

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

Appeal of  
HEATHER KLEIN,

Appeal No. **14-139**

)  
) Appellant(s)  
)

vs.  
)  
)

DEPARTMENT OF BUILDING INSPECTION,  
PLANNING DEPARTMENT DISAPPROVAL Respondent

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on July 24, 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 DENIAL on July 11, 2014, of Alteration Permit (legalize window replacement completed without permit; 9 of 12 windows on front facade; none of the replacement windows are bedroom windows; no additional work is being done) at 1551-1555 Treat Avenue.

**APPLICATION NO. 2014/03/21/1365**

**FOR HEARING ON October 08, 2014**

Address of Appellant(s):

Address of Other Parties:

Heather Klein, Appellant 1555 Treat Avenue San Francisco, CA 94110	N/A
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Date Filed:

BOARD OF APPEALS

JUL 24 2014

APPEAL # 14-139

CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS

**PRELIMINARY STATEMENT OF APPEAL**

I / We, **Heather Klein**, hereby appeal the following departmental action: **DENIAL of Alteration Permit BPA NO. 2014/03/21/1365** by the **Department of Building Inspection** which was issued or became effective on: **July 11, 2014**, for the property located at: **1551-1555 Treat Avenue**.

**BRIEFING SCHEDULE:**

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

Appellant's Brief is due on or before: **September 18, 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.

*DBI / Planning*  
Respondent's and Other Parties' Briefs are due on or before: **October 02, 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.

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

Hearing Date: **Wednesday, October 08, 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 of Heather Klein*  
Heather Klein

We, the owners of the property at 1551-1555 Treat Avenue, are filing an appeal of the Planning Department's, and subsequently, the Department of Building Inspection's denial of building permit 2014.03.21.1365. This permit was filed to legalize nine vinyl windows installed on the first two floors of our building. We are appealing the decision for the following reasons:

1. The windows were installed, prior to our purchase of the building in late March of 2005. Our inspection report in February of 2005 noted that windows were recently installed. Also, we required on February 14, 2005 that all open building permits be closed as a contingency of sale. The permits to remodel the first and second floor were inspected and finalized on February 17, 2005.
2. Plans were not required as part of the 2005 remodel. Therefore, it is impossible to prove or disprove whether the windows were included in the permit. We, as new owners, assumed the windows were included in the finalized permits for the remodel.
3. The remodel permits were opened in 2004 and the inspector who finalized the permits in 2005 should have noticed the new windows and required another permit or a revision to the existing permit.
4. Since the windows were installed in 2005, the Planning Department's Standards for Window Replacement (dated April 2012) were not in effect. While the windows are vinyl, they are compatible with the wood windows in terms of size, sill, depth and style.
5. The vinyl windows on our building do not affect the overall neighborhood character. Our block is a mix of building styles and many buildings have vinyl windows.
6. Per the Planning Department's Standards, vinyl windows have a typical life span of 2-10 years, meaning that our windows will need to be replaced soon. The Standards also tout the sustainability of wood windows. However it is unsustainable and unconscionable to take functioning windows to the landfill, just to install ones with a different material type.

BOARD OF APPEALS

JUL 24 2014

APPEAL # 14-139



July 11, 2014

**NOTICE OF DISAPPROVAL**  
**Building Permit Application No:** 2014.0321.1365  
**Job Address:** 1551 Treat Avenue  
**Cancellation Date:** August 1, 2014

BOARD OF APPEALS

JUL 24 2014

APPEAL # 14-139

Chris Guillard  
1555 Treat Avenue  
San Francisco, CA 94110

Dear Applicant(s):

The above referenced application has been cancelled by the San Francisco Planning Department for the following reason(s):

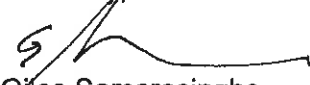
- Replacement windows do not comply with the standards set forth in the Planning Department's Residential Design Guidelines.

If you have questions regarding this matter, please contact Ericka Jackson from Planning at 415 558-6363.

You may appeal the disapproval of this building permit application to the Board of Appeals within fifteen (15) days of the date of this letter. To file an appeal, bring a copy of this letter to the Board of Appeals, 3<sup>rd</sup> Floor, 1650 Mission Street, San Francisco. If you have questions regarding the appeals process, please call the Board of Appeals at (415) 575-9079.

If you have further questions, please call the Department of Building Inspection, Permit Processing Center at (415) 558-6677.

Sincerely,

  
Gies Samarasinghe  
Permit Processing Center

**CERTIFIED MAIL RETURN RECEIPT ON FILE**

APPROVED FOR ISSUANCE

APPLICATION NUMBER  
2014 0921 1395

APPROVAL NUMBER

BOARD OF APPEALS  
JUL 24 2014  
APPEAL # 14-139

### APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

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

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

DO NOT WRITE ABOVE THIS LINE

DATE FILED 3/24/14	FILING FEE RECEIPT NO. 1409914	(1) STREET ADDRESS OF JOB 1551-1555 Trest Ave	BLOCK & LOT 5525-028
PERMIT NO.	ISSUED	(2A) ESTIMATED COST OF JOB \$15,000	(2B) REVISED COST BY 15,000 <sup>00</sup> DATE 3/24/14

### INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING				(8A) OCCUP CLASS R2	(9A) NO. OF DWELLING UNITS 3
(4A) TYPE OF CONSTR. V	(5A) NO. OF STORIES OF OCCUPANCY 3	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE Residential		
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION				(8) OCCUP CLASS R2	(9) NO. OF DWELLING UNITS 3
(4) TYPE OF CONSTR. V	(5) NO. OF STORIES OF OCCUPANCY 3	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) Residential		
(10) IS APPROXIMATE RUNWAY TO BE CONSTRUCTED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(14) GENERAL CONTRACTOR	N/A	ADDRESS	PHONE	CALIF. LIC. NO.	EXPIRATION DATE
(15) OWNER - PLEASE CROSS OUT ONE	CHRIS GUILVARD	ADDRESS	1555 Trest Ave	ZIP	94110
		BTRCH#	PHONE (FOR CONTACT BY DEPT.)		415.205.4304

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)  
Legalize Window Replacement completed in 2004 without permit. (9) of (12) Windows on Front Facade. None of the replacement windows are bedroom windows. U-factor = 0.4 max. - NO ADDITIONAL WORK IS BEING DONE

### ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> )	ADDRESS		CALIF. CERTIFICATE NO.

(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "UNKNOWN") ADDRESS

### IMPORTANT NOTICES

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction is to be closer than 8'0" to any wire containing more than 750 volts. See Sec 385, California Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills, and complete details of retaining walls and wall footings must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (23) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings, all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

OWNER  ARCHITECT  
 LESSEE  AGENT  
 CONTRACTOR  ENGINEER

### NOTICE TO APPLICANT

**HOLD HARMLESS CLAUSE.** The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

( ) I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

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

Carrier \_\_\_\_\_  
Policy Number \_\_\_\_\_

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

( ) IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

( ) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the worker's compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent \_\_\_\_\_  
Date 3/20/2014

OFFICE COPY

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED: <u><i>Removal</i></u> BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: _____ REASON: _____
<input checked="" type="checkbox"/>	APPROVED: <u>Disapproved - see attached letter</u> <u>Disapproved 5/22/14</u> DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____
<input checked="" type="checkbox"/>	APPROVED: <u><i>Atina Bowden SFFD</i></u> Atina Bowden SFFD MAR 21 2014 n/a BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: <u>N/A</u> MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ BUREAU OF ENGINEERING	DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ REDEVELOPMENT AGENCY <u>mm 3/21/14</u>	DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: <u>Legal use per CFC # 7803401</u> No. of units <u>3</u> Firs. of Occ. <u>3</u> PG HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____

BOARD OF APPEALS

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HOLD SECTION - NOTE DATES AND NAMES OF ALL BUREAUS NOTED HEREIN

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

Number of attachments

OWNER'S AUTHORIZED AGENT

September 18, 2014

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



RE: Appeal No. 14-139

(Appeal of Denial of Building Permit 2014.03.21.1365 for 1551-1555 Treat Avenue)

## **Responder's Brief**

Dear President Lazarus and Members of the Board,

We, the owners of the property at 1551-1555 filed a permit to convert our 3-unit TIC building to condominiums in August of 2013. This application was routed to the Planning Department for their review. After further review of photos and the building permit history the Planning Department made an informal determination that the windows were installed without a permit and suggested that we obtain a building permit to “legalize” (9) out (15) windows on the lower two floors of the front façade. We submitted a building permit application (2014.03.21.1365) on March 21, 2014 to “legalize” the windows, which were installed in 2004. The Planning Department reviewed the building permit application and advised us on May 22, 2014 that the Department had disapproved the application based on the inconsistency between the installed windows and the 2003 Residential Design Guidelines and the April 2012 Standards for Window Replacement. Subsequently, the Department of Building Inspection issued a denial of our permit on July 11, 2014.

In fact we believe that the windows are largely consistent with both the 2003 Guidelines and the 2012 Standards and we respectfully request that the Board repeal the Planning Department and Department of Building Inspection's denial of the building permit and allow us to retain the

windows and proceed with our condo conversion application. Our reasons for the request are described in detail below.

### **1. Window Installation, Permit and Inspection History**

The windows in question were installed prior to our purchase of the property in April 2005. As part of our due diligence process we made every effort to understand and evaluate the building permit history prior to buying the property. As shown in Exhibit A-1 (Open House Flyer from 2005) and A-2 (2005 Photo taken during the Open House), the bottom two units had vinyl windows installed prior to our purchase. We entered into contract to purchase the property at 1551-1555 Treat Ave in February of 2005 with the stipulation that all previously completed work was permitted and that the permits were closed (Exhibit A-3).

As is typical, we requested an independent building inspection during the inspection period. As shown in Exhibit A-4, the inspector noted (page 5) that the exterior windows were made of single glazed wood (historic windows on the upper unit) and double glazed vinyl covered aluminum (lower units). The inspection report also noted (page 6) “the double glazed vinyl covered aluminum windows are relatively recent installations.”

We went to the Department of Building Inspections to determine whether the work for 1553 and 1555 was completed with permits. As shown in Exhibit A-5, several building permits, including the remodeling work, had not been closed. We required the owner to close all open permits. This is described in the contract addendum, dated February 14, 2005 and the inspectors punch list (Exhibit A-6). A City building inspector visited the property and finalized the permits on February 17, 2005, three days later (A-7). The inspector did not note additional work without permits (such as the new windows) or require a revision to the permit, payment of additional fees or any



other additional review. We purchased the property in March of 2005 with the understanding that the window replacements were installed with closed permits.

It turns out that the Building Department did not require submittal of building plans (or at least none are on record). Therefore, it is impossible to prove or disprove whether the permit included replacement windows, as the Planning Department is relying solely on the 2-line description of work and not on actual plans.

As noted in the Board of Appeals: Appeal Process Overview, “the Board strongly encourages the submittal of plans or drawings.” In this case, plans were not required for the remodel of the lower two units despite the significant amount of work and inspections which included new bedrooms, bathrooms, kitchen, expansion of the dining room into the laundry area, sprinkler system in the basement, etc.

We are now in a catch-22 situation where the building permits finalized on February 17, 2005 effectively closed the remodel work permit. However, the Planning Department is denying that the scope of work included the windows based on the 2004 and the 2005 building permit applications (Exhibit A-8). With submittal of actual plans, we would have known what was and what was not included in the permit. Review of these documents would have allowed us to go back to the previous owner and either negotiate these items or accept the consequences of this unpermitted work. We were denied this opportunity because the City did not adhere to its own requirements.

Submittal of plans would have allowed the building inspector, who finalized the permits, to have a clear indication of the scope of work. We contend that the Building Inspection Division should have reviewed the property and scope of work more closely to determine the presence of

unpermitted construction work. If an inspector found, for example, illegal construction of an accessory structure, new remodel work, or a rear deck, that person certainly would have noted that and required a permit, payment or fees, approval, and an additional sign-off. In this case, the remodel permit was renewed after a year (opened on May 25, 2004 and renewed on February 2, 2005), and the windows were obviously recently installed. The inspector should have noted work completed without permits and required a revision and further approvals.

In sum, we should not be penalized due to the Planning and Building Department's failure to implement their policies and procedures correctly in 2005 when the windows were replaced and well before the 2012 Window Replacement Guidelines.

## **2. Consistency with the Planning Department's Window Standards**

The Planning Department's main argument for denying the building permit is that the windows on the front façade of the lower two units are inconsistent with the 2003 Residential Design Guidelines and the 2012 Standards for Window Replacement. However, we believe that the windows are essentially consistent with the guidelines as detailed below (See Exhibit B-1). Furthermore, the Department, (as noted in their denial letter) has the discretion to approve alternative materials including vinyl windows and has done so on our block in past cases.

*2003 Guideline: Use windows that contribute to the architectural character of the building and the neighborhood. (2012 Window Standard Principal: Windows that are seen from the street or other public right-of-ways are an important part of neighborhood character as well as the individual architectural character of a building.)* The guidelines note that windows are important to establishing the architectural character of the building and the neighborhood. The

proportions, features and materials of a building's windows articulate the architectural rhythm along the block-face and contribute to the building's sense of mass.

Architectural Character and Proportions: While windows are important elements establishing building character, in this case, we would argue that the more decorative elements such as the column details at the entrance and along the sides of the windows, the trim defining each window and floor, and the cornice details are actually more important architectural elements in terms of overall building character than the window material. All these elements have been retained. A quick at our immediately adjacent neighbor depicts exactly how important these architectural elements are to building character. The new windows maintain the existing proportions.

Features and Materials: While, the new windows are different in material and do not have the ogees, their absence does not change the building's sense of mass or substantially impact it's character. Frankly, it is the previously described elements that articulate and reduce the mass. The lack of ogees or the use of vinyl windows does not affect the overall architectural rhythm of the block-face as the neighboring buildings are different architectural styles (Exhibit B-2) with different window proportions and sizes. If the building were a designated historic landmark or was part of an intact block of historic significance the stringent adherence to requirement for wood windows would be merited. However, the building is not a landmark and the buildings on the block are a hodge-podge of styles, many of which have lost their historic details over time (Exhibit B-3).

The Department's denial letter notes that the lack of the ogees and the materials "stand out visually." We simply ask the Board to consider, what they stand out from, surely not from the

original windows on the 3<sup>rd</sup> floor and certainly not from the multitude of windows on the adjacent buildings. We believe, based on the consistency of the window style (single hung), proportion (window area), depth (sill, jamb, rail, and sash), lack of architectural rhythm or architectural character of the block, that the new windows are consistent with the historic architectural character of the building. We believe the new windows meet this guideline.

*2003 Guideline: Relate the proportion and size of windows to that of existing buildings in the neighborhood. (2012 Window Standard Principal: If replacement windows are proposed for any type of structure, the new windows visible from the public rights-of-way should be compatible with both the character of the neighborhood and the subject building in terms of size, glazing, operation, finish, exterior profiles and arrangement.)* As noted above, the windows that were installed are in the same location and are the same proportions as the original wood windows. Therefore, our windows are consistent with this guideline.

*2003 Guideline: Design window features to be compatible with the building's architectural character, as well as other buildings in the neighborhood. (2012 Window Standard Principal: If replacement windows are proposed for any type of structure, the new windows visible from the public rights-of-way should be compatible with both the character of the neighborhood and the subject building in terms of size, glazing, operation, finish, exterior profiles and arrangement.)*

The guideline notes that specific architectural styles have specific details such as size, shape, and trim elements, as well as the window function: double-hung, casement, or fixed. Ensure that the materials and detailing of replacement windows, as well as windows on new buildings, are appropriate to each building's architectural character, as well as the windows on other buildings

in the neighborhood. The guideline also requires consideration of the window sash and trim, divided lights, sufficient window depth and distance to create richness and depth to the façade.

Sash, Trim, Divided Lights: The installed windows are the same size, shape and function (single hung) as the original windows. The installed windows retain the same sash dimensions and the original trim is still in place. There are no divided lights. The installed windows are not nail-on or flush with the building façade.

The windows are vinyl, but they do not appear out of place to the ordinary person. As discussed above, the other architectural elements articulate the façade, reduce the building mass, and are more important to retaining the character of the building than window material type. The windows are consistent with the current neighborhood character as shown in Exhibit B-4 where 68% of our block has non-wood windows.

Depth and Distance: As shown in Exhibit B-5, the new window details and depth are similar to the existing windows. Specifically, the head, trim, and sill are retained. The jamb, rail, and recess between the upper and lower windows are essentially the same with the sole exception that the casing includes an insert for a screen.

*Guideline: Use window materials that are compatible with those found on surrounding buildings, especially on facades visible from the street. (2012 Window Standard Principal: If replacement windows are proposed for any type of structure, the new windows visible from the public rights-of-way should be compatible with both the character of the neighborhood and the subject building in terms of size, glazing, operation, finish, exterior profiles and arrangement.)*

The immediately adjacent buildings have aluminum or vinyl clad windows, In addition, of the 50 properties on the block, more than half of the buildings built prior to 1950 have vinyl or aluminum windows (Exhibit C-4).

While this guideline might seem inflexible in terms of other appropriate materials, as highlighted in Exhibit C-4, three buildings received permits for non-wood windows despite the 2003 Guidelines even though they are approximately the same age as our property.

The Planning Department's denial letter also notes that the vinyl framed windows "fail to replicate the frame details resulting in the loss of visual depth and texture." Furthermore, the letter states the window does not "replicate the finish or quality of the historic painted wood windows." However, close review of the windows as shown in Exhibit C-5 again shows that window details and depth are essentially the same. While the windows are vinyl, the Department can and has allowed alternate materials which also do not have the same finish or quality when viewed from the exterior (Exhibit C-6).

In sum, we contend that the windows meet the intent of the Guidelines and the Standards.

### **3. Consistency with the City's Sustainability and Preservation Goals**

Sustainability and waste reduction are widely acknowledged and important City goals. With that in mind, it is both contradictory and inconsistent for the City to require that well functioning windows be sent to the dump for purely aesthetic reasons. Ultimately, this is a question of values and this case reflects a clear choice between a truly sustainable and commons sense approach and minor aesthetic concerns.

In order to maintain the historic value and ensure long –term life safety we have budgeted for a variety of improvements including repainting of the building (essential to protect both the structure and the character of the building) and foundation improvements required to improve the seismic stability and safety of the structure. It is well noted that the escalating cost of home ownership in San Francisco has created pressing issues. We believe the requirement to replace the windows is unreasonable and unsustainable. In addition, we are certain that it will delay our ability to make critical investments that we have identified as responsible homeowners.

#### **4. Subdivision Map Act Action Not Design Review Compliance**

We filed a Condominium Conversion Application pursuant to the Subdivision Map Act not a permit subject to design review requirements. As part of the Condominium Conversion process, we understand that certain Department’s need to review the application. It makes sense that the Building Department will need to verify the permitted number of units and ensure all health and safety codes are met as part of the process to convert the TIC units to ownership units. Our Certificate of Compliance per the Department of Building Inspection shows that we have a three unit building and have completed all necessary Building Permit work. We also understand that the Rent Board needed to review the property’s eviction history which is directly tied to condominium conversion legislation.

However, we question whether condominium conversion applications aren’t being unfairly reviewed and cited for window replacement? In other words, is the Planning Department using the Condo Conversion process as a de-facto design compliance program and if so why isn’t the same standard being applied to all homeowners? If window replacement compliance is an important issue for the Planning Department, it should work with the Building Department to

develop a program similar to the sidewalk replacement program. Otherwise, we believe those of us who are proceeding through the condo conversion process are being unfairly targeted.

Finally, the City has findings for Condominium Conversions that require that neighborhood character be conserved, and historic buildings be preserved. A conversion from single ownership to a condominium does materially affect the historic quality of the building and, therefore, the Planning Departments determination regarding window replacement is not relevant.

### **Conclusion**

As homeowners and 20 year residents of San Francisco we are committed to our community and our home. The primary question in this matter is the consistency of (9) replacement windows with City requirements. Our comparison of the windows that were replaced with the original windows, as well as the character and context of adjacent buildings, clearly show that the windows are consistent with the 2003 Standards and 2012 Guidelines with one exception- they are not wood.

If it's the City's intent to burden committed homeowners through its own failure to implement permit and inspection requirements; if it's the City's intent to prioritize minor aesthetic considerations over sustainability and intelligent investment; and if it's the City's aim to indiscriminately target condo conversion applicants in lieu of a broader enforcement program; then the Board should support the determination made by the Planning and Building Departments. We believe that the City's actions in this case reflect a broader trend that is making San Francisco ever more exclusive and difficult for middleclass families to call home. A decision to uphold the Planning Department's determination is not only contradictory but

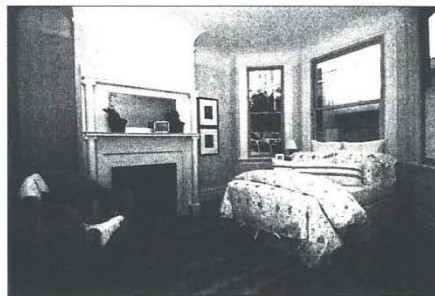


punitive and we respectfully request that the Board consider the big picture along with the fine points in this case.

# Exhibit A-1: 2005 Open House Flyer for one 1555 Treat



**Gorgeous Remodeled Full Floom TIC Flat in Bernal Heights**  
1555 Treat Avenue @ Precita - Offered at: \$499,000



- Three Bedrooms & Two Baths
- Soft & Hardwood Floors / Coved Ceilings
- Exclusive Deck, Common Backyard
- Remodeled Kitchen w/ Granite & Cherry
- Quiet Cul de Sac Block

**Showing Schedule:**  
Sunday Jan. 23rd: 1-4 pm  
Tuesday Jan. 25th: 1-2:30 pm  
Sunday Jan. 30th: 1-4 pm  
Tuesday Feb. 1st: 1:30-3 pm  
Offers Wed. Feb. 2nd by Noon

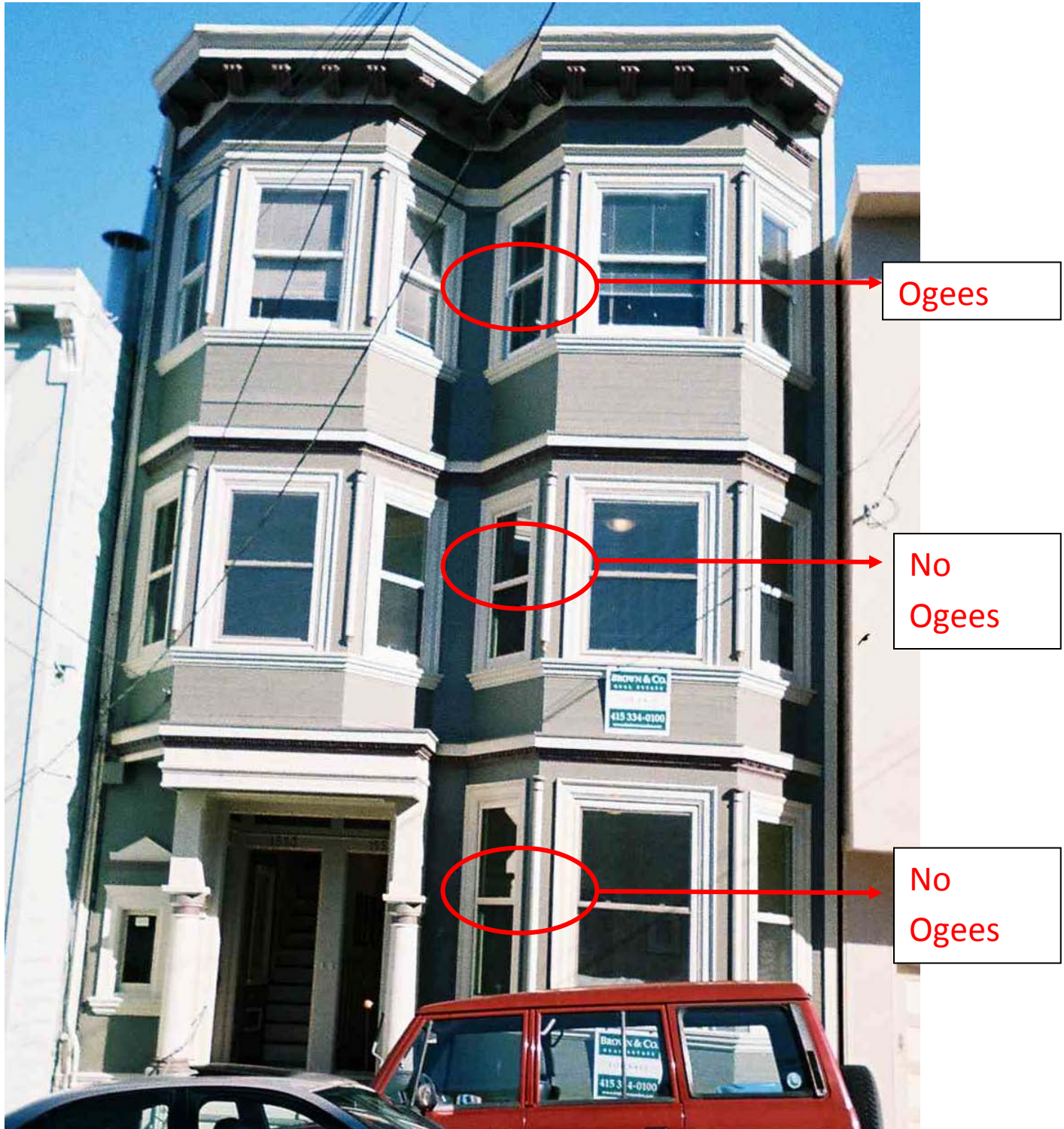
This newly remodeled Victorian Flat features softwood floors, coved ceilings, bedroom with decorative fireplace, and master suite. There is a formal dining room with built in hutch & wainscoting, custom recessed lighting, a new forced air heating system, beautiful original detail, and an in unit washer/dryer. The large remodeled kitchen has oak hardwood floors, cherry cabinetry, Cashmere granite counter-tops, and stainless steel appliances. Off of the kitchen is a great living space with sliding glass doors leading out to an exclusive deck and the common back yard. This building is located on a quiet block off of Precita Park within close proximity to freeways, shops, nightlife, and transportation.

Jesse Fowler • 415.648.5800 / Tim Brown • Broker • 415.334.0100 / John Farnham • 415.515.92011

The information contained in this statement has either been given by the owner of the property or obtained from other sources deemed reliable. While we have no reason to doubt its accuracy, we do not guarantee it. The prospective buyer should verify the information contained herein. Buyer is advised to review disclosure package on file at listing office.

775 Monterey Blvd. San Francisco, CA 94127 Telephone 415.334.0100  
www.TimBrownandCo.com

**Exhibit A-2: Photo Taken in 2005 Prior to Building Purchase**



# Exhibit A-3: Contract Addendum Prior to Building Purchase

Feb 14 2005 11:25AM Jesse Fowler

415-648-5800

P. 2



## CONTRACT ADDENDUM No. A San Francisco Association of REALTORS® Standard Form

The following terms and conditions are hereby incorporated in and made a part of the  Contract for the Sale and Purchase of Real Property, or  Counter Offer No. \_\_\_\_\_, or  other \_\_\_\_\_ dated 1/31/05 for the Property known as 1551-55 Treat Ave.

between Klein, Guillard, Johnson, Marcotte, Andreatta (Buyer) and Jonathan Powell (Seller)

Buyers hereby remove inspection contingency Item 12C. Buyers hereby remove all contingencies of the contract except for Item #3 (Appraisal). Buyers shall remove Item #3 in writing on or before Wednesday February 16th, 2005.

Seller shall complete below "punch-list", prior to close of escrow.

"Punch-List:"

1. Connect rear drainage pipe of roof to sewer. 2. Provide duplex receptacle for power to laundry closet to replace single outlet (1553 & 1555) 3. Relieve all paint bound windows and ensure all windows are in operable condition. 4. Label all electrical panels. 5. Tighten toilets in 1553 & 1555 (wax ring is brand new). 6. Adjust pop up stoppers on bathroom lavatories. 7. Supply and install smoke detectors as required. 8. Provide buyers with any available manuals/warranties for appliances. 9. Provide sign off of all building permits obtained during sellers' ownership. 10. Provide any architectural drawings. 11. Comply with energy conservation ordinance prior to close of escrow. 12. Seller has attached list of tenant complaints. 13. Seller shall repair any broken windows. 14. Seller shall repair upper unit heater. 15. Within 7 days seller shall provide buyer with "hold-harmless" agreement indemnifying new buyers from any future litigation on behalf of tenants in relation to any past actions or known conditions already communicated to seller. 16. Replace 1551 back door w/ solid core door. 17. Seller shall either replace 1551 water heater, or bring current water heater into compliance with SF code.

Seller shall reserve the right to assign this contract or to change title into an L.L.C. at any time prior to close of escrow.

Any inconsistencies between the terms and conditions stated in this Addendum and those contained in the document indicated above shall be resolved in favor of this Addendum.

The foregoing terms and conditions are hereby agreed to and the undersigned acknowledge receipt of a copy of this Addendum.

Date 2/14/2005

Date 2/13/05

Buyer CHRISTOPHER GUILLARD

Seller Jonathan Powell

Buyer HEATHER A. KLEIN

Seller \_\_\_\_\_

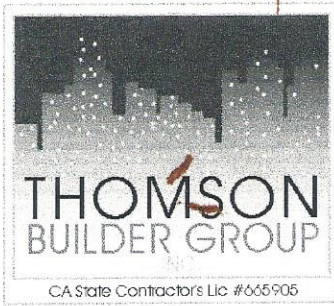
(Rev. 1/00)

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BROKER: Brown and Company Real Estate AGENT: Jesse Fowler S/N: 208848  
Printed using MacFORMalton™ Software, v. 800 408-947-8107 40

## **Exhibit A-4: Building Inspection Report**

**Noting that the windows on the front are wood on the upper unit and that windows on the second and third floors were recently installed and vinyl coated aluminum. (See pages five and six.)**



# THREE UNIT BUILDING AND PRE- CONDOMINIUM INSPECTION REPORT

1551-53-55 TREAT STREET, SAN FRANCISCO, CALIFORNIA

---

**INSPECTION DATE:**  
FEBRUARY 7, 2005

**PREPARED FOR:**  
MR. SEBASTIAN ANDREATTA, MR. TERRENCE MARCOTTE AND MR. CHRISTOPHER  
GUILLARD

**PREPARED BY:**  
THOMSON INSPECTION SERVICE

**INSPECTOR:**  
WILLIAM J. THOMSON

## REPORT OVERVIEW

### THE SCOPE OF THE INSPECTION

---

THE BUILDING INSPECTED IS THREE UNITS OF "SAN FRANCISCO" STYLE FLATS IN A BUILDING THAT WAS BUILT AS THREE UNITS APPROXIMATELY 100 YEARS AGO. THE UPPER UNIT CONTAINS TWO BEDROOMS AND ONE SPLIT-BATH. THE LOWER AND MID FLOOR UNIT CONTAINS TWO-BEDROOMS AND TWO BATHS. ONE OF THE BATHROOMS IS SPLIT. THIS REPORT IS BASED UPON A VISUAL INSPECTION OF THE STRUCTURE. IT IS PERFORMED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE" OF THE ASHI AND CREIA. ONLY A REPRESENTATIVE SAMPLE OF BUILDING COMPONENTS WERE VIEWED IN THOSE AREAS THAT WERE READILY ACCESSIBLE DURING THE TIME OF INSPECTION. IT IS NOT TECHNICALLY EXHAUSTIVE OR ALL ENCOMPASSING. NO DESTRUCTIVE TESTING OR DISMANTLING OF BUILDING COMPONENTS WAS PERFORMED. THIS REPORT WILL ALSO CONTAIN INFORMATION BASED ON THE REQUIREMENTS BY THE CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION AS IT RELATES TO CONDOMINIUM CONVERSION.

IT IS OUR GOAL TO PUT A BUILDING BUYER IN A BETTER POSITION TO MAKE A BUYING DECISION BY BECOMING MORE FAMILIAR WITH THE BUILDING THROUGH THE USE OF THIS REPORT. NOT ALL IMPROVEMENTS WILL BE IDENTIFIED DURING THIS INSPECTION; UNEXPECTED REPAIRS SHOULD STILL BE ANTICIPATED. THIS INSPECTION SHOULD NOT BE CONSIDERED A GUARANTEE OR WARRANTY OF ANY KIND.

PLEASE REFER TO THE PRE-INSPECTION CONTRACT FOR A FULL EXPLANATION OF THE SCOPE OF INSPECTION.

### THE BUILDING IN PERSPECTIVE

---

AS WITH ALL BUILDINGS, ONGOING MAINTENANCE IS REQUIRED AND IMPROVEMENTS TO THE SYSTEMS OF THE HOME WILL BE NEEDED OVER TIME. ***THE IMPROVEMENTS THAT ARE RECOMMENDED IN THIS REPORT ARE NOT CONSIDERED UNUSUAL FOR A HOME OF THIS AGE AND LOCATION.*** PLEASE REMEMBER THAT THERE IS NO SUCH THINGS AS A PERFECT HOME.

### IMPROVEMENT RECOMMENDATIONS

---

FOLLOWING THIS REPORT IS A SYNOPSIS OF THE POTENTIALLY SIGNIFICANT IMPROVEMENTS THAT SHOULD BE CONSIDERED FOR THE BUILDING'S BENEFIT. OTHER SIGNIFICANT IMPROVEMENTS, OUTSIDE THE SCOPE OF THIS INSPECTION, MAY ALSO BE NECESSARY. PLEASE REFER TO THE BODY OF THIS REPORT FOR FURTHER DETAILS AND OTHER RECOMMENDATIONS.

### WEATHER CONDITIONS

---

OVERCAST WEATHER CONDITIONS PREVAILED AT THE TIME OF INSPECTION. THE ESTIMATED OUTSIDE TEMPERATURE WAS 60 DEGREES F. WET WEATHER CONDITIONS HAVE BEEN EXPERIENCED IN THE DAYS LEADING UP TO THE INSPECTION. THE WEATHER WAS COOL AND CLOUDY, THE SOIL WAS DAMP. THE BUYERS, MR. SEBASTIAN ANDREATTA, MR. TERRENCE MARCOTTE AND MR. CHRISTOPHER GUILLARD ALONG WITH THEIR REAL ESTATE REPRESENTATIVES

## EXTERIOR COMPONENTS

### DESCRIPTION, OBSERVATIONS & RECOMMENDATIONS

WALL SIDING:	PAINTED RUSTIC SIDING
SOFFIT AND FASCIA:	PAINTED DECORATIVE TRIM
FRONT EXTERIOR ENTRY STAIRS:	PAINTED LUMBER
FRONT EXTERIOR LANDING:	PAINTED LUMBER
FRONT EXTERIOR RAILINGS:	ORNAMENTAL IRON
FRONT EXTERIOR ENTRY DOOR & TRIM:	MANUFACTURED WOOD AND GLASS
EXTERIOR WINDOWS, FRAMES & TRIM:	SINGLE GLAZED WOOD AND DOUBLE GLAZED VINYL COVERED ALUMINUM
EXTERIOR ENTRY LIGHTING:	INCANDESCENT
ADDITIONAL EXTERIOR LIGHTING:	INCANDESCENT (REAR YARD LIGHTING)
DOORS TO REAR EXTERIOR STAIRS:	MANUFACTURED WOOD AND DOUBLE GLAZED SLIDING VINYL COVERED ALUMINUM
REAR EXTERIOR STAIRS:	PRESSURE TREATED SOUTHERN YELLOW PINE AND REDWOOD
REAR EXTERIOR LANDING:	PRESSURE TREATED SOUTHERN YELLOW PINE AND REDWOOD
REAR EXTERIOR RAILINGS:	DOUGLAS FIR
STAIRWAY TO BASEMENT:	CONCRETE
LOT GRADING/TOPOGRAPHY:	IRREGULAR
CHIMNEY:	SHEET METAL
LAWN SPRINKLERS/IRRIGATION SYSTEM:	NONE
HOSE FAUCETS:	VARIOUS LOCATIONS

### EXTERIOR WALL SURFACES & WALL SIDING

**COMMENTS:** THE MAJORITY OF THE PAINTED RUSTIC SIDING APPEARS TO BE PART OF ORIGINAL CONSTRUCTION. HOWEVER, THERE ARE SOME NEW SLIDING INSTALLATIONS AT THE ENCLOSED REAR PORCHES. MOST OF THE MATERIAL APPEARS TO BE IN GOOD CONDITION. FURTHER, SOME OF THE SIDING HAS BEEN POORLY PREPARED PRIOR TO PAINT. IT'S NOT BELIEVED THAT IT WILL AFFECT ITS LONGEVITY. WALL INSULATION TYPE AND VALUE IS NOT INSPECTED. LEAD PAINT TESTING IS NOT PERFORMED.

### SOFFIT & FASCIA

**COMMENTS:** THE FASCIA DESIGN IS TYPICAL FOR THIS TYPE OF CONSTRUCTION AND IS USUAL AND NORMAL.

### FRONT ELEVATION EXTERIOR ENTRY STAIRS, LANDING, & RAILINGS

**COMMENTS:** MOST OF THE EXTERIOR STAIR SYSTEM AT THE FRONT ELEVATION OF THE BUILDINGS LOOKS AS IF IT WAS BUILT WITHIN THE LAST 40 YEARS. NEWER INSTALLATIONS HAVE BEEN MADE AT THE LOWER TWO TREADS. IT APPEARS TO MEET CURRENT STANDARD FOR RISE AND RUN. IN



ORDER TO MEET THE CURRENT BUILDING CODE AND THE REQUIREMENTS FOR CONDOMINIUM CONVERSION THE FIRST STAIR MUST BE CONCRETE.

### **FRONT ELEVATION EXTERIOR ENTRY DOOR & TRIM (EXTERIOR VIEW)**

**COMMENTS:** THE MANUFACTURED WOOD ENTRY DOORS FIT SECURELY IN THEIR EXISTING JAMBS AND CLOSES WITHOUT BENEFIT OF WEATHER STRIPPING. THEY ARE FITTED WITH KEYED PASSAGE AND DEAD BOLT LOCKS. ALL DOORS THAT SEPARATE HEATED FROM UN-HEATED AREAS MUST BE PROPERLY WEATHERSTRIPPED.

### **EXTERIOR WINDOWS, FRAMES & TRIM (EXTERIOR VIEW)**

**COMMENTS:** SOME OF THE WINDOWS THROUGHOUT THE BUILDING ARE ORIGINAL SINGLE GLAZED WOOD WINDOWS. SOME OF THEM REQUIRE THE SERVICES OF A JOURNEYMAN CARPENTER TO RELIEVE THE EXISTING "PAINT-BOUND" SITUATION ON SOME OF THEM AND TRIM AND ADJUST THEM AND REPLACE MISSING AND DAMAGED HARDWARE AND SASH CORD SO THAT THEY OPERATE MORE SMOOTHLY. SEVERAL OF THE FRONT ELEVATION WINDOWS AT THE UPPER-LEVEL ARE BADLY DETERIORATED IT SHOULD BE COMPLETELY REPLACED. THE DOUBLE GLAZED VINYL COVERED ALUMINUM WINDOWS ARE RELATIVELY RECENT INSTALLATIONS AND LOOK TO BE IN GOOD CONDITION. THE WOOD WINDOWS AT THE ENCLOSED PORCH OF THE UPPER UNIT ARE IN VERY POOR CONDITION AND SHOULD BE COMPLETELY REPLACED. DETERMINING THE CONDITION OF ALL INSULATED WINDOWS IS NOT POSSIBLE DUE TO TEMPERATURE, WEATHER AND LIGHTING VARIATIONS.

### **EXTERIOR ENTRY LIGHTING (FRONT ELEVATION)**

**COMMENTS:** AN INCANDESCENT LIGHT FIXTURE OPERATES FROM THE "HOUSE" ELECTRIC SYSTEM.

### **DOORS TO REAR EXTERIOR STAIRS**

**COMMENTS:** THE HOLLOW CORE FLUSH PANEL DOOR FROM THE ENCLOSED PORCH IN THE UPPER UNIT DOES NOT MEET CURRENT STANDARDS AS IT IS REQUIRED THAT THE DOOR BE A SOLID CORE AND FITTED WITH APPROPRIATE LOCKING HARDWARE AND WEATHER STRIPPING. FURTHER, ALL RAW DOOR SHOULD BE PROPERLY PAINTED TO MINIMIZE THE OPPORTUNITY FOR MOISTURE INTRUSION. IN ORDER TO MEET THE PRESENT CODE AND THE REQUIREMENTS FOR CONDOMINIUM CONVERSION IT MUST BE REPLACED WITH A SOLID CORE UNIT WITH APPROPRIATE LOCKING HARDWARE AND IT MUST BE PROPERLY WEATHERSTRIPPED..

### **REAR EXTERIOR STAIR SYSTEM**

**COMMENTS:** THE REAR EXTERIOR STAIR SYSTEM LOOKS TO BE APPROXIMATELY THREE YEARS OLD. IT LOOKS TO BE WELL BUILT AND APPEARS TO MEET THE CURRENT CODE FOR RISE AND RUN. IN ORDER TO MEET THE REQUIREMENTS FOR CONDOMINIUM CONVERSION IT MUST BE PROPERLY LIGHTED AT ALL LEVELS.

### **STAIRWAY TO BASEMENT**

**COMMENTS:** THE RISE AND RUN OF THE EXISTING STAIR SYSTEM MEETS THE CURRENT STANDARD. HOWEVER, IT IS NOT FITTED WITH THE REQUIRED HAND AND GUARDRAIL.

# **Exhibit A-5: DBI Property Inspection Report**

**San Francisco Department of Building Inspection Report prior to purchase of building which shows building permits issued but not closed.**

San Francisco Planning Department  
Office of Analysis and Information Systems

## **PROPERTY INFORMATION REPORT**

Block 5525      Lot 028      Census Tract 252      Census Block 203

<b>BUILDING PERMIT APPLICATIONS</b>			
Appl. No.	Act Date	Status	Description
200412141377	12/14/2004	ISSUED	REMODEL KITCHEN, BATH, BEDROOMS CLOSETS IN KIND. REPLACE TOILET, TUB, SINK, CABINETS, COUNTER, APPLIANCES
200407290129	07/29/2004	ISSUED	REPLACE (E) REAR STAIRS + LANDINGS IN KIND. TO COMPLY W/NOV DATED 4/3/03. #200339383 ITEM#2.
200405254823	08/19/2004	ROUGH FRAM	REMODEL KITCHEN & 2 BATHS IN KIND. EXPLORATORY DEMOLITION.
200404070732	04/07/2004	ISSUED	REPAIR WINDOW SASH FRAME AT REAR BDRM/LIGHT FIXTURES ON NOV #200339383

*NOT COMPLETED*

<b>PERMIT APPEALS</b>					
Appeal No.	Appl. No.	Case No.	Hearing	Nature of Appeal	Hearing Result

# Exhibit A-6: Punch List Items Prior to Building Purchase

*Undelivered is missing*

## Punch List Items 1551-55 Treat Street:

### Middle and Lower Unit and the Building in General

1. Connect rear drainage pipe of roof to sewer.
2. Provide duplex receptacle for power to laundry closet (replace existing single outlet) in lower and middle unit.
3. Wood Windows: Properly service all wood windows (Relieve "paint bound" situation, trim and adjust, replace missing and damaged hardware and sash cord, so that they operate more smoothly.) → *Relieve all paint bound windows & ensure all windows are operable cond*
4. Electrical Sub Panels: properly label circuit breakers for all 4 sub-panels.
5. Replace wax ring and properly secure all toilets, per inspection report. → *Tighten toilets in 53 53*
6. Properly adjust pop-up stoppers on all lavatories.
7. Supply and install necessary smoke detectors.
8. Provide owner's manuals, operating instructions, and warranties for all new appliances and fixtures. Especially, new forced air furnace units, kitchen range, microwave refrigerator, garbage disposal, and dishwasher.

9. Complete Building Department sign-off on all incomplete permits.
10. Provide Buyers with any available architectural drawings, MEP system drawings, structural drawings for building, including permit submittals for recent renovation work.

11. Obtain and complete building permits for all additional pest related work being completed in the basement area.

12. Weather stripping should be installed on all front doors.

### Upper Unit

13. Seller to provide buyer with a list of all received tenant complaints.
14. Seller to address and rectify all habitability issues in top unit including, but not limited to repairing any broken windows and repairing or replacing any non-working heating units. Stove/stove pilot to be serviced per tenant complaint, and

→ *Seller shall repair any broken windows*  
→ *Seller shall repair upper unit heater*

*seller has attached tenant complaint (it's missing)*

# Exhibit A-7: DBI Property Inspection Report

San Francisco Department of Building Inspection Report shows the permits were closed on February 17, 2005

Application Number: 200502024656  
 Form Number: 8  
 Address(es): 5525/028/0 1551 TREAT AV  
 5525/028/1 1553 TREAT AV  
 5525/028/2 1555 TREAT AV  
 Description: RENEW APP #200405254823/200404070732/200407290129  
 Cost: \$1.00  
 Occupancy Code: R-1  
 Building Use: 24 - APARTMENTS

**Disposition / Stage:**

Action Date	Stage	Comments
2/2/2005	TRIAGE	
2/2/2005	FILING	
2/2/2005	FILED	
2/2/2005	APPROVED	
2/2/2005	ISSUED	
2/17/2005	COMPLETE	Final Inspection/Approved

**Contact Details:**

**Contractor Details:**

License Number: 684863  
 Name: JOHN C. POLLARD  
 Company Name: S F GARAGE COMPANY INC.  
 Address: 1760 MISSION ST \* SAN FRANCISCO CA 94103-0000  
 Phone: 4158260606

**Addenda Details:**

**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CNT-PC	2/2/05	2/2/05			2/2/05	PANG DAVID	
2	BID- INSP	2/2/05	2/2/05			2/2/05	JOHNSON CARLA	
3	CPB	2/2/05	2/2/05			2/2/05	SHAWL HAREGGEWAIN	

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

**Appointments:**

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

**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
2/17/2005	Grant Becker	FINAL INSPECT/APPRVD	FINAL INSPECT/APPRVD

**Special Inspections:**

Addenda No. | Completed Date | Inspected By | Inspection Code | Description | Remarks

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

# Exhibit A-8: 2004 Building Permit Application and 2005 Renewal

San Francisco Department of Building Inspection Application showing no plans required.

**OFFICIAL COPY**

**APPROVED**

RESIDENTIAL NON-STRUCTURAL REPAIR WORK ONLY

APPROVED BY: [Signature] DATE: MAY 25 2004

BLDG. FORM 318

APPROVAL NUMBER: 2004071555/4823

APPLICANT NUMBER: 1026032

DEPT. OF BUILDING INSPECTION

CITY AND COUNTY OF SAN FRANCISCO

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION FOR PERMITS TO CONSTRUCT AND SPECIFICATIONS SUBMITTED HERewith ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

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

1000-03 (REV. 1/02)

1551 TREAT ST. SF. 94110

REMODEL KITCHEN AND 2 BATHS IN KIND, EXPLORATORY DEMOLITION

5/25/04



APPROVE  
Dept. of Building Insp.  
FEB 02 2005

DIRECTOR  
DEPT. OF BUILDING INSPECTION

BLDG. FORM 3  
FEB 02 2005  
APPROVED FOR ISSUANCE

105102/02/14/15/16  
APPLICATION NUMBER  
APPROVAL NUMBER

**APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS**

FORM 3  OTHER AGENCIES REVIEW REQUIRED

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION FOR A PERMIT TO CONSTRUCT THE PLANS AND SPECIFICATIONS SUBMITTED HEREIN ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

FORM 3 COVER THE COUNTY ISSUANCE

NUMBER OF PLAN SETS: 1/10

DATE FILED: 2/2/05 FILING FEE RECEIPT NO.: 1551-53-55 Street Ave BLOCK & LOT: 5523/28

PERMIT NO.: 1047182 ISSUED: 2/2/05 (SA) ESTIMATED COST OF JOB: 1.00 (SB) REVISED COST: 1.00 DATE: 2/2/05

**INFORMATION TO BE FURNISHED BY ALL APPLICANTS**

**LEGAL DESCRIPTION OF EXISTING BUILDING**

(5A) NO. OF STORIES OF OCCUPANCY: 3	(5B) NO. OF BASEMENTS AND CELLARS: 1	(7A) PRESENT USE: Multi	(5A) OCCUP. CLASS: R-1	(5B) NO. OF EMBELLING UNITS: 3
-------------------------------------	--------------------------------------	-------------------------	------------------------	--------------------------------

**DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION**

(6) TYPE OF CONSTRUCTION: 3	(8) NO. OF BASEMENTS AND CELLARS: 1	(7) PROPOSED USE (LEGAL USE): Multi	(6) OCCUP. CLASS: R-1	(6) NO. OF EMBELLING UNITS: 3
-----------------------------	-------------------------------------	-------------------------------------	-----------------------	-------------------------------

(10) IS AUTO HURRYWAY TO BE CONSTRUCTED OR ALTERED? YES  NO

(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES  NO

(12) ELECTRICAL WORK TO BE PERFORMED? YES  NO

(13) PLUMBING WORK TO BE PERFORMED? YES  NO

(14) GENERAL CONTRACTOR: S.I.Z. Construction 50 Ots St 94105 684363 3/31/06

(15) OWNER: Frank Powell 251 Walker 94102 108-6110

RENEW & REVISE PERMIT APPLICATION #'S 2004/05/25/4823  
2004/04/07/6732 - 2004/07/29/0129 REVISION TO  
2004/05/25/4823 & 2004/04/07/0732 & 2004/07/29/0129  
TO CLARIFY THAT WORK WAS DONE IN UNITS 1553 & 1555 TREAT AVE  
ONLY

**ADDITIONAL INFORMATION**

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF YES, STATE NEW HEIGHT AT CORNER LINE OF HEIGHT: FT	(19) DOES THIS ALTERATION CREATE DECK OR HORZ. EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF YES, STATE NEW GROUPED FLOOR AREA: SQ. FT.
(21) WILL SIDEWALK OVER SUB-SIDEWALK OR BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WALL, BULKHEAD, OR PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? IF YES, SHOW ON PLOT PLAN: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

(25) ARCHITECT OR ENGINEER (DESIGN) CONSTRUCTION:

(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY; IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN") ADDRESS:

**IMPORTANT NOTICES**

No change shall be made in the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 6' to any wire containing more than 750 volts (See Sec. 385, California Penal Code).

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and application being kept at building site.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown, revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (11), (12), (13), (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX  
 OWNER  ARCHITECT  
 LICENSEE  AGENT  
 CONTRACTOR  ENGINEER

**APPLICANT'S CERTIFICATION**

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

9003-03 (REV. 1/02)

**NOTICE TO APPLICANT**

**HOLD HARMLESS CLAUSE.** The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claim, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (I), or (II) designated below or shall indicate item (III), or (IV), or (V), whichever is applicable. If however item (V) is checked item (IV) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

( ) I. I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

(X) II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:  
 Carrier: State Comp  
 Policy Number: 1497198-05

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

( ) IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

( ) V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent: [Signature] DATE: 2/2/05

ORIGINAL

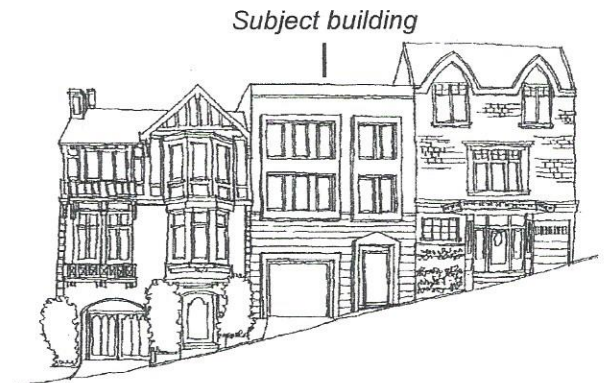
**Exhibit B-1: 2003 Residential Design Guidelines and 2012  
Window Replacement Standards**

character of the neighborhood. The use of decorative brackets, eaves, dentils, cornices, columns and capitals, for example, should come from an awareness of the evolution of such building elements and of their original structural function: columns hold up buildings, brackets support overhangs, etc. Do not use detail that makes the building stand out as excessively plain or overly decorated, or that results in building facades designed as replicas of historic buildings. Ornament that has been carelessly tacked on to the facade of a building can cause architectural disorder, and will appear superficial and cluttered.

A relatively flat facade with little articulation and detail will be inconsistent in an area that has a high degree of facade ornamentation. Likewise, if the detailing on buildings in the neighborhood is simple and restrained, adding a great deal of ornament is discouraged.



*A building with no detail looks out of place on a block face with rich detailing.*



*This building has added details around the windows and building entries, making it more compatible with other buildings on the block face.*

## WINDOWS

**GUIDELINE:** Use windows that contribute to the architectural character of the building and the neighborhood.

Windows are one of the most important decorative features, establishing the architectural character of the building and the neighborhood. Windows provide human scale and emphasize the proportions of a building. They are also a link between the inside private space and the outdoor public space. The proportions, features and materials of a building's windows articulate the architectural rhythm along the block-face and contribute to the building's sense of mass.

Planning Code Section 136(c)(2) requires that the glass area on a projecting bay window be equal to at least 50 percent of the vertical surfaces on the bay.



## Window Size

**GUIDELINE:** Relate the proportion and size of windows to that of existing buildings in the neighborhood.

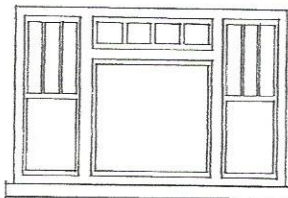
Buildings within a neighborhood usually have windows with compatible proportions of height to width. Most residential buildings have a vertical orientation that is reinforced by the windows. Using windows compatible in proportion, size, and orientation to those found in the surrounding area are essential for a building's compatibility with the neighborhood. In order to establish a sense of mass along the block-face, design the proportion of window (void) to wall (solid) area on a facade to be compatible with buildings in the surrounding area.

## Window Features

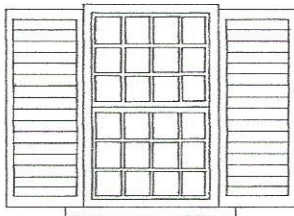
**GUIDELINE:** Design window features to be compatible with the building's architectural character, as well as other buildings in the neighborhood.

The windows on buildings with specific architectural styles such as Victorian, Edwardian, Spanish, Colonial Revival, or Craftsman, may have distinctive characteristics and features that typify each style. These features include size, shape, and trim elements, as well as the window function: double-hung, casement, or fixed. Ensure that the materials and detailing of replacement windows as well as windows on new building are appropriate to each building's architectural character, as well as the windows on other buildings in the neighborhood.

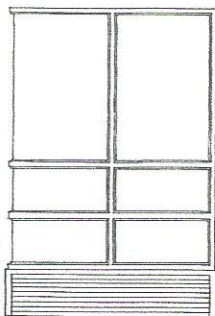
Among the features to consider are the detailing of the individual sash and the trim surrounding the windows. If a window is to have divided lights, it should either be a true divided light or a quality simulated divided light where muntins are applied to both the interior and exterior of the window. A sufficient window depth, or distance



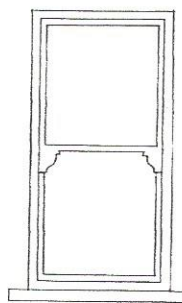
*Craftsman*



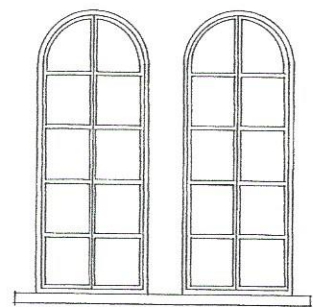
*Colonial*



*Contemporary*



*Victorian*



*Spanish*

from the face of the building to the sash, will create shadow lines, adding richness to the facade. All of these elements help to provide visual interest, creating reveals that give depth to the building facade and maintaining the architectural character of the building.

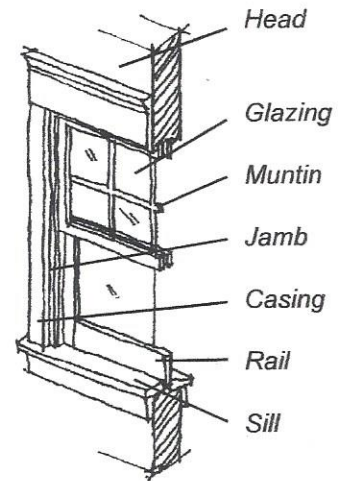
**Window Material**

**GUIDELINE:** Use window materials that are compatible with those found on surrounding buildings, especially on facades visible from the street.

In order for a building to be harmonious with surrounding buildings, the choice of window material is very important. In areas where nearby buildings have inappropriate or incompatible windows, choose new or replacement windows that improve the visual quality of the subject building and the neighborhood. Reflective glass may not be appropriate on a residential building; use glass that is clear or only lightly tinted.

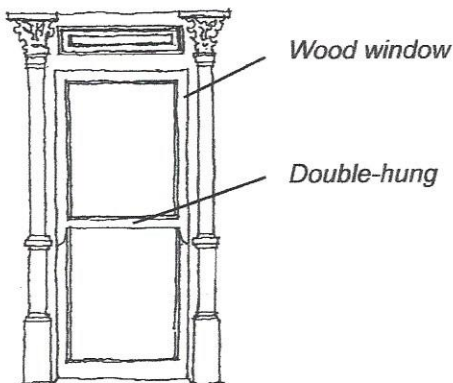
When replacing only select windows on a facade, it is especially important that the replacement windows match the proportions, style, details and materials of the existing windows in order to maintain the architectural character of the building. If a variety of window types are used, the result will be a facade that lacks visual cohesiveness.

For example, replace painted wood windows in-kind, particularly on all portions of facades visible from the public right-of-way. Replace non-original aluminum or vinyl windows with painted wood windows, if wood windows are original to the building. On existing buildings, the use of aluminum or vinyl windows may not be appropriate if the appearance of these materials is not compatible with the original building material. However, these window materials may be appropriate on new construction if they are compatible with those found on surrounding buildings.

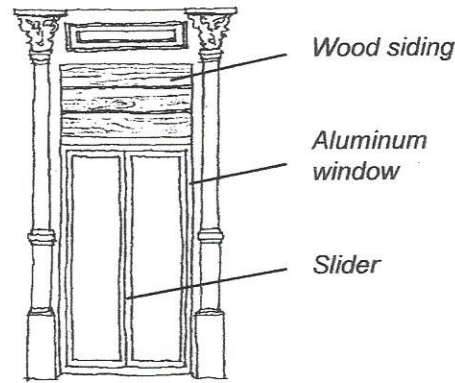


*Window details*

The California "Energy Efficiency Standards for Residential and Nonresidential Buildings" establishes building energy efficiency standards for new construction and alterations to existing buildings. See [www.energy.ca.gov/title24/standards](http://www.energy.ca.gov/title24/standards) or call 800-772-3300 for information about energy efficiency standards for windows.



*Original window*



*Replacement window*

*The proportions and materials of the replacement window are not compatible with the architectural character of the building.*



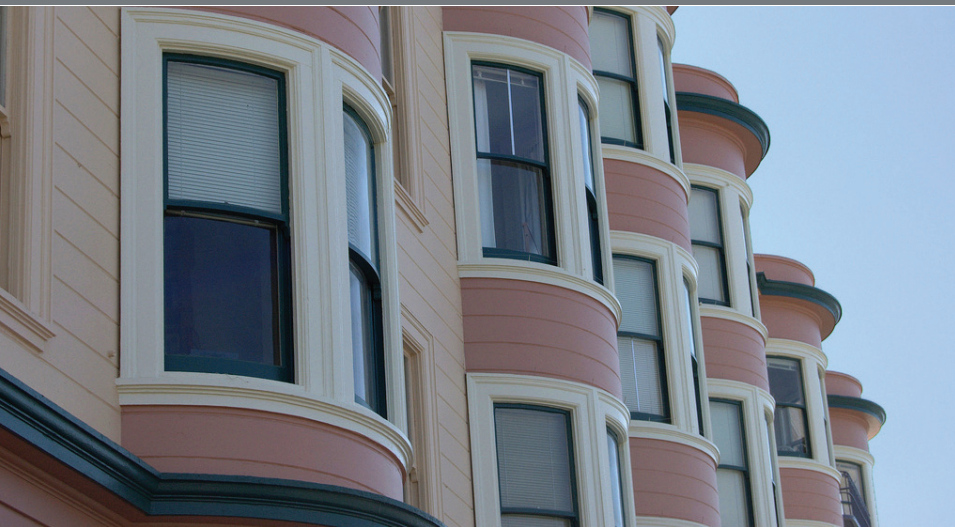
SAN FRANCISCO  
**PLANNING**  
DEPARTMENT

# Standards for **Window Replacement**

A GUIDE TO APPLYING FOR  
A WINDOW REPLACEMENT PERMIT

SAN FRANCISCO PLANNING DEPARTMENT | APRIL 2010





**ORGANIZATION:**

This document is divided into two sections:

**Frequently Asked Questions Regarding Window Replacement**

**How to Apply for a Window Replacement Permit**

Windows are an integral part of the design and character of most buildings, and choosing appropriate replacement windows is frequently a critical aspect of any rehabilitation project. Along with the need for energy conservation, the various window systems available today can overwhelm an owner in selecting the appropriate treatment for window re-placement. Windows located on primary – the front or visible elevations – traditionally feature a higher degree of detail and ornamentation than windows located on secondary – the side or rear elevations. With such a variety of different window shapes, muntin profiles, methods of operation and configurations, seemingly minor changes can seriously damage or alter the appearance of a building, or overall neighborhood character. The Planning Department recognizes this challenge and has developed *A Guide to Apply for a Window Replacement Permit*, which also includes a list of frequently asked questions.

The San Francisco General Plan, the Planning Code's Priority Planning Policies and the Residential Design Guidelines each call for protecting and enhancing neighborhood architectural character citywide. Since their revision in 2003, the Residential Design Guidelines set window requirements for all buildings within a Residential Zoning District (Page 46). To clarify the Department's policy and serve as an additional guide to answer frequently asked questions in regard to window replacement and neighborhood character, the Department developed this *Window Replacement Standards* handout. This document

also answers questions regarding what materials are required to be submitted to review a permit application for the repair, rehabilitation, restoration, or replacement of windows in San Francisco. Please note that rehabilitation and alteration standards for the preservation of designated City Landmark properties, including contributing buildings in historic or conservation districts, are contained in Articles 10 and 11 of the Planning Code.

This document hereinafter represents the San Francisco Planning Department's policy in regards to this type of work and is based on the following principles:

1. Windows that are seen from the street or other public right-of-ways are an important part of neighborhood character as well as the individual architectural character of a building.
2. If replacement windows are proposed for any type of structure, the new windows visible from the public rights-of-way should be compatible with both the character of the neighborhood and the subject building in terms of size, glazing, operation, finish, exterior profiles and arrangement.
3. Historic windows and character-defining window features on architecturally significant structures should be retained and repaired wherever possible.

**REMINDER:**

Do not purchase replacement windows before confirming with the Planning Department that the windows can be approved. The Planning Department will not approve inappropriate replacement windows, even if they have already been purchased or installed.

## Frequently Asked Questions Regarding Window Replacement

The information listed below can assist an owner in determining what replacement windows are appropriate for their property. If replacement is necessary, thoroughly document and investigate the structural and architectural detailing of the window and seek appropriate professional consultation. At any time, a Planner located at the Planning Information Center (PIC) can answer questions regarding window replacement. The PIC may also be reached by phone at 415-558-6377. For more information, please also review the How to Apply for a Window Replacement Permit Handout & Checklist.

### **? DO I NEED A BUILDING PERMIT TO REPLACE WINDOWS?**

**ALL** replacement windows that are visible from a street or other public right-of-way require Planning Department review. This includes:

- Windows on the primary elevation (commonly the street façade of the building). Please note that corner buildings are considered to have two primary elevations.
- Windows on the side of a building or in a visible recessed area near or next to the street.
- Windows on a back wall that can be seen from the street or another public right-of-way.

### **? CAN I REPLACE HISTORIC WINDOWS WITH VINYL, FIBERGLASS, OR ALUMINUM WINDOWS? CAN'T I GET VINYL OR ALUMINUM WINDOWS THAT LOOK VIRTUALLY THE SAME FROM THE STREET AS WOOD PAINTED WINDOWS?**

Wood windows were originally installed on the majority of residential buildings constructed up until World War II. In San Francisco, where most buildings are viewed at close range from the street, the differences between wood windows and substitute materials are almost always easily detectable. Particularly with older buildings, these alternate materials usually stand out visually, and rarely match the character of the neighborhood. They always look like what they are: plastic or aluminum – materials that are not architecturally compatible with the building.



Vinyl, fiberglass, and aluminum windows almost never look similar to painted wood windows for a number of reasons. The primary reason is that these windows have a flat appearance and their exterior profiles, depth, and dimensions are not designed to match the dimensions of most common wood window sashes and moldings. In addition, windows of substitute materials have very little or no reveal between the face of the sash and the glass, have visible seams, have multi-faceted tracks, and in some windows the upper sash is often larger than the lower sash. Furthermore, most aluminum or vinyl windows cannot be painted, come in limited colors, and have an overall finish that is inappropriate to the overall character of the building and the neighborhood.

Another significant difference is that vinyl, fiberglass, and aluminum windows often do not have an important detail that is common on most older wood windows: the Ogee (*pronounced Oh-jee*) lugs at the bottom of the top sash (also called the meeting rail) of a double-hung window. These details are considered an important character-defining feature of older wood windows. (Please refer to the parts of a window diagram on page 8 for more information on the location and design of ogee lugs).

However, some manufacturers have recently begun producing better quality aluminum windows that come in a variety of colors and profiles. From a distance these windows can appear similar to wood painted windows. If proposed, these windows will be evaluated on a case-by-case basis.

**Need another reason?** Authentic wood windows (or, in the case of some early 20th century buildings, steel casement windows) add the appearance of warmth and beauty to the interior and exterior of a residential or commercial building, where the appearance of alternative materials commonly appears foreign to the interior architectural design. Using architecturally appropriate windows will enhance the property value of your building by improving its appearance inside and out.



### Take a Look Around:

If you have any doubts about the difference in appearance between vinyl, fiberglass, or aluminum, and painted wood windows, take a walk around your neighborhood and notice the buildings that have wood windows and compare them to the ones that have used substitute materials (many of them installed without benefit of a permit or before the current window replacement standards). You will easily notice differences in the profile and depth of the window. The older and more elaborate the architectural style of the building, the more likely new vinyl, fiberglass, or aluminum windows will look out of place.

**REMINDER:**

**If you are required to use wood windows on the visible elevations you are often able to use replacement windows of a substitute material in light wells or rear facades that are not visible from the street or other public rights-of-way.**

**? DON'T WOOD WINDOWS COST MORE AND REQUIRE MORE MAINTENANCE, AS OPPOSED TO VINYL AND ALUMINUM WINDOWS?**

It depends. The highest quality custom-made wood windows by major manufacturers may be more expensive than windows of other materials. But there are a number of manufacturers and local craftsmen that produce quality, double-paned, architectural grade, painted wood replacement windows that are competitive in price and also provide the beauty and authenticity that only comes with real painted wood sashes and assemblies.

Also, while it is often desirable to have all wood replacement windows in your building or house, in many cases, you may choose to use replacement windows of a substitute material in light wells or rear facades that are not visible from the street or other public right-of-ways. The only instance when a property owner may be required to use historically appropriate windows on all elevations is when the subject property has been determined to have historic significance. Examples of these properties are those identified as part of Article 10 or 11 of the Planning Code or as an eligible historic resource for the purposes of the California Environmental Quality Act (CEQA).

In terms of maintenance, wood windows do require painting every five to ten years, depending on their location, sun exposure, water exposure, paint quality, priming, wood quality, etc. Although vinyl and aluminum windows do not require painting, they are



rarely maintenance free, and economy grade vinyl and aluminum windows can fail within a few years. Finishes on vinyl and aluminum can deteriorate through UV exposure, oxidation, and denting. **Quality wood windows can last indefinitely**, depending on maintenance and the quality of wood used. Double-hung painted wood windows can also be installed with metal or vinyl tracks, making them easier to open and close as they age.

**? WHAT ABOUT WOOD WINDOWS THAT HAVE VINYL, FIBERGLASS, OR ALUMINUM CLAD EXTERIORS?**

For clarification, a clad window is part of a window system that is primarily constructed of wood but has an additional material, such as aluminum, applied to the exterior face for maintenance purposes. Generally, clad windows are not appropriate, especially on older residential and commercial properties. However, in some instances they may be acceptable, and if proposed, shall be reviewed on a case-by-case basis. Most clad window products do not have Ogee lugs, which are an important feature of older double-hung wood windows. In addition, a true divided light option is not offered for clad windows by any manufacturer. Another issue with vinyl-clad window systems is that they often show seams, as some of these windows are clad with vinyl strips on the outer surface. Aluminum and fiberglass finishes can come in a variety of colors and often have a finish that more closely resembles a painted surface.

There are a number of windows constructed of substitute materials on the market today that strive to match the styles and profiles of historic windows. The Planning Department is always open to reviewing any new products for compatibility with older properties. A quick way to get a initial feedback on a new product is to bring the manufacturer's specification sheet to the PIC for a planner to review. In some cases, the Planning Department may consider approving clad replacement windows that are visible from the street or other public rights-of-way if their architectural compatibility can be adequately demonstrated in terms of overall, size, glazing, operation, finish, exterior profiles, and arrangement.

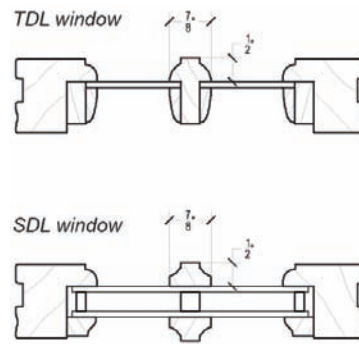
## SOME INFORMATION REGARDING SIMULATED DIVIDED LITE (SDL) WINDOWS.

Older windows are often made up of two sashes that include smaller panes of glass. These windows are referred to as “divided-lite windows.” The panes of glass are separated by thin wood members, or moldings referred to as a “muntin.” A true divided-lite (TDL) window is defined when the muntin separates individual panes of glass. Most TDL windows are single-paned; however, a simulated divided-lite (SDL) window often contains an insulated unit of glass with an applied exterior grid that mimics the appearance of a divided-lite window. The majority of simulated divided-lite windows do not accurately reflect the depth and the profile of a true divided-lite window.

If a property owner chooses to use an SDL window to replace a window that has true divided lites, then the replacement window must meet all of the following criteria to be considered for Planning Department approval. Please note that the Planning Department has the discretion to prohibit the use of SDL windows when the existing windows to be replaced are determined to be architecturally unique or considered to be an example of outstanding craftsmanship. In these cases, the Planning Department may ask for the existing windows to be repaired rather than replaced.

### Criteria for using SDL windows in place of TDL windows:

- The SDL must match the existing window muntin in profile and depth to the greatest extent possible. This width may vary; however, the most common width for a TDL window muntin is 7/8” including glazing putty on either side of the division. The SDL muntin must have a depth of at least 1/2”.
- There should be an interior space bar, preferably of a dark color, within the insulated unit that visually divides the interior and exterior grilles.
- The SDL should be integral to the window sash – snap on grilles or grilles placed between an insulated glass unit are not permitted.



The differences between a true divided-lite (TDL) window and a simulated divided-lite (SDL) window can be seen in the illustrations at left. The muntin on the TDL window (top image) separates two individual panes of glass while the muntin on the SDL window (bottom image) is applied to the interior and exterior of the window without piercing the insulated glass unit.

#### REMINDER:

**Simulated divided lite windows will not be approved for individually listed City Landmarks in Article 10 of the Planning Code on ANY elevation visible from a public right-of-way. Simulated divided lite windows will be reviewed on a case-by-case basis for contributors within Article 10 Districts or within and Article 11 Conservative District.**

### ? WHY SHOULD I LOOK INTO REPAIRING MY WINDOWS BEFORE REPLACING THEM?

Deterioration of poorly maintained windows usually begins on horizontal surfaces and at joints, where water can collect and saturate the wood. Wood windows, when repaired and properly maintained, will have an extended life while contributing to the architectural character of the building and the neighborhood. Property owners should conduct regular maintenance of window frames and sashes to achieve the longest life possible.

It's important to note that many wood windows constructed during the late 19th- and early 20th-centuries still perform very well and may not require replacement. This is largely due to the fact that these windows were constructed out of Heartwood or the center of tree. This durable old-growth wood is denser and more resistant to fungi, insects, and rot than wood farmed to manufacture windows today. For this reason always explore the possibility of repairing the historic windows on a building before replacing them. There are a number of professional window replacement companies who can help you determine if your windows can be repaired, or if some or all need to be replaced.



Be sure to evaluate **ALL** of the existing windows or hire a professional to conduct a conditions assessment to avoid spending money on windows that don't need replacement. It may be that only certain windows on your building need replacement, while some may only need repairs or other minor refurbishments, thus significantly reducing costs. One solution for replacing deteriorated windows on visible elevations is to consolidate other windows from the rear and sides of the building that are still in good condition and relocate them to the primary façade.

### ENERGY CONSERVATION & SUSTAINABILITY.

Windows don't always require replacement in order to see and feel big results in reducing energy usage; however, energy conservation and sustainability is one of the primary reasons for replacing windows that are considered to be obsolete, particularly replacing single-glazed sashes with double-glazed sashes. Currently, most manufacturers' warranties for replacement windows are from 2 to 10 years; however, historic wood windows with minimal maintenance have a performance life of 60 to 100 years. Retaining and repairing existing windows also conserves embodied energy (i.e. the sum of the energy required to extract raw materials, manufacture, transport, and install building products). Replacement window materials – primarily aluminum, vinyl, and glass possess some of the highest levels of embodied energy of all building materials.<sup>1</sup>



Older windows are renewable and repairable; however, newer thermal windows are not repairable and once the dual glazing seals are broken, they must be totally replaced. While the advantages of double-paned windows are well known, a properly weather-stripped, single-glazed sash window can greatly reduce or eliminate air, noise and air infiltration (where most energy is lost). The cost of weather stripping is nominal when compared to the price of replacement windows.

#### Are you planning a major renovation on a historic property?

**The California Office of Historic Preservation (OHP)** administers the 20% Federal Rehabilitation Tax Credit for California in partnership with the National Park Service pursuant to federal regulations (36 CFR Part 67). This federal program provides a dollar-for-dollar income tax reduction

credit equal to 20% of qualified rehabilitation expenditures on income producing properties that are certified historic structures. For more information regarding this program, please contact the OHP at 916-653-6624.

**The Mills Act** is designed to provide owners of both owner-occupied and income-producing property the opportunity to rehabilitate, restore, preserve and maintain "qualified historical properties" while

receiving property tax relief. The Mills Act provides for a potential 50 percent reduction in property taxes on "qualified historical properties" in exchange for the owner's agreement to maintain and preserve the resource in accordance with standards established by the Secretary of the Interior's Standards for the Treatment of Historic Properties. For more information on the Mills Act in San Francisco, please refer to San Francisco Planning Department Preservation Bulletin No. 8.

**? MY WINDOWS ARE BEYOND REPAIR AND NEED TO BE REPLACED. WHAT TYPE OF WINDOW IS ACCEPTABLE FOR MY PROPERTY?**

If replacement windows are required due to deterioration, those that are visible from the street or other public rights-of-way should be replaced with windows that are appropriate to the time period your building was originally constructed. For example, if the building was originally constructed in 1908 with wood double-hung windows, then they should be replaced with wood double-hung windows with similar exterior dimensions. If the appropriate window type cannot be determined, then a window that is otherwise architecturally appropriate to the building and surrounding neighborhood character, in terms of style, material, visual quality, and detailing can be considered. For example, if the building was originally constructed in 1925 and currently has vinyl sliding windows but similar neighboring buildings from the same time period have their original steel casement windows, then the appropriate replacement window would be a metal casement window.

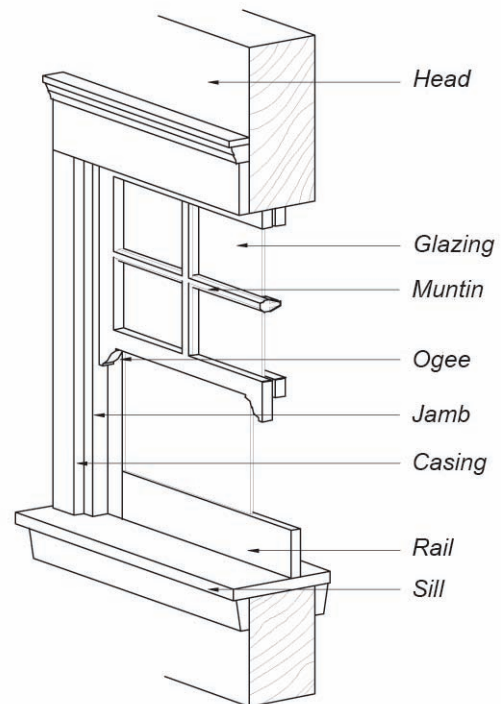
**? WHAT IS THE IMPORTANCE OF BRICK MOLDS AND OTHER EXTERIOR MILLWORK?**

A brick mold is the exterior molding often used to trim the edge of windows in a masonry opening. On a wood frame building this window detail is referred to as millwork. A common practice when installing replacement windows is to replace only the sashes and cover the trim and framework around the exterior of the window with capping or panning to give the window a cleaner, “updated” look. This panning, whether vinyl, fiberglass, or aluminum, is used to cover over brick molds and other exterior millwork that frame the opening and makes up part of the exterior profile of the windows. The Planning Department will not approve replacement windows where these elements are covered or obscured from view. Wherever possible, all surrounding millwork or brick molds should be retained and left exposed. When replacement is required due to deterioration or missing elements, these elements should be replaced

in the original material, and a profile of the existing and proposed millwork should be included as part of the permit application drawings for review by Planning Department staff.

**Mixing Window Types:**

Mixing window types and materials creates an inconsistent appearance to a building’s facades. This issue becomes particularly important in dealing with condominium and apartment buildings. In general, the Planning Department will not approve partial window replacement for a building unless the replacement windows are meant to restore the windows to their historic configuration.



The axonometric drawing of a wood window above identifies the parts of a window system that most owners should be familiar with when applying for a window replacement permit.

**? WHO ARE SOME WINDOW MANUFACTURERS THAT SPECIALIZE IN HISTORIC OR OTHER ARCHITECTURAL GRADE REPLACEMENT WINDOWS?**

As a city agency, the Planning Department cannot recommend the use of one manufacturer over another; however, a list of some commonly used window manufacturers or representatives can be obtained from the Planning Information Center (PIC) on the first-floor of 1660 Mission Street. The PIC may also be reached by phone at 415-558-6377.

If your building is protected under Article 10 or 11 of the Planning Code or is deemed an eligible historic resource, please contact the PIC for a list of the organizations that may help you find a product or manufacturer that best suits your needs.

**? WHAT SHOULD I DO FIRST IF I NEED TO REPLACE MY WINDOWS?**

If replacement is necessary, thoroughly document and investigate the structural and architectural detailing of the window and seek appropriate professional consultation. Please refer to the following questions every applicant should review before applying for a permit to replace windows. At any time, a Planner located at the Planning Information Center (PIC) can answer additional questions regarding these standards and window replacement. The PIC may also be reached by phone at 415-558-6377.

**APPLYING FOR A WINDOW REPLACEMENT PERMIT.**

When applying for a window replacement permit, please bring as many of the applicable items on the How to Apply for a Window Replacement Permit as possible in order to ensure the most efficient review possible. There are a number of basic questions that a property-owner can answer when examining the windows proposed for window replacement.

**? MANY OF THE BUILDINGS IN MY NEIGHBORHOOD ALREADY HAVE VINYL, ALUMINUM, OR FIBERGLASS WINDOWS. WHY CAN'T I HAVE SIMILAR WINDOWS APPROVED FOR MY BUILDING?**

There may be a number of reasons why a Planner may not approve vinyl, aluminum, or fiberglass windows for your building. The most common reason is that the windows in your own building and in adjacent buildings may have been installed before the revision of the Residential Design Guidelines in 2003 and the preparation of this document, Window Replacement Standards, August 2008. As the Planning Department strives to promote and enhance neighborhood character citywide, the Department acknowledges that windows may be inconsistent with the architectural features and the original design intent of older structures. In addition, it is possible that the

Basic Window Questions:

- **What is the pattern of window openings and their size?**  
(Irregular, Regular)
- **What are the proportions of the frame and the type of sash operation?**  
(Double-Hung, Casement, Pivot, Slide, Hopper)
- **What is the configuration of the windowpanes?**  
(2-over-2, 4-over-1, 6-over-6)
- **What (if any) are the muntin profiles?**  
(Shallow, Deep, Simple, Ornate)
- **What is the material?**  
(Wood, Steel, Vinyl, Aluminum, Fiberglass)
- **What are the characteristics of the glass?**  
(Decorative, Wavy, Clear, Opaque, Translucent, Leaded)
- **Are there any associated details?**  
(Decorative millwork, Brick Molds, Arched Tops, Window Surrounds or Hoods)



windows installed on adjacent buildings were done without the benefit of a permit or contrary to the scope of work outlined in the building permit.

**? THE PLANNER SAID THAT I HAVE TO REPLACE MY WINDOWS "IN-KIND." WHAT DOES THAT MEAN?**

If a Planner has stated that you should replace your windows "in-kind" this means that a wood double-hung window should be replaced with a wood double-hung window or a metal casement window should be replaced with a metal casement window. All details must match, including muntin profiles and exterior millwork. Please note that replacing a double-hung wood window with a double-hung vinyl window is not "in-kind" replacement.

**? HOW LONG WILL IT TAKE THE PLANNING DEPARTMENT TO REVIEW MY PERMIT?**

- If windows are being replaced in-kind or on non-visible elevations and all the required materials for review are submitted, an over-the-counter approval can be issued at the Planning Information Center.
- If the windows are visible from the street and the new windows are consistent with the building's historic window type or compatible with the building and neighborhood character, planning approval will be over-the-counter at the Planning Information Center. Please note that in some instances window replacement on an Article 10 or Article 11 property must be approved by the Historic Preservation Commission or the Zoning Administrator.
- If installing a new window on a portion of the building that is visible from the street is desired, and the plans and photos are adequate, a planner will determine right away if the permit can be approved, or if it will require further design review.
- In some situations such as window replacement on a historic building, further review may be required. The window replacement permit application will be reviewed at the Planning Information Center and may be referred upstairs to a Preservation Technical Specialist for review.

## How to Apply for a Window Replacement Permit



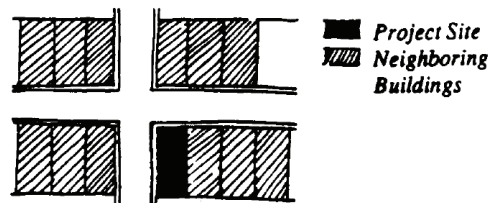
The Planning Department reviews each window permit application on a case-by-case basis. The following is a list of information that may be required to process an application to replace windows. Please note that buildings listed as City Landmarks or as contributors to a historic district as part of Article 10 of the Planning Code require a Certificate of Appropriateness for any exterior work. In addition, buildings listed under Article 11 of the Planning Code must also be reviewed for historic architectural compatibility by the Zoning Administrator. Either approval must be obtained before the building permit is issued. Please note that in some instances Planning Department staff may request additional information.

**Where original or historic windows exist and replacement is proposed, please submit the information on the following checklist for review:**

- Photographs of the overall building taken from the curb and streetscape photos of the immediate block. Also, include close-up photos of the different types of windows to be replaced, including any millwork or brick molds between windows and surrounding the window openings.
- A site plan or a clear aerial photograph showing your building and the walls of your neighbor's building on each side of you as well as overall photos of each elevation where the proposed window replacement is to occur.
- Please provide window details for the proposed windows (head, jamb, meeting rail, sill, etc.) with dimensions and showing exterior profiles including brick molds and surrounding exterior millwork. The Planning Department needs to know the materials, size, and appearance of both the existing and the replacement windows. The manufacturer's product sheet may have this information for the new windows. Please note that if historic windows are to be replaced then the replacement windows should match the existing windows in overall, size, glazing, operation, material, finish, exterior profiles and arrangement.
- If the existing windows have divisions (muntins) they may be replaced with either true divided light or simulated divided light (SDL) windows provided that the replacement windows match the historic size, glazing, operation, finish, exterior profiles and arrangement and the SDL windows meet the additional requirements listed in this document.
- If proposing to replace or change the profile of exterior millwork or brick mold, please submit details of the existing and proposed new millwork or brick molds with dimensions.

**When the original or historic windows no longer exist, the owner has the option of retaining the existing window or replacing it with a compatible sash. For window replacement, please submit the information above for review, the following:**

- Photographs of the neighboring buildings and their windows on each side of your building
- Photographs of the neighboring buildings and their windows immediately across the street
- For corner lots, bring photos of the subject building and the building's other three intersections, showing their windows closest to each corner.



**A QUICK SUMMARY:****1. A building permit is required for ALL window replacements.**

- A permit is needed to replace windows regardless of their location on the building.
- Failure to obtain a building permit may result in enforcement, fines and removal of windows installed without the benefit of permit.

**2. DO NOT purchase windows until you have obtained a building permit for their replacement.**

- The Planning Department must review all permits for windows proposed for replacement that are visible from the street for architectural compatibility.
- The Planning Department review applies to all buildings in San Francisco, not just historic buildings.
- The Planning Department will not approve windows if it is determined that they are not architecturally appropriate, even if they have already been purchased and/or installed without benefit of a permit.

**3. Evaluate what windows may only need repairing rather than replacing.**

- Survey all of the windows on your buildings to determine which ones actually need replacement.
- Windows on eastern and northern facades often last longer and need less frequent replacement than windows with southern or western exposure.

**4. Replacement windows should match the HISTORIC windows in size, glazing, operation, material, finish, exterior profiles and arrangement.**

- The Residential Design Guidelines, since their revision in 2003, have set requirements for windows for all buildings within residential zoning districts (P. 46).
- If the historic window type cannot be determined, a window type appropriate to the building's architectural period and style should be used. A Preservation Technical Specialist can help in determining an appropriate window type.
- Please refer to pages 44-46 of the Residential Design Guidelines for more information on determining what types of windows are compatible with the architectural character of the building.
- Where visible from the street, aluminum and vinyl windows cannot be approved as replacements for windows that were originally wood.
- The proposed use of Simulated Divided Lites (SDLs) will be reviewed on a case-by-case basis and must meet the criteria identified in this document.
- Replacement wood windows that have vinyl, fiberglass, or aluminum clad exteriors will also be reviewed on a case-by-case basis.

**5. All exterior trim and millwork must be left exposed.**

- The underlying trim and millwork must be left exposed and be repaired in place. If beyond repair, the trim and millwork must be replaced in kind.

## NOTES

- 1 Walter Sedovic and Jill H. Gotthelf, "What Replacement Windows Can't Replace: The Real Cost of Removing Historic Windows", APT Bulletin: Journal of Preservation Technology, 36:4, (2005): 25.



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

### FOR MORE INFORMATION: Call or visit the San Francisco Planning Department

**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**  
FAX: **415 558-6409**  
WEB: **<http://www.sfplanning.org>**

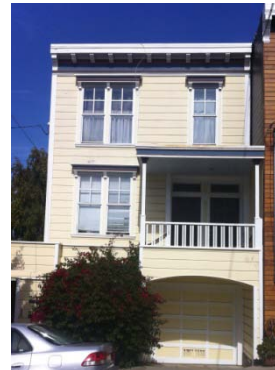
**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**  
*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*

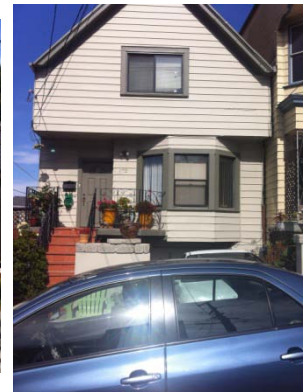


## **Exhibit B-2: No Architectural Rhythm pertaining to Windows**

**Five Properties on each side of 1551-1555 Treat**



**1551-1555 Treat**



**1551-1555 Treat**

## **Exhibit B-3: Neighborhood Character Photos**



**A**

**B**

**C**

**D**

**E**

**F**



**G-H**

**I**

**J**

**K**

**L**

**M**



N



O



P



Q



R



S



T



U



V



W



**X**



**Y**



**Z**



**AA**



**BB**



**CC**



**DD**



**EE**



**FF**



**GG**



**HH**



**II**



JJ

KK

LL

MM

NN

OO



PP

QQ

RR

SS

TT

UU



JJ

KK

LL

MM

NN

OO



PP

QQ

RR

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TT

UU

## **Exhibit C-4: Neighborhood Window Character**

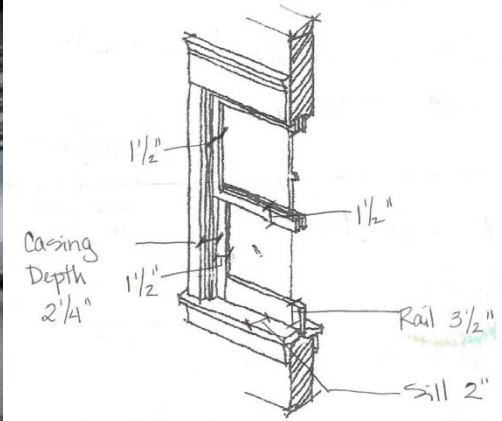
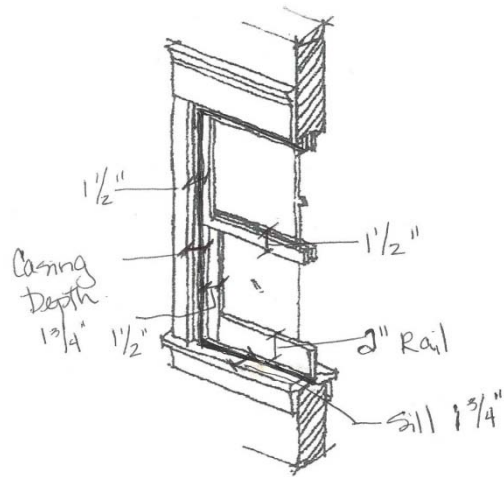
**Historic Rating, Window Material, Permit Number and Date**

	Photo	Historic Rating	Year Built	Window Material	Permit	Date
1512	A	B	1906	Vinyl	Y	2006
1518	B	B	1900	Vinyl	Y	1999
1524	C	B	1900	Wood	n/a	
1528	D	B	1963	Aluminum	Y	2013
1530	E	C	2005	Vinyl	Y	2003
1536	F	B	1907	Vinyl	Y	2008
1550	G	B -school	1961	Aluminum	n/a	
1560	H	B- school	1956	Aluminum	n/a	
1578	I	B	1913	Vinyl	n/a	
1580	J	B	1909	Vinyl	Y	2003
1584	K	B	1954	Vinyl	n/a	
1588	L	B	1906	Vinyl	n/a	
1590	M	B	1954	Vinyl	n/a	
1592	N	B	1900	Wood	n/a	
1594	O	B	1902	Vinyl	n/a	
1598	P	B	1902	Vinyl	n/a	
1600	Q	B	1938	Aluminum	Y	1990
1602	R	B	1987	Aluminum	n/a	
1604	S	B	1908	Wood	n/a	
1624	T	B	1925	Aluminum	Y	1987
1608	U	B	1900	Vinyl	n/a	
1651	V	B	1913	Wood	Y	1990
1649	W	B	1913	Vinyl	n/a	
1617	X	B	1910	Wood	n/a	
1615	Y	B	1904	Vinyl	n/a	
1609	Z	B	1906	Vinyl	n/a	

	Photo	Historic Rating	Year Built	Window Material	Permit	Date
1605	AA	B	1907	Wood	n/a	
1603	BB	B	1907	Vinyl	Y	2006
1601	CC	B	1907	Wood	n/a	
1599	DD	B	1900	Vinyl	n/a	
1597	EE	B	1910	Vinyl	n/a	
1595	FF	B	1908	Vinyl	n/a	
1591	GG	B	1941	Vinyl	Y	1995
1587	HH	B	1912	Vinyl	n/a	
1583	II	B	1913	Vinyl	n/a	
1581	JJ	B	1909	Wood	n/a	
1577	KK	B	1909	Aluminum		
1575	LL	B	1904	Alumi/Vinyl?		
1571	MM	B	1908	Aluminum	n/a	
1563	NN	B	1916	Aluminum	Y	1992
1561	OO	B	1900	Aluminum	n/a	
1557	PP	B	1963	Vinyl		
1549	QQ	B	1921	Wood Clad	Y	2012
1545	RR	B	1900	Vinyl	n/a	
1539	SS	B	1900	Wood	n/a	
1535	TT	B	1900	Wood	n/a	
1529	UU	B	1900	Wood	n/a	
1523	VV	B	1906	Wood	n/a	
1521	WW	B	1906	Wood/Vinyl	n/a	
1517	XX	B	1908	Wood	n/a	



## Exhibit C-5: New and Existing Window Details



**Exhibit B-6: Photos of Aluminum and Vinyl Clad Wood Windows**

