

File No. 141083

Committee Item No. \_\_\_\_\_

Board Item No. 33

# COMMITTEE/BOARD OF SUPERVISORS

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Board of Supervisors Meeting

Date \_\_\_\_\_  
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Completed by: John Carroll Date November 20, 2014  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

Irving Zaretsky  
IIZ@Padbell.net

cell: 415-559-6875  
Home: 415-922-7609

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2014 OCT 20 PM 12:08  
October 20, 2014

REQUEST FOR CEQA HEARING

Board of Supervisors  
Ms. Angela Calvillo  
Clerk of the Board  
City Hall, Room 244  
San Francisco, CA 94102

RE: 2853-2857 BRODERICK STREET (subject property)  
Lot 002 Block 0947  
Permit: 201307010898, 201103111905, 201103252839, 201108031630,  
201209260727, 201309247638, 201309066151  
Previously heard by:  
Planning Commission DR Review Hearing September 18, 2014

CEQA Categorical Exemption Determination by Shelley Caltagirone July 3, 2014  
Case No. 2013.0433E  
Historic Resource Evaluation Response by Shelley Caltagirone July 2, 2014  
Case No. 2013.0433E  
Project Evaluation by Tina Tam July 2, 2014 (for Drawings dated May 1, 2014)

APPELLANTS:

Irving Zaretsky (Zeeva Kardos, Kate Polevoi)  
Tim Arcuri

Dear Members of the Board of Supervisors:

We are requesting a CEQA Hearing for the above captioned subject property. The City Planning Department has issued a CEQA CATEGORICAL EXEMPTION DETERMINATION (CASE NO. 2013.0433E -- Shelley Caltagirone, Preservation Planner) on July 3, 2014 based on HISTORICAL RESOURCE EVALUATION RESPONSE (Case No. 2013.0433E) issued June 24, 2014 and PROJECT EVALUATION issued by Tina Tam on July 2, 2014.

We are hereby appealing the City Planning Department Exemption based on its stated

conclusions:

1. "that the proposed project would not cause a substantial adverse change in the significance of the resource to render it materially impaired"; and
2. "...the proposed project would not have an adverse effect on off-site resources such as adjacent historic properties."
3. That the proposed project will not have a significant effect on the environment.

The Planning Department was in error in granting the Exemption and we are requesting that the Department's Decision to issue a Categorical Exemption be returned to the Department for additional environmental review by the staff.

#### NEIGHBORHOOD BACKGROUND

The subject property is located in the Cow Hollow neighborhood on Broderick street bounded by Filbert street on the north and Union street on the south. That block of Broderick and the adjoining Filbert and Union street blocks are part of the residential building design and architectural style of the First Bay Tradition between the period of 1870 and 1930. This property was built around 1890 and is reputed to be the original farm house of the farm that was subdivided into the various currently existing homes.

The property is about 125 years old.

The subject property at 2853-2857 Broderick is 125 years old. and is reputed to be the original farm house that preceded the other historic resources adjoining it and existing in the quadrant of Broderick, Baker, Filbert and Union streets. It is the clearest example of the First Bay Tradition building style and residential building plan for mixed housing

of single family homes and two unit flats that characterized the development of Cow Hollow between 1870 and 1930.

The residential building pattern of the block consists of single family, two and three story homes on the East side of Broderick street and the South side of Filbert street; and two and three story multi residence buildings, consisting of two flats each, on the West side of Broderick and on the North side of Filbert street.

While the single family homes on the East side of Broderick are attached, the distinct style of the two family flats on the West side of Broderick are unattached structures with wide separation of almost eight feet between each structure. These wide alleyways allow each structure to be fully viewed from the adjacent public walkways and roadway so that every aspect of the building from side set back to roof top are visible in their various details to all passers by. These wide set backs allow for air, light, privacy and safety between each building structure. Historically, the subject property, as well as all other two flat structures on the West side of Broderick, were rental housing with affordable rents for middle class renters who were either married couples (with or without children), room-mates, or single individuals. The rental units were consistent with the affordability of Marina apartments and somewhat more affordable than the Pacific Heights apartments. This diversity of housing options together with the diversity of populations occupying the structures contributed to the overall living environment of this section of Cow Hollow, both architecturally and socially. The two combined inseparably to impact the physical structures in style, feel, and overall neighborhood character. Many of the flats were owner occupied with the remaining flat rented out.

The most visible characteristic of the flats on the West side of Broderick was the scale

of the buildings and how they followed the slope of the hill. The roof lines have been staggered to follow the descending slope. This is a characteristic of many sloped streets with historic homes in San Francisco.

The characteristic for which the entire block bounded by Broderick, Baker, Union and Filbert streets is known for is the backyard gardens of the structures that collectively create an enormous lush open space that is unique. The backyard open space quality has been one of the features emphasized by the Cow Hollow Guidelines.

None of the historic adjoining homes have roof decks. None of the homes have encroached on the side yard set backs. All the homes have maintained substantial back yards.

The garage openings, of those structures with garages, have been kept to a height between 6'9" and 7'2" for the most recently created garages. The subject property created an 8' 3" garage opening.

None of the roof dormers have been altered and the entry systems in the facade of the adjoining buildings have been kept as originally designed.

The historical physical and social characteristic of the blocks of Broderick and Filbert streets lies in large measure due to the history of the Presidio and the need, historically, to create overflow housing for those who were not accommodated in the Presidio.

The architecture, physical building design, allocation of planned living spaces into flats and single family houses contribute to the total environment of this part of Cow Hollow.

## BACKGROUND TO 2853-2857 BRODERICK

This structure was originally built as two flats with a one level flat at 2853 Broderick and a duplex flat at 2857 Broderick. The building was always owner occupied at 2857 Broderick and a rental lower flat at 2853 Broderick.

The Conrad family who sold the building to Pam Whitehead and Melinda Nykamp lived in the building for about fifty years. They were originally renters of the lower flat at 2853 Broderick and a few years after moving in they purchased the building with the furniture of the upper flat from the family of the previous owners. They moved up to the duplex flat at 2857 Broderick and rented out 2853 Broderick. That lower flat had been continuously, and without interruption, rented out at highly affordable rents for families, couples, room-mates or single individuals.

Around March of 2010 there was a fire in the building caused by arson. Since that time the building has been vacant. The previous owner wanted to repair the structure and move back into it, but a variety of contractors gutted the building, and lack of proper insurance compensation along with the old age issues of Mrs. Conrad caused her to sell the structure to its current owners.

A variety of permit issues, from garage installation to development matters, have been going on since that time. The current owners bought the building in about May of 2012, although they had been in the process of buying the property since about March of 2012 (as related by Mrs. Conrad). The purchase price was \$1,800,000 with the current owners paying a down payment of \$50,000 and the seller taking back a three year mortgage of about \$1,750,000.

Once the new owners took over the property they took over the building plans in place and the architect stayed on.

A series of Hearings were held dealing with the plans which concluded with a CEQA Hearing set for September 4, 2012. Supervisor Farrell negotiated a Settlement Agreement (enclosed) which was signed by the current owners and, at their demand, by all the adjoining neighbors on the West side of Broderick street and south side of Filbert street.

The Agreement is a one document and appendix of plans which is non-severable and provided a road map of how to amend the Agreement. In addition it focused on three elements: The building was to be raised only 36" as measured from the center top curb of the Broderick street facade; The rear stairwell was to be left intact and the firewall left as is; the south side set back was to be left as is with no expansion or encroachment of any kind. Through the work of City Planning, Historical Preservation and Building Department, a second means of egress was created for the flat at 2853 Broderick through the garage with adjustments made to the entryways of both flats.

It was agreed, and so maintained by all signatories, that the exterior envelope of the building was to remain in tact and not to be increased nor increase the footprint of the building.

The Agreement was signed at Supervisor Farrell's office on September 4, 2012 and the Appellants withdrew their CEQA appeal so that the construction could begin ASAP according to the agreed upon plans and Agreement (one, non-severable document).

The Board of Appeals approved and issued Permit No. 2013070108908.

Six months later the current owners lifted the building under this permit and then abandoned it for the remaining issued permits as ADDENDA to that permit.

It was discovered after the building was lifted that the original stated height of the building was not 34' as stated on the plans but nearly 37' and that the lift of the building resulted in an overall height of over 40' on the North elevation of the roof line.

Once the height of the building was discovered, by a survey that the neighbors commissioned, to be 37' the neighbors complained to City Planning and the Building departments.

The Building Department issued a Notice of Correction on June 23, 2013 and required that Revised Plans be submitted by the project sponsor.

Such plans were submitted in July 2013 and City Planning informed the project sponsor that the revised plans had to be submitted to a 311 neighborhood notification just as the original plans were subject to such notification.

The project sponsor and City Planning failed to submit the plans to a timely 311 notification and instead, abandoned the plans of Permit 201307010898 and began to operate with Addenda plans that essentially nullified the permit and the Agreement and plans upon which it was based.

In a Hearing before the Board of Appeals in March 2014 with regard to DPW issuing a permit for curb cuts, City Planning admitted that the Addenda permits issued were not the appropriate venue to deal with Revised Plans and that a 311 notification had to

take place. So in July 2014, a full year after the Revised Plans were submitted by the project sponsor, AND AFTER CONSTRUCTION WAS COMPLETED UNDER THE ADDENDA PLANS, 311 notification was sent out so that retroactive approval of the Addenda permits can be secured under the guise of issuing a new Permit based on Revision Drawings.

This CEQA appeal request follows Hearings that deal with the Revised Plans and the interim Addenda plans that re-introduce several of the issues that caused us to file a CEQA appeal in 2012 and that was scheduled for a Hearing September 4, 2012.

While we thought that those issues were resolved by the Agreement and plans we signed on September 4, 2012 and that formed the basis for the Board of Appeals issuing the Permit on September 19, 2012, it turns out that the original issues have been resurrected.

#### APPELLANTS ARE APPEALING THE FOLLOWING ISSUES:

1. BUILDING HEIGHT: According to Appellants' commissioned survey submitted to City Planning and DBI, the subject property was lifted at least 36" and exceeds that lift by several inches as measured from the center top of the curb and the building height exceeds 40 ' at the North elevation.

Appellants were misled by the initial height designation on the original plans that the building was 34' in height and that wrongful information acted as a filter to cause many neighbors not to protest the original plans.

Appellants contend that the 36" permitted lift was a height that was negotiated based on the wrongful statement that the building was 34' in height. Had the true

~~height of the building been known at the time, a different lift amount would have been~~

negotiated. There is nothing magical about a 36" lift. It is a figure arrived at based on the stated wrong information that the building was 34' in height prior to the lift.

## 2. ENCROACHMENT INTO SOUTH SIDE SET BACK:

Appellants are appealing the proposed plans to encroach into the South side set back for the creation of a new bay window in the dining room for the purpose of creating a fireplace development.

## 3. ALTERATION OF DORMERS:

Appellants are appealing the alteration of roof dormers since all dormers are clearly visible from the adjacent walkways and roadways and right of ways due to the wide spaces separating each building on the West side of Broderick.

## 4. HEIGHT OF GARAGE OPENING:

Appellants are appealing the creation of a garage opening that is 8' 2" in height which is a foot taller than any garage opening on the block, including recent new garage construction.

## 5. DWELLING UNIT MERGER:

Appellants are appealing the elimination of affordable housing and the merger of the previously approved two unit building into a single family home. The current market value of each unit is below the level that allows the Zoning Administrator sole discretion in assessing the merger of the dwelling units. This merger must be addressed by the Board of Supervisors. The appraisal of value and Valuation report submitted by the project sponsor to date provide a statement of value based on future projection of the project "as to be improved" and is not based on the current value of the building as of the date of the appraisal and valuation. The project sponsor's appraisal

is totally speculative and is based on inaccurate comparisons to existing buildings. The sole purpose of such an appraisal and Valuation Report appears to be only for the purpose of avoiding a review of the Dwelling Unit Merger by the Board of Supervisors and leaving it to the discretion of the Zoning Administrator. The current application by the project sponsor states that no additional construction is required for the merger. The construction was done piecemeal under the addenda permits and prior to any 311 notification. The current Hearing is simply to ratify what has already been constructed as an accomplished fact.

**6. ENCROACHMENT INTO THE BACKYARD:**

Appellants are appealing the expansion of the West elevation of the building and the decking system further into the backyard and essentially eliminating the yard altogether.

**7. GARDENING SHED OR ADDITIONAL ROOMS IN THE BACKYARD:**

Appellants are appealing the creation of a 8' x 10' gardening shed in the backyard as is shown on the permit approved by the Board of Appeals on September 19, 2012.

That development continues to be available to the project sponsor even without a permit and the project sponsor indicated that she, or anyone who purchases the structure from her, has a right to build and essentially cover the entire lot.

**8. ROOF DECK :**

Appellants are appealing the roof deck development and its alteration of existing historical dormers, the squaring of the roof and the reduction of light to adjoining properties.

PERMIT APPROVED ON SEPTEMBER 19, 2012 VS. THE NEW PERMIT  
~~201309010898~~

The original negotiated plans between the project sponsor and the neighbors provided for the renovations of the interior of the building to accommodate a two flat historic structure wherein the project sponsor stated that she would occupy the upper unit at 2857 Broderick and would provide 2853 Broderick as a rental unit. The exterior envelope of the building would not be altered with the exception of lifting the building to accommodate a garage. At the time that the permit was approved by the Board of Appeals no one knew that the building plans provided false information as to the height of the building. That was discovered only after the building was initially lifted and the discrepancies between the stated height of 34' became inescapably clear to be false and the building appeared to be six feet higher and closer to 40' and above. Since that time, February 2012, until City Planning suspended all permits referred to above on February 5, 2014, the project sponsor refused to submit the revised plans to the required 311 notification and to the Hearings that would have allowed the neighbors to voice their concerns over the CEQA issues that the Addenda permits and subsequent construction presented to the neighborhood. City Planning did not complete the CEQA checklist and the review of Categorical Exemptions and historical preservation issues until July 3, 2014. The neighbors had to wait to appeal that determination until after the Planning Commission Hearings held on September 18, 2014.

In March of 2014 City Planning declared to the Board of Appeals that the Addenda Permits issued to the project were not the appropriate vehicles for the construction that was done and that the plans were always subject to and must be submitted to the neighbors on the basis of a 311 notification with the right to appeal hearings.

Nonetheless, construction had already occurred and the current hearings appear to be intended to simply ratify construction that has already taken place to the irreparable detriment of the Cow Hollow neighborhood.

The current construction and the planned construction have a significant effect on the subject property and other historic resources that adjoin the property to yield an overall negative impact on the Cow Hollow environment. The height of the subject property has taken it out of all proportion to the height profile of the block and to the skyline of Broderick street (see photograph). The planned encroachment into the South side set back impacts negatively the building design plan of the First Bay Tradition of leaving wide alleyways between the buildings. The encroachment into the back yard and the virtual elimination of the open space impacts negatively the entire historical building design of leaving large open space in the center of the quadrant bounded by Broderick, Baker, Filbert and Union streets. The alteration of the dormers and the facade of the structure has a negative impact on the historic integrity of this almost 125 year old home. The elimination of the West elevation porch has materially impaired the structure and deprived the neighborhood environment of one of the unique examples of the ornamental details of the First Bay Tradition building style. The West elevation porch was unique to the entire Broderick block and to the entire quadrant of historic homes.

The current exterior construction and planned development distort the original proportions and the structure and negatively impact adjoining historic resources.

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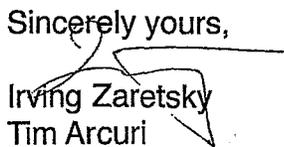
~~The planned Dwelling Unit Merger impacts the building design plan of the~~

First Bay Tradition of providing two units in each of the structures on the West side of Broderick to allow affordable housing and to bring in a diversity of population to occupy buildings in the neighborhood.

The current plans prevent the structure from having a second unit with a secondary means of egress and substitutes that egress, through the garage as approved in the original permit on September 19, 2012, with an elevator to service the entire proposed single family home from the garage to the roof development.

There will be additional evidence presented to the Board of Supervisors eleven days prior to the Hearing date as provided by the Rules.

Sincerely yours,



Irving Zaretsky  
Tim Arcuri  
Appellants

EXHIBITS FOLLOW



## TABLE OF EXHIBITS

1. Exhibit A
2. Exhibit B
3. Exhibit C
4. Exhibit D
5. Exhibit E
6. Exhibit F
7. Exhibit G
8. Exhibit H

## EXHIBIT A

1. CEQA Categorical Exemption Determination
2. Historic Resource Evaluation Response
3. Project Evaluation



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

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

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	Class 3 – New Construction. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class__

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

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

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

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

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

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

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

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

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

<input checked="" type="checkbox"/>	<p>8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):</p> <p>See HRER memo dated 6/24/14</p>
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<input type="checkbox"/>	<p>9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p>a. Per HRER dated: _____ (attach HRER)</p> <p>b. Other (specify):</p>
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Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.

<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.</p>
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<input checked="" type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
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Comments (optional):

Preservation Planner Signature: *Shelley Cattone*

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

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply):</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p>STOP! Must file an <i>Environmental Evaluation Application</i>.</p>
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<input checked="" type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p>
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<p>Planner Name: <i>Shelley Cattone</i></p> <p>Project Approval Action:          Select One</p> <p><small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small></p>	<p>Signature or Stamp:</p> <p><i>Shelley Cattone</i>      7/3/14</p>
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Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.



# SAN FRANCISCO PLANNING DEPARTMENT

MEMO

## Historic Resource Evaluation Response

*Date Reviewed:* June 24, 2014 (Part II)  
*Case No.:* 2013.0433E  
*Project Address:* 2853-2857 Broderick Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District;  
40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Staff Contact:* Shelley Caltagirone, Preservation Planner  
(415) 558-6625 | [shelley.caltagirone@sfgov.org](mailto:shelley.caltagirone@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### HISTORIC RESOURCE STATUS

#### Building and Property Description

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

#### Pre-Existing Historic Rating / Survey

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

#### Neighborhood Context

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

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

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

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

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

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

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

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

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

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

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

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

### *Bay Region Tradition*

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

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

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

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

**CEQA Historical Resource(s) Evaluation**

**Step A: Significance**

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

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

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

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

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

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

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

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

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

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

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

**Step B: Integrity**

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

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

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

**Historic District**

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

**Subject Property**

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

**Step C: Character Defining Features**

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

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

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

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

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**CEQA Historic Resource Determination**

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

## PART II: PROJECT EVALUATION

Proposed Project

Demolition

Alteration

Per Drawings Dated: May 1, 2014

### Project Description

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

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

### Project Evaluation

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

#### Subject Property/Historic Resource:

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

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

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

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

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

### Project Specific Impacts

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

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

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

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

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

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

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

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

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

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

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

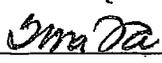
*Standard 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

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

*Cumulative Impact Assessment*

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

**PART II: SENIOR PRESERVATION PLANNER REVIEW**

Signature:   
Tina Tam, Senior Preservation Planner

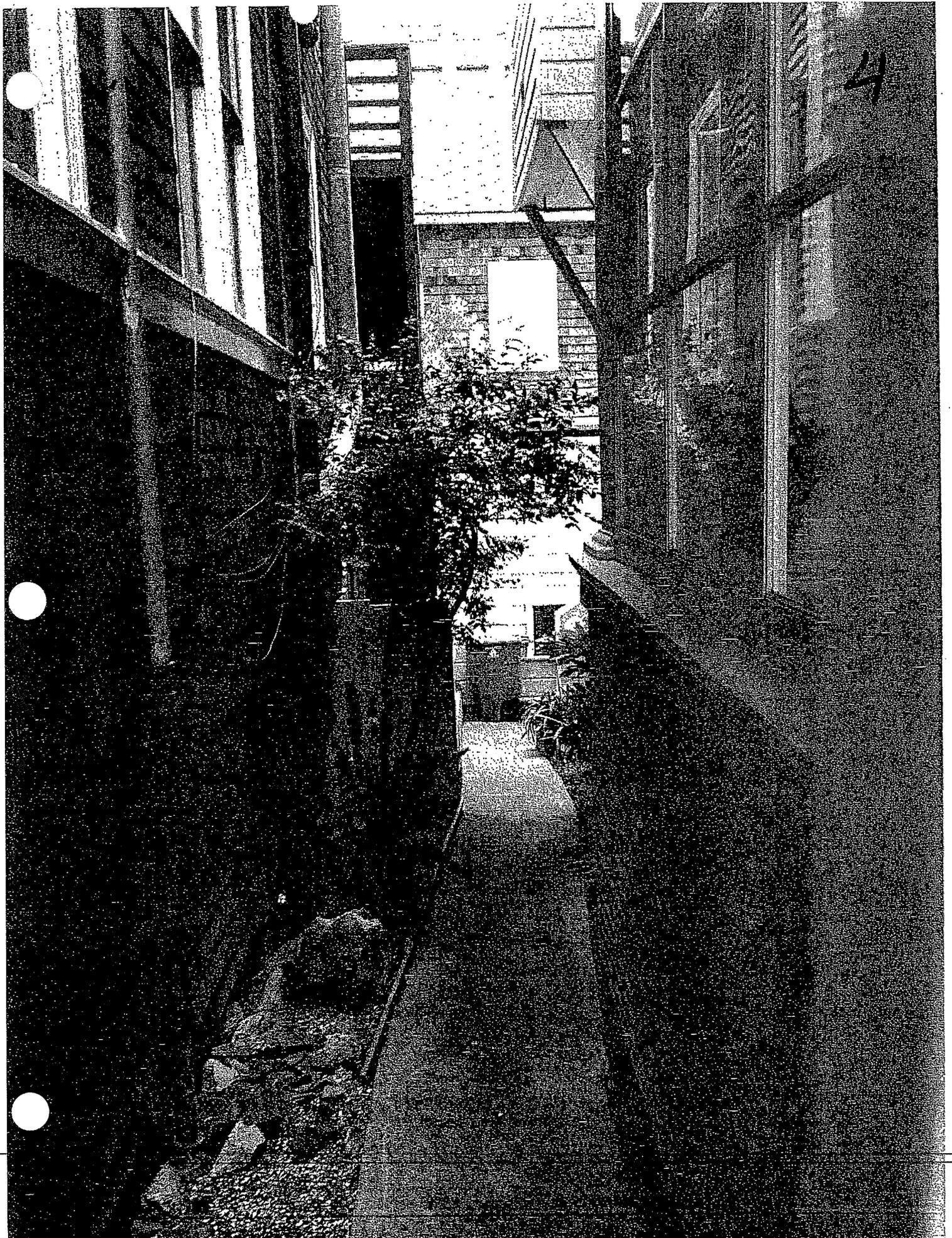
Date: 7-2-2014

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

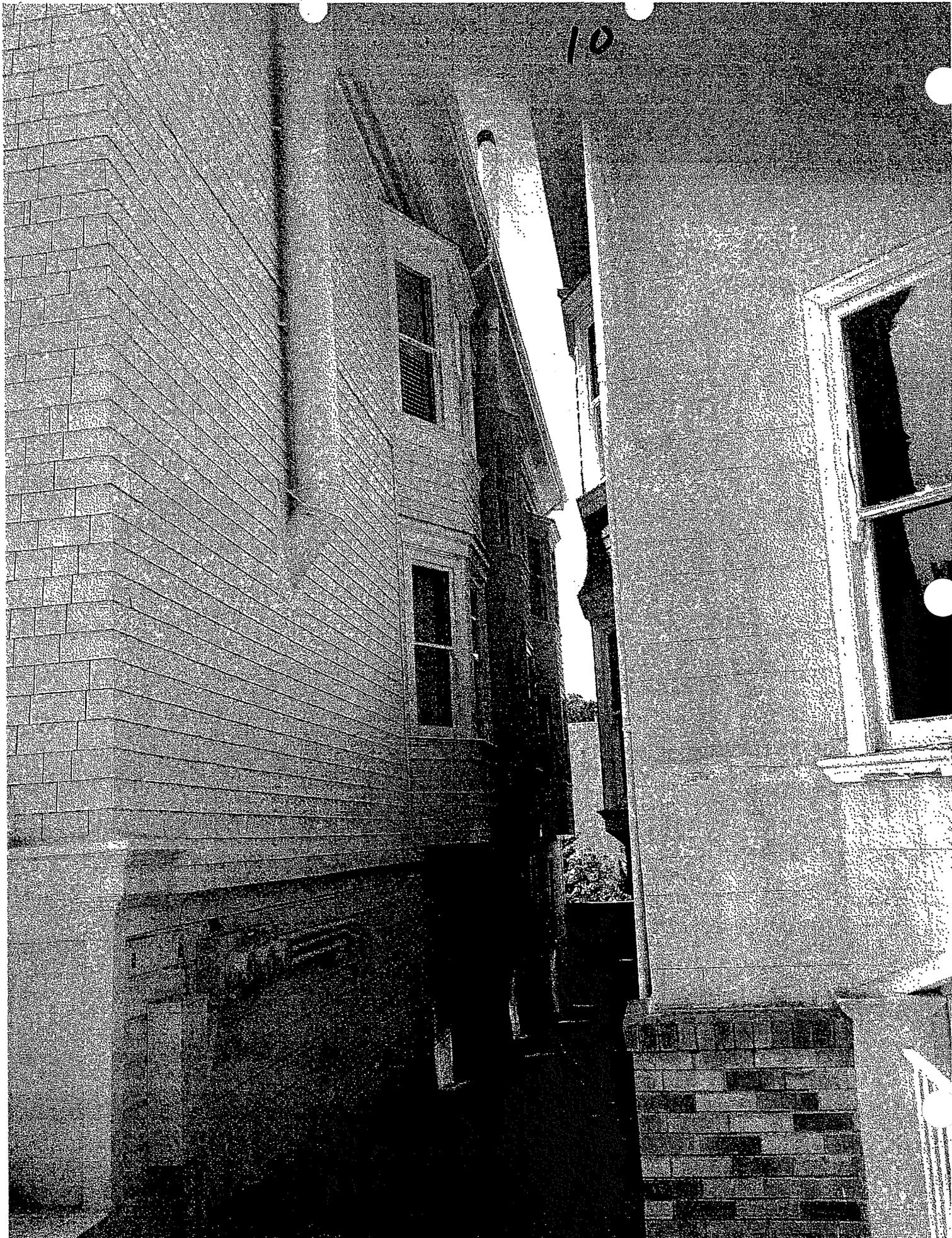
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## EXHIBIT B

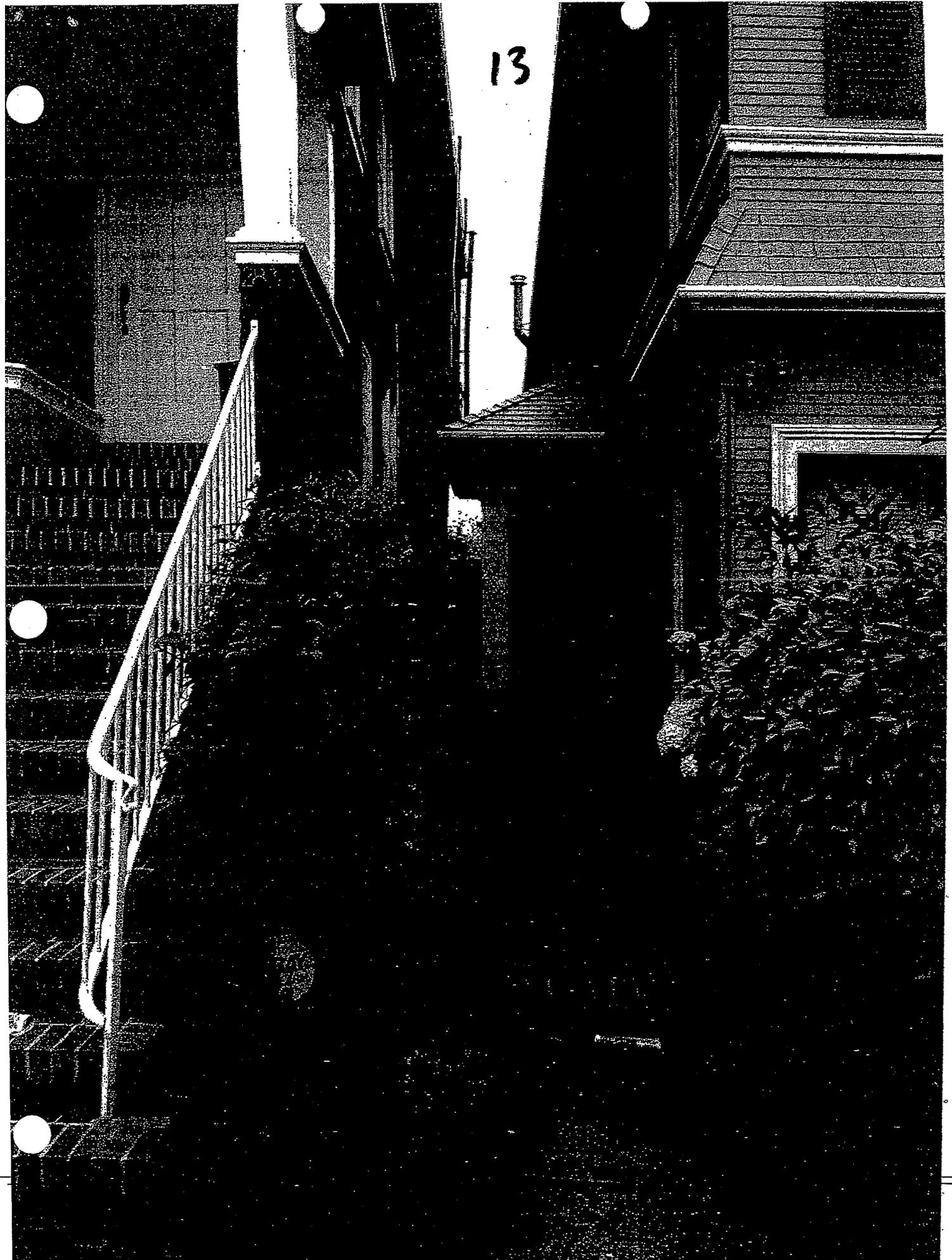
Wide alleys between building on West side of Broderick Street

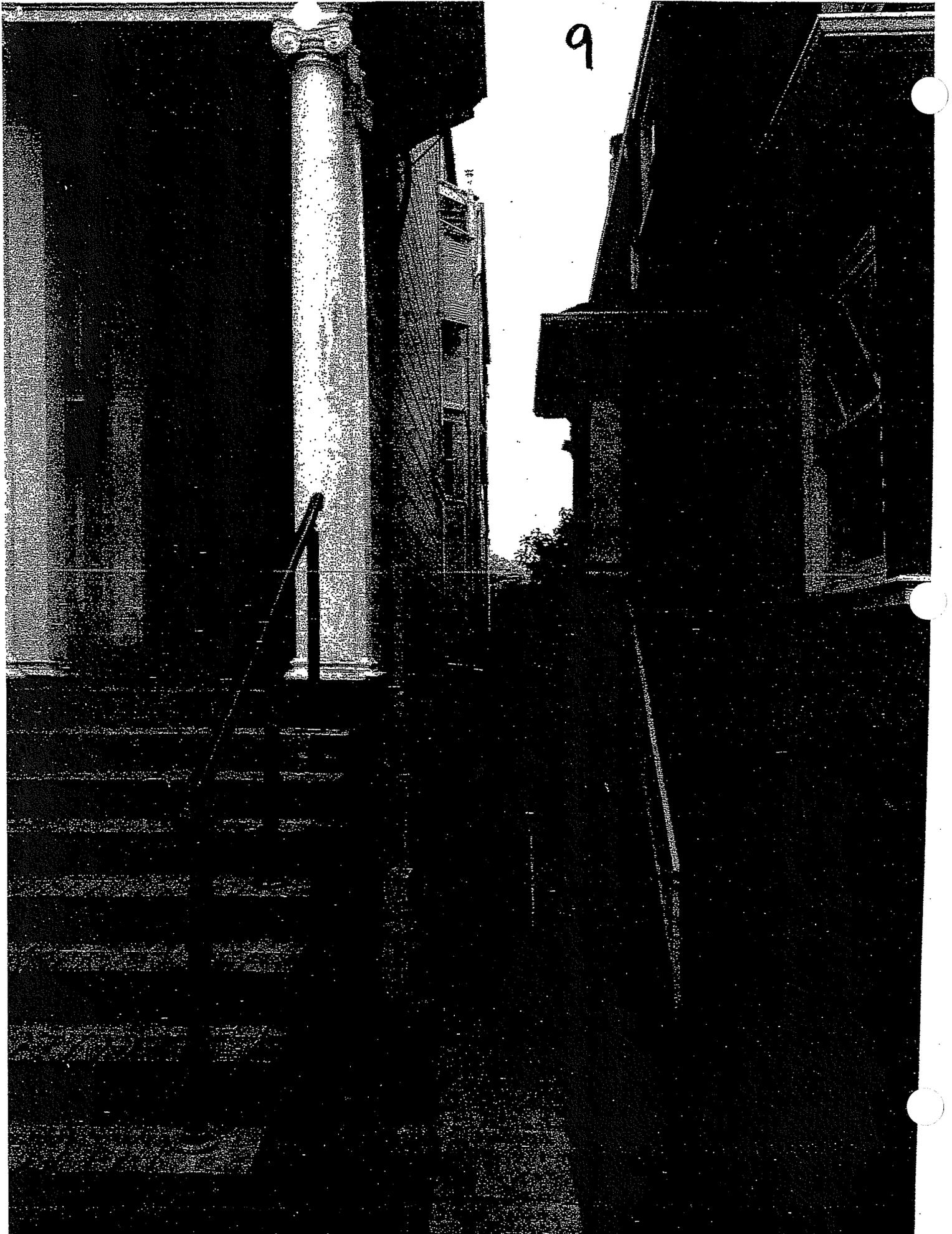


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## EXHIBIT C

2853 Broderick building lift above skyline of all adjoining properties.

MARTIN M. RON ASSOCIATES, INC.  
LAND SURVEYORS

MARTIN M. RON, L.S. (1923-1983)  
BENJAMIN B. RON, P.L.S.  
ROSS C. THOMPSON, P.L.S.  
BRUCE A. GOWDY, P.L.S.

HEIGHT CERTIFICATION

October 20, 2014

To: Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103

Subject: Residential Remodel at 2853 & 2857 Broderick Street  
Assessor's Block 947, Lot 2, San Francisco

Dear Sir:

On July 5, 2012, before the remodel, our survey crew measured the height of the subject building at its southern end (roof peak) to be 36'-7 1/8". On August 9, 2013, our survey crew re-measured the height of the subject building. At the southern end of the building, the height (roof peak) was measured at 39 feet, 11-5/8 inches. At the centerline of the building, the height (roof peak) was measured at 39 feet, 11 inches. At the northern end of the building, the height (roof peak) was measured at 40 feet, 1-1/8 inches. The zero point for the height measurements is the top of curb at the center of the lot along Broderick Street.

On July 5, 2012, before the remodel, our survey crew measured the elevation of the roof peak at the third story, the second story roof, the top of the first story cornice and the top of the window trim at the first story. All said elevation points were taken along the southerly building line of the subject property. These points were re-measured on April 30, 2013, and then again on August 9, 2013. We found the following changes in height:

	<u>7/5/12</u>	<u>4/30/13</u>	<u>8/9/13</u>
Top of 1st story window trim:	0	+3'-0"	+3'-1 3/4"
Top of 1st story cornice:	0	+2'-11 3/4"	+3'-1 7/8"
Second story roof:	0	+3'-0 1/2"	not measured
Roof peak at 3rd story:	0	+3'-3 1/4"	+3'-4 1/2"

On April 24, 2013, our survey crew set three settlement monitoring points on the exterior face of the subject building. These points were set along the south and east building faces, at the southeast corner of the subject property. On August 9, 2013, our survey crew re-measured said three points and found that each point had moved up by 0' 1-7/8". This upward movement explains the difference in measurements from 4/30/13 to 8/9/13 in the above table.

Our measurements conclude that along the southerly building line the building was raised between 3 feet, 1-3/4 inches and 3 feet, 4-1/2 inches.

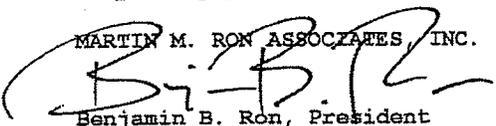
Department of Building Inspection  
Page 2  
October 20, 2014

I reviewed a letter by Gregory Cook, the Project Engineer for the residential remodel dated April 30, 2013, that was addressed to the Department of Building Inspection. The letter states that Mr. Cook's measurements determined that the subject building was raised by three feet. Since the letter did not include details of how the measurements were determined, I could not verify his results.

Thank you for this opportunity to be of service. If you have any further questions, please feel free to call.

Very truly yours,

MARTIN M. RON ASSOCIATES, INC.

  
Benjamin B. Ron, President

/mw



# Height Certification

April 30, 2013

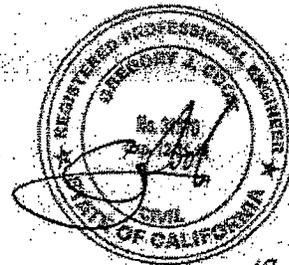
**TO:** City and County of San Francisco  
1660 Mission Street  
San Francisco, CA 94103  
Attn: Department of Building Inspection

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

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

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

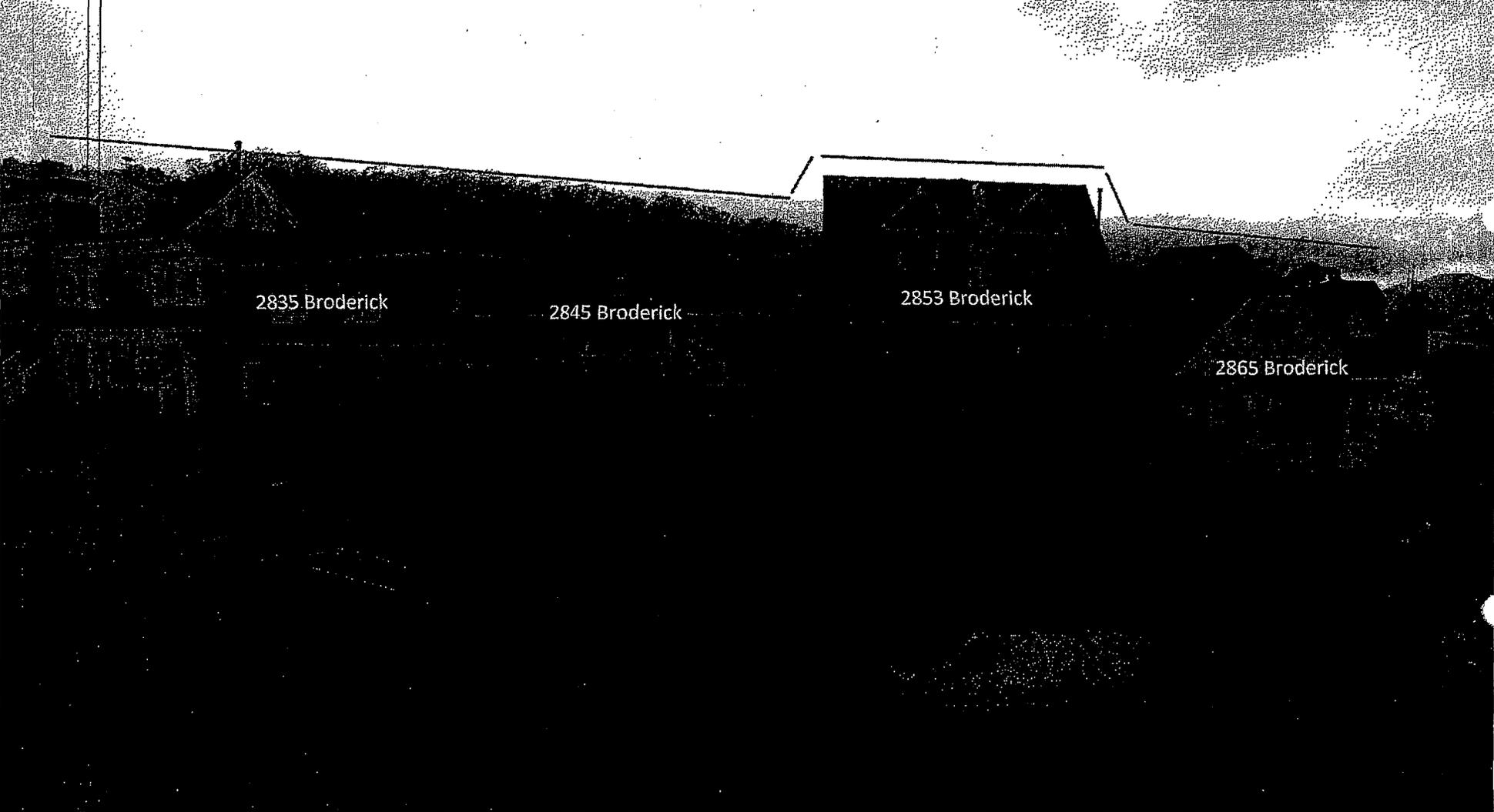
  
Gregory J. Cook RCE 31570  
(Project Engineer)



4-30-13

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



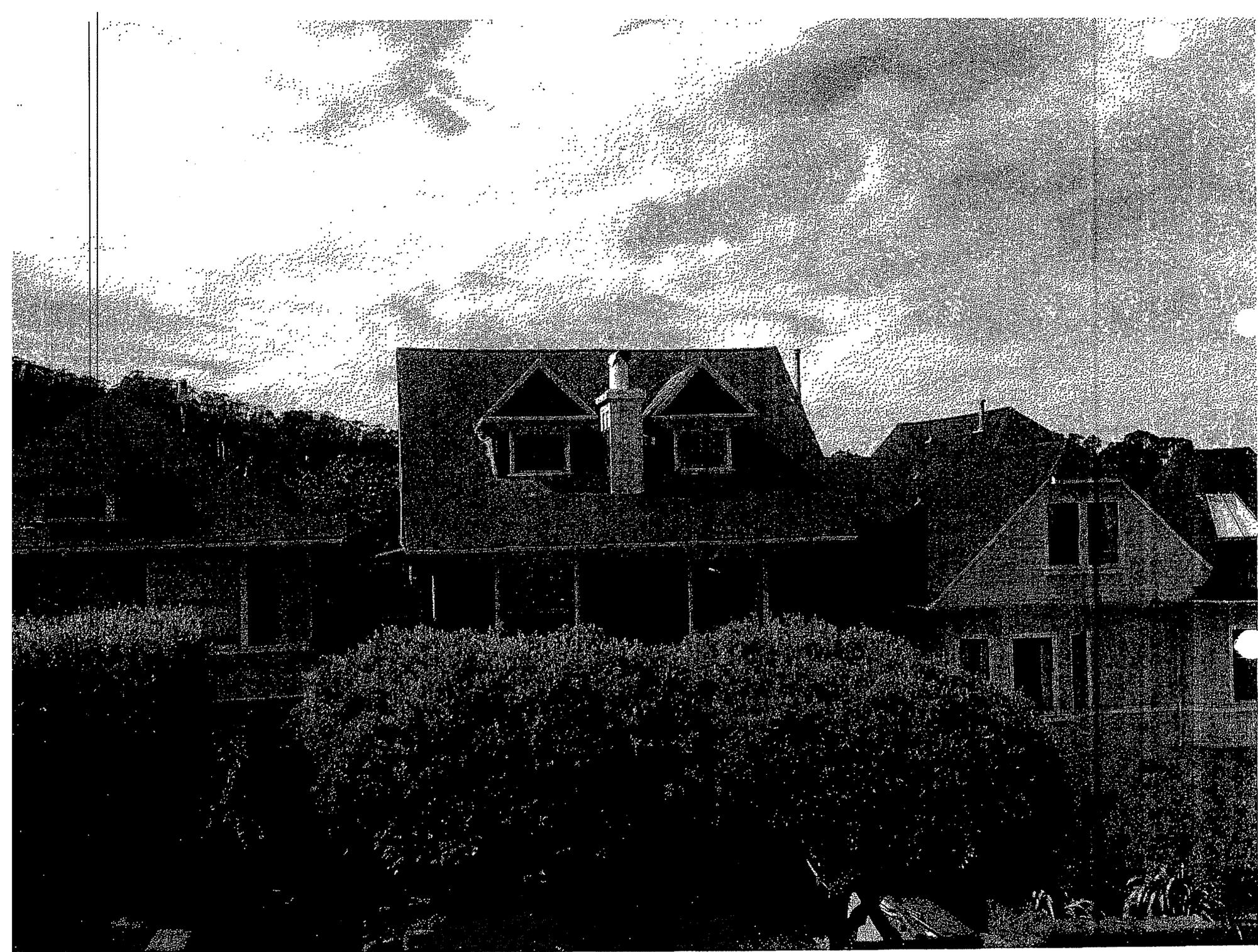
2835 Broderick

2845 Broderick

2853 Broderick

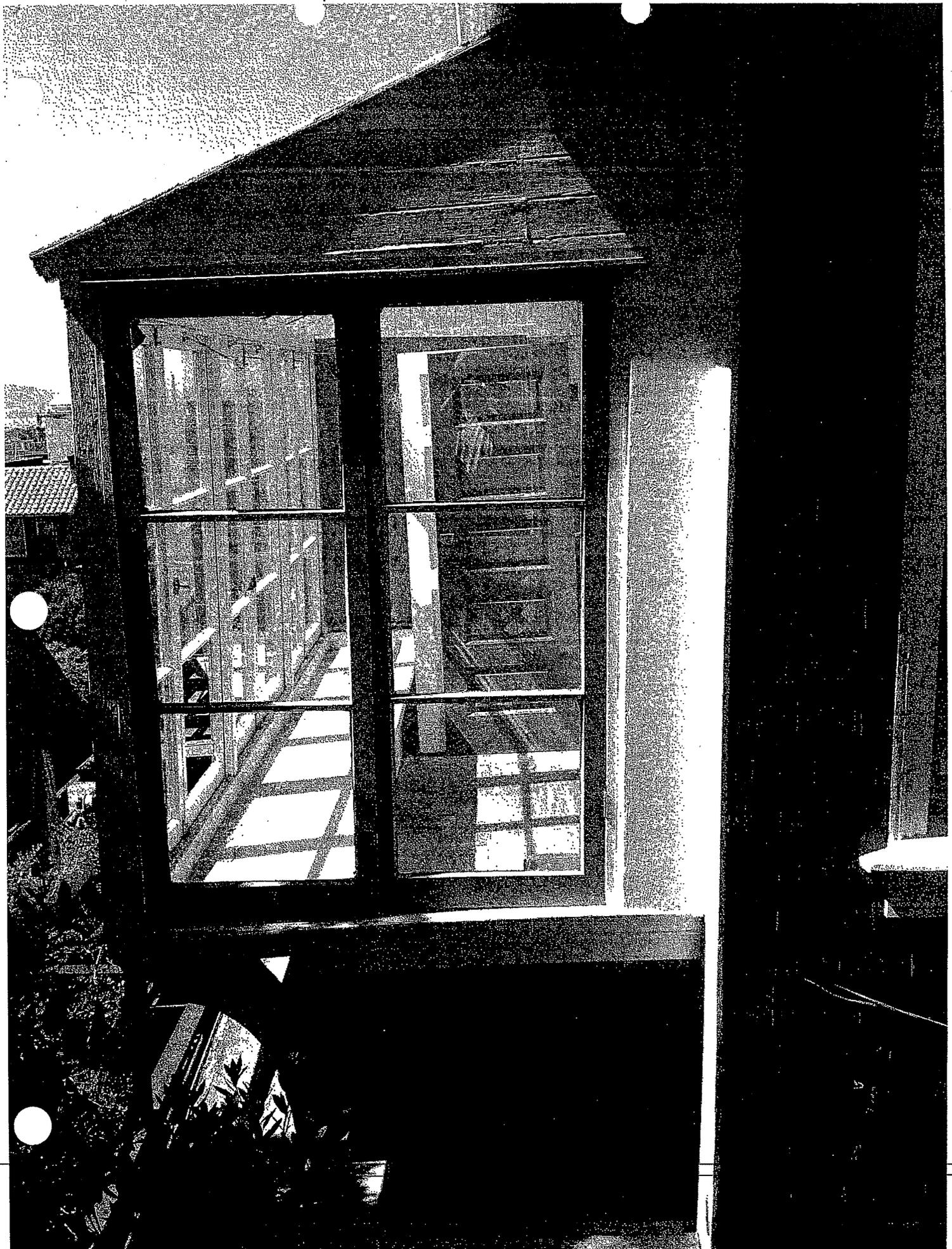
2865 Broderick

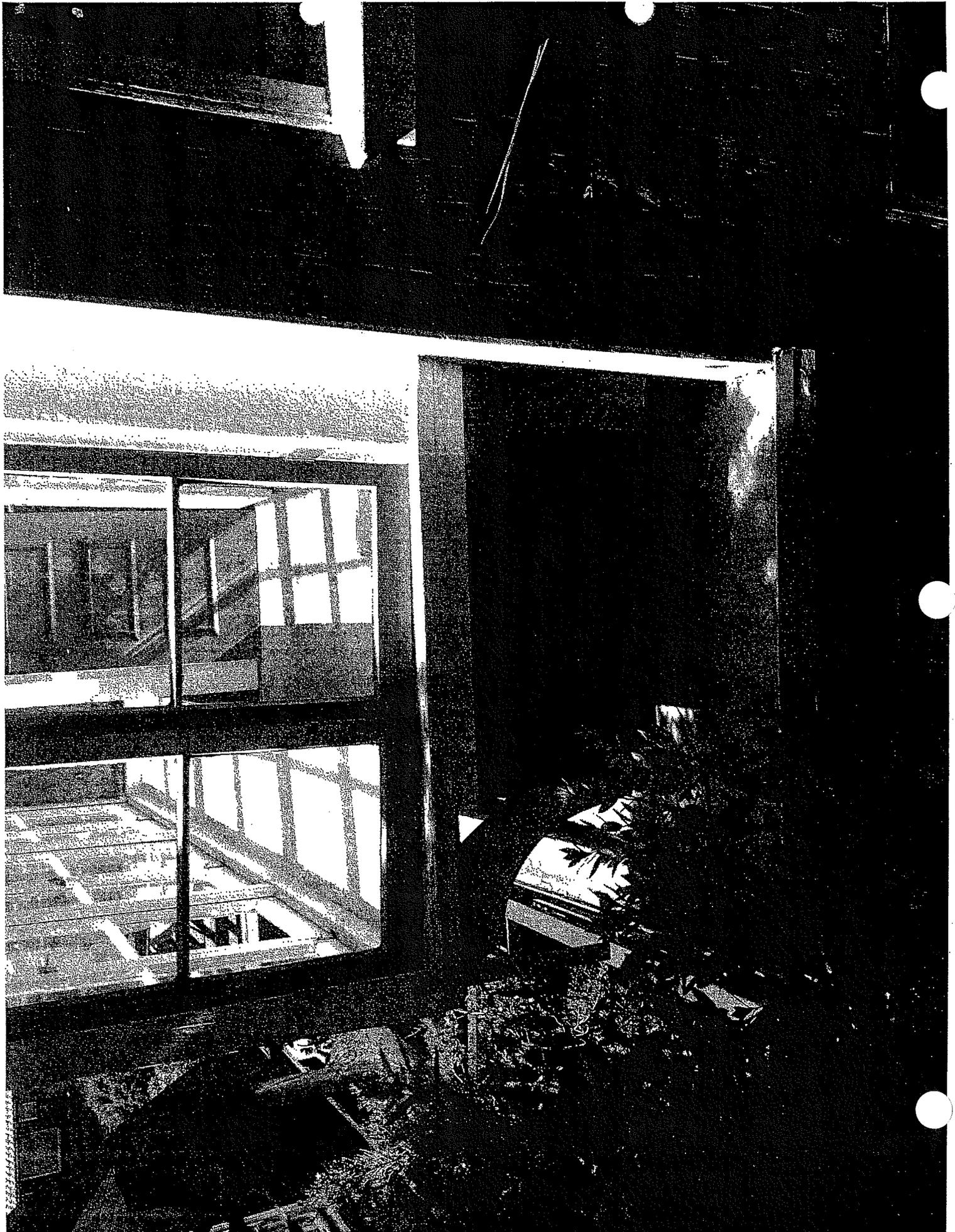




## EXHIBIT D

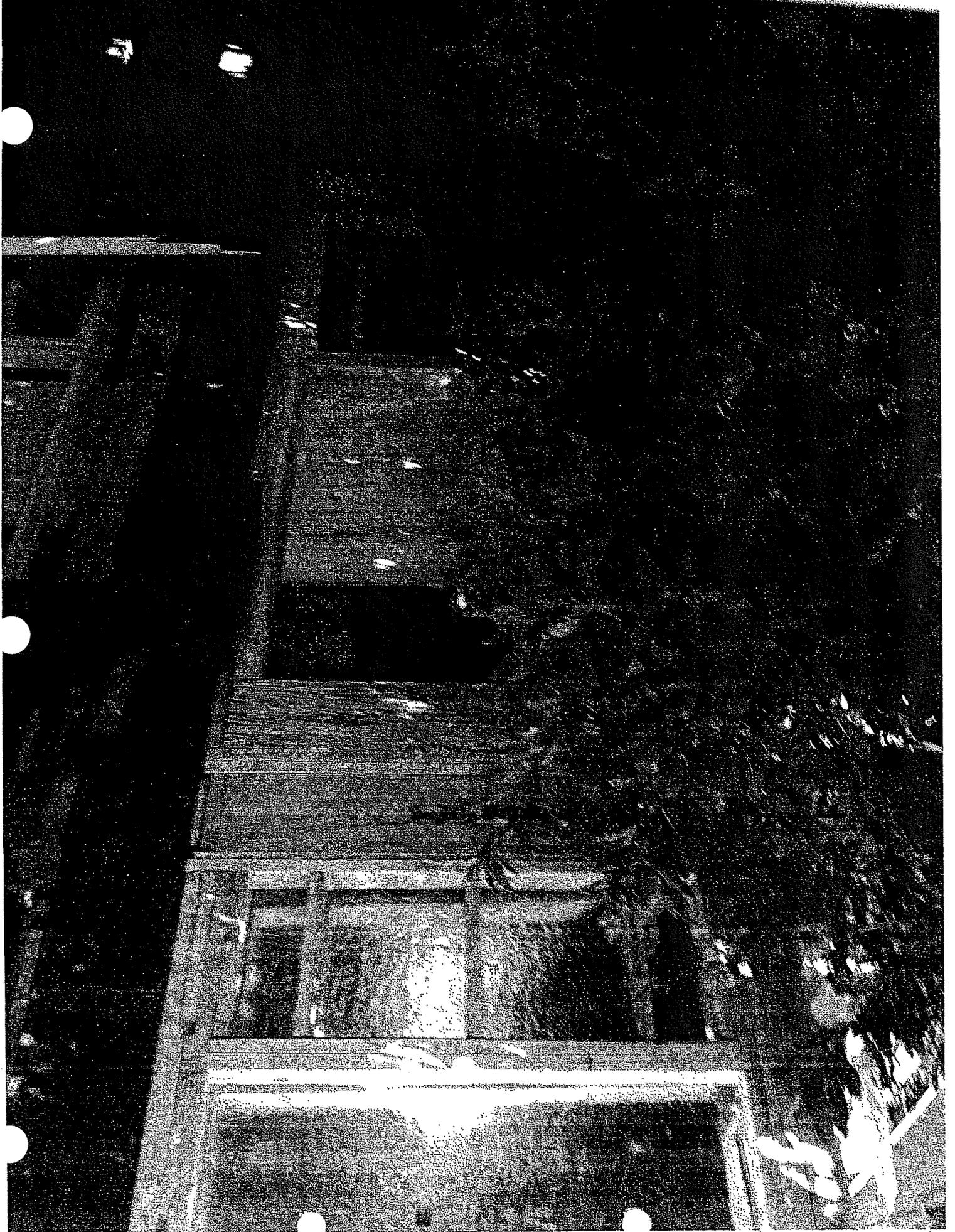
2853 Broderick West elevation porch on recessed third floor  
demolished.





## EXHIBIT E

2853 Broderick expansion of West Elevation into back yard after  
porch demolished





**EXHIBIT F**

Permit History

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:16:58 PM

**Application Number:** 201309247638

**Form Number:** 3

**Address(es):** 0947 / 002 / 0 2853 BRODERICK ST.  
0947 / 002 / 0 2857 BRODERICK ST

**Description:** REMOVE FIRE DAMAGED AND UNSOUND FRAMING DISCOVERED DURING ALTERATION UNDERWAY(2011-03-25-2839) REMOVE & REPLACE ALL FLOOR & DECK JOISTS & EXTERIOR WALL FRAMING AT 2ND & 3RD FLOORS ONLY, REPLAC BAYS & WINDOW OPENINGS IN KIND, ALL NEW EXTERIOR ELEMENTS IN KIND.

**Cost:** \$18,400.00

**Occupancy Code:** R-3

**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
9/24/2013	TRIAGE	
9/24/2013	FILING	
9/24/2013	FILED	
10/3/2013	PLANCHECK	
10/3/2013	APPROVED	
10/11/2013	ISSUED	
2/6/2014	SUSPEND	Per DCP's request on 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014

### Contact Details:

#### Contractor Details:

License Number: OWN

Name: OWNER OWNER

Company Name: OWNER

Address: OWNER \* OWNER CA 00000-0000

Phone:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID- INSP	9/24/13	9/24/13			9/24/13	VENIZELOS THOMAS	
2	CPB	9/24/13	9/24/13			9/24/13	CHAN AMARIS	
3	CP-ZOC	9/24/13	9/26/13			9/26/13	CABREROS GLENN	Approved. Rear facade alterations; exterior materials to be replaced in-kind 9/26/13 (gc).
4	BLDG	9/27/13	9/30/13	9/30/13		10/1/13	LE THOMAS	
5	PPC	10/3/13	10/3/13			10/3/13	SAMARASINGHE GILES	10/3/13; to CPB.grs
6	CPB	10/3/13	10/3/13			10/11/13	SHEK KATHY	10/3/13; APPROVED, KS

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:17:58 PM

**Application Number:** 201209260727  
**Form Number:** 3  
**Address(es):** 0947 / 002 / 02853 BRODERICK ST  
 0947 / 002 / 02857 BRODERICK ST  
**Description:** 9/26/12: BOA#12-056 DATED 06/20/12. REF: APPL#2011/03/25/2839-S.  
**Cost:** \$10,000.00  
**Occupancy Code:** R-3  
**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
9/26/2012	TRIAGE	
9/26/2012	FILING	
9/26/2012	FILED	
10/12/2012	PLANCHECK	
10/12/2012	APPROVED	
10/12/2012	ISSUED	
2/6/2014	SUSPEND	Per DCP's request dated 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014

### Contact Details:

### Contractor Details:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BLDG	9/26/12	9/26/12			9/26/12	DANG DENNIS	
2	CPB	9/28/12	9/28/12			9/28/12	YAN BRENDA	
3	CP-ZOC	9/28/12	10/1/12			10/1/12	LINDSAY DAVID	approved per Board of Appeals Decision Appeal No. 12.056
4	PPC	10/2/12	10/2/12			10/2/12	THAI SYLVIA	
5	CPB	10/2/12	10/12/12			10/12/12	YAN BRENDA	10/12/12 APPROVED BY KS

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
8/27/2013	AM	CS	Clerk Scheduled	REINFORCING STEEL	1

### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
8/27/2013	Thomas Fessler	REINFORCING STEEL	REINFORCING STEEL

### Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:19:14 PM

**Application Number:** 201108031630

**Form Number:** 3

**Address(es):** 0947 / 002 / 0 2853 BRODERICK ST  
0947 / 002 / 0 2857 BRODERICK ST

**Description:** TO COMPLY W/ NOV 201003592 & 20105414. REPLACE 26'X38' 1/FLR FRAMING, REPL INTR WALL FINISH ENTIRE(2 UNITS).REPLACE BATHRM & KITCHENS-2UNITS.REPL ELECT&MECH(SEPARATE PERMIT).INTR ALTERN POST FIRE DAMAGES.ADD NEW BEDRM&BATH AT GRD/FLR).INSTALL NEW INSULN,SHEETROCK,SPRINKLER&KITCHEN&BATH FIX&CABINET.

**Cost:** \$320,000.00

**Occupancy Code:** R-3

**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
8/3/2011	TRIAGE	
8/3/2011	FILING	
8/3/2011	FILED	
2/3/2012	PLANCHECK	
2/3/2012	APPROVED	
2/8/2012	ISSUED	
2/6/2014	SUSPEND	per DCP's request dated 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014

### Contact Details:

#### Contractor Details:

**License Number:** 940335  
**Name:** JASON LANDIS BLOCH  
**Company Name:** BLOCH CONSTRUCTION INC  
**Address:** 239 BRANNAN ST \* SAN FRANCISCO CA 94107-0000  
**Phone:**

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-INSP	8/3/11	8/3/11			8/3/11	WALLS MARK	
2	CPB	8/3/11	8/3/11			8/3/11	SHEK KATHY	
3	CP-ZOC	8/3/11	8/22/11	8/22/11	9/2/11	9/2/11	CABREROS GLENN	APPROVED 9/2/11 - no change bldg envelope or bldg height. (gc) 8/22/11 - Request for building section
4	BLDG	9/6/11	9/14/11	9/22/11		1/27/12	PADA RODOLFO	01/27/2012: Approved. Route to PPC and route back to planning to re-stamp new plan sheets. R. Pada
5	MECH	9/22/11	10/21/11	10/24/11		11/8/11	LAI JEFF	10/24/11: comments issued & route to ppc. 11/8/11:recheck #1.APPROVED & ROUTE TO PPC.
6	SFPUC	10/24/11	11/17/11			11/17/11	TOM BILL	Reviewed & assessed for capacity charges. 50% paid with permit fees; balance due within 12 months of permit issuance date. See invoice attached to application. Route Site & S1 Addendum submittals to PPC 11/17/11.

7	PPC	8/23/11	8/23/11		2/2/12	SAMARASINGHE GILES	2/2/12: to CPB.grs 1/30/12: to CP ZOC for stamp on revised set.grs 11/18/11: plans in HOLD BIN; snt 11/8/11: Back to SFPUC.gi 11/7/11: retrieved from SFPUC for J. Lai. Back to J.Lai when returned.grs 10/24/11: to SFPUC.grs 9/22/11: to MECH.grs 9/6/11: to BLDG.grs 8-23-11: Applicant submit Revision 1 to CP-Zoc/Glenn Cabreros. sjf
8	CPB	2/2/12	2/3/12		2/8/12	YAN BRENDA	02/03/12 APPROVED BY KS

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
11/6/2013	AM	CS	Clerk Scheduled	ROUGH FRAME	1
5/24/2013	AM	CS	Clerk Scheduled	REINFORCING STEEL	2
5/6/2013	AM	CS	Clerk Scheduled	REINFORCING STEEL	1
<b>1 2</b>					

**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
11/6/2013	Thomas Fessler	ROUGH FRAME	REINSPECT REQUIRED
5/24/2013	Christopher Schroeder	REINFORCING STEEL	REINFORCING STEEL
5/6/2013	Joseph Yu	REINFORCING STEEL	REINSPECT REQUIRED
<b>1 2</b>			

**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	fc=3000 psi — j drive
0			2	BOLTS INSTALLED IN CONCRETE	
0			4	REINFORCING STEEL AND PRESTRESSING TENDONS	
0			5A1	SINGLE PASS FILLET WELDS < 5/16"	
0			24E	WOOD FRAMING	
0			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
0			20	HOLDOWNS	
0			24A	FOUNDATIONS	
0			24B	STEEL FRAMING	
0			18A	BOLTS INSTALLED IN EXISTING CONCRETE	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

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

**Technical Support for Online Services**

If you need help or have a question about this service, please visit our FAQ area.

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:20:21 PM

Application Number: 201103252839  
 Form Number: 3  
 Address(es): 0947 / 002 / 0 2853 BRODERICK ST  
 0947 / 002 / 0 2857 BRODERICK ST  
 Description: VERTICAL/HORZONTAL ADDITION, RAISE BLDG 36", BUILD NEW GARAGE & ROOMS DOWN FOR EXPANSION, NEW CURB CUT.  
 Cost: \$5,000.00  
 Occupancy Code: R-3  
 Building Use: 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
3/25/2011	TRIAGE	
3/25/2011	FILING	
3/25/2011	FILED	
3/30/2012	PLANCHECK	
3/30/2012	APPROVED	
4/17/2012	ISSUED	
5/8/2012	SUSPEND	requested by BPA -- ltr dd 5/2/12
10/16/2012	REINSTATED	requested by BPA -- email dd 10/12/12, PA#201209260727 issued on 10/12/12
2/8/2013	ISSUED	
2/6/2014	SUSPEND	Per DCP's request dated 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014

### Contact Details:

#### Contractor Details:

License Number: OWN  
 Name: OWNER OWNER  
 Company Name: OWNER  
 Address: OWNER \* OWNER CA 00000-0000  
 Phone:

### Addenda Details:

#### Description: SITE

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID- INSP	3/25/11	3/25/11			3/25/11	DUFFY JOSEPH	
2	CPB	3/25/11	3/25/11			3/25/11	YAN BRENDA	
3	CP-ZOC	3/25/11	3/28/11	3/28/11	2/1/12	2/1/12	CABREROS GLENN	APPROVED per case 2010.0394DV. 3/28/11: Notice #1 mailed (GC).
4	CP-MP	6/13/11	6/14/11			9/6/11	CABREROS GLENN	Section 311 Mailed:6/14/11 Exp:7/13/11 (Milton Martin) RE-NOTICE Mailed:8/08/11 Exp:9/06/11 (Milton Martion)
5	SFPUC	3/5/12	3/19/12			3/19/12	TOM BILL	Reviewed & assessed for capacity charges. 50% paid with permit fees; balance due within 12 months of permit issuance date. See invoice attached to application. Route site submittal to PPC 3/19/2012.
5	BLDG	2/2/12	2/28/12	2/28/12		3/29/12	YU JOSEPH	Site permit approval, plans route to PPC for distr. JYU 03292012 Plans in hold pending AB-005 for stair way rail. 03262012 jsyu... Changes to exterior of entry stairs require approval by DCP. Please have plans returned

							approved by DCP. Please note plans returned to JYU after DCP review. jyu 03012012 call to architect for changes to plans.
5	DPW-BSM	3/1/12	3/5/12		3/5/12	CY LIONGTIAN	Approved Site only! DPW/BSM shall not release construction addenda until complete application and plans for Street Improvement & MSE Minor Encroachment for warped driveway/concrete step are submitted and approved Please submit application with all (SI) requirements at 875 Stevenson Street, RM. 460, and Tel. No. (415)-554-5810. Your construction addenda will be on hold, until all necessary DPW/BSM permits are completed, or the receiving BSM plan checker-recommending sign off Note: Please contact Urban Forestry to apply for tree permit and landscape permit @ 415-554-6700
6	CP-ZOC	3/19/12	3/23/12		3/23/12	CABREROS GLENN	to Planning to review revision; snt
7	DFCU	3/26/12	3/26/12		3/26/12	BLACKSHEAR JOHN	3/26/12: No impact fees. No First Source Hiring Agreement required. --JB
8	PPC	4/7/11	4/7/11		3/29/12	THAI SYLVIA	3/29/12: to CPB; snt 3/27/12: Per J. Yu, removed end date and placed plans in HOLD BIN. grs 3/26/12: to Joe Yu; snt 3/19/12: to Planning, Glenn Cabrerros; snt 3/15/12: R10 received. Combined with plans at PUC. Will route to CP ZOC next. grs 3/5/12: to PUC; snt 3/1/12: to BSM; snt 7-22-11: Applicant submit Revision 7 to CP-Zoc/Glenn Cabrerros. sjf 7-15-11: Applicant submit Revision 6 to CP-Zoc/Glenn Cabrerros. sjf 4-7-11: Applicant submit Revision 1 to CP-Zoc/Glenn Cabrerros. sjf
9	CPB	3/29/12	3/30/12		4/17/12	SHEK KATHY	3/30/12: approved. SFUSD req'd. need contractor's info. gs

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
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**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
1			24B	STEEL FRAMING	
1			24A	FOUNDATIONS	
1			20	HOLDOWNS	
1			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
1			24E	WOOD FRAMING	
1	1/8/2014	YTCHIU	12	SHOTCRETE	
1	1/8/2014	YTCHIU	5B5	MOMENT-RESISTING FRAMES	
1	1/8/2014	YTCHIU	5A1	SINGLE PASS FILLET WELDS < 5/16"	
1	1/8/2014	YTCHIU	4	REINFORCING STEEL AND PRETRESSING TENDONS	
1	1/8/2014	YTCHIU	2	BOLTS INSTALLED IN CONCRETE	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:21:11 PM

**Application Number:** 201103111905

**Form Number:** 8

**Address(es):** 0947 / 002 / 0 2853 BRODERICK ST  
0947 / 002 / 0 2857 BRODERICK ST

**Description:** REMOVE SHEETROCK, LATH & PLASTER FROM SMOKE DAMAGED FLOORS. REMOVE KITCHEN AND BATH APPLIANCES AND CABINETS - ALL ON STRUCTURAL (SOFT DEMO ONLY)

**Cost:** \$15,000.00

**Occupancy Code:** R-3

**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
3/11/2011	TRIAGE	
3/11/2011	FILING	
3/11/2011	FILED	
3/11/2011	APPROVED	
3/11/2011	ISSUED	
2/6/2014	SUSPEND	Per DCP's request dated 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014

### Contact Details:

#### Contractor Details:

**License Number:** 634865

**Name:** TIMOTHY W. MORTENSEN

**Company Name:** STREAMLINE BUILDERS

**Address:** 1111 CAMPBELL CT \* RESCUE CA 95672-0000

**Phone:**

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-INSP	3/9/11	3/9/11			3/9/11	FESSLER THOMAS	
2	BLDG	3/9/11	3/9/11			3/9/11	GUNNELL MICHAEL	
3	DPW-BSM	3/11/11	3/11/11			3/11/11	MINLANO DANNY	
4	CPB	3/11/11	3/11/11			3/11/11	GALIZA DELIA	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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### Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:21:57 PM

**Application Number:** 201309066151  
**Form Number:** 8

**Address(es):** 0947 / 002 / 02853 BRODERICK ST  
 0947 / 002 / 02857 BRODERICK ST

**Description:** REMOVE STEPS PROPOSED TO BE ADDED AT NORTH SIDE ENTRY PORCH UNDER PA# 201103252839, REDUCE NO. OF STEPS AT SOUTH, FRONT ENTRY, ADD NEW DOORS WITH TRANSOMS AT BOTH LOCATIONS.

**Cost:** \$1.00  
**Occupancy Code:** R-3  
**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
9/6/2013	TRIAGE	
9/6/2013	FILING	
9/6/2013	FILED	
10/16/2014	WITHDRAWN	

### Contact Details:

### Contractor Details:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	INTAKE	9/6/13	9/6/13			9/6/13	CHUNG JANCE	415-999-9999	
2	CPB	10/16/14	10/16/14			10/16/14	YU ANNE	415-558-6070	10/16/14: Withdrawn Per Request. Customer lost application & took plans. Duplicate application made.ay

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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### Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

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

Technical Support for Online Services

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:23:25 PM

**Application Number:** 201307010898

**Form Number:** 3

**Address(es):** 0947 / 002 / 0 2853 BRODERICK ST  
0947 / 002 / 0 2857 BRODERICK ST

**Description:** TO COMPLY W/ CORR NOTICE DATED 6/25/13. ALSO TO CLARIFY HEIGHT OF BLDG BEFORE&AFTER BEING RAISED 36" UNDER 201103252839 &TO CORR PREV SHOWN HEIGHTS TO ROOF RIDGE TOP.DWELLING UNIT MERGER TO SFD.ADDITIONS TO SIDE,REAR&4/FL.REVISE 201103111905, 201103252839, 201108031630, 201209260727 &201309247638.

**Cost:** \$1.00

**Occupancy Code:** R-3

**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
7/1/2013	TRIAGE	
7/1/2013	FILING	
7/1/2013	FILED	

### Contact Details:

### Contractor Details:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	7/1/13	7/1/13			7/1/13	CHEUNG WAI FONG	415-558-6070	
2	CP-ZOC	7/1/13	7/16/13	7/16/13	10/15/14	10/15/14	CABREROS GLENN	415-558-6377	Approved per Case No. 2013.0433DDDE. Correct height dimensions. Dwelling unit merger from 2 to 1 unit. Side, rear and vertical additions. 10/15/14 (gc). NOPDR#1 mailed 7/10/13 (gc). Pending review with ZA. 7/16/13 (gc).
3	CP-DR		7/29/14			10/15/14	OROPEZA EDGAR	415-558-6377	DR APPLICATION TAKEN IN ON 7/29/2014. APPLICATION COMPLETE AND TAKEN IN BY EDGAR OROPEZA, PIC STAFF
4	CP-NP						CABREROS GLENN	415-558-6377	Mailed 311 Cover Letter 6/27/14 (Vlad) Mailed 311 Notice 7/7/14; Expired 8/6/14 (Vlad)
5	BLDG	10/15/14					COUNTER1	415-558-6133	
6	DPW-BSM							415-558-6060	
7	PPC						THAI SYLVIA	415-558-6133	10/17/14: back to OTC bin; snt. 10/17/14: Plans routed to Stephen Antonaros hold for Building review. AL 10/17/14: Plans routed to OTC hold for Building review. AL 10/15/14: to BSM; snt.
8	CPB						YAN RENDIA	415-558-	10/17/14: UPDATED DESCRIPTION OF WORK & IS A 2 UNITS MERGER TO 1 UNIT, NO STRUCTURE PLANS & CHANGE



## EXHIBIT G

Correction Notice 6/25/13 to provide revised plans, within 30 days,  
to be followed by 311 notification.

Notification was not provided until 1 year later

In the interim addenda permits were issued which were suspended  
on 2/5/14

2422

No. \_\_\_\_\_ 6/25/2013

CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF BUILDING INSPECTION

CORRECTION NOTICE

Location	2853 - 2857 Broadway St	Code Section
Remarks:	Existing height shown incorrectly on Approved Plans	

It has been discovered that the existing building height was noted incorrectly on the approved plans for PA 201103252839.

Obtain a revision permit to document the corrected existing height and the corrected proposed height. The revision permit is required to be approved by S P Planning Department.

Comply with this notice within 30 days. Failure to comply with this notice could cause further enforcement actions.

Contact Inspector Joe Duffy for Tom Fessler  
Div. \_\_\_\_\_, 1680 N Street or phone: \_\_\_\_\_ 1/2012

## EXHIBIT H

Agreement, September 4, 2012, on the basis of which appellant  
withdrew the CEQA appeal in 2012

## SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into as of September 4 2012 (the "Effective Date"), by and between Pam Whitehead and Melinda Nykamp ("Permit Holder"), and Pat Buscovich, Irving Zaretsky, Kate Kardos Polevoi, Zeeva Kardos, Craig Jones, Michael Jaeger, Eric Reimers, Kelda Reimers, Rob Povlitz, Jennifer Povlitz, Don Morehead and Ann Morehead ("Appellant"). Permit Holder and Appellant are sometimes each referred to in this Agreement as a "Party" or "party" and collectively as the "parties."

This agreement applies solely to Building Permit Application No. 2011.03.25.2839 and to the CEQA appeal and BOA appeal as defined below.

### RECITALS

This Agreement is executed with reference to the following facts:

A. Permit Holder is the owner of the real property commonly known as 2853-2857 Broderick Street, San Francisco, California, Block 0947, Lot 002 (the "Permit Holder Property").

B. Irving Zaretsky, Kate Kardos Polevoi and Zeeva Kardos are the owners of the real property commonly known as 2845-2847 Broderick Street, San Francisco, California, Block 0947, Lots 045 and 046 (the "Appellant Property").

C. The Permit Holder Property and the Appellant Property are adjacent and share a common property line ("Property Line"). Appellant has certain concerns and objections related to Permit Holder's work on the Permit Holder Property.

D. Permit Holder desires to obtain a permit that will allow for the raising of the existing building on the Permit Holder Property by 36 inches and construction of a new garage, among other things, pursuant to Building Permit Application No. 2011.03.25.2839 and the associated plans for the permit (collectively, the "Permit"). The Permit was issued on or about April 17, 2012.

E. On or about May 2, 2012, Appellant filed an appeal of the Permit with the San Francisco Board of Appeals ("BOA Appeal") that set forth various concerns and objections Appellant has with the Project. The BOA Appeal was considered at a Board of Appeals hearing on June 20, 2012 and was ultimately denied on a vote of 4 to 0.

F. On or about July 2, 2012, Appellant filed a request for rehearing of the BOA Appeal with the San Francisco Board of Appeals. A hearing to consider the request for rehearing was scheduled at the Board of Appeals on July 25, 2012. On July 18, 2012, Appellant filed a rescheduling request to reschedule the hearing until after September 19, 2012. The request was granted by the Board of Appeals on July 20, 2012, rescheduling the hearing to September 12, 2012.

G. On or about July 6, 2012, Appellant filed an appeal of the categorical exemption issued by the San Francisco Planning Department for the Project ("CEQA Appeal"), which set forth various concerns and objections Appellant has with the determination of categorical exemption from environmental review for the Permit.

H. All parties now desire to settle their differences on mutually agreeable terms.

NOW THEREFORE, for and in consideration of the promises, covenants, and releases hereinafter set forth in this Agreement, and for good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

**1. Recitals**

The above recitals are incorporated herein by reference and are hereby made a part of this Agreement.

**2. Permit Holder Obligations**

Permit Holder hereby agrees to amend the Permit, and implement construction, such that it is consistent with, and as set forth in, the drawings dated August 22, 2012, and attached hereto and incorporated herein as Exhibit A. Permit Holder will amend the permit by requesting the Board of Appeals agree to a rehearing of the BOA Appeal and then requesting the Board of Appeals amend the Permit pursuant to the drawings attached as Exhibit A. In the case that the Board of Appeals does not agree to the rehearing or to amend the Permit pursuant to the drawings attached as Exhibit A, Permit Holder shall amend the Permit pursuant to the attached drawings on her own.

Minor modifications may be made to said plans to satisfy Planning Department and/or Department of Building Inspection requirements for the building permit application. "Minor modifications" do not include, and are not limited to:

- a) Enlargement of the envelope of 2853-2857 Broderick Street;
- b) Any increase in the building height beyond a maximum of 36 inches from current conditions (which already includes any tolerance otherwise permitted by the Department of Building Inspection and Building Code);
- c) Any modifications to the fire wall on the north elevation of the rear yard stair case.

Any non-Minor Modifications may be made to the plans upon the consent of all parties to this Agreement.

Permit Holder will mark the building prior to the lift so that once it is lifted it can be clearly determined that the lift was 36 inches.

Permit Holder releases any claims they may have against Appellants with respect to the approval and appeal process for the Permit.

**3. Appellant Obligations**

As long as the Permit to be issued remains, as set forth in the drawings attached, and is consistent with the drawings set forth on Exhibit A and as long as Permit Holder is not in breach of this Agreement, Appellant, including all individuals who have signed the BOA Appeal, the CEQA Appeal, or both, hereby agrees as follows:

- a) Appellant will not support the CEQA Appeal at the Board of Supervisors hearing on September 4, 2012, and will give testimony to the Board announcing a settlement of the matter.
- b) Appellants shall support the request for rehearing at the Board of Appeals hearing scheduled for September 12, 2012, for the purpose of having the Board of Appeals amend the Permit pursuant to the drawings attached as Exhibit A at the rehearing. Appellants shall also support the proposal to amend the Permit pursuant to these drawings at the Board of Appeals rehearing.
- c) Appellant shall file no future appeals of Building Permit Application No. 2011.03.25.2839, as set forth in the drawings attached as Exhibit A, including, but not limited to, any appeals with any department, office, board or other body of the City and County of San Francisco or any California state court or U.S. Federal court. This does not bar Appellant from filing any complaints against the Permit with the Department of Building Inspection after the Permit is issued.

Appellants release any claims they may have against Permit Holder with respect to the approval and appeal process for the Permit.

**4. Successors and Assigns**

This Agreement shall inure to the benefit of and shall be binding upon the parties to this Agreement and their respective heirs, successors, assigns or owners and their representatives, agents, shareholders, officers, partners, directors, employees, affiliates, subsidiaries, related corporations or entities. Each Party shall provide a copy of this Agreement to any successor, assign or new owner prior to transfer of their respective property.

**5. Representations and Warranties**

The persons signing this Agreement hereby warrant and represent that they have the power and authority to bind any party on whose behalf this Agreement is signed. Each party agrees to indemnify, defend, and hold harmless the other parties for any loss, costs, expenses, claims, or damages resulting from any breach of this paragraph.

**6. Attorneys' Fees**

The parties acknowledge and agree that if any party commences arbitration or litigation to interpret or enforce the terms of this Agreement, each party will be responsible for their own attorneys' fees. Appellants agree to not be represented by co-Appellant Kate Polevoi as an attorney in any arbitration or litigation relating to this dispute.

**7. Entire Agreement; Controlling Law**

This Agreement and all exhibits attached hereto and incorporated herein sets forth the entire agreement of the parties and any disputes concerning the subject matter of this Agreement, and shall not be modified or altered except by a subsequent written agreement signed by the parties. The laws of the State of California shall govern the validity, interpretation and enforcement of this Agreement. Subject to Section 6, the parties expressly consent to jurisdiction in the courts of California for any dispute regarding or relating to this Agreement or any other matter or claim released herein.

**8. Counterparts; Severability; Time is of the Essence**

This Agreement may be executed in multiple counterparts and signatures may be exchanged by facsimile or electronically, each of which shall be deemed to be an original document, and all of which together shall constitute one and the same document. In the event that any representation, warranty, acknowledgment, covenant, agreement, clause, provision, promise, or undertaking made by any party contained in this Agreement is deemed, construed, or alleged to be illegal, invalid, or unenforceable under present or future laws, in whole or in part, the parties acknowledge that each and every other term of this Agreement shall remain valid and enforceable. Time is of the essence for the completion of the acts described in and required by this Agreement.

**9. Advice of Counsel**

The parties represent and acknowledge that they have read and understood the terms of this Agreement and have had the opportunity to obtain the advice of counsel on the meaning and effect of this Agreement. The parties have had an opportunity to fully participate in preparing this Agreement and acknowledge that it is the product of the draftsmanship of the parties. Accordingly, this Agreement shall not be construed for or against any party by virtue of their participation, or lack of participation, in the drafting hereof.

[SIGNATURE BLOCKS FOLLOW ON NEXT PAGE]

This Agreement is executed as of the Effective Date by the parties.

Permit Holder:

[Signature] on behalf of  
Pam Whitehead

[Signature] on behalf of  
Melinda Nykamp

9/4/12

Appellant:

[Signature]  
Pat Buscovich

[Signature]  
Irving Zaretsky

[Signature]  
Kate Kardos Polevoi

[Signature]  
Zeeva Kardos

\_\_\_\_\_  
Craig Jones

\_\_\_\_\_  
Michael Jaeger

\_\_\_\_\_  
Eric Reimers

\_\_\_\_\_  
Kelda Reimers

\_\_\_\_\_  
Rob Povlitz

\_\_\_\_\_  
Jennifer Povlitz

\_\_\_\_\_  
Don Morehead

\_\_\_\_\_  
Ann Morehead

This Agreement is executed as of the Effective Date by the parties.

**Permit Holder:**

*[Signature]* on behalf of  
Pam Whitehead

*[Signature]* on behalf of  
Melinda Nykamp

9/4/12

**Appellant:**

*[Signature]*  
Pat Buscovich

*[Signature]*  
Irving Zaretsky

*[Signature]*  
Kate Kardos Polevoi

*[Signature]* T.  
Zeeva Kardos

*[Signature]*  
Craig Jones

*[Signature]*  
Michael Jaeger

*[Signature]*  
Eric Reimers

*[Signature]*  
Kelda Reimers

*[Signature]*  
Rob Povlitz

*[Signature]*  
Jennifer Povlitz

*[Signature]*  
Don Morehead

*[Signature]*  
Ann Morehead



EXHIBIT 'A'  
August 22, 2012

9/4/12  
JK



REVISION	BY
1st 08.29.12	
2nd 09.15.12	
3rd 09.17.12	

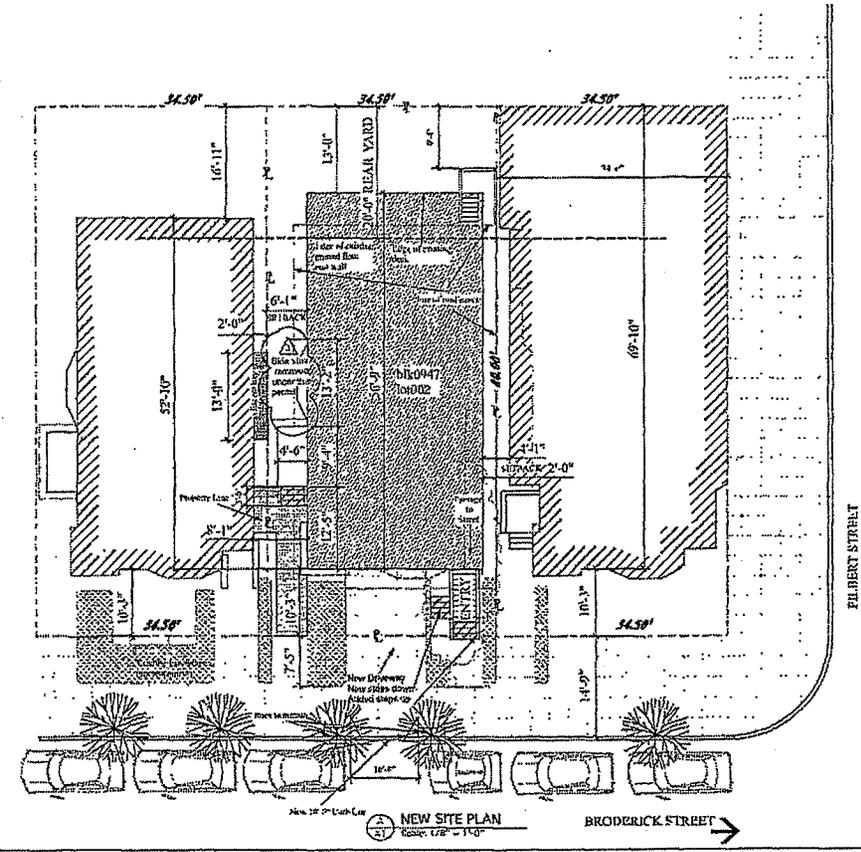
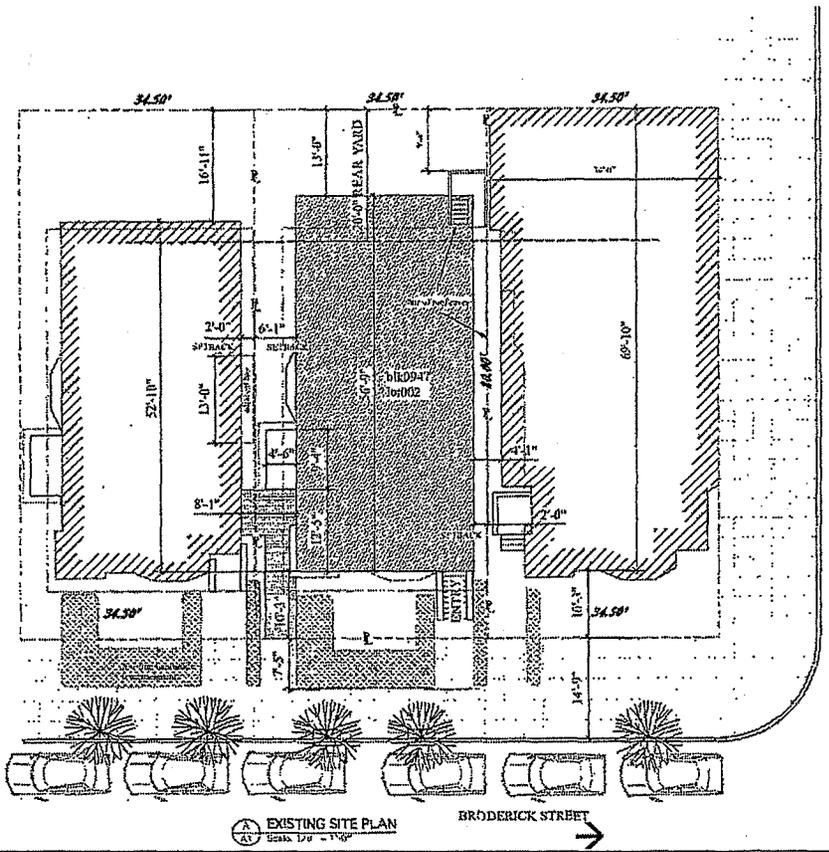
STEPHEN ANTONAVROS  
ARCHITECT  
280 Maiden Street, 4th Floor  
San Francisco, CA 94102  
Tel: 415.398.8961  
Fax: 415.398.8961  
www.stephenantonavros.com

4th Floor  
280 Maiden Street  
San Francisco, CA 94102

ALTERATION & VARIANCE  
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0047 Lot 002

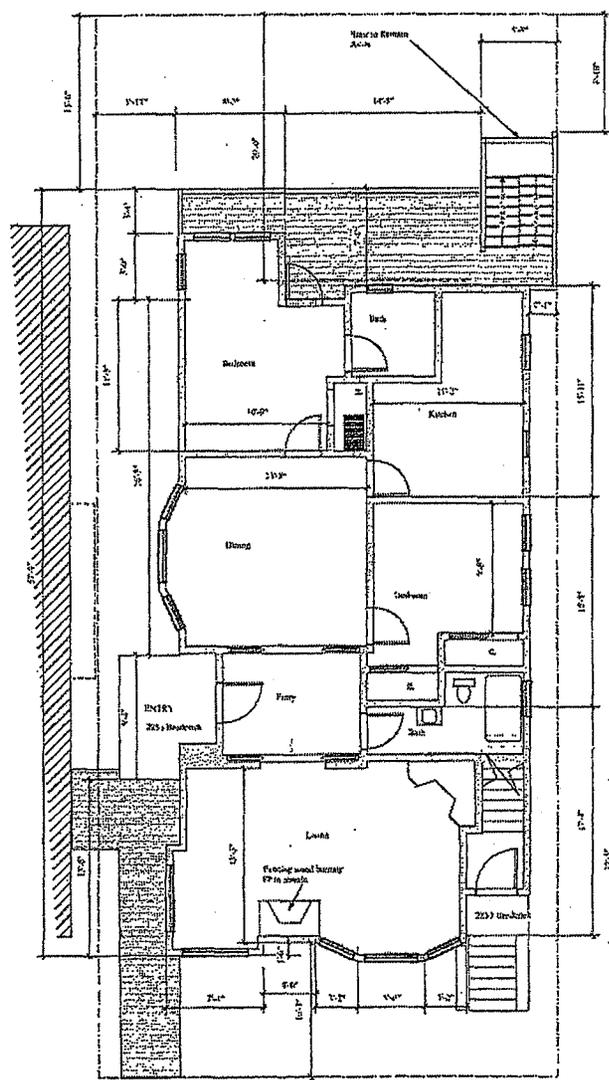
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2491

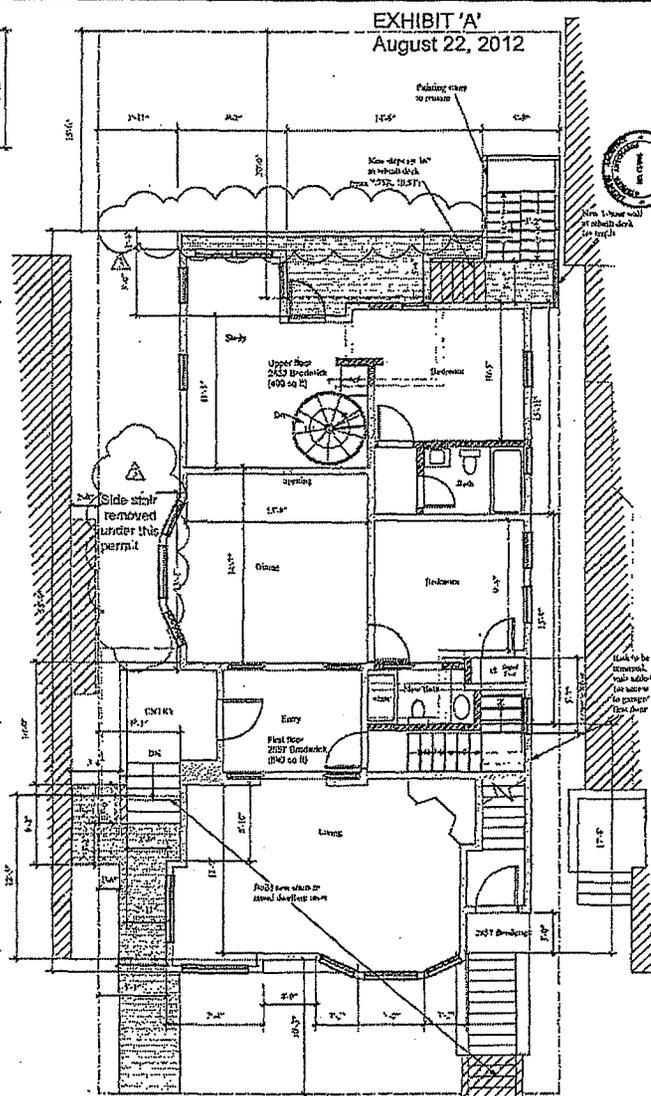




9/4/12 Jy  
DCK



EXISTING SECOND FLOOR PLAN  
251 sq. ft.  
1200 sq. ft.



ALTERED 2nd fl. - NEW THIRD FLOOR PLAN  
251 sq. ft.  
1200 sq. ft.

EXHIBIT 'A'  
August 22, 2012

REVISIONS	BY
1	Aug 25, 2012
2	Nov 15, 2012
3	Aug 11, 2012

STEFFEN ANTONAKOS  
ARCHITECT  
2301 Market Street, 4th Floor  
San Francisco, California 94114  
Tel: 415.774.2184  
Fax: 415.774.1980  
www.steffenantonakos.com

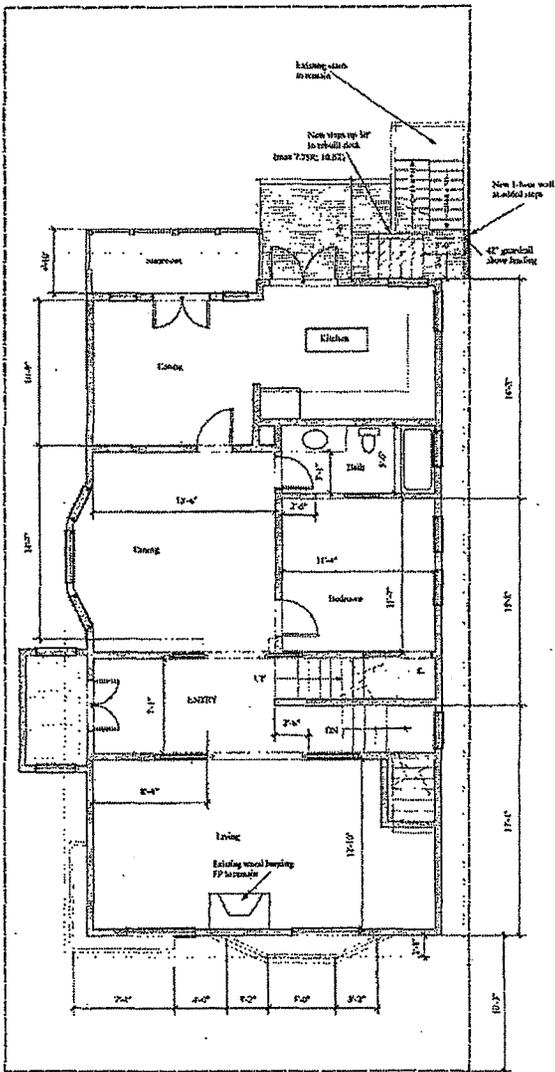
Alteration & Variance  
Architect  
2301 Market Street, 4th Floor  
San Francisco, California 94114  
Tel: 415.774.2184  
Fax: 415.774.1980

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

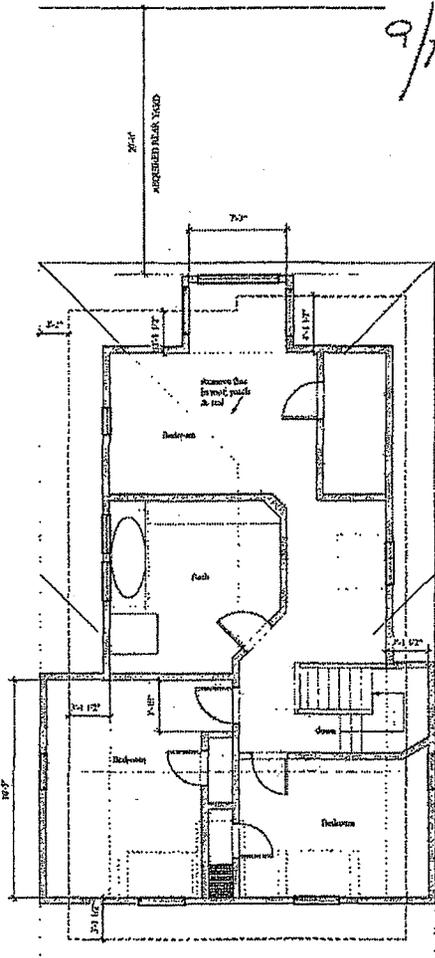
NO.	DATE	DESCRIPTION
1	8/22/12	ISSUED FOR PERMIT

A3

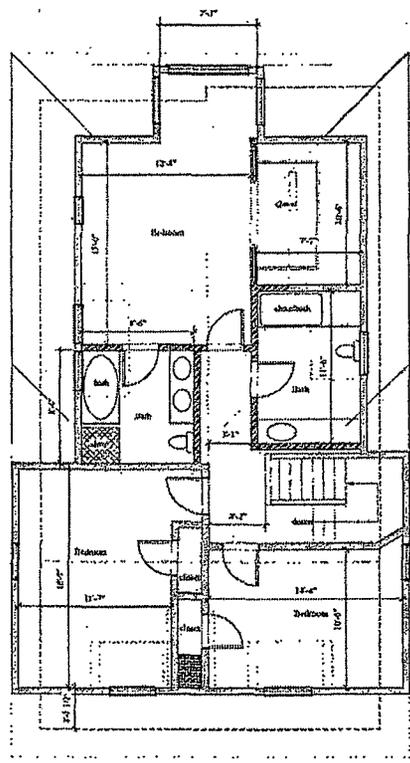
2433



**(A) EXISTING and NEW THIRD FLOOR PLAN**  
 2857 Broadway  
 1369 sq ft  
 See Structural work to be done on Third Floor



**(B) EXISTING FOURTH FLOOR PLAN**  
 2857 Broadway  
 2096 sq ft



**(C) ALTERED 2nd and NEW FOURTH FLOOR PLAN**  
 2857 Broadway  
 1096 sq ft

9/12/2012 VCK

EXHIBIT 'A'  
 August 22, 2012

REVISIONS	BY
Jan 23, 2012	
Mar 14, 2012	
Aug 13, 2012	



**STEPHEN ANTONAROS**  
 ARCHITECT

2851 Northpointe Court, Suite 9114  
 San Francisco, CA 94132  
 (415) 844-2241  
 (415) 393-3924

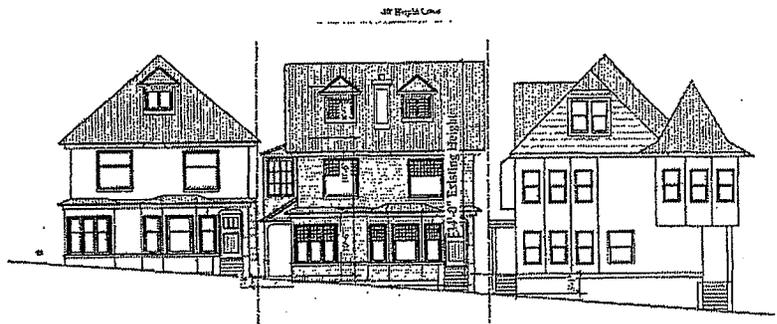
ALTERATION & VARIANCE  
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block: 0947 Lot: 002

Date	August 10
Scale	1/4" = 1'-0"
Drawn	SA
Checked	SA
Project	
Sheet	A4

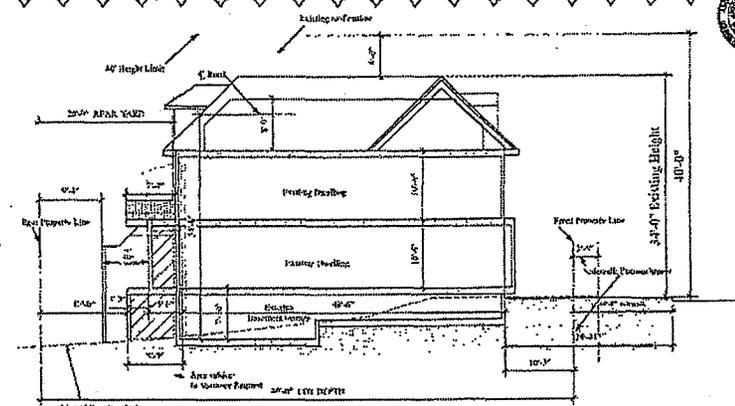
2494

9/4/12 JJK

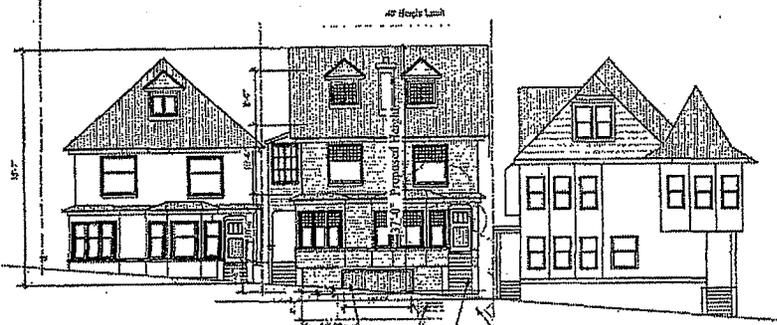
EXHIBIT 'A'  
August 22, 2012



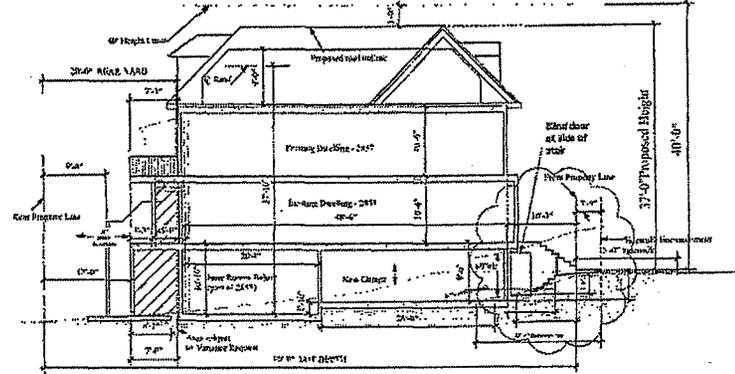
Scale 1/8" = 1'-0"  
EXISTING ELEVATION 2453 & 2457 BRODERICK



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



Scale 1/8" = 1'-0"  
NEW ELEVATION 2453 & 2457 BRODERICK (revised 3/07)  
AS APPROVED



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

Preparation	BT
Check	BT
Scale	1/8" = 1'-0"
Date	10/2/12
Plot	10/2/12



STEPHEN ANTONAROS  
ARCHITECT

4400 Geary Blvd., Suite 200  
San Francisco, California 94118  
Phone: 415.771.5134  
Fax: 415.771.5134

ALTERATIONS - VARIANCE

3853 & 2457 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 6947 Lot 102

Approved	BT
Date	10/2/12
Scale	1/8" = 1'-0"

A5

2435



0000598 11-24  
Office AU # 1210(8)

**CASHIER'S CHECK**

0055800924

Operator I.D.: cu013138

October 20, 2014

PAY TO THE ORDER OF **\*\*\*DEPARTMENT OF CITY PLANNING\*\*\***

**\*\*\*Five hundred forty-seven dollars and no cents\*\*\***

**\*\*\$547.00\*\***

**WELLS FARGO BANK, N.A.**  
3431 CALIFORNIA ST  
SAN FRANCISCO, CA 94118  
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 547.00  
*Richard Levy*  
CONTROLLER

Details on Back  
Security Features Included



MARTIN M. RON ASSOCIATES, INC.  
LAND SURVEYORS

MARTIN M. RON, L.S. (1923-1983)  
BENJAMIN B. RON, P.L.S.  
ROSS C. THOMPSON, P.L.S.  
BRUCE A. GOWDY, P.L.S.

HEIGHT CERTIFICATION

October 20, 2014

To: Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103

Subject: Residential Remodel at 2853 & 2857 Broderick Street  
Assessor's Block 947, Lot 2, San Francisco

Dear Sir:

On July 5, 2012, before the remodel, our survey crew measured the height of the subject building at its southern end (roof peak) to be 36'-7 1/8". On August 9, 2013, our survey crew re-measured the height of the subject building. At the southern end of the building, the height (roof peak) was measured at 39 feet, 11-5/8 inches. At the centerline of the building, the height (roof peak) was measured at 39 feet, 11 inches. At the northern end of the building, the height (roof peak) was measured at 40 feet, 1-1/8 inches. The zero point for the height measurements is the top of curb at the center of the lot along Broderick Street.

On July 5, 2012, before the remodel, our survey crew measured the elevation of the roof peak at the third story, the second story roof, the top of the first story cornice and the top of the window trim at the first story. All said elevation points were taken along the southerly building line of the subject property. These points were re-measured on April 30, 2013, and then again on August 9, 2013. We found the following changes in height:

	<u>7/5/12</u>	<u>4/30/13</u>	<u>8/9/13</u>
Top of 1st story window trim:	0	+3'-0"	+3'-1 3/4"
Top of 1st story cornice:	0	+2'-11 3/4"	+3'-1 7/8"
Second story roof:	0	+3'-0 1/2"	not measured
Roof peak at 3rd story:	0	+3'-3 1/4"	+3'-4 1/2"

On April 24, 2013, our survey crew set three settlement monitoring points on the exterior face of the subject building. These points were set along the south and east building faces, at the southeast corner of the subject property. On August 9, 2013, our survey crew re-measured said three points and found that each point had moved up by 0' 1-7/8". This upward movement explains the difference in measurements from 4/30/13 to 8/9/13 in the above table.

Our measurements conclude that along the southerly building line the building was raised between 3 feet, 1-3/4 inches and 3 feet, 4-1/2 inches.

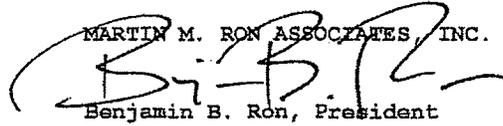
Department of Building Inspection  
Page 2  
October 20, 2014

I reviewed a letter by Gregory Cook, the Project Engineer for the residential remodel dated April 30, 2013, that was addressed to the Department of Building Inspection. The letter states that Mr. Cook's measurements determined that the subject building was raised by three feet. Since the letter did not include details of how the measurements were determined, I could not verify his results.

Thank you for this opportunity to be of service. If you have any further questions, please feel free to call.

Very truly yours,

MARTIN M. RON ASSOCIATES, INC.



Benjamin B. Ron, President

/mw



# Height Certification

April 30, 2013

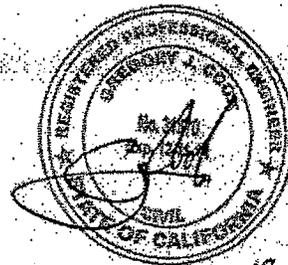
**TO:** City and County of San Francisco  
1660 Mission Street  
San Francisco, CA 94103  
Attn: Department of Building Inspection

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

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

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

  
Gregory J. Cook RCE 31570  
(Project Engineer)



---

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

---



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

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

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	Class 3 – New Construction. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class _____

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

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



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Historic Resource Evaluation Response

*Date Reviewed:* June 24, 2014 (Part II)  
*Case No.:* 2013.0433E  
*Project Address:* 2853-2857 Broderick Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District;  
40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Staff Contact:* Shelley Caltagirone, Preservation Planner  
(415) 558-6625 | [shelley.caltagirone@sfgov.org](mailto:shelley.caltagirone@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### HISTORIC RESOURCE STATUS

#### Building and Property Description

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

#### Pre-Existing Historic Rating / Survey

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

#### Neighborhood Context

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

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

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

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

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

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

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

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

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

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

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

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

#### *Bay Region Tradition*

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

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

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

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

**CEQA Historical Resource(s) Evaluation**

**Step A: Significance**

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

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

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

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

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

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

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

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

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

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

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

**Step B: Integrity**

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

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

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

**Historic District**

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

**Subject Property**

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

**Step C: Character Defining Features**

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

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

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

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

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**CEQA Historic Resource Determination**

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

## PART II: PROJECT EVALUATION

Proposed Project

Demolition

Alteration

Per Drawings Dated: May 1, 2014

### Project Description

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

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

### Project Evaluation

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

#### Subject Property/Historic Resource:

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

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

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

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

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

### Project Specific Impacts

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

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

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

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

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

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

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

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

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

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

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

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

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

*Cumulative Impact Assessment*

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

**PART II: SENIOR PRESERVATION PLANNER REVIEW**

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

*Tina Tam*

Tina Tam, Senior Preservation Planner

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

*7-2-2014*

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

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

IRVING ZARETSKY  
3111 JACKSON ST. #5  
SAN FRANCISCO, CA 94115

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Five hundred forty seven dollars & 00/100

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DOLLARS

▲ TAMPER RESISTANT TONER AREA ▲



MEMO

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**Carroll, John (BOS)**

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**From:** AFuller@fbm.com  
**Sent:** Thursday, November 20, 2014 1:27 PM  
**To:** BOS Legislation (BOS)  
**Cc:** IDick@fbm.com  
**Subject:** 2853-2857 Broderick: Appeal of Categorical Exemption - Supplemental Information - Hearing  
Date: November 25, 2014  
**Attachments:** 2014-11-20 Supplemental Submission to Board of Supervisors.PDF

Please see attached sent on behalf of Ilene Dick.

**Anna S. Fuller**  
*Legal Secretary to Jon Benjamin, John Gregory & Ilene Dick*  
[afuller@fbm.com](mailto:afuller@fbm.com)  
415.954.3539

 **FARELLA BRAUN + MARTEL LLP**

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

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Farella Braun + Martel LLP



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 idick@fbm.com  
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 2014 NOV 20 PM 4:42

*[Handwritten signature]*

November 20, 2014

Via Messenger and Email ([bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org))

President David Chiu  
 San Francisco Board of Supervisors  
 1 Dr. Carlton B. Goodlett Place  
 City Hall, Room 244  
 San Francisco, CA 94102

**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.)

Re: 2853-2857 Broderick: Appeal of Categorical Exemption  
 Supplemental Information  
Hearing Date: November 25, 2014

Dear President Chiu and Members:

On November 14, 2014, we timely filed our opposition to the appeal of the Categorical Exemption based solely on Appellants' appeal letters. Appellants have yet to file a substantive argument in support of their appeal. Rather than do that, Appellants submitted to the record on November 13<sup>th</sup> and 14<sup>th</sup> documents that relate only to the permitting history of this project. We are submitting the attached documents to ensure that there is an accurate accounting of those facts in the record and to illustrate Appellants' practice of seeking last-minute delays and "document dumping" irrelevant materials into the record.

Over a three-year period, one or both Appellants have been party to two requests for Discretionary Review from the Planning Commission, two Board of Appeals' hearings and an appeal of a Categorical Exemption to this Board which was denied in 2012. Yet, with regard to these proceedings, Appellants have: (1) Sought continuances within days of the scheduled administrative hearing; and, (2) Filed written documents relevant to the administrative review they requested as late as two days before the scheduled hearing, if at all. The attached documents illustrate those practices and the lengths Appellants will go to try to divert this Board's attention from the fact that they cannot provide any substantial evidence that the Categorical Exemption was issued in error.

Appellants attempted to delay the August 7, 2014 Discretionary Review (DR) hearing for the permit analyzed in the Categorical Exemption for "45 days" or after September 20, 2014. Attached is our July 28, 2014 letter to the Planning Commission opposing that request. No reasons were provided for that delay other than Mr. Zaretsky's stock response "that he cannot be ready" for the DR hearing in 69 days. On September 16, 2014 – two days before the scheduled DR hearing before the Planning Commission – Mr. Zaretsky requested an "indefinite" delay of that hearing. No delay was granted by the Planning Commission and their DR request was denied.

Appellants repeated their delay tactics for this hearing. On November 11, 2014, Mr. Zaretsky emailed Supervisor Farrell, asking him to indefinitely continue this hearing. The bases for that request

President David Chiu  
San Francisco Board of Supervisors  
November 20, 2014  
Page 2



were frivolous, a result of Mr. Zaretsky's misunderstanding of the scope of his own appeal to this Board. Attached is our email explaining that Mr. Zaretsky's request for a continuance has no basis in fact or law.

The counterpart to Appellants' delay tactics is their failure to submit timely written analyses in support of their contentions, leaving project sponsor and decision-makers without any explanation of the facts or reasons in support of their appeal. Even when written materials are submitted, they are irrelevant to the issue before the decision-making body. For example, even though Appellants had known for six weeks that the DR request would be heard on September 18, 2014, Mr. Zaretsky submitted the attached 119-page pdf on September 16, 2014 or two days before the hearing.<sup>1</sup> Yet, even at that length, that submittal had little to do with the DR request. It is a compilation of 3+ years of emails between City staff and Mr. Zaretsky regarding the permits for rehabilitation of this fire-damaged building. It also included Mr. Zaretsky's diatribe on why the Planning Department's actions have given rise to "civil rights violations" and that the permits issued for the project are invalid for reasons too confusing to explain here.

In addition to highlighting Appellants' objectionable procedural tactics, our July 28<sup>th</sup> letter to the Planning Commission contains a detailed description and timeline of the permit history for this project.<sup>2</sup> Appellants' written submittals thus far are an attempt to relitigate their ongoing allegations as to those permits. This Board has no jurisdiction over those permits. The issues raised by Appellants are properly before the Board of Appeals, which will hold its hearing on January 14, 2015.

Appellants' repeated requests for continuances serve only to delay our clients' ability to obtain final resolution of Appellants' frivolous claims. Their failure to provide evidence why the Categorical Exemption was issued in error is overshadowed by their drive to undo past and final administrative decisions. Unable to provide any substantial evidence to support their appeal of the Categorical Exemption, and misunderstanding the scope of that appeal, Appellants have chosen to "dump" documents into the record that have no bearing on the Categorical Exemption.

Thank you for your consideration of these documents. We hope they serve as useful background for your deliberations on November 25, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Ilene Dick".

Ilene Dick

ID  
Enclosures

<sup>1</sup> Mr. Arcuri did not submit any documents for the DR hearing.

<sup>2</sup> See text of July 28, 2014 letter and Exhibit B thereto.

7/28/14 Opposition to Continuance Request



**FARELLA  
BRAUN + MARTEL LLP**

**ILENE DICK**  
idick@fbm.com  
D 415.954.4958

July 28, 2014

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

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

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

Dear Commissioner Wu and Members:

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

#### **FACTUAL BACKGROUND**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARGUMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CONCLUSION

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

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

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

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

Cindy Wu, President  
July 28, 2014  
Page 7



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

Sincerely,

A handwritten signature in black ink, appearing to read 'Ilene Dick', written over the word 'Sincerely,'.

Ilene Dick

ID

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

301974470948.3

# EXHIBIT A

**Dick, Ilene (19) x4958**

---

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

Dear Commissioner Wu:

In response to the opposition for the postponement expressed below by the Project Sponsor representative, please be advised that on July 2, 2014 I contacted Glenn Cabrerros that we would need a postponement. It was Glenn

Cabrerros who informed me that we, the neighbors, should contact you for our request and simply copy him with our email to you. We are unaware that the Planning staff is not supporting our request. We only wrote to you and copied them last evening. We have not spoken with them since.

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

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

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

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

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

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

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

Thank you in advance for your consideration.

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



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

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

Dear Messrs. Lindsay and Sanchez:

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

Thank you,  
Irving Zaretsky  
Neighbors on Broderick and Filbert Streets

Begin forwarded message:

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

**Dick, Ilene (19) x4958**

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

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

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

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

Thank you in advance for your consideration.

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



Russ Building  
235 Montgomery Street  
San Francisco / CA 94104

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

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

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Thank you,  
Irving Zaretsky  
Neighbors on Broderick and Filbert Streets

Begin forwarded message:

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

Dear Commission President Wu:

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

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

~~in writing to the Commission prior to August 7th and to comply with the deadline of July 28th.~~

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

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

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

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

Thank you,  
Irving Zaretsky  
Neighbors on Broderick and Filbert Streets

# EXHIBIT B

## SUMMARY OF PROJECT HISTORY

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

### WHO:

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

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

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

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

### WHAT

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

### HOW

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

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

## **ENTITLEMENT HISTORY:**

### **2011:**

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

### **2012:**

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

### **2013:**

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

### **2014:**

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

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

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

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

1. Approved and/or built under prior validly issued permits
2. Approved by the Board of Appeals in 2012
3. Yet to be approved, including a dwelling unit merger

•A Class 1 Categorical Exemption issued on July 2, 2014 for the consolidated plan set.

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

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

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

# EXHIBIT C

### Permits, Complaints and Boiler PTO Inquiry

You selected:

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

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

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

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

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

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

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

**Permits, Complaints and Boiler PTO Inquiry**

**COMPLAINT DATA SHEET**

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

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	RAFAEL JR.	1034	4	

**REFERRAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

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

**COMPLAINT ACTION BY DIVISION**

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

Inspector Contact Information

Online Permit and Complaint Tracking home page.

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**Permits, Complaints and Boiler PTO Inquiry**

**COMPLAINT DATA SHEET**

**Complaint Number:** 201065414  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:** 08/30/2010  
**Location:** 2857 BRODERICK ST  
**Block:** 0947  
**Lot:** 002  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** Christina Wang  
**Division:** BID  
**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** BID  
**Description:** unsafe bldg.

**Instructions:**

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	FESSLER	6252	4	

**REFERRAL INFORMATION**

**COMPLAINT STATUS AND COMMENTS**

DATE	TYPE	DIV	INSPECTOR	STATUS	COMMENT
08/30/10	CASE OPENED	BID	Hajnal	CASE RECEIVED	
08/30/10	HAZARDOUS BUILDING	BID	Hajnal	FIRST NOV SENT	
07/26/12	HAZARDOUS BUILDING	BID	Rafael Jr.	CASE UPDATE	PA#201108031630 issued to comply expiration date 1/23/2015. Refer to District Inspector.
07/08/14	HAZARDOUS BUILDING	INS	Fessler	CASE UPDATE	Case continued -Inspector Mauricio Hernandez

**COMPLAINT ACTION BY DIVISION**

**NOV (HIS):** **NOV (BID):** 08/30/10

[Inspector Contact Information](#)

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

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# EXHIBIT D



# SAN FRANCISCO PLANNING DEPARTMENT

## Suspension Request

February 5, 2014

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

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

Dear Mr. Hui,

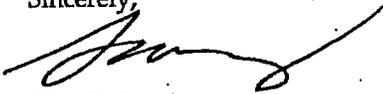
This letter is to request that the Department of Building Inspection (DBI) suspend **Building Permit Application Numbers 201103111905, 201103252839, 201108031630, 201209260727 and 201309247638** (various scopes of work including vertical/horizontal expansion) for the property at 2853-2857 Broderick Street.

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

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

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

Sincerely,



Scott F. Sanchez  
Zoning Administrator

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

# EXHIBIT E





**NOTICE OF VIOLATION**  
of the San Francisco Municipal Codes Regarding Unsafe,  
Substandard or Noncomplying Structure or Land or Occupancy

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

NOTICE: 1

NUMBER: 201305201  
DATE: 22-MAY-13

ADDRESS: 2853 BRODERICK ST

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

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

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

PHONE #: --

PERSON CONTACTED @ SITE: PAMELA J WHITEHEAD FAMILY TRUS

PHONE #: --

**VIOLATION DESCRIPTION:**

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

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

**CORRECTIVE ACTION:**

STOP ALL WORK SFBC 104.2.4

415-575-6923

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

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

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

INVESTIGATION FEE OR OTHER FEE WILL APPLY

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

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Thomas P Fessler

PHONE # 415-575-6923

DIVISION: BID

DISTRICT: 4

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

**Permits, Complaints and Boiler PTO Inquiry**

**COMPLAINT DATA SHEET**

**Complaint Number:** 201335331  
**Owner/Agent:** OWNER DATA SUPPRESSED  
**Owner's Phone:** --  
**Contact Name:** --  
**Contact Phone:** --  
**Complainant:** COMPLAINANT DATA SUPPRESSED  
**Date Filed:** 10/31/2013  
**Location:** 2853 BRODERICK ST  
**Block:** 0947  
**Lot:** 002  
**Site:**  
**Rating:**  
**Occupancy Code:**  
**Received By:** JingJing Lu  
**Division:** BID  
**Complainant's Phone:**  
**Complaint Source:** TELEPHONE  
**Assigned to Division:** BID  
**Description:** The current height of this building is inconsistent with the height show on the plans.

Instructions:

**INSPECTOR INFORMATION**

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	FESSLER	6252	4	

**REFERRAL INFORMATION**

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

**COMPLAINT STATUS AND COMMENTS**

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

**COMPLAINT ACTION BY DIVISION**

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

**Inspector Contact Information**

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

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**NOTICE OF VIOLATION**  
of the San Francisco Municipal Codes Regarding Unsafe,  
Substandard or Noncomplying Structure or Land or Occupancy

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

NUMBER: 201335331  
DATE: 31-OCT-13

ADDRESS: 2853 BRODERICK ST

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

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

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

PHONE #: --

PERSON CONTACTED @ SITE:

PHONE #: --

**VIOLATION DESCRIPTION:**

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

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

**CORRECTIVE ACTION:**

**STOP ALL WORK SFBC 104.2.4**

415-558-6656

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

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

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

INVESTIGATION FEE OR OTHER FEE WILL APPLY

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

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Joseph P Duffy

PHONE # 415-558-6656

DIVISION: BID

DISTRICT :

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

# EXHIBIT F



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

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

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

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

## ACTION

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

## FINDINGS

The reasons the Commission took the action described above include:

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

Speakers at the hearing included:

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

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

Nayes: (none)

Absent: (none)

Case Planner: Glenn Cabreros, 415-558-6169

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

c: Linda D. Avery

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

# EXHIBIT G



# Height Certification

April 30, 2013

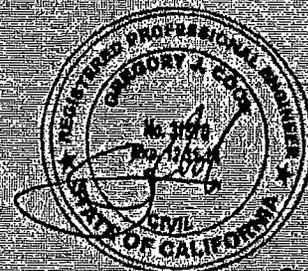
**TO:** City and County of San Francisco  
1660 Mission Street  
San Francisco, CA 94103  
Attn: Department of Building Inspection

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

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

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

  
Gregory J. Cook RCE 31570  
(Project Engineer)



4-30-13

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

# Height Measurement Explanation

November 15, 2013

**TO:** Pam Whitehead and whoever is concerned

**RE:** Residential Alteration  
2853 & 2857 Broderick Street  
San Francisco, CA 94123

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

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

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

  
Gregory J. Cook RCE 31570  
(engineer/surveyor)



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

# EXHIBIT H

2495

FILBERT STREET

**ABBREVIATIONS:**  
 Cns Concrete  
 DN Down  
 EM Electric Meter  
 FPL Finish Floor  
 FL Flowline  
 GM Gas Meter  
 K Property Line  
 ROW Right of Way  
 SW Sidewalk  
 TCC Top of Curb  
 Wd Wood

[100.00] Existing Elevation

Lot 001  
PM T-62-20

Lot 002  
Assessor's Block No 0947

Lot 003  
PM T-44-115

### BUILDING HEIGHT EXHIBIT

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

**OWNER:**  
 Pam Whitehead  
 50 Mendocino Ct  
 Mill Valley, CA 94941  
 (415) 250-4207

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

No.	Description	Prepared By	Date

**ENGINEER**  
**GREGORY J. COOK**  
 1000 18th St  
 San Francisco, CA 94103  
 SOUTH 800-644-7774



Building setback Exhibit

**Owner:**  
 Pam Whitehead  
 2953 & 2857 Broderick St  
 San Francisco, CA  
 Block 0947, Lot 002

Project No. WHIT-04  
 drawn S.A.M.  
 Date November 13, 2010  
 Title 1/4"=1'-0"

Sheet  
**1**  
 of 1 sheets

# EXHIBIT I



# SAN FRANCISCO PLANNING DEPARTMENT

## Request to View Public Record

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

DATE OF REQUEST: 8/6/13 BLOCK / LOT: 0947/002

NAME OF REQUESTOR: Irving Zaretsky

PHONE # OR EMAIL OF REQUESTOR: iiz@me.com

SUBJECT PROPERTY ADDRESS: 2853 Broderick Street

RELATED CASE #: 2013.07.01.0898

DESCRIPTION:  Planning Case File  Planning Case File -All (Documents incl. Environmental)

Environmental Determination

Historical File

Motion

Variance Decision Letter

GA Sign File

311/312 Documents

Code Enforcement File

Other

All (This includes all documents related to the address listed above, not a specific project)

IF OTHER, PLEASE DESCRIBE: Building permit application and plans

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

### RULES FOR REVIEWING PUBLIC RECORDS:

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

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

DATE OF REVIEW: 8/6/13

TYPE OF IDENTIFICATION PROVIDED: DL

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

REVIEWER'S SIGNATURE [Signature] Review completed Return

AUG 06 2013

### IMMEDIATE DISCLOSURE:

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



SAN FRANCISCO PLANNING DEPARTMENT

Review completed Return

MAR 31 REC'D

to Planner or Record Ct

Request to View Public Record

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

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

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

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

STAFF NAME AND PHONE #: Glenn Cabreros 558-6169

RULES FOR REVIEWING PUBLIC RECORDS:

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

Please initial that you understand the rules for viewing:

DATE OF REVIEW: 3/31/14

TYPE OF IDENTIFICATION PROVIDED: DL

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

REVIEWER'S SIGNATURE [Signature] 3/31/14

IMMEDIATE DISCLOSURE:

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



# SAN FRANCISCO PLANNING DEPARTMENT

## Request to View Public Record

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

DATE OF REQUEST: 7/3/14 BLOCK / LOT: 0947/002

NAME OF REQUESTOR: Irving Zaretsky

PHONE # OR EMAIL OF REQUESTOR: 714515@gmail.com

SUBJECT PROPERTY ADDRESS: 2853-2857 Broderick Street

RELATED CASE #: 2013.0433DE & BPA#2013.07.01.0898

DESCRIPTION:  Planning Case File  Planning Case File -All (Documents incl. Environmental)

Environmental Determination

Historical File

Motion

Variance Decision Letter

GA Sign File

311/312 Documents

Code Enforcement File

Other

All (This includes all documents related to the address listed above, not a specific project)

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

STAFF NAME AND PHONE #: Glenn Cabrerros 558-6169

### RULES FOR REVIEWING PUBLIC RECORDS:

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

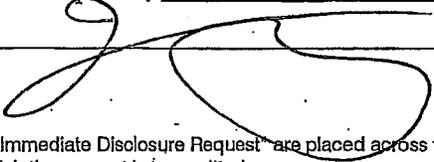
Please initial that you understand the rules for viewing: \_\_\_\_\_

DATE OF REVIEW: 7/7/14

*Hold for 10 days  
07/07/14*

TYPE OF IDENTIFICATION PROVIDED: \_\_\_\_\_

NAME OF REVIEWER (if different from Requestor): \_\_\_\_\_

REVIEWER'S SIGNATURE 

### IMMEDIATE DISCLOSURE:

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

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

**OFFSITE DOCKET ORDER INFORMATION:**

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

(Case Number & Suffix)

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

**DUPLICATION FEES AND PAYMENT INFORMATION**

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

Number of copies made by reviewer	_____	x \$ .10 = \$	0.00	Total
Number of copies to be made by Staff	_____	x \$ .10 = \$	0.00	Total
(NOTE: Staff has 10 business days to respond to request for duplication of records)				
Audio cassette reproduction (per hearing)	_____	x \$1.00 = \$	0.00	Total
CD or other media reproduction (per CD)	_____	x \$ .25 = \$	0.00	Total
Number of offsite dockets requested	_____	x \$7.15 = \$	0.00	Total

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

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

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

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

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

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

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

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

# EXHIBIT J

**Dick, Ilene (19) x4958**

---

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

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

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

Best,

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



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

---

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

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

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

Thanks  
Tim

---

Timothy M. Arcuri

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



---

**From:** [IDick@fbm.com](mailto:IDick@fbm.com) [<mailto:IDick@fbm.com>]  
**Sent:** Monday, July 07, 2014 4:45 PM  
**To:** [714515@gmail.com](mailto:714515@gmail.com); [amanda@hoenigman.com](mailto:amanda@hoenigman.com); [annabrockway@yahoo.com](mailto:annabrockway@yahoo.com); [brookesampson@yahoo.com](mailto:brookesampson@yahoo.com); [cjones@forwardmgmt.com](mailto:cjones@forwardmgmt.com); [cynthia2ndemail@gmail.com](mailto:cynthia2ndemail@gmail.com); [dieter@hoppercreek.com](mailto:dieter@hoppercreek.com); [dod.fraser@gmail.com](mailto:dod.fraser@gmail.com); [dorinetowle@me.com](mailto:dorinetowle@me.com); [elarkin@hill-co.com](mailto:elarkin@hill-co.com); [ericreimers@gmail.com](mailto:ericreimers@gmail.com); [ethurston@gmail.com](mailto:ethurston@gmail.com); [ggwood2@gmail.com](mailto:ggwood2@gmail.com); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org); [liz@pacbell.net](mailto:liz@pacbell.net); [kgoss@pacbell.net](mailto:kgoss@pacbell.net); [kdkmanagement@yahoo.com](mailto:kdkmanagement@yahoo.com); [lbrooke@lmi.net](mailto:lbrooke@lmi.net); [letsbond@gmail.com](mailto:letsbond@gmail.com); [maitsai@yahoo.com](mailto:maitsai@yahoo.com); [marri61@sbcglobal.net](mailto:marri61@sbcglobal.net); [merijohn@merijohn.com](mailto:merijohn@merijohn.com); [michael@jae germchugh.com](mailto:michael@jae germchugh.com); [nancyp.leavens@gmail.com](mailto:nancyp.leavens@gmail.com); [ntede@aol.com](mailto:ntede@aol.com); [paulmimai@yahoo.com](mailto:paulmimai@yahoo.com); [rpovlitz@yahoo.com](mailto:rpovlitz@yahoo.com); [rwgoss@pacbell.net](mailto:rwgoss@pacbell.net); [santonaros@sbcglobal.net](mailto:santonaros@sbcglobal.net); Arcuri, Timothy; [vince@citymarkdev.com](mailto:vince@citymarkdev.com); [wmore@aol.com](mailto:wmore@aol.com)  
**Cc:** [glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org); [whiteheadwest@msn.com](mailto:whiteheadwest@msn.com); [mnykamp@msn.com](mailto:mnykamp@msn.com); [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
**Subject:** 2853 Broderick: July 15th Neighbor Meeting-6-8PM at 235 Montgomery Street, 17th Floor

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

We are located at:  
**235 Montgomery (between Bush and Pine)**  
**The meeting will be on the 21<sup>st</sup> floor. Please tell Security that is your destination.**

\*\*\*\*\*

Dear Neighbors,

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

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

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

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

Our goals for this meeting are straightforward:

1. Past History: Ensure that all the neighbors have the same information with regard to the City reviews that have occurred over the last 2 years.
2. Current: Go over the consolidated plan set and the purpose of the August 7<sup>th</sup> DR hearing. The consolidated plan set will be the plans for which a building permit will be issued following a successful DR hearing, superseding all previously issued plans. This version of the plans are similar to the plans we showed many of you during our May 2013 pre-application neighborhood meeting as well as private meetings.

The changes to those prior plans are:

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

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

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

Thanks,

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



Russ Building  
235 Montgomery Street  
San Francisco / CA 94104

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

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Farella Braun + Martel LLP

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the information contained herein is accurate, complete or up to date, nor shall Cowen have any responsibility to update any opinions or other information contained herein.

# EXHIBIT K

**Dick, Ilene (19) x4958**

---

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

Good Afternoon Ilene,

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

---

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

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

Thanks,

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



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235 Montgomery Street  
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Farella Braun + Martel LLP

**Dick, Ilene (19) x4958**

---

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

Hi Ilene-

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

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

Thank you.

**Glenn Cabrerros, LEED AP  
Planner**

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



---

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

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

Please let me know available times. Thanks in advance.

Best,

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



Russ Building  
235 Montgomery Street  
San Francisco / CA 94104

T 415.954.4400  
F 415.954.4480  
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Farella Braun + Martel LLP

**Dick, Ilene (19) x4958**

---

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

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

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

\*\*\*\*\*

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

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

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

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

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

Best,

**Ilene R Dick**

*Spc Counsel Attny*  
[dick@fbm.com](mailto:dick@fbm.com)  
415.954.4958

**f FARELLA BRAUN + MARTEL LLP**

Russ Building  
235 Montgomery Street  
San Francisco / CA 94104

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

**Dick, Ilene (19) x4958**

---

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

Hello Ilene,

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

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

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

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



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

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

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

\*\*\*\*\*

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

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

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

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

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

Best,

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



Russ Building  
235 Montgomery Street  
San Francisco / CA 94104

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

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Farella Braun + Martel LLP

**Dick, Ilene (19) x4958**

---

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

Dear Mr. Zaretsky,

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

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

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

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



---

**From:** Irving Zaretsky [mailto:ilz@me.com]  
**Sent:** Wednesday, May 07, 2014 7:11 PM  
**To:** Sanchez, Scott (CPC); Lindsay, David (CPC); Cabrerros, Glenn (CPC)  
**Cc:** wmore@aol.com; kbgoss@pacbell.net; michael@jaegermchugh.com; rwgoss@pacbell.net; mailsai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; paulmaimai@yahoo.com; timothy.arcuri@cowen.com; amanda@hoenigman.com; Povlitz; nancy leavens nancy; Will Morehead (; Geoff Wood; Cynthia2ndemail@gmail.com; elarkin@hill-co.com; lbrooke@lmi.net (lbrooke@lmi.net); info@cowhollowassociation.org; Brooke Sampson; merijohn@merijohn.com ( RE: 2853 Broderick Street  
**Subject:**

Dear Mr. Sanchez:

In response to your email, we don't understand why you have granted permission for the change of windows when many new windows have been added and they are all under the new review as to historical preservation.

Also,  
why did you grant permission to do drainage when the height of the building is again under review and the issue will be raised in future Hearings and Appeals. Rain gutters and downspouts are subject to what is decided on the roof development and that is still pending.

It seems that structural work should wait until all the reviews, hearings and appeals are finished and final permits are issued. We can understand painting as weatherproofing but not the structural work you suggest.

Is everything really a 'done deal' and we are simply not privy to it????

Please advise,

Irving Zaretsky

Neighbors on Broderick and Filbert streets

On May 7, 2014, at 3:36 PM, Paul Wythes <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)> wrote:

FYI. Below is the reply from Scott Sanchez regarding the work that was recently done at this property.

Paul

----- Forwarded Message -----

**From:** "Sanchez, Scott (CPC)" <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>

**To:** Paul Wythes <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)>; "Cabreros, Glenn (CPC)" <[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)>; "Venizelos, Thomas (DBI)" <[thomas.venizelos@sfgov.org](mailto:thomas.venizelos@sfgov.org)>

**Cc:** "Lindsay, David (CPC)" <[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)>

**Sent:** Wednesday, May 7, 2014 3:16 PM

**Subject:** RE: 2853 Broderick Street

Dear Mr. Wythes,

Thank you for the email. In February, I suspended the permits for 2853 Broderick Street, but noted that the project sponsor may perform work necessary to secure/weatherize the building (in part because this building is a known historic resource). It came to my attention after the suspension that neighbors were concerned that work beyond that to secure/weatherize the building may have been performed. On April 16, 2014, I met with representatives of the project sponsor (Ilene Dick – attorney; Stephen Antonaros - architect) and staff from DBI to discuss to discuss specific work which may be performed to secure/weatherize the building to ensure that all parties (project sponsor and City agencies) were clear on the limited work that may be performed. On April 22, 2014, I authorized that DBI allow the following work:

- Power washing walls and windows
- Repair and replace windows in-kind
- Paint, prep, sand windows and all trim
- Install downspouts and rain gutters
- Trench for drainage and to install the underground drain lines, lateral and hook ups all related to sewer connection.

Any work in excess of those stated above would be considered a violation of the suspension and result in immediate enforcement.

~~Please let me know if you have any questions.~~

Regards,  
Scott F. Sanchez  
Zoning Administrator

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

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

[<image001.png>](#) [<image002.png>](#) [<image003.png>](#) [<image004.png>](#) [<image005.png>](#)

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**From:** Paul Wythes [<mailto:paulmimai@yahoo.com>]  
**Sent:** Tuesday, May 06, 2014 4:25 PM  
**To:** Cabreros, Glenn (CPC); Venizelos, Thomas (DBI)  
**Cc:** Sanchez, Scott (CPC); Lindsay, David (CPC)  
**Subject:** Re: 2853 Broderick Street

Thanks for your help. I'm looking forward to hear your reply.

Paul

---

**From:** "Cabreros, Glenn (CPC)" <[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)>  
**To:** Paul Wythes <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)>; "Venizelos, Thomas (DBI)" <[thomas.venizelos@sfgov.org](mailto:thomas.venizelos@sfgov.org)>  
**Cc:** "Sanchez, Scott (CPC)" <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>; "Lindsay, David (CPC)" <[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)>  
**Sent:** Monday, May 5, 2014 9:49 AM  
**Subject:** RE: 2853 Broderick Street

I've copied the Zoning Administrator, who may have additional insight to your inquiry below.

Thank you.

**Glenn Cabreros, LEED AP  
Planner**

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

[<image006.png>](#) [<image007.png>](#) [<image008.png>](#) [<image009.png>](#) [<image010.png>](#)

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**From:** Paul Wythes [<mailto:paulmimai@yahoo.com>]  
**Sent:** Friday, May 02, 2014 8:32 PM  
**To:** Venizelos, Thomas (DBI)  
**Cc:** Cabreros, Glenn (CPC)  
**Subject:** Re: 2853 Broderick Street

Thomas,

Thanks for the reply, but I'm still a bit confused. As far as I can tell, no work has been performed on this house since March 18. It was only this past week that we noticed work starting up again, hence the questions coming from the neighborhood.

The bigger question I have concerns why plumbing work is allowed to continue while the permit is suspended. It would seem to me that all work would be suspended until the permit has been reinstated. I don't understand why plumbing is allowed while other work isn't. What other work is allowed even though the permit is suspended?

I'm copying Glenn Cabreros who hopefully can provide some additional context regarding the March 18 decision / email.

Thanks again,  
Paul

On May 2, 2014, at 8:42 AM, "Venizelos, Thomas (DBI)" <[thomas.venizelos@sfgov.org](mailto:thomas.venizelos@sfgov.org)> wrote:

Mr. Wythes,

The stop work for plumbing work that was issued on March 18 was in error. Deputy Director Lowrey allowed plumbing work to proceed per an advisement from the Planning Department.

Regards,

Thomas Venizelos  
Senior Building Inspector  
Department of Building Inspection

---

**From:** Paul Wythes [<mailto:paulmimai@yahoo.com>]  
**Sent:** Thursday, May 01, 2014 5:04 PM  
**To:** Venizelos, Thomas (DBI); O'Riordan, Patrick (DBI)  
**Cc:** Mai Mai Wythes; Caltagirone, Shelley (CPC); Arcuri Timothy; Richard Goss; Karen Goss; Amanda Hoenigman; Vince Hoenigman; Irving Zaretsky; Cabreros, Glenn (CPC); Nancy Leavens; Stefani, Catherine; Lowrey, Daniel (DBI); Fessler, Thomas (DBI)  
**Subject:** Re: 2853 Broderick Street

Thomas,

On March 18, inspector Fessler conducted a site visit to this property and found the workers performing plumbing work. You sent out an email that said the following:

*Inspector Fessler conducted a site visit today and found that the plumbing contractor was working on a building sewer lateral. The contractor was asked to stop work and vacate the site. The contractor complied with the inspectors request.*

Can you please explain why the plumbing contractor was asked to stop work on March 18 but is not being asked to stop work today? Has something changed between then and now?

Thank you,  
Paul Wythes

---

**From:** "Venizelos, Thomas (DBI)" <[thomas.venizelos@sfgov.org](mailto:thomas.venizelos@sfgov.org)>  
**To:** "O'Riordan, Patrick (DBI)" <[patrick.oriordan@sfgov.org](mailto:patrick.oriordan@sfgov.org)>; 'Paul Wythes' <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)>  
**Cc:** Mai Mai Wythes <[maitsai@yahoo.com](mailto:maitsai@yahoo.com)>; "Caltagirone, Shelley (CPC)" <[shelley.caltagirone@sfgov.org](mailto:shelley.caltagirone@sfgov.org)>; Arcuri Timothy <[Timothy.Arcuri@cowen.com](mailto:Timothy.Arcuri@cowen.com)>; Richard Goss <[rwgoss@pacbell.net](mailto:rwgoss@pacbell.net)>; Karen Goss <[kgboss@pacbell.net](mailto:kgboss@pacbell.net)>; Amanda Hoenigman <[amanda@hoenigman.com](mailto:amanda@hoenigman.com)>; Vince Hoenigman <[vince@citymarkdev.com](mailto:vince@citymarkdev.com)>; Irving Zaretsky <[liz@me.com](mailto:liz@me.com)>; "Cabreros, Glenn (CPC)" <[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)>; "nancyp.leavens@gmail.com" <[nancyp.leavens@gmail.com](mailto:nancyp.leavens@gmail.com)>; "Stefani, Catherine" <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>; "Lowrey, Daniel (DBI)" <[daniel.lowrey@sfgov.org](mailto:daniel.lowrey@sfgov.org)>; "Fessler, Thomas (DBI)" <[thomas.fessler@sfgov.org](mailto:thomas.fessler@sfgov.org)>  
**Sent:** Thursday, May 1, 2014 3:14 PM  
**Subject:** RE: 2853 Broderick Street

To All Concerned,

# EXHIBIT L

**Dick, Ilene (19) x4958**

---

**From:** Dick, Ilene (19) x4958  
**Sent:** Thursday, May 15, 2014 2:17 PM  
**To:** Whitehead / Nykamp: Broderick Street  
**Subject:** FW: 2853 Broderick Street

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

**FARELLA BRAUN + MARTEL LLP**

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

---

**From:** Lowrey, Daniel (DBI) [<mailto:daniel.lowrey@sfgov.org>]  
**Sent:** Thursday, May 15, 2014 2:16 PM  
**To:** paulmimai@yahoo.com  
**Cc:** Sanchez, Scott (CPC); Hui, Tom (DBI); Strawn, William (DBI); O'Riordan, Patrick (DBI); Venizelos, Thomas (DBI); Dick, Ilene (19) x4958  
**Subject:** RE: 2853 Broderick Street

Hello Paul,

DBI has reviewed your concerns about a possible conflict- of- interest with respect to Ms. Dick and have determined there is no conflict of interest situation here concerning 2853 Broderick St.

Thank You

---

**From:** Hui, Tom (DBI)  
**Sent:** Friday, May 09, 2014 8:53 PM  
**To:** Lowrey, Daniel (DBI); O'Riordan, Patrick (DBI)  
**Cc:** Venizelos, Thomas (DBI); Strawn, William (DBI)  
**Subject:** Fwd: 2853 Broderick Street

Hi Dan and Pat,  
Please, review this email and work with Scott in this case.  
Bye  
Tom

Sent from my iPhone

Begin forwarded message:

**From:** "Sanchez, Scott (CPC)" <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>  
**Date:** May 9, 2014 at 8:27:17 PM PDT

**To:** Paul Wythes <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)>, "Hui, Tom (DBI)" <[tom.hui@sfgov.org](mailto:tom.hui@sfgov.org)>, "IDick@fbm.com" <[IDick@fbm.com](mailto:IDick@fbm.com)>  
**Cc:** "Cabreros, Glenn (CPC)" <[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)>, "Venizelos, Thomas (DBI)" <[thomas.venizelos@sfgov.org](mailto:thomas.venizelos@sfgov.org)>, "Lindsay, David (CPC)" <[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)>, Irving Zaretsky <[iiz@me.com](mailto:iiz@me.com)>, Amanda Hoenigman <[amanda@hoenigman.com](mailto:amanda@hoenigman.com)>, Vince Hoenigman <[vince@citymarkdev.com](mailto:vince@citymarkdev.com)>, Richard Goss <[rwgoss@pacbell.net](mailto:rwgoss@pacbell.net)>, Karen Goss <[kbgoss@pacbell.net](mailto:kbgoss@pacbell.net)>, Arcuri Timothy <[Timothy.Arcuri@cowen.com](mailto:Timothy.Arcuri@cowen.com)>, nancy leavens nancy <[nancyp.leavens@gmail.com](mailto:nancyp.leavens@gmail.com)>, Mai Mai Wythes <[maitesai@yahoo.com](mailto:maitesai@yahoo.com)>, "Stefani, Catherine" <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>  
**Subject: Re: 2853 Broderick Street**

Hello Paul,

Thank you for the email. This is a DBI matter, but from what I understand the Code Advisory Committee (CAC) is appointed by the Building Inspection Commission and makes technical recommendations on code changes and rules/regulations to the Director of DBI. The CAC is advisory only and does not manage or oversee DBI. The CAC is comprised of a variety of building-related professionals (architects, engineers, attorneys, contractors, etc.) and I understand that these individuals actively practice their professions in the City (their involvement in the CAC does not preclude them from doing so). As such, I don't believe that there is a conflict of interest, but I'm copying the Director of DBI to see if he has any concerns. I'm also copying Ms. Dick so she has the ability to respond.

Regards,  
Scott F. Sanchez  
Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Tel: 415.558.6350  
Fax: 415.558.6409

E-mail: [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
Webpage: <http://www.sfplanning.org>

Planning Information Center (PIC):  
415.558.6378  
Property Information Map (PIM):  
<http://propertymap.sfplanning.org>

On May 9, 2014, at 7:58 PM, Paul Wythes <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)> wrote:

Scott,

**Dick, Ilene (19) x4958**

---

**From:** Dick, Ilene (19) x4958  
**Sent:** Monday, May 12, 2014 8:44 AM  
**To:** 'Sanchez, Scott (CPC)'; Paul Wythes; Hui, Tom (DBI); 'whiteheadwest@msn.com'  
**Cc:** Cabrer0s, Glenn (CPC); Venizelos, Thomas (DBI); Lindsay, David (CPC); Irving Zaretsky; Amanda Hoenigman; Vince Hoenigman; Richard Goss; Karen Goss; Arcuri Timothy; nancy leavens nancy; Mai Mai Wythes; Stefani, Catherine  
**Subject:** RE: 2853 Broderick Street

Scott, thank you for including me in this email so I can further explain to Ms. Whitehead's neighbors that my membership on the Code Advisory Committee (CAC) does not preclude me from meeting with DBI staff or appearing before the Building Inspection Commission on behalf of clients. Director Hui can confirm this as well. As a CAC member, I do not make or participate in any decisions regarding specific permits, projects or enforcement actions. There is thus no conflict or unethical conduct when I work with City staff, including DBI, on project specific matters. I hope the below explanation, along with the relevant Building Code provisions, explains why I am permitted to represent Ms. Whitehead any other clients with DBI staff.

I want to be clear that the CAC is not a "subcommittee" of the Building Inspection Commission (BIC). While appointed by the BIC, the 17 CAC members are advisory to the BIC, the Board of Supervisors and DBI staff on issues related to DBI's administration and enforcement of the several Codes it administers (Building, Housing, Mechanical, Electrical and Plumbing) and other Municipal Code provisions which involve DBI. I voluntarily serve as one of 3 public members of the CAC pursuant to SF Building Code Section 105A.4. As the name implies, the CAC's scope is limited to *advising* DBI staff and the BIC on code changes recommended by members of the Board of Supervisors, by DBI staff, other City agencies or by the State of California and its code-drafting agencies. See Section 105.A.4.2 below. The CAC does not make recommendations based on individual permits, specific projects or specific enforcement actions. Its sole function is to review Code and rule changes and make recommendations as a group to DBI staff, the BIC and/or the Board of Supervisors.

In addition to the 3 public members, the CAC's voluntary membership (none of us are paid for our time preparing for or attending meetings) consists of a diverse group of 14 design and other professionals with designated expertise in areas of DBI involvement (e.g., disabled access); concern (e.g., historic preservation) or a specific constituency (e.g. property management). See list of members' qualifications in Section 105.A.4.3.1 below. The Board of Supervisors decided this representative and well-rounded group was necessary for DBI to get the broadest feedback from a wide range of its "customers" as it considers the impacts of Code changes on plan review and Code implementation and enforcement. Because of this approach, nothing in the Building Code or elsewhere in the Municipal Code precludes any CAC members from working with DBI staff or appearing before the BIC as part of their business or profession. If it did, there wouldn't be a CAC as currently constituted. That's because such a prohibition would detrimentally impact each members' livelihood.

I hope that by reviewing the actual SF Building Code provisions governing the CAC's role, Ms. Whitehead's neighbors are clear that I am not precluded by membership on the CAC from meeting with DBI staff on specific permit or project issues regarding 2853 Broderick or any other property.

\*\*\*\*\*

#### **105A.4 Code Advisory Committee.**

**105A.4.1 Establishment.** There is hereby created a Code Advisory Committee consisting of seventeen members who are qualified by experience and training to pass upon matters pertaining to the development and improvement of the content of this code and the San Francisco Housing Codes and their related rules and regulations as well as provisions of other parts of the Municipal Code that the Building Official and the Building Inspection Commission determines have an impact on construction permits.

**105A.4.2 Functions.** Its functions shall be:

1. To review recommendations for code changes made by the Building Official the Building Inspection Commission pursuant to Section 104A.2.11.
2. To develop, review and recommend code changes to the Building Official and the Building Inspection Commission.
3. To review rules and regulations promulgated by the Building Official and the Building Inspection Commission pursuant to Section 104A.2.1.
4. To recommend to the Building Official and the Building Inspection Commission, within 30 days after the effective date of a new edition of a code, which existing Section 104A.2 rules and regulations should remain in effect, be modified or be canceled.

**105A.4.3.1 Members.** In the event that a vacancy occurs during the term of office of any member of the Code Advisory Committee, a new member shall be appointed in a manner similar to that described herein for new members. The membership shall consist of:

1. A licensed architect whose practice is primarily in the area of major commercial and institutional projects of Type I and II construction.
2. A licensed architect whose practice is primarily in the area of smaller commercial and residential projects of Type III and V construction.
3. A registered civil engineer whose practice is primarily in the area of major commercial and institutional projects of Type I and II construction and who has the authority to use the title "Structural Engineer."
4. A registered civil engineer whose practice is primarily in the area of smaller commercial and residential projects of Type III and V construction.
5. A registered mechanical engineer or licensed mechanical contractor.
6. A registered fire protection engineer who practices in the area of fire protection.
7. A registered electrical engineer or licensed electrical contractor.
8. A representative of a licensed general contractor whose work is primarily in the area of major commercial and institutional projects of Type I and II construction.
9. A representative of a licensed general contractor whose work is primarily in the area of alterations, remodeling or restoration.
10. A representative of a licensed general contractor whose work is primarily the construction of single- and multifamily residential construction for its own account.
11. A commercial property owner or a person practicing in the area of property management.
12. A representative of the general business community.
13. A person qualified in the area of historical preservation.
14. A person, preferably with a disability, who is knowledgeable about disability access regulations.
15. Three at-large members who may, but need not, possess technical skills or knowledge.

---

**From:** Sanchez, Scott (CPC) [<mailto:scott.sanchez@sfgov.org>]

**Sent:** Friday, May 09, 2014 8:27 PM

**To:** Paul Wythes; Hui, Tom (DBI); Dick, Ilene (19) x4958

**Cc:** Cabrerros, Glenn (CPC); Venizelos, Thomas (DBI); Lindsay, David (CPC); Irving Zaretsky; Amanda Hoenigman; Vince Hoenigman; Richard Goss; Karen Goss; Arcuri Timothy; nancy leavens nancy; Mal Mal Wythes; Stefani, Catherine

**Subject:** Re: 2853 Broderick Street

Hello Paul,

Thank you for the email. This is a DBI matter, but from what I understand the Code Advisory Committee (CAC) is appointed by the Building Inspection Commission and makes technical recommendations on code changes and rules/regulations to the Director of DBI. The CAC is advisory only and does not manage or

oversee DBI. The CAC is comprised of a variety of building-related professionals (architects, engineers, attorneys, contractors, etc.) and I understand that these individuals actively practice their professions in the City (their involvement in the CAC does not preclude them from doing so). As such, I don't believe that there is a conflict of interest, but I'm copying the Director of DBI to see if he has any concerns. I'm also copying Ms. Dick so she has the ability to respond.

Regards,  
Scott F. Sanchez  
Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Tel: 415.558.6350  
Fax: 415.558.6409

E-mail: [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
Webpage: <http://www.sfplanning.org>

Planning Information Center (PIC):  
415.558.6378  
Property Information Map (PIM):  
<http://propertymap.sfplanning.org>

On May 9, 2014, at 7:58 PM, Paul Wythes <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)> wrote:

Scott,

I noticed that in addition to representing Pam Whitehead, Ilene Dick also serves on DBI's Code Advisory Committee. From what I can tell, the Code Advisory Committee works closely with the Building Inspection Commission.

Do you think Ms. Dick's presence at the April 16 meeting represented a potential conflict of interest? If not, can you please explain why?

Thanks,  
Paul Wythes

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**From:** "Sanchez, Scott (CPC)" <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>  
**To:** Paul Wythes <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)>; "Cabreros, Glenn (CPC)" <[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)>; "Venizelos, Thomas (DBI)" <[thomas.venizelos@sfgov.org](mailto:thomas.venizelos@sfgov.org)>  
**Cc:** "Lindsay, David (CPC)" <[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)>  
**Sent:** Wednesday, May 7, 2014 3:16 PM  
**Subject:** RE: 2853 Broderick Street

Dear Mr. Wythes,

Thank you for the email. In February, I suspended the permits for 2853 Broderick Street, but noted that the project sponsor may perform work necessary to secure/weatherize the building (in part because this building is a known historic resource). It came to my attention after the suspension that neighbors were concerned that

work beyond that to secure/weatherize the building may have been performed. On April 16, 2014, I met with representatives of the project sponsor (Ilene Dick – attorney; Stephen Antonaros - architect) and staff from DBI to discuss to discuss specific work which may be performed to secure/weatherize the building to ensure that all parties (project sponsor and City agencies) were clear on the limited work that may be performed. On April 22, 2014, I authorized that DBI allow the following work:

Power washing walls and windows

-Repair and replace windows in-kind

-Paint, prep, sand windows and all trim

-Install downspouts and rain gutters

-Trench for drainage and to install the underground drain lines, lateral and hook ups all related to sewer connection.

Any work in excess of those stated above would be considered a violation of the suspension and result in immediate enforcement.

Please let me know if you have any questions.

Regards,  
Scott F. Sanchez  
Zoning Administrator

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

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

<image001.png> <image002.png> <image003.png> <image004.png> <image005.png>

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**From:** Paul Wythes [<mailto:paulmimai@yahoo.com>]  
**Sent:** Tuesday, May 06, 2014 4:25 PM  
**To:** Cabreros, Glenn (CPC); Venizelos, Thomas (DBI)  
**Cc:** Sanchez, Scott (CPC); Lindsay, David (CPC)  
**Subject:** Re: 2853 Broderick Street

Thanks for your help. I'm looking forward to hear your reply.

Paul

---

**From:** "Cabreros, Glenn (CPC)" <[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)>  
**To:** Paul Wythes <[paulmimai@yahoo.com](mailto:paulmimai@yahoo.com)>; "Venizelos, Thomas (DBI)" <[thomas.venizelos@sfgov.org](mailto:thomas.venizelos@sfgov.org)>  
**Cc:** "Sanchez, Scott (CPC)" <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>; "Lindsay, David (CPC)" <[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)>  
**Sent:** Monday, May 5, 2014 9:49 AM  
**Subject:** RE: 2853 Broderick Street

I've copied the Zoning Administrator, who may have additional insight to your inquiry below.

Thank you.

Glenn Cabreros, LEED AP  
Planner

Planning Department | City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6169 | Fax: 415-558-6409

## 9/16/14 Submission to Planning Commission

September 16, 2014

Commissioner Cindy Wu  
1650 Mission Street, Suite 400  
San Francisco, California 94103

RE: 2853-2857 Broderick  
Scheduled for Hearing September 18, 2014

Dear Commissioner Wu:

On behalf of Mr. Tim Arcuri and myself, who are the two DR requesters, we would like to request that this case not be heard on September 18th, but postponed.

Mr. Zaretsky will be at the Hearing to personally make the request on behalf of the DR requesters and their neighbors.

We are enclosing a letter that we submitted to Supervisor Mark Farrell, Supervisor David Chiu and to the entire Board of Supervisors as well as to City Attorney Dennis Herrera. We are requesting from the Board of Supervisors and from the City Attorney to address the issue of jurisdiction: who has jurisdiction to hear this case at this time; and to address the issue of the legal status of the permits, both the original permit # 201309247638, and its derivative addenda permits # 201103111905, 201103252839, 201108031630, 201209260727. The addenda permits, as derivatives of the original permit granted by the Board of Appeals following a CEQA Hearing on September 4, 2012, depend for their validity on the legal status and validity of the original parent-permit.

The issues of jurisdiction and legal status of the permits are threshold issues that must be determined prior to any review hearing dealing with the substantive design issues of the currently suspended permits by the Department of City Planning, the Revised Plans, and the submitted plans for future construction and permit applications.

We have not submitted any written materials to deal with the substantive issues for the previously scheduled August 7, 2014 Hearing, nor have we submitted any written materials to the Commission that deal with the substantive issues for the Hearing scheduled for September 18th for the following reasons:

1. It is our position that the Permit issued by the Board of Appeals following the CEQA Hearing is not valid because the project sponsor failed to submit the Agreement documents voted on by the Board of Appeals to the Board and therefore the Board file for this case is empty of the physical documents as a whole. Since the original Permit was not properly issued it is not valid and fatally flawed.

2. The neighbors in the 311 notification catchment area have been deprived of Due Process of law and deprived of a timely 311 notification prior to the addenda permits being issued. The physical construction at the building site occurred a priori

to the issuance of 311 notification.

What is emerging here is a matter of violation of Due Process and fundamental civil rights.

Because the neighbors do not wish to waive their right to assert a challenge to the issues of jurisdiction and legal status of the Permits at any future judicial venues, we will not submit to the jurisdiction of the Planning Commission on September 18th and will wait for a written opinion from the Board of Supervisors and the City Attorney as to proper jurisdiction in this case and the legal status of the permits.

The issue came up once before at the Board of Appeals Hearing on March 5, 2014. When the project sponsor admitted to the Board that she never handed in the complete Agreement documents voted on by the Board of Supervisors at the CEQA Hearing, and it was pointed out to the Board of Appeals that when they voted to issue the Permit there was essentially nothing for them to vote on (their file was empty of the complete Documents), the Board then voted to end the meeting and leave the matter to the call of the Chair.

Because this Permits are the product of a CEQA appeal, technically neither the Board of Appeals nor the City Planning Commission has any jurisdiction in the matter since they lack jurisdiction over CEQA appeals.

We await to see the written opinion of the City Attorney and the Board of Supervisors.

In this case, as well, the Commission needs to postpone the Hearing pending a written decision by the City Attorney and the Board of Supervisors as to jurisdiction and the legal status of the Permits.

As this case proceeds down the administrative process, it is critical that it ripens along proper procedural lines that address the issues of jurisdiction so that the process does not proceed to the detriment of either party.

Two additional technical matters in this case:

1. I have received the material from City Planning that I requested under the Freedom of Information Act and the San Francisco Sunshine law. I not received yet the information that I similarly requested from the Department of Building Inspection, Therefore, we still do not have complete data to respond to the substantive issues in this case,

- 2 Mr, Arcuri has still has not received an answer as to why his attendance at the Hearing could not be accommodated. He has emailed you several times without a response.

Respectfully,



Irving Zaretsky  
Tim Arcuri

cc: Commissioners

Mr. Rodney Fong  
Mr. Michael J. Antonini  
Ms. Christine D. Johnson  
Mr. Rich Hillis  
Ms. Kathrin Moore

September 17, 2014

Supervisor David Chiu  
Supervisor Mark Farrell  
Members of the Board of Supervisors  
City Attorney Dennis Herrera  
City Hall  
San Francisco, California

RE: 2853 - 2857 Broderick street  
City Planning Commission DR Hearing September 18, 2014  
Permit issued by the Board of Appeals following a CEQA  
Appeal vote by the Board of Supervisor on September 4, 2012

Dear Supervisors Chiu, Farrell, Members of the Board of Supervisors and City Attorney Herrera:

On behalf of Tim Arcuri, myself and neighbors on Broderick and Filbert streets we request that you investigate and give us a written opinion as to the matter of:

1. Who has jurisdiction to hear the case at this time when the case is a product of a CEQA Appeal.
2. What is the legal status and validity of Permit #201103252839 (and its derivative Addenda Permits # 201103111905, 201108031630, 201209260727, 201309247638).
3. Is a 311 DR Hearing procedurally valid and jurisdictionally correct in light of the history of the case at the Board of Appeals in September 2012.
4. There are serious violations of Due Process and a conscious effort to avoid and evade the rules in the Code.
5. The current building stands as a non conforming structure lacking proper Permits.

We, the neighbors of this project and within the catchment area of its 311 Notification, need to know whether the City Planning Commission has jurisdiction to hear this case given the history of the case as a product of the CEQA appeal. The case may need to return to the Board of Supervisors.

The issue came up once before at the Board of Appeals on March 5, 2014 when the same case was presented to the Board and the Board, after learning that the documents voted on by the Board of Supervisors on September 4, 2012 were not properly submitted to them, ended the meeting and left the matter up to the call of the Chair.

It is our understanding that once the matter was voted on by the Board of Appeals in September 2012 it left their jurisdiction and cannot return for re-consideration.

The Permit and all the derivative Addenda listed above are currently suspended by the Department of City Planning and subject to a 311 DR scheduled for September 18, 2014 before the Planning Commission.

The City Planning Commission may not have jurisdiction in this case at this time because the Permits before them are all products of the original permit issued by the Board of Appeals, and to the extent that the Board of Appeals no longer has jurisdiction in this case, so might the Planning Commission lack jurisdiction over the original permit and its Addenda progeny. If the original permit #201103252839 lacks validity as originally issued, so would all the permits to the present time suffer the same status.

#### FACTS -- THE SORDID STORY BRODERICKGATE

1. Pam Whitehead (together with a partner), the project sponsor, purchased the subject property from the previous owner who suffered a fire in the home in 2010 and sold the home around April 2012. Ms. Whitehead bought the home with a Permit in process to restore the home to its original condition and add a garage. The Permit evolved through DR Hearings, appealed to the Board of Appeals and ended up on a CEQA Appeal at the Board of Supervisors. During the final stages of the Appeals at the City Planning Commission and beyond, Ms Whitehead adopted and modified the plans she bought with the building and was represented by attorneys and consultants.

Our District Supervisor Mark Farrell with the help of Catherine Stefani did an excellent job in mediating a resolution of the CEQA Appeal that resulted in an Agreement and an Appendix of plans, as one whole, non severable document and so designated within the body of the Agreement. The Agreement was drafted by Ms. Whitehead's lawyer, Mr. John Kevlin, and the plans were drawn by her architect, Mr. Stephen Antonaros,

At her insistence, all the neighbors surrounding her property on the West side of Broderick street and the South side of Filbert street signed the Agreement, It appeared to us that everyone was satisfied that a resolution was found.

On September 4, 2012 Mr. Kevlin and Mr. Zaretsky met at Supervisor's Farrell's office about an hour before the Board meeting and initialed every page of the Agreement and plans. We handed the entire document to Supervisor Farrell and we went together into the Board of Supervisor's meeting. The Board approved the entire document held in Mr. Farrell's hand.

After the vote Mr. Kevlin asked Supervisor Farrell and myself if we would like him to run up the document immediately to the Board of Appeals because the Board would have to vote to accept the entire Agreement and to approve the Permit.

We agreed that he would deliver the Agreement document and shook hands and Mr. Kevlin left with the Agreement in hand for the Board of Appeals.

We found out on March 5, 2014 (some 16 months later) that he never arrived at the Board of Appeals.

Ms. Whitehead admitted at the Board of Appeals Hearing on March 5, 2014 that Mr. Kevlin turned over the Agreement document to Mr. Antonaros, who stood up at the meeting and said that he turned over the Agreement document to Ms. Whitehead.

It turns out that it was Ms. Whitehead who turned over to the Board of Appeals only the Appendix of the Agreement without the main body of the Agreement. She took one whole non severable Agreement and only handed in the Appendix. She did not want to be bound by the Agreement she signed and by stealth did not hand it in. She never informed anyone (even to date) that she was the one who turned over the document to the Board of Appeals (and not Mr. Kevlin), nor did she notify that she only handed in part of the Document and not all of it. She severed what is a non severable Agreement so delineated in the body of the Agreement which she signed.

She thereby nullified the Agreement that was the basis for the CEQA Appeal resolution and left the Board of Appeals empty handed for their vote. A phantom Permit is born. The Board of Appeals never had placed in it the whole Agreement as approved by the Board of Supervisors. At a later date Ms. Whitehead looked through the file and could not find in it the whole document, only hearsay references to it. Of course she couldn't find it, she never handed it in.

From September 4, 2012 to today neither John Kevlin nor Stephen Antonaros nor Pam Whitehead ever informed Supervisor Farrell, Catherine Stefani or any of the neighbors that she never handed in the full Agreement document to the Board of Appeals. Allegedly what we see here is a classic bait and switch scam.

Inquiries with her lawyer yielded the response that he only represented her during the period of settlement negotiations and he no longer represented her. Never a word about not having turned in the documents to the Board of Appeals.

The Board of Appeals, like the rest of us, except for Ms. Whitehead and her team, was totally unaware that they lacked the whole physical document in front of them when they voted to approve the Permit. It is like a judge rendering a decision on appeal without having been presented with or shown the entire lower court decision which he is reviewing.

Essentially the Permit was a phantom permit, based on hearsay. Because the full Agreement document was never delivered to the Board of Appeals prior to its vote, it effectively could not vote on and approve something that was not before it.

Even the Appendix that was turned in was fraudulent and the plans that we signed on September 4, 2012 contained elements that were snuck in and that were never

part of the original plans or negotiations: An 8 x 10 gardening shed in the back yard is shown and the driveway which required a review. Both of these were brought into the plans after the negotiations were complete --another bait and switch maneuver.

2, A couple of months later, around November 2012 Ms. Whitehead began a negotiation with City Planning claiming that the plans underlying the alleged Permit were never "her" plans but were the plans she bought with the home. She said that she never intended to use the plans and now she has her own plans and that she wished to convert the two flat rental building into a single family home. She wanted to make changes beyond what the original plans and Agreement provided for. She continued to disavow the original plans to the neighbors as well.

City Planning told her that she would need to submit any new plans to a new 311 Notification since the original plans had undergone a DR review. She refused. A set of negotiations occurred between her and the Planning staff and the end product of which was that around March 6th Mr. Zaretsky and his sister, co-owners of the home next door, were asked by Ms. Whitehead to a meeting on March 7th to view proposals and thoughts she had for a new plan and drawings. The reason for the meeting she said was that the former owner took back a note for the purchase price for 3 years and she wanted to quickly re-do the house so that she can get new financing.

As it turned out, this meeting was the product of collusion between Mr, Antonaros and members of the Planning staff to use the meeting to elicit an email from Mr. Zaretsky that he saw the plans.

Mr. Antonaros approached the Planning staff and said that he wanted to avoid the neighbor (Mr. Zaretsky) and avoid a 311 Notification and any further Hearings. The Planning staff came up with the idea that if he could get a letter from Mr. Zaretsky that he "saw" the plans and approved them, SUCH A LETTER WOULD BE IN LIEU OF 311 NOTIFICATION.

No one from City Planning ever contacted Mr. Zaretsky or any of the neighbors to inform them that a new plan was being introduced and that a meeting between Mr. Zaretsky with Ms. Whitehead and an email of approval would substitute for a 311 Notification.

Thus was born the case of entrapment and the nullification of 311 Notice to all the neighbors within the catchment area, as well as all the neighbors who signed the Agreement of September 4, 2012. This was a blatant violation of our civil rights,

For the next several months new permits were issued to Ms. Whitehead, piece meal, to accomplish her new plan which at all times City Planning protested that they needed 311 notification because it went beyond her original plan which was the subject of a CEQA Appeal. Yet, the Permits were issued.

Throughout this period the neighbors protested to City Planning, Planning Commission and Board of Appeals members and protest emails were sent.

In May-June 2013 DBI closed down the job and requested REVISED PLANS from Ms. Whitehead which required a 311 Notification to the neighbors. Ms. Whitehead waited for one year to present the 311 Notification and here we are today having that overdue DR Hearing on September 18th,

In the meanwhile, for the past year Ms. Whitehead completed much of the construction to convert the two flats into a home and exceeded the envelope of the building in breach of the the plans and AGREEMENT approved by the Board of Supervisors and the Board of Appeals.

### 3. FALSE PLANS AND PERJURY

Around February 2013 Ms. Whitehead began construction and lifted the building allegedly by 36". She breached her Agreement with us and never marked the building pre-lift so that the height could be verified. Mr. Zaretsky hired a surveyor and the building lift measured more than 36" as measured by the rules in the Code from the centerline of the curb. The building now stands over 40' at its North elevation. DBI and City Planning were asked to measure the building lift. DBI intended to but did not and informed us that it relied on the Project Sponsor measurements. The Zoning Administrator measured the lift but only from the highest point of the lot at the South elevation and not from the centerline of the curb. We provided a diagram that since the building is sitting on a 3'6" slope to get an accurate measure you must measure from the centerline of the curb.

We also discovered that the building was designated throughout the Hearings as 34' in height. In fact, the building was nearly 37' in height. Mr. Antonaros stated that he never measured the building and the measurements that were designated by him were not based on any specific knowledge that he had. Essentially, the main issue in the Planning Commission DR in 2011, the building height, was based on fraudulent and fictional height numbers. Throughout all the Hearings Pam Whitehead and her representative committed perjury when they swore under oath that the information in the plans were true and correct. Both Mr. Antonaros and Ms. Whitehead knew that they never measured the building height and never knew the true height of the building.

It was at that time that we first began to suspect that allegedly a massive fraud is afoot and we discovered for the first time that the Agreement we signed on September 4, 2012 was never handed in to the Board of Appeals in its entirety.

Thereafter, we began to hear from the Planning staff that they were not going to enforce the Agreement, even though it was never before them.

For the duration of time the Planning staff began to take a schizophrenic approach to the Agreement. At times they would acknowledge that it has to be complied with and at other times they called it unenforceable by the City. But at no time was the Agreement before them since Ms. Whitehead never turned it in to the Board of Appeals.

#### 4. STRADDLING MULTIPLE PERMITS

Beginning in February 2013 Ms. Whitehead began construction by lifting the building under original Permit, to allow her a 40' height limit accepted by the Cow Hollow Association guidelines for multiple unit buildings. Thereafter, she abandoned the original Permit and Agreement framework and began to construct the home as a single family home, where the Cow Hollow Association guidelines suggest a height of 35'. Until today, the project is progressing while straddling several permits and contrary to the limits set in the original Permit voted on by the Board of Appeals.

Ms. Whitehead treated the original Permit as a DECOY Permit. She would refer to it in name only, while sub rosa she would work with the Addenda Permits to accomplish piece meal her desired plan which was never presented to the neighbors in the required comprehensive form and a DR review.

#### 5. PROJECT SPONSOR CONTINUES TO REJECT 311 REVIEW OF THE CONSTRUCTION

In the written material that the Project Sponsor submitted to the Planning Commission are plans that show that the work done under the Addenda Permits are regarded as Existing Conditions and are claimed to be non reviewable because they were done under "permits". Yet, all the work is done under Addenda Permits when it should have been done under a submitted plan that comprehensively showed all the work and should have been submitted for a 311 Notification and a DR review prior to construction being completed and not after.

#### 6. UNIT MERGER

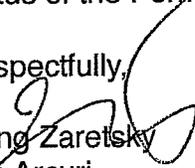
Once Ms. Whitehead abandoned the original Permit and began to develop a series of Addenda Permits it was for the purpose creating structurally a home and to effectively finish the basic construction for the unit merger without filing for a permit and requiring to submit to a 311 Notification. Once the basic construction is finished, she filed fraudulent merger application that designated that no further construction is needed for the merger of units.

The entire history of the Addenda Permits is simply to avoid notification to the neighbors and avoid any 311 Notification and further Hearings. She built the basic structure that she now calls EXISTING CONDITIONS and claims that these are no longer reviewable in a DR because they were "done with permits".

This is but a skeleton description of the issues involved in this case. The documentary material we have is overwhelming and we are still waiting for more material that has not yet been supplied.

We look forward to fully cooperating with the City Attorney and the Board of Supervisors in their investigation of this case and await their decision as to jurisdiction and legal status of the Permits

Respectfully,

  
Irving Zaretsky  
Tim Arcuri

cc: Board of Supervisors  
Mr. Eric Mar  
Ms. Katy Tang  
Ms. London Breed  
Ms. Jane Kim  
Mr. Norman Yee  
Mr. Scott Weiner  
Mr. David Campos  
Ms. Malia Cohen  
Mr. John Avalos

City Attorney:

Ms. Kate Stacy  
Ms. Susan Cleveland Knowles  
Ms. Marlina Byrne  
Ms. Brittany Feitelberg

## **TABLE OF EXHIBITS**

- 1. CEQA Agreement**
- 2. Planning Commission Height Decision**
- 3. Height Measurement**
- 4. Cow Hollow Association Letter**
- 5. Fictitious Height Data**
- 6. Pam Whitehead's Lawyer**
- 7. Historic Building**
- 8. Addenda Permits**
- 9. The March 5 to 7 Entrapment**
- 10. Pam Whitehead and the CEQA Agreement**
- 11. Addenda, Permits, Merger of units into a home, Deviation  
from CEQA Agreement**
- 12. Revision Drawings, Unit Mergers and Addenda**

**EXHIBIT 1**

## SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into as of September 4, 2012 (the "Effective Date"), by and between Pam Whitehead and Melinda Nykamp ("Permit Holder"), and Pat Buscovich, Irving Zaretsky, Kate Kardos Polevoi, Zeeva Kardos, Craig Jones, Michael Jaeger, Eric Reimers, Kelda Reimers, Rob Povlitz, Jennifer Povlitz, Don Morehead and Ann Morehead ("Appellant"). Permit Holder and Appellant are sometimes each referred to in this Agreement as a "Party" or "party" and collectively as the "parties."

This agreement applies solely to Building Permit Application No. 2011.03.25.2839 and to the CEQA appeal and BOA appeal as defined below.

### RECITALS

This Agreement is executed with reference to the following facts:

A. Permit Holder is the owner of the real property commonly known as 2853-2857 Broderick Street, San Francisco, California, Block 0947, Lot 002 (the "Permit Holder Property").

B. Irving Zaretsky, Kate Kardos Polevoi and Zeeva Kardos are the owners of the real property commonly known as 2845-2847 Broderick Street, San Francisco, California, Block 0947, Lots 045 and 046 (the "Appellant Property").

C. The Permit Holder Property and the Appellant Property are adjacent and share a common property line ("Property Line"). Appellant has certain concerns and objections related to Permit Holder's work on the Permit Holder Property.

D. Permit Holder desires to obtain a permit that will allow for the raising of the existing building on the Permit Holder Property by 36 inches and construction of a new garage, among other things, pursuant to Building Permit Application No. 2011.03.25.2839 and the associated plans for the permit (collectively, the "Permit"). The Permit was issued on or about April 17, 2012.

E. On or about May 2, 2012, Appellant filed an appeal of the Permit with the San Francisco Board of Appeals ("BOA Appeal") that set forth various concerns and objections Appellant has with the Project. The BOA Appeal was considered at a Board of Appeals hearing on June 20, 2012 and was ultimately denied on a vote of 4 to 0.

F. On or about July 2, 2012, Appellant filed a request for rehearing of the BOA Appeal with the San Francisco Board of Appeals. A hearing to consider the request for rehearing was scheduled at the Board of Appeals on July 25, 2012. On July 18, 2012, Appellant filed a rescheduling request to reschedule the hearing until after September 19, 2012. The request was granted by the Board of Appeals on July 20, 2012, rescheduling the hearing to September 12, 2012.

G. On or about July 6, 2012, Appellant filed an appeal of the categorical exemption issued by the San Francisco Planning Department for the Project ("CEQA Appeal"), which set forth various concerns and objections Appellant has with the determination of categorical exemption from environmental review for the Permit.

H. All parties now desire to settle their differences on mutually agreeable terms.

NOW THEREFORE, for and in consideration of the promises, covenants, and releases hereinafter set forth in this Agreement, and for good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

**1. Recitals**

The above recitals are incorporated herein by reference and are hereby made a part of this Agreement.

**2. Permit Holder Obligations**

Permit Holder hereby agrees to amend the Permit, and implement construction, such that it is consistent with, and as set forth in, the drawings dated August 22, 2012, and attached hereto and incorporated herein as **Exhibit A**. Permit Holder will amend the permit by requesting the Board of Appeals agree to a rehearing of the BOA Appeal and then requesting the Board of Appeals amend the Permit pursuant to the drawings attached as Exhibit A. In the case that the Board of Appeals does not agree to the rehearing or to amend the Permit pursuant to the drawings attached as Exhibit A, Permit Holder shall amend the Permit pursuant to the attached drawings on her own.

Minor modifications may be made to said plans to satisfy Planning Department and/or Department of Building Inspection requirements for the building permit application. "Minor modifications" do not include, and are not limited to:

- a) Enlargement of the envelope of 2853-2857 Broderick Street;
- b) Any increase in the building height beyond a maximum of 36 inches from current conditions (which already includes any tolerance otherwise permitted by the Department of Building Inspection and Building Code);
- c) Any modifications to the fire wall on the north elevation of the rear yard stair case.

Any non-Minor Modifications may be made to the plans upon the consent of all parties to this Agreement.

Permit Holder will mark the building prior to the lift so that once it is lifted it can be clearly determined that the lift was 36 inches.

Permit Holder releases any claims they may have against Appellants with respect to the approval and appeal process for the Permit.

**3. Appellant Obligations**

As long as the Permit to be issued remains, as set forth in the drawings attached, and is consistent with the drawings set forth on **Exhibit A** and as long as Permit Holder is not in breach of this Agreement, Appellant, including all individuals who have signed the BOA Appeal, the CEQA Appeal, or both, hereby agrees as follows:

- a) Appellant will not support the CEQA Appeal at the Board of Supervisors hearing on September 4, 2012, and will give testimony to the Board announcing a settlement of the matter.
- b) Appellants shall support the request for rehearing at the Board of Appeals hearing scheduled for September 12, 2012, for the purpose of having the Board of Appeals amend the Permit pursuant to the drawings attached as Exhibit A at the rehearing. Appellants shall also support the proposal to amend the Permit pursuant to these drawings at the Board of Appeals rehearing.
- c) Appellant shall file no future appeals of Building Permit Application No. 2011.03.25.2839, as set forth in the drawings attached as Exhibit A, including, but not limited to, any appeals with any department, office, board or other body of the City and County of San Francisco or any California state court or U.S. Federal court. This does not bar Appellant from filing any complaints against the Permit with the Department of Building Inspection after the Permit is issued.

Appellants release any claims they may have against Permit Holder with respect to the approval and appeal process for the Permit.

**4. Successors and Assigns**

This Agreement shall inure to the benefit of and shall be binding upon the parties to this Agreement and their respective heirs, successors, assigns or owners and their representatives, agents, shareholders, officers, partners, directors, employees, affiliates, subsidiaries, related corporations or entities. Each Party shall provide a copy of this Agreement to any successor, assign or new owner prior to transfer of their respective property.

**5. Representations and Warranties**

The persons signing this Agreement hereby warrant and represent that they have the power and authority to bind any party on whose behalf this Agreement is signed. Each party agrees to indemnify, defend, and hold harmless the other parties for any loss, costs, expenses, claims, or damages resulting from any breach of this paragraph.

**6. Attorneys' Fees**

The parties acknowledge and agree that if any party commences arbitration or litigation to interpret or enforce the terms of this Agreement, each party will be responsible for their own attorneys' fees. Appellants agree to not be represented by co-Appellant Kate Polevoi as an attorney in any arbitration or litigation relating to this dispute.

**7. Entire Agreement; Controlling Law**

This Agreement and all exhibits attached hereto and incorporated herein sets forth the entire agreement of the parties and any disputes concerning the subject matter of this Agreement, and shall not be modified or altered except by a subsequent written agreement signed by the parties. The laws of the State of California shall govern the validity, interpretation and enforcement of this Agreement. Subject to Section 6, the parties expressly consent to jurisdiction in the courts of California for any dispute regarding or relating to this Agreement or any other matter or claim released herein.

**8. Counterparts; Severability; Time is of the Essence**

This Agreement may be executed in multiple counterparts and signatures may be exchanged by facsimile or electronically, each of which shall be deemed to be an original document, and all of which together shall constitute one and the same document. In the event that any representation, warranty, acknowledgment, covenant, agreement, clause, provision, promise, or undertaking made by any party contained in this Agreement is deemed, construed, or alleged to be illegal, invalid, or unenforceable under present or future laws, in whole or in part, the parties acknowledge that each and every other term of this Agreement shall remain valid and enforceable. Time is of the essence for the completion of the acts described in and required by this Agreement.

**9. Advice of Counsel**

The parties represent and acknowledge that they have read and understood the terms of this Agreement and have had the opportunity to obtain the advice of counsel on the meaning and effect of this Agreement. The parties have had an opportunity to fully participate in preparing this Agreement and acknowledge that it is the product of the draftsmanship of the parties. Accordingly, this Agreement shall not be construed for or against any party by virtue of their participation, or lack of participation, in the drafting hereof.

[SIGNATURE BLOCKS FOLLOW ON NEXT PAGE]

This Agreement is executed as of the Effective Date by the parties.

Permit Holder:

[Signature] on behalf of  
Pam Whitehead

[Signature] on behalf of  
Melinda Nykamp

9/4/12

Appellant:

[Signature]  
Pat Buscovich

[Signature]  
Irving Zaretsky

[Signature]  
Kate Kardos Polevoi

[Signature]  
Zeeva Kardos

[Signature]  
Craig Jones

[Signature]  
Michael Jaeger

[Signature]  
Eric Reimers

[Signature]  
Kelda Reimers

[Signature]  
Rob Povlitz

[Signature]  
Jennifer Povlitz

[Signature]  
Don Morehead

[Signature]  
Ann Morehead

This Agreement is executed as of the Effective Date by the parties.

Permit Holder:

[Signature] on behalf of  
Pam Whitehead

[Signature] on behalf of  
Melinda Nykamp

9/4/12

Appellant:

[Signature]  
Pat Buscovich

[Signature]  
Irving Zaretsky

[Signature]  
Kate Kardos Polevoi

[Signature] T.  
Zeeva Kardos

\_\_\_\_\_  
Craig Jones

\_\_\_\_\_  
Michael Jaeger

\_\_\_\_\_  
Eric Reimers

\_\_\_\_\_  
Kelda Reimers

\_\_\_\_\_  
Rob Povlitz

\_\_\_\_\_  
Jennifer Povlitz

\_\_\_\_\_  
Don Morehead

\_\_\_\_\_  
Ann Morehead



EXHIBIT 'A'  
August 22, 2012

9/7/12 Jry  
JK



NO.	DATE	BY
1	Jan 23, 2012	
2	Mar 19, 2012	
3	Aug 11, 2012	

STEPHEN ANTONAKOS  
ARCHITECT

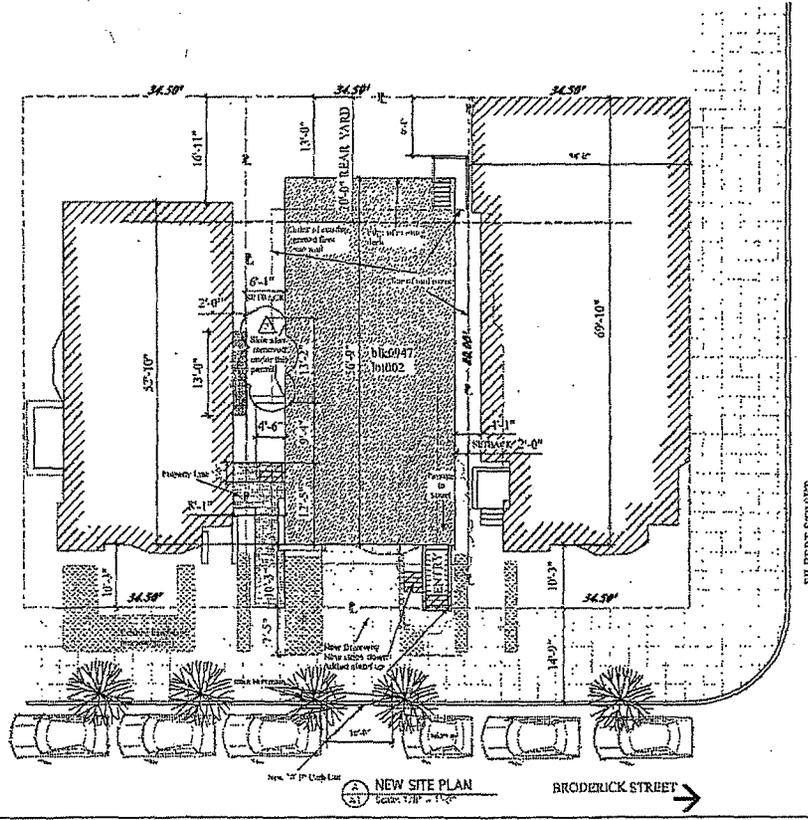
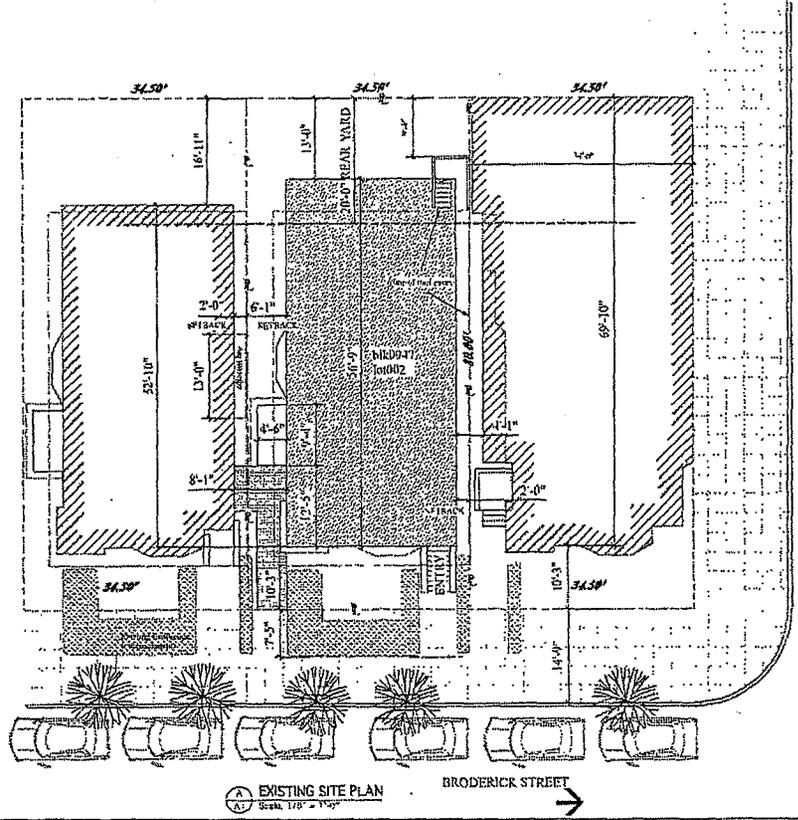
2801 WILSON STREET, SUITE 100  
SAN FRANCISCO, CALIFORNIA 94115  
415.774.8888  
www.stephenantonakos.com

45 East Coast  
San Francisco, CA 94115  
(415) 774-8888

ALTERATION & VARIANCE  
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94115  
Block 0847 Lot 002

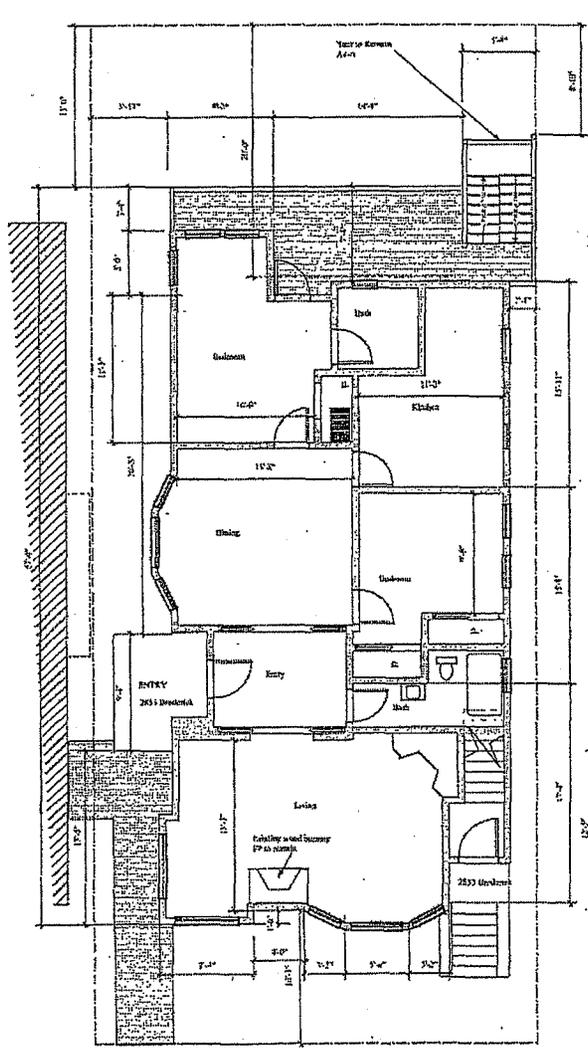
NO.	DATE	BY
1	Jan 23, 2012	
2	Mar 19, 2012	
3	Aug 11, 2012	

A1

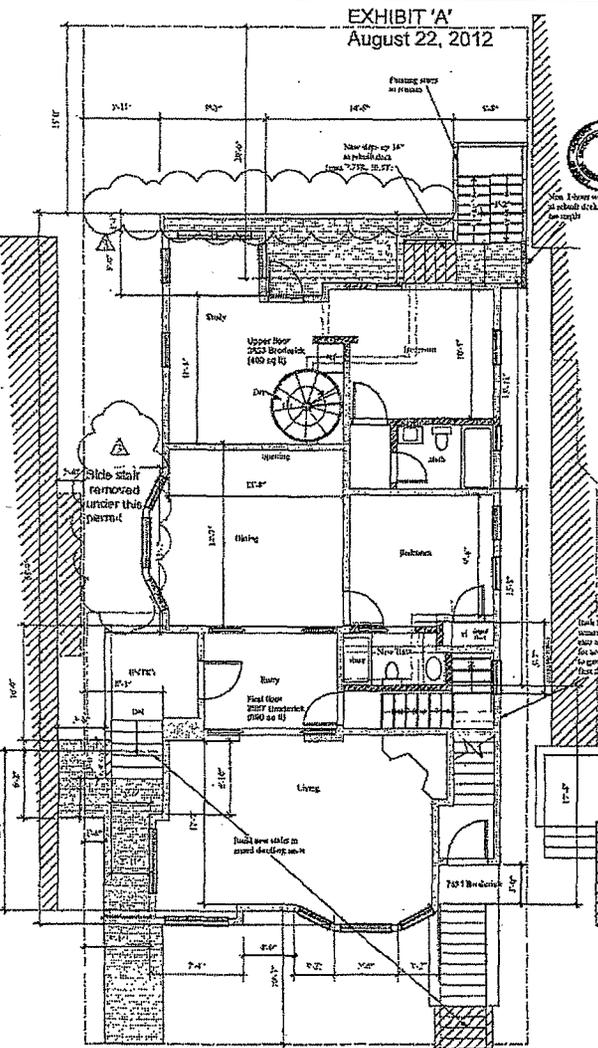




9/4/12 Jy JCK



31 BANTINI SECOND FLOOR PLAN  
 Scale: 1/8" = 1'-0"  
 2851 Broadway  
 1200 sq ft



32 ALTERED 3rd FLOOR - NEW THIRD FLOOR PLAN  
 Scale: 1/8" = 1'-0"  
 2851 Broadway  
 1200 sq ft

EXHIBIT 'A'  
 August 22, 2012

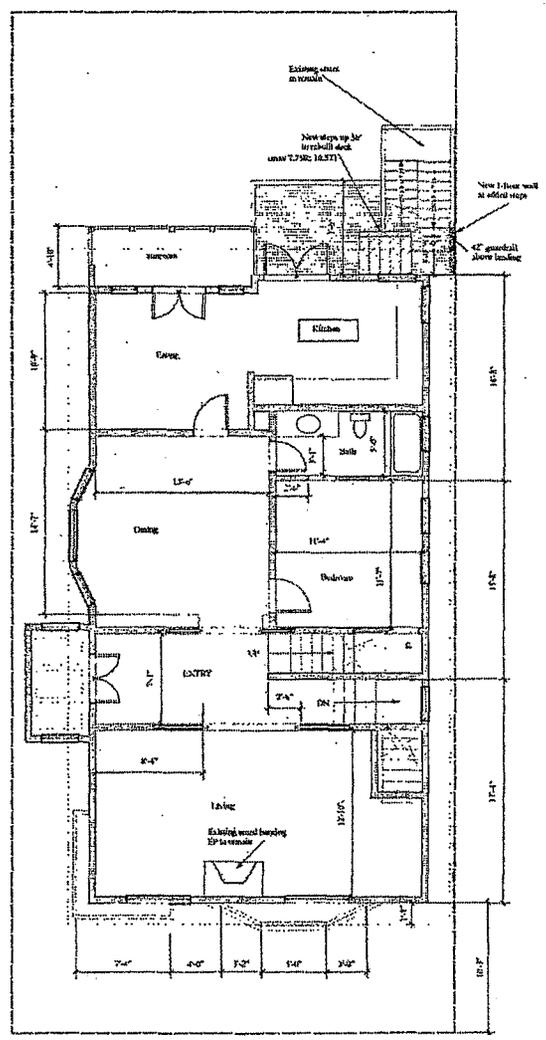
DATE	DESCRIPTION
Jan 25, 2012	
Mar 15, 2012	
Aug 13, 2012	

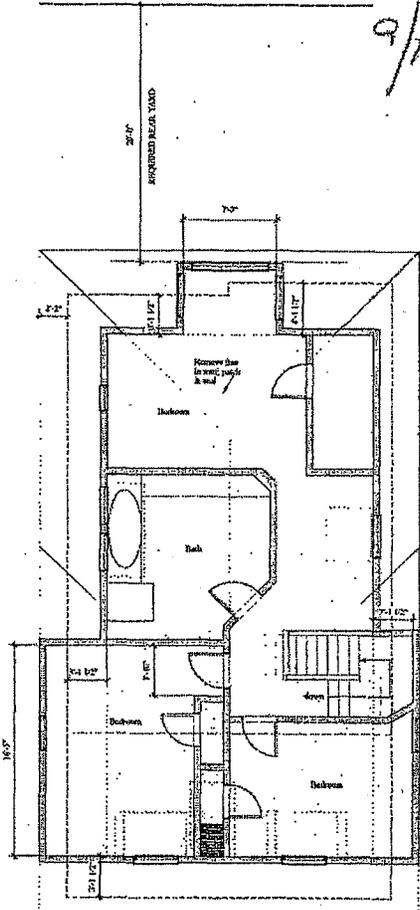
STEPHEN ANTONAKOS ARCHITECT	1153 B. ST. #1153 SAN FRANCISCO, CA 94111 (415) 441-2362 (415) 441-2362
ALTERATION & VARIANCE 2851 & 2851 BROADWAY ST., SAN FRANCISCO, CA 94113 ENGINEER: JCK 102 102	

9/12/2012 VCA

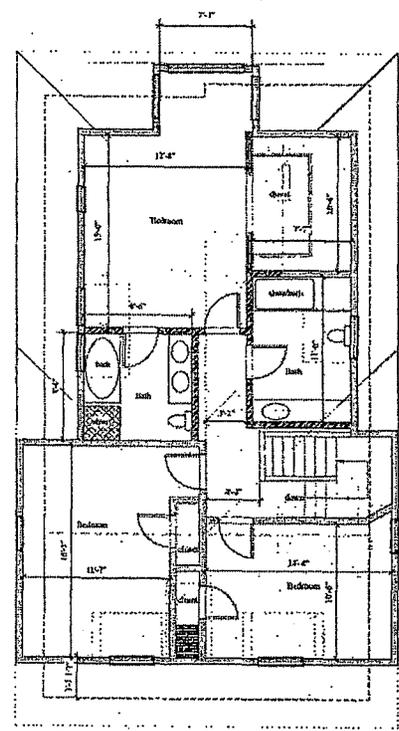
EXHIBIT 'A'  
August 22, 2012



**(A) EXISTING and NEW THIRD FLOOR PLAN**  
Scale: 1/4" = 1'-0"  
JPS/Broadmark  
195 sq ft  
No structural work to be done on Third Floor



**(B) EXISTING THIRD FLOOR PLAN**  
Scale: 1/4" = 1'-0"  
JPS/Broadmark  
1094 sq ft



**(C) ALTERED and NEW FOURTH FLOOR PLAN**  
Scale: 1/4" = 1'-0"  
JPS/Broadmark  
1096 sq ft

REMOVE  
non-partition  
and partition (to be removed)



**STEPHEN ANTONAROS  
ARCHITECT**  
281 Market Street, 4234  
San Francisco, California 94102  
415.464.2861  
415.464.2862  
San Francisco, California

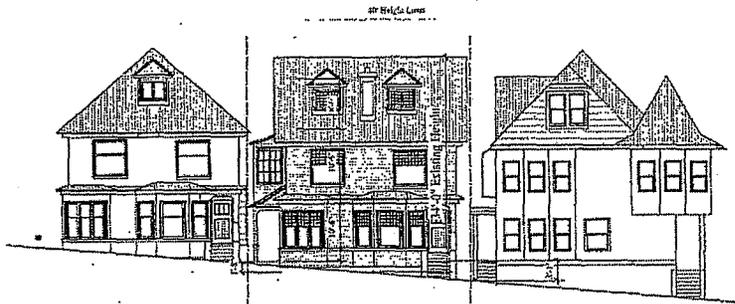
**ALTERATION & VARIANCE**  
2853 & 2857 BRODRICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002

Date: August 10  
Scale: 1/4" = 1'-0"  
Drawn: SA  
Sheet: A4

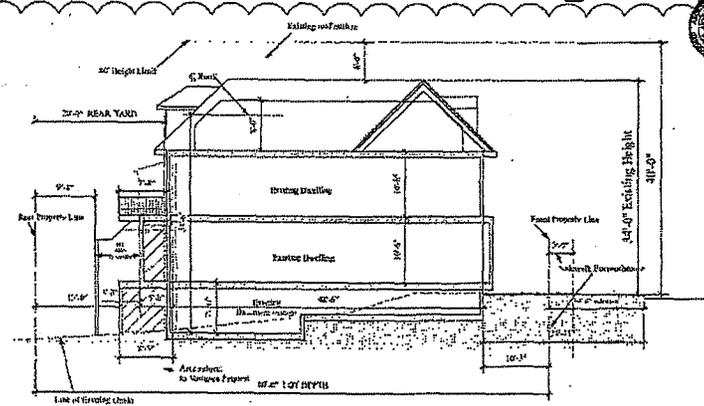
2548

9/4/12 JCK

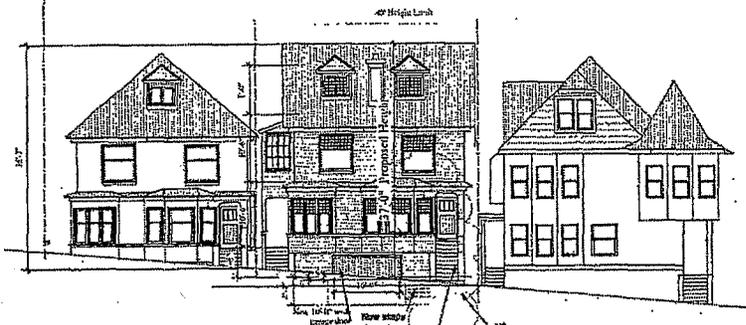
EXHIBIT 'A'  
August 22, 2012



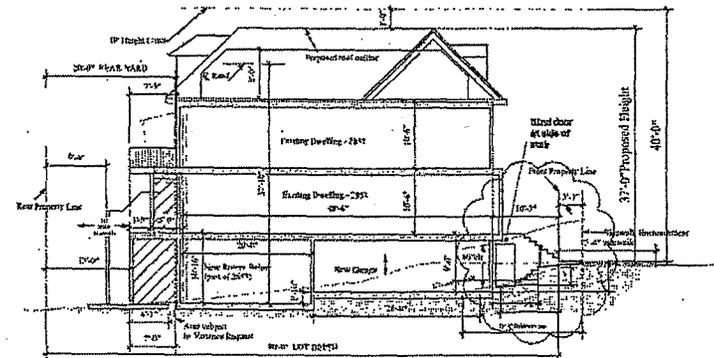
Scale 1/8" = 1'-0"  
EXISTING ELEVATION: 2613 & 2617 BRODERICK



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



Scale 1/8" = 1'-0"  
NEW ELEVATION: 2613 & 2617 BRODERICK (sheet 365)



New Building Section: RA15H  
Scale 1/8" = 1'-0"



STEPHEN ANTONAROS  
ARCHITECT

ALTERATION & VARIANCE

3863 & 2667 BRODERICK ST., SAN FRANCISCO, CA 94121

Block 0917 Lot 002

REVISION	DATE
1	Jan 15, 2012
2	Mar 15, 2012
3	Aug 14, 2012

DATE	APPROVED

AS

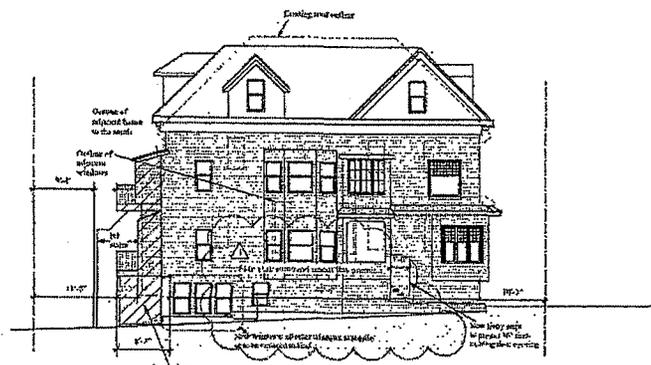
2549

9/4/12 JCK

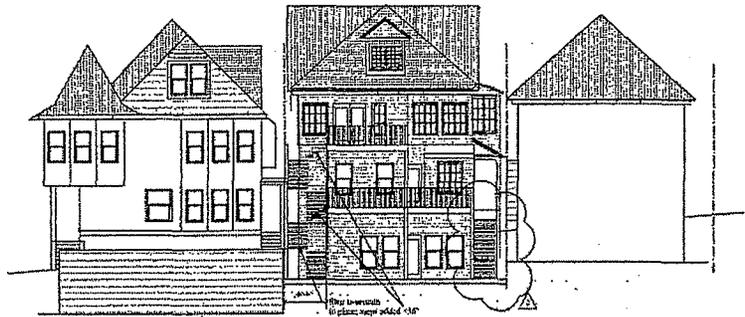
EXHIBIT 'A'  
August 22, 2012



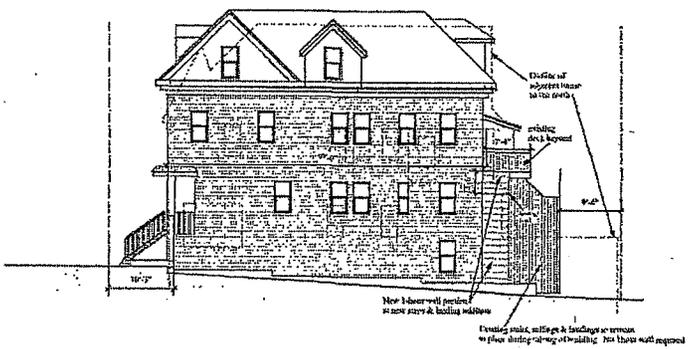
**A** EXISTING REAR ELEVATION- 2851 & 2857 BRODERICK  
Scale: 1/8" = 1'-0"



**B** NEW SIDE ELEVATION- 2851 & 2857 BRODERICK (revised 9/4/12)  
Scale: 1/8" = 1'-0"



**C** NEW REAR ELEVATION- 2851 & 2857 BRODERICK (revised 9/4/12)  
Scale: 1/8" = 1'-0"



**D** NEW SIDE ELEVATION 2851 & 2857 BRODERICK (revised 9/4/12)  
Scale: 1/8" = 1'-0"



STEPHEN ANTONAROS  
ARCHITECT

2008 Market Street #722  
San Francisco, CA 94102  
Tel: 415.441.2371  
Fax: 415.441.2361

ALTERATION & VARIANCE

2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 04123

Block 0947 Lot 002

Date:	August 20
Scale:	1/8" = 1'-0"
Sheet:	A6
Job:	
Client:	

**A6**

2550



# SAN FRANCISCO PLANNING DEPARTMENT

## Suspension Request

February 5, 2014

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

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

Dear Mr. Hui,

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

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

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

Reception:  
415.558.6378

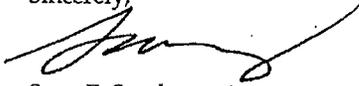
Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

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

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

Sincerely,



Scott F. Sanchez  
Zoning Administrator

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

"Sanchez, Scott" <scott.sanchez@sfgov.org>

February 5, 2014 1:29 PM

To: Pam Whitehead <whiteheadwest@msn.com>,

"santonaros@sbcglobal.net" <santonaros@sbcglobal.net>

Cc: "Lindsay, David" <david.lindsay@sfgov.org>, "Teague, Corey"

<corey.teague@sfgov.org>, "Arcuri, Timothy" <timothy.arcuri@cowen.com>,

"kbgoss@pacbell.net" <kbgoss@pacbell.net>, "rwgoss@pacbell.net"

<rwgoss@pacbell.net>, "mait sai@yahoo.com" <mait sai@yahoo.com>,

"michael@jaegermchugh.com" <michael@jaegermchugh.com>,

"annabrockway@yahoo.com" <annabrockway@yahoo.com>, "ericreimers@gmail.com"

<ericreimers@gmail.com>, "dorinetowle@me.com" <dorinetowle@me.com>,

"vince@citymarkdev.com" <vince@citymarkdev.com>, Kate Kardos

<kdkmanagement@yahoo.com>, "cjones@forwardmgmt.com"

<cjones@forwardmgmt.com>, "paulmaimai@yahoo.com" <paulmaimai@yahoo.com>,

"wmore@aol.com" <wmore@aol.com>, "amanda@hoenigman.com"

<amanda@hoenigman.com>, Povlitz <rpovlitz@yahoo.com>, nancy leavens nancy

<nancyp.leavens@gmail.com>, "Will Morehead (" <letsbond@gmail.com>, Geoff Wood

<ggwood2@gmail.com>, "Brooke (lbrooke@lmi.net)" <lbrooke@lmi.net>, "(elarkin@hill-

co.com)" <elarkin@hill-co.com>, Brooke Sampson <brookesampson@yahoo.com>,

"Cynthia2ndemail@gmail.com" <cynthia2ndemail@gmail.com>, "merijohn@merijohn.com

(" <merijohn@merijohn.com>, "Lowrey, Daniel" <daniel.lowrey@sfgov.org>, "Caltagirone,

Shelley" <shelley.caltagirone@sfgov.org>, "Jones, Sarah" <sarah.b.jones@sfgov.org>,

Irving <714515@gmail.com>, "Stefani, Catherine" <catherine.stefani@sfgov.org>, Sweetie

<mnykamp@msn.com>, Marri <marri61@sbcglobal.net>, ntede <ntede@aol.com>,

"dieter@hoppercreek.com" <dieter@hoppercreek.com>, "Cabrerros, Glenn"

<glenn.cabrerros@sfgov.org>, "Shah, Rahul" <rahul.shah@sfdpw.org>, "Elsner, Nick"

<nick.elsner@sfdpw.org>, "Goldstein, Cynthia" <cynthia.goldstein@sfgov.org>

2853-2857 Broderick Street - Request for Suspension of Building Permits

6 Attachments, 82 KB

Hello Pam and Stephen,

Please see attached suspension request for active permits related to the project at 2853-2857 Broderick Street. Last year, neighbors highlighted inconsistencies with approved plans for the height of the subject project. Revision plans were requested and submitted in July 2013; however, since that time, you have not fully responded to Notices of Planning Department Requirements related to this permit. The most recent revision (R3 – received last week), includes an expansion of the building envelope and is inconsistent with the approved plans (which were adopted by the Board of Appeals). We are requesting suspension of existing permits for the property and request that you submit complete and accurate plans to address outstanding issues.

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

Planning Department | City and County of San Francisco

## **EXHIBIT 2**



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

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

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

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

## ACTION

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

## FINDINGS

The reasons the Commission took the action described above include:

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

Memo

Speakers at the hearing included:

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

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

Nays: (none)

Absent: (none)

Case Planner: Glenn Cabreros, 415-558-6169

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

c: Linda D. Avery

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

**EXHIBIT 3**

MARTIN M. RON ASSOCIATES, INC.  
LAND SURVEYORS

MARTIN M. RON, L.S. (1923-1983)  
BENJAMIN B. RON, P.L.S.  
ROSS C. THOMPSON, P.L.S.  
BRUCE A. GOWDY, P.L.S.

August 16, 2013

Irving Zaretsky  
3111 Jackson Street  
San Francisco, CA 94115

Subject: 2853-2857 Broderick Street, Assessor's Block 947, Lot 2  
San Francisco

Dear Mr. Zaretsky:

On July 5, 2012, before the remodel, our survey crew measured the height of the subject building at its southern end (roof peak) to be 36'-7 1/8". On August 9, 2013, our survey crew re-measured the height of the subject building. At the southern end of the building, the height (roof peak) was measured at 39 feet, 11-5/8 inches. At the centerline of the building, the height (roof peak) was measured at 39 feet, 11 inches. At the northern end of the building, the height (roof peak) was measured at 40 feet, 1-1/8 inches. The zero point for the height measurements is the top of curb at the center of the lot along Broderick Street.

On July 5, 2012, before the remodel, our survey crew measured the elevation of the roof peak at the third story, the second story roof, the top of the first story cornice and the top of the window trim at the first story. All said elevation points were taken along the southerly building line of the subject property. These points were re-measured on April 30, 2013, and then again on August 9, 2013. We found the following changes in height:

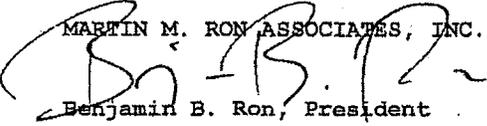
	<u>7/5/12</u>	<u>4/30/13</u>	<u>8/9/13</u>
Top of 1st story window trim:	0	+3'-0"	+3'-1 3/4"
Top of 1st story cornice:	0	+2'-11 3/4"	+3'-1 7/8"
Second story roof:	0	+3'-0 1/2"	not measured
Roof peak at 3rd story:	0	+3'-3 1/4"	+3'-4 1/2"

On April 24, 2013, our survey crew set three settlement monitoring points on the exterior face of the subject building. These points were set along the south and east building faces, at the southeast corner of the subject property. On August 9, 2013, our survey crew re-measured said three points and found that each point had moved up by 0'-1-7/8". This upward movement explains the difference in measurements from 4/30/13 to 8/9/13 in the above table.

Thank you for this opportunity to be of service. If you have any further questions, please feel free to call.

Very truly yours,

MARTIN M. RON ASSOCIATES, INC.

  
Benjamin B. Ron, President

/mw

MARTIN M. RON ASSOCIATES. INC.  
LAND SURVEYORS

MARTIN M. RON, L.S. (1923-1983)  
BENJAMIN B. RON, P.L.S.  
ROSS C. THOMPSON, P.L.S.  
BRUCE A. GOWDY, P.L.S.

May 7, 2013

Irving Zaretsky  
3111 Jackson Street  
San Francisco, CA 94115

Subject: 2853-2857 Broderick Street, Assessor's Block 947, Lot 2  
San Francisco

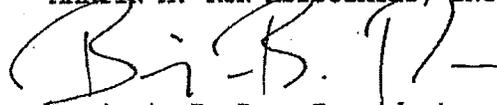
Dear Mr. Zaretsky:

Regarding my correspondence to you dated May 3, 2013, please note we cannot certify that the subject building was raised by 36 inches, because we do not know the benchmark that was used as the starting point for said raising, and we do not know the initial as-built elevations before raising.

Thank you for this opportunity to be of service. If you have any further questions, please feel free to call.

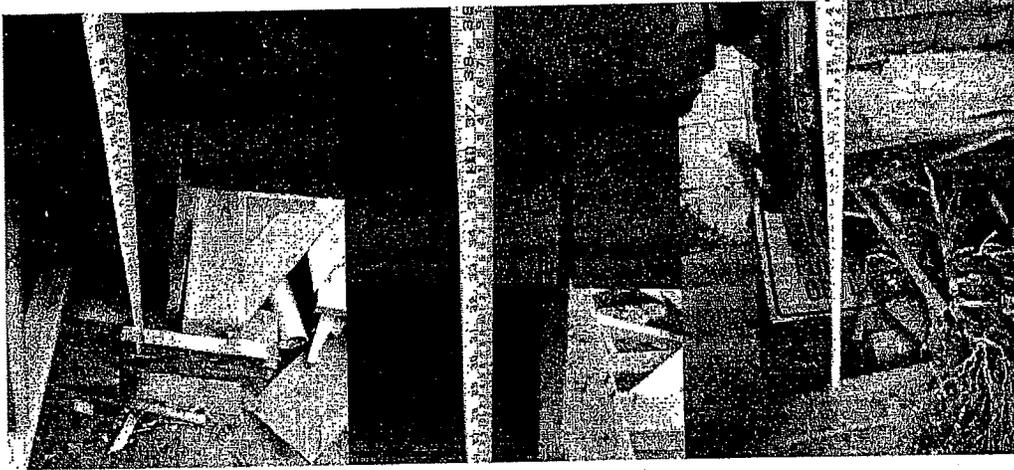
Very truly yours,

MARTIN M. RON ASSOCIATES, INC.

  
Benjamin B. Ron, President

/mw





No. \_\_\_\_\_ 6/25/2013

CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF BUILDING INSPECTION

**CORRECTION NOTICE  
AND REPORT**

Location	<u>2853-2857 Broadway St</u>	Code Section	
Remarks	<u>Existing height shown incorrectly on Approved Plans</u>		

It has been discovered that the existing building height was noted incorrectly on the approved plans for PA 201103252839.

Obtain a revision permit to document the corrected existing height and the corrected proposed height. The revision permit is required to be approved by SFP Planning Department.

Comply with this notice within 30 days. Failure to comply with this notice could cause further enforcement actions.

Contact Inspector Joe Duffy for Tom Fessler  
Div. \_\_\_\_\_, 1560 Mission Street telephone: \_\_\_\_\_ 2/2/12

**EXHIBIT 4**

From: ggwood@aol.com  
Subject: 2853-57 Broderick Street - Height Issue  
Date: September 20, 2013 11:55:25 AM PDT  
To: joseph.duffy@sfgov.org  
Cc: iiz@me.com, brookesampson@yahoo.com,  
lorimbroke@gmail.com,  
nancyp.leavens@gmail.com, rwgoss@pacbell.net,  
david.lindsay@sfgov.org

Joseph Duffy  
Senior Building Inspector  
415 558-6656

Re: 2853-2857 Broderick Street

Dear Mr. Duffy,

As a neighbor and chair of the Zoning Committee of the Cow Hollow Association, I have been following this case. While I find Mr. Zaretsky's emails lengthy, I agree with his point that the project should not proceed further until the height issue is properly resolved by Planning or the Planning Commission.

It is true that the house was raised three feet under earlier approval. However, if the approval to raise the house was based on incorrect existing and final height measurements all provided by the sponsor-- which appears to be the case--then the approval was obtained incorrectly, perhaps falsely or fraudulently. It appears that the City did not check this incorrect information prior to the approval and is therefore as

responsible as the sponsor for any erroneous result. It is the city's responsibility to correct this error now--not when the project is half built and Commission Members are loathe to correct irresponsible mistakes of city employees.

I strongly urge you to stop the project and address these problems. It is your responsibility to do so now. Allowing this work to go on tells the public that building rules have no teeth.

Very truly,

Geoff Wood  
Zoning Committee, Chair  
Cow Hollow Association

**EXHIBIT 5**

From: Stephen Antonaros  
<santonaros@sbcglobal.net>  
Subject: Fw: Re: 2853-57 Broderick Building height  
Survey  
Date: April 25, 2013 9:35:38 AM PDT  
To: Whitehead Pam <whiteheadwest@msn.com>,  
Irving Zaretsky <iiz@pacbell.net>, Vince Hoenigman  
<vince@citymark.com>  
Cc: Scott Sanchez <scott.sanchez@sfgov.org>,  
Glenn Cabreros <Glenn.Cabreros@sfgov.org>, David  
Lindsay <david.lindsay@sfgov.org>,  
Mark.Farrell@sfgov.org, catherine.stefani@sfgov.org,  
paulmimai@yahoo.com, rwgoss@pacbell.net,  
michael@jaegermchugh.com, maitsai@yahoo.com,  
kbgoss@pacbell.net, annabrockway@yahoo.com,  
ericreimers@gmail.com, dorinetowle@me.com,  
Vince@citymark.com, Kate Kardos  
<kdkmanagement@yahoo.com>,  
cjones@forwardmgmt.com, rpovlitz@yahoo.com,  
wmore@aol.com, amanda@hoenigman.com,  
timothy.arcuri@cowen.com, lbrooke@lmi.net,  
brookesampson@yahoo.com, elarkin@hill-co.com,  
ggwood@aol.com

To all concerned parties,

It has been brought to my attention that there was likely a discrepancy in the noted dimensional height to the previously positioned ridgetop of the house at 2853 Broderick.

If that is the case and since the building has been raised only 36" and no more, we will be able to deduce the original, accurate height of the ridgetop from a survey.

No survey has been conducted on the property by the property owner to determine the height of the ridge now or before being raised, since the proposal was only to raise the existing and make no other changes to the building envelope.

But, once again, since the building was only raised the approved 36" and no more then the survey data will establish more accurately the previously existing height of the ridge. The future application for alterations and addition behind and below the ridge top will show the survey height as it is now and will also clarify how Planning determines building height in general, which is not to the top of the ridge but to the average of a gable roof.

Apologies for any concerns this may have caused neighbors. This is one reason a Pre-Application notice and meeting is set up in order to collect as much accurate information as possible flesh out any concerns and prior to a formal submittal, allowing the Project Sponsor time to adjust plans prior to submittal.

**EXHIBIT 6**

John Kevlin <jkevin@reubenlaw.com>

May 29, 2013 5:54 PM

To: Irving Zaretsky <iiz@me.com>, James Reuben  
<jreuben@reubenlaw.com>

Cc: "Mark.Farrell@sfgov.org" <Mark.Farrell@sfgov.org>, "catherine.stefani@sfgov.org  
Stefani" <catherine.stefani@sfgov.org>, Povlitz <rpovlitz@yahoo.com>,  
"kbgoss@pacbell.net" <kbgoss@pacbell.net>, "michael@jaegermchugh.com"  
<michael@jaegermchugh.com>, "maitesai@yahoo.com" <maitesai@yahoo.com>,  
"rwgoss@pacbell.net" <rwgoss@pacbell.net>, "annabrockway@yahoo.com"  
<annabrockway@yahoo.com>, "ericreimers@gmail.com" <ericreimers@gmail.com>,  
"dorinetowle@me.com" <dorinetowle@me.com>, Kate Kardos  
<kdkmanagement@yahoo.com>, "vince@citymarkdev.com" <vince@citymarkdev.com>,  
"cjones@forwardmgmt.com" <cjones@forwardmgmt.com>, "paulmimai@yahoo.com"  
<paulmimai@yahoo.com>, "timothy.arcuri@cowen.com" <timothy.arcuri@cowen.com>,  
"amanda@hoenigman.com" <amanda@hoenigman.com>, "wmore@aol.com"  
<wmore@aol.com>

RE: 2853-2857 Broderick Agreement of 9/4/2012

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Irving,

Our firm was hired to help Pam through the settlement negotiations last summer. We are no longer representing Pam on this matter. Please direct all inquiries to her. Thank you.

John

---

**From:** Irving Zaretsky [mailto:iiz@me.com]

**Sent:** Monday, May 27, 2013 4:53 PM

**To:** James Reuben; John Kevlin

**Cc:** Mark.Farrell@sfgov.org; catherine.stefani@sfgov.org Stefani; Povlitz; kbgoss@pacbell.net; michael@jaegermchugh.com; maitesai@yahoo.com; rwgoss@pacbell.net; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; Kate Kardos; vince@citymarkdev.com; cjones@forwardmgmt.com; paulmimai@yahoo.com; timothy.arcuri@cowen.com; amanda@hoenigman.com; wmore@aol.com

**Subject:** 2853-2857 Broderick Agreement of 9/4/2012

Dear Mr. Reuben and Mr. Kevlin:

I have had no response from Mr. Kevlin to my previous two letters to him, attached below, that requested clarification as to the documents signed by Mr. Kevlin on behalf of Pam Whitehead, myself and several neighbors surrounding the subject property. We are now joined by the neighbors on the East side of Broderick who are concerned about the activities at 2853-57 Broderick.

I hope that Mr. Reuben may join in the conversation and help us understand the underpinning of the Agreement that we all signed on September 4, 2012.

We have two concerns that require clarification:

1. The height of the subject property as represented by the plans submitted to all City Departments since 2011 and as represented to us in the documents that you presented to us for signature and that we signed on September 4, 2012;
2. the introduction into the signed plans of a room/shed in the rear yard of 2853-57 that was never part of the plans as they went through all the Hearings (City Planning, Board of

Permit Appeals, CEQA Board of Supervisors) and were never part of the negotiations and Agreement that we reached with Supervisor Farrell and Catherine Stefani.

It has come to our attention through a survey that we conducted on May 3, 2013 that the subject property is currently at a height of 39' 11". On May 7, 2013 our surveyor informed us that he cannot certify that the building was lifted 36" as the maximum height directed by the City Planning Commission. All previous plans submitted by your client and your office stated the building height was 34' prior to the lift and 37' after the lift. These numbers have been present on all plans since 2011 and were present on the documents that we signed.

We learned on April 25, 2013 from the project architect Stephen Antonaros, who responded to all the neighbors, City Planning Department and Supervisor Farrell, that he never knew the height of the building since "...No survey has been conducted on the property by the property owner to determine the height of the ridge now or before being raised, since the proposal was only to raise the existing and to make no other changes to the building envelope." Could it be that the numbers on your plans are allegedly fictitious? invented?

Yet on April 30, 2013 the project engineer Gregory Cook issued a Height Certification that says that he surveyed the building in May 2012 and again on April 30, 2013. So it appears that a survey was done almost 4 months prior to the signing of our Agreement and prior to our negotiations and the submission of the plans to the Board of Supervisors and the Board of Appeals.

Either way, the plans submitted to the City Departments since 2011 and the plans submitted to us for signature contain false information as to the most material fact to a proposed building lift which is the height of the building prior to and post lift. It appears that either your client and you never knew the height of the building and submitted plans with numbers based on "guesswork" or that you knew the height of the building and that it differed from the numbers stated on your submitted plans and you never bothered to inform us or correct the record prior to our signing and prior to the submission of the plans to the Board of Supervisors and the Board of Permit Appeals, or prior to the mailing of all 311 Notifications to the neighborhood.

I am sure that you appreciate the significance of our inquiry and especially the impact that false information on plans that are sent subject to a 311 notification has on the community receiving such notification. How a community responds to the required Notification has to do with the content and truthfulness of the information presented. The content and information on plans submitted for a 311 Notification has the impact of screening the community for individuals who will respond. For a community subject to a 311 Notification to give informed consent, it must receive truthful information that allows it to become informed and truly to give its consent.

With regard to the room/shed that first makes its appearance in the signed documents of 9/4/2013, you will notice that it appears as very faint dots on page A2 primarily visible to a plan checker. As you know, this delineation of a room/shed was never present in any of the plans since 2011 that were present to all City Departments or to us as neighbors in the negotiations with you and Supervisor Farrell. They never appeared in the plans submitted to Ron Tom of the Building Department when his approval was sought for rear yard set back to accommodate a second means of egress. After we all reached an agreement with the rear yard appearing free and clear of any new construction, your client and you submitted plans for us to sign that contained "altered plans" as the architect Stephen Antonaros refers to them.

Where and when did the new elements in the "altered plans" come from? you seem to have boot-strapped them onto an Agreement that never foresaw or discussed those elements. Your client appears to have introduced them de novo so that they can benefit from the protection canopy offered to the discussed elements in the Agreement without ever having them identified prior to the negotiation.

Can you please shed light on these two points and clarify why the height of the building was falsely stated and the room/shed became part of an Agreement that never knew of its existence or negotiated it in any way?

My neighbors and I who are signatories to the Agreement would appreciate your kind reply.

Sincerely,

Irving Zaretsky

From: Irving Zaretsky <iiz@me.com>  
Subject: 2853-57 Broderick Street  
Date: May 20, 2013 5:33:44 PM PDT  
To: John Kevlin <jkevin@reubenlaw.com>

Dear John:

I need some clarification from you. On the signed plans that we both signed on September 4, 2012, there appears to be on page A-2 a drawing of the back yard of the property with a thinly penciled in square labelled 'shed'.

In all our negotiations regarding the property between you, Supervisor Farrell, Catherine Stefani, and me that issue of a 'shed' or 'room' was never discussed and the issue never arose. In all the plans that I saw since 2011 for that property, the back yard was always free of any structure. How did this get in there?

You brought all the documents to be signed to Supervisor Farrell's office. I asked you whether there were any changes in the drawings and you said NO. We reviewed the elimination of the side deck; the height requirement, the rear yard back stairs, and everything was according to our negotiations and agreement.

Now, we notice that this back yard structure seems to

have been introduced. This issue first came up in the pre-application meeting that Pam had with the neighbors on May 6, 2013. When she was questioned about the rear yard structure she responded "you have already agreed to it, you signed the plans." This came as a complete surprise to the neighbors who signed the agreement.

Now, you brought the plans with you for the signing. Do you have any idea how that element was introduced into the plans? You never mentioned that there were any changes? This element never existed through the Planning Commission's DR, the Board of Appeals, or the CEQA appeal. When was this 'red headed child' conceived?

This is a most puzzling thing and needs to be addressed ASAP.

Please let me hear from you,

Irving

From: Irving Zaretsky <iiz@me.com>  
Subject: 2853-2857 Broderick Building Lift  
Date: April 22, 2013 10:17:08 AM PDT  
To: John Kevlin <jkevin@reubenlaw.com>  
Cc: Mark.Farrell@sfgov.org, Catherine Stefani  
<catherine.stefani@sfgov.org>, Pam Whitehead  
<whiteheadwest@msn.com>,  
"timothy.arcuri@cowen.com"  
<timothy.arcuri@cowen.com>, "kbgoss@pacbell.net"  
<kbgoss@pacbell.net>,  
"michael@jaegermchugh.com"  
<michael@jaegermchugh.com>,  
"maitesai@yahoo.com" <maitesai@yahoo.com>,  
"rwgoss@pacbell.net" <rwgoss@pacbell.net>,  
"annabrockway@yahoo.com"  
<annabrockway@yahoo.com>,  
"ericreimers@gmail.com" <ericreimers@gmail.com>,  
"dorinetowle@me.com" <dorinetowle@me.com>,  
Kate Kardos <kdkmanagement@yahoo.com>,  
"cjones@forwardmgmt.com"  
<cjones@forwardmgmt.com>, Povlitz  
<rpovlitz@yahoo.com>, "wmore@aol.com"  
<wmore@aol.com>, "amanda@hoenigman.com"  
<amanda@hoenigman.com>,  
"paulmaimai@yahoo.com"  
<paulmaimai@yahoo.com>

Dear John:

I hope you are well. I have requested from Pam

Whitehead to let us know where she marked the building for the lift of 36 inches so that all the neighbors can have verification of compliance with the Agreement. Since you and your firm, Reuben, Junius & Rose, represented her and negotiated the Agreement I hope that you can help us in giving us the information or causing Pam to give us that information. I am specifically referring in the Agreement to Permit Holder Obligations (page 2, sub-paragraph 'c'). Can you please let us know WHERE the marking is and WHEN was it placed. To date we have not seen any markings and the neighbors want to be able to determine the height of the lift as per the Agreement. So far Pam has not provided us with the information, as was required of her by the Agreement, and we suspect that to date no markings have been placed even though the building is lifted.

I much appreciate your help in this since the building has been lifted weeks ago and prior to the pouring of the foundation and the tie-down of the building this needs to be verified. Any Inspection of the lift has be able to verify that the lift is per the Agreement which is the basis for the current permit.

Thank you,

Irving Zaretsky

I am cc Supervisor Ferrell and Catherine Stefani who have worked so hard and so successfully with both of us to get the Agreement implemented.

**EXHIBIT 7**

714515@gmail.com  
(No Subject)

September 16, 2014 6:34 PM

1 Attachment, 54 KB

### 2853 & 2857 Broderick Street

Ownership history:

2853-2857 Broderick Street ID No. 6959  DCP 1976 Register  1/1/1983: HIST. SURV-1D
--

According to the following oral account from the current Resident and long-time owner of the property, Inge Conrad, the original builder of 2853-57 Broderick Street was an Italian farmer who built it as a duplex for his extended family. Likely construction date is around 1890.

The duplex was built when Cow Hollow was still not a part of San Francisco, but was part of the Presidio.

According to Inge Conrad the houses all along the block were built for Filipino officers, before they were allowed to live in the Presidio and cottages, for their wives, were built in the back of the lots. The lots may have been much longer than they are currently in order to accommodate the construction of these 'kitchen houses' in the back. Kitchen Houses were for the wives of the Filipino officers.

The next owner was William Hammond Hall, surveyor/engineer of Golden Gate Park, who purchased the home sometime around 1930. After his death in 1934 the building passed to his daughters. The Hall sisters were still residing in the upstairs flat when John and Inge Conrad moved in as tenants in the bottom flat in late 1954. John and Inge Conrad bought the building from the Hall sisters in 1963 and have resided there continuously for 56 years.

Oral history collected by Stephen Antonaros, August 02, 2010

**EXHIBIT 8**

"Cabrerros, Glenn" <glenn.cabrerros@sfgov.org>

October 4, 2013 10:39 AM

To: Irving Zaretsky <iiz@me.com>, "Duffy, Joseph"

<joseph.duffy@sfgov.org>, "Fessler, Thomas" <thomas.fessler@sfgov.org>, "Lindsay, David" <david.lindsay@sfgov.org>, "Sanchez, Scott" <scott.sanchez@sfgov.org>

Cc: "Rodneyfong@waxmuseum.com" <Rodneyfong@waxmuseum.com>,

"cwu.planning@gmail.com" <cwu.planning@gmail.com>, "wordweaver21@aol.com"

<wordweaver21@aol.com>, "plansf@gmail.com" <plansf@gmail.com>,

"richhillissf@yahoo.com" <richhillissf@yahoo.com>, "mooreurban@aol.com"

<mooreurban@aol.com>, "hs.commish@yahoo.com" <hs.commish@yahoo.com>,

"info@cowhollowassociation.org" <info@cowhollowassociation.org>, "elarkin@hill-co.com"

<elarkin@hill-co.com>, Brooke Sampson Sampson <brookesampson@yahoo.com>,

"lbrooke@lmi.net Brooke" <lbrooke@lmi.net>, "ggwood@aol.com" <ggwood@aol.com>,

"kbgoss@pacbell.net" <kbgoss@pacbell.net>, "rwgoss@pacbell.net"

<rwgoss@pacbell.net>, "mait sai@yahoo.com" <mait sai@yahoo.com>,

"michael@jaegermchugh.com" <michael@jaegermchugh.com>,

"annabrockway@yahoo.com" <annabrockway@yahoo.com>, "ericreimers@gmail.com"

<ericreimers@gmail.com>, "dorinetowle@me.com" <dorinetowle@me.com>, Kate Kardos

<kdkmanagement@yahoo.com>, "vince@citymarkdev.com" <vince@citymarkdev.com>,

"cjones@forwardmgmt.com" <cjones@forwardmgmt.com>, Povlitz

<rpovlitz@yahoo.com>, "timothy.arcuri@cowen.com" <timothy.arcuri@cowen.com>,

"amanda@hoenigman.com" <amanda@hoenigman.com>, "paulmaimai@yahoo.com"

<paulmaimai@yahoo.com>, nancy leavens nancy <nancyp.leavens@gmail.com>,

"Stephen Antonaros (santonaros@sbcglobal.net)" <santonaros@sbcglobal.net>, "Pam

Whitehead (whiteheadwest@msn.com)" <whiteheadwest@msn.com>, "Joslin, Jeff"

<jeff.joslin@sfgov.org>

RE: 2853-57 Broderick Street - Height Issue

5 Attachments, 10 KB

Mr. Zaretsky-

Thank you for your email. I'm currently continuing to review the dwelling unit merger application and building permit application related to the building height.

At this time, a hearing date has not been set. Addition information will need to be requested of the project sponsor to complete their application(s). I will most likely complete my initial review by next week and send them a request for the additional information.

At the time the applications are complete, a hearing date will be set and a 30-day public notification will need to be mailed out to notice the Building Permit Application. A separate hearing notice will also need to be mailed out.

Please feel free to contact me with any comments/questions.  
Thank you.

**Glenn Cabrerros, LEED AP  
Planner**

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



---

**From:** Irving Zaretsky [mailto:[iiz@me.com](mailto:iiz@me.com)]  
**Sent:** Friday, October 04, 2013 10:21 AM  
**To:** Duffy, Joseph; Fessler, Thomas; Cabreros, Glenn; Lindsay, David; Sanchez, Scott  
**Cc:** Rodneyfong@waxmuseum.com; cwu.planning@gmail.com; wordweaver21@aol.com; plansf@gmail.com; richhillissf@yahoo.com; mooreurban@aol.com; hs.comnish@yahoo.com; info@cowhollowassociation.org; elarkin@hill-co.com; BrookeSampson Sampson; lbrooke@lmi.net Brooke; ggwood@aol.com; kbgoss@pacbell.net; rwgoss@pacbell.net; mailsai@yahoo.com; michael@jaegermchugh.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; Kate Kardos; vince@citymarkdev.com; cjones@forwardmgmt.com; Povlitz; timothy.arcuri@cowen.com; amanda@hoenigman.com; paulmimai@yahoo.com; nancy leavens nancy  
**Subject:** Re: 2853-57 Broderick Street - Height Issue

Dear Messrs. Duffy, Fessler, Cabreros, Lindsay and Sanchez:

We have not had a reply from you. we note that a new permit was issued to 2853 Broderick on October 3, 2013 to further continue with the building project.

When is this case going to be presented to the City Planning Commission?

Please advise,

Irving Zaretsky  
Neighbors on Broderick and Filbert streets  
On Sep 25, 2013, at 3:09 PM, Irving Zaretsky <[iiz@me.com](mailto:iiz@me.com)> wrote:

Dear Messrs. Joseph Duffy, Thomas Fessler, Glenn Cabreros and David Lindsay:

We join in with the Cow Hollow Association Zoning Committee (forwarded email below) and request once again that you order the construction stopped at 2853-2857 Broderick pending the immediate scheduling of a Hearing before the Planning Commission to review the revised plans submitted by the Project Sponsor in pursuit of a revised building permit.

On June 25, 2013 Mr. Duffy and Mr. Fessler issued a Correction Notice to the Project Sponsor (attached below) to submit revised plans for the current project between 14 - 30 days from the issuance of the Notice. On July 1, 2013 the Project Sponsor submitted revised plans. On August 6, 2013 Mr. Cabreros informed us that he told the Project Sponsor and the Architect that a 311 (30 day) notification was necessary because the plans needed to go before the Planning Commission since the original plans were subject to a DR hearing. On September 18, 2013 Mr. Duffy informed us that he consulted originally with the Planning Department and a decision was made not to issue a stop work order; however, if the height issue is not addressed than either DBI or Planning has a right to issue a stop work order.

It has been three months since the Correction Notice was issued. It has been almost three months since the

revised plans were submitted. Yet, there has been no 311 Notice sent out and a Hearing date has not been set. The Project Sponsor appears intent to finish her construction prior to the review of the plans by the City planning Commission.

It seems unbelievable to our Cow Hollow community that anyone in DBI or Planning would place himself as a gate-keeper to allow construction to go on and to prevent the rules from being followed; essentially, nullifying the previous decision by the Planning Commission and enabling the Project Sponsor to proceed with fraudulent plans.

This matter has been before the Planning Commission, the Board of Appeals, and finally received a CEQA appeal. From the Board of Supervisors it went back to the Board of Appeals. At all Hearings the Project Sponsor submitted false and allegedly fraudulent plans and finally signed an Agreement negotiated by Supervisor Farrell which was submitted to the Board of Supervisors and the Board of Appeals that contained, once again, misrepresented plans and fraudulent height information. While testimony was given under Oath, it appears that allegedly false testimony was presented on behalf of the Project. In addition, the Project Sponsor breached the Agreement.

Due Process requires that the rules be followed and that a Hearing be immediately set before the Planning Commission. A stop work order should be issued. In good faith we have informed all of you for several months now, ever since the Project was started, of the issues before you. We have had a surveyor survey the property three times: before the project started, after the building was put on temporary footings, and after the building was put on its current foundation. We have looked at the submitted revised plans. These plans are incomplete and only show the external height and not the totality of the plans as originally submitted to the Commission Hearing.

The Project Sponsor needs to submit complete revised plans which include all the work done to date as well as the proposed work, already presented to the Cow Hollow community, for her roof development and the removal of a unit from the rental market. What has been done to date is piecemeal submissions.

Fundamental to the rule of law and to the maintenance of our City rules, no one should become a gate-keeper to prevent our community from redressing its grievances with its government in a timely and effective way.

Sincerely yours,

Irving Zaretsky  
Neighbors on Broderick Street and Filbert Street

<Correction Notice 2853.pdf>

<GC 311 Notif..rtf>

<JD Sept. 18.rtf>

Begin forwarded message:

"Cabreros, Glenn" <glenn.cabreros@sfgov.org>

April 19, 2013 12:59 PM

To: Irving Zaretsky <iiz@pacbell.net>

Cc: Kate Kardos <kdkmanagement@yahoo.com>, "Pam Whitehead (whiteheadwest@msn.com)" <whiteheadwest@msn.com>, "Stephen Antonaros (santonaros@sbcglobal.net)" <santonaros@sbcglobal.net>, "Lindsay, David" <david.lindsay@sfgov.org>

RE: 2853-2857 Broderick

---

Hi Irving-

The plans that were last approved by Planning remain consistent with the Board of Appeals action, but with some interior changes that retain 2 units in the building. I've copied Pam and Stephen so they may share the plans with you.

Stephen/Pam has submitted a dwelling unit merger application to convert the building to a single-family residence. They will need to submit a related building permit application which will need Section 311 notice for the change of use from 2 units to 1 unit. The building permit for the dwelling unit merger will be subject to the required notice and appeals processes.

Thank you.

Glenn Cabreros, LEED AP  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
T: 415-558-6169  
F: 415-558-6409

-----Original Message-----

From: Irving Zaretsky [mailto:iiz@pacbell.net]  
Sent: Friday, April 19, 2013 10:46 AM  
To: Sanchez, Scott; Lindsay, David; Cabreros, Glenn  
Cc: Kate Kardos  
Subject: 2853-2857 Broderick

Dear Mr. Sanchez, Mr. Lindsay and Mr. Cabreros:

I am sorry to have to ask you once again to clarify for me and my neighbors what is the current situation with Pam Whitehead's permit. None of us is clear as what exactly City

Planning approved in the recent addendum to the permit that was submitted by Stephen Antonaros and that is floating in the Building Department. None of us has ever seen the actual FINAL submission and the changes requested. I have previously had discussions with Pam and Stephen but am totally unsure of what actually was SUBMITTED and APPROVED by you. Many of the neighbors did not even know that Pam filed an addendum or had a new plan or was a signatory to an existing AGREEMENT.

As you know, recently Pam began a campaign in the neighborhood to elicit support from neighbors on the East side of the block on Broderick Street for a new plan that she has for her building. The neighbors on the West side of Broderick, surrounding the property, are all signatories to our Agreement. There is total confusion and frustration as to what is going on. This is particularly so because there is an email correspondence between Mr. Cabreros and Stephen Antonaros around March 5th to the effect that if I were to provide a 'letter' it would somehow substitute for a proper 311 Notification for changes in the plan. I am not sure what are all the intricacies and issues of the correspondence around 'not involving the neighbor' ( I guess that is me, and my neighbors who are signatories to the Agreement). Pam has provided incomplete and sometimes not completely accurate information to various neighbors resulting to various people having different understandings of where things stand. Further, some are upset that there are efforts afoot to try to avoid proper Notifications to neighbors and an effort to shut them out of the process.

The bottom line for all of us is simple. Is the Agreement we all signed in effect? None of us understand why Pam began construction and lifted her building if she intended to totally revise her plans and abandon the Agreement.

We suppose that she may have wanted to create an 'emergency' situation of having a lifted building and wanting to avoid all proper permit applications by claiming that she is in a crisis mode with her building. Who in their right mind would lift a building if they are not sure what building plan they want to pursue? It appears to be a self inflicted wound to attempt to manipulate the system.

There is beginning to be great mistrust that we have all been manipulated by Pam who simply cannot come forward and be frank about what her ultimate complete plan is and follow the right format for presenting the entire plan to the community. We all suppose that piece-mealing may attempt to get around Notifications and Hearings, but that will only result in an unnecessary and pointless community fight. Some of the issues have already been settled.

Are we supposed to revisit the fight again???

If there is anything in the 'addendum' that has been approved and is pending DBI review that undermines or invalidates the Agreement or bypasses the neighbors RIGHT TO KNOW, you may want to suspend your approval pending a determination of precisely what is going on with the building. The current permit is based on our AGREEMENT and has validity to the extent that it follows the requirements contained therein. No one expects

that minor modifications would invalidate or eclipse the AGREEMENT, nor that such minor modifications (which you need to specify for us what they are/were) would open the door to piece meal changes that would totally undermine the existing AGREEMENT. We simply need to know, what does the addendum look like and we do we go from here?

Please advise,

Irving Zaretsky

cc: neighbors

# **EXHIBIT 9**

From: Pam Whitehead <whiteheadwest@msn.com>  
Subject: FW: 2853 Broderick - Board of Appeals No. 12-056 (BPA# 2011.03.25.2839)  
Date: March 6, 2013 8:20:15 PM PST  
To: Irving <714515@gmail.com>  
Cc: "santonaros@sbcglobal.net" <santonaros@sbcglobal.net>

Hi Irving,

Here is the correspondence as of today, things are going backwards unnecessarily. As mentioned before, a letter from you confirming you have no issues with our interior plans. If you like the stair set up Steve went over with you today, please feel free to tell them this as well. What he has come up with is actually more in character of the building as previous to the lift there was only one tiled stair up to the porch, the stairs that were approved that Glenn refers to below have never existed, and think Steve's new plan is less impactful as newly shown.

Off subject and clearly not open for discussion with Glenn, is the gate vs. door, to accommodate a new interior stair. Most people walking or driving by I don't think would be able to tell the difference if this was a glass door or a gate as it presently is. All other sides remain the same, a new transom above to mimic the door detail would look quite nice and befitting of the character, as the light from the existing window beyond adds dimension, in addition we are planning on painting the doors, trim, windows in a dark shades, which will blend with the weathering shingles, after power washing them and sealing them as we get closer to finishing the project.

If you are supportive of this, please mention, it can't hurt.

Thanks again for your time spent on this,

Pam

Subject: Re: 2853 Broderick - Board of Appeals No. 12-056  
(BPA# 2011.03.25.2839)

From: santonaros@sbcglobal.net

Date: Wed, 6 Mar 2013 18:40:09 -0800

CC: david.lindsay@sfgov.org; scott.sanchez@sfgov.org;  
cynthia.goldstein@sfgov.org; whiteheadwest@msn.com

To: glenn.cabreros@sfgov.org; John.Rahaim@sfgov.org

Glenn,

This is really not OK.

There was never any issue with the interior layout of the building by either the Appellant or the Board of Appeals or the Planning Department. The issue was always simply the exterior side stair to the rear that was removed at the Board and was the main and only subject of the Appeal.

Your interpretation/understanding of the requirements that you say now apply to the permit or the interpretation by someone else in the chain of command is now complicating

the review process and as a result what should be a simple review is being extended unnecessarily. The neighbor who appealed is not interested in the interior layout of the building, and the Appeals Board did not add conditions relevant to the interior. Please consult the City Attorney to confirm your understanding as I disagree that the permit is limited in this way.

I would like to simply revise the plans you have now, to add the previously approved, raised steps to the exterior side porch back into the plans and change the interior to comply with an approvable two-unit layout. Those are the only items of substance that vary from the initialed set of the Board of Appeals plans. Other interior changes should not be at issue.

Then at a later date, the owner wishes to submit a new, separate permit for a dwelling unit merger, which will have to follow the expected public review process.

Please let me know that this will be acceptable so that we can move to the next step in the process and so that the construction work now underway is not placed in further jeopardy.

Stephen Antonaros, ARCHITECT  
2298 Third Street  
San Francisco, California 94107  
(415)864-2261  
[www.antonaros.com](http://www.antonaros.com)

On Mar 6, 2013, at 5:32 PM, Cabreros, Glenn wrote:

Stephen:

Please refer to the plans that we're initialed and approved as part of the Board of Appeals decision. My understanding is that the addenda needs to reflect the plans approved the Board – this includes interiors with exception of revisions needed to meet Building Code as part of the addenda review.

If further revisions are desired beyond the plans approved by the Board of Appeals, they need be to submitted as a new building permit application (which will be subject to a new review process). Due to the appeal history associated with the property/project, the Department may not support additional changes that do not align with the Board of Appeals' decision, and you may also request the Department disapprove the new building permit application so you may appeal the disapproval to the Board of Appeals.

Thank you.

Glenn Cabrerros, LEED AP  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
T: 415-558-6169  
F: 415-558-6409

**From:** Stephen Antonaros [mailto:santonaros@sbcglobal.net]  
**Sent:** Wednesday, March 06, 2013 5:05 PM  
**To:** Cabrerros, Glenn  
**Cc:** Lindsay, David; Sanchez, Scott; Goldstein, Cynthia  
**Subject:** Re: 2853 Broderick - Board of Appeals No. 12-056 (BPA# 2011.03.25.2839)

Glenn,

I am confused. Are you saying there can be no INTERIOR changes to the Board of Appeals approved plans ??

Stephen Antonaros, ARCHITECT  
2261 Market Street #324  
San Francisco, California 94114  
(415) 864-2261  
[www.antonaros.com](http://www.antonaros.com)

On Mar 6, 2013, at 4:52 PM, Cabrerros, Glenn wrote:

Stephen-  
I researched more into the history of the project. This should clarify matters.

Not only is Historic Preservation staff not supportive of the changes to remove the exterior stairs at the side porch; more importantly the Board of Appeals decision of the permit appeal conditions their approval of the project based on adopted and initialed revised plans. As the recent addenda/plan revision to the site permit does not reflect the Board of Appeals decision, the Planning Department cannot approve the plan revision.

In order for me to approve the subject building permit application, the plans must reflect the Board of Appeals decision.

Thank you.

Glenn Cabrerros, LEED AP  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
T: 415-558-6169  
F: 415-558-6409

**From:** Stephen Antonaros [<mailto:santonaros@sbcglobal.net>]

**Sent:** Wednesday, March 06, 2013 1:56 PM  
**To:** Cabrerros, Glenn  
**Cc:** Lindsay, David  
**Subject:** Re: 2853 Broderick

Glenn,

I need to hear soon from you regarding the steps at the side yard to the porch and Preservation's response to that. The neighbor is apparently fine with the revised design and prefers the revision removing the raised steps. Please let me know as soon as possible.

Thank You.

Stephen Antonaros, ARCHITECT  
2298 Third Street  
San Francisco, California 94107  
(415)864-2261  
[www.antonaros.com](http://www.antonaros.com)

On Mar 5, 2013, at 10:48 AM, Cabrerros, Glenn wrote:

Stephen-

If you don't want to involve the neighbor, then the plans need to revert back to the last approved plan set which has an open porch.

Regardless of the porch being enclosed in its current state, the revision is a change from the project that was publicly noticed and approved. As such, the Zoning Administrator is requesting a letter from the neighbor indicating they have reviewed the revisions.

Glenn Cabreros, LEED AP  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
T: 415-558-6169  
F: 415-558-6409

**From:** Stephen Antonaros [<mailto:santonaros@sbcglobal.net>]  
**Sent:** Tuesday, March 05, 2013 10:40 AM  
**To:** Cabreros, Glenn  
**Subject:** Re: 2853 Broderick

Glenn,

The porch was already enclosed historically, and under the approved permit kept the enclosed glazing all around. Attaching photos to prove it. We are just installing a door instead of a gate.

There is already another enclosure above the porch as you can see in the photos.

I am ready to resubmit revised plans showing the steps as they were approved (into an enclosed porch) and modifying the units to avoid the dwelling unit merger. Please confirm that I dont need to involve the neighbor.

<image001.jpg>

<image002.jpg>

Stephen Antonaros, ARCHITECT  
2261 Market Street #324  
San Francisco, California 94114  
(415) 864-2261  
[www.antonaros.com](http://www.antonaros.com)

On Mar 5, 2013, at 9:35 AM, Cabreros, Glenn wrote:

The letter is in lieu of a 311 notice for the enclosure of the covered porch and in light of the appeals/history of the project.

Glenn Cabreros, LEED AP  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
T: 415-558-6169  
F: 415-558-6409

**From:** Stephen Antonaros [<mailto:santonaros@sbcglobal.net>]  
**Sent:** Monday, March 04, 2013 5:59 PM  
**To:** Cabreros, Glenn  
**Subject:** Re: 2853 Broderick

Thanks Glenn; never made it done there anyway; do call, I still have a question about the request for the letter from the neighbor

Sent from mobile (415) 713-1501

On Mar 4, 2013, at 5:33 PM, "Cabreros, Glenn"  
<[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)> wrote:

Hi Stephen-

I was at a counter shift. For this building permit application, please submit a formal revision to the Building Department (2 sets).

I can call you tomorrow too.

Glenn Cabreros, LEED AP  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

T: 415-558-6169

F: 415-558-6409

**From:** Stephen Antonaros [<mailto:santonaros@sbcglobal.net>]

**Sent:** Monday, March 04, 2013 3:04 PM

**To:** Cabreros, Glenn

**Subject:** Re: 2853 Broderick

Glenn,

I would like to come down and make the revisions we discussed leaving the steps as approved and showing the units divided in such a way that is approvable as well. If I dont hear from you otherwise expect to see me soon.

Stephen Antonaros, ARCHITECT  
2261 Market Street #324  
San Francisco, California 94114  
(415) 864-2261  
[www.antonaros.com](http://www.antonaros.com)

On Mar 4, 2013, at 11:25 AM, Cabreros, Glenn wrote:

Stephen-

Regarding the revisions to the project along the south façade:

1. The ZA is requiring a letter from the adjacent neighbor that they have reviewed the revised project.
2. Historical Preservation staff is requiring that the project retain the previously approved configuration at south façade: this means retaining the front steps to the covered entry landing/porch. The entry porch may be enclosed with glazing that retains the shape of the existing openings. A glazed front door may be also be installed. The idea is to retain the transparency of the covered porch, while allowing the covered porch to be enclosed with glazing.

3. Again, the project should keep the previously approved interior layout, or a Dwelling Unit Removal application be filed for the revised unit layout.

Please let me know how you would like to proceed. Thank you.

Glenn Cabreros, LEED AP  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
T: 415-558-6169  
F: 415-558-6409

**From:** Cabreros, Glenn  
**Sent:** Tuesday, February 26, 2013 11:43 AM  
**To:** 'Stephen Antonaros'  
**Cc:** Lindsay, David  
**Subject:** RE: 2853 Broderick

Stephen:

Yes – you may revert back to the previously approved 2-unit configuration to not require a dwelling unit merger. I would suggest you await my review with the ZA and preservation staff, so you can consolidate any comments.

Thank you.

Glenn Cabreros, LEED AP  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
T: 415-558-6169  
F: 415-558-6409

**From:** Stephen Antonaros [<mailto:santonaros@sbcglobal.net>]

**Sent:** Tuesday, February 26, 2013 11:21 AM  
**To:** Cabrerros, Glenn  
**Cc:** Lindsay, David  
**Subject:** Re: 2853 Broderick

Thanks Glenn,

The new owner does want to apply for a dwelling unit merger with a smaller unit (and this idea was floated with the neighbor who filed the appeal- he has no problem with that) but we would like that to be a separate permit. So, if its possible that I modify the addendum drawings to reflect an approvable two-unit plan more like what was approved prior, then the construction already underway can proceed.

I will look at the elevation discrepancy you point out and look forward to hearing from you regarding Preservation and the ZA's take on the revisions.

Stephen

On Feb 26, 2013, at 11:16 AM, Cabrerros, Glenn wrote:

Stephen-

The originally approved project had a three-bedroom lower unit and a four-bedroom upper unit, the latest revision shows the lower unit now proposed as studio unit and a three-floor upper unit with 5 bedrooms. This will require a dwelling unit removal application and a DR hearing before the Planning Commission.

Also, because of the variance/history on this project, I need to run the revisions by the Zoning Administrator and Preservation staff due to the infill of the entry porch along the south side façade.

Lastly, the side elevation (south side) is not consistent with the floor plans (refer to the window locations).

I hope to provide you additional information by next week.  
Thank you.

Glenn Cabreros, LEED AP  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
T: 415-558-6169  
F: 415-558-6409

**From:** Stephen Antonaros [<mailto:santonaros@sbcglobal.net>]  
**Sent:** Tuesday, February 26, 2013 10:31 AM  
**To:** Cabreros, Glenn  
**Subject:** Fwd: 2853 Broderick

Glenn,

Any idea when you might get to this?  
thanks  
Stephen

Begin forwarded message:

**From:** "Lindsay, David" <[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)>  
**Subject:** RE: 2853 Broderick  
**Date:** February 20, 2013 1:57:20 PM PST  
**To:** Stephen Antonaros <[santonaros@sbcglobal.net](mailto:santonaros@sbcglobal.net)>  
**Cc:** "Cabreros, Glenn" <[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)>

Stephen - it just arrived on my desk & I'll give it to Glenn to review

David Lindsay, Senior Planner  
Manager, Northwest Quadrant  
Current Planning

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

415.558.6393 (voice)  
415.558.6409 (fax)

-----Original Message-----

From: Stephen Antonaros [<mailto:santonaros@sbcglobal.net>]  
Sent: Wednesday, February 20, 2013 11:42 AM  
To: Lindsay, David  
Cc: Cabreros, Glenn  
Subject: 2853 Broderick

David,

Just letting you know that the final Addendum to the Site Permit that was the subject of that CEQA Appeal late last year is now on its way back to Glenn for a (hopefully) quick check so he can get it back to Building for final approval as work is now underway.

There are some minor window and exterior changes at the rear that do not increase the building envelope but mostly it is interior structural alterations.

Stephen Antonaros, ARCHITECT  
2298 Third Street  
San Francisco, California 94107  
(415)864-2261  
[www.antonaros.com](http://www.antonaros.com)

Stephen Antonaros <santonaros@sbcglobal.net>  
To: Irving Zaretsky <iiz@pacbell.net>  
Cc: Pam Whitehead <whiteheadwest@msn.com>  
Re: Glenn

March 7, 2013 11:19 AM

Irving,

Since part of the problem is that the Planning Department staff is especially cautious to approve ANYTHING regarding this project considering its history of having been through a CEQA appeal, it would probably be best if they heard from you, first, in some manner, however slight, before we wait for another cautious and counterproductive pronouncement on their part. If you could just send an email to Glenn, copying David Lindsay that you are at least aware of changes proposed that could be very very helpful

Thank you.

Stephen Antonaros, ARCHITECT  
2261 Market Street #324  
San Francisco, California 94114  
(415) 864-2261  
www.antonaros.com

On Mar 7, 2013, at 11:02 AM, Irving Zaretsky wrote:

Pam and Steve:

Please let me know as soon as you hear from Glenn regarding his meeting with David Lindsay. I am headed now to Broderick with my sister.

Thank you,  
Irving

**EXHIBIT 10**

**From:** Pam Whitehead  
**To:** Cabrerros, Glenn  
**Cc:** santonaros@sbcglobal.net; Sanchez, Scott; Lindsay, David  
**Subject:** 2853 Broderick Street  
**Date:** Tuesday, March 12, 2013 7:19:55 AM

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Dear Glenn,

I have been going thru the chain of emails regarding this project over the last several months ending with the most recent emails back and forth between Steve and yourself and other staff members.

I wanted to let you know of my grave concern with your most recent decisions. I as the project sponsor, decided to move forward as one of two choices spelled out in an email from Scott Sanchez back in the beginning of August 2012. I opted to go thru and make certain that I had an agreement with the neighbors and plans that reflected the direction to where we were heading with the project. The basis for the agreement was to ensure we had all possibilities thought possible spelled out so to refer to it when and if in the future. I was very clear with my architect, neighbors, and my attorney that interior changes would absolutely take place. I also discussed this on the phone with the Board of Appeals the later part of August as to the reason we had decided to carry forth with all the hearings and I thought have a resolution so to have plans in place that I could at a future date have the ability of modifying the interior floor plans under the non appealable permit. I went to great added expense to ensure this security measure for myself and family.

To give you a history to why I intended to change the interior plans, was because the plans that went subject to the appeal process were not my plans, they were the previous owners, and what worked for them. This is not just a project for me, I intend to move into the building and live there with my partner and 2 children. I grew up around the corner on Filbert and lived there for many years. I was only able to purchase the property because I had known the owner since I was 4, and she loved the idea of us moving into the house.

I am at a loss to why the planning department is not allowing us to significantly modify the interior plans under the umbrella of the approved appeal set addenda. This agreement was submitted and attached to the submittal plans and final appeal decision and spells out what we are to follow and how. This agreement was part to the overall settlement that was ultimately signed and should be on file with the Board of Appeals as a party to the plan set. The reason for the signed agreement was to have something to follow, as the plans alone cannot specify all conditions to our agreement re the neighbor issues we had. A week ago we followed those conditions and I met with the neighbors to go over all changes, some significant and some not, as per spelled out in our filed Board of Appeals document. I had my attorney confirm this to Scott last Friday. From that conversation, I was told that Scott had voiced to John Kevlin, my attorney, that the " agreement" was not party to the appeal set. This was news to me. I am then not sure why I spent money having an attorney write up

such an agreement, and then further, why all neighbors needed to sign it, and then lastly was a party to the appeal's Board final decision? The plans alone show no clear guidance. They do not give me any security under an unappealable permit to make the interior changes that are necessary to this project, and lastly the effect no one outside to the building. Following the approved agreement, I requested the neighbors write an email confirming they are fine with our interior changes that deviate from the approved appeal set.

I am at a loss to why the planning department is not allowing us to include our interior changes only within my secure non appealable approved permit. I can understand why the outside changes Steve submitted (dated Feb 4th, 2013), or unit size deviations from approved be denied under this permit, that is fine, however if the two later are followed as per approved I am personally requesting you to reconsider your position with interior changes that have no impact on planning previous decisions and follow the agreement that we painstaking revised and revised so all parties could live with it, and ultimately became part of the overall appeal documents. Again I chose to go to the end with all agencies to ensure an appealable permit. What you have suggested, places me in harms way unnecessarily. Based on this Steve has been forced to draw up plans and is ready to submit, one and then another of my interiors I really plan to do, this seems crazy and very confusing to my engineer and I am sure will be equally confusing to the building department plan checker. Currently my building is 3 feet off the ground rest on temporary supports, this is not a position that it should be in longer than it has to be. Clearly had I understood that the Planning department cared about my interior plans, or was not going to accept the encompassing neighbor settlement agreement that was included with all departments while going thru the final stages of the appeals process, I would have waited to lift the house.

I want to feel as if the planning department cares about what the owner and neighbors are ok with, I want to feel that all the effort we put forth to have an agreement was not for not. I want to feel that the planning department is not so segregated that it is not willing to approve what had been a part to and approved with the Board of Appeals. It has been 3 years since the fire happened, neighbors come by every day I am at the property and ask me how long it is going to take.....what if you absolutely insist that my interior changes cannot be apart to my appeals site permit, what if Irving decides to appeal my interior changes even though he has written he is good with them and he doesn't care, why did I go thru the process to protect myself? Why was I told I would be able to make interior changes within this appeal permit? We live in earthquake country, please don't put me in a position to have to wait for yet another round of a submittal for interior changes only that is subject to any kind whim of any neighbor. We are about 2 to 3 weeks away from being able to pour concrete and stabilize the building, we need to have your reconsideration to allow us the interior changes so that there can be a real comprehensive plan the building department

looks at and then ultimately is not appealable so to secure the building safely, please.

Sincerely,

Pam Whitehead

If you do not have a copy of the approved agreement I will send to you, or I am sure they have in the Board of appeal file as an attachment. See Page 2.

**EXHIBIT 11**

**From:** Irving Zaretsky  
**To:** Sanchez, Scott; Lindsay, David; Cabrerros, Glenn  
**Cc:** Kate Kardos  
**Subject:** 2853-2857 Broderick  
**Date:** Friday, April 19, 2013 10:46:23 AM

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Dear Mr. Sanchez, Mr. Lindsay and Mr. Cabrerros:

I am sorry to have to ask you once again to clarify for me and my neighbors what is the current situation with Pam Whitehead's permit. None of us is clear as what exactly City Planning approved in the recent addendum to the permit that was submitted by Stephen Antonaros and that is floating in the Building Department. None of us has ever seen the actual FINAL submission and the changes requested. I have previously had discussions with Pam and Stephen but am totally unsure of what actually was SUBMITTED and APPROVED by you. Many of the neighbors did not even know that Pam filed an addendum or had a new plan or was a signatory to an existing AGREEMENT.

As you know, recently Pam began a campaign in the neighborhood to elicit support from neighbors on the East side of the block on Broderick Street for a new plan that she has for her building. The neighbors on the West side of Broderick, surrounding the property, are all signatories to our Agreement. There is total confusion and frustration as to what is going on. This is particularly so because there is an email correspondence between Mr. Cabrerros and Stephen Antonaros around March 5th to the effect that if I were to provide a 'letter' it would somehow substitute for a proper 311 Notification for changes in the plan. I am not sure what are all the intricacies and issues of the correspondence around 'not involving the neighbor' ( I guess that is me, and my neighbors who are signatories to the Agreement). Pam has provided incomplete and sometimes not completely accurate information to various neighbors resulting to various people having different understandings of where things stand. Further, some are upset that there are efforts afoot to try to avoid proper Notifications to neighbors and an effort to shut them out of the process.

The bottom line for all of us is simple. Is the Agreement we all signed in effect? None of us understand why Pam began construction and lifted her building if she intended to totally revise her plans and abandon the Agreement.

We suppose that she may have wanted to create an 'emergency' situation of having a lifted building and wanting to avoid all proper permit applications by claiming that she is in a crisis mode with her building. Who in their right mind would lift a building if they are not sure what building plan they want to pursue? It appears to be a self inflicted wound to attempt to manipulate the system.

There is beginning to be great mistrust that we have all been manipulated by Pam who simply cannot come forward and be frank about what her ultimate complete plan is and follow the right format for presenting the entire plan to the community. We all suppose that piece-mealing may attempt to get around Notifications and Hearings, but that will only result in an unnecessary and pointless community fight. Some of the issues have already been settled.

Are we supposed to revisit the fight again???

If there is anything in the 'addendum' that has been approved and is pending DBI review that undermines or invalidates the Agreement or bypasses the neighbors RIGHT TO KNOW, you may want to suspend your approval pending a determination of precisely what is going on with the building. The current permit is based on our AGREEMENT and has validity to the extent that it follows the requirements contained therein. No one expects that

minor modifications would invalidate or eclipse the AGREEMENT, nor that such minor modifications (which you need to specify for us what they are/were) would open the door to piecemeal changes that would totally undermine the existing AGREEMENT. We simply need to know, what does the addendum look like and we do we go from here?

Please advise,

Irving Zaretsky

cc: neighbors

**From:** [Irving Zaretsky](#)  
**To:** [Pam Whitehead](#)  
**Cc:** [Sanchez, Scott](#); [Lindsay, David](#); [Cabreros, Glenn](#); [Stefani, Catherine](#); [timothy.arcuri@cowen.com](#); [kbgoss@pacbell.net](#); [rwgoss@pacbell.net](#); [michael@jaegermchugh.com](#); [maitai@yahoo.com](#); [annabrockway@yahoo.com](#); [ericreimers@gmail.com](#); [dorinetowle@me.com](#); [vince@citymarkdev.com](#); [Kate Kardos](#); [cjohnes@forwardmgmt.com](#); [paulmimai@yahoo.com](#); [Povlitz](#); [amanda@hoenigman.com](#); [wmore@aol.com](#)  
**Subject:** Fwd: 2853- 57 Broderick  
**Date:** Tuesday, April 23, 2013 5:22:04 PM  
**Attachments:** [lindsay 4313.rtf](#)  
[antonaros 3713.rtf](#)  
[Document1.docx](#)

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Pam:

On March 7, 2013 My sister and I met you at yours and Stephen Antonaros' requests to hear your proposal for changes to your plans. You and Stephen asked me to write to City Planning because City Planning was not prepared to accept your proposed addendum without indication from me that I was aware that you requested changes. At all times I told you, and did write to City Planning, that in principle we can see your wanting to make interior changes but we must receive from you a copy of the ACTUAL plans that you file so that we may respond to them prior to City Planning taking action. We never received those plans and still do not know what has been approved. You purposefully confuse our response to hear you out with our consent to plans that you submitted and we never saw. I still do not know what ACTUALLY has been approved.

For some reason you refuse to tell us whether you marked the building prior to the lift so that we can determine its current height. What is difficult about that?

At no time did I represent to you that the meeting that my sister and I had with you on March 7, 2013 was anything other than a meeting to simply hear you out on proposals that you were thinking about. I indicated to you, and, later to City Planning, that all the signatories to the Agreement need to be informed and that you need to send us all a copy of the ACTUAL filed plans before City Planning reviews them.

If you refuse to show us plans what is the purpose of the meeting on May 6th? if you refuse to tell us where you marked the building so that we can verify height, what are we to discuss on May 6th?

Please find attached below the email I received from Stephen Antonaros 3/7/13 requesting that I contact City Planning to allow you to proceed with filing your plans. I was not asked to give my consent, on my behalf or anyone else's, simply to say that i had knowledge that you wanted to make changes.

Please find attached my email to David Lindsay and Glenn Cabreros of April 3, 2013 in which I requested to be provided with your filed plans, sent to all the neighbors, so that we can respond before City Planning takes action.

Up to date these plans have not been shown to us.

Thank you,

Irving

Begin forwarded message:

**From:** Pam Whitehead <[Whiteheadwest@msn.com](mailto:Whiteheadwest@msn.com)>  
**Subject:** 2853- 57 Broderick  
**Date:** April 23, 2013 3:25:24 PM PDT  
**To:** "[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)" <[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)>, "Cabreros, Glenn" <[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)>, [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
**Cc:** Irving Zaretsky <[iiz@me.com](mailto:iiz@me.com)>, Stephen Antonaros <[santonaros@sbcglobal.net](mailto:santonaros@sbcglobal.net)>, Pam Whitehead <[whiteheadwest@msn.com](mailto:whiteheadwest@msn.com)>

Dear Scott and Planning Department,

I am writing in response to Mr. Zaretsky's last email to you directly. We have been in contact with Mr. Zaretsky throughout this entire project. I have included the letter he wrote to you back when he had received a printed version of the plans directly from Stephen Antonaros, as well as had a site meeting with myself, our contractor, and his family. He represented to me at that time that he was fine with any interior changes, and he was speaking for the other neighbors as well, as he did in the past involving the CEQA list and appeal. Neighbors that at this point I have emailed a few emails on separate occasions, have seemed to not have anything negative to say and only welcoming us back to the neighborhood.

I welcome and have welcomed any neighbor that has issue with our interior changes to voice their concerns.

Regarding the height question that Mr. Zaretsky has recently addressed concern over, I have contacted my Licensed Surveyor who originally was at the property last May 2012 and shot whatever data required at that time based on our lifting plans, he is scheduled to verify within the next month and will provide the City with an elevation certificate standard to the industry.

I would like to think we can move on from this. I need to focus my energy elsewhere, as well as I am sure City officials do as well. The original appeal issue here was the side egress stairs, that do not exist and will not exist. As we all know, I won the appeal 4-0, and only conceded to a settlement with Mr. Zaretsky because Supervisor Farrell hinted that he would delay our project. This has been a time sensitive project, as there are seismic insurance requirements that need fulfilling for the previous owners final payout, I could not at that time, chance another time delay, so I settled. It was unfair at best. Regardless, I am living with that decision, and have fulfilled all my duties per the agreement.

Mr. Zaretsky has a hard copy of the plans, I have emailed him the relevant changes that the Planning department ultimately approved. I have offered to meet with Irving and go over the plans in person. Mr. Zaretsky continues to ignore my offer and continues to send emails to everyone.

Moving forward I will contact and request from Stephen to put together the approved current version thru planning that relates to Mr. Zaretsky's questions and concerns, in the meantime I will email Mr. Zaretsky directly and again offer a meeting with him going over whatever questions he might have personally.

Sincerely and once again thank you for your time,

Pam Whitehead

Irving feel free to forward this email to any and all neighbors you might have reason to believe are concerned, so once again they can know that I am available and ready to meet with them. Thanks.

**From:** Irving Zaretsky  
**To:** Pam Whitehead  
**Cc:** Sanchez, Scott; Lindsay, David; Cabrerros, Glenn; Stefani, Catherine; timothy.arcuri@cowen.com; kbgoss@pacbell.net; pwgoss@pacbell.net; michael@jaggermchugh.com; maitai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; c.jones@forwardmgmt.com; paulmalmal@yahoo.com; Poviltz; amanda@hoenigman.com; wmore@aol.com  
**Subject:** Fwd: 2853- 57 Broderick  
**Date:** Tuesday, April 23, 2013 5:22:04 PM  
**Attachments:** [lindsay 4313.rtf](#)  
[antonaros 3713.rtf](#)  
[Document1.docx](#)

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Pam:

On March 7, 2013 My sister and I met you at yours and Stephen Antonaros' requests to hear your proposal for changes to your plans. You and Stephen asked me to write to City Planning because City Planning was not prepared to accept your proposed addendum without indication from me that I was aware that you requested changes. At all times I told you, and did write to City Planning, that in principle we can see your wanting to make interior changes but we must receive from you a copy of the ACTUAL plans that you file so that we may respond to them prior to City Planning taking action. We never received those plans and still do not know what has been approved. You purposefully confuse our response to hear you out with our consent to plans that you submitted and we never saw. I still do not know what ACTUALLY has been approved.

For some reason you refuse to tell us whether you marked the building prior to the lift so that we can determine its current height. What is difficult about that?

At no time did I represent to you that the meeting that my sister and I had with you on March 7, 2013 was anything other than a meeting to simply hear you out on proposals that you were thinking about. I indicated to you, and, later to City Planning, that all the signatories to the Agreement need to be informed and that you need to send us all a copy of the ACTUAL filed plans before City Planning reviews them.

If you refuse to show us plans what is the purpose of the meeting on May 6th? if you refuse to tell us where you marked the building so that we can verify height, what are we to discuss on May 6th?

Please find attached below the email I received from Stephen Antonaros 3/7/13 requesting that I contact City Planning to allow you to proceed with filing your plans. I was not asked to give my consent, on my behalf or anyone else's, simply to say that i had knowledge that you wanted to make changes.

Please find attached my email to David Lindsay and Glenn Cabrerros of April 3, 2013 in which I requested to be provided with your filed plans, sent to all the neighbors, so that we can respond before City Planning takes action.

Up to date these plans have not been shown to us.

Thank you,

Irving

Begin forwarded message:

**From:** Pam Whitehead <[Whiteheadwest@msn.com](mailto:Whiteheadwest@msn.com)>  
**Subject:** 2853- 57 Broderick  
**Date:** April 23, 2013 3:25:24 PM PDT  
**To:** "[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)" <[david.lindsay@sfgov.org](mailto:david.lindsay@sfgov.org)>, "Cabrerros, Glenn" <[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)>, [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
**Cc:** Irving Zaretsky <[iiz@me.com](mailto:iiz@me.com)>, Stephen Antonaros <[santonaros@sbcglobal.net](mailto:santonaros@sbcglobal.net)>, Pam Whitehead <[whiteheadwest@msn.com](mailto:whiteheadwest@msn.com)>

Dear Scott and Planning Department,

I am writing in response to Mr. Zaretsky's last email to you directly. We have been in contact with Mr. Zaretsky throughout this entire project. I have included the letter he wrote to you back when he had received a printed version of the plans directly from Stephen Antonaros, as well as had a site meeting with myself, our contractor, and his family. He represented to me at that time that he was fine with any interior changes, and he was speaking for the other neighbors as well, as he did in the past involving the CEQA list and appeal. Neighbors that at this point I have emailed a few emails on separate occasions, have seemed to not have anything negative to say and only welcoming us back to the neighborhood.

I welcome and have welcomed any neighbor that has issue with our interior changes to voice their concerns.

Regarding the height question that Mr. Zaretsky has recently addressed concern over, I have contacted my Licensed Surveyor who originally was at the property last May 2012 and shot whatever data required at that time based on our lifting plans, he is scheduled to verify within the next month and will provide the City with an elevation certificate standard to the industry.

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Sincerely and once again thank you for your time,

Pam Whitehead

Irving feel free to forward this email to any and all neighbors you might have reason to believe are concerned, so once again they can know that I am available and ready to meet with them. Thanks.

**From:** [Irving Zaretsky](#)  
**To:** [Cabreros, Glenn](#)  
**Cc:** [Lindsay, David](#); [Sanchez, Scott](#); [Farrell, Mark](#); [info@cowhollowassociation.org](#); [elarkin@hill-co.com](#); [brookesampson@yahoo.com](#) [Sampson](#); [gawood@aol.com](#); [Stefani, Catherine](#); [wmore@aol.com](#); [kbgoss@pachell.net](#); [michael@jaegermchugh.com](#); [mallsai@yahoo.com](#); [rwgoss@pachell.net](#); [annabrockway@yahoo.com](#); [ericreimers@gmail.com](#); [dorinetowle@me.com](#); [vince@citymarkdev.com](#); [Kate Kardos](#); [cjonas@forwardmgmt.com](#); [paulmalmaj@yahoo.com](#); [Povlitz](#); [amanda@hoenigman.com](#); [timothy.arcuri@cowen.com](#); [Whitehead Pam](#); [Stephen Antonaros](#)  
**Subject:** 2853-57 Broderick Plan revisions  
**Date:** Thursday, April 25, 2013 5:34:18 PM  
**Attachments:** [revised plan 2853 Brod.rtf](#)  
[2853-7 Brod. agreement.pdf](#)  
[2853-7 Brod. agreem. signatures.pdf](#)  
[2853-7 Brod. signed drawings.pdf](#)  
[antonaros 3713.rtf](#)  
[antonaros 3713.rtf](#)

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Dear Mr. Cabreros:

Your email is non-responsive to my request to see a copy of the revised plans that you approved. It is contrary to your email of April 19th which you copied to Pam and Stephen to request that they share the plans with us.

You are attempting to keep the approved revised plans a "secret" from the community that has a right to see them. Where do you find authority within the Codes to prevent the community, who has a right to know, from seeing a submitted plan that has been approved?

City Planning has to be accountable and transparent in its actions.

I attach below a copy of the Agreement which is the basis for the original permit approved by the Board of Supervisors and then by the Board of Appeals which outlines a procedure by which changes to the Permitted Plan can be addressed. The Agreement required all non-minor changes to be presented to all the signatories and to receive consent from all. Please advise us when was this done?

I attach below the email correspondence during February 20 through April 3, 2013 between your Department and Stephen Antonaros which shows that you colluded to subvert the process outlined in the Agreement and that is also required by Code.

Please advise where do you find within the Board of Appeals approved plan cover to keep your approval process secret and out of the review of the neighborhood community? Where do you find in the Board of Appeals a basis for your statement: "Interior changes to the two units that do not enlarge the exterior building envelope as permitted by the Board of Appeals."

I believe that you are borrowing words I used in an email that was sent to you in response to a request by Stephen and Pam based on a conversation I had with them about minor changes to the interior in general, and never specific as to any actually submitted plan. In fact I specifically wrote to you and them that we wanted to be given a copy of any actually submitted plan so that we may respond to it prior to the Planning Department's review. At no time did your Department or Stephen and Pam ask me for a letter whose specific purpose was to give you blanket consent to actual submitted plans that I never saw. At all times that I met with Pam and Stephen they always indicated to me that they DID NOT HAVE final plans to be submitted and all plans are still being worked on. No email that I ever sent to you was supposed to be such a letter!

In fact, in your March 6th email to Stephen you write: "....more importantly the Board of Appeals decision of the permit appeal conditions their approval of the project based on adopted and initialed revised plans. As the recent addenda/plan to the site permit does not reflect the Board of Appeals decision, the Planning Department

cannot approve the plan revision".

Later that day you write: "Please refer to the plans that we're initialed and approved as part of the Board of Appeals decision. My understanding is that the plans need to reflect the plans approved the Board --this includes interiors with revisions needed to meet Building Code as part of addenda review. If further revisions are desired beyond the plans approved by the Board of Appeals they need to be submitted as a new building application (which will be subject to a new review process). Due to the appeal history associated with the property/project, the Department may not support additional changes that do not align with the Board of Appeals decision....."

Your correspondence with Stephen Antonaros shows that you are intimately familiar with the Code, Agreement and its provisions. See your email of February 26 in which you point out that the application requires a DR review by the Planning Commission. See your email of March 4 requiring a 'letter' from the 'neighbor', which neighbor are you referring to since there are 11 neighbors who signed the Agreement and many more who are part of the 311 Notification catchment area.

Between March 4 and March 7 you cooperated with Stephen Antonaros to find ways of "not involving the neighbor" and then devising your own invented solution of asking for a letter in lieu of a 311 Notification without notifying the 'neighbor' from whom you are requesting such a letter.

Your email of March 5 claims that the alleged letter is in lieu of a 311 Notification and review. Where do you find authority in the Code that a letter from a neighbor can substitute for the required 311 Notification to an entire neighborhood or from a DR review? If a letter is supposed to reflect "consent" from a neighbor should not that consent be "INFORMED CONSENT"? Is your Department not required to contact the "neighbor" directly and fully inform him/her that a letter is being requested that can stand in lieu of a 311 Notification or a DR review? Where is due process for the 311 Notification community who might not agree with that and wants to have its fair Hearing?

Please look below at the March 7, 2013 email from Stephen Antonaros to me requesting that I write "in some manner, however slight" to you. Was this supposed to constitute the alleged "letter" in lieu of a 311 Notification or a DR review?

Mr. Cabrerros, when did you request of me a writing to say that such a letter should replace a 311 Notification and review? When did anyone from your Department ever contact me to request a letter to address the specific revision plans that you were reviewing? When did you ever inform me directly that any communication from me is supposed to substitute the provisions of the Agreement outlining the process of revising the Plans. If you want a letter from me you have to ask me directly and not just discuss it with Stephen Antonaros privately. Yet you rely on a writing I sent you at the request of Stephen in connection with a general conversation I had with him and Pam.

How do you know what Pam and/or Stephen discussed with my sister and I at a meeting? If you want a letter for a particular purpose you have to contact the "neighbor" yourself to inform him of what you want and thereby get INFORMED CONSENT.

Is this a precedent for the Planning Department that a Planner may dispose of a review process and "not involve the neighbor" upon the request of any applicant who is proposing a project?

I request once again that you immediately send to all the signatories to the Agreement and to Supervisor Ferrell a copy of the submitted plans that you approved.

Thank you,  
Irving Zaretsky

On Apr 24, 2013, at 4:08 PM, "Cabreros, Glenn" <glenn.cabreros@sfgov.org> wrote:

> Interior changes to the two units that do not enlarge the exterior building envelope as permitted by the Board of Appeals.

>

>

> Glenn Cabreros, LEED AP  
> San Francisco Planning Department  
> 1650 Mission Street, Suite 400  
> San Francisco, CA 94103  
> T: 415-558-6169  
> F: 415-558-6409

>

> -----Original Message-----

> From: Irving Zaretsky [<mailto:iiz@me.com>]  
> Sent: Wednesday, April 24, 2013 12:18 PM  
> To: Cabreros, Glenn; Lindsay, David; Sanchez, Scott  
> Cc: Kate Kardos  
> Subject: 2853-2854 BRODERICK

>

> Glenn:

>

> I still have not received a copy of the actual submitted plans which you approved. What specifically did you approve?

>

> Please advise.

>

> Irving Zaretsky

>

**From:** Sanchez, Scott  
**To:** "Irving Zaretsky"; Cabrerros, Glenn  
**Cc:** Lindsay, David; Farrell, Mark; info@cowhollowassociation.org; elarkin@hill-co.com; brookesampson@yahoo.com  
Sampson; ggwood@aol.com; Stefani, Catherine; wmore@aol.com; kbgoss@pacbell.net;  
michael@jaegermchugh.com; malisal@yahoo.com; rwgoss@pacbell.net; annabrockway@yahoo.com;  
ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos;  
c.jones@forwardmgmt.com; paulmalmal@yahoo.com; Povlitz; amanda@hoenigman.com;  
timothy.arcuri@cowen.com; Whitehead Pam; Stephen Antonaros  
**Subject:** RE: 2853-57 Broderick Plan revisions  
**Date:** Monday, April 29, 2013 7:08:00 PM

---

Dear Mr. Zaretsky,

Thank you for the email. First, I find the tone of your email to Mr. Cabrerros to be completely inappropriate. Mr. Cabrerros responded directly to your question and informed you that the Planning Department approved a revision to the interior work of the project which did not result in any exterior changes to the scope of work approved by the Board of Appeals. I would not that 1) the interior changes do not require neighborhood notification and 2) on March 7, 2013, Mr. Cabrerros received an email from you in which you stated "with regards to the interior plans for the residence, we support her proposed design and really do not have much to say about her floor plan. There is nothing about her interior design that affects the envelope or foot print of the building as it currently exists." I find it unsettling that you are now alleging that the Planning Department has been inappropriate in our review of this project in favor of the project sponsor. While this has been a frustrating permit process for all parties, I can assure you that the Planning Department has properly reviewed this matter.

In regards to your allegation that the building has been raised more than 36", I performed an unannounced site visit on Friday morning and measured the building. While compliance with approved plans is under the purview of the Planning Department, my measurement confirmed that the building has only been raised 36".

In regards to your allegations that the pre-application meeting notification excluded relevant parties, I explained (in a separate email) that notifications are only required to be sent to abutting property owners/occupants (including those across the street) and relevant community groups.

In regards to your allegation that the Planning Department is not enforcing your private agreement, please note that this is a PRIVATE agreement. The City is not party to your agreement and is not responsible for its enforcement.

In regards to your concerns about the proposed revisions to 2853-57 Broderick Street that the property owner is proposing. It is my understanding that these changes will be reviewed at a pre-application meeting with neighbors on May 6<sup>th</sup>. If the property owner decides to proceed with these changes, the Planning Department will review any such application against the requirements of the Planning Code.

Thank you.

Regards,

Scott F. Sanchez  
Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Tel: 415.558.6350  
Fax: 415.558.6409

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

---

**From:** Irving Zaretsky [mailto:iiz@me.com]  
**Sent:** Thursday, April 25, 2013 5:28 PM  
**To:** Cabrerros, Glenn  
**Cc:** Lindsay, David; Sanchez, Scott; Farrell, Mark; [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org); [elarkin@hill-co.com](mailto:elarkin@hill-co.com); [brookesampson@yahoo.com](mailto:brookesampson@yahoo.com) Sampson; [ggwood@aol.com](mailto:ggwood@aol.com); Stefani, Catherine; [wmore@aol.com](mailto:wmore@aol.com); [kgbross@pacbell.net](mailto:kgbross@pacbell.net); [michael@jaegermchugh.com](mailto:michael@jaegermchugh.com); [maitsai@yahoo.com](mailto:maitsai@yahoo.com); [rwgoss@pacbell.net](mailto:rwgoss@pacbell.net); [annabrockway@yahoo.com](mailto:annabrockway@yahoo.com); [ericreimers@gmail.com](mailto:ericreimers@gmail.com); [dorinetowle@me.com](mailto:dorinetowle@me.com); [vince@citymarkdev.com](mailto:vince@citymarkdev.com); Kate Kardos; [cjones@forwardmgmt.com](mailto:cjones@forwardmgmt.com); [paulmimai@yahoo.com](mailto:paulmimai@yahoo.com); Povlitz; [amanda@hoenigman.com](mailto:amanda@hoenigman.com); [timothy.arcuri@cowen.com](mailto:timothy.arcuri@cowen.com); Whitehead Pam; Stephen Antonaros  
**Subject:** 2853-57 Broderick Plan revisions

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>

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> Glenn Cabreros, LEED AP  
> San Francisco Planning Department  
> 1650 Mission Street, Suite 400  
> San Francisco, CA 94103  
> T: 415-558-6169  
> F: 415-558-6409

>

> -----Original Message-----

> From: Irving Zaretsky [<mailto:iz@me.com>]  
> Sent: Wednesday, April 24, 2013 12:18 PM  
> To: Cabreros, Glenn; Lindsay, David; Sanchez, Scott  
> Cc: Kate Kardos  
> Subject: 2853-2854 BRODERICK

>

> Glenn:

>

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>

> Please advise.

>

> Irving Zaretsky

>

**From:** [Irving Zaretsky](#)  
**To:** [Farrell, Mark](#); [Stefani, Catherine](#); [Goldstein, Cynthia](#); [Pacheco, Victor](#); [planning@rodnevfung.com](#); [cww.planning@gmail.com](#); [wordweaver21@aol.com](#); [plansf@gmail.com](#); [richhillssf@yahoo.com](#); [moorurban@aol.com](#); [hs.commiss@yahoo.com](#); [info@cowhollowassociation.org](#); [qewood@aol.com](#); [elarkin@hill-co.com](#); [brookesampson@yahoo.com](#) Sampson; [lbrooke@lmi.net](#) Brooke; [amanda@hoenigman.com](#); [kbgoss@pacbell.net](#); [michael@jaegermchugh.com](#); [rwgoss@pacbell.net](#); [maitasai@yahoo.com](#); [annabrockway@yahoo.com](#); [ericreimers@gmail.com](#); [dorinetowle@me.com](#); [vince@citymarkdev.com](#); [Kate Kardos](#); [cjones@forwardingmt.com](#); [paulmimai@yahoo.com](#); [wmore@aol.com](#); [Powlitz](#); [timothy.arcuri@cowen.com](#); [Whitehead Pam](#); [Stephen Antonaros](#); [Sanchez, Scott](#); [Lindsay, David](#); [Cabreros, Glenn](#); [Marri A Lemalre](#); [ben@martinron.com](#)  
**Subject:** 2853-2857 Broderick building lift  
**Date:** Friday, May 03, 2013 1:14:17 PM  
**Attachments:** [Ben Ron Survey.pdf](#)  
[City Pl. DR.pdf](#)  
[2853-7 Brod. agreement.pdf](#)  
[2853-7 Brod. agreem. signatures.pdf](#)  
[2853-7 Brod. signed drawings.pdf](#)  
[Proposed Plan 2853-57 Broderick.pdf](#)

---

Dear Supervisor Farrell and members of the Board of Supervisors, members of the City Planning Commission, members of the Board of Appeals, Zoning Administrator Scott Sanchez, Planner Glenn Cabreros, Board of Directors of the Cow Hollow Association:

RE: 2853-2857 Broderick Street  
Discretionary Review Case No: 2010.0394D

We hereby request Scott Sanchez, the Zoning Administrator, to enforce the Decision of the City Planning Commission and the currently APPROVED PLANS, the Board of Supervisors CEQA appeal settlement and the Board of Appeals Permit with regard to the lifting of the structure at 2853-57 Broderick Street. (attached below are the Decision of the Planning Commission and the CEQA appeal Settlement and Board of Appeals ratification of the Settlement document, and the submitted plans by the Project Sponsor.)

We hereby enclose the result of the Survey conducted by Ben Ron of the Martin M. Ron Associates, Inc of 2853-3857 Broderick. The Ron Company measured the building before the lift and after the lift. In response to Mr. Scott Sanchez site visit to the property on April 26, 2013, the Ron Company team returned to measure the property once again.

Since compliance with approved plans is under the purview of the Planning Department, we submit the Ron M. Martin Co. report, which we received this morning, to all of you for your review and action. Currently the Project is in violation of the APPROVED PLANS AS REPRESENTED BY THE DRAWINGS SUBMITTED BY THE PROJECT SPONSOR.

It appears that at all times, the Project Sponsor and the architect, Stephen Antonaros, submitted for approval to the Department of City Planning, to the Department of Building Inspection, to the Board of Supervisors, to the Board of Appeals, throughout all the Hearings and Appeals, building plans that misrepresented the height of the structure both prior to the lift and after the lift. This misrepresentation was also visited upon the neighbors of the Project both on Broderick Street and on Filbert Street. Throughout the entire process of Hearings and Appeals, the Project Sponsor and the Architect submitted what we can only assume are/were bogus, phantom, or false numbers as to the Building's height.

The Ben Ron report addresses the height measurement issue.

The Project Sponsor is further in violation of the CEQA SETTLEMENT, attached below, which was also ratified by the Board of Appeals as the basis for the current Permit. On Page 2 under Permit Holder Obligations:

"The Permit Holder will mark the building prior to the lift so that once it is lifted it can be clearly determined that the lift was 36 inches"

The Permit Holder failed to comply with that provision. Therefore it has been impossible for anyone to know, neither Scott Sanchez, nor the neighbors, nor the Surveyor, what was the base line point from which the Project Sponsor and her Building Mover, Fisher Bros., measured 36 inches for the lift. The building sits on the 2800 block of Broderick which is sharply sloped from South to North, with the high point on the South side. The building property is sloped 3 feet, 4 inches, from the Southern boundary line (the high point) to the Northern boundary line (the low point). The building lift measures 36 inches from the South point of the property boundary (the high point). We do not know what was the base line mark from which the building lift was actually measured.

The main fact is that all the plans APPROVED FOR THE PERMIT show the pre-lift total height of the building to the peak to be 34 feet, and a total height for the post-lift to be 37 feet. The actual height currently, as measured by Survey is 39 feet 11 inches. The Ron Company measured the pre-lift height to be 36 feet, seven inches.

We have asked the Project Sponsor to shed light on these facts and to disclose what is the base line from which measurements were taken for the lift (as required by the BPA approved plans) and what was the basis for the numbers and measurements being shown on their submitted plans. We have been stonewalled.

Ironically, the Project Sponsor indicated to the neighbors that she was physically present at the site when the building was lifted. We asked for the Building Movers logs so we can determine the building lift measurements and base line marks and we have been stonewalled by the Project Sponsor. We asked the architect Stephen Antonaros for documentation on the building height, and we have been told us that there never was a survey and that he does not know what the building height is now or was prior to the lift.

Yet plans were submitted for Permit Approval with specific heights designated that now prove to be bogus, phantom, or false.

The Project Sponsor is currently in violation of the APPROVED PLANS and Permit.

The Project Sponsor is now in the process of lowering the Building from cribbing and putting in a foundation. We request your immediate attention to this matter.

Sincerely yours,

Irving Zaretsky  
Zeeva Kardos  
Kate Kardos

**From:** Sanchez, Scott  
**To:** Cabrerros, Glenn; Joslin, Jeff  
**Cc:** Lindsay, David  
**Subject:** RE: 2853-2857 Broderick building lift  
**Date:** Monday, May 06, 2013 1:09:00 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image005.png](#)  
[image007.png](#)  
[image009.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)  
[Ben Ron Survey.pdf](#)

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Thanks, Glenn. I will try to respond later today and address various issues (height, pre-application meeting, private agreement, etc.). I've already addressed these in my email from last week, but I don't think anyone bothered to read it. I will also ask DBI to perform a site visit and confirm how much the building was raised. I measured 3' on April 26, the project engineer measured 3' on April 30, and Irving's surveyor also measured 3' on April 30 (see end of paragraph 3). They also need to keep in mind that the building is still on temporary shoring and not sitting on its foundation.

Do you know the status of the addenda? Also, do you have access to a full size set of the plans? I'd like to investigate Irving's claim about the existing height dimension being inaccurate.

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

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

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



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**From:** Cabrerros, Glenn  
**Sent:** Monday, May 06, 2013 10:58 AM  
**To:** Sanchez, Scott; Joslin, Jeff  
**Cc:** Lindsay, David  
**Subject:** FW: 2853-2857 Broderick building lift

Scott/Jeff-

I wasn't going to provide a response to Mr. Zaretsky's email below. But is it necessary for someone (above my position) to respond to the issue of the last paragraph regarding the Pre-Application meeting? -- particularly as Supe Farrell's office and the PC Commissioners have been copied as well.

I'll leave it in your hands as to what's appropriate, but would be happy to discuss.

Thank you.

**Glenn Cabreros, LEED AP  
Planner**

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



---

**From:** Irving Zaretsky [<mailto:ijz@me.com>]

**Sent:** Monday, May 06, 2013 9:26 AM

**To:** Farrell, Mark; Stefani, Catherine; Goldstein, Cynthia; Pacheco, Victor; [planning@rodneyfung.com](mailto:planning@rodneyfung.com); [cwu.planning@gmail.com](mailto:cwu.planning@gmail.com); [wordweaver21@aol.com](mailto:wordweaver21@aol.com); [plansf@gmail.com](mailto:plansf@gmail.com); [ggwood@aol.com](mailto:ggwood@aol.com); [richhillissf@yahoo.com](mailto:richhillissf@yahoo.com); [mooreurban@aol.com](mailto:mooreurban@aol.com); [hs.commiss@yahoo.com](mailto:hs.commiss@yahoo.com); [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org); [elarkin@hill-co.com](mailto:elarkin@hill-co.com); [brookesampson@yahoo.com](mailto:brookesampson@yahoo.com) Sampson; [lbrooke@lmi.net](mailto:lbrooke@lmi.net) Brooke; [timothy.arcuri@cowen.com](mailto:timothy.arcuri@cowen.com); [kboss@pacbell.net](mailto:kboss@pacbell.net); [michael@jaegermchugh.com](mailto:michael@jaegermchugh.com); [rwgoss@pacbell.net](mailto:rwgoss@pacbell.net); [maitesai@yahoo.com](mailto:maitesai@yahoo.com); [annabrockway@yahoo.com](mailto:annabrockway@yahoo.com); [ericreimers@gmail.com](mailto:ericreimers@gmail.com); [dorinetowle@me.com](mailto:dorinetowle@me.com); [vince@citymarkdev.com](mailto:vince@citymarkdev.com); Kate Kardos; [cjones@forwardmgmt.com](mailto:cjones@forwardmgmt.com); [paulmimai@yahoo.com](mailto:paulmimai@yahoo.com); [wmore@aol.com](mailto:wmore@aol.com); [amanda@hoenigman.com](mailto:amanda@hoenigman.com); Povlitz; Stephen Antonaros; Whitehead Pam; Sanchez, Scott; Lindsay, David; Cabreros, Glenn; Marri A Lemaire; [mnykamp@msn.com](mailto:mnykamp@msn.com)

**Subject:** Fwd: 2853-2857 Broderick building lift

Dear All:

The CEQA Appeal Settlement was a public document that was submitted to the Board of Supervisors and to the Board of Permit Appeals. Pam also insisted that the Document be signed by all the neighbors surrounding her property. We and the neighbors signed it. The Document was signed and each page of the plans was signed to form the packet that was submitted to the Board of Supervisors and the Board of Appeals. What is interesting about Pam's email below is her argument that if it is a private agreement which she implies she can breach it, but if it was a public document there would be a different standard. Pam does not believe that her signature is her bond. Further, she believes that the City cannot enforce the agreement and the plans attached to it. It will be now up to the Board of Supervisors, the Board of Appeals and City Planning staff to deal with this question. The City Planning staff has always been informed about and was conscious of the CEQA appeal documents, and the staff knew about them because they are public and were sent to the Board of Appeals to act upon, which the Board of Appeals did on September 19, 2012. On March 6, 2013 Glenn Cabreros wrote to Stephen Antonaros:

"I researched more into the history of the project. This should clarify matters.

Not only is is Historic Preservation staff not supportive of the changes to remove the exterior stairs at the side porch; more importantly the Board of Appeals decision of the permit appeal conditions their approval of the

project based on adopted and initialed revised plans. As the recent addenda/revision to the site does not reflect the Board of Appeals decision, the Planning Department cannot approve

the plan revision.

In order for me to approve the subject building permit application, the plans must reflect the Board of Appeals decision."

City Planning is aware of the CEQA appeal Settlement and the signed document and plans that were submitted to the Board of Appeals. The issue may need to be further reviewed by the City Attorney.

We will take this up with the Board of Supervisors and the Board of Appeals.

We would like to see the survey done by Pam's surveyor who provided the certificate. We want to see his evidence that the building was raised 36 inches, when we have a measurement of 36' 4" from the southern (highest) point of the property, and what was the base line point from which he measured. Secrets and public disclosure do not make good companions. We are asking the Zoning Administrator to enforce the decision of the City Planning Commission and to address the issue that the plans contain false and fictitious measurements and numbers, and that the public has thus far been deceived by the mailings sent out in pursuit of City Planning regulations and notifications dealing with neighbor notifications, reviews, hearings and appeals.

A fundamental requirement of government is accountability and transparency.

We are waiting to hear from the Zoning Administrator and from the City Planning Commission, the Board of Supervisors, and the Board of Appeals.

I urge everyone to raise all the issues that concern the neighbors at tonight's Pre-application meeting. Censorship by the Project Sponsor on what topics of discussion are acceptable to her is not anticipated by the rules and regulations of the City Planning Department regarding Pre-application meetings.

All issues that are raised by the Project Sponsor's proposed plans involve building height, rear yard setbacks, merger of the units into a single family home, removing rental units from the market, removing a dwelling unit from the San Francisco housing stock, breaching the historical use of our historic block. If Pam refuses to give us information, we will simply document it and move forward with our efforts and seek redress with the appropriate City departments and officials.

Thank you,

Irving

**From:** Arcuri, Timothy  
**To:** Farrell, Mark  
**Cc:** Sanchez, Scott; Cabrerros, Glenn; Meeta Arcuri; Rich Goss (rwgoss@pacbell.net); Karen Goss (kgoss@pacbell.net); Paul and MaiMai Wythes (paulmimai@yahoo.com); dorinetowle@me.com  
**Subject:** 2853-2857 building lift  
**Date:** Monday, May 06, 2013 6:53:53 AM  
**Attachments:** Re 2853-57 Broderick Building height Survey.msg  
Fw Re 2853-57 Broderick Building height Survey.msg

---

Mr. Farrell –

As the neighbor at 2832 Broderick St (across the street from this project), I am deeply concerned about a few aspects of this process.

Most importantly, per one of the attached emails, Stephen Antonaros (the architect on the project since inception) is acknowledging some inconsistencies in some of the height measurements of the ridgetop used to estimate the original building height. The original building height seems critical in consideration of the original permit to raise the building 36". As I understand it, the Historical Preservation guidelines are what limited the raise to 36" (again, per the attached email), however, if the building was actually taller than represented in the permit process, this seems an important consideration for the Planning Dept and potentially grounds for another hearing on this original permit.

All of the communication is hard to follow, and I apologize for the email directly to you, but some clarity on the facts surrounding this permit and the represented height of the building would be helpful.

Thank you for your time.

Tim and Meeta Arcuri  
2832 Broderick St

---

Timothy M. Arcuri  
Managing Director  
Semiconductors/Semi Cap Equipment  
Cowen and Company, LLC  
555 California St, 5<sup>th</sup> Floor  
San Francisco, CA 94104  
Tel: 415-646-7217  
Mobile: 415-710-5550  
timothy.arcuri@cowen.com



*If you value the service we provide, your vote(s) in the Institutional Investor Poll*

***(Technology – Semiconductors, or Technology - Semiconductor Capital Equipment) is greatly appreciated!***

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**From:** Sanchez, Scott  
**To:** "Irving Zaretsky"; Farrell, Mark; Stefani, Catherine; Goldstein, Cynthia; Pacheco, Victor; planning@rodnefung.com; cwu.planning@gmail.com; wordweaver21@aol.com; plansf@gmail.com; ggwood@aol.com; richhillisf@yahoo.com; mooreurban@aol.com; hs.commish@yahoo.com; info@cowhollowassociation.org; elarkin@hill-co.com; brookesampson@yahoo.com Sampson; lbroke@lmi.net Brooke; timothy.arcuri@cowen.com; kbgoss@pacbell.net; michael@jaegermchugh.com; rwgoss@pacbell.net; mailsai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; ciones@forwardmgmt.com; paulmalmal@yahoo.com; wmore@aol.com; amanda@hoenigman.com; Povlitz; Stephen Antonaros; Whitehead Pam; Lindsay, David; Cabrerros, Glenn; Matri A Lemalre; mnykamp@rsh.com  
**Subject:** RE: 2853-2857 Broderick building lift  
**Date:** Monday, May 06, 2013 4:42:00 PM  
**Attachments:** height cert 2853.pdf  
Ben Ron Survey.pdf  
image001.png  
image002.png  
image003.png  
image004.png  
image005.png

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Dear Mr. Zaretsky,

Thank you for the email. Please see the following responses to the issues you have raised:

#### **Building Height**

As noted in my previous email, I performed a site visit to 2853-2857 Broderick Street on Friday, April 26, 2013 and found that the building had been raised 36". Since that time, both you and the project sponsor have submitted additional information. On April 30, 2013, Gregory Cook (project engineer) provided a letter stating that the building had been raised 36" (see attached). On April 30, 2013, Benjamin Ron (your surveyor) provided a letter stating that the building had been raised 36" (see attached - paragraph 3). As such, it appears that the project is in compliance with the Planning Commission's decision to raise the building 36".

#### **Approved Plans**

As noted in my previous email, the revision plans approved by the Planning Department did not result in any exterior changes to the scope of work approved by the Board of Appeals or change the number of units in the subject building. The revisions were limited to changes that do not require neighborhood notification. On March 7, 2013, Mr. Cabrerros received an email from you in which you stated "with regards to the interior plans for the residence, we support her proposed design and really do not have much to say about her floor plan. There is nothing about her interior design that affects the envelope or foot print of the building as it currently exists."

#### **Private Agreement**

As noted in my previous email to you, the referenced agreement between you and the project sponsor is a PRIVATE agreement. The City is not party to your agreement and is not responsible for its enforcement.

#### **Pre-Application Meeting**

As noted in my previous email, it is my understanding that the project sponsor is proposing changes to the project that will be the subject of a pre-application meeting this evening. The plans have not been submitted to the Planning Department for review, so we cannot comment on any proposed changes. If the property owner decides to proceed with these changes, the Planning Department

**EXHIBIT 12**

**From:** [Stephen Antonaros](#)  
**To:** [Sanchez, Scott](#)  
**Cc:** [Pam Whitehead](#); [Cabreros, Glenn](#); [Lindsay, David](#); [Taeb, Ozzie](#); [Guy, Kevin](#)  
**Subject:** Re: 2853 Broderick Street  
**Date:** Tuesday, July 02, 2013 7:21:11 AM

---

Scott,

The correction permit was submitted yesterday and routed to Glenn. Application number 2013.0702.0898.

Stephen Antonaros, ARCHITECT  
2298 Third Street  
San Francisco, California 94107  
(415)864-2261  
[www.antonaros.com](http://www.antonaros.com)

On Jun 27, 2013, at 3:52 PM, Sanchez, Scott wrote:

Hello Stephen,

It is my understanding that you will be submitting a revision permit for 2853 Broderick Street to show the correct existing/proposed heights for the subject building. When you submit this permit, can you please ensure that it is routed to Glenn Cabreros for review (and not processed over-the-counter) and notify us that you have submitted the permit?

Thank you.

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

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

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

[<image001.png>](#) [<image002.png>](#) [<image003.png>](#) [<image004.png>](#)  
[<image005.png>](#)

**From:** [Cabreros, Glenn](#)  
**To:** [Stephen Antonaros \(santonaros@shcglobal.net\)](#); [Pam Whitehead \(whiteheadwest@msn.com\)](#)  
**Cc:** [Lindsay, David](#); [Sanchez, Scott](#)  
**Subject:** 2853 Broderick - height correction and dwelling unit merger (DUM)  
**Date:** Wednesday, July 17, 2013 9:58:38 AM  
**Attachments:** [image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)

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Stephen-

The ZA and I reviewed your plans (BPA No. 2013.07.01.0898). The existing and proposed buildings are both depicted taller than the previous public notice under Section 311. As such, another public notice will be required to properly notice the project.

As you have DUM application submitted, and since the DUM application requires the filing of building permit application, you should fold the work proposed under the DUM into the permit application (2013.07.01.0898) that proposes to correct the height measurement. In doing so, the DUM and the height correction will receive one public notice, rather than going through two separate public notices if separate permit applications are to be filed.

I'm about to start review the DUM application. I'll let you know if there's anything else that needed to complete my review.

Thank you.

**Glenn Cabreros, LEED AP  
Planner**

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



**From:** Pam Whitehead  
**To:** Sanchez, Scott  
**Cc:** Stephen Antonaros; Cabrerros, Glenn; Lindsay, David; Joslin, Jeff  
**Subject:** Re: 2853 Broderick - height correction and dwelling unit merger (DUM)  
**Date:** Wednesday, July 17, 2013 4:42:21 PM  
**Attachments:** [Image001.png](#)  
[Image002.png](#)  
[Image003.png](#)  
[Image004.png](#)  
[Image005.png](#)

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Dear Scott,

Obviously this is disappointing news for me the new owner. Clearly the past submittals were not submitted at the time I owned the building. In fact, I purchased the building under the impression that I had a building permit ready to go. The time of closing of the property purchase was within days of Irving's appeal. I have never been thru such an ordeal, nor did I know even possible to have the permit after issuance appealed. Learned big lesson on this.

Our goal as a family has been to at some point in the near future live in the property, not as 2 units, but as a house.

I would prefer if possible to address the height correction, as a separate matter. Due to the nature of my neighbor, Irving, I have no doubt that he will use all avenues possible to make his point.

I have spoken to many neighbors and even Irving at one point, and it does not appear that any of my neighbors have any problems with changes to the property to a SFR, in fact, some I talked to already were under the impression that it was.

So not to cause further delay for me as the new property owner, I wanted to write you and formally request that the DUM I have submitted 3 months ago move forward as its own process. As within this submittal there are minor interior wall changes, that should be cause for alarm with Mr. Zaretsky.

Additionally, we do have a revised plan to submit from what was submitted re the roof changes, in keeping with one neighbors concerns we have addressed their concerns, and could include and add those plans within the height correction submittal.

So my request is....so to limit more costly delays, to have 2 submittals, one for DUM, and one for height correction and roof plan changes. We have as mentioned above made changes to the plans we showed the neighbors in May at our neighborhood pre application informal meeting.

I am hopeful that this process will be acceptable to your department.

Thank You,

Pam Whitehead

Sent from my big iPad

On Jul 17, 2013, at 7:06 PM, "Sanchez, Scott" <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)> wrote:

Hello Stephen,

Thank you for the email. Both permits (height correction and DUM) require notice and are susceptible to DR and appeal. It does not seem efficient to process the permits separately, but we will discuss internally. Additionally, we will likely require that the height correction permit go back to the Planning Commission because the previous permit was reviewed under DR and the Planning Commission was adamant about the building only being raised 36". I understand that the building was only raised 36"; however, the error on the plans (showing a lower existing building height of 34') is a material change.

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

Planning Department | City and County of San Francisco  
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Direct: 415-558-6350 | Fax: 415-558-6409  
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Planning Information Map (PIM): <http://propertymap.sfplanning.org>

<image001.png>

<image002.png> <image003.png> <image004.png> <image005.png>

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**From:** Stephen Antonaros [<mailto:santonaros@sbcglobal.net>]  
**Sent:** Wednesday, July 17, 2013 3:39 PM  
**To:** Cabrerros, Glenn  
**Cc:** Pam Whitehead ([whiteheadwest@msn.com](mailto:whiteheadwest@msn.com)); Lindsay, David; Sanchez, Scott  
**Subject:** Re: 2853 Broderick - height correction and dwelling unit merger (DUM)

Glenn,

The permit to correct the height has nothing to do with the request for a Dwelling Unit merger so I respectfully request that those two notices not be combined.

When it comes down to it, the neighbor most interested has an issue with me personally/professionally and not the project sponsor since the error was first shown on plans for the permit sponsored by the prior owner and I therefore I need to keep that issue separate.

The re-notice re:the height should also not be appeal-able or open to a DR since the notice is simply for information only. Is that not correct?

Thank you.

Stephen

Stephen Antonaros, ARCHITECT  
2298 Third Street  
San Francisco, California 94107  
(415)864-2261  
[www.antonaros.com](http://www.antonaros.com)

On Jul 17, 2013, at 9:58 AM, Cabrerros, Glenn wrote:

Stephen-

The ZA and I reviewed your plans (BPA No. 2013.07.01.0898). The existing and proposed buildings are both depicted taller than the previous public notice under Section 311. As such, another public notice will be required to properly notice the project.

As you have DUM application submitted, and since the DUM application requires the filing of building permit application, you should fold the work proposed under the DUM into the permit application (2013.07.01.0898) that proposes to correct the height measurement. In doing so, the DUM and the height correction will receive one public notice, rather than going through two separate public notices if separate permit applications are to be filed.

I'm about to start review the DUM application. I'll let you know if there's anything else that needed to complete my review.

Thank you.

**Glenn Cabrerros, LEED AP  
Planner**

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Email: [glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)  
Web: [www.sfplanning.org](http://www.sfplanning.org)

[<image011.png>](#) [<image012.png>](#) [<image013.png>](#) [<image014.png>](#)  
[<image015.png>](#)

**From:** [Cabrerros, Glenn](#)  
**To:** [Irving Zaretsky](#); [Sanchez, Scott](#); [Lindsay, David](#)  
**Cc:** [timothy.arcuri@cowen.com](#); [kbgoss@pacbell.net](#); [michael@jaegermchugh.com](#); [mait sai@yahoo.com](#); [r wgoss@pacbell.net](#); [annabrockway@yahoo.com](#); [ericreimers@gmail.com](#); [dorinetowle@me.com](#); [vince@citymarkdev.com](#); [Kate Kardos](#); [cjones@forwardmgmt.com](#); [paulmalmal@yahoo.com](#); [wmore@aol.com](#); [amanda@hoenigman.com](#); [Povlitz](#); [Will Morehead](#)  
**Subject:** RE: 2853-2857 Broderick  
**Date:** Tuesday, August 06, 2013 10:05:41 AM

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Mr. Zaretsky-

The Department is in receipt of the drawings that make corrections to the height. We have advised the applicant and architect that new 311 (30-day) notification will be needed for these revised plans. Also, as the previous application to lift the building was approved under the Commission's review at a DR hearing, the project will need to go back to the Commission for their consideration.

Please let me know when you would like to review the plans, so I may leave them out under your name.

Thank you.

Glenn Cabrerros, LEED AP  
Planner

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

-----Original Message-----

From: Irving Zaretsky [<mailto:iiz@me.com>]  
Sent: Monday, August 05, 2013 7:54 PM  
To: Sanchez, Scott; Lindsay, David; Cabrerros, Glenn  
Cc: [timothy.arcuri@cowen.com](#); [kbgoss@pacbell.net](#); [michael@jaegermchugh.com](#); [mait sai@yahoo.com](#); [r wgoss@pacbell.net](#); [annabrockway@yahoo.com](#); [ericreimers@gmail.com](#); [dorinetowle@me.com](#); [vince@citymarkdev.com](#); [Kate Kardos](#); [cjones@forwardmgmt.com](#); [paulmalmal@yahoo.com](#); [wmore@aol.com](#); [amanda@hoenigman.com](#); [Povlitz](#); [Will Morehead](#)  
Subject: 2853-2857 Broderick

Dear Mr. Sanchez, Mr. Lindsay and Mr. Cabrerros:

I have been informed by DBI that they require the Project Sponsor of 2853-2857 to file for a Revision Permit because the architect has informed them that the original drawings upon which the current permit is based have stated false information on the building measurements.

Can you please inform me when will we be notified that drawings have been filed and when will we have an opportunity to view these drawings and to request a Hearing should we deem it necessary.

As you know not only has the building height been falsified, but the lifting of the building has been greater than 36 inches which was the height allowed by the City Planning Commission.

Please let us know.

Thank you,  
Irving Zaretsky  
Neighbors on Broderick Street and Filbert Street

**From:** [Irving Zaretsky](#)  
**To:** [Cabreros, Glenn](#)  
**Cc:** [timothy.arcuri@cowen.com](#); [kbgoss@pacbell.net](#); [michael@jaegermchugh.com](#); [maltsai@yahoo.com](#); [rwgoss@pacbell.net](#); [annabrockway@yahoo.com](#); [ericreimers@gmail.com](#); [dorinetowle@me.com](#); [vince@citymarkdev.com](#); [Kate Kardos](#); [clones@forwardmgmt.com](#); [paulmalmal@yahoo.com](#); [wmore@aol.com](#); [amanda@hoenigman.com](#); [Povlitz](#); [Lindsay, David](#); [Sanchez, Scott](#)  
**Subject:** Re: 2853-2857 Broderick  
**Date:** Sunday, September 15, 2013 5:33:37 PM

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Dear Mr. Cabreros:

Thank you for allowing us to view the revised plans submitted by the Project Sponsor. Immediately after viewing the permit, we asked our surveyor to re-survey 2853 Broderick. On August 9, 2013 our surveyor did a third survey.

He first surveyed the property prior to construction on July 5, 2012. He surveyed a second time after the building was lifted on April 24, 2013. He finally surveyed it on August 9, 2013 after the building was placed on its current foundation.

His findings are that the building is now well above 40 feet, as you move from South to North, at the North elevation. The building lift is well above 36" as properly measured from the sidewalk center. The building as actually been lifted twice from the pre-construction height to the current height on its new foundation. One lift occurred initially and a second one occurred as the building was transferred to its current foundation.

The new revised plans are inaccurate and the height is misrepresented. It appears to be stated as 37 feet pre lift and 40 feet post lift in order to falsely accommodate the 36" lift permitted by the Planning Commission. In fact, we show the building to be under 37 feet pre lift and above 40 feet post lift.

The Project Sponsor did not submit any of her surveys as she was supposed to do according to Joseph Duffy at DBI. The plans that she submitted are incomplete in that they show only the height of the building and not the entirety of the plans of all the work done to date that was approved based on the previous misrepresented plans. The entirety of the plans must be reviewed by the Planning Commission because all permits and approvals were done based on the alleged fraud that is embodied in the original plans. Further, the entirety of the plans must be presented, including the forthcoming additions, because as a CEQA Appeal case, the Court has ruled that all permits requiring public notice must be submitted in their entirety and not to be submitted piece meal.

We have filed a formal complaint with DBI and await their response. The Project Sponsor must re-submit accurate drawings with accurately stated heights and must immediately submit the postage and fees to allow City Planning to send out Notices for a Public Hearing. She must also file her own survey results as requested by DBI.

The Hearing before the Planning Commission cannot await the Project Sponsor finishing her construction. That would be a clear case of the violation of Due Process and Equal Protection. It would be a direct act of Discrimination against the neighbors and the Cow Hollow Community. Public Hearings based on purposefully misrepresented plans lack the requisite Due Process. Accurate plans must be submitted before permits are issued and Permit Revisions must be issued before a building is constructed and finished.

Please advise,

Irving Zaretsky

Neighbors on Broderick street and Filbert street  
On Aug 6, 2013, at 10:05 AM, "Cabreros, Glenn" <glenn.cabreros@sfgov.org> wrote:

> Mr. Zaretsky-  
> The Department is in receipt of the drawings that make corrections to the height. We have advised the applicant and architect that new 311 (30-day) notification will be needed for these revised plans. Also, as the previous application to lift the building was approved under the Commission's review at a DR hearing, the project will need to go back to the Commission for their consideration.  
>  
> Please let me know when you would like to review the plans, so I may leave them out under your name.  
>  
> Thank you.  
>  
> Glenn Cabreros, LEED AP  
> Planner  
>  
> Planning Department; City and County of San Francisco  
> 1650 Mission Street, Suite 400, San Francisco, CA 94103  
> Direct: 415-558-6169; Fax: 415-558-6409  
> Email: glenn.cabreros@sfgov.org  
> Web: www.sfplanning.org  
>  
>  
> -----Original Message-----  
> From: Irving Zaretsky [mailto:iz@me.com]  
> Sent: Monday, August 05, 2013 7:54 PM  
> To: Sanchez, Scott; Lindsay, David; Cabreros, Glenn  
> Cc: timothy.arcuri@cowen.com; kbgoss@pacbell.net; michael@jaegermchugh.com; maitsai@yahoo.com; rwgoss@pacbell.net; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; paulmimai@yahoo.com; wmore@aol.com; amanda@hoenigman.com; Povlitz; Will Morehead  
> Subject: 2853-2857 Broderick  
>  
>  
> Dear Mr. Sanchez, Mr. Lindsay and Mr. Cabreros:  
>  
> I have been informed by DBI that they require the Project Sponsor of 2853-2857 to file for a Revision Permit because the architect has informed them that the original drawings upon which the current permit is based have stated false information on the building measurements.  
>  
> Can you please inform me when will we be notified that drawings have been filed and when will we have an opportunity to view these drawings and to request a Hearing should we deem it necessary.  
>  
> As you know not only has the building height been falsified, but the lifting of the building has been greater than 36 inches which was the height allowed by the City Planning Commission.  
>  
> Please let us know.  
>  
> Thank you,  
> Irving Zaretsky  
> Neighbors on Broderick Street and Filbert Street  
>

**From:** [Stephen Antonaros](#)  
**To:** [Cabrerros, Glenn](#)  
**Cc:** [Whitehead, Pam](#); [Lindsay, David](#); [Sanchez, Scott](#)  
**Subject:** 2853 Broderick  
**Date:** Monday, September 23, 2013 2:43:59 PM  
**Attachments:** [2857Broderick.92313.rearframing.A1.pdf](#)  
[2857Broderick.92313.rearframing.A2.pdf](#)

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Glenn,

As you may recall the building at 2853-57 Broderick was subjected to fire damage which precipitated the whole renovation now underway. As part of a regular inspection, there was a correction notice made to obtain a new permit to allow partial replacement (up to 50%) of the fire damaged framing that was not discovered or noted to be there on the approved plans but discovered after removal of surface materials.

This work is all required in the rear of the building where the fire damaged framing has been found and the scope of the permit (attached plans) is to merely replace in kind, framing at the rear.

We attempted to obtain this permit over the counter but were told you should be OK with it first (given the permit history, etc., etc.) So a note in the computer or a call to you to give the OK to issue is what we are requesting.

So please, look this over and let me know that it can be cleared for an over the counter permit so this structural work which is now in limbo can be completed as part of the already approved plans, all work to be replaced in kind.

Thanks.

Any questions please call.

Stephen

Stephen Antonaros, ARCHITECT  
2298 Third Street  
San Francisco, California 94107  
(415)864-2261  
[www.antonaros.com](http://www.antonaros.com)

**From:** Irving Zaretsky  
**To:** Duffy, Joseph; Cabreros, Glenn  
**Cc:** [timothy.arcurl@cowen.com](mailto:timothy.arcurl@cowen.com); [rwgoss@pacbell.net](mailto:rwgoss@pacbell.net); [michael@jaegermchugh.com](mailto:michael@jaegermchugh.com); [maltsai@yahoo.com](mailto:maltsai@yahoo.com); [kbgoss@pacbell.net](mailto:kbgoss@pacbell.net); [annabrockway@yahoo.com](mailto:annabrockway@yahoo.com); [ericreimers@gmail.com](mailto:ericreimers@gmail.com); [dorinetowle@me.com](mailto:dorinetowle@me.com); Kate Kardos; [vince@citymarkdev.com](mailto:vince@citymarkdev.com); [cjones@forwardmgt.com](mailto:cjones@forwardmgt.com); Povlitz; [paulmalmal@yahoo.com](mailto:paulmalmal@yahoo.com); [amanda@hoenigman.com](mailto:amanda@hoenigman.com); Fessler, Thomas; Lindsay, David; Sanchez, Scott; [ggwood@aol.com](mailto:ggwood@aol.com); [elarkin@hill-co.com](mailto:elarkin@hill-co.com); [lbrooke@lmi.net](mailto:lbrooke@lmi.net) Brooke; [brookesampson@yahoo.com](mailto:brookesampson@yahoo.com) Sampson; [info@cowhollowassociation.org](mailto:info@cowhollowassociation.org)  
**Subject:** Re: 2853-2857 Broderick street--New Permits issued  
**Date:** Sunday, October 06, 2013 3:20:35 PM  
**Attachments:** [New permits 2853 Brod..pdf](#)  
[NOV 2853 Brod.pdf](#)

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Dear Mr. Duffy and Mr. Cabreros:

In response to the Sept. 28, 2013 email below, we are requesting that you suspend the permit at 2853 Broderick and cause the work to stop pending resolution of the height issue and the 311 notification and Hearing before the City Planning Commission.

We just found out that a new permit has been issued to the project sponsor (attached below) and the NOV issued May 20m 2013 has not been fully addressed. The height clarification has been under review by Scott Sanchez since July 16, 2013. It is now almost three months and no action has been taken.

Application #201309247638 to rework the back of the property, the deck reconstruction and new framing was APPROVED on October 3, 2013 by DBI and by Glenn Cabreros at City Planning on 9/24/2013.

Application #201309066151 to remove and reduce steps at the north and south porticos and change doors with transoms at both locations has been submitted on 9/6/2013.

Application # 201307010 to clarify height of building and to comply with Correction Notice 6/25/2013 is still under review by Scott Sanchez since 7/16/2013.

Complaint # 201305201 NOV issued by Thomas Fessler on 5/22/2013-- the building lift non-compliant with plans, permit and City Planning Commission ruling is still outstanding for over 4 months.

We do not understand how a new permit could be issued when you do not have a set of plans with credible building measurement values. If you issued the permit based on the original plans, you know that it has been acknowledged that those plans are false. If you issued the permit based on the revised plans, you are aware that the revised plans are false as well. We have previously indicated to you that the height values are not as indicated on the plans but rather that the original building was less than 37' in height and the current height is over 40' at the northern elevation. None of these plans have been submitted yet on a 311 notification to the neighbors and then reviewed by City Planning Commission on a DR basis as required by the rules. The project sponsor and the architect have refused to submit surveys by licensed surveyors to verify the revised plans as required by Joseph Duffy.

Please advise,

Irving Zaretsky  
Neighbors on Broderick and Filbert streets

On Sep 18, 2013, at 12:42 PM, "Duffy, Joseph" <[joseph.duffy@sfgov.org](mailto:joseph.duffy@sfgov.org)> wrote:

> Dear Mr. Goss and Mr. Zaretsky

>  
> Thank you for your email .When DBI was made aware that there was a difference in height with the building we investigated the matter .We had site visits and meetings with the architect and a correction notice was issued .A revision permit was submitted to reflect the proper height of the building .At that time the architect acknowledged that there was an error with the existing height as shown on the approved plans .The building had already been raised .We decided along with The Planning Department at that time not to issue a stop work order .That decision was made because the error on the drawing would usually not warrant a full stop work order .In addition to that the Architect did cooperate with us and did file a revision permit to correct the error .I have contacted the Planning Department and if there is a delay in getting the height issue addressed then Planning or DBI may suspend the permit .I am waiting to hear back from Planning staff and then we can decide what our course of action will be .A lot of times we get criticized for our actions and in this case although you may not agree I believe we have been consistent in our process  
>  
> If you have any further questions please do not hesitate to contact me .  
>  
> Thank you  
>  
> Joseph Duffy  
> Senior Building Inspector  
> 415 558-6656  
> -----Original Message-----  
> From: Richard Goss [mailto:rwgoss@pacbell.net]  
> Sent: Tuesday, September 17, 2013 12:15 PM  
> To: Irving Zaretsky  
> Cc: Duffy, Joseph; timothy.arcuri@cowen.com; kbgoss@pacbell.net; michael@jaegermchugh.com; maitsai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; paulmimai@yahoo.com; wmore@aol.com; amanda@hoenigman.com; Povlitz; Will Morehead; Fessler, Thomas; info@cowhollowassociation.org; elarkin@hill-co.com; BrookeSampson Sampson; ggwood@aol.com; lbrooke@lmi.net Brooke  
> Subject: Re: 2853-2857 Broderick street  
>  
> Thank you Mr. Zaretsky for addressing this matter so eloquently. It is far past time that someone should address this issue. It is inconceivable to me that the City & County of San Francisco can turn a blind eye to the gross violations and outright untruths in the applications thus far submitted. While the rest of the neighborhood is held to a standard that is consistent within the parameters of the rules of the Department of Building Inspections, this project seems to flaunt the system and has irreparably changed the atmosphere and skyline of the street. The violations of the rules and constantly changing nature of the project indicate that this project and the manager have no interest in acting in accordance with the regulations of the City & County of San Francisco. I trust that the DBI will make every effort to sort this matter out and ensure that the standards of the City & County are being met. Thank you again for your efforts in this matter. It seems that you are the only one interested in preserving the nature of this neighborhood. Karen and I stand with you.  
>  
>  
> Richard Goss  
> rwgoss@pacbell.net  
>  
>  
>  
>  
> On Sep 15, 2013, at 4:23 PM, Irving Zaretsky <iiz@me.com> wrote:  
>  
>> Dear Mr. Duffy:  
>>  
>> On behalf of the neighbors on Broderick street and Filbert street, I  
>> hereby request that you immediately suspend the permit for 2853-2857 Broderick street due to the failure of the Project Sponsor to proceed with the Hearing that City Planning has requested of her in light of her submission of the revised plans for a Revision Permit. The Project Sponsor has proceeded in

bad faith to continuously violate the permitted height limits set by the Planning Commission for the building lift and for the overall height of the building.

>>

>> DBI and you have permitted the Project Sponsor to proceed with the completion of her building project prior to her submission of the revised plans to the Planning Commission. That makes the entire Hearing process before the Planning Commission a moot point and assures that alleged fraud is allowed to continue with impunity to the detriment of the neighborhood, and it makes a mockery of the legitimacy of the review and Hearing process. Once the building is fully completed, what is the point of the Hearing. You are enabling a wrong doer to flourish in her wrong doing and to show that alleged fraud is the way to succeed.

>>

>> We, the neighbors in Cow Hollow, believe that one can build a building without fraud. Does DBI share our fundamental belief?

>>

>> We all have reviewed the Revised Plans submitted by the Project Sponsor to City Planning. On August 6th we reviewed all the plans and documents. On August 9th our surveyor surveyed the property once again. Our surveyor has surveyed the property three times now: on July 5, 2012; on April 24, 2013; and, again, on August 9, 2013; and at each stage of the building process: prior to the lift of the building; after the lift of the building; and after the building was set on its current foundation.

>>

>> WE HEREBY INFORM YOU THAT THE CURRENT REVISED PLANS SUBMITTED BY THE PROJECT SPONSOR TO DBI AND THE PLANNING DEPARTMENT ARE INCORRECT AND MISREPRESENTED, ONCE AGAIN.

>> THE STATED HEIGHT OF THE PRE-LIFT HEIGHT AT 37 FEET AND THE POST LIFT HEIGHT AT 40 FEET ARE WRONG. THEY ARE ALLEGEDLY PURPOSEFULLY STATED THUS AND MISREPRESENTED TO GIVE THE ILLUSION THAT A 36" LIFT HAS OCCURRED WHEN IN FACT THE LIFT HAS BEEN WELL ABOVE 36". THESE PLANS ARE 'MADE AS INSTRUCTED'.

>>

>> Our survey shows that:

>>

>> 1. The building is currently well ABOVE 40 feet in height as it moves from South to North, at the Northern elevation. 2. The building has been raised well above 36 inches as permitted by the Planning Commission. 3. At each stage of the construction from pre-lift to its present height the building has been CONTINUOUSLY RAISED AT EVERY STAGE AND THROUGHOUT THE CONSTRUCTION.

>>

>> In reviewing the paperwork submitted with the Revised Plans, the Project Sponsor did not submit her own survey measurements, as you suggested she would in the email below. The Project Sponsor has now refused to submit her own survey at every stage of the inquiry. While you promised to have your Department do its own survey, that never materialized. Therefore, we brought in our own surveyor.

>>

>> The original permit drawings were allegedly fraudulent as to building height measurements. It was not simply a scrivener's error, rather it was purposeful misrepresentation since the architect admitted (in previously submitted emails to you) that neither he nor the Project Sponsor ever secured height measurements and essentially just plugged in false numbers. Allegedly, this was done to distract the neighbors from the truth and to keep the submitted plans as 'low profile', literally and figuratively.

>>

>> The end result of that falsehood is that every Hearing that was noticed to the public from Planning Commission, through the Board of Appeals, through the CEQA Hearing at the Board of Supervisors, deprived the Community of Due Process. The false information acted as a filter to deflect concerned citizens from showing up and expressing their concerns when they could have, had the true measurements been known at the time.

>>

>> The current revised plans that the Project Sponsor submitted are incomplete. They only show the height measurement correction, but they fail to show all the other work that has been permitted along the way to date which would need to be reviewed by the Planning Commission. All the permits and approvals to date were given

based on FALSE INFORMATION AND ALLEGED FRAUD.

>>

>> It is the understanding of our neighborhood that TRUTHFUL AND ACCURATE  
>> PLANS ARE SUPPOSED TO BE HANDED IN BY THE PROJECT SPONSOR BEFORE A PERMIT IS  
RECEIVED. IT IS FURTHER OUR UNDERSTANDING THAT PERMITS ARE SUPPOSED TO BE ISSUED  
BEFORE A BUILDING IS BUILT AND COMPLETED AND NOT AFTER.

>>

>> By allowing the Project Sponsor to continue to complete her building  
>> and then submit the issue to the Planning Commission, you are essentially saying that a Hearing is  
nothing more than a ministerial act by the PLANNING COMMISSION to rubber stamp a 'done deal' and  
to institutionalize the wrongful conduct for posterity as a precedent.

>>

>> The Project Sponsor has had now nearly two months to submit her plans  
>> and submit the postage and filing fee to City Planning so that a Hearing would be set for the revised  
plans. She has refused to do this because she does not want to face the fact that, ONCE AGAIN, she  
has misrepresented the building measurements on her plans.

>>

>> She has done the same thing now to the Department of Public Works.  
>> For the last two months she has not submitted her postage so that notification can be sent to the  
neighbors for a Hearing. She is relying on your allowing her to finish her building so that once done she  
will be allowed to remain with the alleged fraud in tact.

>>

>> Not only are the neighbors now deprived of DUE PROCESS, but by  
>> allowing her to complete her construction you are depriving the neighbors of the EQAUL  
PROTECTION OF THE LAW. Once the faulty plans are discovered and we are deprived of a Hearing in a  
timely manner you thereby deprive us of our right to be correctly informed of the plans prior to  
Hearings and prior to the building's completion. You are permitting the Project Sponsor to complete her  
building, on the one hand, but, at the same time, you are depriving us of the right that the rules give  
us to have Hearings based on truthful documents and notices to the public in a timely way before the  
building becomes an accomplished fact.

>>

>> WHY THE DISCRIMINATION??????? ARE THE NEIGHBORS AND THE COW HOLLOW  
>> COMMUNITY A BUNCH OF USELESS, IRRELEVANT TAX PAYERS WHO HAVE NO RIGHTS????? WHY  
THE CONTEMPT FOR THE RIGHTS OF THE NEIGHBORS?????

>>

>> EVERY DAY THAT GOES BY THAT YOU ALLOW THE PROJECT SPONSOR TO GO ON WITH  
CONSTRUCTION, AFTER SHE ONCE AGAIN SUBMITTED INCORRECT AND INCOMPLETE PLANS. AND TO  
FINISH HER BUILDING, WHILE WE, THE NEIGHBORS, ARE DEPRIVED OF OUR RIGHT TO A FAIR  
HEARING, IS A DAY DURING WHICH YOU ARE CHIPPING AWAY AT OUR FUNDAMENTAL RIGHTS AND  
TO OUR DETRIMENT.

>>

>> THE CONSTRUCTION SHOULD BE HALTED IMMEDIATELY. THE PROJECT SPONSOR HAS BEHAVED  
ONCE AGAIN IN PROFOUND BAD FAITH.

>>

>> We, the neighbors, have patiently waited for nearly two months for the  
>> Project Sponsor to do the right thing and immediately, upon receiving  
>> your NOTICE, submit revised plans for a Revision Permit and allow hearings to proceed promptly.  
We have demonstrated OUR GOOD FAITH IN THE PROCESS THAT YOU PROPOSED. We did not contact  
you or bother you and allowed you to see to it that the process had integrity and truthfulness, The  
Project Sponsor looked at it as simply an opportunity to progress ever forward without any  
accountability and without having to respond to your NOTICE in a timely way.

>>

>> THERE HAS TO BE FAIR PLAY IN THE APPLICATION OF THE RULES!!!!!!

>>

>> We respectfully request that you immediately suspend the permit for  
>> 2853-2857 Broderick and order the Project Sponsor to proceed with the  
>> public notice for a Hearing in front of the Planning Commission. We further request that the Project  
Sponsor submit a FULL SET OF PLANS of all the work that has been done to date and all the intended  
work for completion. THERE SHOULD BE NO PIECE MEAL APPROACH TO THE PLANS. The Courts have  
ruled in previous CEQA cases, which we have previously cited, that the plans for public review be

submitted in their ENTIRETY AND NOT PIECE MEAL.

>>

>> We have waited patiently and in good faith for DUE PROCESS to proceed with integrity and truthfulness, we are waiting for you to see to it that it does. The ball is now in your Court.

>>

>> Respectfully yours,

>>

>> Irving Zaretsky

>> The neighbors on Broderick street and Filbert street

>>

>>

>> On Jun 28, 2013, at 10:37 AM, "Duffy, Joseph" <joseph.duffy@sfgov.org> wrote:

>>

>>> Dear Mr Zaretsky

>>>

>>> Thank you for your email .I am sorry for the delay in getting back to you .I had to take some time off recently to deal with personal matters. I spoke to the architect and he did acknowledge that the height of the existing building had been stated incorrectly on the approved drawings. I indicated that a revision permit would be required with Planning Department approval .We will issue a correction notice to document this error. We typically give between 14 and 30 days for a permit to be filed. I have seen this error occur before on approved plans and the same action is taken by DBI.I believe that the existing building height is stated wrong by 2 feet plus or minus. In regards to measuring the building it really is not necessary at this time because of the stated error on the drawings .DBI will make sure that the proper height is shown on the revision permit .This height probably should be done by a survey by a licensed surveyor. I will consult with my supervisors at DBI next week about the height issue .I will also be stopping by the site next week with Tom Fessler to check on the progress .The building has been raised 3 feet as you know .The work may proceed the project sponsor will take the risk that the building is approved by The Planning department at the corrected height.

>>>

>>> If you have any questions please do not hesitate to contact me .

>>>

>>> Thank you

>>>

>>> Joseph Duffy

>>> Senior Building Inspector

>>> 415 558-6656

>>>

>>> -----Original Message-----

>>> From: Irving Zaretsky [mailto:iz@me.com]

>>> Sent: Wednesday, June 26, 2013 9:55 PM

>>> To: Duffy, Joseph

>>> Cc: Fessler, Thomas; wmore@aol.com; kbgoss@pacbell.net;

>>> rwgoss@pacbell.net; maitsai@yahoo.com; michael@jaegermchugh.com;

>>> annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com;

>>> vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com;

>>> paulmaimai@yahoo.com; Povlitz; amanda@hoenigman.com;

>>> timothy.arcuri@cowen.com; Will Morehead

>>> Subject: 2853-57 Broderick

>>>

>>> Dear Mr, Duffy:

>>>

>>> Will Morehead has informed the neighbors that he has heard from Inspector Thomas Fessler that you have not measured the building but that you spoke with the Project architect and that he confirmed that the building is NOT 37' tall as the Plans show but is 39' 11" tall as our survey shows. The Project Sponsor still refuses to show the building surveys referred to in her Certificate of Height prepared by her engineer, Gregory Cook.

>>>

>>> Mr. Fessler indicated that the Project Sponsor will have to apply for a REVISION PERMIT. Can you please tell us when is this going to happen. Work continues on the Project even though the plans, as they currently appear, misrepresent the physical height and physical reality of the building.

>>>  
>>> Please let us know as soon as possible,  
>>>  
>>> Irving Zaretsky  
>>> The concerned neighbors on Broderick and Filbert Streets  
>>>  
>>  
>  
>  
>

11/12/14 Email re Continuance

---

**From:** Dick, Ilene (19) x4958

**Sent:** Wednesday, November 12, 2014 11:53 AM

**To:** '714515@gmail.com'; Mark Farrell; joy.lamug@sfgov.org

**Cc:** Catherine Stefani; Povlitz; kbgoss@pacbell.net; michael@jaegermchugh.com; maltsai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; rwgoss@pacbell.net Goss; paulmaimai@yahoo.com; wmore@aol.com; amanda@hoenigman.com; timothy.arcuri@cowen.com; nancy leavens nancy; Will Morehead (; dod.fraser@gmail.com; ethurston@gmail.com; DXN2700@aol.com; Scott (CPC) Sanchez; 'Pam Whitehead'

**Subject:** RE: 2853 Broderick Hearing November 25th

Sup. Farrell, we represent Pam Whitehead, the permit holder for 2853 Broderick Street. As you know, this fire damaged, vacant building has been subject to 2+ years of ongoing review by City agencies and boards, arising primarily from Mr. Zaretsky's continuous oversight of this project. For the reasons set forth below and the attachments to this email, we request that you not grant Mr. Zaretsky's request to continue the November 25th hearing on Mr. Zaretsky's appeal of the July 3, 2014 Categorical Exemption. Rather than detail the circuitous and complex permit/administrative history of this project, to facilitate your consideration of our position, I have attached excerpts of pertinent administrative documents and highlighted the relevant portions for your convenience.

To be clear, Mr. Zaretsky is asking for a continuance of the appeal hearing he requested on the Class 1 Categorical Exemption. The reason for the delay- to wait for issuance of the building permit that is the focus of that very same Categorical Exemption -is based on his erroneous understanding of permit review under CEQA. Moreover, he states that he does not know what work the building permit will allow. In fact, this is the very same building permit for which he sought and was denied Discretionary Review (DR) by the Planning Commission in September. Given his DR request and testimony before the Planning Commission, he is well aware of the scope of work authorized by this building permit.

As you know, CEQA applies only to "discretionary actions". Review by DBI or other City agencies that review and sign off on the pending building permit application are not "discretionary actions" under CEQA. Only the issuance of the permit by DBI constitutes an approval subject to CEQA, requiring a CEQA determination. Here, a CEQA determination has been made for this building permit (and the proposed scope of work) under the Categorical Exemption that Messrs. Zaretsky and Arcuri have appealed. However, due to the appeal, DBI cannot issue that building permit unless and until the Board of Supervisors acts on the appeal. Once the Categorical Exemption is upheld, then the building permit can be issued. To do otherwise, would result in an discretionary action without a final CEQA document. Thus, what he is requesting is not legally possible.

The appeal hearing should proceed as it was requested by Mr. Zaretsky based on facts that he was well aware of, including the pending issuance of the building permit by DBI. He should not be able to manipulate further the administrative review of actions needed for this building to become a livable home. Accordingly, we respectfully request that the hearing on the appeal of the Categorical Exemption filed by Messrs. Zaretsky and Arcuri be held on November 25, 2014 as scheduled.

## RELEVANT FACTS

-The Categorical Exemption before the Board of Supervisors on appeal was issued on July 3, 2014. It covers only the scope of work under the building permit that Mr. Zaretsky seeks to have issued before the Board of Supervisors' hearing on his appeal of the Categorical Exemption.

-This building permit is a "new" permit, legally distinct and independent of any previously issued permits. That is precisely why it was subject to its own CEQA review and DR. Mr. Zaretsky is thus wrong when he states that the CEQA appeal before the Board of Supervisors "includes the Permits reinstated by the Zoning Administrator on October 15, 2014". To further substantiate that the pending building permit is independent of any prior permit, the Planning Department scheduled a DR hearing on this permit. Mr. Zaretsky received by email the attached DR notice of this permit, with a detailed description of the proposed scope of work, on July 2, 2014. He and Mr. Arcuri filed DR Requests of that permit. The Planning Commission approved this permit at its September 18, 2014. As noted on the DR notice and on the Commission's agenda, the Commission's approval of the building permit was an "Approval Action" for appeal of the CEQA document. Messrs. Zaretsky and Arcuri chose to file their appeal based on the Commission's approval of the permit. They should not be able to bend the CEQA appeal process so painstakingly modified in 2013 by the Board of Supervisors.

-The Categorical Exemption on appeal makes clear the "project" or the scope of work authorized by this permit. It does not cover the breadth of work Mr. Zaretsky thinks it does. Mr. Zaretsky fails to acknowledge that much of that work was done under previously-issued permits that were themselves subject to the Categorical Exemption issued in 2012. The Board of Supervisors upheld that Categorical Exemption on an appeal brought by Mr. Zaretsky.

-Contrary to Mr. Zaretsky's assertion, permit review will not involve significant changes to the project by DBI or any other agency. Thus, there is no reason to expect that the plans that were approved by the Planning Commission on DR will be modified during plan check.

Thank you in advance for your consideration of our request. Please feel free to call or email me.

Regards,

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

 **FARELLA BRAUN + MARTEL LLP**

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

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

**Sent:** Tuesday, November 11, 2014 7:26 PM

**To:** Mark Farrell; [joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)

**Cc:** Catherine Stefan; Povlitz; [kgoss@pacbell.net](mailto:kgoss@pacbell.net); [michael@jaegermchugh.com](mailto:michael@jaegermchugh.com); [mait sai@yahoo.com](mailto:mait sai@yahoo.com); [annabrockway@yahoo.com](mailto:annabrockway@yahoo.com); [ericreimers@gmail.com](mailto:ericreimers@gmail.com); [dorinetowle@me.com](mailto:dorinetowle@me.com); [vince@citymarkdev.com](mailto:vince@citymarkdev.com); Kate Kardos; [cjones@forwardmgmt.com](mailto:cjones@forwardmgmt.com); [rwgoss@pacbell.net](mailto:rwgoss@pacbell.net) Goss; [paulmalmal@yahoo.com](mailto:paulmalmal@yahoo.com); [wmore@aol.com](mailto:wmore@aol.com); [amanda@hoenigman.com](mailto:amanda@hoenigman.com); [timothy.arcuri@cowen.com](mailto:timothy.arcuri@cowen.com); nancy leavens nancy; Will Morehead (; [dod.fraser@gmail.com](mailto:dod.fraser@gmail.com); [ethurston@gmail.com](mailto:ethurston@gmail.com); [DXN2700@aol.com](mailto:DXN2700@aol.com); Scott (CPC) Sanchez; Dick, Ilene (19) x4958

**Subject:** 2853 Broderick Hearing November 25th

Dear Supervisor Farrell and Ms. Angela Calvillo, Clerk of the Board:

We the Appellants, Tim Arcuri and Irving Zaretsky, request a postponement of the Hearing for the project 2853-57 Broderick street pending the issuance by DBI of Permit no. 201307010898 which has been routed to DBI for review by the Zoning Administrator on October 16, 2014. See attachment below.

The current appeal to the Board of Supervisors only includes the Permits reinstated by the Zoning Administrator on October 15, 2014. Permit no. 201307010898 was routed to DBI on October 16, 2014 and is technically not yet part of the Hearing. It has to be reviewed and issued by DBI. The Zoning Administrator stated at the Planning Commission Hearing that this is a NEW PERMIT which is composed of all past plans and permits issued for the job, all past executed work, all plans and permit applications for future work. It is supposed to be a comprehensive Permit of past plans, construction and permits as well as future plans. Therefore, the issues relevant to the CEQA Hearing are contained within the NEW PERMIT as well as new plans which may have direct impact on the CEQA issues for review.

We had hoped, in good faith, that the Permit would have been issued by now and would allow us to see what it finally contains that is relevant to the issues for review by the Board of Supervisors. We have requested of DBI to let us know what the status of the Permit is but have not heard to date.

The review by DBI of the permit may introduce new issues that impact the CEQA review. This happened in 2012 when Permit no. 201103252893 was before the Board of Supervisors. Frequently the Building Code requirements are at variance with the City Planning, historical Preservation and environment issues. Such differences may require further CEQA review.

Since it is in everyone's interest to have the Hearings bring finality to the issues on appeal, it is necessary that the New Permit be issued by DBI and we can all learn what the final content of that Permit is and how it impacts the very issues currently before the Board of Supervisors. We do not want to be in the position that after the Board of Supervisors' CEQA Hearing is complete that we then discover that the New Permit introduces new issues that are eligible for CEQA review.

This predicament has come about because the reinstated permits were addenda permits to the original permit 201103252893. They were issued piecemeal between September 2012 and February 5, 2014. Had the project sponsor submitted all her permit applications and plans at one time when she was asked to submit revised plans by the Notice of Correction issued on June 28, 2013, we could have addressed all of these issues a year ago at one time when such plans were required to be submitted to a 311 notification and processed through Hearings at that time. The fact that the current permits have been split into reinstated permits and a brand NEW PERMIT is the cause why we need to have the New Permit issued and thereby have a complete and comprehensive picture of the issues that need to be addressed at the Board of Supervisor's CEQA Hearing. The NEW PERMIT contains all the elements currently before review and in addition new material that has to be reviewed in terms of new CEQA issues which may arise.

Again, we request to postpone the Hearing pending the issuance by DBI of Permit no. 201307010898 that will allow us to have a full and complete view of what has been done and what is yet to be done in this project that requires a CEQA review and Hearing.

Sincerely,

Irving Zaretsky  
Tim Arcuri  
Appellants  
Neighbors on Broderick and Filbert streets

## 2014 DR Notice



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

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

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

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

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

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

For more information, please contact Planning Department staff:

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

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

中文詢問請電: (415) 575-9010

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

## 2013 CatEx Excerpts



**SAN FRANCISCO  
PLANNING DEPARTMENT**

**CEQA Categorical Exemption Determination**

**PROPERTY INFORMATION/PROJECT DESCRIPTION**

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

**STEP 1: EXEMPTION CLASS**

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	Class 3 – New Construction. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class ____

**STEP 2: CEQA IMPACTS**

TO BE COMPLETED BY PROJECT PLANNER

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

**PART II: PROJECT EVALUATION**

Proposed Project       Demolition       Alteration

Per Drawings Dated: May 1, 2014

**Project Description**

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

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

**Project Evaluation**

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

**Subject Property/Historic Resource:**

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

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

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

**Project Specific Impacts**

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

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

## 2012 Planning Response To CatEx Appeal



**SAN FRANCISCO  
PLANNING DEPARTMENT**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2012 AUG 27 PM 4:15

**Categorical Exemption Appeal *DLW*  
2853-2857 Broderick Street**

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**DATE:** August 27, 2012  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Tina Tam, Senior Preservation Planner - Planning Department (415) 558-6325  
 Shelley Caltagirone, Case Planner - Planning Department (415) 558-6625  
**RE:** BOS File No. 120781 [Planning Case No. 2010.0394E]  
 Appeal of Categorical Exemption for 2853-2857 Broderick Street  
**HEARING DATE:** September 4, 2012  
**ATTACHMENTS:**

- A. Planning Department Categorical Exemption Certificate including Historic Resource Evaluation Response Memo
- B. Photographs and Plans
- A. Appeal Letter

---

**APPLICANT:** Stephen Antonaros, Architect - 2261 Market Street, #324  
**APPELLANTS:** Katé Polevoi, Zeeva Kardos & Irving Zaretsky - 2845-2847 Broderick Street  
 Craig Jones & Michael Jaeger - 2837-2839 Broderick Street  
 Eric & Kelda Reimers - 2865 Broderick Street  
 Rob & Jennifer Povlitz - 2869 Broderick Street  
 Don & Ann Morehead - 2715 Filbert Street

---

**INTRODUCTION**

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board"), regarding the Planning Department's (the "Department") issuance of a Categorical Exemption under the California Environmental Quality Act ("CEQA Determination") for a project at 2853-2857 Broderick Street (the "Project").

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a Categorical Exemption for 2853-2857 Broderick Street on February 3, 2011, finding that the proposed project will not have an adverse impact to a historic resource.

The decision before the Board is whether to uphold the Department's decision to issue a categorical exemption and deny the appeal, or to overturn the Department's decision to issue a categorical exemption and return the project to the Department staff for additional environmental review.

**SITE DESCRIPTION & PRESENT USE**

The project site contains a three-story-over-basement building containing two dwelling units. The first floor above the basement level contains one dwelling unit with an entry along the south side façade. The

second and third floors are occupied by the second dwelling unit with its own entry on the northern side of the front façade. The project lot measures approximately 34.5 feet wide by 80 feet deep with an area of 2,760 square feet.

#### PROJECT DESCRIPTION

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

#### BACKGROUND

- January 17, 2011 Historic Resource Evaluation Response was issued stating a historical resource was identified and finding that the project would not cause significant adverse impacts to the resource.
- February 3, 2011 The Department determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000-square feet).
- April 27, 2011 The Zoning Administrator held a public hearing on Variance Application No. 2010.0394V. Per Planning Code Section 311, public notification for the associated building permit application, No. 2011.03.25.2839, was conducted from June 14, 2011 to July 13, 2011. On July 1, 2011, a request for Discretionary Review request, Case No. 2010.0394D, was filed by the owner of the adjacent building directly south of the subject lot. From August 8, 2011 to September 6, 2011, the project was re-noticed pursuant to Section 311 to correct an error regarding the height limit as depicted on the plans mailed with the original notice. The project scope-of-work was not revised between the time of the initial notice and the re-notice.
- October 6, 2011 The Planning Commission held a Discretionary Review hearing (Case No. 2010.0394D) and approved the building permit application for the proposed project per Discretionary Review Action No. DRA-0229.
- November 17, 2011 Variance decision letter issued/granted by Zoning Administrator.
- June 20, 2012 Issuance of Building Permit appealed to the Board of Appeals. Board of Appeals upheld issuance of building permit.

2012 Motion Upholding CatEx

1 [Affirming the Exemption Determination - 2853-2857 Broderick Street]

2

3 **Motion affirming the determination by the Planning Department that a project located at**  
4 **2853-2857 Broderick Street is exempt from environmental review.**

5

6 WHEREAS, The Planning Department has determined that a project located at 2853-  
7 2857 Broderick Street is exempt from environmental review under the California  
8 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative  
9 Code Chapter 31. The proposed project involves raising the building by approximately three  
10 feet to insert a garage at ground level, expanding the ground floor level and creating a new  
11 curb cut. By letter to the Clerk of the Board, Kate Polevoi, on behalf of Zeeva Kardos, Irving  
12 Zaretsky, Craig Jones, Michael Jaeger, Eric and Kelda Reimers, Rob and Jennifer Povlitz,  
13 and Don and Ann Morehead (Appellants), received by the Clerk's Office on July 10, 2012,  
14 appealed the exemption determination. The Appellants provided a copy a Certificate of  
15 Determination, Exemption From Environmental Review, issued by the Planning Department  
16 on July 3, 2011, finding the proposed project exempt from environmental review under CEQA  
17 Guidelines Class 1 (14 Cal. Code. Regs. §15301); and

18 WHEREAS, On September 4, 2012, this Board held a duly noticed public hearing to  
19 consider the appeal of the exemption determination filed by Appellants, and following the  
20 public hearing affirmed the exemption determination; and

21 WHEREAS, In reviewing the appeal of the exemption determination, this Board  
22 reviewed and considered the exemption determination, the appeal letters, the responses to  
23 concerns document that the Planning Department prepared, the other written records before  
24 the Board of Supervisors and all of the public testimony made in support of and opposed to  
25 the exemption determination appeal. Following the conclusion of the public hearing, the Board

Clerk of the Board  
BOARD OF SUPERVISORS

1 of Supervisors affirmed the exemption determination for the project based on the written  
2 record before the Board of Supervisors as well as all of the testimony at the public hearing in  
3 support of and opposed to the appeal. The written record and oral testimony in support of and  
4 opposed to the appeal and deliberation of the oral and written testimony at the public hearing  
5 before the Board of Supervisors by all parties and the public in support of and opposed to the  
6 appeal of the exemption determination is in the Clerk of the Board of Supervisors File No.  
7 120781 and is incorporated in this motion as though set forth in its entirety; now therefore be it

8       MOVED, That the Board of Supervisors of the City and County of San Francisco  
9 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
10 forth, the exemption determination; and be it

11       FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
12 record before it there are no substantial project changes, no substantial changes in project  
13 circumstances, and no new information of substantial importance that would change the  
14 conclusions set forth in the exemption determination by the Planning Department that the  
15 proposed project is exempt from environmental review; and be it

16       FURTHER MOVED, That after carefully considering the appeal of the exemption  
17 determination, including the written information submitted to the Board of Supervisors and the  
18 public testimony presented to the Board of Supervisors at the hearing on the exemption  
19 determination, this Board concludes that the project qualifies for a exemption determination  
20 under CEQA.



City and County of San Francisco

Tails

Motion: M12-103

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 120782

Date Passed: September 04, 2012

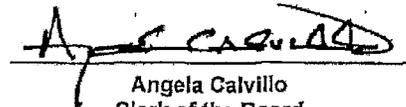
Motion affirming the determination by the Planning Department that a project located at 2853-2857 Broderick Street is exempt from environmental review.

September 04, 2012 Board of Supervisors - APPROVED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 120782

I hereby certify that the foregoing Motion was APPROVED on 9/4/2012 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo  
Clerk of the Board

## 2012 CatEx



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

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

### PROJECT DESCRIPTION:

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

### EXEMPT STATUS:

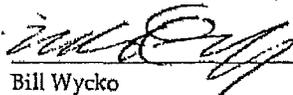
Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1))

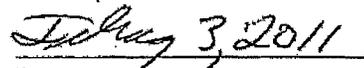
### REMARKS:

See next page.

### DETERMINATION:

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

  
\_\_\_\_\_  
Bill Wycko  
Environmental Review Officer

  
\_\_\_\_\_  
Date

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

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

**REMARKS (continued):**

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

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

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

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Historic Resource Evaluation Response

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

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

PROPOSED PROJECT     Demolition     Alteration     New Construction

### PROJECT DESCRIPTION

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

### PRE-EXISTING HISTORIC RATING / SURVEY

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

### HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

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

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

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

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

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

9-18-14 Dr Analysis



# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Full Analysis

HEARING DATE SEPTEMBER 18, 2014

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

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

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

### SITE DESCRIPTION AND PRESENT USE

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

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

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

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

**BUILDING PERMIT APPLICATION NOTIFICATION**

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

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

**HEARING NOTIFICATION**

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

**PUBLIC COMMENT**

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

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

**DR REQUESTORS**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **ISSUES AND CONSIDERATIONS**

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

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

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

#### ENVIRONMENTAL REVIEW

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

#### BASIS FOR RECOMMENDATION

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

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

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

#### Attachments:

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



**SAN FRANCISCO  
PLANNING DEPARTMENT**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

**MEMO**

NOV 17 AM 11:15

**DATE:** November 17, 2014  
**TO:** Angela Calvillo, Clerk of the Board  
**FROM:** Sarah Jones, Environmental Review Officer, Planning Department  
**RE:** Appeal of the Categorical Exemption for 2853-2857 Broderick Street, Assessor's Block 0947, Lot 002 Planning Department Case No. 2013.0433E

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning Information:  
415.558.6377

**HEARING DATE:** November 25, 2014

Attached is the Planning Department's memorandum to the Board of Supervisors regarding the appeal of the categorical exemption for 2853-2857 Broderick Street. We have also mailed copies of the memorandum to the project sponsor and appellant.

If you have any questions regarding this matter, please contact Shelley Caltagirone at 415-558-6625 or shelly.caltagirone@sfgov.org.

Thank you.

**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.)





# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Categorical Exemption Appeal 2853-2857 Broderick Street

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 17, 2014  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Sarah B. Jones, Environmental Review Officer – (415) 558-9048  
Shelley Caltagirone – (415) 558-6625  
**RE:** Planning Case No. 2013.0433E  
Appeal of Categorical Exemption for 2853-2857 Broderick Street  
**HEARING DATE:** November 25, 2014.  
**ATTACHMENTS:** Attachment A – October 20, 2014 Appeal Letter from Irving Zaretsky and Tim Arcuri (Exhibit A of Letter of Appeal is the July 3, 2014 Exemption from Environmental Review and June 24, 2014 Historic Resource Evaluation Response)

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**PROJECT SPONSOR:** Stephen Antonaros, Architect, (415) 864-2261  
**APPELLANT:** Irving Zaretsky, (415) 559-6875; Tim Arcuri, (415) 710-5550

---

### INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Categorical Exemption under the California Environmental Quality Act ("CEQA Determination") for the proposed 2853-2857 Broderick Street project (the "Project").

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a Categorical Exemption for the Project on July 3, 2014 finding that the proposed Project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical exemption.

The decision before the Board is whether to uphold the Department's decision to issue a categorical exemption and deny the appeal, or to overturn the Department's decision to issue a categorical exemption and return the project to the Department staff for additional environmental review.

### SITE DESCRIPTION & EXISTING USE

The project site contains a three-story-over-basement building containing two dwelling units. The first floor above the basement level contains one dwelling unit with an entry along the south side façade. The second and third floors are occupied by the second dwelling unit with its own entry on the northern side

of the front façade. The project lot measures approximately 34.5 feet wide by 80 feet deep with an area of 2,760 square feet.

## **PROJECT DESCRIPTION**

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

Please note that the permit plans associated with this Project also rectify discrepancies in previous permits regarding height notation and drawing accuracy.<sup>1</sup> These corrections do not constitute physical changes to the property.

## **BACKGROUND**

On March 2, 2014, the Department determined that the Project was categorically exempt under CEQA Class 1 – Existing Facilities, and that no further environmental review was required.

On October 20, 2014, an appeal of the Categorical Exemption Determination was filed by Irving Zaretsky and Tim Arcuri.

## **CEQA GUIDELINES**

### **Categorical Exemptions**

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

The CEQA State Guidelines Section 15301(e)(2), or Class 1, provides an exemption from environmental review for additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet,

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<sup>1</sup> Under a previous permit process, the building was raised approximately 3 feet to insert a garage at the ground floor level and the ground floor level was expanded 680 square feet towards the rear of the building. A Class 1 CEQA exemption was issued on July 3, 2011 and the work was reviewed and approved by the Department in 2011 under Case No. 2010.0394E.

whichever is less. The Class 1 Categorical Exemption also allows for demolition and removal of individual small structures including up to three single-family residences. Therefore, the proposed dwelling unit merger and building addition would be exempt under Class 1.

In determining the significance of environmental effects caused by a project, CEQA State Guidelines Section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA State Guidelines 15604(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

#### **APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES**

The concerns raised in the October 20, 2014 Appeal Letters are cited below and are followed by the Department's responses.

**Issue 1: The Appellants contend that "the 36-inch permitted lift was a height that was negotiated based on the wrongful statement that the building was 34-feet in height."**

**Response 1:** Please note that the Planning Department is not a signatory to the cited Agreement and is not responsible for enforcing its terms. The permit plans associated with this project did rectify discrepancies in previous permits regarding height notation and drawing accuracy. These corrections did not constitute physical changes to the existing property. Nonetheless, this is not a CEQA issue. Whether a previously-approved permit contained discrepancies is not a CEQA impact, as the Categorical Exemption issued for that permit remains valid. Work recently completed at the project site resulted in raising the building approximately 3' to add a garage at the front façade. This work, in combination with the currently proposed work, meets the Secretary Standards and would not cause a substantial adverse change to the contributing building at 2853-57 Broderick Street or to the surrounding Cow Hollow First Bay Tradition Historic District such that the significance of the resource (the district) would be materially impaired. The building still retains all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow neighborhood.

**Issue 2: The Appellants contend that the Project design would materially impair the historic integrity of the home and negatively impact adjoining historic resources.**

"The current construction and the planned construction have a significant effect on the subject property and other historic resources that adjoin the property to yield an overall negative impact on the Cow Hollow environment. The height of the subject property has taken it out of all proportion to the height profile of the block and to the skyline of Broderick street (see photograph). The planned encroachment into the South side set back impacts negatively the building design plan of the First Bay Tradition of leaving wide alleyways between the buildings. The encroachment into the back yard and the virtual

elimination of the open space impacts negatively the entire historical building design of leaving large open space in the center of the quadrant bounded by Broderick, Baker, Filbert and Union streets. The alteration of the dormers and the facade of the structure has a negative impact on the historic integrity of this almost 125 year old home. The elimination of the West elevation porch has materially impaired the structure and deprived the neighborhood environment of one of the unique examples of the ornamental details of the First Bay Tradition building style. The West elevation porch was unique to the entire Broderick block and to the entire quadrant of historic homes.

The current exterior construction and planned development distort the original proportions and the structure and negatively impact adjoining historic resources.”

**Response 2:** The Planning Department reviewed all aspects of the proposed design for compliance with the *Secretary of the Interior Standards for Rehabilitation* and found that none of the changes would cause a substantial adverse change to the contributing building at 2853-57 Broderick Street or to the surrounding Cow Hollow First Bay Tradition Historic District such that the significance of the resource (the district) would be materially impaired.

- The proposed project would retain the historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow earliest period of residential development.
- No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project.
- All original elements of the primary façade would be retained. While the entry threshold would be lowered to match the main floor height, this change would not detract from the character of the entry and the door would be retained or replicated.
- The proposed alterations would occur at secondary and tertiary facades that do not contribute to the overall character of the building or district.
- The proposed side and rooftop additions, including the decks and dormers, would not negatively impact the character-defining features of the building or the site as they would be constructed towards the rear of the building, which is not visible from the adjacent public rights-of-way. Thus, the character of the property and district as viewed by the public would be retained.
- The proposed addition, dormers, and roof decks would be constructed with contemporary windows and detailing such that they are distinguished as contemporary features.
- If the proposed additions were to be removed, then the roof and south wall of the subject building would require repair, but this removal would not impair the integrity of the historic property.

Therefore, the proposed project would not have a significant adverse impact upon a historic resource, and the proposed project was appropriately exempt from environmental review.

**Issue 3:** The Appellants object to the elimination of a housing unit by merger of the previously approved two-unit building into a single-family home.

"The planned Dwelling Unit Merger impacts the building design plan of the First Bay Tradition of providing two units in each of the structures on the West side of Broderick to allow affordable housing and to bring in a diversity of population to occupy buildings in the neighborhood.

The current plans prevent the structure from having a second unit with a secondary means of egress and substitutes that egress, through the garage as approved in the original permit on September 19, 2012, with an elevator to service the entire proposed single family home from the garage to the roof development."

**Response 3:** The appellant states that the proposed dwelling unit merger would impact the First Bay Tradition of providing two units in each of the structures but does not include what physical impacts would result from the merger. The Cow Hollow First Bay Tradition Historic District's significance is reflected through the cohesive massing, articulation, form, setback, and stylistic elements in the First Bay Tradition style, and, as the character-defining features do not include unit count, the dwelling unit merger would not negatively impact the character-defining features of the building or the site.

Additionally, Class 1 Categorical Exemption allows for demolition and removal of individual small structures including up to three single-family residences. In urbanized areas, this exemption applies to duplexes and similar structures where no more than six dwelling units will be demolished. Effects analyzed under CEQA must be related to a physical change in the environment. The appellants do not state how this would result in an adverse physical change in the environment, and therefore no further response is required.

## **CONCLUSION**

No substantial evidence supporting a fair argument that a significant environmental effect may occur as a result of the project has been presented that would warrant preparation of further environmental review. The Department has found that the proposed project is consistent with the cited exemption. The Appellants have not provided any substantial evidence or expert opinion to refute the conclusions of the Department.

For the reasons stated above and in the July 3, 2014 CEQA Categorical Exemption Determination, the CEQA Determination complies with the requirements of CEQA and the Project is appropriately exempt from environmental review pursuant to the cited exemption. The Department therefore recommends that the Board uphold the CEQA Categorical Exemption Determination and deny the appeal of the CEQA Determination.

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## ATTACHMENT A

October 20, 2014 Appeal Letter from Irving Zaretsky and Tim Arcuri  
(Exhibit A of Letter of Appeal is the July 3, 2014 Exemption from Environmental Review and June 24,  
2014 Historic Resource Evaluation Response)

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Irving Zaretsky  
IIZ@Padbell.net

cell: 415-559-6875

Home: 415-992-7609

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2014 OCT 20 PM 12:08  
October 20, 2014

REQUEST FOR CEQA HEARING

Board of Supervisors  
Ms. Angela Calvillo  
Clerk of the Board  
City Hall, Room 244  
San Francisco, CA 94102

RE: 2853-2857 BRODERICK STREET (subject property)

Lot 002 Block 0947

Permit: 201307010898, 201103111905, 201103252839, 201108031630,  
201209260727, 201309247638, 201309066151

Previously heard by:

Planning Commission DR Review Hearing September 18, 2014

CEQA Categorical Exemption Determination by Shelley Caltagirone July 3, 2014

Case No. 2013.0433E

Historic Resource Evaluation Response by Shelley Caltagirone July 2, 2014

Case No. 2013.0433E

Project Evaluation by Tina Tam July 2, 2014 (for Drawings dated May 1, 2014)

APPELLANTS:

Irving Zaretsky (Zeeva Kardos, Kate Polevoi)  
Tim Arcuri

Dear Members of the Board of Supervisors:

We are requesting a CEQA Hearing for the above captioned subject property. The

City Planning Department has issued a CEQA CATEGORICAL EXEMPTION

DETERMINATION (CASE NO. 2013.0433E -- Shelley Caltagirone, Preservation

Planner) on July 3, 2014 based on HISTORICAL RESOURCE EVALUATION

RESPONSE (Case No. 2013.0433E) issued June 24, 2014 and PROJECT

EVALUATION issued by Tina Tam on July 2, 2014.

We are hereby appealing the City Planning Department Exemption based on its stated

conclusions:

1. "that the proposed project would not cause a substantial adverse change in the significance of the resource to render it materially impaired"; and
2. "...the proposed project would not have an adverse effect on off-site resources such as adjacent historic properties."
3. That the proposed project will not have a significant effect on the environment.

The Planning Department was in error in granting the Exemption and we are requesting that the Department's Decision to issue a Categorical Exemption be returned to the Department for additional environmental review by the staff.

#### NEIGHBORHOOD BACKGROUND

The subject property is located in the Cow Hollow neighborhood on Broderick street bounded by Filbert street on the north and Union street on the south. That block of Broderick and the adjoining Filbert and Union street blocks are part of the residential building design and architectural style of the First Bay Tradition between the period of 1870 and 1930. This property was built around 1890 and is reputed to be the original farm house of the farm that was subdivided into the various currently existing homes. The property is about 125 years old.

The subject property at 2853-2857 Broderick is 125 years old. and is reputed to be the original farm house that preceded the other historic resources adjoining it and existing in the quadrant of Broderick, Baker, Filbert and Union streets. It is the clearest example of the First Bay Tradition building style and residential building plan for mixed housing

of single family homes and two unit flats that characterized the development of Cow Hollow between 1870 and 1930.

The residential building pattern of the block consists of single family, two and three story homes on the East side of Broderick street and the South side of Filbert street; and two and three story multi residence buildings, consisting of two flats each, on the West side of Broderick and on the North side of Filbert street.

While the single family homes on the East side of Broderick are attached, the distinct style of the two family flats on the West side of Broderick are unattached structures with wide separation of almost eight feet between each structure. These wide alleyways allow each structure to be fully viewed from the adjacent public walkways and roadway so that every aspect of the building from side set back to roof top are visible in their various details to all passers by. These wide set backs allow for air, light, privacy and safety between each building structure. Historically, the subject property, as well as all other two flat structures on the West side of Broderick, were rental housing with affordable rents for middle class renters who were either married couples (with or without children), room-mates, or single individuals. The rental units were consistent with the affordability of Marina apartments and somewhat more affordable than the Pacific Heights apartments. This diversity of housing options together with the diversity of populations occupying the structures contributed to the overall living environment of this section of Cow Hollow, both architecturally and socially. The two combined inseparably to impact the physical structures in style, feel, and overall neighborhood character. Many of the flats were owner occupied with the remaining flat rented out.

The most visible characteristic of the flats on the West side of Broderick was the scale

of the buildings and how they followed the slope of the hill. The roof lines have been staggered to follow the descending slope. This is a characteristic of many sloped streets with historic homes in San Francisco.

The characteristic for which the entire block bounded by Broderick, Baker, Union and Filbert streets is known for is the backyard gardens of the structures that collectively create an enormous lush open space that is unique. The backyard open space quality has been one of the features emphasized by the Cow Hollow Guidelines.

None of the historic adjoining homes have roof decks. None of the homes have encroached on the side yard set backs. All the homes have maintained substantial back yards.

The garage openings, of those structures with garages, have been kept to a height between 6'9" and 7'2" for the most recently created garages. The subject property created an 8' 3" garage opening.

None of the roof dormers have been altered and the entry systems in the facade of the adjoining buildings have been kept as originally designed.

The historical physical and social characteristic of the blocks of Broderick and Filbert streets lies in large measure due to the history of the Presidio and the need, historically, to create overflow housing for those who were not accommodated in the Presidio.

The architecture, physical building design, allocation of planned living spaces into flats and single family houses contribute to the total environment of this part of Cow Hollow.

## BACKGROUND TO 2853-2857 BRODERICK

This structure was originally built as two flats with a one level flat at 2853 Broderick and a duplex flat at 2857 Broderick. The building was always owner occupied at 2857 Broderick and a rental lower flat at 2853 Broderick.

The Conrad family who sold the building to Pam Whitehead and Melinda Nykamp lived in the building for about fifty years. They were originally renters of the lower flat at 2853 Broderick and a few years after moving in they purchased the building with the furniture of the upper flat from the family of the previous owners. They moved up to the duplex flat at 2857 Broderick and rented out 2853 Broderick. That lower flat had been continuously, and without interruption, rented out at highly affordable rents for families, couples, room-mates or single individuals.

Around March of 2010 there was a fire in the building caused by arson. Since that time the building has been vacant. The previous owner wanted to repair the structure and move back into it, but a variety of contractors gutted the building, and lack of proper insurance compensation along with the old age issues of Mrs. Conrad caused her to sell the structure to its current owners.

A variety of permit issues, from garage installation to development matters, have been going on since that time. The current owners bought the building in about May of 2012, although they had been in the process of buying the property since about March of 2012 (as related by Mrs. Conrad). The purchase price was \$1,800,000 with the current owners paying a down payment of \$50,000 and the seller taking back a three year mortgage of about \$1,750,000.

Once the new owners took over the property they took over the building plans in place and the architect stayed on.

A series of Hearings were held dealing with the plans which concluded with a CEQA Hearing set for September 4, 2012. Supervisor Farrell negotiated a Settlement Agreement (enclosed) which was signed by the current owners and, at their demand, by all the adjoining neighbors on the West side of Broderick street and south side of Filbert street.

The Agreement is a one document and appendix of plans which is non-severable and provided a road map of how to amend the Agreement. In addition it focused on three elements: The building was to be raised only 36" as measured from the center top curb of the Broderick street facade; The rear stairwell was to be left intact and the firewall left as is; the south side set back was to be left as is with no expansion or encroachment of any kind. Through the work of City Planning, Historical Preservation and Building Department, a second means of egress was created for the flat at 2853 Broderick through the garage with adjustments made to the entryways of both flats.

It was agreed, and so maintained by all signatories, that the exterior envelope of the building was to remain in tact and not to be increased nor increase the footprint of the building.

The Agreement was signed at Supervisor Farrell's office on September 4, 2012 and the Appellants withdrew their CEQA appeal so that the construction could begin ASAP according to the agreed upon plans and Agreement (one, non-severable document).

The Board of Appeals approved and issued Permit No. 2013070108908.

Six months later the current owners lifted the building under this permit and then abandoned it for the remaining issued permits as ADDENDA to that permit.

It was discovered after the building was lifted that the original stated height of the building was not 34' as stated on the plans but nearly 37' and that the lift of the building resulted in an overall height of over 40' on the North elevation of the roof line.

Once the height of the building was discovered, by a survey that the neighbors commissioned, to be 37' the neighbors complained to City Planning and the Building departments.

The Building Department issued a Notice of Correction on June 23, 2013 and required that Revised Plans be submitted by the project sponsor.

Such plans were submitted in July 2013 and City Planning informed the project sponsor that the revised plans had to be submitted to a 311 neighborhood notification just as the original plans were subject to such notification.

The project sponsor and City Planning failed to submit the plans to a timely 311 notification and instead, abandoned the plans of Permit 201307010898 and began to operate with Addenda plans that essentially nullified the permit and the Agreement and plans upon which it was based.

In a Hearing before the Board of Appeals in March 2014 with regard to DPW issuing a permit for curb cuts, City Planning admitted that the Addenda permits issued were not the appropriate venue to deal with Revised Plans and that a 311 notification had to

take place. So in July 2014, a full year after the Revised Plans were submitted by the project sponsor, AND AFTER CONSTRUCTION WAS COMPLETED UNDER THE ADDENDA PLANS, 311 notification was sent out so that retroactive approval of the Addenda permits can be secured under the guise of issuing a new Permit based on Revision Drawings.

This CEQA appeal request follows Hearings that deal with the Revised Plans and the interim Addenda plans that re-introduce several of the issues that caused us to file a CEQA appeal in 2012 and that was scheduled for a Hearing September 4, 2012.

While we thought that those issues were resolved by the Agreement and plans we signed on September 4, 2012 and that formed the basis for the Board of Appeals issuing the Permit on September 19, 2012, it turns out that the original issues have been resurrected.

APPELLANTS ARE APPEALING THE FOLLOWING ISSUES:

1. BUILDING HEIGHT: According to Appellants' commissioned survey submitted to City Planning and DBI, the subject property was lifted at least 36" and exceeds that lift by several inches as measured from the center top of the curb and the building height exceeds 40' at the North elevation.

Appellants were misled by the initial height designation on the original plans that the building was 34' in height and that wrongful information acted as a filter to cause many neighbors not to protest the original plans.

Appellants contend that the 36" permitted lift was a height that was negotiated based on the wrongful statement that the building was 34' in height. Had the true height of the building been known at the time, a different lift amount would have been

negotiated. There is nothing magical about a 36" lift. It is a figure arrived at based on the stated wrong information that the building was 34' in height prior to the lift.

## 2. ENCROACHMENT INTO SOUTH SIDE SET BACK:

Appellants are appealing the proposed plans to encroach into the South side set back for the creation of a new bay window in the dining room for the purpose of creating a fireplace development.

## 3. ALTERATION OF DORMERS:

Appellants are appealing the alteration of roof dormers since all dormers are clearly visible from the adjacent walkways and roadways and right of ways due to the wide spaces separating each building on the West side of Broderick.

## 4. HEIGHT OF GARAGE OPENING:

Appellants are appealing the creation of a garage opening that is 8' 2" in height which is a foot taller than any garage opening on the block, including recent new garage construction.

## 5. DWELLING UNIT MERGER:

Appellants are appealing the elimination of affordable housing and the merger of the previously approved two unit building into a single family home. The current market value of each unit is below the level that allows the Zoning Administrator sole discretion in assessing the merger of the dwelling units. This merger must be addressed by the Board of Supervisors. The appraisal of value and Valuation report submitted by the project sponsor to date provide a statement of value based on future projection of the project "as to be improved" and is not based on the current value of the building as of the date of the appraisal and valuation. The project sponsor's appraisal

is totally speculative and is based on inaccurate comparisons to existing buildings. The sole purpose of such an appraisal and Valuation Report appears to be only for the purpose of avoiding a review of the Dwelling Unit Merger by the Board of Supervisors and leaving it to the discretion of the Zoning Administrator. The current application by the project sponsor states that no additional construction is required for the merger. The construction was done piecemeal under the addenda permits and prior to any 311 notification. The current Hearing is simply to ratify what has already been constructed as an accomplished fact.

#### 6. ENCROACHMENT INTO THE BACKYARD:

Appellants are appealing the expansion of the West elevation of the building and the decking system further into the backyard and essentially eliminating the yard altogether.

#### 7. GARDENING SHED OR ADDITIONAL ROOMS IN THE BACKYARD:

Appellants are appealing the creation of a 8' x 10' gardening shed in the backyard as is shown on the permit approved by the Board of Appeals on September 19, 2012.

That development continues to be available to the project sponsor even without a permit and the project sponsor indicated that she, or anyone who purchases the structure from her, has a right to build and essentially cover the entire lot.

#### 8. ROOF DECK :

Appellants are appealing the roof deck development and its alteration of existing historical dormers, the squaring of the roof and the reduction of light to adjoining properties.

PERMIT APPROVED ON SEPTEMBER 19, 2012 VS. THE NEW PERMIT  
201309010898

The original negotiated plans between the project sponsor and the neighbors provided for the renovations of the interior of the building to accommodate a two flat historic structure wherein the project sponsor stated that she would occupy the upper unit at 2857 Broderick and would provide 2853 Broderick as a rental unit. The exterior envelope of the building would not be altered with the exception of lifting the building to accommodate a garage. At the time that the permit was approved by the Board of Appeals no one knew that the building plans provided false information as to the height of the building. That was discovered only after the building was initially lifted and the discrepancies between the stated height of 34' became inescapably clear to be false and the building appeared to be six feet higher and closer to 40' and above. Since that time, February 2012, until City Planning suspended all permits referred to above on February 5, 2014, the project sponsor refused to submit the revised plans to the required 311 notification and to the Hearings that would have allowed the neighbors to voice their concerns over the CEQA issues that the Addenda permits and subsequent construction presented to the neighborhood. City Planning did not complete the CEQA checklist and the review of Categorical Exemptions and historical preservation issues until July 3, 2014. The neighbors had to wait to appeal that determination until after the Planning Commission Hearings held on September 18, 2014.

In March of 2014 City Planning declared to the Board of Appeals that the Addenda Permits issued to the project were not the appropriate vehicles for the construction that was done and that the plans were always subject to and must be submitted to the neighbors on the basis of a 311 notification with the right to appeal hearings.

Nonetheless, construction had already occurred and the current hearings appear to be intended to simply ratify construction that has already taken place to the irreparable detriment of the Cow Hollow neighborhood.

The current construction and the planned construction have a significant effect on the subject property and other historic resources that adjoin the property to yield an overall negative impact on the Cow Hollow environment. The height of the subject property has taken it out of all proportion to the height profile of the block and to the skyline of Broderick street (see photograph). The planned encroachment into the South side set back impacts negatively the building design plan of the First Bay Tradition of leaving wide alleyways between the buildings. The encroachment into the back yard and the virtual elimination of the open space impacts negatively the entire historical building design of leaving large open space in the center of the quadrant bounded by Broderick, Baker, Filbert and Union streets. The alteration of the dormers and the facade of the structure has a negative impact on the historic integrity of this almost 125 year old home. The elimination of the West elevation porch has materially impaired the structure and deprived the neighborhood environment of one of the unique examples of the ornamental details of the First Bay Tradition building style. The West elevation porch was unique to the entire Broderick block and to the entire quadrant of historic homes.

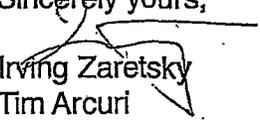
The current exterior construction and planned development distort the original proportions and the structure and negatively impact adjoining historic resources. The planned Dwelling Unit Merger impacts the building design plan of the

First Bay Tradition of providing two units in each of the structures on the West side of Broderick to allow affordable housing and to bring in a diversity of population to occupy buildings in the neighborhood.

The current plans prevent the structure from having a second unit with a secondary means of egress and substitutes that egress, through the garage as approved in the original permit on September 19, 2012, with an elevator to service the entire proposed single family home from the garage to the roof development.

There will be additional evidence presented to the Board of Supervisors eleven days prior to the Hearing date as provided by the Rules.

Sincerely yours,

  
Irving Zaretsky  
Tim Arcuri  
Appellants

EXHIBITS FOLLOW



## TABLE OF EXHIBITS

1. Exhibit A
2. Exhibit B
3. Exhibit C
4. Exhibit D
5. Exhibit E
6. Exhibit F
7. Exhibit G
8. Exhibit H

## EXHIBIT A

1. CEQA Categorical Exemption Determination
2. Historic Resource Evaluation Response
3. Project Evaluation



**SAN FRANCISCO  
PLANNING DEPARTMENT**

**CEQA Categorical Exemption Determination**

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

**STEP 1: EXEMPTION CLASS  
TO BE COMPLETED BY PROJECT PLANNER**

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

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

**STEP 2: CEQA IMPACTS  
TO BE COMPLETED BY PROJECT PLANNER**

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

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

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

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

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

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

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

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

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

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

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Historic Resource Evaluation Response

*Date Reviewed:* June 24, 2014 (Part II)  
*Case No.:* 2013.0433E  
*Project Address:* 2853-2857 Broderick Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District;  
40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Staff Contact:* Shelley Caltagirone, Preservation Planner  
(415) 558-6625 | [shelley.caltagirone@sfgov.org](mailto:shelley.caltagirone@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### HISTORIC RESOURCE STATUS

#### Building and Property Description

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

#### Pre-Existing Historic Rating / Survey

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

#### Neighborhood Context

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

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

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

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

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

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

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

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

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

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

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

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

#### *Bay Region Tradition*

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

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

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

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

**CEQA Historical Resource(s) Evaluation**

**Step A: Significance**

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

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

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

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

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

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

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

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

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

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

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

**Step B: Integrity**

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

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

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

**Historic District**

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

**Subject Property**

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

**Step C: Character Defining Features**

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

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

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

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

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**CEQA Historic Resource Determination**

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

## PART II: PROJECT EVALUATION

Proposed Project  Demolition  Alteration

Per Drawings Dated: May 1, 2014

### Project Description

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

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

### Project Evaluation

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

#### Subject Property/Historic Resource:

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

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

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

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

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

### Project Specific Impacts

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

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

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

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

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

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

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

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

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

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

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

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

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

*Cumulative Impact Assessment*

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

**PART II: SENIOR PRESERVATION PLANNER REVIEW**

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

*Tina Tam*

Tina Tam, Senior Preservation Planner

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

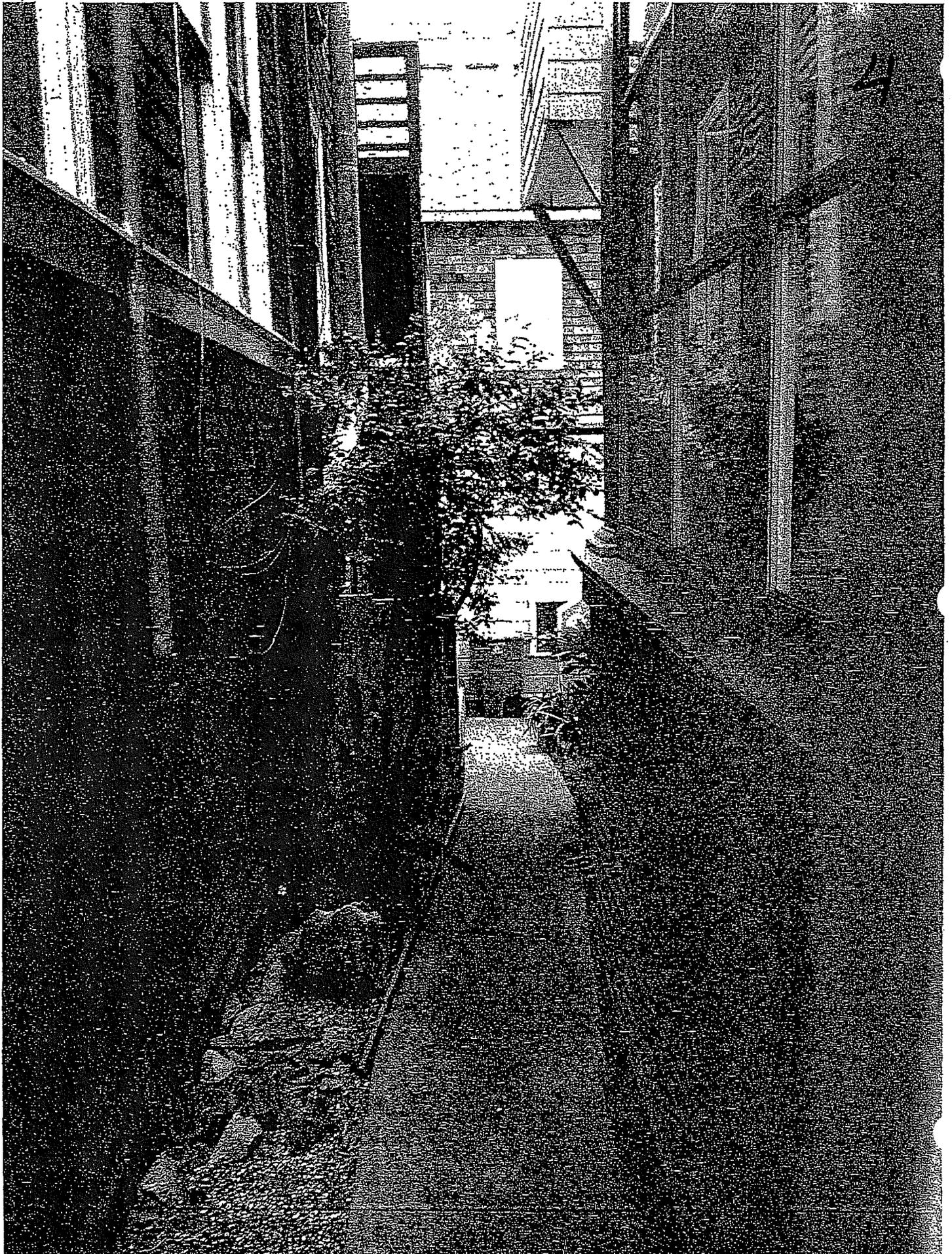
*7-2-2014*

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

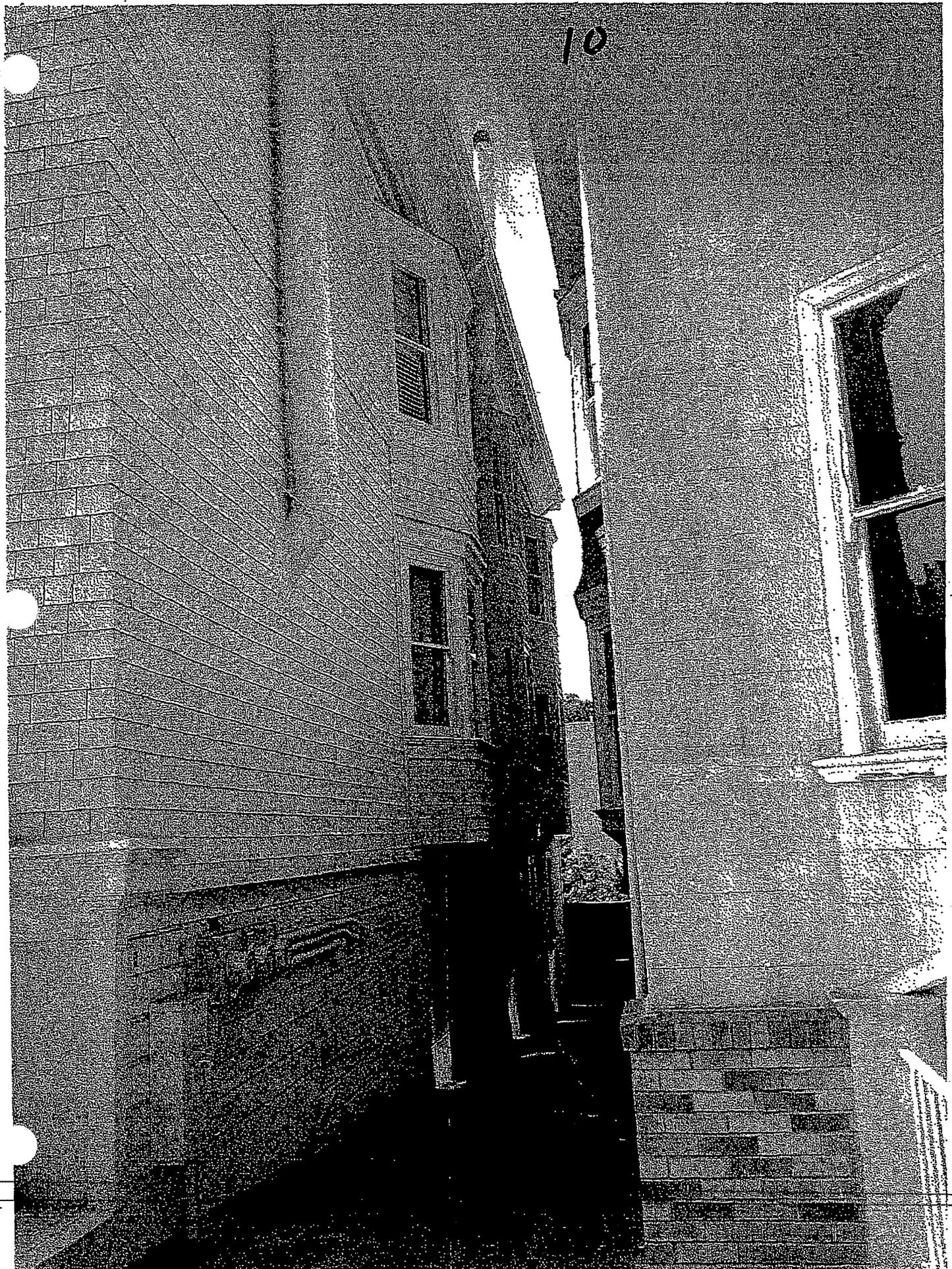
SC: G:\DOCUMENTS\Cases\CEQA\HRER Memos\2013.0433E\_2857 Broderick.doc

**EXHIBIT B**

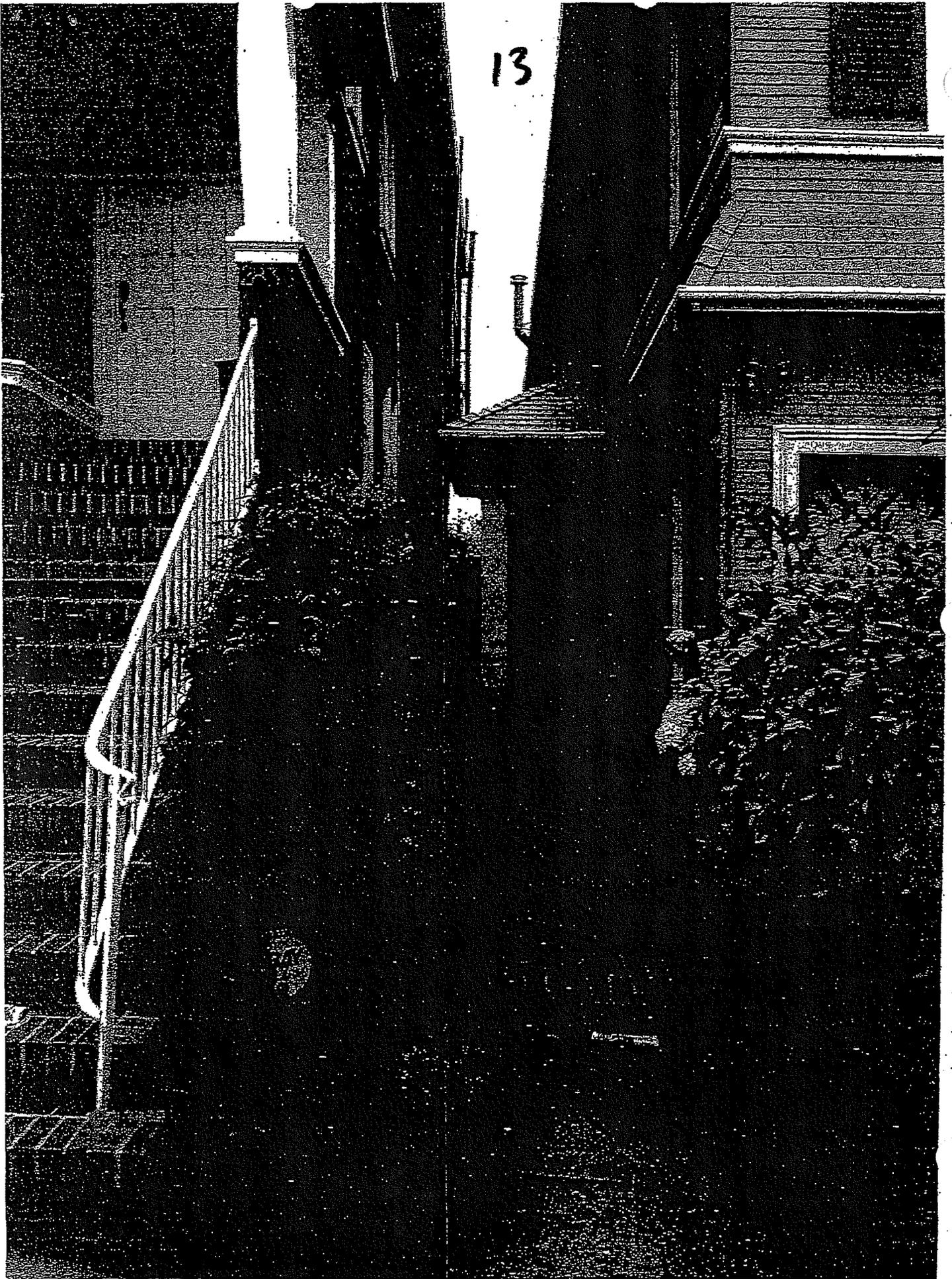
Wide alleys between building on West side of Broderick Street



10



13



9

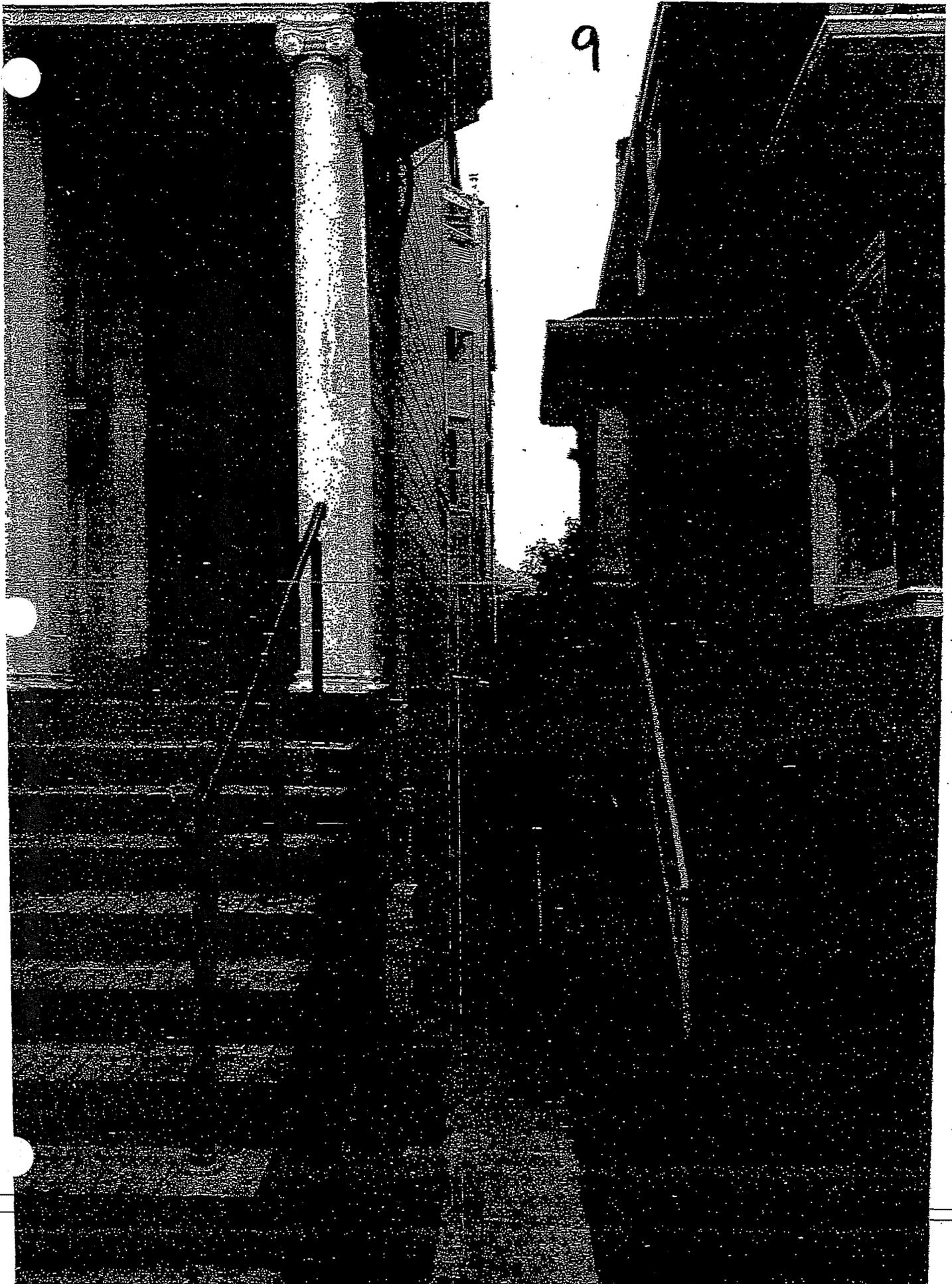


EXHIBIT C

2853 Broderick building lift above skyline of all adjoining  
properties.

MARTIN M. RON ASSOCIATES, INC.  
LAND SURVEYORS

MARTIN M. RON, L.S. (1923-1983)  
BENJAMIN B. RON, P.L.S.  
ROSS C. THOMPSON, P.L.S.  
BRUCE A. GOWDY, P.L.S.

HEIGHT CERTIFICATION

October 20, 2014

To: Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103

Subject: Residential Remodel at 2853 & 2857 Broderick Street  
Assessor's Block 947, Lot 2, San Francisco

Dear Sir:

On July 5, 2012, before the remodel, our survey crew measured the height of the subject building at its southern end (roof peak) to be 36'-7 1/8". On August 9, 2013, our survey crew re-measured the height of the subject building. At the southern end of the building, the height (roof peak) was measured at 39 feet, 11-5/8 inches. At the centerline of the building, the height (roof peak) was measured at 39 feet, 11 inches. At the northern end of the building, the height (roof peak) was measured at 40 feet, 1-1/8 inches. The zero point for the height measurements is the top of curb at the center of the lot along Broderick Street.

On July 5, 2012, before the remodel, our survey crew measured the elevation of the roof peak at the third story, the second story roof, the top of the first story cornice and the top of the window trim at the first story. All said elevation points were taken along the southerly building line of the subject property. These points were re-measured on April 30, 2013, and then again on August 9, 2013. We found the following changes in height:

	<u>7/5/12</u>	<u>4/30/13</u>	<u>8/9/13</u>
Top of 1st story window trim:	0	+3'-0"	+3'-1 3/4"
Top of 1st story cornice:	0	+2'-11 3/4"	+3'-1 7/8"
Second story roof:	0	+3'-0 1/2"	not measured
Roof peak at 3rd story:	0	+3'-3 1/4"	+3'-4 1/2"

On April 24, 2013, our survey crew set three settlement monitoring points on the exterior face of the subject building. These points were set along the south and east building faces, at the southeast corner of the subject property. On August 9, 2013, our survey crew re-measured said three points and found that each point had moved up by 0' 1-7/8". This upward movement explains the difference in measurements from 4/30/13 to 8/9/13 in the above table.

Our measurements conclude that along the southerly building line the building was raised between 3 feet, 1-3/4 inches and 3 feet, 4-1/2 inches.

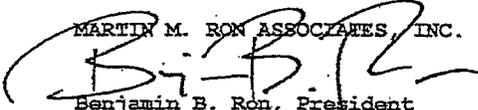
Department of Building Inspection  
Page 2  
October 20, 2014

I reviewed a letter by Gregory Cook, the Project Engineer for the residential remodel dated April 30, 2013, that was addressed to the Department of Building Inspection. The letter states that Mr. Cook's measurements determined that the subject building was raised by three feet. Since the letter did not include details of how the measurements were determined, I could not verify his results.

Thank you for this opportunity to be of service. If you have any further questions, please feel free to call.

Very truly yours,

MARTIN M. RON ASSOCIATES, INC.

  
Benjamin B. Ron, President

/mw



# Height Certification

April 30, 2013

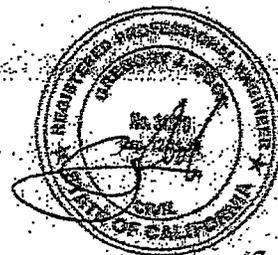
**TO:** City and County of San Francisco  
1660 Mission Street  
San Francisco, CA 94103  
Attn: Department of Building Inspection

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

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

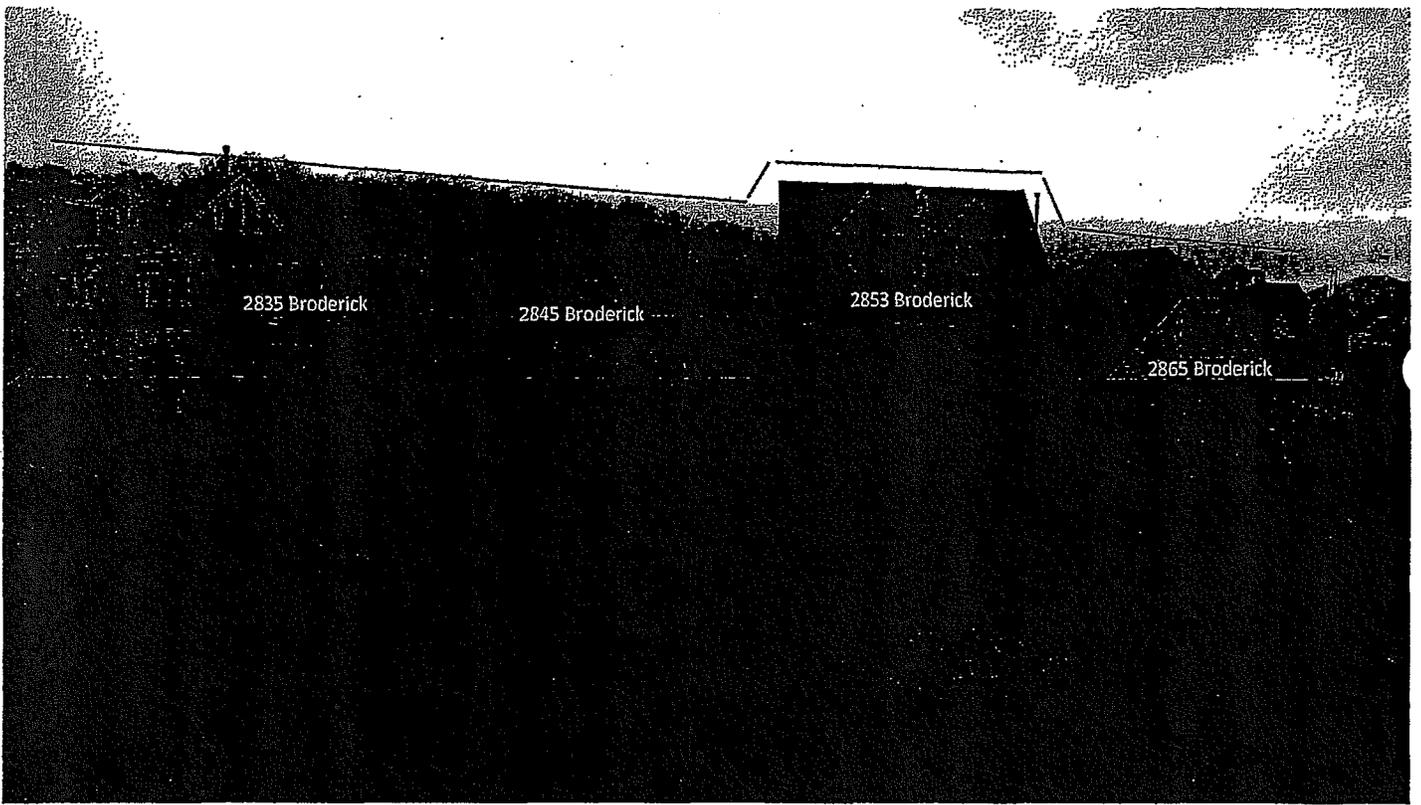
From these measurements, it was determined that the building was raised three feet. (per measurement on 4-30-2013.)

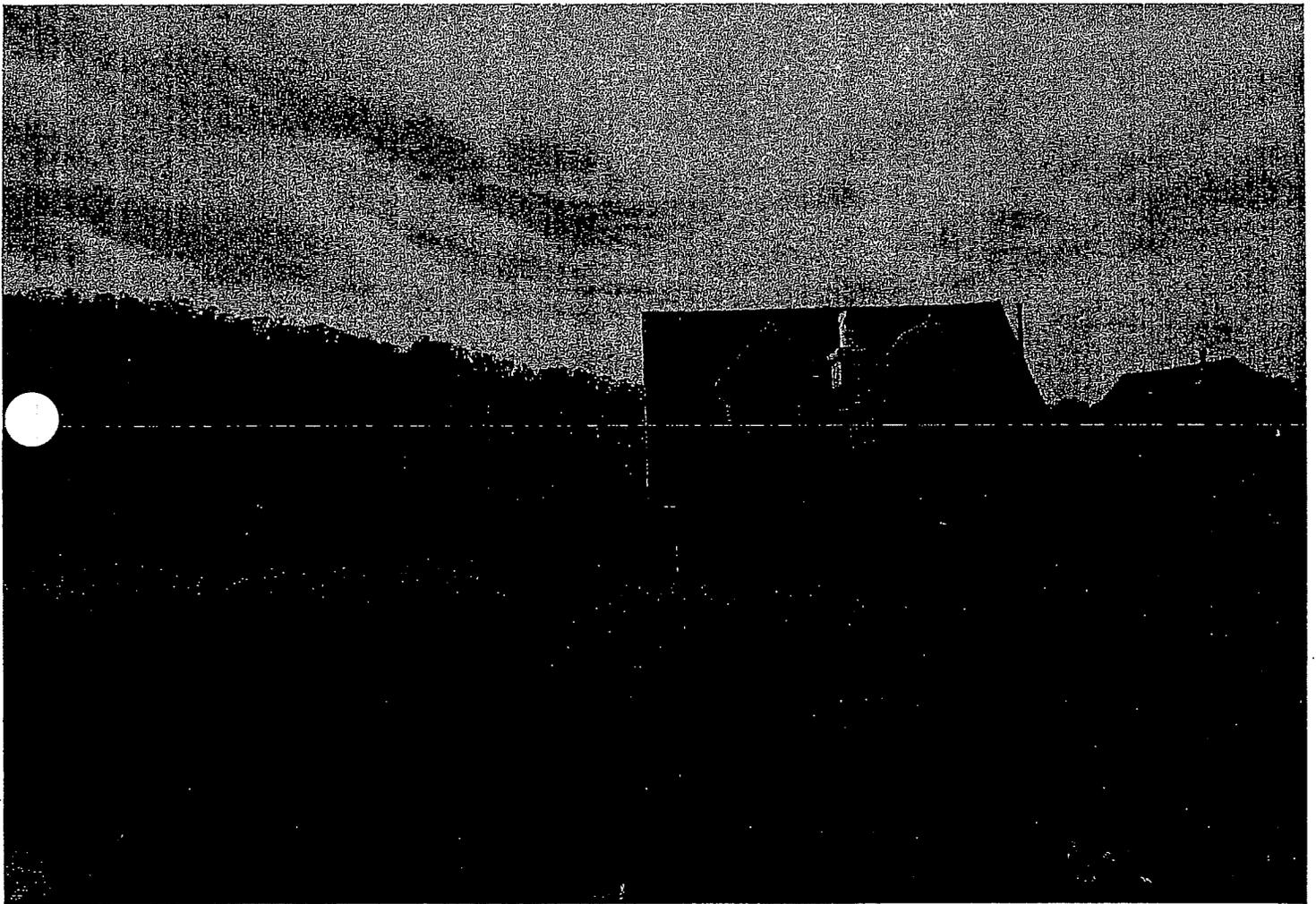
  
Gregory J. Cook RCE 31570  
(Project Engineer)



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







**EXHIBIT D**

2853 Broderick West elevation porch on recessed third floor  
demolished.

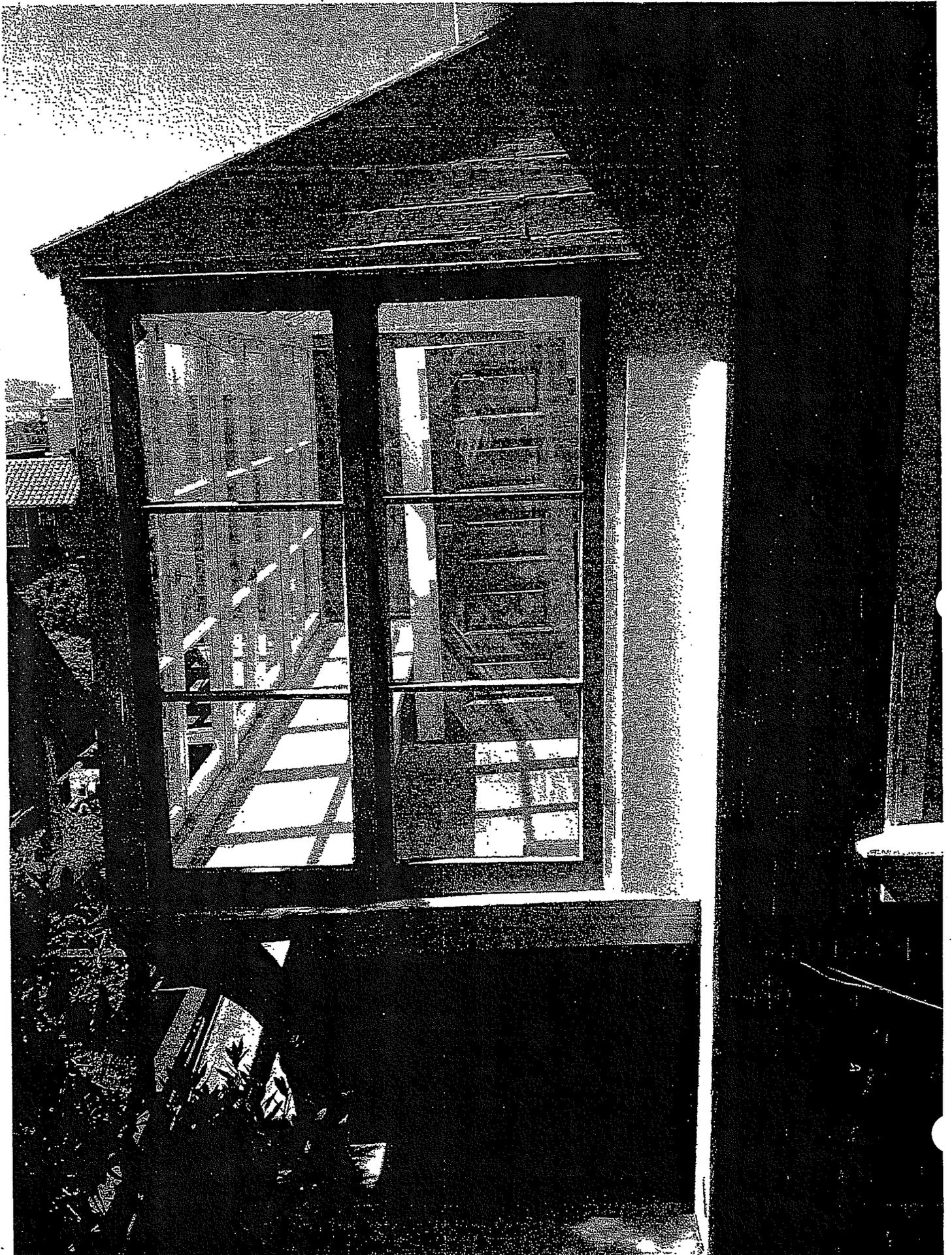
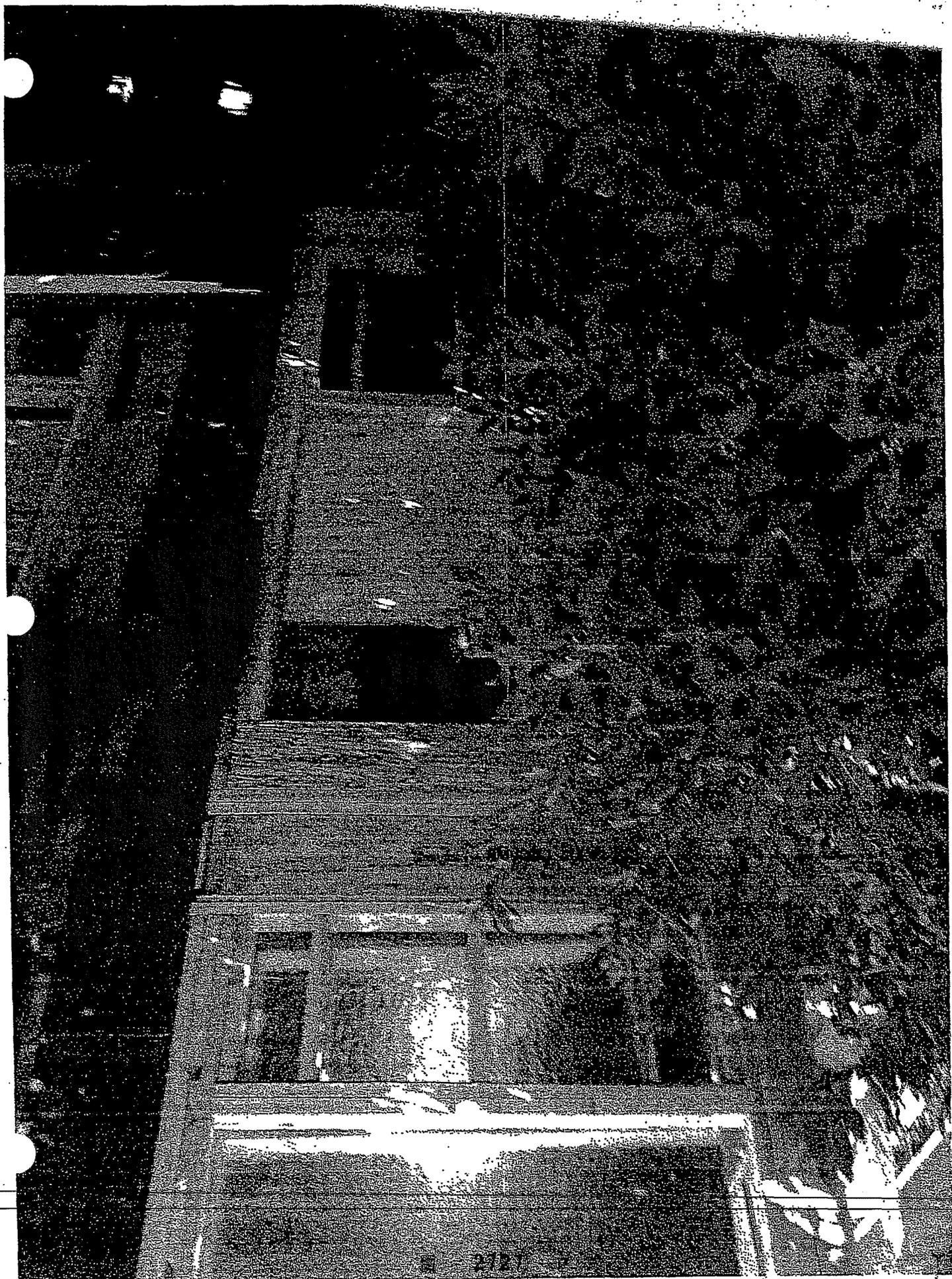
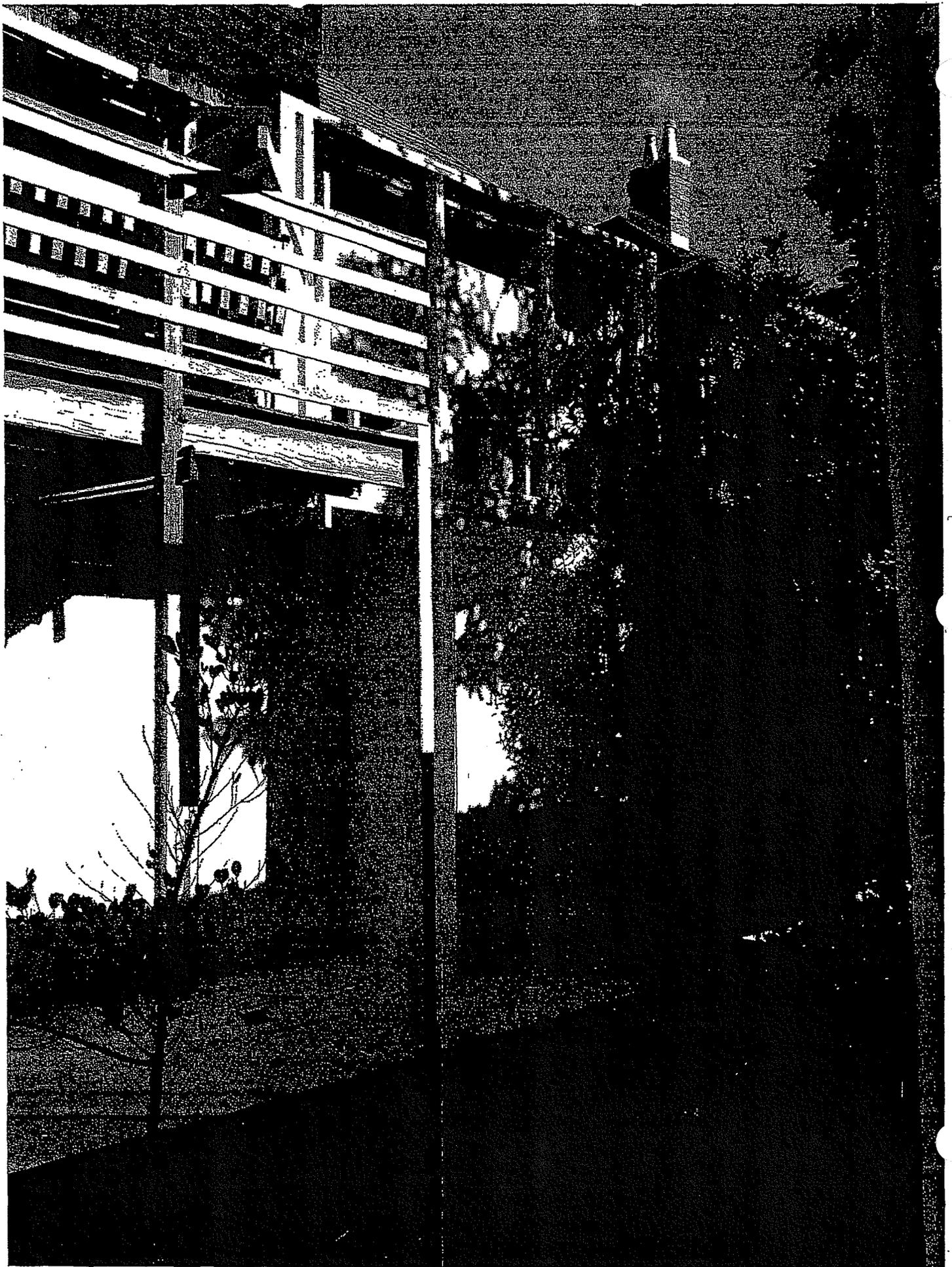




EXHIBIT E

2853 Broderick expansion of West Elevation into back yard after  
porch demolished





**EXHIBIT F**

Permit History

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:16:58 PM

**Application Number:** 201309247638

**Form Number:** 3

**Address(es):** 0947 / 002 / 0 2853 BRODERICK ST  
0947 / 002 / 0 2857 BRODERICK ST

**Description:** REMOVE FIRE DAMAGED AND UNSOUND FRAMING DISCOVERED DURING ALTERATION UNDERWAY(2011-03-25-2839) REMOVE & REPLACE ALL FLOOR & DECK JOISTS & EXTERIOR WALL FRAMING AT 2ND & 3RD FLOORS ONLY, REPLAC BAYS & WINDOW OPENINGS IN KIND. ALL NEW EXTERIOR ELEMENTS IN KIND.

**Cost:** \$18,400.00

**Occupancy Code:** R-3

**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
9/24/2013	TRIAGE	
9/24/2013	FILING	
9/24/2013	FILED	
10/3/2013	PLANCHECK	
10/3/2013	APPROVED	
10/11/2013	ISSUED	
2/6/2014	SUSPEND	Per DCP's request on 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014

### Contact Details:

#### Contractor Details:

**License Number:** OWN  
**Name:** OWNER OWNER  
**Company Name:** OWNER  
**Address:** OWNER \* OWNER CA 00000-0000  
**Phone:**

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-INSP	9/24/13	9/24/13			9/24/13	VENIZELOS THOMAS	
2	CPB	9/24/13	9/24/13			9/24/13	CHAN AMARIS	
3	CP-ZOC	9/24/13	9/26/13			9/26/13	CABREROS GLENN	Approved. Rear facade alterations: exterior materials to be replaced in-kind 9/26/13 (gc).
4	BLDG	9/27/13	9/30/13	9/30/13		10/1/13	LE THOMAS	
5	PPC	10/3/13	10/3/13			10/3/13	SAMARASINGHE GILES	10/3/13: to CPB.grs
6	CPB	10/3/13	10/3/13			10/11/13	SHEK KATHY	10/3/13: APPROVED. KS

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:17:58 PM  
**Application Number:** 201209260727  
**Form Number:** 3  
**Address(es):** 0947 / 002 / 0 2853 BRODERICK ST  
 0947 / 002 / 0 2857 BRODERICK ST  
**Description:** 9/26/12: BOA#12-056 DATED 06/20/12. REF: APPL#2011/03/25/2839-S.  
**Cost:** \$10,000.00  
**Occupancy Code:** R-3  
**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
9/26/2012	TRIAGE	
9/26/2012	FILING	
9/26/2012	FILED	
10/12/2012	PLANCHECK	
10/12/2012	APPROVED	
10/12/2012	ISSUED	
2/6/2014	SUSPEND	Per DCP's request dated 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014

### Contact Details:

### Contractor Details:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BLDG	9/26/12	9/26/12			9/26/12	DANG DENNIS	
2	CPB	9/28/12	9/28/12			9/28/12	YAN BRENDA	
3	CP-ZOC	9/28/12	10/1/12			10/1/12	LINDSAY DAVID	approved per Board of Appeals Decision Appeal No. 12.056
4	PPC	10/2/12	10/2/12			10/2/12	THAI SYLVIA	
5	CPB	10/2/12	10/12/12			10/12/12	YAN BRENDA	10/12/12 APPROVED BY KS

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
8/27/2013	AM	CS	Clerk Scheduled	REINFORCING STEEL	1

### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
8/27/2013	Thomas Fessler	REINFORCING STEEL	REINFORCING STEEL

### Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

Report Date: 10/19/2014 12:19:14 PM

Application Number: 201108031630

Form Number: 3

Address(es): 0947 / 002 / 02853 BRODERICK ST  
0947 / 002 / 02857 BRODERICK ST

Description: TO COMPLY W/ NOV 201003592 & 20105414. REPLACE 26'X38' 1/FLR FRAMING, REPL INTR WALL FINISH ENTIRE(2 UNITS).REPLACE BATHRM & KITCHENS-2UNITS.REPL ELECT&MECH(SEPARATE PERMIT).INTR ALTERN POST FIRE DAMAGES.ADD NEW BEDRM&BATH AT GRD/FLR).INSTALL NEW INSULN,SHEETROCK,SPRINKLER&KITCHEN&BATH FIX&CABINET.

Cost: \$320,000.00

Occupancy Code: R-3

Building Use: 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
8/3/2011	TRIAGE	
8/3/2011	FILED	
8/3/2011	FILED	
2/3/2012	PLANCHHECK	
2/3/2012	APPROVED	
2/8/2012	ISSUED	
2/6/2014	SUSPEND	per DCP's request dated 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014

### Contact Details:

#### Contractor Details:

License Number: 940335  
 Name: JASON LANDIS BLOCH  
 Company Name: BLOCH CONSTRUCTION INC  
 Address: 239 BRANNAN ST \* SAN FRANCISCO CA 94107-0000  
 Phone:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold-Description
1	BID- INSP	8/3/11	8/3/11			8/3/11	WALLS MARK	
2	CPB	8/3/11	8/3/11			8/3/11	SHEK KATHY	
3	CP-ZOC	8/3/11	8/22/11	8/22/11	9/2/11	9/2/11	CABREROS GLENN	APPROVED 9/2/11 - no change bldg envelope or bldg height. (gc) 8/22/11 - Request for building section
4	BLDG	9/6/11	9/14/11	9/22/11		1/27/12	PADA RODOLFO	01/27/2012: Approved. Route to PPC and route back to planning to re-stamp new plan sheets. R. Pada
5	MECH	9/22/11	10/21/11	10/24/11		11/8/11	LAI JEFF	10/24/11: comments issued & route to ppc. 11/8/11:recheck #1.APPROVED & ROUTE TO PPC.
6	SFPUC	10/24/11	11/17/11			11/17/11	TOM BILL	Reviewed & assessed for capacity charges. 50% paid with permit fees; balance due within 12 months of permit issuance date. See invoice attached to application.. Route Site & S1 Addendum submittals to PPC 11/17/11.

7	PPC	8/23/11	8/23/11		2/2/12	SAMARASINGHE GILES	2/2/12: to CPB.grs 1/30/12: to CP ZOC for stamp on revised set.grs 11/18/11: plans in HOLD BIN; snt 11/8/11: Back to SFPUC.grs 11/7/11: retrieved from SFPUC for J. Lai. Back to J.Lai when returned.grs 10/24/11: to SFPUC.grs 9/22/11: to MECH.grs 9/6/11: to BLDG.grs 8-23-11: Applicant submit Revision 1 to CP-Zoc/Glenn Cabreros. sjf
8	CPB	2/2/12	2/3/12		2/8/12	YAN BRENDA	02/03/12 APPROVED BY KS

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
11/6/2013	AM	CS	Clerk Scheduled	ROUGH FRAME	1
5/24/2013	AM	CS	Clerk Scheduled	REINFORCING STEEL	2
5/6/2013	AM	CS	Clerk Scheduled	REINFORCING STEEL	1

**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
11/6/2013	Thomas Fessler	ROUGH FRAME	REINSPECT REQUIRED
5/24/2013	Christopher Schroeder	REINFORCING STEEL	REINFORCING STEEL
5/6/2013	Joseph Yu	REINFORCING STEEL	REINSPECT REQUIRED

**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
0			1	CONCRETE (PLACEMENT & SAMPLING)	fc=3000 psi — j drive
0			2	BOLTS INSTALLED IN CONCRETE	
0			4	REINFORCING STEEL AND PRETRESSING TENDONS	
0			5A1	SINGLE PASS FILLET WELDS < 5/16"	
0			24E	WOOD FRAMING	
0			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
0			20	HOLDOWNS	
0			24A	FOUNDATIONS	
0			24B	STEEL FRAMING	
0			18A	BOLTS INSTALLED IN EXISTING CONCRETE	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

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

**Technical Support for Online Services**

If you need help or have a question about this service, please visit our FAQ area.

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:20:21 PM  
**Application Number:** 201103252839  
**Form Number:** 3  
**Address(es):** 0947 / 002 / 02853 BRODERICK ST  
 0947 / 002 / 02857 BRODERICK ST  
**Description:** VERTICAL/HORIZONTAL ADDITION, RAISE BLDG 36", BUILD NEW GARAGE & ROOMS DOWN FOR EXPANSION, NEW CURB CUT.  
**Cost:** \$5,000.00  
**Occupancy Code:** R-3  
**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
3/25/2011	TRIAL	
3/25/2011	FILING	
3/25/2011	FILED	
3/30/2012	PLANCHECK	
3/30/2012	APPROVED	
4/17/2012	ISSUED	
5/8/2012	SUSPEND	requested by BPA -- ltr dd 5/2/12
10/16/2012	REINSTATED	requested by BPA -- email dd 10/12/12, PA#201209260727 issued on 10/12/12
2/8/2013	ISSUED	
2/6/2014	SUSPEND	Per DCP's request dated 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014

### Contact Details:

#### Contractor Details:

**License Number:** OWN  
**Name:** OWNER OWNER  
**Company Name:** OWNER  
**Address:** OWNER \* OWNER CA 00000-0000  
**Phone:**

### Addenda Details:

#### Description: SITE

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID- INSP	3/25/11	3/25/11			3/25/11	DUFFY JOSEPH	
2	CPB	3/25/11	3/25/11			3/25/11	YAN BRENDA	
3	CP-ZOC	3/25/11	3/28/11	3/28/11	2/1/12	2/1/12	CABREROS GLENN	APPROVED per case 2010.0394DV. 3/28/11: Notice #1 mailed (GC).
4	CP-MP	6/13/11	6/14/11			9/6/11	CABREROS GLENN	Section 311 Mailed:6/14/11 Exp:7/13/11 (Milton Martin) RE-NOTICE Mailed:8/08/11 Exp:9/06/11 (Milton Martin)
5	SFPUC	3/5/12	3/19/12			3/19/12	TOM BILL	Reviewed & assessed for capacity charges. 50% paid with permit fees; balance due within 12 months of permit issuance date. See invoice attached to application. Route site submittal to PPC 3/19/2012.
5	BLDG	2/2/12	2/28/12	2/28/12		3/29/12	YU JOSEPH	Site permit approval, plans route to PPC for distr. JYU 03292012 Plans in hold pending AB-005 for stair way rail. 03262012 jsyu... Changes to exterior of entry stairs require approval by DCP. Please have plans returned

5	DPW-BSM	3/1/12	3/5/12		3/5/12	CY LIONGTIAN	Approved Site only! DPW/BSM shall not release construction addenda until complete application and plans for Street Improvement & MSE Minor Encroachment for warped driveway/concrete step are submitted and approved. Please submit application with all (SI) requirements at 875 Stevenson Street, RM. 460, and Tel. No. (415)-554-5810. Your construction addenda will be on hold, until all necessary DPW/BSM permits are completed, or the receiving BSM plan checker-recommending sign off Note: Please contact Urban Forestry to apply for tree permit and landscape permit @ 415-554-6700
6	CP-ZOC	3/19/12	3/23/12		3/23/12	CABREROS GLENN	To Planning to review revision; snt
7	DFCU	3/26/12	3/26/12		3/26/12	BLACKSHEAR JOHN	3/26/12: No impact fees. No First Source Hiring Agreement required. -JB
8	PPC	4/7/11	4/7/11		3/29/12	THAI SYLVIA	3/29/12: to CPB; snt 3/27/12: Per J. Yu, removed end date and placed plans in HOLD BIN.grs 3/26/12: to Joe Yu; snt 3/19/12: to Planning, Glenn Cabreros; snt 3/15/12: Rio received. Combined with plans at PUC. Will route to CP ZOC next.grs 3/5/12: to PUC; snt 3/1/12: to BSM; snt 7-22-11: Applicant submit Revision 7 to CP-Zoc/Glenn Cabreros. sjf 7-15-11: Applicant submit Revision 6 to CP-Zoc/Glenn Cabreros. sjf 4-7-11: Applicant submit Revision 1 to CP-Zoc/Glenn Cabreros. sjf
9	CPB	3/29/12	3/30/12		4/17/12	SHEK KATHY	3/30/12: approved. SFUSD req'd. need contractor's info. gs

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
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**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
1			24B	STEEL FRAMING	
1			24A	FOUNDATIONS	
1			20	HOLDOWNS	
1			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
1			24E	WOOD FRAMING	
1	1/8/2014	YTCHIU	12	SHOTCRETE	
1	1/8/2014	YTCHIU	5B5	MOMENT-RESISTING FRAMES	
1	1/8/2014	YTCHIU	5A1	SINGLE PASS FILLET WELDS < 5/16"	
1	1/8/2014	YTCHIU	4	REINFORCING STEEL AND PRETRESSING TENDONS	
1	1/8/2014	YTCHIU	2	BOLTS INSTALLED IN CONCRETE	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

**Station Code Descriptions and Phone Numbers**

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

Report Date: 10/19/2014 12:21:11 PM

Application Number: 201103111905

Form Number: 8

Address(es): 0947 / 002 / 02853 BRODERICK ST  
0947 / 002 / 02857 BRODERICK ST

Description: REMOVE SHEETROCK, LATH & PLASTER FROM SMOKE DAMAGED FLOORS. REMOVE KITCHEN AND BATH APPLIANCES AND CABINETS - ALL ON STRUCTURAL (SOFT DEMO ONLY)

Cost: \$15,000.00

Occupancy Code: R-3

Building Use: 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
3/11/2011	TRIAGE	
3/11/2011	FILING	
3/11/2011	FILED	
3/11/2011	APPROVED	
3/11/2011	ISSUED	
2/6/2014	SUSPEND	Per DCP's request dated 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014

### Contact Details:

#### Contractor Details:

License Number: 634865  
 Name: TIMOTHY W. MORTENSEN  
 Company Name: STREAMLINE BUILDERS  
 Address: 1111 CAMPBELL CT \* RESCUE CA 95672-0000  
 Phone:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID-INSF	3/9/11	3/9/11			3/9/11	FESSLER THOMAS	
2	BLDG	3/9/11	3/9/11			3/9/11	GUNNELL MICHAEL	
3	DPW-BSM	3/11/11	3/11/11			3/11/11	MINIANO DANNY	
4	CPB	3/11/11	3/11/11			3/11/11	GALIZA DELIA	

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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### Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 10/19/2014 12:21:57 PM  
**Application Number:** 201309066151  
**Form Number:** 8  
**Address(es):** 0947 / 002 / 0 2853 BRODERICK ST  
 0947 / 002 / 0 2857 BRODERICK ST  
**Description:** REMOVE STEPS PROPOSED TO BE ADDED AT NORTH SIDE ENTRY PORCH UNDER PA# 201103252839, REDUCE NO. OF STEPS AT SOUTH, FRONT ENTRY, ADD NEW DOORS WITH TRANSOMS AT BOTH LOCATIONS.  
**Cost:** \$1.00  
**Occupancy Code:** R-3  
**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
9/6/2013	TRIAGE	
9/6/2013	FILING	
9/6/2013	FILED	
10/16/2014	WITHDRAWN	

### Contact Details:

### Contractor Details:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	INTAKE	9/6/13	9/6/13			9/6/13	CHUNG JANCE	415-999-9999	
2	CPB	10/16/14	10/16/14			10/16/14	YU ANNE	415-558-6070	10/16/14: Withdrawn Per Request. Customer lost application & took plans. Duplicate application made.ay

### Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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### Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
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### Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

Online Permit and Complaint Tracking home page.

Technical Support for Online Services

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

Report Date: 10/19/2014 12:23:25 PM

Application Number: 201307010898

Form Number: 3

Address(es): 0947 / 002 / 0 2853 BRODERICK ST  
0947 / 002 / 0 2857 BRODERICK ST

Description: TO COMPLY W/ CORR NOTICE DATED 6/25/13. ALSO TO CLARIFY HEIGHT OF BLDG BEFORE&AFTER BEING RAISED 36" UNDER 201103252839 & TO CORR PREV SHOWN HEIGHTS TO ROOF RIDGE TOP DWELLING UNIT MERGER TO SFD.ADDITIONS TO SIDE, REAR&4/FL.REVISE 201103111905, 201103252839, 201108031630, 201209260727 & 201309247638.

Cost: \$1.00

Occupancy Code: R-3

Building Use: 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
7/1/2013	TRIALGE	
7/1/2013	FILING	
7/1/2013	FILED	

### Contact Details:

### Contractor Details:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	7/1/13	7/1/13			7/1/13	CHEUNG WAI FONG	415-558-6070	
2	CP-ZOC	7/1/13	7/16/13	7/16/13	10/15/14	10/15/14	CABREROS GLENN	415-558-6377	Approved per Case No. 2013.0433DDDE. Correct height dimensions. Dwelling unit merger from 2 to 1 unit. Side, rear and vertical additions. 10/15/14 (gc). NOPDR#1 mailed 7/10/13 (gc). Pending review with ZA. 7/16/13 (gc).
3	CP-DR		7/29/14			10/15/14	OROPEZA EDGAR	415-558-6377	DR APPLICATION TAKEN IN ON 7/29/2014. APPLICATION COMPLETE AND TAKEN IN BY EDGAR OROPEZA, PIC STAFF
4	CP-NP						CABREROS GLENN	415-558-6377	Mailed 311 Cover Letter 6/27/14 (Vlad) Mailed 311 Notice 7/7/14; Expired 8/6/14 (Vlad)
5	BLDG	10/15/14					COUNTER1	415-558-6133	
6	DPW-BSM							415-558-6060	
7	PPC						THAI SYLVIA	415-558-6133	10/17/14: back to OTC bin; snt. 10/17/14: Plans routed to Stephen Antonaros hold for Building review. AL 10/17/14: Plans routed to OTC hold for Building review. AL 10/15/14: to BSM; snt.
8	CPB						YAN	415-558-	10/17/14: UPDATED DESCRIPTION OF WORK & IS A 2 UNITS MERGER TO 1 UNIT, NO STRUCTURE PLANS & CHANGE



## EXHIBIT G

Correction Notice 6/25/13 to provide revised plans, within 30 days,  
to be followed by 311 notification.

Notification was not provided until 1 year later

In the interim addenda permits were issued which were suspended  
on 2/5/14

No. \_\_\_\_\_ 6/25/2013

CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF BUILDING INSPECTION

**CORRECTION NOTICE  
AND REPORT**

Location 2853-2857 Broadway St

Remarks: Existing height shown incorrectly on Approved Plans

Code Section

It has been discovered that the existing building height was noted incorrectly on the approved plans for PA 201103252839.

Obtain a revision permit to document the corrected existing height and the corrected proposed height. The revision permit is required to be approved by SFPD Planning Department.

Comply with this notice within 30 days. Failure to comply with this notice could cause further enforcement actions.

Contact Inspector Joe Duffy for Tom Feister  
Div. \_\_\_\_\_ 1680 Mission Street Phone: \_\_\_\_\_ 1/10/12

## EXHIBIT H

Agreement, September 4, 2012, on the basis of which appellant  
withdrew the CEQA appeal in 2012

## SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into as of September 4 2012 (the "Effective Date"), by and between Pam Whitehead and Melinda Nykamp ("Permit Holder"), and Pat Buscovich, Irving Zaretsky, Kate Kardos Polevoi, Zeeva Kardos, Craig Jones, Michael Jaeger, Eric Reimers, Kelda Reimers, Rob Povlitz, Jennifer Povlitz, Don Morehead and Ann Morehead ("Appellant"). Permit Holder and Appellant are sometimes each referred to in this Agreement as a "Party" or "party" and collectively as the "parties."

This agreement applies solely to Building Permit Application No. 2011.03.25.2839 and to the CEQA appeal and BOA appeal as defined below.

### RECITALS

This Agreement is executed with reference to the following facts:

A. Permit Holder is the owner of the real property commonly known as 2853-2857 Broderick Street, San Francisco, California, Block 0947, Lot 002 (the "Permit Holder Property").

B. Irving Zaretsky, Kate Kardos Polevoi and Zeeva Kardos are the owners of the real property commonly known as 2845-2847 Broderick Street, San Francisco, California, Block 0947, Lots 045 and 046 (the "Appellant Property").

C. The Permit Holder Property and the Appellant Property are adjacent and share a common property line ("Property Line"). Appellant has certain concerns and objections related to Permit Holder's work on the Permit Holder Property.

D. Permit Holder desires to obtain a permit that will allow for the raising of the existing building on the Permit Holder Property by 36 inches and construction of a new garage, among other things, pursuant to Building Permit Application No. 2011.03.25.2839 and the associated plans for the permit (collectively, the "Permit"). The Permit was issued on or about April 17, 2012.

E. On or about May 2, 2012, Appellant filed an appeal of the Permit with the San Francisco Board of Appeals ("BOA Appeal") that set forth various concerns and objections Appellant has with the Project. The BOA Appeal was considered at a Board of Appeals hearing on June 20, 2012 and was ultimately denied on a vote of 4 to 0.

F. On or about July 2, 2012, Appellant filed a request for rehearing of the BOA Appeal with the San Francisco Board of Appeals. A hearing to consider the request for rehearing was scheduled at the Board of Appeals on July 25, 2012. On July 18, 2012, Appellant filed a rescheduling request to reschedule the hearing until after September 19, 2012. The request was granted by the Board of Appeals on July 20, 2012, rescheduling the hearing to September 12, 2012.

G. On or about July 6, 2012, Appellant filed an appeal of the categorical exemption issued by the San Francisco Planning Department for the Project ("CEQA Appeal"), which set forth various concerns and objections Appellant has with the determination of categorical exemption from environmental review for the Permit.

H. All parties now desire to settle their differences on mutually agreeable terms.

NOW THEREFORE, for and in consideration of the promises, covenants, and releases hereinafter set forth in this Agreement, and for good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. **Recitals**

The above recitals are incorporated herein by reference and are hereby made a part of this Agreement.

2. **Permit Holder Obligations**

Permit Holder hereby agrees to amend the Permit, and implement construction, such that it is consistent with, and as set forth in, the drawings dated August 22, 2012, and attached hereto and incorporated herein as **Exhibit A**. Permit Holder will amend the permit by requesting the Board of Appeals agree to a rehearing of the BOA Appeal and then requesting the Board of Appeals amend the Permit pursuant to the drawings attached as Exhibit A. In the case that the Board of Appeals does not agree to the rehearing or to amend the Permit pursuant to the drawings attached as Exhibit A, Permit Holder shall amend the Permit pursuant to the attached drawings on her own.

Minor modifications may be made to said plans to satisfy Planning Department and/or Department of Building Inspection requirements for the building permit application. "Minor modifications" do not include, and are not limited to:

- a) Enlargement of the envelope of 2853-2857 Broderick Street;
- b) Any increase in the building height beyond a maximum of 36 inches from current conditions (which already includes any tolerance otherwise permitted by the Department of Building Inspection and Building Code);
- c) Any modifications to the fire wall on the north elevation of the rear yard stair case.

Any non-Minor Modifications may be made to the plans upon the consent of all parties to this Agreement.

Permit Holder will mark the building prior to the lift so that once it is lifted it can be clearly determined that the lift was 36 inches.

Permit Holder releases any claims they may have against Appellants with respect to the approval and appeal process for the Permit.

3. **Appellant Obligations**

As long as the Permit to be issued remains, as set forth in the drawings attached, and is consistent with the drawings set forth on **Exhibit A** and as long as Permit Holder is not in breach of this Agreement, Appellant, including all individuals who have signed the BOA Appeal, the CEQA Appeal, or both, hereby agrees as follows:

- a) Appellant will not support the CEQA Appeal at the Board of Supervisors hearing on September 4, 2012, and will give testimony to the Board announcing a settlement of the matter.
- b) Appellants shall support the request for rehearing at the Board of Appeals hearing scheduled for September 12, 2012, for the purpose of having the Board of Appeals amend the Permit pursuant to the drawings attached as Exhibit A at the rehearing. Appellants shall also support the proposal to amend the Permit pursuant to these drawings at the Board of Appeals rehearing.
- c) Appellant shall file no future appeals of Building Permit Application No. 2011.03.25.2839, as set forth in the drawings attached as Exhibit A, including, but not limited to, any appeals with any department, office, board or other body of the City and County of San Francisco or any California state court or U.S. Federal court. This does not bar Appellant from filing any complaints against the Permit with the Department of Building Inspection after the Permit is issued.

Appellants release any claims they may have against Permit Holder with respect to the approval and appeal process for the Permit.

#### **4. Successors and Assigns**

This Agreement shall inure to the benefit of and shall be binding upon the parties to this Agreement and their respective heirs, successors, assigns or owners and their representatives, agents, shareholders, officers, partners, directors, employees, affiliates, subsidiaries, related corporations or entities. Each Party shall provide a copy of this Agreement to any successor, assign or new owner prior to transfer of their respective property.

#### **5. Representations and Warranties**

The persons signing this Agreement hereby warrant and represent that they have the power and authority to bind any party on whose behalf this Agreement is signed. Each party agrees to indemnify, defend, and hold harmless the other parties for any loss, costs, expenses, claims, or damages resulting from any breach of this paragraph.

#### **6. Attorneys' Fees**

The parties acknowledge and agree that if any party commences arbitration or litigation to interpret or enforce the terms of this Agreement, each party will be responsible for their own attorneys' fees. Appellants agree to not be represented by co-Appellant Kate Polevol as an attorney in any arbitration or litigation relating to this dispute.

#### **7. Entire Agreement; Controlling Law**

This Agreement and all exhibits attached hereto and incorporated herein sets forth the entire agreement of the parties and any disputes concerning the subject matter of this Agreement, and shall not be modified or altered except by a subsequent written agreement signed by the parties. The laws of the State of California shall govern the validity, interpretation and enforcement of this Agreement. Subject to Section 6, the parties expressly consent to jurisdiction in the courts of California for any dispute regarding or relating to this Agreement or any other matter or claim released herein.

**8. Counterparts; Severability; Time is of the Essence**

This Agreement may be executed in multiple counterparts and signatures may be exchanged by facsimile or electronically, each of which shall be deemed to be an original document, and all of which together shall constitute one and the same document. In the event that any representation, warranty, acknowledgment, covenant, agreement, clause, provision, promise, or undertaking made by any party contained in this Agreement is deemed, construed, or alleged to be illegal, invalid, or unenforceable under present or future laws, in whole or in part, the parties acknowledge that each and every other term of this Agreement shall remain valid and enforceable. Time is of the essence for the completion of the acts described in and required by this Agreement.

**9. Advice of Counsel**

The parties represent and acknowledge that they have read and understood the terms of this Agreement and have had the opportunity to obtain the advice of counsel on the meaning and effect of this Agreement. The parties have had an opportunity to fully participate in preparing this Agreement and acknowledge that it is the product of the draftsmanship of the parties. Accordingly, this Agreement shall not be construed for or against any party by virtue of their participation, or lack of participation, in the drafting hereof.

[SIGNATURE BLOCKS FOLLOW ON NEXT PAGE]

This Agreement is executed as of the Effective Date by the parties.

Permit Holder:

[Signature] on behalf of  
Pam Whitehead

[Signature] on behalf of  
Melinda Nykamp

9/4/12

Appellant:

[Signature]  
Pat Buscovich

[Signature]  
Irving Zaretsky

[Signature]  
Kate Kardos Polevoi

[Signature]  
Zeeva Kardos

\_\_\_\_\_  
Craig Jones

\_\_\_\_\_  
Michael Jaeger

\_\_\_\_\_  
Eric Reimers

\_\_\_\_\_  
Kelda Reimers

\_\_\_\_\_  
Rob Povlitz

\_\_\_\_\_  
Jennifer Povlitz

\_\_\_\_\_  
Don Morehead

\_\_\_\_\_  
Ann Morehead

This Agreement is executed as of the Effective Date by the parties.

Permit Holder:

[Signature] on behalf of  
Pam Whitehead

[Signature] on behalf of  
Melinda Nykamp

9/4/12

Appellant:

[Signature]  
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[Signature]  
Irving Zaretsky

[Signature]  
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[Signature]  
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Michael Jaeger

[Signature]  
Eric Reimers

[Signature]  
Kelda Reimers

[Signature]  
Rob Povlitz

Jennifer Povlitz

[Signature]  
Don Morehead

[Signature]  
Ann Morehead











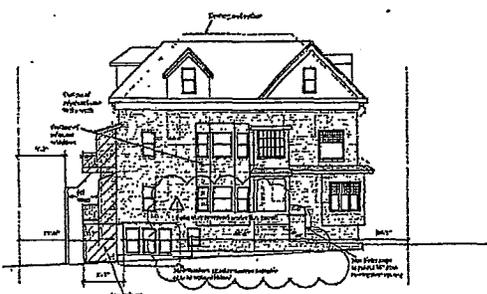


9/4/12 JCK

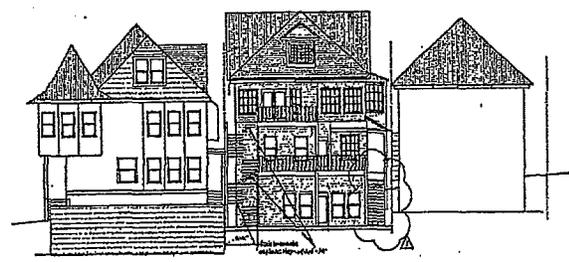
EXHIBIT 'A'  
August 22, 2012



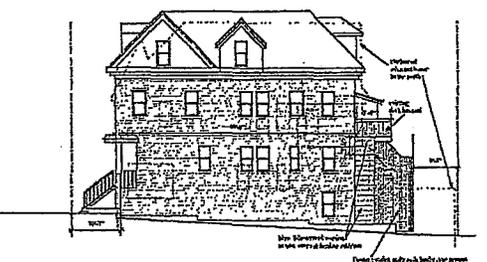
27 NORTH SIDE ELEVATION 2011 & 2012 PROPOSED  
Scale 1/4" = 1'-0"



28 WEST SIDE ELEVATION 2011 & 2012 PROPOSED, Color 1/4"  
Scale 1/4" = 1'-0"



29 WEST SIDE ELEVATION 2011 & 2012 PROPOSED, Color 1/4"  
Scale 1/4" = 1'-0"



30 EAST SIDE ELEVATION 2011 & 2012 PROPOSED, Color 1/4"  
Scale 1/4" = 1'-0"

REVISION	BY
NO. 1	DATE
1	2/25/12
2	8/22/12
3	9/4/12

STEPHEN ANTONIAROS  
ARCHITECT  
1111 CALIFORNIA STREET, SUITE 100  
SAN FRANCISCO, CA 94109  
415.774.1111

ALTERATION & VARIANCE  
2833 & 2837 BROADVIEW ST., SAN FRANCISCO, CA 94123  
Block 0847 Lot 012

DATE	APPROVED BY
8/22/12	[Signature]
9/4/12	[Signature]
9/4/12	[Signature]

A6

0000558

11-24

Office AU #

1210(8)

# CASHIER'S CHECK

0055800924

Operator I.D.: cu013138

October 20, 2014

PAY TO THE ORDER OF **\*\*\*DEPARTMENT OF CITY PLANNING\*\*\***

**\*\*\*Five hundred forty-seven dollars and no cents\*\*\***

**\*\*\$547.00\*\***

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*Richard Leroy*  
CONTROLLER

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2014 OCT 20 PM 12:08

October 20, 2014

Board of Supervisors  
Ms. Angela Calvillo  
Clerk of the Board  
City Hall, Room 244  
San Francisco, CA 94102

RE: 2853-2857 Broderick St (subject property)  
Lot 002 Block 0947  
Permits: 201307010898, 201103111905, 201103252839, 201108031630,  
201209260727, 201309247638, 201309066151

Previously heard by:  
Planning Commission DR Review Hearing September 18, 2014  
CEQA Categorical Exemption Determination by Shelley Caltagirone July 3, 2014  
Case No. 2013.0433E  
Historic Resource Evaluation Response by Shelley Caltagirone July 2, 2014  
Case No. 2013.0433E  
Project Evaluation by Tina Tam July 2, 2014 (for Drawings dated May 1, 2014)

APPELLANTS:

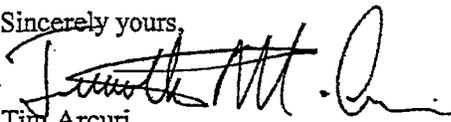
Irving Zaretsky (Zeeva Kardos, Kate Polevoi)  
Tim Arcuri

Dear Members of the Board of Supervisors:

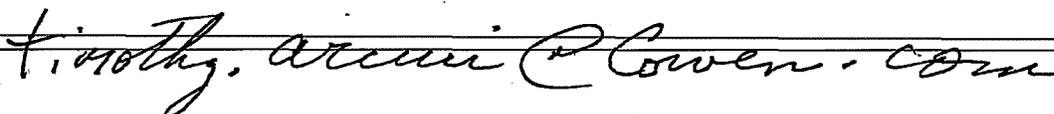
I am fully in support of the letter submitted by Irving Zaretsky regarding our request for a CEQA Hearing. There are a host of irregular issues concerning this project that I feel the Board of Supervisors needs to consider to protect property owners both in Cow Hollow and elsewhere in the City. The project sponsor has positioned Mr. Zaretsky as the primary opponent to the project. This could not be farther from the truth as many other neighbors – including myself – are gravely concerned about the process by which the project has arrived at its current status.

This project is ultimately a very clear “how to” roadmap for future developers to circumvent the rules by submitting plans in piecemeal fashion (with erroneous facts) in order to minimize neighborhood concerns and move certain aspects of the construction to “existing” status before the facts are updated, neighbors realize the entirety of the project, and generate opposition.

Sincerely yours,

  
Tim Arcuri  
Appellant

cell: 415-710-5550



2750owen

MARTIN M. RON ASSOCIATES, INC.  
LAND SURVEYORS

MARTIN M. RON, L.S. (1923-1923)  
BENJAMIN B. RON, P.L.S.  
ROSS C. THOMPSON, P.L.S.  
BRUCE A. GOWDY, P.L.S.

HEIGHT CERTIFICATION

October 20, 2014

To: Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103

Subject: Residential Remodel at 2853 & 2857 Broderick Street  
Assessor's Block 947, Lot 2, San Francisco

Dear Sir:

On July 5, 2012, before the remodel, our survey crew measured the height of the subject building at its southern end (roof peak) to be 36'-7 1/8". On August 9, 2013, our survey crew re-measured the height of the subject building. At the southern end of the building, the height (roof peak) was measured at 39 feet, 11-5/8 inches. At the centerline of the building, the height (roof peak) was measured at 39 feet, 11 inches. At the northern end of the building, the height (roof peak) was measured at 40 feet, 1-1/8 inches. The zero point for the height measurements is the top of curb at the center of the lot along Broderick Street.

On July 5, 2012, before the remodel, our survey crew measured the elevation of the roof peak at the third story, the second story roof, the top of the first story cornice and the top of the window trim at the first story. All said elevation points were taken along the southerly building line of the subject property. These points were re-measured on April 30, 2013, and then again on August 9, 2013. We found the following changes in height:

	<u>7/5/12</u>	<u>4/30/13</u>	<u>8/9/13</u>
Top of 1st story window trim:	0	+3'-0"	+3'-1 3/4"
Top of 1st story cornice:	0	+2'-11 3/4"	+3'-1 7/8"
Second story roof:	0	+3'-0 1/2"	not measured
Roof peak at 3rd story:	0	+3'-3 1/4"	+3'-4 1/2"

On April 24, 2013, our survey crew set three settlement monitoring points on the exterior face of the subject building. These points were set along the south and east building faces, at the southeast corner of the subject property. On August 9, 2013, our survey crew re-measured said three points and found that each point had moved up by 0' 1-7/8". This upward movement explains the difference in measurements from 4/30/13 to 8/9/13 in the above table.

Our measurements conclude that along the southerly building line the building was raised between 3 feet, 1-3/4 inches and 3 feet, 4-1/2 inches.

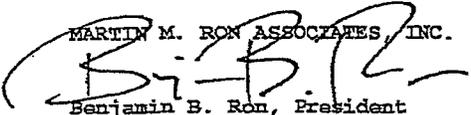
Department of Building Inspection  
Page 2  
October 20, 2014

I reviewed a letter by Gregory Cook, the Project Engineer for the residential remodel dated April 30, 2013, that was addressed to the Department of Building Inspection. The letter states that Mr. Cook's measurements determined that the subject building was raised by three feet. Since the letter did not include details of how the measurements were determined, I could not verify his results.

Thank you for this opportunity to be of service. If you have any further questions, please feel free to call.

Very truly yours,

MARTIN M. RON ASSOCIATES, INC.

  
Benjamin B. Ron, President

/mw



# Height Certification

April 30, 2013

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

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

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

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

  
Gregory J. Cook RCE 31570  
(Project Engineer)



---

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

---

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SAN FRANCISCO, CA 94115

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SAN FRANCISCO, CA  
11-4288/1210

4495

10/20/14

PAY TO THE  
ORDER OF

Dept of City Planning

\$ 547<sup>00</sup>/<sub>100</sub>

Five hundred forty seven dollars & 00/100 DOLLARS

▲ TAMPER RESISTANT TONER AREA ▲

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MEMO

*[Handwritten signature]*

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

*Cumulative Impact Assessment*

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

**PART II: SENIOR PRESERVATION PLANNER REVIEW**

Signature:   
Tina Tam, Senior Preservation Planner

Date: 7-2-2014

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

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

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

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

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

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

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

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

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

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

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

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

## PART II: PROJECT EVALUATION

Proposed Project

Demolition

Alteration

Per Drawings Dated: May 1, 2014

### Project Description

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

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

### Project Evaluation

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

#### Subject Property/Historic Resource:

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

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

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

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

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

### Project Specific Impacts

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

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

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

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

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

---

**CEQA Historic Resource Determination**

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

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

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

**Step B: Integrity**

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

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

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

*Historic District*

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

*Subject Property*

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

**Step C: Character Defining Features**

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

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

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

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

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

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

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

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

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

**CEQA Historical Resource(s) Evaluation**

**Step A: Significance**

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

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

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

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

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

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

#### *Bay Region Tradition*

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

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

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

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

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

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

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

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Historic Resource Evaluation Response

*Date Reviewed:* June 24, 2014 (Part II)  
*Case No.:* 2013.0433E  
*Project Address:* 2853-2857 Broderick Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District;  
40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Staff Contact:* Shelley Caltagirone, Preservation Planner  
(415) 558-6625 | [shelley.caltagirone@sfgov.org](mailto:shelley.caltagirone@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### HISTORIC RESOURCE STATUS

#### Building and Property Description

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

#### Pre-Existing Historic Rating / Survey

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

#### Neighborhood Context

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

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



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

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

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	Class 3 – New Construction. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class _____

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

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



many existing TAC sources near receptors, then the cumulative threshold will be reached sooner than it would in another area with fewer TAC sources.

The single-source threshold for receptors is provided to address the possibility that within the area defined by the 1,000 foot radius there can be variations in risk levels that may be significant, below the corresponding cumulative threshold. Single-source thresholds assist in the identification of significant risks, hazards, or concentrations in a subarea, within the 1,000 foot radius.

#### **Increased Non-Cancer Risk to MEI**

Emissions from a new source or emissions affecting a new receptor would be considered significant where ground-level concentrations of non-carcinogenic TACs result in an increased chronic or acute Hazard Index (HI) from any source greater than 1.0. This threshold is unchanged under Tiered Thresholds Option.

A HI less than 1.0 represents a TAC concentration, as determined by OEHHA that is at a health protective level. While some TACs pose non-carcinogenic, chronic and acute health hazards, if the TAC concentrations result in a HI less than one, those concentrations have been determined to be less than significant.

#### **Increased Ambient Concentration of PM<sub>2.5</sub>**

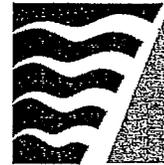
Emissions from a new source or emissions affecting a new receptor would be considered significant where ground-level concentrations of PM<sub>2.5</sub> from any source would result in an average annual increase greater than 0.3 µg/m<sup>3</sup>. Under Tiered Thresholds Option, within Impacted Communities as defined through the CARE program, the significance level for a PM<sub>2.5</sub> increment is 0.2 µg/m<sup>3</sup>.

If one applies the concentration-response of the median of the EPA consensus review (EPA 2005, BAAQMD 2010) and attributes a 1 percent increase in mortality to a 1 µg/m<sup>3</sup> increase in PM<sub>2.5</sub>, one finds an increase in non-injury mortality in the Bay Area of about 20 excess deaths per million per year from a 0.3 µg/m<sup>3</sup> increment of PM<sub>2.5</sub>. This is consistent with the impacts reported and considered significant by SFDPH (2008) using an earlier study (Jerrett et al. 2005) to estimate the increase in mortality from a 0.2 µg/m<sup>3</sup> PM<sub>2.5</sub> increment.

The SFDPH recommended a lower threshold of significance for multiple sources but only considered roadway emissions within a 492 foot radius. This recommendation applies to a single source but considers all types of emissions within 1,000 feet. On balance, the Air District estimates that the SFDPH threshold and this one, in combination with the cumulative threshold for PM<sub>2.5</sub>, will afford similar levels of health protection.

The PM<sub>2.5</sub> threshold represents the lower range of an EPA proposed Significant Impact Level (SIL). EPA interprets the SIL to be the level of ambient impact that is considered to represent a "significant contribution" to regional non-attainment. While this threshold was not designed to be a threshold for assessing community risk and hazards, it was designed to protect public health at a regional level by helping an area maintain the NAAQS. Since achieving and maintaining state and federal AAQS is a reasonable goal at the local scale, the SIL provides a useful reference for comparison.

This threshold for an individual new source is designed to ensure that the source does not contribute a cumulatively significant impact. The justification for the Tiered Thresholds Option threshold of 0.2 µg/m<sup>3</sup> for new sources in an impacted community is that these areas have higher levels of diesel particulate matter than do other parts of the Bay Area; the threshold at which an individual source becomes significant is lower for an area that is already at or near unhealthy



levels. However, even without a tiered approach, the recommended thresholds already address the burden of impacted communities via the cumulative thresholds: specifically, if an area has many existing PM<sub>2.5</sub> sources near receptors, then the cumulative threshold will be reached sooner than it would in another area with fewer PM<sub>2.5</sub> sources.

The single-source threshold for receptors is provided to address the possibility that within the area defined by the 1,000 foot radius there can be variations in risk levels that may be significant, below the corresponding cumulative threshold. Single-source thresholds assist in the identification of significant risks, hazards, or concentrations in a subarea, within the 1,000 foot radius.

#### **Accidental Release of Acutely Hazardous Air Emissions**

The BAAQMD currently recommends, at a minimum, that the lead agency, in consultation with the administering agency of the Risk Management Prevention Program (RMPP), find that any project resulting in receptors being within the Emergency Response Planning Guidelines (ERPG) exposure level 2 for a facility has a significant air quality impact. ERPG exposure level 2 is defined as "the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to one hour without experiencing or developing irreversible or other serious health effects or symptoms which could impair an individual's ability to take protective action."

Staff proposes continuing with the current threshold for the accidental release of hazardous air pollutants. Staff recommends that agencies consult with the California Emergency Management Agency for the most recent guidelines and regulations for the storage of hazardous materials. Staff proposes that projects using or storing acutely hazardous materials locating near existing receptors, and projects resulting in receptors locating near facilities using or storing acutely hazardous materials be considered significant.

The current Accidental Release/Hazardous Air Emissions threshold of significance could affect all projects, regardless of size, and require mitigation for Accidental Release/Hazardous Air Emissions impacts.

#### **3.2.3. Cumulative Risk and Hazard Thresholds**

##### **Qualified Community Risk Reduction Plan**

Proposed projects would be considered to be less than significant if they are consistent with a qualified Community Risk Reduction Plan (CRRP) adopted by the local jurisdiction with enforceable measures to reduce the community risk.

Project proposed in areas where a CRRP has been adopted that are not consistent with the CRRP would be considered to have a significant impact.

Projects proposed in areas where a CRRP has not been adopted and that have the potential to expose sensitive receptors or the general public to emissions-related risk in excess of the following thresholds from the aggregate of cumulative sources would be considered to have a significant air quality impact.

The conclusion that land use projects that comply with qualified Community Risk Reduction Plans are less than significant is supported by CEQA Guidelines Sections 15030(a)(3) and 15064(h)(3), which provides that a project's contribution to a cumulative problem can be less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.



#### **Increased Cancer Risk to Maximally Exposed Individual (MEI)**

Emissions from a new source or emissions affecting a new receptor would be considered significant where ground-level concentrations of carcinogenic TACs from any source result in an increased cancer risk greater than 100.0 in one million.

The significance threshold of 100 in a million increased excess cancer risk would be applied to the cumulative emissions. The 100 in a million threshold is based on EPA guidance for conducting air toxics analyses and making risk management decisions at the facility and community-scale level. In protecting public health with an ample margin of safety, EPA strives to provide maximum feasible protection against risks to health from hazardous air pollutants (HAPs) by limiting risk to a level no higher than the one in ten thousand (100 in a million) estimated risk that a person living near a source would be exposed to at the maximum pollutant concentrations for 70 years (NESHAP 54 Federal Register 38044, September 14, 1989; CAA section 112(f)). One hundred in a million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on the District's recent regional modeling analysis.

#### **Increased Non-Cancer Risk to MEI**

Emissions from a new source or emissions affecting a new receptor would be considered significant where ground-level concentrations of non-carcinogenic TACs result in an increased chronic Hazard Index from any source greater than 10.0.

The Air District has developed an Air Toxics Hot Spots (ATHS) program that provides guidance for implementing the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, Connelly, 1987; chaptered in the California Health and Safety Code § 44300, et. al.). The ATHS provides that if the health risks resulting from the facility's emissions exceed significance levels established by the air district, the facility is required to conduct an airborne toxic risk reduction audit and develop a plan to implement measures that will reduce emissions from the facility to a level below the significance level. The Air District has established a non-cancer Hazard Index of ten (10.0) as ATHS mandatory risk reduction levels. The cumulative chronic non-cancer Hazard Index threshold is consistent with the Air District's ATHS program.

#### **Increased Ambient Concentration of PM<sub>2.5</sub>**

Emissions from a new source or emissions affecting a new receptor would be considered significant where ground-level concentrations of PM<sub>2.5</sub> from any source would result in an average annual increase greater than 0.8 µg/m<sup>3</sup>.

If one applies the concentration-response function from the U.S. EPA assessment (U.S. EPA 2006) and attributes a 10 percent increase in mortality to a 10 µg/m<sup>3</sup> increase in PM<sub>2.5</sub>, one finds an increase in non-injury mortality in the Bay Area of about 50 excess deaths per year from a 0.8 µg/m<sup>3</sup> increment of PM<sub>2.5</sub>. This is greater than the impacts reported and considered significant by SFDPH (2008) using an earlier study (Jerrett et al. 2005) to estimate the increase in mortality from a 0.2 µg/m<sup>3</sup> PM<sub>2.5</sub> increment (SFDPH reported 21 excess deaths per year). However, SFDPH only considered roadway emissions within a 492 foot radius. This threshold applies to all types of emissions within 1,000 feet. In modeling applications for proposed projects, a larger radius results in a greater number of sources considered and higher modeled concentrations. On balance, the Air District estimates that the SFDPH threshold and this one, in combination with the individual source threshold for PM<sub>2.5</sub>, will afford similar levels of health protection.

The cumulative PM<sub>2.5</sub> threshold represents the middle range of an EPA proposed Significant Impact Level (SIL). EPA interprets the SIL to be the level of ambient impact that is considered to represent a "significant contribution" to regional non-attainment. While this threshold was not designed to be a threshold for assessing community risk and hazards, it was designed to protect public health at a regional level by helping an area maintain the NAAQS. Since achieving and



maintaining state and federal AAQS is a reasonable goal at the local scale, the SIL provides a useful reference for comparison. Furthermore, the  $0.8 \mu\text{g}/\text{m}^3$  threshold is consistent with studies (Kleinman et al 2007) that examined the potential health impacts of roadway particles.

#### 3.2.4. Plan-Level Risk and Hazard Thresholds

Staff proposes plan-level thresholds that will encourage a programmatic approach to addressing the overall adverse conditions resulting from risks and hazards that many Bay Area communities experience. By designating overlay zones in land use plans, local land use jurisdictions can take preemptive action before project-level review to reduce the potential for significant exposures to risk and hazard emissions. While this will require more up-front work at the general plan level, in the long-run this approach is a more feasible approach consistent with Air District and CARB guidance about siting sources and sensitive receptors that is more effective than project by project consideration of effects that often has more limited mitigation opportunities. This approach would also promote more robust cumulative consideration of effects of both existing and future development for the plan-level CEQA analysis as well as subsequent project-level analysis.

For local plans to have a less-than-significant impact with respect to potential risks and hazards, overlay zones would have to be established around existing and proposed land uses that would emit these air pollutants. Overlay zones to avoid risk impacts should be reflected in local plan policies, land use map(s), and implementing ordinances (e.g., zoning ordinance). The overlay zones around existing and future risk sources would be delineated using the quantitative approaches described above for project-level review and the resultant risk buffers would be included in the General Plan (or the EIR for the General Plan) to assist in site planning. BAAQMD will provide guidance as to the methods used to establish the TAC buffers and what standards to be applied for acceptable exposure level in the updated CEQA Guidelines document. Special overlay zones of at least 500 feet (or an appropriate distance determined by modeling and approved by the Air District) on each side of all freeways and high volume roadways would be included in this threshold.

The threshold of significance for plan impacts could affect all plan adoptions and amendments and require mitigation for a plan's air quality impacts. Where sensitive receptors would be exposed above the acceptable exposure level, the plan impacts would be considered significant and mitigation would be required to be imposed either at the plan level (through policy) or at the project level (through project level requirements).

#### 3.2.5. Community Risk Reduction Plans

The goal of a Community Risk Reduction Plan would be to bring TAC and  $\text{PM}_{2.5}$  concentrations for the entire community covered by the Plan down to acceptable levels as identified by the local jurisdiction and approved by the Air District. This approach provides local agencies a proactive alternative to addressing communities with high levels of risk on a project-by-project approach. This approach is supported by CEQA Guidelines Section 15030(a)(3), which provides that a project's contribution to a cumulative problem can be less than cumulatively considerable "if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact." This approach is also further supported by CEQA Guidelines Section 15064(h)(3), which provides that a project's contribution to a cumulative effect is not considerable "if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem."



**Qualified Community Risk Reduction Plans**

- (A) A qualified Community Risk Reduction Plan adopted by a local jurisdiction should include, at a minimum, the following elements. BAAQMD's revised CEQA Guidelines provides the methodology to determine if a Community Risk Reduction Plan meets these requirements. Define a planning area;
- (B) Include base year and future year emissions inventories of TACs and PM2.5;
- (C) Include Air District-approved risk modeling of current and future risks;
- (D) Establish risk and exposure reduction goals and targets for the community in consultation with Air District staff;
- (E) Identify feasible, quantifiable, and verifiable measures to reduce emissions and exposures;
- (F) Include procedures for monitoring and updating the inventory, modeling and reduction measures in coordination with Air District staff;
- (G) Be adopted in a public process following environmental review.

## Carroll, John (BOS)

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**From:** BOS Legislation (BOS)  
**Sent:** Friday, November 14, 2014 12:44 PM  
**To:** whiteheadwest@msn.com; mnykamp@msn.com; IDick@fbm.com; BOS-Supervisors; BOS-Legislative Aides; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Tam, Tina (CPC); Cabrerros, Glenn (CPC); Caltagirone, Shelley (CPC); Stephen Antonaros; 714515@gmail.com; Arcuri, Timothy; Hui, Tom (DBI); O'Riordan, Patrick (DBI)  
**Cc:** Calvillo, Angela (BOS); Board of Supervisors (BOS); BOS Legislation (BOS); Lamug, Joy; Carroll, John (BOS); Caldeira, Rick (BOS); Somera, Alisa (BOS)  
**Subject:** Appeals of Categorical Exemption from Environmental Review for 2853-2857 Broderick Street - Permit Holder's Response Brief  
**Categories:** 141083

Good afternoon,

Please find linked below a brief received by the Office of the Clerk of the Board from Irene R. Dick, attorney for Farella Braun + Martell, LLP, representing the project sponsor, concerning the 2853-2857 Broderick Street CEQA Appeal.

[Project Sponsor Letter - 11/14/2014](#)

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

[Board of Supervisors File No. 141083](#)

**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on Tuesday, November 25, 2014.**

Regards,

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](mailto:john.carroll@sfgov.org) | [board.of.supervisors@sfgov.org](mailto: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.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**Carroll, John (BOS)**

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**From:** IDick@fbm.com  
**Sent:** Friday, November 14, 2014 11:10 AM  
**To:** Carroll, John (BOS); Lamug, Joy; Board of Supervisors (BOS)  
**Cc:** whiteheadwest@msn.com; mnykamp@msn.com  
**Subject:** 2853 Broderick: Permit Holders Appeal Brief for 11/25 Hearing on Categorical Exemption  
**Attachments:** 2014-11-14 Response to CEQA Appeal.pdf

Joy and John, attached is the Permit Holder's brief.

Thanks for distributing to the Board members and parties.

Best,

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

 **FARELLA BRAUN + MARTEL LLP**

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

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Farella Braun + Martel LLP



ILENE DICK  
idick@fbm.com  
D 415.954.4958

November 14, 2014

*Via Messenger and Email (bos.legislation@sfgov.org)*

President David Chiu  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

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BOARD OF SUPERVISORS  
SAN FRANCISCO  
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Re: 2853-2857 Broderick  
Appeal of July 3, 2014 Class 1 Categorical Exemption  
Hearing Date: November 25, 2014

Dear President Chiu and Members:

We represent Pamela Whitehead and Melinda Nykamp, the owners of the above referenced property that is a historic resource under CEQA. The only issue before you is whether the Class 1 Categorical Exemption issued by the Planning Department on July 3, 2014 (“Categorical Exemption”) is supported by substantial evidence. Appellants have not offered any substantial evidence<sup>1</sup> to challenge the Planning Department’s determination that the work being proposed will not have a significant impact on the historic resource. In fact, their focus is entirely on issues related to the construction and past permitting of the project, neither of which is relevant to the Board of Supervisors’ review of the adequacy and appropriateness of the Categorical Exemption issued for this Project. Accordingly, this letter will focus solely on the Categorical Exemption.

The Categorical Exemption correctly found that the Project will not result in any significant impacts to a historic resource. Appellants will be unable to provide any substantial evidence to show otherwise. The appeal should be denied and the Categorical Exemption upheld.

**I. PROJECT DESCRIPTION**

The currently fire-damaged, vacant 4-story building contains approximately 4,526 square feet (sf) and 2 units. The building permit for which the Categorical Exemption was prepared includes both exterior modifications and the merger of the 2-bedroom lower unit to create a

<sup>1</sup> Under CEQA Guidelines Section 15384(b), “substantial evidence” include[s] facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” Appellant’s opinions and speculation are not “substantial evidence”.

4-bedroom, single-family home with garage (“Project”).<sup>2</sup> The proposed alterations are quite modest.

The Categorical Exemption describes the Project as follows:

The proposed project calls for exterior changes to the house, including the construction of 2 roof decks, construction of dormers on the north and south slopes of the hipped portion of the roof, construction of a bay at the south elevation to the west of the side entry porch; alteration of the side entry steps and door; alteration of main entry steps to reduce the height; alteration of main entrance to lower threshold approximately 1’ and add a transom above the existing door; and removal of stairs at the rear façade.<sup>3</sup>

These alterations were evaluated by the Planning Department to determine whether, independently or collectively, they would cause any potentially significant impacts to the historic resource. No such impacts were identified by the Planning Department.

**A. Appellants efforts to expand the scope of the Project should be rejected.**

Appellants want this Categorical Exemption to include all previous work that was already analyzed in prior CEQA documents for this property. Their effort to “relitigate” CEQA review for work done and/or approved should be dismissed. The “physical changes” analyzed in the Categorical Exemption are correctly limited to those that have yet to receive a discretionary approval from the City.

The only physical changes remaining to be done under an approved permit are shown in the plans for the building permit authorizing construction of the Project (“2014 Permit”). These plans clearly show the remaining scope of work.<sup>4</sup> The intent of the 2014 Permit is to consolidate under one permit and one set of plans, work approved by the Issued Permits (“as built/as approved”), work required by the Board of Appeals as a result of Mr. Zaretsky’s 2012 appeal, and work that had not been proposed on any permit application. It is the latter work that is the sole focus of the Categorical Exemption because the other “physical changes” described in the 2014 Permit have received CEQA clearance. The 2014 Permit has yet to be issued by DBI.<sup>5</sup>

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<sup>2</sup> Appellants filed separate requests for Discretionary Review of the building permit that is the subject of the 2014 Categorical Exemption. On September 18, 2014, the Planning Commission denied both requests for Discretionary Review and approved the building permit. The September 18, 2014 decision is the “Approval Action” for this appeal under Administrative Code Section 31.16.

<sup>3</sup> See Case No. 2013.0433E, July 3, 2014 Categorical Exemption, attached as Exhibit A, p. 8.

<sup>4</sup> See Exhibit B. These plans were prepared in response to the Zoning Administrator’s suspension of 5 previously issued permits (“Issued Permits”). Appellants have appealed the release of the suspension of the Issued Permits to the Board of Appeals. See Exhibit C. The appeal hearing is scheduled for January 14, 2015.

<sup>5</sup> See Exhibit D. Because the 2014 Permit is the Project analyzed in the Categorical Exemption, DBI cannot issue the building permit for the Project until this appeal is final.

Despite the fact that the Categorical Exemption is properly limited to a discrete scope of work not approved by any prior permits, Appellants devote a great deal of their appeal letters to arguing that the Categorical Exemption is defective because it does not treat the permitted change in building height as a significant impact to the historic resource. That height change was authorized by the February 8, 2013 site permit, which is one of the Issued Permits.<sup>6</sup> In 2011, the Planning Department issued a Class 1 Categorical Exemption (“2011 Categorical Exemption”) for the Issued Permits.<sup>7</sup> It found that the increase in building height of 3’ authorized under the site permit would not have a significant impact to the historic resource. The Categorical Exemption dismisses Appellants’ assertion that it should address the height change as a potential significant impact. It states that “the permit plans associated with this project also *rectify discrepancies in previous permits regarding height notation and drawing accuracy. These corrections do not constitute physical changes to the property.*”<sup>8</sup> (Emphasis added.) The Board of Supervisors agreed with the Planning Department’s assessment and denied the appeal brought by Appellant Zaretsky in 2012.<sup>9</sup> Indeed, many of the grounds upon which the pending appeals are based are the same grounds that were rejected by the Board of Supervisors in 2012.

In denying the appeal to the 2011 Categorical Exemption, the Board of Supervisors found that there was sufficient and reliable substantial evidence supporting the Planning Department’s conclusion that that project would not cause any significant impacts to the historic resource. By implication, the Board of Supervisors concluded that the then-Appellants had not offered any substantial evidence to refute the 2011 Categorical Exemption’s conclusions. The pending appeal should be denied for the same reasons. Appellants have not offered in their appeal letters, and will be unable to provide at the hearing, any substantial evidence to refute the Categorical Exemption’s analysis and conclusions.

The 2014 Permit is a new and independent permit application. The Categorical Exemption correctly analyzes *only* the potential significant impacts to the historic resource from work proposed for the first time under the 2014 Permit. This work constitutes the Project subject to the Categorical Exemption. Appellants’ attempt to broaden the scope of the “physical changes” that should be analyzed in the Categorical Exemption is a “back-door” effort to include

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<sup>6</sup> The Planning Commission denied Mr. Zaretsky’s request for Discretionary Review for this permit in 2011. He then appealed the permit to the Board of Appeals. The modifications to the scope of work by the Board of Appeals, shown in the plans at Exhibit B, were a result of this appeal.

<sup>7</sup> See Exhibit E, Case No. 2010.0394E, dated January 14, 2011, p. 1. The Project analyzed in the 2011 Categorical Exemption involved:

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

Note that the Categorical Exemption on appeal states that “[t]his slight alteration in height has not unduly changed the original scale of the building or the building’s relationship to its setting within the historic district. The work also did not remove any character defining features of the building.” Exhibit A, p. 6.

<sup>8</sup> See Exhibit A, p. 8.

<sup>9</sup> See Exhibit F, Motion No. M12-103, dated September 5, 2012.

all the assertions previously made and properly rejected in the appeal of the 2011 Categorical Exemption. The Project description is correct and should not be changed.

## II. THE CATEGORICAL EXEMPTION CORRECTLY FOUND THAT THE PROJECT WOULD NOT ADVERSELY IMPACT A HISTORIC RESOURCE.

In contrast to Appellants' unsubstantiated statements, Planning Department staff's conclusion that the Project will not cause any substantial adverse impact to the historic resource rests on a detailed analysis of the facts and the application of the proper CEQA standards to those facts. Staff's analysis and conclusions constitute substantial evidence.<sup>10</sup>

The Categorical Exemption includes a detailed analysis of the building's architectural features, separate from and as part of the broader pattern of historic neighborhood development. Based on these features, the Planning Department found that the building's "association with the neighborhood's first large wave of development and with the First Bay Tradition architectural style"<sup>11</sup> cause it to be deemed a historic resource. Due to the grounds upon which the building was determined to be historic, the Planning Department could more easily identify the building's character-defining historic features. It is those features that the Planning Department considered when determining whether the Project would cause a substantial adverse change to the building.

To do that analysis required assessing the Project's compliance with the *Secretary of the Interior Standards for Rehabilitation* ("Standards"). The Standards are used to determine whether the Project could result in any potential significant impacts to the building's historic features.<sup>12</sup> The Categorical Exemption applied the relevant Standards to the Project's scope of work. It reasonably concluded, based on substantial evidence, that the Project satisfied the applicable Standards. Under CEQA Guidelines Section 15064.5(b)(3), because the Standards were met, the Planning Department could legally find that undertaking the Project would not cause any significant impacts to the resource. On that basis, the Planning Department correctly issued the Categorical Exemption.

Despite Planning Department staff's conclusions that the Standards were met, Appellants erroneously contend that the exterior modifications to the roof and rear would adversely impact the historic resource. The Categorical Exemption specifically dismisses those contentions. The Categorical Exemption found that

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<sup>10</sup> An agency may also rely upon the opinion of its staff in reaching decisions, and the opinion of staff has been recognized as constituting substantial evidence. (*Browning-Ferris Industries v. City Council* (1986) 181 Cal.App.3d 852, 866.)

<sup>11</sup> See Exhibit A, Categorical Exemption, pp. 4-9.

<sup>12</sup> CEQA Guidelines Section 15064.5(b)(3) provide that

Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties . . . shall be considered as mitigated to a level of less than a significant impact on the historical resource.

The proposed side and rooftop additions, including the decks and dormers would not negatively impact the character-defining features of the building or the site and they would be constructed towards the rear of the building, which is not visible from the adjacent public rights-of-way. Moreover, the proposed additions, dormers and roof decks would be constructed with contemporary windows and detailing such that they are distinguished as contemporary features.<sup>13</sup>  
Emphases added.

In contrast, Appellants do not provide any legal or factual support that the above-described alterations would cause a significant impact to the historic resource. All Appellants offer is their opinion. Under CEQA Guidelines Section 15384, their opinion is not “substantial evidence.” There is thus nothing in the record to support a finding that the Project would result in any significant impacts to the historic resource.

Planning Department staff’s thorough analysis – the second of two Categorical Exemptions on the same building within three years – is based on conclusions drawn from the facts and Planning Preservation staff’s expertise and experience in identifying potential impacts to historic resources. Their analysis more than adequately supports the conclusion that there is no potential significant impact to the historic resource as a result of building the proposed exterior alterations. Given the thoroughness of the Planning Department’s review, Appellants cannot possibly provide any substantial evidence that there would be a significant impact to the resource from constructing the alterations. Under CEQA, Appellants’ opinion that there “might be” an impact is not substantial evidence in support of a potential significant impact.

### III. CONCLUSION

Based on the above, the appeal should be denied and the Categorical Exemption upheld. The legal standard applied to a challenge to a Categorical Exemption is whether there is substantial evidence in the record that the project will not have a significant effect on the environment. The Categorical Exemption provides extensive substantial evidence in support of the conclusion that the Project will not result in a significant impact to the historic resource. Appellants have offered no substantial evidence to support the few allegations they make that the Categorical Exemption is inadequate. Rather, they devote a considerable portion of their appeal letters to the permitting issues that they have unsuccessfully dogged for the past two years.

The Categorical Exemption is based on a detailed and fact-laden analysis by Planning staff. In this two-step analysis, staff first identified the potential bases for determining that the building is a historic resource. Next, the Project’s physical changes to the building were analyzed under the applicable Secretary of Interior’s Standards for Rehabilitation. The conclusion that the Project will not cause a substantial adverse change to a historic resource is based on substantial evidence. When as here, a Categorical Exemption is based on extensive

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<sup>13</sup> See Exhibit A, p. 9.

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San Francisco Board of Supervisors  
November 14, 2014  
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substantial evidence that there would be no potentially significant impacts to the historic resource from the Project, the Categorical Exemption is adequate and must be upheld.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ilene Dick', written in a cursive style.

Ilene Dick

ID:ec

cc: Pamela Whitehead (Via Email)  
Melinda Nykamp (Via Email)

301974639583.3

# EXHIBIT A



# SAN FRANCISCO PLANNING DEPARTMENT

MEMO

## Historic Resource Evaluation Response

*Date Reviewed:* June 24, 2014 (Part II)  
*Case No.:* 2013.0433E  
*Project Address:* 2853-2857 Broderick Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District;  
40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Staff Contact:* Shelley Caltagirone, Preservation Planner  
(415) 558-6625 | [shelley.caltagirone@sfgov.org](mailto:shelley.caltagirone@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### HISTORIC RESOURCE STATUS

#### Building and Property Description

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

#### Pre-Existing Historic Rating / Survey

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

#### Neighborhood Context

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

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

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

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

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

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

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

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

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

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

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

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

#### *Bay Region Tradition*

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

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

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

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

### CEQA Historical Resource(s) Evaluation

#### Step A: Significance

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

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

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

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

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

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

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

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

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

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

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

**Step B: Integrity**

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

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

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

**Historic District**

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

**Subject Property**

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

**Step C: Character Defining Features**

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

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

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

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

---

**CEQA Historic Resource Determination**

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

**PART II: PROJECT EVALUATION**

Proposed Project  Demolition  Alteration

Per Drawings Dated: May 1, 2014

**Project Description**

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

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

**Project Evaluation**

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

**Subject Property/Historic Resource:**

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

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

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

**Project Specific Impacts**

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

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

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

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

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

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

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

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

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

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

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

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

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

*Cumulative Impact Assessment*

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

**PART II: SENIOR PRESERVATION PLANNER REVIEW**

Signature:   
Tina Tam, Senior Preservation Planner

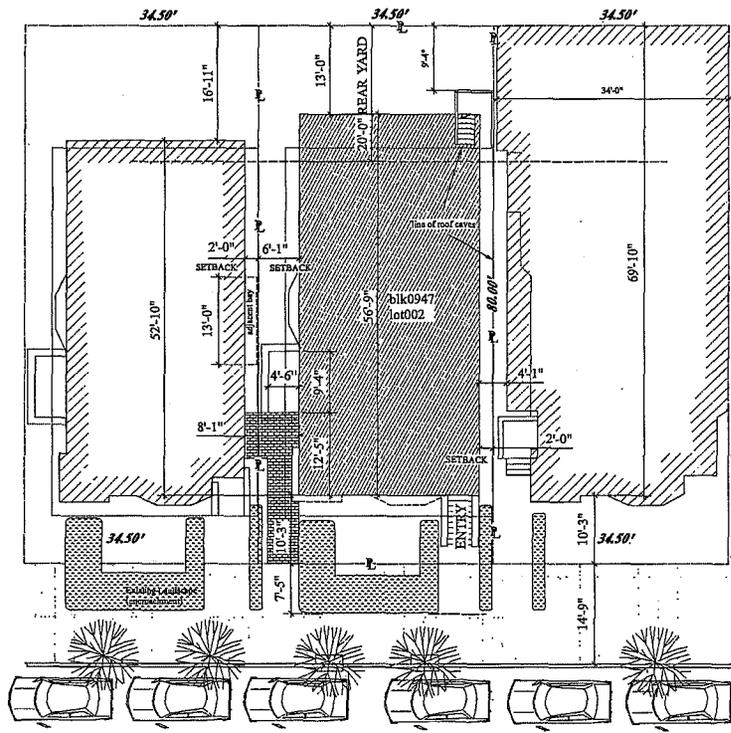
Date: 7-2-2014

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

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

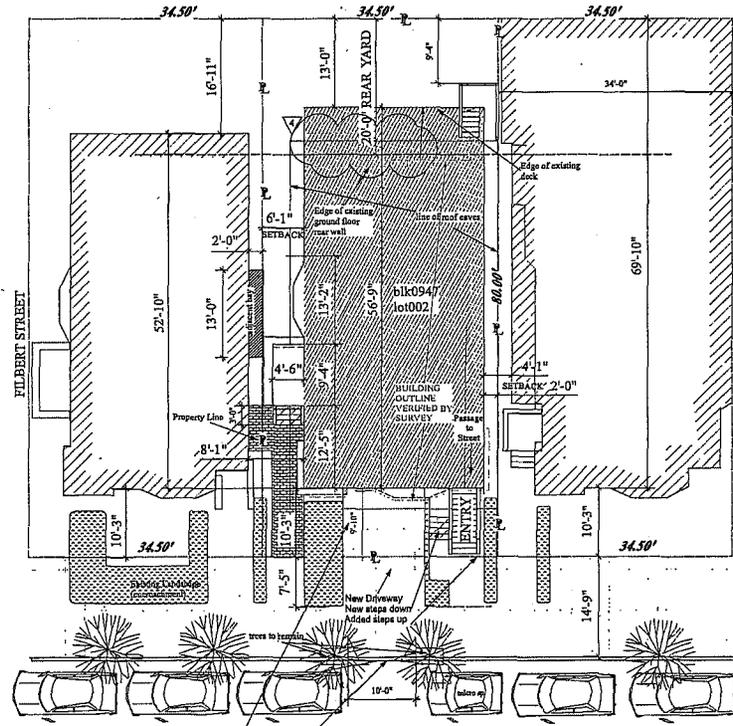
# EXHIBIT B





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

**AS APPROVED Board of Appeals**



**Survey Verification**

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

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



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

**SHEPHERD ANTONAROS**  
**ARCHITECT**  
2241 Market Street #204  
San Francisco, California 94114  
(415) 864-2261  
Fax: 882-0961

For Information  
Project No. 1312  
(415) 241-9077

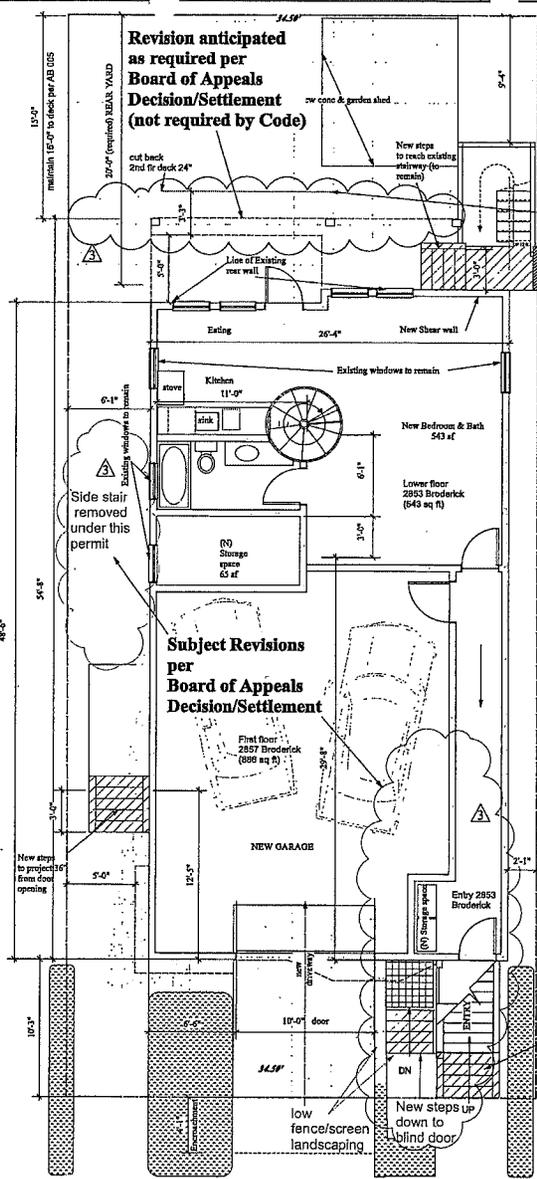
**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002  
As Approved + Updated SITE PLANS

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

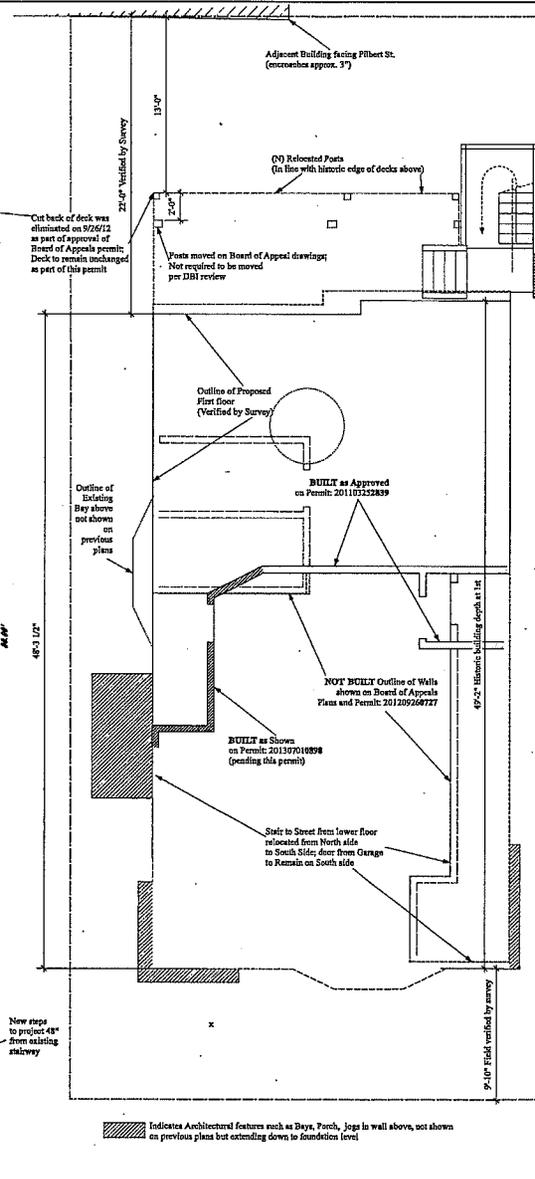
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2799

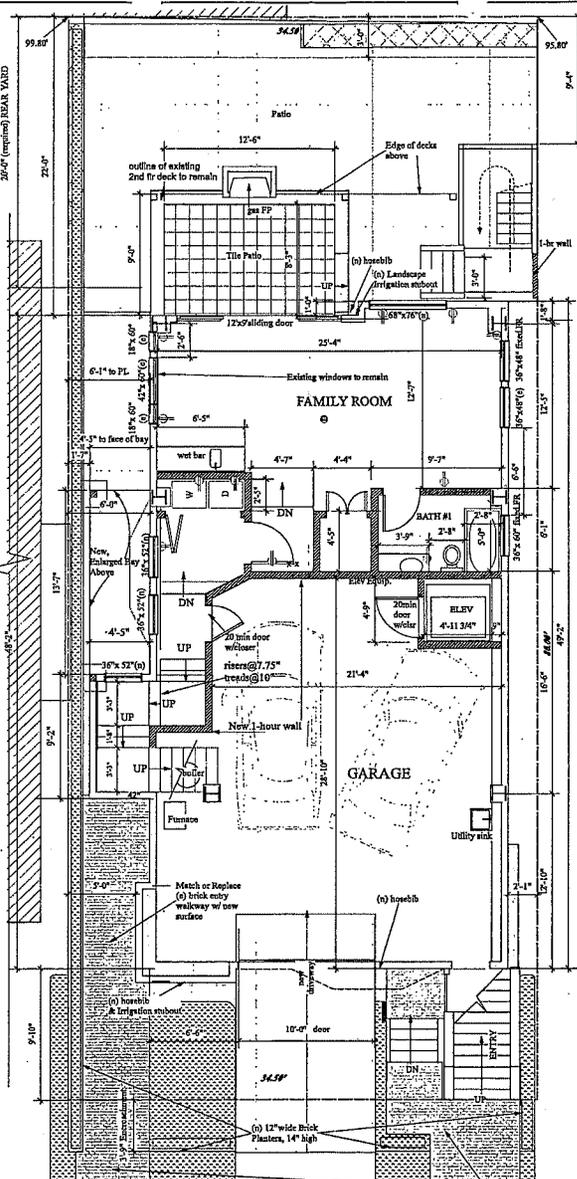
2800



**A** ALTERED Basement - New FIRST FLOOR PLAN  
 Scale: 1/4" = 1'-0"  
 495 sq ft (new living area)  
**AS APPROVED Board of Appeals**



**B** FIRST FLOOR PLAN  
 Scale: 1/4" = 1'-0"  
 Features Verified by Survey  
**AS-BUILT, AS-APPROVED**  
 Interior Changes + Survey Verification



**C** FIRST FLOOR PLAN  
 Scale: 1/4" = 1'-0"  
 1st Floor: 697 sq ft  
**FINAL PROPOSED Alterations**



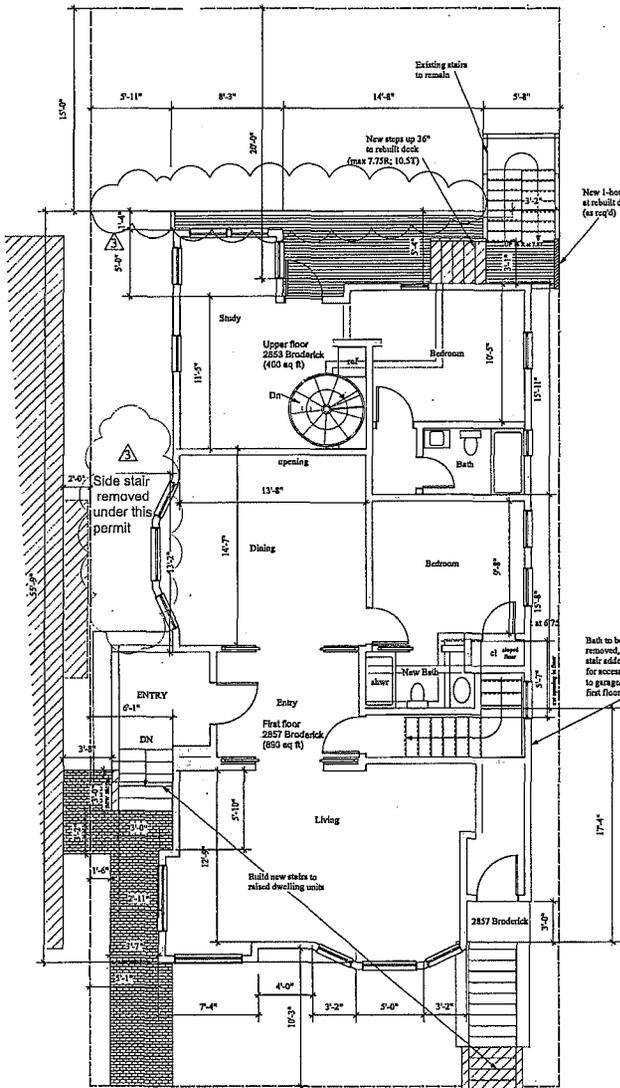
REVISIONS	BY
Jan 24, 2014	
Feb 20, 2014	
May 01, 2014	

**STEPHEN ANTONAROS**  
 ARCHITECT  
 7506 Marina Street #204  
 San Francisco, CA 94114  
 (415) 864-2261  
 www.stephenantonaros.com

For: Whym-Whymard  
 1151 15th St #207  
 San Francisco, CA 94114  
 (415) 331-8537

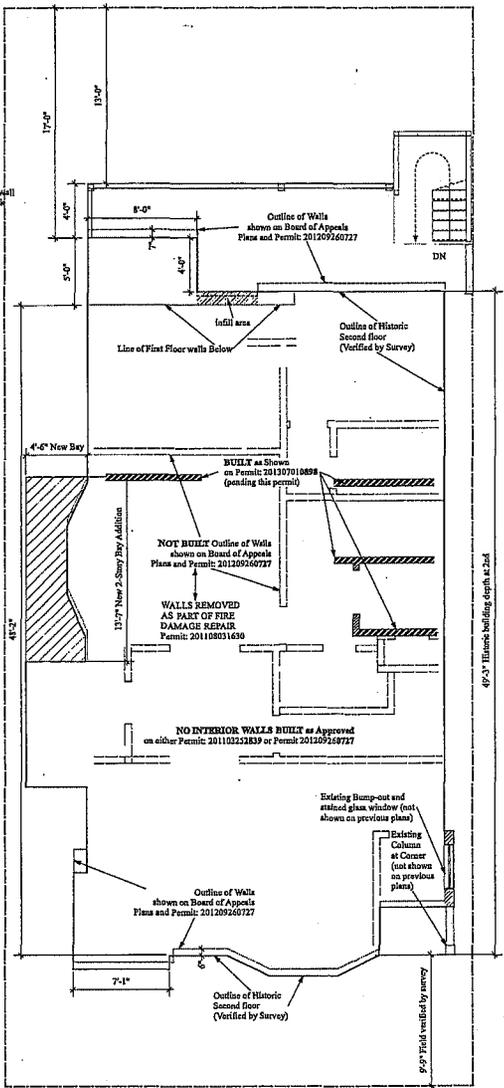
**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002  
 As Approved, ALTERED and NEW 1st FLOOR PLANS

Date: Jan 2014  
 Scale: 1/8" = 1'-0"  
 Drawn: SA  
 Job:  
 Sheet:  
**A2.1**  
 of 2 Sheets



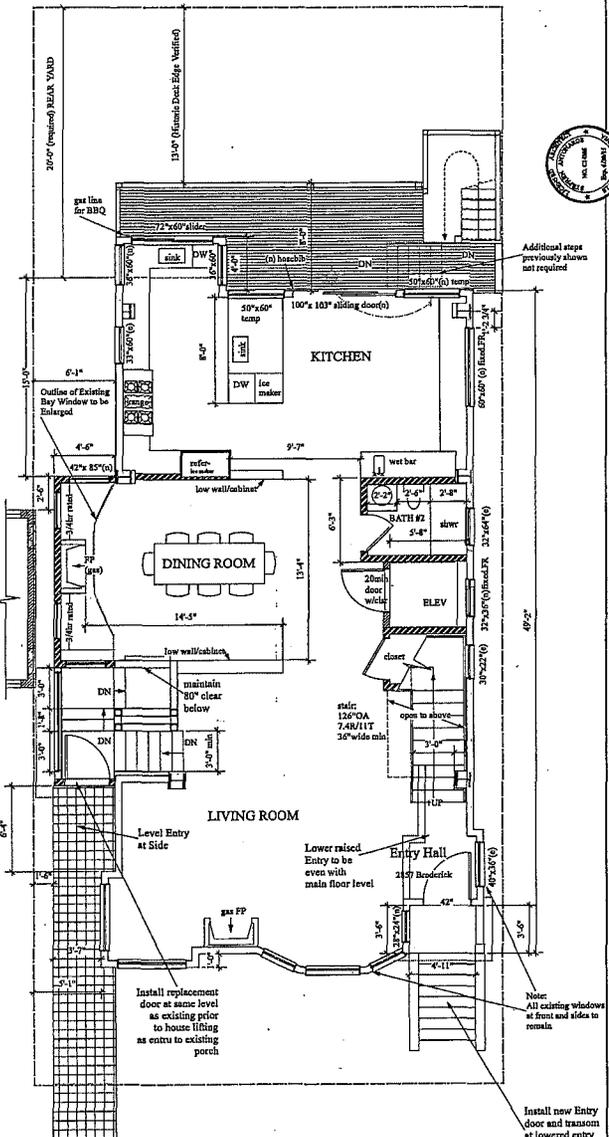
**A** 1st FLOOR PLAN  
 2853 Broderick  
 1290 sq ft  
 Scale: 1/4" = 1'-0"

AS APPROVED Board of Appeals



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

AS-BUILT, A. REVISED  
 Interior Changes + Survey Verification



**C** NEW SECOND FLOOR PLAN  
 Scale: 1/4" = 1'-0"

FINAL PROPOSED Alterations



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

**STEPHEN ANTONAROS**  
 ARCHITECT  
 2201 Market Street #204  
 San Francisco, CA 94114  
 (415) 224-0007  
 (415) 883-2961

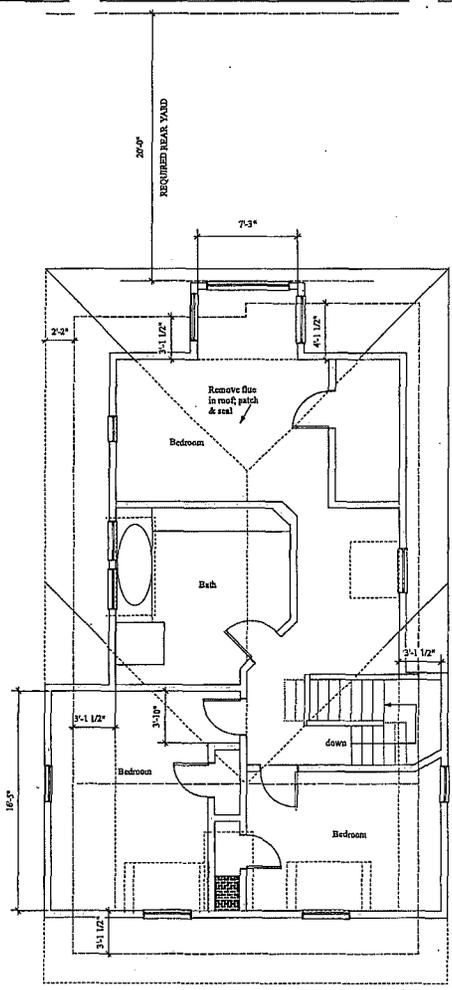
for  
 Mylene/Whitaker  
 (415) 224-0007

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

DATE	REVISION
Jan 2014	
1/8/14	
1/8/14	
1/8/14	
1/8/14	

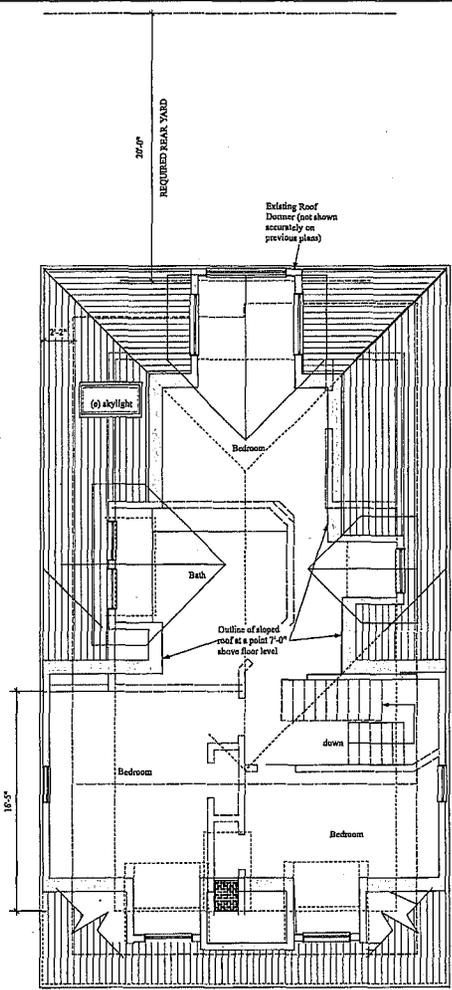
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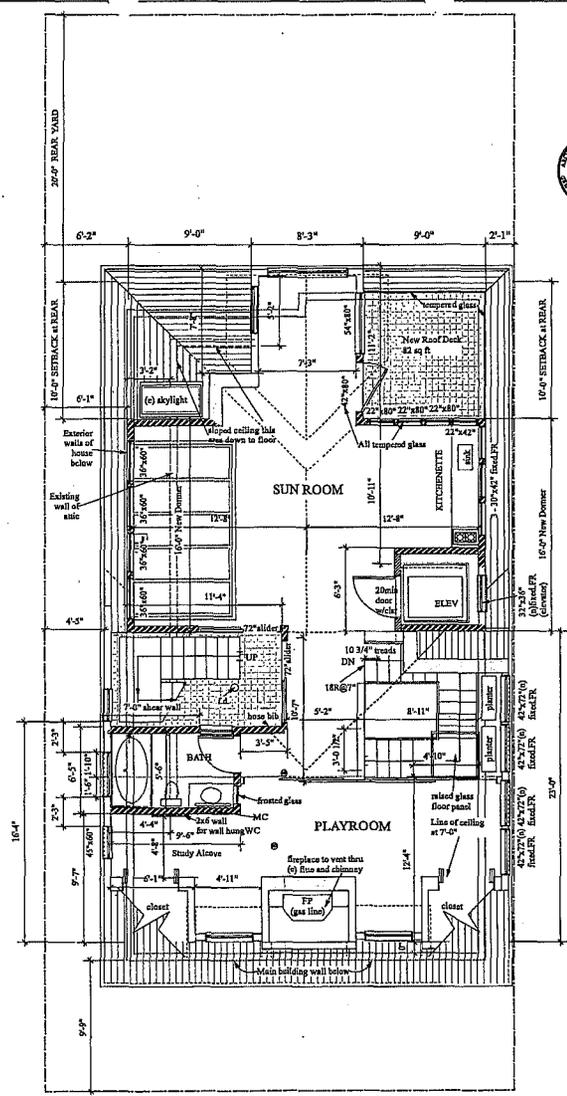
**A**  
**EXISTING THIRD FLR PLAN**  
 Scale: 1/4" = 1'-0"  
 2837 Broderick  
 1096 sq ft

AS APPROVED Board of Appeals



**B**  
**FOURTH FLOOR PLAN-Roof Section shown cut at 7'-0" High ceiling point**  
 Scale: 1/4" = 1'-0"  
 2837 Broderick  
 929 sq ft

AS-BUILT, APPROVED  
 Interior Changes + Survey Verification



**C**  
**NEW FOURTH FLOOR PLAN**  
 Scale: 1/4" = 1'-0"  
 2837 Broderick  
 New 4th Year: 597 sq ft

FINAL PROPOSED Alterations



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

**STEPHEN ANTONAROUS**  
**ARCHITECT**  
 2261 Market Street #204  
 San Francisco, California 94114  
 (415) 664-2261  
 Fax: (415) 664-2261

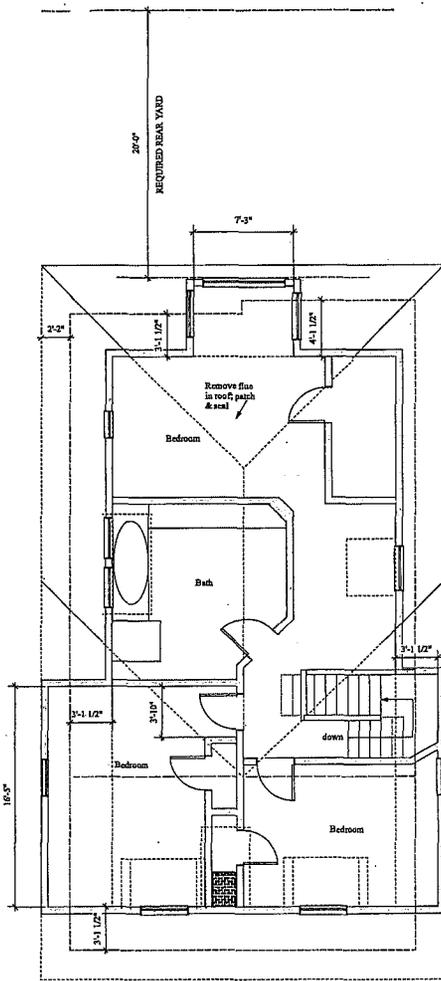
ADDITIONS & ALTERATIONS & DWELING UNIT WORK  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 As Approved, ALTERED and NEW 4th FLOOR PLANS

Date	Jan 2014
Scale	1/8" = 1'-0"
Sheet	SA
Project	

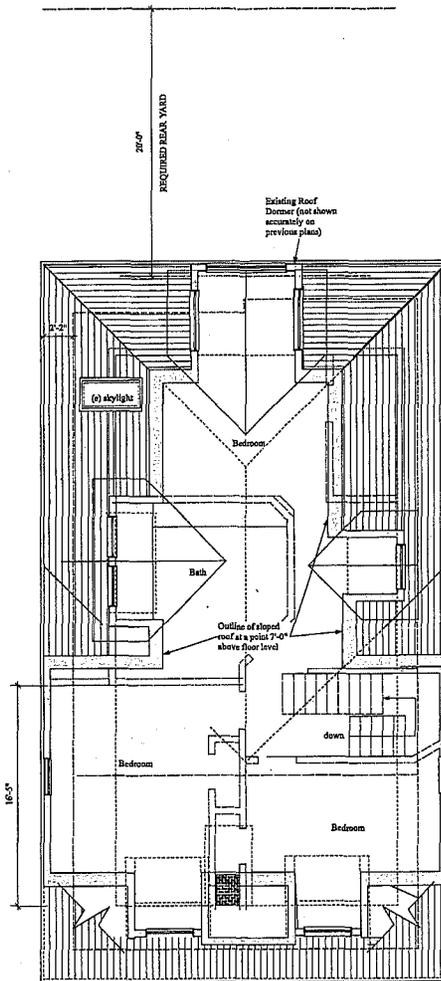
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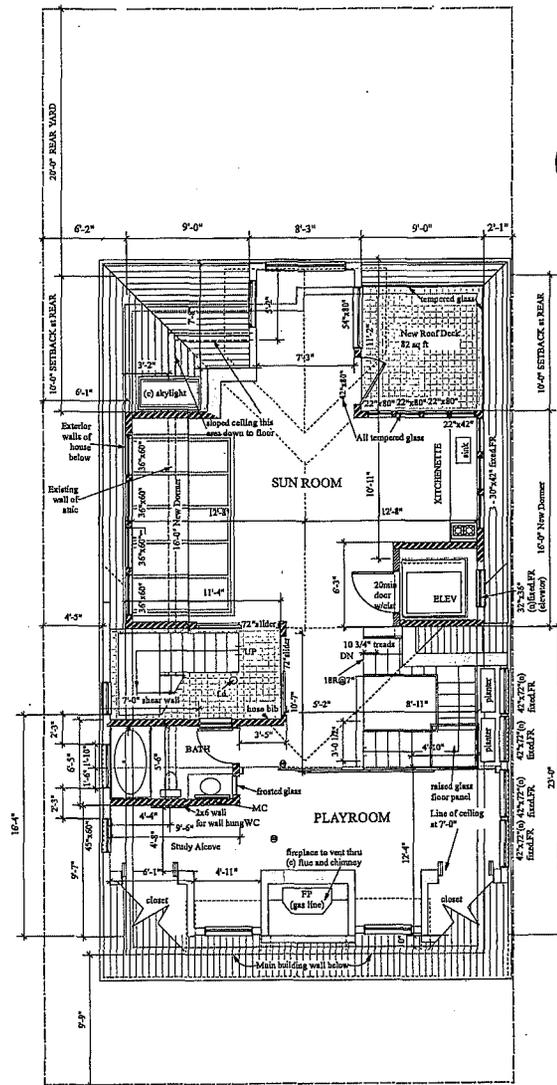




**A**  
**A3.1** EXISTING THIRD FLR PLAN  
 Scale: 1/4" = 1'-0"  
 2857 Broderick  
 1066 sq ft



**B**  
**A3.1** FOURTH FLOOR PLAN-Roof Section shown cut at 7'-0" High ceiling point  
 Scale: 1/4" = 1'-0"  
 2857 Broderick  
 929 sq ft



**C**  
**A3.1** NEW FOURTH FLOOR PLAN  
 Scale: 1/4" = 1'-0"  
 2857 Broderick  
 929 sq ft

AS APPROVED Board of Appeals

AS-BUILT, APPROVED  
 Interior Changes + Survey Verification

FINAL PROPOSED Alterations

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



**STEPHEN ANTONAROS**  
**ARCHITECT**  
 2857 Market Street #324  
 San Francisco, California 94114  
 (415) 864-2561  
 Fax: (415) 864-2561

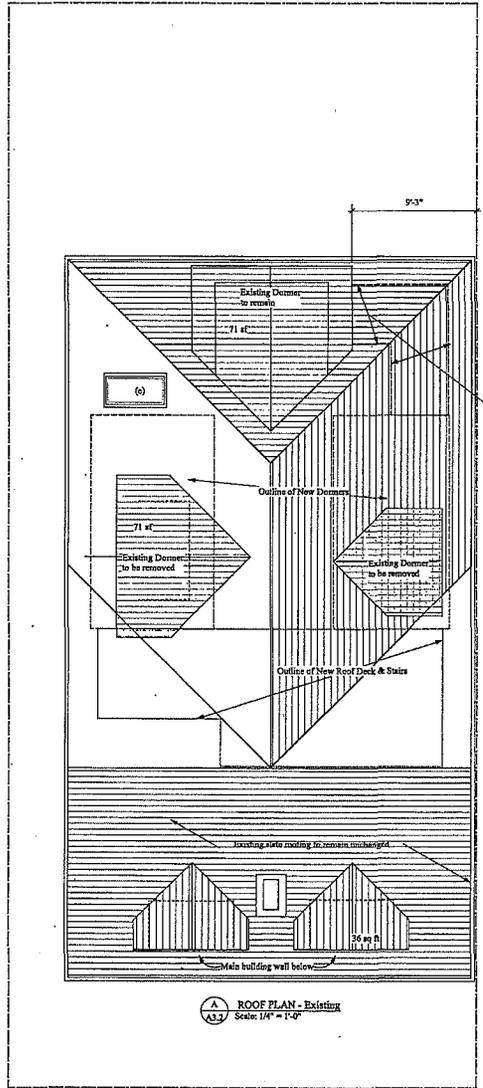
My Name, Worked  
 Family, Trust  
 or Other Party  
 is/are not  
 a member/s  
 of the  
 State Bar of California

ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 As Approved, ALTERED and NEW 4th FLOOR PLANS

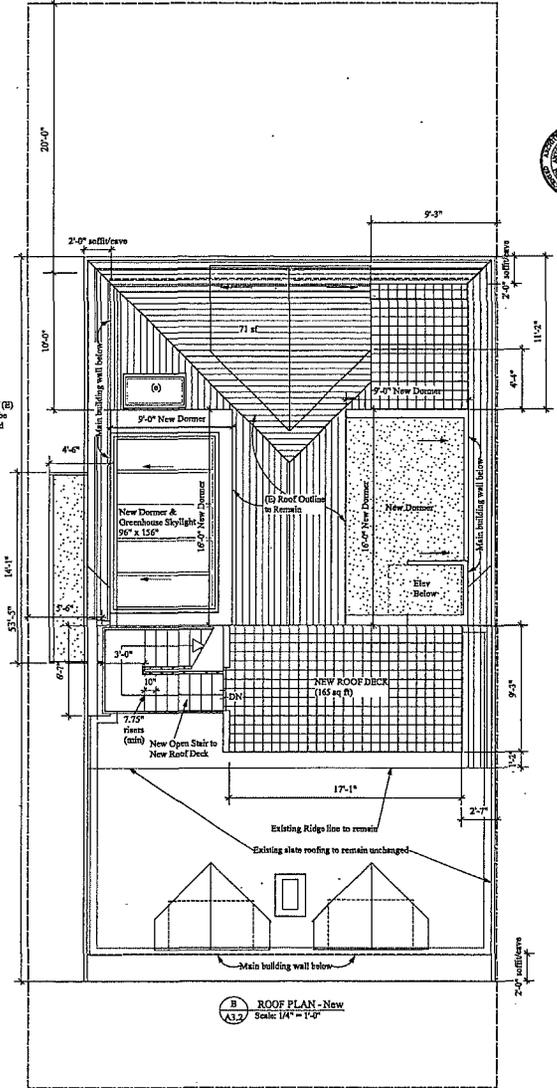
Date	By
Jan 2014	
1/8" = 1'-0"	
Scale	
Drawn	SA
Sheet	

**A3.1**

2806



EXISTING ROOF PLAN



FINAL PROPOSED Alterations to ROOF

1st Floor	687 sq ft	(not reduction from previously approved under 201103252839)
2nd Floor	1455 sq ft	First floor under this permit reduced from 726 sq ft to 607; 119 sq ft less
3rd Floor	1467 sq ft	
4th Floor	997 sq ft	Fourth floor under this permit increased from 929 sq ft to 997; 68 sq ft more
<b>TOTAL</b>	<b>4516 sq ft</b>	<b>Total net 51 sq ft less than previously approved for all floors combined</b>

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



**STEPHEN ANTONAROS**  
**ARCHITECT**  
 2261 Market Street #224  
 San Francisco, California 94114  
 www.stephenantonaros.com  
 (415) 862-2261  
 Fax: (415) 862-0923

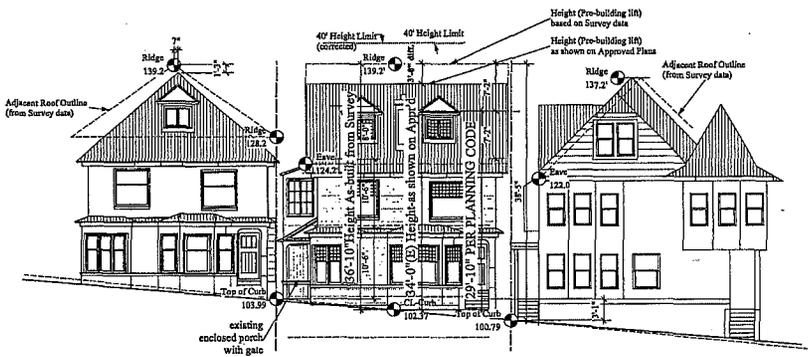
Notwithstanding to whom these plans may be furnished, the undersigned shall remain responsible for the accuracy of the information herein.

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

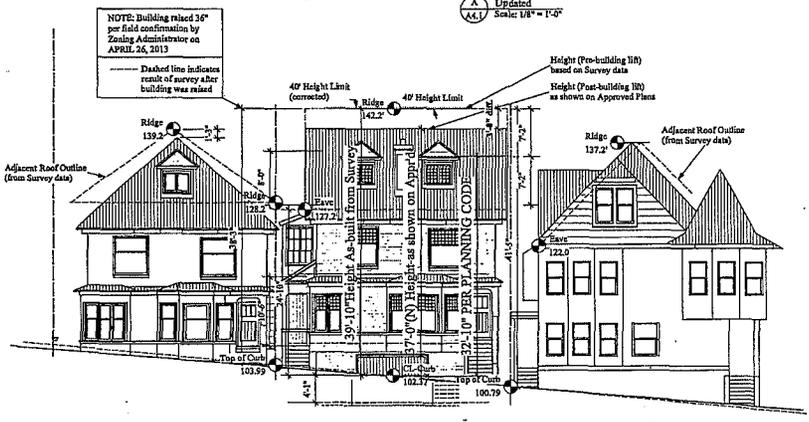
Date	Jun 2014
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Drawn	SA
Job	
Sheet	
<b>A3.2</b>	

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

Update Elevations per Survey data

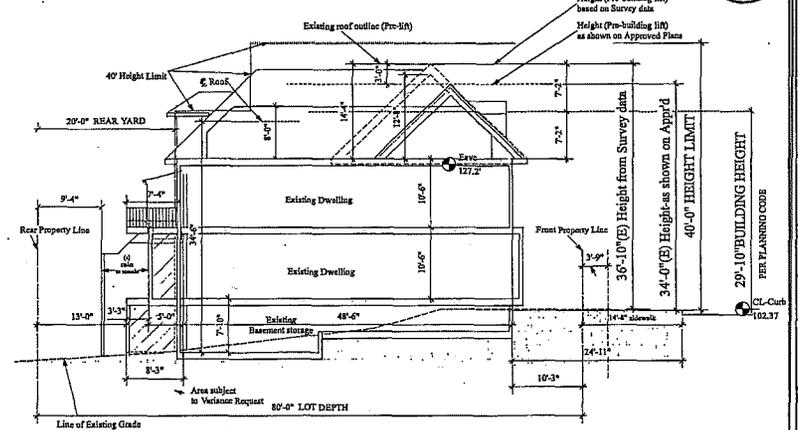


**A** EXISTING ELEVATION - 2853 & 2857 BRODERICK  
Scale: 1/8" = 1'-0"  
**AA1** Updated  
Scale: 1/8" = 1'-0"

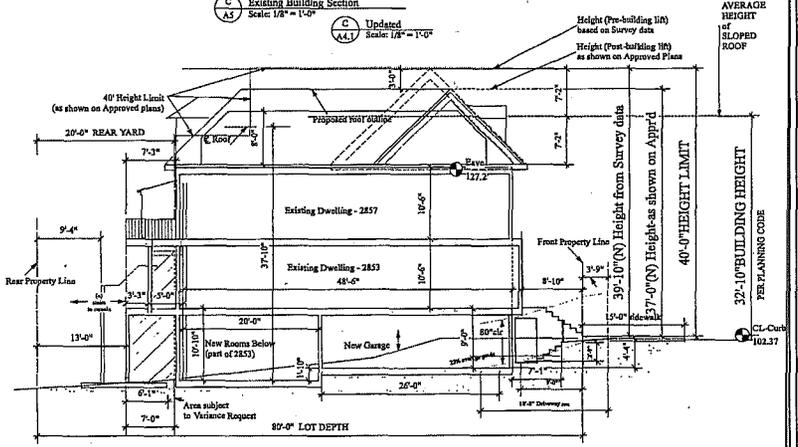


**B** NEW ELEVATION - 2853 & 2857 BRODERICK (raised 36")  
Scale: 1/8" = 1'-0"  
**AA1** Updated  
Scale: 1/8" = 1'-0"

SURVEY DATA from field survey conducted on November 01, 2013



**C** Existing Building Section  
Scale: 1/8" = 1'-0"  
**AA1** Updated  
Scale: 1/8" = 1'-0"



**D** New Building Section - RAISED  
Scale: 1/8" = 1'-0"  
**AA1** Updated  
Scale: 1/8" = 1'-0"

Survey Verification  
corrects APPROVED dwgs  
of BUILDING HEIGHT  
at FRONT

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

STEPHEN ANONARIOS  
ARCHITECT  
226 Market Street #204  
San Francisco, CA 94104  
(415) 398-0967  
www.stephenanonarios.com

As Approved Elevations + Survey Data

280

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

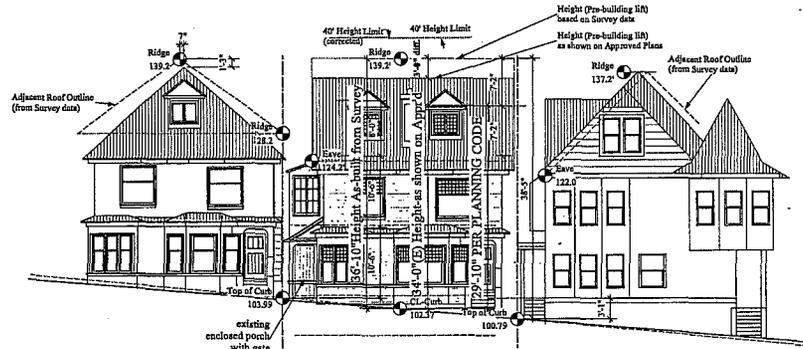
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Drawn	SA
chk	
Sheet	

AA1

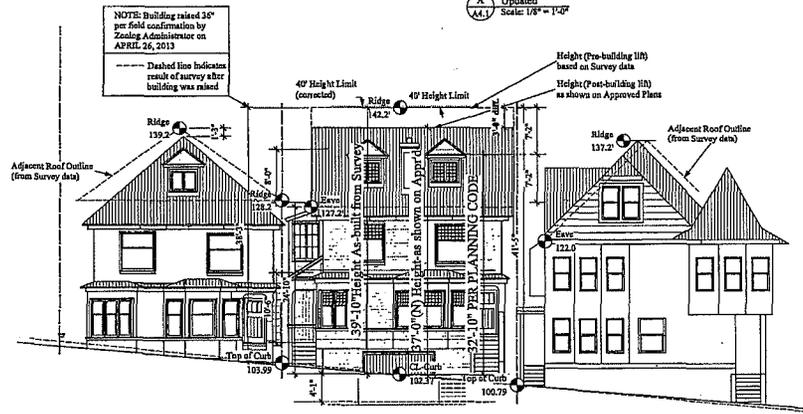


EXHIBIT 'A'  
August 22, 2012  
(updated w/ new Survey Data)

Update Elevations per Survey data

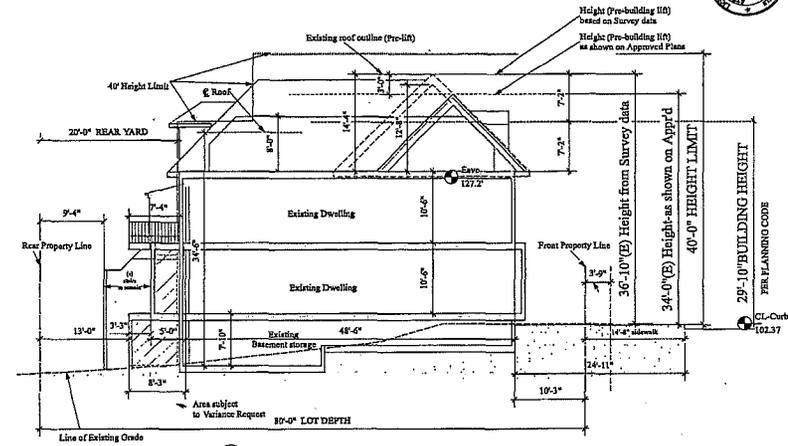


**A** EXISTING ELEVATION- 2853 & 2857 BRODERICK  
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Updated  
A4.1

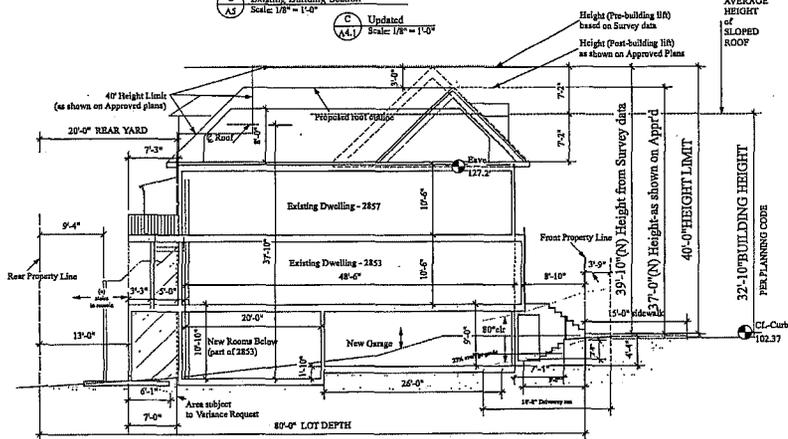


**B** NEW ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
Scale: 1/8" = 1'-0"  
Updated  
A4.1

SURVEY DATA from field survey conducted on November 01, 2013



**C** Existing Building Section  
Scale: 1/8" = 1'-0"  
Updated  
A4.1



**D** New Building Section- RAISED  
Scale: 1/8" = 1'-0"  
Updated  
A4.1

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

REVISIONS	BY
14	25, 2012
15	2012
16	13, 2012
17	20, 2013
18	28, 2013
19	21, 2013

STEPHEN ANTONAROS  
ARCHITECT  
2261 Market Street #324  
San Francisco, California 94114  
(415) 664-2261  
Fax: 888-9961

As Per Worksheet  
(415) 255-887

UPDATE ELEVATIONS WITH SURVEY DATA  
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002  
As Approved Elevations + Survey Data

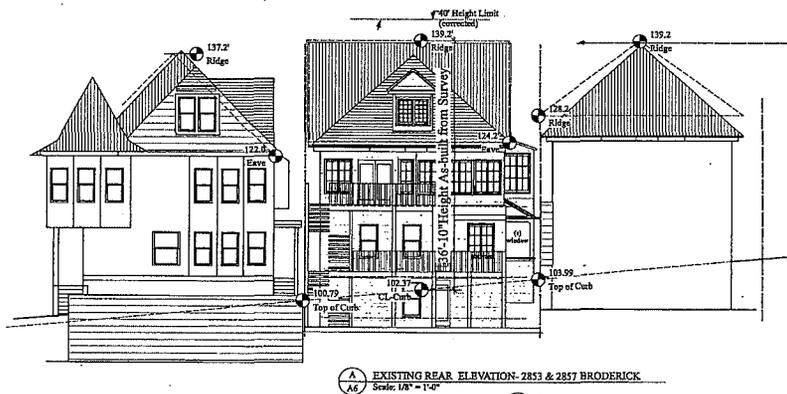
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
Block 0947 Lot 002

Date	August 10
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Sheet	3 of 3
Drawn	SA
Job	
Sheet	
Scale	

**A4.1**

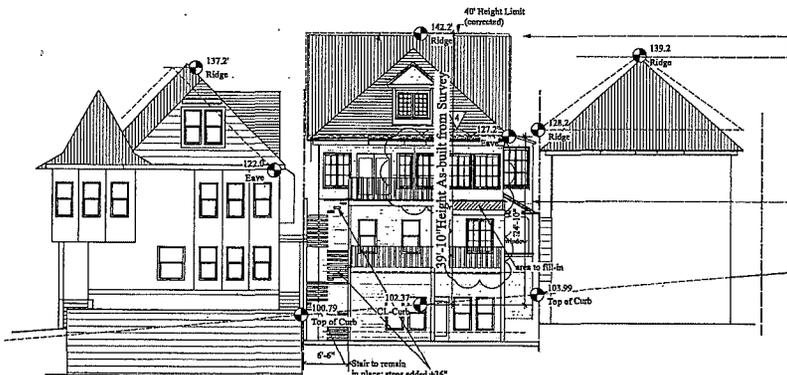
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2810



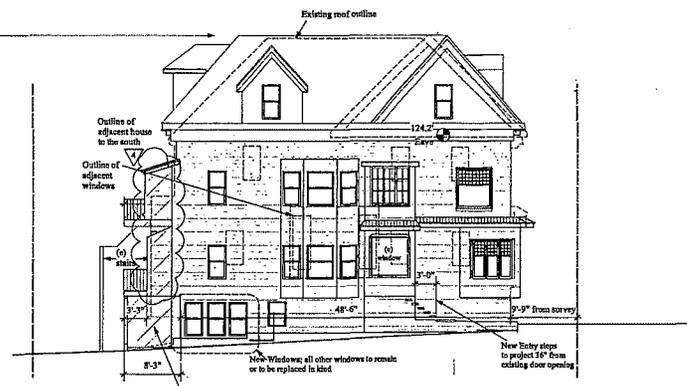
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Scale: 1/8" = 1'-0"

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



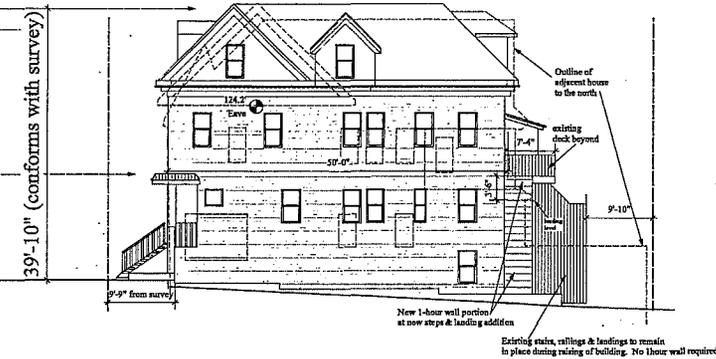
**B** NEW REAR ELEVATION- 2853 & 2857 BRODERICK (raised 36")  
Scale: 1/8" = 1'-0"

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



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

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



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

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

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

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

Update Elevations per Survey data



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

**STEPHEN ANTONAROS  
ARCHITECT**  
2261 Market Street #326  
San Francisco, California 94114  
415.398.2561  
415.398.0261

Mr. Tom Whelan  
(415) 550-6577

UPDATE ELEVATIONS WITH SURVEY DATA  
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123  
As Approved Elevations + Survey Data  
Block 0947 Lot 002

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



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

**EXISTING ELEVATIONS  
 AS APPROVED  
 (Updated w/ Survey Data)**

**A** EAST ELEVATION as approved-2853 & 2857 BRODERICK  
 Scale: 1/4" = 1'-0"

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



**STEPHEN ANTONAROS  
 ARCHITECT**  
 233 Market Street #224  
 San Francisco, California 94104  
 www.stephenantonaros.com  
 (415) 864-2954  
 Fax: (415) 864-2951

W. Henry Trust  
 1015 Broadway  
 San Francisco, CA 94107

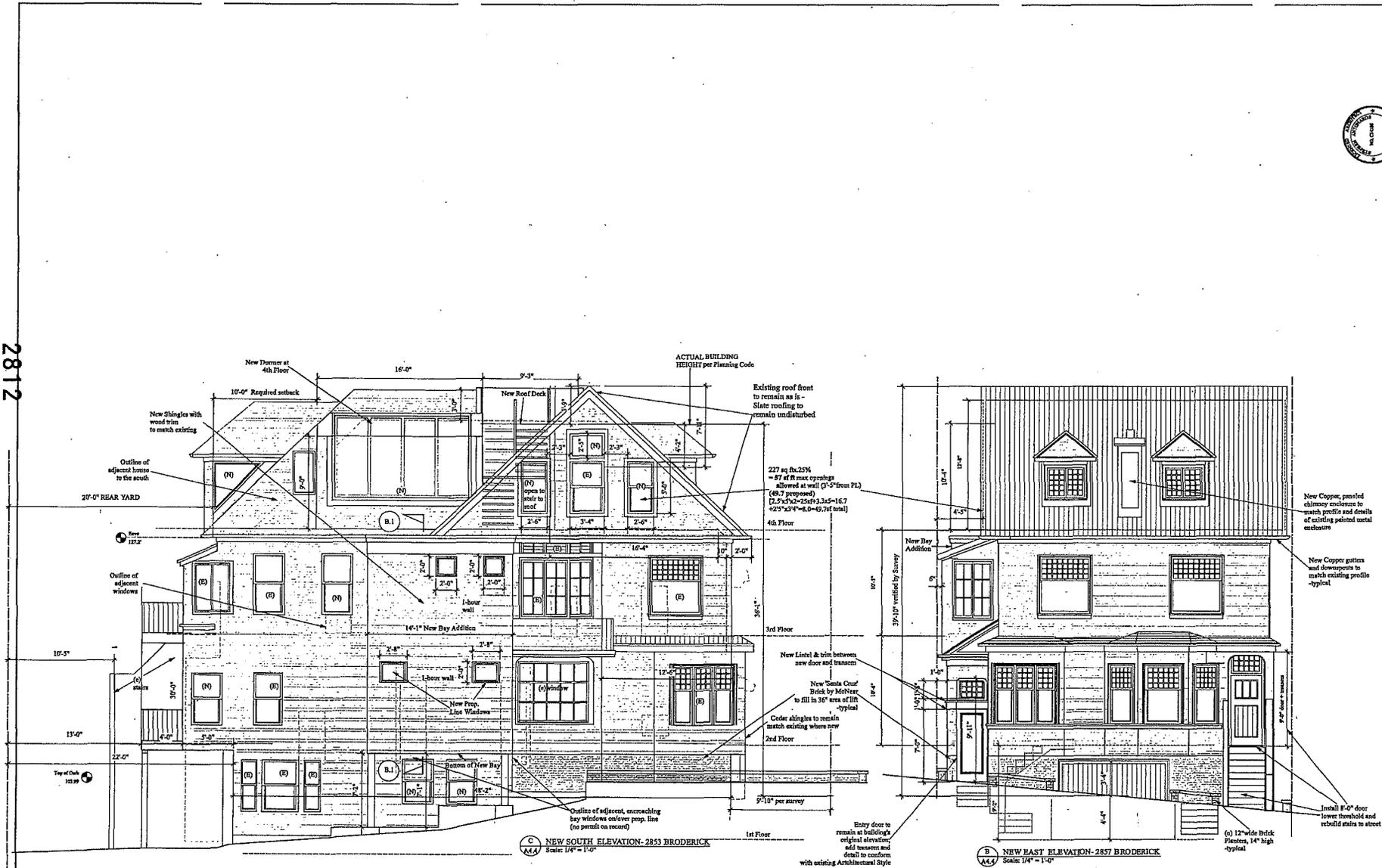
**ADDITIONS & ALTERATIONS & DWELING UNIT RENOVATION**  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 EXISTING FRONT and SIDE ELEVATIONS

Date	Jan 2014
Scale	1/4"=1'-0" S.O.S.
Drawn	SA
Check	
Sheet	

**A4.3**  
 Sheet

2811

2812



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

**NEW EAST ELEVATION-2857 BRODERICK**  
 Scale: 1/4" = 1'-0"

**PROPOSED ALTERATIONS**



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

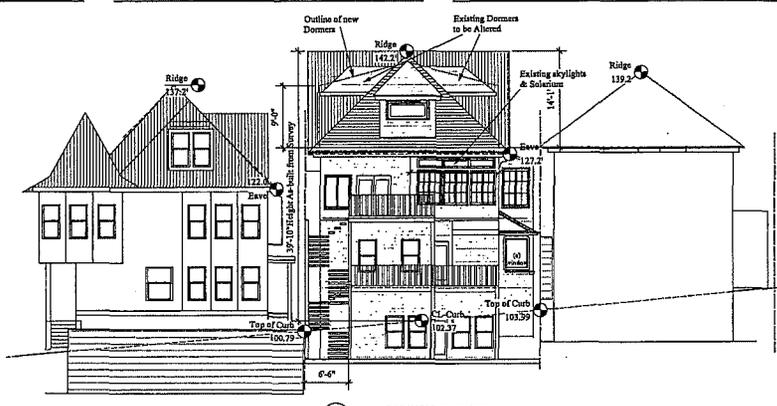
**STEPHEN ANTONAROS**  
**ARCHITECT**  
 2261 Market Street #224  
 San Francisco, CA 94114  
 www.stephenantonaros.com  
 (415) 864-2261  
 (415) 864-2262  
 Fax: 864-4961

for  
 Nancy Washburn  
 (415) 201-0157

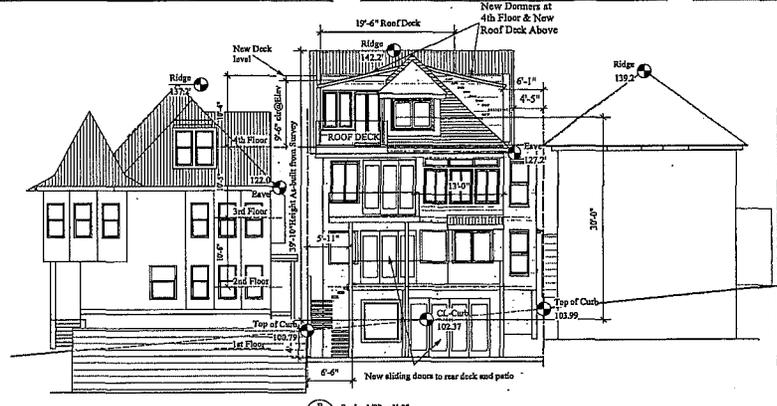
**ADDITIONS & ALTERATIONS & DWELLING UNIT MERGER**  
 2853 BRODERICK ST., SAN FRANCISCO, CA 94123  
 Block 0947 Lot 002 **NEW FRONT and SIDE ELEVATIONS**

Date	Jan 2014
Scale	1/4" = 1'-0" n.o.s.
Drawn	SA
Job	
Sheet	
of	<b>A4.4</b> Sheets

2813

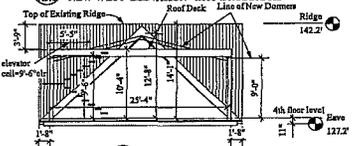


**A**  
EXISTING WEST ELEVATION  
Scale: 1/8" = 1'-0"

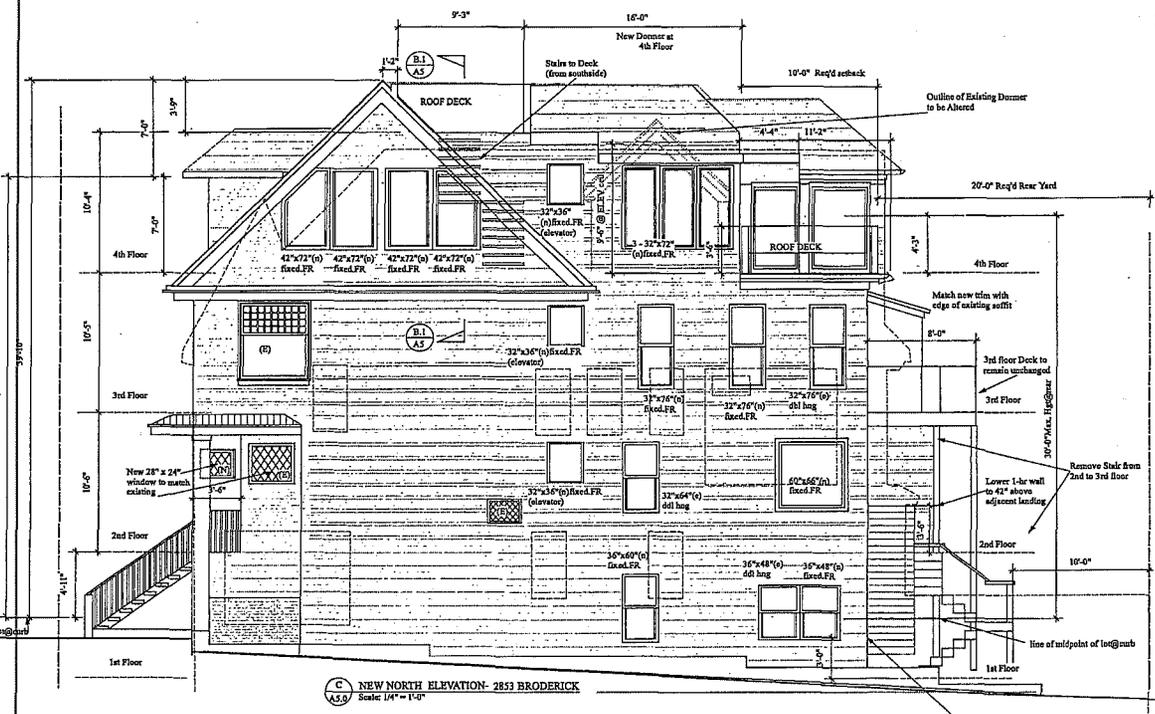


**B**  
NEW WEST ELEVATION - 2853 BRODERICK  
Scale: 1/8" = 1'-0"

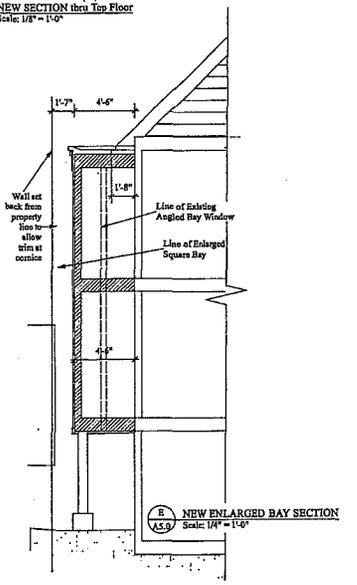
**UPDATED REAR ELEVATIONS**  
Existing + Proposed



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



**C**  
NEW NORTH ELEVATION - 2853 BRODERICK  
Scale: 1/4" = 1'-0"



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

**PROPOSED ALTERATIONS**

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



**STEPHEN ANTONAROS**  
ARCHITECT  
2261 Market Street #224  
San Francisco, California 94114  
(415) 864-9251  
Fax: (415) 864-9252

By: *[Signature]*  
My commission expires: 12/31/2017  
(415) 864-9251

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

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

# EXHIBIT C



# SAN FRANCISCO PLANNING DEPARTMENT

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## Release of Suspension Request

October 16, 2014

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

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

Dear Mr. Hui,

This letter is to request that the Department of Building Inspection (DBI) release suspension of **Building Permit Application Numbers 201103111905, 201103252839, 201108031630, 201209260727 and 201309247638** (various scopes of work including vertical/horizontal expansion) for the property at 2853-2857 Broderick Street.

On February 5, 2014, I submitted a Request for Suspension for the subject building permit applications because of concerns related to errors on the approved plans, documentation of the scope of work and responsiveness to Notices of Planning Department Requirements. The Project Sponsor has been working with the Department to correct errors on the plans and document the full scope of work under Building Permit Application No. 201307010898. This building permit underwent neighborhood notification pursuant to Planning Code Section 311 between June 27, 2014 and August 6, 2014. On September 18, 2014, the Planning Commission held a Discretionary Review hearing on the subject permit and voted unanimously to not take Discretionary Review and approve the building permit application. On October 15, 2014, Planning Department staff approved the subject building permit and routed it to DBI for review.

Given that the Planning Commission and Planning Department have reviewed/approved Building Permit Application No. 201307010898 to correct errors contained on previous plans and document the full scope of work under one permit, the suspension of **Building Permit Application Numbers 201103111905, 201103252839, 201108031630, 201209260727 and 201309247638** may now be released provided that work conforms to the scope of the issued permits.

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

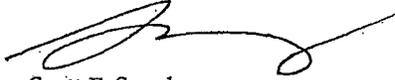
Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Tom Hui, Director DBI  
Release of Suspension Request  
2853-2857 Broderick Street  
October 16, 2014

**APPEAL:** Any aggrieved person may appeal this letter to the Board of Appeals within fifteen (15) days after the date of the issuance of this letter. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, or call 575-6880.

Sincerely,



Scott F. Sanchez  
Zoning Administrator

CC: Property Owner  
Daniel Lowrey, Deputy Director, Department of Building Inspection

# EXHIBIT D



### Permits, Complaints and Boiler PTO Inquiry

**Permit Details Report**

**Report Date:** 11/13/2014 8:12:01 AM

**Application Number:** 201307010898

**Form Number:** 3

**Address(es):** 0947 / 002 / 0 2853 BRODERICK ST  
0947 / 002 / 0 2857 BRODERICK ST

**Description:** TO COMPLY W/ CORR NOTICE DATED 6/25/13. ALSO TO CLARIFY HEIGHT OF BLDG BEFORE & AFTER BEING RAISED 36" UNDER 201103252839 & TO CORR PREV SHOWN HEIGHTS TO ROOF RIDGE TOP. DWELLING UNIT MERGER TO SFD ADDITIONS TO SIDE, REAR & 4/FL. REVISE 201103111905, 201103252839, 201108031630, 201209260727 & 201309247638.

**Cost:** \$1.00

**Occupancy Code:** R-3

**Building Use:** 28 - 2 FAMILY DWELLING

**Disposition / Stage:**

Action Date	Stage	Comments
7/1/2013	TRIAGE	
7/1/2013	FILING	
7/1/2013	FILED	

**Contact Details:**

**Contractor Details:**

**Addenda Details:**

**Description:**

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	7/1/13	7/1/13			7/1/13	CHEUNG WAI FONG	415-558-6070	
2	CP-ZOC	7/1/13	7/16/13	7/16/13	10/15/14	10/15/14	CABREROS GLENN	415-558-6377	Approved per Case No. 2013.0433DDDE. Correct height dimensions. Dwelling unit merger from 2 to 1 unit. Side, rear and vertical additions. 10/15/14 (gc). NOPDR #1 mailed 7/10/13 (gc). Pending review with ZA. 7/16/13 (gc).
3	CP-DR		7/29/14			10/15/14	OROPEZA EDGAR	415-558-6377	DR APPLICATION TAKEN IN ON 7/29/2014. APPLICATION COMPLETE AND TAKEN IN BY EDGAR OROPEZA, PIC STAFF
4	CP-NP						CABREROS GLENN	415-558-6377	Mailed 311 Cover Letter 6/27/14 (Vlad) Mailed 311 Notice 7/7/14; Expired 8/6/14 (Vlad)
5	BLDG	10/15/14	11/6/14				YIN DIANE	415-558-6133	
6	DPW-BSM							415-558-6060	
7	PPC						THAI SYLVIA	415-558-6133	10/20/14: Return to Diane Yin; snt. 10/20/14: OTC disapproved, back to BLDG. mml 10/20/14; to Stephen Antonaros for OTC. PG 10/17/14; back to OTC bin; snt. 10/17/14: Plans routed to Stephen Antonaros hold for Building review. AL 10/17/14: Plans routed to OTC hold for Building review. AL 10/15/14; to BSM; snt.
									10/17/14: UPDATED DESCRIPTION

8	CPB						YAN BRENDA	415- 558- 6070	OF WORK & IS A 2 UNITS MERGER TO 1 UNIT, NO STRUCTURE PLANS & CHANGE FULL TO SITE PERMIT REQUEST BY APPLICANT. OK BY WF. BYAN.
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**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
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**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code	Descriptions and Phone Numbers
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[Online Permit and Complaint Tracking home page.](#)

**Technical Support for Online Services**

If you need help or have a question about this service, please visit our [FAQ area](#).

# EXHIBIT E



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

Case No.: 2010.0394E  
 Project Title: 2853-2857 Broderick Street  
 Zoning: RH-2 (Residential, House, Two-Family)  
 40-X Height and Bulk District  
 Block/Lot: 0947/002  
 Lot Size: 2,757 square feet  
 Project Sponsor: Stephen Antonaros, Architect  
 (415) 864-2261  
 Staff Contact: Shelley Caltagirone - (415) 558-6625  
 shelly.caltagirone@sfgov.org

1650 Mission St.  
 Suite 400  
 San Francisco,  
 CA 94103-2479

Reception:  
 415.558.6378

Fax:  
 415.558.6409

Planning  
 Information:  
 415.558.6377

### PROJECT DESCRIPTION:

The proposal involves raising the building by approximately three (3) feet to insert a garage at the ground floor level, expanding the ground floor level towards the rear of the building, and creating a new curb cut. The project would add approximately 680 square feet (sf) of residential space to the existing 3,774-sf building resulting in 4,454 total sf. The project site is located on a block bounded by Filbert Street, Union Street, Broderick Street, and Baker Street in the Cow Hollow neighborhood.

### EXEMPT STATUS:

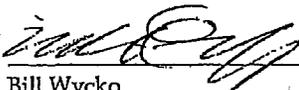
Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1))

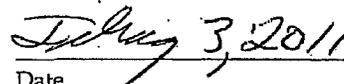
### REMARKS:

See next page.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

  
 Bill Wycko  
 Environmental Review Officer

  
 Date

cc: Stephen Antonaros, Architect, Project Sponsor  
 Inger Conrad, Property Owner  
 Shelley Caltagirone, Preservation Planner  
 Supervisor Farrell (via Clerk of the Board)

Virna Byrd, M.D.F.  
 Distribution List  
 Historic Preservation Distribution List

**REMARKS (continued):**

In evaluating whether the proposed project would be exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department determined that the buildings located on the project site are historical resources. The subject property is included on the Planning Department's 1976 Architectural Survey with a rating of "1" and was listed as a contributor to a historic district in the National and California Registers in 1983 according to the Planning Department's Parcel Information Database (register form cannot be located). Under the Planning Department's CEQA Review Procedures for Historic Resources, the property is considered a "Category A" known historic resource.

As described in the Historic Resource Evaluation (HRE) Memorandum<sup>1</sup> (attached), the 2853-2857 Broderick Street property is listed on the National Register as a contributing building within a historic district. The register form could not be located; however, based upon a review of the surrounding architecture, the district appears to be significant under Criterion 3 (Architecture) as a collection of late 19<sup>th</sup>- and early 20<sup>th</sup>-century buildings dating from the earliest period of residential development in the Cow Hollow/Pacific Heights neighborhood. The majority of the buildings are 2-3 stories in scale; are clad in quality masonry or wood cladding; display a hierarchy of building forms including a defined base, body, and cornice; display punched window openings, often containing wood-framed windows; and display rich architectural details and ornamentation. The period of significance for this district appears to be approximately 1870-1930. The construction date of the subject building places it within the period of significance identified for the surrounding historic district. Furthermore, the property retains sufficient historic integrity to convey their historic significance. As such, the property is considered a historic resource for the purposes of CEQA.

Since the building was determined to be a historic resource, the Planning Department assessed whether the proposed project would materially impair the resource. The Department determined that the project would not cause a substantial adverse change in the resource such that the significance of the resource would be materially impaired. The following is an analysis of the proposed project's potential to impact the historic resource.

- The proposed project would retain the historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow/Pacific Heights earliest period of development.
- No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. While the height of the ground floor level will be increased by approximately three (3) feet, the change would not significantly impact the overall proportions of the three-story façade. The new garage door opening would occur at the new raised portion of the building and would not cause the removal of historic material. Although the entry stairs would be extended to accommodate the new height, they are not original to the building so that their replacement would not remove historic material.

<sup>1</sup> Memorandum from Shelley Caltagirone, Preservation Technical Specialist, to Brett Bollinger, Planner, Major Environmental Analysis, January 14, 2011.

- The proposed addition would not negatively impact the character-defining features of the building or the site as it would be constructed at the rear of the building, which is not visible from the adjacent public rights-of-way. The proposed garage door at the front façade would be placed flush with the plane of the façade so as to retain the volume of the building at its base. The door would also be constructed of solid wood and details to be compatible with the historic design.

The proposed project would involve the addition of approximately 680 sf of residential space to the existing 3,774-sf building resulting in 4,454 total sf. CEQA State Guidelines Section 15301(e)(1), or Class 1, provides for additions to existing structures provided that the addition would not result more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. The proposed project would make alterations to an existing structure and add approximately 680 sf to the existing 3,774-sf of building area. The proposed project therefore meets the criteria of Class 1.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Section 15300.2(f) specifically states that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of an historical resource. As described above, the proposed project would not cause a substantial adverse change in the significance of the historical resource under Section 15300.2(f). Given this fact and the nature of the proposed project, the exemption provided for in CEQA State Guidelines Section 15301(e), or Class 1, may be used. There are no other unusual circumstances surrounding the proposed project that would suggest a reasonable possibility of a significant environmental effect. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Historic Resource Evaluation Response

*MEA Planner:* Brett Bollinger  
*Project Address:* 2853-2857 Broderick Street  
*Block/Lot:* 0947/002  
*Case No.:* 2010.0394E  
*Date of Review:* January 14, 2011  
*Planning Dept. Reviewer:* Shelley Caltagirone  
 (415) 558-6625 | shelly.caltagirone@sfgov.org

1650 Mission St.  
 Suite 400  
 San Francisco,  
 CA 94103-2479

Reception:  
 415.558.6378

Fax:  
 415.558.6409

Planning  
 Information:  
 415.558.6377

**PROPOSED PROJECT**     Demolition     Alteration     New Construction

### PROJECT DESCRIPTION

The proposal involves raising the building by approximately 3 feet to insert a garage at the ground floor level, expanding the ground floor level towards the rear of the building, and creating a new curb cut. The project would add approximately 680 square feet of residential space to the existing 3,774-square-foot-building resulting in 4,454 total square feet.

### PRE-EXISTING HISTORIC RATING / SURVEY

The subject property is included on the Planning Department's 1976 Architectural Survey with a rating of "1" and was listed as a contributor to a historic district in the National and California Registers in 1983 according to the Planning Department's Parcel Information Database (register form cannot be located). The property is considered a "Category A" (Known Historic Resource) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures.

### HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

The 2,757-square-foot parcel is located on Broderick Street between Filbert and Union Streets. The property is located within the Pacific Heights/Cow Hollow neighborhood in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District. The area includes a range of residential building types, including larger single-family detached residences at the higher elevations and two-family residences or multi-family structures on corner lots and at lower elevations. The houses are designed in a variety of styles dating from the late 19<sup>th</sup>-and early 20<sup>th</sup>-century, which reflect the various stages of development within the neighborhood. Visual continuity is mixed in terms of style; however, there is a strong pattern of massing and materials along the immediate block.

The Pacific Heights/Cow Hollow Area was incorporated into San Francisco in 1850 as part of the Western Addition annexation. Up until the 1870s, the area included the scattered vacation homes of the wealthy but was comprised mainly of dairy farms, grazing land, and windswept dunes. Beginning in the 1870s, the neighborhood's proximity to the downtown, the extension of graded streets and cable cars, as well as the dramatic bay views made this area one of the most prestigious enclaves in San Francisco. By 1900, the area was well known as the City's most fashionable neighborhood. This notoriety attracted many of the

City's best architects and the City's most affluent residents. Due to rapidly increasing land values many of the earliest homes in the area were quickly demolished to make way for substantial apartment blocks and even more extravagant homes than the original Victorians. The Stock Market Crash of 1929 halted almost all development in the neighborhood.

1. **California Register Criteria of Significance:** Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

Event: or  Yes  No  Unable to determine  
Persons: or  Yes  No  Unable to determine  
Architecture: or  Yes  No  Unable to determine  
Information Potential:  Further investigation recommended.  
District or Context:  Yes, may contribute to a potential district or significant context  
If Yes; Period of significance: 1870-1930

According to the Planning Department's records, the subject property is listed on the National Register as a contributing building within a historic district. The register form could not be located; however, based upon a review of the surrounding architecture, the district appears to be significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development.

*Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;*

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that any significant events are associated with the subject building. Although construction of the subject building was part of the primary pattern of residential development that occurred in the area in the late 19<sup>th</sup> century, this pattern is not documented as significant within the context of the history of the neighborhood, the City, the State, or the nation. Furthermore, there are no specific historical events known to be associated with the construction or subsequent usage of the subject building as a single-family residence. It is therefore determined not to be eligible under this criterion.

*Criterion 2: It is associated with the lives of persons important in our local, regional or national past;*

The information provided by the Project Sponsor and a review of the City Directories indicate that William Hammond Hall briefly owned the property circa 1930. Hall was a significant person in San Francisco's history as the designer of Golden Gate Park and the first state civil engineer. Hall is listed in the directories as living at 3855 Jackson Street between 1905-1932 and he died in 1934. Therefore, it does not appear that he resided at the subject property. According to the oral history collected by the

Project Sponsor, Hall's daughters lived at the subject property as late as 1954, so it is presumed that the property was purchased for their use. The property is not historically significant as it is not associated with the Hall's career as an engineer. No other significant persons are associated with the subject building. The subject building is therefore determined not to be eligible under this criterion.

*Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;*

The subject building and district appear to be listed on the National Register for embodying the distinctive characteristics of a period of architectural development in Pacific Heights/Cow Hollow. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition-style. The general characteristics of this style are an emphasis on simplified geometric forms, natural materials (often including shingle cladding, rustic lap siding, and brick), structural honesty, picturesque and asymmetrical massing and articulation, uniform exterior cladding with no interruptions at corners, and simplified ornament and details. Many of these elements are evident in the subject building. The subject does not appear to be a significant example of the First Bay Tradition style as an individual property because it is a relatively modest example of the style, does not represent the work of a master, does not possess high artistic value, and does not appear to retain high historic integrity of design. However, the building does contribute to a collection of late 19<sup>th</sup> - and early 20<sup>th</sup>-century buildings dating from the earliest period of residential development in the Cow Hollow/Pacific Heights neighborhood. The concentration of buildings on the immediate block faces represents a variety of regional architectural styles of this period. The majority of the buildings are 2-3 stories in scale; are clad in quality masonry or wood cladding; display a hierarchy of building forms including a defined base, body, and cornice; display punched window openings, often containing wood-framed windows; and display rich architectural details and ornamentation. The period of significance for this district appears to be approximately 1870-1930. The construction date of the subject building places it within the period of significance identified for the surrounding historic district.

*Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;*

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that the subject property is likely to yield information important to a better understanding of prehistory or history. The subject building is therefore determined not to be eligible under this criterion.

2. Integrity is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

Location:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Setting:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
Association:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Feeling:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
Design:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	Materials:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
Workmanship:	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks			

The subject building does not appear to have been significantly altered beyond the replacement of the front stair. It retains all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow/Pacific Heights neighborhood.

3. Determination of whether the property is an "historical resource" for purposes of CEQA.

- No Resource Present (Go to 6 below.)       Historical Resource Present (Continue to 4.)

4. If the property appears to be an historical resource, whether the proposed project would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).

- The project will not cause a substantial adverse change in the significance of the resource such that the significance of the resource would be materially impaired. (Continue to 5 if the project is an alteration.)
- The project is a significant impact as proposed. (Continue to 5 if the project is an alteration.)

Staff has reviewed the project proposal and finds that the project would not cause a substantial adverse change in the resource such that the significance of the resource would be materially impaired. The following is an analysis of the proposed project impacts to the historic resource.

- The proposed project would retain historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow/Pacific Heights earliest period of development.
- No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. While the height of the ground floor level will be increased by approximately 3 feet, the change will not significantly impact the overall proportions of the three-story façade. The new garage door opening will occur at the new raised portion of the building and will not cause the removal of historic material. Although the entry stairs will be extended to accommodate the new height, they are not original to the building so that their replacement will not remove historic material.
- The proposed addition would not negatively impact the character-defining features of the building or the site as it would be constructed at the rear of the building, which is not visible from the adjacent public rights-of-way. The proposed garage door at the front façade will be placed flush with the plane of the façade so as to retain the volume of the building at its base. The door will also be constructed of solid wood and details to be compatible with the historic design.

5. Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.

The character-defining features of the subject building include all those exterior features visible from the public rights-of-way that convey its original First Bay Tradition-style design, including:

- The overall massing, scale, and form;
- The building's location, front setback, and relationship to its adjacent neighbors;
- The side-gable roof and gabled dormers;
- The wood shingle cladding;
- The multi-light, wood-framed windows and fenestration pattern; and
- The raised entry; and,
- The decorative trimwork.

6. Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.

Yes     No     Unable to determine

It does not appear that the proposal would have a significant adverse impact on any off-site historic resources as no known individual historic resources are located in the immediate area. As noted above, the area contains a high concentration of buildings that were constructed between 1870-1930 and there is considerable architectural harmony among the buildings in the area. The proposed design of the addition and façade modifications are compatible with these character-defining features of the district and would not detract from the district's existing visual continuity or diminish its historical significance.

#### SENIOR PRESERVATION PLANNER REVIEW

Signature: \_\_\_\_\_

Tina Tam, Senior Preservation Planner

Date: 1-17-2011

cc: Linda Avery, Recording Secretary, Historic Preservation Commission  
Virnaliza Byrd / Historic Resource Impact Review File

SC: G:\DOCUMENTS\Cases\CEQA\HRER\2010.0394E\_2857 Broderick.doc



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
2853-2857 Broderick St		0947/002	
Case No.	Permit No.	Plans Dated	
2013.0433E			
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 50 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Front facade alterations; new roof decks; new dormers; alter existing dormer.			

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input checked="" type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	Class 3 – New Construction. Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class _____

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)
<input type="checkbox"/>	<b>Hazardous Materials:</b> Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

<input type="checkbox"/>	<b>Soil Disturbance/Modification:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Noise:</b> Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</i> If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading—including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</i> If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones)</i> If box is checked, a geotechnical report will likely be required
<input type="checkbox"/>	<b>Serpentine Rock:</b> Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work. (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Serpentine)</i>
If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required.</u>	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): No excavation. Jeanie Poling 3/3/14	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE  
TO BE COMPLETED BY PROJECT PLANNER**

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Parcel Information Map)	
<input checked="" type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 50 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST**  
**TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	3. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	4. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	5. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the <i>Residential Design Guidelines</i> .
<input type="checkbox"/>	6. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	8. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	9. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding:	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input checked="" type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input checked="" type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input checked="" type="checkbox"/>	7. Addition(s), including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input checked="" type="checkbox"/>	<p>8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):</p> <p>See HRER memo dated 6/24/14</p>
<input type="checkbox"/>	<p>9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p>a. Per HRER dated: _____ (attach HRER)</p> <p>b. Other (specify):</p>
<p>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</p>	
<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an Environmental Evaluation Application to be submitted. GO TO STEP 6.</p>
<input checked="" type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
<p>Comments (optional):</p>	
<p>Preservation Planner Signature: <i>Shelley Cattz</i></p>	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION**  
**TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply):</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p>STOP! Must file an Environmental Evaluation Application.</p>
<input checked="" type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p>
<p>Planner Name: <i>Shelley Cattz</i></p> <p>Project Approval Action:  <b>Select One</b>  <small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small></p>	<p>Signature or Stamp:</p> <p><i>Shelley Cattz</i> 7/3/14</p>
<p>Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.</p>	

# EXHIBIT F

1 [Affirming the Exemption Determination - 2853-2857 Broderick Street]

2  
3 **Motion affirming the determination by the Planning Department that a project located at**  
4 **2853-2857 Broderick Street is exempt from environmental review.**

5  
6 WHEREAS, The Planning Department has determined that a project located at 2853-  
7 2857 Broderick Street is exempt from environmental review under the California  
8 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative  
9 Code Chapter 31. The proposed project involves raising the building by approximately three  
10 feet to insert a garage at ground level, expanding the ground floor level and creating a new  
11 curb cut. By letter to the Clerk of the Board, Kate Polevoi, on behalf of Zeeva Kardos, Irving  
12 Zaretsky, Craig Jones, Michael Jaeger, Eric and Kelda Reimers, Rob and Jennifer Povlitz,  
13 and Don and Ann Morehead (Appellants), received by the Clerk's Office on July 10, 2012,  
14 appealed the exemption determination. The Appellants provided a copy a Certificate of  
15 Determination, Exemption From Environmental Review, issued by the Planning Department  
16 on July 3, 2011, finding the proposed project exempt from environmental review under CEQA  
17 Guidelines Class 1 (14 Cal. Code. Regs. §15301); and

18 WHEREAS, On September 4, 2012, this Board held a duly noticed public hearing to  
19 consider the appeal of the exemption determination filed by Appellants, and following the  
20 public hearing affirmed the exemption determination; and

21 WHEREAS, In reviewing the appeal of the exemption determination, this Board  
22 reviewed and considered the exemption determination, the appeal letters, the responses to  
23 concerns document that the Planning Department prepared, the other written records before  
24 the Board of Supervisors and all of the public testimony made in support of and opposed to  
25 the exemption determination appeal. Following the conclusion of the public hearing, the Board

Clerk of the Board  
BOARD OF SUPERVISORS

1 of Supervisors affirmed the exemption determination for the project based on the written  
2 record before the Board of Supervisors as well as all of the testimony at the public hearing in  
3 support of and opposed to the appeal. The written record and oral testimony in support of and  
4 opposed to the appeal and deliberation of the oral and written testimony at the public hearing  
5 before the Board of Supervisors by all parties and the public in support of and opposed to the  
6 appeal of the exemption determination is in the Clerk of the Board of Supervisors File No.  
7 120781 and is incorporated in this motion as though set forth in its entirety; now therefore be it

8       MOVED, That the Board of Supervisors of the City and County of San Francisco  
9 hereby adopts as its own and incorporates by reference in this motion, as though fully set  
10 forth, the exemption determination; and be it

11       FURTHER MOVED, That the Board of Supervisors finds that based on the whole  
12 record before it there are no substantial project changes, no substantial changes in project  
13 circumstances, and no new information of substantial importance that would change the  
14 conclusions set forth in the exemption determination by the Planning Department that the  
15 proposed project is exempt from environmental review; and be it

16       FURTHER MOVED, That after carefully considering the appeal of the exemption  
17 determination, including the written information submitted to the Board of Supervisors and the  
18 public testimony presented to the Board of Supervisors at the hearing on the exemption  
19 determination, this Board concludes that the project qualifies for a exemption determination  
20 under CEQA.

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25  
Clerk of the Board  
BOARD OF SUPERVISORS

Page 2  
8/30/2012

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revised on: 8/30/2012 - v:\legis support\electronic attachments\2012 - ad files\120782.doc



**City and County of San Francisco**

**Tails**

**Motion: M12-103**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 120782

**Date Passed:** September 04, 2012

Motion affirming the determination by the Planning Department that a project located at 2853-2857 Broderick Street is exempt from environmental review.

September 04, 2012 Board of Supervisors - APPROVED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 120782

I hereby certify that the foregoing Motion was APPROVED on 9/4/2012 by the Board of Supervisors of the City and County of San Francisco.

A handwritten signature in black ink, appearing to read "Angela Calvillo", written over a horizontal line.

Angela Calvillo  
Clerk of the Board

---

**From:** 714515@gmail.com  
**Sent:** Thursday, November 13, 2014 5:22 PM  
**To:** Mark Farrell; Lamug, Joy  
**Cc:** Stefani, Catherine; Sanchez, Scott (CPC); Lindsay, David (CPC); Cabrer0s, Glenn (CPC); O'Riordan, Patrick (DBI); Lowrey, Daniel (DBI); Fessler, Thomas (DBI); Povlitz; kbgoss@pacbell.net; michael@jaegermchugh.com; mait sai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; rwgoss@pacbell.net Goss; paulmimai@yahoo.com; wmore@aol.com; amanda@hoenigman.com; timothy.arcuri@cowen.com; nancy leavens nancy; Will Morehead (; DXN2700@aol.com; dod.fraser@gmail.com; ethurston@gmail.com; Patriciavaughey@att.net Patricia; Geoff Wood; Brooke Sampson; lbrooke@lmi.net (lbrooke@lmi.net); Cynthia2ndemail@gmail.com  
**Subject:** Fwd: 2853 Broderick Hearing November 25th  
**Attachments:** 2853 Brod withd. CEQA Scott choice.pdf; ATT00001.htm; 2853 Brod Pam to Schott Agreement stands.pdf; ATT00002.htm; 2853 Brod list of permits and perm 898.pdf; ATT00003.htm; image002.jpg; ATT00004.htm; image004.png; ATT00005.htm; 2014 DR Notice.pdf; ATT00006.htm; 2013 CatEx excerpts.pdf; ATT00007.htm; 2012 Planning response to CatEx appeal.pdf; ATT00008.htm; 2012 Motion upholding CatEx.pdf; ATT00009.htm; 2012 CatEx.pdf; ATT00010.htm; 9\_18\_14 DR Analysis.pdf; ATT00011.htm

Dear Supervisor Farrell:

We, Tim Arcuri and Irving Zaretsky, the Appellants request a postponement of the Hearing before the Board of Supervisors for the following reasons:

1. DBI is currently researching the status of Permit # 201307010898 and will respond to us within a week or so
2. We request that all Permits be consolidated for this Hearing and every issue be on the table for a total review of the CEQA issues as relevant to every construction plan in this project.
3. No further piecemeal permits and no splitting of permits.
4. An investigation as to the evolution of the permits and the status of the construction undertaken thus far without proper permitting.

It is the position of the Appellants and neighbors that:

- A. The only valid, legal, functional Permit issued to this project is Permit # 201103252893 approved by the Board of Appeals in September 2012 which reflects the Agreement and Appendix plans signed on September 4, 2012.
- B. All permits issued thereafter are addenda permits that failed to comply with the requirement that they be submitted for a 311 Notification prior to any construction being undertaken.
- C. Permit 2011307010898 filed on July 1, 2013 is a cover-up permit to attempt to ratify previous construction undertaken without proper permitting and to isolate previously improperly issued permits from further investigation. This Permit is meant to ratify and sanitize improper permit manipulation.

D. The DBI Notice for the Revision of Plans issued in June 2013 required the project sponsor to revise her plans under Permit 201103252893 and immediately submit the revisions to a 311 Notification. Instead she decided

along with City Planning to create a new Permit into which she would embed all previous permits and add the Revision drawings and future work. This permit has been filed but never issued and was kept in her hip pocket for a whole year before a 311 notification was published. In the meanwhile improperly permitted work was allowed to continue.

The project sponsor has undertaken this MO previously when she added on and loaded up permit # 201103252893 with a 'garden shed' to be constructed in the backyard, AKA an 8' x10' room, and curb cuts when these were never part of the negotiated Agreement.

We have attached below:

1. Correspondance from Scott Sanchez illustrating that the 2012 CEQA appeal was withdrawn by Appellants due to the choice presented to us by Scott Sanchez that rapid action on the Permit would allow the project sponsor to begin construction very rapidly. The language used at the Board of Supervisors at the withdrawal of the appeal had nothing to do with the affirmation of the status of the Categorical Exemptions by the Board of Supervisors, but rather it was the resolution of the dispute to which we gave the consideration of withdrawing the Appeal. The case was never heard on its merits by the Board of Supervisors. The resolution and the Agreement in fact re-affirmed that CEQA issues were not exempt from this case and the South side yard set back would be kept in tact; the rear steps would remain as is with no further encroachment into the back yard; the building would only be raised 36"; and the envelope and foot print of the building would not be expanded.

scott.sanchez@sfgov.org

August 8, 2012 10:39 AM

To: Stephen Antonaros <santonaros@sbcglobal.net>, iiz@me.com

Cc: Kate Kardos <kdkmanagement@yahoo.com>, Pam Whitehead <whiteheadwest@msn.com>, Catherine.Stefani@sfgov.org, AnMarie.Rodgers@sfgov.org, Victor.Pacheco@sfgov.microsoftonline.com, Cynthia.Goldstein@sfgov.microsoftonline.com  
Re: final drawings for the agreed design

---

Hello Irving and Stephen,

Thank you again for working together to develop a resolution that is acceptable to all parties. Moving forward, I believe that there may be two possible scenarios to ensure that the revised project moves forward.

First (and most straightforward), the Appellant can withdraw both appeals (CEQA and Board of Appeals) and the Permit Holder can file a revision permit with DBI that documents the agreed upon changes. This could happen relatively quickly (1-2 weeks).

Second, the Appellant can withdraw the CEQA appeal and both parties can go back to the Board of Appeals for the rehearing request (currently scheduled for September 12) to request the Board grant the rehearing request and schedule the item for the next available hearing. At the subsequent hearing, the Board could grant the appeal and adopt the revised plans. This would take more time, a month or more and would require cooperation of the Board (they are not obligated to accept the agreement). I'm copying Cynthia Goldstein and Victor Pacheco at the Board of Appeals on this email to see if they have any comments.

It's a complicated process, so please let me know if you have any questions.

Regards,  
Scott F. Sanchez  
Zoning Administrator  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Tel: 415.558.6350

Fax: 415.558.6409

E-mail: [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)

Webpage: <http://www.sfplanning.org>

Planning Information Center (PIC): 415-558-6377

Property Information Map (PIM): <http://propertymap.sfplanning.org>

Stephen Antonaros  
<[santonaros@sbcgl  
obal.net](mailto:santonaros@sbcgl<br/>obal.net)>

To

[iiz@me.com](mailto:iiz@me.com)

08/08/2012 10:23

cc

AM

Pam Whitehead  
<[whiteheadwest@msn.com](mailto:whiteheadwest@msn.com)>, Kate  
Kardos <[kdkmanagement@yahoo.com](mailto:kdkmanagement@yahoo.com)>,  
[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org),  
[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)

Subject

Re: final drawings for the agreed  
design

Irving;

Part of my own due diligence on proposing the option that is acceptable to all involved running it by DBI. I received a positive response which will be final after reviewed under a proper permit application as a revision.

Stephen Antonaros, ARCHITECT  
2261 Market Street #324  
San Francisco, California 94114  
(415) 864-2261

www.antonaros.com

On Aug 8, 2012, at 10:18 AM, iiz@me.com wrote:

Stephen:

I will check with Victor at the Board of Appeals and with Catherine at Mark Farrell's office on how to proceed to get your permit re-instated so that the agreement can go forward. However, in the mean while can you get the agreed

upon design to be looked at by DBI so that we have their blessing and the permit revision will just be ministerial when we clear up the Hearing withdrawal. We don't want any issues with DBI.

Thank you,  
Irving

On Aug 8, 2012, at 10:10 AM, Stephen Antonaros wrote:

Irving,

My understanding is that we cannot submit a permit revision to a permit that has been suspended unless that permit is authorized by the Board of Appeals as a result of a decision at the hearing. Please confirm that on your own.

Stephen Antonaros, ARCHITECT  
2298 Third Street  
San Francisco, California 94107  
(415)864-2261  
www.antonaros.com

On Aug 8, 2012, at 10:06 AM, iiz@me.com wrote:

Dear Pam and Stephen:

Can you prepare the final drawings within the approved drawings that you have that show the final design accepted by the City Planning Department and have it also signed off by DBI. That would show the exact way the project would

be constructed according to the agreement. That would allow us to

withdraw our appeals and get our agreement finalized. We have to have CP and DBI sign off. Let's try to do that ASAP so that we can get all the paper work done.

Thank you,  
Irving

Sincerely,  
Irving Zaretsky

Begin forwarded message:

**From:** <[IDick@fbm.com](mailto:IDick@fbm.com)>  
**Subject:** RE: 2853 Broderick Hearing November 25th  
**Date:** November 12, 2014 11:53:27 AM PST  
**To:** <[714515@gmail.com](mailto:714515@gmail.com)>, <[info@markfarrell.com](mailto:info@markfarrell.com)>, <[joy.lamug@sfgov.org](mailto:joy.lamug@sfgov.org)>  
**Cc:** <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>, <[rpovlitz@yahoo.com](mailto:rpovlitz@yahoo.com)>, <[kgoss@pacbell.net](mailto:kgoss@pacbell.net)>, <[michael@jaegermchugh.com](mailto:michael@jaegermchugh.com)>, <[maitsai@yahoo.com](mailto:maitsai@yahoo.com)>, <[annabrockway@yahoo.com](mailto:annabrockway@yahoo.com)>, <[ericreimers@gmail.com](mailto:ericreimers@gmail.com)>, <[dorinetowle@me.com](mailto:dorinetowle@me.com)>, <[vince@citymarkdev.com](mailto:vince@citymarkdev.com)>, <[kdkmanagement@yahoo.com](mailto:kdkmanagement@yahoo.com)>, <[cjones@forwardmgmt.com](mailto:cjones@forwardmgmt.com)>, <[rwgoss@pacbell.net](mailto:rwgoss@pacbell.net)>, <[paulmaimai@yahoo.com](mailto:paulmaimai@yahoo.com)>, <[wmore@aol.com](mailto:wmore@aol.com)>, <[amanda@hoenigman.com](mailto:amanda@hoenigman.com)>, <[timothy.arcuri@cowen.com](mailto:timothy.arcuri@cowen.com)>, <[nancyp.leavens@gmail.com](mailto:nancyp.leavens@gmail.com)>, <[letsbond@gmail.com](mailto:letsbond@gmail.com)>, <[dod.fraser@gmail.com](mailto:dod.fraser@gmail.com)>, <[ethurston@gmail.com](mailto:ethurston@gmail.com)>, <[DXN2700@aol.com](mailto:DXN2700@aol.com)>, <[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>, <[whiteheadwest@msn.com](mailto:whiteheadwest@msn.com)>

Sup. Farrell, we represent Pam Whitehead, the permit holder for 2853 Broderick Street. As you know, this fire damaged, vacant building has been subject to 2+ years of ongoing review by City agencies and boards, arising primarily from Mr. Zaretsky's continuous oversight of this project. For the reasons set forth below and the attachments to this email, we request that you not grant Mr. Zaretsky's request to continue the November 25th hearing on Mr. Zaretsky's appeal of the July 3, 2014 Categorical Exemption. Rather than detail the circuitous and complex permit/administrative history of this project, to facilitate your consideration of our position, I have attached excerpts of pertinent administrative documents and highlighted the relevant portions for your convenience.

To be clear, Mr. Zaretsky is asking for a continuance of the appeal hearing **he** requested on the Class 1 Categorical Exemption. The reason for the delay- to wait for issuance of the building permit that is the focus of that very same Categorical Exemption -is based on his erroneous understanding of permit review under CEQA. Moreover, he states that he does not know what work the building permit will allow. In fact, this is the very same building permit for which he sought and was denied Discretionary Review (DR) by the Planning Commission in September. Given his DR request and testimony before the Planning Commission, he is well aware of the scope of work authorized by this building permit.

As you know, CEQA applies only to "discretionary actions". Review by DBI or other City agencies that review and sign off on the pending building permit application are not "discretionary actions" under CEQA. Only the issuance of the permit by DBI constitutes an approval subject to CEQA, requiring a CEQA determination. Here, a CEQA determination has been made for this building permit (and the proposed scope of work) under the Categorical Exemption that Messrs.

Zaretsky and Arcuri have appealed. However, due to the appeal, DBI cannot issue that building permit unless and until the Board of Supervisors acts on the appeal. Once the Categorical Exemption is upheld, then the building permit can be issued. To do otherwise, would result in an discretionary action without a final CEQA document. Thus, what he is requesting is not legally possible.

The appeal hearing should proceed as it was requested by Mr. Zaretsky based on facts that he was well aware of, including the pending issuance of the building permit by DBI. He should not be able to manipulate further the administrative review of actions needed for this building to become a livable home. Accordingly, we respectfully request that the hearing on the appeal of the Categorical Exemption filed by Messrs. Zaretsky and Arcuri be held on November 25, 2014 as scheduled.

### **RELEVANT FACTS**

-The Categorical Exemption before the Board of Supervisors on appeal was issued on July 3, 2014. It covers only the scope of work under the building permit that Mr. Zaretsky seeks to have issued before the Board of Supervisors' hearing on his appeal of the Categorical Exemption.

-This building permit is a "new" permit, legally distinct and independent of any previously issued permits. That is precisely why it was subject to its own CEQA review and DR. Mr. Zaretsky is thus wrong when he states that the CEQA appeal before the Board of Supervisors "includes the Permits reinstated by the Zoning Administrator on October 15, 2014". To further substantiate that the pending building permit is independent of any prior permit, the Planning Department scheduled a DR hearing on this permit. Mr. Zaretsky received by email the attached DR notice of this permit, with a detailed description of the proposed scope of work, on July 2, 2014. He and Mr. Arcuri filed DR Requests of that permit. The Planning Commission approved this permit at its September 18, 2014. As noted on the DR notice and on the Commission's agenda, the Commission's approval of the building permit was an "Approval Action" for appeal of the CEQA document. Messrs. Zaretsky and Arcuri chose to file their appeal based on the Commission's approval of the permit. They should not be able to bend the CEQA appeal process so painstakingly modified in 2013 by the Board of Supervisors.

-The Categorical Exemption on appeal makes clear the "project" or the scope of work authorized by this permit. It does not cover the breadth of work Mr. Zaretsky thinks it does. Mr. Zaretsky fails to acknowledge that much of that work was done under previously-issued permits that were themselves subject to the Categorical Exemption issued in 2012. The Board of Supervisors upheld that Categorical Exemption on an appeal brought by Mr. Zaretsky.

-Contrary to Mr. Zaretsky's assertion, permit review will not involve significant changes to the project by DBI or any other agency. Thus, there is no reason to expect that the plans that were approved by the Planning Commission on DR will be modified during plan check.

Thank you in advance for your consideration of our request. Please feel free to call or email me.

Regards,

**Ilene R Dick**  
*Spc Counsel Attny*  
[idick@fbm.com](mailto:idick@fbm.com)  
415.954.4958



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On July 1, 2013 the Applicant named below filed BPA No. 2013.07.01.0898 with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	2853 Broderick Street	Applicant:	Stephen Antonaros, Architect
Cross Street(s):	Filbert/Union Streets	Address:	2261 Market Street, #324
Block/Lot No.:	0947 / 002	City, State:	San Francisco, CA 94114
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 864-2261

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input checked="" type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	AS APPROVED / AS BUILT	PROPOSED
Building Use	Two-family dwelling / No Change	Single-family residence
Front Setback	10 feet / 10 feet	No Change
Side Setbacks	6'@south & 2'@ north / No Change	2' @ south & 2' @ north side
Building Depth	57 feet / No Change	No Change
Rear Yard	13 feet / No Change	No Change
Building Height	37' to ridge / 40' to ridge	No Change
Number of Stories	3 over garage / No Change	No Change
Number of Dwelling Units	2 / No Change	1
Number of Parking Spaces	2 / No Change	No Change

### PROJECT DESCRIPTION

\*Under previously approved BPA#2011.03.25.2839, the subject building was lifted 3 feet to the As Built (existing) condition at the subject property. During construction it was discovered that the existing and proposed dimensioned heights disclosed under BPA#2011.03.25.2839 were incorrectly stated and were deficient by 3 feet. The subject permit application has been filed to demonstrate that the subject building was lifted 3 feet to a height of 40 feet, rather than to 37 feet as stated in BPA#2011.03.25.2839. The subject permit application also proposes additional work including a dwelling unit merger from 2 to 1 unit and side and vertical additions to the existing building. A Discretionary Review hearing, Case No. 2013.0433D, for the project is scheduled for 12:00 p.m. on Thursday, August 7, 2014 at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, San Francisco, CA. The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:

Planner: Glenn Cabreros  
 Telephone: (415) 558-6169  
 E-mail: glenn.cabreros@sfgov.org

Notice Date: 7/7/14  
 Expiration Date: 8/6/14

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

2. Pam Whitehead's email to Scott Sanchez on March 12, 2013 stated unequivocally that she supports the Agreement and plans as represented in Permit # 201107010893 issued in September 2012. That she requested of me to send City Planning an email that I approved her interior changes and thereby gives the evidence to the entrapment set up by her architect and City Planning to extract such a letter from me without informing me of the hidden agenda to use it in lieu of the required 311 Notification. This correspondence re-affirms that the Agreement and plans are one non severable document and that the AGREEMENT IS A PARTY TO THIS PERMIT.

**From:** Pam Whitehead  
**To:** Cabrerros, Glenn  
**Cc:** santonaros@sbcglobal.net; Sanchez, Scott; Lindsay, David  
**Subject:** 2853 Broderick Street  
**Date:** Tuesday, March 12, 2013 7:19:55 AM

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Dear Glenn,

I have been going thru the chain of emails regarding this project over the last several months ending with the most recent emails back and forth between Steve and yourself and other staff members.

I wanted to let you know of my grave concern with your most recent decisions. I as the project sponsor, decided to move forward as one of two choices spelled out in an email from Scott Sanchez back in the beginning of August 2012. I opted to go thru and make certain that I had an agreement with the neighbors and plans that reflected the direction to where we were heading with the project. The basis for the agreement was to ensure we had all possibilities thought possible spelled out so to refer to it when and if in the future. I was very clear with my architect, neighbors, and my attorney that interior changes would absolutely take place. I also discussed this on the phone with the Board of Appeals the later part of August as to the reason we had decided to carry forth with all the hearings and I thought have a resolution so to have plans in place that I could at a future date have the ability of modifying the interior floor plans under the non appealable permit. I went to great added expense to ensure this security measure for myself and family.

To give you a history to why I intended to change the interior plans, was because the plans that went subject to the appeal process were not my plans, they were the previous owners, and what worked for them. This is not just a project for me, I intend to move into the building and live there with my partner and 2 children. I grew up around the corner on Filbert and lived there for many years. I was only able to purchase the property because I had known the owner since I was 4, and she loved the idea of us moving into the house.

I am at a loss to why the planning department is not allowing us to significantly modify the interior plans under the umbrella of the approved appeal set addenda. This agreement was submitted and attached to the submittal plans and final appeal decision and spells out what we are to follow and how. This agreement was part to the overall settlement that was ultimately signed and should be on file with the Board of Appeals as a party to the plan set. The reason for the signed agreement was to have something to follow, as the plans alone cannot specify all conditions to our agreement re the neighbor issues we had. A week ago we followed those conditions and I met with the neighbors to go over all changes, some significant and some not, as per spelled out in our filed Board of Appeals document. I had my attorney confirm this to Scott last Friday. From that conversation, I was told that Scott had voiced to John Kevlin, my attorney, that the "agreement" was not party to the appeal set. This was news to me. I am then not sure why I spent money having an attorney write up

such an agreement, and then further, why all neighbors needed to sign it, and then lastly was a party to the appeal's Board final decision? The plans alone show no clear guidance. They do not give me any security under an unappealable permit to make the interior changes that are necessary to this project, and lastly the effect no one outside to the building. Following the approved agreement, I requested the neighbors write an email confirming they are fine with our interior changes that deviate from the approved appeal set.

I am at a loss to why the planning department is not allowing us to include our interior changes only within my secure non appealable approved permit. I can understand why the outside changes Steve submitted (dated Feb 4th, 2013), or unit size deviations from approved be denied under this permit, that is fine, however if the two later are followed as per approved I am personally requesting you to reconsider your position with interior changes that have no impact on planning previous decisions and follow the agreement that we painstaking revised and revised so all parties could live with it, and ultimately became part of the overall appeal documents. Again I chose to go to the end with all agencies to ensure an appealable permit. What you have suggested, places me in harms way unnecessarily. Based on this Steve has been forced to draw up plans and is ready to submit, one and then another of my interiors I really plan to do, this seems crazy and very confusing to my engineer and I am sure will be equally confusing to the building department plan checker. Currently my building is 3 feet off the ground rest on temporary supports, this is not a position that it should be in longer than it has to be. Clearly had I understood that the Planning department cared about my interior plans, or was not going to accept the encompassing neighbor settlement agreement that was included with all departments while going thru the final stages of the appeals process, I would have waited to lift the house.

I want to feel as if the planning department cares about what the owner and neighbors are ok with, I want to feel that all the effort we put forth to have an agreement was not for not. I want to feel that the planning department is not so segregated that it is not willing to approve what had been a part to and approved with the Board of Appeals. It has been 3 years since the fire happened, neighbors come by every day I am at the property and ask me how long it is going to take.....what if you absolutely insist that my interior changes cannot be apart to my appeals site permit, what if Irving decides to appeal my interior changes even though he has written he is good with them and he doesn't care, why did I go thru the process to protect myself? Why was I told I would be able to make interior changes within this appeal permit? We live in earthquake country, please don't put me in a position to have to wait for yet another round of a submittal for interior changes only that is subject to any kind whim of any neighbor. We are about 2 to 3 weeks away from being able to pour concrete and stabilize the building, we need to have your reconsideration to allow us the interior changes so that there can be a real comprehensive plan the building department

looks at and then ultimately is not appealable so to secure the building safely, please.

Sincerely,

Pam Whitehead

If you do not have a copy of the approved agreement I will send to you, or I am sure they have in the Board of appeal file as an attachment. See Page 2.



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
2853-2857 Broderick St		0947/002	
Case No.	Permit No.	Plans Dated	
2013.0433E			
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 50 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Front facade alterations; new roof decks; new dormers; alter existing dormer.			

### STEP 1: EXEMPTION CLASS

#### TO BE COMPLETED BY PROJECT PLANNER

<b>Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.</b>	
<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	<b>Class 3 – New Construction.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	<b>Class</b> _____

### STEP 2: CEQA IMPACTS

#### TO BE COMPLETED BY PROJECT PLANNER

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)
<input type="checkbox"/>	<b>Hazardous Materials:</b> Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

**PART II: PROJECT EVALUATION**

Proposed Project  Demolition  Alteration

Per Drawings Dated: May 1, 2014

**Project Description**

The proposed project calls for exterior changes to the house, including the construction of two roof decks, construction of dormers on the north and south slopes of the hipped portion of the roof, construction of a bay at the south elevation to the west of the side entry porch; alteration of the side entry steps and door; alteration of main entry steps to reduce the height; alteration of the main entrance to lower the threshold approximately 1' and add a transom above the existing door; and, removal of stairs at the rear façade.

Please note that the permit plans associated with this project also rectify discrepancies in previous permits regarding height notation and drawing accuracy. These corrections do not constitute physical changes to the property.

**Project Evaluation**

*If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.*

**Subject Property/Historic Resource:**

- The project will not cause a significant adverse impact to the historic resource as proposed.
- The project will cause a significant adverse impact to the historic resource as proposed.

**California Register-eligible Historic District or Context:**

- The project will not cause a significant adverse impact to a California Register-eligible historic district or context as proposed.
- The project will cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

**Project Specific Impacts**

The project appears to meet the *Secretary of the Interior Standards for Rehabilitation* and would not cause a substantial adverse change to the contributing building at 2853-57 Broderick Street or to the surrounding Cow Hollow First Bay Tradition Historic District such that the significance of the resource (the district) would be materially impaired. The following is an analysis of the proposed project per the applicable Standards.

*Standard 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

3. A list of the Permits issued to this project and Permit # 201307010898

## Permits, Complaints and Boiler PTO Inquiry

You selected:

Address: **2853 BRODERICK ST** Block/Lot: **0947 / 002**

Please select among the following links, the type of permit for which to view address information:

[Electrical Permits](#) [Plumbing Permits](#) [Building Permits](#) [Complaints](#)

**(Building permits matching the selected address.)**

Permit #	Block	Lot	Street #	Street Name	Unit	Current Stage	Stage Date
201103111905	0947	002	2853	BRODERICK ST		SUSPEND	10/23/2014
201103252839	0947	002	2853	BRODERICK ST		SUSPEND	10/23/2014
201108031630	0947	002	2853	BRODERICK ST		SUSPEND	10/23/2014
201209260727	0947	002	2853	BRODERICK ST		SUSPEND	10/23/2014
201309247638	0947	002	2853	BRODERICK ST		SUSPEND	10/23/2014
201309066151	0947	002	2853	BRODERICK ST		WTHDRAWN	10/16/2014
M450087	0947	002	2853	BRODERICK ST		ISSUED	12/10/2013
M417447	0947	002	2853	BRODERICK ST		ISSUED	08/14/2013
201307010898	0947	002	2853	BRODERICK ST		FILED	07/01/2013
M400927	0947	002	2853	BRODERICK ST		ISSUED	06/11/2013
M303327	0947	002	2853	BRODERICK ST		ISSUED	02/21/2012
9607721	0947	002	2853	BRODERICK ST		COMPLETE	06/04/1996
8707323	0947	002	2853	BRODERICK ST		COMPLETE	06/22/1987

[Online Permit and Complaint Tracking home page.](#)

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## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

Report Date: 11/12/2014 7:41:26 PM

Application Number: 201307010898

Form Number: 3

Address(es): 0947/002/02853 BRODERICK ST  
0947/002/02857 BRODERICK ST

Description: TO COMPLY W/ CORR NOTICE DATED 6/25/13. ALSO TO CLARIFY HEIGHT OF BLDG BEFORE&AFTER BEING RAISED 36" UNDER 201103252839 & TO CORR PREV SHOWN HEIGHTS TO ROOF RIDGE TOP.DWELLING UNIT MERGER TO SFD.ADDITIONS TO SIDE,REAR&4/FL.REVISE 201103111905, 201103252839, 201108031630, 201209260727 &201309247638.

Cost: \$1.00

Occupancy Code: R-3

Building Use: 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
7/1/2013	TRIAGE	
7/1/2013	FILING	
7/1/2013	FILED	

### Contact Details:

### Contractor Details:

### Addenda Details:

#### Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	7/1/13	7/1/13			7/1/13	CHEUNG WAI FONG	415-558-6070	
2	CP-ZOC	7/1/13	7/16/13	7/16/13	10/15/14	10/15/14	CABREROS GLENN	415-558-6377	Approved per Case No. 2013.0433DDDE. Correct height dimensions. Dwelling unit merger from 2 to 1 unit. Side, rear and vertical additions. 10/15/14 (gc). NOPDR#1 mailed 7/10/13 (gc). Pending review with ZA. 7/16/13 (gc).
3	CP-DR		7/29/14			10/15/14	OROPEZA EDGAR	415-558-6377	DR APPLICATION TAKEN IN ON 7/29/2014. APPLICATION COMPLETE AND TAKEN IN BY EDGAR OROPEZA, PIC STAFF
4	CP-NP						CABREROS GLENN	415-558-6377	Mailed 311 Cover Letter 6/27/14 (Vlad). Mailed 311 Notice 7/7/14; Expired 8/6/14 (Vlad)
5	BLDG	10/15/14	11/6/14				YIN DIANE	415-558-6133	
6	DPW-BSM							415-558-6060	
7	PPC						THAI SYLVIA	415-558-6133	10/20/14: Return to Diane Yin; snt. 10/20/14: OTC disapproved, back to BLDG. mml 10/20/14: to Stephen Antonaros for OTC. PG 10/17/14: back to OTC bin; snt. 10/17/14: Plans routed to Stephen Ante hold for Building review. AL 10/17/14: 1 routed to OTC hold for Building review. AL 10/15/14: to BSM; snt.

8	CPB						YAN BRENDA	415- 558- 6070	10/17/14: UPDATED DESCRIPTION OF WORK & IS A 2 UNITS MERGER TO 1 UNIT, NO STRUCTURE PLANS & CHANGE FULL TO SITE PERMIT REQUEST BY APPLICANT. OK BY WF. BYAN.
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**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
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**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
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For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

[Station Code Descriptions and Phone Numbers](#)

[Online Permit and Complaint Tracking home page.](#)

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**From:** 714515@gmail.com [mailto:714515@gmail.com]

**Sent:** Tuesday, November 11, 2014 7:26 PM

**To:** Mark Farrell; joy.lamug@sfgov.org

**Cc:** Catherine Stefani; Povlitz; kbgoss@pacbell.net; michael@jaegermchugh.com; maitesai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; rwgoss@pacbell.net Goss; paulmairmai@yahoo.com; wmore@aol.com; amanda@hoenigman.com; timothy.arcuri@cowen.com; nancy leavens nancy; Will Morehead (; dod.fraser@gmail.com; ethurston@gmail.com; DXN2700@aol.com; Scott (CPC) Sanchez; Dick, Ilene (19) x4958

**Subject:** 2853 Broderick Hearing November 25th

Dear Supervisor Farrell and Ms. Angela Calvillo, Clerk of the Board:

We the Appellants, Tim Arcuri and Irving Zaretsky, request a postponement of the Hearing for the project 2853-57 Broderick street pending the issuance by DBI of Permit no. 201307010898 which has been routed to DBI for review by the Zoning Administrator on October 16, 2014. See attachment below.

The current appeal to the Board of Supervisors only includes the Permits reinstated by the Zoning Administrator on October 15, 2014. Permit no. 201307010898 was routed to DBI on October 16, 2014 and is technically not yet part of the Hearing. It has to be reviewed and issued by DBI. The Zoning Administrator stated at the Planning Commission Hearing that this is a NEW PERMIT which is composed of all past plans and permits issued for the job, all past executed work, all plans and permit applications for future work. It is supposed to be a comprehensive Permit of past plans, construction and permits as well as future plans. Therefore, the issues relevant to the CEQA Hearing are contained within the NEW PERMIT as well as new plans which may have direct impact on the CEQA issues for review.

We had hoped, in good faith, that the Permit would have been issued by now and would allow us to see what it finally contains that is relevant to the issues for review by the Board of Supervisors. We have requested of DBI to let us know what the status of the Permit is but have not heard to date.

The review by DBI of the permit may introduce new issues that impact the CEQA review. This happened in 2012 when Permit no. 201103252893 was before the Board of Supervisors. Frequently the Building Code requirements are at variance with the City Planning, historical Preservation and environment issues. Such differences may require further CEQA review.

Since it is in everyone's interest to have the Hearings bring finality to the issues on appeal, it is necessary that the New Permit be issued by DBI and we can all learn what the final content of that Permit is and how it impacts the very issues currently before the Board of Supervisors. We do not want to be in the position that after the Board of Supervisors' CEQA Hearing is complete that we then discover that the New Permit introduces new issues that are eligible for CEQA review.

This predicament has come about because the reinstated permits were addenda permits to the original permit 201103252893. They were issued piecemeal between September 2012 and February 5, 2014. Had the project sponsor submitted all her permit applications and plans at one time when she was asked to submit revised plans by the Notice of Correction issued on June 28, 2013, we could have addressed all of these issues a year ago at one time when such plans were required to be submitted to a 311 notification and processed through Hearings at that time. The fact that the current permits have been split into reinstated permits and a brand NEW PERMIT is the cause why we need to have the New Permit issued and thereby have a complete and comprehensive picture of the issues that need to be addressed at the Board of Supervisor's CEQA Hearing. The NEW PERMIT contains all the elements currently before review and in addition new material that has to be reviewed in terms of new CEQA issues which may arise.

Again, we request to postpone the Hearing pending the issuance by DBI of Permit no. 201307010898 that will allow us to have a full and complete view of what has been done and what is yet to be done in this project that

requires a CEQA review and Hearing.

Sincerely,

Irving Zaretsky  
Tim Arcuri  
Appellants  
Neighbors on Broderick and Filbert streets

---

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Farella Braun + Martel LLP



**SAN FRANCISCO  
PLANNING DEPARTMENT**

RECEIVED  
OF SUPERVISORS  
SAN FRANCISCO

2012 AUG 27 PM 4: 15

**Categorical Exemption Appeal *DLW***

**2853-2857 Broderick Street**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**DATE:** August 27, 2012  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Tina Tam, Senior Preservation Planner - Planning Department (415) 558-6325  
Shelley Caltagirone, Case Planner - Planning Department (415) 558-6625  
**RE:** BOS File No. 120781 [Planning Case No. 2010.0394E]  
Appeal of Categorical Exemption for 2853-2857 Broderick Street  
**HEARING DATE:** September 4, 2012  
**ATTACHMENTS:**

- A. Planning Department Categorical Exemption Certificate including Historic Resource Evaluation Response Memo
- B. Photographs and Plans
- A. Appeal Letter

---

**APPLICANT:** Stephen Antonaros, Architect - 2261 Market Street, #324  
**APPELLANTS:** Kate Polevoi, Zeeva Kardos & Irving Zaretsky - 2845-2847 Broderick Street  
Craig Jones & Michael Jaeger - 2837-2839 Broderick Street  
Eric & Kelda Reimers - 2865 Broderick Street  
Rob & Jennifer Povlitz - 2869 Broderick Street  
Don & Ann Morehead - 2715 Filbert Street

---

**INTRODUCTION**

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board"), regarding the Planning Department's (the "Department") issuance of a Categorical Exemption under the California Environmental Quality Act ("CEQA Determination") for a project at 2853-2857 Broderick Street (the "Project").

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a Categorical Exemption for 2853-2857 Broderick Street on February 3, 2011, finding that the proposed project will not have an adverse impact to a historic resource.

The decision before the Board is whether to uphold the Department's decision to issue a categorical exemption and deny the appeal, or to overturn the Department's decision to issue a categorical exemption and return the project to the Department staff for additional environmental review.

**SITE DESCRIPTION & PRESENT USE**

The project site contains a three-story-over-basement building containing two dwelling units. The first floor above the basement level contains one dwelling unit with an entry along the south side façade. The

second and third floors are occupied by the second dwelling unit with its own entry on the northern side of the front façade. The project lot measures approximately 34.5 feet wide by 80 feet deep with an area of 2,760 square feet.

#### PROJECT DESCRIPTION

The proposal involves raising the building by approximately three (3) feet to insert a garage at the ground floor level, expanding the ground floor level towards the rear of the building, and creating a new curb cut. The project would add approximately 680 square feet (sf) of residential space to the existing 3,774-sf building resulting in 4,454 total sf.

#### BACKGROUND

- January 17, 2011      Historic Resource Evaluation Response was issued stating a historical resource was identified and finding that the project would not cause significant adverse impacts to the resource.
- February 3, 2011      The Department determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000-square feet).
- April 27, 2011      The Zoning Administrator held a public hearing on Variance Application No. 2010.0394V. Per Planning Code Section 311, public notification for the associated building permit application, No. 2011.03.25.2839, was conducted from June 14, 2011 to July 13, 2011. On July 1, 2011, a request for Discretionary Review request, Case No. 2010.0394D, was filed by the owner of the adjacent building directly south of the subject lot. From August 8, 2011 to September 6, 2011, the project was re-noticed pursuant to Section 311 to correct an error regarding the height limit as depicted on the plans mailed with the original notice. The project scope-of-work was not revised between the time of the initial notice and the re-notice.
- October 6, 2011      The Planning Commission held a Discretionary Review hearing (Case No. 2010.0394D) and approved the building permit application for the proposed project per Discretionary Review Action No. DRA-0229.
- November 17, 2011      Variance decision letter issued/granted by Zoning Administrator.
- June 20, 2012      Issuance of Building Permit appealed to the Board of Appeals. Board of Appeals upheld issuance of building permit.

---

**From:** 714515@gmail.com  
**Sent:** Tuesday, November 11, 2014 12:22 PM  
**To:** Hui, Tom (DBI); O'Riordan, Patrick (DBI)  
**Cc:** Lowrey, Daniel (DBI); Fessler, Thomas (DBI); Povlitz; kbgoss@pacbell.net; michael@jaegermchugh.com; maitesai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; rwgoss@pacbell.net Goss; paulmimai@yahoo.com; wmore@aol.com; amanda@hoenigman.com; timothy.arcuri@cowen.com; nancy leavens nancy; Will Morehead (; dod.fraser@gmail.com; ethurston@gmail.com; DXN2700@aol.com; Patriciavaughey@att.net Patricia; Sanchez, Scott (CPC); Cabrerros, Glenn (CPC); Mark Farrell; Stefani, Catherine; Lamug, Joy  
**Subject:** Fwd: 2853 Broderick new permit  
**Attachments:** 2853 Brod permit 201307010898 101614.pdf; ATT00001.htm; 2853 Broderick permit...839 reinstated.pdf; ATT00002.htm

Dear Director Hui and Mr. O'Riordan:

We are following up on the email below which we sent yesterday. We would like to inquire as to the status of the new permit(s) and withdrawn permit(s) for 2853 Broderick street. We, Tim Arcuri and Irving Zaretsky, are the appellants of record who are appealing the decision of the Planning Commission at the September 18, 2014 Hearing, and are scheduled to have a CEQA Hearing in front of the Board of Supervisors on November 25, 2014.

What is the status of Permit Application no. 201307010898? It was routed for review to DBI by the Zoning Administrator on October 16, 2014. Have you issued that permit yet and if you did when did you issue it? We do not see it on your website. Is Permit Application no. 201307010898 the Permit under which the Zoning Administrator is bundling all previous Permits, plans, executed work, proposed plans, proposed future work? Is it still under review by DBI? Is this Permit inclusive of and comprehensive of all the previously suspended Permits and now reinstated Permits (reinstated on October 15, 2014) which are now up for review by the Board of Supervisors?

The permits that were suspended by the Zoning Administrator on February 5, 2014 were: 201103111905, 201103252839, 201108031630, 201209260727 and 201309247638. These were the subject of the Sept. 18th Hearing.

After the Hearing, on October 15, 2014 the Zoning administrator reinstated the same numbered permits.

On October 16, 2014 permit 201309066151 was withdrawn. We do not know whether this permit is permanently withdrawn or temporarily withdrawn and to re-appear in yet another reincarnation of this project.

At the Planning Commission Hearing, the Zoning Administrator stated that he is bundling all the previous permits, plans, actual executed work, proposed plans and submitted plans for future work into one NEW PERMIT.

It is our understanding that the Zoning Administrator sent to DBI a Release of suspension Request on October 15, 2014. On October 16, 2014 the Zoning Administrator sent to DBI Permit No. 201307010898 allegedly as the comprehensive NEW PERMIT application.

What is unclear to us is what exactly is the NEW PERMIT, where does it appear on your website, and does it have a new permit number OR is there an existing permit number that is now being christened as a NEW PERMIT.

The original Permit 201103252839 was issued subject to the Board of Appeals approval in September 2012. That is the permit on the basis of which addenda permits, listed above, had been issued between September 2012 and the suspension date of February 5, 2014.

On June 28, 2013 a Correction Notice was issued by DBI to revise the permit 201103252839 to show the correct height of the building. The project sponsor did submit revised plans in June 2013, however a 311 Hearing was not held until September 18, 2014.

On October 16, 2014 the Zoning Administrator informed us that Permit 201307010898 is being routed to you for review. Has this Permit been issued and if not what is its status and when do you anticipate issuing it? Attached is the Zoning Administrator's email.

WHICH PERMIT IS NOW BEING LISTED AS A NEW PERMIT?

Does it include and encompass all the previous issued addenda permits, the old plans, the executed plans, the proposed plan and future plans submitted by the project sponsor? Is this the Permit that the Zoning Administrator referred to as the NEW PERMIT?

Has that Permit been fully vetted by DBI and have all plan checks been completed on that NEW PERMIT? Is there any other plan currently before DBI for 2853 Broderick that is being reviewed or plan checked or that has not yet been issued? Is all the new roof development and other proposed plans been plan checked by DBI and is it included in the NEW PERMIT?

We need clarification as to what Permits are now for review before the Board of Supervisors and what plans or permits or issues that are still open with regard to this project and that are still being reviewed by DBI.

Has DBI issued the final Permits that are required for this project based on the Zoning Administrator's "bundling" of all issues into one Permit? Are there any outstanding permit applications or issues with regard to 2853-57 Broderick that you are still reviewing and working on and what is their relationship to the reinstated permits of October 15, 2014?

Please advise ASAP.

Thank you,

Tim Arcuri  
Irving Zaretsky  
Appellants  
Neighbors on Broderick and Filbert streets

"Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>

October 16, 2014 4:59 PM

To: "714515@gmail.com" <714515@gmail.com>, "Cabreros, Glenn (CPC)" <glenn.cabreros@sfgov.org>, "Lindsay, David (CPC)" <david.lindsay@sfgov.org>, "Cleveland-Knowles, Susan (CAT)" <susan.cleveland-knowles@sfgov.org>, "Lowrey, Daniel (DBI)" <daniel.lowrey@sfgov.org>, "O'Riordan, Patrick (DBI)" <patrick.oriordan@sfgov.org>, "Fessler, Thomas (DBI)" <thomas.fessler@sfgov.org>

Cc: "amanda@hoenigman.com" <amanda@hoenigman.com>, "kbgoss@pacbell.net" <kbgoss@pacbell.net>, "michael@jaegermchugh.com" <michael@jaegermchugh.com>, "maitsai@yahoo.com" <maitsai@yahoo.com>, "annabrockway@yahoo.com" <annabrockway@yahoo.com>, "ericreimers@gmail.com" <ericreimers@gmail.com>, "dorinetowle@me.com" <dorinetowle@me.com>, "vince@citymarkdev.com" <vince@citymarkdev.com>, Kate Kardos <kdkmanagement@yahoo.com>, "cjones@forwardmgmt.com" <cjones@forwardmgmt.com>, "rwgoss@pacbell.net Goss" <rwgoss@pacbell.net>, "paulmaimai@yahoo.com" <paulmaimai@yahoo.com>, "timothy.arcuri@cowen.com" <timothy.arcuri@cowen.com>, "wmore@aol.com" <wmore@aol.com>, Povlitz <rpovlitz@yahoo.com>, nancy leavens nancy <nancyp.leavens@gmail.com>, "Will Morehead (" <letsbond@gmail.com>, "dod.fraser@gmail.com" <dod.fraser@gmail.com>, "ethurston@gmail.com" <ethurston@gmail.com>, "DXN2700@aol.com" <DXN2700@aol.com>, "PatriciaVaughney@att.net Patricia" <PatriciaVaughney@att.net>, Geoff Wood <ggwood2@gmail.com>, Brooke Sampson <brookesampson@yahoo.com>, "IDick@fbm.com" <IDick@fbm.com>

RE: 2853 Broderick

6 Attachments, 85 KB

Dear Mr. Zaretsky,

Building Permit Application No. 201307010898 may be appealed to the Board of Appeals within 15 days of issuance by DBI. Yesterday, the permit was routed to DBI for their review. While we cannot provide a definitive date for completion of permit review and issuance by DBI, you may track the status of the permit on DBI's website.

The release of suspension for the previously issued/suspended permits is effective today (see attached).

Regards,  
Scott F. Sanchez  
Zoning Administrator

Planning Department | City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6350 | Fax: 415-558-6409  
Email: [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
Web: [www.sfplanning.org](http://www.sfplanning.org)

Planning Information Center (PIC): 415 558.6377 or [pic@sfgov.org](mailto:pic@sfgov.org)  
Planning Information Map (PIM): <http://propertymap.sfplanning.org>

## Permits, Complaints and Boiler PTO Inquiry

### Permit Details Report

**Report Date:** 11/11/2014 10:17:50 AM  
**Application Number:** 201103252839  
**Form Number:** 3  
**Address(es):** 0947 / 002 / 02853 BRODERICK ST  
 0947 / 002 / 02857 BRODERICK ST  
**Description:** VERTICAL/HORIZONTAL ADDITION, RAISE BLDG 36", BUILD NEW GARAGE & ROOMS DOWN FOR EXPANSION, NEW CURB CUT.  
**Cost:** \$5,000.00  
**Occupancy Code:** R-3  
**Building Use:** 28 - 2 FAMILY DWELLING

### Disposition / Stage:

Action Date	Stage	Comments
3/25/2011	TRIAGE	
3/25/2011	FILING	
3/25/2011	FILED	
3/30/2012	PLANCHECK	
3/30/2012	APPROVED	
4/17/2012	ISSUED	
5/8/2012	SUSPEND	requested by BPA -- ltr dd 5/2/12
10/16/2012	REINSTATED	requested by BPA -- email dd 10/12/12, PA#201209260727 issued on 10/12/12
2/8/2013	ISSUED	
2/6/2014	SUSPEND	Per DCP's request dated 2/5/2014
10/16/2014	REINSTATED	per DCP's request letter dated 10/16/2014
10/23/2014	SUSPEND	per BOA's request e-mail dated 10/22/2014

### Contact Details:

#### Contractor Details:

**License Number:** OWN  
**Name:** OWNER OWNER  
**Company Name:** OWNER  
**Address:** OWNER \* OWNER CA 00000-0000  
**Phone:**

### Addenda Details:

#### Description:SITE

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	BID- INSP	3/25/11	3/25/11			3/25/11	DUFFY JOSEPH	
2	CPB	3/25/11	3/25/11			3/25/11	YAN BRENDA	
3	CP-ZOC	3/25/11	3/28/11	3/28/11	2/1/12	2/1/12	CABREROS GLENN	APPROVED per case 2010.0394DV. 3/28/11: Notice #1 mailed (GC).
4	CP-MP	6/13/11	6/14/11			9/6/11	CABREROS GLENN	Section 311 Mailed:6/14/11 Exp:7/13/11 (Milton Martin) RE-NOTICE Mailed:8/08/11 Exp:9/06/11 (Milton Martin)
5	SFPUC	3/5/12	3/19/12			3/19/12	TOM BILL	Reviewed & assessed for capacity charges. 50% paid with permit fees; balance due within 12 months of permit issuance date. See invoice attached to application. Route site submittal to PPC 3/19/2012.
								Site permit approval, plans route to PPC for distr. JYU 03292012 Plans in hold pending AB-005 for stair way rail. 03262012 jsyu...

ADDENDA NO.	DATE	DATE	DATE	DATE	DATE	INSPECTOR	REMARKS
5	DPW-BSM	3/1/12	3/5/12		3/5/12	CY LIONGTIAN	Approved Site only! DPW/BSM shall not release construction addenda until complete application and plans for Street Improvement & MSE Minor Encroachment for warped driveway/concrete step are submitted and approved Please submit application with all (SI) requirements at 875 Stevenson Street, RM. 460, and Tel. No. (415)-554-5810. Your construction addenda will be on hold, until all necessary DPW/BSM permits are completed, or the receiving BSM plan checker-recommending sign off Note: Please contact Urban Forestry to apply for tree permit and landscape permit @ 415-554-6700
6	CP-ZOC	3/19/12	3/23/12		3/23/12	CABREROS GLENN	to Planning to review revision; snt
7	DFCU	3/26/12	3/26/12		3/26/12	BLACKSHEAR JOHN	3/26/12: No impact fees. No First Source Hiring Agreement required. --JB
8	PPC	4/7/11	4/7/11		3/29/12	THAI SYLVIA	3/29/12: to CPB; snt 3/27/12: Per J. Yu, removed end date and placed plans in HOLD BIN.grs 3/26/12: to Joe Yu; snt 3/19/12: to Planning, Glenn Cabrerros; snt 3/15/12: R10 received. Combined with plans at PUC. Will route to CP ZOC next.grs 3/5/12: to PUC; snt 3/1/12: to BSM; snt 7-22-11: Applicant submit Revision 7 to CP-Zoc/Glenn Cabrerros. sjf 7-15-11: Applicant submit Revision 6 to CP-Zoc/Glenn Cabrerros. sjf 4-7-11: Applicant submit Revision 1 to CP-Zoc/Glenn Cabrerros. sjf
9	CPB	3/29/12	3/30/12		4/17/12	SHEK KATHY	3/30/12: approved. SFUSD req'd. need contractor's info. gs

This permit has been issued. For information pertaining to this permit, please call 415-558-6096.

**Appointments:**

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots
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**Inspections:**

Activity Date	Inspector	Inspection Description	Inspection Status
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**Special Inspections:**

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
1			24B	STEEL FRAMING	
1			24A	FOUNDATIONS	
1			20	HOLDOWNS	
1			19	SHEAR WALLS AND FLOOR SYSTEMS USED AS SHEAR DIAPHRAGMS	
1			24E	WOOD FRAMING	
1	1/8/2014	YTCHIU	12	SHOTCRETE	
1	1/8/2014	YTCHIU	5B5	MOMENT-RESISTING FRAMES	
1	1/8/2014	YTCHIU	5A1	SINGLE PASS FILLET WELDS < 5/16"	
1	1/8/2014	YTCHIU	4	REINFORCING STEEL AND PRESTRESSING TENDONS	
1	1/8/2014	YTCHIU	2	BOLTS INSTALLED IN CONCRETE	

For information, or to schedule an inspection, call 558-6570 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

[Online Permit and Complaint Tracking](#) home page.

**Technical Support for Online Services**

If you need help or have a question about this service, please visit our **FAQ area**.

[Contact SFGov](#) [Accessibility](#) [Policies](#)  
City and County of San Francisco ©2000-2009

---

**From:** O'Riordan, Patrick (DBI)  
**Sent:** Wednesday, November 12, 2014 10:01 AM  
**To:** 714515@gmail.com  
**Cc:** Hui, Tom (DBI); Lowrey, Daniel (DBI); Fessler, Thomas (DBI); Povlitz; kbgoss@pacbell.net; michael@jaegermchugh.com; mait sai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; rwgoss@pacbell.net Goss; paulmimai@yahoo.com; wmore@aol.com; amanda@hoenigman.com; timothy.arcuri@cowen.com; nancy leavens nancy; Will Morehead (; dod.fraser@gmail.com; ethurston@gmail.com; DXN2700@aol.com; Patriciavaughey@att.net Patricia; Sanchez, Scott (CPC); Cabrerros, Glenn (CPC); Mark Farrell; Stefani, Catherine; Lamug, Joy; Strawn, William (DBI); Madjus, Lily (DBI); Duffy, Joseph (DBI)  
**Subject:** Re: 2853 Broderick new permit

Hello Mr. Zaretsky,

I am currently working with our plan check division and with Mr. Strawn of our Department in order to get answers to your questions. I will try to back to you in the next week.

Regards,

I'm Patrick O'Riordan

Chief Building Inspector

3rd floor, 1660 Mission Street

San Francisco, CA 94103

Tel: 415 558 6105

Email: [patrick.oriordan@sfgov.org](mailto:patrick.oriordan@sfgov.org)

On Nov 12, 2014, at 9:38 AM, "[714515@gmail.com](mailto:714515@gmail.com)" <[714515@gmail.com](mailto:714515@gmail.com)> wrote:

Dear Director Hui and Mr. O'Riordan:

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---

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Please advise ASAP.

Thank you,

Tim Arcuri  
Irving Zaretsky  
Appellants  
Neighbors on Broderick and Filbert streets

<2853 Brod permit 201307010898 101614.pdf>

<2853 Broderick permit...839 reinstated.pdf>

Begin forwarded message:

**From:** 714515@gmail.com  
**Subject:** 2853 Broderick new permit  
**Date:** November 10, 2014 7:00:08 AM PST  
**To:** "Patrick (DBI) O'Riordan" <patrick.oriordan@sfgov.org>  
**Cc:** "Tom (DBI) Hui" <Tom.Hui@sfgov.org>, "Daniel (DBI) Lowrey" <Daniel.Lowrey@SFGOV.ORG>, "Thomas (DBI) Fessler" <Thomas.Fessler@sfgov.org>, Povlitz <rpovlitz@yahoo.com>, "kbgoss@pacbell.net" <kbgoss@pacbell.net>, "michael@jaegermchugh.com" <michael@jaegermchugh.com>, "maitesai@yahoo.com" <maitesai@yahoo.com>, "annabrockway@yahoo.com" <annabrockway@yahoo.com>, "ericreimers@gmail.com" <ericreimers@gmail.com>, "dorinetowle@me.com" <dorinetowle@me.com>, "vince@citymarkdev.com" <vince@citymarkdev.com>, Kate Kardos <kdkmanagement@yahoo.com>, "cjones@forwardmgmt.com" <cjones@forwardmgmt.com>, "rwgoss@pacbell.net Goss" <rwgoss@pacbell.net>, "paulmimai@yahoo.com" <paulmimai@yahoo.com>, "wmore@aol.com" <wmore@aol.com>, "amanda@hoenigman.com" <amanda@hoenigman.com>, "timothy.arcuri@cowen.com" <timothy.arcuri@cowen.com>, nancy leavens nancy <nancyp.leavens@gmail.com>, "Will Morehead ("

<letsbond@gmail.com>, "dod.fraser@gmail.com" <dod.fraser@gmail.com>, "ethurston@gmail.com" <ethurston@gmail.com>, "DXN2700@aol.com" <DXN2700@aol.com>, Catherine Stefani <catherine.stefani@sfgov.org>

Dear Mr. O'Riordan:

City Planning forwarded to DBI their approval for a new permit for 2853 Broderick. Can you tell us when that permit will be issued by DBI? We have a Hearing at the Board of Supervisors on November 25th and we would like to know the status of this forthcoming permit and what is the content of the Permit. Are you planning to issue it at this time? Can the plans for this new permit be viewed? One previously issued permit has been withdrawn in this case, has it reappeared in the new set of plans for the new permit. We have been kept in the dark about this even though we have a Hearing coming up. It is hard to have meaningful hearings if we don't know the full status of the case. Please advise.

Thank you,  
Irving Zaretsky  
Broderick and Filbert street neighbors

---

**From:** 714515@gmail.com  
**Sent:** Tuesday, November 11, 2014 7:26 PM  
**To:** Mark Farrell; Lamug, Joy  
**Cc:** Stefani, Catherine; Povlitz; kbgoss@pacbell.net; michael@jaegermchugh.com; maitsai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; rwgoss@pacbell.net Goss; paulmimai@yahoo.com; wmore@aol.com; amanda@hoenigman.com; timothy.arcuri@cowen.com; nancy leavens nancy; Will Morehead (; dod.fraser@gmail.com; ethurston@gmail.com; DXN2700@aol.com; Sanchez, Scott (CPC); IDick@fbm.com  
**Subject:** 2853 Broderick Hearing November 25th  
**Attachments:** 2853 Brod permit 201307010898 101614.pdf; ATT00001.txt

Dear Supervisor Farrell and Ms. Angela Calvillo, Clerk of the Board:

We the Appellants, Tim Arcuri and Irving Zaretsky, request a postponement of the Hearing for the project 2853-57 Broderick street pending the issuance by DBI of Permit no. 201307010898 which has been routed to DBI for review by the Zoning Administrator on October 16, 2014. See attachment below.

The current appeal to the Board of Supervisors only includes the Permits reinstated by the Zoning Administrator on October 15, 2014. Permit no. 201307010898 was routed to DBI on October 16, 2014 and is technically not yet part of the Hearing. It has to be reviewed and issued by DBI. The Zoning Administrator stated at the Planning Commission Hearing that this is a NEW PERMIT which is composed of all past plans and permits issued for the job, all past executed work, all plans and permit applications for future work. It is supposed to be a comprehensive Permit of past plans, construction and permits as well as future plans. Therefore, the issues relevant to the CEQA Hearing are contained within the NEW PERMIT as well as new plans which may have direct impact on the CEQA issues for review.

We had hoped, in good faith, that the Permit would have been issued by now and would allow us to see what it finally contains that is relevant to the issues for review by the Board of Supervisors. We have requested of DBI to let us know what the status of the Permit is but have not heard to date.

The review by DBI of the permit may introduce new issues that impact the CEQA review. This happened in 2012 when Permit no. 201103252893 was before the Board of Supervisors. Frequently the Building Code requirements are at variance with the City Planning, historical Preservation and environment issues. Such differences may require further CEQA review.

Since it is in everyone's interest to have the Hearings bring finality to the issues on appeal, it is necessary that the New Permit be issued by DBI and we can all learn what the final content of that Permit is and how it impacts the very issues currently before the Board of Supervisors. We do not want to be in the position that after the Board of Supervisors' CEQA Hearing is complete that we then discover that the New Permit introduces new issues that are eligible for CEQA review.

This predicament has come about because the reinstated permits were addenda permits to the original permit 201103252893. They were issued piecemeal between September 2012 and February 5, 2014. Had the project sponsor submitted all her permit applications and plans at one time when she was asked to submit revised plans by the Notice of Correction issued on June 28, 2013, we could have addressed all of these issues a year ago at one time when such plans were required to be submitted to a 311 notification and processed through Hearings at that time. The fact that the current permits have been split into reinstated permits and a brand NEW PERMIT is the cause why we need to have the New Permit issued and thereby have a complete

and comprehensive picture of the issues that need to be addressed at the Board of Supervisor's CEQA Hearing. The NEW PERMIT contains all the elements currently before review and in addition new material that has to be reviewed in terms of new CEQA issues which may arise.

Again, we request to postpone the Hearing pending the issuance by DBI of Permit no. 201307010898 that will allow us to have a full and complete view of what has been done and what is yet to be done in this project that requires a CEQA review and Hearing.

Sincerely,

Irving Zaretsky  
Tim Arcuri  
Appellants  
Neighbors on Broderick and Filbert streets

"Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>

October 16, 2014 4:59 PM

To: "714515@gmail.com" <714515@gmail.com>, "Cabreros, Glenn (CPC)" <glenn.cabreros@sfgov.org>, "Lindsay, David (CPC)" <david.lindsay@sfgov.org>, "Cleveland-Knowles, Susan (CAT)" <susan.cleveland-knowles@sfgov.org>, "Lowrey, Daniel (DBI)" <daniel.lowrey@sfgov.org>, "O'Riordan, Patrick (DBI)" <patrick.oriordan@sfgov.org>, "Fessler, Thomas (DBI)" <thomas.fessler@sfgov.org>

Cc: "amanda@hoenigman.com" <amanda@hoenigman.com>, "kbgoss@pacbell.net" <kbgoss@pacbell.net>, "michael@jaegermchugh.com" <michael@jaegermchugh.com>, "maitesai@yahoo.com" <maitesai@yahoo.com>, "annabrockway@yahoo.com" <annabrockway@yahoo.com>, "ericreimers@gmail.com" <ericreimers@gmail.com>, "dorinetowle@me.com" <dorinetowle@me.com>, "vince@citymarkdev.com" <vince@citymarkdev.com>, Kate Kardos <kdkmanagement@yahoo.com>, "cjones@forwardmgmt.com" <cjones@forwardmgmt.com>, "rwgoss@pacbell.net Goss" <rwgoss@pacbell.net>, "paulmaimai@yahoo.com" <paulmaimai@yahoo.com>, "timothy.arcuri@cowen.com" <timothy.arcuri@cowen.com>, "wmore@aol.com" <wmore@aol.com>, Povlitz <rpovlitz@yahoo.com>, nancy leavens nancy <nancyp.leavens@gmail.com>, "Will Morehead (" <letsbond@gmail.com>, "dod.fraser@gmail.com" <dod.fraser@gmail.com>, "ethurston@gmail.com" <ethurston@gmail.com>, "DXN2700@aol.com" <DXN2700@aol.com>, "PatriciaVaughney@att.net Patricia" <PatriciaVaughney@att.net>, Geoff Wood <ggwood2@gmail.com>, Brooke Sampson <brookesampson@yahoo.com>, "IDick@fbm.com" <IDick@fbm.com>

RE: 2853 Broderick

6 Attachments, 85 KB

Dear Mr. Zaretsky,

Building Permit Application No. 201307010898 may be appealed to the Board of Appeals within 15 days of issuance by DBI. Yesterday, the permit was routed to DBI for their review. While we cannot provide a definitive date for completion of permit review and issuance by DBI, you may track the status of the permit on DBI's website.

The release of suspension for the previously issued/suspended permits is effective today (see attached).

Regards,  
Scott F. Sanchez  
Zoning Administrator

Planning Department | City and County of San Francisco  
1550 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6350 | Fax: 415-558-6409  
Email: [scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)  
Web: [www.sfplanning.org](http://www.sfplanning.org)

Planning Information Center (PIC): 415.558.6377 or [pic@sfgov.org](mailto:pic@sfgov.org)  
Planning Information Map (PIM): <http://propertymap.sfplanning.org>

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**From:** Arcuri, Timothy [Timothy.Arcuri@cowen.com]  
**Sent:** Wednesday, November 12, 2014 10:02 AM  
**To:** Farrell, Mark (BOS); Stefani, Catherine  
**Cc:** Lamug, Joy  
**Subject:** 11/25 CEQA hearing re: 2853 Broderick

Hi Mark and Catherine –

I have, until recently, largely observed the madness surrounding 2853 Broderick. However, as facts surrounding the project sponsor, her legal representation, DBI, the piecemeal permitting process, and erroneous presentation of the facts have come to light, I have decided to get much more involved.

Together with her representatives, the project sponsor has broken up elements of the project into separate permits in order to obtain approval that would otherwise not be possible or likely if the project was presented in its entirety with the facts fully represented up front. This is the crux of the issue around this project; it is a “how to” manual for circumnavigating the permitting process in SF.

We currently have a CEQA Hearing before the Board of Supervisors scheduled for 11/25. It has very recently come to light, however, that DBI and the project sponsor have further split the permit applications and there is still one very important outstanding permit (201307010898) under review by the Zoning Administrator. Because this is a NEW permit, we believe this hearing should be postponed until DBI fully considers the permit and it is included in the entire body of permits that has been issued or considered.

The purpose of this hearing is, from my perspective, for the Board of Supervisors to consider this project IN ITS ENTIRETY; thus, let’s have everything put on the table.

To proceed without this permit being fully considered would simply allow the project sponsor to perpetuate the web of confusion and deception around the project.

Thank you for your consideration.

Best  
Tim Arcuri  
2832 Broderick St

---

Timothy M. Arcuri | Managing Director  
Cowen and Company, LLC  
555 California St, 5<sup>th</sup> Floor  
San Francisco, CA 94104  
Tel: 415-646-7217  
Mobile: 415-710-5550  
[timothy.arcuri@cowen.com](mailto:timothy.arcuri@cowen.com)

**COWEN**  
AND COMPANY

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# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Full Analysis

HEARING DATE SEPTEMBER 18, 2014

(CONTINUED FROM REGULAR MEETING OF AUGUST 7, 2014 WITHOUT HEARING)

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

*Date:* September 11, 2014  
*Case No.* 2013.0433DDD  
*Project Address:* 2853-2857 Broderick Street  
*Permit Application:* 2013.07.01.0898  
*Zoning:* RH-2 [Residential House, Two-Family]  
40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Project Sponsor:* Stephen Antonaros, Architect  
2261 Market Street, #324  
San Francisco, CA 94114  
*Staff Contact:* Glenn Cabreros – (415) 588-6620  
[glenn.cabreros@sfgov.org](mailto:glenn.cabreros@sfgov.org)  
*Recommendation:* **Do not take Discretionary Review and approve**

### PROJECT DESCRIPTION

The project proposes to clarify a height discrepancy approved under Building Permit Application No. 2011.03.25.2839, which permitted the existing three-story-over-basement, two-unit building to be lifted 3 feet to insert a two-car garage within the basement level. That project was considered and approved by the Planning Commission in 2011 under Case No. 2010.0394D. The current project also proposes additional work including a dwelling unit merger from 2 units to 1 unit, a side horizontal addition at the south side façade, and vertical additions and rear façade alterations to construct dormers and a deck at the roof/attic level.

### SITE DESCRIPTION AND PRESENT USE

The project site contains a three-story-over-basement building containing two dwelling units. The first floor above the basement level contains one dwelling unit with an entry along the south side façade. The second and third floors are occupied by the second dwelling unit with its own entry on the northern side of the front façade. The project lot measures approximately 34.5 feet wide by 80 feet deep with an area of 2,760 square feet.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The circa 1900 subject building is one of a group of four detached buildings that have similar massing, scale, side setbacks and architectural expression. The adjacent building to the north is a three-story-over-basement, two-unit building at the intersection of Broderick and Filbert Streets with a two-car garage accessed from Filbert Street. The adjacent building to the south is a two-story-plus-attic-over-basement,

two-unit building. In general, the subject block face is characterized by three-story-over-basement/garage buildings, while the opposite block face is characterized by four-story structures (two, two-story building do exist on the opposite block face, but closer towards Union Street). The subject block face is within the RH-2 Zoning District, while the most of the opposite block face is within the RH-1 Zoning District. The subject property is within the Cow Hollow neighborhood and subject to the Cow Hollow Design Guidelines.

**BUILDING PERMIT APPLICATION NOTIFICATION**

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE
311 Notice	30 days	July 7, 2014, – August 6, 2014	April 9, 2013	August 7, 2014

The DR File Date above reflects the filing date of the Dwelling Unit Merger application, Case No. 2013.0433D.

**HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	July 28, 2014	July 28, 2014	10 days
Mailed Notice	10 days	July 28, 2014	July 28, 2014	10 days

**PUBLIC COMMENT**

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)		DR requestors & various neighbors	
Other neighbors on the block or directly across the street			
Neighborhood groups			

The previous DR requestor (Case No. 2010.0394D), **Irving Zaretsky**, owner of 2845-2847 Broderick Street, directly south and adjacent to the project, who opposed the original building permit application that approved the lifting of the building 3 feet, continues to be opposed to the current project

**DR REQUESTORS**

The subject DR request, Case No. 2013.0433D, is a Mandatory DR request as the project was previously heard by the Commission as a publicly-filed DR request under Case No. 2010.0394D.

Due to the appraised value of each of the two dwelling units proposed to be merged to result in a single-family residence, the proposed dwelling unit merger is exempt from a Mandatory DR hearing as each dwelling unit is above the affordability thresholds of Planning Code Section 317.

In addition to the Mandatory DR cases above, two Discretionary Review requests were filed by members of the public:

**Irving Zaretsky**, owner of 2845-2847 Broderick Street, directly south and adjacent to the project. (Mr. Zaretsky is the original DR request for the project that proposed to lift the building three feet under DR Case No. 2010.0394D.)

**Timothy Acuri**, resident of 2853 Broderick Street, across Broderick Street from the project.

## **PUBLICLY-FILED DR REQUESTOR'S CONCERNS AND PROPOSED ALTERNATIVES**

### **Mr. Zaretsky's issues:**

**Issue #1:** With regard to the physical envelope of the proposed project, Mr. Zaretsky states that the height and lift of the existing building exceeded the scope of the original permit. He also has concerns regarding the additional expansion of the building and the merger of the two dwelling units into a single-family residence. Mr. Zaretsky would like to see the building lowered and the proposed expansions removed from the project to allow the building to be restored to its original condition.

**Issue #2:** Mr. Zaretsky is concerned that the project will remove historic materials. The current proposal has been reviewed by Environmental and Historical Preservation staff. The project is found to be appropriate, and was issued a Categorical Exemption per CEQA (California Environmental Quality Act).

**Issue #3:** Mr. Zaretsky has concerns regarding excavation and drainage. Excavation and drainage issues do not fall under the purview of the Planning Code or the Residential Design Guidelines, as such issues are under the jurisdiction of the Building Code.

### **Mr. Acuri's issues:**

**Issue #1:** Mr. Acuri states that he did not have the opportunity to review the revised plans and that due process was not served in obtaining the original permit application which proposed to lift the building.

Reference the *Discretionary Review Applications* for additional information. The *Discretionary Review Applications* from the publicly-filed DRs are attached documents.

## **ISSUES AND CONSIDERATIONS**

**Height Correction:** Under previously approved Building Permit Application No. 2011.0325.2839, the subject building was lifted 3 feet to the As-Built (existing) condition at the subject property. During construction it was discovered that the existing and proposed dimensioned heights disclosed on the plans under Building Permit Application No. 2011.03.25.2839 were incorrectly stated, and the dimensions stated on the plans were deficient by 3 feet. The subject permit application has been filed to demonstrate that the subject building was lifted 3 feet, however to a height of 40 feet, rather than to 37 feet as stated in BPA No. 2011.03.25.2839.

**2 to 1 Dwelling Unit Merger:** Per the appraisal submitted by the applicant, the dwelling unit merger may be approved administratively by the Zoning Administrator as each dwelling unit is above the affordability thresholds of Planning Code Section 317 and not subject to a Mandatory DR hearing.

**Additional Alterations beyond Original Approval:** As part of the subject permit application, the project sponsor (a new owner of the project) has consolidated all desired work at the property into the subject permit application. As viewed from the public right-of-way, the Department finds the proposed side horizontal additions would retain the side spacing pattern that is created by the existing buildings on the subject block face of Broderick Street. The Department is supportive of the alterations at the attic/roof level, as the alterations are within the existing building footprint, include a reduction of the building envelope and the alterations at the roof level are behind the main roof ridge that is parallel to the front façade and therefore the roof alterations would be minimally visible from the public right-of-way.

## ENVIRONMENTAL REVIEW

The consolidation of all work into one project/permit application required additional Environmental Review per Case No. 2013.0433E. On July 3, 2014, the Department determined that the proposed project is exempt from environmental review. See attached Categorical Exemption Certificate.

## BASIS FOR RECOMMENDATION

Upon review of the subject permit application, the Department recommends the Commission not take DR and approve the project based on the following:

- The correction to the building height as dimensioned on the plans should be approved, as the building was lifted 3 feet, which is consistent with the Commission's prior approval of BPA No. 2011.03.25.2839 per Case No. 2010.0394D.
- The proposed side additions would retain the existing development pattern as viewed from the public right-of-way.
- The proposed vertical additions are proposed within the existing building footprint and would be minimally visible from the public right-of-way.
- The proposal has been reviewed as one consolidated project, including Environmental Review of the project in its entirety for the purposes of CEQA.

<b>RECOMMENDATION:</b> Do not take Discretionary Review and approve the project.
--

### Attachments:

DR Applications submitted by Irving Zaretsky and Timothy Acuri

Categorical Exemption Certificate

Section 311 Notification for current project (BPA# 20132.07.01.0898)

DR Report, Case No. 2010.0394D, dated September 29, 2011

DR Action Memo, DRA-0229, dated November 1, 2011

Project Sponsor Submittal: Response to Discretionary Review and Reduced Plans

## Design Review Checklist

### NEIGHBORHOOD CHARACTER (PAGES 7-10)

QUESTION	
The visual character is: (check one)	
Defined	
Mixed	X

### SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
<b>Topography (page 11)</b>			
Does the building respect the topography of the site and the surrounding area?	X		
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?	X		
<b>Front Setback (pages 12 - 15)</b>			
Does the front setback provide a pedestrian scale and enhance the street?	X		
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?			X
Does the building provide landscaping in the front setback?	X		
<b>Side Spacing (page 15)</b>			
Does the building respect the existing pattern of side spacing?	X		
<b>Rear Yard (pages 16 - 17)</b>			
Is the building articulated to minimize impacts on light to adjacent properties?	X		
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
<b>Views (page 18)</b>			
Does the project protect major public views from public spaces?			X
<b>Special Building Locations (pages 19 - 21)</b>			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?			X
Is the building articulated to minimize impacts on light to adjacent cottages?			X

### BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION	YES	NO	N/A
<b>Building Scale (pages 23 - 27)</b>			
Is the building's height and depth compatible with the existing building scale at the street?	X		
Is the building's height and depth compatible with the existing building scale at the mid-block open space?	X		
<b>Building Form (pages 28 - 30)</b>			

Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?	X		
Are the building's proportions compatible with those found on surrounding buildings?	X		
Is the building's roofline compatible with those found on surrounding buildings?	X		

**ARCHITECTURAL FEATURES (PAGES 31 - 41)**

QUESTION	YES	NO	N/A
<b>Building Entrances (pages 31 - 33)</b>			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?	X		
Does the location of the building entrance respect the existing pattern of building entrances?	X		
Is the building's front porch compatible with existing porches of surrounding buildings?	X		
Are utility panels located so they are not visible on the front building wall or on the sidewalk?	X		
<b>Bay Windows (page 34)</b>			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?	X		
<b>Garages (pages 34 - 37)</b>			
Is the garage structure detailed to create a visually interesting street frontage?	X		
Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?	X		
Is the width of the garage entrance minimized?	X		
Is the placement of the curb cut coordinated to maximize on-street parking?	X		
<b>Rooftop Architectural Features (pages 38 - 41)</b>			
Is the stair penthouse designed to minimize its visibility from the street?	X		
Are the parapets compatible with the overall building proportions and other building elements?	X		
Are the dormers compatible with the architectural character of surrounding buildings?	X		
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?	X		

**BUILDING DETAILS (PAGES 43 - 48)**

QUESTION	YES	NO	N/A
<b>Architectural Details (pages 43 - 44)</b>			
Are the placement and scale of architectural details compatible with the building and the surrounding area?	X		
<b>Windows (pages 44 - 46)</b>			

Do the windows contribute to the architectural character of the building and the neighborhood?	X		
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?	X		
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?	X		
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?	X		
<b>Exterior Materials (pages 47 - 48)</b>			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	X		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		
Are the building's materials properly detailed and appropriately applied?	X		



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
2853-2857 Broderick St		0947/002	
Case No.	Permit No.	Plans Dated	
2013.0433E			
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 50 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval. Front facade alterations; new roof decks; new dormers; alter existing dormer.			

### STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

<b>Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.</b>	
<input checked="" type="checkbox"/>	<b>Class 1 – Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.; change of use if principally permitted or with a CU.
<input type="checkbox"/>	<b>Class 3 – New Construction.</b> Up to three (3) new single-family residences or six (6) dwelling units in one building; commercial/office structures; utility extensions.
<input type="checkbox"/>	Class__

### STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<b>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</b>	
<input type="checkbox"/>	<b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) within an air pollution hot spot? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Hot Spots)
<input type="checkbox"/>	<b>Hazardous Materials:</b> Any project site that is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve soil disturbance of any amount or a change of use from industrial to commercial/residential? If yes, should the applicant present documentation of a completed Maher Application that has been submitted to the San Francisco Department of Public Health (DPH), this box does not need to be checked, but such documentation must be appended to this form. In all other circumstances, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment and/or file a Maher Application with DPH. (refer to EP_ArcMap > Maher layer.)

<input type="checkbox"/>	<b>Soil Disturbance/Modification:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Noise:</b> Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	<b>Slope = or &gt; 20%:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required
<input type="checkbox"/>	<b>Serpentine Rock:</b> Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
<b>If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required.</u></b>	
<input checked="" type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional): No excavation. Jeanie Poling 3/3/14	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE  
TO BE COMPLETED BY PROJECT PLANNER**

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> (refer to Parcel Information Map)	
<input checked="" type="checkbox"/>	Category A: Known Historical Resource. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Category B: Potential Historical Resource (over 50 years of age). <b>GO TO STEP 4.</b>
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 50 years of age). <b>GO TO STEP 6.</b>

**STEP 4: PROPOSED WORK CHECKLIST**  
**TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	3. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	4. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	5. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	6. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	8. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	9. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	Project does not conform to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves four or more work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves less than four work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4:
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input checked="" type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input checked="" type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input checked="" type="checkbox"/>	7. Addition(s), including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .

<input checked="" type="checkbox"/>	<p>8. Other work consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties (specify or add comments):</p> <p style="font-size: 1.2em;">See HRER memo dated 6/24/14</p>
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<input type="checkbox"/>	<p>9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator)</p> <p>a. Per HRER dated: _____ (attach HRER)</p> <p>b. Other (specify):</p>
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**Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.**

<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an Environmental Evaluation Application to be submitted. GO TO STEP 6.</p>
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<input checked="" type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
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Comments (optional):

Preservation Planner Signature: *Shelley Cattone*

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION  
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply):</p> <p><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p><b>STOP! Must file an Environmental Evaluation Application.</b></p>
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<input checked="" type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p>
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<p>Planner Name: <i>Shelley Cattone</i></p>	<p>Signature or Stamp:</p>
<p>Project Approval Action: Select One</p> <p><small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small></p>	<p><i>Shelley Cattone</i>      7/3/14</p>

Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.

In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Historic Resource Evaluation Response

*Date Reviewed:* June 24, 2014 (Part II)  
*Case No.:* 2013.0433E  
*Project Address:* 2853-2857 Broderick Street  
*Zoning:* RH-2 (Residential, House, Two-Family) Zoning District;  
 40-X Height and Bulk District  
*Block/Lot:* 0947/002  
*Staff Contact:* Shelley Caltagirone, Preservation Planner  
 (415) 558-6625 | [shelley.caltagirone@sfgov.org](mailto:shelley.caltagirone@sfgov.org)

1650 Mission St.  
 Suite 400  
 San Francisco,  
 CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
 Information:  
**415.558.6377**

### HISTORIC RESOURCE STATUS

#### Building and Property Description

The 2,757-square-foot parcel is located on Broderick Street between Filbert and Union Streets. The property is located within the Pacific Heights/Cow Hollow neighborhood in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition-style.

#### Pre-Existing Historic Rating / Survey

The subject property is included on the Planning Department's 1976 Architectural Survey with a rating of "1." In the January 14, 2011, the Planning Department issued a Historic Resource Evaluation Response Memo that mistakenly identified the property as a contributor to a historic district listed in the National and California Registers. At the time, no register form could be located to confirm the listing, so the Department evaluated the property separately and found that it appeared to contribute to a historic district significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development. Since then, the Department has discovered that the Planning Department's Parcel Information Database incorrectly identified the property's historic status. Although not formally listed, the Department continues to find that the property would qualify for listing on the California Register as a contributor to a historic district representing a collection of buildings dating from the neighborhood's first wave of development. Therefore, for the Department continues to consider the property a "Category A" (Known Historic Resource) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures.

#### Neighborhood Context

The following historic context is excerpted in part from a draft Cow Hollow Historic Context Statement prepared by the Department in 2013. While not formally adopted by the City, the study provides important information about the development of Cow Hollow and the historic significance of the subject property.

The neighborhood of Cow Hollow lies at the northern end of the San Francisco Peninsula, overlooking the Golden Gate. Geographically, the area is nestled between the slopes of Pacific Heights to the south and the low-lying Marina District to the north. Cow Hollow is bounded roughly by Lombard Street to

the north, Green and Vallejo Streets to the south, Lyon Street and the Presidio to the west and Van Ness Avenue to the east. The topography of the neighborhood, which ascends to the south, offers sweeping views of the San Francisco Bay and the Golden Gate. This dramatic topography also played a significant role in the neighborhood's development, both architecturally and socially.

Historically, the area was part of the Western Addition, adopted by the city in the 1850s under the Van Ness Ordinance. The neighborhood was originally known as "Spring Valley" during the early American period because of the numerous fresh water springs in the area. As that name became eponymous with the Spring Valley Water Company, the neighborhood adopted the title "Golden Gate Valley," to showcase the area's views of the bay. In 1924, local contractor George Walker promoted the area as "Cow Hollow," in honor of its history as a dairy and tannery district, although it had been known by the name locally since the 1880s.

Cow Hollow's most substantial period of development began in the 1880s, following the opening of the first cable car line in the area, along Union Street. This not only prompted an influx of visitors to the already existing attractions of Harbor View, but a spur in residential development. By the mid-1880s, the moniker of "Cow Hollow" had taken root in what was formally known as Spring Valley, regularly being published in the San Francisco Chronicle and other local papers. At the same time, growing development pressures and the demands of the Department of Public Health, approximately thirty dairies and associated tanneries that had earned Cow Hollow its name relocated to the south in Hunter's Point by 1891, however the name remained with locals for generations.

The establishment of the Presidio and Ferries cable car line led to a sustained period of residential development in Cow Hollow picked up, but the pace of growth was relatively modest. By 1893, thirteen years after the opening of the car line, few blocks were fully developed with new real estate. According to the 1893 Sanborn Map Company fire insurance map, development had clearly clustered along the Union line, most prominently between Octavia and Steiner Streets from Greenwich to Green Streets. Many lots remained undeveloped, although parcels had been subdivided throughout the area west of Steiner Street.

The 1899 Sanborn Fire Insurance maps depict that multiple-unit flats were already being constructed in the area, primarily along the cross streets that cut through Union Street on a north-south axis and along Filbert and Greenwich Streets to the north. To the west, the area remained undeveloped aside from a small tract of homes along Greenwich Street near the Presidio.

Residential development at this time was focused on single-family residences, often in dense rows. Building types varied from single-story cottages and small flats, most often found north of Union Street, to larger-scale middle and upper-class residences on larger parcels to the south. Popular styles from the 1860s through the turn of the century were Italianate and Stick-Eastlake, which were common throughout Cow Hollow.

Rebuilding of the City began within months of the 1906 Earthquake and Fire. In order to accommodate the urgent City-wide housing needs, multi-unit flats were increasingly constructed in all residential neighborhoods, as is clearly seen in Cow Hollow following the disaster. Because Van Ness Avenue was used as a fire line, which involved the dynamiting of most houses east of the avenue and south of Filbert Street, Cow Hollow was protected from severe destruction. However, the neighborhood experienced extensive damage, with rail lines along Union Street rendered useless and many structures rendered uninhabitable.

The citywide building boom that began in mid-1906 continued nearly unabated until World War I. A nationwide economic boom during the 1920s correlated with another building boom in San Francisco and enacting of the City's first Planning Code in 1921, mandating the geographic separation of incompatible land uses. The opening of streetcar tunnels in 1918 and 1928, as well as the adoption of mass automobile use beginning in the 1920s, spurred residential development in outlying areas of the City, including Cow Hollow. The economic crisis precipitated by the Stock Market Crash of 1929 had a massive dampening effect on construction in San Francisco, which didn't pick up until the late-1930s. New Deal federal programs and policies to spur employment and stimulate building activity resulted in massive Works Progress Administration public works projects and economic incentives for construction-related activities.

Areas that had survived the earthquake with little damage, such as Cow Hollow, not only hosted refugee camps for the two years following the disaster, but many camp residents opted to stay in the area rather than relocate to their demolished neighborhoods. According to the records of the Assessor, 670 Structures were built in the Cow Hollow neighborhood between 1906 and 1915, the year the Panama-Pacific International Exhibition took place. During this period, many two- to six-unit flats were constructed throughout Cow Hollow, especially along Union Street and its immediate cross streets, where commercial goods and public transit were readily available. What an 1868 *Real Estate Circular* had called "the least stirring section of [San Francisco's] real estate market," had become an increasingly popular neighborhood for residents and developers, often noted as "surprisingly" active despite its lack of infrastructure and transit.

During this period, the area bounded by Lombard Street to the north, Lyon Street to the west, Green Street to the north and Pierce Street to the east had clearly become a popular enclave for middle-class families, with the blocks fully subdivided with single-family homes constructed on most. Flats were constructed along the western face of Broderick Street and at occasional corner lots. Residential architecture at this time was strongly influenced by the First Bay Tradition, and many of the homes are decorated with redwood shingles on a craftsman-style structure in the fashion of the architect Bernard Maybeck.

### ***Bay Region Tradition***

Coined in 1947 by architectural critic Lewis Mumford, the Bay Region Tradition is a regional vernacular architecture endemic to the San Francisco Bay Area that is woodsy, informal, and anti-urban. The Bay Region Tradition evolved over nearly 100 years and has since been classified into First, Second and Third traditions, spanning from the 1880s-1970s. The First Bay Tradition influenced later Modernists (i.e. architects associated with the Second Bay Tradition), who incorporated the regional vernacular of redwood, shingles, and elements of Arts and Crafts with the European Modernism popularized by the Bauhaus and the International Style. Transitional architects that bridged the first and second Bay Traditions include Henry Gutterson and John Hudson Thomas.

The First Bay Tradition, spanning roughly from the 1880s to early 1920s, was a radical reaction to staid Classicism of Beaux-Arts historicism. Eschewing the highly ornamented Victorian-era styles also popular at that time, First Bay Tradition architects developed a building vernacular linked to nature, site and locally sourced materials. Within this stylistic category, bungalows and houses constructed between the 1890s and 1925 can be divided into several styles, including: Shingle, Craftsman Bungalow, Prairie and California Bungalow. The First Bay Tradition is characterized by sensitivity to natural materials and

landscape, appreciation of structural form, and fine craftsmanship in wood. Buildings of this period exhibit both personal design approaches and the ideas of architects such as Bernard Maybeck. The later Bay Traditions of the 1930's and later derivatives of the 1950s and 1960s are clear descendants of this style.

A few homes were designed with spacious front porches supported by square, buttressed posts atop river boulder and brick piers. Along with natural wood, shingle, and clinker brick, materials such as field stone and river stone were popular for cladding the wood frame structural systems. Usually asymmetrical in plan, residences were characterized by tripartite windows divided into a large lower pane and small upper panes. Roofs often have broad spreading eaves supported by multiple gables with projecting beams. Stucco and brick occasionally using clinker brick apartment houses were often strong examples of this style.

### CEQA Historical Resource(s) Evaluation

#### Step A: Significance

*Under CEQA section 21084.1, a property qualifies as a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources." The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources or not included in a local register of historical resources, shall not preclude a lead agency from determining whether the resource may qualify as a historical resource under CEQA.*

Individual	Historic District/Context
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:
Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 1 - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 2 - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criterion 3 - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 3 - Architecture: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criterion 4 - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Period of Significance:	Period of Significance: 1888 - 1914 <input checked="" type="checkbox"/> Contributor <input type="checkbox"/> Non-Contributor

In 2011, the Department found that the property appeared to contribute to a historic district significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development with a period of significance of 1880-1930. Since then, the Department has gathered further information about the Cow Hollow neighborhood, which has allowed us to further refine our findings. The Department continues to find that the subject property contributes to a historic district; however, the boundaries, historical association, and period of significance haven been more narrowly defined based upon the new information provided in the Department's 2013 Cow Hollow study. The Department now finds that the property is significant as a contributor to a historic district under Criterion 3 for both its association with the neighborhood's first large wave of development and with the First Bay Tradition architectural style. The period of significance for this Cow Hollow First Bay Tradition Historic District is 1888-1914. The boundaries of this district are roughly Filbert to the north, Scott to the east, Vallejo to the south, and Lyon to the west. Please see the analysis below.

*Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;*

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that any significant events are associated with the subject building. Although construction of the subject building was part of the primary pattern of residential development that occurred in the area in the late 19<sup>th</sup> century, this pattern is not documented as significant within the context of the history of the neighborhood, the City, the State, or the nation. Furthermore, there are no specific historical events known to be associated with the construction or subsequent usage of the subject building as a single-family residence. It is therefore determined not to be eligible under this criterion.

*Criterion 2: It is associated with the lives of persons important in our local, regional or national past;*

The information provided by the Project Sponsor and a review of the City Directories indicate that William Hammond Hall briefly owned the property circa 1930. Hall was a significant person in San Francisco's history as the designer of Golden Gate Park and the first state civil engineer. Hall is listed in the directories as living at 3855 Jackson Street between 1905 and 1932 and he died in 1934. Therefore, it does not appear that he resided at the subject property. According to the oral history collected by the Project Sponsor, Hall's daughters lived at the subject property as late as 1954, so it is presumed that the property was purchased for their use. The property is not historically significant as it is not associated with the Hall's career as an engineer. No other significant persons are associated with the subject building. The subject building is therefore determined not to be eligible under this criterion.

*Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;*

The subject building appears to contribute to a Cow Hollow First Bay Tradition Historic District eligible for listing on the California Register for embodying both the distinctive characteristics of the first period of large scale architectural development in Cow Hollow and the distinctive characteristics of the First Bay Tradition style. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition style. The general characteristics of this style are an emphasis on simplified geometric forms, natural materials (often including shingle cladding, rustic lap siding, and brick), structural honesty, picturesque and asymmetrical massing and articulation, uniform exterior cladding with no interruptions at corners, and simplified ornament and details. Many of these elements are evident in the subject building. The subject does not appear to be a significant example of the First Bay Tradition style as an individual property because it is a relatively modest example of the style, does not represent the work of a master, does not possess high artistic value, and does not appear to retain high historic integrity of design. However, the building does contribute to a collection of late 19<sup>th</sup> -and early 20<sup>th</sup>-century buildings dating from the earliest period of residential development in the Cow Hollow neighborhood. Many of the buildings from this period represent the First Bay Tradition style, which is unique to the region. As such, this collection of First Bay Tradition residences in Cow Hollow embody the distinctive characteristics of a special period of regional architecture. The period of significance for this district appears to be approximately 1888-1914, relating to the construction boom and the particular use of the style. The construction date of the subject building places it within the period of significance identified for the surrounding historic district. The boundaries of this district are roughly Filbert to the north, Scott to the east, Vallejo to the south, and Lyon to the west.

**Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;**

There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that the subject property is likely to yield information important to a better understanding of prehistory or history. The subject building is therefore determined not to be eligible under this criterion.

**Step B: Integrity**

*To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance." Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.*

The subject property retains integrity from the period of significance noted in Step A:

- |                     |   |                                |                   |   |                                |
|---------------------|---|--------------------------------|-------------------|---|--------------------------------|
| <b>Location:</b>    | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks | <b>Setting:</b>   | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks |
| <b>Association:</b> | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks | <b>Feeling:</b>   | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks |
| <b>Design:</b>      | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks | <b>Materials:</b> | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks |
| <b>Workmanship:</b> | <input checked="" type="checkbox"/> Retains | <input type="checkbox"/> Lacks |                   |   |                                |

**Historic District**

The Cow Hollow First Bay Tradition Historic District retains sufficient integrity with which to convey its significance. District contributors possess integrity in terms of material, design and workmanship, particularly when compared to buildings found outside of the District. The majority of District buildings retain a high level of original building features such as redwood shingle siding, projecting central bays, brick bases, and minimal ornamentation. Contemporary roll-up garage doors have been added to many lower levels. Replacement of the historic divided light wood-sash windows is also common. Few horizontal or vertical additions are visible from the public right-of-way. District contributors also retain integrity of feeling, setting, location, and association. Contributors remain single-family, are sited at their original location, and are surrounded by residences of similarly scaled single-family houses.

**Subject Property**

The subject building has not been significantly altered since its original construction. Recently, the building was raised approximately 3 feet to insert a garage at the ground floor level and the ground floor level was expanded towards the rear of the building. This work was reviewed and approved by the Department in 2010-2011 under Case No. 2010.0394E. Raising the building required replacement of the front stair, which was not part of the original construction. This slight alteration in height has not unduly changed the original scale of the building or the building's relationship to its setting within the historic district. The work also did not remove any character-defining features of the building. The building, therefore, retains all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow neighborhood.

**Step C: Character Defining Features**

*If the subject property has been determined to have significance and retains integrity, please list the character-defining features of the building(s) and/or property. A property must retain the essential physical features that enable it to convey its historic identity in order to avoid significant adverse impacts to the resource. These essential*

*features are those that define both why a property is significant and when it was significant, and without which a property can no longer be identified as being associated with its significance.*

The Cow Hollow First Bay Tradition Historic District's significance is reflected through the cohesive massing, articulation, form, setback, and stylistic elements in the First Bay Tradition style. The character-defining features are:

- Two-three story scale;
- Picturesque and asymmetrical massing and articulation;
- Emphasis on simplified geometric forms;
- Front and side setbacks;
- Gable or hipped roof forms, often with dormers;
- Locally sourced, natural materials, often including shingle cladding, rustic lap siding, and brick;
- Multi-light, wood-framed windows;
- Raised entries; and,
- Simplified ornament and details including projecting brackets, eyebrow dormers, often incorporating Colonial Revival and Arts and Crafts design elements.

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#### CEQA Historic Resource Determination

- Historical Resource Present
- Individually-eligible Resource
  - Contributor to an eligible Historic District
  - Non-contributor to an eligible Historic District
- No Historical Resource Present

**PART II: PROJECT EVALUATION**

Proposed Project                     Demolition                     Alteration

Per Drawings Dated: May 1, 2014

**Project Description**

The proposed project calls for exterior changes to the house, including the construction of two roof decks, construction of dormers on the north and south slopes of the hipped portion of the roof, construction of a bay at the south elevation to the west of the side entry porch; alteration of the side entry steps and door; alteration of main entry steps to reduce the height; alteration of the main entrance to lower the threshold approximately 1' and add a transom above the existing door; and, removal of stairs at the rear façade.

Please note that the permit plans associated with this project also rectify discrepancies in previous permits regarding height notation and drawing accuracy. These corrections do not constitute physical changes to the property.

**Project Evaluation**

*If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.*

**Subject Property/Historic Resource:**

The project will not cause a significant adverse impact to the historic resource as proposed.

The project will cause a significant adverse impact to the historic resource as proposed.

**California Register-eligible Historic District or Context:**

The project will not cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

The project will cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

**Project Specific Impacts**

The project appears to meet the *Secretary of the Interior Standards for Rehabilitation* and would not cause a substantial adverse change to the contributing building at 2853-57 Broderick Street or to the surrounding Cow Hollow First Bay Tradition Historic District such that the significance of the resource (the district) would be materially impaired. The following is an analysis of the proposed project per the applicable Standards.

*Standard 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The proposed project would retain the historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow earliest period of residential development.

*Standard 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. All original elements of the primary façade would be retained. While the entry threshold would be lowered to match the main floor height, this change would not detract from the character of the entry and the door would be retained or replicated. The proposed alterations would occur at secondary and tertiary facades that do not contribute to the overall character of the building or district.

*Standard 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

Conjectural elements are not a part of the proposed project. All contemporary alterations and additions would be constructed of new, yet compatible, materials.

*Standard 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The proposed project would not result in the loss of distinctive features.

*Standard 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

The proposed side and rooftop additions, including the decks and dormers, would not negatively impact the character-defining features of the building or the site as they would be constructed towards the rear of the building, which is not visible from the adjacent public rights-of-way. Thus, the character of the property and district as viewed by the public would be retained. Moreover, the proposed addition, dormers, and roof decks would be constructed with contemporary windows and detailing such that they are distinguished as contemporary features. While the entry threshold would be lowered to match the main floor height, this change would not detract from the character of the entry and the door would be retained or replicated. Lastly, the alterations would occur at secondary and tertiary facades that do not contribute to the overall character of the building or district.

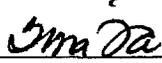
*Standard 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

If the proposed additions were to be removed, then the roof and south wall of the subject building would require repair, but this removal would not impair the integrity of the historic property.

*Cumulative Impact Assessment*

The proposed work must also be considered in the context of recent and foreseeable changes to the property and historic district. Work recently completed at the project site resulted in raising the building approximately 3' to add a garage at the front façade and constructing a rear addition. This work, in combination with the currently proposed work, meets the *Secretary Standards* and would not cause a substantial adverse change to the contributing building at 2853-57 Broderick Street or to the surrounding Cow Hollow First Bay Tradition Historic District such that the significance of the resource (the district) would be materially impaired. The building would retain all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow neighborhood. The Department is not aware of any proposed projects within the boundaries of the district that would contribute to a cumulative impact to the resource.

**PART II: SENIOR PRESERVATION PLANNER REVIEW**

Signature:   
Tina Tam, Senior Preservation Planner

Date: 7-2-2014

cc: Virnaliza Byrd, Environmental Division/ Historic Resource Impact Review File

SC: G:\DOCUMENTS\Cases\CEQA\HRER Memos\2013.0433E\_2857 Broderick.doc



2898

FILBERT

→  
SUBJECT  
PROPERTY  
2853 BRODERICK

←  
BRODERICK

2/24/4

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No 554-5184  
Fax No. 554-5163  
TTD/TTY No. 5545227

**NOTICE OF PUBLIC HEARING**

**BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO**

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

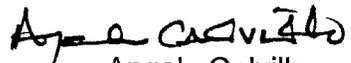
**Date:** Tuesday, November 25, 2014

**Time:** 3:00 p.m.

**Location:** City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102

**Subject:** **File No. 141083.** Hearing of persons interested in or objecting to the determination of categorical exemption from environmental review under the California Environmental Quality Act issued by the Planning Department on July 3, 2014, and approved during the Discretionary Review Hearing of the Planning Commission on September 18, 2014, to permit an existing three-story-over-basement, two-unit building located at 2853-2857 Broderick Street, Assessor's Block No. 0947, Lot No. 002, to be lifted three feet to insert a two-car garage within the basement level, as well as additional work including a dwelling unit merger from two units to one unit, a side horizontal addition at the south side façade, and vertical additions and rear façade alteration to construct dormers and a deck at the roof/attic level. (District 2) (Appellants: Irving Zaretsky, on behalf of himself, Zeeva Kardos, and Kate Polevoi; Tim Arcuri) (Filed October 20, 2014).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Board. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, November 21, 2014

  
Angela Calvillo  
Clerk of the Board

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

PROOF OF MAILING

Legislative File No. 141083

Description of Items:

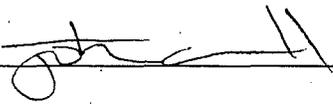
I, John Carroll, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage to be affixed by Repro Mail:

Date: 11/10/2014

Time: 2:55 p.m.

USPS Location: Clerk's Office Outgoing USPS pickup

Mailbox/Mailslot Pick-Up Times (if applicable): 3:00 p.m.

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

## Carroll, John (BOS)

---

**From:** SF Docs (LIB)  
**Sent:** Wednesday, November 12, 2014 8:06 AM  
**To:** BOS Legislation (BOS)  
**Subject:** Re: Please Post the Attached Hearing Notices

**Categories:** 141083, 141087

Hi John,

I have posted the hearing notices.

Thank you,

Michael

---

**From:** BOS Legislation (BOS)  
**Sent:** Monday, November 10, 2014 4:45 PM  
**To:** SF Docs (LIB)  
**Cc:** Carroll, John (BOS); Lamug, Joy  
**Subject:** Please Post the Attached Hearing Notices

Good afternoon,

Please post the attached hearing notices.

141083 – 2853-2857 Broderick Street  
141087 – 300 Wawona Street

Thanks so much!

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](mailto:john.carroll@sfgov.org) | [board.of.supervisors@sfgov.org](mailto: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.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

## Carroll, John (BOS)

---

**From:** Caltagirone, Shelley (CPC)  
**Sent:** Monday, October 27, 2014 3:15 PM  
**To:** BOS Legislation (BOS)  
**Cc:** Lamug, Joy; Tam, Tina (CPC); Poling, Jeanie (CPC)  
**Subject:** 2853 Broderick Appeal Mailing List  
**Attachments:** 2853 Broderick Appeal Mailing list.xlsx

**Categories:** 141083

Please find the attached distribution list. Thanks!

**Shelley Caltagirone**  
**Historic Preservation Planner**

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
**Direct:** 415-558-6625 **Fax:** 415-558-6409  
**Email:** [shelley.caltagirone@sfgov.org](mailto:shelley.caltagirone@sfgov.org)  
**Web:** [www.sfplanning.org](http://www.sfplanning.org)



**Planning Information Center (PIC):** 415-558-6377 or [pic@sfgov.org](mailto:pic@sfgov.org)  
**Property Information Map (PIM):** <http://propertymap.sfplanning.org>

Name	Organization	Address 1	Address 2	City, State, Zip
Irving Zaretsky	DR Requesters and Appellants			
Tim Arcuri	DR Requesters and Appellants	870 Market St,		San Francisco, CA
Sue Hestor	Attorney at Law	Suite 1128		94102
Gabriel Metcalf, Executive Director,	San Francisco Planning & Urban Research Association	654 Mission Street		San Francisco, CA, 94105-4015
Winchell T. Hayward	Victoria Alliance CA Heritage	208 Willard North		San Francisco, , 94118
Gerald D. Adams	San Francisco Towers	1661 Pine St. #1028		San Francisco. CA, 94109
Linda Mjellem,	Union Square Association	408		San Francisco, CA, 94102
	Fort Point and Presidio Historical Association	PO Box 29163		San Francisco, CA, 94129
Patrick McGrew,	MCGREW ARCHITECTS	674 South Grenfall Rd.		Palm Springs, CA, 92264
Carey & Co. Inc.	Carey & Co. Inc.	460 Bush Street		San Francisco, CA, 94108
Alice Suet Yee Barkley,	Luce Forward Attorneys at Law	121 Spear St., Ste. 200		San Francisco, CA, 94105
Joseph B. Pecora		882 Grove Street		San Francisco, CA, 94117
Western Neighborhoods Project	Western Neighborhoods Project	300 Taraval Street, Suite A		San Francisco, CA, 94116
Dorice Murphy,	Eureka Valley Trails & Art Network	175 Yukon Street		San Francisco, CA, 94114
City Hall Editor,	San Francisco Chronicle	901 Mission St.		San Francisco, CA, 94103
Nancy Shanahan,	Telegraph Hill Dwellers	224 Filbert Street		San Francisco, CA, 94133
Courtney S. Clarkson,	Pacific Heights Residents Assn.	3109 Sacramento Street		San Francisco, CA, 94115

Vincent Marsh		2134 Green Street #3	San Francisco, CA, 94123-4761
Jason Allen-Rouman	Victorian Alliance	1036 Haight Street	San Francisco, CA, 94117
Stewart Morton		PO Box 330339	San Francisco, CA, 94133-0339
Toby Levine, Co- Chairman,	San Jose/Guerrero Coalition Save R	4104 - 24th Street, #130	San Francisco, CA, 94114-3615
The Art Deco Society of California	The Art Deco Society of California State Office of Historic Preservation, Local Gov. and Info Management Unit	100 Bush Street, Suite 511	San Francisco, CA, 94104
Lucinda Woodward,		PO Box 942896 306 Arguello Blvd.	San Francisco, CA, 94296-0001
Shirley Albright, Executive Director,	Landmarks Council of California San Francisco Architectural Heritage	Apt. 101 2007 Franklin St. 1000 Sansome Street, Suite 200	San Francisco, CA, 94118 San Francisco, CA, 94109 San Francisco, CA, 94111
J G Turnbull,	Page & Turnbull Inc.		San Francisco, CA, 94118
Mrs. Bland Platt	G. Bland Platt Associates,	362 Ewing Terrace 177 Post Street, Penthouse	San Francisco, CA, 94118 San Francisco, CA, 94108-4712
M. Brett Gladstone,	Gladstone & Associates		
David P. Cincotta, Jeffers, Margels, Butler & Mamaro, LLP	David P. Cincotta, Jeffers, Margels, Butler & Mamaro, LLP	2 Embarcadero Ctr, 5th Floor	San Francisco, CA, 94118 San Francisco, CA, 94111
Jayni Ailsep, Sue Hestor, Attorney at Law	Edaw Inc.	150 Chestnut St. 870 Market Street 2250 Union Street, 3rd Floor	San Francisco, CA, 94102 San Francisco, CA, 94123
Karl Hasz,	Hasz Construction, Inc.		

Alan Martinez		512 Van Ness Avenue, #416	San Francisco, CA, 94102
National Trust for Historic Preservation	National Trust for Historic Preservation	5 Third Street, #707	San Francisco, CA, 94103
President Merchants of Upper Market & Castro	Merchants of Upper Market & Castro	584 Castro Street, #333	San Francisco, CA, 94114
Andrew Wolfram, AIA, LEED AP,	Perkins + Will	185 Berry Street, Lobby One, Ste. 5100	San Francisco, CA, 94107
James M. Buckley, PhD c/o Elizabeth Costello, Jonas Ionin, HPC Recording Secretary	Pocket Development, LLC Planning Department	615 Front Street InterOffice #29	San Francisco, CA, 94111
SF Public Library	Government Information Center Department of Building Inspection	InterOffice #41 InterOffice #19 Pier 9,	
Laurence Kornfield		Embarcadero, Ste. 107	San Francisco, CA, 94111
Charles Edwin Chase, AIA,	Architectural Resource Group	235 Montgomery Street, Ste. 1142	San Francisco, CA, 94104
Diane Matsuda,	John Burton Foundation		San Francisco, CA, 94107
Suheil Shatara		522 Second Street	San Francisco, CA, 94109
Mike Buhler, Executive Director, Executive Director, Castro/Upper Market Community Benefit District	San Francisco Architectural Heritage	2007 Franklin St.	
Alex Lantsberg, Research Dept.	Castro/Upper Market Community Benefit District North. Calif. Carpenters Regional Council,	584 Castro Street, #336 265 Hegenberger Rd., Ste. 220	San Francisco, CA, 94114 Oakland, CA, 94621

Attn: Erin Efner	Christopher A. Joseph & Assoc.,	1121 Ocan Avenue, Apt. 804	Santa Monica, CA, 90401-1046
Tina Tam, Preservation Coordinator	Planning Department	InterOffice #29	
Greg Kelly, San Francisco Documents Librarian, Government Information Center	SF Public Library	InterOffice #41	
Katalin Koda		147 Saturn Street	San Francisco, CA, 94114
Courtney Damkroger		2626 Hyde Street 364 Page Street, #36	San Francisco, CA, 94109 San Francisco, CA, 94102
Mary Miles,	Coalition for Adequate Review Richmond Community Association CSFN, Land Use & Housing	146 - 18th Avenue	San Francisco, CA, 94121
Hiroshi Fukuda, President,		324 Chestnut Street	San Francisco, CA, 94133
Joe Butler		1321 Montgomery 900 Bush Street, #419	San Francisco, CA, 94133 San Francisco, CA, 94109
Suzanne D. Cauthen			
Hisashi Sugaya			
SF Public Library	Government Information Center	InterOffice #41	
Douglas Shoemaker, Director	Mayor's Office of Housing	InterOffice #24	

**email**

714515@gmail.com / IIZ@pacbell.net

timothy.arcuri@cowen.com

hestor@earthlink.net

[kgoss@pacbell.net](mailto:kgoss@pacbell.net)  
[michael@jaegermchugh.com](mailto:michael@jaegermchugh.com)  
[maitsai@yahoo.com](mailto:maitsai@yahoo.com)  
[rwgoss@pacbell.net](mailto:rwgoss@pacbell.net)  
[annabrockway@yahoo.com](mailto:annabrockway@yahoo.com)

ericreimers@gmail.com  
dorinetowle@me.com  
vince@citymarkdev.com  
kdkmanagement@yahoo.com  
cjones@forwardmgmt.com  
paulmimai@yahoo.com  
wmore@aol.com  
amanda@hoenigman.com  
rpovlitz@yahoo.com  
vincejr40@hotmail.com  
nancyp.leavens@gmail.com  
letsbond@gmail.com  
dod.fraser@gmail.com  
ethurston@gmail.com  
ggwood2@gmail.com  
elarkin@hill-co.com  
info@cowhollowassociation.org  
lbrooke@lmi.net  
Cynthia2ndemail@gmail.com  
brookesampson@yahoo.com  
merijohn@merijohn.com

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

October 27, 2014

Irving Zaretsky  
3111 Jackson Street, #5  
San Francisco, CA 94115

Tim Arcuri  
2853 Broderick Street  
San Francisco, CA 94123

**Subject: Appeals of the determination of exemption from environmental review for 2853-2857 Broderick Street**

Dear Appellants:

The Office of the Clerk of the Board is in receipt of a memo dated October 24, 2014, (copy attached), from the Planning Department regarding the timely filing of your appeals of the determination of exemption from environmental review for 2853-2857 Broderick Street.

The Planning Department has determined that the two appeals were filed in a timely manner.

Pursuant to Administrative Code, Section 31.16(4), if more than one person submits a letter of appeal on a categorical exemption, the Board President may consolidate such appeals so that they are heard simultaneously.

The appeal filing period closed on October 20, 2014. Pursuant to Administrative Code, Section 31.16, a hearing date for the two appeals have been scheduled for **Tuesday, November 25, 2014, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by:

**20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

**11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and one hard copy of the documentation for distribution.



NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira at (415) 554-7711 or Legislative Clerks, Joy Lamug at (415) 554-7712 or John Carroll at (415) 554-4445.

Very truly yours,

Angela Calvillo  
Clerk of the Board

c:

Stephen Antonaros, Architect, Project Sponsor  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
John Rahaim, Planning Director  
Scott Sanchez, Zoning Administrator, Planning Department  
Sarah Jones, Environmental Review Officer, Planning Department  
Viktoriya Wise, Planning Department  
Aaron Starr, Planning Department  
AnMarie Rodgers, Planning Department  
Tina Tam, Planning Department  
Glenn Cabrerros, Planning Department  
Shelley Caltagirone, Planning Department  
Jonas Ionin, Planning Commission Secretary



# SAN FRANCISCO PLANNING DEPARTMENT

MEMO

**DATE:** October 24, 2014  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Viktoriya Wise, Deputy Director, Environmental Review  
**RE:** CEQA appeal timeliness determination – 2853-2857 Broderick Street  
Planning Department Case No. 2013.0433E

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Two appeals of the categorical exemption for the project at 2853-2857 Broderick Street (Planning Case No. 2013.0433E) were filed with the Office of the Clerk of the Board on October 20, 2014, by Irving Zaretsky and Tim Arcuri.

**Timeline:** The Categorical Exemption was issued on July 3, 2014. The first approval of the project that relied on the exemption was project approval by the Planning Commission during the Discretionary Review Hearing, as provided for in Planning Code Section 311, which occurred on September 18, 2014.

**Timeliness Determination:** Section 31.16(a) and (e) of the San Francisco Administrative Code states that any person or entity may appeal an exemption determination to the Board of Supervisors during the time period beginning with the date of the exemption determination and ending 30 days after the Date of the Approval Action.

The appeal of the exemption determination was filed on October 20, 2014, which is the last business day within 30 days after the Date of the Approval Action and is within the time frame specified above. Therefore the appeal is considered timely.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

October 22, 2014

To: John Rahaim  
Planning Director

From: *ACC* Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeals of California Environmental Quality Act (CEQA) Categorical  
Exemption Determination from Environmental Review - 2853-2857  
Broderick Street**

Two appeals of CEQA Categorical Exemption Determination for 2853-2857 Broderick Street were filed with the Office of the Clerk of the Board on October 20, 2014, by Irving Zaretsky and Tim Arcuri.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding these appeals, with attached documents, to the Planning Department's Office to determine if the appeals have been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Legislative Deputy, Rick Caldeira at (415) 554-7711, or Legislative Clerks, Joy Lamug at (415) 554-7712, or John Carroll at (415) 554-4445.

c: Angela Calvillo, Clerk of the Board  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
Scott Sanchez, Zoning Administrator, Planning Department  
Sarah Jones, Environmental Review Officer, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Tina Tam, Planning Department  
Jeanie Poling, Planning Department  
Glenn Cabreros, Planning Department  
Shelley Caltagirone, Planning Department  
Jonas Ionin, Planning Department

---

**From:** Caltagirone, Shelley (CPC)  
**Sent:** Monday, October 27, 2014 10:48 AM  
**To:** Lamug, Joy  
**Cc:** Tam, Tina (CPC)  
**Subject:** 2853 Broderick Applicant Contact Into

Stephen Antonaros  
Stephen Antonaros Architect  
2261 Market Street, #324  
SF, CA, 94114

Phone 1:4158642261

[santonaros@sbcglobal.net](mailto:santonaros@sbcglobal.net)

**Shelley Caltagirone**  
**Historic Preservation Planner**

Planning Department, City and County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
**Direct:** 415-558-6625 **Fax:** 415-558-6409  
**Email:** [shelley.caltagirone@sfgov.org](mailto:shelley.caltagirone@sfgov.org)  
**Web:** [www.sfplanning.org](http://www.sfplanning.org)



**Planning Information Center (PIC):** 415-558-6377 or [pic@sfgov.org](mailto:pic@sfgov.org)  
**Property Information Map (PIM):** <http://propertymap.sfplanning.org>

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

October 31, 2014

**FILE NO. 141083**

Received from the Board of Supervisors-Clerk's Office two checks in the amount of Five Hundred Forty Seven Dollars (\$547) each, representing filing fee paid by Irving Zaretsky and Tim Arcuri (Appellants) for Appeals of Categorical Exemption Determination for 2853-2857 Broderick Street.

**Planning Department**  
**By:**

Theresa Moncenez  
Print Name

[Signature] 10/31/14  
Signature and Date

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SAN FRANCISCO, CA 94115

WELLS FARGO BANK N.A.  
SAN FRANCISCO, CA  
11-4288/1210

4495

10/20/14

PAY TO THE  
ORDER OF

Dept of City Planning

\$ 547 <sup>00</sup>/<sub>100</sub>

Five hundred forty seven dollars & <sup>00</sup>/<sub>100</sub>

DOLLARS

▲ TAMPER RESISTANT TONER AREA ▲

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MEMO

*[Handwritten Signature]*



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2916

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0000558

11-24

Office AU #:

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# CASHIER'S CHECK

0055800924

Operator I.D.: cu013138

October 20, 2014

PAY TO THE ORDER OF **\*\*\*DEPARTMENT OF CITY PLANNING\*\*\***

**\*\*\*Five hundred forty-seven dollars and no cents\*\*\***

**\*\*\$547.00\*\***

WELLS FARGO BANK, N.A.  
3431 CALIFORNIA ST  
SAN FRANCISCO, CA 94118  
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*Richard Levy*  
CONTROLLER

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2917

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation. File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

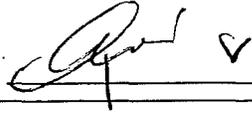
Clerk of the Board

**Subject:**

Public Hearing - Appeal of Exemption from Environmental Review - 2853-2857 Broderick Street

**The text is listed below or attached:**

Hearing of persons interested in or objecting to the determination of categorical exemption from environmental review under the California Environmental Quality Act issued by the Planning Department on July 3, 2014, and approved during the Discretionary Review Hearing of the Planning Commission on September 18, 2014, to permit an existing three-story-over-basement, two-unit building located at 2853-2857 Broderick Street, Assessor's Block No. 0947, Lot No. 002, to be lifted 3 feet to insert a two-car garage within the basement level, as well as additional work including a dwelling unit merger from 2 units to 1 unit, a side horizontal addition at the south side façade, and vertical additions and rear façade alteration to construct dormers and a deck at the roof/attic level. (District 2) (Appellants: Irving Zaretsky, on behalf of himself, Zeeva Kardos, and Kate Polevoi; Tim Arcuri) (Filed October 20, 2014).

Signature of Sponsoring Supervisor:  ✓

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For Clerk's Use Only:

