



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Analysis Abbreviated

HEARING DATE FEBRUARY 25, 2010

Date: February 18, 2010
Case No.: **2009.1028D**
Project Address: **1017 GREEN STREET**
Permit Application: 2009.06.25.1269
Zoning: RH-2 (D) (Residential House, Two-Family, Detached)
 40-X Height and Bulk District
Block/Lot: 0126/051
Project Sponsor: Christopher Haskins
 1017 Green Street
 San Francisco, CA 34133
Staff Contact: Timothy Frye – (415) 575-6822
 tim.frye@sfgov.org
Recommendation: **Do not take DR and approve project 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 expand the existing penthouse structure and enclose an existing roof deck to add approximately 267 square feet of enclosed habitable space to the penthouse structure. A railing and a roof deck will be installed on the remaining portions of the roof. The proposed project will add approximately 267 square feet of enclosed habitable space to the penthouse structure.

SITE DESCRIPTION AND PRESENT USE

The subject building, constructed in 1926, is a three-story, 2-unit, stucco-clad structure designed in a Mediterranean Revival Style.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject building is located on Green Street between Leavenworth and Jones Streets in the Russian Hill neighborhood, a primarily residential area. The site is located within an RH-2 Zoning District.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	February 12, 2010	February 12, 2010	10 days
Mailed Notice	10 days	February 12, 2010	February 12, 2010	10 days

PUBLIC COMMENT

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

ISSUES AND RESPONSES

Issue 1: The Dr Requestor states, “Mr. Haskins property has structural/foundation weakness which was included in the disclosure material available to him at the time he purchased the lower unit. He constantly complains about water intrusion into his basement caused by cracks in his foundation. He should not be permitted to add weight to the building without fixing his foundation.”

Response: The issues cited by the DR Requestor are potential structural inefficiencies with the subject building and are not addressed under the Planning Code. The Planning Department and the Planning Commission do not have review authority over such matters. Staff has indicated to the DR Requestor several times that the body authorized to address the matter is the Board of Appeals and that the best course of action in disputing the proposed project would be through an appeal of the Building Permit Application.

DR REQUESTOR

Karen Francis
1011 Green Street
San Francisco, CA 94133

PROJECT SPONSOR’S RESPONSE

See attached *Response to Discretionary Review*.

ENVIRONMENTAL REVIEW

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

The request(s) for Discretionary Review was reviewed by the Department's Residential Design Team (RDT). The RDT's comments include:

- DR issues (structural concerns) are not related to the Planning Code
- Project is not found to be exceptional or extraordinary.

Under the Planning Department's proposed DR Reform Policy, this project would not be referred to the Planning Commission as this project does not meet the threshold of exceptional or extraordinary.

BASIS FOR RECOMMENDATION

The Department believes the project does not have exceptional or extraordinary circumstances for the following reasons:

- The issues cited by the DR Requestor are regarding potential structural inefficiencies related to the subject building and are not addressed under the Planning Code.
- The Planning Department and the Planning Commission do not have review authority over such matters.
- Staff believes that the best course of action in disputing the proposed project would be through an appeal of the Building Permit Application.

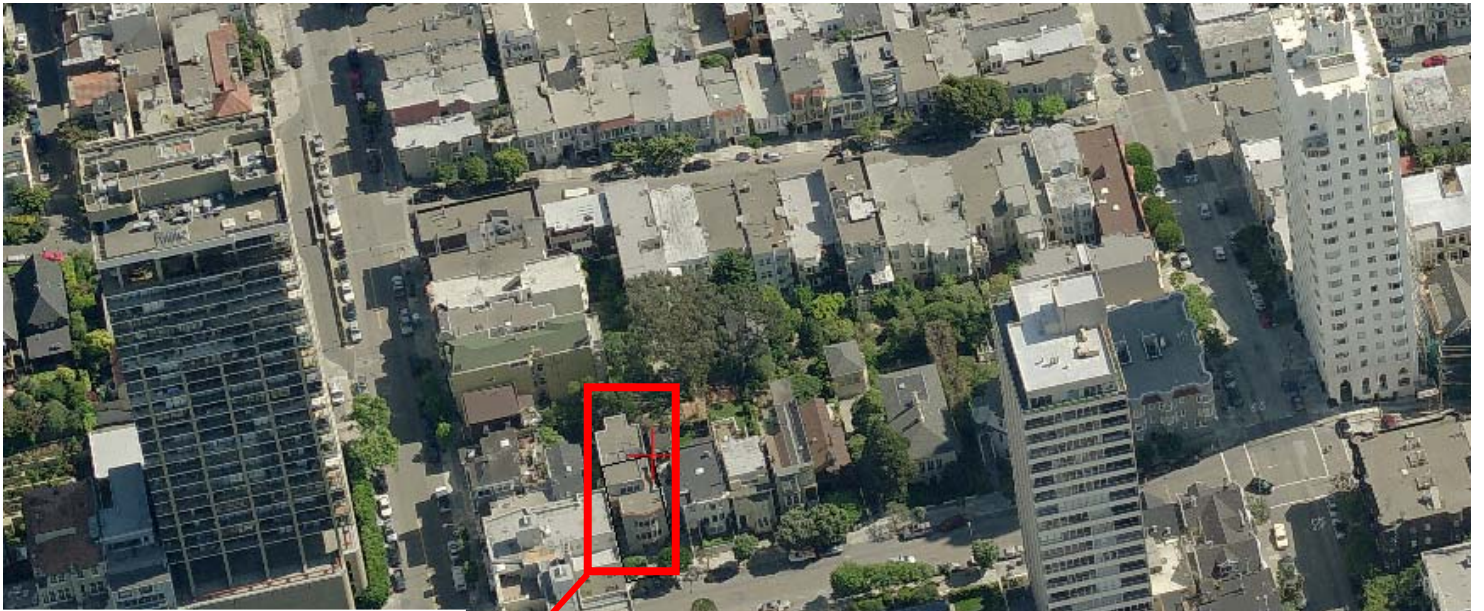
RECOMMENDATION: Do not take DR and approve project as proposed.

Attachments:

- Block Book Map
- Sanborn Map
- Aerial Photographs
- Section 311Notice
- DR Application
- Response to DR Application dated February 12, 2010
- Reduced Plans

TF: G:\PROJECTS\CASES_PERMITS\Green_1017_2009.1028D\Green_1017_2009.1028D_DR_Analysis_Final.doc

Aerial Photo



Site Photo



Request for Discretionary Review
Case Number 2009.1028D
1017 Green Street
February 25, 2010

Site Photo



Request for Discretionary Review
Case Number 2009.1028D
1017 Green Street
February 25, 2010

Site Photo

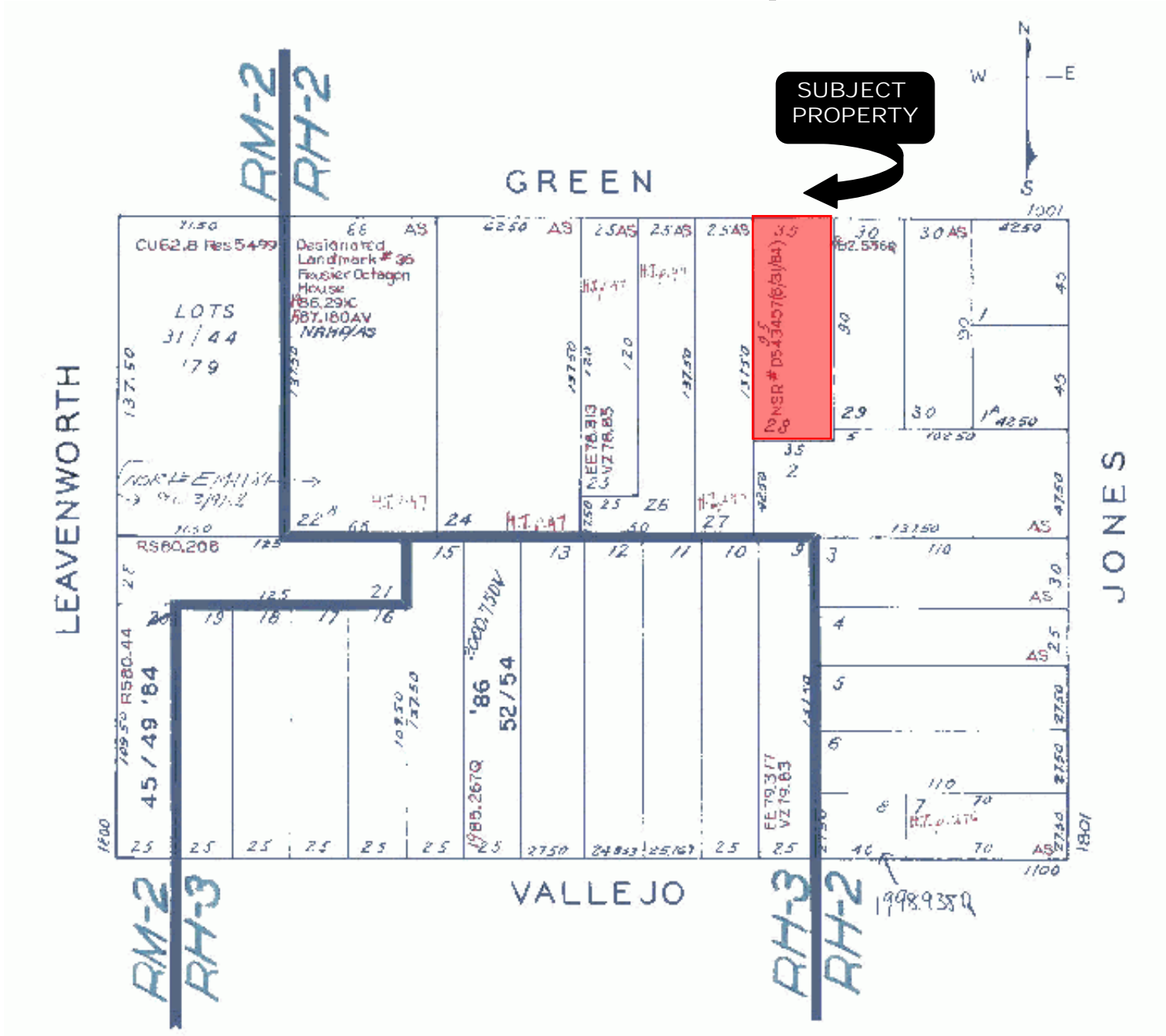


Site Photo



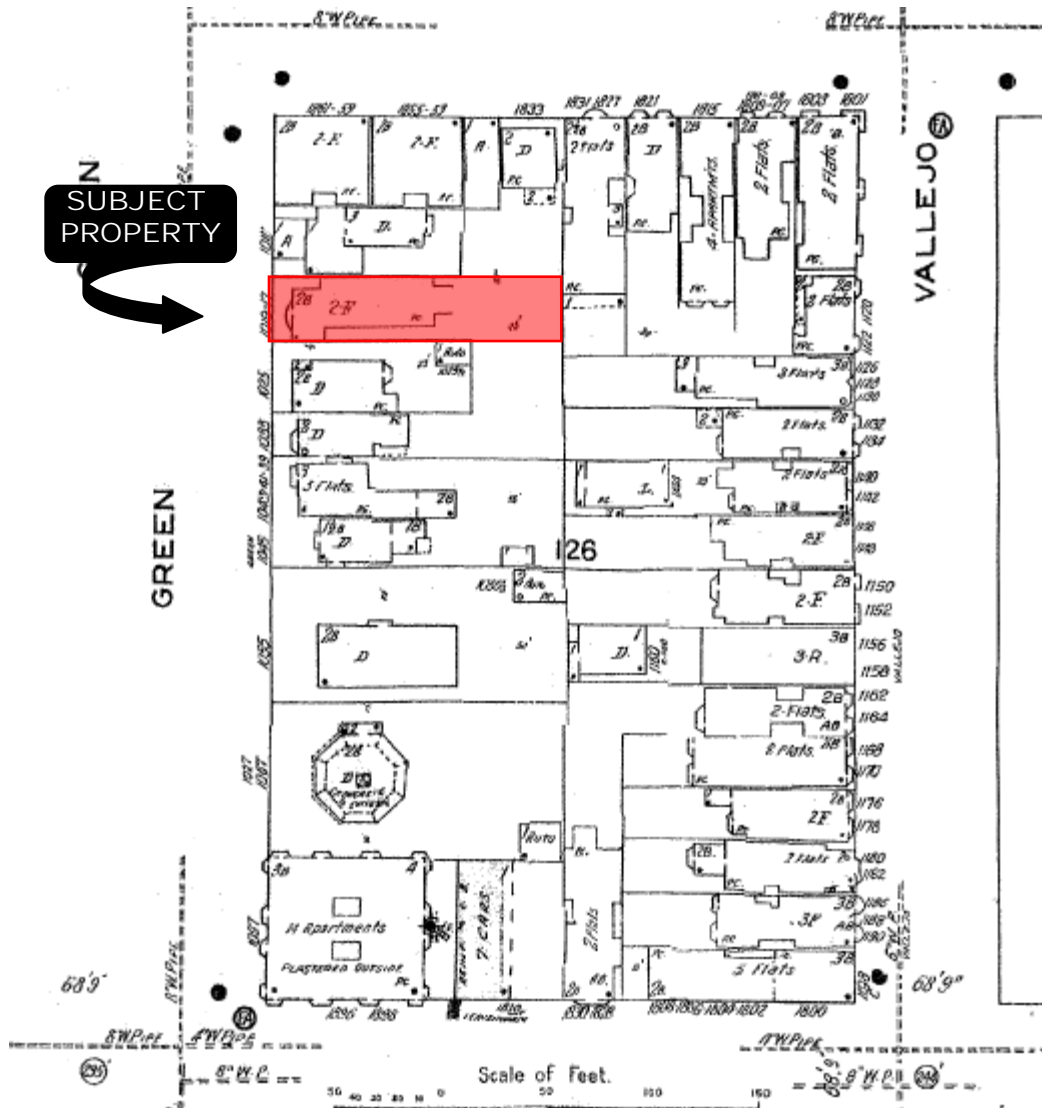
Request for Discretionary Review
Case Number 2009.1028D
1017 Green Street
February 25, 2010

Block Book Map



Request for Discretionary Review
Case Number 2009.1028D
 1017 Green Street
 February 25, 2010

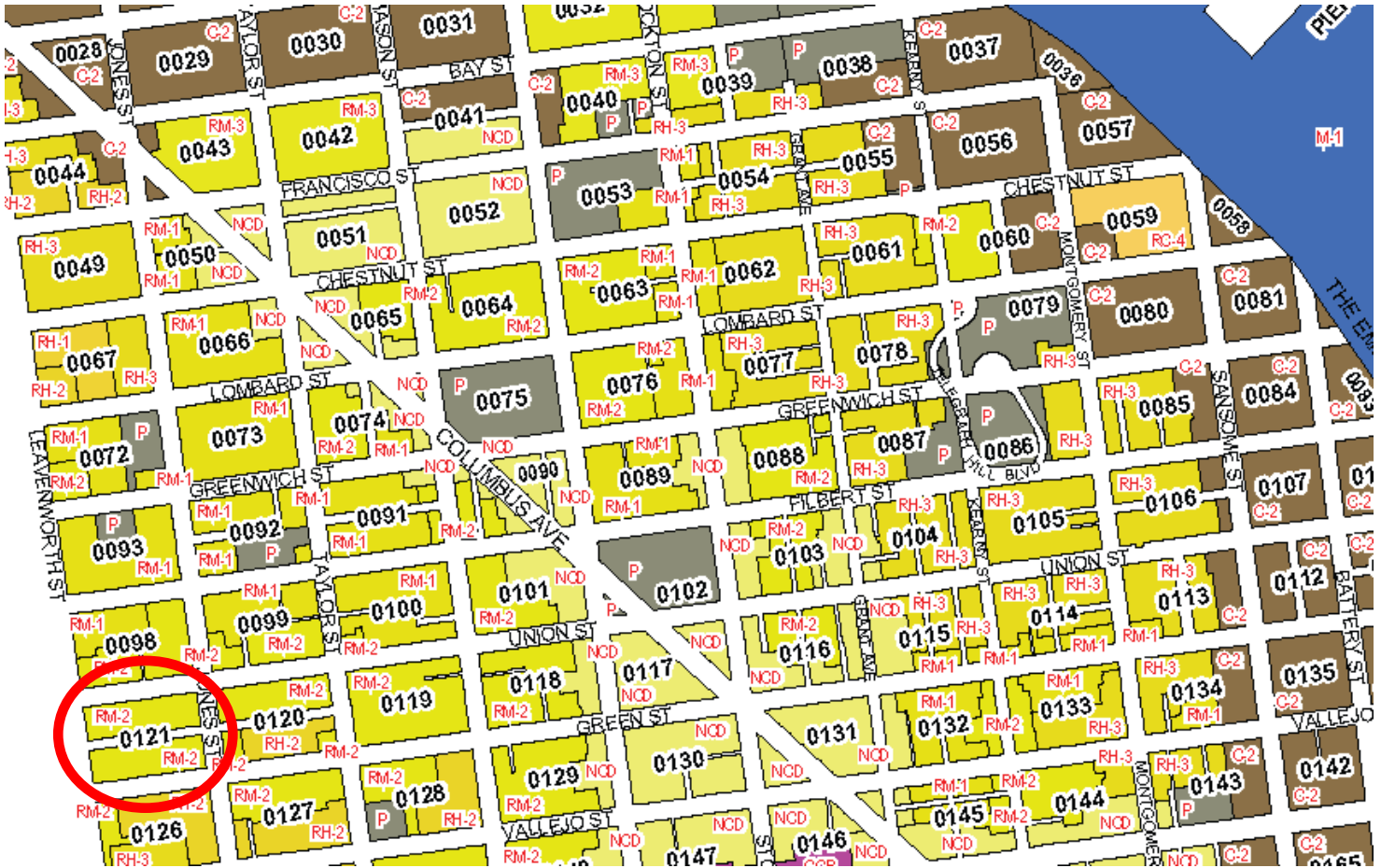
Sanborn Map*



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

Request for Discretionary Review
Case Number 2009.1028D
1017 Green Street
February 25, 2010

Zoning Map



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS					
RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3	
RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS					
RM-1	RM-2	RM-3	RM-4		
NEIGHBORHOOD COMMERCIAL DISTRICTS					
NC-1	NC-2	NC-3	NCD	NC-S	
SOUTH OF MARKET MIXED USE DISTRICTS					
SPD	RED	RSD	SLR	SLI	SSO
COMMERCIAL DISTRICTS					
C-2	C-3-S	C-3-G	C-3-R	C-3-O	C-3-O(SD)
INDUSTRIAL DISTRICTS					
C-M	M-1	M-2			

CHINATOWN MIXED USE DISTRICTS		
CRNC	CVR	CCB
RESIDENTIAL-COMMERCIAL DISTRICTS		
RC-3	RC-4	
REDEVELOPMENT AGENCY DISTRICTS		
MB-RA	HP-RA	
DOWNTOWN RESIDENTIAL DISTRICTS		
RH DTR	TB DTR	
MISSION BAY DISTRICTS		
MB-OS	MB-O	
PUBLIC DISTRICT		
P		



Request for Discretionary Review
 Case Number 2009.1028D
 1017 Green Street
 February 25, 2010

February 16, 2010

VIA HAND DELIVERY

Mr. Ron Miguel, President
San Francisco Planning Commission
1660 Mission Street, Suite 400
San Francisco, CA 94103

**Re: 1017 Green Street
Discretionary Review Hearing
Hearing Date: February 25, 2010
Planning Department Case No.: 2009.1028D**

Dear President Miguel and Members of the Planning Commission:

This project has been carefully designed to fit within the context of the neighborhood and to comply with all Planning Dept. codes and ordinances. We ask that the Planning Commission deny the DR request for the following reasons:

- The DR Requestor is not even complaining about the proposed new envelope of the home; instead she is raising structural and Building Code issues that don't belong at the Planning Commission.
- The project was designed to conform to all Residential Design Guidelines, including the creation of setbacks from the roof parapet and using a tempered frameless glass railing where visible from the public right of way.
- The rear penthouse extension matches the height of the existing roof line and cannot be seen from the street.
- The proposed project is well within the allowable horizontal expansion and matches the existing height of the building which is below the allowable height limit.
- The project is supported by three neighbors, including one whose property abuts the Haskins' property (1020 Green), and an adjacent neighbor at 1025 Green Street (see **Exhibit A** for copies of their support letters).

Mr. Ron Miguel, President
San Francisco Planning Commission
February 16, 2010
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The DR Application makes only vague claims about the foundation of our home and concerns about structural weakness, without providing any evidence or facts to substantiate these claims. The DR requestors have not provided the Planning Department or Planning Commission with any exceptional or extraordinary circumstances that justify discretionary review of this project. For the reasons set forth below, the Haskins respectfully request that the Planning Commission not take discretionary review of this project.

A. Project Description

The Haskins wish to renovate their existing condominium. The building contains two units and the Haskins own both units. Reduced project plans have been provided separately in your packet for your review. The proposed project will include a small 250 square foot addition to the fourth floor and to add two roof decks.

The fourth floor penthouse is already substantially set back from Green Street and the proposed expansion adds to the rear of the penthouse, and therefore cannot be seen from the street. The railings along the front roof deck adjacent to Green Street will have tempered frameless glass railings. The height of the building at the street will remain at approximately 39 feet which is one foot below the height limit.

B. The Project is Consistent With the Residential Design Guidelines

The project was carefully designed to complement the surrounding neighborhood and be consistent with its character and scale. The rear extension was specifically designed to preserve the views of their neighbors.

By minimizing the expansion and improving the roof with a roof deck addition, the project respects the mid-block open space and avoids adverse impacts on adjacent buildings as recommended by the Planning Department's Residential Design Guidelines ("RDG"). The project will not change the existing open space pattern created in the mid-block area, and will not have any impact on the light and air to adjacent properties. An aerial photograph of the block bounded by Jones, Vallejo, Leavenworth and Green Street is attached as **Exhibit B**.

The aerial photograph shows a mid-block open space formed by rear yards with no discernable pattern, and several non-conforming structures in the rear yards. There will be no impact at all on the existing mid-block open space.

The RDG issues, suggested mitigation actions, and specific actions taken by the Haskins to address each issue. Every relevant mitigation suggested in the Guidelines has been incorporated into the design before you today.

Mr. Ron Miguel, President
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C. There Are No Extraordinary Circumstances That Justify DR In This Case

The discretionary review materials provided by the Planning Department to the public state the underlying foundation of the discretionary review power. That document provides that “discretionary review is a special power of the Commission, outside the normal building permit application approval process. It is supposed to be used only when there are exceptional and extraordinary circumstances associated with a proposed project. The Commission has been advised by the City Attorney that the Commission’s discretion is sensitive and must be exercised with utmost constraint.”

The DR request falls far short of demonstrating that there are exceptional and extraordinary circumstances in this case which justify the Planning Commission’s exercise of its discretionary review powers. In attempting to state such circumstances, the DR applicants have failed to provide any support for their position. Ms. Francis’ application states only “concern about the instability of the building’s foundation and the effect that adding more weight could have on adjoining properties.” Nowhere in the application do they provide any reasoning for concern about an issue that will be addressed through the building permit process and governed by the San Francisco Building Code, not the Planning Code. The DR applicant has not even bothered to inspect the foundation but rather has offered an unsubstantiated allegation as “the reason” for requesting discretionary review. On February 9, 2010 during a phone call with the DR applicant, she was offered the opportunity to inspect the foundation which she denied. The fact is the foundation is fine. I have attached a copy of a letter from our contractor, Creegan + D’Angelo, also a structural engineer, attesting to the fact that there should be no problem with the existing foundation supporting the proposed addition. **(Exhibit C.)**

The DR requestor fails to offer any evidence whatsoever as to the reasons why exceptional and extraordinary circumstances are believed to exist. There is no discussion whatsoever as to why this should be considered a special case. What about *this specific project* is unusual or extraordinary? How does this small residential renovation conflict with established policies or guidelines? If the foundation is really of concern, shouldn’t there be a report or inspection to substantiate the allegation? Why was this issue not raised previously, during the two years Ms. Francis has lived in her property?

The DR requestor has not provided any justification for the DR Application. The project before the Planning Commission represents a carefully designed and reasonable renovation of an existing two unit building that not only complies with all Planning Code requirements, but is compatible with the surrounding neighborhood, supported by several neighbors, and is consistent with the Residential Design Guidelines. For these reasons, the DR Applications should be denied.

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San Francisco Planning Commission
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D. Outreach

We were able to contact Ms. Francis on February 9, 2010. In a phone call for almost one hour, only a few minutes were spent discussing the DR request issues. We stated that the DR request was a separate issue from the water issues. Ms. Francis stated she was ok with the project but re-stated her concern about additional weight on the structure and her fear that this would exacerbate the water issues. During that call she confirmed that she was unaware of the status of her DR application. She was informed of the February 25, 2010 hearing and encouraged to follow up on her DR application with the planner. She was offered the opportunity to inspect the foundation, but declined the invitation. The vast majority of the conversation was spent on the water issue; reviewing a chronology of events, discussing details of previous meetings, engineering reports, and contents of letters from lawyers and insurance claims representatives. The conversation did not result in illuminating reasons for the DR request, however, the healthy discussion relating to the conflict regarding the water issue was productive as it was possible for the two principals to speak directly listen to the opposing position and hopefully have a better understanding. Unfortunately, she was unwilling to withdraw her DR request.

We sent out 96 Invitations were sent to attend a neighborhood outreach meeting. Five attended the meeting. Ms. Francis did not attend the meeting nor has she ever contacted the owner, architect or engineer to ask any questions about the proposed project or inquire about the foundation issue she raised in the DR request.

The DR applicant first listed her property for sale in July of 2009, moved out of the building, and has not been lived in the property for the past eight (8) months. She has actively been trying to sell the property for the past eight months. The proposed project is supported by three neighbors including one whose property abuts the Haskins property as well as planning staff.

E. Conclusion

The DR requestor has not satisfied their burden in seeking discretionary review before this Commission. The project has been carefully designed to be consistent with the neighborhood character. The Commission should allow the project to move forward for the following reasons:

- The DR requestor is raising Building Code issues, not Planning Code issues;
- The DR requestor has not provided any exceptional or extraordinary circumstances that would justify discretionary review in this case;
- The fourth floor addition is set well back from the street and cannot be seen from the street;

Mr. Ron Miguel, President
San Francisco Planning Commission
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- The proposed rear extension of the home is added to the rear of the penthouse in a manner consistent with the Residential Design Guidelines, and all codes with jurisdiction, thereby further reducing the perceived mass and scale;
- The proposed extension has been designed to match the height of the existing building and is below the height limit and well within the allowable horizontal expansion.

Mr. and Mrs. Haskins respectfully request that the Planning Commission not take discretionary review of this project. Thank you for your attention and consideration.

Sincerely,


Scott Haskins

Exhibits

cc: Christina Olague, Vice-President
Michael J. Antonini, Commissioner
Gwyneth Borden, Commissioner
William L. Lee, Commissioner
Kathrin Moore, Commissioner
Hisashi Sugaya, Commissioner
John Rahaim, Director of Planning
Larry Badiner, Zoning Administrator
Linda Avery, Commission Secretary
Tim Frye, Planner
Karen Francis
Mr. & Mrs. Bastoni

Mr. Ron Miguel, President
San Francisco Planning Commission
February 16, 2010
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LIST OF EXHIBITS

Exhibit A Support letters

Exhibit B Aerial Photograph of Green, Jones, Vallejo, and Leavenworth

Exhibit C Letter from engineer of record addressing DR requestor's concern

Richard and Darla Bastoni
1020 Green Street
San Francisco, CA 94133

February 2, 2010

Mr. Ron Miguel, President
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

RE: Case Number 2009.1028D
Assigned planner, Tim Frye

Dear Mr. Miguel,

We live across the street from 1017 Green and we are writing you to inform you that we support the proposed project. We have met with the project sponsor, Scott Haskins and reviewed the plans. We support the proposed project to build a minor addition and roof deck.

Sincerely,



Richard Bastoni



Darla Bastoni

EXHIBIT A

Shelly Guyer
Thomas M. Huntington
1025 Green Street
San Francisco, CA 94133
415-922-1633
tomhca@earthlink.net

February 14, 2010

Re: Case No. 2009.1028D. San Francisco Planning Commission.
Neighbor Support for Minor addition to home at 1017-19 Green Street.

Ron Miguel
San Francisco Planning Commission
San Francisco Planning Dept.
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Dear Mr. Miguel,

As neighbors directly adjacent (we are to the west) of the home requesting modification, we would like you to know of our wholehearted support of this project.

We feel that the proposed project is an appropriate, an enhancement to the property and in keeping with the character of the neighborhood.

We would also like to add that we have known our neighbor Scott Haskins for several years since he has lived at the property. The house had been in much poorer condition and he has spent considerable time and effort to bring the property into the standards of the neighborhood. During this time Mr. Haskins has been very clear, honest, generous, forthcoming, timely and communicative about any work that involve his property and his neighbors. We have meet with Scott Haskins and have reviewed the plans of the project.

It is our understanding the Mr. Tim Frye is the planner working on this project. We are available to discuss this with Mr. Frye if necessary.

We hope you will approve the project.

Sincerely,

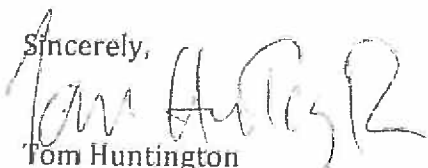

Tom Huntington

EXHIBIT A



EXHIBIT B



Creegan + D'Angelo

100 BASTARD LANE
ENGINEERS

PROJECT: 2505-205020 Haskins Addition - 1017 Green; pm: Haskins_DR_100203.doc

Scott Haskins
Sierra Maestra Properties
220 Montgomery Street
San Francisco, CA 94104

February 3, 2010

RE: Review of Discretionary Review Request
1017 Green Street, San Francisco, California

Dear Scott:

As requested, Creegan + D'Angelo Engineers (C+D) reviewed the attached Application Requesting Discretionary Review by Karen Francis. This document appears to be a form of the San Francisco Planning Department and "is for projects where there are exceptional and extraordinary circumstances that justify further consideration, even though the project already meets the requirements of the Planning Code, etc.". Further, the basis of this application appears to be the applicants "concern about the instability of the building foundation and the effect that adding more weight would have on adjoining properties".

Creegan + D'Angelo Engineers is a civil and structural engineering firm that has been in business in the San Francisco Bay Area more than fifty years. David Wilson, P.E. is a Principal at C+D and manages the San Francisco office in addition to providing structural engineering consulting services to public and private clients for the past 25 years.

As the structural engineer of record on your proposed remodel project, C+D has not prepared the structural portion of the design documents at this point in the process. C+D has, however, been the engineer of record in other projects related to the foundation at 1017 Green Street and has performed an investigation into the issue of water leaking into the garage level from the adjoining property.

The foundation work was performed in 2008 and was to repair a portion of the garage slab and footings adjacent to the garage slab. It is our understanding that the work done in 2008 addressed all foundation cracks. The work was documented and observed by C+D and was found to be in accordance with the plans and all recommendations made by C+D. Copies of these plans are on record with the San Francisco Building Department and are available upon request.

Our investigation of the water issue was documented in multiple reports and letters. It was determined that although the water issue was a concern to the occupants of 1017 Green Street there was no observed or noticeable structural deterioration or weakening of the foundation. Copies of the reports and results of our investigation are available upon request.

It was our opinion during the schematic phase of the project that the proposed addition to your existing roof and supporting structure with some modifications was feasible. It is our intention to design the structural portion of your project to comply fully with the 2007

Scott Haskins
1017 Green Street, San Francisco
February 3, 2010
Page 2 of 2



Creegan+D'Angelo
REGISTERED PROFESSIONAL ENGINEERS
CALIFORNIA LICENSE NO. 10004

California Building Code, with San Francisco amendments. This applies to any impact that the remodel may have on the adjoining properties.

Please let us know if we can provide further information regarding this matter.

Respectfully submitted,
Creegan + D'Angelo Engineers

A handwritten signature in black ink, appearing to read 'D. Wilson'.

David Wilson, P.E.
Principal
RCE No. 35672

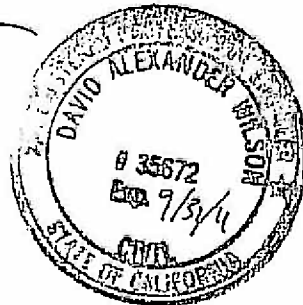
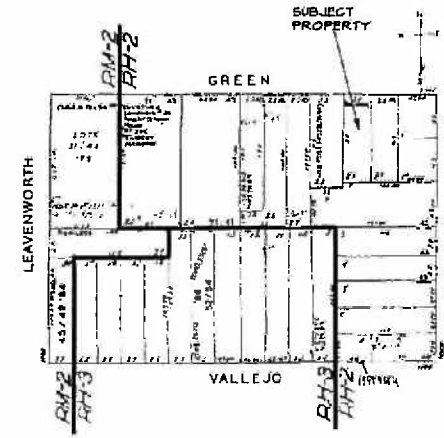
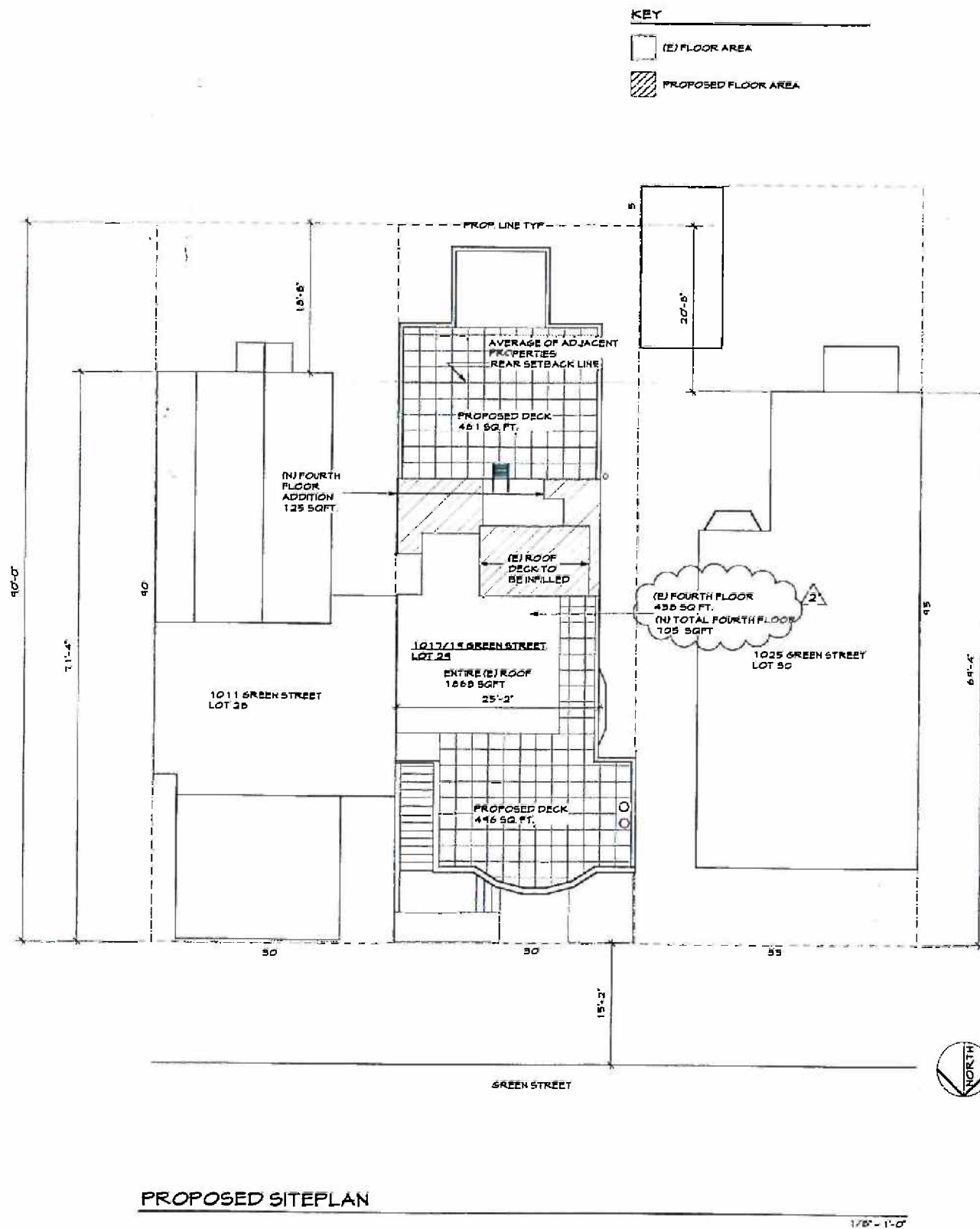


EXHIBIT C



1017/19 GREEN STREET

BLOCK	0126
LOT	29
ZONING	RH-2
OCCUP.	R-3
UNITS	2
STORIES	4
CONSTRUCTION TYPE	5N

Greg De Lory, AIBD
 95 Brady St.
 San Francisco, CA 94103-1241
 Phone: 415.861.8400
 Fax: 415.861.7400
 greg@gregdelory.com

1017/19 Green Street,
 San Francisco
 Owner: Scott Haskins

SCOPE OF WORK

ENLARGE 4TH FLOOR PENTHOUSE.
 INSTALL NEW ROOF DECKS

DRAWING INDEX

- A1 PROPOSED SITE PLAN & NOTES
- A2 FIRST & SECOND FLOOR PLANS
- A3 (E) AND PROPOSED 4TH FLOOR PLANS
- A4 (E) NORTH & EAST ELEVATIONS
- A5 (E) SOUTH & WEST ELEVATIONS
- A6 PROPOSED NORTH & EAST ELEVATIONS
- A7 PROPOSED SOUTH & WEST ELEVATIONS
- A8 (E) SECTION
- A9 PROPOSED SECTION
- A10 HEIGHT CALCULATIONS

GENERAL NOTES

All work shall conform to the latest edition of the Uniform Building Code as adopted by the State of California and governing local codes as adopted by the City of San Francisco Department of Building Inspection including 1997 UBC, 2000 UBC, 2000 UPC, 1999 NEC and 2001 California Building Standards.

Should the General Contractor or any Subcontractor encounter conditions which indicate an error, omission, or discrepancy (including conditions which may result in future hazards or financial costs) either in the construction documents or during the course of construction, such conditions should immediately be brought to the attention of the Owner.

DO NOT SCALE DRAWINGS. Where dimensional information is not given, inform the Owner, and this information will be provided. Dimensional discrepancies should be resolved in the same manner.

Heating, electrical and plumbing systems are not designed. The design of these systems is to follow governing code and will be the responsibility of the Contractor.

All dimensions are to face of finish unless otherwise noted.

CREATED FOR
 §11 APPLICATION

Date	Revision
8/8/09	BDL

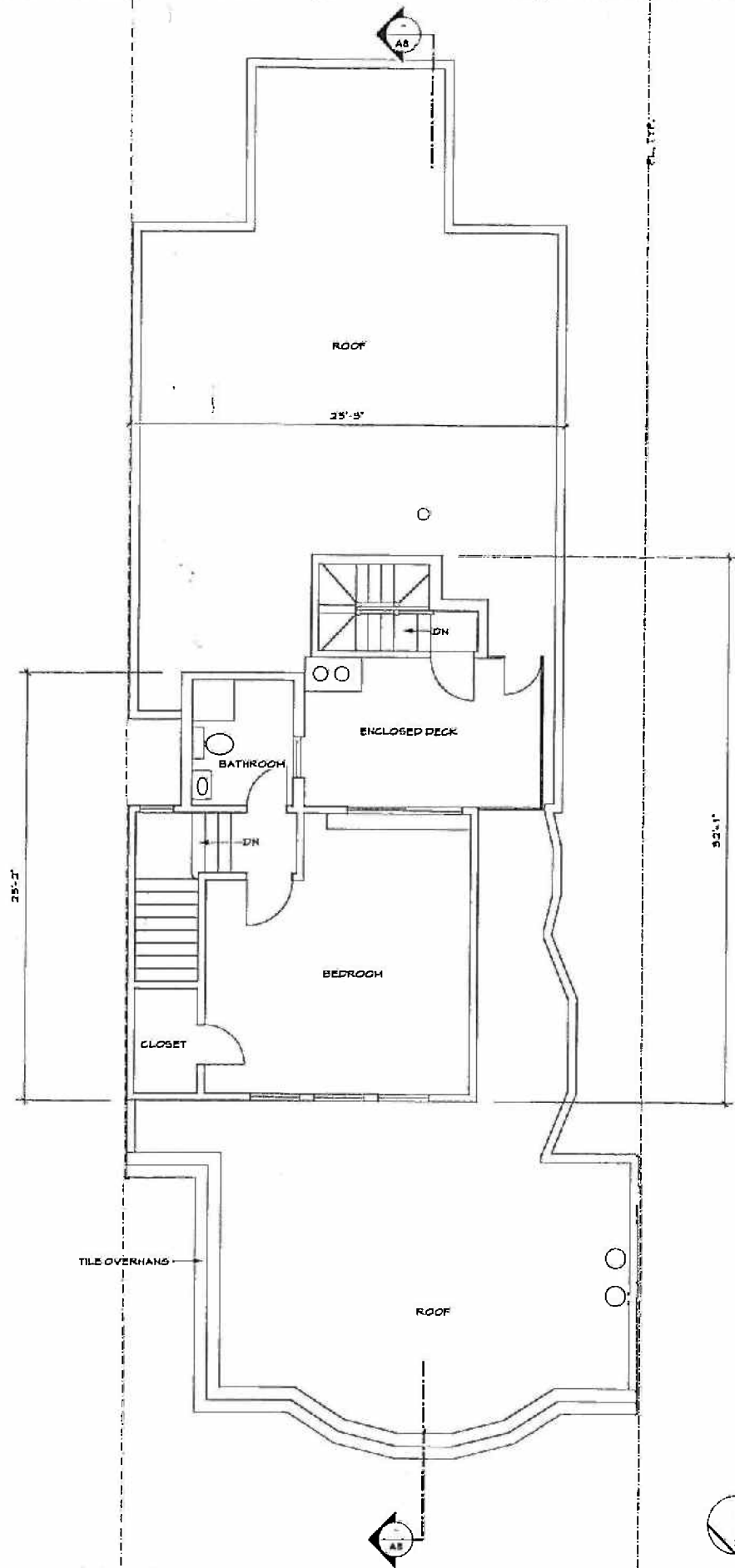
UZ/BDL

1/8" = 1'-0"

PROPOSED
 SITEPLAN
 ROOF PLAN

157 6/8/09

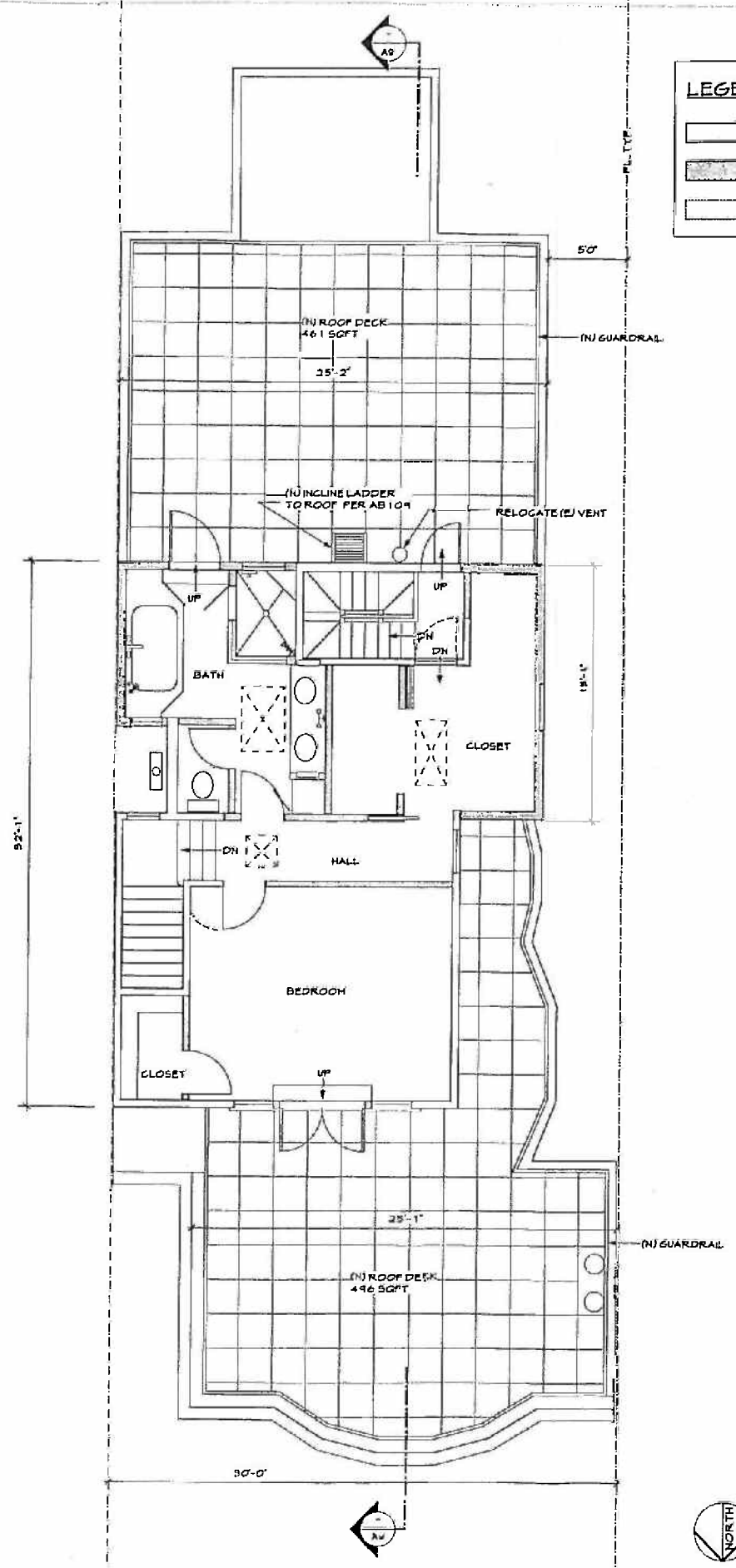
A1



(E) FOURTH FLOOR PLAN



1/4" = 1'-0"



PROPOSED FOURTH FLOOR PLAN



1/4" = 1'-0"

LEGEND

- AREA TO REMAIN
- NEW WORK
- AREA TO BE REMOVED

Greg De Lory, AIBD
 95 Brady St.
 San Francisco, CA 94103-1241
 Phone: 415.861.6400
 Fax: 415.861.7400
 greg@gregdelory.com

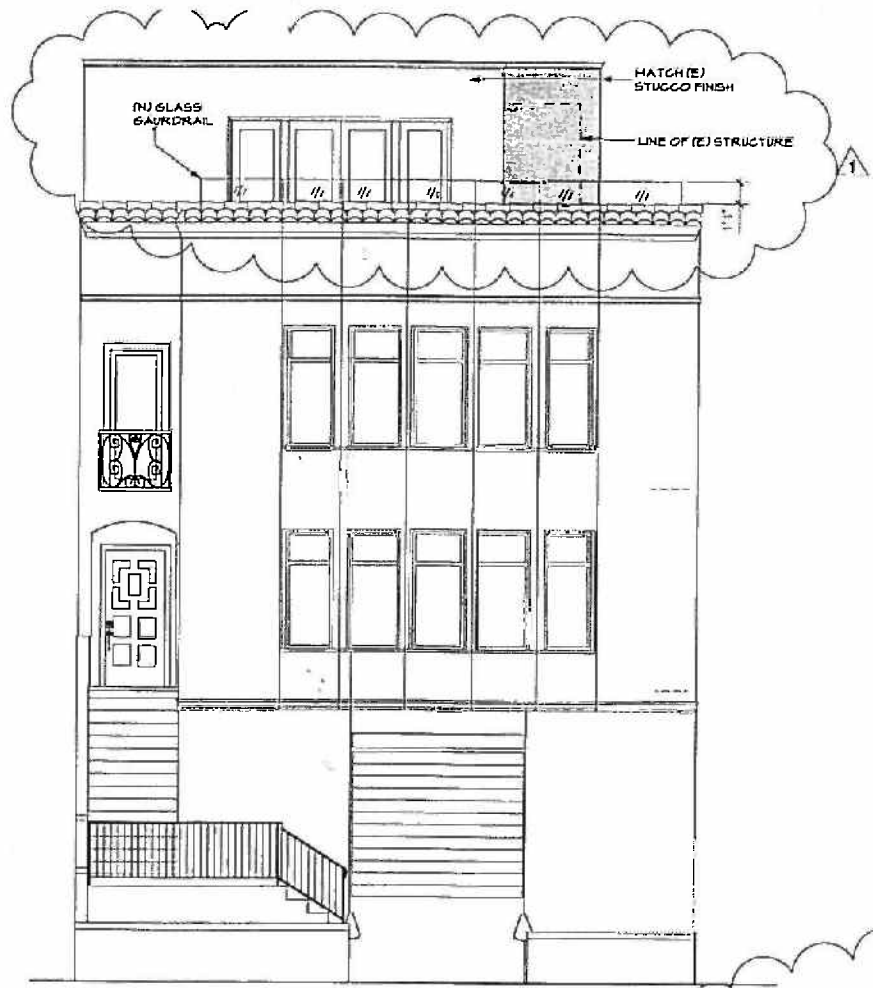
1017/19 Green Street,
 San Francisco
 Owner: Scott Haskins

CREATED FOR
 911 APPLICATION

Date	Revision
8/03/06	UZ

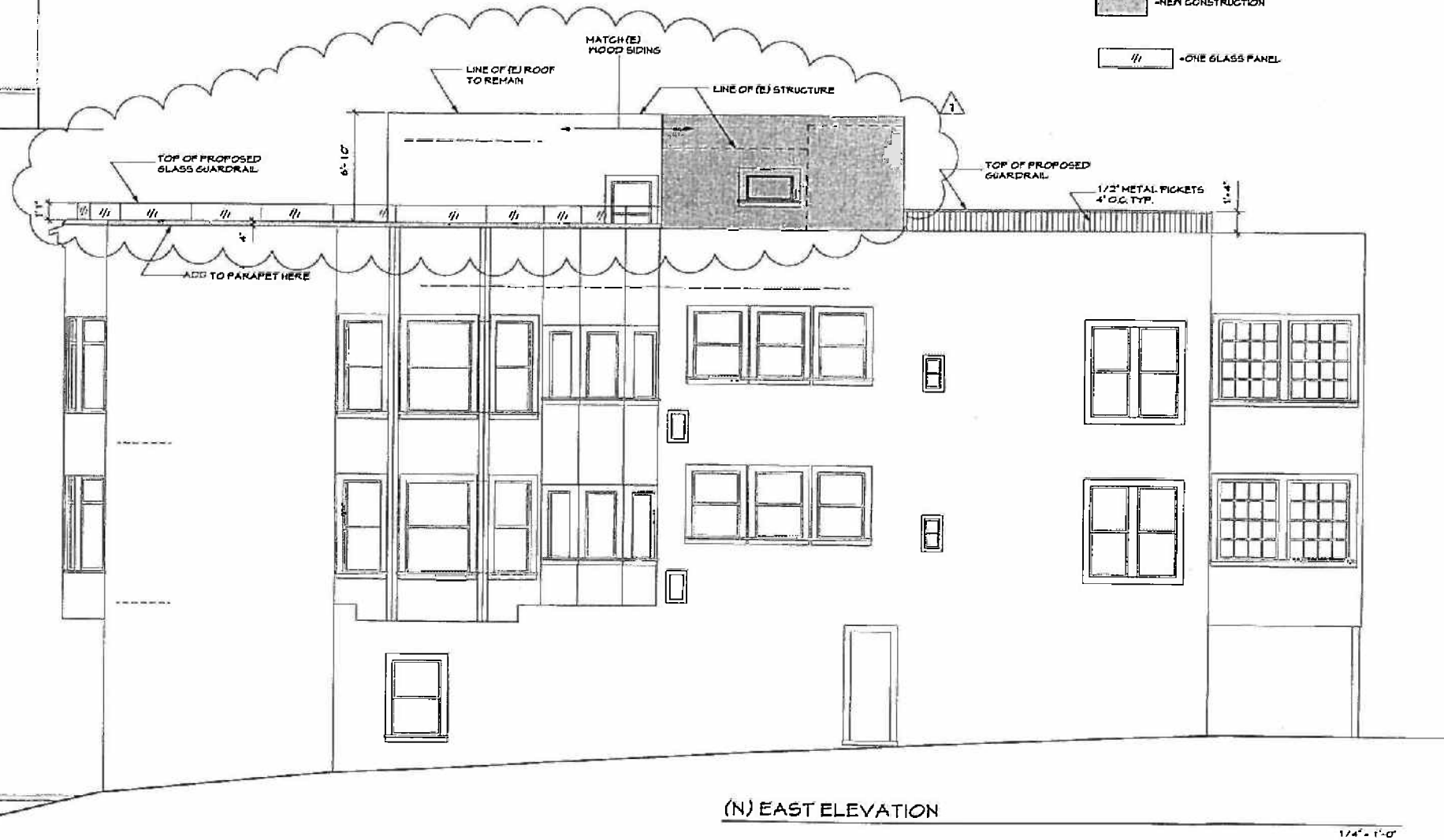
(E) & PROPOSED
 FOURTH FLOOR PLANS

15	8/8/06
1	



(N) NORTH ELEVATION

1/4" = 1'-0"



(N) EAST ELEVATION

1/4" = 1'-0"

- NEW CONSTRUCTION
 - ONE GLASS PANEL

Greg De Lory, AIBD
 95 Brady St.
 San Francisco, CA 94103-1241
 Phone: 415.861.8400
 Fax: 415.861.7400
 greg@gregdelory.com

1017/19 Green Street,
 San Francisco
 Owner: Scott Haskins

CREATED FOR
 311 APPLICATION

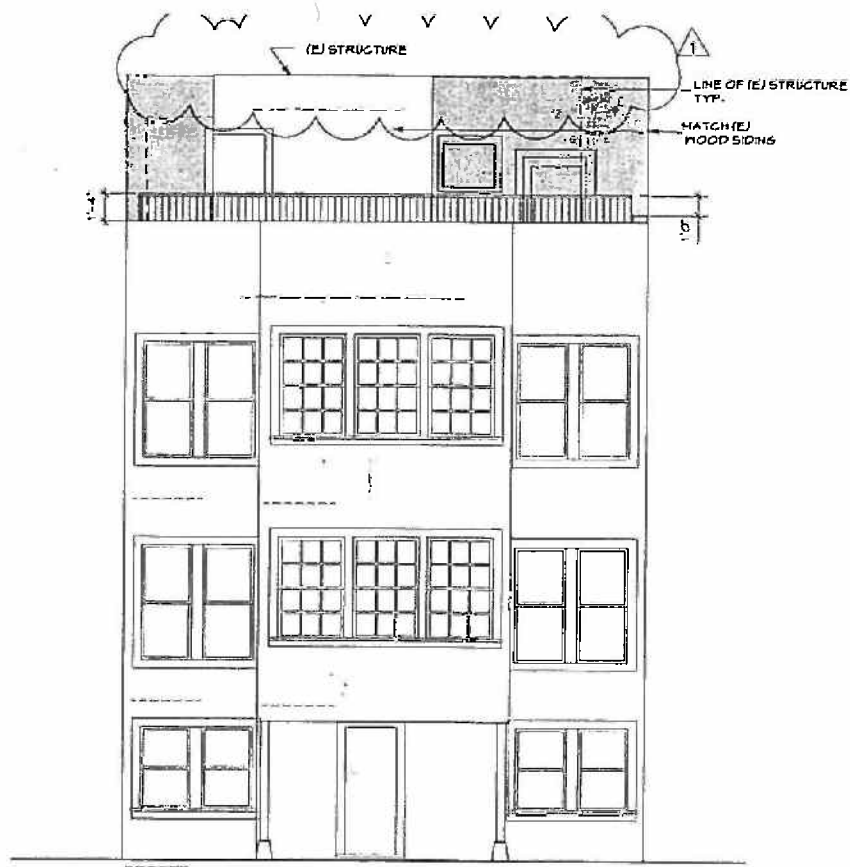
Date	Revision
5/24/09	6DL

1/4" = 1'-0"

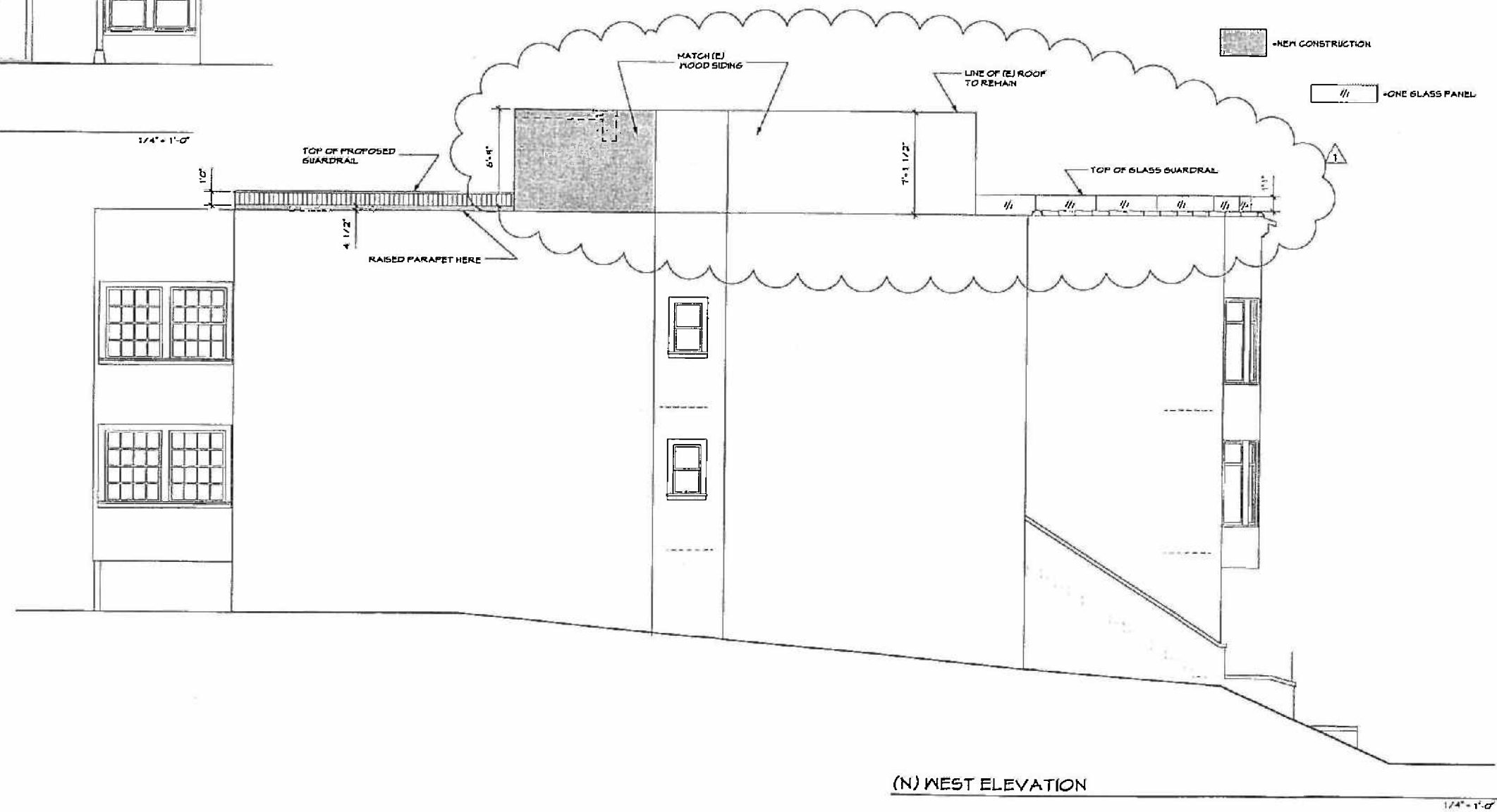
PROPOSED
 NORTH/EAST
 ELEVATION

1/1 6/18/09 1/28

A6



(N) SOUTH ELEVATION



(N) WEST ELEVATION

Greg De Lory, AIBD
 95 Brady St.
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 Phone: 415.861.8400
 Fax: 415.861.7400
 greg@gregdelory.com

1017/19 Green Street,
 San Francisco
 Owner: Scott Haskins

CREATED FOR
 B 1 1 APPLICATION

Date	Revision
6/24/09	EDL

Date	Revision
1/4" = 1'-0"	

PROPOSED
 SOUTH/WEST
 ELEVATION

157	6/8/09
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A7

