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SAN FRANCISCO

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL  
FROM ACTION OF THE CITY PLANNING COMMISSION**

OCT 26 PM 3:09

*JK*

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 22 Ord Ct, Block/Lot 2619/067

Sept 24 2015

Date of City Planning Commission Action

(Attach a Copy of Planning Commission's Decision)

October 26, 2015

Appeal Filing Date

The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. \_\_\_\_\_.

The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. \_\_\_\_\_.

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2013.1521 CUAV

The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. \_\_\_\_\_.

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

See Attachments

b) Set forth the reasons in support of your appeal:

See Attachments

Person to Whom  
Notices Shall Be Mailed

Chris Parkes

Name

231 States St. #4

San Francisco, CA 94114

Address

cparkes@ieer.org

415-490-6615

Telephone Number

Name and Address of Person Filing Appeal:

Jack Keating, Chair  
Planning + Land Use Committee  
Castro/Eureka Valley Neighbors Assoc.

Name

4134 17th St.

San Francisco, CA 94114

Address

415-308-5817

Telephone Number

  
Signature of Appellant or  
Authorized Agent

Statement of Appeal:

- a) Set forth the part(s) of the decision the appeal is taken from:

The approval of Conditional Use Authorization No. 2013.1521CUAV, including, among other things, to permit lot coverage to exceed 55% and to permit an increase to the existing square footage by more than 100%.

- b) Set forth the reasons in support of your appeal:

Among other things, the project failed to meet the infeasibility requirements and other criteria of the interim controls legislation and the project failed to meet the city's conditional use requirements. We incorporate by reference: materials submitted and presented at the Planning Commission Conditional Use Hearing and prior Discretionary Review Hearings. We will provide further explanation, testimony, and materials in our brief and at the Board of Supervisors Hearing.



## CASTRO/EUREKA VALLEY NEIGHBORHOOD ASSOCIATION

Neighborhood association for the Castro, Upper Market and all of Eureka Valley since 1878

EVNA  
PO Box 14137  
San Francisco, CA 94114  
www.evna.org

EVNA, a 501 (C)(4) Non-profit,  
Tax ID: 51-0141022

Eureka Valley Foundation,  
a 501(C)(3) Non-profit,  
Tax ID: 26-0831195

### EXECUTIVE COMMITTEE

Alan Beach-Nelson  
President  
Castro Street

Rob Cox  
Secretary  
Hartford Street  
James Moore  
Treasurer  
18<sup>th</sup> Street

### COMMITTEE CHAIRS

James Kelm  
Newsletter & Social Media  
Castro Village Wine Co.  
Jack Keating (Ex-Officio)  
Planning & Land Use  
17th Street

Shelah Barr  
Quality of Life  
17th Street

Mark McHale  
Social  
Vanguard Properties

Orie Zaklad  
Technology & Marketing  
Collingwood Street

### DIRECTORS:

Patrick Crogan  
Market Street

Tim Eicher  
Q Bar

Mary Edna Harrell  
Castro Street

Crispin Hollings  
18<sup>th</sup> Street

Loïc Olichon  
18th Street

### EX OFFICIO DIRECTORS:

Steve Clark Hall  
Webmaster  
19th Street

Judith Hoyem  
Emeritus  
17th Street

October 25, 2015

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Conditional Use Appeal: 22 Ord Court; Board of Supervisors Appeal Fee Waiver

To Whom it May Concern,

Jack Keating is a member of the Castro / Eureka Valley Neighborhood Association [EVNA] and is authorized to file the above-referenced appeal on behalf of our organization.

The Eureka Valley Neighborhood Association was a supporter of Scott Wiener's Interim Zoning Controls passed in 2015. Given that this project as currently designed does not meet the basic objectives of scale/size determined by the zoning controls, and because we believe there are feasible alternatives which would respect the Interim Zoning controls, we previously asked the Planning Commission deny the request for a Conditional Use permit. We are appealing their decision [Case Number 2013.1521CUAV] for the same reasons.

Very truly yours,

Alan Beach-Nelson  
President

### About Castro/Eureka Valley Neighborhood Association:

Castro/ Eureka Valley Neighborhood Association (EVNA) is the oldest continuously operating Neighborhood Association in San Francisco established as Eureka Valley Promotion Association in 1878. For 135 years, our members have been working to make this neighborhood a great place to live, work and play. Today, we strive to preserve the unique character of our diverse neighborhood while maintaining a balance between prospering businesses and residential livability.

Please visit our Web site for more information on EVNA's activities, including meeting minutes and meeting schedules.

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2015 OCT 26 PM 3:09

Jack Keating, Chair  
Planning & Land Use Committee  
Castro/Eureka Valley Neighborhood Association  
4134 17<sup>th</sup> St.  
San Francisco, CA 94114

October 26, 2015

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, Ca. 94103-9425

Re: 22 Ord Court Appeal: Letter of Authorization

To Whom It May Concern

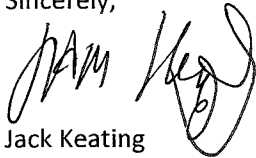
I am the Appellant of the 22 Ord Ct. Conditional Use Authorization Case No. 2013.1521CUAV.  
I authorize Chris Parkes to act as my agent and on my behalf for all purposes of this appeal.

Please communicate directly with Chris at

*CParkes@iecc.org*

231 States St., #4  
San Francisco, CA 94114-1405

Sincerely,

  
Jack Keating

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 OCT 26 PM 3:09

Jack Keating, Chair  
Planning & Land Use Committee  
Castro/Eureka Valley Neighborhood Association  
4134 17<sup>th</sup> St.  
San Francisco, CA 94114-0137

October 26, 2015

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

Re: 22 Ord Court Appeal: Letter of Authorization

To Whom It May Concern

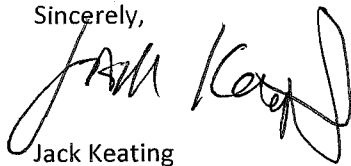
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Please communicate directly with Chris, at

*cparkes@iecc.org*

231 States St., #4  
San Francisco, CA 94114-1405

Sincerely,

  
Jack Keating



# SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
SEP 25 PM 3:09

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (Market & Octavia Impact Fees)

## Planning Commission Motion 19483

HEARING DATE: SEPTEMBER 24, 2015

*Date:* September 15, 2015  
*Case No.:* 2013.1521CUAV  
*Project Address:* 22 Ord Court  
*Permit Application:* 201310219832 (Alteration to Existing)  
 201310219817 (Proposed New Construction at Rear)  
*Zoning:* RH-2 (Residential House, Two-Family)  
 40-X Height and Bulk District  
*Block/Lot:* 2619/067  
*Project Sponsor:* David Clarke – (415) 370.5677  
 P.O. Box 14352  
 San Francisco, CA 94114  
*Staff Contact:* Tina Chang – (415) 575.9197  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org)  
*Recommendation:* **Approval with Conditions**

ADOPTING FINDINGS GRANTING CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 306.7 ESTABLISHING INTERIM ZONING CONTROLS IMPOSED BY RESOLUTION NO. 76-15 ON MARCH 9, 2015 TO PERMIT LOT COVERAGE OF A PARCEL TO EXCEED 55% AND AN INCREASE TO THE EXISTING SQUARE FOOTAGE IN EXCESS OF 3,000 SQUARE FEET AND/ OR MORE THAN 100% BY CONSTRUCTING A NEW, +/- 3,110 GROSS SQUARE FOOT, TWO-STORY DWELLING UNIT AT THE REAR OF THE EXISTING THROUGH LOT. THE PROJECT SITE IS LOCATED WITHIN AN RH-2 (RESIDENTIAL HOUSE, TWO FAMILY) ZONING AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On October 21, 2013, Reza Khosnevisan, on behalf of Kenneth Tam, filed Building Permit Application Numbers 201310219832 and 201310219817 to the vertical addition of the existing structure at 22 Ord Court, and for the new construction of a three-story, single family dwelling unit fronting States Street.

On October 18, 2013 Reza Khosnevisan, on behalf of Kenneth Tam, filed a Variance Application Case No. 2013.1521V to construct a three-story single family dwelling unit in the required rear yard of the property at 22 Ord Court.

On September 5, 2014 Chris Parkes filed a Discretionary Review (DR) against Building Permit Application No. 201310219832 for the vertical addition of the existing structure and Building Permit Application No. 201310219817 for the new construction of the three story single family dwelling at the rear of the property. The DR filer also initiated Discretionary Review for Building Permit Application No. 201310219830 for the new construction of a dwelling unit at the rear of 24 Ord Court. Chris Parkes raised concerns about the removal of significant trees at the rear of 24 Ord Court, and felt that the projects at 22 and 24 Ord Court as proposed did not meet Residential Design Guidelines. The DR Requestor was also opposed to the project because of noncompliance with the Planning Code and the need for a variance to construct in the required rear yard.

On December 4, 2014, a duly noticed public hearing was held for the public initiated discretionary review of and variance requests for the proposed projects at 22 and 24 Ord Court. After public testimony in opposition to the Project the Planning Commission continued the subject item to February 5, 2015. The project was subsequently continued to February 12<sup>th</sup>, to allow for additional time to conduct environmental review of the project changes. Though suggestions were made regarding the existing structure at 22 Ord Court, the Planning Commission made definitive requests to refine the proposed new construction at the rear of the subject property, including the removal of top level of the proposed new structure at the rear; differentiation of architectural design between the proposed structures at the rear of 22 and 24 Ord Court and the reduction of parking provided to increase habitable space within the proposed new structure. The removal of the trees at 24 Ord Court had been approved by the Department of Public Works due to poor structure, though this decision was appealed. At the time of the December 4<sup>th</sup> hearing, the Department of Public Works DPW had not yet issued the resulting order from the hearing held for the trees in question. In addition to the changes outlined above, the Commission was also interested in learning outcome of the DPW hearing.

On February 12, 2015, the Commission again heard the Discretionary Review Requests for 22-24 Ord Court. In response to the Commission's requests, the Project Sponsor presented changes to the proposed construction which included a reduction in the number of floors above grade from three to two, a reduction of off-street parking spaces from two-to-one thus increasing habitable living space, and the alteration of the front façade at 22 Ord Court to better differentiate the two structures. By the time of the February 12, 2015 hearing, the resulting order from the DPW had been issued indicating that the removal of trees would be approved on the condition that all necessary permit approvals were attained to construct the new building at 24 Ord Court. After public testimony, the Commission voted, again, to continue the item to March 12, 2015, so that the Project Sponsor could explore options to preserve the mature trees at 24 Ord Court, while also exploring ways to differentiate the two buildings at 22 and 24 Ord Court even more.

On March 9, 2015, the Board of Supervisors passed interim legislation to impose interim zoning controls for an 18-month period for parcels in RH-1, RH-2, and RH-3 zoning districts within neighborhoods known as Corbett Heights and Corona Heights, requiring Conditional Use authorization for any residential development on a vacant parcel that would result in total residential square footage exceed 3,000 square feet; Conditional Use authorization for any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet by more than 75%



without increasing the existing legal unit count, or more than 100% if increasing the existing legal unit count; and requiring Conditional Use authorization for residential development that results in great than 55% total lot coverage. As the project site was affected by the interim legislation, therefore requiring Conditional Use authorization for the projects at 22 and 24 Ord Court as proposed, the Project Sponsor requested a continuance to May 24, 2015. The items were again continued to June 25, 2015, August 13, 2015, and finally to September 24, 2015 at the request of the Project Sponsor.

On June 30, 2015, Alan Murphy, on behalf of Kenneth Tam, (hereinafter "Project Sponsor") filed Application No. 2013.1521CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") seeking authorization for development exceeding 55% lot coverage, and increasing the existing gross square footage in excess of 3,000 square feet or more than 100% with an increase to the legal unit count within the RH-2 (Residential House, Two Family) Zoning District and a 40-X Height and Bulk District. The proposal includes a vertical and horizontal addition, increasing the existing 2,401 square foot home by approximately 824 square feet to approximately 3,225 square feet. The addition would extend the rear of the third floor to the rear building wall, with a 5-foot side setback from the western property line, and construct a fourth floor set back approximately 12'-5" from the front façade, approximately 19 feet from the property line, and 5-foot side setbacks on both sides of the property. The addition alone would not require conditional use authorization, as it does not increase the existing square footage by more than 3,000 square feet or more than 75%. However, the new construction of the proposed structure at the rear would result in greater than 55% lot coverage and the square footage to exceed 3,000 square feet, and an increase of more than 100%.

The Planning Department, Jonas O. Ionin, is the custodian of records, located in the File for Case Nos. 2013.1521CUAV and 2013.1522CUAV at 1650 Mission Street, 4<sup>th</sup> Floor, San Francisco, California.

On September 24, 2015, the Planning Commission ("Commission") conducted public hearing at a regularly scheduled meeting on Case Nos. 2013.1521CUAV and 2013.1522CUAV.

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

**MOVED**, that the Commission hereby approves the Conditional Use authorization pursuant to Planning Code Sections 303 and 306.7 establishing interim zoning controls imposed by Resolution No. 76-15 on March 9, 2015 to permit lot coverage of a parcel to exceed 55% and an increase to the existing square footage in excess of 3,000 square feet and more than 100% by constructing a new, +/- 3,110 gross square foot, two-story dwelling unit at the rear of the existing through lot at 22 Ord Court under Case No. 2013.1521CUAV, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The proposed project is located on a through lot at 22 Ord Court with frontages on both Ord Court and States Street in the Castro / Upper Market Neighborhood. The property is developed with an existing 3-story, +/- 2,400 square-foot, single family structure on a +/-2,940 square foot lot. The existing building was originally constructed as a single-family dwelling in 1954. A third-story addition was constructed in the 1980's resulting in a change to the building's scale, massing and design. Based on review conducted by Planning Department staff, the existing building at 22 Ord Court lacks sufficient integrity and is not eligible as a historic resource under CEQA. The property is not located within the boundaries of any listed historic districts. Therefore, the property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.
3. **Surrounding Properties and Neighborhood.** The surrounding neighborhood consists of a mixture of one-, two-, and three-story buildings, containing mostly one- or two- residential dwelling-units. The residential neighborhood contains dwellings of varying heights and depths on an up-sloping street, as one heads west. Both adjacent properties, east and west of the subject property, are three-story buildings containing two dwelling units. The building to the east is a multi-family, two stories-over-garage at the block face, and steps back to five stories after approximately 55' from the front façade. The building to the west is a single-family, one-story-over garage structure at the block face.

The subject property is within the Castro / Upper Market Neighborhood, and about .4 miles west of the Castro / Market Street intersection. Castro Street serves as the cross street on the east side of the property where the neighborhood transitions to a Residential, Mixed, Low-Density (RM-1) zoning district, the Upper Market Street Neighborhood Commercial (NCD) and Upper Market Neighborhood Commercial Transit District (NCT). RM-1 zoning districts contain ground-floor commercial spaces and mostly residential units on upper floors. A mixture of dwelling types found in RH Districts are also found in RM-1 districts, in addition to a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The Upper Market NCT and NCD zoning districts are multi-purpose commercial districts, well served by transit including the Castro Street Station of the Market Street subway and the F-Market historic streetcar line, providing limited convenience goods to adjacent neighborhoods, but also serve as a shopping street for a broader trade area.

4. **Project Description.** The proposal includes a vertical and horizontal addition, increasing the existing +/- 2,400 square foot home by approximately 825 square feet to approximately 3,225 square feet. The addition would extend the rear of the third floor to the rear building wall, with a 5-foot side setback from the western property line, and construct a fourth floor set back approximately 12'-5" from the front façade, approximately 19 feet from the property line, and 5-foot side setbacks on both sides of the property. The addition alone would not require conditional use authorization, as it does not increase the existing square footage by more than 3,000 square feet or more than 75%. The new construction of a two-story, +/- 3,110 square foot,

single-family structure at the rear of the existing single-family dwelling is also included as part of the proposal. The proposed rear structure would contain two levels below grade, to include a family room and two bedrooms. The first at-grade floor contains a one-car garage, bedroom and office, with the main living area on the second level, which is setback approximately 6 feet from the rear property line. A +/- 240 square foot roof deck is proposed above the 2<sup>nd</sup> level. A rear yard amounting to approximately 25% lot coverage is maintained between the existing and proposed structures; however, this would amount to greater than 55% lot coverage, as well as an increase to the square footage in excess of 3,000 square feet and greater than 100%.

5. **Public Comment.** As of September 14, 2015, the Staff has received a couple inquiries from members of the public. One inquiry was made by a Eureka Valley Neighborhood Association representative regarding the contents of the case report, and the process of the hearing – specifically how the previously filed requests for discretionary review would interact with the Conditional Use Authorization Hearing. The representative was informed that since decisions made by the Planning Commission on conditional use authorizations could not be appealable to the Board of Appeals, which is the appeal body for building permit applications and discretionary review items, the discretionary review previously filed would effectively be dropped. However, the Commission Secretary would grant the DR Requestors 10 minutes to present their case, which is the same amount of time granted to the Project Sponsor. Neither party would receive time for rebuttals as would occur during Discretionary Review Hearings.

Another inquiry was made by the President of the Corbett Heights Neighbors who inquired about continuing the duly noticed Conditional Use Hearing to await plans for the existing structure at 24 Ord Court. To date, the Planning Department has not been made aware of any plans for the existing structure at 24 Ord Court.

Public comment for the previously filed discretionary review for the project can be found under case number 2013.1521DDV.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Rear Yard (Section 134).** Planning Code Section 134 requires a minimum rear yard depth equal to 45% of the total depth of the lot on which the building is situated, except that rear yard requirements can be reduced to a line on the lot, parallel to the rear lot line, which is the average between the depths of the rear building walls of both adjacent properties.

*The adjacent property to the east at 231 States Street is developed with nearly full lot coverage and is setback approximately 3 feet from the rear lot line whereas the adjacent property to the west at 24 Ord Court currently has a rear yard of approximately 71'-7". For a code-compliant rear yard, development would need to be set back approximately 37'-3.5" from the rear property line. As the Project Sponsor is proposing development built approximately 6 feet from the rear property line with a 29'-7" deep rear yard internalized between the existing and proposed structures, a Variance is required. The hearing for the Variance will be heard by the Zoning Administrator on September 24, 2015. The Variance Hearing for the project was initially scheduled for August 27, 2015, but continued to December 4, 2014,*

*February 5, 2015, February 12, 2015, June 25, 2015, August 13, 2015 and finally to September 24, 2015 to be heard in conjunction with the Planning Commission Hearing.*

- B. **Open Space (Section 135).** The Planning Code Requires 125 square feet of open space for each dwelling unit if all private, and 166.25 square feet of open space per dwelling unit if shared. The Project requires at least 250 square feet of open space for both dwelling units, or 332.5 square feet of open space, if common.

*The proposed structure at the year includes a +/- 240 square foot roof deck that would satisfy the open space requirements for the dwelling unit, as well as a +/- 740 square foot shared rear yard, exceeding the open space requirements. The front structure also includes roof decks at the 3<sup>rd</sup> and 4<sup>th</sup> levels amounting to X square feet.*

- C. **Streetscape and Pedestrian Improvements (Section 138.1).** Planning Code Section 138.1 requires one new street tree for every 20 feet of street frontage for projects proposing new construction.

*The Project includes the new construction of a two-story residential building and the vertical and horizontal addition on an existing structure on a lot with frontage 25 feet of frontage on both Ord Court and States Street. The total Project frontage is approximately 50 feet with one existing street tree along the Ord Court frontage. The Project Sponsor will plant one new tree along the States Street frontage. The exact location, size and species of trees shall be as approved by the Department of Public Works (DPW). The Project Sponsor will be required to pay an in-lieu fee for any tree that may not be planted.*

- D. **Bird Safety (Section 139).** Planning Code Section 139 outlines the standards for bird-safe buildings, including the requirements for location-related and feature-related hazards.

*The subject lot is located in close proximity to a possible urban bird refuge. The Project will be required to meet the requirements of location-related standards, and will ensure that the Bird Collision Zone, which begins at grade and extends upwards for 60 feet, consists of no more than 10% untreated glazing.*

- E. **Dwelling Unit Exposure (Section 140).** Planning Code Section 140 requires that at least one room of all dwelling units face directly onto 25 feet of open area (a public street, alley or side yard) or onto an inner courtyard that is 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

*Both the existing structure fronting Ord Court and the proposed structure fronting States Street meets the exposure requirement in that at least one room of each dwelling unit faces directly onto 25 feet of open area – in the form of the public streets and 29'-7' rear yard in between both structures.*

- F. **Section 151. Off-Street Parking:** Planning Code Section 151 requires one off-street parking space per dwelling units.

*The Project includes a one-car garage for the existing structure at 22 Ord Court and a one car garage for the proposed dwelling at the rear of the property fronting States Street.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with the criteria of Section 303, in that:

A. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or community.

*The proposed uses – a new structure at the rear of 22 Ord Court, a through lot, in an RH-2 Zoning District, is consistent with development patterns in this residential neighborhood and with the requirements of the Planning Code. The proposed structure and addition are modestly sized, but contain enough bedrooms and shared living areas to allow sufficient space for families with children, a demographic the City actively seeks to retain and attract pursuant to General Plan Housing Element Policy 4.1. Expanding an existing single-family dwelling and providing additional dwellings of appropriate size for this demographic, among others, is desirable for and compatible with, the neighborhood and the community. By increasing the supply of housing, the proposed project also contributes to alleviating the City’s critical housing shortage.*

B. The use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:

i. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.

*The proposed structure is compatible with the height and depth of the surrounding buildings. The single-story vertical addition and horizontal expansion at 22 Ord Court are at an appropriate scale for the home’s location on a block with many houses that are three-stories or more as shown in the height diagram, attached. The proposed structure will maintain a three-story façade at the block face, consistent with the other three-story structures on the block, such as 30 Ord Court and 16 Ord Court. The adjacent building at 20 Ord Court / 231 States Street is a three-story, multi-family structure at the block face that steps back to five stories on the States Street frontage. Both the fourth-floor addition and the third-floor roof deck on the existing building at 22 Ord Court are set back, making the fourth floor minimally visible from the street. The fourth floor addition is approximately 417 square feet, and the setback provided at this level far exceeds that required by the Planning Code.*

*The new building at the rear of 22 Ord Court is two stories above street level, consistent with the existing pattern of development on States Street. States Street is characterized by a mix of building scales and styles, ranging from one to four stories in height.*

*The existing and proposed dwelling units are deliberately separated between the Ord Court and States Street Frontages to allow for mid-block open space that preserves light to adjacent structures at 20 and 30 Ord Court. As shown in the bulk and shadow studies for an alternative design, enclosed as an attachment to this case report, placing two dwelling units in a building fronting Ord Court would severely restrict light available to adjacent buildings and to the new structures themselves, casting shadows across to neighboring buildings. In contrast, the proposed project preserves the health, safety and general welfare of individuals*

*residing in the vicinity by maintaining their access to light and by substantially reducing shadow coverage on adjacent properties.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

*The proposed project will not exceed the density permitted by the Planning Code and is well served by public transit. The Castro Street Muni Station is less than a 10-minute walk, while the 24, 33, 35, and 37 bus lines have nearby stops. For these reasons, the type and volume of traffic generated by the proposed project will not be detrimental.*

*The project features off-street parking for all residences, as required by the Planning Code. The design and placement of garage entrances, doors and gates are compatible with the surrounding area, and the width of all garage entrances is minimized. The placement of curb cuts is also coordinated to maximize on-street parking.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.

*The proposal will not produce or include uses that would emit noxious or offensive emissions such as noise, glare, dust and odor.*

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

*The proposal does not include loading or services areas, nor will it include atypical lighting or signage. The project will comply with Planning Code Section 138, and provide a street tree, as well as landscaping in the building setback fronting States Street.*

- C. That such use or feature as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The proposed project complies with all applicable requirements and standards of the Planning Code, once the requested variance is issued, and is consistent with the Objectives and Policies of the General Plan as follows:*

- 9. **Interim Zoning Controls (Resolution 76-15).** On March 9, 2015, the Board of Supervisors passed interim legislation to impose interim zoning controls for an 18-month period for parcels in RH-1, RH-2, and RH-3 zoning districts within neighborhoods known as Corbett Heights and Corona Heights, requiring Conditional Use authorization for any residential development on a vacant parcel that would result in total residential square footage exceed 3,000 square feet; Conditional Use authorization for any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet by more than 75% without increasing the existing legal unit count, or more than 100% if increasing the existing legal unit count; and requiring Conditional Use authorization for residential development that results in great than 55% total lot coverage.

- A. The Planning Commission shall only grant a Conditional Use authorization allowing residential development to result in greater than 55% lot coverage upon finding unique or exceptional lot constraints that would make development on the lot infeasible without exceeding 55% total lot coverage, or in the case of the addition of a residential unit, that such addition would be infeasible without exceeding 55% total lot coverage; and

*The proposed project will increase the number of residential units from one to two on 22 Ord Court. Total lot coverage would exceed 55%; it would be infeasible to add a second dwelling unit without exceeding 55% lot coverage as the lot is significantly sloped between Ord Court and States Street. For this reason, the existing single-family dwelling already covers a significant percentage of the lot, making it infeasible to add new space for an adequate family-sized unit while maintaining overall lot coverage beneath 55%.*

*Due to the significant intra-lot elevation difference between Ord Court and States Street, the sloping further reduces usable interior square footage by increasing the need for stairs and related space to allow for living spaces to spread across multiple levels. To compensate for these inefficiencies in interior design, residential development of reasonable size is infeasible unless spread over more than 55% of the lot.*

*An alternative approach to the proposed project that would locate all dwelling units on the Ord Court side of the lots (enclosed as an attachment to this case report), would exceed 55% total lot coverage. While this alternative is infeasible for reasons identified below, it demonstrates that exceedance of 55% lot coverage is unavoidable regardless of whether the buildings are massed exclusively on the Ord Court frontage or are split between the Ord Court and States Street frontages.*

- B. The Planning Commission, in considering a Conditional Use authorization in a situation where an additional residential unit is proposed on a through lot on which there is already an existing building on the opposite street frontage, shall only grant such authorization upon finding that it would be infeasible to add a unit to the already developed street frontage of the lot.

*The proposed project will increase the number of residential units from one to two on each of two through lots (22 and 24 Ord Court), with each new single-family home located on the opposite street frontage (States Street) from the existing buildings. It would be infeasible to add units on the already developed street frontage of the lots, as the resulting development would block light and cast shadows on the few windows available to certain units in adjacent buildings at 30 Ord Court and 20 Ord Court / 231 States Street. Such a project would also prevent adequate light from entering the new structures on the project site.*

*Due to the significant sloping on the lots between Ord Court and States Street, usable interior square footage is reduced by increasing the need for stairwells and related space to allow for development spread across multiple levels. This lot constraint forces development on the lots to extend toward the property lines. Additionally, the slope is most severe on the rear 40% of the lots. Where units are concentrated on the already developed street frontage (the side with the more gentle slope), this constraint limits the ability to design for usable open space. For these reasons, sloping constraints further would necessitate use of the full width of the lots for any "concentrated" development on the*

*Ord Court side. An enclosed bulk study shows hypothetical buildings that would add new dwelling units to the already developed street frontage at Ord Court.*

*However, this type of concentrated development on the Ord Court frontage would block substantial light and cast significant shadows on adjacent buildings at 30 Ord Court and 20 Ord Court / 231 States Street.*

*To begin, as shown in the bulk study and in a bird's-eye view photograph of 30 Ord Court, a structure on 24 Ord Court that concentrates units on the Ord Court side would cover four property-line windows on 30 Ord Court. These windows are not legally protected, but do provide light and air to four dwelling units.*

*Although these same units also receive light from a building light well, shadows would be cast on the light well by concentrated development on Ord Court. An enclosed shadow study assesses shadows that such buildings would cast on three days throughout the year—March 21 (the spring equinox), June 21 (the summer solstice), and December 21 (the winter solstice). The studies show that large structures on Ord Court would completely cover in shadow the light well at 30 Ord Court on the mornings of March 21, June 21, and December 21. In contrast, a separate shadow study shows that developing new units on the opposite street frontage from existing development (the States Street side) would not cast shadows on the light well throughout most of the year (as shown in the March 21 and June 21 simulations). Moreover, under the proposed project, property- line windows at 30 Ord Court would not be blocked, thus further alleviating concerns over shadowing on the light well.*

*The shadow studies for the “concentrated” development on Ord Court and for the proposed project also provide evidence of two other reasons why developing new units on the Ord Court street frontage would be infeasible:*

- *First, such development would result in a significantly greater amount and duration of shadows across multiple adjacent properties than will the proposed project. Massing new units on the Ord Court side of the property would direct many shadows onto adjacent buildings and yards, including 30 Ord Court and 20 Ord Court / 231 States Street, rather than onto the street (States Street). This is a highly undesirable outcome, as it needlessly would increase shadowing effects on neighbors and open space relative to the proposed project. By locating new dwelling units on States Street, the proposed project directs a much greater proportion of these shadows onto the uninhabited street.*
- *Second, development of new dwelling units on the already developed street frontage severely would limit light and air available to the interior of the new structures. As seen on the shadow study, the narrowness of the lots at 22 and 24 Ord Court would leave few entries for light into these units and would contribute to buildings that lack appropriate levels of natural light and air.*

*In sum, adding units to the already developed street frontage of the lots at 22 and 24 Ord Court would have detrimental effects on natural light and air available to residents of neighboring buildings and of new buildings on the project site. For these reasons, it would be infeasible to add a unit to the already*



*developed street frontage of the lots at 22 Ord Court or 24 Ord Court. In contrast, as shown under the proposed project, adding units located on the opposite street frontage will be feasible.*

10. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 4**

**FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.**

##### **Policy 4.1**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

*The Project directly advances this policy by creating a new single-family home and expanding an existing one to be adequately sized for families and children. Families with children typically seek more bedrooms and larger shared living areas than smaller households. The project responds to this demand by creating units of a size attractive to families with children.*

#### **OBJECTIVE 11**

**SUPPORT AND RESPECT THE DIVERS AND DISTINC CHARACER OF SAN FRANCISCO'S NEIGHBORHOODS.**

##### **Policy 11.1:**

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility and innovative design, and respects existing neighborhood character.

##### **Policy 11.2:**

Ensure implementation of accepted design standards in project approvals.

##### **Policy 11.3:**

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

##### **Policy 11.5:**

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

*The proposed project supports these policies by featuring new construction that is consistent with the existing character and density of the neighborhood. The project is consistent with all accepted design*

*standards, including those related to site design, building scale and form, architectural features and building details. The project respects the site's topography and provides mid-block open space. The height and depth of the new building on States Street is compatible with the existing building scale. The building's form, façade width, proportions and roofline are also compatible with surrounding buildings. Finally, the project's density is consistent with the prevailing character of the neighborhood.*

## **TRANSPORTATION ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

#### **Policy 1.3:**

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

*The proposed project directly furthers this policy by creating additional residential uses in an area well-served by the City's public transit systems. The Castro Street Muni Station is less than a 10-minute walk from the project site, while the 24, 33, 35 and 37 bus lines all have bus stops nearby as well. The numerous nearby public transit options will help ensure the proposed project has no adverse impacts on traffic patterns in the vicinity of the project site.*

## **URBAN DESIGN ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 4:**

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

#### **Policy 4.12:**

Install, promote and maintain landscaping in public and private areas.

*The proposed project furthers this policy by including and maintaining landscaping that will improve the neighborhood environment. Landscaping will be providing on the States Street frontage where the building is set back from the property line. The roof decks on States Street will be visible from upslope residences on State Street and Museum Way; the project will increase the presence of visible vegetation on the properties.*

#### **Policy 4.15:**

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*The proposed project furthers this policy by ensuring that incompatible new buildings are not introduced to the existing neighborhood. The height and depth of the new buildings on States Street is compatible with the existing building scale. The buildings' form, façade width, proportions and roofline are compatible with surrounding buildings. While there is no consistent mid-block open space pattern on Ord Court and States Street, the project helps create one between buildings fronting Ord Court and States Street. The proposed project places buildings carefully on both the front and rear of the lots so as to minimize reduction of sunlight to neighboring properties and new dwelling units relative to an approach that would cluster all units on the Ord Court street frontage.*

11. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*This policy does not apply to the proposed project, as the project is residential and will not affect or displace any existing neighborhood-serving retail uses.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The proposed project is consistent with this policy, as the existing single-family home at 22 Ord Court is preserved, with only a modest expansion. The new proposed single-family home is designed to be consistent with the height and size typical of the existing neighborhood. Moreover, the project preserves existing significant trees on the States Street side to further conserve the character of the neighborhood.*

- C. That the City's supply of affordable housing be preserved and enhanced.

*The proposed project at 22 Ord Court preserves one existing single-family home and adds one new single-family home to the City's housing stock, which will increase housing supply and make housing more affordable in general. No affordable housing units will be removed, and no new affordable housing units are required under the Planning Code.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The proposed project is located in an area well-served by the City's public transit systems and incorporates off-street parking that satisfies City parking requirements. The Castro Street Muni Station is less than a 10 minute walk from the project site, while the 24, 33, 35, and 37 bus lines all have stops nearby as well. The proposed project, therefore, will not overburden Streets or neighborhood parking, or overburden Muni transit service.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*This policy does not directly apply to the proposed project, as the project does not include commercial office development and will not displace industrial or service sector uses. Nevertheless, the development of an additional single family home on the 22 Ord Court property may enhance future opportunities for resident employment and ownership in the industrial and service sectors. The proposed project is consistent, therefore, with this policy to the extent it applies.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The proposed residential building and addition will comply with all applicable structural and seismic safety requirements of the City's Building Code and any other requirements related to earthquake safety and therefore are consistent with this policy.*

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on the project site.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The proposed project is consistent with this policy, as parks and public open space will not be developed, nor will their access to sunlight be affected by its development. No vistas will be blocked or otherwise affected by the proposed project.*

11. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

*The Project Sponsor completed the First Source Hiring Affidavit in January 2014.*

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
13. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization No. 2013.1521CUAV** under Planning Code Sections 303 and 306.7 establishing interim zoning controls imposed by resolution no. 76-15 on March 9, 2015 to permit lot coverage of a parcel to exceed 55% and an increase to the existing square footage in excess of 3,000 square feet and more than 100% by constructing a new, +/-3,110 gross square foot, two-story dwelling unit at the rear of the existing through lot. The project site is located within an RH-2 (Residential House, Two-Family) zoning and a 40-x height and bulk district. The project also seeks a variance from the rear yard requirements per Planning Code Section 134. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 3, 2015 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19483. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

**Motion 19483  
September 24, 2015**

**CASE NO. 2013.1521CUA  
22 Ord Court**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 24, 2015.

Jonas P. Ionin  
Commission Secretary

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

NAYS:

ABSENT:

ADOPTED: September 24, 2015

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Conditional Use to permit lot coverage of a parcel exceeding 55% and an increase to the existing square footage in excess of 3,000 square feet and more than 100% by constructing a new, +/-3,110 gross square foot, two-story dwelling unit at the rear of the existing through lot at 22 Ord Court; in general conformance with plans, dated September 3, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1521CUAV and subject to conditions of approval reviewed and approved by the Commission on September 3, 2015 under Motion No. 19483. The project site is located within an RH-2 (Residential House, Two-Family) zoning and a 40-X height and bulk district. A Variance from rear yard requirements pursuant to Planning Code Section 134 is also being sought. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on September 24, 2015 under Motion No. 19483.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19483 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

### **SEVERABILITY**

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
6. **Additional Project Authorization.** The Project Sponsor must obtain a variance from the Zoning Administration to address the requirements for rear yard (Planning Code Section 134). The conditions set forth below are additional conditions required in connection with the Project. If these



conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## **DESIGN – COMPLIANCE AT PLAN STAGE**

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. Therefore, the Project is required to one tree along the States Street frontage of 22 Ord Court. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary. The Project Sponsor will be required to pay an in-lieu fee for the remaining five trees that cannot be planted.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

9. **Garbage, Composting and Recycling Storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## **PARKING AND TRAFFIC**

10. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning

Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING AFTER ENTITLEMENT

11. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

12. **Revocation Due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

13. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

14. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

15. **Lighting.** All Project lighting shall be directed onto the project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property. Lighting shall also be designed to comply with the "Standards for Bird Safe Buildings" found here:

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<http://50.17.237.182/docs/PlanningProvisions/Standards%20for%20Bird%20Safe%20Buildings-%208-11-11.pdf#page=29>.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 OCT 26 PM 3:09

City Planning Commission

Case No. 2013.1521CJAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>230 States St.</u>	<u>2620/22</u>	<u>Richard Goldman</u>	<u>R Goldman</u>
2.	<u>230 States St</u>	<u>2620/22</u>	<u>Andrea Goldman</u>	<u>Andrea Goldman</u>
3.	<u>222 States St</u>	<u>2620/98</u>	<u>Geoffrey Lumpkin</u>	<u>Geoffrey Lumpkin</u>
4.	<u>222 States St</u>	<u>2620/98</u>	<u>Robert Manning Trustee of</u>	<u>Robert Manning Trust</u>
5.	<u>253 States ST.</u>	<u>2619/59</u>	<u>Robert B. Arieniz Trustee</u>	<u>Robert B. Arieniz Trustee</u>
6.	<u>257 STATES ST</u>	<u>2619/106</u>	<u>JASON GOODRICK</u> <u>CRAIG MARRY</u>	<u>C. A. Mary Trustee</u>
7.	<u>259 STATES ST</u>	<u>2619/107</u>	<u>JASON GOODRICK</u> <u>CRAIG MARRY</u>	<u>C. A. Mary Trustee</u>
8.	<u>250 STATES ST</u>	<u>2620/055</u>	<u>ELLIOT BLOCK</u>	<u>Elliot Block</u>
9.	<u>62 <del>167</del> Museum Way</u>	<u>2620/79</u>	<u>RICHARD KUGLER</u> Trustee For Estate of R.L. KUGLER	<u>Richard Kugler Trustee</u>
10.				
11.	<u>100 Museum Way</u>	<u>2620/108</u>	<u>FRN Beyer</u> Trustee - Bay Area Lombard Trust	<u>Frn Beyer</u>
12.				
13.	<u>110 Museum way</u>	<u>2620/113</u>	<u>Bob Bednarz</u>	<u>Bob Bednarz</u>
14.	<u>118 Museum Way</u>	<u>2620/114</u>	<u>Tammy Wallace</u>	<u>Tammy Wallace</u>
15.	<u>118 Museum Way</u>	<u>2620/114</u>	<u>Justin Wallace</u>	<u>Justin Wallace</u>
16.	<u>236 STATES ST</u>	<u>2620/96</u>	<u>CHRISTOPHER WILSON</u>	<u>Christopher Wilson</u>
17.	<u>212 STATES ST</u>	<u>2620/16</u>	<u>JOEL HOLLOWELL</u>	<u>Joel Hollowell</u>
18.	<u>212 STATES ST</u>	<u>2620/16</u>	<u>TRICIA BARLOGLI</u>	<u>Tricia Barlogli</u>
19.	<u>208 States St #1</u>	<u>2620/129</u>	<u>Joseph Lambert</u>	<u>Joseph Lambert</u>
20.	<u>53 Levent St</u>	<u>2619/19</u>	<u>Ed Fonseca</u>	<u>Ed Fonseca</u>
21.				
22.				

2015 OCT 26 PM 3:09

City Planning Commission  
Case No. 2013-1921CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.




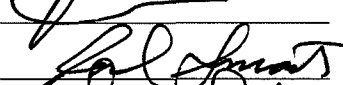
	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	18 ORD ST. 94114	2626-2	RICHARD WALSH	
2.	18 ORD ST 94114	2626-2	PATRICK DOWD	
3.	16 Ord Ct #4	2619/104	Ed Connelly	
4.	57 ORD CT.	2619/021	ERIKA LEIDER	
5.	57 ORD CT	2619/021	Bill Harris	
6.	40 Ord St.	2626/049	Jonathan Neuberger	
7.			Trustee of Neuberger-Zinsser Trust	
8.	40 Ord St.	2626/049	Katherine Zinsser	
9.			Trustee of Neuberger-Zinsser Trust	
10.	38 Ord Ct	2619/062	SARY HOUSKOP	
11.	88 Museum Way	2620/097	THOMAS SCHMIDT	
12.	88 MUSEUM WAY	2620/097	VLADIMIR PETROVIC	
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2015 OCT 26 PM 3:09

City Planning Commission  
Case No. 2013.1521CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>9 ORD ST</u>	<u>2625/017</u>	<u>CHRISTOPHER MILLER</u>	
2.	<u>9 ORD ST</u>	<u>2625/017</u>	<u>JOSEPH PIAZZA</u>	
3.	<u>205 States St.</u>	<u>2619/058</u>	<u>Rose L. Schubert</u>	<u>Rose L. Schubert</u>
4.	<u>255 States ST</u>	<u>2619/058</u>	<u>Harold Charms</u>	<u>Harold Charms</u>
5.	<u>44 ORD COURT</u>	<u>2619/089</u>	<u>POE ASHER</u>	<u>Poe Asher</u>
6.	<u>49 ORD COURT</u>	<u>2619/023</u>	<u>Anne O'Driscoll</u>	<u>Anne O'Driscoll</u>
7.	<u>50 ORD Street</u>	<u>2626/031</u>	<u>Jeffrey Mondon</u>	<u>Jeffrey Mondon</u>
8.	<u>53 Ord Ct</u>	<u>2619/022</u>	<u>Kimberlee Adamski</u>	
9.	<u>53 ORD CT</u>	<u>2619/022</u>	<u>LUCAS ADAMSKI</u>	
10.	<u>245 States ST</u>	<u>2619/093</u>	<u>Joel Smart</u>	<u>Joel Smart</u>
11.	<u>245 States St</u>	<u>2619/093</u>	<u>Clarence A. Dahlke</u>	<u>Clarence A. Dahlke</u>
12.	<u>60 Lower Terrace</u>	<u>2626/027</u>	<u>William C Hiltzman</u>	<u>William C Hiltzman</u> <i>Trustee</i>
13.	_____	_____	_____	_____
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2015 OCT 26 PM 3:10

City Planning Commission  
Case No. 2013.1521CUAV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>18 SATURN</u>	<u>2626/20</u>	<u>MITCHELL LAPLANTE</u>	<u>[Signature]</u>
2.	<u>34 DOWGLASS ST</u>	<u>2625/2</u>	<u>Fred Silverman</u>	<u>[Signature]</u>
3.	<u>2 ord ct</u>	<u>2619/77</u>	<u>Mary Wong</u>	<u>[Signature]</u>
4.	<u>2 ord ct</u>	<u>2619/77</u>	<u>Jan Palander</u>	<u>[Signature]</u>
5.	<u>64 ord ct.</u>	<u>2619/54</u>	<u>Est her Watts</u>	<u>[Signature]</u>
6.	<u>51 ord st</u>	<u>2625/20</u>	<u>EDKINS/FANGINOVERY FAMILY TRUST</u>	<u>[Signature]</u>
7.	<u>51 ord st</u>	<u>2625/20</u>	<u>EDKINS/FANGINOVERY FAMILY TRUST</u>	<u>[Signature]</u>
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City Planning Commission  
 Case No. 2013.1521COAV

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>16 ord ct #3</u>	<u>2619/103</u>	<u>Cary Norworthy</u>	<u>Cary Norworthy</u>
2. <u>25-27 ORD ST.</u>	<u>2625/015B</u>	<u>JOHN D. QUINN</u>	<u>John D. Quinn</u>
3. <u>30 Ord Street</u>	<u>2626/004</u>	<u>Dirk Aquino, Trustee of the Guanabana Trust</u>	<u>Dirk Aquino Trustee</u>
4. <u>1 VULCAN STWY</u>	<u>2626-053</u>	<u>MARTIN BURBIDGE</u>	<u>M. J. Burbidge</u>
5. <u>1 Vulcan Stairway</u>	<u>"</u>	<u>Grace Gellerman</u>	<u>Grace Gellerman</u>
6. <u>36-38 Ord St.</u>	<u>2626/006</u>	<u>FABIOLA COBARRIAS</u>	<u>Fabiola Cobarrias</u>
7. <u>38 ord street</u>	<u>2626/006</u>	<u>Star Deeds</u>	<u>Star Deeds</u>
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BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission

Case No. 2013.1521CUAV

2013 OCT 25 PM 3:10

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2626 040	2626 / 040	<u>William Cooper</u>	<u><i>William Cooper</i></u>
2.	WILLIAM COOPER TRS			
3.	54 LOWER TER			
4.	SAN FRANCISCO, CA 94114-1411			
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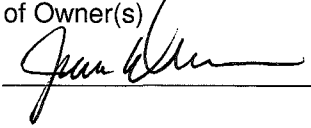
City Planning Commission

Case No. 2013.1521CUAV

2013 OCT 25 PM 9:10

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2620 118	2620/118	JAMES DUNCAN	
2.	JAMES DUNCAN			
3.	28 MUSEUM WAY			
4.	SAN FRANCISCO, CA 94114-1428			
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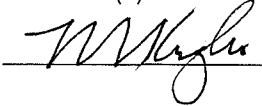
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City Planning Commission

Case No. 2013.1521CUAV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2620 079 RICHARD KUGLER TRS	2620 079	RICHARD L. KUGLER	
2.	62 MUSEUM WAY			
3.	SAN FRANCISCO, CA 94114-1428			
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BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 OCT 26 PM 3:10

City Planning Commission

Case No. 2013-1521 CUAV

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>80 Museum way</u>	<u>2620 025</u>	<u>Jessica K. B...</u>	<u>[Signature]</u>
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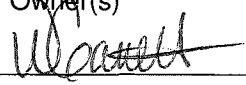
SEP 25 PM 3:10

City Planning Commission

Case No. 2013.1521C.UAV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2620 107 WAYNE GARRETT	2620/107	WAYNE GARRETT	
2.	96 MUSEUM WAY			
3.	SAN FRANCISCO, CA 94114-1428			
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SAN FRANCISCO  
AUGUST 26 PM 3:10

City Planning Commission  
Case No. 2013.1521CUAV

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2619 073			
2. JUNE VOHNSON TRS			
3. 10 ORD CT	2619/073	JUNE V. Johnson	<i>June V. Johnson</i>
4. SAN FRANCISCO, CA 94114-1417	2619 071	ROBERT T. MACKAY	<i>R. Mackay</i>
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BOARD OF SUPERVISORS  
SAN FRANCISCO

OCT 26 PM 3:10

City Planning Commission

Case No. 2013.1521CUAV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2619 101 TATYANA NAKHIMOVSKY	2619 / 101	T. NAKHIMOVSKY	Tatyana Nakhimovskiy
2.	16 ORD CT #1			
3.	SAN FRANCISCO, CA 94114-1447			
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SAN FRANCISCO

2013 OCT 26 PM 3:10

City Planning Commission  
Case No. 2013-1521CUAV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>2 Saturn St.</u>	<u>2626/16</u>	<u>Hans Surber</u>	<u>H. Surber</u>
2.	_____	_____	_____	_____
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SAN FRANCISCO


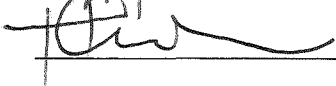
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City Planning Commission

Case No. 2013.1521CUAV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2620 131			
2.	SCOTT & HAUBER	2620/131	David Scott	
3.	208 STATES ST #3	<del>2620/131</del> 2620/	Therese Hauber	
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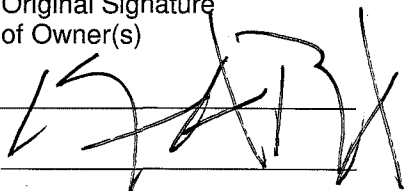
RECEIVED  
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SAN FRANCISCO

City Planning Commission

Case No. 2013.1521CUAV

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2619 109	2619/109	KEVIN REHER	
2.	KEVIN REHER TRS	—	AS TRUSTEE	
3.	60 BAY WAY	—	OF KEVIN	
4.	SAN RAFAEL, CA 94901-2473	—	REHER LIVING	
5.	Address = 227 State St.	—	TRUST	
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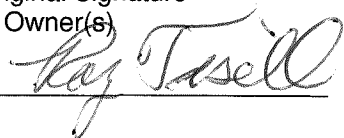
City Planning Commission

Case No. 2013.1521CUAV

OCT 26 2 43:14

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2619 079	2619/079	RAY TISELL	
2.	RAY TISELL	_____	_____	_____
3.	5680 ROBIN HILL DRIVE LAKEPORT, CA 95453	_____	_____	_____
4.	Address = 231 States St / 20 Ord Ct	_____	_____	_____
5.	_____	_____	_____	_____
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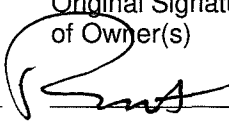
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City Planning Commission

Case No. 2013.1521CUAV

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If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2620 082	2620/082	Robert Tat	
2.	ROBERT TAT TRS			
3.	256 STATES ST			
4.	SAN FRANCISCO, CA 94114-1406			
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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission

Case No. 2013.1521CUAV

SEP 26 PM 3:11

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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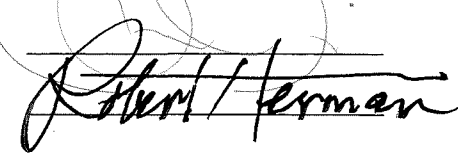
Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 2626 029	2626/029	George E White	<i>George E White</i>
2. G & J WHITE TRS 3 VULCAN STAIRWAY SAN FRANCISCO, CA 94114-1424	2626/029	Josephine White	<i>Josephine White</i>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
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13. _____	_____	_____	_____
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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2013.1521CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2626 028 COLIVER & HERMAN	2626/028	SUSAN COLIVER	
2.	5 VULCAN STAIRWAY SAN FRANCISCO, CA 94114-1424	2626/028	ROBERT HERMAN	
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
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10.	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____
13.	_____	_____	_____	_____
14.	_____	_____	_____	_____
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18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____
21.	_____	_____	_____	_____
22.	_____	_____	_____	_____

19/21

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SAN FRANCISCO

City Planning Commission  
Case No. 2013.1521CUAV

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	2619 005 M & D GOLDSTEIN	2619/05	DIANA GOLDSTEIN TREE	<i>Diana Goldstein</i>
2.	8 CHARLTON CT			
3.	SAN FRANCISCO, CA 94123-4225			
4.	<del>Address = 22 Volcan Stuy</del>			
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20/21

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SAN FRANCISCO

City Planning Commission  
Case No. 2013.1521CUAV

2015 OCT 26 PM 3:11

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 209/209A Steves St.	2619/076	David D. Cannon as trustee of David Cannon Trust	David D. Cannon as trustee of David Cannon Trust
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
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10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
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16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
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21/21 5/10



RECEIVED  
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SAN FRANCISCO  
AUG 07 2013 PM 3:11

## Certification of Trust for the Joseph K. Beaupre Trust

The Joseph K. Beaupre Trust (the "Trust") was established on April 12, 1994. The Grantor of the Trust is Joseph K. Beaupre. The Trustee is Joseph K. Beaupre (referred to herein as the "Trustee").

The signature of any trustee is sufficient to exercise the powers of the Trustee.

This Trust is revocable and amendable by Joseph K. Beaupre.

The address of the Trustee is 80 Museum Way, San Francisco, California, 94114.

The tax identification number of the Trust is the social security number of the Grantor.

Title to assets in the Trust shall be taken as follows:

Joseph K. Beaupre, Trustee, or his successor in trust under the Joseph K. Beaupre Trust dated April 12, 1994, and any amendments thereto.

In addition, for titling purposes, any description referring to the Trust shall be effective if it includes the name of the Trust, the name of at least one initial or successor Trustee, and any reference indicating that property is being held by the Trustee in a fiduciary capacity.

The Trustee under the trust agreement is authorized to acquire, sell, convey, encumber, lease, borrow, manage and otherwise deal with interests in real and personal property in trust name. All powers of the Trustee are fully set forth in the articles of the trust agreement.

This certification of trust is a true and accurate statement of the matters referred to herein.





Case  
2013.1921CUAV

City & County of San Francisco  
José Cisneros, Treasurer  
David Augustine, Tax Collector  
Secured Property Tax Bill

1 Dr. Carlton B. Goodlett Pl  
City Hall, Room  
San Francisco, CA 94102  
www.sftreasure.com

For Fiscal Year July 1, 2015 through June 30, 2016

Vol	Block	Lot	Account Number	Tax Rate	Original Mail Date	Property Location
19	2626	040	262600400	1.1826%	October 16, 2015	54 LOWER TER

Assessed on January 1, 2015

To: WILLIAM R COOPER 2000.REVOC IN

**WILLIAM R COOPER 2000 REVOC  
54 LOWER TER  
SAN FRANCISCO CA 94114**

Assessed Value		
Description	Full Value	Tax Amount
Land	144,826	1,712
Structure	96,547	1,141
Fixtures		
Personal Property		
Gross Taxable Value	241,373	2,854
Less HO Exemption		
Less Other Exemption		
<b>Net Taxable Value</b>	<b>241,373</b>	

Direct Charges and Special Assessments			
Code	Type	Telephone	Amount Due
89	SFUSD FACILITY DIST	(415) 355-2203	35.34
91	SFCCD PARCEL TAX	(415) 487-2400	79.00
98	SF - TEACHER SUPPORT	(415) 355-2203	230.94
<b>Total Direct Charges and Special Assessments</b>			

<b>► TOTAL DUE</b>	
1st Installment	2nd Installment
Due: November 1, 2015	Due: February 1, 2016
Delinquent after Dec 10, 2015	Delinquent after April 10, 2016

Pay online at **SFTREASURER.ORG**

Keep this portion for your records. See back of bill for payment options and additional information.



City & County of San Francisco  
Secured Property Tax Bill  
For Fiscal Year July 1, 2015 through June 30, 2016

Pay online at **SFTREASURER.ORG**

Vol	Block	Lot	Account Number	Tax Rate	Original Mail Date	Property Location
19	2626	040	262600400	1.1826%	October 16, 2015	54 LOWER TER

Check if contribution to Arts Fund is enclosed.  
For other donation opportunities go to [www.Give2SF.org](http://www.Give2SF.org)

Delinquent after April 10, 2016

Detach stub and return with your payment.  
Write your block and lot on your check.  
2nd Installment cannot be accepted unless 1st is paid

<b>2nd Installment Due</b>
<b>\$</b>

San Francisco Tax Collector  
Secured Property Tax  
P.O. Box 7426  
San Francisco, CA 94120-7426

**SECURED 2**

If paid or postmarked after April 10, 2016 the amount due (includes delinquent penalty of 10% and other applicable fees) is: **\$1,804.85**

1926260004000 095783 000000000 000000000 0000 2009



City & County of San Francisco  
Secured Property Tax Bill

Pay online at **SFTREASURER.ORG**

CERTIFICATE OF TRUST  
FOR THE CLARENCE A. DAHLIN LIVING TRUST

I, Clarence A. Dahlin, hereby declare under penalty of perjury under the laws of the State of California that:

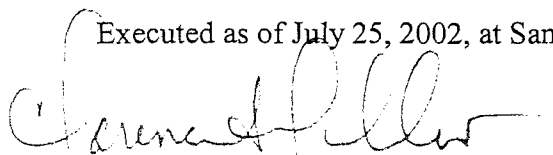
1. On July 25, 2002, I signed a Declaration of Trust which established a revocable living trust known as The Clarence A. Dahlin Living Trust ("Trust" herein).
2. The within Certificate is a true and correct representation of the terms of the Trust.
3. I am the currently-acting Trustee of The Clarence A. Dahlin Living Trust. My signature as the currently-acting Trustee is binding on the Trust and its beneficiaries and may be relied upon by third parties.
4. The Trust is not of record in any court of law and had not been recorded in the real property records of any county.
5. The Trust has not been revoked, modified, or amended in any manner which would cause the representations contained herein to be incorrect.
6. I have reserved the right and authority to amend and revoke the Trust as long as I am alive.
7. I am the current beneficiary of the Trust.
8. The tax identification number for the Trust is:
9. Title to assets of the Trust should be taken in substantially the following form:  
  
"Clarence A. Dahlin, as Trustee of The Clarence A. Dahlin Living Trust, u/t/a dated July 25, 2002."
10. This Certificate is intended to serve as a "Certification of Trust" under California Probate Code Section 18100.5, as amended. Its purpose is to certify the existence of the Trust, the identity and powers of the Trustee, the manner of taking title to assets and to summarize some of the more important provisions of the Trust, so that the Trustee can deal with third parties, such as financial institutions, stock transfer agents, brokerage houses, title companies, insurance companies, and others, without disclosing the entire Trust, which is a private and confidential document.
11. All third parties dealing with the Trustee may rely on this Certificate of Trust as a true statement of the provisions of the Trust described herein as of the date of this Certificate is presented to such third party (regardless of the date of execution of this Certificate), unless the third party has actual knowledge that the representations contained herein are incorrect. Any

third party who demands trust documents in addition to this Certification (other than excerpts from the original trust documents) in order to prove facts set forth in this certification may be liable for damages, including attorney's fees, incurred as a result of the refusal to accept this Certification in lieu of the requested documents.

12. Under the terms of The Clarence A. Dahlin Living Trust, the Trustees powers include the powers set forth in Exhibit "A", which is attached hereto and incorporated herein by reference. The Trustees powers also include all other powers and authority granted to trustees under the California Probate Code as amended from time to time.

13. This Certificate of Trust is being signed by the currently acting Trustee of The Clarence A. Dahlin Living Trust.

Executed as of July 25, 2002, at San Francisco, California.

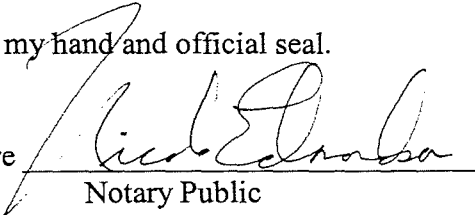
  
\_\_\_\_\_  
Clarence A. Dahlin

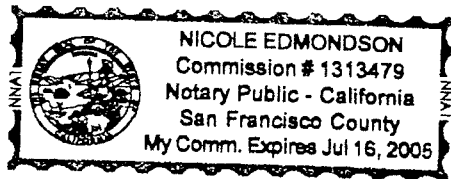
ACKNOWLEDGMENT

STATE OF CALIFORNIA                    )  
  )ss  
COUNTY OF SAN FRANCISCO        )

On July 25, 2002, before me, Nicole Edmondson, a Notary Public in and for the State of California, personally appeared Clarence A. Dahlin, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Signature  (SEAL)  
Notary Public



//

//

CASE 2013.1521 CUAV

Block 2619 / Lot 005

FIRST AMENDED AND RESTATED  
REVOCABLE TRUST AGREEMENT  
FOR  
THE GOLDSTEIN FAMILY TRUST

Dated: July 28, 2010

Original Held By  
Dudnick, Detwiler, Rivin & Stikker  
351 California St., 15th Floor  
San Francisco, CA 94104  
(415) 392-1400

FIRST AMENDED AND RESTATED  
REVOCABLE TRUST AGREEMENT

This First Amended and Restated Revocable Trust Agreement is made and entered into this 28th day of July, 2010, by and between

MARC EVAN GOLDSTEIN and DIANA GOLDSTEIN, husband and wife, residents of the State of California, hereinafter called the "Trustors,"

and

MARC EVAN GOLDSTEIN and DIANA GOLDSTEIN, hereinafter collectively called the "Trustee."

The Trustors heretofore on August 28, 1992, established a trust known as the "Goldstein Family Trust" pursuant to a certain Revocable Trust Instrument made and entered into by MARC EVAN GOLDSTEIN and DIANA GOLDSTEIN, as Trustors and as Trustees, which Revocable Trust Instrument is hereinafter referred to as the "original instrument"; and

Pursuant to Section A of Article Second of the original instrument, in which the Trustors retained the power of revocation and amendment with respect to the entire trust property, the Trustors now desire to amend and restate the trust in its entirety and to substitute the terms and provisions of this First Amended and Restated Revocable Trust Agreement in the place and stead of the terms and provisions of the original instrument, so that the entire terms and provisions of the trust shall be set forth in full in this First Amended and Restated Revocable Trust Agreement (hereinafter referred to as "this agreement"); and

**RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:**

**Richard L. Ehrman, Esq.**  
**THOITS, LOVE, HERSHBERGER & McLEAN**  
**A Professional Law Corporation**  
285 Hamilton Avenue, Suite 300  
Palo Alto, California 94301

---

**CERTIFICATION OF  
THE GUANABANA TRUST**

**PURSUANT TO PROBATE CODE SECTION 18100.5**

THIS CERTIFICATION OF THE GUANABANA TRUST is executed this 1 day of September, 2009, by **Dirk Aguilar**, as Trustee (hereinafter referred to as the "Trustee") of The Guanabana Trust (sometimes hereinafter referred to as the "Trust"). In accordance with California Probate Code section 18100.5, the Trustee confirms the following facts concerning the Trust:

1. The Trust is presently in existence, was established by declaration of trust executed on May 10, 2006, and was amended in its entirety and restated in full by The Amended and Restated Guanabana Trust declaration of trust, which was executed earlier this day.

2. The Trust was established by **Dirk Aguilar**, as Settlor. **Dirk Aguilar** is the only currently acting Trustee of the Trust. Settlor may use the trust property as collateral for any personal loan of Settlor, and the Trustee on behalf of the trust may guarantee any such personal loans, and, in this connection, the Trustee shall execute, alone, or shall join with Settlor in the execution of any guaranties, promissory notes, deeds of trust, mortgages, financing statements, escrow instructions, or other documents convenient or necessary in order to evidence the loan and the security for the loan, even though the lender shall deliver the loan proceeds directly to Settlor.



**CERTIFICATION OF TRUST  
OF THE  
WILLIAM C. HOLTZMAN REVOCABLE TRUST**

I, WILLIAM C. HOLTZMAN , as Trustee of the WILLIAM C. HOLTZMAN REVOCABLE TRUST (“Trust” herein), certify as follows:

**1. CREATION OF TRUST**

The Trust was established on July 30, 2002, as amended and restated in its entirety on December 15, 2009, by William C. Holtzman, as Settlor and Trustee.

**2. NAME OF TRUST**

The name of the Trust is the “WILLIAM C. HOLTZMAN REVOCABLE TRUST.”

**3. TRUSTEE**

The currently acting Trustee of the Trust is WILLIAM C. HOLTZMAN .

**4. SUCCESSOR TRUSTEE**

In the event that WILLIAM C. HOLTZMAN shall cease to act as Trustee, SUSAN HOLTZMAN, is appointed to act as sole Trustee. In the event that SUSAN HOLTZMAN shall fail or cease to act as Trustee, NANCY SHEER is appointed to act as sole Trustee.

**5. TRUST PROPERTY**

The Trustee is now holding as Trustee of the Trust one or more items of property, which constitute the Trust Estate.

**6. BENEFICIARIES OF TRUST**

WILLIAM C. HOLTZMAN is the current beneficiary of the Trust.

**7. REVOCABILITY/IRREVOCABILITY OF TRUST**

The Trust is amendable and revocable. WILLIAM C. HOLTZMAN is the person who holds the power to amend or revoke the Trust.



City & County of San Francisco  
José Cisneros, Treasurer  
David Augustine, Tax Collector  
Secured Property Tax Bill

1 Dr. Carlton B. Goodlett Place  
City Hall, Room 140  
San Francisco, CA 94102  
[www.sftreasurer.org](http://www.sftreasurer.org)

For Fiscal Year July 1, 2015 through June 30, 2016

Vol	Block	Lot	Account Number	Tax Rate	Original Mail Date	Property Location
19	2626	027	262600270	1.1826%	October 16, 2015	60 LOWER TE

Assessed on January 1, 2015

Assessed Value

To: WILLIAM C HOLTZMAN REVOC TR

**WILLIAM C HOLTZMAN REVOC TR**  
**60 LOWER TER**  
**SAN FRANCISCO CA 94114**

AND C

Case 2013-1521CUAV  
Block 2620 / Lot 079

**REVOCABLE TRUST DECLARATION**

**OF**

**RICHARD L. KUGLER**

I, Richard L. Kugler, as Settlor of this Revocable Trust, declare that I have set aside or transferred, hereby transfer, or will transfer to myself as Trustee, the property listed on Schedule "A," attached to this Declaration of Trust (also referred to as this "Declaration"), and that I will hold the Trust Estate in trust for the benefit of the Beneficiaries and on the terms set forth in this Declaration. The date of this Declaration is September 27, 1994. The full title of the trust created by this Declaration is "The Richard L. Kugler Revocable Trust of September 27, 1994," and it may also be referred to as "The Richard L. Kugler 1994 Trust."

All references in this Declaration to "I", "me", "my", "mine" or to the "Settlor" are to Richard L. Kugler.

**PREAMBLE**

I am unmarried and have no children and no deceased children. I am the initial Trustee and will perform that function until I die, resign or am unable to perform the functions of the Trustee.

Executed at San Francisco, California on September 27, 1994. The signatures affixed to this Document are intended to be in the capacity of Settlor and in the capacity of Trustee of the Revocable Trust Declaration hereinabove set forth.

SETTLOR:

TRUSTEE:

Richard L. Kugler  
Richard L. Kugler

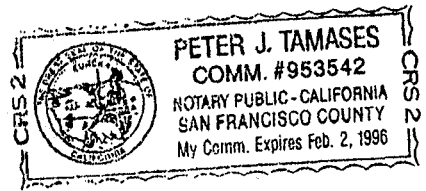
Richard L. Kugler  
Richard L. Kugler

STATE OF CALIFORNIA                    }  
  } ss.  
COUNTY OF SAN FRANCISCO         }

On September 27, 1994, before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Richard L. Kugler, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within Revocable Trust Declaration, and acknowledged to me that he executed the same in his authorized capacities, and that by his signatures on the instrument he executed the instrument.

WITNESS MY HAND AND OFFICIAL SEAL.

Peter J. Tamases  
Notary Public



Case 2013.1521CUAV

Certification of Trustee  
of  
The Neuberger - Zinsser Revocable Trust  
(California Probate Code Section 18100.5)

**NOTICE:** California Probate Code Section 18100.5(h) provides that "any person making a demand for the trust documents in addition to a certification of trust to prove facts set forth in the certification of trust acceptable to the third party shall be liable for damages, including attorney's fees, incurred as a result of the refusal to accept the certification of trust in lieu of the requested documents if the court determines that the person acted in bad faith in requesting the trust documents."

TO WHOM IT MAY CONCERN:

JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER, as Trustors and Trustees of The Neuberger - Zinsser Revocable Trust, hereby certify as follows:

JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER, as the original Trustors and Trustees, created The Neuberger - Zinsser Revocable Trust pursuant to that certain Revocable Trust Agreement dated May 31, 2013 (hereinafter referred to as "the Trust").

JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER are the current duly appointed and acting Trustees of the Trust.

The Trust is fully revocable by JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER.

The tax identification number for the Trust is the Social Security Number of either Trustor. The Social Security Number of JONATHAN A. NEUBERGER is \_\_\_\_\_ and the Social Security Number of KATHERINE J. ZINSSER is \_\_\_\_\_

The Trustees have all of those powers conferred on them by law and as described in Exhibit "A", attached hereto and made a part hereof. The Trustees are properly exercising their powers under the Trust.

While JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER are acting as co-Trustees, either of them acting alone may bind the Trust in any transaction, either of them may act as sole Trustee with respect to a trust asset, and any third party dealing with the trust may rely on this singular authority without requiring the other co-Trustee to join in the transaction.

Under the terms of the Trust, if either JONATHAN A. NEUBERGER or KATHERINE J. ZINSSER fails or ceases to act as a co-Trustee, then the other of them is named to act as sole Trustee. If both of JONATHAN A. NEUBERGER and KATHERINE J. ZINSSER fail or cease to act as Trustees, then \_\_\_\_\_ is designated to serve as successor Trustee of the Trust. If \_\_\_\_\_ fails or ceases to act as successor

**Original Held By**  
**Dudnick, Detwiler, Rivin & Stikkar**  
351 California St., 15th Floor  
San Francisco, CA 94104  
(415) 982-1400

Case 2013.1521 CUAU  
Block 2619 / Lot 109

avoid invalidity by applying the law in effect at another time or in another jurisdiction that has enough contacts with the trust involved for this purpose. If I amend any provision, California law in effect on the date I sign each amendment shall govern the meaning of the provisions that the amendment affects. If any provision of this Declaration is invalid, the remaining provisions shall nevertheless remain in effect.

I am signing this Declaration at Kensington, California on April 2, 2015, as settlor and as trustee of the Original trust and of this Amended and Restated revocable trust that I have created in this Declaration.

SETTLOR:

Kevin Anthony Reher

TRUSTEE:

Kevin Anthony Reher

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA } On April 2, 2015, before me, Kurt E. Yip, a Notary Public,  
} ss. personally appeared Kevin Anthony Reher, who proved to me  
COUNTY OF CONTRA COSTA } on the basis of satisfactory evidence to be the person  
whose name is subscribed to the within Amended and Restated Revocable Trust Declaration, and  
acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the  
instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.



Notary Public

CERTIFICATE OF TRUST  
FOR THE JOEL R. SMART LIVING TRUST

I, Joel R. Smart, hereby declare under penalty of perjury under the laws of the State of California that:


1. On July 25, 2002, I signed a Declaration of Trust which established a revocable living trust known as The Joel R. Smart Living Trust ("Trust" herein).
2. The within Certificate is a true and correct representation of the terms of the Trust.
3. I am the currently-acting Trustee of The Joel R. Smart Living Trust. My signature as the currently-acting Trustee is binding on the Trust and its beneficiaries and may be relied upon by third parties.
4. The Trust is not of record in any court of law and had not been recorded in the real property records of any county.
5. The Trust has not been revoked, modified, or amended in any manner which would cause the representations contained herein to be incorrect.
6. I have reserved the right and authority to amend and revoke the Trust as long as I am alive.
7. I am the current beneficiary of the Trust.
8. The tax identification number for the Trust is !
9. Title to assets of the Trust should be taken in substantially the following form:  
  
"Joel R. Smart, as Trustee of The Joel R. Smart Living Trust, u/t/a dated July 25, 2002."
10. This Certificate is intended to serve as a "Certification of Trust" under California Probate Code Section 18100.5, as amended. Its purpose is to certify the existence of the Trust, the identity and powers of the Trustee, the manner of taking title to assets and to summarize some of the more important provisions of the Trust, so that the Trustee can deal with third parties, such as financial institutions, stock transfer agents, brokerage houses, title companies, insurance companies, and others, without disclosing the entire Trust, which is a private and confidential document.
11. All third parties dealing with the Trustee may rely on this Certificate of Trust as a true statement of the provisions of the Trust described herein as of the date of this Certificate is presented to such third party (regardless of the date of execution of this Certificate), unless the third party has actual knowledge that the representations contained herein are incorrect. Any third party who demands trust documents in addition to this Certification (other than excerpts

from the original trust documents) in order to prove facts set forth in this certification may be liable for damages, including attorney's fees, incurred as a result of the refusal to accept this Certification in lieu of the requested documents.

12. Under the terms of The Joel R. Smart Living Trust, the Trustees powers include the powers set forth in Exhibit "A", which is attached hereto and incorporated herein by reference. The Trustees powers also include all other powers and authority granted to trustees under the California Probate Code as amended from time to time.

13. This Certificate of Trust is being signed by the currently acting Trustee of The Joel R. Smart Living Trust.

Executed as of July 25, 2002, at San Francisco, California.


  
\_\_\_\_\_  
Joel R. Smart

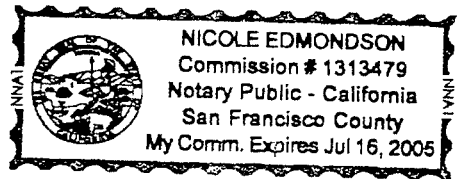
ACKNOWLEDGMENT

STATE OF CALIFORNIA            )  
  )ss  
COUNTY OF SAN FRANCISCO    )

On July 25, 2002, before me, Nicole Edmondson, a Notary Public in and for the State of California, personally appeared Joel R. Smart, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my ~~hand~~ and official seal.

Signature  (SEAL)  
  Notary Public



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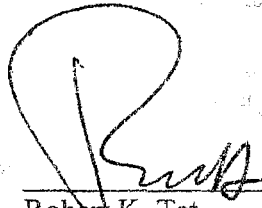


CERTIFICATION OF TRUST

I, the undersigned, declare:

1. I am the current Trustee of the Trust established by Robert K. Tat of 256 States Street, San Francisco, California, 94114 executed on June 17, 2013.
2. Attached hereto is a true and correct copy of the portion of the Trust instrument which provides that the declarant is the Trustee.
3. The tax identification number of this Trust is \_\_\_\_\_
4. Title to assets of this Trust should be taken as "Robert K. Tat as Trustee of the ROBERT K. TAT REVOCABLE TRUST created June 13, 2013."
5. Attached hereto is a true and correct copy of the portion of the Trust instrument which lists the powers of the Trustee.
6. The Trust has not been revoked, modified, or amended in any manner which would cause the representations contained in this certification to be incorrect.
7. The certification is being signed by all of the currently acting Trustees of the Trust.
8. The current beneficiary of the Trust is Robert K. Tat.

Executed on June 13, 2013, in the City of San Francisco, County of San Francisco, State of California.

  
\_\_\_\_\_  
Robert K. Tat

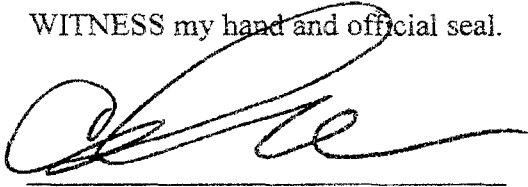
ACKNOWLEDGMENT

STATE OF CALIFORNIA )  
 )  
COUNTY OF SAN FRANCISCO )

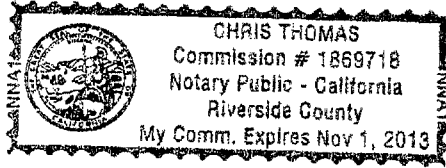
On 6/13/2013, before me, Chris Thomas, Notary Public, personally appeared Robert K. Tat, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public



DECLARATION OF  
the ROBERT K. TAT REVOCABLE  
TRUST

This Declaration of Trust made June 13, 2013

**TRUSTOR**

Robert K. Tat  
256 States Street  
San Francisco, California 94114

**TRUSTEE**

Robert K. Tat  
256 States Street  
San Francisco, California 94114

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**FIRST AMENDED AND RESTATED  
DAVID CANNON TRUST  
DATED MAY 15, 2010**

Recitals:

A. David D. Cannon ("David"), as settlor and trustee, executed the David Cannon Trust, a revocable trust, on May 15, 2010.

B. David now desires to amend and restate his trust (the "First Amended and Restated Trust"), so that no reference need be made to the original Trust, as follows:

Operative Provisions:

**ARTICLE 1**

**DECLARATIONS**

Section 1.1 **Conveyance to Trustee.** David D. Cannon, (referred to herein as the "settlor" or the "trustee," depending on the context) designates himself as trustee and declares that he has set aside and holds, IN TRUST, the property described in Schedule A attached to this instrument.

Section 1.2 **Name of Trust.** The trust created in this instrument may be referred to as the "David Cannon Trust."

Section 1.3 **Trust Estate.** All property subject to this instrument from time to time, including the property listed in Schedule A, is referred to as the trust estate and shall be held, administered and distributed according to this instrument.

Section 1.4 **Definitions.** In general a "settlor" (or trustor) is an individual or entity that creates a trust; a "trustee" is an individual or entity that holds legal title to trust assets and manages such assets for the benefit of trust beneficiaries pursuant to a trust agreement; and a "beneficiary" is an individual or entity with a beneficial interest in the trust assets for whose benefit such assets are managed. The settlor of this trust is also the initial trustee and beneficiary.

**ARTICLE 2**

**DISTRIBUTIONS DURING LIFETIME OF SETTLOR**

Section 2.1 **No Allocation Between Principal and Income.** During the settlor's lifetime, the trustee shall not be required to allocate receipts and disbursements between income and principal. All receipts collected by the trust shall be deemed principal and expenses shall be charged to principal.

assets of the trust at their fair market value as determined by an independent appraisal of those assets; and to sell property to the trust at a price not in excess of its fair market value as determined by an independent appraisal.

Section 5.11 **Release of Powers.** Each trustee shall have the power to release or to restrict the scope of any power that the trustee may hold in connection with the trust created under this instrument, whether this power is expressly granted in this instrument or implied by law. The trustee shall exercise this power in a written instrument specifying the powers to be released or restricted and the nature of any restriction. Any released power shall be extinguished.

Section 5.12 **Borrow.** To borrow money and to encumber trust property by mortgage, deed of trust, pledge, or otherwise, for the debts of the trust or the joint debts of the trust and a co-owner of the property in which the trust has an interest, or for a settlor's debts; to guarantee a settlor's debts.

Section 5.13 **Litigation.** To initiate or defend, at the expense of the trust, any litigation relating to the trust or any property of the trust estate the trustee considers advisable, and to compromise or otherwise adjust any claims or litigation against or in favor of the trust.

Section 5.14 **Insure.** To carry insurance of the kinds and in the amounts the trustee considers advisable, at the expense of the trust, to protect the trust estate and the trustee personally against any hazard.

Section 5.15 **Distribution.** To partition, allot, and distribute the trust estate on any division or partial or final distribution of the trust estate, in undivided interests or in kind, or partly in money and partly in kind, at valuations determined by the trustee, and to sell any property the trustee considers necessary for division or distribution. In making any division or partial or final distribution of the trust estate, the trustee is not obligated to make a prorata division or to distribute the same assets to beneficiaries similarly situated. The trustee may, in the trustee's discretion, make a non-prorata division between trusts or shares and non-prorata distributions to the beneficiaries if the respective assets allocated to separate trusts or shares, or distributed to the beneficiaries, have equivalent or proportionate fair market values. The income tax bases of assets allocated or distributed non-prorata need not be equivalent and may vary to a greater or lesser amount, as determined by the trustee in the trustee's discretion.

Section 5.16 **Principal and Income Act.** The determination of all matters with respect to what is principal and income of the trust estate and the apportionment and allocation of receipts and expenses between these accounts shall be governed by the provisions of the California Revised Uniform Principal and Income Act from time to time existing. The trustee in the trustee's discretion shall determine any matter not provided for either in this instrument or in the California Revised Uniform Principal and Income Act.

Section 5.17 **Signatures.** At any time two or more persons are acting as trustee in the manner specified in this instrument, any one trustee shall be authorized to act for all trustees in connection with any transaction (particularly involving bank, savings and loan and brokerage

accounts and real property) and any third party may rely conclusively on the signature of one trustee on any contract, deed, or similar instrument, to bind the trust.

Section 5.18 **Agents.** To hire persons, including accountants, attorneys, auditors, investment advisers, or other agents, to advise or assist the trustee in the performance of administrative duties.

Section 5.19 **Termination for Low Principal.** If the trust estate of any trust created herein does not exceed twenty thousand dollars (\$20,000.00) in value, the trustee, in the trustee's discretion, shall have the power to terminate such trust. At the termination of the trust, the trustee may convey, transfer and pay over to an income beneficiary the entire principal of the share held for his or her benefit.

Section 5.20 **Claims and Expenses of Administration.** To the extent the deceased settlor's probate estate is inadequate to satisfy claims of creditors and expenses of administration, the trustee shall turn over to the personal representative of such probate estate, trust assets, which were part of a trust subject to the settlor's power of revocation at the time of the settlor's death, sufficient to satisfy the claims and expenses.

Section 5.21 **Probate Administration.** At the death of the settlor, if the trustee reasonably believes the settlor's estate may possibly be subject to malpractice or other claims and desires to have the benefit of the creditor's claim period of a probate estate, the trustee may cooperate with the settlor's personal representative and probate any assets held outside of the trust(s) even if such assets could be transferred by affidavit or some other form of summary administration.

Section 5.22 **California Law Applies.** The validity of this trust and the construction of its beneficial provisions shall be governed by the laws of the State of California in force from time to time, except that the validity and construction of this trust in relation to any real property located in a jurisdiction outside the State of California shall be determined under the laws of such jurisdiction. This article shall apply regardless of any change of residence of the trustee or any beneficiary, or the appointment or substitution of a trustee residing or doing business in another state.

Section 5.23 **Guaranty Debts and Hypothecate Assets.** The trustee of any trust hereunder revocable by the settlor is authorized to do the following (so long as the trustee receives written direction to do so by the settlor): (a) guaranty the indebtedness of any person, corporation or other entity, whether or not said guaranty is for a trust purpose or in any way benefits the trust; (b) hypothecate all or any part of the assets of the trust estate as security for loans obtained by any person, corporation or other entity or to effectuate a guaranty; and (c) to execute such agreements and documents as may be requested by a creditor and which appear reasonable to the trustee, such as security agreements, trust deeds and financing statements.


Section 5.24 **Margin Account.** The trustee is authorized to buy, sell, and trade in securities of any nature, including short sales on margin, and for such purposes may maintain and operate a margin account with brokers, and may pledge any securities held or purchased by them with such brokers as security for loans and advances made to the trustee.

90-2267-1211

1037

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CASE NUMBER:  
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OCT 26 PM 3:11

# APPLICATION FOR Board of Supervisors Appeal Fee Waiver

## 1. Applicant and Project Information

APPLICANT NAME: <b>Jack Keating</b>		TELEPHONE: <b>(415) 308-5817</b>
APPLICANT ADDRESS: <b>4134 17th St. SF, CA 94114</b>		EMAIL: <b>jack.keating@evna.org</b>
NEIGHBORHOOD ORGANIZATION NAME: <b>Castro/Eureka Valley Neighborhood Association</b>		TELEPHONE: <b>(415) 308-5817</b>
NEIGHBORHOOD ORGANIZATION ADDRESS: <b>PO Box 14137, SF, CA 94114</b>		EMAIL: <b>jack.keating@evna.org</b>
* please mail correspondence to applicant address		
PROJECT ADDRESS: <b>22 Bond Ct. Block/Lot 2619/067</b>		
PLANNING CASE NO.: <b>2013,1521CUAV</b>	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY): <b>Sept 24, 2015</b>

## 2. Required Criteria for Granting Waiver:

(All must be satisfied; please attach supporting materials)

*Please see attachments*

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.



For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

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

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION
  
- WAIVER APPROVED                       WAIVER DENIED



SAN FRANCISCO  
PLANNING  
DEPARTMENT

For more information  
Call or visit the San Francisco Planning Department

**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: 415.558.6378  
FAX: 415.558.6409  
WEB: <http://www.sfplanning.org>

**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: 415.558.6377  
Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.



# CASTRO/EUREKA VALLEY NEIGHBORHOOD ASSOCIATION

Neighborhood association for the Castro, Upper Market and all of Eureka Valley since 1878

EVNA  
PO Box 14137  
San Francisco, CA 94114  
www.evna.org

EVNA, a 501 (C)(4) Non-profit,  
Tax ID: 51-0141022

Eureka Valley Foundation,  
a 501(C)(3) Non-profit,  
Tax ID: 26-0831195

#### EXECUTIVE COMMITTEE

Alan Beach-Nelson  
President  
Castro Street

Rob Cox  
Secretary  
Hartford Street  
James Moore  
Treasurer  
18<sup>th</sup> Street

#### COMMITTEE CHAIRS

James Kelm  
Newsletter & Social Media  
Castro Village Wine Co.

Jack Keating (Ex-Officio)  
Planning & Land Use  
17th Street

Shelah Barr  
Quality of Life  
17th Street

Mark McHale  
Social  
Vanguard Properties

Orie Zaklad  
Technology & Marketing  
Collingwood Street

#### DIRECTORS:

Patrick Crogan  
Market Street

Tim Eicher  
Q Bar

Mary Edna Harrell  
Castro Street

Crispin Hollings  
18<sup>th</sup> Street

Loïc Olichon  
18th Street

#### EX OFFICIO DIRECTORS:

Steve Clark Hall  
Webmaster  
19th Street

Judith Hoyem  
Emeritus  
17th Street

October 25, 2015

San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Conditional Use Appeal: 22 Ord Court; Board of Supervisors Appeal Fee Waiver

To Whom it May Concern,

Jack Keating is a member of the Castro / Eureka Valley Neighborhood Association [EVNA] and is authorized to file the above-referenced appeal on behalf of our organization.

The Eureka Valley Neighborhood Association was a supporter of Scott Wiener's Interim Zoning Controls passed in 2015. Given that this project as currently designed does not meet the basic objectives of scale/size determined by the zoning controls, and because we believe there are feasible alternatives which would respect the Interim Zoning controls, we previously asked the Planning Commission deny the request for a Conditional Use permit. We are appealing their decision [Case Number 2013.1521CUAV] for the same reasons.

Very truly yours,

Alan Beach-Nelson  
President

#### About Castro/Eureka Valley Neighborhood Association:

Castro/ Eureka Valley Neighborhood Association (EVNA) is the oldest continuously operating Neighborhood Association in San Francisco established as Eureka Valley Promotion Association in 1878. For 135 years, our members have been working to make this neighborhood a great place to live, work and play. Today, we strive to preserve the unique character of our diverse neighborhood while maintaining a balance between prospering businesses and residential livability.

Please visit our Web site for more information on EVNA's activities, including meeting minutes and meeting schedules.

Appeal Waiver Attachment

- Alan Beach-Nelson, President of the Castro/Eureka Valley Neighborhood Association (EVNA), authorizes Jack Keating, Chair, EVNA Planning & Land Use Committee to file an appeal of the 22 Ord Ct. Conditional Use Authorization Case No. 2013.1521CUAV on behalf of EVNA.

- EVNA is a neighborhood organization registered with the Planning Department as referenced by the Planning Department here:

<http://www.sf-planning.org/index.aspx?page=1654>

<http://www.sf-planning.org/ftp/files/administration/communications/neighborhoodgroups/NeighborhoodGroupList.xlsx>

<http://www.sf-planning.org/ftp/files/administration/communications/neighborhoodgroups/NeighborhoodGroupList.xlsx>

1	FIRST	LAST	TITLE	ORGANIZATION	ADDRESS	CITY	STATE	ZIP	TELEPHONE	EMAIL	NEIGHBORHOOD OF INTEREST
2	Alan	Beach-Nelson	President	Castro/Eureka Valley Neighborhood Association	P.O. Box 14137	San Francisco	CA	94114-2927	415-244-5152	alan.beach@evna.org	Castro/Upper Market
3	Andrea	Aiello	Administrator	Castro Upper Market Community Benefits District	584 Castro Street #336	San Francisco	CA	94114	415-500-1181	ExecDirector@CastroCBE.org	Castro/Upper Market, Haight Ashbury, Noe Valley
4	Bob	Tannenbaum		0 Sharon Street Neighborhood Association	46 Sharon Street	San Francisco	CA	94114	505-890-8841	Btannenbaum@evna.com	Castro/Upper Market
5	Bruce	Murphy	President	Eureka Valley Traffic/AM Network	170 Yukon Street	San Francisco	CA	94114-2305	415-603-0207	brucemurphy@evna.com	Bayview, Castro/Upper Market
6	Carol	Chamela	President	Mt. Cityequis Neighbors Association	289 Upper Terrace	San Francisco	CA	94117	415-564-0510	cg290@earthlink.net	Castro/Upper Market, Haight Ashbury
7	David	Wu-Lobos	Executive Director	Heart of the Triangle	P.O. Box 642201	San Francisco	CA	94164	415-521-4100	adw@communitycenter.org	Castro/Upper Market
8	Edward	Scruggs		0 Eureka/17th Street Neighbors	4134 17th Street	San Francisco	CA	94114	415-431-4551	edscruggs@comcast.net	Castro/Upper Market

- EVNA encompasses 22 Ord Ct.:

“The boundaries of the Eureka Valley Neighborhood Association are basically geographically defined by the boundaries of "Eureka Valley." Per the organization bylaws, this is the district within Dolores Street to the East, 22nd Street to the South, Twin Peaks to the West and Duboce Avenue on the North.”

<http://evna.org/neighbors>

- EVNA was first established in 1878 the Eureka Valley Promotion Association (EVPA).

Newsletters for the last decade may be referenced here:

<http://evna.org/news>