS OF PERMITS:
 Minor Encroachment Permit: 13-MISC-0159
 Street Improvement Permit: 13-SE-0287
 Inspection Conformity:
 Special Sidewalk Permit:
 Other:
 DPW/BSM SIGN OFF ON JOB CARD
 REQUIRED PRIOR TO DBI FINAL
 CALL 554-7149 TO SCHEDULE
 By: Grace Lau 2/27/15
 Grace Lau, DPW/BSM

APPROVED
 Dept. of Building Insp.
 FEB 25 2015
 City of San Francisco
 DEPT. OF BUILDING INSPECTION

APPROVED
 PERMITS APPLICATION
 FEB 27 2015
 Planning Department
 Approved by: Grace Lau

SCOPE OF WORK (Under this Permit):
 Planning Department Review
 1) This permit requires designations in previous permits as to height, location, accurate setback and outline of existing building and other minor details of the previous building elements either altered or to remain as is under this permit. [See Sheets A1.1 thru A5.0]
 Work described herein corresponds to Planning Commission Approval on September 18, 2014 (inclusive of all new Alterations below (under DBI Review) Consolidates PAFs 201103111905, 201103252839, 201108031630, 201209260727 & 201309247638
 Dwelling Unit Merger, Bay addition, roof deck and dormer expansion

New Alterations under this permit:
DBI Review-
 1) Remove steps proposed to be added at South side of property along side yard under permit 2011.0325.2839 lower door to historic level entry to side porch, add interior stair down to lower rooms within existing enclosed entry porch (scope of work from withdrawal # 201309066151 added to this permit)
 2) Remove steps at North proposed to be added to raised Main entry, lower to main floor entry level;
 3) Remove stairs from 2nd floor to 3rd floor at rear - Dwelling Unit Merger of 2857 Broderick into one dwelling 2853 Broderick
 4) Alterations to roof; Add new dormers. Alter existing dormers.
 5) Add new roof decks at 4th floor & above, Add (n) open stair to new top level roof deck; Add new elevator all floors
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 A2.1: As Approved + Updated Site Plans
 A2.2: As Approved, Altered & New 3rd Floor Plans
 A2.3: As Approved, Altered & New 2nd Floor Plans
 A2.4: As Approved, Altered & New 4th Floor Plans
 A2.5: As Approved, Altered & New 4th Floor Plans
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 A4.1: Existing Elevations + Survey Data
 A4.2: Existing East Front + South Side Elevations
 A4.3: Existing East Front + South Side Elevations
 A4.4: New East Front + South Side Elevations
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 (Prior to Construction Addendum)
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 A6: Existing Front & North Side Elevations
 A7: New Front & North Side Elevations
 A8: Existing South Side & Rear Elevations
 A9: New South Side & Rear Elevations

PRIOR PERMITS
 and Scope of Work for each
 [Post February 2010 Fire *]
 2011.0325.2839 Site Permit II
 and Addition to raise Bldg. 36"
 with minor alterations to interiors
 2012.0926.0727 Permit for
 Alterations to above permit based
 on Board of Appeals Decision
 2013.0924.7638 Permit to replace
 exterior elements in like kind at rear
 2013.0701.0898 Site Permit II
 (See scope of work at right)
 This permit is a Revision to work
 under 2011.0325.2839
 *Soft Demo - Damage Inspection
 2011.0803.6530
 Structural Fire Damage
 Repair-Full Seismic

HISTORY, DBI RESOLVED COMPLAINTS:
 UNDER PAF:
 2010.54952
 2010.65414
 2012.0260727
 2012.26781
 2013.05201
 2013.29281
 2013.33331
 2014.50191
 2014.04181

RESOLVED UNDER PAF:
 2011.0803.6530
 2012.0260727
 2013.05201
 2013.29281
 2013.33331
 2014.50191
 2014.04181

Board of Appeals
 2012.26781
 2013.05201
 2013.29281
 2013.33331
 2014.50191
 2014.04181

Subject Permit
 2013.05201
 2013.29281
 2013.33331
 2014.50191
 2014.04181

Occupancy	Existing	New	Allowable
R-3	R-3/S	R-3/S	R-3/S
3	5-A	any	any
4	4	4	4
2	1	1	2
39'-10"	39'-10"	50'-0"	50'-0"
no	no	yes	yes

BUILDING AREA

Floor Level	(B) AREA	(N) AREA
1st floor	495 sq ft	607 sq ft
2nd floor	1290 sq ft	1455 sq ft
3rd floor	1395 sq ft	1467 sq ft
4th floor	929 sq ft	997 sq ft
Total	4109 sq ft	4526 sq ft

ADDITIONS KNOWN TO BE MADE WITH PERMITS
 (from Property Information Map + 3R) UZZZ

SANBORN OF VICINITY
 (from Property Information Map)

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

SCOPE OF WORK (Under this Permit):
 Planning Department Review
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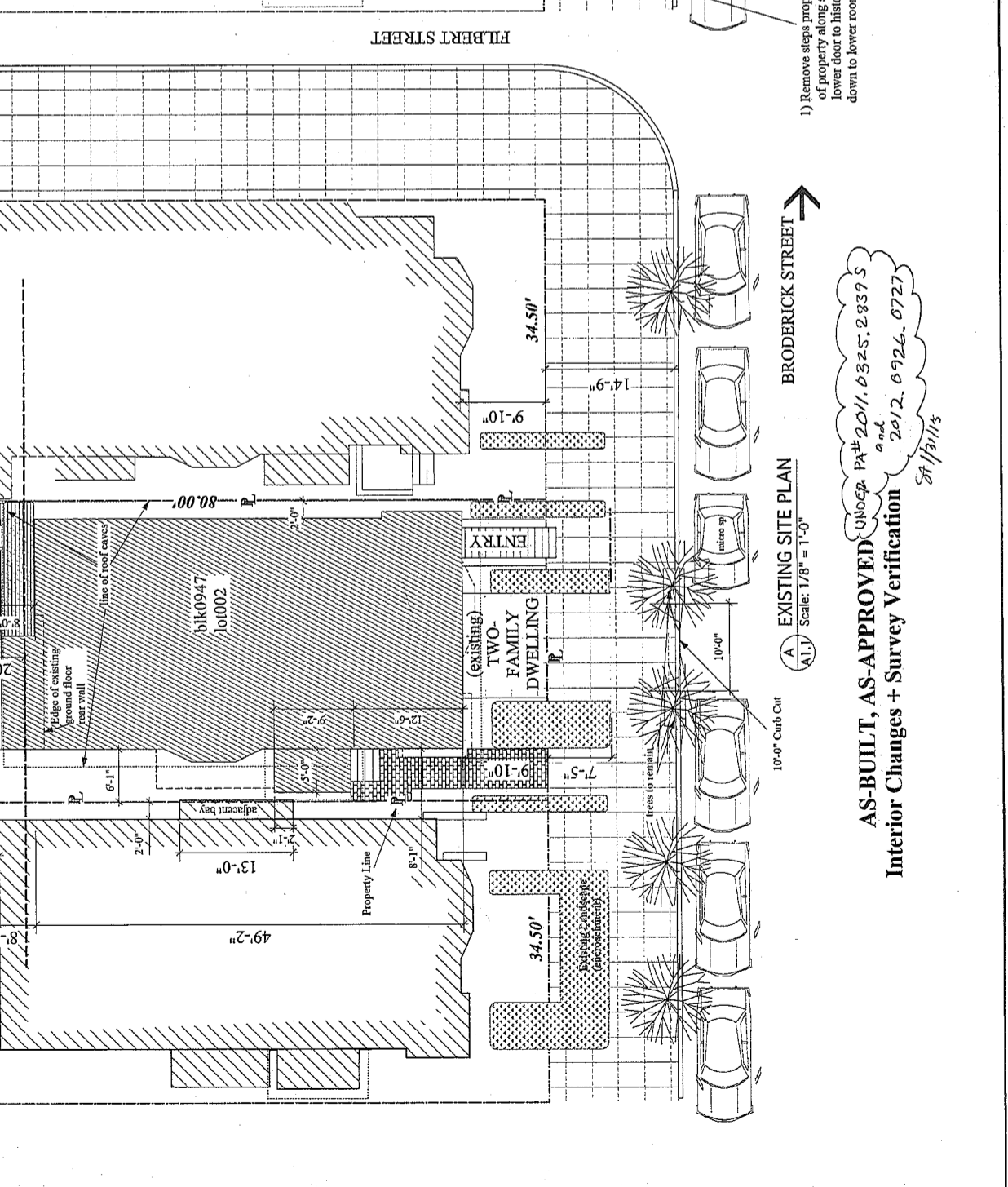
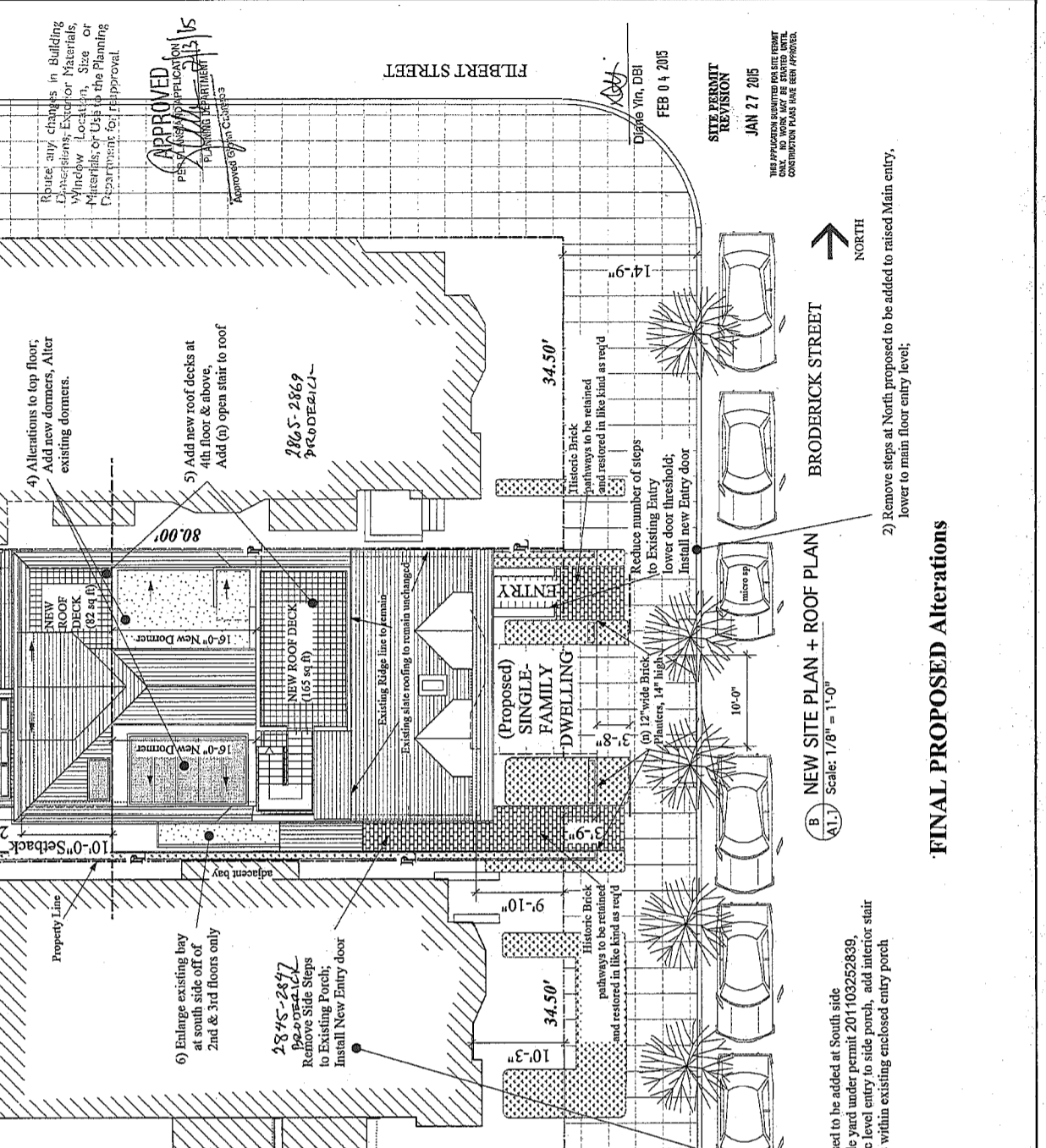
New Alterations under this permit:
DBI Review-
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SCOPE OF WORK (Under this Permit):
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 A9: New South Side & Rear Elevations



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

NEW SITE PLAN + ROOF PLAN
 Scale: 1/8" = 1'-0"

FINAL PROPOSED Alterations

1) Remove steps proposed to be added at South side of property along side yard under permit 201103252839, lower door to historic level entry to side porch, add interior stair down to lower rooms within existing enclosed entry porch

2) Remove steps at North proposed to be added to raised Main entry, lower to main floor entry level;

3) Remove stairs from 2nd floor to 3rd floor at rear - Dwelling Unit Merger of 2857 Broderick into one dwelling 2853 Broderick

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5) Add new roof decks at 4th floor & above, Add (n) open stair to new top level roof deck; Add new elevator all floors

6) Enlarge existing bay at south side off of 2nd & 3rd floors only

AS-BUILT, AS-APPROVED UNOCpa PA# 2011.0325.2839 S
 and
 2012.0926.0727
 SA/1/21/15

AS-BUILT, AS-APPROVED UNOCpa PA# 2011.0325.2839 S
 and
 2012.0926.0727
 SA/1/21/15

AS-BUILT, AS-APPROVED UNOCpa PA# 2011.0325.2839 S
 and
 2012.0926.0727
 SA/1/21/15

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	



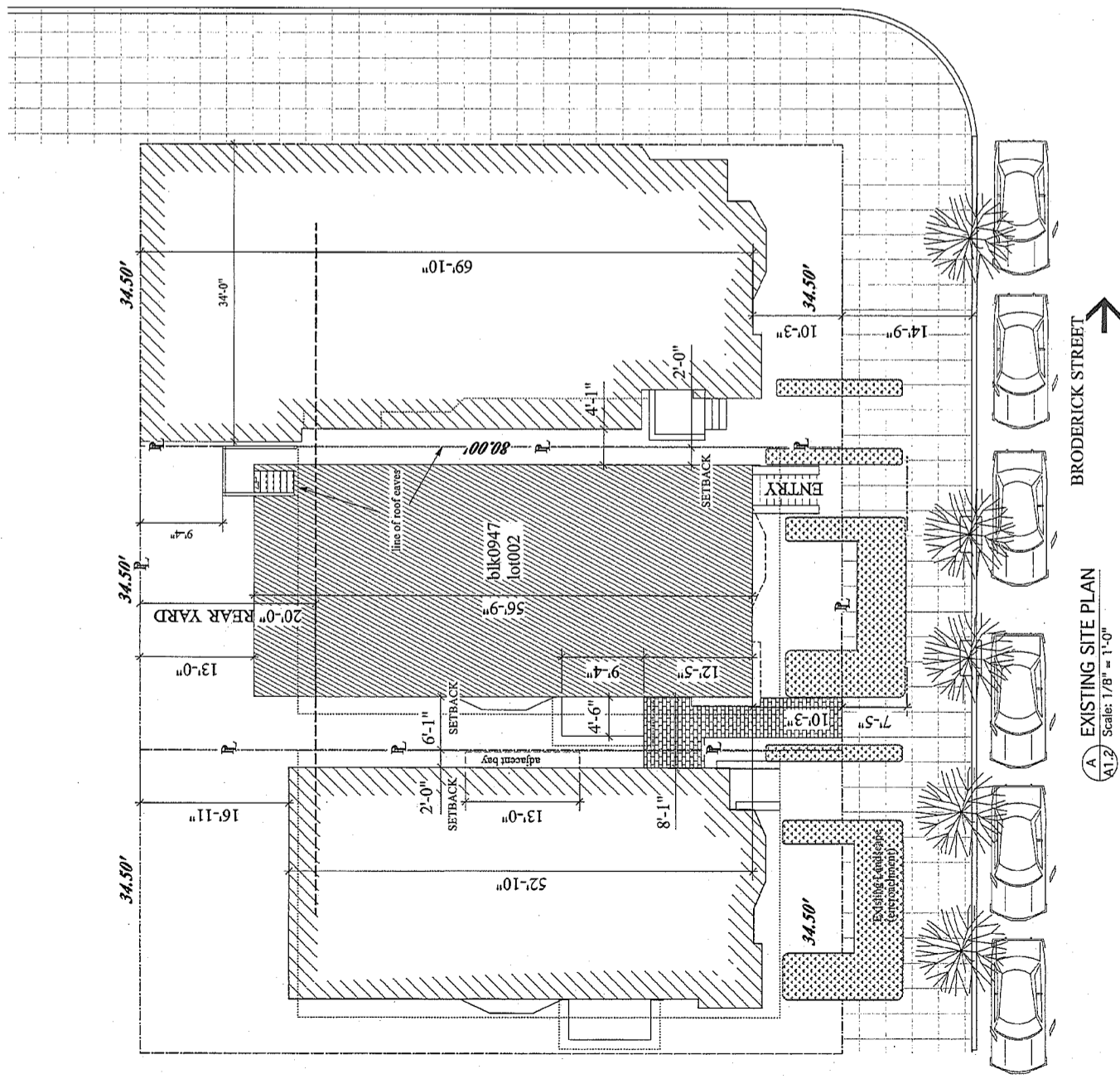
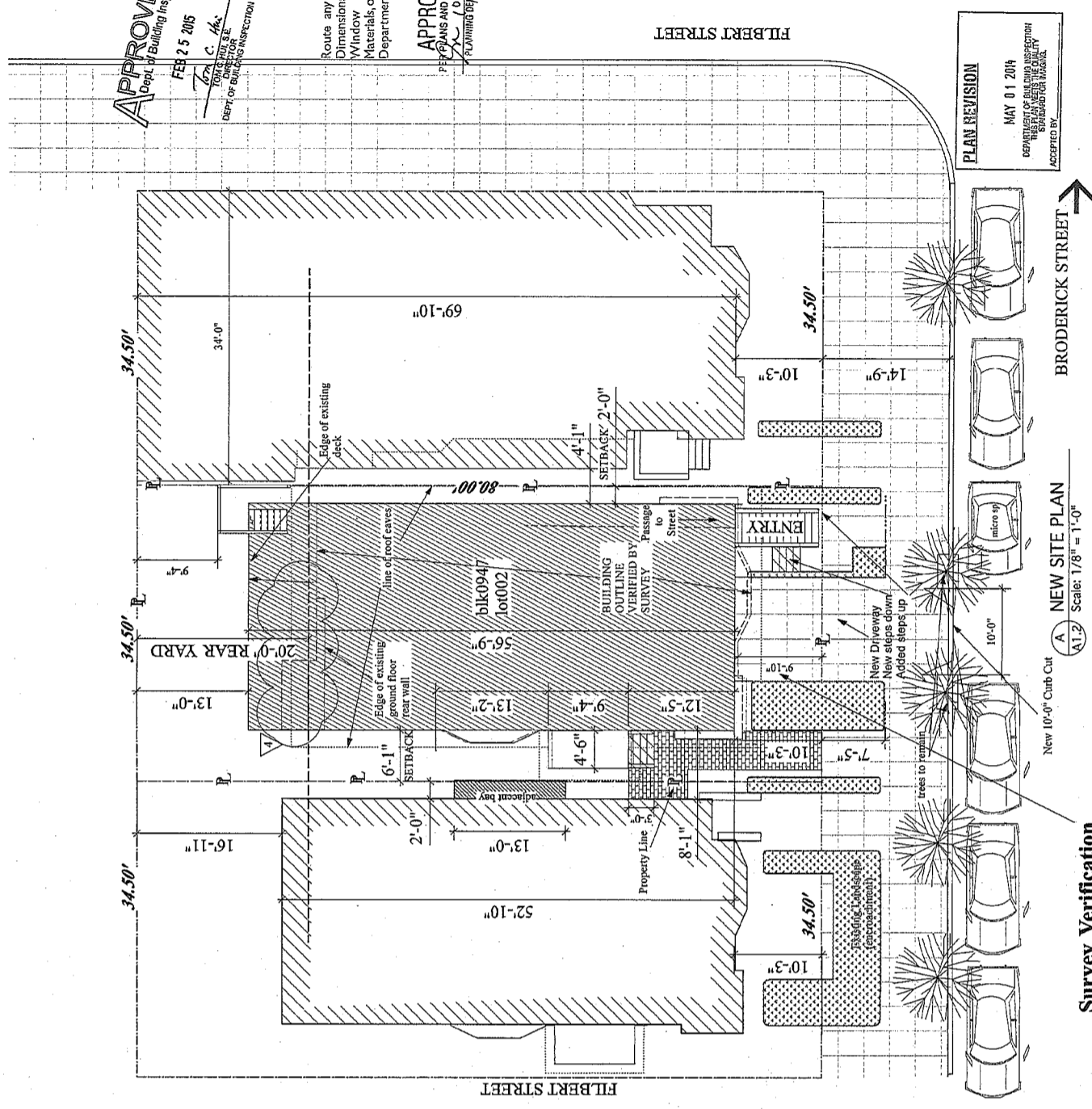
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Mykang-Walshhead
 Family Trust
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APPROVED
 PERMITS AND INSPECTION
 DIVISION
 DEPARTMENT OF BUILDING INSPECTION
 2014-01-24

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 As Approved + Updated SITE PLANS

Date: Jan 2014
 Scale: 1/8"=1'-0"
 H.O.D.:
 Drawn: SA
 Job:
 Sheet: A1.2
 of: 2



AS APPROVED Board of Appeal
 (Updated w/ Survey Data)

AS APPROVED Board of Appeals

Route any changes in Building
 Dimensions, Exterior Materials,
 Window Location, Size or
 Materials or Use of the Planning
 Department for reapproval.

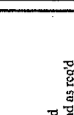
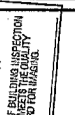
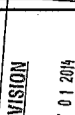
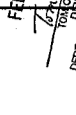
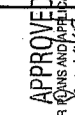
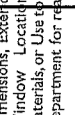
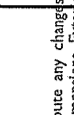
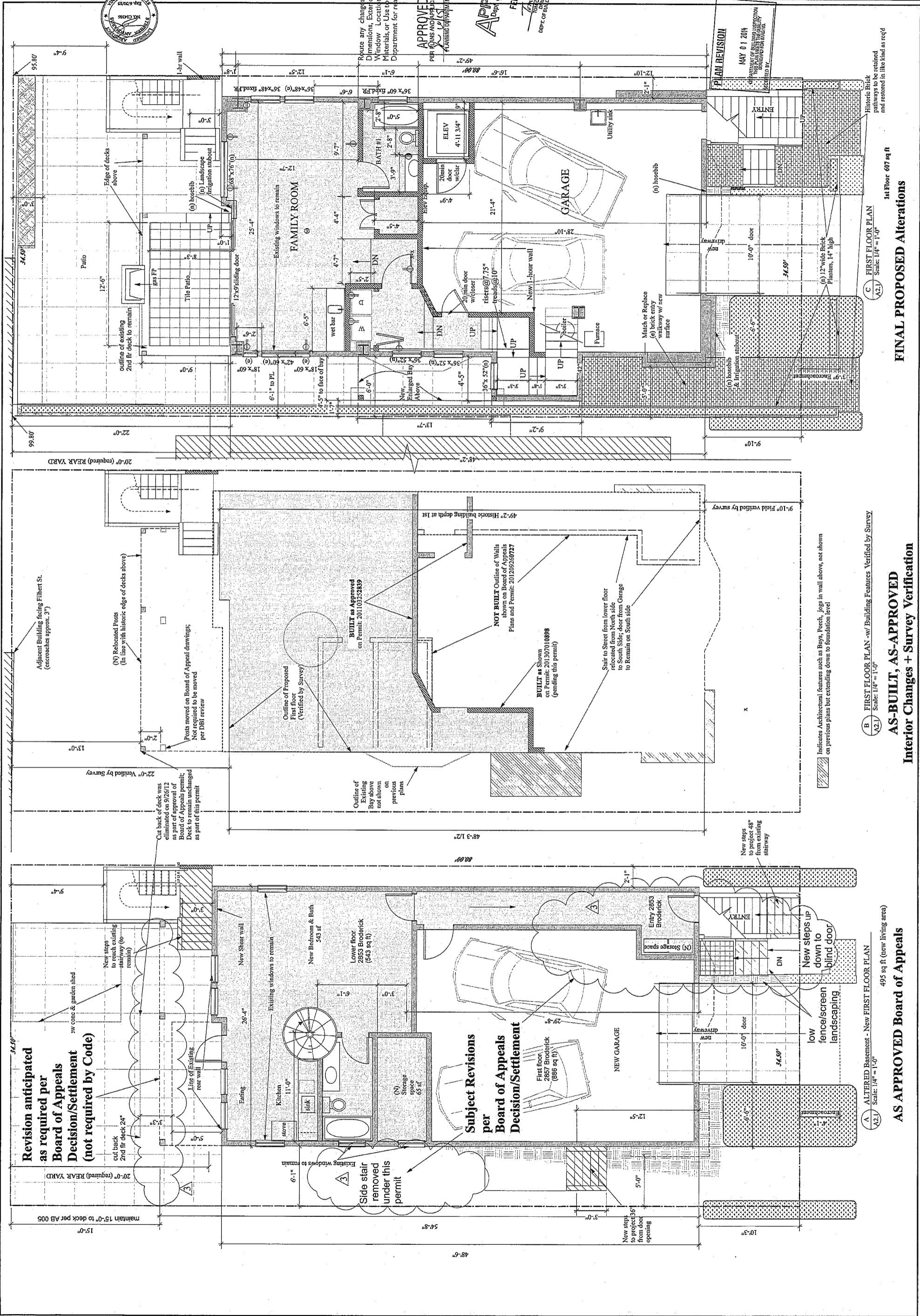
REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

STEPHEN ANTONAROS ARCHITECT
 2261 Market Street #324
 San Francisco, California 94114
 (415) 864 2261
 Fax: 883-0961
 www.antonaros.com
 santonaros@earthlink.net

Rotate any changes in Building Dimensions, Exterior Materials, Window Location, Size or Materials, or Use to the Planning Department for re-approval.

APPROVED
 PER PERMITS AND APPLICATIONS DIVISION
 PLANNING DEPARTMENT
 FEB 24 2015
 DEPT. OF BUILDING INSPECTION

ADDITIONS & ALTERATIONS & DWELLING UNIT
 2853 BRODERICK ST., SAN FRANCISCO, CA 94122
 Block 0947 Lot 002
 As Approved, ALTERED and NEW FLOOR PLANS
 Date: Jan 2014
 Scale: 1/8"=1'-0"
 Drawn: SA
 Job: SA
 Sheet: A2.1
 of 2 Sheets



Revision anticipated as required per Board of Appeals Decision/Settlement (not required by Code)

Subject Revisions per Board of Appeals Decision/Settlement

AS-BUILT, AS-APPROVED Interior Changes + Survey Verification

FINAL PROPOSED Alterations

ALTERED Basement - New FIRST FLOOR PLAN
 495 sq ft (new living area)
 Scale: 1/4" = 1'-0"

FIRST FLOOR PLAN - w/ Building Features Verified by Survey
 Scale: 1/4" = 1'-0"

FIRST FLOOR PLAN
 Scale: 1/4" = 1'-0"

FIRST FLOOR PLAN
 Scale: 1/4" = 1'-0"

FIRST FLOOR PLAN
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FIRST FLOOR PLAN
 Scale: 1/4" = 1'-0"

FIRST FLOOR PLAN
 Scale: 1/4" = 1'-0"

Adjacent Building facing Filbert St. (encroaches approx. 3')

(N) Relocated Posts (in line with historic edge of decks above)

Posts moved on Board of Appeals drawings. Not required to be moved per DBI review.

Cut back of deck was eliminated on 9/26/12 as part of approval of Board of Appeals permit. Deck to remain unchanged as part of this permit.

Outline of Proposed First Floor (Verified by Survey)

BUILT as Approved on Permit: 201103252839

NOT BUILT Outline of Walls above on Board of Appeals Plans and Permit: 201209260727

BUILT as Shown on Permit: 201307010898 (pending this permit)

Stair to Street from lower floor relocated from North side to South Side; door from Garage to Remain on South side

49'-2" Historic building depth at 1st

9'-10" Field verified by survey

Indicates Architectural features such as Boys, Poch, Jogs in wall above, not shown on previous plans but extending down to foundation level

New steps to project 48" from existing stairway

New steps to project 36" from door opening

Low fence/screen landscaping

New steps up down to blind door

Match or Replace (a) brick entry walkway w/ new surface

(n) hosebib

(n) 12" wide Brick Planters, 14" high

Historic Brick pathways to be retained and restored in like kind as req'd

PLAN REVISION
 MAY 01 2014
 DEPARTMENT OF BUILDING INSPECTION
 CITY AND COUNTY OF SAN FRANCISCO
 RECEIVED BY:

1st Floor 607 sq ft

AS APPROVED Board of Appeals

AS APPROVED Board of Appeals

AS APPROVED Board of Appeals

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

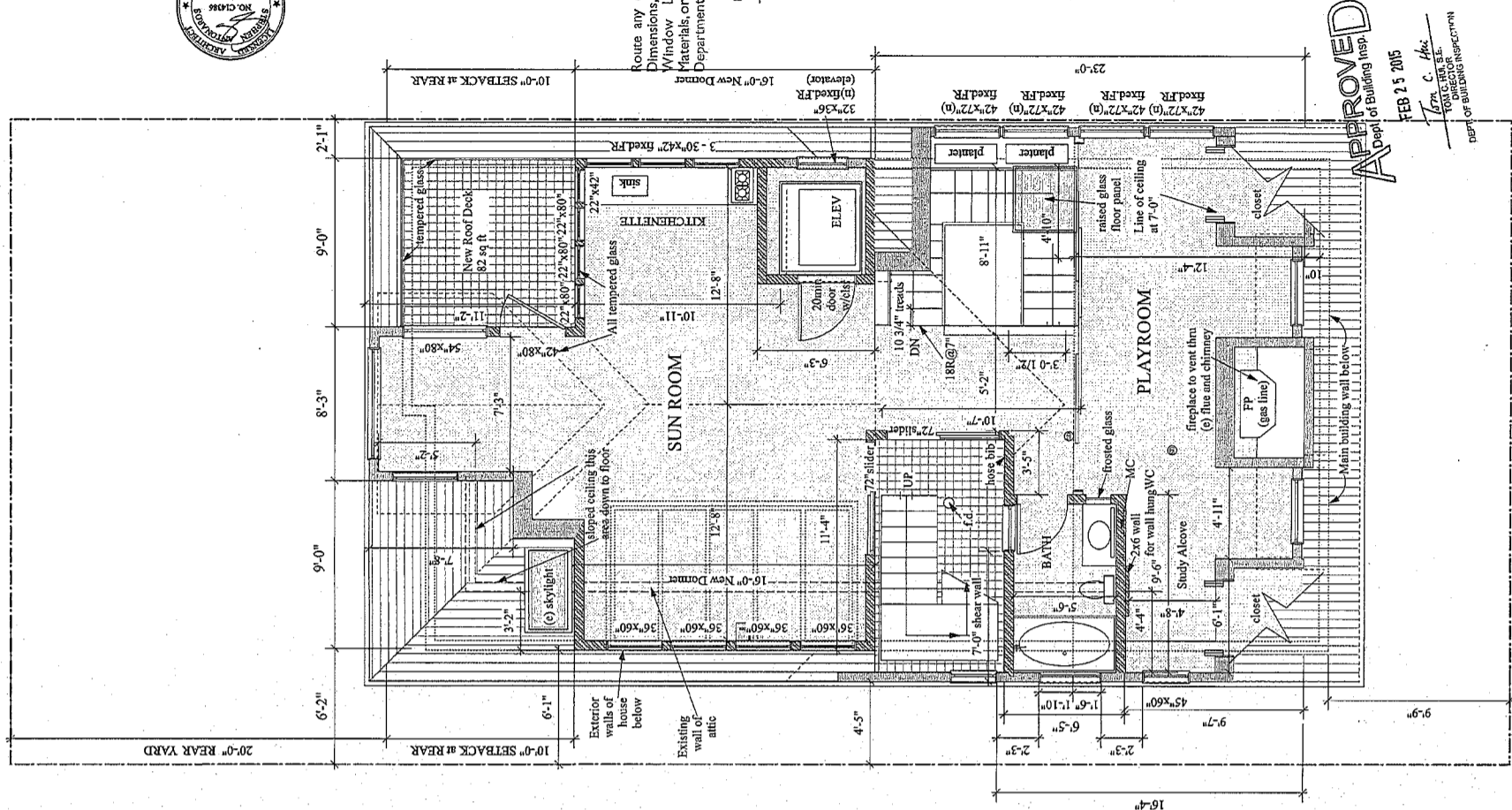
STEPHEN ANTONAROS ARCHITECT
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 San Francisco, California 94114
 (415) 864 2261
 fax 883-0961
 www.antonaros.com santonaros@sgbgh.com



Route any changes in Building, Dimensions, Exterior Material, Window Location, Size of Materials, or Use to the Planning Department for approval.
 APPROVED
 PER: [Signature] DATE: 2/10/14
 PLANNING DEPARTMENT

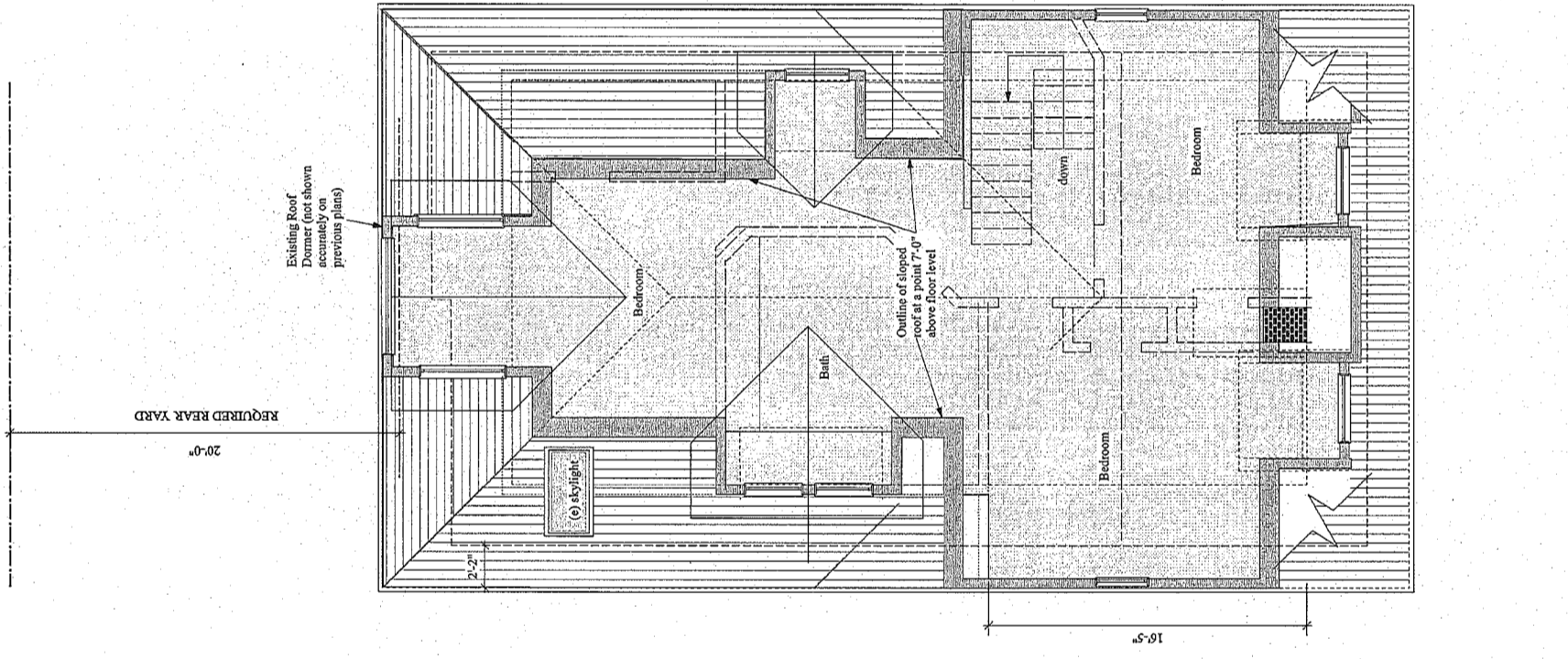
ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 As Approved, ALTERED and NEW 4th FLOOR PLANS

Date	Jan 2014
Scale	1/8"=1'-0" A.S.D.
Drawn	SA
Job	
Sheet	A3.1
Of	Sheets

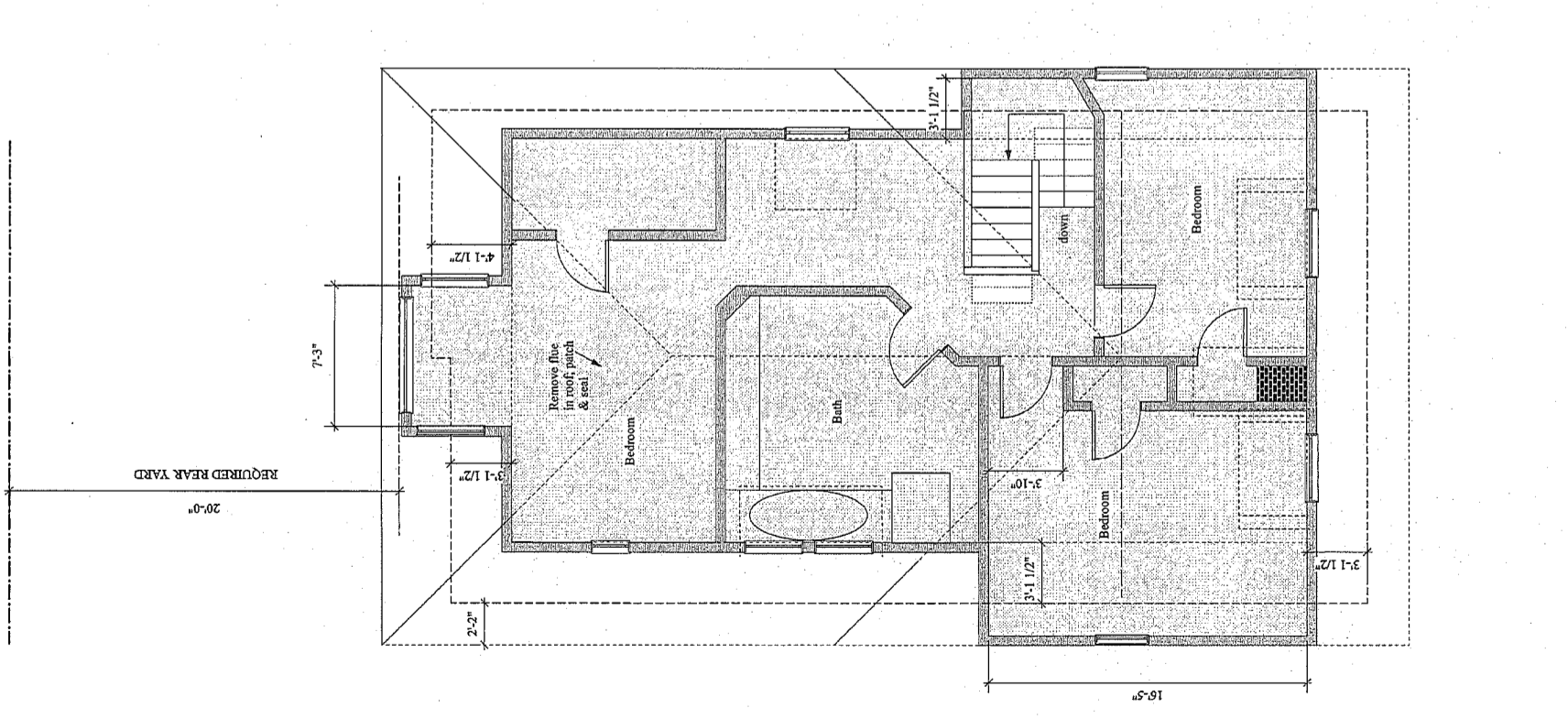


REVISION
 MAY 01 2014
 DEPARTMENT OF BUILDING INSPECTION
 RE: 2853 BRODERICK ST. UNIT 401
 ACCEPTED BY: [Signature]

C NEW FOURTH FLOOR PLAN
 A3.1 Scale: 1/4" = 1'-0"
 New 4th Floor 997 sq ft



B FOURTH FLOOR PLAN-Roof Section shown cut at 7'-0" High ceiling point
 A3.1 Scale: 1/4" = 1'-0"
 2857 Broderick
 929 sq ft



A EXISTING THIRD FLR PLAN
 A3.1 Scale: 1/4" = 1'-0"
 2857 Broderick
 1096 sq ft

FINAL PROPOSED Alterations

AS-BUILT, AS-APPROVED
 Interior Changes + Survey Verification

AS APPROVED Board of Appeals

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

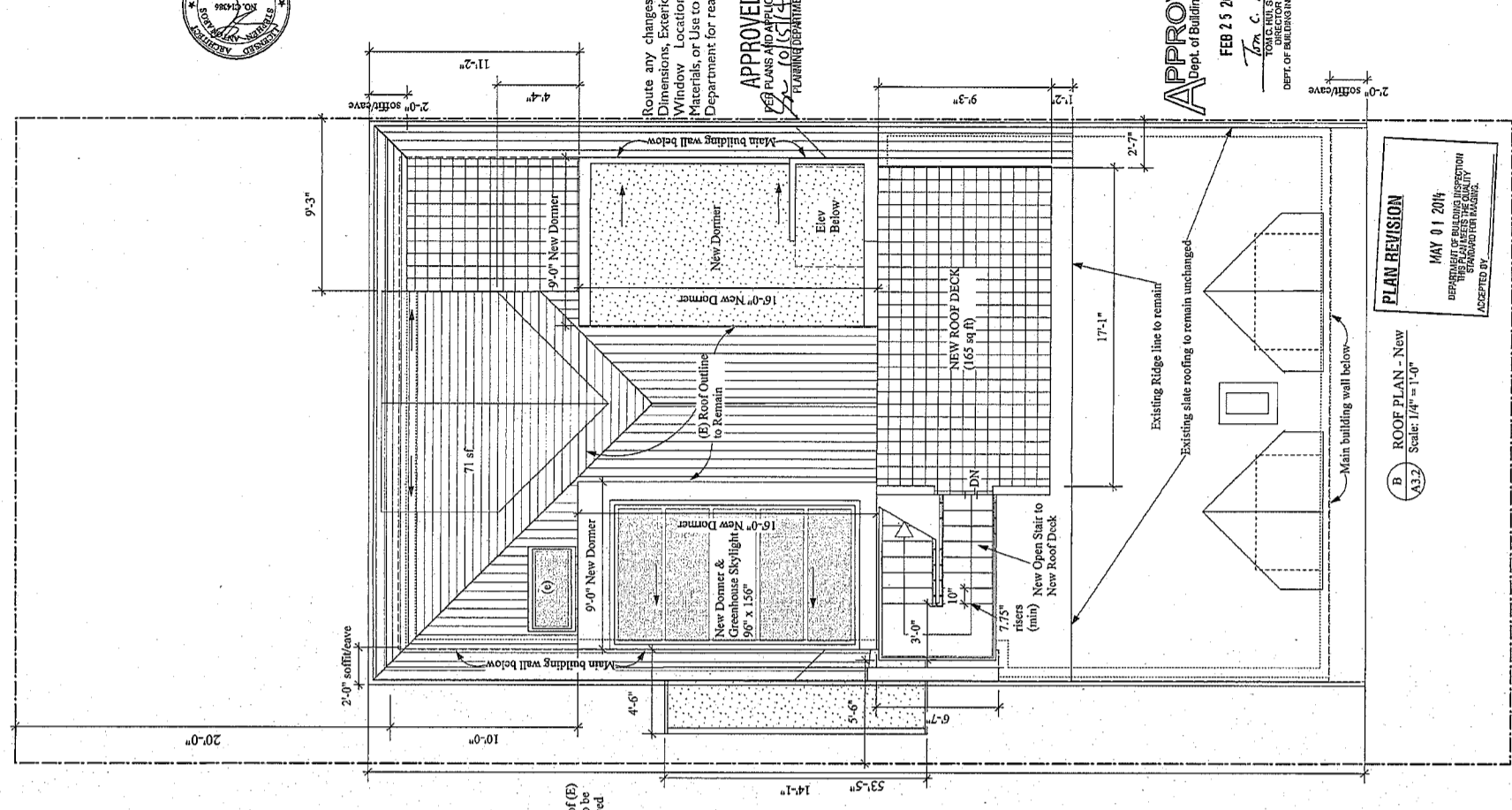
STEPHEN ANTONAROS ARCHITECT
 2261 Market Street #324
 San Francisco, California 94114
 (415) 864 2261
 Fax 883-0961
 www.antonaros.com santonaros@sggy.com

for
 Mykamp-Whithead
 Family Trust
 (415) 250-4057
 Route any changes in Building
 Dimensions, Exterior Materials,
 Window Location, Size or
 Materials, or Use to the Planning
 Department for reapproval.

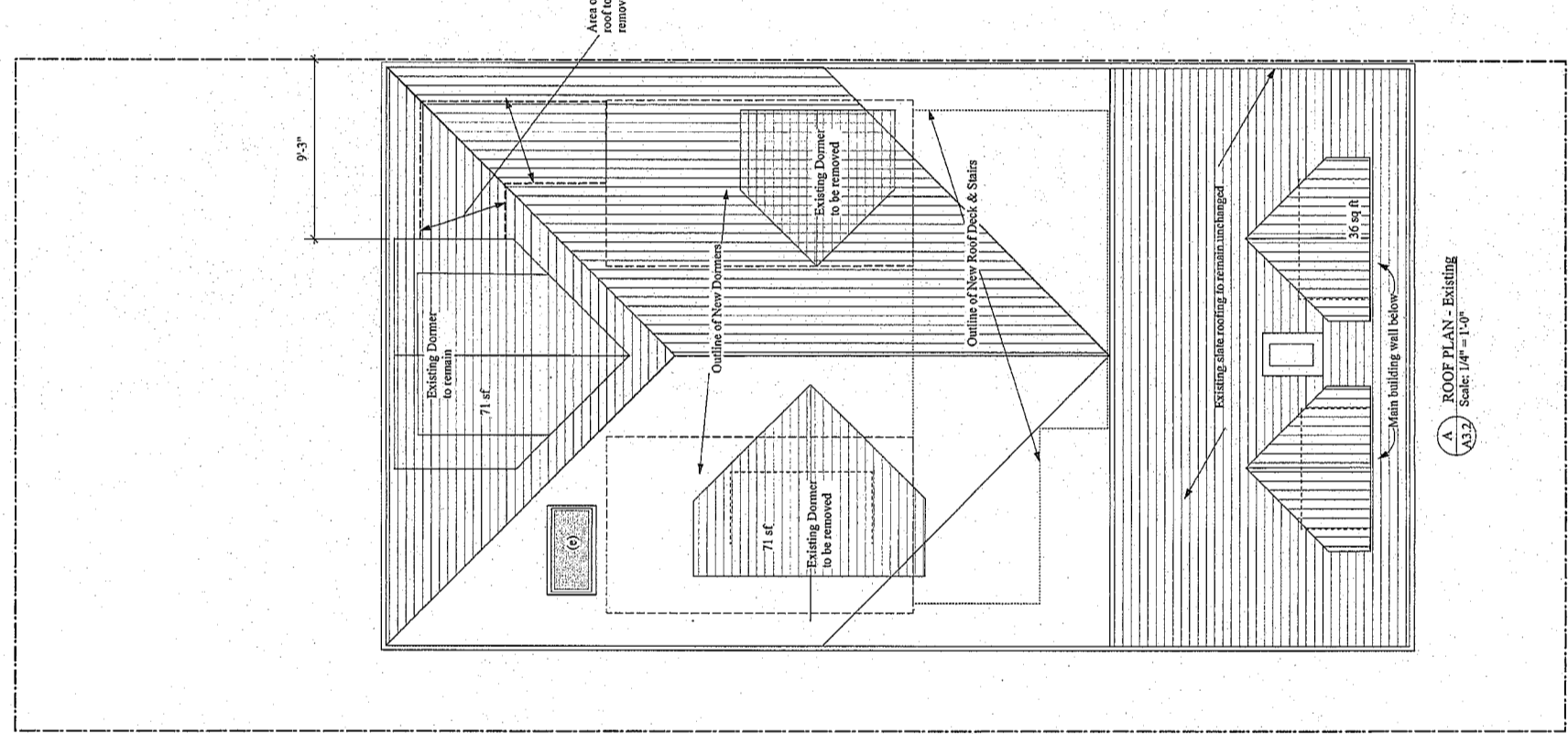
APPROVED
 FEB 25 2015
 PLANS AND APPLICATION
 PLANNING DEPARTMENT

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 EXISTING and NEW ROOF PLANS

Date	Jan 2014
Scale	1/8"=1'-0"
Drawn	SA
Job	
Sheet	
of	A3.2



A ROOF PLAN - Existing
 Scale: 1/4" = 1'-0"



B ROOF PLAN - New
 Scale: 1/4" = 1'-0"

PLAN REVISION
 MAY 01 2014
 DEPARTMENT OF BUILDING INSPECTION
 THIS PLAN HAS BEEN REVIEWED AND APPROVED FOR RECORDING.

1st Floor	607 sq ft	← (net reduction from previously approved under 20110252839)
2nd Floor	1485 sq ft	First floor under this permit reduced from 726 sq ft to 607; 119 sq ft less
3rd Floor	1467 sq ft	
4th Floor	997 sq ft	Fourth floor under this permit increased from 929 sq ft to 997; 68 sq ft more
TOTAL	4526 sq ft	Total net 51 sq ft less than previously approved for all floors combined

EXISTING ROOF PLAN

FINAL PROPOSED Alterations to ROOF



REVISIONS	BY
Jan 25, 2012	
Mar 15, 2012	
Aug 13, 2012	
Mar 20, 2013	
Aug 28, 2013	
Nov 21, 2013	

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santonaros@stephantonaros.com

For Plan Whittaker
 (415) 250-4057
 PERMITS AND APPROVALS
 PLANNING DEPARTMENT

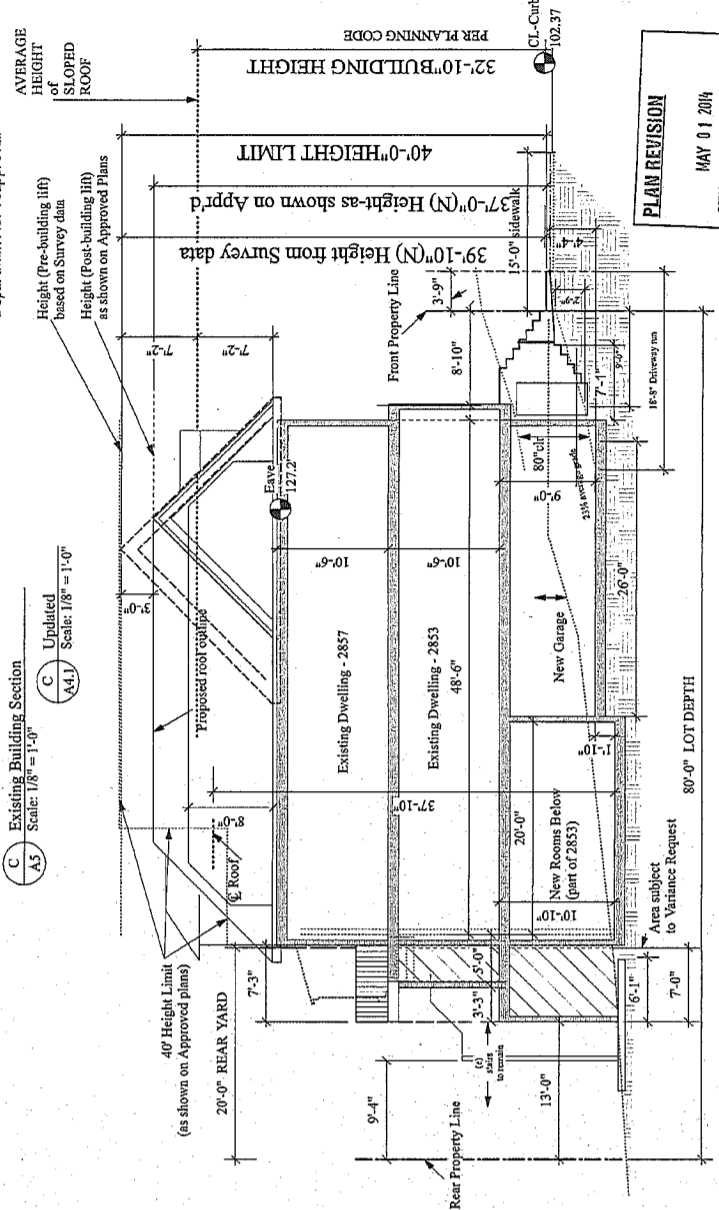
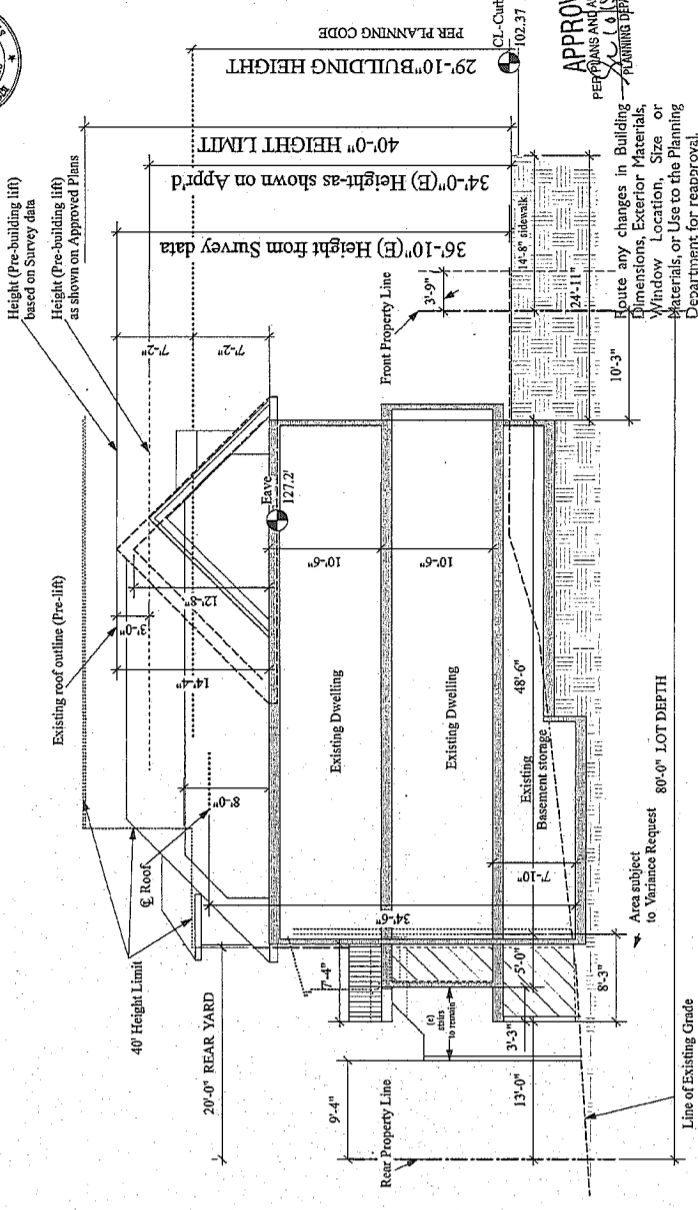
As Approved Elevations + Survey Data
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002

UPDATE ELEVATIONS WITH SURVEY DATA
 Date August 10
 Scale 1/8"=1'-0"
 H.O.D.
 Drawn SA
 Job
 Sheet
A4.1
 Of
 Sheets

APPROVED
 DEPT. OF BUILDING INSPECTION
 MAY 01 2014
 DEPARTMENT OF BUILDING INSPECTION
 CITY AND COUNTY OF SAN FRANCISCO
 ACCEPTED BY
 FEB 23 2015
 DIRECTOR
 DEPT. OF BUILDING INSPECTION

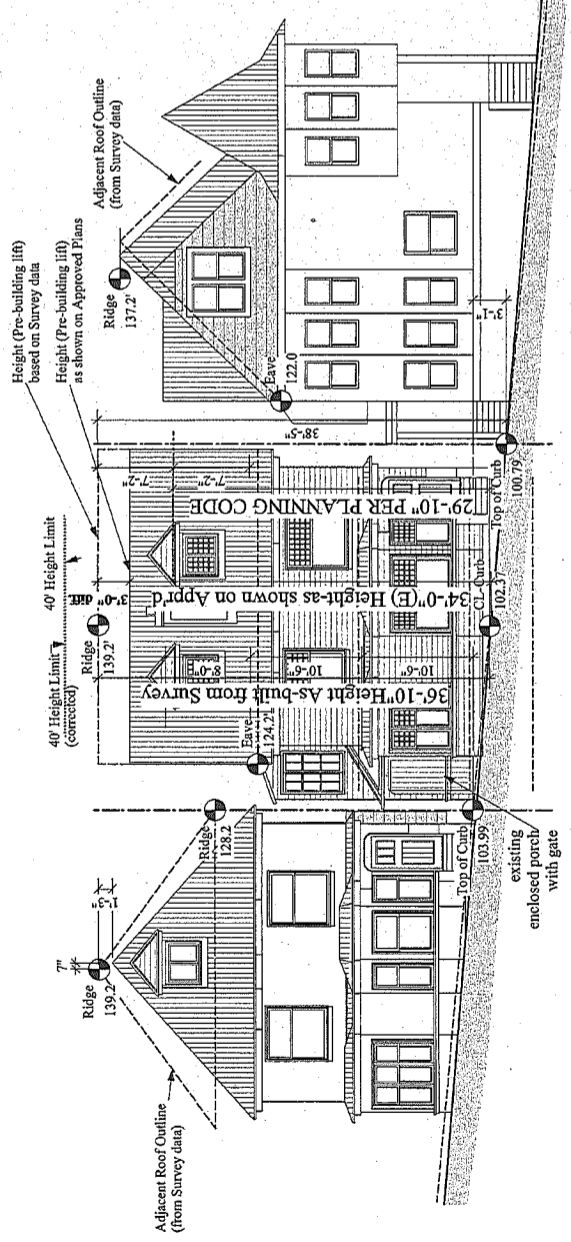
Update Elevations per Survey data

EXHIBIT 'A'
August 22, 2012
 (updated w/ new Survey Data)



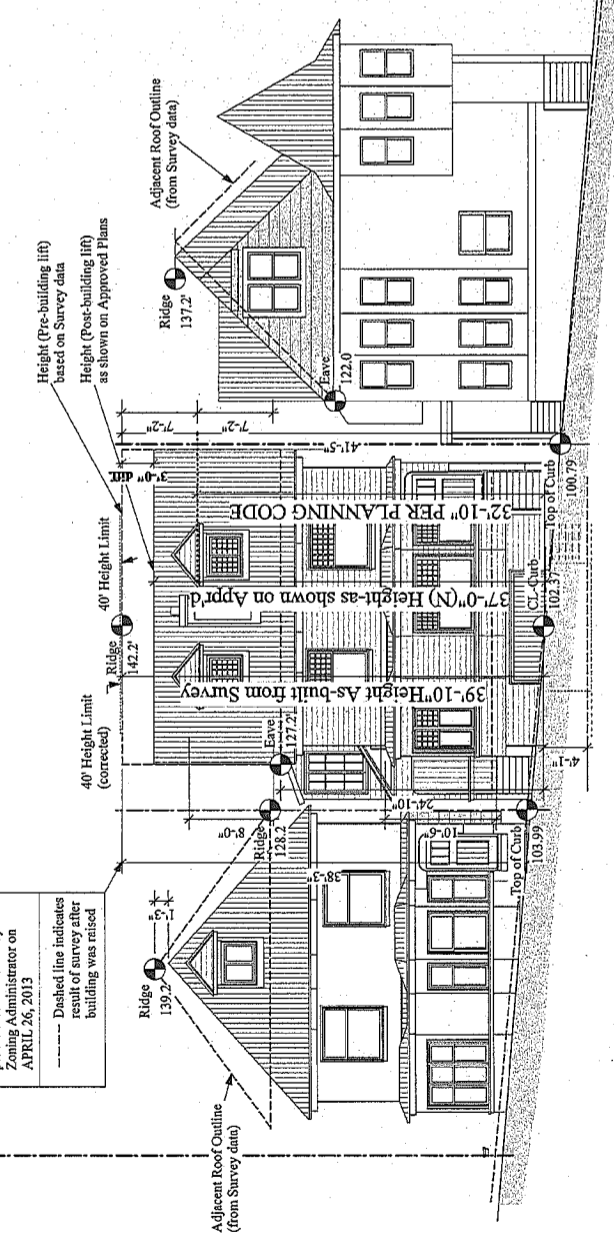
PLAN REVISION
 MAY 01 2014
 DEPARTMENT OF BUILDING INSPECTION
 CITY AND COUNTY OF SAN FRANCISCO
 ACCEPTED BY
 FEB 23 2015
 DIRECTOR
 DEPT. OF BUILDING INSPECTION

Survey Verification
 corrects **APPROVED** dwgs
 of **BUILDING HEIGHT**
 at **FRONT**



EXISTING ELEVATION - 2853 & 2857 BRODERICK
 A5 Updated Scale: 1/8" = 1'-0"
 A4.1 Updated Scale: 1/8" = 1'-0"

NOTE: Building raised 36" per field confirmation by Zoning Administrator on APRIL 26, 2013
 Dashed line indicates top of survey after building was raised



NEW ELEVATION - 2853 & 2857 BRODERICK (raised 36")
 B5 Updated Scale: 1/8" = 1'-0"
 A4.1 Updated Scale: 1/8" = 1'-0"

SURVEY DATA from field survey conducted on November 01, 2013

REVISIONS	BY
Jan 23, 2012	
Mar 15, 2012	
Aug 13, 2012	
Mar 20, 2013	
Aug 28, 2013	
Nov 21, 2013	

Update Elevations per Survey data

EXHIBIT 'A'
August 22, 2012
 (updated w/ new Survey Data)

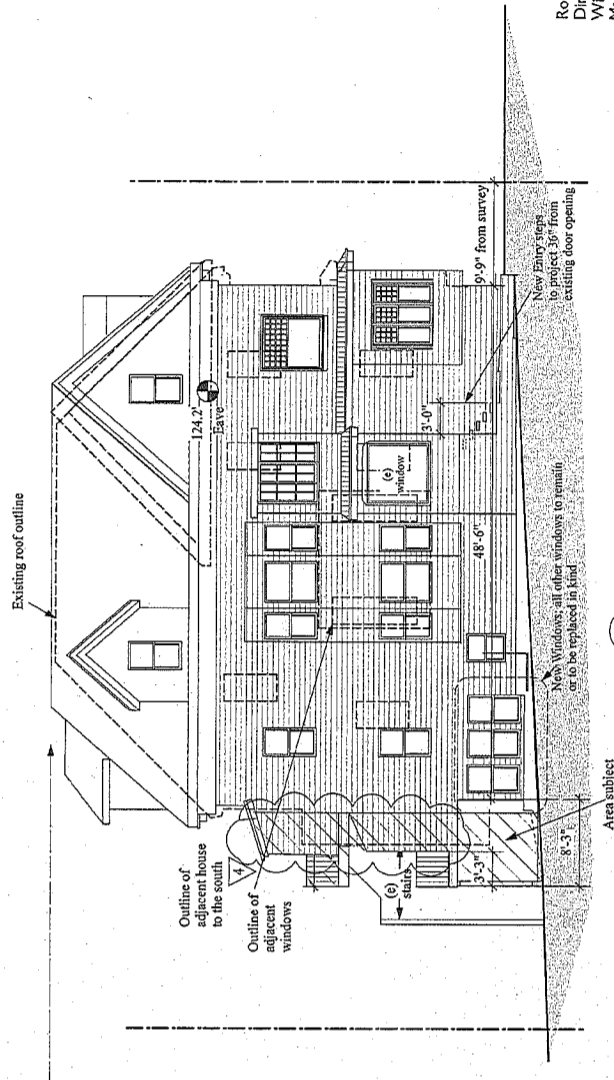


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 ARCHITECT
 2261 Market Street #324
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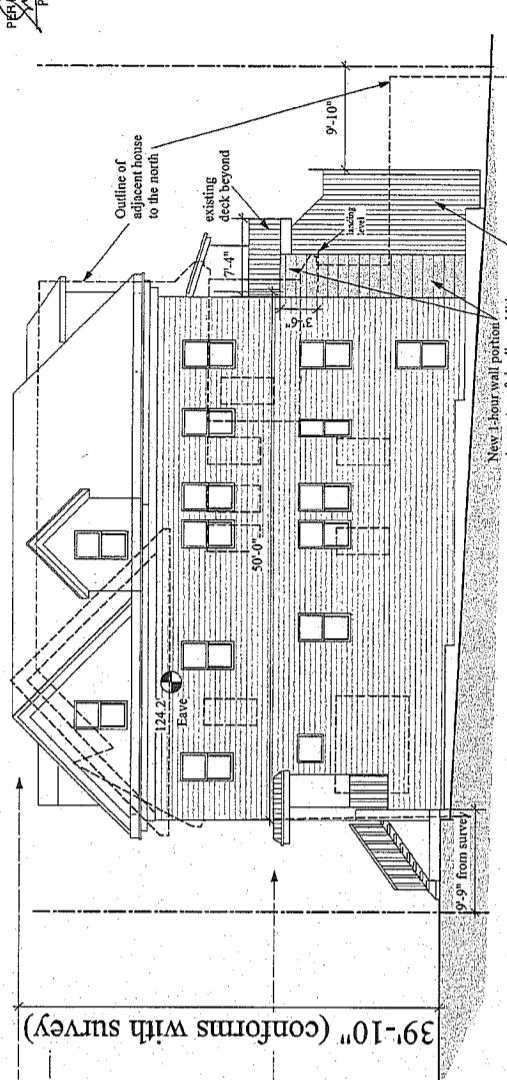
(for Pam Whitehead
 (415) 250-4057

UPDATE ELEVATIONS WITH SURVEY DATA
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 As Approved Elevations + Survey Data

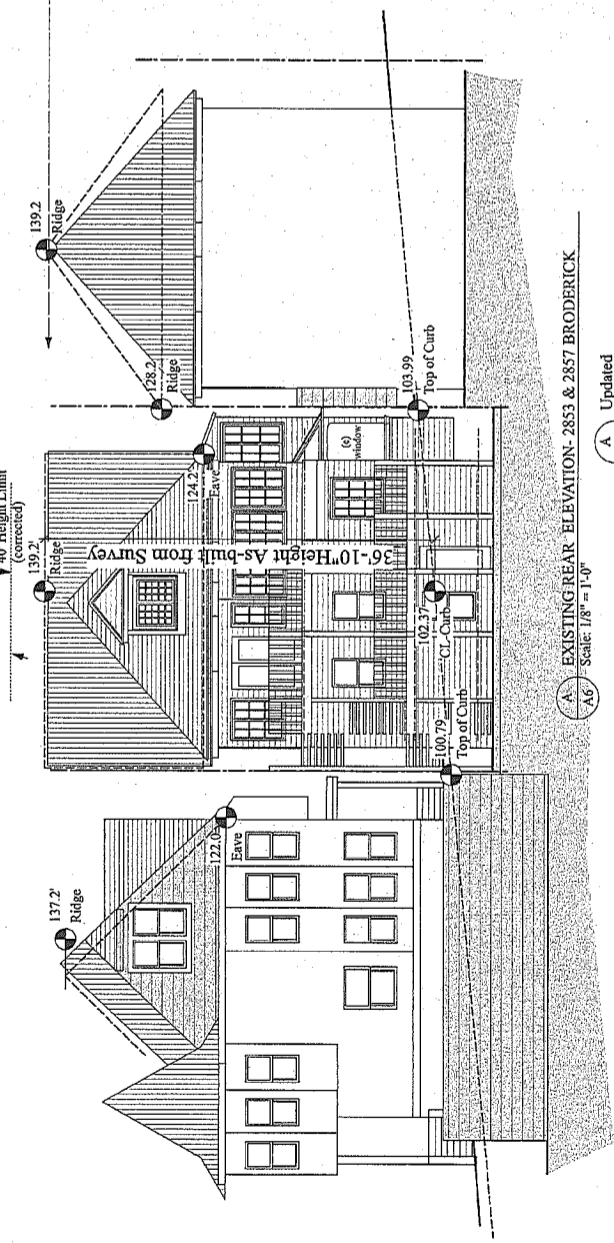
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Date	August '10
Drawn	SA
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Sheet	A4.2
Of	Sheets



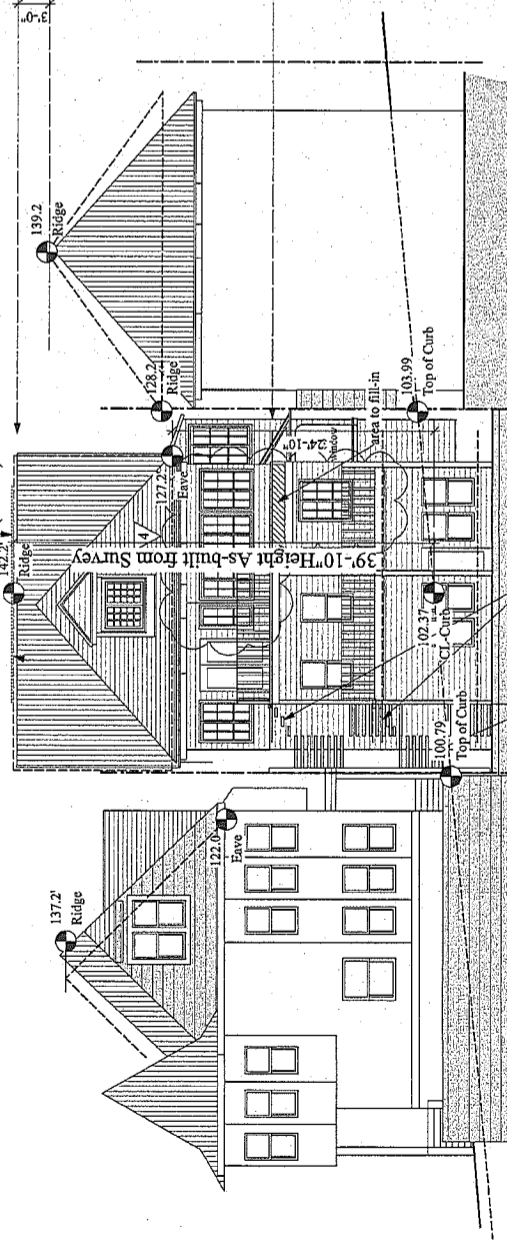
A EXISTING REAR ELEVATION- 2853 & 2857 BRODERICK
 A6 Updated Scale: 1/8" = 1'-0"



B NEW REAR ELEVATION- 2853 & 2857 BRODERICK (raised 36")
 A6 Updated Scale: 1/8" = 1'-0"



C NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (raised 36")
 A6 Updated Scale: 1/8" = 1'-0"



D NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (raised 36")
 A6 Updated Scale: 1/8" = 1'-0"

Route any changes in Building Dimensions, Exterior Materials, Window Location, Size or Materials or Use to the Planning Department for reapproval.



PLAN REVISION
 MAY 01 2014
 DEPARTMENT OF BUILDING INSPECTION
 STANDARD BUILDING PERMITS DIVISION
 ACCEPTED BY
 Tom C. H...
 DIRECTOR



Survey Verification
conforms to APPROVED dwgs
of BUILDING HEIGHT
at REAR and SIDES

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

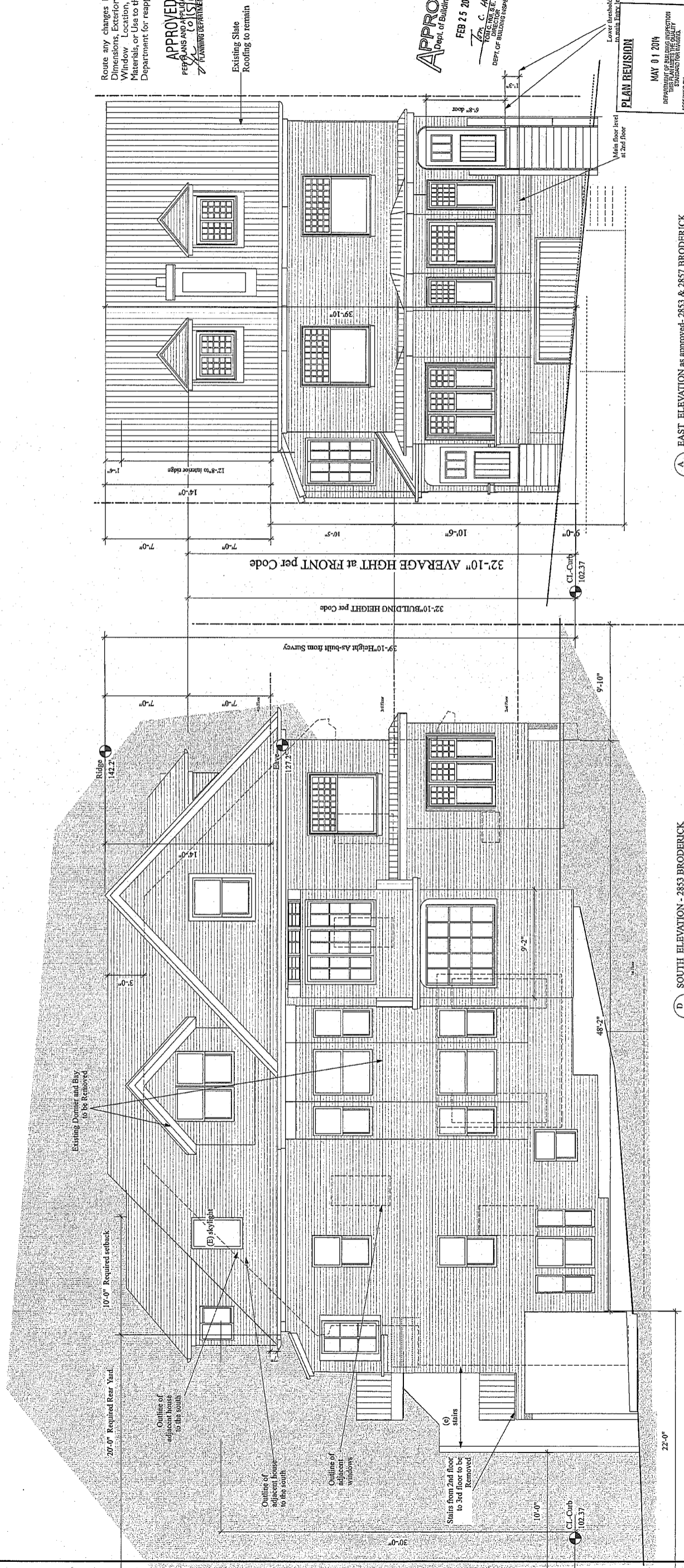


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 Fax 883-0961
 www.antonaros.com santonaros@globalnet

Mykamp-Whitehead Family Trust
 (415) 250-4057

ADDITIONS & ALTERATIONS TO DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 EXISTING FRONT and SIDE ELEVATIONS

Date Jan 2014
 Scale 1/8"=1'-0"
 Drawn SA
 Job
 Sheet A4.3
 of 3



Route any changes in Building Dimensions, Exterior Materials, Window Location, Size or Materials, or Use to the Planning Department for reapproval.

APPROVED
 PERMITS AND APPLICATIONS
 COUNTY OF SAN FRANCISCO
 PLANNING DEPARTMENT

APPROVED
 Dept. of Building Inspection
 FEB 25 2015
 TONY C. HALL
 COUNTY DIRECTOR
 DEPT. OF BUILDING INSPECTION

PLAN REVISION
 MAY 01 2014
 DEPARTMENT OF BUILDING INSPECTION
 COUNTY OF SAN FRANCISCO
 ACCEPTED BY:

A EAST ELEVATION as approved - 2853 & 2857 BRODERICK
 A4.3 Scale: 1/4" = 1'-0"

EXISTING ELEVATIONS
 AS APPROVED
 (Updated w/ Survey Data)

D SOUTH ELEVATION - 2853 BRODERICK
 A4.3 Scale: 1/4" = 1'-0"

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	
July 23, 2014	
1/23/15	

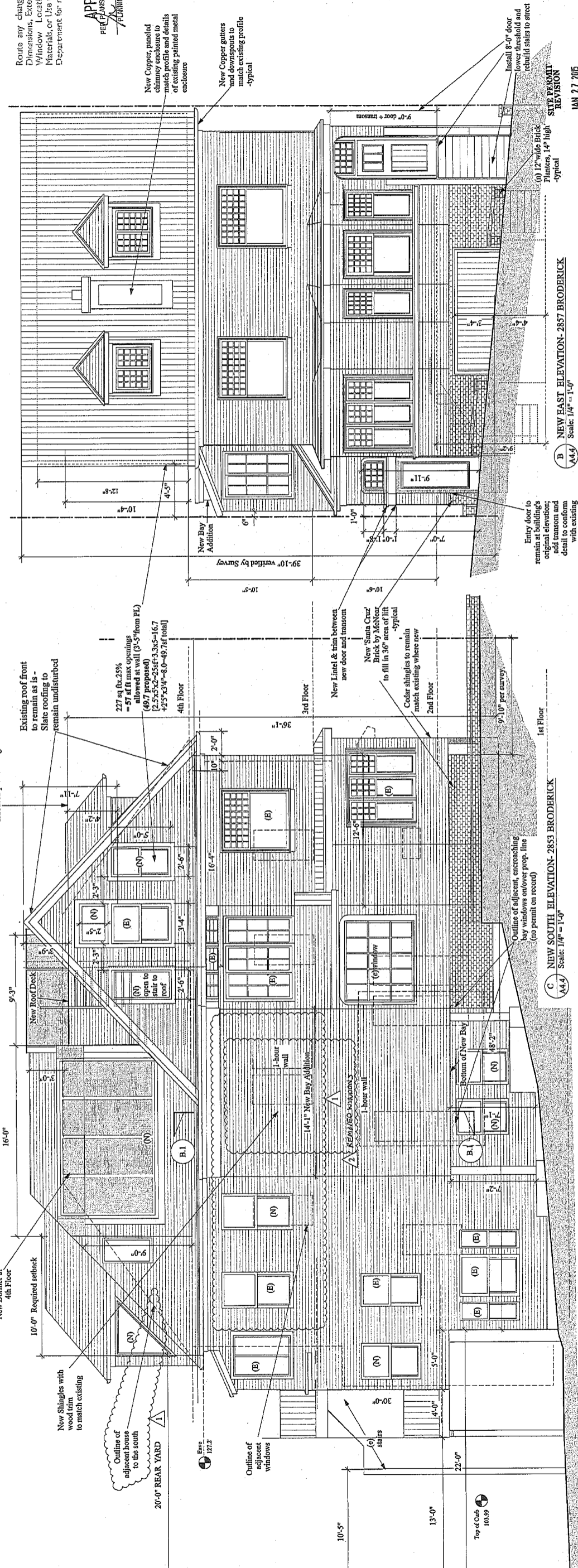
STEPHEN ANTONAROS ARCHITECT
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 San Francisco, California 94114
 (415) 864 2261
 Fax 883-0961
 www.antonaros.com
 santonaros@stephenantonaros.com



APPROVED
 PERMITS AND REVISIONS
 2/17/15
 PLANNING DEPARTMENT

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 NEW FRONT and SIDE ELEVATIONS

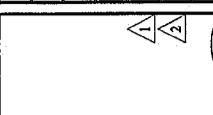
Date	Jan 2014
Scale	1/8" = 1'-0" B.L.O.B.
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Job	
Sheet	A4.4
of	9



APPROVED
 Dept. of Building Insp.
 FEB 23 2015
 62m C. Iker
 100 CALIF. REG. S.E.
 DEPT. OF BUILDING INSPECTION

JAN 27 2015
 REVISIONS PERMITTED BY PERMIT
 CONSTRUCTION PLANS MAY BE CHANGED UNTIL
 CONSTRUCTION PLANS HAVE BEEN APPROVED.

PROPOSED ALTERATIONS



Route any changes in Building Dimensions, Exterior Materials, Window Locations, Size or Materials, or Use to the Planning Department for approval.

New Copper gutters and downspouts to match existing profile -typical
 New Copper gutters and downspouts to match existing profile -typical
 New Copper gutters and downspouts to match existing profile -typical
 New Copper gutters and downspouts to match existing profile -typical

Install 8'-0" door lower threshold and rebuild stairs to street
 (N) 12" wide Brick Planters, 14" high -typical
 SITE PERMIT REVISION

Entry door to remain at building's original elevation; add transom and detail to conform with existing Architectural Style

NEW EAST ELEVATION- 2853 BRODERICK
 Scale: 1/4" = 1'-0"

NEW SOUTH ELEVATION- 2853 BRODERICK
 Scale: 1/4" = 1'-0"

Existing roof front to remain as is - Slate roofing to remain undisturbed
 227 sq. ft. 25% allowed at wall (3'-5" from PL) (49.7 proposed) (2.5' x 5' x 2.5' x 3.385' = 16.7 + 2.5' x 3.4' = 8.5 - 49.7 sq. ft. total)

New Lines & trim between new door and transom
 New Santa Cruz Brick by McNair to fill in 36" area of lift -typical
 Cedar shingles to remain match existing where new

Outline of adjacent, encroaching bay windows on/over prop. line (no permit on record)

Outline of adjacent windows

Outline of adjacent house to the south

20'-0" REAR YARD

Actual Building Height per Planning Code

New Roof Deck
 New Shingles with wood trim to match existing

New 14'-1" New Bay Addition
 1-hour wall

Bottom of New Bay
 48'-2"

30'-0" stairs
 4'-0"

Top of Cube 103.9'

New Danner at 4th Floor

10'-0" Required setback

16'-4"

12'-6"

9'-3"

16'-0"

9'-3"

10'-0"

16'-4"

12'-6"

9'-3"

16'-0"

10'-5"

13'-0"

22'-0"

10'-5"

13'-0"

22'-0"

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

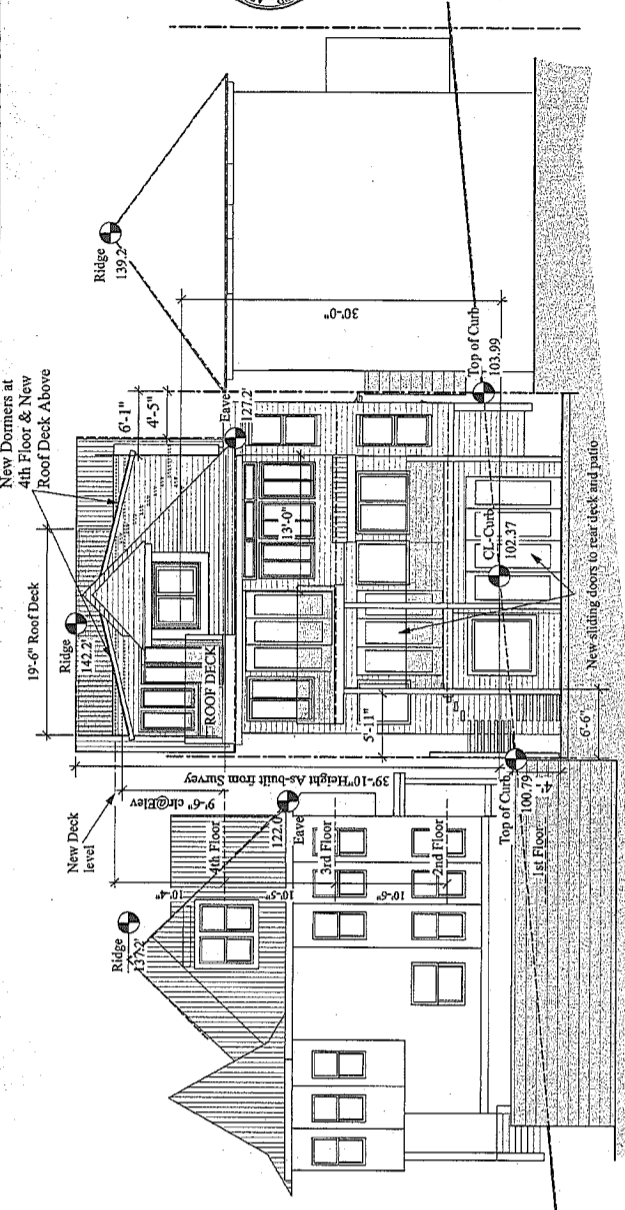
2261 Market Street #324
 San Francisco, California 94114
 (415) 864 2261
 Fax 883-0961
 www.stphentonnaros.com
 stphentonnaros@stphentonnaros.com



Route any changes in Building Dimension, Exterior Materials, Window Location, Size or Materials, or Use to the Planning Department for reapproval.
 Department for reapproval.

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 EXISTING + NEW REAR AND SIDE ELEVATIONS

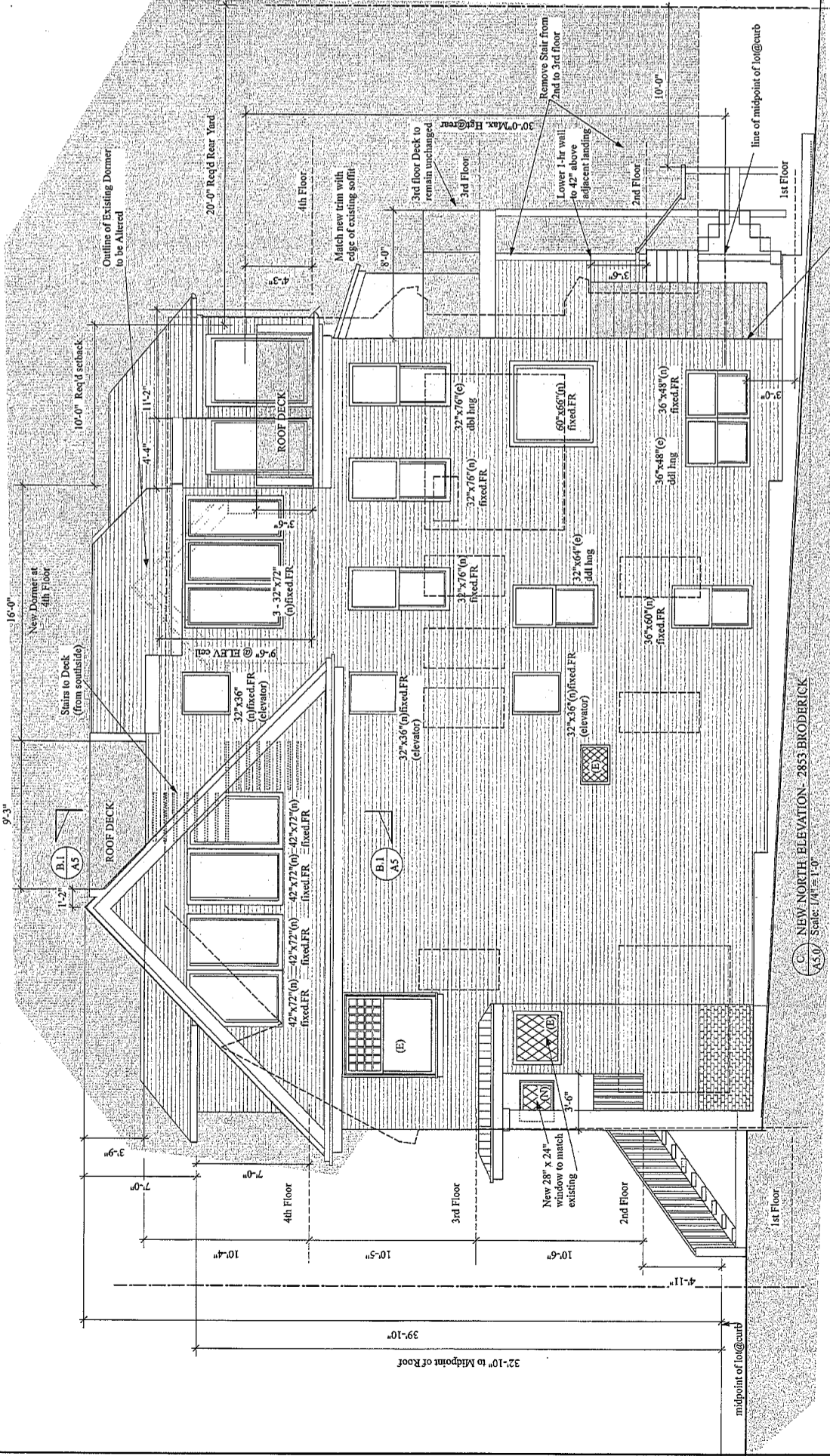
Date	Jan 2014
Scale	1/8" = 1'-0"
Drawn	SA
Job	
Sheet	A5.0



UPDATED REAR ELEVATIONS
 Existing + Proposed

A EXISTING WEST ELEVATION
 Scale: 1/8" = 1'-0"

B NEW WEST ELEVATION - 2853 BRODERICK
 Scale: 1/8" = 1'-0"



C NEW NORTH ELEVATION - 2853 BRODERICK
 Scale: 1/4" = 1'-0"

Route any changes in Building Dimension, Exterior Materials, Window Location, Size or Materials, or Use to the Planning Department for reapproval.



APPROVED
 Dept. of Building Insp.
 FEB 23 2015
 TONY C. HAN
 DEPT. OF BUILDING INSPECTION

APPROVED
 PER PLANS AND SPECIFICATIONS
 PLANNING DEPARTMENT
 MAY 01 2014
 DEPARTMENT OF BUILDING INSPECTION
 THE SAN FRANCISCO PUBLIC UTILITIES COMMISSION

PROPOSED ALTERATIONS

(n) 1-hour wall (per previous apprv)

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	
1/23/15	

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 Fax 883-9961

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Nykmpr-Whithead
 Family Trust
 (415) 250-4057

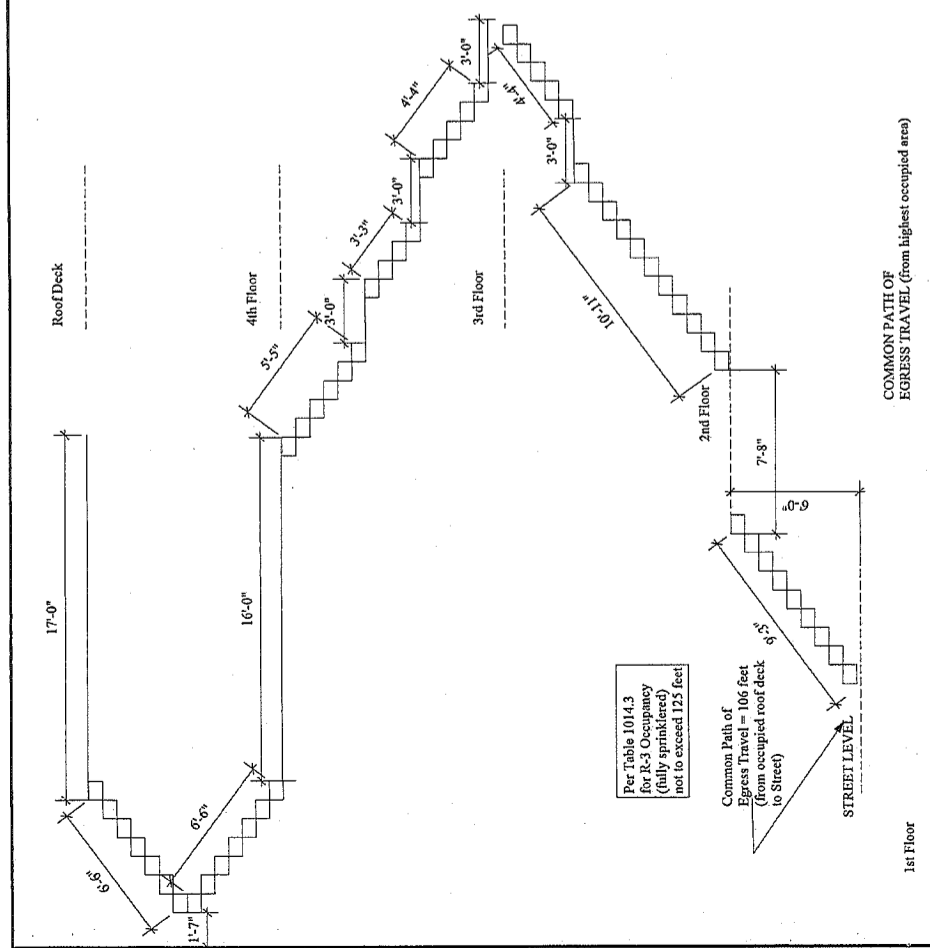
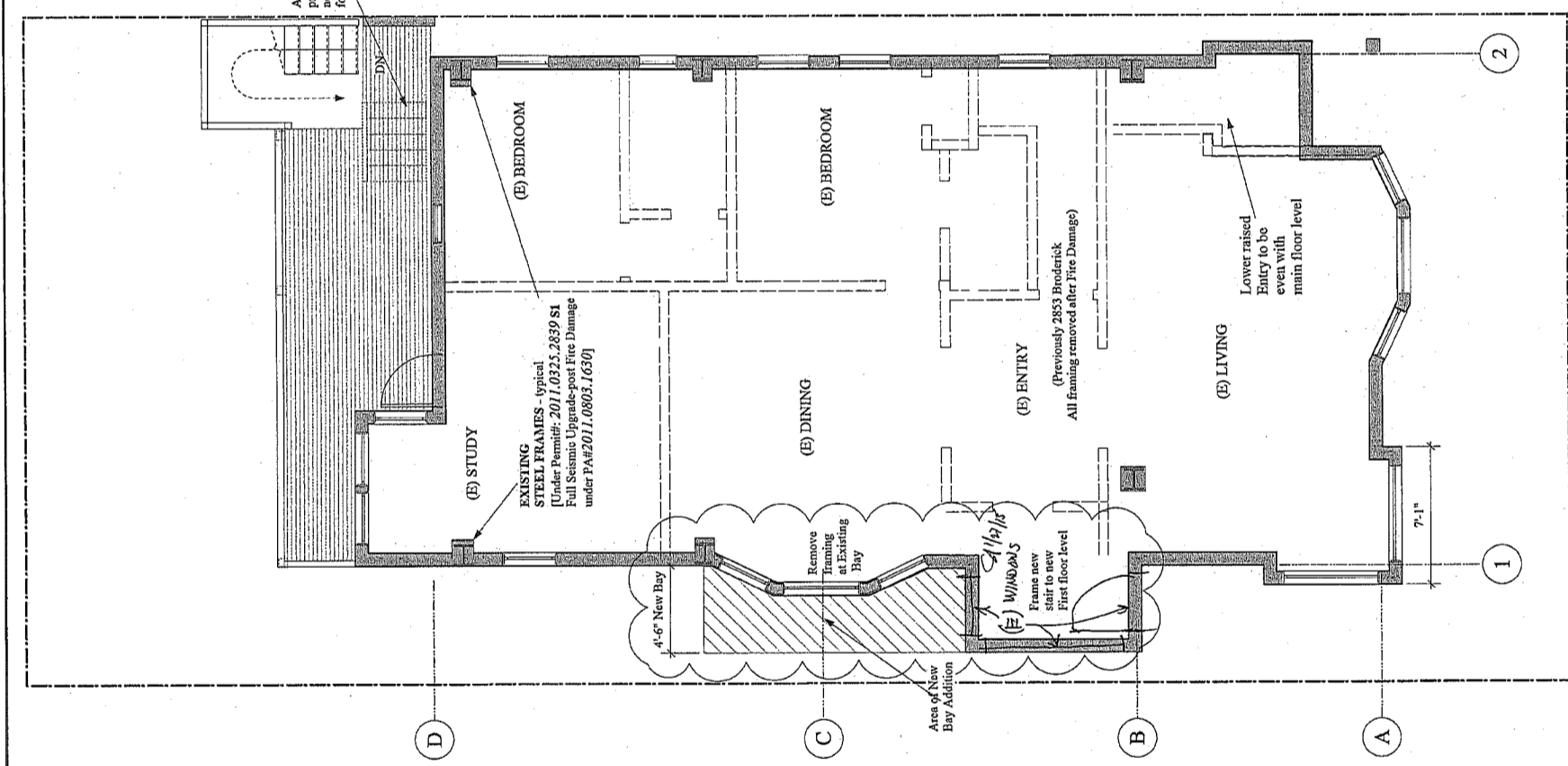
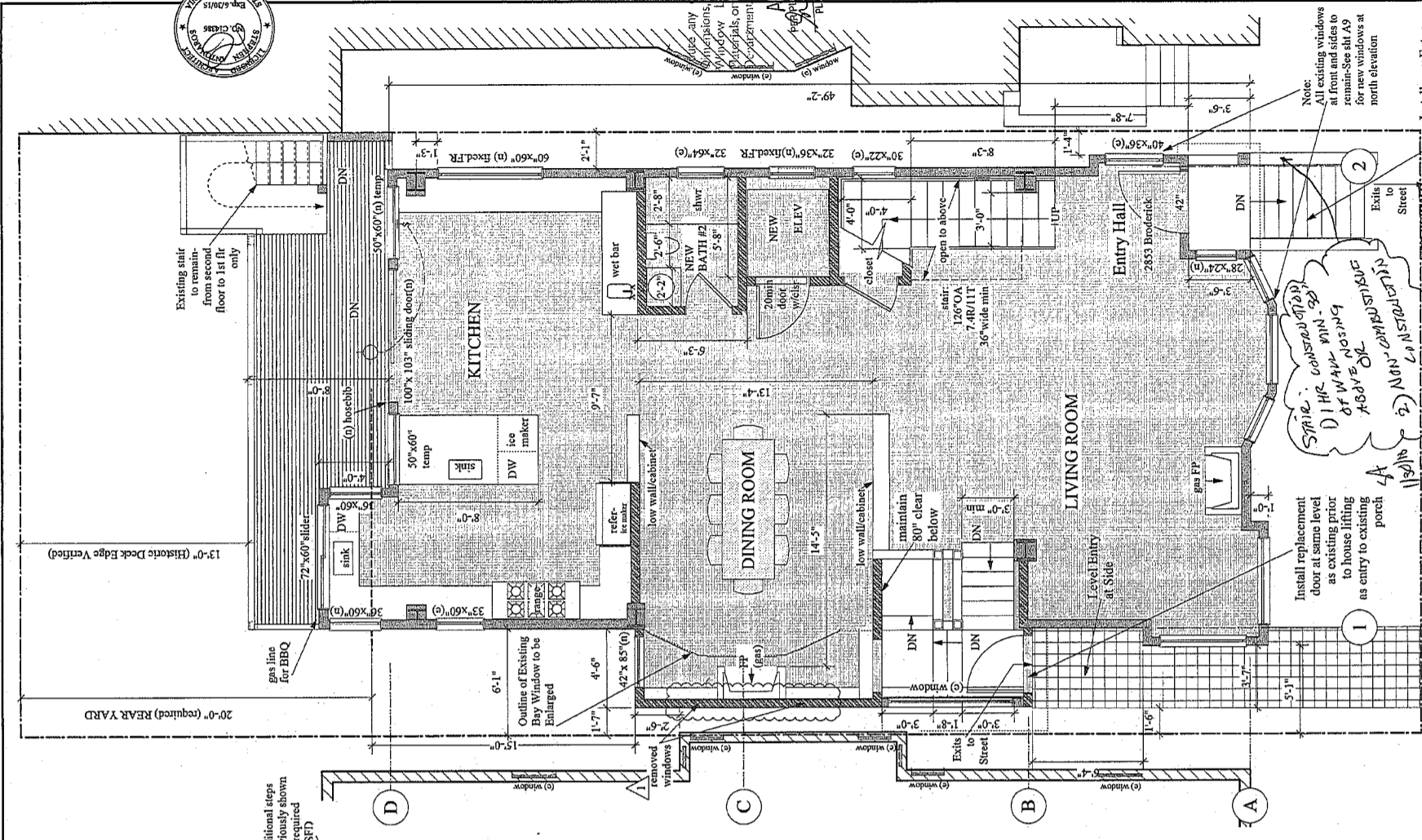
changes in Building
 Materials, Size or
 Location, or
 Use to the Planning
 Department for reapproval.

APPROVED
 FEB 23 2015
 PLANNING DEPARTMENT

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
EXISTING and NEW 2ND FLOOR PLANS

Date Jan 2014
 Scale 1/8"=1'-0"
 u.o.n.
 Drawn SA
 Job

Sheet **A2**
 Of 2



APPROVED
 Dept. of Building Insp.
 FEB 23 2015

JAN 27 2015
 REVISION
 THE APPLICATION SUBMITTED FOR THIS PERMIT ONLY. NO WORK SHALL BE PERFORMED UNTIL THE PERMIT IS ISSUED.

B NEW SECOND FLOOR PLAN
 Scale: 1/4" = 1'-0"
 New 2nd Floor w/ Enlarged Bay 1455 sq ft

FEB 01 2015
 Diang Yin, DBI

APPROVED
 FEB 23 2015
 City of San Francisco
 Department of Building Inspection

CA 1/23/15
 AS APPROVED UNDER
 PA# 2012-0926-0727
 EXISTING SECOND FLOOR PLAN
 Scale: 1/4" = 1'-0"

new partition
 20' type x
 1/2" side
 1 hour construction

Adjacent structure

wall to be removed

North

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	
1/23/15	

www.antonaros.com
 San Francisco, California 94114
 (415) 864 2261
 Fax 883 0961

STEPHEN ANTONAROS ARCHITECT
 2261 Market Street #324
 San Francisco, California 94114

For
 Nykamp/Whitehead
 Family Trust
 (415) 250-4057

APPROVED
 FEBRUARY 2, 2015
 PLANNING DEPARTMENT

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002

Date: Jan 2014
 Scale: 1/8"=1'-0"
 u.o.a.
 SA
 Sheet
A4
 Sheets



NOTE-A:
 Roof Deck to be of Class A or B construction per SIBC 1509.6 for entire roof assembly. Glazing/railing assembly to be rated for fire separation distance less than 5 feet from property line. Tile surface at all decks, 42" high. Tempered glass at deck guardrails.

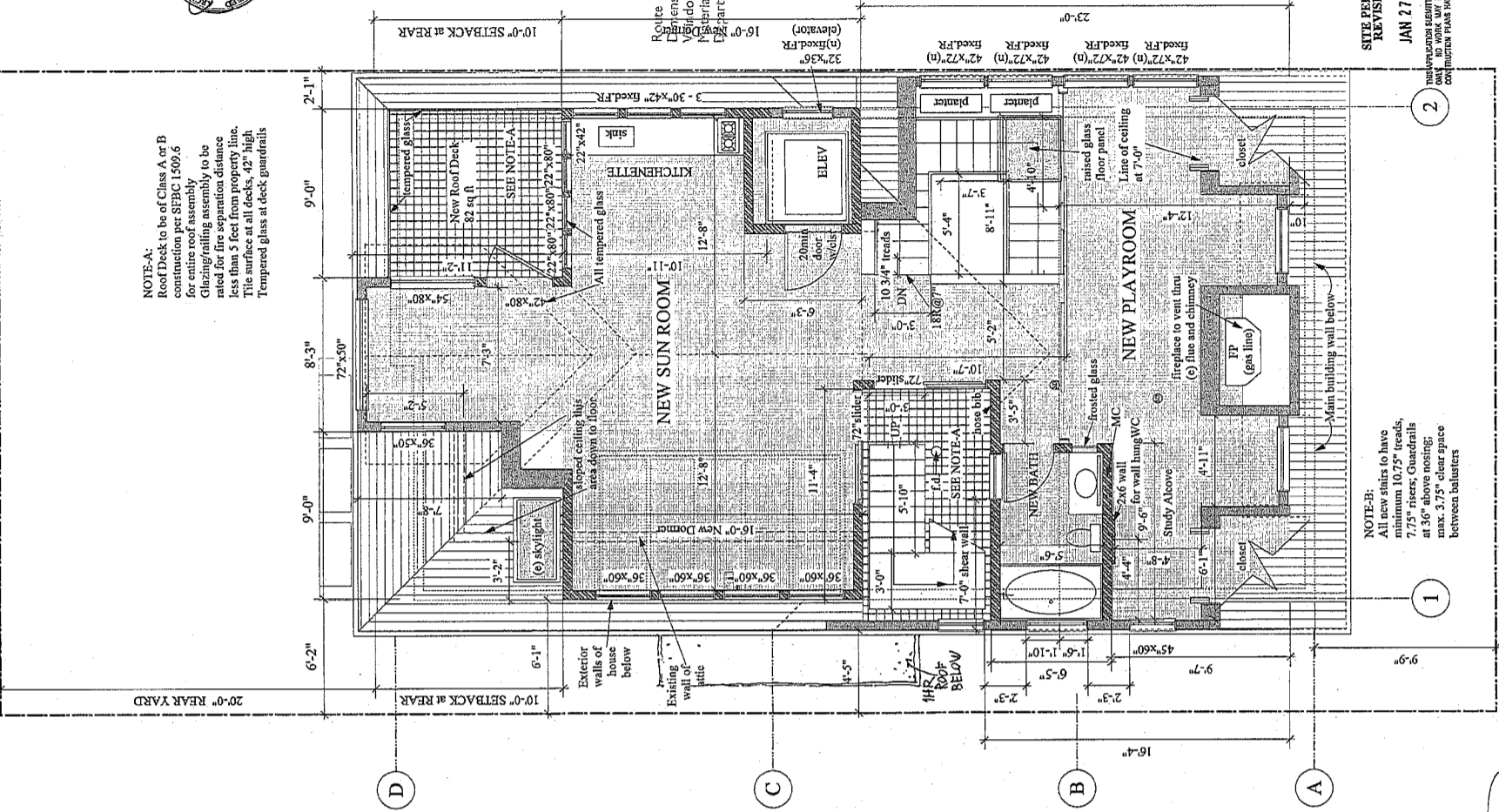
Write any changes in Building Dimensions, Exterior Materials, Window Location, Size or Materials, or Use to the Planning Department for re-approval.

SITE PERMIT REVISION
 JAN 27 2015

REVISIONS TO BE MADE TO THE CONSTRUCTION PLANS HAVE BEEN APPROVED.

APPROVED
 FEB 04 2015
 Dept. of Building Inspection
 Diane Yin, DBI

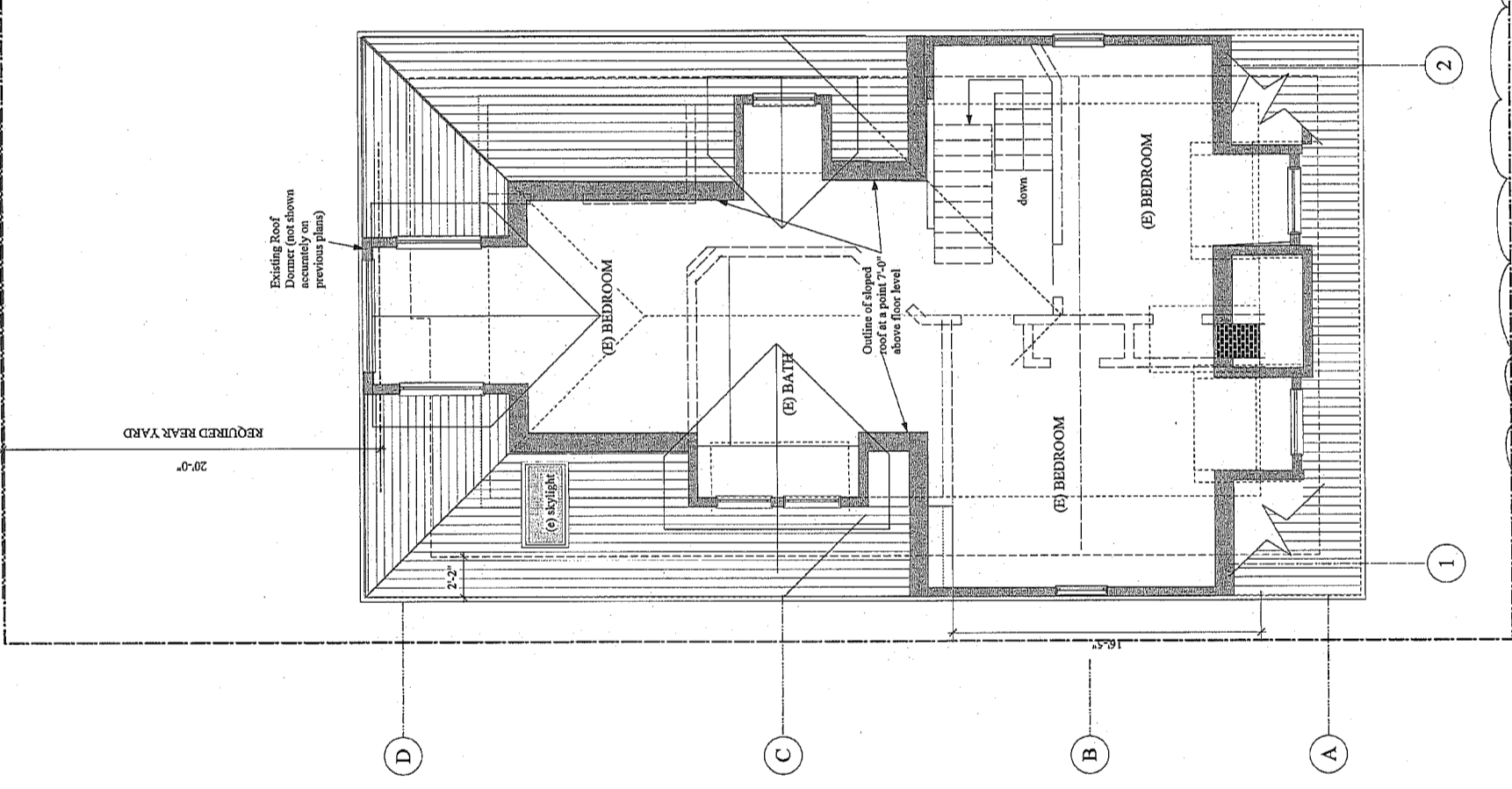
FEB 25 2015
 TOTAL NO. SHEETS
 17 of 17
 DEPT. OF BUILDING INSPECTION



NOTE-B:
 All new stairs to have minimum 10/75 treads, 7/75 risers, Guardrails at 36" above nosing, max. 3/75" clear space between balusters.

B NEW FOURTH FLOOR PLAN
 Scale: 1/4" = 1'-0"
 New 4th Floor 597 sq ft

new partition
 5/8" thick x
 2x4 studs
 1 hour construction



A EXISTING HISTORIC LAYOUT
 Scale: 1/4" = 1'-0"
 929 sq ft
 * 2012.0926.0727 and 2011.0325.7-839
 APPROVED INTERIOR LAYOUTS NOT BUILT
 SA 1/21/15

wall to be removed

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	
1/23/15	

2261 Market Street #324
San Francisco, California 94114
www.antonaros.com
antonaros@sglobal.net
(415) 864-2261
fax 883-0961

STEPHEN ANTONAROS ARCHITECT

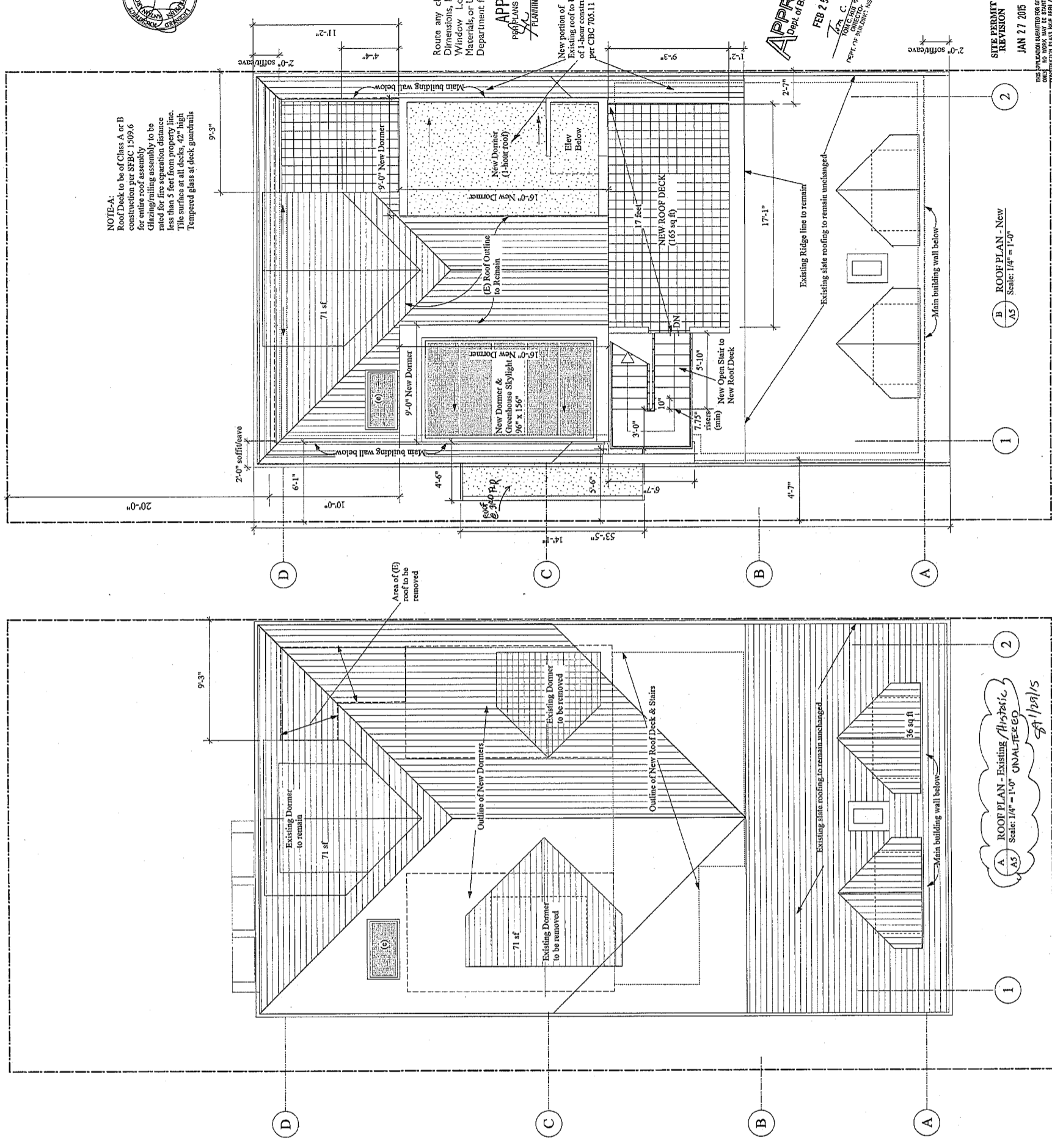


Route any changes in Building Dimensions, Exterior Materials, Window Location, Size or Materials, or Use to the Planning Department for review.



ADDITIONS & ALTERATIONS & DEMOLITION UNIT MERGER
2853 BRODERICK ST., SAN FRANCISCO, CA 94123
Block 0947 Lot 002
EXISTING and NEW ROOF PLANS

Date	Jan 2014
Scale	1/8" = 1'-0"
Drawn	SA
Job	
Sheet	A5
Of	Sheets



SITE PERMIT REVISION
JAN 27 2015

not applicable submitted per unit permit only. no work shall be started until construction plans are submitted and approved.

1st Floor	607 sq ft	← net reduction from previously approved under 201103252839
2nd Floor	1485 sq ft	First floor under this permit reduced from 726 sq ft to 607; 119 sq ft less
3rd Floor	1467 sq ft	
4th Floor	997 sq ft	Fourth floor under this permit increased from 929 sq ft to 997; 68 sq ft more
TOTAL	4536 sq ft	Total net 51 sq ft less than previously approved for all floors combined

Diane Yin, DBI
FEB 04 2015

new partition
3/8" type x
3/4" side
11' floor construction

wall to be removed

NORTH

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	
1/23/15	

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 San Francisco, California 94114
 www.antonaros.com santonaros@sgylob.com
 (415) 864 2261 Fax 883-0961

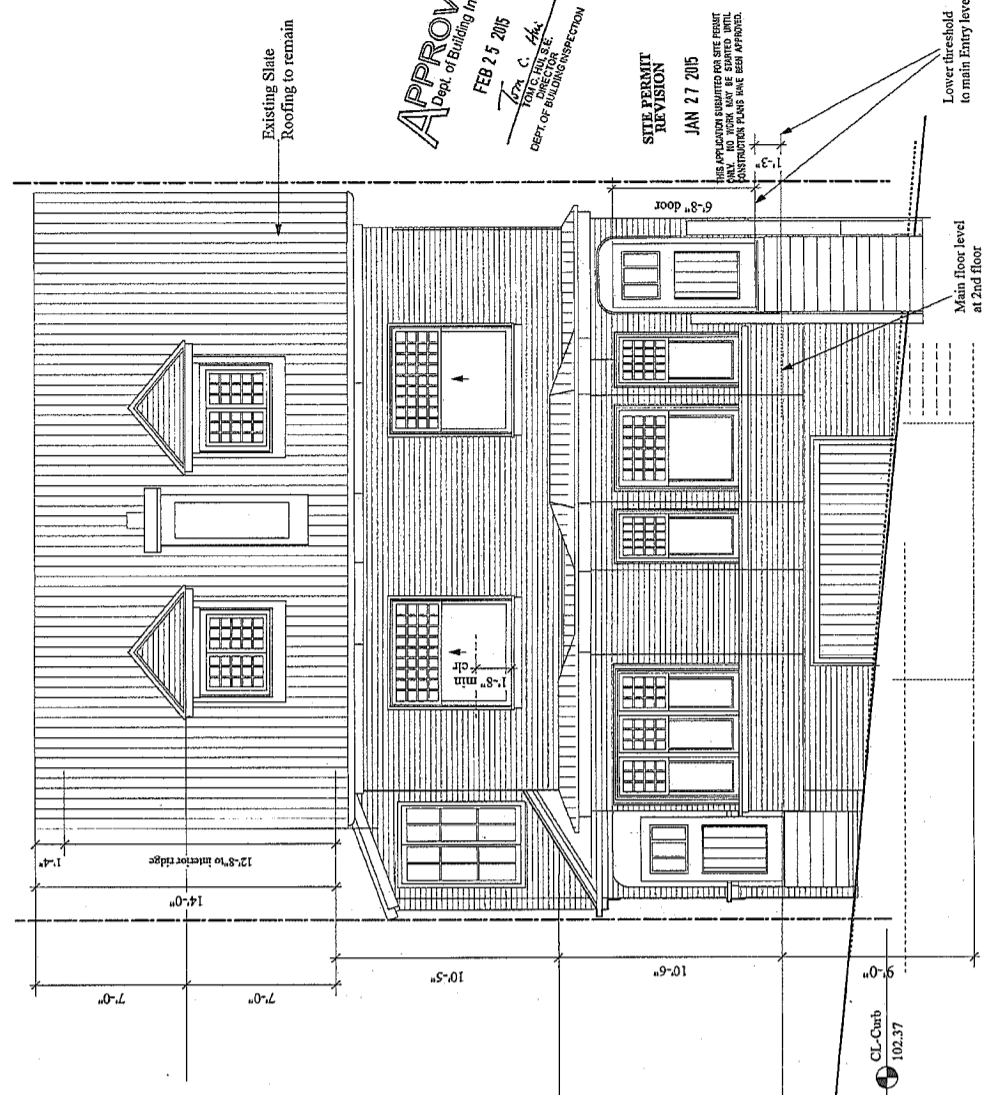
for
 Nykamp-Witchell Family Trust
 (415) 250-4057

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 EXISTING FRONT and SOUTH SIDE ELEVATIONS

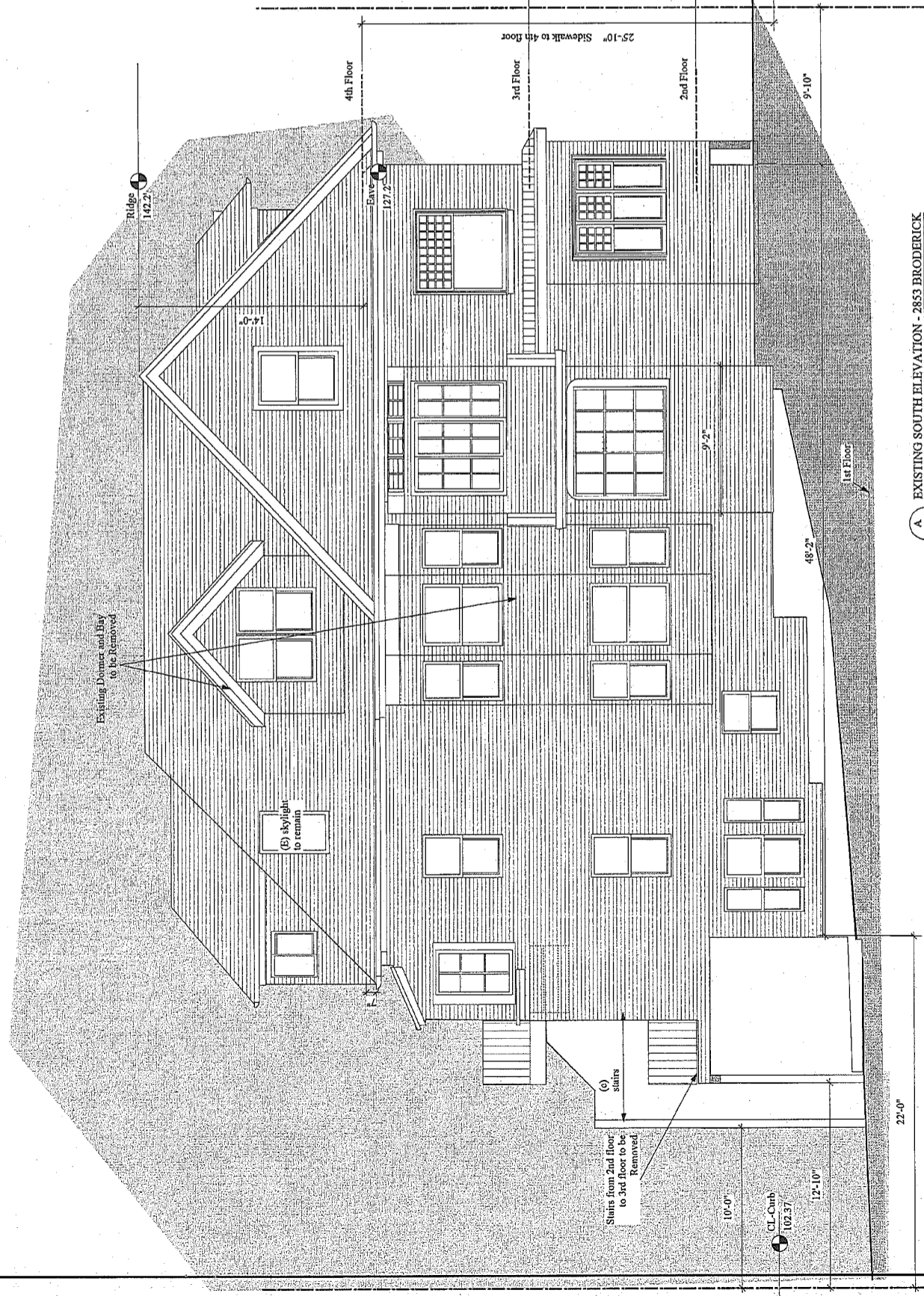
Date Jan 2014
 Scale 1/8"=1'-0"
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A6
 Of
 Sheets



Route any changes in Building Dimensions, Exterior Materials, Window Location, Size or Materials, or Use to the Planning Department for reapproval.
APPROVED
 PE PLANS AND APPLICATION
 PLANNING DEPARTMENT



B EXISTING EAST ELEVATION - 2853 BRODERICK
 Scale: 1/4" = 1'-0"



A EXISTING SOUTH ELEVATION - 2853 BRODERICK
 Scale: 1/4" = 1'-0"

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	
1/23/15	

STEPHEN ANTONAROS ARCHITECT
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 (415) 250-4057
 santonaros@skgslobal.net
 www.antonaros.com



ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 NEW FRONT and SOUTH SIDE ELEVATIONS

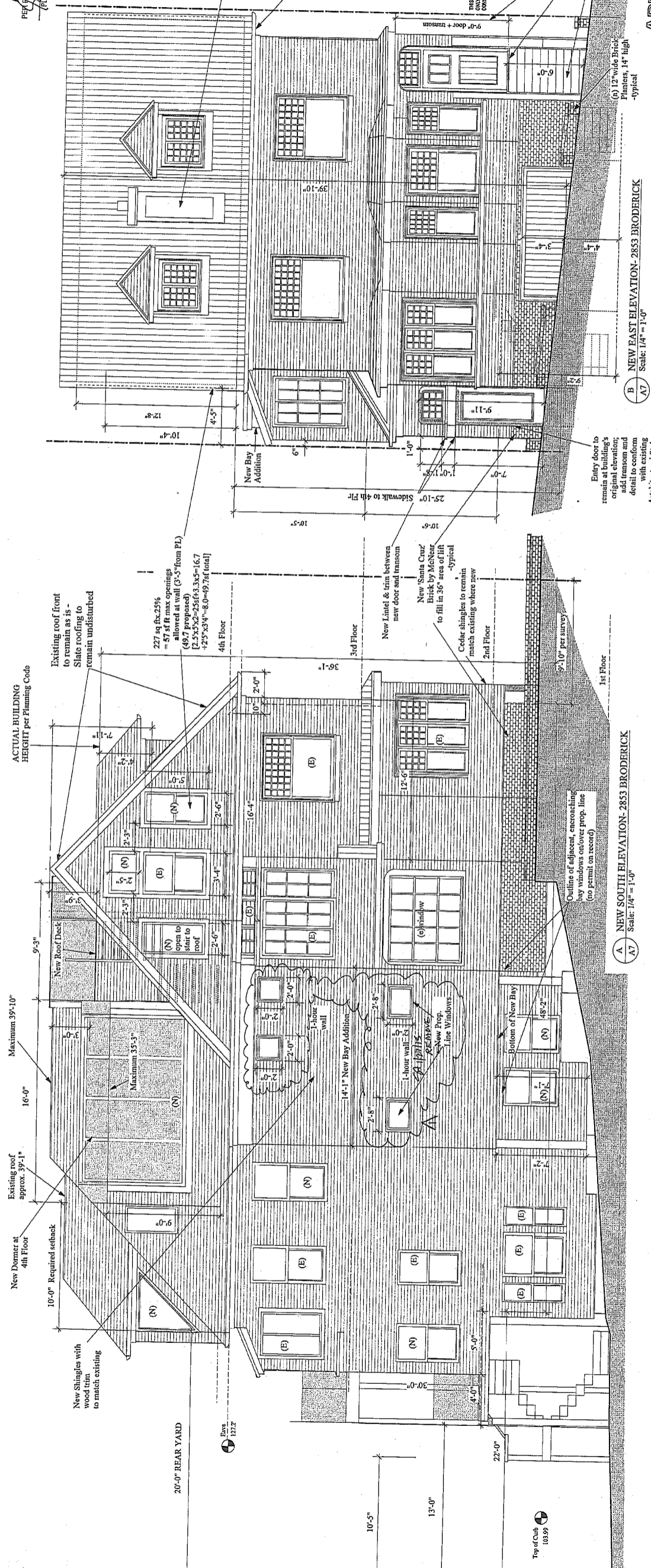
APPROVED
 PER PLANS AND APPLICATION
 2/13/15
 PLANNING DEPARTMENT

Review any changes in Building
 Directions, Window Profiles,
 Window Location, Size or
 Materials, or Use to the Planning
 Department for reapproval.

STATE PERMIT
 ABVISION
 JAN 27 2015
 THIS APPROVAL IS LIMITED TO THE PERMIT
 CONDITIONS AND DOES NOT GUARANTEE
 CONSTRUCTION PLANS HAVE BEEN APPROVED.

APPROVED
 Dept. of Building Insp.
 FEB 25 2015
 Diane Yin, DBI
 FEB 04 2015
 DEPT. OF BUILDING INSPECTION

Sheet A7



A NEW SOUTH ELEVATION - 2853 BRODERICK
 Scale: 1/4" = 1'-0"

B NEW EAST ELEVATION - 2853 BRODERICK
 Scale: 1/4" = 1'-0"

Entry door to remain at building's original elevation; add trim and detail to conform with existing Architectural Style

Outline of adjacent, encroaching bay windows envelope prop. line (no permit on record)

14'-1" New Bay Addition

1-hour wall - New Bay Addition

1-hour wall - New Bay Addition

1-hour wall - New Bay Addition

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REVISIONS	BY
	Jan 24, 2014
	Feb 20, 2014
	May 01, 2014
	1/23/15

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 www.antonaros.com santonaros@sgblol.com

For
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 Family Trust
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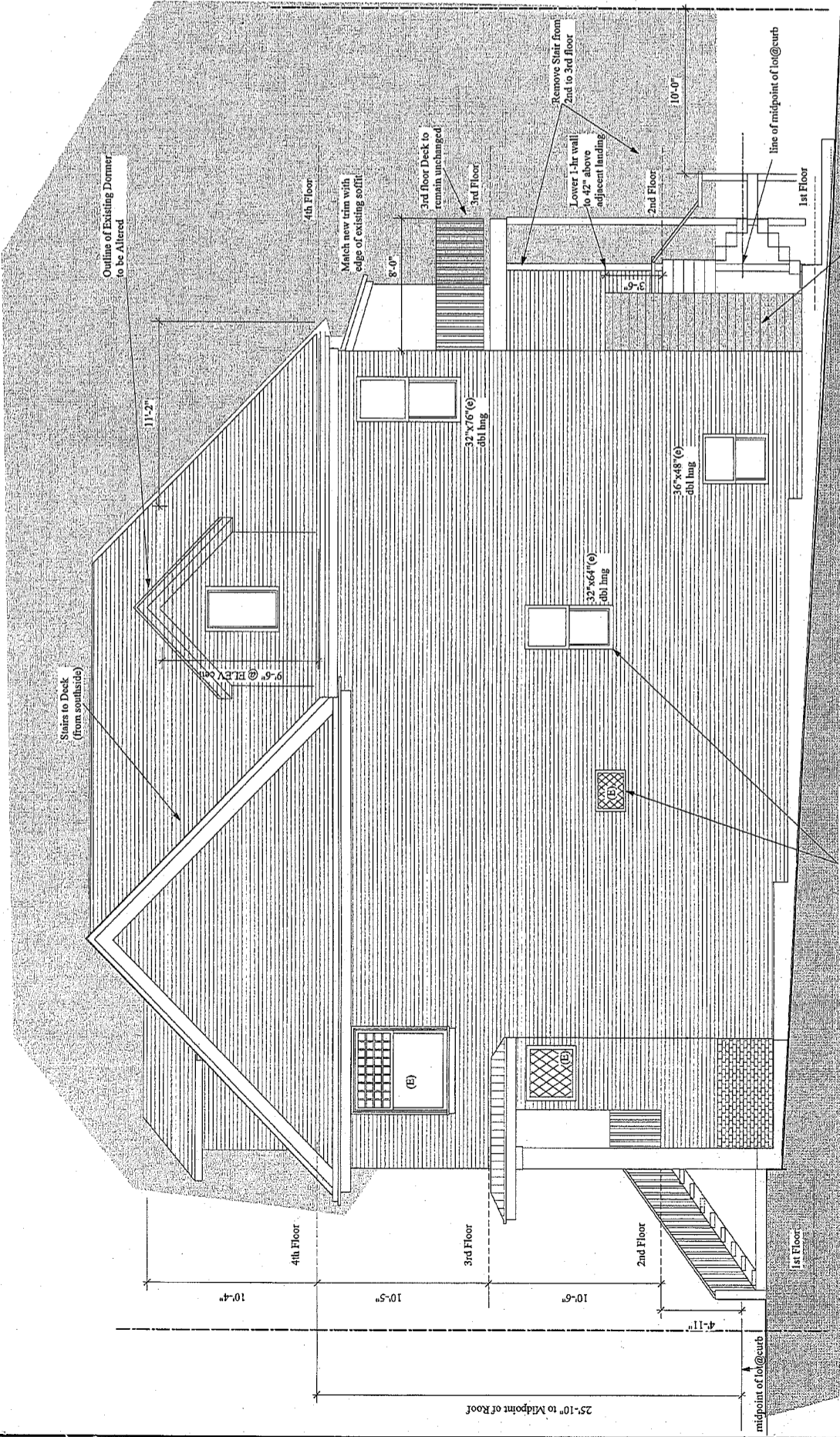
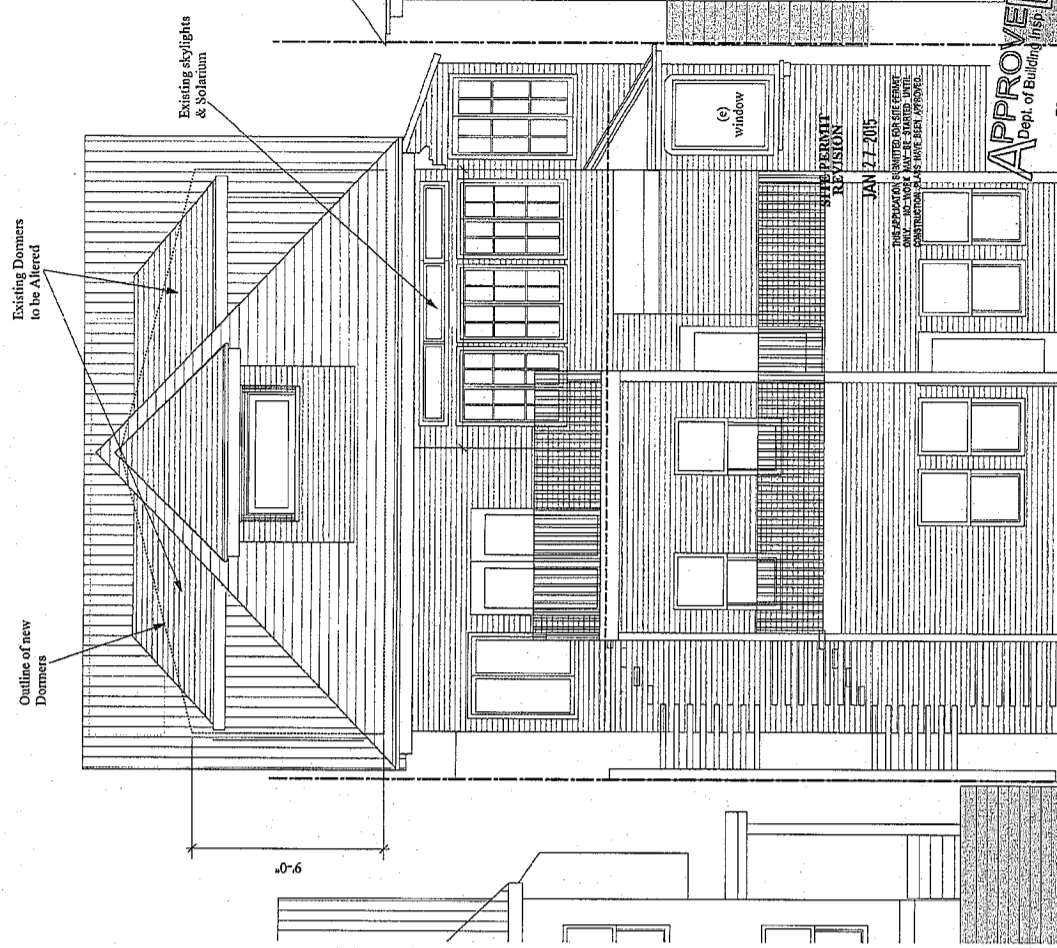
ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123
 Block 0947 Lot 002
 EXISTING REAR and NORTH SIDE ELEVATIONS

Date Jan 2014
 Scale 1/8"=1'-0"
 u.o.l.
 Drawn SA
 Job
 Sheet
 A8
 of
 Sheets



Route any changes in Building Dimensions, Exterior Finishes, Window Location, Size or Material or Use to the Planning Department for reapproval.

APPROVED
 REAL PLANS AND APPLICATION
 JAN 23 2015
 PLANNING DEPARTMENT



Diano Yin, DBI
 FEB 04 2015

(n) 1-hour wall
 (per previous apprv)

A. EXISTING NORTH ELEVATION- 2853 BRODERICK
 Scale: 1/8" = 1'-0"
 A8

Existing windows shown to remain.
 See Sheet A9 for new windows

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	
1/23/15	

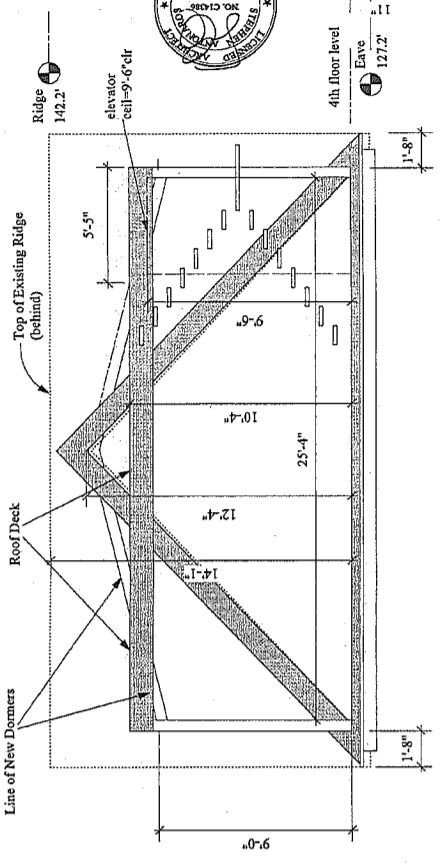
2261 Market Street #324
San Francisco, California 94114
(415) 864-2261
Fax 883-0961
www.stphn.com
stphn@stphn.com

STEPHEN ANTONAROS
ARCHITECT

for
Nykamp Family Trust
(415) 250-4057
www.nykampfamilytrust.com

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER
2853 BRODERICK ST., SAN FRANCISCO, CA 94123
Block 0947 Lot 002
NEW REAR AND NORTH SIDE ELEVATIONS

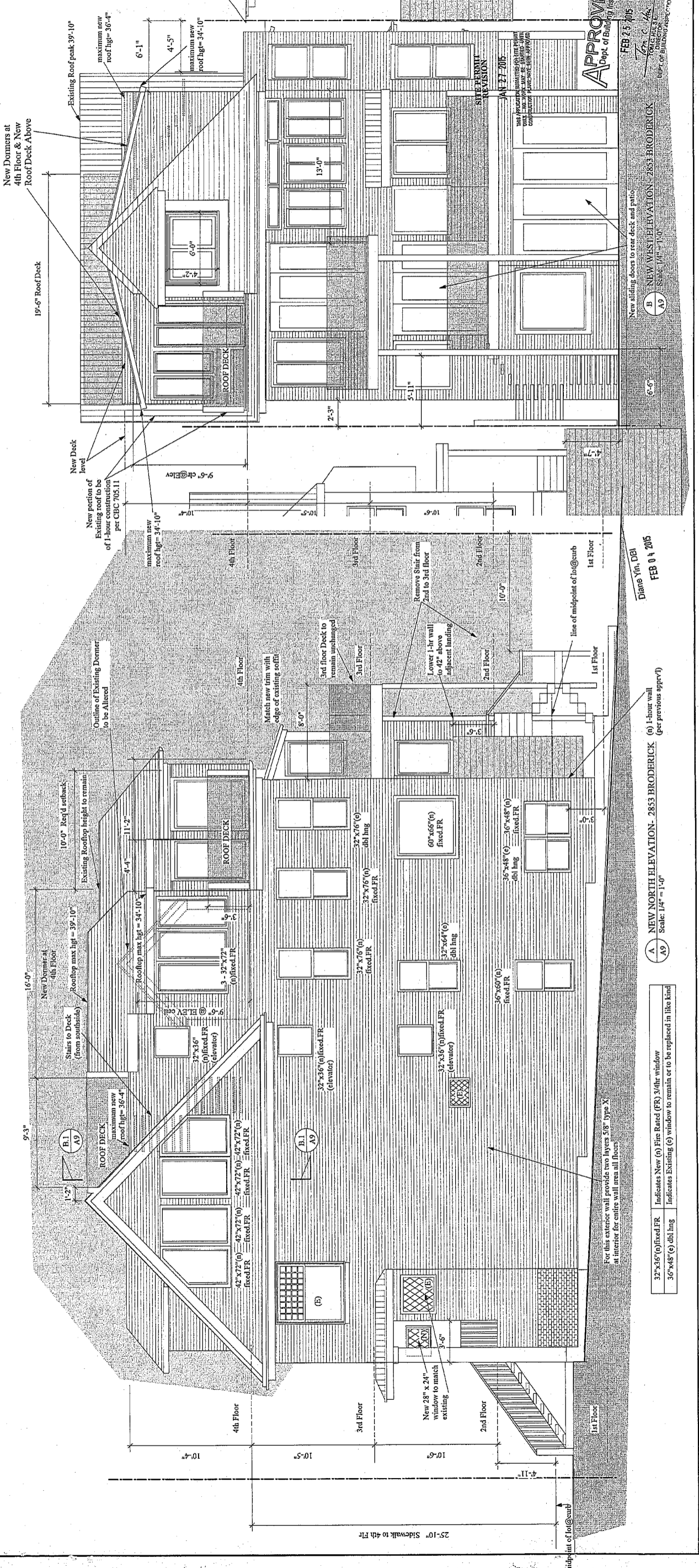
Date: Jan 2014
Scale: 1/8" = 1'-0"
u.s.n.
Drawn: SA
Lab:
Sheet: A9
of: 9
Sheets



NEW SECTION thru Top Floor
Scale: 1/4" = 1'-0"
B.1 A9

Route any changes in Building Dimensions, Exterior Materials, Window Location, Size or Materials, or Use to the Planning Department for reapproval.

APPROVED
FOR PLANS AND SPECIFICATIONS
PLANNING DEPARTMENT



NEW NORTH ELEVATION - 2853 BRODERICK
Scale: 1/4" = 1'-0"
A9

32'x36" (c) fixed FR Indicates New (n) Fire Rated (FR) 3/4hr window
36'x48" (c) dbi lng Indicates Existing (c) window to remain or to be replaced in like kind

Diane Yin, DBI
FEB 01 2015

APPROVED
Dept. of Building Inspection
FEB 7 5 2015

NEW WEST ELEVATION - 2853 BRODERICK
Scale: 1/4" = 1'-0"
B A9

New sliding doors to rear deck and patio

Diane Yin, DBI
FEB 01 2015

NEW NORTH ELEVATION - 2853 BRODERICK
Scale: 1/4" = 1'-0"
A9

32'x36" (c) fixed FR Indicates New (n) Fire Rated (FR) 3/4hr window
36'x48" (c) dbi lng Indicates Existing (c) window to remain or to be replaced in like kind

APPROVED
Dept. of Building Inspection
FEB 7 5 2015

NEW WEST ELEVATION - 2853 BRODERICK
Scale: 1/4" = 1'-0"
B A9

New sliding doors to rear deck and patio

Diane Yin, DBI
FEB 01 2015

NEW NORTH ELEVATION - 2853 BRODERICK
Scale: 1/4" = 1'-0"
A9

32'x36" (c) fixed FR Indicates New (n) Fire Rated (FR) 3/4hr window
36'x48" (c) dbi lng Indicates Existing (c) window to remain or to be replaced in like kind

APPROVED
Dept. of Building Insp.

FEB 25 2015

Tom C. Hui
TOM C. HUI, S.E.
DIRECTOR
DEPT. OF BUILDING INSPECTION

APPROVED FOR ISSUANCE

BUDG. FORM 3/8

APPLICATION NUMBER

OSHA APPROVAL REQD APPROVAL NUMBER:

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 HEREINAFTER SET FORTH.

FORM 8 OVER-THE COUNTER ISSUANCE

NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

DATE FILED 7-1-2012	FILED FEE RECEIPT NO. 13073240	(1) STREET ADDRESS OF JOB 2853 BRIDGER LK 0947/002	BLOCK & LOT
PERMIT NO. 1350069	ISSUED FEB 25 2015	(2A) ESTIMATED COST OF JOB 100	(2B) REVISED COST: DATE:

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. 5 R	(5A) NO. OF STORIES OF OCCUPANCY 4	(6A) NO. OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE TWO-FAMILY	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS 2
-----------------------------	---------------------------------------	--	--------------------------------	--------------------------	---------------------------------

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. 5 1/2 R	(5) NO. OF STORIES OF OCCUPANCY 4	(6) NO. OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) SINGLE-FAMILY	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS 2
--------------------------------	--------------------------------------	---------------------------------------	---	-------------------------	--------------------------------

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

(14) GENERAL CONTRACTOR N/A	ADDRESS	ZIP	PHONE	CALIF. LIC. NO.	EXPIRATION DATE
--------------------------------	---------	-----	-------	-----------------	-----------------

(15) OWNER - LESSEE (CROSS OUT ONE)	ADDRESS	ZIP	BTRC#	PHONE (FOR CONTACT BY DEPT.)
-------------------------------------	---------	-----	-------	------------------------------

(18) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

TO CLARIFY HEIGHT OF BUILDING BEFORE AND AFTER BEING RAISED 36" UNDER # 2011.0325.2839 AND TO CORRECT PREVIOUSLY SHOWN HEIGHTS TO CORRECTLY REFLECT TO COMPLY WITH DBI CORRECTION UNIT PERMITS TO SFP, ADDITIONS TO SIDE REAR WALL WITH FIRE REVISES

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT FT. FT.	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? NO <input checked="" type="checkbox"/>

(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> STEPHEN ANTONOVIC	ADDRESS 2261 Market #324	CALIF. CERTIFICATE NO. C-14386
--	-----------------------------	-----------------------------------

(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")	ADDRESS
--	---------

IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 6'0" to any wire containing more than 750 volts See Sec 305, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

OWNER ARCHITECT

LESSEE AGENT

CONTRACTOR ENGINEER

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 THERE TO WILL BE COMPLIED WITH.

6003-03 (REV. 1/02)

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 from and against any and all claim, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (i), or (ii) designated below or shall indicate item (iii), or (iv), or (v), whichever is applicable. If however item (v) is checked item (iv) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

- () I. I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- () II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier _____
Policy Number _____
- () III. The cost of the work to be done is \$100 or less.
- () IV. 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 workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent _____ Date 6-28-13

APPLICANT COPY

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED: <u>XQA'</u> Diane Yin, DBI FEB 04 2015 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: <u>7/1/13</u> REASON: <u>Anticipated</u> NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: <u>Connection to height under BPA#2011.03.25.2839. Dwelling unit merger from 2 to 1 unit including side, rear and vertical additions per plans.</u> In 2/13/15: per 2013. 0433DD. Approved Glenn Cabrera DEPARTMENT OF CITY PLANNING <u>John 10/15/14</u>	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: DPW/BSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO DBI FINAL CALL 554-7149 TO SCHEDULE By: <u>Dore Lau 2/20/16</u> Grace Lau, DPW/BSM REF 13MSE-0158 13IE-0267 BUREAU OF ENGINEERING - <u>DPW/BSM</u>	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ REDEVELOPMENT AGENCY	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ HOUSING INSPECTION DIVISION	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 bureaus or department noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments

OWNER'S AUTHORIZED AGENT _____

H D 4/29/15

FILE

Ann Lazarus, President
San Francisco Board of Appeals
1650 Mission St #304
San Francisco, Ca. 94103 Appeal #15-042

BOARD OF APPEALS

APR 23 2015 *off*

APPEAL # 15-042

April 22, 2015 Re 2853 Broderick St.

Dear Board Members:

We are sending a letter in lieu of our attending the hearing on April 29, 2011. 2853 Broderick St is a rather typical example of an assertive developer pushing forward a project while failing to address the real concerns of the neighborhood. When those concerns were addressed and signed off, many felt the issues had been skirted by piecemeal plan changes sometimes involving variances to existing code.

On the planning department side, we have seen a lax enforcement of existing code which is already open in ways that allow remodeling in the city to go largely unabated violating concerns of neighborhood character, loss of housing stock, light, exposure, etc.

These conditions of the developer and the planning departments has resulted in significant loss of time, money and misdirected energies—all totally unnecessary.

We would like to see a serious review of the existing code, and then, enforcement of that new code. Developers would then respond to keeping their projects true to their submitted plans.

Don and Ann Morehead
2715 Filbert St.

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FILE

NANCY P. LEAVENS
2729 Filbert Street
San Francisco, Ca. 94123

BOARD OF APPEALS
APR 23 2015 *CSX*
APPEAL # *15-042*

Ann Lazarus, President
San Francisco Board of Appeals
1650 Mission St #304
San Francisco, Ca. 94103 Appeal #15-042

April 20, 2015 Re 2853 Broderick St.

Dear Board Members,
Yes. You have heard from us many times.
No, this is not cranky neighbors. I am concerned about the irregularities associated with this project.
You have heard about the building height, the encroachment into the rear yard, expansion of the top floor that expands the envelope of the building.
But you have NOT heard about the removal of a dwelling unit and the sweeping of this historic two unit building into a single family home with no other legal dwelling unit.
I know the City's view on the removal of housing stock and this project violates all that the City mandates.
I ask that you retain this building as two legal units.

Sincerely yours,

Nancy Leavens