



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
HELENE DICK
idick@fbm.com
D. 415.954.4958
2014 NOV 20 PM 4:42

November 20, 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

RECEIVED AFTER THE ELEVEN-DAY
DEADLINE, BY NOON, PURSUANT TO ADMIN.
CODE, SECTION 31.16(b)(5)
(Note: Pursuant to California Government Code, Section
68009(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 13th and 14th 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

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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.

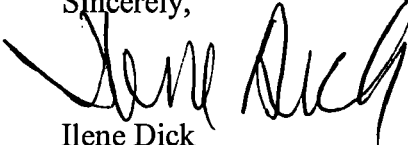
The counterpart to Appellants' delay tactics is their failure to submit timely written analyses in support of their contentions, leaving project sponsor and decision-makers without any explanation of the facts or reasons in support of their appeal. Even when written materials are submitted, they are 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.¹ 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 28th letter to the Planning Commission contains a detailed description and timeline of the permit history for this project.² 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,



Ilene Dick

ID
Enclosures

¹ Mr. Arcuri did not submit any documents for the DR hearing.

² See text of July 28, 2014 letter and Exhibit B thereto.

7/28/14 Opposition to Continuance Request



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.¹ 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 20th”.² 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”.³ He went on to make 8 more complaints to DBI. Exhibit C.

¹ 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.

² See Exhibit A.

³ 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.⁴ 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.”⁵ 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#2839.⁶

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

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

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

⁴ 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.

⁵ 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.

⁶ 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.⁷ Since the building is within the 40' height limit, the height issue is immaterial to any future proceedings reviewing project entitlements.⁸

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.⁹ 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.¹⁰

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.¹¹ As proof that Mr. Zaretsky periodically checks

⁷ 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.

⁸ 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.

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

¹⁰ 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.

¹¹ 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.¹²

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.*¹³ 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 20th” 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.

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.

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

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

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

Second, he had ample information from the issuance of the Suspension Letter (February 5, 2014) that a DR hearing on the required “consolidated plans” was forthcoming. In addition, Mr. Cabreros emailed him on July 2, 2014 that the DR hearing was going to be scheduled.¹⁴ Exhibit M.¹⁵ He has reviewed the project files.¹⁶ 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

¹⁴ 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.

¹⁵ 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.

¹⁶ 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.¹⁷ 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.¹⁸

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

¹⁷ 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.

¹⁸ 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 typed name.

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; maitasai@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 Attny
idick@fbm.com
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

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235 Montgomery Street	F 415.954.4480
San Francisco / CA 94104	www.fbm.com

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

Dear Messrs. Lindsay and Sanchez:

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

Thank you,
Irving Zaretsky
Neighbors on Broderick and Filbert Streets

Begin forwarded message:

From: 714515@gmail.com

Dick, Ilene (19) x4958

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.

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Ilene R Dick
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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>, "kgoss@pacbell.net" <kgoss@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>, "paulmaimai@yahoo.com" <paulmaimai@yahoo.com>, nancy leavens nancy <nancyp.leavens@gmail.com>, "Will Morehead (" <letsbond@gmail.com>, "dod.fraser@gmail.com" <dod.fraser@gmail.com>, "ethurston@gmail.com" <ethurston@gmail.com>, "DXN2700@aol.com" <DXN2700@aol.com>, Geoff Wood <ggwood2@gmail.com>, "elarkin@hill-co.com" <elarkin@hill-co.com>, Brooke Sampson <brookesampson@yahoo.com>, "lbrooke@lmi.net (lbrooke@lmi.net)" <lbrooke@lmi.net>, "info@cowhollowassociation.org" <info@cowhollowassociation.org>, "Cynthia2ndemail@gmail.com" <Cynthia2ndemail@gmail.com>, "merijohn@merijohn.com" <merijohn@merijohn.com>, Catherine Stefani <catherine.stefani@sfgov.org>, Mark Farrell <info@markfarrell.com>, "john.rahaim@sfgov.org" <john.rahaim@sfgov.org>, "jonas.ionin@sfgov.org", "Glenn (CPC) Cabrerros" <glenn.cabreros@sfgov.org>, David Lindsay <david.lindsay@sfgov.org>, Scott Sanchez <scott.sanchez@sfgov.org>

Dear Commission President Wu:

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

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

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

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

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

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

Thank you,
Irving Zaretsky
Neighbors on Broderick and Filbert Streets

EXHIBIT B

SUMMARY OF PROJECT HISTORY

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

WHO:

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

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

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

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

WHAT

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

HOW

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

Without explanation, that has not happened here. Despite not living on this block and never asserting any reason for appealing almost every entitlement issued by City agencies for the rehabilitation of the building, the Home has remained in its vacant, 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 4th 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 3rd 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](#)
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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: BID

Division:

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

Dear Mr. Hui,

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

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

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

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

Sincerely,



Scott F. Sanchez
Zoning Administrator

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

EXHIBIT E

Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201305201

Owner/Agent: OWNER DATA SUPPRESSED

Owner's Phone: --

Contact Name: --

Contact Phone: --

Complainant: COMPLAINANT DATA SUPPRESSED

Complainant's

Phone:

Complaint

Source: TELEPHONE

Assigned to

Division: BID

Description:

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

Instructions:

INSPECTOR INFORMATION

DIVISION INSPECTOR

BID FESSLER

ID

6252

DISTRICT

4

PRIORITY

REFERRAL INFORMATION

COMPLAINT STATUS AND COMMENTS

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

COMPLAINT ACTION BY DIVISION

NOV (HIS):

NOV (BID):

05/22/13

03/21/14

[Inspector Contact Information](#)

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

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NOTICE OF VIOLATION

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

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

NUMBER: 201305201
DATE: 22-MAY-13

ADDRESS: 2853 BRODERICK ST

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

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

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

PHONE #: --

PERSON CONTACTED @ SITE: PAMELA J WHITEHEAD FAMILY TRUS

PHONE #: --

VIOLATION DESCRIPTION:

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

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

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

415-575-6923

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

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

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

INVESTIGATION FEE OR OTHER FEE WILL APPLY

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

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Thomas P Fessler

PHONE # 415-575-6923

DIVISION: BID

DISTRICT : 4

By: (Inspectors's Signature) _____

Permits, Complaints and Boiler PTO Inquiry

COMPLAINT DATA SHEET

Complaint Number: 201335331

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

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

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

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

Complainant: COMPLAINANT DATA SUPPRESSED **Site:**

Rating:

Occupancy Code:

Received By: JingJing Lu

Division: BID

Complainant's Phone:

Complaint Source: TELEPHONE

Assigned to Division: BID

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

Instructions:

INSPECTOR INFORMATION

DIVISION	INSPECTOR	ID	DISTRICT	PRIORITY
BID	FESSLER	6252	4	

REFERRAL INFORMATION

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

COMPLAINT STATUS AND COMMENTS

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

COMPLAINT ACTION BY DIVISION

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

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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

NUMBER: 201335331

City and County of San Francisco

DATE: 31-OCT-13

1660 Mission St. San Francisco, CA 94103

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

PHONE #: --

MAILING PAMELA J WHITEHEAD FAMILY T

ADDRESS PAMELA J WHITEHEAD, TRUSTEE

50 MAGDALENA COURT

MILL VALLEY CA

94941

PERSON CONTACTED @ SITE:

PHONE #: --

VIOLATION DESCRIPTION:

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

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

CORRECTIVE ACTION:

STOP ALL WORK SFBC 104.2.4

415-558-6656

FILE BUILDING PERMIT WITHIN DAYS

(WITH PLANS) A copy of This Notice Must Accompany the Permit Application

OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.

CORRECT VIOLATIONS WITHIN DAYS.

NO PERMIT REQUIRED

YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.

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

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

INVESTIGATION FEE OR OTHER FEE WILL APPLY

9x FEE (WORK W/O PERMIT AFTER 9/1/60)

2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

OTHER:

REINSPECTION FEE \$

NO PENALTY

(WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT

VALUE OF WORK PERFORMED W/O PERMITS \$

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Joseph P Duffy

PHONE # 415-558-6656

DIVISION: BID

DISTRICT :

By: (Inspectors's Signature) _____

EXHIBIT F



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

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

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

ACTION

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

FINDINGS

The reasons the Commission took the action described above include:

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

Memo

Speakers at the hearing included:

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

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

Nays: (none)

Absent: (none)

Case Planner: Glenn Cabreros, 415-558-6169

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

c: Linda D. Avery

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

EXHIBIT G



Height Certification


April 30, 2013

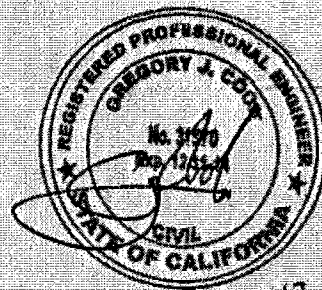
TO: City and County of San Francisco
1660 Mission Street
San Francisco, CA 94103
Attn: Department of Building Inspection

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

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

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


Gregory J. Cook RCE 31570
(Project Engineer)



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

Height Measurement Explanation


November 15, 2013

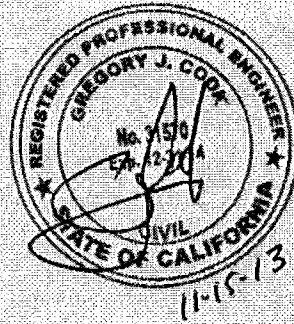
TO: Pam Whitehead and whoever is concerned
RE: Residential Alteration
2853 & 2857 Broderick Street
San Francisco, CA 94123

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

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

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


Gregory J. Cook RCE 31570
(engineer/surveyor)



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

EXHIBIT H

FILBERT STREET

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

[100.00] Existing Elevation

Lot 001
PM T-62-20

Lot 002
Assessor's Block No 0947

Lot 003
PM T-44-115

BUILDING HEIGHT EXHIBIT

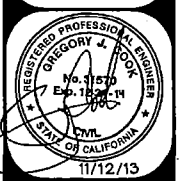
Scale: 1/4"=1'-0"

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

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

No	Description	Eng. Init	County Approval	Date

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



Building Setback Exhibit

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

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

sheet
1
of 1 sheets

EXHIBIT I



SAN FRANCISCO PLANNING DEPARTMENT

Request to View Public Record

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

IF OTHER, PLEASE DESCRIBE: Building permit application and plans

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

RULES FOR REVIEWING PUBLIC RECORDS:

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

Please initial that you understand the rules for viewing: _____

DATE OF REVIEW: 8/6/13

TYPE OF IDENTIFICATION PROVIDED: DL

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

REVIEWER'S SIGNATURE X [Signature] Review completed Return

AUG 06 2013

IMMEDIATE DISCLOSURE:

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



SAN FRANCISCO PLANNING DEPARTMENT

Review completed Return

MAR 31 REC'D

to Planner or Record Ct

Request to View Public Record

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

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: 415.558.6377

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

- DESCRIPTION: [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 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: 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 Cabreros 558-6169

RULES FOR REVIEWING PUBLIC RECORDS:

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

Please initial that you understand the rules for viewing: _____

DATE OF REVIEW: 7/7/14 Hold for 10 days
07/07/14
TYPE OF IDENTIFICATION PROVIDED: _____
NAME OF REVIEWER (If different from Requestor): _____
REVIEWER'S SIGNATURE [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
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

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

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

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

Thanks
Tim

Timothy M. Arcuri

Managing Director
Cowen and Company, LLC
555 California St, 5th Floor
San Francisco, CA 94104
Tel: 415-646-7217
Mobile: 415-710-5550
timothy.arcuri@cowen.com



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

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

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

Cc: glenn.cabreros@sfgov.org; whiteheadwest@msn.com; mnykamp@msn.com; 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 15th from 6-8PM to discuss the plans being reviewed by the Planning Commission at its August 7th 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 21st 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 7th 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 3rd 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 15th at Farella Braun's offices and updating everyone interested with our project.

Thanks,

Ilene R Dick
Spc Counsel Attny
idick@fbm.com
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

Russ Building
235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400
F 415.954.4480
www.fbm.com

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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>]
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
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

Russ Building
235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400
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Farella Braun + Martel LLP

Dick, Ilene (19) x4958

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

Hi Ilene-

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

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

Thank you.

Glenn Cabrerros, LEED AP Planner

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



From: 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
415.954.4958



Russ Building
235 Montgomery Street
San Francisco / CA 94104

T 415.954.4400
F 415.954.4480
www.fbm.com

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Farella Braun + Martel LLP

Dick, Ilene (19) x4958

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

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

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

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

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

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

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

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

Best,

Ilene R Dick

Spc Counsel Attny
idick@fbm.com
415.954.4958

 **FARELLA BRAUN + MARTEL** LLP

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San Francisco / CA 94104

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www.fbm.com

Dick, Ilene (19) x4958

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

Hello Ilene,

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

Regards,
Scott F. Sanchez
Zoning Administrator

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

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



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

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

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

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

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

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

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

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

Best,

Ilene R Dick
Spc Counsel Attny
idick@fbm.com
415.954.4958



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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; maitsai@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: RE: 2853 Broderick Street

Dear Mr. Zaretsky,

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

Regards,
Scott F. Sanchez
Zoning Administrator

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

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



From: Irving Zaretsky [mailto:iiz@me.com]
Sent: Wednesday, May 07, 2014 7:11 PM
To: Sanchez, Scott (CPC); Lindsay, David (CPC); Cabrerros, Glenn (CPC)
Cc: wmore@aol.com; kbgoss@pacbell.net; michael@jaegermchugh.com; rwgoss@pacbell.net; maitsai@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: Re: 2853 Broderick Street

Dear Mr. Sanchez:

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

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

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

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

Please advise,

Irving Zaretsky

Neighbors on Broderick and Filbert streets

On May 7, 2014, at 3:36 PM, Paul Wythes <paulmimai@yahoo.com> 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>

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

Cc: "Lindsay, David (CPC)" <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
Web: www.sflanning.org

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

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

From: Paul Wythes [<mailto:paulmimai@yahoo.com>]
Sent: Tuesday, May 06, 2014 4:25 PM
To: 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>
To: Paul Wythes <paulmimai@yahoo.com>; "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org>
Cc: "Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>; "Lindsay, David (CPC)" <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
Web: www.sflanning.org

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

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

Thomas,

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

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

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

Thanks again,
Paul

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

Mr. Wythes,

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

Regards,

Thomas Venizelos
Senior Building Inspector
Department of Building Inspection

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

Thomas,

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

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

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

Thank you,
Paul Wythes

From: "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org>
To: "O'Riordan, Patrick (DBI)" <patrick.oriordan@sfgov.org>; 'Paul Wythes' <paulmimai@yahoo.com>
Cc: Mai Mai Wythes <maitasai@yahoo.com>; "Caltagirone, Shelley (CPC)" <shelley.caltagirone@sfgov.org>; Arcuri Timothy <Timothy.Arcuri@cowen.com>; Richard Goss <rwgoss@pacbell.net>; Karen Goss <kgoss@pacbell.net>; Amanda Hoenigman <amanda@hoenigman.com>; Vince Hoenigman <vince@citymarkdev.com>; Irving Zaretsky <izz@me.com>; "Cabrerros, Glenn (CPC)" <glenn.cabrerros@sfgov.org>; "nancyp.leavens@gmail.com" <nancyp.leavens@gmail.com>; "Stefani, Catherine" <catherine.stefani@sfgov.org>; "Lowrey, Daniel (DBI)" <daniel.lowrey@sfgov.org>; "Fessler, Thomas (DBI)" <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
415.954.4958



Russ Building
235 Montgomery Street
San Francisco / CA 94104
T 415.954.4400
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www.fbm.com

From: Lowrey, Daniel (DBI) [<mailto:daniel.lowrey@sfgov.org>]
Sent: Thursday, May 15, 2014 2:16 PM
To: paulmaimai@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>
Date: May 9, 2014 at 8:27:17 PM PDT

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

Scott,

Dick, Ilene (19) x4958

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

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

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

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

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

105A.4 Code Advisory Committee.

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

105A.4.2 Functions. Its functions shall be:

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

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

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

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

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

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

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

Subject: Re: 2853 Broderick Street

Hello Paul,

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

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

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

Tel: 415.558.6350
Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org
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> wrote:

Scott,

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

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

Thanks,
Paul Wythes

From: "Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>
To: Paul Wythes <paulmimai@yahoo.com>; "Cabreros, Glenn (CPC)" <glenn.cabreros@sfgov.org>; "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org>
Cc: "Lindsay, David (CPC)" <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
Web: www.sfpplanning.org

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

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

From: Paul Wythes [<mailto:paulmimai@yahoo.com>]
Sent: Tuesday, May 06, 2014 4:25 PM
To: Cabrerros, 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: "Cabrerros, Glenn (CPC)" <glenn.cabreros@sfgov.org>
To: Paul Wythes <paulmimai@yahoo.com>; "Venizelos, Thomas (DBI)" <thomas.venizelos@sfgov.org>
Cc: "Sanchez, Scott (CPC)" <scott.sanchez@sfgov.org>; "Lindsay, David (CPC)" <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 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

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] T.
Zeeva Kardos

[Signature]
Craig Jones

[Signature]
Michael Jaeger

[Signature]
Eric Reimers

[Signature]
Kelda Reimers

[Signature]
Rob Povlitz

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

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

Permit Holder:

[Signature]
Pam Whitehead

[Signature]
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

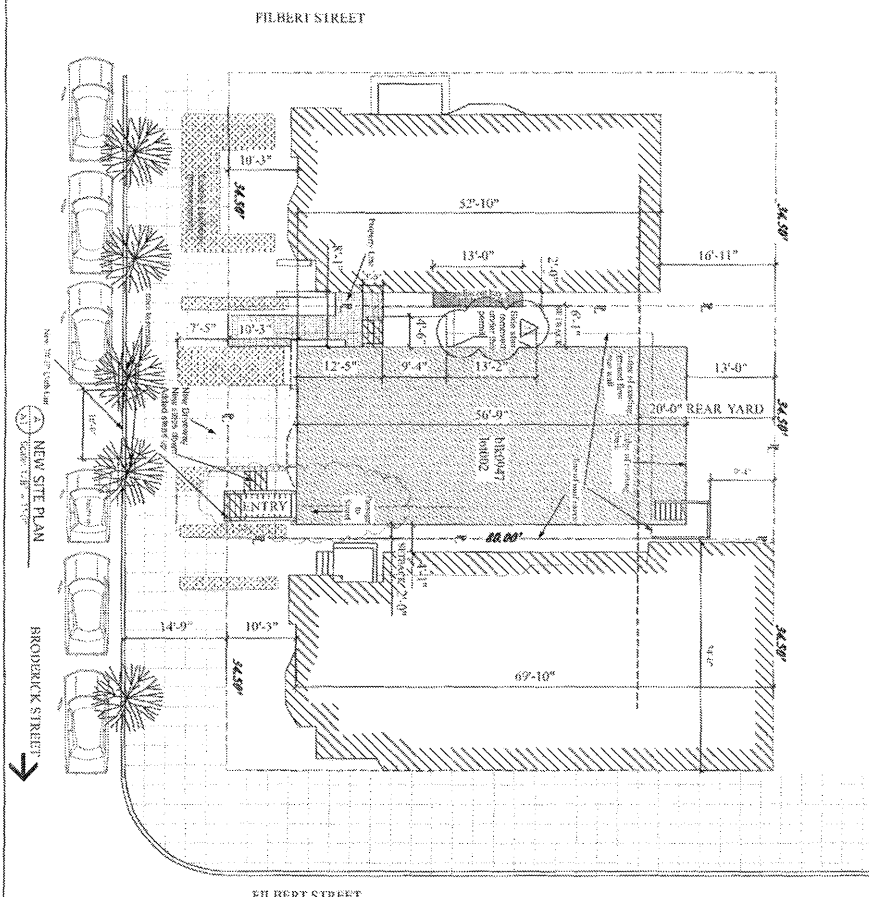
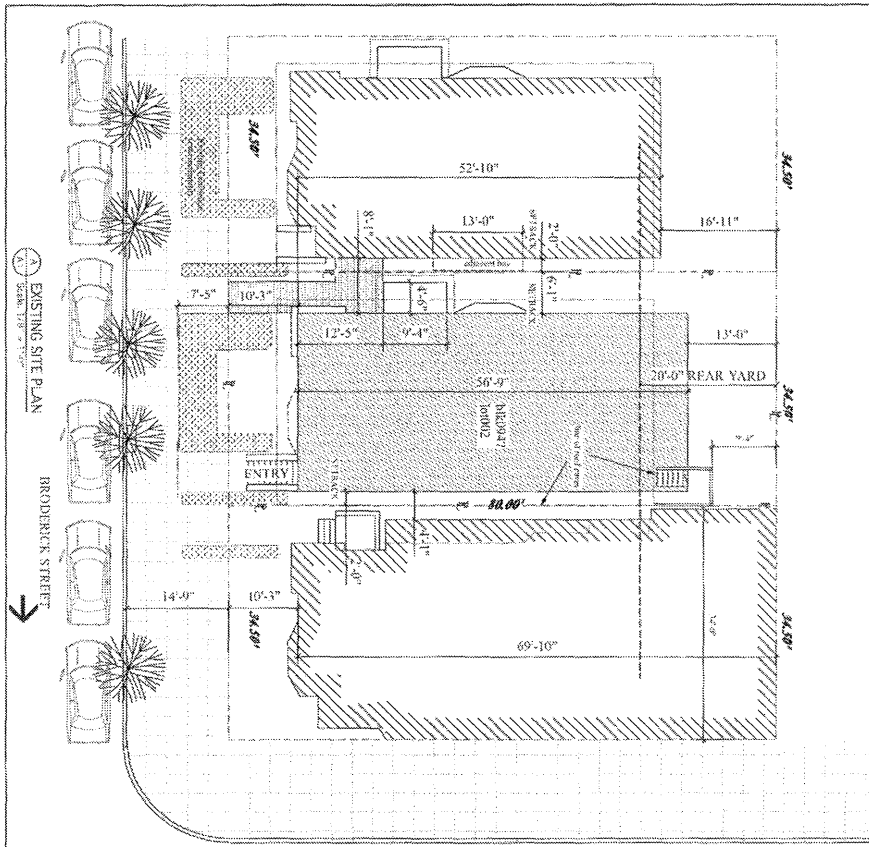
Kelda Reimers

Rob Povlitz

[Signature]
Jennifer Povlitz

Don Morehead

Ann Morehead



9/1/12
JK
gry

EXHIBIT A
August 22, 2012

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

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

APPROVED	DATE
APPROVED	DATE
APPROVED	DATE
APPROVED	DATE
APPROVED	DATE

11

9/4/12 SK
 log

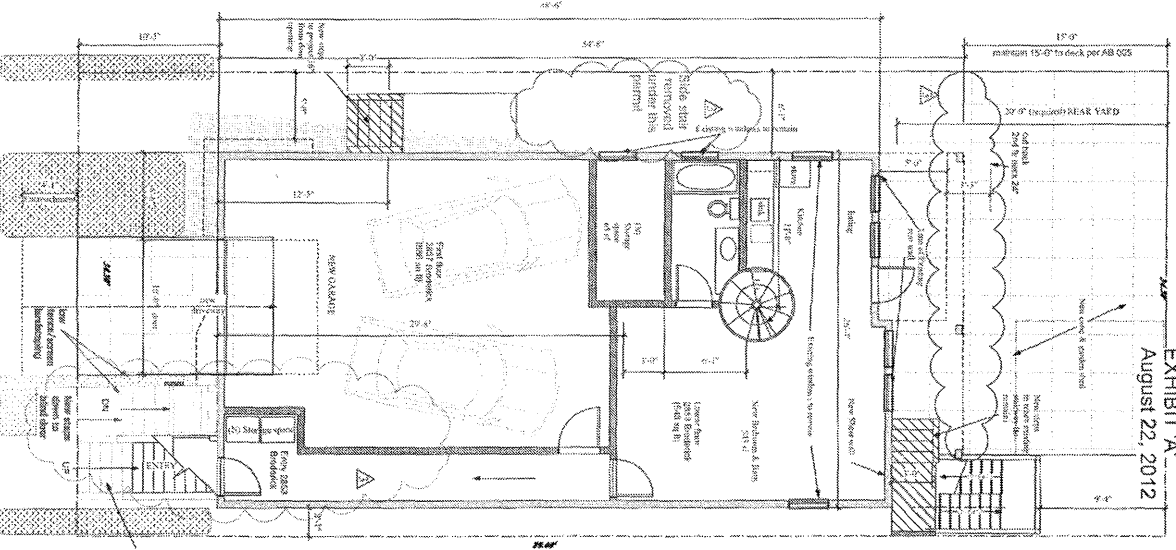
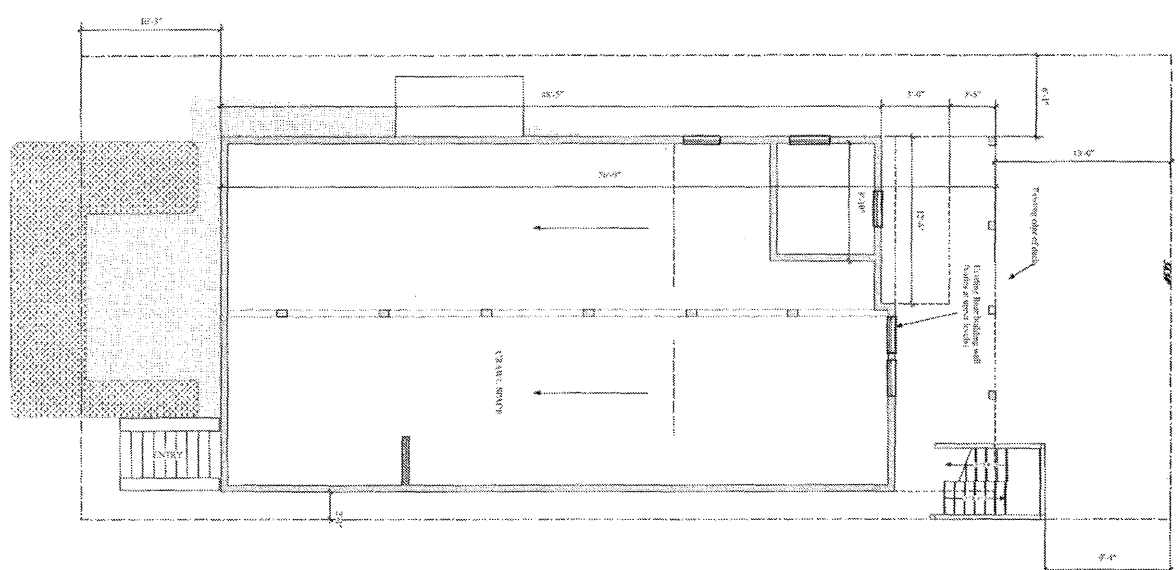


EXHIBIT 'A'
 August 22, 2012

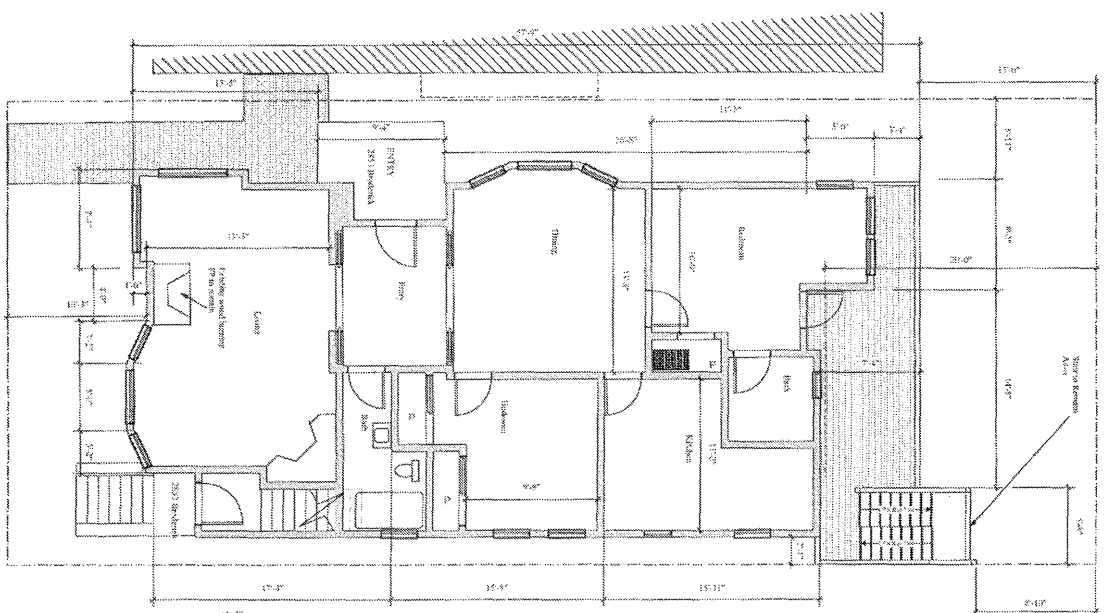
EXISTING FLOOR PLAN

ALTERATION & VARIANCE FIRST FLOOR PLAN

ALTERATION & VARIANCE 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123 Block 0947 Lot 002		STEPHEN ANTONAROS ARCHITECT 2265 Market Street #314 San Francisco, California 94114 (415) 864-2264 Fax: 868-6261		REVIEWED BY DATE DATE
DATE 08/22/12	DATE 08/22/12	DATE 08/22/12	DATE 08/22/12	
DRAWN BY SA	CHECKED BY SA	DATE 08/22/12	DATE 08/22/12	
SCALE AS SHOWN	SCALE AS SHOWN	SCALE AS SHOWN	SCALE AS SHOWN	
SHEET NO. A2	SHEET NO. A2	SHEET NO. A2	SHEET NO. A2	

9/4/12
JCK
gph

II. EASTING SECOND FLOOR PLAN
2857 BRODERICK
1250-4718



III. ALTERED 2ND & NEW THIRD FLOOR PLAN
2857 BRODERICK
1250-4718

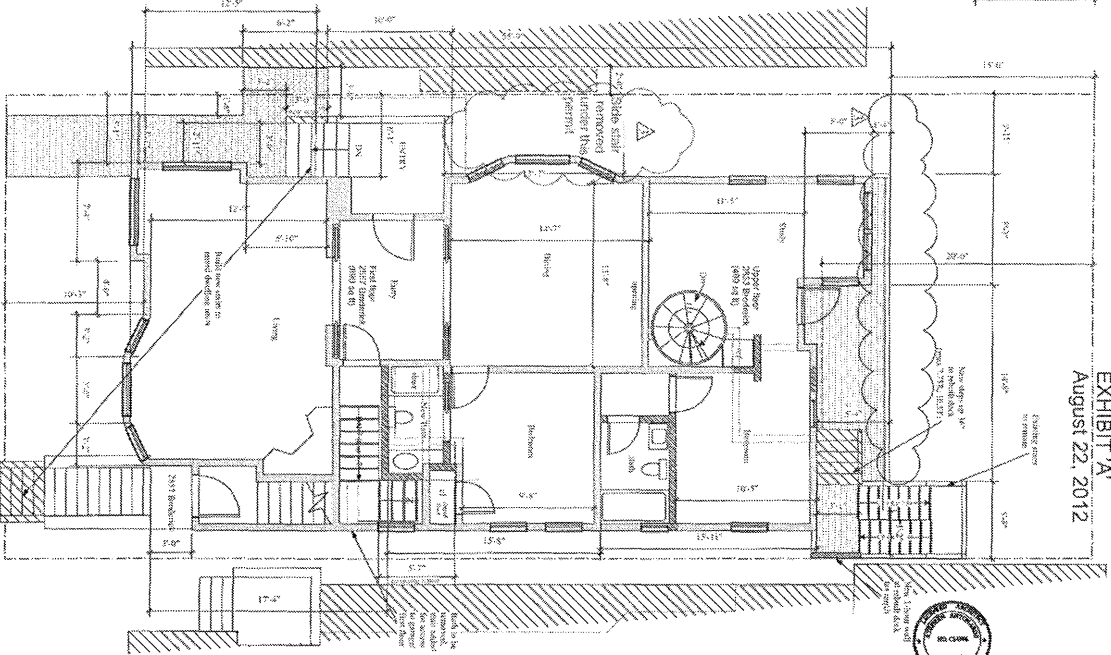
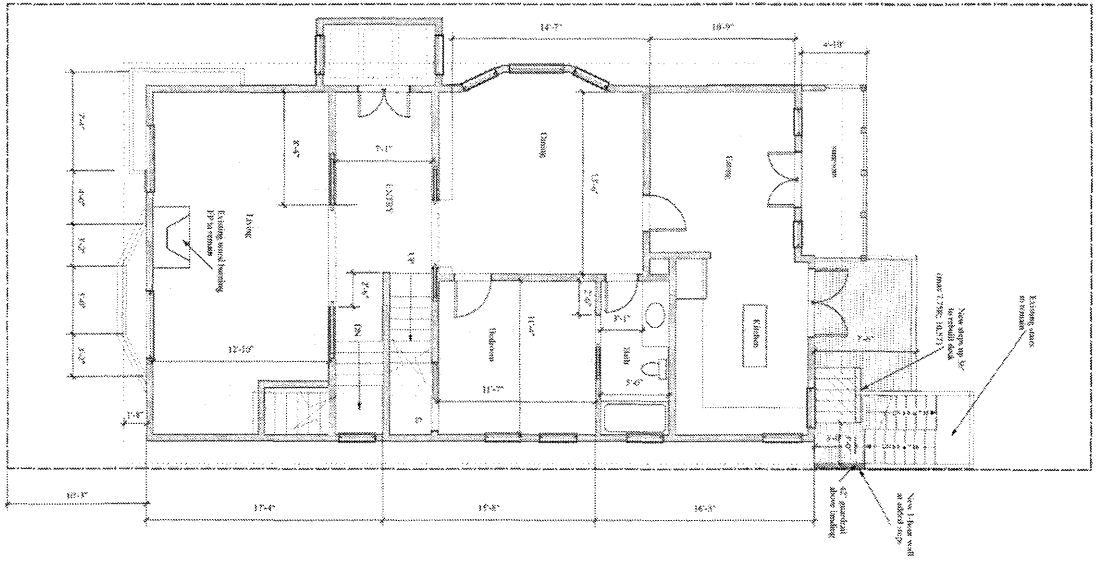


EXHIBIT 'A'
August 22, 2012

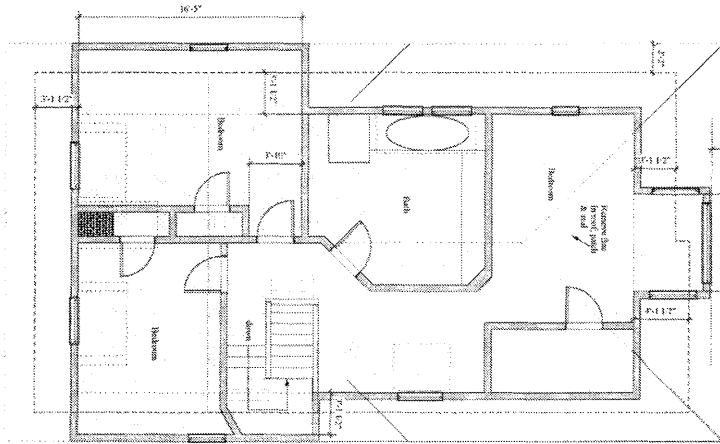


ALTERATION & VARIANCE		STEPHEN ANTONAROS ARCHITECT	
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123		2301 Market Street #524 San Francisco, California 94114	
Block 0947 Lot 802		1415 5th Street San Francisco, CA 94103	
DATE: 08/22/12	SCALE: AS SHOWN	PROJECT: 2853 & 2857 BRODERICK ST.	NO. 10000
DRAWN BY: JCK	CHECKED BY: SA	DATE: 08/22/12	STATE OF CALIFORNIA
AS		ARCHITECT	

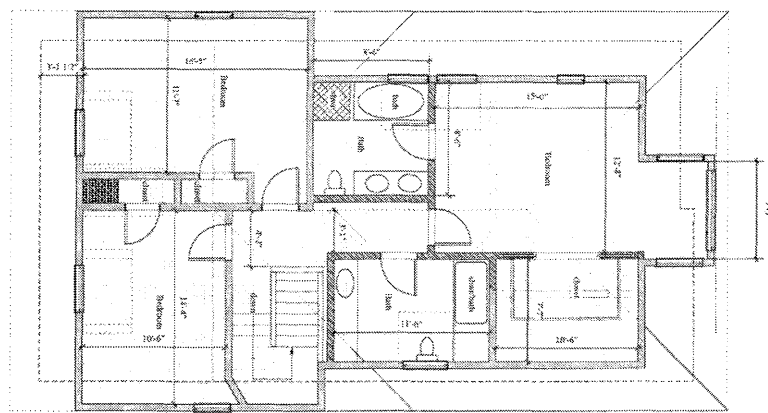


(1) EXISTING RESISTIVE THIRD FLOOR PLAN
 Scale: 1/4" = 1'-0"
 2857 Broderick
 1999 sq ft

No structural work to be done on third floor



(2) EXISTING THIRD FLOOR PLAN
 Scale: 1/4" = 1'-0"
 2857 Broderick
 1296 sq ft



(3) ALTERED THIRD FLOOR PLAN
 Scale: 1/4" = 1'-0"
 2857 Broderick
 1086 sq ft

old partition (to be removed)

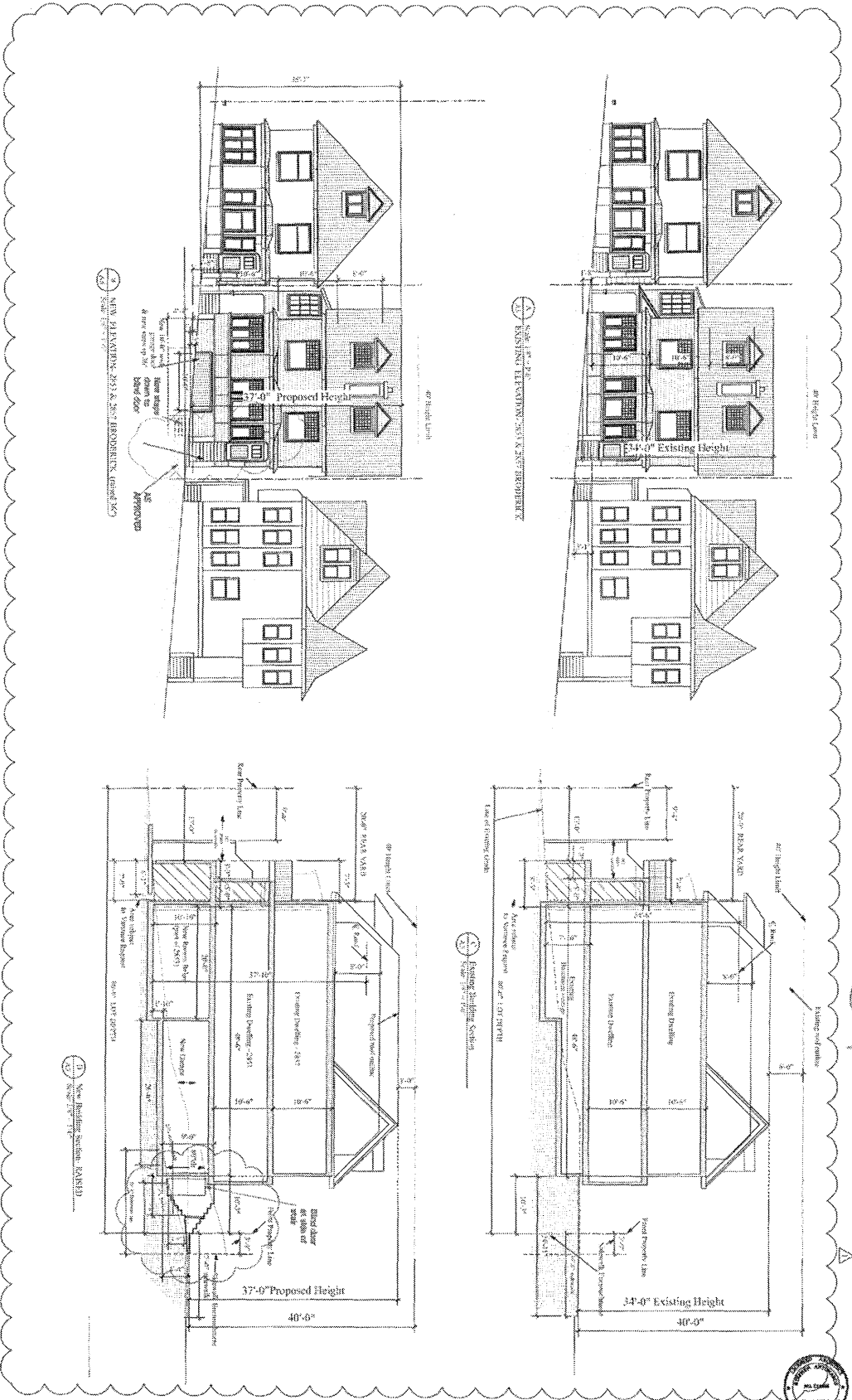
Handwritten signature and date: 9/12/2012

EXHIBIT 'A'
 August 22, 2012



ALTERATION & VARIANCE 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123 Block 0947 Lot 002	STEPHEN ANTONAROS ARCHITECT 2261 Market Street #228 San Francisco, California 94114 (415) 864-2261 www.stephenantonaros.com	2261 Market Street #228 San Francisco, California 94114 (415) 864-2261 fax 863-0961	REVIEWED BY DATE REVIEWED BY DATE REVIEWED BY DATE
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SHEET
 44
 11
 2009



applied for

EXHIBIT 'A'
August 22, 2012

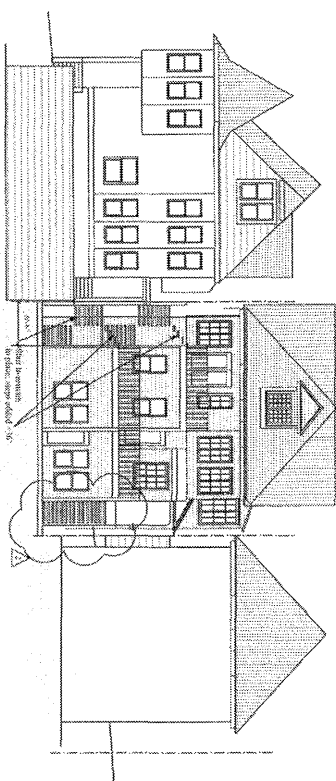
AS
2012

ALTERATION & VARIANCE
2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123
Block 0947 Lot 602

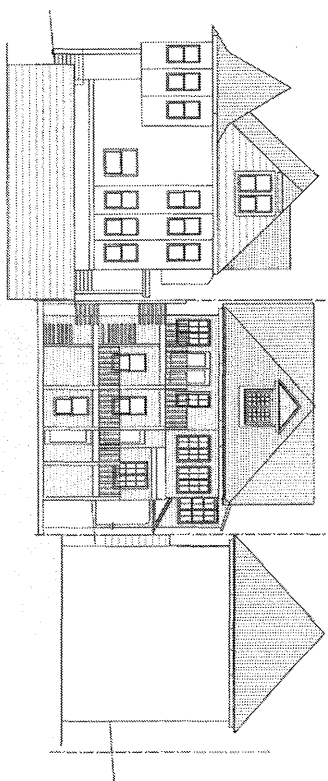
STEPHEN ANTONAROS
ARCHITECT

400 Page Court
& Metro Center
2501 16th Street
San Francisco, CA 94116
(415) 564-2261
fax: 562-9594

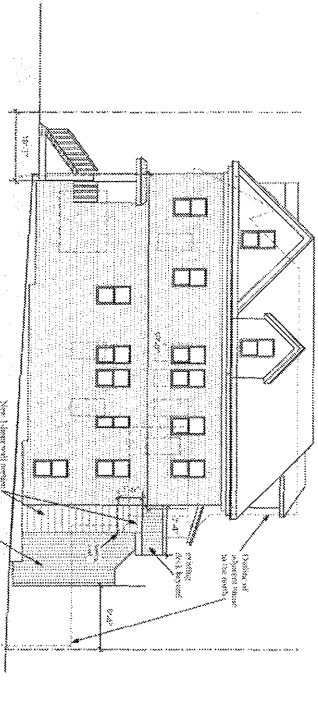
NO. 01	DATE: 08/22/12
NO. 02	DATE: 08/22/12
NO. 03	DATE: 08/22/12
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NO. 06	DATE: 08/22/12
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NO. 09	DATE: 08/22/12
NO. 10	DATE: 08/22/12



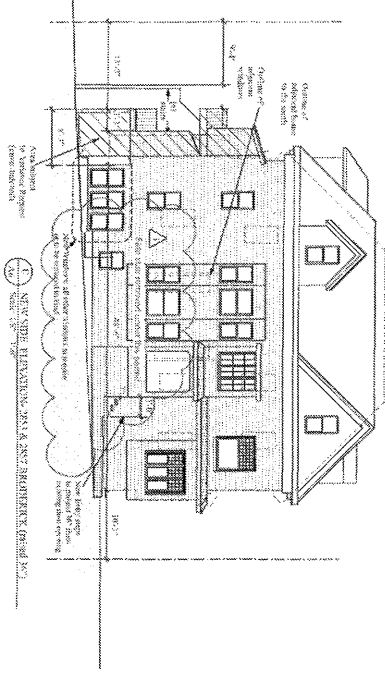
NEW REAR ELEVATION SET & WEST SIDE ELEVATION, 2853 & 2857 BRODERICK, SAN FRANCISCO



EXISTING REAR ELEVATION, 2853 & 2857 BRODERICK, SAN FRANCISCO



NEW SIDE ELEVATION, SET & WEST SIDE ELEVATION, 2853 & 2857 BRODERICK, SAN FRANCISCO



EXISTING SIDE ELEVATION, 2853 & 2857 BRODERICK, SAN FRANCISCO

9/11/12 gde JCK

EXHIBIT 'A'
August 22, 2012



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

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

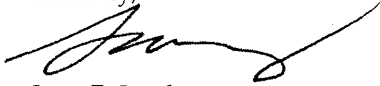
Fax:
415.558.6409

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>, "maitesai@yahoo.com" <maitesai@yahoo.com>,

"michael@jaegermchugh.com" <michael@jaegermchugh.com>,

"annabrockway@yahoo.com" <annabrockway@yahoo.com>, "ericreimers@gmail.com"

<ericreimers@gmail.com>, "dorinetowle@me.com" <dorinetowle@me.com>,

"vince@citymarkdev.com" <vince@citymarkdev.com>, Kate Kardos

<kdkmanagement@yahoo.com>, "cjones@forwardmgmt.com"

<cjones@forwardmgmt.com>, "paulmaimai@yahoo.com" <paulmaimai@yahoo.com>,

"wmore@aol.com" <wmore@aol.com>, "amanda@hoenigman.com"

<amanda@hoenigman.com>, Povlitz <rprovitz@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,

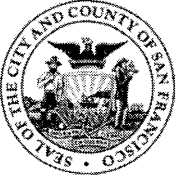
Please see attached suspension request for active permits related to the project at 2853-2857 Broderick Street. Last year, neighbors highlighted inconsistencies with approved plans for the height of the subject project. Revision plans were requested and submitted in July 2013; however, since that time, 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.

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

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: 2853-2857 Broderick Height Measurement
Date: Tuesday, May 31, 2011 7:43:30 AM

Dear Mr. Sanchez:

I have not received a response from you with regard to the height measurement of 2853-2857 Broderick Street and the conflicting evidence that currently exist as to the height of the building lift.

To clarify our inquiry, I attach below a diagram that shows the nature of the controversy. I took a picture of the building prior to the lift. I attached to it 2 white strips 3 cm each (1 cm = 1 foot); strip #1 is placed at the southerly highest point of the slope of the property and shows a 36" lift; strip #2 is placed at the centerline of the building, along the top of the curb, and also shows a 36" building lift.

As you can tell, when the lift is measured, as in strip #2, at the centerline of the building, the 36" lift would result in the building sitting substantially lower after the lift than if you based your lift from a base point, as in strip #1, at the southerly edge of the property which is the highest point of the slope.

Can you please let us know what is the correct base point from which to measure a building lift according to the Department of City Planning, is it from the top of the curb at the centerline of the building as in strip #2, or is it from another base point along the property, as in strip #1?

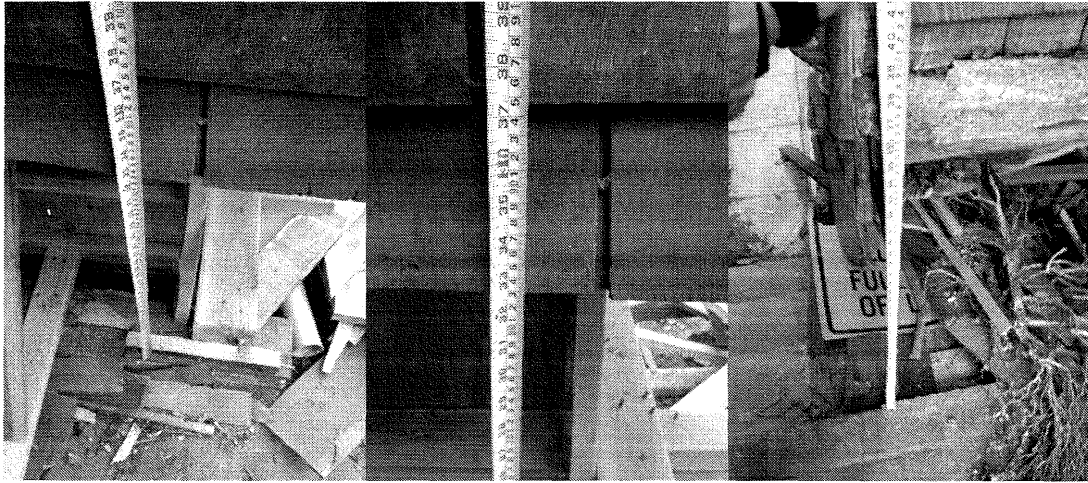
I also attach 2 photographs of the property: the first is the pre-lift staggered roof line of this historic block (the grey structure is my family home, and the brown structure next to it and downhill is the subject property); the second picture is the roofline of the subject property post-lift, rising above all the other building structure which is the result of lifting the building from a base point at the highest point of the slope at the southerly edge of the property.

Looking forward to your response so that all of us neighbors can resolve the issue.

Thank you,
Irving Zaretsky



BEFORE THE LIFT ROOF LINE



714515@gmail.com
(No Subject)

September 16, 2014 6:16 PM

1 Attachment, 1 MB

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 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. _____, 1860 Mission Street Phone: _____ 4/2/12

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, mait sai@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>, "paulmaimai@yahoo.com"
<paulmaimai@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

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; paulmaimai@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 surer 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>,
"paulmimai@yahoo.com"
<paulmimai@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

"Cabrereros, Glenn" <glenn.cabrereros@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.commiss@yaho.com" <hs.commiss@yahoo.com>, "info@cowhollowassociation.org" <info@cowhollowassociation.org>, "elarkin@hill-co.com" <elarkin@hill-co.com>, Brooke 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>, "maitesai@yahoo.com" <maitesai@yahoo.com>, "michael@jaegermchugh.com" <michael@jaegermchugh.com>, "annabrockway@yahoo.com" <annabrockway@yahoo.com>, "ericreimers@gmail.com" <ericreimers@gmail.com>, "dorinetowle@me.com" <dorinetowle@me.com>, 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 Cabrereros, LEED AP
Planner**

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



From: Irving Zaretsky [<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.commish@yahoo.com; info@cowhollowassociation.org; elarkin@hill-co.com; BrookeSampson Sampson; lbrooke@lmi.net Brooke; ggwood@aol.com; kbgoss@pacbell.net; rwgoss@pacbell.net; maitesai@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> 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

On Mar 6, 2013, at 5:32 PM, Cabrerros, 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

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

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

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 Cabrereros, 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: Cabrereros, 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, "Cabrereros, Glenn"
<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 Cabrereros, 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

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>
Subject: RE: 2853 Broderick
Date: February 20, 2013 1:57:20 PM PST
To: Stephen Antonaros <santonaros@sbcglobal.net>
Cc: "Cabreros, Glenn" <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: Cabrerros, 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

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

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](#); [Cabreros, Glenn](#)
Cc: [Kate Kardos](#)
Subject: 2853-2857 Broderick
Date: Friday, April 19, 2013 10:46:23 AM

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

From: [Irving Zaretsky](#)
To: [Pam Whitehead](#)
Cc: [Sanchez, Scott](#); [Lindsay, David](#); [Cabreros, Glenn](#); [Stefani, Catherine](#); timothy.arcuri@cowen.com; kbross@pacbell.net; rwgoss@pacbell.net; michael@jaegermchugh.com; mailsai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; [Kate Kardos](#); cjones@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](#)

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 you 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>
Subject: 2853- 57 Broderick
Date: April 23, 2013 3:25:24 PM PDT
To: "david.lindsay@sfgov.org" <david.lindsay@sfgov.org>, "Cabreros, Glenn" <glenn.cabreros@sfgov.org>, scott.sanchez@sfgov.org
Cc: Irving Zaretsky <ijz@me.com>, Stephen Antonaros <santonaros@sbcglobal.net>, Pam Whitehead <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](#); [Cabreros, Glenn](#); [Stefani, Catherine](#); timothy.arcuri@cowen.com; kgoss@pacbell.net; rwgoss@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; paulmalmal@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](#)

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.

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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>
Subject: 2853- 57 Broderick
Date: April 23, 2013 3:25:24 PM PDT
To: "david.lindsay@sfgov.org" <david.lindsay@sfgov.org>, "Cabreros, Glenn" <glenn.cabreros@sfgov.org>, scott.sanchez@sfgov.org
Cc: Irving Zaretsky <ijz@me.com>, Stephen Antonaros <santonaros@sbcglobal.net>, Pam Whitehead <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: [Cabrerros, Glenn](#)
Cc: [Lindsay, David](#); [Sanchez, Scott](#); [Farrell, Mark](#); [info@cowhollowassociation.org](#); [elarkin@hill-co.com](#); [brookesampson@yahoo.com](#) Sampson; [gwwood@aol.com](#); [Stefani, Catherine](#); [wmore@aol.com](#); [kbgoss@pacbell.net](#); [michael@jaegermchugh.com](#); [mait sai@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](#); [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](#)

Dear Mr. Cabrerros:

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:ijz@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"; Cabreros, Glenn
Cc: Lindsay, David; Farrell, Mark; info@cowhollowassociation.org; elarkin@hill-co.com; brookesampson@yahoo.com; [Sampson; ggwood@aol.com](mailto:Sampson_ggwood@aol.com); [Stefani.Catherine; wmore@aol.com](mailto:Stefani.Catherine@wmore@aol.com); kgoss@pacbell.net; michael@jaegermchugh.com; majtsai@yahoo.com; rwgoss@pacbell.net; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; [Kate.Kardos; cJones@forwardmgmt.com](mailto:Kate.Kardos@cJones@forwardmgmt.com); paulmimai@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. Cabreros to be completely inappropriate. Mr. Cabreros 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. Cabreros 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 6th. 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
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; elarkin@hill-co.com; brookesampson@yahoo.com Sampson; ggwood@aol.com; Stefani, Catherine; wmore@aol.com; kbgooss@pacbell.net; michael@jaegermchugh.com; maitsai@yahoo.com; rwgooss@pacbell.net; 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; Whitehead Pam; Stephen Antonaros
Subject: 2853-57 Broderick Plan revisions

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> Glenn Cabrerros, LEED AP
> San Francisco Planning Department
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> 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: Cabrerros, 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](#); [cwu.planning@gmail.com](#); [wordweaver21@aol.com](#); [plansf@gmail.com](#); [richhillissf@yahoo.com](#); [mooreurban@aol.com](#); [hs.commish@yahoo.com](#); [info@cowhollowassociation.org](#); [qgwood@aol.com](#); [elarkin@hill-co.com](#); [brookesampson@yahoo.com](#); [Sampson, Jbrooke@lmi.net](#); [Brooke, amanda@hoenigman.com](#); [kbgoss@pacbell.net](#); [michael@jaegermchugh.com](#); [rwgoss@pacbell.net](#); [maitesai@yahoo.com](#); [annabrockway@yahoo.com](#); [ericreimers@gmail.com](#); [dorinetowie@me.com](#); [vince@citymarkdev.com](#); [Kate Kardos](#); [cjones@forwardmgmt.com](#); [paulmalmal@yahoo.com](#); [wmore@aol.com](#); [Povlitz](#); [timothy.arcuri@cowen.com](#); [Whitehead Pam](#); [Stephen Antonaros](#); [Sanchez, Scott](#); [Lindsay, David](#); [Cabreros, Glenn](#); [Marri A Lemaire](#); [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](#)

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
Web: www.sfplanning.org

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



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
Web: 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; cwu.planning@gmail.com; wordweaver21@aol.com; plansf@gmail.com; ggwood@aol.com; richhillissf@yahoo.com; mooreurban@aol.com; hs.commish@yahoo.com; info@cowhollowassociation.org; elarkin@hill-co.com; brookesampson@yahoo.com Sampson; lbrooke@lmi.net Brooke; timothy.arcuri@cowen.com; kbgoss@pacbell.net; michael@jaegermchugh.com; rwgoss@pacbell.net; 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; Stephen Antonaros; Whitehead Pam; Sanchez, Scott; Lindsay, David; Cabreros, Glenn; Marri A Lemaire; 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 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](#); [Cabreros, Glenn](#); [Meeta Arcuri](#); [Rich Goss \(rwgoss@pacbell.net\)](#); [Karen Goss \(kbgoss@pacbell.net\)](#); [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, 5th Floor
San Francisco, CA 94104
Tel: 415-646-7217
Mobile: 415-710-5550
timothy.arcuri@cowen.com

COWEN
AND COMPANY

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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Please follow this link to register for the conference:

<https://cowenresearch.secure.force.com/>

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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; richhillissf@yahoo.com; mooreurban@aol.com; hs.comnish@yahoo.com; info@cowhollowassociation.org; elarkin@hill-co.com; brookesampson@yahoo.com; lbroke@lmi.net; Brooke; timothy.arcuri@cowen.com; kgoss@pacbell.net; michael@jaegermchugh.com; rwgoss@pacbell.net; 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; Stephen Antonaros; Whitehead Pam; Lindsay David; Cabreros Glenn; Marri A Lemaire; mnykamp@msn.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](#)

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. Cabreros 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

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
Web: www.sfplanning.org

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

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

From: [Cabrerros, Glenn](#)
To: [Stephen Antonaros \(santonaros@sbcglobal.net\)](#); [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](#)

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**

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



From: [Pam Whitehead](#)
To: [Sanchez, Scott](#)
Cc: [Stephen Antonaros](#); [Cabreros, 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](#)

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> 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
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415-558-6350 | Fax: 415-558-6409
Email: scott.sanchez@sfgov.org
Web: www.sfplanning.org

Planning Information Center (PIC): 415.558.6377 or pic@sfgov.org
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[<image001.png>](#)

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

From: Stephen Antonaros [<mailto:santonaros@sbcglobal.net>]
Sent: Wednesday, July 17, 2013 3:39 PM
To: Cabrerros, Glenn
Cc: Pam Whitehead (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

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**

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

Web: 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](#); [maitesai@yahoo.com](#); [rwgoss@pacbell.net](#); [annabrockway@yahoo.com](#); [ericreimers@gmail.com](#); [dorinetowle@me.com](#); [vince@citymarkdev.com](#); [Kate Kardos](#); [cjones@forwardmgt.com](#); [paulmimai@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

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
Web: 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](#); [maitesai@yahoo.com](#); [rwgoss@pacbell.net](#); [annabrockway@yahoo.com](#); [ericreimers@gmail.com](#); [dorinetowle@me.com](#); [vince@citymarkdev.com](#); [Kate Kardos](#); [cjones@forwardmgt.com](#); [paulmimai@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](mailto:Irving.Zaretsky)
To: Cabrerros, Glenn
Cc: timothy.arcuri@cowen.com; kgboss@pacbell.net; michael@jaegermchugh.com; maitesai@yahoo.com; rwgoss@pacbell.net; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; [Kate Kardos](mailto:Kate.Kardos); cjones@forwardmgmt.com; paulmimai@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

Dear Mr. Cabrerros:

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, "Cabrerros, Glenn" <glenn.cabrerros@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 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
> Web: www.sfplanning.org

>
>
> -----Original Message-----

> From: Irving Zaretsky [<mailto:ijz@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; mailsai@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. 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: [Stephen Antonaros](#)
To: [Cabreros, 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](#)

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

From: [Irving Zaretsky](mailto:Irving.Zaretsky)
To: [Duffy, Joseph](mailto:Duffy.Joseph); [Cabreros, Glenn](mailto:Cabreros.Glenn)
Cc: timothy.arcuri@cowen.com; rwgoss@pacbell.net; michael@jaegermchugh.com; mailsai@yahoo.com; kbgoss@pacbell.net; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; Kate Kardos; vince@citymarkdev.com; cjones@forwardmgmt.com; Povlitz; paulmimai@yahoo.com; amanda@hoenigman.com; [Fessler, Thomas](mailto:Fessler.Thomas); [Lindsay, David](mailto:Lindsay.David); [Sanchez, Scott](mailto:Sanchez.Scott); ggwood@aol.com; elarkin@hill-co.com; lbrooke@lmi.net Brooke; brookesampson@yahoo.com Sampson; 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](#)

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> 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:ijz@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;

>>> paulmimai@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; 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; 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
415.954.4958

 **FARELLA BRAUN + MARTEL LLP**

Russ Building
235 Montgomery Street
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T 415.954.4400
F 415.954.4480
www.fbm.com

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; kbgooss@pacbell.net; michael@jaegermchugh.com; maitesai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorlnetowle@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; 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 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

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 *DWS*
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.

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

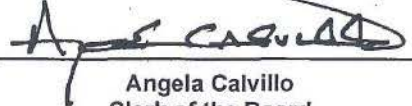
Motion affirming the determination by the Planning Department that a project located at 2853-2857 Broderick Street is exempt from environmental review.

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:

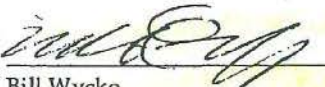
Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1))


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) Memorandum¹ (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 19th- and early 20th-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.

¹ 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 19th -and early 20th-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
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.

RECOMMENDATION: Do not take Discretionary Review and approve the project.
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Attachments:

DR Applications submitted by Irving Zaretsky and Timothy Acuri

Categorical Exemption Certificate

Section 311 Notification for current project (BPA# 20132.07.01.0898)

DR Report, Case No. 2010.0394D, dated September 29, 2011

DR Action Memo, DRA-0229, dated November 1, 2011

Project Sponsor Submittal: Response to Discretionary Review and Reduced Plans