

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
JACK OSWALD, ANNEKE SELEY, JAMES & SUSAN KIRK,)
THOMAS & BARBARA LATOUR.)

Appeal No. 15-186

Appellant(s)

vs.

DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on November 10, 2015, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on October 26, 2015 to Bruno and Suzanne Kanter, of an Alteration Permit (ground and second floor remodel; third and fourth story addition) at 312 Green Street.

APPLICATION NO. 2013/11/13/1794S

FOR HEARING ON January 27, 2016

Address of Appellant(s):

Address of Other Parties:

Jack Oswald, Anneke Seley, James & Susan Kirk,
Thomas & Barbara LaTour, Appellants
c/o Ryan Patterson, Attorney for Appellants
Zacks & Freedman, P.C.
235 Montgomery Street, Suite 400
San Francisco, CA 94104

Bruno and Suzanne Kanter, Permit Holders
312 Green Street
San Francisco, CA 94133



Date Filed:

BOARD OF APPEALS

NOV 10 2015

APPEAL # 15-186

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Jack Oswald, Anneke Seley, James and Susan Kirk, and Thomas and Barbara LaTour**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit 2013/11/13/1794S** by the **Department of Building Inspection** which was issued or became effective on: **October 26, 2015**, to: **Bruno and Suzanne Kantor**, for the property located at: **312 Green Street**.

BRIEFING SCHEDULE:

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

Appellant's Brief is due on or before: **January 07, 2016, (no later than three Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible. RP

Respondent's and Other Parties' Briefs are due on or before: **January 21, 2016, (no later than one Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

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

Hearing Date: **Wednesday, January 27, 2016, 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

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

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

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

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:
See attached statement.

Appellant or Agent (Circle One):
Signature: [Handwritten Signature]
Print Name: Ryan J. Patterson

BOARD OF APPEALS

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APPEAL # 15-186

We hereby appeal BPA No. 201311131794 on the basis that the City erred or abused its discretion.

ZACKS & FREEDMAN, P.C.

A handwritten signature in blue ink, appearing to read "Ryan Patterson", written over a horizontal line.

Ryan J. Patterson

APPROVED
Dept. of Building Insp.

BUILDING ENLARGEMENT DESCRIPTION
 VERTICAL
 HORIZONTAL

APPROVED FOR ISSUANCE
OCT 9 2015

BLDG. FORM 3/8

APPLICATION NUMBER
2015 119 1794-S

OSHA APPROVAL RECEIVED
APPROVAL NUMBER

BOARD OF APPEALS

NOV 10 2015

APPEAL # 15-16

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION
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 3 OTHER AGENCY REVIEW REQUIRED
FORM 8 OVER-THE-COUNTER ISSUANCE

NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

DATE FILED 11-13-13	FILED FEE RECEIPT NO. 13118382	(1) STREET ADDRESS OF JOB 312 GREEN ST.	BLOCK & LOT 14/16
PERMIT NO. 1273418	ISSUED 10-20-2015	(2A) ESTIMATED COST OF JOB \$411,600	(2B) REVISED COST BY: 476,000.00 DATE: 10/19/15

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING							
(4A) TYPE OF CONSTR. I	(5A) NO. OF STORIES OF OCCUPANCY 2	(6A) NO. OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE SINGLE FAMILY DWELLING	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS 1		
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION							
(4) TYPE OF CONSTR. I	(5) NO. OF STORIES OF OCCUPANCY 4	(6) NO. OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) SINGLE FAMILY DWELLING	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS 1		
(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? NO	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? NO	(12) ELECTRICAL WORK TO BE PERFORMED? YES	(13) PLUMBING WORK TO BE PERFORMED? NO				
(14) GENERAL CONTRACTOR TBD	ADDRESS	ZIP	PHONE	CALIF. LIC. NO.	EXPIRAT. DATE		
(15) OWNER - LESSEE (CROSS OUT ONE) OWNER	ADDRESS BRUNO & SUZANNE KANTER 822 GREENWICH ST., SF, CA 94133	ZIP 94133	BTRCN 415-931-5456	PHONE (FOR CONTACT BY DEPT.)			
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT) GROUND & 2ND FLR REMODEL + 3RD & 4TH STORY ADDITION							
ADDITIONAL INFORMATION							
(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT 39'-6"	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? NO	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.	(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? NO	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? NO	(23) ANY OTHER EXISTING BLDG. ON LOT? IF YES, SHOW ON PLOT PLAN NO	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? NO
(25) ARCHITECT OR ENGINEER (DESIGN OR CONSTRUCTION) BRUNO KANTER ADDRESS 822 GREENWICH ST., SF, CA 94133		CALIF. CERTIFICATE NO. C-20422					
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")							

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 Nuisance Code.
No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 385, 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, and complete details of retaining walls and wall footings 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 branching metallic race must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX
 OWNER
 LESSEE
 CONTRACTOR

ARCHITECT
 AGENT
 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 THEREOF WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

VOID 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 claims, 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 worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If 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 worker's compensation, as provided by Section 3709 of the Labor Code, for the performance of the work for which this permit is issued.
- () II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:

Carrier: _____
Policy Number: _____


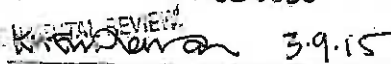
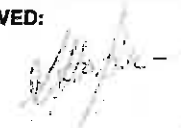






- () III. The cost of the work to be done is \$100 or less.
- () IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith, 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 worker's 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: Bruno Kanter 11-13-13
Date

OFFICE COPY

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED:  ROBERT HOPKINS DE 313 12 2015 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: TWO STORY ADDITION PER 2013.1652.DY, DRA 0387, APPEAL 14-195, NSR 2015K029850 3.5.15. RM-1  3.9.15 Approved Plans Dept. of City Planning DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input checked="" 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: By:  5.15.15 Grace Lau, DPW/BSM BUREAU OF ENGINEERING DPW/BSM	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:  DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: SFPLD Capacity Charges See attached SFPLD Capacity Charge Invoice for total amount due. DBI will collect charges.  REDEVELOPMENT AGENCY	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:  HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____ NOTIFIED MR. _____

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

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

Number of attachments

OWNER'S AUTHORIZED AGENT

1 ANDREW M. ZACKS (SBN 147794)
2 RYAN J. PATTERSON (SBN 277971)
3 ZACKS & FREEDMAN, P.C.
4 235 Montgomery Street, Suite 400
5 San Francisco, CA 94104
6 Tel: (415) 956-8100
7 Fax: (415) 288-9755

8 Attorneys for Appellants
9 Jack Oswald and Anneke Seley

10 **SAN FRANCISCO BOARD OF APPEALS**

11 JACK OSWALD, ANNEKE SELEY, JAMES
12 KIRK, SUSAN KIRK, THOMAS LATOUR,
13 and BARBARA LATOUR,

14 Appellants,

15 vs.

16 CITY AND COUNTY OF SAN
17 FRANCISCO, DEPARTMENT OF
18 BUILDING INSPECTION, and PLANNING
19 DEPARTMENT,

20 Respondents.

21 Appeal No.: 15-186

22 **APPELLANTS' BRIEF**

23 BPA No. 201311131794
24 Project Address: 312 Green Street
25 Hearing Date: January 27, 2016

26 **I. INTRODUCTION**

27 This appeal challenges the issuance of BPA No. 201311131794 (the "Permit") for
28 the dramatic expansion of a 108-year-old home at the crest of Green Street on Telegraph
Hill. The Permit would increase the structure from two stories to four and add a large
roof-deck on top (the "Project"). The Project received a defective variance¹ and is widely
opposed by the neighborhood. (See Letters of Opposition, Exh. C.²)

This brief is submitted on behalf of Appellants Jack Oswald and Anneke Seley,
owners of 310 Green Street; James Kirk and Susan Kirk, owners of 308 Green Street; and

¹ Presently challenged in San Francisco Superior Court Case No. CPF-15-514268.

² Except as otherwise noted, all exhibits are to the Declaration of Ryan J. Patterson.

1 Thomas LaTour and Barbara LaTour, owners of 5 Montague Place. The Appellants are
2 all neighbors of the proposed Project and stand to be significantly harmed by the
3 proposed Project.

4 The Project's Permit was issued in error. In addition to authorizing a project that
5 would be terrible for the neighborhood, the Permit contains numerous errors, omissions,
6 and misrepresentations. It is fatally defective and must legally be revoked. Should the
7 Project Sponsor³ wish to submit a new application for the Project, he may do so – under
8 the correct permit category, with the correct Planning Department authorizations, with
9 the correct fees paid, and with complete and accurate information.

10 II. LEGAL ARGUMENT

11 a. The Project Is An Unlawful Demolition

12 The Project was filed as a Form 3 application for an alteration/remodel permit.
13 (Permit, Exh. A.) However, the Project exceeds the City's thresholds for a remodel, and it
14 instead constitutes a demolition/new construction. The Project should have been filed as
15 permits for demolition/new construction.

16 Even the Telegraph Hill Dwellers pointed out at an early stage that "it appears
17 that the proposed project may constitute a demolition of the existing residential building."
18 (Letter from Telegraph Hill Dwellers to Planning Commission, Exh. C.)

19 Pursuant to Planning Code Section 317(d), a demolition project must receive
20 Planning Commission approval in a specific type of Discretionary Review hearing:

21 Separate Mandatory Discretion Review cases **shall be heard** to consider
22 the permit applications for the demolition and the replacement structure. . .
23 . [O]nly applications to demolish Single-Family Residential Buildings that
24 are demonstrably not affordable⁴ or financially accessible housing, or
25 Residential Buildings of two units or fewer that are found to be unsound
26 housing, are exempt from Mandatory Discretionary Review hearings.

26 ³ Architect Bruno Kanter.

27 ⁴ A determination that a residential unit is "demonstrably not affordable" must be based on "a
28 credible appraisal, made within six months of the application to demolish." (SFPC §
317(d)(3)(A).) Neither an "application to demolish" nor "a credible appraisal" nor any other
evidence of exemption was submitted in this case.

1 (SFPC § 317(d)(2)-(3), emphasis added.)
2

3 The Project was not filed as an application for demolition/new construction, and it
4 did not receive the required Planning Commission approval for residential demolition.
5 The Permit was therefore issued in error and must be revoked. If the Project Sponsor
6 chooses, he may re-file the Permit as an application for demolition/new construction.

7 While the Project Sponsor may argue that the expansion of a ca. 1907 two-story
8 home into a four-story McMansion is a mere “remodel” (at a stated cost of \$476,000.00),
9 such argument is false. Planning Code Section 317(b)(2) defines a demolition as:

10 (A) Any work on a Residential Building for which the Department of
11 Building Inspection determines that an application for a demolition permit
is required, or

12 (B) A major alteration of a Residential Building that proposes the
13 Removal of more than 50% of the sum of the Front Facade and Rear
14 Facade and also proposes the Removal of more than 65% of the sum of all
exterior walls, measured in lineal feet at the foundation level, or

15 (C) A major alteration of a Residential Building that proposes the
16 Removal of more than 50% of the Vertical Envelope Elements and more
17 than 50% of the Horizontal Elements of the existing building, as measured
in square feet of actual surface area.

18 (SFPC § 317(b)(2), emphasis added.)

19 The Building Code’s definition of a demolition is equally clear:

20 **DEMOLITION** means the total tearing down or destruction of a building
21 containing one or more residential units, or any alteration which destroys
22 or removes, as those terms are defined by the Building Official of the
23 Department of Building Inspection, principal portions of an existing
structure containing one or more residential units.

24 **PRINCIPAL PORTION** means that construction which determines the
25 shape and size of the building envelope (such as the exterior walls, roof
26 and interior bearing elements), or that construction which alters two-thirds
27 or more of the interior elements (such as walls, partitions, floors or
ceilings).

28 (SFBC § 103A.3.2, emphasis original and added.)

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Under the Planning Code definition, the Project clearly constitutes a demolition:

HORIZONTAL ELEMENTS	% DEMO	
Roof	100%	
2 nd Floor	100%	
TOTAL	100%	EXCEEDS THRESHOLD

VERTICAL ELEMENTS	LENGTH	% DEMO	
EXTERIOR WALLS			
Front	18'	> 0%	Due to garage door relocation and reframing of second-floor bay window
Rear	18'	100%	
East Side	57'	100%	
West Side	57'	100%	
TOTAL		≥ 88%	EXCEEDS THRESHOLD

(Buscovich Declaration at ¶ 10.)

Likewise, under the Building Code definition, the Project clearly constitutes a demolition:

TOTAL AREA	% DEMO	
Interior Walls	100%	
Exterior Walls	≥ 88%	Could be as much as 100%
Floor/Roof	100%	
TOTAL	≥ 95%	EXCEEDS THRESHOLD

1 (Buscovich Declaration at ¶ 11.) For a detailed analysis of the demolition calculations,
2 see the Declaration of Patrick O'Neill (general contractor) at ¶¶ 4-8, and the Declaration
3 of Patrick Buscovich (structural engineer) at ¶¶ 14-18.

4 Why did the Project Sponsor erroneously file the Project Permit as a remodel
5 application instead of a demolition/new construction application? Two reasons are likely.

6 First, a remodel application avoids the Planning Code's requirement for
7 Mandatory Discretionary Review of the residential demolition. (SFPC § 317(d).) Such
8 approval is not guaranteed, and there is a risk the Planning Commission would not
9 approve the demolition of the last remaining ca. 1907 post-earthquake reconstruction-era
10 home in the area. (See Declaration of Michael Garavaglia, architectural preservationist,
11 Exh. F.)

12 Second, the error let the Project Sponsor avoid paying substantial development
13 impact fees. Per Building Code Section 107A.13, for example, the Project Sponsor
14 should have paid additional impact fees to "the San Francisco Unified School District
15 under Section 17620 of the California Education Code," which applies to "new
16 residential construction." (CA Education Code § 17620(B).) (See also the San Francisco
17 Citywide Development Impact Fee Register, Exh. E.) The Project Sponsor was
18 erroneously assessed impact fees for the additional square footage only, rather than for
19 the entire new building.

20 The City's issuance of a remodel permit for the Project was erroneous and
21 allowed the Project Sponsor to avoid mandatory public hearings and development impact
22 fees. The remodel permit must be revoked and re-filed as demolition/new construction
23 permits with the proper applications and fees.

24 **b. The Building Permit Application Is Fatally Defective**

25 Building Code Section 106A requires the submission of a building permit
26 application for construction, including this Project. "To obtain a permit, the applicant
27 shall first file an application therefor in writing on a form furnished by the code
28 enforcement agency for that purpose." (SFBC § 106A.3.1.) The application must contain

1 certain information required by the Building Code, as well as “such other data and
2 information as may be required by the building official.” (SFBC § 106A.3.1(7).)

3 The consequence for the violation of these requirements is clear: “The
4 Department will not process an application which is not completely or properly filled out
5 pursuant to the requirements of this section.” (SFBC § 106A.3.2.1.) The Permit in this
6 case was not completely or properly filled out – containing numerous errors and material
7 misrepresentations – and it should not have been processed by the City. The Permit was
8 therefore issued in error and must be revoked.

9 **i. The Application Misrepresents An Existing Bedroom As
10 “Storage”**

11 The Project’s plans show an existing room at the rear of the building on the
12 ground floor, labeled “storage.” (311 plans, Exh. B.) This existing “storage” room
13 appears to be an ensuite bedroom with a toilet, sink, and shower – whether or not it is
14 currently being used as such. It contains a door between the room and the garage, as well
15 as a second door between the “storage” room and a side-room with stairs to the second
16 floor. The Project proposes to remodel this “storage” room, keeping the full ensuite
17 bathroom and also adding a closet. What kind of a storage room includes a full bathroom
18 and closet?

19 Why would the Project Sponsor misrepresent a downstairs bedroom as “storage”?
20 The answer is simple: the room cannot meet the Building Code’s natural light
21 requirement. California Building Code Section 1205.1 states, “Every space intended for
22 human occupancy shall be provided with natural light by means of exterior glazed
23 openings Exterior glazed openings shall open directly onto a public way or onto a
24 yard or court” (CABC § 1205.1.) San Francisco Building Code Section 1205
25 expands on the state code’s requirement and mandates that all “[h]abitable rooms
26 (excluding kitchens, home offices and media rooms) within a dwelling unit or congregate
27 residence shall be provided with natural light by means of exterior glazed openings in
28 accordance with Section 1205.2.” (SFBC § 1205.)

1 The Project’s downstairs room cannot meet the natural light requirement because
2 the Project is not code compliant; it occupies the entire lot, with no rear-yard setback
3 behind the room in question. In other words, there can be no “exterior glazed opening”
4 because the room is wedged between a garage and three property lines. This room does
5 not meet minimum building code requirements, and the Permit plans cannot be approved
6 as presently drafted.

7 **ii. The Application Falsely States That A Deck Will Not Be**
8 **Created**

9 One of the most controversial features of the Project is its inclusion of a large
10 roof-deck. (311 plans, Exh. B.) The roof-deck erodes the privacy of the surrounding
11 homes, and its railings and stair-firewall block light to the adjacent homes and to the solar
12 energy array at 310 Green Street. (See letters of opposition, Exh. C.) Roof-decks are
13 predictably controversial in San Francisco, and perhaps for that reason DBI’s building
14 permit application form includes Question # 19: “DOES THIS ALTERATION CREATE
15 DECK . . . ?” (Permit, Exh. A.)

16 The Project contains a roof-deck (as well as a fourth-story deck in the rear).
17 Nevertheless, the Project Sponsor answered “**NO**” to the question “DOES THIS
18 ALTERATION CREATE DECK.” This is patently false.

19 **i. The “Building Enlargement Description” Is Omitted**

20 Similarly, the Permit application failed to indicate that the Project includes a
21 substantial vertical enlargement in response to the question, “BUILDING
22 ENLARGEMENT DESCRIPTION: VERTICAL HORIZONTAL.” (Permit, Exh.
23 A.) In reality, the Project includes the addition of two new stories. (311 plans, Exh. B.)
24 This “other data and information . . . required by the building official” was wrongfully
25 omitted. (SFBC § 106A.3.1(7).) The Permit application should not have been processed
26 in its incomplete and inaccurate condition. (SFBC § 106A.3.2.1.)

27
28

1 **ii. The Type of Construction is Unspecified**

2 Questions # 4 and 4A of DBI’s permit application form require that the “TYPE
3 OF CONSTR[UCTION]” be specified. (See Permit, Exh. A.) The Project Sponsor
4 answered, “V.” However, “V” is not a complete type of construction.

5 San Francisco Building Code Chapter 6 refers to and incorporates Chapter 6 of
6 the California Building Code. (SFBC Ch. 6.) The California Building Code sets out
7 construction types, which include either an “A” or “B” designation – referring to the
8 building materials’ fire rating. For example, Section 603.1 states, “In buildings of Type
9 IA construction exceeding two stories above grade plane, fire-retardant-treated wood is
10 not permitted” (2013 CABC § 603.1.) The Project Sponsor should have indicated
11 “VA” or “VB.”

12 The “A” vs. “B” designation may seem like a fine point, but it is important to
13 advise DBI of proposed construction’s fire rating. Moreover, the designation is of
14 particular interest to adjacent property owners whose homes could be damaged or
15 destroyed by a fire in the structure. Due to the Project Sponsor’s failure to specify the
16 construction type, the Permit application was “not completely or properly filled out” and
17 should not have been issued. (SFBC § 106A.3.2.1.)

18 **iii. The General Contractor Is Omitted**

19 DBI’s permit application form asks the identity of the Project’s general
20 contractor. Question # 14 asks for the name, address, phone number, license number, and
21 license expiration date of the project’s “GENERAL CONTRACTOR.” (Permit, Exh. A.)
22 The Project Sponsor answered “TBD.” “TBD” is not a contractor.

23 Someone must be responsible for the construction authorized by a permit. It is
24 permissible to file a permit application as an owner-builder (without a contractor), but the
25 Project Sponsor declined to take that path. In addition to answering “TBD” to Question #
26 14, the Project Sponsor affirmed “under penalty of perjury”: “I certify as the owner . . .
27 that in the performance of the work for which this permit is issued, I will employ a
28 contractor” (Permit, Exh. A.)

1 The Permit application was “not completely or properly filled out pursuant to the
2 requirements of [Building Code Section 106A.3.2.1].” It must be revoked.

3 **iv. The Application Falsely States That An Auto Runway Will Not**
4 **Be Constructed Or Altered**

5 DBI’s permit application form asks in Question # 10, “IS AUTO RUNWAY TO
6 BE CONSTRUCTED OR ALTERED?” (See Permit, Exh. A.) The Project Sponsor
7 answered, “NO.” However, the auto runway (i.e., garage driveway) will be altered.
8 Between the curb-cut and the face of the Project’s existing planter box, the sidewalk
9 cross-slope is too steep to meet Americans with Disabilities Act requirements. It is
10 presently up to 7% grade. (Buscovich Decl. at ¶ 19.) As part of the Project, the Project
11 Sponsor will be required to bring the sidewalk up to current code. (Buscovich Decl. at ¶
12 19.) This will necessarily involve alterations to the runway, lowering the elevation of the
13 sidewalk and garage at the property line. (Buscovich Decl. at ¶ 19.)

14 Moreover, the centerline of the garage is proposed to be moved several feet from
15 its existing location. (311 plans, Exh. B.) The auto runway will indisputably be altered.

16 **c. The Project Fails To Meet Seismic Safety Requirements**

17 The San Francisco Building Code and California Building Code Chapter 16
18 require that the new construction portions of a project must comply with ASCE
19 (American Society of Civil Engineers) 7-10, Section 12. This code section requires that
20 each story be set back from adjacent structures by approximately one inch per story to
21 accommodate the structure’s swaying in an earthquake (“seismic drift”). Thus, the
22 Project must be set back from the adjacent houses by approximately four inches each on
23 the east and west sides. Without this mandatory seismic drift setback, the structure may
24 slam into adjacent buildings during an earthquake. (Buscovich Decl. at ¶ 8.)

25 The Project does not provide any seismic drift separation whatsoever. (311 plans,
26 Exh. B.) As a result, the adjacent structures are at risk and the Project is not code-
27 compliant. (Buscovich Decl. at ¶ 8.) The Project must be made to comply with the
28 requirements of ASCE 7-10 before its Permit can be issued.

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

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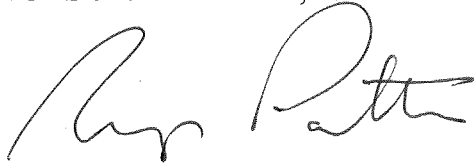
III. CONCLUSION

The Project Sponsor is personally responsible for the errors, omissions, and misrepresentations in the Permit application. The Project Sponsor personally completed the Permit application. (See Permit, Exh. A, signed "Bruno Kanter.") The Project Sponsor is the Project's owner and architect, and he personally designed the Project. (See 311 plans, Exh. B.) He cannot plead ignorance.

For the foregoing reasons, the Permit must be revoked.

Respectfully submitted,

ZACKS & FREEDMAN, P.C.



Ryan J. Patterson

1 ANDREW M. ZACKS (SBN 147794)
2 RYAN J. PATTERSON (SBN 277971)
3 ZACKS & FREEDMAN, P.C.
4 235 Montgomery Street, Suite 400
5 San Francisco, CA 94104
6 Tel: (415) 956-8100
7 Fax: (415) 288-9755

8 Attorneys for Appellants
9 Jack Oswald and Anneke Seley

10 **SAN FRANCISCO BOARD OF APPEALS**

11 JACK OSWALD, ANNEKE SELEY, JAMES
12 KIRK, SUSAN KIRK, THOMAS LATOUR,
13 and BARBARA LATOUR,

14 Appellants,

15 vs.

16 CITY AND COUNTY OF SAN
17 FRANCISCO, DEPARTMENT OF
18 BUILDING INSPECTION, and PLANNING
19 DEPARTMENT,

20 Respondents.

21 Appeal No.: 15-186

22 **DECLARATION OF PATRICK
23 BUSCOVICH, S.E.**

24 BPA No. 201311131794
25 Project Address: 312 Green Street
26 Hearing Date: January 27, 2016

27 I, Patrick Buscovich, declare as follows:

28 1. I am a licensed civil and structural engineer, practicing for 35 years in San
29 Francisco, California. I make this declaration in support of the above-captioned appeal.
30 Unless otherwise stated, I have personal knowledge of the facts stated herein and, if
31 called as a witness, could and would testify competently thereto.

32 2. This is an appeal of Building Permit Application No. 201311131794. The
33 Project Sponsor proposes to enlarge a modest, post-earthquake reconstruction-era house
34 at the crest of Green Street on Telegraph Hill by adding two additional stories and a roof

1 deck, making it a four-story structure and more than doubling its habitable square footage
2 (the "Project"). I have visited the exterior of the Project site on multiple occasions and am
3 readily familiar with the Project site's conditions.

4
5 3. As a civil engineer, one of my professional specialties is evaluating the
6 impacts of proposed construction projects on neighboring structures in San Francisco,
7 including light, wind, and air circulation impacts. I also have more than three decades'
8 experience evaluating the existence, soundness, and neighborhood context of historic
9 buildings in San Francisco.

10
11 4. The existing structure at the subject property (312 Green Street) is one of
12 the last remaining structures, in terms of size and shape, from the post-1906 to 1915
13 reconstruction period. While the fabric and façade of this building have been altered, it is
14 one of the few remaining structures from this period in the area that maintains its original
15 size and shape.

16
17 5. The proposed structure will create a wall, blocking wind flow and
18 substantially impacting air circulation.

19
20 6. The proposed structure will cast a shadow in the mid- to late afternoon on
21 the decks, solar panels, and rear yard of 310 Green Street. It will also reduce the amount
22 of natural light entering 310 Green Street's dining room, bedroom, and bathroom.

23
24 7. The proposed roof deck will be significantly taller than Appellant's deck
25 and a sufficient setback between the two decks has not been provided, impacting privacy.

26
27 8. The project does not provide the minimum seismic separation between the
28 proposed additions and the adjacent structures. As a result, during an earthquake the new
third and fourth floors may pose a danger to the adjacent structures due to earthquake
pounding. The San Francisco Building Code and California Building Code Chapter 16
require that the new construction portions of a project must comply with ASCE
(American Society of Civil Engineers) 7-10, Section 12. This code section requires that

1 each story be set back from adjacent structures by approximately one inch per story to
2 accommodate the structure's swaying in an earthquake ("seismic drift"). Thus, the
3 Project must be set back from the adjacent houses by approximately four inches each on
4 the east and west sides. Without this mandatory seismic drift setback, the structure may
5 slam into adjacent buildings during an earthquake. The Project does not provide any
6 seismic drift separation whatsoever. As a result, the adjacent structures are at risk and the
7 Project is not code-compliant.

8 9. I have reviewed the City's formulas for determining whether a project
9 constitutes demolition. As defined by Planning Code Section 317, more than 50% of the
10 Vertical Envelope Elements and more than 50% of the Horizontal Elements of the
11 existing building, as measured in square feet of actual surface area, will be removed. As
12 defined by SF Building Code Section 103A.3.2, the Project will destroy or remove the
13 principal portions of the existing structure, including more than two-thirds of the interior
14 elements.
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1 10. Under the Planning Code definition, the Project clearly constitutes a
 2 demolition:

HORIZONTAL ELEMENTS	% DEMO	
Roof	100%	
2 nd Floor	100%	
TOTAL	100%	EXCEEDS THRESHOLD

VERTICAL ELEMENTS			
EXTERIOR WALLS	LENGTH	% DEMO	
Front	18'	> 0%	Due to garage door relocation and reframing of second-floor bay window
Rear	18'	100%	
East Side	57'	100%	
West Side	57'	100%	
TOTAL		≥ 88%	EXCEEDS THRESHOLD

20 11. Likewise, under the Building Code definition, the Project clearly
 21 constitutes a demolition:

TOTAL AREA	% DEMO	
Interior Walls	100%	
Exterior Walls	≥ 88%	Could be as much as 100%
Floor/Roof	100%	
TOTAL	≥ 95%	EXCEEDS THRESHOLD

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12. On or about December 2015 and January 2016, I reviewed all publically available building plans for the Permit, including site permit plans and 311 plans, including at the San Francisco Department of Building Inspection's Microfilm Records Office, and I am readily familiar with the plans and the work authorized by the Permit (the "Project"). I am readily familiar with the type of construction authorized by the Permit, including methods and materials, having completed numerous similar projects during my professional career in San Francisco.

13. I am informed and believe that the existing structure at the Project site, 312 Green Street, was constructed ca. 1907.

14. The Project Permit was submitted as a Form 3 alteration permit rather than as two permits for demolition and new construction. I have evaluated the extent of the demolition of the existing structure that will be necessary to complete the Project and am qualified to do so.

15. The Project calls for the following work:

- a. Remodel an existing two-story building;
- b. Remove roof;
- c. Remove front and back walls at first and second stories;
- d. Remove first-floor garage slab;
- e. Reframe second-floor joists;
- f. Reframe first- and second-floor side-walls; and
- g. Add two new stories to make the structure a four-story building, and add a roof-deck above the new fourth story.

This will convert an existing two-story dwelling into a four-story dwelling.

1 16. Following the aforementioned work, the only remaining features of the
2 existing structure that are proposed to remain are the side-walls at the first and second
3 floors, and the second-floor joists.

4 17. However, it will not be possible to reframe and keep the existing second-
5 floor joists or the first- and second-floor side-walls as proposed by the Project. For the
6 following reasons, these elements of the existing structure must be demolished to
7 complete the Project:
8

9 h. The first-floor side-wall studs are too small (2x4) and must be
10 replaced with larger studs to meet current code requirements (2x6 or 3x4). 2x4
11 studs were used for the construction of two-story homes during the time
12 period when the existing structure was constructed. It is extremely unlikely
13 that larger studs were used that could meet current code requirements for
14 supporting a four-story building. Furthermore, the Project calls for a new
15 footing, which will change the stud length at the bottom; on the other end, the
16 second-floor joist upgrade will likewise change the stud length at the top.
17 Therefore, the studs in between must also be changed to 2x6 or 3x4, as it is
18 not possible to join 2x4 studs in the middle with the new larger-sized studs at
19 the ends; 2x4 studs are not large enough to support three stories, and the
20 existing studs will not be long enough for the proposed walls. The first-floor
21 side-walls must also be upgraded to one-hour construction, which requires
22 5/8" rock on the exterior of the studs.

23 i. The second-floor stud-wall must also be replaced with:
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- i. One-hour construction, which requires 5/8" rock on the exterior of the studs;
 - ii. A change in the length/height of the second-floor studs to compensate for the new story height, plus the joist reframing at the second floor; and
 - iii. Float.
- j. The second-floor joists from the original construction (estimated to be 2x8) will be spanning approximately 14 feet. These existing joists are too small for this size of span and will require reframing due to the removal of bearing walls in the proposed Project. The only possible use for the old joists would be as salvaged scrap lumber, nailed to the new joists and serving no structural or other purpose.

18. In my professional opinion, the proposed Project will exceed the Planning and Building Code thresholds for a demolition. Since the aforementioned elements will require structural replacement with new framing, no significant original portion of the existing structure will remain upon completion of the project.

19. Between the curb-cut and the face of the Project's existing planter box, the sidewalk cross-slope is too steep to meet Americans with Disabilities Act requirements. It is presently up to 7% grade. As part of the Project, the Project Sponsor will be required to bring the sidewalk up to current code. This will necessarily involve alterations to the runway, lowering the elevation of the sidewalk and garage at the property line.


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ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

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I declare, under penalty of perjury under the laws of the State of California that
the foregoing is true and correct.

Dated: January 7, 2016



Patrick Buscovich

Declaration of Patrick O'Neill

I, Patrick O'Neill, declare as follows:

1. I am a general contractor, licensed to practice in California for more than 20 years. I am the proprietor of O'Neill Construction in San Francisco, California. I make this declaration in support of the appeal of Building Permit Application No. 201311131794 (the "Permit"). Unless otherwise stated, I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently thereto.
2. On or about December 2015 and January 2016, I reviewed all publically available building plans for the Permit, including site permit plans and 311 plans, including at the San Francisco Department of Building Inspection's Microfilm Records Office, and I am readily familiar with the plans and the work authorized by the Permit (the "Project"). I am readily familiar with the type of construction authorized by the Permit, including methods and materials, having completed numerous similar projects during my professional career in San Francisco.
3. I am informed and believe that the existing structure at the Project site, 312 Green Street, was constructed ca. 1907. One of my specialties is working on homes built during the Victorian and Edwardian eras.
4. The Project Permit was submitted as a Form 3 alteration permit rather than as two permits for demolition and new construction. I have evaluated the extent of the demolition of the existing structure that will be necessary to complete the Project and am qualified to do so.
5. The Project calls for the following work:
 - a. Remodel an existing two-story building;
 - b. Remove roof;
 - c. Remove front and back walls at first and second stories;

- d. Remove first-floor garage slab;
- e. Reframe second-floor joists;
- f. Reframe first- and second-floor side-walls; and
- g. Add two new stories to make the structure a four-story building, and add a roof-deck above the new fourth story.

This will convert an existing two-story dwelling into a four-story dwelling.

6. Following the aforementioned work, the only remaining features of the existing structure that are proposed to remain are the side-walls at the first and second floors, and the second-floor joists.

7. However, it will not be possible to reframe and keep the existing second-floor joists or the first- and second-floor side-walls as proposed by the Project. For the following reasons, these elements of the existing structure must be demolished to complete the Project:

- a. The first-floor side-wall studs are too small (2x4) and must be replaced with larger studs to meet current code requirements (2x6 or 3x4). 2x4 studs were used for the construction of two-story homes during the time period when the existing structure was constructed. It is extremely unlikely that larger studs were used that could meet current code requirements for supporting a four-story building.

Furthermore, the Project calls for a new footing, which will change the stud length at the bottom; on the other end, the second-floor joist upgrade will likewise change the stud length at the top. Therefore, the studs in between must also be changed to 2x6 or 3x4, as it is not possible to join 2x4 studs in the middle with the new larger-sized studs at the ends; 2x4 studs are not large enough to support three stories, and the existing studs will not be long enough for the proposed walls. The first-floor side-

walls must also be upgraded to one-hour construction, which requires 5/8" rock on the exterior of the studs.

b. The second-floor stud-wall must also be replaced with:

i. One-hour construction, which requires 5/8" rock on the exterior of the studs;

ii. A change in the length/height of the second-floor studs to compensate for the new story height, plus the joist reframing at the second floor; and

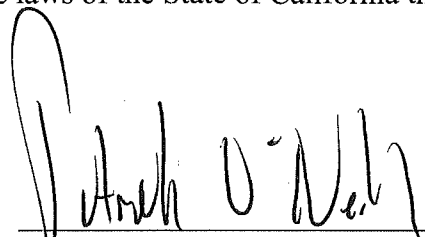
iii. Float.

c. The second-floor joists from the original construction (estimated to be 2x8) will be spanning approximately 14 feet. These existing joists are too small for this size of span and will require reframing due to the removal of bearing walls in the proposed Project. The only possible use for the old joists would be as salvaged scrap lumber, nailed to the new joists and serving no structural or other purpose.

8. In my professional opinion, the proposed Project will exceed the Planning and Building Code thresholds for a demolition. Since the aforementioned elements will require structural replacement with new framing, no significant original portion of the existing structure will remain upon completion of the project.

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 7, 2016



Patrick O'Neill

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

1 ANDREW M. ZACKS (SBN 147794)
2 RYAN J. PATTERSON (SBN 277971)
3 ZACKS & FREEDMAN, P.C.
4 235 Montgomery Street, Suite 400
5 San Francisco, CA 94104
6 Tel: (415) 956-8100
7 Fax: (415) 288-9755

8 Attorneys for Appellants
9 Jack Oswald and Anneke Seley

10 **SAN FRANCISCO BOARD OF APPEALS**

11 JACK OSWALD, ANNEKE SELEY, JAMES
12 KIRK, SUSAN KIRK, THOMAS LATOUR,
13 and BARBARA LATOUR,

14 Appellants,

15 vs.

16 CITY AND COUNTY OF SAN
17 FRANCISCO, DEPARTMENT OF
18 BUILDING INSPECTION, and PLANNING
19 DEPARTMENT,

20 Respondents.

Appeal No.: 15-186

DECLARATION OF RYAN J. PATTERSON

BPA No. 201311131794
Project Address: 312 Green Street
Hearing Date: January 27, 2016

21 I, Ryan J. Patterson, declare as follows:

22 1. I am an attorney at Zacks & Freedman, P.C., the firm hired to represent
23 appellants in this proceeding. I make this declaration based on facts personally known to
24 me, except as to those facts stated on information and belief, which facts I believe to be
25 true.

26 2. Attached as Exhibit A is a true and correct copy of Building Permit
27 Application No. 201311131794.
28

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

1 3. Attached as Exhibit B is a true and correct copy of the Planning Code
2 Section 311 plans for the Project.

3 4. Attached as Exhibit C are true and correct copies of letters of opposition to
4 the Project, filed in previous proceedings.

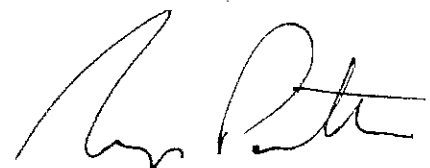
5 5. Attached as Exhibit D is a true and correct copy of a solar study showing
6 the additional shadow cast by the Project on the solar energy array at 310 Green Street,
7 including the author's CV and qualifications.

8 6. Attached as Exhibit E is a true and correct copy of the San Francisco
9 Citywide Development Impact Fee Register.

10 7. Attached as Exhibit F is a true and correct copy of the Declaration of
11 Michael Garavaglia.

12 I declare, under penalty of perjury under the laws of the State of California that
13 the foregoing is true and correct.

14
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18
19 Dated: January 7, 2016



Ryan J. Patterson

EXHIBIT A



Capacity Charges
Water: \$600.
Wastewater: \$209.



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APPROVED
Dept. of Building Insp.

BUILDING ENLARGEMENT
DESCRIPTION
 VERTICAL
 HORIZONTAL

APPROVED FOR ISSUANCE
OCT 21 2015

Bldg. FORM 3/8

APPLICATION NUMBER
2015 110 1941-5

OSIA APPROVAL REQUIRED
APPROVAL NUMBER

OCT 26 2015
**APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS**

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION**

TOM C. HUI, S.E.
FORM 3 OTHER AGENCIES REVIEW REQUIRED
FORM 8 OVER-THE-COUNTER ISSUANCE
2 NUMBER OF PLAN SETS

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

DO NOT WRITE ABOVE THIS LINE

DATE FILED 11-13-13	FILING FEE RECEIPT NO. 13118382	(1) STREET ADDRESS OF JOB 312 GREEN ST.	BLOCK & LOT 114/16
PERMIT NO. 1873418	ISSUED 10-26-2015	(3A) ESTIMATED COST OF JOB \$410,000	(2B) REVISED COST BY: 476,000.00 DATE 10/19/15

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING				
(4A) TYPE OF CONSTR. I	(5A) NO. OF STORIES OF OCCUPANCY 2	(6A) NO. OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE SINGLE FAMILY DWELLING	(8A) OCCUP. CLASS R-3
(4B) TYPE OF CONSTR. II	(5B) NO. OF STORIES OF OCCUPANCY 4	(6B) NO. OF BASEMENTS AND CELLARS 0	(7B) PROPOSED USE (LEGAL USE) SINGLE FAMILY DWELLING	(8B) OCCUP. CLASS R-3
(10) IS AUTO RUNWAY 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 checked="" type="checkbox"/> NO <input type="checkbox"/>		(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(14) GENERAL CONTRACTOR TBD				
(15) OWNER - LESSEE (CROSS OUT ONE) BRUNO & SUZANNE KANTER 822 GREENWICH ST, SF, CA 94133 415-921-5456				
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT) GROUND & 2ND FLR. REMODEL + 3RD & 4TH STORY ADDITION				

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT 39'6"	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. 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 SUB-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 PLOT 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 OR CONSTRUCTION) BRUNO KANTER 822 GREENWICH ST, SF, CA 94133 C-26422			
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN")			

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 is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 385, 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, and complete details of retaining walls and wall footings 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) (17) (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
 LESSEE
 CONTRACTOR
 ARCHITECT
 AGENT
 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 claims, 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 worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (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 worker's compensation, as provided by Section 5700 of the Labor Code, for the performance of the work for which this permit is issued.

() II. I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:

Carrier _____
Policy Number _____




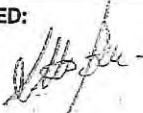
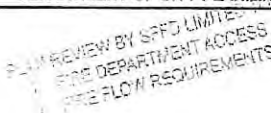


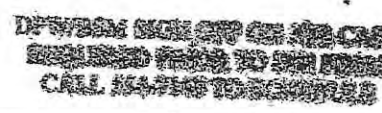

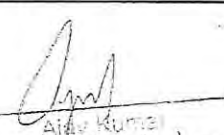

() III. The cost of the work to be done is \$100 or less.

() 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 worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

(x) 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 worker's 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: Bruno Kanter
Date: 11-13-13

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED:  JOSEPH OSPITAL, DBI AUG 18 2015  BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: Two story addition per 2013.1652 DY, DRA 0387, APPEAL 14-195, NSR 2015K029850 3.5.15. RM-1 CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW  3.9.15 Approved Planning Dept. Date: 10.16.15 DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input checked="" 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: By: <u>Grace Lau 4/8/15</u> Grace Lau, DPW/BSM  BUREAU OF ENGINEERING DPW/BSM	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED:  DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: SFPUC Capacity Charges See attached SFPUC Capacity Charge Invoice for total amount due. DBI will collect charges.  SFPUC REDEVELOPMENT AGENCY AX 10/16/14/14/15	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 departments noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments

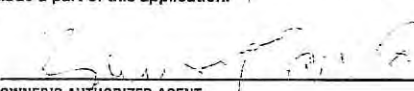

 OWNER'S AUTHORIZED AGENT

EXHIBIT B



**SAN FRANCISCO
PLANNING DEPARTMENT**

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: **Wednesday, July 23, 2014**
 Time: **9:30 AM**
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408**
 Case Type: **Variance(Rear Yard)**
 Hearing Body: **Zoning Administrator**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: 312 Green Street	Case No.: 2013.1652V
Cross Street(s): Castle & Montgomery Street	Building Permit: 201311131794
Block / Lot No.: 0114/016	Applicant/Agent: Bruno and Suzanne Kanter
Zoning District(s): RM-1 / 40-X	Telephone: 415-921-5456
Area Plan: N/A	E-Mail: brunokanter@gmail.com

PROJECT DESCRIPTION

The proposal is to construct a third floor and fourth floor addition to a two-story, single-family residence. The third story addition encroaches 10'-6" into the 15'-0" required rear yard. Included in the proposal are exterior stairs from the third story to the fourth story which also encroach into the required rear yard. The subject dwelling is currently noncomplying and occupies the full lot.

PLANNING CODE SECTION 134 requires 15 foot rear yard. The third story addition encroaches 10'-6" into the 15'-0" required setback. Exterior stairs from the third story to the fourth story are included in the proposal which also encroach into the rear yard.

ADDITIONAL INFORMATION

FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:
 Planner: **Kate Conner** Telephone: **415-575-6914** Mail: **kate.conner@sfgov.org**

ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2013.1652V.pdf>

中文詢問請電 : 558.6378

Para información en Español llamar al: 558.6378

GENERAL INFORMATION ABOUT PROCEDURES

VARIANCE HEARING INFORMATION

Under Planning Code Section 306.3, you, as a property owner or resident within 300 feet of this proposed project or interested party on record with the Planning Department, are being notified of this Variance Hearing. **You are not obligated to take any action.** For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant/Agent or Planner listed on this notice as soon as possible. Additionally, you may wish to discuss the project with your neighbors and neighborhood association or improvement club, as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Zoning Administrator, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00pm the day prior to the hearing. These comments will be made a part of the official public record, and will be brought to the attention of the person or persons conducting the public meeting or hearing.

BUILDING PERMIT APPLICATION INFORMATION

Under Planning Code Section 311/312, the Building Permit Application for this proposal is also subject to a 30-day notification to occupants and owners within 150-feet of the subject property. **On June 20, 2014, the Department issued the required Section 311 notification for this project (expires July 20, 2014).**

BOARD OF APPEALS

An appeal of the approval (or denial) of a variance application by the Zoning Administrator may be made to the Board of Appeals **within 10 days** after the Variance Decision Letter is issued by the Zoning Administrator.

An appeal of the approval (or denial) of a building permit application by the Planning Department may be made to the Board of Appeals **within 15 days** after the building permit is issued (or denied) by the Director of the Department of Building Inspection.

Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6850.

ABOUT THIS NOTICE

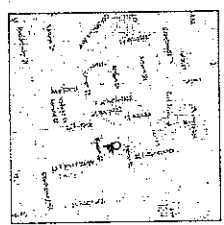
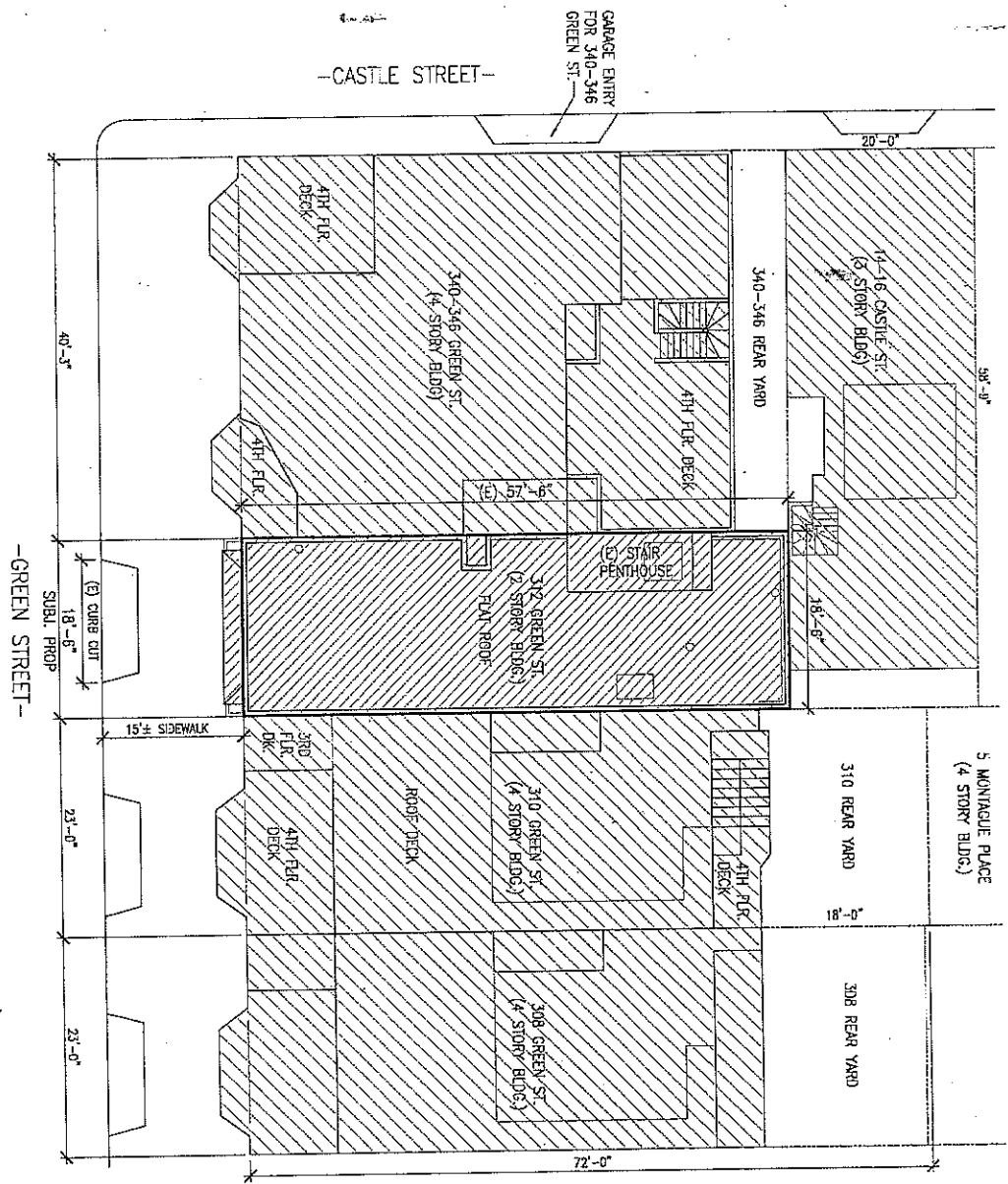
The Planning Department is currently reviewing its processes and procedures for public notification as part of the Universal Planning Notification (UPN) Project. The format of this Public Hearing notice was developed through the UPN Project and is currently being utilized in a limited trial-run for notification of Variance Hearings.

If you have any comments or questions related to the UPN Project or the format of this notice, please visit our website at <http://upn.sfplanning.org> for more information.

中文詢問請電: 558.6378

Para información en Español llamar al: 558.6378

EXISTING SITE PLAN



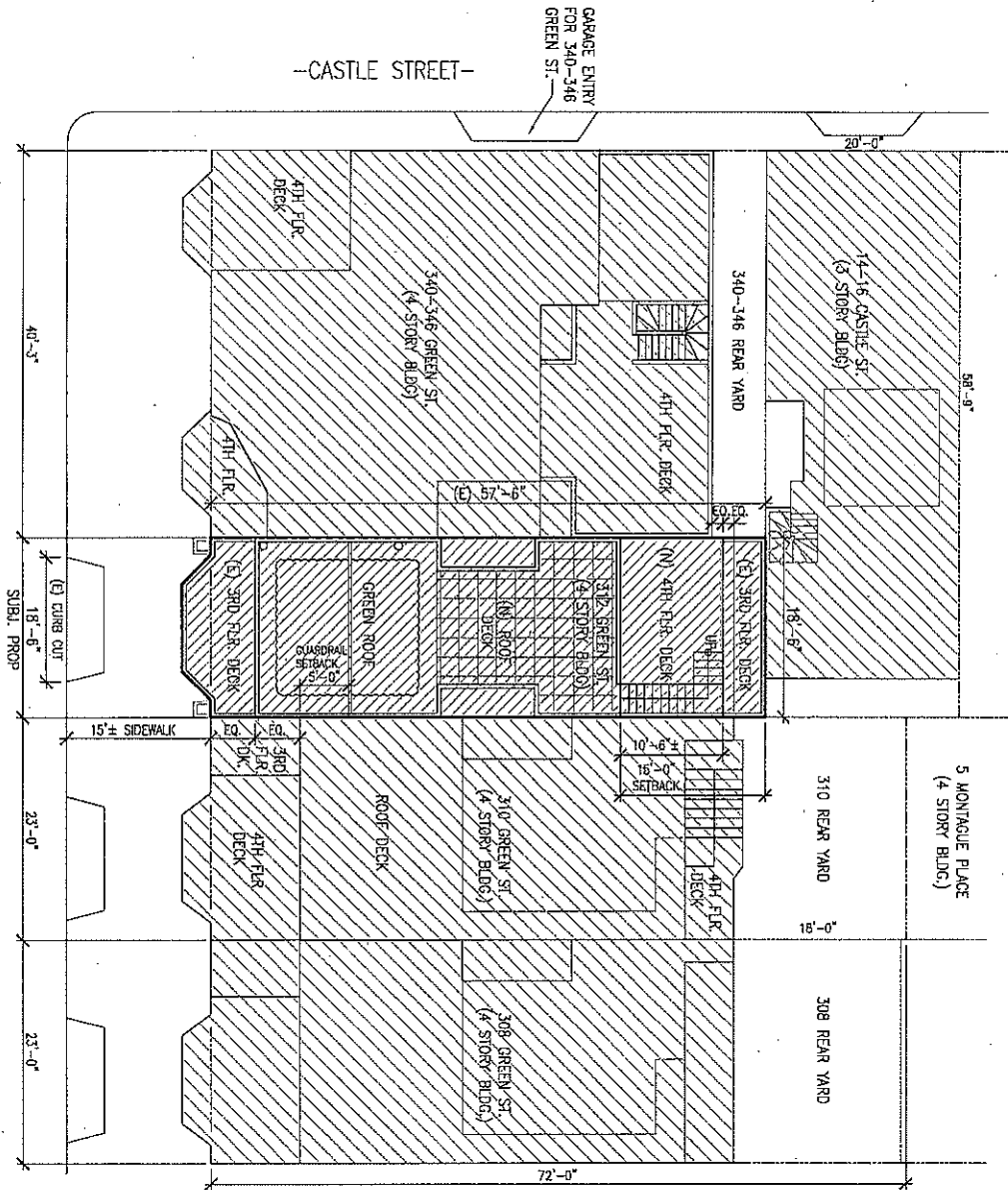
LOCATION MAP

- PROPOSED SCOPE:**
- GROUND & 2ND FLOOR REMODEL
 - 3RD FLOOR CONVERSION
 - SECOND TRYPHASE
 - SECOND LEAD GREEN BLDG. CERT.
 - APPROPRIATE BARRIER FREE NOISE
- PROJECT INFO:**
- PROJECT NO. 114/15
 - BUILDING NO. 1
 - HEIGHT: 40'-X
 - TYPE OF CONSTRUCTION: TYPE V
 - OCCUPANCY: R-3
 - NOT HISTORIC DISTRICT OR RESURCE
 - BLDG. AREA: 1983 + 4001.00sq = 2888 SF.

- DRAWING INDEX:**
- A10 EXISTING SITE PLAN
 - A11 PROPOSED SITE PLAN
 - A20 EXISTING FLOOR PLANS
 - A21 PROPOSED FLOOR PLANS
 - A30 EXISTING ELEVATIONS
 - A31 PROPOSED ELEVATIONS

	K&L ARCHITECTS 822 GREENWICH ST. S.F., CA 94133 Phone: 415.271-5455	RESIDENTIAL REMODEL: 312 GREEN ST. SAN FRANCISCO, CA 94133	SHEET NO. A0.1
	DATE: 04-17-15 SCALE: AS SHOWN	SITE: 312 GREEN ST. SHEET NO.: A0.1 DATE: 04-17-15	STATE PROJECT NUMBER: (CALL INVESTIGATIONS) DRAWN BY: [Name] EXISTING SITE PLAN

1 PROPOSED SITE PLAN

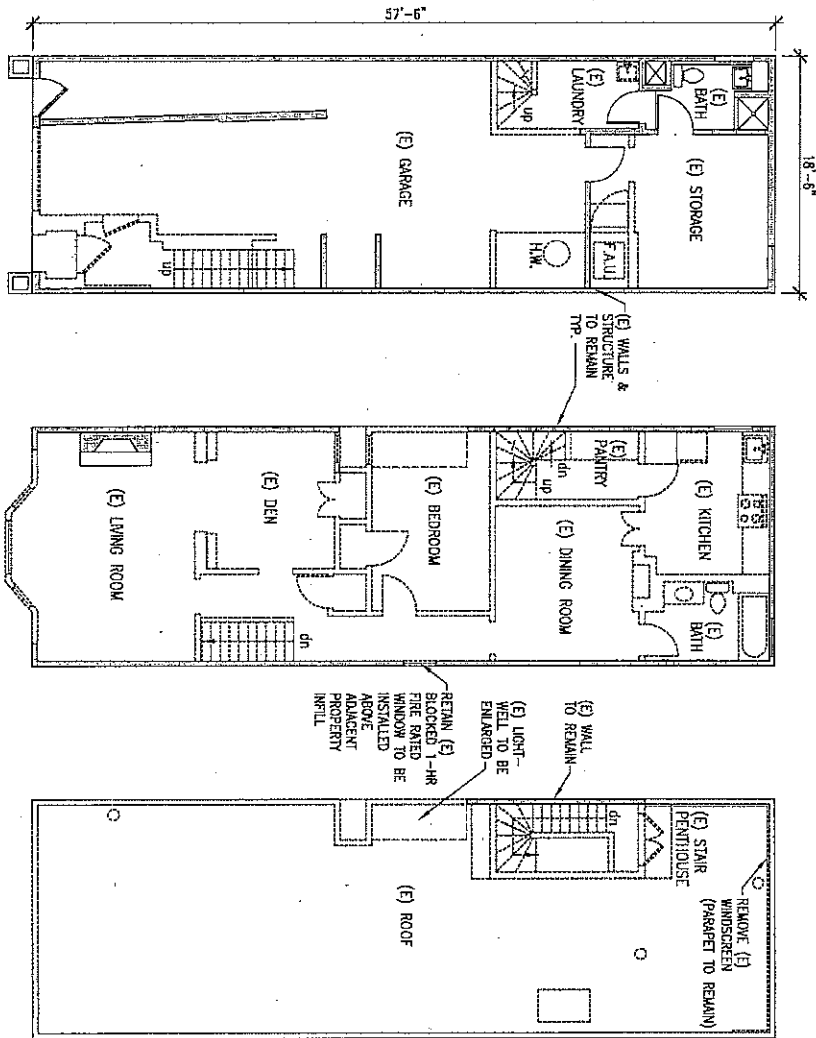


<p>312 GREEN ST. 312 GREEN ST. 312 GREEN ST. 312 GREEN ST.</p>	<p>RESIDENTIAL REMODEL: 312 GREEN ST. SAN FRANCISCO, CA 94133</p>	<p>312 GREEN ST. 312 GREEN ST. 312 GREEN ST. 312 GREEN ST.</p>	<p>312 GREEN ST. 312 GREEN ST. 312 GREEN ST. 312 GREEN ST.</p>
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11.0

PROPOSED SITE PLAN

GRAPHIC KEY:
 EXISTING WALL
 ELEMENT REMOVED



REMAIN (E) BLOCKED 1-HR FIRE RATED WINDOW TO BE INSTALLED ABOVE ADJACENT PROPERTY INFILL

(E) LIGHT WELL TO BE ENLARGED

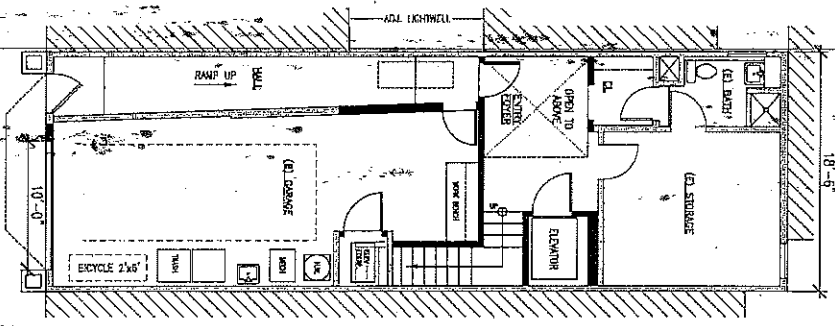
(E) WALL TO REMAIN

(E) WALLS & STRUCTURE TO REMAIN TYP.

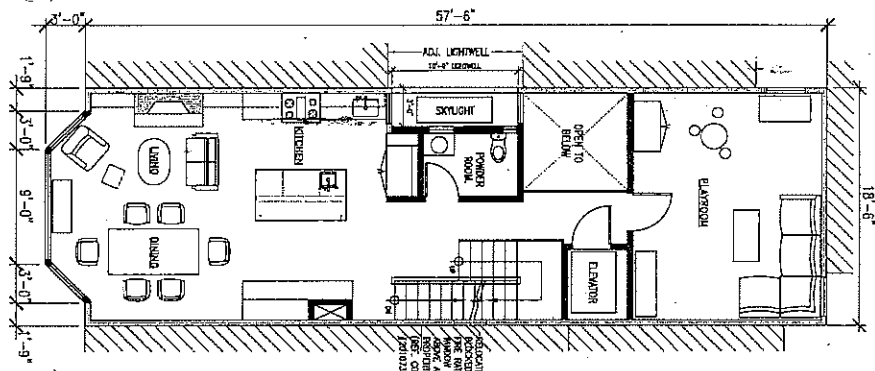
	822 GREENWICH ST. S.F., CA 94133 Phone 415.271.5458	3112 4-4-83 1/4" = 1'-0"	RESIDENTIAL REMODEL: 312 GREEN ST. SAN FRANCISCO, CA 94133	DATE REVISION 1/15/83 1 1/15/83 2 1/15/83 3 1/15/83 4 1/15/83 5 1/15/83 6 1/15/83 7 1/15/83 8 1/15/83 9 1/15/83 10 1/15/83 11 1/15/83 12 1/15/83 13 1/15/83 14 1/15/83 15 1/15/83 16 1/15/83 17 1/15/83 18 1/15/83 19 1/15/83 20 1/15/83 21 1/15/83 22 1/15/83 23 1/15/83 24 1/15/83 25 1/15/83 26 1/15/83 27 1/15/83 28 1/15/83 29 1/15/83 30 1/15/83 31 1/15/83 32 1/15/83 33 1/15/83 34 1/15/83 35 1/15/83 36 1/15/83 37 1/15/83 38 1/15/83 39 1/15/83 40 1/15/83 41 1/15/83 42 1/15/83 43 1/15/83 44 1/15/83 45 1/15/83 46 1/15/83 47 1/15/83 48 1/15/83 49 1/15/83 50 1/15/83 51 1/15/83 52 1/15/83 53 1/15/83 54 1/15/83 55 1/15/83 56 1/15/83 57 1/15/83 58 1/15/83 59 1/15/83 60 1/15/83 61 1/15/83 62 1/15/83 63 1/15/83 64 1/15/83 65 1/15/83 66 1/15/83 67 1/15/83 68 1/15/83 69 1/15/83 70 1/15/83 71 1/15/83 72 1/15/83 73 1/15/83 74 1/15/83 75 1/15/83 76 1/15/83 77 1/15/83 78 1/15/83 79 1/15/83 80 1/15/83 81 1/15/83 82 1/15/83 83 1/15/83 84 1/15/83 85 1/15/83 86 1/15/83 87 1/15/83 88 1/15/83 89 1/15/83 90 1/15/83 91 1/15/83 92 1/15/83 93 1/15/83 94 1/15/83 95 1/15/83 96 1/15/83 97 1/15/83 98 1/15/83 99 1/15/83 100	ELITE REMODEL SIMON CIVIL ENGINEERING 1000 MARKET STREET FLOOR PLANS 1/15/83 A2.0
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GRAPHIC KEY:
 --- EXISTING WALL
 --- NEW WALL

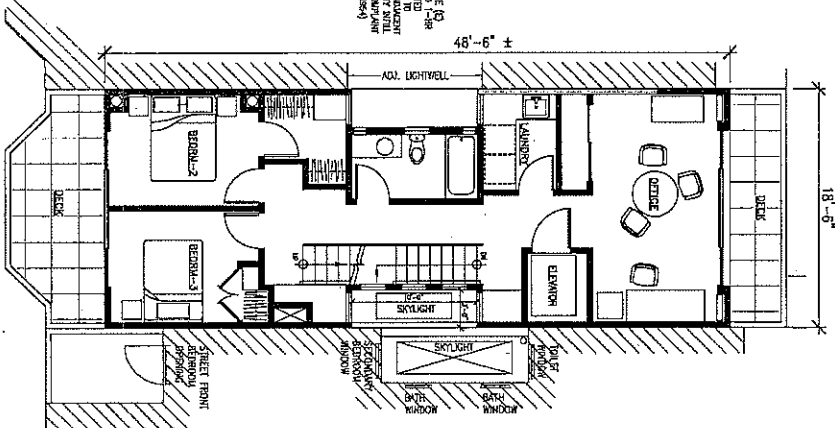
PROPOSED
 GROUND-FLOOR PLAN
 1/4" = 1'-0"



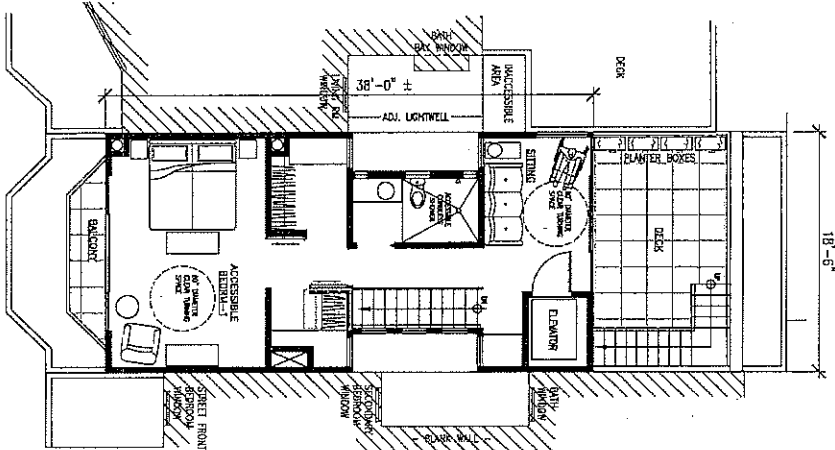
PROPOSED
 2ND-FLOOR PLAN
 1/4" = 1'-0"



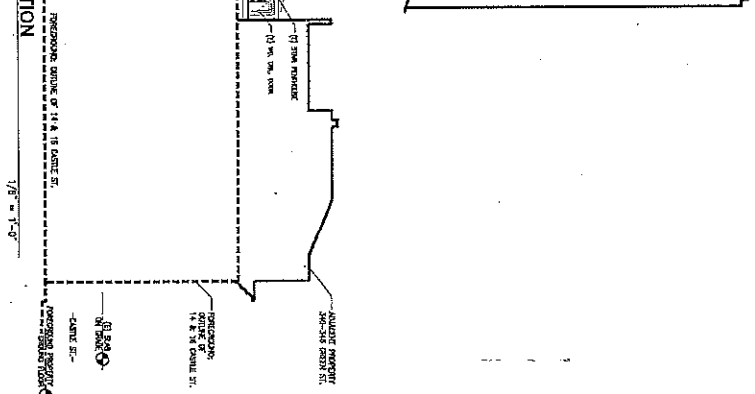
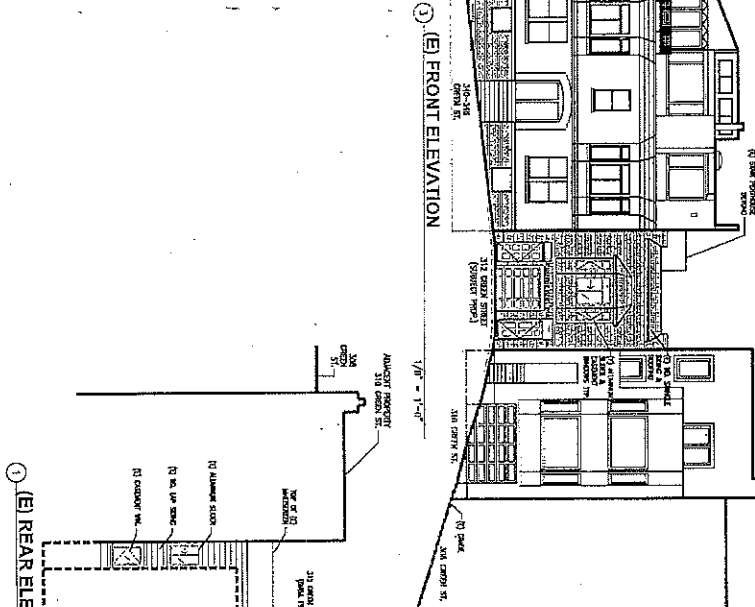
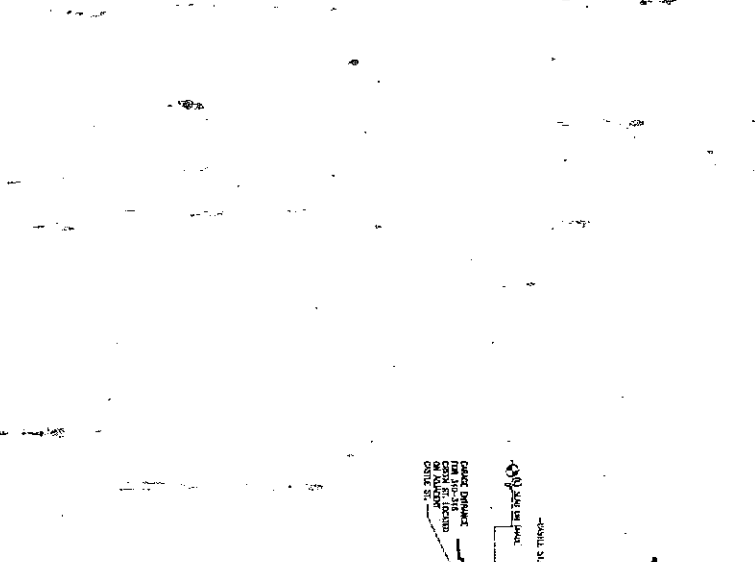
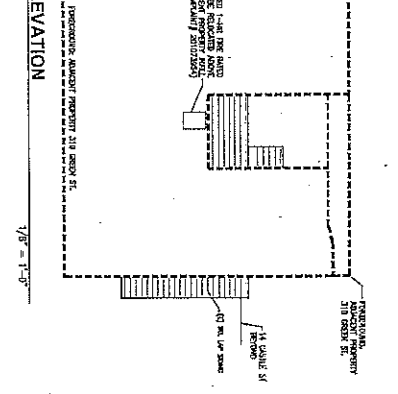
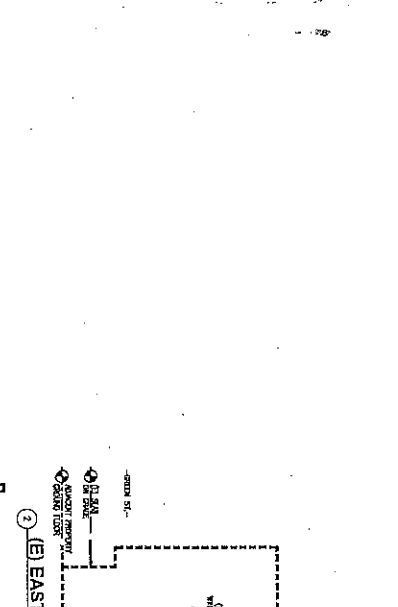
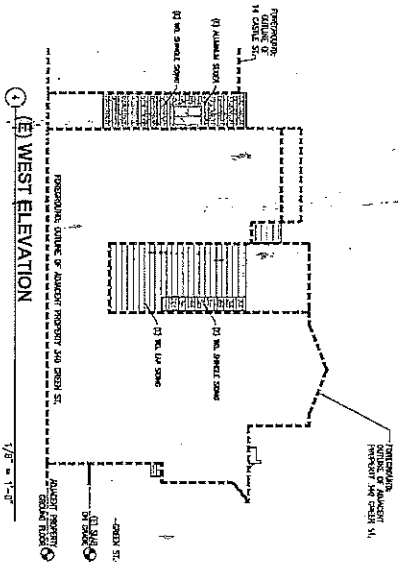
PROPOSED
 3RD-FLOOR PLAN
 1/4" = 1'-0"



PROPOSED
 4TH-FLOOR PLAN
 1/4" = 1'-0"



SHEET NO. A2.1	SITE: PROJECT SIGN, CELL, PERMITS, AND FLOOR PLANS	DATE: 11/15/15 SCALE: AS SHOWN	RESIDENTIAL REMODEL: 312 GREEN ST. SAN FRANCISCO, CA 94133		KANNER ARCHITECTURE 822 GREENWICH ST. SAN FRANCISCO, CA 94133 PHONE: 415.271.1585



	RESIDENTIAL REMODEL 312 GREEN ST. SAN FRANCISCO, CA 94133		J.A. KANNER ARCHITECTS 422 GREENWICH ST. SAN FRANCISCO, CA 94133 Phone: 415.271.5455 Fax: 415.271.5455
	SHEET NO. A3.0 DATE: 11/11/11 SCALE: AS SHOWN	312 GREEN ST. SAN FRANCISCO, CA 94133 SCALE: 1/8" = 1'-0"	



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Disclaimer for Review of Plans

The San Francisco Planning Code requires that the plans of certain proposed projects be provided to members of the public prior to the City's approval action on the project. Accordingly, any images of plans featured on this website are provided for the primary purpose of facilitating public input prior to the City's action. The City and County of San Francisco does not own the copyright to these images. Please be aware that the unauthorized reproduction, distribution, or alteration of these images may result in a violation of Federal Copyright Law (17 U.S.C. Sections 101 et seq.) and that any party who seeks to reproduce or alter these images does so at his or her own risk.

Additionally, plans provided on this website are limited to site plans, elevations and/or section details (floor plans and structural details may not be included). These are DRAFT PLANS being provided for public review PRIOR to the City's approval action on the project. Final plans may differ from those that are currently available for review.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Memo

EXHIBIT C

Received at CPC Hearing

10/23/14

K. Conner

From: THD Planning & Zoning [mailto:pz@thd.org]
Sent: Thursday, October 23, 2014 10:34 AM
To: Conner, Kate; Scott Sanchez
Subject: 312 Green Street - 2013.1652DV
Importance: High

October 23, 2014

Cindy Wu, President
San Francisco Planning Commission

Scott Sanchez
Zoning Administrator

Re: 312 Green Street
2013.1652DV

Dear President Wu and Commissioners,

The Planning & Zoning Committee of the Telegraph Hill Dwellers (THD) is writing to respectfully urge the Commission to take Discretionary Review and require the project to be reduced by one floor.

The project as proposed – including the addition of two new floors and a roof deck to the existing two-story residence occupying the entire lot – is too massive for its site thereby requiring a significant Variance from the rear yard requirements of the Planning Code.

Although there are no plans included in the agenda materials before the Planning Commission, it appears that the proposed project may constitute a demolition of the existing residential building.

Absent the removal of the proposed fourth floor, we oppose the granting of a Variance, which we do not believe can be justified in this instance pursuant to the to Planning Code Section 305(c). The proposed third story addition encroaches 10'-6" into the 15'-0" required rear yard and the proposed exterior stairs from the third story to the fourth story also encroach into the required rear yard. These additions within the required rear yard will be detrimental and materially injurious to nearby properties, including those behind the project site on Castle Street and Montague Place, in that their light and air will be impacted by the fourth floor addition.

Planning & Zoning Committee
Telegraph Hill Dwellers

001331

From: Shashi BATEA

1245 Montgomery St

SF CA 94133

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green St Proposal

To President Cindy Wu:

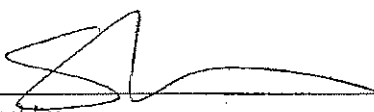
RECEIVED

OCT 27 2014

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

I am writing to inform the Planning Commission that I do not support the proposed development plan for 312 Green St as approved by the Planning Department. I would support a proposal that is limited to a one story addition.

Anything taller than three stories total would be much too large and out of context for that part of Green St as well as in general for all of Telegraph Hill. I hope that you will take my concerns into account when you consider the proposal under review.


Signed by: _____

Date: 10/20/14

From: VICTOIRE BONNIFAY
1243 Montgomery St.
SAN FRANCISCO, CA 94133

RECEIVED
OCT 27 2014
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green St Proposal

To President Cindy Wu:

I am writing to inform the Planning Commission that I do not support the proposed development plan for 312 Green St as approved by the Planning Department. I would support a proposal that is limited to a one story addition.

Anything taller than three stories total would be much too large and out of context for that part of Green St as well as in general for all of Telegraph Hill. I hope that you will take my concerns into account when you consider the proposal under review.



Signed by:

Date: 10/20/14

To: Conner, Kate (CPC); Connie & Dick Pisciotta; hipisciotta@yahoo.com; dpress@rocketmail.com; maria.f.farell@bankofamerica.com
Subject: 312 Green Street (Case No: 2013.1652V)

Hi Kate,

This email is in regards to:

Project Address: 312 Green Street
Block/Lot No:0114/016
Case NO: 2013.1652V
Building Permit: 201311131794

This is in regards to the notice of Public Hearing regarding the proposal to build 3rd and 4th floor additions to 312 Green Street.

The owners of the impacted building 14-16 Castle Street, do not live on site. The 14-16 Castle Street Property is registered to:

Connie & Dick Pisciotta
301 Baltimore Way
San Francisco CA 94112

Phone number: 415-334-6429

The hearing notice was addressed to 14 Castle Street, and the occupants just passed on the notice.

Please note documents regarding 14-16 Castle Street should be address to Connie & Dick at the above specified address.

312 Green Street shares a partial wall with 14-16 Castle, and this construction project would directly impact the view and property value of 14-16 Castle Street. The view of the iconic TransAmerica Pyramid would be blocked completely by this build. I believe the owners of the 14-16 Castle property, Connie and Dick, have expressed their concern to Bruno and Suzanne Kanter. It is my understanding that Connie and Dick are NOT in support of this project.

Please contact Connie & Dick Pisciotta in regards to this matter. I have copied them on this email for their reference.

Thanks,
Michelle MacRae
415-940-3034

This message, and any attachments, is for the intended recipient(s) only, may contain information that is privileged, confidential and/or proprietary and subject to important terms and conditions available at <http://www.bankofamerica.com/emaildisclaimer>. If you are not the intended recipient, please delete this message.

From: Tom Noyes [<mailto:tompsonpublic@noyesfamily.com>]

Sent: Wednesday, October 22, 2014 10:23 PM

To: cwu.planning@gmail.com

Cc: planning@rodneyfong.com; wordweaver21@aol.com; richhillssf@yahoo.com;
Christine.d.johnson@sfgov.org; mooreurban@aol.com; dennis.richards@sfgov.org;
Jonas.ionin@sfgov.org; kate.conner@sfgov.org; THD Planning and Zoning Committee

Subject: Proposed Development Plan for 312 Green St

To: San Francisco Planning Commission,
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

To: President Cindy Wu:

I am writing to inform you I do not support the proposed development plan for 312 Green St as approved by the Planning Department. While I would personally prefer keeping a more historic building, I can support a proposal for adding just one story, which brings the property in line with its neighbors.

I am the owner of block 133, lot 009, and would hope you would oppose similar oversized projects nearer to me as well. I agree with the nearer neighbors that this is oversized and out of context for this area of Telegraph Hill.

Thomas James Noyes
432 Vallejo St Unit A
San Francisco, CA 94133-4113
tompsonpublic@noyesfamily.com
Block 0133, Lot 009

cc: Planning Commissioners
cc: THD Planning and Zoning Committee

James S. Kirk
308 Green Street
San Francisco, California 94133
415-989-6646
Jameskirk@aol.com

October 22nd, 2014

Commission President Cindy Wu
San Francisco Planning Commission
1650 Mission Street
San Francisco, CA 94103

RE: 312 Green Street: Neighbor's request that the commission take discretionary review on 312 Green Street development

Dear Commission President Wu,

My name is James Kirk and I live at 308 Green Street, two houses away from the proposed development at 312 Green Street for which a Discretionary Review request has been filed and will be considered at your October 23rd commission hearing. I am writing to request the commission to take Discretionary Review because I believe the project as currently designed is inappropriately out of scale with the surrounding neighborhood and will have significant impact on its neighbors access to light and air.

The proposed project should not include a fourth floor, and under no circumstances should it be excepted from the rear yard setback requirement. That code provision was designed specifically to protect small rear yard areas in densely-developed parts of the city like ours. We hope the Commission will recognize that this building does not need to be as large as proposed, and that it could easily be modified to a more reasonable three stories with a rear-yard setback. We do have a nicely landscaped backyard that we and our neighbors who view it can enjoy. We have as attractive a roof deck as there is in the area. Both will be dramatically affected by the loss of light that will be caused by the proposed 312 development.

We respectfully ask that the commission consider the impact to the neighbors' light, air, and green space of granting these exceptions.

The neighborhood has asked several times for the developer to engage in productive discussions with the community on this issue, but he has not responded. I did attend a single presentation that the developer held at his home. I was not invited, but, after hearing about it, sheepishly knocked on his door and asked if I could join the small group. Bruno, the developer and owner said "Sure, but I don't know why you care. It

will have no affect on you". Wow! We live one house over. There was no presentation. No handouts. No explanations. Just a disjointed questions and answer period about a project about which I had no understanding, even after the meeting. What I see proposed is grossly out of proportion to its lot size. Viewed from one house over, the proposed development will rise almost 50 feet (from the lowest point of its foundation to its upper railing). On an 18 foot lot. Honestly, to me, it is stunning.

I would add that next week, my wife and I will move back into our house which we had to rebuild at great expense due to an enormous number of construction defects (The developer was sued, of course, and after 3 years settled). Over the long period of litigation, planning, and reconstruction, our architect inquired at the Planning Department about small improvements we hoped to make. We asked if we could expand our master bedroom out 6 feet to meet the front of the immediate neighbor's existing building. The extension would have been beautiful, and would not have blocked anyone's light. We were promptly denied. We asked if we could expand the usable portion of our roof deck terrace (a garden or pavers in place of what is now tar and gravel). No, not a single square foot. We finally asked if we could install an awning. We chose and presented a top of the line German model that was fully retractable, could withstand a hundred mile wind, and was gorgeous. Turned down almost immediately. When one looks out our window, there are a number of weather-beaten and broken umbrellas on rooftops and decks, and some messes called gardens. In sum, we don't see the consistency coming from planning. And I write this with due respect for the hard working, well-intentioned people at Planning and its public servants. How did the developer of 312 Green get such latitude?

We hope the Commission will support the neighborhood by granting Discretionary Review and asking the developer to reduce the size, scale, and neighborhood impact of his project by reducing the project by one story and respecting the rear-yard setback requirement.

We urge the commission to take Discretionary Review of the project and not grant these special exemptions.

Thank you for your consideration,

James S. Kirk

From: 335 Green St.

San Francisco, CA 94133

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green St Proposal

To President Cindy Wu:

I am writing to inform the Planning Commission that I do not support the proposed development plan for 312 Green St as approved by the Planning Department. I would support a proposal that is limited to a one story addition.

Anything taller than three stories total would be much too large and out of context for that part of Green St as well as in general for all of Telegraph Hill. I hope that you will take my concerns into account when you consider the proposal under review.



Signed by: Ken Scudder & Kellin Defiel

Date: 10/22/14

From: ROBERT E. SMITH, CO. OWNER

71, 73, 75, 77 CASTLE STREET, SAN FRANCISCO, CA.
94133

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green St Proposal

To President Cindy Wu:

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I THINK ONE STORY IS A COMPROMISE CONSIDERING THAT THE EXISTING BUILDING OCCUPIES 100% OF THE SITE.

Robert E. Smith

Signed by:

Date:

From: Dorothea Preus
1250 Montgomery St.
SAN FRANCISCO, CA

94133

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green St Proposal

To President Cindy Wu:

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Signed by:

Date:

10-22-14

From: KATHRYN DEGNAN

OWNER: 341 UNION ST, 94133

(MY UNIT USES THE BACK OF ~~341~~ 312 GREEN ST.)

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green St Proposal

RECEIVED

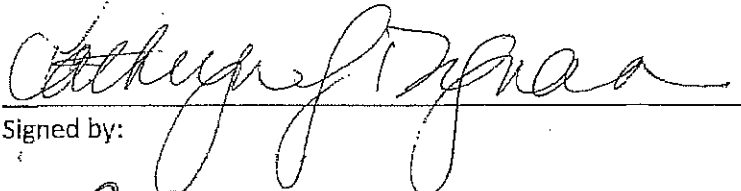
OCT 27 2014

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

To President Cindy Wu:

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Signed by:

Date: Oct 22, 2014

James S. Kirk
308 Green Street
San Francisco, California 94133
415-264-2376
Jamesskirk@aol.com

Monday, March 11, 2014

Ms. Kate Conner
kate.conner@sfgov.org
Planning Department
City of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 312 Green Street

Dear Ms. Conner,

My wife, Susan, and I live two houses to the east of the owners of 312 Green. I met Bruno Kanter and his wife about three months ago at their house. I felt a bit awkward because I was not invited by them, but told by a couple of neighbors that I should attend a meeting where they would discuss their plans for renovating their house. When I entered the house, I asked Bruno if it would be acceptable for me to attend to hear of his plans. He warmly welcomed me; but the meeting shed no light. I expected a presentation. There was none.

Bruno was there to answer questions. He answered a few and then asked for individual support and approval. I told him that I had no idea what he was planning, and that I thought he was required to notify neighbors living within 150 or 300 feet. He said he only had to talk with his two contiguous neighbors. He then asked me for my approval. I told him that I still did not know what he was planning, which I thought was the purpose of the meeting to which I was uninvited. I did ask Bruno about the scale of his plans. He responded enthusiastically about how city planner(s) were encouraging him to make full use of his "40 feet".

So I asked my immediate neighbor, Jack Oswald, who lives at 310 Green Street, if he had copies of the plans, and if so, could he forward them to me. Jack did so. I was a bit stunned at Bruno's ambition. The street drawings showed the quaint brown-shingled house, which had stood on its site for over a century, blown up on steroids as the towering gem of the hill. It rose straight up two stories, not counting multiple roof decks, railings and gardens. I had trouble deciphering if there were setbacks, as these would affect neighbors who were not contiguous, like us.

In sum, to my eyes, it takes astonishingly arrogance for Mr. Kanter to propose building vertically above the lightwell which his immediate neighbors, Jack and Anneke Oswald had just built, thereby leaving them with a 20 foot vertical view of a wall and obliterated light. That sets the stage for the rest: A house now out of scale to itself and the neighborhood; setbacks which block light to the small contiguous gardens to his immediate east.

From: Michael Bennett [<mailto:mbennett@cal.berkeley.edu>]

Sent: Thursday, October 23, 2014 9:12 AM

To: cwu.planning@gmail.com

Cc: planning@rodneyfong.com; wordweaver21@aol.com; richhillissf@yahoo.com;

Christine.d.johnson@sfgov.org; mooreurban@aol.com; dennis.richards@sfgov.org;

Jonas.ionin@sfgov.org; kate.conner@sfgov.org

Subject: 312 Geen Street Development

Dear Commission President Wu,

I am a neighbor of the proposed development at 312 Green Street and I write to encourage the Commission to consider the shadow impacts of the proposed development on adjoining properties and on mid block open space.

When I remodeled my home at 1 Montague Place, I worked to ensure I had the support of my immediate neighbors, including their signatures to a petition supporting a variance to allow my garage to partially extend into my rear lot setback. This extension was at the ground floor only, and the planning department required me to build the last several feet of the roof at half height (a low roof that I now bump my head on regularly).

As currently designed, I understand that the 312 Green Street project will have a significant impact on neighboring properties' light and air, and significantly impact one neighbor's solar facility. I encourage the Commission to take Discretionary Review on this project and ensure the developer work with the neighbors to minimize the impact of the project as I and other neighbors have done with our projects.

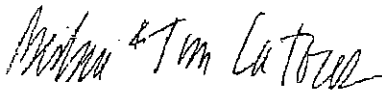
Thank You,
Michael Bennett
1 Montague Place
415-370-4847

5 March 2014

Kate Conner
Planning Department
City of San Francisco
1650 Mission St. Suite 400
San Francisco, CA 94103

In February you received the attached letter from Jack Oswald and Anneke Seley outlining their concerns regarding the proposed construction project at 312 Green Street. The purpose of this letter is to say that we have reviewed their letter and understand and appreciate their concerns and issues. We live in the house behind the Oswalds on Montague Street.

Best regards

A handwritten signature in black ink that reads "Barbara & Tom LaTour". The signature is written in a cursive, slightly slanted style.

Barbara and Tom LaTour
5 Montague Place
San Francisco, CA 94133

Barbara and Tom LaTour
5 Montague Place
San Francisco, CA 94133

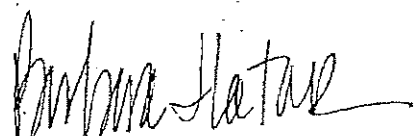
TO: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green Street Proposal

To President Cindy Wu:

We are writing regarding the proposed development plan for 312 Green Street, San Francisco. Our home is situated behind this development and we believe that the proposed plan is too big and imposing for the size of the property. In addition, it appears to be out of context for that part of Green Street and perhaps for Telegraph Hill in general.

We would support a plan to build a smaller home that is better suited for the lot and the rest of the neighborhood. We hope that you will take our concerns into account when you consider the proposal under review.



Barbara LaTour



Tom LaTour

Date: 20 October 2014

Tom & Barbara LaTour
5 Montague Place
San Francisco, CA 94133

October 23rd, 2014

Cindy Wu, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

President Wu,

We write to ask you and your colleagues to take Discretionary Review on Item 13, the proposed project at 312 Green Street, Case Number 2013.1652DV on today's Planning Commission agenda. We live across the mid-block open space from the proposed four-story development, which would cast shadow across our home and our backyard, limiting our solar access and the quality of this green space.

The project as proposed is out of scale with adjacent buildings. When measured by Floor Area Ratio (FAR), the 312 Green Street Project represents a full 150% greater FAR than any nearby property. This density relative to parcel size is part of the reason that the developer is seeking relief from rear-yard setback requirements that would otherwise apply. We hope that the Commission will recognize that a building of this scale is neither necessary nor desirable for the neighborhood, and ask the project sponsor to reconsider their plans.

Respectfully,

Tom and Barbara LaTour

Conner, Kate (CPC)

From: Rocco Robert Mattei <roxyrobert@comcast.net>
Sent: Thursday, October 23, 2014 9:30 AM
To: cww.planning@gmail.com
Cc: planning@rodneyfong.com; wordweaver21@aol.com; richhillissf@yahoo.com; Johnson, Christine D.(CPC); mooreurban@aol.com; Richards, Dennis (CPC); Ionin, Jonas (CPC); Conner, Kate (CPC)
Subject: 312 Green St

Dear Commission President Wu,

I am a neighbor of the proposed development at 312 Green Street, I do not support the proposed development plan for a 4 story structure requiring a variance.

I believe the owners should be allowed to move forward with the development but limited to 3 stories which fits with-in the neighborhood character and height limits. Anything taller especially with the addition of a 4th story would be out of context for that part of Green Street. I hope that you will take my concerns into account when you consider the proposal under review.

Thank you

From:

George Fox

1246 Montgomery St

San Francisco 94133

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green St Proposal

To President Cindy Wu:

I am writing to inform the Planning Commission that I do not support the proposed development plan for 312 Green St as approved by the Planning Department. I would support a proposal that is limited to a one story addition.

Anything taller than three stories total would be much too large and out of context for that part of Green St as well as in general for all of Telegraph Hill. I hope that you will take my concerns into account when you consider the proposal under review.

Signed by:

George K. Fox

Date:

October 23, 2014

From: O'Brien Young
1354 Kearny St.
San Francisco 94133

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green St Proposal

To President Cindy Wu:

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O'Brien Young
Signed by:

Date: Oct. 23, 2014

RECEIVED
OCT 27 2014
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Tom & Barbara LaTour
5 Montague Place
San Francisco, CA 94133

October 23rd, 2014

Cindy Wu, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

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The project as proposed is out of scale with adjacent buildings. When measured by Floor Area Ratio (FAR), the 312 Green Street Project represents a full 150% greater FAR than any nearby property. This density relative to parcel size is part of the reason that the developer is seeking relief from rear-yard setback requirements that would otherwise apply. We hope that the Commission will recognize that a building of this scale is neither necessary nor desirable for the neighborhood, and ask the project sponsor to reconsider their plans.

Respectfully,

Tom and Barbara LaTour

From: Conner, Kate (CPC)
To: "Tom Noyes"
Subject: RE: Proposed Development: Plan for 312 Green St
Date: Thursday, October 23, 2014 6:50:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Good morning Tom,

Thank you for your letter,

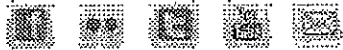
I will place a copy in the file.

Thank you,

Kate

Kate Conner
Housing Implementation Specialist, LEED AP

Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-575-6914 **Fax:** 415-558-6409
Email: kate.conner@sfgov.org
Web: www.sfplanning.org



Planning Information Center (PIC): 415-558-6377 or pic@sfgov.org
Property Information Map (PIM): <http://propertymap.sfplanning.org>

I will be out of the office October 24, 2014 through November 3rd, 2014. I will return to the office on November 4, 2014.

From: Tom Noyes [<mailto:tompublic@noyesfamily.com>]
Sent: Wednesday, October 22, 2014 10:23 PM
To: cwu.planning@gmail.com
Cc: planning@rodnevfong.com; wordweaver21@aol.com; richhillissf@yahoo.com; Johnson, Christine D.(CPC); mooreurban@aol.com; Richards, Dennis (CPC); Ionin, Jonas (CPC); Conner, Kate (CPC); THD Planning and Zoning Committee
Subject: Proposed Development: Plan for 312 Green St

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

To: President Cindy Wu:

I am writing to inform you I do not support the proposed development plan for 312 Green St as approved by the Planning Department. While I would personally prefer keeping a more historic building, I can support a proposal for adding just one story, which brings the property in line with its neighbors.

I am the owner of block 133, lot 009, and would hope you would oppose similar oversized projects nearer to me as well. I agree with the nearer neighbors that this is oversized and out of context for this area of Telegraph Hill.

Thomas James Noyes
432 Vallejo St Unit A
San Francisco, CA 94133-4113
tompublic@noyesfamily.com
Block 0133, Lot 009

cc: Planning Commissioners
cc: THD Planning and Zoning Committee

From: Conner, Kate (CPC)
To: "Michael Bennett"
Subject: RE: 312 Geen Street Development
Date: Thursday, October 23, 2014 9:22:00 AM

Thank you for your email. I will add it to the case file.

Thanks
Kate

From: Michael Bennett [mailto:mbennett@cal.berkeley.edu]
Sent: Thursday, October 23, 2014 9:12 AM
To: cwu.planning@gmail.com
Cc: planning@rodnevfong.com; wordweaver21@aol.com; richhillissf@yahoo.com; Johnson, Christine D.(CPC); mooreurban@aol.com; Richards, Dennis (CPC); Ionin, Jonas (CPC); Conner, Kate (CPC)
Subject: 312 Geen Street Development

Dear Commission President Wu,

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When I remodeled my home at 1 Montague Place, I worked to ensure I had the support of my immediate neighbors, including their signatures to a petition supporting a variance to allow my garage to partially extend into my rear lot setback. This extension was at the ground floor only, and the planning department required me to build the last several feet of the roof at half height (a low roof that I now bump my head on regularly).

As currently designed, I understand that the 312 Green Street project will have a significant impact on neighboring properties' light and air, and significantly impact one neighbor's solar facility. I encourage the Commission to take Discretionary Review on this project and ensure the developer work with the neighbors to minimize the impact of the project as I and other neighbors have done with our projects.

Thank You,
Michael Bennett
1 Montague Place
415-370-4847

From:

Christine Peero

382 Green Street #5

San Francisco CA 94133

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green St Proposal

To President Cindy Wu:

I am writing to inform the Planning Commission that I do not support the proposed development plan for 312 Green St as approved by the Planning Department. I would support a proposal that is limited to a one story addition.

Anything taller than three stories total would be much too large and out of context for that part of Green St as well as in general for all of Telegraph Hill. I hope that you will take my concerns into account when you consider the proposal under review.

Signed by:

Date:

10/27/14

From: CONCERNED CITIZEN

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

RE: 312 Green St Proposal

To President Cindy Wu:

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CONCERNED CITIZEN
Signed by:

Date:

RECEIVED
OCT 27 2014
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

From:

O'Brien Young

1354 Kearny St.

San Francisco 94133

To: San Francisco Planning Commission
Commission Chambers
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

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O'Brien Young

Signed by:

Date:

Oct. 23, 2014

RECEIVED

OCT 27 2014

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Michael Profant

From: Jeffrey Klein <jeffreybruceklein@hotmail.com>
Sent: Monday, January 12, 2015 10:10 PM
To: Breedstaff@sfgov.org; Sarah.B.Jones@sfgov.org
Cc: Michael Profant; Barbara Latour
Subject: Request for environmental review -- re. your hearing tomorrow.

Dear London Breed and Sarah Jones,

As a neighbor of 312 Green Street (I live nearby, on the adjacent Castle Street), I respectfully request that the City perform an environmental review on that property's proposed transformation. Common sense would seem to dictate this. I don't understand why, in the first place, a Planning Code variance was approved for this project.

Thank you in advance for showing consideration and exploring negative ramifications.

Jeffrey Klein

----- Jeffrey Klein 510.847.6777 jeffreybruceklein@hotmail.com

January 11, 2015

Re: Appeal of CEQA Categorical Exemption Determination
Planning Case No. 2012.0635E
312 Green Street

Dear President Breed and Honorable Members of the Board of Supervisors,

I write this letter as a Telegraph Hill resident concerned about a development proposal in my neighborhood. The owners of 312 Green Street have proposed a dramatic transformation of the existing quaint, two-story 100-year-old home by approximately doubling its height and tripling its livable space (including outdoor decks). The proposed project includes the addition of two new stories and a roof deck enclosed by a railing (roughly 44 feet to top of railing).

A variance was approved for the project (and is being appealed), allowing the project to deviate from the Planning Code requirement of maintaining a 15 foot rear yard. Both the new third floor and the new fourth floor staircase will encroach into what is supposed to be open space. This special dispensation from the code only worsens what is already an overbuilt house on a small lot, at the crest of Green Street.

I respect my neighbors' right to build, but I have several concerns about the proposed construction project. In particular, I am concerned that the building is unnecessarily being increased in height and mass, both as seen from the street and from the neighboring properties. The proposed project is inappropriate for the historic Telegraph Hill neighborhood.

The City performed no environmental review of this project. I believe that this is not appropriate for such a massive and transformative project.

The Planning Department needs to consider more carefully the numerous significant impacts the project could cause with respect to historic character, aesthetic quality, obstruction of scenic views and vistas, dust-related air quality impacts, hillside drainage impacts, etc.

I urge you to reverse the Planning Department's decision that this project is exempt from CEQA and instead require the department to evaluate and mitigate the project's impacts through an appropriate level of environmental review.

Sincerely,

Signature

Barbara J. LaTour and Thomas W. LaTour

Print Name

5 Montague Place, San Francisco, CA

Address

January 30, 2015

BOARD OF APPEALS

FEB 09 2015

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

APPEAL # 14-195

HD = 2/11/2015

Dear President Lazarus,

I write this letter as a Telegraph Hill resident concerned about a development proposal in my neighborhood. The owners and developers of 312 Green Street have proposed a dramatic expansion of the existing quaint, two-story 100-year-old home. The proposed project includes the addition of two new stories and a large roof deck. What has been approved will approximately double the height and triple the livable space (including outdoor decks). The original home will be unrecognizable and the new building will be out of context with the surrounding area. This project is also NOT code compliant.

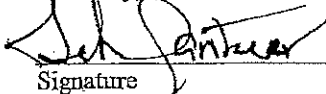
A variance was approved for the project, allowing the developers to deviate from the Planning Code requirement of maintaining a 15-foot rear yard. Both the new third floor and the new fourth floor staircase will encroach into what is supposed to be open space. The existing two stories already entirely fill the lot and so this special dispensation from the code only worsens what is already an overbuilt house on a small lot, at the crest of Green Street.

I respect the owners' right to build, but I believe they should comply with the same rules we were all held to. A variance is only supposed to be granted when necessary to avoid a substantial hardship. Here, the owners can comply with the Code through a slight modification of their project that would only reduce the overall size by approximately 7%. The end result will still be a home that is out of context, that is nearly 2.5 times its current size and will be the third largest home in its immediate vicinity. This situation can hardly be considered a hardship case.

I believe the City was wrong to approve this variance. Given the grossly oversized project, the developer should have at least been held to the usual code. Not only is the variance unnecessary, it will harm several immediate and nearby neighbors by cutting off their access to light and air circulation and reducing privacy. Telegraph Hill is a very dense environment and the required rear yard should be enforced across the board to ensure that all residents have a little common rear yard open space around our homes.

I urge the Board of Appeals to overturn the variance approval for 312 Green Street. I do not want to see a precedent set for overdevelopment of the lots in this neighborhood. These owners can build a code-compliant house that is nearly 2,400 square feet and will be one of the largest homes in the area. The suggestion that being limited to a dwelling of that size in this neighborhood, which consists largely of condos and apartments, somehow constitutes a hardship or difficulty is not reasonable and should not be supported by this Board.

Sincerely,


Signature

John Gantner, owner of 355 Green
Print Name

355 Green St.
Address

S. F.

January 30, 2015

BOARD OF APPEALS

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

FEB 09 2015

APPEAL # 14-195

Dear President Lazarus,

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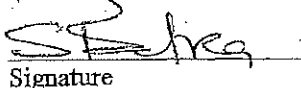
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I respect the owners' right to build, but I believe they should comply with the same rules we were all held to. A variance is only supposed to be granted when necessary to avoid a substantial hardship. Here, the owners can comply with the Code through a slight modification of their project that would only reduce the overall size by approximately 7%. The end result will still be a home that is out of context, that is nearly 2.5 times its current size and will be the third largest home in its immediate vicinity. This situation can hardly be considered a hardship case.

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Sincerely,



Signature

Shashi Baid

Print Name

1245/43 Montgomery St

Address

January 30, 2015

BOARD OF APPEALS

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

FEB 09 2015

APPEAL # 14-195

Dear President Lazarus,

I write this letter as a Telegraph Hill resident concerned about a development proposal in my neighborhood. The owners and developers of 312 Green Street have proposed a dramatic expansion of the existing quaint, two-story 100-year-old home. The proposed project includes the addition of two new stories and a large roof deck. What has been approved will approximately double the height and triple the livable space (including outdoor decks). The original home will be unrecognizable and the new building will be out of context with the surrounding area. This project is also NOT code compliant.


A variance was approved for the project, allowing the developers to deviate from the Planning Code requirement of maintaining a 15-foot rear yard. Both the new third floor and the new fourth floor staircase will encroach into what is supposed to be open space. The existing two stories already entirely fill the lot and so this special dispensation from the code only worsens what is already an overbuilt house on a small lot, at the crest of Green Street.

I respect the owners' right to build, but I believe they should comply with the same rules we were all held to. A variance is only supposed to be granted when necessary to avoid a substantial hardship. Here, the owners can comply with the Code through a slight modification of their project that would only reduce the overall size by approximately 7%. The end result will still be a home that is out of context, that is nearly 2.5 times its current size and will be the third largest home in its immediate vicinity. This situation can hardly be considered a hardship case.

* I believe the City was wrong to approve this variance. Given the grossly oversized project, the developer should have at least been held to the usual code. Not only is the variance unnecessary, it will harm several immediate and nearby neighbors by cutting off their access to light and air circulation and reducing privacy. Telegraph Hill is a very dense environment and the required rear yard should be enforced across the board to ensure that all residents have a little common rear yard open space around our homes.

* I urge the Board of Appeals to overturn the variance approval for 312 Green Street. I do not want to see a precedent set for overdevelopment of the lots in this neighborhood. These owners can build a code-compliant house that is nearly 2,400 square feet and will be one of the largest homes in the area. The suggestion that being limited to a dwelling of that size in this neighborhood, which consists largely of condos and apartments, somehow constitutes a hardship or difficulty is not reasonable and should not be supported by this Board.

Sincerely,



Signature

SUSAN DEAN

Print Name

359 Green St.
San Francisco CA 94133

Address

January 30, 2015

BOARD OF APPEALS

FEB 09 2015

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

APPEAL # 14-195

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Sincerely,

Signature

Ken Scudder (and Kellin Defiel)

Print Name

335 Green

Address

Mrs. Lazarus,
We've lived across the street 29 years, knowing the same family. We liked the new owners and had thought they'd respect this historic home. We can't understand why they'd do this.

January 30, 2015

BOARD OF APPEALS

FEB 09 2015

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

APPEAL # 14-195

Dear President Lazarus,

I write this letter as a Telegraph Hill resident concerned about a development proposal in my neighborhood. The owners and developers of 312 Green Street have proposed a dramatic expansion of the existing quaint, two-story 100-year-old home. The proposed project includes the addition of two new stories and a large roof deck. What has been approved will approximately double the height and triple the livable space (including outdoor decks). The original home will be unrecognizable and the new building will be out of context with the surrounding area. This project is also NOT code compliant.

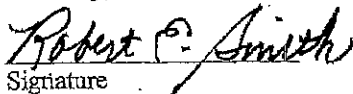
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I urge the Board of Appeals to overturn the variance approval for 312 Green Street. I do not want to see a precedent set for overdevelopment of the lots in this neighborhood. These owners can build a code-compliant house that is nearly 2,400 square feet and will be one of the largest homes in the area. The suggestion that being limited to a dwelling of that size in this neighborhood, which consists largely of condos and apartments, somehow constitutes a hardship or difficulty is not reasonable and should not be supported by this Board.

Sincerely,



Signature

ROBERT E. SMITH

Print Name

75 CASTLE ST, SF 94133

Address

January 30, 2015

BOARD OF APPEALS

FEB 09 2015

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

APPEAL # 14-195

Dear President Lazarus,

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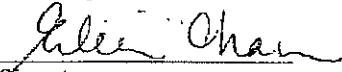
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I urge the Board of Appeals to overturn the variance approval for 312 Green Street. I do not want to see a precedent set for overdevelopment of the lots in this neighborhood. These owners can build a code-compliant house that is nearly 2,400 square feet and will be one of the largest homes in the area. The suggestion that being limited to a dwelling of that size in this neighborhood, which consists largely of condos and apartments, somehow constitutes a hardship or difficulty is not reasonable and should not be supported by this Board.

Sincerely,



Signature

Eileen Chan

Print Name

304 Green St. S.F. 94133

Address

mailing address 2402 Larkins St
SF CA 94109

January 30, 2015

BOARD OF APPEALS

Re: Appeal No. 14-195
312 Green Street Variance No. 2013.1652V

FEB 09 2015

APPEAL # 14-195

Dear President Lazarus,

I write this letter as a Telegraph Hill resident concerned about a development proposal in my neighborhood. The owners and developers of 312 Green Street have proposed a dramatic expansion of the existing quaint, two-story 100-year-old home. The proposed project includes the addition of two new stories and a large roof deck. What has been approved will approximately double the height and triple the livable space (including outdoor decks). The original home will be unrecognizable and the new building will be out of context with the surrounding area. This project is also NOT code compliant.

A variance was approved for the project, allowing the developers to deviate from the Planning Code requirement of maintaining a 15-foot rear yard. Both the new third floor and the new fourth floor staircase will encroach into what is supposed to be open space. The existing two stories already entirely fill the lot and so this special dispensation from the code only worsens what is already an overbuilt house on a small lot, at the crest of Green Street.

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Sincerely,


Signature

ZACHARY PAPPALARDO
Print Name

24 Windsor place, SF. 94133
Address

January 30, 2015

BOARD OF APPEALS

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

FEB 09 2015

APPEAL # 14-195

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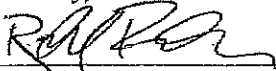
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Sincerely,


Signature

RAFAEL POLANCEZYK
Print Name

10 WINDSOR PL
Address

January 30, 2015

BOARD OF APPEALS

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

FEB 09 2015

APPEAL # 14-195

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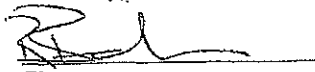
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Sincerely,



Signature

RAPHAËLE BÉRA
Print Name

1243 Montgomery St.
Address

January 30, 2015

BOARD OF APPEALS

FEB 09 2015

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

APPEAL # 14-195

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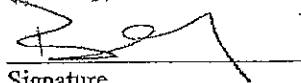
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Sincerely,



Signature

Vicki Rana

Print Name

1245 Montgomery St

Address

January 30, 2015

BOARD OF APPEALS

FEB 06 2015

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

APPEAL # 14-195
HD = 2/11/2015

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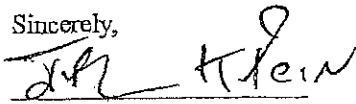
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Sincerely,



Signature

Jeffrey Klein

Print Name

32 Castle St.

Address

SF 94133

January 30, 2015

BOARD OF APPEALS

Re: Appcal No. 14-195
312 Green Street - Variance No. 2013.1652V

FEB 06 2015

APPEAL # 14-195

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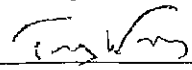
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Sincerely,



Signature

Tracy Wadley

Print Name

1324 Kazony St.

Address

H D 2/11/15

January 30, 2015

BOARD OF APPEALS

FEB 06 2015

off

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

APPEAL # 14-195

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Sincerely,

Jeffrey Klein

Signature

Jeffrey Klein

Print Name

32 Castle St.
SF 94133

Address

H.D. 2/11/15

January 30, 2015

BOARD OF APPEALS

FEB 06 2015

copy

Re: Appeal No. 14-195
312 Green Street Variance No. 2013.1652V

APPEAL # 14-195

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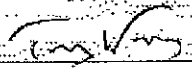
A variance was approved for the project, allowing the developers to deviate from the Planning Code requirement of maintaining a 15-foot rear yard. Both the new third floor and the new fourth floor staircase will encroach into what is supposed to be open space. The existing two stories already entirely fill the lot and so this special dispensation from the code only worsens what is already an overbuilt house on a small lot, at the crest of Green Street.

I respect the owners' right to build, but I believe they should comply with the same rules we were all held to. A variance is only supposed to be granted when necessary to avoid a substantial hardship. Here, the owners can comply with the Code through a slight modification of their project that would only reduce the overall size by approximately 7%. The end result will still be a home that is out of context, that is nearly 2.5 times its current size and will be the third largest home in its immediate vicinity. This situation can hardly be considered a hardship case.

I believe the City was wrong to approve this variance. Given the grossly oversized project, the developer should have at least been held to the usual code. Not only is the variance unnecessary, it will harm several immediate and nearby neighbors by cutting off their access to light and air circulation and reducing privacy. Telegraph Hill is a very dense environment and the required rear yard should be enforced across the board to ensure that all residents have a little common rear yard open space around our homes.

I urge the Board of Appeals to overturn the variance approval for 312 Green Street. I do not want to see a precedent set for overdevelopment of the lots in this neighborhood. These owners can build a code-compliant house that is nearly 2,400 square feet and will be one of the largest homes in the area. The suggestion that being limited to a dwelling of that size in this neighborhood, which consists largely of condos and apartments, somehow constitutes a hardship or difficulty is not reasonable and should not be supported by this Board.

Sincerely,


Signature

Tracy Wadley
Print Name

1324 Kazony St.
Address

HD 2/11/15

FILE

January 30, 2015

BOARD OF APPEALS

FEB 09 2015

APPEAL #14-195

Re: Appeal No. 14-195
312 Green Street -- Variance No. 2013-1652V

Dear President Lazarus,

I write this letter as a Telegraph Hill resident concerned about a development proposal in my neighborhood. The owners and developers of 312 Green Street have proposed a dramatic expansion of the existing quaint, two-story 100-year-old home. The proposed project includes the addition of two new stories and a large roof deck. What has been approved will approximately double the height and triple the livable space (including outdoor decks). The original home will be unrecognizable and the new building will be out of context with the surrounding area. This project is also NOT code compliant.

A variance was approved for the project, allowing the developers to deviate from the Planning Code requirement of maintaining a 15-foot rear yard. Both the new third floor and the new fourth floor staircase will encroach into what is supposed to be open space. The existing two stories already entirely fill the lot and so this special dispensation from the code only worsens what is already an overbuilt house on a small lot, at the crest of Green Street.

I respect the owners' right to build, but I believe they should comply with the same rules we were all held to. A variance is only supposed to be granted when necessary to avoid a substantial hardship. Here, the owners can comply with the Code through a slight modification of their project that would only reduce the overall size by approximately 7%. The end result will still be a home that is out of context, that is nearly 2.5 times its current size and will be the third largest home in its immediate vicinity. This situation can hardly be considered a hardship case.

I believe the City was wrong to approve this variance. Given the grossly oversized project, the developer should have at least been held to the usual code. Not only is the variance unnecessary, it will harm several immediate and nearby neighbors by cutting off their access to light and air circulation and reducing privacy. Telegraph Hill is a very dense environment and the required rear yard should be enforced across the board to ensure that all residents have a little common rear yard open space around our homes.

I urge the Board of Appeals to overturn the variance approval for 312 Green Street. I do not want to see a precedent set for overdevelopment of the lots in this neighborhood. These owners can build a code-compliant house that is nearly 2,400 square feet and will be one of the largest homes in the area. The suggestion that being limited to a dwelling of that size in this neighborhood, which consists largely of condos and apartments, somehow constitutes a hardship or difficulty is not reasonable and should not be supported by this Board.

Sincerely,


Signature

RAPHAELA BATA
Print Name

1243 Montgomery St
Address

James S. Kirk
308 Green Street
San Francisco, California 94133
415-989-6646
Jamesskirk47@gmail.com

BOARD OF APPEALS

FEB 04 2015

APPEAL # 14-195

February 4, 2015

President Ann Lazarus
San Francisco Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

Re: **Appeal No. 14-195**
312 Green Street-Variance No. 2013.1652V

Dear President Lazarus:

My name is James Kirk and I live at 308 Green Street, two houses (and 25 feet) away from the proposed development at 312 Green Street. I attended and spoke at the Planning Commission meeting on the matter which preceded this one. That meeting was a popularity contest and never addressed the merits of the development; rather its supporters excoriated the owner of the immediately adjacent property for daring to protest. It is my hope and expectation that the Board of Appeals will address only the relevant issues. I deeply appreciate the Board's service, efforts and time.

1) The Planning Commission's uneven management of a Variance:

A couple of weeks ago, my wife and I moved back into our house which we had to rebuild at great expense due to an enormous number of construction defects (The developer was sued, of course, and after 3 years settled). Over the long period of litigation, planning, and reconstruction, our architect inquired at the Planning Department about small improvements we hoped to make. We asked if we could expand our master bedroom out 6 feet onto a portion of the existing patio, to meet the front of the immediate neighbor's existing building. The extension would have been beautiful, and would not have blocked anyone's light. We were promptly denied. We then asked if we could install an awning. We chose and presented (through our architect) a top of the line German model that was fully retractable, could withstand a hundred mile wind, was not visible from the street, and was gorgeous. Turned down sharply. We asked if we could expand the usable portion of our roof deck terrace (a garden or pavers in place of some of what is now tar and gravel). Declined, not a single square foot. We ended up very clear about the extreme difficulty in getting a variance in San Francisco.

By contrast, our neighbor, an architect who, in turn, is represented by so many architects and obviously knows the ropes, is granted a variance to severely encroach

into the required 15 foot rear setback, materially impacting several neighbor's light, air and privacy. Kanter's small house sits on an 18 foot wide lot. The building code recognizes that. Is this process all about inside access? Why have building standards if they can be obliterated by a well-orchestrated effort of well-connected architects? How did the developer of 312 Green get such latitude, while we, the uninitiated, got none? Why is there no consistency in the application of the rules coming from Planning?

- 2) **The developer's willful misrepresentation of neighborhood support:** I attended a single presentation that the developer held at his home. Though I live 25 feet away, I was not invited, but, after hearing about it, sheepishly knocked on his door and asked if I could join the small group. Bruno, the developer and owner said, "Sure, but I don't know why you care. It will have no affect on you". We live one house over! There was no presentation. No handouts. No explanations. Just a disjointed question and answer period about a project about which I had no understanding, even after the meeting. What I see proposed is grossly out of proportion to its lot size. Viewed from one house over, the proposed development will rise almost 50 feet (from the lowest point of its foundation to its upper railing). On an 18 foot lot. To me, it is stunning. Please note also, that the neighbors whom Mr. Kanter provides that support the project, are not immediate neighbors, and are not affected. In fact a large percentage of the so-called support comes from people who either (a) do not live in the immediate vicinity or (b) do not live in San Francisco at all. Finally, as a neighbor told me yesterday. He is against the project. His view of Coit Tower will be obliterated. But "the process is rigged." Do not be fooled by the lack of affected neighbors present at your meeting. I found it humiliating and depressing when I attended.

The proposed project should not include a fourth floor, and under no circumstances should it be exempted from the rear yard setback requirement. That code provision was designed specifically to protect small rear yard areas in densely-developed parts of the city like ours. We do have a nicely landscaped backyard that we and our neighbors who view it can enjoy. We have as attractive a roof deck as there is in the area. Both will be dramatically affected by the loss of light that will be caused by the proposed 312 development.

We hope the Board of Appeals will recognize that this building does not need to be as large as proposed, and that it could easily be modified to a more reasonable three stories with a rear-yard setback.

We respectfully ask that the Board of Appeals consider the above as well as the impact to the neighbors' light, air, and green space of granting these exceptions. Again, my family and I appreciate the Board's time and your service.

James S. Kirk/ Susan S. Kirk

Homeowners, 308 Green Street

Mejia, Xiomara (PAB)

From: Jeffrey Klein <jeffreybruceklein@hotmail.com>
Sent: Thursday, February 05, 2015 6:49 PM
To: Board of Appeals (PAB)
Subject: Appeal No. 14-195

Re: Appeal No. 14-195
312 Green Street - Variance No. 2013.1652V

PAB
FEB 05 2015
14-195
HD = 2/11/15

Dear President Lazarus,

I am concerned about a development proposal in my immediate neighborhood. The owners and developers of 312 Green Street have proposed a dramatic expansion of their home. The proposed project includes the addition of two new stories and a large roof deck. What has been approved will approximately double the height and triple the livable space (including outdoor decks). This project is NOT code compliant.

A variance was approved for the project, allowing the developers to deviate from the Planning Code requirement of maintaining a 15-foot rear yard. Both the new third floor and the new fourth floor staircase will encroach into what is supposed to be open space.

I respect the owners' right to build, but I believe they should comply with the same rules we were all held to. A variance is only supposed to be granted when necessary to avoid a substantial hardship. Here, the owners can comply with the Code through a slight modification of their project that would only reduce the overall size by approximately 7%. This situation can hardly be considered a hardship case.

I believe the City was wrong to approve this variance. Given the significantly oversized project, the developer should have at least been held to the usual code. Not only is the variance unnecessary, it will harm several immediate and nearby neighbors by cutting off their access to light and air circulation and reducing privacy. Telegraph Hill is a very dense environment and the required rear yard should be enforced across the board to ensure that all residents have a little common rear yard open space around our homes.

I urge the Board of Appeals to overturn the variance approval for 312 Green Street. I do not want to see a precedent set for overdevelopment of the lots in my neighborhood. These owners can build a code-compliant house that is nearly 2,400 square feet and will be one of the largest homes in the area. The suggestion that being limited to a dwelling of that size in this neighborhood, which consists largely of condos and apartments, somehow constitutes a hardship or difficulty is not reasonable and should not be supported by this Board.

Sincerely,

Signature

Jeffrey Klein

Print Name

32 Castle Street

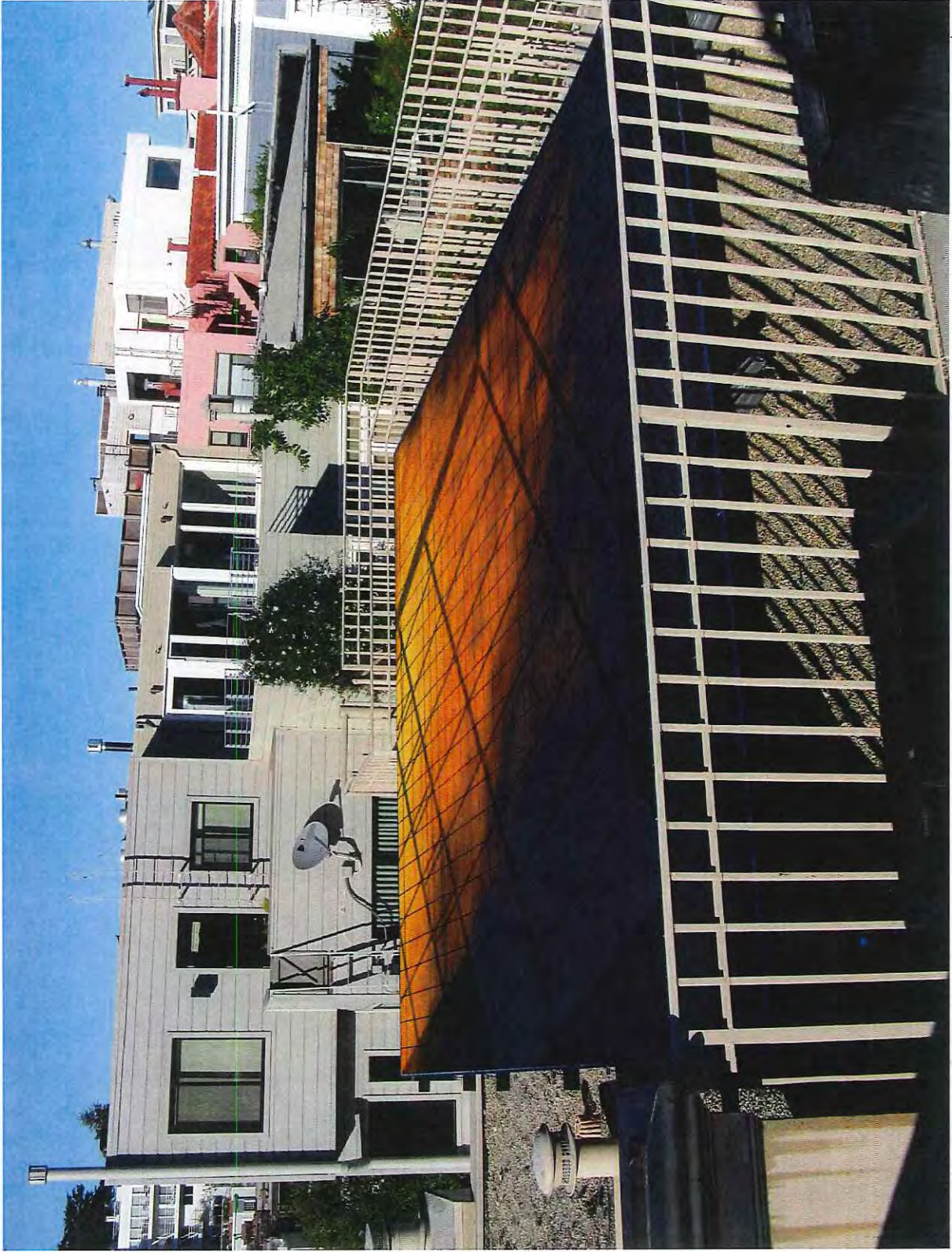
Address

----- Jeffrey Klein 510.847.6777 jeffreybruceklein@hotmail.com

EXHIBIT D

PHOTOVOLTAIC ARRAY SHADING STUDY

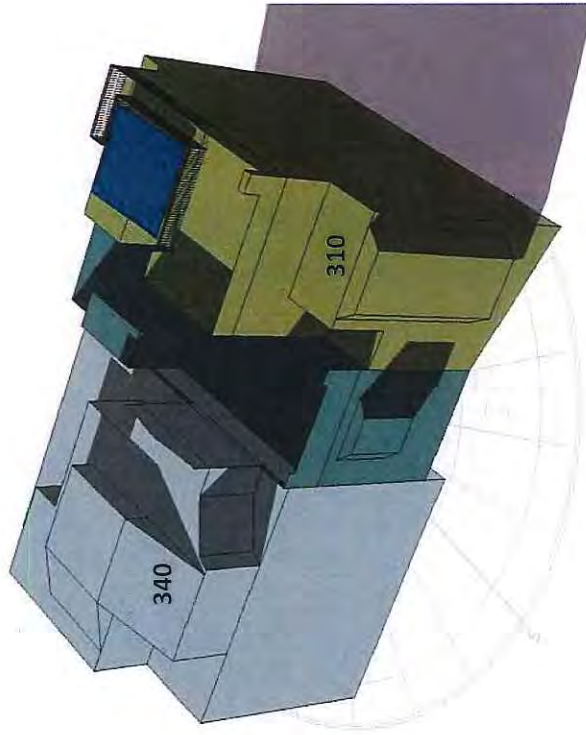
310 GREEN STREET
AUGUST 2014



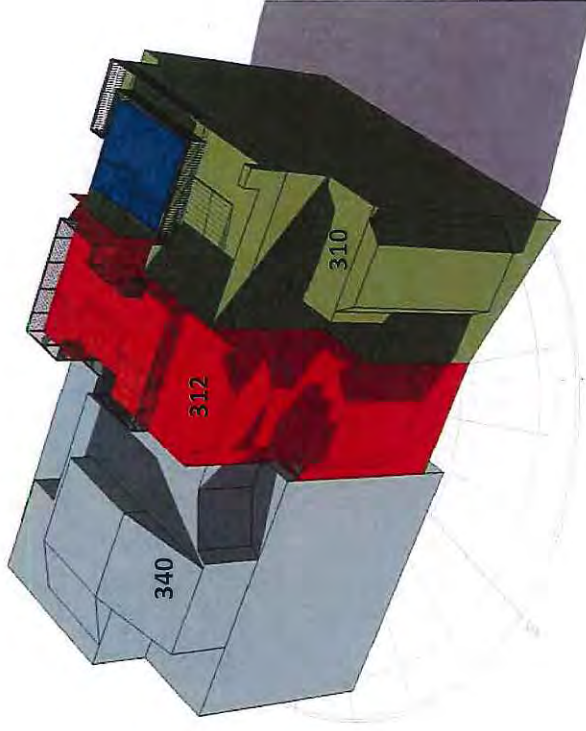
3D MODELING OF THE EXISTING AND PROPOSED CONDITIONS

The existing as well as proposed conditions were modeled in the building performance analysis software Ecotect. The model was created based on the architectural drawings submitted by the sponsor of the proposed project at 312 Green Street, as part of the 311 notice.

The existing solar array located on the roof top of the property at 310 Green Street was also modeled.



EXISTING CONDITIONS



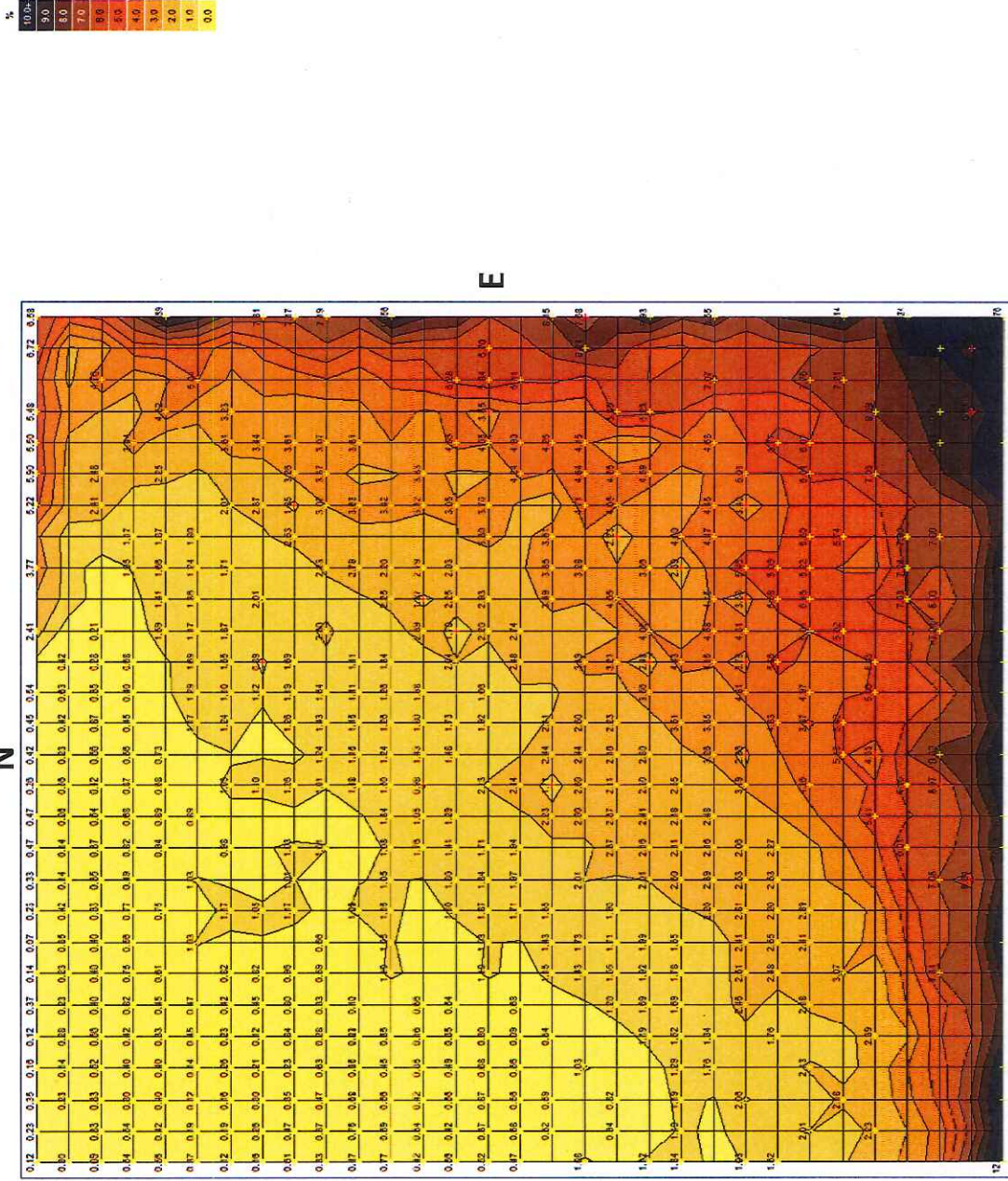
PROPOSED CONDITIONS

A shading analysis was done for various times of the year (June 21st, September 21st and December 21st) to assess the degree of new shading over the existing photovoltaic array at 310 Green Street.

EXISTING CONDITIONS SOLAR ARRAY YEARLY AVERAGE OVERSHADOWING = 3.29%

Avg Shading Percentage

Original Value
 Contour Range: 0.0 - 10.0 %
 In Steps of: 1.0 %
 clockwise

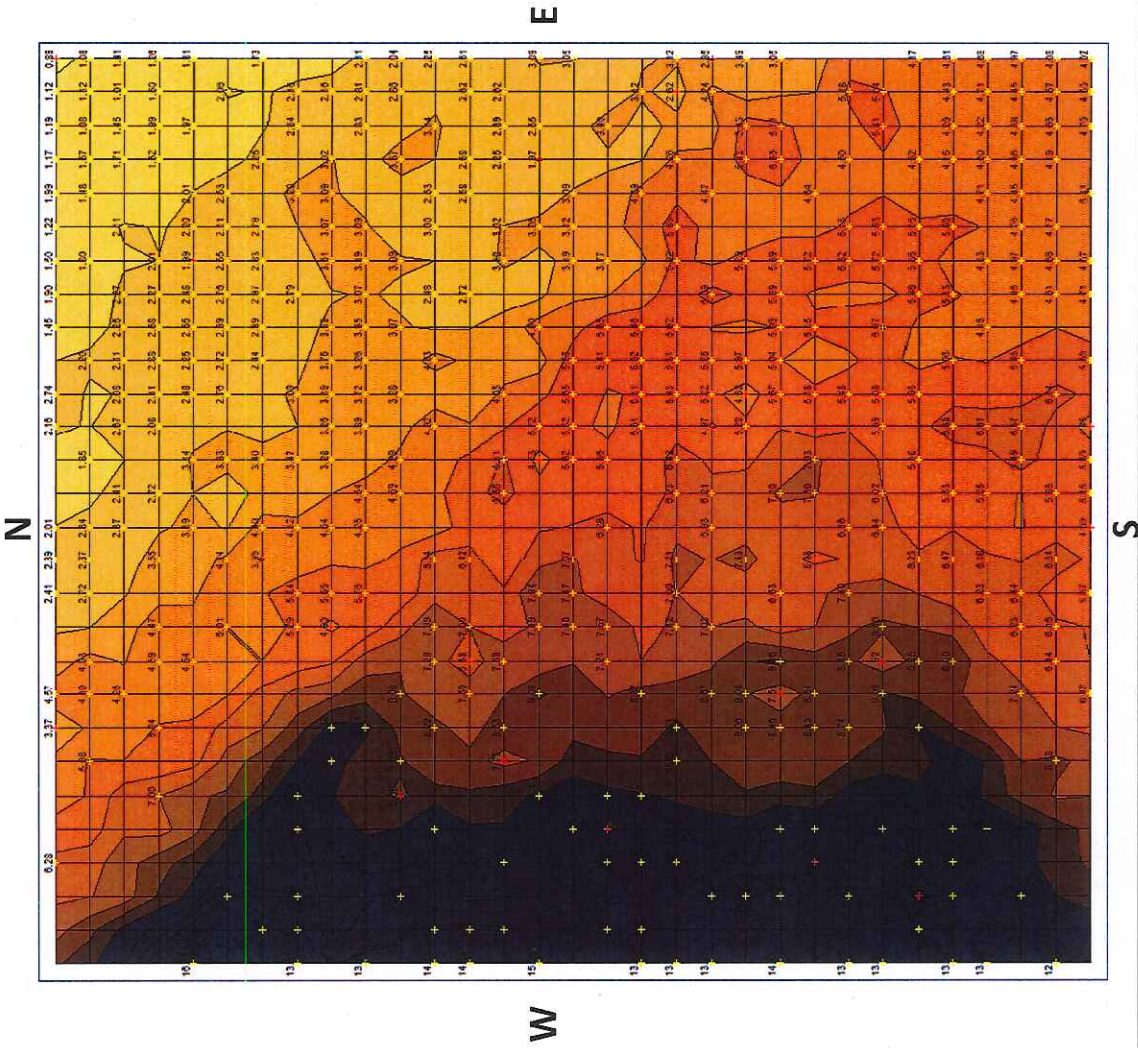


Average Value: 3.29 %
 Visible Hours: 658

EXISTING / PROPOSED DIFFERENCE SOLAR ARRAY YEARLY AVERAGE OVERSHADOWING = +6.19%

Avg Shading Percentage

Difference
Contour Range: 0.0 - 10.0 %
in Steps of: 1.0 %
contours

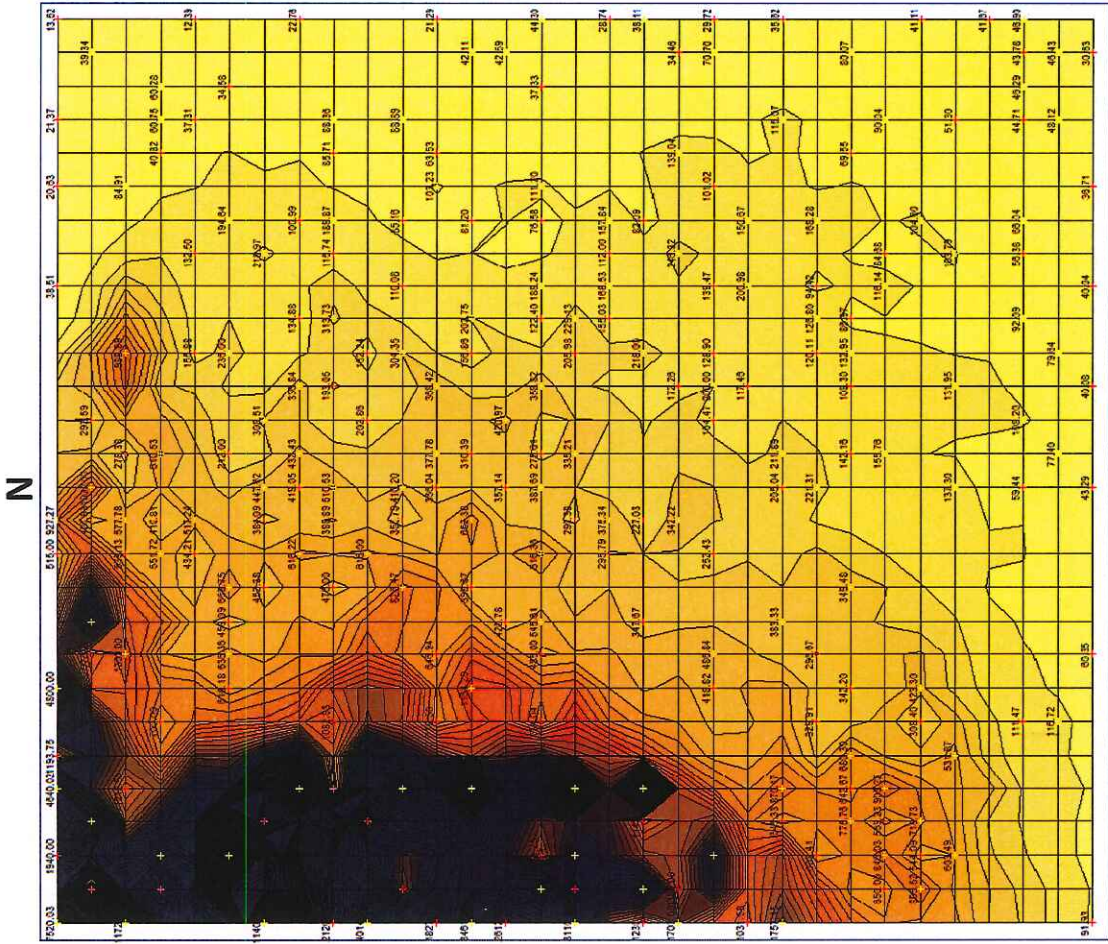
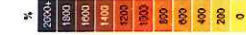


Average Value: 6.19 %
Visible Nodes: 889

% DIFFERENCE INCREASE SOLAR ARRAY YEARLY AVERAGE OVERSHADOWING = +694.42%

Avg Shading Percentage

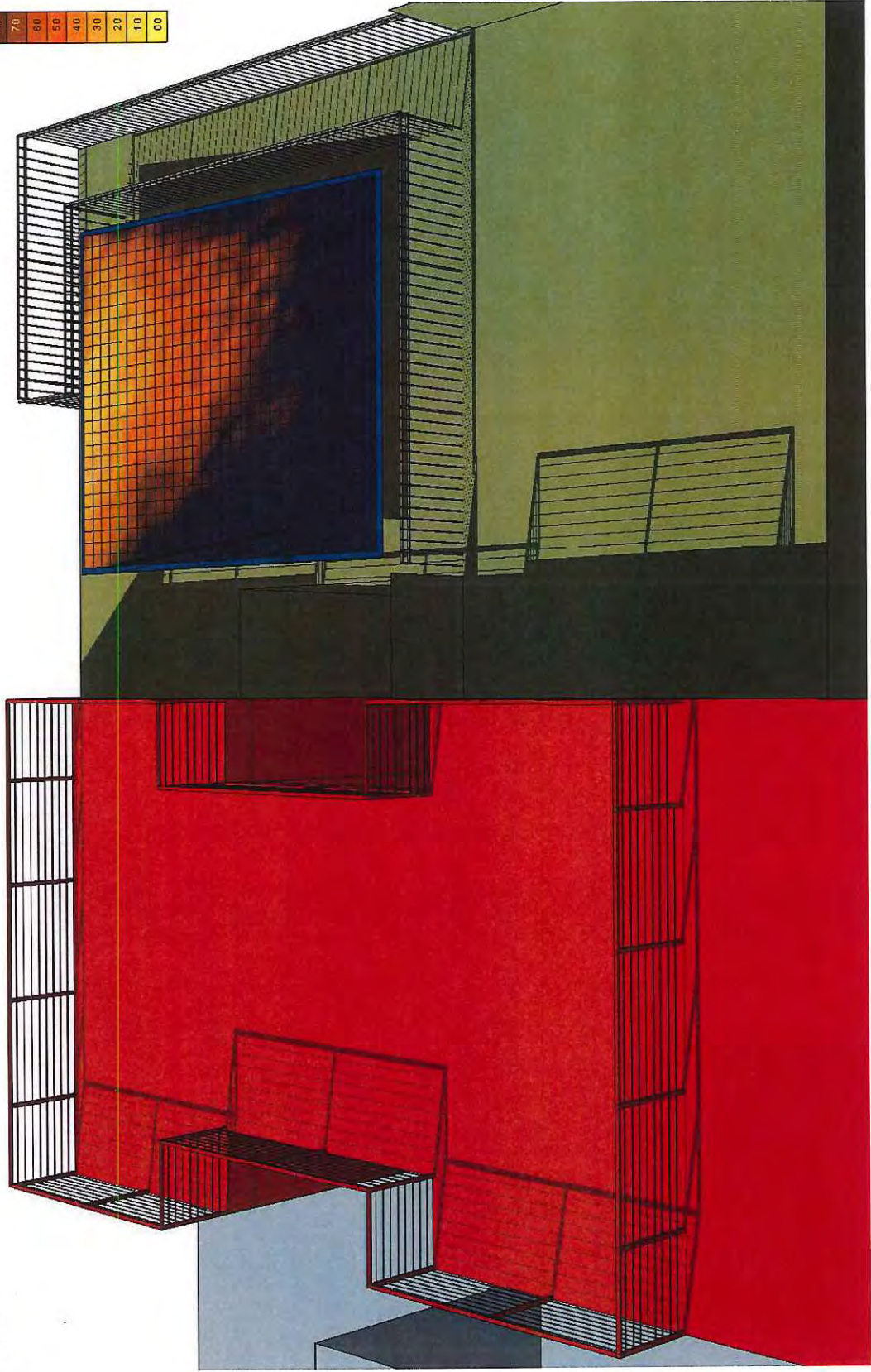
% Difference
Contour Range: 0 - 2000 %
In Steps of: 100 %
contour: 10



Average Value: 694.42 %
Visible Nodes: 868

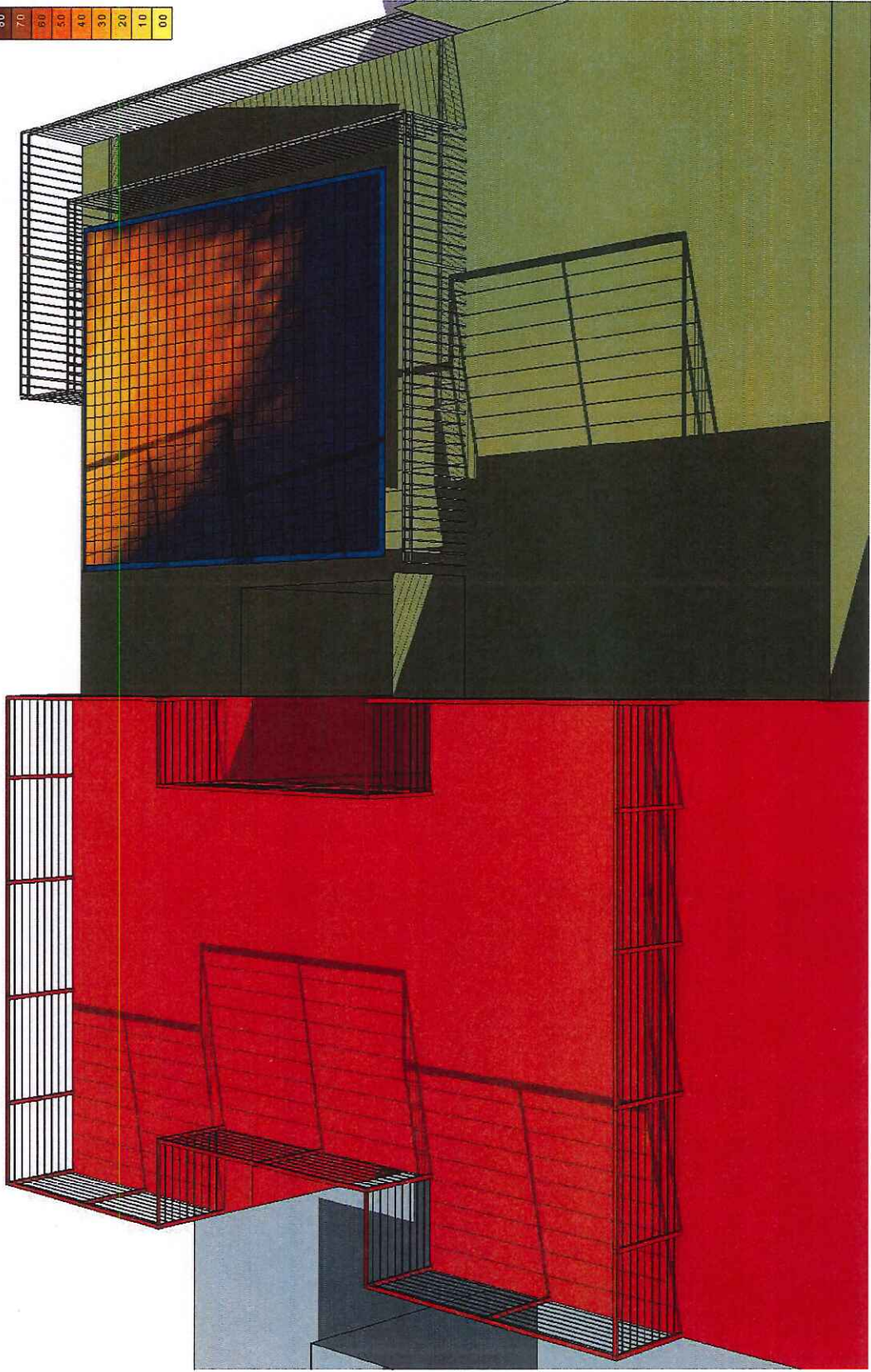
PROPOSED CONDITIONS | JUNE 21ST 4:00 PM

Avg Shading Percentage
Modified Value
Value Range: 0.0 - 100.0 %
(c) ECOTECT v5



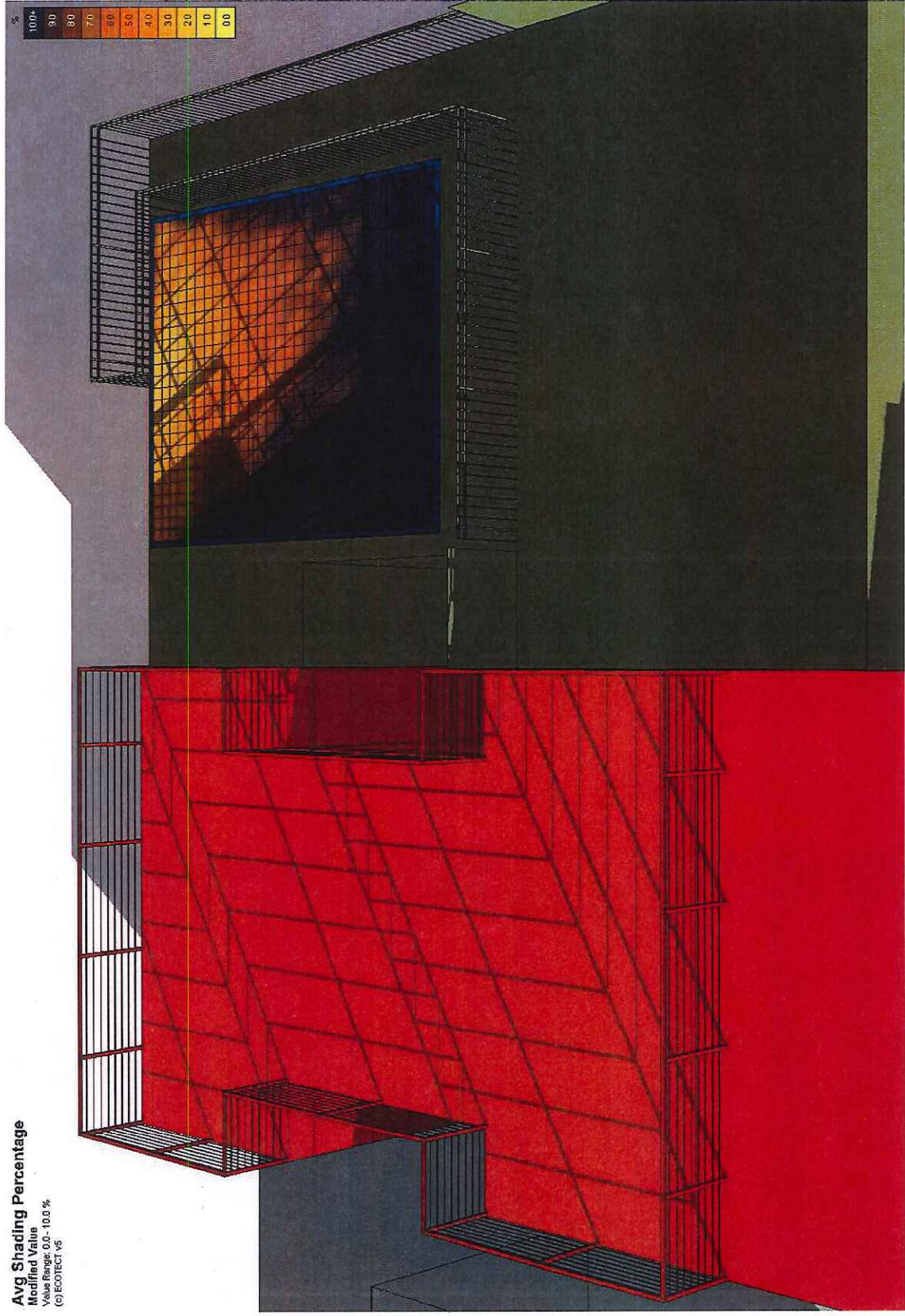
PROPOSED CONDITIONS | SEPTEMBER 21ST 4:00 PM

Avg Shading Percentage
Modified Value
Value Range: 0.0 - 100.0 %
© ECOTECT V6



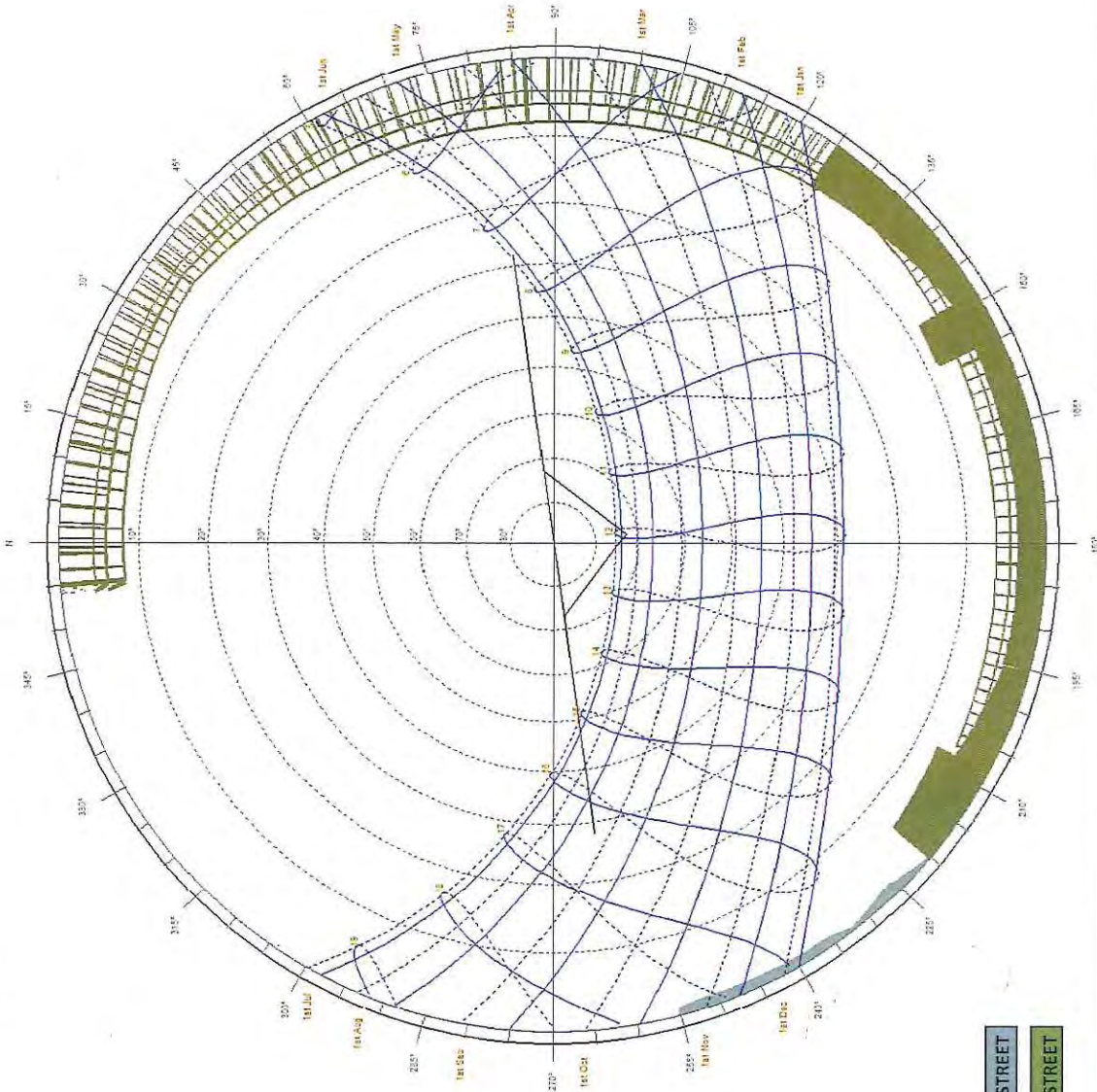
PROPOSED CONDITIONS | DECEMBER 21ST 4:00 PM

Avg Shading Percentage
Modified Value
Value Range: 0.0 - 100.0 %
© ECOTECT V6



STEREOGRAPHIC SUNPATH DIAGRAM - EXISTING CONDITIONS

Stereographic Diagram
Location: 37.8°, -122.4°
Obj | 37 Orientation: 172.0°, 86.0°

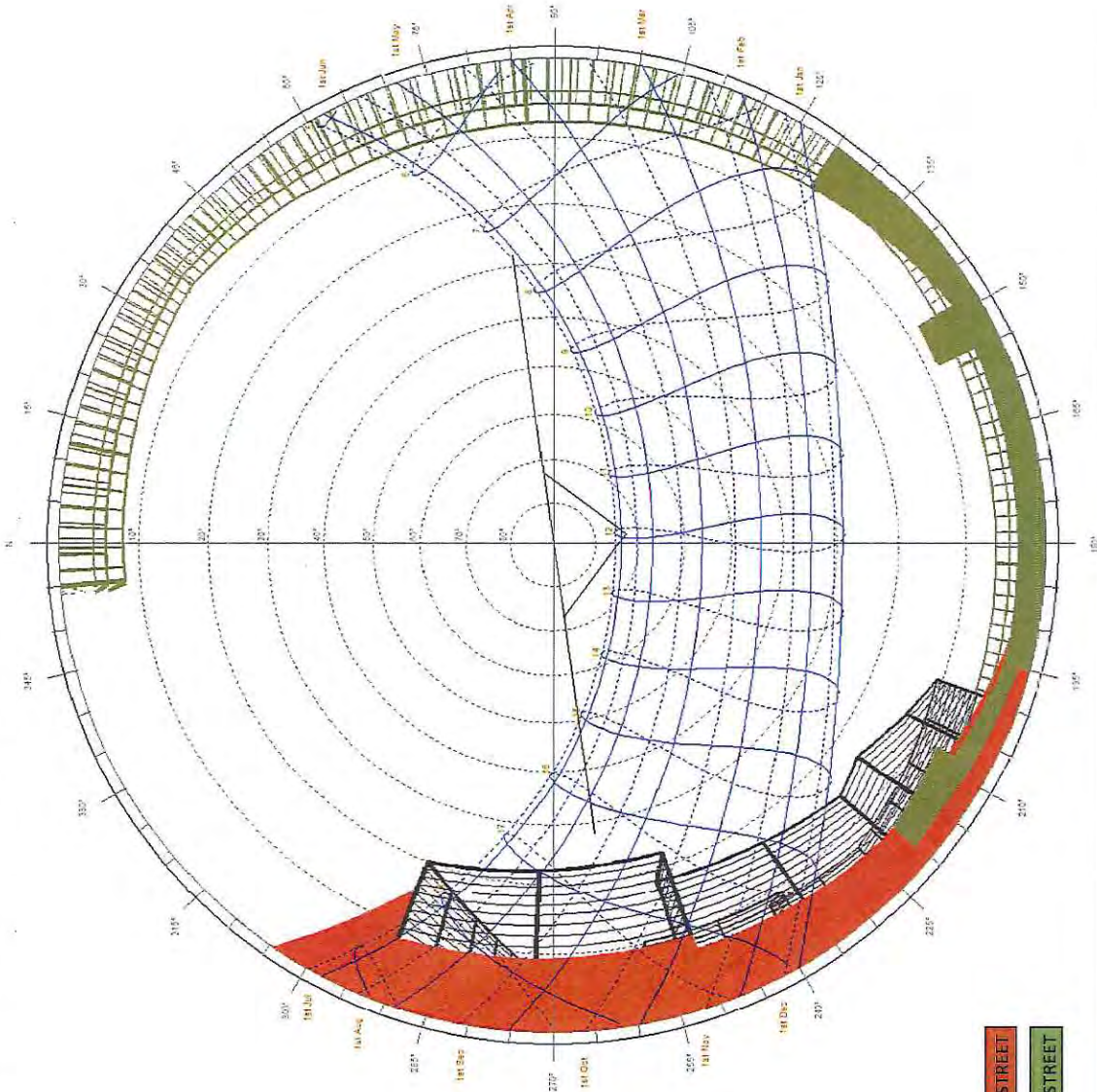


SHADING FROM 340 GREEN STREET

SHADING FROM 310 GREEN STREET

STEREOGRAPHIC SUNPATH DIAGRAM - PROPOSED CONDITIONS

Stereographic Diagram
Location: 37.6°, -122.4°
Obj 137 Orientation: 172.0°, 65.0°



SHADING FROM 312 GREEN STREET
SHADING FROM 310 GREEN STREET

Olivier A. PENNETIER

435 S. Alexandria Ave. #308 Los Angeles CA 90020 | olivier@symphysis.net | www.symphysis.net | 415 290 0588
December 2014

EXPERIENCE

Bioclimatic Design Consultant [2003 – present]

SYMPHYSIS – Los Angeles, CA

www.symphysis.net

Designer / Project Manager [2006 – present]

DNM Architect – San Francisco, CA

Design Collaborator [2003 – 2005]

Van der Ryn Architects – Sausalito, CA

Environmental Control Laboratory Manager [2001 – 2003]

SoA University of Hawaii – Honolulu, HI

TEACHING

Ecotect Analysis Training Workshops [2006 – present]

Train architectural & engineering firms, universities and software resellers on the use of Autodesk Ecotect Analysis. Consult with Autodesk support technicians.

Ecotect Support Forum Contributor [2004 – 2007]

Square One Research

Helped and supported Square One Research software users.

RESEARCH

Portable Classrooms Comfort Study [2002 - 2003]

University of Hawaii & AIA COTE – Honolulu, HI.

Assessed human comfort in portable classrooms at local high schools.

Developed design guidelines for heat-mitigating strategies.

Rooftops Solar Collection Potential [2002]

University of Hawaii & Hawaii Electric Company (HECO)

Assessed solar insolation on building rooftops on the island of Oahu for the local utility company.

Low-Energy Home Assessment [2001 - 2002]

AIA COTE Honolulu chapter.

Analysis of environmental data and assessment of human comfort for Hawaiian home low-energy prototype.

CERTIFICATION

LEED Accredited Professional [2003]

Leadership in Energy and Environmental Design 2.0 accreditation.

C U R R I C U L U M V I T A E

Olivier A. PENNETIER

4719 Geary Boulevard, #507 San Francisco, CA 94118 | olivier@symphysis.net | www.symphysis.net | 415 290 0588
December 2012

EDUCATION

University of Hawaii at Manoa [1999 – 2002]

Master of Architecture.

California State University Humboldt [1996 - 1998]

B.S. Environmental Science; environmental technology emphasis.

SPEAKER

USGBC Cascadia Chapter, Seattle, WA. [May 2009]

Panel speaker: "*IDP, BIM & Green Tools*"

Ecological Design Conference, Berkeley, CA. [July 2002]

Presented research paper titled "*Phytonomic Design*"

FEATURED WORK

"Prefab Prototypes"

Mark and Peter Anderson, 2007, pp 170-171

PUBLICATION

"Assessment of Solar Energy Potential on Existing Buildings"

Electric Power Research Institute, Palo Alto, CA. 2004.

AWARDS

Silver Spark Award [2008]

AIA Educational Facility Design Award [2009]

AIA Honolulu Design Award [2009]

Modular Classroom designed by Anderson Anderson Architecture

Collaborated on the energy savings and occupant comfort features.

REFERENCES

David Marlatt [415] 348 8910

Principal, DNM Architect – San Francisco, CA.

James Stavoy [415] 553 8696

Principal James Stavoy Architect

Mark & Peter Anderson [415] 243 9500

Principals, Anderson Anderson Architecture - San Francisco, CA.

David Arkin [501] 528 9830

Principal, ArkinTilt Architects – Albany, CA.

Sim Van der Ryn [415] 669 7005

Principal, Ecological Design Collaborative – Inverness, CA.

Steve Meder [808] 371 7032

Professor, SoA University of Hawaii – Honolulu, HI.

Victor Olgay [303] 245 1003

Principal, Rocky Mountain Institute – Snowmass, CO.

C U R R I C U L U M V I T A E

Olivier A. PENNETIER

4719 Geary Boulevard, #507 San Francisco, CA 94118 | olivier@symphysis.net | www.symphysis.net | 415 290 0588
September 2012

PROFICIENCY

ArchiCAD 16 Graphisoft
Advanced knowledge [7 years]

Arlanfis Render Abvent
Advanced knowledge [7 years]

Ecotect Analysis Suite 2011 Autodesk Inc.
Expert knowledge of features + scripting [+10 years]

Radiance Desktop 2.0 LBNL
Interfaced via Ecotect; some DOS commands knowledge [+7 years]

DAYSIM DIVA
Interfaced via Ecotect; basic knowledge [4 years]

eQuest Energy Design Resource
Basic knowledge [< 1 year]

Green Building Studio Autodesk Inc.
Knowledge of features + assumptions [3 years]

EnergyPro Energysoft
Knowledge of basic features [4 years]

EcoDesigner Graphisoft
Knowledge of features + assumptions [2 years]

Revit 2011 Autodesk Inc.
Basic knowledge [2 year]

ArcView GIS 3.2
Basic knowledge [2 years]

Photoshop 7.0 Adobe
Basic knowledge [14 years]

MS Excel 2007 Microsoft
Advanced knowledge [16 years]

**S Y M P H Y S I S**

435 S. Alexandria Ave. #308
Los Angeles CA 90020
olivier@symphysis.net
[415] 290 0588
www.symphysis.net

**OLIVIER A. PENNETIER**

As founder of **SYMPHYSIS**, Olivier Pennetier has been consulting for architects around the San Francisco Bay Area since 2003, providing bioclimatic design solutions, site and climate analyses as well as recommendations on daylighting, solar stress mitigations, and passive design strategies.

He has also been conducting training workshops throughout North America for the building performance analysis software Ecotect™ since 2006, while being an active forum user on the SQUI Research support website from 2002 to 2008.

Prior to his designer and project manager position at DNM Architect in San Francisco, Olivier worked for Van der Ryn Architects in Sausalito, CA. Olivier holds a B.S. in Environmental Science from Humboldt State University and a Master in Architecture from the University of Hawaii. He has been a LEED accredited professional since 2003.

EXHIBIT E

SAN FRANCISCO CITYWIDE DEVELOPMENT IMPACT FEE REGISTER

(Updated as of December 1, 2014, rates effective as of January 1, 2015)

Introduction

An impact fee is a fee that is imposed by a local government on a new or proposed development project to pay for all or a portion of the costs of providing public services to the new development. Impact fees are considered to be a charge on new development to help fund and pay for the construction or needed expansion of offsite capital improvements. These fees are usually implemented to help reduce the economic burden on local jurisdictions that are trying to deal with population growth within the area. The following Planning Department's Development Impact Fee website provides additional information:

[Planning Department Impact Fee Website](#)

To see which citywide impact fees may apply to a property, access the Property Information Map, Zoning tab for more information:

[Property Information Map](#)

Terms & Definitions

Key	Description
C-3	Downtown
EN	Eastern Neighborhoods
FAR	Floor Area Ratio
GSF	Gross Square feet
NCT	Neighborhood Commercial Transit District
NSF	Net Square Feet
RH	Rincon Hill
RTO	Residential Transit Oriented District
SOMA	South of Market
UMU	Urban Mixed Use District

Contact Information

Types of Development Impact Fees (DIF)	Questions Regarding...	Contact Person	Agency	Phone Number	Email Address
Citywide Development Impact Fees - Collection & Deferral Information	Policy, Assessment & Calculations	John Blackshear or Sarah Luu	Building Inspection	415-558-6131 / 415-558-6324	John.Blackshear@sfgov.org
Jobs-Housing Linkage Program Fee	Use of Funds	Benjamin McCloskey	Mayor's Office of Housing and Community Development	415-701-5575	Benjamin.McCloskey@sfgov.org
	Assessment & Calculation	Kate Conner	Planning Department	415-575-6914	Kate.Conner@sfgov.org
Inclusionary Affordable Housing Program Fee	Use of Funds	Benjamin McCloskey	Mayor's Office of Housing and Community Development	415-701-5575	Benjamin.McCloskey@sfgov.org
	Policy, Assessment & Calculation	Chandra Egan	Planning Department	415-575-5546	Chandra.Egan@sfgov.org
Downtown Park Fund Child Care Impact Fee	Policy & Use of Funds	Leo Chyi	Department of Children Youth and Families	415-554-8959	Leo.Chyi@dcyf.org
	Assessment & Calculation	Corey Teague	Planning Department	415-575-9081	Corey.Teague@sfgov.org
Transit Impact Development Fee	Policy & Use of Funds	Ken Yee	Municipal Transportation Agency	415-701-4794	Ken.Yee@sfmta.com
	Assessment & Calculation	Corey Teague	Planning Department	415-575-9081	Corey.Teague@sfgov.org
School Development Impact Fee	Policy, Use of Funds, Assessment & Calculations	Cristina Mariscal	Unified School District	415-241-6090	MariscalC@sfsud.edu
Adopted Plan Areas DIF	Assessment & Calculation	Corey Teague	Planning Department	415-575-9081	Corey.Teague@sfgov.org
	Finance Issues	Yvonne Ko	Planning Department	415-558-6386	Yvonne.Ko@sfgov.org

Annual Fee Indexing

Most of the City's Development Impact Fees will be adjusted annually in accordance with San Francisco Planning Code Article 4, Section 409(b) based on the Annual Infrastructure Construction Cost Inflation Estimate (AICCIE) published by Office of the City Administrator's Capital Planning Group and approved by the Capital Planning Committee. The new fee schedule will be posted on December 1st each year and effective on January 1st. To obtain a list of the fees and their adjusted rates, go to the following Department of Building Inspection's (DBI) Development Impact Fee Unit website:

[DBI Impact Fee Unit Website](#)

Fees associated with other departments also may be adjusted annually on this same schedule, effective July 1 of each year, or adjusted at other times in accordance with applicable legislation. The adjusted fee rates apply to development impact fees paid on or after the effective date of any such fee adjustments, regardless of the date of permit filing or issuance of the preliminary fee assessment rate as shown on DBI's Citywide Development Fee Register for the particular project.

Impact Fee	City Area Subject to the Fee	Ordinance Reference	Use	Fees	Residential & Non-Residential Threshold
Alternative Means of Satisfying the Open Space Requirement in SOMA Mixed-Use Districts	SOMA Mixed-Use Districts: RED, RSD, SLI, SLR, and SSO	Planning Code Section 425	Non-residential	\$0.97 per square feet of open space otherwise required to be provided	Residential: N/A; Non-Residential: Zoning Administrator discretion that open space cannot be provided on-site
Alternative Means of Satisfying the Open Space Requirement in the Eastern Neighborhoods Mixed Use Districts	Eastern Neighborhoods Mixed Use Districts: SPD, MUG, MUR, MUO, and UMU	Planning Code Section 426	Non-residential	\$92.23 per square feet of open space required to be provided	Residential: N/A; Non-Residential: Any non-residential project with required open space
Balboa Park Community Infrastructure Impact Fee	Balboa Park	Planning Code Section 422	Residential + Non-Residential	* \$9.71/sf for Residential, \$1.82/sf for Non-Residential (Table 422.3A). Credit may be given for existing use on site (Table 422.3B). See Change of Use & Replacement table for reference. * Residential to Residential or Non-residential: or Non-residential to Non-residential - \$0.00/gsf, * Non-Residential to Residential - \$7.89/gsf, * PDR to Residential - \$8.80/gsf, * PDR to Non-Residential - \$0.91/gsf	Residential: At least one net new residential unit or additional space in an existing unit of more than 800 gross square feet; Non-Residential: Any new construction, or additional space in an existing building of more than 800 gross square feet
Bicycle Parking (Class 2) In-Lieu Fee	Citywide	Planning Code Section 430	Residential + Non-Residential	\$420 per Class 2 bicycle parking space	Residential: Any project creating 20 or more dwelling units.; Non-Residential: Varies
Child Care Fee	Citywide	Planning Code Section 414	Office/Hotel	\$1.21 per square foot	Residential: N/A; Non-Residential: Office and hotel development projects proposing the net addition of 50,000 or more gross square feet of office or hotel space.
Downtown C-3 Artwork (Optional)	Downtown: C-3 Districts	Planning Code Section 429	New building construction or addition of floor area > or = 25,000 sf within C-3 Districts	1% of construction cost	Residential & Non-Residential: New building construction or addition of floor area in C-3 > or = 25,000 s.f.
Downtown Payment In Case of Variance for Open Space	Downtown: C-3-O(SD) Downtown Office Special Development	Planning Code Section 427	Any use requiring open space pursuant to Section 135 or 138.	\$1,609 per gross sq. foot	Residential: Zoning Administrator discretion, through approval of a Variance (Section 305) that residential usable open space requirement cannot be met on-site.; Non-Residential: Zoning Administrator discretion, through a Variance (Section 305), that privately-owned public open space requirement cannot be met on-site.
Downtown Park Fee	Downtown	Planning Code Section 412	Office within C-3 Districts	\$2.43 per gross sq.foot	Residential: N/A; Non-Residential: Net addition of gross floor area square foot
Eastern Neighborhoods Area Plans Alternative Inclusionary Housing Affordable Housing In-Lieu Fee	Eastern Neighborhoods	Planning Code Section 417	Residential	\$48.54 per gross sq foot	Residential: 20 units or less or less than 25,000 gsf; Non-Residential: N/A

Impact Fee	City Area Subject to the Fee	Ordinance Reference	Use	Fees	Residential & Non-Residential Threshold
Eastern Neighborhoods Infrastructure Impact Fee (Mission District, Central Waterfront, SOMA, Showplace)	Eastern Neighborhoods	Planning Code Section 423	Residential Dwelling Units + Non-Residential Uses	* Tier 1: \$9.71/square foot for Residential, * \$7.28/square foot for Non-Residential; * Tier 2: \$14.56/square foot for Residential, * \$12.14/s.f. for Non-Residential; * Tier 3: \$19.42/square foot for Residential, * \$16.99/square foot for Non-Residential (Table 423.3A). Credit given for existing use on site (Table 423.3B).	Residential: At least one net new residential unit or additional space in an existing unit of more than 800 gross square feet; Non-Residential: Any new construction, or additional space in an existing building of more than 800 gross square feet
Eastern Neighborhoods Payment in Case of Variance or Exception for Open Space	Eastern Neighborhoods Mixed Use Districts: SPD, MUG, MUR, MUO, and UMU	Planning Code Section 427	Residential	\$396.84 per square feet of open space otherwise required to be provided	Residential: Zoning Administrator discretion, via a Variance (under Sec. 305) or Exemption (under Sec. 329), that open space cannot be provided on-site; Non-Residential: N/A
Jobs-Housing Linkage Program Fee	Citywide	Planning Code Section 413	Entertainment, Hotel, Integrated PDR, Office, Research & Development, Retail, and Small Enterprise Workspace	Effective 1/1/2015 - * Entertainment: \$22.42 * Hotel: \$17.99 * Integrated PDR: \$18.89 * Office: \$24.03 * Research and Development: \$16.01 * Retail: \$22.42 * Small Enterprise Workspace: \$18.89 (table 413.6A). Credit given for existing use on site (Table 413.6B).	Residential: N/A; Non-Residential: Increase by 25,000 g.s.f. or more of any combination of entertainment, hotel, Integrated PDR, office, research and development, retail, and/or Small Enterprise Workspace
Inclusionary Affordable Housing Program	Citywide	Planning Code Section 415 Planning Code Section 419	Residential Dwelling Units > or = 10	Varies by unit size * Studio - \$199,698 * 1 Bedroom - \$270,441 * 2 Bedroom - \$367,711 * 3 Bedroom - \$419,621 4 Bedroom - \$522,545	Residential: Any housing project that consists of ten or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with ten or more units, even if the development is on separate but adjacent lots; Non-Residential: N/A
Market & Octavia Community Infrastructure Impact Fee	Market/Octavia	Planning Code Section 421	Residential + Non-Residential	* \$10.92/s.f. for Residential, * \$4.13/s.f. for Non-Residential (Table 421.3A). Credit given for existing use on site (Table 421.3B). * Residential to Residential or Non-residential; or Non-residential to Non-residential - \$0.00/gsf, * Non-Residential to Residential - \$6.80/gsf, * PDR to Residential - \$8.86/gsf, * PDR to Non-Residential - \$2.06/gsf	Residential: At least one net new residential unit or additional space in an existing unit of more than 800 gross square feet; Non-Residential: Any new construction, or additional space in an existing building of more than 800 gross square feet
Market & Octavia Inclusionary Affordable Housing Fee	Market/Octavia	Planning Code Section 416	Residential	\$4.37/sf for NCT and \$8.74/ sf for Van Ness and Market SUD. Credit given for existing use on site (Table 416.3A).	Residential: Projects subject to the Residential Inclusionary Housing Program (Planning Code Section 415); Non-Residential: N/A

Impact Fee	City Area Subject to the Fee	Ordinance Reference	Use	Fees	Residential & Non-Residential Threshold
Public Art Fee (Optional)	Downtown: RH + SB + TB South of Market: SLI + SLR + SSO Commercial: C-M + Part of C-2 Eastern Neighborhoods: UMU + MUG, MOU or MUR that are north of Division/Duboce/13th Streets	Planning Code Section 429	Non Residential New building construction or addition of floor area > or = 25,000 sf	1% of construction cost	Residential: N/A; Non-Residential: New building construction or addition of floor area > or = 25,000 s.f. in the followings; (1) all parcels RH, TB, SB, SLI, SLR, SSO, C-M, UMU, WMUG, WMUO and SALI Districts; (2) properties that are zoned MUG, MOU, or MUR and that are north of Division/Duboce/13th Streets; (3) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall).
Rincon Hill Community Infrastructure Impact Fee	Rincon Hill	Planning Code Section 418	Residential	\$10.44 per gross square foot (Table 418.3A). Credit given for existing use on site (Table 418.3B). * Residential to Residential or Non-residential; Non-residential to Non-residential; or PDR to Non-Residential - \$0.00/gsf, * Non-Residential to Residential - \$6.07/gsf, * PDR to Residential - \$8.25/gsf	Residential: At least one net new residential unit or additional space in an existing unit of more than 800 gross square feet; Non-Residential: N/A
School Impact Fee	Citywide	State Ed. Code Section 17620	Residential / Hotel / Office / Senior Housing / Research & Development / Retail / Hospital / Industrial Warehouse Manufacturing	Residential per square foot = \$2.910 / Hotel or Motel per square foot = \$0.119 / Office per square foot = \$0.389 / Senior Housing per square foot = \$0.119 / Research & Development per sf = \$0.335 / Retail per square foot = \$0.243 / Hospital per square foot = \$0.315 / Industrial, Warehouse, Manufacturing per square foot = \$0.297	Residential: Increased habitable floor area ; Non-Residential: Increased floor area
South of Market Area (SOMA) Community Stabilization Fee	Rincon Hill	Planning Code Section 418.3(d)	Residential	\$13.29 per gross square foot.	Residential: Each net addition of gross square feet of residential use; Non-Residential: N/A
Street Trees, In-Lieu Fee	Citywide	Planning Code Section 428	All	From July 1, 2014 through June 30, 2015 - \$1,799 per required tree that cannot be planted.	Residential: N/A; Non-Residential: N/A

Impact Fee	City Area Subject to the Fee	Ordinance Reference	Use	Fees	Residential & Non-Residential Threshold
Transit Center Open Space Fee	Transit Center -- C-3-O (SD)	Planning Code Section 424.6	All	<p>* Residential: \$2.74 base fee</p> <p>* Office: \$3.29 base fee, PLUS \$7.68 for any gsf that exceeds Floor Area Ratio (FAR) of 9:1</p> <p>* Retail: \$5.49 base fee, PLUS \$4.94 for any gsf that exceeds FAR of 9:1</p> <p>* Hotel: \$4.39 base fee</p> <p>* Institutional/Cultural/Medical: \$5.49 base fee, PLUS \$4.72 for any gsf that exceeds FAR of 9:1</p> <p>* Industrial: \$2.74 base fee</p>	<p>Residential: (1) At least one net new residential unit; or</p> <p>(2) Addition of more than 800 gross square feet to an existing residential unit; or</p> <p>(3) At least one new group housing facility or residential care facility; or</p> <p>(4) Addition of more than 800 gross square feet to an existing group housing or residential care facility; or</p> <p>(5) Conversion of existing space to a different use where the project's total fee would exceed the total fee for the uses being replaced.;</p> <p>Non-Residential: (1) New construction; or</p> <p>(2) Addition of more than 800 gross square feet; or</p> <p>(3) Conversion of existing space to a different use where the project's total fee would exceed the total fee for the uses being replaced.</p>
Transit Center Transportation and Street Improvement Fee	Transit Center -- C-3-O (SD)	Planning Code Section 424.7	All	<p>* Residential: \$0.07 Transit Delay Mitigation Fee (TDMF), PLUS \$4.32 base fee, PLUS \$6.58 for gsf that exceeds FAR of 9:1, PLUS \$3.29 for gsf that exceeds FAR of 18:1.</p> <p>* Office: \$0.22 TDMF, PLUS \$4.17 base fee, PLUS \$21.40 for gsf that exceeds FAR of 9:1, PLUS \$10.97 for gsf that exceeds FAR of 18:1.</p> <p>* Retail: \$2.14 TDMF, PLUS \$2.25 base fee, PLUS \$21.40 for gsf that exceeds FAR of 9:1, PLUS \$10.97 for gsf that exceeds FAR of 18:1.</p> <p>* Hotel: \$0.11 TDMF, PLUS \$4.28 base fee, PLUS \$8.78 for gsf that exceeds FAR of 9:1, PLUS \$3.29 for gsf that exceeds FAR of 18:1.</p> <p>* Institutional/Cultural/ Medical: \$0.33 TDMF PLUS \$4.06 base fee, PLUS \$21.40 for gsf that exceeds FAR of 9:1, PLUS \$10.97 for gsf that exceeds FAR of 18:1.</p> <p>* Industrial: \$4.39 base fee</p>	<p>Residential: (1) At least one net new residential unit; or</p> <p>(2) Addition of more than 800 gross square feet to an existing residential unit; or</p> <p>(3) At least one new group housing facility or residential care facility; or</p> <p>(4) Addition of more than 800 gross square feet to an existing group housing or residential care facility; or</p> <p>(5) Conversion of existing space to a different use where the project's total fee would exceed the total fee for the uses being replaced.;</p> <p>Non-Residential: (1) New construction; or</p> <p>(2) Addition of more than 800 gross square feet or</p> <p>(3) Conversion of existing space to a different use where the project's total fee would exceed the total fee for the uses being replaced.</p>
Transit Impact Development Fee (TIDF)	Citywide	Planning Code Section 411	Cultural/ Institutional/ Educational, Management/ Information/ Professional Services (i.e., office), Medical and Health Services, Production/ Distribution/ Repair, Retail/ Entertainment, Visitor Services	<p>* \$14.59 for Day Care/Community Center;</p> <p>* \$14.59 for Post-Secondary School;</p> <p>* \$12.12 for Museum;</p> <p>* \$14.59 for Other Institutional;</p> <p>* \$13.87 for Management/ Information/Prof. Svcs.;</p> <p>* \$14.59 for Medical and Health Services;</p> <p>* \$7.46 for Production/ Distribution/Repair;</p> <p>* \$14.59 for Retail/ Entertainment;</p> <p>* \$13.87 for Visitor Services. Credit may be given for existing uses on site. Contact the MTA for more information.</p>	<p>Residential: N/A; Non-Residential: > or = 3,000 s.f. of applicable use</p>

Impact Fee	City Area Subject to the Fee	Ordinance Reference	Use	Fees	Residential & Non-Residential Threshold
Van Ness Avenue Special Use District Housing In-Lieu Fee	Van Ness Special Use District	Planning Code Section 243(c)(8)(B)(i)	Residential	\$15.00 X Loss (Loss = Residential Sq. Ft. requirement minus Residential Sq. Ft. developed)	No more than a 50% reduction of the required housing for a specific project can be fulfilled by paying an in-lieu fee.
Van Ness and Market Inclusionary Affordable Housing Fee	Market/Octavia	Planning Code Section 424	Residential + Non-Residential	\$36.41 per net additional gsf for FAR between 6:1 and 9:1.	Residential: Construction with FAR (Floor Area Ratio) between 6:1 and 9:1.; Non-Residential: Construction with FAR (Floor Area Ratio) above between 6:1 and 9:1.
Van Ness and Market Neighborhood Infrastructure Fee	Market/Octavia	Planning Code Section 424	Residential + Non-Residential	\$18.20 per net additional gsf for FAR above 9:1	Residential: Construction with FAR (Floor Area Ratio) above 9:1; Non-Residential: Construction with FAR above 9:1
Visitacion Valley Community Facilities & Infrastructure Impact Fee	Visitacion Valley	Planning Code Section 420	Residential	* \$5.56 per square foot, change of use * Residential to Residential or Non-residential; Non-residential to Non-residential; or PDR to Non-Residential - \$0.00/gsf, * Non-Residential to Residential - \$4.37/gsf, * PDR to Residential - \$2.82/gsf	Residential: All residential development projects of 20 or more units that result in a new unit; Non-Residential: N/A
Wastewater Capacity Charge	Citywide	SFPUC Resolution No. 07-0100	Development and Change of Use - Citywide	Meter Size (eff. 7/1/14-6/30/15) Residential (SIC4) 5/8"-\$4,218 3/4"-\$6,327 1"-\$10,545 1-1/2"-\$21,090 2"-\$33,744 3"-\$63,270 4"-\$105,450 6"-\$210,900 8"-\$337,440 10"-\$485,070 12"-\$906,870 16"-\$1,581,750 Non Residential (SIC2-SIC3 and SIC5-SIC11) for detail rates, please refer to page 16 and 17 of SFPUC Rates Schedules on website address: http://sfwater.org/modules/showdocument.asp?documentid=5984	Residential: New construction, additional sq footage, development of existing sq footage, change of use; Non-Residential: New construction, additional sq footage, development of existing sq footage, change of use
Water Capacity Charge	Citywide	PUC Resolution No. 07-0099	Development and Change of Use - Citywide	Meter Size (eff. 7/1/14-6/30/15) Residential/Non-Residential 5/8"-\$1,239 3/4"-\$1,859 1"-\$3,100 1-1/2"-\$6,197 2"-\$9,917 3"-\$18,594 4"-\$30,990 6"-\$61,983 8"-\$99,172 10"-\$142,485 12"-\$266,385 16"-\$464,625	Residential: New construction, additional sq footage, development of existing sq footage, change of use; Non-Residential: New construction, additional sq footage, development of existing sq footage, change of use

**SAN FRANCISCO CITYWIDE DEVELOPMENT IMPACT FEE REGISTER
CHANGE OF USE AND REPLACEMENT TABLES**

"**Replacement of Use**" is the total amount of gross floor area, as defined in Section 102.9 of the Planning Code, to be demolished and reconstructed by a development project.

"**Change of Use**" is the change of gross floor area from one category of land use to another category of land use within an existing structure.

Impact Fee: Inclusionary Affordable Housing - Jobs-Housing Linkage Program Fee
City Area Subject to the Fee: Inclusionary Affordable Housing: Citywide - Commercial
Planning Code: [Table 413.6B](#)
Description: Fee Schedule for Replacement of Use or Change of Use

Previous Use	New Use	Fee per Gross Square Foot (GSF)
PDR that received its First Certificate of Occupancy on or before April 1, 2010	Entertainment	\$5.69
PDR that received its First Certificate of Occupancy on or before April 1, 2010	Hotel	\$1.07
PDR that received its First Certificate of Occupancy on or before April 1, 2010	Integrated PDR	\$2.01
PDR that received its First Certificate of Occupancy on or before April 1, 2010	Office	\$7.37
PDR that received its First Certificate of Occupancy on or before April 1, 2010	Research & Development	\$0
PDR that received its First Certificate of Occupancy on or before April 1, 2010	Retail	\$5.69
PDR that received its First Certificate of Occupancy on or before April 1, 2010	Small Enterprise Workspace	\$2.01
Entertainment, Hotel, Integrated PDR, Office, Research & Development, Retail, or Small Enterprise Workspace	Entertainment, Hotel, Integrated PDR, Office, Retail, or Small Enterprise Workspace	\$0
Institutional which received its First Certificate of Occupancy on or before April 1, 2010	Entertainment, Hotel, Integrated PDR, Office, Research & Development, Retail, or Small Enterprise Workspace	\$0
Institutional or PDR which received its First Certificate of Occupancy on or before April 1, 2010	Institutional, PDR, Research & Development, Residential	\$0
Institutional or PDR that received its First Certificate of Occupancy after April 1, 2010	Any	Full Rate for New Use Applies
Residential	Entertainment, Hotel, Integrated PDR, Office, PDR, Research & Development, Retail, or Small Enterprise Workspace	Full Rate for New Use Applies

Impact Fee: Balboa Park Community Infrastructure Impact Fee
City Area Subject to the Fee: Balboa Park - Residential + Non-Residential
Planning Code: [Table 422.3B](#)
Description: Fee Schedule for Replacement of Use or Change of Use in the Balboa Park Program Area

Residential to Residential or Non-residential; or Non-residential to Non-residential	Non-Residential to Residential (GSF)	PDR to Residential (GSF)	PDR to Non-Residential (GSF)
\$0	\$7.89	\$8.80	\$0.91

Impact Fee: Eastern Neighborhoods Infrastructure Impact Fee (Mission District, Central Waterfront, SOMA, Showplace)

City Area Subject to the Fee: Eastern Neighborhoods - Residential + Non-Residential
 Planning Code: [Table 423.3B](#)
 Description: Fee Schedule for Replacement of Use or Change of Use in the Eastern Neighborhoods Program Area

Tier (per Sec. 423.3(a))	Residential to Residential or Non-residential; or Non-residential to Non-residential (GSF)	Non-Residential to Residential (GSF)	PDR to Residential (GSF)	PDR to Non-residential (GSF)
1	\$0	\$2.43	\$6.07	\$3.64
2	\$0	\$2.43	\$10.92	\$8.50
3	\$0	\$2.43	\$15.78	\$13.35

"Replacement of Use" is the total amount of gross floor area, as defined in Section 102.9 of the Planning Code, to be demolished and reconstructed by a development project. "Change of Use" is the change of gross floor area from one category of land use to another category of land use within an existing structure. Changes of use are subject to Tier 1 rates only, regardless of the Tier classification of the subject property.

Impact Fee: Market & Octavia Community Infrastructure Impact Fee
 City Area Subject to the Fee: Market/Octavia - Residential + Commercial
 Planning Code: [Table 421.3B](#)
 Description: Fee Schedule for Replacement of Use or Change of Use in the Market and Octavia Program Area

Residential to Residential or Non-residential; or Non-residential to Non-residential (GSF)	Non-Residential to Residential (GSF)	PDR to Residential (GSF)	PDR to Non-Residential (GSF)
\$0	\$6.80	\$8.86	\$2.06

Impact Fee: Market & Octavia Inclusionary Affordable Housing Fee
 City Area Subject to the Fee: Market/Octavia - Residential (Not RTO)
 Planning Code: [Table 416.3A](#)
 Description: Inclusionary Affordable Housing Fee Schedule in the Market and Octavia Program Area

	Van Ness and Market Special Use District (GSF)	NCT (GSF)	RTO (GSF)
Net addition of residential use or change of use to residential use	\$8.74	\$4.37	\$0
Replacement of, or change of use from, non-residential to residential use	\$4.61	\$0.24	\$0
Replacement of, or change of use from, PDR to residential use	\$6.67	\$2.31	\$0

Impact Fee: Rincon Hill Community Infrastructure Impact Fee
 City Area Subject to the Fee: Rincon Hill - Residential
 Planning Code: [Table 418.3B](#)
 Description: Rincon Hill Community Infrastructure Impact Fee Schedule for Replacement of Use or Change of Use in the Rincon Hill Program Area

Residential to Residential or Non-residential; Non-residential to Non-residential; or PDR to Non-Residential (GSF)	Non-Residential to Residential (GSF)	PDR to Residential (GSF)
\$0	\$6.07	\$8.25

Impact Fee: Visitation Valley Community Facilities & Infrastructure Impact Fee
 City Area Subject to the Fee: Visitation Valley - Residential
 Planning Code: [420.3B](#)
 Description: n/a

Residential to Residential or Non-residential; Non-residential to Non-residential; or PDR to Non-Residential (GSF)	Non-Residential to Residential (GSF)	PDR to Residential (GSF)
\$0	\$4.37	\$2.82

EXHIBIT F

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

1 RYAN J. PATTERSON (SBN 277971)
2 MICHAEL E. PROFANT (SBN 299246)
3 ZACKS & FREEDMAN, P.C.
4 235 Montgomery Street, Suite 400
5 San Francisco, CA 94104
6 Tel: (415) 936-8100
7 Fax: (415) 288-9755

8 Attorneys for Appellants Jack Oswald and Anneke Seley

9 SAN FRANCISCO BOARD OF APPEALS

10 **DECLARATION OF MICHAEL GARAVAGLIA**

11 Appeal No.: 14-195
12 Project Address: 312 Green Street
13 Hearing Date: February 11, 2015

14 I, Michael Garavaglia, declare as follows:

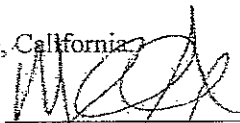
15 1. I am the principal of Garavaglia Architecture, Inc. I make this declaration based
16 on facts personally known to me, except as to those facts stated on information and belief,
17 which facts I believe to be true.

18 2. Attached as Exhibit A is a true and correct copy of a memorandum prepared by
19 my office. It states our opinions and facts, based on our investigation, which I believe to be true
20 and correct.

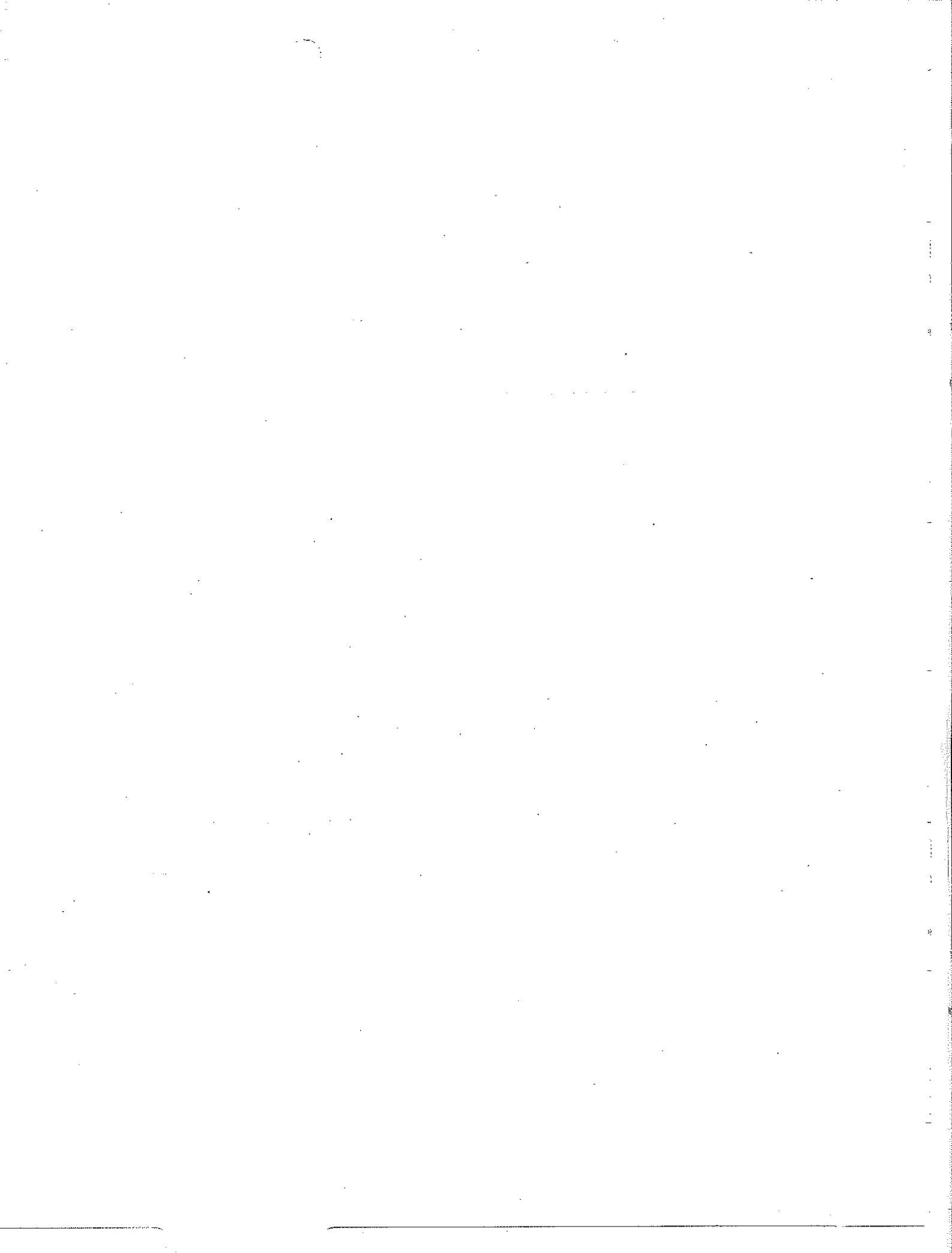
21 3. Attached as Exhibit B is a true and correct copy of my CV, stating my
22 qualifications.

23 4. Attached as Exhibit C is a true and correct copy of my associate Jacqui Hogans'
24 CV, stating her qualifications.

25 I declare under penalty of perjury that the foregoing is true and correct, and that this
26 was executed on January 22, 2015, at San Francisco, California.

27 
28 Michael Garavaglia

DECLARATION OF MICHAEL GARAVAGLIA





582 MARKET ST. SUITE 1800
SAN FRANCISCO, CA 94104

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F: 415.391.9647

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MEMORANDUM

Date: November 21, 2014

To: Interim President Katy Tang
c/o Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

From: Jacqui A. Hogans, Architectural Conservator

Project: 312 Green Street

Re: CEQA Appeal

Via: e-mail

Dear Ms. Tang,

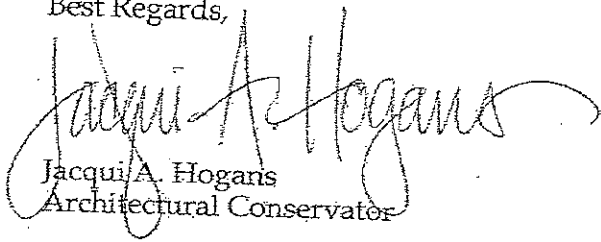
This memorandum is in regards to the CEQA appeal for the above-captioned property. Our concerns regarding the proposed project, and its impact on the surrounding area's historic character, is described below:

The existing massing of 312 Green Street is in line with the historic urban context of the Telegraph Hill area. Even though much of the building's historic and material integrity has been compromised, the massing—its two-story design fits in with the surrounding buildings—is appropriate for the area. While not within the Telegraph Hill Historic District, 312 Green Street is typical of the scale of the residences constructed in the area after the 1906 earthquake and fires. The area consisted primarily of small-scale residential buildings of various architectural styles. If the proposed alteration is to take place, which includes the addition of two floors, then the block's original character will be obliterated. It will tower over the building at 340-346 Green Street, further changing the small-scale character of the area.

Innovating Tradition

As always, please let us know if you have any questions or concerns.

Best Regards,

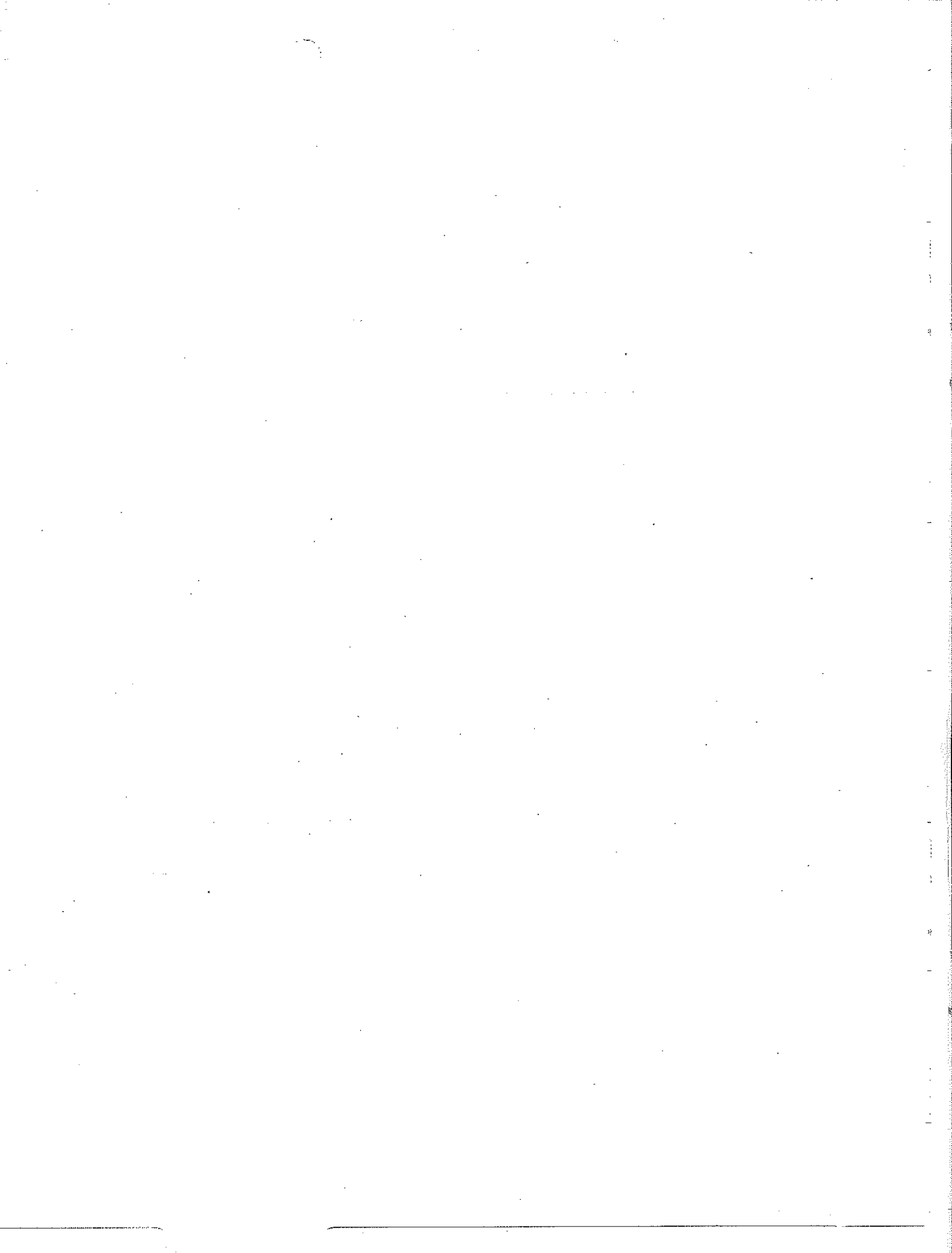


Jacquie A. Hogans
Architectural Conservator

cc: Ryan Patterson, Zacks & Freedman, P.C.

encl:

file:



MICHAEL GARAVAGLIA, AIA, LEED AP BD+C
PRINCIPAL-IN-CHARGE, PRESERVATION ARCHITECT (LIC. C14833)
Exceeds Secretary of the Interior Professional Qualifications Standards – Historic Architecture

With more than 30 years of experience in the architectural profession and as principal, Mr. Garavaglia leads the firm with preservation architectural services that respond to the specific needs of cultural resources and their environment. He believes strongly in the role of sustainability in historical rehabilitation, its merit in economic development, and the significance of retaining cultural resources for local communities. He seeks opportunities for creative teaming in his staff and consultants to create the most responsive team for each unique project and client. He directs his firm to constantly evolve its preservation services and work products to maintain the relevance and quality control of the firm's work. As such, a preservation project delivery methodology integrating historical knowledge in the design process is key. His work with the preservation community, primarily through involvement with the California Preservation Foundation, focuses on organizational involvement, educational programs, and stewardship development.

Mr. Garavaglia received his professional Bachelor of Architecture degree from California State Polytechnic University at San Luis Obispo, which included a special study program in Historic Preservation. He is a LEED Accredited Professional with specialization in Building Design and Construction, a Conservation Assessment Program (CAP) Assessor, and he is listed in the Heritage Preservation database maintained by the National Institute for Conservation. Mr. Garavaglia is licensed to practice architecture in California, is a qualified Historic Architect with the California Historical Resources Information System (CHRIS) and Nevada SHPO, and is a member of the American Institute of Architects (AIA). Mr. Garavaglia has been included in several publications including *Northern California Home & Garden*, *Architectural Record*, and the *San Francisco Chronicle*.

Select projects with his major technical and management involvement for historic building rehabilitation projects and reports include:

- State of California Department of Parks and Recreation, Multiple Projects for the Northern District Service Center, CA
- Angel Island Immigration Station Rehabilitation, Angel Island State Historic Park, CA
- As-Needed Preservation Services for San Francisco City Hall and Civic Center Campus, San Francisco, CA
- Hangar One Conditions Assessment and Rehabilitation Plan, U.S. Naval Air Station, Moffett Field, Mountain View, CA
- Lorenz Hotel, Redding, CA
- Columbia State Historic Park: Cultural Landscape Report and Burns Cottage Condition Assessment Report, Columbia State Historic Park and National Historic Landmark District Palo Alto History Museum, Palo Alto, CA
- Bodie Benton Depot, Bodie State Historic Park, CA
- Presidio Post Chapel Feasibility Study, Presidio of San Francisco, CA
- Doyle Drive Building Relocation Study and Historic Structures Reports, Presidio of San Francisco National Landmark District Buildings 201, 204 and 228, San Francisco, CA
- 450 McAllister Street Window Assessment, San Francisco, CA



JACQUI HOGANS

ARCHITECTURAL CONSERVATOR

Secretary of the Interior Professional Qualifications Standards – Architectural History

Ms. Hogans has extensive project management experience with particular focus on building material rehabilitation, finishes analysis, conditions assessments, and recommendations for long-term maintenance. In her role as Architectural Conservator, Ms. Hogans focuses on architectural history and material conservation, with a firm grasp on the Secretary of the Interior's Standards for the Treatment of Historic Properties. Prior to joining Garavaglia Architecture, Inc., Ms. Hogans worked in New York City where she was responsible for overseeing exterior restoration projects involving historic buildings, from small residential repairs to large-scale restoration and redevelopment projects. She has experience preparing proposals, creating preliminary budgets and construction documents, overseeing the bidding process, and monitoring construction work in progress.

Ms. Hogans' specialties include masonry and metalwork, specifically conservation and repair of weathering steel. Her research has included investigative repairs for graffiti removal at masonry and steel, as well as the conservation of the sandstone at Angkor Wat, Cambodia. Ms. Hogans holds a B.A. in Architectural Studies and Urban Studies from Brown University, and an M.S. in Historic Preservation from Columbia University. She is an active member of the Association for Preservation Technology International, the California Preservation Foundation, and the Junior League of San Francisco.

Select projects include:

- Alcatraz Guardhouse Restoration, San Francisco, CA
- Lawrence Livermore National Laboratory HABS/HAER Reports, Livermore, CA
- Toscano Hotel Complex Historic Structures Report, Sonoma, CA
- Marconi Conference Center Historic Structure Report, Point Reyes Station, CA
- Casa Gutierrez Historic Structure Report, Monterey, CA
- Cultural Landscape Report, Columbia State Historic Park, Columbia, CA
- 101 Grove Street SISR Compliance, San Francisco, CA
- Lakeport Carnegie Library Reuse Feasibility Study, Lakeport, CA
- 101 Hyde Street Design Review, San Francisco, CA
- Auxiliary Water Supply System, HABS Level 2, San Francisco, CA
- Marshall Gold Discovery State Historic Park, Coloma, CA
- 22-24 Franklin Street Historic Resource Evaluation & SISR Review, San Francisco, CA
- Plymouth Avenue Residence Historic Resource Evaluation, San Francisco, CA
- Madrid Street Residence Historic Resource Evaluation, San Francisco, CA
- 2nd Street East Residence Historic Resource Evaluation, Sonoma, CA

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7 Fax: (415) 288-9755

8 Attorneys for Appellants
9 Jack Oswald and Anneke Seley

10 **SAN FRANCISCO BOARD OF APPEALS**

11 JACK OSWALD, ANNEKE SELEY, JAMES
12 KIRK, SUSAN KIRK, THOMAS LATOUR,
13 and BARBARA LATOUR,

14 Appellants,

15 vs.

16 CITY AND COUNTY OF SAN
17 FRANCISCO, DEPARTMENT OF
18 BUILDING INSPECTION, and PLANNING
19 DEPARTMENT,

20 Respondents.

21 Appeal No.: 15-186

22 **SUPPLEMENTAL DECLARATION OF
23 RYAN J. PATTERSON**

24 BPA No. 201311131794
25 Project Address: 312 Green Street
26 Hearing Date: January 27, 2016

27 I, Ryan J. Patterson, declare as follows:

28 1. I am an attorney at Zacks & Freedman, P.C., the firm hired to represent appellants in this proceeding. I make this declaration based on facts personally known to me, except as to those facts stated on information and belief, which facts I believe to be true.


2. Attached as Exhibit 1 is a true and correct copy of Appellants' brief and exhibits, filed in San Francisco Board of Appeals Appeal No. 14-195.

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

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I declare, under penalty of perjury under the laws of the State of California that
the foregoing is true and correct.

Dated: January 7, 2016



Ryan J. Patterson

Exh. 1

ZACKS & FREEDMAN

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January 22, 2015

VIA HAND DELIVERY

President Ann Lazarus
San Francisco Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

BOARD OF APPEALS

JAN 22 2015
APPEAL # 14-195

Re: Appeal No. 14-195
312 Green Street – Variance No. 2013.1652V

Dear President Lazarus:

INTRODUCTION

Appellants request that the Board of Appeals overturn a rear yard variance granted for a massive residential expansion project at 312 Green Street because the stringent requirements of Planning Code section 305(c) have not been met.

FACTS

The project sponsors have proposed a substantial enlargement of the home at 312 Green Street on Telegraph Hill. The existing two-story home occupies the entire 1,064 square foot lot. The project sponsors have proposed adding two additional stories and a roof deck to the home. The proposed third floor will encroach 10.5 feet into the required 15-foot rear yard, and an exterior staircase leading to the proposed roof deck will encroach into the required rear yard at the fourth story.

On November 20, 2014, Acting Zoning Administrator (“ZA”) Corey Teague approved the variance authorizing the aforementioned encroachments into the required rear yard. (See Exh. A to the Declaration of Michael E. Profant submitted herewith (“Profant Dec.”).) Appellants filed this appeal on November 21, 2014.

LEGAL STANDARD

The San Francisco Planning Code states that a variance shall be granted “only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Section.” (San Francisco Planning Code § 305(a).¹) The standards that must be met include: (1) exceptional or extraordinary circumstances applying to the property involved that do not apply generally to other properties in the same class of district; (2) literal enforcement of the Code would result in practical difficulty or unnecessary hardship not created by or attributable to the property owner; (3) variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other properties in the same class of district; (4) granting of the variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and (5) variance approval will be in harmony with the general purpose and intent of the Code. (§ 305(c).) “The party seeking the variance must shoulder the burden of demonstrating . . . that the subject property satisfies the requirements” (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 521.)²

STANDARD OF REVIEW

In most circumstances, the Board of Appeals reviews ZA decisions for error or abuse of discretion. (City Charter § 4.106(c)(1)). But when the Board hears a variance appeal, it is specifically empowered to affirm, change, or modify the ZA’s decision, “subject to the same limitations as are placed upon the [ZA] by this Charter or by ordinance.” (*Id.* § 4.106(c)(2)). This provision grants the Board “de novo” review for variance appeals. As such, the Board should use

¹ Unless stated otherwise, all citations are to San Francisco Planning Code.

² Because San Francisco is a charter city, State requirements with respect to the granting of variances set forth in Government Code § 65906 are not applicable. (*See* Cal. Gov’t Code § 65803.) Nonetheless, cases outside of San Francisco remain relevant due to the similarities between State and City variance standards.

its independent judgment, rather than deferring to the ZA, as to whether the Code's requirements have been met.³ Per the analysis herein, we are confident that the Board will determine that the requirements have not been met.

ANALYSIS

I. No exceptional or extraordinary circumstances exist, because the subject parcel size is not substantially different from size of nearby parcels.

The first requirement a variance applicant must meet is “[t]hat 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.”

Acting ZA Teague found this requirement met as follows:

- A. *The subject property has an average lot depth of 57.5 feet and a lot width of 18.5 feet, resulting in a total lot area of approximately 1,062 square feet. As such, the subject property is the smallest lot on the subject block. The existing building, which was constructed prior to rear yard controls circa 1907, is nonconforming due to its full lot coverage. The diminutive dimensions of the subject property constrict its Code-complying development potential.*
- B. *The subject property's location is such that the required rear yard would not contribute to the mid-block open space. As stated in the Residential Design Guidelines, rear yards collectively contribute to the mid-block open space that is visible to most residents of the block. This visual open space can be a significant community amenity. The subject property's proximity to the intersection and substandard lot size result in a property that cannot contribute to or detract from the mid-block open space.*

Although the subject parcel is the smallest on the block, a number of neighboring parcels are only slightly larger. A variance may amount to a “special privilege” if “there has been no affirmative showing that the subject property differs *substantially*...from other parcels in the applicable zone.” (*Topanga Assn.*, 11 Cal.3d at p. 522.) (emphasis added).

It is noteworthy that the difference in square footage between the subject parcel and many parcels in close proximity is not significant. (See Exh. G to Profant Dec.) For instance, on the

³ See *City and County of San Francisco v. Board of Permit Appeals* (1989) 207 Cal.App.3d 1099, 1104.

eastern side of the adjacent Castle Street, one parcel is only 52.5 square feet larger and six are only 111 square feet larger. (*See id.*) This trivial difference in lot size is not adequate to justify granting a variance since it can hardly be characterized as “exceptional or extraordinary.”

Appellants also disagree with the suggestion that the subject parcel cannot contribute to the valuable mid-block open space. While there is no visible ground or vegetation in the subject rear yard, the existing limited height of the structure contributes unobstructed air space, which facilitates the surrounding parcels’ enjoyment of the mid-block open space. Extending the building’s height in the rear-yard setback would wall off the mid-block open space from the adjacent parcel at 340-346 Green Street – especially its roof deck, which is its only open space.

II. Enforcement of the rear yard requirement would not result in unnecessary hardship because the project can be revised to comply with the Code.

The second requirement is “[t]hat owing to such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.” The Acting ZA found as follows:

- A. *The diminutive dimensions of the subject property detailed in Finding 1(A) above results in an atypically small Code-complying buildable area. This buildable area is further reduced by the need for the project to match two adjacent lightwells per the Residential Design Guidelines, while the vast majority of buildings in the area only match one or none. When combined, the narrowness of the lot and the matching lightwells at the proposed third and fourth floors create a practical difficulty for developing the property in a literal Code-conforming manner.*
- B. *The existing rear and middle portions of the first and second stories of the subject dwelling are limited in use due to poor access to light and air. The proposed addition will receive adequate light and will provide better habitable space.*

Constraints of this nature impact many parcels in urban settings, and specifically several such parcels exist in the same block and in adjacent blocks. (*See* Exh. I to Profant Dec.) In deciding whether these constraints impose an unnecessary hardship on the project sponsor, the

proper inquiry is what size structure can actually be built on the site while complying with City standards and whether such a structure would contain adequate living area as compared to that of other properties in the zoning district. In considering a variance request, the focus is properly on “[d]isparities between properties, not treatment of the subject property’s characteristics in the abstract.” (*Topanga Assn.*, 11 Cal. 3d at p. 520.) “[T]he critical issue [is] whether a variance was necessary to bring the original real party in interest into substantial parity with other parties holding property interests in the zone.” (*Id.* at 520-21.)

Here, based on a review of the plans submitted, the proposed home would contain 2,550 square feet. (*See* Exh. F to Profant Dec.) If this proposal were revised to comply with the rear yard setback, it would contain 2,356 square feet. (*See id.*) It would also lack the exterior staircase providing access to the proposed roof deck. The code-compliant home would be more than twice as large as the existing home and would provide a sizeable living area given its dense urban context. The reduction of the project size by a mere 194 square feet (7.6 %) does not amount to a “hardship” justifying a variance.

The Acting ZA also noted that the existing first and second floors have limited access to light and air and that the third and fourth floors would be more livable as they would have greater access to light and air. Since the existing first floor is non-habitable space and would presumably remain non-habitable space, the limited light and air circulation at that level is not at issue. While the second floor may well suffer from limited light access, this problem is due to the fact that the existing structure occupies the entire lot. With no rear yard, it is not surprising that the existing second floor has limited access to light. The proposed third and fourth floors would not be eliminated by complying with the code; the third floor would merely be reduced in size by 194 square feet. So the light and air benefits noted by the ZA would still accrue to these two new

stories, even without a variance. In fact, light and air access would likely be further improved by complying with the rear-yard setback requirement.

This project also fails to meet this requirement because the project sponsor's redesign of the project—recessing the third and fourth floors in the front, resulting in a loss of potential square footage—is entirely attributable to the applicant. The Planning Code does not require that these upper levels be set back from the front property line; this was a decision made by the project sponsor, who then asks this Board to authorize an encroachment into the required rear yard. To the extent the applicant requires additional square footage, the project can be redesigned to push out the upper levels at the front. This Code-compliant strategy would give the structure additional square footage sought by the applicant. A variance is entirely inappropriate where design choices made by the project sponsor cause the very problem he now wants relief from.

III. Since a code-compliant version of the project would allow for the enjoyment of substantial property rights, the rear yard variance is not necessary.

The third requirement is “[t]hat 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.” Acting ZA Teague’s findings in this regard were that:

- A. *Granting this variance will allow the construction of a third and fourth story addition to the existing building that will receive light at the front and rear of the property. The subject building is located between two four-story structures, and the majority of existing buildings on the subject block are either three or four stories. The proposed construction contextually relates to the neighboring buildings in terms of massing. The construction of a contextual addition that complies with the Residential Design Guidelines is a substantial property right possessed by other properties in the same class of district.*
- B. *The project is comparable to the others in the immediate context in terms of square footage and height. It also creates more useable open space on the third and fourth floor roofs. The provision of useable open space in rear yards or roof decks is a substantial property right of the subject property, possessed by other property in the same class of district.*

- C. *The proposed rear extension matches the building depth of the neighboring buildings and will have a negligible effect on neighboring rear yards' access to light and air. The proposed third and fourth stories are appropriately set back five feet from the existing front building wall and serves as a transition between the setbacks of the neighboring four-story buildings.*

Even if construction of a “contextual addition” and “provision of useable open space in rear yards or roof decks” are in fact substantial property rights, that does not necessarily mean a variance is *necessary* for the enjoyment of those rights in this case. As the California Supreme Court states, “[w]e must be careful to distinguish . . . between those circumstances which prevent a builder from profitably developing a lot within the strictures of the planning code and those conditions which simply render a complying structure less profitable than anticipated.” (*Broadway, Laguna, Vallejo Ass'n v. Board of Permit Appeals of City and County of San Francisco* (1967) 66 Cal.2d 767, 775.)

The Board should first remember that the subject property already benefits substantially in terms of additional square footage from the fact that the existing non-conforming structure occupies the entire lot. As a result, the home has an extra 277.5 square feet at both the first and second floors beyond what would be allowed under the current Planning Code. This existing non-conforming space should be factored into the Board’s decision as to whether the project sponsor truly needs additional relief from current zoning regulations.

Furthermore, a substantial addition can be made to the existing structure (more than doubling its habitable square footage) while still complying with the rear yard setback requirement. As revised, the home would be only about 194 square feet smaller. Additionally, the revised project would continue to offer substantial useable open space, as the third-floor rear deck would increase from 83 to 277.5 square feet.

The Acting ZA found that the “project is comparable to the others in the immediate context in terms of square footage and height.” Since a variance must be necessary for the enjoyment of

a substantial property right possessed by neighboring properties, it would be inappropriate to grant a variance to allow for the construction of one of the largest homes in the neighborhood. At most, a variance should not allow more than the average size home in the vicinity. Otherwise, the subject property would benefit from an impermissible special privilege.

Based on an analysis of the properties on the north side of Green Street in the subject block, one block to the west, and one block to the east, the average residential unit size is 1,155 square feet and the median unit size is 844 square feet. (See Exh. G to Profant Dec.) These figures appropriately include both single-family and multi-family properties in the RM-1 zoning district.⁴ In fact, only two parcels contain dwellings larger than the proposed dwelling. *If the project were revised to comply with Code requirements, it would remain the third largest unit within the specified blocks.* A variance is thus unnecessary here to allow the project sponsors to construct one of the largest homes on this segment of Green Street.

Public policy is highly relevant with regard to this third variance finding. Two critically important terms are contained within this finding: “necessary” and “substantial property right.” These terms must not lose their plain meaning. A reduction in dwelling size of only 194 square feet (of the proposed 2,550 square-foot unit) does not infringe on a substantial property right. Is it “necessary” to have the third largest dwelling unit on this segment of Green Street?

IV. Property and improvements in the vicinity will be materially injured in terms of light access, air circulation, and obstruction of private views.

⁴ Only four of the eighteen parcels located on the north side of Green Street in the specified three blocks contain single-family dwellings. As such it would inaccurately skew the results to exclude all multi-family units from the analysis. Even when compared to just the single-family units, when considering both total sq. ft. and massing/density, this project will be oversized even when fully complying with the code without a variance.

The fourth requirement is “[t]hat the granting of the variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.” The Acting ZA’s findings were that:

- A. *Granting the variance will improve the livability of the subject property and will not be materially detrimental to the public welfare or materially injurious to the neighboring properties. The proposed addition is in scale with the two adjacent four story buildings, as well as other buildings on the subject block. Additionally, the proposed rear extension matches the building depth of the neighboring buildings and will have a negligible effect on neighboring rear yards’ access to light and air.*
- B. *The Planning Department received three letters of support submitted by individuals living on the same block and 36 additional letters of support were submitted from neighbors in the area and other individuals.*
- C. *The Planning Department received a Discretionary Review application, four letters in opposition to the project from neighbors on the same block (including one from the Telegraph Hill Dwellers), and 11 additional letters in opposition from residents in the neighborhood. However, the Planning Commission did not take Discretionary Review and recommended approval of the building permit application. Concerns ranged from the effect of the proposed addition on private views, the adverse effects caused by proposed construction, and the scale of the proposal. The Residential Design Team determined that the proposed overall scale, design, and fenestration pattern is consistent with neighborhood character.*

Contrary to the Acting ZA’s findings, the adverse impacts on neighboring rear yards’ access to light and air will be substantial. The proposed structure will cast a shadow in the mid-to late afternoon on the appellants’ decks, solar panels, and rear yard. It will also reduce the amount of natural light entering the appellants’ dining room, bedroom, and bathroom. (See Declaration of Patrick Buscovich in Support of CEQA Appeal.) The proposed structure will also create a wall, blocking wind flow and substantially impacting air circulation. (*Id.*)

Appellants are not the only neighbors whose home would be impacted by the additional mass at the third floor created by the variance. The project abuts the side-rear of 14-16 Castle Street (“Castle Street”)—a three-story structure. The proposed new third floor will extend to within 4.5 feet of the existing third floor of Castle Street. The failure to require a 15-foot rear

setback for the project – which is required of every other project in the district – will plainly impact light and air flow to Castle Street. Additionally, private scenic views of the Golden Gate Bridge, Marin Headlands, Angel Island and Coit Tower will be obstructed from Appellants’ home, as will views of downtown San Francisco from the homes behind the project on Montague Place. (See Exh. B, C, & D to Profant Dec.)

For policy reasons, it is important that the Board of Appeals not deem an existing setback encroachment by a structure to be a factor justifying further encroachment of setbacks by vertical additions to that structure. This approach would contravene the general rule that non-conformities should ultimately be removed, and certainly should not be exacerbated. Since neighbors of encroaching structures often already suffer negative impacts (e.g., with respect to light, air circulation, and views), it may be particularly burdensome and injurious to these properties to be subjected to an exacerbation of these impacts through non code-compliant expansion.

V. The proposed expansion would not be in keeping with the existing housing and neighborhood character.

The fifth requirement is that “[t]he 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.” Acting ZA Teague found in this regard that:

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.*

...

2. *The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing single-family dwelling unit on the property.*

...

6. *The proposed project will have no effect on the City's preparedness to protect against injury and loss of life from an earthquake.*
7. *The project will have no effect on the City's landmarks or historic buildings.*

.....

The proposed project is not consistent with the second Priority Policy – “that existing housing and neighborhood character be conserved and protected” (§ 101.1(b)(2).)

As stated by architectural conservator Jacqui Hogans,

The existing massing of 312 Green Street is in line with the historic urban context of the Telegraph Hill area. . . . Its two-story design fits in with the surrounding buildings – is appropriate for the area [The existing building] is typical of the scale of residences constructed in the area after the 1906 earthquake and fires If the proposed alteration is to take place, which includes the addition of two floors, then the block’s original character will be obliterated.

(See Declaration of Michael Garavaglia.)

The mere fact that the subject property is not eligible for official listing as a historic resource does not detract from its contribution to the massing patterns on this block of Green Street, located in close proximity to the Telegraph Hill Historic District. The architectural attributes of a neighborhood indisputably play a large role in defining a neighborhood’s character. Adding two stories to the existing 1907, two-story structure will eliminate one of the few remaining structures in the immediate vicinity that retains the size and scale representative of the post-1906 reconstruction era. The loss of such a unique structure would necessarily have a deleterious effect on neighborhood character.

Furthermore, the project does not provide the necessary seismic separation between the proposed addition and adjacent structures, which could result in damage to these structures during an earthquake. (See Declaration of Patrick Buscovich in support of CEQA Appeal.) This is at odds with the Acting ZA’s finding that the proposed project will have no effect on protection against injury and loss of life resulting from an earthquake.

CONCLUSION

If even one of the aforementioned requirements has not been met, a variance request must be denied. Here, not one of the five requirements has been met. The variance was clearly issued in error, and we respectfully request that the variance be overturned.

Very truly yours,

ZACKS & FREEDMAN, P.C.



Ryan J. Patterson, Esq.

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MICHAEL E. PROFANT (SBN 299246)
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5 Attorneys for Appellants Jack Oswald and Anneke Seley
6
7

8 SAN FRANCISCO BOARD OF APPEALS
9

10 **DECLARATION OF MICHAEL**
11 **PROFANT**

12 Appeal No.: 14-195
13 Project Address: 312 Green Street
Hearing Date: February 11, 2015

14 I, Michael Profant, declare as follows:

15 1. I am an associate attorney at Zacks & Freedman, P.C., the firm hired to
16 represent Jack Oswald and Anneke Seley ("appellants") in this proceeding. I am also a
17 Certified Planner and member of AICP. I make this declaration based on facts personally
18 known to me, except as to those facts stated on information and belief, which facts I believe to
19 be true.
20

21 2. Attached as Exhibit A is a true and correct copy of the variance decision letter in
22 Case No. 2013.1652V.

23 3. I am informed and believe that appellants own the property located at 310 Green
24 Street in San Francisco, California. The Variance Holder's property is located at 312 Green
25 Street, a contiguous parcel to the west.
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4. I am informed and believe that appellant Jack Oswald took a photograph of appellants' solar panel array on the roof of their property on or about April 2014. The view is looking north/northwest, with the San Francisco Bay and Marin Headlands in the upper left background. A true and correct copy is attached as Exhibit B.

5. I am informed and believe that appellant Jack Oswald prepared an aerial view of the project setting using Google Earth. Appellants' property is identified with a red pin. Diagonal yellow lines are drawn in to reflect an important view corridor that will be obstructed by the specific portion of the project allowed by the variance. Property owners to the north on Montague Place and those to the immediate west on Green Street will be impacted by this obstruction, which will affect views of midblock open space and other scenic views. A true and correct copy is attached as Exhibit C.

6. On information and belief, the owners of the property to the north of the appellants, located at 5 Montague Place, took a photograph, looking south, on or about January 2015. The photograph shows the existing height and bulk of the subject property at 312 Green Street and the scenic views that will be impacted by approval of the variance. A true and correct copy is attached as Exhibit D.

7. Attached as Exhibit E is a true and correct copy of a photovoltaic shading study prepared by Olivier A. Pennetier of Symphysis Bioclimatic Design Consulting.

8. Attached as Exhibit F is a true and correct copy of the Section 311 notice and plans for the proposed project.

9. Attached as Exhibit G is a table of relevant parcel data which I compiled from San Francisco Assessor-Recorder's Office records in December 2014 and January 2015.

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10. Attached as Exhibit H is a table of relevant parcel densities which I compiled from San Francisco Assessor-Recorder's Office records and calculated in December 2014 and January 2015.

11. Attached as Exhibit I is a true and correct copy of the Assessor's Parcel Map for the subject property, obtained on January 22, 2015 from the San Francisco Property Information Map (<http://ec2-50-17-237-182.compute-1.amazonaws.com/PIM/>).

I declare under penalty of perjury that the foregoing is true and correct, and that this was executed on January 22, 2015, at San Francisco, California.

Michael E. Profant
Michael Profant

EXHIBIT A



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: November 20, 2014
Case No.: 2013.1652V
Project Address: 312 GREEN STREET
Zoning: RM-1 [Residential Mixed, Low Density] District
40-X Height and Bulk District
Block/Lots: 0114/016
Applicant: Bruno and Suzanne Kanter
312 Green Street
San Francisco, CA 94133
Staff Contact: Kate Conner – (415) 575-6914
kate.conner@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
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Planning
Information:
415.558.6377

DESCRIPTION OF VARIANCES – REAR YARD VARIANCE SOUGHT:

The proposal is to construct a third floor and fourth floor addition to a two-story, single-family building. The third story addition encroaches 10 feet 6 inches into the 15-foot required rear yard. Included in the proposal are exterior stairs from the third story to the fourth story, which also encroach into the required rear yard. The subject building is currently noncomplying and occupies the full lot.

Section 134 of the Planning Code requires a 15-foot rear yard. The third-story addition encroaches 10 feet 6 inches into the 15-foot required rear yard. Exterior stairs from the third story to the fourth story are included in the proposal and also encroach into the required rear yard.

PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.
2. The Zoning Administrator held a public hearing on Variance Application No. 2013.1652V on July 23, 2014; however, a Discretionary Review was filed on July 21, 2014. The variance was then continued for one month to August 27, 2014 and at that hearing was continued to the October 23, 2014 Planning Commission hearing. Both the Discretionary Review and the variance were heard at that Planning Commission hearing.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a third floor and fourth floor addition to a two-story, single-family building, 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. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. 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.
5. 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 has an average lot depth of 57.5 feet and a lot width of 18.5 feet, resulting in a total lot area of approximately 1,062 square feet. As such, the subject property is the smallest lot on the subject block. The existing building, which was constructed prior to rear yard controls circa 1907, is nonconforming due to its full lot coverage. The diminutive dimensions of the subject property constrict its Code-complying development potential.
- B. The subject property's location is such that the required rear yard would not contribute to the mid-block open space. As stated in the Residential Design Guidelines, rear yards collectively contribute to the mid-block open space that is visible to most residents of the block. This visual open space can be a significant community amenity. The subject property's proximity to the intersection and substandard lot size result in a property that cannot contribute to or detract from the mid-block open space.

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. The diminutive dimensions of the subject property detailed in Finding 1(A) above results in an atypically small Code-complying buildable area. This buildable area is further reduced by the need for the project to match two adjacent lightwells per the Residential Design Guidelines, while the vast majority of buildings in the area only match one or none. When combined, the narrowness of the lot and the matching lightwells at the proposed third and fourth floors create a practical difficulty for developing the property in a literal Code-conforming manner.
- B. The existing rear and middle portions of the first and second stories of the subject dwelling are limited in use due to poor access to light and air. The proposed addition will receive adequate light and will provide better habitable space.

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. Granting this variance will allow the construction of a third and fourth story addition to the existing building that will receive light at the front and rear of the property. The subject building is located between two four-story structures, and the majority of existing buildings on the subject block are either three or four stories. The proposed construction contextually relates to the neighboring buildings in terms of massing. The construction of a contextual addition that complies with the Residential Design Guidelines is a substantial property right possessed by other properties in the same class of district.
- B. The project is comparable to the others in the immediate context in terms of square footage and height. It also creates more useable open space on the third and fourth floor roofs. The provision of useable open space in rear yards or roof decks is a substantial property right of the subject property, possessed by other property in the same class of district.
- C. The proposed rear extension matches the building depth of the neighboring buildings and will have a negligible effect on neighboring rear yards' access to light and air. The proposed third and fourth stories are appropriately set back five feet from the existing front building wall and serves as a transition between the setbacks of the neighboring four-story buildings.

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 variance will improve the livability of the subject property and will not be materially detrimental to the public welfare or materially injurious to the neighboring properties. The proposed addition is in scale with the two adjacent four story buildings, as well as other buildings on the subject block. Additionally, the proposed rear extension matches the

- building depth of the neighboring buildings and will have a negligible effect on neighboring rear yards' access to light and air.
- B. The Planning Department received three letters of support submitted by individuals living on the same block and 36 additional letters of support were submitted from neighbors in the area and other individuals.
- C. The Planning Department received a Discretionary Review application, four letters in opposition to the project from neighbors on the same block (including one from the Telegraph Hill Dwellers), and 11 additional letters in opposition from residents in the neighborhood. However, the Planning Commission did not take Discretionary Review and recommended approval of the building permit application. Concerns ranged from the effect of the proposed addition on private views, the adverse effects caused by proposed construction, and the scale of the proposal. The Residential Design Team determined that the proposed overall scale, design, and fenestration pattern is consistent with neighborhood character.

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

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

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.

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

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

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Corey A. Teague
Acting Zoning Administrator

Variance Decision
November 20, 2014

CASE NO. 2013.1652V
312 Green Street

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.

Copy to I:\Decision Documents\Variance Decision Letters\2014\2014.1652V - 312 Green Street -
Granted

EXHIBIT B



EXHIBIT C



Green St

340-346 Green

312 Green
Green St

Green St

Green St

Castle St

Montague Pl

Montague Pl



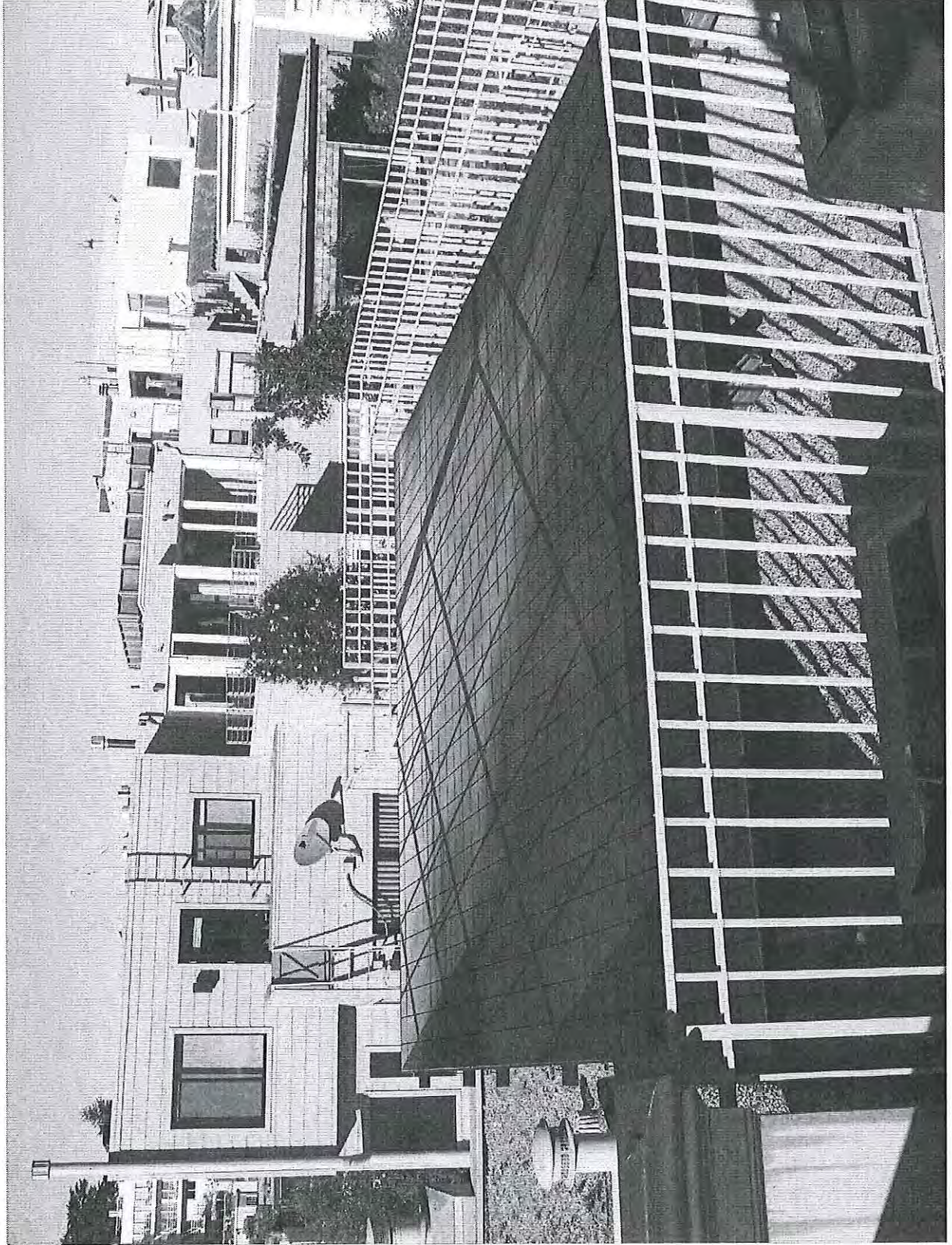
EXHIBIT D



EXHIBIT E

PHOTOVOLTAIC ARRAY SHADING STUDY

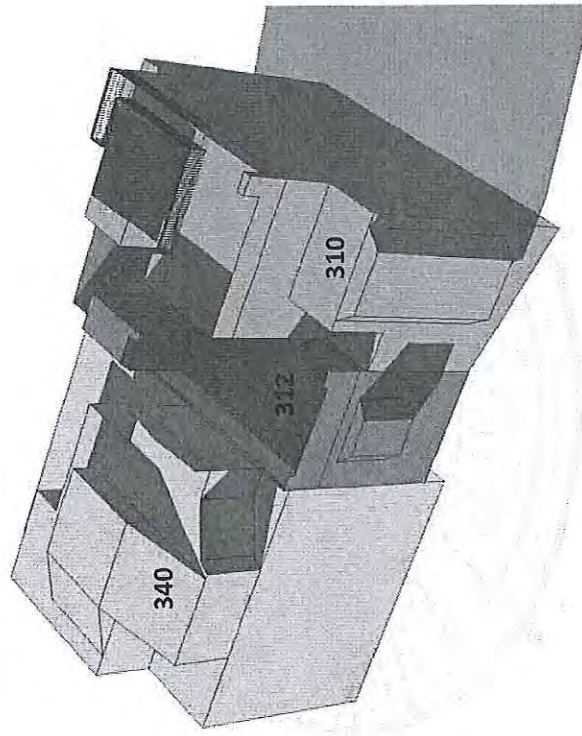
310 GREEN STREET
AUGUST 2014



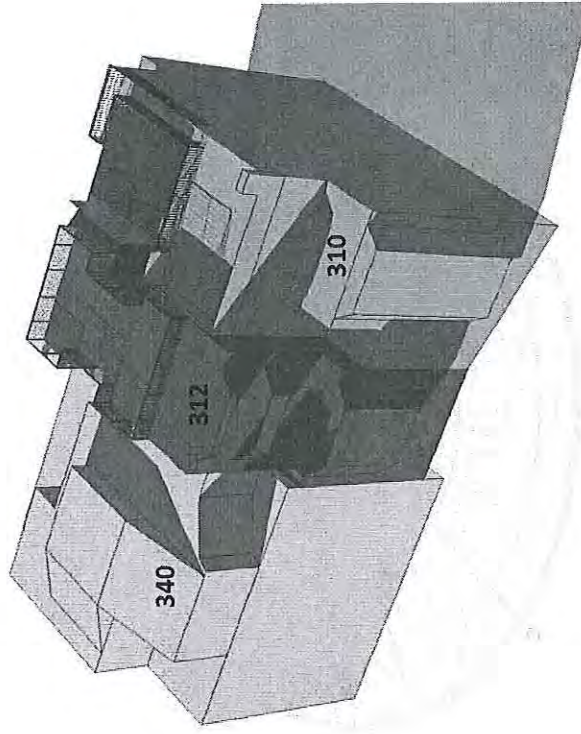
3D MODELING OF THE EXISTING AND PROPOSED CONDITIONS

The existing as well as proposed conditions were modeled in the building performance analysis software Ecotect. The model was created based on the architectural drawings submitted by the sponsor of the proposed project at 312 Green Street, as part of the 311 notice.

The existing solar array located on the roof top of the property at 310 Green Street was also modeled.



EXISTING CONDITIONS



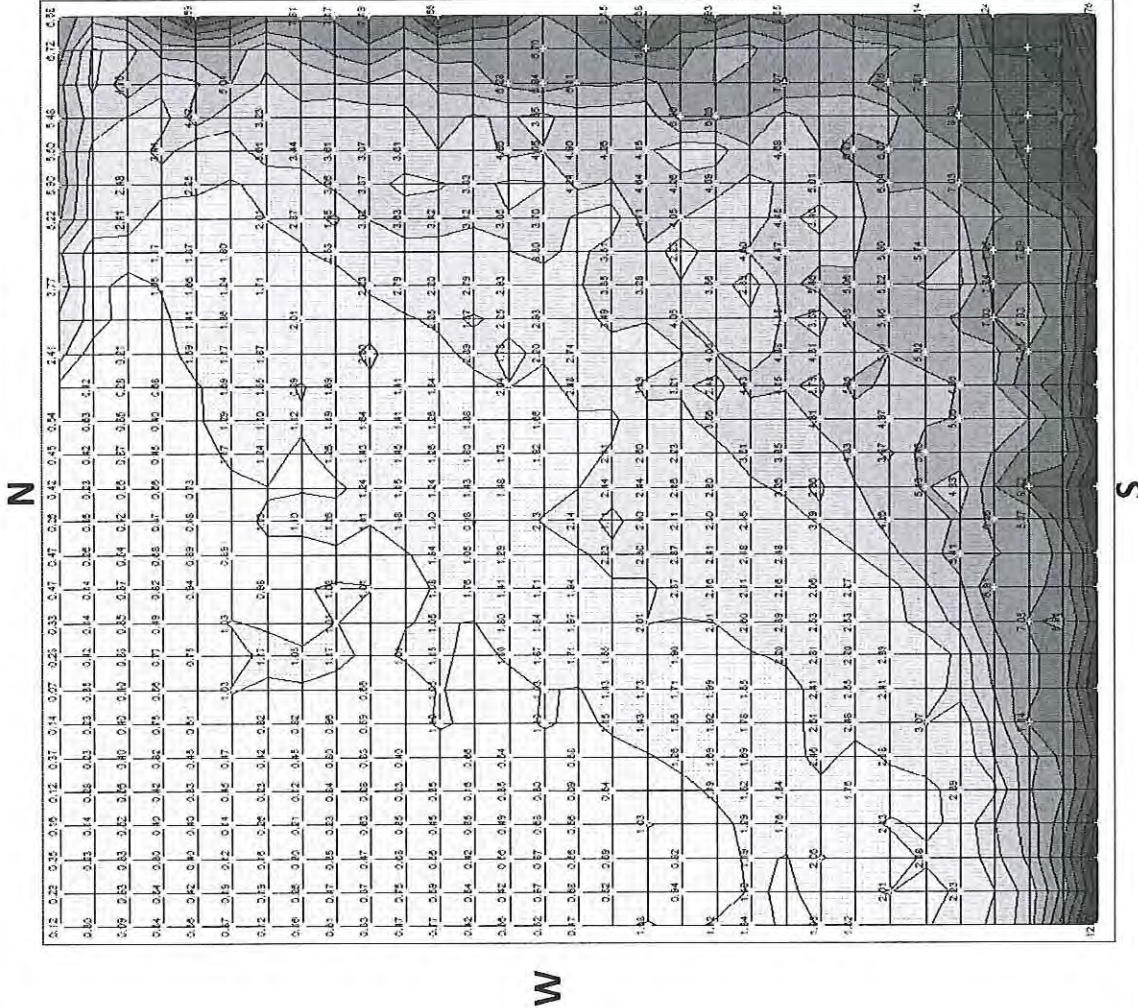
PROPOSED CONDITIONS

A shading analysis was done for various times of the year (June 21st, September 21st and December 21st) to assess the degree of new shading over the existing photovoltaic array at 310 Green Street.

EXISTING CONDITIONS SOLAR ARRAY YEARLY AVERAGE OVERSHADOWING = 3.29%

Avg Shading Percentage

Original Value
 Contour Range: 0.0 - 10.0 %
 in Steps of: 1.0 %
 5 contour



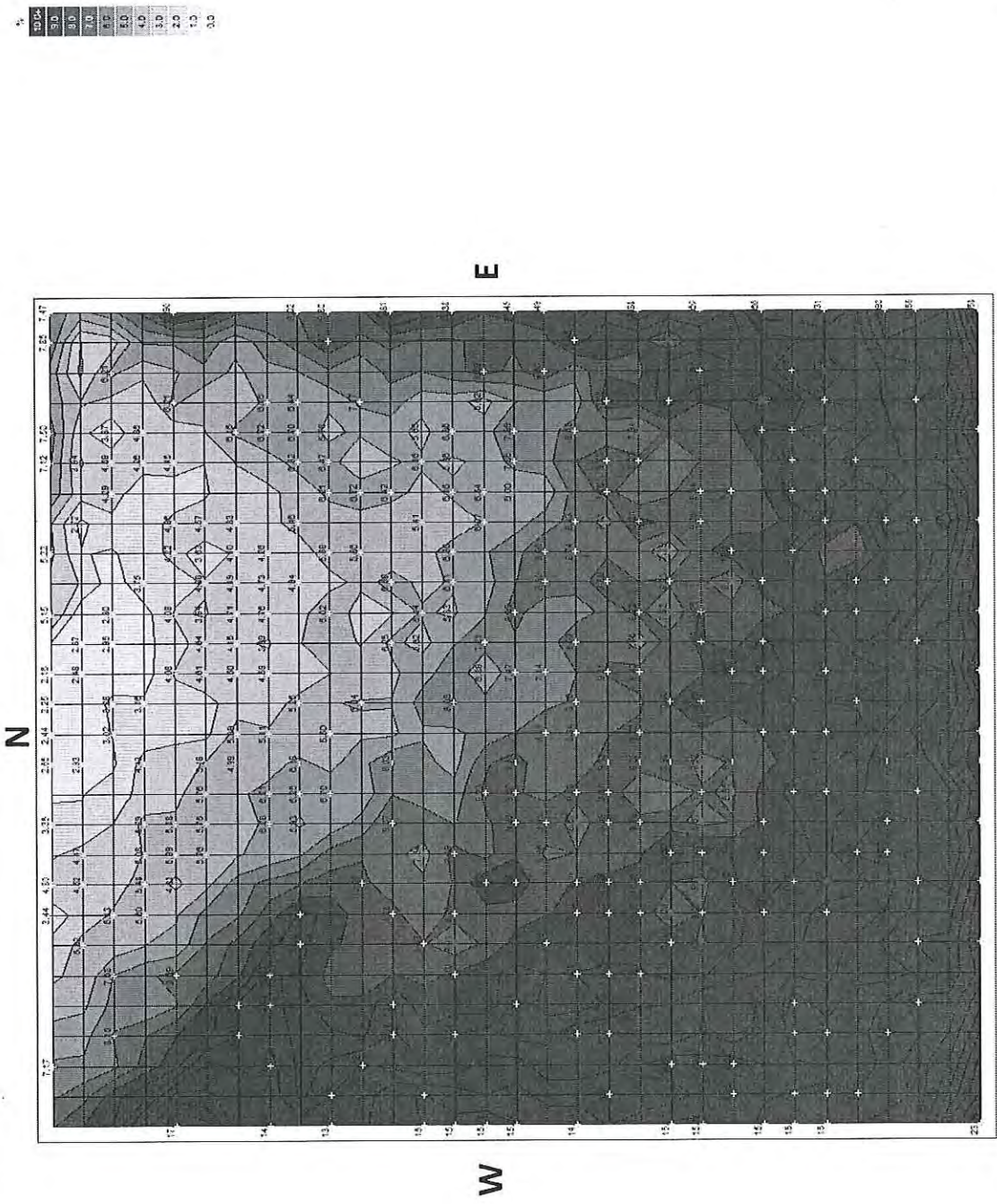
Average Value: 3.29 %
 Visible Nodes: 633

10.0
9.0
8.0
7.0
6.0
5.0
4.0
3.0
2.0
1.0
0.0

PROPOSED CONDITIONS SOLAR ARRAY YEARLY AVERAGE OVERSHADOWING = 9.48%

Avg Shading Percentage

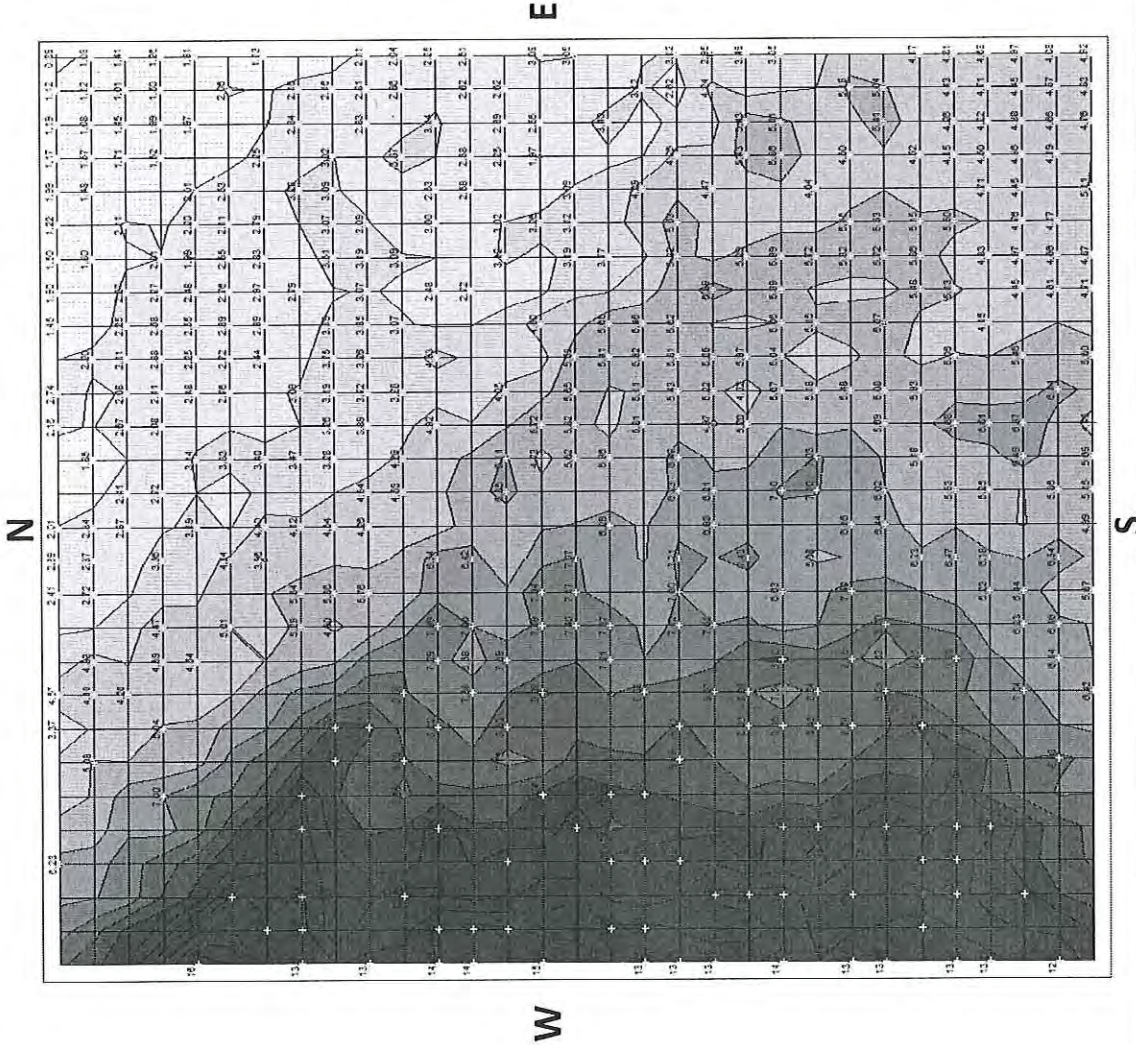
Modified Value
 Contour Range: 0.0 - 10.0 %
 In Steps of: 1.0 %
 0.00125715



Average Value: 9.48 %
 Visible Hours: 856

EXISTING / PROPOSED DIFFERENCE SOLAR ARRAY YEARLY AVERAGE OVERSHADOWING = +6.19%

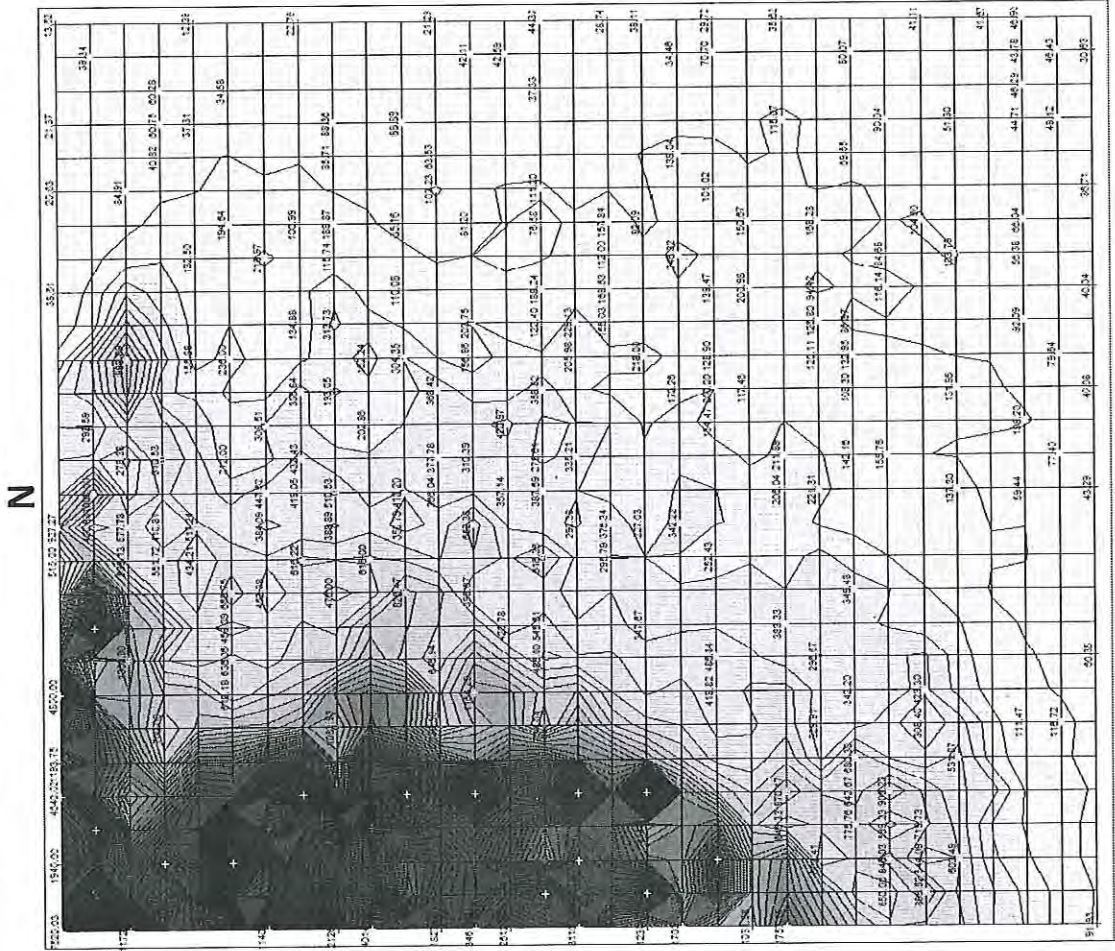
100%
90
80
70
60
50
40
30
20
10
0



Avg Shading Percentage
 Difference
 Contour Range: 0.0 - 10.0 %
 In Steps of: 1.0 %
 SLOTTED

Average Value: 6.19 %
 Visible Loss: 85 %

% DIFFERENCE INCREASE SOLAR ARRAY YEARLY AVERAGE OVERSHADOWING = +694.42%



Avg Shading Percentage
 % Difference
 Contour Range: 0 - 2000 %
 In Steps of: 100 %
 e contour.s

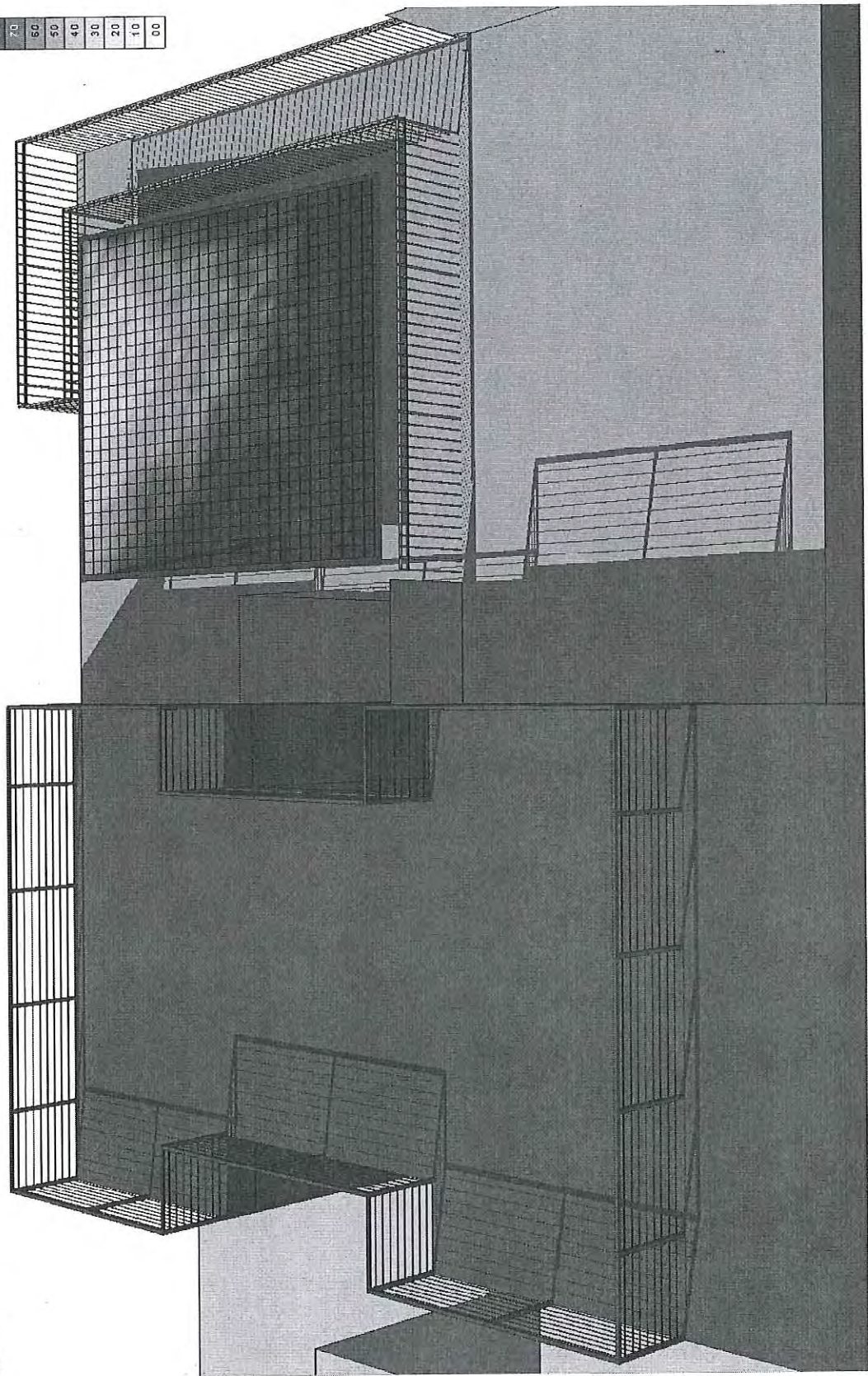
Average Value: 694.42 %
 Visible Acres: 868

PROPOSED CONDITIONS | JUNE 21ST 4:00 PM

Avg Shading Percentage

Modified Value
Value Range: 0.0 - 100.0 %
© ECOTECT VS

100.0
90
80
70
60
50
40
30
20
10
00

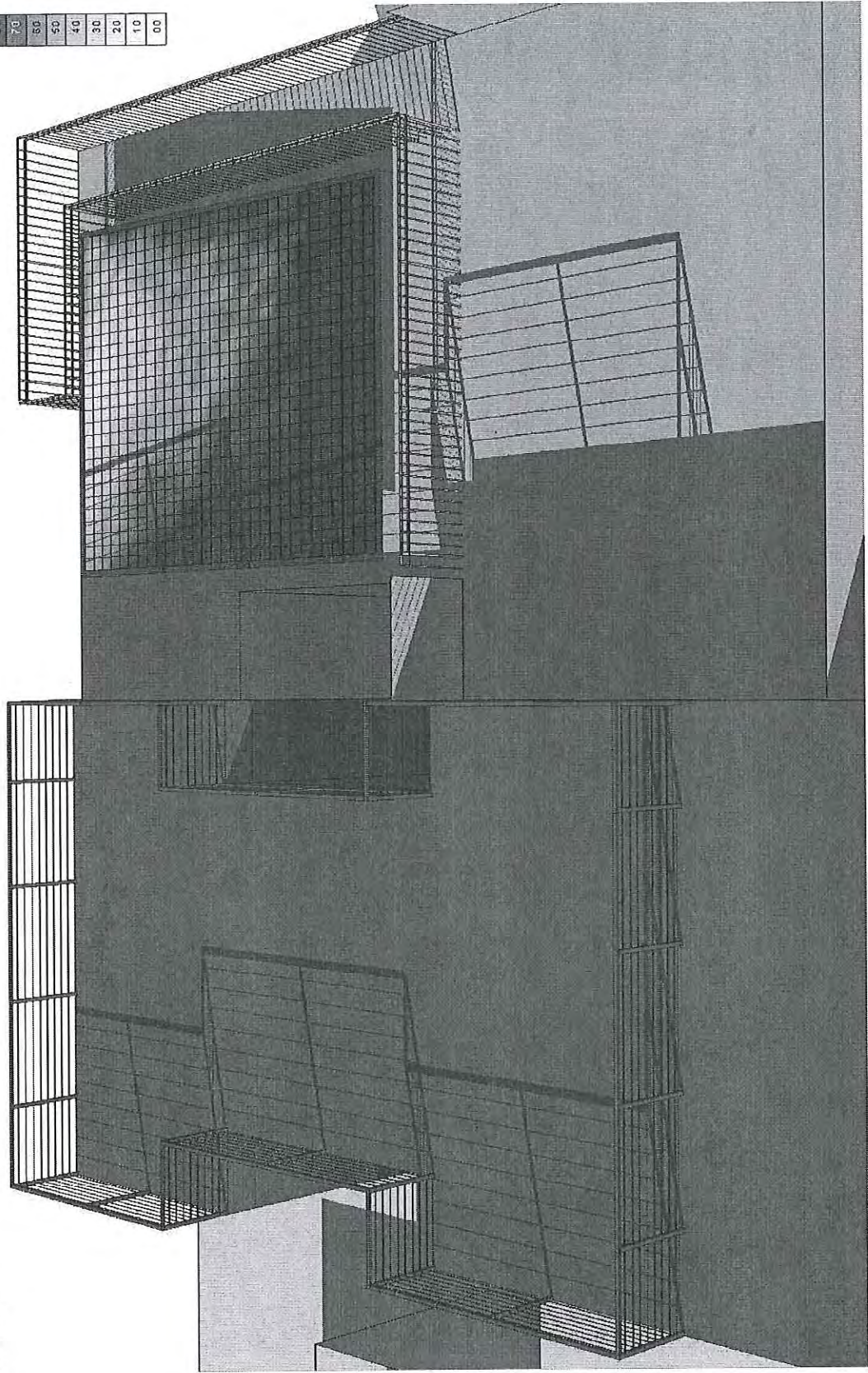


PROPOSED CONDITIONS | SEPTEMBER 21ST 4:00 PM

Avg Shading Percentage

Modified Value
Value Range: 0.0 - 100.0 %
(C) ECOTECT V5

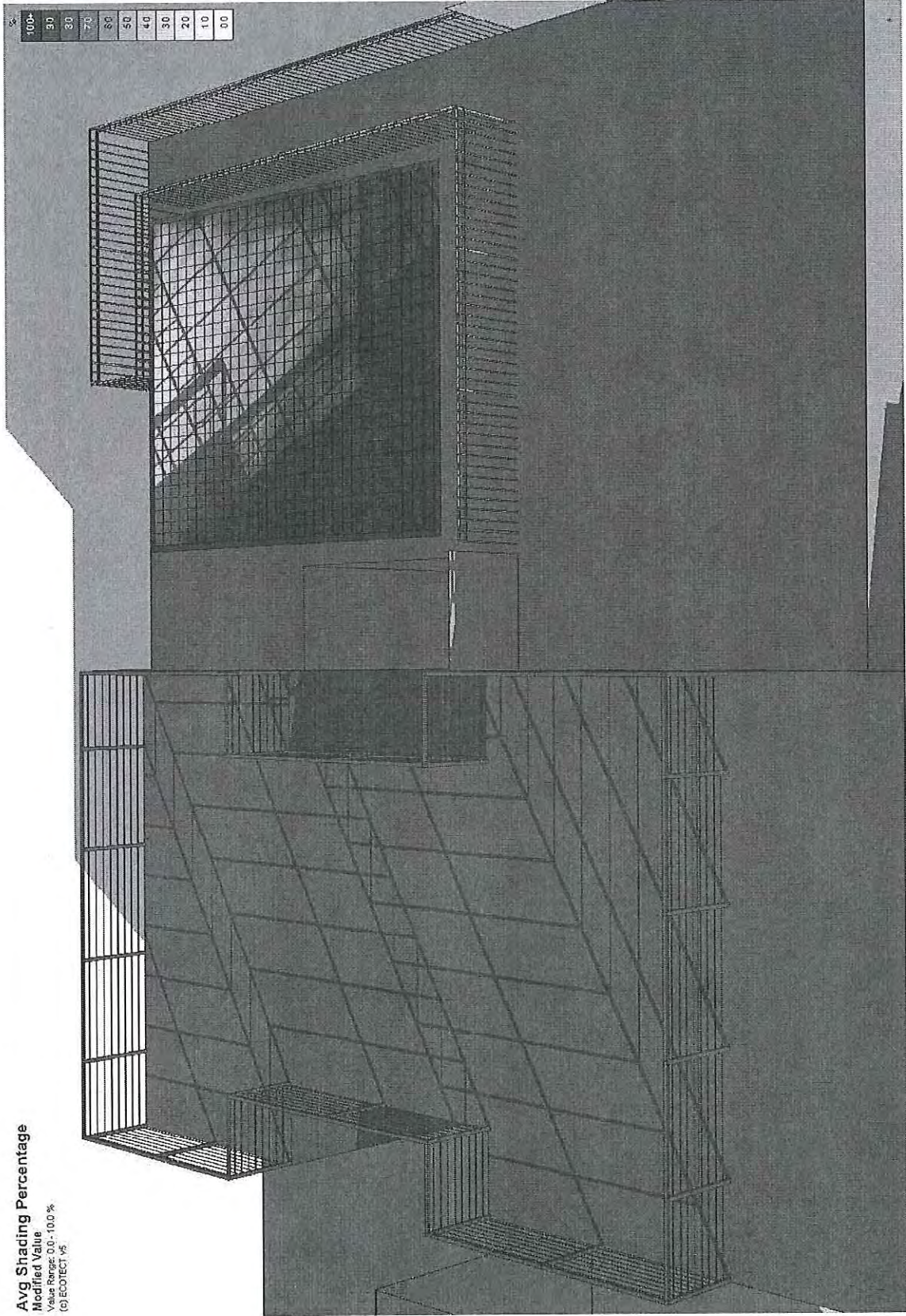
100+
90
80
70
60
50
40
30
20
10
00



PROPOSED CONDITIONS | DECEMBER 21ST 4:00 PM

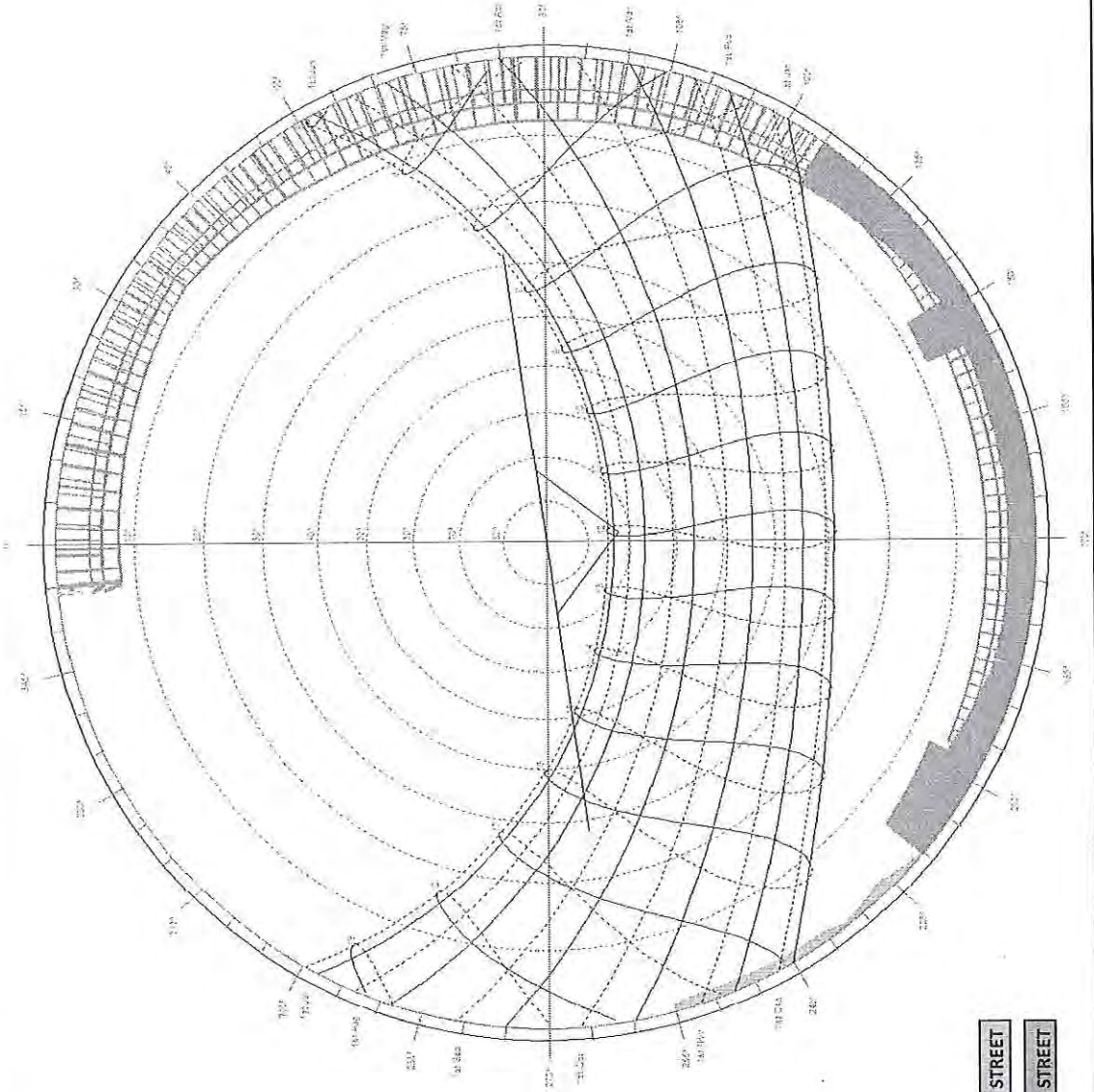
Avg Shading Percentage

Modified Value
Value Range: 00 - 100 %
© ECORECTIVS



STEREOGRAPHIC SUNPATH DIAGRAM - EXISTING CONDITIONS

Stereographic Diagram
Location: 37.6°N, -122.4°W
Cgl: 137 Orientation: 172.0°, 85.0°

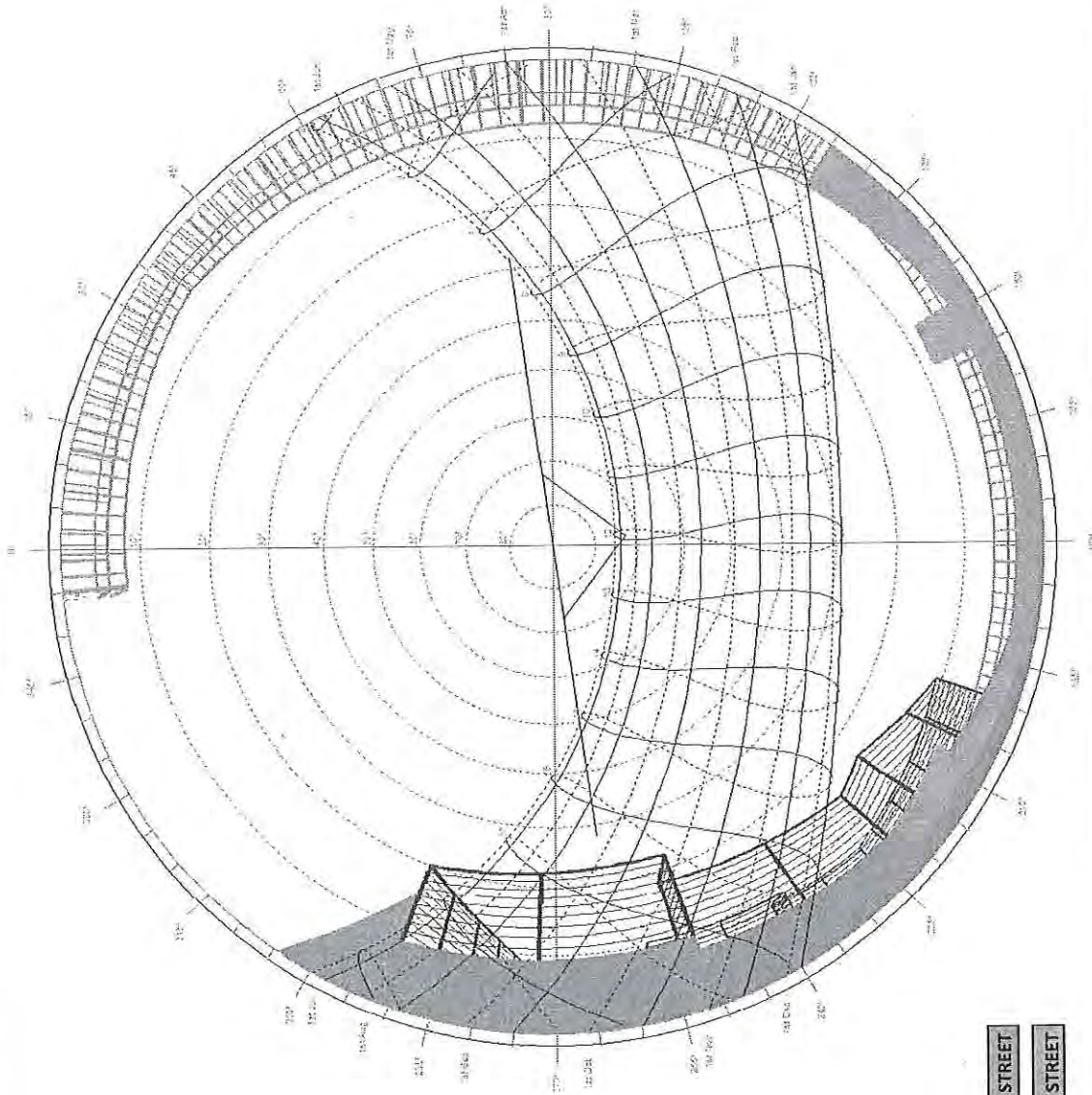


SHADING FROM 340 GREEN STREET

SHADING FROM 310 GREEN STREET

STEREOGRAPHIC SUNPATH DIAGRAM - PROPOSED CONDITIONS

Stereographic Diagram
Location: 37.6°, -122.4°
Obj. 137° Orientation: 172.0°, 85.0°



SHADING FROM 312 GREEN STREET

SHADING FROM 310 GREEN STREET

C U R R I C U L U M V I T A E

Olivier A. PENNETIER

435 S. Alexandria Ave. #308 Los Angeles CA 90020 | olivier@symphysis.net | www.symphysis.net | 415 290 0588
December 2014

EXPERIENCE

Bioclimatic Design Consultant [2003 – present]

SYMPHYSIS – Los Angeles, CA

www.symphysis.net

Designer / Project Manager [2006 – present]

DNM Architect – San Francisco, CA

Design Collaborator [2003 – 2005]

Van der Ryn Architects – Sausalito, CA

Environmental Control Laboratory Manager [2001 – 2003]

SoA University of Hawaii – Honolulu, HI

TEACHING

Ecotect Analysis Training Workshops [2006 – present]

Train architectural & engineering firms, universities and software resellers on the use of Autodesk Ecotect Analysis. Consult with Autodesk support technicians.

Ecotect Support Forum Contributor [2004 – 2007]

Square One Research

Helped and supported Square One Research software users.

RESEARCH

Portable Classrooms Comfort Study [2002 - 2003]

University of Hawaii & AIA COTE – Honolulu, HI.

Assessed human comfort in portable classrooms at local high schools. Developed design guidelines for heat-mitigating strategies.

Rooftops Solar Collection Potential [2002]

University of Hawaii & Hawaii Electric Company (HECO)

Assessed solar insolation on building rooftops on the island of Oahu for the local utility company.

Low-Energy Home Assessment [2001 - 2002]

AIA COTE Honolulu chapter.

Analysis of environmental data and assessment of human comfort for Hawaiian home low-energy prototype.

CERTIFICATION

LEED Accredited Professional [2003]

Leadership in Energy and Environmental Design 2.0 accreditation.

C U R R I C U L U M V I T A E

Olivier A. PENNETIER

4719 Geary Boulevard, #507 San Francisco, CA 94118 | olivier@symphysis.net | www.symphysis.net | 415 290 0588
December 2012

EDUCATION

University of Hawaii at Manoa [1999 – 2002]
Master of Architecture.

California State University Humboldt [1996 - 1998]
B.S. Environmental Science; environmental technology emphasis.

SPEAKER

USGBC Cascadia Chapter, Seattle, WA. [May 2009]
Panel speaker: "IDP, BIM & Green Tools"

Ecological Design Conference, Berkeley, CA. [July 2002]
Presented research paper titled "Phytonomic Design"

FEATURED WORK

"Prefab Prototypes"
Mark and Peter Anderson, 2007, pp 170-171

PUBLICATION

"Assessment of Solar Energy Potential on Existing Buildings"
Electric Power Research Institute, Palo Alto, CA. 2004.

AWARDS

Silver Spark Award [2008]
AIA Educational Facility Design Award [2009]
AIA Honolulu Design Award [2009]
Modular Classroom designed by Anderson Anderson Architecture
Collaborated on the energy savings and occupant comfort features.

REFERENCES

David Marlatt [415] 348 8910
Principal, DNM Architect – San Francisco, CA.
James Stavoy [415] 553 8696
Principal James Stavoy Architect
Mark & Peter Anderson [415] 243 9500
Principals, Anderson Anderson Architecture - San Francisco, CA.
David Arkin [501] 528 9830
Principal, ArkinTilt Architects – Albany, CA.
Sim Van der Ryn [415] 669 7005
Principal, Ecological Design Collaborative – Inverness, CA.
Steve Meder [808] 371 7032
Professor, SoA University of Hawaii – Honolulu, HI.
Victor Olgyay [303] 245 1003
Principal, Rocky Mountain Institute – Snowmass, CO.

C U R R I C U L U M V I T A E
Olivier A. PENNETIER

4719 Geary Boulevard, #507 San Francisco, CA 94118 | olivier@symphysis.net | www.symphysis.net | 415 290 0588
September 2012

PROFICIENCY

ArchiCAD 16 Graphisoft
Advanced knowledge [7 years]

Arllantis Render Abvent
Advanced knowledge [7 years]

Ecotect Analysis Suite 2011 Autodesk Inc.
Expert knowledge of features + scripting [+10 years]

Radiance Desktop 2.0 LBNL
Interfaced via Ecotect; some DOS commands knowledge [+7 years]

DAYSIM DIVA
Interfaced via Ecotect; basic knowledge [4 years]

eQuest Energy Design Resource
Basic knowledge [< 1 year]

Green Building Studio Autodesk Inc.
Knowledge of features + assumptions [3 years]

EnergyPro Energysoft
Knowledge of basic features [4 years]

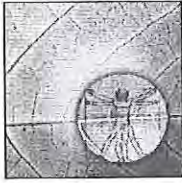
EcoDesigner Graphisoft
Knowledge of features + assumptions [2 years]

Revit 2011 Autodesk Inc.
Basic knowledge [2 year]

ArcView GIS 3.2
Basic knowledge [2 years]

Photoshop 7.0 Adobe
Basic knowledge [14 years]

MS Excel 2007 Microsoft
Advanced knowledge [16 years]



S Y M P H Y S I S

435 S. Alexandria Ave. #308
Los Angeles CA 90020
olivier@symphysis.net
[415] 290 0588
www.symphysis.net



OLIVIER A. PENNETIER

As founder of SYMPHYSIS, Olivier Pennetier has been consulting for architects around the San Francisco Bay Area since 2003, providing bioclimatic design solutions, site and climate analyses as well as recommendations on daylighting, solar stress mitigations, and passive design strategies.

He has also been conducting training workshops throughout North America for the building performance analysis software Ecotect™ since 2006, while being an active forum user on the SQU1 Research support website from 2002 to 2008.

Prior to his designer and project manager position at DNM Architect in San Francisco, Olivier worked for Van der Ryn Architects in Sausalito, CA. Olivier holds a B.S. in Environmental Science from Humboldt State University and a Master in Architecture from the University of Hawaii. He has been a LEED accredited professional since 2003.

EXHIBIT F



**SAN FRANCISCO
PLANNING DEPARTMENT**

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

NOTICE OF PUBLIC HEARING

Hearing Date: **Wednesday, July 23, 2014**
Time: **9:30 AM**
Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408**
Case Type: **Variance(Rear Yard)**
Hearing Body: **Zoning Administrator**

PROPERTY INFORMATION		APPLICATION INFORMATION	
Project Address:	312 Green Street	Case No.:	2013.1652V
Cross Street(s):	Castle & Montgomery Street	Building Permit:	201311131794
Block / Lot No.:	0114/016	Applicant/Agent:	Bruno and Suzanne Kanter
Zoning District(s):	RM-1 / 40-X	Telephone:	415-921-5456
Area Plan:	N/A	E-Mail:	brunokanter@gmail.com
PROJECT DESCRIPTION			
<p>The proposal is to construct a third floor and fourth floor addition to a two-story, single-family residence. The third story addition encroaches 10'-6" into the 15'-0" required rear yard. Included in the proposal are exterior stairs from the third story to the fourth story which also encroach into the required rear yard. The subject dwelling is currently noncomplying and occupies the full lot.</p> <p>PLANNING CODE SECTION 134 requires 15 foot rear yard. The third story addition encroaches 10'-6" into the 15'-0" required setback. Exterior stairs from the third story to the fourth story are included in the proposal which also encroach into the rear yard.</p>			
ADDITIONAL INFORMATION			
<p>FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF: Planner: Kate Conner Telephone: 415-575-6914 Mail: kate.conner@sfgov.org</p>			
<p>ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: http://sf-planning.org/ftp/files/notice/2013.1652V.pdf</p>			

中文詢問請電: 558.6378

Para información en Español llamar al: 558.6378

GENERAL INFORMATION ABOUT PROCEDURES

VARIANCE HEARING INFORMATION

Under Planning Code Section 306.3, you, as a property owner or resident within 300 feet of this proposed project or interested party on record with the Planning Department, are being notified of this Variance Hearing. **You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant/Agent or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and neighborhood association or improvement club, as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Zoning Administrator, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00pm the day prior to the hearing. These comments will be made a part of the official public record, and will be brought to the attention of the person or persons conducting the public meeting or hearing.

BUILDING PERMIT APPLICATION INFORMATION

Under Planning Code Section 311/312, the Building Permit Application for this proposal is also subject to a 30-day notification to occupants and owners within 150-feet of the subject property. **On June 20, 2014, the Department issued the required Section 311 notification for this project (expires July 20, 2014).**

BOARD OF APPEALS

An appeal of the approval (or denial) of a **variance application** by the Zoning Administrator may be made to the **Board of Appeals within 10 days** after the **Variance Decision Letter** is issued by the Zoning Administrator.

An appeal of the approval (or denial) of a **building permit application** by the Planning Department may be made to the **Board of Appeals within 15 days** after the **building permit** is issued (or denied) by the Director of the Department of Building Inspection.

Appeals must be submitted in person at the **Board's office at 1650 Mission Street, 3rd Floor, Room 304**. For further information about appeals to the Board of Appeals, including current fees, **contact the Board of Appeals at (415) 575-6880**.

ABOUT THIS NOTICE

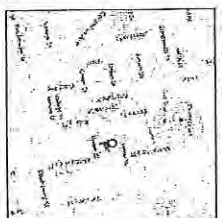
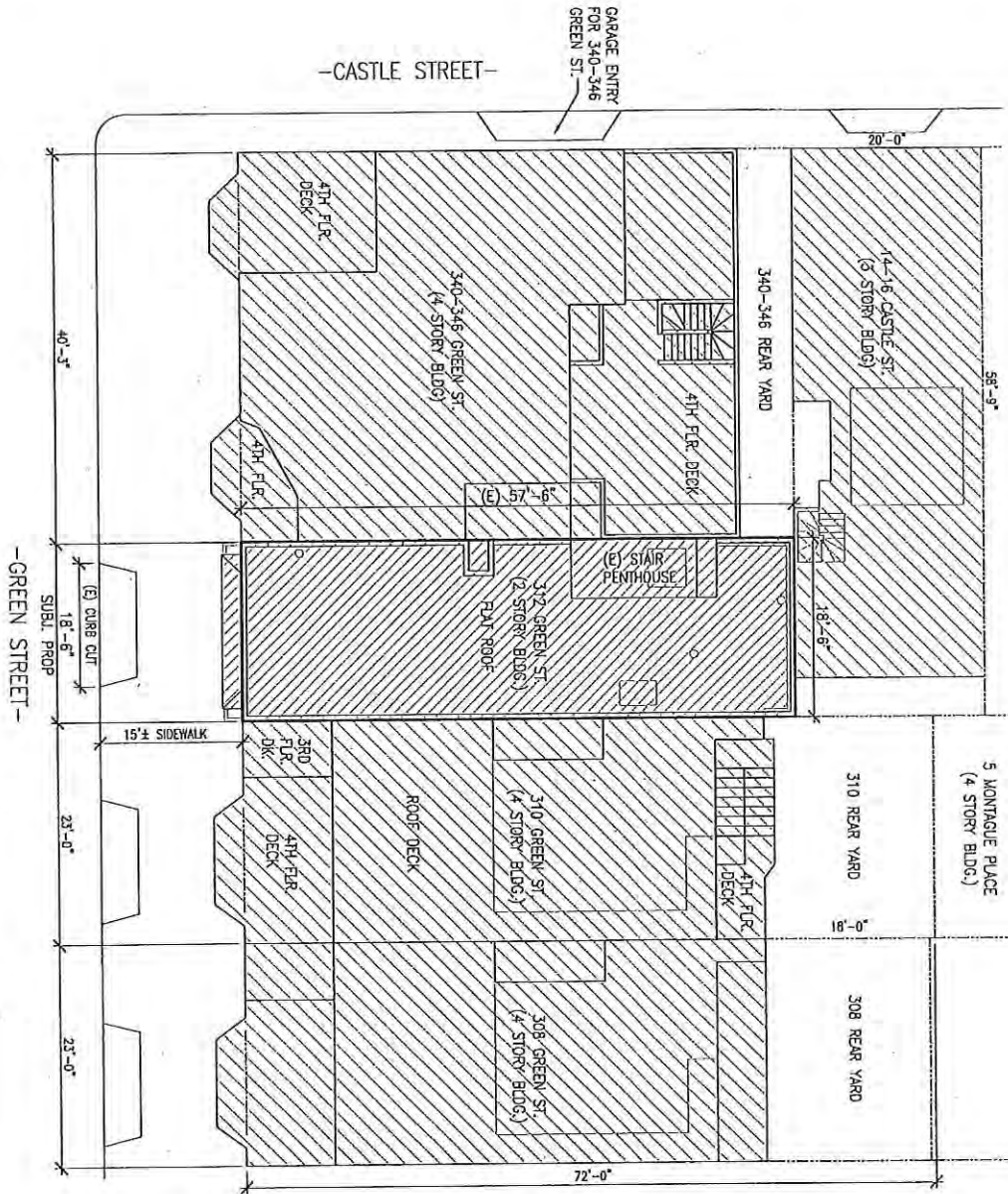
The Planning Department is currently reviewing its processes and procedures for public notification as part of the Universal Planning Notification (UPN) Project. The format of this Public Hearing notice was developed through the UPN Project and is currently being utilized in a limited trial-run for notification of Variance Hearings.

If you have any comments or questions related to the UPN Project or the format of this notice, please visit our website at <http://upn.sfplanning.org> for more information.

中文詢問請電: 558.6378

Para información en Español llamar al: 558.6378

① EXISTING SITE PLAN



LOCATION MAP

PROPOSED SCOPE:

- 312 & 4TH FLOOR REMODEL
- SEISMIC UPGRADE
- SECOND LEAD GREEN BLDG. CERT.
- ACCESSIBLE SWANER TREE NAME

NOT HISTORIC DISTRICT OR RESERVE BLDG. MARK 1989 + ADULT 1990 = 2998 S.F.

PROJECT INFO:

- BLOCK/LOTS: 114/18
- ZONING: RB-1
- AGENCY: AEC
- TYPE: REPAIR + CONSTRUCTION - TYPE V
- OCCUPANCY: F-1
- NOT HISTORIC DISTRICT OR RESERVE BLDG. MARK 1989 + ADULT 1990 = 2998 S.F.

DRAWING INDEX:

- A.01 PROPOSED SITE PLAN
- A.02 EXISTING FLOOR PLANS
- A.03 PROPOSED FLOOR PLANS
- A.04 SEISMIC DETAILS
- A.05 FLOOR PLAN ELEVATIONS

SHEET NO. A0.1

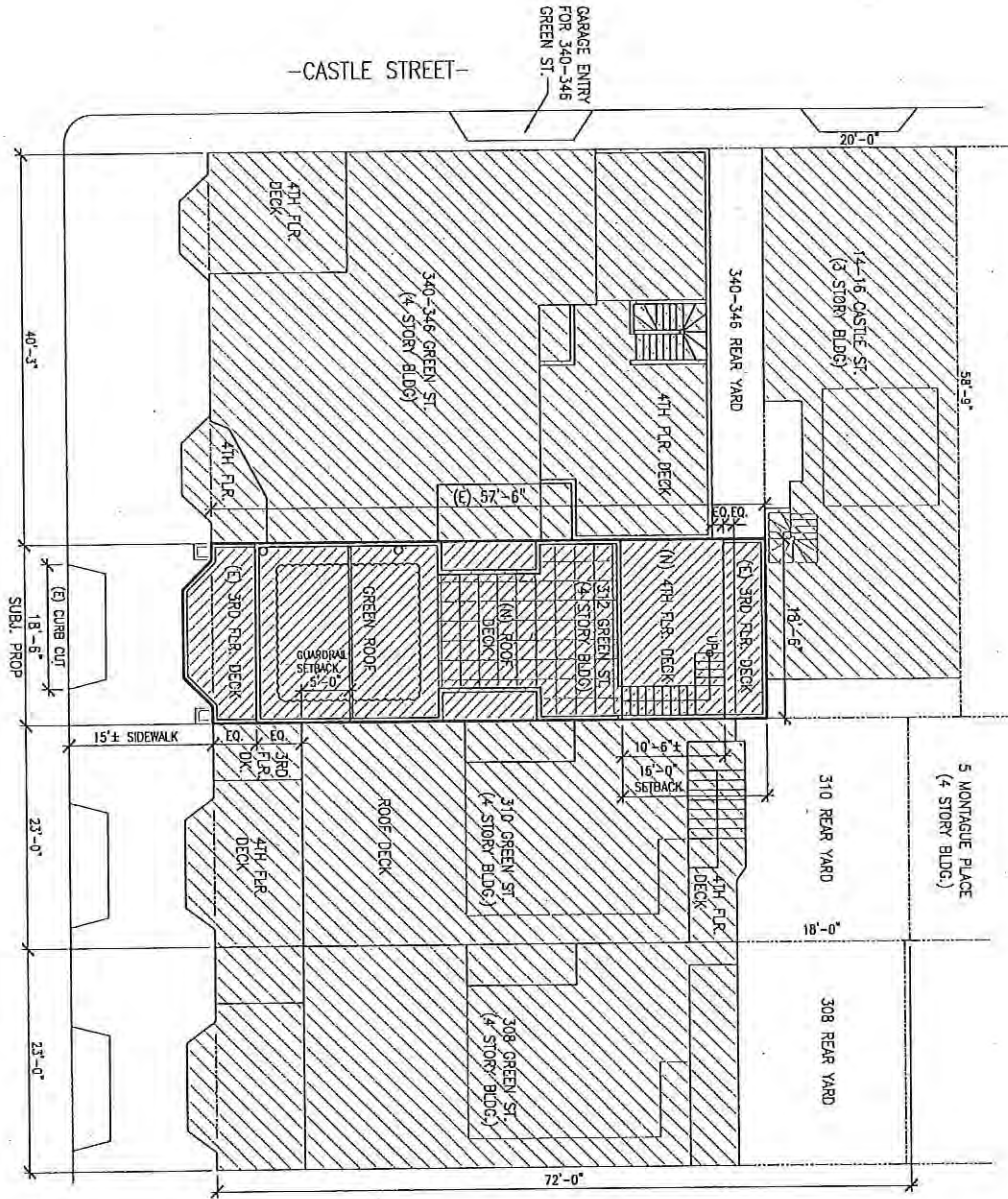
DATE: 11/14/18
 SCALE: AS SHOWN
 EXISTING SITE PLAN

DATE: 11/14/18
 SCALE: AS SHOWN
 EXISTING SITE PLAN

RESIDENTIAL REMODEL:
312 GREEN ST.
 SAN FRANCISCO, CA 94133

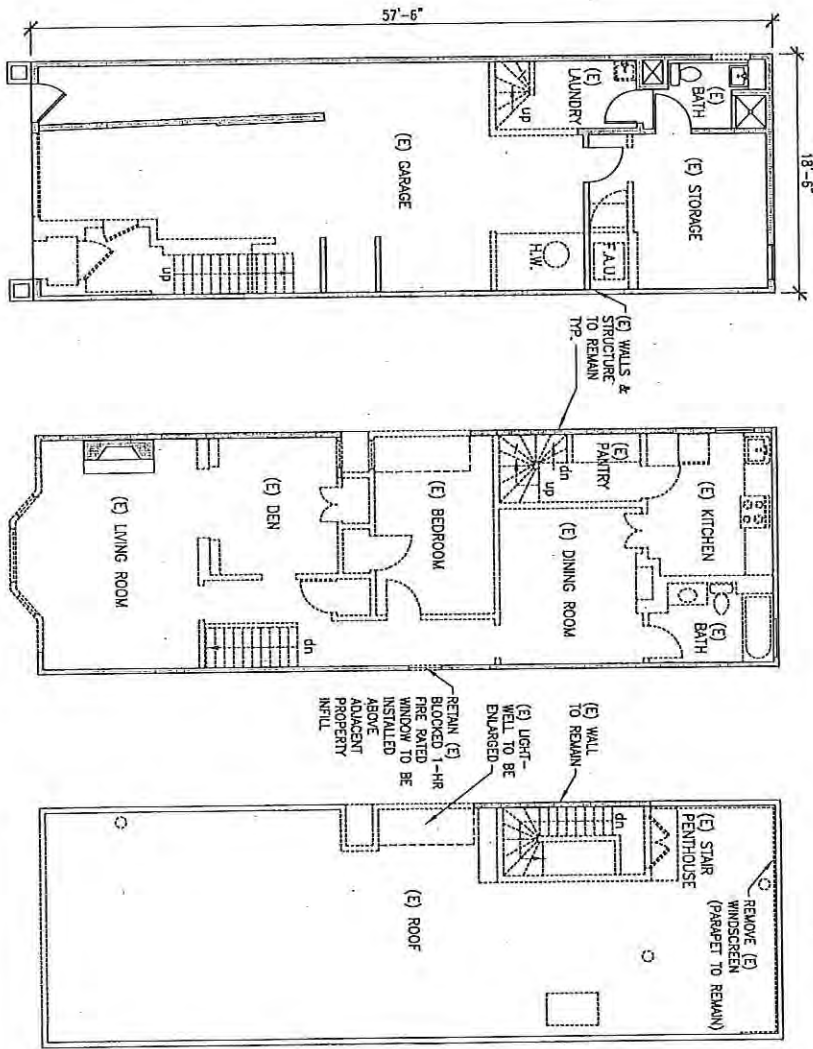
KAVATLIS ARCHITECTS
 822 GREENWICH ST.
 S.F., CA 94133
 415.774.1111
 kavatlis.com

1 PROPOSED SITE PLAN



<p>K & L ARCHITECTURE</p> <p>822 GREENWICH ST. S.F. CA 94133 Byron@kandlarch.com 415.271.2458</p>	<p>DATE: 1/20/10 DRAWN: [Name] CHECKED: [Name] SCALE: 1/4" = 1'-0"</p>	<p>RESIDENTIAL REMODEL: 312 GREEN ST. SAN FRANCISCO, CA 94133</p>	<p>SHEET No. A1.0</p>
	<p>SITE PERMIT SUMM. (CALL NOTIFICATION) DATE: [Date] PROPOSED SITE PLAN</p>		

GRAPHIC KEY:
 EXISTING WALL
 ELEMENT REMOVED



K
 ARCHITECTS
 622 GREENWICH ST.
 S.F., CA 94133
 415.771.2555
 415.771.2557

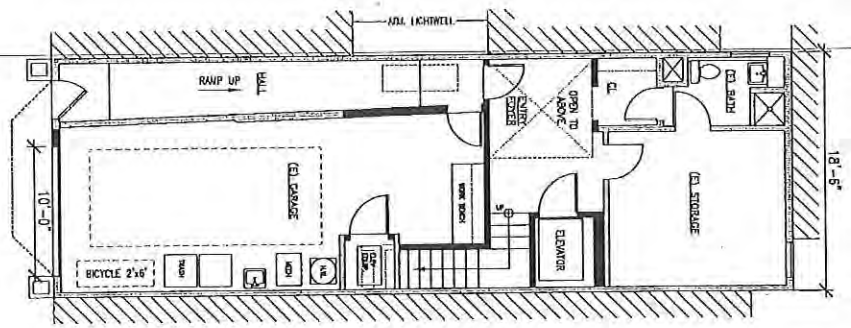
RESIDENTIAL REMODEL:
312 GREEN ST.
 SAN FRANCISCO, CA 94133

DATE: 12.11.11
 SCALE: AS SHOWN
 SHEET NO. 4-4-11
 PROJECT NO. 11021001

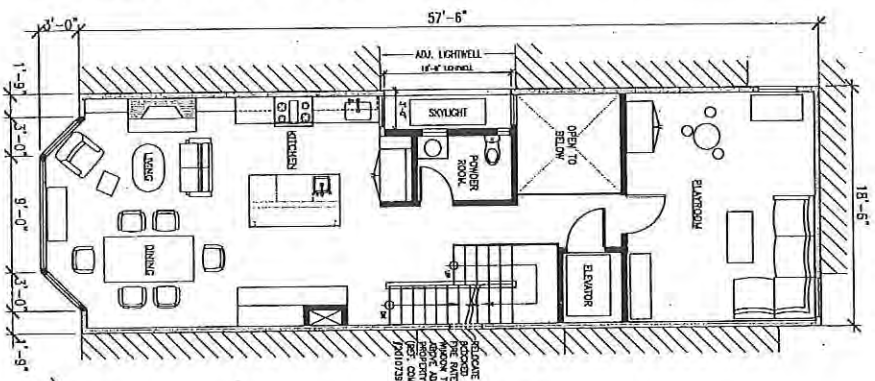
SITE PERMIT SUBM.
 (CALL NOTIFICATION)
 SHEET TITLE:
 EXISTING
 FLOOR PLANS
 A2.0

GRAPHIC KEY:
 EXISTING WALL
 NEW WALL

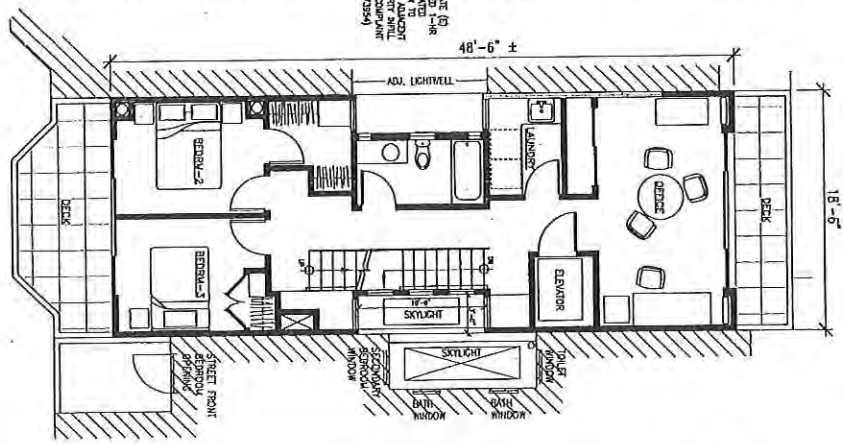
PROPOSED
 1 GROUND-FLOOR PLAN
 1/8" = 1'-0"



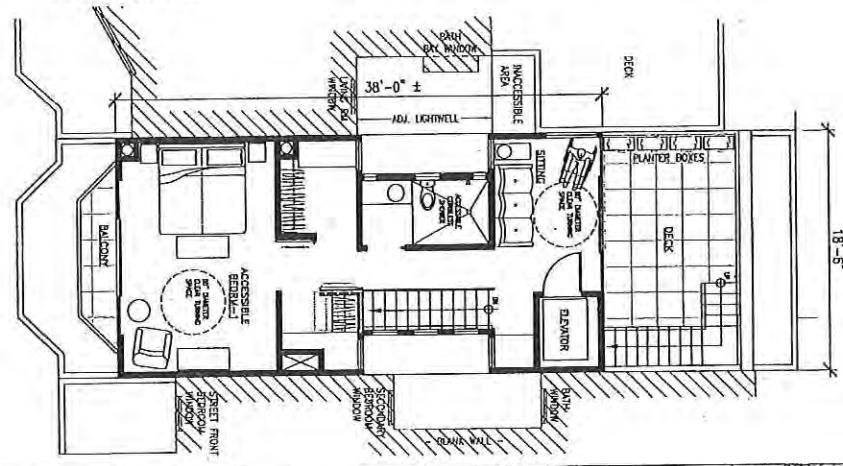
PROPOSED
 2 2nd-FLOOR PLAN
 1/8" = 1'-0"



PROPOSED
 3 3rd-FLOOR PLAN
 1/8" = 1'-0"



PROPOSED
 4 4th-FLOOR PLAN
 1/8" = 1'-0"

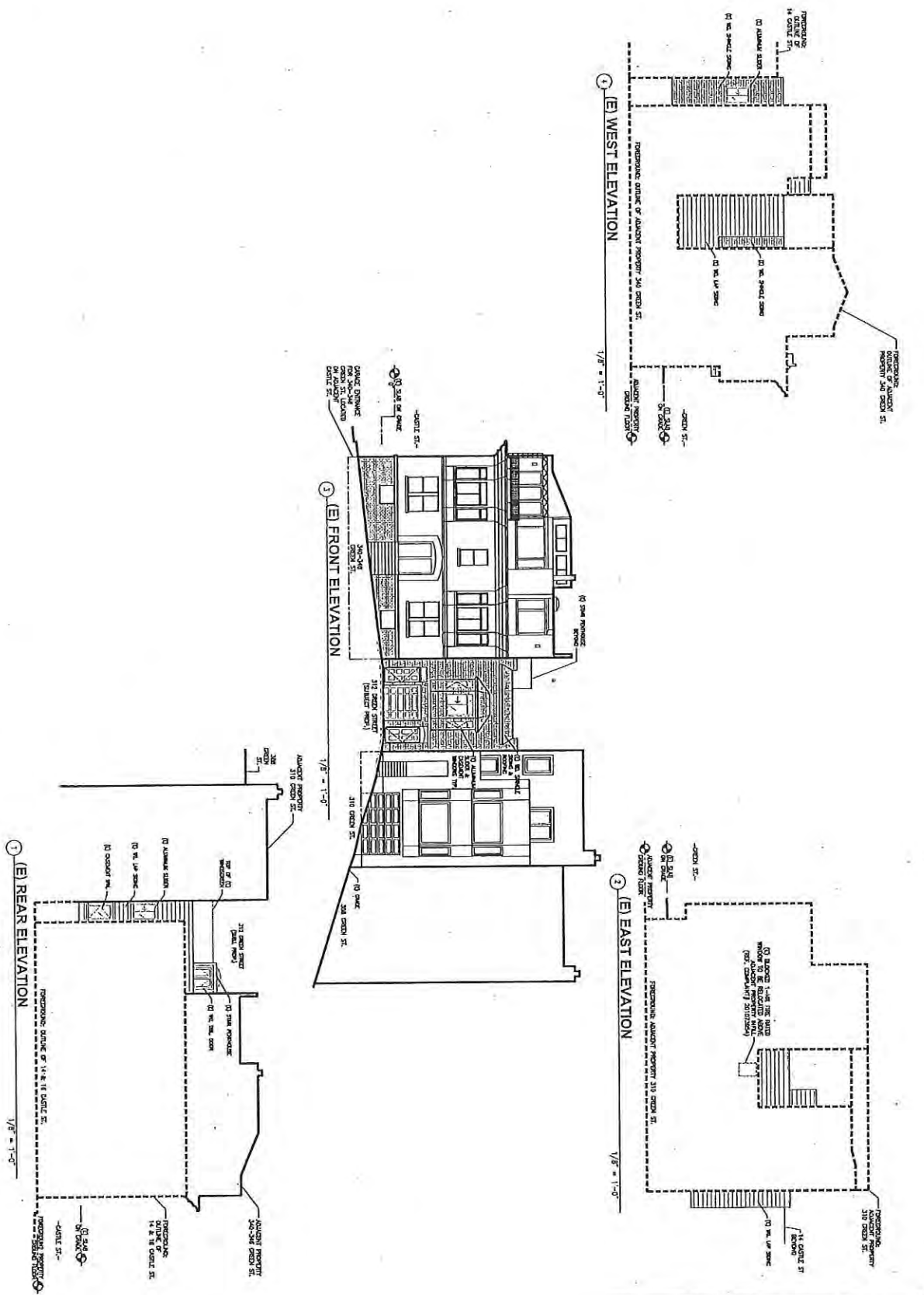


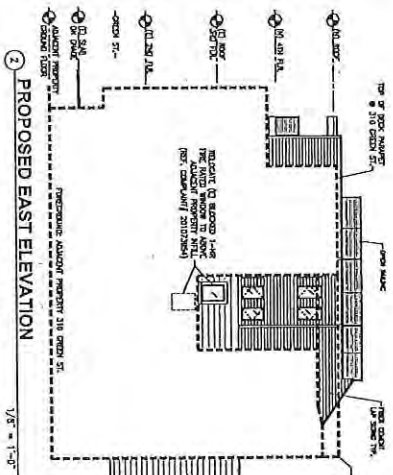
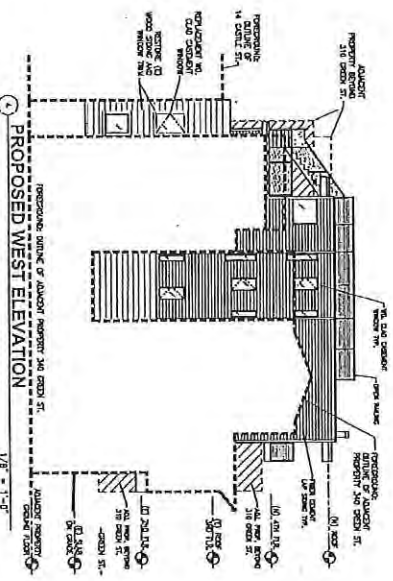
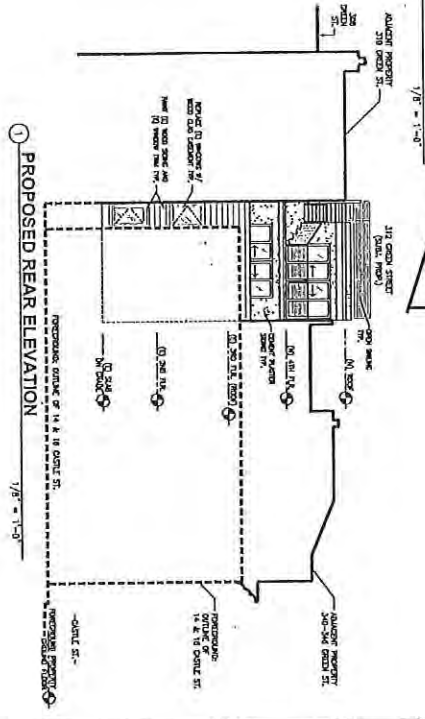
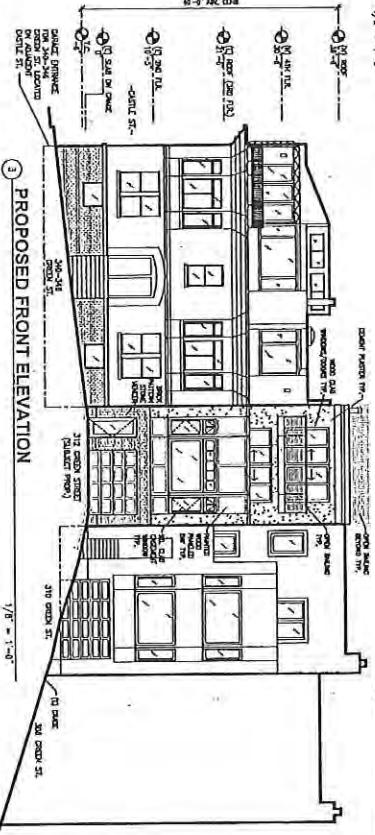
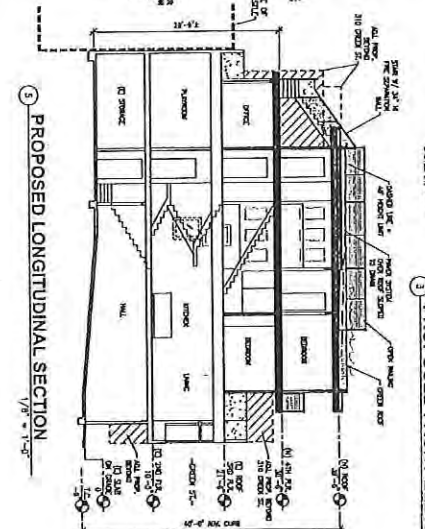
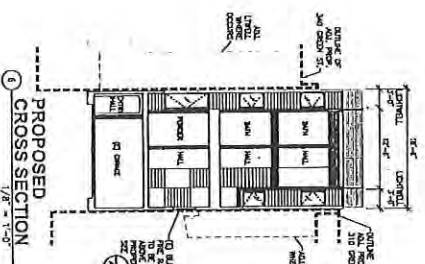
	KAVATEL ARCHITECTS 322 GREENWICH ST. S.F., CA 94133 415.774.5565 415.774.5565	RESIDENTIAL REMODEL: 312 GREEN ST. SAN FRANCISCO, CA 94133	SHEET NO. A2.1
	SITE PERMIT SUBM. (CALL NOTIFICATION) SHEET TOTAL PROPOSED FLOOR PLANS	DATE 11/11/11 SCALE 1/8" = 1'-0"	PROJECT NO. 11-001

SHEET NO. **A3.0**
 DATE: 11/11/11
 PROJECT: RESIDENTIAL REMODEL
 312 GREEN ST.
 SAN FRANCISCO, CA 94133

RESIDENTIAL REMODEL:
312 GREEN ST.
 SAN FRANCISCO, CA 94133

KANJE ARCHITECTURE
 833 GREENWICH ST.
 S.F., CA 94133
 415.371.1248





SHEET NO. **A3.1**
 SITE PERMIT SUBP.
 (ILLUSTRATION)
 PROPOSED ELEVATIONS
 & SECTIONS

RESIDENTIAL REMODEL:
312 GREEN ST.
 SAN FRANCISCO, CA 94133

K & N
ARCHITECTS
 822 GREENWICH ST.
 S.F., CA 94133
 (415) 775-1218



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Disclaimer for Review of Plans

The San Francisco Planning Code requires that the plans of certain proposed projects be provided to members of the public prior to the City's approval action on the project. Accordingly, any images of plans featured on this website are provided for the primary purpose of facilitating public input prior to the City's action. The City and County of San Francisco does not own the copyright to these images. Please be aware that the unauthorized reproduction, distribution, or alteration of these images may result in a violation of Federal Copyright Law (17 U.S.C.A. Sections 101 et seq.) and that any party who seeks to reproduce or alter these images does so at his or her own risk.

Additionally, plans provided on this website are limited to site plans, elevations and/or section details (floor plans and structural details may not be included). These are DRAFT PLANS being provided for public review PRIOR to the City's approval action on the project. Final plans may differ from those that are currently available for review.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

EXHIBIT G

Street #	Floor Area	Lot Size	FAR	
346	4613	935	2314.4	1.99
344		968		
342		1945		
340		765		
312*	2550		1062	2.40
312	1017		1062	0.96
310	3180		1655	1.92
308	3253		1644.5	1.98
306	2724		1838	1.48
304	1688		1838	0.92
300	5208		2857	1.82

Average FAR (now): =s 1.58

Increase in size: 2.507375

EXHIBIT H

Street # Street Unit # Floor Area Lot Size Zoning FAR Units Stories Size per Unit

Street #	Street	Unit #	Floor Area	Lot Size	Zoning	FAR	Units	Stories	Size per Unit
1300 - 1306	Kearny		3013	1576	RM-1		2		1507
382	Green	6	3287	450	RM-1		6		450
382	Green	5		462	RM-1				462
382	Green	4		450	RM-1				450
382	Green	3		462	RM-1				462
382	Green	2		762	RM-1				762
382	Green	1		701	RM-1				701
376 - 80	Green		3600	1670	RM-1		3		1200
370 - 72	Green		4311	1668	RM-1		6		719
4 - 14	Windsor		3378	1999	RM-1		6		563
360	Green		4400	1149	RM-1		8		550
350	Green		4042	2225	RM-1		4		1011
346	Green		4613	935	RM-1	1.99	4		935
344	Green			968	RM-1				968
342	Green			1945	RM-1				1945
340	Green			765	RM-1				765
312*	Green		2550	1062	RM-1	2.40	1		2550
312	Green		1017	1062	RM-1	0.96	1		1017
310	Green		3180	1655	RM-1	1.92	1		3180
308	Green		3253	1644.5	RM-1	1.98	1		3253
306	Green		2724	1838	RM-1	1.48	2		1362
304	Green		1688	1838	RM-1	0.92	2		844
300	Green		5208	2857	RM-1	1.82	8		651
290	Green		7250	3149	RM-1		9		806
286	Green		2244	1572	RM-1		1		2244
280	Green		4345	1572	RM-1		6		724
272 - 74	Green		2220	1694	RM-1		2		1110

Average FAR (now): =sum(1.58
 Increase in size: 2.507375

Avg size per unit 1155
 Median size per unit 844

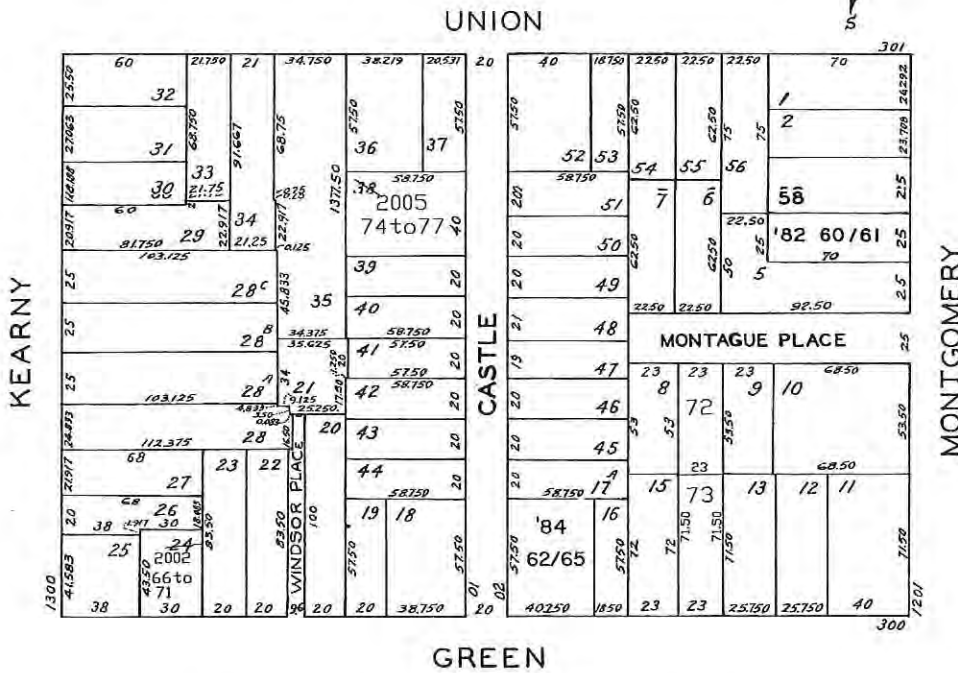
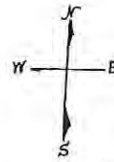
Variance adds 194.25 sq. ft. plus staircase.

19	58.75	1116.25	52.5
20	58.75	1175	111.25
21	58.75	1233.75	170
18.75	57.5	1078.125	14.375
18.5	57.5	1063.75	

EXHIBIT I

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995
lot 14 into lots 72&73 for 2000 roll
lot24 into lots66to71 for 2002 roll
lot38 into lots74to77 for 2005 roll

REVISED '63
" '79
" '82
" '84
Revised 2000
Revised 2005
Revised 2005



340-346 GREEN ST.

A CONDOMINIUM

LOT NO.	UNIT NO.	% COMMON AREA
62	340	16.11
63	342	43.84
64	344	20.37
65	346	19.68

382 GREEN ST.

A CONDOMINIUM

LOT	UNIT	% COMM. AREA
66	1	21.32
67	2	23.16
68	3	14.06
69	4	13.70
70	5	14.06
71	6	13.70

1243 & 1245 MONTGOMERY ST.

A CONDOMINIUM

LOT NO. UNIT NO. % COMMON AREA

60	1	50
61	2	50

71-77 CASTLE ST.

A CONDOMINIUM

LOT	UNIT	% COMM. AREA
74	71	26
75	73	26
76	75	26
77	77	22

1 ANDREW M. ZACKS (SBN 147794)
2 RYAN J. PATTERSON (SBN 277971)
3 ZACKS & FREEDMAN, P.C.
4 235 Montgomery Street, Suite 400
5 San Francisco, CA 94104
6 (415) 956-8100
7
8 Attorneys for Appellants
9 Jack Oswald and Anneke Seley

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SAN FRANCISCO BOARD OF SUPERVISORS

Planning Case No. 2012.0635E

**DECLARATION OF PATRICK
BUSCOVICH IN SUPPORT OF CEQA
APPEAL**

I, Patrick Buscovich, declare as follows:

1. I am a licensed civil and structural engineer, practicing for 35 years in San Francisco, California. I make this declaration in support of the above-captioned appeal.

Unless otherwise stated, I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently thereto.

2. This is an appeal of the Planning Department's determination that the proposed project at 312 Green Street (Case No. 2012.0635E) is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines § 15301(e). The project sponsor proposes to enlarge a modest, 1906 reconstruction-era house at the crest of Green Street on Telegraph Hill by adding two additional stories and a roof deck, making it a four-story structure and more than doubling its habitable square footage. The project required a variance because the new third floor and a fourth-floor exterior staircase will encroach into the required rear yard.

3. I have been retained to evaluate whether the proposed project may result in significant adverse environmental impacts. I have conducted a site visit to the project area and have reviewed plans submitted in connection with the proposed project. While

1 my evaluation is continuing, I have identified the following potential significant
2 environmental impacts:

3 4. The subject property is one of the last remaining structures, in terms of
4 size and shape, from the post-1906 to 1915 reconstruction period. While the fabric and
5 façade of this building have been altered, it is one of the few remaining structures from
6 this period in the area that maintains its original size and shape. Since the subject
7 property is at the crest of a hill, the project's additional height and bulk will disrupt the
8 existing massing patterns on the block. At a minimum, the addition should be set further
9 back from the front to differentiate the new vertical addition from the original structure
10 (contextual massing).

11 5. The proposed structure will create a wall, blocking wind flow and
12 substantially impacting air circulation.

13 6. The proposed structure will cast a shadow in the mid- to late afternoon on
14 Appellant's decks, solar panels, and rear yard. It will also reduce the amount of natural
15 light entering Appellant's dining room, bedroom, and bathroom.

16 7. The proposed roof deck will tower over Appellant's deck and a sufficient
17 setback between the two decks has not been provided, impacting privacy.

18 8. The effect of the structure will be to limit views of the city to the west
19 from Appellant's property and will obstruct views from surrounding properties as well.

20 9. The project likely constitutes a de facto demolition of the existing
21 building, not a remodel or minor alteration. There will be almost nothing left of the
22 original structure if the project is built as proposed.

23 10. The project does not provide the minimum seismic separation between the
24 proposed additions and the adjacent structures. As a result, during an earthquake the new
25 third and fourth floors may pose a danger to the adjacent structures due to earthquake
26 pounding.

27 11. The proposed project will require foundation work that could undermine
28 and destabilize adjacent soil and foundations of the adjacent buildings. Excavation for the

1 project likewise implicates significant runoff and drainage concerns given the project's
2 location at the crest of a hill.

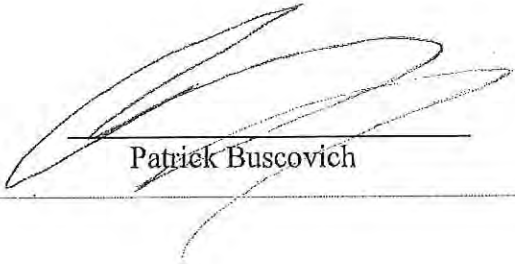
3 12. I declare, under penalty of perjury under the laws of the State of California
4 that the foregoing is true and correct.

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8 Dated: November 21, 2014



Patrick Buscovich

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ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

ZACKS & FREEDMAN, P.C.
235 MONTGOMERY STREET, SUITE 400
SAN FRANCISCO, CALIFORNIA 94104

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RYAN J. PATTERSON (SBN 277971)
MICHAEL E. PROFANT (SBN 299246)
ZACKS & FREEDMAN, P.C.
235 Montgomery Street, Suite 400
San Francisco, CA 94104
Tel: (415) 956-8100
Fax: (415) 288-9755

Attorneys for Appellants Jack Oswald and Anneke Seley

SAN FRANCISCO BOARD OF APPEALS

DECLARATION OF MICHAEL GARAVAGLIA

Appeal No.: 14-195
Project Address: 312 Green Street
Hearing Date: February 11, 2015

I, Michael Garavaglia, declare as follows:

1. I am the principal of Garavaglia Architecture, Inc. I make this declaration based on facts personally known to me, except as to those facts stated on information and belief, which facts I believe to be true.

2. Attached as Exhibit A is a true and correct copy of a memorandum prepared by my office. It states our opinions and facts, based on our investigation, which I believe to be true and correct.

3. Attached as Exhibit B is a true and correct copy of my CV, stating my qualifications.

4. Attached as Exhibit C is a true and correct copy of my associate Jacqui Hogans' CV, stating her qualifications.

I declare under penalty of perjury that the foregoing is true and correct, and that this was executed on January 22, 2015, at San Francisco, California.

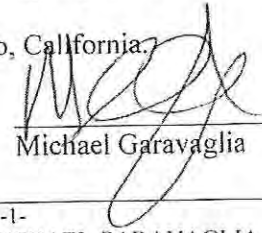

Michael Garavaglia

EXHIBIT A



582 MARKET ST. SUITE 1800
SAN FRANCISCO, CA 94104

T: 415.391.9633

F: 415.391.9647

www.garavaglia.com

MEMORANDUM

Date: November 21, 2014

To: Interim President Katy Tang
c/o Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

From: Jacqui A. Hogans, Architectural Conservator

Project: 312 Green Street

Re: CEQA Appeal

Via: e-mail

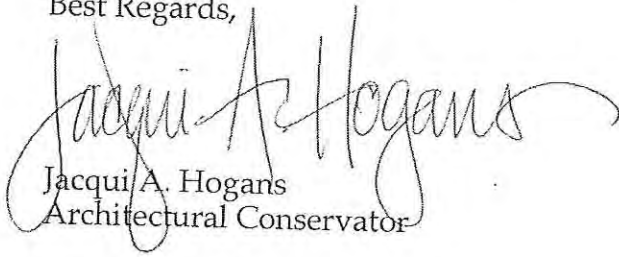
Dear Ms. Tang,

This memorandum is in regards to the CEQA appeal for the above-captioned property. Our concerns regarding the proposed project, and its impact on the surrounding area's historic character, is described below:

The existing massing of 312 Green Street is in line with the historic urban context of the Telegraph Hill area. Even though much of the building's historic and material integrity has been compromised, the massing--its two-story design fits in with the surrounding buildings--is appropriate for the area. While not within the Telegraph Hill Historic District, 312 Green Street is typical of the scale of the residences constructed in the area after the 1906 earthquake and fires. The area consisted primarily of small-scale residential buildings of various architectural styles. If the proposed alteration is to take place, which includes the addition of two floors, then the block's original character will be obliterated. It will tower over the building at 340-346 Green Street, further changing the small-scale character of the area.

As always, please let us know if you have any questions or concerns.

Best Regards,



Jacquie A. Hogans
Architectural Conservator

cc: Ryan Patterson, Zacks & Freedman, P.C.

encl:

file:

EXHIBIT B

MICHAEL GARAVAGLIA, AIA, LEED AP BD+C

PRINCIPAL-IN-CHARGE, PRESERVATION ARCHITECT (LIC. C14833)

Exceeds Secretary of the Interior Professional Qualifications Standards – Historic Architecture

With more than 30 years of experience in the architectural profession and as principal, Mr. Garavaglia leads the firm with preservation architectural services that respond to the specific needs of cultural resources and their environment. He believes strongly in the role of sustainability in historical rehabilitation, its merit in economic development, and the significance of retaining cultural resources for local communities. He seeks opportunities for creative teaming in his staff and consultants to create the most responsive team for each unique project and client. He directs his firm to constantly evolve its preservation services and work products to maintain the relevance and quality control of the firm's work. As such, a preservation project delivery methodology integrating historical knowledge in the design process is key. His work with the preservation community, primarily through involvement with the California Preservation Foundation, focuses on organizational involvement, educational programs, and stewardship development.

Mr. Garavaglia received his professional Bachelor of Architecture degree from California State Polytechnic University at San Luis Obispo, which included a special study program in Historic Preservation. He is a LEED Accredited Professional with specialization in Building Design and Construction, a Conservation Assessment Program (CAP) Assessor, and he is listed in the Heritage Preservation database maintained by the National Institute for Conservation. Mr. Garavaglia is licensed to practice architecture in California, is a qualified Historic Architect with the California Historical Resources Information System (CHRIS) and Nevada SHPO, and is a member of the American Institute of Architects (AIA). Mr. Garavaglia has been included in several publications including *Northern California Home & Garden*, *Architectural Record*, and the *San Francisco Chronicle*.

Select projects with his major technical and management involvement for historic building rehabilitation projects and reports include:

- State of California Department of Parks and Recreation, Multiple Projects for the Northern District Service Center, CA
- Angel Island Immigration Station Rehabilitation, Angel Island State Historic Park, CA
- As-Needed Preservation Services for San Francisco City Hall and Civic Center Campus, San Francisco, CA
- Hangar One Conditions Assessment and Rehabilitation Plan, U.S. Naval Air Station, Moffett Field, Mountain View, CA
- Lorenz Hotel, Redding, CA
- Columbia State Historic Park: Cultural Landscape Report and Burns Cottage Condition Assessment Report, Columbia State Historic Park and National Historic Landmark District Palo Alto History Museum, Palo Alto, CA
- Bodie Benton Depot, Bodie State Historic Park, CA
- Presidio Post Chapel Feasibility Study, Presidio of San Francisco, CA
- Doyle Drive Building Relocation Study and Historic Structures Reports, Presidio of San Francisco National Landmark District Buildings 201, 204 and 228, San Francisco, CA
- 450 McAllister Street Window Assessment, San Francisco, CA

EXHIBIT C

JACQUI HOGANS

ARCHITECTURAL CONSERVATOR

Secretary of the Interior Professional Qualifications Standards – Architectural History

Ms. Hogans has extensive project management experience with particular focus on building material rehabilitation, finishes analysis, conditions assessments, and recommendations for long-term maintenance. In her role as Architectural Conservator, Ms. Hogans focuses on architectural history and material conservation, with a firm grasp on the Secretary of the Interior's Standards for the Treatment of Historic Properties. Prior to joining Garavaglia Architecture, Inc., Ms. Hogans worked in New York City where she was responsible for overseeing exterior restoration projects involving historic buildings, from small residential repairs to large-scale restoration and redevelopment projects. She has experience preparing proposals, creating preliminary budgets and construction documents, overseeing the bidding process, and monitoring construction work in progress.

Ms. Hogans' specialties include masonry and metalwork, specifically conservation and repair of weathering steel. Her research has included investigative repairs for graffiti removal at masonry and steel, as well as the conservation of the sandstone at Angkor Wat, Cambodia. Ms. Hogans holds a B.A. in Architectural Studies and Urban Studies from Brown University, and an M.S. in Historic Preservation from Columbia University. She is an active member of the Association for Preservation Technology International, the California Preservation Foundation, and the Junior League of San Francisco.

Select projects include:

- Alcatraz Guardhouse Restoration, San Francisco, CA
- Lawrence Livermore National Laboratory HABS/HAER Reports, Livermore, CA
- Toscano Hotel Complex Historic Structures Report, Sonoma, CA
- Marconi Conference Center Historic Structure Report, Point Reyes Station, CA
- Casa Gutierrez Historic Structure Report, Monterey, CA
- Cultural Landscape Report, Columbia State Historic Park, Columbia, CA
- 101 Grove Street SISR Compliance, San Francisco, CA
- Lakeport Carnegie Library Reuse Feasibility Study, Lakeport, CA
- 101 Hyde Street Design Review, San Francisco, CA
- Auxiliary Water Supply System, HABS Level 2, San Francisco, CA
- Marshall Gold Discovery State Historic Park, Coloma, CA
- 22-24 Franklin Street Historic Resource Evaluation & SISR Review, San Francisco, CA
- Plymouth Avenue Residence Historic Resource Evaluation, San Francisco, CA
- Madrid Street Residence Historic Resource Evaluation, San Francisco, CA
- 2nd Street East Residence Historic Resource Evaluation, Sonoma, CA

1 RYAN J. PATTERSON (SBN 277971)
2 MICHAEL E. PROFANT (SBN 299246)
3 ZACKS & FREEDMAN, P.C.
4 235 Montgomery Street, Suite 400
5 San Francisco, CA 94104
6 Tel: (415) 956-8100
7 Fax: (415) 288-9755

8 Attorneys for Appellants Jack Oswald and Anneke Seley

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SAN FRANCISCO BOARD OF APPEALS

DECLARATION OF EDDY T. LAU

Appeal No.: 14-195
Project Address: 312 Green Street
Hearing Date: February 11, 2015

I, Eddy T. Lau, declare as follows:

1. I am a civil and geotechnical engineer, licensed to practice in the State of California. I make this declaration based on facts personally known to me, except as to those facts stated on information and belief, which facts I believe to be true.

2. Attached as Exhibit A is a true and correct copy of a memorandum which I prepared. It states my opinions and facts, based on my investigation, which I believe to be true and correct.

I declare under penalty of perjury that the foregoing is true and correct, and that this was executed on January 22, 2015, at San Francisco, California.



Eddy T. Lau

EXHIBIT A

EDDY T. LAU
GEOTECHNICAL ENGINEER

P O BOX 24874, OAKLAND, CALIFORNIA 94623-1874
TELEPHONE: (415) 505-5538

January 13, 2015

Our Job No. 1809-001

Zacks & Freedman
235 Montgomery Street, Suite 400
San Francisco, California 94104

Attention: Ryan J. Patterson, ESQ.

Ladies and Gentlemen:

Geotechnical Consultation
Subsurface Conditions
312 Green Street and Vicinity
San Francisco, California

This letter presents the results of our geotechnical consultation with respect to the subsurface conditions in the vicinity of the property known as 312 Green Street in San Francisco, California. 312 Green Street, also known as Lot 016, Assessor's Block 114, is located on the north side of Green Street, between Castle Street and Montgomery Street.

PURPOSE AND SCOPE OF SERVICES

The purpose of our services was to provide an opinion of the subsurface conditions in the vicinity of the 312 Green Street property. The scope of our services was limited to review of the available geotechnical investigation report(s) on file with the San Francisco Department of Building Inspection, in the immediate vicinity of the subject site.

I have reviewed the attached geotechnical report for the nearby property at 304 Green Street. The report, entitled, "Geotechnical Reconnaissance, 304 Green Street, San Francisco, California," prepared by HERZOG Geotechnical Consulting Engineers of Mill Valley California, and dated August 25, 1999.

I am a registered Civil Engineer and a registered Geotechnical Engineer of the State of California. I have over 45 years of experience in practicing geotechnical engineering. Majority of my professional career and practices have been performed in San Francisco Bay Area, in particular San Francisco. I am familiar with the soil and rock conditions of the Telegraph Hill, under consideration.

January 13, 2015

DISCUSSION AND RECOMMENDATIONS

In the Herzog report, it was reported that a massive sandstone outcrop was visible within a cut behind the neighboring house.

Based on the findings of the HERZOG report, it appears that the surface conditions could be fill. Below the fill, the site could be underlain by interbedded sandstone and shale bedrock of the Franciscan Formation. It is my opinion that the sandstone bedrock at the site could be unique, depending on the degree of weathering and decomposition, and sometimes could not be easily excavated with shovels, and/or backhoe type excavation equipment. Rather, jack hammering and potentially blasting may be required to remove the "floaters," or "boulders" of hard sandstone at the project site.

This is an unusual geological conditions affecting the subject site, which will likely result in severely adverse environmental impacts on the surrounding land and building environment. I believe that further environmental review should be considered and performed, including a geologic reconnaissance, and possibly excavating test pits in order to evaluate the conditions of the bedrock.

CLOSURE

Our services have been performed with the usual thoroughness and competence of the engineering profession. No other warranty or representation, whether expressed or implied, is included or intended in our proposal, contract or report.

If you have any questions or require additional information, please contact us.

Yours very truly,



Eddy T. Lau
Eddy T. Lau, P.E.
Reg. Civil Engineer 019897
Reg. Geotechnical Engineer 506
Expiration 9/30/2015

Attachment: HERZOG report - Geotechnical Reconnaissance, 304 Green Street, San Francisco, California.

S.R. 5317

HERZOG
GEOTECHNICAL
CONSULTING ENGINEERS

August 25, 1999
Project Number 661-01-99

Fred Pavlow Co. Inc.
2776 Broadway
San Francisco, California 94115

RE: Report
Geotechnical Reconnaissance
304 Green Street
San Francisco, California

114/12

#0918425

Dear Mr. Pavlow:

This presents the results of our geotechnical reconnaissance for the proposed garage addition at 304 Green Street in San Francisco, California. The scope of our reconnaissance was to review selected geologic references, observe exposed conditions in a test pit excavated by the Client, perform engineering analyses, and to develop geotechnical design parameters for the project. Herzog Geotechnical's scope of services was outlined in our proposal dated August 17, 1999.

The project will consist of a two-car garage excavated approximately 28 feet behind an existing retaining wall in front of the residence. We understand that the garage may necessitate retained cuts as high as 20 feet, and will extend approximately 11 feet beneath the front of the house. Project plans have not yet been developed.

WORK PERFORMED

Prior to performing our investigation, we reviewed our previous work in the site vicinity and selected geologic references. On August 24, 1999, our Principal Engineer performed a reconnaissance of the site and observed conditions exposed in a 4-foot deep test pit excavated by the Contractor. No additional subsurface exploration was authorized or performed as part of our scope of services.

FINDINGS

Site Conditions

The site is located on the north side of Green Street near the top of Telegraph Hill. Topography in the site vicinity generally slopes up towards the northwest at about 3:1 to 4:1 (horizontal: vertical). The existing residence is a two-story structure which is likely supported on spread footing foundations. The residence is situated above the street, behind a deteriorated stone and mortar retaining wall. The wall extends from 15 to 20 feet above the level of the sidewalk, and is

cracked in several places. Metal anchors are bolted onto the face of the wall, which may indicate that the wall is supported by deadman. The front of the house is located about 17 feet back from the top of the wall, and a wooden deck is situated between the house and the wall. An approximately 15 foot high concrete return wall extends below the west side of the deck, and abuts a staircase which climbs to the front door of the house. An approximately 12 foot high return wall below the east side of the deck extends down to a 3 foot wide planter box which is retained by a 2-1/2 foot to 7 foot high concrete wall.

Geology and Soils

The site is within the Coast Range Geomorphic Province, which includes San Francisco Bay and the northwest-trending mountains that parallel the coast of California. These features were formed by tectonic forces resulting in extensive folding and faulting of the area. The site has been previously mapped by Shlocker (1958) as being underlain by sandstone and shale bedrock of the Franciscan Formation to the south. This unit is Jurassic to Cretaceous in age, and typically consists of a heterogeneous mixture of sandstone, sheared shale, metavolcanic rock, serpentine and chert. A massive sandstone outcrop is visible within a cut behind the neighboring house to the east.

A test pit located 10 feet away from the top of the sidewalk retaining wall and adjacent to the west return wall encountered an approximately 4-inch thick concrete slab below the wooden front deck. The slab was underlain by approximately 8 inches of soft sandy silt fill overlying interbedded sandstone and shale bedrock which extended to the depth explored (approximately 4 feet). The bedrock was generally sheared or very closely fractured. Bedding attitudes in the test pit were measured to strike approximately N20W and to dip about 50 degrees to the southwest. Prominent fractures were noted to strike N70E and dip 40 to 45 degrees towards the southeast.

Groundwater was not observed in the test pit at the time of our investigation. Groundwater levels at the site are expected to fluctuate over time due to variations in rainfall and other factors.

CONCLUSIONS

It is our opinion that the site is suitable for the proposed garage provided our geotechnical recommendations are incorporated into the design and construction of the project. The primary geotechnical considerations are maintaining temporary and permanent lateral support of the planned cuts, maintaining adequate vertical and lateral support for the residence and adjacent structures in order to limit deformations, and providing adequate drainage facilities to prevent moisture accumulation within the garage.

We anticipate that planned excavations will expose relatively weak bedrock with bedding, fracture and shear surfaces which will slope adversely into the planned excavation.

Consequently, we conclude that the excavation should be shored to laterally support the walls and to maintain stability of adjacent foundations. Among possible shoring alternatives are soldier piers with lagging, tiebacks, soil nails, internal bracing, or bracing with thrust blocks. Shoring should be designed by the Contractor's engineer to resist lateral earth pressures and surcharge loads from structures using the design criteria presented in this report. Adequate drainage facilities should be provided to prevent hydrostatic buildup behind the shoring.

During construction, cuts should be closely monitored for the presence of adverse bedding, fracturing conditions, or lithologic contacts that could promote slope instability. As excavation proceeds, conditions may be exposed which will require design modifications.

If non-yielding support is not maintained during excavation (i.e. tiebacks), underpinning should be provided and braced to support existing foundations for the residence and adjacent structures. Underpinning may consist of drilled, cast-in-place concrete piers or deepened footings extending into competent bedrock below a 1-1/2:1 line extending up from the base of the planned cut. Stability of excavations and existing structures should be contractually specified as solely the responsibility of the Contractor. It would be prudent to perform a detailed crack survey of this and adjacent structures prior to beginning construction so that the validity of claims can be verified.

Geologic Hazards

Fault Rupture

The property is not within a current Alquist-Priolo Earthquake Fault Zone (EFZ) and we did not observe geomorphic features that would suggest the presence active faulting at the site. As such, we judge the risk of ground rupture along a fault trace is low at this site.

Earthquake Shaking

The San Francisco Bay Region has experienced several historic earthquakes from the San Andreas and other associated active faults. Mapped active faults (those experiencing surface rupture within the past 11,000 years) nearest the site are summarized in the following table.

Fault System	Distance From Site (Miles)	Direction From Site to Fault	MCE Moment Magnitude	Peak Ground Acceleration (g's)
San Andreas	8.2	Southwest	7.9	0.36
Seal Cove/ San Gregorio	11.3	South	7.3	0.21
Hayward	10.2	Southeast	7.1	0.21