



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Full Analysis

HEARING DATE SEPTEMBER 18, 2014

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

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

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### PROJECT DESCRIPTION

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

### SITE DESCRIPTION AND PRESENT USE

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

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

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

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

### BUILDING PERMIT APPLICATION NOTIFICATION

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

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

### HEARING NOTIFICATION

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

### PUBLIC COMMENT

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

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

### DR REQUESTORS

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

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

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

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

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

## **PUBLICLY-FILED DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES**

### **Mr. Zaretsky's issues:**

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

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

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

### **Mr. Acuri's issues:**

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

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

## **ISSUES AND CONSIDERATIONS**

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

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

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

## ENVIRONMENTAL REVIEW

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

## BASIS FOR RECOMMENDATION

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

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

<b>RECOMMENDATION:</b> <b>Do not take Discretionary Review and approve the project.</b>
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### Attachments:

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

## Design Review Checklist

### NEIGHBORHOOD CHARACTER (PAGES 7-10)

QUESTION	
The visual character is: (check one)	
Defined	
Mixed	X

### SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
<b>Topography (page 11)</b>			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	X		
<b>Front Setback (pages 12 - 15)</b>			
Does the front setback provide a pedestrian scale and enhance the street?	X		
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?			X
Does the building provide landscaping in the front setback?	X		
<b>Side Spacing (page 15)</b>			
Does the building respect the existing pattern of side spacing?	X		
<b>Rear Yard (pages 16 - 17)</b>			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
<b>Views (page 18)</b>			
Does the project protect major public views from public spaces?			X
<b>Special Building Locations (pages 19 - 21)</b>			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?			X
Is the building articulated to minimize impacts on light to adjacent cottages?			X

### BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION	YES	NO	N/A
<b>Building Scale (pages 23 - 27)</b>			
Is the building's height and depth compatible with the existing building scale at the street?	X		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	X		
<b>Building Form (pages 28 - 30)</b>			

Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	X		
Are the building's proportions compatible with those found on surrounding buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

**ARCHITECTURAL FEATURES (PAGES 31 - 41)**

QUESTION	YES	NO	N/A
<b>Building Entrances (pages 31 - 33)</b>			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?	X		
Is the building's front porch compatible with existing porches of surrounding buildings?	X		
Are utility panels located so they are not visible on the front building wall or on the sidewalk?	X		
<b>Bay Windows (page 34)</b>			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	X		
<b>Garages (pages 34 - 37)</b>			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		
Is the placement of the curb cut coordinated to maximize on-street parking?	X		
<b>Rooftop Architectural Features (pages 38 - 41)</b>			
Is the stair penthouse designed to minimize its visibility from the street?	X		
Are the parapets compatible with the overall building proportions and other building elements?	X		
Are the dormers compatible with the architectural character of surrounding buildings?	X		
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?	X		

**BUILDING DETAILS (PAGES 43 - 48)**

QUESTION	YES	NO	N/A
<b>Architectural Details (pages 43 - 44)</b>			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
<b>Windows (pages 44 - 46)</b>			

Do the windows contribute to the architectural character of the building and the neighborhood?	X		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	X		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	X		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	X		
<b>Exterior Materials (pages 47 - 48)</b>			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	X		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		
Are the building's materials properly detailed and appropriately applied?	X		



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
2853-2857 Broderick St		0947/002	
Case No.	Permit No.	Plans Dated	
2013.0433E			
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 50 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Front facade alterations; new roof decks; new dormers; alter existing dormer.			

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an *Environmental Evaluation Application* is required.

<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	<b>Class 3 – New Construction.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class__

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an *Environmental Evaluation Application* is required.

<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)
<input type="checkbox"/>	<b>Hazardous Materials:</b> Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)



<input type="checkbox"/>	<b>Soil Disturbance/Modification:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Noise:</b> Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required</b>
<input type="checkbox"/>	<b>Serpentine Rock:</b> Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
<b>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <u>Environmental Evaluation Application</u> is required.</b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
<b>Comments and Planner Signature (optional):</b> No excavation. Jeanie Poling 3/3/14	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE  
TO BE COMPLETED BY PROJECT PLANNER**

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Parcel Information Map)	
<input checked="" type="checkbox"/>	<b>Category A: Known Historical Resource. GO TO STEP 5.</b>
<input type="checkbox"/>	<b>Category B: Potential Historical Resource (over 50 years of age). GO TO STEP 4.</b>
<input type="checkbox"/>	<b>Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.</b>

**STEP 4: PROPOSED WORK CHECKLIST  
TO BE COMPLETED BY PROJECT PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	3. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	4. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	5. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	6. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	8. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	9. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW  
TO BE COMPLETED BY PRESERVATION PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input checked="" type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input checked="" type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input checked="" type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input checked="" type="checkbox"/>	<p>8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):</p> <p>See HRER memo dated 6/24/14</p>
<input type="checkbox"/>	<p>9. <b>Reclassification of property status</b> to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p>a. Per HRER dated: _____ (attach HRER)</p> <p>b. Other (specify):</p>
<p><b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b></p>	
<input type="checkbox"/>	<p><b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b></p>
<input checked="" type="checkbox"/>	<p><b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b></p>
<p>Comments (optional):</p>	
<p>Preservation Planner Signature: <i>Shelley Cattor</i></p>	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**  
**TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<p><b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply):</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p><b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b></p>				
<input checked="" type="checkbox"/>	<p><b>No further environmental review is required. The project is categorically exempt under CEQA.</b></p> <table border="1" data-bbox="203 1497 1421 1749"> <tr> <td data-bbox="203 1497 673 1570"> <p>Planner Name: <i>Shelley Cattorone</i></p> </td> <td data-bbox="673 1497 1421 1570"> <p>Signature or Stamp:</p> </td> </tr> <tr> <td data-bbox="203 1570 673 1749"> <p><b>Project Approval Action:</b>  <b>Select One</b>  <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small></p> </td> <td data-bbox="673 1570 1421 1749"> <p><i>Shelley Cattor</i>      7/3/14</p> </td> </tr> </table> <p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>	<p>Planner Name: <i>Shelley Cattorone</i></p>	<p>Signature or Stamp:</p>	<p><b>Project Approval Action:</b>  <b>Select One</b>  <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small></p>	<p><i>Shelley Cattor</i>      7/3/14</p>
<p>Planner Name: <i>Shelley Cattorone</i></p>	<p>Signature or Stamp:</p>				
<p><b>Project Approval Action:</b>  <b>Select One</b>  <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small></p>	<p><i>Shelley Cattor</i>      7/3/14</p>				



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Historic Resource Evaluation Response

*Date Reviewed:* June 24, 2014 (Part II)  
*Case No.:* 2013.0433E  
*Project Address:* 2853-2857 Broderick Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District;  
40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Staff Contact:* Shelley Caltagirone, Preservation Planner  
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### HISTORIC RESOURCE STATUS

#### Building and Property Description

The 2,757-square-foot parcel is located on Broderick Street between Filbert and Union Streets. The property is located within the Pacific Heights/Cow Hollow neighborhood in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition-style.

#### Pre-Existing Historic Rating / Survey

The subject property is included on the Planning Department's 1976 Architectural Survey with a rating of "1." In the January 14, 2011, the Planning Department issued a Historic Resource Evaluation Response Memo that mistakenly identified the property as a contributor to a historic district listed in the National and California Registers. At the time, no register form could be located to confirm the listing, so the Department evaluated the property separately and found that it appeared to contribute to a historic district significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development. Since then, the Department has discovered that the Planning Department's Parcel Information Database incorrectly identified the property's historic status. Although not formally listed, the Department continues to find that the property would qualify for listing on the California Register as a contributor to a historic district representing a collection of buildings dating from the neighborhood's first wave of development. Therefore, for the Department continues to consider the property a "Category A" (Known Historic Resource) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures.

#### Neighborhood Context

The following historic context is excerpted in part from a draft Cow Hollow Historic Context Statement prepared by the Department in 2013. While not formally adopted by the City, the study provides important information about the development of Cow Hollow and the historic significance of the subject property.

The neighborhood of Cow Hollow lies at the northern end of the San Francisco Peninsula, overlooking the Golden Gate. Geographically, the area is nestled between the slopes of Pacific Heights to the south and the low-lying Marina District to the north. Cow Hollow is bounded roughly by Lombard Street to

the north, Green and Vallejo Streets to the south, Lyon Street and the Presidio to the west and Van Ness Avenue to the east. The topography of the neighborhood, which ascends to the south, offers sweeping views of the San Francisco Bay and the Golden Gate. This dramatic topography also played a significant role in the neighborhood's development, both architecturally and socially.

Historically, the area was part of the Western Addition, adopted by the city in the 1850s under the Van Ness Ordinance. The neighborhood was originally known as "Spring Valley" during the early American period because of the numerous fresh water springs in the area. As that name became eponymous with the Spring Valley Water Company, the neighborhood adopted the title "Golden Gate Valley," to showcase the area's views of the bay. In 1924, local contractor George Walker promoted the area as "Cow Hollow," in honor of its history as a dairy and tannery district, although it had been known by the name locally since the 1880s.

Cow Hollow's most substantial period of development began in the 1880s, following the opening of the first cable car line in the area, along Union Street. This not only prompted an influx of visitors to the already existing attractions of Harbor View, but a spur in residential development. By the mid-1880s, the moniker of "Cow Hollow" had taken root in what was formally known as Spring Valley, regularly being published in the San Francisco Chronicle and other local papers. At the same time, growing development pressures and the demands of the Department of Public Health, approximately thirty dairies and associated tanneries that had earned Cow Hollow its name relocated to the south in Hunter's Point by 1891, however the name remained with locals for generations.

The establishment of the Presidio and Ferries cable car line led to a sustained period of residential development in Cow Hollow picked up, but the pace of growth was relatively modest. By 1893, thirteen years after the opening of the car line, few blocks were fully developed with new real estate. According to the 1893 Sanborn Map Company fire insurance map, development had clearly clustered along the Union line, most prominently between Octavia and Steiner Streets from Greenwich to Green Streets. Many lots remained undeveloped, although parcels had been subdivided throughout the area west of Steiner Street.

The 1899 Sanborn Fire Insurance maps depict that multiple-unit flats were already being constructed in the area, primarily along the cross streets that cut through Union Street on a north-south axis and along Filbert and Greenwich Streets to the north. To the west, the area remained undeveloped aside from a small tract of homes along Greenwich Street near the Presidio.

Residential development at this time was focused on single-family residences, often in dense rows. Building types varied from single-story cottages and small flats, most often found north of Union Street, to larger-scale middle and upper-class residences on larger parcels to the south. Popular styles from the 1860s through the turn of the century were Italianate and Stick-Eastlake, which were common throughout Cow Hollow.

Rebuilding of the City began within months of the 1906 Earthquake and Fire. In order to accommodate the urgent City-wide housing needs, multi-unit flats were increasingly constructed in all residential neighborhoods, as is clearly seen in Cow Hollow following the disaster. Because Van Ness Avenue was used as a fire line, which involved the dynamiting of most houses east of the avenue and south of Filbert Street, Cow Hollow was protected from severe destruction. However, the neighborhood experienced extensive damage, with rail lines along Union Street rendered useless and many structures rendered uninhabitable.

The citywide building boom that began in mid-1906 continued nearly unabated until World War I. A nationwide economic boom during the 1920s correlated with another building boom in San Francisco and enacting of the City's first Planning Code in 1921, mandating the geographic separation of incompatible land uses. The opening of streetcar tunnels in 1918 and 1928, as well as the adoption of mass automobile use beginning in the 1920s, spurred residential development in outlying areas of the City, including Cow Hollow. The economic crisis precipitated by the Stock Market Crash of 1929 had a massive dampening effect on construction in San Francisco, which didn't pick up until the late-1930s. New Deal federal programs and policies to spur employment and stimulate building activity resulted in massive Works Progress Administration public works projects and economic incentives for construction-related activities.

Areas that had survived the earthquake with little damage, such as Cow Hollow, not only hosted refugee camps for the two years following the disaster, but many camp residents opted to stay in the area rather than relocate to their demolished neighborhoods. According to the records of the Assessor, 670 Structures were built in the Cow Hollow neighborhood between 1906 and 1915, the year the Panama-Pacific International Exhibition took place. During this period, many two- to six-unit flats were constructed throughout Cow Hollow, especially along Union Street and its immediate cross streets, where commercial goods and public transit were readily available. What an 1868 *Real Estate Circular* had called "the least stirring section of [San Francisco's] real estate market," had become an increasingly popular neighborhood for residents and developers, often noted as "surprisingly" active despite its lack of infrastructure and transit.

During this period, the area bounded by Lombard Street to the north, Lyon Street to the west, Green Street to the north and Pierce Street to the east had clearly become a popular enclave for middle-class families, with the blocks fully subdivided with single-family homes constructed on most. Flats were constructed along the western face of Broderick Street and at occasional corner lots. Residential architecture at this time was strongly influenced by the First Bay Tradition, and many of the homes are decorated with redwood shingles on a craftsman-style structure in the fashion of the architect Bernard Maybeck.

### ***Bay Region Tradition***

Coined in 1947 by architectural critic Lewis Mumford, the Bay Region Tradition is a regional vernacular architecture endemic to the San Francisco Bay Area that is woodsy, informal, and anti-urban. The Bay Region Tradition evolved over nearly 100 years and has since been classified into First, Second and Third traditions, spanning from the 1880s-1970s. The First Bay Tradition influenced later Modernists (i.e. architects associated with the Second Bay Tradition), who incorporated the regional vernacular of redwood, shingles, and elements of Arts and Crafts with the European Modernism popularized by the Bauhaus and the International Style. Transitional architects that bridged the first and second Bay Traditions include Henry Gutterson and John Hudson Thomas.

The First Bay Tradition, spanning roughly from the 1880s to early 1920s, was a radical reaction to staid Classicism of Beaux-Arts historicism. Eschewing the highly ornamented Victorian-era styles also popular at that time, First Bay Tradition architects developed a building vernacular linked to nature, site and locally sourced materials. Within this stylistic category, bungalows and houses constructed between the 1890s and 1925 can be divided into several styles, including: Shingle, Craftsman Bungalow, Prairie and California Bungalow. The First Bay Tradition is characterized by sensitivity to natural materials and

landscape, appreciation of structural form, and fine craftsmanship in wood. Buildings of this period exhibit both personal design approaches and the ideas of architects such as Bernard Maybeck. The later Bay Traditions of the 1930's and later derivatives of the 1950s and 1960s are clear descendants of this style.

A few homes were designed with spacious front porches supported by square, buttressed posts atop river boulder and brick piers. Along with natural wood, shingle, and clinker brick, materials such as field stone and river stone were popular for cladding the wood frame structural systems. Usually asymmetrical in plan, residences were characterized by tripartite windows divided into a large lower pane and small upper panes. Roofs often have broad spreading eaves supported by multiple gables with projecting beams. Stucco and brick occasionally using clinker brick apartment houses were often strong examples of this style.

**CEQA Historical Resource(s) Evaluation**

**Step A: Significance**

*Under CEQA section 21084.1, a property qualifies as a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources." The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources or not included in a local register of historical resources, shall not preclude a lead agency from determining whether the resource may qualify as a historical resource under CEQA.*

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criterion 3 - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 3 - Architecture: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Period of Significance:	Period of Significance: 1888 – 1914 <input checked="" type="checkbox"/> Contributor <input type="checkbox"/> Non-Contributor

In 2011, the Department found that the property appeared to contribute to a historic district significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development with a period of significance of 1880-1930. Since then, the Department has gathered further information about the Cow Hollow neighborhood, which has allowed us to further refine our findings. The Department continues to find that the subject property contributes to a historic district; however, the boundaries, historical association, and period of significance haven been more narrowly defined based upon the new information provided in the Department's 2013 Cow Hollow study. The Department now finds that the property is significant as a contributor to a historic district under Criterion 3 for both its association with the neighborhood's first large wave of development and with the First Bay Tradition architectural style. The period of significance for this Cow Hollow First Bay Tradition Historic District is 1888-1914. The boundaries of this district are roughly Filbert to the north, Scott to the east, Vallejo to the south, and Lyon to the west. Please see the analysis below.

*Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;*

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that any significant events are associated with the subject building. Although construction of the subject building was part of the primary pattern of residential development that occurred in the area in the late 19<sup>th</sup> century, this pattern is not documented as significant within the context of the history of the neighborhood, the City, the State, or the nation. Furthermore, there are no specific historical events known to be associated with the construction or subsequent usage of the subject building as a single-family residence. It is therefore determined not to be eligible under this criterion.

*Criterion 2: It is associated with the lives of persons important in our local, regional or national past;*

The information provided by the Project Sponsor and a review of the City Directories indicate that William Hammond Hall briefly owned the property circa 1930. Hall was a significant person in San Francisco's history as the designer of Golden Gate Park and the first state civil engineer. Hall is listed in the directories as living at 3855 Jackson Street between 1905 and 1932 and he died in 1934. Therefore, it does not appear that he resided at the subject property. According to the oral history collected by the Project Sponsor, Hall's daughters lived at the subject property as late as 1954, so it is presumed that the property was purchased for their use. The property is not historically significant as it is not associated with the Hall's career as an engineer. No other significant persons are associated with the subject building. The subject building is therefore determined not to be eligible under this criterion.

*Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;*

The subject building appears to contribute to a Cow Hollow First Bay Tradition Historic District eligible for listing on the California Register for embodying both the distinctive characteristics of the first period of large scale architectural development in Cow Hollow and the distinctive characteristics of the First Bay Tradition style. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition style. The general characteristics of this style are an emphasis on simplified geometric forms, natural materials (often including shingle cladding, rustic lap siding, and brick), structural honesty, picturesque and asymmetrical massing and articulation, uniform exterior cladding with no interruptions at corners, and simplified ornament and details. Many of these elements are evident in the subject building. The subject does not appear to be a significant example of the First Bay Tradition style as an individual property because it is a relatively modest example of the style, does not represent the work of a master, does not possess high artistic value, and does not appear to retain high historic integrity of design. However, the building does contribute to a collection of late 19<sup>th</sup> -and early 20<sup>th</sup>-century buildings dating from the earliest period of residential development in the Cow Hollow neighborhood. Many of the buildings from this period represent the First Bay Tradition style, which is unique to the region. As such, this collection of First Bay Tradition residences in Cow Hollow embody the distinctive characteristics of a special period of regional architecture. The period of significance for this district appears to be approximately 1888-1914, relating to the construction boom and the particular use of the style. The construction date of the subject building places it within the period of significance identified for the surrounding historic district. The boundaries of this district are roughly Filbert to the north, Scott to the east, Vallejo to the south, and Lyon to the west.



**Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;**

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that the subject property is likely to yield information important to a better understanding of prehistory or history. The subject building is therefore determined not to be eligible under this criterion.

**Step B: Integrity**

*To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance." Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.*

The subject property retains integrity from the period of significance noted in Step A:

- |                     |   |                                |                   |   |                                |
|---------------------|---|--------------------------------|-------------------|---|--------------------------------|
| <b>Location:</b>    | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks | <b>Setting:</b>   | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks |
| <b>Association:</b> | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks | <b>Feeling:</b>   | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks |
| <b>Design:</b>      | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks | <b>Materials:</b> | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks |
| <b>Workmanship:</b> | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks |                   |   |                                |

**Historic District**

The Cow Hollow First Bay Tradition Historic District retains sufficient integrity with which to convey its significance. District contributors possess integrity in terms of material, design and workmanship, particularly when compared to buildings found outside of the District. The majority of District buildings retain a high level of original building features such as redwood shingle siding, projecting central bays, brick bases, and minimal ornamentation. Contemporary roll-up garage doors have been added to many lower levels. Replacement of the historic divided light wood-sash windows is also common. Few horizontal or vertical additions are visible from the public right-of-way. District contributors also retain integrity of feeling, setting, location, and association. Contributors remain single-family, are sited at their original location, and are surrounded by residences of similarly scaled single-family houses.

**Subject Property**

The subject building has not been significantly altered since its original construction. Recently, the building was raised approximately 3 feet to insert a garage at the ground floor level and the ground floor level was expanded towards the rear of the building. This work was reviewed and approved by the Department in 2010-2011 under Case No. 2010.0394E. Raising the building required replacement of the front stair, which was not part of the original construction. This slight alteration in height has not unduly changed the original scale of the building or the building's relationship to its setting within the historic district. The work also did not remove any character-defining features of the building. The building, therefore, retains all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow neighborhood.

**Step C: Character Defining Features**

*If the subject property has been determined to have significance and retains integrity, please list the character-defining features of the building(s) and/or property. A property must retain the essential physical features that enable it to convey its historic identity in order to avoid significant adverse impacts to the resource. These essential*

*features are those that define both why a property is significant and when it was significant, and without which a property can no longer be identified as being associated with its significance.*

The Cow Hollow First Bay Tradition Historic District's significance is reflected through the cohesive massing, articulation, form, setback, and stylistic elements in the First Bay Tradition style. The character-defining features are:

- Two-three story scale;
- Picturesque and asymmetrical massing and articulation;
- Emphasis on simplified geometric forms;
- Front and side setbacks;
- Gable or hipped roof forms, often with dormers;
- Locally sourced, natural materials, often including shingle cladding, rustic lap siding, and brick;
- Multi-light, wood-framed windows;
- Raised entries; and,
- Simplified ornament and details including projecting brackets, eyebrow dormers, often incorporating Colonial Revival and Arts and Crafts design elements.

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#### CEQA Historic Resource Determination

- Historical Resource Present
- Individually-eligible Resource
  - Contributor to an eligible Historic District
  - Non-contributor to an eligible Historic District
- No Historical Resource Present

## PART II: PROJECT EVALUATION

Proposed Project

Demolition

Alteration

Per Drawings Dated: May 1, 2014

### Project Description

The proposed project calls for exterior changes to the house, including the construction of two roof decks, construction of dormers on the north and south slopes of the hipped portion of the roof, construction of a bay at the south elevation to the west of the side entry porch; alteration of the side entry steps and door; alteration of main entry steps to reduce the height; alteration of the main entrance to lower the threshold approximately 1' and add a transom above the existing door; and, removal of stairs at the rear façade.

Please note that the permit plans associated with this project also rectify discrepancies in previous permits regarding height notation and drawing accuracy. These corrections do not constitute physical changes to the property.

### Project Evaluation

*If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.*

#### Subject Property/Historic Resource:

The project will not cause a significant adverse impact to the historic resource as proposed.

The project will cause a significant adverse impact to the historic resource as proposed.

#### California Register-eligible Historic District or Context:

The project will not cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

The project will cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

### Project Specific Impacts

The project appears to meet the *Secretary of the Interior Standards for Rehabilitation* and would not cause a substantial adverse change to the contributing building at 2853-57 Broderick Street or to the surrounding Cow Hollow First Bay Tradition Historic District such that the significance of the resource (the district) would be materially impaired. The following is an analysis of the proposed project per the applicable Standards.

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

The proposed project would retain the historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow earliest period of residential development.

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

No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. All original elements of the primary façade would be retained. While the entry threshold would be lowered to match the main floor height, this change would not detract from the character of the entry and the door would be retained or replicated. The proposed alterations would occur at secondary and tertiary facades that do not contribute to the overall character of the building or district.

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

Conjectural elements are not are not a part of the proposed project. All contemporary alterations and additions would be constructed of new, yet compatible, materials.

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

The proposed project would not result in the loss of distinctive features.

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

The proposed side and rooftop additions, including the decks and dormers, would not negatively impact the character-defining features of the building or the site as they would be constructed towards the rear of the building, which is not visible from the adjacent public rights-of-way. Thus, the character of the property and district as viewed by the public would be retained. Moreover, the proposed addition, dormers, and roof decks would be constructed with contemporary windows and detailing such that they are distinguished as contemporary features. While the entry threshold would be lowered to match the main floor height, this change would not detract from the character of the entry and the door would be retained or replicated. Lastly, the alterations would occur at secondary and tertiary facades that do not contribute to the overall character of the building or district.


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

If the proposed additions were to be removed, then the roof and south wall of the subject building would require repair, but this removal would not impair the integrity of the historic property.

*Cumulative Impact Assessment*

The proposed work must also be considered in the context of recent and foreseeable changes to the property and historic district. Work recently completed at the project site resulted in raising the building approximately 3' to add a garage at the front façade and constructing a rear addition. This work, in combination with the currently proposed work, meets the *Secretary Standards* and would not cause a substantial adverse change to the contributing building at 2853-57 Broderick Street or to the surrounding Cow Hollow First Bay Tradition Historic District such that the significance of the resource (the district) would be materially impaired. The building would retain all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow neighborhood. The Department is not aware of any proposed projects within the boundaries of the district that would contribute to a cumulative impact to the resource.

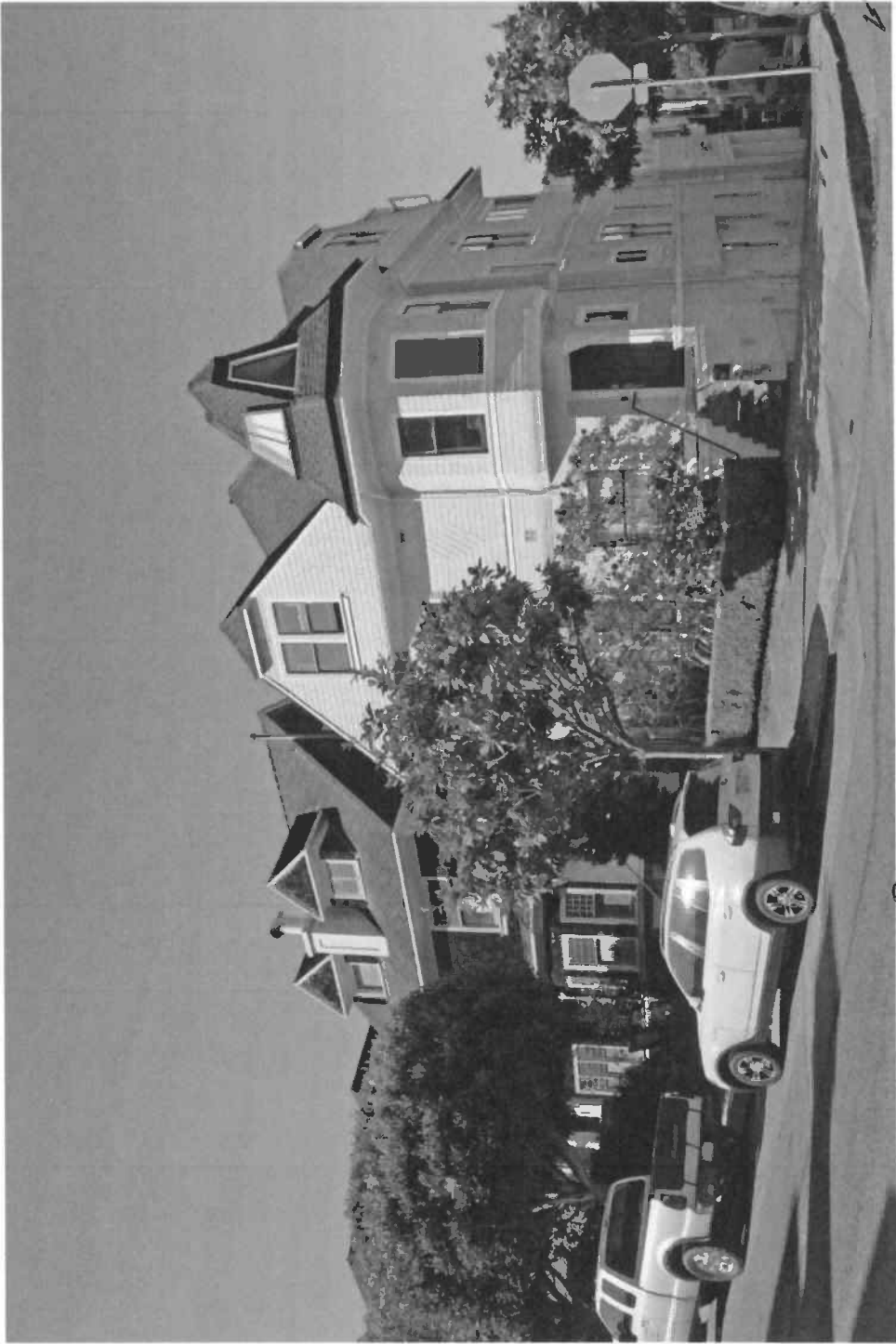
**PART II: SENIOR PRESERVATION PLANNER REVIEW**

Signature:   
Tina Tam, Senior Preservation Planner

Date: 7-2-2014

cc: Virnaliza Byrd, Environmental Division/ Historic Resource Impact Review File

SC: G:\DOCUMENTS\Cases\CEQA\HRER Memos\2013.0433E\_2857 Broderick.doc



FILLBERT →

2/24/14

→ BRODERICK

→ SUBJECT PROPERTY 2853 BRODERICK



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

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

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

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input checked="" type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	AS APPROVED* / AS BUILT	PROPOSED
Building Use	Two-family dwelling / No Change	Single-family residence
Front Setback	10 feet / 10 feet	No Change
Side Setbacks	6'@south & 2'@ north / No Change	2' @ south & 2' @ north side
Building Depth	57 feet / No Change	No Change
Rear Yard	13 feet / No Change	No Change
Building Height	37' to ridge / 40' to ridge	No Change
Number of Stories	3 over garage / No Change	No Change
Number of Dwelling Units	2 / No Change	1
Number of Parking Spaces	2 / No Change	No Change
PROJECT DESCRIPTION		
<p>*Under previously approved BPA#2011.03.25.2839, the subject building was lifted 3 feet to the As Built (existing) condition at the subject property. During construction it was discovered that the existing and proposed dimensioned heights disclosed under BPA#2011.03.25.2839 were incorrectly stated and were deficient by 3 feet. The subject permit application has been filed to demonstrate that the subject building was lifted 3 feet to a height of 40 feet, rather than to 37 feet as stated in BPA#2011.03.25.2839. The subject permit application also proposes additional work including a dwelling unit merger from 2 to 1 unit and side and vertical additions to the existing building. A Discretionary Review hearing, Case No. 2013.0433D, for the project is scheduled for 12:00 p.m. on Thursday, August 7, 2014 at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, San Francisco, CA. The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

For more information, please contact Planning Department staff:

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

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

中文詢問請電: (415) 575-9010

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

# GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.**

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at [www.sfplanning.org](http://www.sfplanning.org). You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

**Incomplete applications will not be accepted.**

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

## BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

## ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: <i>Irving ZARETSKY</i>		
DR APPLICANT'S ADDRESS: <i>3111 Jackson St. SF</i>	ZIP CODE: <i>94115</i>	TELEPHONE: <i>(415) 922-7609</i>
PROPERTY OWNER WHO IS JOINING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: <i>PAM Whitehead</i>		
ADDRESS: <i>50 Magdalena Ct Mill Valley CA 94941</i>	ZIP CODE: <i>94941</i>	TELEPHONE: <i>415 250-4057</i>
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/> <i>IRVING ZARETSKY</i>		
ADDRESS: <i>3111 Jackson St. SF</i>	ZIP CODE: <i>94115</i>	TELEPHONE: <i>(415) 922-7609</i>
E-MAIL ADDRESS: <i>IIZ@Pacbell.net</i>		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: <i>2853-2857 Broderick St SF</i>		ZIP CODE: <i>94123</i>
CROSS STREETS: <i>Filbert and Union</i>		
ASSESSORS BLOCK/LOT: <i>0947 1002</i>	LOT DIMENSIONS:	LOT AREA (SQ FT):
ZONING DISTRICT: <i>RH 2/40-X</i>		HEIGHT/BULK DISTRICT:

## 3. Project Description

Please check all that apply  
 Change of Use  Change of Hours  New Construction  Alterations  Demolition  Other

Additions to Building: Rear  Front  Height  Side Yard

Present or Previous Use: *Two unit rental bldg.*

Proposed Use: *Single Family home*

Building Permit Application No. *201307010898* Date Filed: *MAY 1, 2014*

- 201103111905*
- 201103252839*
- 201108031630*
- 201209260727*
- 201309247638*
- 201309066151*

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

*Supervisor Mark Farrell negotiated with the project sponsor and the neighbors an agreement that was signed 9/4/2012. Agreement breached by the project sponsor. This permit application goes beyond what the agreement provided and beyond the scope of the permit approved by the Board of Appeals in September 2012.*

## Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and cite specific sections of the Residential Design Guidelines.

1. Height and left of bldg. beyond scope of permit 2. extension of south elevation into side set back 3. Extension of rear Bldg. into back yard set back 4. Elimination of portion of back yard by deck extensions, 5. Elimination of historical features of bldg. such as stormers, Roof deck and height 6. Enlargement of decks 7. Gardening shed in back yard eliminates open space 8. Removal of rental unit and merge into a home. 9. Excavation and water drainage.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

Proposed plan and existing conditions under suspended permits impact adjoining properties as well as properties on the East and West sides of Broadway street and Filbert streets. plan impacts historical features of the bldg and the character and design of the neighborhood.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

1. Bldg to be lowered 2. south elevation to be maintained and room extension to be eliminated 3. rear extension of bldg to be restored to original depth 4. rear decks and steps to be restored to original condition and permit 5. Excavation to protect adjoining properties and provide drainage 6. Preservation of the bldg. as a 2 unit bldg. 7. Roof development to conform to original historic configuration.  
The plan should conform to the original agreement signed by the parties on 9/4/2012.

# Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: 

Date: 7/29/2014

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

Irving Zaretsky - owner  
Owner / Authorized Agent (circle one)

# Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent.**

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input type="checkbox"/>
Address labels (original), if applicable	<input type="radio"/>
Address labels (copy of the above), if applicable	<input type="radio"/>
Photocopy of this completed application	<input type="checkbox"/>
Photographs that illustrate your concerns	<input checked="" type="checkbox"/>
Convenant or Deed Restrictions	<input checked="" type="checkbox"/>
Check payable to Planning Dept.	<input type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input checked="" type="checkbox"/>

**NOTES:**

Required Material.

Optional Material.

Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

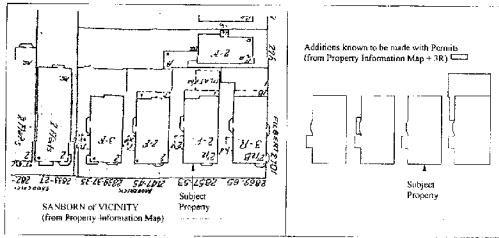
**FOR MORE INFORMATION:  
Call or visit the San Francisco Planning Department**

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

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

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

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



- SCOPE OF WORK:**
- 1) Remove steps proposed to be added at South side of property along side yard under permit 201103252839, lower door to historic level entry to side porch, add interior stair down to lower rooms within existing enclosed entry porch
  - 2) Remove steps at North proposed to be added to raised Main entry, lower to main floor entry level;
  - 3) Remove stairs from 2nd floor to 3rd floor at rear (w/DUM approval)
  - 4) Alterations to top floor; Add new dormers, Alter existing dormers.
  - 5) Add new roof decks at 4th floor & above, Add (n) open stair to new top level roof deck.
  - 6) Enlarge existing bay at south side off of 2nd & 3rd floors only
  - 7) This permit rectifies discrepancies in previous permits as to height, location, accurate setback and outline of existing building and other minor details of the previous building elements either altered or to remain under this permit.

**Building Data**

**APPLICABLE CODES:**  
 2010 California Historical Code\*  
 2010 California Building Code  
 2010 Mechanical Code  
 2010 Plumbing Code  
 2010 Electrical Code, and  
 2010 San Francisco Building Code  
 \*Qualified Historic Building

**CONSTRUCTION TYPE:** Historic (July, September)  
 Four Stories  
 All Occupancy  
 Occupancy: CC, AS, I-2, I-3, I-4, I-5, R-2, R-3

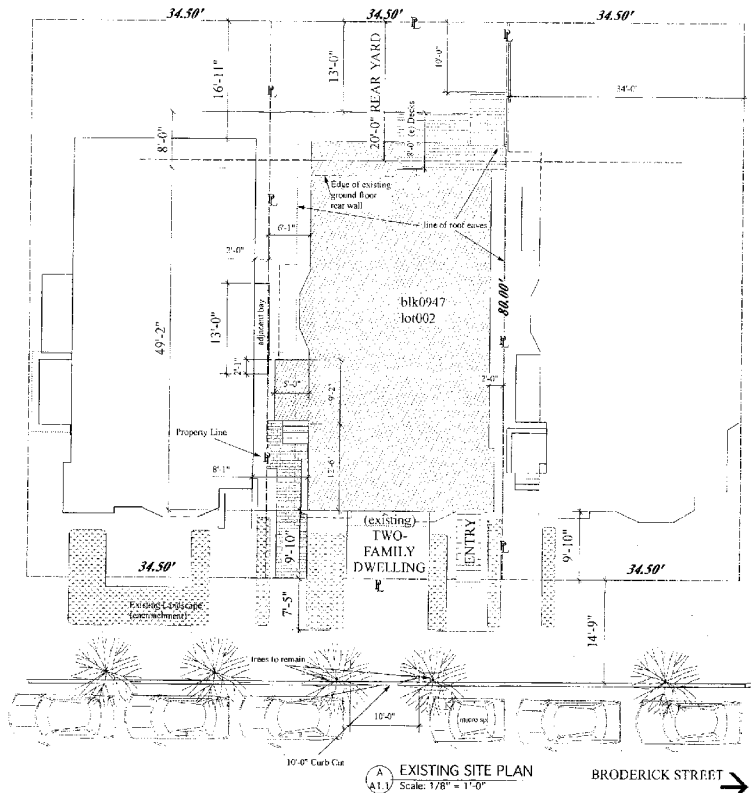
**INDEX OF DRAWINGS:**

- A1.1 As Approved - New Site Plan
- A1.2 As Approved - Modified Site Plan
- A1.3 As Approved - Alter & New 1st Floor Plans
- A1.4 As Approved - Alter & New 2nd Floor Plans
- A1.5 As Approved - Alter & New 3rd Floor Plans
- A1.6 As Approved - Alter & New 4th Floor Plans
- A1.7 As Approved - Existing & New Roof Floor
- A1.8 As Approved - Elevation - Street View
- A1.9 As Approved - Elevation - South Side Elevation
- A1.10 Existing & New Rear Yard - North Side Elevation

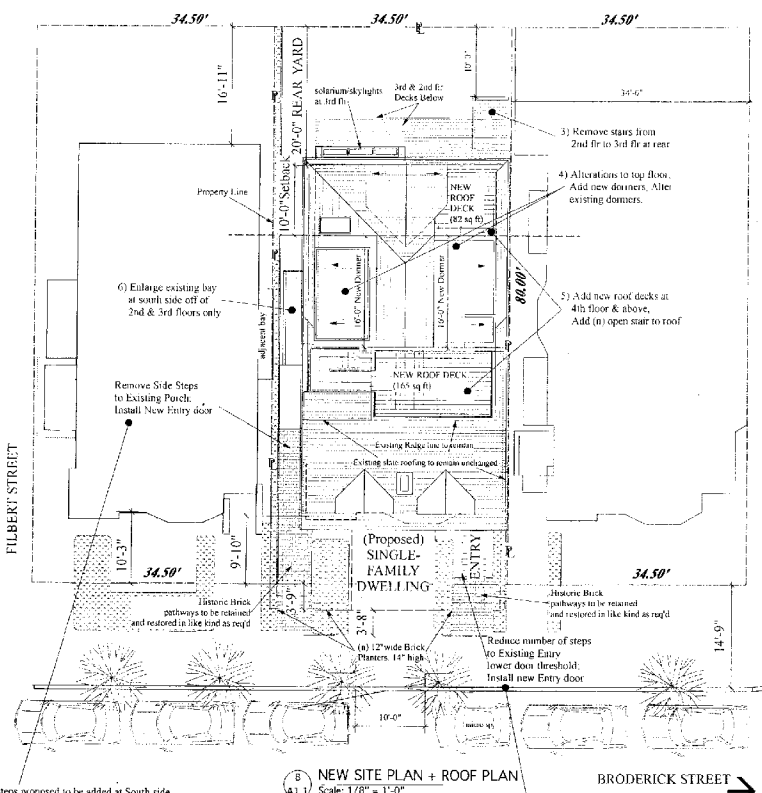
REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	



**STEPHEN ANTONAROS ARCHITECT**  
 2205 Market Street #204  
 San Francisco, California 94114  
 (415) 864-2201  
 (415) 350-6057  
 www.stephenantonaros.com  
 stephenantonaros@stephenantonaros.com



**AS-BUILT, AS-APPROVED**  
 Interior Changes + Survey Verification



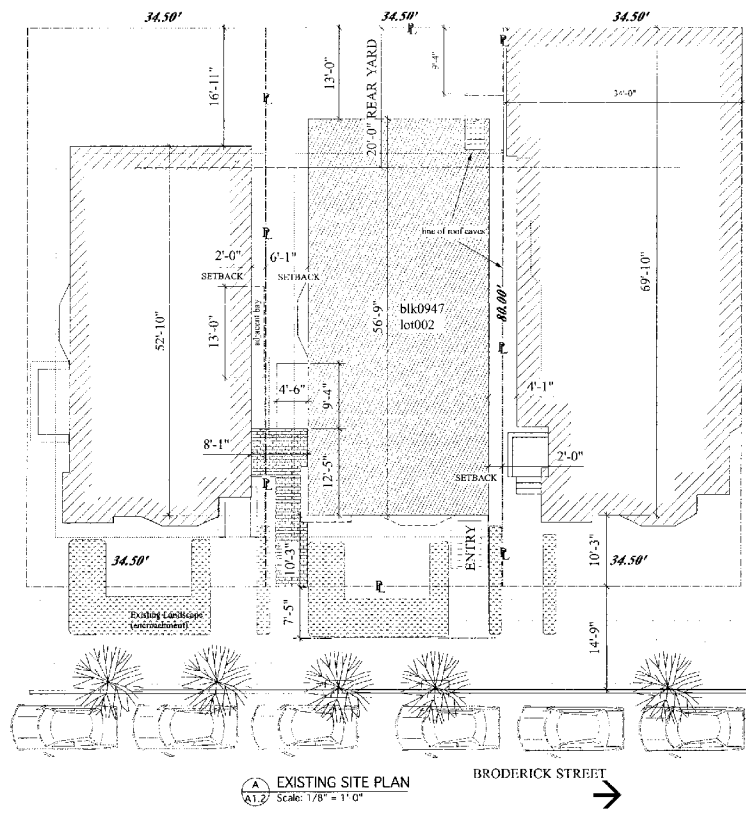
**FINAL PROPOSED Alterations**

- 1) Remove steps proposed to be added at South side of property along side yard under permit 201103252839, lower door to historic level entry to side porch, add interior stair down to lower rooms within existing enclosed entry porch
- 2) Remove steps at North proposed to be added to raised Main entry, lower to main floor entry level;
- 3) Remove stairs from 2nd flr to 3rd flr at rear
- 4) Alterations to top floor, Add new dormers, Alter existing dormers.
- 5) Add new roof decks at 4th floor & above, Add (n) open stair to roof
- 6) Enlarge existing bay at south side off of 2nd & 3rd floors only
- 7) Remove side steps to existing porch, install new entry door
- 8) Reduce number of steps to existing entry, lower door threshold, install new entry door

13.0433D

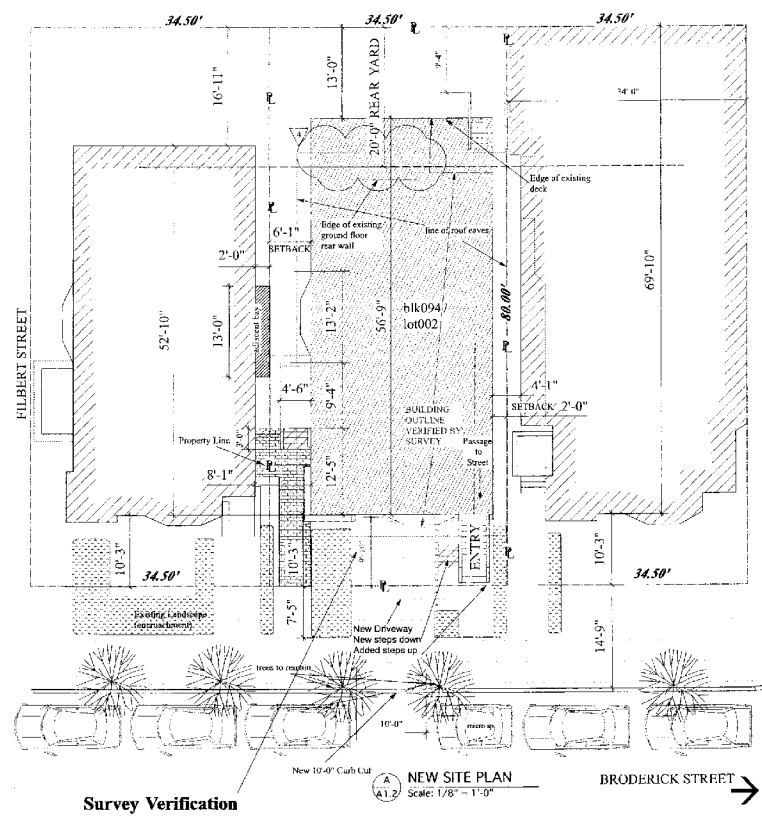
**ADDITIONS & ALTERATIONS + DWELLING UNIT MERGER**  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002  
 As Approved + NEW SITE PLANS

Date	Jan 2014
Scale	1/8" = 1'-0" 1/8" = 1'-0"
Drawn	SA
Job	
Sheet	<b>A1.1</b>



EXISTING SITE PLAN  
Scale: 1/8" = 1'-0"

AS APPROVED Board of Appeals



NEW SITE PLAN  
Scale: 1/8" = 1'-0"

AS APPROVED Board of Appeal  
(Updated w/ Survey Data)



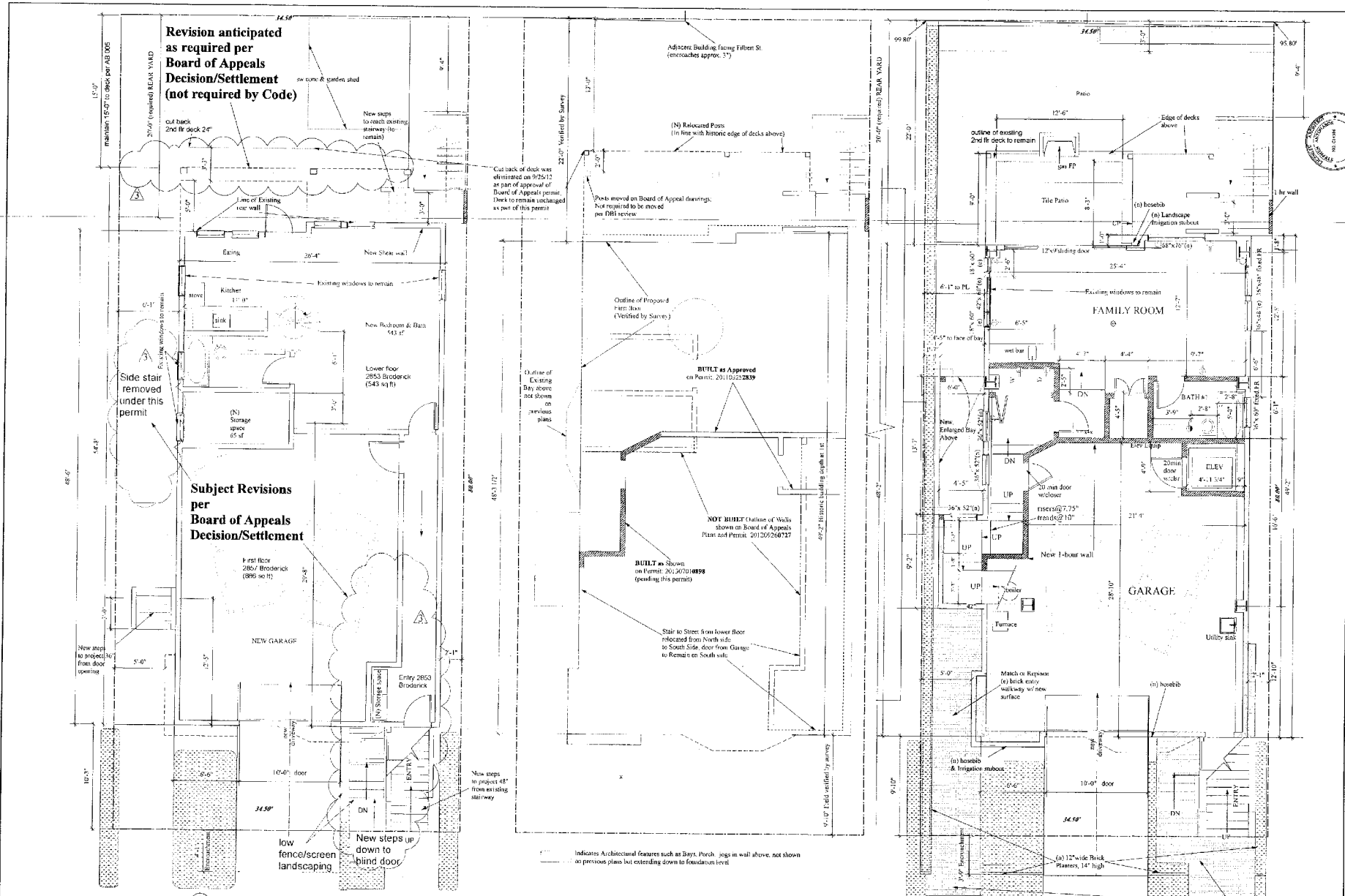
**STEPHEN ANTONAROS  
ARCHITECT**  
2260 Market Street #324  
San Francisco, California 94114  
www.stephenantonaros.com  
(415) 260-2577

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER  
2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002  
As Approved + Updated SITE PLANS

Date	Jun 2014
Scale	1/8" = 1'-0"
Drawn	SA
Job	
Sheet	<b>A1.2</b>
Of	Sheets





**A2.1** ALTERED Easement - New FIRST FLOOR PLAN  
Scale: 1/4" = 1'-0"  
493 sq ft (new living area)

**AS APPROVED Board of Appeals**

**A2.2** FIRST FLOOR PLAN -w/ Building Features Verified by Survey  
Scale: 1/4" = 1'-0"

**AS-BUILT, AS-APPROVED  
Interior Changes + Survey Verification**

**A2.3** FIRST FLOOR PLAN  
Scale: 1/4" = 1'-0"  
1st Floor 407 sq ft

**FINAL PROPOSED Alterations**

Historic Brick pathways to be retained and restored in like kind as req'd

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

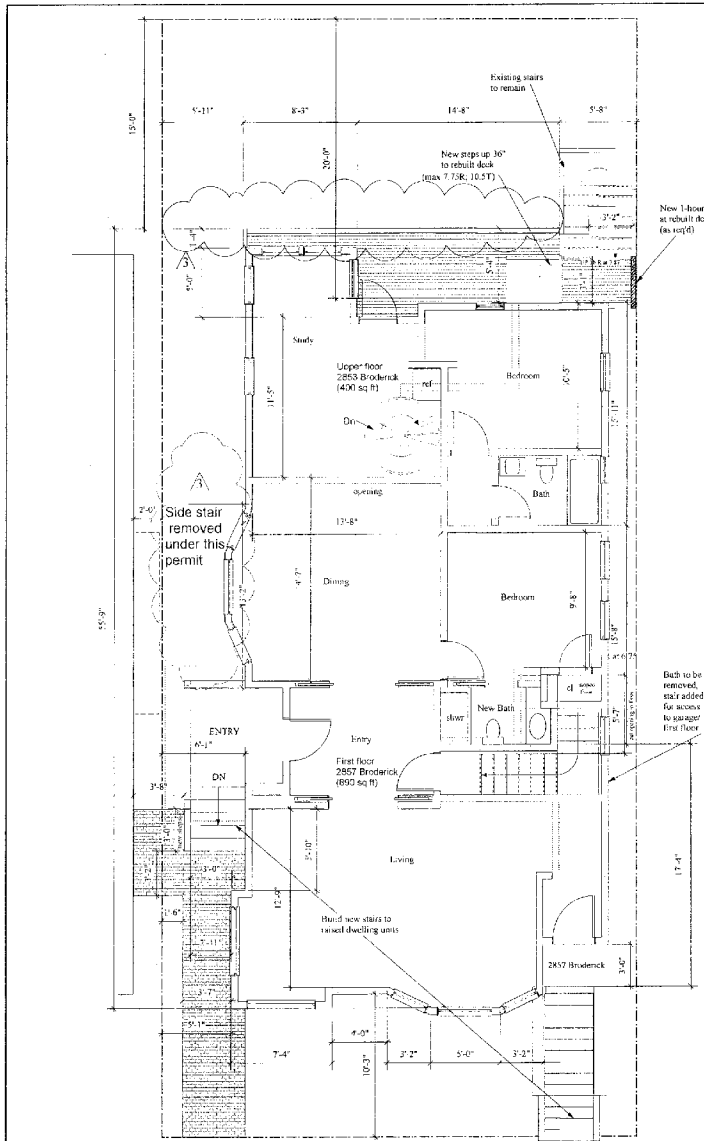


**STEPHEN ANTONAROS  
ARCHITECT**  
284 Market Street, #301  
San Francisco, California 94104  
(415) 564-2241  
www.stephenantonaros.com

or  
By: [Signature]  
11-11-2014

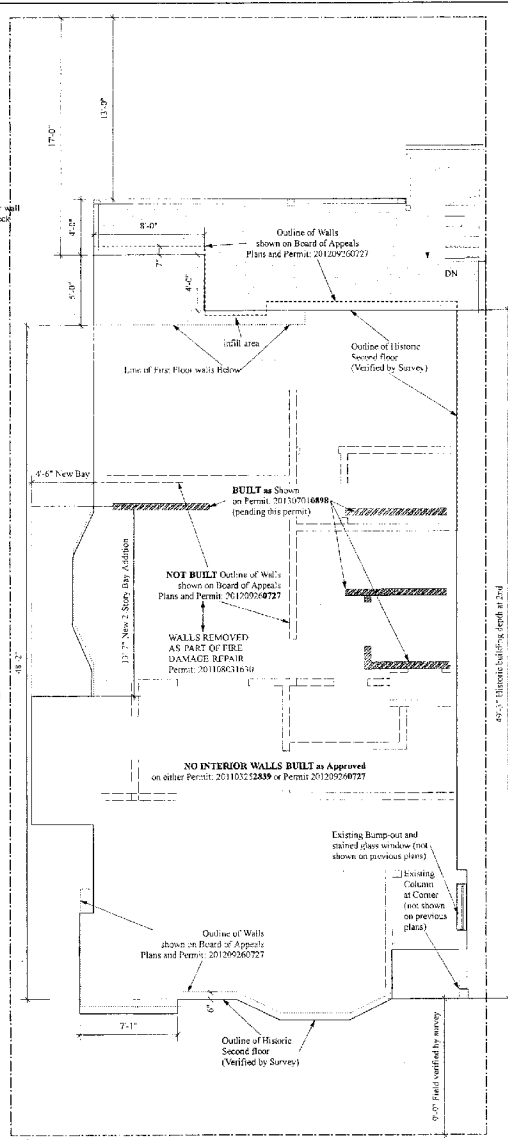
**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002 **As Approved, ALTERED and NEW 1st FLOOR PLANS**

Date:	Jan 2014
Scale:	1/4" = 1'-0" N.O.S.
Drawn:	SA
Job:	
Sheet:	<b>A2.1</b>
Of:	Sheets



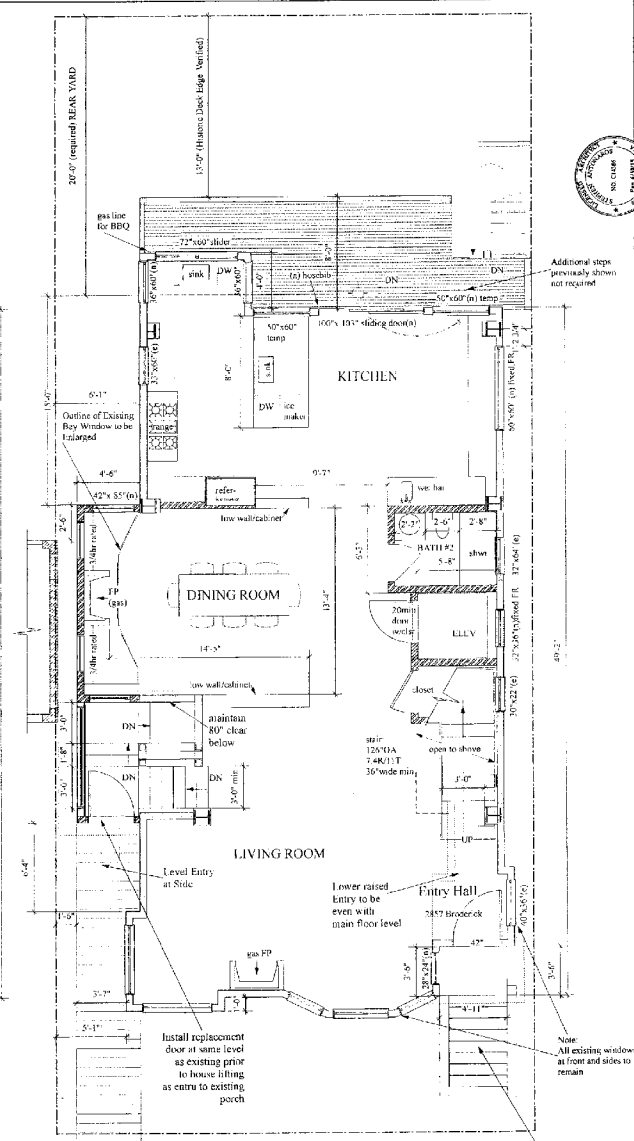
**A** 1st ALTERED 2nd flr. NEW THIRD FLOOR PLAN  
Scale: 1/4" = 1'-0"  
2857 Broderick  
1290 sq ft

**AS APPROVED Board of Appeals**



**B** SECOND FLOOR PLAN -w/Building Features, Verified by Survey  
Scale: 1/4" = 1'-0"

**AS-BUILT, AS-APPROVED  
Interior Changes + Survey Verification**



**C** NEW SECOND FLOOR PLAN  
Scale: 1/4" = 1'-0"  
New 2nd Floor w/ Enlarged Bay 1455 sq ft

**FINAL PROPOSED Alterations**

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Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	



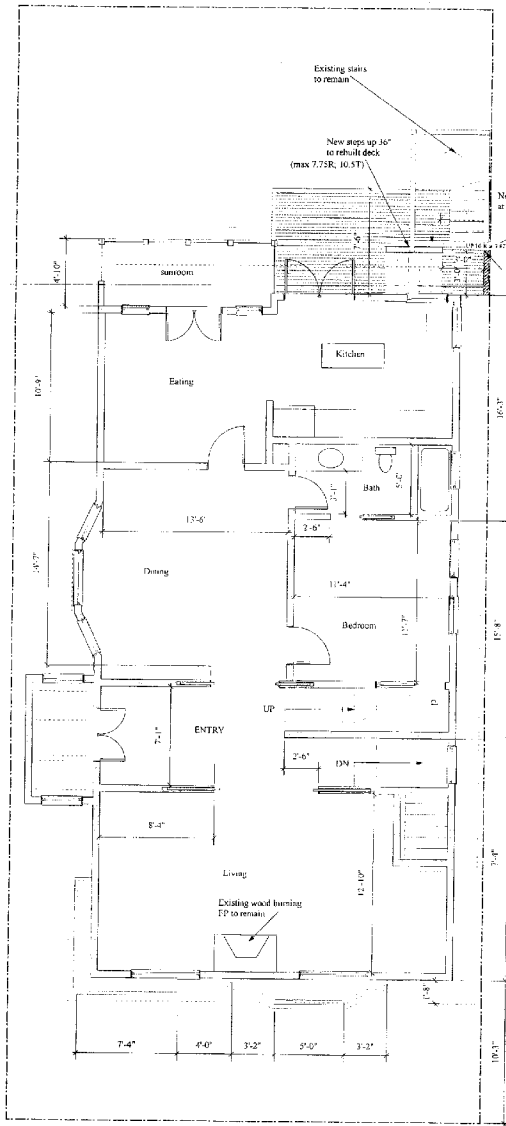
**STEPHEN ANTONAROS  
ARCHITECT**  
2533 Market Street #204  
San Francisco, California 94114  
(415) 254-9371  
www.stephenantonaros.com

Architect  
No. 42372  
State of California  
(415) 254-9371

**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002  
**As Approved, ALTERED and NEW 2nd FLOOR PLANS**

Date: Jan 2014  
Scale: 1/8" = 1'-0"  
Drawn: SA  
Job:  
Sheet:

**A2.2**  
of 2 Sheets

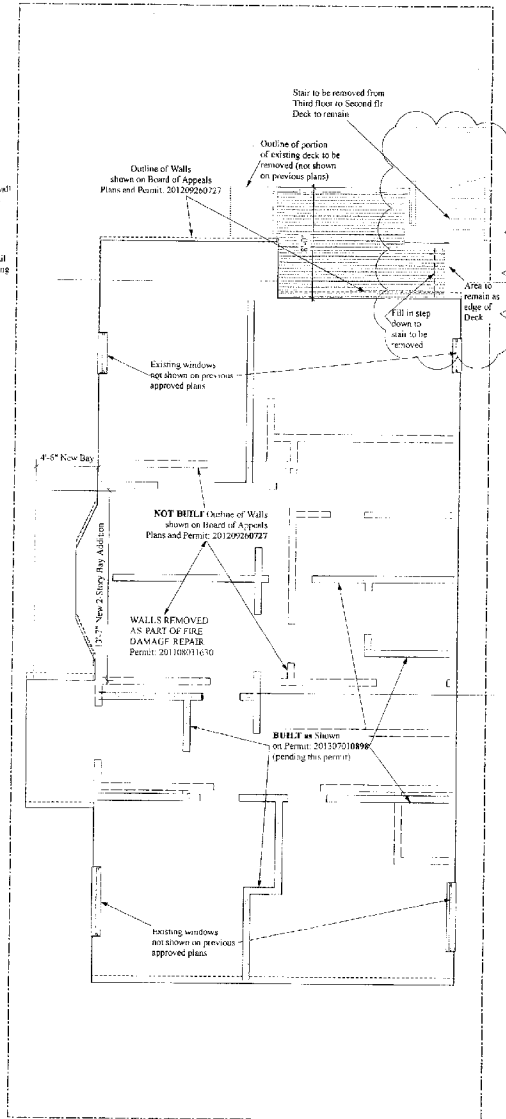


**A** EXISTING 2nd Flr-NEW THIRD FLOOR PLAN  
 A2.3.7 Scale: 1/4" = 1'-0"

2857 Broderick  
 1,795 sq ft

No Structural work to be done on Third Floor

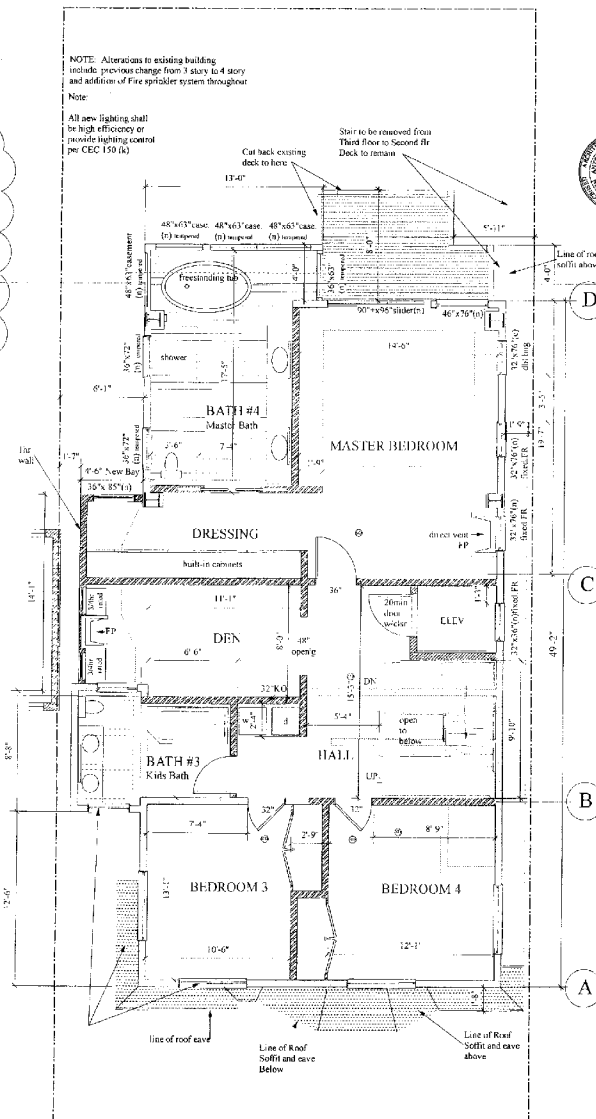
**AS APPROVED** Board of Appeals



Indicates New Two-Story Bay Addition

**B** THIRD FLOOR PLAN-Updated  
 A2.3.7 Scale: 1/4" = 1'-0"

**AS-BUILT, AS-APPROVED**  
 Interior Changes + Survey Verification



NOTE: Alterations to existing building include: previous change from 3 story to 4 story and addition of Fire sprinkler system throughout

Note:  
 All new lighting shall be high efficiency or provide lighting control per CEC 150.14

**C** NEW THIRD FLOOR PLAN  
 A2.3.7 Scale: 1/4" = 1'-0"

New 3rd Floor w/Enlarged Bay 1467 sq ft

**FINAL PROPOSED** Alterations

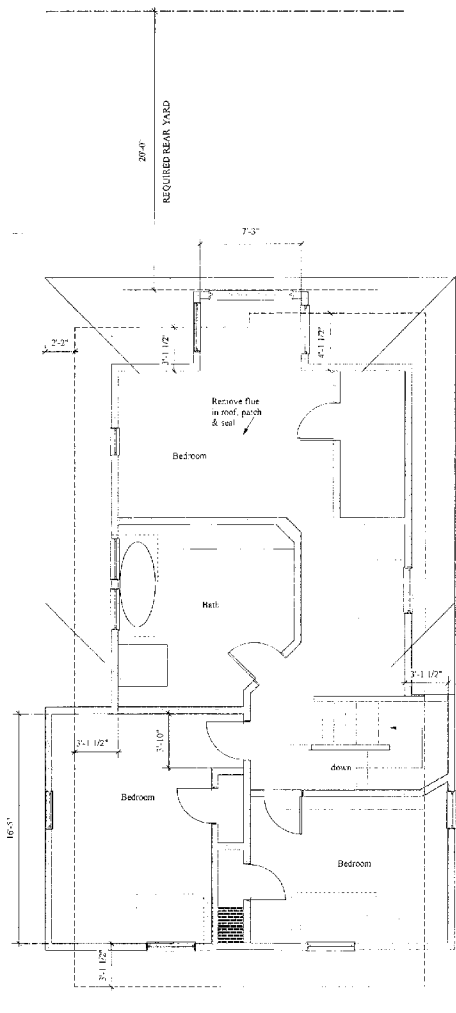


**STEPHEN ANTONAROS**  
 ARCHITECT  
 2261 Market Street #204  
 San Francisco, California 94114  
 (415) 763-0557  
 www.stephenantonaros.com

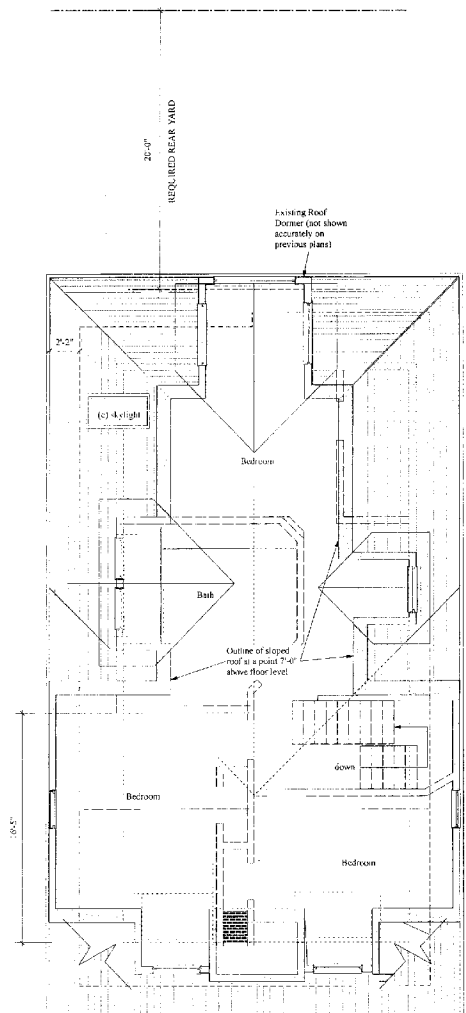
ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER  
 2855 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 As Approved, ALTERED and New 3rd FLOOR PLANS

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

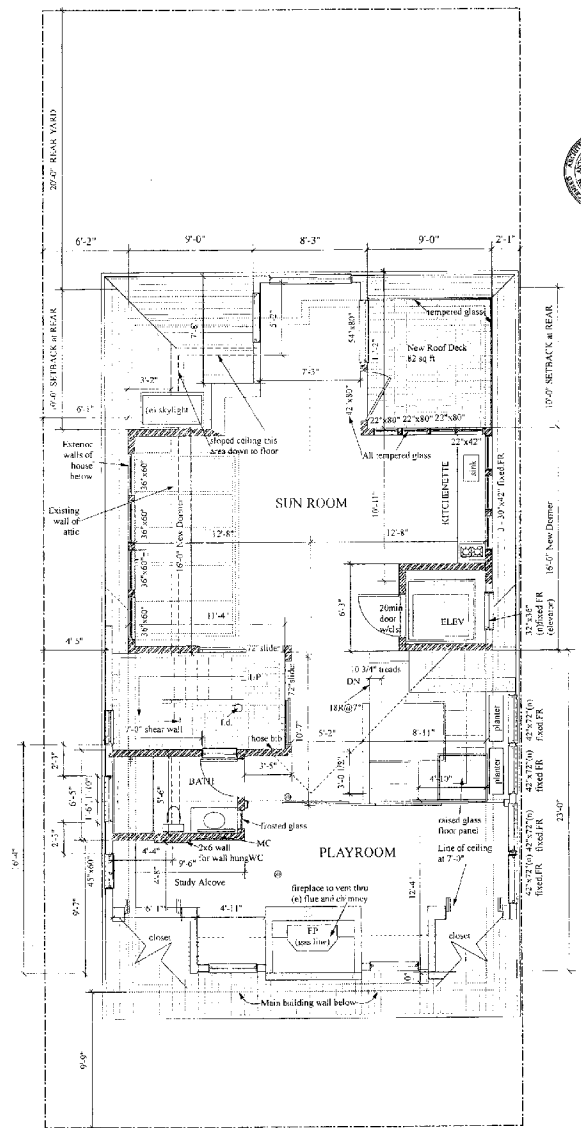
Date	Jan 2014
Scale	1/4" = 1'-0" s.o.s.
Drawn	SA
Job	
Sheet	<b>A2.3</b>
of	Sheets



**A** EXISTING THIRD FLOOR PLAN  
 (A.1) Scale: 1/4" = 1'-0"  
 2857 Broderick  
 1096 sq ft



**B** FOURTH FLOOR PLAN-Roof Section shows cut at 7'-0" High ceiling point  
 (A.1) Scale: 1/4" = 1'-0"  
 2857 Broderick  
 929 sq ft  
 (4) partitions (to be removed)



**C** NEW FOURTH FLOOR PLAN  
 (A.1) Scale: 1/4" = 1'-0"  
 New 4th Floor: 997 sq ft

**AS APPROVED** Board of Appeals

**AS-BUILT, AS-APPROVED**  
 Interior Changes + Survey Verification

**FINAL PROPOSED** Alterations



REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

**STEPHEN ANTONAROS**  
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 1240 Market Street, #324  
 San Francisco, California 94114  
 (415) 861-2261  
 FAX: (415) 861-0961  
 www.stephenantonaros.com  
 stephen@stephenantonaros.com

for  
 Backup/Whisper  
 (415) 248-5157

**As Approved, ALTERED and NEW 4th FLOOR PLANS**

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002

Date	Jan 2014
Scale	1/8" = 1'-0"
Drawn	SA
Job	
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of	<b>A3.1</b>
Sheet	

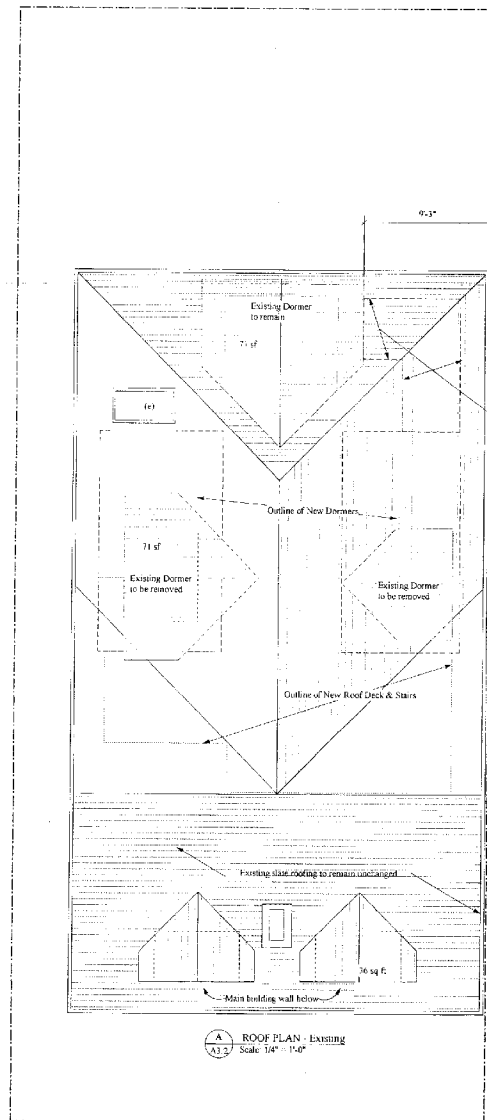
REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	



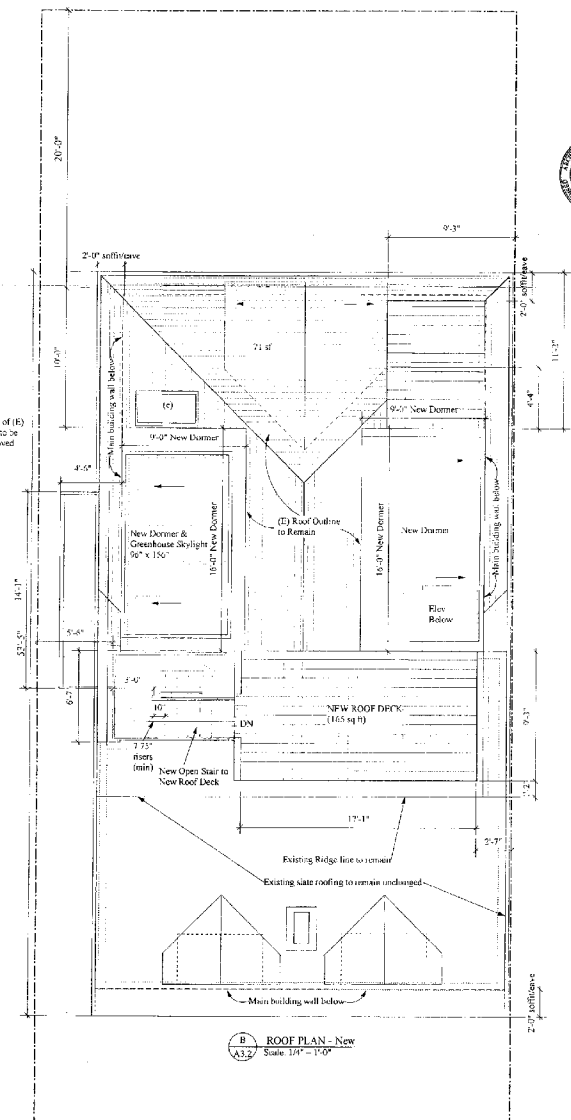
**STEPHEN ANTONAROS**  
**ARCHITECT**  
 2841 Market Street, #104  
 San Francisco, CA 94114  
 (415) 864-2261  
 www.stephenantonaros.com  
 antonaros@stephenar.com  
 FAX: (415) 864-0961

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 **EXISTING and NEW ROOF PLANS**

Date: Jan 2014  
 Scale: 1/8" = 1'-0"  
 Drawn: SA  
 Job:  
 Sheet: **A3.2**



**EXISTING ROOF PLAN**

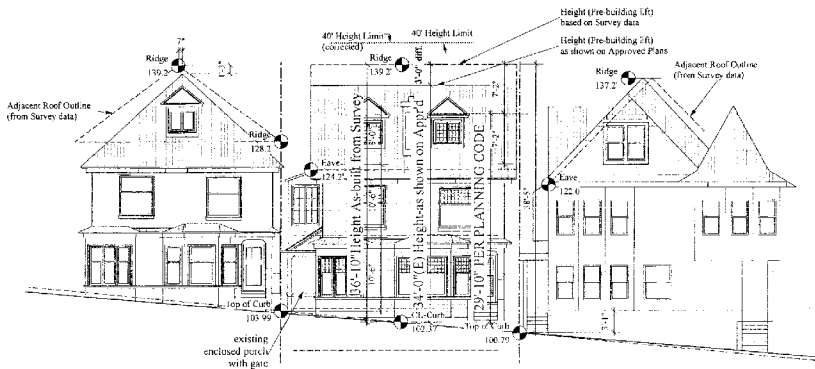


**FINAL PROPOSED Alterations to ROOF**

1st Floor 607 sq ft	← (net reduction from previously approved under: 201103252839)
2nd Floor 1455 sq ft	First floor under this permit reduced from 726 sq ft to 607, 119 sq ft less
3rd Floor 1467 sq ft	
4th Floor 997 sq ft	Fourth floor under this permit increased from 929 sq ft to 997, 68 sq ft more
<b>2853 Broderick</b> 4526 sq ft	Total net 21 sq ft less than previously approved for all floors combined
<b>TOTAL</b>	

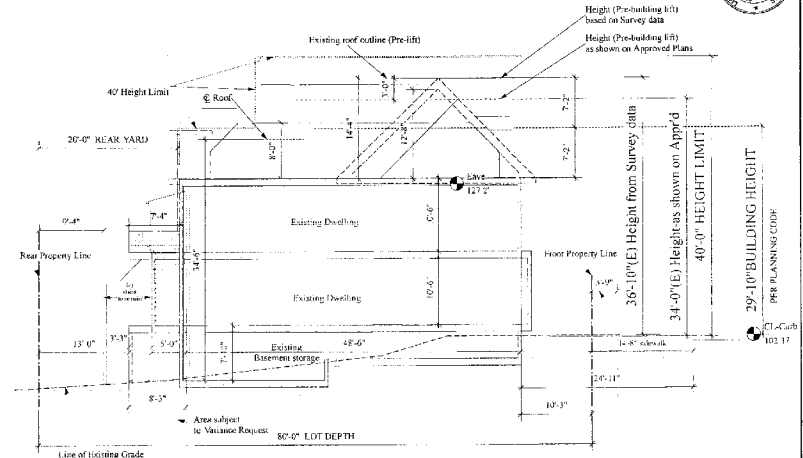
**EXHIBIT 'A'**  
**August 22, 2012**  
 (updated w/ new Survey Data)

Update Elevations per Survey data



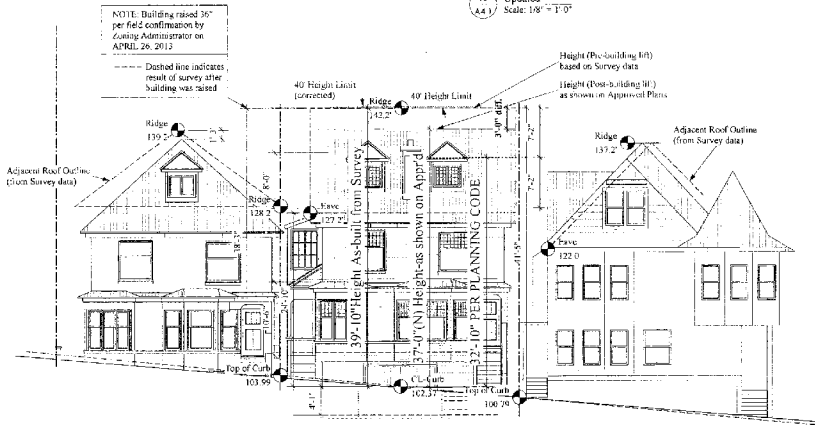
**A** EXISTING ELEVATION- 2853 & 2857 BRODERICK  
 Scale: 1/8" = 1'-0"

**A.1** Updated  
 Scale: 1/8" = 1'-0"



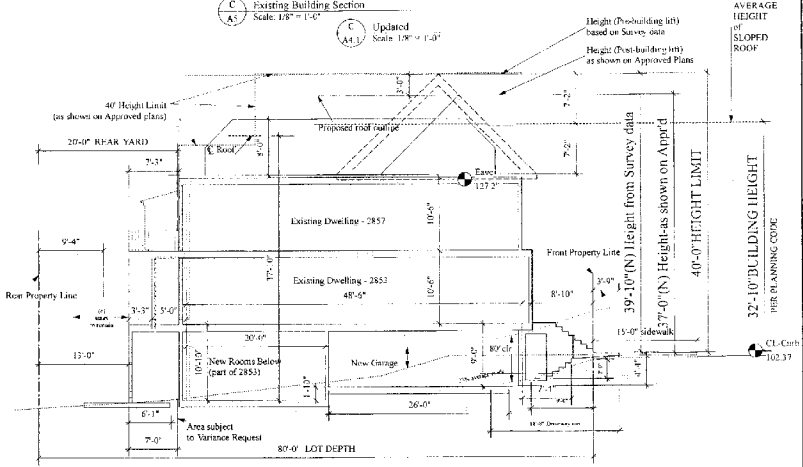
**C** Existing Building Section  
 Scale: 1/8" = 1'-0"

**C.1** Updated  
 Scale: 1/8" = 1'-0"



**B** NEW ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
 Scale: 1/8" = 1'-0"

**B.1** Updated  
 Scale: 1/8" = 1'-0"



**D** New Building Section- RAISED  
 Scale: 1/8" = 1'-0"

**D.1** Updated  
 Scale: 1/8" = 1'-0"

SURVEY DATA from field survey conducted on November 01, 2011

**Survey Verification  
 corrects APPROVED dwgs  
 of BUILDING HEIGHT  
 at FRONT**

REVISIONS	BY
Jan 25, 2012	
Mar 15, 2012	
Aug 13, 2012	
Mar 20, 2013	
Aug 28, 2013	
Nov 21, 2013	

**STEPHEN ANTONAROS  
 ARCHITECT**  
 2853 Market Street #124  
 San Francisco, California 94114  
 www.stephenantonaros.com  
 (415) 231-4007  
 santonaros@stephenar.com

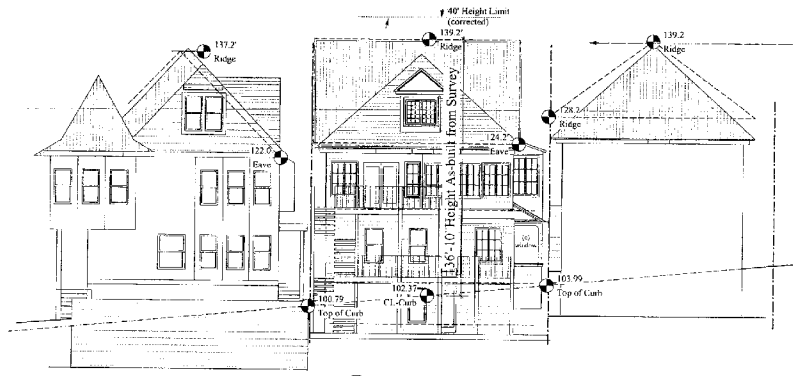
**As Approved Elevations + Survey Data**

**UPDATE ELEVATIONS with SURVEY DATA  
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002**

Date: August 10  
 Scale: 1/8" = 1'-0"  
 Drawn: SA  
 Job:  
 Sheet: **A4.1**  
 of Sheets

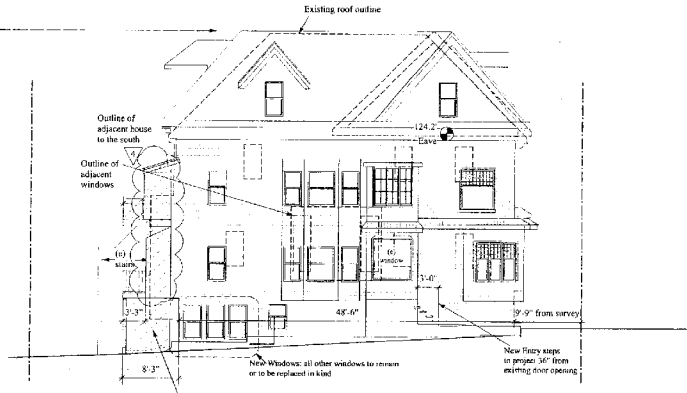
Update Elevations per Survey Data

# EXHIBIT 'A' August 22, 2012 (updated w/ new Survey Data)



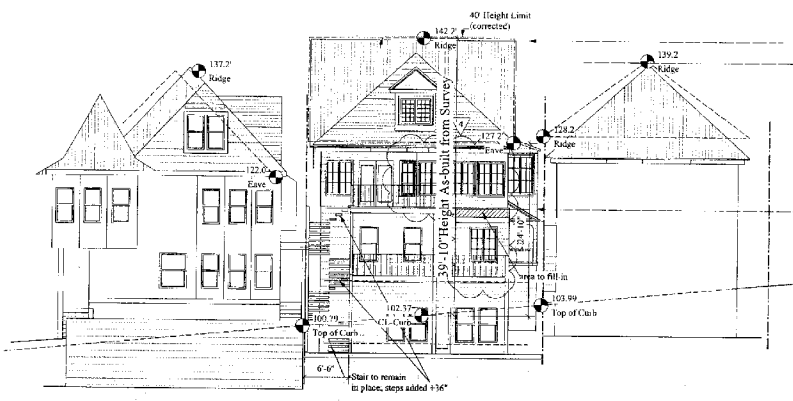
**A** EXISTING REAR ELEVATION- 2853 & 2857 BRODERICK  
Scale: 1/8" = 1'-0"

**A** Updated  
Scale: 1/8" = 1'-0"



**C** NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
Scale: 1/8" = 1'-0"

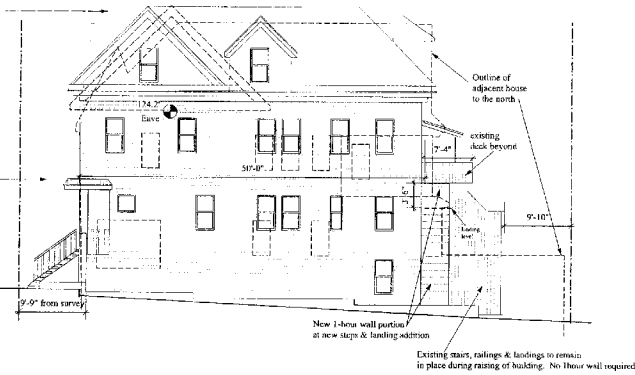
**C** Updated  
Scale: 1/8" = 1'-0"



**B** NEW REAR ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
Scale: 1/8" = 1'-0"

**B** Updated  
Scale: 1/8" = 1'-0"

39'-10" (conforms with survey)



**D** NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
Scale: 1/8" = 1'-0"

**D** Updated  
Scale: 1/8" = 1'-0"

**Survey Verification  
conforms to APPROVED dwgs  
of BUILDING HEIGHT  
at REAR and SIDES**

REVISIONS	BY
Jan 25, 2012	
Mar 15, 2012	
Aug 13, 2012	
Mar 30, 2013	
Aug 28, 2013	
Nov 21, 2012	

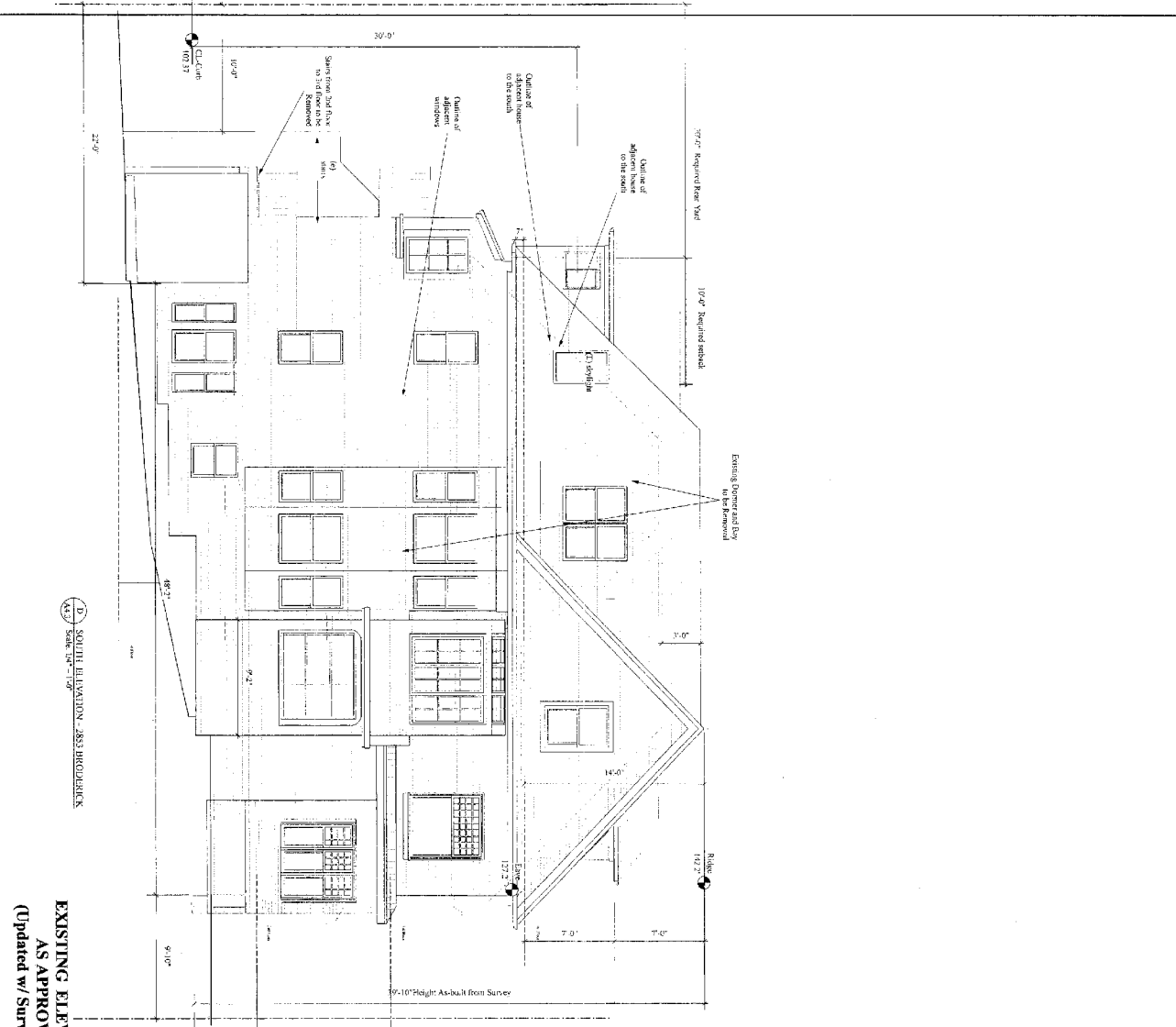
**STEPHEN ANTONAROS  
ARCHITECT**  
220 Market Street #324  
San Francisco, California 94114  
(415) 864-2261  
www.stephenantonaros.com  
stephen@stephenantonaros.com

60 Park Wharf  
(415) 350-8817

**As Approved Elevations + Survey Data**

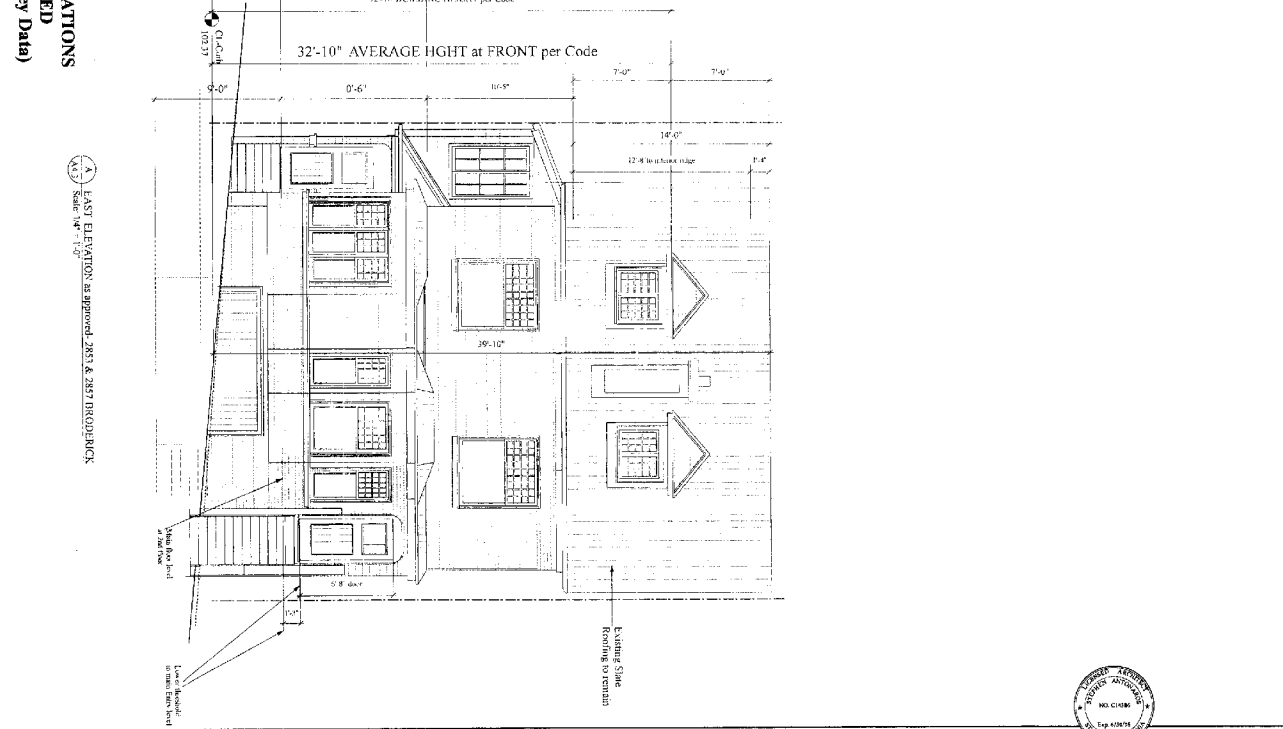
UPDATE ELEVATIONS WITH SURVEY DATA  
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002

Date	August 10
Scale	1/8" = 1'-0"
Drawn	SA
Job	
Sheet	<b>A4.2</b>



D SOUTH ELEVATION - 2853 BRODERICK  
Scale: 1/4" = 1'-0"

EXISTING ELEVATIONS  
AS APPROVED  
(Updated w/ Survey Data)



A EAST ELEVATION AS APPROVED 2853 & 2857 BRODERICK  
Scale: 1/4" = 1'-0"

<b>ADDITIONS &amp; ALTERATIONS &amp; DWELLING UNIT MERGER</b> 2853 BRODERICK ST., SAN FRANCISCO, CA 94123 Block 0947 Lot 002 <b>EXISTING FRONT and SIDE ELEVATIONS</b>		<b>STEPHEN ANTONAROS ARCHITECT</b> 2261 Market Street #324 San Francisco, California 94114 (415) 864-2261 <a href="http://www.antonaros.com">www.antonaros.com</a> <a href="mailto:antonaros@highland.net">antonaros@highland.net</a>		REVISIONS BY DATE DESCRIPTION	
DATE: 10/21/14 SCALE: 1/4" = 1'-0" DRAWN: SA CHECKED: SA		2261 MARKET STREET #324 SAN FRANCISCO, CA 94114 (415) 250-4057		APR 24, 2014 FEB 20, 2014 MAY 11, 2014	
SHEET <b>A4.3</b> OF 02 SHEETS					





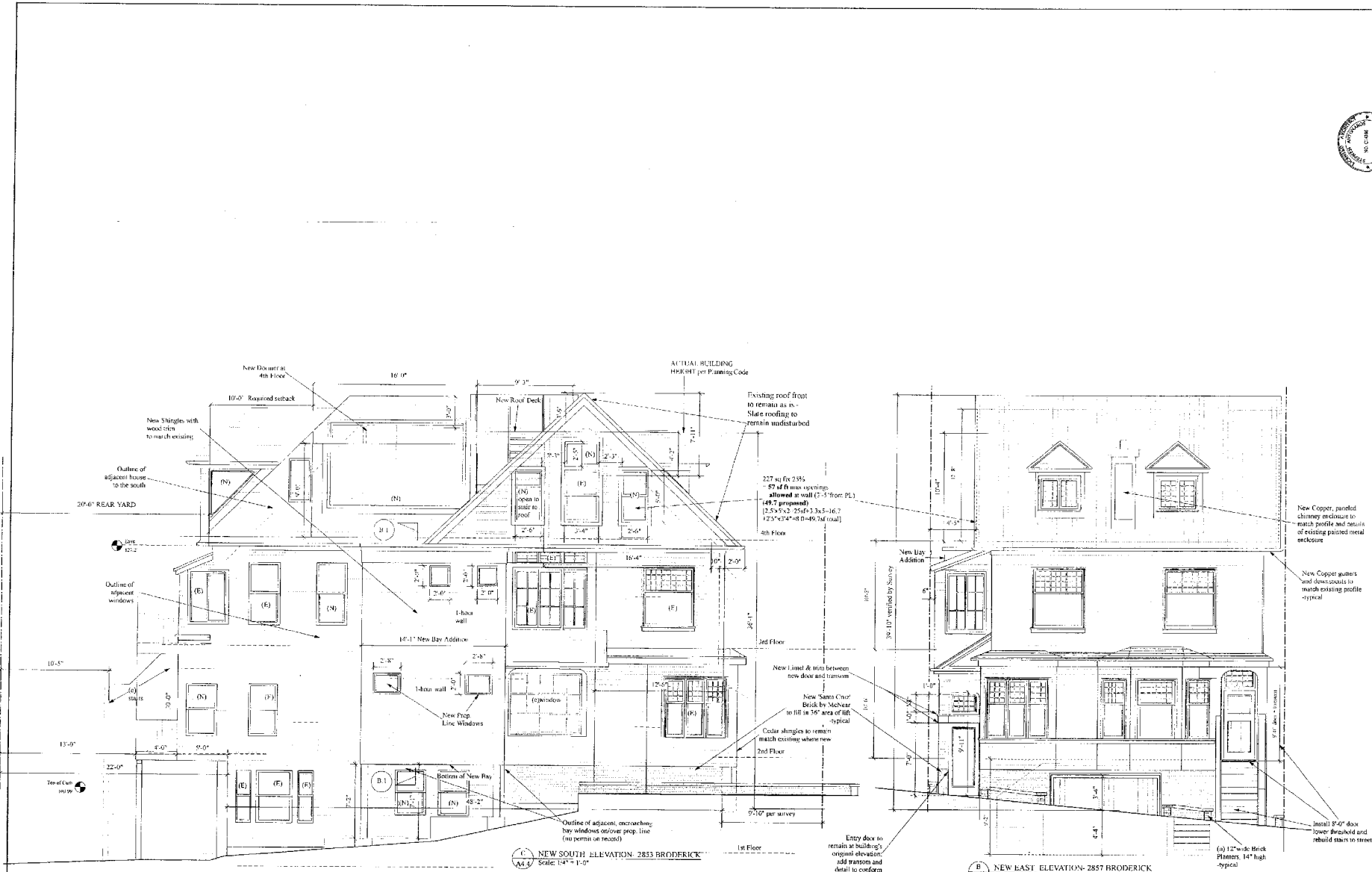
REVISIONS	BY
Jan 24, 2014	
Feb 24, 2014	
May 01, 2014	



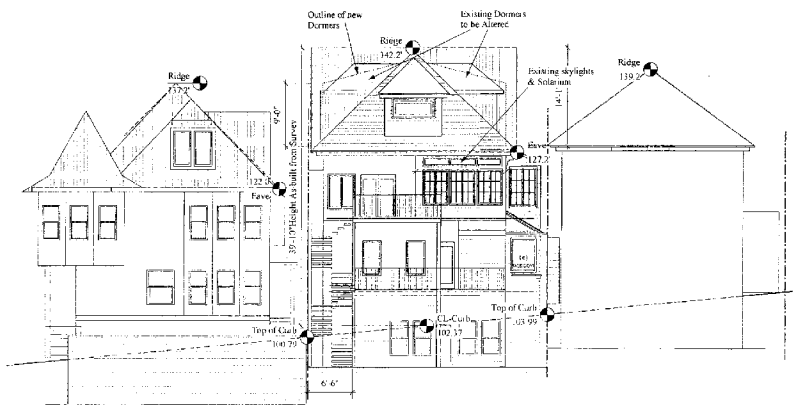
**STEPHEN ANTONAROS**  
**ARCHITECT**  
 2043 Market Street, #304  
 San Francisco, California 94114  
 www.stephenantonaros.com  
 (415) 694-2261  
 (415) 225-8807  
 santonaros@stephenar.com

**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
 2855 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 **NEW FRONT and SIDE ELEVATIONS**

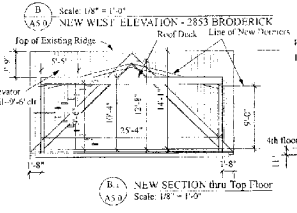
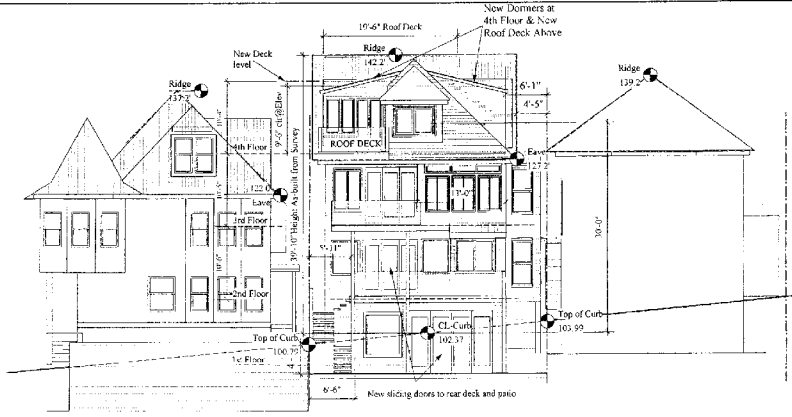
Date	Jan 2014
Scale	1/8"=1'-0" E.O.D.
Drawn	S.A.
Job	
Sheet	<b>A4.4</b>



**PROPOSED ALTERATIONS**

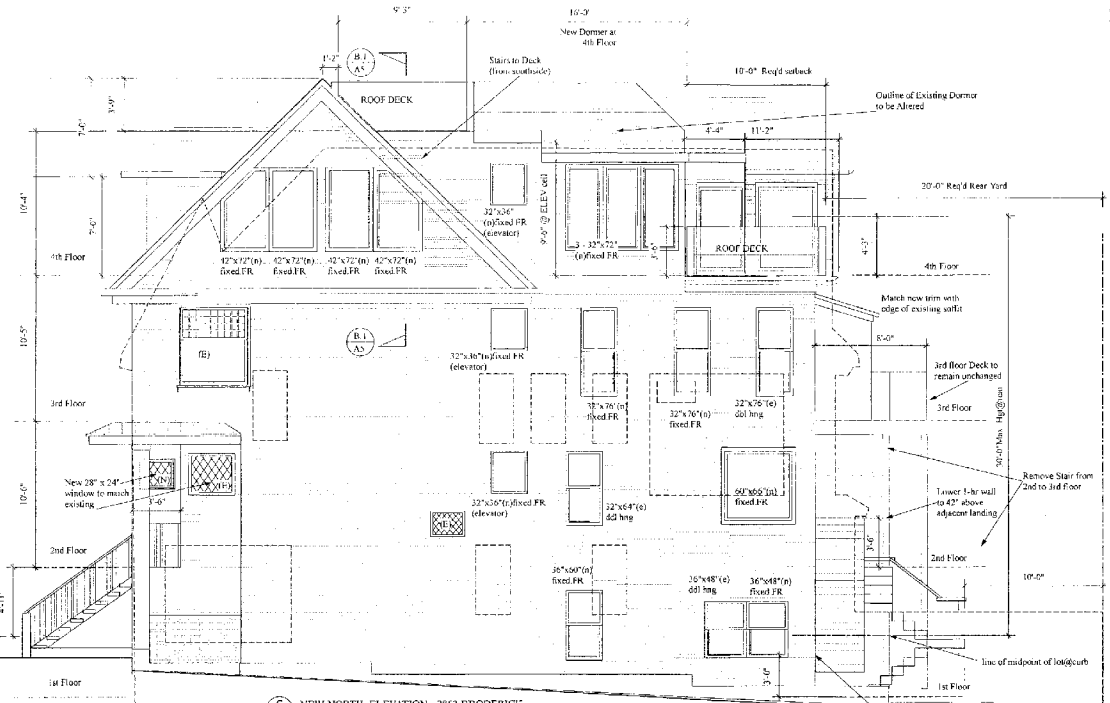


**A**  
**EXISTING WEST ELEVATION**  
 Scale: 1/8" = 1'-0"

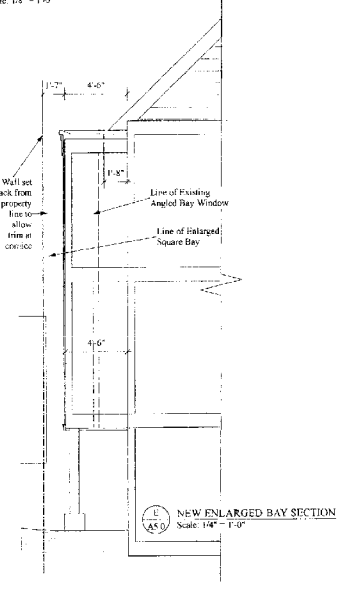


**B**  
**NEW SECTION thru Top Floor**  
 Scale: 1/8" = 1'-0"

**UPDATED REAR ELEVATIONS**  
 Existing + Proposed



**C**  
**NEW NORTH ELEVATION- 2853 BRODERICK**  
 Scale: 1/8" = 1'-0"



**D**  
**NEW ENLARGED BAY SECTION**  
 Scale: 1/4" = 1'-0"

**PROPOSED ALTERATIONS**

(n) 1-hour wall (see previous approval)



**STEPHEN ANTONAROS**  
**ARCHITECT**  
 2853 Broderick Street #304  
 San Francisco, California 94134  
 www.antonaros.com antonaros@att.net  
 (415) 884-2281 FAX: 885-0961

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 **EXISTING + NEW REAR and SIDE ELEVATIONS**

Date	Jan 2014
Scale	1/8" = 1'-0"
Drawn	SA
Job	
Sheet	
of	<b>A5.0</b>

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	



**STEPHEN ANTONAROS  
ARCHITECT**

2853 Broderick Street, #304  
San Francisco, California 94115  
www.antonaros.com  
(415) 864-2262  
(415) 865-1096

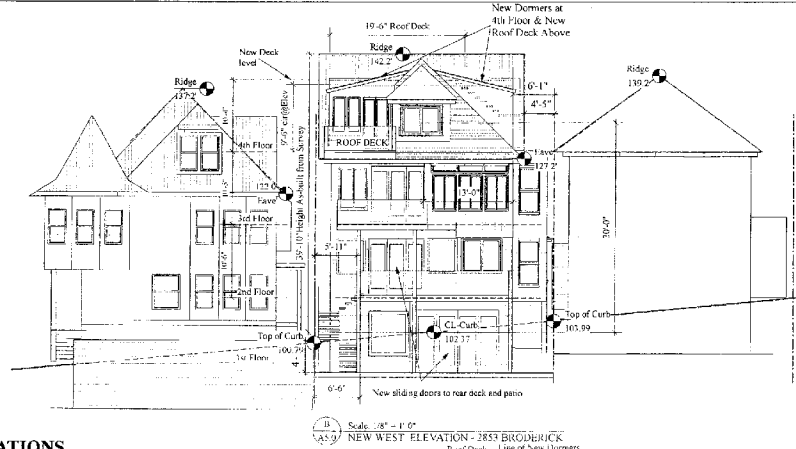
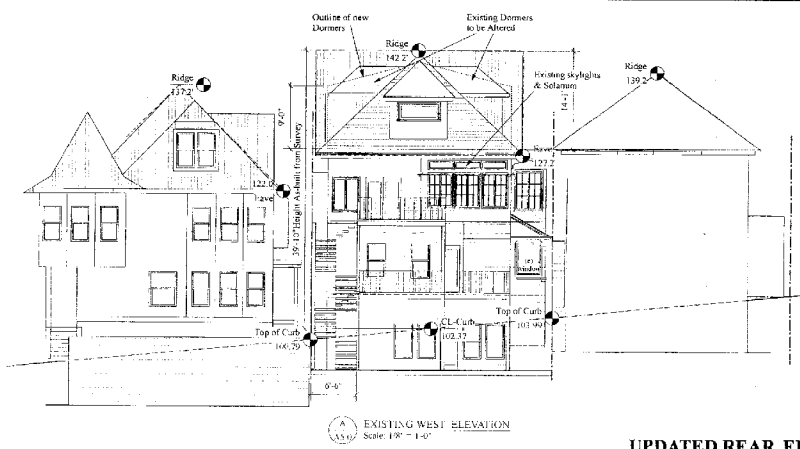
For  
Valentin W. Lerner  
1151 252 0057

**EXISTING + NEW REAR AND SIDE ELEVATIONS**

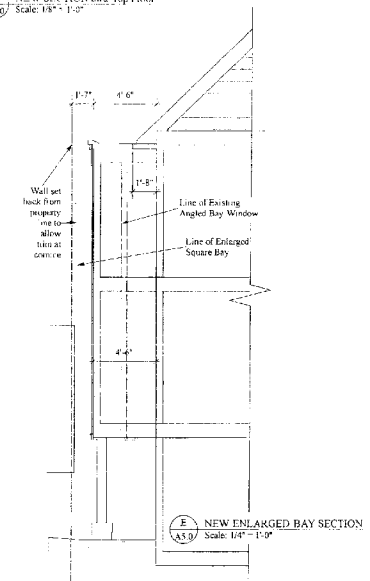
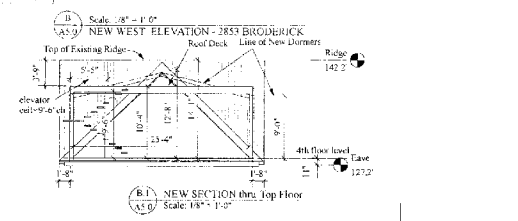
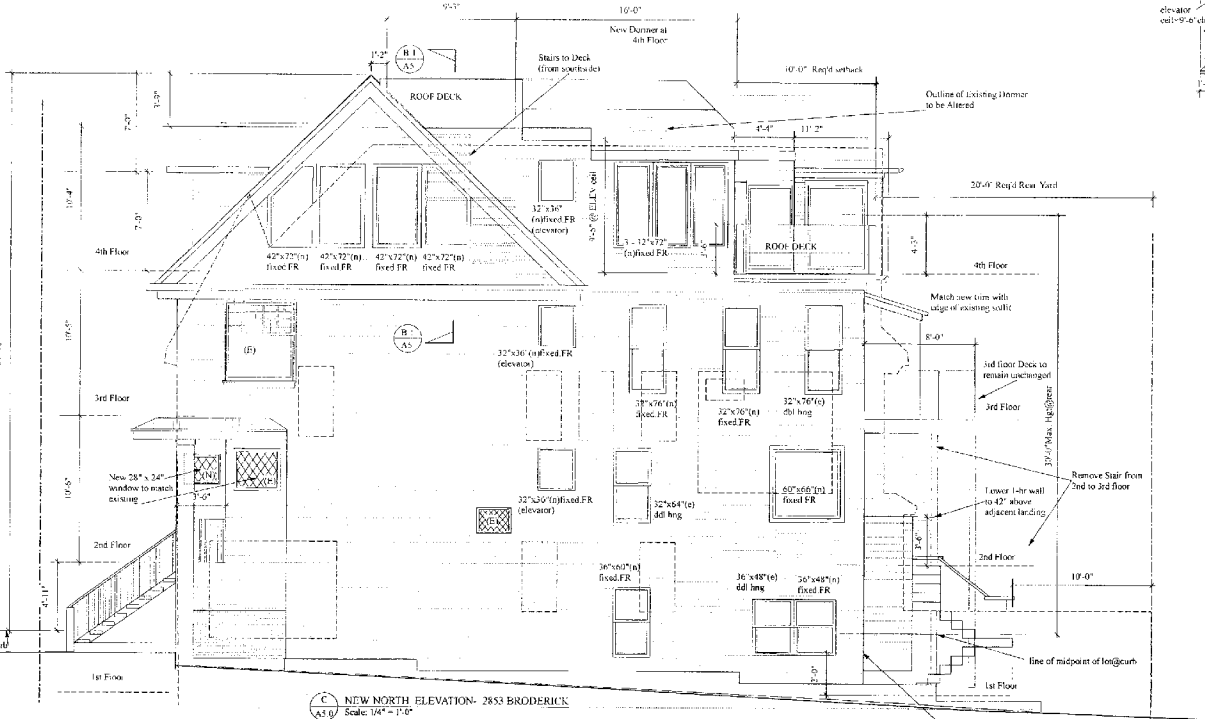
ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER  
2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002

Date: Jan 2014  
Scale: 1/8"=1'-0"  
Drawn: SA

Job:  
Sheet:  
**A5.0**  
of  
Sheets



**UPDATED REAR ELEVATIONS**  
**Existing + Proposed**



**PROPOSED ALTERATIONS**

(a) 1-1/2" wall (per previous approval)





**SAN FRANCISCO  
PLANNING DEPARTMENT**

1650 Mission Street Suite 400 San Francisco, CA 94103

**NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)**

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

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

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input checked="" type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	AS APPROVED* / AS BUILT	PROPOSED
Building Use	Two-family dwelling / No Change	Single-family residence
Front Setback	10 feet / 10 feet	No Change
Side Setbacks	6'@south & 2'@ north / No Change	2' @ south & 2' @ north side
Building Depth	57 feet / No Change	No Change
Rear Yard	13 feet / No Change	No Change
Building Height	37' to ridge / 40' to ridge	No Change
Number of Stories	3 over garage / No Change	No Change
Number of Dwelling Units	2 / No Change	1
Number of Parking Spaces	2 / No Change	No Change
PROJECT DESCRIPTION		
*Under previously approved BPA#2011.03.25.2839, the subject building was lifted 3 feet to the As Built (existing) condition at the subject property. During construction it was discovered that the existing and proposed dimensioned heights disclosed under BPA#2011.03.25.2839 were incorrectly stated and were deficient by 3 feet. The subject permit application has been filed to demonstrate that the subject building was lifted 3 feet to a height of 40 feet, rather than to 37 feet as stated in BPA#2011.03.25.2839. The subject permit application also proposes additional work including a dwelling unit merger from 2 to 1 unit and side and vertical additions to the existing building. A Discretionary Review hearing, Case No. 2013.0433D, for the project is scheduled for 12:00 p.m. on Thursday, August 7, 2014 at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, San Francisco, CA. The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.		

For more information, please contact Planning Department staff:

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

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

中文詢問請電: (415) 575-9010

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

## GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. We strongly urge that steps 1 and 2 be taken.

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at [www.communityboards.org](http://www.communityboards.org) for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice. Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at [www.sfplanning.org](http://www.sfplanning.org). You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you. Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

### BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the Board of Appeals within 15 calendar days after the building permit is issued (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

### ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



## SAN FRANCISCO PLANNING DEPARTMENT

Date: 7/7/14

The attached notice is provided under the Planning Code. It concerns property located at 2853 Broderick Street (2013.07.01.0898) ~ GC. A hearing may occur, a right to request review may expire or a development approval may become final unless appealed by 8/6/14.

To obtain information about this notice in Spanish or Chinese, please call (415) 575-9010. Please be advised that the Planning Department will require at least one business day to respond to any call.

附上的是三藩市城市規劃局的通告。

此通告是與位於 2853 Broderick Street (2013.07.01.0898) ~ GC 的建築計劃有關。如果在 8/6/14 之前沒有人申請聽證會來檢討這一個建築計劃, 這計劃可會被核准。

如果你需要用華語獲得關於這通告的細節, 請電415-575-9010。規劃部門將需要至少一個工作天回應。華語資料提供只是城市規劃局的一項服務, 此項服務不會提供額外的權利或延伸任何要求檢討的期限。

El documento adjunto es referente a la siguiente dirección: 2853 Broderick Street (2013.07.01.0898) ~ GC. Es un requisito del Código de Planeación (Planning Code). La posibilidad de una audiencia puede ocurrir. El derecho para revisar el archivo de este proyecto puede expirar o una decisión puede ser final si usted no presenta un documento de apelación antes de: 8/6/14.

Para obtener más información en Español acerca de este proyecto, llame al siguiente teléfono (415) 575-9010. Por favor tome en cuenta que le contestaremos su llamada en un período de 24 horas. El servicio en Español es proporcionado por el Departamento de Planeación (Planning Department) de la ciudad de San Francisco. Eso no garantiza ningún derecho adicional o extensión del tiempo requerido por la ley.

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

CASE NUMBER:  
For Staff Use only

13.0433D

RECEIVED

# APPLICATION FOR Discretionary Review

AUG 06 2014  
CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
P.I.C.

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: <i>Timothy Arcuri</i>		
DR APPLICANT'S ADDRESS: <i>2832 Broderick St</i>	ZIP CODE: <i>94123</i>	TELEPHONE: <i>(415) 760 5550</i>
PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: <i>Pgm Whitehead</i>		
ADDRESS: <i>2853-57 Broderick St</i>	ZIP CODE: <i>94123</i>	TELEPHONE: <i>( )</i>
CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: <i>( )</i>
E-MAIL ADDRESS:		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: <i>2853-57 Broderick St</i>		ZIP CODE: <i>94123</i>
CROSS STREETS: <i>Filbert and Union</i>		
ASSESSORS BLOCK/LOT: <i>0947 1002</i>	LOT DIMENSIONS:	LOT AREA (SQ FT):
ZONING DISTRICT:	HEIGHT/BULK DISTRICT:	

## 3. Project Description

Please check all that apply

Change of Use  Change of Hours  New Construction  Alterations  Demolition  Other

Additions to Building: Rear  Front  Height  Side Yard

Present or Previous Use: *two unit rental housing*

Proposed Use: *single family home*

Building Permit Application No. *201307010898* Date Filed: *May 1, 2004*

- 2011 03111905*
- 2011 03252839*
- 2011 08031630*
- 2012 09260727*
- 2013 09247638*
- 2013 09066151*

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

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## Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and cite specific sections of the Residential Design Guidelines.

I never got my opportunity to go before the commission because the revised plans were never submitted to me in their entirety and in a timely fashion. Additionally, I ~~disagree~~ with due process was not served in obtaining the original permit to raise

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how: <sup>the house.</sup>

Due process was not served to the neighbors - the entire process and permitting has been on a piecemeal basis.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

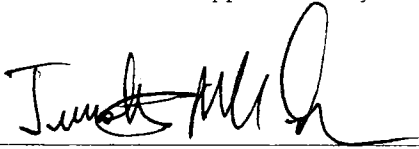
The building height and original permit to raise was not obtained with accurate facts - we must effectively ~~to~~ wind back the clock AS IF THE BUILDING WAS NOT RAISED - this should not be considered an "existing" condition.

13.0433D

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature:  Date: 8/4/14

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

Timothy Arcuri owner  
Owner / Authorized Agent (circle one)

# Discretionary Review Application Submittal Checklist

Applications submitted to the Planning Department must be accompanied by this checklist and all required materials. The checklist is to be completed and **signed by the applicant or authorized agent.**

REQUIRED MATERIALS (please check correct column)	DR APPLICATION
Application, with all blanks completed	<input type="checkbox"/>
Address labels (original), if applicable	<input type="radio"/>
Address labels (copy of the above), if applicable	<input type="radio"/>
Photocopy of this completed application	<input type="checkbox"/>
Photographs that illustrate your concerns	<input type="checkbox"/>
Convenant or Deed Restrictions	<input type="checkbox"/>
Check payable to Planning Dept.	<input type="checkbox"/>
Letter of authorization for agent	<input type="checkbox"/>
Other: Section Plan, Detail drawings (i.e. windows, door entries, trim), Specifications (for cleaning, repair, etc.) and/or Product cut sheets for new elements (i.e. windows, doors)	<input type="checkbox"/>

**NOTES:**

- Required Material.
- Optional Material.

Two sets of original labels and one copy of addresses of adjacent property owners and owners of property across street.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_



# SAN FRANCISCO PLANNING DEPARTMENT

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## Discretionary Review Abbreviated Analysis

HEARING DATE: OCTOBER 6, 2011

*Date:* September 29, 2011  
*Case No.:* 2010.0394D  
*Project Address:* 2853-2857 Broderick Street  
*Permit Application:* 2011.03.25.2839  
*Zoning:* RH-2 [Residential House, Two-Family]  
40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Project Sponsor:* Stephen Antonaros, Architect  
2261 Market Street, #324  
San Francisco, CA 94114  
*Staff Contact:* Glenn Cabreros – (415) 588-6620  
[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)  
*Recommendation:* **Do not take DR and approve as proposed**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The proposal is to raise the existing three-story-over-basement, two-unit building 3 feet to insert a two-car garage within the basement level.

### SITE DESCRIPTION AND PRESENT USE

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

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The circa 1900 subject building is one of a group of four detached buildings that have similar massing, scale, side setbacks and architectural expression. The adjacent building to the north is a three-story-over-basement, two-unit building at the intersection of Broderick and Filbert Streets with a two-car garage accessed from Filbert Street. The adjacent building to the south (the DR Requestor's building) is a two-story-plus-attic-over-basement, two-unit building. In general, the subject blockface is characterized by three-story-over-basement/garage buildings, while the opposite blockface is characterized by four-story structures (two, two-story building do exist on the opposite block face, but closer towards Union Street). The subject blockface is within the RH-2 Zoning District, while the most of the opposite block face is within the RH-1 Zoning District. The subject property is within the Cow Hollow neighborhood and subject to the Cow Hollow Design Guidelines.

**BUILDING PERMIT NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	June 14, 2011 – July 13, 2011*	July 1, 2011	October 6, 2011	96 days

\*The project was re-noticed per Section 311 from August 8, 2011 to September 6, 2011 to correct an error regarding the height limit as depicted on the plans in the original notice. The project scope-of-work was not revised from the initial notice for the re-notice.

**HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	September 26, 2011	September 26, 2011	10 days
Mailed Notice	10 days	September 26, 2011	September 26, 2011	10 days

**PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	--	1	--
Other neighbors on the block or directly across the street	--	--	--
Neighborhood groups	--	--	--

**DR REQUESTOR**

**Irving Zaretsky**, owner of 2845-2847 Broderick Street, directly south and adjacent to the project.

**DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES**

See attached *Discretionary Review Application*, dated July 1, 2011.

**PROJECT SPONSOR’S RESPONSE TO DR APPLICATION**

See attached *Response to Discretionary Review*, dated September 14, 2011.

**ENVIRONMENTAL REVIEW**

On July 3, 2011, the Department determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

## **RESIDENTIAL DESIGN TEAM REVIEW**

This project complies with the Cow Hollow Neighborhood Design Guidelines. The Residential Design Team (RDT) found no design issues with the project. The RDT found that the project would essentially maintain the existing relationship of the subject building to the DR Requestor's building with regard to the DR Requestor's concerns.

**Under the Commission's pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.**

<b>RECOMMENDATION: Do not take DR and approve project as proposed</b>
---

**Attachments:**

Parcel Map

Sanborn Map

Aerial Photographs

Zoning Map

Context Photographs

Categorical Exemption

Section 311 Notice and Re-Notice

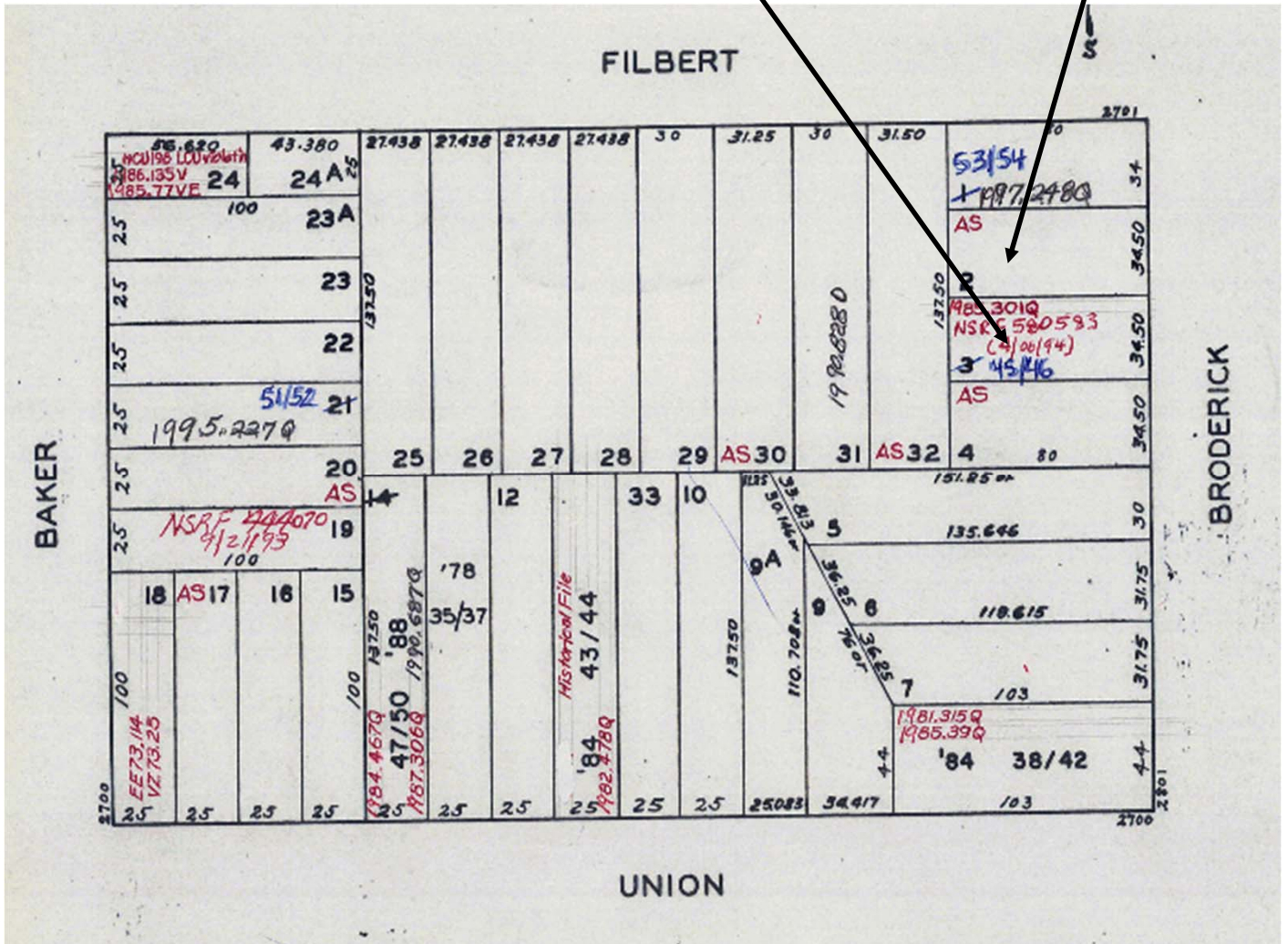
DR Application

Project Sponsor Submittal: Response to Discretionary Review and Reduced Plans

# Parcel Map

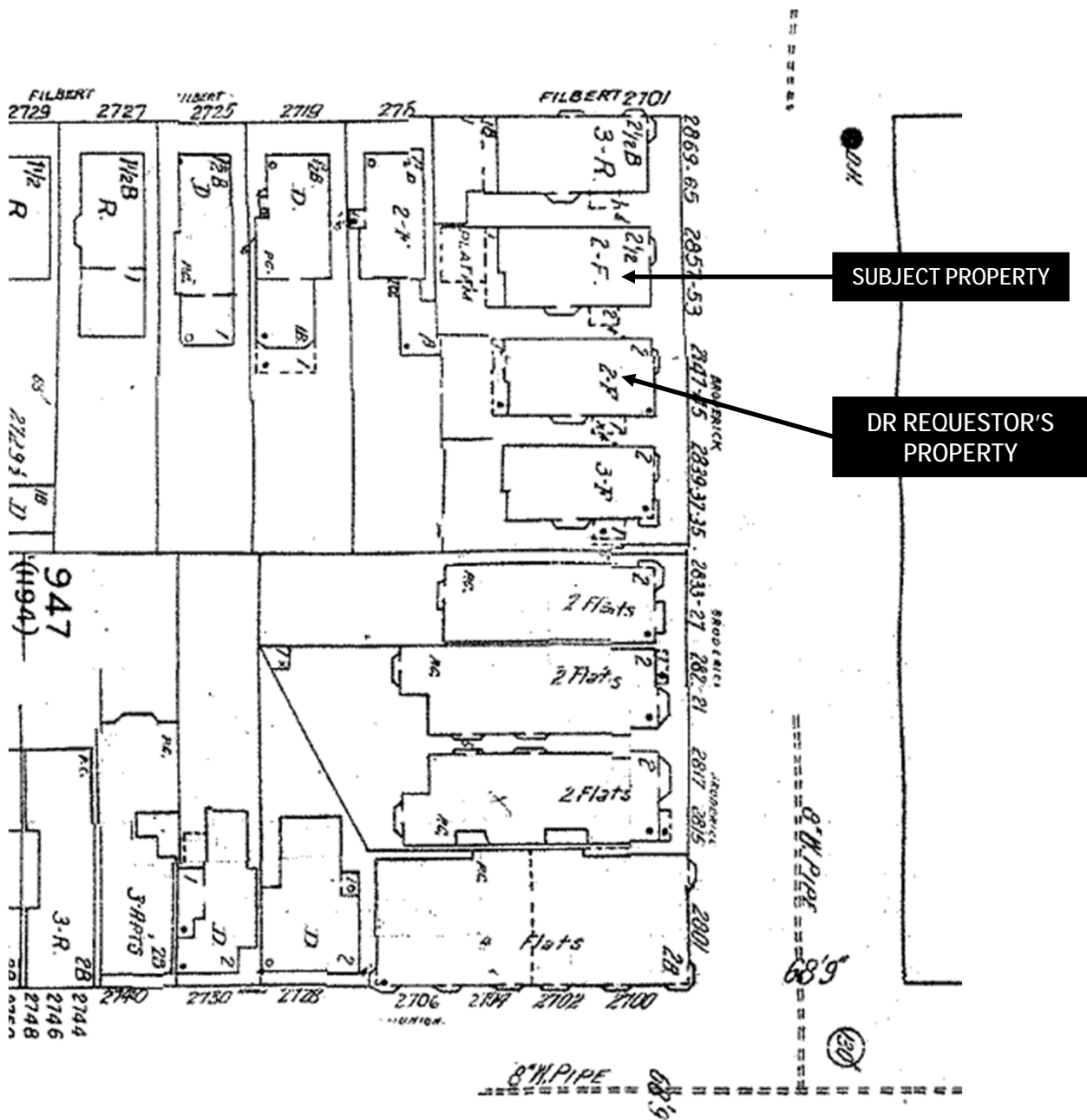
DR REQUESTOR'S  
PROPERTY

SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2010.0394D  
2853-2857 Broderick Street

# Sanborn Map\*



\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



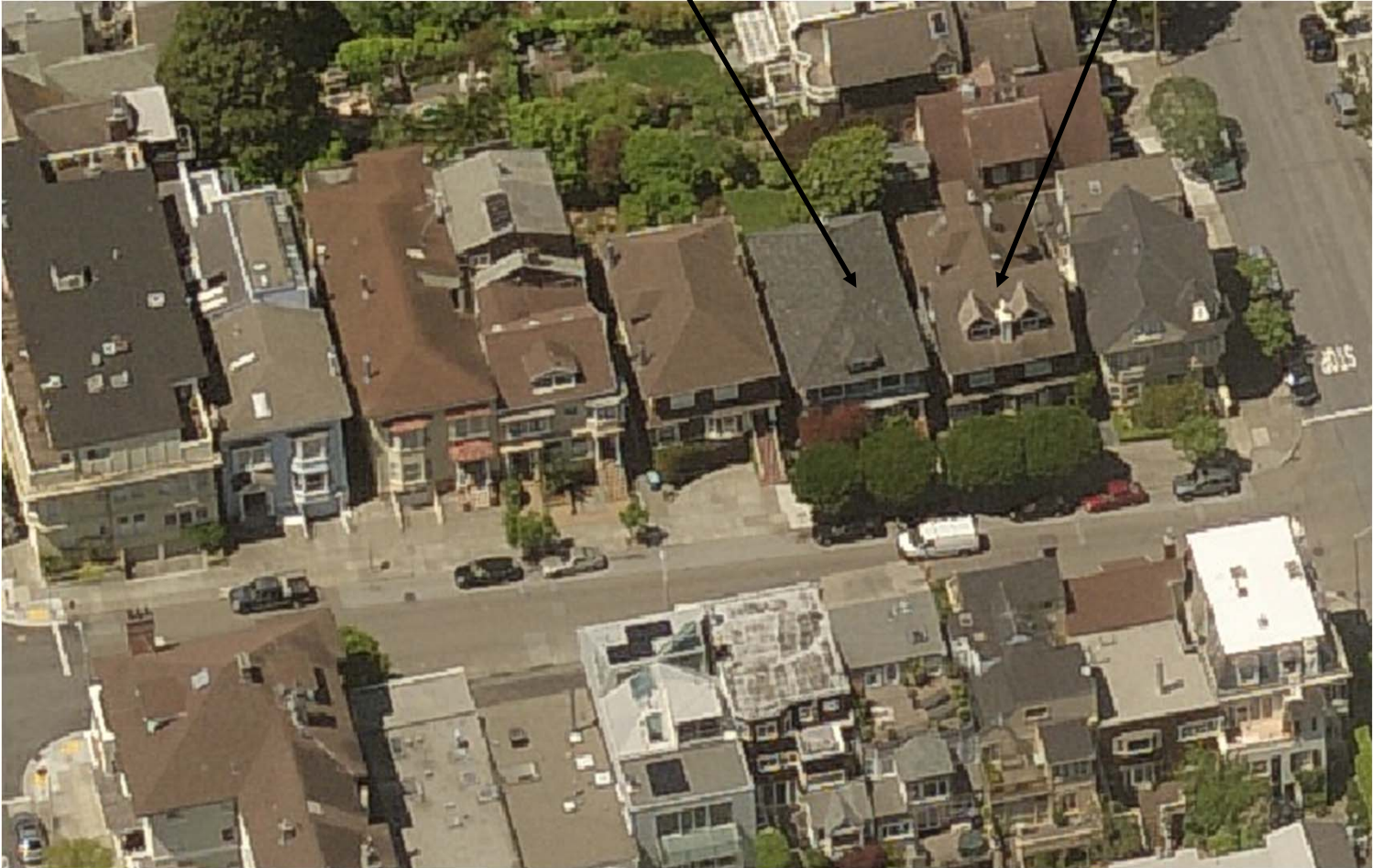
Discretionary Review Hearing  
 Case Number 2010.0394D  
 2853-2857 Broderick Street



# Aerial Photo 1

REQUESTOR'S PROPERTY

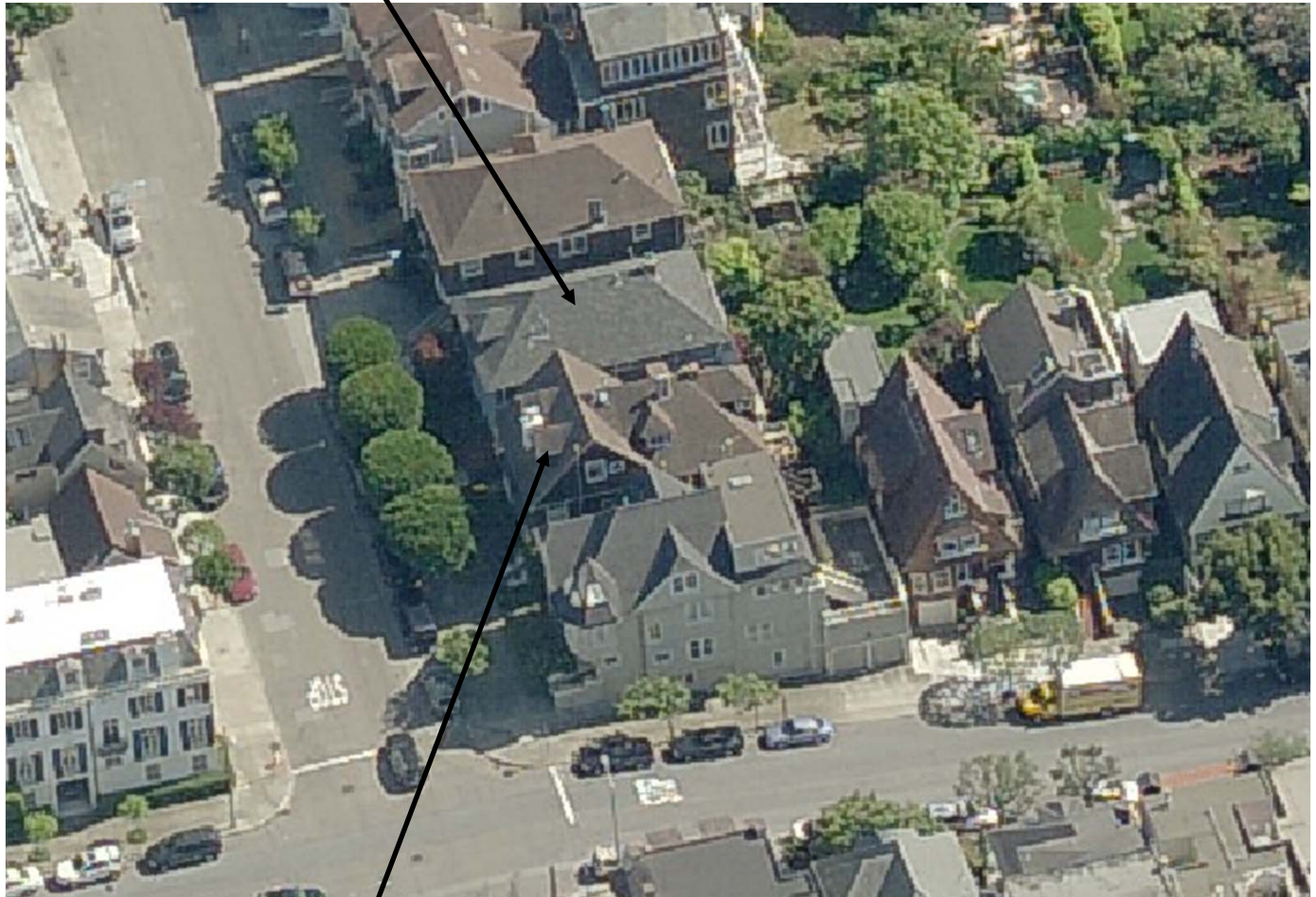
SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2010.0394D  
2853-2857 Broderick Street

# Aerial Photo 2

REQUESTOR'S PROPERTY



SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2010.0394D  
2853-2857 Broderick Street

# Aerial Photo 3

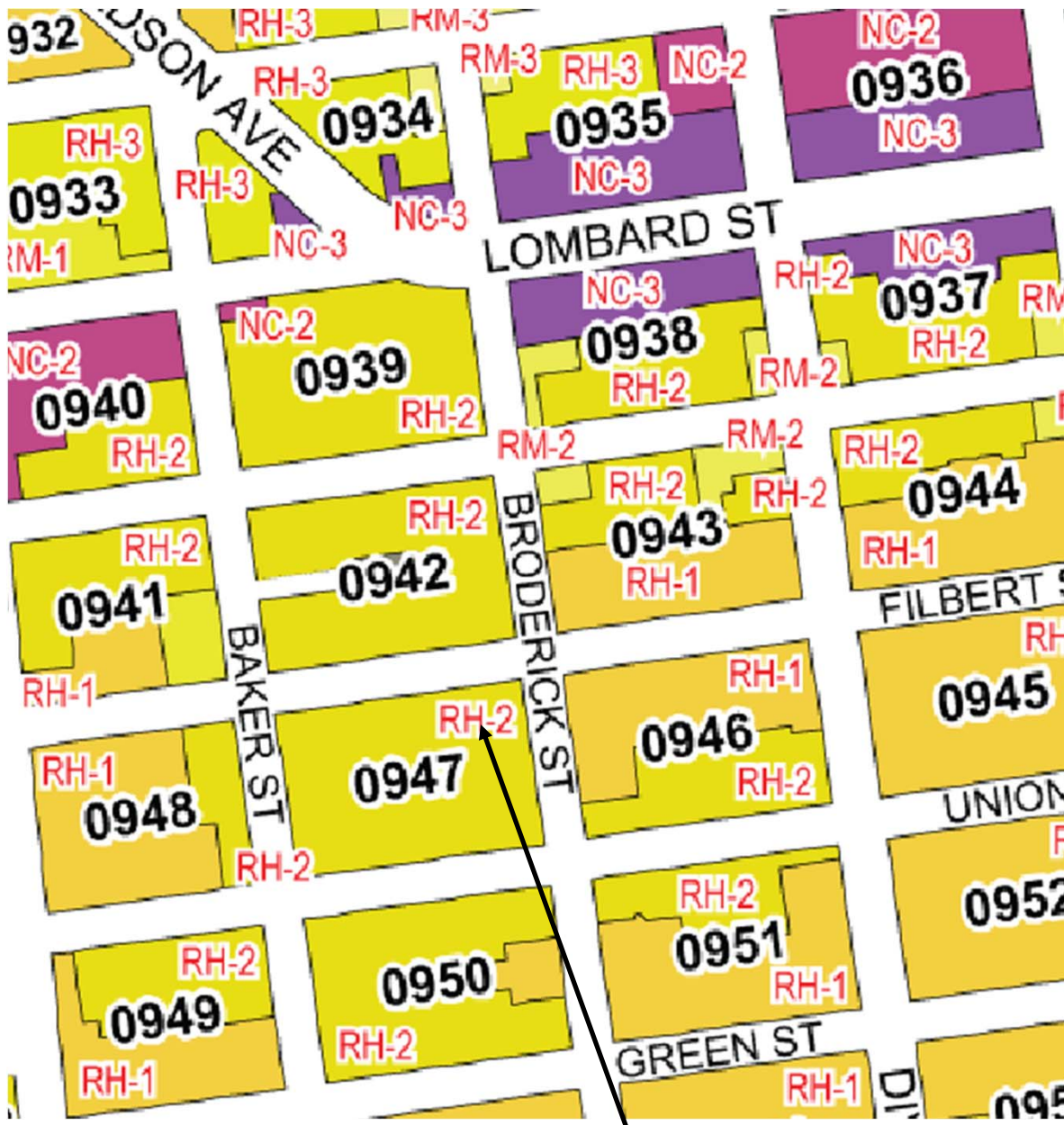


SUBJECT PROPERTY

REQUESTOR'S PROPERTY



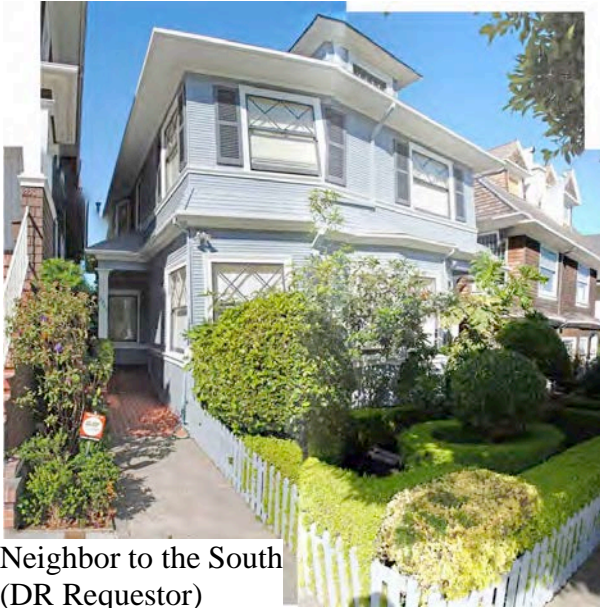
# Zoning Map



SUBJECT PROPERTY



Discretionary Review Hearing  
Case Number 2010.0394D  
2853-2857 Broderick Street



Neighbor to the South  
(DR Requestor)



2853 & 2857 Broderick Street



Property line  
location  
between houses  
(same for 4 lots)



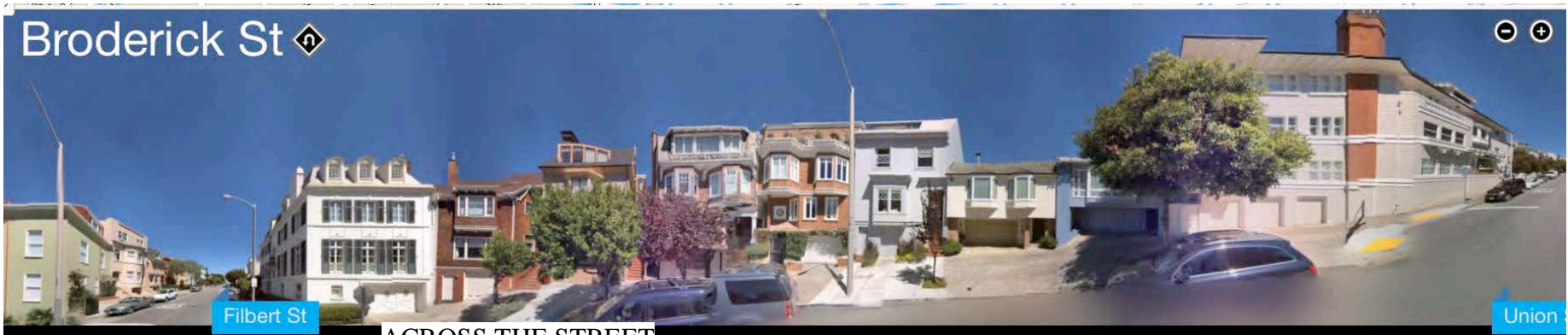
24"

Similar House  
Raised Higher than  
proposed

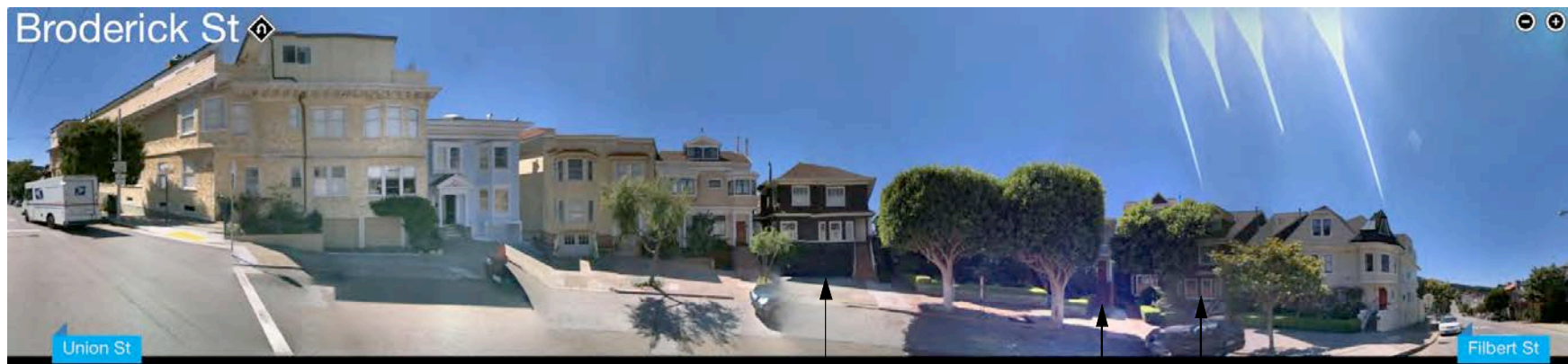


Neighbor to the North

**10.0349D**



ACROSS THE STREET



Similar House  
Raised w/new  
Entry stairs

DR Requestor

Subject Lot

10.0349D



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

Case No.: 2010.0394E  
Project Title: 2853-2857 Broderick Street  
Zoning: RH-2 (Residential, House, Two-Family)  
40-X Height and Bulk District  
Block/Lot: 0947/002  
Lot Size: 2,757 square feet  
Project Sponsor: Stephen Antonaros, Architect  
(415) 864-2261  
Staff Contact: Shelley Caltagirone – (415) 558-6625  
shelley.caltagirone@sfgov.org

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### PROJECT DESCRIPTION:

The proposal involves raising the building by approximately three (3) feet to insert a garage at the ground floor level, expanding the ground floor level towards the rear of the building, and creating a new curb cut. The project would add approximately 680 square feet (sf) of residential space to the existing 3,774-sf building resulting in 4,454 total sf. The project site is located on a block bounded by Filbert Street, Union Street, Broderick Street, and Baker Street in the Cow Hollow neighborhood.

### EXEMPT STATUS:

Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1))

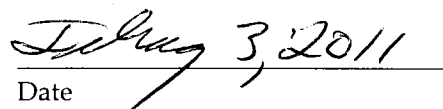
### REMARKS:

See next page.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
Bill Wycko  
Environmental Review Officer

  
Date

cc: Stephen Antonaros, Architect, Project Sponsor  
Inger Conrad, Property Owner  
Shelley Caltagirone, Preservation Planner  
Supervisor Farrell (via Clerk of the Board)

Virna Byrd, M.D.F.  
Distribution List  
Historic Preservation Distribution List

**REMARKS (continued):**

In evaluating whether the proposed project would be exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department determined that the buildings located on the project site are historical resources. The subject property is included on the Planning Department's 1976 Architectural Survey with a rating of "1" and was listed as a contributor to a historic district in the National and California Registers in 1983 according to the Planning Department's Parcel Information Database (register form cannot be located). Under the Planning Department's CEQA Review Procedures for Historic Resources, the property is considered a "Category A" known historic resource.

As described in the Historic Resource Evaluation (HRE) Memorandum<sup>1</sup> (attached), the 2853-2857 Broderick Street property is listed on the National Register as a contributing building within a historic district. The register form could not be located; however, based upon a review of the surrounding architecture, the district appears to be significant under Criterion 3 (Architecture) as a collection of late 19<sup>th</sup>- and early 20<sup>th</sup>-century buildings dating from the earliest period of residential development in the Cow Hollow/Pacific Heights neighborhood. The majority of the buildings are 2-3 stories in scale; are clad in quality masonry or wood cladding; display a hierarchy of building forms including a defined base, body, and cornice; display punched window openings, often containing wood-framed windows; and display rich architectural details and ornamentation. The period of significance for this district appears to be approximately 1870-1930. The construction date of the subject building places it within the period of significance identified for the surrounding historic district. Furthermore, the property retains sufficient historic integrity to convey their historic significance. As such, the property is considered a historic resource for the purposes of CEQA.

Since the building was determined to be a historic resource, the Planning Department assessed whether the proposed project would materially impair the resource. The Department determined that the project would not cause a substantial adverse change in the resource such that the significance of the resource would be materially impaired. The following is an analysis of the proposed project's potential to impact the historic resource.

- The proposed project would retain the historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow/Pacific Heights earliest period of development.
- No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. While the height of the ground floor level will be increased by approximately three (3) feet, the change would not significantly impact the overall proportions of the three-story façade. The new garage door opening would occur at the new raised portion of the building and would not cause the removal of historic material. Although the entry stairs would be extended to accommodate the new height, they are not original to the building so that their replacement would not remove historic material.

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<sup>1</sup> Memorandum from Shelley Caltagirone, Preservation Technical Specialist, to Brett Bollinger, Planner, Major Environmental Analysis, January 14, 2011.

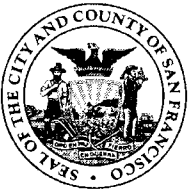


- The proposed addition would not negatively impact the character-defining features of the building or the site as it would be constructed at the rear of the building, which is not visible from the adjacent public rights-of-way. The proposed garage door at the front façade would be placed flush with the plane of the façade so as to retain the volume of the building at its base. The door would also be constructed of solid wood and details to be compatible with the historic design.

The proposed project would involve the addition of approximately 680 sf of residential space to the existing 3,774-sf-building resulting in 4,454 total sf. CEQA State Guidelines Section 15301(e)(1), or Class 1, provides for additions to existing structures provided that the addition would not result more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. The proposed project would make alterations to an existing structure and add approximately 680 sf to the existing 3,774-sf of building area. The proposed project therefore meets the criteria of Class 1.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Section 15300.2(f) specifically states that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of an historical resource. As described above, the proposed project would not cause a substantial adverse change in the significance of the historical resource under Section 15300.2(f). Given this fact and the nature of the proposed project, the exemption provided for in CEQA State Guidelines Section 15301(e), or Class 1, may be used. There are no other unusual circumstances surrounding the proposed project that would suggest a reasonable possibility of a significant environmental effect. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.





# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Historic Resource Evaluation Response

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

*MEA Planner:* Brett Bollinger  
*Project Address:* 2853-2857 Broderick Street  
*Block/Lot:* 0947/002  
*Case No.:* 2010.0394E  
*Date of Review:* January 14, 2011  
*Planning Dept. Reviewer:* Shelley Caltagirone  
(415) 558-6625 | shelly.caltagirone@sfgov.org

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**PROPOSED PROJECT**       Demolition       Alteration       New Construction

### PROJECT DESCRIPTION

The proposal involves raising the building by approximately 3 feet to insert a garage at the ground floor level, expanding the ground floor level towards the rear of the building, and creating a new curb cut. The project would add approximately 680 square feet of residential space to the existing 3,774-square-foot-building resulting in 4,454 total square feet.

### PRE-EXISTING HISTORIC RATING / SURVEY

The subject property is included on the Planning Department's 1976 Architectural Survey with a rating of "1" and was listed as a contributor to a historic district in the National and California Registers in 1983 according to the Planning Department's Parcel Information Database (register form cannot be located). The property is considered a "Category A" (Known Historic Resource) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures.

### HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

The 2,757-square-foot parcel is located on Broderick Street between Filbert and Union Streets. The property is located within the Pacific Heights/Cow Hollow neighborhood in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District. The area includes a range of residential building types, including larger single-family detached residences at the higher elevations and two-family residences or multi-family structures on corner lots and at lower elevations. The houses are designed in a variety of styles dating from the late 19<sup>th</sup> -and early 20<sup>th</sup>-century, which reflect the various stages of development within the neighborhood. Visual continuity is mixed in terms of style; however, there is a strong pattern of massing and materials along the immediate block.

The Pacific Heights/Cow Hollow Area was incorporated into San Francisco in 1850 as part of the Western Addition annexation. Up until the 1870s, the area included the scattered vacation homes of the wealthy but was comprised mainly of dairy farms, grazing land, and windswept dunes. Beginning in the 1870s, the neighborhood's proximity to the downtown, the extension of graded streets and cable cars, as well as the dramatic bay views made this area one of the most prestigious enclaves in San Francisco. By 1900, the area was well known as the City's most fashionable neighborhood. This notoriety attracted many of the

City's best architects and the City's most affluent residents. Due to rapidly increasing land values many of the earliest homes in the area were quickly demolished to make way for substantial apartment blocks and even more extravagant homes than the original Victorians. The Stock Market Crash of 1929 halted almost all development in the neighborhood.

1. **California Register Criteria of Significance:** Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

Event: or  Yes  No  Unable to determine  
Persons: or  Yes  No  Unable to determine  
Architecture: or  Yes  No  Unable to determine  
Information Potential:  Further investigation recommended.  
District or Context:  Yes, may contribute to a potential district or significant context  
If Yes; Period of significance: 1870-1930

According to the Planning Department's records, the subject property is listed on the National Register as a contributing building within a historic district. The register form could not be located; however, based upon a review of the surrounding architecture, the district appears to be significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development.

**Criterion 1:** *It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;*

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that any significant events are associated with the subject building. Although construction of the subject building was part of the primary pattern of residential development that occurred in the area in the late 19<sup>th</sup> century, this pattern is not documented as significant within the context of the history of the neighborhood, the City, the State, or the nation. Furthermore, there are no specific historical events known to be associated with the construction or subsequent usage of the subject building as a single-family residence. It is therefore determined not to be eligible under this criterion.

**Criterion 2:** *It is associated with the lives of persons important in our local, regional or national past;*

The information provided by the Project Sponsor and a review of the City Directories indicate that William Hammond Hall briefly owned the property circa 1930. Hall was a significant person in San Francisco's history as the designer of Golden Gate Park and the first state civil engineer. Hall is listed in the directories as living at 3855 Jackson Street between 1905-1932 and he died in 1934. Therefore, it does not appear that he resided at the subject property. According to the oral history collected by the

Project Sponsor, Hall's daughters lived at the subject property as late as 1954, so it is presumed that the property was purchased for their use. The property is not historically significant as it is not associated with the Hall's career as an engineer. No other significant persons are associated with the subject building. The subject building is therefore determined not to be eligible under this criterion.

***Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;***

The subject building and district appear to be listed on the National Register for embodying the distinctive characteristics of a period of architectural development in Pacific Heights/Cow Hollow. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition-style. The general characteristics of this style are an emphasis on simplified geometric forms, natural materials (often including shingle cladding, rustic lap siding, and brick), structural honesty, picturesque and asymmetrical massing and articulation, uniform exterior cladding with no interruptions at corners, and simplified ornament and details. Many of these elements are evident in the subject building. The subject does not appear to be a significant example of the First Bay Tradition style as an individual property because it is a relatively modest example of the style, does not represent the work of a master, does not possess high artistic value, and does not appear to retain high historic integrity of design. However, the building does contribute to a collection of late 19<sup>th</sup> - and early 20<sup>th</sup>-century buildings dating from the earliest period of residential development in the Cow Hollow/Pacific Heights neighborhood. The concentration of buildings on the immediate block faces represents a variety of regional architectural styles of this period. The majority of the buildings are 2-3 stories in scale; are clad in quality masonry or wood cladding; display a hierarchy of building forms including a defined base, body, and cornice; display punched window openings, often containing wood-framed windows; and display rich architectural details and ornamentation. The period of significance for this district appears to be approximately 1870-1930. The construction date of the subject building places it within the period of significance identified for the surrounding historic district.

***Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;***

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that the subject property is likely to yield information important to a better understanding of prehistory or history. The subject building is therefore determined not to be eligible under this criterion.

- 
2. **Integrity** is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

**Location:**  Retains  Lacks  
**Association:**  Retains  Lacks  
**Design:**  Retains  Lacks  
**Workmanship:**  Retains  Lacks

**Setting:**  Retains  Lacks  
**Feeling:**  Retains  Lacks  
**Materials:**  Retains  Lacks

The subject building does not appear to have been significantly altered beyond the replacement of the front stair. It retains all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow/Pacific Heights neighborhood.

3. Determination of whether the property is an "historical resource" for purposes of CEQA.

No Resource Present (*Go to 6 below.*)

Historical Resource Present (*Continue to 4.*)

---

4. If the property appears to be an historical resource, whether the proposed project would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).

The project will not cause a substantial adverse change in the significance of the resource such that the significance of the resource would be materially impaired. (*Continue to 5 if the project is an alteration.*)

The project is a significant impact as proposed. (*Continue to 5 if the project is an alteration.*)

Staff has reviewed the project proposal and finds that the project would not cause a substantial adverse change in the resource such that the significance of the resource would be materially impaired. The following is an analysis of the proposed project impacts to the historic resource.

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

5. Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.

The character-defining features of the subject building include all those exterior features visible from the public rights-of-way that convey its original First Bay Tradition-style design, including:

- The overall massing, scale, and form;
- The building's location, front setback, and relationship to its adjacent neighbors;
- The side-gable roof and gabled dormers;
- The wood shingle cladding;
- The multi-light, wood-framed windows and fenestration pattern; and
- The raised entry; and,
- The decorative trimwork.

- 
6. Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.

Yes     No     Unable to determine

It does not appear that the proposal would have a significant adverse impact on any off-site historic resources as no known individual historic resources are located in the immediate area. As noted above, the area contains a high concentration of buildings that were constructed between 1870-1930 and there is considerable architectural harmony among the buildings in the area. The proposed design of the addition and façade modifications are compatible with these character-defining features of the district and would not detract from the district's existing visual continuity or diminish its historical significance.

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## SENIOR PRESERVATION PLANNER REVIEW

Signature: \_\_\_\_\_

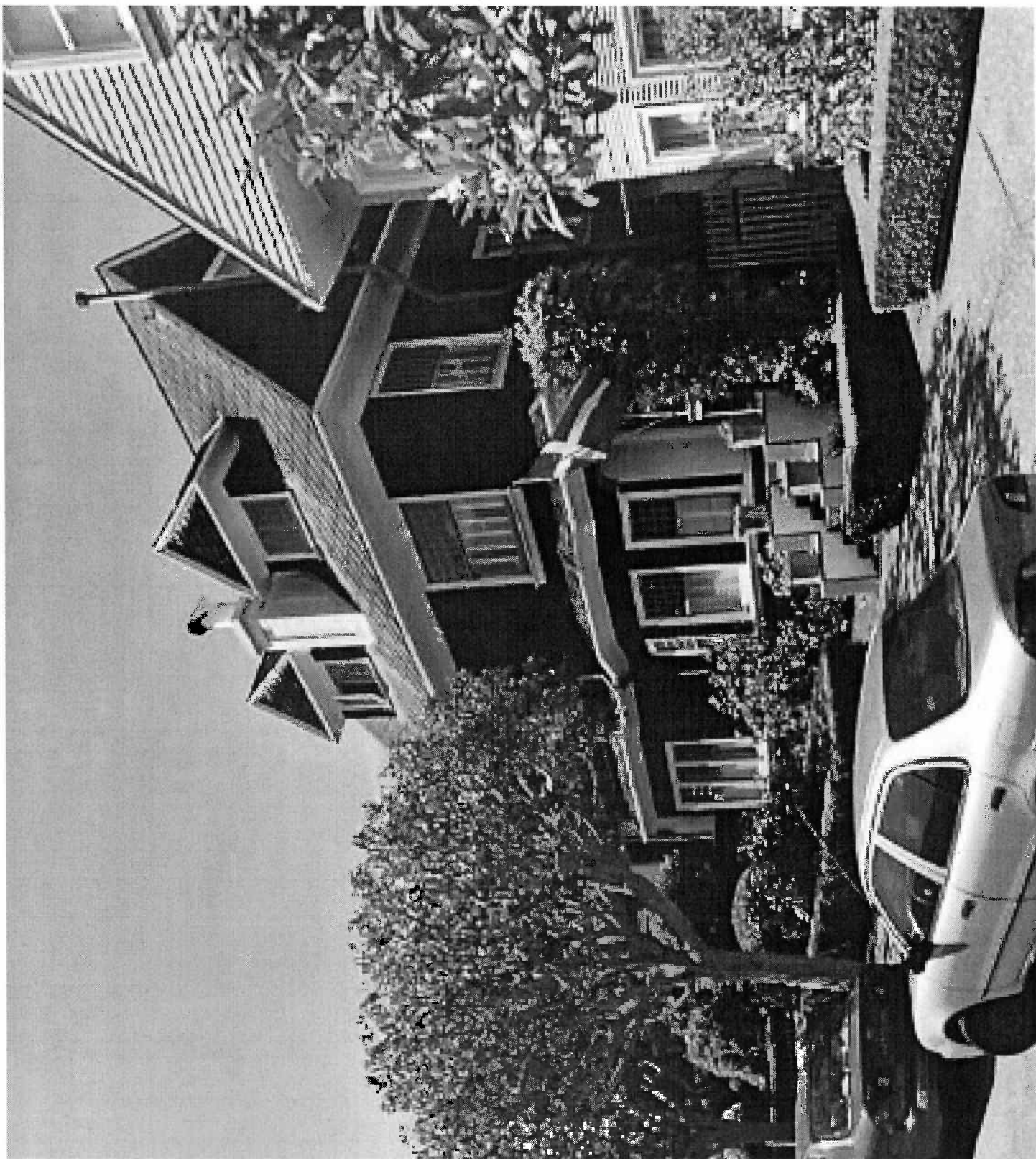
*Tina Tam*

Tina Tam, Senior Preservation Planner

Date: 1-17-2011

cc: Linda Avery, Recording Secretary, Historic Preservation Commission  
Virnaliza Byrd / Historic Resource Impact Review File

SC: G:\DOCUMENTS\Cases\CEQA\HRER\2010.0394E\_2857 Broderick.doc







# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On March 25, 2011, the Applicant named below filed Building Permit Application No. 2011.03.25.2839 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Stephen Antonaros, Architect	Project Address:	2853-2857 Broderick Street
Address:	2261 Market Street, #324	Cross Streets:	Filbert/Union Streets
City, State:	San Francisco, CA 94114	Assessor's Block /Lot No.:	0947/002
Telephone:	(415) 864-2261	Zoning Districts:	RH-2 /40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE					
<input type="checkbox"/>	DEMOLITION	and/or	<input type="checkbox"/>	NEW CONSTRUCTION	or <input checked="" type="checkbox"/> ALTERATION
<input checked="" type="checkbox"/>	VERTICAL EXTENSION		<input type="checkbox"/>	CHANGE # OF DWELLING UNITS	<input checked="" type="checkbox"/> FACADE ALTERATION(S)
<input type="checkbox"/>	HORIZ. EXTENSION (FRONT)		<input type="checkbox"/>	HORIZ. EXTENSION (SIDE)	<input type="checkbox"/> HORIZ. EXTENSION (REAR)

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE .....	Two Family Dwelling .....	No Change
FRONT SETBACK .....	10 feet .....	No Change
SIDE SETBACKS .....	6 ft @ south / 2 ft @ north .....	No Change
BUILDING DEPTH .....	57 feet (to edge of rear deck) .....	No Change
REAR YARD .....	13 feet .....	No Change
HEIGHT OF BUILDING .....	34 feet to ridge .....	37 feet to ridge
NUMBER OF STORIES .....	3 over basement .....	3 over garage
NUMBER OF DWELLING UNITS .....	2 .....	No Change
NUMBER OF OFF-STREET PARKING SPACES .....	0 .....	2

### PROJECT DESCRIPTION

The proposal is to raise the existing building 3 feet to insert a two-car garage within the basement level. The project also includes various interior alterations and the extension of the existing front and rear stairs to provide continued access to the building entries/exits affected by raising the building. See attached plans.

PLANNER'S NAME: Glenn Cabreros  
 PHONE NUMBER: (415) 558-6169  
 EMAIL: glenn.cabreros@sfgov.org

DATE OF THIS NOTICE: 6-14-11  
 EXPIRATION DATE: 7-13-11



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## RE-NOTICE\* OF BUILDING PERMIT APPLICATION (SECTION 311)

On March 25, 2011, the Applicant named below filed Building Permit Application No. 2011.03.25.2839 (Alteration) with the City and County of San Francisco.

CONTACT INFORMATION		PROJECT SITE INFORMATION	
Applicant:	Stephen Antonaros, Architect	Project Address:	2853-2857 Broderick Street
Address:	2261 Market Street, #324	Cross Streets:	Filbert/Union Streets
City, State:	San Francisco, CA 94114	Assessor's Block /Lot No.:	0947/002
Telephone:	(415) 864-2261	Zoning Districts:	RH-2 /40-X

Under San Francisco Planning Code Section 311, you, as a property owner or resident within 150 feet of this proposed project, are being notified of this Building Permit Application. You are not obligated to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

PROJECT SCOPE					
<input type="checkbox"/> DEMOLITION	and/or	<input type="checkbox"/> NEW CONSTRUCTION	or	<input checked="" type="checkbox"/> ALTERATION	
<input checked="" type="checkbox"/> VERTICAL EXTENSION		<input type="checkbox"/> CHANGE # OF DWELLING UNITS		<input checked="" type="checkbox"/> FACADE ALTERATION(S)	
<input type="checkbox"/> HORIZ. EXTENSION (FRONT)		<input type="checkbox"/> HORIZ. EXTENSION (SIDE)		<input type="checkbox"/> HORIZ. EXTENSION (REAR)	

PROJECT FEATURES	EXISTING CONDITION	PROPOSED CONDITION
BUILDING USE .....	Two Family Dwelling .....	No Change
FRONT SETBACK .....	10 feet .....	No Change
SIDE SETBACKS .....	6 ft @ south / 2 ft @ north .....	No Change
BUILDING DEPTH .....	57 feet (to edge of rear deck) .....	No Change
REAR YARD .....	13 feet .....	No Change
HEIGHT OF BUILDING .....	34 feet to ridge .....	37 feet to ridge
NUMBER OF STORIES .....	3 over basement .....	3 over garage
NUMBER OF DWELLING UNITS .....	2 .....	No Change
NUMBER OF OFF-STREET PARKING SPACES .....	0 .....	2

### PROJECT DESCRIPTION

The proposal is to raise the existing building 3 feet to insert a two-car garage within the basement level. The project also includes various interior alterations and the extension of the existing front and rear stairs to provide continued access to the building entries/exits affected by raising the building. See attached plans.

**\*NOTE:** This project was initially noticed per Planning Code Section 311 from June 14, 2011 to July 13, 2011. The project is being re-noticed to show the correct height limit (the information above remains unchanged from the initial notice). During the initial notice period, a request for Discretionary Review (DR) before the Planning Commission was filed by a member of the public, and a tentative hearing date has been scheduled for Thursday, October 6, 2011 at 12 noon in City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, San Francisco. The required notice for the DR hearing will occur under a separate cover.

PLANNER'S NAME: Glenn Cabreros  
 PHONE NUMBER: (415) 558-6169  
 EMAIL: glenn.cabreros@sfgov.org

DATE OF THIS NOTICE: 8-8-11  
 EXPIRATION DATE: 9-6-11

CASE NUMBER:  
For Staff Use only

10.0394D

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Irving Zaretsky - ~~Jeena Kardas~~ 9/7/11

DR APPLICANT'S ADDRESS: 3111 Jackson Street, SF ZIP CODE: 94115 TELEPHONE: (415) 922-7609  
cell: 415-559-6875

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME:

MRS. Inger Conrad

ADDRESS: 2857 Broderick Street ZIP CODE: 94123 TELEPHONE: ( )

CONTACT FOR DR APPLICATION:

Same as Above

ADDRESS: 3111 Jackson Street ZIP CODE: 94115 TELEPHONE: (415) 922-7609

E-MAIL ADDRESS:

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 2853-2857 Broderick Street ZIP CODE: 94123

CROSS STREETS: Filbert St. and Union St.

ASSESSORS BLOCK/LOT: <u>09471002</u>	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
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## 3. Project Description

Please check all that apply

Change of Use  Change of Hours  New Construction  Alterations  Demolition  Other

Additions to Building: Rear  Front  Height  Side Yard

Present or Previous Use: RESIDENTIAL

Proposed Use: RESIDENTIAL

Building Permit Application No. 2011.03.25.2893 Date Filed: 6/14/11

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

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## Discretionary Review Request

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

PROPOSED PROJECT FORCES ALL TRAFFIC TO ITS REAR YARD TO TRESPASS ON MY PROPERTY NEXT DOOR 2845-2847 BRODERICK AND FORCES ME TO GIVE PERMANENT EASEMENT ON MY PROPERTY.

2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be adversely affected, please state who would be affected, and how:

My property at 2845-2847 BRODERICK would lose its SIDE GARDEN and I would be forced to give PERMANENT EASEMENT to the project owner which would result in adverse possession of portion of my LAND.

3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Move proposed staircase for 2853 (2853) BRODERICK west into the existing portico and/or create stairs FROM existing portico west to the back yard of project.

# Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: 

Date: 7/1/11

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

Irving Zaretsky  
Owner / Authorized Agent (circle one)  
owner

RESPONSE TO DISCRETIONARY REVIEW

for Hearing on October 06, 2011

Case No.: **10.0394D**

Building Permit No.: **2011.0325.2893**

Address: **2853 & 2857 BRODERICK STREET**

Project Sponsor's Name: Inger Conrad Family Trust

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved?

**The DR Requestor asks for an unreasonable change to be made which will make no difference to the concern he has expressed and only create hardship for the project sponsor**

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties?

**After listening to and considering the DR requestor's suggested changes the project sponsor is not willing to add additional expense to the project in order to address his concern.**

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties.

**The DR requestor's alternative would involve altering the historic entry porch and main entry door and leaded glass window to the lower dwelling unit. Since this building has been deemed an historic resource this proposal is not acceptable. In any case, the short run of five new steps up to the newly raised entry cannot reasonably be seen as impacting the neighbor's property rights. Any access the neighbor has to his 24" wide side yard will remain as it has for the past 100 years.**

Number of	Existing	Proposed
Dwelling Units.....	2	2
Occupied stories (all levels with habitable rooms) ...	3	4
Basement levels (may include garage or windowless storage rooms) .....	1	0
Parking spaces (Off-Street) .....	0	1
Bedrooms .....	6	7
Gross square footage (floor area from exterior wall to exterior wall), not including basement and parking areas....	3808	4303
Height .....	34 feet	37 feet
Building Depth.....	59.5'	59.5'
Most recent rent received (if any) .....	-0-	
Projected rents after completion of project.....		unk
Current value of property.....	unk	unk
Projected value (sale price) after completion of project (if known) .....	unk	unk

I attest that the above information is true to the best of my knowledge.

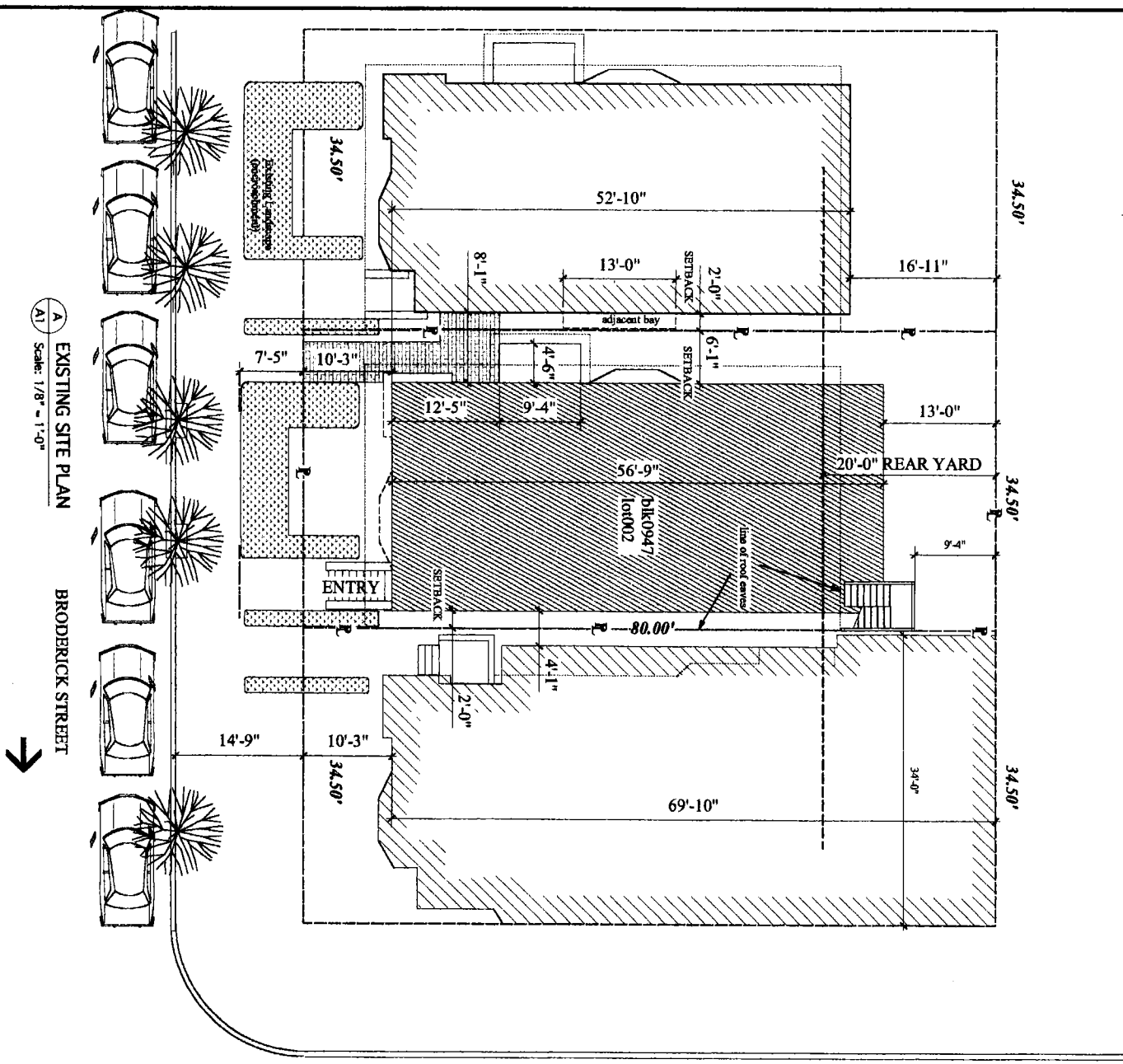


Signature      Date

9/14/2011

Stephen Antonaros, architect for project sponsor

Name (please print)

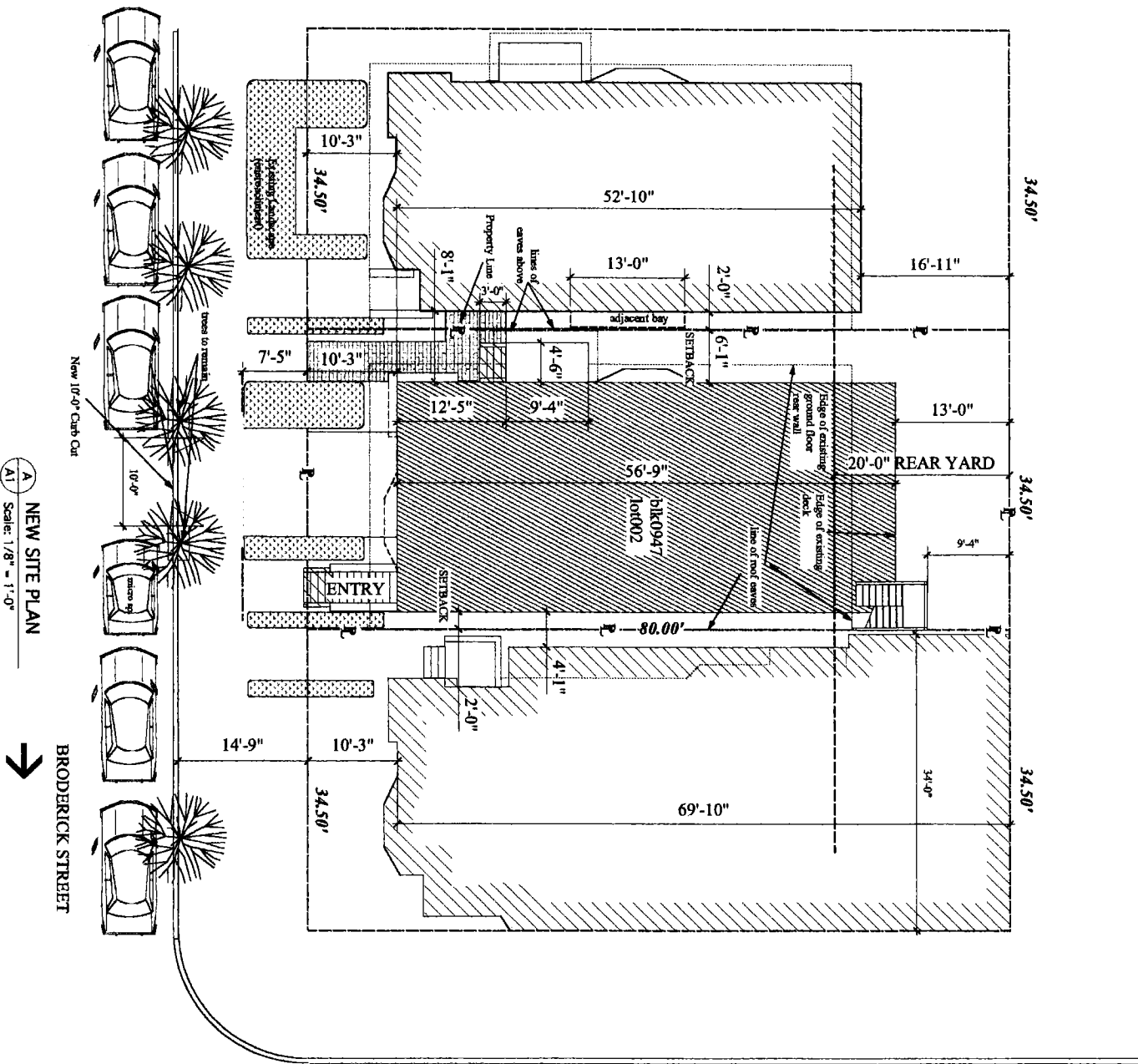


EXISTING SITE PLAN  
Scale: 1/8" = 1'-0"

BRODERICK STREET



FILBERT STREET



NEW SITE PLAN  
Scale: 1/8" = 1'-0"

BRODERICK STREET



FILBERT STREET



ALTERATION & VARIANCE  
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002

for Inger Conrad  
& Mari LeMaire  
(707) 939-2968

STEPHEN ANTONAROS  
ARCHITECT

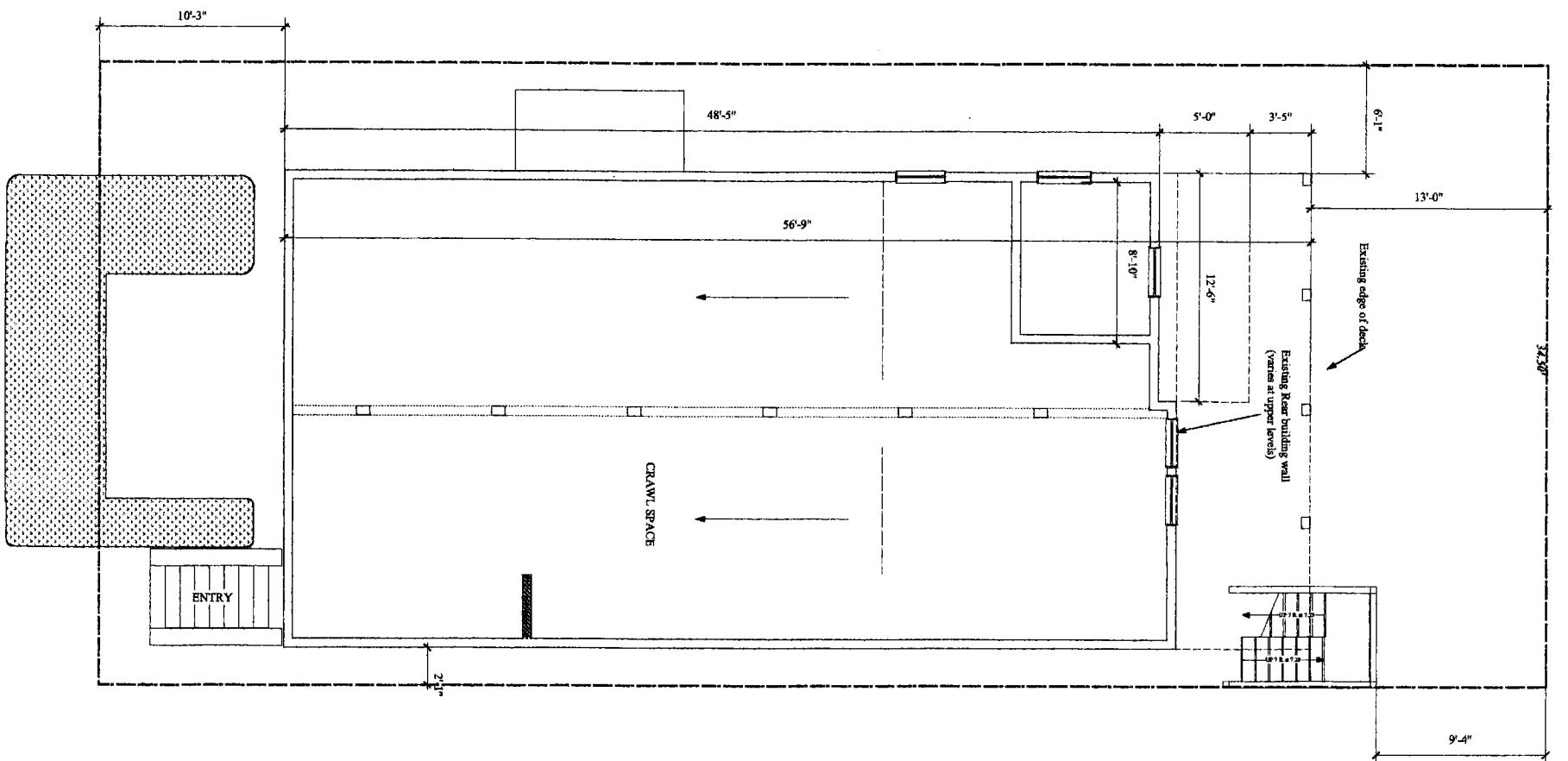
2261 Market Street #324  
San Francisco, California 94114  
www.antonaros.com antonaros@cbglobe.com  
(415) 864 2261  
fax 883-0961

REVISIONS	BY
Apr 05, 2011	
Apr 26, 2011	
May 06, 2011	
May 19, 2011	
July 11, 2011	

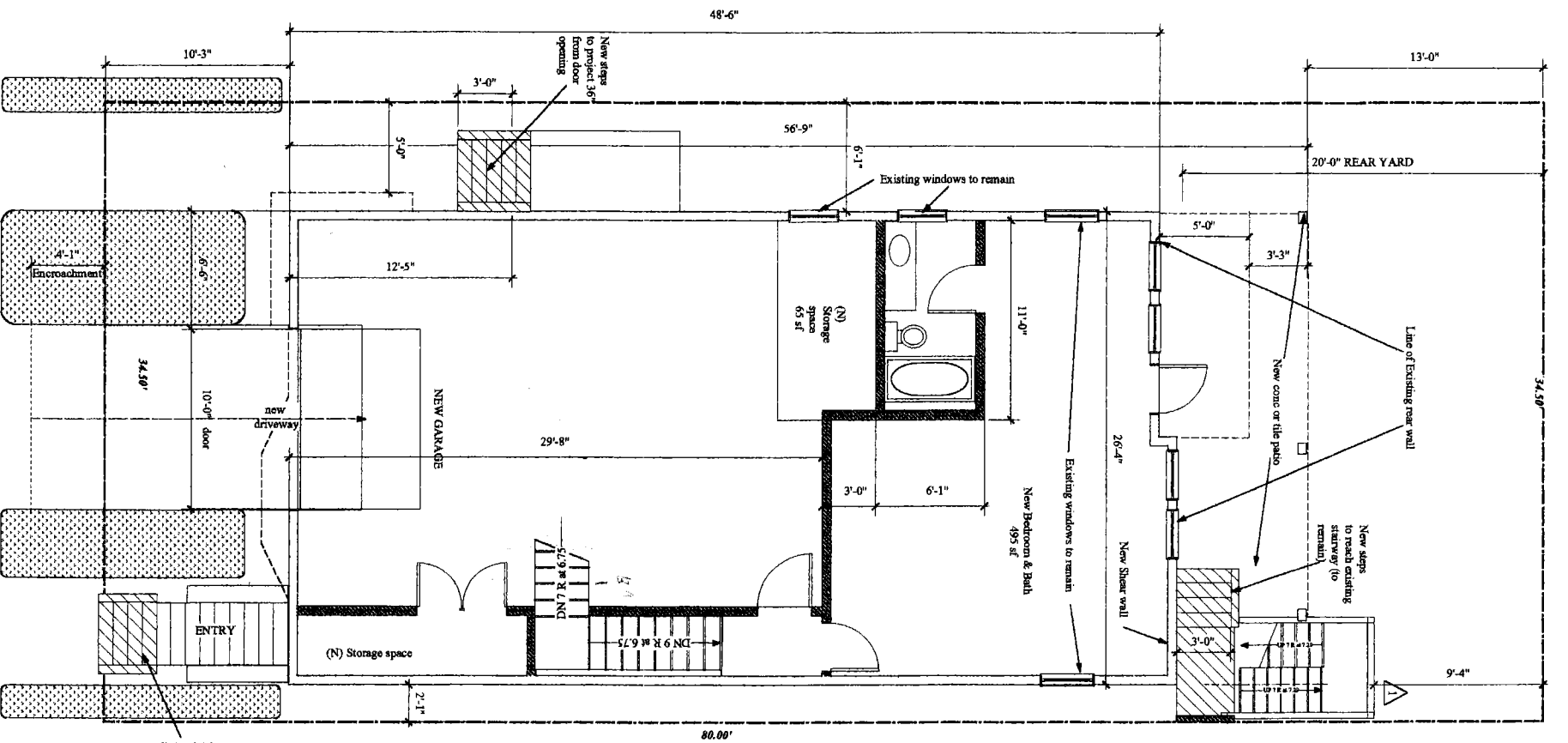
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Scale

Date August 10  
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Drawn SA  
Ld

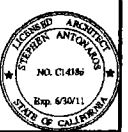




(A) EXISTING Basement PLAN  
Scale: 1/4" = 1'-0"



(B) ALTERED Basement - New FIRST FLOOR PLAN  
495 sq ft (new living area)  
Scale: 1/4" = 1'-0"



ALTERATION & VARIANCE  
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002

STEPHEN ANTONAROS  
ARCHITECT

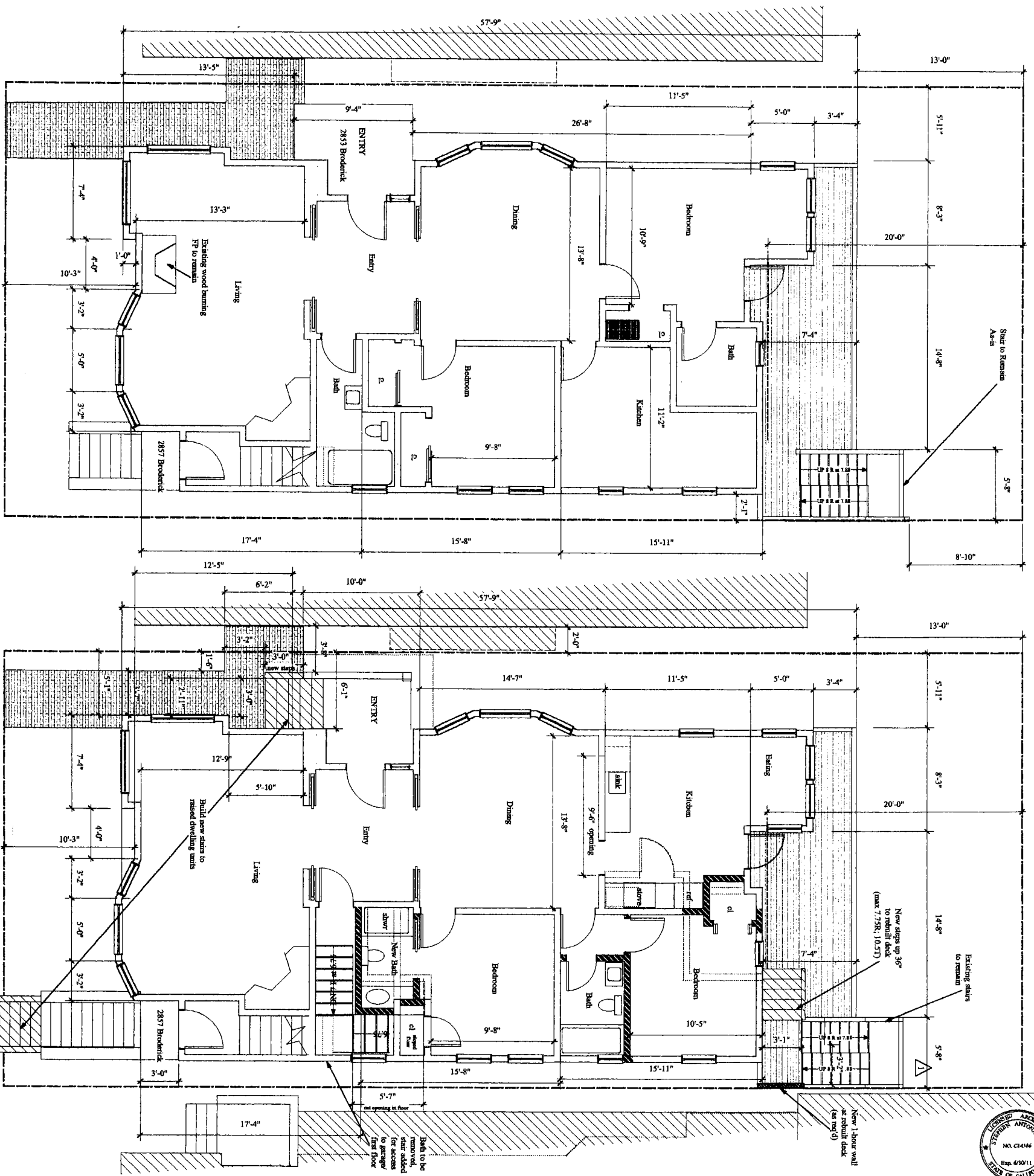
for Inger Conrad  
& Marti LeMaire  
(707) 939-2968

2261 Market Street #324  
San Francisco, California 94114  
www.stephenantonaros.com    santmaro@bcglobal.net

(415) 864 2261  
fax 883-0961

REVISIONS	BY
Apr 05, 2011	
Apr 26, 2011	
May 06, 2011	
May 19, 2011	
July 11, 2011	

Sheet: **A2**  
Job: SA  
Drawn: SA  
Scale: 1/8" = 1'-0"  
Date: August 10  
2 of 2 Sheets



B EXISTING SECOND FLOOR PLAN  
 Scale: 1/4" = 1'-0"  
 2853 Broderick  
 1290 sq. ft.

B1 ALTERED 2nd Fl. - NEW THIRD FLOOR PLAN  
 Scale: 1/4" = 1'-0"  
 2853 Broderick  
 1290 sq. ft.



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May 06, 2011	
May 19, 2011	
July 11, 2011	

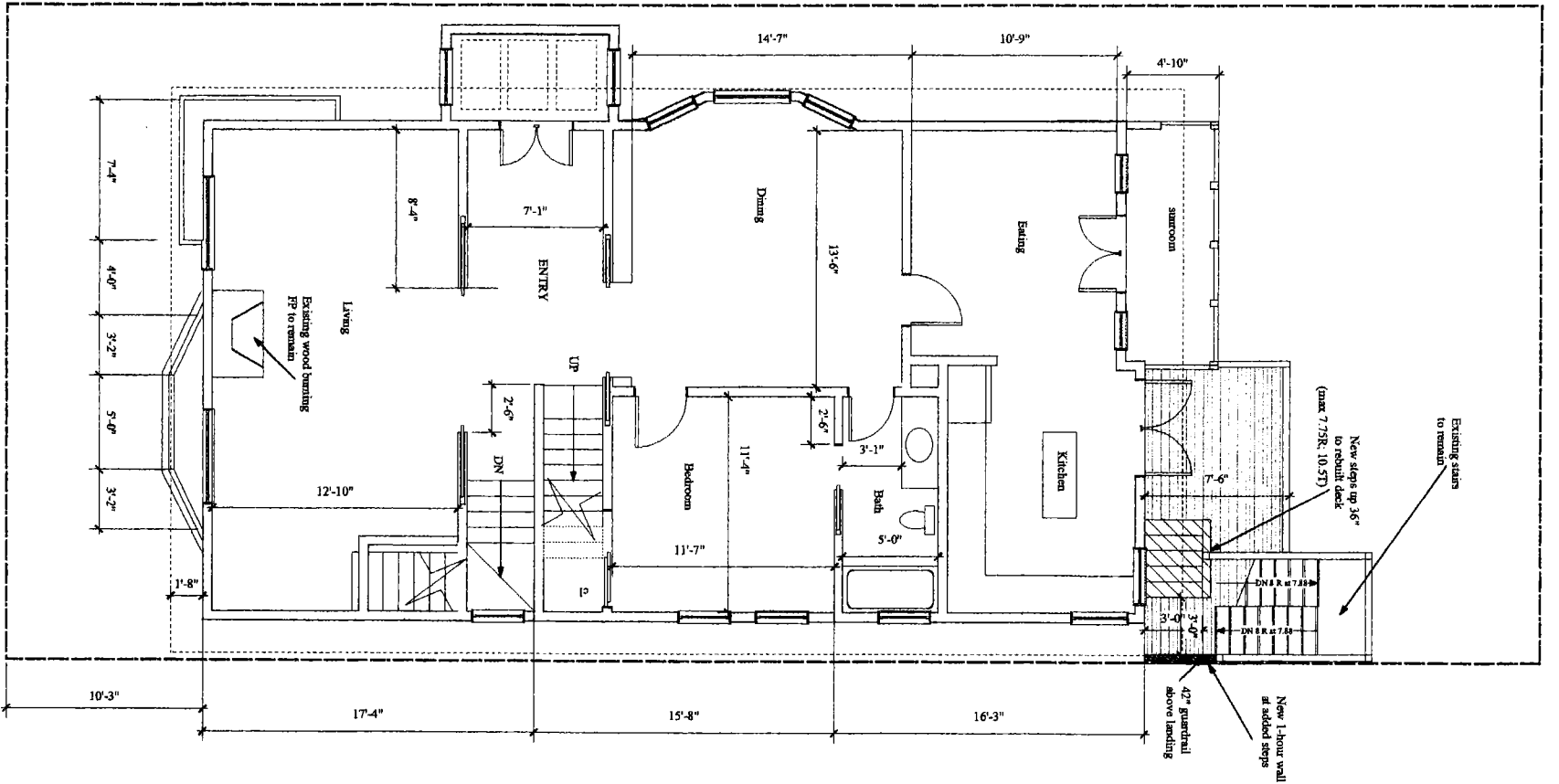
**STEPHEN ANTONAROS ARCHITECT**

2261 Market Street #324  
 San Francisco, California 94114  
 (415) 864 2261  
 www.antonaros.com sentonaros@sbcglobal.net fax 883-0961

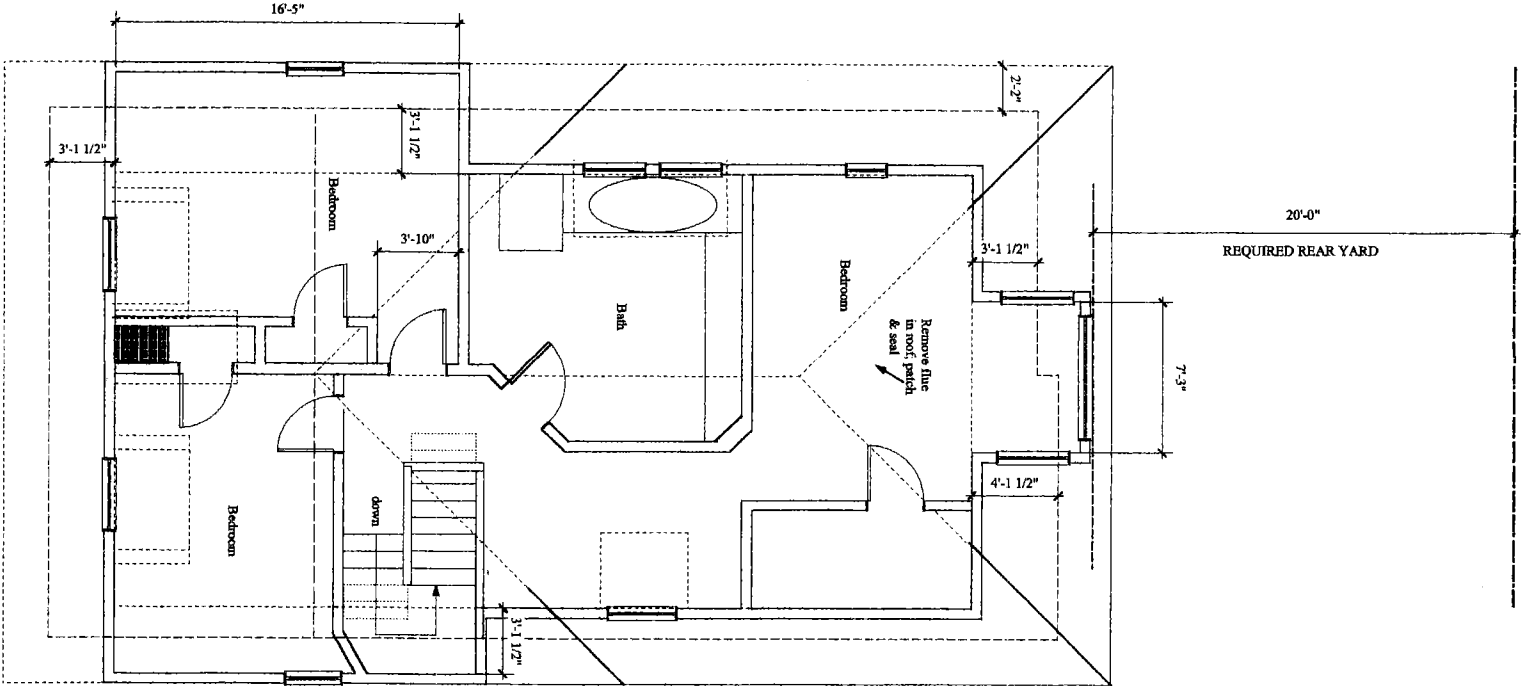
for Inger Conrad  
 & Mari LeMaire  
 (707) 939-2968

ALTERATION & VARIANCE  
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002

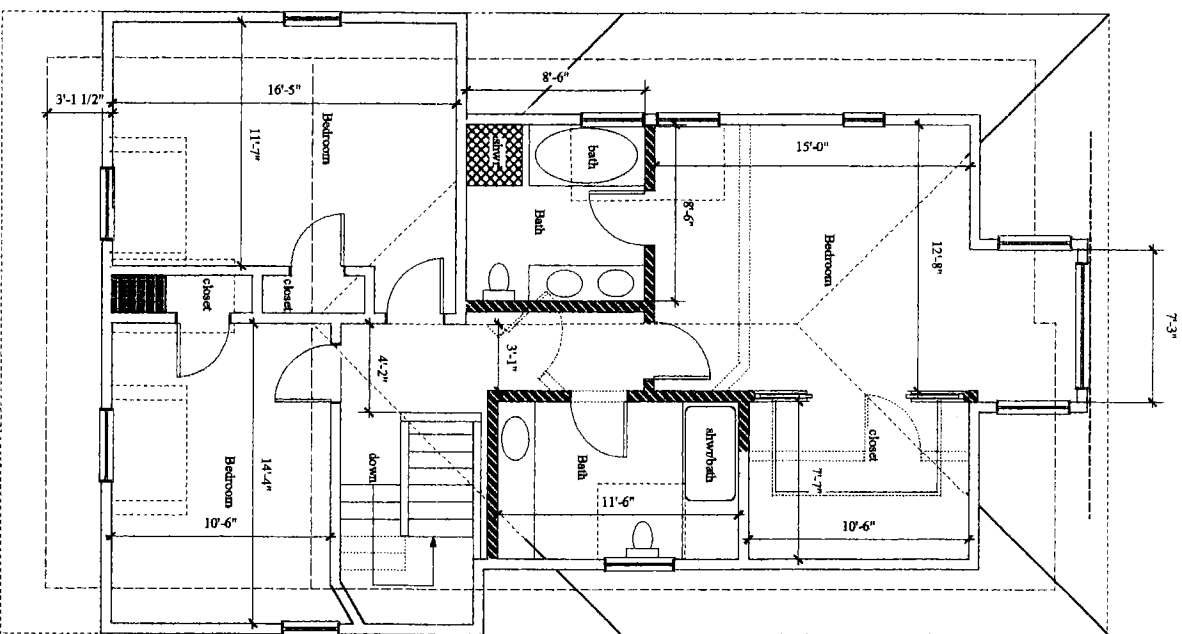
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 U.O.B.  
 Design: SA  
 Job: A3  
 Sheet: A3  
 of: Sheets



C EXISTING 2nd FLR-NEW THIRD FLOOR PLAN  
 Scale: 1/4" = 1'-0"  
 2857 Broderick  
 1393 sq ft

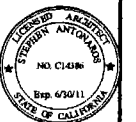


D EXISTING THIRD FLR PLAN  
 Scale: 1/4" = 1'-0"  
 2857 Broderick  
 1096 sq ft



D1 ALTERED 3rd FLR- NEW FOURTH FLR PLAN  
 Scale: 1/4" = 1'-0"  
 2857 Broderick  
 1096 sq ft

new partition  
 old partition (to be removed)



ALTERATION & VARIANCE  
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002

for Inger Conrad  
 & Marri LeMaire  
 (707) 939-2968

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 2261 Market Street #324  
 San Francisco, California 94114  
 www.antonaros.com    santaros@stglobal.net  
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 fax 883-0961

REVISIONS	BY
Apr 05, 2011	
Apr 26, 2011	
May 06, 2011	
May 19, 2011	
July 11, 2011	

Date	August 10
Scale	1/8" = 1'-0"
Drawn	SA
Job	
Sheet	A4
of	3



REVISIONS	BY
Apr 05, 2011	
Apr 26, 2011	
May 06, 2011	
May 19, 2011	
July 22, 2011	

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**ARCHITECT**  
 2261 Market Street #324  
 San Francisco, California 94114  
 (415) 864-2261  
 (415) 864-2261  
 stephenantonaros.com stephenantonaros@earthlink.net

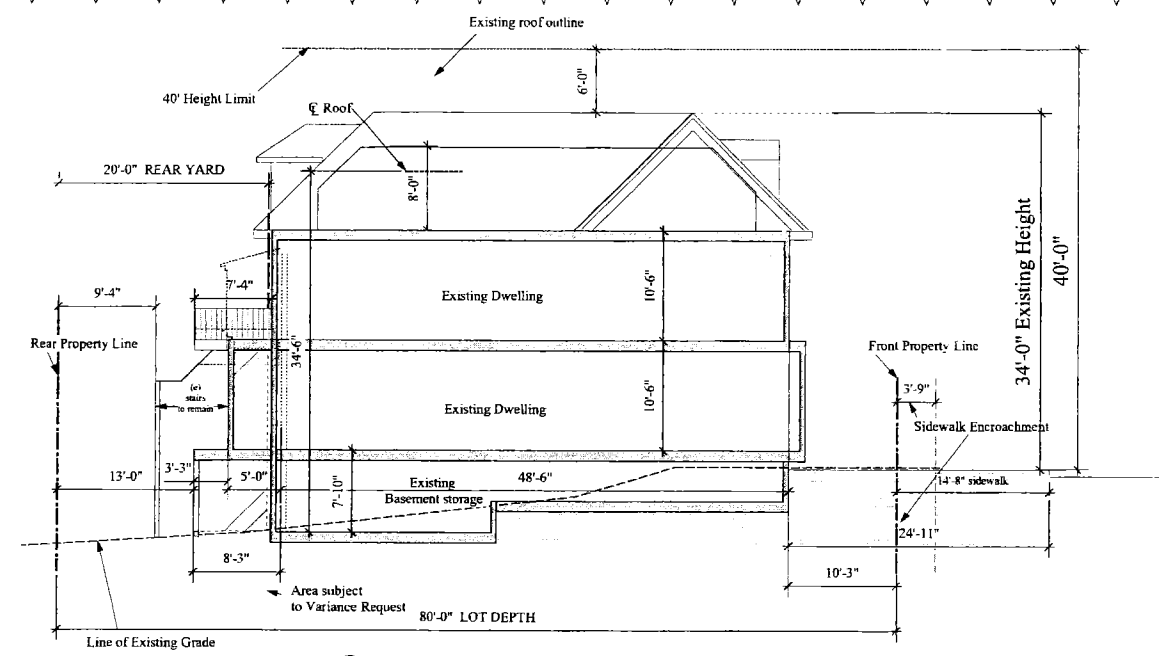
for Roger Conrad  
 & Mari LeMaire  
 (707) 939-2968

**ALTERATION & VARIANCE**  
**2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123**  
 Block 0947 Lot 002

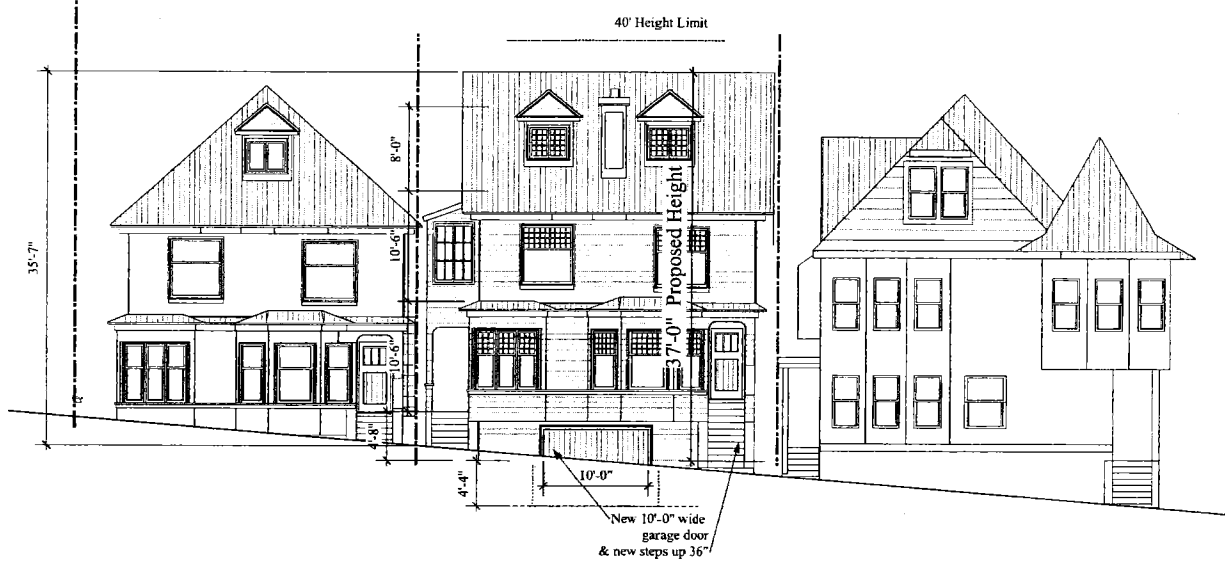
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Job	
Sheet	<b>A5</b>
Of	Sheets



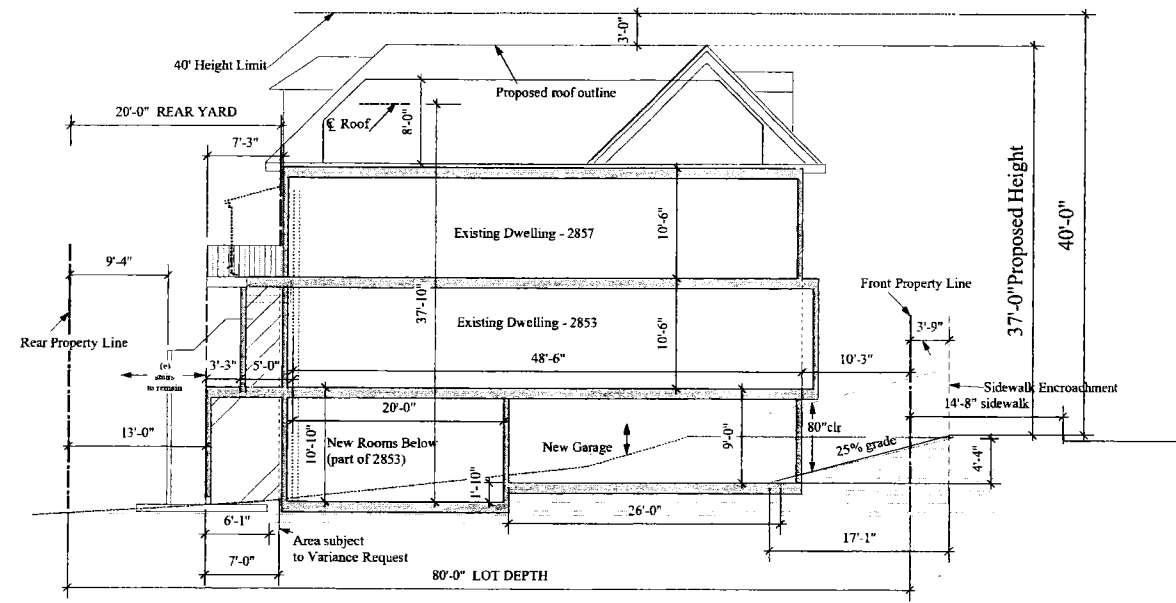
**A EXISTING ELEVATION- 2853 & 2857 BRODERICK**  
 Scale: 1/8" = 1'-0"



**C Existing Building Section**  
 Scale: 1/8" = 1'-0"



**B NEW ELEVATION- 2853 & 2857 BRODERICK (raised 36")**  
 Scale: 1/8" = 1'-0"



**D New Building Section- RAISED**  
 Scale: 1/8" = 1'-0"



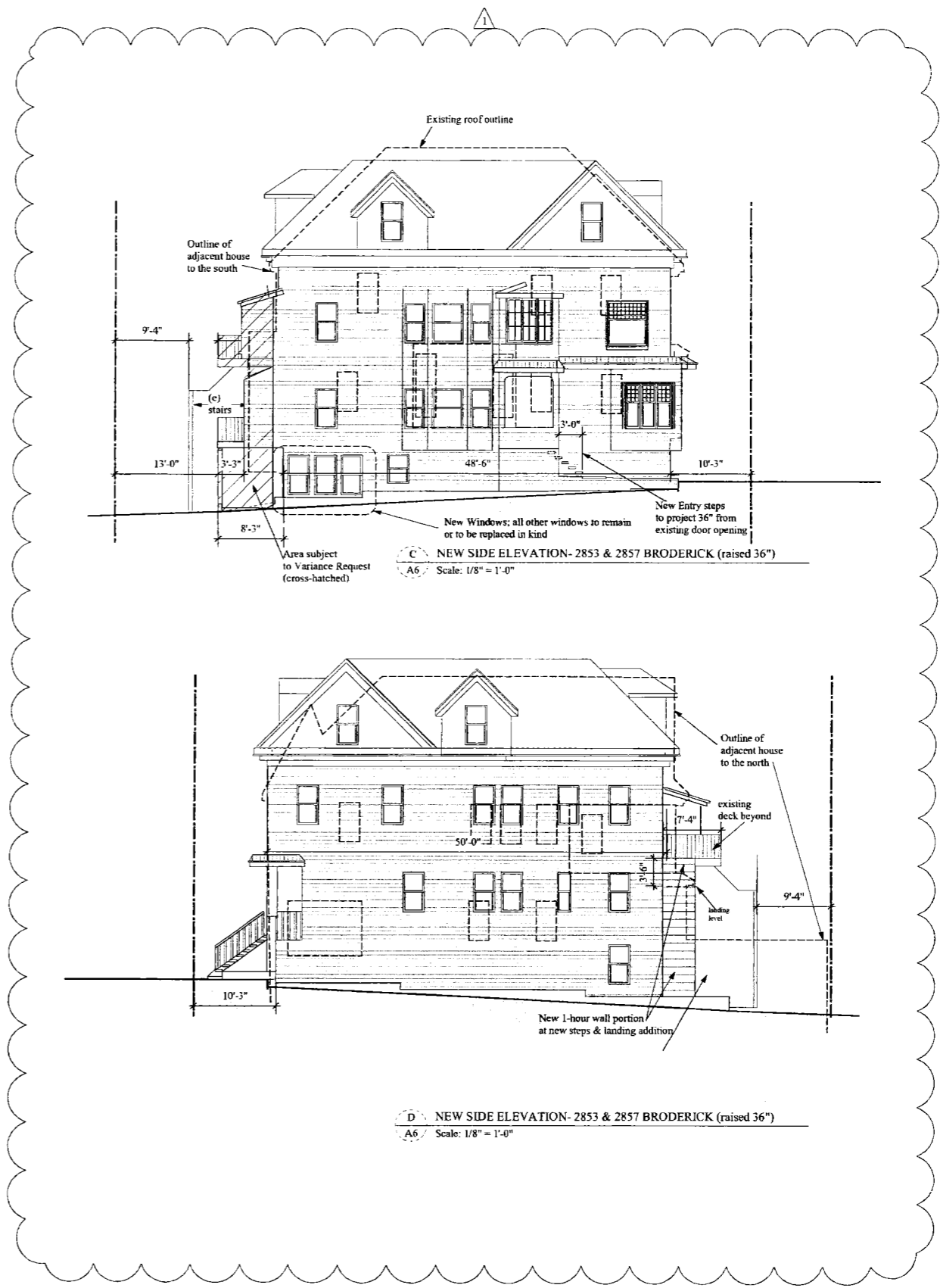
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July 22, 2011	▲



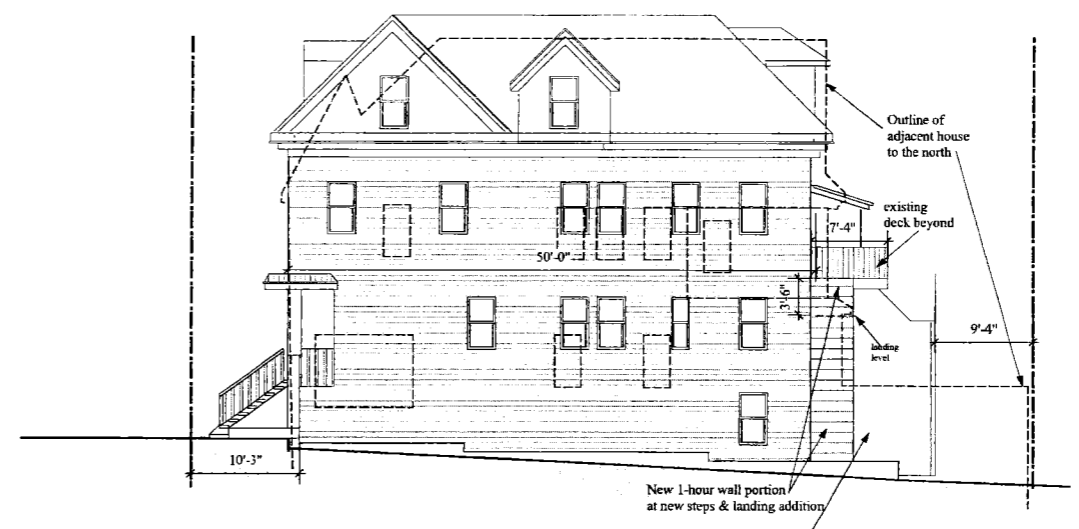
**A** EXISTING REAR ELEVATION- 2853 & 2857 BRODERICK  
 A6 Scale: 1/8" = 1'-0"



**B** NEW REAR ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
 A6 Scale: 1/8" = 1'-0"



**C** NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
 A6 Scale: 1/8" = 1'-0"



**D** NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
 A6 Scale: 1/8" = 1'-0"

**STEPHEN ANTONAROS**  
**ARCHITECT**  
 2261 Market Street #324  
 San Francisco, California 94114  
 www.antonaros.com  
 (415) 864-2261  
 fax: 883-0961

for Roger Conrad  
 & Mari LeMaire  
 (707) 939-2968

**ALTERATION & VARIANCE**  
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002

Date	August '10
Scale	1/8"=1'-0"
Drawn	SA
Job	
Sheet	<b>A6</b>
07	Sheets



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

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

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

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

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

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

## **ACTION**

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

## **FINDINGS**

The reasons the Commission took the action described above include:

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

Speakers at the hearing included:

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

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

Nays: (none)

Absent: (none)

Case Planner: Glenn Cabrerros, 415-558-6169

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

c: Linda D. Avery

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



July 28, 2014

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

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

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

Dear Commissioner Wu and Members:

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

## FACTUAL BACKGROUND

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

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

<sup>2</sup> See Exhibit A.

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



From that day forward, Mr. Zaretsky became seemingly possessed by this project and was exhaustively involved in every facet of its review by the Planning Department and DBI.<sup>4</sup> For example, Mr. Zaretsky was the DR requestor in 2011 on BPA#201103252839 (“BPA#2839”), a revision site permit for a “vertical/horizontal addition; rais[ing] the building 36”, build new garage and rooms down for expansion, new curb cut.”<sup>5</sup> For the same permit, he was one of a few appellants on the 2012 appeal to the Board of Appeals and the appeal of its Categorical Exemption for to the Board of Supervisor in 2012. Not to let matters rest, Mr. Zaretsky also appealed the 2013 permit for the curb cut that was within the scope of work approved by BPA#2839.<sup>6</sup>

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

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

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

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARGUMENT

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

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

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

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

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

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

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

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

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

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

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

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

<sup>16</sup> See Exhibit I, *supra.*

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

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

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

## CONCLUSION

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

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

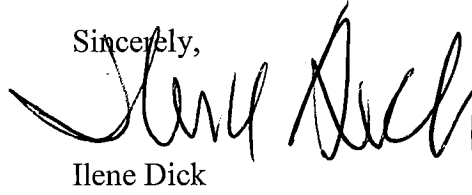
<sup>18</sup> The only new elements of the project are the:

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

Cindy Wu, President  
July 28, 2014  
Page 7

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

Sincerely,



Ilene Dick

ID

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

30197\4470948.3

# EXHIBIT A

**Dick, Ilene (19) x4958**

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

Dear Commissioner Wu:

In response to the opposition for the postponement expressed below by the Project Sponsor representative, please be advised that on July 2, 2014 I contacted Glenn Cabrerros that we would need a postponement. It was Glenn Cabrerros who informed me that we, the neighbors, should contact you for our request and simply copy him with our email to you. We are unaware that the Planning staff is not supporting our request. We only wrote to you and copied them last evening. We have not spoken with them since.

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

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

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

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



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

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

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

Thank you in advance for your consideration.

**Ilene R Dick**  
*Spc Counsel Attny*  
[idick@fbm.com](mailto:idick@fbm.com)  
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

Russ Building	T 415.954.4400
235 Montgomery Street	F 415.954.4480
San Francisco / CA 94104	<a href="http://www.fbm.com">www.fbm.com</a>

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

Dear Messrs. Lindsay and Sanchez:

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

Thank you,  
Irving Zaretsky  
Neighbors on Broderick and Filbert Streets

Begin forwarded message:

**From:** [714515@gmail.com](mailto:714515@gmail.com)

**Dick, Ilene (19) x4958**

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

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

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

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

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**Ilene R Dick**  
*Spc Counsel Attny*  
[idick@fbm.com](mailto:idick@fbm.com)  
415.954.4958

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F 415.954.4480  
[www.fbm.com](http://www.fbm.com)

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

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Thank you,  
Irving Zaretsky  
Neighbors on Broderick and Filbert Streets

Begin forwarded message:

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

Dear Commission President Wu:

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

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

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

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

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

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

Thank you,  
Irving Zaretsky  
Neighbors on Broderick and Filbert Streets

# EXHIBIT B

## SUMMARY OF PROJECT HISTORY

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

### WHO:

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

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

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

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

### WHAT

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

### HOW

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

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

## **ENTITLEMENT HISTORY:**

### **2011:**

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

### **2012:**

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

### **2013:**

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

### **2014:**

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

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

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

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

1. Approved and/or built under prior validly issued permits
  2. Approved by the Board of Appeals in 2012
  3. Yet to be approved, including a dwelling unit merger
- A Class 1 Categorical Exemption issued on July 2, 2014 for the consolidated plan set.

#### **PURPOSE OF THE MANDATORY DR HEARING**

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

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



# EXHIBIT C

## Permits, Complaints and Boiler PTO Inquiry

You selected:

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

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

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

**(Complaints matching the selected address.)**

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

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

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Contact [SFGov Accessibility](#) [Policies](#)  
City and County of San Francisco ©2000-2009

**Permits, Complaints and Boiler PTO Inquiry**

**COMPLAINT DATA SHEET**

**Complaint Number:** 201035952  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:** 03/05/2010  
**Location:** 2853 BRODERICK ST  
**Block:** 0947  
**Lot:** 002  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Christina Wang  
**Division:** BID  
**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** BID  
**Description:** unsafe bldg.

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	RAFAEL JR.	1034	4	

**REFERRAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

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

**COMPLAINT ACTION BY DIVISION**

**NOV (HIS):** **NOV (BID):** 03/05/10

[Inspector Contact Information](#)

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

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# EXHIBIT D



# SAN FRANCISCO PLANNING DEPARTMENT

## Suspension Request

February 5, 2014

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

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

Dear Mr. Hui,

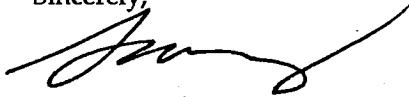
This letter is to request that the Department of Building Inspection (DBI) suspend **Building Permit Application Numbers 201103111905, 201103252839, 201108031630, 201209260727 and 201309247638** (various scopes of work including vertical/horizontal expansion) for the property at 2853-2857 Broderick Street.

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

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

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

Sincerely,



Scott F. Sanchez  
Zoning Administrator

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

# EXHIBIT E



**Permits, Complaints and Boiler PTO Inquiry**

**COMPLAINT DATA SHEET**

**Complaint Number:** 201305201

**Owner/Agent:** OWNER DATA SUPPRESSED

**Date Filed:** 05/20/2013

**Owner's Phone:** --

**Location:** 2853 BRODERICK ST

**Contact Name:** --

**Block:** 0947

**Contact Phone:** --

**Lot:** 002

**Complainant:** COMPLAINANT DATA SUPPRESSED

**Site:**

**Rating:**

**Occupancy Code:**

**Received By:** Alma Canindin

**Complainant's Phone:**

**Division:** PID

**Complaint Source:**

TELEPHONE

**Assigned to Division:**

BID

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

**Instructions:**

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	FESSLER	6252	4	

**REFERRAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

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

**COMPLAINT ACTION BY DIVISION**

**NOV (HIS):**

**NOV (BID):**

05/22/13

03/21/14

[Inspector Contact Information](#)

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

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# NOTICE OF VIOLATION

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

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

NUMBER: 201305201  
DATE: 22-MAY-13

ADDRESS: 2853 BRODERICK ST

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

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

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

PHONE #: --

PERSON CONTACTED @ SITE: PAMELA J WHITEHEAD FAMILY TRUS

PHONE #: --

## VIOLATION DESCRIPTION:

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

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

## CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

415-575-6923

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

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

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

**INVESTIGATION FEE OR OTHER FEE WILL APPLY**

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

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

**BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION**

CONTACT INSPECTOR: Thomas P Fessler

PHONE # 415-575-6923

DIVISION: BID

DISTRICT : 4

By: (Inspectors's Signature) \_\_\_\_\_

**Permits, Complaints and Boiler PTO Inquiry**

**COMPLAINT DATA SHEET**

**Complaint Number:** 201335331

**Owner/Agent:** OWNER DATA SUPPRESSED **Date Filed:** 10/31/2013

**Owner's Phone:** -- **Location:** 2853 BRODERICK ST

**Contact Name:** -- **Block:** 0947

**Contact Phone:** -- **Lot:** 002

**Complainant:** COMPLAINANT DATA SUPPRESSED **Site:**

**Rating:**

**Occupancy Code:**

**Received By:** JingJing Lu

**Division:** BID

**Complainant's Phone:**

**Complaint Source:** TELEPHONE

**Assigned to Division:** BID

**Description:** The current height of this building is inconsistent with the height show on the plans.

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	FESSLER	6252	4	

**REFERRAL INFORMATION**

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

**COMPLAINT STATUS AND COMMENTS**

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

**COMPLAINT ACTION BY DIVISION**

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

Inspector Contact Information

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

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# NOTICE OF VIOLATION

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

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

NUMBER: 201335331  
DATE: 31-OCT-13

ADDRESS: 2853 BRODERICK ST

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

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

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

PHONE #: --

PERSON CONTACTED @ SITE:

PHONE #: --

## VIOLATION DESCRIPTION:

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

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

## CORRECTIVE ACTION:

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

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

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

**INVESTIGATION FEE OR OTHER FEE WILL APPLY**

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

APPROX. DATE OF WORK W/O PERMIT      VALUE OF WORK PERFORMED W/O PERMITS \$

**BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION**

CONTACT INSPECTOR: Joseph P Duffy

PHONE # 415-558-6656

DIVISION: BID

DISTRICT :

By: (Inspectors's Signature) \_\_\_\_\_

# EXHIBIT F



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

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

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

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

## ACTION

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

## FINDINGS

The reasons the Commission took the action described above include:

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

Memo

Speakers at the hearing included:

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

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

Nays: (none)

Absent: (none)

Case Planner: Glenn Cabreros, 415-558-6169

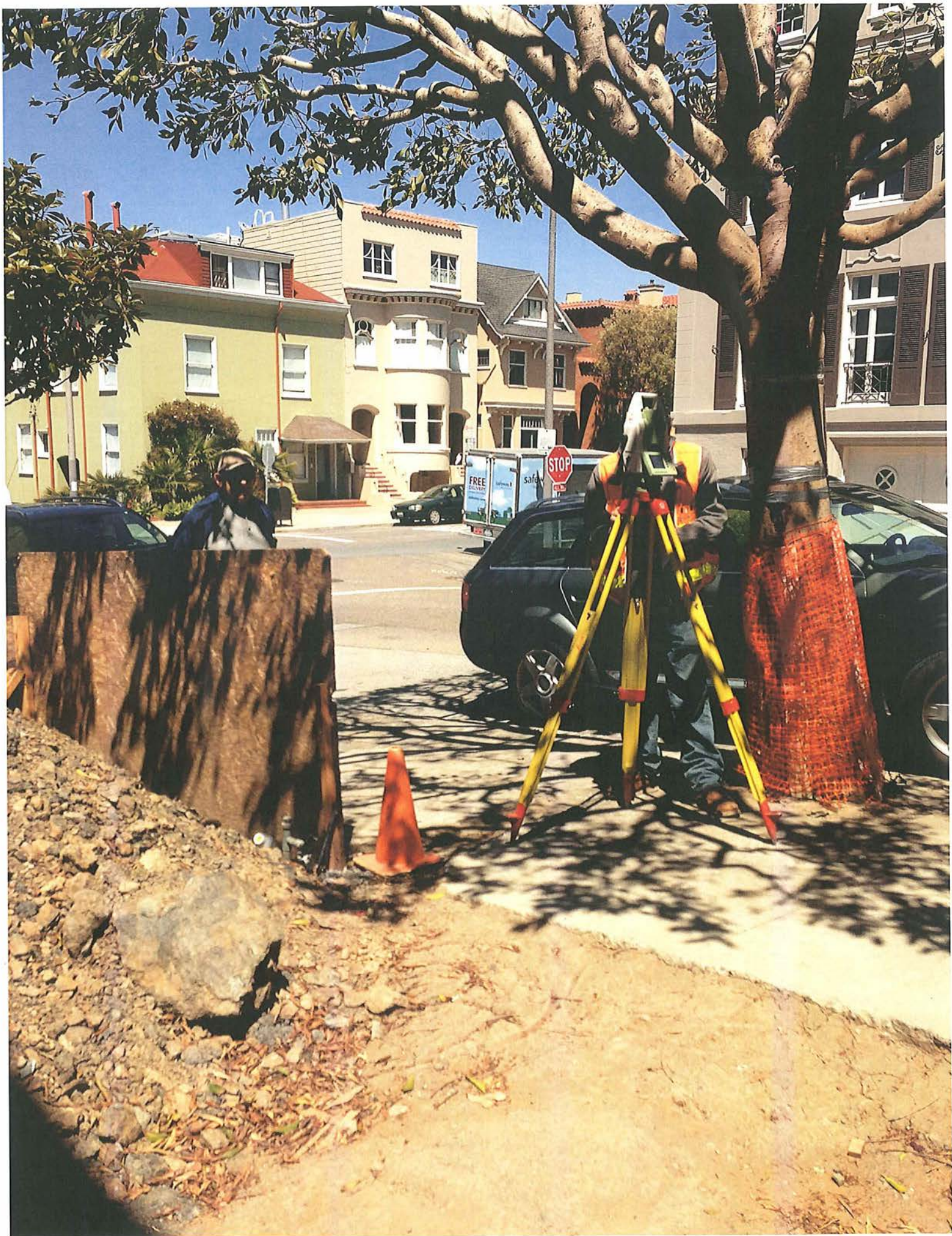
You can appeal the Commission's action to the Board of Appeals by appealing the issuance of the permit. Please contact the Board of Appeals at (415) 575-6880 for further information regarding the appeals process.

c: Linda D. Avery

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

# EXHIBIT G





# Height Certification


April 30, 2013

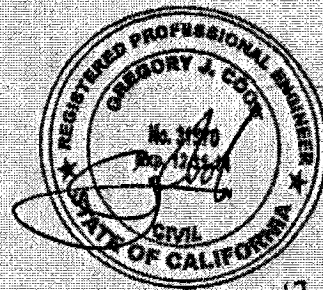
**TO:** City and County of San Francisco  
1660 Mission Street  
San Francisco, CA 94103  
Attn: Department of Building Inspection

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

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

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

  
Gregory J. Cook RCE 31570  
(Project Engineer)



---

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

# Height Measurement Explanation

November 15, 2013

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

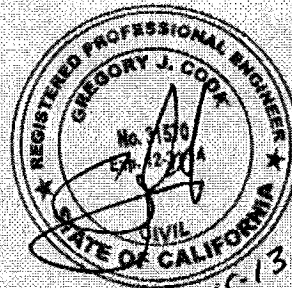
I have been asked to explain how I measured the original building floor elevation and how I determined that it was raised 36 inches. This is a simple procedure that I am sure most would find unnecessary to explain.

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

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



Gregory J. Cook RCE 31570  
(engineer/surveyor)



---

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

# EXHIBIT H

FILBERT STREET

**ABBREVIATIONS:**

- Conc Concrete
- Dn Down
- EM Electric Meter
- FF Finish Floor
- FL Flowline
- GM Gas Meter
- R Property Line
- ROW Right Of Way
- SW Sidewalk
- TOC Top of Curb
- TF Top of Footing
- Wd Wood

[100.00] Existing Elevation

Lot 001  
PM T-62-20

Lot 002  
Assessor's Block No 0947

Lot 003  
PM T-44-115

**BUILDING HEIGHT EXHIBIT**

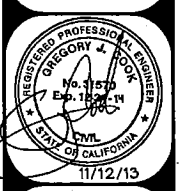
Scale: 1/4"=1'-0"

**OWNER:**  
Pam Whitehead  
50 Magdalena Ct  
Mill Valley, CA 94941  
(415) 250-4057

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

No	Description	Engr. Initial	County Approval By	Date

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



Building Setback Exhibit

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

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

sheet  
**1**  
of 1 sheets

# EXHIBIT I



# SAN FRANCISCO PLANNING DEPARTMENT

## Request to View Public Record

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

DATE OF REQUEST: 8/6/13 BLOCK / LOT: 0947/002  
NAME OF REQUESTOR: Irving Zaretsky  
PHONE # OR EMAIL OF REQUESTOR: iiz@me.com  
SUBJECT PROPERTY ADDRESS: 2853 Broderick Street  
RELATED CASE #: 2013.07.01.0898

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

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

IF OTHER, PLEASE DESCRIBE: Building permit application and plans

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

### RULES FOR REVIEWING PUBLIC RECORDS:

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

Please initial that you understand the rules for viewing: \_\_\_\_\_

DATE OF REVIEW: 8/6/13

TYPE OF IDENTIFICATION PROVIDED: DL

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

REVIEWER'S SIGNATURE X [Signature] Review completed Return

**AUG 06 2013**

### IMMEDIATE DISCLOSURE:

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



# SAN FRANCISCO PLANNING DEPARTMENT

Review completed Return

MAR 31 REC'D

to Planner or Record Ct

## Request to View Public Record

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

DATE OF REQUEST: 3/28/14 BLOCK / LOT: 0947/002  
NAME OF REQUESTOR: Irving Zaretsky, Paul Wythes, Karen Goss  
PHONE # OR EMAIL OF REQUESTOR: paulmimai@yahoo.com, 714515@gmail.com  
SUBJECT PROPERTY ADDRESS: 2853 Broderick Street  
RELATED CASE #: 2013.0433D & 20123.0433E

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

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

STAFF NAME AND PHONE #: Glenn Cabreros 558-6169

### RULES FOR REVIEWING PUBLIC RECORDS:

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

DATE OF REVIEW: 3/31/14  
TYPE OF IDENTIFICATION PROVIDED: DL  
NAME OF REVIEWER (If different from Requestor): ✓  
REVIEWER'S SIGNATURE [Signature] 3/31/14

### IMMEDIATE DISCLOSURE:

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





# SAN FRANCISCO PLANNING DEPARTMENT

## Request to View Public Record

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

DATE OF REQUEST: 7/3/14 BLOCK / LOT: 0947/002  
NAME OF REQUESTOR: Irving Zaretsky  
PHONE # OR EMAIL OF REQUESTOR: 714515@gmail.com  
SUBJECT PROPERTY ADDRESS: 2853-2857 Broderick Street  
RELATED CASE #: 2013.0433DE & BPA#2013.07.01.0898

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

DESCRIPTION:  Planning Case File  Planning Case File -All (Documents incl. Environmental)  
 Environmental Determination  Historical File  Motion  
 Variance Decision Letter  GA Sign File  B11/312 Documents  
 Code Enforcement File  Other  
 All (This includes all documents related to the address listed above, not a specific project)

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

STAFF NAME AND PHONE #: Glenn Cabreros 558-6169

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

DATE OF REVIEW: 7/7/14  
TYPE OF IDENTIFICATION PROVIDED: \_\_\_\_\_  
NAME OF REVIEWER (If different from Requestor): \_\_\_\_\_  
REVIEWER'S SIGNATURE [Signature]

*Hold for 10 days  
07/07/14*

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

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

**OFFSITE DOCKET ORDER INFORMATION:**

File I.D.: \_\_\_\_\_ Box Number: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Case Number & Suffix)

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

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**DUPLICATION FEES AND PAYMENT INFORMATION**

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

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

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

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

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

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

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

Payment received by: \_\_\_\_\_ \$ 0.00 Total Paid

Cash: \_\_\_\_\_ or Check # \_\_\_\_\_ Receipt Number: \_\_\_\_\_

Files Not Found, Amount of refund: \_\_\_\_\_

Cash:  or Check #: \_\_\_\_\_ Date of refund: \_\_\_\_\_

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**CHECK OFF BY RECEPTION STAFF AFTER REVIEW:**

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

Initial: \_\_\_\_\_ Records Returned to Reception Staff by Reviewer.

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

# EXHIBIT J

**Dick, Ilene (19) x4958**

---

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

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

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

Best,

**Ilene R Dick**  
*Spc Counsel Attny*  
[idick@fbm.com](mailto:idick@fbm.com)  
415.954.4958



Russ Building  
235 Montgomery Street  
San Francisco / CA 94104  
T 415.954.4400  
F 415.954.4480  
[www.fbm.com](http://www.fbm.com)

---

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

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

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

Thanks  
Tim

---

Timothy M. Arcuri

Managing Director  
Cowen and Company, LLC  
555 California St, 5<sup>th</sup> Floor  
San Francisco, CA 94104  
Tel: 415-646-7217  
Mobile: 415-710-5550  
[timothy.arcuri@cowen.com](mailto:timothy.arcuri@cowen.com)



---

**From:** [IDick@fbm.com](mailto:IDick@fbm.com) [<mailto:IDick@fbm.com>]

**Sent:** Monday, July 07, 2014 4:45 PM

**To:** [714515@gmail.com](mailto:714515@gmail.com); [amanda@hoenigman.com](mailto:amanda@hoenigman.com); [annabrockway@yahoo.com](mailto:annabrockway@yahoo.com); [brookesampson@yahoo.com](mailto:brookesampson@yahoo.com); [cjones@forwardmgmt.com](mailto:cjones@forwardmgmt.com); [cynthia2ndemail@gmail.com](mailto:cynthia2ndemail@gmail.com); [dieter@hoppercreek.com](mailto:dieter@hoppercreek.com); [dod.fraser@gmail.com](mailto:dod.fraser@gmail.com); [dorinetowle@me.com](mailto:dorinetowle@me.com); [elarkin@hill-co.com](mailto:elarkin@hill-co.com); [ericreimers@gmail.com](mailto:ericreimers@gmail.com); [ethurston@gmail.com](mailto:ethurston@gmail.com); [ggwood2@gmail.com](mailto:ggwood2@gmail.com); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org); [ijz@pacbell.net](mailto:ijz@pacbell.net); [kboss@pacbell.net](mailto:kboss@pacbell.net); [kdkmanagement@yahoo.com](mailto:kdkmanagement@yahoo.com); [lbrooke@lmi.net](mailto:lbrooke@lmi.net); [letsbond@gmail.com](mailto:letsbond@gmail.com); [maitsai@yahoo.com](mailto:maitsai@yahoo.com); [marri61@sbcglobal.net](mailto:marri61@sbcglobal.net); [merijohn@merijohn.com](mailto:merijohn@merijohn.com); [michael@jaegermchugh.com](mailto:michael@jaegermchugh.com); [nancyp.leavens@gmail.com](mailto:nancyp.leavens@gmail.com); [ntede@aol.com](mailto:ntede@aol.com); [paulmaimai@yahoo.com](mailto:paulmaimai@yahoo.com); [rpovlitz@yahoo.com](mailto:rpovlitz@yahoo.com); [rwgoss@pacbell.net](mailto:rwgoss@pacbell.net); [santonaros@sbcglobal.net](mailto:santonaros@sbcglobal.net); Arcuri, Timothy; [vince@citymarkdev.com](mailto:vince@citymarkdev.com); [wmore@aol.com](mailto:wmore@aol.com)

**Cc:** [glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org); [whiteheadwest@msn.com](mailto:whiteheadwest@msn.com); [mnykamp@msn.com](mailto:mnykamp@msn.com); [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)

**Subject:** 2853 Broderick: July 15th Neighbor Meeting-6-8PM at 235 Montgomery Street, 17th Floor

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

We are located at:

**235 Montgomery (between Bush and Pine)**

**The meeting will be on the 21<sup>st</sup> floor. Please tell Security that is your destination.**

\*\*\*\*\*

Dear Neighbors,

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

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

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

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

Our goals for this meeting are straightforward:

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

2. Current: Go over the consolidated plan set and the purpose of the August 7<sup>th</sup> DR hearing.

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

The changes to those prior plans are:

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

B. Front door modifications.

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

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

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

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

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

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

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

Thanks,

**Ilene R Dick**

*Spc Counsel Attny*

[idick@fbm.com](mailto:idick@fbm.com)

415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

Russ Building  
235 Montgomery Street  
San Francisco / CA 94104

T 415.954.4400  
F 415.954.4480  
[www.fbm.com](http://www.fbm.com)

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Farella Braun + Martel LLP

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# EXHIBIT K



**Dick, Ilene (19) x4958**

---

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

Good Afternoon Ilene,

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

---

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

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

Thanks,

**Ilene R Dick**  
*Spc Counsel Attny*  
[idick@fbm.com](mailto:idick@fbm.com)  
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

Russ Building  
235 Montgomery Street  
San Francisco / CA 94104

T 415.954.4400  
F 415.954.4480  
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Farella Braun + Martel LLP

## Dick, Ilene (19) x4958

---

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

Hi Ilene-

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

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

Thank you.

### Glenn Cabrerros, LEED AP Planner

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



---

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

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

Please let me know available times. Thanks in advance.

Best,

**Ilene R Dick**  
*Spc Counsel Attny*  
[idick@fbm.com](mailto:idick@fbm.com)  
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

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Farella Braun + Martel LLP

**Dick, Ilene (19) x4958**

---

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

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

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

\*\*\*\*\*

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

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

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

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

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

Best,

**Ilene R Dick**

*Spc Counsel Attny*  
idick@fbm.com  
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

Russ Building  
235 Montgomery Street  
San Francisco / CA 94104

T 415.954.4400  
F 415.954.4480  
[www.fbm.com](http://www.fbm.com)

**Dick, Ilene (19) x4958**

---

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

Hello Ilene,

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

Regards,  
**Scott F. Sanchez**  
**Zoning Administrator**

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

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



---

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

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

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

\*\*\*\*\*

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

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

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

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

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

Best,

**Ilene R Dick**  
*Spc Counsel Attny*  
[idick@fbm.com](mailto:idick@fbm.com)  
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

Russ Building  
235 Montgomery Street  
San Francisco / CA 94104

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Farella Braun + Martel LLP

## Dick, Ilene (19) x4958

---

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

Dear Mr. Zaretsky,

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

Regards,  
**Scott F. Sanchez**  
**Zoning Administrator**

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

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



---

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

Dear Mr. Sanchez:



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

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

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

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

Please advise,

Irving Zaretsky

Neighbors on Broderick and Filbert streets

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

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

Paul

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

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

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

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

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

**Subject:** RE: 2853 Broderick Street

Dear Mr. Wythes,

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

Power washing walls and windows

-Repair and replace windows in-kind

-Paint, prep, sand windows and all trim

-Install downspouts and rain gutters

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

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

Please let me know if you have any questions.

Regards,  
Scott F. Sanchez  
Zoning Administrator

Planning Department | City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6350 | Fax: 415-558-6409  
Email: [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
Web: [www.sfolplanning.org](http://www.sfolplanning.org)

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

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

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

Paul

---

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

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

Thank you.

**Glenn Cabreros, LEED AP  
Planner**

Planning Department | City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6169 | Fax: 415-558-6409  
Email: [glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)  
Web: [www.sfolplanning.org](http://www.sfolplanning.org)

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

Thomas,

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

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

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

Thanks again,  
Paul

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

Mr. Wythes,

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

Regards,

Thomas Venizelos  
Senior Building Inspector  
Department of Building Inspection

---

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

Thomas,

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

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

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

Thank you,  
Paul Wythes

---

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

To All Concerned,

# EXHIBIT L

**Dick, Ilene (19) x4958**

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

**Ilene R Dick**  
*Spc Counsel Attny*  
[idick@fbm.com](mailto:idick@fbm.com)  
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

Russ Building  
235 Montgomery Street  
San Francisco / CA 94104  
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F 415.954.4480  
[www.fbm.com](http://www.fbm.com)

---

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

Hello Paul,

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

Thank You

---

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

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

Bye  
Tom

Sent from my iPhone

Begin forwarded message:

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

To: Paul Wythes <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)>, "Hui, Tom (DBI)" <[tom.hui@sfgov.org](mailto:tom.hui@sfgov.org)>, "IDick@fbm.com" <[IDick@fbm.com](mailto:IDick@fbm.com)>

Cc: "Cabreros, Glenn (CPC)" <[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)>, "Venizelos, Thomas (DBI)" <[thomas.venizelos@sfgov.org](mailto:thomas.venizelos@sfgov.org)>, "Lindsay, David (CPC)" <[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)>, Irving Zaretsky <[iiz@me.com](mailto:iiz@me.com)>, Amanda Hoenigman <[amanda@hoenigman.com](mailto:amanda@hoenigman.com)>, Vince Hoenigman <[vince@citymarkdev.com](mailto:vince@citymarkdev.com)>, Richard Goss <[rwgoss@pacbell.net](mailto:rwgoss@pacbell.net)>, Karen Goss <[kbgoss@pacbell.net](mailto:kbgoss@pacbell.net)>, Arcuri Timothy <[Timothy.Arcuri@cowen.com](mailto:Timothy.Arcuri@cowen.com)>, nancy leavens nancy <[nancyp.leavens@gmail.com](mailto:nancyp.leavens@gmail.com)>, Mai Mai Wythes <[maitsai@yahoo.com](mailto:maitsai@yahoo.com)>, "Stefani, Catherine" <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>

**Subject: Re: 2853 Broderick Street**

Hello Paul,

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

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

Tel: 415.558.6350  
Fax: 415.558.6409

E-mail: [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
Webpage: <http://www.sfplanning.org>

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

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

Scott,

**Dick, Ilene (19) x4958**

---

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

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

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

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

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

\*\*\*\*\*

#### **105A.4 Code Advisory Committee.**

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

**105A.4.2 Functions.** Its functions shall be:

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

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

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

---

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

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

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

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

**Subject:** Re: 2853 Broderick Street

Hello Paul,

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



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

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

Tel: 415.558.6350  
Fax: 415.558.6409

E-mail: [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
Webpage: <http://www.sfplanning.org>

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

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

Scott,

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

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

Thanks,  
Paul Wythes

---

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

Dear Mr. Wythes,

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

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

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

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

Please let me know if you have any questions.

Regards,  
**Scott F. Sanchez**  
Zoning Administrator

Planning Department | City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6350 | Fax: 415-558-6409  
Email: [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
Web: [www.sfpplanning.org](http://www.sfpplanning.org)

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

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

---

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

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

Paul

---

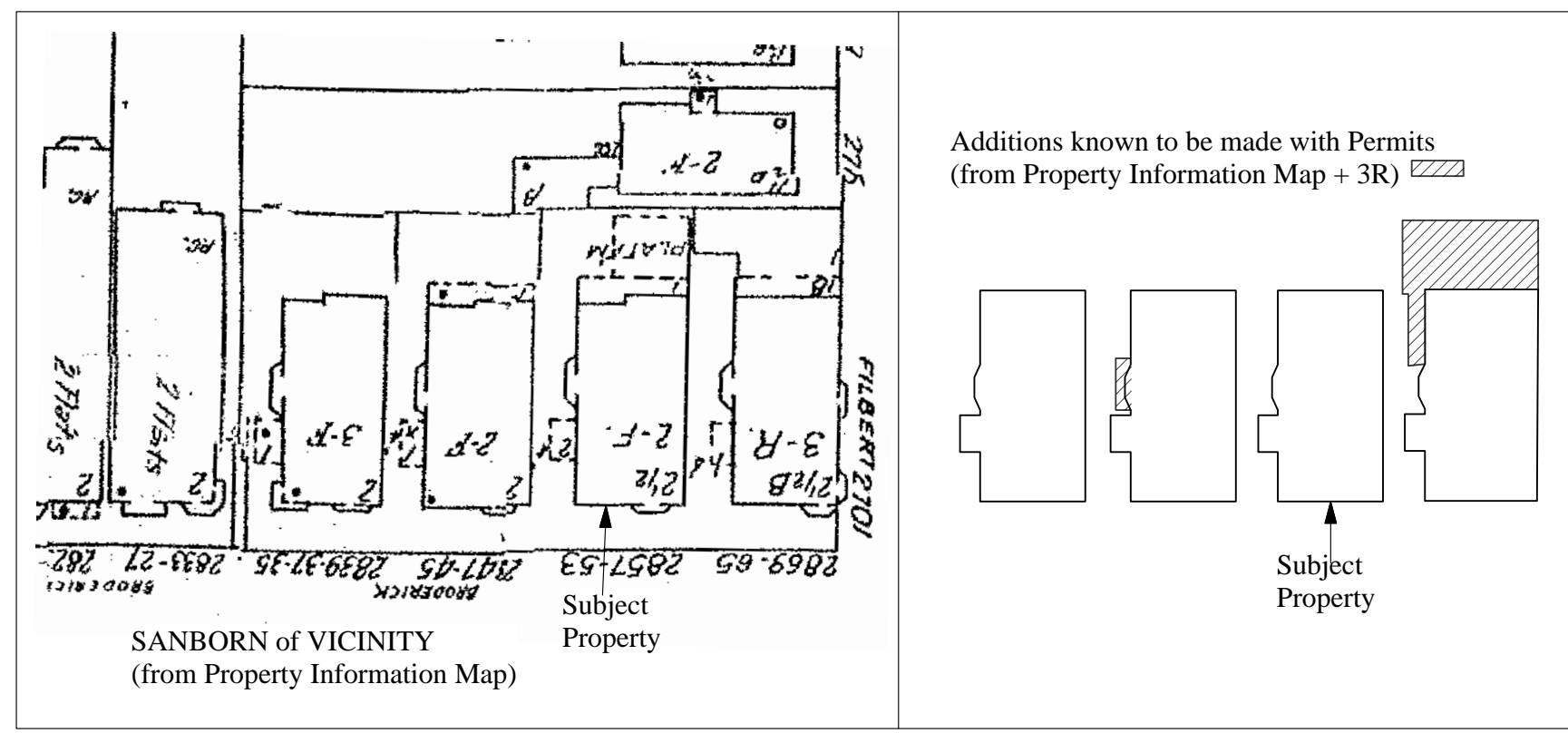
**From:** "Cabrereros, Glenn (CPC)" <[glenn.cabrereros@sfgov.org](mailto:glenn.cabrereros@sfgov.org)>  
**To:** Paul Wythes <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)>; "Venizelos, Thomas (DBI)" <[thomas.venizelos@sfgov.org](mailto:thomas.venizelos@sfgov.org)>  
**Cc:** "Sanchez, Scott (CPC)"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

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

Thank you.

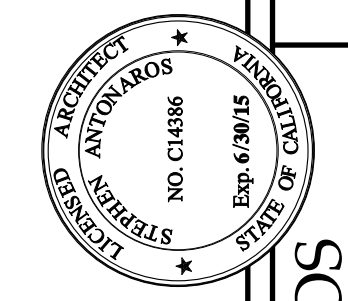
**Glenn Cabrereros, LEED AP**  
Planner

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

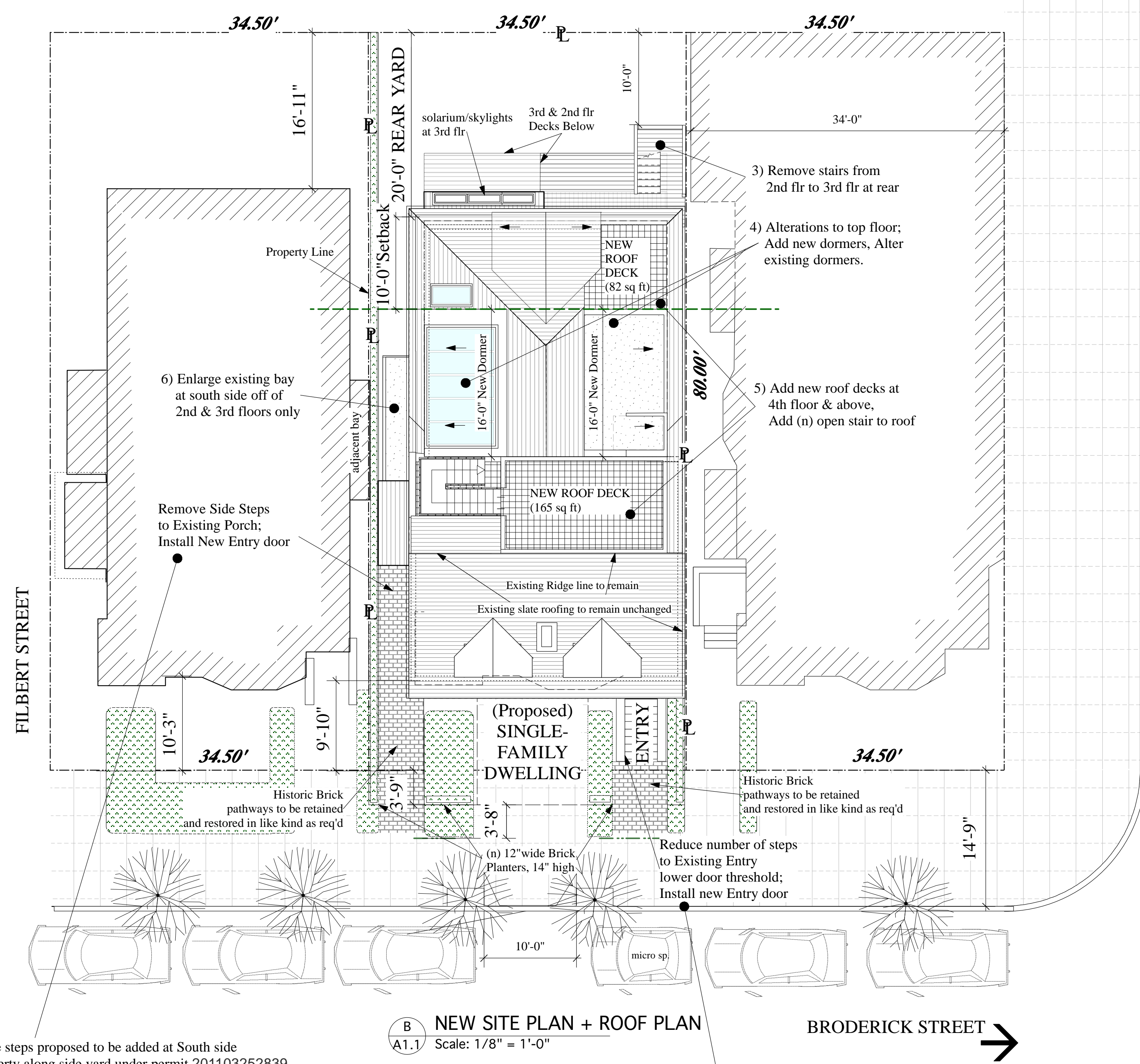
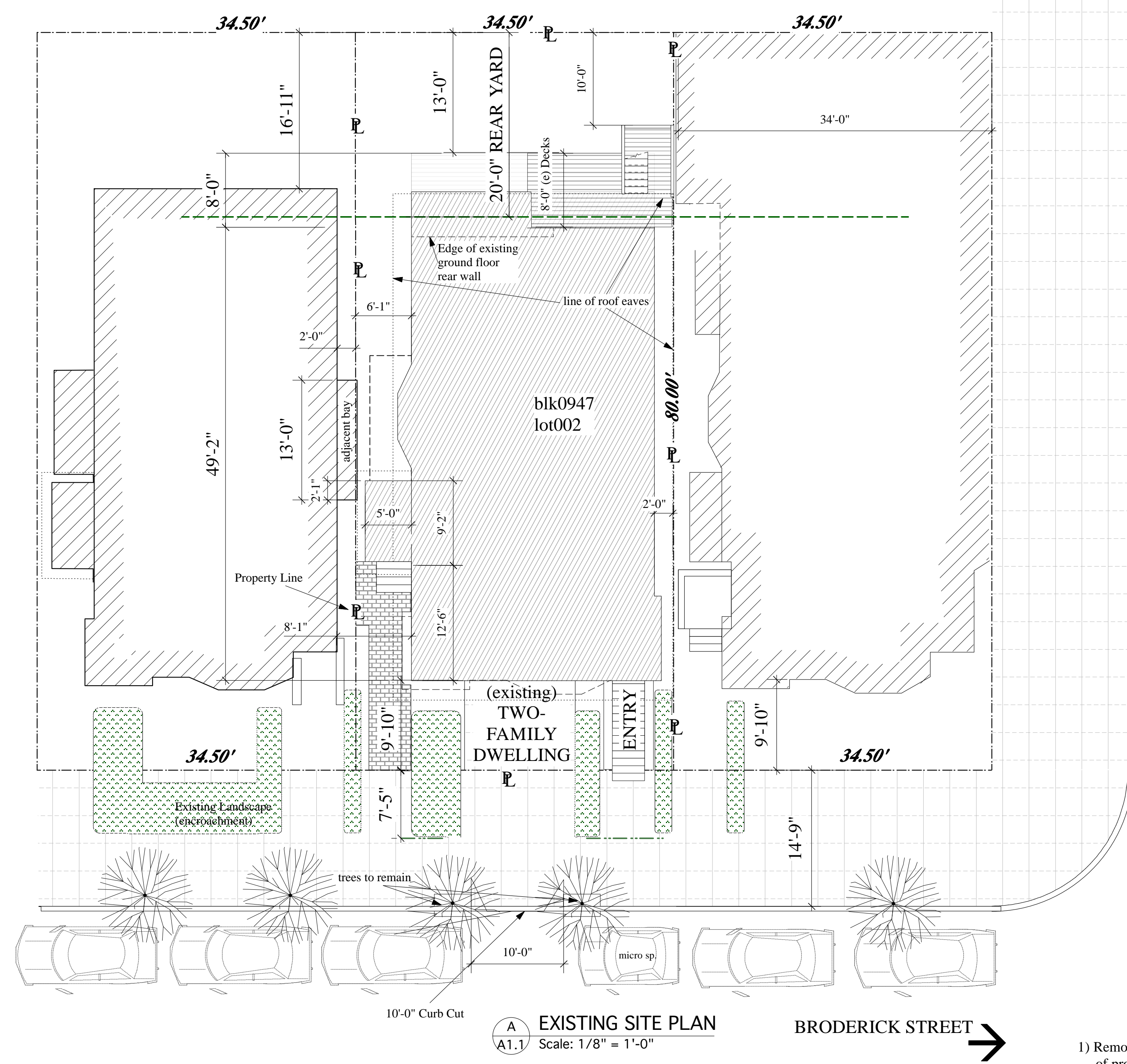


- SCOPE OF WORK:**
- 1) Remove steps proposed to be added at South side of property along side yard under permit 201103252839, lower door to historic level entry to side porch, add interior stair down to lower rooms within existing enclosed entry porch
  - 2) Remove steps at North proposed to be added to raised Main entry, lower to main floor entry level;
  - 3) Remove stairs from 2nd floor to 3rd floor at rear (w/DUM approval)
  - 4) Alterations to top floor; Add new dormers, Alter existing dormers.
  - 5) Add new roof decks at 4th floor & above, Add (n) open stair to new top level roof deck
  - 6) Enlarge existing bay at south side off of 2nd & 3rd floors only
  - 7) This permit rectifies discrepancies in previous permits as to height notation, accurate setback and outline of existing building and other minor details of the previous building elements either altered or to remain under this permit.

Building Data	
CONSTRUCTION TYPE: Type SB- (Fully Sprinklered)	Four Stories of Occupancy Fire Sprinkler under Separate Permit
OCCUPANCY CLASSIFICATION: R-3 / S	
<b>APPLICABLE CODES:</b> 2010 California Building Code* 2010 California Historical Code, 2010 Mechanical Code, 2010 Plumbing Code, 2010 Electrical Code, and 2010 San Francisco Building Code * Qualified Historic Building	
INDEX OF DRAWINGS:	
A1.1: As Approved + New Site Plan	A1.2: As Approved + Updated Site Plan
A2.1: As Approved, Altered & New 1st Floor Plans	A2.2: As Approved, Altered & New 2nd Floor Plans
A2.3: As Approved, Altered & New 3rd Floor Plans	A3.1: As Approved, Altered & New 4th Floor Plans
A3.2: Existing & New Roof Plans	A4.1: As Approved Elevations + Survey Data
A4.2: As Approved Elevations + Survey Data	A4.3: Existing East Front + South Side Elevations
A4.4: New East Front + South Side Elevations	A5.0: Existing + New Rear West + North Side Elevations



**STEPHEN ANTONAROS ARCHITECT**  
 2261 Market Street #324  
 San Francisco, California 94114  
 www.antonaros.com antonaros@stephna.net  
 (415) 864 2061 fax 885-0961



- 1) Remove steps proposed to be added at South side of property along side yard under permit 201103252839, lower door to historic level entry to side porch, add interior stair down to lower rooms within existing enclosed entry porch

- 2) Remove steps at North proposed to be added to raised Main entry, lower to main floor entry level;

**AS-BUILT, AS-APPROVED**  
**Interior Changes + Survey Verification**

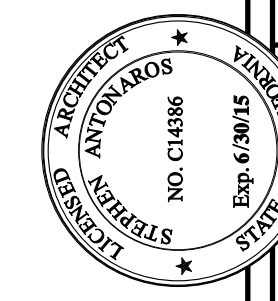
**FINAL PROPOSED Alterations**

for  
 Nykamp-Whitehead  
 Family Trust  
 (415) 250-4057

**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002  
**As Approved + NEW SITE PLANS**

Date	Jan 2014
Scale	1/8"=1'-0" u.o.n.
Drawn	SA
Job	
Sheet	<b>A1.1</b>
Of	Sheets

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

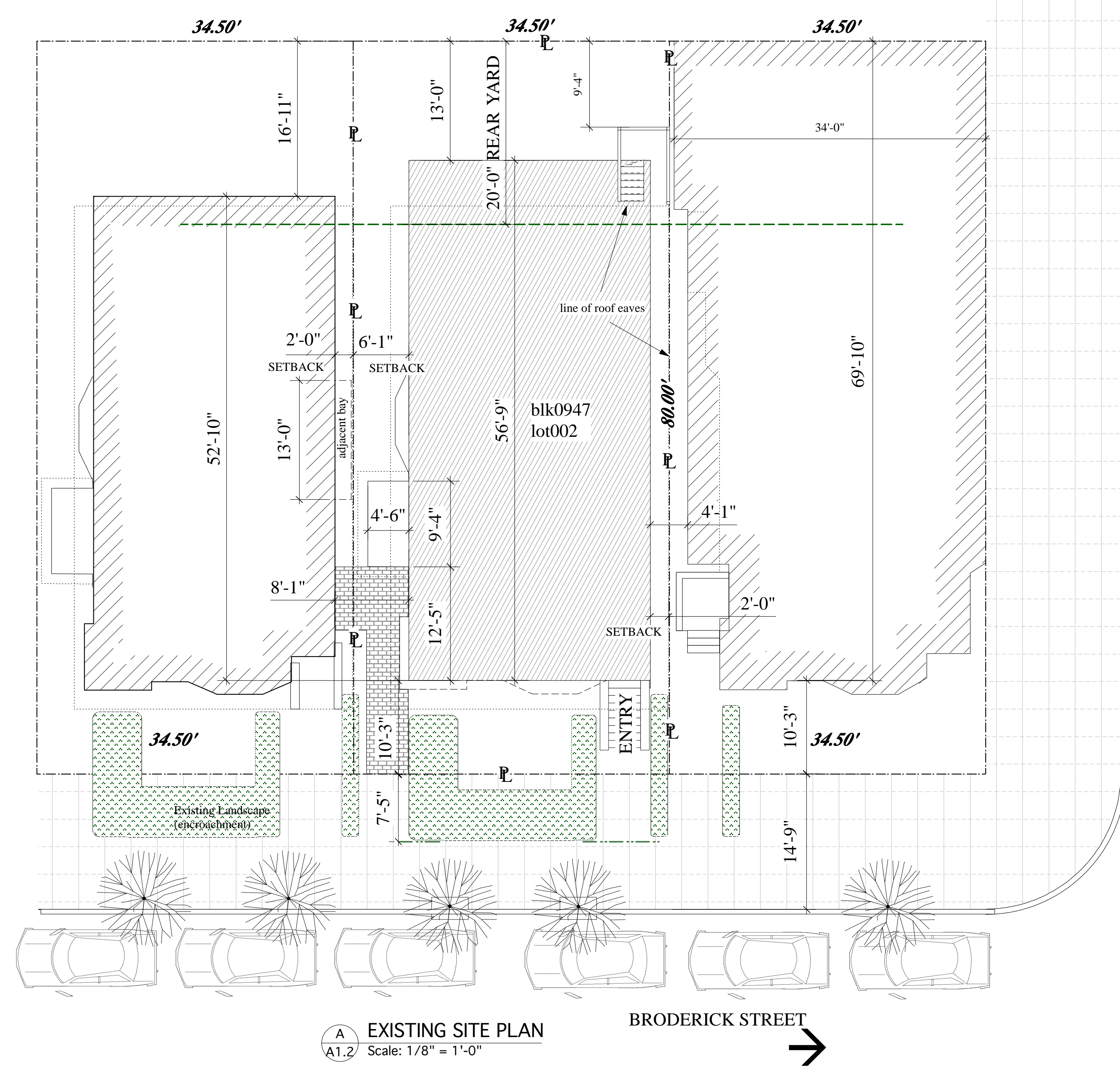


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 (415) 864 2261  
 fax 885-0961

for  
 Nykamp-Whitehead  
 Family Trust  
 (415) 250-4057

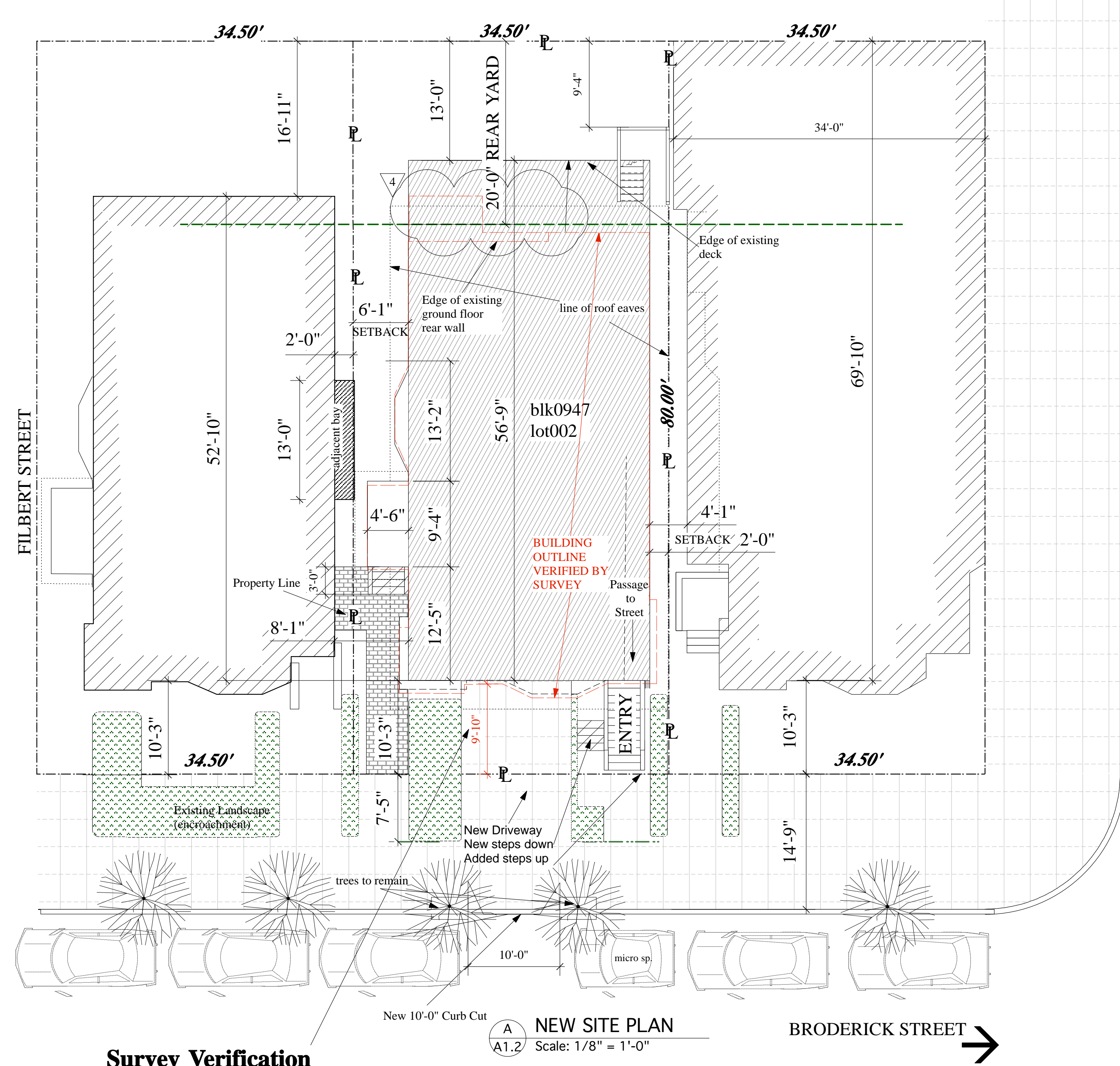
**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 **As Approved + Updated SITE PLANS**

Date	Jan 2014
Scale	1/8"=1'-0" u.o.n.
Drawn	SA
Job	
Sheet	<b>A1.2</b>
Of	Sheets



**A** EXISTING SITE PLAN  
 A1.2 Scale: 1/8" = 1'-0"

**AS APPROVED Board of Appeals**



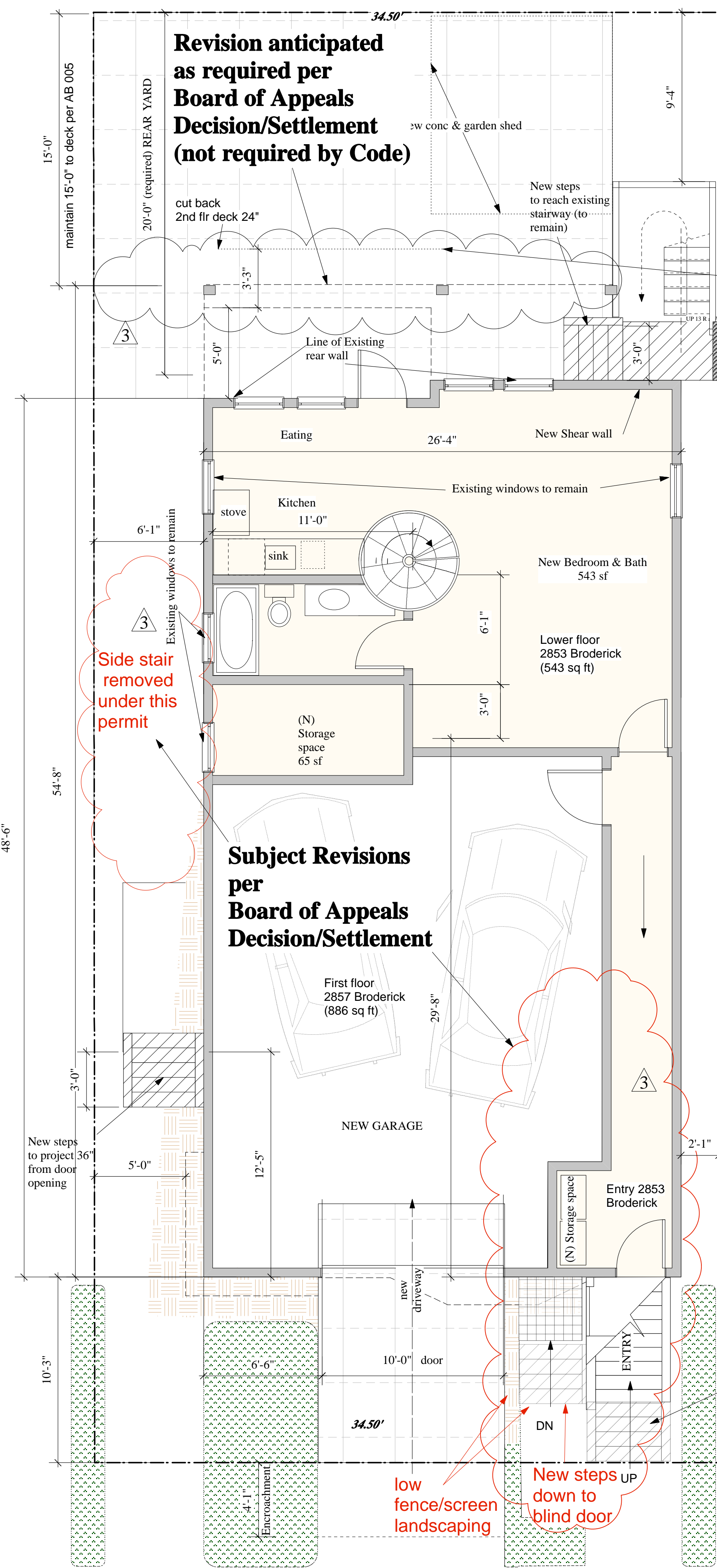
**A** NEW SITE PLAN  
 A1.2 Scale: 1/8" = 1'-0"

**AS APPROVED Board of Appeal  
 (Updated w/ Survey Data)**

FILBERT STREET

BRODERICK STREET

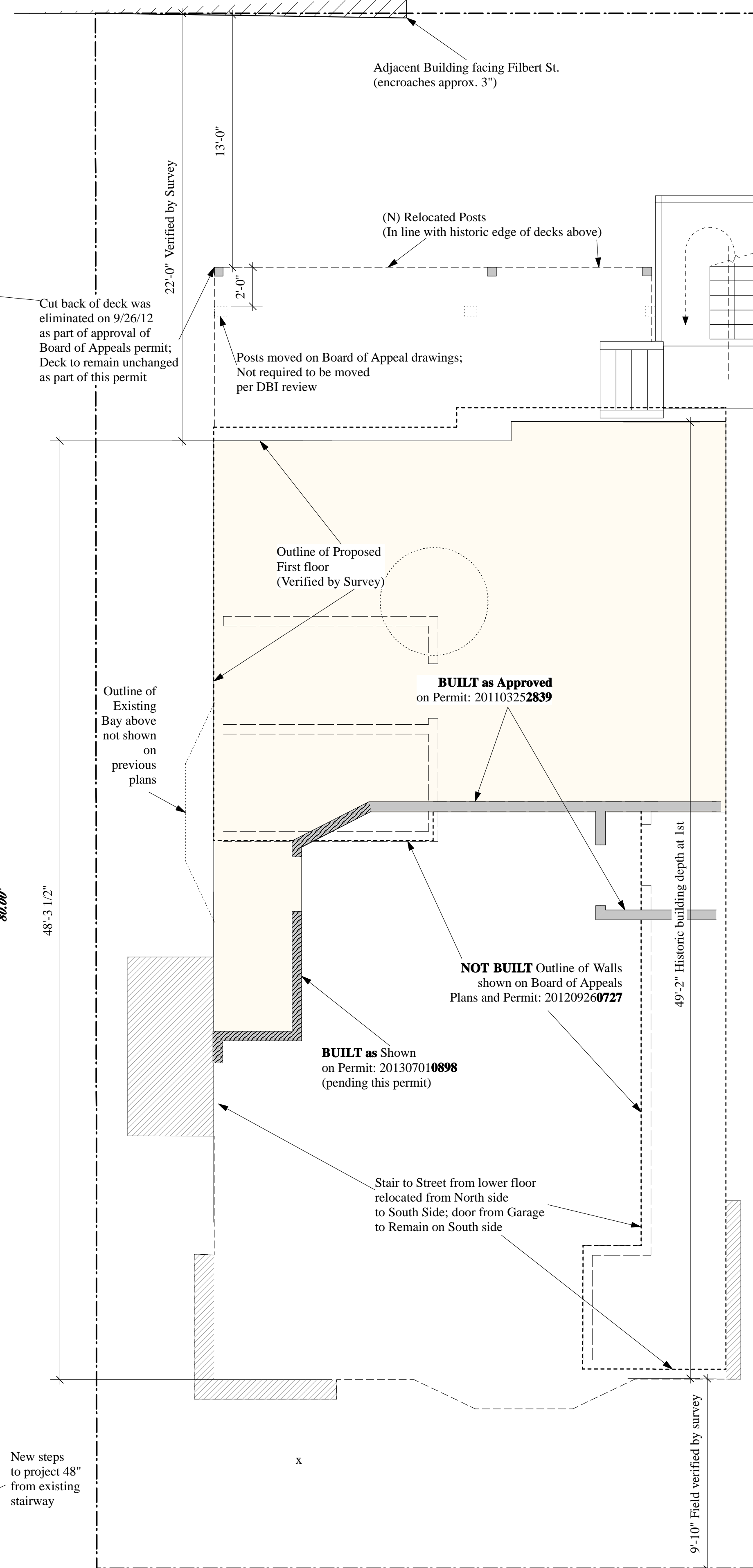
BRODERICK STREET



**A** ALTERED Basement - New FIRST FLOOR PLAN  
**A2.1** Scale: 1/4" = 1'-0"

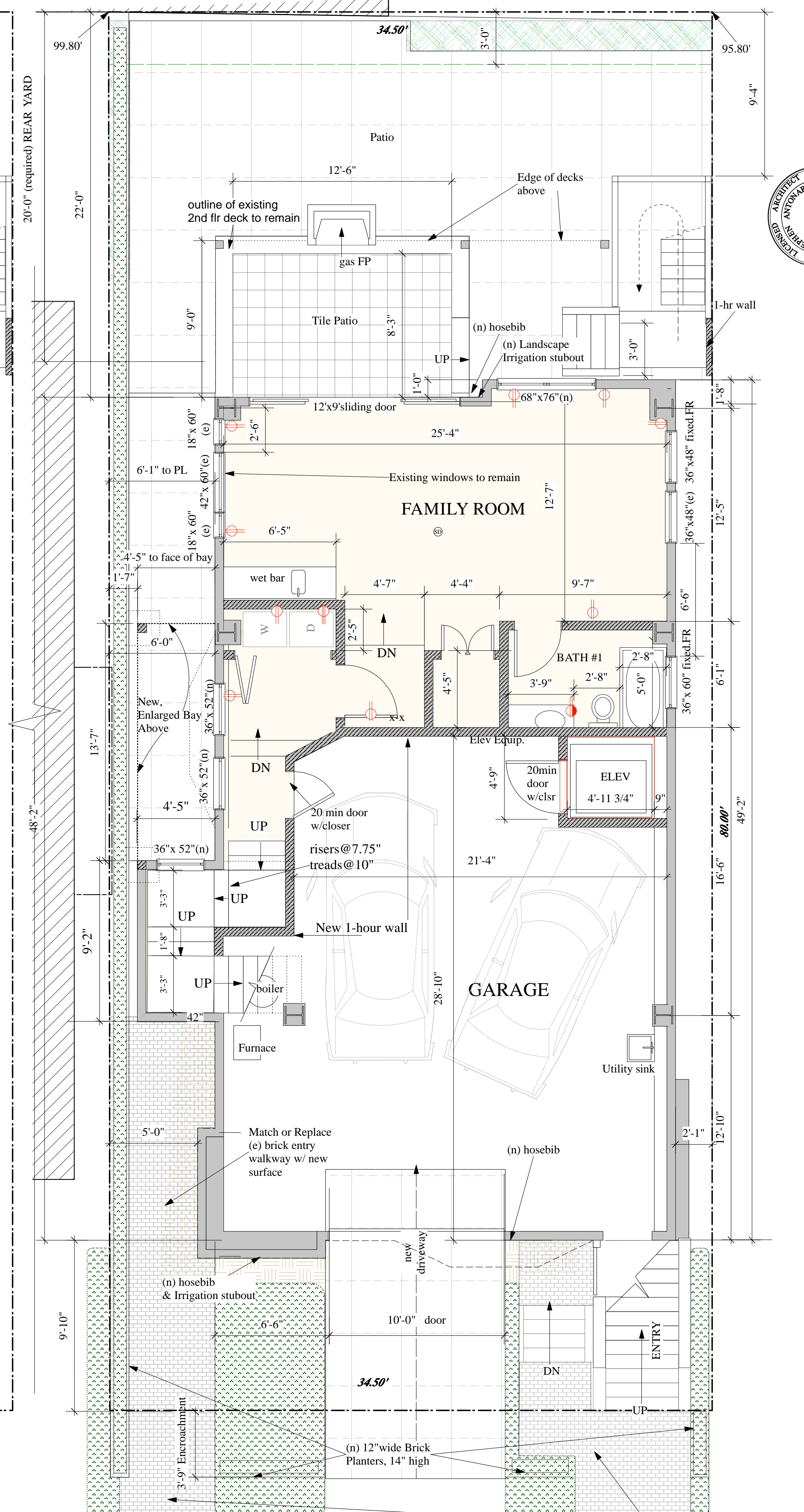
495 sq ft (new living area)

**AS APPROVED Board of Appeals**



**B** FIRST FLOOR PLAN -w/ Building Features Verified by Survey  
**A2.1** Scale: 1/4" = 1'-0"

**AS-BUILT, AS-APPROVED  
 Interior Changes + Survey Verification**

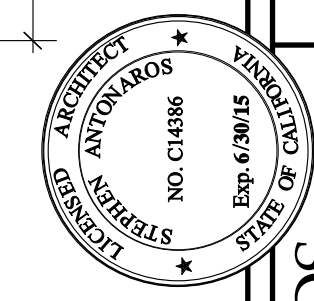


**C** FIRST FLOOR PLAN  
**A2.1** Scale: 1/4" = 1'-0"

1st Floor 607 sq ft

**FINAL PROPOSED Alterations**

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	



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 (415) 864 2261 fax 865-0961

for  
 Nykamp-Whitehead  
 Family Trust  
 (415) 250-4057

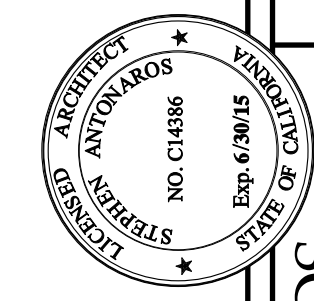
**As Approved, ALTERED and NEW 1st FLOOR PLANS**

**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002

Date Jan 2014  
 Scale 1/8" = 1'-0" u.o.n.  
 Drawn SA  
 Job  
 Sheet

**A2.1**  
 Of Sheets

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

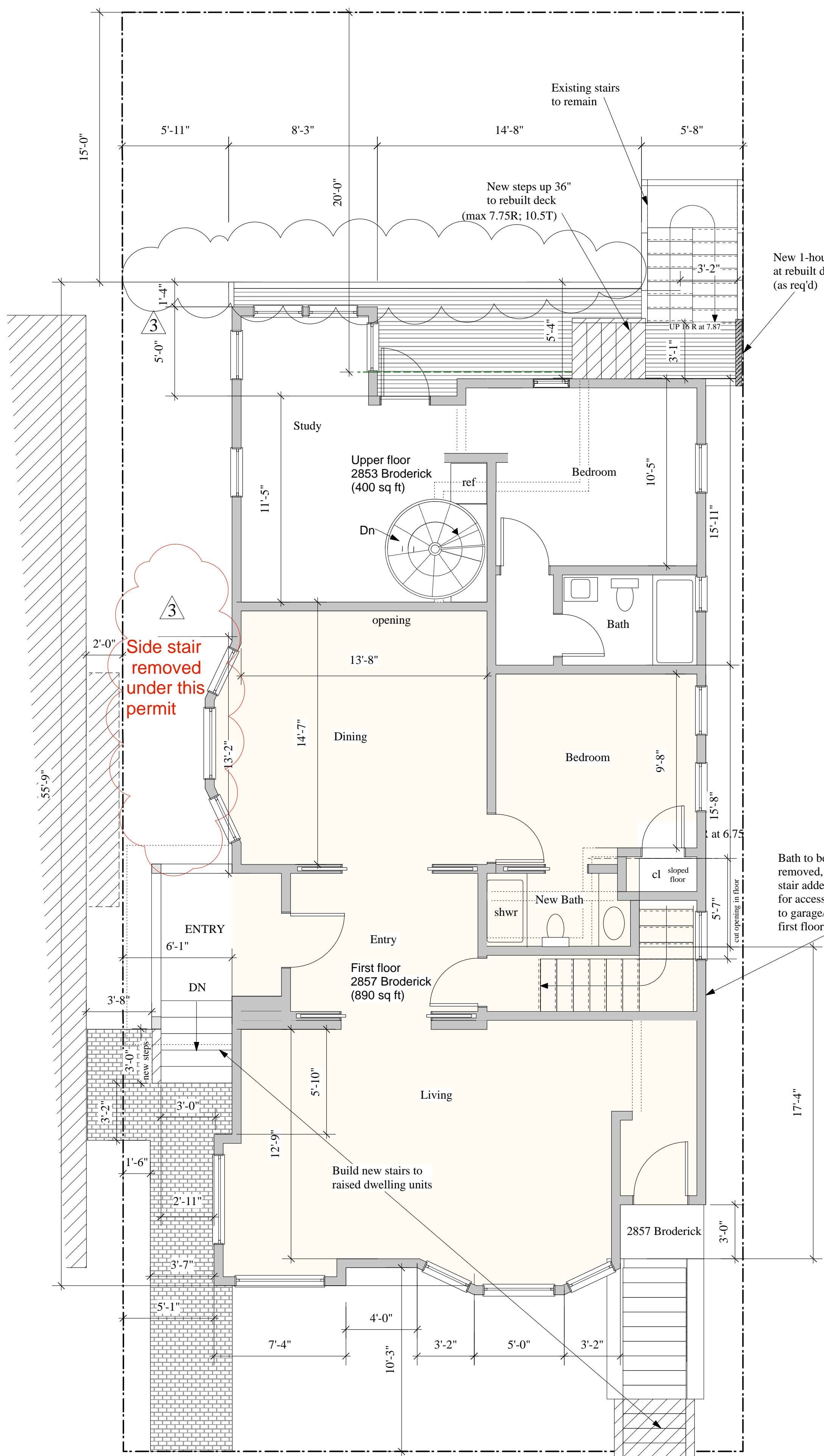


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for  
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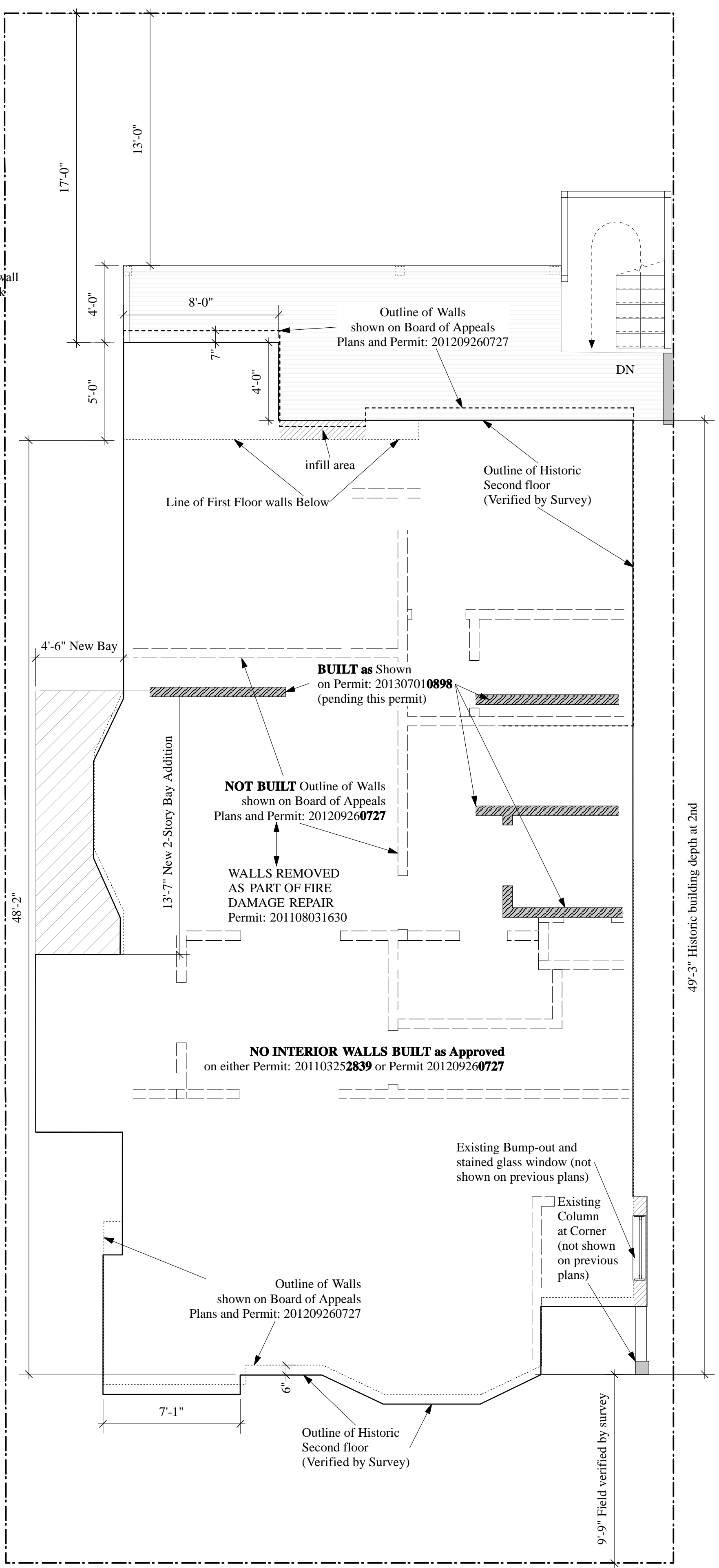
**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 **As Approved, ALTERED and NEW 2nd FLOOR PLANS**

Date	Jan 2014
Scale	1/8"=1'-0" u.o.n.
Drawn	SA
Job	
Sheet	A2.2
Of	Sheets



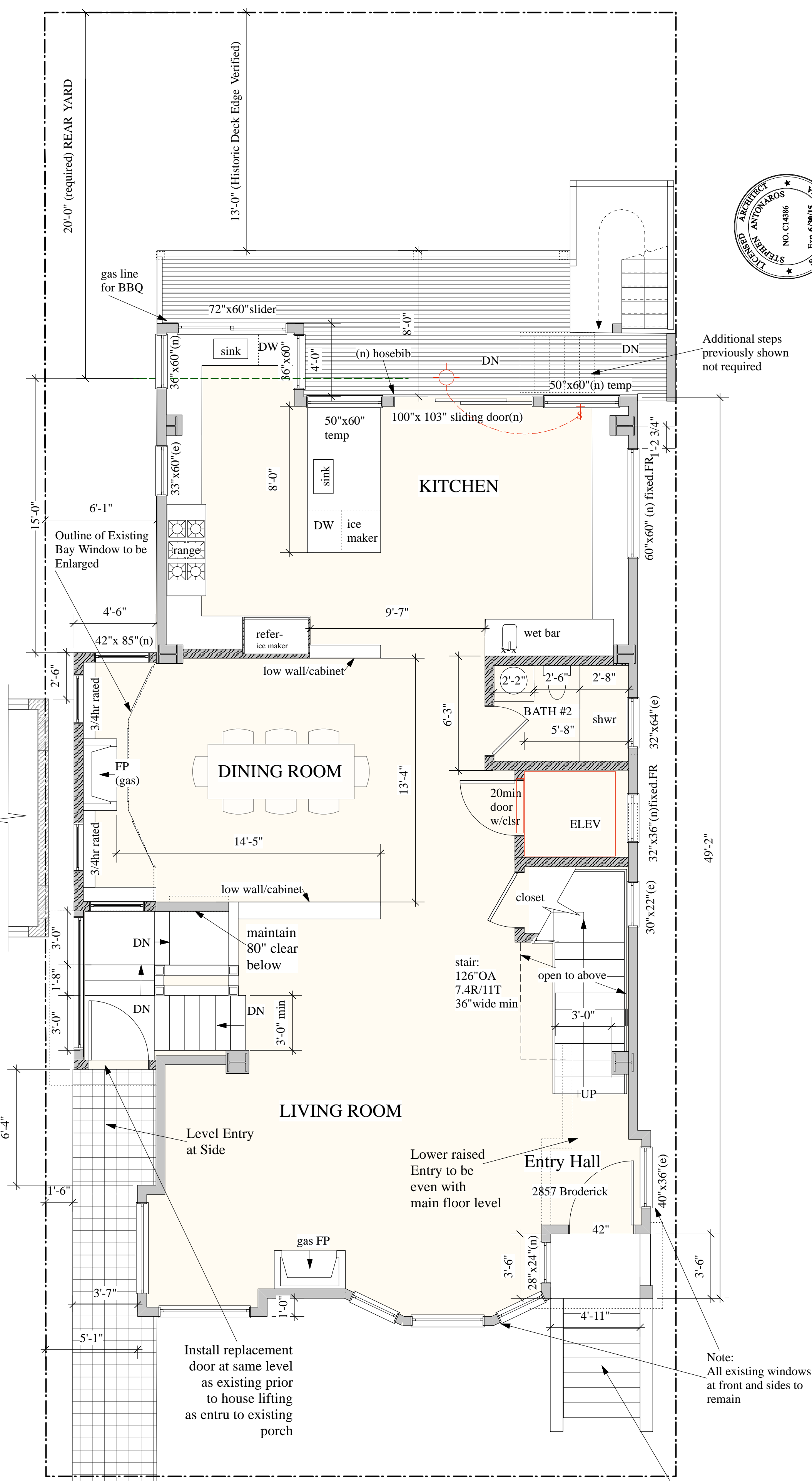
**A** 1st SECOND FLOOR PLAN  
 ALTERED 2nd flr- NEW THIRD FLOOR PLAN  
 Scale: 1/4" = 1'-0"  
 2853 Broderick  
 1290 sq ft

**AS APPROVED Board of Appeals**



**B** SECOND FLOOR PLAN -w/Building Features Verified by Survey  
 Scale: 1/4" = 1'-0"

**AS-BUILT, AS-APPROVED Interior Changes + Survey Verification**



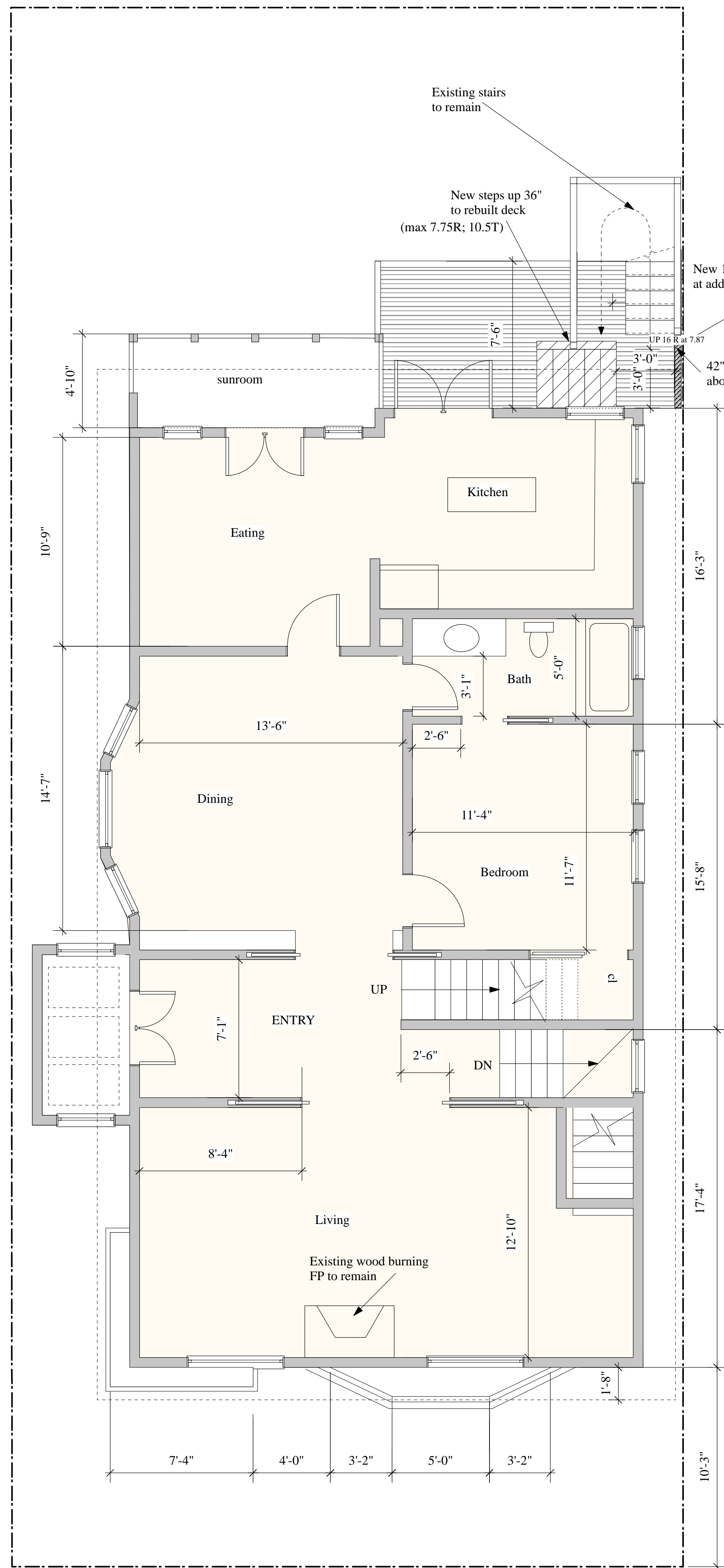
**C** NEW SECOND FLOOR PLAN  
 Scale: 1/4" = 1'-0"  
 New 2nd Floor w/ Enlarged Bay 1455 sq ft

**FINAL PROPOSED Alterations**

- Indicates Architectural features such as Bays, Porch, jogs in wall above, not shown on previous plans but filled in under this and prior permits
- Indicates New Two-Story Bay Addition

Note:  
 All existing windows at front and sides to remain

Install new Entry door and transom at lowered entry floor with new rebuilt entry stairs

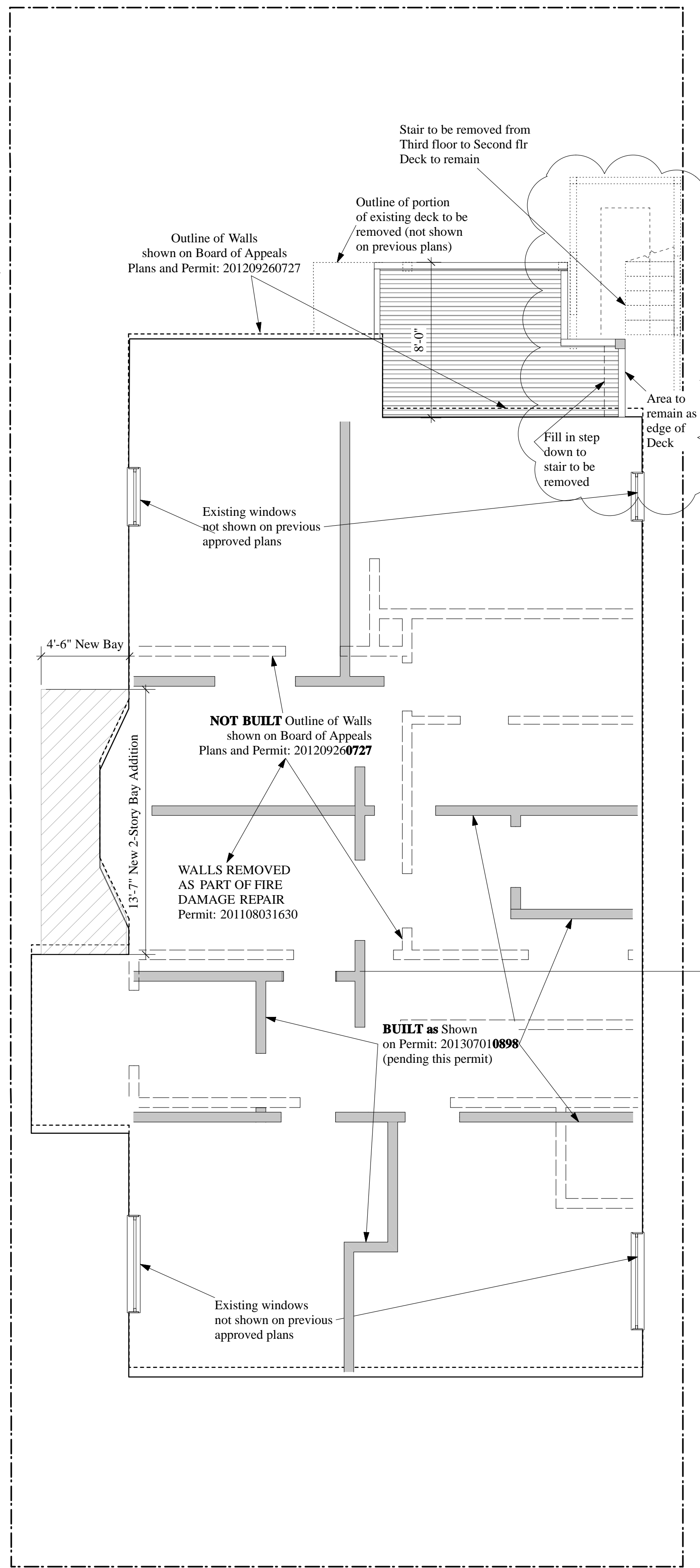


**A**  
A2.3 EXISTING 2nd Flr-NEW THIRD FLOOR PLAN  
Scale: 1/4" = 1'-0"

2857 Broderick  
1395 sq ft

No Structural work to be done on Third Floor

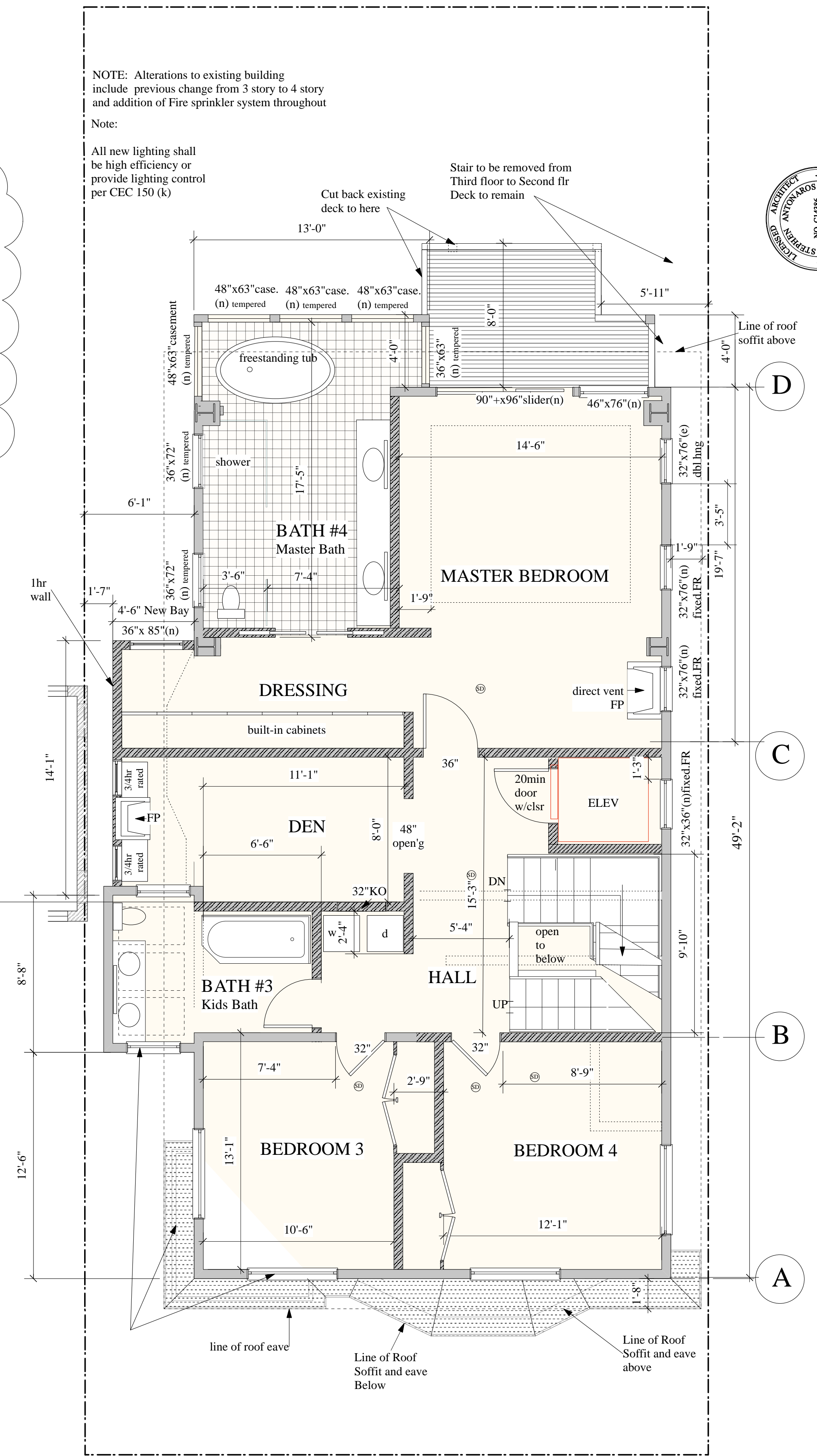
**AS APPROVED Board of Appeals**



**B**  
A2.3 THIRD FLOOR PLAN-Updated  
Scale: 1/4" = 1'-0"

Indicates New Two-Story Bay Addition

**AS-BUILT, AS-APPROVED  
Interior Changes + Survey Verification**

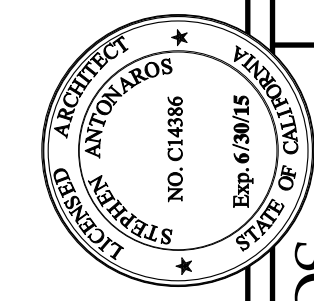


**C**  
A2.3 NEW THIRD FLOOR PLAN  
Scale: 1/4" = 1'-0"

New 3rd Floor w/Enlarged Bay 1467 sq ft

**FINAL PROPOSED Alterations**

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
<b>May 01, 2014</b>	

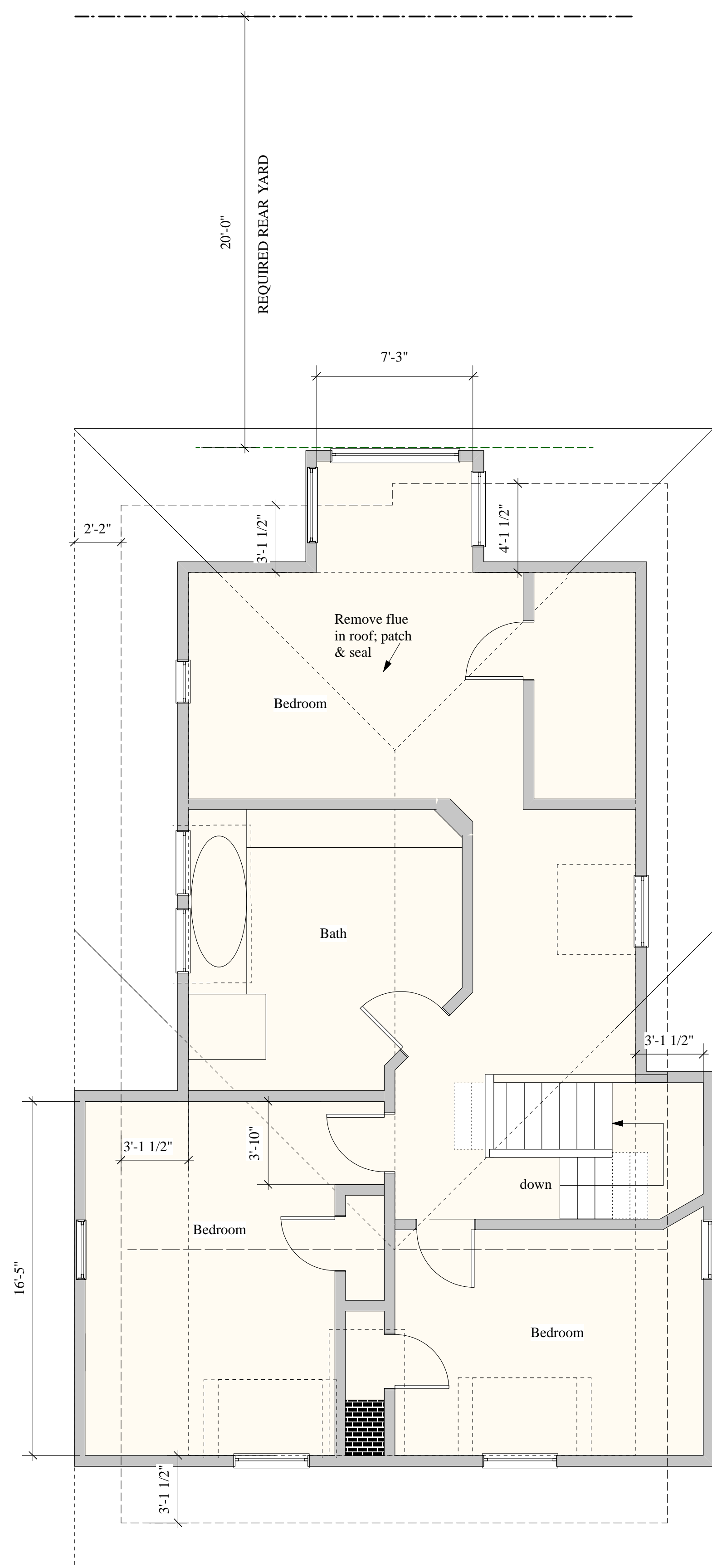


**STEPHEN ANTONAROS  
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for  
Nykamp-Whitehead  
Family Trust  
(415) 250-4057

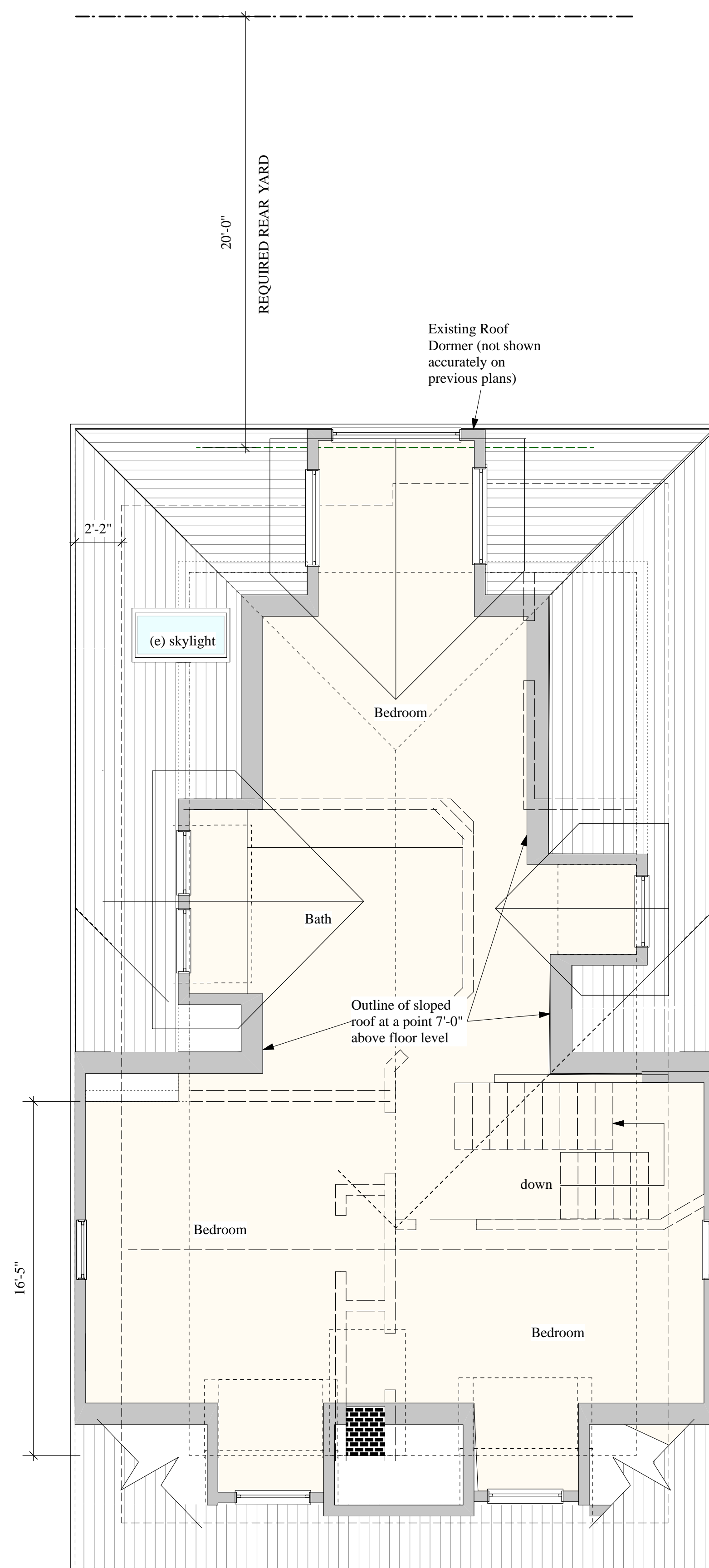
**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002  
**As Approved, ALTERED and NEW 3rd FLOOR PLANS**

Date Jan 2014  
Scale 1/8"=1'-0"  
u.o.n.  
Drawn SA  
Job  
Sheet  
**A2.3**  
Of Sheets



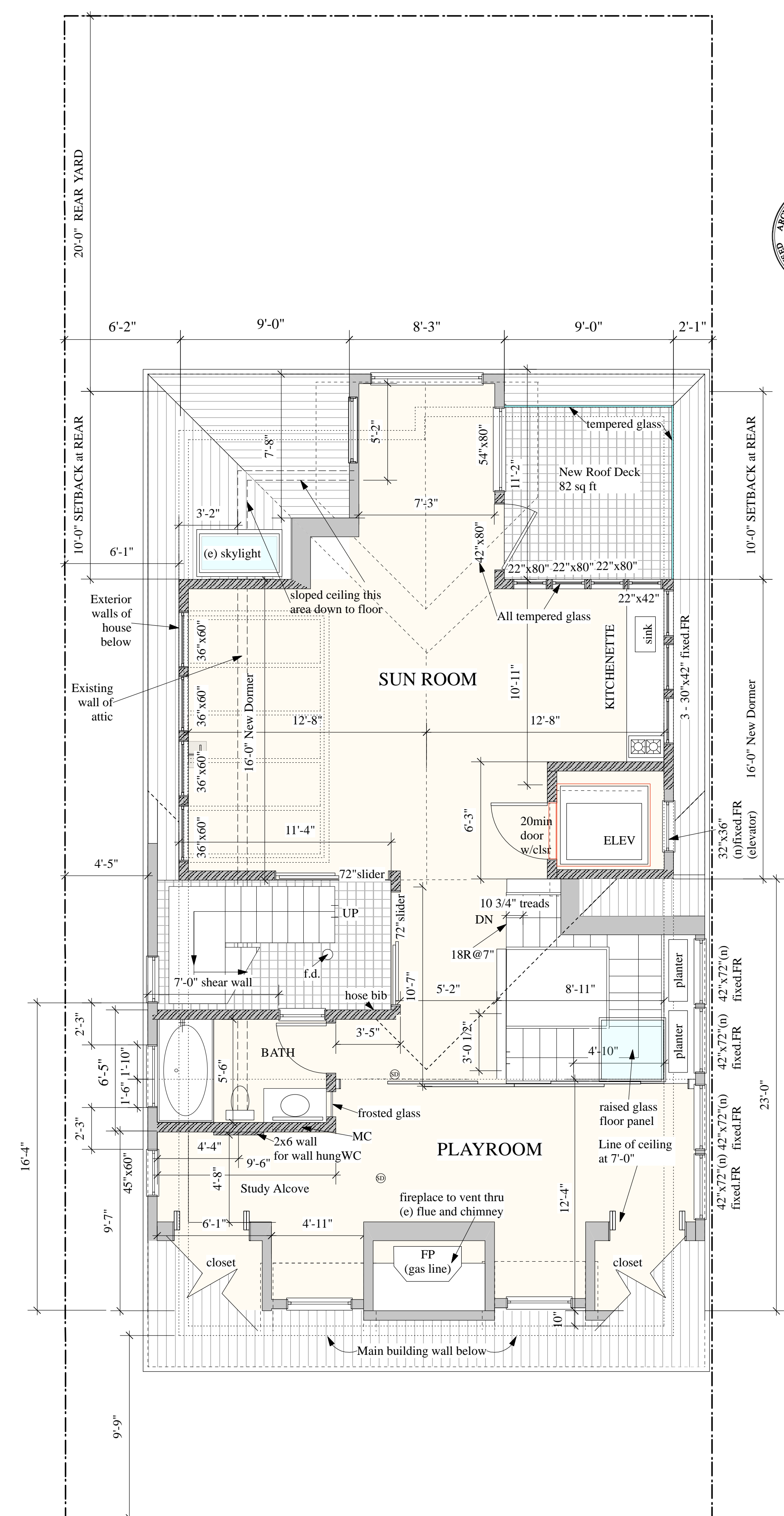
**A** EXISTING THIRD FLR PLAN  
**A3.1** Scale: 1/4" = 1'-0"  
 2857 Broderick  
 1096 sq ft

**AS APPROVED** Board of Appeals



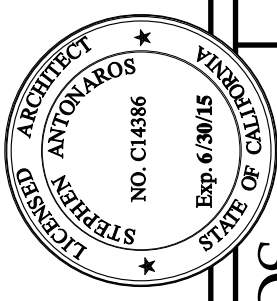
**B** FOURTH FLOOR PLAN-Roof Section shown cut at 7'-0" High ceiling point  
**A3.1** Scale: 1/4" = 1'-0"  
 2857 Broderick  
 929 sq ft

**AS-BUILT, AS-APPROVED**  
 Interior Changes + Survey Verification



**C** NEW FOURTH FLOOR PLAN  
**A3.1** Scale: 1/4" = 1'-0"  
 New 4th Floor 997 sq ft

**FINAL PROPOSED** Alterations



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for  
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**As Approved, ALTERED and NEW 4th FLOOR PLANS**

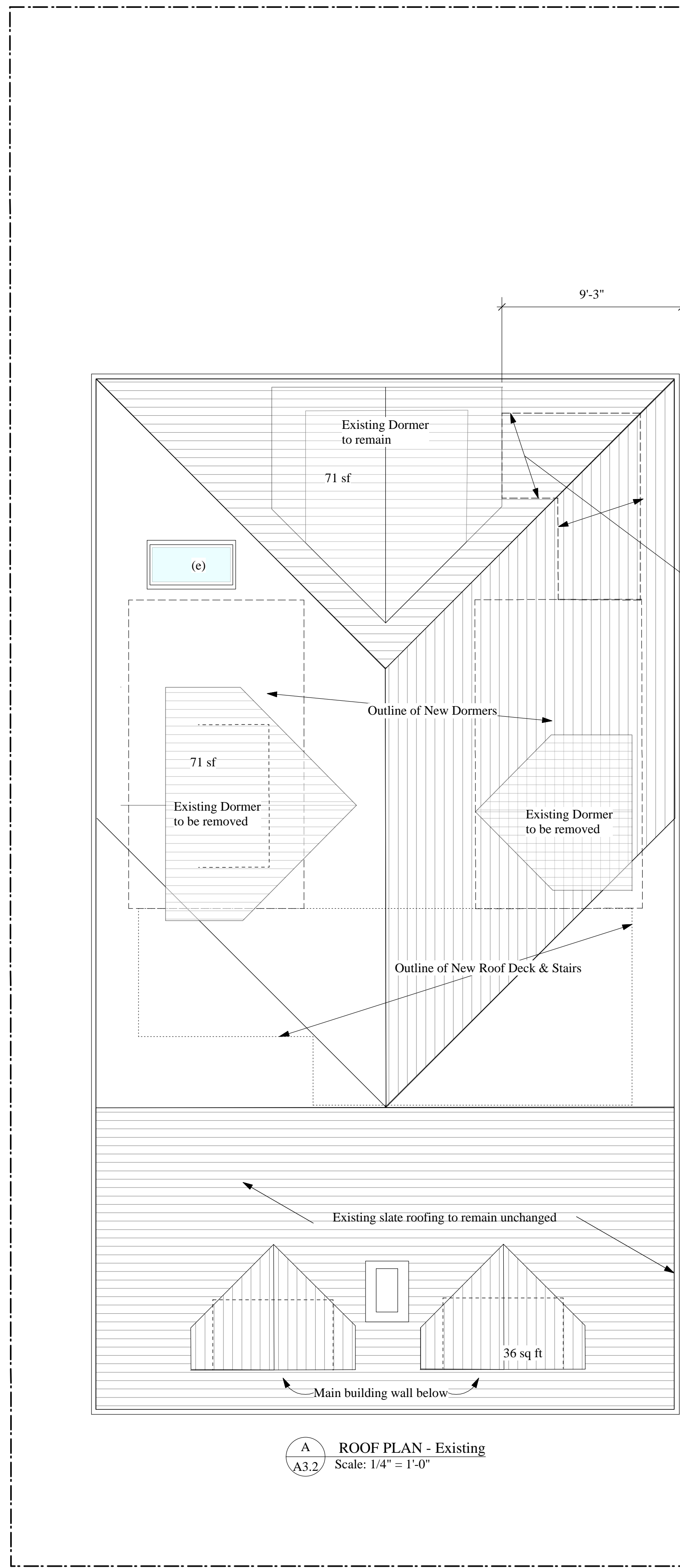
**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
<b>May 01, 2014</b>	

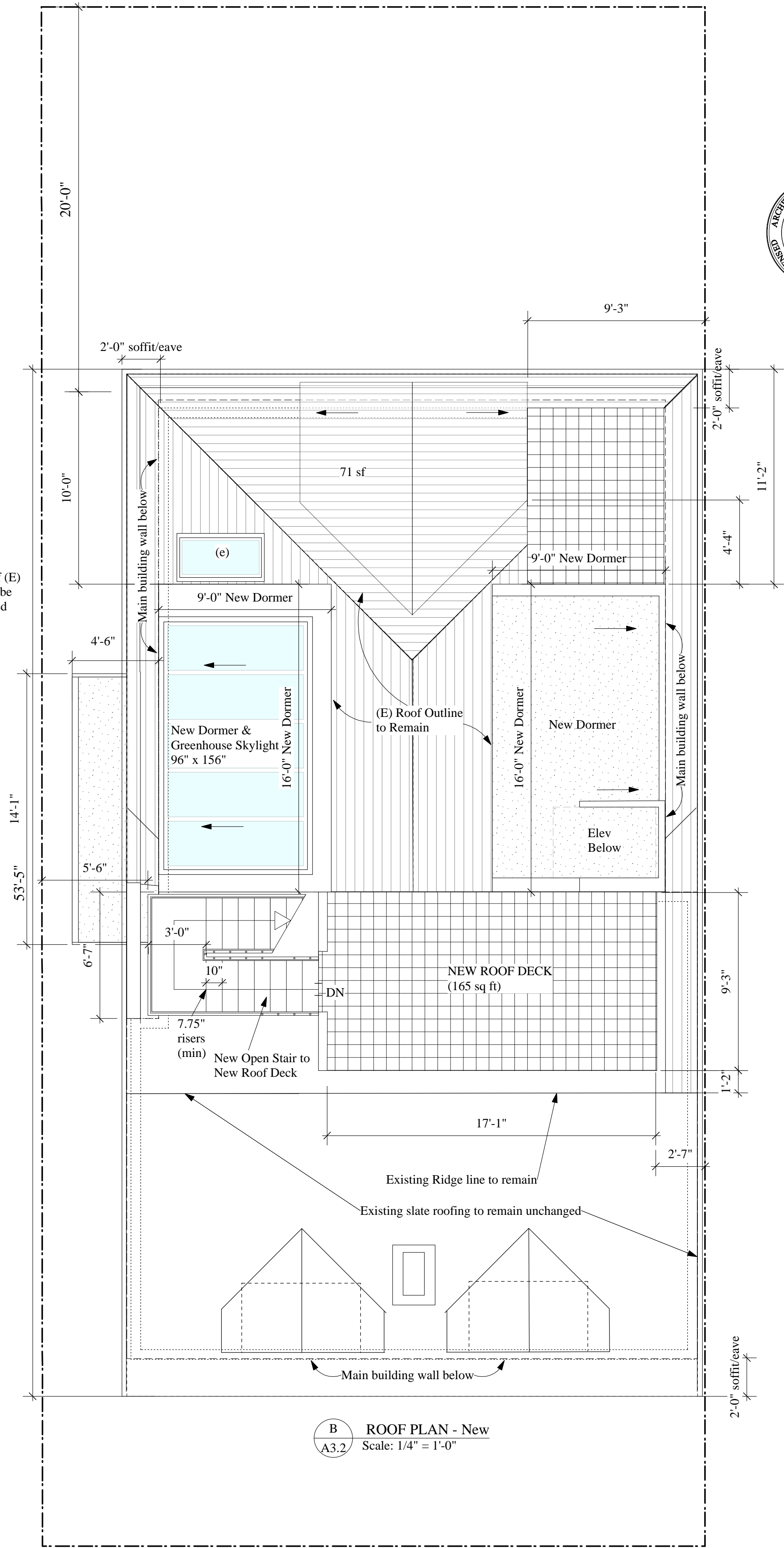
  

Date	Jan 2014
Scale	1/8"=1'-0" u.o.n.
Drawn	SA
Job	
Sheet	<b>A3.1</b>
Of	Sheets



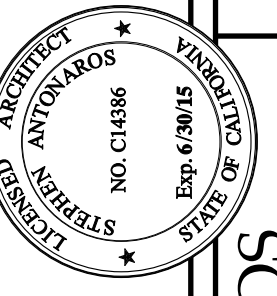


**EXISTING ROOF PLAN**



**FINAL PROPOSED Alterations to ROOF**

<b>1st Floor</b>	<b>607 sq ft</b>	← (net reduction from previously approved under 201103252839)
		First floor under this permit reduced from 726 sq ft to 607; 119 sq ft less
<b>2nd Floor</b>	<b>1455 sq ft</b>	
<b>3rd Floor</b>	<b>1467 sq ft</b>	
<b>4th Floor</b>	<b>997 sq ft</b>	Fourth floor under this permit increased from 929 sq ft to 997; 68 sq ft more
<b>2853 Broderick</b>	<b>4526 sq ft</b>	
<b>TOTAL</b>		Total net 51 sq ft less than previously approved for all floors combined



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for  
Nykamp-Whitehead  
Family Trust  
(415) 250-4057

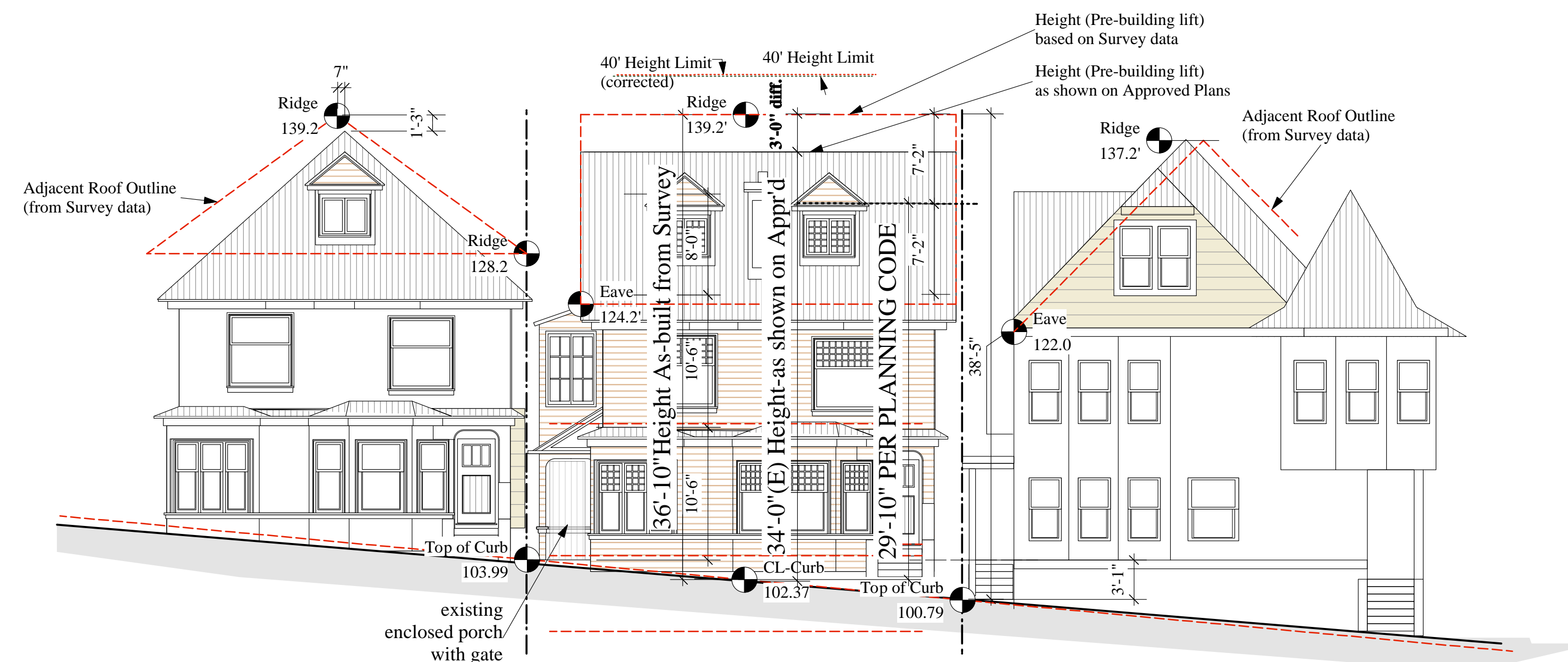
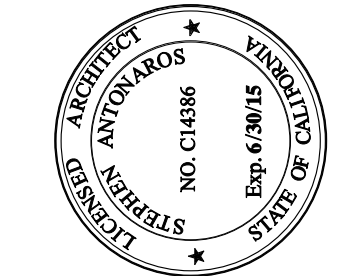
**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
**2853 BRODERICK ST., SAN FRANCISCO, CA 94123**  
**EXISTING and NEW ROOF PLANS**  
Block 0947 Lot 002

Date	Jan 2014
Scale	1/8"=1'-0" u.o.n.
Drawn	SA
Job	
Sheet	

**A3.2**  
Of Sheets

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
<b>May 01, 2014</b>	

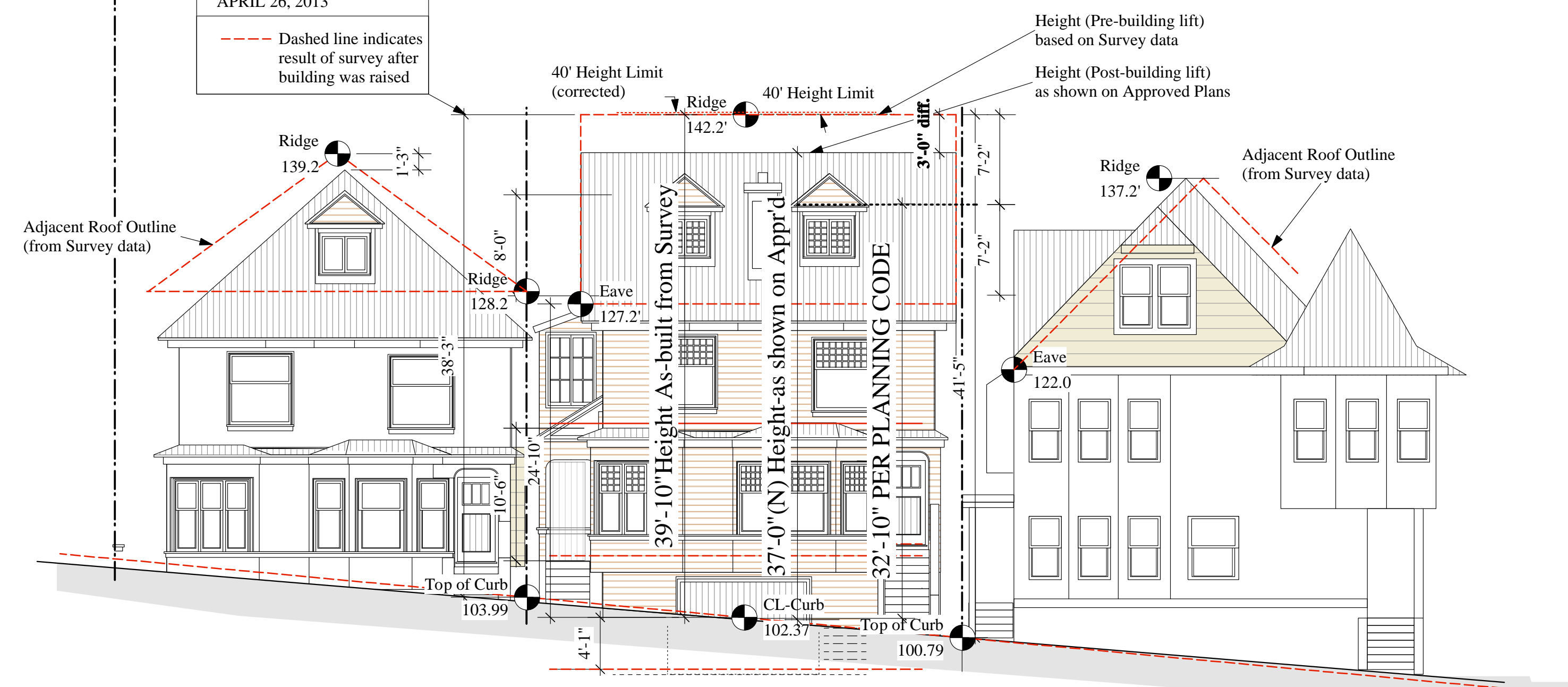
# EXHIBIT 'A' August 22, 2012 (updated w/ new Survey Data)



**A** EXISTING ELEVATION- 2853 & 2857 BRODERICK  
A5 Scale: 1/8" = 1'-0"

**A** Updated  
A4.1 Scale: 1/8" = 1'-0"

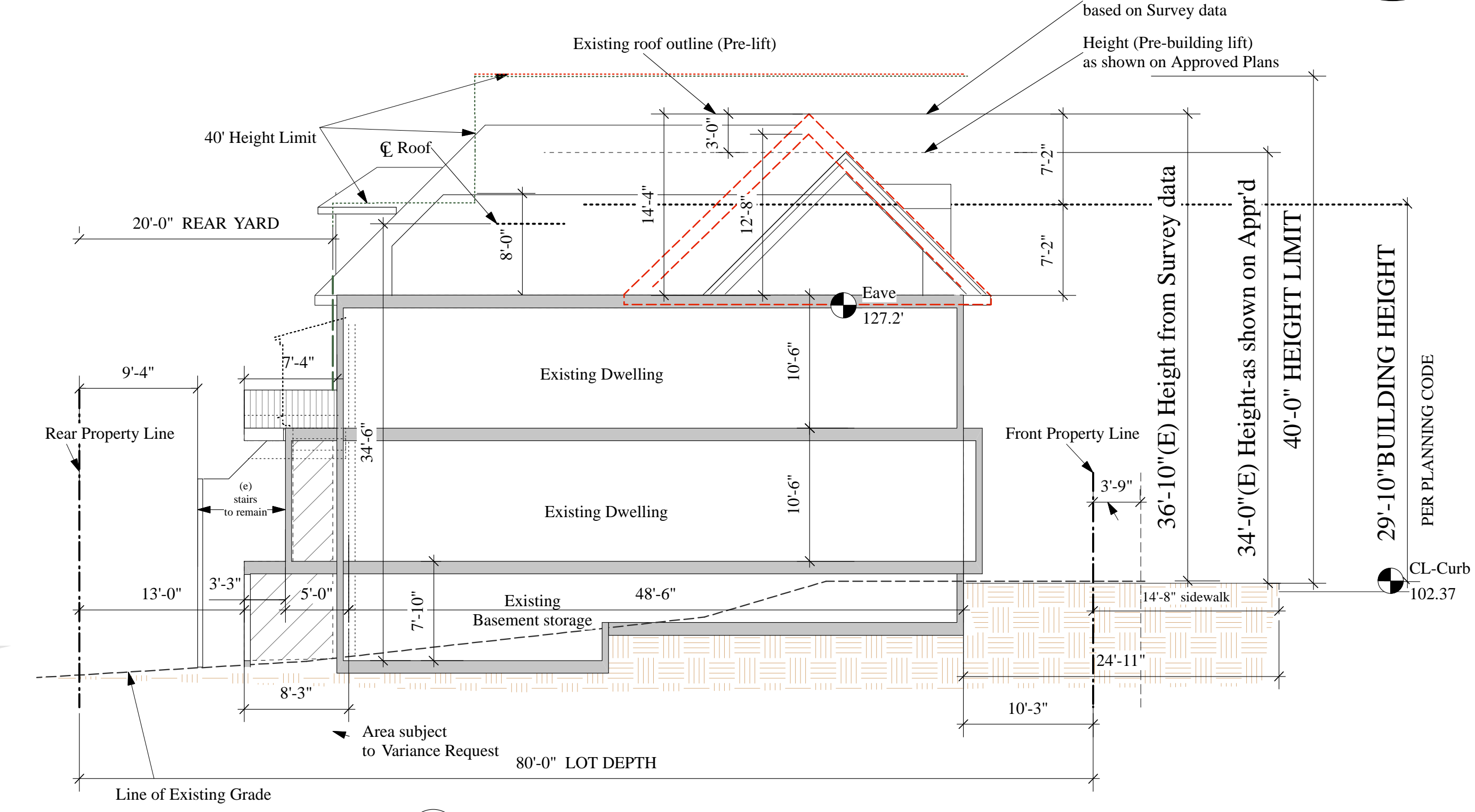
NOTE: Building raised 36" per field confirmation by Zoning Administrator on APRIL 26, 2013  
--- Dashed line indicates result of survey after building was raised



**B** NEW ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
A5 Scale: 1/8" = 1'-0"

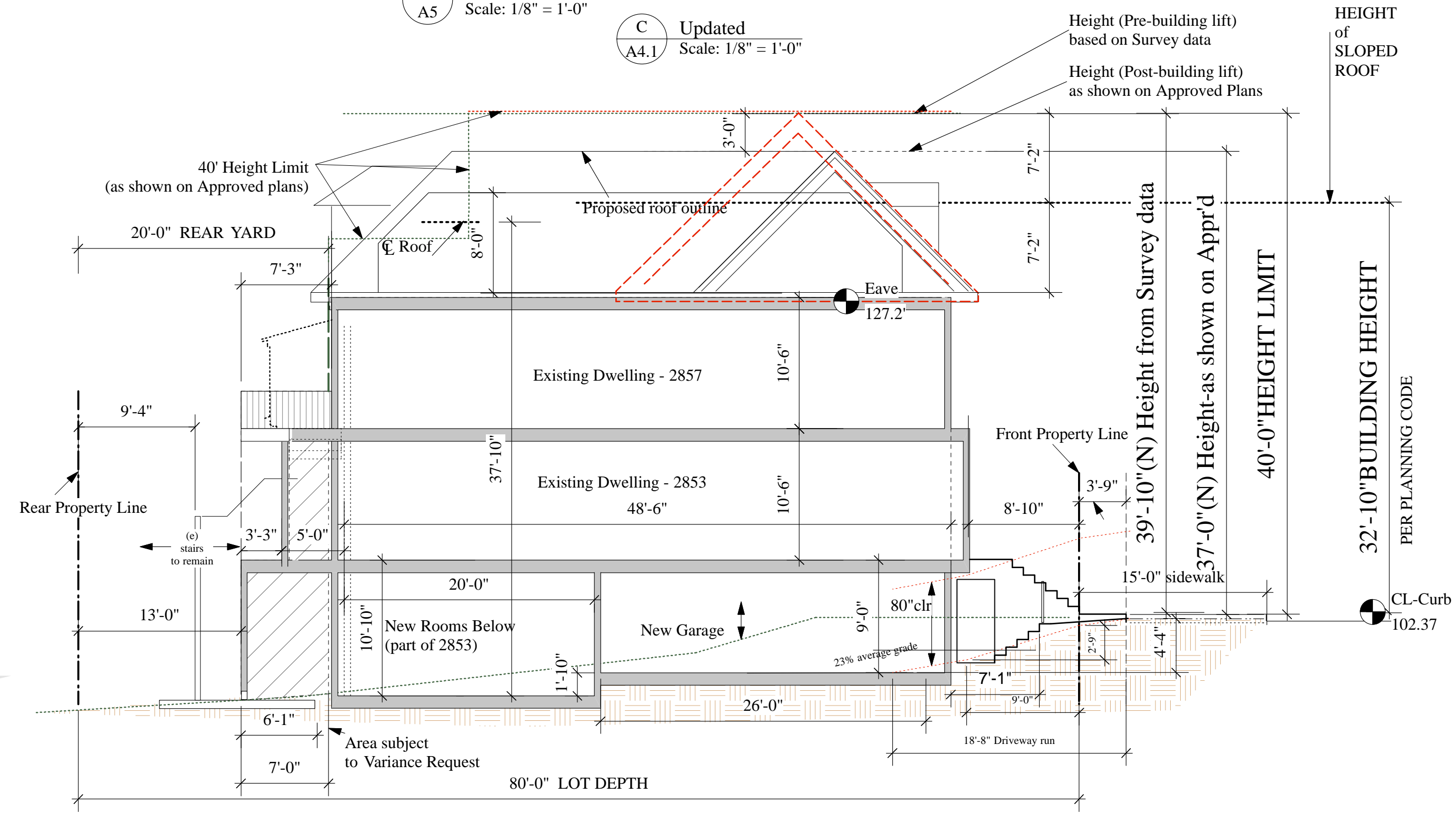
**B** Updated  
A4.1 Scale: 1/8" = 1'-0"

SURVEY DATA from field survey conducted on November 01, 2013



**C** Existing Building Section  
A5 Scale: 1/8" = 1'-0"

**C** Updated  
A4.1 Scale: 1/8" = 1'-0"



**D** New Building Section- RAISED  
A5 Scale: 1/8" = 1'-0"

**D** Updated  
A4.1 Scale: 1/8" = 1'-0"

**Survey Verification  
corrects APPROVED dwgs  
of BUILDING HEIGHT  
at FRONT**

REVISIONS	BY
Jan 25, 2012	
Mar 15, 2012	
Aug 13, 2012	
Mar 20, 2013	
Aug 28, 2013	
Nov 21, 2013	5

**STEPHEN ANTONAROS  
ARCHITECT**  
2261 Market Street #324  
San Francisco, California 94114  
www.antonaros.com antonaros@stephenarchitect.net  
(415) 864 2261  
(415) 230-4057  
fax 865-0961

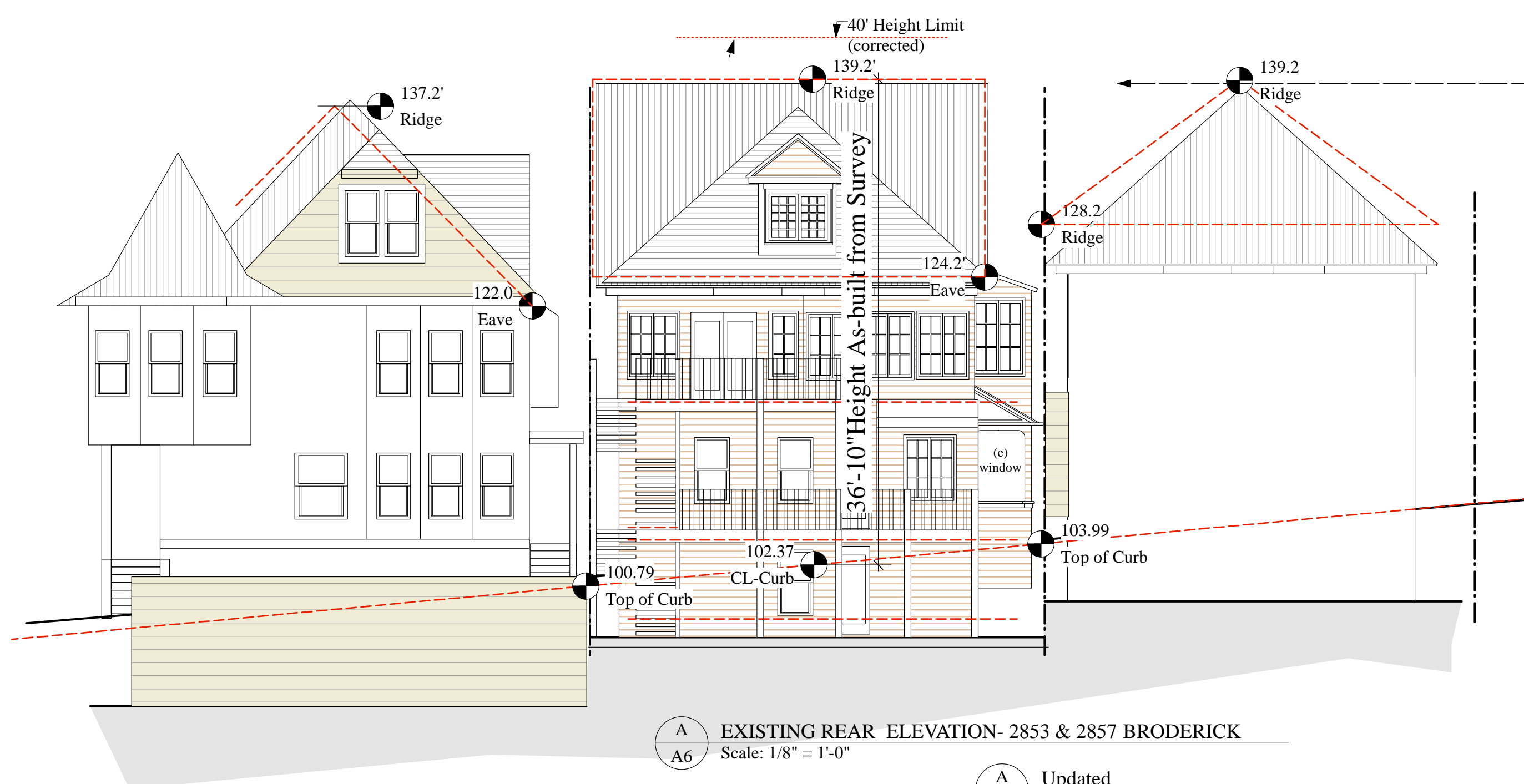
for Pam Whitehead  
(415) 230-4057

**As Approved Elevations + Survey Data**

UPDATE ELEVATIONS with SURVEY DATA  
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002

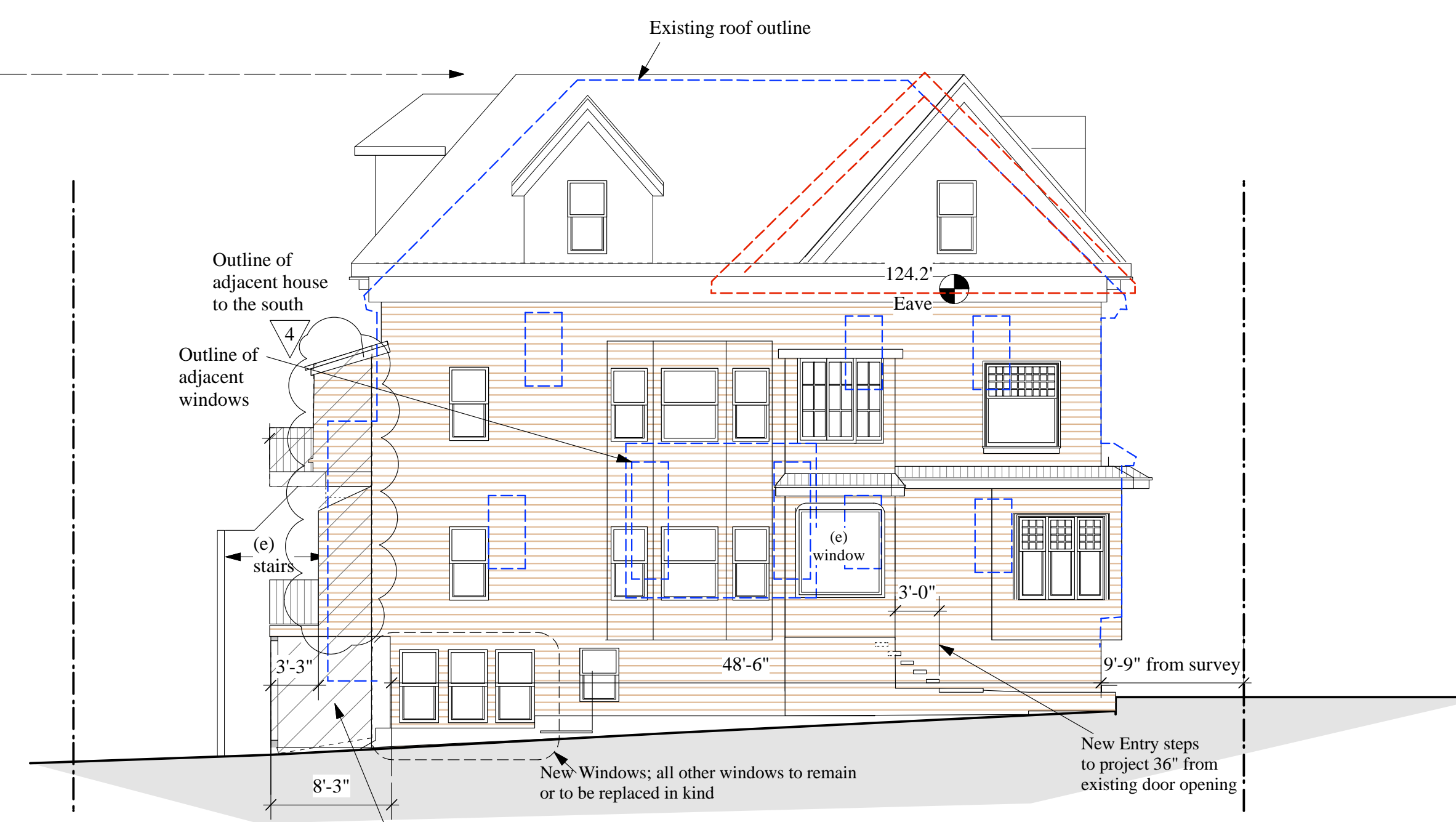
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Drawn	SA
Job	
Sheet	<b>A4.1</b>
Of	Sheets

# EXHIBIT 'A' August 22, 2012 (updated w/ new Survey Data)



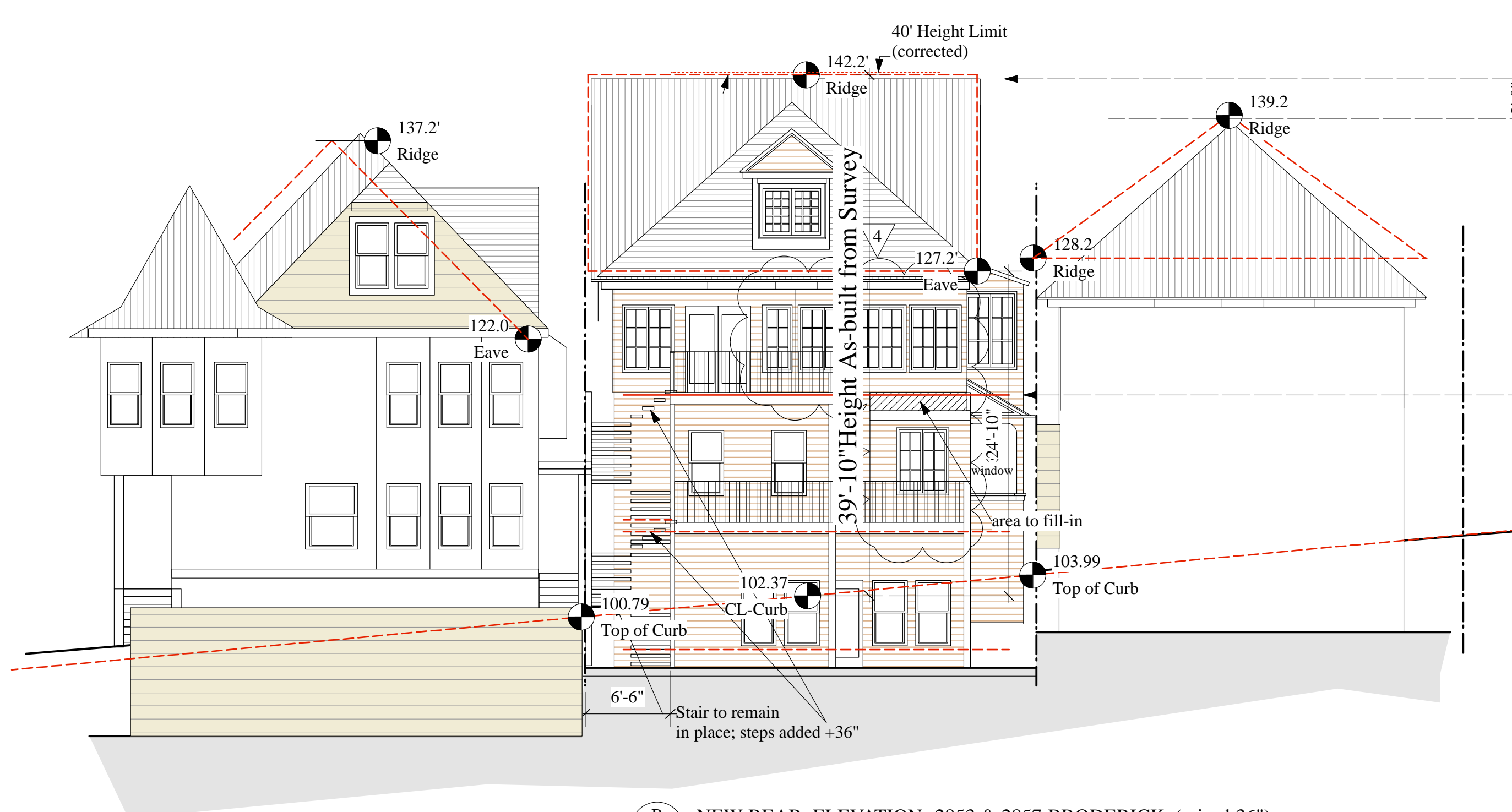
**A**  
A6  
EXISTING REAR ELEVATION- 2853 & 2857 BRODERICK  
Scale: 1/8" = 1'-0"

**A**  
A4.2  
Updated  
Scale: 1/8" = 1'-0"



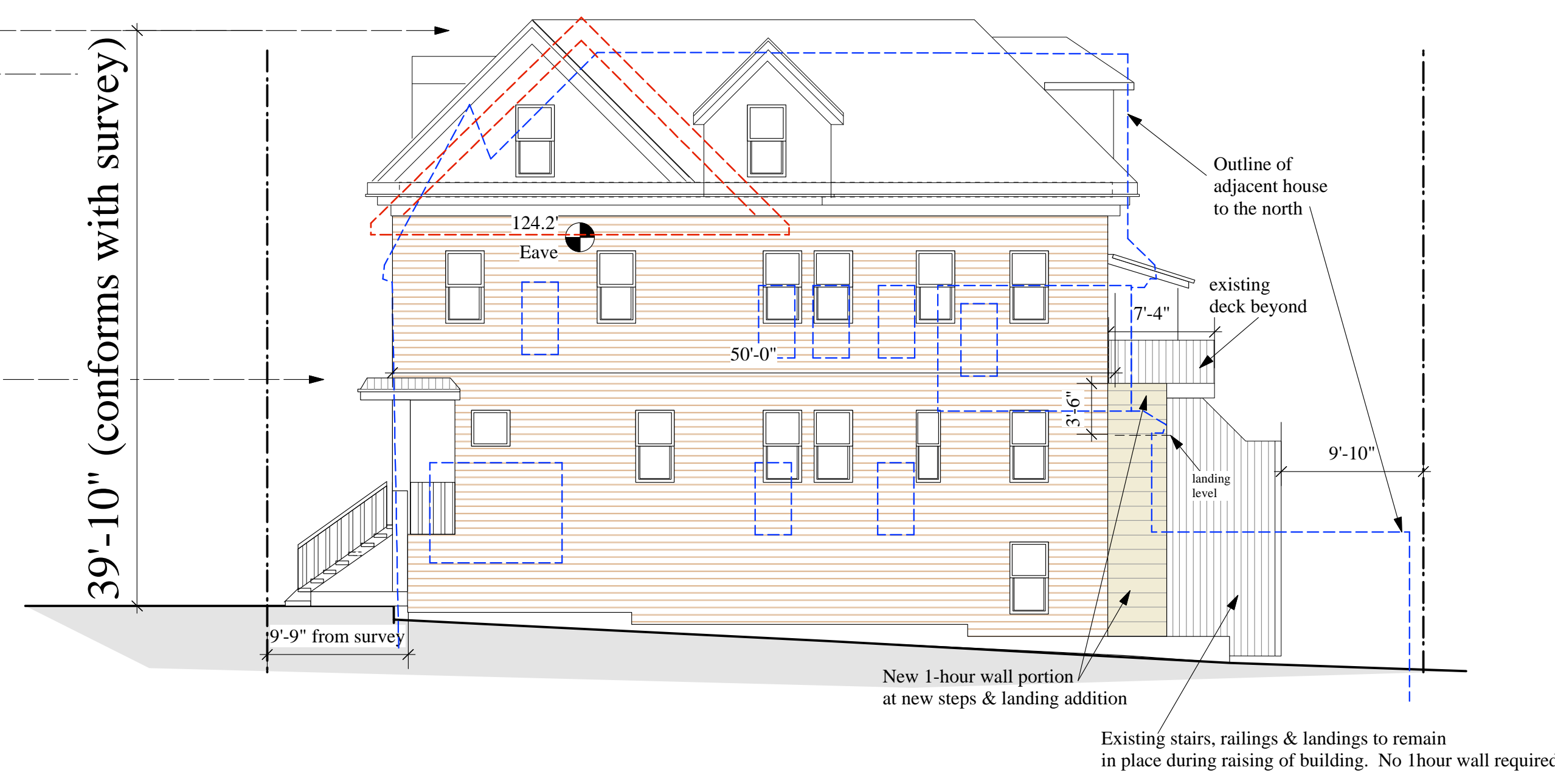
**C**  
A6  
NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
Scale: 1/8" = 1'-0"

**C**  
A4.2  
Updated  
Scale: 1/8" = 1'-0"



**B**  
A6  
NEW REAR ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
Scale: 1/8" = 1'-0"

**B**  
A4.2  
Updated  
Scale: 1/8" = 1'-0"



**D**  
A6  
NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
Scale: 1/8" = 1'-0"

**D**  
A4.2  
Updated  
Scale: 1/8" = 1'-0"

**Survey Verification  
conforms to APPROVED dwgs  
of BUILDING HEIGHT  
at REAR and SIDES**

REVISIONS	BY
Jan 25, 2012	
Mar 15, 2012	
Aug 13, 2012	
Mar 20, 2013	
Aug 28, 2013	
Nov 21, 2013	5

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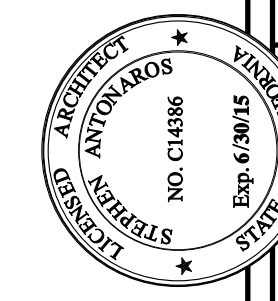
for Pam Whitehead  
(415) 230-4057

**As Approved Elevations + Survey Data**

UPDATE ELEVATIONS with SURVEY DATA  
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002

Date	August '10
Scale	1/8"=1'-0" u.o.n.
Drawn	SA
Job	
Sheet	<b>A4.2</b>
Of	Sheets

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

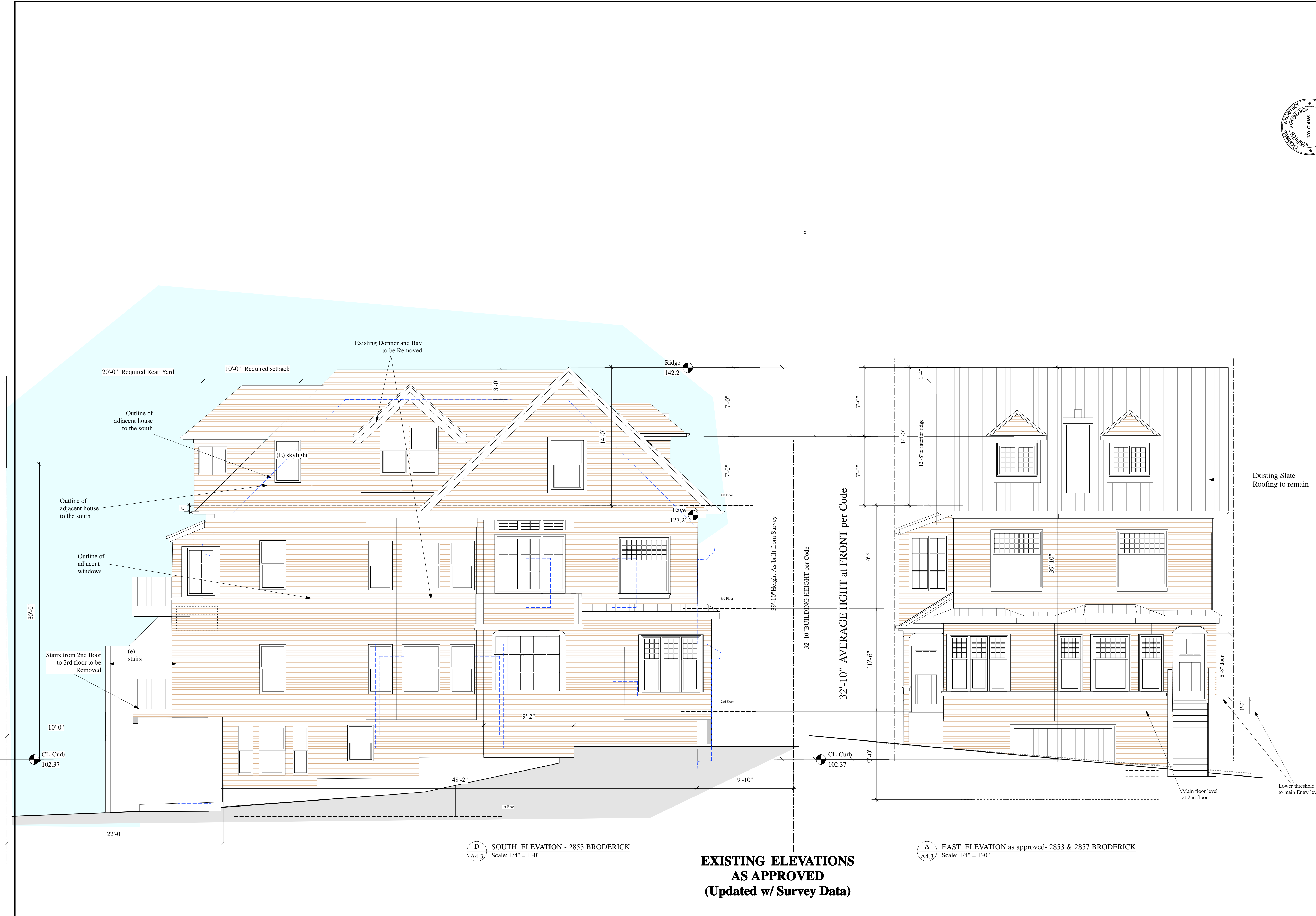


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for  
 Nykamp-Whitehead  
 Family Trust  
 (415) 250-4057

**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 **EXISTING FRONT and SIDE ELEVATIONS**

Date Jan 2014  
 Scale 1/8"=1'-0"  
 u.o.n.  
 Drawn SA  
 Job  
 Sheet  
**A4.3**  
 Of Sheets



**D** SOUTH ELEVATION - 2853 BRODERICK  
 A4.3 Scale: 1/4" = 1'-0"

**EXISTING ELEVATIONS  
 AS APPROVED  
 (Updated w/ Survey Data)**

**A** EAST ELEVATION as approved- 2853 & 2857 BRODERICK  
 A4.3 Scale: 1/4" = 1'-0"

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

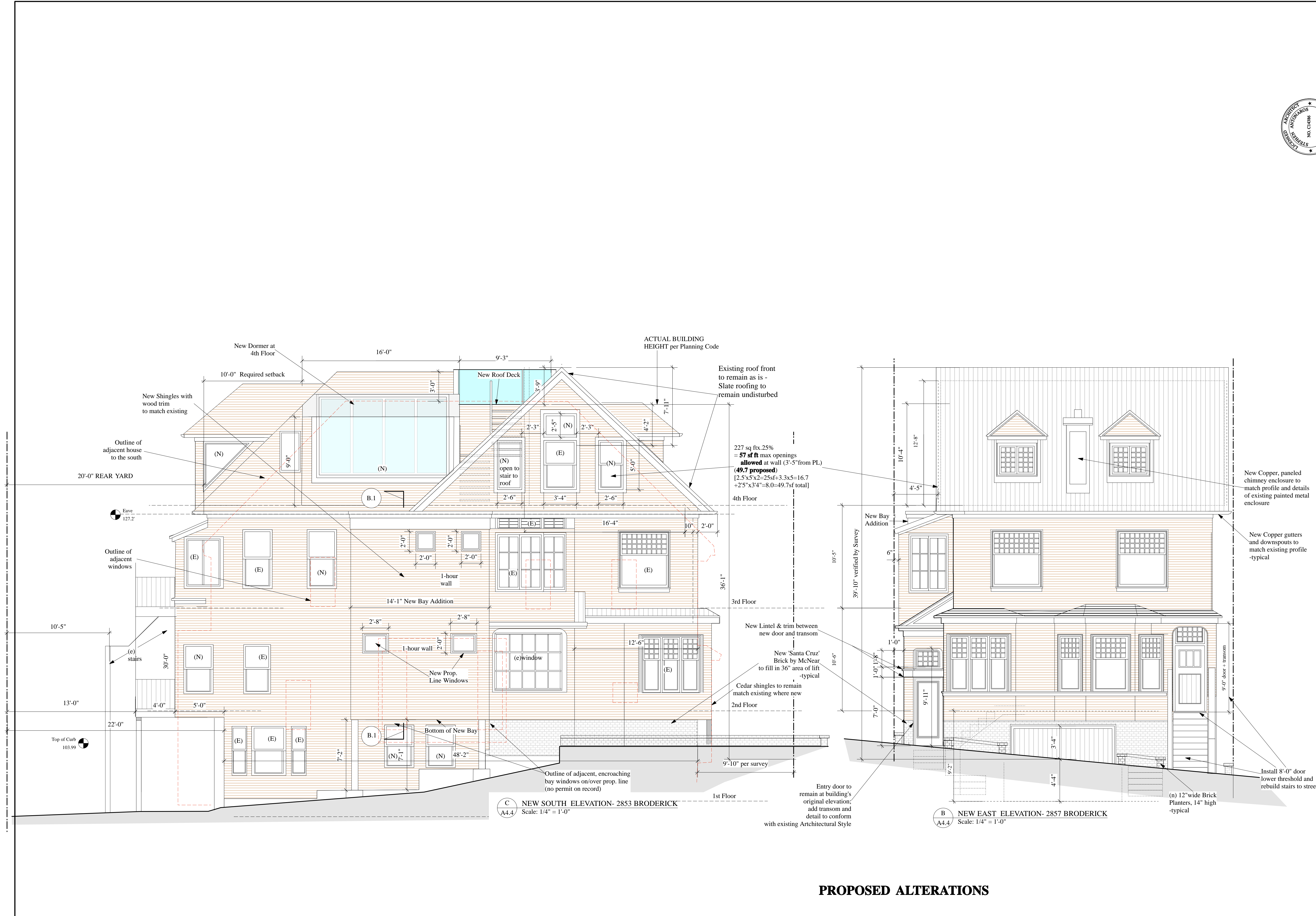


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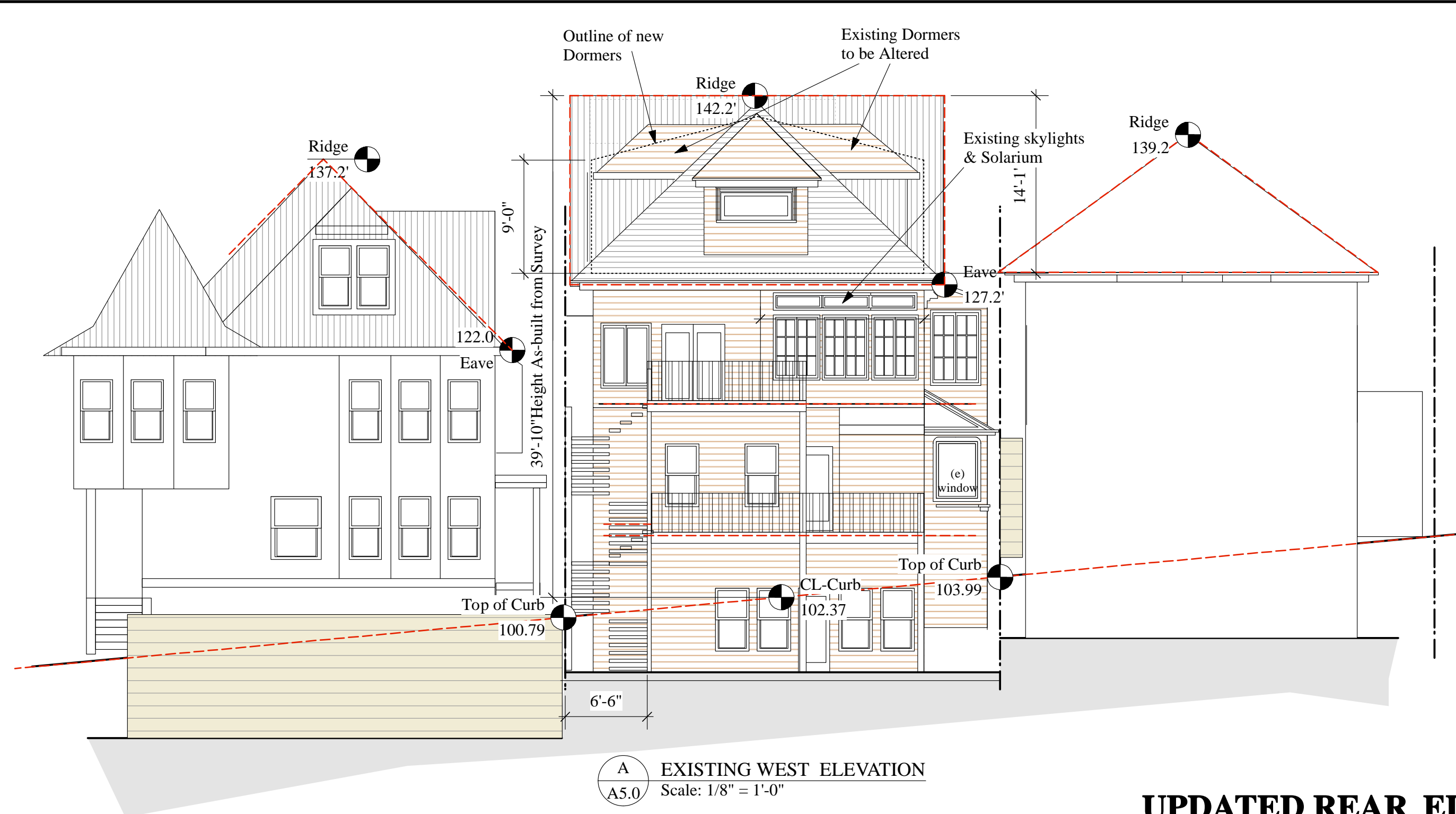
for  
Nykamp-Whitehead  
Family Trust  
(415) 250-4057

**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002 **NEW FRONT and SIDE ELEVATIONS**

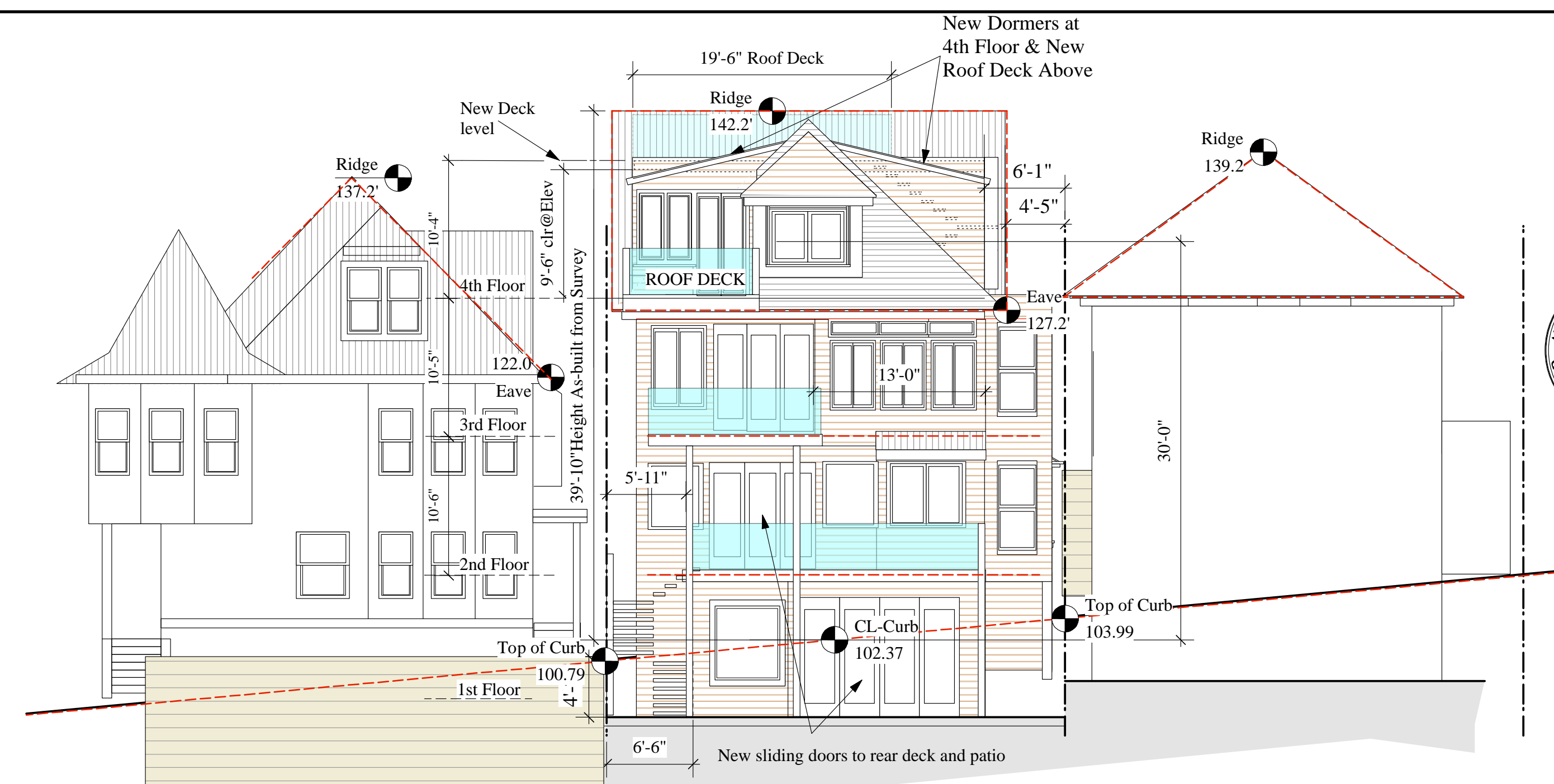
Date Jan 2014  
Scale 1/8"=1'-0"  
u.o.n.  
Drawn SA  
Job  
Sheet  
Of **A4.4** Sheets



**PROPOSED ALTERATIONS**

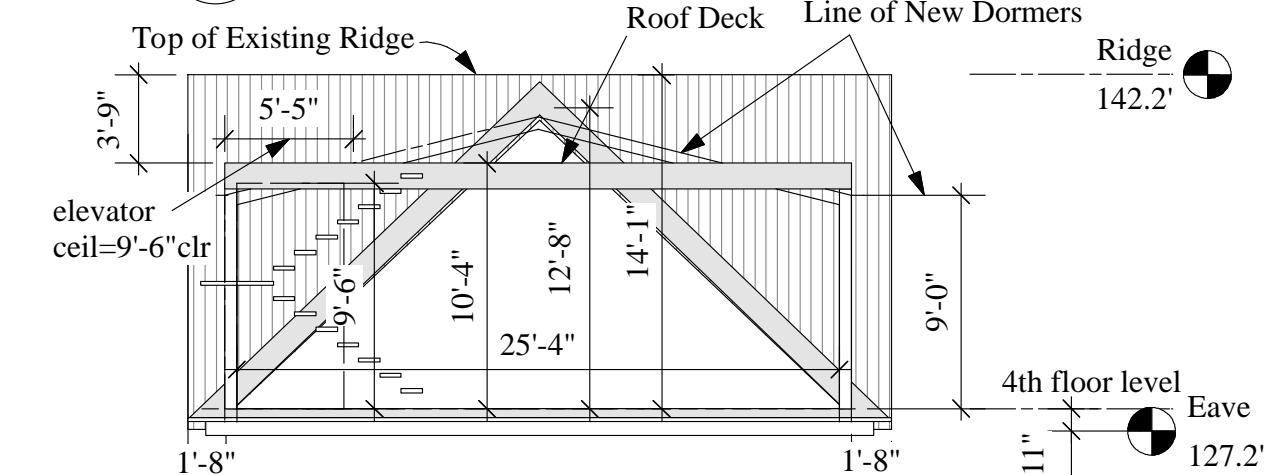


A EXISTING WEST ELEVATION  
Scale: 1/8" = 1'-0"

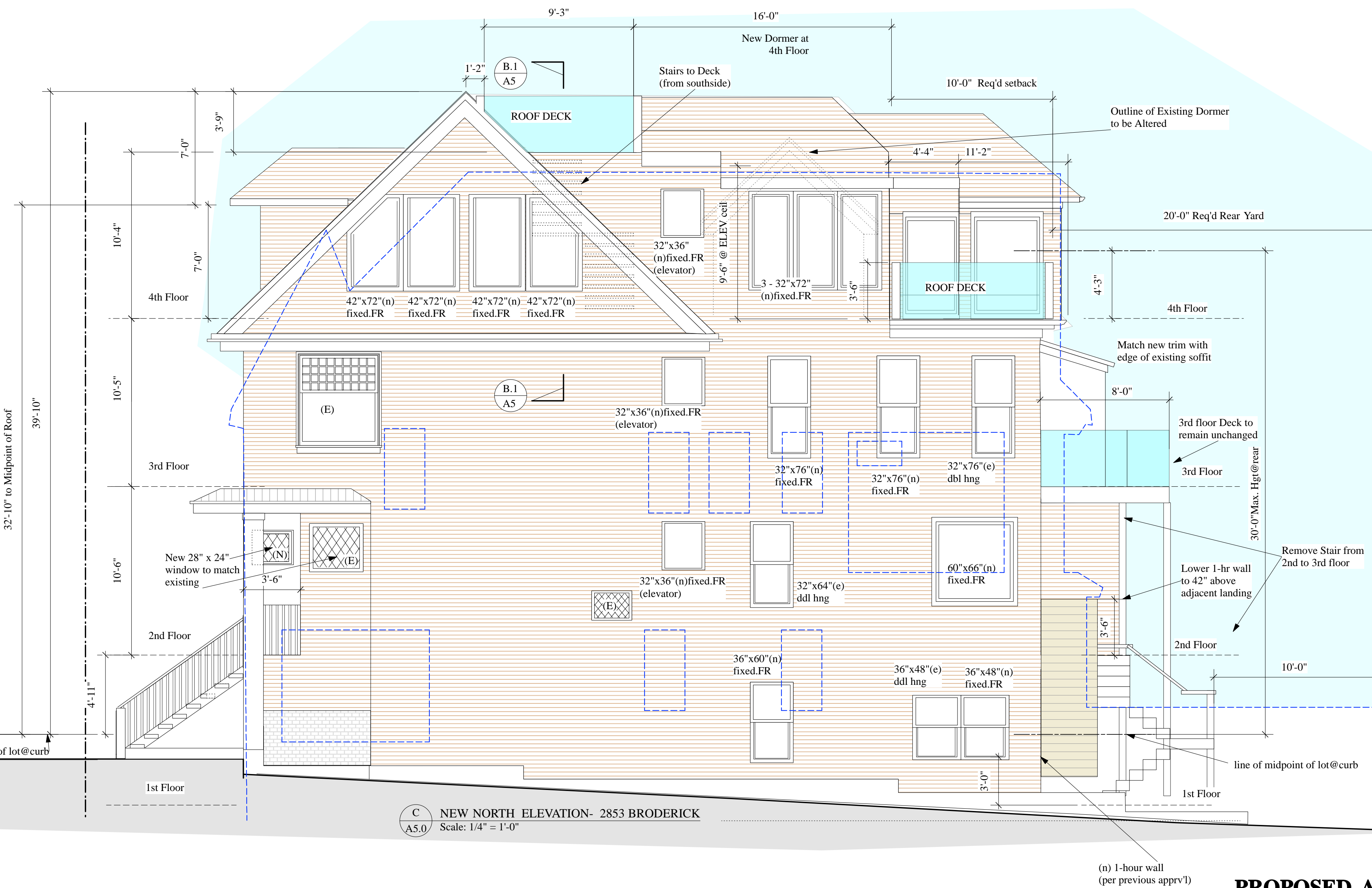


B Scale: 1/8" = 1'-0"  
A5.0 NEW WEST ELEVATION - 2853 BRODERICK

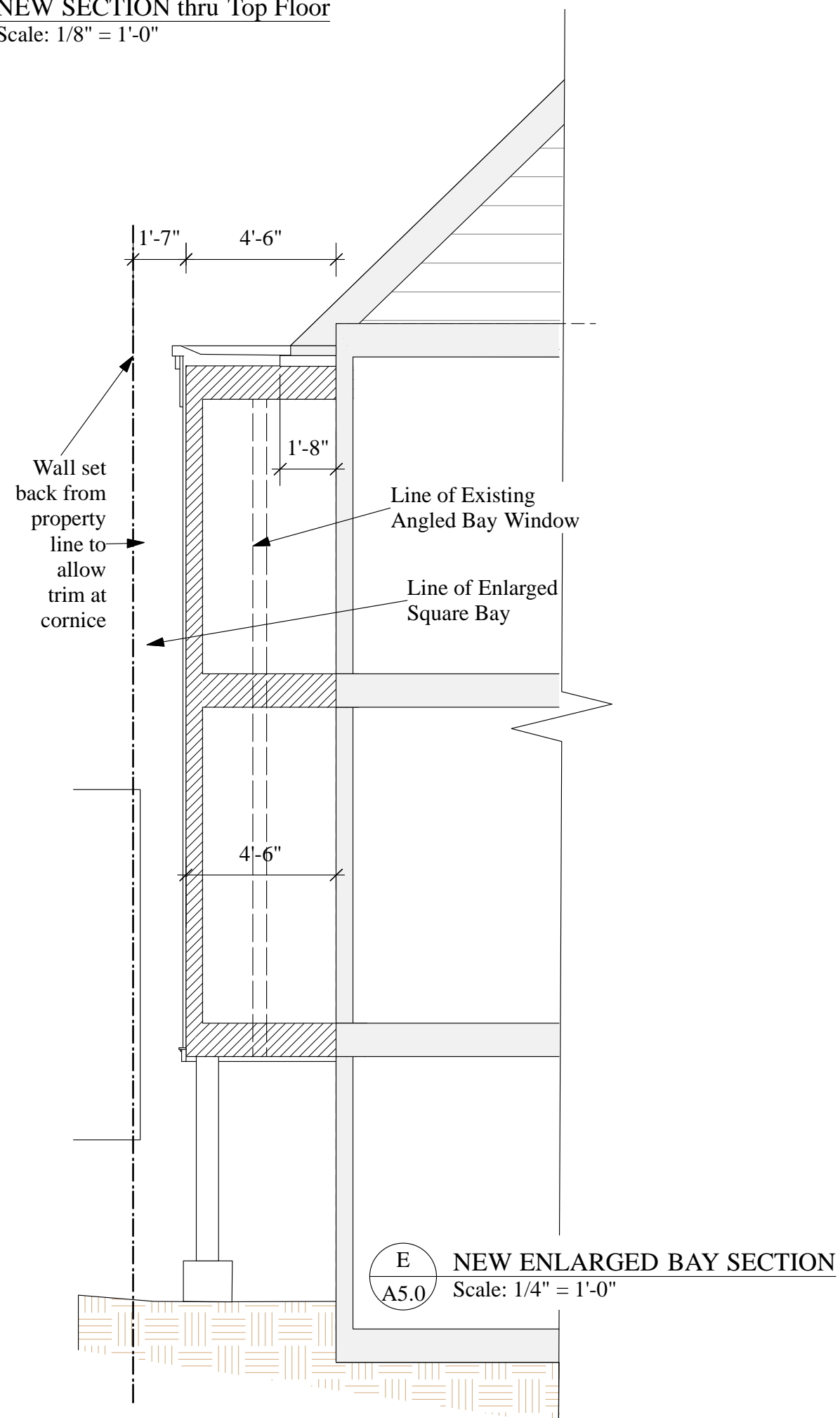
**UPDATED REAR ELEVATIONS**  
**Existing + Proposed**



B.1 NEW SECTION thru Top Floor  
Scale: 1/8" = 1'-0"



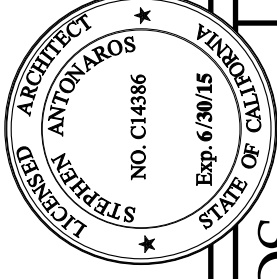
C NEW NORTH ELEVATION- 2853 BRODERICK  
Scale: 1/4" = 1'-0"



E NEW ENLARGED BAY SECTION  
Scale: 1/4" = 1'-0"

**PROPOSED ALTERATIONS**

REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
<b>May 01, 2014</b>	



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for  
Nykamp-Whitehead  
Family Trust  
(415) 250-4057

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER  
2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002  
**EXISTING + NEW REAR and SIDE ELEVATIONS**

Date Jan 2014  
Scale 1/8" = 1'-0" u.o.n.  
Drawn SA  
Job  
Sheet  
**A5.0**  
Of Sheets

September 8, 2014

*Via E-Mail Glenn.Cabreros@sfgov.org*

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

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

Dear President Wu, Vice-President Fong and Members:

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

As you may recall, this home has had a circuitous 4+-year permit history, beginning with building permits pulled to repair the consequences of a tragic fire that occurred there on March 4, 2010. On July 28, 2014, we emailed you a letter outlining the history of this project to substantiate our opposition to the opponents' (including both DR requestors) request that the then-scheduled August 7, 2014 Mandatory DR hearing be continued to at least September 20, 2014. As part of that letter, we documented in detail the history of this project to date<sup>1</sup>. We also provided documentation to refute the various issues that the DR requestors will use on September 18<sup>th</sup> to convince you to take DR, such as lowering the home by the 3' it was raised on March 6, 2013.<sup>2</sup> And in a companion letter submitted to Glenn Cabreros on July 28, 2014 in response to the Mandatory DR that was then-pending on August 7, 2014, we explained why there are no circumstances under which DR could be granted.

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

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

<sup>2</sup> See Opposition to continuance, pp. 2-3, Exhibits G-H.

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

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

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

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

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

---

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

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

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

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

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



decision on June 20, 2012, and a rehearing on September 19, 2012; and a CEQA appeal filed with the Board of Supervisors on July 10, 2012, with a hearing held on September 4, 2012.<sup>8</sup> Because his home is up the block and across the street from the Ms. Whitehead's property, Mr. Arcuri would have gotten notice from the Planning Commission and Board of Appeals for each such action.<sup>9</sup>

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

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

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

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

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

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

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

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

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

See Application Packet for Discretionary Review, p. 3.<sup>11</sup>

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Zaretsky wants this Commission to find that a "public impact" exists because the home is a historic resource. However, both categorical exemptions issued by Planning found otherwise. Since Mr. Zaretsky appealed the 2011 Categorical Exemption<sup>14</sup> to the Board of Supervisors, he knows that document found no impact to the home's historic features resulting from the work done at that time, including raising the home the permitted 3'. The 2014

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<sup>13</sup> See Exhibit D.

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

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

The 2011 Categorical Exemption specifically found that:

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

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

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

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

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

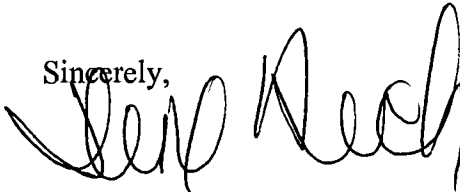
make their home ready for occupancy and to ensure that the historic resource is protected from the elements and the site is amply drained.

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

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

## CONCLUSION

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

Sincerely,  
  
Ilene Dick

ID

Enclosures

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

# **EXHIBIT A**

# **EXHIBIT A**



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

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

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

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

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

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

**PROJECT DESCRIPTION**

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

For more information, please contact Planning Department staff:

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

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

中文詢問請電: (415) 575-9010

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

# **EXHIBIT B**

# **EXHIBIT B**



**EXHIBIT B**

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

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

<sup>2</sup> See Opposition to continuance, Exhibit F.

<sup>3</sup> *Id.*, pp. 2-3, Exhibits G and H.

<sup>4</sup> See Opposition to continuance, Exhibit F.

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

<sup>5</sup> See Exhibit C to 9/8/14 letter.

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

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

<sup>6</sup> This section exempts from building permit the construction of "[o]ne-story detached accessory buildings or structures used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 100 square feet (9.29 m<sup>2</sup>)." The shed that was proposed (and never built) met this criteria.

**EXHIBIT C**

**EXHIBIT C**



# SAN FRANCISCO PLANNING DEPARTMENT

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## Variance Decision

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

1650 Mission St.  
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Reception:  
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Planning  
Information:  
415.558.6377

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

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

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

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

### PROCEDURAL BACKGROUND:

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

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

**DECISION:**

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

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

**FINDINGS:**

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

**FINDING 1.**

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

**Requirement Met.**

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

**FINDING 2.**

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

**Requirement Met.**

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



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

**FINDING 3.**

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

**Requirement Met.**

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

**FINDING 4.**

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

**Requirement Met.**

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

**FINDING 5.**

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

**Requirement Met.**

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
1. The proposed project does not adversely affect neighborhood parking or public transit.
  2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing two-family dwelling unit on the property.
  3. The project will have no effect on the City's industrial and service sectors.
  4. The proposed project will have no effect on the City's supply of affordable housing.
  5. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
  6. The project will have no effect on the City's landmarks or historic buildings.
  7. The project would not affect any existing or planned public parks or open spaces.
  8. Existing neighborhood retail uses will not be adversely affected by the proposed project.

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

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

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

Variance Decision  
November 17, 2011

CASE NO. 2010.0394V  
2853-2857 Broderick Street

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

Very truly yours,



Scott F. Sanchez  
*Zoning Administrator*

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THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

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Copy to I:\Decision Documents\Variance Decision Letters\2010\2010.0394V -- 2853-2857 Broderick - Granted

# **EXHIBIT D**

# **EXHIBIT D**

## **EXHIBIT D**

The project complies with the following General Plan objectives and policies.

### **HOUSING ELEMENT**

#### *OBJECTIVE 2*

Retain existing housing units, and promote safety and maintenance standards, without jeopardizing affordability

#### POLICY 2.2

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

#### POLICY 2.4

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

#### POLICY 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

#### *OBJECTIVE 11*

Support and respect the diverse and distinct character of San Francisco's neighborhoods

#### POLICY 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

#### POLICY 11.7

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

### **URBAN DESIGN ELEMENT**

#### POLICY 2.4

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

#### POLICY 2.5

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

# **EXHIBIT E**

# **EXHIBIT E**



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

*Case No.:* 2010.0394E  
*Project Title:* 2853-2857 Broderick Street  
*Zoning:* RH-2 (Residential, House, Two-Family)  
40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Lot Size:* 2,757 square feet  
*Project Sponsor:* Stephen Antonaros, Architect  
(415) 864-2261  
*Staff Contact:* Shelley Caltagirone – (415) 558-6625  
shelley.caltagirone@sfgov.org

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415.558.6409

Planning  
Information:  
415.558.6377

### PROJECT DESCRIPTION:

The proposal involves raising the building by approximately three (3) feet to insert a garage at the ground floor level, expanding the ground floor level towards the rear of the building, and creating a new curb cut. The project would add approximately 680 square feet (sf) of residential space to the existing 3,774-sf building resulting in 4,454 total sf. The project site is located on a block bounded by Filbert Street, Union Street, Broderick Street, and Baker Street in the Cow Hollow neighborhood.

### EXEMPT STATUS:

Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1))

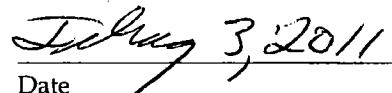
### REMARKS:

See next page.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
\_\_\_\_\_  
Bill Wycko  
Environmental Review Officer

  
\_\_\_\_\_  
Date

cc: Stephen Antonaros, Architect, Project Sponsor  
Inger Conrad, Property Owner  
Shelley Caltagirone, Preservation Planner  
Supervisor Farrell (via Clerk of the Board)

Virna Byrd, M.D.F.  
Distribution List  
Historic Preservation Distribution List

**REMARKS (continued):**

In evaluating whether the proposed project would be exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department determined that the buildings located on the project site are historical resources. The subject property is included on the Planning Department's 1976 Architectural Survey with a rating of "1" and was listed as a contributor to a historic district in the National and California Registers in 1983 according to the Planning Department's Parcel Information Database (register form cannot be located). Under the Planning Department's CEQA Review Procedures for Historic Resources, the property is considered a "Category A" known historic resource.

As described in the Historic Resource Evaluation (HRE) Memorandum<sup>1</sup> (attached), the 2853-2857 Broderick Street property is listed on the National Register as a contributing building within a historic district. The register form could not be located; however, based upon a review of the surrounding architecture, the district appears to be significant under Criterion 3 (Architecture) as a collection of late 19<sup>th</sup>- and early 20<sup>th</sup>-century buildings dating from the earliest period of residential development in the Cow Hollow/Pacific Heights neighborhood. The majority of the buildings are 2-3 stories in scale; are clad in quality masonry or wood cladding; display a hierarchy of building forms including a defined base, body, and cornice; display punched window openings, often containing wood-framed windows; and display rich architectural details and ornamentation. The period of significance for this district appears to be approximately 1870-1930. The construction date of the subject building places it within the period of significance identified for the surrounding historic district. Furthermore, the property retains sufficient historic integrity to convey their historic significance. As such, the property is considered a historic resource for the purposes of CEQA.

Since the building was determined to be a historic resource, the Planning Department assessed whether the proposed project would materially impair the resource. The Department determined that the project would not cause a substantial adverse change in the resource such that the significance of the resource would be materially impaired. The following is an analysis of the proposed project's potential to impact the historic resource.

- The proposed project would retain the historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow/Pacific Heights earliest period of development.
- No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. While the height of the ground floor level will be increased by approximately three (3) feet, the change would not significantly impact the overall proportions of the three-story façade. The new garage door opening would occur at the new raised portion of the building and would not cause the removal of historic material. Although the entry stairs would be extended to accommodate the new height, they are not original to the building so that their replacement would not remove historic material.

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<sup>1</sup> Memorandum from Shelley Caltagirone, Preservation Technical Specialist, to Brett Bollinger, Planner, Major Environmental Analysis, January 14, 2011.



- The proposed addition would not negatively impact the character-defining features of the building or the site as it would be constructed at the rear of the building, which is not visible from the adjacent public rights-of-way. The proposed garage door at the front façade would be placed flush with the plane of the façade so as to retain the volume of the building at its base. The door would also be constructed of solid wood and details to be compatible with the historic design.

The proposed project would involve the addition of approximately 680 sf of residential space to the existing 3,774-sf-building resulting in 4,454 total sf. CEQA State Guidelines Section 15301(e)(1), or Class 1, provides for additions to existing structures provided that the addition would not result more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. The proposed project would make alterations to an existing structure and add approximately 680 sf to the existing 3,774-sf of building area. The proposed project therefore meets the criteria of Class 1.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Section 15300.2(f) specifically states that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of an historical resource. As described above, the proposed project would not cause a substantial adverse change in the significance of the historical resource under Section 15300.2(f). Given this fact and the nature of the proposed project, the exemption provided for in CEQA State Guidelines Section 15301(e), or Class 1, may be used. There are no other unusual circumstances surrounding the proposed project that would suggest a reasonable possibility of a significant environmental effect. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Historic Resource Evaluation Response

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

*MEA Planner:* Brett Bollinger  
*Project Address:* 2853-2857 Broderick Street  
*Block/Lot:* 0947/002  
*Case No.:* 2010.0394E  
*Date of Review:* January 14, 2011  
*Planning Dept. Reviewer:* Shelley Caltagirone  
(415) 558-6625 | shelly.caltagirone@sfgov.org

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415.558.6378

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Planning  
Information:  
415.558.6377

**PROPOSED PROJECT**       Demolition       Alteration       New Construction

### PROJECT DESCRIPTION

The proposal involves raising the building by approximately 3 feet to insert a garage at the ground floor level, expanding the ground floor level towards the rear of the building, and creating a new curb cut. The project would add approximately 680 square feet of residential space to the existing 3,774-square-foot-building resulting in 4,454 total square feet.

### PRE-EXISTING HISTORIC RATING / SURVEY

The subject property is included on the Planning Department's 1976 Architectural Survey with a rating of "1" and was listed as a contributor to a historic district in the National and California Registers in 1983 according to the Planning Department's Parcel Information Database (register form cannot be located). The property is considered a "Category A" (Known Historic Resource) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures.

### HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

The 2,757-square-foot parcel is located on Broderick Street between Filbert and Union Streets. The property is located within the Pacific Heights/Cow Hollow neighborhood in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District. The area includes a range of residential building types, including larger single-family detached residences at the higher elevations and two-family residences or multi-family structures on corner lots and at lower elevations. The houses are designed in a variety of styles dating from the late 19<sup>th</sup> -and early 20<sup>th</sup>-century, which reflect the various stages of development within the neighborhood. Visual continuity is mixed in terms of style; however, there is a strong pattern of massing and materials along the immediate block.

The Pacific Heights/Cow Hollow Area was incorporated into San Francisco in 1850 as part of the Western Addition annexation. Up until the 1870s, the area included the scattered vacation homes of the wealthy but was comprised mainly of dairy farms, grazing land, and windswept dunes. Beginning in the 1870s, the neighborhood's proximity to the downtown, the extension of graded streets and cable cars, as well as the dramatic bay views made this area one of the most prestigious enclaves in San Francisco. By 1900, the area was well known as the City's most fashionable neighborhood. This notoriety attracted many of the

City's best architects and the City's most affluent residents. Due to rapidly increasing land values many of the earliest homes in the area were quickly demolished to make way for substantial apartment blocks and even more extravagant homes than the original Victorians. The Stock Market Crash of 1929 halted almost all development in the neighborhood.

**1. California Register Criteria of Significance:** Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

Event: or  Yes  No  Unable to determine  
Persons: or  Yes  No  Unable to determine  
Architecture: or  Yes  No  Unable to determine  
Information Potential:  Further investigation recommended.  
District or Context:  Yes, may contribute to a potential district or significant context  
If Yes; Period of significance: 1870-1930

According to the Planning Department's records, the subject property is listed on the National Register as a contributing building within a historic district. The register form could not be located; however, based upon a review of the surrounding architecture, the district appears to be significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development.

**Criterion 1:** *It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;*

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that any significant events are associated with the subject building. Although construction of the subject building was part of the primary pattern of residential development that occurred in the area in the late 19<sup>th</sup> century, this pattern is not documented as significant within the context of the history of the neighborhood, the City, the State, or the nation. Furthermore, there are no specific historical events known to be associated with the construction or subsequent usage of the subject building as a single-family residence. It is therefore determined not to be eligible under this criterion.

**Criterion 2:** *It is associated with the lives of persons important in our local, regional or national past;*

The information provided by the Project Sponsor and a review of the City Directories indicate that William Hammond Hall briefly owned the property circa 1930. Hall was a significant person in San Francisco's history as the designer of Golden Gate Park and the first state civil engineer. Hall is listed in the directories as living at 3855 Jackson Street between 1905-1932 and he died in 1934. Therefore, it does not appear that he resided at the subject property. According to the oral history collected by the

Project Sponsor, Hall's daughters lived at the subject property as late as 1954, so it is presumed that the property was purchased for their use. The property is not historically significant as it is not associated with the Hall's career as an engineer. No other significant persons are associated with the subject building. The subject building is therefore determined not to be eligible under this criterion.

***Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;***

The subject building and district appear to be listed on the National Register for embodying the distinctive characteristics of a period of architectural development in Pacific Heights/Cow Hollow. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition-style. The general characteristics of this style are an emphasis on simplified geometric forms, natural materials (often including shingle cladding, rustic lap siding, and brick), structural honesty, picturesque and asymmetrical massing and articulation, uniform exterior cladding with no interruptions at corners, and simplified ornament and details. Many of these elements are evident in the subject building. The subject does not appear to be a significant example of the First Bay Tradition style as an individual property because it is a relatively modest example of the style, does not represent the work of a master, does not possess high artistic value, and does not appear to retain high historic integrity of design. However, the building does contribute to a collection of late 19<sup>th</sup> - and early 20<sup>th</sup>-century buildings dating from the earliest period of residential development in the Cow Hollow/Pacific Heights neighborhood. The concentration of buildings on the immediate block faces represents a variety of regional architectural styles of this period. The majority of the buildings are 2-3 stories in scale; are clad in quality masonry or wood cladding; display a hierarchy of building forms including a defined base, body, and cornice; display punched window openings, often containing wood-framed windows; and display rich architectural details and ornamentation. The period of significance for this district appears to be approximately 1870-1930. The construction date of the subject building places it within the period of significance identified for the surrounding historic district.

***Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;***

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that the subject property is likely to yield information important to a better understanding of prehistory or history. The subject building is therefore determined not to be eligible under this criterion.

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2. **Integrity** is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

**Location:**  Retains  Lacks  
**Association:**  Retains  Lacks  
**Design:**  Retains  Lacks  
**Workmanship:**  Retains  Lacks

**Setting:**  Retains  Lacks  
**Feeling:**  Retains  Lacks  
**Materials:**  Retains  Lacks

The subject building does not appear to have been significantly altered beyond the replacement of the front stair. It retains all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow/Pacific Heights neighborhood.

3. Determination of whether the property is an "historical resource" for purposes of CEQA.

No Resource Present (*Go to 6 below.*)

Historical Resource Present (*Continue to 4.*)

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4. If the property appears to be an historical resource, whether the proposed project would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).

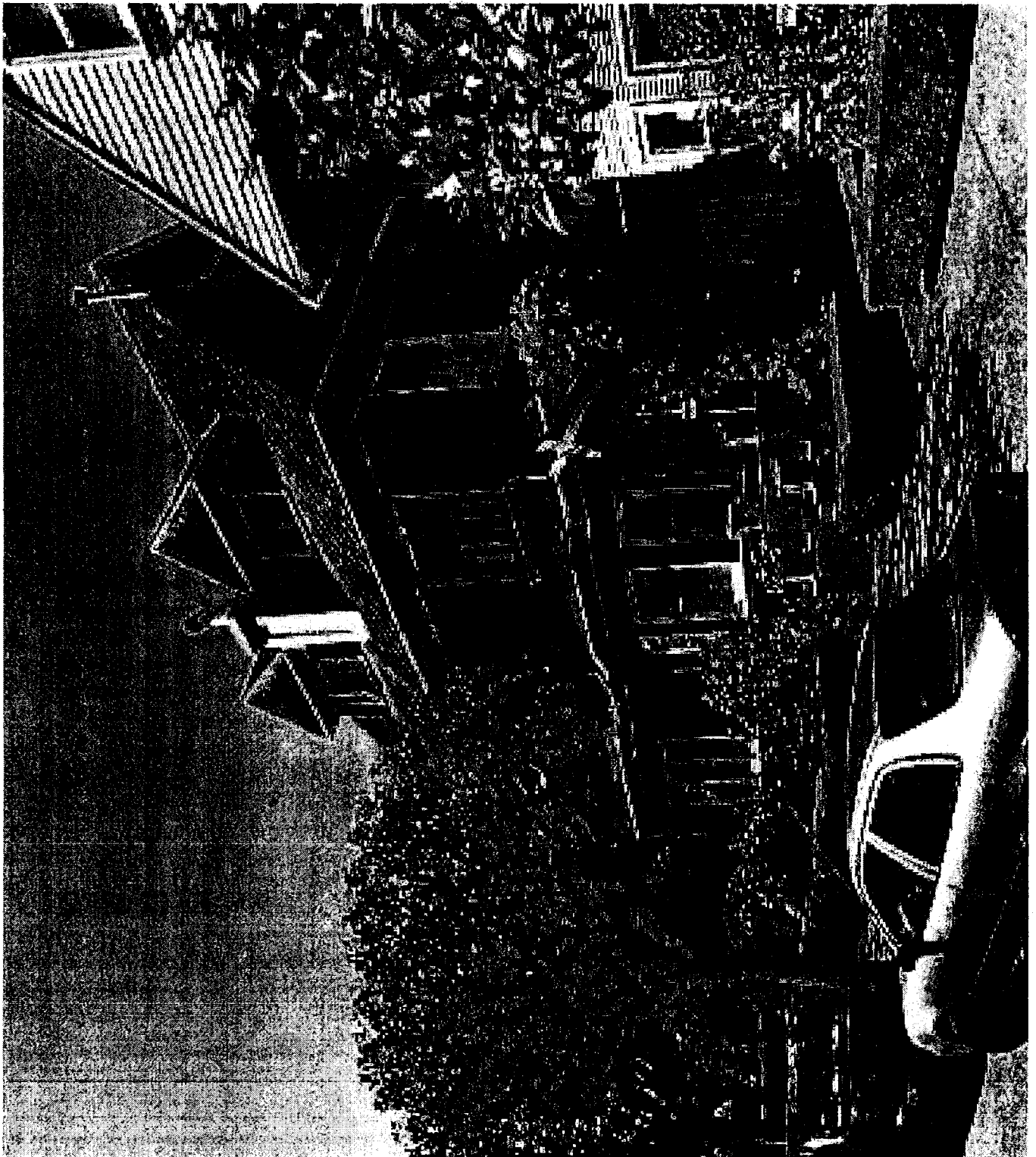
The project will not cause a substantial adverse change in the significance of the resource such that the significance of the resource would be materially impaired. (*Continue to 5 if the project is an alteration.*)

The project is a significant impact as proposed. (*Continue to 5 if the project is an alteration.*)

Staff has reviewed the project proposal and finds that the project would not cause a substantial adverse change in the resource such that the significance of the resource would be materially impaired. The following is an analysis of the proposed project impacts to the historic resource.

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





# **EXHIBIT F**

# **EXHIBIT F**

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# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
2853-2857 Broderick St		0947/002	
Case No.	Permit No.	Plans Dated	
2013.0433E			
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 50 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Front facade alterations; new roof decks; new dormers; alter existing dormer.			

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

<b>Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.</b>	
<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	<b>Class 3 – New Construction.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class __

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)
<input type="checkbox"/>	<b>Hazardous Materials:</b> Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

<input type="checkbox"/>	<b>Soil Disturbance/Modification:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Noise:</b> Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading—including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required</b>
<input type="checkbox"/>	<b>Serpentine Rock:</b> Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
<b>If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required.</u></b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.</b>
<b>Comments and Planner Signature (optional):</b> No excavation. Jeanie Poling 3/3/14	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE  
TO BE COMPLETED BY PROJECT PLANNER**

<b>PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)</b>	
<input checked="" type="checkbox"/>	<b>Category A: Known Historical Resource. GO TO STEP 5.</b>
<input type="checkbox"/>	<b>Category B: Potential Historical Resource (over 50 years of age). GO TO STEP 4.</b>
<input type="checkbox"/>	<b>Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.</b>

**STEP 4: PROPOSED WORK CHECKLIST**  
**TO BE COMPLETED BY PROJECT PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	3. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	4. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	5. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	6. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	8. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	9. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	Project does not conform to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves four or more work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves less than four work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PRESERVATION PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input checked="" type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input checked="" type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input checked="" type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input checked="" type="checkbox"/>	<p>8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):</p> <p style="font-size: 1.2em;">See HRER memo dated 6/24/14</p>
<input type="checkbox"/>	<p>9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p>a. Per HRER dated: _____ (attach HRER)</p> <p>b. Other (specify):</p>
<p><b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b></p>	
<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an Environmental Evaluation Application to be submitted. GO TO STEP 6.</p>
<input checked="" type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
<p>Comments (optional):</p>	
<p>Preservation Planner Signature: <i>Shelley Cattor</i></p>	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**  
**TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply):</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p><b>STOP! Must file an Environmental Evaluation Application.</b></p>	
<input checked="" type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p>	
<p>Planner Name: <i>Shelley Cattor</i></p>		<p>Signature or Stamp:</p>
<p>Project Approval Action:  <b>Select One</b>  <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small></p>		<p><i>Shelley Cattor</i>      7/3/14</p>
<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>		



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Historic Resource Evaluation Response

*Date Reviewed:* June 24, 2014 (Part II)  
*Case No.:* 2013.0433E  
*Project Address:* 2853-2857 Broderick Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District;  
40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Staff Contact:* Shelley Caltagirone, Preservation Planner  
(415) 558-6625 | [shelley.caltagirone@sfgov.org](mailto:shelley.caltagirone@sfgov.org)

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### HISTORIC RESOURCE STATUS

#### Building and Property Description

The 2,757-square-foot parcel is located on Broderick Street between Filbert and Union Streets. The property is located within the Pacific Heights/Cow Hollow neighborhood in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition-style.

#### Pre-Existing Historic Rating / Survey

The subject property is included on the Planning Department's 1976 Architectural Survey with a rating of "1." In the January 14, 2011, the Planning Department issued a Historic Resource Evaluation Response Memo that mistakenly identified the property as a contributor to a historic district listed in the National and California Registers. At the time, no register form could be located to confirm the listing, so the Department evaluated the property separately and found that it appeared to contribute to a historic district significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development. Since then, the Department has discovered that the Planning Department's Parcel Information Database incorrectly identified the property's historic status. Although not formally listed, the Department continues to find that the property would qualify for listing on the California Register as a contributor to a historic district representing a collection of buildings dating from the neighborhood's first wave of development. Therefore, for the Department continues to consider the property a "Category A" (Known Historic Resource) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures.

#### Neighborhood Context

The following historic context is excerpted in part from a draft Cow Hollow Historic Context Statement prepared by the Department in 2013. While not formally adopted by the City, the study provides important information about the development of Cow Hollow and the historic significance of the subject property.

The neighborhood of Cow Hollow lies at the northern end of the San Francisco Peninsula, overlooking the Golden Gate. Geographically, the area is nestled between the slopes of Pacific Heights to the south and the low-lying Marina District to the north. Cow Hollow is bounded roughly by Lombard Street to

the north, Green and Vallejo Streets to the south, Lyon Street and the Presidio to the west and Van Ness Avenue to the east. The topography of the neighborhood, which ascends to the south, offers sweeping views of the San Francisco Bay and the Golden Gate. This dramatic topography also played a significant role in the neighborhood's development, both architecturally and socially.

Historically, the area was part of the Western Addition, adopted by the city in the 1850s under the Van Ness Ordinance. The neighborhood was originally known as "Spring Valley" during the early American period because of the numerous fresh water springs in the area. As that name became eponymous with the Spring Valley Water Company, the neighborhood adopted the title "Golden Gate Valley," to showcase the area's views of the bay. In 1924, local contractor George Walker promoted the area as "Cow Hollow," in honor of its history as a dairy and tannery district, although it had been known by the name locally since the 1880s.

Cow Hollow's most substantial period of development began in the 1880s, following the opening of the first cable car line in the area, along Union Street. This not only prompted an influx of visitors to the already existing attractions of Harbor View, but a spur in residential development. By the mid-1880s, the moniker of "Cow Hollow" had taken root in what was formally known as Spring Valley, regularly being published in the San Francisco Chronicle and other local papers. At the same time, growing development pressures and the demands of the Department of Public Health, approximately thirty dairies and associated tanneries that had earned Cow Hollow its name relocated to the south in Hunter's Point by 1891, however the name remained with locals for generations.

The establishment of the Presidio and Ferries cable car line led to a sustained period of residential development in Cow Hollow picked up, but the pace of growth was relatively modest. By 1893, thirteen years after the opening of the car line, few blocks were fully developed with new real estate. According to the 1893 Sanborn Map Company fire insurance map, development had clearly clustered along the Union line, most prominently between Octavia and Steiner Streets from Greenwich to Green Streets. Many lots remained undeveloped, although parcels had been subdivided throughout the area west of Steiner Street.

The 1899 Sanborn Fire Insurance maps depict that multiple-unit flats were already being constructed in the area, primarily along the cross streets that cut through Union Street on a north-south axis and along Filbert and Greenwich Streets to the north. To the west, the area remained undeveloped aside from a small tract of homes along Greenwich Street near the Presidio.

Residential development at this time was focused on single-family residences, often in dense rows. Building types varied from single-story cottages and small flats, most often found north of Union Street, to larger-scale middle and upper-class residences on larger parcels to the south. Popular styles from the 1860s through the turn of the century were Italianate and Stick-Eastlake, which were common throughout Cow Hollow.

Rebuilding of the City began within months of the 1906 Earthquake and Fire. In order to accommodate the urgent City-wide housing needs, multi-unit flats were increasingly constructed in all residential neighborhoods, as is clearly seen in Cow Hollow following the disaster. Because Van Ness Avenue was used as a fire line, which involved the dynamiting of most houses east of the avenue and south of Filbert Street, Cow Hollow was protected from severe destruction. However, the neighborhood experienced extensive damage, with rail lines along Union Street rendered useless and many structures rendered uninhabitable.

The citywide building boom that began in mid-1906 continued nearly unabated until World War I. A nationwide economic boom during the 1920s correlated with another building boom in San Francisco and enacting of the City's first Planning Code in 1921, mandating the geographic separation of incompatible land uses. The opening of streetcar tunnels in 1918 and 1928, as well as the adoption of mass automobile use beginning in the 1920s, spurred residential development in outlying areas of the City, including Cow Hollow. The economic crisis precipitated by the Stock Market Crash of 1929 had a massive dampening effect on construction in San Francisco, which didn't pick up until the late-1930s. New Deal federal programs and policies to spur employment and stimulate building activity resulted in massive Works Progress Administration public works projects and economic incentives for construction-related activities.

Areas that had survived the earthquake with little damage, such as Cow Hollow, not only hosted refugee camps for the two years following the disaster, but many camp residents opted to stay in the area rather than relocate to their demolished neighborhoods. According to the records of the Assessor, 670 Structures were built in the Cow Hollow neighborhood between 1906 and 1915, the year the Panama-Pacific International Exhibition took place. During this period, many two- to six-unit flats were constructed throughout Cow Hollow, especially along Union Street and its immediate cross streets, where commercial goods and public transit were readily available. What an 1868 *Real Estate Circular* had called "the least stirring section of [San Francisco's] real estate market," had become an increasingly popular neighborhood for residents and developers, often noted as "surprisingly" active despite its lack of infrastructure and transit.

During this period, the area bounded by Lombard Street to the north, Lyon Street to the west, Green Street to the north and Pierce Street to the east had clearly become a popular enclave for middle-class families, with the blocks fully subdivided with single-family homes constructed on most. Flats were constructed along the western face of Broderick Street and at occasional corner lots. Residential architecture at this time was strongly influenced by the First Bay Tradition, and many of the homes are decorated with redwood shingles on a craftsman-style structure in the fashion of the architect Bernard Maybeck.

### ***Bay Region Tradition***

Coined in 1947 by architectural critic Lewis Mumford, the Bay Region Tradition is a regional vernacular architecture endemic to the San Francisco Bay Area that is woodsy, informal, and anti-urban. The Bay Region Tradition evolved over nearly 100 years and has since been classified into First, Second and Third traditions, spanning from the 1880s-1970s. The First Bay Tradition influenced later Modernists (i.e. architects associated with the Second Bay Tradition), who incorporated the regional vernacular of redwood, shingles, and elements of Arts and Crafts with the European Modernism popularized by the Bauhaus and the International Style. Transitional architects that bridged the first and second Bay Traditions include Henry Gutterson and John Hudson Thomas.

The First Bay Tradition, spanning roughly from the 1880s to early 1920s, was a radical reaction to staid Classicism of Beaux-Arts historicism. Eschewing the highly ornamented Victorian-era styles also popular at that time, First Bay Tradition architects developed a building vernacular linked to nature, site and locally sourced materials. Within this stylistic category, bungalows and houses constructed between the 1890s and 1925 can be divided into several styles, including: Shingle, Craftsman Bungalow, Prairie and California Bungalow. The First Bay Tradition is characterized by sensitivity to natural materials and

landscape, appreciation of structural form, and fine craftsmanship in wood. Buildings of this period exhibit both personal design approaches and the ideas of architects such as Bernard Maybeck. The later Bay Traditions of the 1930's and later derivatives of the 1950s and 1960s are clear descendants of this style.

A few homes were designed with spacious front porches supported by square, buttressed posts atop river boulder and brick piers. Along with natural wood, shingle, and clinker brick, materials such as field stone and river stone were popular for cladding the wood frame structural systems. Usually asymmetrical in plan, residences were characterized by tripartite windows divided into a large lower pane and small upper panes. Roofs often have broad spreading eaves supported by multiple gables with projecting beams. Stucco and brick occasionally using clinker brick apartment houses were often strong examples of this style.

**CEQA Historical Resource(s) Evaluation**

**Step A: Significance**

*Under CEQA section 21084.1, a property qualifies as a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources." The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources or not included in a local register of historical resources, shall not preclude a lead agency from determining whether the resource may qualify as a historical resource under CEQA.*

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criterion 3 - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 3 - Architecture: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Period of Significance:	Period of Significance: 1888 – 1914 <input checked="" type="checkbox"/> Contributor <input type="checkbox"/> Non-Contributor

In 2011, the Department found that the property appeared to contribute to a historic district significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development with a period of significance of 1880-1930. Since then, the Department has gathered further information about the Cow Hollow neighborhood, which has allowed us to further refine our findings. The Department continues to find that the subject property contributes to a historic district; however, the boundaries, historical association, and period of significance have been more narrowly defined based upon the new information provided in the Department's 2013 Cow Hollow study. The Department now finds that the property is significant as a contributor to a historic district under Criterion 3 for both its association with the neighborhood's first large wave of development and with the First Bay Tradition architectural style. The period of significance for this Cow Hollow First Bay Tradition Historic District is 1888-1914. The boundaries of this district are roughly Filbert to the north, Scott to the east, Vallejo to the south, and Lyon to the west. Please see the analysis below.



*Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;*

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that any significant events are associated with the subject building. Although construction of the subject building was part of the primary pattern of residential development that occurred in the area in the late 19<sup>th</sup> century, this pattern is not documented as significant within the context of the history of the neighborhood, the City, the State, or the nation. Furthermore, there are no specific historical events known to be associated with the construction or subsequent usage of the subject building as a single-family residence. It is therefore determined not to be eligible under this criterion.

*Criterion 2: It is associated with the lives of persons important in our local, regional or national past;*

The information provided by the Project Sponsor and a review of the City Directories indicate that William Hammond Hall briefly owned the property circa 1930. Hall was a significant person in San Francisco's history as the designer of Golden Gate Park and the first state civil engineer. Hall is listed in the directories as living at 3855 Jackson Street between 1905 and 1932 and he died in 1934. Therefore, it does not appear that he resided at the subject property. According to the oral history collected by the Project Sponsor, Hall's daughters lived at the subject property as late as 1954, so it is presumed that the property was purchased for their use. The property is not historically significant as it is not associated with the Hall's career as an engineer. No other significant persons are associated with the subject building. The subject building is therefore determined not to be eligible under this criterion.

*Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;*

The subject building appears to contribute to a Cow Hollow First Bay Tradition Historic District eligible for listing on the California Register for embodying both the distinctive characteristics of the first period of large scale architectural development in Cow Hollow and the distinctive characteristics of the First Bay Tradition style. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition style. The general characteristics of this style are an emphasis on simplified geometric forms, natural materials (often including shingle cladding, rustic lap siding, and brick), structural honesty, picturesque and asymmetrical massing and articulation, uniform exterior cladding with no interruptions at corners, and simplified ornament and details. Many of these elements are evident in the subject building. The subject does not appear to be a significant example of the First Bay Tradition style as an individual property because it is a relatively modest example of the style, does not represent the work of a master, does not possess high artistic value, and does not appear to retain high historic integrity of design. However, the building does contribute to a collection of late 19<sup>th</sup> -and early 20<sup>th</sup>-century buildings dating from the earliest period of residential development in the Cow Hollow neighborhood. Many of the buildings from this period represent the First Bay Tradition style, which is unique to the region. As such, this collection of First Bay Tradition residences in Cow Hollow embody the distinctive characteristics of a special period of regional architecture. The period of significance for this district appears to be approximately 1888-1914, relating to the construction boom and the particular use of the style. The construction date of the subject building places it within the period of significance identified for the surrounding historic district. The boundaries of this district are roughly Filbert to the north, Scott to the east, Vallejo to the south, and Lyon to the west.

**Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;**

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that the subject property is likely to yield information important to a better understanding of prehistory or history. The subject building is therefore determined not to be eligible under this criterion.

**Step B: Integrity**

*To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance." Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.*

The subject property retains integrity from the period of significance noted in Step A:

<b>Location:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	<b>Setting:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
<b>Association:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	<b>Feeling:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
<b>Design:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	<b>Materials:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
<b>Workmanship:</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks			

**Historic District**

The Cow Hollow First Bay Tradition Historic District retains sufficient integrity with which to convey its significance. District contributors possess integrity in terms of material, design and workmanship, particularly when compared to buildings found outside of the District. The majority of District buildings retain a high level of original building features such as redwood shingle siding, projecting central bays, brick bases, and minimal ornamentation. Contemporary roll-up garage doors have been added to many lower levels. Replacement of the historic divided light wood-sash windows is also common. Few horizontal or vertical additions are visible from the public right-of-way. District contributors also retain integrity of feeling, setting, location, and association. Contributors remain single-family, are sited at their original location, and are surrounded by residences of similarly scaled single-family houses.

**Subject Property**

The subject building has not been significantly altered since its original construction. Recently, the building was raised approximately 3 feet to insert a garage at the ground floor level and the ground floor level was expanded towards the rear of the building. This work was reviewed and approved by the Department in 2010-2011 under Case No. 2010.0394E. Raising the building required replacement of the front stair, which was not part of the original construction. This slight alteration in height has not unduly changed the original scale of the building or the building's relationship to its setting within the historic district. The work also did not remove any character-defining features of the building. The building, therefore, retains all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow neighborhood.

**Step C: Character Defining Features**

*If the subject property has been determined to have significance and retains integrity, please list the character-defining features of the building(s) and/or property. A property must retain the essential physical features that enable it to convey its historic identity in order to avoid significant adverse impacts to the resource. These essential*

*features are those that define both why a property is significant and when it was significant, and without which a property can no longer be identified as being associated with its significance.*

The Cow Hollow First Bay Tradition Historic District's significance is reflected through the cohesive massing, articulation, form, setback, and stylistic elements in the First Bay Tradition style. The character-defining features are:

- Two-three story scale;
- Picturesque and asymmetrical massing and articulation;
- Emphasis on simplified geometric forms;
- Front and side setbacks;
- Gable or hipped roof forms, often with dormers;
- Locally sourced, natural materials, often including shingle cladding, rustic lap siding, and brick;
- Multi-light, wood-framed windows;
- Raised entries; and,
- Simplified ornament and details including projecting brackets, eyebrow dormers, often incorporating Colonial Revival and Arts and Crafts design elements.

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**CEQA Historic Resource Determination**

- Historical Resource Present
- Individually-eligible Resource
  - Contributor to an eligible Historic District
  - Non-contributor to an eligible Historic District
- No Historical Resource Present

## PART II: PROJECT EVALUATION

Proposed Project  Demolition  Alteration

Per Drawings Dated: May 1, 2014

### Project Description

The proposed project calls for exterior changes to the house, including the construction of two roof decks, construction of dormers on the north and south slopes of the hipped portion of the roof, construction of a bay at the south elevation to the west of the side entry porch; alteration of the side entry steps and door; alteration of main entry steps to reduce the height; alteration of the main entrance to lower the threshold approximately 1' and add a transom above the existing door; and, removal of stairs at the rear façade.

Please note that the permit plans associated with this project also rectify discrepancies in previous permits regarding height notation and drawing accuracy. These corrections do not constitute physical changes to the property.

### Project Evaluation

*If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.*

#### Subject Property/Historic Resource:

- The project will not cause a significant adverse impact to the historic resource as proposed.
- The project will cause a significant adverse impact to the historic resource as proposed.

#### California Register-eligible Historic District or Context:

- The project will not cause a significant adverse impact to a California Register-eligible historic district or context as proposed.
- The project will cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

### Project Specific Impacts

The project appears to meet the *Secretary of the Interior Standards for Rehabilitation* and would not cause a substantial adverse change to the contributing building at 2853-57 Broderick Street or to the surrounding Cow Hollow First Bay Tradition Historic District such that the significance of the resource (the district) would be materially impaired. The following is an analysis of the proposed project per the applicable Standards.

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

The proposed project would retain the historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow earliest period of residential development.

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

No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. All original elements of the primary façade would be retained. While the entry threshold would be lowered to match the main floor height, this change would not detract from the character of the entry and the door would be retained or replicated. The proposed alterations would occur at secondary and tertiary facades that do not contribute to the overall character of the building or district.

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

Conjectural elements are not a part of the proposed project. All contemporary alterations and additions would be constructed of new, yet compatible, materials.

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

The proposed project would not result in the loss of distinctive features.

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

The proposed side and rooftop additions, including the decks and dormers, would not negatively impact the character-defining features of the building or the site as they would be constructed towards the rear of the building, which is not visible from the adjacent public rights-of-way. Thus, the character of the property and district as viewed by the public would be retained. Moreover, the proposed addition, dormers, and roof decks would be constructed with contemporary windows and detailing such that they are distinguished as contemporary features. While the entry threshold would be lowered to match the main floor height, this change would not detract from the character of the entry and the door would be retained or replicated. Lastly, the alterations would occur at secondary and tertiary facades that do not contribute to the overall character of the building or district.

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

If the proposed additions were to be removed, then the roof and south wall of the subject building would require repair, but this removal would not impair the integrity of the historic property.

*Cumulative Impact Assessment*

The proposed work must also be considered in the context of recent and foreseeable changes to the property and historic district. Work recently completed at the project site resulted in raising the building approximately 3' to add a garage at the front façade and constructing a rear addition. This work, in combination with the currently proposed work, meets the *Secretary Standards* and would not cause a substantial adverse change to the contributing building at 2853-57 Broderick Street or to the surrounding Cow Hollow First Bay Tradition Historic District such that the significance of the resource (the district) would be materially impaired. The building would retain all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow neighborhood. The Department is not aware of any proposed projects within the boundaries of the district that would contribute to a cumulative impact to the resource.

**PART II: SENIOR PRESERVATION PLANNER REVIEW**

Signature:   
Tina Tam, Senior Preservation Planner

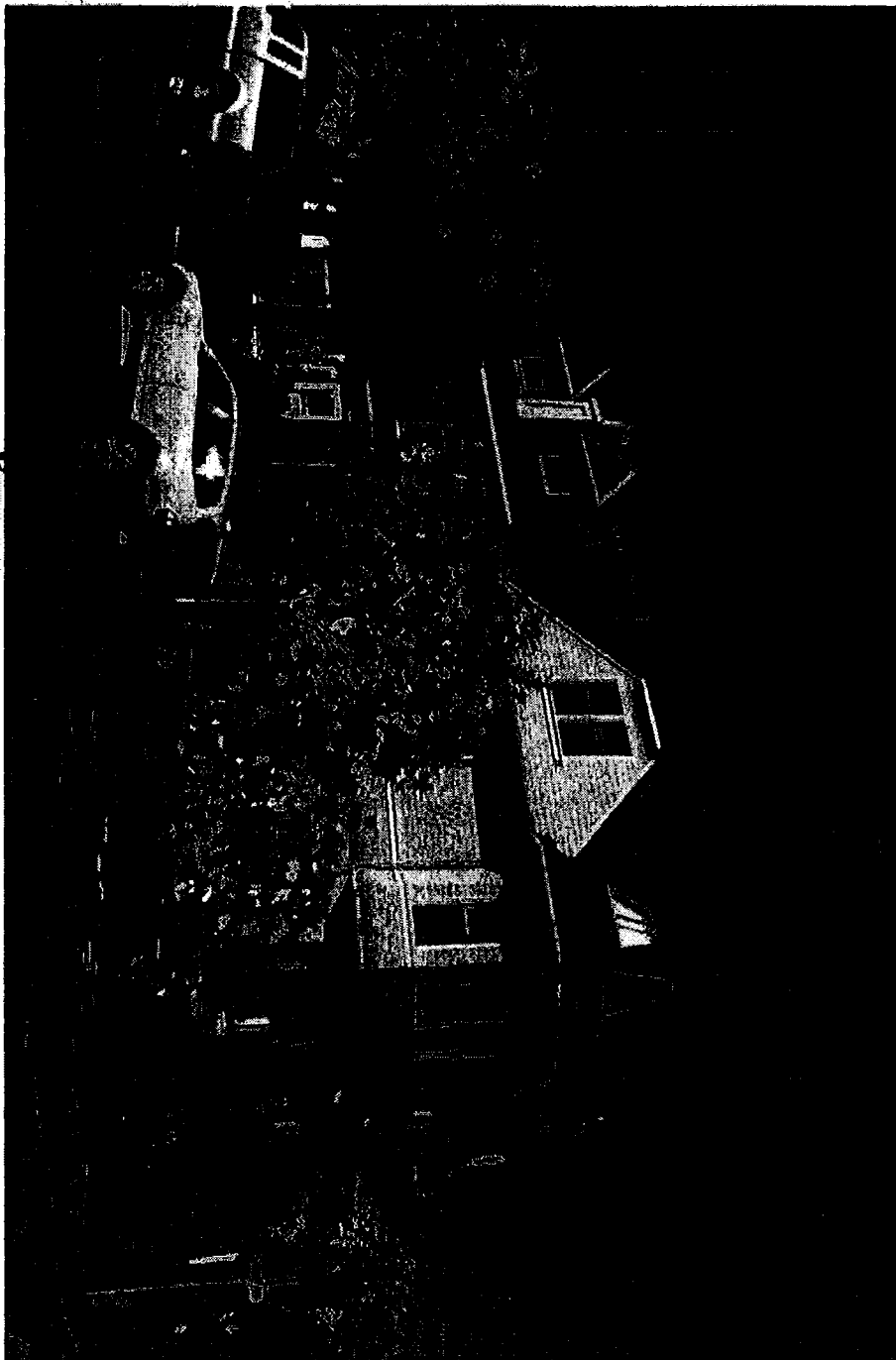
Date: 7-2-2014

cc: Virnaliza Byrd, Environmental Division/ Historic Resource Impact Review File

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