



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Abbreviated Analysis HEARING DATE: MARCH 22, 2012

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San Francisco,
CA 94103-2479

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Date: March 15, 2012
Case No.: **2012.0111D**
Project Address: **62 Collingwood Street**
Permit Application: 2012.01.20.2596
Zoning: RH-3 (Residential House, Three-Family) District
40-X Height and Bulk District
Block/Lot: 2648/064
Project Sponsor: Beth Leber
62 Collingwood Street
San Francisco, CA 94114
Staff Contact: Adrian C. Putra – (415) 575-9079
adrian.putra@sfgov.org
Recommendation: **Do not take DR and approve**

PROJECT DESCRIPTION

The project is to legalize the installation of Marvin brand triple-pane, double-hung aluminum clad windows (11 windows total, six facing the street) at the second story of a two-story over basement, two-family building. The project does not propose any enlargement to the existing building.

SITE DESCRIPTION AND PRESENT USE

The project site is an approximately 25 foot wide by 125 feet deep lot containing 3,125 square-feet, and located on the west side of Collingwood Street between Market and 18th Streets. The lot contains a two-story over basement, two-family building that was converted into separate residential condominium units on October 15, 2003. Per City records the building was originally constructed circa 1909.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the Castro neighborhood. The subject block is primarily within an RH-3 Zoning District and residential in character with the exception of lots with frontage on 18th Street located within the Castro Neighborhood Commercial District. With the exception of three-story commercial office building located at the northwest corner of Collingwood and 18th Streets the subject blockface contains residential buildings that range from one to four stories but are primarily three-stories in height. The adjacent lot to the south (62 - 70 Collingwood Street) contains a three-story, four unit residential building. The adjacent lot to the north (58 Collingwood Street) contains a three-story, three unit residential building.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
10-Day Book Notice (BBN)	10 days	N/A	February 1, 2012	March 22, 2012	51 days

The DR Requestor has a BBN Hold on 62 Collingwood Street requesting to be notified of all building permit applications. Subject Permit Application No. 2011.09.02.3798 to legalize the installation of Marvin brand triple-pane, double-hung aluminum clad windows (11 windows total, six facing the street) at the second story of a two-story over basement, two-family building was approved by the Department on January 20, 2012 without notifying the BBN Holder. After the Department was made aware of the situation the Zoning Administrator issued a Suspension Request letter to the Department of Building Inspection for the subject permit on January 23, 2012. Since the subject permit was approved without following proper BBN procedures the Department allowed the BBN Holder to still have the opportunity to file a Discretionary Review (DR) Application against the permit. On February 1, 2012 the DR Requestor filed both a DR Application with the Department and an appeal with Board of Appeals against the subject permit. On February 7, 2012, an outside neighbor filed a second appeal against the subject permit with the Board of Appeals. The Board of Appeals heard both appeals on March 14, 2012 and decided to continue the case to April 11, 2012 to allow for the Planning Commission to be hear the DR case and provide comments. The second appellant did not show for the March 14, 2012 Board of Appeals hearing. The DR hearing results will be reported to the Board of Appeals at the April 11, 2012 hearing.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	March 12, 2012	March 12, 2012	10 days
Mailed Notice	10 days	March 12, 2012	March 12, 2012	10 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)			
Other neighbors on the block or directly across the street		1 (DR Requestor)	
Neighborhood groups			

To date the Department has not received any public correspondence regarding the project.

DR REQUESTOR

Alan Burradell, owner of 64 Collingwood Street, which is the dwelling unit located directly below the project site.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application*, dated February 1, 2012.

PROJECT SPONSOR’S RESPONSE TO DR APPLICATION

See attached *Response to Discretionary Review*, dated February 20, 2012.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt/excluded from environmental review, pursuant to CEQA Guideline Section 15301 (Class One - Minor Alteration of Existing Facility, (e) Additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet).

RESIDENTIAL DESIGN TEAM REVIEW

The Residential Design Team (RDT) reviewed the project following the filing of the DR application and found the project to be consistent with the Residential Design Guidelines (RDGs). The RDT found that the proposed window type and material are appropriate for the building and the block-face (p.43-45, 52). Additionally, the Department found that the windows are also consistent with the Planning Department’s window guidelines and the Secretary of Interior Standards. As a result, the RDT determined that the project does not contain or create any exceptional or extraordinary circumstances.

Under the Commission’s pending DR Reform Legislation, this project would not be referred to the Commission as this project does not contain or create any exceptional or extraordinary circumstances.

RECOMMENDATION: Do not take DR and approve

Attachments:

- Block Book Map
- Sanborn Map
- Zoning Map
- Aerial Photographs
- Context Photographs
- DR Application
- Response to DR Application dated February 20, 2012
- Submittal from DR Requestor received on March 14, 2012
- Submittal from Project Sponsor dated March 7, 2012

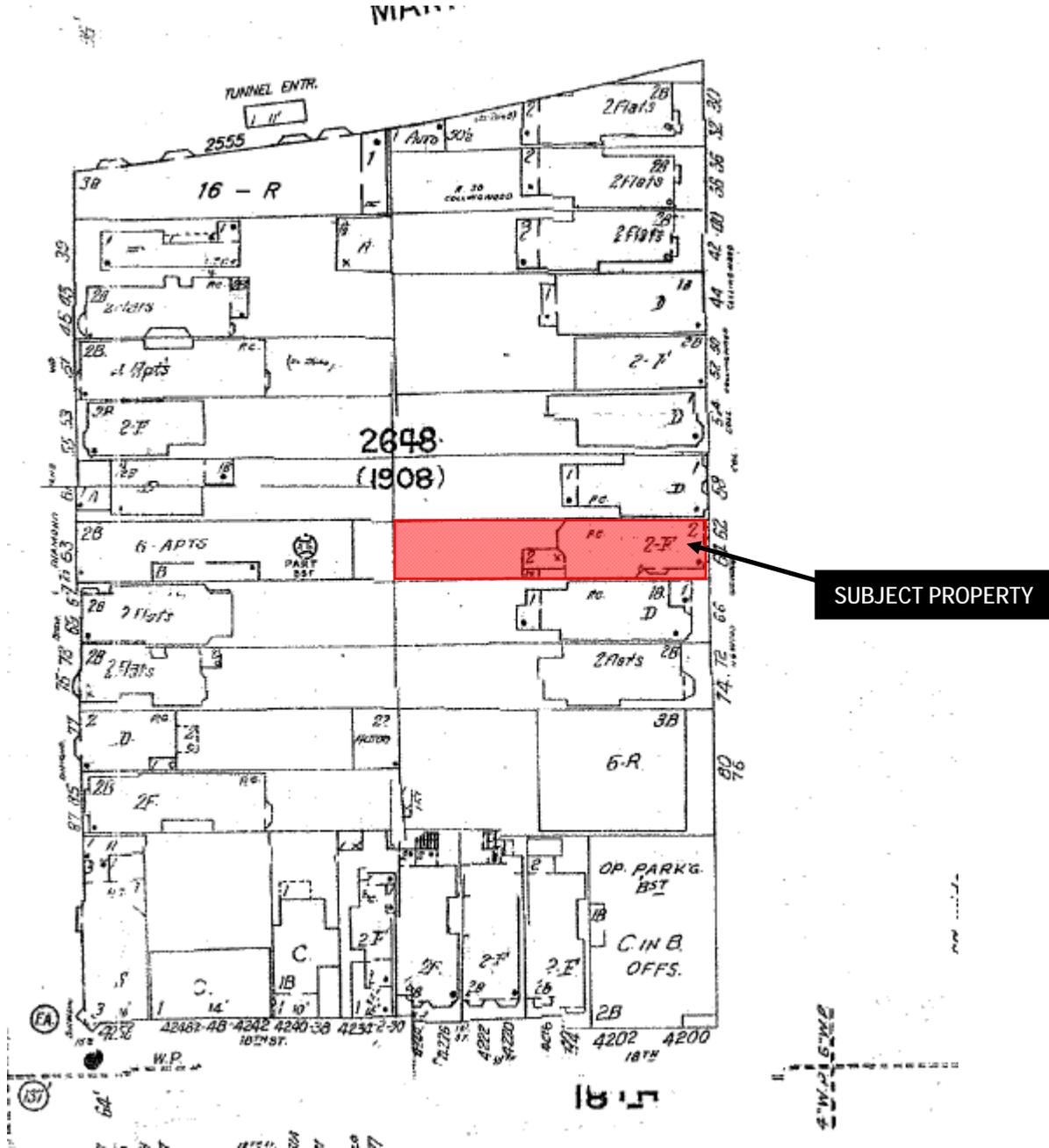
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Parcel Map



Discretionary Review Hearing
Case Number 2012.0111D
Abbreviated Analysis
62 Collingwood Street

Sanborn Map*



*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



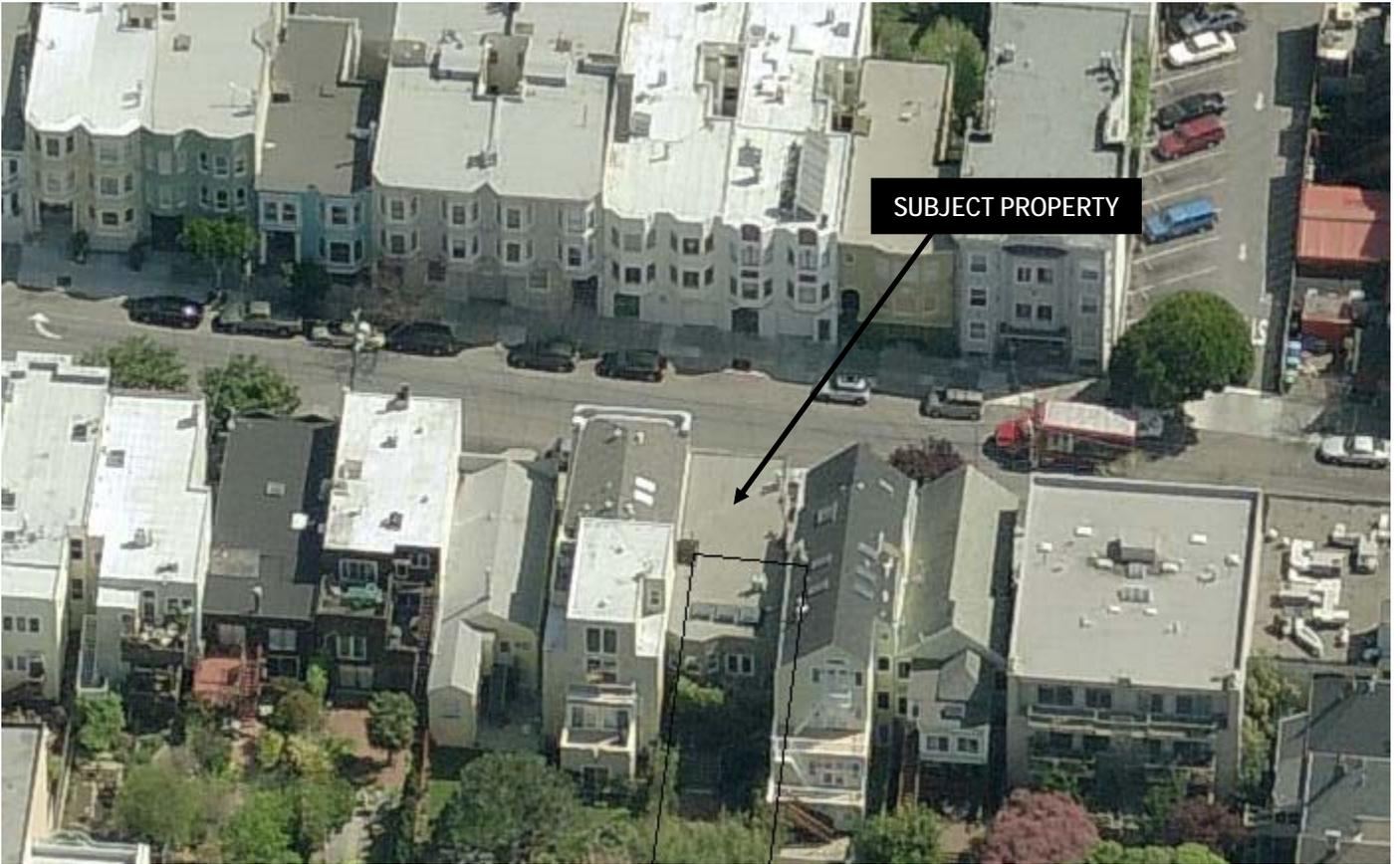
Discretionary Review Hearing
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62 Collingwood Street

Aerial Photo 1

SUBJECT PROPERTY



Aerial Photo 2



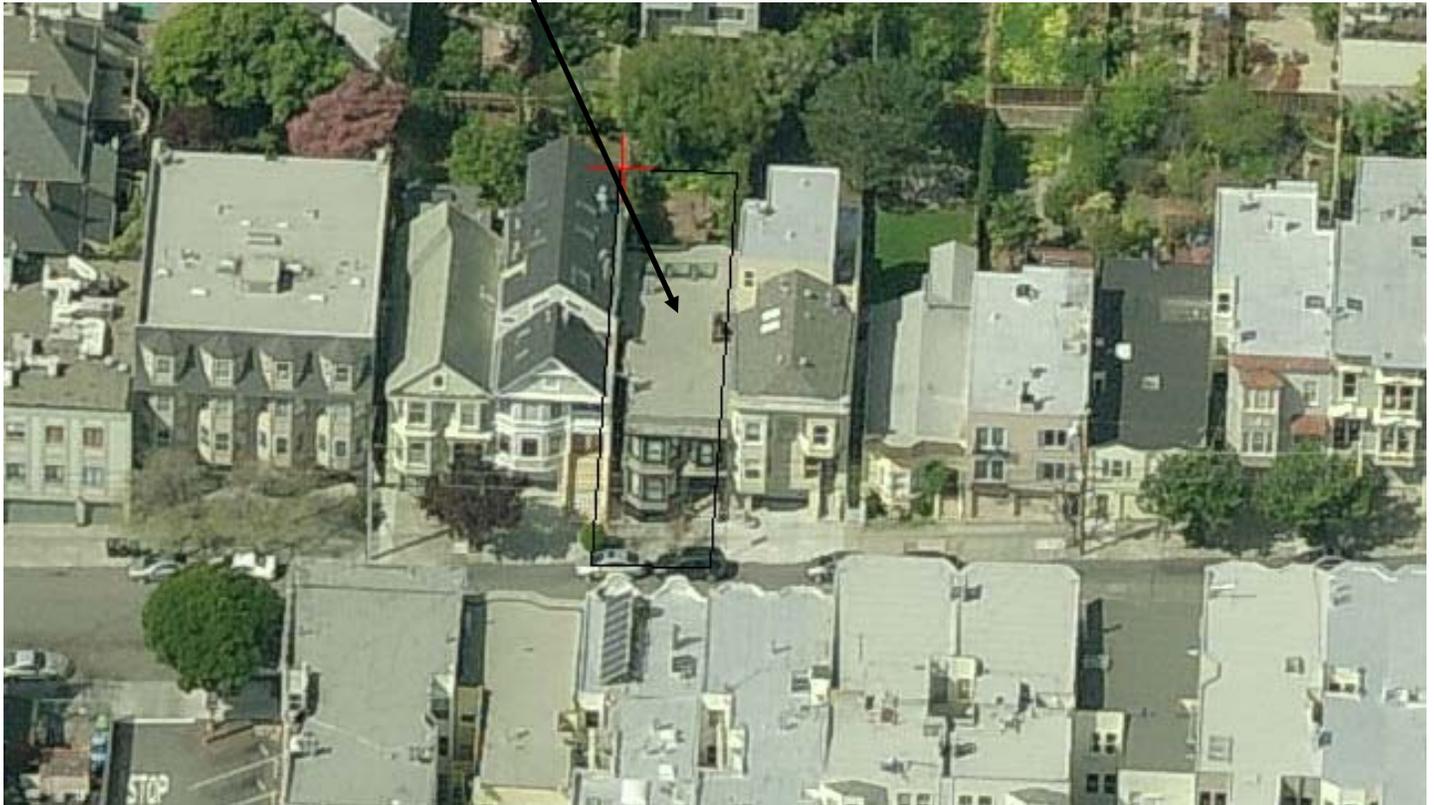
Aerial Photo 3

SUBJECT PROPERTY

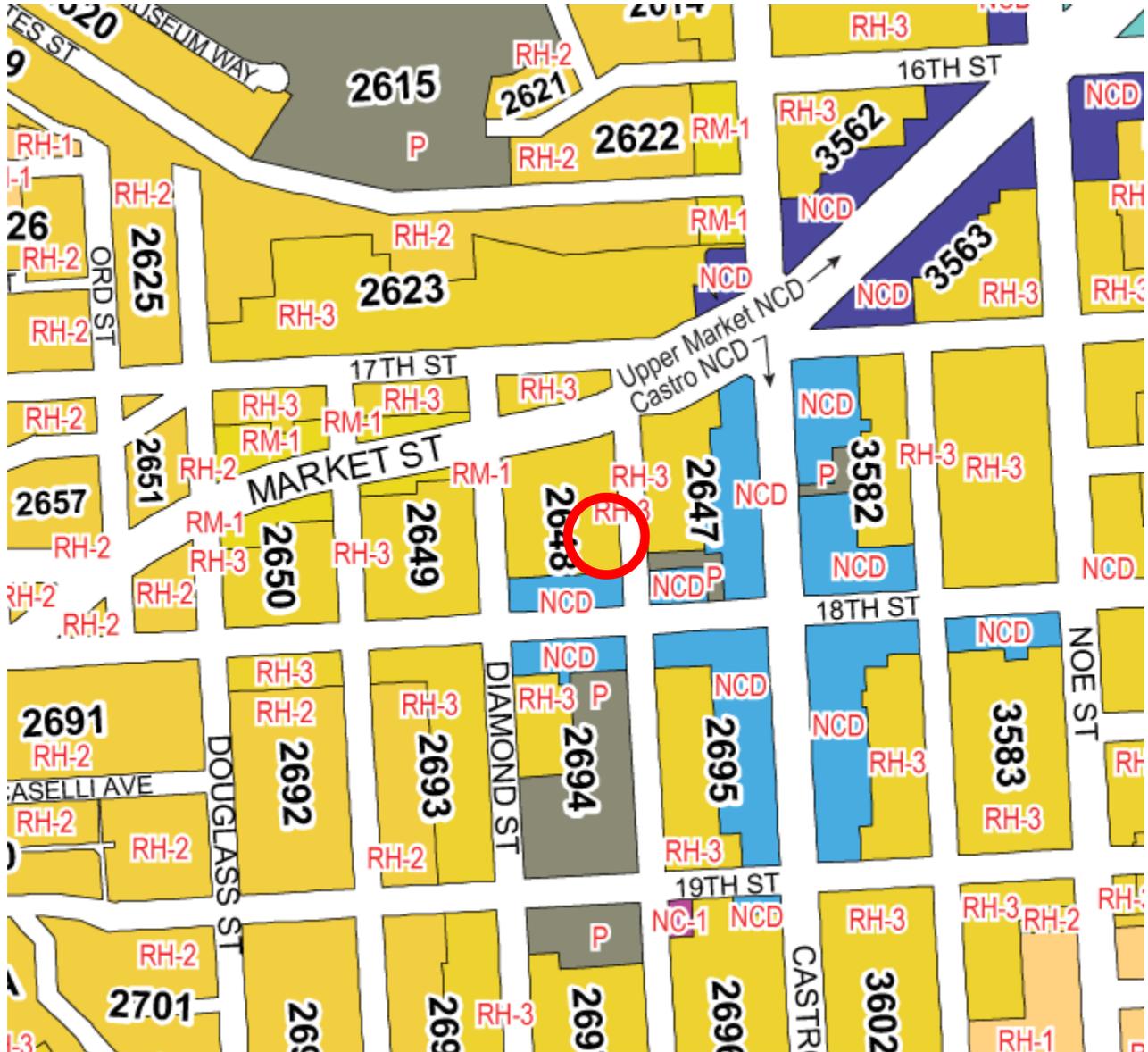


Aerial Photo 4

SUBJECT PROPERTY



Zoning Map



Discretionary Review Hearing
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62 Collingwood Street

Site Photo

Existing Facade



Discretionary Review Hearing
Case Number 2012.0111D
Abbreviated Analysis
62 Collingwood Street

APPLICATION FOR Discretionary Review

1. Owner/Applicant Information

DR APPLICANT'S NAME: ALAN BURRADÉLL		
DR APPLICANT'S ADDRESS: 6A COLLINGWOOD	ZIP CODE: 94114	TELEPHONE: (415) 4180815

PROPERTY OWNER WHO IS DOING THE PROJECT ON WHICH YOU ARE REQUESTING DISCRETIONARY REVIEW NAME: BETH LEBER		
ADDRESS: 62 COLLINGWOOD	ZIP CODE: 94114	TELEPHONE: 4153172384

CONTACT FOR DR APPLICATION: Same as Above <input checked="" type="checkbox"/>		
ADDRESS:	ZIP CODE:	TELEPHONE: ()
E-MAIL ADDRESS:		

2. Location and Classification

STREET ADDRESS OF PROJECT: 62 COLLINGWOOD	ZIP CODE: 94114
CROSS STREETS: 18th	

ASSESSORS BLOCK/LOT: 2648164	LOT DIMENSIONS: 25x110	LOT AREA (SQ FT): 2750	ZONING DISTRICT: RH3	HEIGHT/BULK DISTRICT: 30'
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3. Project Description

Please check all that apply

Change of Use Change of Hours New Construction Alterations Demolition Other

Additions to Building: Rear Front Height Side Yard

Present or Previous Use: 2 UNIT BLDG

Proposed Use: 2 UNIT BLDG

Building Permit Application No. 2012.0120.2596 Date Filed: 1/20/12

4. Actions Prior to a Discretionary Review Request

Prior Action	YES	NO
Have you discussed this project with the permit applicant?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you discuss the project with the Planning Department permit review planner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you participate in outside mediation on this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Changes Made to the Project as a Result of Mediation

If you have discussed the project with the applicant, planning staff or gone through mediation, please summarize the result, including any changes there were made to the proposed project.

NA

Discretionary Review Request

First, from the Standards for Window Replacement page 5 we find the statement "Generally clad windows are not appropriate, especially on older residential and commercial properties. However, in some instances they may be acceptable, and if proposed, shall be reviewed on a case by case basis". From reading this, it's clear the "Standard" is to install wood windows and not clad in older residential properties. In order to insure those enforcing these Standards have necessary flexibility, words like "generally" are used and a reference is made to the fact that Planning will review applications proposing clad windows on a case by case basis. So, clearly the Standard is wood windows in older buildings, but clad windows will be reviewed on a case by case basis because in some cases, such windows may be found to be acceptable.

Second, and continuing on with page 5 from the Standards for Window Replacement we find the statement "There are a number of windows constructed of substitute materials on the market today that strive to match the styles and profiles of historic windows. In some cases, the Planning Department may consider approving clad replacement windows that are visible from the street or other public rights of way if their architectural compatibility can be adequately demonstrated in terms of overall size, glazing, operation, finish, exterior profiles and arrangement". This further demonstrates the Department's flexibility. If clad windows possess all six of the characteristics that define architectural compatibility noted above (size, glazing, operation, finish, exterior profiles and arrangement), the Planning Department *may consider* approving them. In the case of the unpermitted windows currently installed at upper unit 62 Collingwood, only four of the above noted six characteristics can be found (size, glazing, operation and arrangement). So even if the current unpermitted windows installed in upper unit 62 Collingwood possessed all six characteristics, the Planning Department *might consider* approving them. Clearly, if these windows possess only four of the characteristics, the Planning Department *shouldn't consider* them and surely *shouldn't* find them acceptable or appropriate.

Third, from the Standards for Window Replacement page 8 we find "If replacement windows are required due to deterioration, those that are visible from the street or other public rights of way should be replaced with windows that are appropriate to the time period your building was originally constructed. For example, if the building was originally constructed in 1908 with wood double-hung windows, then they should be replaced with wood double-hung windows with similar exterior dimensions". So in the case of the subject building, which was built in 1912, all facade windows were low quality aluminum replacement windows which were unpermitted and installed before both current owners purchased the units. In 2007, had both owners collaborated together and with the Planning Department, it's clear that it would have been determined that double-hung wood windows with correct architectural profiles were the appropriate windows to install in the nine openings of upper unit 62 Collingwood and in the shared facade of the subject building. This is true not only because we have several examples on other buildings along the street where windows have been replaced by owners who followed the rules, but because original wood windows with correct architectural profiles are still in tact in the light well of lower unit 64.

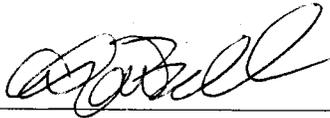
Fourth, and continuing on with page 8 from the Standards for Window Replacement we find the statement "Mixing window types and materials creates an inconsistent appearance to a buildings facade. This issue becomes particularly important in dealing with condominium and apartment buildings. In general, the Planning Department will not approve partial window replacement for a building *unless the replacement windows are meant to restore their historic configuration*". The subject building is a case in point here. Had a permit and Planning review been sought before replacing the windows in upper unit 62 Collingwood in 2007 but not lower unit 64 Collingwood, the Planning department, according to the Standard just noted, would have approved the partial window replacement only if the windows were meant to restore the windows to their historic configuration. The unpermitted windows currently in upper unit 62 Collingwood were clearly not meant to restore the windows to their historic configuration. They were clearly chosen because they closely matched the low quality, unpermitted windows in lower unit 64 Collingwood in terms of profile and color. So the owner of the upper unit 62 Collingwood purchased and had installed inappropriate windows that closely matched the inappropriate windows in unit 64 rather than purchased and installed windows appropriate for the time period the building was originally constructed.

The fifth and final reference is from the Residential Design Guidelines page 46 where we find the statement "Replace non-original aluminum or vinyl windows with painted wood windows, if wood windows are original to the building". This is probably one of the strongest and clearest examples of why the current unpermitted windows at upper unit 62 Collingwood are inappropriate. Even though all of the windows on the facade were unpermitted and low quality non-original aluminum windows before the current unpermitted windows were installed at upper unit 62 Collingwood, we know from looking at the windows in the lower unit 64 light well that wood windows were original to the building, as the light well windows are wood. Additionally, the light well windows at lower unit 64 Collingwood have the wide rail and also the ogee lug details typical of wood windows of that period. The current unpermitted clad windows at upper unit 62 Collingwood are not wood, do not have the ogee detail and do not have the wide rail and are clearly inappropriate and unacceptable.

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: The other information or applications may be required.

Signature: 

Date: 1/31/12

Print name, and indicate whether owner, or authorized agent:

ALAN BURRADELL
Owner / Authorized Agent (circle one)

73, 75, 77	C O L L I N G W O O D S T R E E T	80
		72, 74
		66, 68, 70
59		62, 64 <u>SUBJECT</u>
		56, 58, 60
		54
		50, 52
39, 41, 43		44

TOTAL BUILDINGS ON FIRST BLOCK OF COLLINGWOOD	22
PERCENTAGE ON STREET WITH ORIGINAL WOOD WINDOWS	50%
TOTAL BUILDINGS WITH SIGNIFICANT ALTERATIONS AND NO WOOD WINDOWS	4
NEWER BUILDINGS AND NO WOOD WINDOWS	3
TOTAL NUMBER OF BUILDINGS WITH INAPPROPRIATE WINDOWS	4



23, 25, 27



29, 31



33, 35, 37



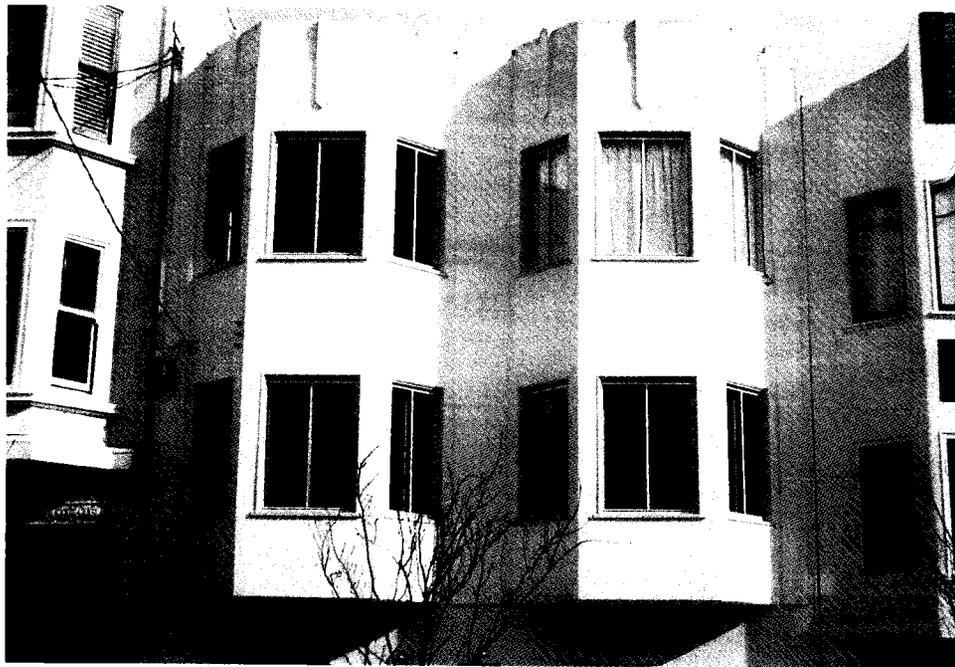
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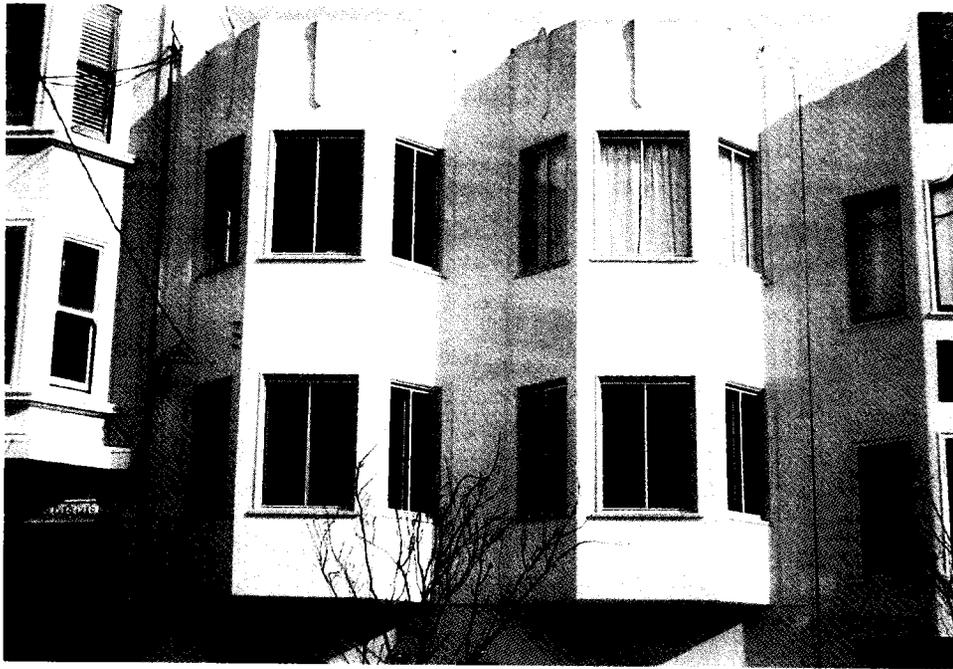
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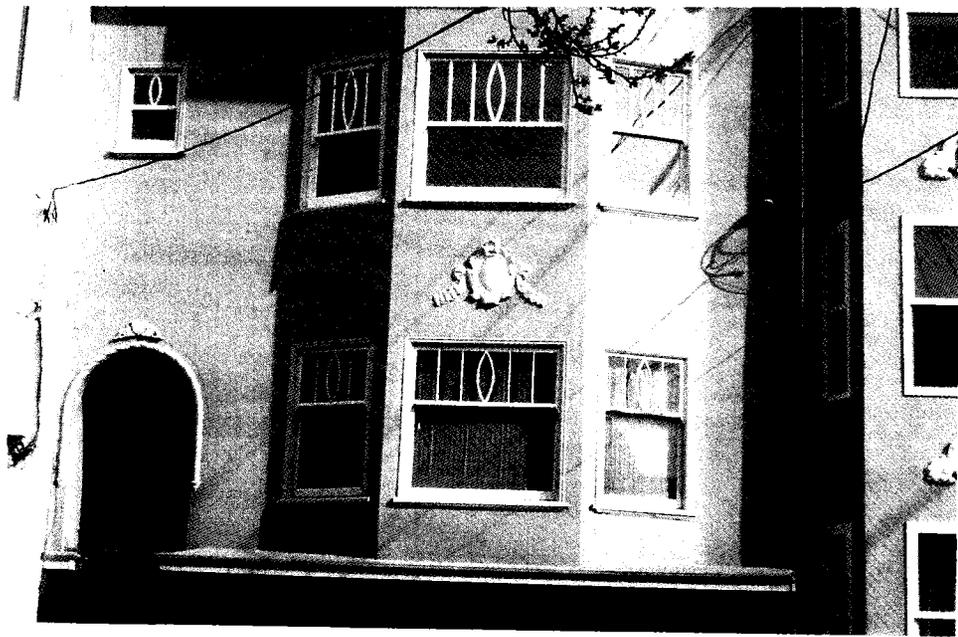
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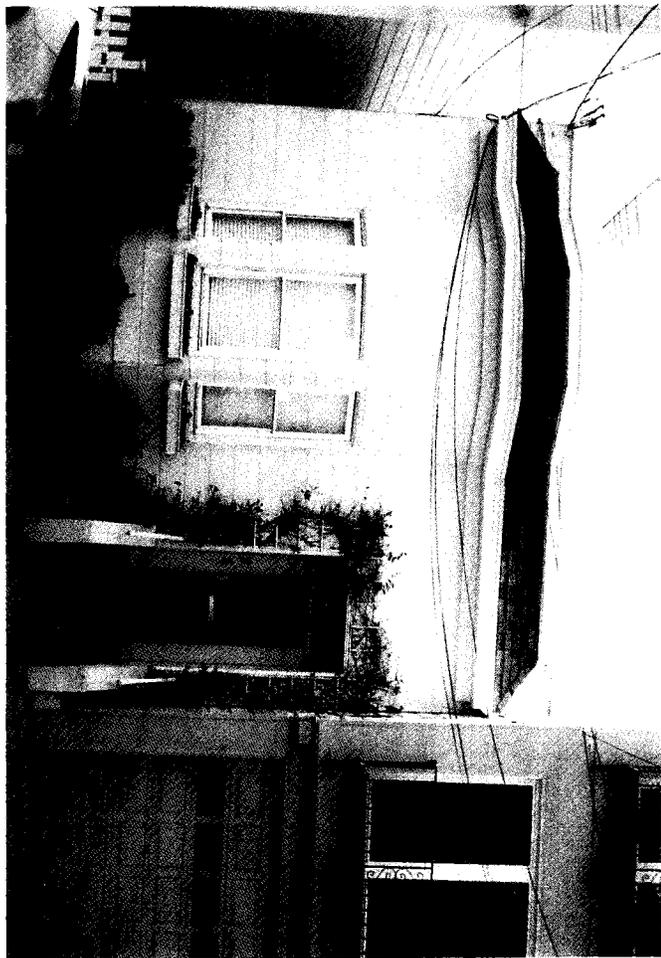
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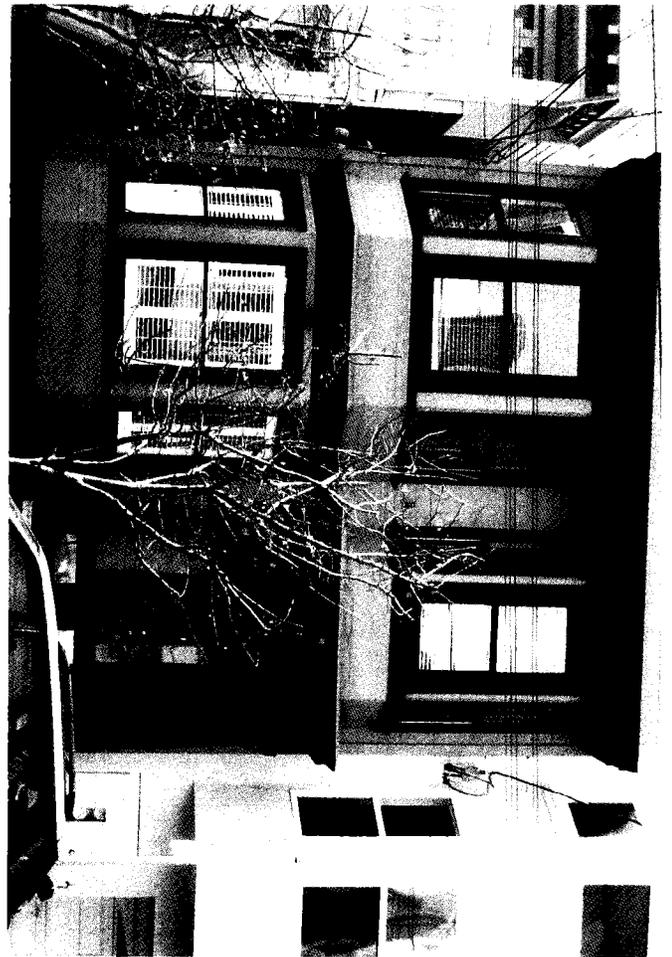
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62,64





50,52



44



40,42



12.0111D 36,38



30,32

12.0111D.



SAN FRANCISCO PLANNING DEPARTMENT

RESPONSE TO DISCRETIONARY REVIEW

Case No.: 12.0111D

Building Permit No.: 201201202596

Address: 62 Collingwood St.
SF, CA 94114

Project Sponsor's Name: Beth Leber

Telephone No.: (415) 317-2384 (for Planning Department to contact)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved? (If you are not aware of the issues of concern to the DR requester, please meet the DR requester in addition to reviewing the attached DR application.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes. Indicate whether the changes were made before filing your application with the City or after filing the application.

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

See attachment

City Planning Department
RESPONSE TO DISCRETIONARY REVIEW

Case NO.: 12.0111D

Building Permit No.: 201201202596 (approved January 20, 2012)

Address: 62 Collingwood St, San Francisco, CA 94114

Project Sponsor's Name: Beth Leber

Telephone No.: (415) 317-2384

1. Given the concerns of the DR requester and other concerned parties, why do you feel your proposed project should be approved?

The city's Planning Department, Historic Preservation Commission, and Residential Design Team have each reviewed all relevant information, and have determined that the new windows that were installed in 2007 are appropriate for the building and neighborhood, and that there is nothing exceptional or extraordinary about them.

Some of the materials reviewed by these departments include:

- Design guidelines and window replacement requirements
- Window manufacturer (Marvin) specifications
- Photos of 62-64 Collingwood and other residential buildings on our block
- Photos of the interior of the new windows
- Photos of the windows that were replaced – as they were being replaced
- Arguments both for and against legalization of the new windows

The windows that were installed in 2007 are triple pane Marvin replacement-style double hung windows, made of wood on the interior and *aluminum clad* on the exterior. While the Planning Department will not approve vinyl clad, aluminum clad material *is* acceptable.

The new triple pane windows replaced single pane windows. The objective was twofold:

- To decrease noise level from the street (our building is in the heart of the Castro)
- To improve energy efficiency

62 Collingwood St is now significantly quieter and requires less heat. When the permit was issued on January 20th 2012, members of the Planning Department remarked that the new Marvin windows that were installed are some of the highest quality available.

In the 4+ years since the new windows were installed, not one neighbor has complained about the windows. It was only in January of this year, just one month before I planned to put my property on the market for sale, that the owner of 64 Collingwood St who lives below me complained to me that they had not been permitted. So I promptly worked with the city to permit them on January 20th 2012. Then came his appeal, a lawsuit, and request for a DR, followed by lobbying our neighbors to support his appeal.

I would hope that the approval of my windows would be based not on a popularity contest, but on the City's requirements and guidelines, and determination that the windows are appropriate for legalization. This is not a building expansion project – it is a simple windows replacement job that was completed 4+ years ago. There is nothing exceptional or extraordinary about the windows.

2. What alternatives or changes to the proposed project are you willing to make in order to address the concerns of the DR requester and other concerned parties? If you have already changed the project to meet neighborhood concerns, please explain those changes. Indicate whether the changes were made before filing your application with the City or after filing the application.

Not applicable. The windows project was completed in November 2007. There is no current work in progress to change.

3. If you are not willing to change the proposed project or pursue other alternatives, please state why you feel that your project would not have any adverse effect on the surrounding properties. Please explain your needs for space or other personal requirements that prevent you from making the changes requested by the DR requester.

This is a simple windows replacement job that was completed 4+ years ago and does not adversely affect surrounding properties. There is nothing exceptional or extraordinary about the windows.

62 and 64 Collingwood Street

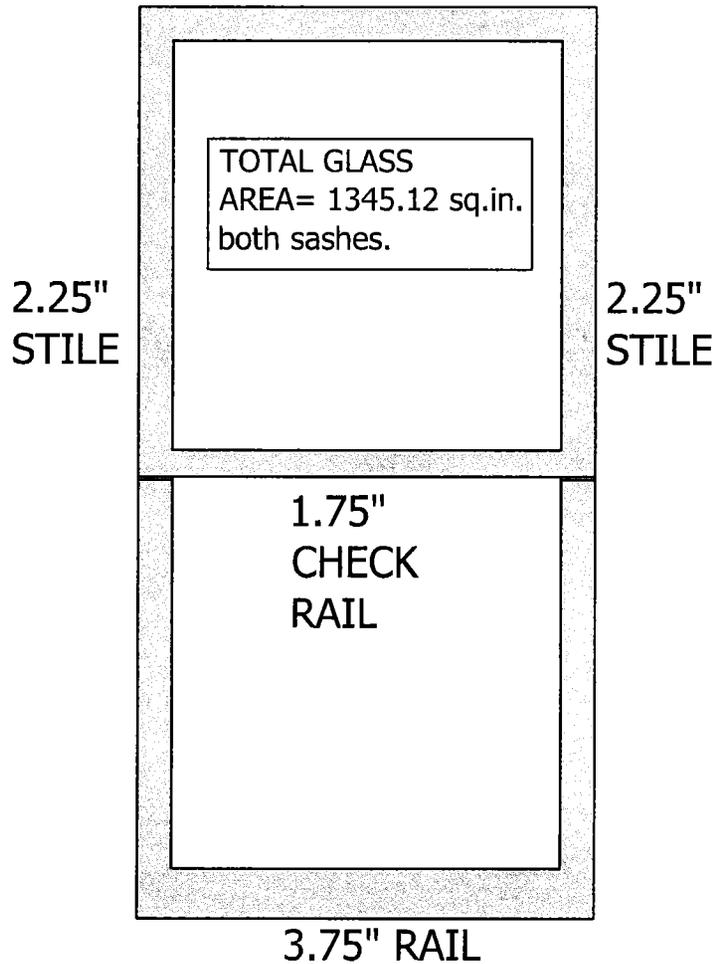


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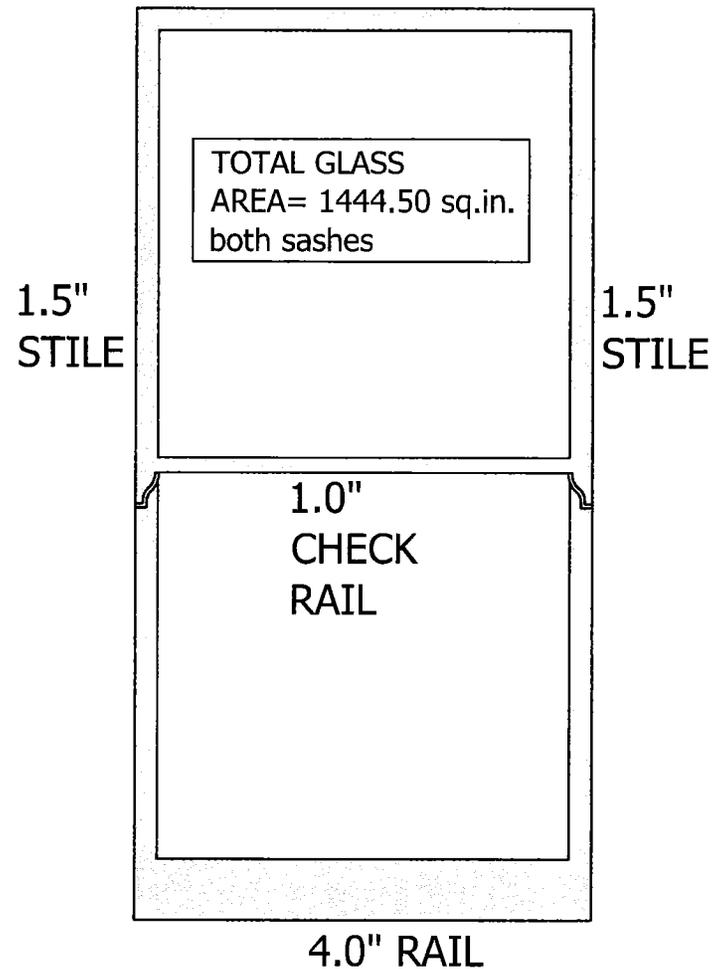
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As proposed by permit holder, Quincy Water District, 10/10/11

2.25" RAIL



1.5" RAIL



BOTH WINDOWS ARE 2'-6" x 5'-0"

1 WINDOW ELEVATIONS
SCALE: 1" = 1'-0"

MARCH 13, 2012

3-14-12

Commissioners

I am Alan Burradell. I purchased and moved into lower unit 64 Collingwood Street fifteen years ago in 1997.

The window conditions in 1997 were such that the upper unit 62 Collingwood and lower unit 64 Collingwood both had non-original, unpermitted aluminum replacement windows which were likely installed at some time in the 70's.

The permit holder Beth Leber purchased upper unit 62 Collingwood in September of 2006.

Approximately one year later in in November 2007, the permit holder hired a licensed and insured general contractor to remove all nine non-original aluminum replacement windows and install nine aluminum clad replacement windows into the shared façade of 62 and 64 Collingwood Street. The permit holder had this work performed without proper notice to the HOA and her neighbors, without a building permit and without any Planning review.

In August 2011 we believed the permit holder was contemplating selling upper unit 62 Collingwood and on behalf of the HOA I purchased a BBN on upper unit 62 Collingwood.

In November of 2011 we learned the permit holder was in fact making preparations to sell 62 Collingwood and move to the East Bay soon after the Holidays.

In a letter dated January 9th 2012 that pointed out the high cost of offsetting the decreased building value that would result from retaining the current aluminum clad windows in upper unit 62 Collingwood, the HOA agreed to offer to collaborate with the Planning Department and the neighbors to find a solution that might possibly allow the permit holder to keep her aluminum clad windows.

But rather than respond to that offer with one that could include opting not to make the large offsetting payment but to simply pay a fraction of that amount to install appropriate wood replacement windows, the permit holder chose instead to ignore this letter, to ignore her HOA partner and to ignore her neighbors and despite having been notified by letter on January 9th of our objection to her windows, on Friday January 20th 2012 applied for and received a building permit to legalize her windows.

At the PIC on this particular Friday afternoon January 20th, a clerical oversight resulted in the issuance of the permit when the permit should have been held and routed to a planner internally who would then have mailed the required BBN to the HOA.

Over the weekend of the 21st and 22nd we noticed online that a permit was issued to legalize the windows at upper unit 62 Collingwood despite the HOA having the BBN in place.

On Monday morning January 23rd, we alerted the Planning Department and the Building Department that the permit had been issued despite the BBN, and on Wednesday January 25th the Planning Department suspended the permit and put in place the BBN process.

On January 27th, 2012 we applied for a building permit to replace our non-original aluminum windows with historically accurate wood replacement windows in the six façade openings of our lower unit at 64 Collingwood.

With two permits for two very different types of replacement windows on the same building, the Planning Department made the decision to approve both permits.

What follows now are six examples with multiple references to both the Residential Design Guidelines as well as the Standards for Window Replacement that show how this decision by Planning is inconsistent with the goals outlined within these two important documents.

1. The Standards for Window Replacement state that mixing window types and materials creates an inconsistent appearance to a building's façade, and that this issue is particularly important in dealing with condominium buildings such as 62 and 64 Collingwood Street (SEE PAGE 14, REFERENCE B). But Planning's decision to approve two permits on the same two unit building for two completely different window types made of completely different materials is contrary to the Department's own window policy, and we would like to know why an exception is being made here with this building.
2. The buildings on both sides of 62 and 64 Collingwood have had major additions and façade alterations, including new replacement windows, over the past ten years. The façade windows in both adjacent buildings do not meet the standards set forth in the Standards for Window Replacement. The Residential Design Guidelines point out that in areas where nearby buildings have inappropriate or incompatible windows, choose replacement windows that improve the visual quality of the subject building and the neighborhood (SEE PAGE 5, REFERENCE A). The permit holder's aluminum clad windows simply add to the "inauthenticity" occurring at both adjacent buildings. 62 and 64 Collingwood is completely unaltered and completely intact except for the façade windows. Not taking the care to completely bring this building back to its original state, especially given the completely altered buildings adjacent to it, would be a missed opportunity to let this building add historic character to this somewhat character challenged block. We would like to know why an exception is being made here with this building and in this neighborhood.
3. It's noted in the Residential design guidelines and in the Standards for Window Replacement to "replace non-original aluminum windows with painted wood windows if wood windows are original to the building" (SEE PAGE 6, REFERENCE C). It's further noted that "windows should be replaced with replacement windows that are appropriate to the time period the building was originally constructed" (SEE PAGE 14, REFERENCE D). These two points make it extremely clear that the appropriate windows for 62 and 64 Collingwood are historically accurate real wood double hung replacement windows such as the windows approved for lower unit 64 Collingwood Street. The appearance of aluminum is in no way compatible with the original

building material, yet aluminum clad windows have been approved for upper unit 62 Collingwood, and we would like to know why an exception is being made here.

4. "In San Francisco, where most buildings are viewed at close range from the street, the differences between wood windows and substitute materials are almost always easily detectable. Particularly with older buildings, these alternative materials usually stand out visually, and rarely match the character of the neighborhood. They always look like what they are: plastic or aluminum – materials that are not architecturally compatible with the building" (SEE PAGE 9, REFERENCE E). 62 and 64 Collingwood is situated directly on the sidewalk, and a passerby can literally reach over and touch the windows while walking down the sidewalk. It seems as though this was written for buildings exactly like 62 and 64 Collingwood, yet again an exception is being made here and we find no reason for it.
5. Take a look at PAGE 10 REFERENCE F AND G, PAGE 19 REFERENCE H AND I as well as PAGE 11, REFERENCE J. Could there really be any credible doubt that wood windows are what the Planning Department is emphasizing over, and over are appropriate for 62 and 64 Collingwood, and that windows of other materials will be reviewed on a "case by case" basis. We would again like to know what the "case" is that's been made for 62 Collingwood that makes aluminum clad a better choice for this building than wood.
6. The wording used in the Standards for Window Replacement give aluminum clad windows a very, very high bar to reach in order to *even be considered* on an older home (SEE PAGE 11 REFERENCES K AND L). It's noted that clad windows are generally not appropriate, but in some cases they may be acceptable and will be reviewed on a case by case basis. And at the bottom of the page, it's noted that only in some cases the Planning Department may consider approving clad windows and only on the condition that their architectural compatibility can be determined in terms of size, glazing, operation, finish, exterior profiles and arrangement.

So in summary:

- A. approving bulky aluminum clad windows together with historically accurate wood windows will result in a non-cohesive façade - CONTRARY TO THE STANDARDS
- B. 62 and 64 Collingwood is situated between buildings that have inappropriate windows – THEREFORE THIS BUILDING AND IT'S WINDOWS SHOULD IMPROVE THE VISUAL QUALITY OF THE NEIGHBORHOOD AND NOT SIMPLY MATCH IT AND DETRACT FROM IT
- C. Residential Design Guidelines say to replace non-original aluminum windows with painted wood windows if wood windows are original to the building – YET ALUMINUM CLAD ARE APPROVED
- D. Standards for Window replacement note windows should be replaced with replacement windows that are appropriate to the time period the building was originally constructed – AND ALTHOUGH THE BUILDING WAS CONSTRUCTED IN 1912 BEFORE THE USE OF ALUMINUM IN WINDOWS, ALUMINUM IS APPROVED

- E. where most buildings are viewed at close range from the street, the differences between wood windows and substitute materials are almost always easily detectable – AND ALTHOUGH 62 AND 64 COLLINGWOOD IS LOCATED DIRECTLY ADJACENT TO THE SIDEWALK, ALUMINUM CLAD IS APPROVED
- F. references to wood windows are made from cover to cover in the Residential Design Guidelines and in the Standards for Window Replacement and how they are superior to other materials for older buildings, - YET AFTER AN APPARENT “CASE BY CASE” REVIEW OF THE APPLICATION FOR ALUMINUM CLAD WINDOWS FOR 62 COLLINGWOOD, AN EXCEPTION IS BEING MADE AT 62 COLLINGWOOD
- G. other neighbors on the first block of Collingwood have been required by Planning to install historically accurate wood windows in the past several years, and these owners wonder WHY AN EXCEPTION IS BEING MADE TO ALLOW ALUMINUM CLAD WINDOWS AT 62 COLLINGWOOD WHEN THEY HAVE FOLLOWED THE RULES AND INSTALLED WOOD WINDOWS IN THEIR BUILDINGS

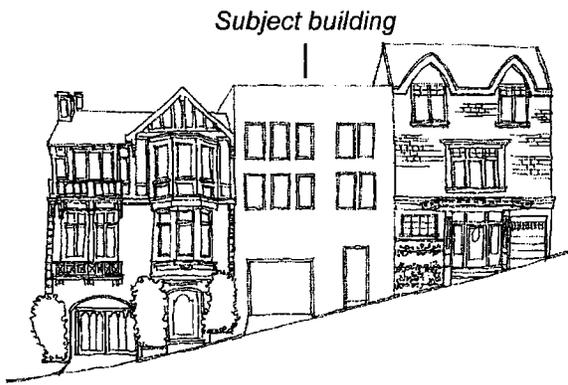
So Commissioners, please consider all of these points and ask the Department of Building Inspection to modify this permit to require the installation of historically accurate wood windows. Thank you.



Alan Burradell

character of the neighborhood. The use of decorative brackets, eaves, dentils, cornices, columns and capitals, for example, should come from an awareness of the evolution of such building elements and of their original structural function: columns hold up buildings, brackets support overhangs, etc. Do not use detail that makes the building stand out as excessively plain or overly decorated, or that results in building facades designed as replicas of historic buildings. Ornament that has been carelessly tacked on to the facade of a building can cause architectural disorder, and will appear superficial and cluttered.

A relatively flat facade with little articulation and detail will be inconsistent in an area that has a high degree of facade ornamentation. Likewise, if the detailing on buildings in the neighborhood is simple and restrained, adding a great deal of ornament is discouraged.



A building with no detail looks out of place on a block face with rich detailing.



This building has added details around the windows and building entries, making it more compatible with other buildings on the block face.

WINDOWS

GUIDELINE: Use windows that contribute to the architectural character of the building and the neighborhood.

Windows are one of the most important decorative features, establishing the architectural character of the building and the neighborhood. Windows provide human scale and emphasize the proportions of a building. They are also a link between the inside private space and the outside public space. The proportions, features and materials on a building's windows articulate the architectural rhythm along the block face and contribute to the building's sense of mass.

Planning Code Section 136(c)(2) requires that the glass area on a projecting bay window be equal to at least 50 percent of the vertical surfaces on the bay.

Window Size

GUIDELINE: Relate the proportion and size of windows to that of existing buildings in the neighborhood.

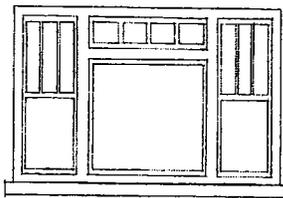
Buildings within a neighborhood usually have windows with compatible proportions of height to width. Most residential buildings have a vertical orientation that is reinforced by the windows. Using windows compatible in proportion, size, and orientation to those found in the surrounding area are essential for a building's compatibility with the neighborhood. In order to establish a sense of mass along the block-face, design the proportion of window (void) to wall (solid) area on a facade to be compatible with buildings in the surrounding area.

Window Features

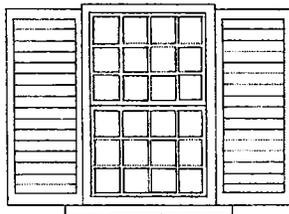
GUIDELINE: Design window features to be compatible with the building's architectural character, as well as other buildings in the neighborhood.

The windows on buildings with specific architectural styles such as Victorian, Edwardian, Spanish, Colonial Revival, or Craftsman, may have distinctive characteristics and features that typify each style. These features include size, shape, and trim elements, as well as the window function: double-hung, casement, or fixed. **Ensure that the materials and detailing of replacement windows as well as windows on new building are appropriate to each building's architectural character, as well as the windows on other buildings in the neighborhood.**

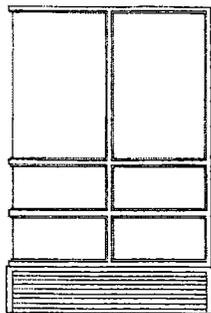
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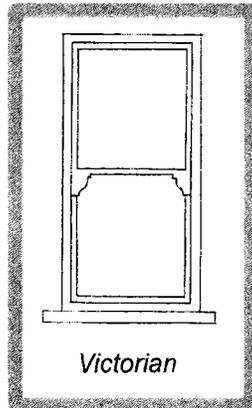
Craftsman



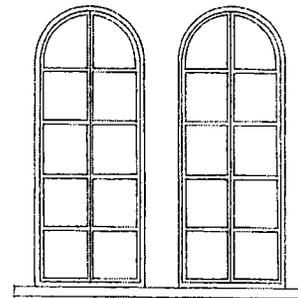
Colonial



Contemporary



Victorian



Spanish

from the face of the building to the sash, will create shadow lines, adding richness to the facade. All of these elements help to provide visual interest, creating reveals that give depth to the building facade and maintaining the architectural character of the building.

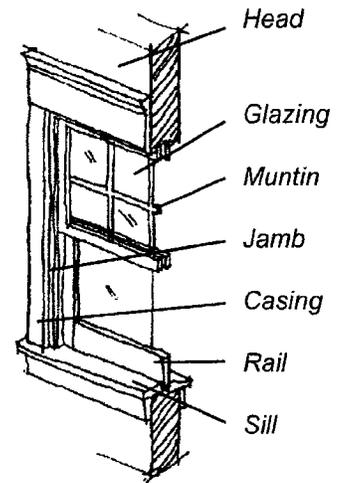
Window Material

GUIDELINE: Use window materials that are compatible with those found on surrounding buildings, especially on facades visible from the street.

In order for a building to be harmonious with surrounding buildings, the choice of window material is very important. In areas where nearby buildings have inappropriate or incompatible windows, choose new or replacement windows that improve the visual quality of the subject building and the neighborhood. Reflective glass may not be appropriate on a residential building; use glass that is clear or only lightly tinted.

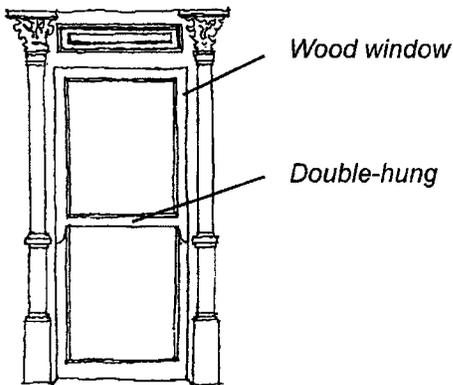
When replacing only select windows on a facade, it is especially important that the replacement windows match the proportions, style, details and materials of the existing windows in order to maintain the architectural character of the building. If a variety of window types are used, the result will be a facade that lacks visual cohesiveness.

For example, replace painted wood windows in-kind, particularly on all portions of facades visible from the public right-of-way. Replace non-original aluminum or vinyl windows with painted wood windows, if wood windows are original to the building. On existing buildings, the use of aluminum or vinyl windows may not be appropriate if the appearance of these materials is not compatible with the original building material. However, these window materials may be appropriate on new construction if they are compatible with those found on surrounding buildings.

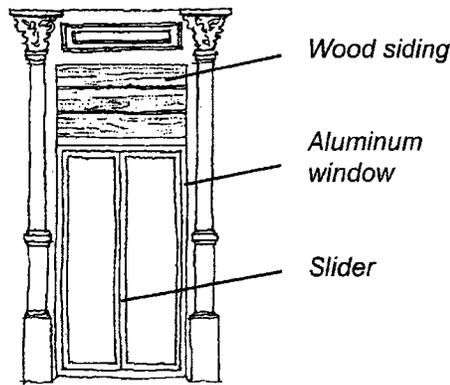


Window details

The California "Energy Efficiency Standards for Residential and Nonresidential Buildings" establishes building energy efficiency standards for new construction and alterations to existing buildings. See www.energy.ca.gov/title24/standards or call 800-772-3300 for information about energy efficiency standards for windows.



Original window



Replacement window

The proportions and materials of the replacement window are not compatible with the architectural character of the building.

The proportions and materials of the replacement window are not compatible with the architectural character of the building.



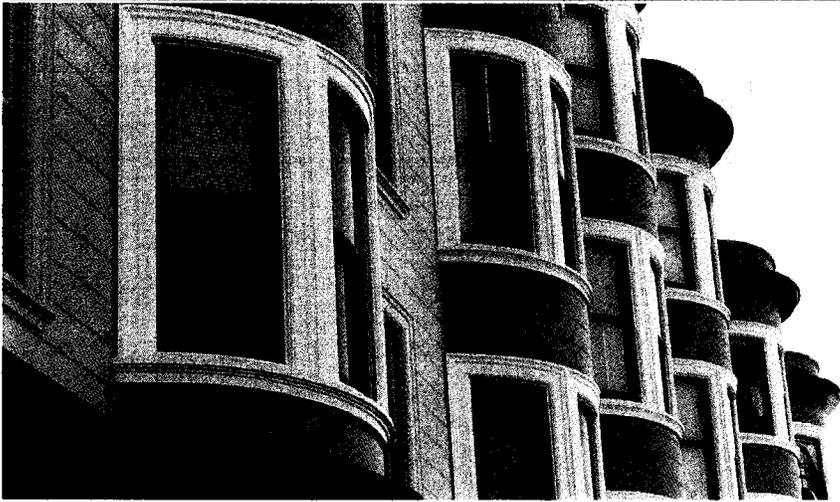
SAN FRANCISCO
PLANNING
DEPARTMENT

Standards for **Window Replacement**

A GUIDE TO APPLYING FOR
A WINDOW REPLACEMENT PERMIT

SAN FRANCISCO PLANNING DEPARTMENT | APRIL 2010





ORGANIZATION:

This document is divided into two sections:

Frequently Asked Questions Regarding Window Replacement

How to Apply for a Window Replacement Permit

Windows are an integral part of the design and character of most buildings, and choosing appropriate replacement windows is frequently a critical aspect of any rehabilitation project. Along with the need for energy conservation, the various window systems available today can overwhelm an owner in selecting the appropriate treatment for window re-placement. Windows located on primary – the front or visible elevations – traditionally feature a higher degree of detail and ornamentation than windows located on secondary – the side or rear elevations. With such a variety of different window shapes, muntin profiles, methods of operation and configurations, seemingly minor changes can seriously damage or alter the appearance of a building, or overall neighborhood character. The Planning Department recognizes this challenge and has developed *A Guide to Apply for a Window Replacement Permit*, which also includes a list of frequently asked questions.

The San Francisco General Plan, the Planning Code's Priority Planning Policies and the Residential Design Guidelines each call for protecting and enhancing neighborhood architectural character citywide. Since their revision in 2003, the Residential Design Guidelines set window requirements for all buildings within a Residential Zoning District (Page 46). To clarify the Department's policy and serve as an additional guide to answer frequently asked questions in regard to window replacement and neighborhood character, the Department developed this *Window Replacement Standards* handout. This document

also answers questions regarding what materials are required to be submitted to review a permit application for the repair, rehabilitation, restoration, or replacement of windows in San Francisco. Please note that rehabilitation and alteration standards for the preservation of designated City Landmark properties, including contributing buildings in historic or conservation districts, are contained in Articles 10 and 11 of the Planning Code.

This document hereinafter represents the San Francisco Planning Department's policy in regards to this type of work and is based on the following principles:

- 1. Windows that are seen from the street or other public right-of-ways are an important part of neighborhood character as well as the individual architectural character of a building.
- 2. If replacement windows are proposed for any type of structure, the new windows visible from the public rights-of-way should be compatible with both the character of the neighborhood and the subject building in terms of size, glazing, operation, finish, exterior profiles and arrangement.
- 3. Historic windows and character-defining window features on architecturally significant structures should be retained and repaired wherever possible.

retaining of the fifteen windows on the facade of 62-64 Collingwood Street were installed without a permit, without HOA permission and without proper Planning review and are inappropriate and do nothing to enhance neighborhood character.

seemingly minor changes can seriously damage or alter the appearance of a building

of the Planning Department. The Planning Department will review the application and the window replacement. The Planning Department will not approve inappropriate replacement windows, even if they have already been purchased or installed.

The information listed below can assist an owner in determining what replacement windows are appropriate for their property. If replacement is necessary, thoroughly document and investigate the structural and architectural detailing of the window and seek appropriate professional consultation. At any time, a Planner located at the Planning Information Center (PIC) can answer questions regarding window replacement. The PIC may also be reached by phone at 415-558-6377. For more information, please also review the How to Apply for a Window Replacement Permit Handout & Checklist.

REMINDER:

Do not purchase replacement windows before confirming with the Planning Department that the windows can be approved. The Planning Department will not approve inappropriate replacement windows, even if they have already been purchased or installed.

Frequently Asked Questions Regarding Window Replacement

The information listed below can assist an owner in determining what replacement windows are appropriate for their property. If replacement is necessary, thoroughly document and investigate the structural and architectural detailing of the window and seek appropriate professional consultation. At any time, a Planner located at the Planning Information Center (PIC) can answer questions regarding window replacement. The PIC may also be reached by phone at 415-558-6377. For more information, please also review the How to Apply for a Window Replacement Permit Handout & Checklist.

Q DO I NEED A BUILDING PERMIT TO REPLACE WINDOWS?

ALL replacement windows that are visible from a street or other public right-of-way require Planning Department review. This includes:

- Windows on the primary elevation (commonly the street façade of the building). Please note that corner buildings are considered to have two primary elevations.
- Windows on the side of a building or in a visible recessed area near or next to the street.
- Windows on a back wall that can be seen from the street or another public right-of-way.

Q CAN I REPLACE HISTORIC WINDOWS WITH VINYL, FIBERGLASS, OR ALUMINUM WINDOWS? CAN'T I GET VINYL OR ALUMINUM WINDOWS THAT LOOK VIRTUALLY THE SAME FROM THE STREET AS WOOD PAINTED WINDOWS?

Wood windows were originally installed on the majority of residential buildings constructed up until World War II. In San Francisco, where most buildings are viewed at close range from the street, the differences between wood windows and substitute materials are almost always easily detectable. Particularly with older buildings, these alternate materials usually stand out visually, and rarely match the character of the neighborhood. They always look like what they are: plastic or aluminum – materials that are not architecturally compatible with the building.

FE



The appearance of a building's windows is an important architectural detail that can contribute to the overall appearance and character of the building. Windows that are not properly maintained or replaced with inappropriate materials can detract from the building's appearance and value.



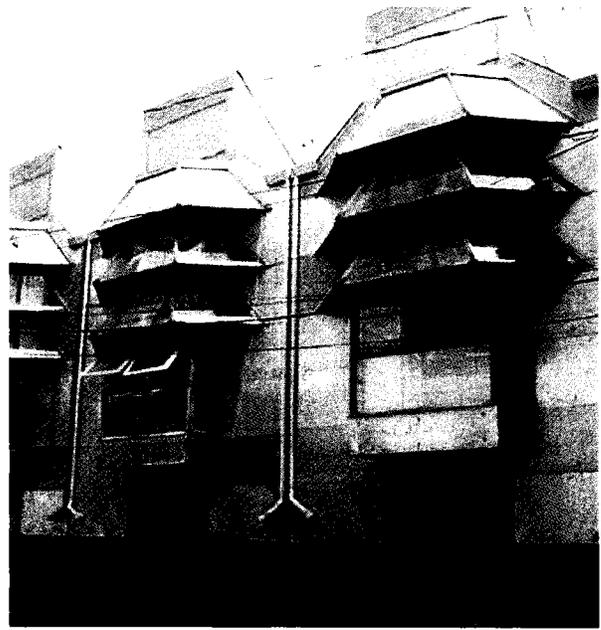
Vinyl, fiberglass, and aluminum windows almost never look similar to painted wood windows for a number of reasons. The primary reason is that these windows have a flat appearance and their exterior profiles, depth, and dimensions are not designed to match the dimensions of most common wood window sashes and moldings. In addition, windows of substitute materials have very little or no reveal between the face of the sash and the glass, have visible seams, have multi-faceted tracks, and in some windows the upper sash is often larger than the lower sash. Furthermore, most aluminum or vinyl windows cannot be painted, come in limited colors, and have an overall finish that is inappropriate to the overall character of the building and the neighborhood.

Another significant difference is that vinyl, fiberglass, and aluminum windows often do not have an important detail that is common on most older wood windows: the Ogee (*pronounced Oh-jee*) lugs at the bottom of the top sash (also called the meeting rail) of a double-hung window. These details are considered an important character-defining feature of older wood windows. (Please refer to the parts of a window diagram on page 8 for more information on the location and design of ogee lugs).

However, some manufacturers have recently begun producing better quality aluminum windows that come in a variety of colors and profiles. From a distance these windows can appear similar to wood painted windows. If proposed, these windows will be evaluated on a case-by-case basis.

Need another reason? Authentic wood windows (or, in the case of some early 20th century buildings, steel casement windows) add the appearance of warmth and beauty to the interior and exterior of a residential or commercial building, where the appearance of alternative materials commonly appears foreign to the interior architectural design. Using architecturally appropriate windows will enhance the property value of your building by improving its appearance inside and out.

F



Take a Look Around:

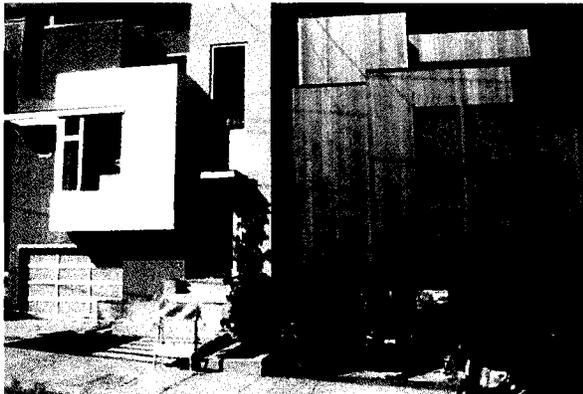
G

2 DON'T WOOD WINDOWS COST MORE AND REQUIRE MORE MAINTENANCE, AS OPPOSED TO VINYL AND ALUMINUM WINDOWS?

It depends. The highest quality custom-made wood windows by major manufacturers may be more expensive than windows of other materials. But there are a number of manufacturers and local craftsmen that produce quality, double-paned, architectural grade, painted wood replacement windows that are competitive in price and also provide the beauty and authenticity that only comes with real painted wood sashes and assemblies.

Also, while it is often desirable to have all wood replacement windows in your building or house, in many cases, you may choose to use replacement windows of a substitute material in light wells or rear facades that are not visible from the street or other public right-of-ways. The only instance when a property owner may be required to use historically appropriate windows on all elevations is when the subject property has been determined to have historic significance. Examples of these properties are those identified as part of Article 10 or 11 of the Planning Code or as an eligible historic resource for the purposes of the California Environmental Quality Act (CEQA).

In terms of maintenance, wood windows do require painting every five to ten years, depending on their location, sun exposure, water exposure, paint quality, priming, wood quality, etc. Although vinyl and aluminum windows do not require painting, they are



REMINDER:

If you are required to use wood windows on the visible elevations you are often able to use replacement windows of a substitute material in light wells or rear facades that are not visible from the street or other public rights-of-way.

rarely maintenance free, and economy grade vinyl and aluminum windows can fail within a few years. Finishes on vinyl and aluminum can deteriorate through UV exposure, oxidation, and denting. **Quality wood windows can last indefinitely**, depending on maintenance and the quality of wood used. Double-hung painted wood windows can also be installed with metal or vinyl tracks, making them easier to open and close as they age.

2 WHAT ABOUT WOOD WINDOWS THAT HAVE VINYL, FIBERGLASS, OR ALUMINUM CLAD EXTERIORS?

For clarification, a clad window is part of a window system that is primarily constructed of wood but has an additional material, such as aluminum, applied to the exterior face for maintenance purposes. **Generally, clad windows are not appropriate, especially on older residential and commercial properties.** However, in some instances they may be acceptable, and if proposed, shall be reviewed on a case-by-case basis. Most clad window products do not have Ogee lugs, which are an important feature of older double-hung wood windows. In addition, a true divided light option is not offered for clad windows by any manufacturer. Another issue with vinyl-clad window systems is that they often show seams, as some of these windows are clad with vinyl strips on the outer surface. Aluminum and fiberglass finishes can come in a variety of colors and often have a finish that more closely resembles a painted surface.

There are a number of windows constructed of substitute materials on the market today that strive to match the styles and profiles of historic windows. The Planning Department is always open to reviewing any new products for compatibility with older properties. A quick way to get a initial feedback on a new product is to bring the manufacturer's specification sheet to the PIC for a planner to review. **In some cases, the Planning Department may consider approving clad replacement windows that are visible from the street or other public rights-of-way if their architectural compatibility can be adequately demonstrated in terms of overall size, glazing, operation, finish, exterior profiles, and arrangement.**

see comment on next page at top

SOME INFORMATION REGARDING SIMULATED DIVIDED LITE (SDL) WINDOWS.

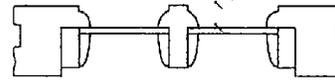
Older windows are often made up of two sashes that include smaller panes of glass. These windows are referred to as "divided-lite windows." The panes of glass are separated by thin wood members, or moldings referred to as a "muntin." A true divided-lite (TDL) window is defined when the muntin separates individual panes of glass. Most TDL windows are single-paned; however, a simulated divided-lite (SDL) window often contains an insulated unit of glass with an applied exterior grid that mimics the appearance of a divided-lite window. The majority of simulated divided-lite windows do not accurately reflect the depth and the profile of a true divided-lite window.

If a property owner chooses to use an SDL window to replace a window that has true divided lites, then the replacement window must meet all of the following criteria to be considered for Planning Department approval. Please note that the Planning Department has the discretion to prohibit the use of SDL windows when the existing windows to be replaced are determined to be architecturally unique or considered to be an example of outstanding craftsmanship. In these cases, the Planning Department may ask for the existing windows to be repaired rather than replaced.

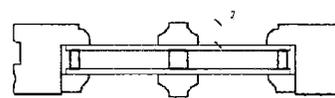
Criteria for using SDL windows in place of TDL windows:

- The SDL must match the existing window muntin in profile and depth to the greatest extent possible. This width may vary; however, the most common width for a TDL window muntin is 7/8" including glazing putty on either side of the division. The SDL muntin must have a depth of at least 1/2".
- There should be an interior space bar, preferably of a dark color, within the insulated unit that visually divides the interior and exterior grilles.
- The SDL should be integral to the window sash – snap on grilles or grilles placed between an insulated glass unit are not permitted.

TDL window



SDL window



The differences between a true divided-lite (TDL) window and a simulated divided-lite (SDL) window can be seen in the illustrations at left. The muntin on the TDL window (top image) separates two individual panes of glass while the muntin on the SDL window (bottom image) is applied to the interior and exterior of the window without piercing the insulated glass unit.

REMINDER:

Simulated divided lite windows will not be approved for Individually listed City Landmarks in Article 10 of the Planning Code on ANY elevation visible from a public right-of-way. Simulated divided lite windows will be reviewed on a case-by-case basis for contributors within Article 10 Districts or within and Article 11 Conservative District.

2 WHY SHOULD I LOOK INTO REPAIRING MY WINDOWS BEFORE REPLACING THEM?

Deterioration of poorly maintained windows usually begins on horizontal surfaces and at joints, where water can collect and saturate the wood. Wood windows, when repaired and properly maintained, will have an extended life while contributing to the architectural character of the building and the neighborhood. Property owners should conduct regular maintenance of window frames and sashes to achieve the longest life possible.

It's important to note that many wood windows constructed during the late 19th- and early 20th-centuries still perform very well and may not require replacement. This is largely due to the fact that these windows were constructed out of Heartwood or the center of tree. This durable old-growth wood is denser and more resistant to fungi, insects, and rot than wood farmed to manufacture windows today. For this reason always explore the possibility of repairing the historic windows on a building before replacing them. There are a number of professional window replacement companies who can help you determine if your windows can be repaired, or if some or all need to be replaced.

Be sure to evaluate **ALL** of the existing windows or hire a professional to conduct a conditions assessment to avoid spending money on windows that don't need replacement. It may be that only certain windows on your building need replacement, while some may only need repairs or other minor refurbishments, thus significantly reducing costs. One solution for replacing deteriorated windows on visible elevations is to consolidate other windows from the rear and sides of the building that are still in good condition and relocate them to the primary façade.

ENERGY CONSERVATION & SUSTAINABILITY.

Windows don't always require replacement in order to see and feel big results in reducing energy usage; however, energy conservation and sustainability is one of the primary reasons for replacing windows that are considered to be obsolete, particularly replacing single-glazed sashes with double-glazed sashes. Currently, most manufacturers' warranties for replacement windows are from 2 to 10 years; however, historic wood windows with minimal maintenance have a performance life of 60 to 100 years. Retaining and repairing existing windows also conserves embodied energy (i.e. the sum of the energy required to extract raw materials, manufacture, transport, and install building products). Replacement window materials – primarily aluminum, vinyl, and glass possess some of the highest levels of embodied energy of all building materials.¹



Older windows are renewable and repairable; however, newer thermal windows are not repairable and once the dual glazing seals are broken, they must be totally replaced. While the advantages of double-paned windows are well known, a properly weather-stripped, single-glazed sash window can greatly reduce or eliminate air, noise and air infiltration (where most energy is lost). The cost of weather stripping is nominal when compared to the price of replacement windows.

Are you planning a major renovation on a historic property?

The goal for the renovation of historic property is to preserve the historic character and integrity of the building. This includes the use of original materials and construction techniques wherever possible. If replacement is necessary, it should be done in a way that is visually compatible with the historic fabric of the building.

When replacing windows, it is important to choose materials and construction methods that are appropriate for the historic building. For example, wood windows are often preferred over aluminum or vinyl windows. Additionally, it is important to ensure that the replacement windows are properly installed and weather-stripped to prevent air infiltration.

Historic windows are often made of wood and are designed to be repaired rather than replaced. This is because wood is a renewable material and can be maintained for a long time. Additionally, wood windows are often more aesthetically pleasing than modern materials. If you are planning a renovation, it is important to consult with a professional who has experience with historic buildings.

2 MY WINDOWS ARE BEYOND REPAIR AND NEED TO BE REPLACED. WHAT TYPE OF WINDOW IS ACCEPTABLE FOR MY PROPERTY?

If replacement windows are required due to deterioration, those that are visible from the street or other public rights-of-way should be replaced with windows that are appropriate to the time period your building was originally constructed. For example, if the building was originally constructed in 1908 with wood double-hung windows, then they should be replaced with wood double-hung windows with similar exterior dimensions. If the appropriate window type cannot be determined, then a window that is otherwise architecturally appropriate to the building and surrounding neighborhood character, in terms of style, material, visual quality, and detailing can be considered. For example, if the building was originally constructed in 1925 and currently has vinyl sliding windows but similar neighboring buildings from the same time period have their original steel casement windows, then the appropriate replacement window would be a metal casement window.

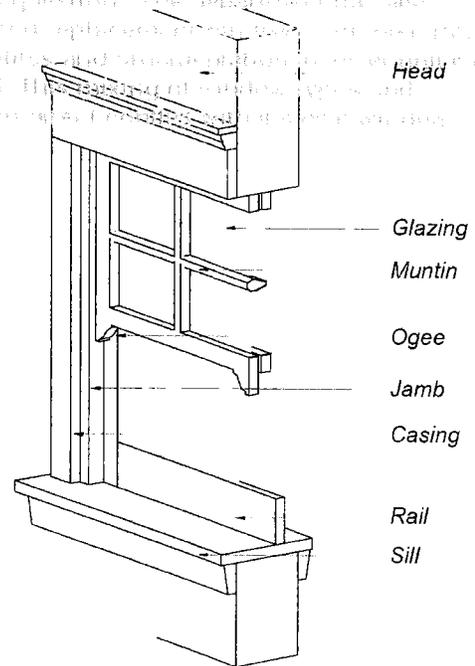
2 WHAT IS THE IMPORTANCE OF BRICK MOLDS AND OTHER EXTERIOR MILLWORK?

A brick mold is the exterior molding often used to trim the edge of windows in a masonry opening. On a wood frame building this window detail is referred to as millwork. A common practice when installing replacement windows is to replace only the sashes and cover the trim and framework around the exterior of the window with capping or panning to give the window a cleaner, "updated" look. This panning, whether vinyl, fiberglass, or aluminum, is used to cover over brick molds and other exterior millwork that frame the opening and makes up part of the exterior profile of the windows. The Planning Department will not approve replacement windows where these elements are covered or obscured from view. Wherever possible, all surrounding millwork or brick molds should be retained and left exposed. When replacement is required due to deterioration or missing elements, these elements should be replaced

in the original material, and a profile of the existing and proposed millwork should be included as part of the permit application drawings for review by Planning Department staff.

Mixing Window Types:

Mixing window types and materials creates an incongruous appearance for a building's facade. This is due to the fact that materials and detailing with wood finishes and materials are not the same. The Planning Department will not approve window replacement for multi-story buildings where windows are meant to retain a historic architectural combination.



The axonometric drawing of a wood window above identifies the parts of a window system that most owners should be familiar with when applying for a window replacement permit.

2 WHO ARE SOME WINDOW MANUFACTURERS THAT SPECIALIZE IN HISTORIC OR OTHER ARCHITECTURAL GRADE REPLACEMENT WINDOWS?

As a city agency, the Planning Department cannot recommend the use of one manufacturer over another; however, a list of some commonly used window manufacturers or representatives can be obtained from the Planning Information Center (PIC) on the first-floor of 1660 Mission Street. The PIC may also be reached by phone at 415-558-6377.

If your building is protected under Article 10 or 11 of the Planning Code or is deemed an eligible historic resource, please contact the PIC for a list of the organizations that may help you find a product or manufacturer that best suits your needs.

2 WHAT SHOULD I DO FIRST IF I NEED TO REPLACE MY WINDOWS?

If replacement is necessary, thoroughly document and investigate the structural and architectural detailing of the window and seek appropriate professional consultation. Please refer to the following questions every applicant should review before applying for a permit to replace windows. At any time, a Planner located at the Planning Information Center (PIC) can answer additional questions regarding these standards and window replacement. The PIC may also be reached by phone at 415-558-6377.

APPLYING FOR A WINDOW REPLACEMENT PERMIT.

When applying for a window replacement permit, please bring as many of the applicable items on the How to Apply for a Window Replacement Permit as possible in order to ensure the most efficient review possible. There are a number of basic questions that a property-owner can answer when examining the windows proposed for window replacement.

2 MANY OF THE BUILDINGS IN MY NEIGHBORHOOD ALREADY HAVE VINYL, ALUMINUM, OR FIBERGLASS WINDOWS. WHY CAN'T I HAVE SIMILAR WINDOWS APPROVED FOR MY BUILDING?

There may be a number of reasons why a Planner may not approve vinyl, aluminum, or fiberglass windows for your building. The most common reason is that the windows in your own building and in adjacent buildings may have been installed before the revision of the Residential Design Guidelines in 2003 and the preparation of this document, Window Replacement Standards, August 2008. As the Planning Department strives to promote and enhance neighborhood character citywide, the Department acknowledges that windows may be inconsistent with the architectural features and the original design intent of older structures. In addition, it is possible that the

Basic Window Questions:

What is the pattern of window openings and their size (if side-by-side)?

What are the proportions of the frame and the type of hardware (knob, casement, lever, sliding, screen)?

What is the composition of the window panes? (Covered, uncovered, covered)

What (if any) are the muntin profiles? (Shallow, Deep, Single, Orate)

What frame material? (Wood, steel, vinyl, aluminum, fiberglass)

What are the glazing details of the glass? (Decorative, Tinted, Clear, Opaque, translucent, leaded)

Are there any architectural details? (Decorative muntins, blind muntins, arched tops, window surrounds or boards)



windows installed on adjacent buildings were done without the benefit of a permit or contrary to the scope of work outlined in the building permit.

? THE PLANNER SAID THAT I HAVE TO REPLACE MY WINDOWS "IN-KIND." WHAT DOES THAT MEAN?

If a Planner has stated that you should replace your windows "in-kind" this means that a wood double-hung window should be replaced with a wood double-hung window or a metal casement window should be replaced with a metal casement window. All details must match, including muntin profiles and exterior millwork. Please note that replacing a double-hung wood window with a double-hung vinyl window is not "in-kind" replacement.

? HOW LONG WILL IT TAKE THE PLANNING DEPARTMENT TO REVIEW MY PERMIT?

- If windows are being replaced in-kind or on non-visible elevations and all the required materials for review are submitted, an over-the-counter approval can be issued at the Planning Information Center.
- If the windows are visible from the street and the new windows are consistent with the building's historic window type or compatible with the building and neighborhood character, planning approval will be over-the-counter at the Planning Information Center. Please note that in some instances window replacement on an Article 10 or Article 11 property must be approved by the Historic Preservation Commission or the Zoning Administrator.
- If installing a new window on a portion of the building that is visible from the street is desired, and the plans and photos are adequate, a planner will determine right away if the permit can be approved, or if it will require further design review.
- In some situations such as window replacement on a historic building, further review may be required. The window replacement permit application will be reviewed at the Planning Information Center and may be referred upstairs to a Preservation Technical Specialist for review.

How to Apply for a Window Replacement Permit



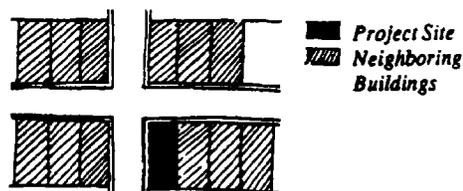
The Planning Department reviews each window permit application on a case-by-case basis. The following is a list of information that may be required to process an application to replace windows. Please note that buildings listed as City Landmarks or as contributors to a historic district as part of Article 10 of the Planning Code require a Certificate of Appropriateness for any exterior work. In addition, buildings listed under Article 11 of the Planning Code must also be reviewed for historic architectural compatibility by the Zoning Administrator. Either approval must be obtained before the building permit is issued. Please note that in some instances Planning Department staff may request additional information.

Where original or historic windows exist and replacement is proposed, please submit the information on the following checklist for review:

- Photographs of the overall building taken from the curb and streetscape photos of the immediate block. Also, include close-up photos of the different types of windows to be replaced, including any millwork or brick molds between windows and surrounding the window openings.
- A site plan or a clear aerial photograph showing your building and the walls of your neighbor's building on each side of you as well as overall photos of each elevation where the proposed window replacement is to occur.
- Please provide window details for the proposed windows (head, jamb, meeting rail, sill, etc.) with dimensions and showing exterior profiles including brick molds and surrounding exterior millwork. The Planning Department needs to know the materials, size, and appearance of both the existing and the replacement windows. The manufacturer's product sheet may have this information for the new windows. Please note that if historic windows are to be replaced then the replacement windows should match the existing windows in overall, size, glazing, operation, material, finish, exterior profiles and arrangement.
- If the existing windows have divisions (muntins) they may be replaced with either true divided light or simulated divided light (SDL) windows provided that the replacement windows match the historic size, glazing, operation, finish, exterior profiles and arrangement and the SDL windows meet the additional requirements listed in this document.
- If proposing to replace or change the profile of exterior millwork or brick mold, please submit details of the existing and proposed new millwork or brick molds with dimensions.

When the original or historic windows no longer exist, the owner has the option of retaining the existing window or replacing it with a compatible sash. For window replacement, please submit the information above for review, the following:

- Photographs of the neighboring buildings and their windows on each side of your building
- Photographs of the neighboring buildings and their windows immediately across the street
- For corner lots, bring photos of the subject building and the building's other three intersections, showing their windows closest to each corner.



A QUICK SUMMARY:

1. A building permit is required for ALL window replacements.
 - A permit is needed to replace windows regardless of their location on the building.
 - Failure to obtain a building permit may result in enforcement, fines and removal of windows installed without the benefit of permit.

2. **DO NOT** purchase windows until you have obtained a building permit for their replacement.
 - The Planning Department must review all permits for windows proposed for replacement that are visible from the street for architectural compatibility.
 - The Planning Department review applies to all buildings in San Francisco, not just historic buildings.
 - The Planning Department will not approve windows if it is determined that they are not architecturally appropriate, even if they have already been purchased and/or installed without benefit of a permit.

3. Evaluate what windows may only need repairing rather than replacing.
 - Survey all of the windows on your buildings to determine which ones actually need replacement.
 - Windows on eastern and northern facades often last longer and need less frequent replacement than windows with southern or western exposure.

4. **Replacement windows should match the HISTORIC windows in size, glazing, operation, material, finish, exterior profiles and arrangement.**
 - The Residential Design Guidelines, since their revision in 2003, have set requirements for windows for all buildings within residential zoning districts (P. 46).
 - If the historic window type cannot be determined, a window type appropriate to the building's architectural period and style should be used. A Preservation Technical Specialist can help in determining an appropriate window type.
 - Please refer to pages 44-46 of the Residential Design Guidelines for more information on determining what types of windows are compatible with the architectural character of the building.
 - Where visible from the street, aluminum and vinyl windows cannot be approved as replacements for windows that were originally wood.
 - The proposed use of Simulated Divided Lites (SDLs) will be reviewed on a case-by-case basis and must meet the criteria identified in this document.
 - Replacement wood windows that have vinyl, fiberglass, or aluminum clad exteriors will also be reviewed on a case-by-case basis.

5. All exterior trim and millwork must be left exposed.
 - The underlying trim and millwork must be left exposed and be repaired in place. If beyond repair, the trim and millwork must be replaced in kind.

March 7, 2012

Mr. Michael Garcia, President
San Francisco Board of Appeals
1650 Mission Street, #302
San Francisco, CA 94103

**Re: Appeal No. 12-007
(Appeal against issuance of building permit 2012/01/20/2596)**

Hearing date: March 14, 2012

Responder's Brief

Filed by Beth Leber, 62 Collingwood St, San Francisco, CA 94114

Dear President Garcia, Vice President Hwang, and Commissioners:

I own and live at 62 Collingwood St, the upstairs condo of a 2-unit residential building. Appellant Alan Burradell owns and lives at 64 Collingwood St, the condo below mine, and is my HOA partner. Appellant Andrew Pierce is a friend of Mr. Burradell and lives next door at 60 Collingwood St.

The appellants claim that the Marvin triple pane double-hung sash windows I installed in 2007 (that were approved for permit in January 2012) don't meet the city's design standards, that there was misinformation during the application process, that the permit should not have been issued due to clerical issues with the BBN procedure, and that the windows are aesthetically inappropriate.

I seek to rebut and respond to these claims:

1) **FULLY COMPLIANT**

- a. The new triple pane windows that were installed in 2007 and permitted this year are fully compliant with the City Planning Code, the Residential Design Guidelines, and the Standards of Window Replacement.
- b. A thorough review of this case has been carried out by not only the Planning Department and the case planner, but also by the Residential Design Team and the Historical Preservation Commission. All these groups have determined that the windows comply with San Francisco Planning and Building Requirements.
- c. The City Planning Department requested detailed information about the windows installed for both internal review & for review with the Historic Preservation Commission. The outcome was communicated to both Appellant Burradell and I on February 7th:

“Thanks for all the information, it was very helpful to our review of your project. Yesterday, I reviewed your project with the Department's other preservation planners and we agreed that the windows that are proposed for legalization are totally appropriate for the building. I have also informed Alan of our determination.”

- d. On February 15th, the Planning Department met with the Residential Design Team and their determination confirmed full compliance with the guidelines.

2) **AESTHETICALLY PLEASING**

- a. The new Marvin windows I installed are of very high quality, with a sterling reputation for being aesthetically pleasing and particularly suitable for this type of application.
- b. The windows of both Appellants and six other adjacent neighbors have the types of vinyl or aluminum windows that the city will no longer permit. My new windows are superior to the windows that they replaced and to both appellants' windows in terms of quality, detailing, material, finish and overall aesthetics. Appellant Pearce who lives next door to

us has thin plastic (vinyl) windows, which would not be permitted under the current standards. Thicker profile wood windows with aluminum clad are considered more visually pleasing than thin aluminum or thin plastic. As such, my new windows are a genuine improvement to both our building and our side of the block (Exhibit 3).

- c. The Planning Department Guidelines require double-hung sash windows with depth and convincing detailing, richness, thickness, appropriate arrangement, etc. On review, the Planning Department approved my windows as aesthetically appropriate and compliant.
- d. I have included letters of neighborhood support (Exhibit 2).
- e. Page 5 of The Standards for Window Replacement document points out that “there are a number of windows constructed of substitute materials on the market today that strive to match the styles and profiles of historic windows” and that “The Planning Department is always open to reviewing any new products for compatibility with older properties.” Marvin windows are renowned, beautiful windows, and chosen for their high quality and attention to detail.
- f. The Planning Department reviewed the window manufacturer specifications that came with my new windows and photos of the other windows on our block, and approved my windows as visually appropriate for both the building and the neighborhood.
- g. Appellant Burradell cites page 46 of the Residential Design Guidelines: “Replace non-original aluminum or vinyl windows with painted wood windows, if wood windows are original to the building.” But he fails to cite the very next sentence: “On existing buildings, the use of aluminum or vinyl windows may not be appropriate *if the appearance of these materials is not compatible with the original building material.*”

The Planning Department reviewed the appearance of the new windows I installed and the ones they replaced and once again concluded that my new windows are visually compatible with the original building material.

- h. Appellant Burradell claims that my windows meet only 4 of the requirements on page 5 of the Standards for Windows Replacement, but my windows meet all of those requirements, and in two cases, they are an *improvement* compared to what was there before:
 - i. Size – requirement met
 - ii. Glazing – requirement met
 - iii. Operation – requirement met
 - iv. Arrangement – requirement met
 - v. Finish – improvement over original
 - vi. Profile – improvement over original
- i. Exhibit 3 page 1 shows a map of our block, labeled with window material used on each building. Of the 12 buildings on our side of the block, 9 have windows made of plastic (non-compliant) or aluminum. Of those, my new compliant windows (with aluminum clad exterior and wood interior) *look nicer* than any of the other vinyl or aluminum windows from the street, thereby *improving* the aesthetics of our block. Only two buildings on our side of the block have original wood, one is a mix of plastic and wood, and two (including ours) are aluminum clad.
- j. Of the 12 buildings across the street from us, 1 is a mix of wood and plastic, 3 are plastic, 1 is aluminum, and 8 have wood windows. Photos of all the other façades on our block are in Exhibit 1 on pages 8-30.

3) **FALSE CLAIMS AND CLERICAL ERRORS**

- a. Appellant Pearce’s claim that “the permit was issued in error because no environmental review was performed at the time of permit issuance as required by State Law” is not true because the Historic Preservation Commission carefully reviewed our case and decided no environmental review was necessary.

- b. His claim that there was misinformation in my permit application is not true. The permit application is short, simple, truthful and accurate (Exhibit 1). No evidence has been presented indicating a lack of accuracy.
- c. Appellant Pearce also argues that the permit was issued in error because a “BBN was ignored and proper notice was not served to the BBN holder” (Appellant Burradell). While there may have been a clerical error and the permit was issued *earlier* than it should have been, the permit holder should not be held accountable for such errors, and there is no evidence that this procedural error would have affected the Planning Department’s determination.

4) **NO NEED TO SET NEW PRECEDENT**

- a. The Residential Design Guidelines say “The Director of planning may require modifications to a proposed alteration of an existing residential building in order to bring it in to conformity with the Residential Design Guidelines and with the General Plan.” But in this case, he chose not to. This is a good example of how the Guidelines are not hard and fast rules intended to be interpreted in the harshest black and white manner, as the appellant seems to believe. The Planning Department review process functions very well, with the Residential Design Guidelines intended to be interpreted using staff discretion.
- b. There is nothing about this project that deserves to be singled out for unusual treatment, and nothing about the windows that are exceptional or extraordinary. There is no need to set precedent in this hearing that finds the Planning Department can’t use discretion when following the Residential Design Guidelines. Given that my windows are high quality, beautiful, and the city supports them, there is no need to set new precedent. It would be unfair to single me out when my new windows genuinely improve the visual appearance of our side of the street.

5) ADDITIONAL CONTEXT

- a. Finally, you should know that Appellant Burradell and I have a long history of disagreements since the purchase of my condo from him in 2006. Our relationship was so strained and uncomfortable that attorneys were involved most of last year, and an attorney mediation resulted in a *seemingly* comprehensive Settlement Agreement in November 2011 (Exhibit 4).
- b. With our Settlement Agreement finally in place in November 2011, I planned to put my property on the market in February of this year and move to another neighborhood to start a new chapter. But in January, I received a demand letter (Exhibit 5) from his attorney, asking for \$30,000 for Mr. Burradell to “engage in efforts for Ms. Leber to obtain permit approval of her current windows” and to compensate him for the “amount of time and effort needed to participate in the permit approval process” and the “increased cost to replace his own windows as a result of Ms. Leber’s conduct.”
- c. The city advised me that there was no merit to his claims, that my windows were fully compliant, that I could get an over the counter permit issued the same day for \$540, and that if he wanted to permit his windows, he could apply for a permit for 64 Collingwood and that the two applications are not related. My permit application was approved over the counter that day and my final inspection was scheduled for the following business day, but after my permit application was approved, Appellant Burradell requested an appeal and this Hearing, which prevented the inspection from happening, and then a few days later, he sued me.
- d. Contrary to Appellant Burradell’s assertion in the letter demanding \$30,000 from me that he could not apply for his own windows permit, he recently applied for one and on March 2nd 2012, the Planning Department approved his permit application #201201273035.

In conclusion, my new windows are beautiful, of high quality, fully compliant, appropriate for the building, and they improve the appearance of our side of the block. I agree with the Planning Department, Residential Design Team, and Historic Planning Commission that my windows are reasonable and appropriate for both the building and the street, and that they should be approved as proposed. I kindly request that you reject the appellants' frivolous appeals against my building permit.

Thank you for your time and consideration.

Sincerely,

Beth Leber

Exhibits:

- 1) Responder's approved permit application
- 2) Neighbor letters of support
- 3) Map of our block and illustrative photos
- 4) Settlement agreement, November 2011
- 5) Demand letter, January 2012

REQUIREMENTS

- MINIMUM NET CLEAR OPENABLE AREA OF 5.7 SQUARE FEET
- MINIMUM OPENABLE HEIGHT OF 20 INCHES
- MINIMUM OPENABLE WIDTH OF 20 INCHES
- MAXIMUM SILL HEIGHT OF 44 INCHES
- SECTION 1026.2, SFBC

JAN 20 2012

Vivian L. Day
VIVIAN L. DAY

DIRECTOR/CHIEF BUILDING OFFICIAL
DEPT. OF BUILDING INSPECTION

APPROVED FOR ISSUANCE
-20-12-10

3: 318
APPLICATION NUMBER
2012012025910

APPROVAL NUMBER:

APPLICATION FOR BUILDING PERMIT ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE COUNTER ISSUANCE

0 NUMBER OF PLAN SETS

CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION

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

DO NOT WRITE ABOVE THIS LINE

DATE FILED <u>1/20/12</u>	FILING FEE RECEIPT NO. <u>1/2</u>	(1) STREET ADDRESS OF JOB <u>62 Collingwood St. SF, CA 9414</u>	BLOCK & LOT <u>2648-064</u>
PERMIT NO. <u>1256173</u>	ISSUED <u>1-20-12</u>	(2A) ESTIMATED COST OF JOB <u>11,000</u>	(2B) REVISED COST: BY: <u>11,000⁰⁰</u> DATE: <u>1-20-12</u>

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING					
(4A) TYPE OF CONSTR. <u>Wood V</u>	(5A) NO. OF STORIES OF OCCUPANCY: <u>2</u>	(6A) NO. OF BASEMENTS AND CELLARS: <u>1</u>	(7A) PRESENT USE: <u>Residential Condo</u>	(8A) OCCUP. CLASS <u>R3</u>	(9A) NO. OF DWELLING UNITS: <u>2</u>
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION					
(4) TYPE OF CONSTR. <u>Wood V</u>	(5) NO. OF STORIES OF OCCUPANCY: <u>2</u>	(6) NO. OF BASEMENTS AND CELLARS: <u>1</u>	(7) PROPOSED USE (LEGAL USE): <u>Residential Condo</u>	(8) OCCUP. CLASS <u>R3</u>	(9) NO. OF DWELLING UNITS: <u>2</u>
(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	EXPIRATION DATE	
(14) GENERAL CONTRACTOR <u>Owner</u>		ADDRESS <u>62 Collingwood St. 94114</u>		PHONE <u>415-317-2384</u>	CALIF. LIC. NO.
(15) OWNER - PLEASE (CROSS OUT ONE)		ADDRESS <u>Beth Leber 62 Collingwood St. 94114</u>		PHONE (FOR CONTACT BY DEPT.) <u>415-317-2384</u>	BTRC#
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)					
<u>Legalize Marvin triple-pane double-hung aluminum clad windows that were installed without permit in Nov 2007. Six of these windows face the street. Replacement was done to decrease street noise and improve energy efficiency (5 windows face the side)</u>					
ADDITIONAL INFORMATION					
(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT FT. <u> </u>	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT. <u> </u>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	CALIF. CERTIFICATE NO.		
(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> ADDRESS		ADDRESS			
(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN") ADDRESS					

IMPORTANT NOTICES

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

No portion of building or structure or scaffolding used during construction, to be closer than 6' to any wire containing more than 750 volts See Sec 385, California Penal Code.

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

Grades from as shown on drawings accompanying this application are assumed to be correct. If actual grades from are not the same as shown retained drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be

NOTICE TO APPLICANT

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

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (i), or (ii) designated below or shall indicate item (iii), or (iv), or whichever is applicable. If however item (v) is checked item (iv) must be checked as well. Mark the appropriate method of compliance below.

I hereby affirm under penalty of perjury one of the following declarations:

() I have and will maintain a certificate of consent to self-insure for worker's compensation

WORKING CONDITIONS AND STIPULATIONS

REFER TO:	<p>APPROVED:</p> <p>By <u>AL SMITH, DBI</u> <i>ASmith</i></p> <p>JAN 20 2012</p> <p>Call 415-558-6570, to schedule inspections in building, electrical and / or plumbing. This application is approved without site inspection. Detailed plumbing or electrical plan review does not constitute an approval of the building. Work authorized must be done in strict accordance with applicable codes. <u>PLUMBING INSPECTOR, DEPT. OF BLDG. INSPECTION</u></p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED:</p> <p>Approve & legalize 6 windows facing the street, ^{top floor} aluminum clad. Approve & legalize 5 windows facing the side yard. No structural changes.</p> <p><i>1-20-12</i></p> <p><u>DEPARTMENT OF CITY PLANNING</u></p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED:</p> <p><i>WADE WIEZRETE</i></p> <p><i>MA APS</i></p> <p><u>BUREAU OF FIRE PREVENTION & PUBLIC SAFETY</u></p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED:</p> <p><u>MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION</u></p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED:</p> <p><u>CIVIL ENGINEER, DEPT. OF BLDG INSPECTION</u></p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED:</p> <p><u>BUREAU OF ENGINEERING</u></p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED:</p> <p><u>DEPARTMENT OF PUBLIC HEALTH</u></p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>
<input type="checkbox"/>	<p>APPROVED:</p>	<p>DATE: _____</p> <p>REASON: _____</p> <p>NOTIFIED MR. _____</p>

Today's date: 2/20/2011

FILE

HO 3/14/12

BOARD OF APPEALS

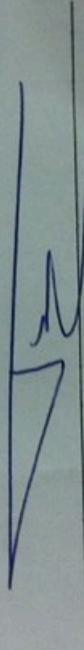
FEB 27 2012 *ox*

APPEAL # 12-007

To whom it may concern at The City Planning Department, Department of Building Inspections, Historic Preservation Commission, Board of Appeals, and/or Discretionary Review Board of San Francisco:

I, FRANK BOE RINDIG @ 73A Collingwood St (printed name and address)
would like to do the following regarding the Burradell Leber 62-64 Collingwood windows appeal
(check all that apply):

- Withdraw my letter of appeal against the legalization of Ms. Leber's windows
- Withdraw my signature in support of Mr. Burradell's appeal
- Support the legalization of Ms. Leber's windows



(signature)

to 2/14/12

BOARD OF APPEALS

FEB 28 2012

APPEAL # 12-007

Today's date: 2.22.12

FILE

To whom it may concern at The City Planning Department, Department of Building Inspections, Historic Preservation Commission, Board of Appeals, and/or Discretionary Review Board of San Francisco:

I, Gregory Hall (printed name and address)
Burradell-Leber 62-64 Collingwood windows appeal
(check all that apply):

- Withdraw my letter of appeal against the legalization of Ms. Leber's windows
- Withdraw my signature in support of Mr. Burradell's appeal
- Support the legalization of Ms. Leber's windows

Gregory Hall
(signature)

Today's date: Feb. 20, 2012

FILE

BOARD OF APPEALS

FEB 21 2012

APPEAL # 12-007

12-011

HD 3/14/12

To whom it may concern at The City Planning Department, Department of Building Inspections, Historic Preservation Commission, Board of Appeals, and/or Discretionary Review Board of San Francisco:

I, Paul E Miller, 47 Collingwood St 94114 (printed name and address)
would like to do the following regarding the Burradell-Leber 62-64 Collingwood windows appeal
(check all that apply):

- Withdraw my letter of appeal against the legalization of Ms. Leber's windows
- Withdraw my signature in support of Mr. Burradell's appeal
- Support the legalization of Ms. Leber's windows

Paul E Miller

(signature)

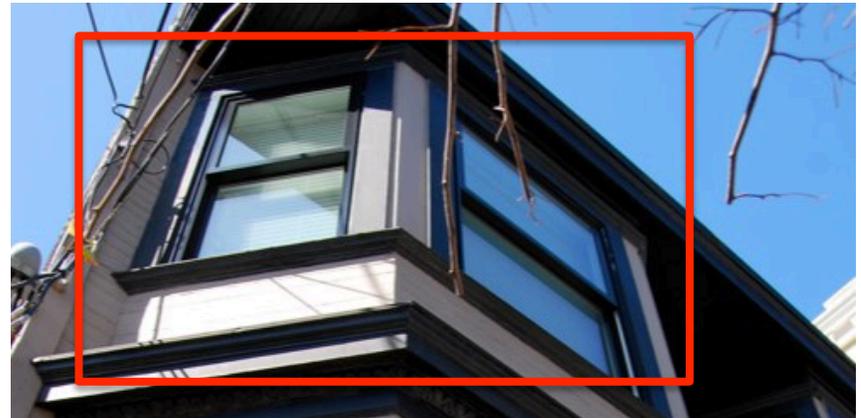
Responder's **approved, compliant** triple pane aluminum clad windows that have the richness, detail, thickness, and other aesthetic qualities the Planning Department looks for when approving a permit application.



Appellant Pearce's **non-compliant** plastic windows (if he tried to get a permit for them today he would be denied because they are made of vinyl, not aluminum clad).

EXHIBIT 3

Responder's **approved, compliant** triple pane aluminum clad windows



Appellant Burradell's **non-compliant** aluminum frame windows



The Planning Department wants to see double-hung sash windows with depth and convincing detailing, richness, thickness, appropriate arrangement etc. The appellant's windows are not even close to being what the city wants and I am told by an architect that if he tried to get a permit for them he would be denied. The only thing about them that is vaguely compliant is that they are split across the middle, as if they were proper double-hung windows but in fact they are very thin, meager and not as aesthetically pleasing as my windows.



The unattractive single pane aluminum windows that were in my condo when I purchased it in September 2006



The beautiful new Marvin triple pane replacement style double hung windows that were installed in 2007 (fully compliant and a vast improvement from before)

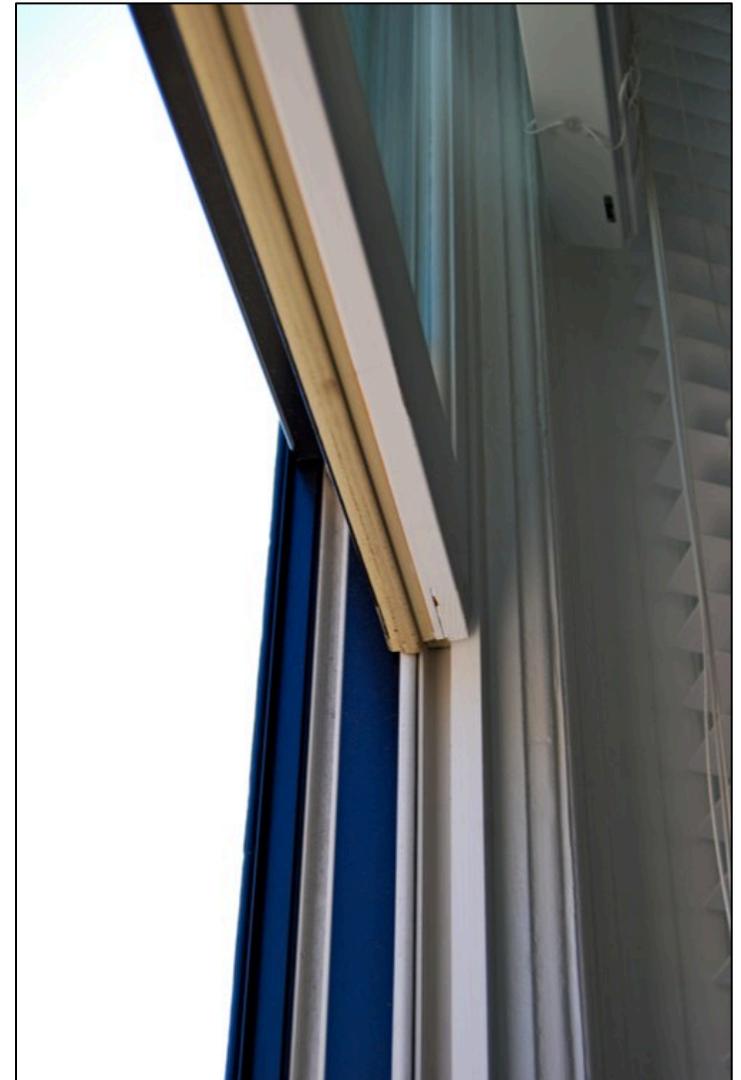


Closer views of the beautiful Marvin triple panes that were installed in 2007

Closed



Open



Closer view of Appellant Pearce's non-compliant vinyl windows



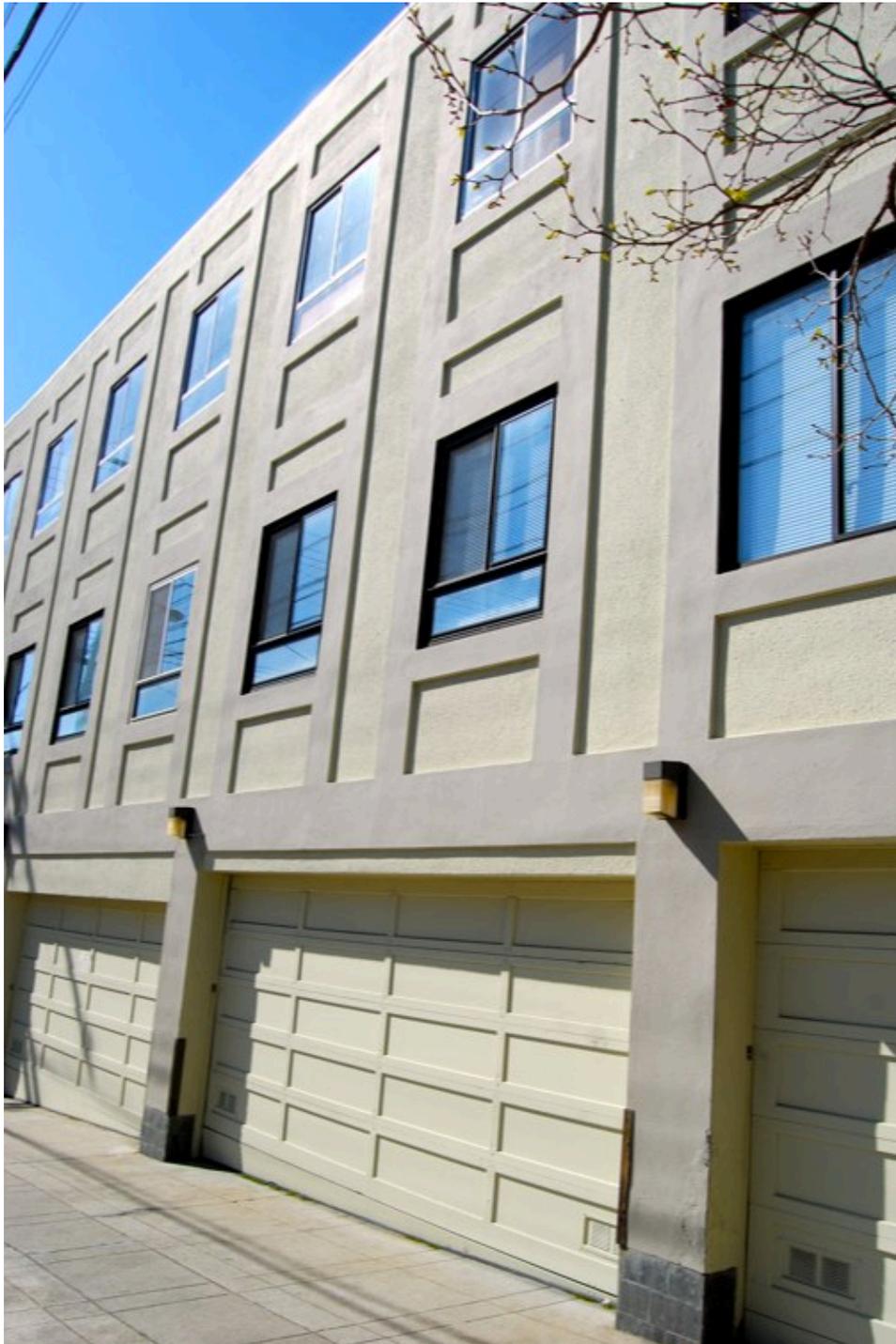
More photos of responder's compliant new triple pane windows from the street (top unit) and appellant Burradell's non-compliant windows (bottom unit)



EXHIBIT 3

Following are the facades of all other residential buildings on our block for visual comparison

(labeled with street address, window material and window type)



4226-28, 4220-22, 4214-16,
4200 18th Street (on
Collingwood)
**aluminum casement
and fixed (non-operational)**

INFERIOR

EXHIBIT 3



80 Collingwood
plastic awning and fixed
(non-operational)

INFERIOR

EXHIBIT 3



72-74 Collingwood
plastic double hung
disproportionate

INFERIOR



66-70 Collingwood
**aluminum casement
and fixed (non-operational)**

Appellant Burradell used to
own the bottom unit #70 and
sold it last year.

INFERIOR

56-60 Collingwood
vinyl double hung

Appellant Pearce is in #60

INFERIOR



EXHIBIT 3



54 Collingwood
vinyl double hung

Appellant Burradell used to own this property and sold it last year.

INFERIOR



50 Collingwood
plastic slider

INFERIOR

EXHIBIT 3

INFERIOR

44-44A Collingwood
vinyl double hung



EXHIBIT 3

40-42 Collingwood
wood double hung original

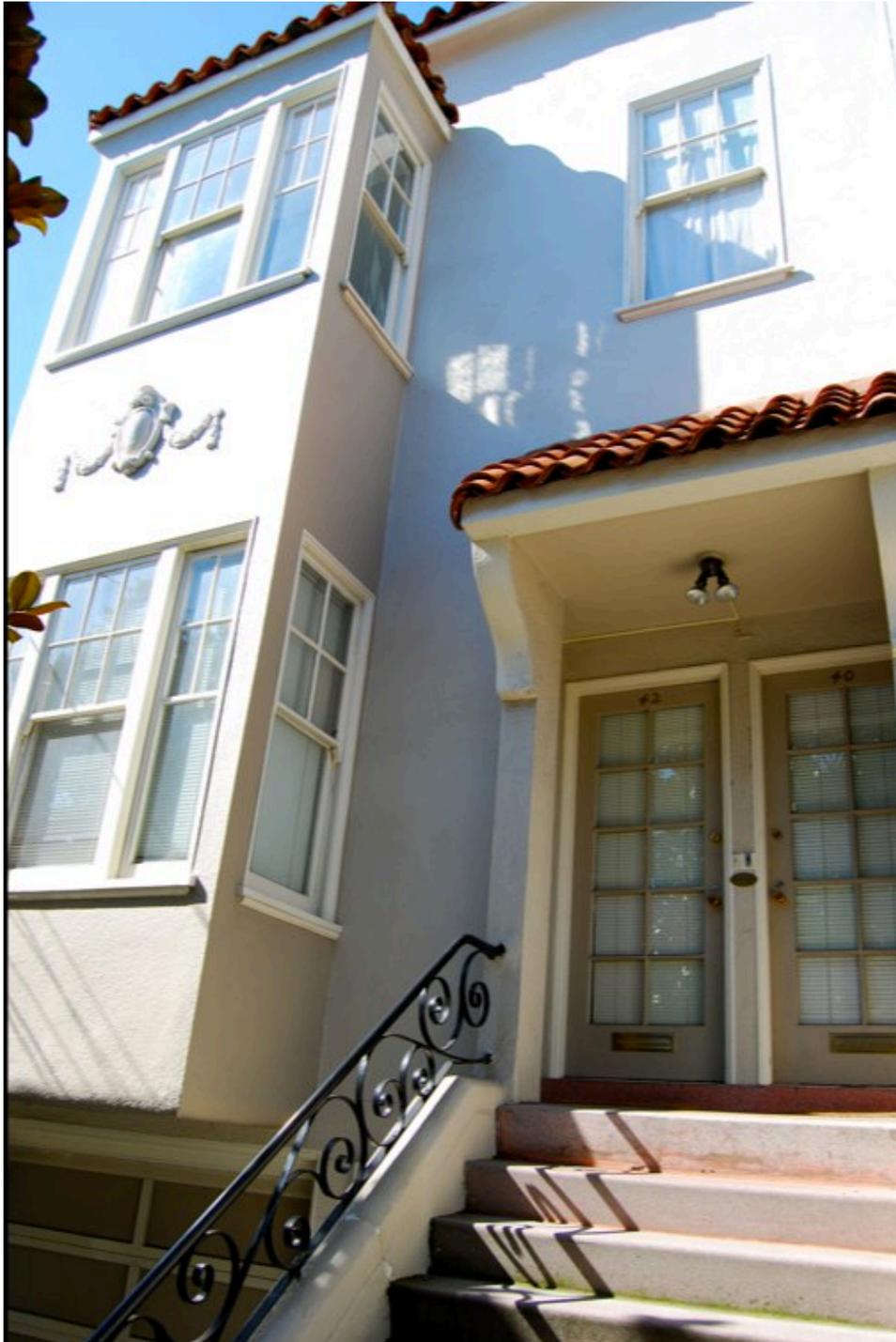


EXHIBIT 3

36-38 Collingwood
wood double hung original



EXHIBIT 3

**30-32 Collingwood
mix of vinyl and wood
double hung**



EXHIBIT 3



73-77A Collingwood
mix of plastic double hung
and aluminum slider

INFERIOR

Note: I have a letter of support from neighbor Franck Bure, at 73A Collingwood.

69-71 Collingwood
wood double hung original



EXHIBIT 3

65 Collingwood
wood casement



EXHIBIT 3

59 Collingwood
aluminum slider

INFERIOR

Note: I have a letter of support from neighbor Gregory Hall, at 59 Collingwood, Apt 1.



53-57 Collingwood
wood double hung original



EXHIBIT 3

47-51 Collingwood
wood double hung original

Note: I have a letter of support from neighbor Paul Miller, at 47 Collingwood.



EXHIBIT 3

45 Collingwood
wood double hung

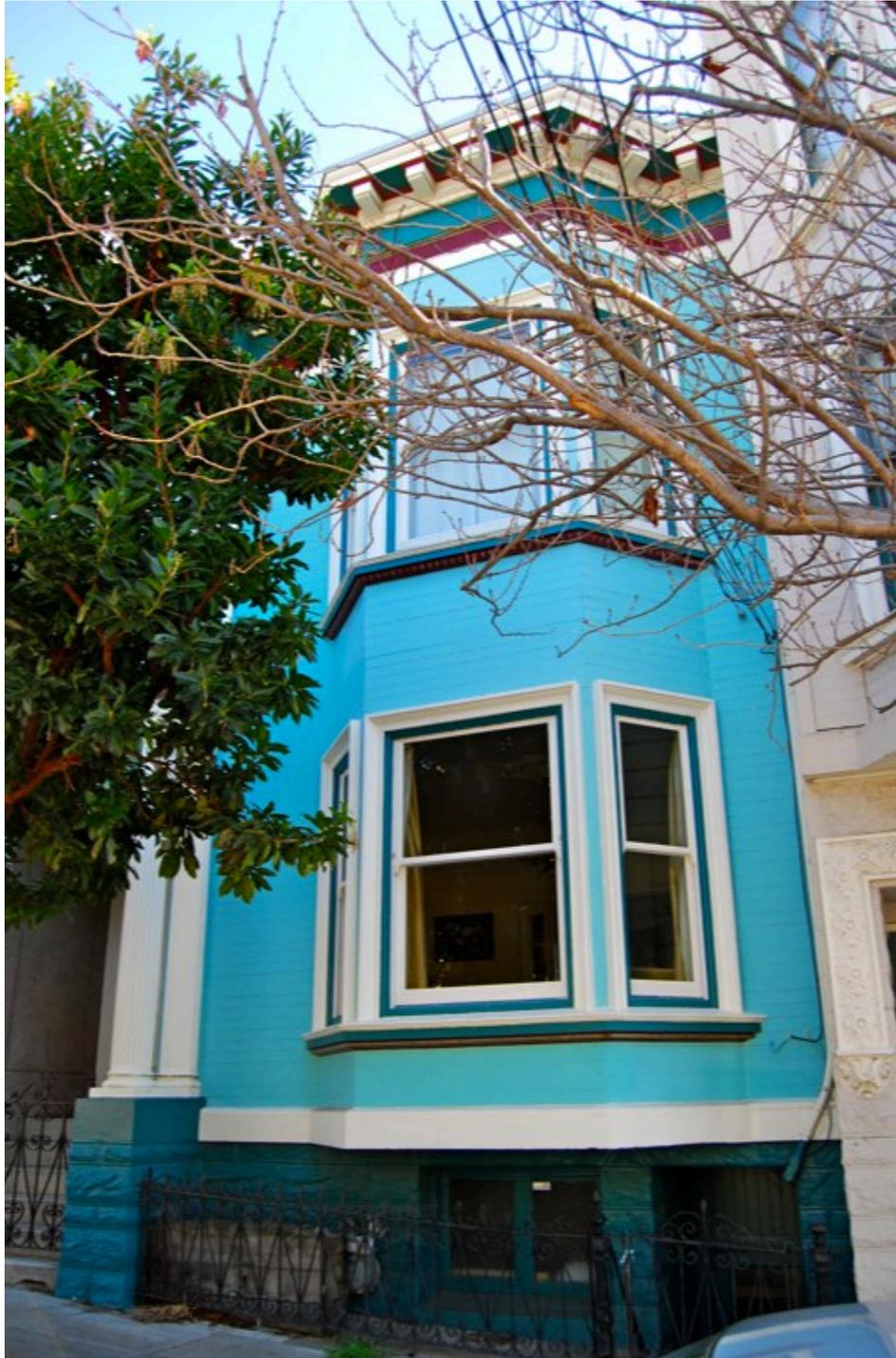


EXHIBIT 3



39-43 Collingwood
vinyl disproportionate
double hung

27

INFERIOR

EXHIBIT 3

33-37 Collingwood
wood double hung original



EXHIBIT 3

29-31 Collingwood
wood double hung original



EXHIBIT 3

23-25 Collingwood
wood double hung original



EXHIBIT 3

SETTLEMENT

THIS AGREEMENT is made this 16 day of November, 2011, at San Francisco, California, by Alan Burradell, on the one hand, and Beth Leber, on the other hand. Alan Burradell and Beth Leber are hereinafter collectively referred to as the "parties."

A. **WHEREAS**, Alan Burradell is the owner of certain real property situated in San Francisco County, commonly known as 64 Collingwood Street, San Francisco, California;

B. **WHEREAS**, Beth Leber is the owner of certain real property situated in San Francisco County, commonly known as 62 Collingwood Street, San Francisco, California; and

C. **WHEREAS**, 62-64 Collingwood Street, San Francisco, California comprises a Condominium Project known as the 62-64 Collingwood Street Homeowners Association, an unincorporated association (the "HOA"), governed by the Declaration of Covenants, Conditions and Restrictions of 62-64 Collingwood Street & Condominium Plan, executed by the parties on August 29, 2006 ("CC&R's").

D. **WHEREAS**, the parties recognize that their conflicts over the years are remediable and through the assistance of counsel, seek to reach a mutually satisfactory resolution of past issues;

D. **WHEREAS**, the parties now wish to fully resolve all disputes between them arising from their respective ownership of 62-64 Collingwood Street, San Francisco, California, which will pave the way for smoother interactions between them and their successors moving forward.

NOW, THEREFORE, for good consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. Upon execution of this agreement, Alan Burradell ("Burradell") and Beth Leber ("Leber") shall begin dividing the water bill in accordance with the number of occupants in the building (as of the date of execution of this agreement, Burradell's unit has four occupants and Leber's unit has one occupant);

2. Burradell and Leber shall notify each other of any change in the number of occupants residing in their respective units within one month of any such change.

3. No later than thirty (30) days of the execution of this agreement, Burradell shall make a request to the water company to add Leber to the water bill account to allow both parties equal access to the account, including on-line access, and Leber shall pay all administrative fees that the water company charges for this action (if any).

4. Burradell is not required to move his hot tub.

5. Leber agrees to provide the name, license number and contact information of the contractor who installed the triple pane windows in Leber's unit, all of which is attached hereto as "Exhibit B" and incorporated herein by this reference;

6. Neither party may discard or store any items on the sidewalk in front of 62-64 Collingwood Street, or in any areas of the basement, except in the area deemed exclusive use for

that party and the "common shelves" as shown in "Exhibit A," attached to this agreement and incorporated herein by this reference.

7. Neither party may hold mail or packages for the other party unless one party requests this action in writing and the other party agrees to do so in writing.

8. All communications between the parties shall be in writing; e.g. via e-mail or by letter, but not by text messaging.

9. The pets of either party or of the parties' respective occupants or guests must always be accompanied by an attendant who will immediately clean up after it when in the rear yard common area.

10. The parties shall hire a gardener in accordance with the following procedures:

- a. Burradell shall provide Leber a list of the names and contact information of three (3) professional gardeners, which is attached hereto as Exhibit C and incorporated herein by this reference;
- b. The proposed fees of the gardener shall not exceed \$75/month;
- c. No later than thirty (30) calendar days after Burradell provides Leber the names and contact information of three (3) professional gardeners, as set forth above, Leber shall select a gardener from Burradell's list of three (3) gardeners; and;
- d. The parties shall equally divide the monthly cost of the gardener, which shall be paid out of the operational account addressed below.

11. The parties shall hire an accountant to file tax returns for the years 2007-2010, as well as future tax returns, in accordance with the following procedures:

- a. Leber shall provide Burradell a list of the names and contact information of three (3) professional accountants, which is attached hereto as Exhibit B and incorporated herein by this reference;
- b. No later than fifteen (15) calendar days after Leber provides the names and contact information of three (3) professional accountants, Burradell shall then select an accountant from Leber's list of three (3) professional accountants; and
- c. The parties shall equally divide the accountant's professional service fees, as well as penalty fees (if any) required by the IRS.

12. The parties shall open two HOA accounts in accordance with the CC&R's and applicable law, and in accordance with the following:

- a. The parties shall open an HOA Operational Account for short-term, ongoing and agreed-upon shared expenses, including, without limitation, insurance, taxes, gardener costs, janitorial services, water, and miscellaneous unanticipated repairs

and service, and the parties shall contribute an equal amount of funds to the HOA Operational Account in order to cover these expenses, all of which shall not exceed \$225.00 per party per month.

- b. The parties shall open an HOA Reserve Account for potential long-term expenses, such as roof replacement or paintings of the exterior of the building, as follows:
 - (i) The parties shall contribute an equal amount of funds to the HOA Reserve Account, which shall not exceed the minimum amount needed to maintain the bank account;
 - (ii) The parties shall conduct a reserve study in accordance with CC&R's § 3.10;
 - (iii) The parties agree that the reserve funds recommended by the reserve study may be acquired by Special Assessment as provided by the CC&R's, except for the minimum amount needed to maintain the bank account, as set forth above;
- c. In order to open both the HOA Operating Account and the HOA Reserve Account, Leber shall provide Burradell a list of the names of three (3) banks where the HOA Reserve Account and HOA Operational Account will be held, which is attached hereto as Exhibit B and incorporated herein by this reference;
- d. No later than fifteen (15) days after execution of this agreement, Burradell shall then select a bank from Leber's list of three (3) banks where the HOA Reserve Account and the HOA Operational Account will be held;
- e. No later than fifteen (15) days after Burradell selects the bank, as set forth above, the parties shall make all efforts to open the two HOA accounts as soon as possible.

13. In the event the HOA is required by the CC&R's to hire a contractor to perform work at 62-64 Collingwood Street, the parties agree to the following:

- a. The parties shall follow all procedures under the CC&R's, including, without limitation, CC&R's § 4.3, which provides, among other things, the requirement to solicit bids only for repairs that are expected to cost more than \$500.
- b. Provided that the CC&R's require the HOA to solicit bids for repairs, then within a reasonable amount of time after identifying the HOA's need to solicit bids for repairs at the property, the parties shall obtain two (2) competitive written bids from qualified, licensed contractors and shall jointly decide who to hire for such work;
- c. The parties shall require that any invoice from the agreed-upon contractor be prepared by the contractor or its company (e.g. not self-generated by either of the parties), and include only work performed at 62-64 Collingwood Street, and not

work performed for any other property or for any other person or entity other than this HOA.

- d. The parties shall divide equally the cost of such work and shall pay their respective half directly to the agreed-upon contractor.
 - e. In the event of an emergency in which immediate repairs are required, each party must make reasonable efforts to contact the other party (e.g. by e-mail) before taking action to address the emergency if the emergency allows it. The parties must continue to communicate in writing as set forth in this agreement.
14. The parties agree on the selection of the President of the HOA, as follows:
- a. Upon execution of this agreement, Burradell shall be President of the HOA;
 - b. In order for the President's term to end on the last day of the year, Burradell's term shall be adjusted such that his term will expire on December 31, 2012, unless terminated for cause under CC&R's § 4.6;
 - c. Beginning January 1, 2013, Leber shall be President of the HOA, unless terminated for cause under CC&R's § 4.6.
 - d. Beginning January 1, 2013, the term of each President shall be one (1) year pursuant to the CC&R's § 4.3, unless terminated for cause under CC&R's § 4.6.
15. The parties shall adopt a rule in accordance with CC&R's § 3.3 and Civil Code § 1357.100 *et seq.* regarding the use of the basement, as follows:
- a. The parties shall divide the basement in accordance with the agreed floor plan attached hereto as "Exhibit A" and incorporated herein by this reference, and each space shall be assigned to each party as his/her exclusive common area, as indicated on "Exhibit A;"
 - b. No later than (30) days after execution of this agreement, the parties shall remove their respective personal property and shelving (if any) from the exclusive common area of the other party and from all areas of the basement not included in that party's exclusive common area;
 - c. After the parties have removed their respective personal property from the exclusive common area of the other party and from all areas of the basement not included in that party's exclusive common area, as set forth above, Burradell may have built, at his own cost, walls to delineate the division of the basement as indicated on Exhibit A and two lockable doors to access the respective exclusive common areas for each party. Leber requests that the door to her exclusive common area be a minimum of 40 inches wide. Leber acknowledges and agrees that no permits are required to build the walls and doors in the basement area, as described in this paragraph. Leber expressly releases and holds harmless Burradell and his agents from all damages, claims and causes of action of any

kind or character arising out of or in any way connected with the building and maintenance of the walls and doors in the basement area.

- d. If Burradell chooses not to build walls and doors as set forth above, then the parties agree to lay down painters' tape to delineate each party's exclusive use common area pursuant to this paragraph.
- e. Each party accepts the executed version of this agreement as written notice of this rule change regarding the basement; and
- f. This rule change shall take effect after thirty (30) days of execution of this agreement.

16. No later than thirty (30) days after execution of this agreement, Burradell shall commence leasing a space that is a minimum size of approximately 300 square feet in order to store his construction materials, as follows:

- a. No later than thirty (30) days after execution of this agreement, Burradell shall provide a copy of the lease to Leber, but is not required to disclose any financial information, including, without limitation, the rental rate;
- b. After Burradell produces a copy of the lease to Leber, as described above, Burradell shall not be required to provide Leber another copy of the lease or copies of future leases, except as follows:
 - (i) Leber makes a written demand for the lease to Burradell via certified mail, return receipt requested, to 584 Castro Street # 419, San Francisco, California 94114, as well as via electronic mail to alan@burradell.com; *and*
 - (ii) Burradell shall have thirty (30) days after either the date that the demand is sent electronically or the date that the demand is sent via certified mail, whichever date is later, to produce a copy of the lease to Leber.
- c. So long as Burradell is in compliance with this paragraph 16 of the agreement, Leber agrees to withdraw her claims and not to file future claims arising from Burradell's business activities, including without limitation, meeting Burradell's workers on the property and Burradell's storage of materials in his exclusive common areas of the property, such as the area of the basement that will be assigned as his exclusive common area pursuant to paragraph 15 above.

17. Leber dismisses her claims against Burradell for damages to her unit, loss of use of her unit and past water bills associated with 62-64 Collingwood.

18. Burradell dismisses his claims against Leber for the unpaid plumbing invoice dated April 8, 2011 and all gardening invoices pre-dating this agreement, including, without limitation, the unpaid gardening invoice dated April 24, 2011.

19. In the event that litigation is commenced to interpret or enforce this agreement, or which in any way arises out of this agreement, the prevailing party shall recover all costs and expenses, including reasonable attorney's fees, but the arbitrator, judge or other decision maker shall have final discretion to allocate such costs and expenses between the parties in a manner that will accomplish substantial justice, in accordance with CC&R's § 12.9.

20. The covenants, conditions, and obligations, and rights contained in this agreement shall apply to, bind, and inure to the benefit of, the respective heirs, successors, executors, administrators and assigns of all of the parties hereto.

21. This agreement, Exhibits A, B and C, as well as the CC&R's, constitute the entire agreement between the parties. No oral statement or other written matter shall have any force or effect. Each party represents and warrants that he or she has not relied upon any oral or written statement or representation by the other party or his/her representatives in deciding to enter into this agreement or accept any of its terms, except for such representations as may be contained in this agreement; and each party has voluntarily entered into this agreement with full understanding of his or her rights and responsibilities under it. The parties' agreement may not be amended except in a writing signed by all parties.

22. In the event any portion of this agreement is found void or voidable by a court of competent jurisdiction, or arbitrator(s), such portion shall be stricken, and the agreement reformed to as closely approximate, as the law permits, the intent of the stricken portion or portions. The remainder of said stricken provisions and of the entire agreement will remain in effect.

23. This agreement may be executed in counterpart and faxed and e-mailed signatures may be deemed originals.

24. Both parties have been represented by counsel in the preparation and signing of this agreement, and no presumption shall attach as a result of any degree or lack of involvement by either party or their respective attorneys, in its preparation.

Executed on the last date written above at San Francisco, California.

Alan Burradell



Beth Leber

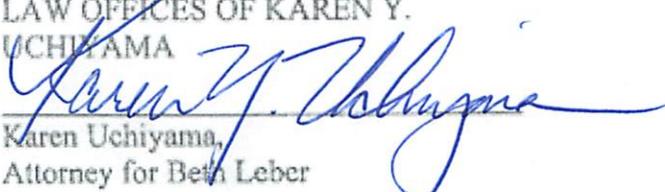
APPROVED AS TO FORM:

GOLDSTEIN, GELLMAN, MELBOSTAD,
HARRIS & MCSPARRAN, LLP

A. Jeanne Grove,
Attorneys for Alan Burradell

APPROVED AS TO FORM:

LAW OFFICES OF KAREN Y.
UCHIYAMA



Karen Uchiyama,
Attorney for Beth Leber

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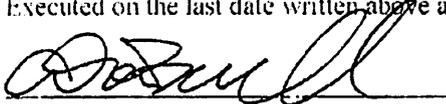
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Executed on the last date written above at San Francisco, California.


Alan Burradell

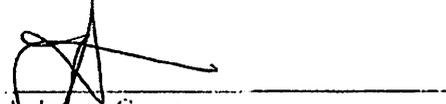
Beth Leber

APPROVED AS TO FORM:

APPROVED AS TO FORM:

GOLDSTEIN, GELLMAN, MELBOSTAD,
HARRIS & MCSPARRAN, LLP

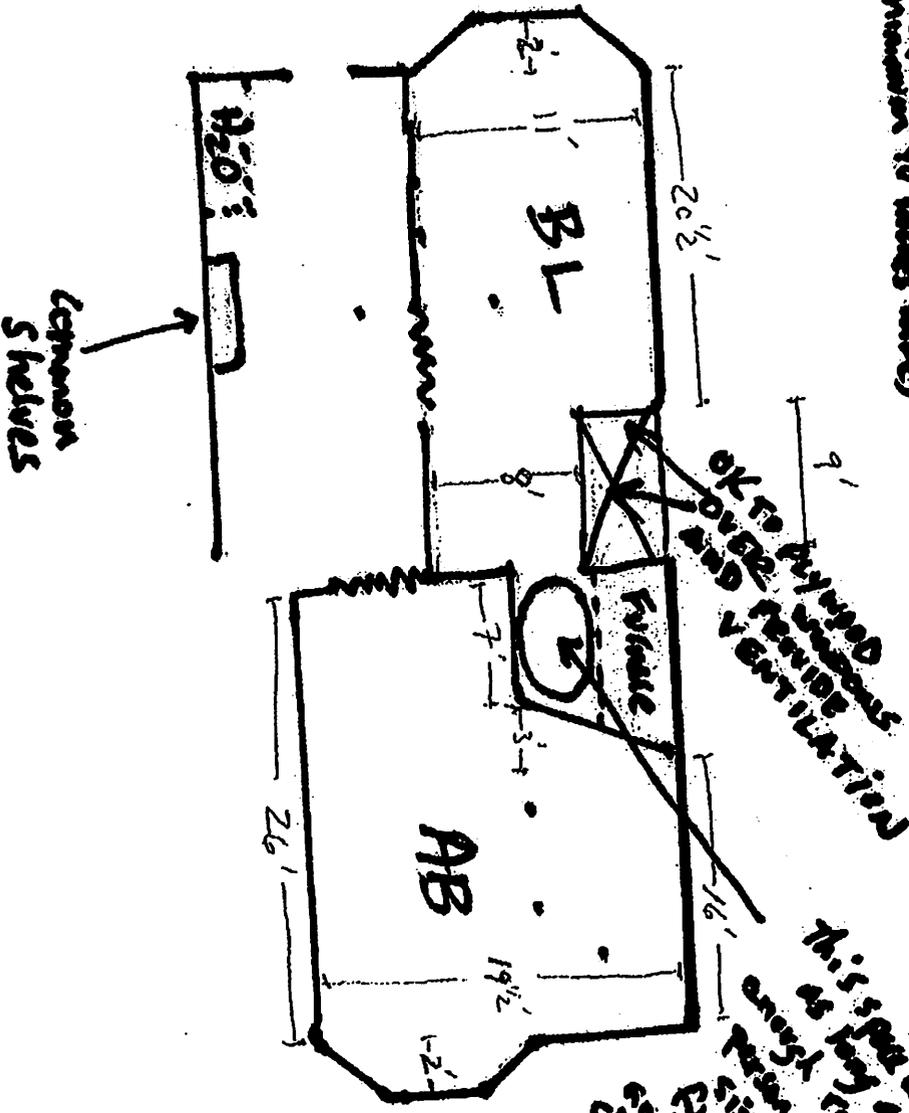
LAW OFFICES OF KAREN Y.
UCHIYAMA


A. Jeanne Grove,
Attorneys for Alan Burradell

Karen Uchiyama,
Attorney for Beth Leber

EXHIBIT A

Door (lockable)
 (minimum 48 inches wide)



OK to put wood supports and VENTILATION

This spot can be standard
 as long as there is
 enough room for a
 person to get in and
 out of the room
 without any
 difficulty. (See City's
 code for details)
 This spot can be standard
 as long as there is
 enough room for a
 person to get in and
 out of the room
 without any
 difficulty. (See City's
 code for details)

Common Shelves

EXHIBIT B

3 banks (and bank account types) from Leber to Burradell (Burradell to select 1 with which Leber and Burradell will open 2 HOA accounts)

Bank of America eChecking account ← Leber's top choice

- no balance requirement
- 0 minimum opening deposit
- 0 monthly fee
- free online banking and bill pay
- unlimited check writing
- 60 branches in SF

Bank of the West free checking account ← Leber's 2nd choice

- no balance requirement
- \$100 minimum opening deposit
- 0 monthly fee
- free online banking and bill pay
- unlimited check writing
- 9 branches in SF

Union Bank free checking account ← Leber's 3rd choice

- no balance requirement
- \$100 minimum opening deposit
- 0 monthly fee
- free online banking and bill pay
- unlimited check writing
- 6 branches in SF

3 accountants from Leber to Burradell (select 1)

Cindy Lax, EA ← Beth's longtime, trusted accountant, but Leber suggests using the most affordable person, if Lax is not the cheapest

Enrolled Agent
1-888-429-6829
cindy@cyntax.com
PO Box 1400
Cobb, CA 95426-1400

Pat Mitchell, CPA
914 Mission Ave., Suite 4c
San Rafael, CA 94901
415-485-5140
pat@patmitchelltax.com

Mary Broderick, EA
1615 Martin Luther King Jr Way, #401
Berkeley, CA 94709
510-644-0197
mdb4@mindspring.com

Contractor who installed replacement style triple paned windows for Leber

Joseph Fahey
josephjml@aol.com
415-271-9400
license # 807516

EXHIBIT C

List of Gardeners:

Rinaldo's Garden Service
415-467-6711

Digrande Brothers
415-467-0141

City Life
415-826-9288



GOLDSTEIN, GELLMAN, MELBOSTAD, HARRIS & McSPARRAN LLP

ATTORNEYS AT LAW

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(415) 673-5606 FAX

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January 9, 2012

Via Electronic Mail and U.S. Mail

Karen Y. Uchiyama, Esq.
568 San Jose Avenue
San Francisco, CA 94110
uchlegal@yahoo.com

Re: *62-64 Collingwood Street, San Francisco, California*
Our File No. 4952-02

Dear Ms. Uchiyama:

My client Alan Burradell would like to address the issue of your client Beth Leber's installation of her windows. We are hopeful that we can employ the same good-faith efforts that helped us achieve an amicable resolution last year concerning Mr. Burradell's storage of items on the property.

It is clear that Ms. Leber's windows were installed without a proper permit. Mr. Burradell never approved of the installation of these windows. Worse yet, the windows do not conform to San Francisco Planning Department's Standards for Window Replacement and Residential Design Guidelines. Enclosed is a brief summary of the reasons that Ms. Leber's unpermitted windows fail to satisfy City's applicable standards and guidelines. Also enclosed is a copy of the Standards and Guidelines issued by the San Francisco Planning Department with additional comments.

Unpermitted windows that fail to meet City standards and guidelines will result in quite egregious consequences for not only Ms. Leber but also the HOA, including Mr. Burradell. The City will not approve unpermitted windows even if they have already been purchased or installed. The City may at any time issue a notice of violation against Ms. Leber, which will subject Ms. Leber and the HOA to fines and also require the immediate removal of the windows. We estimate that the fines are currently \$1,000 per unpermitted window, for a total of \$9,000 in fines. The cost to purchase approved windows is approximately \$15,000. The cost to properly remove and replace the windows with permits is approximately \$10,000. To the extent that the HOA is responsible under the CC&R's to pay for these fines and window costs, Mr. Burradell intends to seek reimbursement and damages from Ms. Leber on behalf of the HOA, and will seek his attorney's fees and costs to pursue these claims against Ms. Leber.

Karen Y. Uchiyama, Esq.
January 9, 2012
Page 2

Ms. Leber's architecturally inappropriate windows also degrade the overall value of the building by diminishing its appearance inside and out. Also, Mr. Burradell cannot replace his own windows so long as Ms. Leber's unpermitted windows remain. The Planning Department will not approve partial window replacement for a building where there are mixed window types and materials throughout the building. The City does not take these issues lightly. Now that unpermitted windows have been installed, the City will scrutinize every detail of the window replacement, costing the owners an inordinate amount of time and money. This kind of restriction on Mr. Burradell's unit significantly diminishes the property value of his home. It is an issue that must be disclosed to prospective buyers (*for both units*) and imposes a substantial cost on the current owners of the building. Mr. Burradell has been informed and believes that due to the issues summarized above, the total depreciation in property value for his unit alone is approximately \$40,000-50,000.

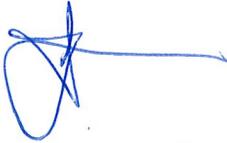
Fortunately, there may be a solution to this problem that will not require Ms. Leber to remove her current windows, but it will require the cooperation of both owners to work with the City to obtain approval of the current windows. An agreement between both owners will likely facilitate approval from the City (whereas the objection of one owner is enough to thwart the process), but the process for approval nevertheless requires a lot of time and effort from both owners, particularly to ensure that subsequent window permits may proceed unencumbered for future owners of the property. Still, future installation of windows in Mr. Burradell's unit will be at a greater cost in order to conform to the new guidelines the City establishes if/when it approves Ms. Leber's current windows (e.g. to ensure that all windows maintain a consistent appearance). Therefore, in order to amicably resolve this matter without need for litigation, Mr. Burradell is willing to engage in efforts for Ms. Leber to obtain permit approval of her current windows in exchange for Ms. Leber compensating him for the amount of time and effort needed to participate in the permit approval process, as well as for the damages already caused by the unpermitted windows over the past years, including the increased cost to replace his own windows as a result of Ms. Leber's conduct, in the total amount of \$30,000.

The statute of limitations for Mr. Burradell's claims is due to expire in the next few months; therefore it is imperative that we resolve this issue by the end of this month. We ask that you respond to this demand no later than **January 19, 2012**. If we do not receive a satisfactory response by this date, Mr. Burradell will unfortunately be forced to pursue the appropriate arbitration action against Ms. Leber. I hope that we can work out a satisfactory resolution for both owners without the need for litigation.

Please do not hesitate to contact me should you wish to discuss this matter further.

Karen Y. Uchiyama, Esq.
January 9, 2012
Page 3

Very truly yours,

A handwritten signature in blue ink, consisting of a large, stylized loop on the left and a horizontal line extending to the right.

A. Jeanne Grove

Encl.
010912A.doc