

File No. 120781

Committee Item No. _____

Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date: 9/4/12

Cmte Board

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Completed by: Nicole Lyshorn
Completed by: _____

Date: 08/29/12
Date _____

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

July 6th, 2012

REQUEST FOR A CEQA HEARING

RE: 2853-2857 BRODERICK STREET (subject property)
Lot 002 Block 0947
Permit 2011/03/25/2839
Previously heard by:
Planning Commission DR Review October 6, 2011
Board of Appeals Hearing June 20, 2012

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
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APPELLANTS:

Kate Polevoi, Zeeva Kardos, Irving Zaretsky,
(Pat Buscovich, Appellant representative Board of Appeals Hearing) - 2845-2847
Broderick
Craig Jones, Michael Jaeger - 2837-2839 Broderick Street
Eric and Kelda Reimers- 2865 Broderick
Rob and Jennifer Povlitz- 2869 Broderick
Don and Ann Morehead - 2715 Filbert Street

Dear Members of the Board of Supervisors:

We are requesting a CEQA Hearing for the above captioned subject property. The PLANNING COMMISSION issued a CERTIFICATE OF DETERMINATION EXEMPTION FROM ENVIRONMENTAL REVIEW (Case No. 2010.0394E) on February 3, 2011 based on a Historic Resource Evaluation Review and Response dated January 14, 2011, and January 17, 2011 respectively. We are hereby appealing the Planning Department Exemption based on its stated conclusion:

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

The Planning Department was in error in granting the Exemption since the

Planning Department never saw the complete set of plans for the Project. The Project plans have evolved and changed since January 17th 2011 when the Resource Review was completed and the decision was rendered. The Planning Department did not have the complete set of plans for review at that time because the plans had not been finalized. The Department has only viewed the plans piecemeal. The Environmental Impact of the Proposed Project has to be reviewed once the plans are complete with all the additions that were not present in the version that the Planning Department saw prior to its final review of January 17th, 2011 and its decision.

We, the appellants, are owners of the buildings surrounding the subject property. These buildings are part of the historic Western block of Broderick between Union and Filbert Streets. Our properties were built at the end of the 19th and beginning of the 20th Centuries in the Bay Tradition-style. The buildings are unattached with the intent that there be open space between them, bay windows on both sides of the property lines and to permit light, air and privacy as well as walkways from the rear yards to Broderick Street (Photographs 9,10,11,13 & 15).

A couple of years ago, the subject property experienced a fire and was vacated. The owner dealt with her insurance company and found out that she did not have sufficient funds and could not rebuild the building to her specifications. She desired to install a garage and expand her basement area to include a livable space adjoining the proposed garage. She was the original Project Sponsor. A few weeks ago she sold the building to an advisor of hers who is the current owner of the property.

We, the Appellants, want to see this property repaired and restored into a viable structure and all the fire damage repaired. We do not oppose the Project Sponsor's wishes to build a garage and increase the usable living space in the current basement.

We do oppose three aspects of the Project Sponsor's plan which will have a detrimental environmental impact on our properties:

1. We oppose the building of a deck between the subject property and 2845-47 Broderick, the adjacent property to the south. The plans for the addition have only recently been completed (Photographs 18,19 & 22).
2. We oppose the building of a firewall at the property line between the subject property and 2865-2869 Broderick street, the adjacent building on the north. The firewall is to cover the northern elevation of non-conforming rear yard stairs attached to a non-conforming deck at the subject property (Photograph 4, Backstairs).
3. We oppose the lifting of the subject property ABOVE the 36" absolute height limit (including the 6" field tolerance allowed by the Building Code) which was approved by a unanimous vote of the Planning Commission in a Discretionary Review Hearing October 6, 2011.

Since the project was started in 2010, the building plans have changed and evolved. The plans were reviewed piecemeal and never in their current comprehensive form. The final complete plan only emerged recently before the June 20th Hearing of the Board of Appeals.

The Historic Resource Evaluation and the Certificate of Exemption were done in 2011 before the plans were complete in their current form. The conclusion to grant an exemption from environmental review was based on plans that lacked the current additions. Neither the City agencies nor the neighbors and neighborhood associations were able until now to view and assess the current plans in their totality and their impact on the environment and neighborhood character.

The impact of the proposed project on the surrounding properties in terms of light, air and privacy is the key issue of our appeal. The importance of these issues was affirmed by Mr. Sider of the Planning Department when he stated in front of the Board of Appeals at the June 20th Hearing that this was the main issue in this case. He proceeded to say that the Planning Code does not address the issue of privacy and does not apply to property line cases such as this one. He added that the Residential Guidelines do not speak to the issue of privacy and failed to mention that the General and Master Plan and Prop M all include privacy and quality of life issues. He failed to state that the Residential Design Guidelines (page 15 RDG) state "Articulate the building to minimize impacts on light and privacy to adjacent properties" and (page 23) "Design...form to be compatible with that of surrounding buildings, in order to preserve neighborhood character."

These issues all come up in the three objections that we have to the proposed project.

1. The current plans include a deck and stairs on the south elevation of the subject property between it and 2845 -2847 Broderick (see photographs 18,19 & 22). These stairs were designed in response to the Building Department requirement for a second means of egress from the rear yard of the property to Broderick street within the confines of the project's own property lines. This requirement emerged after the DR Hearing of October 6 before the Planning Commission and before the June 20th Hearing of the Board of Appeals. The requirement also stems from the creation of additional living space on the ground floor of the rear yard at the subject property.

In the RESPONSE to the Discretionary Review Hearing on October 6, 2011 the project sponsor objected to creating a set of stairs on the west elevation of the entry porch to the back yard and said: "The DR requestor's alternative would involve altering the historic entry porch and main entry door and leaded glass window to the lower dwelling unit. Since this building has been deemed an historic resource this proposal is not acceptable." Immediately after the Hearing, once the City required a second means of egress to the building that very solution was adopted by the project sponsor notwithstanding his own previously stated contention of the negative impact it would have on the historical resource of the subject property. The Planning Commission Exemption for environmental review preceded these issues and plan changes and need to be reconsidered.

We oppose the building of a deck and placing of a gate at the West elevation of the portico/entryway where the stairs are to be built for a second means of egress. The deck is not required by Code and it is gratuitous. The Project Sponsor did not submit accurate and complete drawings of our bay windows and their bay windows abutting the staircase. The Project does not show alternative means of egress from the rear yard to Broderick Street. The Planning and Building Departments did not adequately review the final plans. We were never given a chance to discuss our concerns with the Planning Department prior to the issuance of the permit. Our phone calls were never returned in our efforts to address the issue of the addition of stairs and deck to the plan during the review process by City Planning. The Project Sponsor did not conduct pre-application meetings with all the Cow Hollow Associations connected with the neighborhood as is required. These issues could have been addressed at such meetings.

The placing of a deck and stairs at the West elevation of the entryway of the subject property would pose PRIVACY, AIR, LIGHT AND SAFETY issues to the occupants of 2845-2847 Broderick Street. the proposed deck is planned a few inches away from the window of 2845 Broderick and parallel to a bedroom window. The deck violates the PRIVACY of the bedroom occupants, causes a loss of light, creates a major SAFETY issue by providing a platform for break-ins, prevents the ability to repair and maintain the exterior northern elevation of 2845-2847 Broderick. Anyone standing on the proposed deck can press his nose against the bedroom window.

There is no need for a deck. There is an EXISTING PLATFORM (Photograph 20) for the proposed stairs in the EXISTING ENTRYWAY which is 6 feet by 8 feet in front of the main entry door to 2853 Broderick (subject property). Currently the Project Sponsor is planning to construct additional stairs at the Eastern elevation of the entryway to account for the 36" lift of the building (with the first step tucked into the entryway and the remaining stairs going down to the ground without any additional deck). The same solution could be implemented at the Western elevation where the proposed stairs are planned. This would partially avoid a negative impact on the property at 2845-2847 Broderick.

2845 Broderick has been a rental unit for over 55 years. The tenants have had the amenities of PRIVACY, LIGHT AND SAFETY because the homes are unattached. The affected room at 2845 Broderick has always served as a bedroom, sometimes for a child and other times for adults. The tenants should have a right to have these amenities considered when the City approves the taking of these in favor of the occupants of 2853 Broderick. There does not seem to be any rational basis to discriminate against the tenants of 2845 Broderick. The Supervisors need to weigh the equities between the construction of a gratuitous deck at 2853 Broderick and the TAKING of PRIVACY, LIGHT, AND SAFETY from the tenants at 2845 Broderick.

The design of this deck flies in the face of the design guidelines of Cow Hollow in preserving the character of the neighborhood design. (The unanimous decision by the

Planning Commission on June 28, 2012 in the case of 1490 Francisco Street underscores the primacy of the central issue of protecting PRIVACY, LIGHT, AIR, AND SAFETY in open spaces between structures as against the building of a deck. The core issue applies in this case as well).

The Project Sponsor indicated that she wants security gates placed at the East and West elevations of the entryway of the subject property so that they are locked at all times for security. She argues that because of the security gate at the West elevation she is required to have a deck in front of it.

Because the Code requires a second means of egress from the rear yard to Broderick Street to give the FIRE DEPARTMENT and other emergency personnel immediate entry and exit to the rear of the property, the gates can NEVER BE LOCKED. This was reiterated by the Plan Checker of the proposed project. IF the gates are not locked, then they cannot serve as security gates. The Project Sponsor argues that the gate can serve as a surrogate wall against which shoes can be left at the entryway. An existing 8' x 6' entryway provides enough existing room to leave shoes prior to entering the building. None of the surrounding buildings have security gates at the entryway/porch. (see photograph 12)

2. We oppose the Project Sponsor's proposal to build a firewall on the northern elevation of the rear yard non-conforming staircase connected to a non-conforming rear yard deck. The FIREWALL is necessary because the stairs are on the property line between 2853-57 Broderick and the adjacent property 2865-2869 Broderick.

The placing of a firewall on the Northern elevation of the staircase will take away from 2865-69 Broderick a substantial amount of light and air circulation from their ONLY outdoor open space which is a deck that occupies the rear yard.

The proposed firewall will be almost 40 feet tall. Since the proposed project has to re build the stairs to correct for the lifting of the building by 3 feet, the Project Sponsor can move the staircase to accommodate the deck several feet to the South so that a firewall is not necessary. The staircase can be moved away from the property line. Again the balance has to be drawn between moving the staircase a few feet and the need for light and air on the part of the occupants of 2865-2869 Broderick.

Both the deck and stairs are non-conforming and have been built in the past without permits and without any review of the environmental impact that they themselves have on 2865-2869 Broderick. We are requesting that a CEQA review address this.

3. 2853-2857 should not be lifted more than 36" absolute height. The Planning

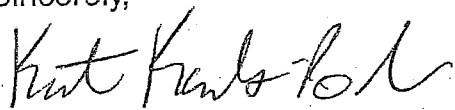
Commission, on October 6, 2011, accepted to take a Discretionary Review of the height that the subject property can be raised to accommodate a new garage.

The Commission said that the building can be raised to a maximum of 36" absolute height (inclusive of the 6" field tolerance provided by the Building Code). Commissioner Sugaya said that the Commission is taking jurisdiction of the building height and asked

City Planning to advise the Building Department that it is its desire that the MAXIMUM and absolute lift of the building should be 36" including any field tolerance allowed by the Building Code. The Commission unanimously adopted the Motion to lift the building to a maximum of 36". The Project Sponsor disagreed with this conclusion and argued before the Board of Appeals on June 20th 2012 that the Planning Commission did not take jurisdiction over the absolute height of the building lift and that the Building Code field tolerance of additional height prevails. The Board of Appeals approved the permit as it stands and we are hereby appealing its decision to allow the lifting of the building beyond 36" and the negative environmental impact that it will have on the adjoining neighboring properties. A lift beyond 36" will also increase the negative impact of the proposed firewall on the property at 2865-2869 Broderick.

We request that the Board grant us a CEQA Hearing and to allow an environmental impact review of the proposed project.

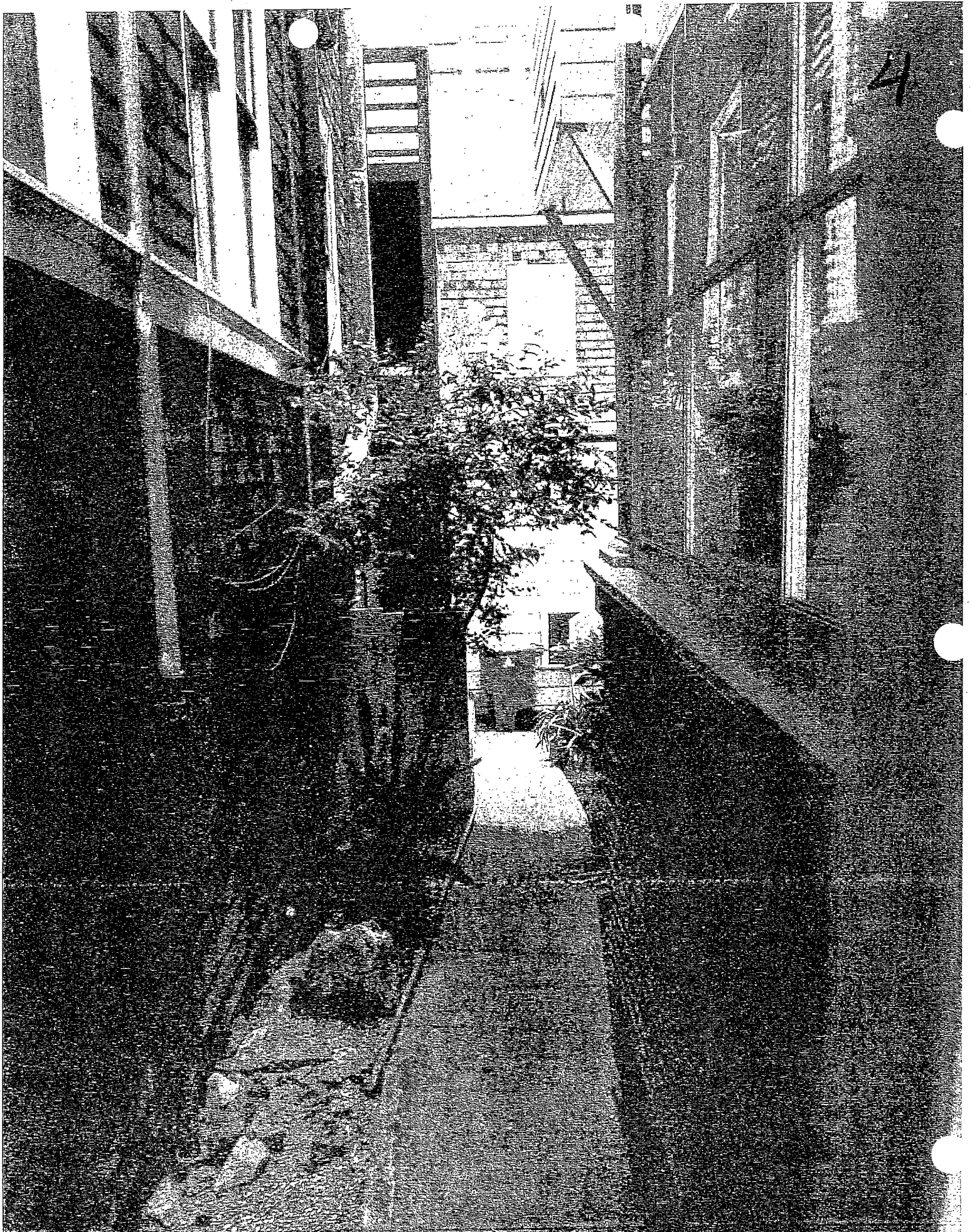
Sincerely,



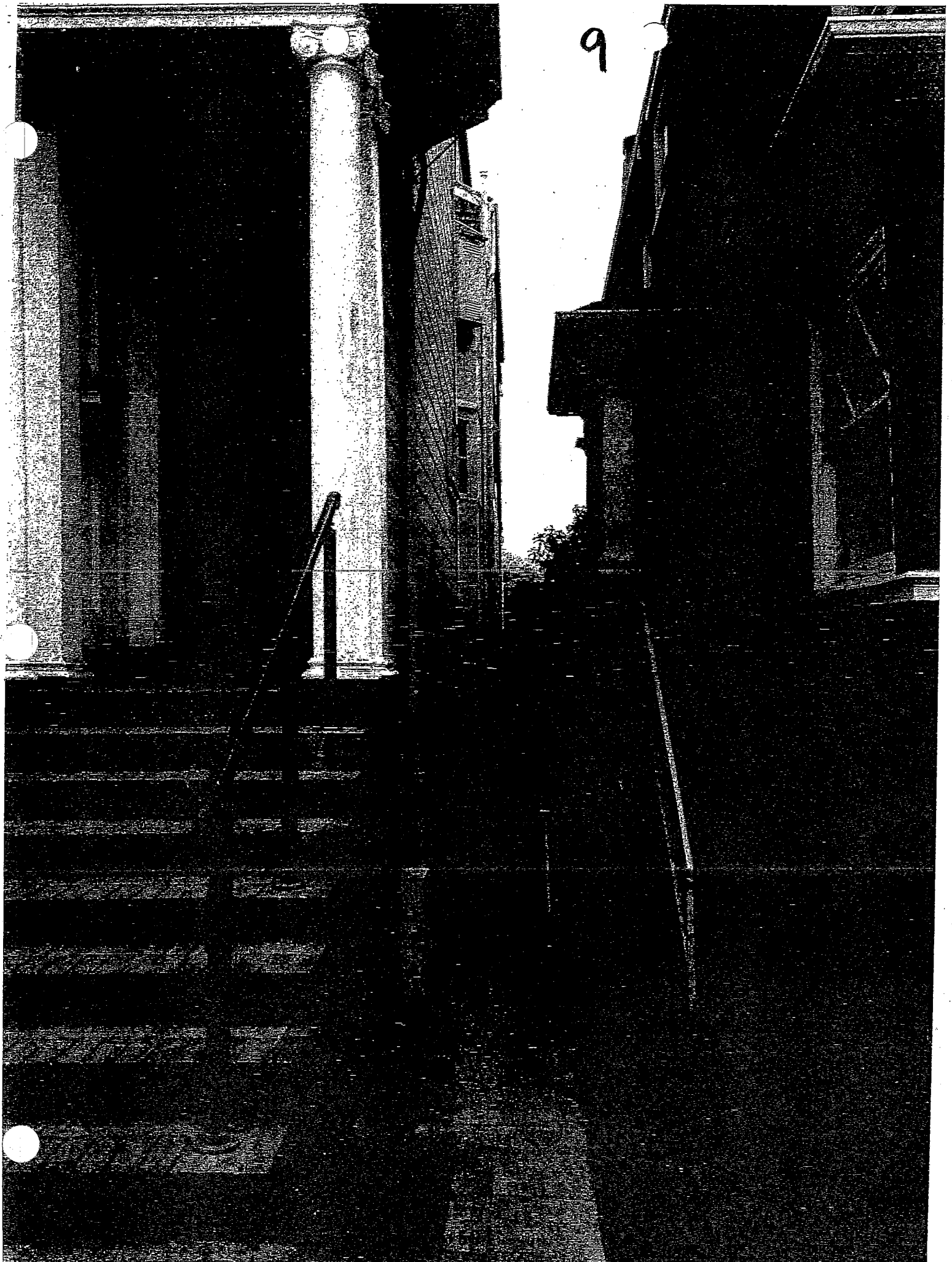
Kate Polevoi

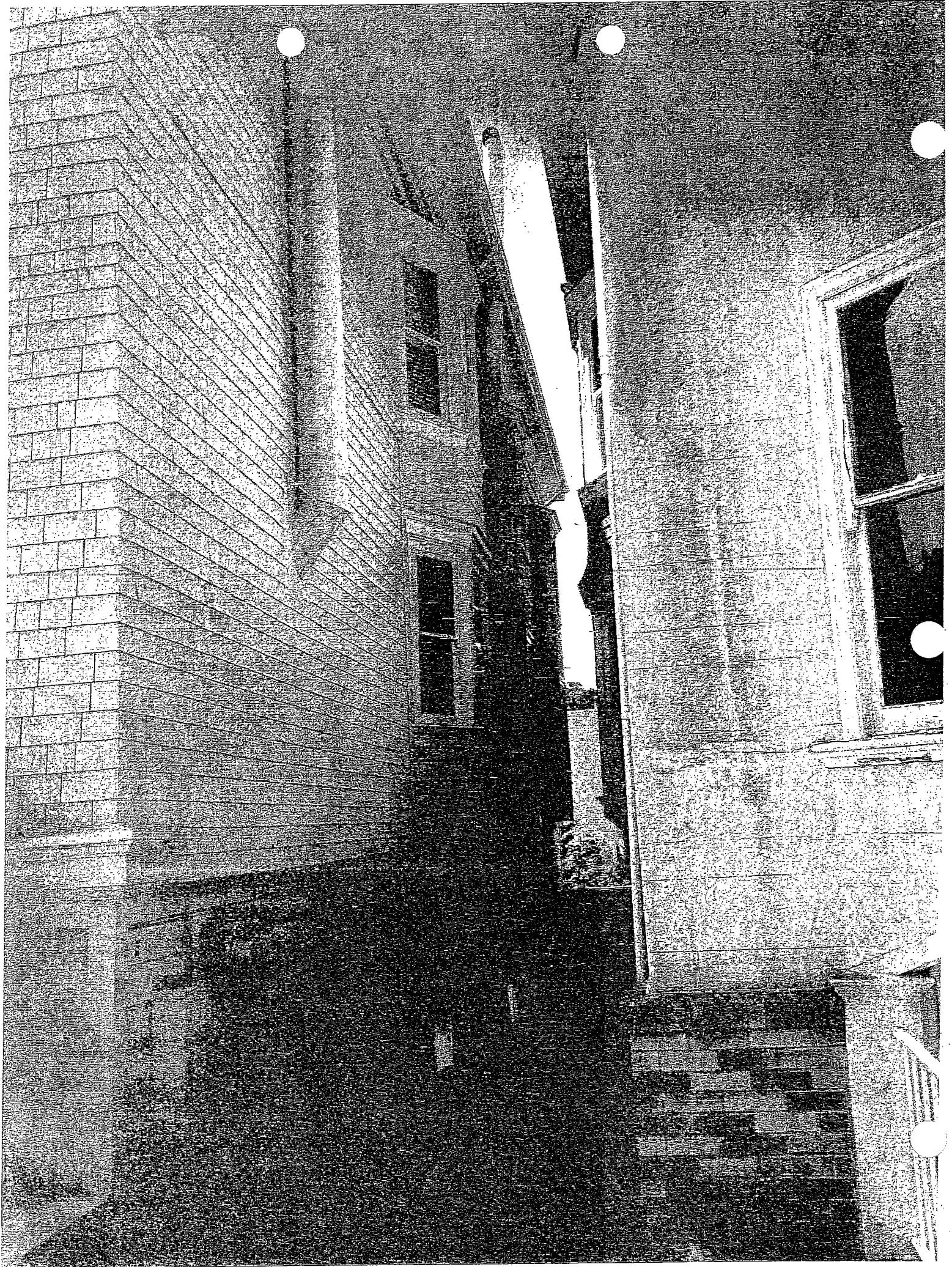
Representative for Appellants

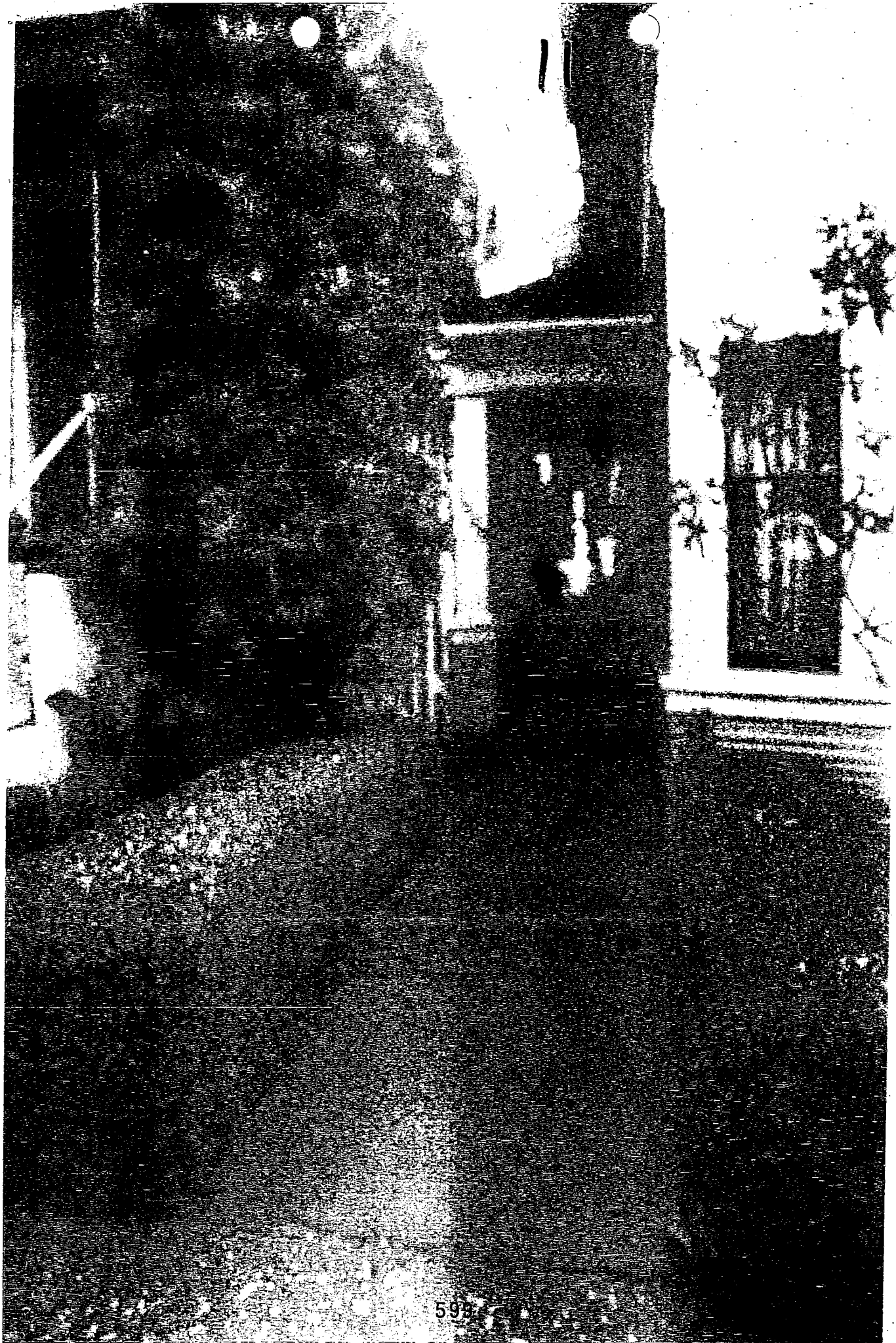
cc: Cow Hollow Association
Laurel Heights Association
Marina Community Association
Pacific Heights Residents Association
Presidio Heights Association of Neighbors
Marina Cow Hollow Neighbors and Merchants Association
Lake Street Residents Association
Golden Gate Valley Neighborhood Association
Rent Stabilization and Arbitration Board



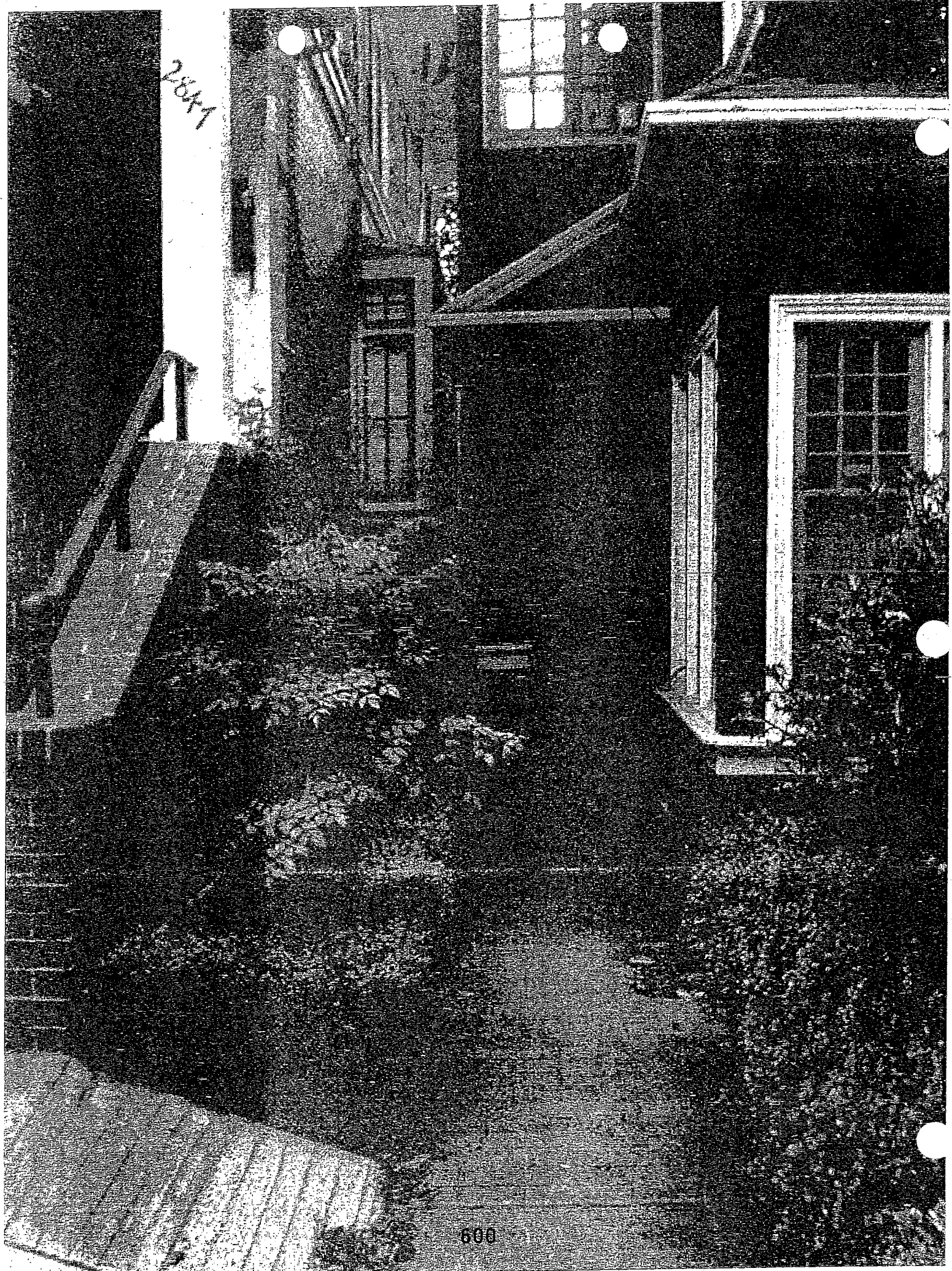
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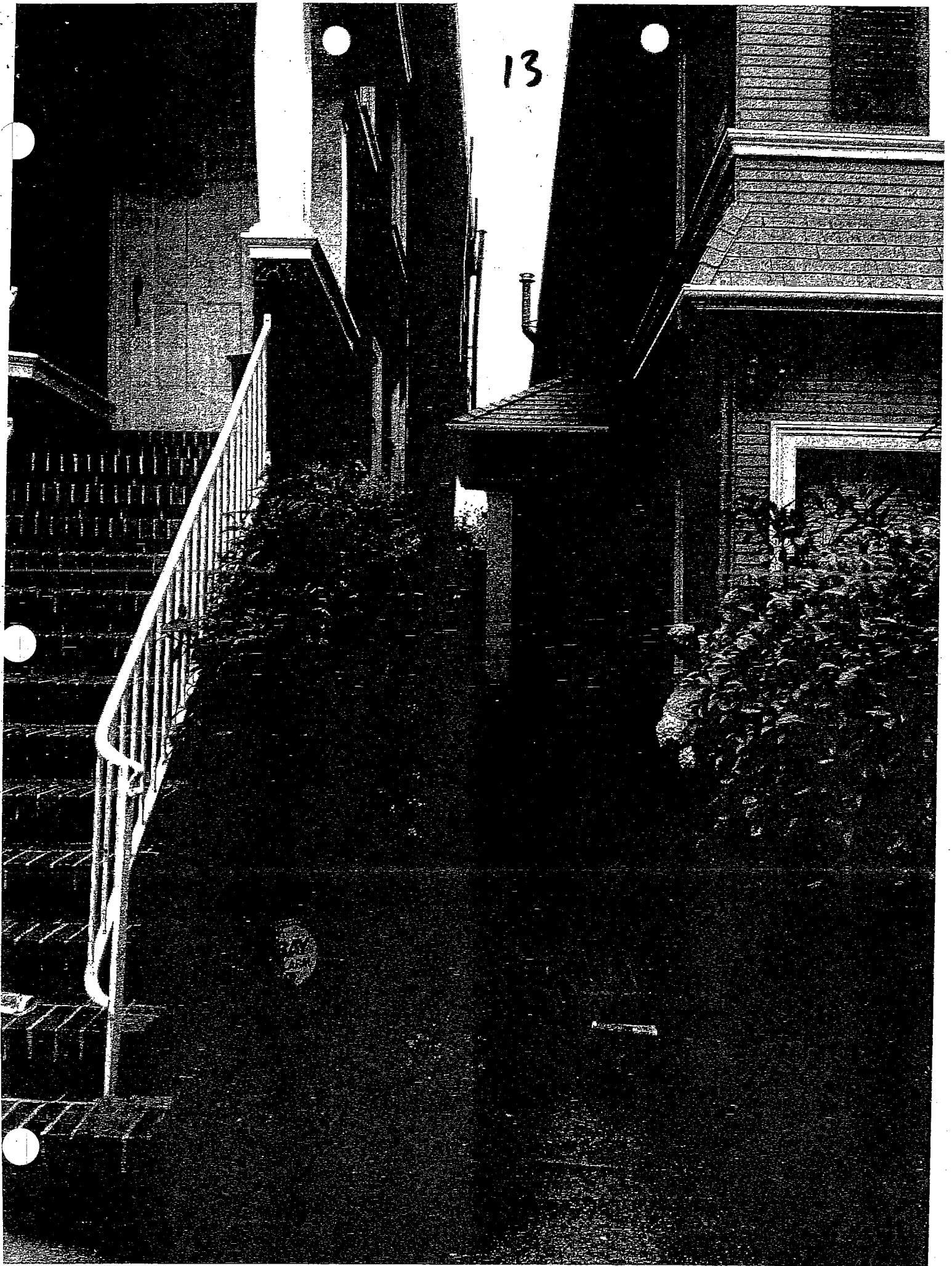


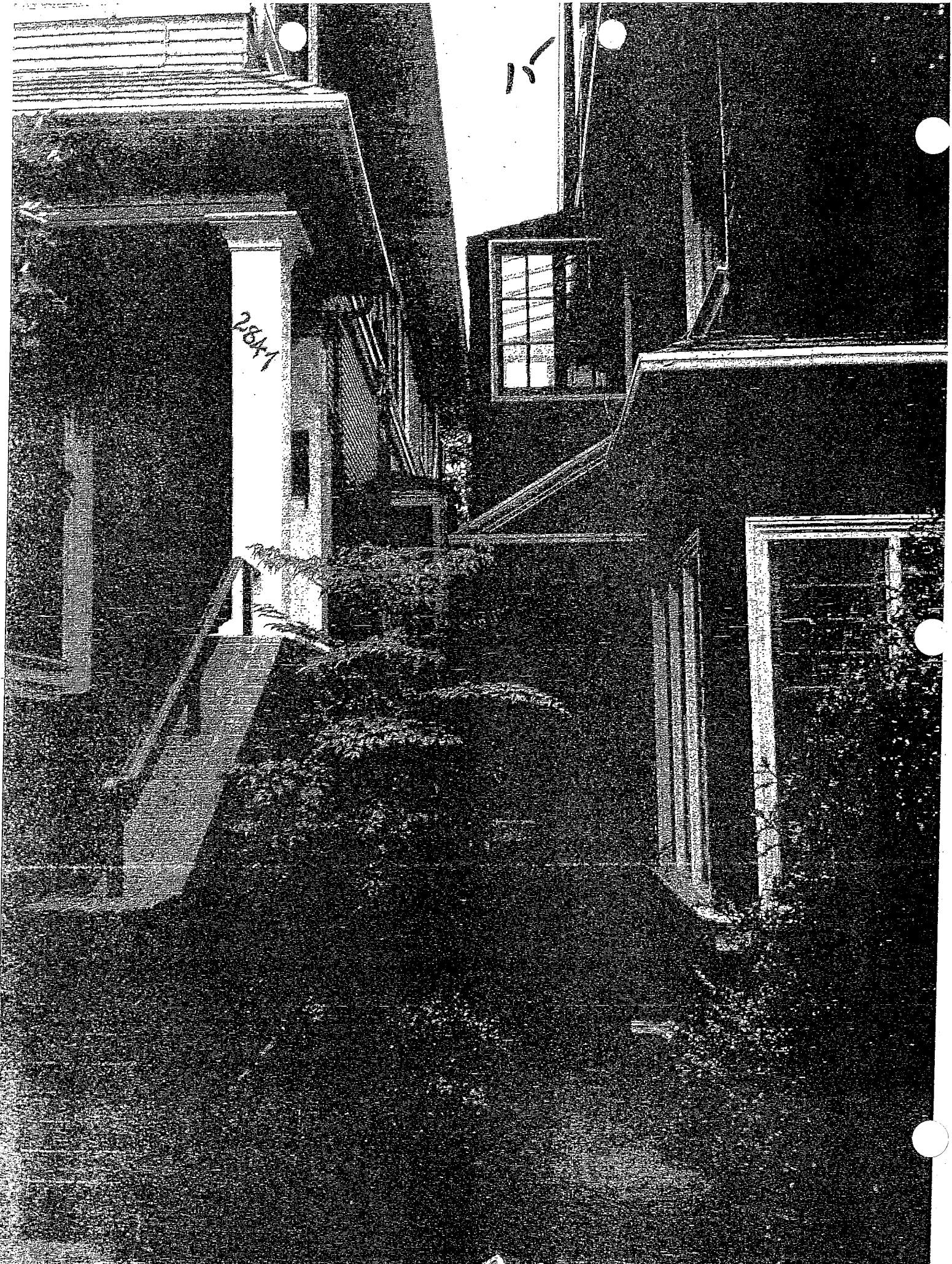


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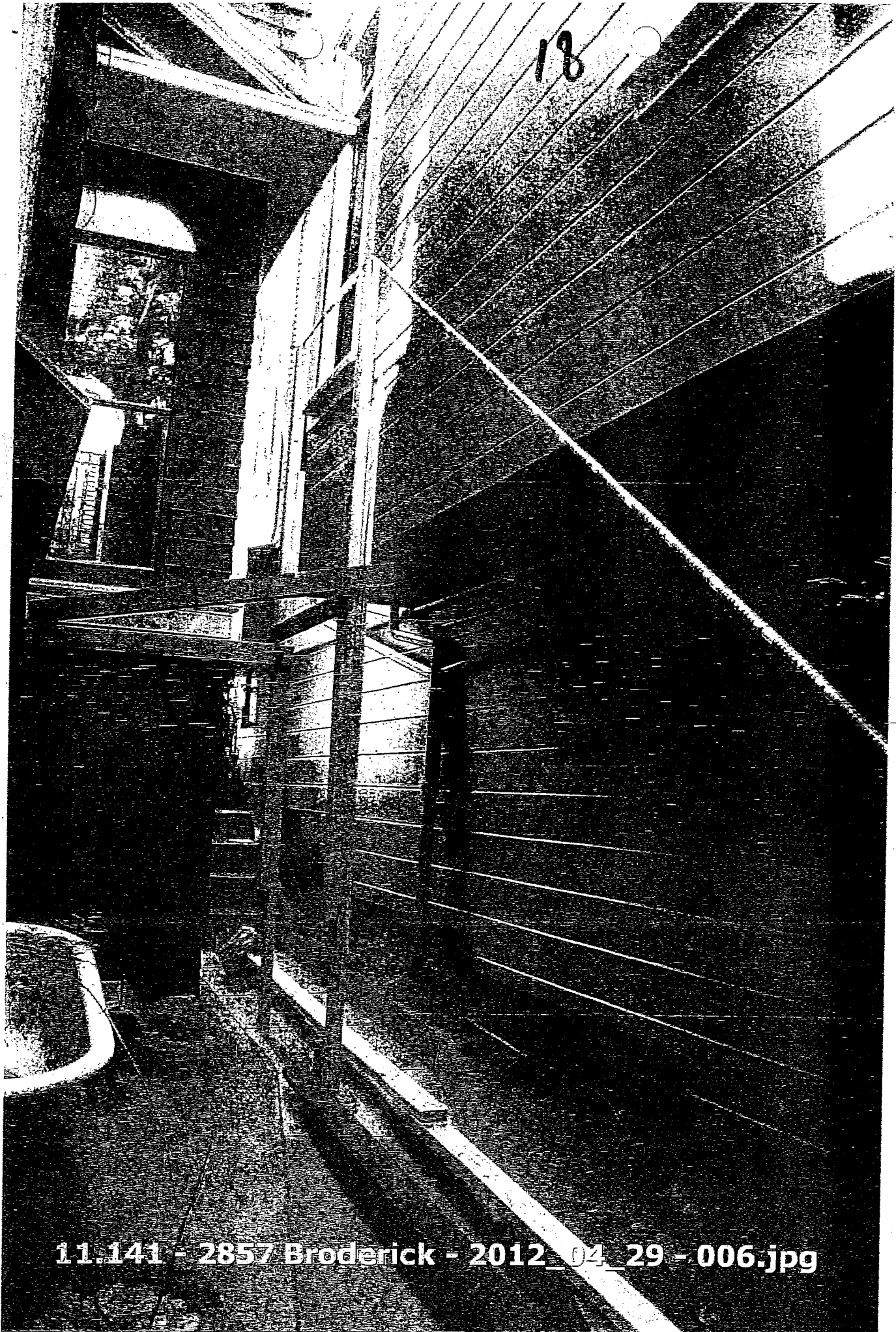


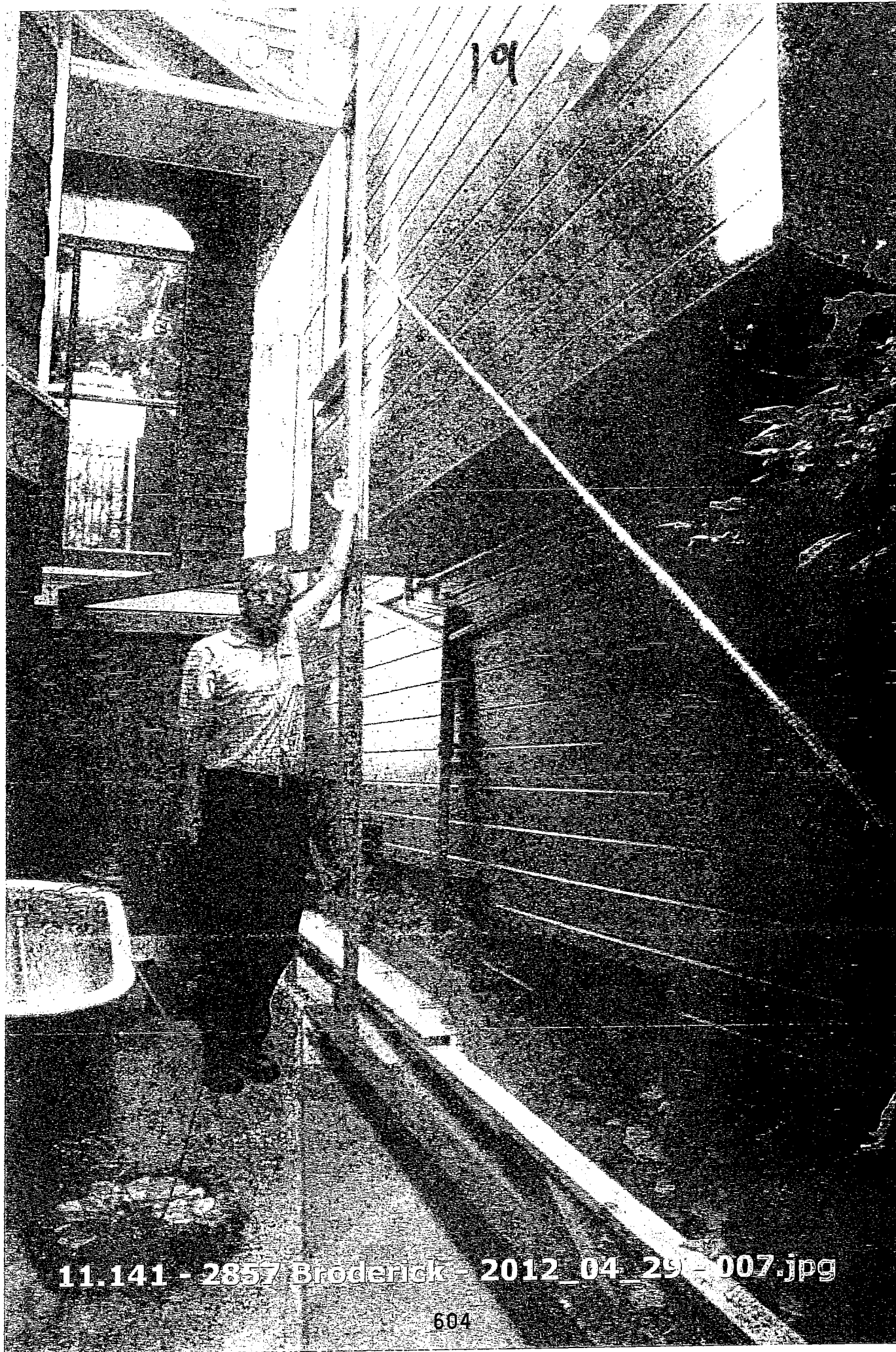


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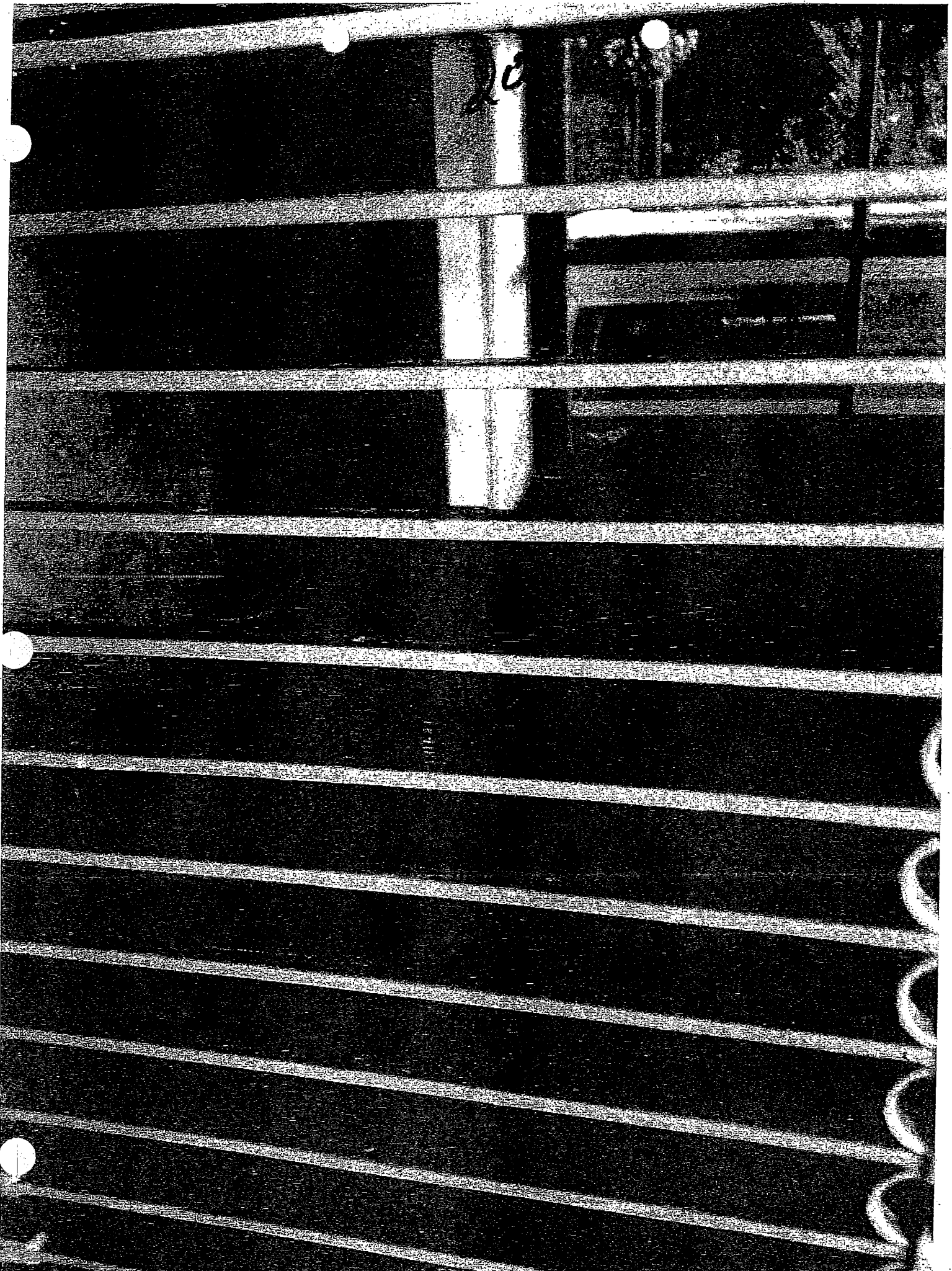
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SAN FRANCISCO PLANNING DEPARTMENT

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))

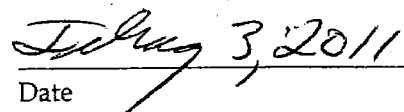
REMARKS:

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.

- The proposed addition would not negatively impact the character-defining features of the building or the site as it would be constructed at the rear of the building, which is not visible from the adjacent public rights-of-way. The proposed garage door at the front façade would be placed flush with the plane of the façade so as to retain the volume of the building at its base. The door would also be constructed of solid wood and details to be compatible with the historic design.

The proposed project would involve the addition of approximately 680 sf of residential space to the existing 3,774-sf-building resulting in 4,454 total sf. CEQA State Guidelines Section 15301(e)(1), or Class 1, provides for additions to existing structures provided that the addition would not result more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. The proposed project would make alterations to an existing structure and add approximately 680 sf to the existing 3,774-sf of building area. The proposed project therefore meets the criteria of Class 1.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Section 15300.2(f) specifically states that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of an historical resource. As described above, the proposed project would not cause a substantial adverse change in the significance of the historical resource under Section 15300.2(f). Given this fact and the nature of the proposed project, the exemption provided for in CEQA State Guidelines Section 15301(e), or Class 1, may be used. There are no other unusual circumstances surrounding the proposed project that would suggest a reasonable possibility of a significant environmental effect. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Historic Resource Evaluation Response

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

City's best architects and the City's most affluent residents. Due to rapidly increasing land values many of the earliest homes in the area were quickly demolished to make way for substantial apartment blocks and even more extravagant homes than the original Victorians. The Stock Market Crash of 1929 halted almost all development in the neighborhood.

1. **California Register Criteria of Significance:** Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. (This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)

- Event: or Yes No Unable to determine
 Persons: or Yes No Unable to determine
 Architecture: or Yes No Unable to determine
 Information Potential: Further investigation recommended.
 District or Context: Yes, may contribute to a potential district or significant context
 If Yes; Period of significance: 1870-1930

According to the Planning Department's records, the subject property is listed on the National Register as a contributing building within a historic district. The register form could not be located; however, based upon a review of the surrounding architecture, the district appears to be significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development.

Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
 There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that any significant events are associated with the subject building. Although construction of the subject building was part of the primary pattern of residential development that occurred in the area in the late 19th century, this pattern is not documented as significant within the context of the history of the neighborhood, the City, the State, or the nation. Furthermore, there are no specific historical events known to be associated with the construction or subsequent usage of the subject building as a single-family residence. It is therefore determined not to be eligible under this criterion.

Criterion 2: It is associated with the lives of persons important in our local, regional or national past;
 The information provided by the Project Sponsor and a review of the City Directories indicate that William Hammond Hall briefly owned the property circa 1930. Hall was a significant person in San Francisco's history as the designer of Golden Gate Park and the first state civil engineer. Hall is listed in the directories as living at 3855 Jackson Street between 1905-1932 and he died in 1934. Therefore, it does not appear that he resided at the subject property. According to the oral history collected by the

Project Sponsor, Hall's daughters lived at the subject property as late as 1954, so it is presumed that the property was purchased for their use. The property is not historically significant as it is not associated with the Hall's career as an engineer. No other significant persons are associated with the subject building. The subject building is therefore determined not to be eligible under this criterion.

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

The subject building and district appear to be listed on the National Register for embodying the distinctive characteristics of a period of architectural development in Pacific Heights/Cow Hollow. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition-style. The general characteristics of this style are an emphasis on simplified geometric forms, natural materials (often including shingle cladding, rustic lap siding, and brick), structural honesty, picturesque and asymmetrical massing and articulation, uniform exterior cladding with no interruptions at corners, and simplified ornament and details. Many of these elements are evident in the subject building. The subject does not appear to be a significant example of the First Bay Tradition style as an individual property because it is a relatively modest example of the style, does not represent the work of a master, does not possess high artistic value, and does not appear to retain high historic integrity of design. However, the building does contribute to a collection of late 19th - and early 20th-century buildings dating from the earliest period of residential development in the Cow Hollow/Pacific Heights neighborhood. The concentration of buildings on the immediate block faces represents a variety of regional architectural styles of this period. The majority of the buildings are 2-3 stories in scale; are clad in quality masonry or wood cladding; display a hierarchy of building forms including a defined base, body, and cornice; display punched window openings, often containing wood-framed windows; and display rich architectural details and ornamentation. The period of significance for this district appears to be approximately 1870-1930. The construction date of the subject building places it within the period of significance identified for the surrounding historic district.

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

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

2. **Integrity** is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

Location: Retains Lacks
 Association: Retains Lacks
 Design: Retains Lacks
 Workmanship: Retains Lacks

Setting: Retains Lacks
 Feeling: Retains Lacks
 Materials: Retains Lacks

The subject building does not appear to have been significantly altered beyond the replacement of the front stair. It retains all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow/Pacific Heights neighborhood.

3. Determination of whether the property is an "historical resource" for purposes of CEQA.

- No Resource Present (Go to 6 below.) Historical Resource Present (Continue to 4.)

4. If the property appears to be an historical resource, whether the proposed project would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).

- The project will not cause a substantial adverse change in the significance of the resource such that the significance of the resource would be materially impaired. (Continue to 5 if the project is an alteration.)

- The project is a significant impact as proposed. (Continue to 5 if the project is an alteration.)

Staff has reviewed the project proposal and finds that the project would not cause a substantial adverse change in the resource such that the significance of the resource would be materially impaired. The following is an analysis of the proposed project impacts to the historic resource.

- The proposed project would retain historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow/Pacific Heights earliest period of development.
- No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. While the height of the ground floor level will be increased by approximately 3 feet, the change will not significantly impact the overall proportions of the three-story façade. The new garage door opening will occur at the new raised portion of the building and will not cause the removal of historic material. Although the entry stairs will be extended to accommodate the new height, they are not original to the building so that their replacement will not remove historic material.
- The proposed addition would not negatively impact the character-defining features of the building or the site as it would be constructed at the rear of the building, which is not visible from the adjacent public rights-of-way. The proposed garage door at the front façade will be placed flush with the plane of the façade so as to retain the volume of the building at its base. The door will also be constructed of solid wood and details to be compatible with the historic design.

5. Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.

The character-defining features of the subject building include all those exterior features visible from the public rights-of-way that convey its original First Bay Tradition-style design, including:

- The overall massing, scale, and form;
- The building's location, front setback, and relationship to its adjacent neighbors;
- The side-gable roof and gabled dormers;
- The wood shingle cladding;
- The multi-light, wood-framed windows and fenestration pattern; and
- The raised entry; and,
- The decorative trimwork.

-
6. Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.

Yes No Unable to determine

It does not appear that the proposal would have a significant adverse impact on any off-site historic resources as no known individual historic resources are located in the immediate area. As noted above, the area contains a high concentration of buildings that were constructed between 1870-1930 and there is considerable architectural harmony among the buildings in the area. The proposed design of the addition and façade modifications at are compatible with these character-defining features of the district and would not detract from the district's existing visual continuity or diminish its historical significance.

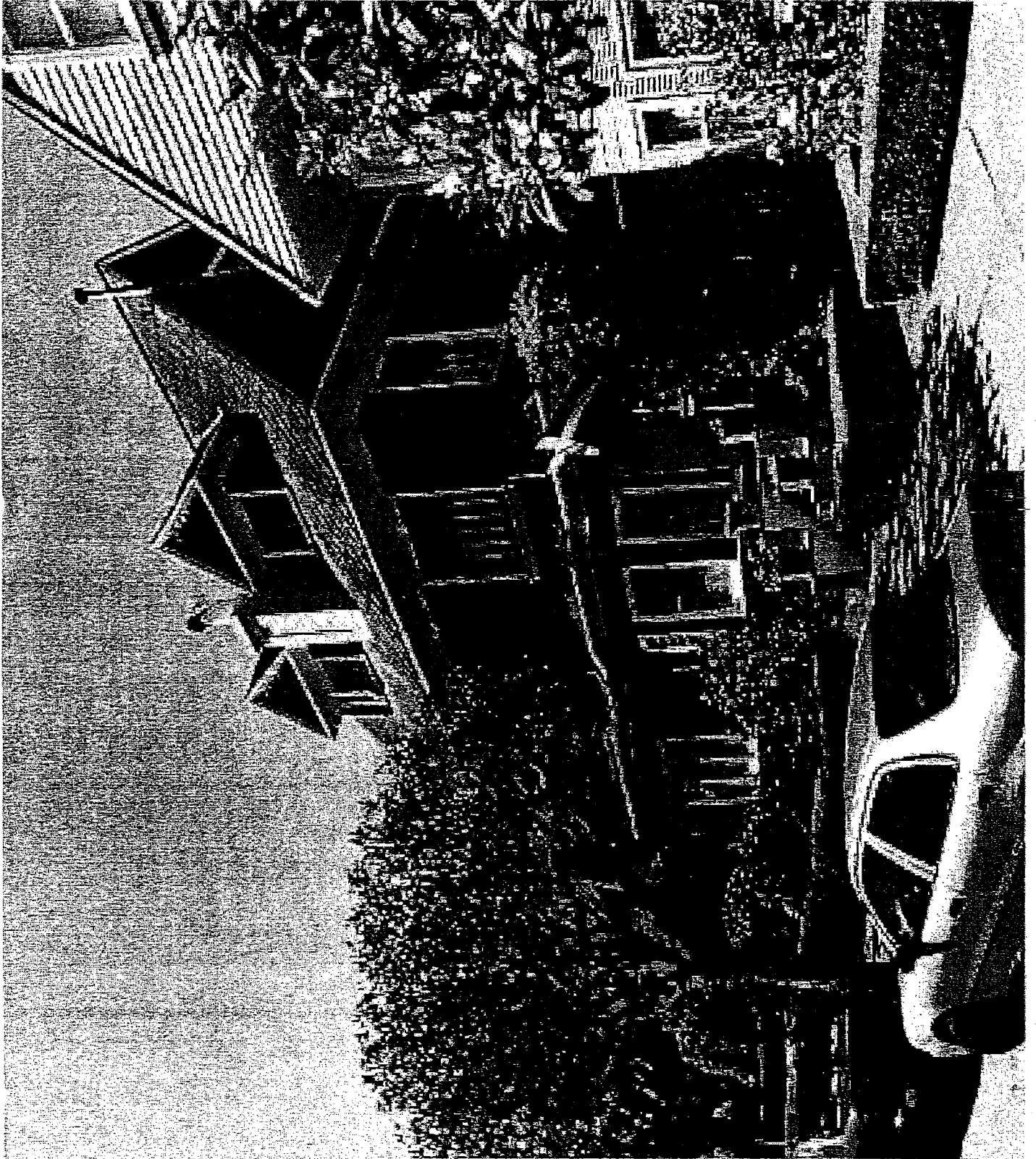
SENIOR PRESERVATION PLANNER REVIEW

Signature: Tina Tam
Tina Tam, *Senior Preservation Planner*

Date: 1-17-2011

cc: Linda Avery, *Recording Secretary*, Historic Preservation Commission
Virnaliza Byrd / Historic Resource Impact Review File

SC: G:\DOCUMENTS\Cases\CEQA\HRER\2010.0394E_2857 Broderick.doc



BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

July 11, 2012

To: Cheryl Adams
Deputy City Attorney

From: Rick Caldeira
Deputy Director

**Subject: Appeal of Categorical Exemption Determination from Environmental Review –
2853-2857 Broderick Street**

An appeal of categorical exemption determination from environmental review issued for property located at 2853-2857 Broderick Street was filed with the Office of the Clerk of the Board on July 10, 2012, by Kate Polevoi, on behalf of Zeeva Kardos, Irving Zaretsky, Craig Jones, Michael Jaeger, Eric and Kelda Reimers, Rob and Jennifer Povlitz and Don and Ann Morehead.

Pursuant to the Interim Procedures of Appeals for Negative Declaration and Categorical Exemptions No. 5, I am forwarding this appeal, with attached documents, to the City Attorney's Office to determine if the appeal has been filed in a timely manner. The City Attorney's determination should be made within three (3) working days of receipt of this request.

If you have any questions, you can contact me at (415) 554-7711.

c: Angela Calvillo, Clerk of the Board
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Nannie Turrell, Planning Department
Linda Avery, Planning Department
Shelley Caltagirone, Planning Department
Cynthia Goldstein, Board of Appeals
Victor Pacheco, Board of Appeals

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City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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TDD/TTY No. 544-5227

July 19, 2012

Kate Polevoi
On behalf of Various Appellants
2853-2857 Broderick Street
San Francisco, CA 94105

Subject: Appeal of Determination of Exemption from Environmental Review for a Project Located at 2853-2857 Broderick Street

Dear Appellants:

The Office of the Clerk of the Board is in receipt of a memorandum dated July 17, 2012, (copy attached), from the City Attorney's office regarding the timely filing of an appeal of the Determination of Exemption from Environmental Review for the property located at 2853-2857 Broderick Street.

The City Attorney has determined that the appeal was filed in a timely manner.

A hearing date has been scheduled on **Tuesday, September 4, 2012, at 2:30 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Pursuant to the Interim Procedures 7 and 9, please provide to the Clerk's Office by:

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;

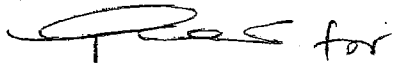
11 days prior to the hearing: names of interested parties to be notified of the hearing.

2853-2857 Broderick Street - CEQA Appeal
July 19, 2012
Page 2

Please provide 18 copies of the documentation for distribution, and, if possible, names of interested parties to be notified in label format.

If you have any questions, please feel free to contact Rick Caldeira at (415) 554-7711 or Nicole Lyshorn at (415) 554-4445.

Very truly yours,



Angela Calvillo
Clerk of the Board

c:

Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Robert Bryan, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Shelley Caltagirone, Planning Department
Linda Avery, Planning Department
Cynthia Goldstein, Board of Appeals
Victor Pacheco, Board of Appeals
Project Sponsor, Stephen Antonaros, 2261 Market Street #324, San Francisco, CA 94114

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

MARLENA G. BYRNE
Deputy City Attorney

DIRECT DIAL: (415) 554-4620
E-MAIL: marlena.byrne@sfgov.org

MEMORANDUM

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Marlena G. Byrne *MGB*
Deputy City Attorney

DATE: July 17, 2012

RE: Appeal of Determination of Exemption from Environmental Review for A Project
Located at 2853-2857 Broderick Street

You have asked for our advice on the timeliness of an appeal to the Board of Supervisors, received by the Clerk's Office on July 10, 2012, by Kate Polevoi, on behalf of Zeeva Kardos, Irving Zaretsky, Craig Jones, Michael Jaeger, Eric and Kelda Reimers, Rob and Jennifer Povlitz, and Don and Ann Morehead, of the Planning Department's determination that a project located at 2853-2857 Broderick Street is exempt from environmental review under the California Environmental Quality Act ("CEQA"). The proposed work involves raising the building by approximately three feet to insert a garage at ground level, expanding the ground floor level and creating a new curb cut. The Appellants provided a copy a Certificate of Determination Exemption from Environmental Review, dated July 3, 2011, which stated that the Planning Department determined that the project was exempt under Class 1 of the CEQA Guidelines (14 Cal. Code Reg. §15000 *et seq.*).

We are informed that the Department of Building Inspection issued a building permit for the proposed work on April 17, 2012 (Permit No. 2011.03.25.2839); however, the permit was suspended at the request of the Board of Appeals, by letter dated May 2, 2012, because a permit appeal of had been filed. Although the Board of Appeals denied that appeal and upheld the permit on June 20, 2012, a timely rehearing request was made and is calendared for consideration by the Board of Appeals for July 25, 2012.

Accordingly, the appeal of the building permit is still pending before the Board of Appeals and has not yet become final. Thus, it is our view that the appeal of this categorical exemption determination is timely, and the appeal should be calendared before the Board of Supervisors. We recommend that you so advise the Appellant.

Please let us know if we may be of further assistance.

MGB

cc: Rick Caldeira, Deputy Director, Clerk of the Board
Joy Lamug, Board Clerk's Office
Andrea Ausberry, Board Clerk's Office
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Robert Bryan, Deputy City Attorney

CITY HALL - 1 DR. CARLTON B. GOODLET PLACE, ROOM 234 - SAN FRANCISCO, CALIFORNIA 94102
RECEPTION: (415) 554-4700 FACSIMILE: (415) 554-4757

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Memorandum

TO: Angela Calvillo
Clerk of the Board of Supervisors
DATE: July 17, 2012
PAGE: 2
RE: Appeal of Determination of Exemption from Environmental Review for A Project
Located at 2853-2857 Broderick Street

Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Shelley Caltagirone, Planning Department
Linda Avery, Planning Department
Cynthia Goldstein, Board of Appeals



SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 AUG 27 PM 4:15

Categorical Exemption Appeal *DLG* 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.

CEQA GUIDELINES

Categorical Exemptions

Section 21084 of the California Public Resources Code requires that the CEQA Guidelines identify a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from further environmental review.

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

CEQA State Guidelines Section 15301(e)(2) (Existing Facilities), or Class 1, provides an exemption from environmental review for an additions to an existing structure provided that the addition will not result in an increase of more than 10,000 square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan.

CEQA Guidelines Section 15300.2(f) does not allow a categorical exemption to be used for a project that may cause a substantial adverse change in the significance of a historic resource.

CEQA and Historic Resources

With regard to historic resource review under CEQA, the first step in the evaluation process is to determine whether there is a historic resource present. Public Resources Code Section 21084.1 (Historical Resources) and CEQA Guidelines Section 15064.5 (Determining the Significance of Impacts on Historical and Unique Archaeological Resources) detail what qualifies as a historic resource under the Act.

The second step (if necessary) in the CEQA review process is to determine whether the action or project proposed would cause a "substantial adverse change" to the historic resource. Section 15064.5 CEQA defines a substantial adverse change as one may have a significant effect on the environment.

"Substantial adverse change in the significance of an historical resource means the physical demolition, destruction, relocation, or alteration of the resource of its immediate surroundings such that the significance of the historical resource would be materially impaired."

Department CEQA Analysis of 2853-2857 Broderick Street

The Department, using the 2-step methodology described above, first analyzed whether 2853-2857 Broderick Street was a historical resource as defined by CEQA. The subject property is included on the Planning Department's 1976 Architectural Survey with a rating of "1". The Department found that the subject property contributes to a potential historic district eligible for listing on the California Register under Criterion 3 for embodying the distinctive characteristics of a period of architectural development in Pacific Heights/Cow Hollow.

The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition-style. As such, the building contributes to 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 concentration of buildings on the immediate block faces represents a variety of regional architectural styles of this period. The majority of the buildings are 2-3 stories in scale; are clad in quality masonry or wood cladding; display a hierarchy of building forms including a defined base, body, and cornice; display punched window openings, often containing wood-framed windows; and display rich architectural details and ornamentation. The period of significance for this district appears to be approximately 1870-1930. The construction date of the subject building places it within the period of significance identified for the surrounding historic district. 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.

The second step of the CEQA analysis was whether the proposed project would have a substantial adverse impact to the historic resource. As explained in the Historic Resource Evaluation Response (HREER), Part II, Preservation staff found that the building would still be able to convey its significance as a historic resource if the project was completed because it did not result in the material impairment of the historic resource.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the Appeal Letter are cited in a summary below and are followed by the Department's response:

Issue 1: The Appellants contend that the Planning Department was in error in granting the Categorical Exemption since the Department never saw the complete set of plans for the Project. The Historic Resource Evaluation Response and Categorical Exemption Certificate were issued in early 2011, after which the Project was revised in February 2012.

Response 1: The Planning Department reviewed all revisions to the Project during the building permit application and Variance application review process for compliance with the Categorical Exemption issued on February 3, 2011. Revisions were specifically reviewed by the Preservation Planner, Shelley Caltagirone, in conjunction with the Current Planner, Glenn Cabrerros, for compliance with the historic resource evaluation. The only revision to the exterior of the building subsequent to the issuance of the Categorical Exemption was the inclusion of a new stair and firewall (maximum height 10 feet) within the south side yard and located directly behind (to the west) of the side entrance. The Department found that the construction of the stair was a minor change in the scope of work that would not negatively impact the character-defining features of the property, which include: the overall massing, scale, and form; the building's location, front setback, and relationship to its adjacent neighbors; the side-gable roof and gabled dormers; the wood shingle cladding; the multi-light, wood-framed windows and fenestration pattern; the raised entry; and, the decorative trimwork. Therefore, the revision would not cause an adverse impact to the identified historic resource.

Such review of minor alterations to projects after the issuance of a Categorical Exemption is standard practice for the Department. Current Planning division planners routinely review project revisions with Environmental Planning division planners to ensure continued compliance with the environmental

determination. Revision of the environmental documents, in this instance the Historic Resource Evaluation Response and Categorical Exemption Certificate, is only warranted when it is determined that the revision could potentially create impacts to the property that were not analyzed in the initial documents. Since the addition of the stair and firewall did not create an impact to the historic resource, the environmental documents were not required to be revised.

Issue 2: The Appellants contend that the three listed aspects of the Project will have a detrimental environmental impact on their properties: 1) construction of the deck between the subject property and 2845-47 Broderick Street located to the south; 2) construction of the firewall at the property line between the subject property and 2865-2869 Broderick Street; and, 3) lifting the subject building more than 36" to accommodate a new 2-car garage.

Response 2: The Appellants have neither identified what aspect of the environment would be impacted by the three listed aspects of the Project nor provided substantial evidence to support their claim. The Department has reviewed the Project and found that that it would not have an adverse impact to any aspect of the environment identified in the California Environmental Quality Act (CEQA), including historic resources. The Project has been reviewed comprehensively by both the Environmental and Current Planning Divisions of the Department and found to be compliant with CEQA regulations, the Planning Code, the Cow Hollow Neighborhood Design Guidelines, and the Secretary Standard's for the Treatment of Historic Resources. Specifically, the Department found the following:

- The proposed project would retain historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow/Pacific Heights earliest period of development.
- No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. While the height of the ground floor level will be increased by approximately 3 feet, the change will not significantly impact the overall proportions of the three-story façade. The new garage door opening will occur at the new raised portion of the building and will not cause the removal of historic material. Although the entry stairs will be extended to accommodate the new height, they are not original to the building so that their replacement will not remove historic material.
- The proposed addition would not negatively impact the character-defining features of the building or the site as it would be constructed at the rear of the building, which is not visible from the adjacent public rights-of-way. The proposed garage door at the front façade will be placed flush with the plane of the façade so as to retain the volume of the building at its base. The door will also be constructed of solid wood and details to be compatible with the historic design.

Furthermore, as mentioned on page 2 of this report, the Planning Commission reviewed these same design issues at their June 20, 2012 Discretionary Review hearing and determined that there were no exceptional or unusual circumstances and approved the project.

CONCLUSION

The Department has found that 2853-2857 Broderick Street is a historic resource as a contributor to a potential historic district in the area. Further, the project does not materially impair the subject building or the historic district in a manner that would compromise its ability to convey its significance. The subject building would remain a contributor to the identified potential historic district and the district would remain eligible for the California Register. The Appellant has not provided any substantial evidence or expert opinion to refute the conclusions of the Department.

For the reasons stated above categorical exemption complies with the requirements of CEQA. The Department therefore recommends that the Board uphold the Determination of Exemption from Environmental Review and deny the appeal of the CEQA Determination.

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SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2010.0394E
 Project Title: 2853-2857 Broderick Street
 Zoning: RH-2 (Residential, House, Two-Family)
 40-X Height and Bulk District
 Block/Lot: 0947/002
 Lot Size: 2,757 square feet
 Project Sponsor: Stephen Antonaros, Architect
 (415) 864-2261
 Staff Contact: Shelley Caltagirone – (415) 558-6625
 shelley.caltagirone@sfgov.org

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

Reception:
 415.558.6378

Fax:
 415.558.6409

Planning
 Information:
 415.558.6377

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:

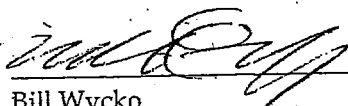
Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1))

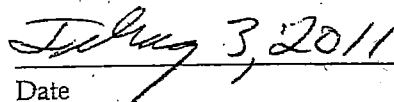
REMARKS:

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.

- The proposed addition would not negatively impact the character-defining features of the building or the site as it would be constructed at the rear of the building, which is not visible from the adjacent public rights-of-way. The proposed garage door at the front façade would be placed flush with the plane of the façade so as to retain the volume of the building at its base. The door would also be constructed of solid wood and details to be compatible with the historic design.

The proposed project would involve the addition of approximately 680 sf of residential space to the existing 3,774-sf building resulting in 4,454 total sf. CEQA State Guidelines Section 15301(e)(1), or Class 1, provides for additions to existing structures provided that the addition would not result more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. The proposed project would make alterations to an existing structure and add approximately 680 sf to the existing 3,774-sf of building area. The proposed project therefore meets the criteria of Class 1.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Section 15300.2(f) specifically states that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of an historical resource. As described above, the proposed project would not cause a substantial adverse change in the significance of the historical resource under Section 15300.2(f). Given this fact and the nature of the proposed project, the exemption provided for in CEQA State Guidelines Section 15301(e), or Class 1, may be used. There are no other unusual circumstances surrounding the proposed project that would suggest a reasonable possibility of a significant environmental effect. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Historic Resource Evaluation Response

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

City's best architects and the City's most affluent residents. Due to rapidly increasing land values many of the earliest homes in the area were quickly demolished to make way for substantial apartment blocks and even more extravagant homes than the original Victorians. The Stock Market Crash of 1929 halted almost all development in the neighborhood.

1. **California Register Criteria of Significance:** Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

Event: or Yes No Unable to determine
Persons: or Yes No Unable to determine
Architecture: or Yes No Unable to determine
Information Potential: Further investigation recommended.
District or Context: Yes, may contribute to a potential district or significant context
If Yes; Period of significance: 1870-1930

According to the Planning Department's records, the subject property is listed on the National Register as a contributing building within a historic district. The register form could not be located; however, based upon a review of the surrounding architecture, the district appears to be significant under Criterion 3 as a collection of buildings dating from the neighborhood's first wave of development.

Criterion 1: *It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;*
There is no information provided by the Project Sponsor or located in the Planning Department's background files to indicate that any significant events are associated with the subject building. Although construction of the subject building was part of the primary pattern of residential development that occurred in the area in the late 19th century, this pattern is not documented as significant within the context of the history of the neighborhood, the City, the State, or the nation. Furthermore, there are no specific historical events known to be associated with the construction or subsequent usage of the subject building as a single-family residence. It is therefore determined not to be eligible under this criterion.

Criterion 2: *It is associated with the lives of persons important in our local, regional or national past;*
The information provided by the Project Sponsor and a review of the City Directories indicate that William Hammond Hall briefly owned the property circa 1930. Hall was a significant person in San Francisco's history as the designer of Golden Gate Park and the first state civil engineer. Hall is listed in the directories as living at 3855 Jackson Street between 1905-1932 and he died in 1934. Therefore, it does not appear that he resided at the subject property. According to the oral history collected by the

Project Sponsor, Hall's daughters lived at the subject property as late as 1954, so it is presumed that the property was purchased for their use. The property is not historically significant as it is not associated with the Hall's career as an engineer. No other significant persons are associated with the subject building. The subject building is therefore determined not to be eligible under this criterion.

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

The subject building and district appear to be listed on the National Register for embodying the distinctive characteristics of a period of architectural development in Pacific Heights/Cow Hollow. The subject building was constructed circa 1890 and designed by an unknown architect in the First Bay Tradition-style. The general characteristics of this style are an emphasis on simplified geometric forms, natural materials (often including shingle cladding, rustic lap siding, and brick), structural honesty, picturesque and asymmetrical massing and articulation, uniform exterior cladding with no interruptions at corners, and simplified ornament and details. Many of these elements are evident in the subject building. The subject does not appear to be a significant example of the First Bay Tradition style as an individual property because it is a relatively modest example of the style, does not represent the work of a master, does not possess high artistic value, and does not appear to retain high historic integrity of design. However, the building does contribute to a collection of late 19th - and early 20th-century buildings dating from the earliest period of residential development in the Cow Hollow/Pacific Heights neighborhood. The concentration of buildings on the immediate block faces represents a variety of regional architectural styles of this period. The majority of the buildings are 2-3 stories in scale; are clad in quality masonry or wood cladding; display a hierarchy of building forms including a defined base, body, and cornice; display punched window openings, often containing wood-framed windows; and display rich architectural details and ornamentation. The period of significance for this district appears to be approximately 1870-1930. The construction date of the subject building places it within the period of significance identified for the surrounding historic district.

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

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

-
2. **Integrity** is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

Location: Retains Lacks
Association: Retains Lacks
Design: Retains Lacks
Workmanship: Retains Lacks

Setting: Retains Lacks
Feeling: Retains Lacks
Materials: Retains Lacks

The subject building does not appear to have been significantly altered beyond the replacement of the front stair. It retains all elements of historic integrity so that it continues to convey its significance as a First Bay Tradition-style building constructed during the early phase of development within the Cow Hollow/Pacific Heights neighborhood.

3. Determination of whether the property is an "historical resource" for purposes of CEQA.

No Resource Present (Go to 6 below.)

Historical Resource Present (Continue to 4.)

4. If the property appears to be an historical resource, whether the proposed project would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).

The project will not cause a substantial adverse change in the significance of the resource such that the significance of the resource would be materially impaired. (Continue to 5 if the project is an alteration.)

The project is a significant impact as proposed. (Continue to 5 if the project is an alteration.)

Staff has reviewed the project proposal and finds that the project would not cause a substantial adverse change in the resource such that the significance of the resource would be materially impaired. The following is an analysis of the proposed project impacts to the historic resource.

- The proposed project would retain historic residential use at the site and would not alter the building in a way that would harm its ability to convey its significance as a First Bay Tradition-style building dating from the Cow Hollow/Pacific Heights earliest period of development.
- No distinctive materials, features, finishes, construction techniques or examples of craftsmanship would be affected by the proposed project. While the height of the ground floor level will be increased by approximately 3 feet, the change will not significantly impact the overall proportions of the three-story façade. The new garage door opening will occur at the new raised portion of the building and will not cause the removal of historic material. Although the entry stairs will be extended to accommodate the new height, they are not original to the building so that their replacement will not remove historic material.
- The proposed addition would not negatively impact the character-defining features of the building or the site as it would be constructed at the rear of the building, which is not visible from the adjacent public rights-of-way. The proposed garage door at the front façade will be placed flush with the plane of the façade so as to retain the volume of the building at its base. The door will also be constructed of solid wood and details to be compatible with the historic design.

5. Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.

The character-defining features of the subject building include all those exterior features visible from the public rights-of-way that convey its original First Bay Tradition-style design, including:

- The overall massing, scale, and form;
- The building's location, front setback, and relationship to its adjacent neighbors;
- The side-gable roof and gabled dormers;
- The wood shingle cladding;
- The multi-light, wood-framed windows and fenestration pattern; and
- The raised entry; and,
- The decorative trimwork.

-
6. Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.

Yes No Unable to determine

It does not appear that the proposal would have a significant adverse impact on any off-site historic resources as no known individual historic resources are located in the immediate area. As noted above, the area contains a high concentration of buildings that were constructed between 1870-1930 and there is considerable architectural harmony among the buildings in the area. The proposed design of the addition and façade modifications are compatible with these character-defining features of the district and would not detract from the district's existing visual continuity or diminish its historical significance.

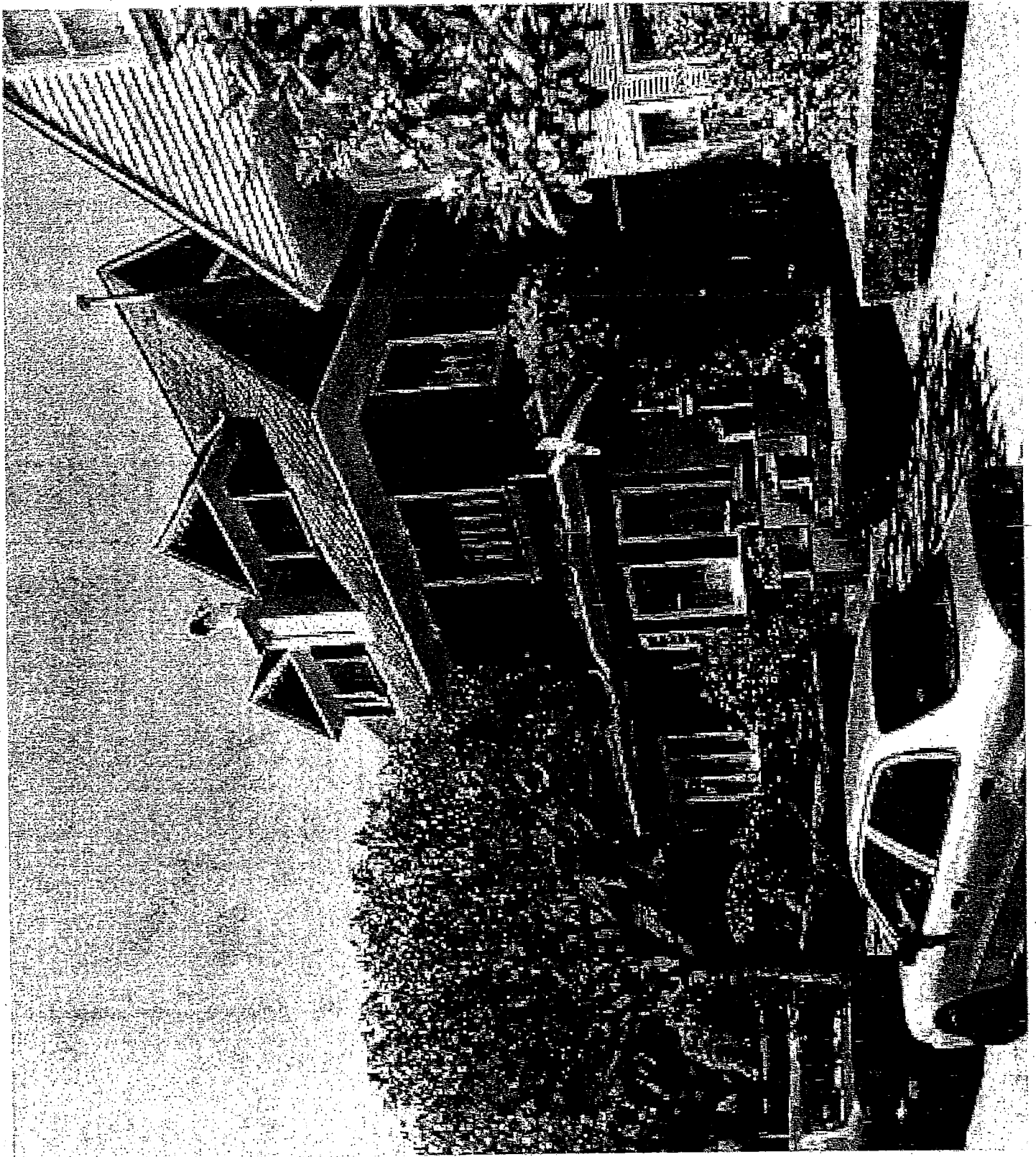
SENIOR PRESERVATION PLANNER REVIEW

Signature: Tina Tam
Tina Tam, Senior Preservation Planner

Date: 1-17-2011

cc: Linda Avery, Recording Secretary, Historic Preservation Commission
Virnaliza Byrd / Historic Resource Impact Review File

SC: G:\DOCUMENTS\Cases\CEQA\HRER\2010.0394E_2857_Broderick.doc

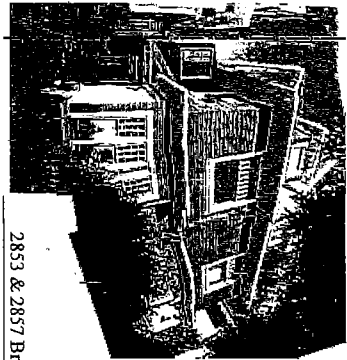


PA

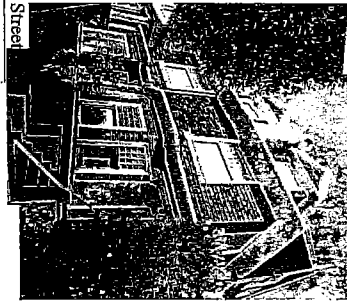
© SF 10662
Hilly Market #324
SPBglobal.net



Neighbor to the South
(DR Requestor)

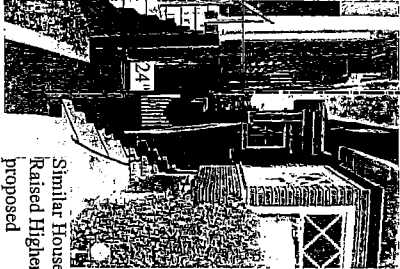


2853 & 2857 Broderick Street



APPELLANT

Property line
location
between houses
(same for 4 lots)

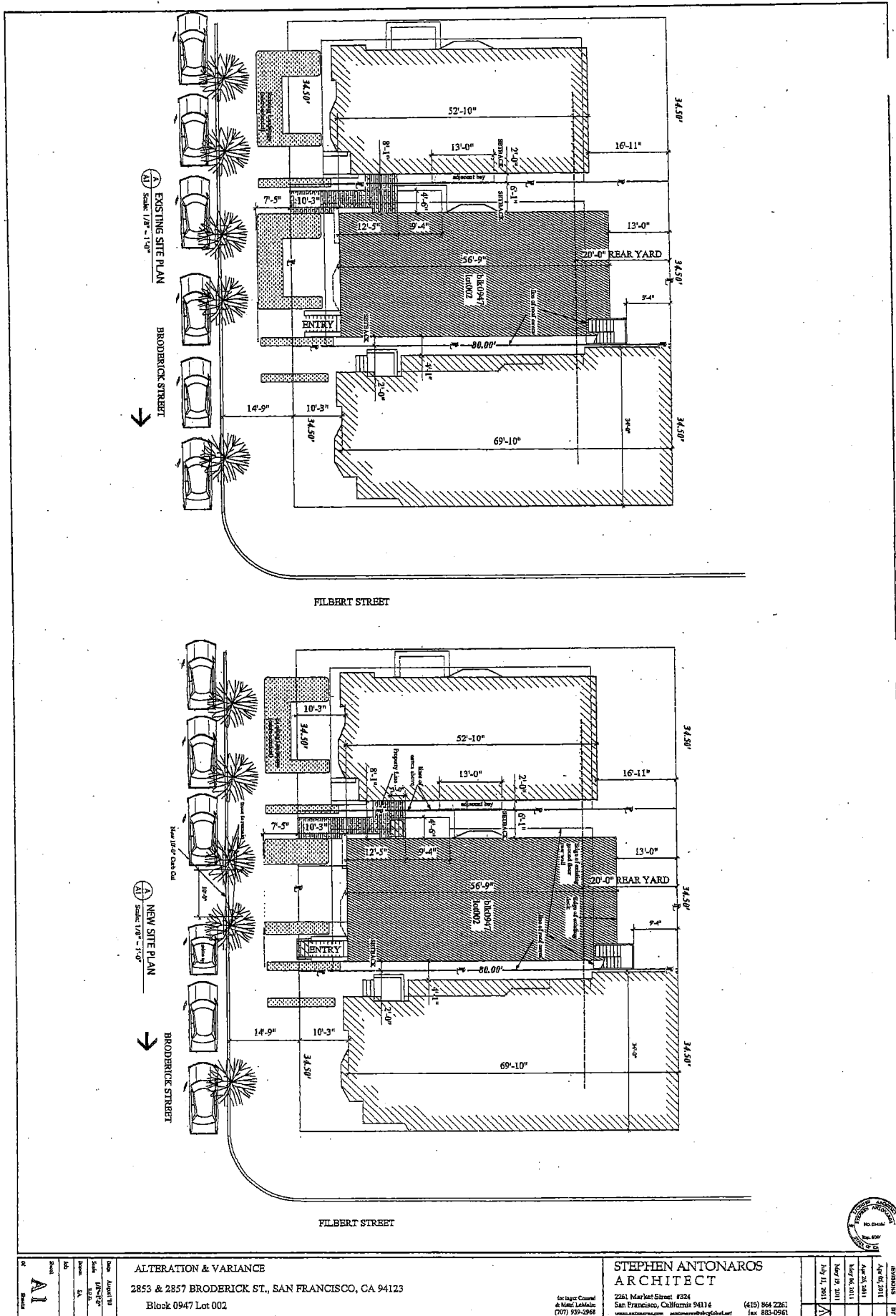


Similar House
Raised Higher than
proposed

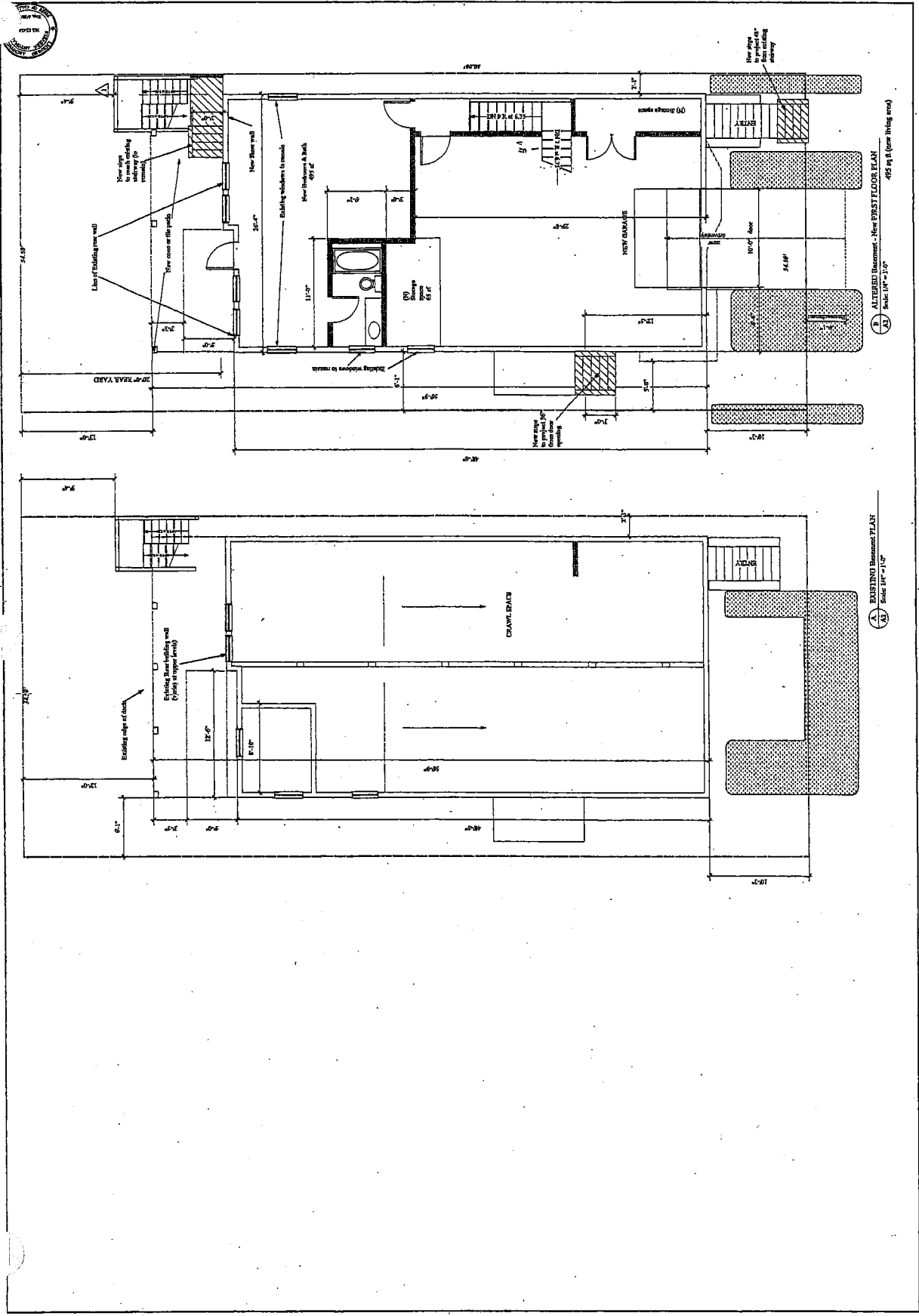


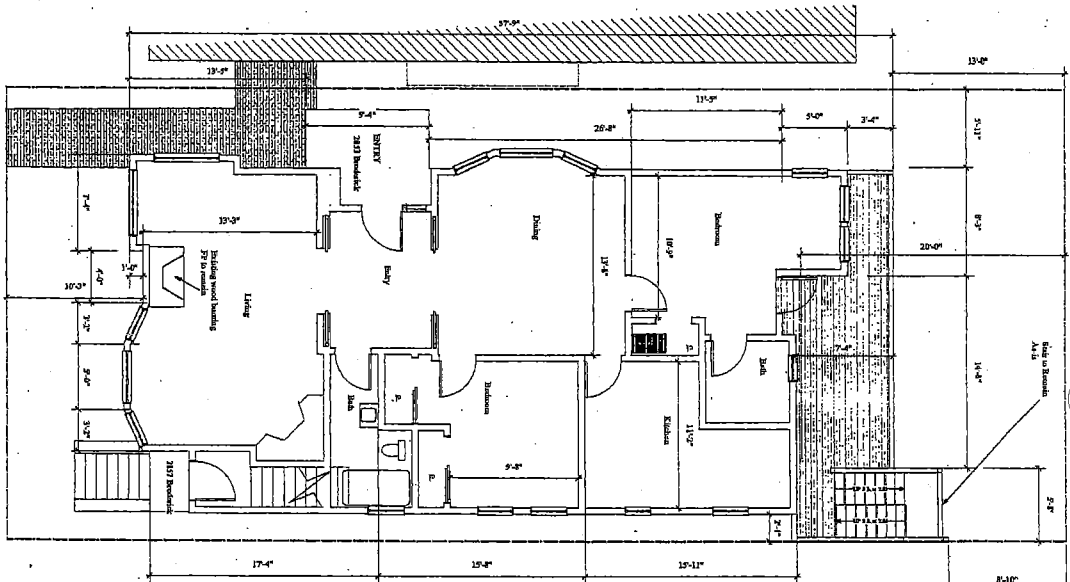
Neighbor to the North

10.0349D

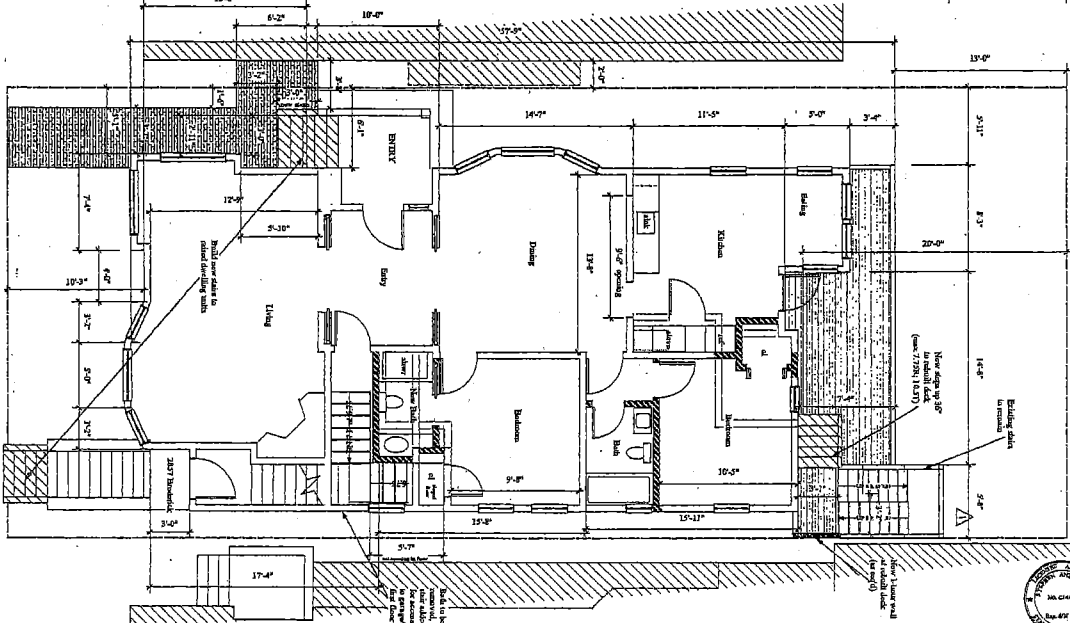


11 Scale: 1/8" = 1'-0" BRODERICK STREET FILBERT STREET	ALTERATION & VARIANCE 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123 Block 0947 Lot 002		STEPHEN ANTONAROS ARCHITECT 2261 Market Street #324 San Francisco, California 94114 (415) 864 2261 www.antonaros.com		No. 000 11/11/11
	Date: 11/11/11 Scale: 1/8" = 1'-0" Author: SA Designer: SA Checker: SA Title: SA	City: San Francisco State: CA County: San Francisco District: 11	Date: 11/11/11 Scale: 1/8" = 1'-0" Author: SA Designer: SA Checker: SA Title: SA	Date: 11/11/11 Scale: 1/8" = 1'-0" Author: SA Designer: SA Checker: SA Title: SA	Date: 11/11/11 Scale: 1/8" = 1'-0" Author: SA Designer: SA Checker: SA Title: SA





B EXISTING SECOND FLOOR PLAN
 Scale: 1/4" = 1'-0"
 2803 Broadway
 1209 sq ft



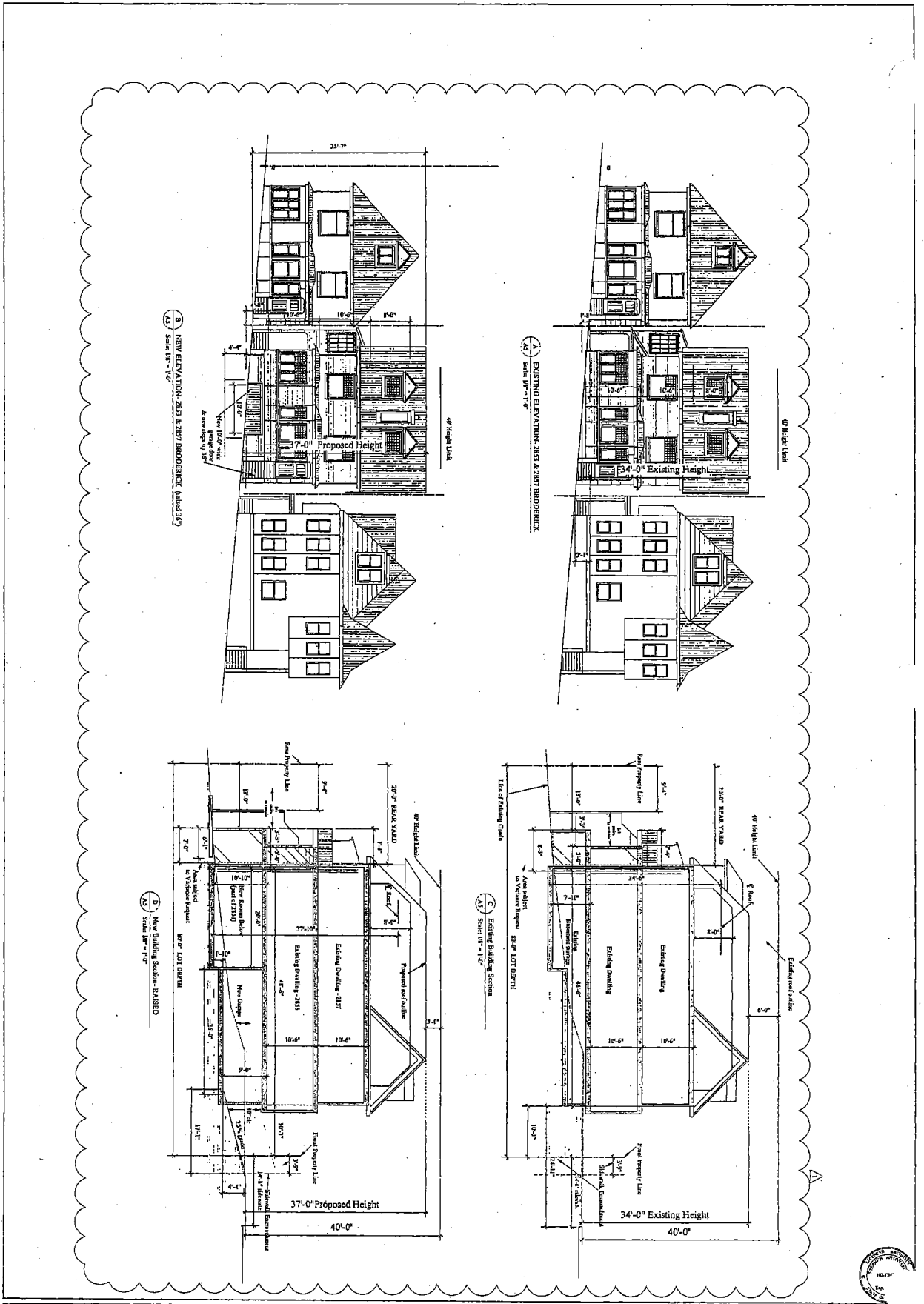
N ALTERED AND NEW SECOND FLOOR PLAN
 Scale: 1/4" = 1'-0"
 2803 Broadway
 1209 sq ft

Sheet	A3
Date	August 19
Scale	1/4" = 1'-0"
Author	SA
Check	SA
Drawn	SA
Project	2803 Broadway

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

STEPHEN ANTONAROS ARCHITECT
 2261 Market Street #204
 San Francisco, California 94114
 (415) 864-2261
 Fax: 863-0561

Revision	1	Apr 03, 2011
Revision	2	Apr 16, 2011
Revision	3	May 06, 2011
Revision	4	May 19, 2011
Revision	5	May 11, 2011



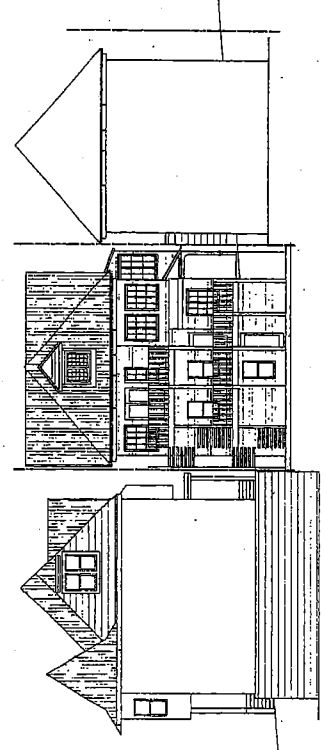
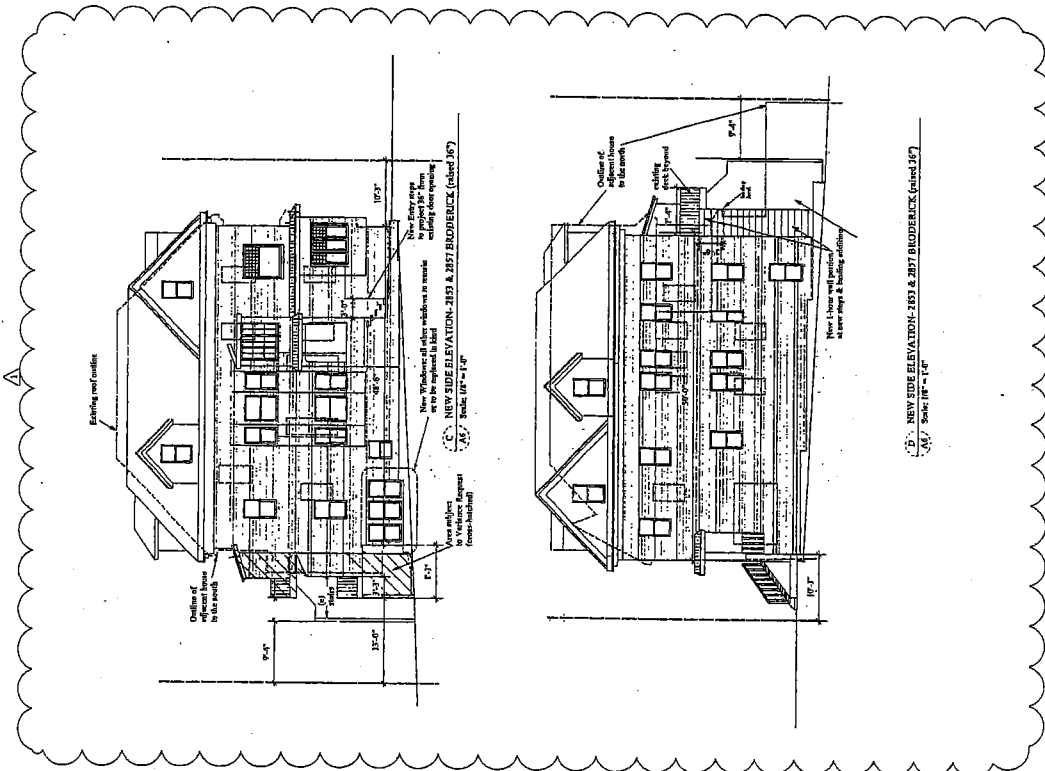
ALTERATION & VARIANCE 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123 Block 0947 Lot 002		STEPHEN ANTONAROS ARCHITECT 2261 Market Street #204 San Francisco, California 94114 (415) 864 3261 www.stephenantonaros.com For larger format & more details: (707) 539-2968		REVISIONS 11 10 9 8 7 6 5 4 3 2 1 APR 23, 2011 MAY 05, 2011 MAY 19, 2011 JUL 21, 2011
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DATE	APR 23, 2011
APPROVED	APR 23, 2011
DATE	APR 23, 2011
APPROVED	APR 23, 2011
DATE	APR 23, 2011
APPROVED	APR 23, 2011

STEPHEN ANTONAROS
ARCHITECT
2681 Market Street, #204
San Francisco, California 94114
(415) 884-2251
fax: 683-0951
stephen@antonaros.com
antonarosarchitect.com

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

DATE	APR 23, 2011
APPROVED	APR 23, 2011
DATE	APR 23, 2011
APPROVED	APR 23, 2011
DATE	APR 23, 2011
APPROVED	APR 23, 2011



(A) EXISTING REAR ELEVATION - 2853 & 2857 BRODERICK
Scale 1/8" = 1'-0"

(B) NEW REAR ELEVATION - 2853 & 2857 BRODERICK (sheet 347)
Scale 1/8" = 1'-0"



DEPARTMENT OF BUILDING INSPECTION
City & County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

ATTACHMENT A

REQUEST FOR APPROVAL OF LOCAL EQUIVALENCY FOR MODIFICATION
OR ALTERNATE MATERIALS, DESIGN OR METHODS OF CONSTRUCTION

DATE SUBMITTED March 29, 2012 [Note: This form shall be recorded as part of the permanent construction records of the property]

If no permit application has been filed, a Preapplication Review Fee is required for review of a request for local equivalency or modification, per SFGC Table 1A-B, Item 5. Additional fees may be required by Fire Department and other City review agencies.

If a permit application has been filed, no additional fees are required for this review.

Permit Application # 2011 0325 2839

Property Address: 2853 + 2857 BROADBICK ST

Block and Lot: 0912 022-Occupancy Group: R-3Type of Construction: II No. of Stories: 7

Description of Building: 2 FAMILY DWELLING

Under the authority of the 2010 San Francisco Building Code, Sections 104A.2.7 and 104A.2.8, the 2010 San Francisco Mechanical Code, Section 105.0; the 2010 San Francisco Electrical Code, Section 89.11.7; and the 2010 San Francisco Plumbing Code, Section 301.2; the undersigned requests modifications of the provisions of these codes and/or approval of alternate materials, designs or methods of construction. Two copies of supporting documents, including plans showing the proposed modifications or alternate materials, design or methods of construction, are attached.

Regular Code Requirement (specify Code and Sections)

WITHIN 5 FEET OF FIRE LANE 1-HR WALL REQUIRED AT STAIRS

Proposed Modification or Alternate

PROPOSAL IS TO PROVIDE A SOLID CONCRETE
OR MASONRY NON-COMBUSTIBLE CONSTRUCTION
FOR THE 5' SET OF ENTRY STEPS TO TAKE
NEW, RAISED RUBBERED ENERGY EFFICIENT TO
BE OF METAL CAN EXIST IN INFLAMMABLE TO
5) HELD TO EXIST IS ONLY 36" HIGH

Case-by-Case Basis of Request - Describe the practical difficulties presented in meeting the specific conditions of the code and how the proposed modification or alternate meets the intent of the code. A separate form should be filed for each requested modification or alternate. Attach copies of any Administrative Bulletin, Code Ruling, reference, test reports, expert opinions, etc., which support this request. The Department may require that an approved consultant be hired by the applicant to perform tests or analysis and to submit an evaluation report to the Department for consideration.

1) CONSIDER THE HISTORY & INTENT OF THE
PROPOSED AND THE HISTORICAL LACK OF SEPARATION
BETWEEN ADJACENT BUILDINGS TO PROVIDE A
STRONG FIRE WALL INSTEAD OF THE PROPOSED
OPEN RAILING, WHICH WOULD BE A HAZARD TO THE HISTORIC
BUILDING AND THE NEIGHBORING AREAS TO BEHIND
IT. ADJACENT WOULD BE MADE TO BE LESS THAN 12 FEET
TO DISTANCE TO STAIRS. ANY NEW MODIFICATION WOULD
REQUIRE A 1-HR WALL, NON-COMBUSTIBLE CONSTRUCTION PER SFGC

Requested by:

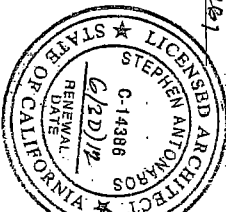
Print Name: STEPHEN ANTONIAROS

Signature:

[Signature]

STEPHEN ANTONIAROS
PROFESSIONAL ARCHITECT
(MCS) 864-52161

Telephone:



APPROVED
Dept. of Building Insp.

APR 17 2012

[Signature]
DIRECTOR/CHIEF BUILDING INSPECTION

2011 03 25 2839

REVISED PLANS

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PLAN REVIEWER COMMENTS:

RECOMMENDATIONS: Approve Approve with conditions Disapprove
 [signed off/dated by:] Ray 3/27/12
Routon 3/27/12

Plan Reviewer:
 Division Manager:
 for Director of
 Hldg. Inspection
 for Fire Marshal:

CONDITIONS OF APPROVAL or OTHER COMMENTS

2011 0325 2839

APPROVED
 Dept. of Building Insp.

APR 17 2012
 Director of Dept.
 OF BUILDING OFFICIAL
 CHIEF BUILDING INSPECTION
 DEPT. OF BUILDING INSPECTION

2853-2857
 Brodericks St.

3/07/12

48
RECORDING REQUESTED BY:
Name: **INLET COURT** CITY OF SAN FRANCISCO
Address: **1077 WESTHEAD COURT** (with original map) SAN FRANCISCO, CA 94116
City: **SAN FRANCISCO**
State: **CALIFORNIA**
SPACES ABOVE THIS LINE FOR RECORDERS USE

BEING ASSASSOR'S BLOCK: 0947 LOT: 002
COMMONLY KNOWN AS: 2853-2857 BRODERICK STREET
*
The restrictions and conditions of which notice is hereby given are:
GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to raise the building three feet to insert a garage at the ground floor and to alter the existing rear stairs and deck structure to provide continued access to the rear yard subject to the following conditions:
1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
2. As two existing street trees are to be retained and a new curb cut and driveway are proposed within the rear dripline, the applicant shall submit a Tree Protection Plan, by a

*
Legal Description 2853-2857 Broderick Street
San Francisco, California
BEGINNING at a point on the western line of Broderick Street, distant thereon 56 feet and along said line of Broderick Street 34 feet and 6 inches thence at a right angle westerly 80 feet to the southern line of Inlet Street naming thence southerly and along said line of Broderick Street 34 feet and 6 inches thence at a right angle westerly 80 feet thence at a right angle northerly 34 feet and 6 inches thence at a right angle northerly 56 feet and 6 inches to the point of the beginning.
BEING part of the Western Addition Block No. 550.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE
certified arborist as required by the Tree Resource Statement. The Tree Protection Plan shall be reproduced onto the construction plans submitted with the site or Building Permit Application for the project. In the event the trees are to be removed, a Tree Removal Permit shall be secured from the Department of Public Works, Urban Forestry Division, and a minimum of one (1) 24-inch-diameter replacement street tree shall be planted.
4. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
5. Minor modifications as determined by the Zoning Administrator may be permitted.
6. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
7. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the index sheet of the construction plans submitted with the site or Building Permit Application for the project. This index sheet of the construction plans shall reference the Variance Case Number.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code and no release, modification or elimination of these restrictions shall be valid unless Planning Code and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.
Date: **1-23-12**
at San Francisco, California
Tim Lockfield (Arborist Signature)
This signature must be acknowledged by a notary public before recording.
and Notary Public Certification and Original Notarial Seal Below.
C:\Projects\2857 Broderick Street\WEST

APPROVED
MAY 17 2012
MAY 13 2012
Signature of Notary
MAY 13 2012
MATTHEW EVANS
COMM. # 12345
NOTARY PUBLIC
STATE OF CALIFORNIA
Notary Public Seal

APPROVED
MAY 17 2012
MAY 13 2012
Signature of Notary
MAY 13 2012
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COMM. # 12345
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STATE OF CALIFORNIA
Notary Public Seal

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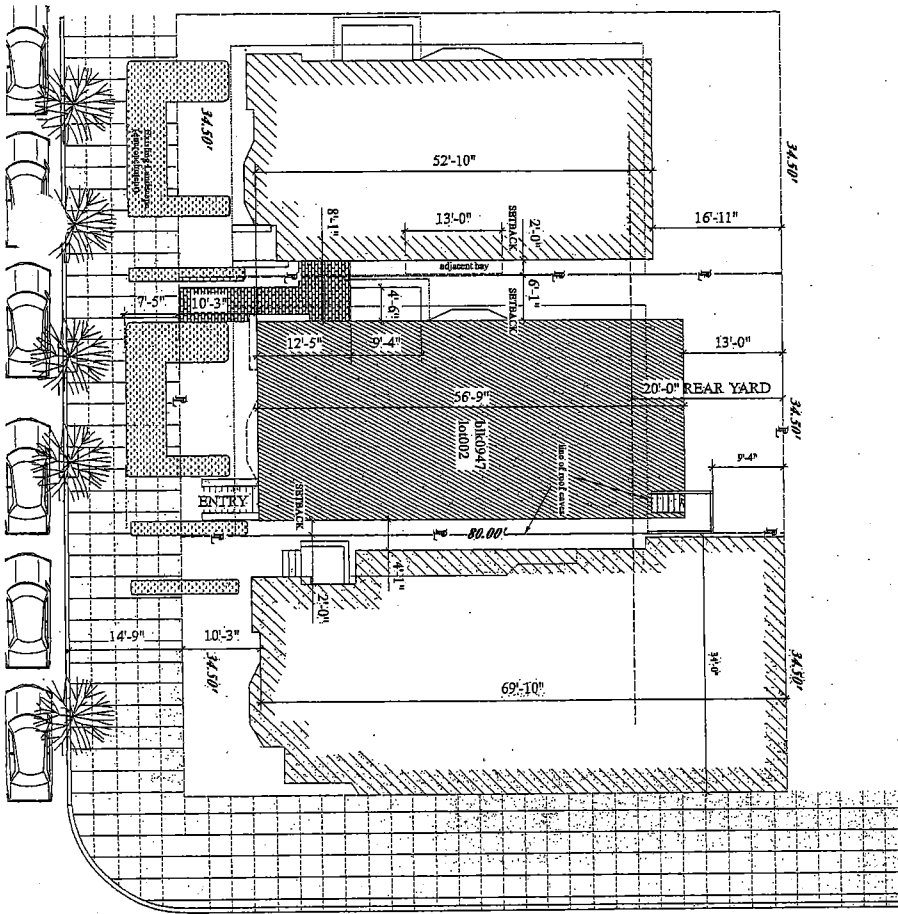
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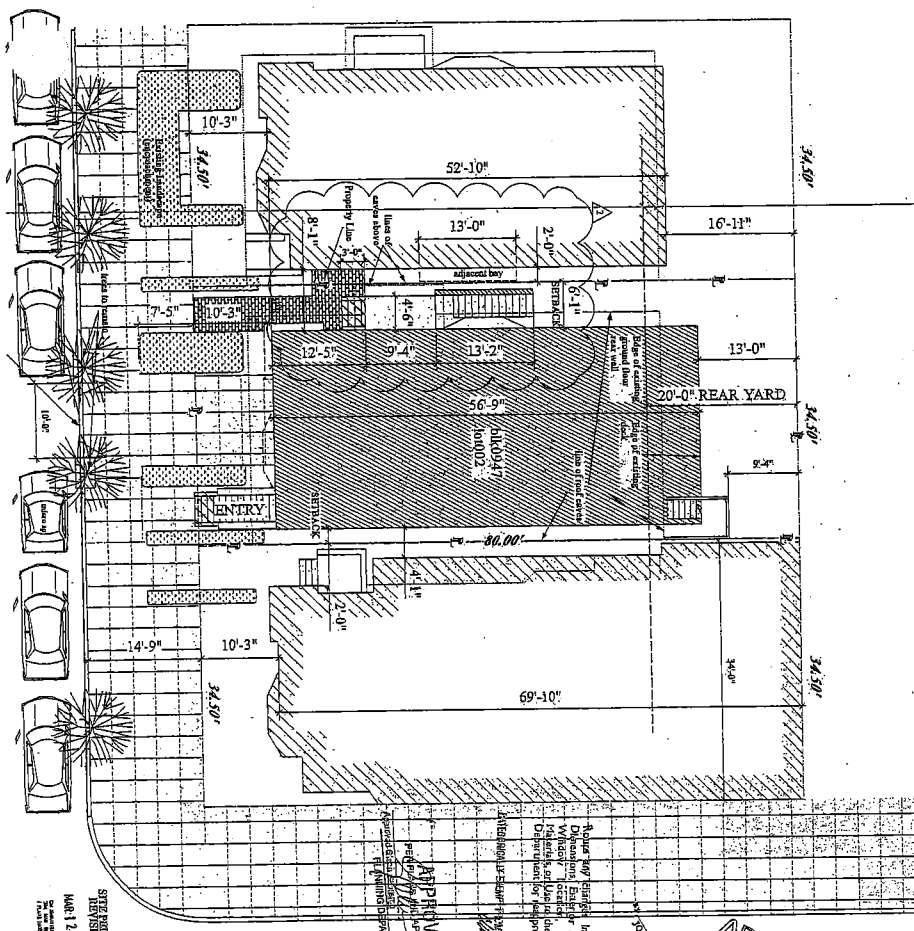
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COMM. # 12345
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STATE OF CALIFORNIA
Notary Public Seal



FILBERT STREET



FILBERT STREET

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 (Seal of Building Inspector)
 APR 17 2012

APPROVED
 (Seal of Building Inspector)
 APR 17 2012

APPROVED
 (Seal of Building Inspector)
 APR 17 2012

APPROVED
 (Seal of Building Inspector)
 APR 17 2012

ALTERATION & VARIANCE
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123

STEPHEN ANTONAROS
 ARCHITECT

2261 Market Street #324
 San Francisco, California 94114
 (415) 864 9961



Sheet	001
Date	August 1, 2012
Scale	1/8" = 1'-0"
Author	SA

May 01, 2012



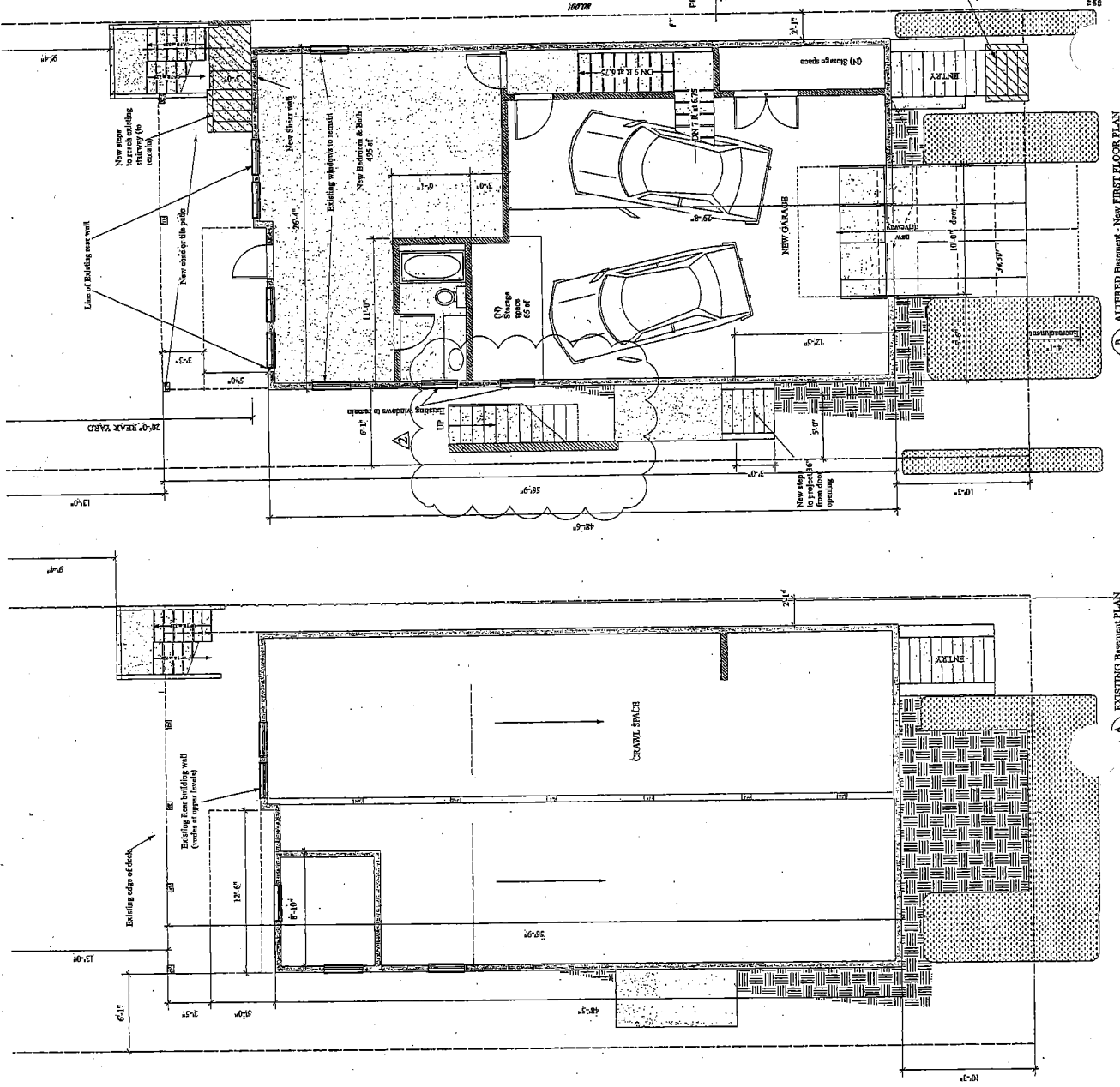
APPROVED
 APR 17 2012
 PLANNING DEPARTMENT

APPROVED
 APR 17 2012
 PLANNING DEPARTMENT

APPROVED
 APR 17 2012
 PLANNING DEPARTMENT

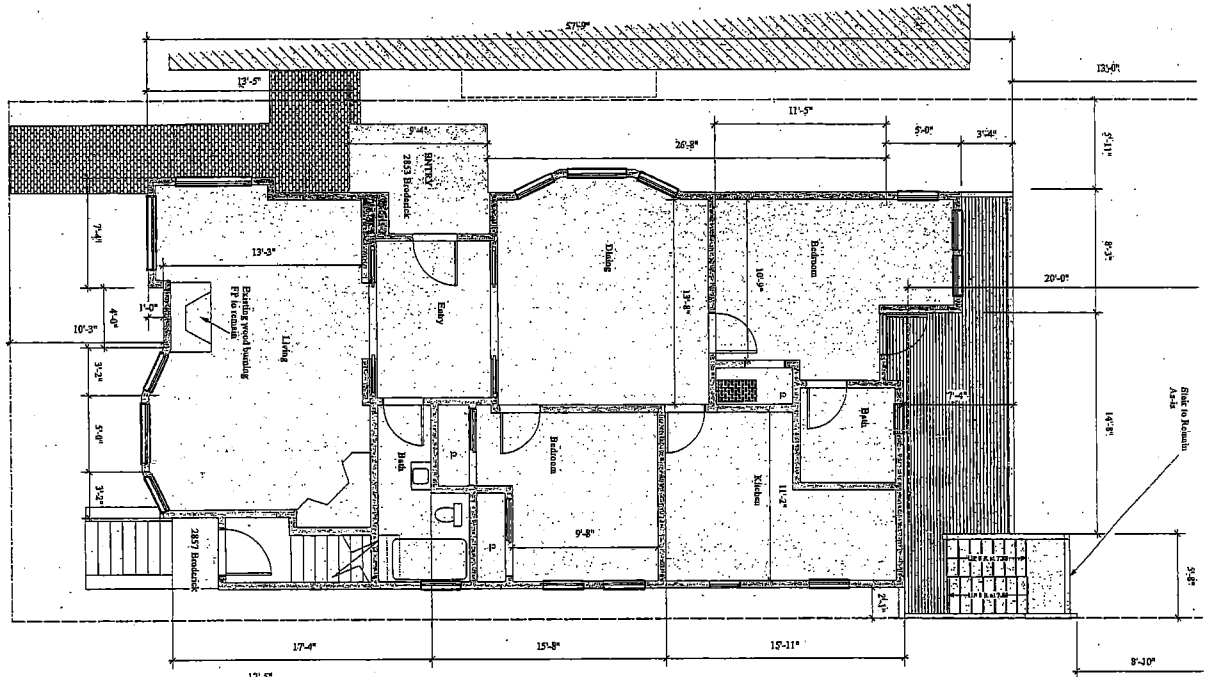
ALTERATION & VARIANCE
 2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94112

Date	August
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Drawn	SF
Sheet	101

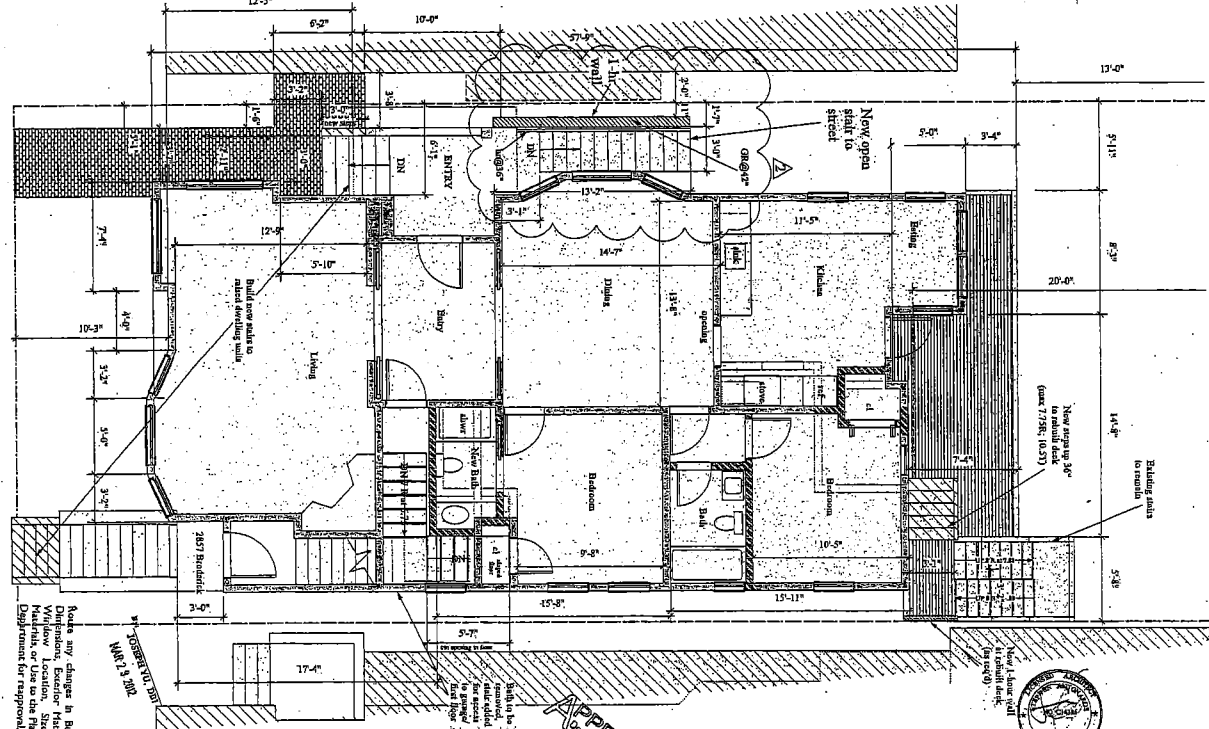


(A) EXISTING BASEMENT PLAN
 Scale: 1/8" = 1'-0"
 40x on 8' from (lower area)

(B) ALTERED BASEMENT - NEW FIRST FLOOR PLAN
 Scale: 1/8" = 1'-0"
 40x on 8' from (lower area)



21. EXISTING SECOND FLOOR PLAN
 Scale: 1/4" = 1'-0"
 2853 Broderick
 1298 sq ft



22. ALTERED 2nd Fl. - NEW THIRD FLOOR PLAN
 Scale: 1/4" = 1'-0"
 2853 Broderick
 1298 sq ft

APPROVED
 PER P.P.S. AND PERMITS

APPROVED
 651
 APR 17 2012

STEPHEN ANTONAROS
 ARCHITECT

2261 Market Street #324
 San Francisco, California 94114
 (415) 864 7961

Date	August 11, 2011
Scale	1/4" = 1'-0"
Drawn	SA

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

Job	
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MADE 08.08.2012

Apr 05, 2011
May 05, 2011
May 19, 2011

STEPHEN ANTONAROS
ARCHITECT

For City Council

2261 Market Street #324

2853 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94123

ALTERATION & VARIANCE

Date	August 18, 2011
Scale	1/8" = 1'-0"
Drawn	SVA
Sheet	146

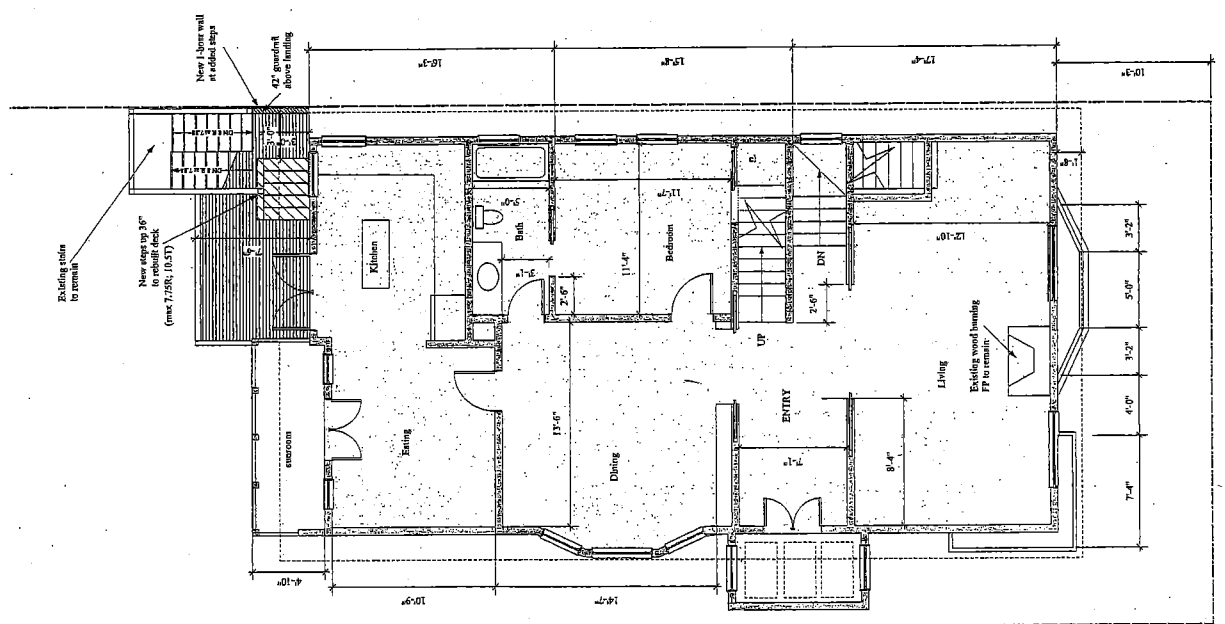
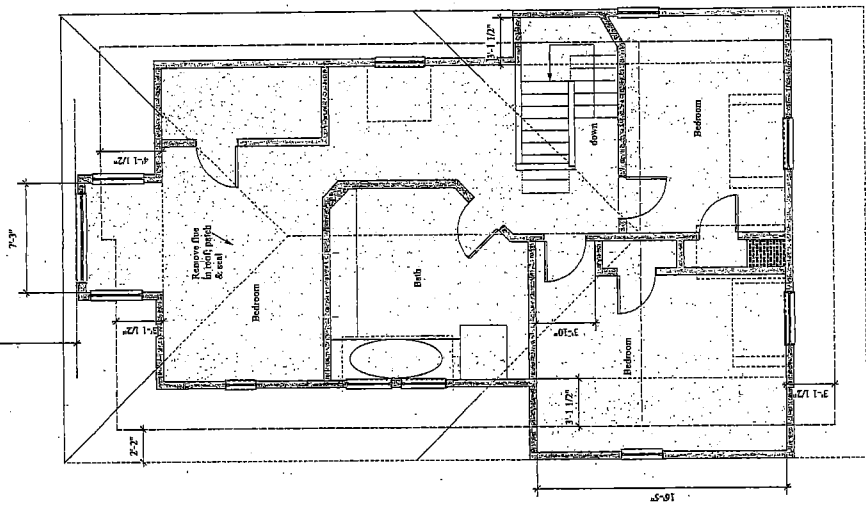
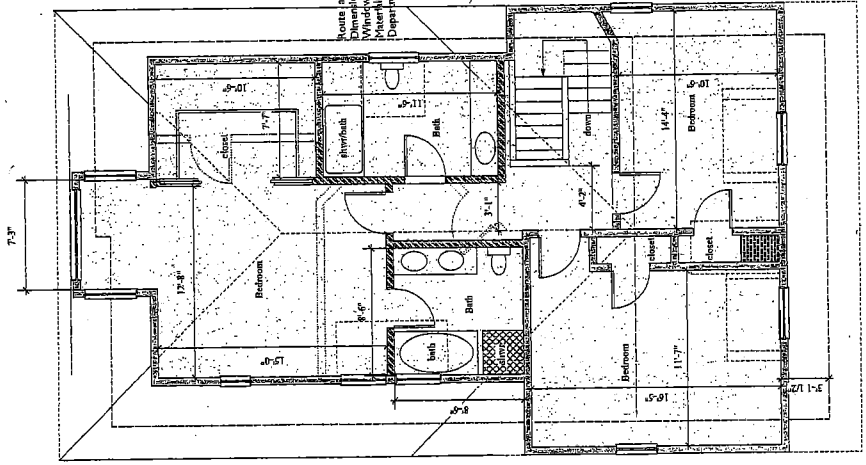
SEE NEXT PAGES FOR
VARIANCE
MAY 2 0 2011



APPROVED
PER PLANS AND LOCATION
PLANNING DEPARTMENT
APR 17 2012
City of San Francisco

APPROVED
APR 17 2012
City of San Francisco

NO. 10000
STEPHEN ANTONAROS, ARCHITECT

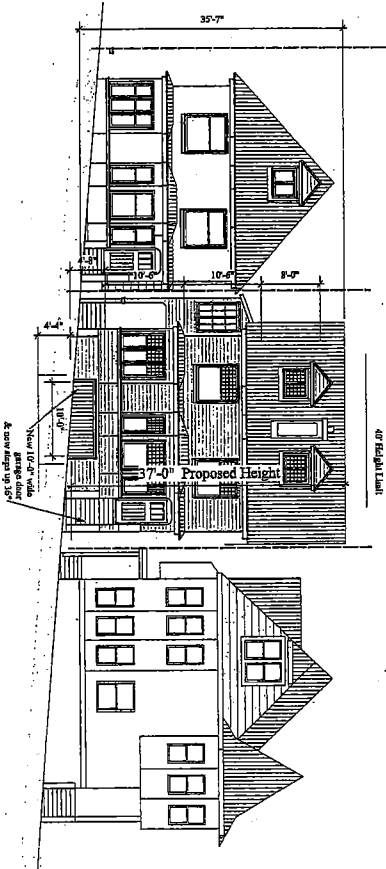


A1) ALTERED 3rd FLR - NEW FOURTH FLR PLAN
Scale: 1/8" = 1'-0"
2857 Broderick

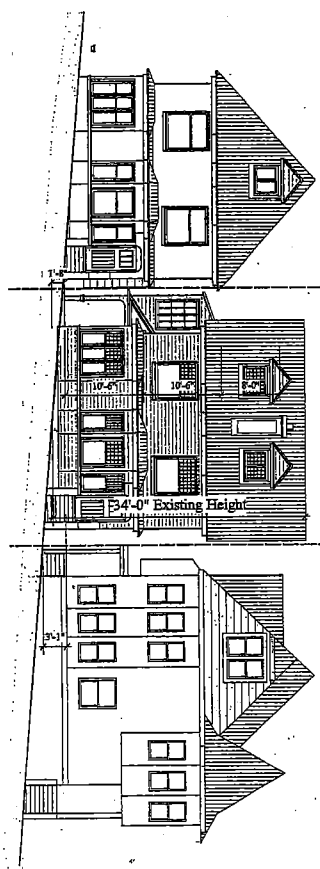
B) EXISTING THIRD FLR PLAN
Scale: 1/8" = 1'-0"
2857 Broderick

C) EXISTING 2nd FLR - NEW THIRD FLOOR PLAN
Scale: 1/8" = 1'-0"
2857 Broderick

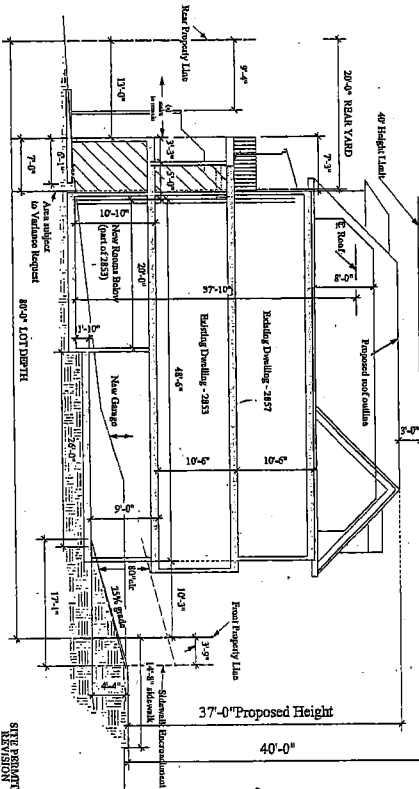
(B) NEW ELEVATION - 2853 & 2857 BRODERICK (Raised 30")
Scale: 1/8" = 1'-0"



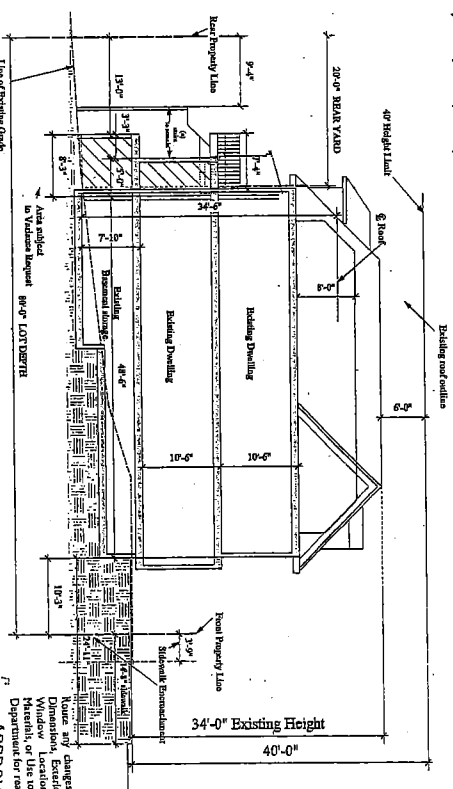
(A) EXISTING ELEVATION - 2853 & 2857 BRODERICK
Scale: 1/8" = 1'-0"



(D) New Building Section RAISED
Scale: 1/8" = 1'-0"



(C) Existing Building Section
Scale: 1/8" = 1'-0"



APPROVED
City of San Francisco
Department of Planning
Date: 7/2/2011

APPROVED
FOR PLANS AND APPLICATION
DATE: 7/2/2011
PLANNING DEPARTMENT



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

653

STEPHEN ANTONAROS ARCHITECT
2261 Market Street #324
San Francisco, California 94114
(415) 864 2261
fax: 885-0961

Apr 05, 2011	Apr 05, 2011
Apr 26, 2011	May 06, 2011
May 09, 2011	May 19, 2011
July 22, 2011	

Date	Approved
Scale	1/8" = 1'-0"
Drawn	SA

Mar 15, 2012



2261 Market Street #324
 San Francisco, California 94114
 Tel: 855-0961
 Fax: 855-0961

2261 Market Street #324
 San Francisco, California 94114
 Tel: 855-0961
 Fax: 855-0961

STEPHEN ANTONAROS
 ARCHITECT

Be the Best
 2261 Market Street #324
 San Francisco, California 94114
 Tel: 855-0961
 Fax: 855-0961



2833 & 2857 BRODERICK ST., SAN FRANCISCO, CA 94113
 Block 0947 Lot 002

ALTERATION & VARIANCE

Date: August 10
 Scale: 1/8" = 1'-0"
 Drawn: SVA
 Job: Street

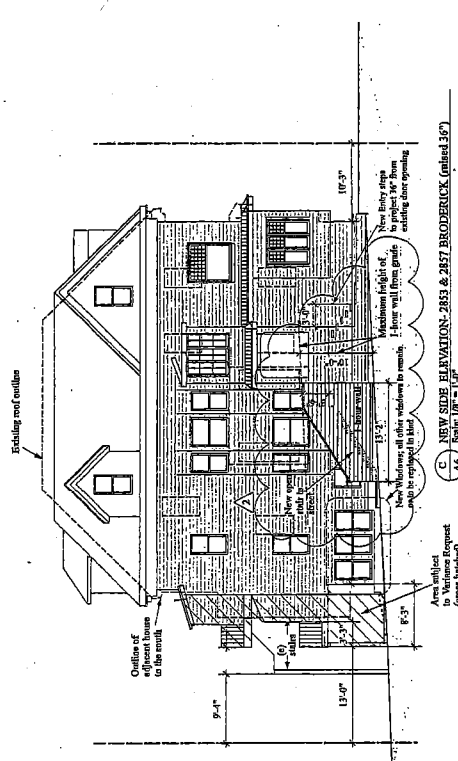
APPROVED
 City of San Francisco
 Planning Department
 MAR 13 2012

Rebuts any changes in Building
 Dimensions, Exterior Material,
 Voluntary Location, Size or
 Materials of Use to the Planning
 Department for reapproval.

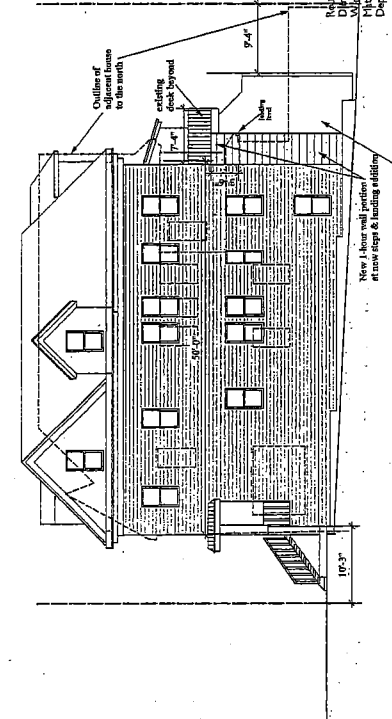
APPROVED
 PER JANS AND APPLICATION
 No. 1202
 BY JESSICA W. JAY
 PLANNING DEPARTMENT
 MAR 13 2012

STEPHEN ANTONAROS
 ARCHITECT

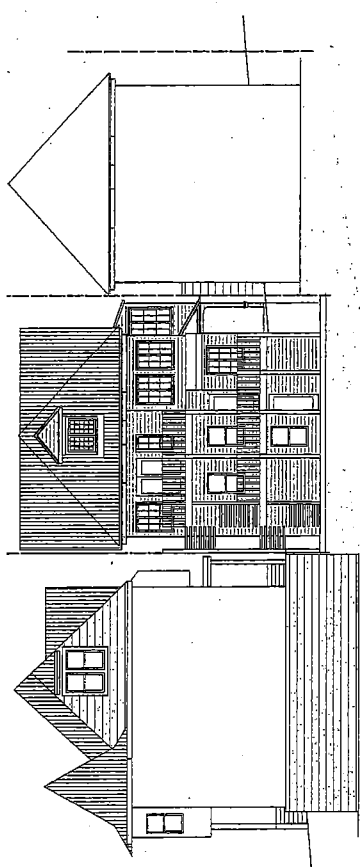
MAR 15 2012
 City of San Francisco
 Planning Department



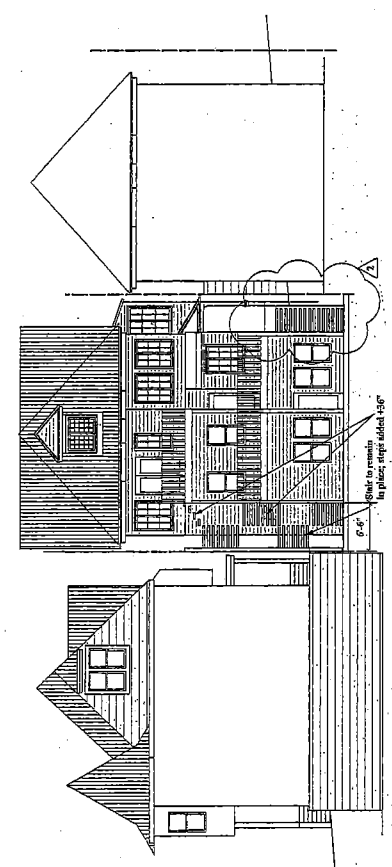
C NEW SIDE ELEVATION- 2833 & 2857 BRODERICK (revised 3/6/12)
 Scale: 1/8" = 1'-0"



D NEW SIDE ELEVATION- 2833 & 2857 BRODERICK (revised 3/6/12)
 Scale: 1/8" = 1'-0"



A EXISTING REAR ELEVATION- 2833 & 2857 BRODERICK
 Scale: 1/8" = 1'-0"



B NEW REAR ELEVATION- 2833 & 2857 BRODERICK (revised 3/6/12)
 Scale: 1/8" = 1'-0"

Re: 2853-2857 Broderick St appeal - opposition brief

iiiz

to:

Joy.Lamug, David.Chiu

08/27/2012 04:23 PM

Cc:

John.Avalos, Malia.cohen, Mark.Farrell, David.Campos,
Carmen.Chu, Sean.Elsbernd, Jane.Kim, Eric.L.Mar, Scott.Wiener,
Christina.Olague, BOS-Legislative.aides, Kate.Stacy,
Marlena.Byrne, AnMarie.Rodgers, Scott.sanchez, Tina.Tam,
Shelley.Caltagirone, Linda.Avery, Cynthia.goldstein,
Victor.pacheco, Robert.bryan, Stephen Antonaros, Jon.Givner,
Catherine Stefani, Pam Whitehead, mnykamp, Kate Kardos,
Angela.Calvillo, Angela.Calvillo, Rick.Caldeira, Nicole.Lyshorn,
Ronald.tom

Show Details

Dear All (...Whole World):

The issues on Appeal before the BOS scheduled for September 4th have been resolved well over a week ago. Stephen Antonaros, the Project Sponsor's architect, submitted drawings to all the parties, to Scott Sanchez at City Planning and to Ronald Tom at DBI. Everyone has reviewed the drawings, found the drawings to be acceptable, and the expectation is that once the Project Sponsor submits those drawings (to be initialed on each page) to City Planning and DBI she will receive an amended Permit and will be able to immediately commence construction.

I want to thank everyone who worked on the resolution process because we achieved an excellent product and conclusion.

A week ago I submitted to the Project Sponsor and to Stephen Antonaros a draft of a Settlement Agreement that will indicate that our dispute is over. The Project Sponsor was out of town until August 22nd and thereafter I received a draft of an Agreement from her lawyer, John Kevlin, the latest version of

Re: 2853-2857 Broderick St appeal - opposition brief

iiz

to:

Joy.Lamug, David.Chiu

08/27/2012 04:23 PM

Cc:

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Marlena.Byrne, AnMarie.Rodgers, Scott.sanchez, Tina.Tam,
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Victor.pacheco, Robert.bryan, Stephen Antonaros, Jon.Givner,
Catherine Stefani, Pam Whitehead, mnykamp, Kate Kardos,
Angela.Calvillo, Angela.Calvillo, Rick.Caldeira, Nicole.Lyshorn,
Ronald.tom
Show Details

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I want to thank everyone who worked on the resolution process because we achieved an excellent product and conclusion.

A week ago I submitted to the Project Sponsor and to Stephen Antonaros a draft of a Settlement Agreement that will indicate that our dispute is over. The Project Sponsor was out of town until August 22nd and thereafter I received a draft of an Agreement from her lawyer, John Kevlin, the latest version of

which arrived late Friday, Aug. 24th. I responded to the Project Sponsor on Saturday, Aug. 25th, and have had no reply since. We expect that once the Settlement Agreement is signed that we will draw our appeals from the BOS and BOA and the Project Sponsor will be able to receive an amended Permit and to begin construction immediately.

We, the Appellant, suggested a Settlement Agreement that will include the following points:

1. The Parties to the Agreement are the parties who signed the Appeal request to the BOS and to BOA on their own behalf and on behalf of their representative.
2. The specific issues that have been resolved successfully are: The building will be lifted no more than a maximum 36 inches (which includes the field tolerance in the Building Code) and as decided by the Planning Commission; the second means of egress will be as provided by the revised plans and the deck, stairs and fire wall previously submitted are eliminated; the back yard stair case remains as provided in the drawings.
3. The Project Sponsor will submit the agreed upon drawings and request an Amended Permit, which she is expected to receive, and immediately proceed to construction.
4. Appellant will not file any further appeals or complaint prior to the Project Sponsor receiving the Amended Permit. (This is as per the John Kevlin's request on the phone Friday afternoon).
5. Appellant states that it knows of NO ONE, ANY WHERE, that wishes to appeal any issue in the revised drawing or to prevent the Project Sponsor from receiving an amended Permit, based on the agreed upon drawings, and proceed immediately to commence construction.
6. Appellant and Project Sponsor RELEASE each other and hold each other harmless of their respective claims in the appeals dealing specifically with: the height of the lift of the building, the second means of egress; and the rear yard stair case.
7. Project Sponsor and Appellant are each responsible for their own attorney fees.
8. The Appellant will IMMEDIATELY upon the signing of the Settlement Agreement withdraw the appeals from the BOS and the BOA.

We feel that this is a narrow, simple, and clean Agreement, dealing with all the PRESENT issues which have been resolved and avoids dealing with future issues which may never come up, and if they do we have no idea what they might be nor the format or forum that they will appeal in.

John Kevlin objects to:

1. He wants the parties to sign the Agreement to be all the neighbors in the neighborhood even though they are not signatories to the Appeals.
2. If they do not sign, then he wants to request of the Board of Supervisors and the Board of Appeals to never accept any appeal from such neighbors with regard to this Project.
3. He wants the Appellant to never file any other appeal in the future dealing with the Project.
4. He wants the prevailing party, in any future dispute, to be reimbursed for attorney fees.

We pointed out that with regard to:

#1. Only the signatories to the appeals, as principals and on behalf of their representative, have standing to sign the Agreement. They will be withdrawing the Appeals.

#2 and #3 are contrary to law and public policy. Every person has a right to "redress his/hers grievances with their government in all public forums". That right has been granted to us long before any of us were born and our forefathers

provided for that in our Founding Documents. It is improper for the BOS or the BOA to refuse to hear an appeal from a constituent, a priori, based on a Private Document signed between two parties. Our LEADERS, elected or appointed, are charged with listening to our grievances and aiding us in addressing such grievances.

We cannot be forced by Agreement to predict the future and know what issue might come up about which we have absolutely no current knowledge as to content or Forum where it will appear.

#4. We never hired a lawyer to represent us and we do not intend to hire a

lawyer. As far as we are concerned the issues have been resolved. We are not interested in anyone paying for our attorney fees and conversely we are not interested in paying anyone else's attorney fees. We believe that if conflict is to cease, it will be partly because each party has to pay for its own attorney fees.

These two drafts of the Agreement have been submitted to Catherine Stefani in Supervisor's Farrell office. She has been so enormously helpful in arriving at the resolution of the issues thus far and we hope that she will be able to assist us in this last phase.

We are not submitting a reply brief to the one filed by John Kevlin because there is nothing further to appeal. A solution has been found that everyone has blessed; all the Parties, City Planning and DBI. THERE IS NOTHING LEFT TO DISPUTE ABOUT!! Any effort by John Kevlin to go through with a Hearing on Sept. 4th, is waste of everyone's resources, time and effort and self serving.

I wonder who is the someone who is going to gain from going through the motions of a hearing??????

I look forward to resolve the issues of the Settlement Agreement and to withdraw the appeals.

Sincerely,

Irving Zaretsky

On Aug 27, 2012, at 12:29 PM, Joy.Lamug@sfgov.org wrote:

Dear All,

Please see below email from John Kevlin with Reuben & Junius on the subject.

Thanks,
Joy

Joy Lamug
Board of Supervisors
Legislative Division
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Tel: 415.554.7712
Fax: 415.554.7714
Email: joy.lamug@sfgov.org

MONDAY DEADLINE: Departments must submit electronic version of legislation by 9:00 am with original and 4 copies to be submitted by 12:00 noon.

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.

http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548

----- Forwarded by Joy Lamug/BOS/SFGOV on 08/27/2012 12:18 PM -----

From: "John Kevlin" <jkevin@reubenlaw.com>
To: <joy.lamug@sfgov.org>
Cc: "Angela Calvillo" <Angela.Calvillo@sfgov.org>, "Pam Whitehead" <Whiteheadwest@msn.com>, "Stephen Antonaros" <santonaros@sbcglobal.net>
Date: 08/27/2012 11:43 AM
Subject: 2853-2857 Broderick St appeal - opposition brief

Hi Joy,

John Kevlin here with Reuben & Junius. I am representing the project sponsor in the 2853-2857 Broderick St CEQA appeal, scheduled for September 4. Please find attached our brief in opposition to the appeal. We have not been able to come to a private settlement of the case yet, but I will let you know as soon as possible if and when we do reach an agreement prior to the hearing. Thank you, and let me know if you have any questions. I will have 12 hardcopies of the brief delivered to your office today.

John

<Mail Attachment.gif>

John Kevlin

Reuben & Junius, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
tel: 415-567-9000
fax: 415-399-9480
email: jkevin@reubenlaw.com
twitter: @JKLandSF

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<LTR - Chiu 2853 Broderick St CEQA appeal response brief
FINAL 8-27-2012.pdf>

REUBEN & JUNIUS LLP

August 27, 2012

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2012 AUG 27 PM 1:48
db

Joy Lamug
Office of the Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

**Re: 2853-2857 Broderick Street; Project Sponsor's Brief in Opposition to Appeal
of Categorical Exemption
Hearing Date: September 4, 2012
Our File No.: 7296.01**

Dear Ms. Lamug:

On behalf of Mr. Kevlin, please find enclosed 12 copies of project sponsor's brief in opposition to the Appeal of Categorical Exemption. Should you have any questions, please do not hesitate to contact this office.

Thank you.

Very truly yours,

REUBEN & JUNIUS, LLP



Lenore M. ElKarou
John Kevlin

Enclosures

cc: John Kevlin

Bots-11
CORS
019-504

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BOARD OF SUPERVISORS
SAN FRANCISCO

2012 AUG 27 PM 2:09

AK

REUBEN & JUNIUS LLP

August 27, 2012

President David Chiu
San Francisco Board of Supervisors
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: 2853-2857 Broderick Street; Project Sponsor's Brief in Opposition to Appeal of Categorical Exemption
Hearing Date: September 4, 2012
Our File No.: 7296.01

Dear President Chiu and Supervisors:

This office represents Pam Whitehead, the project sponsor ("Project Sponsor") of a proposed alteration project at 2853-2857 Broderick Street (the "Property"). This letter is provided in response and in opposition to the appeal of the Categorical Exemption ("Catex") for the Project. Appellant has submitted no evidence of any kind showing that the Project is not eligible for a Catex, and has failed to demonstrate that the Planning Department ("Department") did not proceed in compliance with state and local law when it prepared and issued the Catex. The appeal should be rejected.

The determination of whether a project is exempt from CEQA is fundamentally an information gathering process whereby information and facts are collected and an objective determination is made as to whether those facts provide substantial evidence that the project falls within an exemption that has been determined not to have a significant effect on the environment. Here, Appellants' only claims arise from their opposition to certain aspects of the Project, not from any evidence provided calling into question the validity of the Catex. No facts of any kind have been presented that would indicate there is substantial evidence indicating the Project is not eligible for a Catex.

This hearing is concerned solely with the adequacy of the CEQA document. This is not a project approval hearing. In their brief, Appellants have appealed the Catex, but in support only discuss their opposition to Project, specifically with respect to the rear deck, stairs, side gates, and firewall. The Project itself is not before the Board of Supervisors on this appeal, and the Board should focus solely on whether the Catex was properly issued, not whether the Project should be modified or approved.

The Department's analysis of the Project was thorough, and its conclusions were supported by substantial evidence. Based on the evidence before you, we respectfully request that you deny the appeal, and uphold the Catex.

A. The Project

The Project proposes to:

- (1) Raise the existing home 36 inches;
- (2) Build a new garage beneath the existing structure;
- (3) Conduct various interior alterations;
- (4) Seismically upgrade the existing home and repair damage from recent fire;
- (5) Construct new exit stair in side yard adjacent to Appellants' property.

No new deck is proposed as part of the Project. Appellants' reference to a new deck is a reference to a landing included as part of the new side yard stair construction. The new side stairs, with a firewall to enclose the stairway along the property line, is required by the Building Code.

B. The Catex Is Proper Under CEQA

A project is eligible for a categorical exemption from CEQA when there is substantial evidence on the record that the project falls within an exemption outlined in Section 15301 through 15333 of the CEQA Guidelines. These categorical exemption classes have been determined not to have a significant effect on the environment by the California Natural Resources Agency. (Pub. Res. Code § 21084; CEQA Guidelines § 15300.) If a lead agency determines that there is substantial evidence supporting a project's eligibility for a class categorical exemption, CEQA declares that they are categorically exempt from the requirement for the preparation of additional environmental documents. (CEQA Guidelines § 15300.)

1. Substantial Evidence; Effects on Environment Generally

When considering whether a project is eligible for a categorical exemption, a lead agency has the discretion to assess the evidence presented in order to determine whether it meets CEQA's definition of substantial evidence. Substantial evidence includes "fact, a reasonable assumption predicated on fact, or expert opinion supported by fact." (Pub. Res. Code § 21080(e)(1).) Substantial evidence does not include argument, speculation, unsubstantiated

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opinion or narrative, or evidence that is clearly inaccurate or otherwise not credible. (Pub. Res. Code § 21080(c)(2); CEQA Guidelines § 15064(f)(5).)

One of the central tenants of CEQA is that it is concerned with effects on the broader environment, not with effects on particular persons or particular businesses or properties. (*Ukiah, supra*, 2 Cal.App.4th at p. 734; *Topanga Beach Renters Assn v. Dept. of Gen Servs.* (1976) 58 Cal.App.3d 188, 195; CEQA § 21083(b)(3); CEQA Guidelines § 15065(a)(4).) Appellant's case is based on alleged effects on them and their property, not on the environment as a whole. These are not relevant claims under CEQA and should be rejected.

Appellants challenge the Catex's conclusion that (1) "the proposed project would not cause a substantial adverse change in the significance of the resources to render it materially impaired," and (2) "the proposed project would not have an adverse effect on off-site resources such as adjacent historic properties." Beyond that, there is no discussion of how the Project could in fact be inconsistent with these environmental determinations. The remainder of the appeal brief discusses Appellants' basis for opposing the Project, not the Catex. Specifically, Appellants oppose the new staircase, landing and the firewall at the property line and the side gates.

Throughout the Appellants' brief, they make clear their opposition to these aspects of the Project, but they are not at issue in this appeal, only the adequacy of the Catex. Appellants' cite the effect the Project will have on the adjacent property's privacy, air, light and safety. They cite the Residential Design Guidelines. These are all issues that were properly considered by the Planning Commission at a discretionary review hearing on October 6, 2011 and again at a Board of Appeals hearing on June 20, 2012. Both the Planning Commission and Board of Appeals denied the appeals, and approved the Project as it is described and illustrated in the current building permit application. These issues are not subject to this CEQA appeal. Further, they are all issues of how the Project specifically impacts the individual adjacent property, something clearly not relevant for CEQA purposes, as described above.

With respect to historic resources, the Planning Department conducted historic review of the existing home at the Property and the Project. After considerable analysis, the Environmental Review Officer determined that the Property was an historic resource, but that the Project would not have a significant adverse impact on the resource, thereby making it eligible for an exemption. Indeed, the aspects of the Project that Appellants discuss in their appeal brief are not visible from the street.

The Planning Department has made a determination, based on substantial evidence on the record, that the Project is eligible for a categorical exemption. Appellants have provided no substantial evidence contradicting the Catex or calling the Planning Department's determination into question. As a result, the appeal should be denied.

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2. *Project Plans*

The Appellants make the claim that the Project plans have been altered since the Catex was issued. The only changes made to the Project plans since the Catex was issued was the addition of the exterior stairs on the side of the Property and the inclusion of a 1 hour firewall. These changes were made at the request of the Department of Building Inspection, per Building Code requirements. Neither of these modifications are visible from the street. The Planning Department subsequently reviewed the updated plans. In approving the building permit, the Planning Department confirmed that these minor changes do not affect the Project's eligibility for the Catex previously issued. Appellants have provided no substantial evidence to the contrary.

3. *Height Increase*

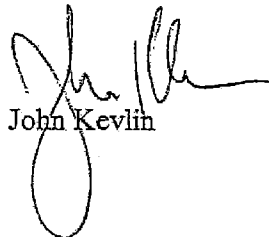
Appellants have stated that they oppose the lifting of the existing building at the Property more than 36 inches above its current height. The Project will not lift the building more than 36 inches above its current height. While the Planning Commission did not take discretionary review of the Project at its hearing last year, it did make a specific point to note the building cannot be raised more than 36 inches (and no additional 6 inch Building Code tolerance could be applied). Once again, the Project will not lift the building more than 36 inches, and no 6 inch tolerance will be allowed.

C. Conclusion

In closing, the Project has been fully analyzed by the Department, which has determined, based on substantial evidence, that the Project is eligible for the Catex. Appellants have failed to even offer any substantial evidence that could be considered to uphold the appeal. CEQA is solely concerned with significant effects a project has on the environment, and any concerns about the appropriateness of the Project have been considered in two different forums already. We therefore respectfully request that the appeal of the Catex be denied.

Very truly yours,

REUBEN & JUNIUS, LLP



John Kevlin

cc: Supervisor Avalos
Supervisor Campos
Supervisor Cohen

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President Chiu and Supervisors
August 27, 2012
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Supervisor Chu
Supervisor Elsbernd
Supervisor Farrell
Supervisor Kim
Supervisor Mar
Supervisor Olague
Supervisor Weiner

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2853-2857 Broderick St appeal - opposition brief

John Kevlin

to:

joy.lamug

08/27/2012 11:43 AM

Cc:

"Angela Calvillo", "Pam Whitehead", "Stephen Antonaros"

Show Details

2 Attachments



image001.gif LTR - Chiu 2853 Broderick St CEQA appeal response brief FINAL 8-27-2012.pdf

Hi Joy,

John Kevlin here with Reuben & Junius. I am representing the project sponsor in the 2853-2857 Broderick St CEQA appeal, scheduled for September 4. Please find attached our brief in opposition to the appeal. We have not been able to come to a private settlement of the case yet, but I will let you know as soon as possible if and when we do reach an agreement prior to the hearing. Thank you, and let me know if you have any questions. I will have 12 hardcopies of the brief delivered to your office today.

John

REUBEN & JUNIUS_{LLP}

John Kevlin
Reuben & Junius, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
tel: 415-567-9000
fax: 415-399-9480
email: jkevin@reubenlaw.com
twitter: @JKLandSF

PRIVILEGE AND CONFIDENTIALITY NOTICE
The information in this electronic mail is intended for the named recipients only. It may contain privileged and confidential matter. If you have received this electronic mail in error, please notify the sender immediately by replying to this e-mail or by collect call to (415) 567-9000. Do not disclose the contents to anyone. Thank you.

REUBEN & JUNIUS_{LLP}

August 27, 2012

President David Chiu
San Francisco Board of Supervisors
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Re: 2853-2857 Broderick Street; Project Sponsor's Brief in Opposition to Appeal
of Categorical Exemption
Hearing Date: September 4, 2012
Our File No.: 7296.01**

Dear President Chiu and Supervisors:

This office represents Pam Whitehead, the project sponsor ("Project Sponsor") of a proposed alteration project at 2853-2857 Broderick Street (the "Property"). This letter is provided in response and in opposition to the appeal of the Categorical Exemption ("Catex") for the Project. Appellant has submitted no evidence of any kind showing that the Project is not eligible for a-Catex, and has failed to demonstrate that the Planning Department ("Department") did not proceed in compliance with state and local law when it prepared and issued the Catex. The appeal should be rejected.

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This hearing is concerned solely with the adequacy of the CEQA document. This is not a project approval hearing. In their brief, Appellants have appealed the Catex, but in support only discuss their opposition to Project, specifically with respect to the rear deck, stairs, side gates, and firewall. The Project itself is not before the Board of Supervisors on this appeal, and the Board should focus solely on whether the Catex was properly issued, not whether the Project should be modified or approved.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | David Silverman | Sheryl Reuben¹ | Jay F. Drake
Daniel A. Frattin | Lindsay M. Petrone | John Kevlin | Benjamin J. Schnayerson² | Jared Eigerman² | John McInerney III²

1. Also admitted in New York 2. Of Counsel

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The Department's analysis of the Project was thorough, and its conclusions were supported by substantial evidence. Based on the evidence before you, we respectfully request that you deny the appeal, and uphold the Catex.

A. The Project

The Project proposes to:

- (1) Raise the existing home 36 inches;
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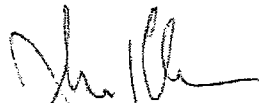
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Very truly yours,

REUBEN & JUNIUS, LLP



John Kevlin

cc: Supervisor Avalos
Supervisor Campos
Supervisor Cohen

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President Chiu and Supervisors
August 27, 2012
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Supervisor Chu
Supervisor Elsbernd
Supervisor Farrell
Supervisor Kim
Supervisor Mar
Supervisor Olague
Supervisor Weiner

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REUBEN & JUNIUS LLP



Fwd: Continuance

iiz

to:

jkevin, Catherine Stefani, Pam Whitehead, Stephen Antonaros, Kate Kardos, joy.lamug, shelley.Caltagirone, margaux.kelly

08/23/2012 03:27 PM

Cc:

scott.sanchez, ronald.tom

Show Details

Dear All:

John Kevlin's response is incomprehensible. He has requested us to guarantee that we will not file any future appeal against the permit. What John Kevlin is asking us to do is to guarantee that we will not respond even though the implementation of the permitting process followed by construction is totally in the future and a work in progress over which we have no control. We have nothing to do with the implementation of the Project -- It is totally in the hands of the Project Sponsor. Essentially, we are being asked to never respond in the future regardless of what is done by the Project Sponsor.

If the drawings, plans and permits are followed as is specified herein and expected, than no future appeals need ever be filed.

All the issues on appeal have been resolved. We accept the drawings as they are. If the Project Sponsor files for a permit and submits the attached drawings, which have been reviewed and accepted by City Planning and DBI, she can proceed with construction. **THERE IS NO ISSUE OR CONTROVERSY LEFT!!!!!!**
THERE IS NOTHING TO PRESENT TO AN APPEAL HEARING!!!!!!!

We have not filed any other appeals. We don't see any evidence in the attached drawings to file any new appeals. There is nothing in the present drawings that we oppose.

The Project Sponsor must act in good faith. To ask us to guarantee a future regardless of her role and action in it is not a rational basis for refusing to memorialize an Agreement of a resolution that has been achieved in the

present
based on all known facts.

The Project Sponsor needs to reconsider her position -- it is simply not credible.

Irving

Begin forwarded message:

From: John Kevlin <jkevin@reubenlaw.com>
Subject: **RE: Continuance**
Date: August 23, 2012 1:16:05 PM PDT
To: iiz@me.com, Catherine Stefani <catherine.stefani@yahoo.com>, Pam Whitehead <whiteheadwest@msn.com>, Stephen Antonaros <santonaros@sbcglobal.net>, Kate Kardos <kdkmanagement@yahoo.com>, joy.lamug@sfgov.org, shelley.Caltagirone@sfgov.org, margaux.kelly@sfgov.org
Cc: scott.sanchez@sfgov.org, ronald.tom@sfgov.org

Irving and others,

Pam was willing to adopt the design changes requested by the appellants in exchange for a guarantee that the permit appeals would be withdrawn and that no future appeals would be filed against the permit. It appears the appellants are not comfortable with the language agreeing to not file any future appeals on the subject permit. Again, Pam cannot agree to the settlement without a guarantee that no future appeals will be filed on this subject permit. We are now preparing for the September 4 appeal hearing.

I appreciate everyone's patience with the mass emails.

John

From: iiz@me.com [<mailto:iiz@me.com>]
Sent: Thursday, August 23, 2012 12:44 PM
To: John Kevlin; Catherine Stefani; Pam Whitehead; Stephen Antonaros; Kate Kardos; joy.lamug@sfgov.org; shelley.Caltagirone@sfgov.org; margaux.kelly@sfgov.org
Cc: scott.sanchez@sfgov.org; ronald.tom@sfgov.org
Subject: Fwd: Continuance

Dear All:

Late last evening I received the attached Settlement Agreement, and agreed upon drawings of Stephen Antonaros, from John Kevlin representing the Project Sponsor. I have spoken with him and mentioned several items that need to be amended. I have mentioned to him that we all have worked very hard to achieve a very satisfactory, reviewed and approved solution to the issues on appeal. We are ready, willing and able to IMMEDIATELY withdraw our CEQA and BOA appeals once we sign a Settlement Agreement. I have further pointed out to him that I have been in contact with Stephen Antonaros and Catherine Stefani since last week in addressing a document to memorialize our agreement.

I have also spoken with several of you and everyone seems to agree that the Agreement needs to address specifically the three issues on appeal and it has to be narrowly and clearly phrased without throwing in the 'kitchen sink' and any other future events that are not in front of us.

We only appealed three issues: the second means of egress; the lift height of the building; and the rear yard staircase. All of these issues have been completely resolved to all the parties' satisfaction. We have not appealed any other aspect of the drawings. We do not know anyone who has any issues with the resolution that we have achieved. We do not know anyone who has any plans or intentions to appeal any other aspect of the drawings.

As far as we are concerned the issue is settled and done. We hope the Project Sponsor proceeds to repair the building just as quickly as possible.

With that in mind, we would like to make the following amendments to the proposed document submitted by John Kevlin:

The parties: The Project Sponsor (Permit Holder) are Pam Whitehead and Melinda Nykamp. The Appellants are Kate Polevoi (who signed the CEQA Appeal request and the re-hearing request of BOA), Irving Zaretsky

and Zeeva Kardos who own 2845-2847 Broderick Street, the adjacent property. Pat Buscovich was the Appellant's representative in the first Hearing before the BOA. Kate Polevoi and Irving Zaretsky replaced Pat Buscovich

for the re-Hearing request and Pat Buscovich informed the BOA of this. These are the only formal parties to the appeals and they will sign the Settlement Agreement. No one else signed the appeals and no one else has standing to sign the Settlement Agreement.

1. Recitals: We have no problem with the Recitals.

2. Permit Holder Obligations:

-First paragraph, first line, delete "and substantially in". The drawings have to show exactly the agreed upon solution as is indicated in the attached and initialed drawings.

-Last line of paragraph, delete "or in response to conditions in the field". That line appears to address the height limit and it is taken care of in paragraph 2.b.

- 2.b the second half of the sentence to be deleted "...except for additional height tolerance permitted by the Building Code due to field conditions". That issue has been settled by the Planning Commission who approved

the lifting of the building to a maximum total of 36 inches INCLUDING any height tolerance permitted by the Building Code. (From my conversation with John Kevlin, the Project Sponsor will agree to remove that portion of the sentence.)

We would like to add the sentence: Project Sponsor 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. (This way there is no room for controversy or conflict and that way we avoid any further questions on the height.)

-The last paragraph beginning with " Appellant shall refrain...." to be deleted. John Kevlin said that it does not belong in this section anyway.

3. Appellant Obligations:

paragraphs (e) and (f) need to be deleted. This deals with future appeals that we have no knowledge of and do not understand what the basis of the request is. We have never filed any appeal against the Project with the

exception of the current appeals dealing with three issues that have been completely resolved. We do not see or raise issue with anything in the drawings as attached hereto . We have no idea what is referred to in this section. Had we had any

objection to other issues in the drawings we would have appealed them by now. We do not have any issue with the drawings besides the issues we appealed and those have been resolved by this Agreement.

We are fully prepared to say that: "we accept the drawings as attached hereto."

Paragraph (f) is equally vague and unclear. It is over-reaching and over-broad and gratuitously attempts to throw in the 'kitchen sink'. It is probably unenforceable. We do not know anyone who is interested in purposefully

interfering with the successful completion of the Project. Further, we do not know anyone who is intent on filing any appeal or objection to the project.

4. Section 6 Attorney's Fees:

This section is to be deleted and amended as follows: "The Parties shall bear their own attorneys' fees and costs incurred in any action connected with this Agreement."

Once these changes are made we can withdraw the appeals IMMEDIATELY.

Please advise,

Irving

The Settlement Agreement needs to be simple, specific to the issues on appeal and narrow. It should not be vague, over-broad, over -reaching nor deal with events in the future or issues that we have never raised. The formal parties to the Agreement are: Pam Whitehead and Melinda Nykamp

Begin forwarded message:

From: John Kevlin <jkevin@reubenlaw.com>
Subject: RE: Continuance
Date: August 22, 2012 4:37:26 PM PDT
To: Pam Whitehead <Whiteheadwest@msn.com>, iiz@me.com,
Stephen Antonaros <santonaros@sbcglobal.net>
Cc: Kate Kardos
<kdkmanagement@yahoo.com>, joy.lamug@sfgov.org, [shelley.Caltagiro
ne@sfgov.org](mailto:shelley.Caltagiro
ne@sfgov.org), Catherine Stefani <catherine.stefani@yahoo.com>

Irving,

I am attaching the draft of the settlement agreement for 2853-2857 Broderick Street. Please contact me if you have any questions or coordinate with Pam if you are ready to execute. Please do not reply to all, so we can avoid any additional flood of emails to others. Thanks.

John

John Kevlin
Reuben & Junius, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
tel: 415-567-9000
fax: 415-399-9480
email: jkevin@reubenlaw.com

-----Original Message-----

From: Pam Whitehead [<mailto:Whiteheadwest@msn.com>]
Sent: Wednesday, August 22, 2012 11:18 AM
To: iiz@me.com; Stephen Antonaros
Cc: Kate Kardos; joy.lamug@sfgov.org; shelley.Caltagirone@sfgov.org;
Catherine Stefani; John Kevlin
Subject: Re: Continuance

Dear Irving,

I am sorry, I am not willing to continue the case. I will have an agreement written out for you today, I am available to sign with you. Once you have reviewed and agree, then you can remove this from all calendars.

Sincerely,

Pam Whitehead

On 8/22/12 10:30 AM, "iiz@me.com" <iiz@me.com> wrote:

Dear Pam:

I am mindful of your desire and interest in moving forward with your project and I have done everything I could to get things done quickly.

I produced an Agreement for you last week. If you want to show me your


draft today that is great.

But, I asked for a one week continuance of the Hearing to accommodate the City Departments who want to conserve on unnecessary work and resource expenditures. I hope you agree and file a joinder to my request. We have to respect our City Government who works on our behalf and help them avoid doing unnecessary work and waste resources.

We really can get this Agreement done immediately if there is good faith and fair dealing.

Irving



Re: Fw: Continuance - 2853 -2857 Broderick CEQA Appeal 
 Rick Caldeira to: Joy Lamug

08/23/2012 01:52 PM

This doesn't change my directive yesterday. Their deadline was 12 noon today, which was missed, therefore we will be moving forward with agendizing for 9/4/12.

Rick Caldeira, MMC
Legislative Deputy Director
 Board of Supervisors
 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
 San Francisco, CA 94102
 Phone: (415) 554-7711 | Fax: (415) 554-5163
 rick.caldeira@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
<http://www.sfbos.org/index.aspx?page=104>

Joy Lamug	Hi Rick, Please see below email from John Kevli...	08/23/2012 01:50:00 PM
-----------	--	------------------------

From: Joy Lamug/BOS/SFGOV
 To: Rick Caldeira/BOS/SFGOV@SFGOV,
 Date: 08/23/2012 01:50 PM
 Subject: Fw: Continuance - 2853 -2857 Broderick CEQA Appeal

Hi Rick,

Please see below email from John Kevlin representing the Project Sponsor for the above referenced. I will be forwarding you another email from him shortly.

Thanks,
 Joy

Joy Lamug
 Board of Supervisors
 Legislative Division
 City Hall, Room 244
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102
 Tel: 415.554.7712
 Fax: 415.554.7714
 Email: joy.lamug@sfgov.org

MONDAY DEADLINE: Departments must submit electronic version of legislation by 9:00 am with original and 4 copies to be submitted by 12:00 noon.

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548

--- Forwarded by Joy Lamug/BOS/SFGOV on 08/23/2012 01:48 PM ---

From: "John Kevlin" <jkevin@reubenlaw.com>
 To: "Pam Whitehead" <Whiteheadwest@msn.com>, <iiz@me.com>, "Stephen Antonaros"

Cc: <santonaros@sbcglobal.net>
"Kate Kardos" <kdkmanagement@yahoo.com>, <joy.lamug@sfgov.org>,
<shelley.Caltagirone@sfgov.org>, "Catherine Stefani" <catherine.stefani@yahoo.com>
Date: 08/22/2012 11:36 AM
Subject: RE: Continuance

All,

This is John Kevlin - I am representing Pam in this case. I will have a draft settlement agreement prepared by this afternoon for all parties to review. In the next day or so, we will have either settled the issue, in which case the all appeals will be withdrawn, or not, in which case we will prepare to attend the appeal hearing. We don't see any need to continue the hearing at this time and would not agree to a continuance.

John

-----Original Message-----
From: Pam Whitehead [mailto:Whiteheadwest@msn.com]
Sent: Wednesday, August 22, 2012 11:18 AM
To: iiz@me.com; Stephen Antonaros
Cc: Kate Kardos; joy.lamug@sfgov.org; shelley.Caltagirone@sfgov.org;
Catherine Stefani; John Kevlin
Subject: Re: Continuance

Dear Irving,

I am sorry, I am not willing to continue the case. I will have an agreement written out for you today, I am available to sign with you. Once you have reviewed and agree, then you can remove this from all calendars.

Sincerely,

Pam Whitehead

On 8/22/12 10:30 AM, "iiz@me.com" <iiz@me.com> wrote:

>Dear Pam:

>

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>I produced an Agreement for you last week. If you want to show me your

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>But, I asked for a one week continuance of the Hearing to accommodate the City Departments who want to conserve on unnecessary work and resource expenditures. I hope you agree and file a joinder to my request. We have to respect our City Government who works on our behalf and help them avoid doing unnecessary work and waste resources.

>

>We really can get this Agreement done immediately if there is good faith and fair dealing.

>

>Irving

>



RE: Continuance
John Kevlin

to:
iiz, Catherine Stefani, Pam Whitehead, Stephen Antonaros, Kate Kardos, joy.lamug, shelley.Caltagirone, margaux.kelly
08/23/2012 01:15 PM
Cc:
scott.sanchez, ronald.tom
Show Details

History: This message has been forwarded.

Irving and others,

Pam was willing to adopt the design changes requested by the appellants in exchange for a guarantee that the permit appeals would be withdrawn and that no future appeals would be filed against the permit. It appears the appellants are not comfortable with the language agreeing to not file any future appeals on the subject permit. Again, Pam cannot agree to the settlement without a guarantee that no future appeals will be filed on this subject permit. We are now preparing for the September 4 appeal hearing.

I appreciate everyone's patience with the mass emails.

John

From: iiz@me.com [mailto:iiz@me.com]
Sent: Thursday, August 23, 2012 12:44 PM
To: John Kevlin; Catherine Stefani; Pam Whitehead; Stephen Antonaros; Kate Kardos; joy.lamug@sfgov.org; shelley.Caltagirone@sfgov.org; margaux.kelly@sfgov.org
Cc: scott.sanchez@sfgov.org; ronald.tom@sfgov.org
Subject: Fwd: Continuance

Dear All:

Late last evening I received the attached Settlement Agreement, and agreed upon drawings of Stephen Antonaros, from John Kevlin representing the Project Sponsor. I have spoken with him and mentioned several items that need to be amended. I have mentioned to him that we all have worked very hard to achieve a very satisfactory, reviewed and approved solution to the issues on appeal. We are ready, willing and able to IMMEDIATELY withdraw our CEQA and BOA appeals once we sign a Settlement Agreement. I have further pointed out to him that I have been in contact with Stephen Antonaros and Catherine Stefani since last week in addressing a document to memorialize our agreement. I have also spoken with several of you and everyone seems to agree that the Agreement needs to address specifically the three issues on appeal and it has to be narrowly and clearly phrased without throwing in the 'kitchen sink' and any other future events that are not in front of us.

file:///C:/Documents and Settings/JLamug/Local Settings/Temp/n... 8/23/2012

We only appealed three issues: the second means of egress; the lift height of the building; and the rear yard staircase. All of these issues have been completely resolved to all the parties' satisfaction. We have not appealed any other aspect of the drawings. We do not know anyone who has any issues with the resolution that we have achieved. We do not know anyone who has any plans or intentions to appeal any other aspect of the drawings.

As far as we are concerned the issue is settled and done. We hope the Project Sponsor proceeds to repair the building just as quickly as possible.

With that in mind, we would like to make the following amendments to the proposed document submitted by John Kevlin:

The parties: The Project Sponsor (Permit Holder) are Pam Whitehead and Melinda Nykamp. The Appellants are Kate Polevoi (who signed the CEQA Appeal request and the re-hearing request of BOA), Irving Zaretsky

and Zeeva Kardos who own 2845-2847 Broderick Street, the adjacent property. Pat Buscovich was the Appellant's representative in the first Hearing before the BOA. Kate Polevoi and Irving Zaretsky replaced Pat Buscovich

for the re-Hearing request and Pat Buscovich informed the BOA of this. These are the only formal parties to the appeals and they will sign the Settlement Agreement. No one else signed the appeals and no one else has

standing to sign the Settlement Agreement.

1. Recitals: We have no problem with the Recitals.

2. Permit Holder Obligations:

-First paragraph, first line, delete "and substantially in" . The drawings have to show exactly the agreed upon solution as is indicated in the attached and initialed drawings.

-Last line of paragraph, delete "or in response to conditions in the field". That line appears to address the height limit and it is taken care of in paragraph 2.b.

- 2.b the second half of the sentence to be deleted "...except for additional height tolerance permitted by the Building Code due to field conditions". That issue has been settled by the Planning Commission who approved

the lifting of the building to a maximum total of 36 inches INCLUDING any height tolerance permitted by the Building Code. (From my conversation with John Kevlin, the Project Sponsor will agree to remove that portion of the sentence.)

We would like to add the sentence: Project Sponsor 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. (This way there is no room for controversy or conflict

and that way we avoid any further questions on the height.)

-The last paragraph beginning with " Appellant shall refrain...." to be deleted. John Kevlin said that it does not belong in this section anyway.

3. Appellant Obligations:

paragraphs (e) and (f) need to be deleted. This deals with future appeals that we have no knowledge of and do not understand what the basis of the request is. We have never filed any appeal against the Project with the

exception of the current appeals dealing with three issues that have been completely resolved. We do

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Paragraph (f) is equally vague and unclear. It is over-reaching and over-broad and gratuitously attempts to throw in the 'kitchen sink'. It is probably unenforceable. We do not know anyone who is interested in purposefully interfering with the successful completion of the Project. Further, we do not know anyone who is intent on filing any appeal or objection to the project.

4. Section 6 Attorney's Fees:

This section is to be deleted and amended as follows: "The Parties shall bear their own attorneys' fees and costs incurred in any action connected with this Agreement."

Once these changes are made we can withdraw the appeals IMMEDIATELY.

Please advise,

Irving

The Settlement Agreement needs to be simple, specific to the issues on appeal and narrow. It should not be vague, over-broad, over-reaching nor deal with events in the future or issues that we have never raised. The formal parties to the Agreement are: Pam Whitehead and Melinda Nykamp
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Subject: RE: Continuance
Date: August 22, 2012 4:37:26 PM PDT
To: Pam Whitehead <Whiteheadwest@msn.com>, iiz@me.com, Stephen Antonaros <santonaros@sbcglobal.net>
Cc: Kate Kardos <kdkmanagement@yahoo.com>, joy.lamug@sfgov.org, shelley.Caltagirone@sfgov.org, Catherine Stefani <catherine.stefani@yahoo.com>

Irving,

I am attaching the draft of the settlement agreement for 2853-2857 Broderick Street. Please contact me if you have any questions or coordinate with Pam if you are ready to execute. Please do not reply to all, so we can avoid any additional flood of emails to others. Thanks.

file://C:\Documents and Settings\JLamug\Local Settings\Temp\n... 8/23/2012

John

John Kevlin
Reuben & Junius, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
tel: 415-567-9000
fax: 415-399-9480
email: jkevin@reubenlaw.com

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jkevin, Catherine Stefani, Pam Whitehead, Stephen
to: Antonaros, Kate Kardos, joy.lamug, shelley.Caltagirone,
margaux.kelly
Cc: scott.sanchez, ronald.tom

08/23/2012 12:44 PM

2 attachments

PDF
Settlement Agreement - 2853-2857 Broderick St 8-22-2012.pdf

PDF
Exhibit A - 2853-2857 Broderick St - Settlement Agreement Plans.pdf

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We really can get this Agreement done immediately if there is good faith and fair dealing.

Irving

SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into as of August __, 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."

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, Kat 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 ("Project"), pursuant to Building Permit Application No. 2011.03.25.2839 and the associated plans for the Project (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 June 1, 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 Project.
- 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 such that it is consistent with and substantially in the same form as the drawings dated August 22, 2012, and attached hereto and incorporated herein as **Exhibit A**. Minor modifications may be made to said plans to satisfy Planning Department and/or Department of Building Inspection requirements for the building permit application or in response to conditions in the field. "Minor modifications" do not include

- a) Enlargement of the envelope of the Project;
- b) An increase in the building height beyond a maximum of 36 inches from current conditions, except for additional height tolerance permitted by the Building Code due to field conditions;
- 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.

Appellant shall refrain from taking any actions that will negatively affect the Project, including, but not limited to, encouraging or assisting any other person or entity not a party to this Agreement

3. **Appellant Obligations**

As long as the Permit to be issued remains 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:

- d) Within 24 hours of execution of this Agreement, Appellant or their representative shall file a withdrawal of the BOA Appeal with the San Francisco Board of Appeals and shall file a withdrawal of the CEQA Appeal with the San Francisco Board of Supervisors.
- e) Appellant shall file no future appeals of the Permit and Project, 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.
- f) Appellant shall refrain from taking any actions that will negatively affect the Project, including, but not limited to, encouraging or assisting any other person or entity not a party to this Agreement in appealing or delaying 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, the prevailing party or parties in such action shall be entitled to recover costs and attorneys' fees incurred in such an action. The "prevailing party" shall mean the party that obtains substantially the result sought, whether by settlement, judgment, or dismissal. The parties, however, shall otherwise bear their own attorneys' fees and costs incurred in the same to the extent such party is not the prevailing party.

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.

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

Permit Holder:

Pam Whitehead

Melinda Nykamp

Appellant:

Pat Buscovich

Irving Zaretsky

Kate Kardos Polevoi

Zeeva Kardos

Craig Jones

Michael Jaeger

Eric Reimers

Kelda Reimers

Rob Povlitz

Jennifer Povlitz

Don Morehead

Ann Morehead

REVISIONS	DATE	BY
	June 15, 2012	A
	August 22, 2012	A

EXHIBIT 'A'
August 22, 2012

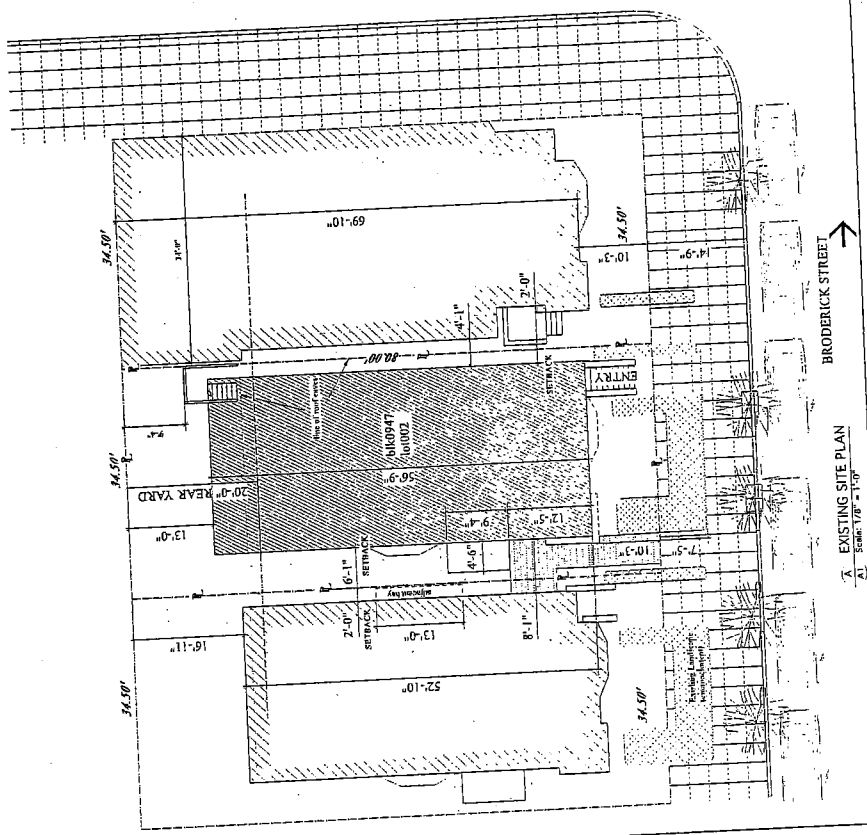
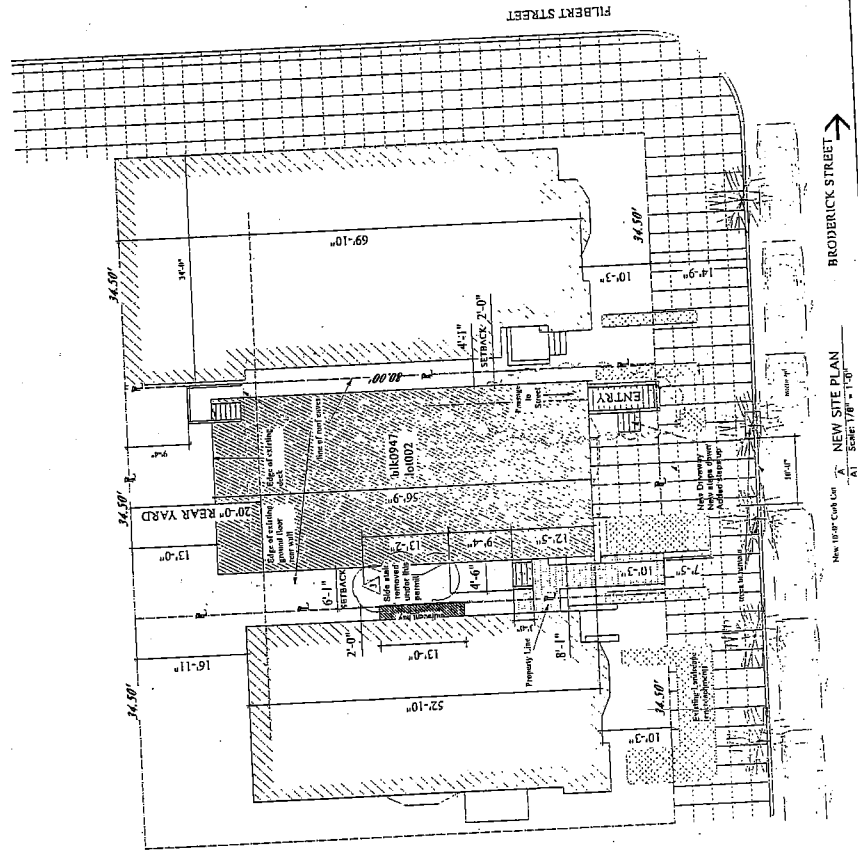


STEPHEN ANTONAROS
ARCHITECT

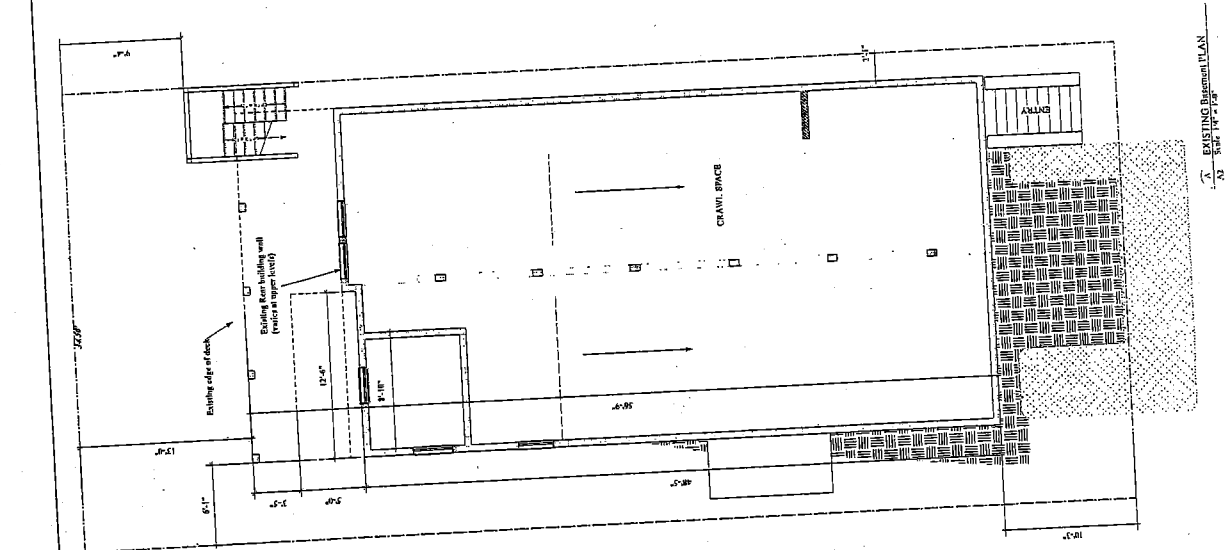
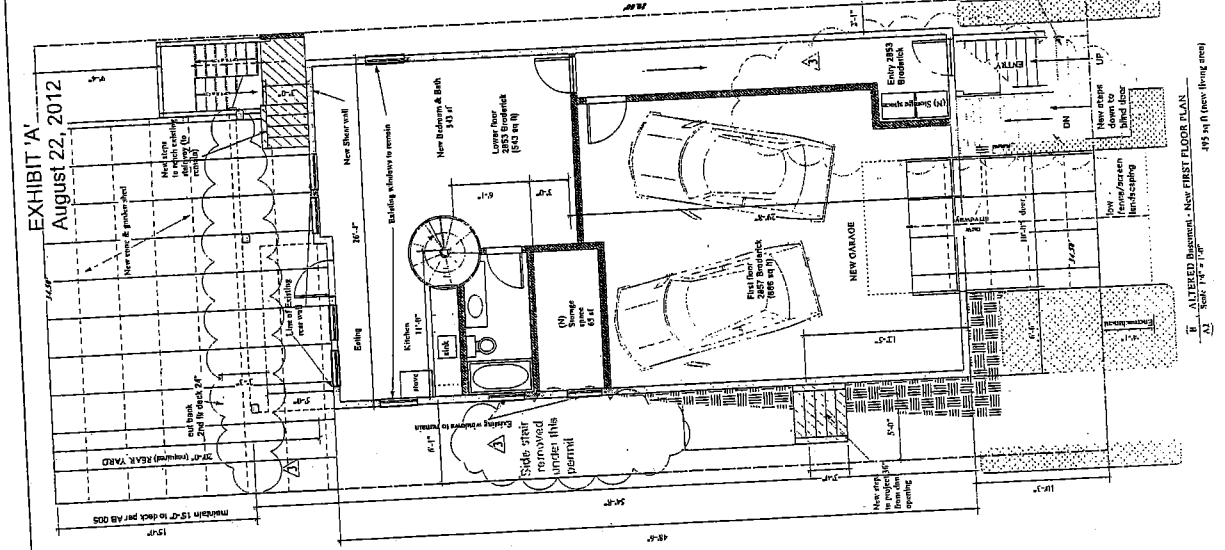
1055 California Street
San Francisco, CA 94102
(415) 864-2261
Fax: (415) 864-0991

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

Sheet	001
Date	August 10, 2012
Scale	1/8" = 1'-0"
Author	SVA
Check	SVA
Drawn	SVA



STEPHEN ANTANAROS ARCHITECT
 11 SHEET 2224
 510 CALIFORNIA 94114
 (415) 664-2251
 FAX (415) 664-1961

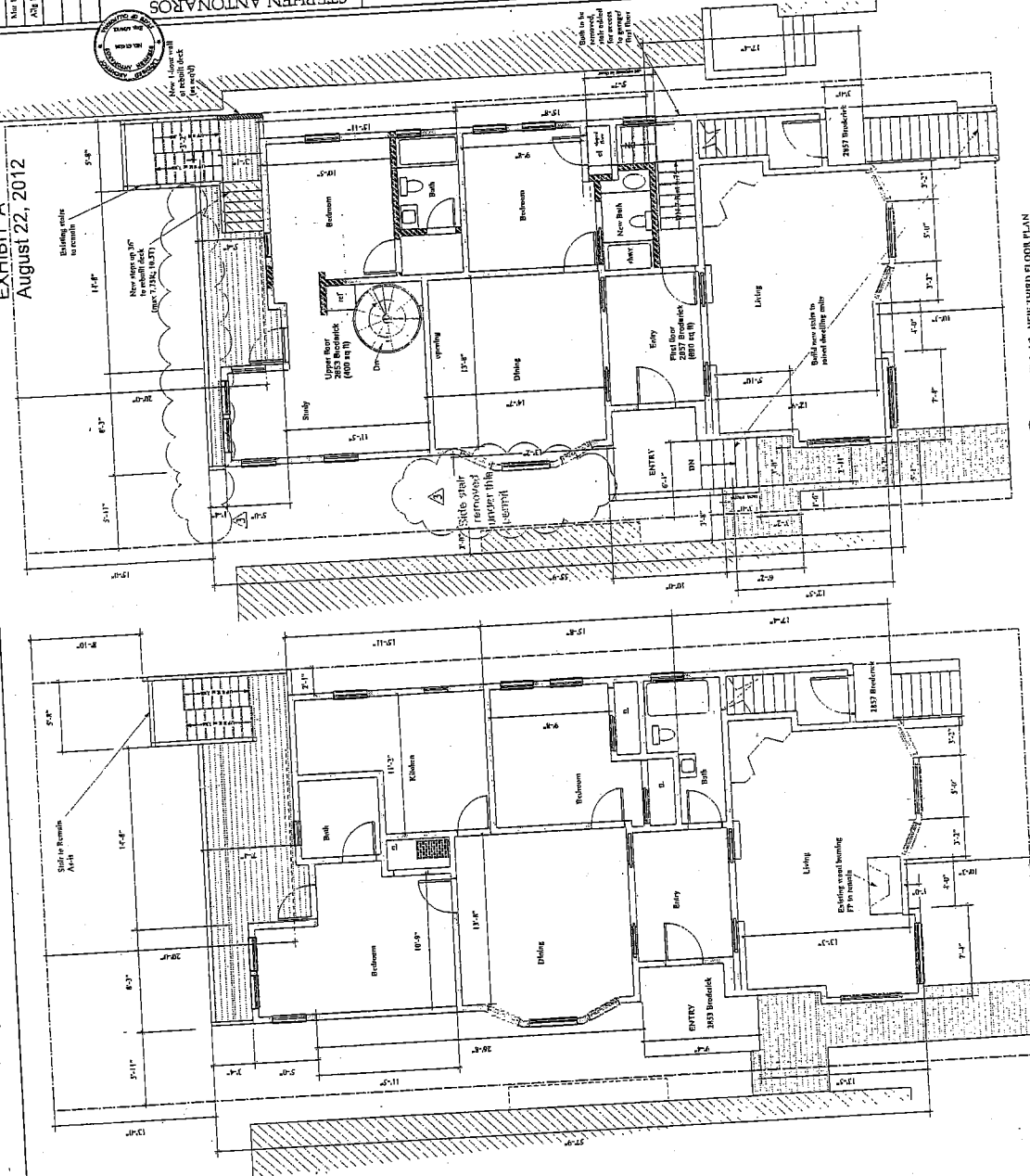


BLOCK 0947 LOT 002
 2853 & 2857 BRODERICK ST., FRANCISCO, CA 94123
 ALTERATION & VARIANCE
 DATE: August 18, 2012
 SCALE: 1/8" = 1'-0"
 SHEET: A3
 SHEET NO: 01

Stephen Antonaros ARCHITECT
 1 Street #23A
 San Francisco, California 94114
 Tel: (415) 564-2261
 Fax: (415) 564-2261

REGISTRATION: Exp. 12/31/12
 License No. 13712
 License No. 13712

EXHIBIT 'A'
 August 22, 2012



2. EXISTING SECOND FLOOR PLAN
 Scale: 1/8" = 1'-0"
 2853 Broderick
 1200 sq ft

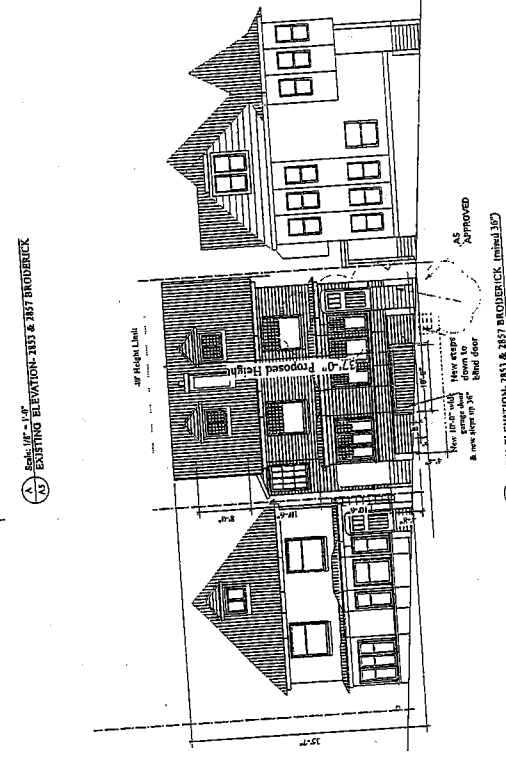
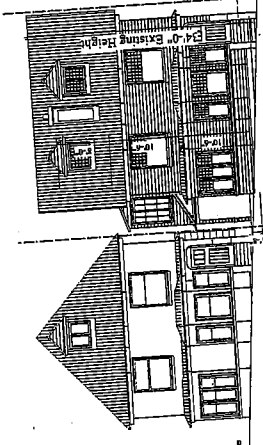
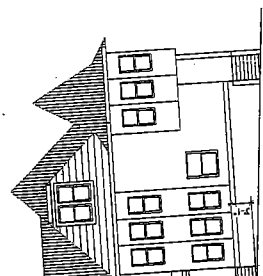
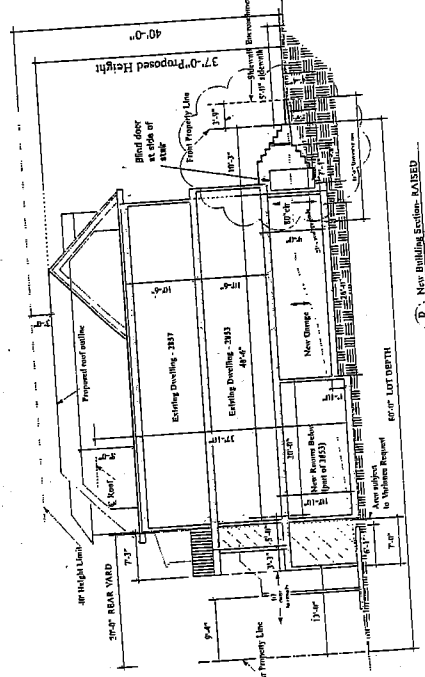
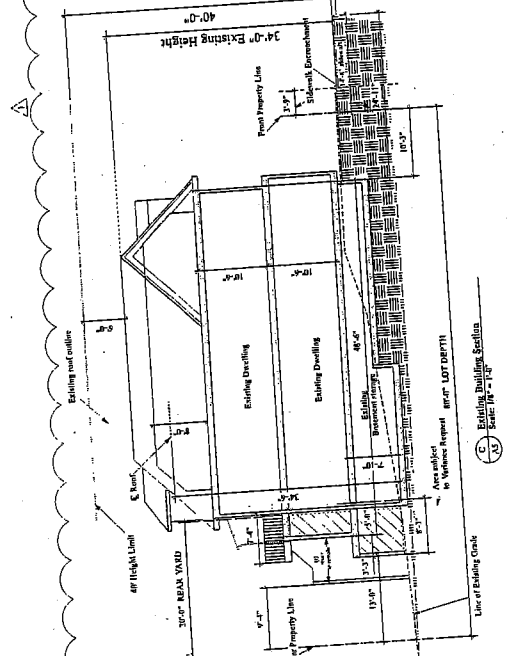
3. ALTERED 2nd & 3rd FLOOR PLAN
 Scale: 1/8" = 1'-0"
 2853 Broderick
 1200 sq ft

DATE	DESCRIPTION
Jan 23, 2012	AR
Mar 15, 2012	
Apr 13, 2012	
Aug 22, 2012	

ARCHITECT
STEPHEN ANTONAROS
 41 Street 4324
 1505 California St. Suite 1000
 San Francisco, CA 94115
 (415) 624-2281
 Fax: (415) 624-2961

Block 0947 Lot 002
 2835 & 2837 BRODERICK ST
 FRANCISCO, CA 94113

EXHIBIT 'A'
 August 22, 2012



AS APPROVED
 NEW ELEVATION - 2835 & 2837 BRODERICK (revised 8/27/12)
 Section 10'-0" W - 13'-0" E

EXHIBIT 'A'
August 22, 2012

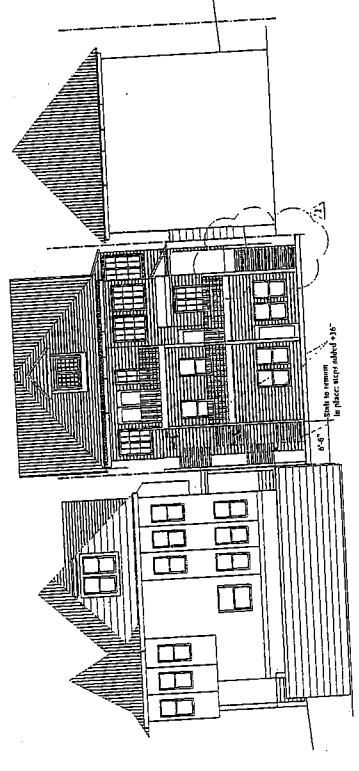
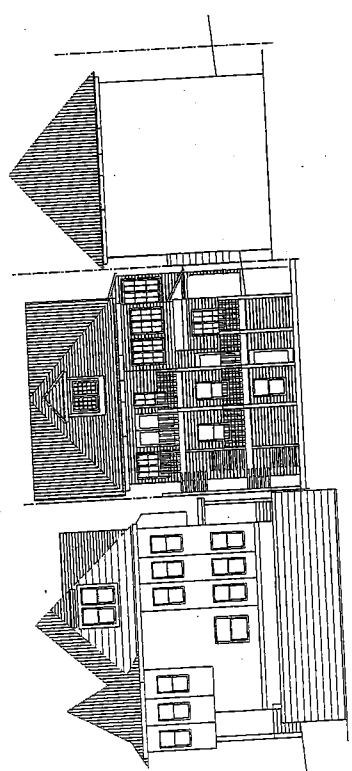
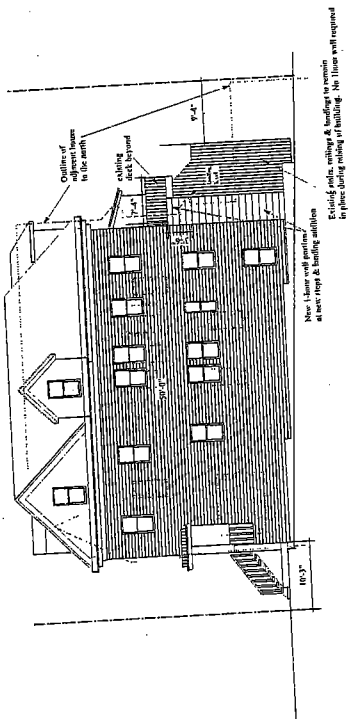
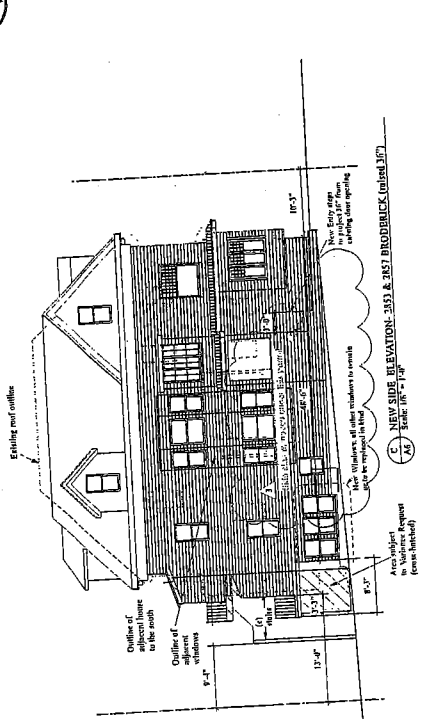
REVISIONS	BY	DATE	DESCRIPTION



STEPHEN ANTONAROS
ARCHITECT
1 Street 3334
2nd, California 94134
(415) 864-2301
Fax: (415) 864-2301
www.stephenantonaros.com

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

Sheet	A6
Date	August 19, 2012
Scale	1/8" = 1'-0"
Project	2853 & 2857
Job	







RE: Continuance
John Kevlin to: Pam Whitehead, iiz, Stephen Antonaros
 Cc: "Kate Kardos", joy.lamug, shelley.Caltagirone, "Catherine Stefani"

08/22/2012 04:37 PM

2 attachments

 Settlement Agreement - 2853-2857 Broderick St 8-22-2012.pdf

 Exhibit A - 2853-2857 Broderick St - Settlement Agreement Plans.pdf

Irving,

I am attaching the draft of the settlement agreement for 2853-2857 Broderick Street. Please contact me if you have any questions or coordinate with Pam if you are ready to execute. Please do not reply to all, so we can avoid any additional flood of emails to others. Thanks.

John

John Kevlin
 Reuben & Junius, LLP
 One Bush Street, Suite 600
 San Francisco, CA 94104
 tel: 415-567-9000
 fax: 415-399-9480
 email: jkevin@reubenlaw.com

-----Original Message-----

From: Pam Whitehead [mailto:Whiteheadwest@msn.com]
 Sent: Wednesday, August 22, 2012 11:18 AM
 To: iiz@me.com; Stephen Antonaros
 Cc: Kate Kardos; joy.lamug@sfgov.org; shelley.Caltagirone@sfgov.org;
 Catherine Stefani; John Kevlin
 Subject: Re: Continuance

Dear Irving,

I am sorry, I am not willing to continue the case. I will have an agreement written out for you today, I am available to sign with you. Once you have reviewed and agree, then you can remove this from all calendars.

Sincerely,

Pam Whitehead

On 8/22/12 10:30 AM, "iiz@me.com" <iiz@me.com> wrote:

>Dear Pam:

>

>I am mindful of your desire and interest in moving forward with your project and I have done everything I could to get things done quickly.

>I produced an Agreement for you last week. If you want to show me your

>draft today that is great.
>But, I asked for a one week continuance of the Hearing to accommodate
>the City Departments who want to conserve on unnecessary work and
>resource expenditures. I hope you agree and file a joinder to my
>request. We have to respect our City Government who works on our
>behalf and help them avoid doing unnecessary work and waste resources.
>
>We really can get this Agreement done immediately if there is good
>faith and fair dealing.
>
>Irving
>

SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into as of August __, 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."

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, Kat 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 ("Project"), pursuant to Building Permit Application No. 2011.03.25.2839 and the associated plans for the Project (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 June 1, 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 Project.
- 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 such that it is consistent with and substantially in the same form as the drawings dated August 22, 2012, and attached hereto and incorporated herein as **Exhibit A**. Minor modifications may be made to said plans to satisfy Planning Department and/or Department of Building Inspection requirements for the building permit application or in response to conditions in the field. "Minor modifications" do not include

- a) Enlargement of the envelope of the Project;
- b) An increase in the building height beyond a maximum of 36 inches from current conditions, except for additional height tolerance permitted by the Building Code due to field conditions;
- 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.

Appellant shall refrain from taking any actions that will negatively affect the Project, including, but not limited to, encouraging or assisting any other person or entity not a party to this Agreement

3. **Appellant Obligations**

As long as the Permit to be issued remains 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:

- d) Within 24 hours of execution of this Agreement, Appellant or their representative shall file a withdrawal of the BOA Appeal with the San Francisco Board of Appeals and shall file a withdrawal of the CEQA Appeal with the San Francisco Board of Supervisors.
- e) Appellant shall file no future appeals of the Permit and Project, 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.
- f) Appellant shall refrain from taking any actions that will negatively affect the Project, including, but not limited to, encouraging or assisting any other person or entity not a party to this Agreement in appealing or delaying 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, the prevailing party or parties in such action shall be entitled to recover costs and attorneys' fees incurred in such an action. The "prevailing party" shall mean the party that obtains substantially the result sought, whether by settlement, judgment, or dismissal. The parties, however, shall otherwise bear their own attorneys' fees and costs incurred in the same to the extent such party is not the prevailing party.

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.

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

Permit Holder:

Pam Whitehead

Melinda Nykamp

Appellant:

Pat Buscovich

Irving Zaretsky

Kate Kardos Polevoi

Zeeva Kardos

Craig Jones

Michael Jaeger

Eric Reimers

Kelda Reimers

Rob Povlitz

Jennifer Povlitz

Don Morehead

Ann Morehead

REVISIONS	DATE	DESCRIPTION

EXHIBIT 'A'
August 22, 2012



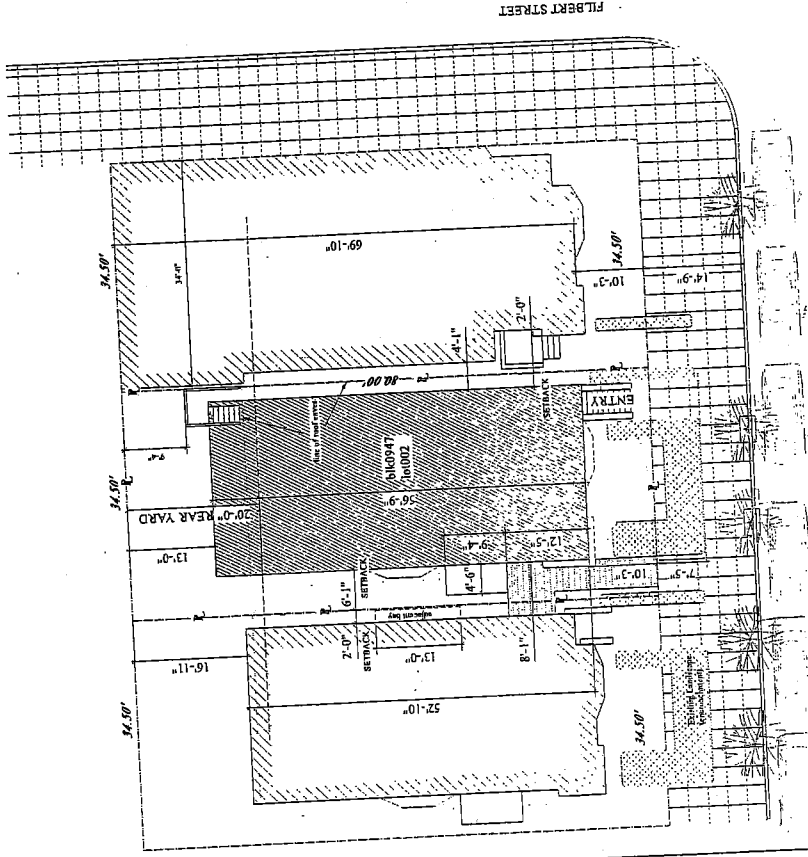
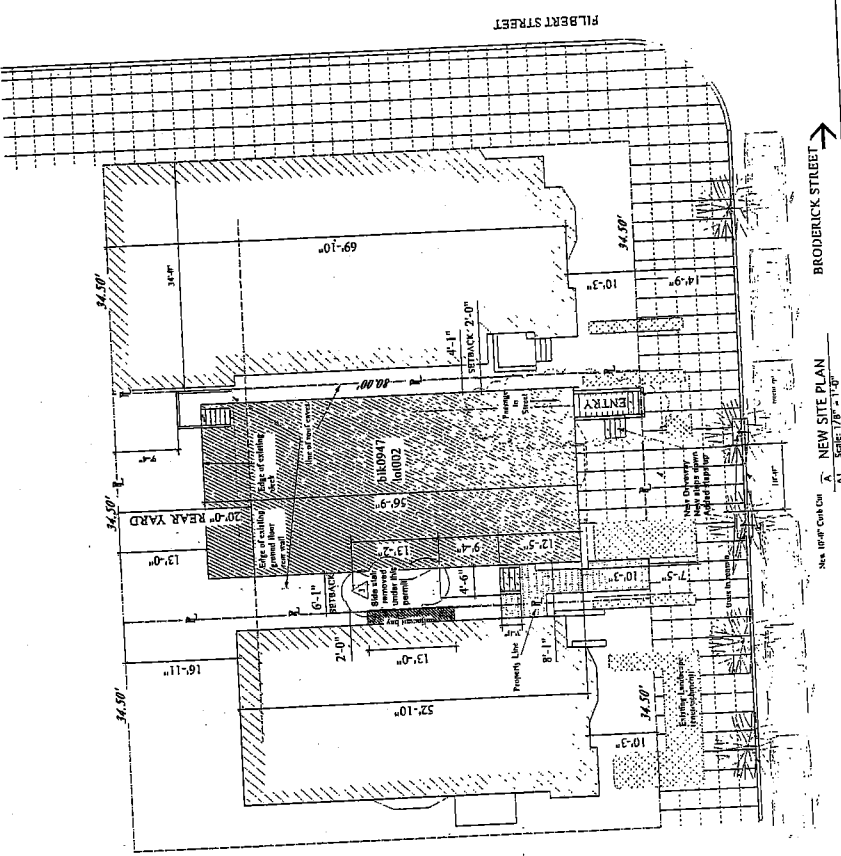
STEPHEN ANTONAROS
ARCHITECT
717 of Street #224
San Francisco, California 94114
(415) 964-2261
fax: 803-9961

The Registered Architect & Interior Designer
(777) 938-2888

FRANCISCO, CA 94123
2853 & 2857 BRODERICK ST
Block 0947 Lot 002

ALTERATION & VARIANCE

Project No.	
Sheet	AI
Date	August 15, 2012
Scale	1/8" = 1'-0"
Drawn	SA



REVISED	BY
Aug 22, 2012	SA
Aug 17, 2012	SA
Aug 13, 2012	SA

SEP 11 2012
 10:00 AM
 15000

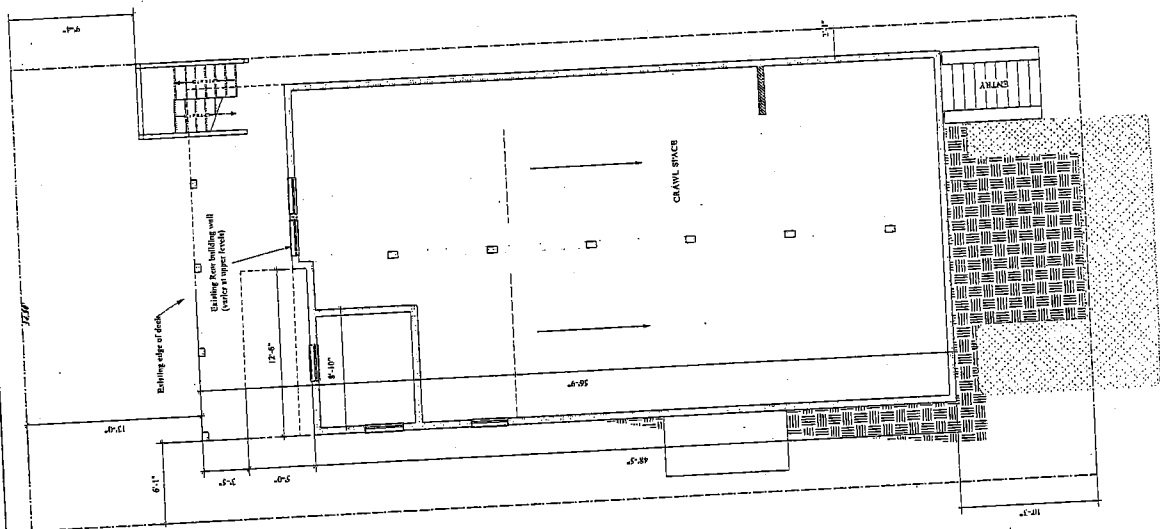
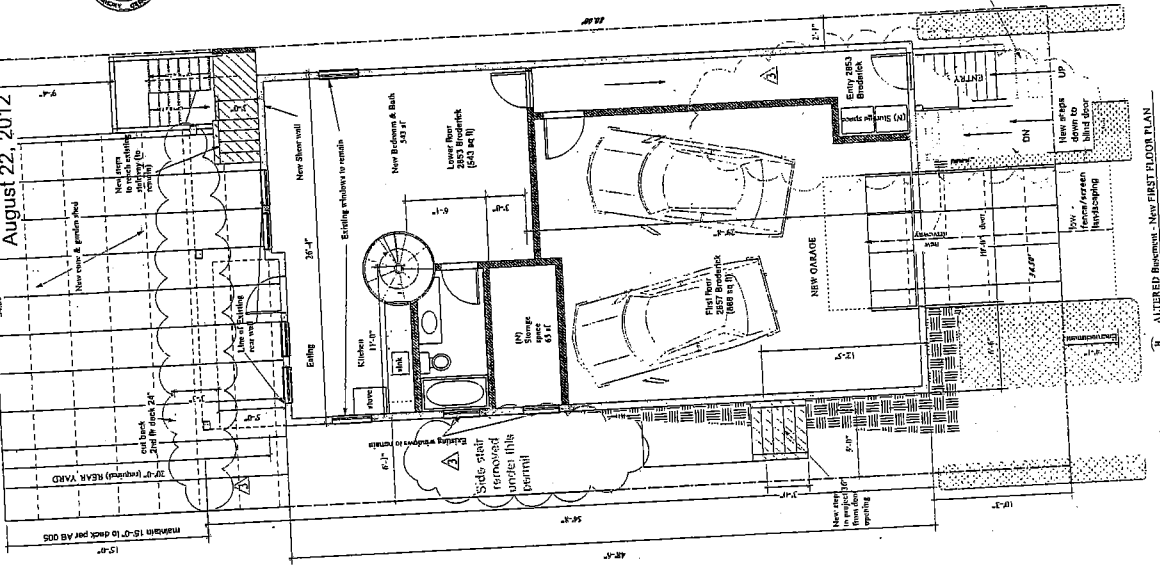
STEPHEN ANTANAROS
 ARCHITECT

Street #334
 221
 San Francisco, California 94114
 (415) 864 2281
 Fax (415) 863 0961

ALTERATION & VARIANCE
 2853 & 2857 BRODERICK ST.,
 SAN FRANCISCO, CA 94123

Block 0947 Lot 002
 SHEET
 A2

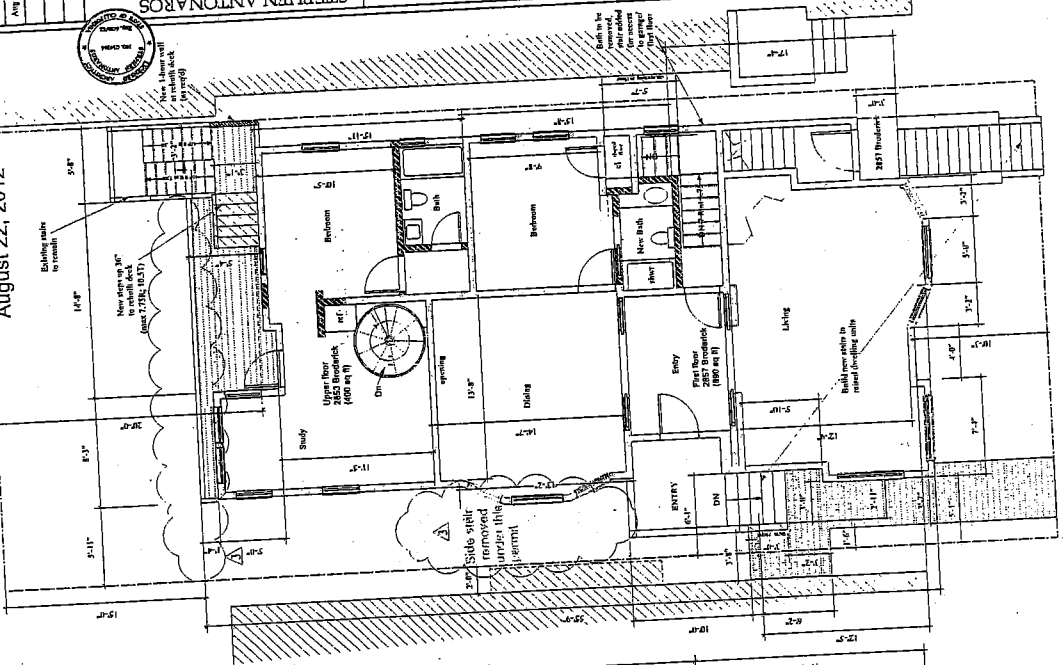
EXHIBIT 'A'
 August 22, 2012



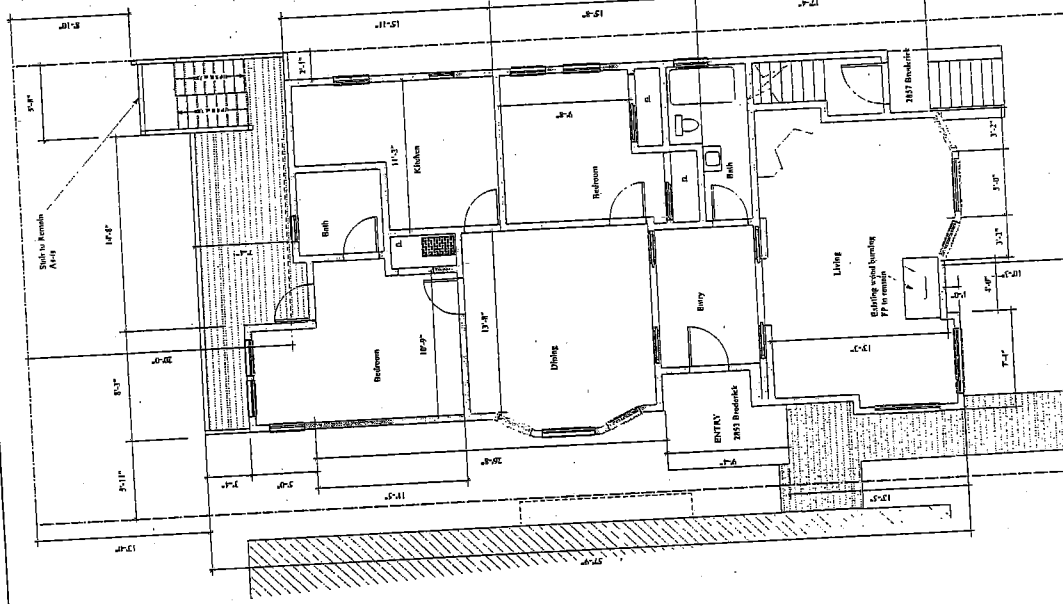
ALTERED Requirement - New FIRST FLOOR PLAN
 495 sq ft (over living room)

EXISTING Requirement PLAN
 512 sq ft (over living room)

EXHIBIT 'A'
 August 22, 2012



ALTERED 2nd FLR - NEW THIRD FLOOR PLAN
 2853 Broderick
 1290 sq ft
 Scale: 1/8" = 1'-0"



EXISTING SECOND FLOOR PLAN
 2853 Broderick
 1290 sq ft
 Scale: 1/8" = 1'-0"

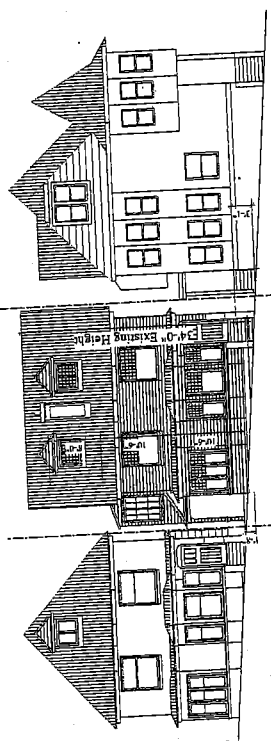
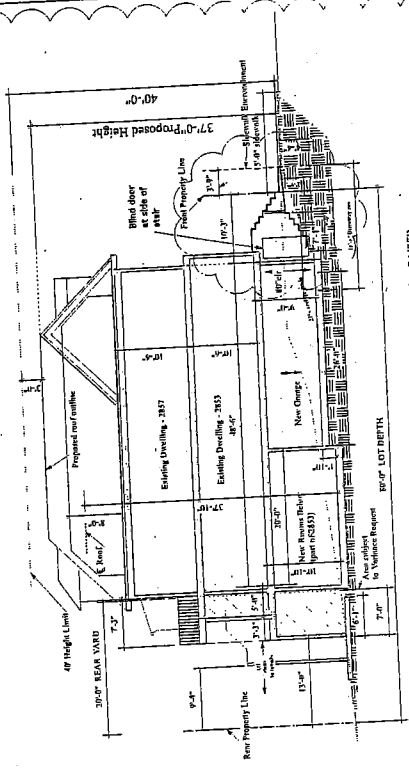
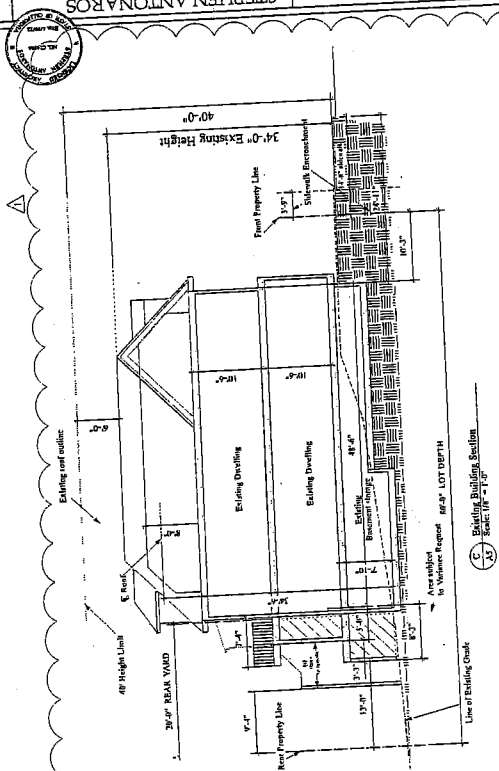
DATE	August 19, 2012
SCALE	1/8" = 1'-0"
PROJECT	2853 & 2857 BRODERICK ST.
JOB	ALTERATION & VARIANCE
DRAWN BY	SA
CHECKED BY	SA
DATE	Aug 13, 2012
REVISIONS	
1	
2	
3	
4	
5	

STEPHEN ANTONAKOS
 ARCHITECT
 4111 Street, #324
 1000 California Street
 San Francisco, CA 94133
 (415) 864-2261
 Fax: (415) 864-0961

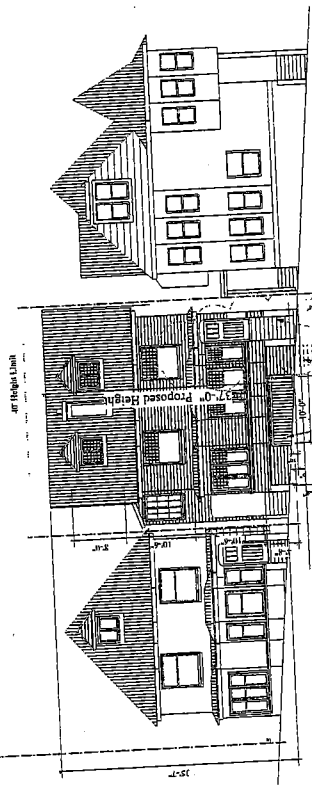
ALTERATION & VARIANCE
 2853 & 2857 BRODERICK ST.
 FRANCISCO, CA 94123
 Block 0947 Lot 002

SHEET
A5
 OF
 02

EXHIBIT 'A'
 August 22, 2012



A. EXISTING ELEVATION, 2853 & 2857 BRODERICK



B. NEW ELEVATION, 2853 & 2857 BRODERICK (used JTD)
 A5 APPROVED

DATE	PROJECT
11/11/11	2853 & 2857 BRODERICK ST.
SCALE	1" = 1'-0"
DRAWN	SA
CHECKED	
DATE	

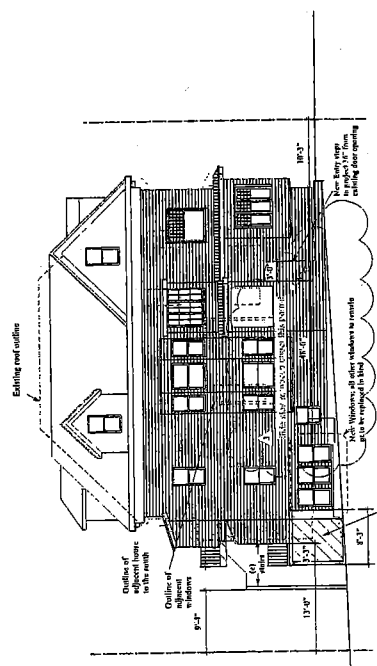
ALTERATION & VARIANCE
 2853 & 2857 BRODERICK ST.
 FRANCISCO, CA 94123
 Block 0947 Lot 002

STEPHEN ANTONAROS
 ARCHITECT
 1500 California St., Suite 222A
 San Francisco, CA 94109
 (415) 964-2261
 Fax: (415) 964-2261
 Lic. No. C-10516

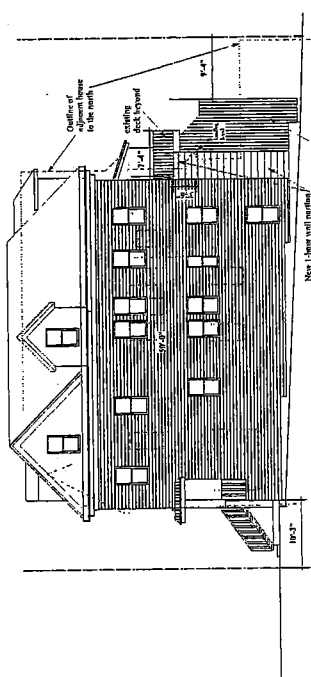
REVISIONS	BY	DATE
		11/11/11
		11/11/11
		11/11/11



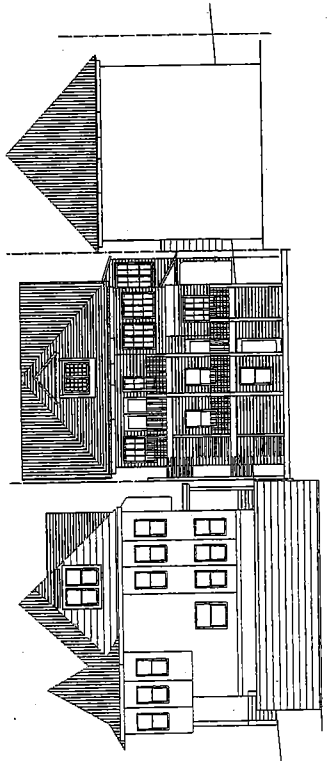
EXHIBIT 'A'
 August 22, 2012



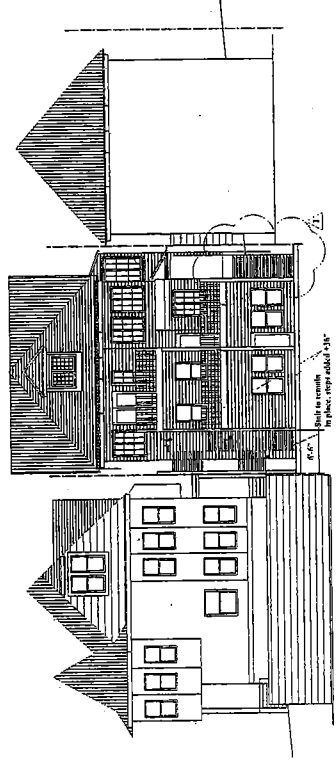
C. NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (sheet A6)
 Scale: 1/8" = 1'-0"



D. NEW SIDE ELEVATION- 2853 & 2857 BRODERICK (sheet A6)
 Scale: 1/8" = 1'-0"



A. EXISTING REAR ELEVATION- 2853 & 2857 BRODERICK
 Scale: 1/8" = 1'-0"



B. NEW REAR ELEVATION- 2853 & 2857 BRODERICK (sheet A6)
 Scale: 1/8" = 1'-0"



RE: Continuance

John Kevlin to: Pam Whitehead, iiz, Stephen Antonaros
Cc: "Kate Kardos", joy.lamug, shelley.Caltagirone, "Catherine Stefani"

08/22/2012 11:36 AM

History: This message has been forwarded.

All,

This is John Kevlin - I am representing Pam in this case. I will have a draft settlement agreement prepared by this afternoon for all parties to review. In the next day or so, we will have either settled the issue, in which case the all appeals will be withdrawn, or not, in which case we will prepare to attend the appeal hearing. We don't see any need to continue the hearing at this time and would not agree to a continuance.

John

-----Original Message-----

From: Pam Whitehead [mailto:Whiteheadwest@msn.com]
Sent: Wednesday, August 22, 2012 11:18 AM
To: iiz@me.com; Stephen Antonaros
Cc: Kate Kardos; joy.lamug@sfgov.org; shelley.Caltagirone@sfgov.org;
Catherine Stefani; John Kevlin
Subject: Re: Continuance

Dear Irving,

I am sorry, I am not willing to continue the case. I will have an agreement written out for you today, I am available to sign with you. Once you have reviewed and agree, then you can remove this from all calendars.

Sincerely,

Pam Whitehead

On 8/22/12 10:30 AM, "iiz@me.com" <iiz@me.com> wrote:

>Dear Pam:

>

>I am mindful of your desire and interest in moving forward with your project and I have done everything I could to get things done quickly.

>I produced an Agreement for you last week. If you want to show me your

>draft today that is great.

>But, I asked for a one week continuance of the Hearing to accommodate

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>request. We have to respect our City Government who works on our

>behalf and help them avoid doing unnecessary work and waste resources.

>

>We really can get this Agreement done immediately if there is good


>faith and fair dealing.

>

>Irving

>



Re: Fw: 2853 Broderick St. Cat Ex Appeal. 

08/22/2012 11:43 AM

Rick Caldeira to: Joy Lamug
Catherine Stefani, Pam Whitehead, Stephen Antonaros,
Cc: shelley.Caltagirone, Kate Kardos, victor.pacheco, Angela Calvillo,
Jon Givner, Catherine Stefani, Judson True, AnMarie Rodgers, Scott

From: Rick Caldeira/BOS/SFGOV
To: Joy Lamug/BOS/SFGOV@SFGOV
Cc: Catherine Stefani <catherine.stefani@yahoo.com>, Pam Whitehead
<whiteheadwest@msn.com>, Stephen Antonaros <santonaros@sbcglobal.net>,
shelley.Caltagirone@sfgov.org, Kate Kardos <kdkmanagement@yahoo.com>,

Joy,

If a withdraw is not received in our office tomorrow, Thursday, August 23, 2012, by 12 noon, you are hereby directed to move forward with noticing of this appeal for September 4, 2012, pursuant to CEQA interim procedures. It will be the Board's decision to continue this matter for an additional week, as requested by the party(ies) below, at the September 4, 2012, Board Meeting.

Regards,

Rick Caldeira, MMC
Legislative Deputy Director
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-7711 | Fax: (415) 554-5163
rick.caldeira@sfgov.org | www.sfbos.org

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
<http://www.sfbos.org/index.aspx?page=104>

Joy Lamug	Hi Rick, Please see below email sent to Catheri...	08/22/2012 11:34:06 AM
-----------	--	------------------------

From: Joy Lamug/BOS/SFGOV
To: Rick Caldeira/BOS/SFGOV@SFGOV,
Date: 08/22/2012 11:34 AM
Subject: Fw: 2853 Broderick St. Cat Ex Appeal.

Hi Rick,

Please see below email sent to Catherine Stefani regarding the 2853 Broderick Street CEQA Appeal. I will be forwarding the other emails sent by both parties that you were not cc'd on shortly.

Thanks,
Joy

Joy Lamug
Board of Supervisors
Legislative Division
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Tel: 415.554.7712
Fax: 415.554.7714
Email: joy.lamug@sfgov.org

MONDAY DEADLINE: Departments must submit electronic version of legislation by 9:00 am with original and 4 copies to be submitted by 12:00 noon.

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below.
http://www.sfgov.org/site/bdsupvrs_form.asp?id=18548

— Forwarded by Joy Lamug/BOS/SFGOV on 08/22/2012 11:43 AM —

From: "John Kevlin" <jkevin@reubenlaw.com>
To: "Pam Whitehead" <Whiteheadwest@msn.com>, <iiz@me.com>, "Stephen Antonaros" <santonaros@sbcglobal.net>
Cc: "Kate Kardos" <kdkmanagement@yahoo.com>, <joy.lamug@sfgov.org>, <shelley.Caltagirone@sfgov.org>, "Catherine Stefani" <catherine.stefani@yahoo.com>
Date: 08/22/2012 11:36 AM
Subject: RE: Continuance

All,

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John

— Forwarded by Joy Lamug/BOS/SFGOV on 08/22/2012 11:41 AM —

From: Pam Whitehead <Whiteheadwest@msn.com>
To: <iiz@me.com>, Stephen Antonaros <santonaros@sbcglobal.net>
Cc: Kate Kardos <kdkmanagement@yahoo.com>, <joy.lamug@sfgov.org>, <shelley.Caltagirone@sfgov.org>, Catherine Stefani <catherine.stefani@yahoo.com>, John Kevlin <jkevin@reubenlaw.com>
Date: 08/22/2012 11:17 AM
Subject: Re: Continuance

Dear Irving,

I am sorry, I am not willing to continue the case. I will have an agreement written out for you today, I am available to sign with you. Once you have reviewed and agree, then you can remove this from all calendars.

Sincerely,

Pam Whitehead

— Forwarded by Joy Lamug/BOS/SFGOV on 08/22/2012 11:40 AM —

From: iiz@me.com
To: Pam Whitehead <whiteheadwest@msn.com>, Stephen Antonaros <santonaros@sbcglobal.net>
Cc: Kate Kardos <kdkmanagement@yahoo.com>, joy.lamug@sfgov.org, shelley.Caltagirone@sfgov.org, Catherine Stefani <catherine.stefani@yahoo.com>
Date: 08/22/2012 10:29 AM
Subject: Continuance

Dear Pam:

I am mindful of your desire and interest in moving forward with your project and I have done everything I could to get things done quickly. I produced an Agreement for you last week. If you want to show me your draft today that is great. But, I asked for a one week continuance of the Hearing to accommodate the City Departments who want to conserve on unnecessary work and resource expenditures. I hope you agree and file a joinder to my request. We have to respect our City Government who works on our behalf and help them avoid doing unnecessary work and waste resources.

We really can get this Agreement done immediately if there is good faith and fair dealing.

Irving

— Forwarded by Joy Lamug/BOS/SFGOV on 08/22/2012 11:39 AM —

From: iiz@me.com
To: joy.lamug@sfgov.org
Cc: Catherine Stefani <catherine.stefani@yahoo.com>, Pam Whitehead <whiteheadwest@msn.com>, Stephen Antonaros <santonaros@sbcglobal.net>, Kate Kardos <kdkmanagement@yahoo.com>, shelley.Caltagirone@sfgov.org
Date: 08/22/2012 10:21 AM
Subject: Request for continuance for Hearing Sept. 4th

Dear Joy:

We hereby request a continuance of one week for the Hearing set for September 4th, 2012 to accommodate everyone who worked on this resolution and to avoid unnecessary work and preparation on the part of City Departments. Please advise if this email is sufficient. Our request comes in response to a request by Catherine Stefani on behalf of the Supervisor. Please advise,
Irving Zaretsky
(for Appellants)

— Forwarded by Joy Lamug/BOS/SFGOV on 08/22/2012 11:10 AM —

From: iiz@me.com
To: Catherine Stefani <catherine.stefani@yahoo.com>
Cc: Pam Whitehead <whiteheadwest@msn.com>, Stephen Antonaros <santonaros@sbcglobal.net>, shelley.Caltagirone@sfgov.org, Kate Kardos <kdkmanagement@yahoo.com>, victor.pacheco@sfgov.org, joy.lamug@sfgov.org
Date: 08/22/2012 10:15 AM
Subject: Re: 2853 Broderick St. Cat Ex Appeal.

Hi All:

I am hereby requesting a continuance of one week for the Hearing set forth for September 4th to accommodate everyone concerned. Please advise me what form or letter I am to write and to whom to further memorialize this. Thank you,
Irving

On Aug 22, 2012, at 10:12 AM, Catherine Stefani wrote:

> The request did come from our office and I would again request at least a week continuance while this agreement is worked out and the appeals are withdrawn (hopefully that remains the case).

>
> Sent from my iPhone

>
> On Aug 22, 2012, at 9:57 AM, iiz@me.com wrote:

>
>> Dear Pam:

>> The postponement request came from the SUPERVISOR'S office because of the close proximity between the date of the Hearing and the return date of the Supervisor. I responded that we are agreeable to a later date. Check your >> emails. It is up to you and Catherine as to the accommodation date. It is in the very nature of this process that once an agreement is reached and the new plans are accepted that an AGREEMENT has to be signed between the >> parties. This very fact was emphasized to me by the City Departments who worked on this because they want to make sure that everyone treats the resolution in good faith and acts accordingly. I was told that prior to withdrawing

>> the Appeals there should be an Agreement between the parties that they intend to honor the resolution and release each other of the claims. What cannot happen is that the plans are accepted by the City Departments >> and the Appeals withdrawn and then one of the parties re-introduces the issues all over again or revives the issues in another forum. There has to be here reliance and good faith and that is what the Agreement is about.

>> Thank you,

>> Irving

>> On Aug 22, 2012, at 9:17 AM, Pam Whitehead wrote:

>>>

>>> Dear Irving,

>>>>

>>>> I have been agreeable to spend thousands of dollars redesigning my >>>> property to meet your concerns, including much in holding costs and legal >>>> fees. I am not agreeable to postponing the hearings set up. We have come >>>> up with a solution for your concerns. I have my attorney writing up a >>>> settlement that addresses the appeal issues. He had sent me a draft on >>>> Monday, I agreed to the draft and he had stated that by Wednesday we would >>>> have something for you. As soon as I receive I will send to you. I will be >>>> in SF today so if all looks good to you we can sign together. Then you can >>>> follow thru and withdraw the hearings scheduled.

>>>>>

>>>>> Thanks,

>>>>>

>>>>> Pam

>>>>>

>>>>> On 8/22/12 8:56 AM, "iiz@me.com" <iiz@me.com> wrote:

>>>>>>

>>>>>> Dear Pam:

>>>>>>>

>>>>>>> I look forward to receive your draft of the Agreement today. If you do >>>>>>> want to go ahead with the Hearing then Catherine had previously requested >>>>>>> of us to postpone the date since the Supervisor is just getting back on >>>>>>> September >>>>>>> 4th. We, the Appellants, agreed to a later date. Since you are asking >>>>>>> to schedule the Hearing for the 4th, you need to respond to Catherine's >>>>>>> request for a later date to accommodate the Supervisor. >>>>>>> Please advise,

>>>>>>> Irving

>>>>>>> On Aug 22, 2012, at 8:41 AM, Pam Whitehead wrote:

>>>>>>>>

>>>> Dear Shelley,
>>>>
>>>> Hi, I am the project sponsor, and currently have requested my attorney
>>>> to
>>>> write the final settlement agreement between the appellants and myself,
>>>> should hope to have something today, so just wanted to confirm on my
>>>> end,
>>>> until we have a signed agreement we should all plan on moving forward
>>>> with
>>>> the scheduled hearings. I will have a final revision today to send over
>>>> to
>>>> the appellants. Thank you for your time.

>>>> Sincerely,

>>>> Pam Whitehead

>>>> On 8/21/12 10:24 AM, "Shelley.Caltagirone@sfgov.org"
>>>> <Shelley.Caltagirone@sfgov.org> wrote:

>>>> Hi AnMarie,

>>>>> Have you had any further contact from the appellants? The Clerk of the
>>>>> Board has not received a written withdrawal request so we are still on
>>>>> schedule to hold a hearing on September 4th. I need to know if I
>>>>> should
>>>>> prepare an appeal response by Monday. I'm sorry to bother you with
>>>>> this,
>>>>> but I don't have any contact information for the appellant, Kate
>>>>> Polevoi.

>>>>> --

>>>>> Shelley Caltagirone
>>>>> Preservation Planner, NW Quadrant
>>>>> Planning Department, City and County of San Francisco
>>>>> 1650 Mission Street, Suite 400
>>>>> San Francisco, CA 94103
>>>>> (415) 558-6625

>>>>> AnMarie

>>>>> Rodgers/CTYPLN/SF

>>>>> GOV

>>>>> To

Joy Lamug/BOS/SFGOV@SFGOV,

>>>>>

rick.Caldeira@sfgov.org

>>>>>

08/08/2012 05:35

>>>>>

>>>>>

PM

>>>>> cc

Stephen Antonaros

>>>>>

<santonaros@sbcglobal.net>

>>>>>

>>>>>

>>>>> of Supervisors and before the Board of Appeals. Staff to the Board of
>>>>> Appeals have sent the parties instructions on how to withdraw the
>>>>> appeal
>>>>> to
>>>>> the Board of Appeals. Does the Clerk of the Board have similar
>>>>> instructions that describe how to properly withdraw an appeal to the
>>>>> Board
>>>>> of Supervisors?

>>>>> Many thanks for your help.

>>>>> AnMarie Rodgers
>>>>> Manager of Legislative Affairs

>>>>> SF Planning Department
>>>>> 1650 Mission Street, #400
>>>>> San Francisco CA, 94103
>>>>> anmarie@sfgov.org
>>>>> 415.558.6395

>>>>> Have a question about a proposed development? See our new SF Property
>>>>> Info
>>>>> Map!

>>>>> <http://propertymap.sfplanning.org>
>>>>> ----- Forwarded by AnMarie Rodgers/CTYPLN/SFGOV on 08/08/2012 05:28 PM

>>>>> -----

>>>>> "Goldstein,
>>>>> Cynthia"
>>>>> <cynthia.goldstei

>>>>> To n@sfgov.org> Stephen Antonaros

>>>>> <santonaros@sbcglobal.net>,

>>>>> 08/08/2012 12:05 "Sanchez, Scott"

>>>>> PM <scott.sanchez@sfgov.org>

>>>>> cc "iiz@me.com" <iiz@me.com>, Kate

>>>>> Kardos <kdkmanagement@yahoo.com>,

>>>>> Whitehead Pam

>>>>> <whiteheadwest@msn.com>, "Stefani,

>>>>> Catherine"

>>>>> <catherine.stefani@sfgov.org>,

>>>>> "Rodgers, AnMarie"

>>>>> <anmarie.rodgers@sfgov.org>,

>>>>>

>>>>> "Pacheco, Victor"
>>>>> <victor.pacheco@sfgov.org>
>>>>>
>>>>>
>>>>> Subject RE: final drawings for the agreed
>>>>> design
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>>>>>
>>>>> All -
>>>>>
>>>>> To withdraw an appeal, the attached form should be submitted to the
>>>>> Board's
>>>>> office. Since the named appellant in this matter is Pat Buscovich, he
>>>>> needs
>>>>> to sign the form. Upon receipt, my office will contact Mr. Buscovich to
>>>>> confirm the withdrawal.
>>>>>
>>>>> Cynthia
>>>>>
>>>>> Cynthia G. Goldstein
>>>>> Executive Director
>>>>> San Francisco Board of Appeals
>>>>> 1650 Mission Street, Suite 304
>>>>> San Francisco, CA 94103
>>>>> phone: 415-575-6881
>>>>> fax: 415-575-6885
>>>>> www.sfgov.org
>>>>>
>>>>> From: Stephen Antonaros [mailto:santonaros@sbcglobal.net]
>>>>> Sent: Wednesday, August 08, 2012 11:58 AM
>>>>> To: Sanchez, Scott
>>>>> Cc: iiz@me.com; Kate Kardos; Whitehead Pam; Stefani, Catherine;
>>>>> Rodgers,
>>>>> AnMarie; Pacheco, Victor; Goldstein, Cynthia
>>>>> Subject: Re: final drawings for the agreed design
>>>>>
>>>>> Thanks Scott for your help in bringing this matter to a resolution.
>>>>>
>>>>> We are prepared to submit the agreed upon revision as soon as this
>>>>> Friday
>>>>> if Irving can withdraw the appeals in that time frame. I am attaching
>>>>> the
>>>>> revised plans (minus some anticipated interior alterations) and these

>>>>> plans
>>>>> reflect the exterior changes agreed to and which are intended to be
>>>>> submitted for re-approval.
>>>>>
>>>>> If Irving can confirm the process with the Board of Appeals we can move
>>>>> ahead.
>>>>>
>>>>> Stephen Antonaros, ARCHITECT
>>>>> 2298 Third Street
>>>>> San Francisco, California 94107
>>>>> (415)864-2261
>>>>> www.antonaros.com<http://www.antonaros.com>
>>>>>
>>>>>
>>>>> On Aug 8, 2012, at 10:38 AM, Scott.Sanchez@sfgov.org<
>>>>> mailto:Scott.Sanchez@sfgov.org> wrote:
>>>>>
>>>>>> Hello Irving and Stephen,
>>>>>>
>>>>>> Thank you again for working together to develop a resolution that is
>>>>>> acceptable to all parties. Moving forward, I believe that there may
>>>>>> be
>>>>>> two
>>>>>> possible scenarios to ensure that the revised project moves forward.
>>>>>>
>>>>>> First (and most straightforward), the Appellant can withdraw both
>>>>>> appeals
>>>>>> (CEQA and Board of Appeals) and the Permit Holder can file a revision
>>>>>> permit with DBI that documents the agreed upon changes. This could
>>>>>> happen
>>>>>> relatively quickly (1-2 weeks).
>>>>>>
>>>>>> Second, the Appellant can withdraw the CEQA appeal and both parties
>>>>>> can
>>>>>> go
>>>>>> back to the Board of Appeals for the rehearing request (currently
>>>>>> scheduled
>>>>>> for September 12) to request the Board grant the rehearing request and
>>>>>> schedule the item for the next available hearing. At the subsequent
>>>>>> hearing, the Board could grant the appeal and adopt the revised plans.
>>>>>> This would take more time, a month or more and would require
>>>>>> cooperation
>>>>>> of
>>>>>> the Board (they are not obligated to accept the agreement). I'm
>>>>>> copying
>>>>>> Cynthia Goldstein and Victor Pacheco at the Board of Appeals on this
>>>>>> email
>>>>>> to see if they have any comments.
>>>>>>
>>>>>> It's a complicated process, so please let me know if you have any
>>>>>> questions.
>>>>>>
>>>>>> Regards,
>>>>>> Scott F. Sanchez
>>>>>> Zoning Administrator
>>>>>> San Francisco Planning Department
>>>>>> 1650 Mission Street, Suite 400
>>>>>> San Francisco, CA 94103
>>>>>>
>>>>>> Tel: 415.558.6350

>>>>>> Fax: 415.558.6409
>>>>>>
>>>>>> E-mail: scott.sanchez@sfgov.org<mailto:scott.sanchez@sfgov.org>
>>>>>> Webpage: http://www.sfplanning.org
>>>>>>
>>>>>> Planning Information Center (PIC): 415-558-6377
>>>>>> Property Information Map (PIM): http://propertymap.sfplanning.org
>>>>>>
>>>>>>
>>>>>>
>>>>>> Stephen Antonaros
>>>>>> <santonaros@sbcgl
>>>>>> obal.net>
>>>>>> To
>>>>>> iiz@me.com<mailto:iiz@me.com>
>>>>>> 08/08/2012 10:23
>>>>>> cc
>>>>>> AM Pam Whitehead
>>>>>> <whiteheadwest@msn.com<
>>>>>> mailto:whiteheadwest@msn.com>>, Kate
>>>>>> Kardos <kdkmanagement@yahoo.com<
>>>>>> mailto:kdkmanagement@yahoo.com>>, catherine.stefani@sfgov.org<
>>>>>> catherine.stefani@sfgov.org>, scott.sanchez@sfgov.org<
>>>>>> mailto:scott.sanchez@sfgov.org>
>>>>>>
>>>>>> Subject
>>>>>> Re: final drawings for the agreed
>>>>>> design
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>>>>>>
>>>>>> Irving;
>>>>>>
>>>>>> Part of my own due diligence on proposing the option that is
>>>>>> acceptable
>>>>>> to
>>>>>> all involved running it by DBI. I received a positive response which
>>>>>> will
>>>>>> be final after reviewed under a proper permit application as a
>>>>>> revision.
>>>>>>
>>>>>> Stephen Antonaros, ARCHITECT
>>>>>> 2261 Market Street #324
>>>>>> San Francisco, California 94114
>>>>>> (415) 864-2261
>>>>>> www.antonaros.com<http://www.antonaros.com>
>>>>>>
>>>>>>
>>>>>>
>>>>>> On Aug 8, 2012, at 10:18 AM, iiz@me.com<mailto:iiz@me.com> wrote:
>>>>>>

>>>>>>> Stephen:
>>>>>>>
>>>>>>> I will check with Victor at the Board of Appeals and with Catherine
>>>>>>> at
>>>>>>> Mark Farrell's office on how to proceed to get your permit re-instated
>>>>>>> so
>>>>>>> that the agreement can go forward. However, in the mean while can you
>>>>>>> get
>>>>>>> the agreed
>>>>>>> upon design to be looked at by DBI so that we have their blessing and
>>>>>>> the
>>>>>>> permit revision will just be ministerial when we clear up the Hearing
>>>>>>> withdrawal. We don't want any issues with DBI.
>>>>>>> Thank you,
>>>>>>> Irving
>>>>>>> On Aug 8, 2012, at 10:10 AM, Stephen Antonaros wrote:
>>>>>>>
>>>>>>> Irving,
>>>>>>>
>>>>>>> My understanding is that we cannot submit a permit revision to a
>>>>>>> permit
>>>>>>> that has been suspended unless that permit is authorized by the Board
>>>>>>> of
>>>>>>> Appeals as a result of a decision at the hearing. Please confirm that
>>>>>>> on
>>>>>>> your own.
>>>>>>>
>>>>>>>
>>>>>>> Stephen Antonaros, ARCHITECT
>>>>>>> 2298 Third Street
>>>>>>> San Francisco, California 94107
>>>>>>> (415)864-2261
>>>>>>> www.antonaros.com<<http://www.antonaros.com>>
>>>>>>>
>>>>>>>
>>>>>>> On Aug 8, 2012, at 10:06 AM, iiz@me.com<<mailto:iiz@me.com>> wrote:
>>>>>>>
>>>>>>>> Dear Pam and Stephen:
>>>>>>>>
>>>>>>>> Can you prepare the final drawings within the approved drawings
>>>>>>>> that
>>>>>>>> you have that show the final design accepted by the City Planning
>>>>>>>> Department and have it also signed off by DBI. That would show the
>>>>>>>> exact
>>>>>>>> way the project would
>>>>>>>> be constructed according to the agreement. That would allow us to
>>>>>>>> withdraw our appeals and get our agreement finalized. We have to have
>>>>>>>> CP
>>>>>>>> and DBI sign off. Let's try to do that ASAP so that we can get all
>>>>>>>> the
>>>>>>>> paper work done.
>>>>>>>> Thank you,
>>>>>>>> Irving
>>>>>>>>
>>>>>>>>
>>>>>>>>
>>>>>>>>
>>>>>>>>
>>>>>>>>
>>>>>>>> (See attached file: winmail.dat)



RE: Continuance

John Kevlin to: Pam Whitehead, iiz, Stephen Antonaros
Cc: "Kate Kardos", joy.lamug, shelley.Caltagirone, "Catherine Stefani"

08/22/2012 11:36 AM

History: This message has been forwarded.

All,

This is John Kevlin - I am representing Pam in this case. I will have a draft settlement agreement prepared by this afternoon for all parties to review. In the next day or so, we will have either settled the issue, in which case the all appeals will be withdrawn, or not, in which case we will prepare to attend the appeal hearing. We don't see any need to continue the hearing at this time and would not agree to a continuance.

John

-----Original Message-----

From: Pam Whitehead [mailto:Whiteheadwest@msn.com]
Sent: Wednesday, August 22, 2012 11:18 AM
To: iiz@me.com; Stephen Antonaros
Cc: Kate Kardos; joy.lamug@sfgov.org; shelley.Caltagirone@sfgov.org;
Catherine Stefani; John Kevlin
Subject: Re: Continuance

Dear Irving,

I am sorry, I am not willing to continue the case. I will have an agreement written out for you today, I am available to sign with you. Once you have reviewed and agree, then you can remove this from all calendars.

Sincerely,

Pam Whitehead

On 8/22/12 10:30 AM, "iiz@me.com" <iiz@me.com> wrote:

>Dear Pam:

>

>I am mindful of your desire and interest in moving forward with your project and I have done everything I could to get things done quickly.

>I produced an Agreement for you last week. If you want to show me your

>draft today that is great.

>But, I asked for a one week continuance of the Hearing to accommodate the City Departments who want to conserve on unnecessary work and resource expenditures. I hope you agree and file a joinder to my request. We have to respect our City Government who works on our behalf and help them avoid doing unnecessary work and waste resources.

>

>We really can get this Agreement done immediately if there is good faith and fair dealing.

>

>Irving

>



Re: Continuance

Pam Whitehead to: iiz, Stephen Antonaros

08/22/2012 11:17 AM

Cc: Kate Kardos, joy.lamug, shelley.Caltagirone, Catherine Stefani, John Kevlin

Dear Irving,

I am sorry, I am not willing to continue the case. I will have an agreement written out for you today, I am available to sign with you. Once you have reviewed and agree, then you can remove this from all calendars.

Sincerely,

Pam Whitehead

On 8/22/12 10:30 AM, "iiz@me.com" <iiz@me.com> wrote:

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>I am mindful of your desire and interest in moving forward with your project and I have done everything I could to get things done quickly. I produced an Agreement for you last week. If you want to show me your draft today that is great.

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>respect our City Government who works on our behalf and help them avoid doing unnecessary work and waste resources.

>We really can get this Agreement done immediately if there is good faith and fair dealing.

>

>Irving

>



Continuance

iiiz to: Pam Whitehead, Stephen Antonaros
Cc: Kate Kardos, joy.lamug, shelley.Caltagirone, Catherine Stefani

08/22/2012 10:29 AM

Dear Pam:

I am mindful of your desire and interest in moving forward with your project and I have done everything I could to get things done quickly. I produced an Agreement for you last week. If you want to show me your draft today that is great.

But, I asked for a one week continuance of the Hearing to accommodate the City Departments who want to conserve on unnecessary work and resource expenditures. I hope you agree and file a joinder to my request. We have to respect our City Government who works on our behalf and help them avoid doing unnecessary work and waste resources.

We really can get this Agreement done immediately if there is good faith and fair dealing.

Irving



Request for continuance for Hearing Sept. 4th

08/22/2012 10:21 AM

iiiz to: joy.lamug

Cc: Catherine Stefani, Pam Whitehead, Stephen Antonaros, Kate Kardos, shelley.Caltagirone

Dear Joy:

We hereby request a continuance of one week for the Hearing set for September 4th, 2012 to accommodate everyone who worked on this resolution and to avoid unnecessary work and preparation on the part of City Departments. Please advise if this email is sufficient. Our request comes in response to a request by Catherine Stefani on behalf of the Supervisor. Please advise,
Irving Zaretsky
(for Appellants)



Re: 2853 Broderick St. Cat Ex Appeal.

iiz to: Catherine Stefani

08/22/2012 10:15 AM

Cc: Pam Whitehead, Stephen Antonaros, shelley.Caltagirone, Kate Kardos, victor.pacheco, joy.lamug

Hi All:

I am hereby requesting a continuance of one week for the Hearing set forth for September 4th to accommodate everyone concerned. Please advise me what form or letter I am to write and to whom to further memorialize this.

Thank you,
Irving

On Aug 22, 2012, at 10:12 AM, Catherine Stefani wrote:

> The request did come from our office and I would again request at least a week continuance while this agreement is worked out and the appeals are withdrawn (hopefully that remains the case).

>

> Sent from my iPhone

>

> On Aug 22, 2012, at 9:57 AM, iiz@me.com wrote:

>

>> Dear Pam:

>> The postponement request came from the SUPERVISOR'S office because of the close proximity between the date of the Hearing and the return date of the Supervisor. I responded that we are agreeable to a later date. Check your >> emails. It is up to you and Catherine as to the accommodation date. It is in the very nature of this process that once an agreement is reached and the new plans are accepted that an AGREEMENT has to be signed between the >> parties. This very fact was emphasized to me by the City Departments who worked on this because they want to make sure that everyone treats the resolution in good faith and acts accordingly. I was told that prior to withdrawing

>> the Appeals there should be an Agreement between the parties that they intend to honor the resolution and release each other of the claims. What cannot happen is that the plans are accepted by the City Departments

>> and the Appeals withdrawn and then one of the parties re-introduces the issues all over again or revives the issues in another forum. There has to be here reliance and good faith and that is what the Agreement is about.

>> Thank you,

>> Irving

>> On Aug 22, 2012, at 9:17 AM, Pam Whitehead wrote:

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>>> Dear Irving,

>>>

>>> I have been agreeable to spend thousands of dollars redesigning my >>> property to meet your concerns, including much in holding costs and legal >>> fees. I am not agreeable to postponing the hearings set up. We have come >>> up with a solution for your concerns. I have my attorney writing up a >>> settlement that addresses the appeal issues. He had sent me a draft on >>> Monday, I agreed to the draft and he had stated that by Wednesday we would >>> have something for you. As soon as I receive I will send to you. I will be >>> in SF today so if all looks good to you we can sign together. Then you can >>> follow thru and withdraw the hearings scheduled.

>>>

>>> Thanks,

>>>

>>> Pam

>>>

>>> On 8/22/12 8:56 AM, "iiz@me.com" <iiz@me.com> wrote:

>>>

>>>> Dear Pam:

>>>>

>>>> I look forward to receive your draft of the Agreement today. If you do
>>>> want to go ahead with the Hearing then Catherine had previously requested
>>>> of us to postpone the date since the Supervisor is just getting back on
>>>> September
>>>> 4th. We, the Appellants, agreed to a later date. Since you are asking
>>>> to schedule the Hearing for the 4th, you need to respond to Catherine's
>>>> request for a later date to accommodate the Supervisor.
>>>> Please advise,

>>>> Irving

>>>> On Aug 22, 2012, at 8:41 AM, Pam Whitehead wrote:

>>>>

>>>>> Dear Shelley,

>>>>>

>>>>> Hi, I am the project sponsor, and currently have requested my attorney
>>>>> to
>>>>> write the final settlement agreement between the appellants and myself,
>>>>> should hope to have something today, so just wanted to confirm on my
>>>>> end,
>>>>> until we have a signed agreement we should all plan on moving forward
>>>>> with
>>>>> the scheduled hearings. I will have a final revision today to send over
>>>>> to
>>>>> the appellants. Thank you for your time.

>>>>>

>>>>> Sincerely,

>>>>>

>>>>> Pam Whitehead

>>>>>

>>>>> On 8/21/12 10:24 AM, "Shelley.Caltagirone@sfgov.org"

>>>>> <Shelley.Caltagirone@sfgov.org> wrote:

>>>>>

>>>>>> Hi AnMarie,

>>>>>>

>>>>>> Have you had any further contact from the appellants? The Clerk of the
>>>>>> Board has not received a written withdrawal request so we are still on
>>>>>> schedule to hold a hearing on September 4th. I need to know if I
>>>>>> should
>>>>>> prepare an appeal response by Monday. I'm sorry to bother you with
>>>>>> this,
>>>>>> but I don't have any contact information for the appellant, Kate
>>>>>> Polevoi.

>>>>>>

>>>>>>

>>>>>>

>>>>>>

>>>>>>

>>>>>>

>>>>>> --

>>>>>> Shelley Caltagirone
>>>>>> Preservation Planner, NW Quadrant
>>>>>> Planning Department, City and County of San Francisco
>>>>>> 1650 Mission Street, Suite 400
>>>>>> San Francisco, CA 94103
>>>>>> (415) 558-6625

>>>>>>

>>>>>>

>>>>>>

>>>>>>

>>>>>>

>>>>> AnMarie
 >>>>>
 >>>>> Rodgers/CTYPLN/SF
 >>>>>
 >>>>> GOV
 >>>>> To
 >>>>>
 >>>>> 08/08/2012 05:35
 >>>>>
 >>>>> PM
 >>>>> CC
 >>>>>
 >>>>> Stephen Antonaros
 >>>>> <santonaros@sbcglobal.net>,
 >>>>> "Sanchez, Scott"
 >>>>> <scott.sanchez@sfgov.org>,
 >>>>> "iiz@me.com" <iiz@me.com>, Kate
 >>>>> Kardos <kdkmanagement@yahoo.com>,
 >>>>> Whitehead Pam
 >>>>> <whiteheadwest@msn.com>, "Stefani,
 >>>>> Catherine"
 >>>>> <catherine.stefani@sfgov.org>,
 >>>>> "Rodgers, AnMarie"
 >>>>> <anmarie.rodgers@sfgov.org>,
 >>>>> "Pacheco, Victor"
 >>>>> <victor.pacheco@sfgov.org>,
 >>>>> Catherine Stefani, Margaux
 >>>>> Kelly/BOS/SFGOV@SFGOV,
 >>>>> Glenn.Cabreros@sfgov.org,
 >>>>> iiz@me.com, Kate Kardos
 >>>>> <kdkmanagement@yahoo.com>,
 >>>>> Shelley.Caltagirone@sfgov.org
 >>>>>
 >>>>> Subject
 >>>>> 2853 Broderick St. Cat Ex Appeal.
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>>>>>
>>>>> Hi Joy,
>>>>>
>>>>> Pls see below. The appellants and the project sponsor have reached an
>>>>> agreement and would like to withdraw their pending appeal before the
>>>>> Board
>>>>> of Supervisors and before the Board of Appeals. Staff to the Board of
>>>>> Appeals have sent the parties instructions on how to withdraw the
>>>>> appeal
>>>>> to
>>>>> the Board of Appeals. Does the Clerk of the Board have similar
>>>>> instructions that describe how to properly withdraw an appeal to the
>>>>> Board
>>>>> of Supervisors?
>>>>>
>>>>> Many thanks for your help.
>>>>>
>>>>>
>>>>> AnMarie Rodgers
>>>>> Manager of Legislative Affairs
>>>>> -----
>>>>> SF Planning Department
>>>>> 1650 Mission Street, #400
>>>>> San Francisco CA, 94103
>>>>> anmarie@sfgov.org
>>>>> 415.558.6395
>>>>>
>>>>> Have a question about a proposed development? See our new SF Property
>>>>> Info
>>>>> Map!
>>>>> <http://propertymap.sfplanning.org>
>>>>> ----- Forwarded by AnMarie Rodgers/CTYPLN/SFGOV on 08/08/2012 05:28 PM
>>>>> -----
>>>>>
>>>>>
>>>>> "Goldstein,
>>>>>
>>>>> Cynthia"
>>>>>
>>>>> <cynthia.goldstei
>>>>> To n@sfgov.org> Stephen Antonaros
>>>>> <santonaros@sbcglobal.net>,
>>>>>
>>>>> 08/08/2012 12:05 "Sanchez, Scott"
>>>>> <scott.sanchez@sfgov.org>
>>>>> PM
>>>>>
>>>>>
>>>>> cc "iiz@me.com" <iiz@me.com>, Kate
>>>>>

>>>>> Kardos <kdkmanagement@yahoo.com>,
>>>>>
>>>>> Whitehead Pam
>>>>>
>>>>> <whiteheadwest@msn.com>, "Stefani,
>>>>> Catherine"
>>>>>
>>>>> <catherine.stefani@sfgov.org>,
>>>>> "Rodgers, AnMarie"
>>>>> <anmarie.rodgers@sfgov.org>,
>>>>> "Pacheco, Victor"
>>>>> <victor.pacheco@sfgov.org>

>>>>> Subject

RE: final drawings for the agreed
design

>>>>> All -

>>>>> To withdraw an appeal, the attached form should be submitted to the
>>>>> Board's
>>>>> office. Since the named appellant in this matter is Pat Buscovich, he
>>>>> needs
>>>>> to sign the form. Upon receipt, my office will contact Mr. Buscovich to
>>>>> confirm the withdrawal.

>>>>> Cynthia

>>>>> Cynthia G. Goldstein
>>>>> Executive Director
>>>>> San Francisco Board of Appeals
>>>>> 1650 Mission Street, Suite 304
>>>>> San Francisco, CA 94103
>>>>> phone: 415-575-6881
>>>>> fax: 415-575-6885
>>>>> www.sfgov.org

>>>>> From: Stephen Antonaros [mailto:santonaros@sbcglobal.net]
>>>>> Sent: Wednesday, August 08, 2012 11:58 AM
>>>>> To: Sanchez, Scott
>>>>> Cc: iiz@me.com; Kate Kardos; Whitehead Pam; Stefani, Catherine;
>>>>> Rodgers,
>>>>> AnMarie; Pacheco, Victor; Goldstein, Cynthia
>>>>> Subject: Re: final drawings for the agreed design
>>>>>
>>>>> Thanks Scott for your help in bringing this matter to a resolution.
>>>>>
>>>>> We are prepared to submit the agreed upon revision as soon as this
>>>>> Friday
>>>>> if Irving can withdraw the appeals in that time frame. I am attaching
>>>>> the
>>>>> revised plans (minus some anticipated interior alterations) and these
>>>>> plans
>>>>> reflect the exterior changes agreed to and which are intended to be
>>>>> submitted for re-approval.
>>>>>
>>>>> If Irving can confirm the process with the Board of Appeals we can move
>>>>> ahead.
>>>>>
>>>>> Stephen Antonaros, ARCHITECT
>>>>> 2298 Third Street
>>>>> San Francisco, California 94107
>>>>> (415)864-2261
>>>>> www.antonaros.com<http://www.antonaros.com>
>>>>>
>>>>>
>>>>> On Aug 8, 2012, at 10:38 AM, Scott.Sanchez@sfgov.org<
>>>>> mailto:Scott.Sanchez@sfgov.org> wrote:
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>>>>>> It's a complicated process, so please let me know if you have any
>>>>>> questions.

>>>>>>
>>>>>> Regards,
>>>>>> Scott F. Sanchez
>>>>>> Zoning Administrator
>>>>>> San Francisco Planning Department
>>>>>> 1650 Mission Street, Suite 400
>>>>>> San Francisco, CA 94103
>>>>>>
>>>>>> Tel: 415.558.6350
>>>>>> Fax: 415.558.6409

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

>>>>>>
>>>>>> Planning Information Center (PIC): 415-558-6377
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>>>>>>
>>>>>>
>>>>>>
>>>>>>
>>>>>>
>>>>>> Stephen Antonaros
>>>>>> <santonaros@sbcgl
>>>>>> obal.net>

>>>>>> To
>>>>>> iiz@me.com<<mailto:iiz@me.com>>
>>>>>> 08/08/2012 10:23
>>>>>> cc
>>>>>> AM
>>>>>> Pam Whitehead
>>>>>> <whiteheadwest@msn.com>
>>>>>> mailto:whiteheadwest@msn.com>>, Kate
>>>>>> Kardos <kdkmanagement@yahoo.com>
>>>>>> mailto:kdkmanagement@yahoo.com>>,
>>>>>> catherine.stefani@sfgov.org<
>>>>>> mailto:catherine.stefani@sfgov.org>,
>>>>>> scott.sanchez@sfgov.org<
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>>>>>> Subject
>>>>>> Re: final drawings for the agreed
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>>>>>>
>>>>>> Stephen Antonaros, ARCHITECT
>>>>>> 2261 Market Street #324
>>>>>> San Francisco, California 94114
>>>>>> (415) 864-2261
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>>>>>>> (See attached file: winmail.dat)
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>>>
>>



Re: 2853 Broderick St. Cat Ex Appeal.

Pam Whitehead to: Shelley.Caltagirone, AnMarie.Rodgers

08/22/2012 08:40 AM

Catherine.Stefani, "Stefani, Catherine", Glenn.Cabreros,
Cc: "iiz@me.com", Joy.Lamug, Kate Kardos, Margaux.Kelly,
rick.Caldeira, Stephen Antonaros, "Sanchez, Scott", "Pacheco,

Dear Shelley,

Hi, I am the project sponsor, and currently have requested my attorney to write the final settlement agreement between the appellants and myself, should hope to have something today, so just wanted to confirm on my end, until we have a signed agreement we should all plan on moving forward with the scheduled hearings. I will have a final revision today to send over to the appellants. Thank you for your time.

Sincerely,

Pam Whitehead

On 8/21/12 10:24 AM, "Shelley.Caltagirone@sfgov.org"
<Shelley.Caltagirone@sfgov.org> wrote:

>Hi AnMarie,

>

>Have you had any further contact from the appellants? The Clerk of the
>Board has not received a written withdrawal request so we are still on
>schedule to hold a hearing on September 4th. I need to know if I should
>prepare an appeal response by Monday. I'm sorry to bother you with this,
>but I don't have any contact information for the appellant, Kate Polevoi.

>

>

>Shelley Caltagirone
>Preservation Planner, NW Quadrant
>Planning Department, City and County of San Francisco
>1650 Mission Street, Suite 400
>San Francisco, CA 94103
>(415) 558-6625

>

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AnMarie

Rodgers/CTYPLN/SF

GOV

>To

Joy Lamug/BOS/SFGOV@SFGOV,

>

>

>

>

>

>

>

>

>

>

>

08/08/2012 05:35

rick.Caldeira@sfgov.org

PM

>cc

Stephen Antonaros

>

>

>

>

>

<santonaros@sbcglobal.net>,
"Sanchez, Scott"

>the Board of Appeals. Does the Clerk of the Board have similar
>instructions that describe how to properly withdraw an appeal to the
>Board
>of Supervisors?

>
>Many thanks for your help.

>
>AnMarie Rodgers
>Manager of Legislative Affairs

>SF Planning Department
>1650 Mission Street, #400
>San Francisco CA, 94103
>anmarie@sfgov.org
>415.558.6395

>
>Have a question about a proposed development? See our new SF Property
>Info
>Map!

><http://propertymap.sfplanning.org>

>----- Forwarded by AnMarie Rodgers/CTYPLN/SFGOV on 08/08/2012 05:28 PM

>-----

>

>

> "Goldstein,

>

> Cynthia"

>

> <cynthia.goldstei

>To

> n@sfgov.org>

>

> Stephen Antonaros
> <santonaros@sbcglobal.net>,

>

> 08/08/2012 12:05 "Sanchez, Scott"

>

> PM <scott.sanchez@sfgov.org>

>

>

>cc

>

> "iiz@me.com" <iiz@me.com>, Kate
> Kardos <kdkmanagement@yahoo.com>,

>

> Whitehead Pam

>

> <whiteheadwest@msn.com>, "Stefani,

>

> Catherine"

>

> <catherine.stefani@sfgov.org>,

>

> "Rodgers, AnMarie"

>

> <anmarie.rodgers@sfgov.org>,

>

> "Pacheco, Victor"

>

> <victor.pacheco@sfgov.org>

>

>

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>> <santonaros@sbcgl
>> obal.net>
>>To
>> iiz@me.com<mailto:iiz@me.com>
>> 08/08/2012 10:23
>>CC
>> AM Pam Whitehead
>> <whiteheadwest@msn.com<
>mailto:whiteheadwest@msn.com>>, Kate
>> Kardos <kdkmanagement@yahoo.com<
>mailto:kdkmanagement@yahoo.com>>, catherine.stefani@sfgov.org<
>> >mailto:catherine.stefani@sfgov.org>, scott.sanchez@sfgov.org<
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>>>>>

>>>>

>>

>>

>>

>>

>>

>>

>(See attached file: winmail.dat)



Fwd: 2853 Broderick St. Cat Ex Appeal.

iiz

to:

joy.lamug

08/21/2012 11:59 AM

Show Details

Begin forwarded message:

From: iiz@me.com

Subject: **Re: 2853 Broderick St. Cat Ex Appeal.**

Date: August 21, 2012 11:50:59 AM PDT

To: Scott.Sanchez@sfgov.org,
catherine.stefani@yahoo.com,
margaux.kelly@sfgov.org, glenn.cabreros@sfgov.org,
Stephen Antonaros <santonaros@sbcglobal.net>,
Pam Whitehead <whiteheadwest@msn.com>, Kate
Kardos <kdkmanagement@yahoo.com>,
AnMarieRodgers/CITYPLN/SFGOV@SFGOV.ORG,
JoyLamug/BOS/SFGOV@SFGOV.ORG

Cc: rick.Caldeira@sfgov.org,
victor.pacheco@sfgov.org,
Shelley.Caltagirone@sfgov.org,
cynthia.goldstein@sfgov.org

Hello All:

The Project Sponsor, Pam Whitehead, and her architect, Stephen Antonaros, and we, the Appellants, have come to an agreement on this matter and have accepted the final plans that were reviewed and accepted by City Planning and DBI. All we are waiting for is the RELEASE language between Pam Whitehead and us. We submitted the RELEASE and final agreement draft to Pam last week but she was out of town until

today. She promised to get back to me today. We have been in touch with Catherine Stefani who has been committed to see this resolution worked out to the end. We are ready to withdraw the CEQA Appeal and the Board of Appeals Appeal just as soon as Pam Whitehead approves of final RELEASE language and we sign the agreement between us. I do not foresee any problems since we all accept the new agreed upon plans. The final agreement needs to be the final house keeping paperwork so that this whole matter is behind us. I am waiting to hear from Pam Whitehead or Stephen Antonaros regarding the final RELEASE ASAP.

I want to thank everyone for all your hard work and we are all delighted that we were able to resolve this issue to everyone's satisfaction. This is a good example of how with good faith and hard work every one can achieve the desired goal of resolution that really works for everyone's benefit.

I hope that either Pam or Stephen get back to me ASAP so that we can sign the final Agreement between us and we will withdraw all the Appeals IMMEDIATELY. I hope that this could get done no later than tomorrow with Pam's and stephen's help.

Thank you,
Irving Zaretsky
for Appellants

On Aug 21, 2012, at 10:43 AM, Scott.Sanchez@sfgov.org wrote:

Hi Shelley,

I haven't heard anything from the Appellant. I'll send Mr. Zaretsky and

email to follow up...

Thanks!

Cheers,

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): 415-558-6377

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Shelley P

Caltagirone/CTYPL

N/SFGOV

To

AnMarie
Rodgers/CTYPLN/SFGOV@SFGOV

08/21/2012 10:24

cc

AM Catherine
Stefani/BOS/SFGOV@SFGOV,

"Stefani, Catherine"

<catherine.stefani@sfgov.org>,

Glenn.Cabreros@sfgov.org,

"iiz@me.com" <iiz@me.com>,

Joy

Lamug/BOS/SFGOV@SFGOV,

Kate Kardos

<kdkmanagement@yahoo.com>,

Margaux

Kelly/BOS/SFGOV@SFGOV,

rick.Caldeira@sfgov.org, Stephen

Antonaros

<santonaros@sbcglobal.net>,

"Sanchez, Scott"

<scott.sanchez@sfgov.org>,

"Pacheco, Victor"

<victor.pacheco@sfgov.org>,

Whitehead Pam

<whiteheadwest@msn.com>

Subject

Re: 2853 Broderick St. Cat Ex
Appeal. (Document link: Scott
Sanchez)

Hi AnMarie,

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appellants? The Clerk of the

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Preservation Planner, NW Quadrant

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(415) 558-6625

AnMarie

Rodgers/CTYPLN/SF

GOV

To

Joy

Lamug/BOS/SFGOV@SFGOV,

08/08/2012

05:35 rick.Caldeira@sfgov.org

PM

cc

Stephen Antonaros

[<santonaros@sbcglobal.net>](mailto:santonaros@sbcglobal.net),

"Sanchez, Scott"

[<scott.sanchez@sfgov.org>](mailto:scott.sanchez@sfgov.org),

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Kate

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<victor.pacheco@sfgov.org>,

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Kelly/BOS/SFGOV@SFGOV,

Glenn.Cabreros@sfgov.org,

iiz@me.com, Kate Kardos

<kdkmanagement@yahoo.com>,

Shelley.Caltagirone@sfgov.org

Subject

2853 Broderick St. Cat Ex Appeal.

Hi Joy,

Pls see below. The appellants and the project sponsor have reached an

agreement and would like to withdraw their pending appeal before the Board

of Supervisors and before the Board of Appeals. Staff to the Board of

Appeals have sent the parties instructions on how to withdraw the appeal to

the Board of Appeals. Does the Clerk of the Board have similar

instructions that describe how to properly withdraw an appeal to the Board

of Supervisors?

Many thanks for your help.

AnMarie Rodgers

Manager of Legislative Affairs

SF Planning Department

1650 Mission Street, #400

San Francisco CA, 94103

anmarie@sfgov.org

415.558.6395

Have a question about a proposed development? See our
new SF Property Info

Map!

<http://propertymap.sfplanning.org>

----- Forwarded by AnMarie Rodgers/CTYPLN/SFGOV
on 08/08/2012 05:28 PM

"Goldstein,

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<cynthia.goldstei

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n@sfgov.org>

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Kate

Kardos
<kdkmanagement@yahoo.com>,

Whitehead Pam
<whiteheadwest@msn.com>, "Stefa
ni,

Catherine"
<catherine.stefani@sfgov.org>,

"Rodgers, AnMarie"
<anmarie.rodgers@sfgov.org>,

"Pacheco, Victor"
<victor.pacheco@sfgov.org>

Subject

RE: final drawings for the agreed
design

All -

To withdraw an appeal, the attached form should be submitted to the Board's

office. Since the named appellant in this matter is Pat Buscovich, he needs

to sign the form. Upon receipt, my office will contact Mr. Buscovich to

confirm the withdrawal.

Cynthia

Cynthia G. Goldstein

Executive Director

San-Francisco Board of Appeals

1650 Mission Street, Suite 304

San Francisco, CA 94103

phone: 415-575-6881

fax: 415-575-6885

www.sfgov.org

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Regards,

Scott F. Sanchez

Zoning Administrator

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Stephen Antonaros

<[\[obal.net\]\(mailto:santonaros@sbcgl\)>](mailto:santonaros@sbcgl</p></div><div data-bbox=)

To

iiz@me.com<<mailto:iiz@me.com>>
[e.com](mailto:iiz@me.com)>

08/08/2012

10:23

cc

AM

Pam Whitehead

<whiteheadwest@msn.com

<

mailto:whiteheadwest@msn.com>>, Kate

Kardos

<kdkmanagement@yahoo.com

mailto:kdkmanagement@yahoo.com>>,

catherine.stefani@sfgov.or

g<

mailto:catherine.stefani@sfgov.org>,

scott.sanchez@sfgov.org

mailto:scott.sanchez@sfgov.org>

Subject

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design

Irving;

Part of my own due diligence on proposing the
option that is acceptable

to

all involved running it by DBI. I received a positive response which

will

be final after reviewed under a proper permit application as a revision.

Stephen Antonaros, ARCHITECT

2261 Market Street #324

San Francisco, California 94114

(415) 864-2261

www.antonaros.com<<http://www.antonaros.com>>

On Aug 8, 2012, at 10:18 AM,
iiz@me.com<<mailto:iiz@me.com>> wrote:

Stephen:

I will check with Victor at the Board of Appeals and with Catherine at

Mark Farrell's office on how to proceed to get your permit re-instated so

that the agreement can go forward. However, in the mean while can you

get

the agreed

upon design to be looked at by DBI so
that we have their blessing and

the

permit revision will just be ministerial when we
clear up the Hearing

withdrawal. We don't want any issues with DBI.

Thank you,

Irving

On Aug 8, 2012, at 10:10 AM, Stephen
Antonaros wrote:

Irving,

My understanding is that we
cannot submit a permit
revision to a permit

that has been suspended unless that permit is
authorized by the Board of

Appeals as a result of a decision at the
hearing. Please confirm that on

your own.

Stephen Antonaros,
ARCHITECT

2298 Third Street

San Francisco,
California 94107

(415)864-2261

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On Aug 8, 2012, at 10:06 AM,
iiz@me.com<<mailto:iiz@me.com>> wrote:

Dear Pam and
Stephen:

Can you prepare the
final drawings within
the approved
drawings that

you have that show the final design accepted by
the City Planning

Department and have it also signed off by
DBI. That would show the exact

way the project would

be constructed
according to the
agreement. That
would allow us to

withdraw our appeals and get our agreement
finalized. We have to have CP

and DBI sign off. Let's try to do that ASAP so
that we can get all the
paper work done.

Thank you,

Irving

(See attached file: winmail.dat)

<winmail.dat>