

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
PAUL D. SCOTT,

Appeal No. 14-153

_____)
Appellant(s))
vs.)
_____)
ZONING ADMINISTRATOR,)
Respondent)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on August 29, 2014, 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 August 14, 2014, to Paul D. Scott, Letter of Determination (regarding whether the non-conforming restaurant use once located at the subject property [Julius' Castle] has been abandoned) at 1531 Montgomery Street/ 302 Greenwich Street.

FOR HEARING ON November 05, 2014

Address of Appellant(s):

Paul D. Scott, Appellant
Pier 9, Suite 100
San Francisco, CA 94111

Address of Other Parties:

Paul D. Scott, Subject Property Owner
Pier 9, Suite 100
San Francisco, CA 94111



Date Filed:

BOARD OF APPEALS

AUG 29 2014

APPEAL # 14-153

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Paul D. Scott**, hereby appeal the following departmental action: **ISSUANCE of Letter of Determination** by the **Zoning Administrator** which was issued or became effective on: **August 14, 2014**, to: **Paul D. Scott /Subject property Owner**, for the property located at: **1531 Montgomery Street/ 302 Greenwich 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: **October 16, 2014, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

gza Respondent's and Other Parties' Briefs are due on or before: **October 30, 2014, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. *S.P.O.*

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

Hearing Date: **Wednesday, November 05, 2014, 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 an original and 10 copies of all documents of support/opposition no later than one (1) 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.

Appellant or Agent (Circle One):

Signature:

Print Name:

[Handwritten Signature]
Paul D. Scott

JULIUS' CASTLE
1541 MONTGOMERY STREET

August 29, 2014

BOARD OF APPEALS

AUG 29 2014

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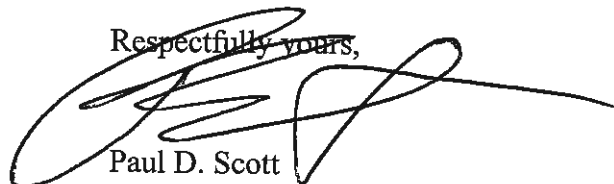
Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

Re: Appeal of Letter of Determination regarding Julius' Castle
1541 Montgomery Street/302 Greenwich Street; Lots 0079/004 and 0079/005

Dear Board of Appeals Members:

I write to notify the Board of Appeals that I would like to appeal the August 14, 2014 Letter of Determination by the Zoning Administrator concluding that the nonconforming restaurant use of the landmark restaurant Julius Castle has been abandoned. I believe that the determination represents an error in interpretation of the Planning Code and/or an abuse of discretion by the Zoning Administrator. I was advised by the administrative staff of the Board of Appeals that I will have an opportunity to submit a brief outlining in detail my reasoning as to why the determination is mistaken. I will therefore submit such briefing on the schedule we are provided by the Board.

Respectfully yours,



Paul D. Scott



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

August 14, 2014

Paul Scott
Pier 9, The Embarcadero, Suite 100
San Francisco CA 94111

BOARD OF APPEALS

AUG 29 2014

APPEAL # 14-153

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2170

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Site Address:	1531 Montgomery Street/302 Greenwich Street
Assessor's Block/Lot:	0079/004 and 0079/005 (2 lots)
Zoning District:	RH-3 – Residential House, Three Family District
Staff Contact:	Kelly H. Wong, (415) 575-9100 or kelly.wong@sfgov.org

Dear Mr. Scott:

This letter is in response to your request for a Letter of Determination regarding the property at 1531 Montgomery Street/302 Greenwich Street. This parcel is located in the RH-3 (Residential House, Three Family) Zoning District and 40-X Height and Bulk District. Constructed in 1923, the subject building is City Landmark No. 121 (Julius' Castle) as designated under Article 10 of the Planning Code. The request is to determine if the nonconforming restaurant use once located at this property has been abandoned.

Nonconforming Use

Per Planning Code Section 209 (et. seq.) restaurant uses are not permitted within the RH-3 Zoning District. As such, use of the subject property as a restaurant would be considered a "nonconforming use" as defined in Planning Code Section 180.

Planning Code Section 183 states that whenever a nonconforming use has been changed to a conforming use, or discontinued to a period of three years, or whenever there is otherwise a clear intent on the part of the owner to abandon a nonconforming use, such use shall not be reestablished and the use of the property thereafter shall be in conformity with the limitations of the Planning Code.

Background

Based on your letter, Julius' Castle operated as a restaurant through 2006, when it was sold to a new owner (James Payne) who performed work without benefit of permit. Planning Department records show that a complaint was filed on January 16, 2007 for work executed without benefit of permit and consequently, after a site visit the Department issued a Notice of Violation on May 17, 2007. Based on available records, use of the property as a restaurant terminated around this time (2007).

On December 17, 2008, a Certificate of Appropriateness (COA) (Case No. 2007.0653A) was issued with conditions of approval to the former owner, James Payne for abating the violation. On January 29, 2009, Building Permit Application No. 2009.0129.1093 was submitted for work outlined in the COA; however, the former property owner did not pursue the building permit and abandoned the project. The COA subsequently expired on December 17, 2011 (three years after issuance).

Paul Scott
Pier 9, The Embarcadero, Suite 100
San Francisco CA 94111

August 14, 2014
Letter of Determination
1531 Montgomery Street/302 Greenwich Street

As described in your letter, Mr. Payne appears to have listed the property for sale in February 2010 and entered bankruptcy in September 2011. In April 2012, you purchased the property from Mr. Payne and submitted an updated COA application on September 19, 2012. On October 16, 2013, the Historic Preservation Commission issued a new Certificate of Appropriateness (Motion No. 0213, Case No. 2012.1197A) with a revised scope of work. In the case report, staff indicated that the project required a rear yard variance (to legalize portions of the building) and a Conditional Use Authorization (to restore the previous nonconforming restaurant use which had been discontinued for more than period of three years.

Landmark Status

As noted previously, the subject property is designated as City Landmark No. 121. Per Planning Code Section 209.9(e), any use permitted as a principal or conditional use on the ground floor of the NC-1 Zoning District is allowed in a structure on a landmark site with a Conditional Use Authorization provided that the use 1) conforms to the provisions of Section 303 (Conditional Uses) and 2) is essential to the feasibility of retaining and preserving the landmark. Restaurant uses are permitted on the ground floor of the NC-1 Zoning District; therefore, a Conditional Use Authorization may be sought to allow restoration of a restaurant use at the subject property.

Determination

Based on the above information, I hereby find that the nonconforming restaurant use at this landmark property (which has been closed since 2007) has been discontinued for a period of at least three years. While the previous owner did list the property for sale in February 2010, they did not 1) operate a restaurant at this location during this time or 2) take sufficient actions with regards to active permits that were necessary to correct violations for illegal construction they performed on the landmark property. As noted previously, a restaurant use may be restored to the subject landmark property pursuant to the requirements of Planning Code Section 209.9(e).

APPEAL: If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez
Zoning Administrator

BOARD OF APPEALS

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cc: Kelly H. Wong, Planner
Property Owner
Neighborhood Groups
BBN Requestor (if any)

BOARD OF APPEALS

OCT 16 2014

APPEAL # 14-153

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

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4) Appeal No. 14-153
5)
6) **PAUL D. SCOTT,**) **APPELLANT'S BRIEF RE AUGUST 14, 2014**
7) **LETTER OF DETERMINATION RE:**
8) **1531 MONTGOMERY STREET/**
9) **302 GREENWICH STREET**
10) **v.**) **Lots 0079/004 and 0079/005**
11) **SAN FRANCISCO ZONING**)
12) **ADMINISTRATOR,**) **Hearing Date: 11/5/14; 5:00 p.m.**
13) **Respondent.**) **Location: Room #416, City Hall**
14)
15)

INTRODUCTION

16 The subject of this appeal is an August 14, 2014 letter of determination by San
17 Francisco's Zoning Administrator that the landmark restaurant Julius Castle has lost its
18 conditional use authorization to operate as a restaurant. The Zoning Administrator's decision is
19 in error and an abuse of discretion, because the restaurant use at this location has never been
20 abandoned. The operation of the restaurant has been discontinued for a substantial period of
21 time due to permit issues with the City of San Francisco that ultimately drove the prior owner
22 into bankruptcy. Appellant has had the building for two and a half years, and some of the permit
23 issues posed by the City remain outstanding even today, despite diligent efforts by the current
24 owner to restore the building and return the restaurant to operation. It would thus not only be
25 incorrect as a matter of law, it would be unfair to the current owner and adverse to the best
26 interests of the residents of San Francisco to conclude that Julius Castle was no longer authorized
27 to operate as a restaurant.
28

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3 **Background**

4 Julius' Castle was built in 1922 by Louis Mastropasqua for restaurateur Julius Roz. In
5 1980, Julius Castle was awarded landmark status as a restaurant by the City of San Francisco.

6 In the final case report supporting a landmark designation for the structure, the
7 Landmarks Preservation Advisory Board commented on the fact that Julius Castle is “[o]ne of
8 SF’s oldest restaurants in SF with continuing name and location.” [See Exhibit C – Landmark
9 Documentation - 1980 at p. 5]. In its Statement of Significance, the report went on to describe
10 Julius' Castle as “A favorite with celebrities in entertainment, politics and business, the
11 restaurant is a living slice from the history of the local Italian and restaurant communities.” [See
12 Exhibit C at p. 5].

13 Historical accounts of the Castle echo these comments regarding the significance of the
14 restaurant as an institution in San Francisco on Telegraph Hill.

15
16 *Around the time of its construction, Montgomery Street was little more than a dirt trail
17 wide enough for one vehicle. Because the street was so narrow, a turntable was installed
18 in 1931 at the dead-end in front of the castle and an employee turned cars around and
19 parked them.*

20
21 *During Prohibition, Julius' Castle became a speakeasy for the carriage trade. Its patrons
22 watched the Bay Bridge being constructed and completed in 1936. Regulars witnessed
23 the apparition of Treasure Island as it was dredged from the bottom of the bay for the
24 World's Fair of 1939-1940. They also saw the wartime fleet moving in and out during
25 World War II.*

26 *When Julius Roz died in 1943, the property passed through several owners, though it
27 always retained its name. It had been a popular celebrity hangout for local politicians
28 (Table 34 was the mayor's table), musicians such as Huey Lewis and Hollywood actors,
including Robert Redford, Cary Grant, Sean Connery, Marlon Brando and Ginger
Rogers. Even famed Mount Everest climber Sir Edmund Hillary was a patron.*

 - Catherine Accardi, Castle on the Hill, The Semaphore, Issue #196, Fall 2011.

1 The U.S. Secretary of the Interior's Standards for Preservation also reinforce the practical
2 importance of this rich history, for maintaining a property's historic use is the very first criterion
3 used to determine whether a proposed change to that property complies with the secretary of
4 Interior's Guidelines.
5

6 [http://www.nps.gov/history/hps/TPS/standguide/preserve/preserve_standards.htm]

7 Recent History

8 Julius' Castle was operated successfully as a restaurant up through 2006, when the owner
9 at the time Jeffrey Pollack sold the building to James Payne. Mr. Payne reportedly made certain
10 changes to the building in 2006 without the necessary permits and leased the building to new
11 restaurant operators in or around May 2007. [See Exhibit M – "A Happy Ending for Julius'
12 Castle?" Preservation Magazine, June 8, 2009]. The City thereafter issued a notice of violation
13 for work executed without a permit on or about May 17, 2007 [See Exhibit N – Notice of
14 Violation], and the new operators subsequently ceased operating the restaurant in approximately
15 November 2007. [See Exhibit M, "A Happy Ending for Julius' Castle?"].
16
17

18 After the issuance of the Notice of Violation, Mr. Payne took some steps to solve the
19 permit issue, obtaining a COA in 2008 on the understanding that he was seeking to continue
20 operating the building as a restaurant. [See Exhibit D – 2008 COA Documents, page 13, 18].
21 Once he had the COA, Mr. Payne applied for a building permit on or about January 29, 2009, but
22 the permit was never granted, reportedly due to additional issues being presented by the City
23 regarding the location of the building relative to its property lines. [See Exhibit O – January 29,
24 2009 Permit Record; Exhibit P – October 16, 2014 Email by Mr. Reza Khoshnevisan regarding
25 January 29, 2009 Permit Application].
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27
28

1 No later than June of 2009, Mr. Payne took steps to attempt to lease the building to a new
2 restaurant operator, posting a commercial lease listing on Loopnet. [See Exhibit M at p. 2].
3 But Mr. Payne was unable to navigate the planning hurdles he faced before running into financial
4 trouble. The City's property tax records show Julius Castle going into default in June 2009.
5 [See Exhibit E – Payne Tax Bill]. Presumably due to these concerns, Payne listed the property
6 for sale in approximately February 2010 [See Exhibit G – SocketSite Listing], again making it
7 clear that the intention was for the property to be operated as a restaurant, by marketing it as a
8 commercial property with a "destination restaurant." [See Exhibit H – Sales Brochure]. Given
9 the difficult economic circumstances at the time, however, Mr. Payne's effort to sell the property
10 was not immediately successful, and he fell yet further behind on his financial obligations. [See
11 Exhibit F – Sterling Bank Claim (referencing cessation in mortgage payments on Julius Castle
12 after June 2010)]. Mr. Payne then ultimately filed for bankruptcy in or around September 2011
13 before he was able to sell the property. [See Exhibit I – Payne Bankruptcy Filing]
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16

17 Appellant purchased the property from Mr. Payne in the bankruptcy proceeding in April
18 2012 and thereafter worked to resolve outstanding property tax and other liabilities related to the
19 property. Appellant submitted plans in September 2012 for a new COA with the stated objective
20 of restoring the building to use as a restaurant. [See Exhibit A, 2012 COA Application]. The
21 COA was initially granted by the Historic Preservation Commission in October 2013 with
22 certain details relating to a fence on the property being finalized by the end of November 2013.
23 [See Exhibit J, COA Motion Adopted by HPC.10.16.13]
24

25 To complicate matters, in October 2013, roofers performing approved work on the main
26 deck of the property started a fire that burned down a parapet wall on the perimeter of the back
27 deck. Various additional plans were then submitted to the Planning Department in December
28

1 2013 and January and February 2014, all with the clear understanding that the intention was to
2 continue to operate the building as a restaurant.

3
4 In the course of the permitting process, Planning Department staff responsible for
5 reviewing the COA application made a comment in their case report that, "The proposed project
6 also requires a Conditional Use Permit for a proposed restaurant use since the previous
7 nonconforming use as a restaurant in the RH-3 zoning district has been discontinued for a
8 continuous period of three years." [See Exhibit B – COA Case Report.10.16.13 at 3; Exhibit L –
9 NOPDR #6 at p. 2]. This comment led to Appellant's request for a letter of determination by the
10 Zoning Administrator.
11

12 Other issues have now been raised by Planning regarding the location of the building
13 relative to its property lines, notwithstanding the fact that it was designated as a landmark by the
14 City in 1980 on its current footprint. [See Exhibit L]. Appellant is still working with City
15 officials to try and resolve the latter concerns.
16

17 Relevant Planning Code Provision

18 Section 183 of the Planning Code provides in pertinent part as follows:

19 Whenever a nonconforming use has been changed to a conforming use, or discontinued
20 for a continuous period of three years, or whenever there is otherwise evident a clear
21 intent on the part of the owner to abandon a nonconforming use, such use shall not after
22 being so changed, discontinued or abandoned be reestablished, and the use of the
23 property thereafter shall be in conformity with the use limitations of this Code for the
24 district in which the property is located.

24 The Zoning Administrator's Determination

25 In his letter of determination, the Zoning Administrator stated the following conclusions
26 regarding the question of whether the restaurant use at Julius Castle had been abandoned:

27 "While the previous owner did list the property for sale in February 2010, they did not
28 1) operate a restaurant at this location during this time or 2) take sufficient actions with

1 regards to active permits that were necessary to correct violations for illegal construction
2 they performed on the landmark property.”

3 The fundamental flaw in the Zoning Administrator’s reasoning, however, is that 1) Mr.
4 Payne was unable to operate the restaurant until the various code violations were addressed; and
5 2) he was unable to rectify the code violations, as the difficulties involved in getting the
6 necessary permits along with severe economic circumstances led to him going into bankruptcy
7 and selling the subject building. All the while, however, Mr. Payne kept the restaurant
8 equipment in place and attempted to lease and sell the property *as a restaurant*. Such conduct
9 plainly does not constitute abandonment of the restaurant use.
10

11 Indeed, the circumstances of this case are similar to the circumstances addressed by San
12 Francisco’s Zoning Administrator in connection with Planning Commission Motion No. 10962,
13 (“Basta Pasta”). [See Exhibit K – Letter of Determination re Basta Pasta]. The relevant facts of
14 that case were described in the Letter of Determination as follows:
15

16 [Basta Pasta] began experiencing a serious decline in business in 1999 and 2000, and [the
17 owner] placed the restaurant business on the market, reducing the price several times
18 during 2000, and eventually closed the restaurant in January 2001 awaiting conditional
19 use approval for amplified music to attract more business to the restaurant. [The owner]
20 abandoned this proposal due to neighborhood opposition, and decided to continue
21 marketing the restaurant business for sale or lease. . . . In April 2004, the entire property,
22 including the restaurant business and equipment, was listed for sale as one single unit.

23 [Exhibit K at p. 1].

24 Under the above-described circumstances, where the building had not been operated as a
25 restaurant for more than three years, the Zoning Administrator made the following observations
26 in reaching the conclusion that Basta Pasta’s conditional use permit had not been abandoned:

27 First, the restaurant furnishings and equipment have been kept in place. Second, the
28 business and the property have been consistently marketed as a unit, either for sale or
lease. If the restaurant furnishings and equipment had been removed, leaving the
building empty in anticipation of a new tenant, or if the owner had not continually
marketed the business and property as a unit, it would have been clear that the restaurant

1 use had ceased to continue, and after a period of 18 months of such discontinuance of the
2 use, the current conditional use authorization would have no longer been valid. To
3 consider a use abandoned because it was unable to be leased in light of consistent
4 efforts to rent the space, would damage the City's ability to recover from
5 economically troubled times. In light of the difficult economic conditions following the
6 collapse of the dot com industry, and the ensuing loss of numerous restaurants throughout
7 the city, along with the owners' continual efforts to market the restaurant business, the
8 restaurant furnishings and equipment, and property as a unit, it is determined that the use
9 has not been abandoned, and has in essence continued to be actively marketed as a
10 restaurant.

11 [See Exhibit K at p. 2].

12 In the instant case involving Julius' Castle, it is equally clear that the restaurant use has
13 never been abandoned. The past and current owners have simply been unable to operate the
14 restaurant due to obstacles imposed by the City and/or economic circumstances.

15 Indeed, the circumstances of this case are all the more compelling for not declaring the
16 restaurant use abandoned. Julius' Castle was one of the earliest structures on Telegraph Hill.
17 The building remains, as it has for almost a century, first and foremost a restaurant. Residences
18 were built up around the location of the restaurant. The property was sold with all of the
19 restaurant equipment in place and that equipment remains in place today. In the face of this
20 history and the owners' consistent efforts to operate the restaurant, it would be contrary to
21 common sense and established precedent to declare that use now abandoned.

22 Moreover, it is not sufficient to say that Appellant can start over and apply for a new
23 conditional use permit when the existing use has not been abandoned. There is no basis in law
24 for imposing the expense, uncertainty, and delay of having to go through that process on
25 Appellant, particularly given that over two and a half years have already passed from the date
26 that Appellant purchased Julius Castle in a good faith attempt to restore it as a landmark. Such
27

1 efforts should be encouraged and facilitated by the City of San Francisco, not unnecessarily
2 impeded.

3 Conclusion

4
5 Based on the foregoing, Appellant respectfully requests that the decision of the Zoning
6 Administrator be reversed and that Julius Castle's conditional use authorization to operate as a
7 restaurant not be deemed abandoned.

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9 Dated: October, 16, 2014

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11 Respectfully submitted,

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15 By: 

16 Paul D. Scott, Esq.
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APPENDIX

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- Exhibit A - COA Application 2012
- Exhibit B - COA Case Report 10.16.13
- Exhibit C - Landmark Documentation -1980
- Exhibit D - 2008 CoA Documents with highlights
- Exhibit D - 2008 COA Documents
- Exhibit E - Payne Property Tax Bill
- Exhibit F - Sterling Bank Claim Declaration
- Exhibit G - SocketSite Listing
- Exhibit H - Sales Brochure
- Exhibit I - Payne Bankruptcy Filing
- Exhibit J - COA Motion Adopted by HPC Commission.10.16.13
- Exhibit K - Letter of Determination re Basta Pasta
- Exhibit L - NOPDR #6
- Exhibit M - Article - A Happy Ending for Julius Castle
- Exhibit N - Notice of Violation May 17, 2007
- Exhibit O - January 29, 2009 Permit Record
- Exhibit P - October 16, 2014 Email by Mr. Reza Khoshnevisan
Re: January 29, 2009 Permit Application

EXHIBIT A

APPLICATION FOR Certificate of Appropriateness

1. Owner/Applicant Information

PROPERTY OWNER'S NAME Paul D. Scott	
PROPERTY OWNER'S ADDRESS Pier 9, Suite 100, The Embarcadero San Francisco, CA 94111	TELEPHONE (415) 225-4482 EMAIL paul@juliuscastle.com

APPLICANT'S NAME Same as Above <input checked="" type="checkbox"/>	
APPLICANT'S ADDRESS	TELEPHONE () EMAIL

CONTACT FOR PROJECT INFORMATION Same as Above <input checked="" type="checkbox"/>	
CONTACT PERSON'S ADDRESS	TELEPHONE () EMAIL

2. Location and Classification

STREET/ADDRESS OF PROJECT 302 Greenwich Street		ZIP CODE 94133		
CROSS STREETS Montgomery and Greenwich				
ASSESSOR'S BLOCK/LOT 0079 / 4&5	LOT DIMENSIONS 62.5 x 62.5	LOT AREA (SQ. FT.) 3906.25	ZONING DISTRICT RH-3	HEIGHT/BULK DISTRICT 40-X
ARTISER'S LANDMARK NUMBER 121 - Julius' Castle		HISTORIC DISTRICT Telegraph Hill - NB Residential		

3. Project Description

Please check all that apply

New Construction Addition(s) Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard

Building Permit Application No. _____ Date Filed: _____

4. Project Summary Table

If you are not sure of the eventual size of the project, provide the maximum estimates.

GROSS SQUARE FOOTAGE (GSF)	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
Residential				
Retail				
Office	330	330	0	330
Industrial /PDR Production, Distribution, & Repair				
Parking				
Other (Specify Use)	4640 (restaurant)	4562 (restaurant)	-78 (restaurant)	4562 (restaurant)
Total GSF	4970	4892	-78	4892
PROJECT FEATURES	EXISTING USES:	EXISTING USES TO BE RETAINED:	NET NEW CONSTRUCTION AND/OR ADDITION:	PROJECT TOTALS:
Dwelling Units				
Hotel Rooms				
Parking Spaces				
Loading Spaces				
Number of Buildings	1	1	0	1
Height of Building(s)	42'0"	42'0"	0	42'0"
Number of Stories	3	3	0	3
<p>Please provide a narrative project description, and describe any additional project features that are not included in this table:</p> <p>The property has substantial deferred maintenance, and the prior owner performed work on the property without obtaining the necessary permits. The non-permitted work is described in the attached plans. The proposed project will include the repairs necessary to address the deferred maintenance and also the removal of part of the non-permitted addition to reveal an original roof line feature on the front facade of the building.</p>				

Findings of Compliance with Preservation Standards

FINDINGS OF COMPLIANCE WITH PRESERVATION STANDARDS		YES	NO	N/A
1	Is the property being used as it was historically?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Does the new use have minimal impact on distinctive materials, features, spaces, and spatial relationship?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Is the historic character of the property being maintained due to minimal changes of the above listed characteristics?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Are the design changes creating a false sense of history of historical development, possible from features or elements taken from other historical properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Are there elements of the property that were not initially significant but have acquired their own historical significance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Have the elements referenced in Finding 5 been retained and preserved?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Have distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize the property been preserved?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Are all deteriorating historic features being repaired per the Secretary of the Interior Standards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Are there historic features that have deteriorated and need to be replaced?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Do the replacement features match in design, color, texture, and, where possible, materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Are any specified chemical or physical treatments being undertaken on historic materials using the gentlest means possible?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Are all archeological resources being protected and preserved in place?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Do all new additions, exterior alterations, or related new construction preserve historic materials, features, and spatial relationships that are characteristic to the property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Are all new additions differentiated from the old, but still compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15	If any new addition and adjacent new construction are removed one day in the future, will the forms and integrity of the historic property and environment be preserved?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please summarize how your project meets the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, in particular the *Guidelines for Rehabilitation* and will retain character-defining features of the building and/or district:

The plan is to use the property as a restaurant as it was used historically. The historic character of the property will be retained and preserved. A historic feature of the building visible from Montgomery Street will be revealed. Conjectural elements in the form of inexpensive doors added by the prior owner will be replaced with historically appropriate doors. Deteriorated historic features such as crenellations will be repaired.

Priority General Plan Policies Findings

Proposition M was adopted by the voters on November 4, 1986. It requires that the City shall find that proposed projects and demolitions are consistent with eight priority policies set forth in Section 101.1 of the City Planning Code. These eight policies are listed below. Please state how the project is consistent or inconsistent with each policy. Each statement should refer to specific circumstances or conditions applicable to the property. Each policy must have a response. IF A GIVEN POLICY DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

Julius Castle was built in 1923 and operated as a restaurant through 2006 when it was sold to the prior owner. It was one of the oldest restaurants in San Francisco. After the prior owner modified the building without a permit, and was instructed to make alterations to the building per a COA, the restaurant was not fully reopened for business, and the prior owner went into bankruptcy. The primary purpose of the proposed project is to try and reopen the historic restaurant.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed project would restore the historic operation of a landmark restaurant in the Telegraph Hill neighborhood.

3. That the City's supply of affordable housing be preserved and enhanced;

Not Applicable.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

Restoration of Julius Castle Restaurant will not impede Muni transit. Measures will be taken to address the impact of automobile traffic on the neighborhood, such as valet parking, with no use of local parking spaces by valet employees. The project sponsor is also open to discussing possible measures that might be taken with the City to facilitate traffic calming.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

This project is not a commercial office development. It will enhance future opportunities for employment of residents

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

Regular maintenance and operation of the building will leave it in better condition to withstand damage in an earthquake.

7. That landmarks and historic buildings be preserved; and

This project helps to restore and preserve a historic landmark.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

This project will not materially impact any parks or open space or their access to sunlight.

Estimated Construction Costs

TYPE OF APPLICATION:	
Certificate of Appropriateness	
OCCUPANCY CLASSIFICATION:	
A-2 (Restaurant)	
BUILDING TYPE:	
Wood Frame	
TOTAL GROSS SQUARE FEET OF CONSTRUCTION:	BY PROPOSED USES:
Demolition area of 78 sq. feet	Reduction of 78 sq. feet in restaurant space
ESTIMATED CONSTRUCTION COST:	
\$100,000.00	
ESTIMATE PREPARED BY:	
Stan Teng, A.I.A.	
FEE ESTABLISHED:	
\$5947.00	

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: 

Date: 9/17/12

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

Paul Scott

Owner / Authorized Agent (circle one)

EXHIBIT B



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Appropriateness Case Report

HEARING DATE: OCTOBER 16, 2013

Filing Date: September 19, 2012
Case No.: 2012.1197A
Project Address: 302 Greenwich Street / 1531 Montgomery Street
Historic Landmark: No. 121 – Julius' Castle
Zoning: RH-3 (Residential – House, Three Family)
40-X Height and Bulk District
Block/Lot: 0079/004 & 005
Applicant: Paul D. Scott
Pier 9, Suite 100 The Embarcadero
San Francisco, CA 94111
Staff Contact Kelly H. Wong - (415) 575-9100
kelly.wong@sfgov.org
Reviewed By Tim Frye - (415) 558-6822
tim.frye@sfgov.org

1656 Mission St
Suite 400
San Francisco
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROPERTY DESCRIPTION

302 GREENWICH STREET / 1531 MONTGOMERY STREET is located on the north side of Greenwich Street at the end of Montgomery Street (Assessor's Block 0079; Lots 004 & 005). The subject building is City Landmark #121, Julius' Castle, constructed in 1923 and expanded in 1928 by Architect L. Mastropasqua. The two-story wood-frame building is located on Telegraph Hill about 150 feet downslope from Coit Tower. It is located within the RH-3 (Residential – House, Three Family) Zoning District with an 40-X Height and Bulk District.

Julius' Castle is one of San Francisco's oldest continuously operated restaurants in its original location. Its design relies heavily from a number of popular stylistic movements at the time, including Storybook and Roadside architecture; while its design motifs are primarily derived from the Gothic Revival and Arts & Crafts Styles. The prominent character-defining-features include its corner turret and crenellated parapet, painted wood shingle cladding, and large-scale painted signage visible from the waterfront. The historic apartment structure's character-defining features include its gable roof form, projecting eaves, extended rafters, and recessed apartment stairs with arched openings.

PROJECT DESCRIPTION

A previous Certificate of Appropriateness was reviewed and approved by the Historic Preservation Commission (HPC) at its December 17, 2008 hearing (see attached Certificate of Appropriateness Case No. 2007.06553A) which addressed work cited within a Notice of Violation issued May 17, 2007 for work executed without benefit of permit, a Certificate of Appropriateness, or Zoning Administrator approval. The work associated with the Notice of Violation requires approval for the expansion of a detached structure located at the rear of the building, the expansion of the historic Arts & Crafts style apartment

structure, replacement of exterior doors and window, and replacement of a redwood fence with a new concrete wall. The previous C of A has since expired.

This current project proposes to address the work completed without benefit of permit, as well as additional exterior restoration work of the landmark building and property. The scope of work is limited to the building exterior and includes the restoration of several exterior elements, the removal of the expansion of the historic apartment structure and changing the openings at the detached structure to be compatible with the property. Specifically, the proposal includes:

- **Restore Original Roofline at Main Building.** Restore original roofline over the staircase at the southern elevation of the main building, which is highly visible from Montgomery Street and the Greenwich Steps by removing portions of the expansion that was executed without benefit of permit. The proposed roofline will restore the original Arts and Crafts/Gothic Revival articulation of the asymmetrical roof. Details will match the existing in material, profile, and finish.
- **Replace Non-Historic Wood Windows and Doors at Detached Building.** Replace existing non-historic windows and doors at the detached building and its expansion to doors and windows that are compatible with the landmark property.
- **Restore Redwood Fence.** Restore the redwood fence and gate at the entrance from the Greenwich Steps to match the aesthetic of the building by removing the existing non-historic concrete wall and wrought iron gate.
- **Replace Non-Historic Wood Doors.** Replace select doors with new wood doors compatible with the character of the landmark property.
- **Repair Exterior Wood Shingles.** Replace select areas of painted exterior wood shingles with new shingles to match existing in material, pattern, and finish.
- **Restore Crenellated Wood Parapet.** Restore original wood crenellations, wood parapet cap, and wood paneled moldings beyond repair with new elements that match existing in material, design, profile, and finish.
- **Repair the Third Floor Deck.** Repair the existing third floor deck by removing existing non-historic tiles, replacing existing waterproofing, repairing existing deck floor framing, and installing new tiles compatible with the landmark property.
- **Restore Exterior Stairway.** Clean and repair existing fabric awning. Refinish existing wrought iron handrail and gate. Clean the existing brick stairway wall and leave the brick exposed. Install new wood compatible door.
- **Paint Exterior.** Paint exterior of building including shingles, crenellated parapet, metal handrails and gates, and entrance canopy to colors that are historically accurate based on a historic paint

analysis conducted by a professional architectural conservator. Painting will also be performed with compatible materials and in a manner that are appropriate for the landmark property.

Please see photographs and plans for details.

UPDATE:

The Project Sponsor is proposing to return the subject building back to its condition prior to the above-cited work, except for a small addition to the detached building at the northwest corner of the property.

OTHER ACTIONS REQUIRED

None.

COMPLIANCE WITH THE PLANNING CODE PROVISIONS

The proposed project requires rear yard variance from the Zoning Administrator for the expansion within the required rear yard setback because the Project Sponsor is proposing not to remove the improvements at this location. The proposed project also requires a Conditional Use Permit for a proposed restaurant use since the previous nonconforming use as a restaurant in the RH-3 zoning district has been discontinued for a continuous period of three years.

APPLICABLE PRESERVATION STANDARDS

ARTICLE 10

Pursuant to Section 1006.2 of the Planning Code, unless exempt from the Certificate of Appropriateness requirements or delegated to Planning Department Preservation staff through the Administrative Certificate Appropriateness process, the Historic Preservation Commission is required to review any applications for the construction, alteration, removal, or demolition of any designated Landmark for which a City permit is required. Section 1006.6 states that in evaluating a request for a Certificate of Appropriateness for an individual landmark or a contributing building within a landmark district, the Historic Preservation Commission must find that the proposed work is in compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, as well as the designating Ordinance and any applicable guidelines, local interpretations, bulletins, related appendices, or other policies.

THE SECRETARY OF THE INTERIOR'S STANDARDS

Rehabilitation is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. The Rehabilitation Standards provide, in relevant part(s):

Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

The proposed work does not include a change of use. The subject building was constructed as a restaurant building, and will remain so. The proposed project is limited to the exterior of the building and property.

Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The proposed scope of work will focus on removing existing non-historic elements and additions executed without benefit of permit, as well as restoring the exterior of the building and property. The project includes restoring the original roofline over the staircase at the southern elevation of the main building by removing a non-historic addition, replacing non-historic door and window openings at the detached building with new door and window openings compatible with the landmark property, replacing select non-historic doors with new doors that are in character with the property, and removing the non-historic concrete wall and wrought iron gate and replacing it with a redwood fence and gate. The exterior restoration scope of work will mainly be repair and calls for replacement only where necessary. As outlined in the scope of work, architectural elements that can be repaired will be repaired, and only those areas that are structurally unsound or in an advanced state of repair will be replaced with substitute materials and/or elements. Exterior restoration work includes repairing wood shingles, the crenellated wood parapet, the exterior stairway, and painting the exterior of the building.

Standard 5: Distinctive features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property will be preserved.

The distinctive finishes and features of the landmark structure will be retained and preserved. New features introduced are sensitive and compatible to the landmark building and property and will also be differentiated from the existing in order to maintain clarity between what was original and what was added during this project. Staff has reviewed the proposed drawings of proposed replacement elements and confirmed that as outlined in the scope of work, distinctive features such as the crenellated parapet, wood shingles, windows, doors, wall, and roof eave will be preserved.

Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary physical evidence.

When possible, deteriorated features will be preserved through repair techniques such as cleaning, re-finishing, and Dutchman repair. Only where necessary will materials be replaced in like materials or with appropriate substitute materials, and refinished to match existing adjacent elements.

Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The expansion at the southern elevation of the main building that was executed without benefit of permit will be partially removed to restore the original roofline over the staircase. The expansion at the east end of the detached building which was also executed without benefit of permit will remain but the existing doors and windows will be replaced with new wood doors and windows. The new work will be differentiated from the old and will be compatible with the historic materials, features, features, size, scale and proportion, and massing of the landmark property.

Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The expansion at the east end of the detached building, if rehabilitated with new windows and doors, will not impact the essential form and integrity of the landmark property and its environment if removed in the future.

PUBLIC/NEIGHBORHOOD INPUT

The Project Sponsor met with the Telegraph Hill Dwellers Planning & Zoning Committee on July 12, 2012, March 6, 2013, and September 12, 2013. The Department has received no public input on the project at the date of this report.

ISSUES & OTHER CONSIDERATIONS

The previous Project Sponsor filed a Certificate of Appropriateness (C of A) Application (Case No. 2007.0653A) on June 27, 2007 and received approval by the HPC on December 17, 2008 (see attached decision documents – case report including motion) to restore the existing landmark property back to its original condition prior to the work executed without benefit of permit including restoring the original roofline over the staircase at the southern elevation of the building, removing the expansion of the detached building and restoring the door and window openings on the north elevation, restoring the crenellated wood parapet to its original configuration before the expansion at the detached building, replacing the wrought iron gate and concrete wall with a simple redwood fence and gate, and replacing all doors and windows installed with high-quality materials compatible with the landmark property.

The property has since been purchased by a new owner. The current Project Sponsor (also the new owner) filed a C of A (Case No. 2012.1197A) on September 19, 2012 to address portions of the scope of work outlined in the previous C of A application with the additional restoration scope of work including the replacement of windows and doors at the detached building, repair of exterior wood siding, restoration of existing crenellated wood parapets, repair of the third floor deck, restoration of the exterior stairway, and painting of the building exterior.

STAFF ANALYSIS

Staff has determined that the proposed work with some stipulated conditions will be in conformance with the requirements of Article 10 and the *Secretary of Interior's Standards for Rehabilitation*. Proposed work in conjunction with stipulated conditions will not adversely affect the landmark structure.

Exterior Roof and Wall Alteration & Repair. Staff finds that the historic character of the property will be retained and preserved by the careful repair and limited replacement of historic elements. Although the proposed removal of the southern end of the main building is only a portion of the expansion that was executed without permit, Staff has determined that the proposed removal will restore the original roofline over the staircase at the southern elevation of the building. Additionally, Staff has reviewed a wall and roof assembly details and determined that the restoration is appropriate. A condition of approval has been included to address the alteration to the wall and roof areas.

Window and Doors. Staff has reviewed the proposed window and door details and determined that the replacement of windows and doors at the detached building, as well as replacement of select doors are compatible with the existing landmark. A condition of approval has been included to address the new windows and doors, as well as the infill at walls.

Crenellated Parapet. Staff has reviewed the proposed details for the crenellated wood parapet and determined that repair and/or select replacement will match existing elements in material, design, profile, and finish. A condition of approval has been included to address the work to the repair to parapets including paneled moldings and the transition between the parapet and roof deck.

Third Floor Deck. Staff has reviewed the detail for the third floor roof deck and determined that the proposed deck replacement is appropriate for addressing waterproofing issues. A condition of approval has been included to address the selection of new floor tiles.

Redwood Fence. Staff has reviewed the general concept of a redwood fence and determined that the proposed removal of existing concrete wall and wrought iron fence and replacement with a simple redwood fence and gate is aesthetically compatible with the landmark property. The new redwood fence will have a 4-inch maximum curb as required to retain the southern edge of the property. A condition of approval has been included to address the work at the redwood fence.

Exterior Stairway. Staff has reviewed the treatment of the existing exterior stairway including the cleaning and repair of existing awning, repainting of existing wrought iron handrail and gate, the cleaning of existing brick wall and the installation of a new wood door in character of the property and determined that the approach will restore the building to its original character. Two options have been provided for the finish of the brick stair wall. Option 1 is maintaining the existing brick wall finish as is and Option 2 is to apply a stucco finish over the brick wall. The Project Sponsor proposes to apply a stucco coating over the existing brick veneer wall. Staff recommends that existing brick be left exposed since this stairway was not part of the original building, is differentiated with the historically scored stucco finish at the base of the landmark building, and is more compatible with the surrounding Greenwich Steps and adjacent retaining wall which abuts it. A condition of approval has been included to address the work to the brick wall and new door.

Painting. Staff has reviewed the proposed painting of the building exterior including shingles, crenellated parapet, and entrance canopy and determined that painting is compatible with the landmark property. A condition of approval has been included to address the painting work.

ENVIRONMENTAL REVIEW STATUS

The Planning Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One-Minor Alteration of Existing facility) because the project is a minor alteration of an existing structure and meets the *Secretary of the Interior's Standards*.

PLANNING DEPARTMENT RECOMMENDATION

Planning Department staff recommends APPROVAL WITH CONDITIONS of the proposed project as it appears to meet the *Secretary of the Interior Standards for Rehabilitation*. Staff recommends the following conditions of approval:

- That all work to abate the outstanding violation must be completed as part of this approval including removal of a portion of the expansion at the southern elevation of the main building to restore the original roofline, replacement of windows and doors at the detached building, the replacement of non-historic doors throughout the property, and the removal of the existing non-historic concrete wall and wrought iron gate and the installation of a new redwood fence and gate.
- That if it is determined that more than 50% replacement of the total exterior shingles, crenellated parapet, or any other character-defining features listed in the current scope of work is required, then a full conditions assessment be conducted and submitted for review and approval by the HPC a regularly scheduled hearing.
- That the brick surface at the exterior stair wall to remain unfinished without any coatings to preserve the character of the landmark property.
- Prior to issuance of the Architectural Addendum, dimensioned elevations, details, and sections where required showing all profiles and dimensions for all new proposed replacement elements as well as existing conditions including crenellated wood parapets including moldings at parapet wall, roof details at southern end of main building where the expansion is to be removed, new door for exterior brick stair wall, infill wall details at detached building where new windows and doors will be installed, and new redwood fence and gate details will be forwarded for review and approval by Planning Department Preservation Staff.
- Prior to issuance of the Architectural Addendum, dimensioned elevations showing specific locations where repairs and/or replacement work will be performed based on a conditions assessment will be forwarded for review and approval by Planning Department Preservation Staff
- Prior to issuance of the Architectural Addendum, specifications for exterior wood restoration, brick cleaning and restoration, cement plaster restoration, decorative metal restoration, exterior floor tile, exterior wood shingles, and exterior painting including restoration will be forwarded for review and approval by Planning Department Preservation Staff.
- Prior to issuance of the Architectural Addendum, a paint analysis report detailing the historic paint colors conducted by a professional architectural conservator, as well as the proposed paint colors and samples for the building exterior will be forwarded for review and approval by Planning Department Preservation Staff.

- Prior to issuance of the Architectural Addendum, samples of the new third floor deck tiles, redwood fence, glazing and finish for new wood doors and windows, and finish for new hardware will be forwarded for review and approval by Planning Department Preservation Staff.
- Prior to issuance of the Architectural Addendum, mock-ups of each of the following for review and approval by Planning Department Preservation Staff: 1) Repaired crenellated wood parapet, 2) Repaired wood shingle, and 3) New redwood fence.

ATTACHMENTS

Draft Motion

Parcel Map

Sanborn Map

Aerial Photos

Zoning Map

Site Photos

Previous Certificate of Appropriateness (2007.0653A) Decision Documents, Hearing Date: December 17, 2008

Certificate of Appropriateness Application (Current)

Sponsor Packet

Drawings

KW:G:\Kelly\02_Projects\COA\302 Greenwich Street\01_302 Greenwich_Case Report.doc

EXHIBIT C

DOCKET COPY
DO NOT REMOVE

SAN FRANCISCO
CITY PLANNING COMMISSION
RESOLUTION NO. 8592

WHEREAS, A proposal to designate Julius' Castle at 302 - 304 Greenwich Street as a Landmark pursuant to the provisions of Article 10 of the City Planning Code was initiated by the Landmarks Preservation Advisory Board on February 20, 1980, and said Advisory Board, after due consideration, has recommended approval of this proposal; and

WHEREAS, The City Planning Commission, after due notice given, held a public hearing on May 15, 1980 to consider the proposed designation and the report of said Advisory Board; and

WHEREAS, The Commission believes that the proposed Landmark has a special character and special historical, architectural and aesthetic interest and value; and that the proposed designation would be in furtherance of and in conformance with the purposes and standards of the said Article 10;

THEREFORE BE IT RESOLVED, First, the proposal to designate the aforementioned structure, Julius' Castle at 302 - 304 Greenwich Street, as a Landmark pursuant to Article 10 of the City Planning Code is hereby APPROVED, the precise location and boundaries of the Landmark site being those of Lots 4 & 5 in Assessor's Block 79;

Second, That the special character and special historical, architectural and aesthetic interest and value of the said Landmark justifying its designation are set forth in the Landmarks Preservation Advisory Board Resolution No. 193 as adopted on February 20, 1980, which Resolution is incorporated herein and made a part thereof as though fully set forth;

Third, That the said Landmark should be preserved generally in all of its particular exterior features as existing on the date hereof and as described and depicted in the photographs, case report and other material on file in the Department of City Planning Docket LMSO.5;

AND BE IT FURTHER RESOLVED, That the Commission hereby directs its Secretary to transmit the proposal for designation, with a copy of this Resolution, to the Board of Supervisors for appropriate action.

I hereby certify that the foregoing Resolution was ADOPTED by the City Planning Commission at its regular meeting of May 15, 1980.

Lee Woods, Jr.
Secretary

AYES: Commissioners Bierman, Dearman, Karasick, Nakashima,
Rosenblatt, Starbuck.
NOES: None.
ABSENT: Commissioner Sklar.
PASSED: May 15, 1980.

LANDMARKS PRESERVATION ADVISORY BOARD

of the

SAN FRANCISCO

CITY PLANNING COMMISSION

RESOLUTION NO. 193

WHEREAS, A proposal to designate the Julius' Castle, 302-304 Greenwich Street as a Landmark pursuant to the provisions of Article 10 of the City Planning Code has been heard and considered by the Landmarks Preservation Advisory Board; and

WHEREAS, The Advisory Board believes that the proposal Landmark has a special character and special historical, architectural and aesthetic interest and value; and that the proposed designation would be in furtherance of and in conformance with the purposes and standards of said Article 10;

NOW THEREFORE BE IT RESOLVED, That this Advisory Board does hereby initiate the designation of Julius' Castle, 302-304 Greenwich Street as a Landmark pursuant to the provisions of Article 10 of the City Planning Code and recommends to the City Planning Commission that this designation proposal be APPROVED:

AND BE IT FURTHER RESOLVED, That

- 1) the precise location and boundaries of the landmark site are to encompass Lots 4 and 5 in Assessor's Block 79 on which the Julius' Castle, 302-304 Greenwich Street is located, and
- 2) the description of
 - a) the special character or special historical, architectural or aesthetic interest or value are described and depicted in the photographs and other materials on file in the Department of City Planning in Docket No. IM80.5 and as more fully set forth in the Landmarks Preservation Advisory Board's case report titled "Final Case Report, Julius' Castle, February 20, 1980," and
 - b) the particular features existing as of this date which should be preserved are those shown on the said photographs and described in said case report and in other material on file in the Department of City Planning in Docket No. IM80.5.

AND BE IT FURTHER RESOLVED, That the Board hereby directs its Secretary to report this action and to submit a copy of this Resolution to the Planning Commission for further action in accordance with the said Article 10.

Docket Copy
Do NOT remove

SAN FRANCISCO
CITY PLANNING COMMISSION
RESOLUTION NO. 8592

WHEREAS, A proposal to designate Julius' Castle at 302 - 304 Greenwich Street as a Landmark pursuant to the provisions of Article 10 of the City Planning Code was initiated by the Landmarks Preservation Advisory Board on February 20, 1980, and said Advisory Board, after due consideration, has recommended approval of this proposal; and

WHEREAS, The City Planning Commission, after due notice given, held a public hearing on May 15, 1980 to consider the proposed designation and the report of said Advisory Board; and

WHEREAS, The Commission believes that the proposed Landmark has a special character and special historical, architectural and aesthetic interest and value; and that the proposed designation would be in furtherance of and in conformance with the purposes and standards of the said Article 10;

THEREFORE BE IT RESOLVED, First, the proposal to designate the aforementioned structure, Julius' Castle at 302 - 304 Greenwich Street, as a Landmark pursuant to Article 10 of the City Planning Code is hereby APPROVED, the precise location and boundaries of the Landmark site being those of Lots 4 & 5 in Assessor's Block 79;

Second, That the special character and special historical, architectural and aesthetic interest and value of the said Landmark justifying its designation are set forth in the Landmarks Preservation Advisory Board Resolution No. 193 as adopted on February 20, 1980, which Resolution is incorporated herein and made a part thereof as though fully set forth;

Third, That the said Landmark should be preserved generally in all of its particular exterior features as existing on the date hereof and as described and depicted in the photographs, case report and other material on file in the Department of City Planning Docket LMSO.5;

AND BE IT FURTHER RESOLVED, That the Commission hereby directs its Secretary to transmit the proposal for designation, with a copy of this Resolution, to the Board of Supervisors for appropriate action.

I hereby certify that the foregoing Resolution was ADOPTED by the City Planning Commission at its regular meeting of May 15, 1980.

Lee Woods, Jr.
Secretary

AYES: Commissioners Bierman, Doarman, Karasick, Nakashima,
Rosenblatt, Starbuck.

NOES: None.

ABSENT: Commissioner Sklar.

PASSED: May 15, 1980.

ORDINANCE DESIGNATING LANDMARK

FILE NO. 90-80-10.

ORDINANCE NO. 444-80

DESIGNATING JULIUS' CASIE

AS A LANDMARK

PURSUANT TO ARTICLE 10 OF THE CITY PLANNING CODE.

Be it Ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby finds that

Julius' Casie located at 302-Or Greenwich St., being lot 4 & 5 in Assessor's Block 79, has a special character and special historical, architectural and aesthetic interest and value, and that its designation as a landmark will be in furtherance of and in conformance with the purposes of Article 10 of the City Planning Code and the standards set forth therein.

(a) Designation. Pursuant to Section 1004 of the City Planning Code, Chapter II, Part II of the San Francisco Municipal Code,

Julius' Casie is hereby designated as a landmark, this designation having been duly approved by Resolution No. 8592 of the City Planning Commission, which Resolution is on file with the Clerk of the Board of Supervisors under file No. 90-80-10.

(b) Required Data. The descriptions of the location and boundaries of the landmark sites; of the characteristics of the landmark which justify its designation; and of the particular features that should be preserved; as included in the said Resolution, are hereby incorporated herein and made a part hereof as though fully set forth.

APPROVED AS TO FORM:

RECORDED:

CLERK AGAINST
CITY ATTORNEY

CITY PLANNING COMMISSIONER

By David S. Harwood
Deputy City Attorney

By Paul V. Dunne
Deputy Director of Planning

Passed for Second Reading
Board of Supervisors, San Francisco

AUG 23 1980

Ayes: Supervisors Bardi, Bello, Hernandez, Patach, ...
Absents: ...

Non-voting: ...

Absent: Supervisors... RENNIE WARD

William E. Harrison Clerk

Read Second Time and Finally Passed
Board of Supervisors, San Francisco

SEP 2 1980

Ayes: Supervisors Bardi, Bello, Hernandez, Patach, ...
Absents: ...

Non-voting: ...

Absent: Supervisors... KORNIZY WALKER WARD

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

William E. Harrison Clerk

90-80-10 SEP 5 1980
File No. Approved

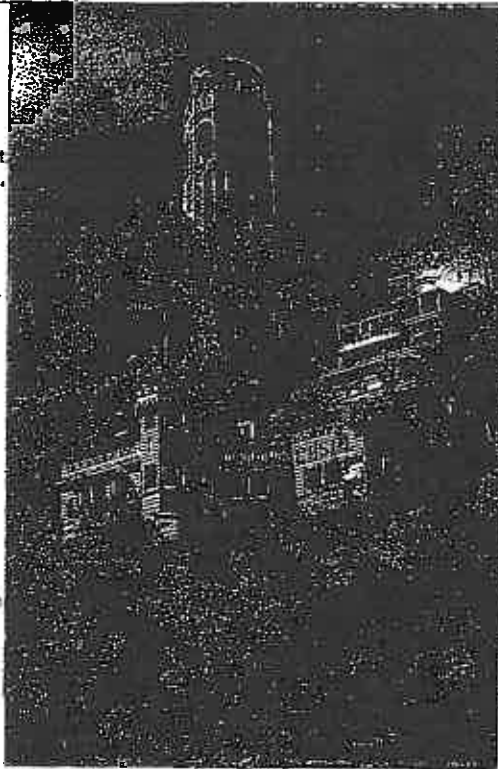
William E. Harrison Mayor



LANDMARKS PRESERVATION ADVISORY BOARD
100 LARKIN STREET • CIVIC CENTER • SAN FRANCISCO • 94102
FINAL CASE REPORT, JULIUS' CASTLE FEBRUARY 20, 1980

BUILDING NAME Julius' Castle OWNER: Albert & Loretta Pollack
BUILDING ADDRESS 302-304 Greenwich BLOCK AND LOT: 79/4 & 5 ZONING RH-3

BACKGROUND Restaurant with
Original occupant/use: Apartment above.
Current occupant/use: Same
No. of stories: 2 plus basement.
Exterior Materials: Painted shingles.
Window Type: Bay, picture, Gothic, casement
Interiors: Notable view & rosewood panels.



CRITERIA

A. Architecture

Style: Carpenter Gothic/Arts & Crafts.
Type of Construction: Frame.
Date of Construction: 1923 & 1928
Design Quality: Unique
Architect/Builder: L. Mastropasqua.

B. History

(a brief narrative associating the building with persons, events and/or patterns of significance):
Created and run for over 20 years by Italian immigrant Julius Roz, a colorful local figure. Shape recalls wooden castle built in 1882-4 farther up Greenwich, destroyed 1903. One of SF's oldest restaurants with continuing name & location. Slice of history of Italian & restaurant communities. Celebrity place.

C. Environment

(relation to surroundings in terms of continuity, setting and/or importance as a visual landmark) A visual landmark. With the tower, the undeveloped hillside around and the painted name, Julius' Castle is notable on the Embarcadero from Montgomery almost to Union. Contributes a whimsical note. Appropriate to neighborhood in bulk and land coverage.

D. Integrity

(cite alterations, if any, and current physical condition)
1928 addition blends with the rest. Painting of originally natural shingles contributes to visual landmark quality. Swiss-chalet-style ballustrades replaced by solid shingled walls. Lean-tos added. Needs replacement shingles, paint.

RATINGS

DCP INVENTORY 1-E7-2	HERITAGE	HERE TODAY too new	LPAB VOTE 7-0 CPC VOTE	STATE LANDMARK no NAT'L LANDMARK no NAT'L REGISTER eligible
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STATEMENT OF SIGNIFICANCE

(pertaining to special character or special historical, architectural or aesthetic interest or value)

A unique building, Julius' Castle is a well-known visual landmark on the northeast cliff of Telegraph Hill. Italian architect Louis Mastropasqua planned it to echo Layman's wooden castle which had stood nearby 1882-1903, and to reflect the Arts and Crafts movement in which he had been active. A favorite with celebrities in entertainment, politics and business, the restaurant is a living slice from the history of the local Italian and restaurant communities.

(cont'd on back)

BIBLIOGRAPHY: list original sources on back of this page. PREPARED BY Anne Bloomfield.
ADDRESS 2229 Webster St. S.F. 94115
DATE Jan. 24, 1980

SOURCES: David F. Myrick, San Francisco's Telegraph Hill (Berkeley, 1972),
7, 40-51, 63, 67-68, 84, 86-88, 106-07, 109-13, 196-97.

Jerry Flamm, Good Life in Hard Times (SF, c. 1978), 57-58.

Building Permit records for 300-304 Greenwich, especially # 114973
of 20 March 1923 and # 170468 of 24 July 1928.

"Some Recent Work by L. Mastropasqua, Italian Architect,"
Architect and Engineer, xviii/1 (Aug. 1909), 89-92.

Davis' Commercial Encyclopedia of the Pacific Southwest (Berkeley, 1911), 221.

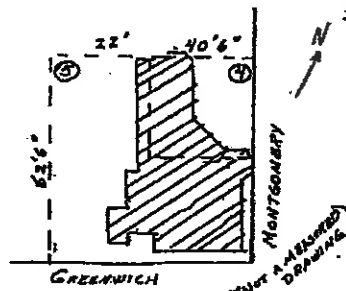
"Julius's Castle", menu/postcard (at CHS), hand dated "1928".

Edith Shefton and Elizabeth Field, Let's Have Fun in San Francisco
(SF, 1939), 60.

City and Telephone directories.

interviews with: Mrs. Ruth Cuneo, Robert Bertini, Mario Ciampi,
George Cruny, Mrs. Balfour Douglas, David Myrick,
Alan Palmer, Diana Parker.

CASE REPORT



DOCKET COPY
DQ NOT REMOVE

JULIUS' CASTLE
302-304 Greenwich
OWNER: Albert & Loretta
Pollack

LOCATION:
302-304 Greenwich,
northwest corner of
Montgomery, being lots
4 & 5 in Assessor's
Block 79.

STATEMENT
OF SIGNI-
FICANCE:

A unique building, Julius' Castle is a well-known visual landmark on the northeast cliff of Telegraph Hill. Italian architect Louis Mastropasqua planned it to echo Layman's wooden castle which had stood nearby 1882-1903, and to reflect the Arts and Crafts movement in which he had been active. A favorite with celebrities in entertainment, politics and business, the restaurant is a living slice from the history of the local Italian and restaurant communities.

QUALITY
RATING:

1-E7-2 on the 1976 Architectural Survey, DCP; its construction date excludes it from Here Today.

HISTORY:

Julius' Castle was built in 1923 and 1928 as a restaurant with apartment above. In 1923 restaurateur Julius Roz hired architect Louis Mastropasqua to design and supervise construction of the tower and the part of the building to its west and south, two stories with basement. In 1928 Roz, without architect, engineer or contractor, extended only the restaurant story to the north of the tower.

While Julius' Castle is not on the very top of Telegraph Hill, it is only about 150 feet away from the Coit Tower parking lot where another towered and battlemented wooden castle used to serve refreshments and views in the nineteenth century. Real estate man Frederick O. Layman built the "German" castle in 1882, enlarging it in 1884, as an attraction for business on his short-lived Telegraph Hill cable car line. The castle made the cover of Harper's Weekly on 23 May 1886, as background for one of the medieval-style sword contests on horseback staged by Duncan Ross, the castle's lessee at the time. After that novelty wore off, various operators tried the castle's observatory-and-refreshments business, but transportation was a problem and the castle stood empty, labeled "Layman's Folly." Early in 1903 it was opened again by the Emile Vincent family, only to be finally destroyed by fire in July of the same year. In his ballad of "Telygraft Hill" (composed some time before Sunset published it in May 1904), Wallace Irwin wrote:

Sure Telygraft Hill has a castle from Wales
Which was built by a local creator.
He made it av bed-slats wid hammer and nails
Like a scene in a stylish the-ay-ter.
There's rats in th' castle o' Telygraft Hill,
But it frowns wid an air of its own
For it's runnin th' bloof that owld Telygraft Hill
Is a sthrong howld of morthor and shtone.

As both Julius Roz and Louis Mastropasqua had arrived in San Francisco from Italy in 1902, just in time to appreciate this earlier castle, they must have had it in mind in their 1923 construction. Each of the castles focused on a hexagonal tower with similar battlements. Each had living quarters for the proprietor upstairs, and public rooms downstairs where the view was appreciated and food served. The unique-in-San Francisco style and the isolated hilly site have made each castle a visual focus from the flatland and waterfront northeast of Telegraph Hill. Julius' Castle differs from its predecessor in being smaller, and successful. Perhaps the castle idea was also suggested by Roz' customers at a former restaurant, Harry and Mary Lafler, who encouraged Roz to build a restaurant near them on the hill.

HISTORY
(CONT.)

His building site at the northwest corner of Greenwich and Montgomery had housed Michael Crowley's two-story, false-front grocery store at least as early as 1886, before quarrying destroyed a row of houses to its north on Montgomery. Later the John B. Minic family built their home here, on a large concrete foundation which remained after the house was destroyed by fire probably about 1918. That year the Minic sold the site to Mary Frances Smith, who resold it to Julius Roz, the sale recorded 17 Jan. 1923. Roz lost no time. Mastropasqua's Building Permit Application #114873 is dated 20 March 1923, and "Julius' Castle" appears among the restaurant listings of the April 1923 phone book, though probably it had not yet opened. It did open later that year.

This 1923 food service date places Julius' Castle among the dozen or two oldest SF restaurants operating with both their present names and locations. Older, of course, are Jack's, the Far East Cafe, John's Grill and Mayo's Cyster House on Polk. While the Poodle Dog, Sam's, Tadino's and Fior d'Italia are all older as restaurant identities, their locations have changed; Julius' Castle's has not.

The original Mastropasqua building covered a space only about 26 feet wide by 32 feet deep, the latter dimension being exactly the depth of this leg of Roz' L-shaped Lot 5. In November 1926 he was able to buy Lot 4 to the north, which with Lot 5 completes a 62-foot square. On 24 July 1928 Roz himself filed Building Permit Application #170468 to "extend dining room on the north side," to the back of Lot 4. Obviously this site offers excellent views for the clientele, in addition to extending the commercial area; the original 32x36-foot space for both kitchen and customers must have limited profits severely. The 1928 application shows no architect, engineer or contractor, but only "day labor." Presumably Julius Roz designed, hired workmen, and supervised construction himself.

Original architect Louis Mastropasqua was a native of Brescia, near Milan. Born in 1870, after schooling in Brescia he attended the University at Naples and graduated in 1899 from the (Italian) Royal Polytechnic School, specializing in civil engineering and architecture. For three years he studied architecture and art in Japan and China, traveling and observing also in India, Java and Africa. On his return in 1902, he stopped over in San Francisco and, though he knew no English, stayed. The bulk of his work was in the Italian community, but he quickly picked up the language and was able to profit by the building boom that followed the 1906 fire. According to Architect and Engineer he designed San Francisco's first reinforced concrete structure to go up after the catastrophe, the Nunziato pasta factory at 415 Broadway near Montgomery. His work included many residences, and buildings for the Taccheri funeral company at 1548 Stockton, the Domestic Laundry on South Van Ness between 16th and 17th and, by hearsay, several other restaurants. Members of his wife's family the Cuneos say he designed for them the Canessa Building at 708 Montgomery (1906) and various income residential holdings, including a castle-like one on Harboro Street in Redwood City. He was an artist as well as an architect, and leading cartoonist for the Italian paper La Vita Italiana. His nephew Robert Bertini remembers Mastropasqua had a well-equipped basement workshop where he crafted beautiful items in wood and/or iron; so he seems to have approached the multi-skilled, multi-culture-knowing ideal of the Arts and Crafts movement. In 1909 Architect and Engineer published three of his Arts-and-Crafts designs. Architect Mario Ciampi believes he did a number of garages in the 1920s, work for which his engineering education particularly suited him. As late as 1952 Mastropasqua was practicing, as always, at 580 Washington.

In the early days there were hardly any other buildings near Julius' Castle, except the Laflers' "Compound," at the southwest corner of Montgomery and Greenwich, which has been replaced. Before the 1931 construction of the Montgomery Street cornice, customers driving to the restaurant had to turn their cars around on a turntable rather like those used for cable cars. The restaurant's long-time car hop Victor Merrill used to jump on a customer's running board at Grant, guide him up the hill, manipulate the turntable and drive back down to park for him. At the corner

HISTORY (CONCL.): of Union and Montgomery there used to be a hand-shaped sign pointing to the Castle.

Food in the early days had a distinctly Italian leaning, as it does today. A Prohibition-era menu--seven courses for two dollars--included the mixed hors d'oeuvre found now in so many places, red-and-white-and-green tagliarini, and banana fritters. This same menu boasted it was "one of the most beautiful spots in creation, and while eating our excellent dinners, patrons will enjoy a marvelous panorama." A 1939 city guide enthused:

Worth the price of a box seat at the Opera, for the incomparable view of the Eastbay, Treasure Island and . . . But Julius has much more than this to offer. To taste his fish sauce supreme, his tagliarini and his banana souffle is to have a glimpse of an epicure's heaven.

Later the place was known for its Smorgasbord-style lunches, but always with mostly Italian food. And the staff used to be about 90% Italian-Americans.

Julius' Castle has had links with a number of other San Francisco restaurants. Roz himself had been a waiter when he first came to town, then he managed the Dante Restaurant at 536 Broadway, later one at 671 Union, and at some time Begin's on Columbus. In the late 1920s he had a partner named William C. Olsen, who simultaneously was a partner in J.J. Olsen & Sons' restaurant at 446 Market. After Roz died in 1943, the Castle was taken over by Emile Brosio who, about five years later, founded the modest Montclair at 550 Green, where the Isle of Capri had been and the New Piza is now. Brosio also taught at City College's hotel/restaurant school. At the Castle Brosio made a partner of busboy-turned bartender Steve Pedrusci, and then of waiter John Gambertoglio, who together carried on after Brosio left, known for their lunches. Leo Morese, the Castle's chef for 20 years, still works a little at his family's concern, the Columbus on Broadway. The partners sold Julius' Castle in the winter of 1968-69, and the present restaurant owners took over about six months later, first hiring Modesto Lanzone who had been at Vanessi's and went on to found his own Modesto's in Ghirardelli Square. The current management has roots in El Matador, Blue Fox and Los Gallos. The owner of the property has had connections with The Shadows, the Leopard, Tommy's Joynt, the Old Waldorf and others, and he is past president of the S.F. Restaurant Association.

Original owner Julius Roz was a colorful local figure. Born in Turin in northern Italy about 1869, he came to San Francisco in 1901 and worked in various restaurants, mostly in the North Beach area. He was connected with Telegraph Hill's Bohemia through his friends and customers Harry and Mary Lafler, the former an artist and newspaperman, who owned what was called "The Compound" just across the street. This was five cottages or shacks of salvaged lumber where artists lived and poet George Sterling came to visit. After he built Julius' Castle, Roz lived in the apartment upstairs, with his wife, daughter and two dogs from whom he was inseparable. Roz did everything in the restaurant: buyer, chef and maitre d'. Elcer Cavello of Lucca's told Jerry Flamm about him:

I'll never forget his driving down Union Street in North Beach in a (yellow) Chrysler Imperial convertible . . . He had a big, camel-hair polo coat on and wore a hat. He always had the convertible's top down and two beautiful collie dogs in the rumble seat, which had its own windshield and side windows to keep the wind off the dogs. . . . That a magnificent sight!

A hideaway with good food, ambiance, view and decor, Julius' Castle has attracted celebrities in politics, business and journalism. After movies like Dark Victory (1947) and House on Telegraph Hill (1950) were shot in the neighborhood, the latter using some Julius' Castle footage, entertainers came to the restaurant too.

**ARCHI-
TECTURE:** The Department of City Planning's 1976 Survey classifies Julius' Castle's style as "Miscellaneous Exotic." Its main component styles are Gothic Revival and Arts-and-Crafts.

REAR-
STRUCTURE
(CONCL.):

Structurally the building is wood frame over concrete foundation. The tower is cantilevered and propped over the hillside. Walls are white-painted shingles in alternating broad and narrow rows. Due to the hill's shape the concrete basement contains only the compressor room, storage, wine cellar in the former garage, and a loggia leading to the restaurant above. On the main floor are both the kitchen and the 64-seat restaurant, with a total floor area for both of perhaps 1,600 square feet. The apartment is above the original Mastropasqua building, with a deck over Roz' 1928 addition.

The corner tower is the most notable element in the composition, visible on the Embarcadero most of the way from Montgomery to Union. It gives rise to the name and recalls the earlier castle nearby. The hexagonal tower with its crenelated battlements and machicolation seems to be guarding its hillside, an appearance belied by huge windows on the restaurant level and somewhat smaller ones above. It's obviously a play castle, in the spirit of the Hansel and Gretel Fairyland houses of the 1920s in Berkeley and Carmel. Other Fairyland or Gothic Revival elements are the crenelation of the upper balconies and decks, a battlemented half-tower at the north end, a pair of pointed-arch windows on the east wall south of the tower, and painted-over narrow lancet windows on the tower itself.

Viewed from the auto turnaround the Mastropasqua part of the building is largely Arts and Crafts in style. The apartment above is asymmetrically placed to hug the hill. Its gently gable-ended, overhanging eaves with extended rafters and simple struts are typical of that movement, as are the shingles and the fact that no two openings match. A round-headed recess admits to the apartment; four shouldered openings, all of different sizes, pierce the shingled wall masking the apartment stairs. The restaurant interior is lined with beautiful rosewood arranged in patchworked panels. Natural-colored wood was an Arts and Crafts specialty, and Roz is said to have purchased these panels from the 1915 Panama Pacific Exposition.

Originally Julius' Castle looked more Arts-and-Crafts than it does now. The shingles were unpainted, the restaurant windows had vertical mullions, and the balcony railings were flat cut-out ballustrades in Swiss-chalet style. A photo c. 1930 shows a huge "Julius" sign apparently on a slice of redwood burl, and the shingles are already discredibly white, indicating both color and painted name may date from the 1928 addition. Hidden by the tower, the name is visible only from the waterfront, not to the neighbors. The addition harmonizes well with Mastropasqua's castle and its north tower reinforces the theme. Some of the later and less fortunate changes relate to repairs after fires in 1930, 1945, 1955 and perhaps 1963.

ZONING AND SURROUNDING LAND USE: The property is zoned RM-3; the restaurant is permitted as a limited Non-Conforming Use (NCU) exempt from termination date under Section 186 of the Planning Code. Height limit is 40 feet; subject building is 32 feet high. The property is surrounded on three sides by city land: Pioneer Park and the Greenwich and Montgomery right-of-ways. Apartment buildings are on the fourth side. Most notable in the surroundings is the steepness of the hill: Greenwich is steps in both directions, and Montgomery is entirely cut off. To the south the hill splits Montgomery into two levels, each bordered by apartments. Therefore Julius' Castle commands a sweeping view east and north, and it in turn notably visible from the Embarcadero.

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David F. Myrick, San Francisco's Telegraph Hill (Berkeley, 1972), 7, 40-51, 63, 67-68, 84, 86-88, 106-07, 109-13, 196-97.

Jerry Flamm, Good Life in Hard Times (SF, c. 1976), 57-58.

Building Permit records for 300-304 Greenwich, especially #11497 of 20 March 1923 and #170468 of 24 July 1928.

"Some Recent Work by L. Mastropasqua, Italian Architect," Architect and Engineer xviii/1 (Aug. 1909), 89-92.

David's Commercial Encyclopedia of the Pacific Southwest (Berkeley, 1911), 221.

"Julius' Castle" menu/postcard (at CHS), hand dated "1928".

Interviews with: Mrs. Ruth Cuneo, Robert Bertini, Mario Ciampi, George Crunty, Mrs. Balfour Douglas, David Myrick, Alan Palmer, Diana Parker.

PREPARATION: Anne Bloomfield, 2229 Webster, LP 94115, 922-1063; Jan-Feb 1980.

CASTLE ON THE HILL

By Catherine Accardi

Castle (from Latin castellum) a type of fortified structure built and inhabited in Europe during the Middle Ages by European nobility.

Rarely does one find a castle clinging to a hill in the center of an urban area. Julius' Castle, at 302 Greenwich St. where it meets Montgomery Street, is the exception. The castle, while certainly well built (although not quite "fortified"), was the residence and business establishment of a beloved San Francisco "noble" by the name of Julius Roz. Julius' Castle was a leading San Francisco restaurant for more than 87 years, and is San Francisco landmark No. 121, designated as such on Oct. 5, 1980.

The History

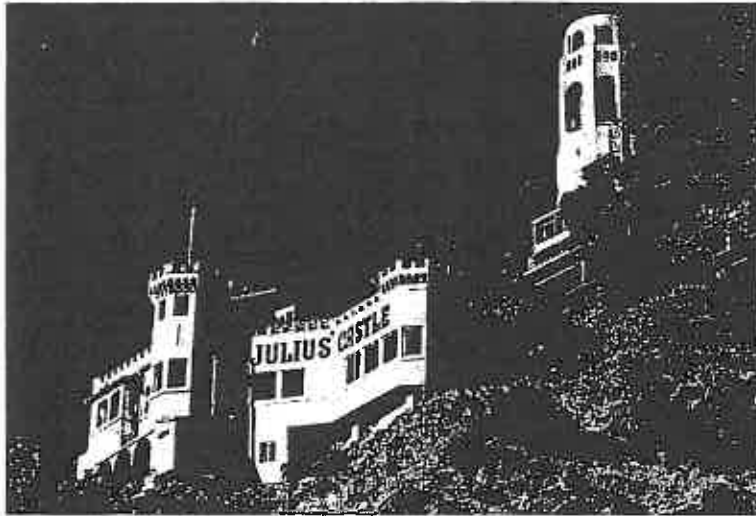
So, how did this urban castle come to be? It all began with building permit No. 114873 (dated March 20, 1923), when Roz, a local Italian restaurateur, began work on the castle-like structure perched on one of Telegraph Hill's many precipices. In 1886, the site had been the location of Michael Crowley's two-story grocery store. Later, the John Misi family built their home there only to have it destroyed around 1918 by fire. In 1924, less than a year after construction on the Castle began, food service was under way, establishing Julius' Castle as among the oldest San Francisco restaurants at its original location with its original name.

With Roz's collaboration, civil engineer and architect Louis Mastropasqua designed this amazing structure that combines fairytale elements, such as pointed arched windows and medieval-style bartlements on the upper balconies, all mixed with Gothic Revival and Arts-and-Crafts influences. Interior wood paneling was reputedly purchased by Roz from the city's 1915 Panama Pacific International Exposition. The words "Julius' Castle," on redwood on the front, were added by Roz in 1928.

At the time, Montgomery Street was little more than a dirt trail wide enough for one vehicle. Because the street was so narrow, a turntable was installed in 1931 at the dead-end in front of the castle and an employee turned cars around and parked them.

During Prohibition, Julius' Castle became a speakeasy for the carriage trade. Its patrons watched the Bay Bridge being constructed and completed in 1936. Regulars witnessed the apparition of Treasure Island as it was dredged from the bottom of the bay for the World's Fair of 1939-40. They also saw the wartime fleet moving in and out during World War II.

When Julius Roz died in 1943, the property passed through several owners, though it always retained its name. It had been a popular celebrity hangout for local politicians (Table 34 was the mayor's table), musicians such as Huey Lewis and Hollywood actors, including Robert Redford, Cary Grant, Sean Connery, Marlon Brando and Ginger Rogers. Even famed Mount Everest



Julius' Castle below Coit Tower on the east slope of Telegraph Hill

COURTESY SAN FRANCISCO HISTORY ROOM, S.F. MARY LAMAR.

climber Sir Edmund Hillary was a patron.

With help from the Telegraph Hill Dwellers, the property earned landmark status in 1980, just prior to purchase by San Franciscan Jeffrey Pollack. The local restaurant mogul would become the castle's longest-running proprietor, owning and operating it for 26 years. The Pollacks sold the property to Jim Payne in 2006. He refurbished the interior, made several interior alterations and reopened in 2007, only to close in 2008. Now it remains closed and seemingly abandoned after operating as a restaurant for more than 80 years.

Mr. Julius Roz

Julius Roz was born in Turin, Italy, around 1868. He arrived in San Francisco in 1902, working in various North Beach restaurants as a bus boy and waiter. Later, he became manager of several eateries, including the Dante Restaurant at 536 Broadway. At Julius' Castle, he was all things to the restaurant: buyer, chef and maître d'. A 1939 city guide comments on Roz's cooking: "To taste his fish sauce supreme, his ragoutini and his banana soufflé is to

have a glimpse of an epicure's heaven."

He was friends with many other local business persons and residents, including Harry Laffer, an artist and newspaperman and owner of the "Compound," consisting of five or so cottages where artists lived, just across the street from Julius Castle on the Greenwich Steps. Thus Roz's association with Bohemian North Beach.

Roz lived in the apartment above the restaurant with his wife, daughter and two dogs, from which he was inseparable. Elmer Gavello, of Lucca's restaurant, describes seeing Roz with his dogs. "I'll never forget him driving down Union Street in North Beach in a yellow Chrysler Imperial convertible... He always had the convertible's top down and two beautiful collie dogs in the rumble seat, which had its own windshield and side



Louis Mastropasqua
COURTESY SAN FRANCISCO HISTORY ROOM, S.F. MARY LAMAR.

windows to keep the wind off the dogs...What a magnificent sight!"

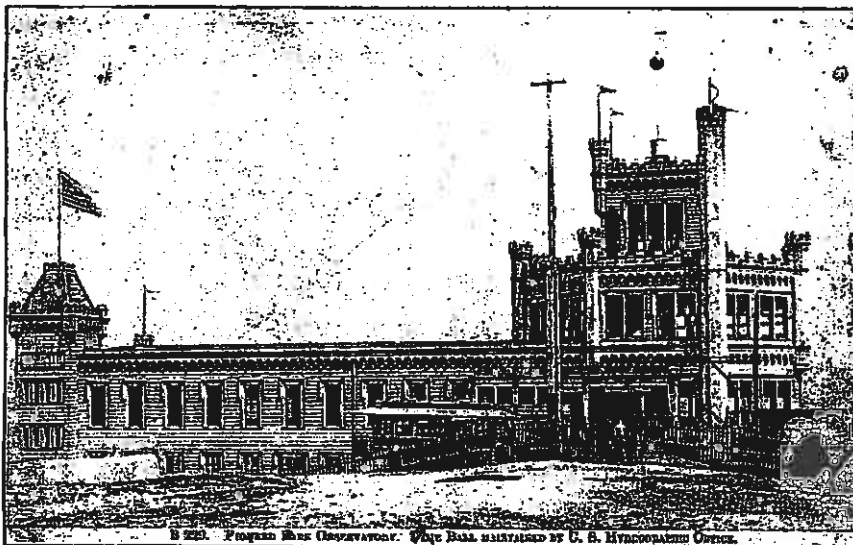
The Architect, Louis Mastropasqua

Louis Mastropasqua was born in Brescia, Italy, near Milan, in 1870, graduating in 1899 from the Italian Royal Polytechnic School, specializing in civil engineering and architecture. He traveled, studying architecture and art in Japan, China and Africa before his arrival at San Francisco in 1902. He spoke no English, but quickly learned the language and established himself as an architect of repute in the Italian community, especially after the building boom following the 1906 earthquake and fire.

One of Mastropasqua's first designs was the Nunziato pasta factory at 415 Broadway near Montgomery. In addition, he designed a number of residences, including the Charles Bovone house (1908) at 68 Macondary. He was also a noted cartoonist for the Italian paper "La Vita Italiana."

Historic records indicate Mastropasqua's collaboration with Roz on the unique design of the Castle was in part inspired by Frederick O. Layman's wooden castle, which had stood nearby atop Telegraph Hill between 1882 and 1903. Layman built the "German" castle

continued on page 5



COURTESY SAN FRANCISCO HISTORY ROOM, S.F. MARY LAMAR.

Julius' Castle *continued from page 3*

as a business venture and cable car terminus of his proposed observatory and restaurant. Known to residents as "Layman's Folly," the structure was destroyed by fire in 1903. As Rox and Mastopasqua had arrived in San Francisco from Italy in 1902, they were able to ponder the first "Castle" on Telegraph Hill. Apparently, this gazing was inspirational, as 20 years later Julius Castle was created.

Rox's castle was well thought out, achieving a unique restaurant setting on a world famous hill, providing customers with unparalleled views, providing neighboring residents with quite a sight, visible from down the street, down the hill, from the waterfront and from passing ships.

The Landmark

Well, of course it's a landmark! The San Francisco Planning Dept's 1976 Architectural Survey bestowed a "high quality rating" on our neighborhood gem. The survey classifies Julius Castle's style as "Miscellaneous Exotic," with its main component styles as Gothic Revival and Arts-and-Crafts. It is a wood-frame building over a concrete foundation. A basement contains the compressor room, storage, wine cellar in a former garage and a loggia leading to the restaurant. The main floor houses the kitchen and the approximately 64-seat restaurant. The apartment is above. The landmark report, available for viewing at the San Francisco Planning Department, is a wealth of detailed information regarding the Castle's architectural merit.

In the Media:

The booklet, "Bohemian Eats of San Francisco," by Jack L. and Hazel Blair Dodd describe the Julius Castle ambience and dining experience:

"...Should you get lost on the way up the hill, the small boy by the roadside will give you directions as only a small boy can. Many Italian eateries display their national colors of red, green and white. Here you can eat them in the form of red, green and white tagliarini. As you arrive, and during your meal, Sandy will greet you with a smile and tail wag as Sandy is a collie dog. He will ask to play with you. Sandy has played with such celebrities as Jackie Coogan, Lon Chaney and Douglas Fairbanks. Yes, indeed, your host Julius Rox, has received radiograms from ships at sea on their return, asking that reservations be made for passengers as soon after their ship docks as is possible. Lunch from 12 to 2, \$1.50 — Dinner from 6 to 9, \$2.00."

In Films:

"The House on Telegraph Hill" — 1951. 20th Century Fox, Director: Robert Wise

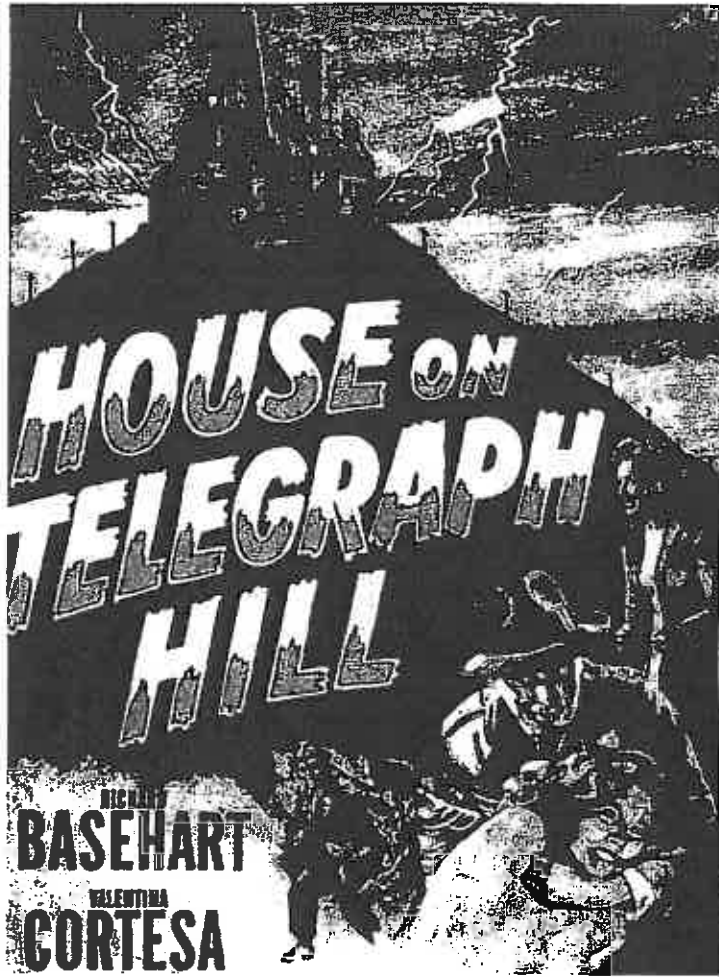


PHOTO VIA THE 1951 "HOUSE ON TELEGRAPH HILL," COURTESY 20TH CENTURY FOX

According to film archives, 20th Century Fox used the front of Julius Castle in this movie. Creative changes to the structure were made so that it would look like the entrance to a stately home. These alterations to the exterior were created by building a façade around the castle.

"The Raging Tide" (1951) Universal International Pictures, Director: George Sherman

One scene from this movie shows Shelly Winters running out of Julius Castle, pausing on the entrance steps for an emotional dialogue. City lights are the backdrop. In another scene, Winters is having brandy at the bar in Julius Castle talking to a bartender.

The Present

My contact with the property's leasing and sales associate brought unfortunate news. The Castle has neither been leased nor sold. It continues to sit empty, occupied only by memories.

The concern is that, although a registered San Francisco landmark, the designation can be nullified and demolition could ensue, according to a San Francisco ordinance that states that to tear down a city landmark, owners must prove there is no economic use for the property. If the structure is vacant, not being used in three years for its intended purpose (in this case a restaurant), the landmark status can be voided.

Nowadays, the Castle sits empty, abandoned and seemingly unloved. Just one more time, I want to walk by 302 Greenwich and imagine two frisky collies running around and the delicious aroma of Italian sauce mixing in nicely with cool bay breezes.

Catherine Accardi is a native San Franciscan born on Telegraph Hill. She has been a long-standing member of The Telegraph Hill Dwellers and the San Francisco Historical Society. In 2010, her book "San Francisco's North Beach and Telegraph Hill" was published by Arcadia Publishing. Her latest book, "Images of America-San Francisco Landmarks," will be released in the winter of 2012. She welcomes other information readers may have about Julius' Castle. She may be contacted at caaccat@comcast.net.

**The CASTLE of JULIUS
IN SAN FRANCISCO**

Hires on the side of Telegraph Hill
At the end of the road,
Sands a little White Castle,
Dedicated to the comfort of man,
Gracefully it clings to its place.
In the sun and personal flowers
Garland its gabled roof. Its
Beard, curving windows look out
Upon a panorama of infinite variety
And wondrous beauty. Between the
Golden Gate and the far-dying
Purple hills, amidst cities edge down to
The Great Bay in a vast expanse,
And the Ships of the World rest
At anchorage in the peaceful harbor,
Flung across the hills of acidulating waters
Lofly builders, marchless in their might,
Bear countless thousands in hectic haste
While along the curving spans as yet
Of iron, myriads of light buses loom
To form a golden necklace from
Shore to shore. No noisy crowds
Are welcomed to the Little White Castle to
Mar the stone with their merry antics,
No blazant plumes of horns or crash of brass
Disturb the peace of those who come to
Dine on viands prepared by master hands,
And sip their liquid sustenance from
California's golden grapes. All who
Know and love good food, or the Searing
Taste of warming wine, a pleasing
Welcome they will find from us.
Host Julius, who for forty years has
Greeted the Travelers of the World
Who come back to the Little White Castle
At the End of the Road.

—EWELL D. MOORE.

An Appreciation
Los Angeles, January 29, 1940.

**Julius
Castle**

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ASK MR. FOSTER TRAVEL SERVICE
W. HUBBARD
MULLEN 0245



World's renowned restaurant overlooking beautiful
San Francisco Bay... famous for its fine cuisine

302 Greenwich Street
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San Francisco 11, California



COURTESY SAN FRANCISCO HISTORY SOCIETY, LE PHEU LAMMAY

EXHIBIT D



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Appropriateness Case Report

Hearing Date: December 17, 2008, originally continued from October 1, 2008,
originally continued from July 16, 2008.

Filing Date: June 27, 2007

Case No.: 2007.0653A

Project Address: 302 Greenwich Street

Zoning: RH-3 (Community Business)
40-X Height and Bulk District

Block/Lot: 0079/005

Applicant: Reza Khoshnevisan
SIA Consulting Corporation
1256 Howard Street
San Francisco, CA 94103

Staff Contact: Tim Frye - (415) 575-6822
tim.frye@sfgov.org

Reviewed By: Mark Luellen - (415) 558-6478
mark.luellen@sfgov.org

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

Reception
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROPERTY DESCRIPTION

The subject building is City Landmark #121, Julius' Castle, constructed in 1923 and expanded in 1928. It is located on Telegraph Hill about 150 feet downslope from Coit Tower.

Julius' Castle is one of San Francisco's oldest continuously operated restaurants in its original location. Its design relies heavily from a number of popular stylistic movements at the time, including Storybook and Roadside architecture; while its design motifs are primarily derived from the Gothic Revival and Arts & Crafts Styles. The prominent character-defining features include its corner turret and crenellated parapet, painted wood shingle cladding, and large-scale painted signage visible from the waterfront. The historic apartment structure's character-defining features include its gable roof form, projecting eaves, extended rafters, and recessed apartment stairs with arched openings.

Please refer to the attached designation report and final resolution for more information regarding the subject building's significance.

PROJECT DESCRIPTION

This case was continued from the October 1, 2008 hearing to allow the Project Sponsor more time to work with the surrounding neighborhood and the Telegraph Hill Dwellers to find a solution for the concerns raised by the community.

This case was continued from the July 16, 2008 hearing in order for the Project Sponsor to meet with the Telegraph Hill Dwellers and to provide the Landmarks Board with more information regarding the conditions at the site before construction.

The proposal includes addressing work cited within a Notice of Violation issued May 17, 2007 for work executed without benefit of permit, a Certificate of Appropriateness, or Zoning Administrator approval.

In sum, the Notice of Violation (attached) requires approval for the expansion of a detached structure located at the rear of the building and the expansion of the historic Arts & Crafts style apartment structure. Other work completed without benefit includes the replacement of exterior doors in various locations.

UPDATE:

The Project Sponsor is proposing to return the subject building back to its condition prior to the above-cited work, except for a small addition at the rear of the restaurant.

OTHER ACTIONS REQUIRED

UPDATE:

The project no longer required a rear yard variance from the Zoning Administrator for its expansion within the required rear yard setback because the Project Sponsor is proposing to remove the improvements at this location.

COMPLIANCE WITH THE PLANNING CODE PROVISIONS

The proposed project meets all other requirements of the Planning Code.

APPLICABLE PRESERVATION STANDARDS

ARTICLE 10

A Certificate of Appropriateness is required for any construction, alteration, removal, or demolition of a designated Landmark for which a City permit is required. In appraising a proposal for a Certificate of Appropriateness, the Landmarks Preservation Advisory Board should consider the factors of architectural style, design, arrangement, texture, materials, color, and other pertinent factors. Section 1006.7 of the Planning Code provides in relevant part as follows:

The proposed work shall be appropriate for and consistent with the effectuation of the purposes of Article 10.

Pursuant to Section 1006.2(b) of the Planning Code, the Landmarks Preservation Advisory Board shall forward their recommendation to the Planning Commission for the determination of whether the project qualifies for a Certificate of Appropriateness at a duly noticed public hearing.

THE SECRETARY OF THE INTERIOR'S STANDARDS

Rehabilitation is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. In reference to the proposed project, the Rehabilitation Standards provide, in relevant part(s):

Standard 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Standard 9.

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

PUBLIC/NEIGHBORHOOD INPUT

The Project Sponsors met with the Telegraph Hill Dwellers Planning & Zoning Committee on August 7, 2008. Their concerns are outlined in a memorandum to the department (attached); however, the primary issues they would like resolved are as follows:

- Restore original roofline over the staircase at the southern elevation of the building, which is highly visible from Montgomery St. and the Greenwich Steps. The proposed roofline will restore the original Arts and Crafts/Gothic Revival articulation of the asymmetrical roof.
- Remove a portion of the rear addition and return the west wall to its prior location in junction with restoring the original roofline. The restoration of the subject area will restore the original entrance from the Greenwich Steps into the rear patio area of the property.
- Replace the existing new iron gate and new concrete wall at the entrance from the Greenwich Steps with a simple redwood fence to match the aesthetic of the building.
- Replace all new doors and windows with appropriate high-quality materials to be approved by the Preservation Department of the San Francisco Planning and the Landmarks Preservation Board.

STAFF ANALYSIS

Based on the requirements of Article 10, and the Secretary of Interior's Standards, staff has determined the following:

1. The primary or most notable perspective of the subject building is from the Embarcadero or the Waterfront; however, the designation report and staff identify the general character-defining features as all visible exterior elevations and architectural elements, including rooflines identified within the case report.

Based on a staff site visit depicted in the Exhibits portion of the submittal, photos A & B illustrate that the historic apartment stairs have been altered as part of the expansion. Its previous (historic) condition is best illustrated in the photograph submitted by the Project Sponsor, identified as Photo Q. Staff is requiring that this part of the expansion be reversed back to its previous condition. The Project Sponsor has complied and the submitted drawings reflect that revision.

Comparing the Project Sponsor's Photos N (Before Work) & J (After Work), staff believes that the remainder of the top-floor expansion, with the required removal of the portion over the historic apartment entrance, meets the Secretary of the Interior's Standards for additions to historic building in that the addition shall be clearly delineated, subordinate in nature to the original building, and shall not adversely impact any historic fabric that is visible from the public rights-of-way. The rear of the subject building is a secondary elevation and does not possess any of the character-defining features associated with the building. The expansion of the detached structure is not visible from the public rights-of-way and while it is mentioned within the designation report, it is the determination of staff that its alteration as completed does not adversely impact the subject building and meets the Secretary of the Interior's Standards.

2. The Project Sponsor has replaced a number of exterior doors. The replacement doors are reflected in Photo I. None of the exterior doors are visible from the public rights-of-way except for a door at the top floor to exit the turret onto an outdoor patio that faces the waterfront and Greenwich Street. The location of this door is best illustrated in the Project Sponsor's Historic Photo P.

While incompatible with the overall character-defining features of the subject building, the doors that are not visible from the public rights-of-way do not adversely impact the Landmark's ability to convey its significance. The door that is visible from the public rights-of-way; however, shall be replaced with a new door that is based on documented physical or pictorial evidence or one that is compatible with the architectural characteristics of the building.

Staff recommends that the replacement door be similar in material and arrangement to the door depicted in the Project Sponsor's Photos Historic Q & P. This door appears to be a wood frame door with a center fixed lite.

UPDATE:

Addition on Main Building: The Project Sponsor has revised the proposal to comply with the recommendation to reverse part of the addition over the historic apartment stair back to its previous condition. The Project Sponsor is not proposing to reduce the depth of the addition 4-feet as requested by the Telegraph Hill Dwellers. The Secretary of the Interior's Standards recognize that to remain viable, some buildings must change over time. Those changes should occur in locations and in a manner that minimizes the impact upon historic fabric. Staff believes that the existing addition, as revised exposing the sloping roofline of the historic apartment stair meets the Secretary of the Interior's Standards because it is at the rear of the property; it's minimal in size; and it respects the overall massing and roofline of the resource (See Sheets A2.3 – A2.5).

Addition on Detached Structure: The Telegraph Hill Dwellers recommend that the addition to the detached structure be removed. The Project Sponsor has revised the proposal to remove the improvements at this location and return the structure back to its original condition prior to executing the work without the benefit of permit (See Sheets A2.3 – A2.5).

Doors & Windows: It appears from the revised drawings and details that all replacement doors shall be replaced with a door design as recommended by staff and identified in historic Photo P. The plans should indicate which doors are to be replaced and the Project Sponsor shall submit product information or a shop drawing, with dimensions, as part of the permit sets for review and approval. The revisions to the windows on the detached structure are compatible and shall not adversely impact the building, staff recommends approval as proposed.

Iron gate & Concrete Wall: The Project Sponsor has agreed to replace the concrete wall and iron gate with a redwood fence and gate to match the original fence.

ENVIRONMENTAL REVIEW STATUS

The Planning Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility).

DRAFT MOTION FOR CONSIDERATION

The Landmarks Preservation Advisory Board hereby advises the Planning Commission that the proposal, **WITH CONDITIONS**, and in conformance with the architectural plans dated 10/23/08 labeled Exhibit A, on file in the docket for Case No. 2007.0653A, would qualify for a Certificate of Appropriateness.

Conditions:

- For the replacement doors, the Project Sponsor shall submit product information or a shop drawing, with dimensions and showing all exterior profiles, as part of the permit sets for review and approval.
- The expansion over the historic apartment stair shall be reversed back to its previous condition and as outlined in the submitted plans.

- Details, with dimensions, of all exterior elements to be replaced shall be included in the permit sets for review and approval by Preservation Staff. Details should be included for eaves, rafter tails, exterior wall cladding, and the redwood fence and gate.

Findings:

- The proposal respects the character-defining features of Julius' Castle and the expansion of the top floor possesses the consideration to design that allows the Landmark to convey its significance.
- The replacement doors and windows are based on documented pictorial evidence that consistent with the architectural character of Julius' Castle.
- The shape, scale, massing, placement, and materials of the expansion are compatible with Julius' Castle;
- For these reasons, the proposal shall preserve, and shall not damage or destroy the exterior features or negatively impact the historic visual character of the Julius' Castle.
- For these reasons, the proposal shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of Julius' Castle; and,
- For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 10, and the Secretary of Interior's Standards for Rehabilitation.

ATTACHMENTS

Plans
Maps
Photographs
Notice of Violation
Letter from Telegraph Hill Dwellers
Landmark Designation Report for Julius' Castle

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SAN FRANCISCO PLANNING DEPARTMENT

Tim's copy

Certificate of Appropriateness

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No: 2007.0653A
Assessor's Block: Lot: 0079/005
Address of Property: 302 Greenwich Street
Date Application Filed: June 27, 2007
Historic Landmark: City Landmark # 121 - Julius' Castle

Description of Work Proposed: The proposal includes addressing work cited within a Notice of Violation issued May 17, 2007 for work executed without benefit of permit, a Certificate of Appropriateness, or Zoning Administrator approval. The Project Sponsor proposes to return the subject building back to its condition prior to the above-cited work, except for a small addition at the rear of the restaurant.

Action by the Landmarks Preservation Board Advisory Board on December 17, 2008: Recommendation of no significant impact or potential detrimental effect per findings in record of the hearing. A motion to recommend approval was passed 6-1 by the Landmarks Board.

Final Action on the Certificate of Appropriateness by the Planning Department:

The Department has reviewed the proposed work and the recommendation of the Landmarks Preservation Advisory Board and has determined that the proposed work would not have a significant impact upon, and would not be potentially detrimental to Landmark #121, Julius' Castle. APPROVED WITH CONDITIONS in conformance with the architectural plans dated 10/23/08 stamped Exhibit A, on file in the docket for Case No. 2007.0653A, based upon the following findings:

Conditions of Approval:

- The allowed expansion shall be reduced to align with the stair extension and shall have a flat roof.
- For the replacement doors, the Project Sponsor shall submit product information or a shop drawing, with dimensions and showing all exterior profiles, as part of the permit sets for review and approval.
- The expansion over the historic apartment stair shall be reversed back to its previous condition and as outlined in the submitted plans.

- Details, with dimensions, of all exterior elements to be replaced shall be included in the permit sets for review and approval by Preservation Staff. Details should be included for eaves, rafter tails, exterior wall cladding, and the redwood fence and gate.

Findings of the Department:

The proposal calls for the retention of the character-defining wood frame structure, including the wood trusses and arches, and the essential form and massing of the structure. All replacement and restoration work is based on thorough consideration and recommendations outlined in the Historic Structure Report produced by an Architectural Conservator;

- The proposal complies with the following Secretary of the Interior's Standards for Rehabilitation:

Standard 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Standard 9.

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

- The proposal respects the character-defining features of Julius' Castle and the expansion of the top floor possesses the consideration to design that allows the Landmark to convey its significance.
- The replacement doors and windows are based on documented pictorial evidence that consistent with the architectural character of Julius' Castle.
- The shape, scale, massing, placement, and materials of the expansion are compatible with Julius' Castle;

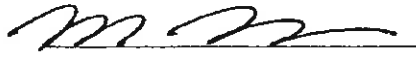
For these reasons, the proposal shall preserve, and shall not damage or destroy the exterior features of the landmark;

For these reasons, the proposal shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of the structure and site, as viewed both in themselves and in the setting; and,

For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 10, and the Secretary of Interior's Standards for Rehabilitation.

12-19-08

Date


John Rahaim
Director of Planning

Duration of this Certificate of Appropriateness: This Certificate of Appropriateness is issued pursuant to Article 10 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Director of Planning. Implementation of this Certificate of Appropriateness is accomplished by completion of construction work (verified through a job card signed by a District Building Inspector) after issuance of an appropriate Building Permit.

APPEAL: Any aggrieved person may appeal the action on this Certificate of Appropriateness by appeal of the issuance of the Building Permit required to implement the proposed work. Contact the Board of Appeals (575-6880) for instructions on filing a permit appeal.

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

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PLANNING DEPARTMENT

City and County of San Francisco
(415) 558-4278 Fax: 558-6409 or 558-6426

1660 Mission Street

San Francisco, Ca 94103-2414

MEMORANDUM

DATE: June 27, 2007

TO: Reza Khoshnevisan
SIA Consulting Engineers
1300 Pacific Avenue
San Francisco, CA 94109

FROM: Application Intake Center

SUBJECT: Case No. 2007.0653A Account No. 20073049
302 GREENWICH ST
Filing Date 06/27/2007

On the above-listed filing date, you submitted an application to the Planning Department for a project that was given the Case Number listed above. This memo acknowledges that the minimum information for application acceptance has been submitted.

An application fee of \$4,643.00 was charged.

Article 3.5A of the Planning Code states that the fee for this type of application be based upon the estimated construction cost as defined by the San Francisco Building Code. If the total construction cost is subsequently estimated by the Department of Building Inspection to be greater than the initial estimate, then the fee for this application will be subject to adjustment. If there is no construction cost, a base fee is charged. Some types of cases are subject to a billing of time and materials expended beyond the initial fee.

The following is a list of materials to be submitted with City Planning applications. If required materials are missing, your application cannot be deemed complete until all required items are submitted.

Material

Application with all blanks filled in	Submitted
300-foot radius map/adjacent owners	Not Necessary
Address labels (original)	Not Necessary
Address labels (copy of the above)	Not Necessary
Site Plan	Submitted
Floor Plan	Submitted
Elevations	Submitted
Section 303 requirements (shown on info sheet)	Not Necessary
Proposition M findings	Not Necessary
Photographs	Submitted
Check payable to Planning Department	Required
Application signed by owner or agent	Submitted
Letter of authorization for agent	Submitted

If you have any questions about this case, please call our information desk at 558-6377, 8 a.m. - noon or 1-5 p.m., and provide the information desk planner with the case number listed above.

F. PROJECT DESCRIPTION

Alteration

Addition

New Construction

Demolition

Other: _____

Present/Previous Use: Restaurant with One Dwelling Unit

Proposed Use: Restaurant with One Dwelling Unit (No Change)

Describe proposed scope of work:

Completed scope of work includes a one story infill at the rear southwest portion of the building to create patio (See Pictures I &H). A horizontal addition was constructed to existing kitchen and extends into the newly created patio area (See Pictures I & H). An addition was also constructed to existing detached apartment (See Pictures I,.

Describe existing features and materials to be removed:

The Existing features and materials removed include the remains of a brick walkway, two aluminum sheds on brick foundations, and a wood fence at the perimeter. Additional features removed include torch-on roofing, wood shingles (exterior wall finish), one window, one wooden door, and wooden walkway with iron guardrail. (See Pictures M...)

G. COMPLIANCE WITH APPLICABLE PLANNING CODE PRESERVATION STANDARDS

In reviewing applications for Certificates of Appropriateness, the Landmarks Boards will consider whether the proposed work would be appropriate for and consistent with the purpose of Article 10 of the Planning Code. Please describe below how the proposed work would preserve, enhance, or restore, and not damage or destroy the building's exterior architectural features:

The alterations made to 302 Greenwich (Julius Castle) have not greatly affected the building's exterior architectural features. All alterations and additions occurred at the rear and side portion of the building and are not greatly visible to any restaurant patron nor from any public thoroughfare and therefore does not result in a radical change to the form and character of the historic building. Furthermore, the additions proposed are modest in size and scale and do not exceed the height of the existing building. The new roofline is also consistent with the style and height of the existing roofline. Julius Castle is recognized and celebrated for its distinctive façade and strong arts and crafts/gothic architecture that is visible from the Bay, the parking lot at Montgomery Street and from the Greenwich steps.

The most recognizable and historic view of Julius Castle is from the Bay or at the base of the cliff (See Pictures A & S). From this perspective, the two Gothic, castle-like towers and the battlement style parapets create a playful and defining façade. The building is also characterized by its distinct arts and crafts shingle style (alternating rows of wide and narrow shingles) and the varying window sizes and styles. The alterations performed do not threaten this notable perspective because all work was performed at the rear and side of the building and were modest in size and scale, and therefore are not greatly visible (See Picture A).

At the base of the Southern façade of Julius Castle is the Montgomery Street entrance to the restaurant. From this perspective, Julius Castle is defined by its strong Gothic/Arts and Crafts features with its distinct windows, shingle pattern, battlement-style parapets and the unique hexagonal tower (See Pictures B, C, P, Q, & R). The alterations recently made to the building were located at the rear, Southwestern and Northwester corners of the building and therefore are not greatly visible from this perspective. The addition created at the Southwestern corner has a similar roofline to the rest of the building and therefore its height and bulk do not distract from the defining characteristics of the original building. The visibility of this addition is also obscured by the trees and vegetation that surround the rear south-western portion of the building (See Pictures B & C).

The third public perspective of the building is located on Greenwich Steps. This is a highly vegetated and overgrown public walkway that leads up to Coit Tower. From the Steps Julius Castle is largely obscured by the numerous large trees and thick vegetation and therefore the alterations are not highly visible from this vantage (See Picture E).

Due to the location and scale of the work performed the strong architectural features that define Julius castle have been preserved. No defining architectural features such as the towers, shingles

or windows, or overall bulk of the building has been threatened or destroyed by the work performed.

This question applies to proposed work in historic districts only. Describe how the proposed project is compatible with the character of the pertinent historic district described in the specific appendix to Article 10 of the Planning Code (Appendices B through L of Article 10 provide in-depth information on each of the individual historic districts, describing their unique features and particular standards for review within the district.)

N/A

H. COMPLIANCE WITH THE SECRETARY OF THE INTERIOR'S STANDARDS (STANDARDS) FOR THE REHABILITATION OF HISTORIC PROPERTIES

Please describe how the proposed project meets the following 10 rehabilitation Standards. Please respond to each statement as completely as possible (i.e. give reasons as to *how* and *why* the project meets the Standards rather than merely concluding that it does so).

1. The property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, spatial relationships:

The proposed alterations will not affect the historic use of the subject property. Julius Castle will continue use as a restaurant with one dwelling unit. All alterations are not greatly visible from any public right of way, nor will they be utilized by the public and/or the patrons of this restaurant, therefore the distinctive qualities of the property will be retained and the overall changes minimal. (See Pictures A-G).

The addition to the detached building (what appears to be the residential unit) extends into the Restaurant deck area however its bulk and size is complimentary to the main building and does not detract or distract from the use and purpose of the outdoor area(See Picture F) . The new addition is parallel to the building adjacent and does not extend beyond the wall of that building, which allows for complimentary use of space in the deck area. Additionally, the views from this deck area are not threatened by the addition and therefore have minimal affect on the use and spatial relationship of the deck.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property will be avoided:

Julius Castle is recognized and celebrated for its distinctive façade with its Gothic towers and parapets and Art and Crafts shingles and asymmetry. These unique architectural characteristics were not altered or affected by the alterations due to the location and scale of the changes. All

changes were located at the rear and side of the property thus the alterations are not greatly visible from any public vantage point therefore ensure the visual historical integrity and character of the building. Furthermore, the additions created are modest in size and scale and do not exceed the height of the existing building nor do they affect the spatial relationships that characterize the property. The roofline is also consistent with the style and height of the existing roofline thus having minimal affect on the bulk and presence of the building from any public perspective. (See Pictures A-I).

3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken:

All work performed is modest and complimentary to the original building. All materials used for the alterations were modern materials that do not distract or detract from the original materials of the building. The windows added to the additions are modern in materials and style and do not attempt to create a false sense of history. No falsely historic materials were used for ornamentation; no casings or trims were used to create a false sense of historical development and all exterior alterations and finishes were created without ornamentation or decoration. Additionally, the additions are modest in design and scale and did not exceed the height of the original building. The extension of the existing kitchen includes a new roof that is modest in peak and size so that the new addition does not exceed the height of the original building. The alterations utilized the same simple shingle pattern that is applied to the original building but the changes do not attempt to create a falsely historic Arts & Crafts or Gothic architecture and therefore do not create a false sense of historical development.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved:

**The original building was constructed in 1923 by restaurateur Julius Roz and designed by Louis Mastrapasqua. In 1923 the building occupied only Lot 005 of the block and in 1926 Julius Roz purchased adjacent Lot 004. In 1928 Julius Roz took advantage of the newly acquired land through the design and construction of a horizontal and vertical addition. The new addition allowed for the expansion of the restaurant created more expansive, panoramic views for its patrons.

All alterations preserve and retain the original building and 1928 addition because the work changes occurred at the rear and side of the building and therefore did not affect the historically characteristic façade and strong architectural features.

Other changes since 1928 have been modest and poorly documented, these changes include structural upgrades and the addition and removal of a garage (see Pictures B, Q & R).

*Not sure when the third floor unit was converted into kitchen/dining room for restaurant. (Change of Use) Is there a permit for this?

5. Distinctive materials, features, finishes and construction techniques or examples of fine craftsmanship that characterize a property will be preserved:

The distinctive materials, features, and finishes and construction techniques that characterize the property were preserved. The subject property is characterized by its distinct and grand façade that is visible from several vantage points. Julius Castle will retain its two castle-like towers, its distinct shingle pattern, its varied and multiple windows, and its battlement style parapets. The Gothic/Arts & Crafts architectural elements and features that dominate the southern, eastern and northern facades were not affected by the work performed on the rear, western portion or the building. The alterations and changes made are not greatly visible from any public vantage and therefore do not threaten the character of the historic building.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of the deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence:

There are no known deteriorated historic features. This question is not applicable to this project.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used:

All necessary cleaning and treatments of historical features and materials will be undertaken using the “gentlest means possible.” The existing historical materials and features are principally made of wood (a wood framed building with distinctive alternating rows of narrow and broad wood shingles). The owner will use low or medium pressured water to clean all exterior features. If more extensive cleaning is required the owner will use nonabrasive cleaning methods such as a mild detergent and a natural bristle brush.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken:

There are no known archeological resources at the subject property. If in the course of construction no archeological resources were found.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment:

The distinctive materials, features, and finishes and construction techniques that characterize the property were preserved. The distinctive Gothic/Arts & Crafts elements of the building were retained and only the rear and side portions of the building were affected by the recent alterations. The completed scope of work is not greatly visible from any public vantage and

therefore does not threaten the historical characteristics of the property that make it unique. Additionally, the alterations created are modest and complimentary to the existing building and all materials used for the alterations were modern materials that do not distract or detract from the original materials of the building. The additions created are wood framed with complimentary wood shingles which is compatible with the wood framed, wood shingled design and bulk of the original building. The new additions are modest in design and scale do not exceed the height of the original building and are therefore compatible to the original building. The new pitched roof on the kitchen extension is modest in peak and size so that the new addition does not exceed the height of the original building. Furthermore, the windows added to the additions are modern in materials and style and do not attempt to create a false sense of history but are modest in design so that they are complimentary to the old (Pictures F-J).

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would not be impaired:

The essential form and integrity of the property will not be impaired if the new additions/alterations are removed. The proposed additions are modest in scale and bulk occupying only one story at the rear and side of the property therefore the removal of the additions will not affect the structural or aesthetic integrity of the original building. The proposed alterations to the deck area are mainly tile work and therefore cosmetic (see Pictures G-K).

Julius' Castle

TOP OF THE ROCK, LLC.

Box 77424 • San Fran • CA 94107

415 • 310-8842

September 18, 2008

Board Members

San Francisco Landmarks Preservation Advisory Board

Hearing Room, Room 400, City Hall

1 Dr. Cariton B. Goodlett Place

San Francisco, CA 94102

Dear Sirs and Madams:

Thank you for the opportunity to address this Advisory Board. I also want to thank the Planning Department of San Francisco and my fellow Telegraph Hill neighbors.

May I first apologize for my mistake and causing this situation. I pledge my cooperation to correct the violation.

I am not a contractor and didn't realize cleaning up years of trash and neglect in back of my property and enclosing an area of the building for storage to hide the unsightly mess would be a mistake.

For a moment, may I take you back to the day I closed escrow on my grand old building, June 15, 2006. I was excited to buy Julius' Castle and to have the opportunity to restore it to its original and proper luster much like a Classic car that had been neglected for so many years. I admit even at this time of trouble I am very proud of my work and dedication to detail for all of the improvements I made to this beautiful landmark.

When I purchased Julius' Castle, cost was not the only factor in the equation for renovation. But, the satisfaction I felt directing workers and contractors taking personal pride in their workmanship on the grand old building. Because it is Julius' Castle! Every square inch of the 100-year old interior was hand sanded, refinished and sealed. Rotted window frames were re-milled and the original glass reinstalled. Doors too rotted to save were replace by antique doors and gates from the non-profit San Francisco Resource Center on 3rd St. They were chosen because they exemplify wood and leaded glass of the era. Everything was restored originally with special attention to detail of this Grand Old Lady of the early 1900s.

Board Members
September 18, 2008
Page 2

In closing, I want to thank this Board for your work and what you represent. I too have a love for our landmarks in San Francisco. However, my eagerness to restore Julius' Castle proudly and properly, I over stepped the boundaries of appropriateness. For that I am truly sorry.

I hope my explanation and this letter will help you understand how beautiful this building turned out, how proud I am of the restoration, and the many compliments received from neighbors and others. Julius' Castle is vital to our local economy, provides many jobs, and has been a proud destination for many overseas visitors for years.

I do not want this landmark property to become another condominium.

Respectfully,

James Payne



September 19, 2008

San Francisco Landmarks Preservation Advisory Board
1650 Mission Street
San Francisco, CA 94103

Re: 302 Greenwich Street (Julius Castle), San Francisco
Certificate of Appropriateness for City Landmark #121

Dear Members of the Board,

Thank you for the opportunity to address Landmarks Preservation Advisory Board in regards to the project at 302 Greenwich Street (Julius Castle), City Landmark #121. Please find enclosed revised plans to address the concerns that were discussed at the LPAB hearing on July 16, 2008. As per the recommendation of the LPAB we have revised the plans to reflect the following key issues:

- Restore the original roofline over the staircase on the southern elevation of the building, a highly visible elevation from Montgomery Street and the Greenwich Steps. The proposed roofline will restore the original Arts and Crafts/Gothic Revival asymmetrical articulation of the roof. (See A1.0, A.1.1, A2.3-A3.1, A4.0-A4.3)
- Remove a portion of the rear addition constructed on the main building and return the west wall to its prior location in junction with restoring the original roofline. The restoration of the subject area will restore the original entrance from the Greenwich Steps that lead to the rear patio of the property. (See A1.0, A.1.1, A2.3-A3.1, A4.0-A4.3)
- Replace the new iron gate and new concrete wall at the entrance from the Greenwich Steps with a simple redwood fence and redwood fence door to match the original fencing and the aesthetic of the building. (See A1.0, A.1.1, A2.3-A3.1, A4.0-A4.3)
- Replace all new doors and windows with appropriate high-quality materials to match the existing doors and fenestration. (A2.4-A2.5, A3.1-A3.2, A4.1-A4.2, A4.4)

SIA Consulting Corporation 1256 Howard Street San Francisco, CA 94103
Tel: 415.922.0200 Fax: 415.922.0203

- Include more details in the plans that demonstrate the 1) the original site plan and elevations prior to modification, 2) the existing building with the non-permitted modifications 3) the proposed modifications of the subject property as per the recommendations of the Landmarks Preservation Advisory Board.

Thank you for your time and assistance with this matter.

Sincerely,

Reza Khoshnevisan
SIA Consulting Corp.



San Francisco Property Information Map

Public Access to Useful Property Data & Resources at the Click of a Mouse

[Map Help](#) | [Your Feedback](#)
Tell us what you think of this map.

[Link](#) [Disclaimer](#)

Step 1: Search or Click on a Property

Search Examples: 400 Van Ness Ave 0787/001
Mission and Van Ness 2011.0218
Ferry Building

Step 2: Review Property Information

Click tabs below to view property or parcel information

- Property**
- Zoning**
- Preservation**
- Projects**
- Building Permits**
- Other Permits**
- Complaints**
- Appeals**

Projects Report: 302 greenwich

PROJECTS:

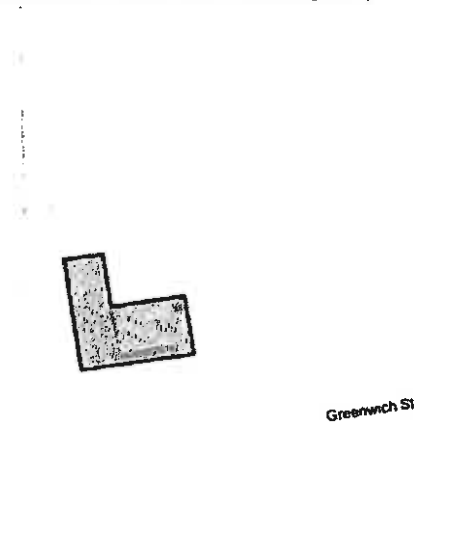
Case No.: 2007.0653A
Case Type: Certificate of Appropriateness - \$20,000 or more
Case Status: Closed
Case Filed: 6/27/2007
Project Name: 302 GREENWICH ST
Project Description: Certificate of Appropriateness to legalize construction of one-story infill at southwest portion of the building to create patio and a horizontal addition to an existing structure northwest portion of the site at SF Landmark No. 121 .

Project Decision:
Project Decision Date:
Planning Dept Contact: [TIM FRYE](#) Tel: 415-575-6822

302 greenwich



[Measure Distance](#) | [Street View](#) | [Map Legend](#) | [Clear Map](#)



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Map data ©2012 Google

@ 2011 San Francisco Planning Department

Select Language



Powered by Google Translate

San Francisco Planning Department

© 2011 San Francisco Planning Department

EXHIBIT E

CITY AND COUNTY OF SAN FRANCISCO
TAX REDEMPTION BUREAU
DELINQUENT PROPERTY TAX STATEMENT

VOL BLOCK LOT ACCOUNT STATEMENT DT DEFAULT DATE DEFAULT NUMBER
01 0079 004 007900040 2012-03-02 06/30/09 09-00091

LOCATION: 1531V MONTGOMERY ST

OWNER: PAYNE JAMES F

PAYNE JAMES F
P O BOX 77424
SAN FRANCISCO CA 94107

----- TAX-DEFAULTED -----
--- REGULAR ACCOUNT ---

----- INSTALLMENT PLAN -----
INITIAL PLAN AMOUNT
PRINCIPAL PER INSTALLMENT
PRINCIPAL DUE BY
INTEREST THRU 03 - 2012
NEXT INSTALLMENT DUE

----- TAX SUMMARY -----
DELINQUENT TAX 70,360.10
DELINQUENT PENALTY 7,035.98
DELINQUENT COST 225.00
REDEMPTION PEN THRU 03 - 2012 24,471.61
REDEMPTION FEE 55.00
INSTALLMENT INTEREST
SUB TOTAL 102,147.69
TOTAL PAID 0.00
BALANCE DUE THRU 03 - 2012 \$102,147.69

CITY AND COUNTY OF SAN FRANCISCO
TAX REDEMPTION BUREAU
DELINQUENT PROPERTY TAX STATEMENT

VOL BLOCK LOT ACCOUNT STATEMENT DT TOTAL AMOUNT DUE
01 0079 004 007900040 2012-03-02 THRU 03 - 2012 \$102,147.69

LOCATION: 1531V MONTGOMERY ST

OWNER: PAYNE JAMES F

00790000400 090009100 010214769 201203 455

CITY AND COUNTY OF SAN FRANCISCO
 TAX REDEMPTION BUREAU
 DELINQUENT PROPERTY TAX STATEMENT

VOL BLOCK LOT ACCOUNT STATEMENT DT DEFAULT DATE DEFAULT NUMBER
 01 0079 005 007900050 2012-03-02 06/30/09 09-00092

LOCATION: 302 GREENWICH ST

OWNER: PAYNE JAMES F

PAYNE JAMES F
 P O BOX 77424
 SAN FRANCISCO CA 94107

----- TAX-DEFAULTED ----
 --- REGULAR ACCOUNT ---

----- INSTALLMENT PLAN -----
 INITIAL PLAN AMOUNT
 PRINCIPAL PER INSTALLMENT
 PRINCIPAL DUE BY
 INTEREST THRU 03 - 2012
 NEXT INSTALLMENT DUE

----- TAX SUMMARY -----
 DELINQUENT TAX 233,745.82
 DELINQUENT PENALTY 23,374.48
 DELINQUENT COST 225.00
 REDEMPTION PEN THRU 03 - 2012 80,587.62
 REDEMPTION FEE 55.00
 INSTALLMENT INTEREST
 SUB TOTAL 337,987.92
 TOTAL PAID 0.00
 BALANCE DUE THRU 03 - 2012 \$337,987.92

CITY AND COUNTY OF SAN FRANCISCO
 TAX REDEMPTION BUREAU
 DELINQUENT PROPERTY TAX STATEMENT

VOL BLOCK LOT ACCOUNT STATEMENT DT TOTAL AMOUNT DUE
 01 0079 005 007900050 2012-03-02 THRU 03 - 2012 \$337,987.92

LOCATION: 302 GREENWICH ST

OWNER: PAYNE JAMES F

00790000500 090009200 033798792 201203 455



City & County of San Francisco
 Cisneros, Treasurer and Tax Collector
 Secured Property Tax Bill
 For Fiscal Year July 1, 2011 through June 30, 2012

1 Dr. Carlton B. Goodlett Place
 City Hall, Room 140
 San Francisco, CA 94102
 www.sftreasurer.org

Vol	Block	Lot	Account Number	Tax Rate	Statement Date	Property Location
01	0079	005	007900050	1.1718%	03/02/2012	302 GREENWICH ST

Assessed on January 1, 2011

To: PAYNE JAMES F

PAYNE JAMES F
 P O BOX 77424
 SAN FRANCISCO CA 94107

Assessed Value		
Description	Full Value	Tax Amount
Land	1,500,000	17,577.00
Structure	500,000	5,859.00
Fixtures		
Personal Property		
Gross Taxable Value	2,000,000	23,436.00
Less HO Exemption		
Less Other Exemption		
Net Taxable Value	2,000,000	\$23,436.00

Direct Charges and Special Assessments			
Code	Type	Telephone	Tax Amount
89	SFUSD FACILITY DIST	(415) 355-2203	32.64
98	SF - TEACHER SUPPORT	(415) 355-2203	208.46
Total Direct Charges and Special Assessments			\$241.10

CORRECTED TAX BILL A0047 02/24/12
 TAX DEFAULTED 06/30/09

TOTAL TAX DUE	
	\$23,677.10
1st Installment	2nd Installment
\$11,838.55	\$11,838.55
DUE 03/30/2012	DUE 04/10/2012

Keep this portion for your records. See back of bill for payment options and additional information.



City & County of San Francisco
 Secured Property Tax Bill
 For Fiscal Year July 1, 2011 through June 30, 2012

1 Dr. Carlton B. Goodlett Place
 City Hall, Room 140
 San Francisco, CA 94102

Vol	Block	Lot	Account Number	Tax Rate	Statement Date	Property Location
01	0079	005	007900050	1.1718%	03/02/2012	302 GREENWICH ST

DELINQUENT IF NOT RECEIVED OR POSTMARKED

BY

APRIL 10, 2012

To contribute to the Voluntary Arts Fund, please check box and return enclosed form for the amount of contribution.

2nd Installment Due	
	\$11,838.55

FOR DELINQUENT PAYMENTS	
ADD 10% PENALTY	\$1,183.85
ADD 2ND INSTALLMENT COST	\$45.00
TOTAL AMOUNT	\$13,067.40

CC

Please detach this portion and return with payment to:

San Francisco Tax Collector
 Secured Property Tax
 P.O. Box 7426
 San Francisco, CA 94120-7426

0100790000500 003849 001183855 000118385 4500 2003



City & County of San Francisco
 Secured Property Tax Bill
 For Fiscal Year July 1, 2011 through June 30, 2012

1 Dr. Carlton B. Goodlett Place
 City Hall, Room 140
 San Francisco, CA 94102

Vol	Block	Lot	Account Number	Tax Rate	Statement Date	Property Location
01	0079	005	007900050	1.1718%	03/02/2012	302 GREENWICH ST

EXHIBIT F

ABBEY, WEITZENBERG, WARREN & EMERY, P.C.
100 Stony Point Road, Suite 200, P.O. Box 1566, Santa Rosa, CA 95402-1566
Telephone: (707) 542-5050 Facsimile (707) 542-2589

1 ABBEY, WEITZENBERG, WARREN & EMERY, P.C.
2 RICHARD W. ABBEY, ESQ. (SBN 53039)
3 RACHEL K. STEVENSON, ESQ. (SBN 172525)
4 100 Stony Point Road, Suite 200
5 P.O. Box 1566
6 Santa Rosa, CA 95402-1566
7 Telephone: (707) 542-5050
8 Facsimile: (707) 542-2589
9 E-Mail: rstevenson@abbeylaw.com

6 Attorneys for Creditor, STERLING SAVINGS BANK, Successor in Interest by Merger to
SONOMA NATIONAL BANK

8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

10 In re:) Case No. 11-33534
11 JAMES FREDERICK PAYNE,) D.C. No. RKS-003
12 Debtor.) Chapter 11
13) Date: December 19, 2011
14) Time: 9:00 a.m.
15) Location: 235 Pine Street, 19th Floor
16) San Francisco, Ca.
17) Dept. 23

15 **DECLARATION OF LORI CRECHRIOU**

16 I, LORI CRECHRIOU, declare as follows:

17 1. I am a Vice President / Special Assets Manager with Sterling Savings Bank,
18 successor in interest by merger to Sonoma National Bank ("Sterling"). In this capacity, I have
19 personal knowledge of the facts set forth herein and, if called upon as a witness, could and would
20 competently testify thereto.

21 2. Sterling is the holder of a Promissory Note payable by the Debtor herein in the
22 amount of \$5,550,000 ("Promissory Note 1"). *(A true and correct copy of Promissory Note 1 is*
23 *attached hereto as Exhibit "A" and incorporated herein by this reference as though fully set*
24 *forth.)*

25 3. Promissory Note 1 is secured by a First Deed of Trust and Assignment of Rents
26 against the Debtor's real property located at 555 and 575 South Auburn Street, Colfax, CA 95713
27 (the "Colfax Property"), and a First Deed of Trust and Assignment of Rents against the Debtor's
28

1 real property located at 800, 830, 900 & 1046 Palmetto Ave., Pacifica, CA 94044 (the "Pacifica
2 Property"). *(True and correct copies of these Deeds of Trust are attached hereto as Exhibits "B"
3 and "C," respectively.)*

4 4. Sterling is also the holder of a Promissory Note payable by the Debtor herein in
5 the amount of \$3,000,000 ("Promissory Note 2"). *(A true and correct copy of Promissory Note 2
6 is attached hereto as Exhibit "D" and incorporated herein by this reference as though fully set
7 forth.)*

8 5. Promissory Note 2 is secured by, among other things, a First Deed of Trust and
9 Assignment of Rents against the Debtor's property located at 1531 Greenwich and 302
10 Montgomery Streets in San Francisco (the "San Francisco Property"), a Second Deed of Trust
11 and Assignment of Rents against the Colfax Property, and a Second Deed of Trust against the
12 Pacifica Property. *(The Second Deeds of Trust against the Colfax Property and the Pacifica
13 Property are attached hereto as Exhibits "E" and "F," respectively, and incorporated herein by
14 this reference as though fully set forth.)*

15 6. Both the Colfax and Pacifica Properties generate rents which are subject to
16 Sterling's assignments of rents. The San Francisco Property is vacant.

17 7. The Debtor has defaulted under the terms of Promissory Note 1, in that he has
18 failed to make payments thereunder since August of 2010. As a result, approximately
19 **\$4,726,188.77** is due and owing to Sterling under Promissory Note 1.

20 8. The Debtor has also defaulted under the terms of Promissory Note 2, in that he has
21 failed to make payments thereunder since June of 2010. As a result, approximately
22 **\$3,347,261.22** is currently due and owing to Sterling under Promissory Note 2.

23 9. Sterling does not consent, and has not consented, to the use of its cash collateral.

24 10. Following the issuance of Demands for Payment of Rent to Sterling, and prior to
25 the inception of this bankruptcy case, Sterling had been collecting rents from the Colfax and
26 Pacifica Properties and utilizing same to maintain the properties and pay down the loan identified
27 above as Promissory Note 1. In light of the Debtor's past performance, Sterling has little
28

1 confidence in the Debtor's ability to manage the rents appropriately, and therefore urges the Court
2 to allow it to continue to collect the rents from the Colfax and Pacifica Properties.

3 I declare under penalty of perjury under the laws of the State of California and the United
4 States of America that the foregoing is true and correct. Executed this 21st day of November,
5 2011, at Santa Rosa, California.

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7 LORI CRECHRIOU

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ABBEY, WEITZBERG, WARREN & EMERY, P.C.
140 Steery Point Road, Suite 200, P.O. Box 1566, Santa Rosa, CA 95402-1566
Telephone: (707) 542-5050 Facsimile: (707) 542-2589

0
11/20/2019 10:00 AM
A

EXHIBIT G

February 5, 2010

Could Julius' Castle Become Your Own? (302 Greenwich For Sale)



Long seeking a new tenant since shutting down two years ago under allegations of landlord fraud, misrepresentation, and lease issues, a plugged-in tipster notes that 302 Greenwich (a.k.a. Julius' Castle) is now on the market asking \$4,950,000. From the listing:

Elegantly situated atop Telegraph Hill, the restaurant has long been a destination to visitors & locals alike drawn to the warm environment & magnificent bay views....Possible residential application.

Other than over the past two years of course. We'll let you work out the price (or probability) for that possibility for San Francisco landmark number 121 on Telegraph Hill.

• Listing: [302 Greenwich \(a.k.a. Julius' Castle\) - \\$4,950,000](#) [Zephyr] [Map]
• [A Happy Ending for San Francisco's Castle?](#) [Preservation]

[Tweet](#)

[Like](#)

[Share](#)

Be the first of your friends to like this.

First Published: February 5, 2010 9:00 AM

The Marketplace

Artfully Uniting
Extraordinary
People
with
Exceptional
Properties
Gregg Lynn
Sotheby's

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- [Bubble \(Or Not\)](#)
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- [Exceptional Garage Doors](#)
- [Fixtures & Furnishings](#)
- [FSBO: SF](#)
- [In The Media](#)
- [Industry Stuff](#)
- [InsertheadlineHere™](#)
- [Interesting Opportunities](#)
- [Just Quotes \(Emphasis Added\)](#)
- [Listings \(For sale\)](#)
- [Marin \(And points North\)](#)
- [Neighborhoods](#)
- [New Developments](#)
- [QuickLinks](#)
- [RandomRumors](#)

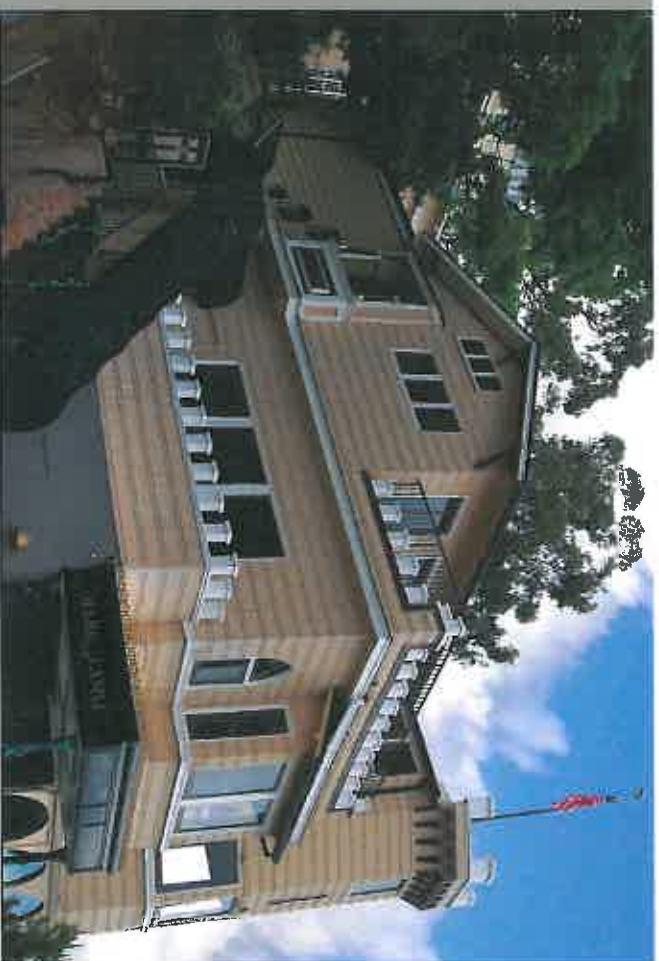
EXHIBIT H

FOR SALE

Julius Castle
\$4,950,000



Opened in 1922, built by former restaurant counterman and Italian immigrant, Julius Roz.



*T*HE OWNERSHIP OF THIS CLASSIC PROPERTY HAS DECIDED TO SELL AT AN ATTRACTIVE DISCOUNTED PRICE.

THIS HIGH PROFILE ASSET HAS BEEN THE DESTINATION RESTAURANT OF PROMINENT SAN FRANCISCO POLITICAL ELITE FOR DECADES.

THE SINGLE FAMILY RESIDENCE DIRECTLY BEHIND THE CASTLE CAN BE MADE AVAILABLE SEPARATELY AS WELL. CONSIDER YOUR PURCHASE NOW. SOME IN-PLACE FINANCING CAN BE MADE AVAILABLE.

WE LOOK FORWARD TO YOUR FURTHER INQUIRY.

* RESTAURANT IS FULLY EQUIPPED, VACANT.



TRICOMMERCIAL Real Estate Services, Inc.

FOR SALE Julius Castle



Exclusive Agents:

BARRY BRAM / Principal

DRE: 00639738

Tel ^ 415.268.2231

Fax ^ 415.268.2299

bbram@tricommercial.com

TRI Commercial

One California Street, Suite 200
San Francisco, CA. 94111



GORDON WONG

DRE: 00954453

Direct: 415.682.6682

gordon.wong@cbnorcal.com

Coldwell Banker

1390 Noriega St
San Francisco , CA 94122

**COLDWELL
BANKER**

EXHIBIT I

UNITED STATES BANKRUPTCY COURT
Northern District of California



Name of Debtor (if individual, enter Last, First, Middle): PAYNE, JAMES FREDERICK	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): aka Jim Payne, aka James Payne Properties	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): 6311	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State): 830 Palmetto Street Pacifica, CA ZIP CODE 94044	Street Address of Joint Debtor (No. and Street, City, and State): ZIP CODE
County of Residence or of the Principal Place of Business: San Mateo	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): P.O. Box 77424 San Francisco, CA ZIP CODE 94107	Mailing Address of Joint Debtor (if different from street address): ZIP CODE

Location of Principal Assets of Business Debtor (if different from street address above):
San Mateo County, Placer County and San Francisco County, California
ZIP CODE

Type of Debtor (Form of Organization) (Check one box.) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other Real Estate Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box.) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.
---	---	---

Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). ----- Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
--	--

Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.	THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000	
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion	
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input checked="" type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion	

Voluntary Petition <i>(This page must be completed and filed in every case.)</i>		Name of Debtor(s): JAMES PAYNE	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed:	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.)			
Name of Debtor:	Case Number:	Date Filed:	
District: Northern District of California	Relationship:	Judge:	
<p style="text-align:center;">Exhibit A</p> <p>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)</p> <p><input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p>	<p style="text-align:center;">Exhibit B</p> <p>(To be completed if debtor is an individual whose debts are primarily consumer debts.)</p> <p>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).</p> <p>X _____ Signature of Attorney for Debtor(s) (Date)</p>		
Exhibit C			
Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?			
<input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition.			
<input checked="" type="checkbox"/> No.			
Exhibit D			
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)			
<input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.			
If this is a joint petition:			
<input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box.)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)			

(Name of landlord that obtained judgment)			

(Address of landlord)			
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

<p>Voluntary Petition <i>(This page must be completed and filed in every case.)</i></p>	<p>Name of Debtor(s): JAMES PAYNE</p>
Signatures	
<p style="text-align: center;">Signature(s) of Debtor(s) (Individual/Joint)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).</p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p><input checked="" type="checkbox"/> <u>/s/ James Payne</u> Signature of Debtor</p> <p><input type="checkbox"/> _____ Signature of Joint Debtor</p> <p>Telephone Number (if not represented by attorney) <u>09/29/2011</u></p> <p>Date</p>	<p style="text-align: center;">Signature of a Foreign Representative</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.</p> <p>(Check only one box.)</p> <p><input type="checkbox"/> I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.</p> <p><input type="checkbox"/> Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.</p> <p><input checked="" type="checkbox"/> _____ (Signature of Foreign Representative)</p> <p>_____ (Printed Name of Foreign Representative)</p> <p>_____ Date</p>
<p style="text-align: center;">Signature of Attorney</p> <p><input checked="" type="checkbox"/> <u>/s/ Michael Lewis</u> Signature of Attorney for Debtor(s) <u>Michael Lewis</u> Printed Name of Attorney for Debtor(s) <u>Law Offices of Michael Lewis</u> Firm Name <u>25 Kearny Street, #302, San Francisco, CA</u> <u>94408</u> Address <u>415-296-1460</u> Telephone Number <u>09/29/2011</u> Date</p> <p>*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.</p>	<p style="text-align: center;">Signature of Non-Attorney Bankruptcy Petition Preparer</p> <p>I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.</p> <p>_____ Printed Name and title, if any, of Bankruptcy Petition Preparer</p> <p>_____ Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)</p> <p>_____ Address</p> <p><input checked="" type="checkbox"/> _____ Date</p> <p>Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.</p> <p>Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.</p> <p>If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><i>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.</i></p>
<p style="text-align: center;">Signature of Debtor (Corporation/Partnership)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.</p> <p>The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p><input checked="" type="checkbox"/> _____ Signature of Authorized Individual</p> <p>_____ Printed Name of Authorized Individual</p> <p>_____ Title of Authorized Individual</p> <p>_____ Date</p>	

UNITED STATES BANKRUPTCY COURT

Northern District of California

In re JAMES FREDERICK PAYNE
Debtor

Case No. _____
(if known)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

2. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*

3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]*

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

Active military duty in a military combat zone.

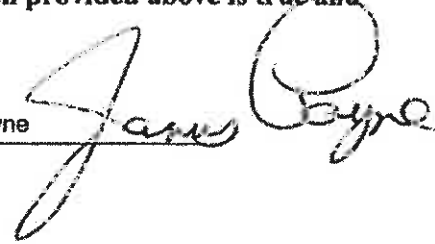
5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: /s/ James Payne

Date: 09/30/2011

9-29-11



Certificate Number: 01141-CAN-CC-016135254



01141-CAN-CC-016135254

CERTIFICATE OF COUNSELING

I CERTIFY that on September 24, 2011, at 6:18 o'clock PM EDT, James Payne received from American Consumer Credit Counseling, Inc., an agency approved pursuant to 11 U.S.C. § 111 to provide credit counseling in the Northern District of California, an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.

A debt repayment plan was not prepared. If a debt repayment plan was prepared, a copy of the debt repayment plan is attached to this certificate.

This counseling session was conducted by telephone.

Date: September 24, 2011 By: /s/Abdi Nur

Name: Abdi Nur

Title: Credit Counselor

* Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. See 11 U.S.C. §§ 119(h) and 521(h).

EXHIBIT J



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Motion 0213

HEARING DATE: OCTOBER 16, 2013

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

Hearing Date: October 16, 2013
Filing Date: September 19, 2012
Case No.: 2012.1197A
Project Address: 302 Greenwich Street / 1531 Montgomery Street
Historic Landmark: No. 121 – Julius’ Castle
Zoning: RH-3 (Residential – House, Three Family)
40-X Height and Bulk District
Block/Lot: 0079/004 & 005
Applicant: Paul D. Scott
Pier 9, Suite 100 The Embarcadero
San Francisco, CA 94111
Staff Contact: Kelly H. Wong - (415) 575-9100
kelly.wong@sfgov.org
Reviewed By: Tim Frye - (415) 558-6625
tim.frye@sfgov.org

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS FOR A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED WORK DETERMINED TO BE APPROPRIATE FOR AND CONSISTENT WITH THE PURPOSES OF ARTICLE 10, TO MEET THE STANDARDS OF ARTICLE 10 AND TO MEET THE SECRETARY OF INTERIOR’S STANDARDS FOR REHABILITATION, FOR THE PROPERTY LOCATED ON LOT 003 IN ASSESSOR’S BLOCK 0175, WITHIN A C-2 (COMMERCIAL BUSINESS) ZONING DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

WHEREAS, on September 19, 2012, Paul D. Scott (Project Sponsor and Owner) filed an application with the San Francisco Planning Department (hereinafter “Department”) for a Certificate of Appropriateness to restore the building located on the subject property located on lots 004 & 005 in Assessor’s Block 0079 for restaurant use. The work involves the restoration of the existing landmark property including addressing work executed without benefit of permit, as well as an exterior restoration of the building and property. Specifically, the work includes:

- Restoration of the original roofline over the staircase at the southern elevation of the main building by removing portions of the expansion that was executed without benefit of permit;
- Replacement of existing non-historic windows and doors at the detached building with new wood windows and doors that are compatible with the landmark property;

- Restoration of the redwood fence and gate at the entrance from the Greenwich Steps to match the aesthetic of the building by removing the existing non-historic concrete wall and wrought iron gate;
- Replacement of existing non-historic wood doors with new wood doors compatible with the character of the landmark property;
- Replacement of select areas of painted exterior wood shingles with new shingles to match existing in material, dimension, design, pattern, and finish;
- Restoration of the crenellated wood parapet and wood paneled moldings;
- Repair of the existing third floor deck by removing existing non-historic tiles, replacing existing waterproofing, repairing existing deck floor framing, and installing new tiles compatible with the landmark property;
- Restoration of the exterior stairway including repair of existing fabric awning, painting existing handrail, and restoring the brick wall; and
- Painting of the building exterior and site features.

WHEREAS, the Project was determined by the Department to be categorically exempt from environmental review. The Historic Preservation Commission (hereinafter "Commission") has reviewed and concurs with said determination.

WHEREAS, on October 16, 2013, the Commission conducted a duly noticed public hearing on the project, Case No. 2012.1197A ("Project") for its appropriateness.

WHEREAS, in reviewing the Application, the Commission has had available for its review and consideration case reports, plans, and other materials pertaining to the Project contained in the Department's case files, has reviewed and heard testimony and received materials from interested parties during the public hearing on the Project.

MOVED, that the Commission hereby **APPROVES WITH CONDITIONS** as modified at the October 16, 2013 hearing the Certificate of Appropriateness, in conformance with the architectural plans dated October 2, 2013 and labeled Exhibit A on file in the docket for Case No. 2012.1197A based on the findings listed below.

BE IT FURTHER MOVED, that the Historic Preservation Commission requests the Planning Commission consider a condition of approval as part of its conditional use authorization for the restaurant use at the property that all scopes of work defined in this Certificate of Appropriateness be completed prior to the building operating as a restaurant.

CONDITIONS OF APPROVAL

In conformance with HPC Motion 0213, the Commission requires:

1. That all work to abate the outstanding violation must be completed as part of this approval including removal of a portion of the expansion at the southern elevation of the main building to restore the original roofline, replacement of windows and doors at the detached building, the replacement of non-historic doors throughout the property, and the removal of the existing non-historic concrete wall and wrought iron gate and the installation of a new redwood fence and gate.
2. That if it is determined that more than 50% replacement of the total exterior shingles, crenellated parapet, or any other character-defining features listed in the current scope of work is required, then a full conditions assessment be conducted and submitted for review and approval by the HPC at a regularly scheduled hearing.
3. Prior to issuance of the Architectural Addendum, specifications for exterior wood restoration, brick cleaning and restoration, cement plaster restoration, decorative metal restoration, exterior floor tile, exterior wood shingles, and exterior painting will be forwarded for review and approval by Planning Department Preservation Staff.
4. Prior to issuance of the Architectural Addendum, a materials board showing materials and finished will be submitted for review and approval by Planning Department Preservation Staff.
5. Prior to issuance of the Architectural Addendum, mock-ups of each of the following for review and approval by Planning Department Preservation Staff: 1) Repaired crenellated wood parapet, 2) Repaired wood shingle, 3) New redwood fence, and 4) Proposed paint scheme with all proposed colors for the building and property.

FINDINGS

Having reviewed all the materials identified in the recitals above and having heard oral testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and also constitute findings of the Commission.
2. All previous conditions have been addressed except for the full documentation (written and graphic) describing where each treatment was performed.
3. Findings pursuant to Article 10:

The Historical Preservation Commission has determined that the proposed work is compatible with the character of the landmark.

- The proposed project will not remove distinctive materials, nor irreversibly alter features, spaces, or spatial relationships that characterize the landmark designation;

- The proposed alteration at the south elevation of the main building to restore the original roofline is required to return the landmark property back to its original character and significance;
- The replacement of non-historic windows and doors at the detached building with new compatible wood windows and doors is required to return the detached building back to the character of the landmark property;
- The removal of the non-historic concrete wall and wrought iron gate along the southern edge of the property and installation of a new simple redwood fence and gate is required to bring back the landmark's overall character and significance;
- The proposal to replace select non-historic doors with new compatible wood doors will bring the landmark building back to its original character;
- The proposed repair of the wood crenellated parapet and moldings, wood shingles, awning, third floor deck, and painting are appropriate for the building and property. Damage caused by deferred maintenance requires that repairs be made to address waterproofing issues;
- The proposal is compatible with, and respects, the character-defining features of the landmark designation;
- Proposed work will not damage or destroy distinguishing original qualities or character of the landmark designation; and
- The proposed project meets the following *Secretary of the Interior's Standards for Rehabilitation*:

Standard 1.

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2.

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 5.

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

Standard 6.

Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary physical evidence.

Standard 9.

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, and scale and proportion, and massing to protect the integrity of the property and its environment.

Standard 10.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

4. **General Plan Compliance.** The proposed Certificate of Appropriateness is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

THE URBAN DESIGN ELEMENT CONCERNS THE PHYSICAL CHARACTER AND ORDER OF THE CITY, AND THE RELATIONSHIP BETWEEN PEOPLE AND THEIR ENVIRONMENT.

GOALS

The Urban Design Element is concerned both with development and with preservation. It is a concerted effort to recognize the positive attributes of the city, to enhance and conserve those attributes, and to improve the living environment where it is less than satisfactory. The Plan is a definition of quality, a definition based upon human needs.

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

POLICY 1.3

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

The goal of a Certificate of Appropriateness is to provide additional oversight for buildings and districts that are architecturally or culturally significant to the City in order to protect the qualities that are associated with that significance.

The proposed project qualifies for a Certificate of Appropriateness and therefore furthers these policies and objectives by maintaining and preserving the character-defining features of the landmark for the future enjoyment and education of San Francisco residents and visitors.

5. The proposed project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed project will not have any impact on neighborhood serving retail uses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed project will strengthen neighborhood character by respecting the character-defining features of the landmark in conformance with the Secretary of the Interior's Standards.

- C) The City's supply of affordable housing will be preserved and enhanced:

The project will not have any impact on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed project will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed will not have any impact on industrial and service sector jobs.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is improved by the proposed work. The work will eliminate unsafe conditions at the site and all construction will be executed in compliance with all applicable construction and safety measures.

- G) That landmark and historic buildings will be preserved:

The proposed project is in conformance with Article 10 of the Planning Code and the Secretary of the Interior's Standards.

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed project will not impact the access to sunlight or vistas for the parks and open space.

6. For these reasons, the proposal overall, is appropriate for and consistent with the purposes of Article 10, meets the standards of Article 10, and the Secretary of Interior's Standards for Rehabilitation, General Plan and Prop M findings of the Planning Code.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **GRANTS a Certificate of Appropriateness** for the property located at Lots 004 & 005 in Assessor's Block 0079 for proposed work in conformance with the renderings and architectural sketches dated October 2, 2013 and labeled Exhibit A on file in the docket for Case No. 2012.1197A.

APPEAL AND EFFECTIVE DATE OF MOTION: The Commission's decision on a Certificate of Appropriateness shall be final unless appealed within thirty (30) days. Any appeal shall be made to the Board of Appeals, unless the proposed project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, in which case any appeal shall be made to the Board of Supervisors (see Charter Section 4.135).

Duration of this Certificate of Appropriateness: This Certificate of Appropriateness is issued pursuant to Article 10 of the Planning Code and is valid for a period of three (3) years from the effective date of approval by the Historic Preservation Commission. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor.

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OF OCCUPANCY UNLESS NO BUILDING PERMIT IS REQUIRED. PERMITS FROM THE DEPARTMENT OF BUILDING INSPECTION (and any other appropriate agencies) MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

I hereby certify that the Historical Preservation Commission **ADOPTED** the foregoing Motion on October 16, 2013.

Jonas Ionin
Acting Commission Secretary

AYES: Hasz, Hyland, Johnck, Matsuda, Pearlman, Wolfram

NAYS: None

ABSENT: Johns

ADOPTED: October 16, 2013

EXHIBIT K



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER
(415) 558-6378

DIRECTOR'S OFFICE
PHONE: 558-6411

4TH FLOOR
FAX: 558-6426

ZONING ADMINISTRATOR
PHONE: 558-6350

5TH FLOOR
FAX: 558-6409

PLANNING INFORMATION
PHONE: 558-6377

MAJOR ENVIRONMENTAL
FAX: 558-5991

COMMISSION CALENDAR
INFO: 558-6422

INTERNET WEB SITE
SFGOV.ORG/PLANNING

November 8, 2004

Ms. Alice Suet Yee Barkley
Luce Forward, Attorneys at Law
121 Spear Street, Suite 200
San Francisco, CA 94105

Re: Determination Regarding 1234 – 1268 Grant Avenue
Assessor's Block: 145; Lots: 31-32;
Zoning District: North Beach NCD; Height and Bulk District: 40-X

Dear Ms. Barkley:

This Zoning Administrator letter of determination is in response to your letter of September 21, 2004, requesting the following two determinations regarding the subject property and the "Basta Pasta" restaurant business owned by Mr. Bruno Orsi and Mr. Lorenzo Petroni.

- 1) A determination holding that the condition of approval limiting the operation of a conditional restaurant use (approved per Planning Commission Motion No. 10962) to Mr. Orzi and Mr. Petroni is unlawful and unenforceable.
- 2) A determination holding that sufficient evidence exists to demonstrate that Mr. Petroni never abandoned the restaurant use.

In the 1980s, the Planning Commission had a practice of limiting restaurants to specific owners and/or types of food. I have determined that conditions of approval limiting a conditional use authorization to a particular owner or operator is unlawful and unenforceable, as conditional use authorizations run with the properties to which they are attached. Therefore, it is determined that Condition of Approval No. 6 of Planning Commission Motion No. 10962, limiting the conditional restaurant use at the subject property to operation by Bruno Orsi and Lorenzo Petroni, is null and void.

Your September 21, 2004 letter states that the "Basta Pasta" restaurant began experiencing a serious decline in business in 1999 and 2000, and your client placed the restaurant business on the market, reducing the price several times during 2000, and eventually closed the restaurant in January 2001 awaiting conditional use approval for amplified music to attract more business to the restaurant. You state that your client abandoned this proposal due to neighborhood opposition, and decided to continue marketing the restaurant business for sale or lease. You provided evidence that in February of 2001, your client entered into a commission agreement with a real estate broker, Mr. Ben L. Hom, to sell or lease the business and market it to the Asian-American community to cast a wider net for potential buyers. Your client also listed the

Ms. Alice Suet Yee Barkley
Re: 1234 Grant Avenue
November 8, 2004
Page 2

property with a second real estate broker to sell or lease the business. In January of 2002, your client renewed its commission agreement with Mr. Horn to continue marketing the sale of the restaurant business, but at a higher price than previously offered at various times in 2000. In April of 2004, more than two years later, your letter states that the entire property, including the restaurant business and equipment, was listed for sale as one single unit.

Given the information provided as outlined above, it appears that there has been, on balance, a generally consistent effort to operate the subject property as a restaurant. First, the restaurant furnishings and equipment have been kept in place. Second, the business and the property have been consistently marketed as a unit, either for sale or lease. If the restaurant furnishings and equipment had been removed, leaving the building empty in anticipation of a new tenant, or if the owner had not continually marketed the business and property as a unit, it would have been clear that the restaurant use had ceased to continue, and after a period of 18 months of such discontinuance of the use, the current conditional use authorization would have no longer been valid. To consider a use abandoned because it was unable to be leased in light of consistent efforts to rent the space, would damage the City's ability to recover from economically troubled times. In light of the difficult economic conditions following the collapse of the dot com industry, and the ensuing loss of numerous restaurants throughout the city, along with the owners' continual efforts to market the restaurant business, the restaurant furnishings and equipment, and property as a unit, it is determined that the use has not been abandoned, and has in essence continued to be actively marketed as a restaurant.

If you have any questions regarding this determination, please call Adam Light of my staff at (415) 558-6254, or by e-mail at Adam.Light@sfgov.org.

Any aggrieved person may appeal this decision to the Board of Appeals within 15 days of the date of this letter. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Room 3036, or by telephone at (415) 575-6880.

Sincerely,

Lawrence B. Badiner
Zoning Administrator

cc: Adam Light
Wilbert Wong
Nancy Shanahan - THD

EXHIBIT L



SAN FRANCISCO PLANNING DEPARTMENT

Notice of Planning Department Requirements #6

March 3, 2014

Paul D. Scott
Pier 9, Suite 100, The Embarcadero
San Francisco, CA 94111

RE: **302 Greenwich Street** (Address of Permit Work)
 0079/004 & 005 (Assessor's Block/Lots)
 2012.1197A (Case Application Number)

Your Certificate of Appropriateness Application (Case #2012.1197A) has been received by the Planning Department and assigned to planner Kelly Wong. Ms. Wong has begun review of your application but the following information is required before they are accepted as complete and/or considered Code-complying. Time limits for review of your project will not commence until we receive the requested information or materials and verify their accuracy.

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

1. **Planning Code Provisions:** The following Planning provisions are required for legalizing the expansion of the rear structure in the rear yard setback and for the proposed nonconforming restaurant use at the property. The Department recommends that a joint Conditional Use Permit and Variance hearing be scheduled to review both provisions. The Planning Commission and the Zoning Administrator will make determinations at the hearing.
 - a. **Variance:** A rear yard variance from the Zoning Administrator is required for the expansion of the rear structure since the expansion is located within the required rear yard setback. We recommend the following steps:
 - i. **Site Survey:** The drawings you provided show that the existing rear structure and its expansion sit over the property line on the north. Please provide a site survey (see attached Plan Submittal Guidelines for requirements) showing the location of the rear structure and its expansion in relation to the property line. If the expansion does sit over the lot line, you will be required to obtain authorization from the owner of the adjacent property where the expansion is located. According to Planning Department records, this adjacent property is owned by the San Francisco Recreation and Park Department. If this information is correct and an authorization is required, then the Department will provide you with the necessary steps for legalizing the authorization to build in the adjacent lot.

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

NOPDR #6 sent to:
Paul D. Scott
Pier 9, Suite 100, The Embarcadero
San Francisco, CA 94111

March 3, 2014
2012.1197A
302 Greenwich Street

- ii. **Variance Application:** Once the authorization to build, if required, has been granted the project sponsor should submit an application for a variance from the rear yard setback requirement per Section 134(a)(2) of the Planning Code in order to keep the expansion of the rear structure. Please see attached Application Packet for Variance from the Planning Code and its requirements.

- b. **Conditional Use Permit:** The proposed project requires a Conditional Use Permit for the proposed restaurant use since the previous nonconforming use as a restaurant in the RH-3 zoning district had been discontinued for a continuous period of three years. A restaurant use is typically not permitted in the RH-3 District, however Section 209.9(e) of the Planning Code allows for a commercial use since the property is located in a structure on a landmark site designated under Article 10. Please see attached Conditional Use Authorization Application Packet.

Once the Variance and Conditional Use Permit applications have been submitted, the assigned planner will review the applications to ensure that all required documents have been submitted and contact the project sponsor to schedule a hearing.

2. **Notice of Violation Fee:** The Notice of Violation #200679034 includes work undertaken without benefit of a permit including the expansion of the rear structure. Since the approved scope of work in the Certificate of Appropriateness case does not address the expansion, the notice of violation case cannot be closed. Only when the rear structure expansion has been legalized can the notice of violation case be closed out. Once the entitlements have been issued, the assigned planner will contact the Planning Department Enforcement Officer to review and close the violation.

3. **Additional Scopes of Work:** Any additional work outside of the scope of work already approved by the Planning Department and the Historic Preservation Commission in the Certificate of Appropriateness is not permitted without further review and approval by the Department. Please contact the assigned planner to discuss any additional scopes of work to determine if any further review and entitlements are required.

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

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

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

NOPDR #6 sent to:
Paul D. Scott
Pier 9, Suite 100, The Embarcadero
San Francisco, CA 94111

March 3, 2014
2012.1197A
302 Greenwich Street

All plan revisions must be filed at the Department of Building Inspection, Permit Processing Center, 1660 Mission Street, 1st Floor. Do not submit plans directly to the Planning Department. Plans will not be accepted by mail or messenger, and all plans must be signed by preparer, architect or engineer.

Please respond fully with all requested information and/or plan revisions as described above. You may file any plan revisions responding to this notice at no extra charge. However, please be advised that failure to address all the items listed above, leading to additional requests for revisions beyond those filed in response to this notice, will require a Back-Check Fee for Permit Revisions (\$191 per hour, Planning Code Sections 355(a)2). If you file additional plan revisions in the future, those plan revisions will be subject to the Back-Check Fee.

Please direct any questions concerning this notice to **Kelly Wong** at (415) 575-9100 or **Kelly.Wong@sfgov.org**. Contact the assigned planner to set up any meeting, should one be necessary. Please do not come to the Planning Department to discuss this notice without an appointment.

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

KW: G:\Kelly\02_Projects\COA\302 Greenwich Street\Correspondence\To\2014-03-03_NOPDR_06_CU variance\302 Greenwich Street_NOPDR_06_final.doc

EXHIBIT M

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GET UPDATES

WHAT IS PRESERVATION WHO WE ARE WHAT WE DO SAVE A PLACE JOIN US

A Happy Ending for San Francisco's Castle?

The City Landmark Remains Closed

By Laura Kiniry | Online Only | June 8, 2009

On a recent Saturday morning, a young father and son descending San Francisco's Greenwich Steps happened upon Julius' Castle. "We'll have to look this place up," the father said. "I never knew San Francisco had a castle."

It does ... sort of. Clinging to 284-foot-high Telegraph Hill just 150 feet below Coit Tower's parking lot, Julius' Castle isn't your typical fortress. It's a restaurant, or at least, it used to be. The 85-year-old beloved tourist attraction—San Francisco's first and one of its only eateries to be designated a city landmark—has been closed since 2006, and its future remains murky.

Italian-born architect Louis Mastropasqua built Julius' Castle in 1923 for Julius Roz, a local restaurateur and fellow Italian who immigrated to San Francisco in 1902. Mastropasqua combined fairytale elements—pointed-arch windows, and medieval-style battlements on the exterior's upper balconies—with Gothic Revival and Arts & Crafts influences. "It's an artifact," says local resident Larry Habegger. "A castle that's built to look like a castle."

From its entrance the building might pass for just another Victorian—multiple floors with pollen-colored shingles, topped with what was originally a residential unit. Its backside, however, visible from the Embarcadero waterfront below, has a medieval storybook quality, the words "Julius' Castle" displayed prominently in massive redwood script between a series of full-length windows and a hexagonal tower that Roz added in 1926.



Julius' Castle, pictured here in May 2009, is for lease.

Credit: Laura Kiniry

When Roz died in 1943, the property passed through several owners, though it has always retained its name. With help from the Telegraph Hill Dwellers, a local preservation group that formed in 1954 to protect the area's character, the property earned landmark status in 1980, just prior to purchase by San Franciscan Jeffrey Pollack. The local restaurant mogul would become the castle's longest-running proprietor, owning and operating it for 26 years. "I was quite happy with the historic landmark status," Pollack says. "I never tried to change it."

Throughout Pollack's tenure Julius' Castle served as a popular celebrity hangout, with visits from Bay Area politicians ("Table 34 was the mayor's table," says Pollack), 1980s musicians like Huey Lewis and Journey, and Hollywood luminaries: Robert Redford, Sean Connery, and Ginger Rogers. Once, says Pollack, the entire cast of *The Empire Strikes Back* ("Everyone from 5'1" Carry Fisher to the 7'3" guy who played Chewbacca," Pollack says) came in for dinner. Later, the castle hosted an even stranger looking group: two dozen 60- to 70-year-olds, many with leathery skin and damaged limbs. After shaking several hands with missing fingers, Pollack learned they were mountain climbers. Their guest of honor? Famed Everest conqueror Sir Edmund Hillary.

Despite its architecture and history, rumors regarding the castle's future have swirled since Pollack made a spontaneous decision to sell in 2006. New owner Jim Payne shut down the restaurant for months, replacing doors and windows, hand-sanding and sealing interior walls paneled with wood Roz reputedly purchased from the city's 1915 Panama Pacific Exposition, expanding the upper-floor apartment, and constructing a rear addition for storage. Unfortunately, Payne undertook the work without building permits or a Certificate of Appropriateness from the city's planning department. The castle reopened in May 2007, only to be shuttered again eight months later for unrelated issues.

Today, Julius' Castle's exterior shingles are chipping; cobwebs encase the sculptured grape vines wrapping the entry's outer balusters; and the circular parking lot—once a turnaround similar to those used by the city's cable cars—has morphed into makeshift residential parking.

According to Tim Frye, Telegraph Hill's Historic Preservation Technical Specialist, Julius' Castle falls within San Francisco's North Beach special-use district, stating that a restaurant not utilizing its grandfathered clause within three years may lose its permit. Julius' Castle is

halfway there.



Entrance to Julius' Castle

Credit: Laura Kiniry

Though currently listed for lease at an undisclosed price on LoopNet.com, there appears to be little movement—a situation that may be due to the changes Payne made, which are still under arbitration between his architect, the Telegraph Hill Dwellers, and the city's Historic Preservation Board. While it's possible that Payne, who did not return phone calls from Preservation, could be trying to rid himself of the castle through demolition by neglect (as a recently tarped-over landslide adjacent to the structure may suggest), Frye says that's unlikely. San Francisco's city ordinance states that to tear down a city landmark, owners must prove there's no economic use for the property. "Obviously the space can be a successful restaurant," he says. "It's been operating that way for more than 75 years."

Truth be told, Julius' Castle's spectacular views and historic value have long been its main selling points, more so than its sometimes heavy menu and even heftier prices, and many locals eager to see the castle survive aren't as concerned about its use. "The important thing for me," says Habegger, "is that the exterior of the building not be [further] changed."

Still others, including Pollack, would like to see Julius' Castle once again rise as a restaurant. "From my point of view, it's sad," he says. "People keep asking me, 'When's it going to reopen?' I have nothing to do with it, [but] I hate to see the place closed."




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EXHIBIT N



SAN FRANCISCO PLANNING DEPARTMENT

NOTICE OF VIOLATION

May 17, 2007

James Payne
PO Box 77424
San Francisco, CA 94107

Regarding: Alteration to Landmark No. 121 (Julius Castle) without building permit or Certificate of Appropriateness.

Site Address: 302 Greenwich Street (A.K.A 1541 Montgomery Street)

Block / Lot: 0079/005

Survey Ratings: Landmark No. 121; 1976 Architectural Survey – Y

Restrictions: Limited Commercial Use (LCU)

Zoning District: RH-3 (Residential, House Districts, Three-Family)

Planning Department Complaint Tracking No.: 8565

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

Reception:
415.558.5378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Mr. Payne:

This letter is to inform you that the subject property listed above is in violation due to the unauthorized alteration of a City Landmark, No. 121 (Julius Castle).

On January 26, 2007, a site visit was conducted by Historic Preservation Technical Specialist April Hesik and Enforcement Planner Scott Sanchez in order to investigate a complaint alleging that an alteration of the historic subject property, a designated City Landmark No. 121 (Julius Castle) had taken place at the rear of the property. The site visit coupled with research of recent building permits and photographs confirmed that the historic property has recently modified the rear of the property to include a one-story infill located towards the rear north east portion of the building and modifications to a detached structure, also located at the rear. Based on these findings, the subject property is in violation for failing to seek authorization from the Planning Department. The authorization required for any alteration to a historic property would include both a building permit and a Certificate of Appropriateness.

Please note that a Certificate of Appropriateness (C of A) is the authorization designated City Landmarks and Historic Districts require for exterior alterations. The purpose of requiring a Certificate of Appropriateness is to ensure that designated landmark sites and historic districts are preserved and that alterations, demolitions and new construction are compatible with historic resources.

Research found that although a building permit (Application No. 2006.12.01.9297) was recently approved to patch an existing retaining wall, tile, and for other minor cosmetic work, photographs taken between October 12, 2006 and February 19, 2007 clearly demonstrate additional work involving the expansion of an existing detached structure located at the rear and a one-story infill located on the north east side of the property. The recently approved building permit listed above failed to describe the additional work completed. Any additional expansion or intensification of the structure requires the authorization by the Planning Department.

In order to address this violation, the Planning Department requires you to submit a building permit detailing all work performed to subject property and to seek a Certificate of Appropriateness within 15 days from the date of this notice.

Failure to submit the required building permit detailing all work performed and a Certificate of Appropriateness within 15 days from the date of this letter will result in a cease and desist order being placed on your property.

After an appeal process and referral to the City Attorney, Section 176(c)(1) of the Planning Code provides for civil penalties for violations of provisions of the Planning Code, not less than \$200 for each day such violation is committed or permitted to continue.


Additionally, Planning Code Section 350(c)(1) of the Planning Code allows the Planning Department to charge time and materials to recover costs of correcting code violations and violations of Planning Commission and Department conditions of approval of use if such costs are not covered by any permit or application fees collected as part of the legalization of such violations.

We want to assist you in ensuring your property is in full compliance with the Planning Code and that no violations are pending. The Department requires that pending violations be resolved prior to the processing and approving of any new building permits or other applications.

Our approach to Code Enforcement is to try to help you understand the Code issues involved and resolve the violation complaint. Should you have any questions about the content of this letter, please contact **Dario Jones** of my staff at (415) 558-6477.

If any interested party believes that this order to remove a violation of the Planning Code is an abuse of discretion by the Zoning Administrator an appeal may be filed with the Board of Appeals within fifteen (15) days of the date of this letter.

Sincerely,



Lawrence B. Badiner
Zoning Administrator

Attachments:

Photographs
Property Information Report
Building Permit Application 2006.12.06.9297
Certificate of Appropriateness Application

Cc. April Hesik, Planning Department - Preservation Technical Specialist
Scott Sanchez, Planning Department - Planner
Mary Freschet - Health Inspector, Department of Environmental Health
James Payne- 1541 Montgomery Street, San Francisco CA 94960
Donald Simas- District Inspector- Department of Building Inspection

N:\CODE ENFORCEMENT\NORTHEAST Quadrant\302 Greenwich (LCU Expansion)\NOV 302 Greenwich Street.dot



EXHIBIT O

Permits, Complaints and Boiler PTO Inquiry

Permit Details Report

Report Date: 5/24/2012 3:41:34 PM
Application Number: 200901291093
Form Number: 3
Address(es): 0079 / 005 / 0 302 GREENWICH ST
Description: REMOVE REAR EXTENSION OF CITY LANDMARK BUILD #121 IN ORDER TO COMPLY WITH SAN FRANCISCO PLANNING DEPT CERTIFICATE OF APPROPRIATENESS CASE NO. 20070653A.
Cost: \$5,000.00
Occupancy Code: B
Building Use: 05 - FOOD/BEVERAGE HNDLNG

Disposition / Stage:

Action Date	Stage	Comments
1/29/2009	TRIAGE	
1/29/2009	FILING	
1/29/2009	FILED	

Contact Details:

Contractor Details:

License Number: UND
Name: UNDECIDED UNDECIDED
Company Name: UNDECIDED
Address: UNDECIDED * UNDECIDED CA 00000-0000
Phone:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	INTAKE	1/29/09	1/29/09			1/29/09	CHEUNG WAI FONG	415-999-9999	
2	CPB	1/30/09	1/30/09			1/30/09	GIANG VINH	415-558-6070	
3	PPC	2/2/09	2/2/09				GREEN EMILIE	415-558-6133	02/02/2009: (Serial Processing) Route to Bldg. gjs 3/5/09: ROUTE REVISION-1 TO TIM FRYE OF DCP. EG
4	CP-ZOC	2/2/09					FRYE TIM	415-558-6377	
5	BLDG							415-558-6133	
6	CPB							415-558-6070	

Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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EXHIBIT P

Paul Scott

From: Reza Khoshnevisan <reza@siaconsult.com>
Sent: Thursday, October 16, 2014 2:13 PM
To: Paul Scott
Subject: RE: Julius Castle

Hi Mr. Scott,

This is to confirm that the issue of the lot lines and the lack of required rear yard were some of the obstacles that existed during the permit process approval.

Regards,
Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, Ca. 94103
Tel: 415.922.0200, ext.108
Fax: 415.922.0203
Cell: 650.773.1862

From: Paul Scott [mailto:paul@juliuscastlesf.com]
Sent: Thursday, October 16, 2014 12:21 PM
To: Reza Khoshnevisan
Subject: Julius Castle

Mr. Reza Khoshnevisan
Principal
SIA Consulting
1256 Howard Street
San Francisco, CA 94103

Re: Julius Castle

Mr. Khoshnevisan:

Thank you for taking the time to talk earlier today. I write regarding the application for a building permit that your firm submitted to the City of San Francisco on or about January 29, 2009 for work on Julius Castle. I understand from your comments that you were unable to obtain the building permit due, at least in part, to issues involving the location of Julius Castle relative to its property lines.

If you could confirm by return email, that would be appreciated.

Regards,

Paul Scott

Mejia, Xiomara (PAB)

From: Dan Lorimer <lorimer@R-1.net>
Sent: Monday, October 20, 2014 7:05 PM
To: Board of Appeals (PAB)
Subject: Julius' Castle appeal
Attachments: Sanchez 6-3-14.pdf

BOARD OF APPEALS

OCT 21 2014

APPEAL # 14-153

Distinguished Members of the Board of Appeals --

I write in support of the Zoning Administrator's decision regarding Julius' Castle. Please consider the points raised in my letter attached letter of June 3rd to Scott Sanchez. It details the legal/technical reasons for denying Mr. Scott's appeal as well as the abuses that characterized previous operators of the restaurant which need to be brought under control through restrictions in any conditional use permit that might be granted.

Thank you,

Dan Lorimer
1315 Montgomery St.
San Francisco, CA 94133

1315 Montgomery Street
San Francisco, CA 94133
June 3, 2014

Mr. Scott Sanchez
Zoning Administrator
Office of the Zoning Administrator
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Paul Scott's request for exemption from Conditional Use Permit requirements for
Julius' Castle 1541 Montgomery Street/ 302 Greenwich Street

Dear Mr. Sanchez,

Much appreciated you calling me back from my VM of last week. Per your request, I am putting some of the points that I made on the phone yesterday in writing for your further consideration and for the benefit of your staff.

Request for Exemption

The first issue is the expiration of grandfathered rights. Julius' Castle (JC) has been largely closed since some time in 2006, with brief reopenings thereafter, but closed its doors for the last time on 1/19/2008. Paul Scott closed escrow for his purchase of the property on 4/20/2012. At that point, the 3-year window for restarting the nonconforming business had long since closed: when he took title, the restaurant had not been open for 4 years and 3 months. Mr. Scott is an attorney, so it would be unreasonable for him to claim ignorance of the applicable regulations. When he purchased the property, he should have been fully aware that the building came without rights to resume its former nonconforming use. When he applied to you for exemption from these regulations on 4/17/2014, 6 years and 3 months had passed since the restaurant closed, more than double the time allowed to resume operations. On this basis alone, if he wants to reopen the restaurant, he should be required to apply for a new conditional use permit.

Paul's attempt to blame the long period of time that has elapsed upon inefficiencies at Planning is both disingenuous and irrelevant. Disingenuous because he considerably delayed the planning process himself by attempting multiple times to be let off the hook from being required to restore the building to its condition prior to the illegal additions of the previous owner. But even if what he claims were true, the delays in getting his COA are irrelevant: the window for reopening the restaurant had already closed 15 months prior to his purchase of the property. As of today, that window has been closed for more than 3 years and 4 months.

A Neighborhood Nuisance

When it was in operation, Julius' Castle caused numerous problems for its immediate neighbors. The key problems were traffic, parking and noise. Since it has been closed, the difference is profound. Easily 90% of the traffic on Montgomery was generated by the restaurant. Close to 100% of the speeding cars we had here were taxis or valets servicing the restaurant. The valets also took up what little available parking there was, and the valet area knocked out a large block of parking spaces otherwise available to residents. The restaurant stayed open late, so we had to contend with loud, drunk people spilling out of the restaurant past 2AM. Large delivery trucks rumbled down the street during the daytime. Because there is little room to turn around, we were always hearing their backup beepers. And JC sometimes had loud music out on their terraces which echoed up and down Greenwich and Montgomery. For all of this, JC was of essentially no benefit to those of us who live here. If JC had not been here already, certainly no such use would be allowed in this location now. At the very least, there need to be restrictions upon how a restaurant would operate there in the future, thus a CU permit is necessary. It would be far better if the property were simply required to conform to the zoning regulations applicable to all other properties on its block.

Mr. Scott has met with the Telegraph Hill Dwellers' planning and zoning committee several times. Initially, he tried to enlist our support for exemption from Planning stipulations regarding restoration of the structure. Recently, he has tried to enlist our support for his application to operate without a conditional use permit. Our most recent meeting with him was on May 8th. At that meeting, he made it very clear that he would not voluntarily agree to restrictions of any kind on hours of operation, valets or anything else prior to receiving the blessing of some future operator (he does not intend to operate the restaurant himself). That operator, whose financial interests would necessarily be opposed to any such restrictions, would also, under Paul's plan, call the shots. This is obviously unacceptable to the neighborhood. Why Paul thought he would receive any support from neighbors with this kind of proposal remains a mystery. But his lack of cooperation with us underscores the need to have the restrictions in place that would be included in a CU permit. Without such restrictions, it is clear that Mr. Scott is content to let whoever operates the restaurant do whatever he wants.

Paul has tried to sell us on a number of pie-in-the-sky schemes that rely upon either changing customer behavior or city expenditures to mitigate the nuisances created by JC that he is unwilling to address through operational changes. Among these are installing speed bumps on Montgomery to deal with speeding cabs and valets. Having, as president of a neighborhood association planned an extensive traffic-calming implementation in Palo Alto, I can assure you that speed bumps, even were the city willing to spend the money to put them in, are a very poor solution. The City of Palo Alto's consultant for the project said that people who live next to speed bumps invariably complain about noise. In another neighborhood in Palo Alto, bumps were installed to reduce traffic speeds, and had to be ripped out because the noise from cars running over the bumps proved to be a greater annoyance to residents than the traffic problem they were meant to solve. The same thing would surely occur here.

He has also suggested that people who walked to JC might receive a discount from the operator. Leaving aside the issue of whether the operator would offer such discounts unless Paul subsidized them (something which he did not commit to doing), is it realistic to think that people are going to walk up 300 stairs to buy a \$200 dinner even if they did get a few dollars knocked off?

Another one of his extravagant (with other people's money) concepts is a funicular serving his restaurant and Coit Tower from the level of Lombard St. at the bottom of the cliff. He somehow expects us to take these ideas seriously, and based exclusively upon buying into his fantasies rather than upon simply agreeing to run JC within neighborhood-friendly guidelines, support him in getting a free pass to operate without restrictions. Would you fall for this nonsense if you lived in the neighborhood?

Necessary Restrictions

The noise and traffic nuisances imposed by the restaurant, if it is to be allowed to reopen at all, need to be limited. This is a quiet residential neighborhood. Certainly a 10PM closing time, as is typical for many of the restaurants in North Beach, is reasonable.

Valet parking is, in my view, the #1 problem. For each valet parked car, unless the valets park the cars in the neighborhood, which exacerbates the parking shortage we already have, the following trips occur on Montgomery St.:

- (1) trip in for owner of car
- (1) trip down to the remote parking lot by the valet
- (2) round trip by another valet to pick up the valet at the lot
- (2) another round trip to drop the valet at the car
- (1) trip back to the restaurant with the car
- (1) trip out for the owner of the car

That results in a total of 8 car trips up or down Montgomery (and every other street on the route to the parking lot) for every single car. The math is pretty clear: valet parking should not be allowed, regardless of where the valets park the cars.

Beyond this, the issues are delivery trucks, drunk customers and noise from entertainment. We would like to see a 3-ton limit on Montgomery, as currently exists on Green Street. The bar has attracted serious drinkers in the past who frequently rolled out of the restaurant plastered and noisy. If JC reopens, it should not be issued a hard-liquor license. If there is to be live music, it should be allowed inside the building only.

A Middle Ground

It would be possible for JC to reopen in a modified format that eliminated all of the problems listed above. This would be as a bed and breakfast with a café. Such an operation would, like

the restaurant, require a conditional use permit. It would, however, be welcomed by the neighborhood. Traffic volumes for the hotel would be minimal. Hours of operation, would again be a non-issue, since there would be no advantage to the operator in staying open late. The volume of deliveries would also be considerably lower. The problems with drunks and entertainment noise would go away. Overall, this is a neighborhood-friendly solution that allows the building to be used similarly to what it was originally built for. Times have changed. The neighborhood is nothing like it was when Julius' Castle was built in 1922, but JC could, with changes to its mode of operation, still be welcome here. Not if it operates as it has in the past, however. You are welcome to call me at 415-315-1258 to discuss any of the foregoing.

Best wishes,

A handwritten signature in black ink, appearing to read "Dan Lorimer", written in a cursive style.

Dan Lorimer

1315 Montgomery St.
San Francisco, CA 94133
October 27, 2014

Board of Appeals
City & County of San Francisco
1650 Mission Street, Suite 304
San Francisco, CA 94013

RE: Appeal No. 14-153 regarding August 14, 2014 Letter of Determination relating to 1531 Montgomery St. / 302 Greenwich St.

Distinguished Members of the Board of Appeals:

I have addressed the main issues with regard to the Julius' Castle situation in my letter of June 3rd to Zoning Administrator Scott Sanchez, which was forwarded to you last week. This letter, which strongly supports the Zoning Administrator's decision, is intended to briefly counter various statements in Paul Scott's appeal which are either inaccurate or misleading.

As a starting point for all comments to follow, ignorance of the law does not constitute an excuse, *particularly when the person asking to be excused is an attorney*. Mr. Scott purchased the property when the restaurant had not been operated for 4 years and 3 months. Due to discontinuance of the use, grandfathered rights to operate a restaurant there had expired at the 3-year point per Planning Code §183. Mr. Scott is a lawyer, and should have realized that reopening the restaurant would require a dispensation from that provision. It is difficult to understand his assumption that Julius' Castle was a special case that would cause the Planning Department to disregard provisions in the Planning Code.

Instead of consulting with the Planning Department, Scott implies that he relied upon what he read in a SocketSite posting saying that commercial property with a "destination restaurant" was for sale, and includes the page and the TRI marketing brochure for their listing withdrawn on 3/5/10 as exhibits to support his case. The page does say something similar, though neither indicates that Julius' Castle is a commercial property. Yet even if he did rely upon the article and marketing hype rather than doing his homework, saying that he did so completely ignores the timeline: the posting is dated 2/5/10, and the restaurant ceased operation on 1/19/08. When the "Could Julius Castle Be Your Own" article was posted and earlier when the marketing brochure was prepared, the non-conforming use had only been discontinued for 2 years. At that time, the restaurant *could* have been reopened. It is hard to imagine that any responsible investor, let alone an attorney, would buy a property in 2012 based upon a "Real Estate Tips, Trends and the Local Scoop" page and an old marketing brochure from early 2010 without researching the viability of restarting an abandoned non-conforming use. Escrow closed on 4/20/12, more than 2 years and 2 months from the date of the article!

Mr. Scott claims that he has been hamstrung by permit issues for 2-1/2 years "despite diligent efforts by the current owner to restore the building and return the restaurant to operation." This is highly misleading for several reasons. First of all, this disregards the fact that rights to operate a non-conforming use at this site had already expired 15 months prior to his purchase of the property. Second, he bought the property knowing that it had a history of being red-tagged for illegal construction. It should have been obvious to anyone buying that property that the red-tagged items would need to be corrected. He rambles on at great length explaining the woes of the previous owner. For some reason, he expects the Board of Appeals to feel sorry for both himself and the previous owner for the difficulties that they encountered with Building and Planning when this illegal work, which damaged the landmarked building, was discovered in 2007. The key point is that Scott has indeed, as he says, tried to return the restaurant to operation, *but without removing the illegal work and without restoring the building to its prior condition*. He has fought the Planning Department's stipulations every step of the way. Eventually, realizing that he was getting nowhere, he agreed to them to get his COA. Now he follows that performance by complaining that Planning has held him up!

I suspect that much of what I detail above restates the obvious once the dates are checked. The Zoning Administrator clearly saw through the nonsense presented by Mr. Scott, and his determination reflects that. It is quite clear that Mr. Scott wants to reopen the restaurant with freedom to abuse the neighborhood with the late hours, noise and traffic problems created by previous operators as detailed in my letter of June 3rd, and that is precisely why he is so resistant to following the normal CUP procedures. With restrictions imposed by a CUP, the neighborhood can and will be protected.

Thank you for your consideration of these remarks.

Sincerely,



Dan Lorimer

BOARD OF APPEALS

OCT 29 2014

October 28, 2014

Board of Appeals
1650 Mission Street, #304
SF, 94013

APPEAL # 14-153

On behalf of the owners of 303 Greenwich, we would like to concur with Scott Sanchez, zoning administrator, that the non-conforming restaurant use of Julius' Castle has been abandoned. Ours is the building most impacted by Julius' Castle restaurant. It has been closed for almost 8 years now. We have never heard a single neighbor say they miss it, in fact, just the opposite—the neighborhood is much quieter without it.

We live in a strictly residential setting—there is no other commercial establishment within many blocks and we really are concerned that the unpleasant situations we experienced in the past when it was open will be repeated.

In the event that the building is permitted to re-open as a restaurant, we are urgently requesting an enforceable agreement from Mr. Scott, owner, which guarantees compliance with the following conditions:

1. Restaurant and bar to close by 10pm.
2. No valet parking. Our city street(a cul-de-sac where Montgomery ends) becomes a private parking lot for the restaurant and prevents access to our garage. This is caused by the valets double-parking cars between the restaurant and our garages doors.
3. No huge delivery trucks. A 3-ton limit would eliminate most of the trucks that get jammed in the cul de sac.
4. No hard liquor license. Especially after drinking hard alcohol, restaurant patrons have historically stood outside Julius' Castle, engaging in loud conversations and other disruptive behavior, forgetting that this is an exclusively residential neighborhood.
5. No live music.
6. No buses or shuttles transporting large groups of customers to the restaurant. In the past, many of these vehicles were unable to turn around easily in the cul-de-sac, and had great difficulty driving up the hill when loaded with passengers. Also, busloads of diners creates congregations of large, noisy groups around our building.
7. Our prior review of the lease between owner and operator/tenant of the restaurant which includes an agreement that all parties shall abide by these conditions.
8. Agreement by owner and by operator/tenant to a clear channel of enforcement of the conditions so that we will know how to proceed if and when we see infractions.

Thank-you,

Jean Steyaert, Maria Spurlock, HOA Co-Chairs, 303 Greenwich, SF 94133,

1345 Montgomery Street
San Francisco, CA 94133
wesleydick@hotmail.com
917.539.4609 (mobile)

BOARD OF APPEALS

OCT 30 2014

APPEAL # 14-153

October 30, 2014

Mr. Scott Sanchez
Zoning Administrator
Office of the Zoning Administrator
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Julius's Castle, (1541 Montgomery Street, aka 302 Greenwich Street), and the owner, Paul Scott's request for an exemption from Conditional Use Permit Requirements.

Dear Mr. Sanchez:

I am a resident of Telegraph Hill, residing at 1345 Montgomery Street where I own my home, located just a few houses up Montgomery Street from Julius Castle. I am writing today in the hope of reinforcing some of the messages you have already received from my neighbors with respect to plans currently underway to re-open Julius Castle as a restaurant.

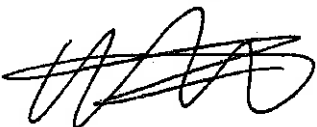
So that there is no confusion, I am not as a matter of principal opposed to the re-opening of the restaurant at Julius Castle. In the right set of circumstances, having the castle re-opened as a restaurant could be a wonderful addition to the neighborhood. But I have serious concerns about car traffic, hours of operation, parking constraints, construction/modifications to the building, noise and the safety of my children. Given that the restaurant has been closed for some time, there should be a definitive process put in place to evaluate Mr. Scott's plans and to address the concerns of the neighbors.

This letter is not intended to serve as a comprehensive list of the considerations relevant to Mr. Scott, the city and my neighbors but is instead intended to reiterate the message that if the restaurant is in fact to re-open, that it be conducted in a manner whereby the neighbors might have some input into the permitted operation of the restaurant at Julius Castle.

As such, I respectfully request that Mr. Scott be required to apply for a conditional use permit should he intend to re-open the restaurant at Julius Castle.

If you would like to discuss the contents of this letter or any of the issues presented hereby, please do not hesitate to contact me.

Regards,



Wesley Dick

Mejia, Xiomara (PAB)

From: THD Planning & Zoning <pz@thd.org>
Sent: Thursday, October 30, 2014 4:29 PM
To: Board of Appeals (PAB)
Cc: Sanchez, Scott (CPC)
Subject: Appeal No. 14-153 - 1531 Montgomery St. / 302 Greenwich St.



October 30, 2014

Board of Appeals
City & County of San Francisco
1650 Mission Street, Suite 304
San Francisco, CA 94013

RE: Appeal No. 14-153
1531 Montgomery St. / 302 Greenwich St.
Julius' Castle – Landmark No. 121

Honorable Members of the Board of Appeals,

We are writing in support of the Zoning Administrator's Letter of Determination of August 14, 2014, that the non-conforming restaurant use at the above address has been abandoned.

However, we would like to point out that the Zoning Administrator's determination does not prohibit the re-establishment of a restaurant use in this location. Because Julius' Castle is a City Landmark, the Planning Code contains a special provision providing that restaurant use may be re-established in this building upon the approval of a Conditional Use Authorization by the Planning Commission.

Given the sensitive location of this building in a densely populated residential neighborhood, we believe that the conditional use process would provide an opportunity for the inclusion of reasonable conditions on restaurant use thereby reducing its impacts on the surrounding residents and providing for the appropriate restoration of the building.

We respectfully urge you to uphold the Zoning Administrator's Determination.

Planning & Zoning Committee
Telegraph Hill Dwellers
pz@thd.org

BOARD OF APPEALS
OCT 30 2014
APPEAL # 14-153

Ms Ann Lazarus,
President, Board of Appeals,
City & Council of San Francisco

Thursday, October 30, 2014
BOARD OF APPEALS
OCT 30 2014
APPEAL # 14-153

Dear Ms. Lazarus & Board Members,

We, as homeowners within the 9-unit La Colline HOA at 1451 Montgomery St, are writing in support of the position taken by the SF Planning Department that rejected an application for non-conforming use regarding re-opening of Julius Castle restaurant under an expired permit. Our position is based on the balance between what is necessary and desirable to the neighborhood and whether it may potentially have a negative impact on local residents.

In terms of "necessary and desirable", the opinion of the owners within our condominium located within 100 feet of Julius Castle, is that there is no need for a restaurant, nor is it desirable to have one. One could posit that even from a broader perspective than ours alone, there is no need for a restaurant at the site of Julius Castle. The site of the restaurant is within a 5- to 10-minute walk of multiple restaurants in North Beach or the Embarcadero offering a wide range of cuisines and price, presumably amply addressing the needs of residents of, and tourists to San Francisco alike. With respect to the issue of whether there is direct benefit to the neighborhood, one would have expected the owner/developer to canvass the local residents regarding their view of the need for a restaurant on the street as well as their views on any potential negative effects. This, to our knowledge, has not been undertaken by the owner. The current issue only came to our attention based on a postcard received from the Board of Appeals notifying nearby residents of the proceedings. At a minimum, the owner should be required to follow established procedure for conditional use permit. Obtaining community input would be appropriate, given the residential nature of the street. We suspect our view is not unique to residents of the street.

As to potential negative effects, when the restaurant was active, the net effect on adjacent residents was of increased vehicular traffic, disrupted traffic circulation, garbage/rodent issues, noise into the late evening/early morning and reduced availability of parking for residents. During the evening and early morning hours, patron and valet shouts would carry widely. Valet attendants would allow cars to double- and triple-park in the cul-de-sac impeding traffic flow, already a challenge, particularly for any vehicle other than cars. In addition, the valets would drive diner's cars around the neighborhood to secure other parking spots. As anyone knows who lives in the area, parking is extremely limited without superadded numbers contributed by a restaurant on the street. Safety is a related aspect as the street is narrow and irregular with limited visibility. Given the amount of pedestrian tourist traffic plus elderly residents and young children living on the street, having people (including taxis) unfamiliar with the area driving around in the evening or valets zooming about placing or retrieving cars is an unnecessary hazard. The street is bifurcated and service trucks often came down the wrong way to avoid difficult navigation going the correct way. Beyond the traffic associated with patrons, a fully operational restaurant would have service vehicles before and after hours for supplies and clean-up. This could

potentially involve much of the day if lunch and dinner were served and also potentially every day of the week.

The building and adjacent property is left unattended, which is unsightly (including material from a fire almost 2 years ago) but also speaks to security. Homeless individuals use the space around the building and crawl over rails into the street at various times of day or night, which is at a minimum disconcerting, frightening and a potential threat to residents and their property. This suggests that the owners have not had sufficient interest in the impact on neighbors, supporting a contention of abandonment, not just of the restaurant but the entire property.

Given the above considerations, we feel strongly that the property mentioned should revert to residential use or that the owner be required to follow appropriate legal channels for a different use rather than re-activating an expired conditional use permit. Many will pay for the benefit of a single individual if the property once again becomes a restaurant without appropriate restrictions on use, given that the building is in a fully residential area.

Sincerely

Members of La Colline Homeowner's Association

Tim Thompson (HOA president)

Susan Snow (HOA vice-president)

Gordon Francis (HOA Treasurer/Secretary) & Anissa Kalinowski

Blair Schmicker

Liz Gans

Karen Fong & Brian Cassidy

Mohsen & Shala Sanai

Mejia, Xiomara (PAB)

BOARD OF APPEALS

From: Mark Miller <millar@mkthink.com>
Sent: Thursday, October 30, 2014 3:26 PM
To: Sanchez, Scott (CPC); Board of Appeals (PAB)
Subject: Julius Castle reopening

OCT 30 2014

APPEAL # 14-153

I am writing in strong support of the reopening of Julius Castle as a Full Service restaurant and encourage you to avoid unnecessary permit burdens that would limit its ability to succeed.

As a former (15 year) resident of Telegraph Hill and a current resident of San Francisco with a 20 year history of working along the Embarcadero at the eastern foot of Telegraph Hill, I am vary aware of how odd, personal and unproductive some of the special interest politics of a select few neighbors can undermine the health of life in the City. In this case, reopening Julius Castle would be blessing for the City and return some fun and character to the neighborhood.

That the owner is a long time and current resident of Telegraph Hill only strengthens my confidence that the operations will be sensitive to the vast majority of the people who live and work in the neighborhood. Hopefully the San Francisco Government and the Board of Appeals will see past the self serving interests of a few residents and remain in favor of the project with terms that will allow Julius Castle to reopen and thrive.

Thank you for your consideration.

Mark R. Miller, AIA, LEED AP
CEO
Innovation Studio Director

MKThink

Roundhouse One
1500 Sansome Street
San Francisco, CA 94111

Direct: 415.288.3388
Main: 415.402.0888
Email: millar@mkthink.com



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Mejia, Xiomara (PAB)

From: Rob Hammond <hambons@gmail.com>
Sent: Thursday, October 30, 2014 2:20 PM
To: Board of Appeals (PAB)
Subject: Do Not Reopen Julis Castle

BOARD OF APPEALS

OCT 30 2014

APPEAL # 14-158

I am the owner of 356 Greenwich Street, which is located just above Julius Castle. The entire length of my building looks directly onto their roof. My family has owned this property since 1987, so I remember what the neighborhood was like when Julius Castle was open.

I strongly oppose reopening the building as a restaurant. There already is too little parking in the area and adding a restaurant will make the situation worse. When it was open before, the only way to find parking on Montgomery St was to wait till after midnight. The other options for parking mean that you have to park extremely far from my unit, such as at the bottom of the hill on Sansome Street and then walk up 400 or so stairs. Also, that block of Montgomery Street is an extremely narrow road and adding extra traffic to the road will make it even harder to navigate. People unfamiliar with the road (particularly those having a few drinks with dinner) are more likely to speed down it and/or hit one of the many cars that are parked in odd locations since the road is narrow, goes up and down, and bends in funny ways. Furthermore, it is a residential neighborhood and having a restaurant there will add lots of noise at night unless they close early. I do not want people coming and going out of the restaurant at 10PM (or later), drinking on the terrace (which I look down upon), or taking flash photography that will shine directly into my living room. I remember lots of noisy parties on their rooftop and do not want to go through that again. Finally, restaurants generate trash. I am concerned that this will lead to an increase in pests and rodents.

Please do not grant a use permit to open a restaurant at Julius Castle.

Thank you,
Rob Hammond
356 Greenwich Street

Mejia, Xiomara (PAB)

From: Silcox, Louis <louis.silcox@sothebyshomes.com>
Sent: Thursday, October 30, 2014 3:33 PM
To: Sanchez, Scott (CPC); Board of Appeals (PAB)
Subject: FW: Julius' Castle Conditional Use Permit

Importance: High

BOARD OF APPEALS

OCT 30 2014

APPEAL # 14-153

November 30, 2014

RE: Julius's Castle at 1541 Montgomery Street, aka 302 Greenwich Street.

Dear Mr. Sanchez, Ms. Lazarus, Ms. Wong and Board of Appeals Members,

For the current record, I would like to re-submit my letter from June 11, 2014 with regard to Mr. Scott's original request and current Appeal. I am mainly opposed to the restaurant being reopened without the current owner going through the legally mandated procedure of requesting a Condition Use permit which would contain specific rules of operation that never had any effect in law or enforceability during the years that the Pollack Family ran it. I respect that an owner has a right to do what he or she deems fit that is legal with their property. The building ceased to operate as a restaurant several years ago now and I have to say that because of that, we have a safer and quieter neighborhood, in my opinion.

Most sincerely,

**Louis J. Silcox, Jr.
The Greenwich Stairway
San Francisco, CA 94133
414 296-2229**

June 11, 2014

**Mr. Scott Sanchez
Zoning Administrator
Office of the Zoning Administrator
1650 Mission Street, Suite 400
San Francisco, CA 94103**

RE: Julius's Castle, (1541 Montgomery Street, aka 302 Greenwich Street), and the owner, Paul Scott's request for an exemption from Conditional Use Permit Requirements.

Dear Mr. Sanchez,

I am a longtime resident of Telegraph Hill and own a home on the Greenwich Stairway above Julius's Castle. I and many of my neighbors are very concerned about public safety, quiet enjoyment of our homes

and the nuisances of the past being repeated should the restaurant re-open without some strict guidelines or restrictions. I would like to suggest that if Paul Scott would like to re-establish the building as a restaurant again, that he be required to apply for a new Conditional Use Permit, as the law requires, since the old one has long since expired. As you know the surrounding several blocks are strictly residential, with the exception of a very small mixed use storefront at the S.E. corner of Union and Montgomery, which is two blocks away.

The safety issues and problems associated with the previous use by the Pollack Family for decades as a restaurant were as follow in order of importance as I and many other neighbors see it:

- 1) Safety as it relates to heavy non-residential traffic that was often at great speed and endangered pedestrians and other drivers, whether it was guests in a hurry to make their reservation, speeding taxi drivers rushing patrons to the restaurant or the valet drivers driving recklessly at great rates of speed to shuttle cars and themselves back and forth to the parking lot which was several blocks away. Also, the large commercial delivery trucks are very unwelcome because they often exceed the speed limit, which itself is too fast, given the size of such vehicles, the noise, air pollution, (safety & health), and the inconvenience of them blocking traffic, for several hours, at the small cul-de-sac at the end of Montgomery Street, whilst unloading goods.
- 2) Noise emanation from patrons at the restaurant whilst using the terraces, which I believe were recently expanded without the benefit of the required permits. Quite a bit of noise can be heard from inside the restaurant as well, particularly on mild to warm days when most windows are left open. There was often a lot of noise also while patrons were out in front of the restaurant, often after drinking heavily for 2-3 hours waiting for their car to be delivered back by the valets who were always speeding or waiting for a speeding taxi-cab to arrive. I might add that on many occasions I witnessed patrons driving very poorly when leaving Telegraph Hill, likely as a result of too much alcohol consumption. This all relates directly to all neighbors lawful right to quiet enjoyment of our homes.
- 3) Garbage and rodents. For many years this was an issue. There was always a plethora of garbage not properly contained and many rodents on the hill. The garbage also created localized odor that was very unpleasant and would waft to neighboring properties.
- 4) Odors & smoke that were not always that pleasant would be generated by the commercial cooking going on and trust me, when you have already had lunch and or dinner and the smoke and odors from a commercial kitchen, preparing many dozens of meals for several hours, are drifting your way, no matter how good the food might be, it is usually not something that is desired.
- 5) Parking; In the past the neighbors had to do daily battle with employees arriving in the afternoon and taking up parking spaces that are at a premium and then not leaving until between midnight and 2:30 am. Patrons also used much needed parking spaces. As you know, there are at least 75-100 people who live on the surrounding streets and stairways whose homes have no parking or the possibility to create parking whatsoever.

If a new Conditional Use Permit were to be granted, I and many other neighbors would like to see an enforceable plan or requirements in place with regard to vehicular traffic caused by the operation of a restaurant in a purely residential neighborhood. Perhaps a shuttle bus should be required that is associated with parking at a parking lot such as the one on the S.W. corner of Filbert and Columbus. Patrons would need to be forewarned, via effective advertising and when making reservations, that parking is restricted and very limited and that they should park in North Beach and avail themselves of the complimentary shuttle or walk up the hill the 4-5 blocks to the restaurant. As it relates to parking restrictions, it would be a good idea to extend the A-Sticker Residential limitations into the later evening

hours and commit resources to strictly enforce illegal parking by non-residents. Hours of operation should also be limited and many neighbors have suggested that, if there is to be a restaurant at this location, that its meal and alcohol service should stop by no later than 10:00 pm. There certainly is the possibility that the operator would want to be open for lunch and possibly brunch on weekends as well and there should either be a prohibition against this or hours should again be precisely limited. Regarding any liquor license granted, many of us would prefer that hard-liquor not be served.

If you have any questions whatsoever of me regarding this entire situation please write, call or email me with them. My contact information is below.

Sincerely and with kind regards,

Louis

Louis J. Silcox, Jr.
Senior Marketing Consultant
Sotheby's International Realty
117 Greenwich Street
San Francisco, CA 94111
415 296-2229 Direct
415 297-2277 Cellular
415 901-1701 Facsimile
www.SFEstates.com
BRE License # 00949191

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Nothing in this email shall be deemed to create a binding contract to purchase/sell real estate. The sender of this email does not have the authority to bind a buyer or seller to a contract via written or verbal communications including, but not limited to, email communications.

Mejia, Xiomara (PAB)

From: Robert Bigler <rbigler7@gmail.com>
Sent: Thursday, October 30, 2014 2:48 PM
To: Sanchez, Scott (CPC); Board of Appeals (PAB)
Subject: Julius Castle Restaurant

BOARD OF APPEALS

OCT 30 2014

APPEAL # 14-153

To whom it may concern,

My name is Robert Bigler and I own 5 of the 6 closest properties to Julius Castle, basically everything around and immediately next to it. Please consider my input as this is a very important issue.

Setting my personal interests aside, I believe the inescapable conclusion is that the greatest public interest is served best by allowing the Castle be reopened as a restaurant, but with safeguards in place for the benefit of us living close-by.

Julius Castle is a landmark, but its significance is not just in the structure, but in its long history as an institution, and putting an end to it as a restaurant would be even more of a loss than removing the structure itself. Also, were I the owner, I would consider the dis-allowance of the restaurant use as grounds to replace the structure, and that is a path I don't feel anybody wants to go down.

Please allow Julius Castle to reopen as a restaurant and put reasonable safeguards in place to protect our interests as neighbors. You have received a lot of input in this regard and I ask that you consider it all, but make sure that the final restrictions have a fast and effective enforcement provision, and that the owner is compelled to impose those same restrictions on all tenants.

Thank you very much for your consideration and feel free to use and/or disseminate this email and/or my contact information wherever useful:

Robert Bigler
(408) 691-2415

Owner:
308 Greenwich
348 Greenwich
350 Greenwich
303-2 Greenwich
303-3 Greenwich