

**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**

October 16, 2014

Mohammed Nuru  
Director, Public Works  
1 Dr. Carlton B. Goodlett Place, Room 348  
San Francisco, CA 94102

**Planning Case No. 2013.1375 EC**  
**115 Telegraph Hill Boulevard Conditional Use Appeal**

Dear Director Nuru:

The Office of the Clerk of the Board is in receipt of an appeal filed by Vedica Puri, on behalf of Telegraph Hill Dwellers, of the decision of the Planning Commission by its Motion No. 19232 dated September 11, 2014, relating to the approval of a Conditional Use Authorization (Case No. 2013.1375 EC) pursuant to Planning Code, Sections 209.1(h) and 303, to allow the construction of three new dwelling units (for a lot total of four units) with three off-street parking spaces within the RH-3 (Residential House, Three-Family) Zoning District, Telegraph Hill - North Beach Residential Special Use District, and a 40-X Height and Bulk District located at:

115 Telegraph Hill Boulevard, Assessor's Block No. 0105, Lot No. 065

By copy of this letter, the City Engineer's Office is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m., on Monday, October 20, 2014, to give us time to prepare and mail out the hearing notices, as the Board of Supervisors has tentatively scheduled the appeal to be heard on November 4, 2014, at 3:00 p.m.

Sincerely,

  
Angela Calvillo  
Clerk of the Board

c:  
Fuad Sweiss, City Engineer, Public Works  
Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping  
Bruce Storrs, Public Works  
Javier Rivera, Public Works  
Steve Bergin, Public Works  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
Sarah Jones, Planning Department  
Scott Sanchez, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department

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

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

The property is located at 115 Telegraph Hill Boulevard.

September 11, 2014  
Date of City Planning Commission Action  
(Attach a Copy of Planning Commission's Decision)

\_\_\_\_\_  
Appeal Filing Date

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 OCT 14 PM 3:01  
K

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

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

☒ The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2013-1375 CE.

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

Statement of Appeal:

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

SEE ATTACHED

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

SEE ATTACHED

Person to Whom  
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

Nancy Shanahan, Co-Chair,  
Name  
Planning & Zoning Committee  
Telegraph Hill Dwellers  
224 FILBERT ST.  
San Francisco, CA 94133

Address

pz@thd.org

(415) 986-7070

Telephone Number

Vedica Puri, President, Telegraph Hill  
Name  
Dwellers

600 Montgomery St.  
31st Floor  
San Francisco, CA 94111

Address

president@thd.org

(415) 433-8000

Telephone Number



Signature of Appellant or  
Authorized Agent

## ATTACHMENT TO STATEMENT OF APPEAL

(a) **The parts of the decision the appeal is taken from include, without limitation, the following:**

1. Conditional Use Authorization for four Dwelling Units in RH-3 Zone;
2. Determination that the proposed development is consistent with the Priority Policies of the General Plan;
3. Determination that project complies with the City's Residential Design Guidelines;
4. Determination that project complies with the criteria of Planning Code Section 303(c) including consistency with the City General Plan objectives and policies in particular the Urban Design Element and the Housing Element of the General Plan;
5. Approving the return to the pre-variance condition of existing rear yard cottage as one unit when it was actually a two unit building in its pre-variance form; and
6. Inadequacy of Planning Commission's conditions to mitigate construction impacts.

(b) **Reasons in support of the appeal:**

I. PLANNING CODE SECTION 303 CRITERIA FOR CONDITIONAL USE AUTHORIZATION ARE NOT MET.

The project does not meet the three criteria set forth in **Planning Code Section 303(c)** for approving a Conditional Use Authorization:

***Criteria No. 1:** "That the proposed use or feature, at the size and intensity contemplated and at the proposed location will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community." (Sec. 303(c)(1)) [Emphasis added.]*

The proposed new 3-unit luxury condominium building with unit sizes ranging from 3,685 to 4,275 square feet each (with a 3,767 square foot 3-car parking garage) is incompatible with the surrounding neighborhood where the average unit size within 300 feet of the project site is 1,130 square feet based on City records. Indeed, 1,245 plus square feet for each car exceeds the average size of living units within 300 square feet of the project site.

The nature and location of the project site are unique in the City in that it is at the convergence of the top of the narrow Filbert Street steps, the Pioneer Park stairway to Coit Tower and the bus stop. The massive project will negatively impact public views from the Filbert Street steps and the Pioneer Park stairways and is not a development that is "necessary and desirable" for the neighborhood or community. In addition to its significant and permanent impacts to public views from public places, the project's mass, scale and proposed design are not compatible with the character or the historic development pattern of the neighborhood.

The proposed new condominiums that are intended for the most affluent buyers, are not “necessary and desirable” for or “compatible” with the neighborhood. They will not enhance the supply of affordable housing in the City, but will instead create additional pressure on the existing affordable and workforce housing in the community, resulting in a decrease in the neighborhood’s economic and demographic diversity.

**Criteria No. 2:** *“That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity” with respect to “the nature of the proposed site” and “[t]he accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic...”* (Sec. 303(c)(2)) [Emphasis added.]

Given the unique setting and location of the project site adjacent to the main routes to Coit Tower used by more than 400,000 visitors each year who arrive by foot via the Filbert Street steps, by bus on the 39 Coit, or by car on narrow, winding Telegraph Hill Boulevard, the location of the proposed parking garage -- the driveway entrance and curb cut for which will be located at the very top of the Filbert Street steps -- will impede pedestrian movement and impair pedestrian safety, require the relocation of a stop sign and bus stop and reconfiguration of the sidewalk, create conflicts with Muni buses, and add to recognized traffic congestion on Telegraph Hill Boulevard leading to Coit Tower. The project would, therefore, be detrimental to the health, safety, convenience and general welfare of thousands of visitors to Coit Tower and Pioneer Park each year, including persons residing and working in the vicinity.

**Criteria No. 3:** *“That such use or feature as proposed will comply with the applicable provisions of this [Planning] Code and will not adversely affect the General Plan.”* (Sec. 303(c)(3))

The project does not comply with applicable provisions of the Planning Code and is inconsistent with Objectives and Policies of the General Plan, as detailed below.

## II. THE PROJECT IS INCONSISTENT WITH PLANNING CODE SECTION 101.1 PRIORITY PLANNING POLICIES OF THE GENERAL PLAN ADOPTED BY THE VOTERS OF SAN FRANCISCO.

**Planning Code Section 101.1(b)** established eight Priority Planning Policies and required their inclusion in the preamble to the City’s General Plan as the basis upon which all inconsistencies in the General Plan are to be resolved. All projects are required be reviewed for consistency with these Priority Policies. For the reasons set forth below, the Planning Commission erred in finding that the project is consistent with the following Priority Policies:

**Priority Planning Policy 8:** *“That our parks and open space and their access to sunlight and vistas be protected from development.”* (Sec. 101.1(8))

It is undisputed that, as a result of this development, the vistas from the stairways leading up from Telegraph Hill Boulevard to Pioneer Park will be seriously impacted or eliminated and that all views from the Filbert Street steps will be completely obliterated.

***Priority Planning Policy 2:*** “That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.” (Sec. 101.1(2))

The proposed new extremely large luxury condos, ranging in size from 3,685 to 4,275 square feet each, are incompatible with the surrounding neighborhood where the average unit size within 300 feet of the project site is 1,130 square feet. Instead of preserving the cultural and economic diversity of the neighborhood and community, it will create additional pressure on the existing affordable housing, contributing to an increase in evictions of lower income tenants by speculators.

***Priority Planning Policy 3:*** “That the City’s supply of affordable housing be preserved and enhanced.” (Sec. 101.1(3))

As described above, the proposed new super-luxury condos that will be priced at an estimated \$8 to \$10 million each will not enhance the City’s supply of affordable housing, but will instead create additional pressure on the existing affordable and workforce housing in the area. The Planning Department has confirmed in its *Quarterly Pipeline Report* that as of the first quarter of 2014, only 15% the entitled projects in the pipeline are affordable to households of moderate income and that San Francisco is overbuilding luxury housing rather than moderate income housing. The proposed project will further exacerbate this imbalance.

***Priority Planning Policy 4:*** “That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.” (Sec. 101.1(4))

Because the driveway and curb cut for the project’s proposed parking garage are located at the very top of the heavily used Filbert Street steps, immediately adjacent to a Muni Bus stop and the major pedestrian crosswalk to Coit Tower, conflicts between vehicular, pedestrian and Muni service are inevitable. The garage entrance will also require the relocation of a stop sign currently located within the proposed new driveway.

### III. THE PROJECT IS INCONSISTENT WITH OBJECTIVES AND POLICIES OF THE CITY’S RESIDENTIAL DESIGN GUIDELINES.

The project, as proposed, conflicts with the following Residential Design Guidelines, among others:

***GUIDELINE:*** *Protect major public views from public spaces.*

*“Protect major views of the City as seen from public spaces such as streets and parks by adjusting the massing of proposed development project to reduce or eliminate adverse impacts on public view sheds.”*

(Residential Design Guidelines, page 18)

In direct conflict with this principle, the proposed development will completely block major public views of the City’s downtown skyline from public spaces, including views from the Filbert Street steps and the stairways and landings in Pioneer Park, currently enjoyed by thousands of people each year. The project will also obscure views

of Coit Tower and Pioneer Park from the south since the rear of the building imposes a massive fort-like structure.

***“GUIDELINE: Design building facades to enhance and complement adjacent public spaces.”***

*“Special attention is necessary to ensure that the building’s facades enhance the public realm.”*

(Residential Design Guidelines, page 20)

***“GUIDELINE: Design the scale of the building to be compatible with the height and depth of surrounding buildings.”***

*“It is essential for a building’s scale to be compatible with that of surrounding buildings, in order to preserve neighborhood character.”*

(Residential Design Guidelines, page 23)

It is important to note that the project has two major facades, one facing Coit Tower and Pioneer Park, and the other facing the Financial District, Chinatown, Russian Hill and Nob Hill. Both facades are a part of the public realm – one viewed from the adjacent public stairs and public park, and the other (south facing) seen from the Financial District, Chinatown, Russian Hill and Nob Hill -- a major “postcard” view of Telegraph Hill that will be adversely affected by the proposed project. Both facades fail to comply with above and other residential design guidelines.

#### IV. THE PROJECT IS INCONSISTENT WITH OBJECTIVES AND POLICIES OF THE HOUSING ELEMENT OF THE CITY’S GENERAL PLAN.

The project is inconsistent with the specific Objectives and Policies of the Housing Element of the General Plan.

### **HOUSING ELEMENT**

#### **Objectives and Policies**

##### **OBJECTIVE 1:**

*IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY’S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.*

##### **OBJECTIVE 11:**

*SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO’S NEIGHBORHOODS.*

Objective 11 provides that “San Francisco is a city of neighborhoods, each with a distinct character and quality” underscoring that “no policy should be applied without first examining its applicability to each specific neighborhood’s unique context.” Telegraph Hill and North Beach is one of the city’s iconic neighborhoods, with a distinct and historic character.

**Policy 11.1:**

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

**Policy 11.2:**

*Ensure implementation of accepted design standards in project approvals.*

**Policy 11.3:**

*Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.* [Emphasis added.]

**Policy 11.6:**

*Foster a sense of community through architectural design, using features that promote community interaction.*

**Policy 11.9:**

*Foster development that strengthens local culture and sense of place and history.*

V. THE PROJECT IS INCONSISTENT WITH THE URBAN DESIGN ELEMENT OF THE GENERAL PLAN.

The project is inconsistent with the specific Objectives and Policies of the Urban Design Element of the General Plan that are of particular importance to defining the framework for developing this unique and special site.

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

*EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.*

**Policy 1.1:**

*Recognize and protect major views in the city, with particular attention to those of open space and water.* [Emphasis added.]

- Protect major views whenever it is feasible
- Overlooks and other viewpoints for appreciation of the city and its environs should be protected and supplemented, by limitation of buildings and other obstructions where necessary and by establishment of new viewpoints at key locations. [Emphasis added.]
- Visibility of open spaces, especially those on hilltops, should be maintained and improved, in order to enhance the overall form of the city.



**Policy 1.3:**

*Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.*

- Buildings should emphasize and reflect the topographic form of the city – here of Telegraph Hill -- and should not stand out prominently in the city pattern.

**Policy 1.8:**

*Increase the visibility of major destination areas and other points for orientation.*

- Views from streets and other public areas should be preserved, created and improved and should be fostered in public and private development.

**OBJECTIVE 2:**

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

**Objective 2** lists “*Fundamental Principles for Conservation*” to be adhered to in designing new buildings, including the following:

- Provide visual interest and enrichment consistent with the historic scale and texture of the San Francisco.
- Conserve the important design character of historic or distinctive older areas, including some uniformity of detail, scale, proportion, texture, materials, color, and building form.
- Use textured materials with human scaled proportions consistent with the finer scale and detail that characterize older areas. [Emphasis added.]
- Reflect the character of nearby older buildings of historic or architectural merit.
- Do not block or otherwise impair pleasing street views of the Bay, downtown or distant hills, or other parts of the city. [Emphasis added.]

**Policy 2.6:**

*Respect the character of older development nearby in the design of new buildings.*

- Exercise care in the design of new buildings to be constructed in older areas of established character.
- Require a similarity or successful transition in scale, building form and proportion. The detail, texture, color and materials of the old should be repeated or complemented by the new.
- Bulky buildings that intrude upon or block important views of the Bay, Ocean or other significant citywide focal points are particularly disruptive. [Emphasis added.]

**Policy 2.7:**

*Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.*

**Policy 2.7** states as follows:

“All areas of San Francisco contribute in some degree to the visual form and image of the city. All require recognition and protection of their significant positive assets. Some areas may be more fortunately endowed than others, however, with unique characteristics for which the city is famous in the world at large. Where areas are so outstanding, they ought to be specially recognized in urban design planning and protected, if the need arises, from inconsistent new development that might upset their unique character. [Emphasis added.]

“It is the combination and eloquent interplay of buildings, landscaping, topography and other attributes that makes them outstanding. For that reason, special review of building proposals may be required to assure consistency with the basic character and scale of the area. Furthermore, the participation of neighborhood associations in these areas in a cooperative effort to maintain the established character, beyond the scope of public regulation, is essential to the long-term image of the areas and the city.” [Emphasis added.]

**Policy 2.7** lists the *Special Characteristics of Telegraph Hill* as:

- A hilltop park with the highly visible green of trees from which Coit Tower rises above all else.
- Low, small-scale buildings with predominantly flat roofs and light pastel colors, hugging the topography in a highly articulated form, which contrasts with the power of downtown construction. [Emphasis added.]
- Cliffs and complex stairs and walkways on the east side above the waterfront, with buildings perched precariously along the slope and trees interspersed.
- Intimate pedestrian scale and texture of streets and housing, with sudden and dramatic views of the Bay and downtown through narrow openings. [Emphasis added.]

**OBJECTIVE 3:**

*MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.*

**Objective 3** provides that:

“As San Francisco grows and changes, new development can and must be fitted in with established city and neighborhood patterns in a complementary fashion. Harmony with existing development requires careful consideration of the character of the surroundings at each construction site. The scale of each new building must be related to the prevailing height and bulk in the area, and to the wider effects upon the skyline, views and topographic form.” [Emphasis added.]

**Policy 3.1:**

*Promote harmony in the visual relationships and transitions between new and older buildings.*

- New buildings should be made sympathetic to the scale, form and proportion of older development.

**Policy 3.3:**

*Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.*

- Special efforts should be made to promote the best architectural solutions for buildings at prominent locations, such as tops of hills or fronting on permanent open space such as parks. [Emphasis added.]

**Policy 3.4:**

*Promote building forms that will respect and improve the integrity of open spaces and other public areas.*

- New buildings should not block significant views of public open spaces, especially large parks and the Bay. [Emphasis added.]
- Buildings near these open spaces should permit visual access, and in some cases physical access, to them. [Emphasis added.]
- Where separation of pedestrian and vehicular circulation levels is possible in provision of such open space, such separation should be considered. [Emphasis added.]

**OBJECTIVE 4:**

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

The “Fundamental Principles for Neighborhood Environment” enumerated as a part of **Objective 4** includes the following:

- “Private lands that are landscaped or developed as open space contribute to the visual and recreational resources of the city.”

**Policy 4.4:**

*Design walkways and parking facilities to minimize danger to pedestrians.*

- Pedestrian walkways should be sharply delineated from traffic areas, and set apart where possible to provide a separate circulation system.
- Walkways that cross streets should have pavement markings and good sight distances for motorists and pedestrians.

VI. THE PLANNING COMMISSION ERRED IN DETERMINING THAT THE PRE-VARIANCE CONDITION OF EXISTING REAR YARD COTTAGE INCLUDED ONLY ONE UNIT WHEN IT WAS ACTUALLY A TWO UNIT BUILDING IN ITS PRE-VARIANCE FORM.

When it was determined that the project owners had *de facto* demolished then expanded the envelope of existing rear cottage without a valid permit after the 1997 variance and conditional use authorization had lapsed, the project applicant decided to

revert the cottage to its pre-variance condition in order to avoid seeking a variance to legalize the work. As a part of the project, the Planning Commission approved a design for the “renovation and restoration of the cottage located at the rear of the property, returning it to its pre-variance form.” However, as clearly evidenced by the referenced variance (Variance Case no. 93.180V), the cottage contained two units in its previous, pre-variance condition, not one unit. No Planning Code Section 317 application has been submitted to merge the two previously existing units into one and no public notice was provided to the public.

## VII. PLANNING COMMISSION’S CONDITIONS OF APPROVAL ARE INADEQUATE AS TO IMPACTS OF CONSTRUCTION.

The conditions of approval of the final Planning Commission motion are inadequate to address the most significant construction impacts.

On Sheet A0.0 of the plans approved by the Planning Commission, General Notes 23 through note 32, inclusive, address construction staging of the project. These notes include, but are not limited to the following:

- “Along the Filbert Street stair frontage of the property, a well-lit and naturally ventilated pedestrian tunnel providing safety to persons using the stairs shall be erected for the duration of the construction period.”
- “Construction vehicles shall use the staging area provided on site as a means to turn around, avoiding use of the Coit Tower parking lot by construction equipment and trucks.”
- “All applicable weight limits on access roads to and from the site shall be observed and adhered to.”
- “No construction activity over 5 DBA shall be permitted between 8:00 pm and 7:00 am the following day per San Francisco noise control ordinance.”
- “Muni access to Coit Tower shall be maintained throughout construction.”

Appellant Telegraph Hill Dwellers agrees wholeheartedly that safe pedestrian access on the Filbert Street steps **must** be maintained for the duration of the construction period and that a staging area **must** be created within the project site for the entire construction duration. Appellant further agrees that the existing 3-ton weight limit on the size of trucks on Lombard (from Stockton Street) and Telegraph Hill Boulevard **must** be maintained. And importantly, that ***Muni and vehicular access to Coit Tower shall be maintained*** throughout construction.

Therefore, note nos. 23 through 32 must be included as conditions of approval to ensure that the project applicant will not delete them in a revised site permit application.

The project sponsor’s representative also told the Planning Commission that the Filbert Street steps are dilapidated and would be “improved and enhanced.” The scope of work related to the Filbert Street steps should be clearly described to determine whether a General Plan Referral would be required and whether environmental review would be required for said improvement and enhancement. Also, since they are going to cover the

Filbert Street steps with a tunnel, the City should impose a condition of approval requiring the project sponsor to indemnify the City for any injuries to persons and properties and to repair or replace any portion of the Filbert Street steps damaged during construction.



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- |  |  |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415)           | <input type="checkbox"/> First Source Hiring (Admin. Code)                     |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414)                     |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)            | <input checked="" type="checkbox"/> Other - Street Tree In-Lieu Fee (Sec. 428) |

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion No. 19232

HEARING DATE: SEPTEMBER 11, 2014

*Date:* September 23, 2014  
*Case No.:* 2013.1375 EC  
*Project Address:* 115 TELEGRAPH HILL BLVD. (AKA 363 FILBERT STREET)  
*Zoning:* RH-3 (Residential House, Three-Family)  
Telegraph Hill/North Beach Residential Special Use District  
40-X Height and Bulk District  
*Block/Lot:* 0105/065  
*Project Sponsor:* Jeremy Ricks  
735 Montgomery Street, Suite 350  
San Francisco, CA 94111  
*Staff Contact:* Elizabeth Watty - (415) 558-6620  
[Elizabeth.Watty@sfgov.org](mailto:Elizabeth.Watty@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 209.1(h) AND 303, TO ALLOW THE CONSTRUCTION OF THREE NEW DWELLING UNITS (FOR A LOT TOTAL OF FOUR UNITS) WITH THREE OFF-STREET PARKING SPACES WITHIN THE RH-3 (RESIDENTIAL HOUSE, THREE-FAMILY) ZONING DISTRICT, TELEGRAPH HILL - NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On August 21, 2013, Daniel Frattin, attorney for Jeremy Ricks (hereinafter "Project Sponsor"), filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 151, 151.1, 209.1(h), 249.49, and 303, to allow the construction of three new dwelling-units above four off-street parking spaces on a lot that contains one existing unit within the RH-3 (Residential House, Three-Family) Zoning District, Telegraph Hill - North Beach Residential Special Use District, and a 40-X Height and Bulk District.

On July 17, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1375C.

At that hearing, the Planning Commission continued the hearing to September 11, 2014 so that the Project Sponsor could make revisions to the Project's design and provide additional information about the rear cottage.

On September 11, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1375C.

On September 11, 2014, during the duly noticed public hearing on Conditional Use Application No. 2013.1375C, the Project Sponsor verbally withdrew, on-record, the request for a Conditional Use Authorization, pursuant to Planning Code Sections 151, 151.1, and 249.49, to allow a fourth off-street parking space (a one-to-one parking to dwelling-unit ratio), reducing the parking included as part of the Project to three spaces serving four dwelling-units.

On September 3, 2014, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1375CE, as amended at the hearing on September 11, 2014, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Property is a 7,517 square-foot lot that is steeply sloping; in 1993, three lots were merged into the one large lot in existence today. It once contained five buildings, but four of the five buildings were demolished circa 1997. The lot currently contains a one-story cottage that was constructed in 1906, concrete retaining walls, concrete and wood stairways, and fencing. The lot has been vacant – with the exception of the vacant cottage – since 1997. In the early 1990s, the Bureau of Building Inspection declared the cottage "unsound" and it is currently uninhabitable. The Property occupies 82'-6" of frontage, including 68' along the Filbert Street steps.
3. **Surrounding Properties and Neighborhood.** The Project is located on the south side of Telegraph Hill Boulevard, between Montgomery, and Kearny Streets on Telegraph Hill near Coit Tower. On this portion of the hill, Filbert Street consists of a set of concrete public stairs, but provides no vehicle throughway. Telegraph Hill Blvd passes to the north of the Property,

spiraling up to Coit Tower. The Property is in the North Beach neighborhood, and is located in an RH-3 Zoning District, towards the top of Telegraph Hill near Coit Tower. Properties in the immediate area typically consist of one-, two- and three-family dwellings. Buildings heights are varied, but typically range from two-to-four stories tall at the street, and are scaled at the street to respect the laterally-sloping topography of the hill. To the west is a two-story, two-unit building, and immediately to the east is a four-story, three-unit building.

4. **Project Description.** The Project Sponsor proposes to construct a 15,544 sq. ft. three-unit residential building with three-off-street parking spaces on a lot that contains one existing dwelling-unit (a vacant cottage in the southeast corner of the lot). The Project also includes the renovation and restoration of the cottage located at the rear of the property, returning it to its pre-variance (93.180V) building form.

The new building will be designed to appear from the street as three, three-story single-family dwellings that will step down the hill relative to the naturally sloping topography of Telegraph Hill. The new building will include three off-street parking spaces in a shared 3,137 sq. ft. below-grade garage/basement, accessed from one garage door that will be located at the top of the Filbert Street stairs along Telegraph Hill Boulevard. The cottage in the rear would be accessed via a designated pedestrian path to the west of Unit #3, as well as through the garage.

The three units will each occupy 23'-10" of frontage. Each unit will contain a green roof deck featuring sustainable native plants, as well as extensive landscaping. Although the rear cottage was authorized to expand as part of Variance Case no. 93.180V, the implementing Building Permit Applications were never finalized by the Department of Building Inspection. Therefore, the variance has expired, and the Project Sponsor must either revert the cottage to the pre-variance building form or seek and justify an additional variance. The Project Sponsor chose to revert the cottage to the pre-variance building form. Revised plans dated September 16, 2014, approved as part of this Motion (Exhibit B), show this scope of work.

5. **Public Comment.** The Department has received letters of support from 43 people (including the North Beach Neighbors), and letters in opposition to the Project from 41 people (including the Telegraph Hill Dwellers).
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
  - A. **Density.** Planning Code Section 209.1(h) states that a density ratio up to one dwelling unit for each 1,000 square feet of lot area is permitted in the RH-3 Zoning District, if authorized as a Conditional Use by the Planning Commission.

*The Property contains 7,517 sq. ft. of lot area and would permit up to seven units with a Conditional Use Authorization. The Project would result in a lot total of four units, and thus is permitted with a Conditional Use Authorization, which is justified in more detail through Section 7, below.*



- B. **Rear Yard Requirement.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 45 percent of the total depth of a lot in which it is situated, and based on conditions on the adjacent properties, it may be reduced up to 25 percent of the total depth of the lot, based on the average depths of adjacent buildings.

*The Project will be constructed within buildable area of the lot, maintaining a 45 percent rear yard. The existing rear yard cottage is located entirely within the required rear yard; although it will be repaired, remodeled, and reduced to the pre-variance building form, it will not be expanded, and therefore is considered an existing legal noncomplying structure. The Project complies with Planning Code Section 134.*

- C. **Open Space.** Planning Code Section 135 requires 100 square-feet of usable open space per dwelling unit in the RH-3 Zoning District if privately accessible, or 133 square-feet per unit if the space is commonly accessible.

*The Project satisfies the residential open space requirements through a private 132 square-foot deck for Unit #1, a private 300 square-foot deck for Unit #2, a 252 square-foot deck for Unit #3, and through a commonly-accessible 2,266 square-foot, rear yard for the existing rear yard cottage. The Project complies with the open space requirements of Planning Code Section 135.*

- D. **Street Trees.** Planning Code Section 138.1 requires the provision of street trees with the addition of a new dwelling unit. When street trees are required, one 24-inch box size tree is required for each 20 feet of lot frontage along a street, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a setback area on the lot or within the public right-of-way along such lot.

*The Property currently contains two street trees along the 82'-6" property frontage, located between the Filbert Street stairs and Telegraph Hill Boulevard. The Property requires installation of 4 trees; however, according to the Department of Public Works, installation of the additional two required street trees is infeasible. As such, the Project Sponsor will pay an in-lieu fee for two street trees.*

- E. **Bird Safe Glazing.** Planning Code Section 139 allows residential buildings within R-Districts that are less than 45 feet in height and have an exposed facade comprised of less than 50% glass to be exempt from the Location-Related Glazing Standards outlined in Planning Code Section 139(c)(1).

*The Property is located within 300-feet of an Urban Bird Refuge; however, the new buildings' exposed facades are comprised of less than unobstructed 50 percent glass, and are therefore exempt from meeting the Location-Related Glazing Standards outlined in Planning Code Section 139(c)(1).*

- F. **Exposure.** Planning Code Section 140 requires that at least one qualifying room of every dwelling unit must face directly on an open area. The open area may be a street or alley, Code-compliant rear yard, or a qualifying open space.

*The three new dwelling-units will face Telegraph Hill Boulevard, which is a qualifying street for the purpose of dwelling-unit exposure. The dwelling-unit located within the existing legal noncomplying structure in the rear yard will face an open space between the buildings that meets the dimensional requirements of Planning Code Section 140(a)(2); the space is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. The Project complies with the dwelling unit exposure requirements of Planning Code Section 140.*

- G. **Telegraph Hill – North Beach Residential Special Use District.** Planning Code Section 249.49 establishes the Telegraph Hill – North Beach Residential Special Use District (SUD). The purpose of this SUD, as it relates to new construction projects, is to regulate off-street parking in order to ensure that it does not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District. Although the RH-3 Zoning District would typically require one parking space per dwelling unit (a one-to-one parking ratio), this SUD requires a Conditional Use, along with related findings outlined in Section 151.1(g), to achieve the same parking ratio.

*The Project is located within the Telegraph Hill – North Beach Residential Special Use District. Although the original Project proposed four off-street parking spaces, which required a Conditional Use Authorization, the Project was revised during the hearing to eliminate the fourth parking space. With only three off-street parking spaces now part of the Project, the parking is considered principally permitted, and no longer requires a Conditional Use Authorization under Sections 151, 151.1, and 249.49.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The Project is necessary and desirable because it will provide much needed family-sized in-fill housing in a residential neighborhood, on a lot that has been vacant (less for a small cottage at the rear of the lot) for over 10 years. The lot previously contained five buildings, but four of those five buildings were demolished in 1997. At present, the vacancy of the Property is a detriment to the neighborhood and creates a gap in the urban fabric that is built along the Filbert Street walkway and stairs. The vacant lot is visually inconsistent with the character of the surrounding private property, which features housing developments that relate to the topography of the hill. The Project is compatible with properties that abut a vehicular street, which typically include off-street parking. The Project will also incorporate landscaping to match the surrounding area, and create visual consistency in the neighborhood. As an area that attracts tourists and visitors, the Project is a desirable improvement to the neighborhood over the existing vacant lot.*

*The Project will provide three new family-sized dwelling units, and will renovate an existing cottage that is in disrepair in order to make it suitable for occupancy. In-fill sites in developed residential neighborhoods, such as Telegraph Hill, should be developed with new housing.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The 7,517 square-foot Property is located in a relatively low-density area; the lot is large for the neighborhood. In 1993, three lots were merged into the one large lot in existence today. Prior to that merger, up to nine dwelling units would have been principally permitted (approvable without a Conditional Use Authorization); now, only three units would be principally permitted, and four-to-seven units would be permitted with a Conditional Use Authorization.*

*This large vacant lot is an appropriate location for a three-unit in-fill development (for a total of four units on the lot). Due to the relatively low density development of the surrounding area, the Project will create housing at an appropriate scale in a desirable urban area without overcrowding the neighborhood. Although the three units are technically located within one building, they appear as three single-family dwellings, each with approximately 23'-10" wide building facades that are located at the front property line, which is typical of residential properties in the surrounding area. The existing and proposed uses are consistent with the neighborhood uses, and the proposed design is compatible with the immediate vicinity.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Property is located in a relatively low-density area. The addition of three new dwelling-units will have negligible adverse effect on traffic in the neighborhood, and it is anticipated that the Project will generate traffic volumes and patterns compatible with those of existing surrounding uses, particularly those properties with off-street parking. The Project will provide three off-street parking spaces in a below-grade basement garage, which will be sufficient to serve the residents at the property.*

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

*The Project consists of the construction of a new three-unit residential building with three off-street parking spaces, and the renovation of one existing cottage. The Project will comply with all City codes regarding construction hours, noise, and dust, and it will not produce, or include, any permanent uses that would emit noxious or offensive emissions such as noise, glare, dust and odor.*

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

*The Project will improve the exterior appearance of the Property by upgrading landscaping and creating an attractive, Code-compliant housing development. The Project will incorporate ample landscaping in planters at the front of the Property, and the area surrounding the new development will be landscaped to allow the development to blend into, and complement, the surrounding hillside. The Project Sponsors have also committed to working in good faith with DPW and other relevant City agencies on a stewardship and maintenance agreement for the landscaped area to the north of the Filbert Street stairs.*

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

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with Objectives and Policies of the General Plan, as detailed below.*

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

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 2:**

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

#### **Policy 2.4:**

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

*The Project includes the renovation of the existing rear yard cottage, which is in poor condition, in order to make it suitable for occupancy.*

#### **OBJECTIVE 4:**

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

#### **Policy 4.1:**

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

*The Project includes the renovation of the existing rear yard cottage, which is in poor condition, in order to make it suitable for occupancy, and includes the development of three new family-sized units.*

**OBJECTIVE 11:**

SUPPORT AND RESPECT THE DIVERSE AND DISTINT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

**Policy 11.1:**

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

**Policy 11.2:**

Ensure implementation of acceptable design standards in project approvals.

**Policy 11.3:**

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

*The Project includes a well-design renovation of the existing rear yard cottage, and includes new construction that is compatible with the surrounding scale of buildings at the street and the massing of adjacent buildings, as well as the architectural character of the surrounding neighborhood.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.3:**

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

**OBJECTIVE 2:**

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

**Policy 2.2:**

Reduce pollution, noise and energy consumption.

*The Project's central location to the City's downtown and its proximity to public transportation make it an ideal location for new housing. Residents will have a variety of options connecting them to the rest of the*

*City and beyond. Due to the Property's central location, residents will be able to commute to jobs and access much of San Francisco by transit, foot or bicycle.*

## URBAN DESIGN ELEMENT

### Objectives and Policies

#### OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

##### Policy 2.7:

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

*Telegraph Hill is identified in the General Plan's Urban Design Element as an outstanding and unique area. The Special characteristics of the area are identified as the following:*

- *A hilltop park with the highly visible green of trees from which Coit Tower rises above all else.*
- *Low, small-scale buildings having predominantly flat roofs and light pastel colors, hugging the topography in a highly articulated form which contrasts with the power of downtown construction.*
- *Cliffs and complex stairs and walkways on the east side above the waterfront, with buildings perched precariously along the slope and trees interspersed.*
- *Intimate pedestrian scale and texture of streets and housing, with sudden and dramatic views of the Bay and downtown through narrow openings.*

*The Project is compatible with the aforementioned special characteristics, in that the buildings are designed to be consistent with the scale and massing of surrounding properties, and include flat, landscaped roof. The buildings respect the topography of the street by "stepping-down" the laterally-sloping topography of the Filbert Street steps. The buildings have been designed with a pedestrian scale and texture, incorporating both landscaping as well as side setbacks along the west side of each of the three new units, which provide for views of downtown.*

#### OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

##### Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

##### Policy 3.6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

*The Project provides an attractive modern design and form that compliments and blends with surrounding structures without mimicking them. This creates a visually dynamic and harmonious neighborhood with an appropriate mixture of building styles.*

#### **OBJECTIVE 4**

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

#### **Policy 4.4**

**Design walkways and parking facilities to minimize danger to pedestrians.**

*This General Plan states that driveways across sidewalks should be kept to a practical minimum, with control maintained over the number and width of curb cuts, in order to minimize danger to pedestrians. The Project includes a 10-foot wide curb cut, which is the City standard, and a 12-foot wide garage door, which is comparable with the size of garage doors found on surrounding properties (specifically the two properties to the east). The Project has been designed to include one garage entrance that will serve the vehicle storage for all four units on the Property, thereby minimizing danger to pedestrians. The garage has sufficient space for maneuvering such that exiting vehicles will not need to be backed-out in reverse. The garage door will be recessed 7'-6" from the front Property Line, in order to allow cars to exit the garage and observe pedestrian activity before crossing the sidewalk. As indicated through the Conditions of Approval, the Project Sponsor has also agreed to install warning signs to alert pedestrians on the Filbert Steps to the presence of the driveway, as well as mirrors to enhance the view of drivers exiting the garage.*

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

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

*The Project includes the re-use of the existing vacant residential cottage at the rear of the property, and the addition of three residential units on a largely vacant lot. It will not displace any neighborhood serving retail uses or have any adverse effect on future opportunities for resident employment and ownership of retail uses.*

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

*The Project will conserve and protect existing housing and neighborhood character by renovating and restoring an existing building in the neighborhood. It will improve a dilapidated vacant lot with a well-designed, high-quality residential development that is compatible with the scale and mass of surrounding properties. It will include screening and green elements specifically designed to allow the new structure to blend seamlessly into the character of the neighborhood.*

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

*The Project includes the rehabilitation and preservation of an existing vacant rear cottage, which based on its size, will be relatively affordable for the Telegraph Hill neighborhood.*

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

*With four residential units within walking distance of the City's employment core and public transit (MUNI #39), the Project will not generate substantial commuter traffic that will impede MUNI transit service, or overburden the streets or neighborhood parking. Furthermore, by including three off-street parking spaces, the Project will minimize the need for residents to use the limited on-street parking in the neighborhood.*

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

*The Project is a small residential development located on a nearly vacant lot in a residential neighborhood. No office use is proposed, and no industrial uses will be displaced.*

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

*The Project will conform to the structural and seismic requirements of the San Francisco Building Code, and thus meets this requirement.*

- G. That landmarks and historic buildings be preserved.

*The Project is not located in any Conservation or Historic District. The Project will not adversely alter any landmark building, contributory building, or architecturally significant building on the Property or in the vicinity.*

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

*The Project includes the in-fill development of three new dwelling-units on a largely vacant lot in a residential neighborhood. The Project will not adversely affect any public parks or open spaces. It is located below Coit Tower and Pioneer Park on Telegraph Hill, and will incorporate green rooftops to ensure that the Project blends with the hillside when viewed from above. It will not adversely affect Coit Tower's access to sunlight or public vistas.*



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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1375CE, as revised at the hearing on September 11, 2014**, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, revised and dated September 16, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19232. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 11, 2014.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonini, Fong, Hillis, Johnson, Richards

NAYS: Commissioners Moore, Wu

ABSENT: N/A

ADOPTED: September 11, 2014

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use to allow the construction of three new dwelling-units on a lot that contains one existing unit, including three off-street parking spaces located at 115 Telegraph Hill Boulevard, Block 0105, and Lot 065 pursuant to Planning Code Sections 209.1(h) and 303, within the RH-3 (Residential House, Three-Family) Zoning District, Telegraph Hill – North Beach Residential Special Use District, and a 40-X Height and Bulk District; in general conformance with plans, revised and dated **September 16, 2014**, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1375C and subject to conditions of approval reviewed and approved by the Commission on **September 11, 2014** under Motion No. 19232. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **September 11, 2014** under Motion No. 19232.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19232 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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

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

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a Site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

## DESIGN

6. **Final Materials.** Final materials, window details, glazing, color, texture, landscaping, and general detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
8. **Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the Site or Building Permit Application indicating that the two existing street trees will remain. The Sponsor will pay an in-lieu fee for the remaining two required street trees in accordance with Planning Code Section 428, and as outlined in more detail below.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
9. **Garage Door.** As shown on plans, revised and dated September 16, 2014, and stamped "EXHIBIT B", the garage door shall be recessed a total of 7'-6" from the front property line in order to allow drivers exiting the garage the ability to stop and view pedestrian traffic before crossing the sidewalk.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
10. **Stair Penthouse.** Rooftop stair penthouses shall not be permitted. Revised plans dated September 16, 2014, and stamped "EXHIBIT B", show roof access hatches that are flush with the roof, rather than the previously proposed stair penthouses.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

11. **Bicycle Parking.** The Project shall provide no fewer than **four (4)** Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

12. **Parking Maximum.** Pursuant to Planning Code Section 151.1 and 249.49, the Project shall provide no more than **three (3)** off-street parking spaces.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
13. **Construction Parking.** The Project Sponsor shall require of the general contractor that construction workers shall park legally and shall not park in the Coit Tower parking lot. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
14. **Construction Management Plan.** A Construction Management Plan is required, as provided for under items 23-32 of the "General Notes" section of the Title Sheet of the revised plans, dated September 16, 2014, and stamped "EXHIBIT B".  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
15. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project. Prior to commencing construction, the Project Sponsor shall consult with the affected neighbors on Assessor's Block 105 before finalizing the construction staging and traffic plan, including:
- a. A schedule of delivery times and dates during which the construction materials are expected to arrive; and
  - b. Methods to be used to monitor truck movement into and out of the building site so as to minimize traffic conflicts on Telegraph Hill Boulevard.

There shall be no queuing of construction trucks along Telegraph Hill Boulevard. All trucks waiting to unload material shall be staged at a location offsite. Deliveries shall be made between the hours of 7:30 a.m. and 5 p.m. on weekdays, exclusive of legal holidays. The Project Sponsor shall employ full-time flag persons to direct traffic during excavation and concrete placement phases of construction. During other construction phases, all truck movement into and out of the Project Site shall be monitored by flag persons to minimize any traffic conflict.

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

16. **Garage Safety Features.** The Project Sponsor shall post signs or other devices to alert pedestrians to vehicles exiting the garage. Parabolic mirrors shall be installed at the garage exit to enhance the view of exiting drivers.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

17. **Street Tree In-Lieu Fee.** The Zoning Administrator waived the requirement for installation of two of the required four street trees under Planning Code Section 138.1 based on DPW's recommendation. Pursuant to Planning Code Section 428, the Project Sponsor shall comply with Planning Code Section 138.1 through payment of an in-lieu Fee pursuant to Section 428.

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

## MONITORING

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

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

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

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

## OPERATION

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

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

21. **Filbert Street Stewardship.** The Project Sponsor will work in good faith with DPW and other relevant City Agencies to establish a stewardship and maintenance agreement for the landscaped area to the north of the Filbert Street stairs, between Kearny Street and the Project Site.

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

22. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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



ADDRESS	Square Feet	BLOCK	LOT	OWNER	OWNER'S ADDRESS	CITY	STATE	ZIP
310 Filbert	3,231.250	0086	007	GRAY TRS (Donna L. Carnes, trustee)	310 FILBERT ST	SAN FRANCISCO	CA	94133-3206
97 Tel Hill Blvd. (21.01%)	765.550	0086	037	CAROLYN ZECCA FERRIS REV TRS	97 TELEGRAPH HILL BL	SAN FRANCISCO	CA	94133-3106
99 Tel Hill Blvd. (49.54%)	1,805.114	0086	038	CAROLYN ZECCA FERRIS REV TRS	99 TELEGRAPH HILL BL	SAN FRANCISCO	CA	94133-3106
401-05 Filbert/1459-69 Kearny	2,400.000	0104	001	Alexander Schuth (Eva-Maria Schuth, wife)	401-05 Filbert/1459-69 Kearny	SAN FRANCISCO	CA	94133
1447 Kearny	1,302.000	0104	003	GHIGLIER, JEAN & GUIDO	52 GENOA PL	SAN FRANCISCO	CA	94133-3402
1435-1437 Kearny	1,200.000	0104	006	LISTON TRS (Marcy Liston)	1437 KEARNY ST	SAN FRANCISCO	CA	94133-3404
126-128 Varennes	1,149.000	0104	049	YUET YING WONG TRSEE (Howard & Yuet Uing Wong, tr	128 VARENNES ST	SAN FRANCISCO	CA	94133-3411
439-441 Filbert	1,006.000	0104	054	ROBERT TOY	439 FILBERT ST	SAN FRANCISCO	CA	94133-3021
56-58 Genoa	496.000	0104	064	NEIL RASKIN TRS	1455 KEARNY ST	SAN FRANCISCO	CA	94133-3404
1455 Kearny	696.000	0104	065	NEIL RASKIN TRS	1455 KEARNY ST	SAN FRANCISCO	CA	94133-3404
152-158 Varennes	2,417.000	0104	068	ROBERT TOY	439 FILBERT ST	SAN FRANCISCO	CA	94133-3021
55 Genoa Pl	2,090.000	0104	069	WORNUM COOK TRS (Claudia Wornu, trustee )	1823 ALAMEDA AV	ALAMEDA	CA	94501-4107
1321 Montgomery	1,572.000	0105	002	SUZANNE DANEMAN CAUTHEN TRS	1321 MONTGOMERY ST	SAN FRANCISCO	CA	94133-3521
110 Alta	1,632.000	0105	006	110 ALTA LLC - Peter Dwares, Manager	331 FILBERT ST	SAN FRANCISCO	CA	94133-3234
103-105 Alta	797	0105	009	JEREMIAH & JACQUELINE ROBISON	103-105 ALTA ST	SAN FRANCISCO	CA	94133-3503
1315 Montgomery	1,550.000	0105	010	DANIEL LORIMER	1315 MONTGOMERY ST	SAN FRANCISCO	CA	94133-3521
1309-1311 Montgomery	1,546.000	0105	011	BIRCHERS LLC	PO BOX 291	FERNDALE	CA	95536-0291
1305-07 Montgomery	1,934.000	0105	013	CROCKETT & KROEBER TRS	1305 MONTGOMERY ST	SAN FRANCISCO	CA	94133-3511
1301 & 1303 Montgomery	2,500	0105	014	JUDY SITZ	1301 1/2 MONTGOMERY S	SAN FRANCISCO	CA	94133
1402 Kearny	1,855.000	0105	025	DENNIS FIORANELLI	394 UNION ST	SAN FRANCISCO	CA	94133-3516
1424-1428 Kearny	5,156.250	0105	027	SHEILA BLACK ESTATE	1424 KEARNY ST	SAN FRANCISCO	CA	94133-3441
1436 Kearny	5,500.000	0105	028	NATHAN & NAN ROTH	1436 KEARNY ST	SAN FRANCISCO	CA	94133-3405
1454-56 Kearny	776.000	0105	031	YASSO TRS	9703 MERRIWEATHER CT	GRANITE BAY	CA	95746-6712
391 Filbert	727.000	0105	032	ERICH BREISACHER	391 FILBERT ST	SAN FRANCISCO	CA	94133-3205
357 Filbert	2,382.500	0105	037	NATHAN & NAN ROTH	1436 KEARNY ST	SAN FRANCISCO	CA	94133-3405
122 Alta	1,999.000	0105	041	SAFFELSING TRS (Blair Helsing & Sharon Saffel, trustees)	122 ALTA ST	SAN FRANCISCO	CA	94133-3504
331 Filbert	997.000	0105	045	331 Filbert LLC (New Owner) - Peter Dwares, Manager	331 Filbert	SAN FRANCISCO	CA	94133
327 Filbert	875.000	0105	045B	SONDRA LEQVE TRS	327 FILBERT ST	SAN FRANCISCO	CA	94133-3205
109-111 Tel Hill Blvd	3,220.625	0105	049	WILLIAM RUTTER TRS	1700 OWENS ST #515	SAN FRANCISCO	CA	94158-0002
107 Alta	3,260.000	0105	048	FRANK CHIANG TRS	107 ALTA ST	SAN FRANCISCO	CA	94133-3503
307 Filbert	1,528.000	0105	050	ROBERT MAJOR TRS	311 TEETSHORN ST	HOUSTON	TX	77009-7529
116 ALTA ST (13.513%)	1,021.92	0105	055	Prober Family Trust (Charles G. Prober, trustee)	116 ALTA ST	SAN FRANCISCO	CA	94133-3504
118 ALTA ST (18.91%)	1,430.069	0105	056	BRADLEY & AMANDA PETERS	118 ALTA ST	SAN FRANCISCO	CA	94133-3504
101 Tel Hill Blvd #A (10.383%)	785.214	0105	057	BEYKPOUR KAYVON	101 TELEGRAPH HILL BL #A	SAN FRANCISCO	CA	94133-3101
101 Tel Hill Blvd #B (14.7321%)	1,114.115	0105	058	LEY TRS	26850 ORTEGA DR	LOS ALTOS	CA	94022-1978
345 Filbert St #1 (21.3255%)	1,612.741	0105	059	GIOVANNI SAVIO	345 FILBERT ST #1	SAN FRANCISCO	CA	94133-3205
345 FILBERT ST #2 (10.5682%)	799.220	0105	060	PETER HABLE TRS	345 FILBERT ST #2	SAN FRANCISCO	CA	94133-3205
71 CASTLE ST (26%)	611.000	0114	074	SMITH TRS (Robert E. Smith, trustee)	75 CASTLE ST	SAN FRANCISCO	CA	94133-3517
73 CASTLE ST (26%)	611.000	0114	075	SMITH TRS (Robert E. Smith, trustee)	75 CASTLE ST	SAN FRANCISCO	CA	94133-3517
75 CASTLE ST (26%)	611.000	0114	076	SMITH TRS (Robert E. Smith, trustee)	75 CASTLE ST	SAN FRANCISCO	CA	94133-3517
77 CASTLE ST (26%)	611.000	0114	077	SMITH TRS (Robert E. Smith, trustee)	75 CASTLE ST	SAN FRANCISCO	CA	94133-3517
401 UNION ST #101 (12.64%)	391.840	0115	055	JONATHAN PEREL	401 UNION ST #101	SAN FRANCISCO	CA	94133-3450
401 UNION ST #102 (9.65%)	299.150	0115	056	ROBERT WATKE TRS	401 UNION ST #102	SAN FRANCISCO	CA	94133-3432
401 UNION ST #103 (10.96%)	339.760	0115	057	JEFFREY WATSON	401 UNION ST #103	SAN FRANCISCO	CA	94133-3432
401 UNION ST #301 (18.78%)	582.180	0115	061	VIVIANE AMES	401 UNION ST #301	SAN FRANCISCO	CA	94133-3431
401 UNION ST #302 (14.72%)	456.320	0115	062	FUNG & NGUYEN	401 UNION ST #302	SAN FRANCISCO	CA	94133-3431

total square feet 69,641.819

City Planning Commission  
Case No. 2013-1375CE

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

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>310 Filbert St</u>	<u>86/07</u>	<u>Donna L. Carnes <del>Gray</del></u> <u>Trustee, Gray Trust</u>	<u>Donna Carnes-Trustee</u>
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City Planning Commission  
Case No. 2013-1375CE

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>97 Telegraph Hill Blvd.</u>	<u>86/37</u>	<u>Carolyn Zecca Ferris,</u>	<u>X [Signature]</u>
2.			<u>Trustee, Carolyn</u>	
3.			<u>Zecca Ferris Rev.Tr.</u>	
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5.	<u>99 Telegraph Hill Blvd.</u>	<u>86/38</u>	<u>Carolyn Zecca Ferris,</u>	<u>X [Signature]</u>
6.			<u>Trustee, Carolyn</u>	
7.			<u>Zecca Ferris Rev.Tr.</u>	
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BOARD OF SUPERVISORS  
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2014 OCT 14 PM 3:01

City Planning Commission  
Case No. 2013-1375CE

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>401-05 Filbert/1459-69 Kearny</u>	<u>104/01</u>	<u>Eva-Maria Schuth</u>	<u>Eva Schuth</u>
2.			<u>Alexander Schuth</u>	<u>Alexander Schuth</u>
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RECORDING REQUESTED BY:

Old Republic Title Company

Order No.: 0224032534-KN

APN: Lot 001; Block 0104

When Recorded Mail Document and Tax Statements to:

Alexander Schuth  
1469 Kearny St.  
San Francisco, CA 94133

20149J89084600005

San Francisco Assessor-Recorder

Carmen Chu, Assessor-Recorder

DOC 2014-J890846-00

Acct 5002-Old Republic Title Company

Wednesday, JUN 04, 2014 10:59:54

Ttl Pd\$26,099.50

Nbr-0004950493

oar/RE/1-5

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

1459-1469 Kearny St & 401-405 Filbert St

## Grant Deed

The undersigned grantor(s) declare(s):

Documentary Transfer Tax is \$26,062.50

(X) computed on full value of property conveyed, or

( ) computed on full value less of liens and encumbrances remaining at time of sale.

( ) Unincorporated area: (X) City of San Francisco

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Ernest John Chiappari and Linda Lee Chiappari, Trustees of The Ernest John Chiappari and Linda Lee Chiappari Revocable Living Trust dated April 4, 2007; and Larry P. Nannini and Susan L. Nannini, Trustees under Revocable Trust Agreement of Larry P. Nannini and Susan L. Nannini dated June 26, 2007; and Roy L. Chiappari and Dianne R. Chiappari, Trustees of The Roy L. Chiappari and Dianne R. Chiappari Revocable Living Trust dated April 8, 2004; and Ernest Chiappari, Roy Chiappari and Susan Nannini, Successor Co-Trustees of The Mary Chiappari 1998 Revocable Living Trust dated April 20, 1998

hereby GRANT(S) to

Alexander Schuth, a married man, as his sole and separate property

that property in City of San Francisco, San Francisco County, State of California, described as:

See "Exhibit A" attached hereto and made a part hereof.

Date: May 23, 2014

The Ernest John Chiappari and Linda Lee Chiappari Revocable Living Trust dated April 4, 2007

By:



Ernest John Chiappari, Trustee

By:



Linda Lee Chiappari, Trustee

The Revocable Trust Agreement of Larry P. Nannini and Susan L. Nannini dated June 26, 2007

By:



Larry P. Nannini, Trustee

By:



Susan L. Nannini, Trustee

The Roy L. Chiappari and Dianne R. Chiappari Revocable Living Trust dated April 8, 2004

By:



Roy L. Chiappari, Trustee

By:



Dianne R. Chiappari, Trustee

The Mary Chiappari 1998 Revocable Living Trust dated April 20, 1998

By:



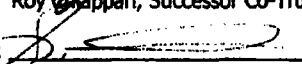
Ernest Chiappari, Successor Co-Trustee

By:



Roy Chiappari, Successor Co-Trustee

By:



Susan Nannini, Successor Co-Trustee

**ORDER NO. : 0224032534-KN**

**EXHIBIT A**

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

Commencing at a point formed by the intersection of the Westerly line of Kearny Street with the Southerly line of Filbert Street, running thence Southerly along said Westerly line of Kearny Street 40 feet; thence at a right angle Westerly and parallel to the Southerly line of Filbert Street 60 feet to Easterly line of Filbert Place; thence at a right angle Northerly along said Easterly line of Filbert Place 40 feet to the Southerly line of Filbert Street, thence at a right angle Easterly along said Southerly line of Filbert Street 60 feet to said Westerly line of Kearny Street and the point of commencement.

BEING a portion of 50 Vara Lot No. 421.

Assessor's LOT 00 1; BLOCK 0104

State of California

County of San Mateo

On 27th day of May, 2014 before me, D. Lum, a Notary Public, personally appeared Roy L. Chiappari, Dianne R. Chaippari, Larry P. Nannini and Susan L. Nannini, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

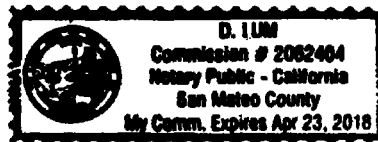
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

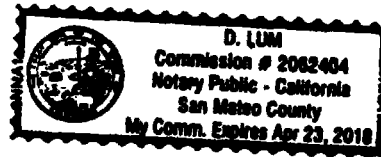
Signature: 

Name: D. Lum

Grant Deed dated May 23, 2014 Lot 001; Block 0104  
(typed or printed)



(Seal)



\* aka Roy Chiappari.  
\*\* aka Susan Nannini.

State of California

County of Placer

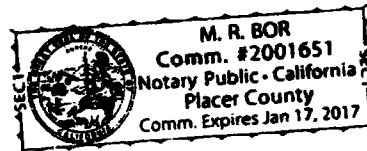
On 28th day of May, 2014 before me, M.R. Bor a Notary Public, personally appeared Ernest Chiappari , who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: 

Name: M.R. Bor  
(typed or printed)



(Seal)

RB/rb





Access to Public Records  
for County Government

[CRiis Home](#) [Contact](#) [AtPac Home](#)

## **Search Results**

### **Document Details**

		Record					Grantor		
Year	Document	Date	Reel	Image	Document Type	Grantee	Name		
2014	J890846-00	06/04/2014			DEED	R	CHIAPPARI ERNEST JOHN		
						R	CHIAPPARI LINDA LEE		
						R	ERNEST J & LINDA L CHIAPPARI REVOC TR		
						R	MARY CHIAPPARI 1998 REVOC LVG TR		
						R	NANNINI LARRY		
						R	NANNINI SUSAN L		
						E	SCHUTH ALEXANDER		



City Planning Commission  
Case No. 2013-1375CE

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>55 Genoa PL</u>	<u>104/69</u>	<u>Cook &amp; Wornum Family Tr.</u>	
2.			<u>Claudia Wornum, Trustee</u>	<u>Claudia Wornum</u>
3.				
4.	<u>1447 KEARNY</u>	<u>104/3</u>	<u>GUIDO GHIGLIERI</u>	<u>Guido Ghiglieri</u>
5.			<u>JEAN GHIGLIERI</u>	<u>Jean Ghiglieri</u>
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2014 OCT 14 PM 3:02

City Planning Commission  
Case No. 2013-1375CE

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1435-37 Kearny	104/06	LISTON TRS (Marcy Liston, Trustee)	Marcy Liston, Trustee
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City Planning Commission  
Case No. 2013-1375 CE

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>126-128 Varennes</u>	<u>104/49</u>	<u>YUET YING WONG Trust</u>	
2.			<u>Yuet Ying Wong</u>	<u>Yuet Ying Wong</u>
3.			<u>Howard Wong</u>	<u>Howard Wong</u>
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>439-441 Filbert</u>	<u>104/54</u>	<u>Robert Toy</u>	<u>x [Signature]</u>
2.	<u>152-158 Varennes</u>	<u>104/68</u>	<u>Robert Toy</u>	<u>x [Signature]</u>
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>56-58 Genoa</u>	<u>104/64</u>	<u>NEIL RASKIN TR</u> <u>NEIL RASKIN</u>	<u>[Signature]</u> x
2.				
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6.	<u>1455 Kearny</u>	<u>104/65</u>	<u>NEIL RASKIN TR</u> <u>NEIL RASKIN</u>	<u>[Signature]</u> x <u>Neil Raskin</u>
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City Planning Commission  
Case No. **2013-1375CE**

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

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>109-111 Telegraph Hill Blvd</u>	<u>105 / 49</u>	<u>William RUTTER Trust</u>	<u>William Rutter</u>
2.	<u>357 Filbert</u>	<u>105 / 37</u>	<u>Nathan ROTH</u>	<u>Nathan Roth</u>
3.	<u>"</u>	<u>"</u>	<u>NATHAN ROTH</u>	<u>Nathan Roth</u>
4.	<u>1436 Kearny</u>	<u>105 / 28</u>	<u>NATHAN ROTH</u>	<u>Nathan Roth</u>
5.	<u>"</u>	<u>"</u>	<u>NAN ROTH</u>	<u>Nan Roth</u>
6.	<u>110 Alta</u>	<u>105 / 06</u>	<u>110 ALTA LLC (Peter Dwares)</u>	<u>X Peter Dwares</u>
7.	<u>1424-1428 Kearny</u>	<u>105 / 27</u>	<u>Sheila Black (Estate of)</u>	
8.	<u>1315 Montgomery</u>	<u>105 / 10</u>	<u>Daniel Lorimer</u>	<u>Daniel Lorimer</u>
9.	<u>12628 Varennes</u>	<u>104 / 49</u>	<u><del>12628 VARENNES</del> <del>WINE HOUSE LLC</del></u>	<u><del>Suzanne D. Cauter</del></u>
10.	<u>1321 Montgomery</u>	<u>105 / 02</u>	<u>Suzanne Daneman Cauter Tr</u>	<u>Suzanne D. Cauter</u>
11.	<u>331 Filbert</u>	<u>105 / 45</u>	<u>331 Filbert LLC (Peter Dwares)</u>	<u>X Peter Dwares</u>
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## Business Entities (BE)

### Online Services

- [E-File Statements of Information for Corporations](#)
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### Filing Tips

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- [Tax Information](#)
- [Starting A Business](#)

### Customer Alerts

- [Business Identity Theft](#)
- [Misleading Business Solicitations](#)

## Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, September 19, 2014. Please refer to [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	110 ALTA LLC
Entity Number:	200322710040
Date Filed:	08/13/2003
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	331 FILBERT STREET
Entity City, State, Zip:	SAN FRANCISCO CA 94133
Agent for Service of Process:	PETER DWARES
Agent Address:	331 FILBERT STREET
Agent City, State, Zip:	SAN FRANCISCO CA 94133

\* Indicates the information is not contained in the California Secretary of State's database.

\* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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110 Alta St

105/06

MANAGER- Peter Duares  
110 Alta St. LLC

OPERATING AGREEMENT

FOR



110 ALTA LLC

A LIMITED LIABILITY COMPANY

THE SECURITIES REPRESENTED BY THIS AGREEMENT HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933 OR REGISTERED OR QUALIFIED UNDER ANY STATE SECURITIES LAWS. SUCH SECURITIES MAY NOT BE OFFERED FOR SALE, SOLD, TRANSFERRED, PLEDGED, OR HYPOTHECATED UNLESS QUALIFIED AND REGISTERED UNDER APPLICABLE STATE AND FEDERAL SECURITIES LAWS OR IN THE OPINION OF COUNSEL SATISFACTORY TO THE COMPANY, SUCH QUALIFICATION OR REGISTRATION IS NOT REQUIRED. ANY TRANSFER OF SECURITIES REPRESENTED BY THIS AGREEMENT IS FURTHER SUBJECT TO OTHER RESTRICTIONS, TERMS AND CONDITIONS WHICH ARE SET FORTH HEREIN.

## **OPERATING AGREEMENT**

This Operating Agreement, is made as of August 14, 2003 by and among the parties listed on the signature pages hereof, with reference to the following facts:

WHEREAS, on August 13, 2003, Articles of Organization for a California limited liability company, were filed with the California Secretary of State.

WHEREAS, the parties desire to adopt and approve an operating agreement for the Company.

NOW, THEREFORE, the parties to this Agreement agree to the following provisions of the Company's operating agreement:

### **ARTICLE 1    DEFINITIONS.**

When used in this Agreement, the following terms shall have the meanings set forth below (Other terms used in this Agreement that are not defined in this Article 1 shall have the meanings set forth elsewhere in this Agreement):

- 1.1    "Act" shall mean the California Limited Liability Act.

Bankruptcy Code, as determined by the Bankruptcy Court, or the admission in writing of a Member's inability to pay such Member's debts as they become due.

1.6 "Capital Account" shall mean, with respect to a Member, the capital account which the Company establishes and maintains for such Member pursuant to Section 3.3.

1.7 "Capital Contribution" shall mean the total value of cash or fair market value of property (including promissory notes or obligation to contribute cash or property) contributed or services rendered or to be rendered to the Company by Members.

1.8 "Code" shall mean the Internal Revenue Code of 1986, as it may be amended or restated from time to time, and to the extent applicable, the Regulations.

1.9 "Company" shall mean 110 Alta LLC, a California limited liability company. the business of the Company may be conducted under that name or, upon compliance with applicable laws, any other name that the Manager deems appropriate or advisable.

1.10 "Company Minimum Gain" shall have the meaning ascribed to the term "Partnership Minimum Gain: in the Regulations Section 1.704-2 (d).

1.11 "Corporations Code" shall mean the California Corporations Code, as it may be amended or restated from time to time.

1.17 "Former Member" shall have the meaning defined under Section 8.1.

1.18 "Former Member's Interest" shall have the meaning defined under Section 8.1.

1.19 "Loan Agreement" shall mean a Loan Agreement.

1.20 "Majority Interest" shall mean aggregate Percentage Interests of Members which exceed fifty percent (50%) of Percentage Interests of all Members.



1.21 "Manager" shall mean Peter L. Dwares, until his successor(s) are appointed in accordance with the terms of this Agreement, the Articles or the Act.

1.22 "Member" shall mean each Person who (i) is an initial signatory to this Agreement, (ii) has been admitted to the Company as a Member in accordance with the Articles or this Agreement or (iii) is an assignee who has become a Member in accordance with Article 7 and (iv) has not resigned, withdrawn, been expelled or, if other than an individual, dissolved. Initial Members are New Providence Trust and Peter Dwares.

1.23 "Member Non recourse Debt" shall have the meaning ascribed to the term "Partner Non recourse Debt" in Regulations Section 1.704-2(b) (4).

4.10.2 Replacement of Certificates. Any Member whose certificate of membership is lost, stolen, or destroyed may request a new certificate. Upon indemnifying the Company as reasonably as required by the Manager, a new certificate may be issued representing the same Percentage Interest of membership as was represented by the certificate alleged to be lost, stolen, or destroyed.

## **ARTICLE 5    MANAGEMENT AND CONTROL OF THE COMPANY.**

### **5.1    Management of the Company by Manager.**

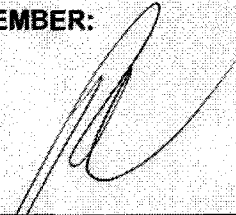
5.1.1 Management by Manager. The business, property and affairs of the Company shall be managed by the Manager. Unless the approval of the Members is expressly required by the Articles or this Agreement, the Managers shall have full, complete and exclusive authority, power, and discretion to manage and control the business, property and affairs of the Company, to make all decisions regarding those matters and to perform any and all other acts or activities customary or incident to the management of the Company's business, property and affairs.

### **5.2    Election of Managers.**

5.2.1 Number, Term, and Qualifications. The Company shall initially have one (1) Manager, Peter Dwares. Any one Manager may make management decisions on behalf of the Company. The number of Managers may be amended from time to time by the affirmative vote or written consent of Members holding a Majority Interest. The

**IN WITNESS WHEREOF, the Member of the Company has executed this Agreement, effective as of the written above.**

**MEMBER:**

A handwritten signature in black ink, appearing to be 'Peter Dwares', written over a horizontal line.

**Peter Dwares**

**Recording Requested By**

Name: Brenda Cruz Keith  
c/o Law Offices of Brenda Cruz Keith

WHEN RECORDED MAIL THIS DEED AND ANY  
TAX STATEMENTS TO:

331 FILBERT STREET, LLC  
c/o Andrew South  
7831 S.E. Stark St. #103  
Portland, OR 97215



San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
**DOC- 2014-J895909-00**

Check Number 3181

Wednesday, JUN 18, 2014 12:56:09

Tel Pd \$21.00 Rpt # 000495633

oke/NF/1-2

Lot 045, Block 0105

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT DEED**

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 0

- [ ] computed on full value of property conveyed, or  
[ ] computed on full value less value of liens or  
encumbrances remaining at time of sale,  
[ ] Unincorporated Area City of San Francisco

NO CONSIDERATION. TRANSFER  
IS FROM GRANTOR TO LIMITED  
LIABILITY COMPANY IN WHICH  
GRANTOR'S INTEREST REMAINS  
PROPORTIONAL  
Revenue & Taxation Code Sec. 62(a)(2)

FOR NO CONSIDERATION FIRST SOSCAL, L.L.C. hereby GRANTS TO 331 FILBERT STREET, LLC  
the following described real property in the City of San Francisco, County of San Francisco, State of California:

331 Filbert Street, San Francisco, California and more particularly described as: See Exhibit "ONE" attached hereto and  
made a part of hereof, the legal description of the property.

  
PETER L. DWARES  
Managing Member

Executed on May 23 2014, in City of San Francisco, County of San Francisco, State of California.

On May 23, 2014 before me, Kelli M. Smith  
Notary Public, personally appeared Peter L. Dwares  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed  
to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity  
upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Kelli M. Smith (Seal)



**EXHIBIT A**  
**331 Filbert Street, San Francisco, CA 94133**

**BEGINNING** at a point on the Southerly line of Filbert Street, distant thereon 117 feet and 6 inches Westerly from the Westerly line of Montgomery Street; running thence Westerly along said line of Filbert Street 20 feet; thence at a right angle Southerly 50 feet; thence at a right angle Easterly 20 feet; thence at a right angle Northerly 50 feet to the point of beginning.

**Being a portion of 50 Vera Block No. 62**

**Lot 045, Block 0105**



## Business Entities (BE)

### Online Services

- **E-File Statements of Information for Corporations**
- **Business Search**
- **Processing Times**
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### Information Requests (certificates, copies & status reports)

### Service of Process

### FAQs

### Contact Information

### Resources

- **Business Resources**
- **Tax Information**
- **Starting A Business**

### Customer Alerts

- **Business Identity Theft**
- **Misleading Business Solicitations**

## Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, October 10, 2014. Please refer to **Processing Times** for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	331 FILBERT STREET, LLC
Entity Number:	201104310114
Date Filed:	01/28/2011
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	331 FILBERT ST
Entity City, State, Zip:	SAN FRANCISCO CA 94133
Agent for Service of Process:	PETER DWARES
Agent Address:	331 FILBERT ST
Agent City, State, Zip:	SAN FRANCISCO CA 94133

\* Indicates the information is not contained in the California Secretary of State's database.

\* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to **Name Availability**.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Field Descriptions and Status Definitions**.

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331 Filbert St  
105/45  
Manager: Peter Duares  
331 Filbert St LLC

**OPERATING AGREEMENT**

**FOR**

→ **331 Filbert Street, LLC**  
**A LIMITED LIABILITY COMPANY**

THE SECURITIES REPRESENTED BY THIS AGREEMENT HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933 OR REGISTERED OR QUALIFIED UNDER ANY STATE SECURITIES LAWS. SUCH SECURITIES MAY NOT BE OFFERED FOR SALE, SOLD, TRANSFERRED, PLEDGED, OR HYPOTHECATED UNLESS QUALIFIED AND REGISTERED UNDER APPLICABLE STATE AND FEDERAL SECURITIES LAWS OR IN THE OPINION OF COUNSEL SATISFACTORY TO THE COMPANY, SUCH QUALIFICATION OR REGISTRATION IS NOT REQUIRED. ANY TRANSFER OF SECURITIES REPRESENTED BY THIS AGREEMENT IS FURTHER SUBJECT TO OTHER RESTRICTIONS, TERMS AND CONDITIONS WHICH ARE SET FORTH HEREIN.

## **OPERATING AGREEMENT**

This Operating Agreement, is made as of January 4, 2013 by and among the parties listed on the signature pages hereof, with reference to the following facts:

WHEREAS, on January 3, 2013, articles of organization for a California limited liability company, were filed with the California Secretary of State.

WHEREAS, the parties desire to adopt and approve an operating agreement for the Company.

NOW, THEREFORE, the parties to this Agreement agree to the following provisions of the Company's operating agreement:

### **ARTICLE 1 DEFINITIONS.**

When used in this Agreement, the following terms shall have the meanings set forth below (Other terms used in this Agreement that are not defined in this Article 1 shall have the meanings set forth elsewhere in this Agreement):

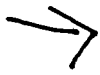
1.1 "Act" shall mean the California Limited Liability Act.

Bankruptcy Court, or the admission in writing of a Member's inability to pay such Member's debts as they become due.

1.6 "Capital Account" shall mean, with respect to a Member, the capital account which the Company establishes and maintains for such Member pursuant to Section 3.3.

1.7 "Capital Contribution" shall mean the total value of cash or fair market value of property (including promissory notes or obligation to contribute cash or property) contributed or services rendered or to be rendered to the Company by Members.

1.8 "Code" shall mean the Internal Revenue Code of 1986, as it may be amended or restated from time to time, and to the extent applicable, the Regulations.



1.9 "Company" shall mean 331 Filbert Street, LLC, a California limited liability company. the business of the Company may be conducted under that name or, upon compliance with applicable laws, any other name that the Manager deems appropriate or advisable.

1.10 "Company Minimum Gain" shall have the meaning ascribed to the term "Partnership Minimum Gain: in the Regulations Section 1.704-2 (d).

1.11 "Corporations Code" shall mean the California Corporations Code, as it may be amended or restated from time to time.

1.17 "Former Member" shall have the meaning defined under Section 8.1.

1.18 "Former Member's Interest" shall have the meaning defined under Section 8.1.

1.19 "Loan Agreement" shall mean a Loan Agreement.

1.20 "Majority Interest" shall mean aggregate Percentage Interests of Members which exceed fifty percent (50%) of Percentage Interests of all Members.



1.21 "Manager" shall mean Peter L. Dwares, until his successor(s) are appointed in accordance with the terms of this Agreement, the Articles or the Act.

1.22 "Member" shall mean each Person who (i) is an initial signatory to this Agreement, (ii) has been admitted to the Company as a Member in accordance with the Articles or this Agreement or (iii) is an assignee who has become a Member in accordance with Article 7 and (iv) has not resigned, withdrawn, been expelled or, if other than an individual, dissolved.

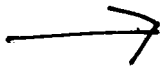
1.23 "Member Non recourse Debt" shall have the meaning ascribed to the term "Partner Non recourse Debt" in Regulations Section 1.704-2(b) (4).

1.24 "Member Non recourse Deductions" shall mean items of Company loss, deduction, or Code Section 705 (a) (2) (B) expenditures which are attributable to Member Non recourse Debt.

4.10.2 Replacement of Certificates. Any Member whose certificate of membership is lost, stolen, or destroyed may request a new certificate. Upon indemnifying the Company as reasonably as required by the Manager, a new certificate may be issued representing the same Percentage Interest of membership as was represented by the certificate alleged to be lost, stolen, or destroyed.

## **ARTICLE 5 MANAGEMENT AND CONTROL OF THE COMPANY.**

### 5.1 Management of the Company by Manager.



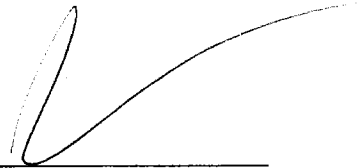
5.1.1 Management by Manager. The business, property and affairs of the Company shall be managed by the Manager. Unless the approval of the Members is expressly required by the Articles or this Agreement, the Managers shall have full, complete and exclusive authority, power, and discretion to manage and control the business, property and affairs of the Company, to make all decisions regarding those matters and to perform any and all other acts or activities customary or incident to the management of the Company's business, property and affairs.

### 5.2 Election of Managers.

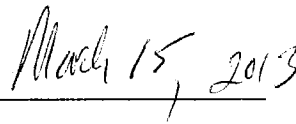
5.2.1 Number, Term, and Qualifications. The Company shall initially have one (1) Manager, Peter Dwares. Any one Manager may make management decisions on behalf of the Company. The number of Managers may be amended from time to time by the affirmative vote or written consent of Members holding a Majority Interest. The Articles shall

**IN WITNESS WHEREOF, the Member of the Company has executed this Agreement, effective as of the written above.**

**MEMBER:**

A handwritten signature in black ink, appearing to read 'Peter Dwares', written over a horizontal line.

**Peter Dwares**

A handwritten date in black ink, 'March 15, 2013', written over a horizontal line.

**Date**

City Planning Commission  
Case No. 2013-1375 CE

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

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>103-105 Alta St.</u>	<u>105/09</u>	<u>Jacqueline Robison</u>	<u>Jacqueline Robison</u>
2.			<u>Jeremiah Robison</u>	<u>[Signature]</u>
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[Signature]



City Planning Commission  
Case No. **2013-1375 CE**

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

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

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1309-11 Montgomery	105/11	Birchers LLC	
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3.			managing member	
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Arizona Corporation Commission  
State of Arizona Public Access System

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**Jump To...**

Scanned Documents

Corporate Inquiry	
File Number: L-1903770-9	<input type="button" value="Check Corporate Status"/>
Corp. Name: BIRCHERS LLC	

Domestic Address
3740 E SOUTHERN AVE STE 218
MESA, AZ 85206

Statutory Agent Information
Agent Name: AC&D BUSINESS SERVICES LLC
Agent Mailing/Physical Address:
1355 N MCQUEEN RD
GILBERT, AZ 85233
Agent Status: APPOINTED 02/07/2014
Agent Last Updated: 02/19/2014

Additional Corporate Information	
Corporation Type: DOMESTIC L.L.C.	Business Type:
Incorporation Date: 02/07/2014	Corporate Life Period: PERPETUAL
Domicile: ARIZONA	County: MARICOPA
Approval Date: 02/19/2014	Original Publish Date:

Manager/Member Information
MICHAEL WARNER MEMBER PO BOX 291 FERNDAL, CA 95536 Date of Taking Office: 02/14/2014

**Last Updated:** 02/19/2014

### Scanned Documents

(Click on gray button - if present - to view document - will open in a new window.)

(If gray button is not present, please check back later.)

Document Number	Description	Date Received
04559033	ARTICLES OF ORGANIZATION	02/14/2014
04573539	PUB OF ARTICLES OF ORGANIZATION	03/03/2014

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FAX NO.

AZ Corp. Commission



04559033

04558275

AZ CORPORATION COMMISSION  
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FEB 07 2014

FILE NO. L-1903770-7

STATE OF ARIZONA  
OFFICE OF THE  
CORPORATION COMMISSION

ARTICLES OF ORGANIZATION  
OF  
BIRCHERS LLC

AZ CORPORATION COMMISSION  
FILED

FEB 14 2014

FILE NO. L-1903770-7

Pursuant to A.R.S. 29-833 the undersigned state as follows:

The name of the limited liability company is Birchers LLC

The address of the registered office in Arizona is 7140 E. Southern Ave. Suite 218,  
Mesa, AZ 85205, located in the County of Maricopa.  
The name and address of the statutory agent is:

ACAD Business Services LLC  
On behalf of Kumar Satishwani  
1335 N. McQueen Rd.  
Gilbert, AZ 85233

There are or will be one or more members at the time the limited liability company is  
formed (A.R.S. 29-632.A.3.).

Management of the limited liability company is reserved to the members. The name and  
address of each person who is a member is:

Michael Manner PO Box 291 Perris, CA 95534

DATE: 2/6/2014

ACAD Business Services LLC having been designated to act as Statutory Agent, hereby  
consent to act in that capacity until removed or resignation is submitted in accordance  
with the Arizona Revised Statutes.

KUMAR SATISHWANI ON BEHALF OF ACAD BUSINESS SERVICES LLC  
STATUTORY AGENT

1335 N. McQueen Rd.  
Gilbert, AZ 85233

City Planning Commission  
Case No. 2013-1375CE

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

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

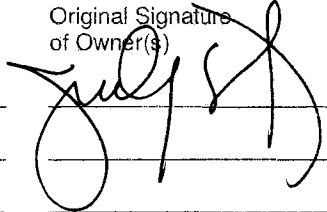
	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1305-07 Montgomery</u>	<u>105/13</u>	<u>Crockett &amp; Kraeber Tr</u>	
2.			<u>Theodore C. Kraeber</u>	<u>Theodore C. Kraeber</u>
3.			<u>Candace D. Crockett</u>	<u>Candace D. Crockett</u>
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SAN FRANCISCO  
2014 OCT 14 PM 3:02

City Planning Commission  
Case No. 2013-1375CE

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

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1301 &amp; 1303</u> <u>Montgomery St</u>	<u>105/14</u>	<u>Judy Sitz</u>	
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>1422-28 Kearny</u>	<u>105/27</u>	<u>ESTATE OF SHEILA BLACK,</u>	
2.			<u>EXECUTORS:</u>	
3.			<u>MARITA E. Maierhauser</u>	<u>[Signature]</u>
4.			<u>James Kavanaugh</u>	<u>[Signature]</u>
5.			<u>Marilyn Kavanaugh</u>	<u>[Signature]</u>
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[Signature]

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Nancy M. Levin, SBN 57610 Naznin Bomi Challa, SBN 220898 Evans, Latham & Campisi One Post Street, Suite 600 San Francisco, CA 94104 ATTORNEY FOR (Name): Martha Kuehn Maierhauser	TELEPHONE AND FAX NOS.: (415)421-0288 (415)421-0464	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: San Francisco Superior Court		
ESTATE OF (Name): Sheila Tobin Black		
DECEDENT		
<b>LETTERS</b> <input checked="" type="checkbox"/> TESTAMENTARY <input type="checkbox"/> OF ADMINISTRATION WITH WILL ANNEXED		CASE NUMBER: PES 14-297666
<input type="checkbox"/> OF ADMINISTRATION <input type="checkbox"/> SPECIAL ADMINISTRATION		

**LETTERS**

1. ☒ The last will of the decedent named above having been proved, the court appoints (name): Martha Kuehn Maierhauser, James V. Kavanaugh and Marilyn J. Kavanaugh
  - a. ☒ executor.
  - b. ☐ administrator with will annexed.
2. ☐ The court appoints (name):
  - a. ☐ administrator of the decedent's estate.
  - b. ☐ special administrator of decedent's estate
    - (1) ☐ with the special powers specified in the Order for Probate.
    - (2) ☐ with the powers of a general administrator.
    - (3) ☐ letters will expire on (date):
3. ☒ The personal representative is authorized to administer the estate under the Independent Administration of Estates Act ☒ with full authority ☐ with limited authority (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
4. ☐ The personal representative is not authorized to take possession of money or any other property without a specific court order.

WITNESS, clerk of the court, with seal of the court affixed.

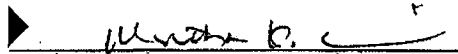
(SEAL)	Date: _____ Clerk, by _____ _____ (DEPUTY)
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**AFFIRMATION**

1. ☐ PUBLIC ADMINISTRATOR: No affirmation required (Prob. Code, § 7621(c)).
2. ☒ INDIVIDUAL: I solemnly affirm that I will perform the duties of personal representative according to law.
3. ☐ INSTITUTIONAL FIDUCIARY (name):

I solemnly affirm that the institution will perform the duties of personal representative according to law.  
 I make this affirmation for myself as an individual and on behalf of the institution as an officer.  
 (Name and title):

4. Executed on (date): 4-18-14  
 at (place): YAIL, ARIZONA 85641

  
 (SIGNATURE)  
 Martha Kuehn Maierhauser

**CERTIFICATION**

I certify that this document is a correct copy of the original on file in my office and the letters issued the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)	Date: _____ Clerk, by _____ _____ (DEPUTY)
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City Planning Commission  
Case No. 2013-1375CE

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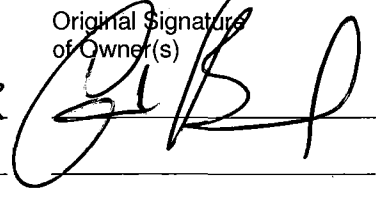
	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	1454-Sk Kearny	105/31	Yasso Trust	
2.			Jim Yasso, Trustee	<i>Jim Yasso, Trustee</i>
3.			Sandy Yasso, Trustee	<i>Sandy Yasso, Trustee</i>
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	391 Filbert	105/32	ERICH BREISACHER	
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>122 Alta St</u>	<u>105/41</u>	<u>Saffelsing Trust</u>	
2.			<u>Blair Helsing, Jr.</u>	X <u>[Signature]</u>
3.			<u>Sharon Saffel, Jr.</u>	X <u>[Signature]</u>
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>327 Filbert St.</u>	<u>105/45B</u>	<u>Sondra Leque Trs.</u>	<u><i>Sondra Leque</i></u>
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>107 Alta St.</u>	<u>105/48</u>	<u>Frank Chiang Trust</u>	<u>* J-L Cl...</u>
2.			<u>Frank Chiang, Trustee</u>	
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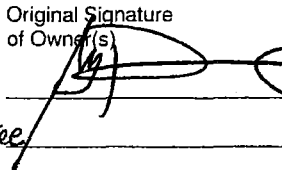
	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>307 Filbert St.</u>	<u>105/50</u>	<u>Robert Major Trs</u>	<u>X Robert Major</u>
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3.	<del><u>102 108 Alta</u></del>	<del><u>105/05</u></del>	<del><u>Wilber Trs</u></del>	
4.	<del>"</del>	<del>"</del>	<del><u>Michael Wilber</u></del>	
5.	<del>"</del>	<del>"</del>	<del><u>Judith Wilber</u></del>	
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7.	<del><u>305 Filbert</u></del>	<del><u>105/46</u></del>	<del><u>Hugh Margvis</u></del>	
8.			<del><u>Jane Margvis</u></del>	
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10.	<del><u>1345 Montgomery</u></del>	<del><u>105/01</u></del>		
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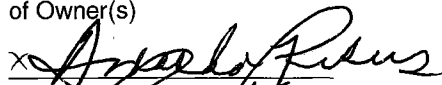

	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>116 Alta St.</u>	<u>105/55</u>	<u>Prober Family Trust</u>	
2.			<u>Charles G. Prober, Trustee</u>	
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>118 Alta St.</u>	<u>105/56</u>	<u>Amanda Cox Peters</u>	<u>X</u> 
2.	<u>"</u>	<u>"</u>	<u>Bradley Scott Peters</u>	<u>X</u> 
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	101 Telegraph Hill Blvd.	# 105/57	Kayvon Beykpour	
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1.	<u>101 Telegraph Hill Blvd. #B</u>	<u>105/58</u>	<u>Anthony J. Ley</u>	<u>an j ley</u>
2.			<u>Patrizia Ley</u>	<u>Patrizia</u>
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	345 Filbert #1	105/59	Giovanni L Savio	<i>Giovanni L Savio</i>
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>345 Filbert St. #2</u>	<u>105/60</u>	<u>Peter Hable Tr.</u>	<u>[Signature]</u>
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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>71 Castle St.</u>	<u>114/74</u>	<u>Robert E. Smith, Trustee</u>	<u>Robert E. Smith</u>
2.			<u>Smith Living Trust</u>	
3.				
4.	<u>73 Castle St.</u>	<u>114/75</u>	<u>Robert E. Smith, Trustee</u>	<u>Robert E. Smith</u>
5.			<u>Smith Living Trust</u>	
6.				
7.	<u>75 Castle St.</u>	<u>114/76</u>	<u>Robert E. Smith, Trustee</u>	<u>Robert E. Smith</u>
8.			<u>Smith Living Trust</u>	
9.				
10.	<u>77 Castle St.</u>	<u>114/77</u>	<u>Robert E. Smith, Trustee</u>	<u>Robert E. Smith</u>
11.			<u>Smith Living Trust</u>	
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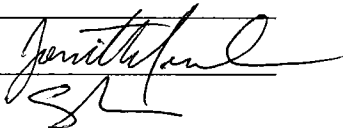
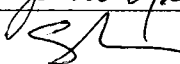
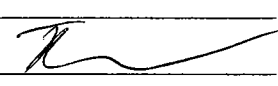
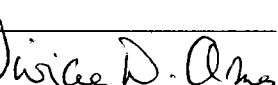
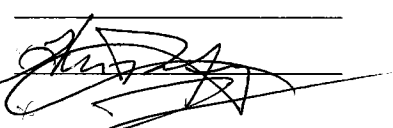
	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	401 Union St #102	115/56	Robert E. & Donna E. Watke Living Trust	
2.	401 Union St #102	115/56	Robert E. Watke	<i>Robert E. Watke</i>
3.	401 Union St #102	115/56	Donna E. Watke	<i>Donna E. Watke</i>
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5.	1402 Kearny St.	105/25	Dennis Fioranelli	<i>Dennis Fioranelli</i>
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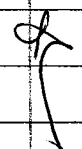
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1.	401 Union St. #101	115/55	Perel Family Living Tr.	
2.			Jonathan E. Perel, Trustee	x 
3.			Sofia R Perel, Trustee	x 
4.				
5.	401 Union St. #103	115/57	Jeffrey Watson	x 
6.				
7.	<del>401 Union St. #203</del>	<del>115/60</del>	<del>Gabriel Blehmitsky</del>	<del>x</del>
8.				
9.	401 Union St. #301	115/61	Viviane D. Ames	x 
10.				
11.	401 Union St. #302	115/62	Hou Pung Fung	
12.	"	"	Tram Nguyen	
13.				
14.				
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BOARD OF SUPERVISORS  
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# APPLICATION FOR Board of Supervisors Appeal Fee Waiver

## 1. Applicant and Project Information

APPLICANT NAME:		
Vedica Puri, President, Telegraph Hill Dwellers		
APPLICANT ADDRESS:	TELEPHONE:	
600 Montgomery, 31st FL San Francisco, CA 94111	(415 ) 433-8000	
	EMAIL:	
	president@thd.org	
NEIGHBORHOOD ORGANIZATION NAME:		
Telegraph Hill Dwellers		
NEIGHBORHOOD ORGANIZATION ADDRESS:	TELEPHONE:	
PO Box 330159 San Francisco, CA 94133	(415 ) 433-8000	
	EMAIL:	
	president@thd.org	
PROJECT ADDRESS:		
115 Telegraph Hill Boulevard		
PLANNING CASE NO.:	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY):
2013-1375 CE		September 11, 2014

## 2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

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



For Department Use Only

Application received by Planning Department:

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

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

Submission Checklist:

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



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

**FOR MORE INFORMATION:  
Call or visit the San Francisco Planning Department**

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

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

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

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