

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SAN FRANCISCO BOARD OF SUPERVISORS**

ALEXANDER APKE, et al.,

Appellants,

vs.

SAN FRANCISCO DEPARTMENT OF  
PUBLIC WORKS,

Respondent.

**DECLARATION OF MICHEL  
BECHIRIAN IN SUPPORT OF  
CONDOMINIUM CONVERSION  
SUBDIVISION APPEAL**

Case No.: 2017-013609CND  
Project Address: 668-678 Page Street, San  
Francisco  
Hearing Date: April 24, 2018

1 I, Michel Bechirian, declare as follows:

2 1. I am over the age of 18 and am one of the appellants in this appeal. I make  
3 this declaration based on facts personally known to me, except as to those facts stated on  
4 information and belief, which facts I believe to be true, and, if called as a witness, could  
5 and would testify competently thereto.

6 2. I have lived at 678 Page Street, San Francisco, on a full-time basis for  
7 approximately 15 years.

8 3. I make this declaration to address Finding 6(c) of Planning Commission  
9 Motion No. 20132, which was adopted on March 8, 2018.

10 4. In July 2014, I submitted a Discretionary Review application in relation to  
11 a proposed residential development at 690 Page Street (A true and correct copy of this  
12 application is attached hereto as **Exhibit A**). The statements I made in that application  
13 reflected my understanding of Ms. Canada's circumstances at the time.

14 5. I first met Iris Canada in 2003, when I moved into 678 Page Street. My  
15 unit is located above 670 Page Street, which was Ms. Canada's unit. As set out in my  
16 declaration dated September 30, 2016, when I moved to 678 Page Street I saw Ms.  
17 Canada a few times a week. (A true and correct copy of this declaration is attached  
18 hereto as **Exhibit B**.) I would have conversations with Ms. Canada and help her with  
19 small jobs around her unit.

20 6. When I submitted my Discretionary Review Application in July 2014, I  
21 identified Ms. Canada as an occupant because I did not know she had permanently  
22 moved out of her unit. From around June 2012, I had not regularly seen Ms. Canada  
23 around the building or heard sounds from her residence. However her furniture remained  
24 in the unit and she occasionally received mail at 670 Page Street. In the absence of any  
25 communication from Ms. Canada or her family to the contrary, I had no reason to  
26 believe that she would not return to her unit.

27 7. It was only subsequently that I learned that Ms. Canada would not return  
28 to the building, and had permanently relocated to Oakland in 2012. The litigation related

1 to Ms. Canada's life estate did not commence until December 2014, five months after I  
2 submitted the Discretionary Review application.

3 8. In signing the application for Condominium Conversion that is the subject  
4 of this appeal, I did not intend to, and did not, submit incorrect information in order to  
5 mislead or misdirect City staff.

6 I declare under penalty of perjury under the laws of the State of California that  
7 the foregoing is true and correct, and that this was executed on April 13, 2018.

8  
9  \_\_\_\_\_

10 Michel Bechirian  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT A**

# APPLICATION FOR Discretionary Review

## 1. Owner/Applicant Information

DR APPLICANT'S NAME: Michel Bechirian		
DR APPLICANT'S ADDRESS: 678 Page Street	ZIP CODE: 94117	TELEPHONE: (415 )3508683

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: Page Steiner Associates LLC		
ADDRESS: 431 Steiner Street	ZIP CODE: 94117	TELEPHONE: ( )

CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ( )
E-MAIL ADDRESS: mbussfo@yahoo.com		

## 2. Location and Classification

STREET ADDRESS OF PROJECT: 690 Page Street		ZIP CODE: 94117
CROSS STREETS: Steiner		

ASSESSORS BLOCK/LOT:	LOT DIMENSIONS:	LOT AREA (SQ FT):	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
0845 /016	77.5 x 110 ft	7749	RM-1 / 40-X	

## 3. Project Description

Please check all that apply

Change of Use  Change of Hours  New Construction  Alterations  Demolition  Other

Additions to Building: Rear  Front  Height  Side Yard   
Non-residential - church

Present or Previous Use:

Proposed Use: Residential

Building Permit Application No. 201305217457, 201305217462/3/4

Date Filed: May 21, 2014

## 4. Actions Prior to a Discretionary Review Request

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

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

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

My neighbor and I met with the architect Gary Gee to discuss our concern about light and noise. The proposed project will significantly reduce the amount of daylight to our units. The addition of a roof deck will introduce a new source of noise and intrude on privacy as the location of the deck provides sight lines to bedroom and bathroom windows. Mr. Gee agreed to discuss extending the planned 18 ft setback at the rear of the proposed building to ensure the entire south bay window of our unit (main bedroom) faced a light well. (continued... )

## Discretionary Review Request

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

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

The proposed project conflicts with the following guidelines: 'Articulate the building to minimize impacts on light and privacy to adjacent properties'. And, 'Respect the existing pattern of side spacing'. The unnecessary proximity of the proposed structure materially impacts the quality and quantity of light and introduces serious privacy concerns for the adjacent property owners. If built as proposed, side spacing will not be consistent with other buildings on the block (the north side of Page St). (Continued on separate sheet...)

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

By focusing on the maximum number of units that can fit the space, the owners have developed a design that unreasonably impacts the adjacent building. A 40 ft building so close to the property line will limit light. With the exception of the living room, all windows in units 670, 674, 678 Page St face west. The lower unit, 670 Page St, is occupied by Mrs. Iris Canada a 93 year old who has lived in the building since the 1940's. Even with a setback the amount of light filtering down to her apartment will be minimal. (Continued on separate sheet...)

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

The size of the lot provides the opportunity to construct multiple buildings. If the project consisted of three rather than four buildings these could be constructed facing onto Steiner St. Positioning the buildings on this axis would maintain the light levels and access to services for our building and would not impact the building on block/lot 0843/017. The depth of the lot would allow a sufficiently large rear yard to meet the requirement for outside space for at least two, if not all units. (Continued on separate sheet...)





# Discretionary Review Application Submittal Checklist

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

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

NOTES:

Required Material.

Optional Material.

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

For Department Use Only

Application received by Planning Department:

By: M. Corruite

RECEIVED

JUL 03 2014

Date: CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
P.I.C.

# APPLICATION FOR Discretionary Review

DR Applicant: Michel Bechirian. 678 Page St, SF, CA 94117

Property Owner: Page Steiner Assoc. 431 Steiner St, SF, CA 94117

Project Address: 690 Page St, Block / Lot 0845 / 016

Permit Numbers: 201305217457, 201305217462, 201305217463, 201305217464

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

*My neighbor and I met with the architect Gary Gee to discuss our concern about light and noise. The proposed project will significantly reduce the amount of daylight to our units. The addition of a roof deck will introduce a new source of noise and intrude on privacy as the location of the deck provides sight lines to bedroom and bathroom windows. Mr. Gee agreed to discuss extending the planned 18 ft setback at the rear of the proposed building to ensure the entire south bay window of our unit (main bedroom) faced a light well.*

Continued:

Mr. Gee agreed that if the proposed project does indeed go ahead as planned, the light wells will be finished in a bright color to maximize reflective potential.

Mr. Gee was unable to propose a solution to our noise and privacy concerns because planning code for the amount of outside space per unit determined the size and therefore location of the roof deck.

# APPLICATION FOR Discretionary Review

DR Applicant: Michel Bechirian. 678 Page St, SF, CA 94117

Property Owner: Page Steiner Assoc. 431 Steiner St, SF, CA 94117

Project Address: 690 Page St, Block / Lot 0845 / 016

Page 9, 1.

*The proposed project conflicts with the following guidelines: 'Articulate the building to minimize impacts on light and privacy to adjacent properties'. And, 'Respect the existing pattern of side spacing'. The unnecessary proximity of the proposed structure materially impacts the quality and quantity of light and introduces serious privacy concerns for the adjacent property owners. If built as proposed, side spacing will not be consistent with other buildings on the block (the north side of Page St).*

Continued:

The original building use was non-residential; it was in fact a church which provided charitable assistance to those in need. Changing the use from charitable, to for profit residential has not been thoroughly reviewed and debated. Finally, the opportunity to discuss the project with the owners has been limited. Case in point, the final meeting was held in a café on a Saturday morning. There wasn't space for the architect to display the plans, and with music and general background noise it was hard, if not impossible to have a meaningful discussion. This seemed an exercise in ticking boxes in a process.

Page 9, 2.

*By focusing on the maximum number of units that can fit the space, the owners have developed a design that unreasonably impacts the adjacent building. A 40 ft building so close to the property line will limit light. With the exception of the living room, all windows in units 670, 674, 678 Page St face west. The lower unit, 670 Page St, is occupied by Mrs. Iris Canada a 97 year old who has lived in the building since the 1940's. Even with a setback the amount of light filtering down to her apartment will be minimal.*

Continued:

Allowing the project to proceed as designed will condemn Iris to live in a dark, cave like environment. My wife is a freelance graphic designer who often works from home. As a designer she relies on good daylight to ensure accurate color correction on production work. Reducing light to our apartment will impact her ability to work effectively, which in turn will impact her ability to earn a living. The proposed design requires the inclusion of a roof deck for all buildings. A roof deck adds rooftop features and adds clutter. The roof deck will provide the opportunity to sight lines that encroach on our privacy. Of particular concern are sight lines to bedroom and bathroom windows. The purpose of the roof deck is to provide access to outside space; an unintended side effect is the likely generation of noise at a level in line with bedrooms and work areas. Street noise can't be avoided, noise by design can. Our building was

constructed in 1907. Water and waste pipework and the flue for the central heating furnaces are all located externally (as is the downspout from the roof). The original Victorian building on Lot 016 faced Steiner St and did not extend close to <sup>our</sup> building. If the project proceeds as designed it will be extremely difficult to access service pipes for repair. This has a potential for health and safety issues. Finally, the design of the project is inconsistent with the existing pattern of side spacing on the north side of Page St. With the exception of a mid-century apartment building on the southeast corner of the block, all of the buildings are Victorian and all have adequate space between to allow for light, privacy and access to services.

Page 9, 3.

*The size of the lot provides the opportunity to construct multiple buildings. If the project consisted of three rather than four buildings these could be constructed facing onto Steiner St. Positioning the buildings on this axis would maintain the light levels and access to services for our building and would not impact the building on block/lot 0843/017. The depth of the lot would allow a sufficiently large rear yard to meet the requirement for outside space for at least two, if not all units.*

Continued:

If a roof deck was still required, the size of the deck would be smaller than the original design and would be located further away from our building reducing privacy and noise concerns. If three buildings were constructed on Page St, adequate spacing could be provided between the structures to allow for light levels to be maintained and to provide access to services. Although concern over privacy and noise would remain these would be diminished by locating the proposed 690 Page St building several feet further from the property line.

DR Applicant: Michel Bechirian. 678 Page St, SF, CA 94117

Property Owner: Page Steiner Assoc. 431 Steiner St, SF, CA 94117

Project Address: 690 Page St, Block / Lot 0845 / 016

12.0909D

APPLICATION FOR DISCRETIONARY REVIEW

DR APPLICANT: MICHEL BEGHRIAN

PROJECT ADDRESS: BLOCK/LOT 0845/016

SIDE SPACING.



THE NORTH SIDE OF PAGE ST SHOWING DR APPLICANT'S  
BUILDING 0843/15 & NEIGHBOR 0843/14

SPACING PROVIDES ACCESS TO LIGHT & MAINTAINS PRIVACY  
FOR BOTH BUILDINGS.

APPLICATION FOR DISCRETIONARY REVIEW

DR APPLICANT: MICHEL BECHIRIAN

PROJECT ADDRESS: BLOCK/LOT 0845/016

12.0909D

SIDE SPACING



THE NORTH SIDE OF PAGE ST SHOWING SIDE SPACING  
(LHR) BUILDINGS 0843/13, 0843/12, 0843/11

TYPICAL SPACING PROVIDES AMPLE ROOM BETWEEN BUILDINGS  
FOR LIGHT & PRIVACY

APPLICATION FOR DISCRETIONARY REVIEW

DR APPLICANT: MICHEL BECHIRIAN

PROJECT ADDRESS: BLOCK/LOT 0845/016

12.09090

MRS. IRIS CANADA, RESIDENT IN APPLICANT'S BUILDING  
SINCE WWII



LIGHT

THE QUALITY OF LIGHT TO IRIS'S LOWER UNIT  
WILL BE ADVERSELY AFFECTED BY THE PROPOSED DESIGN

LIGHT FROM WEST, AND SOUTHWEST WINDOWS OF APPLICANT'S UNIT  
THE HEIGHT & PROXIMITY OF THE PROPOSED DESIGN WILL ADVERSELY  
AFFECT LIGHT AND WILL BE A PRIVACY CONCERN.



Light & Privacy

APPLICATION FOR DISCRETIONARY REVIEW  
DR APPLICANT: MICHEL BERTHIAUD  
PROJECT ADDRESS: BUCK/LOT 0845/016

12.09090



APPLICATION FOR DISCRETIONARY REVIEW

DR APPLICANT: MICHEL BECHIRIAN

PROJECT ADDRESS: BLOCK/LT 0845/016

12.09090

VIEW OF PROJECT ADDRESS - 690 PAGE ST



LIGHT & PRIVACY



PAGE ST. VIEW OF DR APPLICANT'S BUILDING TAKEN FROM PROJECT SITE 0845/016  
NOTE WINDOWS OF LOWER UNIT (670) ARE NOT OBSTRUCTED BY EXISTING STRUCTURE.  
THE PROPOSED NEW BUILDING WILL SEVERELY RESTRICT ACCESS TO  
WATER & WASTE PIPEWORK, FURNANCE FLUES & ROOF DOWNSPOUT.  
THE HEIGHT & PROXIMITY IMPACTS LIGHT & THE ROOF DECK ENCRDACHES  
ON PRIVACY

# **EXHIBIT B**

ZACKS & FREEDMAN, P.C.  
235 MONTGOMERY STREET, SUITE 400  
SAN FRANCISCO, CALIFORNIA 94104

1 ANDREW M. ZACKS, SBN 147794  
2 MARK B. CHERNEV, SBN 264946  
3 ZACKS & FREEDMAN, P.C.  
4 235 Montgomery Street, Suite 400  
5 San Francisco, CA 94104  
6 Tel: 415.956.8100  
7 Fax: 415.288.9755

8 Attorneys for Plaintiffs  
9 Peter M. Owens  
10 Carolyn A. Radisch  
11 Stephen L. Owens

**ELECTRONICALLY  
FILED**  
*Superior Court of California  
County of San Francisco*  
**10/05/2015**  
**Clerk of the Court**  
BY:ROMY RISK  
Deputy Clerk

12 **SUPERIOR COURT – STATE OF CALIFORNIA**  
13 **COUNTY OF SAN FRANCISCO – UNLIMITED CIVIL JURISDICTION**

14 PETER M. OWENS, an individual,  
15 CAROLYN A. RADISCH, an individual,  
16 STEPHEN L. OWENS, an individual,  
17  
18 Plaintiffs,  
19  
20 vs.  
21  
22 IRIS CANADA an individual, OLD  
23 REPUBLIC TITLE COMPANY, a California  
24 corporation, and DOES 1-10, inclusive,  
25  
26 Defendants.

Case No.: CGC-14-543437

**AMENDED DECLARATION OF  
MICHEL BECHIRIAN IN SUPPORT OF  
AMENDED MOTION FOR SUMMARY  
JUDGMENT OR IN THE  
ALTERNATIVE SUMMARY  
ADJUDICATION**

Date: December 22, 2015  
Time: 9:30 a.m.  
Dept.: 501  
Judge: Hon. Ronald E. Quidachay

Action Filed: December 30, 2014  
Trial Date: January 25, 2016

27 I, Michel Bechirian, declare as follows:

28 1. I am an individual over the age of 18. I have personal knowledge of the following facts discussed below and would testify truthfully thereto if called to do so.

2. I have lived at 678 Page Street, San Francisco, California on a full time basis for approximately 12 years. My residence is located two floors directly above to 670 Page Street, which is Iris Canada's unit. 678 Page Street is my full time and only residence.

ZACKS & FREEDMAN, P.C.  
235 MONTGOMERY STREET, SUITE 400  
SAN FRANCISCO, CALIFORNIA 94104

1           3.     When I first moved to 678 Page Street I would typically see Iris Canada  
2 approximately 3-4 times per week on a regular basis. This continued for approximately 9  
3 years. Our interactions typically involved neighborly chitchat, asking after her relatives and  
4 church friends, I would sometimes bring Iris fresh produce from the farmer's market and Iris  
5 Canada would also share stories with me about her youth. During the first few years of our  
6 interaction, I would see Iris Canada venturing out with elderly relatives, typically to church on  
7 Sundays.

8  
9           4.     Over the 9 years that I have known Iris Canada, I have been invited and entered  
10 her apartment on numerous occasions, typically to help her with small jobs, such as changing  
11 light bulbs and smoke detector batteries.

12  
13           5.     Beginning in the summer of 2012 I stopped seeing Iris Canada on a regular  
14 basis. The last time I recall seeing Iris Canada living at her apartment was approximately June  
15 2012. Since that time I have only seen Iris Canada at the building on two occasions, once in  
16 late 2014 and another time on January 31, 2015. On both occasions Iris was accompanied by  
17 someone I now know to be a relative. On the first occasion the relative, her niece, opened the  
18 door to Iris's apartment and both went inside for a short time before leaving together. The  
19 niece closed and locked the apartment door. I tried to talk with Iris – to ask after her health and  
20 well-being, but was discouraged by the niece. Between the first time I saw Iris Canada and the  
21 niece together and the second time, the locks on unit 670 were changed. This became apparent  
22 when a San Francisco city electrical inspector could not be given access to the apartment using  
23 the original emergency access key. As a result the owner Peter Owens notified Iris the locks  
24 would be changed back to allow for emergency access. The second time I saw Iris Canada, the  
25 niece opened the street door and attempted to open the door to Iris apartment. When the niece  
26  
27  
28

1 realized the locks had been changed back she called the police. The police instructed the niece  
2 not to interfere with the new locks. After the police left the premises the niece called a  
3 locksmith and had the locks changed again. For several hours Iris Canada was sitting in the  
4 niece's car on a cold night. At some point later that night, Iris Canada was observed being  
5 served court papers. Besides these two recent episodes, I have not seen Iris Canada at the  
6 building or 670 Page Street since the summer of 2012.  
7

8 6. During the time since I first moved into 678 Page Street I would see where Iris  
9 Canada's mail was delivered on a regular basis. Iris Canada would often listen for the building  
10 front door to open, or at least that is what I suspected. Iris Canada would then open her  
11 apartment door and when she saw me we would make small chat for a few minutes. I would  
12 often ask her if she would like me to collect her mail for her because the stairs gave her  
13 difficulty. Since the summer of 2012 I believe that her mail has been redirected. On at least  
14 two or three separate occasions I have seen packages from a medical delivery company remain  
15 on her doorstep for months before they were removed.  
16

17 7. For several years before 2012 San Francisco Social Services would deliver  
18 prepared meals for Iris Canada (her gas stove had been discontinued earlier due to safety  
19 concerns). Meal packages would be delivered to her door. Sometimes these would remain on  
20 Iris's doorstep until the late evening when she would retrieve them. Iris would routinely leave  
21 the remaining food packages on her doorstep for pick-up by Social Services. Shortly after June  
22 2012 the food service stopped. I can only imagine someone contacted the city to suspend or  
23 stop the service.  
24

25 8. On a regular basis I would see the light of Iris Canada's living room turn on  
26 around dusk. Since approximately June 2012 I have not seen the lights switch on or off at Iris  
27  
28

ZACKS & FREEDMAN, P.C.  
235 MONTGOMERY STREET, SUITE 400  
SAN FRANCISCO, CALIFORNIA 94104

1 Canada's residence. After I saw Iris in January 2015 the hall light, and a light in a bedroom has  
2 remained on. The lights are not switched off at daylight or switched on at dusk.

3 9. During my time living at 678 Page Street I would hear typical residential sounds  
4 coming from Iris Canada's residence, not limited to television, radio, alarm clocks, and talking,  
5 on a regular basis. I would normally hear the radio and television daily and would also hear  
6 the telephone ring. I have not heard any sounds coming from the residence since June 2012  
7 that would evidence that Iris Canada, or anyone else, was present or living at her residence.  
8

9 10. The furnace for 670 Page Street, Iris Canada's residence is located in a shared  
10 garage in our building. Iris Canada's furnace would typically and constantly cycle on and off,  
11 as furnaces are designed to do. I have not observed or seen any evidence that Iris Canada's  
12 furnace has cycled on in over 2 years.  
13

14 11. I first realized I had not seen Iris Canada for some time in June 2012. Because I  
15 would typically see her on a daily basis, after a few days of not seeing her, I became concerned  
16 for her well being and asked my neighbors if they had seen her, to which none had. I discussed  
17 my concerns in greater detail with one neighbor, Chris Beahn, and we agreed that based on our  
18 shared concerns for her health and well being, we should check on her, and if necessary, enter  
19 her apartment to perform a check on welfare by using the emergency keys, which we have for  
20 such situations. Repeatedly over the course of several hours, Chris Beahn and I knocked on  
21 the front door, used the door buzzer and called out to Iris. When it was apparent Iris was not in  
22 the apartment or unable to respond we opened the door using the emergency key and before  
23 entering first announced ourselves as Michel and Chris her neighbors. When there was no  
24 response and we could not hear any movement, Chris and I entered the unit. On entering the  
25  
26  
27  
28

ZACKS & FREEDMAN, P.C.  
235 MONTGOMERY STREET, SUITE 400  
SAN FRANCISCO, CALIFORNIA 94104

1 apartment we saw rotting food, trash, roaches, and both dead and dying vermin caught in traps.

2 There was no sign of Iris Canada.

3 12. In mid-July of 2012 relatives of Iris Canada arranged for exterminators to come  
4 to the apartment and address the infestation. Cleaners were hired to deal with the trash, and  
5 multiple refuse sacks were filled and removed from the apartment. I have no knowledge of Iris  
6 Canada returning to the residence since that time.

8 13. The gas to the stove in Iris Canada's apartment was disconnected several years  
9 ago because of the fire hazard presented by the continued vacancy at the apartment.

10 14. Approximately December 15, 2014 I began hearing a low battery smoke  
11 detector signal ringing, which I was able to determine was coming from Iris Canada's  
12 apartment. That signal went on for approximately five weeks. At no point was there any  
13 interruption of the low battery signal until January 21, 2015.

15 15. On January 24, 2015 I observed an envelope posted on Iris Canada's door at  
16 670 Page Street. The envelope remained there, undisturbed, until January 31, 2015.

18 16. I recall Iris Canada coming to the residence on January 31, 2015 with someone I  
19 understood to be her niece. I met Iris Canada and her niece outside the building, along with  
20 several other neighbors and Iris Canada appeared disoriented and unsure of what was  
21 happening around her.

22 17. Based on my having lived at 678 Page Street for almost 12 years, and having  
23 observed the comings and goings, sounds, and general neighborly observations on an almost  
24 daily basis, I am firmly convinced that Iris Canada has not resided at her residence since  
25 approximately June 2012.

26  
27  
28

ZACKS & FREDMAN, P.C.  
235 MONTGOMERY STREET, SUITE 400  
SAN FRANCISCO, CALIFORNIA 94104

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

DATED: October 2, 2015

  
Michel Bechirian

FAXED



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SAN FRANCISCO BOARD OF SUPERVISORS**

ALEXANDER APKE, et al.,

Appellants,

vs.

SAN FRANCISCO DEPARTMENT OF  
PUBLIC WORKS,

Respondent.

**DECLARATION OF PETER OWENS IN  
SUPPORT OF CONDOMINIUM  
CONVERSION SUBDIVISION APPEAL**

Case No.: 2017-013609CND  
Project Address: 668-678 Page Street, San  
Francisco  
Hearing Date: April 23, 2018

1 I, Peter Owens, declare as follows:

2 1. I am over the age of 18 and am one of the appellants in this appeal. I make  
3 this declaration based on facts personally known to me, except as to those facts stated on  
4 information and belief, which facts I believe to be true, and, if called as a witness, could  
5 and would testify competently thereto.

6 2. I am one of the applicants in this appeal. I purchased 668-678 Page Street,  
7 San Francisco (the "Subject Property"), in 2002.

8 3. I make this declaration to outline my communications with San Francisco  
9 Planning Commission staff regarding Iris Canada during the condominium application  
10 process for the Subject Property (the "Application").

11 4. The Application was submitted in September 2017. I was in contact with  
12 Planning Commission staff regarding the Application over the month of December  
13 2017.

14 5. The staff planner assigned to the Application was David Weissglass.

15 6. I was aware that the Housing Rights Committee ("HRC") intended to  
16 oppose the Application, based on posts the HRC had made on their website and social  
17 media. I thought it was likely the HRC would ask for the Application to be placed on the  
18 Planning Commission's deliberative agenda rather than the consent agenda.

19 7. On or around December 15, 2017, I telephoned Mr. Weissglass to discuss  
20 the HRC's claims that an eviction of a protected tenant had occurred, and to ascertain  
21 whether the Planning Commission needed further information from us in relation to this  
22 claim.

23 8. During this conversation I told Mr. Weissglass about the background to the  
24 Subject Property, including the fact that Ms. Canada was an owner of record and not a  
25 tenant. I explained that the apartment had been unoccupied since Ms. Canada moved to  
26 live with family in Oakland in 2012.

27

28

1           9.     Mr. Weissglass indicated that his job was not to adjudicate the issues  
2 raised by the HRC, but to ensure that all parties had a fair chance to be heard by the  
3 Commission.

4           10.    On or around December 18, 2017, the HRC wrote to the Planning  
5 Commission asking the Planning Commission to take the Application off the consent  
6 agenda. The HRC asserted that issues regarding Ms. Canada’s alleged eviction should be  
7 discussed on the regular calendar. A true and correct copy of the HRC’s letter is attached  
8 hereto as **Exhibit A**.

9           11.    On or around December 20, 2017, I called Mr. Weissglass with questions  
10 about how to submit additional information to respond to the HRC’s claims.

11           12.    Following our conversation, on December 21, 2017, Mr. Weissglass  
12 emailed my counsel and me, to advise us how we could submit further materials for  
13 inclusion with the Staff Report. He advised that the requests of certain groups to take the  
14 matter off the consent calendar were not sufficient evidence to change the staff  
15 recommendation, which was to approve of the Application. A true and correct copy of  
16 this email is attached hereto as **Exhibit B**. In response to this email, my counsel  
17 prepared the letter and exhibits dated January 2, 2018, which were submitted to Planning  
18 Commission and were attached to this appeal as Exhibit A.

19           13.    I have never attempted to hide, or mislead City agency staff about, the  
20 controversy regarding Ms. Canada’s occupancy of 670 Page Street. On the contrary, I  
21 contacted Mr. Weissglass in advance of his report and in advance of the first hearing of  
22 the Application by the Planning Commission, in order to ensure he was apprised of all  
23 potential issues related to the Subject Property.

24           14.    I signed the Application that described 670 Page Street, San Francisco as  
25 “vacant” from November 2012 to 2017, because Ms. Canada was not living there during  
26 this time period. In signing the Application for Condominium Conversion, I did not  
27 intend to, and did not, submit incorrect information in order to mislead or misdirect City  
28 staff.



# **EXHIBIT A**



David Weissglass  
Planning Department  
1650 Mission Street, Suite 400  
SF, CA 94103

December 18, 2017

Dear Mr. Weissglass:

I am writing to express the opposition of Housing Rights Committee to the 668-678 Page St. condo conversion item being on the Planning Commission's January 11, 2018 consent calendar. We believe it should be on the regular calendar with standard deliberation. We feel there are important issues to be discussed regarding this conversion, such as the eviction of 100-year-old Iris Canada, who lived in apartment 2 and died shortly after her eviction. These issues should be addressed at a hearing on the regular calendar.



I know that our reason for opposing this project is not to be argued at this point, so this is simply a request for the item to be pulled from the consent calendar on January 11, 2018.

Thank you.

Sincerely,

Tommi Avicolti Mecca  
Housing Rights Committee  
(415) 703-8634

# **EXHIBIT B**

From: **Weissglass, David (CPC)** david.weissglass@sfgov.org    
Subject: FW: 668 Page St.  
Date: December 21, 2017 at 11:25 AM  
To: emblidge@mosconelaw.com, owensradisch@gmail.com  
Cc: Condominium Conversion condoconversion@andysirkin.com, andy@andysirkin.com



Good morning Peter, thanks for your message.

Below is the email I sent Rosemarie yesterday. I apologize that the date of the email is a few days ago, I wanted to speak with my supervisor first to determine how to handle the case. Attached you'll find a copy of the email from Senior & Disability Action as well as the Letter from Housing Rights Committee.

Scott, I also received your message, and I'll relay to you the message that I gave Rosemarie. You may submit documents for inclusion in the staff report until **next Friday, December 29<sup>th</sup>**. I will indeed be including these two messages in the staff report, but as you see, they don't go into much detail regarding their arguments or the case they plan to be making; they are simply requesting it be taken off the consent calendar. As such, whatever information you would like to submit for the staff report is completely up to you. You are welcome to submit as many materials as you'd like that you feel make your case, or none at all. The Commission is careful to take all matters into consideration and do not make decisions prior to deliberation. As such, even if you do not submit any materials to the staff report before the deadline above, you will still have ample opportunity to present any materials you'd like at the hearing itself.

Further, as I explained to Rosemarie over the phone, missing this December 29<sup>th</sup> deadline is not the end of the world, nor does it render additional materials "ineligible" as evidence, for lack of a better term. The main reason this December 29<sup>th</sup> deadline exists is really logistical; we like to give Commissioners ample time to read long staff reports for a few days before the hearing itself. However, in making their decisions, Commissioners are careful to weigh all input, whether this input is provided in the staff report or at the hearing itself. This is all to say that your strategy in terms of how you'd like to make your case is really up to you; I don't believe there is a "wrong" or a "right" way to go about it.

I don't know all of the details of the situation, and therefore my role in this case is to simply ensure that protocol is followed and allow all stakeholders the opportunity to make their case. While the Department does make a recommendation in the staff report, the Commissioners are aware that this recommendation is only based upon the information that we have at the point the staff report is published. As it relates to this case, all I know is that there are some groups requesting that the item be taken off the consent calendar. This is not enough evidence to change our staff recommendation, which is approval of the condo conversion. That said, the Commissioners will take all information into account at the hearing, and the Commissioners are free to vote based on the facts that they see, whether or not they are in line with staff's previous recommendation.

I apologize for the lengthy email, but I do know this case is important to you and I hope this has cleared some things up. I will be out tomorrow, and next Monday through Wednesday. I will return next Thursday, Dec. 28<sup>th</sup>. If you have any questions, please feel free to leave me an email or a voicemail and I'll do my best to get back to you ASAP upon my return. Scott, if you'd still like to speak. I should be in the office for the rest of the day with a brief break for lunch, so feel free to call if you'd like.

Thank you!

**David Weissglass, Assistant Planner**  
**Northwest Team, Current Planning Division**  
San Francisco Planning Department  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415.575.9177 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

---

**From:** Weissglass, David (CPC)  
**Sent:** Wednesday, December 20, 2017 4:59 PM  
**To:** 'Condominium Conversion'  
**Subject:** 668 Page St.

Hi Rosemarie,

I just left you a message but I've received some input from a few groups requesting that we take this



case off the consent calendar for January 11<sup>th</sup>, so it's starting to look like we are going to take this item off the consent calendar and put it on the regular calendar. I've gotten an email from a member on behalf of "Senior and Disability Action" as well as a letter from the "Housing Rights Committee." I hope to speak with you tomorrow regarding this proposal if you'll be in the office. I will be out of the office this Friday and next Monday, Tuesday, and Wednesday. I'll return Thursday, Dec. 28<sup>th</sup>.

Thanks!

**David Weissglass, Assistant Planner  
Northwest Team, Current Planning Division**

San Francisco Planning Department  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415.575.9177 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)



Mail Attachment



David Weissglass  
Planning Department  
1650 Mission Street, Suite 400  
SF, CA 94103

December 18, 2017

Dear Mr. Weissglass:

I am writing to express the opposition of Housing Rights Committee to the 668-678 Page St. condo conversion item being on the Planning Commission's January 11, 2018 consent calendar. We believe it should be on the regular calendar with standard deliberation. We feel there are important issues to be discussed regarding this conversion, such as the eviction of 100-year-old Iris Canada, who lived in apartment 2 and died shortly after her eviction. These issues should be addressed at a hearing on the regular calendar.

I know that our reason for opposing this project is not to be argued at this point, so this is simply a request for the item to be pulled from the consent calendar on January 11, 2018.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Tommi Avicolli Mecca".

Tommi Avicolli Mecca  
Housing Rights Committee  
(415) 703-8634

1663 Mission, Suite 504, SF CA 94103 415-703-8634 [www.hrcsf.org](http://www.hrcsf.org)

Fighting for tenants rights since 1979