
From: 714515@gmail.com
Sent: Thursday, November 13, 2014 5:22 PM
To: Mark Farrell; Lamug, Joy
Cc: Stefani, Catherine; Sanchez, Scott (CPC); Lindsay, David (CPC); Cabrerros, Glenn (CPC); O'Riordan, Patrick (DBI); Lowrey, Daniel (DBI); Fessler, Thomas (DBI); Povlitz; kbgoss@pacbell.net; michael@jaegermchugh.com; maitsai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; rwgoss@pacbell.net
Subject: Fwd: 2853 Broderick Hearing November 25th
Attachments: 2853 Brod withd. CEQA Scott choice.pdf; ATT00001.htm; 2853 Brod Pam to Schott Agreement stands.pdf; ATT00002.htm; 2853 Brod list of permits and perm 898.pdf; ATT00003.htm; image002.jpg; ATT00004.htm; image004.png; ATT00005.htm; 2014 DR Notice.pdf; ATT00006.htm; 2013 CatEx excerpts.pdf; ATT00007.htm; 2012 Planning response to CatEx appeal.pdf; ATT00008.htm; 2012 Motion upholding CatEx.pdf; ATT00009.htm; 2012 CatEx.pdf; ATT00010.htm; 9_18_14 DR Analysis.pdf; ATT00011.htm

Dear Supervisor Farrell:

We, Tim Arcuri and Irving Zaretsky, the Appellants request a postponement of the Hearing before the Board of Supervisors for the following reasons:

1. DBI is currently researching the status of Permit # 201307010898 and will respond to us within a week or so.
2. We request that all Permits be consolidated for this Hearing and every issue be on the table for a total review of the CEQA issues as relevant to every construction plan in this project.
3. No further piecemeal permits and no splitting of permits.
4. An investigation as to the evolution of the permits and the status of the construction undertaken thus far without proper permitting.

It is the position of the Appellants and neighbors that:

- A. The only valid, legal, functional Permit issued to this project is Permit # 201103252893 approved by the Board of Appeals in September 2012 which reflects the Agreement and Appendix plans signed on September 4, 2012.
- B. All permits issued thereafter are addenda permits that failed to comply with the requirement that they be submitted for a 311 Notification prior to any construction being undertaken.
- C. Permit 2011307010898 filed on July 1, 2013 is a cover-up permit to attempt to ratify previous construction undertaken without proper permitting and to isolate previously improperly issued permits from further investigation. This Permit is meant to ratify and sanitize improper permit manipulation.

D. The DBI Notice for the Revision of Plans issued in June 2013 required the project sponsor to revise her plans under Permit 201103252893 and immediately submit the revisions to a 311 Notification. Instead she decided

along with City Planning to create a new Permit into which she would embed all previous permits and add the Revision drawings and future work. This permit has been filed but never issued and was kept in her hip pocket for a whole year before a 311 notification was published. In the meanwhile improperly permitted work was allowed to continue.

The project sponsor has undertaken this MO previously when she added on and loaded up permit # 201103252893 with a 'garden shed' to be constructed in the backyard, AKA an 8' x10' room, and curb cuts when these

were never part of the negotiated Agreement.

We have attached below:

1. Correspondance from Scott Sanchez illustrating that the 2012 CEQA appeal was withdrawn by Appellants due to the choice presented to us by Scott Sanchez that rapid action on the Permit would allow the project sponsor to begin construction very rapidly. The language used at the Board of Supervisors at the withdrawal of the appeal had nothing to do with the affirmation of the status of the Categorical Exemptions by the Board of Supervisors, but rather it was the resolution of the dispute to which we gave the consideration of withdrawing the Appeal. The case was never heard on its merits by the Board of Supervisors. The resolution and the Agreement in fact re-affirmed that CEQA issues were not exempt from this case and the South side yard set back would be kept in tact; the rear steps would remain as is with no further encroachment into the back yard; the building would only be raised 36"; and the envelope and foot print of the building would not be expanded.

scott.sanchez@sfgov.org

August 8, 2012 10:39 AM

To: Stephen Antonaros <santonaros@sbcglobal.net>, iiz@me.com

Cc: Kate Kardos <kdkmanagement@yahoo.com>, Pam Whitehead <whiteheadwest@msn.com>, Catherine.Stefani@sfgov.org, AnMarie.Rodgers@sfgov.org, Victor.Pacheco@sfgov.microsoftonline.com, Cynthia.Goldstein@sfgov.microsoftonline.com
Re: final drawings for the agreed design

Hello Irving and Stephen,

Thank you again for working together to develop a resolution that is acceptable to all parties. Moving forward, I believe that there may be two possible scenarios to ensure that the revised project moves forward.

First (and most straightforward), the Appellant can withdraw both appeals (CEQA and Board of Appeals) and the Permit Holder can file a revision permit with DBI that documents the agreed upon changes. This could happen relatively quickly (1-2 weeks).

Second, the Appellant can withdraw the CEQA appeal and both parties can go back to the Board of Appeals for the rehearing request (currently scheduled for September 12) to request the Board grant the rehearing request and schedule the item for the next available hearing. At the subsequent hearing, the Board could grant the appeal and adopt the revised plans. This would take more time, a month or more and would require cooperation of the Board (they are not obligated to accept the agreement). I'm copying Cynthia Goldstein and Victor Pacheco at the Board of Appeals on this email to see if they have any comments.

It's a complicated process, so please let me know if you have any questions.

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

Tel: 415.558.6350

Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org

Webpage: <http://www.sfplanning.org>

Planning Information Center (PIC): 415-558-6377

Property Information Map (PIM): <http://propertymap.sfplanning.org>

Stephen Antonaros
<[santonaros@sbcgl
obal.net](mailto:santonaros@sbcgl
obal.net)>

To

ijz@me.com

08/08/2012 10:23

cc

AM

Pam Whitehead

<whiteheadwest@msn.com>, Kate
Kardos <kdkmanagement@yahoo.com>,
catherine.stefani@sfgov.org,
scott.sanchez@sfgov.org

Subject

Re: final drawings for the agreed
design

Irving;

Part of my own due diligence on proposing the option that is acceptable to all involved running it by DBI. I received a positive response which will be final after reviewed under a proper permit application as a revision.

Stephen Antonaros, ARCHITECT
2261 Market Street #324
San Francisco, California 94114
(415) 864-2261

www.antonaros.com

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

Stephen:

I will check with Victor at the Board of Appeals and with Catherine at Mark Farrell's office on how to proceed to get your permit re-instated so that the agreement can go forward. However, in the mean while can you get the agreed

upon design to be looked at by DBI so that we have their blessing and the permit revision will just be ministerial when we clear up the Hearing withdrawal. We don't want any issues with DBI.

Thank you,
Irving

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

Irving,

My understanding is that we cannot submit a permit revision to a permit that has been suspended unless that permit is authorized by the Board of Appeals as a result of a decision at the hearing. Please confirm that on your own.

Stephen Antonaros, ARCHITECT
2298 Third Street
San Francisco, California 94107
(415)864-2261
www.antonaros.com

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

Dear Pam and Stephen:

Can you prepare the final drawings within the approved drawings that you have that show the final design accepted by the City Planning Department and have it also signed off by DBI. That would show the exact way the project would

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

withdraw our appeals and get our agreement finalized. We have to have CP and DBI sign off. Let's try to do that ASAP so that we can get all the paper work done.

||| Thank you,
||| Irving

Sincerely,
Irving Zaretsky

Begin forwarded message:

From: <IDick@fbm.com>
Subject: RE: 2853 Broderick Hearing November 25th
Date: November 12, 2014 11:53:27 AM PST
To: <714515@gmail.com>, <info@markfarrell.com>, <joy.lamug@sfgov.org>
Cc: <catherine.stefani@sfgov.org>, <rpovlitz@yahoo.com>, <kgoss@pacbell.net>, <michael@jaegermchugh.com>, <maitsai@yahoo.com>, <annabrockway@yahoo.com>, <ericreimers@gmail.com>, <dorinetowle@me.com>, <vince@citymarkdev.com>, <kdkmanagement@yahoo.com>, <cjones@forwardmgmt.com>, <rwgoss@pacbell.net>, <paulmimai@yahoo.com>, <wmore@aol.com>, <amanda@hoenigman.com>, <timothy.arcuri@cowen.com>, <nancyp.leavens@gmail.com>, <letsbond@gmail.com>, <dod.fraser@gmail.com>, <ethurston@gmail.com>, <DXN2700@aol.com>, <scott.sanchez@sfgov.org>, <whiteheadwest@msn.com>

Sup. Farrell, we represent Pam Whitehead, the permit holder for 2853 Broderick Street. As you know, this fire damaged, vacant building has been subject to 2+ years of ongoing review by City agencies and boards, arising primarily from Mr. Zaretsky's continuous oversight of this project. For the reasons set forth below and the attachments to this email, we request that you not grant Mr. Zaretsky's request to continue the November 25th hearing on Mr. Zaretsky's appeal of the July 3, 2014 Categorical Exemption. Rather than detail the circuitous and complex permit/administrative history of this project, to facilitate your consideration of our position, I have attached excerpts of pertinent administrative documents and highlighted the relevant portions for your convenience.

To be clear, Mr. Zaretsky is asking for a continuance of the appeal hearing **he** requested on the Class 1 Categorical Exemption. The reason for the delay- to wait for issuance of the building permit that is the focus of that very same Categorical Exemption -is based on his erroneous understanding of permit review under CEQA. Moreover, he states that he does not know what work the building permit will allow. In fact, this is the very same building permit for which he sought and was denied Discretionary Review (DR) by the Planning Commission in September. Given his DR request and testimony before the Planning Commission, he is well aware of the scope of work authorized by this building permit.

As you know, CEQA applies only to "discretionary actions". Review by DBI or other City agencies that review and sign off on the pending building permit application are not "discretionary actions" under CEQA. Only the issuance of the permit by DBI constitutes an approval subject to CEQA, requiring a CEQA determination. Here, a CEQA determination has been made for this building permit (and the proposed scope of work) under the Categorical Exemption that Messrs.

Zaretsky and Arcuri have appealed. However, due to the appeal, DBI cannot issue that building permit unless and until the Board of Supervisors acts on the appeal. Once the Categorical Exemption is upheld, then the building permit can be issued. To do otherwise, would result in an discretionary action without a final CEQA document. Thus, what he is requesting is not legally possible.

The appeal hearing should proceed as it was requested by Mr. Zaretsky based on facts that he was well aware of, including the pending issuance of the building permit by DBI. He should not be able to manipulate further the administrative review of actions needed for this building to become a livable home. Accordingly, we respectfully request that the hearing on the appeal of the Categorical Exemption filed by Messrs. Zaretsky and Arcuri be held on November 25, 2014 as scheduled.

RELEVANT FACTS

-The Categorical Exemption before the Board of Supervisors on appeal was issued on July 3, 2014. It covers only the scope of work under the building permit that Mr. Zaretsky seeks to have issued before the Board of Supervisors' hearing on his appeal of the Categorical Exemption.

-This building permit is a "new" permit, legally distinct and independent of any previously issued permits. That is precisely why it was subject to its own CEQA review and DR. Mr. Zaretsky is thus wrong when he states that the CEQA appeal before the Board of Supervisors "includes the Permits reinstated by the Zoning Administrator on October 15, 2014". To further substantiate that the pending building permit is independent of any prior permit, the Planning Department scheduled a DR hearing on this permit. Mr. Zaretsky received by email the attached DR notice of this permit, with a detailed description of the proposed scope of work, on July 2, 2014. He and Mr. Arcuri filed DR Requests of that permit. The Planning Commission approved this permit at its September 18, 2014. As noted on the DR notice and on the Commission's agenda, the Commission's approval of the building permit was an "Approval Action" for appeal of the CEQA document. Messrs. Zaretsky and Arcuri chose to file their appeal based on the Commission's approval of the permit. They should not be able to bend the CEQA appeal process so painstakingly modified in 2013 by the Board of Supervisors.

-The Categorical Exemption on appeal makes clear the "project" or the scope of work authorized by this permit. It does not cover the breadth of work Mr. Zaretsky thinks it does. Mr. Zaretsky fails to acknowledge that much of that work was done under previously-issued permits that were themselves subject to the Categorical Exemption issued in 2012. The Board of Supervisors upheld that Categorical Exemption on an appeal brought by Mr. Zaretsky.

-Contrary to Mr. Zaretsky's assertion, permit review will not involve significant changes to the project by DBI or any other agency. Thus, there is no reason to expect that the plans that were approved by the Planning Commission on DR will be modified during plan check.

Thank you in advance for your consideration of our request. Please feel free to call or email me.

Regards,

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



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On July 1, 2013 the Applicant named below filed BPA No. 2013.07.01.0898 with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	2853 Broderick Street	Applicant:	Stephen Antonaros, Architect
Cross Street(s):	Filbert/Union Streets	Address:	2261 Market Street, #324
Block/Lot No.:	0947 / 002	City, State:	San Francisco, CA 94114
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 864-2261

You are receiving this notice as a property owner or resident within 150 feet of the proposed project. You are not required to take any action. For more information about the proposed project, or to express concerns about the project, please contact the Applicant listed above or the Planner named below as soon as possible. If you believe that there are exceptional or extraordinary circumstances associated with the project, you may request the Planning Commission to use its discretionary powers to review this application at a public hearing. Applications requesting a Discretionary Review hearing must be filed during the 30-day review period, prior to the close of business on the Expiration Date shown below, or the next business day if that date is on a week-end or a legal holiday. If no Requests for Discretionary Review are filed, this project will be approved by the Planning Department after the Expiration Date.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input checked="" type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input checked="" type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	AS APPROVED / AS BUILT	PROPOSED
Building Use	Two-family dwelling / No Change	Single-family residence
Front Setback	10 feet / 10 feet	No Change
Side Setbacks	6' @ south & 2' @ north / No Change	2' @ south & 2' @ north side
Building Depth	57 feet / No Change	No Change
Rear Yard	13 feet / No Change	No Change
Building Height	37' to ridge / 40' to ridge	No Change
Number of Stories	3 over garage / No Change	No Change
Number of Dwelling Units	2 / No Change	1
Number of Parking Spaces	2 / No Change	No Change
PROJECT DESCRIPTION		
<p>*Under previously approved BPA#2011.03.25.2839, the subject building was lifted 3 feet to the As Built (existing) condition at the subject property. During construction it was discovered that the existing and proposed dimensioned heights disclosed under BPA#2011.03.25.2839 were incorrectly stated and were deficient by 3 feet. The subject permit application has been filed to demonstrate that the subject building was lifted 3 feet to a height of 40 feet, rather than to 37 feet as stated in BPA#2011.03.25.2839. The subject permit application also proposes additional work including a dwelling unit merger from 2 to 1 unit and side and vertical additions to the existing building. A Discretionary Review hearing, Case No. 2013.0433D, for the project is scheduled for 12:00 p.m. on Thursday, August 7, 2014 at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, San Francisco, CA. The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

For more information, please contact Planning Department staff:

Planner: Glenn Cabreros

Telephone: (415) 558-6169

E-mail: glenn.cabreros@sfgov.org

Notice Date: 7/7/14

Expiration Date: 8/6/14

中文詢問請電: (415) 575-9010

Para información en Español llamar al: (415) 575-9010

2. Pam Whitehead's email to Scott Sanchez on March 12, 2013 stated unequivocally that she supports the Agreement and plans as represented in Permit # 201107010893 issued in September 2012. That she requested of me to send City Planning an email that I approved her interior changes and thereby gives the evidence to the entrapment set up by her architect and City Planning to extract such a letter from me without informing me of the hidden agenda to use it in lieu of the required 311 Notification. This correspondence re-affirms that the Agreement and plans are one non severable document and that the AGREEMENT IS A PARTY TO THIS PERMIT.

From: Pam Whitehead
To: Cabrerros, Glenn
Cc: santonaros@sbcglobal.net; Sanchez, Scott; Lindsay, David
Subject: 2853 Broderick Street
Date: Tuesday, March 12, 2013 7:19:55 AM

Dear Glenn,

I have been going thru the chain of emails regarding this project over the last several months ending with the most recent emails back and forth between Steve and yourself and other staff members.

I wanted to let you know of my grave concern with your most recent decisions. I as the project sponsor, decided to move forward as one of two choices spelled out in an email from Scott Sanchez back in the beginning of August 2012. I opted to go thru and make certain that I had an agreement with the neighbors and plans that reflected the direction to where we were heading with the project. The basis for the agreement was to ensure we had all possibilities thought possible spelled out so to refer to it when and if in the future. I was very clear with my architect, neighbors, and my attorney that interior changes would absolutely take place. I also discussed this on the phone with the Board of Appeals the later part of August as to the reason we had decided to carry forth with all the hearings and I thought have a resolution so to have plans in place that I could at a future date have the ability of modifying the interior floor plans under the non appealable permit. I went to great added expense to ensure this security measure for myself and family.

To give you a history to why I intended to change the interior plans, was because the plans that went subject to the appeal process were not my plans, they were the previous owners, and what worked for them. This is not just a project for me, I intend to move into the building and live there with my partner and 2 children. I grew up around the corner on Filbert and lived there for many years. I was only able to purchase the property because I had known the owner since I was 4, and she loved the idea of us moving into the house.

I am at a loss to why the planning department is not allowing us to significantly modify the interior plans under the umbrella of the approved appeal set addenda. This agreement was submitted and attached to the submittal plans and final appeal decision and spells out what we are to follow and how. This agreement was part to the overall settlement that was ultimately signed and should be on file with the Board of Appeals as a party to the plan set. The reason for the signed agreement was to have something to follow, as the plans alone cannot specify all conditions to our agreement re the neighbor issues we had. A week ago we followed those conditions and I met with the neighbors to go over all changes, some significant and some not, as per spelled out in our filed Board of Appeals document. I had my attorney confirm this to Scott last Friday. From that conversation, I was told that Scott had voiced to John Kevlin, my attorney, that the " agreement" was not party to the appeal set. This was news to me. I am then not sure why I spent money having an attorney write up

such an agreement, and then further, why all neighbors needed to sign it, and then lastly was a party to the appeal's Board final decision? The plans alone show no clear guidance. They do not give me any security under an unappealable permit to make the interior changes that are necessary to this project, and lastly the effect no one outside to the building. Following the approved agreement, I requested the neighbors write an email confirming they are fine with our interior changes that deviate from the approved appeal set.

I am at a loss to why the planning department is not allowing us to include our interior changes only within my secure non appealable approved permit. I can understand why the outside changes Steve submitted (dated Feb 4th, 2013), or unit size deviations from approved be denied under this permit, that is fine, however if the two later are followed as per approved I am personally requesting you to reconsider your position with interior changes that have no impact on planning previous decisions and follow the agreement that we painstaking revised and revised so all parties could live with it, and ultimately became part of the overall appeal documents. Again I chose to go to the end with all agencies to ensure an appealable permit. What you have suggested, places me in harms way unnecessarily. Based on this Steve has been forced to draw up plans and is ready to submit, one and then another of my interiors I really plan to do, this seems crazy and very confusing to my engineer and I am sure will be equally confusing to the building department plan checker. Currently my building is 3 feet off the ground rest on temporary supports, this is not a position that it should be in longer than it has to be. Clearly had I understood that the Planning department cared about my interior plans, or was not going to accept the encompassing neighbor settlement agreement that was included with all departments while going thru the final stages of the appeals process, I would have waited to lift the house.

I want to feel as if the planning department cares about what the owner and neighbors are ok with, I want to feel that all the effort we put forth to have an agreement was not for not. I want to feel that the planning department is not so segregated that it is not willing to approve what had been a part to and approved with the Board of Appeals. It has been 3 years since the fire happened, neighbors come by every day I am at the property and ask me how long it is going to take.....what if you absolutely insist that my interior changes cannot be apart to my appeals site permit, what if Irving decides to appeal my interior changes even though he has written he is good with them and he doesn't care, why did I go thru the process to protect myself? Why was I told I would be able to make interior changes within this appeal permit? We live in earthquake country, please don't put me in a position to have to wait for yet another round of a submittal for interior changes only that is subject to any kind whim of any neighbor. We are about 2 to 3 weeks away from being able to pour concrete and stabilize the building, we need to have your reconsideration to allow us the interior changes so that there can be a real comprehensive plan the building department

looks at and then ultimately is not appealable so to secure the building safely, please.

Sincerely,

Pam Whitehead

If you do not have a copy of the approved agreement I will send to you, or I am sure they have in the Board of appeal file as an attachment. See Page 2.



**SAN FRANCISCO
PLANNING DEPARTMENT**

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

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

**STEP 1: EXEMPTION CLASS
TO BE COMPLETED BY PROJECT PLANNER**

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

**STEP 2: CEQA IMPACTS
TO BE COMPLETED BY PROJECT PLANNER**

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

PART II: PROJECT EVALUATION

Proposed Project Demolition Alteration

Per Drawings Dated: May 1, 2014

Project Description

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

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

Project Evaluation

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

Subject Property/Historic Resource:

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

California Register-eligible Historic District or Context:

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

Project Specific Impacts

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

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

3. A list of the Permits issued to this project and Permit # 201307010898

Permits, Complaints and Boiler PTO Inquiry

You selected:

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

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

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

(Building permits matching the selected address.)

Permit #	Block	Lot	Street #	Street Name	Unit	Current Stage	Stage Date
201103111905	0947	002	2853	BRODERICK ST		SUSPEND	10/23/2014
201103252839	0947	002	2853	BRODERICK ST		SUSPEND	10/23/2014
201108031630	0947	002	2853	BRODERICK ST		SUSPEND	10/23/2014
201209260727	0947	002	2853	BRODERICK ST		SUSPEND	10/23/2014
201309247638	0947	002	2853	BRODERICK ST		SUSPEND	10/23/2014
201309066151	0947	002	2853	BRODERICK ST		WITHDRAWN	10/16/2014
M450087	0947	002	2853	BRODERICK ST		ISSUED	12/10/2013
M417447	0947	002	2853	BRODERICK ST		ISSUED	08/14/2013
201307010898	0947	002	2853	BRODERICK ST		FILED	07/01/2013
M400927	0947	002	2853	BRODERICK ST		ISSUED	06/11/2013
M303327	0947	002	2853	BRODERICK ST		ISSUED	02/21/2012
9607721	0947	002	2853	BRODERICK ST		COMPLETE	06/04/1996
8707323	0947	002	2853	BRODERICK ST		COMPLETE	06/22/1987

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

Technical Support for Online Services

If you need help or have a question about this service, please visit our [FAQ area](#).

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

Permits, Complaints and Boiler PTO Inquiry

Permit Details Report

Report Date: 11/12/2014 7:41:26 PM

Application Number: 201307010898

Form Number: 3

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

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

Cost: \$1.00

Occupancy Code: R-3

Building Use: 28 - 2 FAMILY DWELLING

Disposition / Stage:

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

Contact Details:

Contractor Details:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	7/1/13	7/1/13			7/1/13	CHEUNG WAI FONG	415-558-6070	
2	CP-ZOC	7/1/13	7/16/13	7/16/13	10/15/14	10/15/14	CABREROS GLENN	415-558-6377	Approved per Case No. 2013.0433DDDE. Correct height dimensions. Dwelling unit merger from 2 to 1 unit. Side, rear and vertical additions. 10/15/14 (gc). NOPDR#1 mailed 7/10/13 (gc). Pending review with ZA, 7/16/13 (gc).
3	CP-DR		7/29/14			10/15/14	OROPEZA EDGAR	415-558-6377	DR APPLICATION TAKEN IN ON 7/29/2014. APPLICATION COMPLETE AND TAKEN IN BY EDGAR OROPEZA, PIC STAFF
4	CP-NP						CABREROS GLENN	415-558-6377	Mailed 311 Cover Letter 6/27/14 (Vlad) Mailed 311 Notice 7/7/14; Expired 8/6/14 (Vlad)
5	BLDG	10/15/14	11/6/14				YIN DIANE	415-558-6133	
6	DPW-BSM							415-558-6060	
7	PPC						THAI SYLVIA	415-558-6133	10/20/14: Return to Diane Yin; snt. 10/20/14: OTC disapproved, back to BLDG. mml 10/20/14; to Stephen Antonaros for OTC. PG 10/17/14; back to OTC bin; snt. 10/17/14: Plans routed to Stephen Antonaros hold for Building review. AL 10/17/14: Plans routed to OTC hold for Building review. AL 10/15/14; to BSM; snt.

8	CPB						YAN BRENDA	415- 558- 6070	10/17/14: UPDATED DESCRIPTION OF WORK & IS A 2 UNITS MERGER TO 1 UNIT, NO STRUCTURE PLANS & CHANGE FULL TO SITE PERMIT REQUEST BY APPLICANT. OK BY WF, BYAN.
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Appointments:

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

Activity Date	Inspector	Inspection Description	Inspection Status
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Special Inspections:

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

Station Code	Descriptions and Phone Numbers
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[Online Permit and Complaint Tracking](#) home page.

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From: 714515@gmail.com [mailto:714515@gmail.com]

Sent: Tuesday, November 11, 2014 7:26 PM

To: Mark Farrell; joy.lamug@sfgov.org

Cc: Catherine Stefani; Povlitz; kbgoss@pacbell.net; michael@jaegermchugh.com; maitsai@yahoo.com; annabrockway@yahoo.com; ericreimers@gmail.com; dorinetowle@me.com; vince@citymarkdev.com; Kate Kardos; cjones@forwardmgmt.com; rwgoss@pacbell.net Goss; paulmimai@yahoo.com; wmore@aol.com; amanda@hoenigman.com; timothy.arcuri@cowen.com; nancy leavens nancy; Will Morehead (; dod.fraser@gmail.com; ethurston@gmail.com; DXN2700@aol.com; Scott (CPC) Sanchez; Dick, Ilene (19) x4958

Subject: 2853 Broderick Hearing November 25th

Dear Supervisor Farrell and Ms. Angela Calvillo, Clerk of the Board:

We the Appellants, Tim Arcuri and Irving Zaretsky, request a postponement of the Hearing for the project 2853-57 Broderick street pending the issuance by DBI of Permit no. 201307010898 which has been routed to DBI for review by the Zoning Administrator on October 16, 2014. See attachment below.

The current appeal to the Board of Supervisors only includes the Permits reinstated by the Zoning Administrator on October 15, 2014. Permit no. 201307010898 was routed to DBI on October 16, 2014 and is technically not yet part of the Hearing. It has to be reviewed and issued by DBI. The Zoning Administrator stated at the Planning Commission Hearing that this is a NEW PERMIT which is composed of all past plans and permits issued for the job, all past executed work, all plans and permit applications for future work. It is supposed to be a comprehensive Permit of past plans, construction and permits as well as future plans. Therefore, the issues relevant to the CEQA Hearing are contained within the NEW PERMIT as well as new plans which may have direct impact on the CEQA issues for review.

We had hoped, in good faith, that the Permit would have been issued by now and would allow us to see what it finally contains that is relevant to the issues for review by the Board of Supervisors. We have requested of DBI to let us know what the status of the Permit is but have not heard to date.

The review by DBI of the permit may introduce new issues that impact the CEQA review. This happened in 2012 when Permit no. 201103252893 was before the Board of Supervisors. Frequently the Building Code requirements are at variance with the City Planning, historical Preservation and environment issues. Such differences may require further CEQA review.

Since it is in everyone's interest to have the Hearings bring finality to the issues on appeal, it is necessary that the New Permit be issued by DBI and we can all learn what the final content of that Permit is and how it impacts the very issues currently before the Board of Supervisors. We do not want to be in the position that after the Board of Supervisors' CEQA Hearing is complete that we then discover that the New Permit introduces new issues that are eligible for CEQA review.

This predicament has come about because the reinstated permits were addenda permits to the original permit 201103252893. They were issued piecemeal between September 2012 and February 5, 2014. Had the project sponsor submitted all her permit applications and plans at one time when she was asked to submit revised plans by the Notice of Correction issued on June 28, 2013, we could have addressed all of these issues a year ago at one time when such plans were required to be submitted to a 311 notification and processed through Hearings at that time. The fact that the current permits have been split into reinstated permits and a brand NEW PERMIT is the cause why we need to have the New Permit issued and thereby have a complete and comprehensive picture of the issues that need to be addressed at the Board of Supervisor's CEQA Hearing. The NEW PERMIT contains all the elements currently before review and in addition new material that has to be reviewed in terms of new CEQA issues which may arise.

Again, we request to postpone the Hearing pending the issuance by DBI of Permit no. 201307010898 that will allow us to have a full and complete view of what has been done and what is yet to be done in this project that

requires a CEQA review and Hearing.

Sincerely,

Irving Zaretsky
Tim Arcuri
Appellants
Neighbors on Broderick and Filbert streets

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Farella Braun + Martel LLP



**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 AUG 27 PM 4:15

Categorical Exemption Appeal DW
2853-2857 Broderick Street

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: August 27, 2012
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Tina Tam, Senior Preservation Planner - Planning Department (415) 558-6325
 Shelley Caltagirone, Case Planner - Planning Department (415) 558-6625
RE: BOS File No. 120781 [Planning Case No. 2010.0394E]
 Appeal of Categorical Exemption for 2853-2857 Broderick Street
HEARING DATE: September 4, 2012
ATTACHMENTS:

- A. Planning Department Categorical Exemption Certificate including Historic Resource Evaluation Response Memo
- B. Photographs and Plans
- A. Appeal Letter

APPLICANT: Stephen Antonaros, Architect - 2261 Market Street, #324
APPELLANTS: Kate Polevoi, Zeeva Kardos & Irving Zaretsky - 2845-2847 Broderick Street
 Craig Jones & Michael Jaeger - 2837-2839 Broderick Street
 Eric & Kelda Reimers - 2865 Broderick Street
 Rob & Jennifer Povlitz - 2869 Broderick Street
 Don & Ann Morehead - 2715 Filbert Street

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Categorical Exemption under the California Environmental Quality Act ("CEQA Determination") for a project at 2853-2857 Broderick Street (the "Project").

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a Categorical Exemption for 2853-2857 Broderick Street on February 3, 2011, finding that the proposed project will not have an adverse impact to a historic resource.

The decision before the Board is whether to uphold the Department's decision to issue a categorical exemption and deny the appeal, or to overturn the Department's decision to issue a categorical exemption and return the project to the Department staff for additional environmental review.

SITE DESCRIPTION & PRESENT USE

The project site contains a three-story-over-basement building containing two dwelling units. The first floor above the basement level contains one dwelling unit with an entry along the south side façade. The

second and third floors are occupied by the second dwelling unit with its own entry on the northern side of the front façade. The project lot measures approximately 34.5 feet wide by 80 feet deep with an area of 2,760 square feet.

PROJECT DESCRIPTION

The proposal involves raising the building by approximately three (3) feet to insert a garage at the ground floor level, expanding the ground floor level towards the rear of the building, and creating a new curb cut. The project would add approximately 680 square feet (sf) of residential space to the existing 3,774-sf building resulting in 4,454 total sf.

BACKGROUND

- January 17, 2011 Historic Resource Evaluation Response was issued stating a historical resource was identified and finding that the project would not cause significant adverse impacts to the resource.
- February 3, 2011 The Department determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000-square feet).
- April 27, 2011 The Zoning Administrator held a public hearing on Variance Application No. 2010.0394V. Per Planning Code Section 311, public notification for the associated building permit application, No. 2011.03.25.2839, was conducted from June 14, 2011 to July 13, 2011. On July 1, 2011, a request for Discretionary Review request, Case No. 2010.0394D, was filed by the owner of the adjacent building directly south of the subject lot. From August 8, 2011 to September 6, 2011, the project was re-noticed pursuant to Section 311 to correct an error regarding the height limit as depicted on the plans mailed with the original notice. The project scope-of-work was not revised between the time of the initial notice and the re-notice.
- October 6, 2011 The Planning Commission held a Discretionary Review hearing (Case No. 2010.0394D) and approved the building permit application for the proposed project per Discretionary Review Action No. DRA-0229.
- November 17, 2011 Variance decision letter issued/granted by Zoning Administrator.
- June 20, 2012 Issuance of Building Permit appealed to the Board of Appeals. Board of Appeals upheld issuance of building permit.