

File No. 130213

Committee Item No. _____

Board Item No. 13

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date: April 9, 2013

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|--------------------------|-------------------------------------|------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Planning Department Response |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project Sponsor Brief |
| <input type="checkbox"/> | <input type="checkbox"/> | |

Completed by: Lynne Howe

Date: April 4, 2013

Completed by: _____

Date: _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

Brandt-Hawley Law Group

Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

February 22, 2013

Board President David Chiu
and Members of the Board of Supervisors
c/o Ms. Angela Calvillo
Clerk of the Board of Supervisors
City of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB 25 PM 2:20

Re: Appeal of Categorical Exemption
611 Buena Vista West Avenue
Case No. 2011.0761DD
Building Permit Application 2011.05.04.5332
Permit to Alter a Building

Dear President Chiu and Supervisors:

On behalf of the Buena Vista Historical Preservation Association, Jim and Georgia Cox, Bill Gheen, Kristy and Matt Leffers, Jon and Pam Shields, and Tim Stewart and Sue Rugtvi, I appeal the Class One categorical exemption for a permit to alter a building at 611 Buena Vista West via a one-story vertical addition. Copies of the building permit and categorical exemption are attached. The Planning Commission took Discretionary Review and approved the permit on September 6, 2012 "*subject to*" an increased setback condition.

An appeal of the building permit and discretionary review has been filed with the Board of Appeals (Appeal No. 12-171) and the permit is currently suspended. This appeal is timely because the building permit has issued but is not final.

CEQA provides that if a nonelected body determines that a project is exempt from CEQA, that determination “may be appealed to the agency’s elected decisionmaking body, if any.” (Pub. Resources Code, § 21151 subd.(c).) While building permits are normally ministerial, this project on Buena Vista West has potentially significant environmental impacts relating to aesthetics, views, and shadow. Therefore an Initial Study and appropriate environmental document should be prepared as this project is not exempt from CEQA.

The City has discretion to grant, deny, or amend the requested permit under its ordinances. The Planning Commission exercised its authority to take Discretionary Review (DR) of the building permit. This project presents an unusual situation whereby the DR was triggered by a specific significant environmental impact rather than the usual design considerations. The Commission approved the permit “subject to” an increased setback in order to preserve public views of the corner turret on the adjacent historic residence at 601 Buena Vista West. The transcript of the Commission hearing reflects the Commission’s concerns about the significant visual impacts of the project that prompted DR and the new condition.

The Planning Commission transcript makes clear that the intent of the increased setback was to ensure that the beautiful historic turret at 601 Buena Vista West remains visible from the public street. The Commission was told by the project applicant that an approximate three-foot setback would resolve the visual impact; at that point the public hearing had been closed and there was no opportunity to point out that in fact the setback needed to be greater. A follow-up request to amend the condition to meet the Commission’s clearly-expressed goal was not productive, and in fact the original Discretionary Review Action that required an “approximately”

3-foot setback was revised by City staff to precisely 3 feet. This neither accomplished the Commission's directive nor mitigated the significant visual impact.

Further, in researching the appropriate setback and reviewing prior plans, it appears that the building permit issued to the same applicant to allow extensive remodeling of this property in 2003 erroneously allowed construction in violation of required setbacks. The relevant building permit history that will be provided to this Board adds to the problematic nature of the current application.

CEQA provides that categorical exemptions are rebuttable; exemptions cannot be used for a project that may have significant environmental impacts due to unusual circumstances or that may cause a substantial adverse change in the significance of an historical resource. Categorical exemptions are also defeated by the imposition of a project condition intended to address environmental impacts: the exemption fails if the project requires mitigation. The First District Court of Appeal made clear in 2006 in *Salmon Protection and Watershed Network v. County of Marin* that if a project requires mitigation measures to address a potentially significant environmental impact it may arguably be approved via a negative declaration *but not via categorical exemption*. As the California Supreme Court has repeatedly explained, exemptions are appropriate only for projects that have *no* potentially significant environmental impacts. Here, the Planning Commission's thoughtful action to impose a [very appropriate!] mitigating condition defeats the categorical exemption.

Evidence of the project's significant environmental impacts will also be presented to this Board relative to significantly-diminished ocean views from Buena Vista Park, shadow impacts on adjacent private properties, and aesthetic impacts on views from Buena Vista West Avenue and the neighborhood. (*Mira Monte Homeowner's Association v. County of Ventura* (1985) 165 Cal.App.3d 357; *Ocean*

View Estates Homeowner's Association v. Montecito Water District (2004) 116
Cal.App.4th 396.)

We look forward to explaining further why the categorical exemption cannot be allowed for this project, and why the appeal should be granted. Please provide all notices regarding this appeal to this office at the above address.

Thank you very much.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'SB' with a stylized flourish extending to the right.

Susan Brandt-Hawley

Enclosures

cc: Bill Wycko, Acting Environmental Review Officer



SAN FRANCISCO PLANNING DEPARTMENT

Historical Resource Review Form

Address of Project: 611 Buena Vista West
Cross Streets: JAVA Block/Lot: 2603-004
Case No. 2011-0761E Permit No. 201105045332

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

STEP 1: EXEMPTION CLASS

If neither class applies, an *Environmental Exemption Application* is required.

- ☒ Class 1 - Existing Facilities: Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of this determination.
- ☐ Class 3 - New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

STEP 2: HISTORICAL RESOURCE STATUS (Refer to *Preservation Bulletin 16*.)

- ☐ Category A: Known Historical Resource Proceed to Step 3.
Preservation Technical Specialist Review
- ☒ Category B: Potential Historical Resource Proceed to Step 3.
- ☐ Category C: Not a Historical Resource Proceed to Step 4.
No Further Historical Resource Review Required.

STEP 3: APPROVED WORK CHECKLIST

Per plans dated: 5/4/2011

- ☐ Project falls within the scope of work described below. Proceed to Step 4. No Further Historical Resource Review Required.
- ☒ Project does not fall within the scope of work described below. Proceed to Step 4. Further Historical Resource Review Required.
- ☐ If 4 or more boxes are initialed, Preservation Technical Specialist review is required.

Planner's Initials	Work Description
	1. Interior alterations. Publicly-accessible spaces (i.e. lobby, auditorium, or sanctuary) require Preservation Technical Specialist review.
	2. Regular maintenance or restorative work that is based upon documentation of the building's historic appearance (i.e., photographs, physical evidence, historic drawings or documents, or matching buildings).
	3. In-kind window replacement at visible facades. (The size, configuration, operation, material, and exterior profiles of the <i>historic</i> windows must be matched.)

	4. Window replacement or installation of new openings at non-visible facades.
	5. Construction of deck or terrace that is not visible from any immediately adjacent public right-of-way.
	6. Installation of mechanical equipment at the roof which is not visible from any immediately adjacent public right-of-way.
	7. Installation of dormers that meet the requirements for exemption from public notification under <i>Zoning Administrator Bulletin: Dormer Windows, No. 96.2</i> .
	8. Installation of garage opening that meets the requirements of the <i>Guidelines for Adding Garages and Curb Cuts</i> .
	9. Horizontal addition that is not visible from the adjacent public right-of-way for 150' in each direction; does not extend vertically beyond the floor level of the top story of the structure; and does not have a footprint that is more than 50% larger than that of the original building.
	10. Vertical addition that is not visible from the adjacent public right-of-way for 150' in each direction; is only a single story in height; and does not cause the removal of architectural significant roofing features such as ornate dormers, towers, or slate shingles.

Preservation Technical Specialist Review Required for work listed below:

	11. Window replacement at visible facades that is not in-kind but meets the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> .
	12. Sign installation at Category A properties.
	13. Façade alterations that do not cause the removal or alteration of any significant architectural features (i.e. storefront replacement, new openings, or new elements).
	14. Raising the building.
	15. Horizontal or vertical additions, including mechanical equipment, that are minimally visible from a public right-of-way and that meet the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> .
X	16. Misc. Building was extensively remodeled in

STEP 4: RECOMMENDATION

- ☒ No Further Historical Resource Review Required. *2005 - exterior work completed drastically altered the original 1946 facade.*
- ☐ Further Historical Resource Review Required: File *Environmental Exemption Application*.

Notes: *No longer eligible for listing on California Register*

Planner Name: _____

Signature: _____

Date: _____

Preservation Technical Specialist Name: *Tina Tan*

Signature: *[Signature]*

Date: *7/22/2011*

Save to [Building Permit Applications or Cases].

If "Category A," save to [MEAH Historical Resources/Category A Admin Cases].

APPROVED
Dept of Building Insp.

SFUSD

BUILDING ENLARGEMENT
DESCRIPTION
☒ VERTICAL 3RD FLP.
☐ HORIZONTAL

SITE PERMIT

MAY 04 2011

BLDG.
FORM 318

APPLICATION NUMBER
2011.0704

OSHA APPROVAL REC'D
APPROVAL NUMBER
103323

BOARD OF APPEALS

DEC 27 2012

APPEAL # 12-171

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 ☒ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☐ OVER-THE COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF
BUILDING INSPECTION OF SAN FRANCISCO FOR
PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS
AND SPECIFICATIONS SUBMITTED HERewith AND
ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE
HEREINAFTER SET FORTH.

DATE FILED 05-04-2011	PLANS FEE RECEIPT NO. 11052848	(1) STREET ADDRESS OF JOB 611 BUENA VISTA WEST AV. 2603/004	BLOCK & LOT
PERMIT NO. 1281915	ISSUED DEC 13 2012	(2A) ESTIMATED COST OF JOB 300,000	(2B) REVISED COST 300,000

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. V-RB	(5A) NO. OF STORIES OF OCCUPANCY 2	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE RESIDENTIAL	(8A) OCCUP. CLASS R3	(9A) NO. OF DWELLING UNITS 1
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. V-RB	(5) NO. OF STORIES OF OCCUPANCY 4	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) RESIDENTIAL	(8) OCCUP. CLASS R3	(9) NO. OF DWELLING UNITS 1
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(10) IS AUTO RAMPWAY TO BE CONSTRUCTED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---	--	--	--

(14) GENERAL CONTRACTOR OWNER BEN DAVIS	ADDRESS 52 Whitney St.	PHONE 415-545-4011	EXPIRATION DATE 4/30/13
---	---------------------------	-----------------------	----------------------------

(15) OWNER - LESSEE (CIRCLE ONE) OWNER MARTIN ROSCHEN	ADDRESS 611 BUENA VISTA WEST AVE., CA 94117	PHONE (FOR CONTACT BY DEPT.) 415-609-6028
---	--	--

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

THE PROJECT CONSISTS OF A ONE STORY VERTICAL
ADDITION TO THE EXISTING 2 STORY RESIDENCE.
THE ROOF OF THE 3RD. STORY ADDITION WILL INCLUDE
A GREEN ROOF. THE PROJECT WILL HAVE A BASEMENT
ADDITION.

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT 40 FT.	(19) DOES THIS ALTERATION CREATE DECK OR PORCH, EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA 2048 SQ. FT.
---	---	---	--

(21) WILL SIDEWALK OVER SUB-SEPARATE SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? IF YES, SHOW ON PLAT PLAN YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---	--	--	--

(25) ARCHITECT OR ENGINEER (DESIGNER) CCS ARCHITECTURE	ADDRESS 44 MC LEA CT., SF, CA 94103	CALIF. CERTIFICATE NO.
---	--	------------------------

(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")	ADDRESS
--	---------

IMPORTANT NOTICES

No change shall be made to the character of the occupancy of any building without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 60" to any wire carrying more than 750 volts. See San Francisco Building Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for accurate plans and notification being filed at building site.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claim, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3200 of the Labor Code of the State of California, the applicant shall have coverage under (1), or (2) designated below or shall indicate how (3), or (4), or (5).

CONDITIONS AND STIPULATIONS

<p>REFER TO: APPROVED APPLICATION APPROVED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.</p> <p>By <u>Jaime Valle</u> JAIME VALLE, DBI NOV 01 2012 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.</p>	<p>DATE: _____ REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>2011.07.61D APPROVED: <u>Approved as per plans and application only.</u> FOR SINGLE FAMILY USE ONLY</p> <p>RECORDS EXEMPT FROM ENVIRONMENTAL REVIEW. <u>Tan Wang</u> OCT 18 2012 DEPARTMENT OF CITY PLANNING</p>	<p>DATE: _____ REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <u>N/A</u> 2</p> <p>BUREAU OF FIRE PREVENTION & PUBLIC SAFETY</p>	<p>DATE: _____ REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED:</p> <p>MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION</p>	<p>DATE: _____ REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED:</p> <p>CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION</p>	<p>DATE: _____ REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <input checked="" type="checkbox"/></p> <p>BY <u>11-05-12</u> Danny Miniano, DPW/BSM BUREAU OF ENGINEERING / BSM</p> <p>DPW/BSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO DBI FINAL CALL 554-7149 TO SCHEDULE.</p>	<p>DATE: _____ REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <input type="checkbox"/></p> <p><u>N/A</u> - 2</p> <p>DEPARTMENT OF PUBLIC HEALTH</p>	<p>DATE: _____ REASON: _____</p> <p>NOTIFIED MR. _____</p>
<p>APPROVED: <input type="checkbox"/></p> <p><u>TSOCCMO</u> DATE 11/19/12</p>	<p>DATE: _____ REASON: _____</p> <p>NOTIFIED MR. _____</p>

BOARD OF APPEALS

DEC 27 2012

APPEAL # 12-171



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0290

HEARING DATE: SEPTEMBER 6TH, 2012

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

Reception:
415.558.6376

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: September 25th, 2012
Case No.: 2011.0761DD
Project Address: 611 BUENA VISTA WEST AVENUE
Building Permit: 2011.05.04.5332
Zoning: RH-3 (Residential, House, Three-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 2603/004
Project Sponsor: CCS Architecture (415) 844-2800
44 McLea Court
San Francisco, CA 94103
DR Requestors: Bill Gheen
615 Buena Vista West Avenue
San Francisco, CA 94117
Tim Stewart & Susan Rugtiv
1460 Masonic Avenue
San Francisco, CA 94117
Staff Contact: Tom Wang - (415) 558-6335
thomas.wang@sfgov.org

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.0761DD AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2011.05.04.5332, PROPOSING CONSTRUCTION OF A THIRD-STORY VERTICAL ADDITION TO THE EXISTING TWO-STORY OVER BASEMENT, SINGLE-FAMILY DWELLING WITHIN AN RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 4th 2011 Cass Calder Smith filed for Building Permit Application No. 2011.05.04.5332, proposing construction of a third-story vertical addition to the existing two-story over basement, single-family dwelling within an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

On March 7th, 2012, Bill Gheen ("Discretionary Review (DR) Requestor") and Tim Stewart and Susan Rugtiv ("Discretionary Review (DR) Requestors") filed separate applications with the Planning Department (hereinafter "Department") for Discretionary Review (2011.0761DD) of Building Permit Application No. 2011.05.04.5332.

The Department has determined that the Project is exempt from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to

Memo

existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

On September 6th, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application No. 2011.0761DD.

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.

ACTION

The Commission hereby takes Discretionary Review requested in Application No. 2011.0761DD and approves the Building Permit Application No. 2011.05.04.5332 subject to the following condition:

The front wall of the third-story addition shall be set back approximately an additional three feet from its originally proposed location to align with the corner turret on the adjacent property at 601 Buena Vista West Avenue.

BASIS FOR RECOMMENDATION

The reasons that the Commission took the action described above include:

Setting the third-story's front wall back approximately an additional three feet from its originally proposed location will help minimize the project's appearance from the street and protect the visual prominence of the corner turret on the adjacent property at 601 Buena Vista West Avenue.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

I hereby certify that the Planning Commission did take Discretionary Review and approved the building permit subject to the condition stated above in this DR Action Memo on September 6th, 2012.

Linda D. Avery
Commission Secretary

AYES: Borden; Fong; Moore; Sugaya; Wu

NAYS: Antonini; Hillis

ABSENT: None

ADOPTED: September 6th, 2012



**SAN FRANCISCO
PLANNING DEPARTMENT**

Discretionary Review Action DRA-0290

HEARING DATE: SEPTEMBER 6TH, 2012

-REVISED-

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: October 19th, 2012
Case No.: 2011.0761DD
Project Address: 611 BUENA VISTA WEST AVENUE
Building Permit: 2011.05.04.5332
Zoning: RH-3 (Residential, House, Three-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 2603/004
Project Sponsor: CCS Architecture
44 McLea Court
San Francisco, CA 94103
DR Requestors: Bill Gheen
615 Buena Vista West Avenue
San Francisco, CA 94117
Tim Stewart & Susan Rugtiv
1460 Masonic Avenue
San Francisco, CA 94117
Staff Contact: Tom Wang -- (415) 558-6335
thomas.wang@sfgov.org

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Memo

existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

On September 6th, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application No. 2011.0761DD.

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.

ACTION

The Commission hereby takes Discretionary Review requested in Application No. 2011.0761DD and approves the Building Permit Application No. 2011.05.04.5332 subject to the following condition:

The front wall of the third-story addition shall be set back an additional three feet from its originally proposed location to align with the corner turret on the adjacent property at 601 Buena Vista West Avenue.

BASIS FOR RECOMMENDATION

The reasons that the Commission took the action described above include:

Setting the third-story's front wall back an additional three feet from its originally proposed location will help minimize the project's appearance from the street and protect the visual prominence of the corner turret on the adjacent property at 601 Buena Vista West Avenue.

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Linda D. Avery
Commission Secretary

AYES: Borden; Fong; Moore; Sugaya; Wu

NAYS: Antonini; Hillis

ABSENT: None

ADOPTED: September 6th, 2012



City & County of San Francisco
BOARD OF APPEALS

BOARD OF APPEALS

Date Filed:

DEC 27 2012

APPEAL # 12-171

PRELIMINARY STATEMENT OF APPEAL

I / We, Matthew & Kristine Leffers, hereby appeal the following departmental action: issuance of BPA # 2011/05/04/5332 "S" by DBI
(Building Permit Application No.; ZA determination or variance decision; Dept. of Public Works Order No. etc.)
which was issued / became effective on: 12/13/12, to: Martin Roscheisen,
for the property located at: 611 Buena Vista West Ave.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: Feb. 14, 2013, (no later than three (3) Thursdays prior to the hearing date), up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's / Other Parties' Brief is due on or before: Feb. 28, 2013, (no later than one (1) Thursday prior to the hearing date), up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing: Wednesday, March 06, 2013, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place (formerly 301 Polk Street).

All parties to this appeal must adhere to the briefing schedule above; however, if the hearing date is changed, the briefing schedule is automatically changed to allow briefs on the same three Thursdays / one Thursday schedule.

Members of the public may submit letters of support/opposition no later than one (1) Thursday prior to hearing date by 4:00 p.m., with an original and 10 copies required of all documents submitted. Please note that names and home addresses included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880.

The reasons for this appeal are as follows:

see attached.

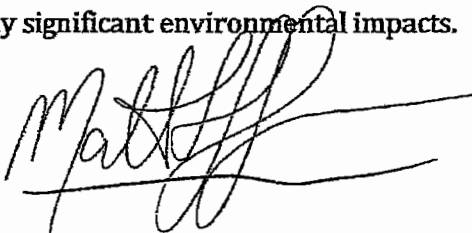
Matthew Leffers
Signature of Appellant or Agent

The proposed addition at 611 Buena Vista West Avenue would be inconsistent with City policies and guidelines regulating neighborhood compatibility, increased shadows on neighboring properties, impacts to public views of the ocean from Buena Vista Park, and impacts to public views of the historic property at 601 Buena Vista West Avenue.

The Planning Commission recognized and acknowledged the problems with this application and therefore *granted* discretionary review in order to mitigate project impacts to public views, historic resources, and adjacent properties. The Planning Commission required an increased setback for the proposed addition sufficient to preserve public views of the turret of the Victorian residence at 601 Buena Vista West Avenue.

However, the final Discretionary Review Action document was inconsistent with the Planning Commission's specific direction and does not provide for an adequate setback. Concerned residents pointed out the inconsistency but it was not corrected. It is now apparent that the setback of the current residence on the site at 611 Buena Vista West is inconsistent with requirements of that approved project.

The categorical exemption approved for this building permit is now being appealed to the Board of Supervisors because this discretionary project has potentially significant environmental impacts.

X 

BOARD OF APPEALS
DEC 27 2012
APPEAL # 12-171

BOARD of SUPERVISORS



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

February 25, 2013

To: Jon Givner
Deputy City Attorney

From: Rick Caldeira
Deputy Director

**Subject: Appeal of Categorical Exemption Determination from Environmental Review –
611 Buena Vista West Avenue**

An appeal of categorical exemption determination from environmental review issued for property located at 611 Buena Vista West Avenue was filed with the Office of the Clerk of the Board on February 25, 2013, by Susan Brandt-Hawley, on behalf of the Buena Vista Historical Preservation Association, Jim and Georgia Cox, Bill Gheen, Kristy and Matt Leffers, Jon and Pam Shields, and Tim Stewart and Sue Rugtjiv.

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

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

c: Angela Calvillo, Clerk of the Board
-Kate Stacy, Deputy City Attorney
-Marlena Byrne, Deputy City Attorney
-AnMarie Rodgers, Manager of Legislative Affairs, Planning Department
-Scott Sanchez, Zoning Administrator, Planning Department
-Bill Wycko, Environmental Review Officer, Planning Department
Joy Navarrete, Senior Environmental Planner, Planning Department
Tina Tam, Senior Preservation Planner, Planning Department
Tom Wang, Project Planner, Planning Department
Jonas Ionin, Acting Planning Commission Secretary
Cynthia Goldstein, Board of Appeals
Victor Pacheco, Board of Appeals

BOARD of SUPERVISORS



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

March 1, 2013

Buena Vista Historical Preservation Association
c/o Susan Brandt-Hawley
Chauvet House
PO Box 1659
Glen Ellen, CA 95442

**Subject: Appeal of Categorical Exemption Determination from Environmental Review for
a Project Located at 611 Buena Vista West Avenue**

Dear Ms. Brandt-Hawley:

The Office of the Clerk of the Board is in receipt of a memorandum dated February 28, 2013, (copy attached) from the City Attorney's Office regarding the timely filing of an appeal of Categorical Exemption Determination from Environmental Review for the property located at 611 Buena Vista West Avenue.

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

A hearing date has been scheduled on **April 9, 2013, at 3:00 P.M.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco.

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

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;
11 days prior to the hearing: names of interested parties to be notified of the hearing.

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

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira at (415) 554-7711 or Legislative Clerk, Joy Lamug at (415) 554-7712.

Very truly yours,

A handwritten signature in black ink, appearing to read "Angela Calvillo".

Angela Calvillo
Clerk of the Board

c:
Project Sponsor, CCS Architecture, 44 McLea Court, San Francisco, CA 94103, Attn: Cass Smith
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
AnMarie Rodgers, Manager of Legislative Affairs, Planning Department
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Acting Environmental Review Officer, Planning Department

Viktoriya Wise, Deputy Environmental Review Officer, Planning Department
Joy Navarrete, Senior Environmental Planner, Planning Department
Tina Tam, Senior Preservation Planner, Planning Department
Tom Wang, Project Planner, Planning Department
Jonas Ionin, Acting Planning Commission Secretary
Cynthia Goldstein, Board of Appeals
Victor Pacheco, Board of Appeals

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

MARLENA G. BYRNE
Deputy City Attorney

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

MEMORANDUM

TO: Angela Calvillo
Clerk of the Board of Supervisors

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

DATE: February 28, 2013

RE: Appeal of Determination of Exemption from Environmental Review for a Project
Located at 611 Buena Vista West Avenue

You have asked for our advice on the timeliness of an appeal to the Board of Supervisors, received by the Clerk's Office on February 25, 2013, by Susan Brandt-Hawley on behalf of the Buena Vista Historical Preservation Association, Jim and Georgia Cox, Bill Gheen, Kristy and Matt Leffers, Jon and Pam Shields, and Tim Stewart and Sue Rugtiv, of the Planning Department's determination that a project located at 611 Buena Vista West Avenue is exempt from environmental review under the California Environmental Quality Act ("CEQA"). The proposed work involves a vertical addition to an existing single-family house.

The Appellants provided a copy of the Planning Commission's Discretionary Review Action, dated September 25, 2012, which memorialized the Commission's decision at its September 6, 2012 regularly scheduled hearing, to take discretionary review and approve Permit No. 2011.05.04.5332, which stated that the Planning Department determined that the project was exempt under Class 1 of the CEQA Guidelines as a minor alteration to an existing facility (14 Cal. Code Reg. §15301 *et seq.*). Accordingly, the appeal is ripe because an approval action has been taken for the project. Additionally, we are informed that the permit has been appealed to the Board of Appeals and that the appeal, No. 12-171, has not yet been heard by the Board of Appeals and is still pending.

Thus, it is our view that the appeal of this categorical exemption determination is timely, and the appeal should be calendared before the Board of Supervisors. We recommend that you so advise the Appellant.

Please let me know if I may be of further assistance.

MGB

cc: Rick Caldeira, Deputy Director, Clerk of the Board
Joy Lamug, Board Clerk's Office
Andrea Ausberry, Board Clerk's Office
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Robert Bryan, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Acting Environmental Review Officer, Planning Department

Memorandum

TO: Angela Calvillo
Clerk of the Board of Supervisors
DATE: February 28, 2013
PAGE: 2
RE: Appeal of Determination of Exemption from Environmental Review for a Project
Located at 611 Buena Vista West Avenue

AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Tom Wang, Planning Department
Jonas Ionin, Planning Department
Cynthia Goldstein, Board of Appeals



SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 APR 11 AM 11:45
16

MEMO

Categorical Exemption Appeal

611 Buena Vista West Avenue

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

DATE: March 27, 2013
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah Jones, Acting Environmental Review Officer – (415) 575-9034
Tina Tam, Senior Preservation Planner - (415) 558-6325
RE: BOS File No. 13-0213 [Building Permit Application No. 2011.05.04.5332]
Appeal of Categorical Exemption for 611 Buena Vista West Avenue
HEARING DATE: April 9, 2013
ATTACHMENTS:
A. Historical Resource Review Form with Categorical Exemption
B. Appeal Letter
C. DR Staff Report and Action Memo
D. Site Photographs
E. Plans

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT SPONSOR: Cass Calder Smith (Architect) on behalf of Roscheisen Martin (Owner)
APPELLANT: Susan Brandt-Hawley on behalf of the Buena Vista Historical Preservation Association (Jim and Georgia Cox, Bill Gheen, Kristy and Matt Leffers, Jon and Pam Shields, and Tim Steward and Sue Rugtiev)

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 proposed project at 611 Buena Vista West Avenue (the "Project").

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a Categorical Exemption for 611 Buena Vista West Avenue on July 22, 2012, 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 categorical exemption determination and deny the appeal, or to overturn the Department's determination and return the project to Department staff for additional environmental review.

SITE DESCRIPTION & PRESENT USE

The subject property is at 611 Buena Vista West Avenue, on the west side, between Frederick and Java streets in the Haight-Ashbury neighborhood and in an RH-3 (Residential, House, Three-Family) Zoning District, 40-X Height and Bulk District. The subject property has a lot frontage of twenty feet along Buena Vista West Avenue and a lot depth of approximately ninety six feet nine inches. The grade on the

property slopes steeply downward from the front property line. The grade differential between the front and rear property lines is approximately sixteen feet.

Currently, the subject lot is occupied by a two-story-over-basement, single-family dwelling, containing a gross floor area of approximately 2,023 square feet. The existing dwelling measures approximately sixty one feet six inches deep and twenty two feet tall at the street level. It was constructed with a front setback of seven feet six inches and a rear yard depth of approximately twenty four feet nine inches.

The City Assessor's Office records indicate that the subject dwelling was constructed in 1946. It was extensively remodeled in 2003, which altered its original 1946 front façade into a more contemporary design.

PROJECT DESCRIPTION

The proposal is an alteration to an existing two-story-over-basement, single-family dwelling, which includes a third story vertical addition with a roof deck and stairway penthouse above (hereinafter "Project").

The proposed third story addition would be within the footprint of the existing dwelling. It would be set back a total of five feet (initially two feet prior to DR Action taken by the Planning Commission) from the existing front building wall and one foot eight inches from the existing rear building wall. The proposed third story addition would consist of one bedroom, one study and a full bathroom, with a gross floor area of approximately 833 square feet. With the third story addition, the subject dwelling would be approximately thirty three feet eight inches tall at the street level.

The proposed stairway penthouse would provide access between the Project and the roof deck. The stairway penthouse, constructed along the south side of the building, would be approximately six feet tall above the upper roof deck as shown on the building section.

BACKGROUND

May 4, 2011 – Building Permit Submittal

Project Sponsor filed Building Permit No. 2011.05.04.5332 per the project description described above.

July 22, 2011 – CEQA Clearance

Planning Department staff determined no further historical resource review is required and issued a Class 1 Categorical Exemption.

March 4 and March 7, 2012 – Discretionary Review Requests

During the Section 311 neighborhood notification period for the building permit, two Discretionary Review requests were filed. The issues raised by the DR requestors were incompatibility of the new design with the neighborhood context, as well as on-street parking, light, privacy and public view impacts. See attached DR staff report for further details and full analysis.

September 6, 2012 – Discretionary Review Hearing

A Discretionary Review hearing before the Planning Commission was held, and the Commission voted to approve the building permit on the condition that the front wall of the third story addition be set back an additional three feet from its originally proposed location to allow greater visibility from the street of the corner turret at the adjacent property at 601 Buena Vista Avenue.

December 27, 2012 – Building Permit Appeal

The Appellant filed an appeal (Appeal No. 12-171) of Building Permit Application No. 2011.05.04.5332, subject building permit, with the Board of Appeals on December 27, 2012. The Board of Appeals scheduled the Appeal Hearing for March 6, 2013, but subsequently continued the item as a result of the CEQA Appeal.

February 25, 2013 – CEQA Appeal Filed

The Appellant filed an Appeal of Determination of Exemption from Environmental Review with the Clerk of the Board of Supervisors for Building Permit Application Nos. 2011.05.04.5332.

February 28, 2013 – CEQA Appeal Timely Filed

The Office of the City Attorney advised the Clerk of the Board of Supervisors that the Environmental Review appeal was timely filed for Building Permit Application No. 2011.05.04.5332. The Clerk of the Board of Supervisors scheduled the subject appeal for April 9, 2013 and the Board of Appeals continued the Permit Appeal Hearing to May 8, 2013.

CEQA GUIDELINES

Categorical Exemptions

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

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

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

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

CEQA and Historic Resources

With regard to historic resource review under CEQA, the first step in the evaluation process is to determine whether there is a historic resource present. Public Resources Code Section 21084.1 (Historical

Resources) and CEQA Guidelines Section 15064.5 (Determining the Significance of Impacts on Historical and Unique Archaeological Resources) detail what qualifies as a historic resource under the Act.

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

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

Department CEQA Analysis of 611 Buena Vista West Avenue

The scope of the subject building permit application is limited to building a third story addition, set back 5 feet from the front building wall, of the subject property. Because the building was extensively remodeled in 2003, it no longer retains sufficient integrity to be considered a historic resource for the purposes of CEQA. This determination was made by a Preservation Planner at the time the permit was approved by the Department. Because the proposed work meets the requirements of CEQA Guidelines Section 15301(e)(2) (Class 1), as a minor alteration to existing facilities and would not have a significant impact to a historic resource, the proposed work is appropriately exempt from further environmental review.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns related to Building Permit Application No. 2011.05.04.5332 that are raised in the February 22, 2013 Appeal Letter are cited in a summary below and are followed by the Department’s responses.

Issue 1: Further CEQA review is needed because the subject building permit application has potentially significant impacts related to historic resources.

Response 1: The buildings on the subject block have a variety of building scales, forms, and details, and are generally described as having an architecturally mixed visual character. The subject block consists almost exclusively of single- and two-family homes, ranging in construction dates mainly from circa 1900 and 1912 and subsequently from 1928 to 1950. Architectural character for these homes constructed from circa 1900 to 1912 includes Edwardian era buildings; Spanish Colonial Revival buildings; and Queen Anne buildings. The majority of these homes are three or four stories in height at the street level, the remaining few are two stories. A few of these homes built during the earlier construction period are architecturally notable buildings as listed in the Department’s Historic Resources Inventory.

The adjacent property to the north is developed with a three-story, Edwardian era, single-family dwelling while the adjacent property to the south (Appellant’s property at 601 Buena Vista West Avenue) is developed with a three-story, Queen Anne, six-family dwelling.

The scope of the subject building permit application is limited to adding a third story addition to an existing two-story, single-family dwelling constructed in 1946. With the new vertical addition, the overall height of the subject building will remain shorter than the two adjacent buildings to the north and south (as measured to the ridge line of the roof). The subject building does not now, nor will it after the

proposed addition is constructed, touch either neighboring building to the north or south. According to the submitted plans, the existing thirteen-foot, building-to-building setback between the subject building and 601 Buena Vista West Avenue to the south and the existing five-foot six-inch, building-to-building setback between the subject building and the neighboring building to the north will both be maintained after the proposed vertical third story addition is constructed.

As a condition of approval, the third story addition is set back an additional three feet (for a total of five feet) from the front building wall to allow greater visibility of the corner turret of the adjacent building to the south from the street. While this was a condition of approval specified by the Planning Commission for the building permit application, it was not a CEQA mitigation to address any impact to a historic resource. CEQA mitigations are established when there is an identified significant impact to the environment. In this case, there is no impact to any historic resources for which any mitigation is required to lessen the impact to a level of less-than-significant. While reduction in street visibility of a neighboring property was a design concern for the Planning Commission, it was not identified or considered as an environmental impact to historic resources.

Under CEQA, a project would have a significant effect on the environment in terms of historic resources if it would "cause a substantial adverse change in the significance of a historical resource," such as "demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." The project would not alter or affect in any way the historic residential buildings adjacent to or surrounding it. The neighboring property at 601 Buena Vista West Avenue and the neighboring property to the north would continue to be eligible historic resources for the purposes of CEQA. As such, there are no significant historic resource impacts that would result from the proposed project.

Issue 2: Further CEQA review is needed because the subject building permit application has potentially significant impacts related to public views, privacy, and shadow.

Response 2: The significant environmental impacts related to public views, privacy, or shadow. To the extent that these issues are Planning Code and Residential Design Guidelines related, they have been addressed in the DR Staff Report and at the DR hearing before the Planning Commission (See attached DR Staff Report). The project has been reviewed and determined to be compliant with the Planning Code and consistent with the Residential Design Guidelines. None of these issues rise to the level of a significant environmental impact for which CEQA mitigation measures are required to lessen the impacts, as discussed below.

In terms of visual quality, the following standards of significance are used to analyze visual impacts:

- The project's potential to have a substantial adverse effect on a scenic vista;
- The project's potential to damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting;
- The project's potential to substantially degrade the existing visual character or quality of the site and its surroundings; and
- The project's potential to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties.

Views from the sidewalk in front of the subject property would differ slightly with the proposed building addition from what is currently seen, but not in any significant way. With the new vertical addition, the overall height of the subject building would remain shorter than the two adjacent buildings to the north and south (as measured to the ridge line of the roof). The proposed addition would have the potential to block some views of buildings in the project area from public sidewalks and streets. However, buildings on Buena Vista West Avenue are not designated as a scenic vista nor are they considered a scenic public setting.

Further, views from Buena Vista Park, including ocean views, would not be blocked by the proposed project addition (as asserted by the appellant) due to existing topography, intervening trees, buildings, and Golden Gate Park to the west.

A new visual element, by altering the existing character or quality of a site or of its surroundings, does not in and of itself constitute a significant visual impact. Because the new vertical addition would be visually similar to other uses in the project vicinity in terms of its massing and height, no significant impact would result. The project area contains a wide range of building sizes and architectural styles, primarily two to four stories in height, including a seven-story building on the block south of the project block. Within this context, the proposed project would not constitute a significant aesthetic or visual impact.

As a condition of approval, the third story addition was set back an additional three feet (for a total of five feet) from the front building wall to allow greater visibility of the corner turret of the adjacent building, 601 Buena Vista West Avenue, to the south from the street. While this was imposed as a condition of approval by the Planning Commission on the building permit, it was not a CEQA mitigation to address a visual resources impact. In this case, there is no visual resources impact for which any mitigation is required to lessen the impact to a level of less-than-significant. While reduction in street visibility of the adjacent 601 Buena Vista West Avenue building was a design concern for the Planning Commission, it was not identified or considered as a visual resources impact under CEQA. The neighboring property at 601 Buena Vista West Avenue would continue to be visible from the street level with the proposed project addition.

In terms of shadow, the proposed project would add some new shading to surrounding properties but would not increase the total amount of shading above levels that are common and generally accepted in urban areas. It is anticipated that much of the new shading caused by the proposed project, particularly during days and times when shadows are longest (such as winter mornings), would fall on areas already in shade from other surrounding buildings. Any new shading on private properties would be temporary and would not constitute a significant impact.

Furthermore, under CEQA, the reduction of sunlight on private residences would not constitute a significant impact on the environment. Thus, while some additional shading may be a concern to affected neighbors, shadowing of private residences is not considered to be an environmental impact under CEQA within the dense urban setting of San Francisco.

Issue 3: The DR Action Memo is inconsistent with the Planning Commission's intent with regard to the required front setback needed to ensure greater visibility of the neighboring property (specifically the round corner turret).

Response 3: Based upon the audio and visual recording of the DR Hearing, the DR Action Memo is consistent with the Planning Commission's approved motion. Based upon revised plans approved on December 12, 2012, the front wall of the proposed third story addition is set back an additional three feet as specified in the approved motion, for a total front setback of five feet. Concerns related to the Planning Commission's approval motion and the Commission's intent are not a CEQA impact, are not appropriately raised in this appeal (rather, they would be more appropriately addressed in an appeal of the building permit to the Board of Appeals), and do not substantiate nullifying the original issuance of the Categorical Exemption for the project.

CONCLUSION

The Department has found that work proposed under Building Permit Application No. 2011.05.04.5332 for the property at 611 Buena Vista West Avenue does not have a significant impact on the environment and is exempt from further environmental review pursuant to CEQA State Guidelines Section 15301(e)(2) (Existing Facilities). The Appellant has not provided any substantial evidence or expert opinion to refute the conclusions of the Department.

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



SAN FRANCISCO PLANNING DEPARTMENT

Historical Resource Review Form

Address of Project: 611 Buena Vista West
Cross Streets: Java Block/Lot: 2603-004
Case No. 2011-0761E Permit No. 201105045332

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

STEP 1: EXEMPTION CLASS

If neither class applies, an *Environmental Exemption Application* is required.

- ☒ **Class 1 – Existing Facilities:** Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of this determination.
- ☐ **Class 3 – New Construction or Conversion of Small Structures:** Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

STEP 2: HISTORICAL RESOURCE STATUS (Refer to *Preservation Bulletin 16*.)

- ☐ **Category A: Known Historical Resource** Proceed to Step 3.
Preservation Technical Specialist Review
- ☒ **Category B: Potential Historical Resource** Proceed to Step 3.
- ☐ **Category C: Not a Historical Resource** Proceed to Step 4.
No Further Historical Resource Review Required.

STEP 3: APPROVED WORK CHECKLIST

Per plans dated: 5/4/2011

- ☐ Project falls within the scope of work described below. Proceed to Step 4. No Further Historical Resource Review Required.
- ☒ Project does not fall within the scope of work described below. Proceed to Step 4. Further Historical Resource Review Required.
- ☐ If 4 or more boxes are initialed, Preservation Technical Specialist review is required.

Planner's Initials	Work Description
	1. Interior alterations. Publicly-accessible spaces (i.e. lobby, auditorium, or sanctuary) require Preservation Technical Specialist review.
	2. Regular maintenance or restorative work that is based upon documentation of the building's historic appearance (i.e., photographs, physical evidence, historic drawings or documents, or matching buildings).
	3. In-kind window replacement at visible facades. (The size, configuration, operation, material, and exterior profiles of the <i>historic</i> windows must be matched.)

	4. Window replacement or installation of new openings at non-visible facades.
	5. Construction of deck or terrace that is not visible from any immediately adjacent public right-of-way.
	6. Installation of mechanical equipment at the roof which is not visible from any immediately adjacent public right-of-way.
	7. Installation of dormers that meet the requirements for exemption from public notification under <i>Zoning Administrator Bulletin: Dormer Windows, No. 96.2</i> .
	8. Installation of garage opening that meets the requirements of the <i>Guidelines for Adding Garages and Curb Cuts</i>
	9. Horizontal addition that is not visible from the adjacent public right-of-way for 150' in each direction; does not extend vertically beyond the floor level of the top story of the structure; and does not have a footprint that is more than 50% larger than that of the original building.
	10. Vertical addition that is not visible from the adjacent public right-of-way for 150' in each direction; is only a single story in height; and does not cause the removal of architectural significant roofing features such as ornate dormers, towers, or slate shingles.

Preservation Technical Specialist Review Required for work listed below:

	11. Window replacement at visible facades that is not in-kind but meets the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> .
	12. Sign installation at Category A properties.
	13. Façade alterations that do not cause the removal or alteration of any significant architectural features (i.e. storefront replacement, new openings, or new elements).
	14. Raising the building.
	15. Horizontal or vertical additions, including mechanical equipment, that are minimally visible from a public right-of-way and that meet the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> .
X	16. Misc. Building was extensively remodeled in

STEP 4: RECOMMENDATION

- 2005 - exterior work completed
drastically altered the original 1946 facade.
- ☒ No Further Historical Resource Review Required.
- ☐ Further Historical Resource Review Required: File *Environmental Exemption Application*.

Notes: No longer eligible for listing in California Register

Planner Name: _____

Signature: _____

Date: _____

Preservation Technical Specialist Name: Tina Tan

Signature: _____

Date: 7/22/2011

Save to [I:\Building Permit Applications or I:\Cases].

If "Category A," save to [I:\MEA\Historical Resources\Category A Admin Catex].



SAN FRANCISCO PLANNING DEPARTMENT

Date received:

Environmental Evaluation Application

The California Environmental Quality Act (CEQA) requires public agencies to review the environmental impacts of proposed projects. In San Francisco, environmental review under CEQA is administered by the Major Environmental Analysis (MEA) division of the Planning Department. The environmental review process begins with the submittal of a completed Environmental Evaluation (EE) Application to the Planning Department. Only the current EE Application form will be accepted. No appointment is required but staff is available to meet with applicants upon request.

The EE Application will not be processed unless it is completely filled out and the appropriate fees are paid in full. Checks should be made payable to the San Francisco Planning Department. See the current *Schedule of Application Fees* and contact the staff person listed below for verification of the appropriate fees. Fees are generally non-refundable. Documents in italics are available online at sfgov.org/planning.

The EE Application is comprised of four parts. Part 1 is a checklist to ensure that the EE Application is complete; Part 2 requests basic information about the site and the project; Part 3 is a series of questions to help determine if additional information is needed for the EE Application; and Part 4 is a project summary table.

The complete EE Application should be submitted to the Planning Department staff as follows: For projects greater than 10,000 square feet in size and where Part 3 Questions #3, #8, #10, or #11 are answered in the affirmative, or for projects that require mitigation measures, please send the application materials to the attention of Ms. Fordham or Ms. Poling. For all other projects, please send the application materials to the attention of Mr. Bollinger.

Brett Bollinger
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 575-9024, brett.bollinger@sfgov.org

Chelsea Fordham or Jeanie Poling
1650 Mission Street, Suite 400
San Francisco, CA 94103
(415) 575-9071, chelsea.fordham@sfgov.org
(415) 575-9072, jeanie.poling@sfgov.org

PART 1 – EE APPLICATION CHECKLIST	Provided	Not Applicable
Two copies of this application with all blanks filled in	<input checked="" type="checkbox"/>	
Two sets of project drawings (see "Additional Information" at the end of page 4.)	<input checked="" type="checkbox"/>	
Photos of the project site and its immediate vicinity, with viewpoints labeled	<input checked="" type="checkbox"/>	
Fee	<input checked="" type="checkbox"/>	
<i>Supplemental Information Form for Historical Resource Evaluation</i> and/or <i>Historic Resource Evaluation Report</i> , as indicated in Part 3 Questions 1 and 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Geotechnical Report</i> , as indicated in Part 3 Questions 3a and 3b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Tree Disclosure Statement</i> , as indicated in Part 3 Question 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Phase I Environmental Site Assessment</i> , as indicated in Part 3 Question 8	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Additional studies (list)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicant's Affidavit. I certify the accuracy of the following declarations:

- The undersigned is the owner or authorized agent of the owner(s) of this property.
- The information presented is true and correct to the best of my knowledge.
- I understand that other applications and information may be required.

Signed (owner or agent): *Brian Shuck*
(For Staff Use Only) Case No. 0611.0761E

Date: 07-11-2011
Address: 611 Buena Vista Av. West
Block/Lot: 2603 / 004

PART 2 - PROJECT INFORMATION**Owner/Agent Information**

Property Owner Martin Roscheisen Telephone No. _____
Address 611 Buena Vista Ave W. Fax No. _____
San Francisco, CA 94117 Email _____
Project Contact Bjoern Steudte Telephone No. 415-864-2800 x314
Company CCS Architecture Fax No. 415-864-2850
Address 44 Mc Lea Court Email bjoern@ccs-architecture.com
San Francisco, CA 94103

Site Information

Site Address(es): 611 Buena Vista Avenue West, San Francisco, CA 94117
Nearest Cross Street(s) Frederick Street and Java Street
Block(s)/Lot(s) 2603 / 004 Zoning District(s) RH-3
Site Square Footage 1934 SF Height/Bulk District 40-X
Present or previous site use Single Family Dwelling
Community Plan Area (if any) _____

Project Description - please check all that apply

☒ Addition ☐ Change of use ☐ Zoning change ☐ New construction
☒ Alteration ☐ Demolition ☐ Lot split/subdivision or lot line adjustment
☐ Other (describe) _____ Estimated Cost _____

Describe proposed use _____

Narrative project description. Please summarize and describe the purpose of the project.

The project consists of a 2 story vertical addition to the existing 2 story residence. The roof of the 3rd story addition will include a green roof.

SAN FRANCISCO
CATEGORICAL EXEMPT PROJECT REVIEW
CLASS
JMD
1/22/2011

PART 3 – ADDITIONAL PROJECT INFORMATION		Yes	No
1. Would the project involve a major alteration of a structure constructed 50 or more years ago or a structure in an historic district? If yes, submit a <i>Supplemental Information Form for Historical Resource Evaluation</i> . Instructions on how to fill out the form are outlined in the <i>San Francisco Preservation Bulletin No. 16</i> (see pages 28-34 in Appendix B).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Would the project involve demolition of a structure constructed 50 or more years ago or a structure located in an historic district? If yes, a Historic Resource Evaluation Report (HRER)* will be required. The scope of the HRER will be determined in consultation with the Department's Preservation Coordinator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3a. Would the project result in excavation or soil disturbance/modification greater than 10 feet below grade? If yes, how many feet below grade would be excavated? _____ What type of foundation would be used (if known)? _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3b. Is the project site located in an area of potential geotechnical hazard as identified in the San Francisco General Plan or on a steep slope or would the project be located on a site with an average slope of 20% or more? If yes to either Question 3a or 3b, please submit a Geotechnical Report.*	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Would the project involve <u>expansion of an existing building envelope</u> , or new construction, or grading, or new curb cuts, or demolition? If yes, please submit a <i>Tree Disclosure Statement</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Would the project result in ground disturbance of 5,000 gross square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Would the project result in any construction over 40 feet in height? If yes, apply for a Section 295 (Proposition K) Shadow Study. This application is available on the Planning Department's website and should be submitted at the Planning Information Center, 1660 Mission Street, First Floor.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Would the project result in a construction of a structure 80 feet or higher? If yes, an initial review by a wind expert, including a recommendation as to whether a wind analysis* is needed, may be required, as determined by Department staff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Would the project involve work on a site with an existing or former gas station, auto repair, dry cleaners, or heavy manufacturing use, or a site with underground storage tanks? If yes, please submit a Phase I Environmental Site Assessment (ESA)*. A Phase II ESA (for example, soil testing) may be required, as determined by Department staff.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Would the project require any variances, special authorizations, or changes to the Planning Code or Zoning Maps? If yes, please describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Is the project related to a larger project, series of projects, or program? If yes, please describe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Is the project in Eastern Neighborhoods or Market & Octavia Community Plan Area? If yes, and the project would be over 55 feet tall or 10 feet taller than an adjacent building built before 1963, please submit an elevation or renderings showing the project with the adjacent buildings.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

* Report or study to be prepared by a qualified consultant who is contracted directly by the project sponsor.

PART 4 – PROJECT SUMMARY TABLE

If you are not sure of the eventual size of the project, provide the maximum estimates.

Gross Square Footage (GSF)	Existing Uses	Existing Uses to be Retained	Net New Construction and/or Addition	Project Totals
Residential	2052	2052	2048	4100
Retail				
Office				
Industrial				
Parking	220	220	0	220
Other (specify use)				
Total GSF	2272	2272	2048	4320

Dwelling units	1	1	0	1
Hotel rooms				
Parking spaces	1	1	0	1
Loading spaces				
Number of buildings	1	1	0	1
Height of building(s)	22'-4"	22'-4"	17'-8"	40'-0"
Number of stories	2	2	2	4

Please describe any additional project features that are not included in this table:

Additional Information: Project drawings in 11x17 format should include existing and proposed site plans, floor plans, elevations, and sections, as well as all applicable dimensions and calculations for existing and proposed floor area and height. The plans should clearly show existing and proposed off-street parking and loading spaces; driveways and trash loading areas; vehicular and pedestrian access to the site, including access to off-street parking and parking configuration; and bus stops and curbside loading zones within 150 feet of the site. A transportation study may be required, depending on existing traffic conditions in the project area and the potential traffic generation of the proposed project, as determined by the Department's transportation planners. Neighborhood notification may also be required as part of the environmental review processes.

Bråndt-Hawley Law Group

Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

February 22, 2013

Board President David Chiu
and Members of the Board of Supervisors
c/o Ms. Angela Calvillo
Clerk of the Board of Supervisors
City of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: Appeal of Categorical Exemption
611 Buena Vista West Avenue
Case No. 2011.0761DD
Building Permit Application 2011.05.04.5332
Permit to Alter a Building

Dear President Chiu and Supervisors:

On behalf of the Buena Vista Historical Preservation Association, Jim and Georgia Cox, Bill Gheen, Kristy and Matt Leffers, Jon and Pam Shields, and Tim Stewart and Sue Rugtiv, I appeal the Class One categorical exemption for a permit to alter a building at 611 Buena Vista West via a one-story vertical addition. Copies of the building permit and categorical exemption are attached. The Planning Commission took Discretionary Review and approved the permit on September 6, 2012 "*subject to*" an increased setback condition.

An appeal of the building permit and discretionary review has been filed with the Board of Appeals (Appeal No. 12-171) and the permit is currently suspended. This appeal is timely because the building permit has issued but is not final.

CEQA provides that if a nonelected body determines that a project is exempt from CEQA, that determination “may be appealed to the agency’s elected decisionmaking body, if any.” (Pub. Resources Code, § 21151 subd.(c).) While building permits are normally ministerial, this project on Buena Vista West has potentially significant environmental impacts relating to aesthetics, views, and shadow. Therefore an Initial Study and appropriate environmental document should be prepared as this project is not exempt from CEQA.

The City has discretion to grant, deny, or amend the requested permit under its ordinances. The Planning Commission exercised its authority to take Discretionary Review (DR) of the building permit. This project presents an unusual situation whereby the DR was triggered by a specific significant environmental impact rather than the usual design considerations. The Commission approved the permit “subject to” an increased setback in order to preserve public views of the corner turret on the adjacent historic residence at 601 Buena Vista West. The transcript of the Commission hearing reflects the Commission’s concerns about the significant visual impacts of the project that prompted DR and the new condition.

The Planning Commission transcript makes clear that the intent of the increased setback was to ensure that the beautiful historic turret at 601 Buena Vista West remains visible from the public street. The Commission was told by the project applicant that an approximate three-foot setback would resolve the visual impact; at that point the public hearing had been closed and there was no opportunity to point out that in fact the setback needed to be greater. A follow-up request to amend the condition to meet the Commission’s clearly-expressed goal was not productive, and in fact the original Discretionary Review Action that required an “approximately”

3-foot setback was revised by City staff to precisely 3 feet. This neither accomplished the Commission's directive nor mitigated the significant visual impact.

Further, in researching the appropriate setback and reviewing prior plans, it appears that the building permit issued to the same applicant to allow extensive remodeling of this property in 2003 erroneously allowed construction in violation of required setbacks. The relevant building permit history that will be provided to this Board adds to the problematic nature of the current application.

CEQA provides that categorical exemptions are rebuttable; exemptions cannot be used for a project that may have significant environmental impacts due to unusual circumstances or that may cause a substantial adverse change in the significance of an historical resource. Categorical exemptions are also defeated by the imposition of a project condition intended to address environmental impacts: the exemption fails if the project requires mitigation. The First District Court of Appeal made clear in 2006 in *Salmon Protection and Watershed Network v. County of Marin* that if a project requires mitigation measures to address a potentially significant environmental impact it may arguably be approved via a negative declaration *but not via categorical exemption*. As the California Supreme Court has repeatedly explained, exemptions are appropriate only for projects that have *no* potentially significant environmental impacts. Here, the Planning Commission's thoughtful action to impose a [very appropriate!] mitigating condition defeats the categorical exemption.

Evidence of the project's significant environmental impacts will also be presented to this Board relative to significantly-diminished ocean views from Buena Vista Park, shadow impacts on adjacent private properties, and aesthetic impacts on views from Buena Vista West Avenue and the neighborhood. (*Mira Monte Homeowner's Association v. County of Ventura* (1985) 165 Cal.App.3d 357; *Ocean*

View Estates Homeowner's Association v. Montecito Water District (2004) 116
Cal.App.4th 396.)

We look forward to explaining further why the categorical exemption cannot be allowed for this project, and why the appeal should be granted. Please provide all notices regarding this appeal to this office at the above address.

Thank you very much.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'SB' with a flourish, positioned above the printed name.

Susan Brandt-Hawley

Enclosures

cc: Bill Wycko, Acting Environmental Review Officer



SAN FRANCISCO PLANNING DEPARTMENT

Historical Resource Review Form

Address of Project: 611 Buena Vista West
Cross Streets: JAVA Block/Lot: 2603-004
Case No. 2011-0761E Permit No. 201105045332

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

STEP 1: EXEMPTION CLASS

If neither class applies, an *Environmental Exemption Application* is required.

- ☒ Class 1 - Existing Facilities: Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of this determination.
- ☐ Class 3 - New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

STEP 2: HISTORICAL RESOURCE STATUS (Refer to *Preservation Bulletin 16*.)

- ☐ Category A: Known Historical Resource Proceed to Step 3.
Preservation Technical Specialist Review
- ☒ Category B: Potential Historical Resource Proceed to Step 3.
- ☐ Category C: Not a Historical Resource Proceed to Step 4.
No Further Historical Resource Review Required.

STEP 3: APPROVED WORK CHECKLIST

Per plans dated: 5/4/2011

- ☐ Project falls within the scope of work described below. Proceed to Step 4. No Further Historical Resource Review Required.
- ☒ Project does not fall within the scope of work described below. Proceed to Step 4. Further Historical Resource Review Required.
- ☐ If 4 or more boxes are initialed, Preservation Technical Specialist review is required.

Planner's Initials	Work Description
	1. Interior alterations. Publicly-accessible spaces (i.e. lobby, auditorium, or sanctuary) require Preservation Technical Specialist review.
	2. Regular maintenance or restorative work that is based upon documentation of the building's historic appearance (i.e., photographs, physical evidence, historic drawings or documents, or matching buildings).
	3. In-kind window replacement at visible facades. (The size, configuration, operation, material, and exterior profiles of the <i>historic</i> windows must be matched.)

	4. Window replacement or installation of new openings at non-visible facades.
	5. Construction of deck or terrace that is not visible from any immediately adjacent public right-of-way.
	6. Installation of mechanical equipment at the roof which is not visible from any immediately adjacent public right-of-way.
	7. Installation of dormers that meet the requirements for exemption from public notification under <i>Zoning Administrator Bulletin: Dormer Windows, No. 96.2</i> .
	8. Installation of garage opening that meets the requirements of the <i>Guidelines for Adding Garages and Curb Cuts</i> .
	9. Horizontal addition that is not visible from the adjacent public right-of-way for 150' in each direction; does not extend vertically beyond the floor level of the top story of the structure; and does not have a footprint that is more than 50% larger than that of the original building.
	10. Vertical addition that is not visible from the adjacent public right-of-way for 150' in each direction; is only a single story in height; and does not cause the removal of architectural significant roofing features such as ornate dormers, towers, or slate shingles.

Preservation Technical Specialist Review Required for work listed below:

	11. Window replacement at visible facades that is not in-kind but meets the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> .
	12. Sign installation at Category A properties.
	13. Façade alterations that do not cause the removal or alteration of any significant architectural features (i.e. storefront replacement, new openings, or new elements).
	14. Raising the building.
	15. Horizontal or vertical additions, including mechanical equipment, that are minimally visible from a public right-of-way and that meet the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> .
X	16. Misc. Building was extensively remodeled in

STEP 4: RECOMMENDATION

- 2005 - exterior work completed
drastically altered the original 1946
facade.
- ☒ No Further Historical Resource Review Required.
- ☐ Further Historical Resource Review Required: File *Environmental Exemption Application*.

Notes: No longer eligible for listing
on California Register

Planner Name:

Signature:

Date:

Preservation Technical Specialist Name: Tina Tan

Signature:

Date:

Save to [Building Permit Applications or Cases].

If "Category A," save to [AMEA Historical Resources/Category A Admin Catex].

APPROVED
Dept. of Building Insp.

SFUSD

DEC 13 2012

BUILDING ENLARGEMENT
DESCRIPTION
☒ VERTICAL 3RD FLY.
☐ HORIZONTAL

SITE PERMIT

MAY 04 2011

APPROVED FOR ISSUANCE
JAN 28 2012

BUILD.
FORM 318

APPLICATION NUMBER
2011.0504

OFFICIAL APPROVAL RECORD
APPROVAL NUMBER
13325

BOARD OF APPEALS

DEC 27 2012

APPEAL #12-171

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

APPLICATION IS HEREBY MADE TO THE DEPARTMENT OF
BUILDING INSPECTION OF SAN FRANCISCO FOR
PERMISSION TO BUILD IN ACCORDANCE WITH THE PLANS
AND SPECIFICATIONS SUBMITTED HERewith AND
ACCORDING TO THE DESCRIPTION AND FOR THE PURPOSE
HEREINAFTER SET FORTH.

FORM 3 ☒ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☐ OVER-THE COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

DATE FILED 05-04-2011	FILED FOR RECEIPT NO. 11052848	(1) STREET ADDRESS OF JOB 611 BUENA VISTA WEST AV.	BLOCK & LOT 2603 / 004
PERMIT NO. 128195	ISSUED DEC 13 2012	(2A) ESTIMATED COST OF JOB 300,000	(2B) REVISED COST 300,000

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. V-MB	(5A) NO. OF STORIES OF OCCUPANCY 2	(6A) NO. OF BASEMENTS AND CELLARS 1	(7A) PRESENT USE RESIDENTIAL	(8A) OCCUP. CLASS R3	(9A) NO. OF DWELLING UNITS 1
------------------------------	---------------------------------------	--	---------------------------------	-------------------------	---------------------------------

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. V-MB	(5) NO. OF STORIES OF OCCUPANCY 4	(6) NO. OF BASEMENTS AND CELLARS 1	(7) PROPOSED USE (LEGAL USE) RESIDENTIAL	(8) OCCUP. CLASS R3	(9) NO. OF DWELLING UNITS 1
-----------------------------	--------------------------------------	---------------------------------------	---	------------------------	--------------------------------

(10) IS ALIAS REPAIR TO BE CONSTRUCTED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---	--	--	--

(14) GENERAL CONTRACTOR BEN DAVIS	ADDRESS 52 W. Taylor St.	CITY SAN FRANCISCO	STATE CA	ZIP 94117	PHONE 415-505-4701	CALIF. LICENSE NO. 460598	EXPIRATION DATE
--------------------------------------	-----------------------------	-----------------------	-------------	--------------	-----------------------	------------------------------	-----------------

(15) OWNER - LESSEE (OWNER OUT ONLY) MARTIN ROSCHENSEN	ADDRESS 611 BUENA VISTA WEST AVE.	CITY SAN FRANCISCO	STATE CA	ZIP 94117	PHONE FOR CONTACT BY DEPT. 415-609-6028
---	--------------------------------------	-----------------------	-------------	--------------	--

(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
THE PROJECT CONSISTS OF A ONE STORY VERTICAL ADDITION TO THE EXISTING 2 STORY RESIDENCE. THE ROOF OF THE 3RD. STORY ADDITION WILL INCLUDE A GREEN ROOF. THE PROJECT WILL HAVE A BASEMENT ADDITION.

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT 40 FT.	(19) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW EXISTING FLOOR AREA 2048 SQ. FT.
---	---	--	--

(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON LOT PLAN) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
---	--	---	--

(25) ARCHITECT OR ENGINEER (DESIGN OR CONSTRUCTION) CLS ARCHITECTURE	ADDRESS 44 MC LEA CT., SF, CA 94103	CALIF. CERTIFICATE NO.
---	--	------------------------

(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")
--

IMPORTANT NOTICES

No change shall be made to the character of the occupancy or use without first obtaining a Building Permit authorizing such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used during construction, to be closer than 10' to any sidewalk greater than 750 wide San Francisco, California, Penal Code.

Pursuant to San Francisco Building Code, the building permit shall be posted on the job. The owner is responsible for approved plans and specifications to be kept at building site.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to maintain the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 3202 of the Labor Code of the State of California, the applicant shall have coverage under (1), or (2) designated below or shall indicate from (3), or (4), or (5).

CONDITIONS AND STIPULATIONS

<p>REFER TO:</p>	<p>APPROVED APPLICATION APPROVED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.</p> <p>By <u>Jaime Valle</u> JAIME VALLE, DBI</p> <p>NOV 01 2012</p> <p>BUILDING INSPECTOR, DEPT. OF BLDG. INSP.</p>	<p>DATE: _____</p> <p>REASON: _____</p>
<p>2011.07.61D</p> <p><input type="checkbox"/></p>	<p>APPROVED: <u>Approved as per plans and application only.</u> FOR SINGLE FAMILY USE ONLY</p> <p>REGULATORY EXEMPT FROM ENVIRONMENTAL REVIEW. <u>Tan Wang</u> OCT 18 2012</p> <p>DEPARTMENT OF CITY PLANNING</p>	<p>NOTIFIED MR. _____</p> <p>DATE: _____</p> <p>REASON: _____</p>
<p><input type="checkbox"/></p>	<p>APPROVED: <u>N/A</u></p> <p>BUREAU OF FIRE PREVENTION & PUBLIC SAFETY</p>	<p>NOTIFIED MR. _____</p> <p>DATE: _____</p> <p>REASON: _____</p>
<p><input type="checkbox"/></p>	<p>APPROVED: _____</p> <p>MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION</p>	<p>NOTIFIED MR. _____</p> <p>DATE: _____</p> <p>REASON: _____</p>
<p><input type="checkbox"/></p>	<p>APPROVED: _____</p> <p>CIVIL ENGINEER, DEPT. OF BLDG INSPECTION</p>	<p>NOTIFIED MR. _____</p> <p>DATE: _____</p> <p>REASON: _____</p>
<p><input checked="" type="checkbox"/></p>	<p>APPROVED: _____</p> <p>BY <u>11-05-12</u> Danny Minlano, DPW/BSM</p> <p>BUREAU OF ENGINEERING <u>BSM</u></p> <p>DPW/BSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO DBI FINAL CALL 554-7149 TO SCHEDULE.</p>	<p>NOTIFIED MR. _____</p> <p>DATE: _____</p> <p>REASON: _____</p>
<p><input type="checkbox"/></p>	<p>APPROVED: <u>N/A</u></p> <p>DEPARTMENT OF PUBLIC HEALTH</p>	<p>NOTIFIED MR. _____</p> <p>DATE: _____</p> <p>REASON: _____</p>
<p><input type="checkbox"/></p>	<p>APPROVED: <u>Tsao</u></p> <p>DATE: 11/19/12</p>	<p>NOTIFIED MR. _____</p> <p>DATE: _____</p> <p>REASON: _____</p>

BOARD OF APPEALS

DEC 27 2012

APPEAL # 12-171



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0290

HEARING DATE: SEPTEMBER 6TH, 2012

Date: September 25th, 2012
Case No.: 2011.0761DD
Project Address: 611 BUENA VISTA WEST AVENUE
Building Permit: 2011.05.04.5332
Zoning: RH-3 (Residential, House, Three-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 2603/004
Project Sponsor: CCS Architecture
44 McLea Court
San Francisco, CA 94103
DR Requestors: Bill Gheen
615 Buena Vista West Avenue
San Francisco, CA 94117
Tim Stewart & Susan Rugtiv
1460 Masonic Avenue
San Francisco, CA 94117
Staff Contact: Tom Wang -- (415) 558-6335
thomas.wang@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.0761DD AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2011.05.04.5332, PROPOSING CONSTRUCTION OF A THIRD-STORY VERTICAL ADDITION TO THE EXISTING TWO-STORY OVER BASEMENT, SINGLE-FAMILY DWELLING WITHIN AN RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 4th 2011 Cass Calder Smith filed for Building Permit Application No. 2011.05.04.5332, proposing construction of a third-story vertical addition to the existing two-story over basement, single-family dwelling within an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

On March 7th, 2012, Bill Gheen ("Discretionary Review (DR) Requestor") and Tim Stewart and Susan Rugtiv ("Discretionary Review (DR) Requestors") filed separate applications with the Planning Department (hereinafter "Department") for Discretionary Review, (2011.0761DD) of Building Permit Application No. 2011.05.04.5332.

The Department has determined that the Project is exempt from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to

Memo

existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

On September 6th, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application No. 2011.0761DD.

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.

ACTION

The Commission hereby takes Discretionary Review requested in Application No. 2011.0761DD and approves the Building Permit Application No. 2011.05.04.5332 subject to the following condition:

The front wall of the third-story addition shall be set back approximately an additional three feet from its originally proposed location to align with the corner turret on the adjacent property at 601 Buena Vista West Avenue.

BASIS FOR RECOMMENDATION

The reasons that the Commission took the action described above include:

Setting the third-story's front wall back approximately an additional three feet from its originally proposed location will help minimize the project's appearance from the street and protect the visual prominence of the corner turret on the adjacent property at 601 Buena Vista West Avenue.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

I hereby certify that the Planning Commission did take Discretionary Review and approved the building permit subject to the condition stated above in this DR Action Memo on September 6th, 2012.

Linda D. Avery
Commission Secretary

AYES: Borden; Fong; Moore; Sugaya; Wu

NAYS: Antonini; Hillis

ABSENT: None

ADOPTED: September 6th, 2012



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0290

HEARING DATE: SEPTEMBER 6TH, 2012

REVISED

Date: October 19th, 2012
Case No.: 2011.0761DD
Project Address: 611 BUENA VISTA WEST AVENUE
Building Permit: 2011.05.04.5332
Zoning: RH-3 (Residential, House, Three-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 2603/004
Project Sponsor: CCS Architecture
44 McLea Court
San Francisco, CA 94103
DR Requestors: Bill Gheen
615 Buena Vista West Avenue
San Francisco, CA 94117
Tim Stewart & Susan Rugtiv
1460 Masonic Avenue
San Francisco, CA 94117
Staff Contact: Tom Wang - (415) 558-6335
thomas.wang@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.0761DD AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2011.05.04.5332, PROPOSING CONSTRUCTION OF A THIRD-STORY VERTICAL ADDITION TO THE EXISTING TWO-STORY OVER BASEMENT, SINGLE-FAMILY DWELLING WITHIN AN RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On May 4th 2011 Cass Calder Smith filed for Building Permit Application No. 2011.05.04.5332, proposing construction of a third-story vertical addition to the existing two-story over basement, single-family dwelling within an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

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Memo

existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

On September 6th, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application No. 2011.0761DD.

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.

ACTION

The Commission hereby takes Discretionary Review requested in Application No. 2011.0761DD and approves the Building Permit Application No. 2011.05.04.5332 subject to the following condition:
The front wall of the third-story addition shall be set back an additional three feet from its originally proposed location to align with the corner turret on the adjacent property at 601 Buena Vista West Avenue.

BASIS FOR RECOMMENDATION

The reasons that the Commission took the action described above include:
Setting the third-story's front wall back an additional three feet from its originally proposed location will help minimize the project's appearance from the street and protect the visual prominence of the corner turret on the adjacent property at 601 Buena Vista West Avenue.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 575-6881, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

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Linda D. Avery
Commission Secretary

AYES: Borden; Fong; Moore; Sugaya; Wu

NAYS: Antonini; Hillis

ABSENT: None

ADOPTED: September 6th, 2012



City & County of San Francisco
BOARD OF APPEALS

BOARD OF APPEALS

Date Filed:

DEC 27 2012

APPEAL # 12-171

PRELIMINARY STATEMENT OF APPEAL

I / We, Matthew & Kristine Leffers, hereby appeal the following departmental action: issuance of BPA # 2011/05/04/5332 "S" by DBI
(Building Permit Application No.; ZA determination or variance decision; Dept. of Public Works Order No. etc.)
which was issued / became effective on: 12/13/12, to: Martin Roscheisen,
for the property located at: 611 Buena Vista West Ave.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: Feb. 14, 2013, (no later than three (3) Thursdays prior to the hearing date), up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Respondent's / Other Parties' Brief is due on or before: Feb. 28, 2013, (no later than one (1) Thursday prior to the hearing date), up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing: Wednesday, March 06, 2013, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place (formerly 301 Polk Street).

All parties to this appeal must adhere to the briefing schedule above; however, if the hearing date is changed, the briefing schedule is automatically changed to allow briefs on the same three Thursdays / one Thursday schedule.

Members of the public may submit letters of support/opposition no later than one (1) Thursday prior to hearing date by 4:00 p.m., with an original and 10 copies required of all documents submitted. Please note that names and home addresses included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880.

The reasons for this appeal are as follows:

see attached.


Matthew Leffers
Signature of Appellant or Agent

The proposed addition at 611 Buena Vista West Avenue would be inconsistent with City policies and guidelines regulating neighborhood compatibility, increased shadows on neighboring properties, impacts to public views of the ocean from Buena Vista Park, and impacts to public views of the historic property at 601 Buena Vista West Avenue.

The Planning Commission recognized and acknowledged the problems with this application and therefore *granted* discretionary review in order to mitigate project impacts to public views, historic resources, and adjacent properties. The Planning Commission required an increased setback for the proposed addition sufficient to preserve public views of the turret of the Victorian residence at 601 Buena Vista West Avenue.

However, the final Discretionary Review Action document was inconsistent with the Planning Commission's specific direction and does not provide for an adequate setback. Concerned residents pointed out the inconsistency but it was not corrected. It is now apparent that the setback of the current residence on the site at 611 Buena Vista West is inconsistent with requirements of that approved project.

The categorical exemption approved for this building permit is now being appealed to the Board of Supervisors because this discretionary project has potentially significant environmental impacts.

X 

BOARD OF APPEALS

DEC 27 2012

APPEAL # 12-171



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0290

HEARING DATE: SEPTEMBER 6TH, 2012

-REVISED-

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: October 19th, 2012
Case No.: 2011.0761DD
Project Address: 611 BUENA VISTA WEST AVENUE
Building Permit: 2011.05.04.5332
Zoning: RH-3 (Residential, House, Three-Family) Zoning District
40-X Height and Bulk District
Block/Lot: 2603/004
Project Sponsor: CCS Architecture
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San Francisco, CA 94103
DR Requestors: Bill Gheen
615 Buena Vista West Avenue
San Francisco, CA 94117
Tim Stewart & Susan Rugtiv
1460 Masonic Avenue
San Francisco, CA 94117
Staff Contact: Tom Wang – (415) 558-6335
thomas.wang@sfgov.org

ADOPTING FINDINGS RELATED TO TAKING DISCRETIONARY REVIEW OF CASE NO. 2011.0761DD AND THE APPROVAL OF BUILDING PERMIT APPLICATION NO. 2011.05.04.5332, PROPOSING CONSTRUCTION OF A THIRD-STORY VERTICAL ADDITION TO THE EXISTING TWO-STORY OVER BASEMENT, SINGLE-FAMILY DWELLING WITHIN AN RH-3 (RESIDENTIAL, HOUSE, THREE-FAMILY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

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The Department has determined that the Project is exempt from environmental review, pursuant to ~~CEQA Guideline Section 15301 (Class One – Minor Alteration of Existing Facility, (e) Additions to~~

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I hereby certify that the Planning Commission did take Discretionary Review and approved the building permit subject to the condition stated above in this DR Action Memo on September 6th, 2012.

Linda D. Avery
Commission Secretary

AYES: Borden; Fong; Moore; Sugaya; Wu

NAYS: Antonini; Hillis

ABSENT: None

ADOPTED: September 6th, 2012

THIS APPLICATION APPROVED
FOR SITE PERMIT ONLY.
NO WORK MAY BE STARTED
UNTIL CONSTRUCTION PLANS
HAVE BEEN APPROVED.

SFUSD
500 501 FT.

BUILDING MANAGEMENT
DESCRIPTION
S4-PERMIT 500 Pgs.
C1-RECORDING

NOV. 8 1 2012

DPWISSM SIGN OFF ON JOB CARD
REQUIRED PRIOR TO DBI FINAL
CALL 394-7149 TO SCHEDULE.

BY 11-05-12
Dorsey Miranda, DPWISSM

APPROVED
Dept. of Building Insp.

DEC 13 2012

T. C. H. H.
ACTIVE DIRECTOR
DEPT. OF BUILDING INSPECTION

RECEIVED
11/14/12

2011-0504-5332-S/R-2

611 Buena Vista West Ave.



REVISED SITE PERMIT 10.15.2012

PROJECT DIRECTORY

[illegible]

PROJECT DIRECTORY

611 BUENA VISTA AVE. WEST
SAN FRANCISCO
CA 94117

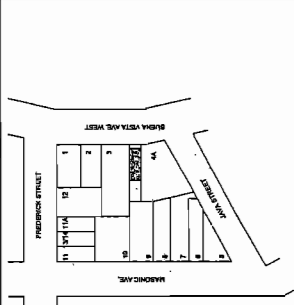
APPROVED
Dept. of Building Insp.

DEC 13 2012

Tom C. Hinc
BUILDING INSPECTOR
ACTING DIRECTOR
DEPT. OF BUILDING INSPECTION



VICINITY MAP



VICINITY MAP

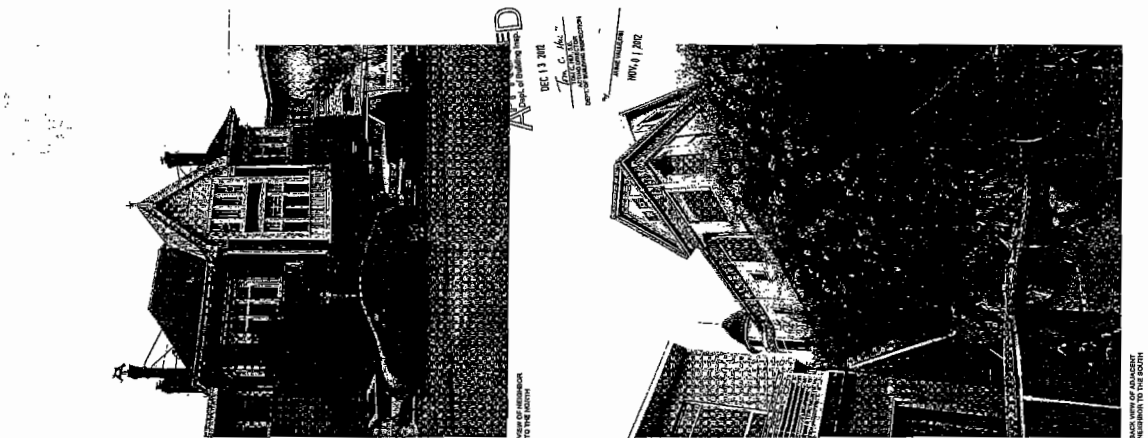


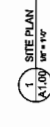
SHEET INDEX

[illegible]

PROJECT INFORMATION

[illegible]





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EXISTING BASEMENT
1/4" = 1'-0"

CCS ARCHITECTURE

1 SITE PERMIT
1 REVISION
OCT 16 2012



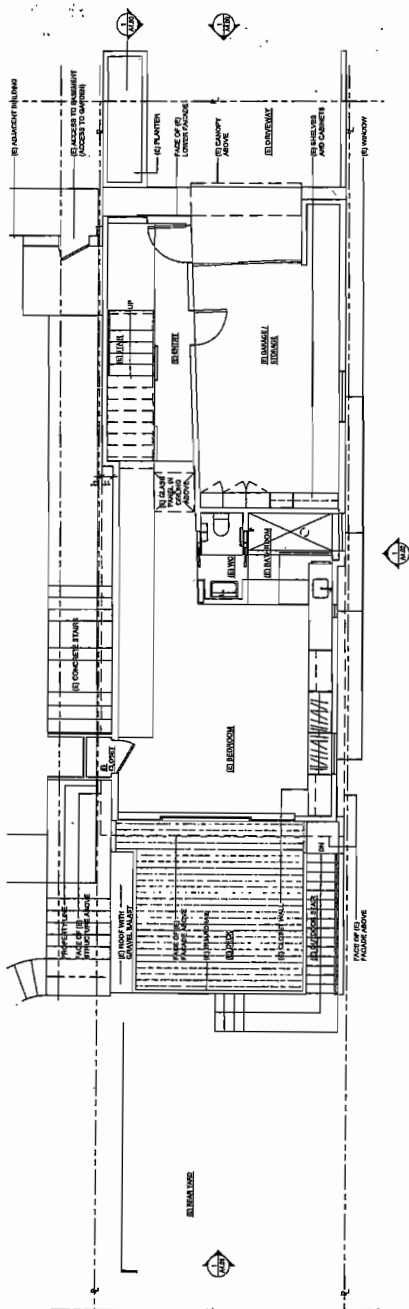
PROJECT NAME
NAUS MARTIN
ADDITION
611 BUENA VISTA W.
SAN FRANCISCO, CA

RECEIVED	DESCRIPTION
04, 10, 11	MEMPHIS OR. BRT
06, 04, 11	BITE PENNANT
12, 22, 11	BITE PENNANT
09, 10, 11	NAV. BITE PENNANT

PROJECT TITLE
FLOOR PLAN - LEVEL 1

FILE	1.10181	A3.00.dwg
BY	BJS	
SCALE	1/4" = 1'-0"	
SHEET		

A2.01



NOTE:
NO WORK ON
THIS FLOOR

APPROVED
Dept. of Building Insp.
DEC 13 2012
Tina C. Alar
Tina C. Alar
FOURTH FLOOR
NORTHWEST CORNER
AT THE CITY OF LOS ANGELES

NOV. 01 2012
JACKSONVILLE

T. C. W. OCT 18 1962

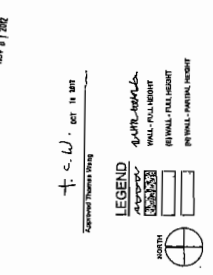
1. Introduction

LEGEND

WALL - FULL HEIGHT
(E) WALL - FULL HEIGHT
(F) WALL - PARTIAL HEIGHT

1 EXISTING LEVEL, 1 - FLOOR PLAN
A2.01 1/4" = 1'-0"





CCS ARCHITECTURE
 13 VALDEZ COURT
 SAN FRANCISCO, CA 94103
 TEL: 415.477.2800
 FAX: 415.477.2801
 WWW.CCSARCHITECT.COM

APPROVED
 OCT 16 2002
 DEPT. OF BUILDING INSPECTION
 CITY OF SAN FRANCISCO



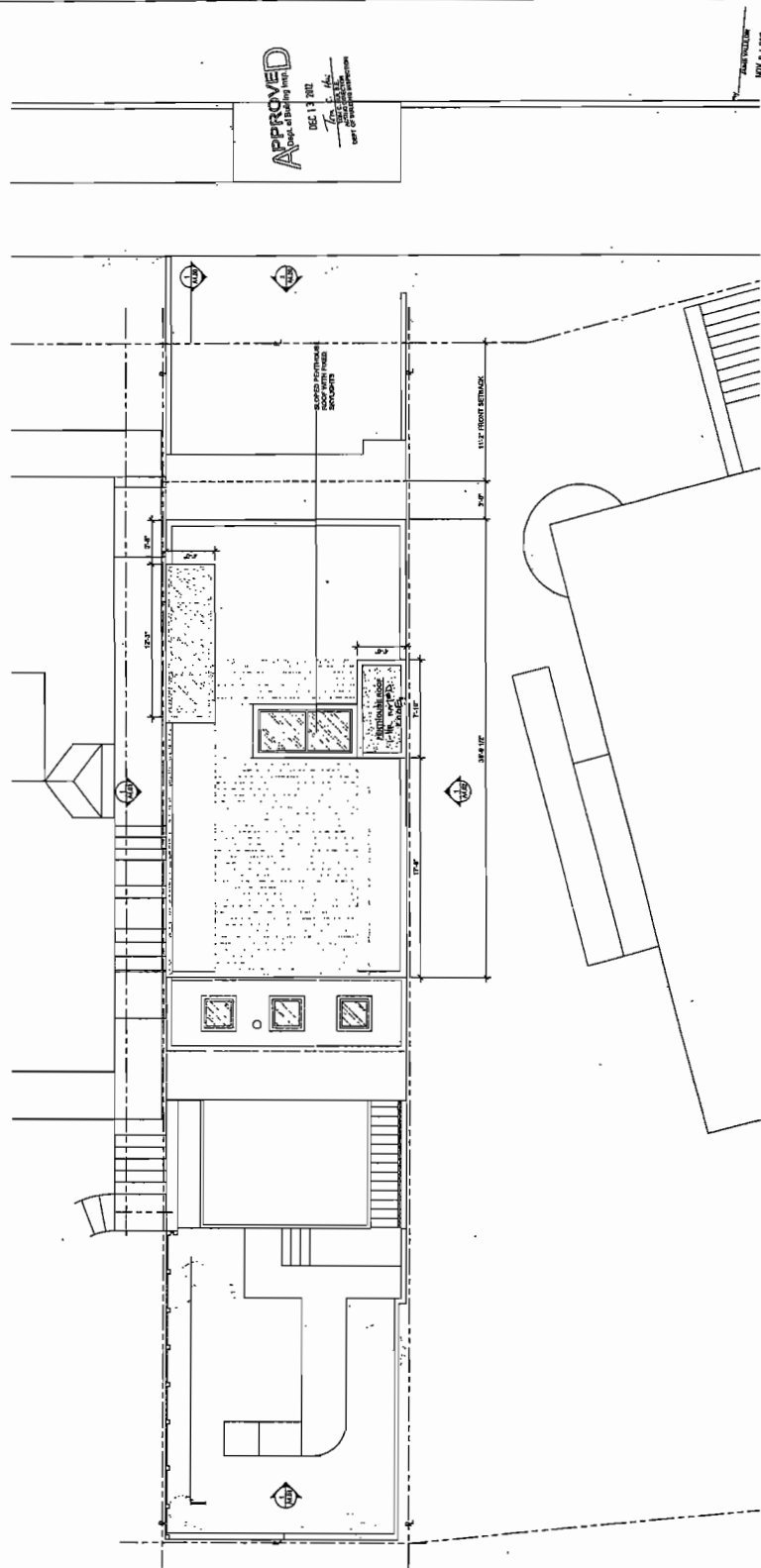
PROJECT NAME
 VALDES MARTIN
 ADDITION
 611 BUENA VISTA W.
 SAN FRANCISCO, CA

DATE
 08/08/02
 DRAWN BY
 T.WANG
 CHECKED BY
 T.WANG
 DATE
 08/08/02
 SCALE
 1/8" = 1'-0"

SHEET TITLE
 ROOF PLAN

DATE
 08/08/02
 SCALE
 1/8" = 1'-0"

A2.05



APPROVED
 OCT 16 2002
 DEPT. OF BUILDING INSPECTION
 CITY OF SAN FRANCISCO

LEGEND

WALL - FULL HEIGHT
 (S) WALL - PARTIAL HEIGHT
 PARTIAL - PARTIAL HEIGHT

1 ROOF TOP PLAN
 1/8" = 1'-0"



f.c.D. OCT 18 2012
Approved Thomas Wang

1
A4.00

A4.00

CCS ARCHITECTURE
 1000 MARKET STREET
 SUITE 100
 SAN FRANCISCO, CA 94102
 TEL: 415.398.2500
 FAX: 415.398.2501

DATE: 11/18/2011
 BY: [Signature]
 CHECKED: [Signature]
 PROJECT: 11/18/2011



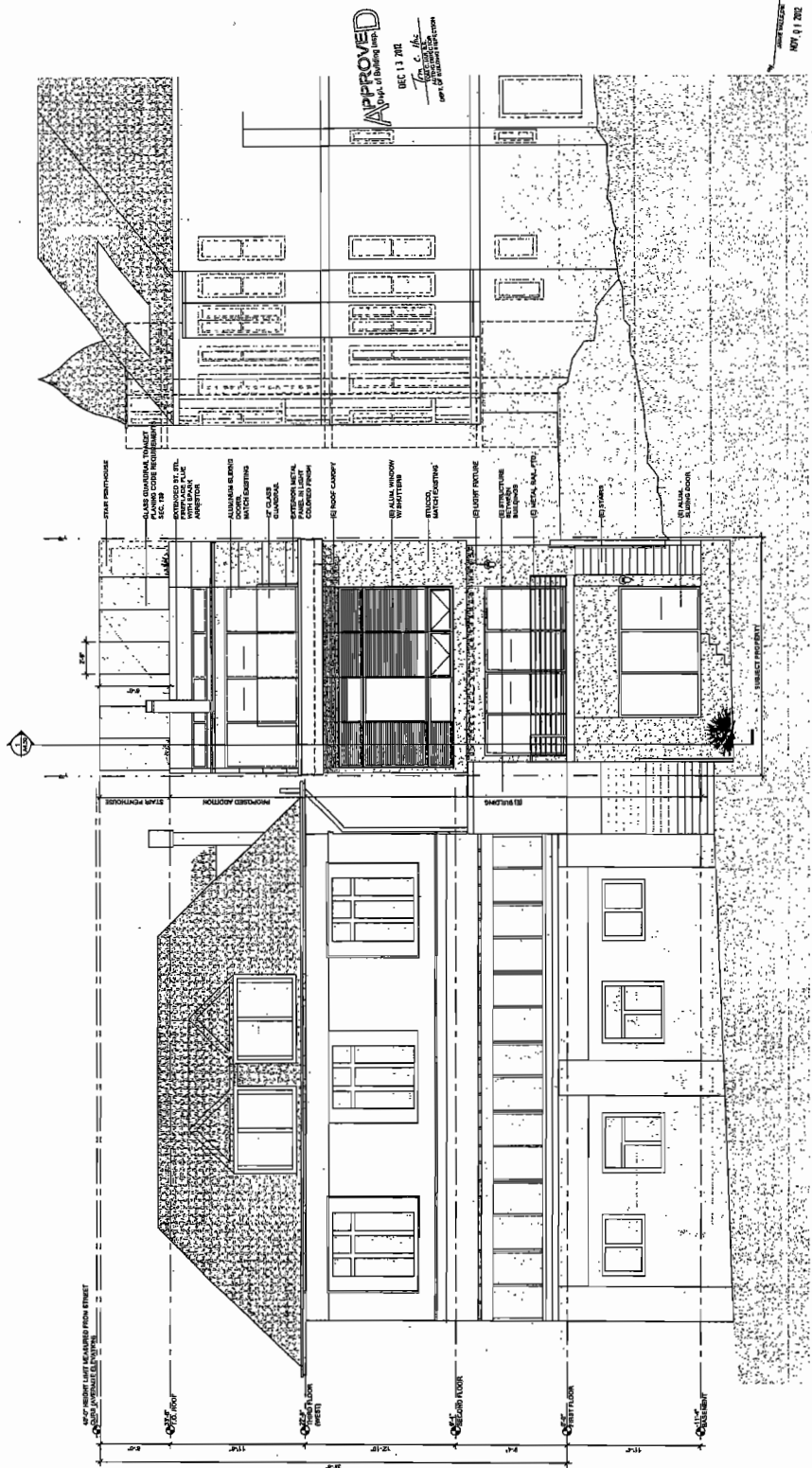
PROJECT NAME
 HAYSTACK MARTIN
 817 BUENA VISTA BL.
 SAN FRANCISCO, CA

REVISION	DESCRIPTION
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03	REVISIONS
04	REVISIONS
05	REVISIONS
06	REVISIONS
07	REVISIONS
08	REVISIONS
09	REVISIONS
10	REVISIONS
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17	REVISIONS
18	REVISIONS
19	REVISIONS
20	REVISIONS

EXTERIOR ELEVATIONS

FILE: 11/18/2011_AJL/2011
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 SHEET: 11/18/2011

A4.01



APPROVED
 DEC 13 2011
 11/18/2011
 11/18/2011



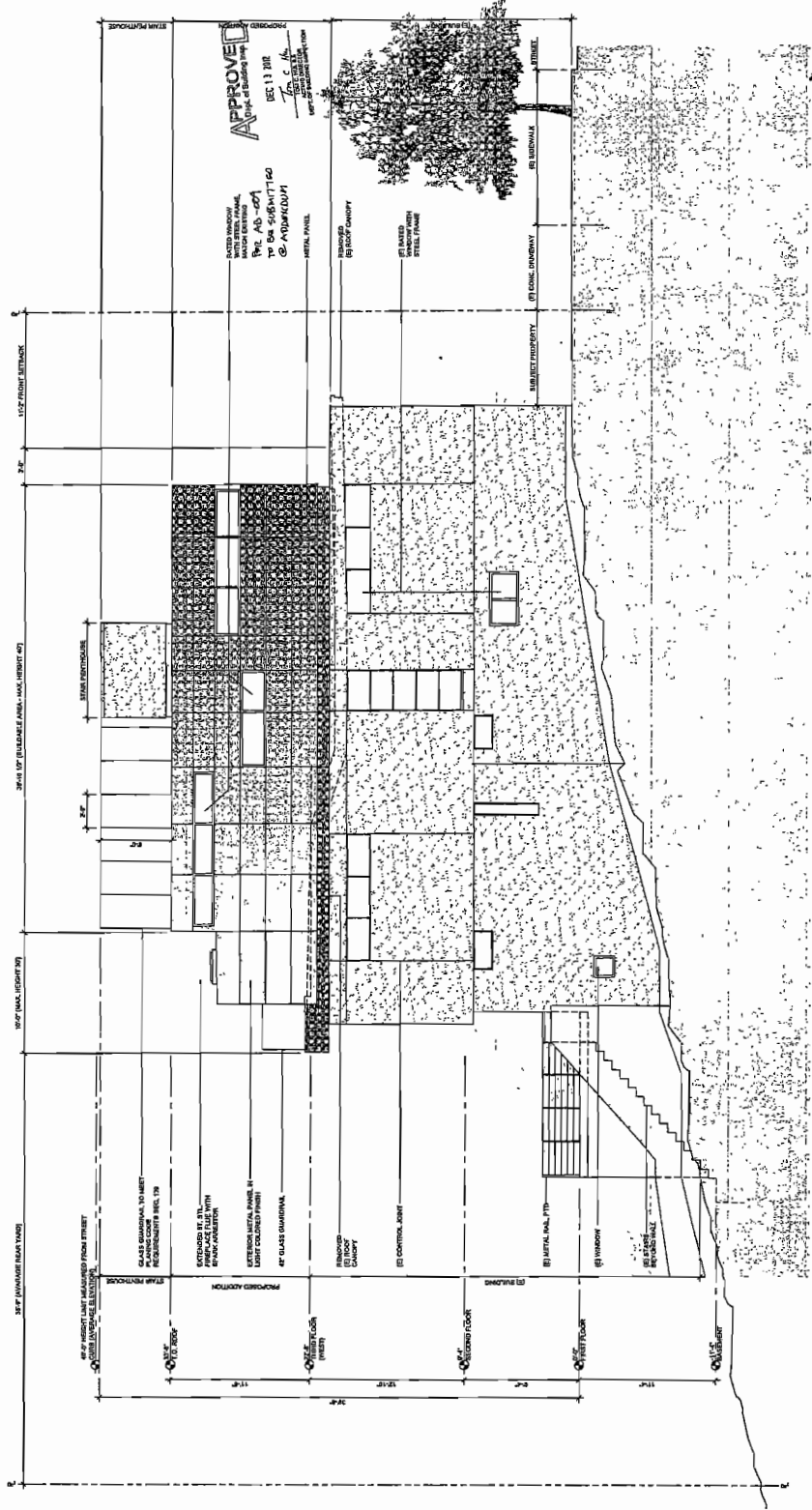
PROJECT NAME
**HAIR MARTIN
ADDITION**
811 BUESA VISTA W.
SAN FRANCISCO, CA

REVISION	DESCRIPTION
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8	ISSUED FOR PERMIT
9	ISSUED FOR PERMIT
10	ISSUED FOR PERMIT

SHEET TITLE
EXTERIOR ELEVATIONS

FILE	UNIT: A4.02
BY	CCS
CHECKED	CCS
DATE	08-11-12
PROJECT	HAIR MARTIN

A4.02



CCS
OCT 19 2012
Approved: Thomas Wang

CCS ARCHITECTURE

1000 PAVAN
 SAN FRANCISCO, CA 94109
 TEL: 415.774.2200
 FAX: 415.774.2201
 WWW.CCSARCH.COM

1. NO. 100
 2. NO. 101
 3. NO. 102

1. NO. 100
 2. NO. 101
 3. NO. 102

PROJECT NAME
HAIR MARTIN
 ADDITION
 611 BUENA VISTA W.
 SAN FRANCISCO, CA

REVISION	DESCRIPTION
1	ISSUED FOR PERMIT
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98	ISSUED FOR PERMIT
99	ISSUED FOR PERMIT
100	ISSUED FOR PERMIT

SHEET TITLE
BUILDING SECTION

FILE
 1.0011_A4.50

DATE
 07/19/10

SCALE
 1/8" = 1'-0"

DRAWN
 JRM

CHECKED
 JRM

APPROVED
 JRM

PROJECT NAME
HAIR MARTIN
 ADDITION
 611 BUENA VISTA W.
 SAN FRANCISCO, CA

PROJECT NUMBER
 1.0011

PROJECT LOCATION
 611 BUENA VISTA W.
 SAN FRANCISCO, CA

PROJECT DESCRIPTION
 ADDITION

PROJECT STATUS
 ISSUED FOR PERMIT

PROJECT DATE
 07/19/10

PROJECT DRAWN
 JRM

PROJECT CHECKED
 JRM

PROJECT APPROVED
 JRM

Architectural building section drawing showing interior layout, structural elements, and exterior elevations. The drawing includes labels for rooms such as "BED ROOM", "BATH", "KITCHEN", "LIVING AREA", and "STAIRS". It also shows structural details like "CONCRETE FLOOR", "CONCRETE WALL", and "ROOF". The drawing is oriented vertically with the building's front elevation on the left and the rear elevation on the right. The drawing is signed and dated "JRM 07/19/10".

PROJECT NAME
HAIR MARTIN
 ADDITION
 611 BUENA VISTA W.
 SAN FRANCISCO, CA

1 SITE PERMIT
1 REVISION
OCT 15 2012



PROJECT NAME
HAUS MARTIN
ADDITION
611 BUENA VISTA W.
SAN FRANCISCO, CA

[illegible]

FILE	1.10191_C01.00.dwg
BY	DJS
SCALE	1/8" = 1'-0"
SHEET	

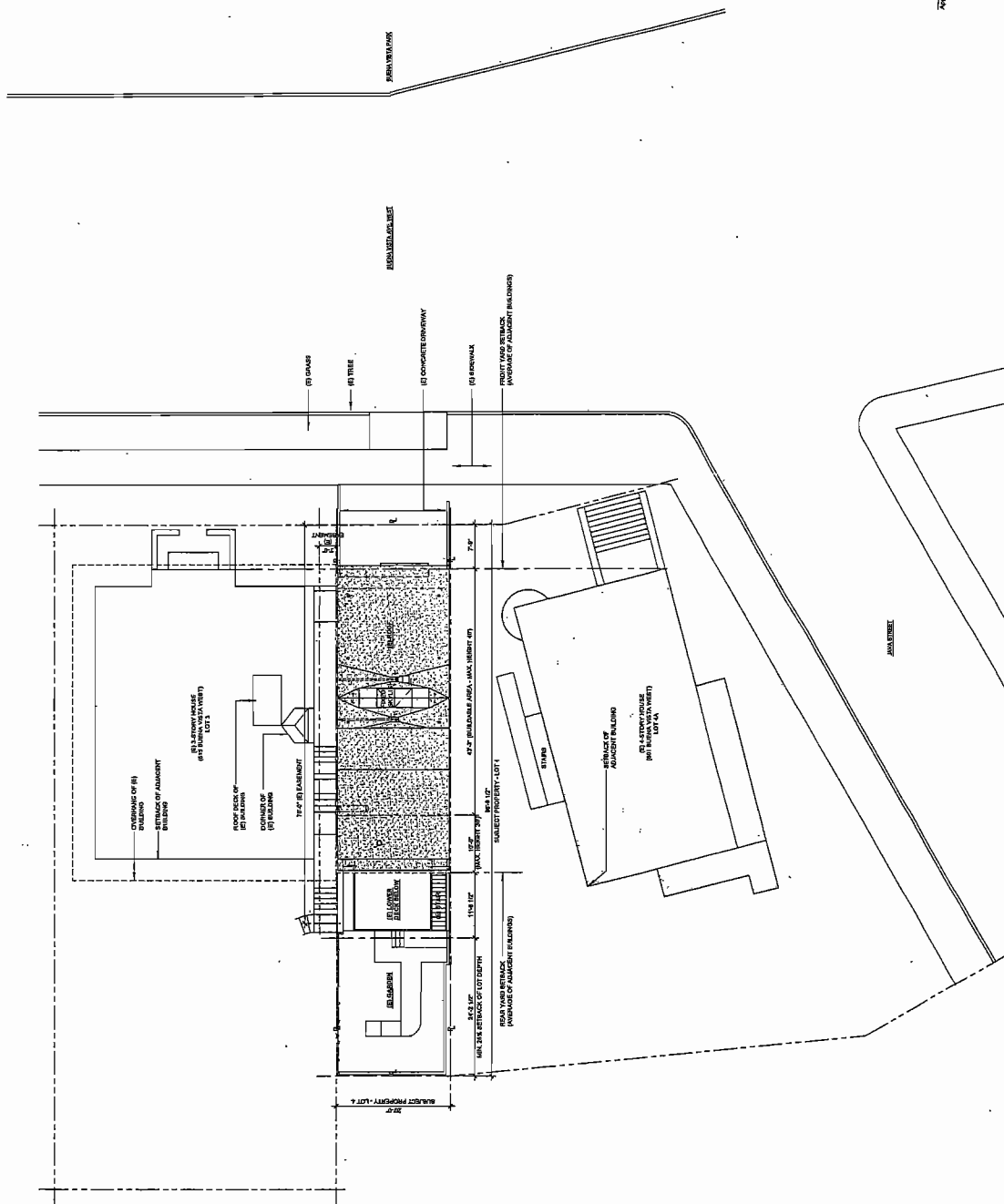
EX1.00

APPROVED
Dept. of Building Insp.

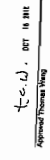
DEC 13 2012
Tom C. Hise
TOM C. HISE
ACTING DIRECTOR
OFFICE OF THE DIRECTOR
OF THE MISSOURI DEPARTMENT OF REVENUE

NOV 01 2012

f.c.w. OCT 18 1918
Approved Thomas Wingo



2 EXISTING ROOF
EX2.0 1/4" = 1'-0"



NOV 9 1962



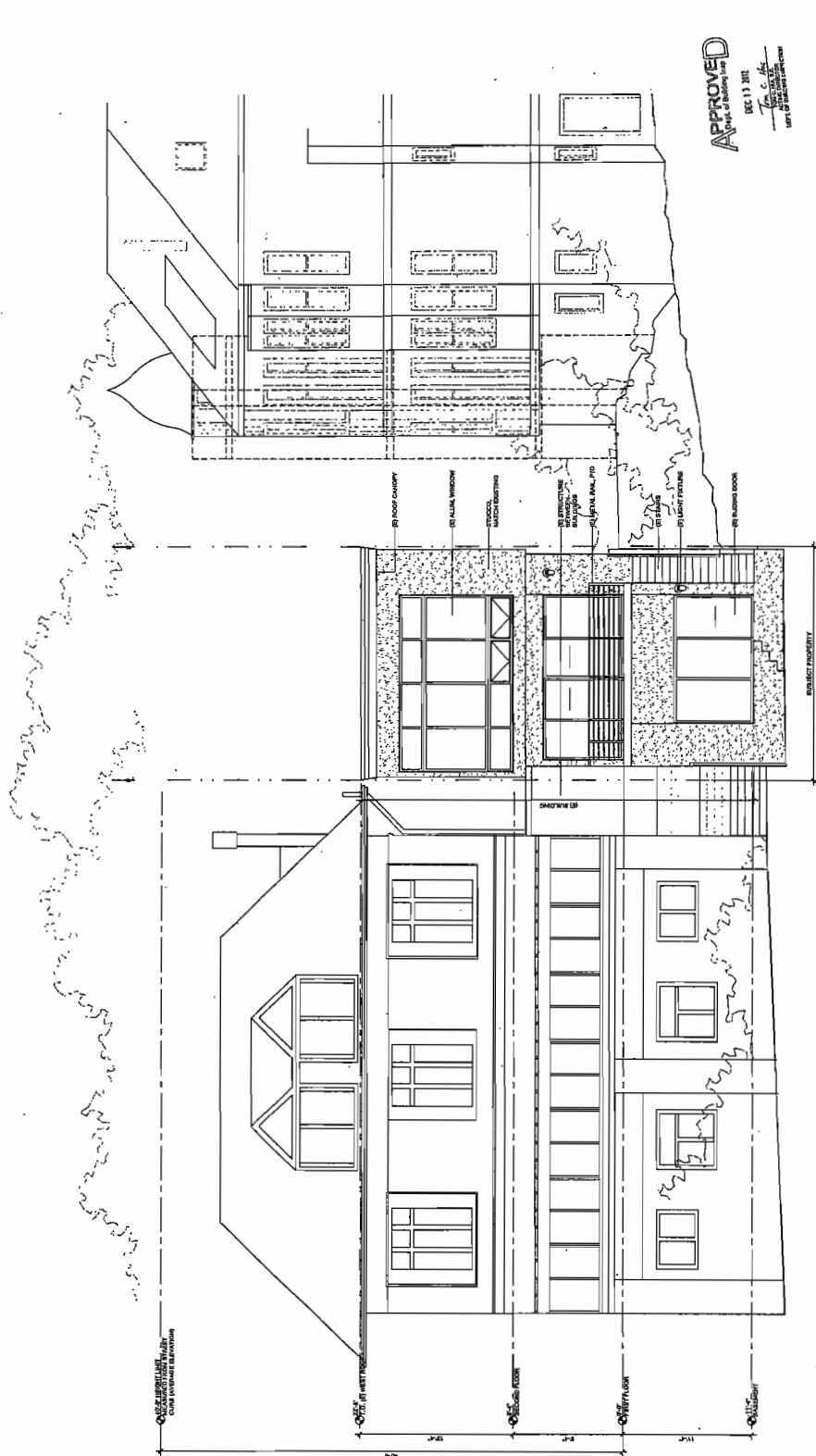
PROJECT NAME
HAUS MARTIN
ADDITION
611 BUENA VISTA W.
SAN FRANCISCO, CA

[illegible]

SHEET TITLE
EXISTING
EXTERIOR ELEVATIONS

FILE	1.10181_EXA.00.dwg
BY	0.3
SCALE	1/4" = 1'-0"
SHEET	

EX4.01



APPROVED
Dept. of Building Insp.

13 2012

1937

~~Don C. Hays~~
~~Don C. Hays, Jr.~~

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1
SITE PERMIT
REVISION
OCT 16 2012



PROJECT NAME	HAUS MARTIN ADDITION 611 BUENA VISTA W. SAN FRANCISCO, CA
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ISSUED	DESCRIPTION
04.10.11	NEIGHBOUR MEETING
04.23.11	RITE PERMIT
10.16.12	REV. SITE PERMIT

DATE: 10-1-2011	SHEET TITLE
EXISTING EXTERIOR ELEVATIONS	

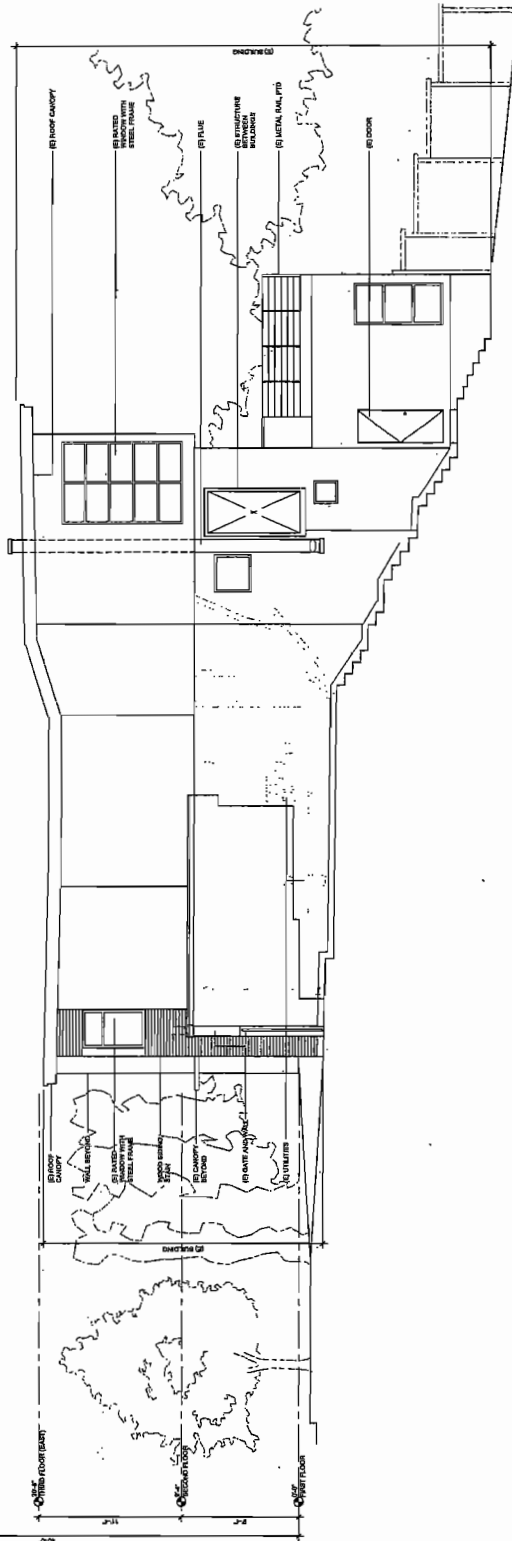
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BY	BJJ
SCALE	1/4" = 1'-0"
BHEET	

EX4.03

APPROVED
Dept. of Building Insp.

DEC 11 2002

Tom C. Hall
Tom C. Hall, Jr.
Acting Director
Bureau of Planning and Inspection



2102-j D. AOM
10/17/1988

t.c.w. oct 18 1911

SedgwickLLP

File 130213

Anna C. Shimko
anna.shimko@sedgwicklaw.com
(415) 627-3522

April 1, 2013

*Via Hand Delivery*Honorable David Chiu, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94103RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 APR -1 PM 3:20**Re: Appeal of Categorical Exemption Determination for a Project Located at 611 Buena Vista West Avenue; Hearing on April 9, 2013, at 3:00 p.m.**

Dear President Chiu and Supervisors:

We write on behalf of our clients, Mr. Martin Roscheisen and Ms. Stephanie Kiriakopolos (the "Project Sponsors") to respectfully request that the San Francisco Board of Supervisors (the "Board") deny the baseless appeal of the categorical exemption under the California Environmental Quality Act ("CEQA") for our clients' plans to construct a modest, 680 square foot addition to their one-bedroom home at 611 Buena Vista West Avenue (the "Project"). Having failed to convince the San Francisco Planning Commission that the Project, compliant with all applicable Planning Code provisions even before numerous neighborhood concessions were incorporated into the design, should be subjected to discretionary review, appellants now bring this appeal as a last-ditch effort to delay Project construction. Although appellants claim that the Project should not have been exempted from environmental review, appellants have not shown, *and cannot show*, that: (1) the Project presents unusual circumstances; and (2) there is a reasonable possibility of a significant environmental impact resulting from those unusual circumstances. As explained in detail below, the Project was properly exempted from environmental review in accordance with the CEQA and, therefore, the instant appeal should be denied.¹

¹ We note at the outset that this appeal concerns only the narrow, procedural question of whether the Project is exempt from environmental review. Granting the appeal would not result in the denial of the Project, but would simply obligate San Francisco Planning Department ("Department") to engage in legally unnecessary and burdensome environmental review to search for evidence of environmental impacts where none exist. To the extent that this submittal discusses the nature and merits of the Project, that discussion is offered merely to correct misrepresentations by the appellants as to the Project's size, scope and continuity with respect to the character of the surrounding neighborhood.

I. The Nature of the Project

The Project Sponsors propose to construct a new second bedroom, bathroom and study space totaling 680 square feet atop their very modest 22 foot high, two-story single-family home with a below grade basement and single-car garage at 611 Buena Vista West Avenue. A small, 324 square foot roof deck would cover a portion of the new space and would be set back from all four edges of the roof of the new space by four feet or more. Following construction of the Project, the home would measure approximately thirty-three feet in height at street level, which is seven feet below the maximum height allowed in the zoning district where the property is located (RH-3 (Residential House, Three-Family) Zoning District 40-X Height and Bulk District). The Project home would continue to be approximately one-third the size of the home on the adjacent lot at 601 Buena Vista West Avenue.

The 611 Buena Vista West Avenue home, constructed in 1946,² is located in a neighborhood that is typified by an alternating pattern of large and small lots as well as a mix of architectural styles. The majority of the residences between the 500 and 800 blocks of Buena Vista West Avenue sit on lots with narrow frontages of approximately twenty to thirty feet. (See Exhibit 1 enclosed with this submittal showing frontages for residences at 515, 521, 537-547, 566-597, 611, 725-731, 739, 771, 783, and 795 Buena Vista Avenue West.) The majority of the homes between 500 and 800 Buena Vista Avenue are three or four stories in height at street level. The neighborhood boasts a wide variety of architectural styles ranging from Spanish Colonial Revival to Modernist Design. (See Exhibit 1 (showing modern style architecture of the residences at 501-503, 543, 595-597, 611, 767, and 795 Buena Vista Avenue West.)

The Project Sponsors' home in particular has received national recognition for its classic modern design. Featured in the March, 2005 edition of Dwell Magazine, 611 Buena Vista Avenue West was singled out as proof positive "that modern design can fit—literally and figuratively—in any neighborhood." (See Exhibit 2 enclosed with this submittal (Dwell Magazine cover and cover story featuring 611 Buena Vista West Avenue).) In a neighborhood comprised of lots of varying sizes and homes of mixed architectural styles, 611 Buena Vista West Avenue showcases the visually intriguing features that also characterize other modern style homes nearby, such as a rectangular front façade, clean horizontal lines, and contrast between building materials and building colors. (See Exhibit 1 (showing 543 and 595-597 Buena Vista West Avenue) and Exhibit 2.)

II. The Relevant Procedural Background

On May 4, 2011, the Project Sponsors submitted Building Permit Application No. 2011.05.04.5332 ("Project Application") to allow the addition of a third floor and a fourth floor to their home. Department Staff determined that the Project was exempt from environmental review. (14 Cal. Code Regs. §§ 15000 *et. seq* ("CEQA Guidelines"), particularly, CEQA Guidelines §§ 15300 – 15333.) Specifically, Department Staff found that the Project qualified for a "Class One" exemption under CEQA Guidelines section 15301(e) as it proposed an addition to a residential unit that would not

² Appellants have asserted that the City erroneously allowed construction in violation of pertinent setback requirements in connection with work done on the Project home in 2003. To the contrary, that 2003 work entailed remodeling the existing structure such that the setbacks (quite naturally) remained the ones in place when the home was built in 1946. The new addition, however, meets and exceeds all current setback requirements.

increase the floor area of the residence by more than fifty percent of the home's existing floor area and would not add 2,500 square feet or more to the existing home.

On July 11, 2011, the San Francisco Historic Preservation Commission ("HPC") and HPC staff determined that the home on which the Project would be constructed was not a historic resource under CEQA and that there was no potential historic district in the vicinity of the Project.

On March 7, 2012, Bill Gheen, Matt Leffers, Tim Stewart and Susan Rugtiev (collectively, "DR Requestors") filed two applications with the Department (2011.0761DD) requesting that the Commission take discretionary review of the Project. The DR Requestors stated that the Project should be subject to discretionary review on the grounds of architecture incompatible with the surrounding neighborhood, unacceptable building heights, and light pollution and privacy concerns. Notably, the DR Requestors did not raise any claim that the Department erroneously exempted the Project from further environmental review under CEQA.

In advance of the Planning Commission consideration of the DR request, the Project Sponsors made dramatic changes to their plans to accommodate their neighbors, removing entirely the proposed fourth floor, decreasing window sizes, changing building materials and colors, and adding window shading systems. On September 6, 2012, the Planning Commission heard the request for discretionary review. At that hearing, the DR Requestors argued that construction of the Project should be prohibited because the Project's height, coupled with the size of the lot at 611 Buena Vista Avenue West, constituted an "exceptional circumstance" given the "historical nature" of nearby homes and views.

A majority of the Planning Commissioners disagreed with the DR Requestors' assertions and made the following points:

- Commissioner Moore remarked that because the Project complied with all applicable Planning Code provisions and sought no variance or exception, there were no factors to support a finding that extraordinary circumstances were present. Commissioner Moore pointed out that the Project was "modest" in size, not extraordinary.
- Commissioner Moore further noted that no protected views exist along Buena Vista Avenue in the vicinity of the Project and, therefore, the Project could not create an extraordinary circumstance with respect to views.
- Commissioner Borden agreed with Commissioner Moore's statements and added that the Project constituted a modest addition to an existing single-family home in a style that would be consistent with the modern design of the existing home. As such, Commissioner Borden found that there was nothing exceptional or extraordinary about the Project from a CEQA perspective.
- Commissioner Wu took no issue with the height of the Project and pointed out that construction of the Project would actually make the 611 Buena Vista West Avenue home more consistent with the surrounding dwellings by elevating it to a height similar to its neighbors.

Although the Commission did elect to take discretionary review to impose a three-foot setback for the street facing portion of the Project, this election was not made, nor was the setback imposed, as a form of mitigation for any perceived environmental impact resulting from the Project. To the contrary, as the Commission's deliberative process clearly demonstrates, the three-foot setback was included as a design consideration, nothing more.

- Commissioner Sugaya stated that he was "bothered by the forwardness and placement of the upper floor" (where the Project proposes to construct the 680 square foot addition).
- Department Staff explained that the Planning Code did not require imposition of a setback condition on construction of the upper floor given the overall height of the Project and that imposition of a setback was not recommended.
- Commissioner Sugaya responded to the effect that he still felt that there should be "some gesture" to set the Project back from the street front. Commissioner Sugaya further stated that he wanted the turret on the home at 601 Buena Vista West Avenue to be "visible" from the sidewalk and from Buena Vista Park and if the Project Sponsors could "lose some square footage" along the street facing portion of the Project, he would be satisfied with the Project's design.

Following this discussion, the Commission, by a vote of five to two, approved the Project Application, but also took discretionary review of the Project for the express purpose of having the Project Sponsors work with the Department's Residential Design Team ("RDT") to re-design the project to include a setback that would "respect the prominence of the turret that [the Commission was] trying to respect." The Commission approximated the setback as a three-foot reduction in floor space along the portion of the new addition facing Buena Vista West Avenue.

Following the Planning Commission proceedings, the Project Sponsors did indeed work with RDT staff to alter the Project design by pulling the front wall back three feet. In addition, in a further effort to appease neighbors behind them, the Project Sponsors voluntarily pulled back two-thirds of the back wall by six feet, converting what was to be living space into a deck. A top-down schematic view of the resulting current Project design is included as Exhibit 3 to this submittal.

The DR Requestors appealed the Commission's approval of the Permit Application to the Board of Appeals (Appeal No. 12-171) on December 27, 2012. That appeal is pending. Thereafter, the DR Requestors joined with others to bring the instant appeal and to claim, for the first time, that their year-long opposition to the Project is based on the Project's purported violation of CEQA.

III. The Legal Standard Governing Challenges to Categorical Exemptions

The Department properly found that the Project was exempt from environmental review pursuant to CEQA Guidelines section 15301(e)(1) as construction of the addition "will not result in an increase of more than: (1) 50 percent of the floor area of the [structure] before the addition, or 2,500 square feet, whichever is less..." (CEQA Guidelines § 15301(e)(1)). The appellants, a newly formed association identifying itself as the Buena Vista Historic Preservation Association and other individuals ("appellants" or "BVHPA") argue that the use of this very common Class One exemption was improper

because the Project “may have significant environmental impacts due to unusual circumstances.”³ (See BVHPA appeal letter dated February 22, 2013 at page 3.)

A categorical exemption may not be used for a project if “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” CEQA Guidelines section 15300.2(c) (the “Unusual Circumstances Exception”). Application of this test involves two distinct inquiries: (1) whether the project presents unusual circumstances, and (2) whether there is a reasonable possibility of a significant environmental impact resulting from those unusual circumstances. (*Banker’s Hillcrest, Park West Community Preservation Group v. City of San Diego*, 139 Cal.App.4th 249, 278 (2006).) “A negative answer to either question means the exception does not apply.” (*Santa Monica Chamber of Commerce v. City of Santa Monica*, 101 Cal.App.4th 786, 800 (2002).)

“[W]hether a circumstance is ‘unusual’ is judged relative to the *typical* circumstances related to an otherwise typically exempt project.” (*Id.* at 801.) In particular, the Unusual Circumstances Exception applies where “the circumstances of a project differ from the circumstances of projects covered by a particular categorical exemption, and those circumstances create an environmental risk that does not exist for the general class of exempt projects.” (*Banker’s Hill*, *supra*, 139 Cal.App.4th at 278.) For instance, in *Azusa Land Reclamation Company, Inc. v. Main San Gabriel Basin Watermaster*, 52 Cal.App.4th 1165 (1997), the court found unusual circumstances given the nature and size of the proposed project, i.e., an 80 acre unlined solid waste landfill atop a groundwater basin, and found that the project did not qualify for the Class One exemption because there was evidence that the landfill was leaking and would continue to leak leachate into the groundwater, thereby contributing to degradation of the basin. (*Id.* at 1205.)⁴

A. The Project Does Not Present Unusual Circumstances

i. No unusual view circumstances are present

Construction of the Project would increase the height of the residence at 611 Buena Vista West Avenue to thirty-three feet above street level. This is *seven feet below* the height limit for the zoning district in which the property is located. As Commissioners Moore and Borden correctly pointed out, the Project would add a mere 680 square feet to the residence to create a space that would function as a bedroom, bathroom and study. Department Staff has determined that the Project’s scale and massing would be proportionate to the size of the lot on which the Project is proposed, would be consistent with the scale and massing of homes on adjacent lots and would blend harmoniously with the mix of residential construction styles in the neighborhood. In fact, as Department Staff expressly noted, the Project residence, *including the addition*, would be substantially smaller than the adjoining dwellings in terms of square footage. The Project complies with all applicable Building and Planning Code sections

³ BVHPA did not seek discretionary review of the Project and did not provide testimony at the Planning Commission hearing of September 6, 2012. BVHPA was formed following the Planning Commission’s approval of the Project.

⁴ See also, *McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District*, 202 Cal.App.3d 1136, 1148-1149 (1988) (presence of hazardous waste on property to be acquired by an open space district is an unusual circumstance precluding reliance on a categorical exemption) (disapproved on other grounds); *Lewis v. Seventeenth District Agricultural Association*, 165 Cal.App.3d 823, 829 (1985) (exemption for stock car racing at fairgrounds as an ongoing activity was improper because of unusual circumstance of proximity of residences).

and requires no variance or exception of any kind. Thus, there is no visual component of the Project itself that constitutes an unusual circumstance.

Likewise, the Project presents no unusual circumstances with respect to views within the surrounding area. As discussed at length during the September 6, 2012 Planning Commission hearing, there are *no protected views in the vicinity of the Project*. Thus, assuming for the sake of argument that the Project were visible when looking from Buena Vista Park west toward the ocean,⁵ such visibility is irrelevant since there is no protection afforded to the Buena Vista Park view-shed. Were the appeal granted on this basis, the Board would set new precedent that would likely trigger the Unusual Circumstances Exception as to scores of small projects throughout the City, unduly burdening City staff and resources and inhibiting orderly infill development that is wholly consistent with City planning policies.

To the extent that BVHPA is claiming that the existence of a turret on the "historic residence" located at 601 Buena Vista West Avenue or the view of that turret constitutes an unusual circumstance (See BVHPA appeal letter dated February 22, 2013 at page 2), that claim is demonstrably false. Contrary to BVHPA's assertion, 601 Buena Vista West Avenue is not a historic residence. This lack of historicity is documented in a 2007 study prepared by Kelley & VerPlank Historical Resources Consulting.⁶ (See Exhibit 5 enclosed with this submittal.) Consequently, the turret attached to the neighboring house is not a historically significant feature and triggers no unusual circumstance. Furthermore, neither the turret nor the Project is located within or in the vicinity of a historic district. Finally, with respect to the argument that the view of the turret itself is an unusual circumstance, that argument is without merit given that the turret is within the unprotected Project vicinity view-shed discussed above. If the Board were to accept appellants' argument that a home addition that alters views of one element of an unprotected building constitutes an unusual circumstance, virtually no home additions would be permitted in San Francisco pursuant to CEQA Guidelines section 15301(e)(1) because such additions would almost always alter the view of another adjacent or nearby building from some vantage point. The Unusual Circumstances Exception would improperly swallow the exemption rule.

ii. No unusual shadow circumstances are present

The appellants argue that the Project would create new shadows in the area. First off, the creation of shadow is itself not considered an environmental impact under CEQA. Furthermore, the Project would cast no new shadow upon public recreational and open space. Following Project construction, the roofline of the residence at 611 Buena Vista West Avenue would still sit below the roof levels of the adjacent homes. Moreover, the Project is set back from the side windows of the adjacent homes by at least four feet on all sides. In fact, the Project is approximately eighty-nine feet away from the dwelling abutting the western edge of the 611 Buena Vista West Avenue property. As such, the Project would not cast an abnormally large shadow in any direction onto any adjacent structure, but

⁵ The Project Sponsors have submitted an abundance of photographic evidence throughout the Project approval process demonstrating that the Project is not visible from the public access points in Buena Vista Park looking westward toward the ocean. See, Exhibit 4 to this submittal.

⁶ Notably, this study was commissioned on behalf of DR Requestor and BVPHA member Matthew Leffers during Mr. Leffers' efforts to remedy code violations resulting from his unlawful conversion of 601 Buena Vista West to single family housing.

more importantly, would not cast shadow on space that is used by the public for park purposes. There is no evidence to support a claim that the shadow cast by the Project constitutes an unusual circumstance warranting consideration under CEQA, or that the Project shadow creates a significant environmental effect.

B. As The Project Presents No Unusual Circumstances, There Are No Resulting Significant Impacts

Because the Project – a relatively small home addition designed to respect its neighbors and enhance the acclaimed modern design of its current architecture – does not occur within the context of any unusual circumstances, there is no possibility that construction of the Project will result in a significant impact arising from unusual circumstances. Moreover, as evidenced in the discussion above, appellants have failed to show any evidence of a significant impact resulting from the Project regardless of whether that impact arises from an unusual circumstance. Since neither criteria required to invalidate the use of the Class One exemption in this instance exists, the exemption must stand.

C. The Three-Foot Setback Is Not A Mitigation Measure And Does Not Invalidate The Exemption

BVHPA also argues that the three-foot setback imposed by the Planning Commission was imposed as a mitigation measure to alleviate a potential environmental impact resulting from construction of the Project. BVHPA argues that the imposition of this mitigation measure precludes the use of the Class One exemption. This argument too is without merit.

As the Planning Commission's September 6, 2012 deliberations and final action make clear, the three-foot setback was imposed on the Project *not* as a mitigation measure, but as a *design consideration unrelated to CEQA*. Commissioner Sugaya felt that the Project Sponsors should make a gesture of some sort to set the Project back from the street front despite the fact that the Planning Code did not require such a setback and the RDT did not recommend such a setback.

Ultimately, the Commission moved to approve the Project Application, but also took discretionary review of the Project for the express purpose of having the Project Sponsors work with the RDT to *re-design* the project to include an approximately three foot setback. The setback was not imposed to mitigate any alleged environmental impact, visual or otherwise. In fact, Commission members expressly noted that no visual impacts could result from construction of the Project given that there were no protected views in the vicinity of the Project.

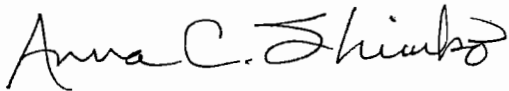
IV. Conclusion

The single-family home addition that the Project Sponsors propose to construct is precisely the type of project for which a Class One categorical exemption is intended and is routinely used in San

Honorable David Chiu, Preside
San Francisco Board of Supervisors
April 1, 2013
Page 8

Francisco. Given the foregoing, we respectfully request that the Board uphold the Department's Class One exemption of the Project from environmental review and deny the instant appeal by BVHPA.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anna C. Shimko". The signature is fluid and cursive, with the first name "Anna" being the most prominent part.

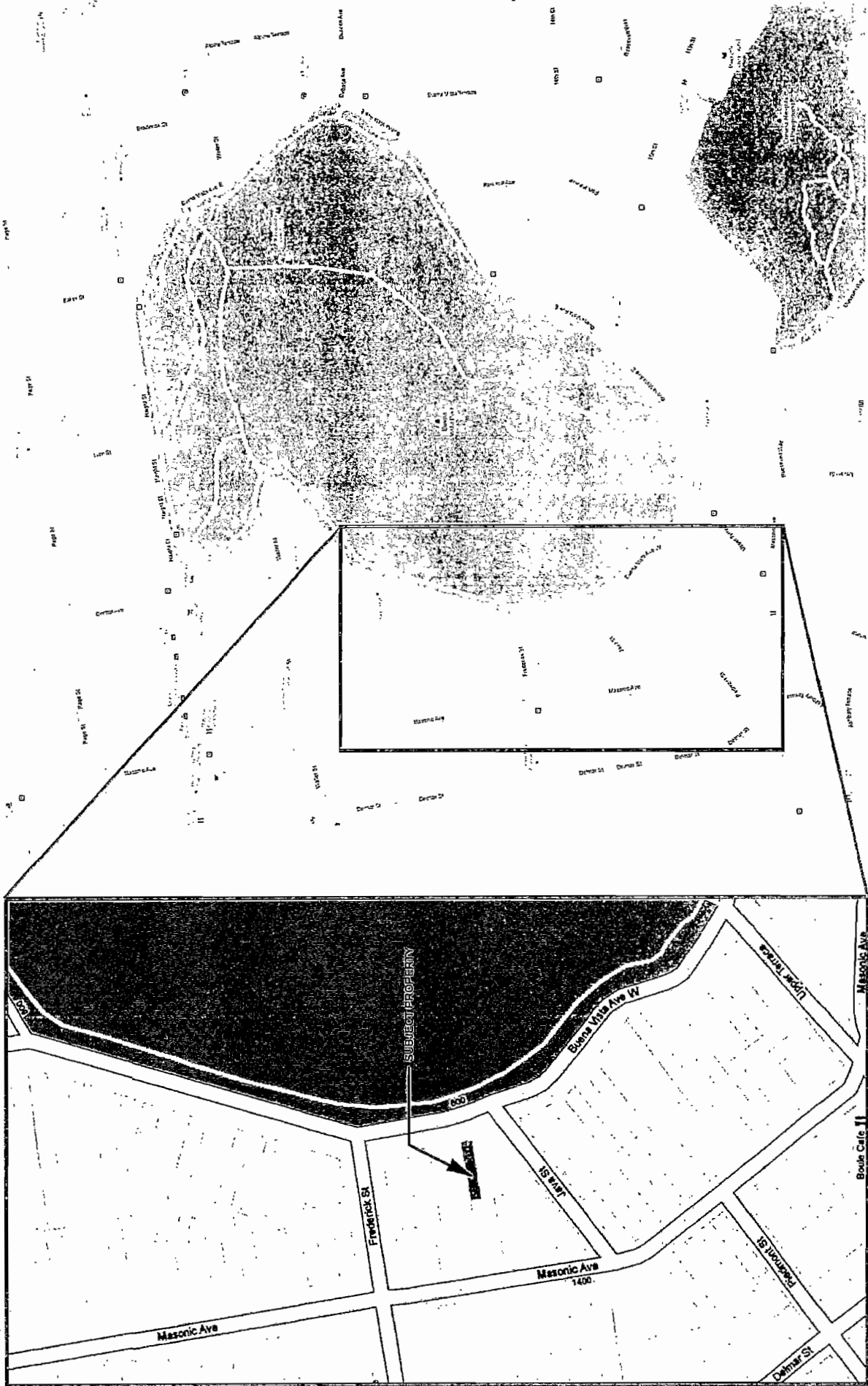
Anna C. Shimko
Sedgwick LLP

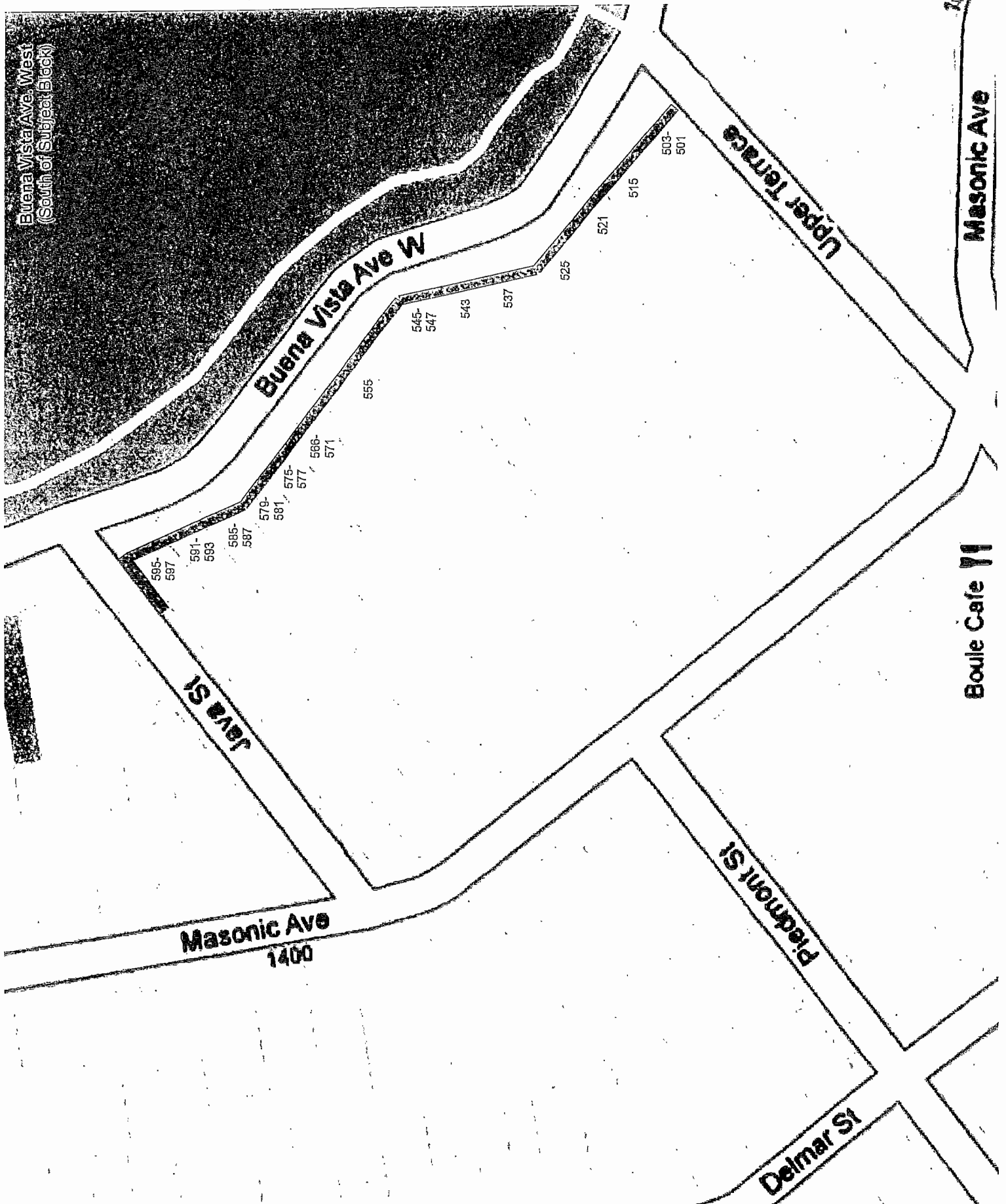
Enclosure

cc: Martin Roscheisen
Stephanie Kiriakopolos

Exhibit 1

Context Photos for Project:
611 Buena Vista West - 2011/05/04/5332





Buena Vista Ave. West
(Subject Block)

Buena Vista Ave W

600

701

86 88

Frederick St

1400- 37-39 31-35 21
1402

639

635

615-617

1430

1450

1460

1468

1460

1482

601

595-
597

Java St

25-27

33

1500-
1504

Masonic Ave

1400

le

Buena Vista Ave. West
(North of Subject Block)

009

795

789

783

777-
779

771

767

757-
759

755

739

737

731

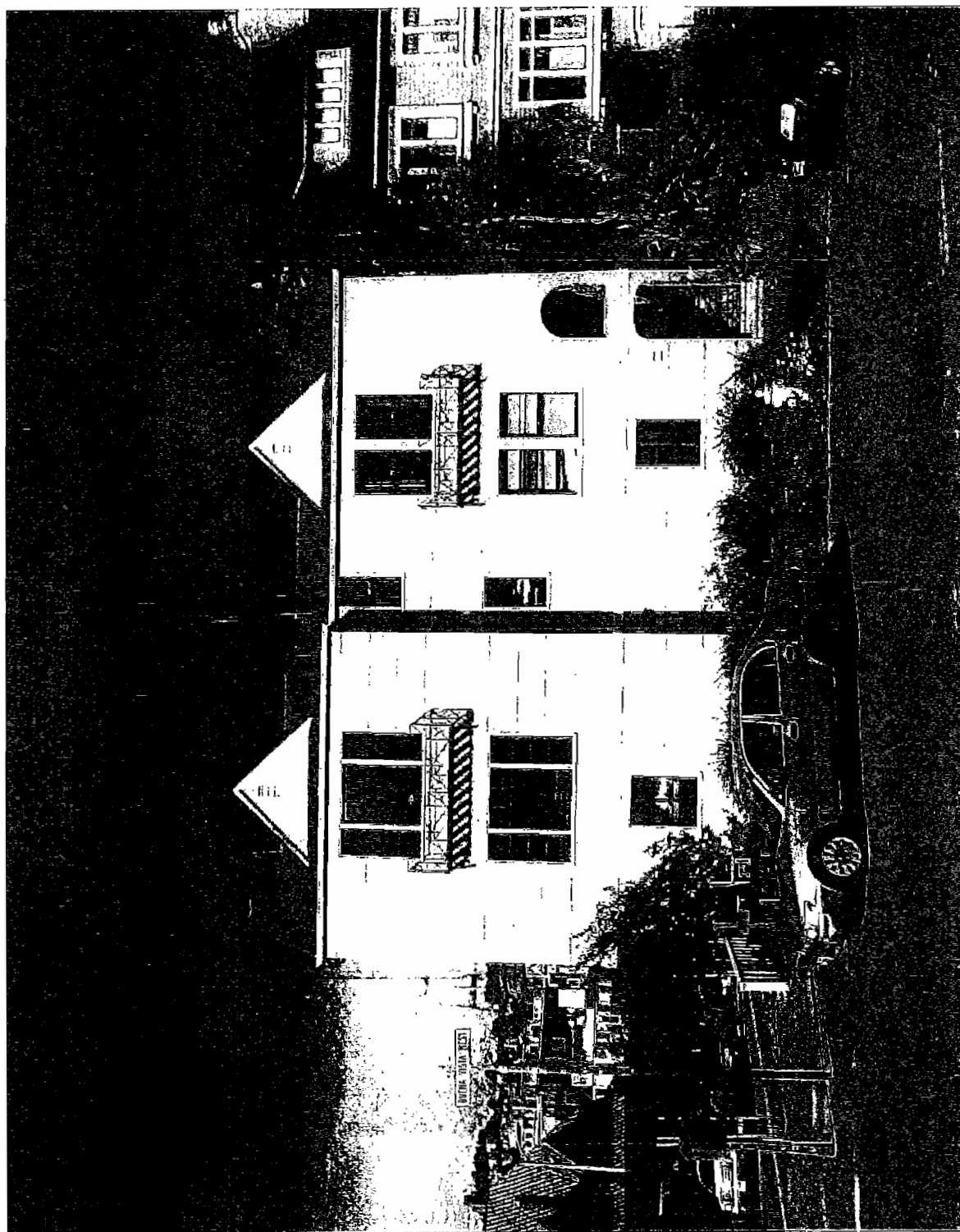
725

711-
715

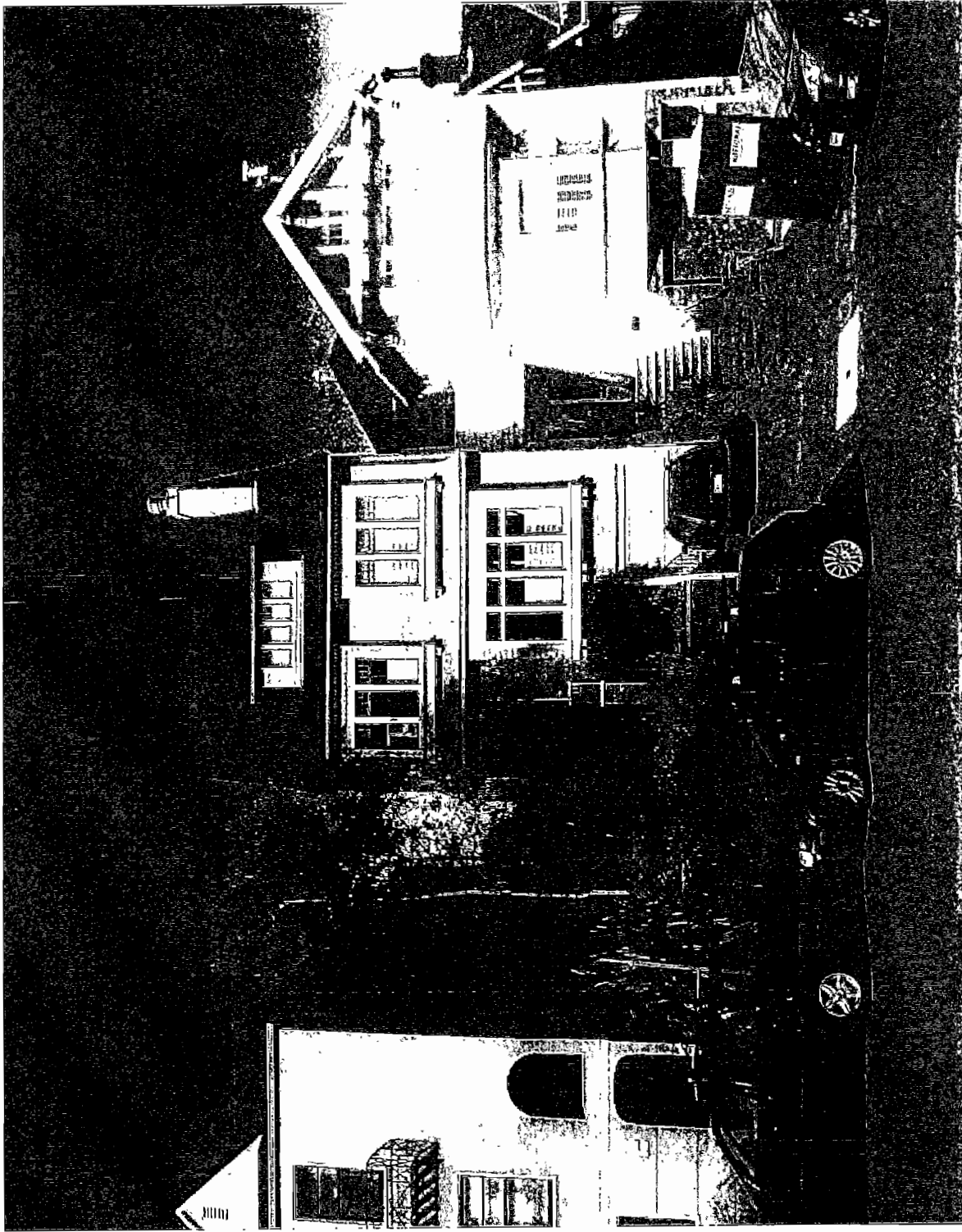
701

Masonic Ave

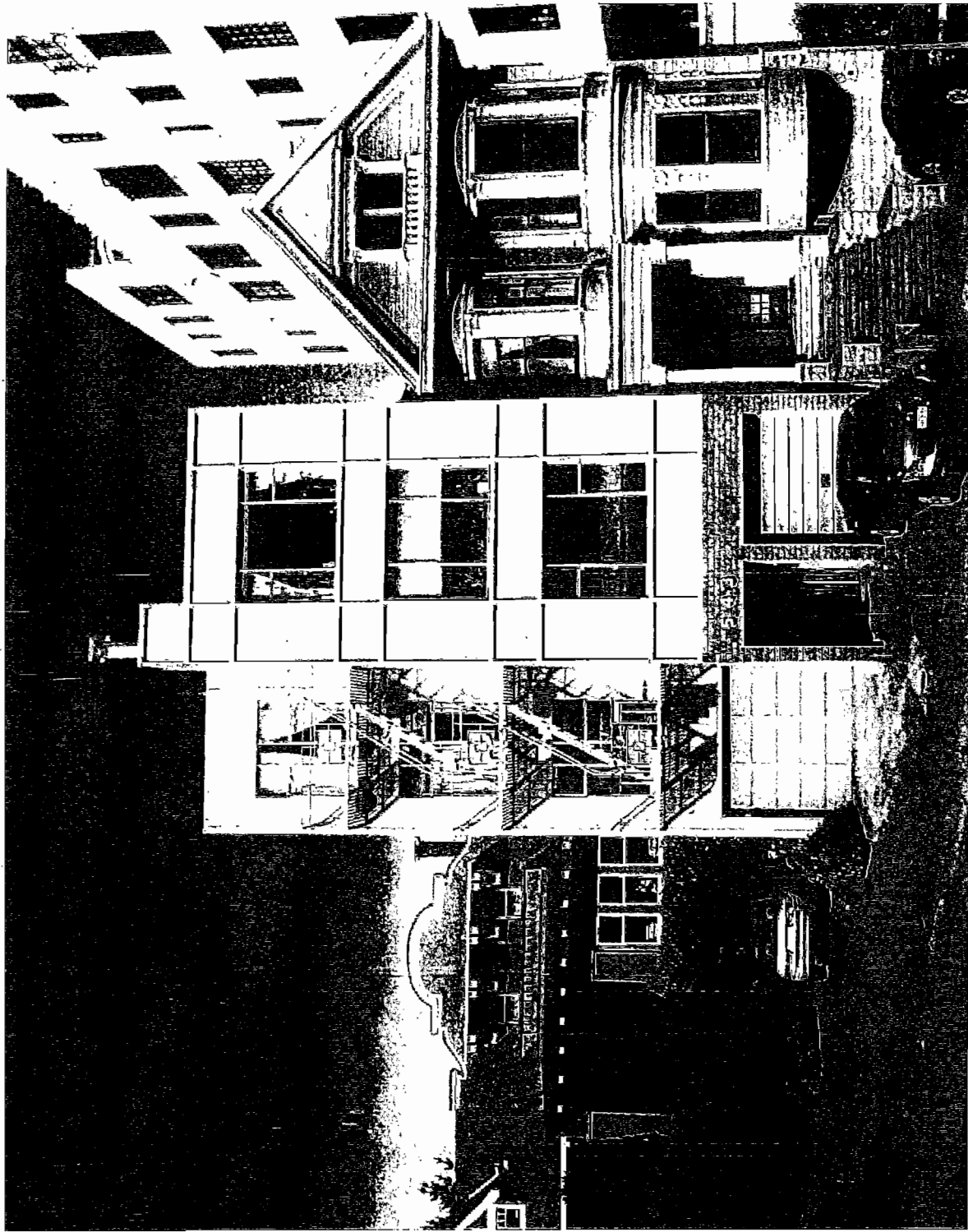
Frederick St



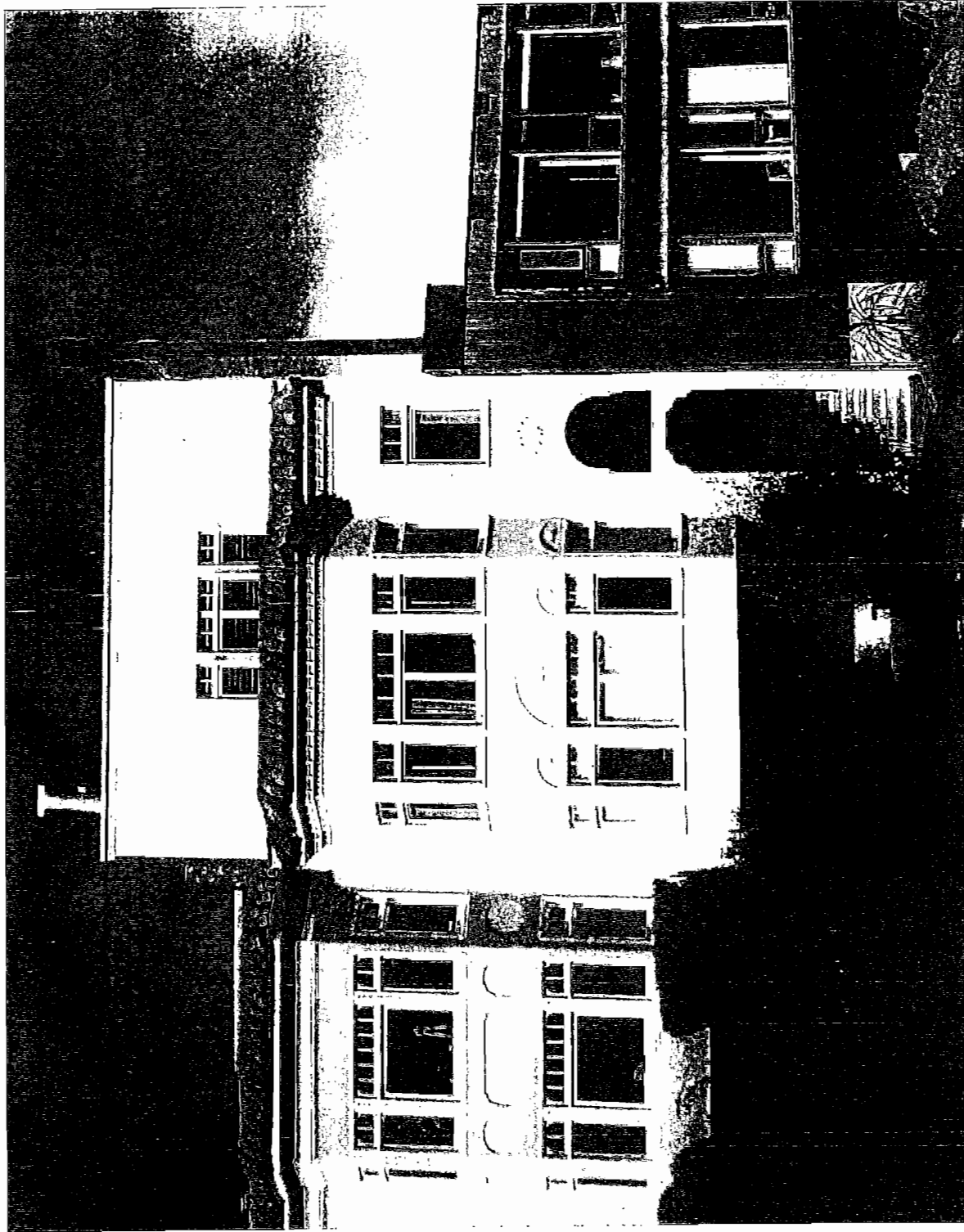
501-503 Buena Vista Ave. West
Construction Year: 1939



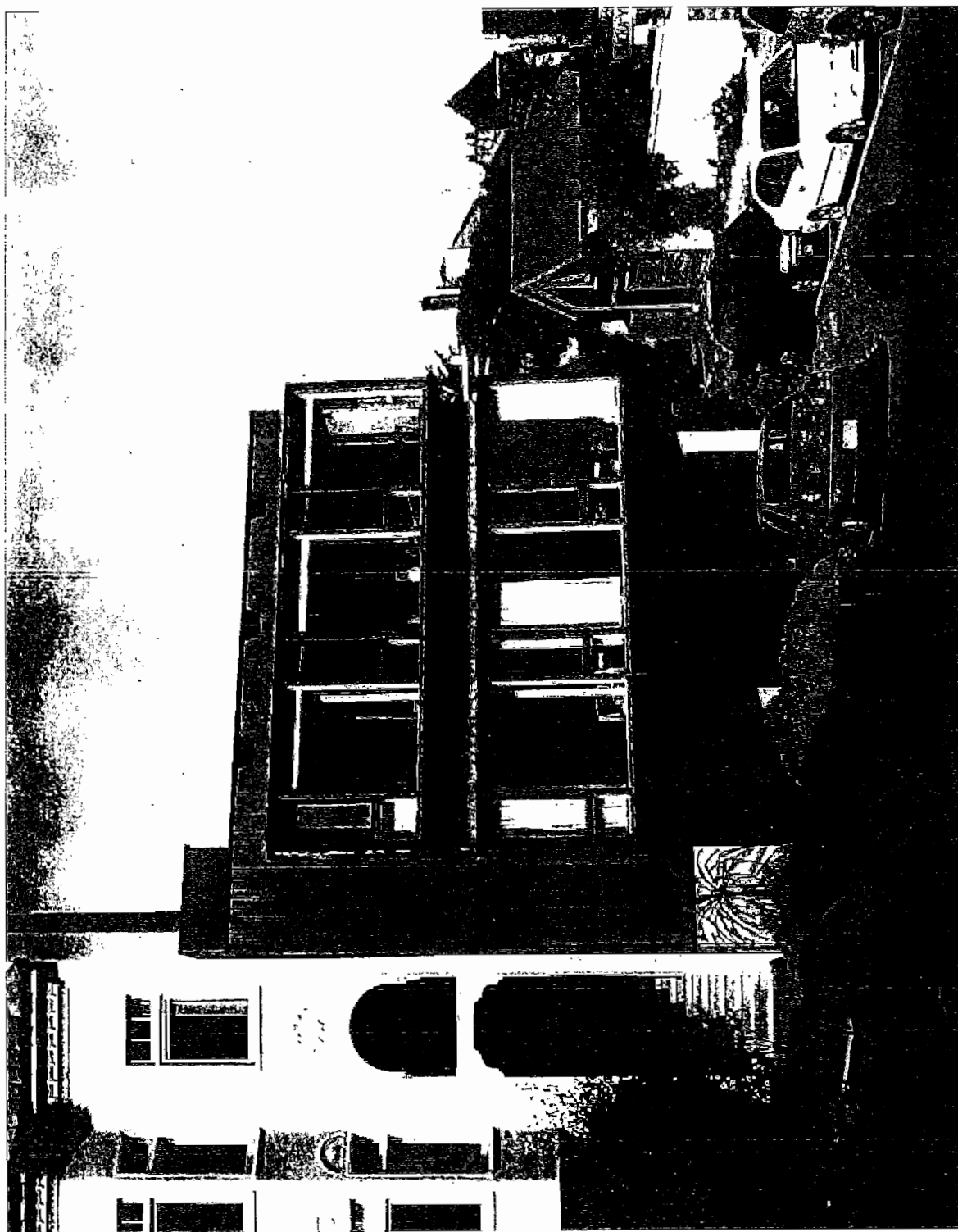
515 Buena Vista Ave. West
Construction Year: 1911



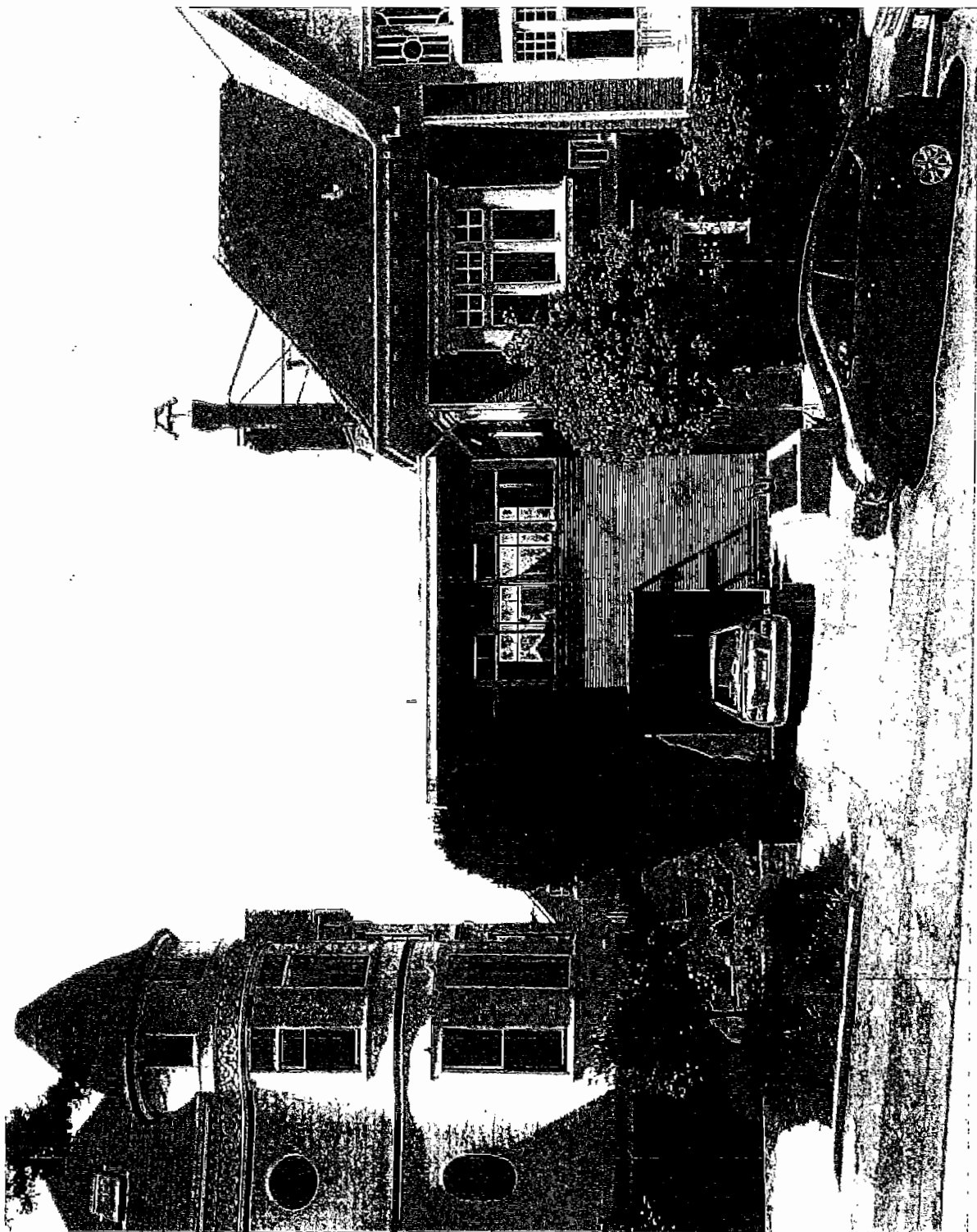
543 Buena Vista Ave. West
Construction Year: 1959



591-593 Buena Vista Ave. West
Construction Year: 1929



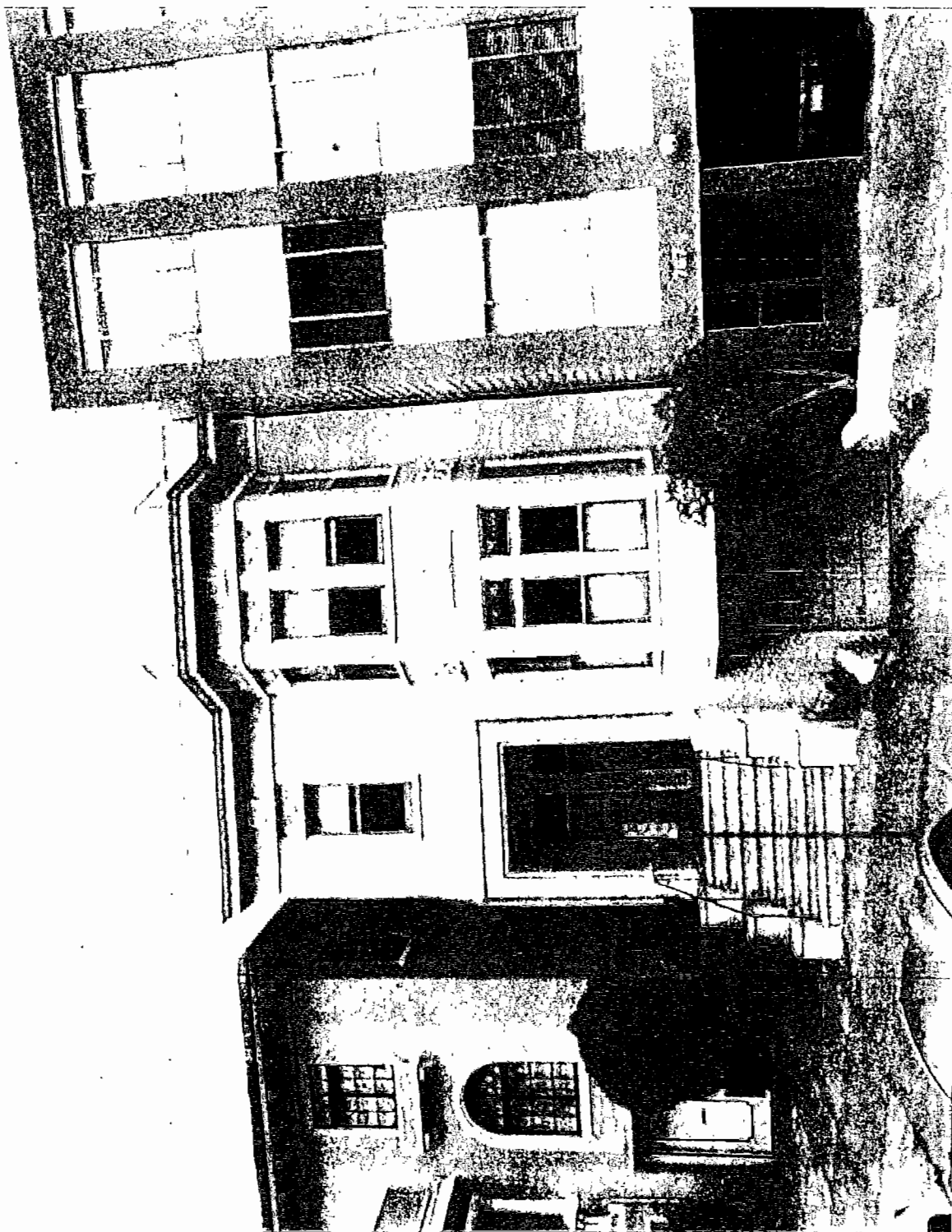
595-597 Buena Vista Ave. West
Construction Year: 1952



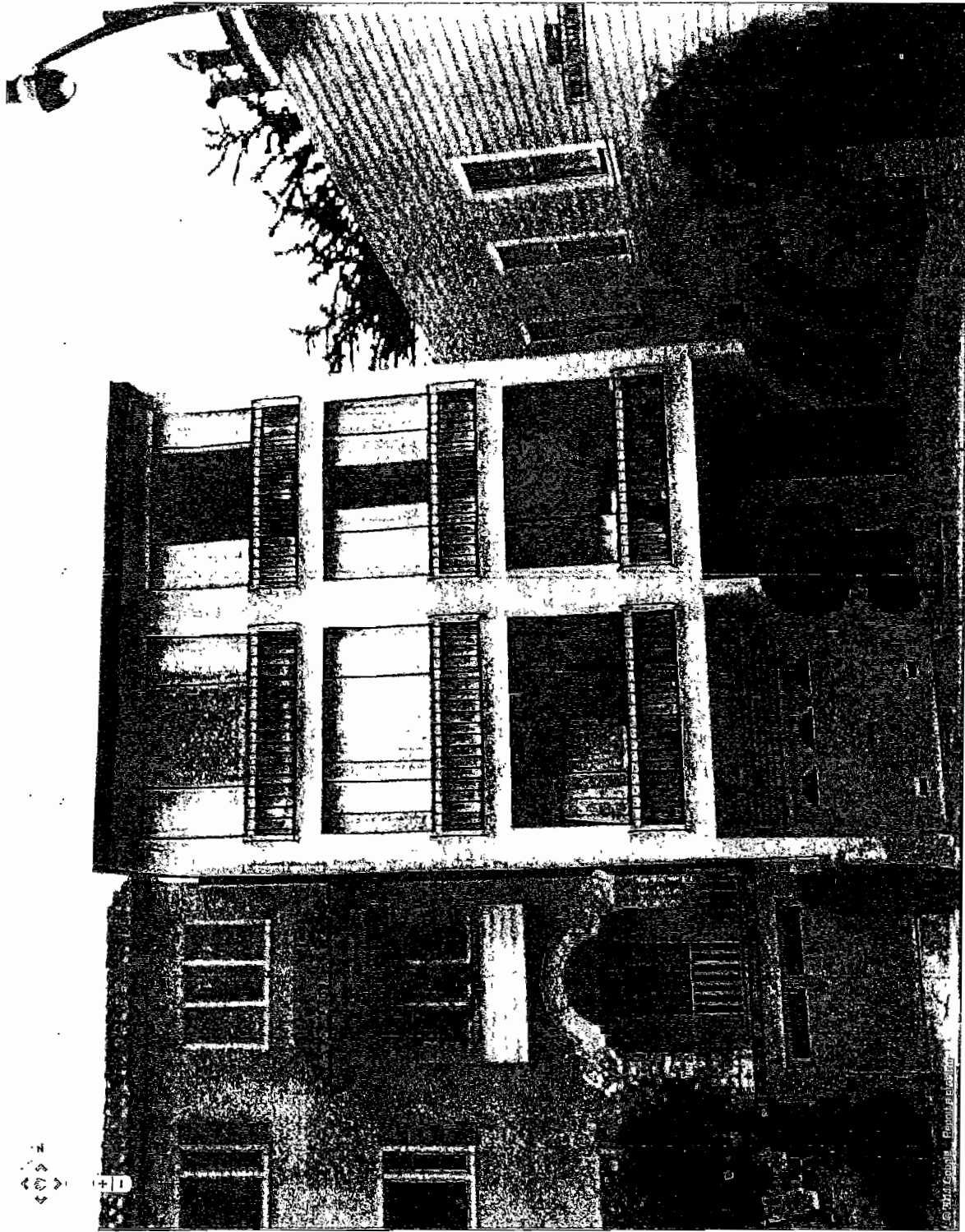
611 Buena Vista Ave. West - SUBJECT PROPERTY

Construction Year: 1946

Major Alteration: 2003



757-759 Buena Vista Ave. West
Construction Year: 1904



795 Buena Vista Ave. West
Construction Year: 1974

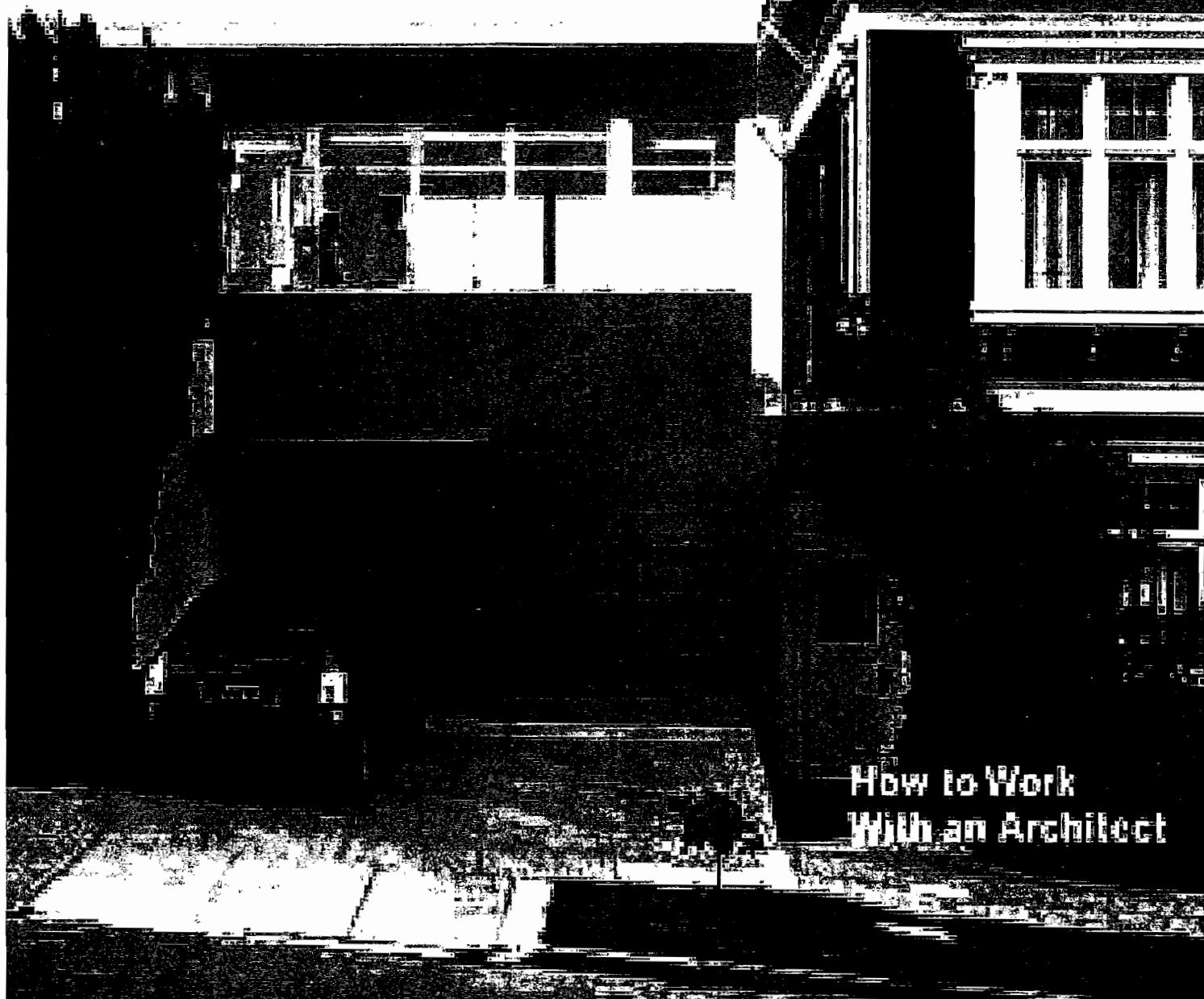
Exhibit 2

dwell

What's Brewing?

AT HOME IN THE MODERN WORLD

Small Is the New Big Homes Under 2200 Sq. Ft.



How to Work
With an Architect

dwell

AT HOME IN THE MODERN WORLD

Small Is the New Big
Homes Under 2200 Sq. Ft.

How to Work
With an Architect



0 70989 5005 7

Standout in a Crowd

In architecturally conservative San Francisco, this house built on a 20-foot-wide lot proves that modern design can fit—literally and figuratively—in any neighborhood:

The houses that circle San Francisco's Buena Vista Park run the gamut from wedding-cake Victorian to Scandinavian modern. Architect Cass Calder Smith aimed to create a façade that contextually relates to the adjacent ornate ones yet is purely modern.

Sitting above the tie-dye-dipped corner of Haight and Ashbury streets in San Francisco is Buena Vista Park, the city's oldest and most beautiful hilltop recreation spot. The park, which was established in 1867, was eventually encircled by large, ornate Victorian homes. Infill throughout the 20th century resulted in an odd assortment of lot sizes and a mix of architectural styles. It was here that inveterate bachelor Martin Roscheisen recently found a small house squeezed between two grand old painted ladies.

"The house was built in 1946 and really wasn't much of anything," explains Roscheisen. "What I did see was potential. The lot is situated high up on the hill and it's adjacent to the park. It has amazing views of Cole Valley, the Golden Gate Bridge, and the Pacific Ocean."

It was keen foresight that brought Roscheisen from Germany to the United States in 1988, and it was that same vision that helped him drive several Silicon Valley technology ventures to success a few years later. His knack for seeing potential where others might not, and his ability to move from concept to completion, propelled him to purchase the house and take on the daunting renovation project.

A mutual friend introduced Roscheisen to Cass Calder Smith, a graduate of the University of California at Berkeley's architecture program, and one of the Bay Area's rising architectural stars. Known for designing sleek modern interiors at standout restaurants in and around San Francisco, Smith was excited to take on the project and add to his growing list of residential work. "The existing house was typical of its period: a postwar shoe box with lots of tiny rooms and very few windows to take advantage of the great location," Smith affirms. "We decided to start over."

The two-year-long collaboration commenced with a series of candid conversations. At about the same time, Roscheisen launched a new company dedicated to pioneering solar technologies, and even swapped his sports car for a gas/electric hybrid. Attention to sustainability became a guiding principle, and also meshed with Roscheisen's desire for a home that was modern, highly textured, and a reflection of his European heritage. Most of all, the house had to be casual and comfortable. Restrictions, including a lot that was only 20 feet wide, figured prominently in Smith's thinking. Community concerns about changes to the historic character of the neighborhood ruled out building anything taller than the original structure. The architect settled on a solution that would fit within

the footprint of the original home, limit resource use, and make the house feel much more spacious.

Inspired by the language of classic modernism, Smith synthesized the celebrated idiom with his own contemporary standards, assessing how Roscheisen would interact with different areas of the house and even gauging how much time he would dedicate to each. The result was an innovative design for an 1,800-square-foot home that stripped away the excesses of personal accumulation and focused attention on transparent and rational living. That logic and sensibility can be traced back to de Stijl master Gerrit Rietveld, who, with his longtime collaborator Truus Schröder, championed progressive ideas for diminutive spaces with the groundbreaking 1924 Schröder House.

The results of Smith's design are captivating from the outside in. The blocky, rectangular front façade is softened by thin, stained-cedar slats set horizontally over dark blue plywood. An inset garage, also clad in cedar, and a deep, overhanging eave give the house playful dimensions and instant interest among its larger, more colorful neighbors. Windows on the second floor run the width of the fascia, further lightening the structure and offering expansive views of Buena Vista Park.

With no internal walls or visual barriers, each interior environment flows generously into the next. The first floor consists of a single bedroom and bath area framed by sliding glass doors. The spacious walk-in shower offers the best views of the sensational vista. A private raised patio in the small backyard further extends and expands the space into the outdoors.

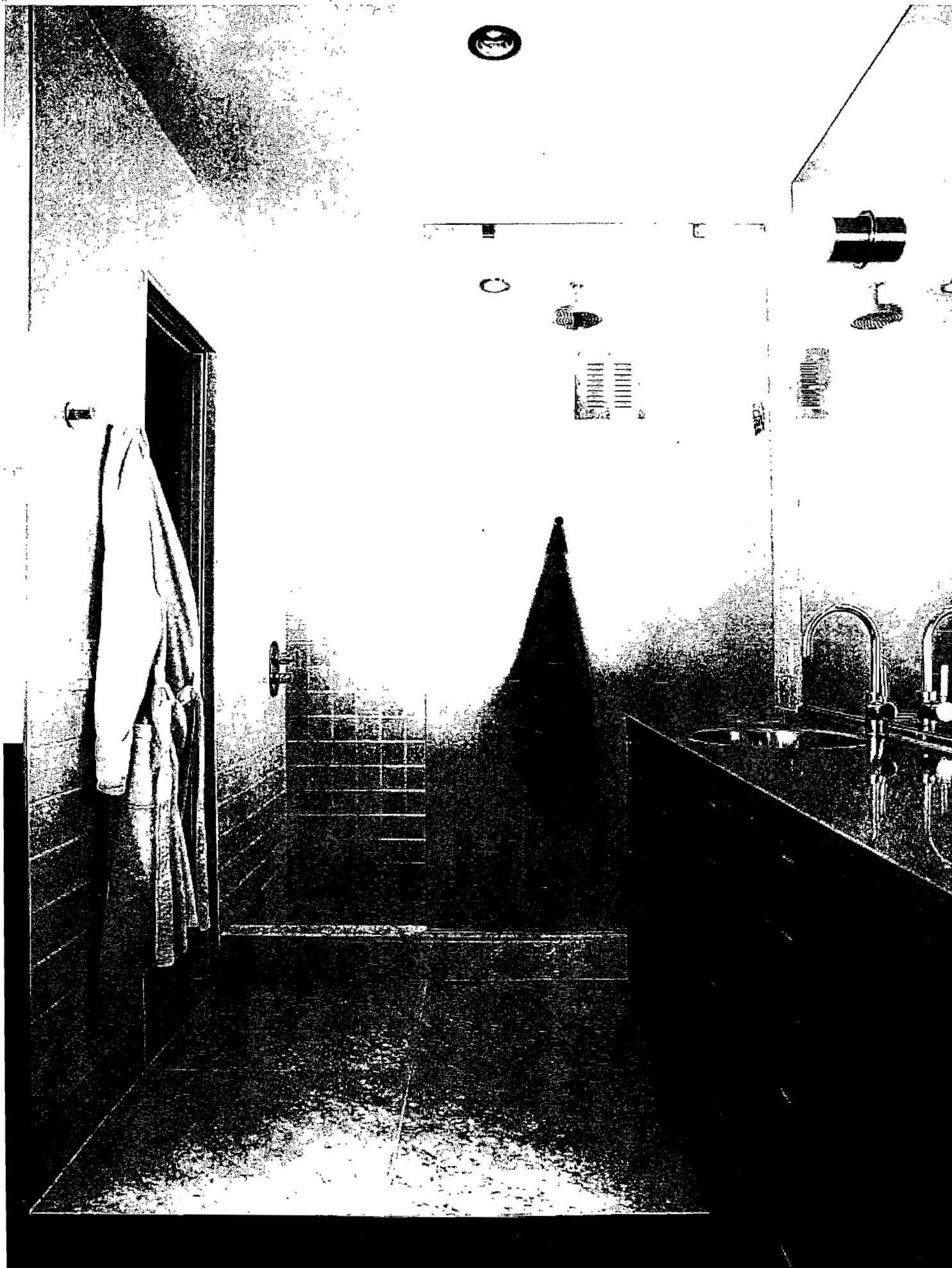
With only one bathroom in the original floor plan, Smith admitted concern and even considered adding a half bath for guests. "Martin loves to entertain, but he was very clear that we shouldn't give up any more square footage," the architect explains. Smith solved the problem by tucking a small guest room, with full bath, under the patio.

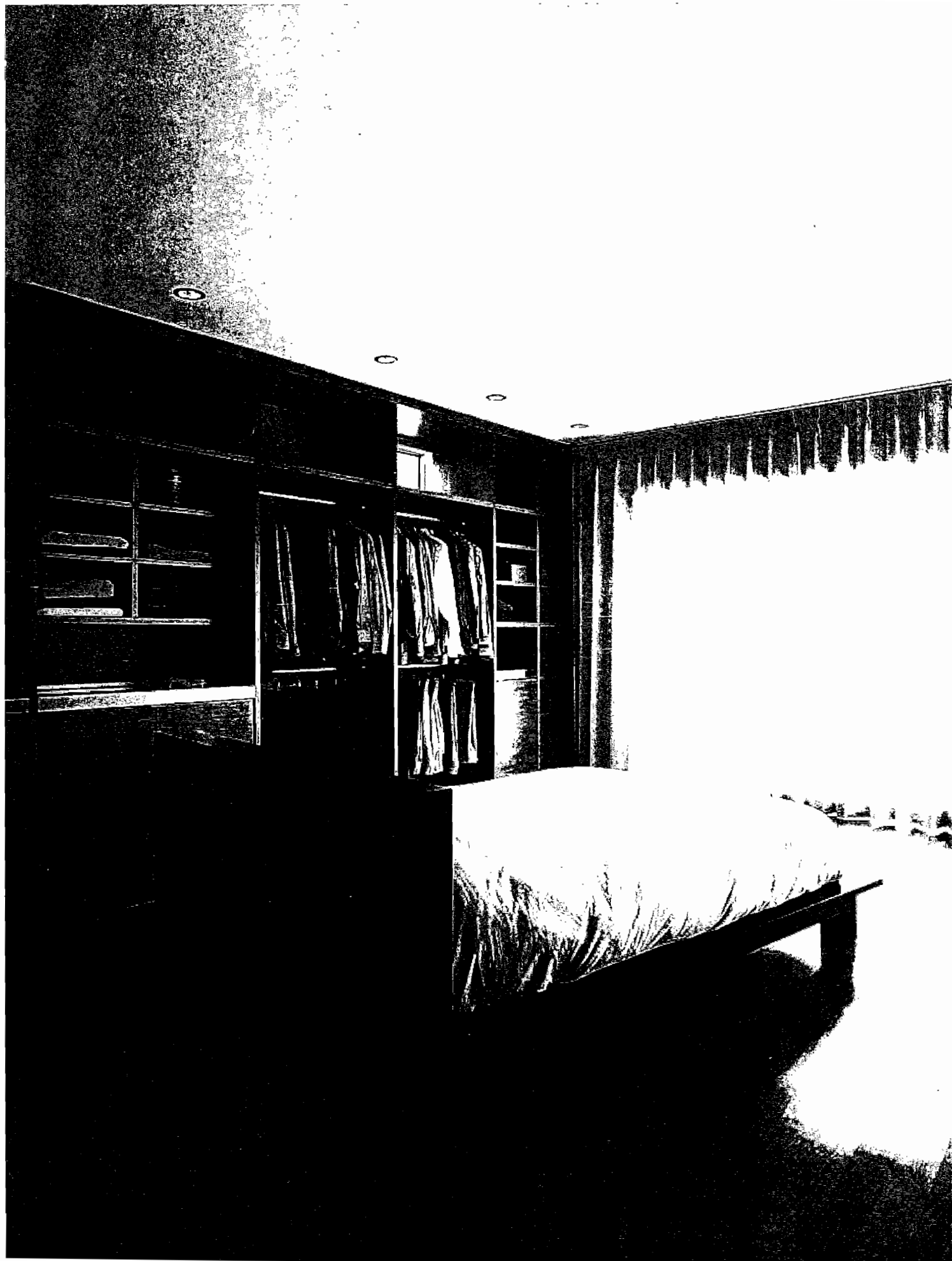
The upstairs is imaginative and open, a warm meld-ing of dark walnut, stainless steel, expansive glass, crisp white walls, and ample natural light. A 30-foot-long multifunction workstation is set off axis from the rect-angular plan and energetically shoots through the room toward the Pacific. Designed by Smith, it's the home's main engine, serving simultaneously as the dining table, kitchen, and home office. Starting at one end in walnut, it flawlessly morphs into stainless steel midway down. The unit includes plenty of storage, and a matching stainless steel dishwasher and small refriger-ator are slipped under the hip-height counter. A flat-panel monitor sits across from the sink, connected via optical cable to a computer that provides Internet access and runs the home's extensive media center.

When asked about the decision to forgo a full-sized refrigerator, or even an oven, Smith says, "It wasn't just about saving space. The house is in many ways a simple machine that responds to the homeowner. In that respect, we've done away with superfluous items that wouldn't get much use." For Roscheisen it was an easier choice: "A smaller refrigerator is perfect. I try to eat fresh and there's always enough room for a few bottles

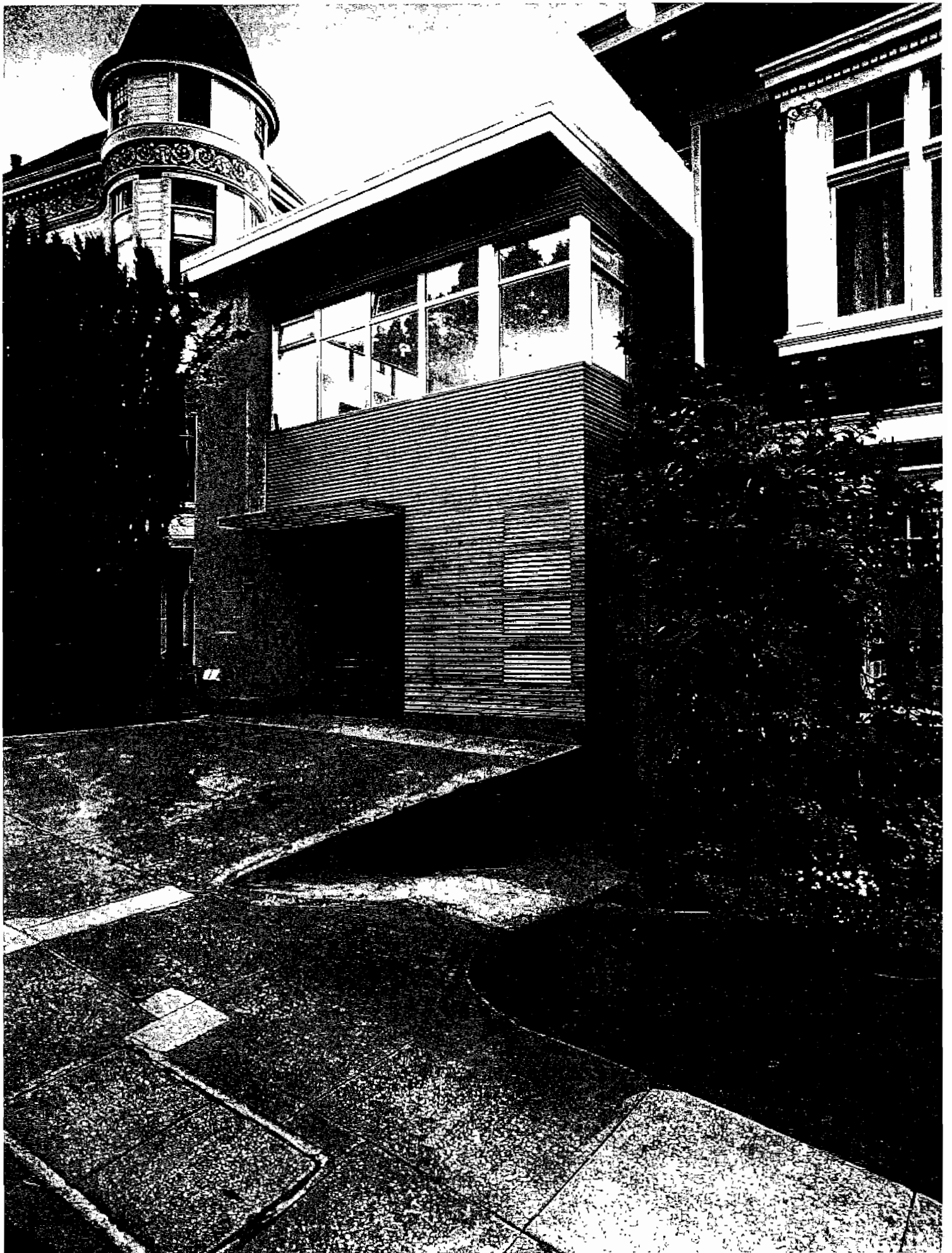
of wine.” Between the sitting area and the full-height windows that drape the rear wall is a futuristic hearth of spun steel. The Fire Orb, designed by architect Doug Garofalo, is suspended from the ceiling and can rotate 360 degrees. Its irresistible curvaceous form evokes the plastic-fantastic designs of the 1960s, befitting the house’s flower-power locale.

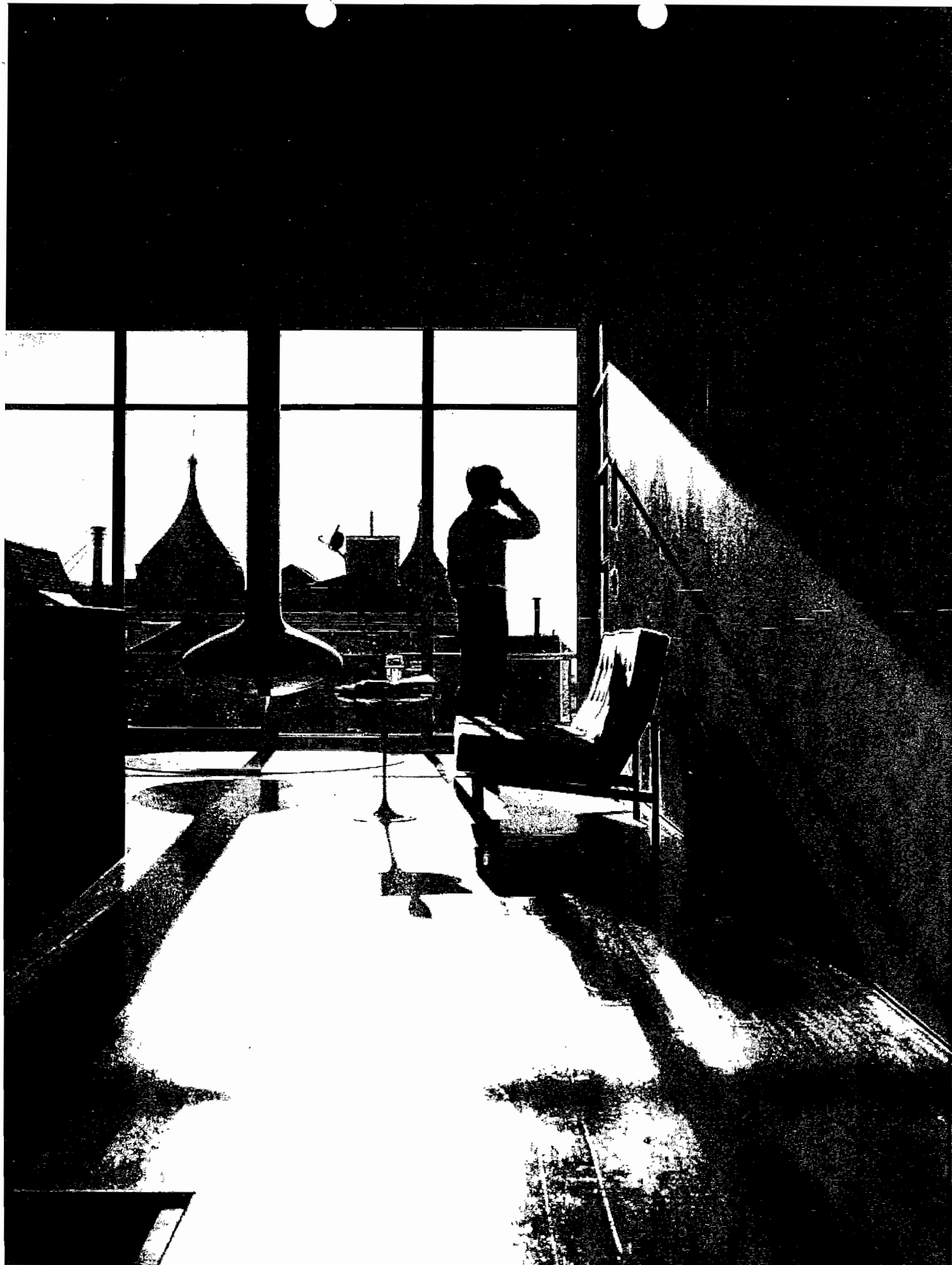
The additional levels of meaning built into Smith’s design transcend a simple bachelor-pad approach. Here, along Buena Vista Park, the neighborhood’s Gold Rush and psychedelic roots inform its modernist pedigree. Need and space drive content, so that objects in the home share divergent and unexpected roles. And with today’s traffic-clogged commutes and mountains of email, the best revenge just might be an evening with close friends relaxing in front of the Fire Orb, watching the sun drop below the Golden Gate.





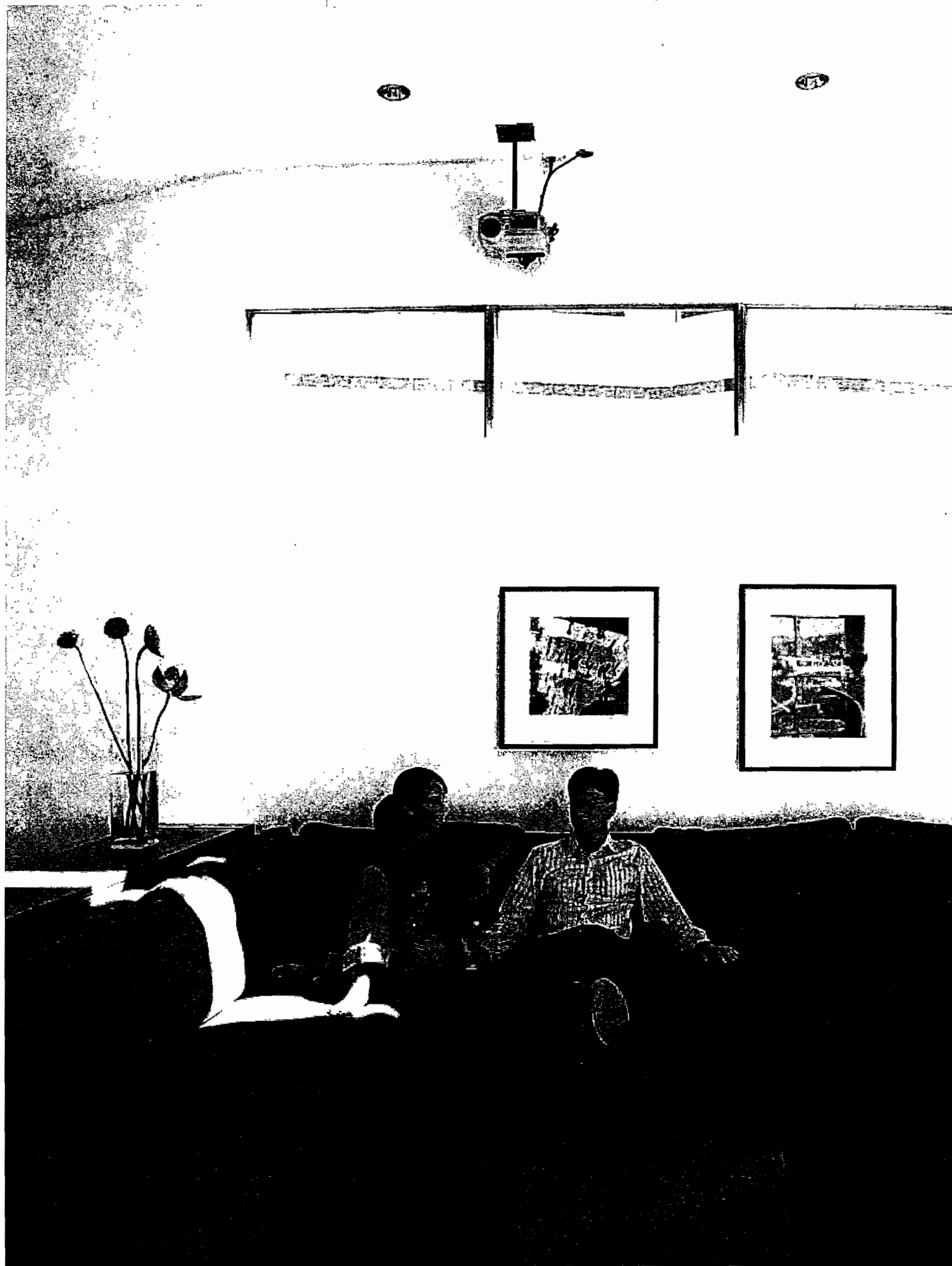












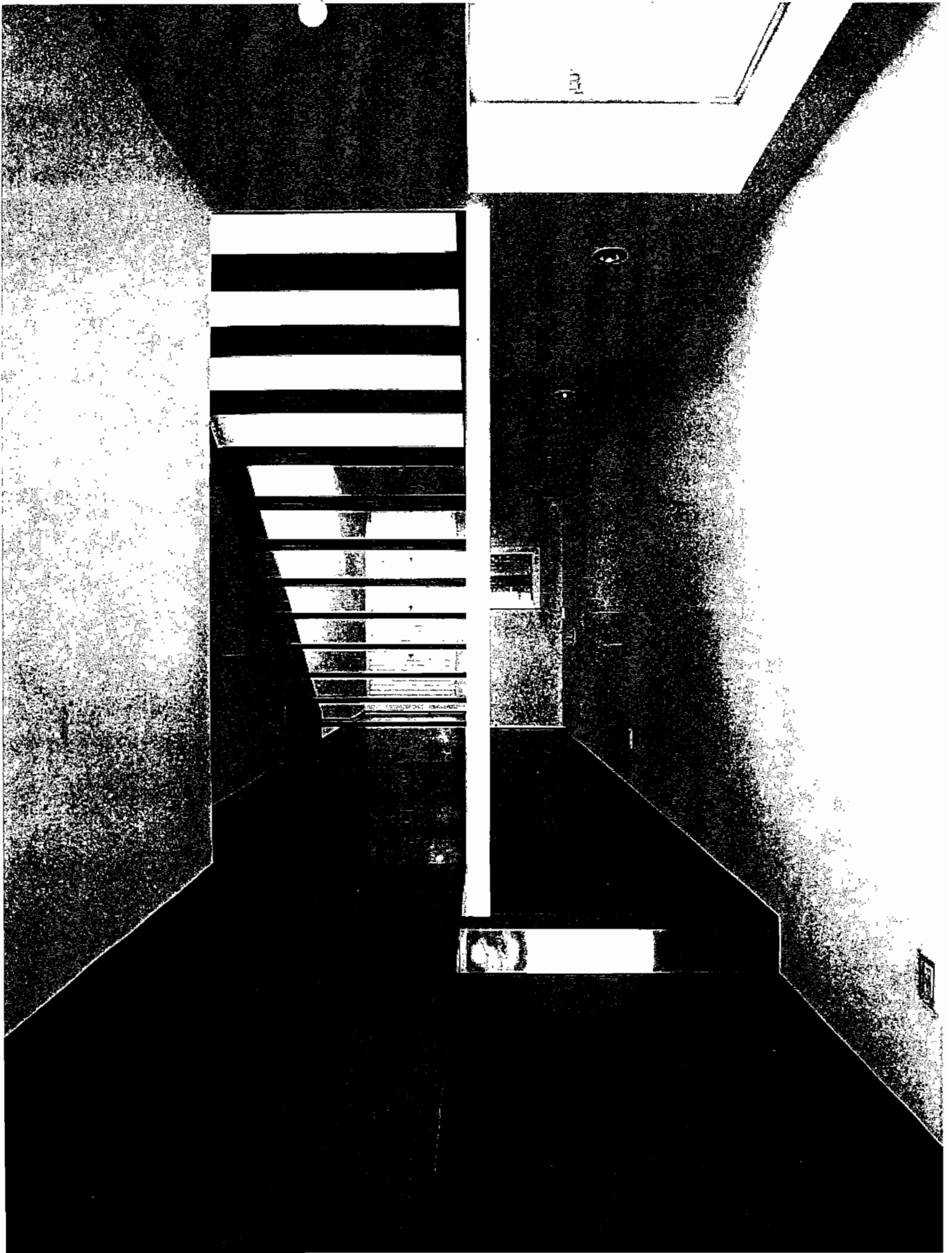


Exhibit 3

CCS ARCHITECTURE

200 CALIFORNIA STREET
 SUITE 200
 SAN FRANCISCO, CA 94102
 TEL: 415.398.1111
 WWW.CCSARCHITECTURE.COM

PROJECT NAME

MAKER MARTIN

ADDRESS

611 BUENA VISTA ST.

CITY

SAN FRANCISCO, CA

REVISION	DESCRIPTION
01.01.11	PROVISION SET
02.04.11	OFFER PERMIT
03.02.11	SITE PERMIT REVISION

SHEET TITLE

FLOOR PLAN - LEVEL 3

FILE

LISTEN_ARCHITECTING

DATE

03/02/2011

SCALE

1/8" = 1'-0"

SHEET

1

A2.03

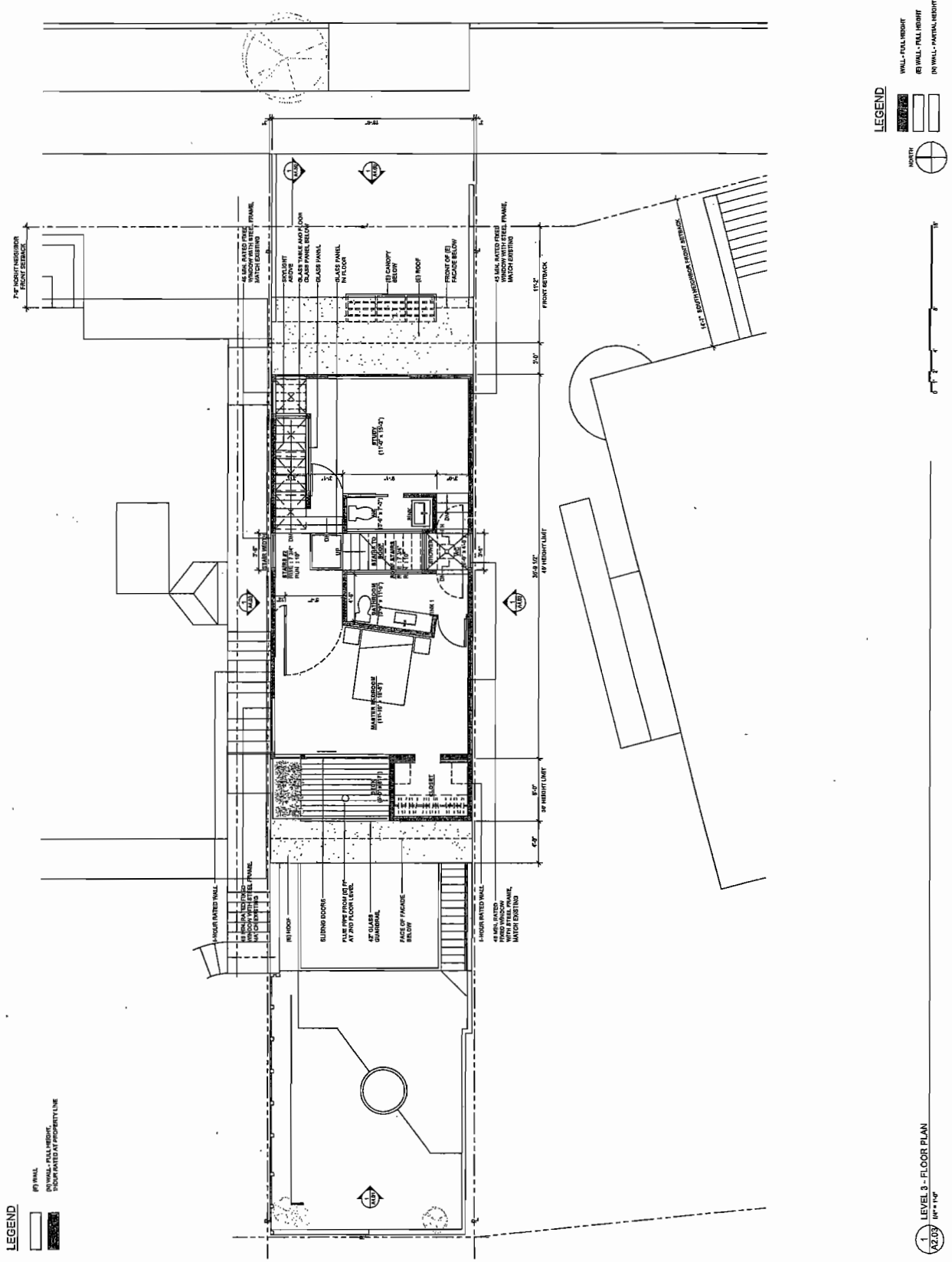


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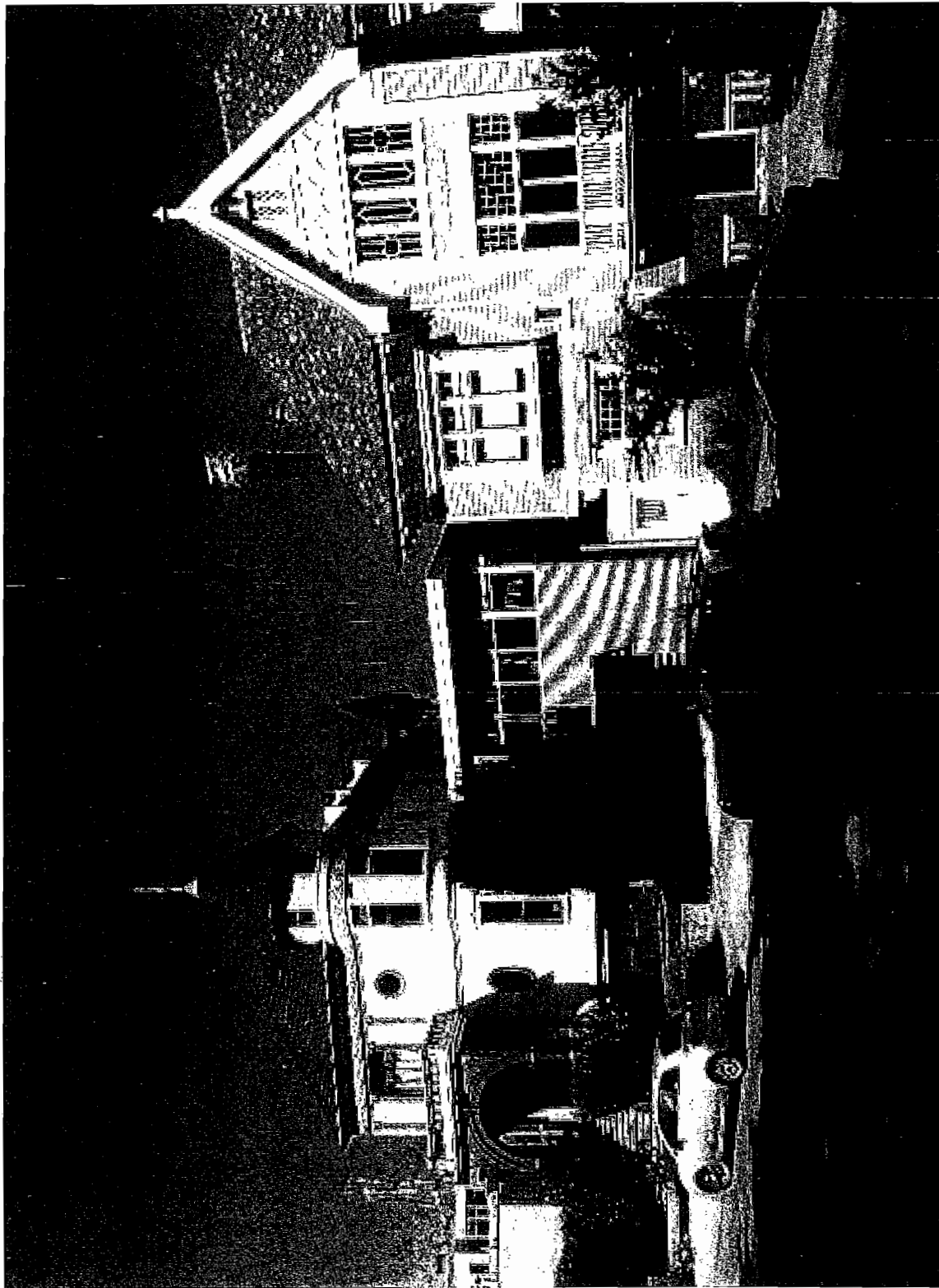
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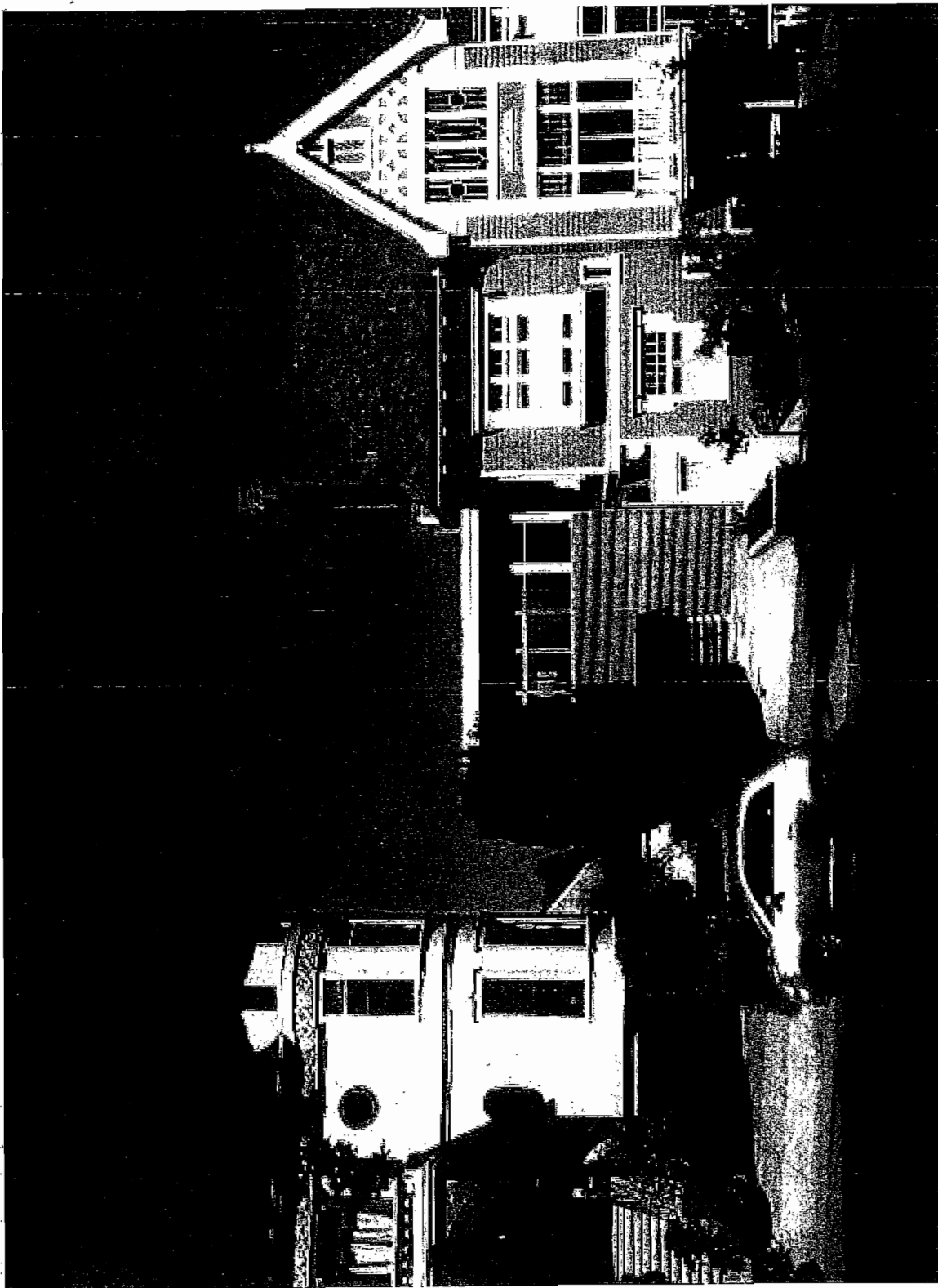
Public walkways in Buena Vista Park opposite to the Subject Property



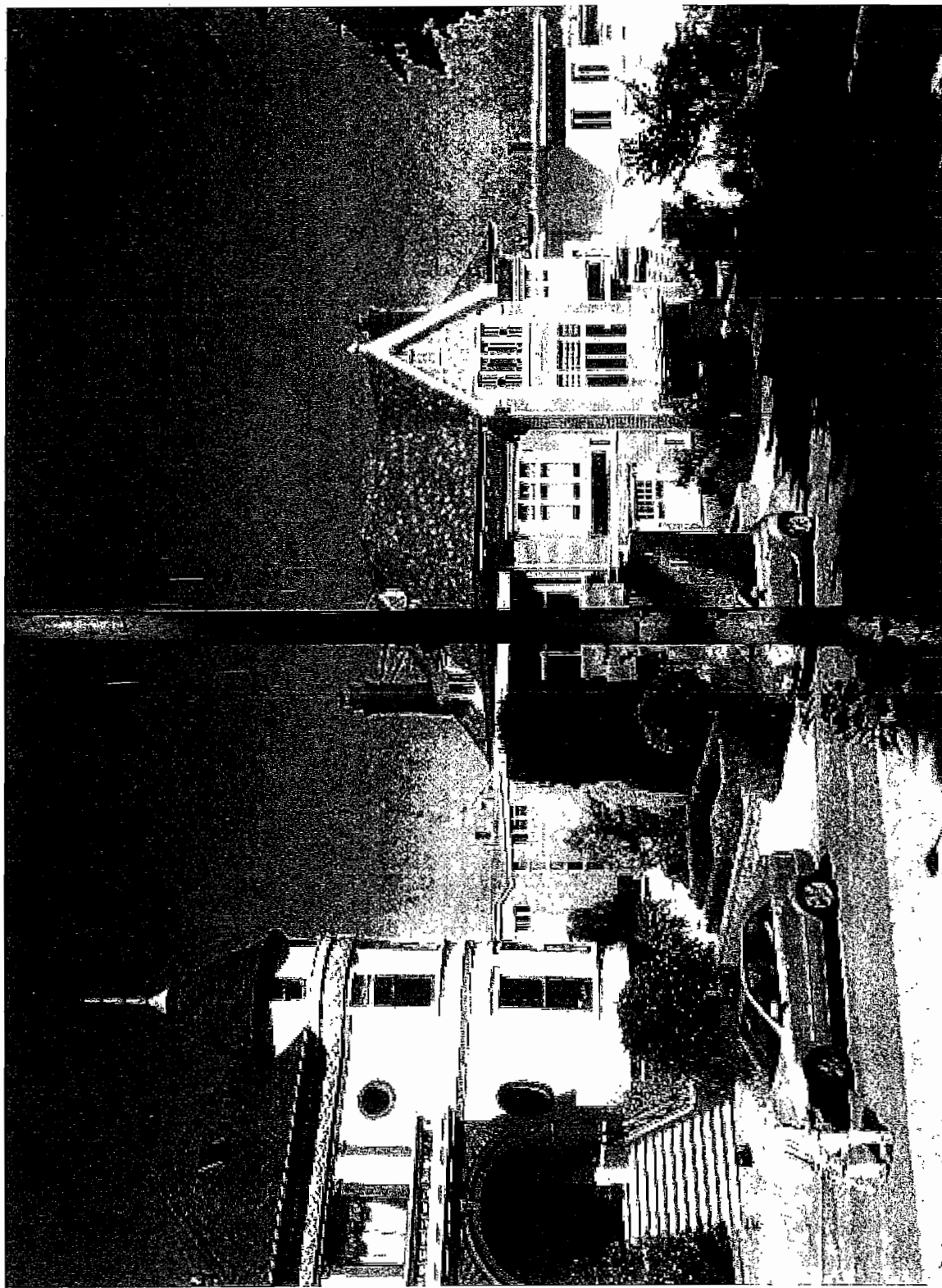
View from sidewalk — city scape not visible with or without floor addition



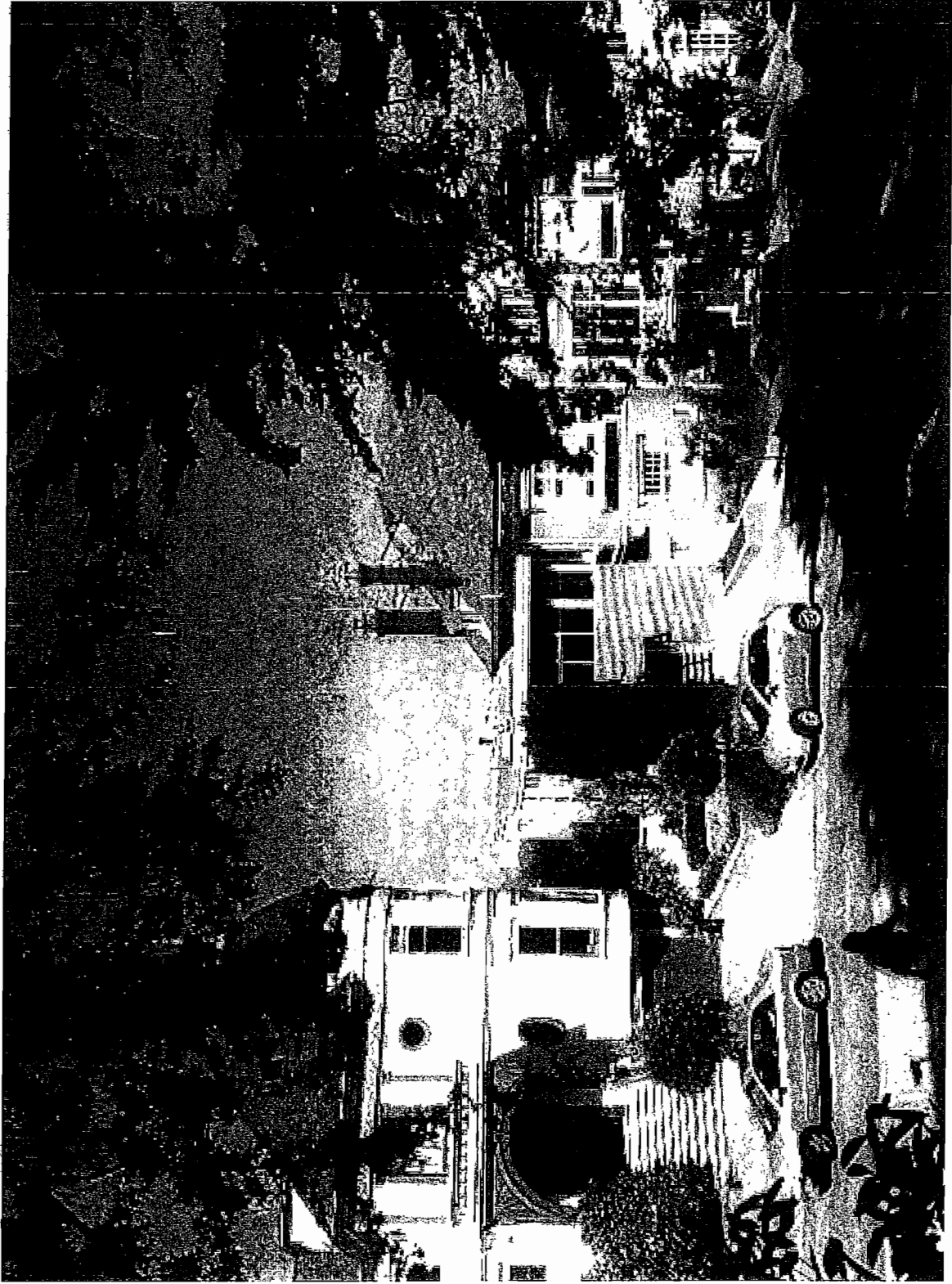
View from sidewalk — city scape not visible with or without floor addition



View from sidewalk – city scape not visible with or without floor addition



View from stepping inside park – city scape not visible with or without floor addition



View from inside park – city scape not visible with or without floor addition



View from inside park along trail – subject property not visible



View from inside park along trail – subject property not visible



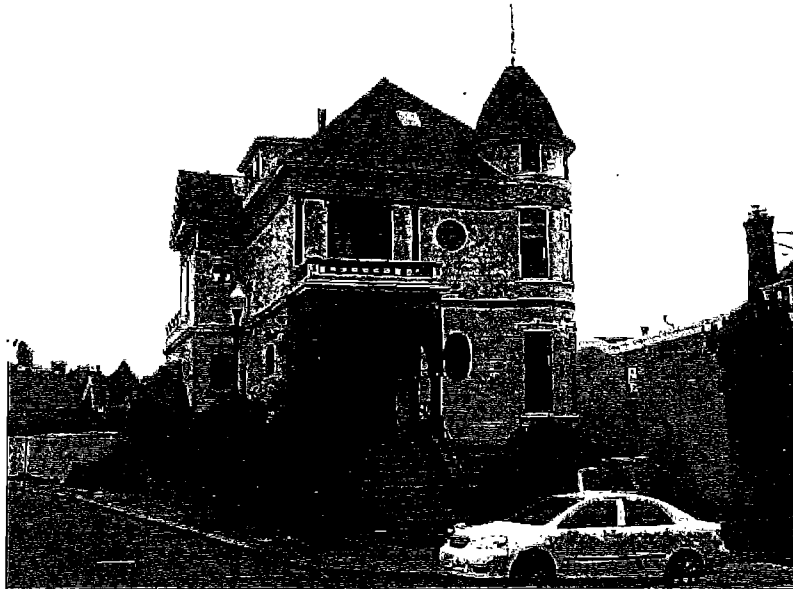
View from inside park on viewpoint – subject property not visible



Exhibit 5

HISTORICAL ANALYSIS

601 BUENA VISTA WEST
SAN FRANCISCO, CALIFORNIA



**601 BUENA VISTA WEST
SAN FRANCISCO, CALIFORNIA**

REPORT PREPARED
FOR
REUBEN & JUNIUS
BY
KELLEY & VERPLANCK
HISTORICAL RESOURCES CONSULTING
DECEMBER 18, 2007

2912 DIAMOND STREET #330, SAN FRANCISCO, CA 94131
415.337.5824 // WWW.KVPCONSULTING.COM

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INTRODUCTION

This report has been prepared at the request of Joel Yodowitz of Reuben & Junius, LLP, for the residential property at 601 Buena Vista Avenue West in San Francisco's Haight-Ashbury district. This report provides a detailed description of the property and its history, context, and relationship to the surrounding neighborhood. The property, constructed in 1895 for Eleanor Magrane, served as a single-family residence for nearly half a century. In 1943 it was converted into a six-unit apartment house. This conversion was evidently not permitted by the City. In the mid-1980s this conversion was finally legalized. In 2002, the current owners purchased the vacant property believing that it was a single-family dwelling and reversed the 1943 alterations. The owners now wish to restore the property's original classification as a single-family dwelling.

DESCRIPTION

Address: 601 Buena Vista Avenue West (451 Buena Vista Avenue West)

APN: 2603/004A

Date of Construction: February 1895

Source for date: *California Architect & Building News* (February 20, 1895)

Architect: W.H. Armitage

Contractor: C. Larsen

Original Owner: Eleanor (Ella) Magrane

Historic Name: Magrane Residence

Common Name: 601 Buena Vista Avenue West

Original Use: Single-family residence

Present Use: Single-family residence

Has the building been moved? No.

Architectural Style: Transitional Queen-Anne



Figure 1. Project vicinity: 601 Buena Vista Avenue West indicated with red highlight

Site

The building at 601 Buena Vista Avenue West sits on the southwestern half of an irregularly shaped parcel (APN 2603/004A) 2603 on the northwest corner of Java Street and Buena Vista Avenue West. The building faces east and is set back from the public sidewalk about 20'. Plantings occupy the small front yard and side yard facing Java Street. There is also a generous rear yard (Figure 1).

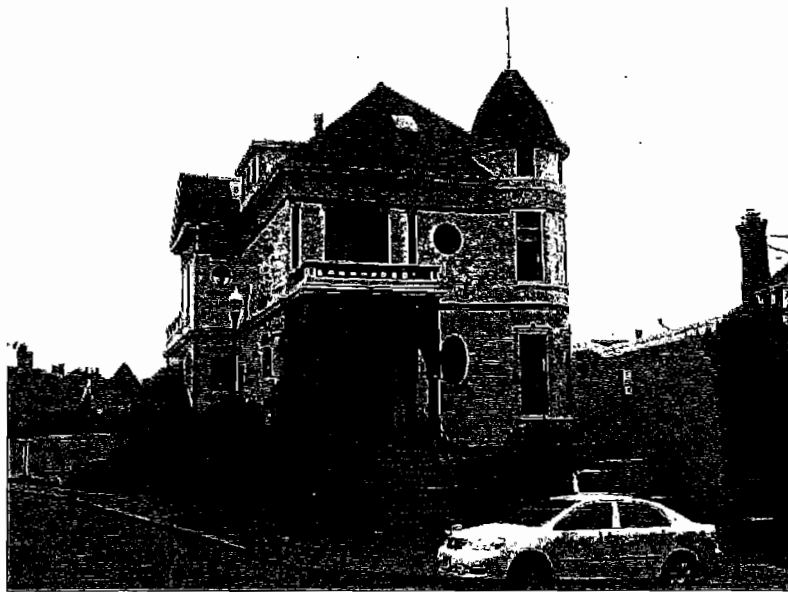


Figure 2. Front Façade, looking west.

Building Exterior

The building at 601 Buena Vista Avenue West is a two-story-over-basement-with-attic, wood-frame, single-family dwelling designed in the Transitional Queen Anne style. The primary façade is two bays wide and clad in shiplap wood siding. The left (south) bay features the main entrance concealed within a large arched portico. Terrazzo stairs with decorative iron handrails lead to the front entry porch. The portico has an arched entryway supported by square wooden columns. The portico shelters two glazed oak doors with a transom above. The portico features "sunbeam" motif brackets at each corner and it is capped by a balustrade composed of turned wood balusters. Above this is a fixed, wood-sash picture window with wood pilaster surrounds and a row of multi-light art glass lights above (Figure2).

The right (north) bay features a three-story, circular tower capped with a conical roof and finial. At ground level is a paneled, wood garage door. The tower cantilevers over the garage. An intermediate cornice separates the ground level from the second-story level. The second-story features an elliptical fixed window and three, one-over-one, double-hung, wood-sash windows. A shingled cornice separates the second-story from the third-story, which features a round fixed window and three, one-over-one, double-hung, wood-sash windows with a row of multi-light, colored art glass lights above. A decorative

cornice separates the third-story from the top of the tower, which features three, multi-light-over-one, wood-sash windows. The front façade is capped by a hipped roof with lower cross gables.

The north façade features a continuation of the façade, featuring one-over-one, double-hung windows on the second and third stories. The rear of the north façade has a light well capped by a decorative gable.

The south façade is characterized by irregularly placed double-hung windows on the second and third stories. The roofline features a shed-roofed dormer with three, fixed diamond-paned windows, a gable with decorative spindle work and a shed-roofed dormer with one fixed window. The rear of the south facade features large three-over-three fixed windows below what appears to be a third-story rear balcony.

The rear façade and interior were not surveyed for this report.

CONSTRUCTION HISTORY

According to the "City Building News" section of the *The California Architect & Building News*, Ella Magrane commissioned architect W.H. Armitage and contractor C. Larsen in January 15, 1895 to design and construct a frame residence at the northwest corner of Java and Buena Vista West in the amount of \$2932. Spring Valley Water Company records indicate that water service was initially installed on February 5, 1895. Based on the number of water taps, it is certain that 601 Buena Vista West was built as a single-family dwelling.

W.H. Armitage

William H. Armitage, the architect of 601 Buena Vista West, was born in England in 1861. He was trained as an architect in England and later immigrated to the United States, working initially as an architect in New York and Denver. He arrived in San Francisco in the early 1880s and started his own practice. According to San Francisco directory listings and *The Index of San Francisco Building, 1879-1900*, Armitage had a long career with a numerous commissions in San Francisco and the Bay Area. The last listing for Armitage in the City Directory is 1936. Little definitive information could be located regarding W.H. Armitage and his career, probably due to the fact that most of his work lay within the western residential districts, most of which have not yet been surveyed.

Record of Alterations

601 Buena Vista has undergone two major interior alterations over its lifetime; (1) conversion from a single-family residence to a six-unit apartment building in 1943, and (2) conversion from a six-unit flat back to its original use a single-family residence after 2002. According to San Francisco Planning Department Property Information Report, the Planning department still classifies the property as a six-unit building.

Sanborn Maps

The following section itemizes conditions at the property in each of the years Sanborn maps were published for the Haight-Ashbury neighborhood: 1899, 1905, 1913, 1950, 1967, 1974, 1987, and 1991.

- 1899** The 1899 Sanborn map illustrates 601 Buena Vista Avenue West as one of only three dwelling on block 2603 and the only residence on its particular block of Buena Vista Avenue West. The blocks surrounding Buena Vista Park were still sparsely developed with most of the development in the area occurring down the hill closer to Haight Street. The 1899 map depicts 601 Buena Vista West as a two-story-over-basement-and-attic residence situated on a large lot that also included a one-and-a-half-story-over-basement stable (See Appendix for 1899 Sanborn).
- 1905** The 1905 Sanborn map depicts little change from 1899. 601 Buena Vista Avenue West is still the only residence facing Buena Vista Avenue West on its block. The parcels north of Buena Vista Avenue West closer to Haight Street had begun to be developed with rows of similar single-family properties. However, the steeply sloping blocks surrounding Buena Vista Avenue Park remain sparsely developed, particularly on the more remote western side of the park.
- 1913** The 1913 Sanborn map illustrates that the Haight-Ashbury district had been largely built out. After the 1906 Earthquake most of the flatter blocks closer to Haight Street had been built out with rows of single-family residences and some flats. Closer to Buena Vista Park, Block 2603 had been built out as well, although the choice lots near the park were entirely developed with expensive single-family dwellings ranging from two to two-and-a-half-story buildings. The 1913 Sanborn map indicates that the subject property at 601 Buena Vista West had not changed since the 1899 Sanborn map was published (See Appendix for 1913 Sanborn).
- 1950** The 1950 Sanborn map reveals many changes had taken place in the Haight-Ashbury district since 1913, indicating the conversion of many single-family dwellings into apartments and the subdivision of large lots into smaller parcels to accommodate denser infill development. Most of this work occurred during World War II to accommodate legions of war workers who migrated to San Francisco. Much of the Haight-Ashbury had ceased to be a suburban middle-class area, accounting for the growing density. Further away from Haight Street, near Buena Vista Park, conditions do not appear to have changed as drastically. Although the 1950 Sanborn records that the subject property had been subdivided and 601 Buena Vista West converted into a six-unit apartment house, it appears to have been an anomaly. Most of the adjoining properties facing Buena Vista Avenue West remained in use single-family properties (See Appendix for 1950 Sanborn).

1967-91 The Sanborn maps produced during the period of 1967-1991 show little change to either the subject property or the surrounding blocks.

Permit History

No original building permit has been located for 601 Buena Vista Avenue West. This is due to the fact that all Victorian-era city-maintained building records were destroyed in the 1906 Earthquake and Fire. Some private company records did survive the disaster. Spring Valley Water tap records and the building announcement in *The California Architect & Building News* indicate a construction date of 1895. The following section lists and describes all post-1906 recorded permit applications on file at the San Francisco Department of Building Inspection.

- 1943** The United States National Housing Administration Homes Use Program filed for an application to convert the single-family residence at 601 Buena Vista West to a six-unit apartment. The work cost \$11,000.00. The plans indicate the construction of interior partitions to install two units on each floor, totaling six units. Apparently the City did not change the classification of the property from a single-family property to a multiple-family property. Owners of the property were Andrew F. and Florence Magrane.
- 1973** Mr. and Mrs. R. Deibert and Mr. and Mrs. Keville applied for an application to repair fire damage with no specifications as to where the fire damage was located.
- 1981** Owner Dr. Charles Glassman filed an application to correct all code violations noted in a building inspector's report dated November 30, 1979. This application lists the building was as being four stories and comprised of seven units. It appears that the seventh unit was constructed in either the basement or the attic without a permit between 1943 and 1979.
- 1984** Dr. Charles Glassman received a certification of Final Completion and Occupancy dated June 20, 1984 after correcting the code violations noted in the building inspector's report dated November 30, 1979. This appears to be when 601 Buena Vista West was officially classified in City records as a multiple-unit building
- 1994** Dr. Charles Glassman applied for a permit application to completely re-roof the building.
- 2002** Matthew P. Leffers, the current owner, filed a permit application to demolish two chimneys.
- 2003** Matthew P. Leffers filed several permit applications to remedy termite damage, install a new radiant heating system, install four gas fireplaces, undertake mechanical duct work for kitchen and baths, repair interior staircases, install retaining walls, and re-roof the building. By this point 601 Buena Vista West had returned to its original use as a single-family property

although it was still evidently listed as a multiple-family property in City records.

- 2004 Matthew P. Leffers applied for plumbing and mechanical permits to remodel five bathrooms, kitchen, and laundry room and install a gas line.

OWNERSHIP HISTORY

Eleanor (Ella) Magrane resided at 601 Buena Vista Avenue West from 1895 until 1922¹. Eleanor was the widow of Mathau Magrane, who was employed as a carpenter/house builder. Eleanor and Mathau had immigrated to the United States from Ireland in the 1870s and had seven children. The 1900 and 1910 Census shows Eleanor and three adult children residing at 601 Buena Vista Avenue West.²

In 1914, Eleanor deeded 601 Buena Vista Avenue West to her daughter Letitia Rose Flanagan. Ms. Flanagan owned the house until 1925 but does not appear to have lived there during that period, residing instead at 771 11th Avenue with her husband James Flanagan.³ Letitia Flanagan deeded the property to her brother, Andrew and sister, Florence in 1925. According to the San Francisco Directories, Andrew and Florence resided at 601 Buena Vista Avenue West until 1935.

After 1935, the San Francisco directories have no listing for either Andrew or Florence Magrane although they retained ownership of the property. It was during this period that the Magranes took advantage of a federally funded program, known as the United States National Housing Administration Homes Use Program, to convert the house into a six-unit apartment building. Letitia Keville (formerly Flanagan) inherited the property again in 1949. In 1968, following Letitia's death, her children Franklin and Elizabeth Keville and Letitia and Richard Deibert inherited the property. The Kevilles and Deiberts sold the property to Dr. Charles Glassman in 1977 and he sold the property to James Toohey in 2000. Matthew P. Leffers purchased the property in 2003.

CONTEXT & RELATIONSHIP

Brief History

Buena Vista Park, originally Hill Park, was located in the Outside Lands of San Francisco and was slated to be part of Golden Gate Park in the late 1860s.⁴ The area surrounding Buena Vista Park south of Waller Street was originally part of the Flint Tract while the northern edge of Buena Vista Park and Haight Street were included in the Western Addition survey. Early cable car transportation allowed the area to slowly develop beginning in the 1880s. By 1896, the park had not yet been improved or ornamented but

¹ San Francisco Directories 1895-1925.

² U.S. Census Bureau, *Twelfth and Fourteenth Census of the United States: 1900 and 1910 Population*, Enumeration District 121 and 95.

³ San Francisco Directory 1910-1920.

⁴ Timothy Keegan, "Buena Vista Park."

The San Francisco Circular, stated: "...this tract will eventually be one of the most desirable in the city."⁵

The Buena Vista neighborhood increased in popularity as the years progressed and more architects and builders developed rows of houses in the greater Haight-Ashbury district. The Buena Vista neighborhood – the hillside area bounding Buena Vista Park – developed somewhat slower than the rest of the Haight because it was farther from transit along Haight Street and more expensive with its large lots geared toward grand single-family dwellings. After the 1906 Earthquake and Fire, earthquake refugees sought shelter in parks and open spaces and Buena Vista Park became a refugee camp. Some of the refugees stayed and built homes in the area, causing an upturn in residential and commercial construction. By the First World War, the Buena Vista neighborhood was almost entirely developed, mostly with expensive single-family houses, although there were also several apartment buildings constructed before the war. During the Second World War, the Haight-Ashbury district experienced a population boom as war workers moved into apartments in the converted single-family homes vacated by the middle classes.

The greater Haight-Ashbury district received much notoriety during the Summer of Love of 1967 and it soon became known as the center of the worldwide Hippie movement. Drug dealers moved in to cater to the newcomers and the chaos that followed the Summer of Love caused the Haight-Ashbury to become increasingly squalid and rundown during the 1970s. By the late 1980s, couples and families had begun purchasing the large but undervalued houses in the area. Ashbury Terrace and Buena Vista Avenue were especially popular because of their dramatic views of park and city. Although some of the houses had been chopped up into smaller units, most were largely intact and much rehabilitation work occurred during the last two decades of the twentieth century. Buena Vista Park – long considered to be an unsafe and neglected park – was also revitalized during the 1980s and 1990s after neighborhood associations began lobbying City Hall for improvements.

Neighborhood Context

601 Buena Vista West occupies a portion of the Buena Vista neighborhood, itself part of the larger Haight-Ashbury district, a densely developed area of late Victorian and early Edwardian-era residential construction centered along Haight Street, a major east-west commercial and retail thoroughfare. Housing stock in the area consists primarily of single-family dwellings, although many of these were converted into multiple-family properties during World War II to house legions of out-of-state war workers who migrated to San Francisco to take jobs in the shipyards and defense industries.

601 Buena Vista Avenue West is located in the western part of the greater Haight-Ashbury district along the southwestern part of Buena Vista Park. The neighborhood is characterized by its hilly topography providing good views and streets in the immediate vicinity follow the topography unlike the rest of the Haight, which conforms to the standard gridiron pattern. Because Buena Vista Avenue West was laid out following the natural curves of the park, the constituent blocks and house lots vary in size.

⁵ Ibid.

There are no listed historic districts in the area although the ten-block-square Buena Vista North neighborhood was proposed as a San Francisco City Landmark District in 1989. The Buena Vista North neighborhood is bounded by Haight Street to the south, Central Avenue to the west, Divisadero Street to the east and the Panhandle to the north. The subject property is located south of Haight Street and is therefore not considered to be part of the Buena Vista North district.

Because we have been asked to analyze the history of occupancy at 601 Buena Vista West, we have examined properties on surrounding blocks to see if it fits into the larger contextual history. For the purposes of this report, only Blocks 1234 and 1235 of the Buena Vista North neighborhood will be analyzed due to their immediate proximity to the subject property. In addition, several blocks south of Haight Street, including Blocks 1256, 1257, 1242 and the subject block 2603 will be analyzed. Only the parcels facing Buena Vista Avenue West or Buena Vista Park will be included in the analysis.

Based on stylistic cues and supporting information from Sanborn maps, the majority of the buildings on the subject block appear to have been constructed after the 1906 Earthquake. The subject block facing Buena Vista Avenue West is exclusively occupied by two and two-and-a-half-story, single-family buildings built in 1895, 1906, 1912 and 1946 (Figure 3). Proceeding north along Buena Vista Avenue West, Block 1256 facing Buena Vista Avenue West, consists of one-to three-story, single-family and multi-family buildings built between 1904 and 1974. Block 1257 contains one large apartment building built in 1914. Block 1242 consists of eight parcels, which include two-to three-story single-family and multi-family buildings constructed between 1895 and 1910. Blocks 1234 and 1235 are bounded by Haight Street to the south, Central Avenue to the west, Baker Street to the east and Page Street to the north. The parcels located on Haight Street face Buena Vista Park. These parcels contain one to four-story, single-family and multi-family buildings constructed between 1884 and 1982.



Figure 3. Block 2603 facing Buena Vista Avenue West.

The following charts show the development progression of the Blocks 1234, 1235, 1242, 1257, and 2603. Information provided was obtained from the 1899, 1913, and 1950 Sanborn Maps and only illustrates parcels facing Buena Vista Park or Buena Vista Avenue West.

Block 1234

1899 Sanborn Map	1913 Sanborn Map	1950 Sanborn Map
3 Single-family buildings	3 Single-Family buildings	No Single-family buildings
	6 Flats	6 Flats
	1 Apartment house	2 Apartment houses
		1 Church

Block 1235

1899 Sanborn Map	1913 Sanborn Map	1950 Sanborn Map
4 Single-family buildings	4 Single-family buildings	1 Single-family building
4 Flats	4 Flats	4 Flats
	1 Apartment house	3 Apartment houses

Block 1242

1899 Sanborn Map	1913 Sanborn Map	1950 Sanborn Map
3 Single-family buildings	2 Single-family buildings	1 Single-family building
	5 Flats	4 Flats
	1 Apartment house	2 Apartment houses
		1 Residential hotel

Block 1257

1899 Sanborn Map	1913 Sanborn Map	1950 Sanborn Map
1 Girl's Asylum	1 Girl's Orphanage	1 Working Girl's home

Block 1256

1899 Sanborn Map	1913 Sanborn Map	1950 Sanborn Map
6 Single-family buildings	7 Single-family buildings	9 Single-family buildings
1 Flat	3 Flats	4 Flats
		2 Apartment houses

Block 2603

1899 Sanborn Map	1913 Sanborn Map	1950 Sanborn Map
1 Single-family	4 Single-family	4 Single-family
		1 Six-unit apartment house

Blocks 1234, 1235, and 1242 show a change from a majority of single-family buildings in 1899 and 1913 to a predominance of multiple-family buildings in 1950. Blocks 1256 and 2603 retain a majority of single-family dwellings; especially Block 2603 where the subject property was the only single-family dwelling converted to a multiple-family property. The urban trend toward converting single-family homes to multiple-family properties began in 1942 after the bombing of Pearl Harbor. Urban areas near war industry jobs saw a mass migration of workers to these cities. This caused an enormous housing shortage and the need for new development. In an effort to stimulate housing development and conversion of single-family homes to multiple-family homes, the Federal Housing Administration provided 90% loans to private builders for sale or rent to war workers.⁶ The Magrane family took advantage of this loan program in 1943 to make better use of the large three-story, single-family home after the family moved out of the neighborhood. This trend toward conversion of single-family dwellings was more pronounced the closer one got to Haight Street, where houses were less expensive and access to shops and transportation easier. Even though San Francisco experienced an exodus of upper-middle class residents to the suburbs, for the most part, the streets higher up the hill facing Buena Vista Park do not seem to have undergone such drastic demographic changes. This may explain why the conversion to multiple-family dwellings did not occur in the same level of frequency in the area surrounding 601 Buena Vista West. In many ways, the conversion of the subject property to an apartment building was an aberration locally and not repeated nearby.

CONCLUSION

601 Buena Vista Avenue West was originally built as a single-family dwelling in 1895. Its builder, Eleanor Magrane, resided there with her family and upon her death, her children continued to own and live in the house until 1935. In 1943, after the family moved away, the property was converted to a six-unit apartment building with help from a Federal Housing Administration program. Throughout the greater Haight-Ashbury neighborhood many single-family homes were converted to multiple-family buildings. However, the conversion of 601 Buena Vista Avenue West was an exception on its block and not even legally recognized until 1984. The single-family homes built on Block 2603 facing Buena Vista Avenue West have remained as single-family dwellings. The proposed legalization of 601 Buena Vista Avenue West as a single-family dwelling is in accordance with its historical use and compatible with its neighbors.

⁶ On-Call Faculty Program, Inc. *Shaping the American City*, "Unit A-C," 2003.
601 BUENA VISTA AVENUE WEST

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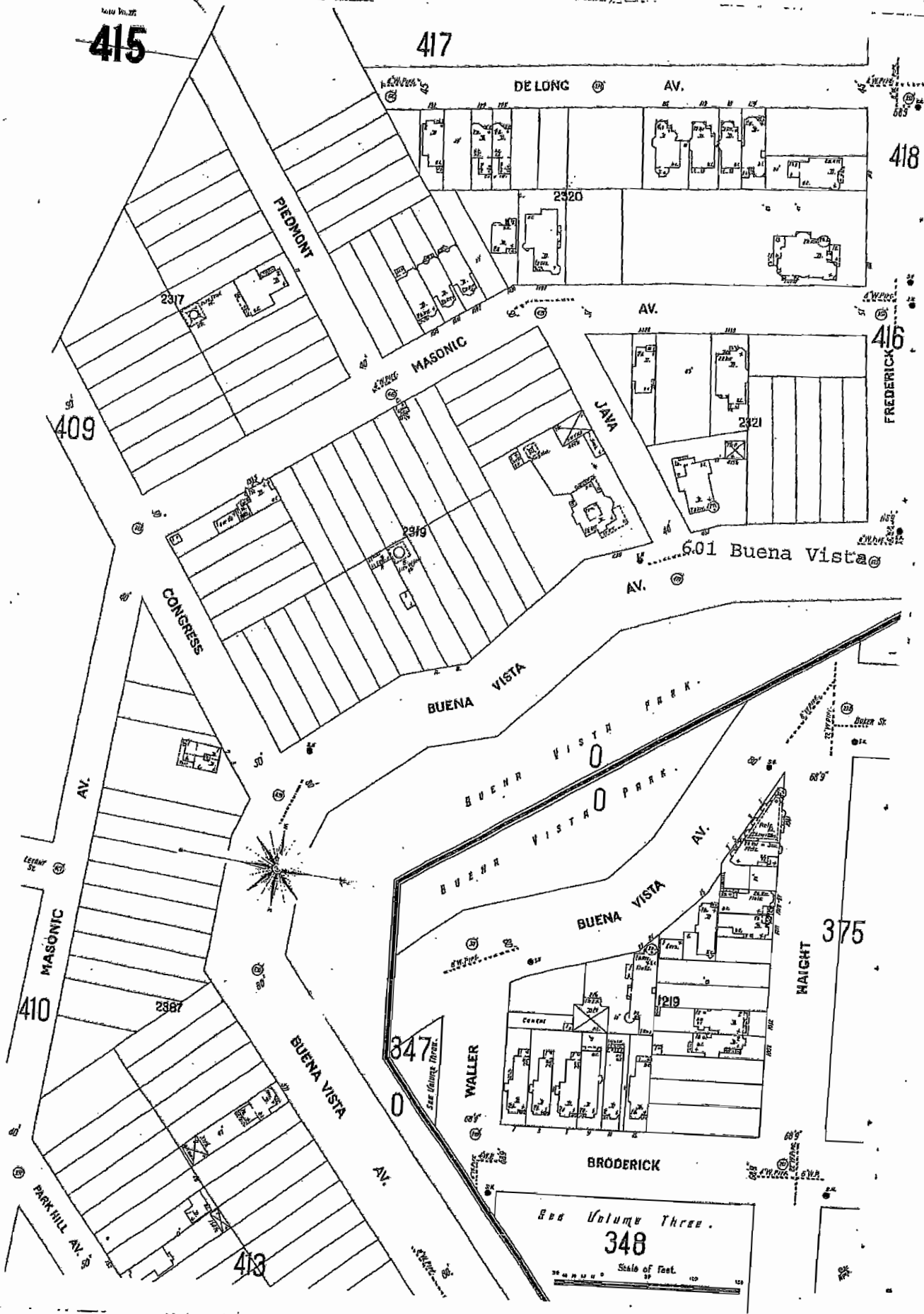
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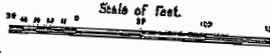
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See Volume Three.
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NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, April 9, 2013

Time: 3:00 p.m.

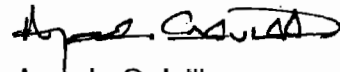
Location: Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

Subject: File No. 130213. Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated October 18, 2012, that a project located at 611 Buena Vista West Avenue, Assessor's Block No. 2603, Lot No. 004. (Building Permit Application No. 2011.05.04.5332) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed work involves a vertical addition to an existing single-family house within an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District. (District 8) (Appellants: Susan Brandt-Hawley, on behalf of the Buena Vista Historical Preservation Association, Jim and Georgia Cox, Bill Gheen, Kristy and Matt Leffers, Jon and Pam Shields, and Tim Stewart and Sue Rugtiev) (Filed February 25, 2013).

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be

made part of the official record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on Thursday, April 4, 2013.



Angela Calvillo
Clerk of the Board

DATED: March 27, 2013
MAILED/POSTED: March 29, 2013

