

(BOS)

From: Bruno [brunokanter@gmail.com]
Sent: Thursday, January 08, 2015 10:28 AM
To: BOS Legislation (BOS)
Cc: Carroll, John (BOS)
Subject: RE: Appeal of Categorical Exemption from Environmental Review for 312 Green Street - Supplemental Documentation from Planning
Attachments: 312 Green_Response to CEQA CatEx_Appeal.pdf
Categories: 141244

RECEIVED AFTER THE ELEVEN-DAY DEADLINE, BY NOON, PURSUANT TO ADMIN. CODE, SECTION 31.16(b)(5)
(Note: Pursuant to California Government Code, Section 65009(b)(2), information received at, or prior to, the public hearing will be included as part of the official file.)

Hi John,

Attached you'll find our response to the 312 Green CEQA CatEx Appeal filed by Zacks & Feedman. Please confirm receipt and if there is anything else you need from me.

Thank you,
Bruno Kanter

From: BOS Legislation (BOS) [mailto:bos.legislation@sfgov.org]
Sent: Monday, January 05, 2015 4:12 PM
To: 'mprofant@zulpc.com'; 'brunokanter@gmail.com'; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Sanchez, Scott (CPC); Jones, Sarah (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Tam, Tina (CPC); Conner, Kate (CPC); Wise, Viktoriya (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Jain, Devyani (CPC); Goldstein, Cynthia (PAB); Pacheco, Victor (PAB); ryanp@zulpc.com; Caltagirone, Shelley (CPC)
Cc: Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS); BOS Legislation (BOS); Lamug, Joy
Subject: Appeal of Categorical Exemption from Environmental Review for 312 Green Street - Supplemental Documentation from Planning

Good afternoon,

Please find linked below supplemental documentation received by the Office of the Clerk of the Board from the Planning Department, concerning the Categorical Exemption appeal for 312 Green Street.

[Planning Memo - 1/5/2015](#)

You are invited to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 141244](#)

The appeal hearing for this matter has been continued to a 3:00 p.m. special order before the Board on January 13, 2015.

Thank you,

John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax
john.carroll@sfgov.org | board.of.supervisors@sfgov.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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Bruno and Suzanne Kanter
312 Green Street
San Francisco, Ca. 94133
brunokanter@gmail.com

January 8, 2015

President Katy Tang
C/o Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

**Re: 312 Green Street
Owner Response of Appeal of CEQA Categorical Exemption Determination
Planning Case No. 2012.0635E and 2013.1652DV
Permit Application No. 2013.11.13.1794**

Dear President Tang and Honorable Members of the Board of Supervisors,

This is a response to the appeal of the CEQA Categorical Exemption Determination submitted by Ryan Patterson, attorney from Zacks & Freedman, on behalf of Jack Oswald and Anneke Seley, owners of the adjacent property at 310 Green Street.

I am a licensed LEED accredited architect in the State of California with over 25 years of professional experience and numerous successfully completed projects in the Bay Area and beyond, including historic preservation projects.

My family and I have lived in North Beach as renters for decades. We purchased our first home, 312 Green Street (the subject property), in September 2011 to renovate as a private residence for use by my family and my aging parents. Our five month old daughter Simone is a San Francisco native. She, her grandparents and my wife and I very much look forward to continuing to live in the neighborhood we love so much as our family grows.

We are confident that you will find the approach to designing the project and the reviews undertaken by multiple professionals and government agencies to be thorough and complete. We have not seen new information to substantiate an appeal of the CEQA Categorical Exemption granted by the City Planning Department two (2) years ago. Other qualified government bodies have also come to the same conclusion.

After multiple meetings with the Appellant (see Exhibit 1 for a Timeline), we are very disappointed at the lack of good faith efforts by them to come to the table to talk reasonably and consider our needs in conjunction with their own. **Only after repeated government support of our project has the Appellant offered 'mediation' as yet another ploy to delay our project. Simply put, we have already gone through a reasonable and lengthy mediation process with the Planning Department.** Despite the lack of any semblance of cooperation on the Appellants' part over the past eighteen months, we have made an exhaustive effort to meet with

other neighbors and the department staff to modify the design, meet the goals of the Residential Design Guidelines and be good neighbors.

This is a simple and straightforward renovation of a distressed property in much need of repair and improvement to make it safe, sound and sustainable (seeking LEED certification) for the neighborhood's benefit as well as our own. **All code and zoning requirements for the property have been met or exceeded.**

The project enjoys the support of the department's Preservation Team, the Residential Design Team and the Zoning Administrator. By unanimous decision, the Planning Commission recently affirmed the Categorical Exemption, did not take Discretionary Review, and approved the building permit. Our project also enjoys overwhelming community support as exhibited by the 40 letters in the department's Discretionary Review Analysis (see Exhibit 5 for list of names or for the complete document and support letters at the following link.)

<http://commissions.sfplanning.org/cpcpackets/2013.1652DV.pdf>

This appeal is a part of numerous diversionary actions that the Appellant has taken to stall this project. In addition to this appeal, we are to present to the Board of Appeals on February 11, 2015. Below is a list of government reviews and dates completed – and their conclusions. (For a comprehensive Timeline see Exhibit 1.)

January 15, 2013:	Planning Dept. Preservation Team issues CEQA Categorical Exemption for 312 Green St.
May 7, 2014:	Planning Department's Residential Design Team (RDT) Review supports project
September 11, 2014:	RDT Review of the Discretionary Review Application; continue support of project due to non-Code or Guideline issues
October 23, 2014	Discretionary Review Hearing - unanimous decision by Commission to NOT take DR.
November 20, 2014	Zoning Administrator grants Rear Yard Variance

During this unusually lengthy process, we have made numerous design concessions to address the Appellant's concerns as well as those of our other neighbors (please see attached drawings in Exhibit 2.) Through our design efforts and multiple meetings beginning in May of 2013, it has become clear that, **in spite of all our concessions, the Appellant has contested every proposal that either contains the same number of floors as their own four story property or has minor impacts on views from their roof deck.** Our proposed floor area is only 75% of Appellant's property and our building height is significantly shorter than the Appellant's were the two properties on equal ground. It is only by nature of being the house at the crest of the hill that the proposed building height approaches the top elevation of the Appellant's property.

With no interest in the 'preservation' of our property until now, we are finding that Appellant continues to use an otherwise legitimate review process to delay and impede the progress of this simple project. The Appellant has consistently distorted the portrayal of facts throughout the department design review process, the request for Discretionary Review and the latest appeal of the Categorical Exemption and the appeal of the granted Variance. They have exacerbated the situation by reporting us for code violations inherited from the previous owners.

Well-regarded San Francisco preservation architect, Mr. Arnie Lerner, has offered to comment (in his attached letter) on the Appellant's attorney's assertions and the memorandum from Garavaglia Architects. Mr. Lerner addresses in detail the claims made by the Appellant's consultants regarding the CEQA Categorical Exemption for our home. His summary conclusions are as follows:

- The property is NOT located in the historic district and if it were, a small two story building would not be unique in the district's broader urban context.
- San Francisco's own urban policies support the completion of urban façade and integration of the street block.
- The proposed design will match the character, massing and scale of the block face and especially the adjacent four story buildings, including the Appellant's.
- The subject property has lost its integrity and is an isolated example of an ordinary small structure located in an area that is not environmentally sensitive.

In addition to Arnie Lerner's review, note that we have taken extensive actions to collaborate with our neighbors and develop a sensible plan that addresses the needs of the block as well as our needs:

- We have worked closely with neighbors and the Planning Department's Residential Design Team to submit a design that is sensitive to the neighborhood context and meets the intention of the Planning Code and Residential Design Guidelines. The submitted design enhances the property, increases health, safety, welfare and sustainability of the area, and maintains the same scale and pattern of the neighborhood and block. We have proposed a structure more modest in height, square footage, and massing than that of the Appellant's (see Exhibit 2).
- We have made every effort to maintain natural light and privacy between our and all adjoining properties. Despite being the smallest lot on the block it appears that we are the *only* property to have provided *two opposite* lightwells.
- We will be an owner-occupied multigenerational residence, in contrast to the neglected, unoccupied property owned by the Appellant which has been in a state of incomplete, stagnant construction for many years (see complaints Exhibit 8).

You may have noticed many non-CatEx-related issues have been submitted with the appeal. They have already been reviewed and determined to be non-issues by experienced department planners, the department's Residential Design Team, the Zoning Administrator, and the Planning Commission. We have summarized our previous responses to these claims in the attached table. For a more detailed description, please see the department's Discretionary Review Analysis (Exhibit 5).

In conclusion, we are long-term residents of the area who are seeking to improve the neighborhood through direct and personal investment in a distressed property. In its current state, parts of the building including the roof and façade are dilapidated and in desperate need of repair. We are interested in the careful stewardship of historic resources (which 312 Green Street is not) that characterize this beautiful city of ours. We are also equal stakeholders in the

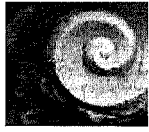
forward-looking sustainable city San Francisco strives to become. Our home is designed to fit the context of the block while incorporating green building principals such as densification, passive solar heating, natural daylighting and efficient water management. This multigenerational home is also designed to be fully accessible to accommodate my elderly parents who will be living with us.

We are seeking a timely resolution to the review of the Appellant's claim that there are exceptional or extraordinary circumstances that relate to the project. **Our own experts as well as San Francisco's governing bodies have found that there are no exceptional or extraordinary circumstances related to the Categorical Exemption of this project.** We are confident that you will come to the same conclusion.

We hope that the Appellant will come to see that we have proposed a very reasonable building which conforms with all codes and guidelines while taking into account their needs and the benefit of the community at large.

Sincerely,

Bruno and Suzanne Kanter



LERNER + ASSOCIATES
ARCHITECTS

January 07, 2015

President Katy Tang
C/o Angela Calvillo, Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: 312 Green Street
Letter in OPPOSITION to Appeal of CEQA Categorical Exemption Determination
Planning Case No. 2012.0635E
Building Permit Application No. 2013 .11.13 .1794

Dear President Tang and Honorable Members of the Board of Supervisors:

I have been asked by the project sponsors, Bruno and Suzanne Kanter, to review and comment on the CEQA Categorical Exemption Determination and historic preservation issues raised by the appellant's attorney and by a memorandum from Garavaglia Architects.

I have reviewed in detail the proposed project and the Garavaglia Architects letter and it is my professional opinion that there is no basis for supporting the appeal of the Categorical Exemption granted by the City Planning Department.

My qualifications to render such an opinion are:

- I have been a practicing preservation architect in San Francisco for the past 31 years;
- I am a former staff architect for San Francisco Heritage;
- my experience and education exceed the Secretary of the Interior's Professional Qualifications Standards for Historic Architects;
- I serve as the Historic Preservation representative on the Department of Building Inspection's Code Advisory Committee; and
- I am a recipient of numerous awards for preservation design from the Governor of California, the California Preservation Foundation, and the Art Deco Society of California.

The preservation issues raised by the appellant are contained in a memorandum dated November 21st, 2014, from Jacqui A. Hogans, Architectural Conservator for Garavaglia Architects. In the memorandum, Ms. Hogans expresses her concerns regarding the proposed project and its impact on the surrounding area's historic character.

The following are Ms. Hogans' point-by-point concerns, my responses to them, and my comments on why the project should remain exempt:



Issue 1: “The existing massing of 312 Green Street is in line with the historic urban context of the Telegraph Hill area.”

Response 1: This is not an accurate description of the Telegraph Hill Landmark District and its “urban context.” The Planning Department’s summary of the district is as follows:

“This eclectic hillside historic district features the largest concentration of pre-1870s buildings in San Francisco. The residential district features small-scale dwellings accessible only via narrow pedestrian-only lanes and staircases, as well as larger, iconic Modern buildings such as Richard Neutra’s Kahn House and the Streamline Moderne Malloch Apartment Building.”

312 Green Street is not pre-1870, not a small-scale dwelling accessible only via narrow pedestrian-only lanes or an iconic Modern building. This is among the reasons it is not part of the historic district or its “urban context.”

Issue 2: “Even though much of the building’s historic and material integrity has been compromised, the massing—its two-story design fits in with the surrounding buildings—is appropriate for the area.”

Response 2: This is a mischaracterization of the actual context. The 2 story (brown shingled) building does anything but fit in with the surrounding buildings as shown by the following block face photograph. The actual surrounding buildings are 4 stories in height. (The appellant’s building is the black 4 story building next to the subject property.)



Subject Bldg.	Appellant’s Bldg.
312 Green St.	310 Green St.

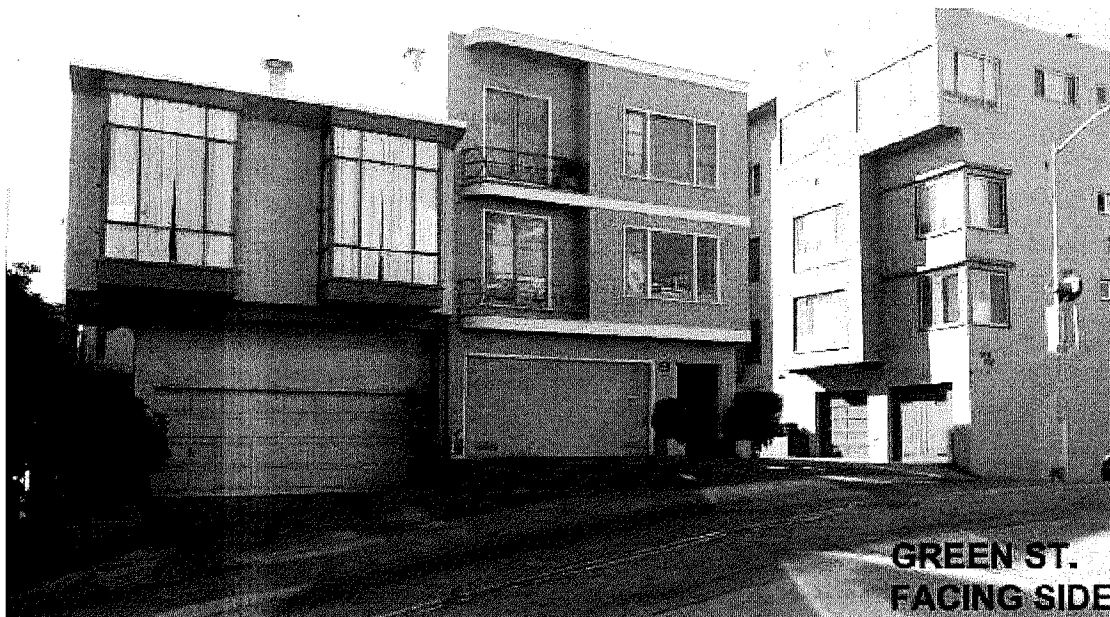


Issue 3: “While not within the Telegraph Hill Historic District, 312 Green Street is typical of the scale of the residences constructed in the area after the 1906 earthquake and fires. The area consisted primarily of small-scale residential buildings of various architectural styles.”

Response 3: In reviewing Appendix G to Article 10 - Telegraph Hill Historic District, the district and urban context is defined as “a unique expression of the pattern of development which took place on the east slope of Telegraph Hill from 1850 to 1939.” The district and its urban context are characterized much more broadly than simply small buildings built after the earthquake thereby making **a single two story building not unique in this broader context.** Note also the Appellant's comment cites that 312 Green Street is **not within the Telegraph Hill Historic District – which is accurate and further diminishes this argument.** In looking at the adjacent district, it is also inaccurate to say “The subject property is one of the last remaining structures, in terms of size and shape, from the post-1906 to 1915 reconstruction period.” As noted previously, the district contains an eclectic mix of large and small scale buildings and this is not one of the last ones.

Issue 4: “If the proposed alteration is to take place, which includes the addition of two floors, then the block's original character will be obliterated.”

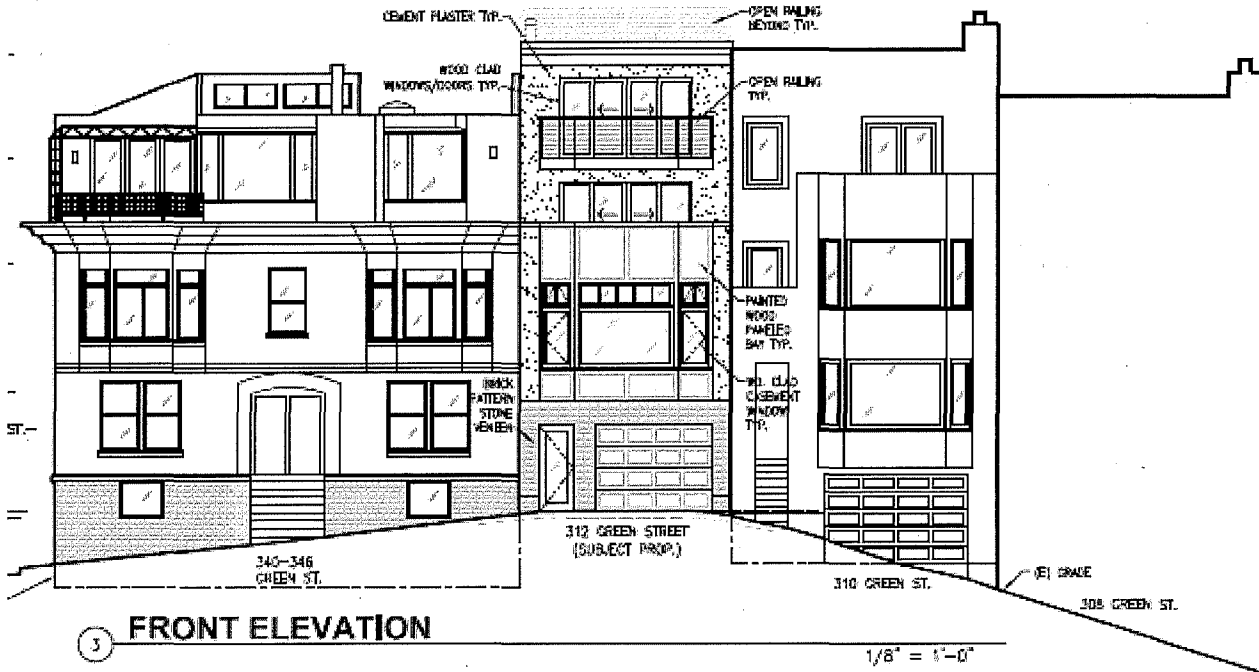
Response 4: The actual block, as shown on the previous page and below (across the street), is not characterized by small buildings as claimed and the character of the existing block will not be “obliterated.” In fact, it will be enhanced as the new design will match the character, massing and scale of the block face and especially the appellant's building.





Issue 5: "It will tower over the building at 340-346 Green Street, further changing the small-scale character of the area."

Response 5: The character of the area is not small scale as claimed. In addition, the proposed addition will not, by any stretch of the imagination, tower over the appellant as claimed. In fact, **the appellant's building will remain taller than the proposed subject building** relative to the street topography as shown in the elevation drawing below:



Issue 6: In addition, the appellant's claim that:

"The Project is not rightly subject to a CalEx under Guidelines Section 15301 (e) because the Project will likely have significant unmitigated environmental impacts that have not been analyzed by the City and that are unusual for minor alteration projects. "[Where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances," usage of categorical exemptions is not permissible. CEQA Guidelines § 15300.2(c). Effects on aesthetics and cultural resources can qualify for the "unusual circumstances" exception. Communities for a Better Env't v. California Res. Agency, 103 Cal. App. 4th 98,129 (2002), as modified (Nov. 21, 2002)."

Response 6: As shown in Responses 1-5, the building has lost its integrity, is an isolated example of an ordinary small structure located in an area that is not environmentally sensitive, there are no "unusual" circumstances, and the proposed structure, from a residential design standard of a unifying block face concept, is appropriate for its context. The City and County of San Francisco adopted regulations that specifically define what is and what is not a significant effect on the environment when they adopted the following:



[Revised and Adopted by the San Francisco Planning Commission
Resolution No. 14952, August 17, 2000]

CATEGORICAL EXEMPTIONS FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) and the Guidelines for implementation of CEQA adopted by the Secretary of the California Resources Agency require that local agencies adopt a list of categorical exemptions from CEQA. Such list must show those specific activities at the local level that fall within each of the classes of exemptions set forth in Article 19 of the CEQA Guidelines, and must be consistent with both the letter and the intent expressed in such classes.

In the list that follows, the classes set forth in CEQA Guidelines Sections 15301 - 15332 are shown in bold italics, with further elaboration or explanation for applying these exemptions in San Francisco shown in normal upper- and lower-case type. The Secretary of the California Resources Agency has determined that the projects in these classes do not have significant effect on the environment, and therefore are categorically exempt from CEQA. The following exceptions, however, are noted in the State Guidelines.

First, Classes 3, 4, 5, 6, 11, and 32 are qualified by consideration of where the project is to be located. A project that would ordinarily be insignificant in its impact on the environment may, in a particularly sensitive or hazardous area, be significant.

None of the exceptions listed above applies. The City has already determined that this block is NOT a particularly sensitive or hazardous area and falls outside of any historic district. Below is the applicable categorical exemption:

CLASS 1: EXISTING FACILITIES

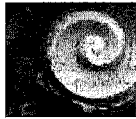
Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of existing facilities itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

- (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or**
- (2) 10,000 square feet if:**
 - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and**
 - (B) The area in which the project is located is not environmentally sensitive.**

Where public services are already available for the maximum development allowable and where the area is not historically significant, or subject to landslide hazard, the 10,000-square-foot addition will normally apply in San Francisco. In an area where services are not available for maximum permitted development, the 50 percent or 2,500-square-foot limitation will apply.

The proposed alteration falls under Class 1(e)2 above, which normally applies in San Francisco and is not in an area that impacts public services and facilities or is environmentally sensitive. [o1]



To further underscore the importance of integrity of massing and design appropriate to its surroundings, I include a section of the San Francisco Urban Design policy below. As noted in the submittals, the proposed project will enhance the integrity of the block's massing by aligning the design and scale with adjacent and surrounding properties. The design emphasized meeting urban design policy 1.3 which as described will enhance the overall experience of the block and neighborhood:

From: http://www.sf-planning.org/ftp/General_Plan/15_Urban_Design.htm#URB_CPN_1_3

Policy 1.3

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

Buildings, which collectively contribute to the characteristic pattern of the city, are the greatest variable because they are most easily altered by man. Therefore, the relationships of building forms to one another and to other elements of the city pattern should be moderated so that the effects will be complementary and harmonious.

The general pattern of buildings should emphasize the topographic form of the city and the importance of centers of activity. It should also help to define street areas and other public open spaces. Individual buildings and other structures should stand out prominently in the city pattern only in exceptional circumstances, where they signify the presence of important community facilities and occupy visual focal points that benefit from buildings and structures of such design."

This policy is a leading criteria for projects in the San Francisco urban setting and the proposed project meets this more important standard.

Lastly, **the Appellant uses the term "minor alteration" out of context in an attempt to draw attention away from how this term is actually applied and the Board should not be fooled by this diversionary tactic.** There is no basis for this comment.

The building qualifies for the exception noted above and the City Planning department has correctly determined the alterations (however you want to classify them) are exempt from further CEQA considerations.

In summary, I find the appellant's assertions to be **inaccurate and not representative of the existing neighborhood context or the proposed design.**

- The subject 2 story building does not currently fit in with the surrounding buildings (as most buildings surrounding the property are already 4 stories high).
- The district and its urban context are characterized much more broadly than simply small buildings built after the earthquake. The urban pattern was comprised of buildings spanning from 1850 to 1939, thereby making a single 2 story building not unique in this broader context.



- Lastly, the new design will enhance the block as it will match the character, massing and scale of the block face and especially the appellant's building.

I also urge you to not be swayed by the appellant's attorney's threats of further legal action against this young family with a newborn child. On behalf of the project sponsor, I respectfully request the Board of Supervisors to uphold the CatEx determination, allow the Kanter's to enjoy their property rights (just as the appellant enjoys theirs and will continue to do after this project is built), to expand for their family's needs, and to not require further environmental review pursuant to CEQA.

Sincerely,

Arnie Lerner, AIA, CASp

Digitally signed by Arnie Lerner
DN: cn=Arnie Lerner, o=Lerner + Associates
Architects, ou, email=arnie@lernerarch.com, c=US
Date: 2015.01.07 16:31:11 -08'00'

RESPONSES TO 'APPEAL OF CEQA CATEGORICAL EXEMPTION DETERMINATION' FOR 312 GREEN STREET

NO.	APPELLANT'S CLAIM	WHERE FOUND	HOME OWNER RESPONSE	REFERENCE	EXHIBIT
1	"The Project received a CatEx under CEQA Guidelines Section 15301(e), for a minor alteration of an existing structure. However, the proposed Project is anything but minor. It will approximately double the height and triple the living-space square-footage of the circa 1907 home."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.1	Claim is not accurate. Our proposed project will only add 1/2 existing floor area to the structure; the result is less square footage than other buildings in the area (less than 75% of the Appellant's floor area).	Dept. supported drawing sht A1.0 (Rev. 3, 5-22-14)	
			San Francisco's Planning Department concluded that, " project is exempt/excluded from environmental review pursuant to CEQA Guideline Sect. 15301(e)... , addition will not result in an increase of more than 10,000 square feet."	Discretionary Review Analysis Conclusion Oct. 16, 2014	5
2	"The subject property is one of the last remaining structures, in terms of size and shape, from the post-1906 to 1915 reconstruction period. While the fabric and facade of this building have been altered, it is one of the few remaining structures from this period in the area that maintains its original size and shape."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.1	The structure is not significant. This claim infers importance of the small structure. Two (2) years ago the Planning Department Preservation Team determined the house to NOT be "an individual resource or as a contributing resource to a district." Further, " distinctive period details and original form have been removed or altered " and " does not retain integrity from this period and is not an important example of reconstruction architecture. "	CEQA Categorical Exemption Determination, Jan. 15, 2013	
			The proposed home is NOT part of the Telegraph Hill Landmark District which is on the east side of the hill. Even if it were, the district and its urban context are characterized much more broadly than simply small buildings built after the earthquake thereby making a single two story building not unique in the broader context.	Preservation Architect, Arnie Lerner	
			The RDT determined that the " proposed overall scale, design, and fenestration pattern is consistent with neighborhood character. There are many other full four-story buildings in the neighborhood, and the proposed 3rd and 4th stories are appropriately set back five feet from the existing front building wall and serves as a transition between the setbacks of the neighboring four-story buildings. " "The project is comparable to the others in the immediate context in terms of square footage and lot size."	Discretionary Review Analysis Oct. 16, 2014	5
				Block Map of Bldg. Stories	3

RESPONSES TO 'APPEAL OF CEQA CATEGORICAL EXEMPTION DETERMINATION' FOR 312 GREEN STREET

NO.	APPELLANT'S CLAIM	WHERE FOUND	HOME OWNER RESPONSE	REFERENCE	EXHIBIT
3	"The Project is not rightly subject to a CalEx under Guidelines Section 15301 (e) because the Project will likely have significant unmitigated environmental impacts that have not been analyzed by the City and that are unusual for minor alteration projects. "[W]here there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances," usage of categorical exemptions is not permissible. CEQA Guidelines § 15300.2(c). Effects on aesthetics and cultural resources can qualify for the "unusual circumstances" exception. <i>Communities for a Better Env't v. California Res. Agency</i> , 103 Cal. App. 4th 98,129 (2002), as modified (Nov. 2 1, 2002)."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	Government and professional reviews have found no unusual circumstances which warrant environmental review. Our proposed home is NOT part of the Telegraph Hill Landmark District which is on the east side of the hill. The area around our house is an eclectic mix of large and small scale buildings. The existing house is not a historically significant defining element of the neighborhood. The proposed design has been determined to be consistent with the neighborhood character. In the appeals case cited by the Appellant, the defendant -- the California Resources Agency argues that, " these statements cannot be read so broadly as to defeat the very idea underlying CEQA section 21084 of classes or categories of projects that generally do not have a significant effect on the environment. " The judgement was affirmed in favor of the California Resources Agency.		

ADDITIONAL ITEMS ALREADY DETERMINED TO BE "NON-ISSUES" BY PLANNING DEPARTMENT & PLANNING COMMISSION

NO.	APPELLANT'S CLAIM	WHERE FOUND	HOME OWNER RESPONSE	REFERENCE	EXHIBIT
4	"Project does not comply with the Residential Design Guidelines , as detailed in the enclosed materials."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	This is incorrect. The proposal complies with the Planning Code, the General Plan and conforms to the Residential Design guidelines. Reasons that the Planning Commission did overrule the D.R. are that, "There are no extraordinary or exceptional circumstances in the case and the project as reviewed fully met the requirements per the Planning Department.	Discretionary Review Action DRA-0387	4
5	"Since the subject property is at the crest of a hill, the Project's additional height and bulk will disrupt the existing massing patterns on the block. At a minimum, the addition should be set further back from the front to differentiate the new vertical addition from the original structure (contextual massing)."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	This is completely untrue. The existing structure looks inconsistent and odd with the scale of its surroundings. The proposed design with allow the property to conform to block massing. As determined by the Residential Design Team (RDT): "the proposed overall scale (4 stories)...is consistent with neighborhood character. There are many other full four-story buildings in the neighborhood , and the proposed 3rd and 4th stories are appropriately set back...and serves as a transition between the setbacks of the neighboring four-story buildings"	Discretionary Review Analysis Oct. 16, 2014	5

ADDITIONAL ITEMS ALREADY DETERMINED TO BE "NON-ISSUES" BY PLANNING DEPARTMENT & PLANNING COMMISSION					
NO.	APPELLANT'S CLAIM	WHERE FOUND	HOME OWNER RESPONSE	REFERENCE	EXHIBIT
6	"The proposed structure will create a wall, blocking wind flow and substantially impacting air circulation." "It will also reduce the amount of natural light entering Appellant's dining room, bedroom, and bathroom."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	Concerns of light and air have been addressed by the significant reduction of the proposed building mass and concession to add a second lightwell. In spite of being the narrowest lot on the block, our home as proposed would be the only one to have two lightwells. The senior planners of the RDT state, "The proposed light well meets Residential Design Guidelines in terms of size and alignment." and the proposed project, "will have a negligible change to light and air for the neighboring rear yards."	See Residential Design Team (RDT) review 9/11/14	6
			The Appellant illegally infilled the light well that connects his property with the proposed project and boarded over our only east facing window. If light was such a big concern, they should have considered blocking light more carefully before taking these unfortunate actions. These actions are not consistent with Appellant's claimed concerns.	See DBI complaint No. 201073954	8
7	"The proposed structure will cast a shadow in the mid- to late afternoon on Appellant's decks, solar panels, and rear yard."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	Be aware that all of the Appellant's solar expert's illustrations are portrayed with the lowest sun angle- in the late afternoon/evening casting shadows that are at their longest. These are not accurate representations of the rest of the day - when the solar panels enjoy full unobstructed access to the sun.	See Appellant's exhibit ...	
			Furthermore, the Appellant's solar expert's illustrations lack references. Without references (e.g. source of data, year and time of depiction, second opinion on accuracy, etc), it is unclear if these illustrations model or represent the situation accurately at all.	See Appellant's exhibit ...	
			Appellant's own expert admits to only a 6% net solar array yearly average overshadowing, occurring at sunset hours - which at those hours have been shown to contribute an insignificant amount of energy to the system. As we are proposing a green LEED certified building, we would like to see the Appellant's building contribute to sustainability as well. We have taken great care to maintain solar access to the neighbor's photovoltaics.	See Appellant's exhibit ...	

ADDITIONAL ITEMS ALREADY DETERMINED TO BE "NON-ISSUES" BY PLANNING DEPARTMENT & PLANNING COMMISSION					
NO.	APPELLANT'S CLAIM	WHERE FOUND	HOME OWNER RESPONSE	REFERENCE	EXHIBIT
			Lastly, there is no policy which protects a right to solar access and to restrict development on a property as a result in the Planning Code. Rightly so, if the law protected a solar system owner from shading by structures subsequently built by neighbors, then installing a solar system would constitute a pretty clear "taking" of the neighbors' land use opportunities.	See San Francisco Planning Code	
			The RDT determined that, "The proposed rear extension matches the building depth of the neighboring buildings and will have a negligible effect on neighboring rear yards' access to light and air."	Discretionary Review Analysis Oct. 16, 2014	5
8	"The proposed roof deck will tower over Appellant's deck and a sufficient setback between the two decks has not been provided, impacting privacy."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	This claim has already been addressed by the concession design. Parapets and a stair penthouse providing privacy between roof tops in the initial design were removed from the project in response to the Appellant's concern for rooftop views over our property. Also, the expectation of having, or requiring, full privacy on one's rooftop deck in a dense urban setting such as San Francisco, is unrealistic. A proposed "green" roof would act as a buffer between decks.	Residential Design Guidelines	
9	"The Project's floor area-to-lot size ratio is substantially larger than that of other properties in the surrounding neighborhood."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	While this may be true, the calculation does not apply to this project. If it did, it would be virtually impossible to achieve uniformity in block massing throughout the city, a critical urban design policy, as most properties are unique in size. Section 124 of the Planning Code states, ". . . Floor area ratio limits shall not apply to dwellings or other residential uses." Our proposed total floor area will be substantially less than the other buildings in the area and less than 75% of the Appellant's own floor area. Densification is a tenet of green building principals. Our proposed design meets the needs of housing our multigenerational family.	San Francisco Urban Design Policy 1.3, Sect. 124 of Planning Code, RDT review 9/11/14	6

ADDITIONAL ITEMS ALREADY DETERMINED TO BE "NON-ISSUES" BY PLANNING DEPARTMENT & PLANNING COMMISSION					
NO.	APPELLANT'S CLAIM	WHERE FOUND	HOME OWNER RESPONSE	REFERENCE	EXHIBIT
10	"The effect of the structure will be to limit views of the city to the west from Appellant's property and will obstruct views from surrounding properties as well."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	The exact impact to views are unsubstantiated. Per the Residential Design Guidelines, "Views from this private building and deck are not protected." This is in fact the one true concern of the Appellant as stated by him in our outreach meetings. We have already made numerous concessions in order to minimize the impact of his view over our property and both the department's Residential Design Team and the Planning Commission have found that the design has already substantially responded to this concern.	Residential Design Guidelines p. 18	
11	"The Project likely constitutes a de facto demolition of the existing building, not a remodel or minor alteration. There will be almost nothing left of the original structure if the Project is built as proposed."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	The proposed remodel of the existing building in no way constitutes a demolition pursuant to Zoning Controls. Per green building principals we intend to Reduce, Reuse, and Recycle as much of the house as possible. It is in our best interest to maintain as much of the existing structure as possible. After decades of deferred maintenance we are making a considerable investment to renovate and enhance the physical condition and safety of this house.	Zoning Controls on the Removal of Dwelling Units	
12	"The Project does not provide the minimum seismic separation between the proposed additions and the adjacent structures. As a result, during an earthquake the new third and fourth floors may pose a danger to the adjacent structures due to earthquake pounding."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	As required for City approvals, our home will be engineered and retrofitted to meet the latest seismic standards and vetted by the Department of Building Inspection as was the Appellant's building before us. Zero lot-line conditions exist up and down the entire block face, and the majority of San Francisco's denser neighborhoods could be cited with this concern.		
13	"The proposed Project will require foundation work that could undermine and destabilize adjacent soil and foundations of the adjacent buildings. Excavation for the Project likewise implicates significant runoff and drainage concerns given the Project's location at the crest of a hill."	Zacks & Freedman CEQA Exemption Appeal Letter, Nov. 24, 2014, p.2	Seismic retrofit is not only encouraged by the City, but it has become mandatory through the Soft Story Program. With a major earthquake expected at any time, the seismic upgrade of the house not only protects our safety and investment, but also that of the neighbors and the community at large. Proper drainage and run-off mitigation would be implemented as in any improvement project. Further this project will actually reduce run-off through green strategies of rainwater harvesting and green roof storm water retention.	Ordinance No.54-10, AB-094	

PROJECT SPONSER EXHIBIT INDEX

- 1. 312 Green Street Design Timeline and Summary of Activities**
- 2. Approved Subject Building Drawings – showing concessions**
- 3. Block Map - showing building stories**
- 4. Discretionary Review Action DRA-0387**
- 5. Discretionary Review Analysis Oct. 16, 2014**
- 6. Planning Department Residential Design Team (RDT) review 9/11/14**
- 7. Variance Decision**
- 8. History of Complaints By and Against Appellant**

EXHIBIT-1.

312 Green Street Design Timeline and Summary of Activities

312 Green Street Design Timeline and Summary of Activities

of years since Categorical Exemption = 2

of design meetings with Appellant = 3

of Government reviews completed & approved = 5

2004: Records show Appellant, Jack Oswald and Anneke Seley, buy adjacent property, 310 Green St.

November 13, 2007: Oswalds file for remodel permit (construction incomplete to this day)

October 8, 2010: Previous Owner of subject property, Marshall Hydorn, writes to Planning and Building Departments regarding illegal infill of light well by Jack Oswald of 310 Green.

October 20, 2010: Complaint about 310 Green blocking window made by Marshall Hydorn

September, 2011: Bruno and Suzanne Kanter buy 312 Green Street (subject property)

October, 2011: Kanters allow scaffolding for 310 Green construction on roof of the subject property for months

August 27, 2012: Complaint of abandoned property at 310 Green by anonymous neighbor

January 15, 2013: Planning Dept. Preservation Team issues CEQA Categorical Exemption for 312 Green

February 14, 2013: Complaint of abandoned property & unfinished constr'n at 310 Green by anonymous neighbor

February 20, 2013: Complaint of abandoned property at 310 Green by anonymous neighbor

May, 2013: Kanters begin outreach to all adjacent neighbors

June 11, 2013: Kanters meet with Oswalds to review design

July 12, 2013: Kanters meet with Oswalds on their roof and offer concessions

August 13, 2013: Kanters email drawings of proposed concessions to Oswalds

October 7, 2013: Pre-application Meeting at 312 Green. Jack Oswald continues unreasonable position despite concessions offered by Kanters and makes threatening remarks.

November 13, 2013: Kanters file for Bldg. Permit & Variance after many concessions to address neighbors' concerns

January 3, 2014: Jack Oswald files complaint on subject property regarding pre-existing roof deck

May 7, 2014: Planning Department's Residential Design Team (RDT) Review supports project

June 20, 2014: Section 311 Notification Drawings issued to public

July 21, 2014: Jack Oswald files Discretionary Review (DR) Application

September 11, 2014: RDT Review of DR App; continue support of project due to non-Code or Guideline issues

October 10, 2014: Jack Oswald makes untimely offer of mediation after DR Application review by RDT is issued

October 23, 2014 Discretionary Review Hearing - Unanimous decision by Commission to NOT take DR.

November 20, 2014 Zoning Administrator grants Rear Yard Variance

November 24, 2014 Attorney for Oswald files appeal of CEQA Categorical Exemption Determination and appeal of Variance granted by the Zoning Administrator

December 16, 2014 Board of Supervisors – CEQA Categorical Exemption hearing continued to 13th

January 13, 2015 Board of Supervisors – CEQA Categorical Exemption hearing

February 11, 2015 Board of Appeals - Variance hearing

EXHIBIT-2.

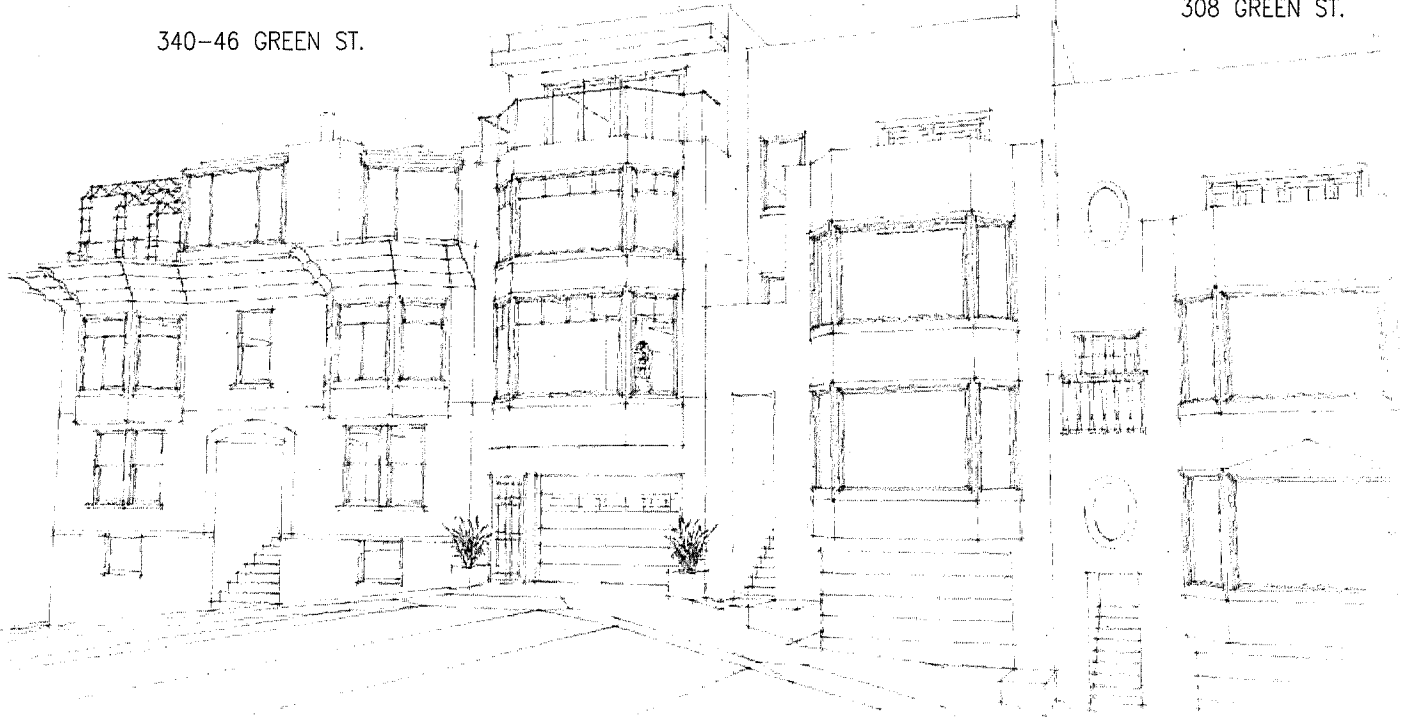
Approved Subject Building Drawings – showing concessions

SUBJ. PROP

D.R. REQUESTER

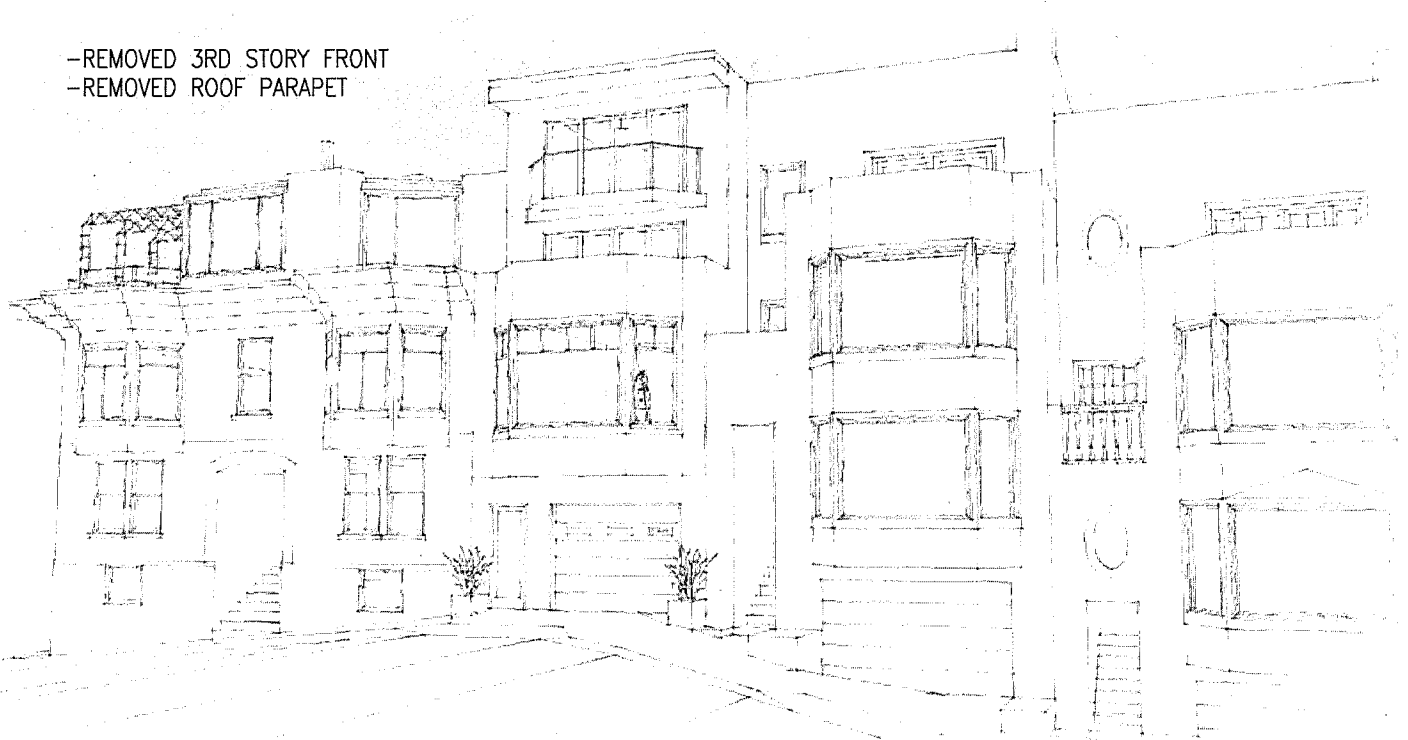
308 GREEN ST.

340-46 GREEN ST.



1 FRONT VIEW - ORIGINAL DESIGN

- REMOVED 3RD STORY FRONT
- REMOVED ROOF PARAPET



2 FRONT VIEW - WITH CONCESSIONS

APPROVED BY DEPT. RESIDENTIAL DESIGN TEAM & THE PLANNING COMMISSION



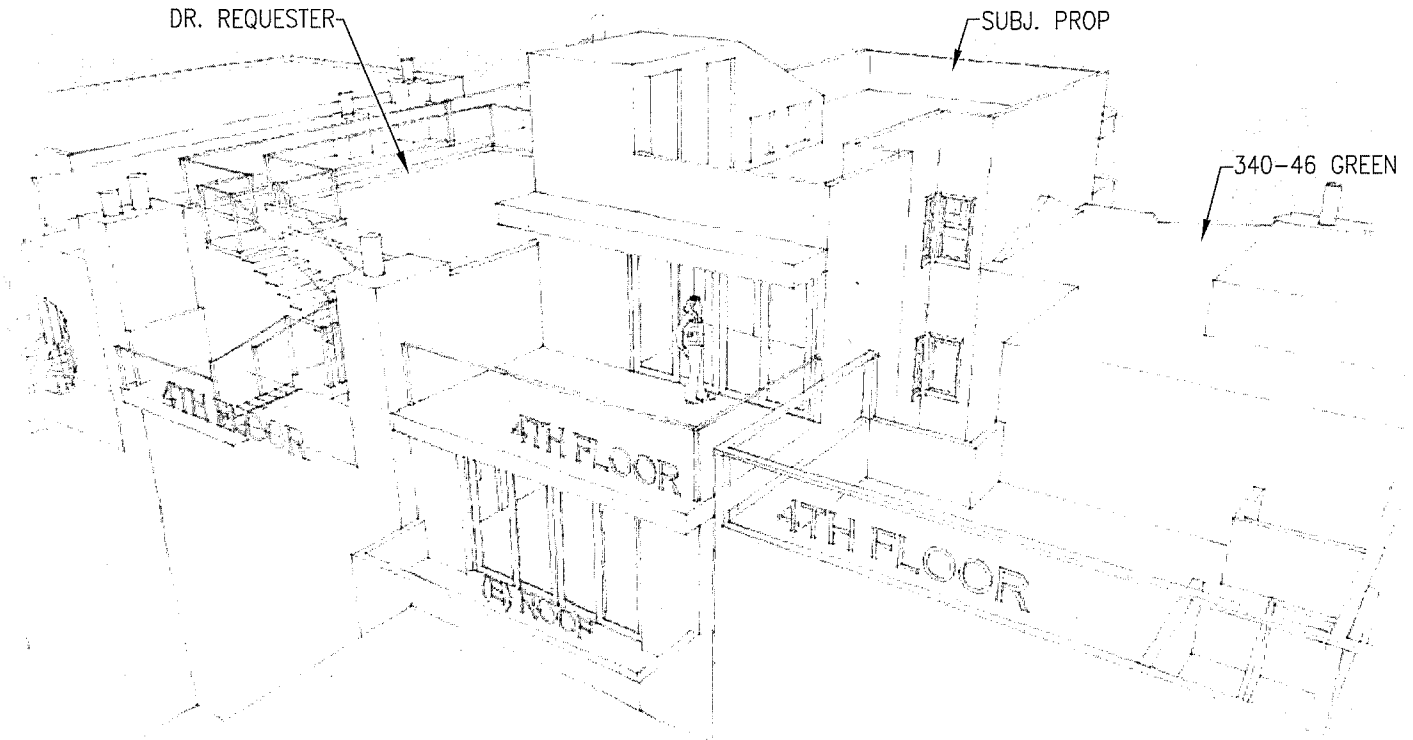
KANTER ARCHITECTS
 822 GREENWICH ST.
 S.F., CA 94133
 Bruno@KanterArchitects.com
 415.921.5456

RESIDENTIAL REMODEL:

312 Green Street
 San Francisco, CA 94133

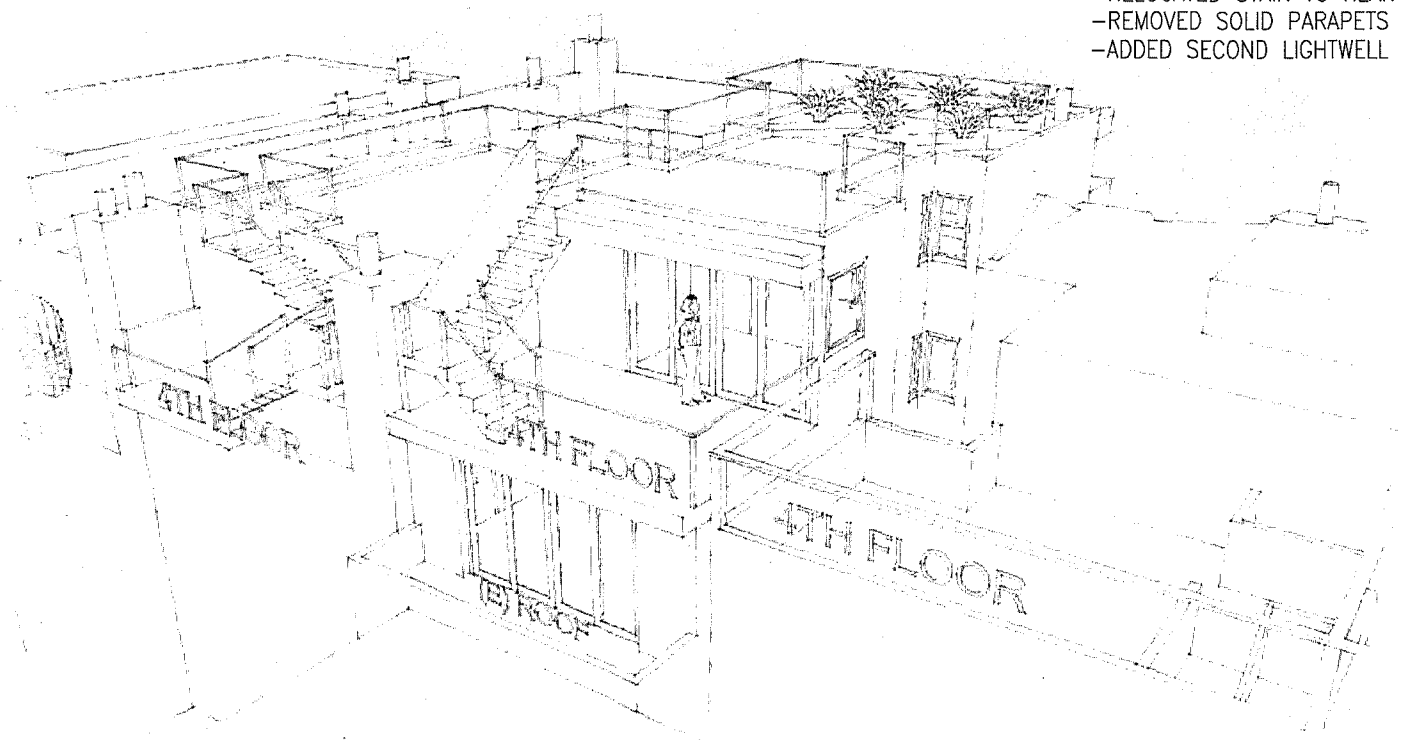
JOB NO. -
 DRAWN -
 CHECKED BK
 DATE 10-7-14

SK-1



1 **REAR VIEW - ORIGINAL DESIGN**

- REMOVED STAIR PENTHOUSE
- RELOCATED STAIR TO REAR
- REMOVED SOLID PARAPETS
- ADDED SECOND LIGHTWELL



2 **REAR VIEW - WITH CONCESSIONS**

APPROVED BY DEPT. RESIDENTIAL DESIGN TEAM & THE PLANNING COMMISSION



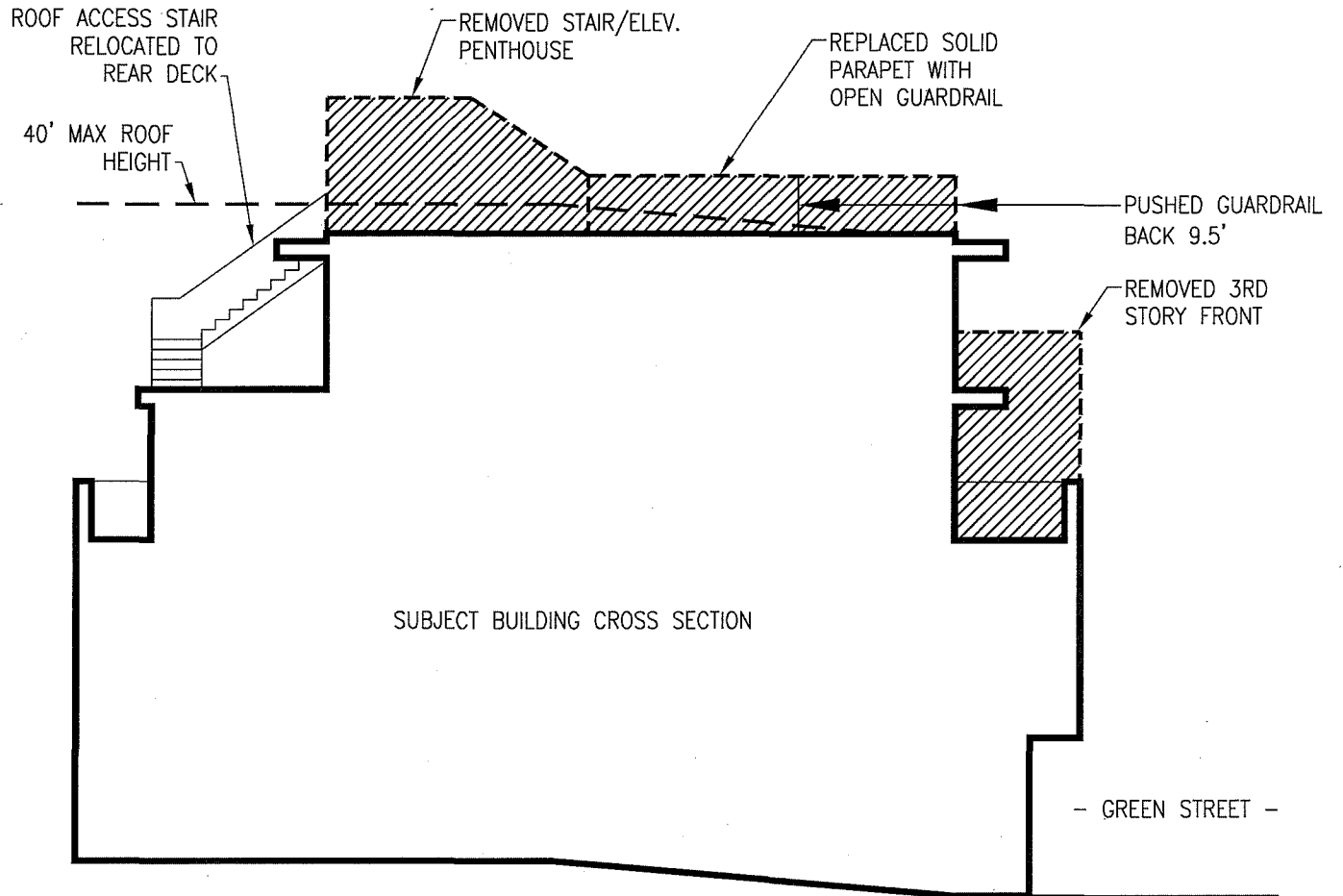
KANTER ARCHITECTS
 822 GREENWICH ST.
 S.F., CA 94133
 Bruno@KanterArchitects.com
 415.921.5456

RESIDENTIAL REMODEL:

312 Green Street
 San Francisco, CA 94133

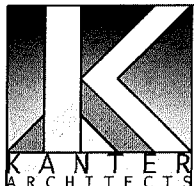
JOB NO. -
 DRAWN -
 CHECKED BK
 DATE 10-7-14

SK-2



1

CONCESSIONS MADE TO ADDRESS VIEW CONCERNS



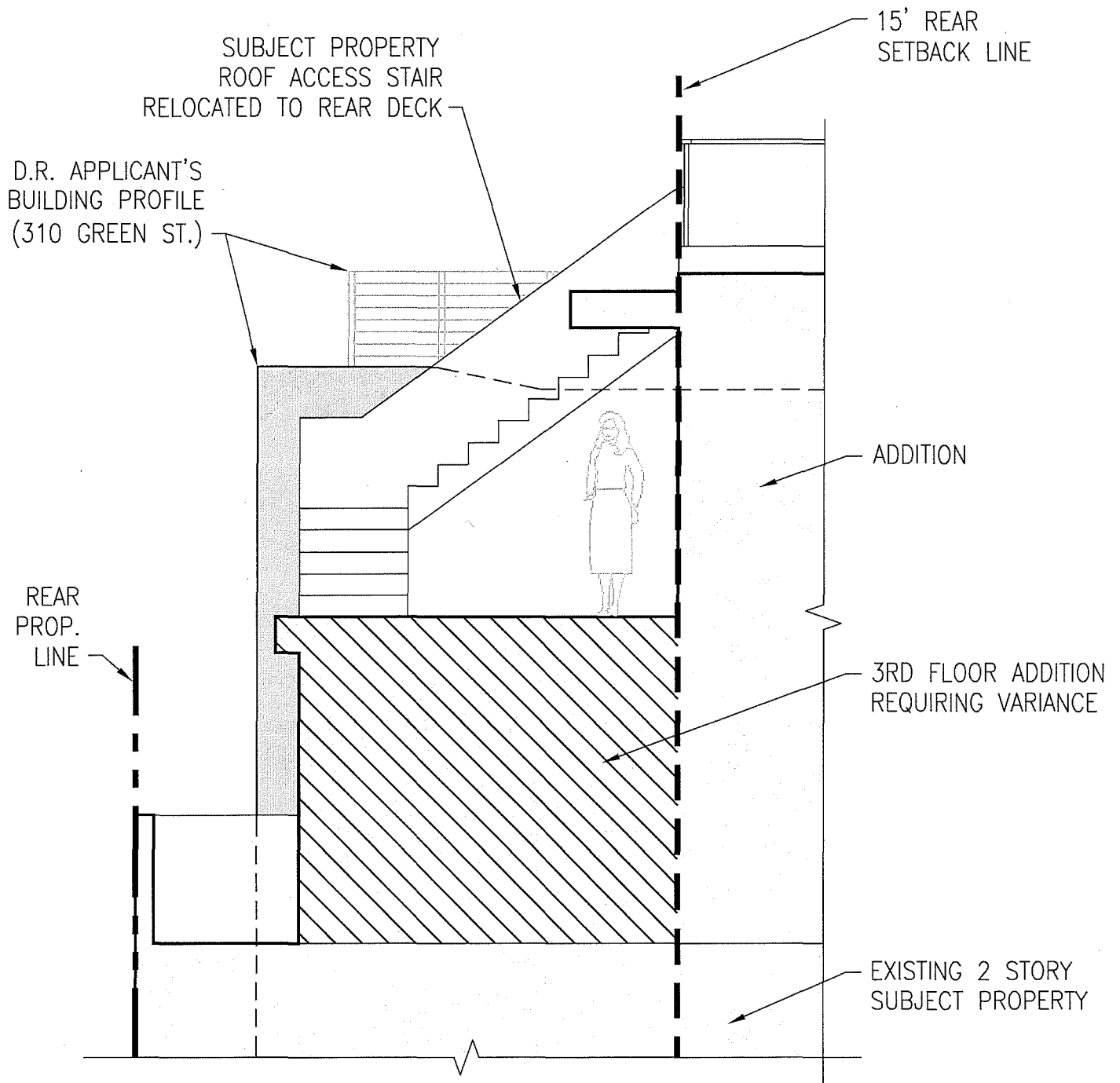
KANTER ARCHITECTS
 822 GREENWICH ST.
 S.F., CA 94133
 Bruno@KanterArchitects.com
 415.921.5456

RESIDENTIAL REMODEL:

312 Green street
 San Francisco, CA 94133

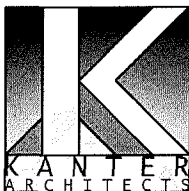
JOB NO. —
 DRAWN —
 CHECKED BK
 DATE 10-7-14

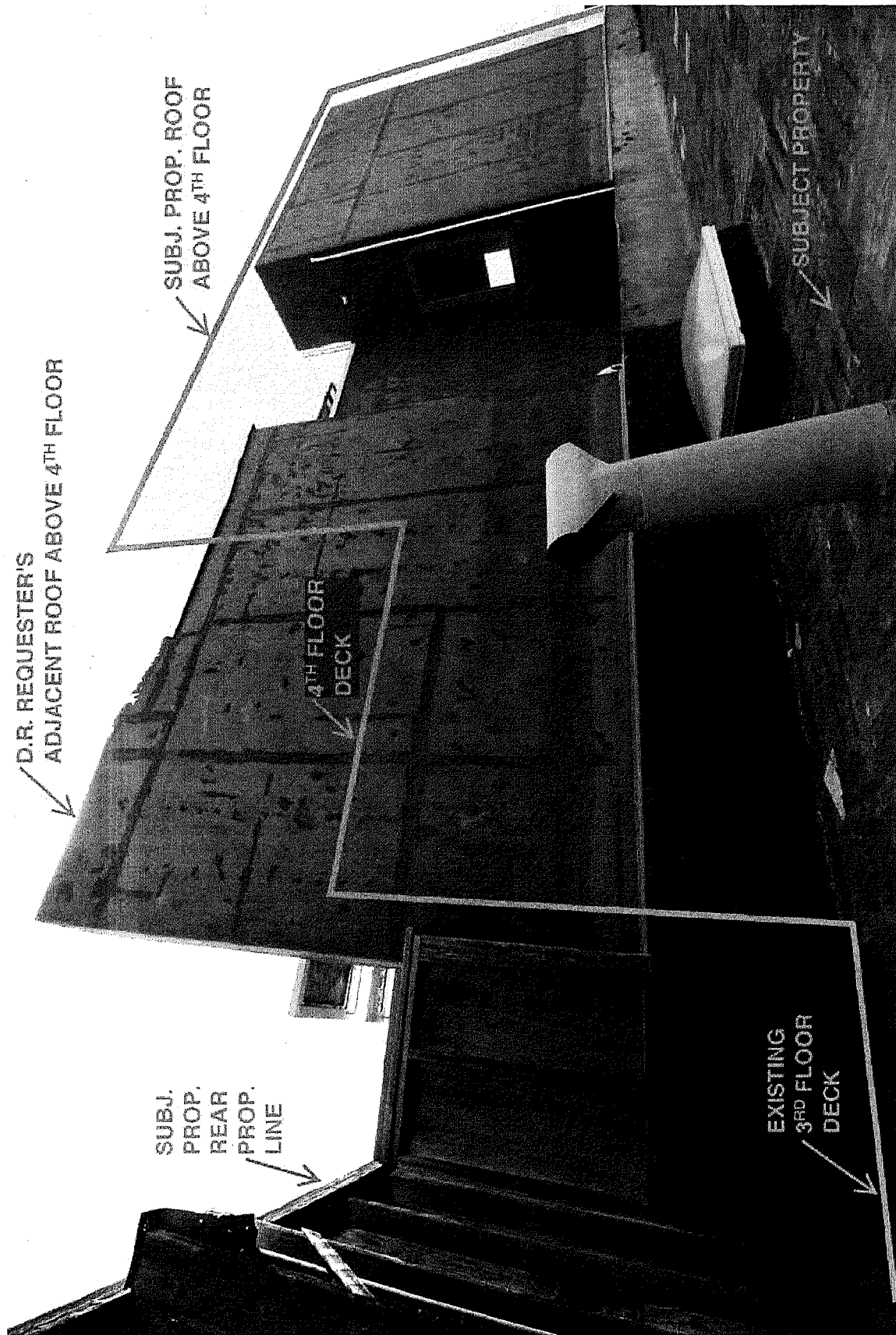
SK-3



SUBJECT BUILDING CROSS SECTION

1 BUILDING PROFILE COMPARISON AT VARIANCE

	KANTER ARCHITECTS 822 GREENWICH ST. S.F., CA 94133 Bruno@KanterArchitects.com 415.921.5456	RESIDENTIAL REMODEL: 312 Green Street San Francisco, CA 94133	JOB NO. — DRAWN — CHECKED BK DATE 10-7-14	SK-4



PROFILE OF PROPOSED FLOORS RELATIVE TO ADJACENT D.R. REQUESTER

1



KANTER ARCHITECTS
 822 GREENWICH ST.
 S.F., CA 94133
 Bruno@KanterArchitects.com
 415.921.5456

RESIDENTIAL REMODEL:

312 Green Street
 San Francisco, CA 94133

JOB NO. _____
 DRAWN _____
 CHECKED _____ BK
 DATE 10-7-14

SK-5



1 FRONT BLOCK FACE WITH SLOPED GRADE



2 FRONT BLOCK FACE DIRECT HEIGHT/MASS COMPARISON



KANTER ARCHITECTS
 822 GREENWICH ST.
 S.F., CA 94133
 Bruno@KanterArchitects.com
 415.921.5456

RESIDENTIAL REMODEL:

312 Green Street
 San Francisco, CA 94133

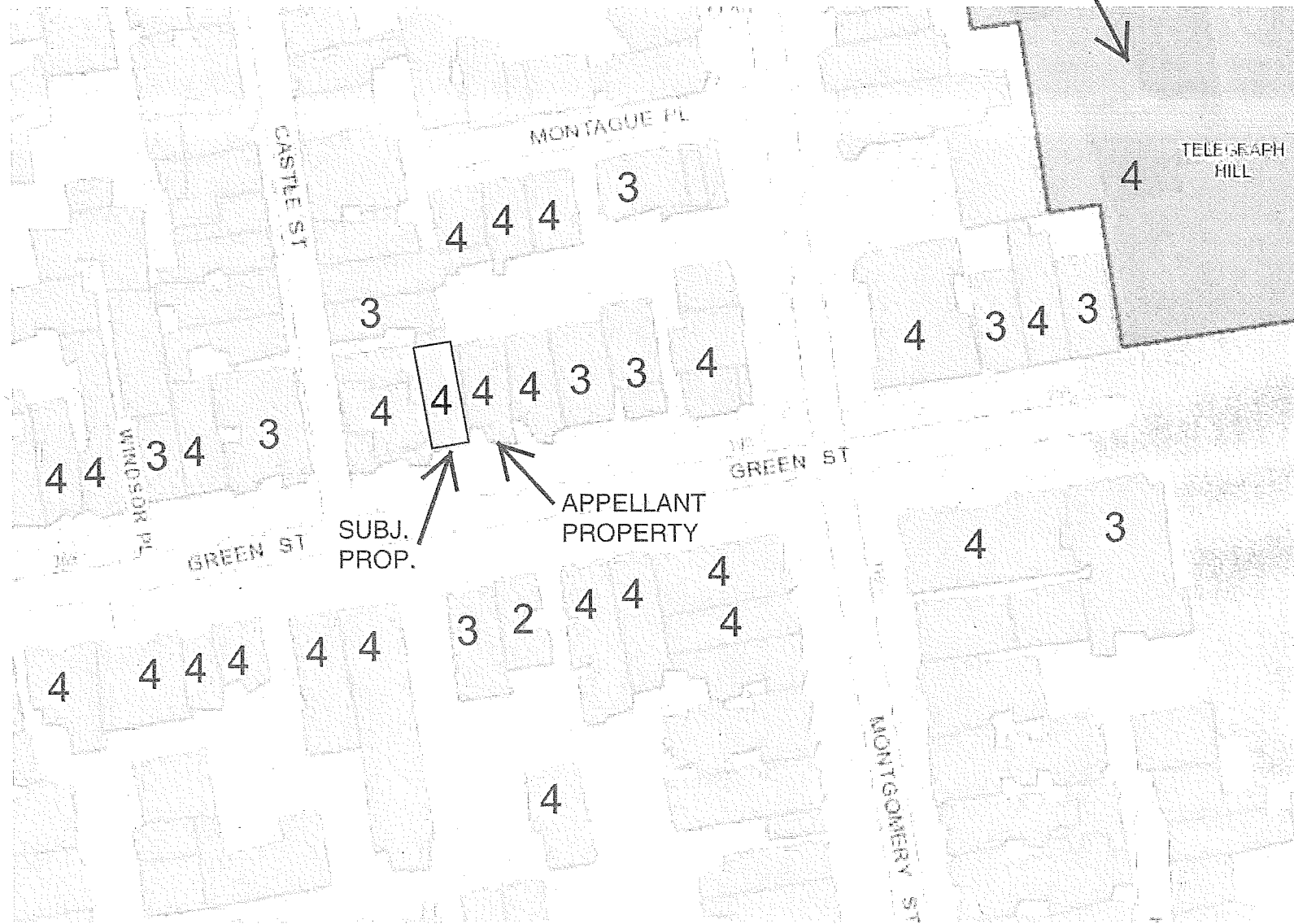
JOB NO. -
 DRAWN -
 CHECKED BK
 DATE 10-7-14

SK-6

EXHIBIT-3.

Block Map - showing building stories

TELEGRAPH HILL
HISTORIC DISTRICT
(RED SHADED AREA)



BLOCK MAP SHOWING BUILDING STORIES

EXHIBIT-4.

Discretionary Review Action DRA-0387



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0387

HEARING DATE: OCTOBER 23, 2014

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: November 20, 2014
Case No.: 2013.1652DV
Project Address: 312 GREEN STREET
Permit Application: 2013.11.13.1794
Zoning: RM-1 (Residential Mixed, Low Density) District
 Telegraph Hill North Beach Residential Special Use District
 40-X Height and Bulk District
Block/Lot: 0114/016
Project Sponsor: Bruno and Suzanne Kanter
 312 Green Street
 San Francisco, CA 94133
Staff Contact: Kate Conner ~ (415) 575-6914
 kate.conner@sfgov.org

COPY

ADOPTING FINDINGS RELATED TO NOT TAKING DISCRETIONARY REVIEW OF CASE NO. 2013.1652DV AND THE APPROVAL OF BUILDING PERMIT 2013.11.13.1794 PROPOSING CONSTRUCTION OF A THIRD FLOOR AND FOURTH FLOOR ADDITION TO A TWO-STORY SINGLE-FAMILY RESIDENCE. THE THIRD STORY ADDITION ENCROACHES 10'-6" INTO THE 15'-0" REQUIRED REAR YARD AND EXTERIOR STAIRS FROM THE THIRD STORY TO THE FOURTH STORY ALSO ENCROACH INTO THE REQUIRED REAR YARD, AND BOTH ARE SUBJECT TO APPROVAL OF A REAR YARD VARIANCE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE RM-1 (RESIDENTIAL MIXED, LOW DENSITY) DISTRICT, THE TELEGRAPH HILL NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT, AND THE 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 13, 2013, Bruno and Suzanne Kanter filed for Building Permit Application No. 2013.11.13.1794 and Variance 2013.1652V proposing construction of a third floor and fourth floor addition to a two-story single-family residence. The subject property is located within the RM-1 (Residential Mixed, Low Density) District, the Telegraph Hill North Beach Residential Special Use District, and the 40-X Height and Bulk District.

On July 21, 2014, Jack Oswald (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2013.1652D) of Building Permit Application No. 2013.11.13.1794.

The Variance was originally scheduled for the July 23, 2014 Variance hearing; however, the Discretionary Review was filed on July 21, 2014. The Variance was then continued for one month to August 27, 2014 and at that hearing was continued to the October 23, 2014 Planning Commission hearing.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

On October 23, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2013.1652DV.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

ACTION

The Commission hereby does not take Discretionary Review requested in Application No. 2013.1652DV and approves the Building Permit Application 2013.11.13.1794

BASIS FOR RECOMMENDATION

The reasons that the Commission took the action described above include:

1. There are no extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code, the General Plan, and conforms to the Residential Design Guidelines.
2. The Commission determined that no modifications to the project were necessary and they instructed staff to approve the project per plans marked Exhibit A on file with the Planning Department.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permit as reference in this action memo on September 8, 2011.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Wu, Fong, Antonini, Hillis, Johnson, Richards

NAYS: None

ABSENT: Commissioner Moore

ADOPTED: October 23, 2014

EXHIBIT-5.

Discretionary Review Analysis Oct. 16, 2014



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis

HEARING DATE: OCTOBER 23, 2014

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: October 16, 2014
Case No.: 2013.1652DV
Project Address: 312 GREEN STREET
Permit Application: 2013.11.13.1794
Zoning: RM-1 (Residential Mixed, Low Density) District
Telegraph Hill North Beach Residential Special Use District
40-X Height and Bulk District
Block/Lot: 0114/016
Project Sponsor: Bruno and Suzanne Kanter
312 Green Street
San Francisco, CA 94133
Staff Contact: Kate Conner – (415) 575-6914
kate.conner@sfgov.org
Recommendation: **Do not take DR and approve as proposed**

PROJECT DESCRIPTION

The project is to construct a third floor and fourth floor addition to a two-story single-family residence. The third story addition encroaches 10'-6" into the 15'-0" required rear yard. Included in the proposal are exterior stairs from the third story to the fourth story which also encroach into the required rear yard. The subject dwelling is currently noncomplying and occupies the full lot.

This proposal requires a rear yard Variance pursuant to Section 134 of the Planning Code. The Variance is for the third story encroachment into the required rear yard and the stairs exterior stairs leading to the fourth story. The Variance will also be considered at this hearing by the Zoning Administrator. It was originally scheduled for the July 23, 2014 Variance hearing; however, the Discretionary Review was filed on July 21, 2014. The Variance was then continued for one month to the August 27, 2014 and at that hearing was continued to this Planning Commission hearing.

SITE DESCRIPTION AND PRESENT USE

The project is located on the north side of Green Street, between Castle and Montgomery Streets, Block 0114, Lot 016. The subject property is located within the RM-1 (Residential Mixed, Low Density) District, the Telegraph Hill North Beach Residential Special Use District, and the 40-X Height and Bulk District. The subject property is 18.5 feet wide and 57.5 feet deep and is located at the crest of a hill, laterally sloping down in both directions. The property is developed with a single-family two-story dwelling which has full lot coverage.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The immediate area surrounding the project site is residential in use and residentially zoned. Properties directly across Green Street are zoned RM-1 and are developed with two-family and single-family

residences in addition to the occasional larger apartment building and three-unit building. The zoning changes to a RM-2 (Residential Mixed, Moderate Density) District at the southeast corner of Green and Kearny Streets. On the same side of Green Street as the subject property, the zoning changes to RH-3 past Montgomery Street and the properties are primarily developed with single-family and two-family units. Denser buildings are located at the corners of Castle and Montgomery Streets. The DR Requestor’s home is a single family residence located at 310 Green Street. The North Beach Neighborhood Commercial District is located two blocks to west and the C-2 (Community Business) District is located two blocks to the east of the subject property. The subject property is located within the Telegraph Hill North Beach Residential Special Use District.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	June 20, 2014 - July 20, 2014	July 21, 2014	October 23, 2014	94 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	October 13, 2014	October 13, 2014	10 days
Mailed Notice	10 days	October 13, 2014	October 13, 2014	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	1	1	
Other neighbors on the block or directly across the street	3	1	
Neighborhood groups	1		

In addition to the three letters of support submitted by individuals living on the same block, 36 additional letters of support were submitted from neighbors in the area and other individuals.

The neighborhood concerns, aside from those of the DR Requestor, included concerns regarding the effect of the proposed addition on private views, the adverse effects caused by proposed construction and the scale of the proposal. Those in support of the project found the design to be contextual and appropriately scaled. Many found the project sponsor to be very collaborative and willing to work with the neighborhood. Others stated their appreciation of the project sponsors intent to construct a sustainable and green addition.

DR REQUESTOR

Jack Oswald, 310 Green Street, San Francisco, CA 94133. The DR Requestor's home is the adjacent home to the east of the subject property.

DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated July 18, 2014.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated September 8, 2014.

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 (RDT) REVIEW

The RDT determined that the proposed overall scale, design, and fenestration pattern is consistent with neighborhood character. There are many other full four-story buildings in the neighborhood, and the proposed 3rd and 4th stories are appropriately set back five feet from the existing front building wall and serves as a transition between the setbacks of the neighboring four-story buildings. The proposed rear extension matches the building depth of the neighboring buildings and will have a negligible effect neighboring rear yards' access to light and air. The project is comparable to the others in the immediate context in terms of square footage and lot size. The proposed light well meets Residential Design Guidelines in terms of size and alignment. The proposed parapet is designed as an architectural feature that is contextual. There are no exceptional or extraordinary circumstances that relate to the project.

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.

RECOMMENDATION: Do not take DR and approve project as proposed

Attachments:

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Context Photographs
- Section 311 Notice
- Cover Letter from DR Requestor dated October 14, 2014
- DR Application
- Response to DR Application dated September 8, 2014
- Public Comment
 - Jack Oswald and Anneke Seley February 6, 2014

- James S. Kirk dated March 11, 2014
 - Bruno Kanter in response to Mr. Oswald and Mr. Kirk dated March 18, 2014
- Project Sponsor Introduction of **Letters of Support**- Bruno and Suzanne Kanter dated October 15, 2014
- North Beach Neighbors Letter of Support
 - Ronald P. Soper, Soper Design Architects dated September 29, 2014
 - Helmut and Marie-Theres Kanter dated September 24, 2014
 - Miriam Phillips and Charles Eley dated April 1, 2014
 - Teresa Johnson and Daria Janese dated July 11, 2014
 - Lauren Gray Williams dated July 9, 2014
 - Sharone Mendes Nassi dated September 22, 2014
 - Natalie Lee dated September 30, 2014
 - Jodi Rae Daprano dated October 7, 2014
 - Peter A. Zepponi dated October 15, 2014
 - Greg Hamming dated October 13, 2014
 - Jan Maupin dated October 2, 2014
 - Mike Di Benedetti dated September 22, 2014
 - Darla Bernard dated September 4, 2014
 - Danny Leone
 - Steve Batiloro dated September 23, 2014
 - Lisa Dungan dated September 4, 2014
 - Heather Pollard dated September 15, 2014
 - Rebecca Calame dated September 16, 2014
 - Ashlyn Perri dated September 24, 2014
 - Steve Batiloro dated September 23, 2014 – a duplicate was mistakenly added by the sponsor
 - Rafael and Sarah Morales dated September 30, 2014
 - Angelo Ferrari dated September 14, 2014
 - Wayland Lew dated September 24, 2014
 - Matthew Fambrini dated October 6, 2014
 - Marissa Viray dated October 2, 2014
 - David and Jackie D'Amato dated September 16, 2014
 - Sam Hiona dated October 11, 2014
 - Grant and Denise Chenier dated October 10, 2014
 - Mary An Sullivan dated October 12, 2014
 - Ian Cooley dated October 9, 2014
 - Jose and Anabela Arau dated October 12, 2014
 - Heida Biddle dated October 14, 2014
 - Brant E. Blower dated September 29, 2014
 - Brigitte Kanter dated October 11, 2014
 - Suon Cheng dated September 28, 2014
 - Tina and Albert Chou dated October 6, 2014
 - Matt McKee dated October 1, 2014
 - Heather Johnson and Bryce Sears dated October 12, 2014
 - Claudia Tang dated September 25, 2014
 - Mary Ann Sullivan dated October 12, 2014 – a duplicate was mistakenly added by the sponsor

Reduced Plans

TO BROWSE THE COMMUNITY SUPPORT LETTERS FOR THIS PROJECT THAT ARE LISTED ABOVE AND COMPLETE D.R. RESPONSE PLEASE SEE THE FOLLOWING LINK:
<http://commissions.sfplanning.org/cpcpackets/2013.1652DV.pdf>

EXHIBIT-6.

Planning Department Residential Design Team (RDT) review 9/11/14



SAN FRANCISCO PLANNING DEPARTMENT

RESIDENTIAL DESIGN TEAM REVIEW

DATE: September 11, 2014 RDT MEETING DATE: September 11, 2014

PROJECT INFORMATION:

Planner: Kate Conner
 Address: 312 Green Street
 Cross Streets: Montgomery Street
 Block/Lot: 0114/016
 Zoning/Height Districts: RM-1 / 40-X Telegraph Hill, North Beach Residential SUD
 BPA/Case No. 2013.1652DV 2013.11.13.1794
 Project Status Initial Review Post NOPDR DR Filed
 Amount of Time Req. 5 min (consent) 15 minutes
 30 minutes (required for new const.)

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 includes a third and fourth floor addition. The third story addition encroaches 10'-6" into the 15'-0" required setback. There are stairs from the third story to the fourth (in response to neighbor concerns regarding a penthouse that were voiced during the pre-application), which also encroach into the rear yard.

Project Concerns (If DR is filed, list each concern.):

Neighborhood character not being preserved, building does not respect the mid-block open space, proposal does not maintain light to adjacent properties, excessive and out of scale with neighborhood, east side lightwell is insufficient- should exactly match, parapet should be eliminated, privacy impacted, projection in rear yard will dominate DR requestor's garden.

DR requestor would like to see project limited to three stories, no variance, and full matching lightwell.

RDT has reviewed this project twice and was supportive of the current design.

RDT Comments:

- Abbreviated DR
- Proposed overall scale, design, and fenestration pattern is consistent with neighborhood character. There are many other full 4-story buildings in the neighborhood.
- Proposed 3rd and 4th story is appropriately setback (approximately 5 feet) from the existing front building wall and serves as a transition between the setbacks of the neighboring 4th story massing.

- Proposed rear extension matches the building depth of the neighboring buildings and will have a negligible change to light and air for the neighboring rear yards.
- Proposed development is comparable to the others in the immediate context in terms of square footage and lot size.
- Proposed light well meets RDGs in terms of size and alignment.
- Proposed parapet is designed as an architectural feature that relates well with the neighbors and helps create no unusual light and air impacts to neighboring buildings.

EXHIBIT-7.

Variance Decision



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: November 20, 2014
Case No.: 2013.1652V
Project Address: 312 GREEN STREET
Zoning: RM-1 [Residential Mixed, Low Density] District
40-X Height and Bulk District
Block/Lots: 0114/016
Applicant: Bruno and Suzanne Kanter
312 Green Street
San Francisco, CA 94133
Staff Contact: Kate Conner – (415) 575-6914
kate.conner@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

DESCRIPTION OF VARIANCES – REAR YARD VARIANCE SOUGHT:

The proposal is to construct a third floor and fourth floor addition to a two-story, single-family building. The third story addition encroaches 10 feet 6 inches into the 15-foot required rear yard. Included in the proposal are exterior stairs from the third story to the fourth story, which also encroach into the required rear yard. The subject building is currently noncomplying and occupies the full lot.

Section 134 of the Planning Code requires a 15-foot rear yard. The third-story addition encroaches 10 feet 6 inches into the 15-foot required rear yard. Exterior stairs from the third story to the fourth story are included in the proposal and also encroach into the required rear yard.

PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.
2. The Zoning Administrator held a public hearing on Variance Application No. 2013.1652V on July 23, 2014; however, a Discretionary Review was filed on July 21, 2014. The variance was then continued for one month to August 27, 2014 and at that hearing was continued to the October 23, 2014 Planning Commission hearing. Both the Discretionary Review and the variance were heard at that Planning Commission hearing.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to construct a third floor and fourth floor addition to a two-story, single-family building, 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. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. 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.
5. 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 has an average lot depth of 57.5 feet and a lot width of 18.5 feet, resulting in a total lot area of approximately 1,062 square feet. As such, the subject property is the smallest lot on the subject block. The existing building, which was constructed prior to rear yard controls circa 1907, is nonconforming due to its full lot coverage. The diminutive dimensions of the subject property constrict its Code-complying development potential.
- B. The subject property's location is such that the required rear yard would not contribute to the mid-block open space. As stated in the Residential Design Guidelines, rear yards collectively contribute to the mid-block open space that is visible to most residents of the block. This visual open space can be a significant community amenity. The subject property's proximity to the intersection and substandard lot size result in a property that cannot contribute to or detract from the mid-block open space.

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. The diminutive dimensions of the subject property detailed in Finding 1(A) above results in an atypically small Code-complying buildable area. This buildable area is further reduced by the need for the project to match two adjacent lightwells per the Residential Design Guidelines, while the vast majority of buildings in the area only match one or none. When combined, the narrowness of the lot and the matching lightwells at the proposed third and fourth floors create a practical difficulty for developing the property in a literal Code-conforming manner.
- B. The existing rear and middle portions of the first and second stories of the subject dwelling are limited in use due to poor access to light and air. The proposed addition will receive adequate light and will provide better habitable space.

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. Granting this variance will allow the construction of a third and fourth story addition to the existing building that will receive light at the front and rear of the property. The subject building is located between two four-story structures, and the majority of existing buildings on the subject block are either three or four stories. The proposed construction contextually relates to the neighboring buildings in terms of massing. The construction of a contextual addition that complies with the Residential Design Guidelines is a substantial property right possessed by other properties in the same class of district.
- B. The project is comparable to the others in the immediate context in terms of square footage and height. It also creates more useable open space on the third and fourth floor roofs. The provision of useable open space in rear yards or roof decks is a substantial property right of the subject property, possessed by other property in the same class of district.
- C. The proposed rear extension matches the building depth of the neighboring buildings and will have a negligible effect on neighboring rear yards' access to light and air. The proposed third and fourth stories are appropriately set back five feet from the existing front building wall and serves as a transition between the setbacks of the neighboring four-story buildings.

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 variance will improve the livability of the subject property and will not be materially detrimental to the public welfare or materially injurious to the neighboring properties. The proposed addition is in scale with the two adjacent four story buildings, as well as other buildings on the subject block. Additionally, the proposed rear extension matches the

building depth of the neighboring buildings and will have a negligible effect on neighboring rear yards' access to light and air.

- B. The Planning Department received three letters of support submitted by individuals living on the same block and 36 additional letters of support were submitted from neighbors in the area and other individuals.
- C. The Planning Department received a Discretionary Review application, four letters in opposition to the project from neighbors on the same block (including one from the Telegraph Hill Dwellers), and 11 additional letters in opposition from residents in the neighborhood. However, the Planning Commission did not take Discretionary Review and recommended approval of the building permit application. Concerns ranged from the effect of the proposed addition on private views, the adverse effects caused by proposed construction, and the scale of the proposal. The Residential Design Team determined that the proposed overall scale, design, and fenestration pattern is consistent with neighborhood character.

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. Existing neighborhood retail uses will not be adversely affected by the proposed project.
 - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing single-family dwelling unit on the property.
 - 3. The proposed project will have no effect on the City's supply of affordable housing.
 - 4. The proposed project does not adversely affect neighborhood parking or public transit.
 - 5. The project will have no effect on the City's industrial and service sectors.
 - 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
 - 7. The project will have no effect on the City's landmarks or historic buildings.
 - 8. The project would not affect any existing or planned public parks or open spaces.

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.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

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, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Corey A. Teague
Acting Zoning Administrator

**Variance Decision
November 20, 2014**

**CASE NO. 2013.1652V
312 Green Street**

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.

**Copy to I:\Decision Documents\Variance Decision Letters\2014\2014.1652V - 312 Green Street -
Granted**

EXHIBIT-8.

History of Complaints By and Against Appellant

**LETTER FROM PREVIOUS OWNER OF SUBJECT PROPERTY IN
REGARDS TO ILLEGAL INFILL OF APPELLANT'S LIGHTWELL**

October 8, 2010

San Francisco Planning Department and Department of Building Inspection
1650 Mission Street
San Francisco, CA 94103

RE: Illegal Improvements at 310 Green Street, San Francisco, CA

To Whom It May Concern:

On Monday, August 23, 2010, I visited our family property located at 312 Green Street in San Francisco, CA. The property is currently vacant and my elderly father is preparing to improve the property and offer it for rental.

During my visit, I noticed that my neighbor, Mr. Jack Oswald has substantial construction being done to his property at 310 Green Street (APN #0114-15). The construction includes an expansion of his dining or other area into the light well between our buildings. We were never notified of this construction commencing and we did not approve or agree to Mr. Oswald covering our one window that looks into said light well. Mr. Oswald's active permits are # 201002247046 and 201009301936 which involve infill of an existing lightwell.

I immediately had our representative check the city files and Mr. Oswald's construction permit application to be certain that all was done properly. In fact, the plans submitted to the city do not show our existing legal window or make any mention of it as is required by Zoning Administrator Bulletin No. 4 when a lightwell is being infilled. Our window was installed per Permit # 200107183981 in November 2001. It was not subject to the current requirements of Administrative Bulletin (AB-009) which was enacted in September 2002. The permitted plans to infill the existing lightwell at 310 Green Street were approved based on incorrect and potentially fraudulent misrepresentation by the property owner and/or his architect.

I have offered to resolve the issue peacefully with Mr. Oswald, but he has not responded in a timely manner. As a result, I am requesting that the City of San Francisco put an immediate stop to the construction at Mr. Oswald's property at 310 Green Street and our property returned to its original condition until an acceptable resolution can be reached.

I will be travelling out of the country until October 18, 2010. In the meantime please contact my Agent, Marissa Brandon, Architect (415) 608-2410, marissa_brandon@yahoo.com to confirm the permit work at 310 Green Street has been suspended.

Sincerely,

Marshall Hydorn
312 Green Street
San Francisco, CA 94133
(415) 559-8230

**APPELLANT'S INFILL OF LIGHTWELL WITHOUT DUE PROCESS
(NO DISCLOSURE OF ADJACENT WINDOW AND NO NOTIFICATION TO ADJACENT OWNERS
WERE PROVIDED BY APPELLANT AS REQUIRED BY PLANNING CODE SECTION 311)**

Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201073954
Owner/Agent: OWNER DATA SUPPRESSED
Owner's Phone: --
Contact Name: --
Contact Phone: --
Complainant: COMPLAINANT DATA SUPPRESSED
Date Filed: 10/20/2010
Location: 310 GREEN ST
Block: 0114
Lot: 015
Site:
Rating:
Occupancy Code:
Received By: Czarina Moreno
Division: BID
Complainant's Phone:
Complaint Source: LETTER
Assigned to Division: BID
Description: Property line window legally installed under PA #200107183981 at 312 Green Street has been boarded up and covered from the 310 Green Street side (Ref. PA #201002247046 - Marissa Brandon, Architect (415)608-2410)

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	DONNELLY	6253	15	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
10/20/10	CASE OPENED	BID	Donnelly	CASE RECEIVED	
10/25/10	OTHER BLDG/HOUSING VIOLATION	BID	Donnelly	CASE UPDATE	Site visit, no BID violations. All work per approved plan and permit application. Advised owner's representative to contact the planning dept. for lack of disclosure about property line window/lightwell issue. reschedule for further review and investigation.
11/22/10	OTHER BLDG/HOUSING VIOLATION	BID	Donnelly	CASE ABATED	Abated by Ed donnelly

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information

Online Permit and Complaint Tracking home page.

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**COMPLAINT MADE ON SUBJECT PROPERTY (PRE-EXISTING CONDITIONS)
BY APPELLANT AFTER PRE-APPLICATION MEETING.**

Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201445961

Owner/Agent: OWNER DATA
SUPPRESSED

Date Filed: 01/03/2014

Owner's Phone: --

Location: 312 GREEN ST

Contact Name: --

Block: 0114

Contact Phone: --

Lot: 016

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: Unpermitted construction including adding skylight and deck. Please contact Jack to get access to the building

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270	15	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
01/03/14	CASE OPENED	BID	Power	CASE RECEIVED	
01/06/14	OTHER BLDG/HOUSING VIOLATION	BID	Power	NO ENTRY	left note
01/13/14	OTHER BLDG/HOUSING VIOLATION	BID	Power	NO ENTRY	left note
01/14/14	OTHER BLDG/HOUSING VIOLATION	BID	Power	CASE UPDATE	copy of inspection request mailed by jj
02/20/14	OTHER BLDG/HOUSING VIOLATION	BID	Power	CASE CLOSED	roof deck removed.

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information

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

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LIST OF COMPLAINTS MADE ON APPELLANT'S PROPERTY, 310 GREEN STREET (NONE MADE BY PERMIT APPLICANT)

Permits, Complaints and Boiler PTO Inquiry

You selected:

Address: **310 GREEN ST** Block/Lot: **0114 / 015**

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
201388065		02/20/2013	N	CES	0114	015	310	GREEN ST
201388070		02/20/2013	N	CES	0114	015	310	GREEN ST
201388071		02/20/2013	N	CES	0114	015	310	GREEN ST
201388064		02/20/2013	Y	CES	0114	015	310	GREEN ST
201387642		02/14/2013	N	HIS	0114	015	310	GREEN ST
201260481		08/27/2012	Y	BID	0114	015	310	GREEN ST
201073954		10/20/2010	N	BID	0114	015	310	GREEN ST
200114850		03/01/2001	N	BID	0114	015	310	GREEN ST

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Contact SFGov [Accessibility](#) [Policies](#)
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APPELLANT'S ABANDONED BUILDING

Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201260481

Owner/Agent: OWNER DATA
SUPPRESSED

Date Filed: 08/27/2012

Owner's Phone: --

Location: 310 GREEN ST

Contact Name: --

Block: 0114

Contact Phone: --

Lot: 015

Complainant: COMPLAINANT DATA
SUPPRESSED

Site:

Rating:

Occupancy Code: R-3

Received By: Bernedette Perez

Complainant's Phone:

Division: HIS

Complaint Source: 311 PHONE REFERRAL

Assigned to Division: BID

Description: partially under construction. black. --- ABANDONED?This property was purchased years ago and has been under construction ever since. it has been left with exposed beams inside (you can see upper ceiling from the street, and exposed beams over garage for a very,very long time

Instructions: 311 SR# 1332445 received by HIS refer to BIDCES

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	POWER	6270	15	

REFERRAL INFORMATION

DATE	REFERRED BY	TO	COMMENT
8/27/2012	Bernedette Perez	BID	Construction

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/27/12	CASE OPENED	HIS	DerVartanian	CASE RECEIVED	
08/27/12	GENERAL MAINTENANCE	HIS	DerVartanian	REFERRED TO OTHER DIV	transfer to div BID
08/29/12	GENERAL MAINTENANCE	EID	Donnelly	FIRST NOV SENT	1ST NOV ISSUED BY INSPR. DONNELLY - bm
08/31/12	GENERAL MAINTENANCE	EID	Donnelly	CASE CONTINUED	1st NOV mailed -bm
05/30/13	GARBAGE AND DEBRIS	BID	Power	CASE UPDATE	Refer to District Inspector, see pa#201210162172, 201210162170, 201210162168, 201210162150, 201210162148 issued on 10/16/2012.
05/07/14	GENERAL MAINTENANCE	EID	Duffy	CASE CONTINUED	CASE CONTINUE, INSPECTION IN PROGRESS. - bm

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

08/29/12

Inspector Contact Information

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

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Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201387642

Owner/Agent: OWNER DATA
SUPPRESSED

Date Filed: 02/14/2013

Owner's Phone: --

Location: 310 GREEN ST

Contact Name: --

Block: 0114

Contact Phone: --

Lot: 015

Complainant: COMPLAINANT DATA
SUPPRESSED

Site:

Rating:

Occupancy Code: R-3

Received By: Bernedette Perez

Division: HIS

Complainant's Phone:

Complaint Source: 311 INTERNET REFERRAL

Assigned to Division: HIS

Description: this property has been abandoned and in a stage of unfinished construction.

Instructions: 311 SR# 2009658 received by HIS 2/12/2013 refer to CES

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
HIS	DERVARTANIAN	6261	3	

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
02/14/13	CASE OPENED	HIS	DerVartanian	CASE CLOSED	Refer to CES

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information

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Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201388064

Owner/Agent: OWNER DATA
SUPPRESSED

Date Filed: 02/20/2013

Owner's Phone: --

Location: 310 GREEN ST

Contact Name: --

Block: 0114

Contact Phone: --

Lot: 015

Complainant: COMPLAINANT DATA
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: Catherine Byrd

Division: CES

Complainant's

Phone:

Complaint Source: TELEPHONE

Assigned to: CES

Division:

Description: Abandoned Building

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	MATHER	6217		

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
02/20/13	CASE OPENED	CES	Mather	CASE RECEIVED	
02/21/13	ABANDONED BUILDING	CES	Mather	FIRST NOV SENT	
02/22/13	ABANDONED BUILDING	CES	Mather	FIRST NOV SENT	posted
02/25/13	ABANDONED BUILDING	CES	Mather	PERMIT RESEARCH	+

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information

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Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201388071

Owner/Agent: OWNER DATA
SUPPRESSED

Date Filed: 02/20/2013

Owner's Phone: --

Location: 310 GREEN ST

Contact Name: --

Block: 0114

Contact Phone: --

Lot: 015

Complainant: COMPLAINANT DATA
SUPPRESSED

Site:

Rating:

Occupancy Code:

Received By: Catherine Byrd

Division: CES

Complainant's Phone:

Complaint Source: TELEPHONE

Assigned to Division: CES

Description: Vacant Building

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
CES	MATHER	6217		

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
02/20/13	CASE OPENED	CES	Mather	CASE RECEIVED	
02/21/13	ABANDONED BUILDING	CES	Mather	CASE ABATED	duplaccate file Case # 201388070. is active.

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

Inspector Contact Information

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

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