

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MICHELLE MEYER,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

Appeal No. 14-143

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on August 08, 2014, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the **ISSUANCE** on July 25, 2014, to Ty Bash & Molly Mrowka, Alteration Permit (new horizontal addition at front; new vertical addition with roof deck; three new bathrooms, vanity, and remodel kitchen) at 1110 Ashbury Street.

APPLICATION NO. 2013/04/05/3911"S"

FOR HEARING ON October 08, 2014

Address of Appellant(s):

Michelle Meyer, Appellant
1100 Ashbury Street
San Francisco, CA 94117

Address of Other Parties:

Ty Bash & Molly Mrowka, Permit Holders
PO Box 2747
Sunnyvale, CA 94087



Date Filed:

BOARD OF APPEALS

AUG 08 2014

APPEAL # 14-143

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Michelle Meyer**, hereby appeal the following departmental action: **ISSUANCE** of **Alteration Permit BPA NO. 2013/04/05/3911"S"** by the **Department of Building Inspection** which was issued or became effective on: **July 25, 2014**, to: **Ty Bash & Molly Mrowka**, for the property located at: **1110 Ashbury Street**.

BRIEFING SCHEDULE:

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

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

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, 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.

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:

Michelle Meyer

Statement of Appeal:

I am appealing the permit because:

- 1) the permit would allow lot coverage of more than 80% without a variance in an RH-2 zoning district -- in contradiction to zoning requirements, a long-standing Zoning Administrator Determination and past Planning Department practice;
- 2) the proposal creates a wall that rises to the height of 4 floors as measured from the front property line, which wall extends to within 10 feet of the back property line and substantially blocks sunlight to my backyard, my rear wall windows and glassed doors and my neighbor's side windows;
- 3) the permit would legalize rather than remove a near-property line bathroom built without permit that looms over and blocks sunlight to my backyard;
- 4) the permit would legalize one illegal property-line window and allows other new large windows, all of which look down on my back yard, into my back windows and doors and into my neighbor's principal living area windows; and
- 5) the Planning Commission, in one of the most unusual series of DR hearings in recent history, was unable to render a decision at the 3rd hearing on this project due to a conflict between the scope of changes Commissioners wanted to see -- 3 Commissioners wanted minor changes, 4 wanted major changes but were unable to quantify them and were without legal advice at the 3rd hearing on the issue of ADA requirements. The permit was approved because the Commission failed to vote either for or against DR, even though ALL Commissioners wanted to see some level of change.

A handwritten signature in black ink, appearing to read "M. H. [unclear]", is written over a horizontal line. To the left of the signature is a large, stylized handwritten "X" mark.



Capacity Charges
 Water: \$620.00
 Wastewater: \$2109.00
 Allow: \$1914

SFUSD 2169 Q

FIRE SPRINKLER AND FIRE ALARM IS REQUIRED UNDER SEPARATE PERMIT

APPROVED
 JUL 25 2014
 DIRECTOR OF BUILDING INSPECTION
 C. Hee

FORM 318

APPLICATION NUMBER
 2013.04.01.8915

OFFICE OF APPEALS
 08 2014
 # 14-143

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS
 FORM 3 OTHER AGENCIES REVIEW REQUIRED
 FORM 8 OVER-THE COUNTER ISSUANCE
 2 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.

| | | | |
|-----------------------|----------------------------------|---|--|
| DATE FILED 4-5-13 | FILED FOR RECEIPT BY 13048920 | (1) STREET ADDRESS OF JOB 1110 Ashbury | BLOCK & LOT 2629-021 |
| PERMIT NO. 133127D | FILED JUL 25 2014 | (2A) ESTIMATED COST OF JOB 650,000 | (2B) PERMITS COST \$650,000 New Part 7-3-14 |

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

| | | | | | |
|-----------------------------|---------------------------------------|--|---|--------------------------|---------------------------------|
| (4A) TYPE OF CONSTR. 5-B | (5A) NO. OF STORIES OF OCCUPANCY 2 | (6A) NO. OF BASEMENTS AND CELLARS 1 | (7A) PRESENT USE Single family Residence | (8A) OCCUP. CLASS R-2 | (9A) NO. OF DWELLING UNITS 1 |
|-----------------------------|---------------------------------------|--|---|--------------------------|---------------------------------|

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

| | | | | | |
|----------------------------|--------------------------------------|---------------------------------------|---|-------------------------|--------------------------------|
| (4) TYPE OF CONSTR. 5-A | (5) NO. OF STORIES OF OCCUPANCY 3 | (6) NO. OF BASEMENTS AND CELLARS 1 | (7) PROPOSED USE (LEGAL USE) Single family Residence | (8) OCCUP. CLASS R-3 | (9) NO. OF DWELLING UNITS 1 |
|----------------------------|--------------------------------------|---------------------------------------|---|-------------------------|--------------------------------|

(10) IS AUTO HIGHWAY 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
Sulver Builders

(15) OWNER - LESSEE (CHECK ONE)
Ty BASH, Holly Hroyter
20 Box 2017 Sunnyvale CA 94087 (415) 515-5003

(16) WRITE DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
New horizontal addition at front.
New vertical addition with roof deck.
3 new bathrooms, vanity and separate showers

ADDITIONAL INFORMATION

| | | | |
|--|---|---|---|
| (17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO | (18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT 31-6 FT. | (19) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENDING TO BUILDING? NO | (20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT. |
| (21) WILL ADDITIONAL OVER-HEAD STORAGE SPACE BE REPAIRED OR ALTERED? NO | (22) WILL BUILDING EXTERIOR BE REPAIRED OR ALTERED? NO | (23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON LOT PLANS) NO | (24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? NO |

(25) ARCHITECT OR ENGINEER DESIGN OR CONSTRUCTION?
William Kachelunsky 1937 Hager St S.F. Ca 94110

(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")
102

IMPORTANT NOTICES

No charge shall be made in the character of the occupant or use without that 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 60" to any wire containing more than 750 volts (See Sec 205, 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.

Create files for plans on drawings accompanying this application are assumed to be correct. If actual ground lines are not the same as shown on drawings showing correct grade lines, cuts and fills together with existing 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 (16) (17) (18) (22) OR (24).

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

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

CHECK APPROPRIATE BOX
 OWNER ARCHITECT
 LESSEE AGENT
 CONTRACTOR ENGINEER

APPLICANT'S CERTIFICATION

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

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 2800 of the Labor Code of the State of California, the applicant shall have coverage under (a), or (b) designated below or shall indicate item (a), or (b), or (c), whichever is applicable. If however item (c) is checked item (a) must be checked as well. Mark the appropriate method of compliance below.

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

() I have and will maintain a certificate of approval to not-insure for workers' compensation, as provided by Section 2700 of the Labor Code, for the performance of the work for which this permit is issued.

() I have and will maintain workers' compensation insurance, as required by Section 2700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
 Carrier _____
 Policy Number _____

() 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 this 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 therewith with the provisions of Section 2800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

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

Signature of Applicant or Agent _____ Date 4/8/14

CONDITIONS AND STIPULATIONS

| | | |
|---------------------------------|--|---|
| <p>OFFICE REFER TO:</p> | <p>APPROVED: <u>Matthew Ralls</u> Matthew Ralls, DBI JUL 03 2014 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: approve horizontal + vertical addition to existing 2-story SFDU project would result in a 4-story structure, with top floor set back 15' + 2 car garage. DPW will legalize bath existing w/ + room on 1st floor. <u>JMM</u> 6.9.2014 Approved Planning Dept. Jessica Leak DEPARTMENT OF CITY PLANNING</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: _____ BUREAU OF FIRE PREVENTION & PUBLIC SAFETY</p> | <p>DATE: BOARD OF APPEALS REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: _____ MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: DPW/BSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO ORIGINAL CALL 534-7777 TO SCHEDULE By: <u>LTC 6/18/14</u> Liong Tian Gy, BPW/BSM BUREAU OF ENGINEERING</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: _____ REDEVELOPMENT AGENCY</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: SFPUC <u>W. Study</u> Honora S. Study 7/9/14 SFPUC Capacity Charges See attached SFPUC Capacity Charge Invoice for total amount due. DBI will collect 50% of the total amount before the SFPUC. The remaining 50% will be collected by SFPUC directly. HOUSING INSPECTION DIVISION</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |

BOARD OF APPEALS
AUG 08 2014
APPEAL # 14-143

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

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

Number of Attachments _____
OWNER'S AUTHORIZED AGENT Ty Bartz



BOARD OF APPEALS
AUG 11 2014
APPEAL # 14-144

Date Filed:

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT OF APPEAL

I / We, **Suchi Pandey**, hereby appeal the following departmental action: **ISSUANCE of Alteration Permit BPA NO. 2013/04/05/3911"S** by the **Department of Building Inspection** which was issued or became effective on: **July 25, 2014**, to: **Ty Bash & Molly Mrowka**, for the property located at: **1110 Ashbury Street**.

BRIEFING SCHEDULE:

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

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

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.**

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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: Michelle Meyer

Statement of Appeal:

I am appealing the permit because:

- 1) the permit would allow lot coverage of more than 80% without a variance in an RH-2 zoning district -- in contradiction to zoning requirements, a long-standing Zoning Administrator Determination and past Planning Department practice;
- 2) the proposal creates a wall that rises to the height of 4 floors as measured from the front property line, which extends to within 10 feet of the back property line and substantially blocks sunlight to all principal windows in my small unit;
- 3) the permit would legalize rather than remove a near-property line bathroom built without permit, which room will now become the base of a 4th floor that creates a wall-like effect and will block sunlight from my principal windows;
- 4) the permit would legalize one illegal property-line window and allows other new large windows, all of which look directly into every principal window in my unit; and
- 5) the Planning Commission, in one of the most unusual series of DR hearings in recent history, was unable to render a decision at the 3rd hearing on this project due to a conflict between the scope of changes Commissioners wanted to see -- 3 Commissioners wanted minor changes, 4 wanted major changes but were unable to quantify them and were without legal advice at the 3rd hearing on the issue of ADA requirements. The permit was approved because the Commission failed to vote either for or against DR, even though ALL Commissioners wanted to see some level of change.

S. Pandey 8/10/14
BOARD OF APPEALS *Suchitra Pandey*
AUG 11 2014
APPEAL # 14-144

8/10/2014

To: The City and County of San Francisco Board of Appeals

I hereby grant Michelle Meyer of 1100 Ashbury Street, SF, CA as my representative. On my behalf, Ms. Meyer will submit my appeal to the Alteration Permit #201304053911, issued on July 24, 2014 for 1110 Ashbury Street, SF, CA.

My contact information is the following:

Phone number: 415-271-8284

Email Address: suchi.pandey1@gmail.com

Mailing Address: 1096 Ashbury Street, Apt 3
San Francisco, CA 94117

Thank you

Sincerely,


Suchi Pandey

BOARD OF APPEALS

AUG 11 2014
APPEAL # 14-144



Capacity Charges
Water: \$620.00
Wastewater: \$2,091.00
Total: \$2,711.00

SFUSD 2169 D

FIRE SPRINKLER AND FIRE ALARM IS REQUIRED UNDER SEPARATE PERMIT

APPROVED
BUILDING ENLARGEMENT
DESCRIPTION
 VERTICAL
 HORIZONTAL
JUL 25 2014
C. He...
DIRECTOR
BUILDING INSPECTION

BUILDING FORM 318

APPLICATION NUMBER: 2013.04.01.1915
APPROVAL NUMBER: 1915

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS
FORM 3 OTHER AGENCIES REVIEW REQUIRED
FORM 8 OVER-THE COUNTER ISSUANCE
2 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.

| | | | |
|---------------------|---------------------------------|---|-------------------------------|
| DATE FILED: 4-5-13 | PLANS FOR RECEIPT NO.: 13048920 | (1) STREET ADDRESS OF JOB: 1110 Ashbury | BLOCK & LOT: 2629-021 |
| PERMIT NO.: 133127D | ISSUED: JUL 25 2014 | (2A) ESTIMATED COST OF JOB: 650,000 | (2B) REQUIRED COST: \$650,000 |

BOARD OF APPEALS
AUG 11 2014
APPEAL # 14-144

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

| | | | | | |
|---------------------------|-------------------------------------|--------------------------------------|---|------------------------|-------------------------------|
| (4A) TYPE OF CONSTR.: 5-B | (4B) NO. OF STORIES OF OCCUPANCY: 2 | (4C) NO. OF BASEMENTS AND CELLARS: 1 | (4D) PRESENT USE: Single Family Residence | (4E) OCCUP. CLASS: R-3 | (4F) NO. OF DWELLING UNITS: 1 |
|---------------------------|-------------------------------------|--------------------------------------|---|------------------------|-------------------------------|

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

| | | | | | |
|---------------------------|-------------------------------------|--------------------------------------|--|------------------------|-------------------------------|
| (4A) TYPE OF CONSTR.: 5-A | (4B) NO. OF STORIES OF OCCUPANCY: 3 | (4C) NO. OF BASEMENTS AND CELLARS: 1 | (4D) PROPOSED USE (LEGAL USE): Single Family Residence | (4E) OCCUP. CLASS: R-3 | (4F) NO. OF DWELLING UNITS: 1 |
|---------------------------|-------------------------------------|--------------------------------------|--|------------------------|-------------------------------|

(10) IS AUTO RUMBLE 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: William Buhler

(15) OWNER - (SEE ADDRESS OUTLINE): Ty BASH, Holly Hroy...

(16) WRITE DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT):
New horizontal addition at front.
New vertical addition with roof deck.
3 new bathrooms, vanity, and separate kitchen.

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR KNOW TO BUILDING? YES NO

(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT: 31-6 FT.

(19) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING? YES NO

(20) DOES THIS ALTERATION CREATE A CHANGE OF OCCUPANCY? YES NO

(21) WILL WORK OVER SUB-EXISTING SPACE BE REPAIRED OR ALTERED? YES NO

(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES NO

(23) ANY OTHER EXISTING BLDG. ON LOT? YES NO

(24) SHOW ON PLOT PLANS

(25) ARCHITECT OR ENGINEER (SEE CONSTRUCTION #): William Kachelinsky

(26) ADDRESS: 1937 Hoyer St S.F. Ca 94110

(27) DATE: 7/22/14

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 700 volts (see San Code, 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.

On-site lines to show on drawings accompanying this application are assumed to be correct. If actual ground lines are not the same as shown revised drawings showing revised grade lines, cuts and fills together with complete details of retaining walls and soil borings required must be submitted to the department for approval.

ANY VIOLATION OF ORDINANCES 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) OR (14).

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

In discharge of building materials must have a clearance of not less than two inches from all obstructions above or adjacent.

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.

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 or County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 2620 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 (ii) must be checked as well. Mark the appropriate method of compliance below.

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

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

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

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

() I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply therein with the provisions of Section 2620 of the Labor Code, that the permit herein applied for shall be deemed revoked.

() I certify as the owner (or the agent for the owner) that in the performance of any work, will be a completed copy of the plans, with the Permit Fee.

Signature of Applicant or Agent: [Signature] Date: 4/8/14

OFFICE COPY

CONDITIONS AND STIPULATIONS

| | | |
|---------------------------------|--|--|
| <p>OFFICE REFERS TO</p> | <p>APPROVED: <u>Matthew Ralls</u> Matthew Ralls, DBI JUL 03 2014 BUILDING INSPECTOR, DEPT. OF BLDG. INSPECTION</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: approve horizontal + vertical addition to existing 2-story SFDU project would result in a 4-story structure, with top floor set back 15' + 2 car garage. SFDU will legalize both existing bath room on 1st floor. <u>Jessica Look</u> 6.9.2014 Approved Planning Dept. Jessica Look DEPARTMENT OF CITY PLANNING</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: _____ BUREAU OF FIRE PREVENTION & PUBLIC SAFETY</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: _____ MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: DPW/RSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO DET FINAL CALL 594-6149 TO SCHEDULE By: <u>LTC 6/18/14</u> Liong Tian Co. DPW/RSM BUREAU OF ENGINEERING</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: _____ DEPARTMENT OF PUBLIC HEALTH</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: _____ REDEVELOPMENT AGENCY</p> | <p>DATE: _____ REASON: _____ NOTIFIED MR. _____</p> |
| <p><input type="checkbox"/></p> | <p>APPROVED: <u>DPW/RSM</u> Morice Su-Wahmy 7/9/14 SFPUC Capacity Charges See attached SFPUC Capacity Charge Invoice for total amount due. DBI will collect 50% of total amount before the SFPUC invoice is processed. HEAVY CONSTRUCTION DIVISION</p> | <p>DATE: _____ REASON: <u>APPEAL # 14-144</u> NOTIFIED MR. _____</p> |

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

BOARD OF APPEALS

NOTIFIED MR. 116 1 1 2014

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 Ty Beck
OWNER'S AUTHORIZED AGENT



MARY GALLAGHER URBAN PLANNING
MG@MGAPLANNING.COM

415-845-3248
MGAPLANNING.COM

RECEIVED
By chuang at 2:36 pm, 9/17/14

September 17, 2014

Ann Lazarus, President
San Francisco Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94013

**RE: APPEAL NOS: 14-143 and 14-144 on Permit No. 2013/04/05/3911 "S"
for the alteration of 1110 Ashbury Street**

President Lazarus and Members of the Board,

Before you for hearing on October 8, 2014 is the appeal of a residential alteration permit for 1110 Ashbury Street, which permit would result in:

- 1) the creation of a wall rising to the height of 4 stories running nearly the full-length of the property, which is zoned RH-2;
- 2) the unjustifiable legalization of an illegally constructed near-property line room and large view window;
- 3) the blocking of sun, light and air from the appellants' properties;
- 4) the egregious and unnecessary invasion of the appellants' privacy; and
- 5) the violation of an important, long-standing published Zoning Administrator interpretation that seeks to maintain a minimum open area of at least 25% on residentially zoned lots.

With these deficiencies, the proposal does not conform to the Planning Code or the Residential Design Guidelines (see existing and proposed building, Exhibit A).

We ask that you require the following changes to the proposal (hereinafter referred to as **ALTERNATIVE 1**) to correct these deficiencies:

- 1) **Lower the top floor**, which currently measures 11 feet at exterior dimension, to 9.5 feet (leaving an 8.5 feet interior height);
- 2) **Push the top floor in** for a total of 10 feet from the north property line for a length of 27 feet (from the light well back to the existing cottage) -- it is 7 feet in from the property line now for a length of 20'6";
- 3) **Remove the illegally constructed bathroom** next to Appellant Meyer's property line (and do not allow new construction in or above its place); and
- 4) **Redesign north-facing windows**, both new windows and the existing illegal view window, so that their sills are no lower than 5 feet from finished floor.

As another alternative (hereinafter referred to as **ALTERNATIVE 2**), one more in keeping with a previously approved project for this site, we ask that you:

- 1) **Remove the top floor** of the proposed structure except for a stair and elevator penthouse not over 8 feet in height;
- 2) **Require more open area** from the ground up, centered around Michelle Meyer's light well and rear building wall and between the legal portions of the existing cottage and new structure; and
- 3) **Require the north-facing windows to be above eye level.**

SITE HISTORY

The existing building is made up of a legal non-complying cottage of approximately 1500 sf with an illegally constructed bathroom near the north property line and an illegally constructed north-facing view window also near the north property line. The building is one of the oldest in the neighborhood, having been constructed in the first decade of the 1900's. The photo in EXHIBIT B, which shows the building just after construction, is from a 1910 advertisement for the sale of Adolph Sutro's estate. Sutro was the original land owner and subdivider. He erected the well-known statue "Liberty Enlightening the World" just behind the house and which you can just make out in the photo.

In 1950 an addition to the front was authorized with permit (although never finalled). About 1996 a bathroom was constructed without permit near appellant Meyer's property line and an original small double-hung window on the north side was enlarged significantly without permit. See EXHIBIT C for a picture of the illegal bathroom and window as well as a 3R report. Complaints to the City at the time around this illegal construction appear to have resulted only in an Notice of Violation a year too late and only for interior work via a form 8 correction permit, which permit type by definition cannot legalize an envelope expansion. There are no permits shown for the enlargement of the north side window. It is obvious from looking at the 1910 photo such a large view window could not have been original to the building. The Planning Department has agreed the bathroom is not legal; it has not commented on the illegal status of the north side view window on the original cottage.

Although the cottage was found non-historic under CEQA thresholds, it is undeniable that this building connects the neighborhood to its storied past, remains a charming example of San Francisco's dwindling supply of cottage architecture and contributes a lovely front garden in exchange for its position in what is today the mid-block open space (see EXHIBIT D for a contemporary view).

EXISTING CIRCUMSTANCES

The two appellants in this case are Michelle Meyer, a working single mom, who is the adjacent neighbor at 1100 Ashbury, and Suchi Pandey, a recent first-time home buyer who lives in the 600-square foot rear TIC apartment at 1096 Ashbury, a unit in which all principal windows look out into Michelle's back yard and onto the subject property. See EXHIBIT A for location of all parties' properties.

There are two notable existing circumstances associated with this cluster of three properties. One is that the back of all three lots rises steeply up toward Upper Terrace. The other is that lots along this stretch of Ashbury step up laterally, such that Michelle's home is higher than Suchi's and the subject property is higher than Michelle's.

Because of these circumstances, the existing cottage appears very tall from both Michelle's and Suchi's vantage points -- much like a wall, although currently of limited length. Because the sun rises from behind Upper Terrace and swings around to the south in fall through spring, the existing cottage blocks some sun from Suchi's windows in the winter and it blocks some sun from Michelle's back windows and yard, especially in late morning and early afternoon, in all but summer months. The only

substantial winter sun that reaches most of Suchi's windows and all of Michelle's rear and light well windows and glazed rear doors passes through the open area in front of the cottage in the late morning and early afternoon. See EXHIBIT F for actual winter sun view and EXHIBIT H for sun and shadow impacts under existing and project conditions during the winter equinox.

THE PROPOSAL

The proposal seeks to take advantage of the footprint of both the legal and illegal rooms in the back of the lot and add to it in 100% of the buildable area on four floors. The top floor is 11 feet in height in exterior dimension. The resulting home will then have a roofline at the four-floor height from near the front of the lot to all the way back to within 11 feet from the rear property line. This building will cover over 80% of its lot (see EXHIBIT A for 3D views of the existing and proposed conditions and EXHIBIT E for the proposed site plan). A lower north side window is called out for legalization with the use of an exception from the normal requirement for 1-hour fire-rated construction. The large view window on the top floor of the cottage, however, which window was enlarged significantly without permit and referenced earlier (replacing the smaller original double-hung window) is not identified as being legalized, as it should be. The legalization of that window would also trigger a one-hour fire rating requirement.

PROPOSAL PROBLEMS

1) Because the existing building sits so far back on a lot that rises both from front to back and laterally, and the new addition covers 100% of the buildable area at a height of four stories, and the 4th floor is 11 feet tall, the **effect of the completed project will be a solid looming wall at a height tantamount to four very tall stories in appearance.** This wall looms over Michelle's back yard and what is effectively Suchi's front yard. The currently proposed setbacks around Michelle's light well are, in Planning Commissioner Moore's words, "a start," and in Commissioner Hillis' words "not quite enough." The proposed additional reductions in massing and height to the central area of the building around Michelle Meyer's light well and rear building wall are at the crux of this case.

The resulting new building is four stories on a block face characterized by a continuous adjacent row of only three-story buildings (see EXHIBIT G, immediately adjacent buildings at street front). The new building dwarfs Michelle's home and even dwarfs the three-unit building in which Suchi lives. With these characteristics, the project violates one of the six overriding and principal design guidelines on which the Residential Design Guidelines are based: *"Ensure that the building's scale is compatible with surrounding buildings"* (page 5, Residential Design Guidelines, hereinafter referred to as RDG). The RDG also require careful consideration of the directly adjacent circumstances: *"When considering the immediate context of a project, the concern is how the proposed project relates to the adjacent buildings"* (p. 6 RDG). The proposed project relates to Michelle's house like a container ship relates to a

rowboat. This is not the relationship intended by the RDG. Both proposed alternatives break up the wall-like effect by introducing a greater setback and a height reduction.

2) **The unjustifiable legalization of the illegally constructed bathroom**

exacerbates the wall effect. It was bad enough that the bathroom was constructed without permit at a time when only the cottage occupied the lot. Now joined with the new addition and dressed with a new large view window, this room contributes to the massive structure overlooking Michelle's back yard, and what for light and air purposes is Suchi's front yard, and it contributes to an unnecessary and significant loss of privacy to both Suchi and Michelle. The existing small bathroom window is being enlarged fivefold to create an in-your-face view window looking into nearly every window Suchi has to her tiny unit and into all of Michelle's rear windows and glazed doors and back yard.

3) **The addition will block early afternoon sun in the fall, winter and spring**

months from the back of Michelle's house and in winter from the principal windows (all but one window) of Suchi's small unit. See EXHIBIT H for shadow impact on the winter equinox. Project sponsor Ty Bash has claimed repeatedly and steadfastly there is no shadow impact: "We've done I don't know how many shadow studies that show there is ABSOLUTELY NO IMPACT"¹ (emphasis reflective of sponsor's testimony). While it is not unexpected that different shadow studies produce varied results, it is unexpected they would produce results so completely and absolutely at odds. As shown in the photo in EXHIBIT F, an actual picture of the winter afternoon sun coming through the gap in front of the cottage directly onto Michelle's back windows, it is

¹ 3rd DR hearing, May 22, 2014, taped at 6:02:40 on sfgov tv video:
http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=20172

undisputable the sun's path to Michelle's and Suchi's windows will at some times be blocked by the project. The proposed reduction in height and further pushing in of the top floor that is part of ALTERNATIVE 1 will allow some afternoon winter sun to reach Michelle's and Suchi's windows. The removal of the top floor that is part of ALTERNATIVE 2 would preserve much more sunlight.

4) **Three of the project windows** -- the illegal top floor window on the cottage, the approved newly enlarged window on the illegally constructed bathroom (now to be a study) and a very large (10.5' wide by 7' tall) new window on the top floor addition -- all on the north wall, **destroy all sense of privacy** to Michelle's back yard, Michelle's back rooms, and every single room in Suchi's small unit. While in the context of a densely developed urban area privacy concerns justifiably take a backseat to more pressing land use issues, it is one thing to deemphasize privacy and quite another to throw privacy concerns out the proverbial view windows. EXHIBIT I expresses the privacy issues raised by these windows. None of the rooms served by these windows is a bedroom; none require any windows. We ask not for their complete removal, but that their sills be brought up to a minimum of five feet so that light can enter the sponsor's rooms while preventing the wholesale loss of privacy.

5) **The project violates a long-standing and important Zoning Administrator interpretation.** The quantitative standards in the Planning Code only address what can be developed in the buildable area and make no distinction between lots that are currently *vacant* in the rear yard and lots that are *developed* in the rear yard. So any lot in an RH-2 district can be developed in the front 55% of the lot, whether it is vacant in the rear or has a cottage in the rear. Prior to 1988, residential builders often went

out of their way to purchase lots with cottages in the rear so they could exploit this shortcoming in the Code, fully develop the front of the lot, and end up with a structure that covered 100% of its lot. This type of project was one of the lesser known versions of the so-called "Richmond Specials" that resulted in the development of the Residential Design Guidelines in 1988.

Robert Passmore, the City's longest-serving Zoning Administrator, wrote an interpretation to address this problem at just about the same time the RDG were developed in order to prevent residential lots already developed with rear cottages from being developed with more than 75% lot coverage.

The current Zoning Administrator's written interpretation on this topic, available in the published interpretations online, and below verbatim, is ironically even more strongly worded than its 1988 version:

Code Section: 134, 135

Subject: Rear Yard Requirement where there is a noncomplying structure in the Rear Yard

Effective Date: 3/10

Interpretation:

*The existence of a building within the rear yard could allow for expansion within the buildable area that would result in excessive overall lot coverage, up to 100 percent. **This is contrary to the General Plan and the principles of the Planning Code with respect to lot coverage. In such cases, the Zoning Administrator shall require open space to be provided elsewhere on the***

site. The requirement would be based on established patterns of adjacent development and would be equivalent to the area that would otherwise be provided by a rear yard equal to 25% of lot depth or 15 feet times rear lot width, whichever is greater. In order to count towards the standard, the space would have to meet the minimum dimension requirements for open space of Section 135(f). The Zoning Administrator shall consider lot coverage which does not meet these requirements on a case by case basis and may approve them administratively, or require a variance. (Emphasis added.)

Applied to the Ashbury project, the interpretation would result in an open area (from the ground up) of roughly 135 square feet incorporated into the project around Michelle's light well and backyard because this is very clearly the "established pattern of development" referenced in the interpretation. (Lot area: 2495 sf - existing rear yard of approx. 489 = approx. 135 sf lacking from the required 623 sf in required rear yard that must be made up elsewhere on the lot.) The planner assigned to this project acknowledged openly she had not been aware of this interpretation at the time she first reviewed the project and up to the point I told her about it, which was subsequent to the filing of the DR and also subsequent to the Department's pledge of support for the project.

At the second Planning Commission hearing the Zoning Administrator stated he believed the project met the interpretation because there was open space on the 3rd-

floor deck facing only the street. He also noted the last phrase of the interpretation allows him to approve such projects without compliance in any case.

A street-side deck obviously does not address the lot coverage issue or the established pattern of adjacent development which are the entire point of the interpretation. The exception intended for this interpretation was limited to situations in which the front wall of the existing rear yard building extended into an area completely walled in by adjacent blank building walls, such that filling in that space at the same height of adjacent buildings could not result in any impact to adjacent open areas.

The statement that the Zoning Administrator can throw out the guidance of this interpretation without a reason that addresses both lot coverage and adjacent circumstances, is itself evidence the decision in this case was both arbitrary and capricious.

This interpretation was written specifically for circumstances like the Ashbury case, in which the open area in front of the existing cottage contributes to the adjacent open area on Michelle's lot. Mr. Passmore has had the opportunity to look at the plans for the project, without compensation. He concluded the interpretation most certainly applies to this situation and that in its present form the project is therefore not code-complying. See EXHIBIT J, email from Robert Passmore to the project planner.

The first alternative we propose weighs the lot coverage requirements of the interpretation and the nature of the existing development and path of the sun against the design goals expressed by the project sponsor to arrive at a compromise acknowledging both points of view. By removing the illegal bathroom and prohibiting construction in that footprint additional open space from near ground level up will be

created. The 4th floor reduction will lessen the wall impact on the top floor by an additional setback away from the property line and will provide for more sun to the Appellants' properties. Even the second alternative, which removes all but the stairs and elevator from the top floor and asks for more open area near Michelle's rear building wall leaves the sponsor with substantial square footage for a single family home.

PREVIOUSLY APPROVED PROJECT

In 2005 the then owner of this property obtained a permit to construction a three-story building on the front of the lot while maintaining the cottage and creating a 17' x 25' open courtyard in between the two buildings. See EXHIBIT K: plans to 2005 project. The project was held to the Zoning Interpretation requiring a substantial open area "elsewhere on the site" because of the lack of a code-complying rear yard. The project was also held to a height of three stories because that is the predominate height on the block face. The lower height and courtyard limited the wall effect and allowed the afternoon sun to stream in front of the cottage into the adjacent yard and windows. It is not merely a coincidence that the open court yard was designed in part around Michelle's light well and rear building wall. It is evidence that the standard requiring the open area to be based on "established patterns of adjacent development." Michelle supported the 2005 project; Ms. Pandey had not yet purchased her apartment. (Note: there is a separate Zoning Administrator interpretation that is applicable to two buildings but it is written for the same purposes as the interpretation above that applies to a single structure. Indeed, if the first

interpretation is no longer being implemented then neither will the one requiring open space between two buildings because any sponsor would simply connect the two buildings to get out of the requirement.)

NEGOTIATION ATTEMPTS

On her own, and with a limited understanding of the rules, Michelle raised the issues of lot coverage, sun loss and wall effects with the planner and the project sponsor many times early in the process. When Michelle filed DR on her own in November, almost immediately she received a Notice of Violation from the Building Department indicating windows she had replaced on her house 14 years prior were put in without permit. Who, wondered Michelle, would lodge a complaint about windows that were put in 14 years ago? And why would they do that now? Mortified that she had inadvertently done anything without permit, and understanding once identified any illegal situation must be remedied, Michelle went down to the Building and Planning Departments to obtain a permit to legalize the windows that had been in place for 14 years. Mr. Bash, the project sponsor and permit holder in the present case, then appealed the issuance of the permit. It was enlightening for me to see, after substantial research presented to the Board of Appeals at the time, that not just a few but the majority of homes in the immediate neighborhood all had replaced their windows without permit, some much more recently than 14 years ago. And yet, no complaints had been filed against the owners of those buildings. For all the right reasons, Michelle's permit was upheld.

Negotiating under these circumstances would test the patience and resolve of anyone. And yet when Michelle hired me she directed me to compromise and negotiate because, she believed and continues to believe, it is the neighborly thing to do. On behalf of Michelle we backed away from our initial position of wanting both a court yard at the property line and removal of the top floor. The sponsor offered to move just the top floor back one or two feet. Each discussion I offered up more and the sponsor offered the same 1 or 2 feet. He ultimately never agreed to anything. The only reduction in the building envelope to date was as a result of the Planning Commission's actions.

NEIGHBORHOOD SUPPORT

Seventy-one neighbors representing 63 neighborhood units believe this project is too large and request modifications to make it more compatible with the neighborhood and adjacent buildings. A map showing the location of residents signing the petition along with the signed petitions are included as EXHIBIT L.

PLANNING COMMISSION HEARINGS

This project was heard three times by the Planning Commission. At the first hearing the Commission voted unanimously to send the plans back because they were incomplete and lacking dimensions (a complaint I had made to the planner for several months, to no previous avail).

At the second hearing a discussion ensued which divided the Commissioners between two positions -- Commissioners Moore, Sugaya and Hillis stated they believed the project required a complete redesign with an open court yard around the

light well and Michelle's back yard. Commissioners Antonini, Wu and Borden stated they believed the top floor needed to be pushed in. Commissioner Fong was absent. There was no majority for either position at this hearing. The Commissioners voted unanimously, however, to send the project back to be redesigned, but with direction vague and split. The planner nonetheless summarized their action as directing that **only** the top floor be set back about 6 to 8 feet. No Commissioner, much less a majority of Commissioners, ever gave that direction. Commissioner Moore stated she might consider "6 to 8 feet **all the way to the bottom.**" The planner took Commissioner Moore's dimensions but replaced her complete phrase with the sentiment of a minority of Commissioners who believed only the top floor should be set in.

Between the second and third hearings the sponsor amended the plans to push back just the top floor by 2 feet further from the north property line, for a total of 7 feet from the property line for a length of 20 feet 6 inches. He also changed the third floor (identified as second floor plans) from showing a "bedroom," "study" and "bathroom" to show a "caregiver bedroom," a "specialty gym" and a larger "ADA adaptable bathroom." Staff stated in their new memo to the Commission that the sponsor was now saying the third floor (2nd floor on plans) couldn't be set back because of the inclusion of these rooms. One wonders why all of these disability-related rooms weren't present from the start of the process.

In any case, it is important to note that there does not appear to have been any analysis done by staff to determine that, if an accommodation request had in fact been made within the meaning of the American with Disabilities Act, there are or are not

alternatives that could be created that would incorporate a courtyard or further setbacks at all levels while also responding to the accommodation. The granting of an accommodation does not mean anyone making the claim can design anything they want and have it approved. It means alternatives must be analyzed in the light of ADA requirements. Also of note, the top floor (the fourth story, which is referred to as the third floor in the plans) does not include any rooms addressing a possible accommodation need and so there is no question this floor could be modified or eliminated (except for stairs and elevator) without ADA conflict.

At the third hearing Commissioner Antonini proposed a motion to take DR and reduce the height of the top floor at the area designated as the dining room from 11 feet to 10 feet (exterior dimension) and to ensure the sill level of the new view window on the top floor be a minimum of 36 inches from finished interior floor. This vote failed by 3 in favor (Antonini, Wu, Borden) to 4 opposed (Moore, Sugaya, Hillis and Fong). It did not fail because the other Commissioners were supporting the project as it had been revised. The vote failed because a majority of Commissioners supported the more major changes associated with a court yard designed around Michelle's property line.

Commissioner Moore clearly identified the position as an "enlarged light well/courtyard down to the ground." She began explaining the dimensions of one solution but the sponsor noted that could not be done because of his ADA needs on the third floor (labeled as second floor on plans). She noted she was not an ADA expert and so could not offer the expertise needed to redesign the building on the spot but stated she believed the building could be redesigned in the general manner she

was describing and also meet ADA needs. The City Attorney was not present for this agenda item and so there was no legal advice on the ADA issue.

Commissioner Sugaya explicitly stated he was voting against the motion because it did not respond to the issues I had raised about providing more light and air and open space around the light well and back yard -- the issues they had been talking about at the last hearing. He also specifically noted there are many ways to approach a design -- "whether it is for a regular residence or one that needs to accommodate for ADA." He ended with, "I can't vote for this particular project."

Commissioner Hillis stated, "I am going to vote against it also." He said, "the new design a little bit responds but doesn't really respond to the direction I thought we were getting back on this.... You are getting this enormous bonus to add to the front but at the same time I think you have to acknowledge the adjacent neighbors. I don't think this quite does it."

Even Commissioner Borden, who voted with Commissioner Antonini on the height and window changes stated, "I would have happily entertained another motion had there been an option of what someone thought." She was undoubtedly referring to the fact that the expression of the courtyard had not been quantified and verbalized by any Commissioner in a motion format. Commissioner Moore responded by saying it was not possible for them to quantify the changes needed because they did not have the ADA expertise needed to do that, but that it could be done.

Commissioner Antonini then asked me and the project sponsor if lowering the top floor by two feet would work. I responded in the negative because of the several related issues we had raised but offered that some combination of height reduction

and further pushing in of the top floor would work and that we were open to compromise. I explained we believe the center of the top floor should be a narrow breezeway linking the cottage and the new living room. The cottage is large enough to accommodate a both a dining area and a kitchen.

Commissioner Antonini noted to the sponsor that "***it does not seem like you have the support***" needed for project approval and so then suggested some reduction in both height and width of this middle section of the top floor. Specifically, Commissioner Antonini suggested "14 feet or 15 feet" for the width of the central portion of the top floor (it is 18 feet now and we are proposing it become 15 feet in the ALTERNATIVE 1 proposal), which would have meant the top floor would be pushed in another 3 or 4 feet from the north property line. Instead of responding to the query, the sponsor talked about why he should not have to make any changes ("we are just talking about chopping these things randomly because DR sponsor wishes to do so"). Commissioner Antonini interrupted the sponsor, stating, "I just want to know if you're receptive to some shaving of that middle section to be able to see if we can get this finished today." The project sponsor responded, "It **IS** finished" and left the podium.

The Commissioners were stymied and frustrated. The staff did not offer any help in coming to an expected conclusion somewhere between the two positions expressed by the Commissioners. Secretary Ionin informed the Commissioners if they couldn't vote then the proposal would be approved as is. Commissioner Moore then made a motion to continue the project to a 4th hearing for an unspecified redesign but even Commissioner Sugaya, who supported a redesign, said they could not just keep continuing the case. His frustration was tangible. The continuation vote failed 5-2. No

other vote -- either to take DR or to approve the project -- immediately followed and so Mr. Ionin closed the hearing without even a pause and without any vote on the DR one way or the other.

SUMMARY

Every Planning Commissioner -- not a minority, not just a simple majority, but every Commissioner -- expressed through comments and votes they wanted this project changed. When it is Commissioner Antonini who is offering ideas for additional changes from his own motion, which was itself a motion to take DR, it is pretty safe to say the project needs to be changed. The question before the Board should not then be to take jurisdiction or not, but of **how** to change the project. The minimum change proposed by Antonini was a one foot (and he later talked about 2 feet) height reduction to part of the top floor and a limitation on window sill height (and he later talked about part of the top floor being pushed in another 3 to 4 feet). Moore, Sugaya, Hillis, and presumably Fong (because he voted with them), wanted more significant changes in order to create a larger light well/courtyard area around the Michelle's property line. We have suggested two alternatives for you to consider and ask that you choose one of them based on your application of the rules and guidelines we have presented in this brief.

Respectfully,

Mary Gallagher
for Appellants Michelle Meyer and Suchi Pandey

EXHIBITS

A -- 3D Existing and Proposed Building

B -- Historical Photo of Existing Building

C -- Photo Showing Illegally Constructed Bathroom and Illegally Enlarged Window

D -- Photo Showing the Building Today

E -- Proposed Site Plan

F -- Photo Showing Location of Fall Sun

G -- Street Frontage of Existing Adjacent Buildings

H -- Shadow Impacts of Existing and Proposed Buildings

I -- Privacy Impacts

J -- Email from Robert Passmore on the Applicability of the Interpretation

K -- Previously Approved Plans (2005 Project By Another Owner)

L -- Petition Map and Petitions

EXHIBIT A p1 of 2

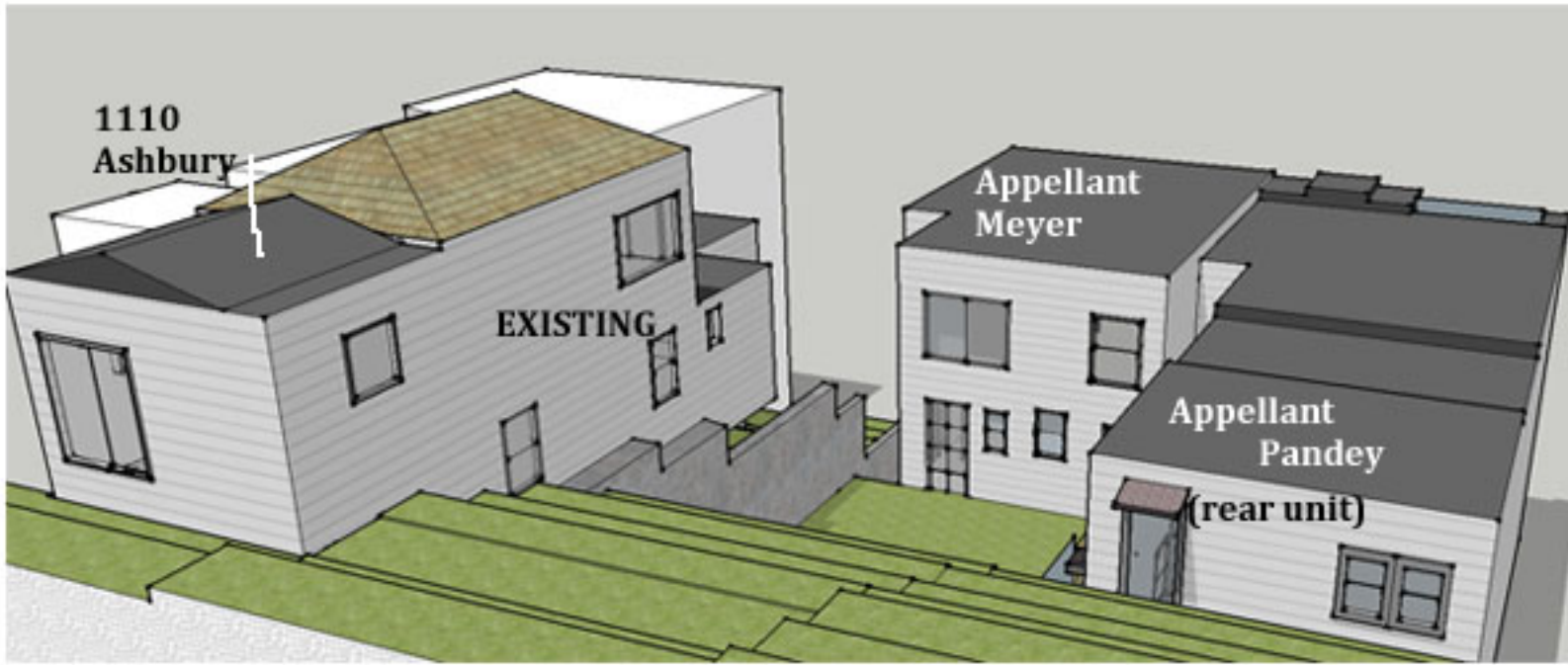


EXHIBIT A p 2 of 2

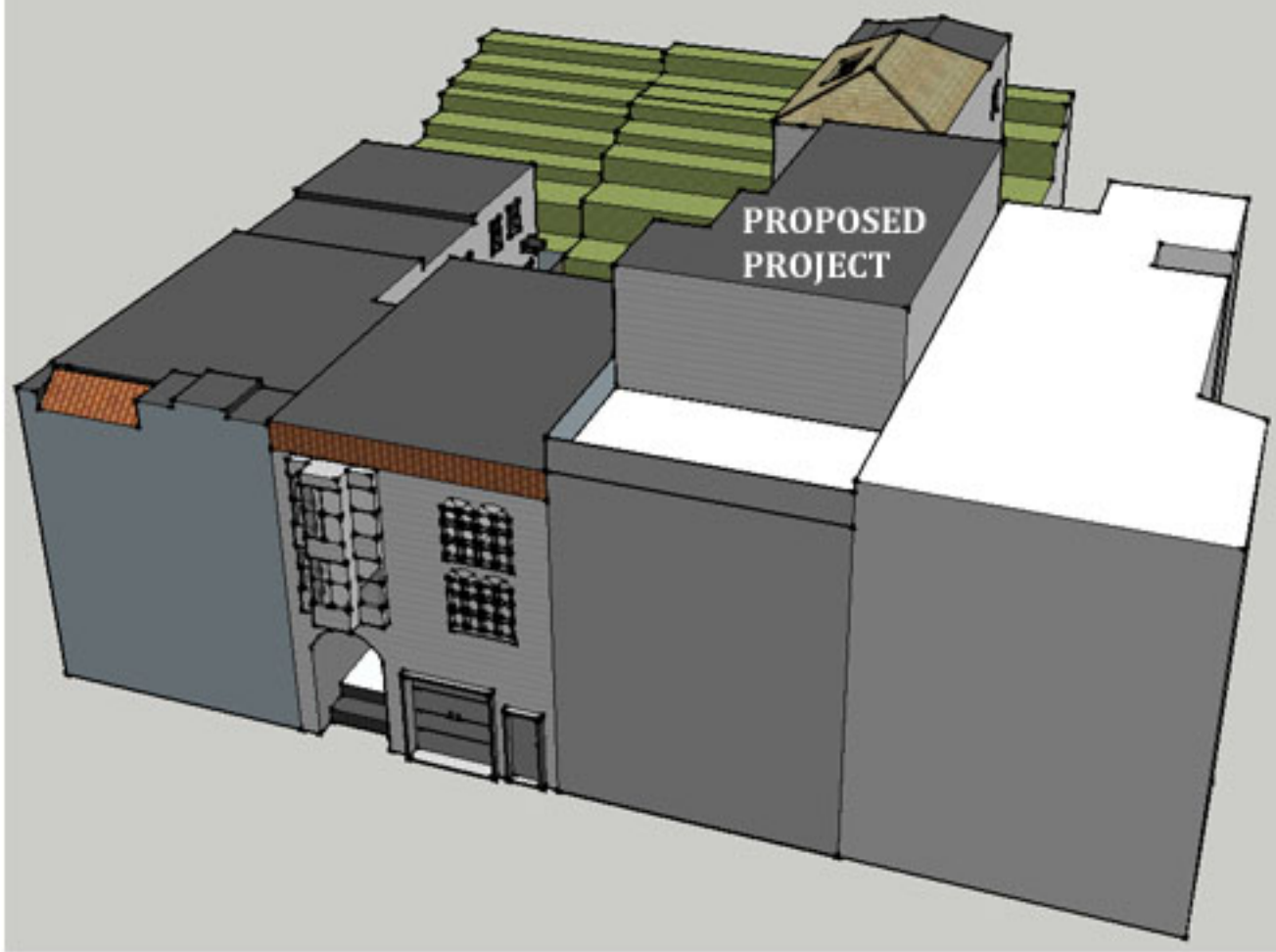
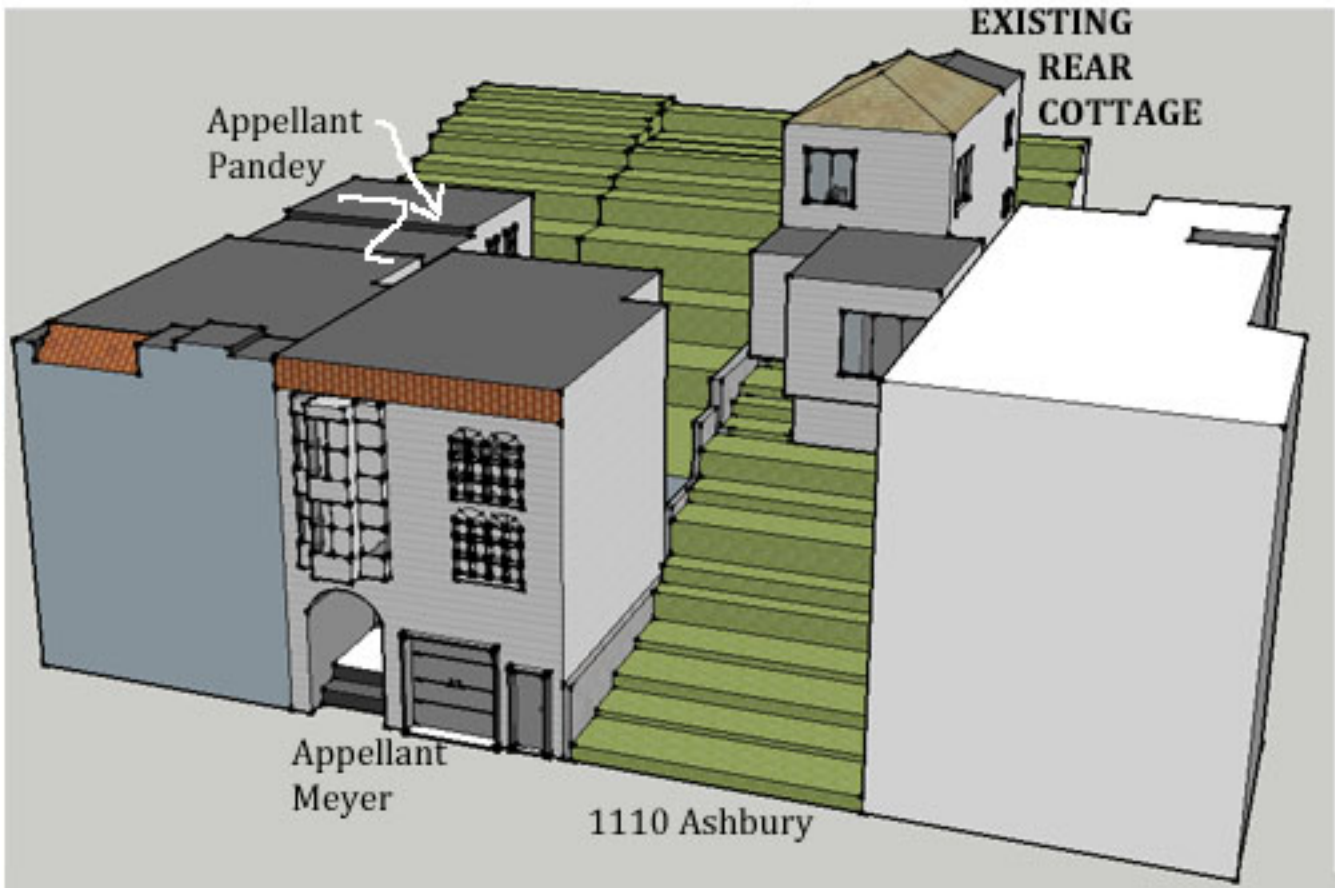


EXHIBIT B

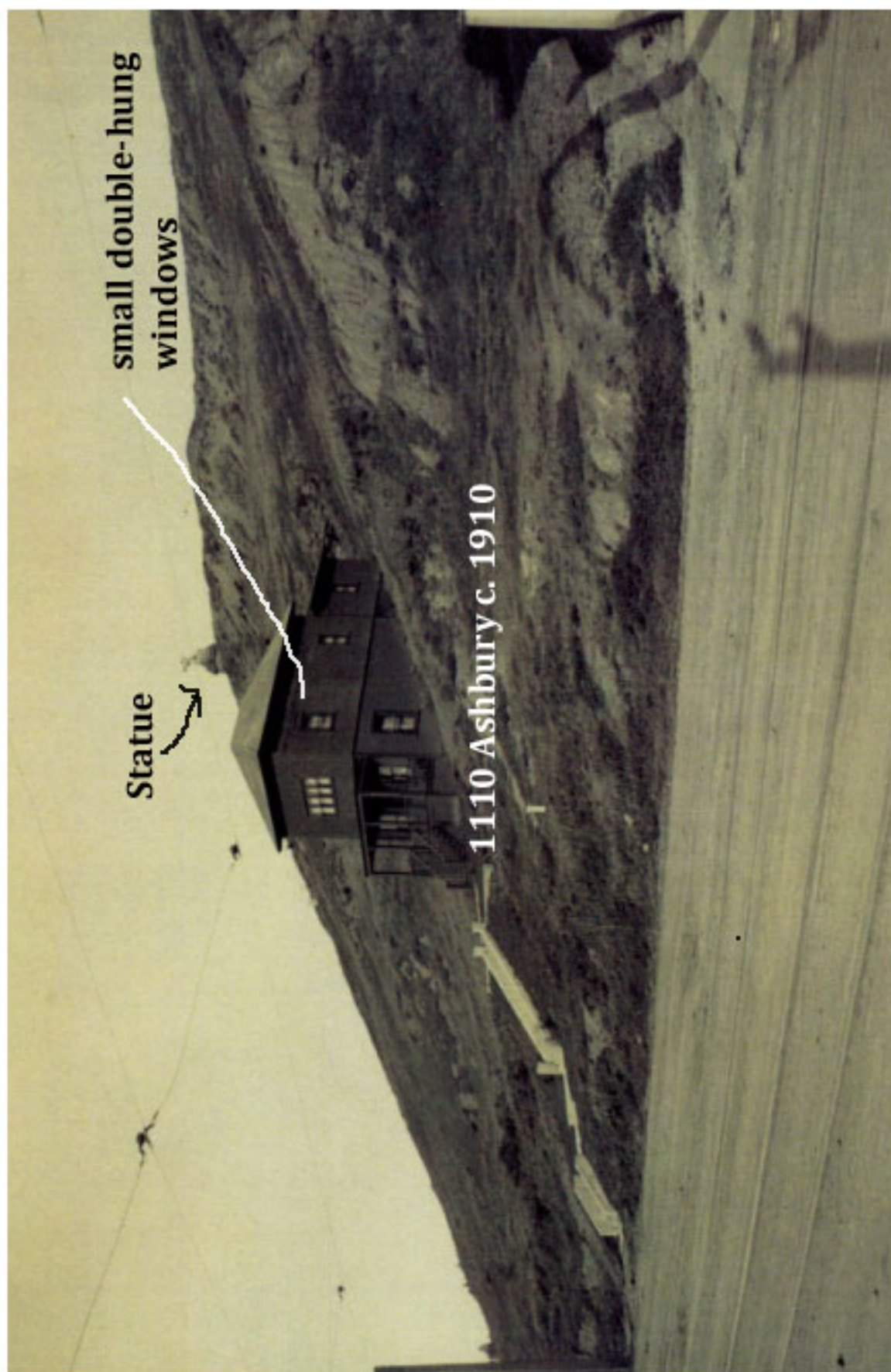
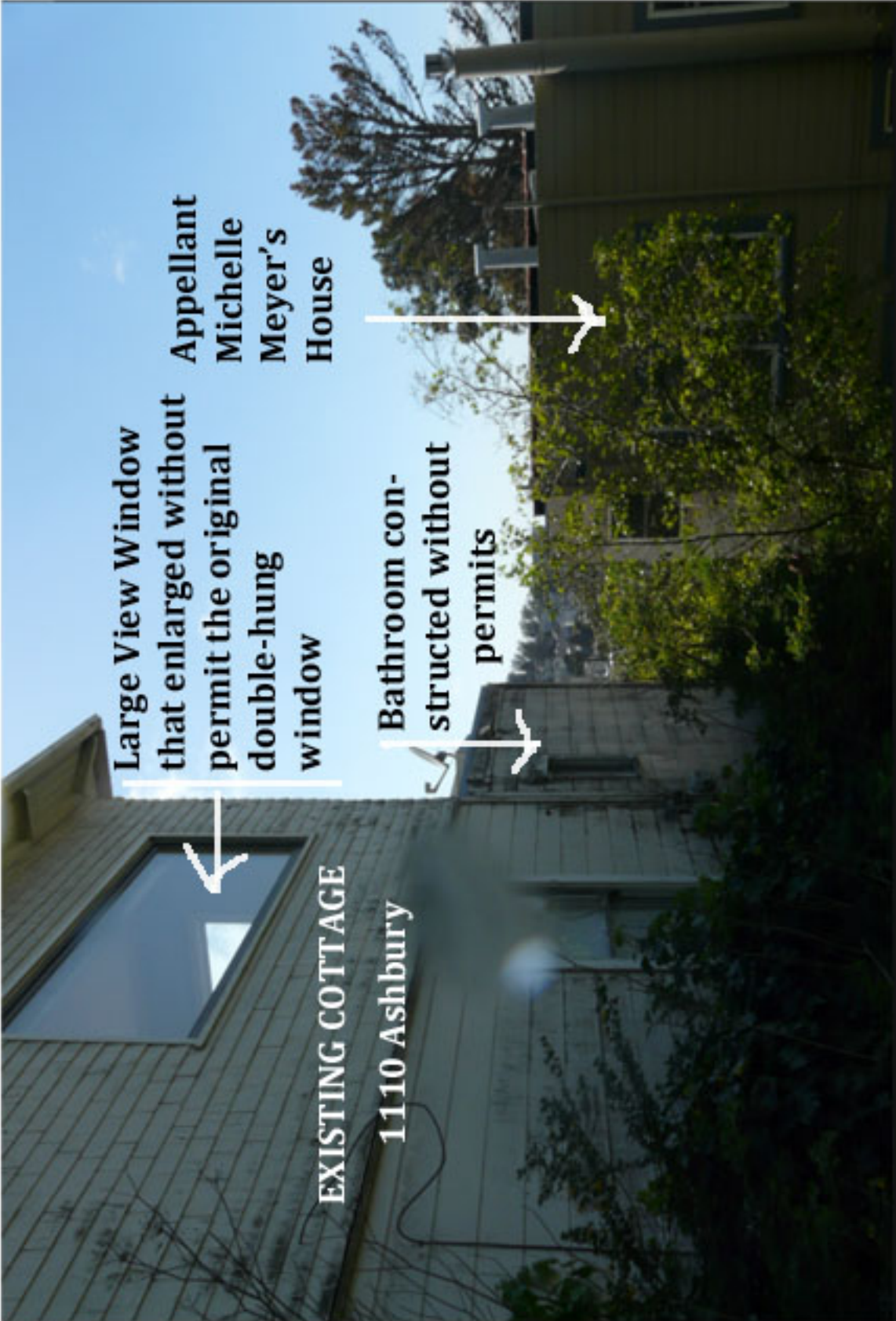


EXHIBIT C



**Large View Window
that enlarged without
permit the original
double-hung
window**

**Bathroom con-
structed without
permits**

**Appellant
Michelle
Meyer's
House**

**EXISTING COTTAGE
1110 Ashbury**

EXHIBIT C 3R Report

Sep. 18. 2012 11:11AM

No. 2112 P. 2/4

City and County of San Francisco
Department of Building Inspection



Edwin M. Lee, Mayor
Tom C. Hui, S.E., Acting Director

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

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

Address of Building **1110 ASHBURY ST**

Block **2629**

Lot **021**

Other Addresses

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

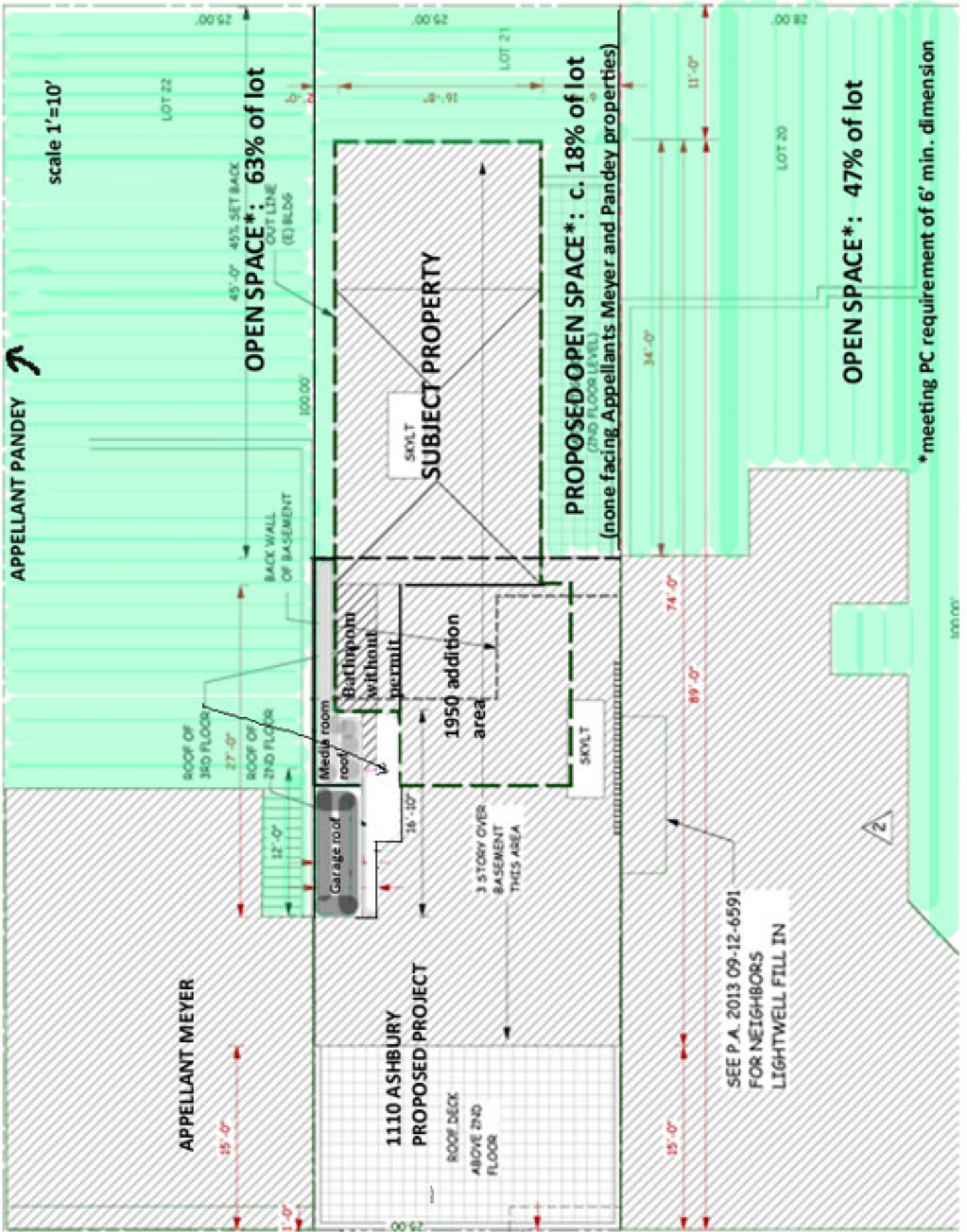
| Application # | Permit # | Issue Date | Type of Work Done | Status |
|---------------|----------|--------------|--|--------|
| 45902 | 44738 | Aug 11, 1939 | MAJOR REMODELING, UNDERPINNING, NEW ROOMS ON LOWER FLOOR | C |
| 125023 | 113347 | Mar 14, 1950 | BUILD AN ADDITION | N |
| 9603527 | 788832 | Mar 04, 1996 | REPAIR & REPLACE CONCRETE FOOTING | X |
| 9618044 | 804328 | Sep 23, 1996 | FOR FINAL INSPECTION ON APPLICATION #9603527 | C |
| 9703168 | 851374 | Feb 02, 1997 | VIOLATION CORRECTION #2629-21-3 - CFC 1FD | C |
| 9705441 | 817923 | Mar 25, 1997 | REMODEL KITCHEN & BATHROOM | C |
| 9706431 | 819016 | Apr 09, 1997 | 2ND ROOM REMODELING, PLUMBING & ELECTRIC WORK | C |
| 200506094645 | 1072442 | Nov 15, 2005 | NEW MASTER BATHROOM & RELOCATION OF KITCHEN, LIVING ROOM, NEW DOORS AT REAR AND SIDE | X |
| 201206142651 | 1267085 | Jun 14, 2012 | TO CORRECT NOTICE OF VIOLATION #200565682. TO DOCUMENT THAT CONDITION HAS BEEN ABATED. | C |

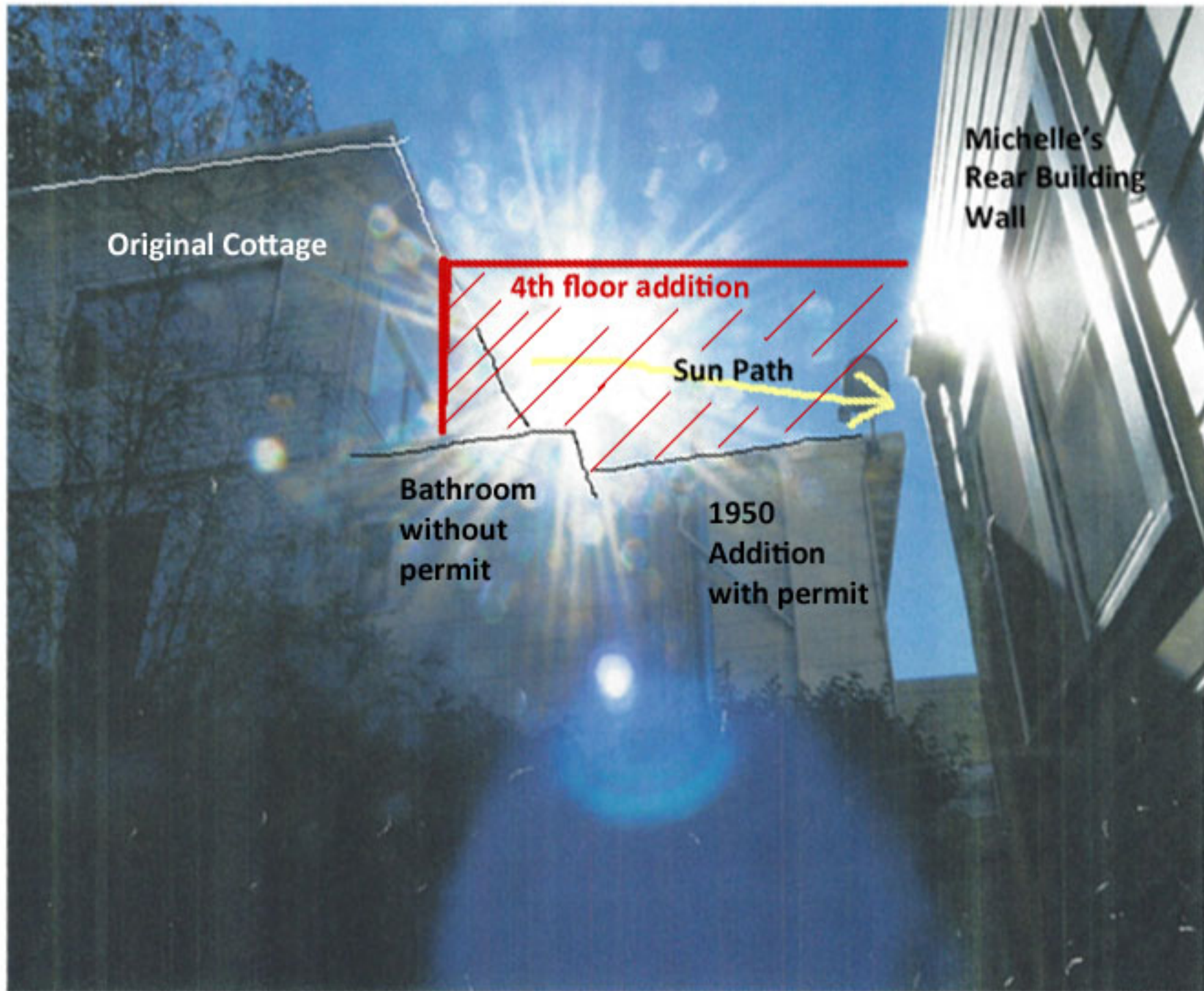
8. A. Is there an active Franchise Tax Board Referral on file? Yes No
B. Is this property currently under abatement proceedings for code violations? Yes No
9. Number of residential structures on property? **1**
10. A. Has an energy inspection been completed? Yes No B. If yes, has a proof of compliance been issued? Yes No

EXHIBIT D
contemporary photo 1110 Ashbury



EXHIBIT E





Original Cottage

Michelle's
Rear Building
Wall

4th floor addition

Sun Path

Bathroom
without
permit

1950
Addition
with permit

EXHIBIT F

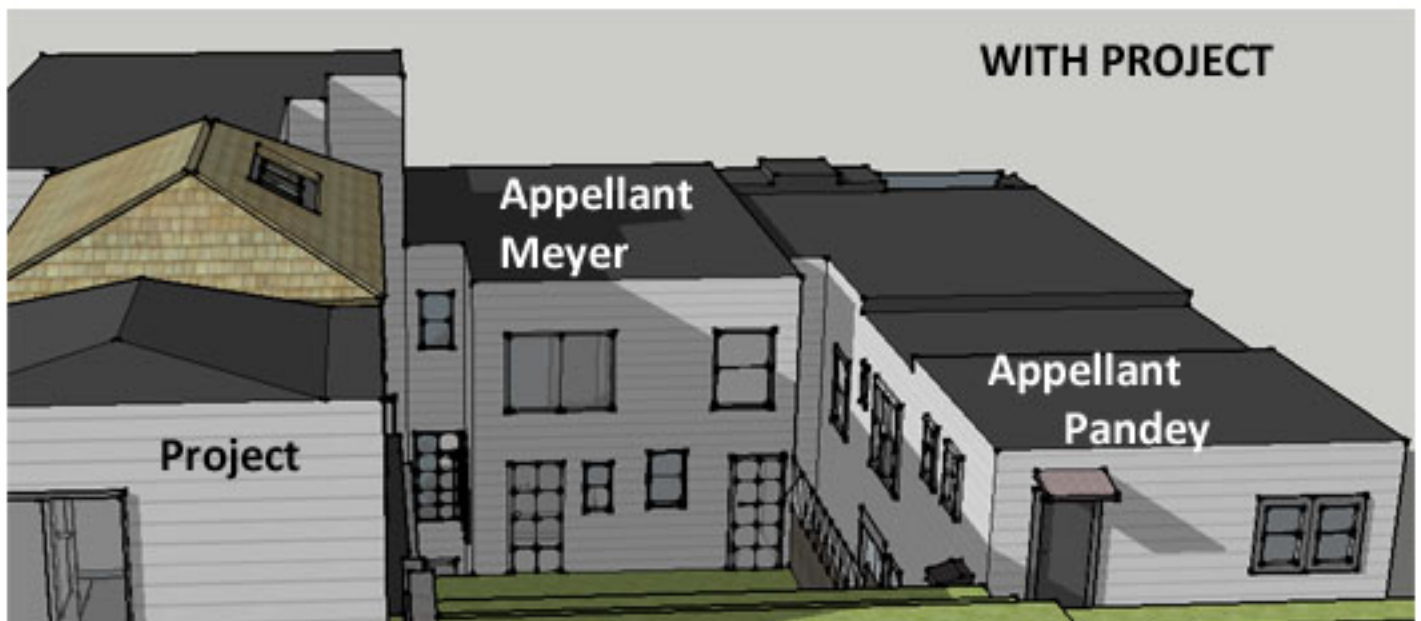
EXHIBIT G



EXHIBIT H
Shadow Impact (p. 1 of 2)



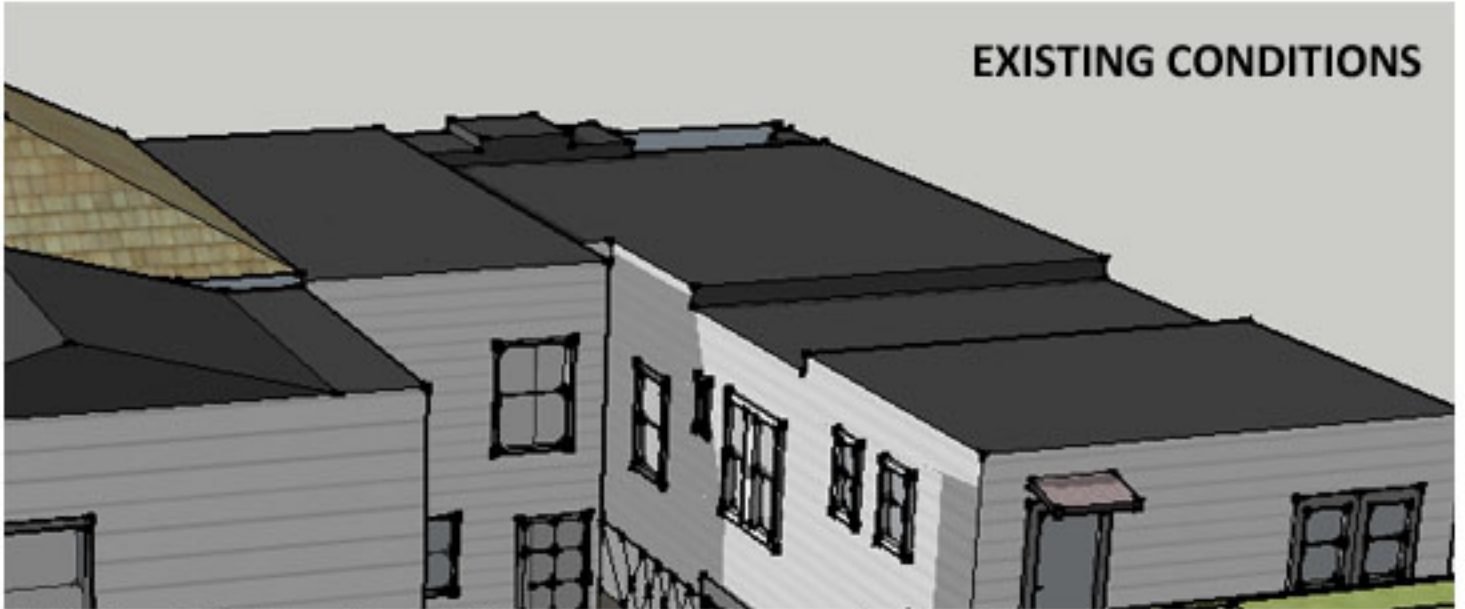
Winter Equinox (Dec 21) Noon.



Winter Equinox (Dec 21) Noon. Almost all of Appellant Meyer's windows are blocked; Appellant Pandey loses some bedroom sun. (Pandey's most significant sun loss is after noon.)

EXHIBIT H
Shadow Impact (p. 2 of 2)

EXISTING CONDITIONS



Winter Solstice (Dec 21) 2 pm. Primary unit windows all in full sun.

WITH PROJECT



Winter Solstice (Dec 21) 2 pm. Project blocks virtually all sun from Pandey's side windows. Her only other window (east facing) gets very little sun because of the steep hill behind blocking much of the morning sun)

LINE OF SIGHT FROM NEW WINDOWS

EXHIBIT I

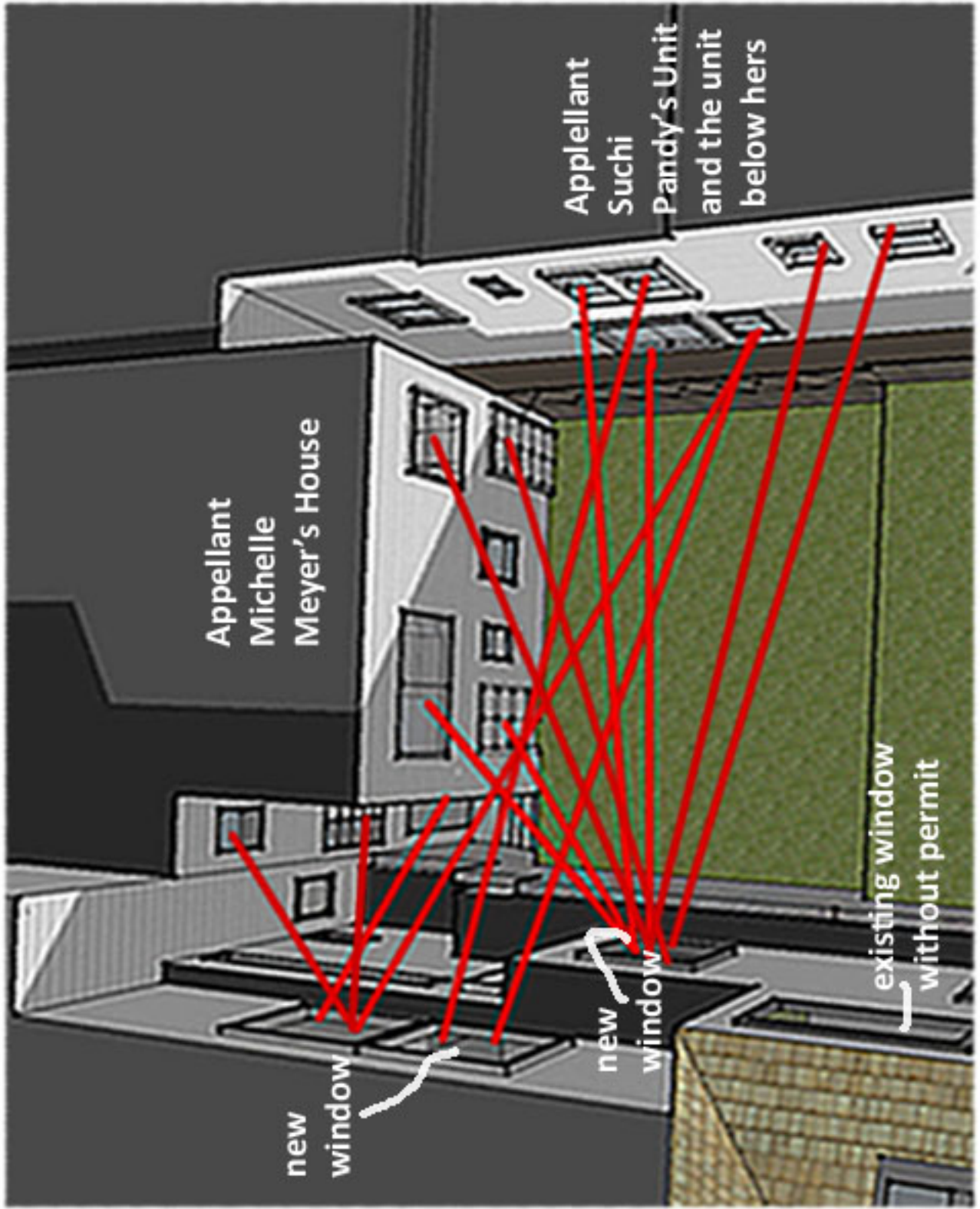


EXHIBIT J

- 1110 Ashbury St., Application of Planning Code Sections 134 and 1...



Robert Passmore

Apr 25

To Jessica.Look@sfgov.org

CC Scott.sanchez@sfgov.org John.Rahaim@sfgov.org

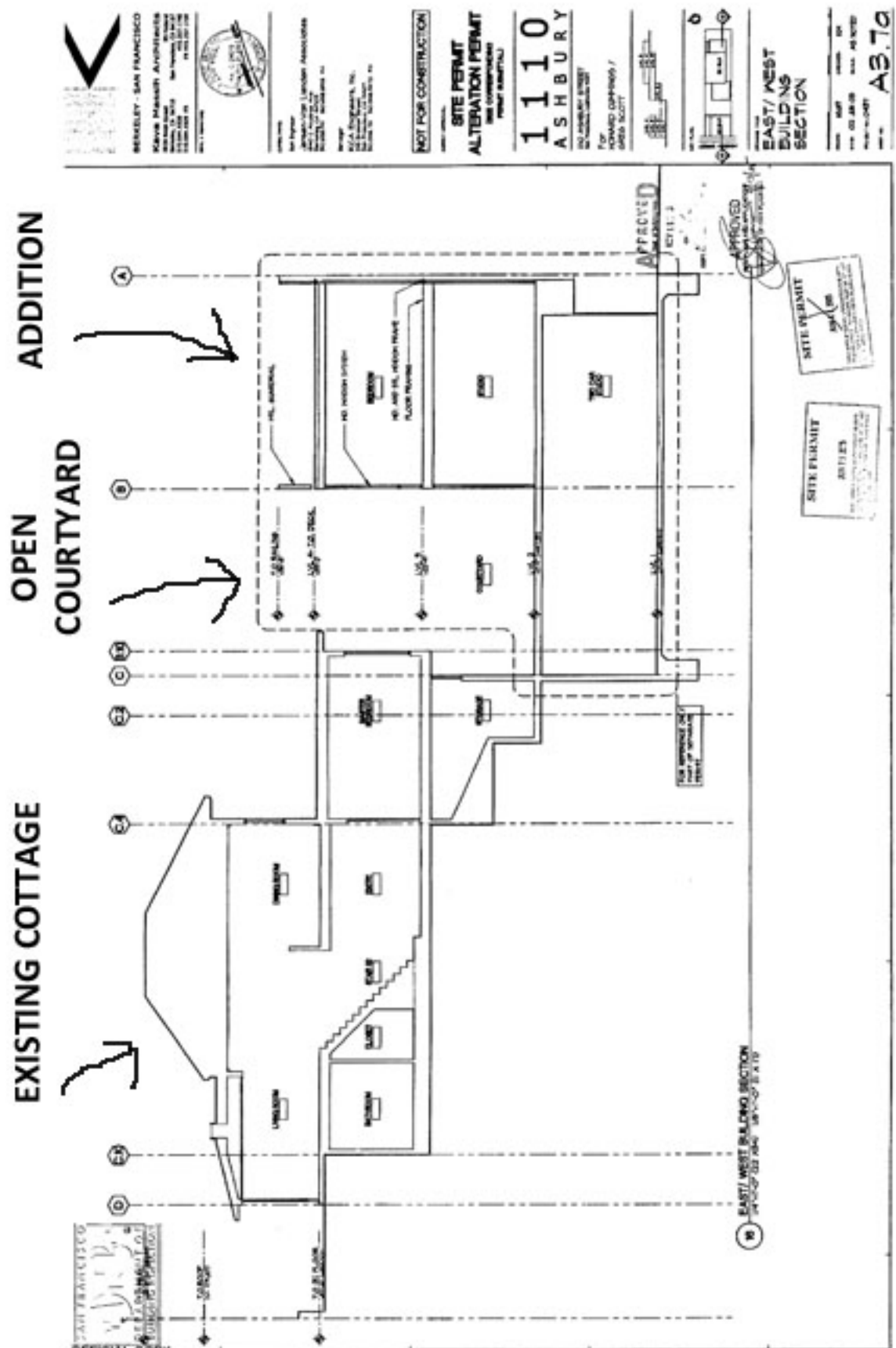
Ms. Look,

The pending case at 1110 Ashbury has been brought to my attention.

As Zoning Administrator for your Department during the 1980's and 90's, I wrote the original interpretation having to do with providing a minimum 25% yard on lots already developed with a rear cottage. I have reviewed the site plan and Mary Gallagher's letter to the Planning Commission concerning the proposed project at 1110 Ashbury. Please include for the record that the interpretation was written for circumstances such as this case. I hope that you and the Department will reconsider your current position and require appropriate modifications to the project to make it Code complying.

EXHIBIT K

2005 Approved Plans for a Project at 1110 Ashbury that was 3 stories Tall and Incorporated a Courtyard adjacent to Meyer's Yard. Page 1 of 3



BERKELEY - SAN FRANCISCO
 KIMBERLY L. HARRIS ARCHITECTS
 1110 ASHBURY
 BERKELEY, CA 94704
 TEL: 415.863.1110
 FAX: 415.863.1111
 WWW: KIMBERLYLHARRIS.COM



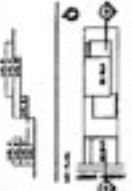
Professional Engineer License No. 45440
 CIVIL ENGINEERING
 STATE OF CALIFORNIA
 EXPIRES 12/31/2007
 DAVID SCOTT
 CIVIL ENGINEER
 LICENSE NO. 45441
 EXPIRES 12/31/2007

NOT FOR CONSTRUCTION

SITE PERMIT
 ALTERATION PERMIT
 FOR CONSTRUCTION
 PERMIT NUMBER

1110
 ASHBURY

PLANNING PERMIT
 FOR CONSTRUCTION /
 DAVID SCOTT



EAST/WEST BUILDING SECTION

DATE: 03/20/05
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO.: 05-001
AS.7g

EXHIBIT K
Page 2 of 3

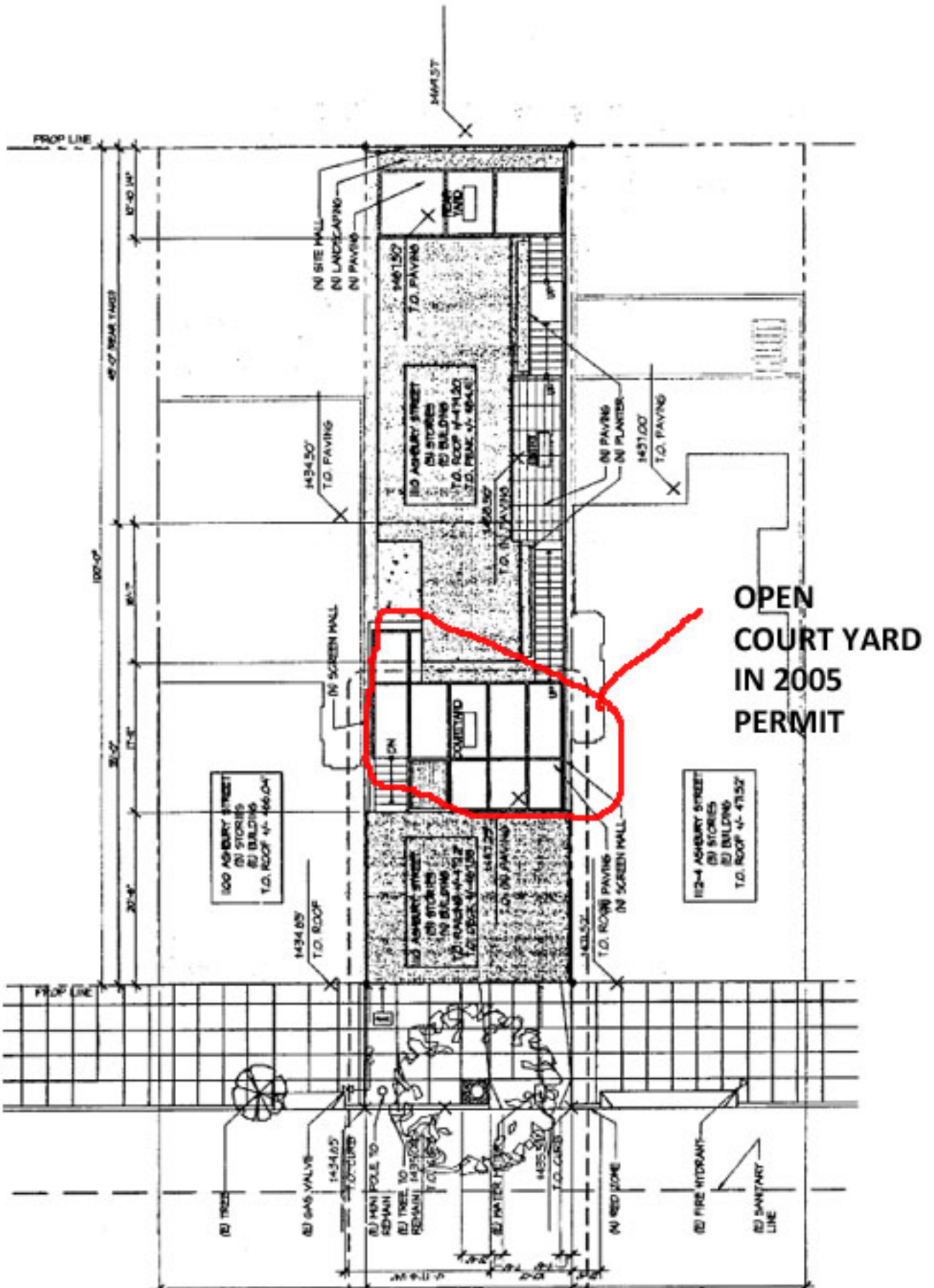
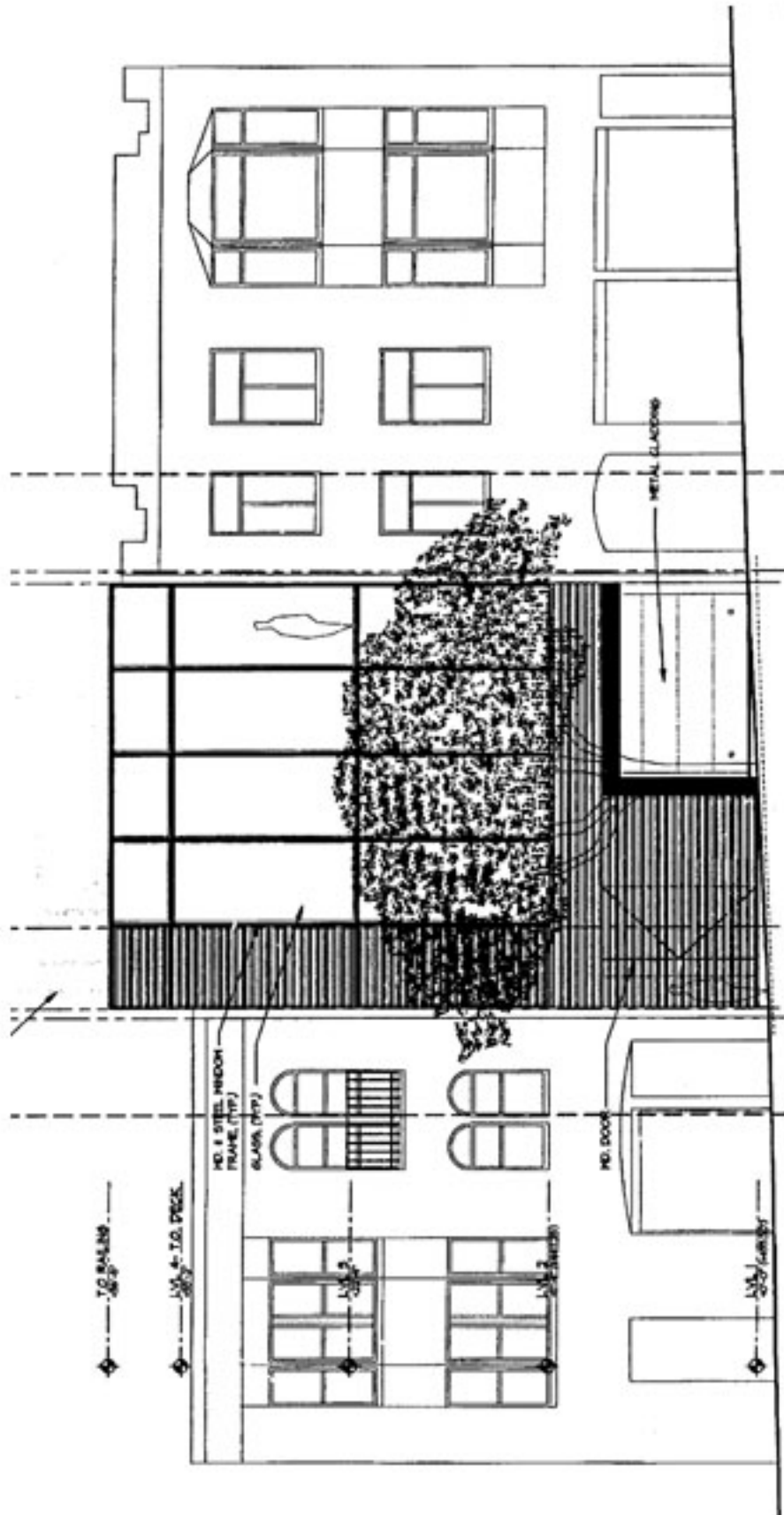


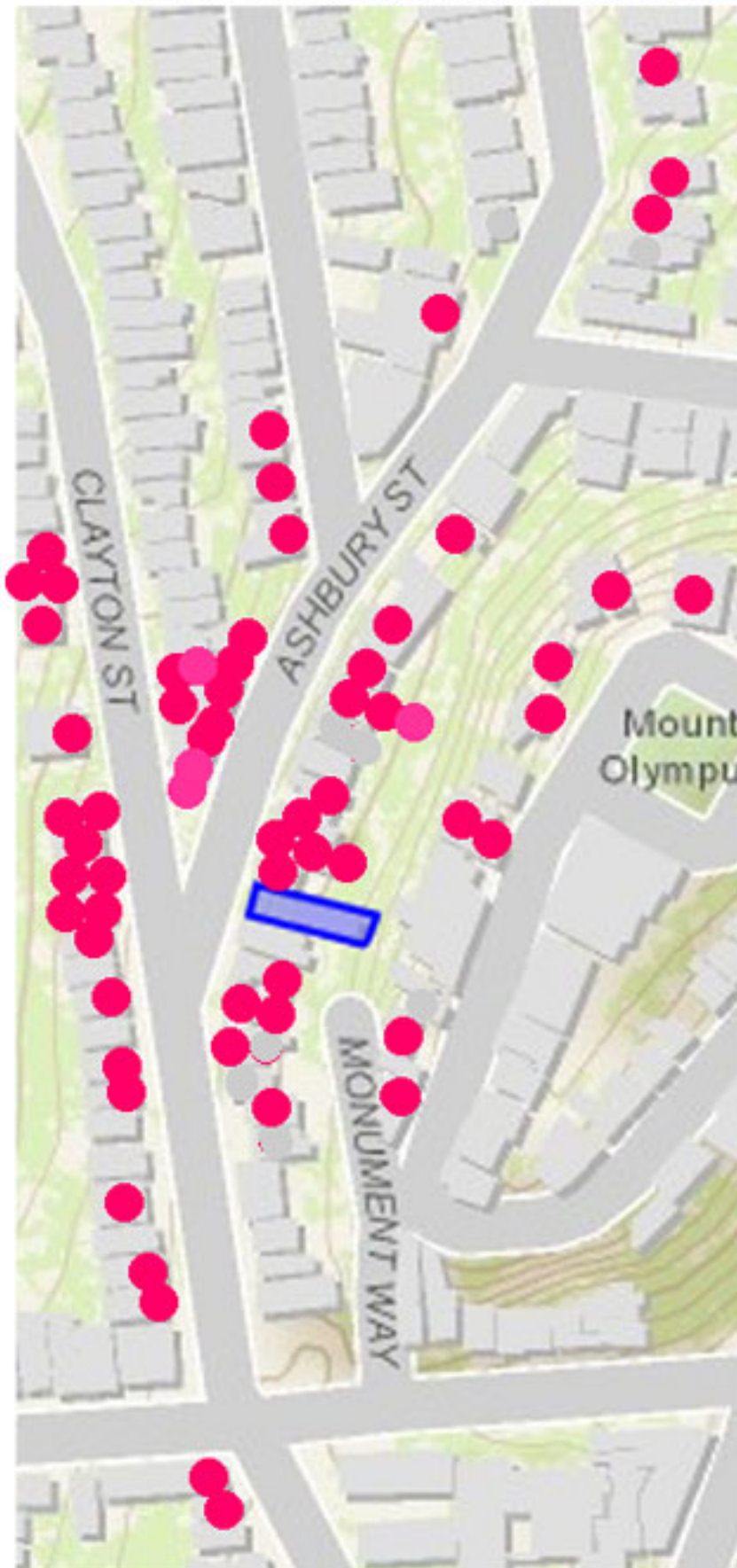
EXHIBIT K
Page 3 of 3



2005 Project was 3 stories and incorporated a court yard between the two buidings

EXHIBIT L

PETITION MAP: 1110 ASHBURY PROPOSAL



● Homes in which one or more residents have signed a petition requesting modifications to the project

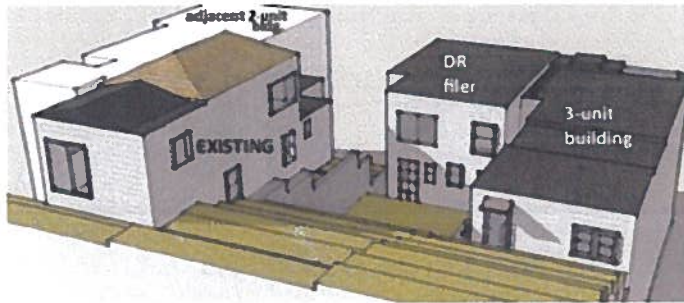
Multiple dots on a lot indicate residents of more than one unit signed.

▭ Project site

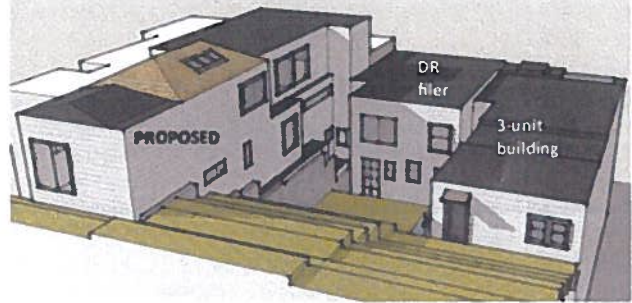
PETITION

We believe the project at **1110 Ashbury**, which proposes to cover 80% of its lot, is too large and does not respect the size and lot coverage of its neighboring buildings. It sets a bad precedent for our neighborhood, and encourages the loss of rear cottages with street-facing gardens.

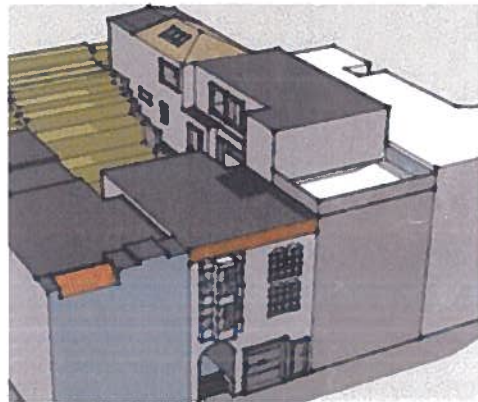
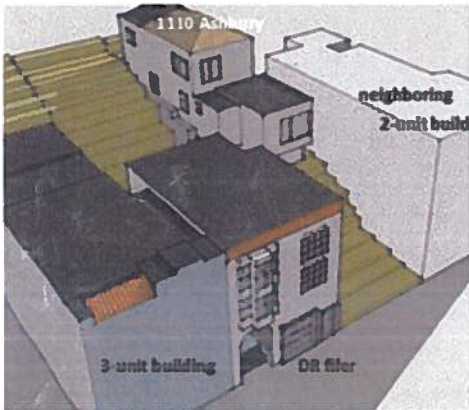
We ask the Planning Commission to make changes to the proposal to ensure the building's scale is compatible with surrounding buildings and to maintain light to the adjacent neighbors.



EXISTING



PROPOSED

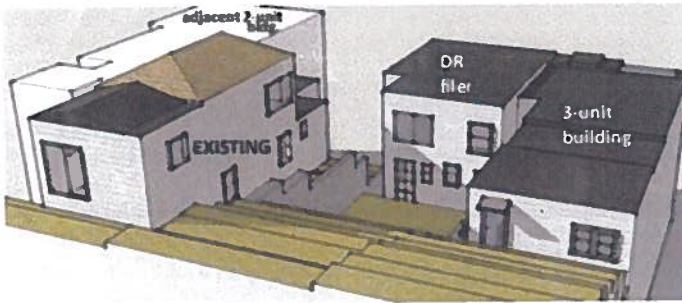


| Printed Name | Signature | Address |
|--------------------|--------------------|---------------------|
| Roland Osborne | <i>[Signature]</i> | 1149 Clayton Street |
| Margan Palencia | <i>[Signature]</i> | 1153 Clayton St. |
| <i>[Signature]</i> | <i>[Signature]</i> | 1201 Clayton St |
| Carol Tang | <i>[Signature]</i> | 1207 Clayton St |
| James Stirlington | <i>[Signature]</i> | 1150 Clayton St. |
| COLIN PEARSE | <i>[Signature]</i> | 433 UPPER TER. |
| LAURA MANDO | <i>[Signature]</i> | 433 UPPER TER. |
| Flyse Cann | <i>[Signature]</i> | 1077 Ashbury St |
| Kene Frapio | <i>[Signature]</i> | 1036 Clayton Street |
| Eric Hall | <i>[Signature]</i> | 1100 Clayton St. |
| Kate Greenwood | <i>[Signature]</i> | 1011 Clayton St |
| Jonathan Furey | <i>[Signature]</i> | 1013 Clayton St |
| Theresa Franco | <i>[Signature]</i> | 1025 Clayton St |

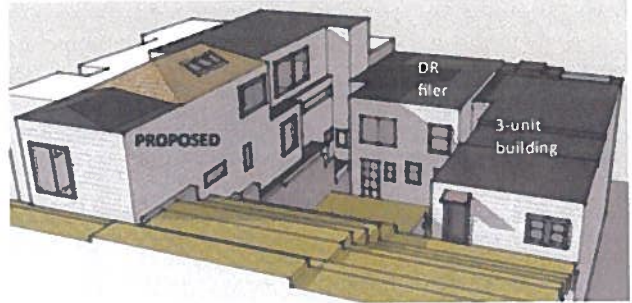
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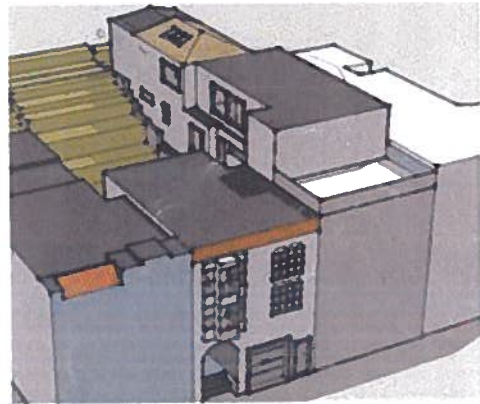
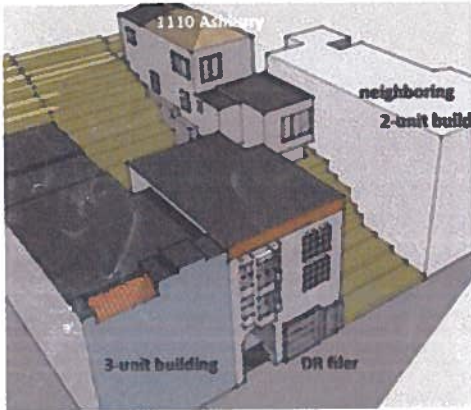
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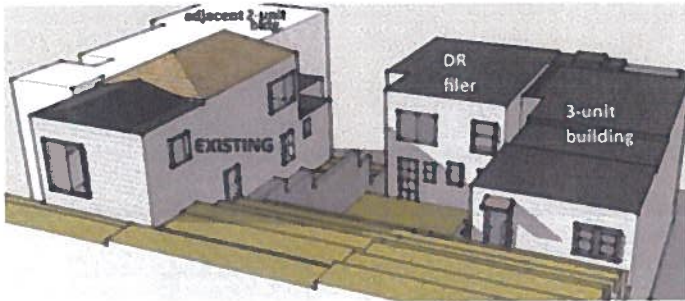
| Printed Name | Signature | Address |
|--------------------|-------------|---------------------------|
| Steve Barrabee | [Signature] | 1025 Clayton St S.F. CA ✓ |
| JACOB SCHURMAN | [Signature] | 353 UPPER TERR ✓ |
| VISAY KAGHAVAN | [Signature] | 357 UPPER TERR #3 ✓ |
| Christoph Brauchle | [Signature] | 383 Upper Terrace ✓ |
| DAN SLAMBERT | [Signature] | 391 Upper Terr ✓ |
| Richard Miles | [Signature] | 397 Upper Terrace ✓ |
| Eddie Sheppard | [Signature] | 401 Upper Terr ✓ |
| Oren Fix | [Signature] | 425 Upper Terrace #2 ✓ |
| Gianluca Franesse | [Signature] | 1050 Ashbury St ✓ |
| Near Dessauky | [Signature] | 1064 Ashbury St ✓ |
| Susan Frey | [Signature] | 1095 Clayton St ✓ |

9417

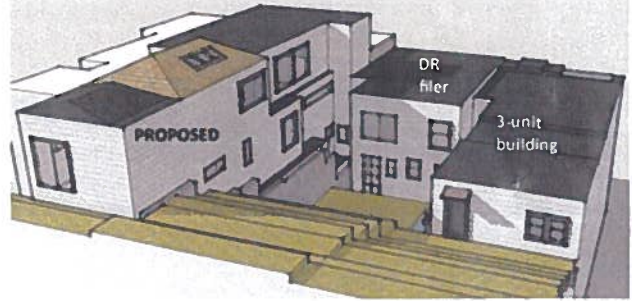
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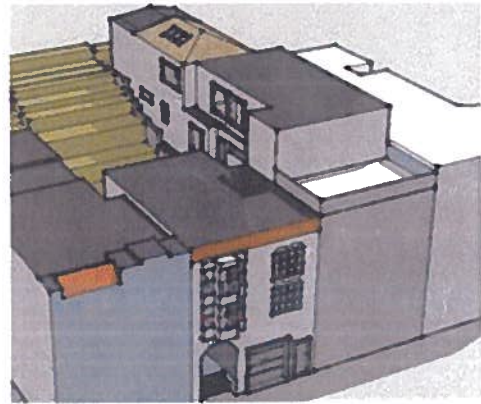
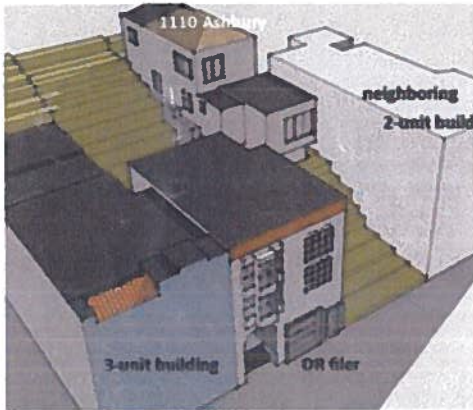
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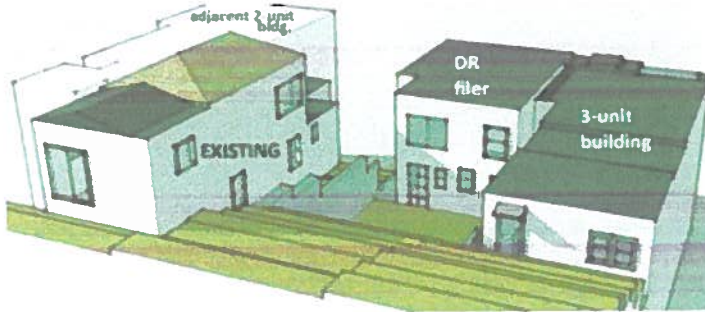


| Printed Name | Signature | Address |
|------------------|--------------------|--------------------|
| Ernie Ramirez | <i>[Signature]</i> | 1120 Ashbury St |
| ARTHUR PUNDT | <i>[Signature]</i> | 1120 ASHBURY ST |
| Kerr, Melen | <i>[Signature]</i> | 1126 Ashbury St. |
| Joska Hyman | <i>[Signature]</i> | 1135 Clayton St |
| Nojar AZAN | <i>[Signature]</i> | 1115 CLAYTON ST |
| Werner Bachmann | <i>[Signature]</i> | 1109 Clayton St. |
| DANA CHRISLER | <i>[Signature]</i> | 1028 ASHBURY ST |
| Jarin Elich | <i>[Signature]</i> | 1015 Ashbury St. |
| David S. Plank | <i>[Signature]</i> | 956 Ashbury St. |
| J. Weinstein | <i>[Signature]</i> | 974 Ashbury St |
| Roxana Schreiner | <i>[Signature]</i> | 980 Ashbury Street |
| PHIL STRAUSS | <i>[Signature]</i> | 1051 ASHBURY ST |
| LIZ BLANCHARD | <i>[Signature]</i> | 1060 ASHBURY ST |

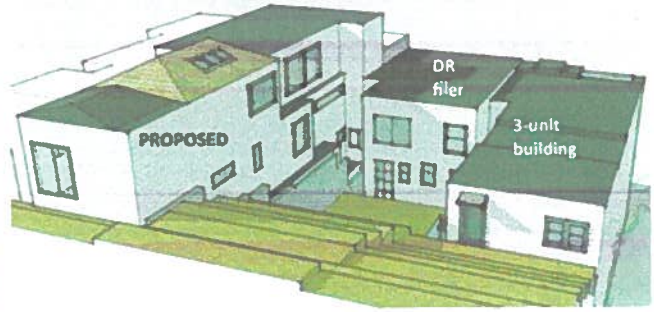
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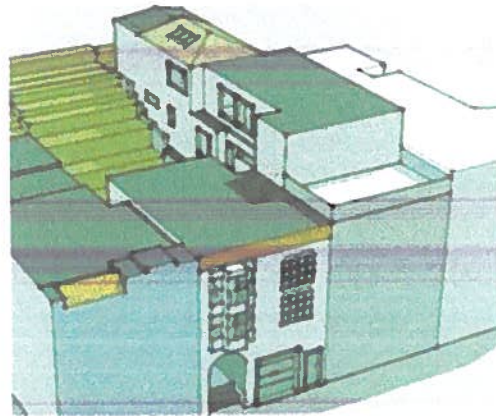
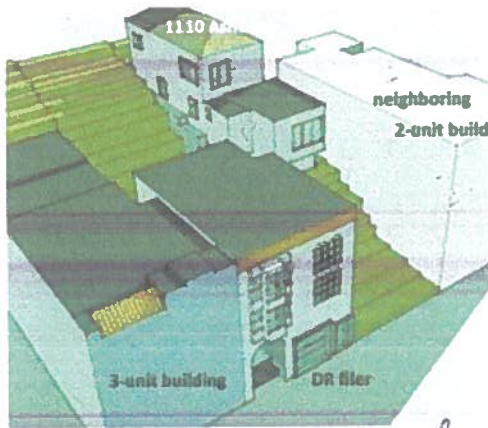
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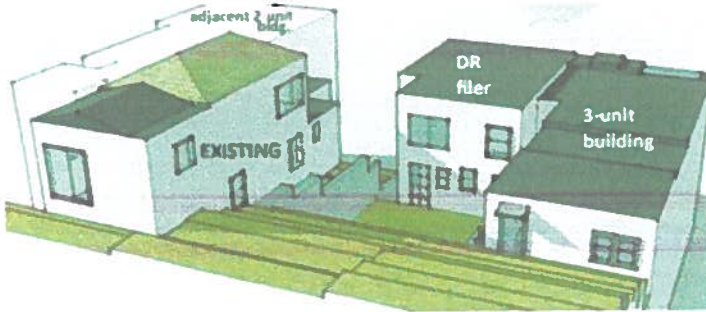


| Printed Name | Signature | Address |
|--------------------|--------------------|-------------------------|
| Janny Hazelaar | <i>[Signature]</i> | 1040 Ashbury St #6 |
| GREG SIROTA | <i>[Signature]</i> | 1040 Ashbury St #7 |
| LARRY FINGERHUT | <i>[Signature]</i> | 1040 ASHBURY #8 |
| HUGH DIAMOND | <i>[Signature]</i> | 1040 Ashbury #9. |
| Narain Roshan | <i>[Signature]</i> | 1040 Ashbury #9 |
| William Fellows | <i>[Signature]</i> | 1140 Clayton St |
| J. Stodolsky | <i>[Signature]</i> | 1053 CLAYTON ST. |
| R. Relators | <i>[Signature]</i> | 1055 Clayton St. |
| STEPHEN BILLAS | <i>[Signature]</i> | 1065 Clayton St. |
| STEPHEN BILLAS | <i>[Signature]</i> | 1071/73 Clayton St |
| Pierre JACOBY | <i>[Signature]</i> | 1136 Clayton Street |
| Madeline Dougherty | <i>[Signature]</i> | 1081 ASHBURY St. Apt. B |

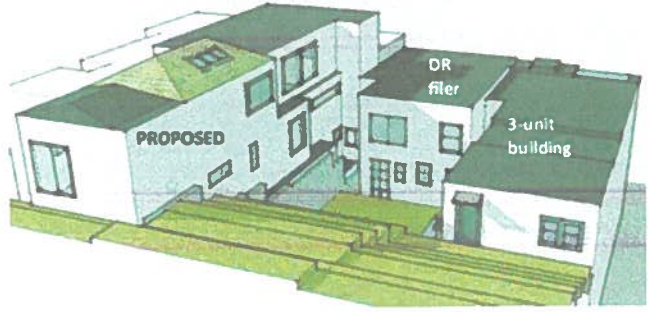
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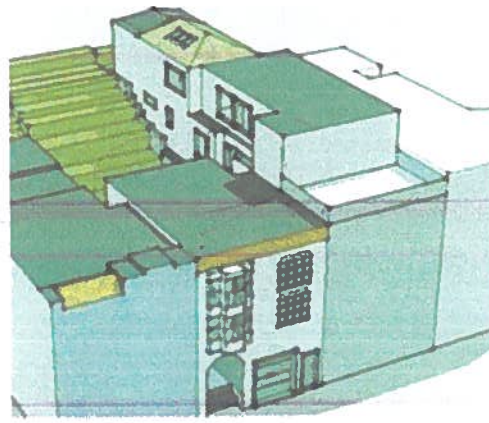
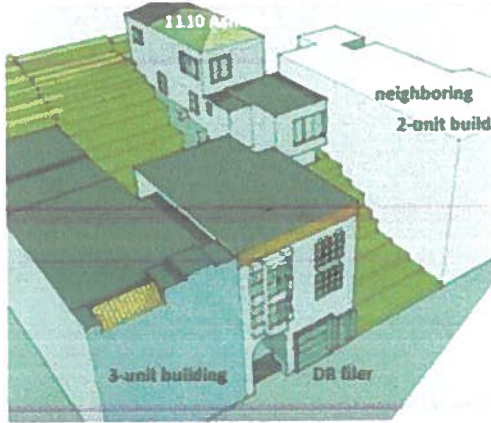
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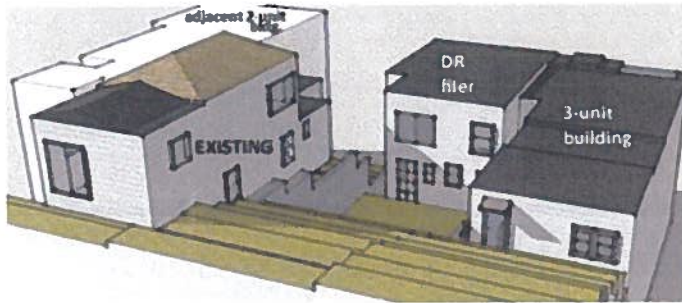


| Printed Name | Signature | Address |
|---------------------|----------------------------|-------------------------|
| Kevin Williams | <i>Kevin Williams</i> | 1074 Ashbury St |
| David Ryan | <i>David Ryan</i> | 1026 Clayton St |
| Drew Debel | <i>Drew Debel</i> | 1082 Ashbury St |
| Sam Hamitt | <i>Sam Hamitt</i> | 1081A Ashbury St |
| John Ploumitskos | <i>John Ploumitskos</i> | 1088 Ashbury St |
| Adrienne Franzese | <i>Adrienne Franzese</i> | 1059 Ashbury St |
| Mark Blanchard | <i>Mark Blanchard</i> | 1060 Ashbury St |
| Rob Sam | <i>Rob Sam</i> | 1077 A Ashbury St |
| Dave Corbis | <i>Dave Corbis</i> | 1079 A Ashbury St |
| Michel Bonarsca | <i>Michel Bonarsca</i> | 1128 Ashbury St |
| Euse Healy | <i>Euse Healy</i> | 1077 Clayton St |
| Shivani Desai | <i>Shivani Desai</i> | 1040 Ashbury St, Apt #3 |
| Jeremy Margaritondo | <i>Jeremy Margaritondo</i> | 1077 Clayton St |

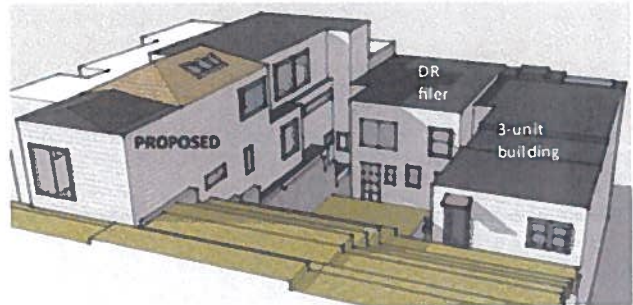
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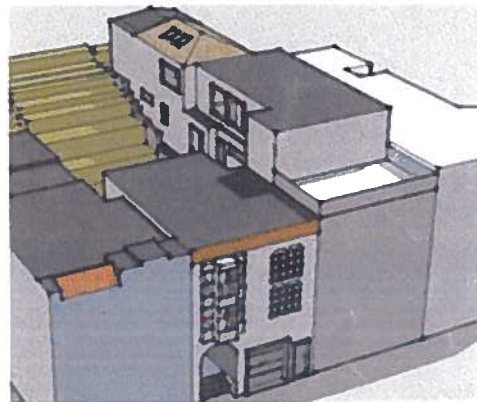
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EXISTING



PROPOSED



Copy

| Printed Name | Signature | Address |
|-----------------|---------------------------|---------------------|
| Wayne Person | Wayne Person | 1085 Clayton St |
| HELGA MAASER | Helga Maaser | 291 Rowing St ✓ |
| Annelise Falzer | Annelise Falzer | 283 Downey ✓ |
| Khrista Rick | Khrista Rick | 1056 Ashbury ✓ |
| Warren Fournie | Warren Fournie | 1096 Ashbury #2. |
| SUCHITRA PANDEY | S. Pandey | 1096 Ashbury #3 |
| Tony Bhutani | Tony Bhutani | 1098 Ashbury St #1 |
| Midelle Meyer | Midelle Meyer | 1100 Ashbury Street |
| | | |
| | | |
| | | |
| | | |

October 2, 2014



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

Re: Respondents' Opposition to Appeal of Building Permit No. 2013/04/05/3911
(Appeal Nos. 14-143 and 14-144)

Hearing Date: October 8, 2014

Dear President Lazarus and Commissioners:

Ty Bash and Molly Mrowka ("Respondents"), the husband and wife owners of 1110 Ashbury (the "Property"), write to oppose the appeals of Building Permit No. 2013/04/05/3911 (the "Permit"). The Permit was properly issued by the San Francisco Department of Building Inspection ("DBI") on July 25, 2014, authorizing a horizontal addition to an existing two-story structure at the rear of the Property (the "Project"), which Ty and Molly intend to occupy as their long-term family home.

Respondents respectfully request that the Board deny the appeals and allow the Project to move forward for the following reasons:

1. The Project is an entirely Code-compliant, is within the buildable area allowed by the Planning Code, and is designed consistent with the scale and character of development in the neighborhood;
2. The Project has already undergone thorough review by the Planning Department's Residential Design Team, Planning Commission, Zoning Administrator, and DBI

- over the past year and a half, and has been determined consistent with all applicable Code and design guideline policies;
3. Ty and Molly have conducted substantial Project outreach, and have repeatedly and voluntarily modified the Project's design to promote privacy and sunlight access to Appellants' properties;
 4. The Planning Department previously investigated Appellants' claims that an existing window and bathroom were "illegal", and found no conclusive evidence that either area was constructed without a permit. Further, the "legalization" of these areas is a routine matter; and
 5. The "Alternative" Project designs advanced by Appellants are unreasonable and unworkable. They would (a) excessively impact development at the Property; (b) fail to correct the unsubstantiated Code violations alleged by Appellants; (c) unreasonably restrict accessibility and enjoyable use of the future home for disabled residents; and (d) fail to achieve Appellants' stated goals.

Since purchasing the Property in January 2013, Ty and Molly have expended significant time, effort, and money on the design and review of this entirely Code-compliant Project. The Project as designed responds to each of the issues raised by Appellants. In addition, Appellants' brief ignores several additional Project modifications that were made in direct response to their prior requests, which even further diminish the massing, privacy, and sunlight concerns raised. These changes were made by the Respondents after the Planning Commission reviewed the Project and approved it without requiring any modifications.

1. The Property

The Property is located on the east side of Ashbury Street, just north of the intersection with Clayton Street, in the City's Ashbury Heights residential neighborhood. It is zoned RH-2 ("Residential – House, Two Family") and is located in a 40-X height and bulk district.

The Property slopes steeply downward toward the front Property line on Ashbury Street, and currently contains a two-story building situated toward the rear of the lot and set back 11.5 feet from the rear Property line, allowing for a leveled back yard, 7 feet from the south property line, and 2 feet from the north property line (shared with Appellant Meyer) (the "Existing home"). The front of the Existing home is set back 35 feet from Ashbury Street, and is parallel with the rear of Appellant Meyer's home. Although most buildings in this neighborhood are set at the front of their lots, the Existing home is a legal non-complying structure built in 1900 before current Code requirements for rear yards were created. Despite its age, it is not a historic resource.¹

2. The Approved Project

Ty and Molly purchased the Property in January 2013. However, Ty is unable to occupy the Existing home due to a progressive physical disability. Shortly after purchasing the Property, Ty and Molly began pursuing plans to construct the Project, which is designed to meet their current and long-term housing needs and to make the Property accessible for Ty.

The Project would involve a 2,169 square-foot horizontal addition to the existing two-story building situated toward the rear of the lot. The addition would expand the Existing home

¹ The Planning Department evaluated the Existing home in connection with the Project and determined that it was not a historic resource for purposes of the California Environmental Quality Act ("CEQA").

into a larger, 3,917 square foot, three-bedroom residence, consistent with the size of many other homes in the neighborhood. The approved plans for the Project are attached as Exhibit 1.

The Project's garage level would accommodate two vehicles and contain an accessible pathway along the building's south side, connecting to the street-level foyer and leading to a residential elevator that provides access to the upper floors. The first floor would contain an ADA-adaptable bathroom, bedroom, study, and media room. The second floor would contain a master bedroom along its west end with adjoining ADA-adaptable bathroom, specialty gym area, and caregiver suite at the east end of the floor. The third floor would connect to the upper-level of the Existing home and would contain the living room, dining room, and kitchen.

The Project would not affect the existing 11.5-foot rear yard setback. Code-compliant usable open space would be provided in the form of 275 square feet at the rear of the lot and a 375 square foot roof deck, located above the second floor in the front of the building.

The new home would be three stories over a garage, with the front façade reaching a maximum height of 31 feet, 6 inches – less than the 33-foot maximum height determined by averaging of adjacent buildings as required by the Planning Code.

Because of the sloped nature of the site, the proposed garage and first level would be above-grade along the front of Property near Ashbury Street, but would transition to a below-grade along the rear of the building.

Great care has been taken to design the Project in a manner that minimizes the appearance of building massing and responds to the character of development within the neighborhood. The third story would be set back a full 15 feet from the front property line, reducing the appearance of building height in conformity with the Residential Design

Guidelines. In addition, a series of “notching” setbacks would be provided at the north side of the Property, adjacent to Appellant Meyer’s property. Images depicting the massing and elevation of the Project in relation to adjacent buildings are provided in Exhibits 2 and 3.

3. Pre-Application Outreach Activities and Early Response to Appellants’ Requests

Ty and Molly filed the Permit on April 4, 2013. But even before to that point, they had already proactively engaged their neighbors to discuss the Project, and modified its design in response to concerns raised. A full summary of Respondents’ numerous outreach activities is attached as Exhibit 4.

As a result, the initial Project design incorporated several concessions beyond what was required by the Code. This was done specifically out of consideration for Appellant Meyer’s property, project massing, and potential shadow on her property. These considerations can be seen in Exhibit 5 and included:

- a. Incorporating a 4-foot setback at the Project’s first floor, extending 12-feet along the Project’s northern property line adjacent to an existing light well on Appellant Meyer’s property, although the Code does not require *any* setback in this area;
- b. Incorporating a 4-foot setback at the Project’s second floor (where only 3 feet were required), adjacent to Appellant Meyer’s existing light well and extending all the way back to the Existing home;
- c. Incorporating a 5-foot setback at the third floor, adjacent to Appellant Meyer’s light well and extending all the way back to the Existing home;

- d. Incorporating a vertically progressive articulation to the light well setback design (progressively bigger with height) in an attempt to minimize any potential shadow impact to Appellant Meyer's kitchen window and yard; and
- e. Agreeing to remove, in connection with the Project, an existing 6-foot tall fence located on Respondents' property within 4 feet of Appellant Meyer's kitchen window, in order to provide for additional natural light access. (See Exhibit 5.)

In addition, Ty and Molly's efforts to work with their neighbors continued well after submittal of the Permit application, as discussed in Section 5, below.

4. Discretionary Review Hearings

The Project as designed is entirely Code-compliant, and therefore did not require Planning Commission ("Commission") approval. However, despite the significant and thoughtful Project modifications implemented by Ty and Molly to address her concerns, in November 2013 Appellant Meyer filed a request for Discretionary Review ("DR") of the Permit. The DR request raised nearly identical concerns to those in the current Appellants' brief.

This matter was heard by the Commission over 3 hearings, as it was continued twice in response to requests for additional information and to encourage the parties to reach a resolution. Substantive Project discussion was provided during the May 1st and May 22nd hearings, as discussed below.

Following a thorough review, the Commission did not take DR, allowing the Project to proceed as proposed. To detract attention from this fact, Appellants brief devotes substantial time to speculation on the motivation of Commissioner comments and actions at the previous hearings. As this Board reviews the project *de novo*, Appellants' speculations on these points

are not relevant. However, Appellants' recounting of the previous hearings contains inaccurate and misleading statements, which are addressed below. Also notably absent from Appellants' discussion are all references to Commissioners' numerous statements of support and approval for the Project voiced by multiple Commissioners, expressly recognizing its Code-compliance.

a. May 1, 2014 DR Hearing

On two occasions during this hearing, Commissioner Antonini (who personally visited the Property with DR Requestor /Appellant Meyer), stated that he felt that the Project was Code-compliant and would require no modifications. In fact, Commissioner Antonioni publically reviewed Appellant Meyer's claims, one by one, and confirmed factual circumstances with the City's Planner, Jessica Look, and the Zoning Administrator ("ZA"), Scott Sanchez, leading to his conclusion that he was largely "...at a loss to see where the impact is going to be" on Appellant Meyer's property. When asked, the ZA definitively stated that the Project fit within his understanding of an existing Code interpretation concerning rear yard and open space requirements (Sections 134 & 135), as discussed in Section 6(e), below.

Commission President Wu and Commissioner Borden did not suggest substantial modifications to the Project. Commissioners Moore and Sugaya were the only Commissioners who suggested an additional significant setback to the light well (*a 6-8 foot carve out from the North property line, top to bottom, in the middle of the home*). Commissioner Hillis stated that he would consider pushing just the top floor in 2 feet, from 5 feet to 7 feet, *in exchange for* reducing the front setback on the top floor from 15 feet to 10 feet (which the ZA noted would have increased the size of the building).

Because the Commissioners could not agree on whether to impose any specific modification on the Project, the matter was then continued to May 22, 2014.

b. Reasonable Accommodations for Disability Access

On page 15 of Appellants' brief, Appellants allege deception on the part of Respondents because the Project plans were revised prior to the May 22nd hearing to show the existence of a "caregiver bedroom" on the same level as the master suite, a "specialty gym" facility, and an "ADA-adaptable bathroom." Appellants state: "*One wonders why all of these disability-related rooms weren't present [on the plans] from the start of the process.*"

This allegation is distasteful and untrue.

In the interest of preserving their privacy regarding personal health information, Ty and Molly elected to refrain from labeling specific areas with their intended "disability-related" purpose during initial project review. They had no intention or desire to disclose Ty's disability to the Planning Department or Commission, and did not believe they would do so as the Project was reviewed by the Department and RDT three times, and found Code-compliant as designed. Unfortunately, Ty and Molly were ultimately obliged to publicly reveal this information in order to explain their home design needs in response to Appellant Meyer's DR request. This was a difficult personal decision, but Ty and Molly felt it was necessary in order to make the Commission aware of the reasonable accommodations required for Ty's condition (which accommodations were in jeopardy under the DR Requestor/Appellant Meyer's proposed "alternative" designs). For this same reason, Zoning Administrator ("ZA") Scott Sanchez also recommended to Ty that the ADA-adaptable rooms be labeled on final Project plans.

During the May 1 hearing, the subject of Ty Bash's disability and its influence on Project design were discussed by the Commission. In response to a request for clarification by Commission President Wu, the Deputy City Attorney Marlena Burn explained "Under the Americans with Disabilities Act [ADA], if someone, based on a medical condition or health condition, makes a request for a reasonable accommodation, then the City does have to provide them with that reasonable accommodation. Now that does not mean that any given project needs to be approved as-proposed, but the City would have to figure out what is necessary to accommodate the specific needs of the requester." Ms. Burns recommended that if the Commission intended to modify the Project, it continue the matter so that the permit holders could work with Planning Staff to address accommodation needs and discuss proposed recommendations in that context.

c. Department Discussion of Modifications After the May 1st DR Hearing

A few days after the May 1 hearing, Ty met with the acting ZA, Scott Sanchez, Planning Department Quadrant leader, Delvin Washington, and Project Planner, Jessica Look, to review the revisions discussed by Commissioners at the May 1 hearing in light of Ty and Molly's Project use and access needs.

It became apparent rather quickly that significantly increasing the light well at all levels, as Commissioner Moore suggested, would mean removal of the ADA-adaptable bathroom on the first and second floors and impacting the garage in such a way that would prevent Project Sponsor from parking a modified van with wheelchair accessibility.

By the end of this meeting, Department representatives resolved that setting the home back on the top floor the additional 2 feet (from 5 feet to 7 feet) from the rear of Appellant's

house to the Existing home would best meet the concerns articulated by the three Commissioners. At this meeting, Ty was also advised by Mr. Sanchez to clearly notate on the Plans the rooms specifically designed to reasonably accommodate Ty's disability needs, *i.e.* the ADA-adaptable bathrooms, specialty gym, and caretaker room.

d. May 22, 2014 DR Hearing

At the May 22 hearing, Commissioner Antonini again reiterated that he believed the Project was Code-compliant. Likewise, Commissioner Fong (absent at the May 1st meeting) did not suggest any changes. However, in an effort to reach consensus with Commissioners Moore and Sugaya, Commissioner Antonini suggested reducing the height of the ceiling on the top floor in the dining room from 10' to 9', increase the sill height to 36" in the dining room, and increase the light well set back as Project Sponsor proposed from 5-7 feet on a portion of the top floor only. The motion failed 3 in favor (Antonini, Wu, Borden) to 4 opposed (Moore, Sugaya, Hillis and Fong).

Commissioner Moore, who suggested imposing a larger courtyard area, did concede at the hearing that she was not an ADA expert and noted that when attempting to balance competing interests of the project sponsor and DR requestor, the Commission should recognize that "ADA is a human right, and is something that expresses itself in Code and something that could not be avoided as a part of the discussion. . ." A Deputy City Attorney was in attendance at the May 22 hearing, but did comment.

After further discussion, Commissioner Sugaya, stated "It is finished. I am sorry, it is finished. The motion failed. He [Project sponsor] has his project." Commissioner Borden

chimed-in in support. Appellants' brief erroneously attributes Commissioner Sugaya's definitive "It is finished" statement to Respondent Ty Bash.

Ultimately, the Commissioners simply did not agree to take DR or impose any modifications on this Code-compliant project, and it was allowed to proceed as designed.

5. Additional Voluntary Project Modifications After the DR Hearings

Because the Commission declined to take DR and did not impose any modifications, Respondents were not required to revise the Project. However, in a continuing attempt to be neighborly and avoid further administrative actions by Appellants, Ty and Molly voluntarily modified the Project's design following the DR hearings by:

- a. Setting back the Project's third floor by an additional two feet (for a total 7-foot setback equaling nearly 30% of the lot width) beginning at the rear of Appellant Meyer's building and extending back to the Existing home; and
- b. Reconfiguring the north-facing window on the Project's first floor, as well as and 3 north-facing windows on the Project's second floor to be above eye level, in direct response to Appellants' privacy concerns.

These modifications are not acknowledged in Appellants' brief, but are shown on pages A-2.03 and A-3.02 of the approved plans, attached as Exhibit 1, and in images depicting the Project's revised massing, attached as Exhibits 2 and 3.

6. The Project Was Fully Vetted and Should Be Approved As Proposed; The Appeal Should Be Denied

a. The Project is an Appropriate Scale for the Neighborhood

Appellants allege that the Project will "dwarf" Appellants building, creates a "solid looming wall" over Appellants property and "relates to Michelle's house like a container ship

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relates to a rowboat.” While these hyperboles are entertaining to read, they do not reflect the actual scale of the Project, which will remain smaller and cover less lot area than many other homes in the neighborhood.

Appellants allege that the Project would cover “100% of its lot.” This is untrue. The Project would have actual lot coverage of approximately 80%. This would occupy a smaller percentage of lot area than approximately 25 homes in the immediate vicinity of the Property, as shown in the lot coverage map attached as Exhibit 6.

In addition, the Project is of a reasonable size for the neighborhood. The new home would be three stories over a garage, with the front façade reaching a maximum height of 31 feet, 6 inches – less than the 33-foot maximum height determined by averaging of adjacent buildings as required by the Planning Code. In addition, 15 out of the 29 buildings on the same block as the Property contain 4 or more stories, as illustrated in Exhibit 7.

This conclusion was shared by Planning Department’s Residential Design Team (“RDT”), which completed a comprehensive review of the Project in 2013 and found that its form and scale are compatible with the neighborhood character for the site; its front building wall is compatible with that of other surrounding buildings; the 15-foot setback at the Project’s third floor will maintain the existing scale of development at the street; and that the proposed “side setback was sufficient with regard to residential design guidelines as the Project provides continued light and air access via a side setback similar to the matching lightwell.”² The RDT’s full analysis is provided as an exhibit to the Department’s DR Analysis, attached as Exhibit 8.

² Since the RDT’s review, Ty and Molly have also voluntarily expanded the Project’s side setback.

Further, the Project would not create “solid looming wall” over Appellants’ properties. Ty and Molly have thoughtfully designed the Project’s north face to break up its massing by providing staggered windows, architectural features that create vertical and horizontal articulation, and substantial “notch” setbacks at the center of the property beginning in an area adjacent to Appellant Meyer’s light well. These features are described above and depicted on page A-2.03 and A-3.02 of the current plans, attached as Exhibit 1, as well as Project massing images attached as Exhibits 2 and 3.

However, as noted in Appellants’ brief, the lots along Ashbury Street do step up laterally, such that Appellant Meyer’s home is higher than Appellant Pandey’s property, and Respondents’ property is higher than either of Appellants. This existing condition cannot be altered and necessarily lends to the *perception* of increased height from lots to the south. In addition, it appears that Appellant Meyer previously excavated her rear yard area to a level approximately 12 feet below the natural soil line in order to provide a flat, tiered space. Appellant Meyer’s own large backyard excavation likely contributes to her perception of height on the adjacent Property.

b. Allegations of Previous “Illegal” Construction are Unsupported

Appellants request that this Board prevent the “unjustifiable legalization of an illegally constructed near-property line room and large view window.” This request is misleading. Appellants allege that a bathroom area (5 feet by 10 feet) on the first floor and a north-facing window located on the second floor of the Existing home were constructed without permits in the 1990s. On December 4, 2013, Appellant Meyer filed a Complaint Notice with the Planning Department raising this allegation as part of the Project’s DR process. In response, the issue was

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investigated by the ZA, who determined that the permit history was inconclusive and therefore the “illegal” construction alleged by Appellant Meyer could not be verified.

Respondents believe that the bathroom and window were constructed as permitted in the 1950s and do not require “legalization,” as explained in a letter issued by Ty Bash to the Planning Department on December 18, 2013, and attached as Exhibit 9.

However, because both the bathroom and window referenced by Appellants would be permitted under the current Code, the ZA determined that the simplest course to resolve any lingering concerns would be to include a request to “legalize” their construction as part of the Permit. This process was summarized in the Planning Department’s DR Analysis, attached as Exhibit 10. In any event, it is unclear why Appellant Meyer believes that windows illegally installed on her own property 14 years ago should receive different treatment from features that were likely installed as permitted on the Respondents’ Property over 60 years ago.

c. The Project Adequately Addresses Appellants’ Shadow Concerns

Appellants assert that the Project will block early afternoon sun to Appellants’ property in the fall, winter and spring. This information is speculative and has not been confirmed by a licensed consultant. Further, Respondents have already designed the Project to adequately address Appellants’ shadow concerns; they should not be held to the unachievable standard of designing their home in a manner that completely avoids shadow to adjacent properties in a dense residential area.

The Project is exempt from environmental review under the California Environmental Quality Act (“CEQA”), and according did not require a shadow study. However, in an effort to address concerns raised by Appellants during the design process, Respondents conducted an

independent analysis of the potential shadowing using a program called *Sketchup*. Using this program, an individual can create a 3D model of the proposed structure and use Google Earth to position the model to the coordinates of the Google Mapping System. Once entered, the model will provide estimates of the shadow a structure would cast at various times of day and year. Respondents modeled the shadow effect at 9am, 12pm and 2pm on the summer and winter equinox, and determined that the Project will not result in substantial negative light impacts to the adjacent properties. In fact, Respondents found that starting at 1:00pm in the afternoon and continuing for a period of approximately 5-8 hours (depending on the time of year), due to the orientation of Appellants' properties, both Appellants get direct sunlight to the front of their properties along Ashbury Street, and Appellant Meyer's property casts the shadow on Appellant Pandey's property. A copy of Respondents' shadow analysis is attached as Exhibit 11.

In response, Appellants used the same program to conduct their own competing analysis. Although Appellants do not provide the detailed methodology of their analysis, the results have apparently led them to argue that Project will have "*some impact*" to sunlight on Appellants' properties on the winter equinox (the shortest day of the year). However, Appellants' offer no evidence to support the assertion that their proposed "Alternatives" would improve this condition. Rather, additional analysis obtained from the same program by Respondents, inputting conditions on the winter equinox consistent with Appellants' study, demonstrates that the Appellants' proposed "Alternative" designs would both have virtually no impact on the alleged shadow conditions. This analysis is provided as Exhibit 12.

Nonetheless, Appellants request that the Project be substantially redesigned because of the potential for "*some impact*" to sunlight access on their properties. This should be denied.

The Planning Department's Residential Design Guidelines expressly state that, "In areas with a dense building pattern, some reduction of light to neighboring buildings can be expected with building expansion." Thus, "*some*" amount of additional shadow on adjacent properties is an accepted result of new construction or additions in dense urban areas.

Moreover, Ty and Molly have already made substantial efforts to design the Project in a manner that would reduce any potential shadow impact to Appellants' properties and adequately address their concerns. These efforts include incorporating:

- i A 4-foot by 12-foot "notch" setback across from Appellant Meyer's lightwell at the Project's first floor (where no matching light well is required);
- i A 4-foot "notch" setback at the second floor (where only 3 feet are required), continuing all the way back to the Existing home along the northern property line; and
- i A 7-foot "notch" setback at the third floor, beginning at the rear of Appellant Meyer's building and extending back to the Existing home (where only a 5 foot setback is required).

Images showing these setbacks in relation to Appellants' properties are attached as Exhibit 3.

d. Appellants Privacy Concerns Have Already Been Addressed

Appellants allege that the Project would "destroy all sense of privacy" to Appellant Meyer's back yard, which Appellants alternately describe as "*effectively Suchi's front yard*," despite the fact that this area is the *private property* of Appellant Meyer.

All three properties are located in a densely-developed urban area. As explained in the Planning Department's Residential Design Guidelines "...some loss of privacy to existing

neighboring buildings can be expected with a building expansion.” It is unclear why Appellants assert that north-facing windows on the Project would pose a greater threat to Appellant Meyer’s privacy than existing south facing windows on Appellant Pandey’s property (*See Exhibit 13*), or other large west-facing view windows located on residential properties on the hill overlooking Appellants properties.

Nonetheless, in an effort to address Appellants’ concerns, Ty and Molly have already reconfigured the north-facing window on the Project’s first floor and three (3) north-facing windows on the Project’s second floor to be above eye level, in an attempt to increase privacy for both Appellants.

These modifications were entirely ignored in Appellants’ brief, but respond directly to previous requests made by Appellants and adequately address their privacy concerns.

e. Project Complies with Previous ZA Interpretation For Additions to Structures on Lots with Noncomplying Rear Yards

Appellants allege that the Project fails to comply with a 1988 Planning Code interpretation (the “Interpretation”) regarding building additions on lots that contain an existing non-complying structure in the rear yard setback. However, this allegation has already been fully investigated and rejected by the acting ZA, and would not apply in the manner urged by Appellants.

The Interpretation (subsequently revised by the previous ZA in March 2010), provides that: *“The existence of a building within the rear yard could allow for expansion within the buildable area that would result in excessive overall lot coverage, up to 100 percent. This is contrary to the General Plan and principles of the Planning Code with respect to lot coverage. In such cases, the Zoning Administrator shall require open space to be provided elsewhere on*

the site. The requirement would be based on established patterns of adjacent development and would be equivalent to the area that would otherwise be provided by a rear yard equal to 25% of lot depth or 15 feet times rear lot width, whichever is greater. . .The Zoning Administrator shall consider lot coverage that does not meet these requirements on a case by case basis and approve them administratively, or require a variance.”

Appellants urge that this interpretation should require Respondents to provide “a large open area (from the ground up) of roughly 135 square feet incorporated into the project around Michelle’s light well” because this is “clearly the ‘established pattern of development’ referenced in the interpretation.”

However, this claim is contradicted by existing site conditions and has been repeatedly rejected by the acting ZA.

First, there is no support for the premise that Appellant Meyer’s light well or central backyard area constitutes the “established pattern of development” in the neighborhood. Rather, all of the homes located on the east side of Ashbury Street (including Appellant Pandey’s property and 1112 Ashbury directly adjacent to the Property on the south) display an existing pattern of open space at the rear of the lot.

Second, the Existing home is not actually located at the rear of the lot. Respondents’ property is 100 feet deep. The Existing home is set back 35 feet from the front property line along Ashbury Street and maintains an 11.5 foot rear yard setback, consistent with existing patterns of open space on adjacent lots. A site plan depicting the position of the Existing home is attached as Exhibit 1, at p. A-1.02. In fact, the front of Existing home aligns with the rear of Appellant Meyer’s building. As a result, requiring a “central courtyard” area in front of the

Existing home would have no visual connection to Appellant Meyer's rear yard, would not be visible to any adjacent property owners besides Appellant Meyer, and would not match an established pattern of development on the block. Given these circumstances, even if the ZA had determined that the Project did not comply with the Interpretation, the more appropriate solution would have been to remove a portion from the rear of the Existing home to provide a Code-compliant rear yard – not to create a “central courtyard” at the request of a single neighboring property owner.

In any event, such a drastic revision is not required. The acting ZA, Scott Sanchez, has thoroughly analyzed this issue and determined that the Project, as designed, complies with the Interpretation. As Mr. Sanchez explained during his testimony at the Project's DR hearing, the Interpretation states that the ZA must require such a project to “provide elsewhere on the lot,” but “does not specify where” it must be located. Mr. Sanchez reviewed the project and determined that the 375 square feet of usable open space provided on the home's roof deck and additional 275 square feet of usable open space in the rear yard satisfy the requirements of the Interpretation. Mr. Sanchez also noted that even in circumstances where usable open space was not provided meeting the criteria of the Interpretation, the language of the Interpretation itself empower the ZA to approve the development administratively.

Finally, Appellants' rely upon an email from former ZA Robert Passmore stating that, based on his review of the site plan and a letter provided by Appellants, the Interpretation would apply to the Project. However, in contrast to Appellants' assertions, Mr. Passmore's letter does not state how he believes the Interpretation should apply, nor does it indicate that he has reviewed the approved plans for the Project. Moreover, as Mr. Sanchez explained at the

Project's DR hearing, both the Code and Interpretation have evolved since Mr. Passmore's work for the City more than 20 years ago. Mr. Sanchez' decision was the product of a thorough review of the Project and surrounding properties in relation to current Code requirements, and is controlling in this matter. Excerpts of Mr. Sanchez' previous discussion of this issue at the DR hearing is attached as Exhibit 14.

f. Previously-Approved Decade-old Condo Project Is Irrelevant

Appellants reference a decade old project submitted by previous owners of the Property that was previously approved by the Planning Commission but never constructed on Respondent's property in 2005 as justification for their assertion that a central courtyard area should be carved out of the center of the home as part of the current Project. However, this previous project design is not "evidence of established patterns of adjacent development," as claimed by Appellants. Instead, that design merely reflected the fact that the previous project proposed by the previous owners was to construct two separate dwelling units separated by an open area. In contrast, the Project will construct a single family home. The current and past proposals are simply "apples and oranges." Splitting the home into two structures to accommodate a central courtyard area would be impractical for Ty and Molly's needs and would unreasonably diminish the resulting building's access and usability for Ty's disability needs.

g. Neighborhood Support of Respondents' Project

Appellants reference a survey of neighbors who "believe the project is too large." It is unclear when this survey was obtained or what information or plans were provided to the signatories. In contrast, Respondents have obtained five written letters of support and 15 signatures from neighboring property owners and residents who have had an opportunity to

review and discuss the full project plans and feel it proposes an appropriate, attractive, and welcome addition to the neighborhood. A copy of these materials in support is attached as Exhibit 15.

h. Appellants' Proposed "Alternatives" are Unreasonable and Unacceptable

The "Alternatives" suggested by Appellants should be rejected because they would effectively bisect the Respondents' home, and result in the following massive changes, which are unreasonable, unworkable, and not fit for Ty's needs.

"Alternative 1"

As illustrated in Exhibit 16, "Alternative 1" would require:

- i Complete removal of the living room, dining room, and room designated for specialty gym facilities;
- i Carve outs essentially eliminating the entire usable space of top floor addition; and
- i Unnecessarily reduce the ceiling height from the current 10 feet to 8.5 feet on the addition, creating an uneven ceiling drop, as this area would be 1.5 feet lower than the ceiling height in the Existing home. (Note: The Respondent's approved Plans maintain the ceiling at the same height as the pre-Existing home (10 feet).)

The Project's approved plans maintain the ceiling as the same height as the pre-Existing home (10 feet) and do not propose unusually tall ceilings. The 1.5 foot height reduction proposed in connection with this "Alternative" would have virtually no impact on Appellants' properties, and the other changes provide little to no benefit to Appellants.

“Alternative 2”

Appellants take it up a notch with “Alternative 2”, which would essentially destroy the entire addition. The result of “Alternative 2” is:

- i Complete removal of the entire top floor, including the living room, dining room, family room, kitchen, and bathroom;
- i Complete removal of the stairs to the top floor;
- i Complete removal of the second floor ADA–adaptable master bathroom;
- i Complete removal of the stairs between the front of the house and back;
- i Complete removal of the first floor bathroom;
- i Complete removal of the first floor stairs;
- i Complete removal of the first floor bedroom;
- i On the ground floor, removal of ½ of the garage, turning the garage into a non-ADA-van accessible garage with only one parking space; and
- i Complete elimination of entire access to the elevator.

There is nothing reasonable or rational about these “Alternatives.” They would egregiously and unreasonably restrict development and usability of the Property, particularly for Ty’s needs, with no practical, demonstrated advantage for Appellants. (*See Exhibit 16*).

7. Conclusion

The Permit was properly issued by DBI following a thorough review process. The Project is entirely Code-compliant and consistent with the scale and character of development in the neighborhood. Over the past year and a half, Ty and Molly have conducted significant outreach and made substantial modifications to the original Project design in order to address

Appellants' concerns. Appellant Meyer's previous DR request and the current appeal has already delayed the start of Respondents' Project for almost a solid year, causing significant hardships (both financial and physical) to Ty and Molly. The "Alternatives" suggested by Appellants' are unreasonable, unworkable, and unnecessary given the numerous concessions Respondents have already made throughout the design process. For these reasons, we urge you to reject this appeal and allow this project to finally move forward without further delay.

Respectfully,



Melinda A. Sarjapur
REUBEN, JUNIUS & ROSE, LLP

cc: Arcelia Hurtado, Vice President
Commissioner Frank Fung
Commissioner Darryl Honda
Cynthia Goldstein, Board of Appeals
Ty Bash and Molly Mrowka, Respondents
Mary Gallagher, Appellants
Michele Meyer, Appellants
Suchi Pandey, Appellants

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Exhibit 14 – Zoning Administrator Testimony

Exhibit 15 – Letters of support and Signatures

Exhibit 16 – Appellant Alternative 1 and 2

Exhibit 1

GENERAL NOTES:

INTENT OF DOCUMENTS:

It is the intent of these Contract Documents to establish a high quality of material and workmanship, but not necessarily to note and call for every last item of work to be done. Any item not specifically covered but deemed necessary for satisfactory completion of the work shall be accomplished by the Contractor in a manner consistent with the quality of the work without additional cost to the Owner. All materials and methods of installation shall be in accordance with industry standards and manufacturers recommendations.

A. All materials and workmanship shall conform to the requirements of the following codes and regulations and any other local and state laws and regulations:

- San Francisco Building Code 2010 Edition
- San Francisco Fire Code 2010 Edition
- San Francisco Plumbing Code 2010 Edition
- San Francisco Electrical Code 2010 Edition
- San Francisco Mechanical Code 2010 Edition

Verify all existing conditions and dimensions at the project site. Notify the Architect and/or Engineer of any discrepancies before beginning construction.

- B. Provide adequate and proper shoring and bracing to maintain safe conditions at all times. The contractor shall be solely responsible for providing adequate shoring and bracing as required for protection of life and property during the construction of the project.
- C. At all times the Contractor shall be solely and completely responsible for all conditions at the jobsite, including safety of persons and property, and all necessary independent engineering reviews of these conditions. The Architects jobsite reviews are not intended nor shall they be construed to include a review of the adequacy of the contractors safety measures.
- D. Unless otherwise shown or noted, all typical details shall used where applicable.
- E. All details shall be construed typical at similar conditions.
- F. All Drawing conflicts shall be brought to the attention of the Architect and/or Consulting Engineer for clarification before work proceeds.
- G. The Contractor shall supply all labor, materials, equipment and services, including water and power, necessary for the proper execution of the work shown on these drawings. All materials shall be new and workmanship shall be good quality. All workman and subcontractors shall be skilled in their trade. Any inspections, special or otherwise, that are required by the building codes local building departments, on these plans shall be done by an independent inspection company.
- H. Finishes: Replace patch, repair and refinish all existing surfaces affected by the new work. All new finishes shall match the adjacent surface. all surfaces shall align.
- I. The General Contractor shall visit the site and familiarize themselves with the existing site conditions prior to finalizing of any proposal to the owner. The general Contractor shall be responsible to inform the owner or Architect of potential existing conditions that need to be addressed and or modified in order to complete the work as herein described in these Drawings.
- J. The General Contractor shall be responsible for all means and methods of construction including but not limited to leveling, shimming, and blocking. The General Contractor shall make specific note of such items that can not be known prior to the commencement of construction.

BUILDING TO BE FULLY FIRE SPRINKLERED PER NFPA 13 REGULATIONS BY SEPERATE PERMIT

DRAWING INDEX:

- A 1.01 SITE AND ROOF PLAN, GENERAL NOTES, AND DRAWING INDEX
- A 1.02 SITE AND ROOF PLAN EXISTING
- A 1.03 DEMOLITION ANALYSIS
- A 2.01 FLOOR PLANS EXISTING
- A 2.02 FLOOR PLANS NEW
- A 2.03 FLOOR PLANS NEW
- A 3.01 EXTERIOR ELEVATIONS EXISTING
- A 3.02 EXTERIOR ELEVATIONS NEW
- A 3.03 EXTERIOR ELEVATIONS NEW
- A 3.04 EXTERIOR ELEVATIONS NEW
- A 4.01 BUILDING SECTIONS

PROJECT INFORMATION:

ZONING: RH-2
OCCUPANCY R-3
PROPOSED USE: SINGLE FAMILY RESIDENCE

CONSTRUCTION TYPE: 5-B EXISTING
5-A PROPOSED

BLOCK 2618 LOT005

SCOPE OF WORK: NEW HORIZONTAL ADDITION AT FRONT. NEW VERTICAL 1 STORY ADDITION WITH ROOF DECK. PROVIDE NEW GARAGE. PROVIDE 3 NEW BATHROOMS, VANITY, AND REMODEL KITCHEN.

| | |
|------------------|-------------|
| EXISTING: | 1,748 SQ FT |
| PROPOSED: | |
| HABITABLE: | 2,169 SQ FT |
| TOTAL HABITABLE: | 3,917 SQ FT |
| GARAGE/STORAGE | 992 SQ FT |

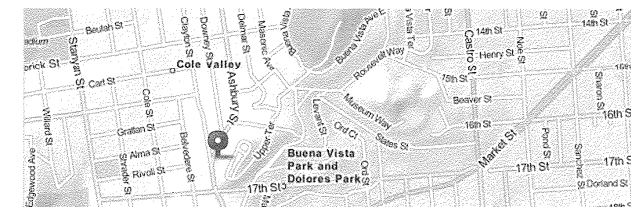
ABBREVIATIONS:

| | | | |
|---------|--------------------------|----------|------------------------|
| @ | AT | HGT./HT. | HEIGHT |
| CL | CENTERLINE | INSUL. | INSULATION |
| Ø | DIAMETER OR ROUND | | |
| (E) | EXISTING | MFG. | MANUFACTURING |
| (N) | NEW | MAX. | MAXIMUM |
| (R) | REPLACE | MTL. | METAL |
| | | MIN. | MINIMUM |
| AFF | ABOVE FINISH FLOOR | O.C. | ON CENTER |
| BM. | BEAM | PR. | PAIR |
| BLDG. | BUILDING | PKT. | POCKET |
| | | P.T. | PRESSURE TREATED |
| CBC | CALIFORNIA BUILDING CODE | REF. | REFRIGERATOR |
| CLR. | CLEAR | REQ'D | REQUIRED |
| CLOS. | CLOSET | REQ'T | REQUIREMENT |
| CONC. | CONCRETE | RTG. | RETAINING |
| | | R & S | ROD AND SHELF |
| DECK'G | DECKING | RM. | ROOM |
| DET. | DETAIL | | |
| DIA. | DIAMETER | SIM. | SIMILAR |
| DISP. | DISPOSAL | S.C. | SOLID CORE |
| DW. | DISHWASHER | SQ. FT. | SQUARE FOOT/FEET |
| DR. | DOOR | STOR. | STORAGE |
| DBL. | DOUBLE | STRUCT. | STRUCTURAL |
| DN. | DOWN | | |
| DRWGS. | DRAWINGS | TEMP. | TEMPERED |
| D | DRYER | TRANS. | TRANSPARENT |
| | | TYP. | TYPICAL |
| EA. | EACH | U.O.N. | UNLESS OTHERWISE NOTED |
| | | V.I.F. | VERIFY IN FIELD |
| F | FAHRENHEIT | | |
| FIN. | FINISH | W | WASHER |
| F.R. | FIRE RATED | WH. | WATER HEATER |
| FLR. | FLOOR | WP | WATERPROOF |
| FT. | FOOT OR FEET | WDO. | WINDOW |
| FR. | FRENCH | W/ | WITH |
| FURN. | FURNISH | WD. | WOOD |
| FURR. | FURRING | | |
| GA. | GAUGE | | |
| GL. | GLAZING | | |
| GYP. | GYP SUM | | |
| GYP.BD. | GYP SUM BOARD | | |

DRAWING SYMBOLS

- 101 DOOR NUMBER
- 201 WINDOW NUMBER
- 101 SKYLIGHT NUMBER
- 1 DRAWING REVISION
- 1 6.02 DETAIL NUMBER AND DRAWING REFERENCE
- 1 NOTE/ITEM NUMBER
- 0'-0" GRADE
- PL----- PROPERTY LINE
- 1 ELEV. NO.
- 1 3.01 DRAWING REFERENCE

FIRE SPRINKLER AND / OR FIRE ALARM IS REQUIRED UNDER SEPARATE PERMIT



VICINITY MAP

Capacity Charges
Water: \$630.00
Wastewater: \$2109.00
Total: \$2739.00

SFPUC
Victoria Willet

SFPUC Capacity Charges
See attached SFPUC Capacity Charge Invoices for total amount due. DBI will collect 50% or more of the total amount before the Site Permit is issued. Any balance will be billed and collected by SFPUC directly.

SFPUC - Please be advised.
Your plans and future count indicate a larger water meter is required. Please contact your contractor, Architect, or SFPUC New Installations for more information.

APPROVED
Dept. of Building Insp.

JUL 25 2014

Tom C. Hui, S.E.
DIRECTOR
DEPT. OF BUILDING INSPECTION

DPW/BSM SIGN OFF ON JOB CARD
REQUIRED PRIOR TO DBI FINAL
CALL 554-7149 TO SCHEDULE

By: Long Tran, Cy, DPW/BSM 6/18/14

Matthew Ralls, DBI
JUL 03 2014

SITE PERMIT

JAN 10 2014

THIS APPLICATION SUBMITTED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.

Approved Planning Dept. 6/9/14
Jessica Cook

WILLIAM PASHELINSKY ARCHITECT

1937 HAYES STREET
SAN FRANCISCO, CA. 94117
415 379 3676

ALTERATIONS

1110 ASHBURY STREET
SAN FRANCISCO, CA.



ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS AS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND ARE THE PROPERTY OF WILLIAM PASHELINSKY ARCHITECT AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH THIS SPECIFIC PROJECT. NONE OF THESE IDEAS, DESIGNS, ARRANGEMENTS OF PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF WILLIAM PASHELINSKY ARCHITECT

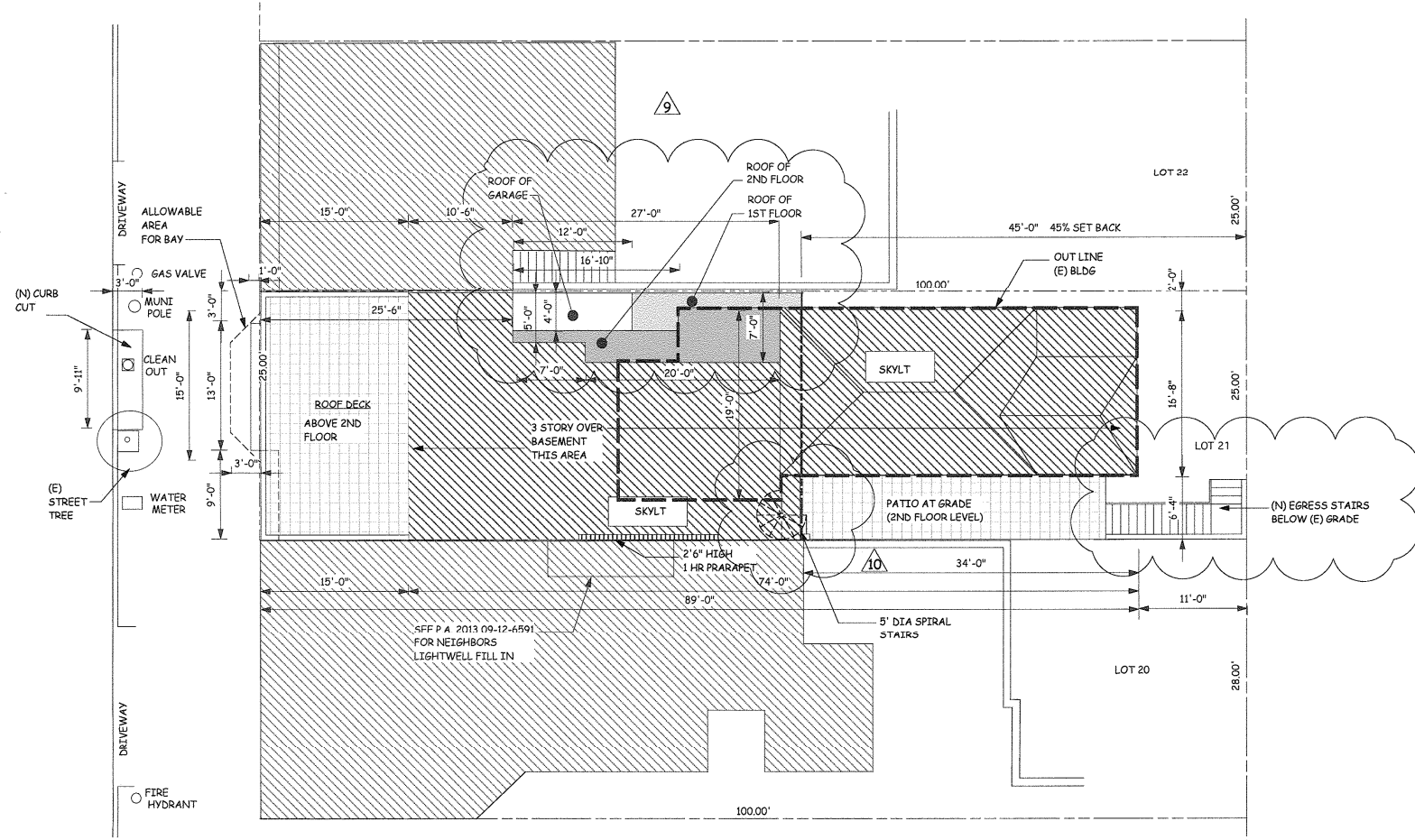
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PROJECT NO. 2013.08
SHEET

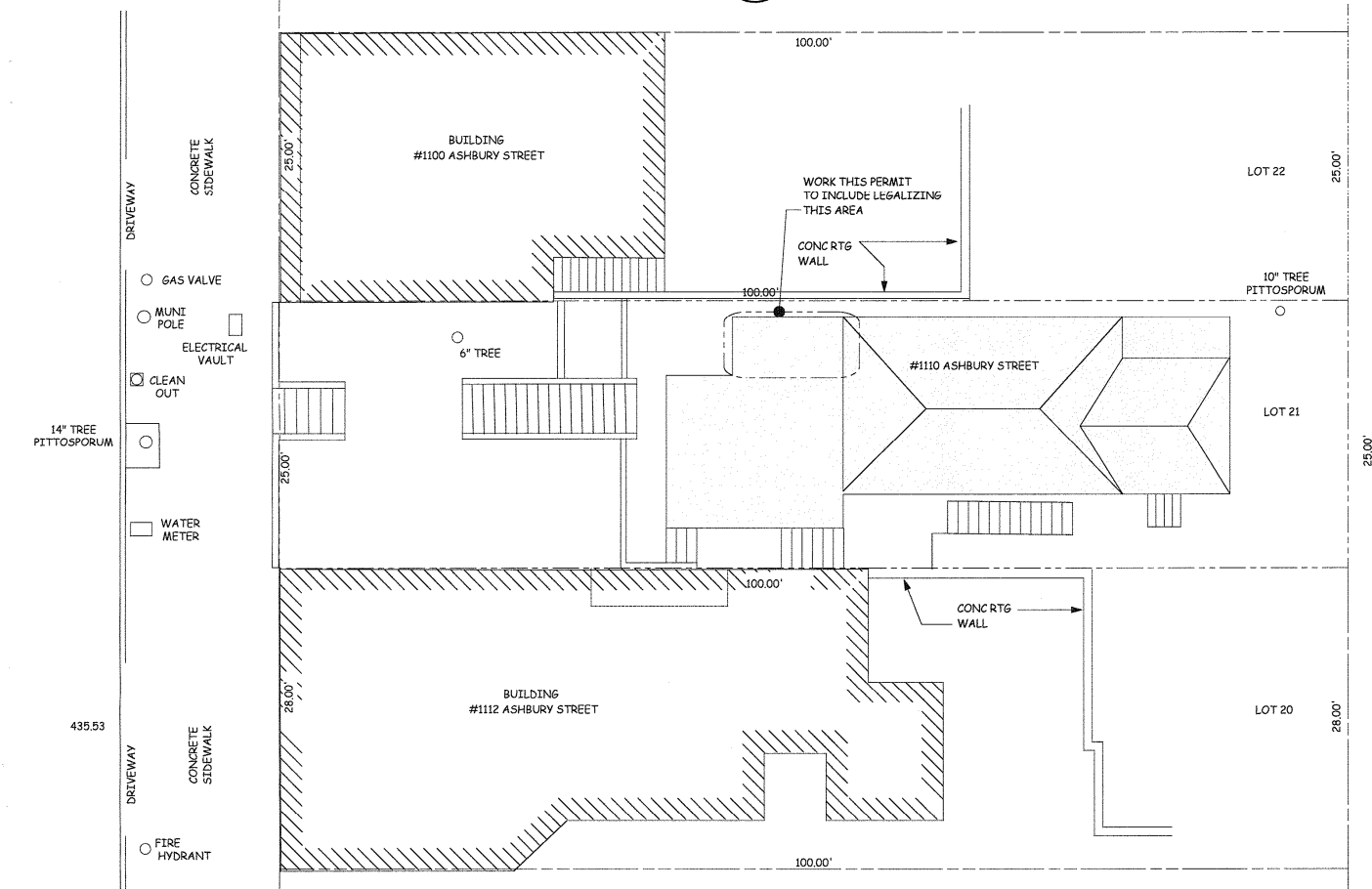
A-1

SR-15
 2013-0405-3911
 JOB SITE COPY

2013 0405 3711 S/R7



SITE PLAN (N)
 1/8"=1'-0"



SITE PLAN (E)
 1/8"=1'-0"

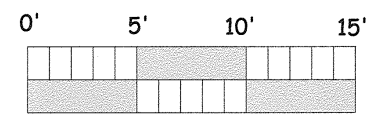
APPROVED
 Dept. of Building Insp.
 JUL 25 2014
 Tom C. Hui, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION

Matthew Ralls, DBI
 JUL 23 2014

SITE PERMIT REVISION
 JUL 17 2014
THIS APPLICATION SUBMITTED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.



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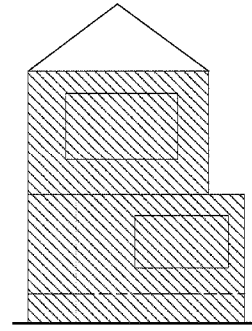


GRAPHIC SCALE

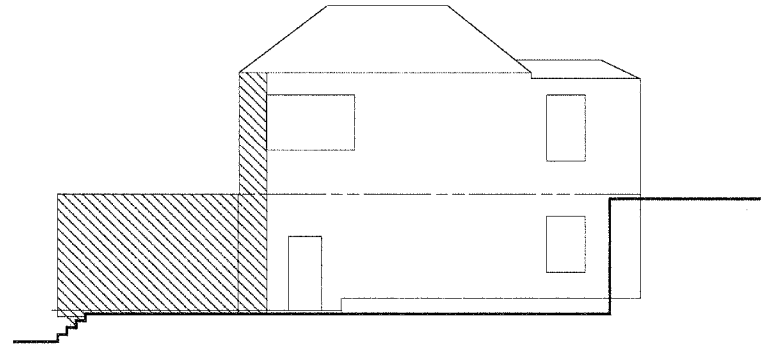
Jessica Look 7.17.2014
 Approved Planning Dept. Jessica Look

| NO. | DATE | DESCRIPTION |
|-----|----------|--------------|
| 1 | 07/05/13 | PLANNING |
| 2 | 09/17/13 | PLANNING REV |
| 3 | 01/06/14 | PLANNING REV |
| 4 | 02/03/14 | PLANNING REV |
| 7 | 02/24/14 | PLANNING REV |
| 8 | 05/06/14 | PLANNING REV |
| 9 | 06/30/14 | REV |
| 10 | 07/15/14 | REV |

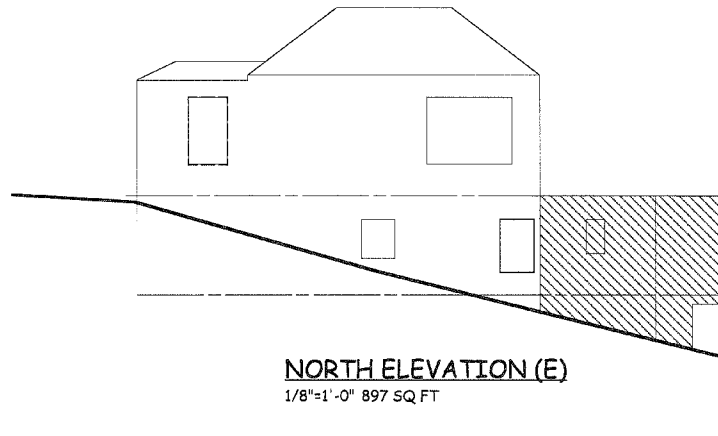
PROJECT NO. 2013.08
 SHEET



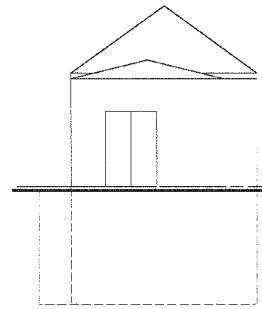
WEST ELEVATION (E)
 1/8"=1'-0" 412 SQ FT



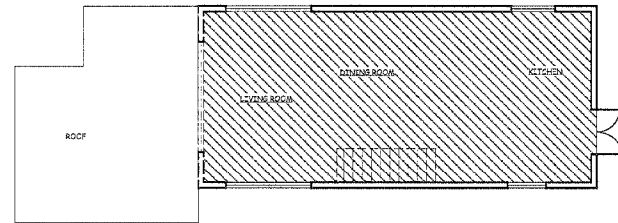
SOUTH ELEVATION (E)
 1/8"=1'-0" 924 SQ FT



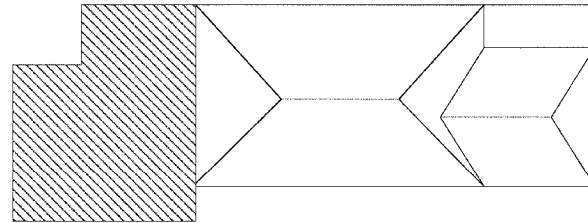
NORTH ELEVATION (E)
 1/8"=1'-0" 897 SQ FT



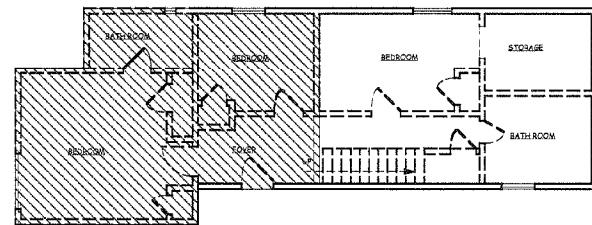
EAST ELEVATION (E)
 1/8"=1'-0" 179 SQ FT



2ND FLOOR PLAN (E)
 1/8"=1'-0" 593 SQ FT



ROOF PLAN (E)
 1/8"=1'-0"



1ST FLOOR PLAN (E)
 1/8"=1'-0" 867 SQ FT

| ELEVATION | EXISTING | DEMOLISH |
|-----------|-------------|-----------|
| NORTH | 897 SQ FT | 192 SQ FT |
| SOUTH | 924 SQ FT | 235 SQ FT |
| EAST | 179 SQ FT | |
| WEST | 412 SQ FT | 412 SQ FT |
| TOTAL | 2,412 SQ FT | 839 SQ FT |

35% DEMOLITION VERTICAL ELEMENTS

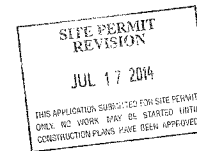
| FLOOR | EXISTING | DEMOLISH |
|-----------|-------------|-------------|
| 1ST FLOOR | 867 SQ FT | 473 SQ FT |
| 2ND FLOOR | 593 SQ FT | 593 SQ FT |
| ROOF | 854 SQ FT | 291 SQ FT |
| TOTAL | 2,301 SQ FT | 1,357 SQ FT |

59% DEMOLITION HORIZONTAL ELEMENTS

LEGEND

- EXISTING TO REMAIN
- DEMOLISH

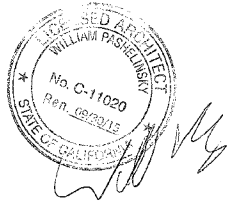
DEMOLITION ANALYSIS



Tom C. Hui
 TOM C. HUI, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION

Jessica Look
 Approved Planning Dept.
 Jessica Look

Matthew Ralls, DBI
 JUL 10 2014



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| NO. | DATE | DESCRIPTION |
|-----|--------|--------------|
| 6 | 2/4/14 | PLANNING REV |
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ADMINISTRATIVE BULLETIN

NO. AB-009 : DATE : September 18, 2002 (Updated 01/01/2014 for code references) SUBJECT : Fire and Life Safety TITLE : Local Equivalency for Approval of New Openings in New and Existing Building Property Line Walls PURPOSE : The purpose of this Administrative Bulletin is to provide standards and procedures for the application and case-by-case review of requests for a modification based on local equivalency to allow openings in exterior walls closer to property lines than are permitted by the 2013 San Francisco Building Code (SFBC). REFERENCES : 2013 San Francisco Building Code - Section 104A.2.7, Modification - Section 104A.2.8, Alternate materials, alternate design and methods of construction - Section 705.8, Openings DBI Administrative Bulletin AB-005, Procedures for Approval of Local Equivalencies. San Francisco Administrative Code Article 5, Section 23.47, Lot Line Window DISCUSSION : Project sponsors may request the application of this local equivalency allowing openings in building walls closer to property lines than allowed by SFBC Section 705.8 when it can be demonstrated on a case-by-case basis that there are practical difficulties in meeting the provisions of the code, that the modification is in conformance with the intent and purpose of the code, and that reasonable equivalency is provided in fire protection and structural integrity. Such proposed modification may conform with the below listed standard provisions. The Department of Building Inspection (DBI) and other City departments may impose additional requirements in the approval of any request for a code modification or alternate based upon individual building and property conditions. Other City agencies that may review such requests include the San Francisco Fire Department, the Planning Department and, for buildings adjoining City-owned property, the Department of Real Estate. If a project sponsor wishes to propose methods of opening protection different than those listed below, proposals for the use of alternate materials, designs, or methods of construction may be submitted for review in the same manner as for this local equivalency. The Department of Building Inspection may require that additional substantiation be provided supporting any claims made for such proposals.

ATTACHMENT A



DEPARTMENT OF BUILDING INSPECTION City & County of San Francisco 1660 Mission Street, San Francisco, California 94103-2414 REQUEST FOR APPROVAL OF LOCAL EQUIVALENCY FOR MODIFICATION OR ALTERNATE MATERIALS, DESIGN OR METHODS OF CONSTRUCTION DATE SUBMITTED 7/3/14 [Note: This form shall be recorded as part of the permanent construction records of the property] If no permit application has been filed, a Preapplication Review Fee is required for review of a request for local equivalency or modification, per SFBC Table 1A-B, Item 5. Additional fees may be required by Fire Department and other City review agencies. If a permit application has been filed, no additional fees are required for this review. Permit Application # _____ Property Address: 1110 ASHBURY STREET Block and Lot: 2618 / 005 Occupancy Group: R-3 Type of Construction: 5-B No. of Stories: 3-BASEMENT Describe Use of Building: SINGLE FAMILY RESIDENTIAL Under the authority of the 2013 San Francisco Building Code, Sections 104A.2.7 and 104A.2.8; the 2013 San Francisco Mechanical Code, Section 103.0; the 2013 San Francisco Electrical Code, Section 89.117; and the 2013 San Francisco Plumbing Code, Section 301.2; the undersigned requests modifications of the provisions of these codes and/or approval of alternate materials, designs or methods of construction. Two copies of supporting documents, including plans showing the proposed modifications or alternate materials, design or methods of construction, are attached. Regular Code Requirement (specify Code and Sections) 1 HR FIRE RATED WALL CONSTRUCTION

PLAN REVIEWER COMMENTS: RECOMMENDATIONS: [signed off/dated by:] Approve Approve with conditions Disapprove Plan Reviewer: [Signature] 7-3-14 Division Manager: [Signature] 7-3-14 for Director of Bldg. Inspection for Fire Marshal: CONDITIONS OF APPROVAL or OTHER COMMENTS

Procedure for Application of Local Equivalencies

Project sponsors wishing to apply local equivalencies must fill out and submit the Request for Approval of Local Equivalency form (Attachment A). Fees to be paid and scheduling of review of requests are as noted on that form. Following DBI review, each request will either be approved, approved with conditions, disapproved, or placed on Hold pending submittal of additional information. Further details of procedures for the review of local equivalencies may be found in AB-005, Procedures for Approval of Local Equivalencies. Conditions of Local Equivalencies Openings in new building walls and new openings in existing building walls in Groups B, M, and R occupancies that are closer to property lines than permitted under SFBC Section 705.8 and Table 705.8 may be permitted on a case-by-case basis when the following provisions or approved equivalent provisions are met and the project sponsor provides documentation of the practical difficulties involved in carrying out the provisions of the regular code. The standard provisions for this Local Equivalency include all of the following: 1. The openings may not be used to provide required light and ventilation, required egress, or for required emergency rescue. 2. The openings shall be fixed (non-operable) unless more than 50 feet above the roof of any adjoining building or more than the distance prescribed for protected openings in Table 705.8 in any direction from an adjoining building. 3. The openings shall be located entirely above any adjoining roof or at least six feet laterally beyond any wall of an adjoining building. 4. The openings shall be protected with fire assemblies, such as fire shutters or rated window assemblies, having a rating of at least 3/4 hour. Openings in walls which have a fire-protection rating of greater than 1-hour shall be protected by a fire assembly having a three-hour fire-protection rating in four-hour fire-resistive walls, a two-hour fire-protection rating in three-hour fire-resistive walls, and one-and one-half-hour fire-protection rating in two-hour fire-resistive walls. Fire shutters, if provided, shall be actuated by smoke detectors located inside and by fusible links or other approved devices on the outside of the protected openings. 5. The opening shall be protected by a fire sprinkler system having ordinary temperature, quick-response type heads installed within 18" of the openings and spaced at 6 feet on center or at the manufacturer's recommended minimum spacing, whichever provides the closer spacing. Exception: Openings in Group R Division 3 occupancies. 6. If the adjoining building contains R occupancy uses, proposed openings shall not be located closer than six feet measured in any direction to any existing opening on the adjoining building unless the adjoining owner gives written consent. A copy of the statement giving such consent shall be attached to the permit application. 7. The owner of a building with such openings shall provide a recorded statement that these openings will be closed or protected with approved fire resistive wall construction in the event that the adjoining property is improved in such a manner that the openings no longer comply with the provisions of this Administrative Bulletin. A copy of a Declaration of Use Limitation (Attachment B) shall be submitted to the plan reviewer prior to completion of Department of Building Inspection plan review. 8. Property line openings which open onto property owned by the City and County of San Francisco shall meet the requirements of San Francisco Administrative Code, Article VI, Sections 23.27 through 23.30 (Attachment C). An approved and executed "Lot Line Window Agreement" shall be submitted as part of the documents required under item 9 (below). 9. A permit application and related submittal documents shall detail all construction which is approved as a result of this request for local equivalency.

Proposed Modification or Alternate

45 MINUTE FIRE RATED WINDOW AND FRAME Case-by-Case Basis of Request - Describe the practical difficulties presented in meeting the specific conditions of the code and how the proposed modification or alternate meets the intent of the code. A separate form should be filled for each requested modification or alternate. Attach copies of any Administrative Bulletin, Code Ruling, reference, test reports, expert opinions, etc., which support this request. The Department may require that an approved consultant be hired by the applicant to perform tests or analysis and to submit an evaluation report to the Department for consideration.

Requested by: PROJECT SPONSOR ARCHITECT/ENGINEER Print Name: Signature: Telephone: [Signature] [Professional Stamp Here]



San Francisco Assessor-Recorder Carmen Chu, Assessor-Recorder DOC-2014-J902139-00 Friday, JUN 27, 2014 10:08:28 Ttl Pd \$15.00 Rpt # 0004953833 eke/PT/1-1

ATTACHMENT B

Recording Requested By And When Recorded Returns To: DIRECTOR, DEPARTMENT OF BUILDING INSPECTION 1660 MISSION STREET, SAN FRANCISCO, CA 94103-2414

DECLARATION OF USE LIMITATION

I, the ITAY BASIL, owner of the herein described property Commonly known as 110 ASHBURY ST. in San Francisco, Assessor's Block No. 2629, Lot No. 021 hereby consent to the within described limitations that: In the event that the property located at 110 ASHBURY commonly known as Block No. 2629, Lot No. 021 is improved in such a manner that the openings in the building located at 110 ASHBURY no longer comply with the San Francisco Building Code, then said openings shall be closed off or protected as required by the Director of the Department of Building Inspection.

The herein limitations shall be binding on me until amended by conforming to the San Francisco Building Code Requirements.

Signed: [Signature] ITAY BASIL OWNERS Date of Execution: 6/26/14

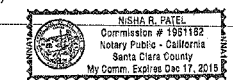
NOTARY ACKNOWLEDGMENT:

Title or type of document: Declaration of Use Limitation. Number of pages: 1 Date of document: 06-26-2014

STATE OF CALIFORNIA Signer(s) other than named below County of Santa Clara On 06-26-2014 before me, NISHA R. PATEL, Notary Public, personally appeared ITAY BASIL

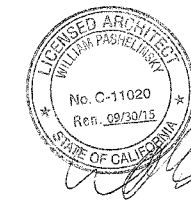
At personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted executed the instrument. I certify under penalty of perjury under the laws of the State of California that the foregoing WITNESS my hand and official seal. Paragraph is true and correct.

Signature: Nisha R. Patel (Seal) Notary Public in and for said Country and State



WILLIAM PASHELINSKY ARCHITECT 1837 HAYES STREET SAN FRANCISCO, CA 94117 415 378 3876

ALTERATIONS 1110 ASHBURY STREET SAN FRANCISCO, CA



Matthew Rails, DBI JUL 03 2014

SITE PERMIT REVISION JUL - 3 2014

THIS APPLICATION SUBSTITUTES FOR THE PERMIT ONLY. NO OTHER APPROVALS REQUIRED UNLESS SPECIFICALLY NOTED ON THIS APPLICATION.

APPROVED Dept. of Building Insp.

JUL 2 5 2014

Tom C. Hill, DIRECTOR DEPT. OF BUILDING INSPECTION

Table with 3 columns: NO, DATE, DESCRIPTION. Row 1: 3, 01/06/14, PLANNING REV

ADMINISTRATIVE BULLETIN

NO. AB-020 :
DATE : September 18, 2002 (Updated 01/01/2014 for code references)
SUBJECT : Fire and Life Safety
TITLE : Local Equivalency for Exiting Through a Garage Area for Type V, Group R Buildings
PURPOSE : The purpose of this Administrative Bulletin is to provide standards and procedures for the application and case-by-case review of requests for a Local Equivalency to allow exiting from a rear yard through garages in Type V [wood frame], Group R Occupancies when such paths of exit travel do not strictly comply with the provisions of the 2013 San Francisco Building Code (SFBC).

Such proposed modification may be approved by the Department if it conforms with the below listed standard provisions. The Department of Building Inspection and other City departments may impose additional requirements, in addition to those listed below, in the approval of any request for a code modification or alternate based upon individual building and property conditions.

If a project sponsor wishes to propose means of egress which differ from those listed below, proposals for the use of alternate materials, designs, or methods of construction may be submitted for review in the same manner as for this Local Equivalency. The Department of Building Inspection may require that additional substantiation be provided supporting any claims made for such proposals.

Procedure for Application of Local Equivalencies

Project sponsors wishing to apply local equivalencies must fill out and submit the Request for Approval of Local Equivalency Form. Fees to be paid and scheduling of review are as noted on that form. Following DBI review, each request will be approved, approved with conditions, disapproved, or placed on "Hold" pending submittal of additional information.

Further details of procedures for the review of local equivalencies and appeal of departmental determinations may be found in Administrative Bulletin AB-005, Procedures for Approval of Local Equivalencies.

Conditions of Local Equivalency

A required exit access from dwelling units in a Type V, Group R occupancy may be permitted to use a garage as part of the exit access on a case-by-case basis when all of the following provisions or other approved equivalent provisions are met and when the project sponsor provides documentation of the practical difficulties involved in carrying out the provisions of the regular code.

The standard provisions of Local Equivalency include:

- 1. The entire garage area and any covered driveway area shall be provided with ordinary-temperature, quick-response fire sprinklers; and
2. The building has only one street frontage, and such street frontage is not greater than 37-1/2 feet; and
3. The path of exit travel through the garage shall be marked by at least 2 inches wide stripes placed parallel at 24 inches on center in clearly contrasting colors. The marked path shall be at least 10 feet wide, except that portions may be 3 feet wide when used solely for exiting and when separated from any parking area or covered driveway by permanent noncombustible railings or building walls at least 3 feet high. Such railings or building walls shall extend the full length of the pathway on each side, and any railings shall be set in a concrete curb at least 12 inches high and 8 inches thick; and
4. The path of exit travel through the garage shall be posted with a permanent, prominently displayed sign in block letters not less than 3 inches in height reading: "EXIT PATH. DO NOT OBSTRUCT"; and
5. All doorways or openings in the path of exit travel shall be a minimum of three feet wide. Sliding and overhead doors shall not be permitted in buildings under the jurisdiction of the San Francisco Fire Department. In other buildings, sliding and overhead doors shall not be permitted when the occupant load served is greater than ten. Any door installed in the path of exit travel shall meet the requirements of SFBC Section 1008.1; and
6. The path of exit travel shall be illuminated in accordance with SFBC Section 1006; and
7. A permit application and related submittal documents shall detail all construction which is approved as a result of this request for local equivalency. No work to create a required exit which passes through a garage in a Type V, Group R Occupancy shall be done prior to approval and issuance of such permit application.

Originally Signed By:

Frank Y. Chiu, Director
October 3, 2002

Gary Massetani, Fire Marshal
October 9, 2002

Approved by the Building Inspection Commission on September 18, 2002

Attachment A: Request for Approval of Local Equivalency

ATTACHMENT A



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

REQUEST FOR APPROVAL OF LOCAL EQUIVALENCY FOR MODIFICATION OR ALTERNATE MATERIALS, DESIGN OR METHODS OF CONSTRUCTION

DATE SUBMITTED [Note: This form shall be recorded as part of the permanent construction records of the property]

If no permit application has been filed, a Preapplication Review Fee is required for review of a request for local equivalency or modification, per SFBC Table 1A-B, Item 5. Additional fees may be required by Fire Department and other City review agencies.

If a permit application has been filed, no additional fees are required for this review.

Permit Application #

Property Address: 1110 ASHBURY STREET

Block and Lot: 2618 / 005 Occupancy Group: R3 Type of Construction: 5-B No. of Stories: 4

Describe Use of Building: 1 RESIDENTIAL UNIT WITH NEW GARAGE AT LOWER LEVEL

Under the authority of the 2013 San Francisco Building Code, Sections 104A.2.7 and 104A.2.8; the 2013 San Francisco Mechanical Code, Section 103.0; the 2013 San Francisco Electrical Code, Section 89.117; and the 2013 San Francisco Plumbing Code, Section 301.2; the undersigned requests modifications of the provisions of these codes and/or approval of alternate materials, designs or methods of construction. Two copies of supporting documents, including plans showing the proposed modifications or alternate materials, design or methods of construction, are attached.

Regular Code Requirement (specify Code and Sections)

CBC 1018.1

1 hour fire separation between residential space (R3) and residential garage (U)

Proposed Modification or Alternate

PROVIDE ACCESS THROUGH GARAGE WITH 3 FOOT WIDE EGRESS PATH
GARAGE TO BE FULLY FIRE SPRINKLERED PER NFPA 13 STANDARDS

Case-by-Case Basis of Request - Describe the practical difficulties presented in meeting the specific conditions of the code and how the proposed modification or alternate meets the intent of the code. A separate form should be filled for each requested modification or alternate. Attach copies of any Administrative Bulletin, Code Ruling, reference, test reports, expert opinions, etc., which support this request. The Department may require that an approved consultant be hired by the applicant to perform tests or analysis and to submit an evaluation report to the Department for consideration.

Requested by: PROJECT SPONSOR ARCHITECT/ENGINEER

Print Name: WILLIAM PASHELINSKY

Signature: [Signature] [PROFESSIONAL STAMP HERE]

Telephone: 415-379-3676 415-379-2676



PLAN REVIEWER COMMENTS:

RECOMMENDATIONS: Approve Approve with conditions Disapprove
[signed off/dated by:]

Plan Reviewer: [Signature] 7.3.14

Division Manager: [Signature] 7-1-14

for Director of

Bldg. Inspection

for Fire Marshal:

CONDITIONS OF APPROVAL or OTHER COMMENTS

WILLIAM PASHELINSKY ARCHITECT
1937 HAYES STREET
SAN FRANCISCO, CA 94117
415 379 3676

ALTERATIONS
1110 ASHBURY STREET
SAN FRANCISCO, CA



Matthew Ralls, DBI
JUL 03 2014

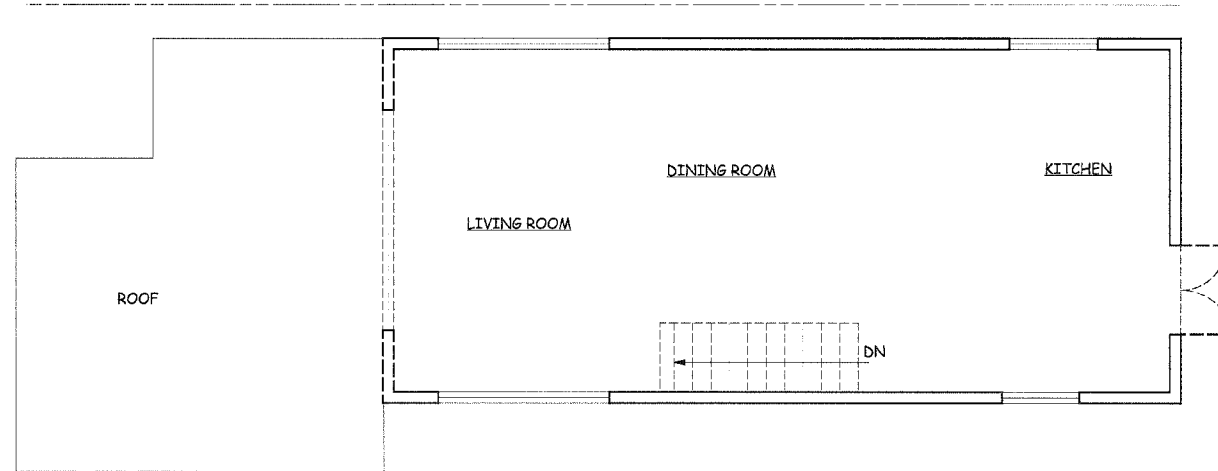
5th PERMIT REVISION
JUL - 3 2014

APPROVED
Dept. of Building Insp.

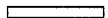
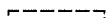
JUL 25 2014
Tom C. Hui
TOM C. HUI, S.E.
DIRECTOR
DEPT. OF BUILDING INSPECTION

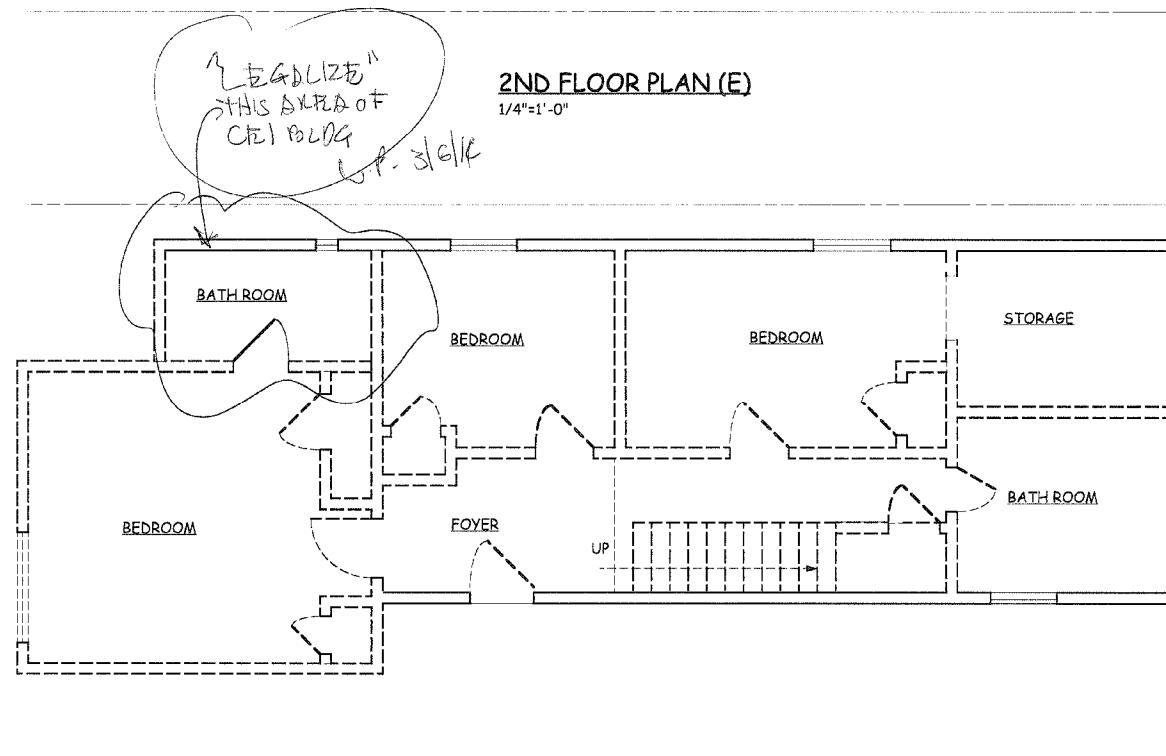
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Table with 3 columns: NO., DATE, DESCRIPTION. Row 1: 3, 01/06/14, PLANNING REV



WALL SCHEDULE

EXISTING: 
 DEMOLISH: 



2ND FLOOR PLAN (E)
 1/4"=1'-0"



1ST FLOOR PLAN (E)
 1/4"=1'-0"

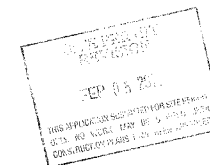
Matthew Rails, DBI
 JUL 03 2014

APPROVED
 Dept. of Building Insp.

JUL 25 2014

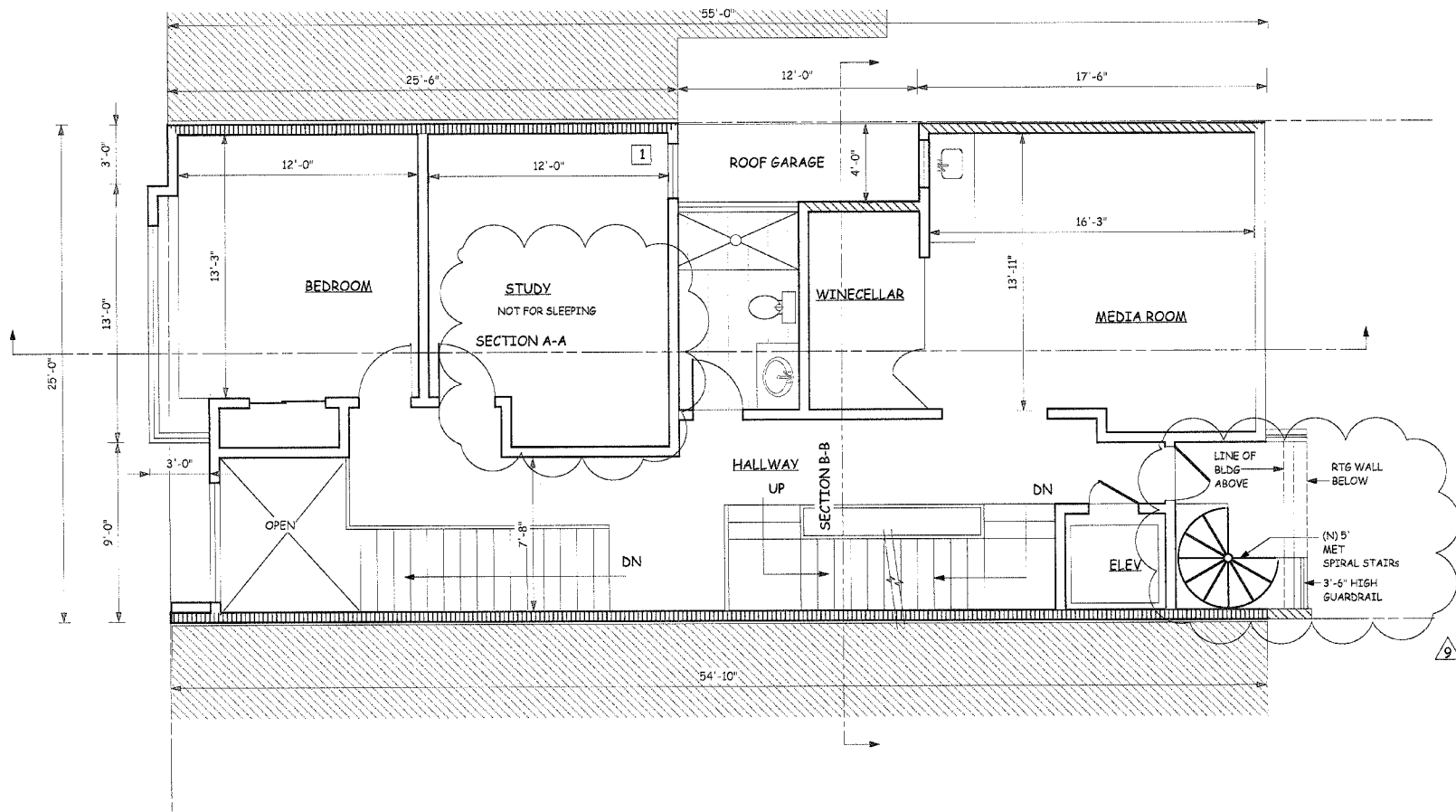
Tom C. Hill
 TOM C. HILL, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION

Jessica Look 6/9/14
 Approva Planning Dept. Jessica Look

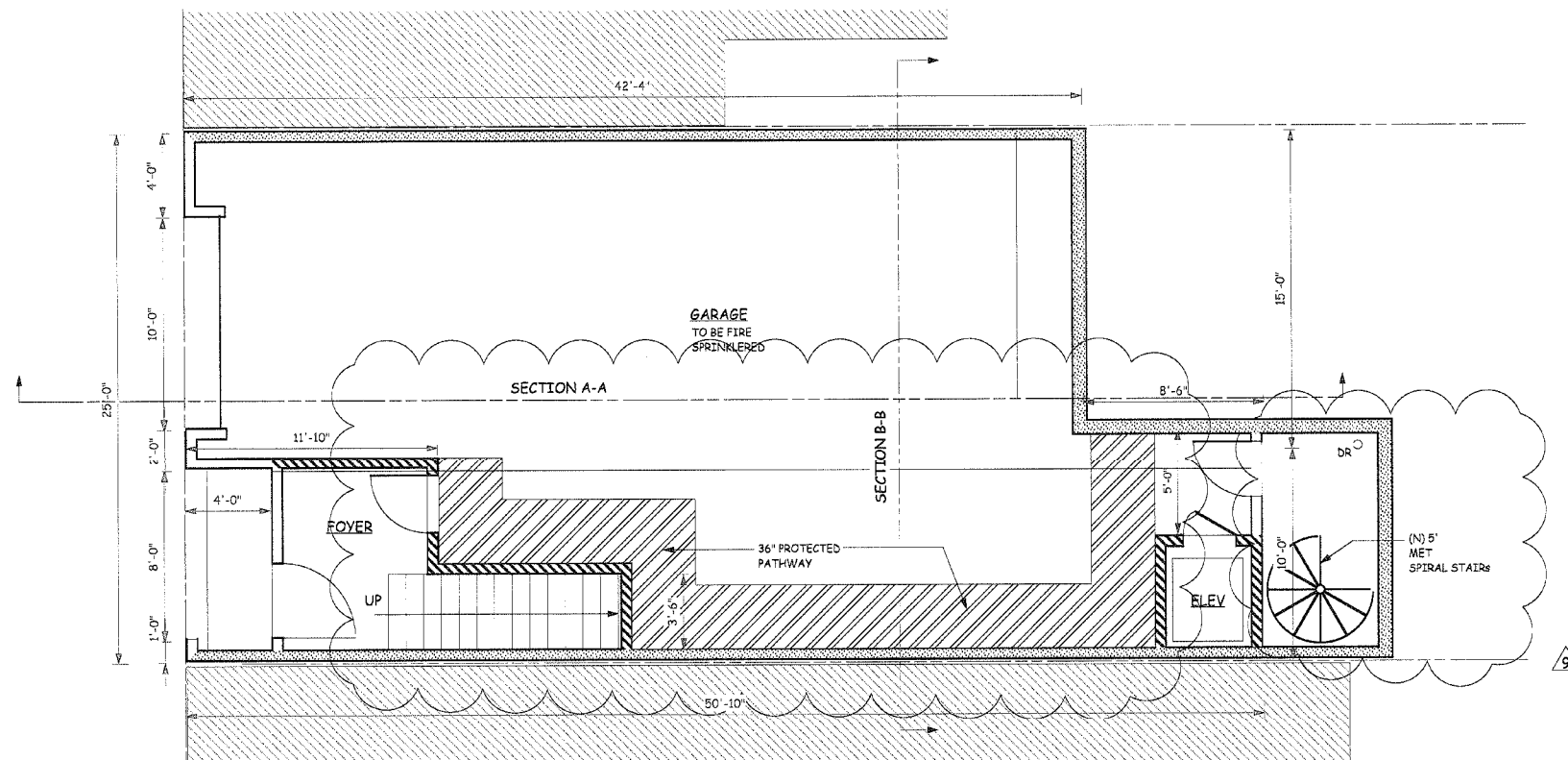


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1ST FLOOR PLAN (N)
1/4"=1'-0"



BASEMENT PLAN (N)
1/4"=1'-0"

WALL LEGEND

- EXISTING WALL:
- DEMOLISH:
- EXISTING EXT WALL TO BE FIRE RATED: 5/8 TYPE X GYP BD AS INDICATED
- NEW INTERIOR 1 HR WALL: FIRE RATED 5/8 TYPE X GYP BD EA SIDE 3 X4 WOOD STUDS @ 16" O.C. U.O.N.
- NEW EXTERIOR 1 HR WALL: WD SIDING OVER BLDG PAPER OVER FIRE RATED 5/8 TYPE X GYP BD EA SIDE 2 X4 (MIN) WOOD STUDS @ 16" O.C. U.O.N.
- NEW EXTERIOR 1 HR BLIND WALL: P.T. PLYWOOD WD OVER BLDG PAPER OVER FIRE RATED 5/8 TYPE X GYP BD EA SIDE 2 X4 (MIN) WOOD STUDS @ 16" O.C. U.O.N.

DRAWING NOTES:

1. PROVIDE EMERGENCY RESCUE WINDOW:
5.7 SQ FT MIN
20" NET WIDTH
24" NET HGT
2. 45 MIN F.R. WINDOW
PER AB 009 A 1.04
3. TEMPERED GLASS

WILLIAM PASHELINSKY ARCHITECT

1937 HAYES STREET
SAN FRANCISCO, CA 94117
415 379 3676

ALTERATIONS AND ADDITION

1110 ASHBURY STREET
SAN FRANCISCO, CA.



Matthew Ralls, DBI
JUL 03 2014

Jessica Look 7.17.14
Planning Dept.

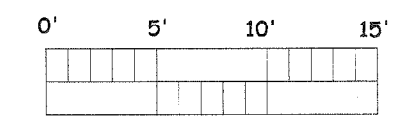
SITE PERMIT REVISION
JUL - 3 2014

THIS APPLICATION SUBMITTED FOR SITE PERMIT ONLY. NO OTHER ENR OR STATE/CITY CONSTRUCTION FEES HAVE BEEN APPROVED.

APPROVED
Dept. of Building Insp.

JUL 25 2014

Tom C. Hui
TOM C. HUI, S.E.
DIRECTOR
DEPT. OF BUILDING INSPECTION



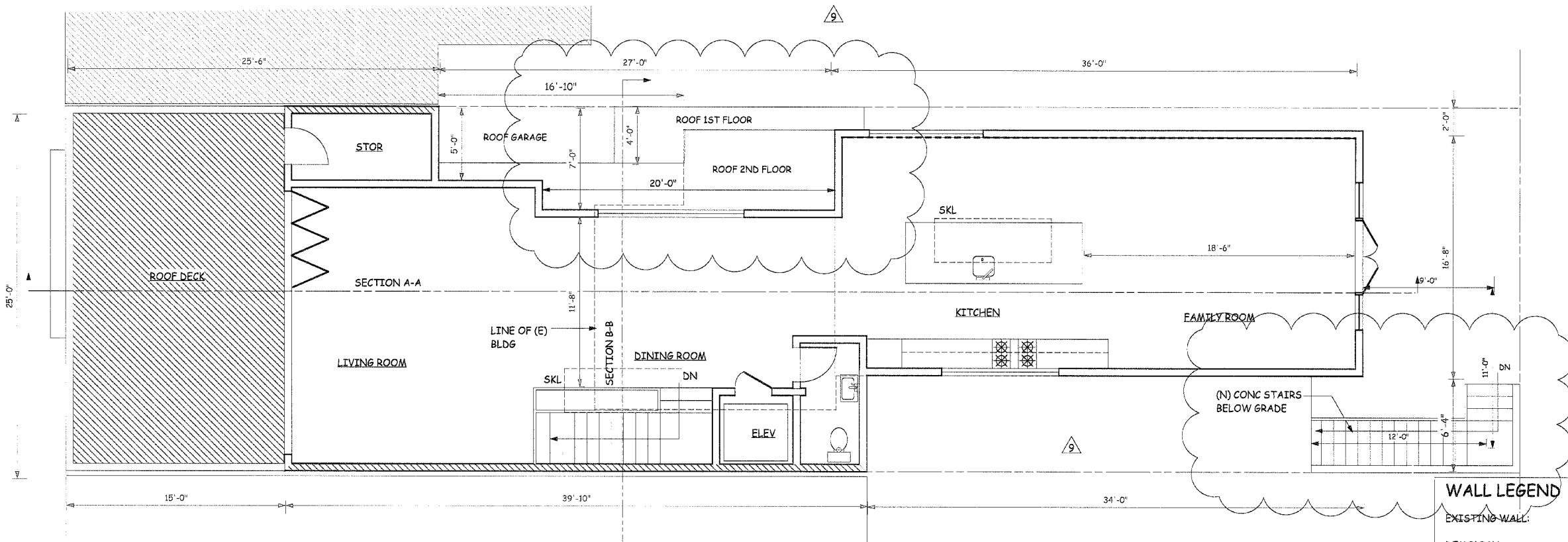
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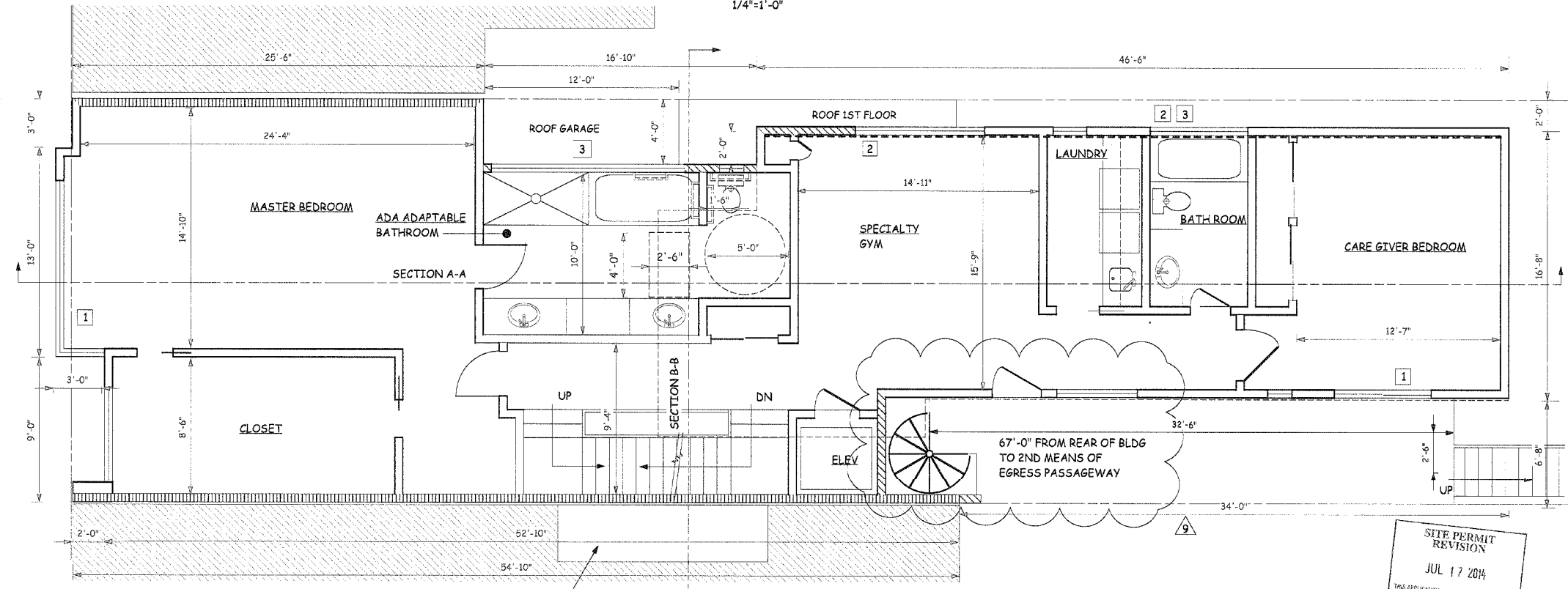
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| 8 | 05/06/14 | PLANNING REV |
| 9 | 06/30/14 | REV |

PROJECT NO. 2013.08
SHEET

A-2.02



3RD FLOOR PLAN (N)
 1/4"=1'-0"



2ND FLOOR PLAN (N)
 1/4"=1'-0"

SEE P.A. 2013 09-12-6591
 FOR NEIGHBORS
 LIGHTWELL FILL IN

WALL LEGEND

- EXISTING WALL:
- DEMOLISH:
- EXISTING EXT WALL TO BE FIRE RATED:
 5/8 TYPE X GYP BD
 AS INDICATED
- NEW INTERIOR 1 HR WALL:
 FIRE RATED 5/8 TYPE X GYP BD
 EA SIDE 3 X4 WOOD STUDS @
 16" O.C. U.O.N.
- NEW EXTERIOR 1 HR WALL:
 WD SIDING OVER BLDG PAPER
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 16" O.C. U.O.N.

DRAWING NOTES:

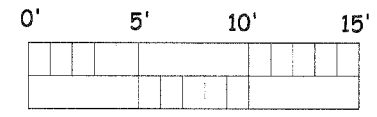
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 24" NET HGT
- 45 MIN F.R. WINDOW
 PER AB 009 A 1.03
- TEMP GLASS

Matthew Ralls, DBI
 Approved Planning Dept. *7-17-14*
 JUSTICE LOOK

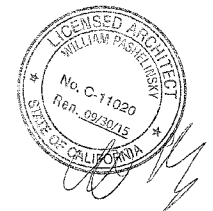
Matthew Ralls, DBI
 JUL 18 2014

SITE PERMIT REVISION
 JUL 17 2014
 THIS APPLICATION QUALIFIED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PERMITS HAVE BEEN APPROVED.

APPROVED
 Dept. of Building Insp.
 JUL 25 2014
Tom C. Hill
 TOM C. HILL, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION



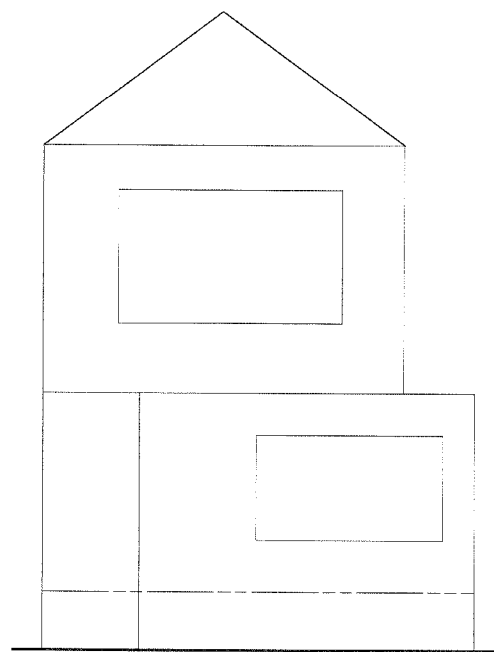
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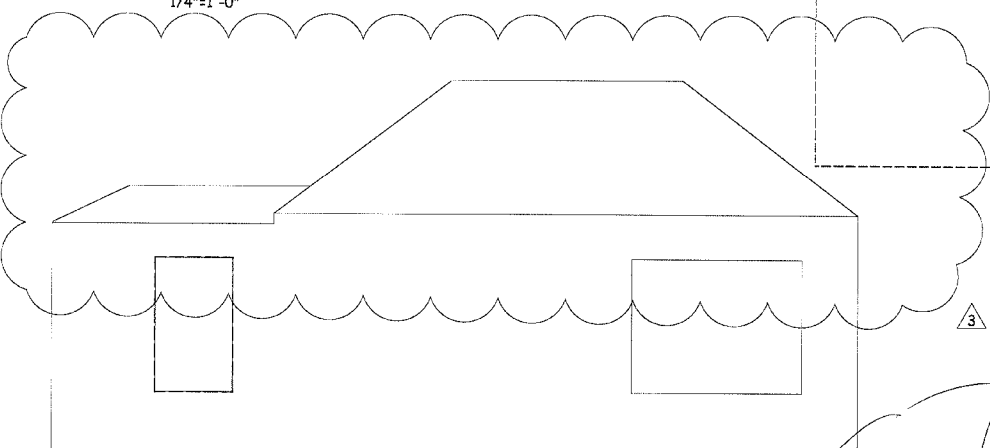
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| 9 | 06/30/14 | REV |

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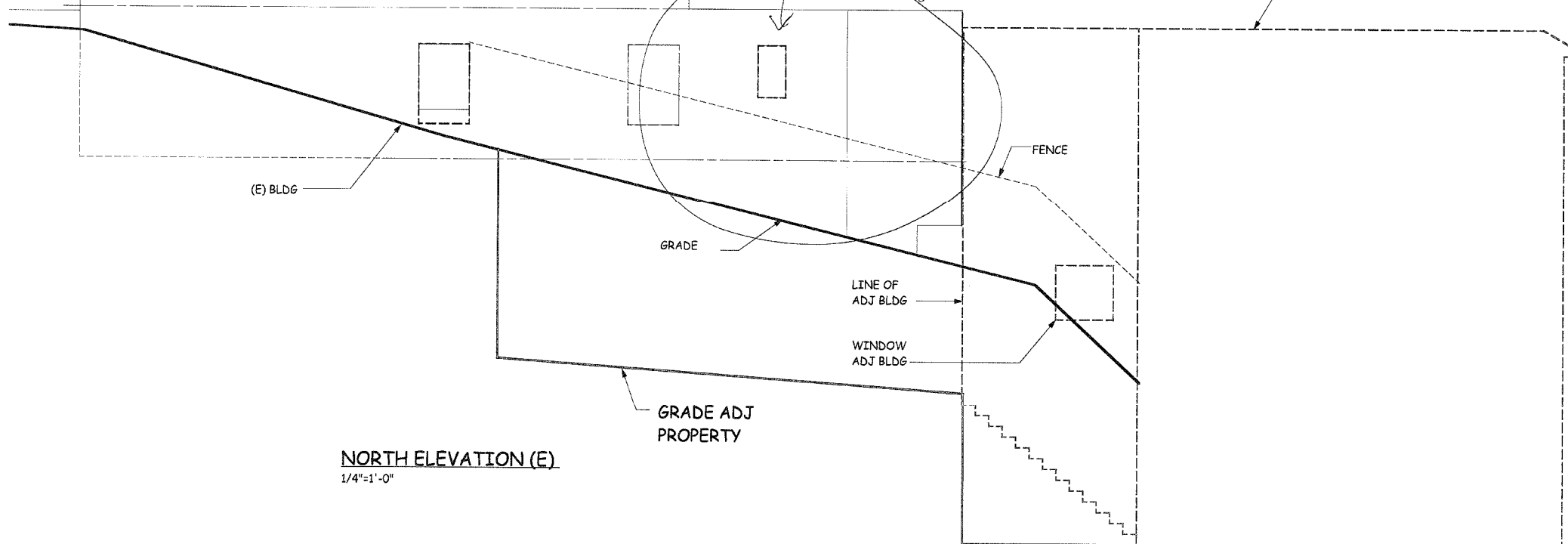


WEST ELEVATION (E)
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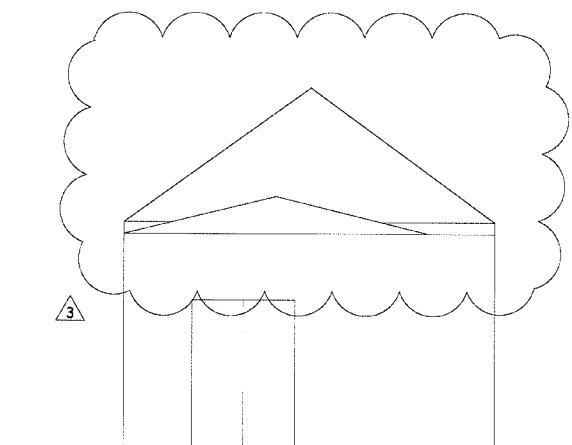
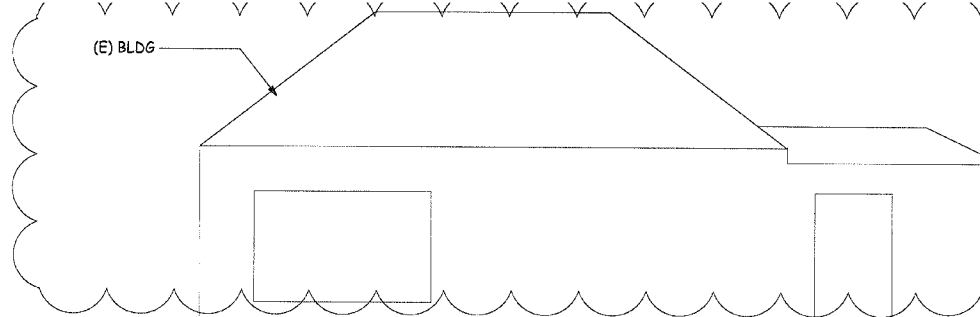


SOUTH ELEVATION (E)
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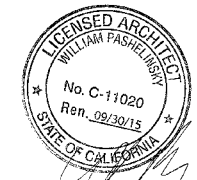
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EAST ELEVATION (E)
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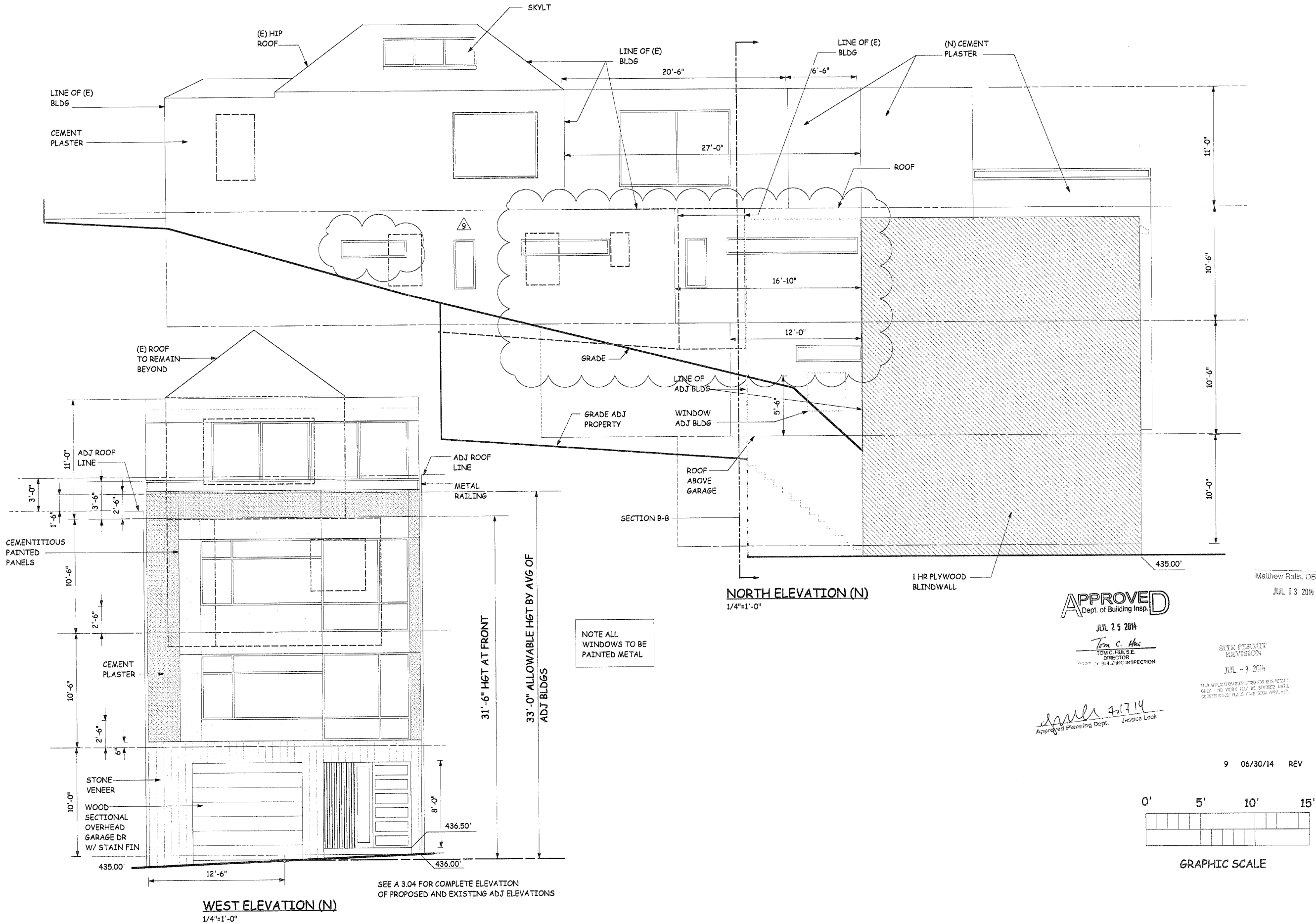
sumner 6/9/14
 Approved Planning Dept. Jessica Look

Matthew Falls, DBI
 JUL 03 2014
APPROVED
 Dept. of Building Insp.
 JUL 25 2014
Tom C. Hui
 TOM C. HUI, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION



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| 3 | 01/06/14 | PLANNING REV |
| 6 | 2/4/14 | PLANNING REV |



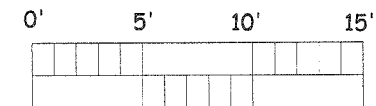
APPROVED
 Dept. of Building Insp.

JUL 25 2014

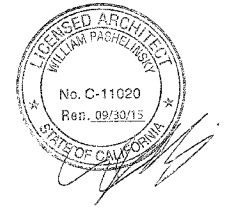
Tom C. Hui
 TOM C. HUI, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION

SEE PERMIT REVISION
 JUL - 3 2014

Jessica Lock 7/17/14
 Approved Planning Dept. Jessica Lock



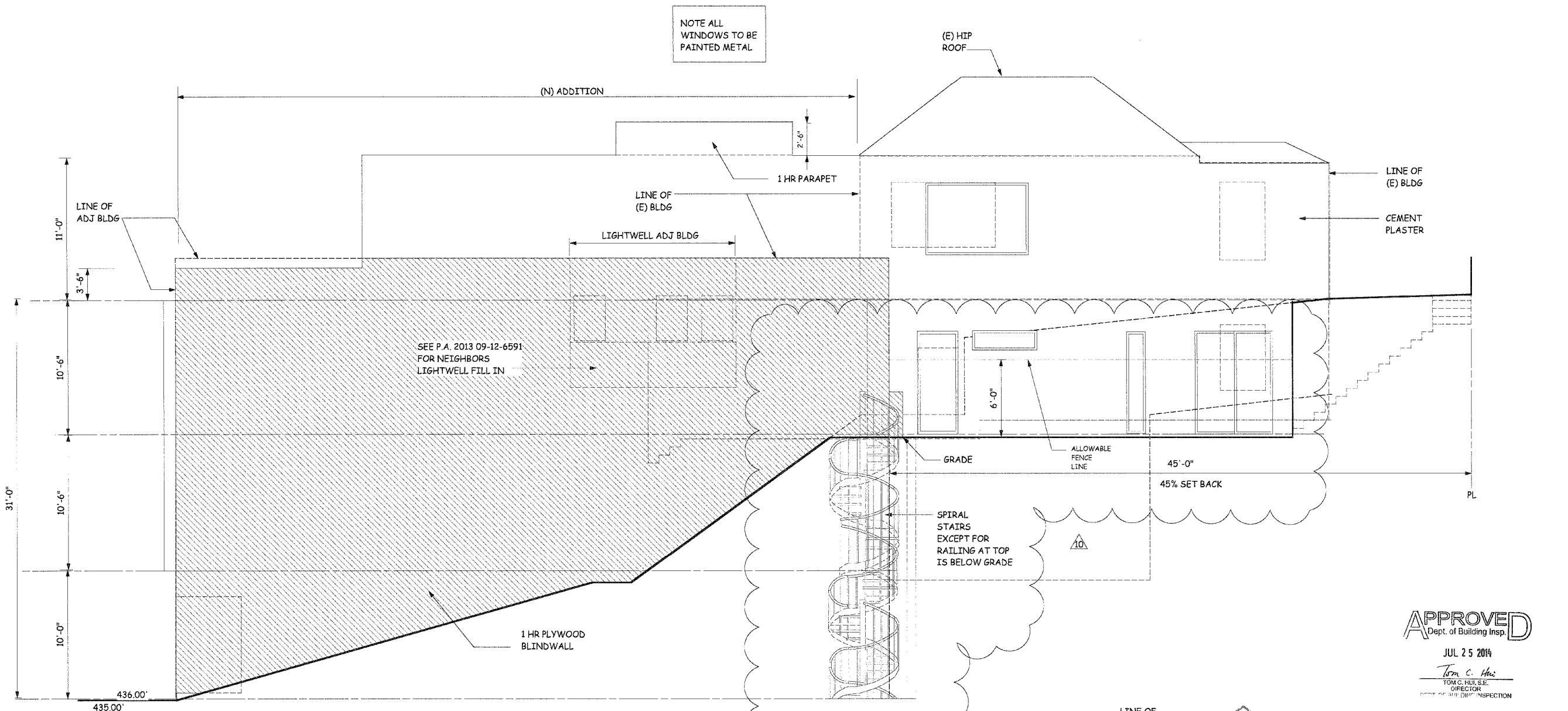
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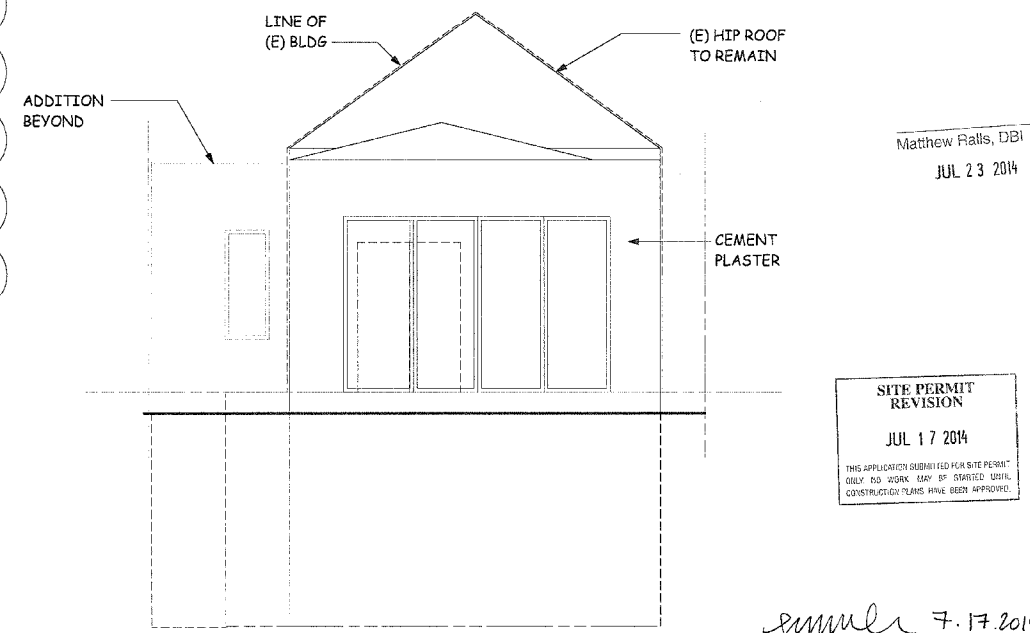
Mathew Ralls, DBI
 JUL 03 2014

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| NO. | DATE | DESCRIPTION |
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| 2 | 09/17/13 | PLANNING REV |
| 3 | 01/06/14 | PLANNING REV |
| 8 | 05/06/14 | PLANNING REV |
| 9 | 06/30/14 | REV |
| 9 | 06/30/14 | REV |



SOUTH ELEVATION (N)
 1/4"=1'-0"



EAST ELEVATION (N)
 1/4"=1'-0"

APPROVED
 Dept. of Building Insp.
 JUL 25 2014
 Tom C. Hsu
 TOM C. HSU, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION

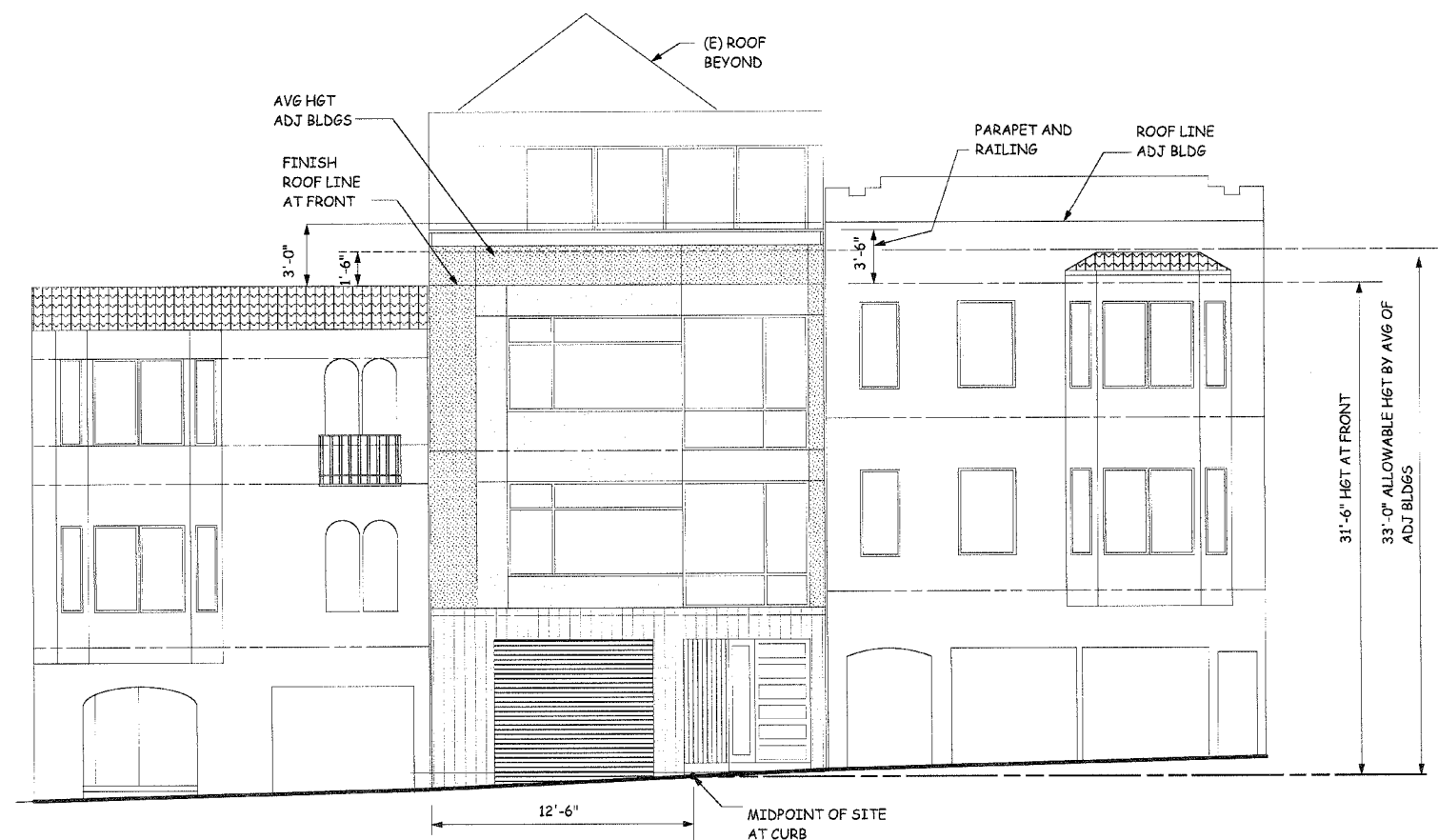


SITE PERMIT REVISION
 JUL 17 2014
 THIS APPLICATION SUBMITTED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.

Jessica Look 7.17.2014
 Approved Planning Dept. Jessica Look

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| 3 | 01/06/14 | PLANNING REV |
| 9 | 06/30/14 | REV |
| 10 | 07/15/14 | REV |



WEST (FRONT) ELEVATION PROPOSED
 3/16"=1'-0"



EAST (REAR) ELEVATION PROPOSED
 3/16"=1'-0"

APPROVED
 Dept. of Building Insp.

JUL 25 2014

Tom C. Hill
 TOM C. HILL, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION

Matthew Reiss, DBI
 JUL 03 2014

Jessica Look
 Approved Planning Dept. Jessica Look

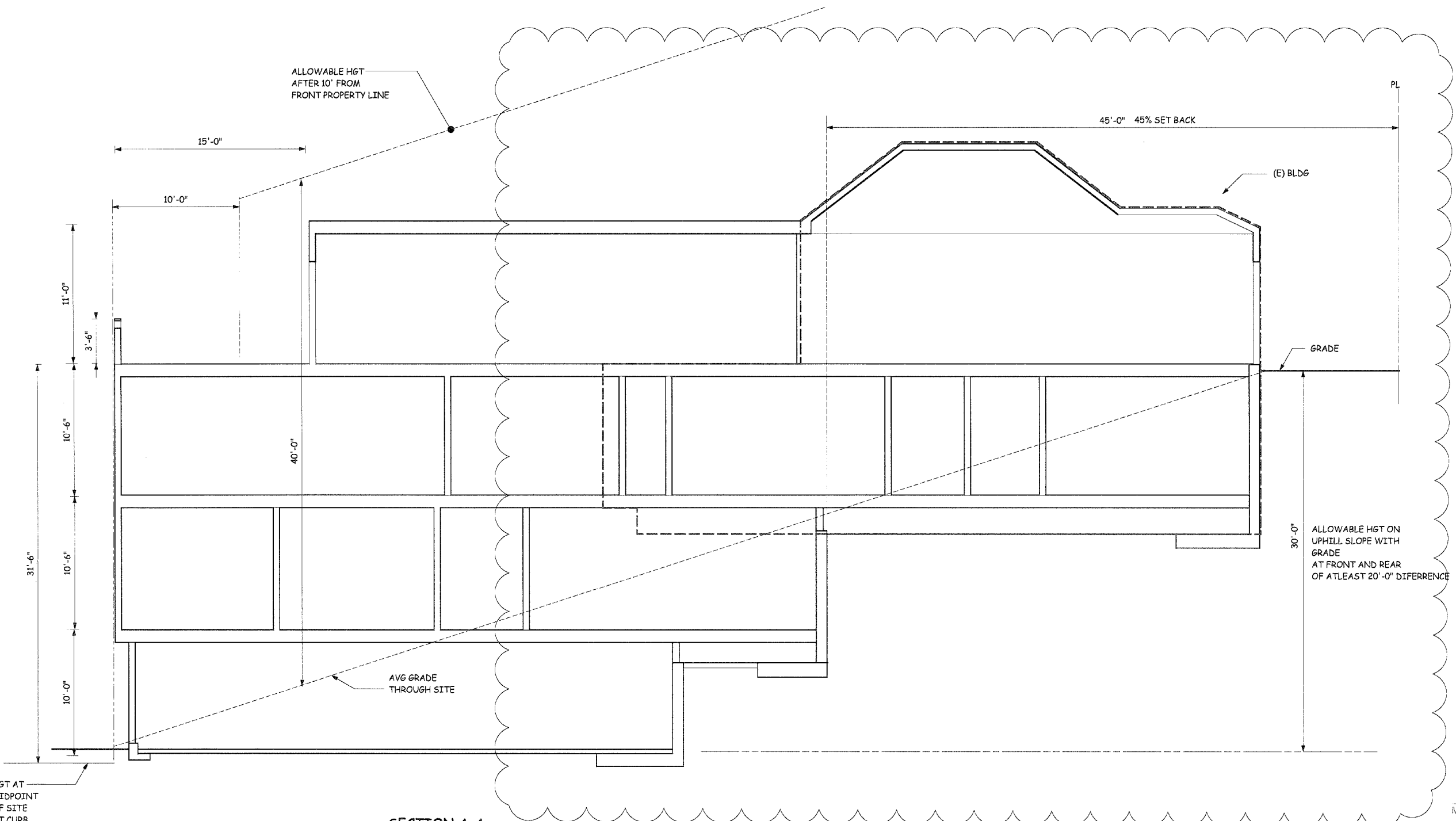
Jessica Look 6/9/14
 Approved Planning Dept. Jessica Look

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 DEPT. OF BUILDING INSPECTION
 CIVIL ENGINEERING DIVISION



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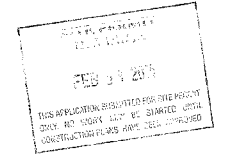
SECTION A-A
 1/4"=1'-0"

Matthew Ralls, DBI
 JUL 03 2014



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Jessie Look 6/9/14
 Approved Planning Dept. Jessie Look



APPROVED
 Dept. of Building Insp.
 JUL 25 2014
Tom C. Hee
 TOM C. HEE
 DIRECTOR
 DEPT. OF BUILDING INSPECTION

| NO. | DATE | DESCRIPTION |
|-----|----------|-------------|
| 1 | 08/05/13 | PLANNING |
| 3 | 01/06/13 | PLANNING |
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PROJECT NO. 2013.08
 SHEET

Exhibit 2



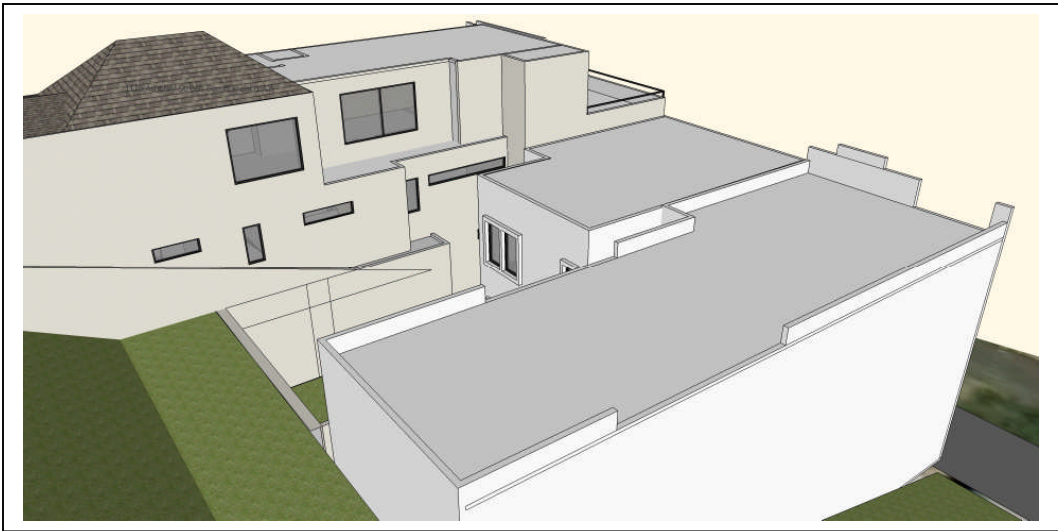


Exhibit 3

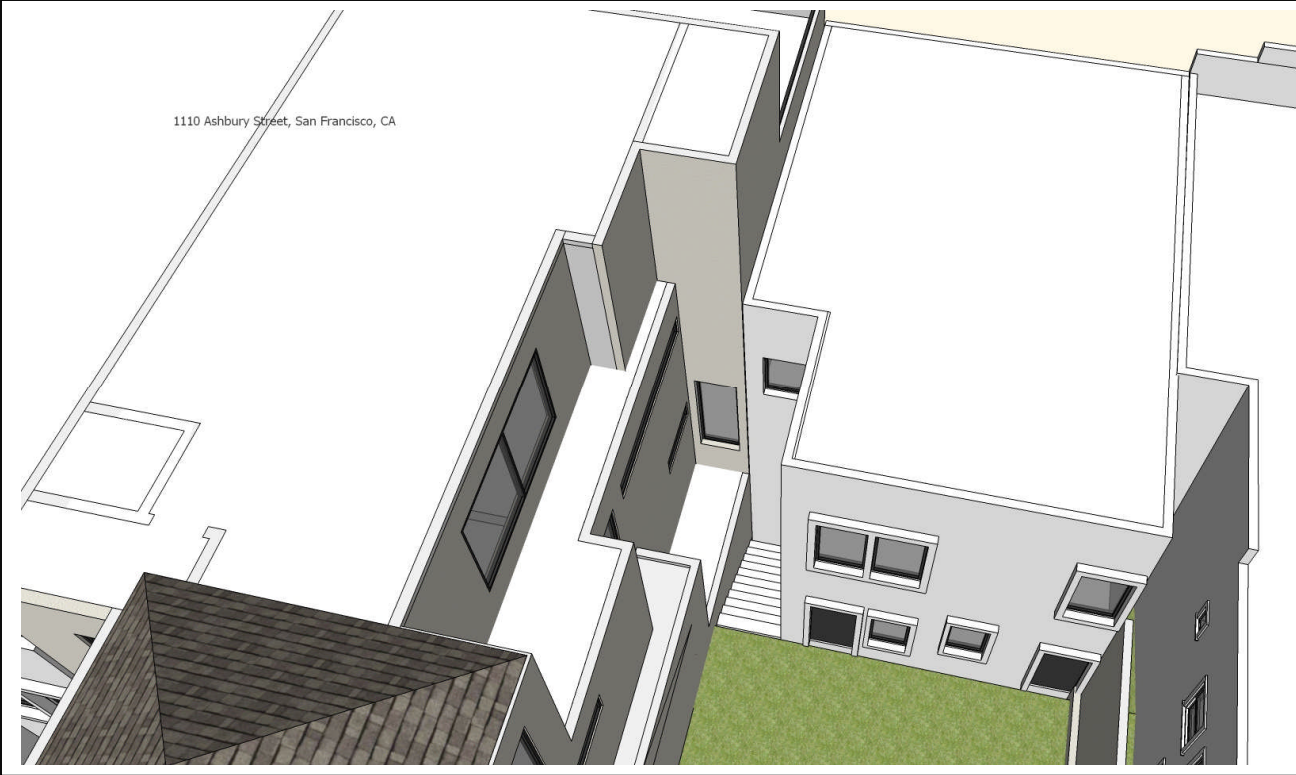


Exhibit 4

Chronology of Proposed Addition Neighborhood Outreach

2012

- 12/10/2012 – Ty & Molly entered into contract for the purchase of 1110 Ashbury Street.
- 12/15/2012 – Ty & Molly send Appellant Meyers a card introducing themselves, and asking to meet her to discuss their plans for the home. They were informed that she would not be willing to meet them until after they had purchased the property.

2013

- 01/18/2013 – 1110 Ashbury property contract closed.
- 03/07/2013 – Respondents mail out notice for Pre-application Meeting.
- 03/13/2013 – Respondents meet with Appellant Meyer at Reverie café, show her the Plans, and discuss the proposed addition with her.
- 03/16/2013 – Respondents receive window photo from Appellant Meyer via email. Tried to set up another in-person meeting with her and her brother-in-law, per her request.
- 03/21/2013 – Respondents hold the Pre- Application Meeting. Neither Appellant Meyer, nor Appellant Pandey attend the Pre-Application Meeting.
- 03/24/2013 – Back and forth emails attempting to schedule a meeting time. Appellant Meyer unavailable.
- 03/25/2013 – Respondent contacts Appellant Meyer via phone to schedule a meeting time.
- 04/13/2013 – Respondent discusses the addition with Appellant Meyer via phone (24 min conversation).
- 04/15/2013 – Appellant Meyer informs Respondents via email that she is still unavailable to meet.
- 04/18/2013 – Meeting with Appellant and Robyn (her friend) at Appellant's home. Appellant Meyer pointed out her failing retaining wall, which supports the earth at Respondents' property. Appellant told Respondent that she wanted to coordinate the removal of parts of her wall, to possibly occur at the same time of Respondents' construction.
- 05/06/2013 – Email from Appellant Meyer regarding the forms submitted to Planning. Respondent replied on 5/10/2013.
- 10/7/2013 – Respondents delivered to Appellant Meyer a 3D model of the Project that was prepared especially for her, to help her better understand the articulation of the proposed light well.
- 10/27/2013 – Respondent again meets with Appellant Meyer to discuss the project and its relation to her property.
- 11/7/2013 – Appellant Meyer files a DR request.

12/4/2013 – DR Requester/Appellant Meyer files a Complaint Notice with Planning Department claiming that the Respondents' pre-existing bathroom addition on the north side of the property was constructed without permits.

12/18/2013 – Respondents submit letter to the Planner showing permit history for the bathroom addition in question. Permits show construction in 1950.

2014

01/26/2014 - Met with Appellant Pandey and went through shadow analyses conducted by Respondents using the Sketchup program on an hour by hour basis, for almost a solid hour. Prior to this meeting, Respondents had their 3-D model expanded to include Ms. Pandey's building (Ms. Pandey's building is not an adjoining building).

Upon review of the 3-D model, and the shadow analyses, Appellant Pandey informed Respondent that she was comfortable with the proposed addition. Respondents did not hear from Appellant Pandey again until she attended the DR hearing in support of Appellant Meyer.

02/20/2014 – First scheduled DR Hearing. Postponed by Planning Department.

3/20/2014-4/1/2014 – Exchanged 41 emails and spent 223 Min (3/24 – 43 min, 3/26 – 42 min, 3/27 – 95 min, 3/28 – 8 min, 4/1 – 35 min) on the phone with Mary Gallagher (Appellant Meyer's hired consultant), without a resolution. Despite repeated invitations by Respondents, Mary Gallagher, was unwilling to meet in person during this time.

03/27/2014 – Second scheduled DR Hearing. Continued to 4/3/2014, without presentation, in response to Commissioner Moore's request for additional project dimensions.

04/03/2014 – DR Hearing continued in response to Commissioner Moore's request for additional 3D models of the Project.

05/01/2014 – DR Hearing commences and is continued by Commissioner Moore for Respondents to consider suggestions. A few days after hearing, Respondent meets with Zoning Administrator Scott Sanchez, Division Leader Delvin Washington and Planner Jessica Look to discuss Commission's remarks.

05/22/2014 – DR Hearing commences and Commission thoroughly discusses Plans and changes made to meet demands of Appellants Meyer and Pandey.

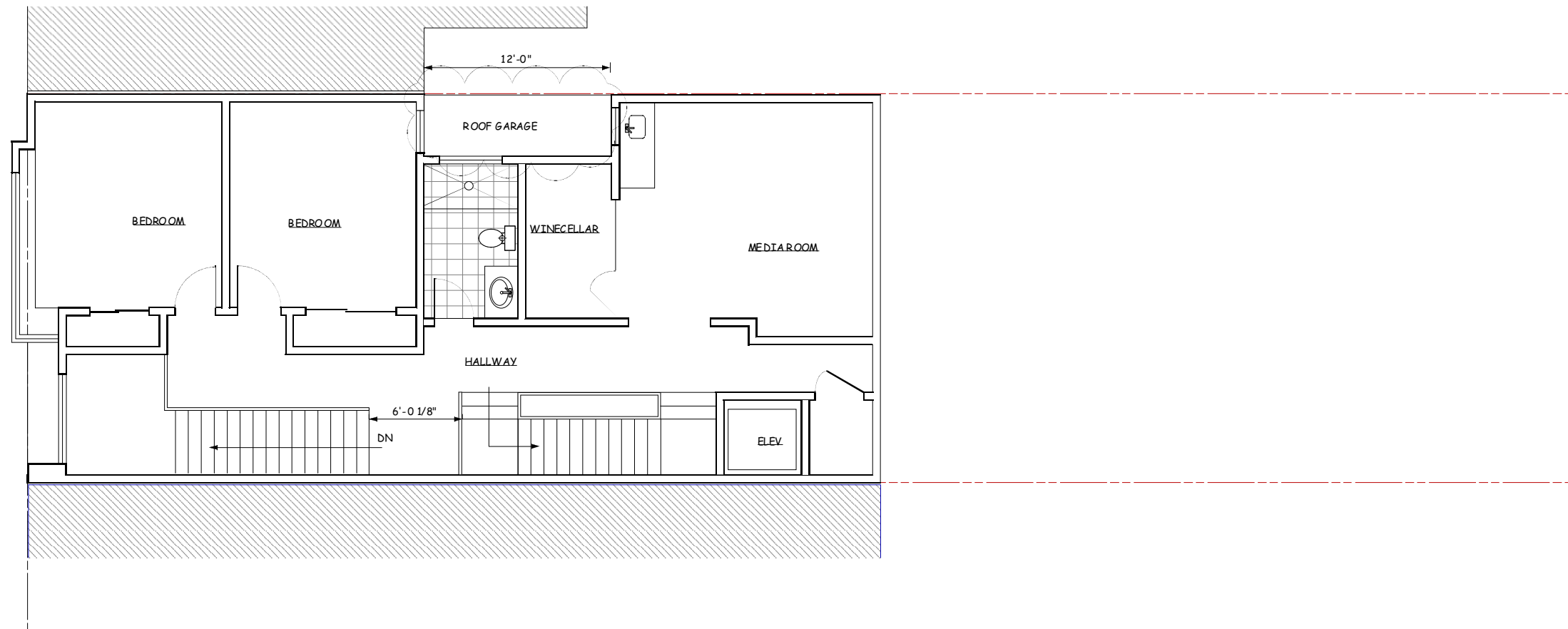
Commission does not take DR.

Following the DR hearing, Respondent Bash attempted to reach out to Ms. Gallagher. Ms. Gallagher declined to speak with Respondent Bash, and told him she would "see him at the Board of Appeals."

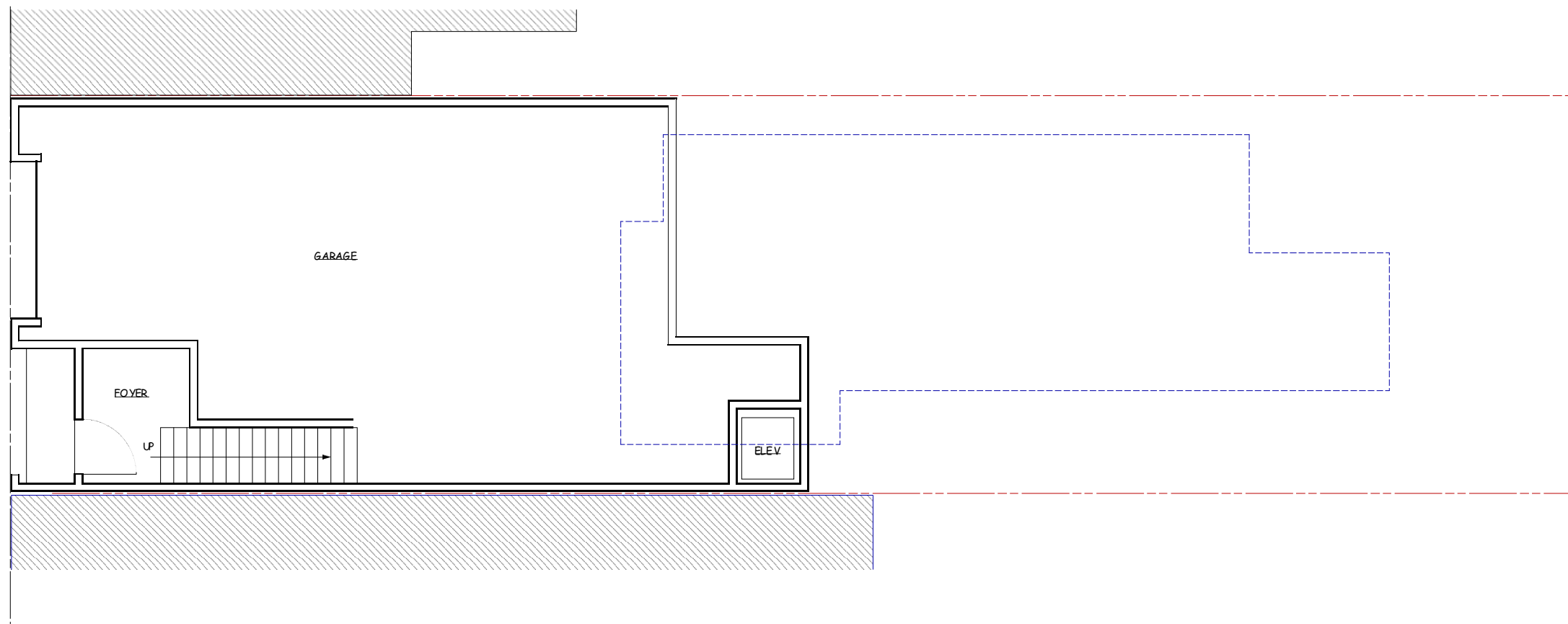
08/08/2014 - Appellants Meyer and Pandey file the current appeal.

NOTE: *Throughout the entire process, Respondents have received letters of support, phone calls of support, and signatures of support from other neighbors. Respondents have also met with kind and wonderful neighbors who have voiced their support for Respondents' addition.*

Exhibit 5



1ST FLOOR PLAN (N)
1/4"=1'-0"



BASEMENT PLAN (N)
1/4"=1'-0"

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS AS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND ARE THE PROPERTY OF WILLIAM PASHELINSKY ARCHITECT AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH THIS PROJECT. NONE OF THESE IDEAS, DESIGNS, ARRANGEMENTS OF PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF WILLIAM PASHELINSKY ARCHITECT

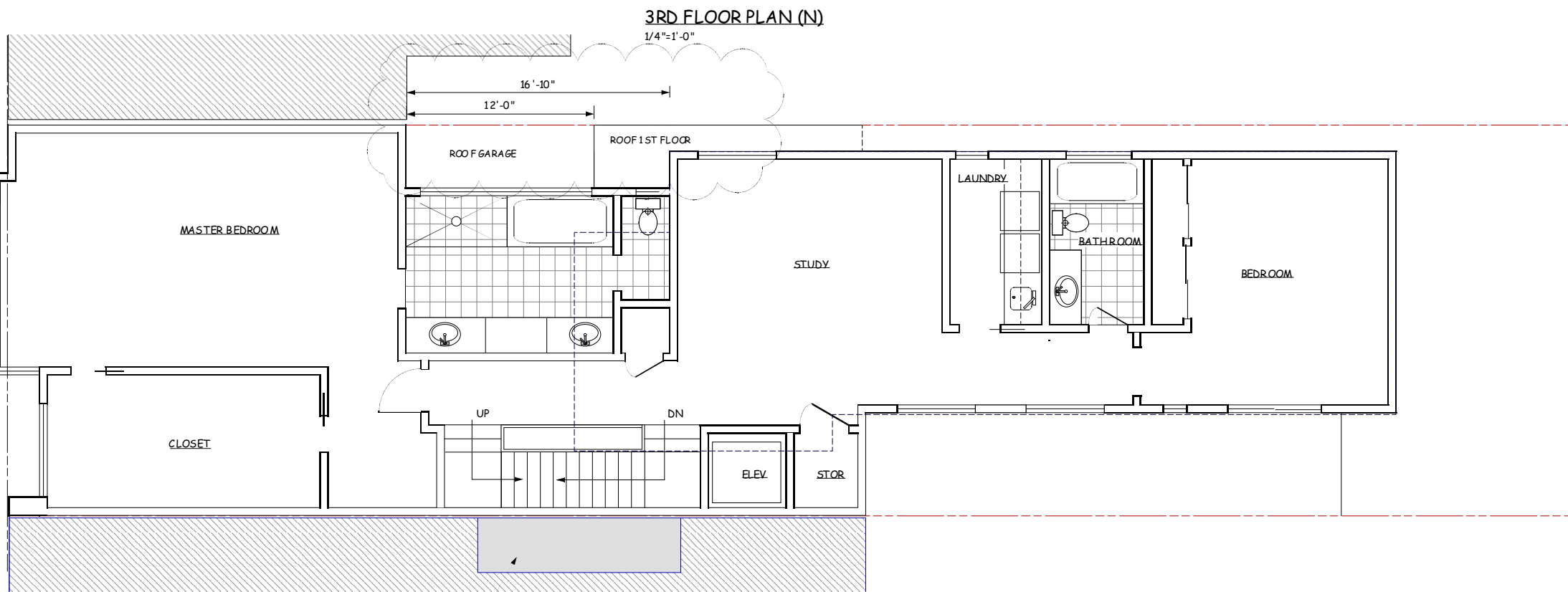
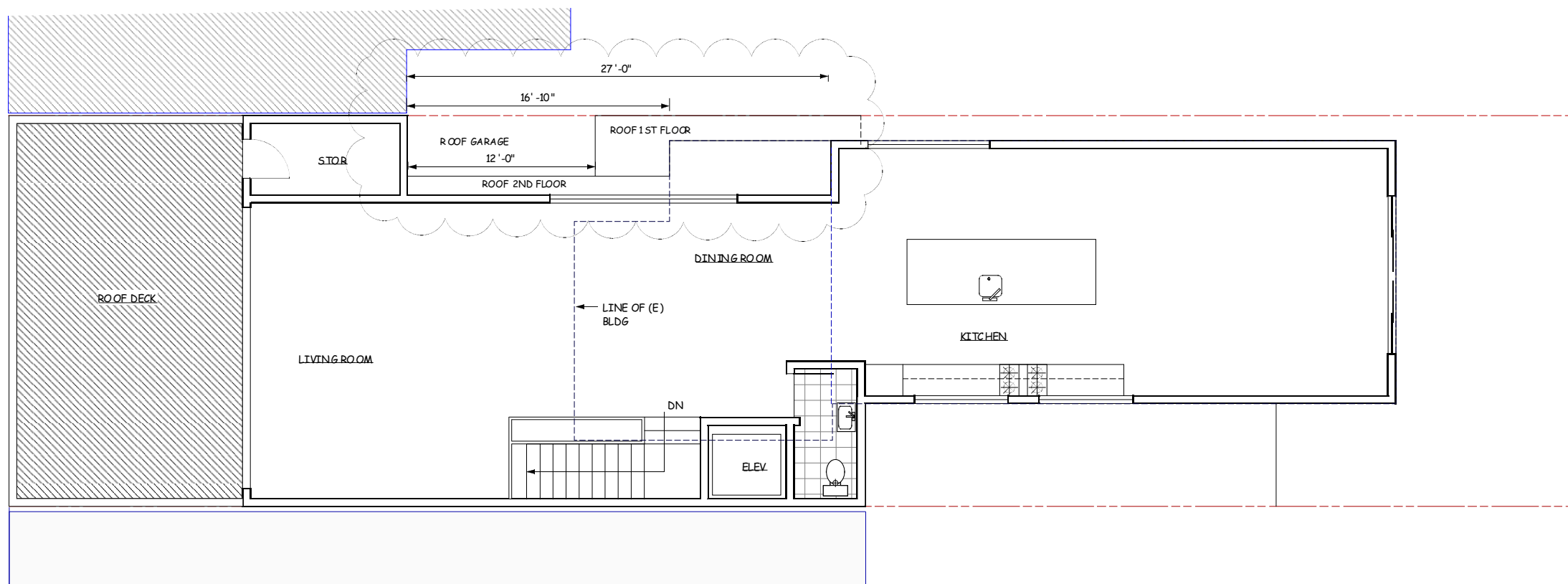
| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
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PROJECT NO. 2013.08
SHEET

ALTERATIONS
 1110 ASHBURY STREET
 SAN FRANCISCO, CA

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS AS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND ARE THE PROPERTY OF WILLIAM PASHELINSKY ARCHITECT AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH THIS SPECIFIC PROJECT. NONE OF THESE IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF WILLIAM PASHELINSKY ARCHITECT

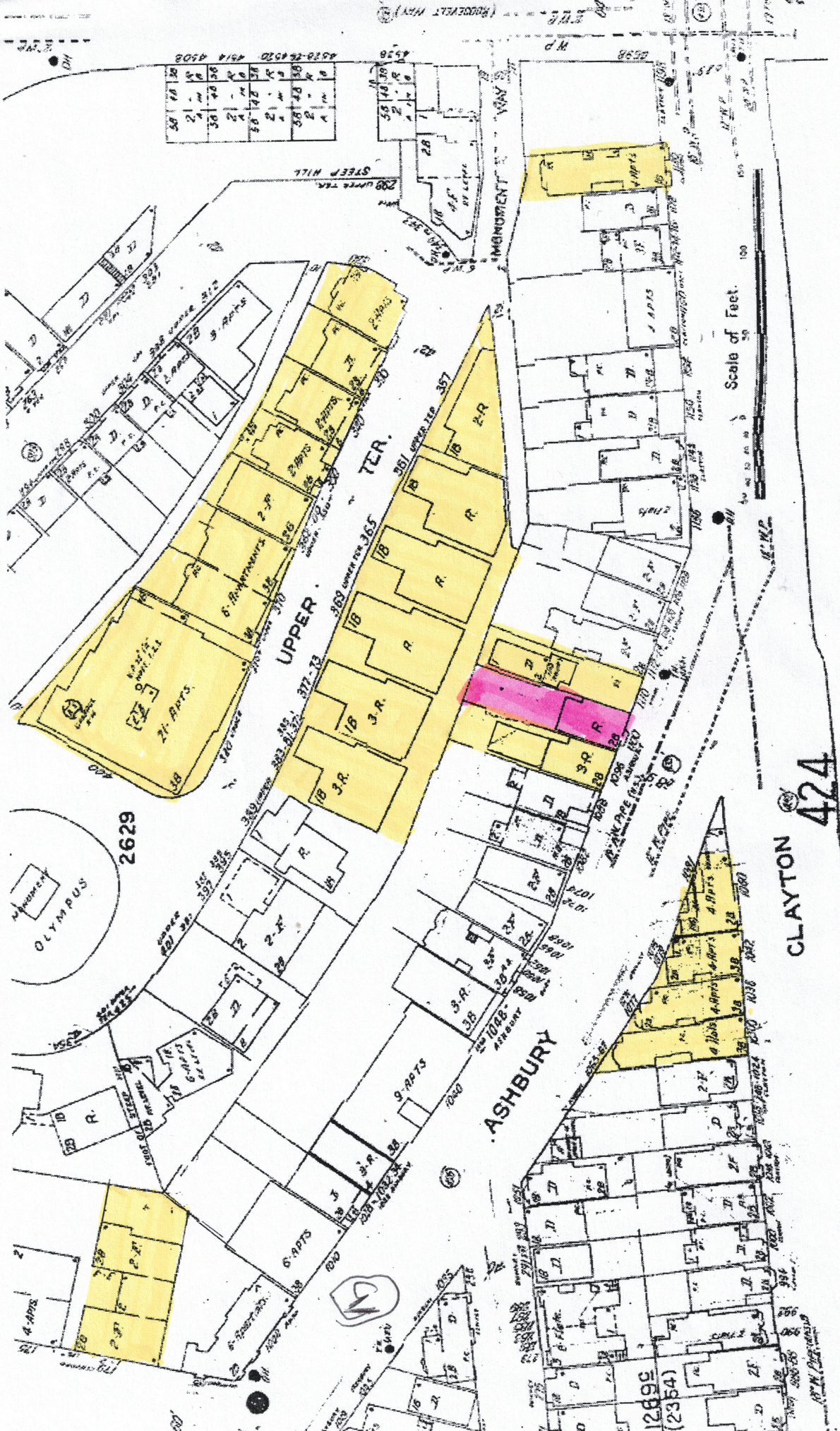
| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
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SEE P.A. 2013 09-12-6591
 FOR NEIGHBORS
 LIGHTWELL FILL IN

2ND FLOOR PLAN (N)
 1/4"=1'-0"

Exhibit 6



| | | | | | | | | | |
|----|----|----|---|---|---|---|---|---|---|
| 58 | 18 | 30 | | | | | | | |
| 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 30 | 40 | 30 | | | | | | | |
| 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 30 | 40 | 30 | | | | | | | |
| 58 | 18 | 30 | | | | | | | |
| 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 30 | 40 | 30 | | | | | | | |
| 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 30 | 40 | 30 | | | | | | | |
| 58 | 18 | 30 | | | | | | | |
| 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 30 | 40 | 30 | | | | | | | |
| 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

Scale of Feet.

CLAYTON 424

ASHBURY

UPPER TER.

OLYMPUS 2629

12695 (2354)

ROOSEVELT WAY

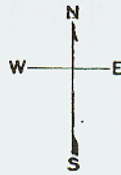
STEEL HILL



Exhibit 7

ASSESSOR-RECORDER'S OFFICE

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995



2629

PARK LANE TR. 6 BLK. N

CLIFFORD TERRACE

REVISED '60

REVISED '62

(CONTINUOUS @ BOTTOM)

LOTS MERGED

| LOTS | INTO | LOTS | IN |
|------|------|------|----|
| 46 | 45 | '49" | |
| 8 | 7 | '51" | |
| 38 | 37 | '52" | |
| 49 | 48 | '52" | |
| 13 | 12 | '54" | |
| 48 | 47 | '56" | |

lot18 into lots66&67 for 2001 roll
lot68 into lots70&71 for 2009 roll
lot69 into lots72&73 for 2009 roll
lot7 into lots68&69 for 2009 roll

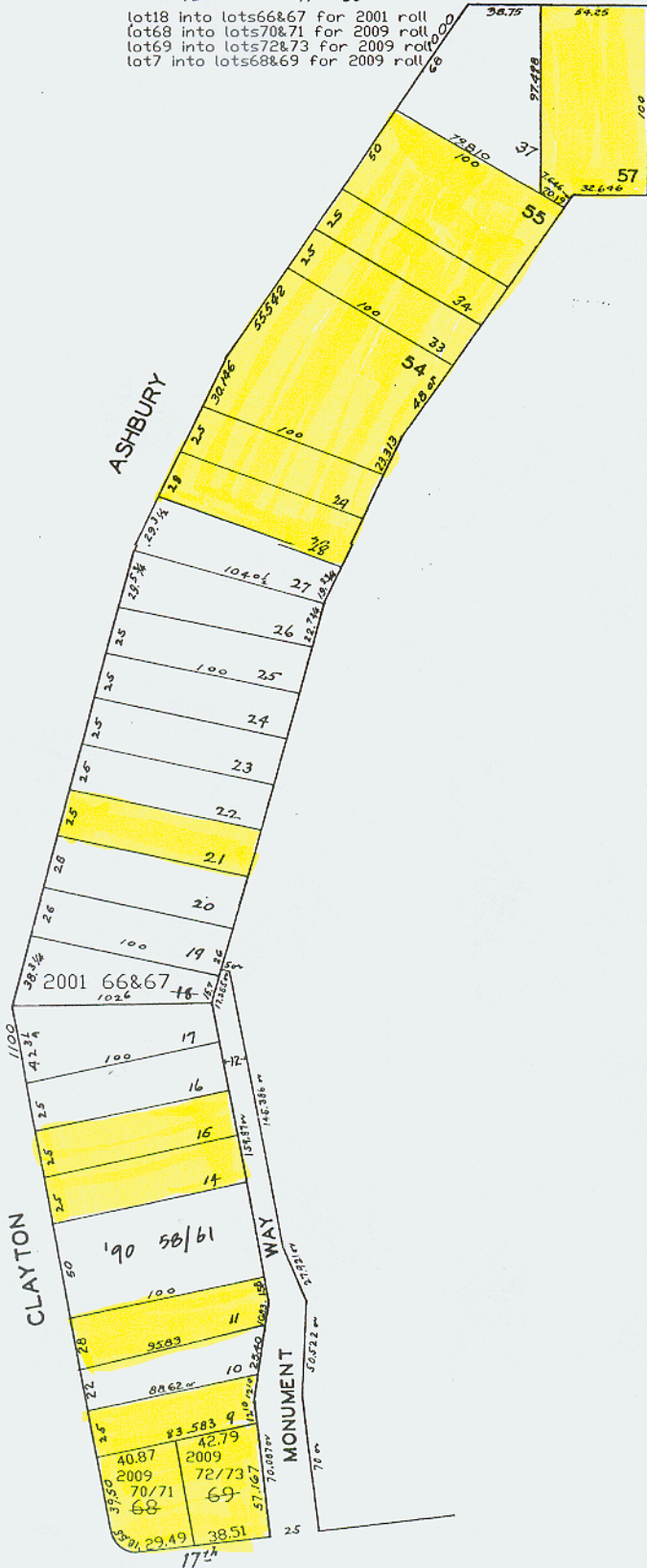


Exhibit 8

meets the requirement of Section 135 (f). Finally, it should be noted, that within the current code, there is no lot coverage controls in RH Districts, as lot coverage is maintained through setbacks.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301(e)(2)).

RESIDENTIAL DESIGN TEAM REVIEW

While this project is unique due to grade and much of the existing building is set back in the rear of the lot, the Department has determined that with the existing tools of our Residential Design Guidelines and Zoning, the proposed dwelling's form and scale are designed to be compatible with neighborhood character and for the site. The proposed building's scale and form at the front building wall is compatible with that of the surrounding buildings. The two adjacent properties are both three stories and the building's top floor (4th floor) will be setback 15-feet from the front building wall to maintain the existing scale at the street. By making these modifications, the visibility of the upper floor (4th floor) is limited from the street, and the upper floor appears subordinate to the primary façade.

In addition, the Residential Design Team (RDT) reviewed the project on December 11, 2013 upon receipt of the Discretionary Review application in regards to the DR requestor's concerns. The team determined that the proposed side setback is sufficient with regard to the residential design guidelines as the project provides continued light and air access via a side setback similar to a matching lightwell. In addition, the RDT found that the upper story appears appropriate per the guidelines as a side setback is provided against the rear yard of the DR requestor and the depth of the addition is approximately at the same depth as the adjacent building to the south. RDT did find that there are exceptional and extraordinary circumstances to the project since the existing building is a noncomplying structure within the rear yard and the topography of the site and thus warrants a full analysis.

Under the Commission's pending DR Reform Legislation, this project would be referred to the Commission, as this project involves exceptional and extraordinary circumstances.

BASIS FOR RECOMMENDATION

- The project complies with the Planning Code, in particular Planning Code Interpretation 134+135. The proposed addition is within the buildable area and meets all applicable sections of the code including open space and building height.
- The project complies with the Residential Design Guidelines as determined by the Residential Design Team. The project provides adequate side spacing to the adjacent property to the north of various levels of the dwelling unit and finally unifies the building wall on Ashbury Street.

| |
|---|
| RECOMMENDATION: Do not take DR and approve the project as proposed. |
|---|

Exhibit 9

December 18, 2013

JESSICA LOOK, AICP
Planner
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Dear Jessica,

The DR requester for our proposed addition at 1110 Ashbury has put into question the legality of a portion of a front addition constructed in 1950 (Addition In Question). I have obtained copies of the permit applications related to this addition and will present them within this letter. These documents will show, unequivocally, that the entire addition, including the Addition In Question, was done with permits.


On March 4, 1950 an application to construct an addition approximately 400 square feet in size with the description of work stating "Build an addition 14' by 16' as per plan" was submitted. Application Number 125023 (See "Exhibit A".) Unfortunately, the City Records Department does not have the architectural plans for this addition. Both the dimensions in the description of the addition and the approximate size, point to the fact that the entire addition, including the Addition in Question, was done in 1950. The one item the application leaves unclear is if plumbing work was performed as part of the permit. (Currently the portion of the addition in question is a bathroom, previous used as a closet). The Addition In Question was remodeled as a bathroom in 1997 with permit 9705441. (See "Exhibit B".)

On March 4, 1996, the Building Department approved application number 09603527 for foundation work (See "Exhibit C"). This is the first available permit with drawings (See Exhibit D".) The drawings attached to the permit, show the entire front addition, including the Addition In Question. As these were foundation plans, they were not reviewed by the Planning Department. Still, they do show the Addition In Question as Existing. Furthermore, the permit specifies to Cap the existing concrete footing, which resides below the Addition In Question. In other words, the structural work was done on a portion of the foundation, under the Addition In Question, which was a part of the structure, at the time of the application. This permit reinforces the claim that the Addition In Question was previously permitted.

On November 15, 2005, the Building Department approved application number 200506094645s for a remodel of the existing single-family house (See "Exhibit E".) This application accompanied by a set of plans, which show the entire front addition, including the Addition In Question (See "Exhibit F".) Again, this permit reinforces the fact that the addition in question was previously permitted. This approved set of plans show that the addition in question returned to be a closet – possibly its original use.

Finally, the addition under application number 200506094645s, was initially vetted through the rigorous scrutiny of the Planning Department, was sent out to neighborhood notification and only then approved. As such, even if the claims by DR requester were considered, the legality of the Addition In Question was cured under application number 200506094645s.

Sincerely,


Ty Bash
Home Owner
1110 Ashbury

OFFICIAL COPY

SAN FRANCISCO

Exhibit A

RECEIVED
MAR 7 1950

CENTRAL PERMIT BUREAU F435

Write in Ink—File Two Copies

DEPARTMENT OF

CITY AND COUNTY OF SAN FRANCISCO

CITY AND COUNTY OF BUILDING INSPECTION
CENTRAL PERMIT BUREAU

BUILDING INSPECTION DEPARTMENT OF PUBLIC WORKS

BLDG. FORM

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

3

Mar 4 1950

Application is hereby made to the Department of Public Works of San Francisco for permission to build in accordance with the plans and specifications submitted herewith and according to the description and for the purpose hereinafter set forth:

- (1) Location 1110 Ashbury Street
- (2) Total Cost \$ 2000 (3) No. of stories 2 (4) Basement Yes Yes or No
- (5) Present use of building Residence (6) No. of families 1
- (7) Proposed use of building Residence (8) No. of families 1
- (9) Type of construction 5 1, 2, 3, 4, or 5 (10) 1.8 Building Code Occupancy Classification
- (11) Any other building on lot Yes (Must be shown on plot plan if answer is Yes.)
Yes or No
- (12) Does this alteration create an additional floor of occupancy Yes
Yes or No
- (13) Does this alteration create an additional story to the building Yes
Yes or No
- (14) Electrical work to be performed Yes Plumbing work to be performed Yes
Yes or No Yes or No
- (15) Ground floor area of building approx. 4000 sq. ft. (16) Height of building 29 ft.
- (17) Detailed description of work to be done Build an Addition
14' x 16' as per plan

(18) No portion of building or structure or scaffolding used during construction, to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 385, California Penal Code.

(19) Supervision of construction by Thomas S. Lowe Address 361 Fallon Ave

(20) General contractor Thomas S. Lowe California License No. 62527
Address 361 Fallon Ave San Francisco, Cal.

(21) Architect _____ California Certificate No. _____
Address _____

(22) Engineer _____ California Certificate No. _____
Address _____

(23) 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 applicable thereto will be complied with. I further agree to save San Francisco and its officials and employees harmless from all costs and damages which may accrue from use or occupancy of the sidewalk, street or subsidewalk space or from anything else in connection with the work included in the permit. The foregoing covenant shall be binding upon the owner of said property, the applicant, their heirs, successors and assignees.

(24) Owner Wm. G. Harburt (Phone 6-9197)
(For Contact by Bureau)

Address 1110 Ashbury Street

By Thomas S. Lowe Address 361 Fallon Ave
Owner's Authorized Agent to be Owner's Authorized Architect, Engineer or General Contractor.

PERMIT OF OCCUPANCY MUST BE OBTAINED ON COMPLETION OF HOTEL OR APARTMENT HOUSE PURSUANT TO SEC. 808 SAN FRANCISCO BUILDING CODE.

It is the duty of the applicant to make a copy of this notice, it is less sharp than this notice, it is due to the quality of the original.

Exhibit B

OFFICIAL COPY
SAN FRANCISCO
DEPT. OF BUILDING INSPECTION

OFFICE OF BUILDING INSPECTION

APPROVED
Dept of Building Insp.

MAR 25 1997

COMM DONE
115 # 8

RECORD NUMBER
318

MAR 25 1997

APPLICATION NUMBER
09705616

APPROVAL NUMBER

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE-COUNTER ISSUANCE

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.

NUMBER OF PLAN SETS *81-97*

| | | | |
|------------------------------|--------------------------|---|-------------------------------|
| DATE FILED <i>3/25/97</i> | PLANNING PERMIT NO. | (1) STREET ADDRESS OF JOB <i>1110-Ashbury St</i> | BLOCK & LOT <i>2629-21</i> |
| PERMIT NO. <i>817923</i> | ISSUED <i>3-25-97</i> | (2) ESTIMATED COST OF JOB <i>8,000[±]</i> | DATE |

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

| LEGAL DESCRIPTION OF EXISTING BUILDING | | | | | | | |
|---|---|---|--|--------------------------------|---------------------------------------|--|--|
| (1) TYPE OF CONSTRUCTION <i>F</i> | (2) NO. OF STORIES OF OCCUPANCY <i>1</i> | (3) NO. OF SUBDIVISIONS AND COLLARS <i>1</i> | (4) PRESENT USE <i>Single Home</i> | (5) OCCUP. CLASS <i>R-3</i> | (6) NO. OF DWELLING UNITS <i>1</i> | | |
| DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION | | | | | | | |
| (1) TYPE OF CONSTRUCTION <i>F</i> | (2) NO. OF STORIES OF OCCUPANCY <i>1</i> | (3) NO. OF SUBDIVISIONS AND COLLARS <i>1</i> | (4) PROPOSED USE <i>Single Home</i> | (5) OCCUP. CLASS <i>R-3</i> | (6) NO. OF DWELLING UNITS <i>1</i> | | |

| | | | | | | | |
|---|--|--|---|--------------------------------------|---|-------------------------------------|---|
| (7) IS AUTO RAMPWAY TO BE CONSTRUCTED OR ALTERED? | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (8) WILL STREET SPACE BE USED DURING CONSTRUCTION? | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (9) ELECTRICAL WORK TO BE PERFORMED? | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (10) PLUMBING WORK TO BE PERFORMED? | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| (11) GENERAL CONTRACTOR | <i>ARTCO Remodeling & Const. 150-Toland St #3 SF 94117 550-1975 427966 08298</i> | | ADDRESS | PHONE | CALIF. LIC. NO. | EXPIRATION DATE | |
| (12) OWNER (LEASEE CHECK OUT ONE) | <i>MICHAEL McCLEOD 1110-Ashbury St SF. 94117</i> | | ADDRESS | PHONE (FOR CONTRACT BY DEF.) | OTHER # | | |

(13) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

Bathroom & Kitchen Remodal - Plumbing & Electrical Permits

KITCHEN: CABINETS / COUNTERTOP

BATHROOM: VANITY / SINK / TOILET

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 CENTRAL LINE OF FRONT | FT. | (19) DOES THIS ALTERATION CREATE DECK OR PORCH, EXTENSION TO BUILDING? | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | (20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA | NO. SQ. FT. |
| (21) WILL SIGNALLING OR SUBSTANTIAL SPACE BE REQUIRED AT INTERSECT? | 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 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 (DESIGNER OF CONSTRUCTION) | ADDRESS | | | | | | |
| (26) CONSTRUCTION LEADER (OWNER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO FORMAL CONSTRUCTION LEADER, ENTER UNKNOWN) | ADDRESS | | | | | | |

IMPORTANT NOTICES

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

No portion of building or structure or scaffolding used during construction, to be closer than 6'0" to any wire containing more than 750 volts. See Sec. 365, 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 in building file.

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

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

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

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) (23) (24).

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

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

CHECK APPROPRIATE BOX

OWNER ARCHITECT

LESSEE AGENT

CONTRACTOR ENGINEER

APPLICANT'S CERTIFICATION

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

8003-03 (REV. 1/96)

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 coverage under (I), or (II) designated below or shall indicate item (III), or (IV), or (V), whichever is applicable. If however item (V) is checked item (IV) must be checked as well. Mark the appropriate method of compliance below:

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

- () I. I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- () II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier: FREEMANT COAL
Policy Number: WNA 965163006
- () 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 therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent *[Signature]* Date *3-25-97*

Exhibit C

OFFICIAL COPY
SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

APPROVED
Dept of Building Insp

MAR - 4 1996

| | | | | | | | | | | | |
|-------------------|----------------------------------|-------------------|--------------------|------|---------------------------------|----------|--------------|---------|--|-------|---|
| PERMIT CONTROL | | NATIVE COMPLAINTS | | NONE | | CED/PCD | | DDCP | | OTHER | |
| STATION | H | D | D | D | D | D | D | D | D | D | D |
| SEQ | | | | | | | | | | | |
| ACCEPTED | | | | | | | | | | | |
| APPROVED | | | | | | | | | | | |
| DATE | 3/1/96 | | | | | CITY/PCD | | PARAPET | | OTHER | |
| CHECK APPLICABLE: | C PARAPET | | C BLDG ENLARGEMENT | | C BLDG ENLARGEMENT (STAMP APPL) | | C SIGN APPL | | BIBL KEY: | | |
| C TITLE 24 - HC | C TIDES | | C HAZARDOUS WASTE | | C BIOLOGICAL | | C GEOLOGICAL | | RESID. = CNT-PC NON-RESID. = PAD-PC NEW/MAJOR = PAD-MAJ UMB = SSS | | |
| COMMENT: | Biological building to meet code | | | | | | | | | | |

MAR 01 1996
BLDG FORM 8180 9603521

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

FORM 3 OTHER AGENCIES REVIEW REQUIRED
FORM 8 OVER-THE-COUNTER ISSUANCE

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF BUILDING INSPECTION OF SAN FRANCISCO FOR PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS OF THE PERMIT HEREWITH AND AS SHOWN IN THE DESCRIPTION AND FOR THE PURPOSE HEREINAFTER SET FORTH.

2 NUMBER OF PLAN SETS

| | | | |
|------------|-----------------------|----------------------------|---------------------|
| DATE FILED | PLUMB FEE RECEIPT NO. | (1) STREET ADDRESS OF JOB | BLOCK & LOT |
| 3/1/96 | | 1110 ASHBURY ST. | 2629/21 |
| PERMIT NO. | ISSUED | (2A) ESTIMATED COST OF JOB | (2B) RECEIVED COST: |
| 788832 | 3.4.96 | \$2,000 | |

CITY APPROVAL NUMBER: 8180 9603521

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

| | | | | | |
|--|---|--|--|------------------------------|---|
| DESCRIPTION OF EXISTING BUILDING | | | | (6A) OCCUP. CLASS | (6B) NO. OF DWELLING UNITS |
| (4A) TYPE OF CONSTR. | (4B) NO. OF STORIES OF OCCUPANCY | (4C) NO. OF BASEMENTS AND CELLARS | (4D) PRESENT USE | R-3 | 1 |
| V-N | 1 | 1 | SFD | | |
| DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION | | | | (6) OCCUP. CLASS | (6) NO. OF DWELLING UNITS |
| (5A) TYPE OF CONSTR. | (5B) NO. OF STORIES OF OCCUPANCY | (5C) NO. OF BASEMENTS AND CELLARS | (5D) PROPOSED USE (LEGAL USE) | R-3 | 1 |
| V-N | 1 | 1 | SFD | | |
| (10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? | (11) WILL STREET SPACE BE USED DURING CONSTRUCTION? | (12) ELECTRICAL WORK TO BE PERFORMED? | (13) PLUMBING WORK TO BE PERFORMED? | YES <input type="checkbox"/> | YES <input checked="" type="checkbox"/> |
| NO <input checked="" type="checkbox"/> | NO <input checked="" type="checkbox"/> | NO <input checked="" type="checkbox"/> | NO <input checked="" type="checkbox"/> | | |
| (14) GENERAL CONTRACTOR | | ADDRESS | PHONE | CALIF. LIC. NO. | EXPIRATION DATE |
| NOT SELECTED | | | | | |
| (15) ARCHITECT OR ENGINEER (CHECK ONE) | | ADDRESS | PHONE FOR CONTACT BY DEPT | | |
| GARY BELK | | 1110 ASHBURY ST., S.F., 94117 | 584-0548 | | |
| (16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFER TO PLANS IF NOT SUPPORTED) | | | | | |
| TO CAP (E) CONC. FOOTINGS FOR ABOUT 12' AND INSTALL NEW FOOTINGS FOR ABOUT 12' AT REAR OF (E) BLDG. | | | | | |

ADDITIONAL INFORMATION - FORM 3 APPLICANTS ONLY

| | | | | | | |
|--|------------------------------|--|--|--|---|------------------------------|
| (17) DOES THIS ALTERATION CREATE ADDITIONAL STORY TO BUILDING? | YES <input type="checkbox"/> | (18) IF (17) IS YES, STATE NEW HEIGHT AT CENTERLINE OF FRONT | (19) DOES THIS ALTERATION CREATE OVER OR HORIZ. EXTENSION TO BUILDING? | YES <input type="checkbox"/> | (20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA | SQ. FT. |
| NO <input checked="" type="checkbox"/> | | | NO <input checked="" type="checkbox"/> | | | |
| (21) WILL WORKMAN OVER SUB-SOFTWALE SPACE BE REPAIRED OR ALTERED? | YES <input type="checkbox"/> | (22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? | YES <input type="checkbox"/> | (23) ANY OTHER EXISTING BLDG. ON LOT? IF YES, SHOW ON PLAN | (24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? | YES <input type="checkbox"/> |
| NO <input checked="" type="checkbox"/> | | NO <input checked="" type="checkbox"/> | NO <input checked="" type="checkbox"/> | NO <input checked="" type="checkbox"/> | NO <input checked="" type="checkbox"/> | |
| (25) ARCHITECT OR ENGINEER (CHECK ONE) | | CONSTRUCTION NO. | | | | |
| DELTA DESIGN | | 965 HOWARD ST., S.F., 94103 | 396333 | | | |
| (26) CONTRACT LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO LENDER IN CONSTRUCTION, ENTER "NONE") | | | | | | |
| N/A | | | | | | |

NOTICE TO APPLICANT

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 8' to any wire containing more than 750 volts. See Sec. 365, California Penal Code.

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

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

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

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

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

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

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

CHECK APPROPRIATE BOX
 OWNER
 ARCHITECT
 ENGINEER
 LESSEE
 AGENT WITH POWER OF ATTORNEY
 CONTRACTOR
 ATTORNEY IN FACT

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 coverage under (I), or (II) designated below or shall indicate item (III), or (IV), or (V), whichever is applicable. If however item (V) is checked item (IV) must be checked as well. Mark the appropriate method of compliance below.

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

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

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

Carrier _____

Policy Number _____

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

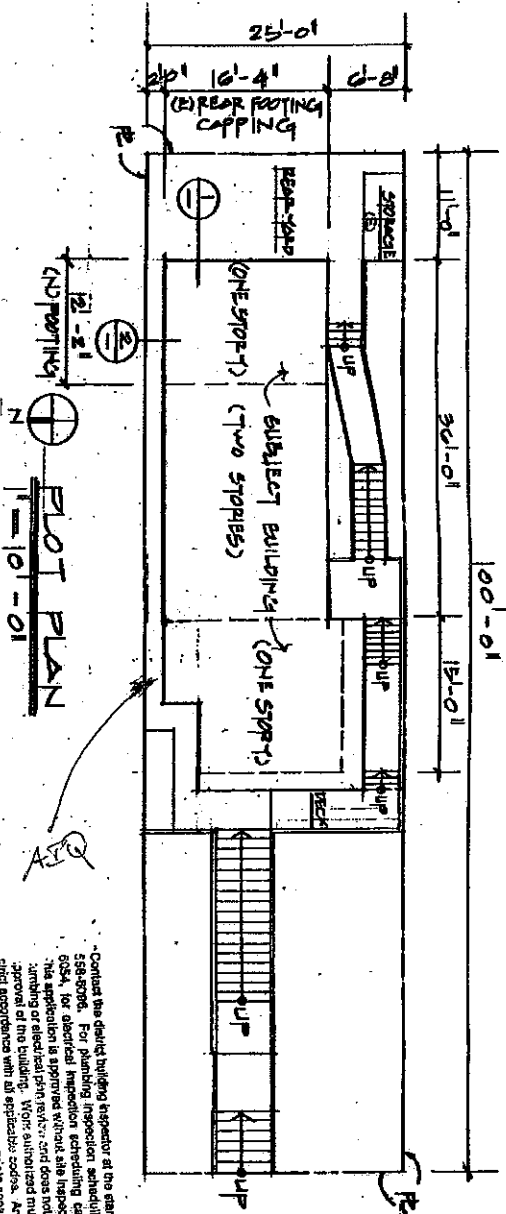
(X) IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers'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

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

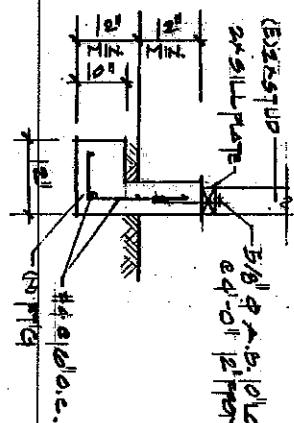
I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERE TO WILL BE COMPLIED WITH.

Signature of Applicant or Agent: [Signature]
Date: 3/1/96

Exhibit D



- NOTES:**
1. CONCRETE: f_c = 2500 PSI
 2. REBARS TO BE ASTM A-615 #4 f_y = 40000 PSI



Contact the district building inspector at the start of work call 556-3386. For planning inspection scheduling call 556-3386. For electrical inspection scheduling call 556-3386. This application is approved without site inspection, provided the building or electrical system does not contain any hazardous materials. Approval of the building. Work authorized must conform to all applicable codes. Any electrical or plumbing work shall require appropriate separate permits.

PROVIDE SMOKE DETECTOR(S) PER SPEC SEC. 1210 (4)

RECEIVED
MAR 01 1995
DEPT. OF BUILDING INSPECTION
DIVISION OF PERMITS AND QUALITY CONTROL

APPROVED
Dept. of Building Insp.
MAR 2 1995

| | | | | |
|---|--|---|---|-------------------------------------|
| <p>DELTA DESIGN & ENGINEERING SYSTEM</p> <p>945 Rowland St. S. F. CA 94133 (415) 495-5155</p> <p>PROJECT TITLE: FOOTING UPGRADE</p> | <p>SHEET TITLE: PLOT PLAN FIG. DETAILS</p> | <p>LOCATION: 1110 ASSEMBLY ST. S. F., CA. Block 2629 LOT 21</p> | <p>ENGINEER: REGISTERED PROFESSIONAL ENGINEER K. R. R. R. EXPIRES DEC. 31, 1997 CIVIL UNESCO CALIF.</p> | <p>JOB NO. 96004 1 10F1</p> |
|---|--|---|---|-------------------------------------|

5215

OFFICIAL COPY

SAN FRANCISCO

Exhibit E

SITE PERMIT

APPROVED
DEPARTMENT OF BUILDING INSPECTION
Dept. of Building Insp.

NOV 15 2005

JUN 03 2005

THIS APPLICATION APPROVED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.

APPROVED FOR ISSUANCE
MAR 18 2006

NOV 08 2005

BLDG. FORM

3/8

APPLICATION NUMBER
2005106109/4458

OSHA APPROVAL REQ'D

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE COUNTER ISSUANCE

2 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.

| | | | |
|-----------------------|---------------------------------|--|--------------------------------|
| DATE FILED 6/9/05 | FILED FEE RECEIPT NO. 315990 | (1) STREET ADDRESS OF JOB 110 ASHBURY ST Bk 2629 LOT 21 | BLOCK & LOT |
| PERMIT NO. 1072462 | ISSUED 11/15/05 | (2A) ESTIMATED COST OF JOB \$50,000 | (2B) REVISED COST: \$60,000 |
| | | BY: JWC | DATE: 10/31/05 |

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

| LEGAL DESCRIPTION OF EXISTING BUILDING | | | | | |
|---|---|--|--|--------------------------|---------------------------------|
| (4A) TYPE OF CONSTR. TYPE V | (5A) NO. OF STORIES OF OCCUPANCY 2 | (6A) NO. OF BASEMENTS AND CELLARS 1 | (7A) PRESENT USE SINGLE FAMILY RESIDENCE | (8A) OCCUP. CLASS R-3 | (9A) NO. OF DWELLING UNITS 1 |
| DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION | | | | | |
| (4) TYPE OF CONSTR. TYPE V | (5) NO. OF STORIES OF OCCUPANCY 2 | (6) NO. OF BASEMENTS AND CELLARS 1 | (7) PROPOSED USE (LEGAL USE) SINGLE FAMILY RESIDENCE | (8) OCCUP. CLASS R-3 | (9) NO. OF DWELLING UNITS 1 |
| (10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? NO <input checked="" type="checkbox"/> | (11) WILL STREET SPACE BE USED DURING CONSTRUCTION? NO <input checked="" type="checkbox"/> | (12) ELECTRICAL WORK TO BE PERFORMED? YES <input checked="" type="checkbox"/> | (13) PLUMBING WORK TO BE PERFORMED? NO <input type="checkbox"/> | | |
| (14) GENERAL CONTRACTOR TBD | ADDRESS | ZIP | PHONE | CALIF. LIC. NO. | EXPIRATION DATE |

| | | | | |
|---|------------------------|--------------|-------|--|
| (15) OWNER (CROSS OUT ONE) GREG SCOTT HOWARD CUMMINGS | ADDRESS 110 ASHBURY | ZIP 94117 | BTRC# | PHONE (FOR CONTACT BY DEPT.) 415-981-9770 |
|---|------------------------|--------------|-------|--|

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

(N) MASTER BATHROOM: RELOCATION OF KITCHEN / LIVING RM.
 (N) DOORS AT REAR & SIDE. (N) FRNT DOOR LEADING TO (N) BED'G AT STREET. REMOVAL OF FIREPLACE ROUTE TO MAJOR.

*PERMIT TO BE REVIEWED WITH NEW BLDG SUBMITTAL.

ADDITIONAL INFORMATION

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

| | | |
|---|------------------------------|-----------------------------------|
| (25) ARCHITECT OR ENGINEER (DESIGN <input checked="" type="checkbox"/> CONSTRUCTION <input type="checkbox"/> (KAVA MASSIH) ARCHITECTS | ADDRESS 95 FEDERAL ST. CA | CALIF. CERTIFICATE NO. C-24015 |
| (26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN") 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 OR THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

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

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

CHECK APPROPRIATE BOX

OWNER ARCHITECT
 LESSEE AGENT
 CONTRACTOR ENGINEER

APPLICANT'S CERTIFICATION

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

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 3900 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:

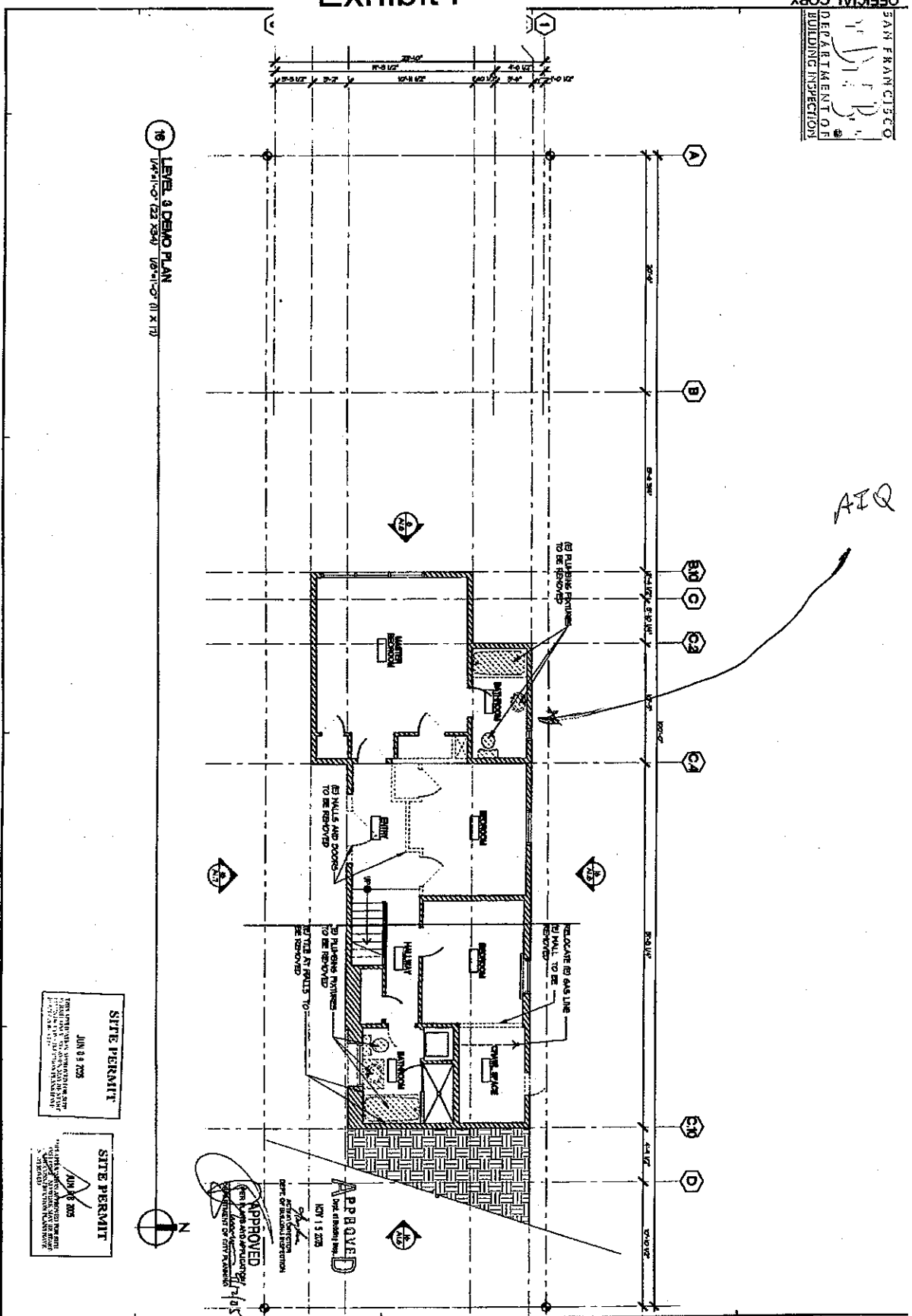
- () I. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- () II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier _____
Policy Number _____
- () III. The cost of the work to be done is \$100 or less.
- () IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent

02 JUN 05
Date

ORIGINAL

Exhibit F



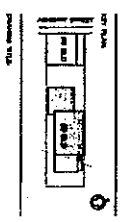
10 LEVEL 3 DEMO PLAN
 UPR-110 (22 MS) UPR-110 (11 X 17)

SITE PERMIT
 JUN 03 2005
 THE CITY OF SAN FRANCISCO
 DEPARTMENT OF BUILDING INSPECTION

SITE PERMIT
 JUN 03 2005
 THE CITY OF SAN FRANCISCO
 DEPARTMENT OF BUILDING INSPECTION

APPROVED
 MAY 13 2005
 DEPT. OF BUILDING INSPECTION
 APPROVED BY: [Signature]
 SUPERVISOR OF CITY ENGINEERS

LEVEL 3 DEMO PLAN
 PROJECT NO. 02 JUN 05
 SCALE AS NOTED
AI30



1110 ASHBURY
 110 ASHBURY STREET
 SAN FRANCISCO, CALIFORNIA 94102
 FOR HOWARD CHIPPINGS / OREGON SCOTT

NOT FOR CONSTRUCTION!
SITE PERMIT ALTERATION PERMIT
 PERMIT ESSENTIAL

CONTACT:
 Jay Van Londen Associates
 3020 16th Ave
 San Francisco, CA 94107
 415.398.1100

DERELEY, SAN FRANCISCO
 KARA MERRISH ARCHITECTS
 1000 CALIFORNIA ST
 SAN FRANCISCO, CA 94107
 415.398.1100



Exhibit 10

Issue #2: The project sponsor is proposing a design that attempts to minimally impact the light to windows that face the proposed project. This was done by providing setbacks and articulation at the north side of the proposed addition. On the first floor, the proposed addition was notched back 4 x 12 feet from the property line along the DR Requestor's light well. On the second floor, the proposed addition was set back 4 feet from the property line and continuing all the way back to the existing structure. On the third floor, the proposed addition was setback 5 feet from the property line, continuing all the way back to the existing structure. The project's setbacks were designed to minimize the impact of shadow and light reduction to the DR requestor's windows and yard. Finally, the project will remove the existing fence that is currently 4 feet from the DR requestor's kitchen window in an attempt to allow for additional light.

Issue #3: The project sponsor is proposing a design that has open space and is not 100% full lot coverage. In addition, the project sponsor is designing a project that will create and unify a strong building wall by building along the front of the lot.

Issue #4: The project sponsor did not comment on issue #4.

Issue #5: The project sponsor believes that the addition in question is done with proper permits. The project sponsor has provided documentation, including a foundation permit approved by DBI Application number 09603527, which shows the entire front addition. The project sponsor has submitted other permit history as well. Please see Project Sponsor Submittals for further information.

Reference the *Response to Discretionary Review* for additional information. The *Response to Discretionary Review* is an attached document.

PROJECT ANALYSIS

The proposed project would result in a 3,917 square-foot, 4-bedroom single-family residence, which would expand the existing structure into a larger single-family residence. This proposed project would be three stories over a garage on the majority of the lot. There is no building expansion in the required rear yard. The third story has been set back 15 feet from the front property line to not impact the street with excessive building height. The new structure would also include a two-car garage. Due to the topography of the project site, the proposed garage and first levels would be fully above grade along the front of the building but would be below-grade along the rear of the building. Per Planning Code Section 135, the usable open space requirements for 1 dwelling unit in RH-2 if private is 125 square feet. The project currently has 275 square feet of code complying open space in the rear of the building as well as 375 square feet located on the roof deck above the 2nd floor.

The project proposes side notching at the property line to the north, which should be reviewed closely in relationship with the existing building envelope. On the first floor, the proposed addition will be notched back 4 x 12 feet from the property line along the DR Requestor's yard. The roof of the garage would be below this 1st floor notch. On the second floor, the proposed addition will be set back 4 feet from the property line and continuing all the way back to the existing structure. This notching would result in portions of the roof of the garage and roof of the 1st floor to be exposed. On the third floor, the proposed addition is proposed to be setback 5 feet from the property line, continuing all the way back to the

existing structure. Again, below the third floor setback, portions of the roof of the garage and both the first and second floors roofs would be exposed. This is illustrated on the proposed floor plans and through the enclosed renderings provided by the project sponsor.

Due to the unusual circumstances that the existing building is a noncomplying structure within the required rear yard, the project does not build within the required rear yard. As such the existing pattern of mid-block open space will not be affected by this project.

The proposed building also complies with the height requirements of the Planning Code. In addition, based on shadow studies provided by the project sponsor, the project will not result in substantial negative impacts on light to the adjacent properties. In an attempt to further reduce any impacts to light and shadow to the property to the north, the building provides various setbacks at the site of the property's rear side setback. In addition, the project's adjacent neighbor to the south has an approved building permit 2013.09.12.6591 for infill of their light well; therefore the building expansion will not have impacts on light to 1112 Ashbury Street.

It was brought to the Department's attention, that part of the front portion of the building may not have been constructed without the permit getting reviewed through the Planning Department. The front portion in question is the bathroom (5 feet by 10 feet) that is located on the 1st floor as shown on Sheet A-1.02 and A-2.01. This issue along with permit history has been reviewed by the Zoning Administrator who has determined that the permit history is inconclusive and thus the existing permit will include legalizing this addition. This portion of the building was also brought back to review through the Residential Design Team, which approved the bathroom addition in context of the Residential Design Guidelines. Department staff has requested all available building permit history from DBI and can be submitted by request.

Furthermore, the DR requestor is concerned that the project does not comply with an existing interpretation of Sections 134 and 135 (Effective date 3/2010) which states:

The existence of a building within the rear yard could allow for expansion within the buildable area that would result in excessive overall lot coverage, up to 100 percent. This is contrary to the General Plan and the principles of the Planning Code with respect to lot coverage. In such cases, the Zoning Administrator shall require open space to be provided elsewhere on the site. The requirement would be based on established patterns of adjacent development and would be equivalent to the area that would otherwise be provided by a rear yard equal to 25% of lot depth or 15 feet times rear lot width, whichever is greater. In order to count towards the standard, the space would have to meet the minimum dimension requirements for open space of Section 135(f). The Zoning Administrator shall consider lot coverage which does not meet these requirements on a case by case basis and may approve them administratively, or require a variance.

The Zoning Administrator has reviewed this project and determined that the project meets the requirements of this interpretation. The amount of open space required per this code interpretation would be 375 square feet (15 times rear lot width of 25 feet). The project complies with the minimum dimension requirements of Section 135(f). The roof deck provided on the 2nd floor is approximately 375 square feet with dimensions of 25 by 15 feet and the open space in the rear yard is approximately 275 square feet with dimensions of approximately 25 x 11 feet. Therefore, the total amount of open space is

meets the requirement of Section 135 (f). Finally, it should be noted, that within the current code, there is no lot coverage controls in RH Districts, as lot coverage is maintained through setbacks.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301(e)(2)).

RESIDENTIAL DESIGN TEAM REVIEW

While this project is unique due to grade and much of the existing building is set back in the rear of the lot, the Department has determined that with the existing tools of our Residential Design Guidelines and Zoning, the proposed dwelling's form and scale are designed to be compatible with neighborhood character and for the site. The proposed building's scale and form at the front building wall is compatible with that of the surrounding buildings. The two adjacent properties are both three stories and the building's top floor (4th floor) will be setback 15-feet from the front building wall to maintain the existing scale at the street. By making these modifications, the visibility of the upper floor (4th floor) is limited from the street, and the upper floor appears subordinate to the primary façade.

In addition, the Residential Design Team (RDT) reviewed the project on December 11, 2013 upon receipt of the Discretionary Review application in regards to the DR requestor's concerns. The team determined that the proposed side setback is sufficient with regard to the residential design guidelines as the project provides continued light and air access via a side setback similar to a matching lightwell. In addition, the RDT found that the upper story appears appropriate per the guidelines as a side setback is provided against the rear yard of the DR requestor and the depth of the addition is approximately at the same depth as the adjacent building to the south. RDT did find that there are exceptional and extraordinary circumstances to the project since the existing building is a noncomplying structure within the rear yard and the topography of the site and thus warrants a full analysis.

Under the Commission's pending DR Reform Legislation, this project would be referred to the Commission, as this project involves exceptional and extraordinary circumstances.

BASIS FOR RECOMMENDATION

- The project complies with the Planning Code, in particular Planning Code Interpretation 134+135. The proposed addition is within the buildable area and meets all applicable sections of the code including open space and building height.
- The project complies with the Residential Design Guidelines as determined by the Residential Design Team. The project provides adequate side spacing to the adjacent property to the north of various levels of the dwelling unit and finally unifies the building wall on Ashbury Street.

| |
|---|
| RECOMMENDATION: Do not take DR and approve the project as proposed. |
|---|

Exhibit 11

Existing June 21st at 12pm



Proposed June 21st at 12pm



Conclusion: Proposed construction has a minimum to no impact on adjacent lot in June 21st at noon.

Existing June 21st at 2:00pm



Proposed June 21st at 2:00pm



Conclusion: Proposed construction has a minimum to no impact on adjacent lot on June 21st at 2pm.
Note: adjacent building casting shadow on own yard.

Existing December 20th at 12pm



Proposed December 20th at 12pm



Conclusion: Proposed construction has a minimum to no impact on adjacent lot in December 20th at noon.

Existing December 20th at 2pm

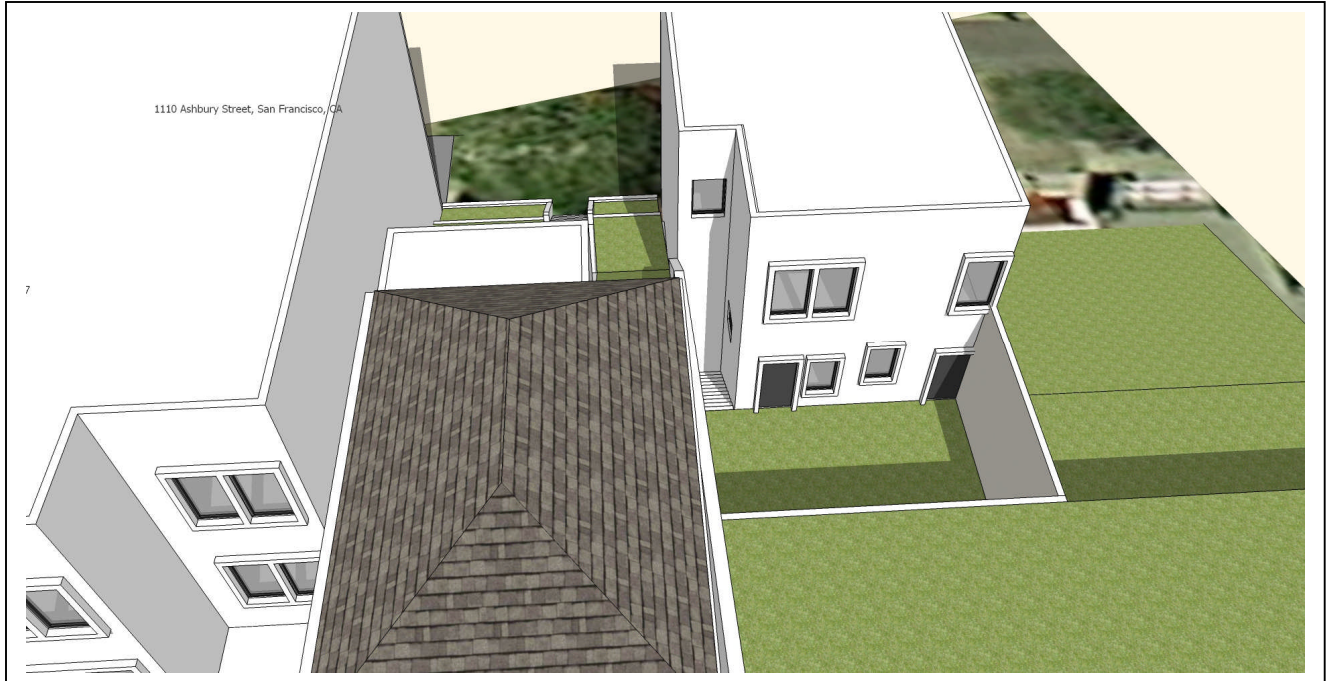


Proposed December 20th at 2pm



Conclusion: Proposed construction has a minimum to no impact on adjacent lot on December 20th at 2pm.

Existing June 21st at 9am

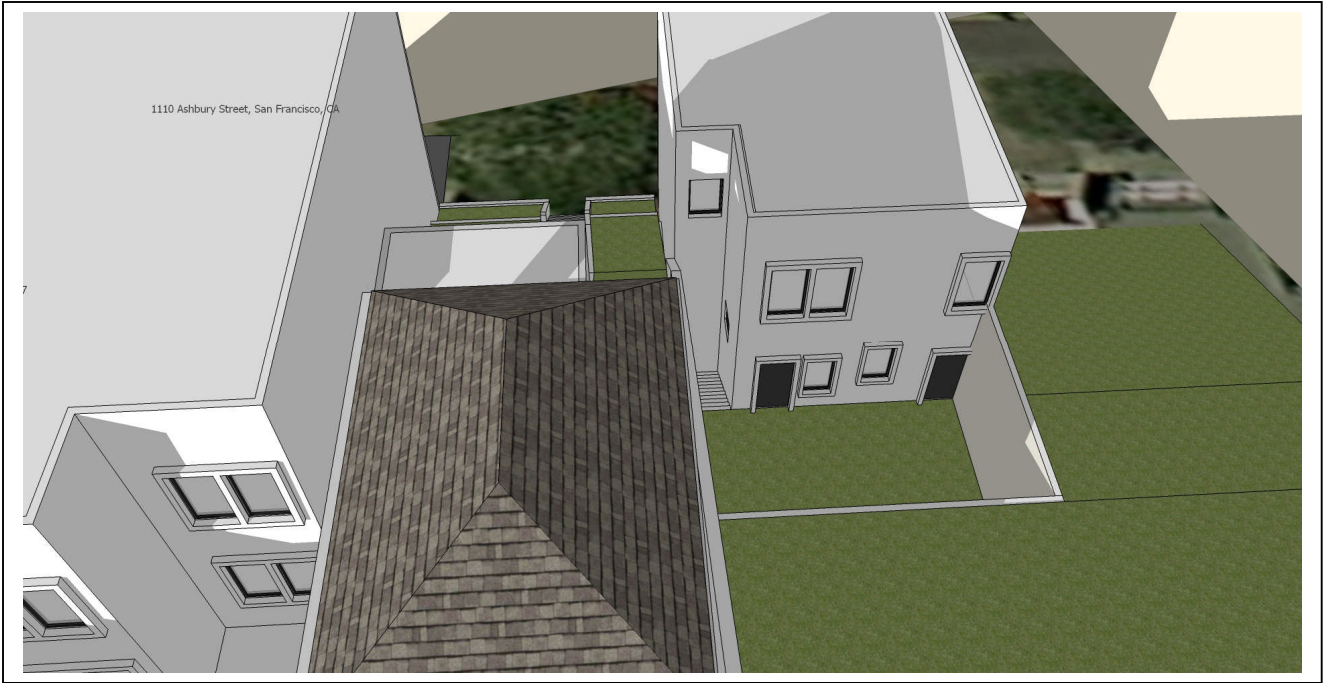


Proposed June 21st at 9am



Conclusion: Proposed construction has no impact on adjacent lot on June 21st at 9am.

Existing December 20th at 9am



Proposed December 20th at 9am

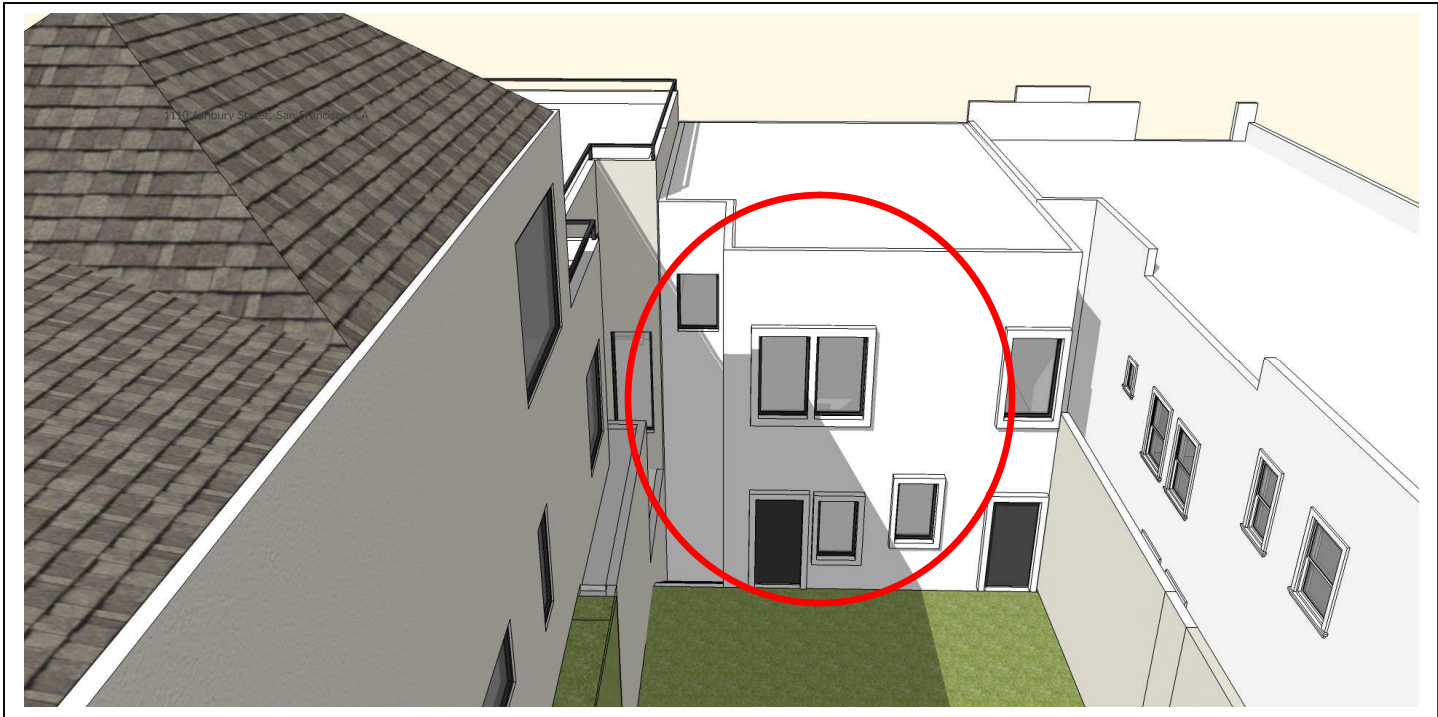


Conclusion: Proposed construction has a minimum to no impact on adjacent lot on December 20th at 9am.

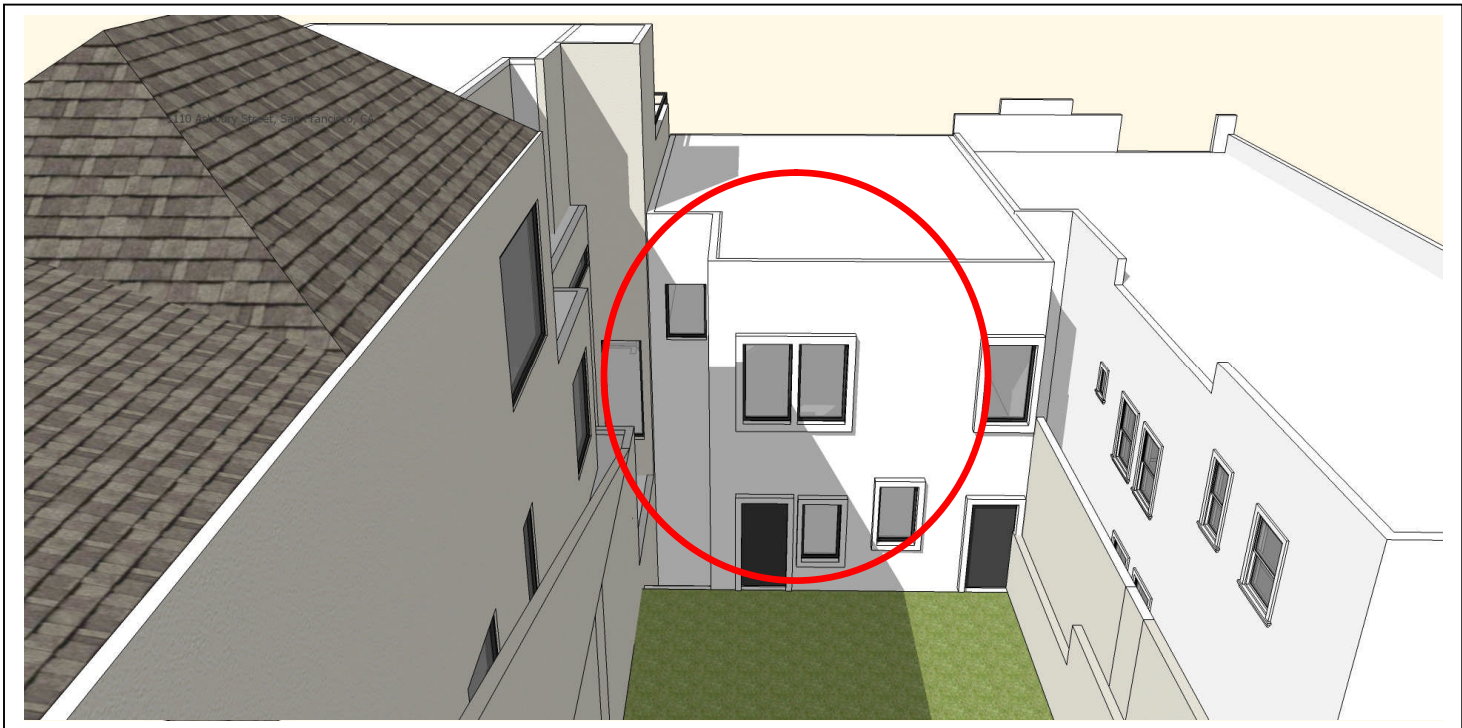
Exhibit 12

September 23 at 10AM

No Front Addition

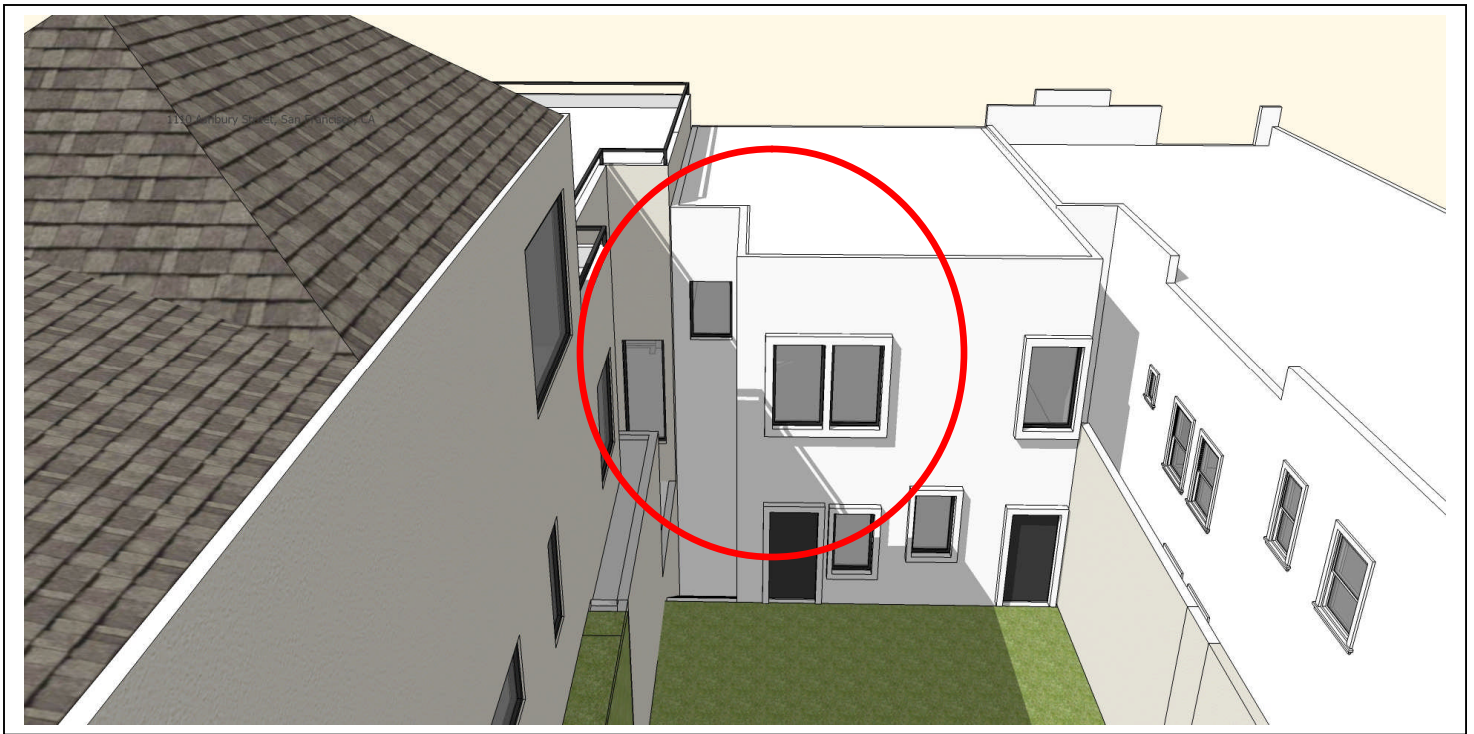


7 Foot Setback

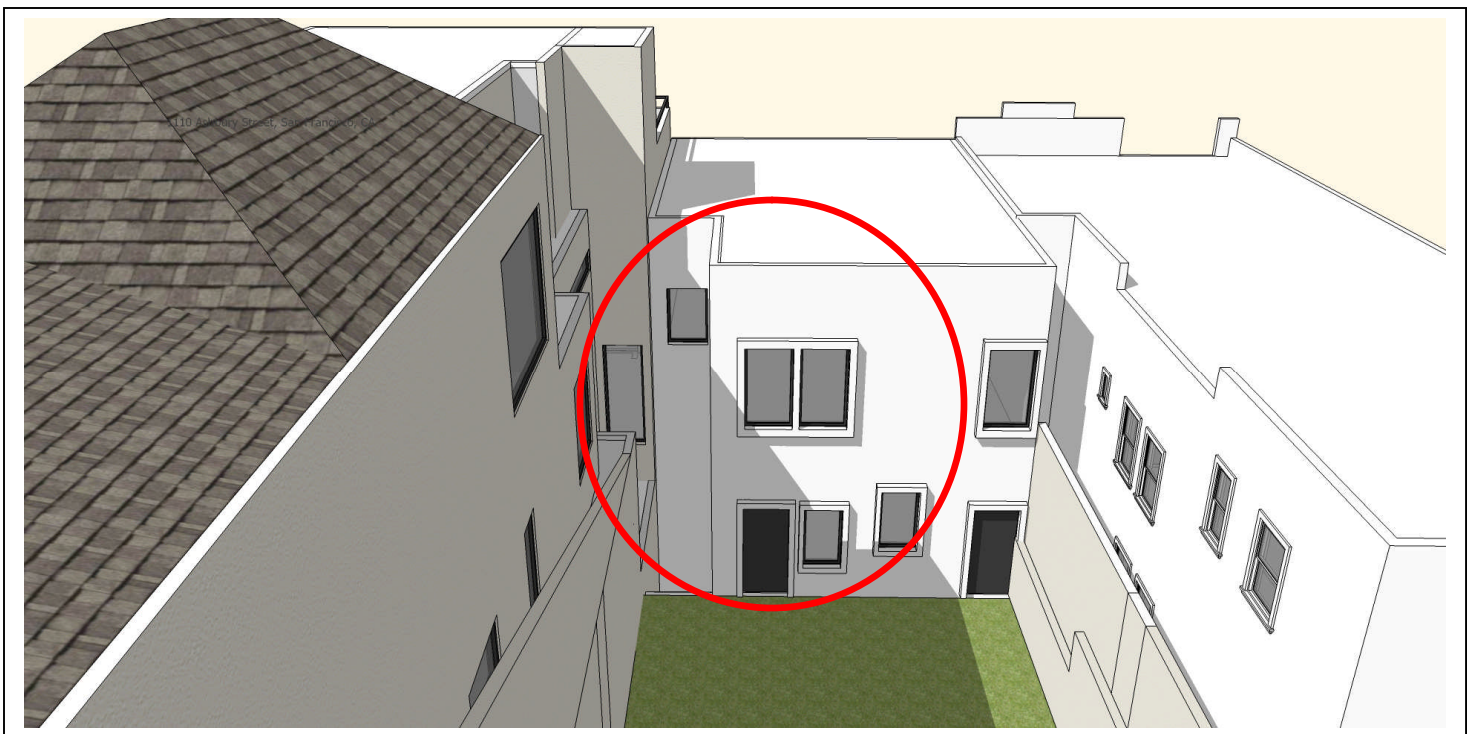


September 23 at 11AM

No Front Addition

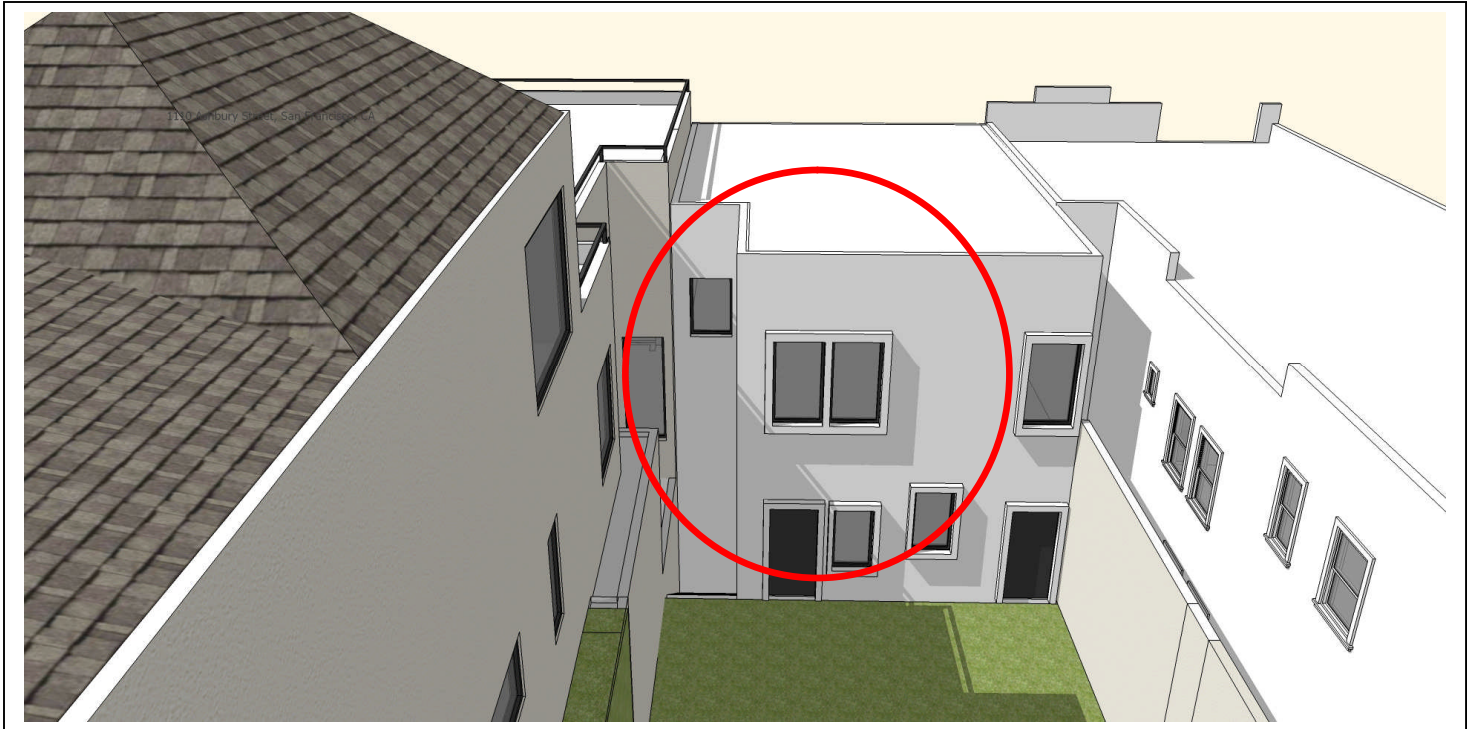


7 Foot Setback

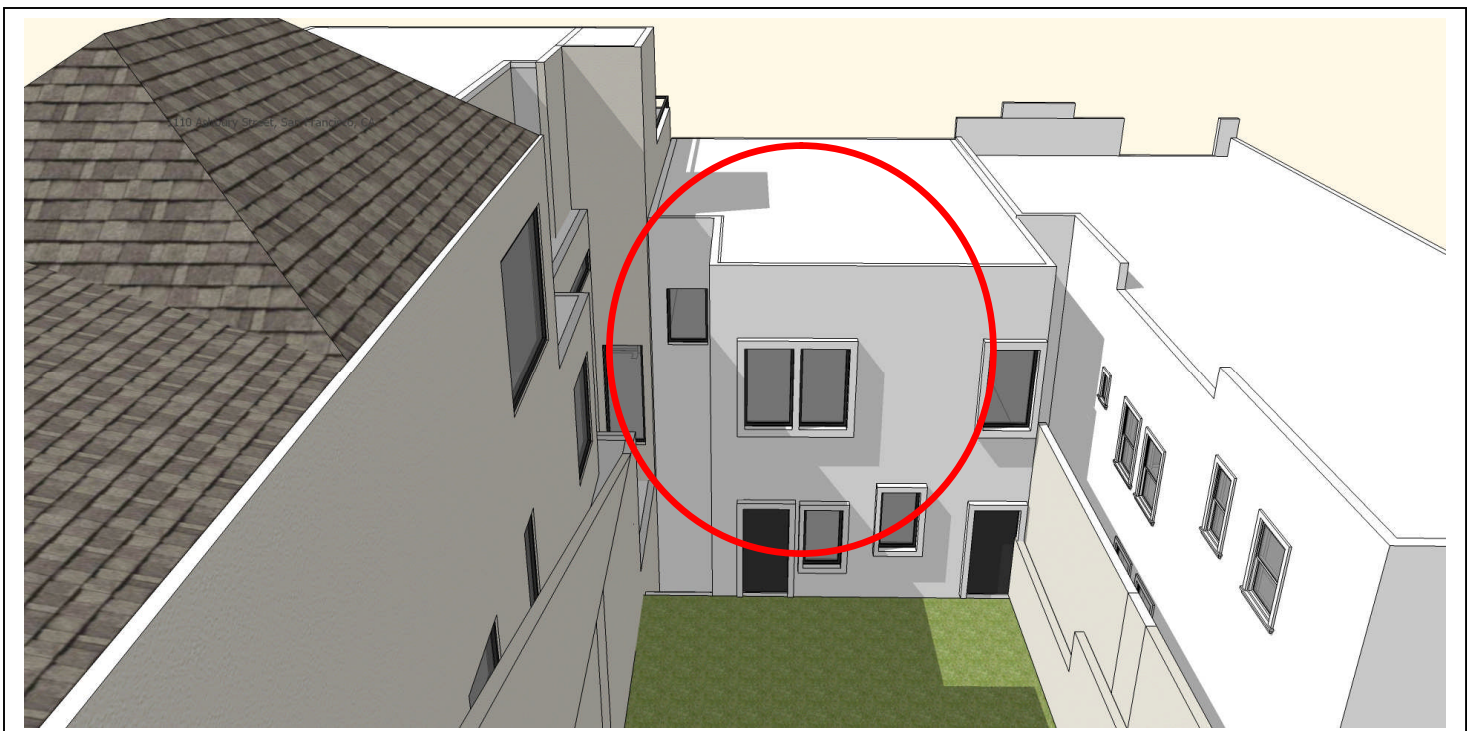


September 23 at 12PM

No Front Addition

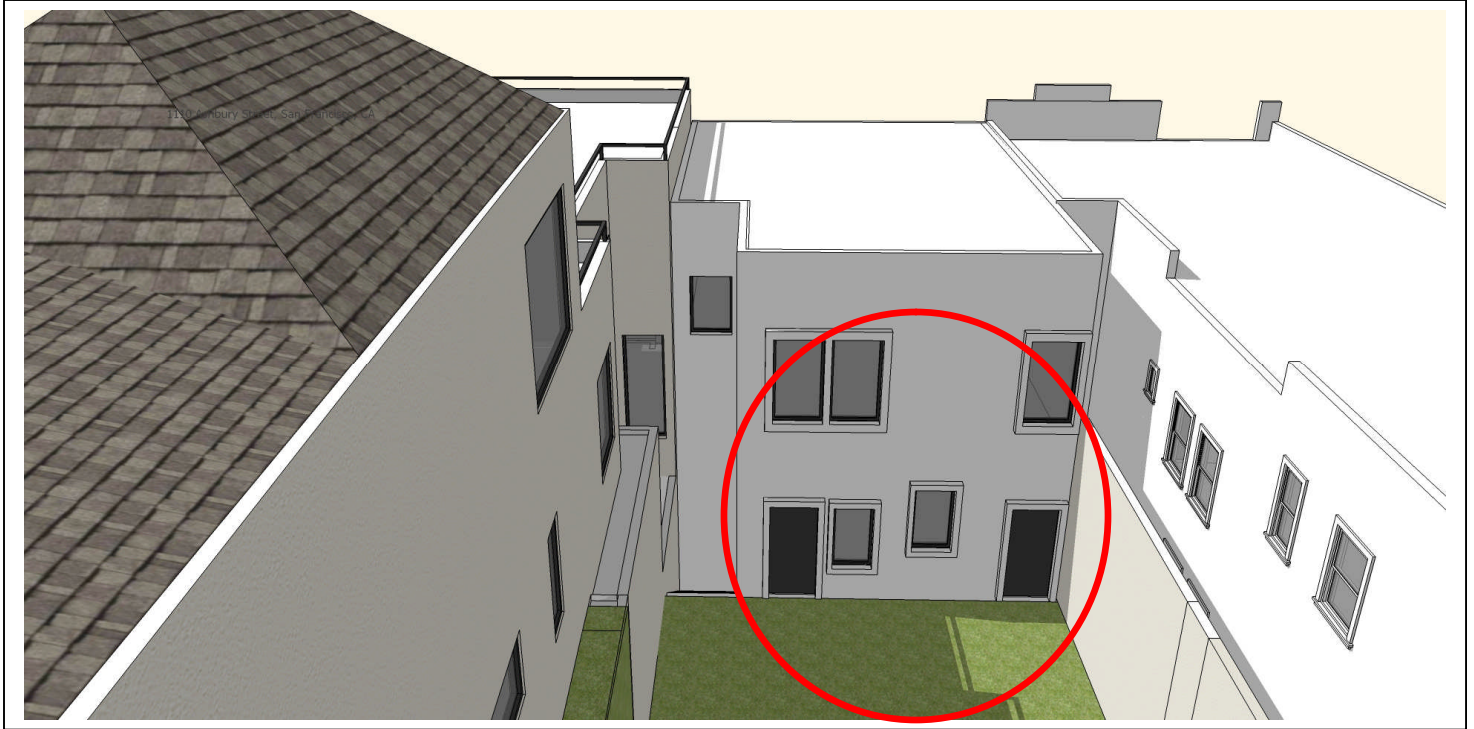


7 Foot Setback



September 23 at 1PM

No Front Addition



7 Foot Setback

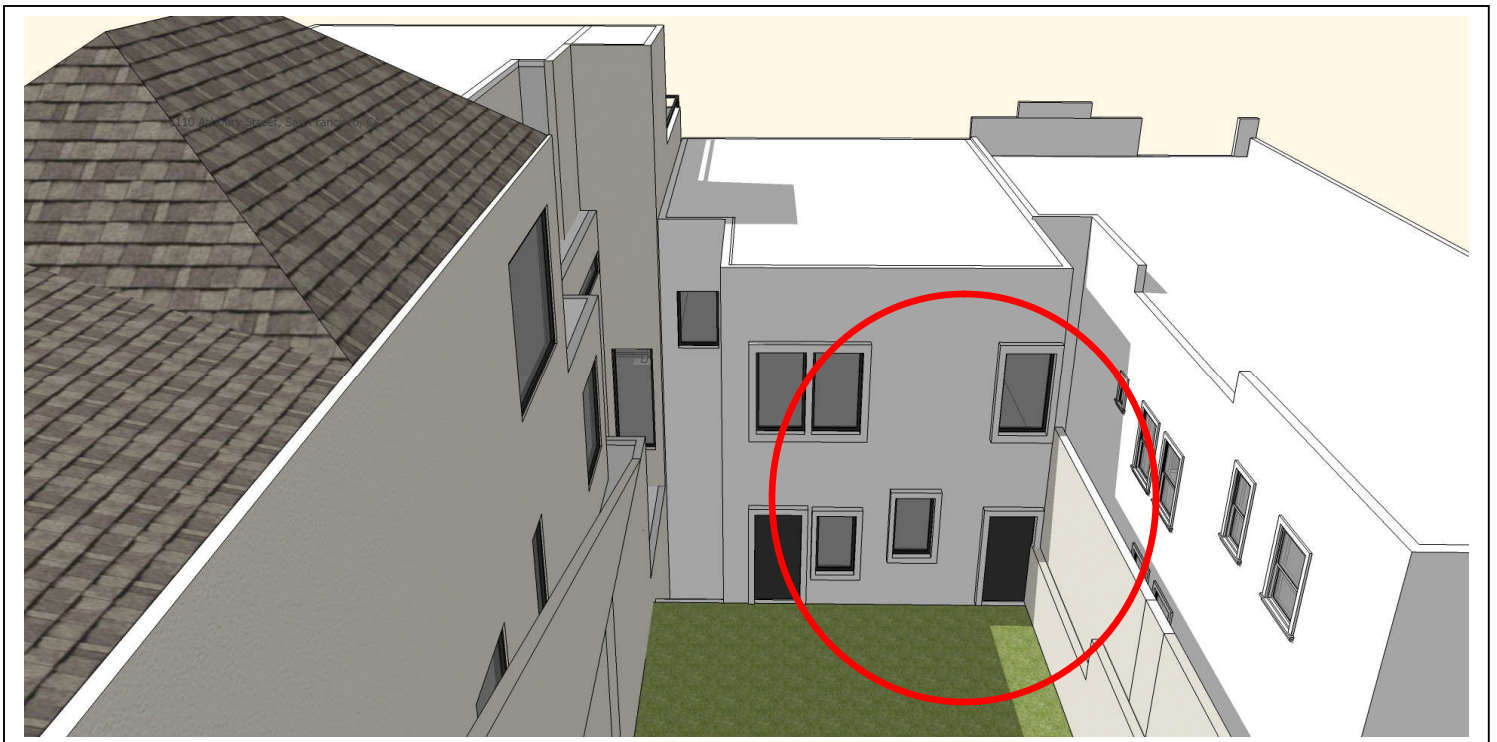


Exhibit 13

Exhibit 14

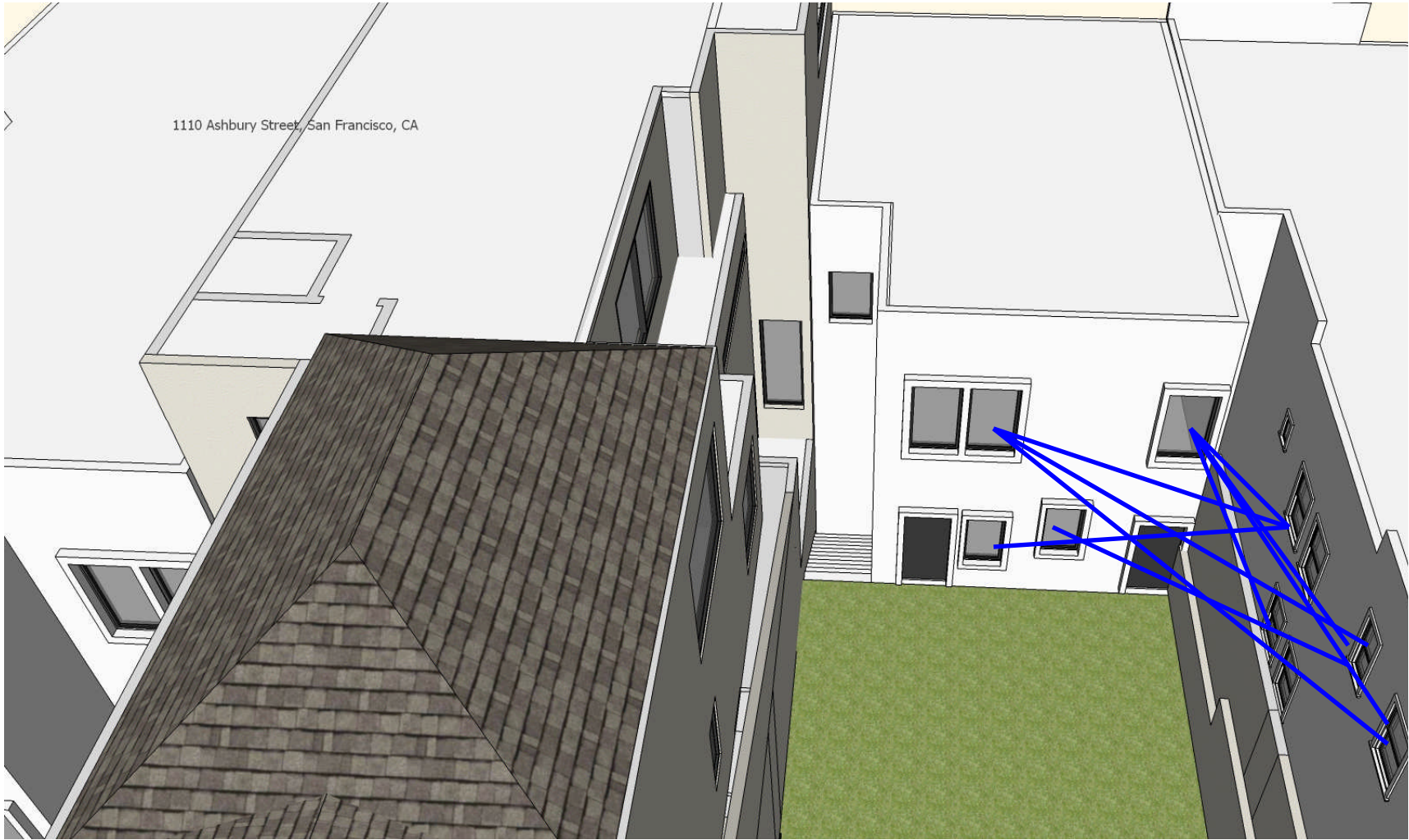


Exhibit 14

Excerpts of Zoning Administrator Scott Sanchez's testimony regarding the Project's compliance with the Section 134/135 Interpretation from the Planning Commission meeting hearing on May 1, 2014.

“Section 134 requires a rear yard for the subject property. That is clear. That is explicit in the Code. The construction that is being done is not within the required rear yard. So while this would result in a building that does have quite a bit of lot coverage, if not full lot coverage, it would comply with the requirements in the code. Acknowledging this Mr. Passmore developed an interpretation going back to the 80s or 90's and it's actually more restrictive than what the Code provides for. **It was last revised in March of 2010, by my predecessor, so it has been revised over the years, and currently it allows you to count areas that meet the requirements of section 135 for open space.** That includes area that are at grade and also area on **decks and balconies.** And that can count towards the area that the interpretation would like for you to provide as useable open space. And so the interpretation does say that the Zoning Administrator should require open space elsewhere on the lot and it does not specify exactly where. It does say it should be in a pattern that is that of the adjacent properties. I would note that DR requester in this case, proposed an alternative, and based upon my review of their alternative; it would not meet with their own interpretation of this interpretation, because it does not actually provide an additional rear yard...it would not comply with their own interpretation of this Code provision.

Things have developed over the years. Certainly in the past, and today the Code seeks to bring buildings in confirmatory with the current Code requirements, which in this case, they could do if they demolished some or much of the existing building. Then that would trigger a section 317 requirement, so while it might be more conforming with the Code requirement for the rear yard, there may be a potential lose of a dwelling unit with regards to section 317, which did not exist at the time when this interpretation originally drafted. And the interpretation does explicitly states that when it does not comply with the interpretation, that the Zoning Administrator can review that on a case by case basis, and determine if it is appropriate, or require a variance. **So even if it does not meet the interpretation, and I believe that based upon the facts here, based upon the amount of open space that they are providing, that it meets the interpretation. That even if they do not meet the interpretation, the Zoning Administrator can still say that a variance is not required...**

That was a lot of information there. Hopefully it was as clear as possible. But, in summery, **we do believe it complies with the rear yard requirement...**”

See S. Sanchez Testimony on May 1, 2014, at 5:45 on the video available at http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=20172&meta_id=389788.

Exhibit 15

March 25, 2014

Jessica Look
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Look,

I am writing to you in regards to 1110 Ashbury Street in San Francisco, permit number 2013.04.05.3911. While we are accepting of the project, as proposed, we would be opposed to any change in the plans that result in an increase in the height or massing of the existing structure, which is already built into what would normally be the rear yard open space. Furthermore, we do feel strongly that the proposed project is out of scale with the neighborhood, however, we are willing to put up with it as long as there is no increase in height or bulk at the rear of the property.

When the original plans were proposed in March of 2013, I met with Ty Bash, the owner of 1110 Ashbury Street outside his home on March 21 for a neighborhood-planning meeting. During that meeting Ty specified that the work being done would be in the front of the home with no height adjustment being made in the rear. Ty noted that the height would be adjusted to 31 feet, six inches at the front with no changes to the rear. As long as that continues to be the plan, we accept the project. If the new vertical 1-story addition with roof deck is in the rear of the property we would like to discuss this further as we believe it will be inconsistent with the adjacent homes and the overall neighborhood. Also, we are raising our family immediately behind, to the east, of 1110 Ashbury, we are weary of any height adjustments that could affect light in our yard as well as our overall view.

Please do not hesitate to contact me with questions or concerns.

Thank you for your time,
Stacy Perry
Resident of 365 Upper Terrace, San Francisco
415-786-4873

Received 6.12.013

2013.04.05.3911

June 7, 2013

Jessica Look
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

RE: Addition at 1110 Ashbury.

Dear Ms. Look,

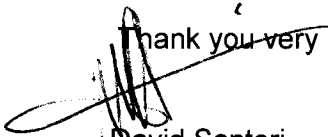
My name is David Santori, and I am the owner and resident of 1112 Ashbury and have been for many years now.

In January of 2013, Ty Bash and his wife Molly acquired the property next door at 1110 and have met with us, on several occasions, to discuss ideas of expanding their residence.

My wife and I wholeheartedly support the planned expansion of 1110 Ashbury, and specifically their proposal to build the property along our lightwell. Back in 2007, my brother, who is the owner of the unit below us, obtained a permit to infill the north facing lightwell in his unit. Since then, my wife and I have been planning on doing the same. If the City were to require the expansion at 1110 to match our lightwell, we will lose our ability to infill ours.

We respectfully request that the planning department allow the proposed expansion at 1110 to build their building to the property line, along our lightwell, rather than match it, so we will be able to infill our lightwell, an action we plan to take in the near future.

Thank you very much for your consideration.



David Santori
1112 Ashbury
San Francisco, CA 94117

Subject: 1110 Ashbury Street

From: Chris Durkin (cfdurkin@gmail.com)

To: jessica.look@sfgov.org; tybash@yahoo.com;

Date: Wednesday, April 2, 2014 8:41 PM

Hi Jessica

I hope you are well. I'm writing to let you know that I own property at 1055 Ashbury which is just across and down the street from 1110 Ashbury. I'm very familiar with the block pattern and street scape. I would like to formally support the proposed project at 1110 Ashbury St, I have reviewed the plans and believe this project will make a substantial improvement to the existing street scape. The massing and overall scale fit in very well given the existing context.

Thank you.

Chris Durkin

Subject: 1110 Ashbury
From: Charles Knappick (ccknappick@yahoo.com)
To: jessica.look@sfgov.org;
Cc: tybash@yahoo.com;
Date: Wednesday, April 2, 2014 7:15 PM

Begin forwarded message:

April 2, 2014

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Ms. Look,

My wife and I were horrified and angered to receive a ring at our intercom yesterday evening from a neighbor claiming to live next door to the proposed addition at 1110 Ashbury, in opposition to it. This rickety old house has been an eyesore for years and we are very pleased that someone with vision is willing to invest his hard earned money to improve it and make it a wonderful home.

My wife and I have reviewed the plans, and would like to voice my full support for the project. I wish I could attend tomorrow's hearing and voice my support in person, but I am unfortunately unable.

Please feel free to contact me with questions,

Charlie Knappick
1176 Clayton

Subject: 1110 Ashbury Discretionary Review, Case# 2013.0314D

From: Kirk Scott (kirk@kirk.com)

To: jessica.look@sfgov.org; tybash@yahoo.com;

Date: Monday, May 5, 2014 8:53 AM

Dear Planning Department and Planning Commission,

I was unable to attend the DR Hearing for the proposed addition at 1110 Ashbury Street, but I am writing today in support of the project as approved by the Department.

The subject of the DR is the impact of the proposed addition on the DR Requestor's rear yard and rear kitchen window, based on the Residential Design Guideline to "Provide shared light wells to provide more light to both properties." It is customary for these setbacks to match (generally 3' from the property line).

From my review of the plans and the testimony provided at the hearing, the project sponsor has more than met that obligation by providing a stepped light well at 4' from the property line, and increasing to 5' at the upper floor. This unusually generous setback should be more than adequate to preserve light and air to the DR Requestor's rear yard.

Since the Commission has not taken action on this matter yet, I would request that you convey my support of the project to them.

- Kirk Scott
293 Downey St, SF, CA 94117

kirk@kirk.com
415-577-1095

Dear neighbor,

My name is Ty Bash and I am the owner of 1110 Ashbury.

Unfortunately, in 2010 I was diagnosed with a form of muscular dystrophy. For the past 14 months I have been working with the Planning Department to approve an addition to my home that would accommodate my disability. In October of last year, the Planning Department recommended its approval.

Since then, Michelle Meyers, my next door neighbor at 1100 Ashbury has done everything in her power to keep me from building the addition and finally moving into my home.

As a neighbor, I am asking for your help.

By signing below, I provide my support for the addition at 1110 to be approved as recommended by the Planning Department.

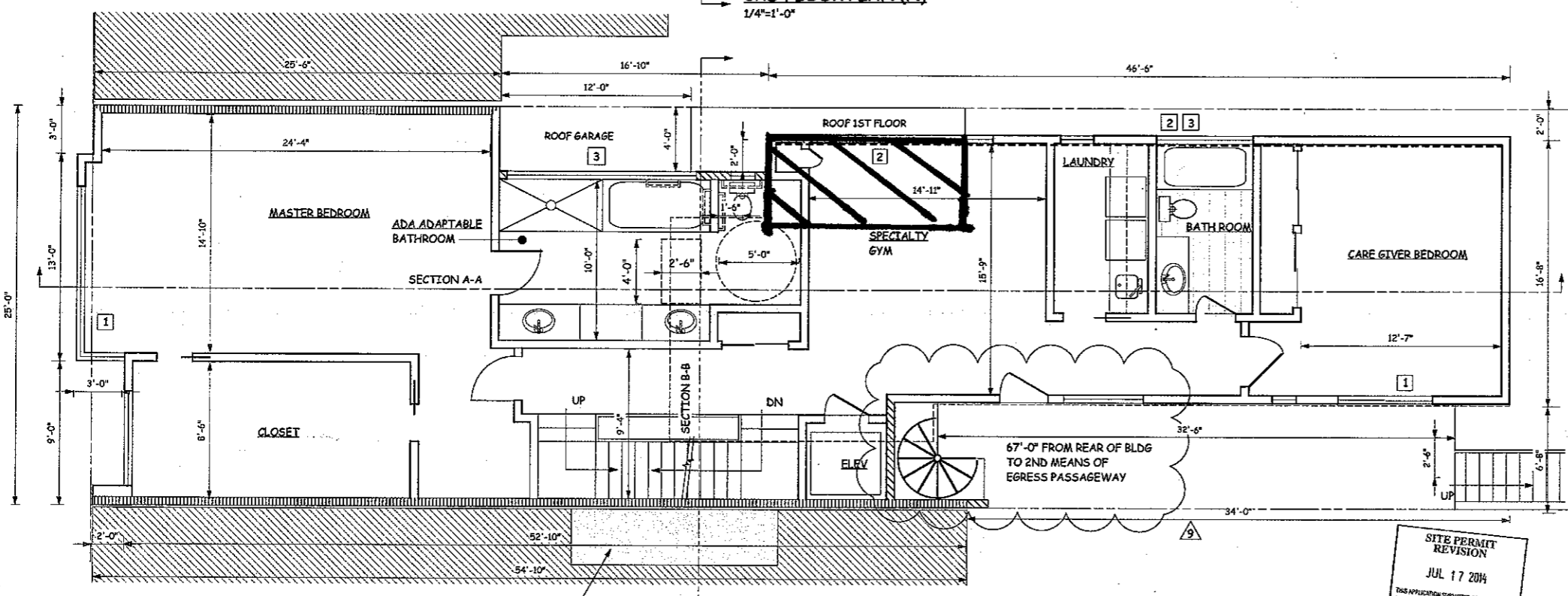
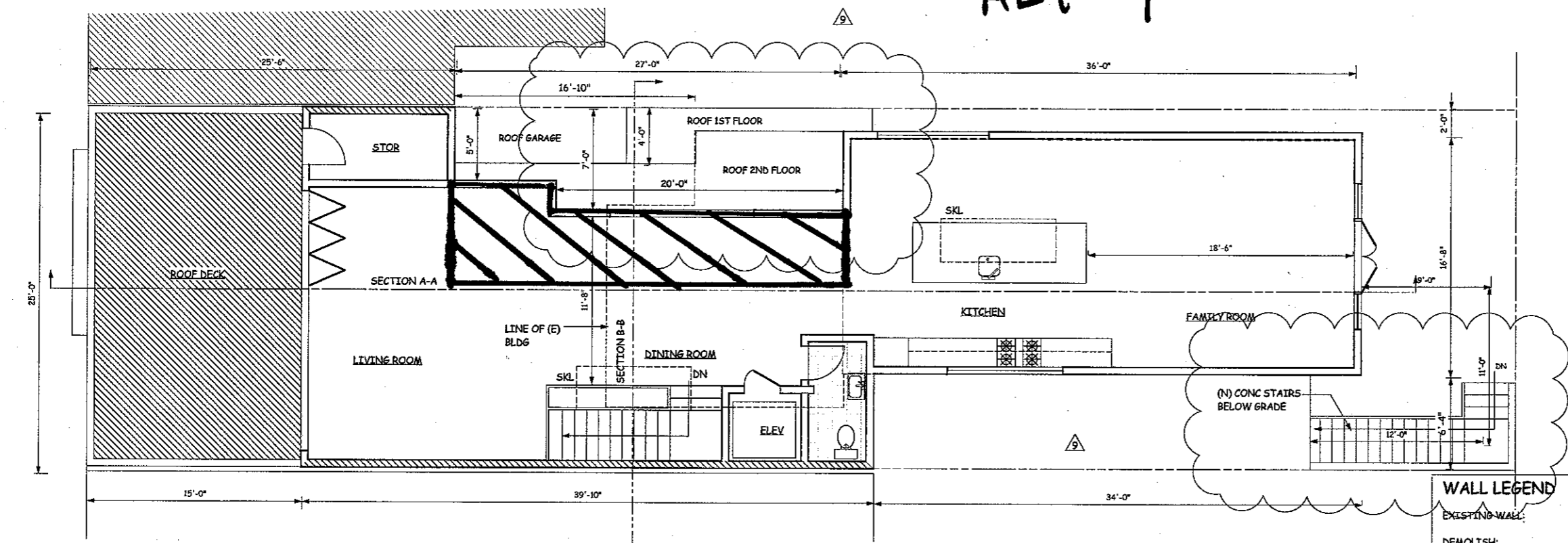
| | |
|---|-------------------------------------|
| Address <u>1079 Ashbury St</u> | Signature <u>[Signature]</u> |
| Address <u>1081 B Ashbury St.</u> | Signature <u>[Signature]</u> |
| Address <u>1056 Ashbury St</u> | Signature <u>[Signature]</u> |
| Address <u>1056 Ashbury St.</u> | Signature <u>[Signature]</u> |
| Address <u>1056 Ashbury St</u> | Signature <u>[Signature]</u> |
| Address <u>1026 Clayton St</u> | Signature <u>[Signature]</u> |
| Address <u>293 Downey St</u> | Signature <u>[Signature]</u> |
| Address <u>1053 B Clayton</u> | Signature <u>[Signature]</u> |
| Address <u>1136 Clayton</u> | Signature <u>[Signature]</u> |
| Address <u>1135 Clayton St.</u> | Signature <u>[Signature]</u> |
| Address <u>1176 Clayton St</u> | Signature <u>[Signature]</u> |
| Address <u>1176 Clayton St</u> | Signature <u>[Signature]</u> |
| Address <u>1178 Clayton St.</u> | Signature <u>[Signature]</u> |
| Address <u>1051 Ashbury</u> | Signature <u>[Signature]</u> 5/4/14 |
| Address <u>1043 Clayton St</u> | Signature <u>[Signature]</u> |

Exhibit 16

ALT-1

WILLIAM PASHELINSKY ARCHITECT
 1837 HAYES STREET
 SAN FRANCISCO, CA 94117
 415 378 3876

ALTERATIONS
 1113 ASHURY STREET
 SAN FRANCISCO, CA



WALL LEGEND

| | |
|---|--|
| EXISTING WALL: | |
| DEMOLISH: | |
| EXISTING EXT WALL TO BE FIRE RATED: 5/8 TYPE X GYP BD AS INDICATED | |
| NEW INTERIOR 1 HR WALL: FIRE RATED 5/8 TYPE X GYP BD EA SIDE 3 X4 WOOD STUDS @ 16" O.C. U.O.N. | |
| NEW EXTERIOR 1 HR WALL: WD SIDING OVER BLDG PAPER OVER FIRE RATED 5/8 TYPE X GYP BD EA SIDE 2 X4 (MIN) WOOD STUDS @ 16" O.C. U.O.N. | |
| NEW EXTERIOR 1 HR BLIND WALL: P.T. PLYWOOD WD OVER BLDG PAPER OVER FIRE RATED 5/8 TYPE X GYP BD EA SIDE 2 X4 (MIN) WOOD STUDS @ 16" O.C. U.O.N. | |

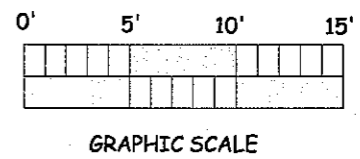
DRAWING NOTES:

1. PROVIDE EMERGENCY RESCUE WINDOW:
5.7 SQ FT MIN
20" NET WIDTH
24" NET HGT
2. 45 MIN FR. WINDOW PER AB 009 A 1.03
- 3 TEMP GLASS

Matthew Flails, DBI
 Approved Planning Dept. *Jessica Look*
 7-12-14

SITE PERMIT REVISION
 JUL 17 2014
 THIS APPLICATION SUBMITTED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.

APPROVED
 Dept. of Building Insp.
 JUL 25 2014
Tom C. Hui
 TOM C. HUI, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION



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| NO. | DATE | DESCRIPTION |
|-----|----------|--------------|
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| 9 | 06/30/14 | REV |

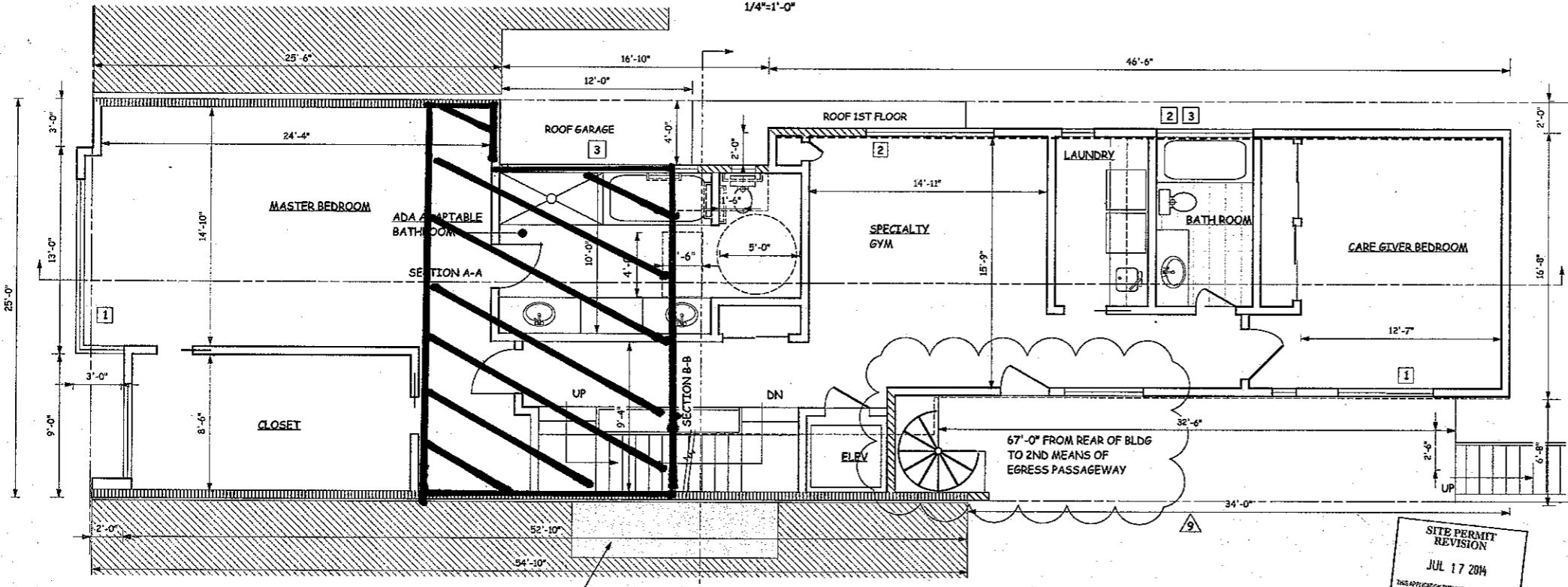
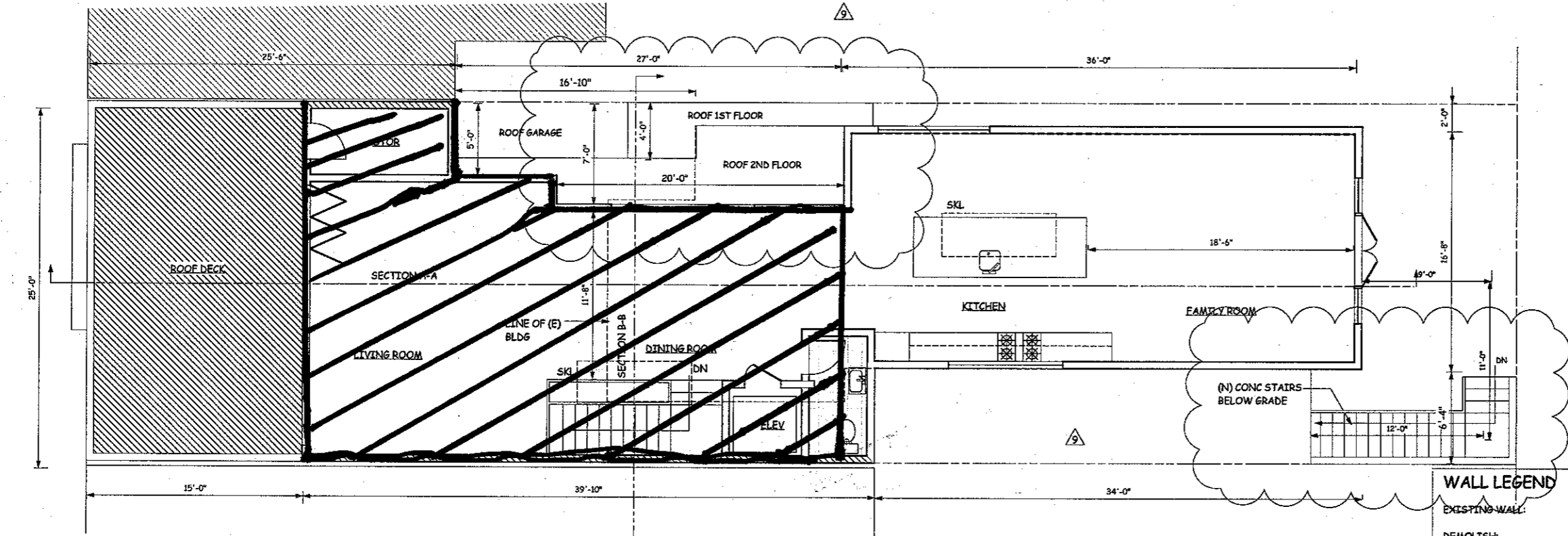
PROJECT NO. 2013.08
 SHEET

A-2.03

ALT-2

WILLIAM PASHELINSKY ARCHITECT
 1937 HAYES STREET
 SAN FRANCISCO, CA 94117
 415 378 3578

ALTERATIONS
 1110 ASHBURY STREET
 SAN FRANCISCO, CA



WALL LEGEND

- EXISTING WALL:
- DEMOLISH:
- EXISTING EXT WALL TO BE FIRE RATED: 5/8 TYPE X GYP BD AS INDICATED
- NEW INTERIOR 1 HR WALL: FIRE RATED 5/8 TYPE X GYP BD EA SIDE 3 X4 WOOD STUDS @ 16" O.C. U.O.N.
- NEW EXTERIOR 1 HR WALL: WD SIDING OVER BLDG PAPER OVER FIRE RATED 5/8 TYPE X GYP BD EA SIDE 2 X4 (MIN) WOOD STUDS @ 16" O.C. U.O.N.
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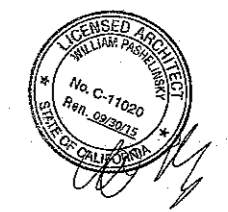
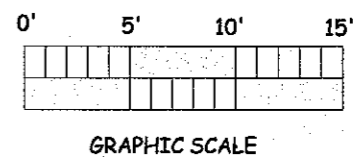
1. PROVIDE EMERGENCY RESCUE WINDOW:
 5.7 SQ FT MIN
 20" NET WIDTH
 24" NET HGT
2. 45 MIN F.R. WINDOW PER AB 009 A.1.03
3. TEMP GLASS

Matthew Falls, DBI
 Approved Planning Dept. *Jessica Look*

MATTHEW FALLS, DBI
 JUL 18 2014

SITE PERMIT REVISION
 JUL 17 2014
THIS APPLICATION SUBMITTED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.

APPROVED
 Dept. of Building Insp.
 JUL 25 2014
Tom C. Hui
 TOM C. HUI, S.E.
 DIRECTOR
 DEPT. OF BUILDING INSPECTION



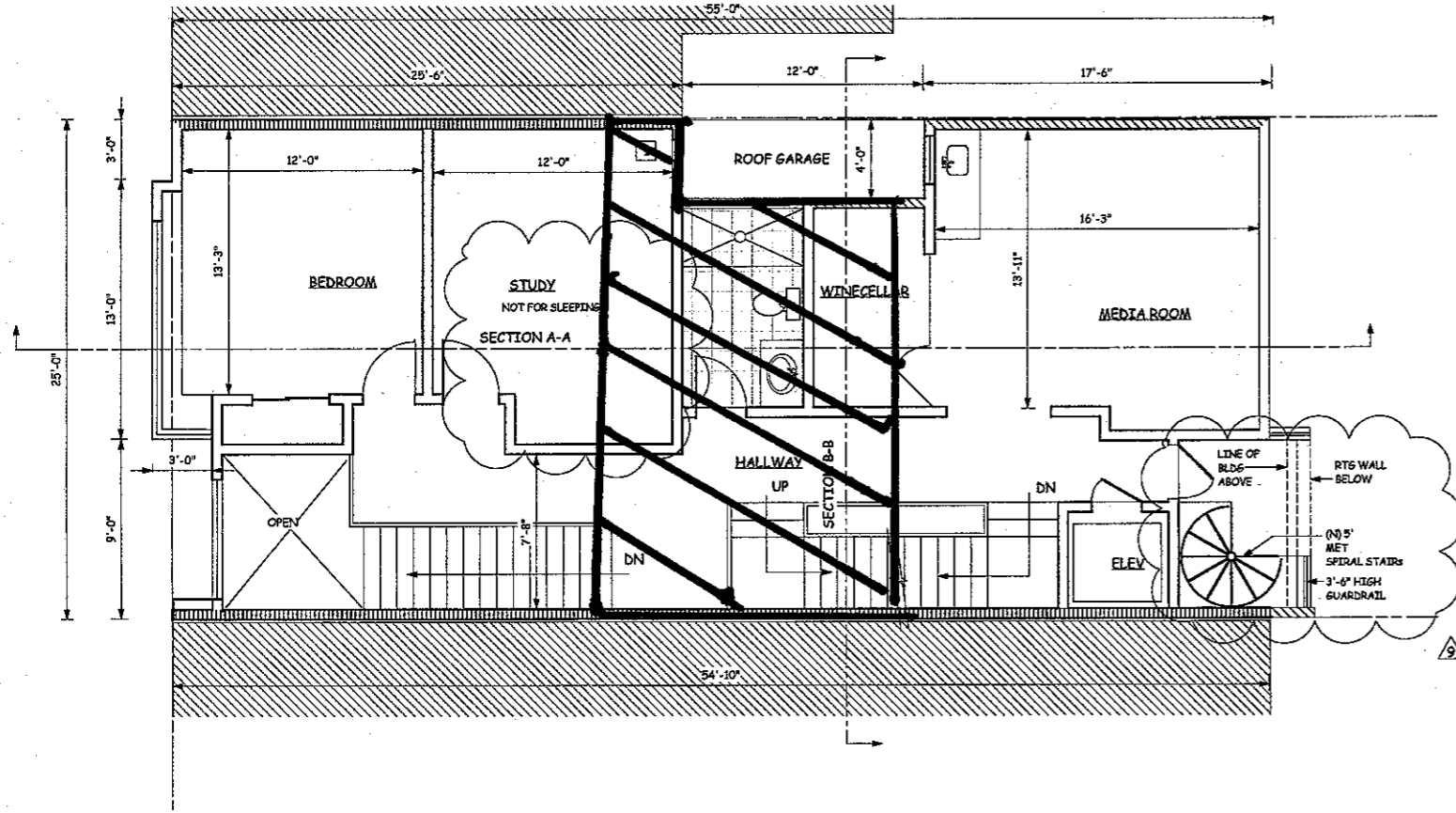
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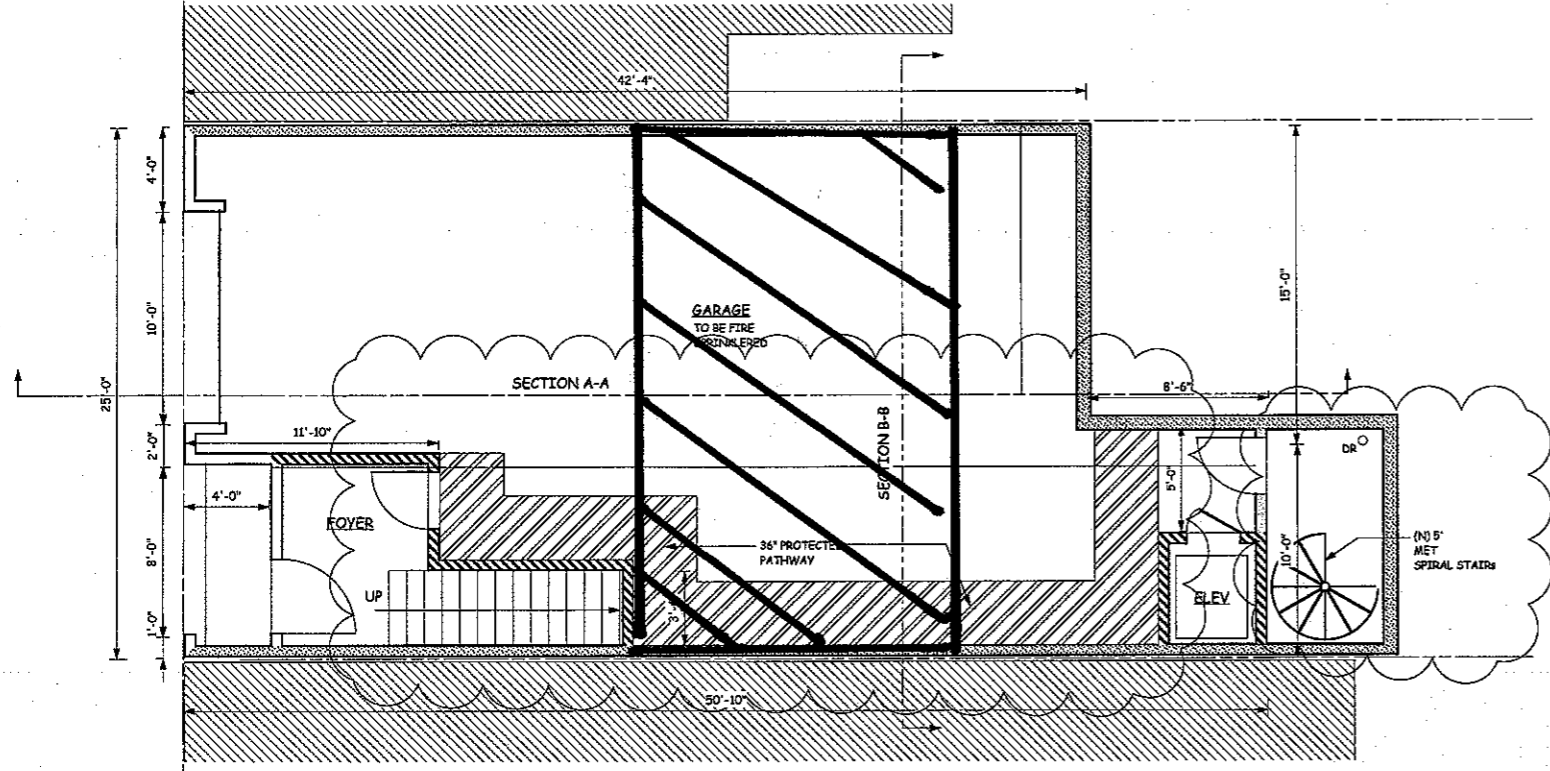
PROJECT NO. 2013.08
 SHEET

A-2.03

ALT-2



1ST FLOOR PLAN (N)
1/4"=1'-0"



BASEMENT PLAN (N)
1/4"=1'-0"

WALL LEGEND

- EXISTING WALL:
- DEMOLISH:
- EXISTING EXT WALL TO BE FIRE RATED:
- 5/8 TYPE X GYP BD AS INDICATED
- NEW INTERIOR 1 HR WALL:
- FIRE RATED 5/8 TYPE X GYP BD EA SIDE 3 X4 WOOD STUDS @ 16" O.C. U.O.N.
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24" NET HGT
2. 45 MIN F.R. WINDOW PER AB 009 A 1.04
3. TEMPERED GLASS

WILLIAM PASHELINSKY ARCHITECT
1837 HAYES STREET
SAN FRANCISCO, CA 94117
415 379 3676

ALTERATIONS AND ADDITION
1110 ASHBURY STREET
SAN FRANCISCO, CA



Matthew Falls, DBI
JUL 03 2014

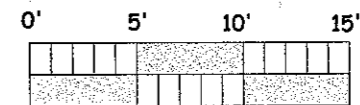
Approved Planning Dept. 7.17.14
Jessica Look

SITE PERMIT REVISION
JUL - 3 2014

THIS APPLICATION SUBMITTED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.

APPROVED
Dept. of Building Insp.

JUL 25 2014
Tom C. Hui, Director
DEPT. OF BUILDING INSPECTION



GRAPHIC SCALE

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| 9 | 06/30/14 | REV |

PROJECT NO. 2013.08
SHEET

A-2.02