



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Full Analysis

HEARING DATE SEPTEMBER 18, 2014

Date: September 11, 2014
Case No.: 2013.0831DV
Project Address: 1784 SANCHEZ STREET
Permit Application: 2014.03.14.0813
Zoning: RH-2 (Residential House, Two-Family)
40-X Height and Bulk District
Block/Lot: 6653/014
Project Sponsor: James Monschke and Anastasia Michaels
1784 Sanchez Street
San Francisco, CA 94131
Staff Contact: Michael Smith – (415) 558-6322
Michael.e.smith@sfgov.org
Recommendation: **Take DR and approve with modifications**

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PROJECT DESCRIPTION

The project proposes to remove the existing one-story utility room at the rear of the building and construct a two-story, flat roofed addition at the rear of the building. The addition would extend the existing building depth by five feet, increase the height of the building by 14 inches, be set back 32 feet from the front of the building, and remove a small portion of the existing gabled roof at the rear. The last 10 feet of the addition would be set back 3'-6" from the north side property line. The addition would add 476 square-feet to the existing building. The project requires a rear yard variance due to the shallow depth of the lot.

SITE DESCRIPTION AND PRESENT USE

The project site is located on Sanchez Street on the west side of the street between 30th and Randall Streets within the Glen Park neighborhood. The subject property is irregularly shaped measuring approximately 1,690 square-feet with 25-feet of frontage on Sanchez Street. The lot slopes up from the street such that the garage level is located below grade level at the rear. The subject property is improved with a one-story plus attic over garage, approximately 847 square-foot, single-family dwelling that was constructed in 1908. The subject building is legal noncomplying because it encroaches into the required rear yard.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding neighborhood is residential in nature and characterized primarily by single-family dwellings with few two-family dwellings. Most of the buildings are workman cottages with gabled roofs that date from the early 1900s. Most of the gabled roof buildings have habitable space beneath the gable which provides two levels of occupancy and in some cases three levels of occupancy.

PROJECT BACKGROUND

The project sponsors applied for and were granted a rear yard variance for a nearly identical project in 2003 that was not opposed by the neighbors. However, the sponsors never applied for a permit to construct the addition and a variance decision expires after three years. The sponsors claim that personal circumstances affected their ability to construct the addition and that permits granted in 2003 for interior work constituted Phase 1 of the work related to the addition.

BUILDING PERMIT APPLICATION NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	May 20, 2014 – July 19, 2014	N/A (staff initiated)	XXXX XX, 2010	60 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	August 29, 2014	August 29, 2014	20 days
Mailed Notice	10 days	August 29, 2014	August 29, 2014	20 days

PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)		X	
Other neighbors on the block or directly across the street	41	1	
Neighborhood groups			

The Project Sponsors have submitted letters of support from 41 neighbors. None of the neighbors requested discretionary review for the project but the adjacent neighbor to the north opposes the project as proposed for reasons similar to the Department’s concerns and therefore relied upon the staff-initiated discretionary review instead of requesting his own. Staff also received a letter of opposition from a neighbor two properties to the north of the subject property.

DR REQUESTOR

This is a staff-initiated request for Discretionary Review because the project’s encroachment into the mid-block open space does not comply with the *Residential Design Guidelines*.

RESIDENTIAL DESIGN TEAM REVIEW

The project does not comply with the *Residential Design Guidelines* because it already extends much deeper than the adjacent buildings and the project would exacerbate this condition. The added building depth combined with the proposed height would encroach into the mid-block open space, cut off the adjacent properties from the mid-block open space, and shade the rear of the adjacent building to the north.

PROJECT SPONSOR'S RESPONSE

The project sponsors argue that the existing building is very small and that to protect its historic integrity the addition should be placed at the rear of the building and that a similar project was supported by the Department in 2003. The project sponsors are also arguing that the project is vested by a 2003 variance decision.

PROJECT ANALYSIS

The project sponsors contend that their project is vested by a 2003 variance decision which authorized a very similar addition to the rear of the building. They claim that personal circumstances halted the construction of the addition after Phase 1 of the construction for interior work without plans was completed. The Zoning Administrator conferred with the City Attorney about this claim and it was agreed that the addition was not vested by the 2003 variance decision and that the sponsor would need to go through the application process again.

The subject and adjacent properties are unique because they are located at the southern end of a block that comes to a point where Randall and Sanchez Streets intersect. As a result, the subject and adjacent lots are smaller than normal and irregularly shaped with small rear yards. Of the buildings located on these smaller lots located at the south end of the subject block, the subject building at 847 square-feet has the least amount of habitable square-footage because the other buildings have habitable area beneath the gabled roofs where the subject building has only non-habitable attic space.

The project sponsors are also upset as to why their 2003 project was supported by the Department and why their current project is not supported. Both proposals sought to extend the building five-feet deeper extending it a total of 17 feet deeper than the primary rear wall of the adjacent building to the north and 23 feet deeper than the primary rear wall of the adjacent building to the south, coming within five feet of the adjacent building to the west on Randall Street. While an additional five feet in building depth would not be an issue on a residential lot of normal depth it has a bigger impact here where the lots are small and irregularly shaped. The Department did not have a Residential Design Team in 2003; therefore, it was the assigned staff planner who exercised discretion in reviewing the 2003 project against the *Residential Design Guidelines*. Since 2003, the Design Guidelines review process within the Department has evolved and the process now requires review by a specialized team of planners who are not beholden to earlier design decisions.

The Department recognizes that at 847 square feet, the existing building is not large enough to meet the needs of modern family living. To maintain the Project Sponsor's desired program we suggest sliding the top floor of the addition five feet further forward onto the existing building. When this idea was suggested earlier in the review process the Project Sponsor's representative responded that it would

result in updating the original building that would prove to be too costly for the owners. Costs notwithstanding, the Department continues to believe that this is the most viable alternative for a project that is consistent with the *Residential Design Guidelines*.

ENVIRONMENTAL REVIEW

The Department has determined that the proposed project is exempt from environmental review, pursuant to CEQA Guideline Sections 15301(1)(4) and 15303(a).

Under the Commission's pending DR Reform Legislation, this project would be referred to the Commission, because it does not comply with the *Residential Design Guidelines*.

BASIS FOR RECOMMENDATION

To protect the mid-block open space and maintain the adjacent buildings' connection to it, the Department recommends that the depth of the addition be reduced by five-feet such that there is no increase in depth for the existing building footprint. Therefore, the Commission should take DR and reduce the building depth by five feet.

RECOMMENDATION: Take DR and approve the project with modifications
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Attachments:

- Design Review Checklist
- Section 311 Notice
- Environmental Determination
- Block Book Map
- Sanborn Map
- Aerial Photographs
- Context Photos
- Adjacent Neighbor's Submittal
- Response to DR
 - Reduced Plans (Exhibit B)

Design Review Checklist

NEIGHBORHOOD CHARACTER (PAGES 7-10)

QUESTION	
The visual character is: (check one)	
Defined	X
Mixed	

Comments: The character of the immediate neighborhood is defined by single family dwellings with gabled roofs that were constructed in the early 1900s. The buildings are generally set back from the street with raised front entries.

SITE DESIGN (PAGES 11 - 21)

QUESTION	YES	NO	N/A
Topography (page 11)			
Does the building respect the topography of the site and the surrounding area?			X
Is the building placed on its site so it responds to its position on the block and to the placement of surrounding buildings?			X
Front Setback (pages 12 - 15)			
Does the front setback provide a pedestrian scale and enhance the street?			X
In areas with varied front setbacks, is the building designed to act as transition between adjacent buildings and to unify the overall streetscape?			X
Does the building provide landscaping in the front setback?			X
Side Spacing (page 15)			
Does the building respect the existing pattern of side spacing?			X
Rear Yard (pages 16 - 17)			
Is the building articulated to minimize impacts on light to adjacent properties?		X	
Is the building articulated to minimize impacts on privacy to adjacent properties?	X		
Views (page 18)			
Does the project protect major public views from public spaces?			X
Special Building Locations (pages 19 - 21)			
Is greater visual emphasis provided for corner buildings?			X
Is the building facade designed to enhance and complement adjacent public spaces?			X
Is the building articulated to minimize impacts on light to adjacent cottages?			X

Comments: The proposed rear addition would not alter the building's existing siting. The existing building is set back three feet from the south side property line which the addition would maintain. The addition is articulated with a three foot setback at the rear and a 3'-6" setback from the north side property line at the top floor. There are no windows on the wall that is set back, thereby protecting privacy to the adjacent property.

BUILDING SCALE AND FORM (PAGES 23 - 30)

QUESTION	YES	NO	N/A
Building Scale (pages 23 - 27)			
Is the building's height and depth compatible with the existing building scale at the street?			X
Is the building's height and depth compatible with the existing building scale at the mid-block open space?		X	
Building Form (pages 28 - 30)			
Is the building's form compatible with that of surrounding buildings?	X		
Is the building's facade width compatible with those found on surrounding buildings?			X
Are the building's proportions compatible with those found on surrounding buildings?			X
Is the building's roofline compatible with those found on surrounding buildings?	X		

Comments: The proposed rear addition would not alter the existing building's appearance from the street. The proposed addition would extend the building five-feet deeper extending it a total of 17 feet deeper than the primary rear wall of the adjacent building to the north and 23 feet deeper than the primary rear wall of the adjacent building to the south, coming within five feet of the adjacent building to the west on Randall Street. Because of the unusual lot configuration at the south end of the subject block the addition would pinch the mid-block open space thus impacting the adjacent properties' connection to it. Although the addition would have a flat roof most of the original gabled roof would be retained. The flat roof of the addition would be located at the rear of the building where older buildings typically have an alternate roof form over a utility room.

ARCHITECTURAL FEATURES (PAGES 31 - 41)

QUESTION	YES	NO	N/A
Building Entrances (pages 31 - 33)			
Does the building entrance enhance the connection between the public realm of the street and sidewalk and the private realm of the building?			X
Does the location of the building entrance respect the existing pattern of building entrances?			X
Is the building's front porch compatible with existing porches of surrounding buildings?			X
Are utility panels located so they are not visible on the front building wall or on the sidewalk?			X
Bay Windows (page 34)			
Are the length, height and type of bay windows compatible with those found on surrounding buildings?			X
Garages (pages 34 - 37)			
Is the garage structure detailed to create a visually interesting street frontage?			X

Are the design and placement of the garage entrance and door compatible with the building and the surrounding area?			X
Is the width of the garage entrance minimized?			X
Is the placement of the curb cut coordinated to maximize on-street parking?			X
Rooftop Architectural Features (pages 38 - 41)			
Is the stair penthouse designed to minimize its visibility from the street?			X
Are the parapets compatible with the overall building proportions and other building elements?			X
Are the dormers compatible with the architectural character of surrounding buildings?			X
Are the windscreens designed to minimize impacts on the building's design and on light to adjacent buildings?			X

Comments: The proposed rear addition would not alter the existing building's appearance from the street and would not add any rooftop features to the existing gabled roof.

BUILDING DETAILS (PAGES 43 - 48)

QUESTION	YES	NO	N/A
Architectural Details (pages 43 - 44)			
Are the placement and scale of architectural details compatible with the building and the surrounding area?			X
Windows (pages 44 - 46)			
Do the windows contribute to the architectural character of the building and the neighborhood?			X
Are the proportion and size of the windows related to that of existing buildings in the neighborhood?			X
Are the window features designed to be compatible with the building's architectural character, as well as other buildings in the neighborhood?			X
Are the window materials compatible with those found on surrounding buildings, especially on facades visible from the street?			X
Exterior Materials (pages 47 - 48)			
Are the type, finish and quality of the building's materials compatible with those used in the surrounding area?	X		
Are the building's exposed walls covered and finished with quality materials that are compatible with the front facade and adjacent buildings?	X		
Are the building's materials properly detailed and appropriately applied?	X		

Comments: The proposed rear addition would not alter the existing building's appearance from the street. The addition would be finished in quality materials consisting primarily of wood siding.



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **March 14, 2014**, the Applicant named below filed Building Permit Application No. **2014.03.14.0813** with the City and County of San Francisco.

PROPERTY INFORMATION		APPLICANT INFORMATION	
Project Address:	1784 Sanchez Street	Applicant:	Andy Rogers
Cross Street(s):	Randall and Harper	Address:	156 South Park
Block/Lot No.:	6653/014	City, State:	San Francisco, CA 94107
Zoning District(s):	RH-2 / 40-X	Telephone:	(415) 309-9612

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Occupancy	<input type="checkbox"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	Residential
Front Setback	None	No Change
Side Setbacks	None	No Change
Building Depth	+/- 50 feet	+/- 55 feet
Rear Yard	+/- 28 - 33 feet	+/- 23 - 28 feet
Building Height	+/- 23 feet	No Change
Number of Stories	2	No Change
Number of Dwelling Units	1	No Change
Number of Parking Spaces	1	No Change
PROJECT DESCRIPTION		
<p>The proposal is for a rear extension to the existing one-story-over-garage single-family dwelling. The horizontal extension is proposed for the rear of both the existing first and second floors. The proposal will also enclose an existing stairwell at the rear. See attached plans.</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

For more information, please contact Planning Department staff:

Planner: Casey Noel

Telephone: (415) 575-9125

E-mail: casey.noel@sfgov.org

Notice Date: 5/20/14

Expiration Date: 6/19/14

中文詢問請電: (415) 575-9010

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

GENERAL INFORMATION ABOUT PROCEDURES

Reduced copies of the proposed project plans have been included in this mailing for your information. If you have questions about the plans, please contact the project Applicant listed on the front of this notice. You may wish to discuss the plans with your neighbors or neighborhood association, as they may already be aware of the project. If you have general questions about the Planning Department's review process, please contact the Planning Information Center at 1660 Mission Street, 1st Floor (415/ 558-6377) between 8:00am - 5:00pm Monday-Friday. If you have specific questions about the proposed project, you should contact the planner listed on the front of this notice.

If you believe that the impact on you from the proposed project is significant and you wish to seek to change the project, there are several procedures you may use. **We strongly urge that steps 1 and 2 be taken.**

1. Request a meeting with the project Applicant to get more information and to explain the project's impact on you.
2. Contact the nonprofit organization Community Boards at (415) 920-3820, or online at www.communityboards.org for a facilitated discussion in a safe and collaborative environment. Community Boards acts as a neutral third party and has, on many occasions, helped reach mutually agreeable solutions.
3. Where you have attempted, through the use of the above steps or other means, to address potential problems without success, please contact the planner listed on the front of this notice to discuss your concerns.

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at www.sfplanning.org. You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at www.sfplanning.org. If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.**

Incomplete applications will not be accepted.

If no Discretionary Review Applications have been filed within the Notification Period, the Planning Department will approve the application and forward it to the Department of Building Inspection for its review.

BOARD OF APPEALS

An appeal of the Planning Commission's decision on a Discretionary Review case may be made to the **Board of Appeals within 15 calendar days after the building permit is issued** (or denied) by the Department of Building Inspection. Appeals must be submitted in person at the Board's office at 1650 Mission Street, 3rd Floor, Room 304. For further information about appeals to the Board of Appeals, including current fees, contact the Board of Appeals at (415) 575-6880.

ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at www.sfplanning.org. An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
Case No.	Permit No.	Plans Dated	
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval.			

STEP 1: EXEMPTION CLASS

TO BE COMPLETED BY PROJECT PLANNER

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

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone</i>)
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Soil Disturbance/Modification: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	Noise: Does the project include new noise-sensitive receptors (schools, day care facilities, hospitals, residential dwellings, and senior-care facilities) fronting roadways located in the noise mitigation area? (refer to EP_ArcMap > CEQA Catex Determination Layers > Noise Mitigation Area)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, or grading on a lot with a slope average of 20% or more? <i>Exceptions: do not check box for work performed on a previously developed portion of site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1,000 sq. ft., shoring, underpinning, retaining wall work, grading –including excavation and fill on a landslide zone – as identified in the San Francisco General Plan? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report is required and a Certificate or higher level CEQA document required
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve excavation of 50 cubic yards of soil or more, square footage expansion greater than 1000 sq ft, shoring, underpinning, retaining wall work, or grading on a lot in a liquefaction zone? <i>Exceptions: do not check box for work performed on a previously developed portion of the site, stairs, patio, deck, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) If box is checked, a geotechnical report will likely be required
<input type="checkbox"/>	Serpentine Rock: Does the project involve any excavation on a property containing serpentine rock? <i>Exceptions: do not check box for stairs, patio, deck, retaining walls, or fence work.</i> (refer to EP_ArcMap > CEQA Catex Determination Layers > Serpentine)
*If no boxes are checked above, GO TO STEP 3. <u>If one or more boxes are checked above, an Environmental Evaluation Application is required, unless reviewed by an Environmental Planner.</u>	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

**STEP 3: PROPERTY STATUS – HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER**

PROPERTY IS ONE OF THE FOLLOWING: (refer to Parcel Information Map)	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

**STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER**

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior’s Standards for Rehabilitation</i> .

<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. Reclassification of property status to Category C. (Requires approval by Senior Preservation Planner/Preservation Coordinator) a. Per HRER dated: _____ (attach HRER) b. Other (specify):
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.	
<input type="checkbox"/>	Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

**STEP 6: CATEGORICAL EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	Further environmental review required. Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 – CEQA Impacts <input type="checkbox"/> Step 5 – Advanced Historical Review STOP! Must file an <i>Environmental Evaluation Application</i>.	
<input type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA.	
	Planner Name:	Signature:
	Project Approval Action:	
	<small>*If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</small>	
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action.	

**STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT
TO BE COMPLETED BY PROJECT PLANNER**

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a “substantial modification” and, therefore, be subject to additional environmental review pursuant to CEQA.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:	
<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?
If at least one of the above boxes is checked, further environmental review is required.	

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice.	
Planner Name:	Signature or Stamp:

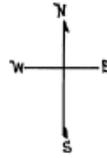
Parcel Map

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

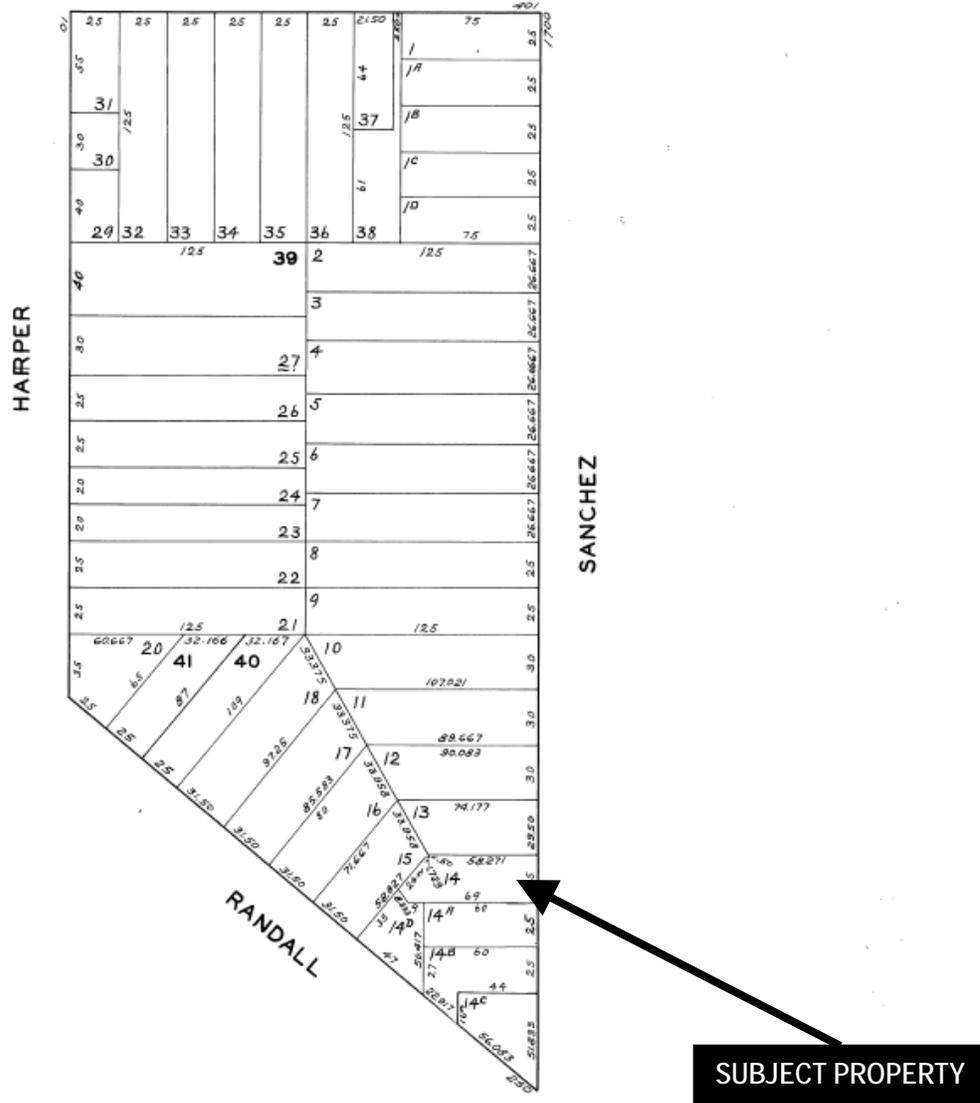
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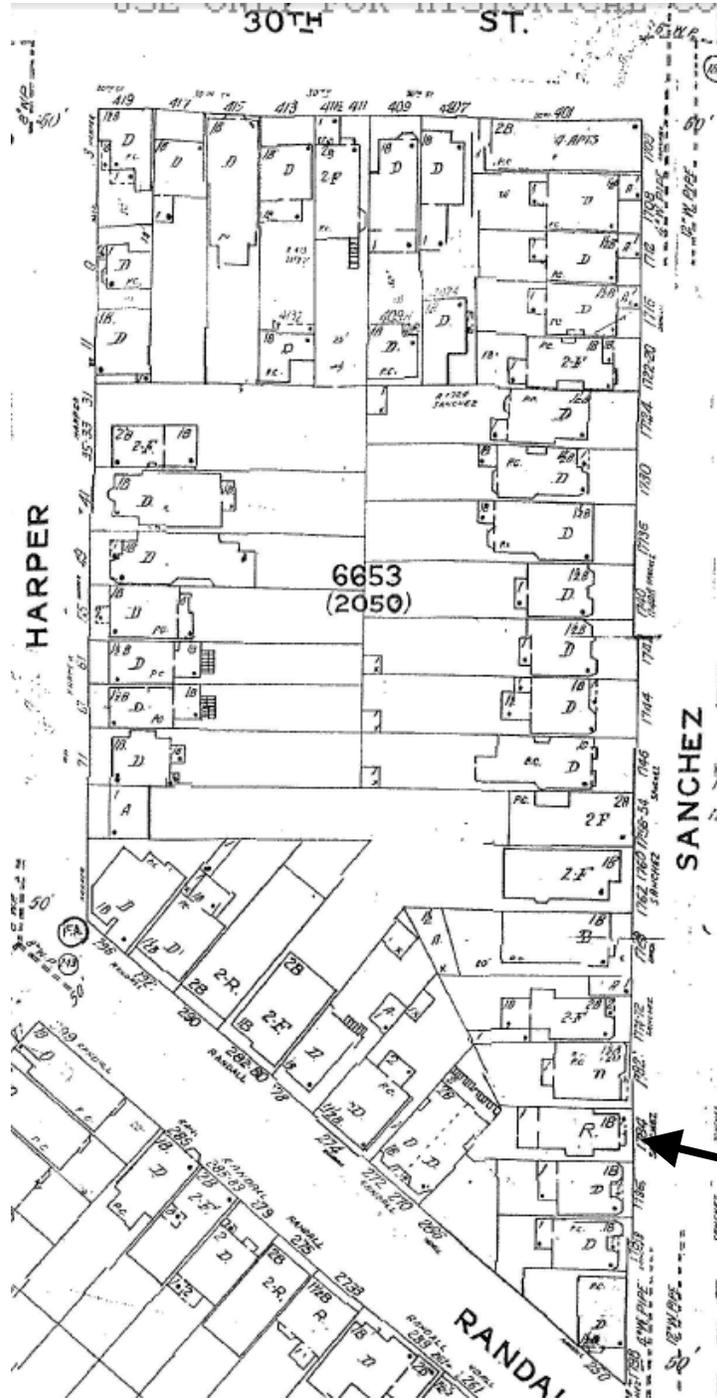
30 TH



Discretionary Review Hearing
Case Number 2013.0831DV
1784 Sanchez Street



Sanborn Map*



SUBJECT PROPERTY

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



Discretionary Review Hearing
Case Number 2013.0831DV
1784 Sanchez Street

Aerial Photo

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2013.0831DV
1784 Sanchez Street

Aerial Photo

SUBJECT PROPERTY



Discretionary Review Hearing
Case Number 2013.0831DV
1784 Sanchez Street

Rear view of the subject and adjacent buildings.



View across the subject rear yard to the west.



View of southwest corner of the subject rear yard .



View of subject block face.



View across the street



September 10, 2014

Cindy Wu, President
San Francisco Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
ATTN: Michael E. Smith

Re: 1784 Sanchez Street

Dear President Wu and Commission Members,

We live in the house at 1782 Sanchez Street with our two children, directly downhill and north of 1784 Sanchez Street. Because the proposed two-story, rear-yard addition would box us in and deprive us of light, privacy, and open space, we ask the Planning Commission to please sustain the Planning Department's decision to deny this proposal.

No one wants to see Anastasia and James leave the neighborhood, but no one is requiring them to do that. We are simply asking them to do what many others have done when remodeling their homes: consider the impact on their neighbors' yards and homes and expand their own home in a way that is seismically safe, does not block light or open space, and respects our privacy. We do not understand why we should have to bear the substantial safety risks, impacts, and costs of their proposal when many other available options would allow them to stay in their house. Please do not allow them to fill in their backyard with this proposed two-story addition at their immediate neighbors' expenses.

Please uphold the Planning Department's sensible and fair application of rules that are designed to protect neighboring families' light, open space, and privacy.

Anastasia and James have not spoken to us about their last two or three sets of revised plans. But from what we can see from the confusing series of plans that their attorney has sent us:

- The addition will still extend almost the entire length of the property line between our two backyards, erecting a two-story wall that, as shown in the attached photographs, will block our southern sunlight and eliminate one of the only views of neighboring open space, greenery, and sky that we enjoy from our house and yard. The loss of southern sunshine will also harm the trees and plants in our yard.

- The current proposal reinstates windows facing our property and a balcony, which they had removed from earlier proposals. We had hoped that they had understood how this would leave us living in a fishbowl, boxed in on all sides, with no privacy.
- Instead of proposing a small, one-story addition to the back of the house to build a bedroom for their pre-school daughter, they insist on filling in their backyard and walling us off so that they can add new rooms that are expansive compared to the rooms in the homes of their neighbors whose light, open space, and privacy would be impaired. Anastasia and James's propose adding a second living room of roughly 16 feet by 21 feet, a second-story master bedroom and bathroom suite of another roughly 16 feet by 21 feet, plus a deck so that they can enjoy the light and open space that they would deprive their neighbors of.
- They are still adding things like a stairway and a bathroom next to the south-facing, uphill edge of our property line. We have not understood why they need to build things like a stairway and new bathroom on this side of their lot, where it will have the most impact on our light and access to open space. When we've asked, they've said they want to maintain their walkway to their backyard on the other side of their lot and don't want to go to the expense of offsetting their addition away from our property line. These are not good reasons to wall off their neighbors from sunlight, sky, and open space.
- They still have not explained why they cannot consider any one or combination of other options that would have less of an impact on their neighbors. These could include building a one-story bedroom for children in the back of the house, remodeling their home's interior to make more effective use of the space, converting their garage to habitable space since they do not park their cars in it, or, doing what many other neighbors have done, preserving the backyard setback and building a second story addition with a slightly higher, A-frame roof set back from street.

We are very concerned by Anastasia and James's apparent refusal to consider any alternatives that would require them to comply with modern seismic safety standards. Their house is on a brick foundation and could easily fall downhill into our house during a big earthquake. When we remodeled, we had to pay for extra reinforcements on the side of our house facing theirs because our seismic engineer concluded that their house would likely crash into ours in a major earthquake.

While lobbying homeowners on our block and friends who live nowhere near our house to support their proposal, Anastasia blocked us from those discussions and have not engaged in meaningful dialogue with us.

The Commission should not be swayed by the letters that Anastasia and James have included with their proposal from other residents on our block and from friends of theirs who do not live near our houses. Anastasia and James did not invite the neighbors most affected by their proposal to engage in a genuine dialogue with either themselves or anyone else who might be interested in their remodel. Instead, Anastasia and James asked residents on our block and farther flung friends to write letters without inviting them to first talk to us and other families who live nearest to the property about our concerns.

We recently spoke to residents who wrote letters who had no idea that the three neighbors to the rear and north of the property were very concerned about Anastasia and James filling in their backyard with a two story addition. Anastasia and James merely told many of these residents that the Planning Department was treating them unfairly.

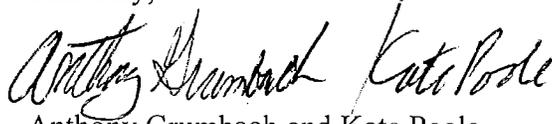
A few letter writers mention visiting Anastasia and James's house to view the plans. But these letter writers have not talked to us, sat by the windows in our house, or stood in our backyard to see how filling in Anastasia and James's backyard with a two-story addition would affect our family. They have not considered how this same addition would affect the neighbor living behind Anastasia and James, Isabelle Escalada—a single-mom raising her three kids in the home with a bedroom window, light well, and small garden that would now be forced to border two stories of shadows, walls, and glass doors if the Commission overrules the Planning Department. They have not stood in the kitchen of the Sholty family—a couple with a toddler who live in the below-ground-level flat downhill from us—or looked out the double glass doors that the Sholtys recently installed to improve their light and views of the open space that would both be eliminated if the Commission overrules the Planning Department.

We, Isabelle, and the Sholtys have done our best to share our concerns with Anastasia and James. All of us have asked them not to sacrifice our light, open space, and privacy to their insistence on filling in their backyard with a two-story addition. We, Kate and Anthony, have asked them to consider if it is fair for us to subsidize their desire to avoid the costs of complying with the City's seismic safety codes and residential guidelines by continuing to make us bear the risk of their brick-foundation house collapsing into our house in an earthquake. But they have not engaged in meaningful dialogue with us, opting instead to do an end run around us to lobby others to write to the Planning Department.¹

¹ Anastasia and James's attorney's description of our interactions with them is confusing and inaccurate, as confirmed by Attachment 7 (examples us sharing our concerns with them).

We ask the Planning Commission to please sustain the Planning Department's sensible and fair decision to prevent Anastasia and James from circumventing codes and guidelines that are designed to protect their neighbors' safety, light, open space, and privacy.

Sincerely,

Handwritten signatures of Anthony Grumbach and Kate Poole in black ink.

Anthony Grumbach and Kate Poole

1782 Sanchez Street

San Francisco, CA 94131

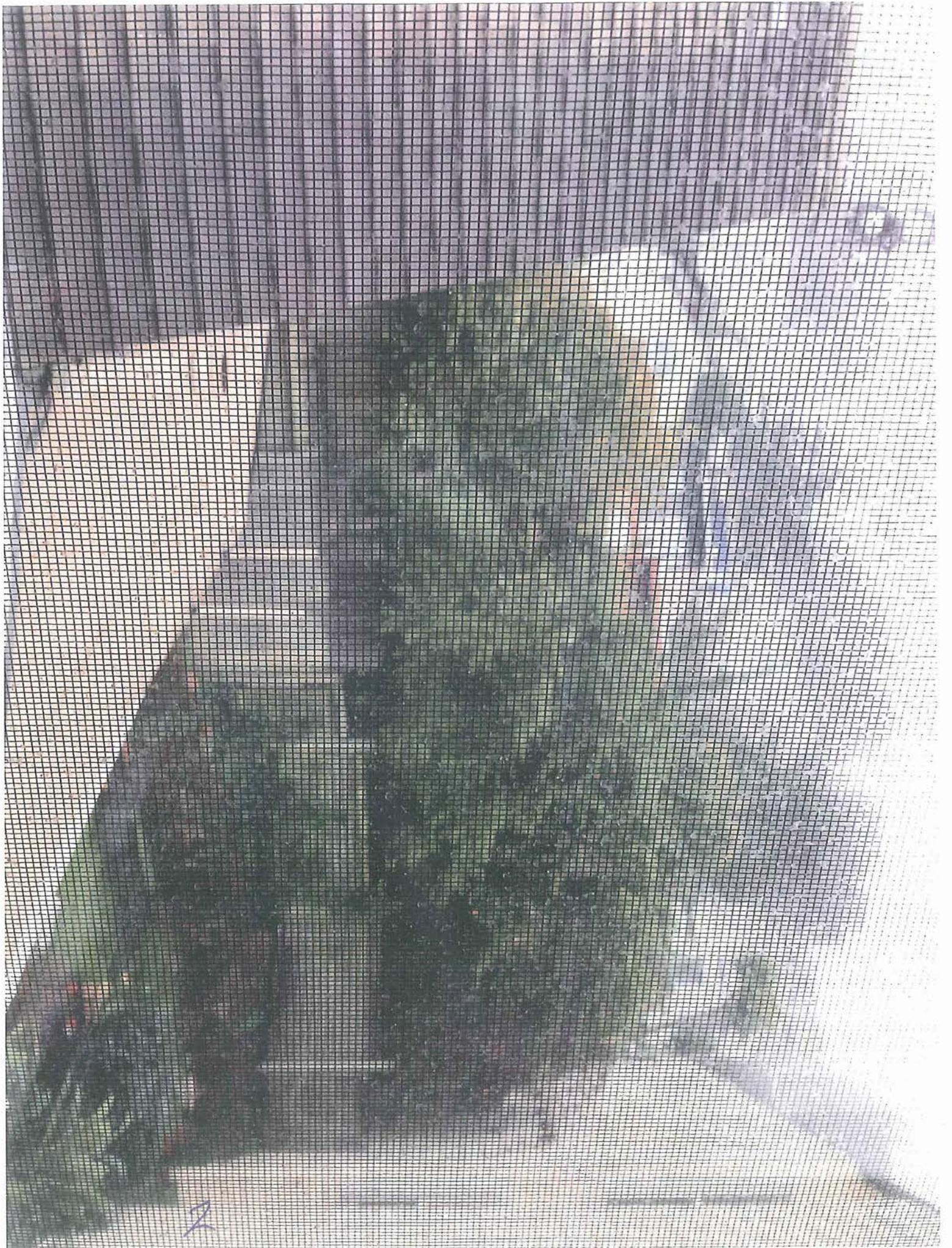
Attachments: Photograph and examples of interactions with Anastasia and James.

Attachment 1: Panoramic photo showing southern light in January and height of buildings on Randall Street



1

Attachments 2 & 3: Photos showing open-space to south from second-story and first story windows in our house





Attachments 4 & 5: Photos showing southern mid-day sunlight in July from our kitchen doors and table





Attachment 6: Photo showing the height difference between their rear yard and ours



Attachment 7 (4 pages): Sample records of interactions with Anastasia and James (June 20, 2013 pre-Application meeting summary of discussion and February 18, 2014 email exchange with Anastasia and James's architect's office).

0831 V

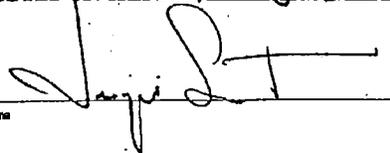
Affidavit of Conducting a Pre-Application Meeting, Sign-in Sheet and Issues/Responses submittal

I, JACQUI SWEET, do hereby declare as follows:

1. I have conducted a Pre-Application Meeting for the proposed new construction or alteration prior to submitting any entitlement (Building Permit, Variance, Conditional Use, etc.) in accordance with Planning Commission Pre-Application Policy.
2. The meeting was conducted at 1784 SANCHEZ ST. (location/address) on JUNE 20 (date) from 6:30 pm (time).
3. I have included the mailing list, meeting initiation, sign-in sheet, issue/response summary and reduced plans with the entitlement Application. I understand that I am responsible for the accuracy of this information and that erroneous information may lead to suspension or revocation of the permit.
4. I have prepared these materials in good faith and to the best of my ability.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED ON THIS DAY, JUNE 20, 20 13 IN SAN FRANCISCO.


Signature

JACQUI SWEET
Name (type or print)

AGENT (ARCHITECT) - ANDY RODGERS DESIGN STUDIO
Relationship to Project (e.g. Owner, Agent)
(If Agent, give business name & profession)

1784 SANCHEZ ST.
Project Address

13-0831 V

Pre-Application Meeting Sign-in Sheet

Meeting Date: JUNE 20 (THURSDAY), 2013
 Meeting Time: 6pm - 7:30 pm
 Meeting Address: 1784 SANCHEZ ST.
 Project Address: 1384 SANCHEZ ST.
 Property Owner Name: ANASTASIA MICHEALS AND JAMES MONICHKE
 Project Sponsor/Representative: ANDY RODGERS - ANDY RODGERS DESIGN STUDIO

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS
1.	Anthony Grumbach	1782 Sanchez St	715-647-9329		<input checked="" type="checkbox"/>
2.				agrumbach@fbm.com	<input type="checkbox"/>
3.					<input type="checkbox"/>
4.					<input type="checkbox"/>
5.					<input type="checkbox"/>
6.					<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>
15.					<input type="checkbox"/>
16.					<input type="checkbox"/>
17.					<input type="checkbox"/>
18.					<input type="checkbox"/>

13 0831 V

Summary of discussion from the Pre-Application Meeting

Meeting Date: THURSDAY JUNE 20, 2013
 Meeting Time: 6:30 pm
 Meeting Address: 1784 SANCHEZ ST.
 Project Address: 1784 SANCHEZ ST.
 Property Owner Name: ANASTASIA MICHEMS + JAMES HONSCHEKE
 Project Sponsor/Representative: ANDY RODGERS - ANDY RODGERS DESIGN STUDIO

Please summarize the questions/comments and your response from the Pre-Application meeting in the space below. Please state if/how the project has been modified in response to any concerns.

Question/Concern #1 by (name of concerned neighbor/neighborhood group):
PRIVACY CONCERNS / SUNLIGHT CONCERNS / VIEW UP HILL TO REAR
and would want to see corrected plans

Project Sponsor Response: WE WILL RESPOND DIRECTLY TO MR. GRUMBACH
SHORTLY REGARDING HIS CONCERNS.

Question/Concern #2:
NEW WALL OF ADDITION AT NORTH PROP. LINE

Project Sponsor Response: (SEE ABOVE)

Question/Concern #3:
ROOFLINE AT NORTH PROP. LINE

Project Sponsor Response: (SEE ABOVE)

Question/Concern #4:
SEISMIC SAFETY

Project Sponsor Response: (SEE ABOVE)

Grumbach, Anthony (22) x4436

From: Grumbach, Anthony (22) x4436
Sent: Tuesday, February 18, 2014 5:02 PM
To: 'jacqui sweet'
Cc: Andy Rodgers; Anastasia Micheals
Subject: RE: 1784 Sanchez: drawings

Jacqui,

Thank you for the plans. Are these the plans that you intend to submit again in April or are you planning to revise them before then? I understand that the Planning Department has advised that the remodel should use the footprint to the east of the shed, while minimizing the remodel of the space where the shed is. If you are going to revise the plans, we'd appreciate seeing the new ones.

We've discussed our concerns again recently with Anastasia and James. We'd welcome the opportunity to hear Andy's and your ideas about ways to address the concerns that Kate and I have, which include:

- Impacts on light, privacy, and open space
- Protection of trees and plants in our backyard
- Mitigation of potential seismic, water, and structural issues

All my best,

Anthony

From: jacqui sweet [<mailto:jacquilsweet@gmail.com>]
Sent: Tuesday, February 18, 2014 12:37 PM
To: Grumbach, Anthony (22) x4436
Cc: Andy Rodgers; Anastasia Micheals
Subject: 1784 Sanchez: drawings

Hello Anthony,

I just realized recently that I had not sent you the drawing set after our neighborhood pre-application meeting as you had requested. I thought I had done so at the time but cannot find any email record of sending it. This was an inadvertent oversight on my part and I sincerely apologize for the mistake!

Attached are the plans for your reference. I hope all is well and please don't hesitate to contact us with any questions.

Best,

Jacqui



September 10, 2014

Via Messenger

Scott Sanchez
Zoning Administrator
San Francisco Planning Department
1650 Mission 4th Floor
San Francisco, CA. 94103

Re: 1784 Sanchez: 2013.0831V
September 18, 2014 Hearing Date

Dear Mr. Sanchez:

We represent Anthony Grumbach and Kate Poole, the owners of 1782 Sanchez. They and their 2 children live in the home to the north and downhill of the subject property. Since the June 20, 2013 pre-application meeting, my clients have repeatedly attempted to get the project sponsors to modify their proposed expansion to limit the loss of light, air and enjoyment of mid-block open space to my clients' home. Although the plans have been revised twice since their initial submission, my clients remain concerned about the tremendous impacts the proposed horizontal expansion will have on their rear yard. Loss of light will affect their enjoyment of their interior eating area and the garden they have taken care in growing over the last 16 years of living there. Attached as Exhibit A are pictures showing the existing conditions.

We respectfully request that you follow the Residential Design Team's (RDT) recommendation to not permit a rear yard expansion and deny this variance for the reasons set forth in the Staff Report and in this letter and the letter filed by my clients with the Planning Commission.¹

**BECAUSE THE PROJECT DOES NOT MEET ANY OF THE REQUIRED FINDINGS,
THE REQUESTED VARIANCE MUST BE DENIED.²**

Planning Code § 305 sets forth the five (5) findings required to be made in order to grant a variance. The requested variance cannot meet any of those findings. It should be denied.

¹ Mr. Grumbach and Ms. Poole are sending a separate letter to President Wu and the Commissioners to describe how the proposal will impact their home and why DR should be taken to minimize those impacts to their home.

² This section is based on the findings provided in the variance application prepared for this project that was presumably filed some time after the June 20, 2013 pre-application meeting, attached as Exhibit B and Mr. Gladstone's June 19, 2014 submittal to Zoning Administrator Sanchez for his consideration at a then-pending hearing on the variance, referred to herein as "Gladstone submittal" at pp. 4-12. This section responds to both sets of proposed findings.

(1) *That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;*

This finding cannot be met and project sponsors agree. They state that there are no extraordinary circumstances because shallow lot depth and irregular lot shape are common in the neighborhood. Shallow depths, substandard size³ and irregular shapes, including angled or triangular rear lot lines, characterize all the properties surrounding the project site (and the lower 1/3 of the block) including 1782 Sanchez.⁴ Since the project site conditions are shared by numerous other properties on the block and near the subject site, those conditions cannot be found to be either exceptional or extraordinary as to this property. A variance can be granted only when site conditions are relatively uncommon or unique to the subject property, not when those conditions are a common feature of nearby properties.

Mr. Gladstone states that because the subject property does not enjoy any mid-block open space then the project would not result in the loss of mid-block open space. However, when the Residential Design Guidelines (“RDG”) discuss modifications to a project resulting in the loss of mid-block open space, it is addressing the project’s impacts on adjacent properties, which do not have control over the development, not the impact on the subject property.

He also tries to characterize the additional habitable space as an offset for the loss of buildable lot area due to the side setbacks and the 3-foot alley. However, that is a misleading analogy. Side yards are not required in an RH-2 district. The walkway does not provide a required means of egress. Thus, neither are extraordinary conditions. And because they are not Code-required, these areas can be used to expand the home.⁵ Neither of these facts warrant a finding of exceptional and extraordinary circumstances.

Lastly, he states that the RDT proposal would require more construction work and therefore more cost.⁶ That is not an extraordinary circumstance. Expanding the home is the project sponsors’ choice. That construction costs for expanding a building are expensive is not a basis for satisfying this finding.⁷

(2) *That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;*

³ The Grumbach/Poole lot is 1,951 sf, which is 261 sf larger than the subject lot of 1,690 sf. Both lots are substandard (e.g., less than the standard 2,500 sf lot).

⁴ See Exhibit C, Block/Lot Map.

⁵ My clients have suggested several times to the project sponsors that they fill in the walkway to obtain additional habitable space.

⁶ Gladstone submittal, p. 5.

⁷ Note that Mr. Gladstone confirms that his clients want to avoid a vertical addition because it would lead to mandatory seismic upgrades, which would increase project costs. Three months after this letter was written, his clients are proposing such work but still trying to avoid doing the seismic upgrades.

This finding cannot be met. First, as stated above, there are no “exceptional or extraordinary circumstances.” Absent those circumstances, there cannot be a determination of whether a Code-compliant expansion would create a hardship. Assuming there is a factual basis for such circumstances, the only “hardship” offered by project sponsors is that a Code compliant project would preclude a living space adequate for their “growing” family. That is not correct. Other larger families in the neighborhood on similarly substandard and irregularly shaped lots have remodeled their homes to provide additional living space without requiring variances. One example that the rear yard variance is not essential to accommodate a growing family is the Grumbach/Poole residence. They completed a modest expansion of 223 sf to their home in 2007 to accommodate their 4-person (2 child) family without requiring a rear yard variance.

Moreover, the master bedroom/bathroom proposed by the project sponsors is approximately 16’ x 21.5’, or 344 square feet. That is a large master bedroom suite by San Francisco standards for modest (e.g., Glen Park, Noe Valley) single family homes as compared to the much larger homes in Clarendon Heights or Pacific Heights.

Similarly, expansion of the existing footprint is not the only means of providing the desired uses. There are numerous alternatives to providing a bedroom for the project sponsors’ young daughter and additional “family” space. For example, they could reprogram the existing space in the house to provide the uses they seek. Or by reconfiguring the interior, many of their goals could be realized without excessive construction and associated costs. Or if their needs could not be met by this approach, they could build a one-story addition toward the back of the house up to the existing footprint, or build a second story addition towards the back of the existing house at a slightly higher, A-frame roof offset from the front of the house.⁸

Ms. Michaels grew up in this house and inherited it from her parents. She was well aware of the limitations of the house and the site when she and Mr. Monschke moved in, after living in his home in Silicon Valley and renting out 1784 Sanchez for a few years. Whatever hardship they may claim to have now is solely due to the fact that they did not undertake the expansion approved under the 2003 variance. They should not be able to claim a hardship now when they failed to perfect a variance granted for a rear yard expansion 12 years ago.

Mr. Gladstone describes and rejects as hardships several alternatives that would avoid rear yard encroachment. His basis for rejection for these options is that any other design would compromise the building’s historic character. However, for purposes of this finding, whether alternatives can be approved or will retain a building’s historic features is not a hardship to the project sponsor because these are discretionary approvals.⁹

⁸ The project sponsors concede that a vertical expansion would have an impact on the Grumbach/Poole home. Thus the literal enforcement of the code might leave no option but a vertical expansion that might have an more adverse impact on adjacent neighbors’ privacy and natural light, and not be consistent with the neighborhood context. See Exhibit B, ¶2.

⁹ Gladstone submittal, pp. 6-7.

(3) *That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;*

This finding cannot be met. Project sponsors' assert that the substantial property right they are currently deprived of is the "ability to create a reasonably sized living space on one's property". In San Francisco, there is no such right. Even a Code-compliant expansion can be denied or modified by the Planning Commission through Discretionary Review and/or the Board of Appeals. Their home is larger than many apartments in the City in RH-2 districts where families/households of more than 3 persons live.

Mr. Gladstone's sole basis for meeting this finding is that 7 nearby homes obtained variances to expand into the rear yard.¹⁰ It is noteworthy that 5 of those variances were issued between 1997 and 2003 and the remaining 2 were issued in 2007 and 2008. Given that there are far more than 7 lots in and around this site, it is clear that most owners that do expand their homes do as Grumbach/Poole did in 2007—they stayed within their existing footprint. These variances can also be distinguished from the current proposal in that they did not create any impacts to light, privacy or mid-block open space. None of those listed were subject to DR.

-197 Laidley is a corner lot. The variance was to increase the height at the front setback. Therefore, there were no impacts to the required rear yard.

-1768 Noe is a through lot. The proposal was for a detached garage at the rear property line, thus leaving intact most of the rear yard on the property. The variance was also granted because there had been a garage at this location.

-268 Chenery—variance decision unavailable. This 2,820 sf lot is substantially larger than the subject lot. The proposal was for 2-story rear addition for a 2 unit building in a larger rear yard than the subject property.

-397-30th Street—a corner lot with a 3 unit building seeking to expand the existing garage in the required rear yard.

Based on the above, the variance decisions cited by Mr. Gladstone are not similar enough to the subject lot to serve as precedent. Almost all have frontages on 2 lots, a fact which changes the calculations for rear yards and allows for some relaxation of the Code. In contrast, the subject property has its only frontage on Sanchez Street.

(4) *That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.*

This finding cannot be met. The proposed expansion will impact the light and privacy inside and outside the Grumbach/Poole home as well as on 2 other homes on the block. Mid-block open space on this block, which is filled with mature and lush foliage visible from their windows and rear yard will become less visible due to the expansion. The enclosure of the

¹⁰ Gladstone submittal, pp. 8-11.

existing stairway, with a 23' nearly blank wall on an uphill lot will create a "walled in" effect resulting in loss of light and privacy. Individually or collectively, these impacts to the Grumbach/Poole family enjoyment of their home and outdoor space will be materially impacted by the proposed project.

(5) *That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.*

This finding cannot be met. Planning Code Section 311 requires that there be consideration of impacts to adjacent properties and satisfaction of applicable Residential Design Guidelines. The project's sponsors' home is already non-conforming, encroaching 14 feet into a substandard yard. The proposed horizontal expansion would be entirely in the existing, non-conforming rear yard and leave only a 23- 28-foot rear yard in an RH-2 district, where the Planning Code requires 45% rear yards. This wall would extend far enough compromise the light and privacy the Grumbach/Poole family currently enjoys at their southern exposure. Current views of the magnificent mid-block open space will be lost.

The Residential Design Team (RDT) found that:¹¹

The project should not extend further than the existing building footprint. (RDGs 25-26)

Consider boxing-out the attic space at the rear of the existing building may to capture additional habitable space. (RDGs 25-26).

The cited provisions of the Residential Design Guidelines (RDG) provide:

Building Scale at the Mid-Block Open Space

GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space.

Rear yards provide open space for the residences to which they are attached, and they collectively contribute to the mid-block open space that is visible to most residents of the block. This visual open space can be a significant community amenity.

The height and depth of a building expansion into the rear yard can impact the mid-block open space. *Even when permitted by the Planning Code, building expansions into the rear yard may not be appropriate if they are uncharacteristically deep or tall, depending on the context of the other buildings that define the mid-block open space. An out-of-scale rear yard addition can*

¹¹ See Exhibit C.

leave surrounding residents feeling "boxed-in" and cut-off from the mid-block open space.

RDG, pp. 25-26; emphasis added.

In addition to the above RDG, the proposed project violates the following RDG.

Guideline: Respect the topography of the site and the surrounding area. *New buildings and additions to existing buildings cannot disregard or significantly alter the existing topography of a site.* The surrounding context guides the manner in which new structures fit into the streetscape, particularly along slopes and hills. This can be achieved by designing the building so it follows the topography in a manner similar to surrounding buildings.
RDG, p. 11; emphasis added.

GUIDELINE: Articulate the building to minimize impacts on light and privacy to adjacent properties.

When expanding a building into the rear yard, the impact of that expansion on light and privacy for abutting structures must be considered. This can be challenging given San Francisco's dense pattern of development, *however, modifications to the building's design can help reduce these impacts and make a building compatible with the surrounding context.*
RDG, p. 16; emphasis added.

Based on the above, the variance should be denied.

PROJECT SPONSORS DO NOT HAVE A VESTED RIGHT TO EXPAND INTO THE REAR YARD UNDER THE 2003 VARIANCE. IN ORDER FOR THE PROJECT TO EXPAND INTO THEIR REAR YARD, A NEW VARIANCE MUST BE OBTAINED.

Mr. Gladstone wants to avoid a determination by the you on the pending variance request for a 5-foot expansion into the required rear yard.¹² He wants you to find that the issuance of a 2003 variance for this property, authorizing a 5-foot expansion into the required rear yard¹³, is vested¹⁴ under *Avco Community Developers, Inc. v South Coast Reg'l Comm'n* (1976) 17 C3d 785, 791. The 2003 variance is not vested under *Avco* or any subsequent cases. You must therefore treat the pending variance request as a new request.

In *Avco*, the California Supreme Court held that if a property owner has performed substantial work, and incurred substantial costs in good faith reliance on a permit issued by the government, the owner acquires a vested right to complete construction in accordance with the

¹² See Gladstone submittal, pp. 1-3.

¹³ See Exhibit E.

¹⁴ If the project sponsors' rights were vested under the 2003 variance, they have a right to expand 5 feet into the required rear yard.

terms of the permit. *Avco* held that a building permit was the specific permit that was generally required to establish a vested right. See 17 C3d at 793. Mr. Gladstone wants you to find that the 2003 variance is valid in 2014 on the basis of a building permit issued to the project sponsors in 2003. The problem with his reasoning is that the 2003 building permit did not include or result in any work involving a horizontal expansion of the home.

In 2003, the project sponsors' contractor obtained two permits from DBI for the following scope of work:¹⁵

- Kitchen repair-sheetrock, framing-Add gas stove, new sink, cabinets, painting & wood trim. No structural work.
- A bathroom remodel-remove plaster off walls-UPDATED Electrical to current codes-New Toilet, sink, faucet, tub. New vinyl floor. New tile at tub/shower. Windows are existing. No movement of walls or structural work. Door is existing.

Avco requires that a building permit that vests rights to an entitlement, such as the 2003 variance, must actually do work related to or in furtherance of the rights that are vested. Here, the scope of the building permits Mr. Gladstone relies on describes work entirely in the interior of the project sponsors' home. The scope of work under the permits is silent as to the existence of the variance or the 5 foot expansion it then-authorized. Significantly, the work that was done did not result in any expansion of the building envelope. Under these circumstances, the project sponsors have no vested to the 5-foot horizontal expansion under the 2003 Variance.

Despite the fact that the building permits issued to the project sponsors made no mention of the variance and the work done did not expand the home, Mr. Gladstone tries to get around the requirement that the work done under a building permit be the work that is consistent with the vested entitlement by arguing that

the fact that the build out of a two-story addition at the rear has not commenced merely means that the second phase has not begun. *It is obvious* that the completed work was a first phase, as the rear one-story room had to have removal of a kitchen and other improvements (with permit) prior to the commencement of phase II. (Emphasis added).¹⁶

There are no court cases to support Mr. Gladstone's statement that vesting occurs as long as the work done under Permit No. 1 is necessary for work under Permit No. 2, even if neither the permit or the work state any connection to the vested right. Nor does *Avco* or any subsequent

¹⁵ See Exhibit F, Building Permit Application No. 200312162410 (kitchen work) was issued on December 26, 2003. Building Permit Application No. 200309154793 (bathroom work) was issued over the counter on September 15, 2003. The kitchen remodel permit had to be renewed for final inspection on September 23, 2004 under Building Permit Application No. 200409234925. The renewal permit also made no reference to the 2003 Variance.

¹⁶ See Gladstone submittal, pp. 2-3.

cases state that the public agency has to infer or “guess” from a stated scope of work on a building permit that it is related to or is a phase of work in furtherance of a vested entitlement. The lesson of *Avco* and similar cases is that a building permit pulled to obtain vested rights must include and actually build the improvements for the right to vest. In order for the 2003 building permit to vest rights under the 2003 Variance, the project sponsors had to actually expand the building by 5 feet. Since they did not, they do not have the right to expand the building under the 2003 Variance.

Based on the above, the project sponsors do not have a vested right to a 5-foot expansion of their home into the required rear yard. To obtain that right, they must obtain a new variance from you..

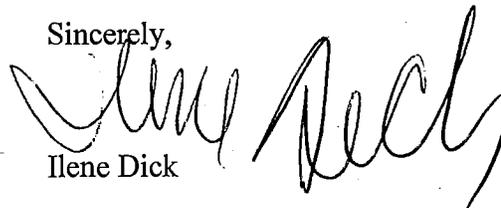
CONCLUSION

Based on the above, you should deny the variance for lack of compliance with the required findings. There are no exceptional or extraordinary circumstances, given how many of the lots on the block (and in the variances cited by Mr. Gladstone) are substandard in size, irregularly shaped, and have angular rear property lines. Without exceptional circumstances, you cannot find a hardship. There are numerous options for the project sponsors to obtain the habitable space they want, ranging from reprogramming the interior to building into the alleyway. While others have expanded their home in RH-2 districts, many, such as my clients, do so without requiring rear yard variances. Lastly, the impacts caused by the project are avoidable. As proposed, you cannot find that there will not be an impact from the project.

We also request that you reject Mr. Gladstone’s request that the 2003 Variance vested the project sponsors with the right to expand 5’ into their rear yard. The facts clearly do not support his position under *Avco*. In order for the project to expand into the required rear yard, they must obtain a new variance from you.

Thank you for your consideration of our arguments. I can be reached at (415) 954-4958 or at idick@fbm.com if you have any questions.

Sincerely,



Ilene Dick

ID

cc: Via email
Anthony Grumbach and Kate Poole
Brett Gladstone
Michael Smith, Planner

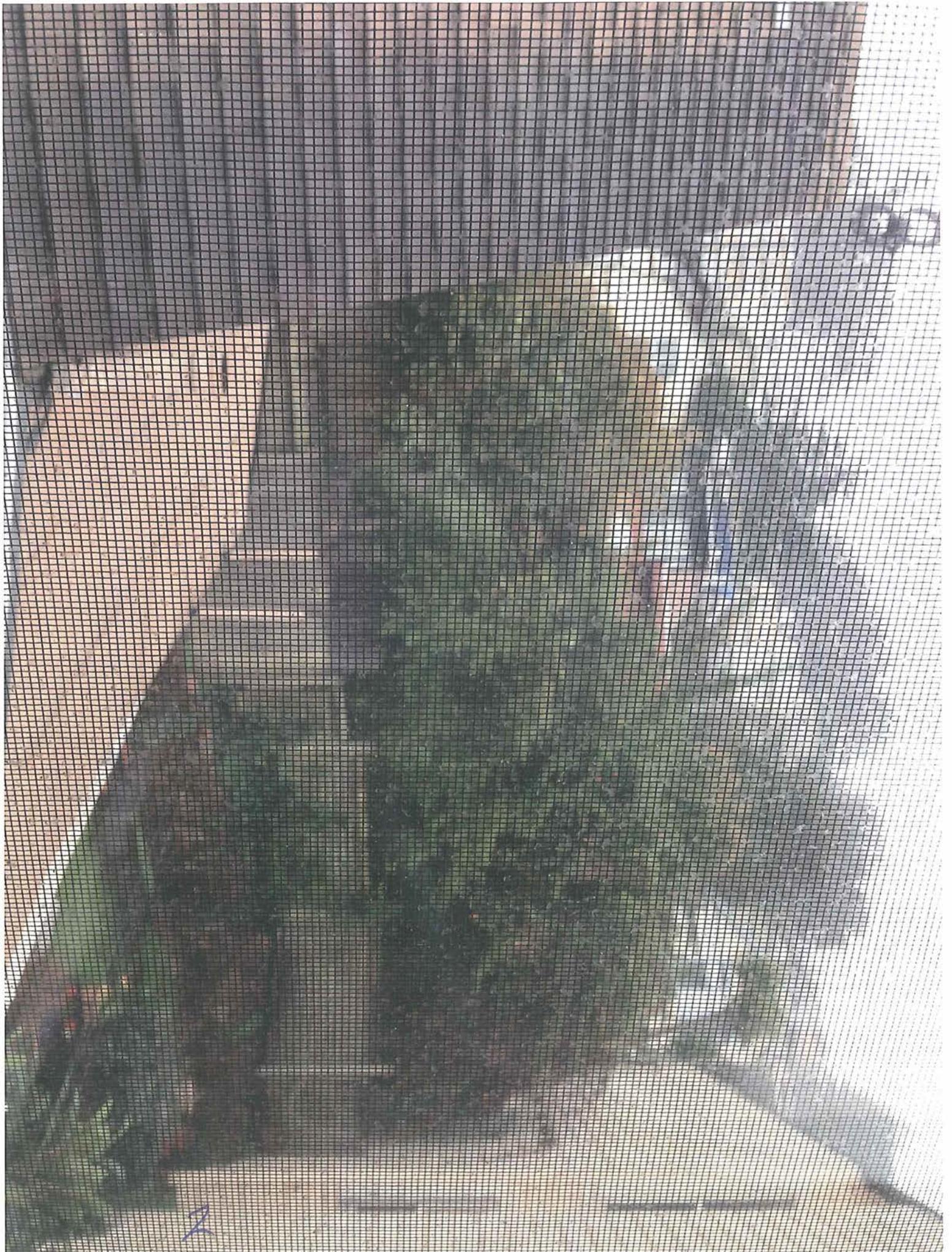
EXHIBIT A

Attachment 1: Panoramic photo showing southern light in January and height of buildings on Randall Street



1

Attachments 2 & 3: Photos showing open-space to south from second-story and first story windows in our house



2



3

Attachments 4 & 5: Photos showing southern mid-day sunlight in July from our kitchen doors and table





Attachment 6: Photo showing the height difference between their rear yard and ours



EXHIBIT B

13 0831 v

**1784 SANCHEZ ST.
VARIANCE FINDINGS - RESPONSES**

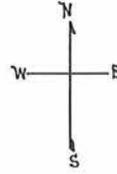
- 1. The exceptional circumstance related to this property, and others in the neighborhood, is the significantly shallow lot depth (75 feet max.), and the irregular shape of the lot. As such, were the applicable rear yard setback adhered to the allowable building envelope for this property would be quite small, yielding a living space barely large enough to be practical or habitable by the owners. As the house stands now, the last seven feet+- of the building is within the required rear yard.**
- 2. The literal enforcement of the code would mandate that the owners not be entitled to build new (or substantially remodel existing) living space within the rear 33'-9" of their property, or add any elements such as stairs or decks if falling within that area. This would make it very difficult to create enough living space for a growing family. Thus the literal enforcement of the code might leave no option but a vertical expansion that might have an more adverse impact on adjacent neighbors' privacy and natural light, and not be consistent with the neighborhood context.**
- 3. Accepting that a "substantial property right" is the ability to create a reasonably sized living space on one's property, this proposal accomplishes that objective.**
It should be noted that other properties in the immediate area have buildings that extend into the mandated 45% rear yard setback.
- 4. This project will not be materially detrimental to the public welfare or materially injurious to property in the vicinity, as it will positively impact the neighborhood. The newly remodeled structure will be consistent with the neighborhood fabric in scale and character, and will allow a long-time resident household to adapt without relocating.**
- 5. The granting of this addition will be in harmony with the general purpose and intent of the Planning Code and will not adversely affect the General Plan.**

EXHIBIT C

6653

FAIRMOUNT TR BLK 25 &
FAIRMOUNT LAND ASSN BLK 25 &
MISSION & 30TH ST HD UN BLK 25

REVISED '72
" 173



30TH

HARPER

SANCHEZ

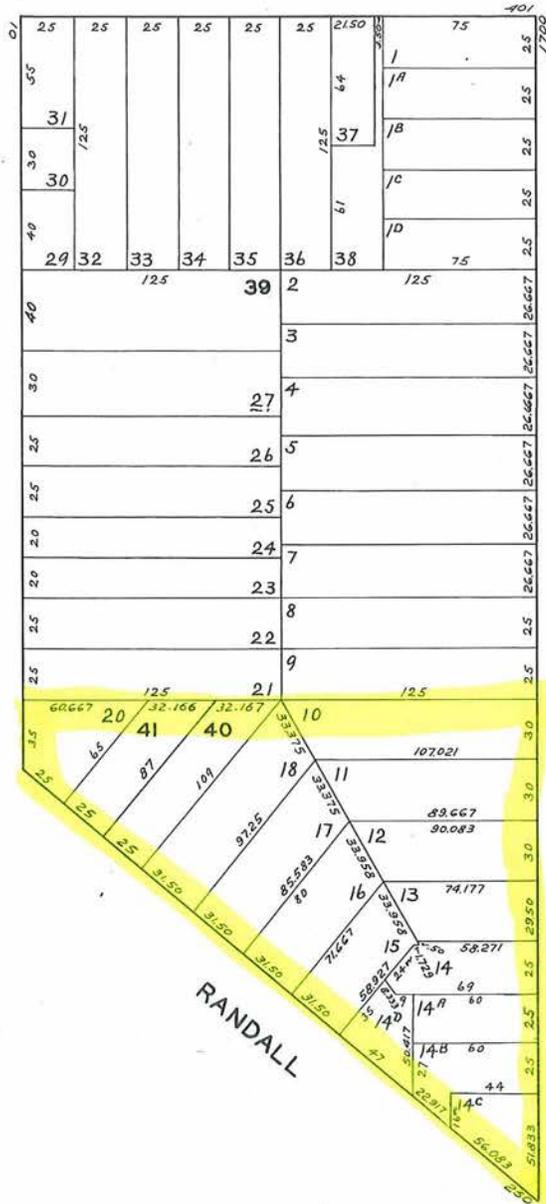


EXHIBIT D



SAN FRANCISCO PLANNING DEPARTMENT

RESIDENTIAL DESIGN TEAM REVIEW

DATE: December 18, 2013 RDT MEETING DATE: December 18, 2013

PROJECT INFORMATION:

Planner: Casey Noel
 Address: 1784 Sanchez Street
 Cross Streets: Randall and 30th Street
 Block/Lot: 6653/014
 Zoning/Height Districts: RH-2 / 40-X
 BPA/Case No. N/A
 Project Status Initial Review Post NOPDR DR Filed
 Amount of Time Req. 5 min (consent) 15 minutes
 30 minutes (required for new const.)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Description:

The proposal includes a rear extension to the existing single-family dwelling. The horizontal extension is proposed for the rear of both the existing first and second floors. The proposal will also enclose an existing stairwell at the rear.

The subject property is required to maintain a rear yard of approximately 32 feet. The proposed rear addition would encroach approximately 14 feet into the required rear yard and result in a rear setback of approximately 18 feet; therefore, the project requires a variance from the rear yard requirement.

Project Concerns (If DR is filed, list each concern.):

Development into rear yard / mid-block area.

RDT Comments:

The project should not extend further than the existing building footprint. RDT would support the flattening of the roof at existing one-story portion and an infill at the existing southwest notch, while retaining the existing 3-foot side setback. (RDGs 25-26)

Consider boxing-out the attic space at the rear of the existing building may to capture additional habitable space. (RDGs 25-26)

EXHIBIT E



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER (415) 558-6378	DIRECTOR'S OFFICE PHONE: 558-6411 4TH FLOOR FAX: 558-6426	ZONING ADMINISTRATOR PHONE: 558-6350 5TH FLOOR FAX: 558-6409	PLANNING INFORMATION PHONE: 558-6377 MAJOR ENVIRONMENTAL FAX: 558-5991	COMMISSION CALENDAR INFO: 558-6422 INTERNET WEB SITE www.sfgov.org
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January 22, 2003

VARIANCE DECISION

UNDER THE CITY PLANNING CODE
CASE NO. 2002.1040V

APPLICANT: Philip Matthews
398 Eureka Street
San Francisco CA 94114

PROPERTY IDENTIFICATION: **1784 Sanchez Street** - west side between Randall and 30th Streets; Lot 014 in Assessor's Block 6653 in an RH-2 (House, Two Family) District and 40-X Height/Bulk District.

DESCRIPTION OF VARIANCE SOUGHT:

REAR YARD VARIANCE SOUGHT: A request to expand the existing, non-complying single-family dwelling further into the required rear yard of the lot. The proposed extension would increase the depth of the structure by approximately 5 feet.

Section 134(C)(2) of the Planning Code requires a minimum rear yard depth between 28 and 33 feet for the subject property, measured from the rear property line. The existing building already encroaches into the rear yard and is therefore a noncomplying structure. The subject lot is triangular at the rear with varying depth, which accounts for the atypical rear yard requirement and encroachment.

Section 188 of the Planning Code prohibits the expansion of a noncomplying structure. Because the existing building already encroaches into the required rear yard, it is considered a legal noncomplying structure. Therefore, the expansion as proposed would be contrary to Section 188.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review.
2. The Zoning Administrator held a public hearing on **Variance Application No. 2002.1040V** on **Wednesday, December 11, 2002.**

3. 311-neighborhood notification was not conducted in conjunction with the variance notification and will be required in the future.

DECISION: **GRANTED**, to construct a 5-foot rear horizontal addition to the existing non-complying single-family dwelling.

1. This variance is to allow building expansion into an area that would not normally be permitted under the Planning Code. Therefore, any further physical expansion, even within the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale, and that there is no significant impact upon the light or air or an extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new variance application be sought and justified.
2. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
4. The proposal associated with this variance shall be constructed in accordance with the plans identified as Exhibit A in the case docket.

Section 305(c) of the City Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDINGS:

- FINDING 1.** That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.

REQUIREMENT MET.

- A. The subject property is located near the apex of a triangularly shaped block. As a result, the rear lot line of the subject property is triangular in shape consisting of two sides from side property line to side property line while adjoining rear lot lines, irregular themselves, are one continuous line from side property line to side property line.

- FINDINGS 2.** That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical

difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

REQUIREMENT MET.

- A. If the literal enforcement of the buildable area were enforced the building would be required to be angled at the rear, which would be inconsistent with the neighborhood character and standard building practices.

FINDING 3. That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

REQUIREMENT MET.

- A. Granting the rear yard variance is necessary for the subject property to expand in a manner consistent and permitted on other properties in the neighborhood.

FINDING 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

REQUIREMENT MET.

- A. The proposed building expansion will not impede development or the enjoyment of surrounding properties.
- B. The height of the addition was reduced to accommodate concerns of the neighbors located at 1782 Sanchez Street.

FINDING 5. The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

REQUIREMENT MET.

- A. The proposal is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. The proposal is in harmony with the Residence Element of the General Plan to encourage residential development when it preserves or improves the quality of life for residents of the City.
- B. Code Section 101.1 establishes eight priority planning policies and requires review of variance applications for consistency with said policies. Review of the relevant priority planning policies yielded the following determinations:

- (1). That the proposed project will be in keeping with the existing housing and neighborhood character.
- (2). That the proposed project will have no effect on the City's supply of affordable housing, public transit or neighborhood parking, preparedness to protect against injury and loss of life in an earthquake, commercial activity, business or employment, landmarks and historic buildings, or public parks and open space.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1660 Mission Street, (Room 3036) or call 575-6880.

Very truly yours,

Lawrence B. Badiner
Zoning Administrator

=====

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

EXHIBIT F

APPROVED
Dept. of Building Insp.

SEP 15 2003

[Signature]
DIRECTOR

DEPT. OF BUILDING INSPECTION

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

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

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 9-15-03	PLUMBING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 1784 Sanchez St.	BLOCK & LOT 6653 14
PERMIT NO. 1005360	ISSUED SEP 15 2003	(2A) ESTIMATED COST OF JOB 7,500.00	(2B) REVISED COST: \$7,500.00
		BY:	DATE: 9-15-03

BLDG. FORM 3/8
2003
APPLICATION NUMBER
OSHA APPROVAL REQD

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING					
(4A) TYPE OF CONSTR. WOOD	(5A) NO. OF STORIES OF OCCUPANCY 2	(6A) NO. OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE: Home + Residence	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS 1
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION					
(4) TYPE OF CONSTR. WOOD	(5) NO. OF STORIES OF OCCUPANCY 2	(6) NO. OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) Home + Residence	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS 1
(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(11) WALL STREET SPACE BE USED DURING CONSTRUCTION?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(12) ELECTRICAL WORK TO BE PERFORMED?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
(13) PLUMBING WORK TO BE PERFORMED?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>				
(14) GENERAL CONTRACTOR ORIGINAL Const Co.	ADDRESS 13 DEER CREEK CT.	CITY FAIRFAX, CA	ZIP 94930	PHONE 499-7713	EXPIRATION DATE 2-29-04
(15) OWNER - LESSEE (CROSS OUT ONE) ANASTACIA MICHAELS	ADDRESS 1784 Sanchez St.	CITY S.F.	ZIP	PHONE (FOR CONTACT BY DEPT.) 648-0607	
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT) A BATH ROOM REMOVAL - REMOVE PLASTER OFF WALLS - UPDATED ELECTRICAL TO CURRENT CODES - NEW TOILET, SINK, FAUCET, TUB. NEW VINYL FLOOR. NEW TILE AT TUB/SHOWER. WINDOWS ARE EXISTING AND NO MOVEMENT OF WALLS OR STRUCTURAL WORK. DOOR IS EXISTING.					
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.	(19) DOES THIS ALTERATION CREATE GROUND 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.
(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(22) WALL BUILDING EXTERIOR BEYOND PROPERTY LINE?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(23) ANY OTHER EXISTING BLDG. ON LOTS (IF YES, SHOW ON PLOT PLAN)	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?
(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input checked="" type="checkbox"/> NO ARCHITECT OR ENGINEER		ADDRESS		CALIF. CERTIFICATE NO.	
(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN")		ADDRESS			

IMPORTANT NOTICES

No change shall be made 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.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS 'YES' TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX
 OWNER ARCHITECT
 LESSEE AGENT
 CONTRACTOR ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

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

In conformity with the provisions of Section 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 (V), 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. I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier: STATE FUND
Policy Number: #001079-02 Group 315

() III. The cost of the work to be done is \$100 or less.

() IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

() V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Charles T. Harshe 9-15-03
Signature of Applicant or Agent Date

SEPTEMBER 18, 2014 STAFF-INITIATED DR

1784 SANCHEZ STREET

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LIST OF EXHIBITS

<u>Exhibit A</u>	Photograph of 1784 Sanchez Street
<u>Exhibit B</u>	Sightline Views and Plans for the Family's Proposal
<u>Exhibit C</u>	Variance Decision, dated January 22, 2003, Case No. 2002.1040V
<u>Exhibit D</u>	Sightline Views and Front Elevation for the RDT Preferred Addition
<u>Exhibit E</u>	the 311 Notice Plans
<u>Exhibit F</u>	Sanborn Map for Block 6653
<u>Exhibit G</u>	Block Map 6653
<u>Exhibit H</u>	Estimate of Construction Costs
<u>Exhibit I</u>	Letters to Scott Sanchez dated June 19, 2014 and September 5, 2014
<u>Exhibit J</u>	Building Permit Numbers 200309154793, 200312162410, and 200409234925 and Drawings
<u>Exhibit K</u>	Judicial Case on Vested Rights. Pardee v. California Coastal Commission
<u>Exhibit L</u>	The Proposal Met The Criteria For A Rear Yard Variance When Such Variance Was Granted In 2003, And Still Meets The Criteria Today
<u>Exhibit M</u>	A Previous Structure Extended To The Rear Lot Line of 1784 Sanchez
<u>Exhibit N</u>	Listing, Summaries And First Page of Variance Decisions Of Neighboring Expansions Where A Variance from the Rear Yard Requirement Was Granted
<u>Exhibit O</u>	1782 Sanchez 2008 Alterations
<u>Exhibit P</u>	Out of Character Alterations
<u>Exhibit Q</u>	Historical Resource Evaluation for 1784 Sanchez Street (HRE Report)
<u>Exhibit R</u>	Section 8 of the HRE Report
<u>Exhibit S</u>	Sightline Comparison for the Family's Proposal and the RDT Preferred Addition
<u>Exhibit T</u>	Block 6653 Building Sizes
<u>Exhibit U</u>	Table of Floor Area Ratios of Nearby Houses
<u>Exhibit V</u>	List of Contacts with the Objecting Neighbor (finalize)
<u>Exhibit W</u>	Map of Neighborhood Supporters of the Monschke Family's Proposal, Selected Letters, and Petitions

- Exhibit X Letters from City-Wide Organizations and Supporters Who Are Not Neighbors
- Exhibit Y Rear of 1784 Sanchez Looking West
- Exhibit Z 2011 Community Needs Assessment excerpts
- Exhibit 1 Photographs of 1784 Sanchez Street Rear

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September 10, 2014

Via Hand-Delivery

President Wu,
City Planning Commission
c/o Michael Smith
San Francisco Planning Department
1650 Mission Street
San Francisco CA 94102

Dear President Wu and Commissioners:

I represent Anastasia Michaels and James Monschke, owners of a single family home located at 1784 Sanchez Street (the Property). Anastasia and James desire to expand their small home built in or prior to 1893, from 847 SF to 1323 sf. (See Exhibit A, 1784 Sanchez Street). See also Exhibit B which contains the plans and the sight line pedestrians' view for the Family's Proposal, which is what James and Anastasia ask that you approve.

Anastasia's' parents bought the house in 1970 and she was raised there. Anastasia bought the house from her mother in 2000 and now lives in the home with her husband and two-year old daughter Elizabeth. The home holds many memories for her and is obviously the most affordable option for them, and for other for reasons discussed below, it is important to Anastasia and James for Elizabeth to grow up in San Francisco, and in her grandmother's house where her mother also grew up; they hope that Elizabeth may someday raise her family there as well.

My clients have the written support of over 40 neighbors who mostly live on their block and adjacent neighbors, and many City-wide organizations concerned about the issue. (See Exhibit W and Exhibit X.)

In 2003 James and Anastasia were granted a Variance for a 5' extension into their rear yard with a new second story above the enlarged rear room. As described below, they began and completed Phase 1 of their project, namely interior work and preparation for the enlargement. Unexpected circumstances beyond their control, namely the disability of Anastasia and loss of employment of James, prevented them from beginning Phase 2, demolition and construction of the approved design. On reapplying for the previously approved rear yard variance in 2013, they discovered that Planning now opposed their project. An historic preservationist consultant has advised that the suggestions for an alternate plan made by the Residential Design Team (by adding a second story at the middle) is unlikely to meet the Secretary of Interior's Guidelines. It is also not in keeping with the neighborhood character and is significantly more expensive than expansion at the rear.

No neighbor opposed the Variance granted in 2003, and no neighbor has filed a Discretionary Review request for the present project. Additionally, James and Anastasia have reduced the expansion envelope of the present project from the 2003 design.

Based on this, and the additional information provided below, they hope for this project, even smaller than the building envelope approved in 2003 due to concessions made in the last few months, will be approved.

1. Previously Obtained Variance and Alteration Permits For Today's Proposal.

The 2003 expansion granted by the Planning Department was for a horizontal addition to the existing rear utility room of only 5', and a vertical addition over that rear room. The Family's Proposal, while enclosing exterior stairs to the basement (which adds no livable square footage), reflects recent concessions that result in an expansion envelope that is in fact *smaller* than the building approved by the Zoning Administrator (without a staff-initiated DR) under a Variance Decision dated January 22, 2003, Case No. 2002.1040V, Exhibit C. Not only was the 2003 expansion supported by the Planning Department, it had no neighborhood opposition, *i.e.*, no objection by adjacent neighbor Mr. Anthony Grumbach and Ms. Katherine Poole ("Objecting Neighbor"), who were then and are presently the owners of the adjacent property at 1782 Sanchez Street. The adjacent neighbors on the other side of the Monschke's home are in support.

Although all work was not completed, the Variance was not abandoned in such a way that would cause a reasonable person to think it would expire. Nor does the law allow Planning to take the position that it expired (see Section 6 below). In 2004, the family took out building permits and completed Phase 1 of their project, namely relocation of bathroom and laundry facilities from the rear utility area in order to vacate that existing rear room for demolition; that was to make that same rear area available for construction of the addition. They wanted to do the next part by separate permit once they had all the money. The next permit was to be Phase 2 and include removal of the outside shell of the rear room and creation of the addition.

Before the Phase 2 permit issued, several things occurred: (1) Anastasia's decline in health, which left her unable to continue working full time as a researcher at NASA, and necessitated numerous medical procedures on her neck and back including a neck surgery and two abdominal surgeries; and (2) as a result of the recession, James' contract position at HP was terminated and he was subsequently underemployed, with an early stage startup that was frequently unable to make payroll. These extenuating circumstances prevented them from going forward. However, as of a year ago, they recovered from their setbacks, and started filing a new variance application, although they did file under protest since they do not feel that they need one.

2. Being Turned Down on Revival of Same or Smaller Project.

Since they had already begun work on the project in 2003 and 2004, Anastasia and James were surprised 9 years later to be told by Planning Staff that they would need to resubmit the variance application and pay the associated fee again. They assumed that this was just paperwork and that the previously approved Variance would be confirmed. They filed the Variance application in June 2013. After hearing almost nothing for six months because the

planner, Casey Noel, (who is no longer employed by the City) did not return calls and emails, they heard the variance would likely be disapproved. Worse, Planning Staff told them that Staff would initiate its own DR and ask the Commission to disapprove because the Residential Design Team no longer liked the design it approved in 2003.

To try to get staff support, my clients made concessions. They were shocked when the RDT declined to change its position and offered no compromise position once my clients made concessions for its support. (The sightline pedestrian views and front view for the "RDT Preferred Addition" proposal are shown in Exhibit D). The drawings in Exhibit D were prepared in consultation with Planning Staff and were incorporated into the 311 Notice plans¹ with the family's proposal (see Exhibit E, the 311 Notice plans).

3. The RDT's Grounds For Opposition Today Are Not Justifiable.

According to planner Michael Smith the RDT is opposed to the rear addition for several reasons, each of which is discussed below:

1. *Because there is already too little open space in James and Anastasia's rear yard they should be providing as much open space as possible, and no less than the existing amount. They were not concerned as to privacy, light, or other concerns of Objecting Neighbor.*
2. *The RDT is also concerned that there is an encroachment of the proposed new rear area into the block's "consistent pattern" of mid-block open space, something that we cannot find on this end of this block.*

It appears the RDT is arguing that two adjacent rear yards are sufficient to constitute a "mid-block open space." We establish below that the property is in fact isolated from, and not a participant in, the true mid-block open space found elsewhere on the block.

The Property itself is not open to the mid-block open space. The Sanborn Map (Exhibit F) shows that the rear property line abuts the side yard of Lot 15 (270-272 Randall Street) and, therefore, Lot 14 is clearly not open to the mid-block open space. Also, the building on Lot 15, 2½ stories tall at the rear, extends to its rear lot line at the top two stories at the side where it meets Lot 14, so there is no open space adjacent to the rear of the subject lot.

The mid-block open space is not shared among the other residents of this corner of the block.

The Sanborn map shows a clear pattern of mid-block open space extending north from Lots 9 and 21, where the typical lot is rectangular, 125' deep and between 25 and 40' wide (see Exhibit G, Block Map 6653). Sanchez Street and Randall Street meet at a less than 60 degree angle, which creates an irregular shape to the south end of the block. This highly oblique angle prevented mid-block open space from ever having been created. Within this corner there are

¹ The large building shown on the Notice incorporates both the RDT Preferred Addition and the plans submitted for the variance in 2013. This was done for the purpose of the 311 notice, to represent the maximum envelope while the clients investigated whether the RDT Preferred Addition was feasible. *This avoided a new 311 notice were the plans to be changed later.*

two triangular areas in which the mid-block open space does not exist. This encompasses an area extending for 8 homes on Sanchez Street, and for all of the homes in the area along Randall Street, from the corner where Sanchez meets Randall. Thus, the construction into the rear yard does not disrupt an existing mid-block open space.

In fact, in support of a finding of exceptional circumstances, Finding 1 of the 2003 Variance stated "The subject property is located near the apex of a triangularly shaped block. As a result, the rear lot line of the subject property is triangular in shape consisting of two sides from side property line to side property line while adjoining rear lot lines, irregular themselves, are one continuous line from side property line to side property line."

Lot 13, immediately to the north, does have more open space in their rear yard than my clients' Lot 14, due primarily to their larger lot size (by 261 SF), but *the three neighbors to the south, Lot 14A, 14B and 14C have less open space, since the lots along Sanchez Street become progressively smaller proceeding from Lot 10 south.* And the open space on Lot 14C is located in the side yard, not the rear yard. A portion of the rear yard of Lot 14B is also located in a side yard. This is clearly seen from the Sanborn Map.

The primary contributor to the loss of open space around clients' Lot 14 is the apartment building on Lot 15. The building at 270-272 Randall Street encroaches into its rear yard, and in fact takes up close to its entire lot. The building at 1772-1774 Sanchez Street (Lot 12), is longer than Lot 13, and extends to its rear lot line at the south.

The Variance Decision continues (in Finding 2) as follows: "If the literal enforcement of the buildable area were enforced the building would be required to be angled at the rear, which would be inconsistent with the neighborhood character and standard building practices."

4. Description of Project.

The one-story over garage home only contains one bedroom, one bathroom, a tiny front living room which is used as a study since James works at home 8 to 30 hours a week, kitchen, and one rear utility room too shallow to be used for living space. The hallway in the middle has to be used sometimes as a living room although not designed for that.

The family currently does not have a separate dining space and eats from folding chairs and a card table in the kitchen. The additional space resulting from the first floor expansion of 5' at the rear is essential, as it will turn the shallow, 8' 1" deep utility area into usable living space to be used as a dining room and an area for the family to spend time together, and for a staircase to a new partial second floor. The new second floor (existing only at the rear for reasons explained later) will create a second bedroom and bathroom for the first time, to be used by Anastasia and James. Their daughter would then have her own bedroom and bathroom for the first time, and would no longer have to share a room with her parents. The current home office area will be retained at the front of the home for James.

In a block where City records indicate an average building size of approximately 1,550 SF, the proposal will add to the rear an additional 476 SF to the existing 847 SF, which results in a total building area of 1,323 sf. There are a number of constraints to the expansion of the existing house, as elaborated in the following sections. Thus, James and Anastasia's expansion plans have always been predicated on horizontally and vertically expanding a one-story rear utility

room (extending to the rear and only 150 SF), to allow it to extend an additional 5' (for a total of 13' feet) beyond the rest of the building, making it usable as living space while accommodating stairs to a new upper room above. The Residential Design Team now believes that their project should not extend past the current building footprint, contrary to their decision on the 2003 Variance.

The proposed addition seeks to extend a mere 5 additional feet into the rear yard, and to add one story above. It adds a total of 151 SF to the current building footprint (expanding 5' to the west, and approximately 3' to the south to enclose the existing stairway to the basement). The final building footprint of the *entire building* will be 998 sf.

While the building has a tall peak that makes the front façade comparable in height to neighboring two-story buildings, the main story has almost 11' ceilings. The unfinished attic (which does not have stair access) does not have sufficient head room to be converted to livable space without making it a full floor (not even an attic with dormers would work given the narrowness of the building at the front and the inadequate interior height of the roof peak).

5. Reasons Why the RDT Suggestions Not Adopted.

Like most homes on the block, the subject Property retains its original, historic façade. This is why the predominant mode of expansion on the block is to the rear as reflected in James and Anastasia's Proposal.

On review of plans nearly identical to those approved in 2003, the current RDT suggested revisions that specified an intensification of and height to the building over the middle. This would avoid a Staff Initiated Discretionary Review. With guidance from staff, the owner's then drew up plans for how those changes would look (the RDT Preferred Addition at [Exhibit D](#)). The changes would require construction primarily at the middle of the building rather than at the rear. Anastasia and James unfortunately had to reject those changes, for a number of reasons stated below.

1. Excessive Cost. (SEE [SECTION 12](#) BELOW). A licensed contractor has prepared a cost comparison between the cost of work to build the envelope originally proposed, and the RDT Preferred Addition (see [Exhibit H](#), Estimate). The cost of a rear-only addition is significantly less since it avoids the excessive loads and upgrades to the lower floor, including seismic work, which the RDT Preferred Addition would require since the RDT proposes intensification in the middle.
2. Historic Building. (SEE [SECTION 10](#) BELOW). The historic pre-1900 façade, narrower than adjacent ones, cannot have a second floor built anywhere close to it if its integrity is to be preserved and a possible EIR avoided. The RDT suggestion to make use of a new upper floor puts the new room 15' 6" from the façade where it would be very visible to pedestrians. (See sight line pedestrian drawings attached at [Exhibits B](#) and [D](#)). Mitigations to avoid an EIR would essentially lead to a project too small to be worth doing.

3. Paying Living Expenses. It would not allow the family to live within the rest of the building during construction at the rear. This is important as the family cannot afford to pay rent somewhere else while paying a mortgage on this house.

6. **The Earlier Variance Was Vested, And The Right To Expand Cannot Be Taken Away Now.**

In two letters to the Zoning Administrator (see Exhibit I), we outlined the reasons and legal precedents. James and Anastasias have acted in good faith and in reliance on the Variance granted in 2003 by the Planning Department. They remained in their home, investing time, money and labor acting on expansion plans that they understood to be acceptable to the Department. They did not do this with any expectation that they would be denied the right to expand according to the design approved by Planning and granted in the 2003 Variance.

In 2003, the project had full staff support. This gave James and Anastasia the right to construct a larger extension of the building than is requested now. For logistical reasons, the building of the addition had two phases.

The first phase's scope was placed on a separate Phase 1 permit whose attached plan called the work "Phase I". (See Exhibit J, Building Permit Numbers 200309154793, 200312162410, and 200409234925, and the drawings attached). This earlier variance has been vested based on the following: (1) James and Anastasia took out permits to do the first phase of the work; (2) the work was completed; and (3) there was an inspection and the Job Card noted completion of the work according to the plans. This "vested" the 2003 variance, and it cannot be taken away now.

The total cost of the work, including contractor fees, building materials, fixtures and tools was about \$20,000. This amount is sufficient expense to establish a "Vested Right" to continue construction. These expenditures, in light of the minimum construction costs of adding two stories at the rear, could easily be deemed substantial using the precedent in the following well known California Supreme Court land use case where an expenditure of \$6,000 was sufficient to establish a vested rights (See Exhibit K, Pardee Construction v. California Coastal Commission.) In 2003 a larger project met the criteria for a variance. Exhibit L indicates the very exceptional circumstances that made the 2003 Variance appropriate. The Planning Department design specialists at the RDT now differ from those there years before as to what is an acceptable addition under the Residential Guidelines. We have found no amendments to the Residential Design Guidelines or the Code that would explain this change on the part of the RDT. There has been no notice to the public about these kinds of internal changing interpretation of the Residential Design Guidelines - had there been such notice, the client may have not spent years continuing to stay in the home and do renovations with their own hands for some many years, which were based on the Department's previous opinion. They would not have spent the money they have spent so far on architects, preservation consultants, and other consultants, merely to re-apply for a right they had already been given.

That is the kind of hardship, not attributable to James and Anastasia, which is making the acceptability of home enlargements to the Planning Department more unpredictable, which leads to confusion and a sense of the part of many that it is better to leave town and that fighting for modest enlargements is not worth the effort compared to moving to cheaper and larger homes outside the City.

7. Concessions Made For The RDT And Objecting Neighbor.

Due to concessions that have cut back the proposed building volume, the current proposed addition of 476 SF differs from that granted for the 2003 Variance in the following ways (see plans at Exhibit B). Although the clients offered these changes, the RDT and Objecting Neighbor did not back down or offer counterproposals. Most applicants then withdraw concessions made in order to settle the matter. My clients decided not to do so.

1. The building has a 3' lower roof height
2. The building has a flat instead of a gabled roof
3. The building has been reduced by a 3' 6" side setback at the second floor on the north side for Objecting Neighbor's benefit.
4. The building has been reduced by 3' at the rear on the second floor for the RDT.
5. The building offsets only some the space lost to the above reductions with a forward expansion of 6' into the existing attic space, but not to a place where the attic expansion can be seen by pedestrians according to sight drawings. This does not increase the building footprint, although it will result in a t increase in project cost.

These concessions are in addition to the 3' reduction in height from the 2003 approved building envelope. *Concessions 3 and 4 conform to specific modifications cited in the Residential Design Guidelines for reducing the impact of rear yard expansions, namely, 1) set back upper floors to provide larger rear yard setbacks, and 2) notch the building at the rear or provide setbacks from side property lines.*

The improvement at the vacant southern corner of the building allows an existing exterior staircase to the basement to be enclosed; the same extension is on the second floor above. This does not trigger the need for a variance, and no party has objected.

8. In The Past This Building Occupied All But a Rear Corner of Its Lot, And For Some Reason The Rear Structure Was Previously Removed.

The existing structure already extends into its required rear yard open space of 33'-9", because it is so old. Many adjacent houses do as well. The house previously filled the length of the lot on the north side, with an attached structure of approximately 98 SF and shown in a Sanborn Map on the attached HRE Report Sometime after 1938 it was partially removed; however, its northern and western exterior walls still exist and serve as property line fences. James and Anastasia's proposal, with a footprint of 998 SF is only 48 SF over the previous footprint. See Exhibit M, showing the Sanborn Map of the Property, a 1938 Aerial Photograph and the existing property line fences.²

² The Assessor's Office in fact still includes this structure in the total area of the house (950 sf, 847 sf of which is the existing structure, 98 SF of which is the attached structure). Due to possible inaccuracies in the Sanborn Map dimensions, the exact footprint of the previous structure(s) is not certain; however the fact that they filled the depth of the lot is not in question.

9. **The Objecting Neighbor And Many Other Neighbors Have Been Granted The Right To Expand Into The Rear Yard And These Precedents Are Not Being Observed For This Home.**

The 2003 Variance Decision also acknowledged in Finding 3 that other properties have enjoyed an opportunity to expand: "Granting the rear yard variance is necessary for the subject property to expand in a manner consistent and permitted on other properties in the neighborhood." In addition to the Variance that was granted in 2003 for a rear addition at 1784 Sanchez Street, at least 7 others have been granted similar or superior expansion rights in the required rear yard; some have even been allowed to fill the lot from front to back. (See the listing, brief summaries and first pages of the decisions in Exhibit N.) These establish a clear precedent for the proposed addition.

In fact, the adjacent neighbor at 1782 Sanchez (Objecting Neighbor) who has expressed the concerns about the proposed Project was allowed to replace a one-story rear room with a two-story addition, to better accommodate their family. This neighbor demolished most of their existing second story and raised their overall building height by 3' 5" (from 32' 6" to 35' 11"). They expanded back with a deck on the first floor and a bay window on the second, and built an addition which is at the rear and gives this family a third bedroom. See plans at Exhibit O. Thus, this neighbor was given a substantial enlargement right that should not be denied James and Anastasia's family³.

Adjacent houses extend into the required rear yard⁴. 1772-1774 Sanchez fills the length of the lot at the south side; 270-272 Randall fills the lot at the eastern boundary on the first and second stories (see photograph in Exhibit Y below).

10. **The Monschke Family's Proposal Conforms To The Secretary Of Interior's Standards -- However The Design That Conforms To The RDT Suggestions Would Not Conform.**

As an alternative to the family's proposed rear addition, the Residential Design Team suggested increasing the height of the attic by a large amount to capture additional habitable space. However, a design that captures equivalent space to the rear extension would entail changes to the building envelope that are not in keeping with its historic character or the character of the building and the neighborhood. *Attached as Exhibit P is an example of an adjacent building to my clients' building that did the same thing and that detracts the eye from the historic facade and seems incompatible (not least because it emulates the façade in style and confuses the viewer as to what is old and what is new).* We and Mr. Knapp (the preservation consultant) doubt that these adjacent alterations would meet the Secretary of Interior's Guidelines, yet something very similar would occur in the RDT suggestions.

³ In 2002, when James and Anastasia first sought the variance, they met with the Objecting Neighbor. At that time, the Neighbor stated that they would at some point seek expansion as well, and would like James and Anastasia's support. There was at that time an agreement of mutual support for each other's projects between James and Anastasia and the Neighbor.

⁴ Some, including the subject property, 1772-1774 Sanchez, 1786 Sanchez, 1788 Sanchez, 250 Randall and 270-272 Randall, did so before the rear yard requirement was established.

If not allowed to make the shallow rear room into a size appropriate for living space, the family will need to add a second story large enough to contain two rooms. To capture the same amount of space their proposal will allow, they would need to build a second story forward to within 15' 6" of the front of the house. That second story, described below, would be visible from the street easily seen by pedestrians, (See Exhibit D, Page 1)

The RDT Preferred Addition would *affect the historic character of the building to an extent not allowed by the Secretary of Interior's Guidelines.*

On April 9, 2014, James and Anastasia met with planner Mr. Noel and preservation planner Ms. Eiliesh Tuffy, to present several possible designs that might be approved by the RDT. Ms. Tuffy kindly provided guidance on a design compatible with the Secretary of Interior Guidelines, which James and Anastasia had their architect prepare (the "RDT Preferred Addition" of Exhibit D).

(As mentioned above the large building shown in Exhibit E incorporates both the RDT Preferred Addition and the plans submitted for the variance in 2012 for the purpose of the 311 notice. It also allowed both proposals to be evaluated for conformance with the Historic Guidelines. It is not being presented to the Commission for approval.)

Emails to and from Ms. Tuffy (last pages of Exhibit D) indicate that she agrees that the RDT suggestion would be quite visible to pedestrians; and Ms. Tuffy advised (as did the HRE Consultant) that the RDT suggestion would be so visible that it would push that kind of project into a much higher and longer staff historic review process (many months longer); and that the design's potential incompatibility with Secretary of Interior Guidelines could lead to an EIR if it continued to be so visible (which would be the case unless the RDT suggestion was so greatly shrunk as to create a space not meeting the family's needs).

The Historic Resources Evaluation (HRE) for the Property prepared by Mr. Frederic Knapp, an architect who is recognized as being on the Department's panel for potential consultants in this field, notes that the building is an historic resource, and as such must be treated sensitively. A vertical addition at the front, and even one in the middle of the building, would negatively impact the historic integrity of the façade of the building (see Exhibit R, Section 8 of the HRE). The family's expansion, set at the rear, is only minimally visible from the street, preserves the historic façade of the house, and is compatible with the Secretary of Interior's Guidelines. See Exhibit Q, Historical Resource Evaluation for 1784 Sanchez Street (HRE Report). If the RDT Preferred Addition were adopted, a bulky addition would be highly visible to the public.

A comparison of the sightline drawings for each plan (see Exhibit S) indicate how, if the RDT Preferred Addition would be built, it would clearly be visible to passing pedestrians from the street, especially south of the building centerline and in front of the side setback. And the vertical addition would look out of character with the historic front of the building. They also demonstrate the low visibility of the family's proposal.

Accordingly, the HRE historic report concludes that the family's preferred option "would conform to the [Secretary of Interior's] Standards". He shows that the RDT Preferred Addition would be highly visible from public vantage points. Our clients know that it would detract from its character as a modest, late 19th century home. According to the HRE, the home's historic integrity is based on its modest appearance at the front, including its siting, relation to neighboring houses, orientation, simple form, use of simple materials, and modest size. In short, however

implemented, the RDT Preferred Addition should be presumed to trigger an EIR. (See HRE Report which discusses its possibility). Any mitigations to reduce it to avoid an EIR would take so much space out that the already small project would not be worth doing.

11. The House Was Constructed In Or Prior To 1893, And Thus Has Several Architectural Features That Are Uncommon Among Most Of The Adjacent, Newer, Properties Built Around 1907-1911. These Features Greatly Limit The Amount Of Livable Area In The Building To A Lot Less Than The Adjacent Properties.

By not affecting the front façade or the main body of the house that is visible from the street, the Project is designed to fit within a neighborhood which is characterized by a majority of properties (~ 75%) that contain two-story buildings constructed in the early 1900s (mostly post-earthquake) and a minority, including this property (~ 25%) constructed in the 1800's. The Project will conserve and protect the historic integrity of the home. However, these other Victorians have a much wider structure, and a taller attic more adaptable to a new story, given that they were built early in the next century.

Because of the lack of current height in the attic, the narrow width of the house and steeply pitched roof with no "knee walls" currently in the attic (i.e. the roofline meets the floor of the attic), dormers will not be useful and the space that is captured over the existing first story will have to be constructed either with a flat roof that will be about 1' higher than the existing peak, or with a significant increase in height to maintain a peaked roof while gaining enough height at the side walls for a habitable room.

A flat roof will be especially discordant with the rest of the house. A peaked roof would be that much more massive and therefore even more visible from the front and also more difficult to adequately differentiate from the existing façade to satisfy the Secretary of the Interior's Guidelines.

Moreover, a significant portion of the total space would still not be usable as living space. As discussed above, if not expanded the rear room could serve only as a hallway to the stairway to the second floor, to the basement stair and to the yard. Storage space could be incorporated but the room could not be livable space. It would continue to cut the family off from easy access to and enjoyment of the rear yard, and would isolate the upstairs room from the rest of the house

12. The Cost Of Building In A Manner Compatible With The Residential Design Guidelines Is Prohibitively Expensive.

The cost of building two rooms over the existing structure would place it well out of reach for this family because it would require significantly more construction work than building the small, two-story addition at the rear and *would more than double the cost*. The framing in the middle and west end would have to be taken apart, including roof and floor joists at the new second level and one or more existing interior walls might have to be removed in order to reconfigure the existing space to accommodate rooms above. (See contractor report at Exhibit H). A vertical addition over a majority of the existing structure (any further than what has already been added to offset space lost to other concessions) will trigger a mandatory full seismic upgrade that would necessitate the removal and replacement of the existing foundation, and installation of shear walls throughout the new and existing building. These are costs that this family cannot afford. The many concessions that James and Anastasia have already made increase the

complexity of the construction and add cost due to the inclusion of more upper story setbacks, discussed elsewhere.

13. The Requested Expansion Is Modest And Appropriate To The Small Size Of The Existing Home.

The building area would remain the smallest of the adjacent properties. The subject home is only 847 SF⁵, and is the fifth smallest property on the block (see Exhibit T, Block 6653 Building Sizes). It is also the smallest of the nearby houses (see Exhibit U, Table of Floor Area Ratios of Nearby Houses). The proposed expansion is small, and with the many concessions, the proposed envelope change is now smaller than what was approved previously by Planning as well as by the neighbors who are now opposing.

After this modest expansion, the floor area ratio (FAR) for the home will increase from 50 to 77%, but will still be the lowest of the adjacent single family homes, which range from 84% to 97.5% (Exhibit U).

While the average size of homes on the block is 1,550 SF, the average square footage of the nearby properties, including the Property as existing, is 1,347 SF (500 SF more than the 847 SF of the subject Property). After expansion, the subject property will be 24 SF below the average of the nearby properties. 1788 Sanchez is approximately 1,492 sf. 1786 Sanchez is approximately 1,462 sf. And 1782 Sanchez is approximately 1,689 sf.

Accordingly, the adjacent buildings also have more bedrooms than the Property's present one bedroom. 1788 Sanchez has three bedrooms. 1786 Sanchez has two bedrooms. 1782 Sanchez has three bedrooms. The proposal will add one bedroom to 1784 Sanchez, for a total of two bedrooms.

Rear Yard Areas. If one takes into account those lots that have an irregular rear yard near the corner of the triangles, the rear yards are comparable to the Project. The property located at 250 Randall provides a very small rear yard since the open space is located on the side. The building located on this property is 1,246 SF, slightly less than total square footage proposed for James and Anastasia's home of 1,323 sf.

14. Many Concessions Have Been Made For The Benefit Of The RDT And Objecting Neighbor And Further Concessions Would Render The Project Not Worth Doing.

James and Anastasia's contacts with the Objecting Neighbor are listed in Exhibit V.

In September 2010, to address the concerns of the Objecting Neighbor, James and Anastasia made specific concessions, which they understood made the addition satisfactory (see email attached at Exhibit V):

1. A 3' side setback at the second story on the north side
2. A change of the roof line from gable to flat

⁵ (The Assessor's Office number is greater by 98 SF because it included the attached structure of that size that was partially dismantled leaving exterior walls on the property line that are currently used as the property-line fences.)

3. A reduction of in total height of 3', from 25' 9-7/16" to 22' 9".

In January 2014, James and Anastasia became aware that the Objecting Neighbor (attorneys Mr. Grumbach and Ms. Poole) at 1782 Sanchez, opposed the expansion that they did not oppose (*even though it was a larger building*) when the first Variance was obtained. And even though they obtained a significant expansion including at the rear. They also learned that attorneys Grumbach and Poole had hired land use attorney Ilene Dick, who is a lawyer today at the same law firm as Mr. Grumbach⁶. With the guidance of planner Michael Smith, James and Anastasia made the following additional concessions to address the concerns of RDT and the growing list of concerns of the Objecting Neighbor:

- Michael Smith suggested a 2' reduction at the rear at the second story (my clients have offered an additional 1' creating a 3' reduction)
- An increase from a 3' to a 3' 6" side setback at the second story on the north side
- Removal of access to the side setback from the second floor, for more privacy for adjacent neighbor.
- Removal of second story eye level windows on that side, to preserve the privacy of the neighbors.

15. **The Neighborhood Strongly Supports The Family's Proposal And Is Opposed To The RDT Preferred Addition.**

Supporters of this renovation include all three neighbors to the south of the Property, and the three nearest neighbors to the east, and 44 neighbors in total (as of September 6, 2014). See Exhibit W for a map of the nearby lots, represented in green, from which letters of support and petitions have come. Behind that, we have included selected letters of support. Too much paper would be used by reprinted all the letters, but the petition with all of its signatures is attached. We have delivered all of the letters to planner Michael Smith for the record.

In addition to overwhelming support from neighbors, letters of support have also come from many City-wide organizations who see the Staff position as poor precedent and of City-wide interest as a result: Small Property Owners of San Francisco, the President of the Board of Plan C, the Executive Director of the San Francisco Apartment Association, the San Francisco Association of Realtors, Margaret Brodtkin the former Director of the City's Department of Children, Youth and their Families, Hene Kelly, a retired public school teacher and member of the San Francisco County Democratic Central Committee (and whose husband is President of the teachers union United Educators of San Francisco), Karen Shaneyfelt (a neighbor and owner of a local business), Mr. Michael Rice (a neighbor, who is also the president of the Glen Park Association), and several students and fellow teachers who are colleagues of Anastasia. (Those letters are attached at Exhibit X).

The Neighbor's Grounds For Objecting To The Addition Are Unfounded. The neighbors have raised concerns that they did not raise in the previous variance. This discussion is lengthy and as a result it is attached as Exhibit Y.

⁶ They both practiced together at the Office of the City Attorney.

16. There Are No Negative Effects On Randall Street Residents.

The reductions to the second floor envelope diminish its impact on the neighboring properties. The rear neighbors at 270-272 Randall have only one window facing onto the subject Property, at the top floor. James has visited 270-272 Randall and verified with them that there is no significant impact to their available light on the second floor.

In fact, there was previously a rear yard structure that abutted the property line with 270-272 Randall. My clients have not asked that we be allowed to rebuild it because we do not want to negatively affect them.

17. Additional Family Sized Housing Is Needed And This One Bedroom 1890's Cottage Cannot Be Family-Sized Without This Addition.

The City's General Plan states that it is the policy of the City to enable families with children to remain in San Francisco, yet families with children face many challenges in doing so. As discussed in the *2011 Community Needs Assessment by the San Francisco Department of Children, Youth and Their Families*, the biggest factor contributing to family flight from the City is affordability. And the likelihood of leaving is greatest for those families with children under 6 years of age. See Exhibit Z.

The Community Needs Assessment found that it is difficult for families of many income levels to afford San Francisco's high cost of living. James and Anastasia would be unable to afford to purchase a home in the City today. Anastasia is a part-time teacher with the public California State University system. James is a computer programmer. He has been frequently employed with startups, and thus experiences periods of underemployment⁷.

2013 US Census Bureau data shows that, at 13.5%, San Francisco has the lowest percentage of people under the age of 18 of any large city in the nation. This is down from 14.5% in 2005.

Of the reasons cited in a poll of San Franciscans, lack of family-sized homes, their high prices and the difficulty of expanding them were given as primary reasons⁸. It found that many families who are unable to find and afford homes to accommodate their growing families move to the suburbs or move out of California. The short supply of family sized housing is driving the cost of ownership to a level that only the wealthy can afford and our own public schools are rapidly closing.

Statistics reported in the NY Times and elsewhere show that only 18 % of the households in San Francisco have children, which is the lowest percentage of any of the major 25 cities in the United States. This home after renovation will remain affordable by design, due to the very small rooms which will still be small after the enlargement.

⁷ Both have high medical expenses, Anastasia for ongoing treatment of back and neck injuries that have required surgeries, and James as a Type-1 insulin-dependent diabetic for 30 years. Especially now that they support a child as well as themselves and given today's prices, they cannot even afford a condominium in the City in a neighborhood that is safe for Elizabeth and near her school.

⁸ Public Research Institute, San Francisco State University

James and Anastasia make an amount of money together that would, under the Mayor's Office of Housing Guidelines, put them in the category of persons making close to 120 percent of AMI. This would not entitle them to city assistance in the form of mortgage down payment assistance or City loans, but just barely, meaning that they fall into the commonplace gap that has led to this City becoming one for the very well off and the poor.

While the addition at the rear is expensive for this family, it is modest and less costly than the addition over the middle preferred by the Planning Department, which is, quite frankly, unaffordable to them.

18. Conclusion.

The Project will improve a home that was constructed in or prior to 1893. The home originally was not designed for a family because it only has one bedroom. This home, where Anastasia grew up, is a beloved longtime family home of Anastasia's mother and of James and Anastasia, who have already gone to some lengths to improve the poor condition of the house, with previous work in 2003 and 2004 and a recent rebuild of the front porch, exterior and interior lead remediation and exterior painting.

However home and rear is in poor condition, as evidenced by the attached photos (see Exhibit 1). Older buildings become run down to the point where some speculators can justify a tear down, leading to new construction that will be more expensive, will maximally develop the available lot and will be incongruous with the historic neighborhood. The proposed enlargement allows for an extension of the useable life of a single family home that is affordable by design and that as a historic building that should be preserved for future generations if possible. This cannot be done without allowing the expansion now proposed. *No other building upgrade, at least not one that is worth doing without additional space, is affordable at this time, for the reasons discussed above and shown in the contractor's report.*

We request that the Zoning Administrator grant the Variance, and that the Commission decline Discretionary Review and approve the project as proposed.

Very Truly Yours,



M. Brett Gladstone

cc: Anastasia Michaels and James Monschke
Andrew Rogers, AIA
Ilene Dick, Esq.
Michael Smith, Planner
Scott Sanchez, Zoning Administrator
John Rahaim, Planning Director

EXHIBIT A.

Photograph of 1784 Sanchez Street





ALTERATIONS TO:
1784 SANCHEZ STREET
SAN FRANCISCO, CALIFORNIA
OWNER: ANASTASIA MICHEALS & JAMES MONSCHKE

ISSUED FOR SITE PERMIT

PLANS

DATE: 29 JULY 2014

SCALE: AS NOTED

DRAWN: JS / AR

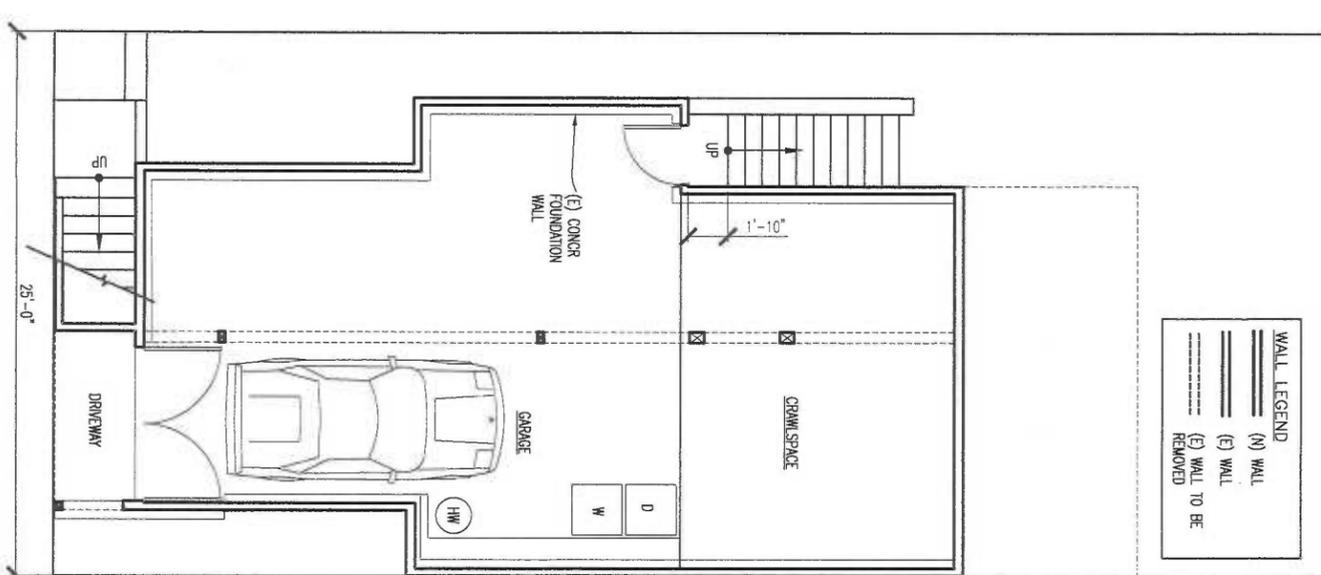
JOB:

SHEET

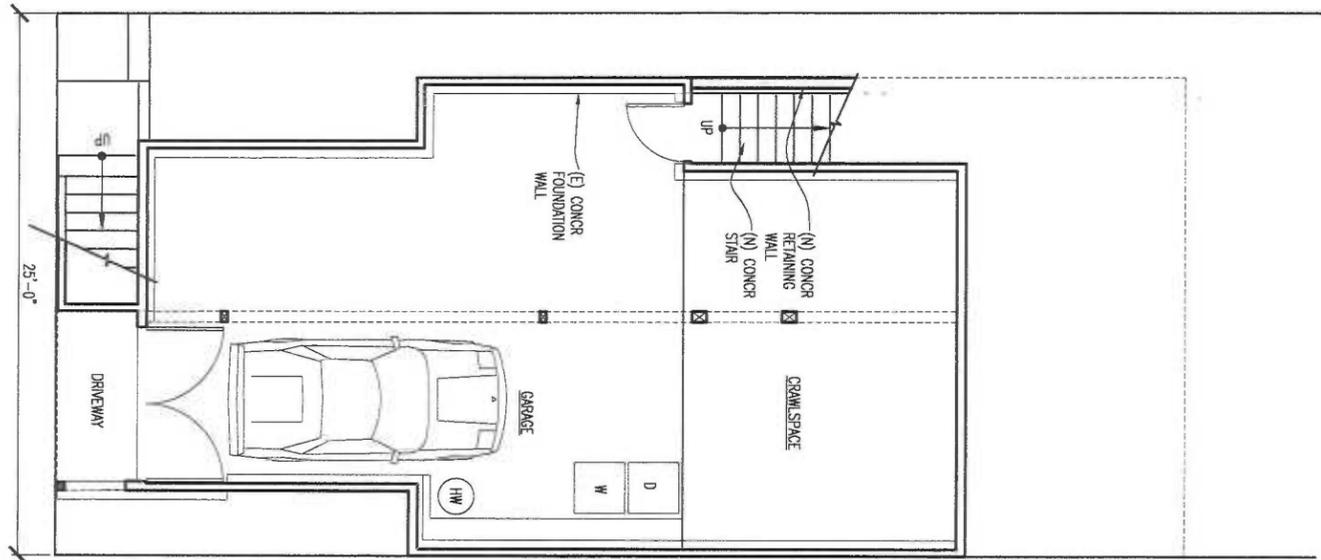
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OF SHEETS

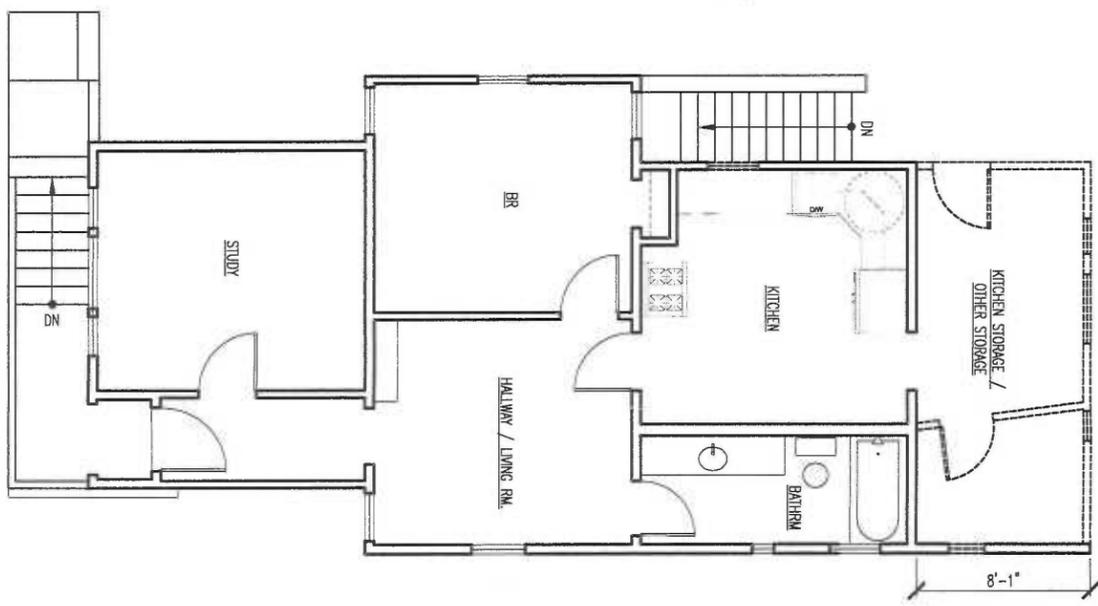
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---	(E) WALL
---	(E) WALL TO BE REMOVED



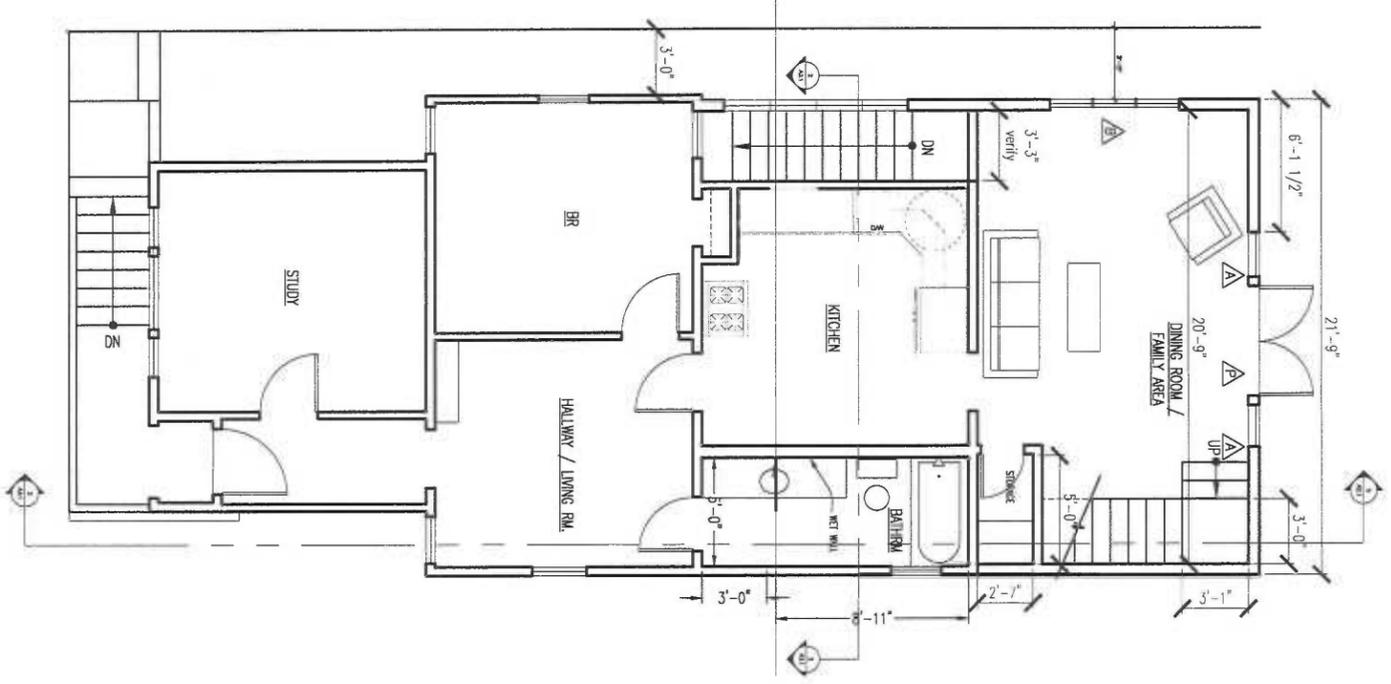
1 EXISTING GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 PROPOSED GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



3 EXISTING FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



4 PROPOSED 1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"



ALTERATIONS TO:
1784 SANCHEZ STREET
SAN FRANCISCO, CALIFORNIA
OWNER: ANASTASIA MICHEALS & JAMES MONSCHKE

ISSUED FOR SITE PERMIT

PROPOSED
PLANS,
SECTIONS

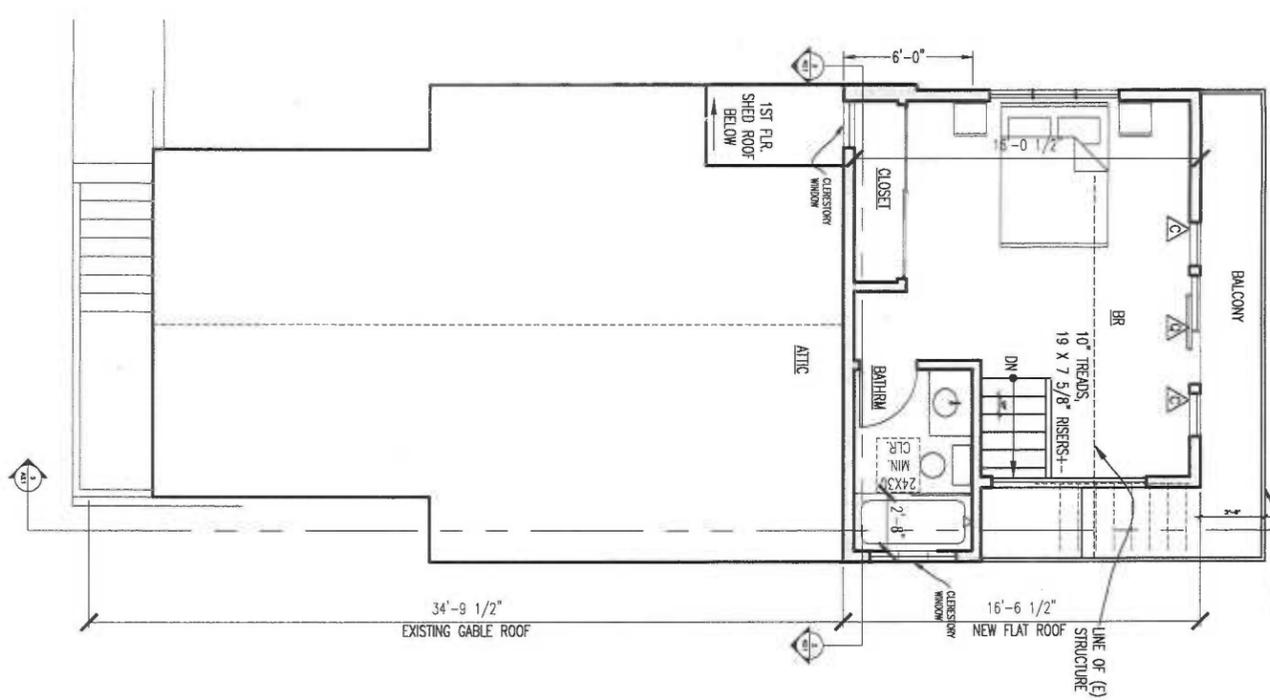
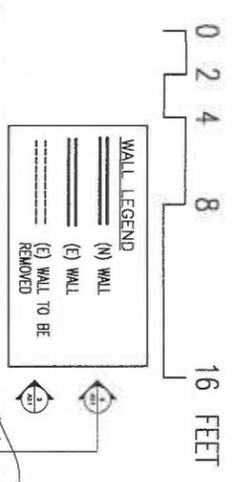
DATE: 29 JULY, 2014

SCALE: AS NOTED

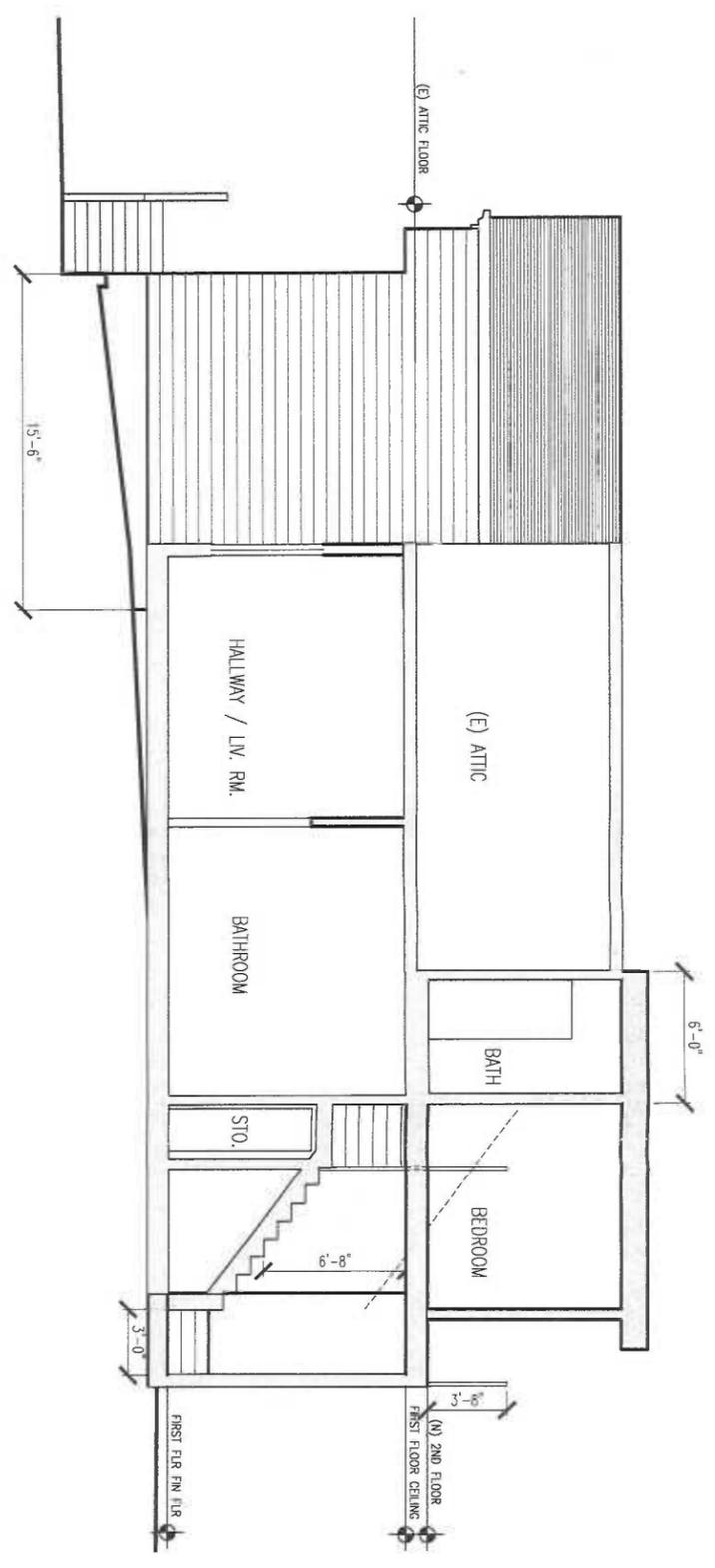
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JOB SHEET

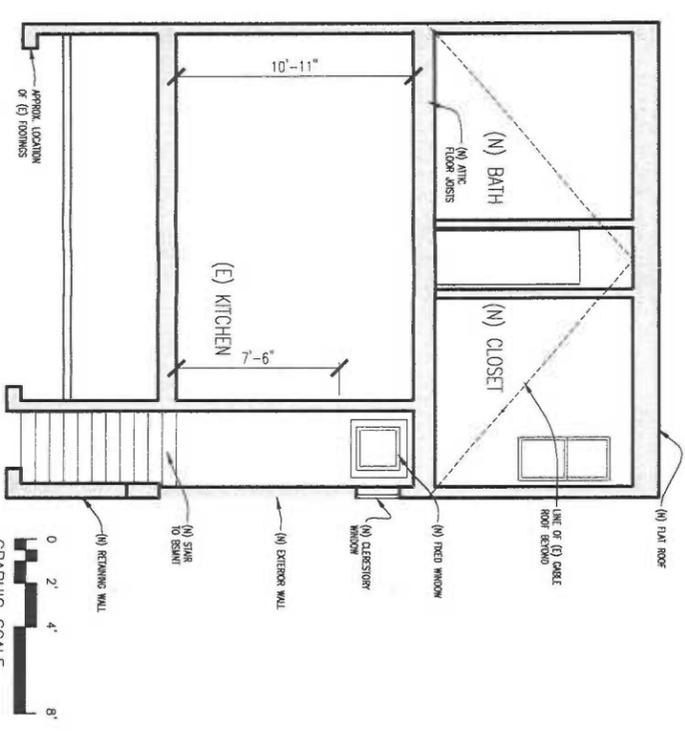
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OF SHEETS



1 PROPOSED SECOND FLOOR PLAN
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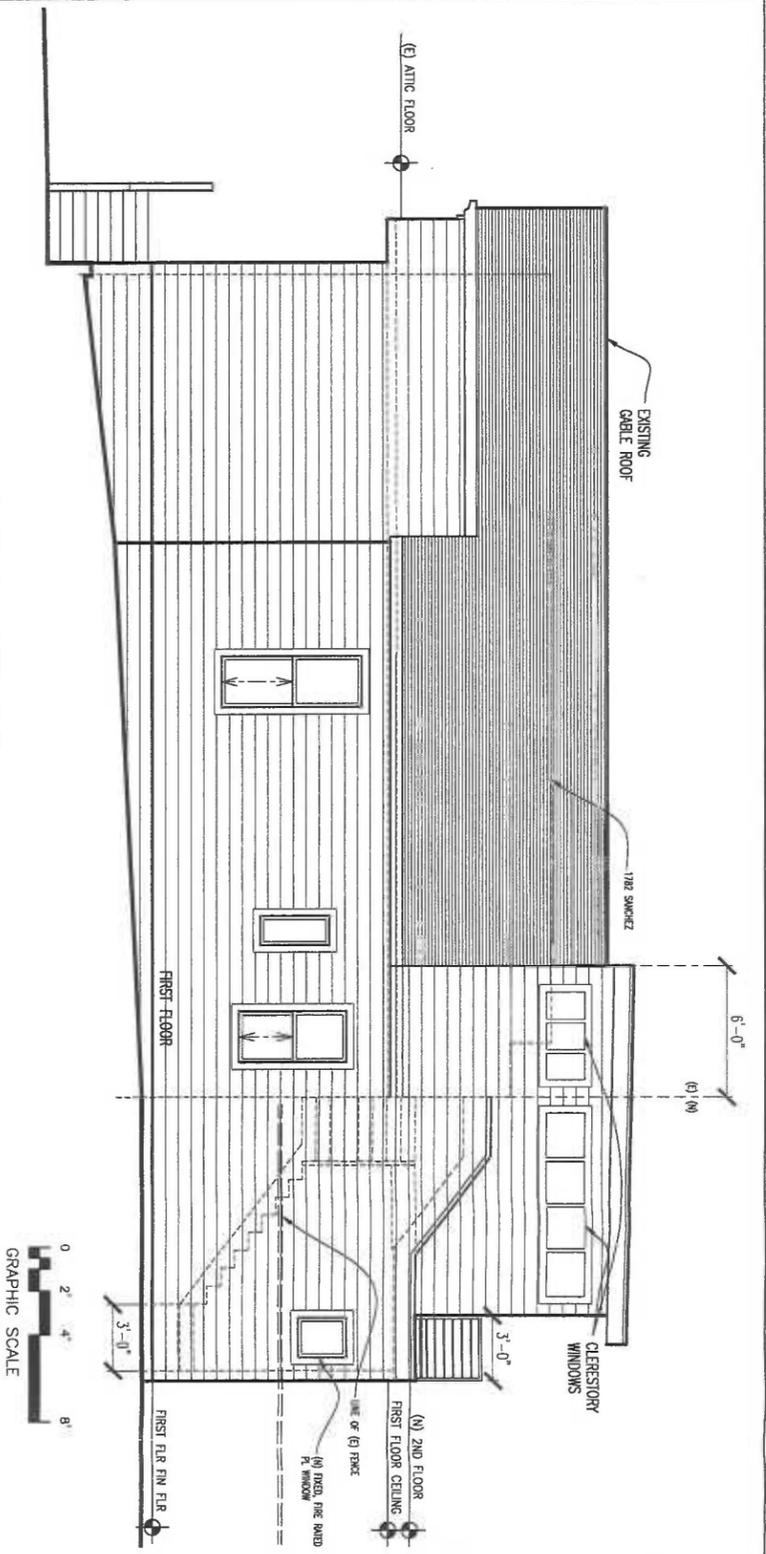


3 PROPOSED PARTIAL SECTION
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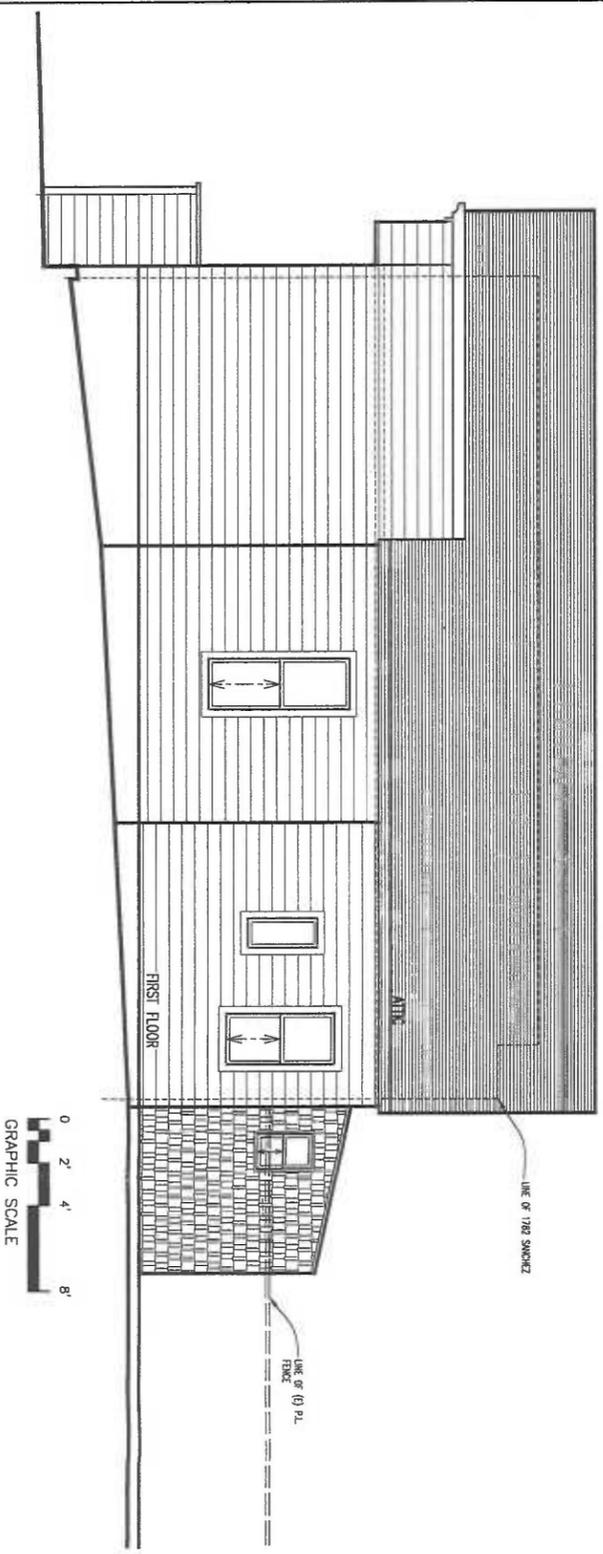


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SCALE: 1/8" = 1'-0"

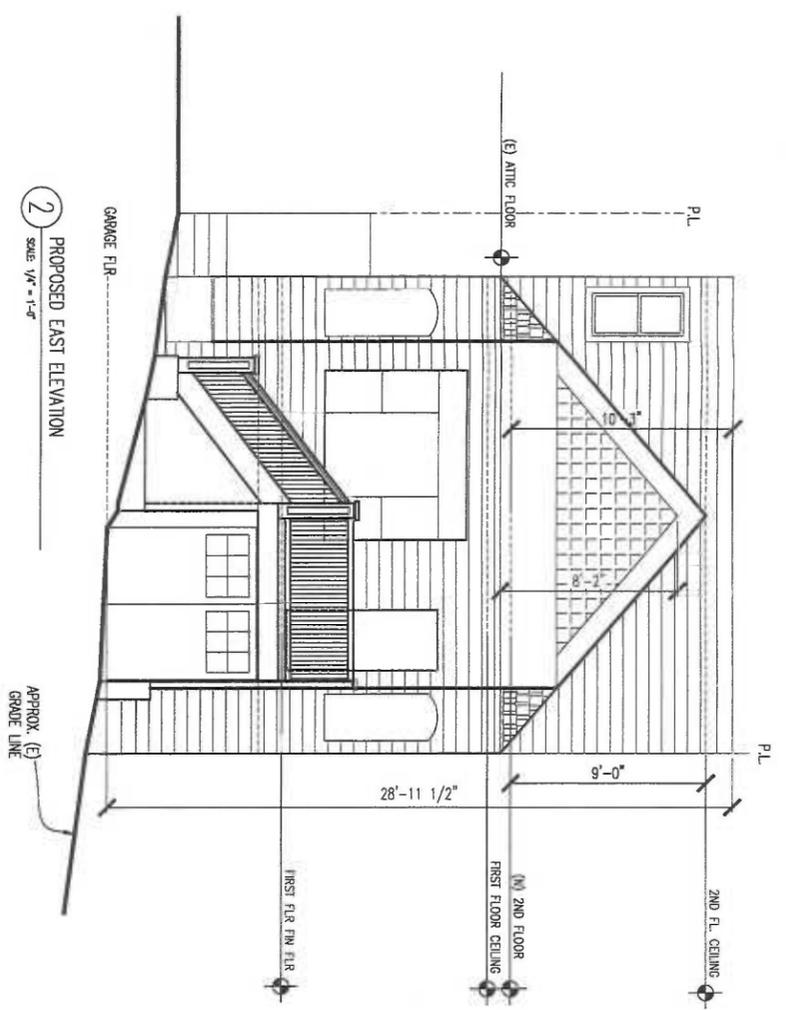




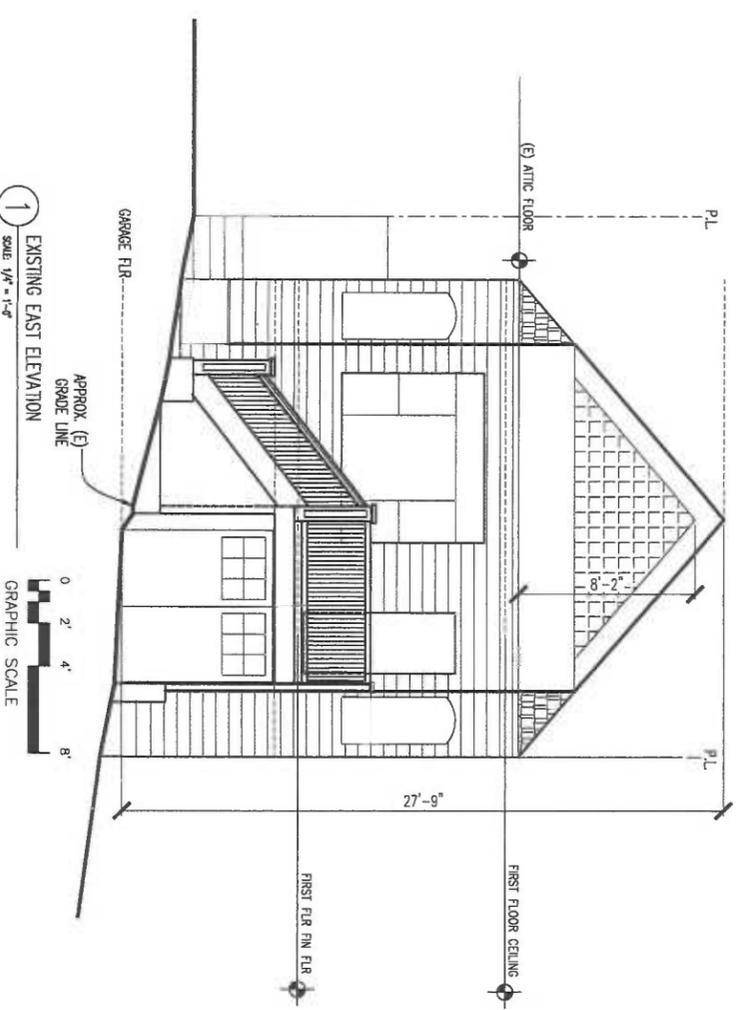
4 PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3 EXISTING NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED EAST ELEVATION
SCALE: 1/8" = 1'-0"



1 EXISTING EAST ELEVATION
SCALE: 1/8" = 1'-0"

REVISIONS

rodgers
architecture

415 309 9612



ALTERATIONS TO:
1784 SANCHEZ STREET
SAN FRANCISCO, CALIFORNIA
OWNERS: ANASTASIA MICHEALS & JAMES MONSCHKE

ISSUED FOR SITE PERMIT

ELEVATIONS

DATE: 29 JULY, 2014

SCALE: AS NOTED

DRAWN: JS / AR

JOB

SHEET

A3.0 OF SHEETS



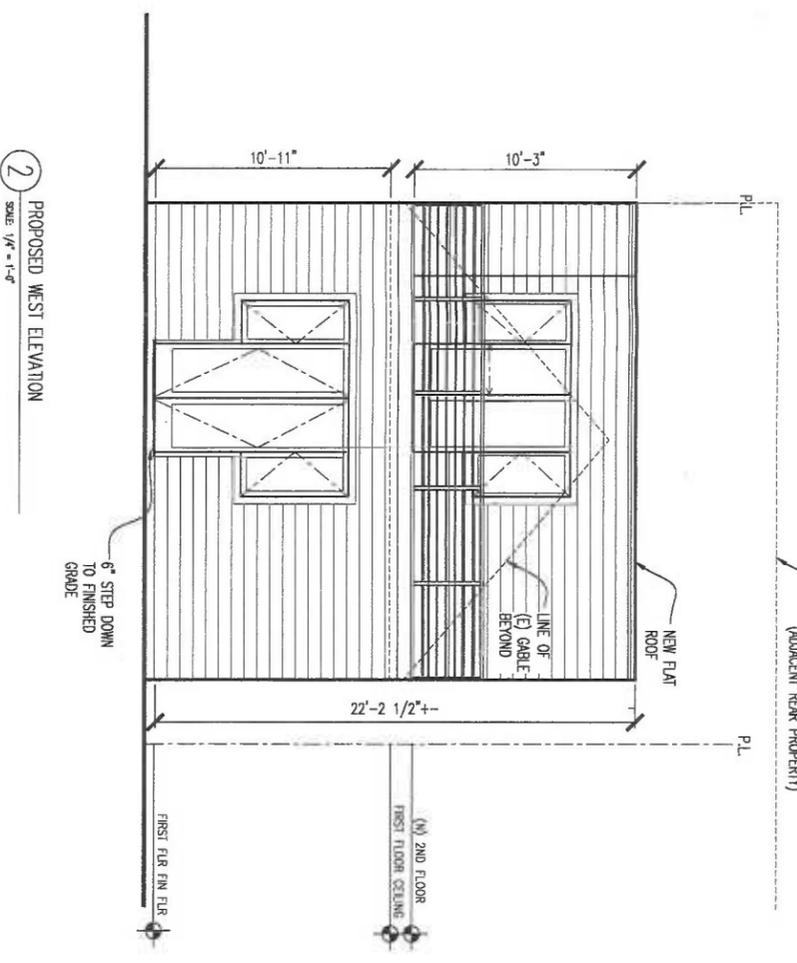
ALTERATIONS TO:
1784 SANCHEZ STREET
SAN FRANCISCO, CALIFORNIA
OWNERS: ANASTASIA MICHAELS & JAMES MONSCHKE

ISSUED FOR SITE PERMIT

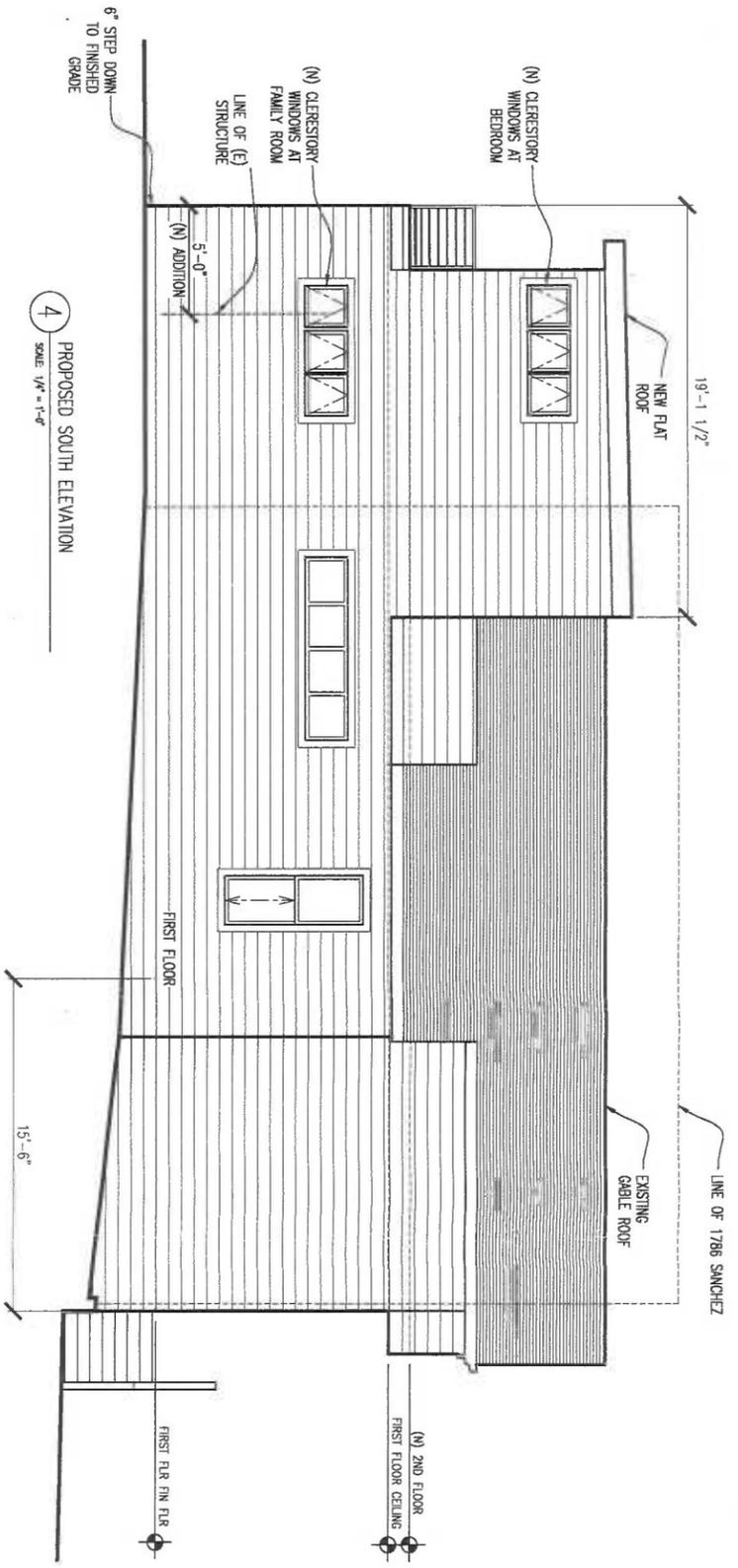
ELEVATIONS

DATE: 29 JULY 2014
SCALE: AS NOTED
DRAWN: JS / AR

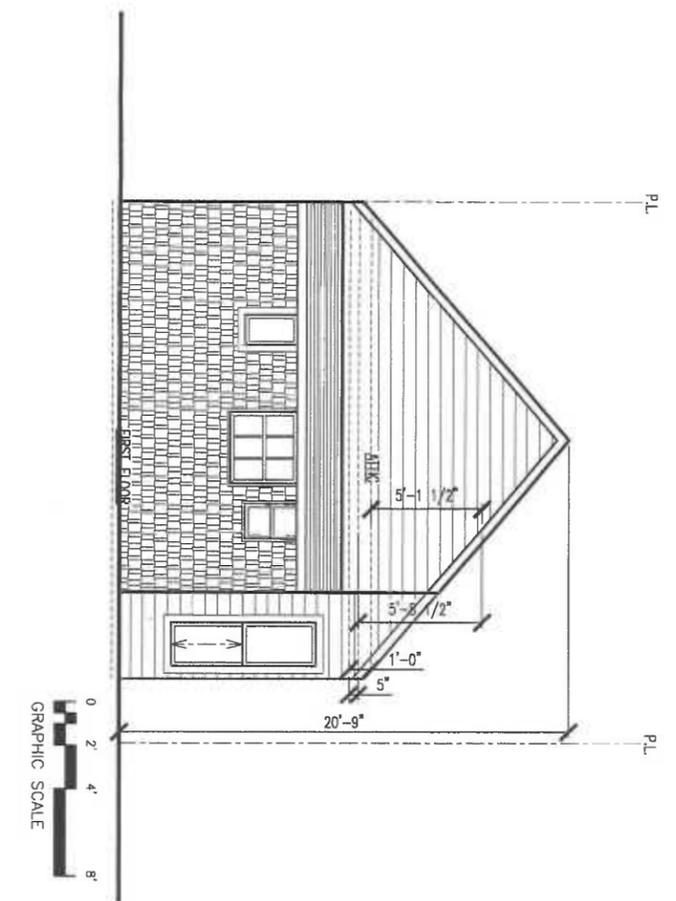
SHEET
A3.1
OF SHEETS



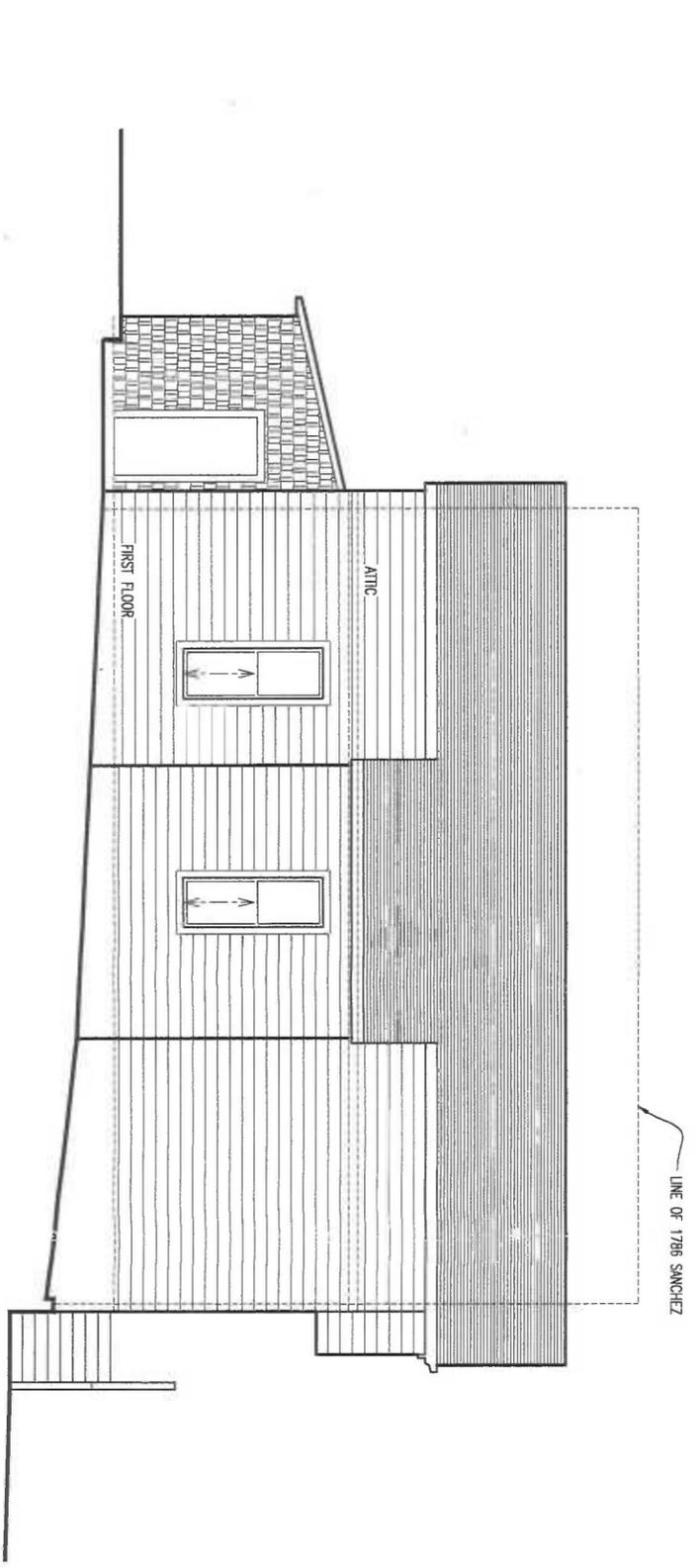
2 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"



4 PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



1 EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"



3 EXISTING SOUTH ELEVATION
SCALE: 1/4" = 1'-0"





PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER (415) 558-6378	DIRECTOR'S OFFICE PHONE: 558-6411 4TH FLOOR FAX: 558-6426	ZONING ADMINISTRATOR PHONE: 558-6350 5TH FLOOR FAX: 558-6409	PLANNING INFORMATION PHONE: 558-6377 MAJOR ENVIRONMENTAL FAX: 558-5991	COMMISSION CALENDAR INFO: 558-6422 INTERNET WEB SITE www.sfgov.org
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January 22, 2003

VARIANCE DECISION

UNDER THE CITY PLANNING CODE
CASE NO. 2002.1040V

APPLICANT: Philip Matthews
398 Eureka Street
San Francisco CA 94114

PROPERTY IDENTIFICATION: **1784 Sanchez Street** - west side between Randall and 30th Streets; Lot 014 in Assessor's Block 6653 in an RH-2 (House, Two Family) District and 40-X Height/Bulk District.

DESCRIPTION OF VARIANCE SOUGHT:

REAR YARD VARIANCE SOUGHT: A request to expand the existing, non-complying single-family dwelling further into the required rear yard of the lot. The proposed extension would increase the depth of the structure by approximately 5 feet.

Section 134(C)(2) of the Planning Code requires a minimum rear yard depth between 28 and 33 feet for the subject property, measured from the rear property line. The existing building already encroaches into the rear yard and is therefore a noncomplying structure. The subject lot is triangular at the rear with varying depth, which accounts for the atypical rear yard requirement and encroachment.

Section 188 of the Planning Code prohibits the expansion of a noncomplying structure. Because the existing building already encroaches into the required rear yard, it is considered a legal noncomplying structure. Therefore, the expansion as proposed would be contrary to Section 188.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review.
2. The Zoning Administrator held a public hearing on **Variance Application No. 2002.1040V** on **Wednesday, December 11, 2002.**

3. 311-neighborhood notification was not conducted in conjunction with the variance notification and will be required in the future.

DECISION: **GRANTED**, to construct a 5-foot rear horizontal addition to the existing non-complying single-family dwelling.

1. This variance is to allow building expansion into an area that would not normally be permitted under the Planning Code. Therefore, any further physical expansion, even within the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale, and that there is no significant impact upon the light or air or an extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new variance application be sought and justified.
2. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
4. The proposal associated with this variance shall be constructed in accordance with the plans identified as Exhibit A in the case docket.

Section 305(c) of the City Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDINGS:

FINDING 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.

REQUIREMENT MET.

- A. The subject property is located near the apex of a triangularly shaped block. As a result, the rear lot line of the subject property is triangular in shape consisting of two sides from side property line to side property line while adjoining rear lot lines, irregular themselves, are one continuous line from side property line to side property line.

FINDINGS 2. That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical

difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

REQUIREMENT MET.

A. If the literal enforcement of the buildable area were enforced the building would be required to be angled at the rear, which would be inconsistent with the neighborhood character and standard building practices.

FINDING 3. That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

REQUIREMENT MET.

A. Granting the rear yard variance is necessary for the subject property to expand in a manner consistent and permitted on other properties in the neighborhood.

FINDING 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

REQUIREMENT MET.

A. The proposed building expansion will not impede development or the enjoyment of surrounding properties.

B. The height of the addition was reduced to accommodate concerns of the neighbors located at 1782 Sanchez Street.

FINDING 5. The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

REQUIREMENT MET.

A. The proposal is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. The proposal is in harmony with the Residence Element of the General Plan to encourage residential development when it preserves or improves the quality of life for residents of the City.

B. Code Section 101.1 establishes eight priority planning policies and requires review of variance applications for consistency with said policies. Review of the relevant priority planning policies yielded the following determinations:

- (1). That the proposed project will be in keeping with the existing housing and neighborhood character.
- (2). That the proposed project will have no effect on the City's supply of affordable housing, public transit or neighborhood parking, preparedness to protect against injury and loss of life in an earthquake, commercial activity, business or employment, landmarks and historic buildings, or public parks and open space.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1660 Mission Street, (Room 3036) or call 575-6880.

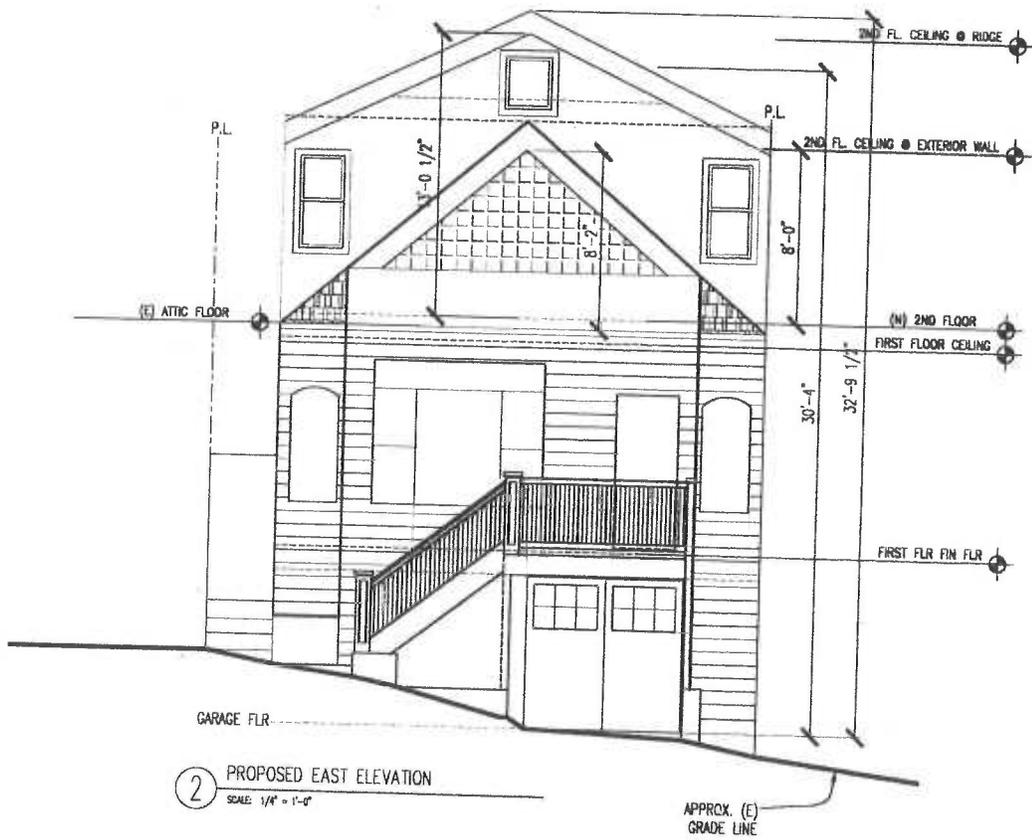
Very truly yours,

Lawrence B. Badiner
Zoning Administrator

=====

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

D



Subject: Re: Summary of our meeting re 1784 Sanchez Street
Date: Fri, 29 Aug 2014 11:31:44 -0700
From: Anastasia Micheals <amicheal@sfsu.edu>
Reply-To: Anastasia Micheals <nasagirl@pacbell.net>
To: Tuffy, Eiliesh (CPC) <eiliesh.tuffy@sfgov.org>

Hi Eiliesh,

I'm sure you are very busy, but I wanted to see if you had any feedback on the email below. If I don't hear from you by Tuesday morning, we will assume that the email below is accurate and will go forward accordingly.

Thank you,
-Anastasia

On 8/27/2014 2:41 PM, Anastasia Micheals wrote:
Eiliesh,

Thanks for your reply and for addressing the time issue.

I hope you can confirm a simplified summary of our conversation a few days ago at the Planning counter. Our historic preservation consultant has stated that our building retains its original 1893 façade, and thus the Department is likely to call our home an "historic resource".

You mentioned that the plans that are attached to the Section 311 Notification show that at least one half of a new floor is visible to pedestrians on the street based on sight line drawings from the architect. And that the rule of thumb in the Department is that when this is proposed to an historic building, the proposed changes will require your review of an Historical Resource Evaluation that has been provided to you.

If after reviewing the HRE case before you, you agreed with the historical consultant Frederick Knapp that the plans attached to the 311 Notification violate the Guidelines, and if we wanted to move forward with those 311 plans, then an EIR would be likely.

Regardless, we cannot afford further delay; therefore we have advised planner Michael Smith that we are not proposing to the Commission the project shown on the 311 Notification. Instead, we have confirmed to him that we are asking approval for a plan that is smaller than the building envelope of the 311 Notification plans, which will not result in a new floor which is visible to pedestrians in the amount of one half floor or more.

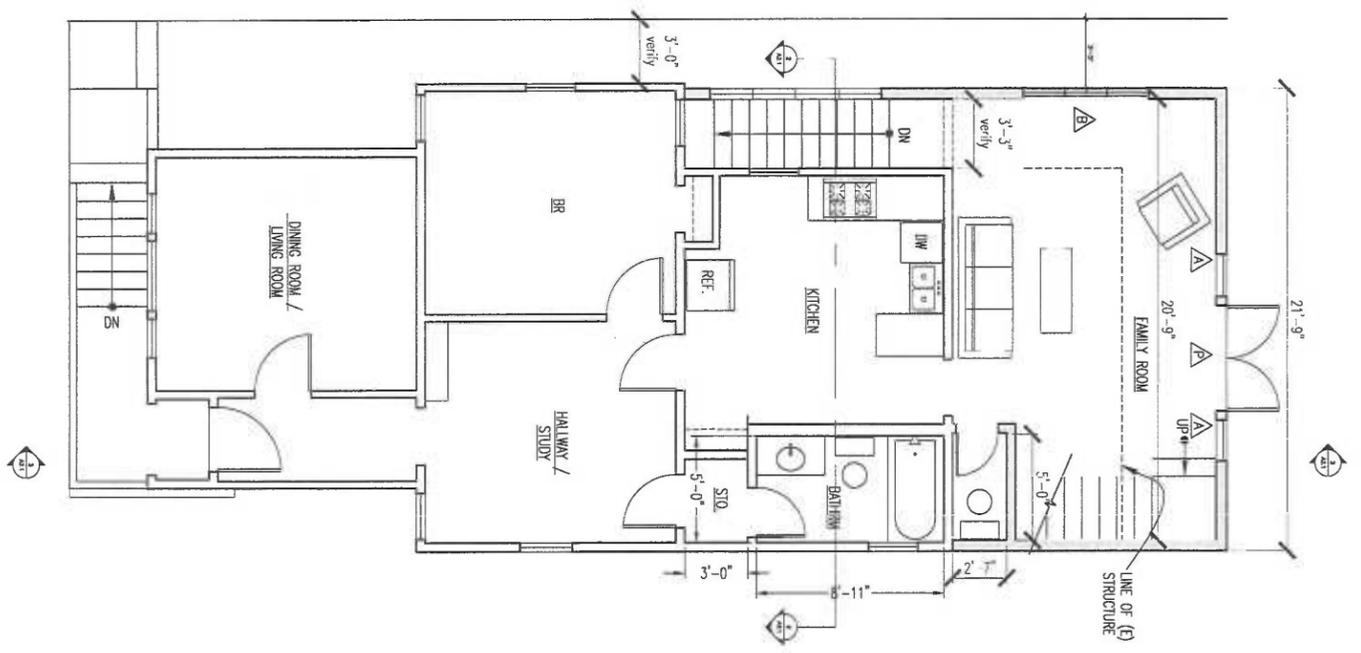
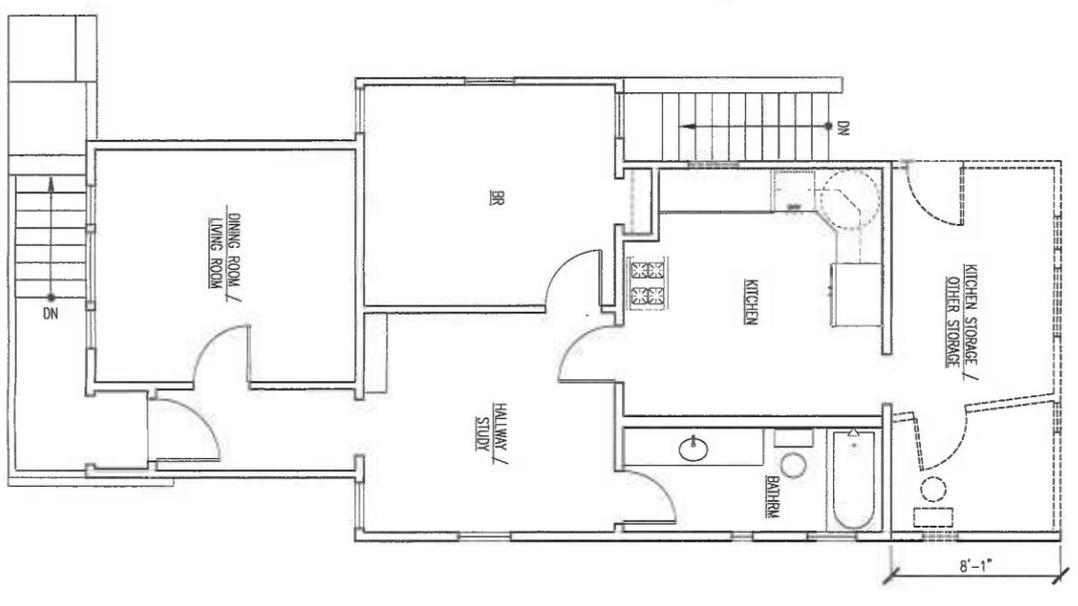
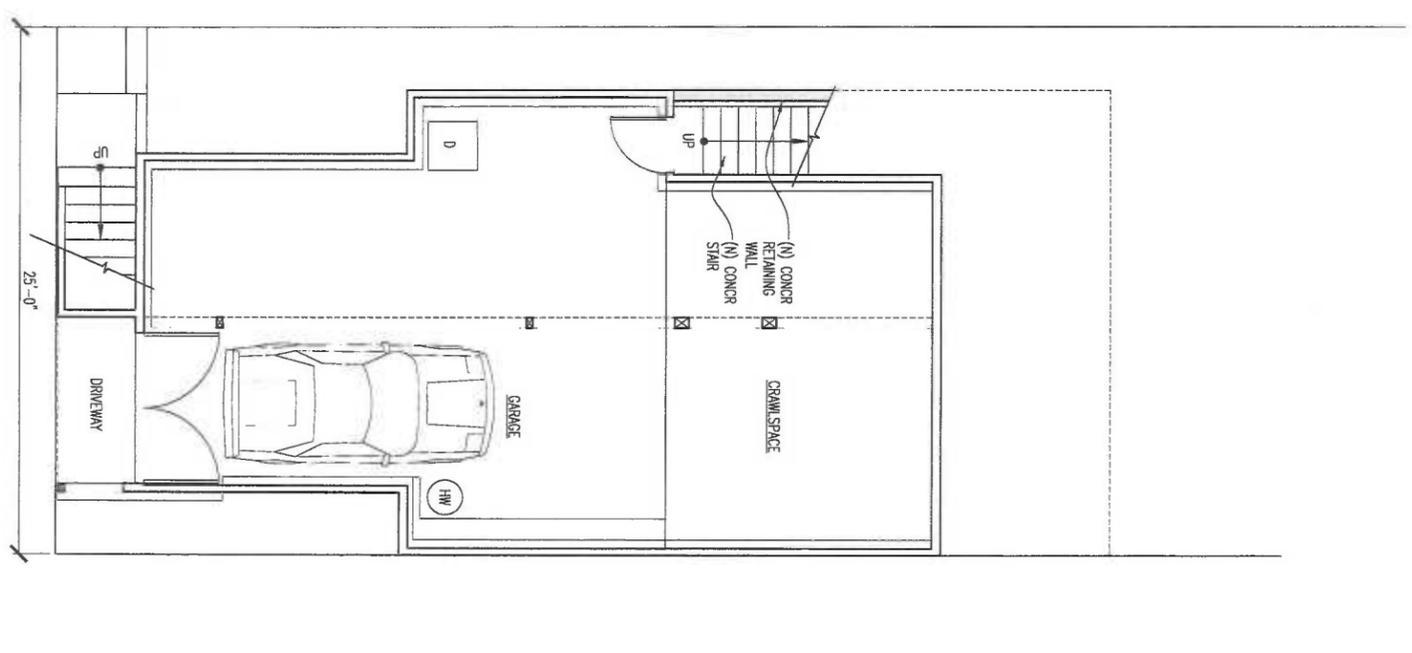
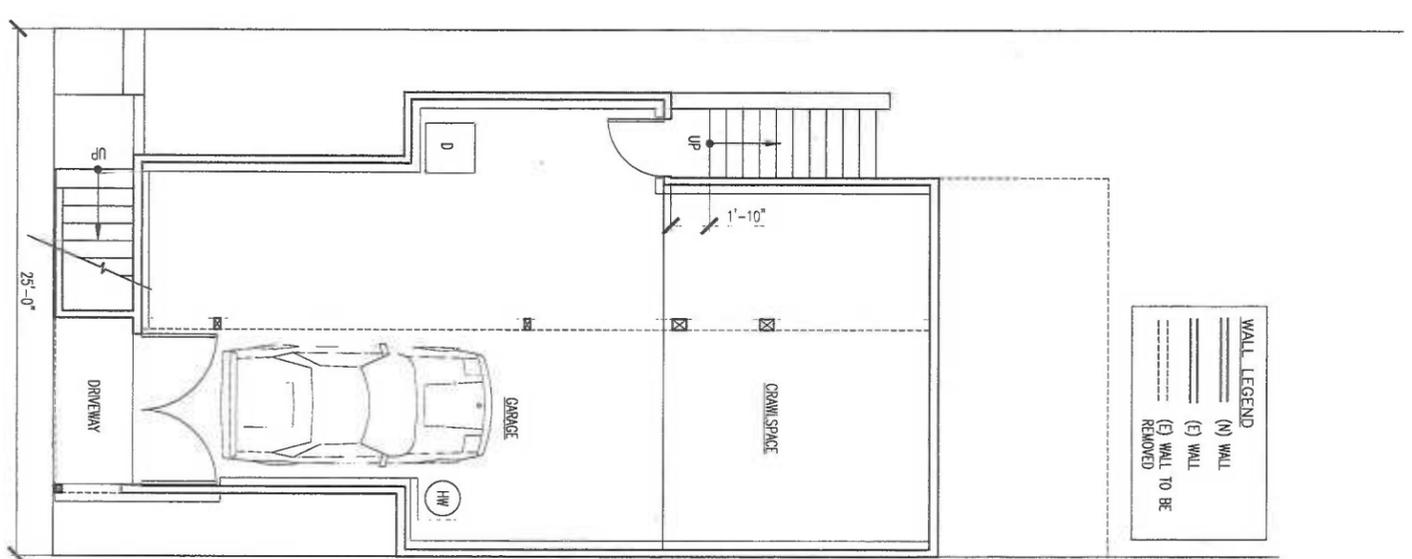
As a result, we are correct in expecting that before the hearing, a categorical exemption stamp will occur. We would appreciate if you could give feedback this week as the hearing is very close.

Thank you,

E



WALL LEGEND	
(N) WALL	(N) CONCR
(E) WALL	(N) RETAINING WALL
(E) WALL TO BE REMOVED	(N) CONCR SUMP



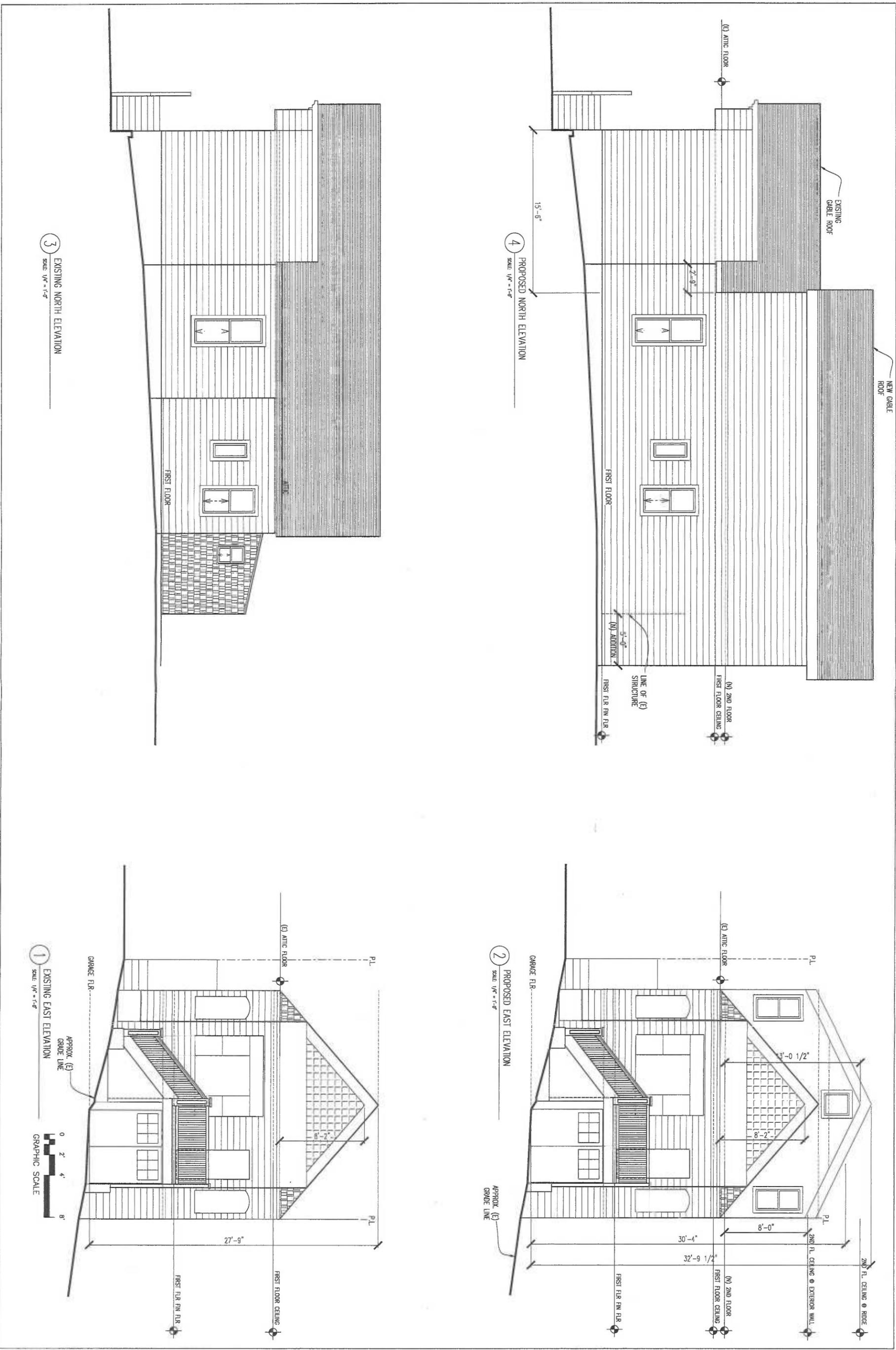
4 PROPOSED 1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"

3 EXISTING FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

2 PROPOSED GROUND FLOOR PLAN
SCALE: 1/4" = 1'-0"

1 EXISTING GROUND FLOOR PLAN
SCALE: 1/4" = 1'-0"





REVISIONS

rodgers
architettura

415 309 9612

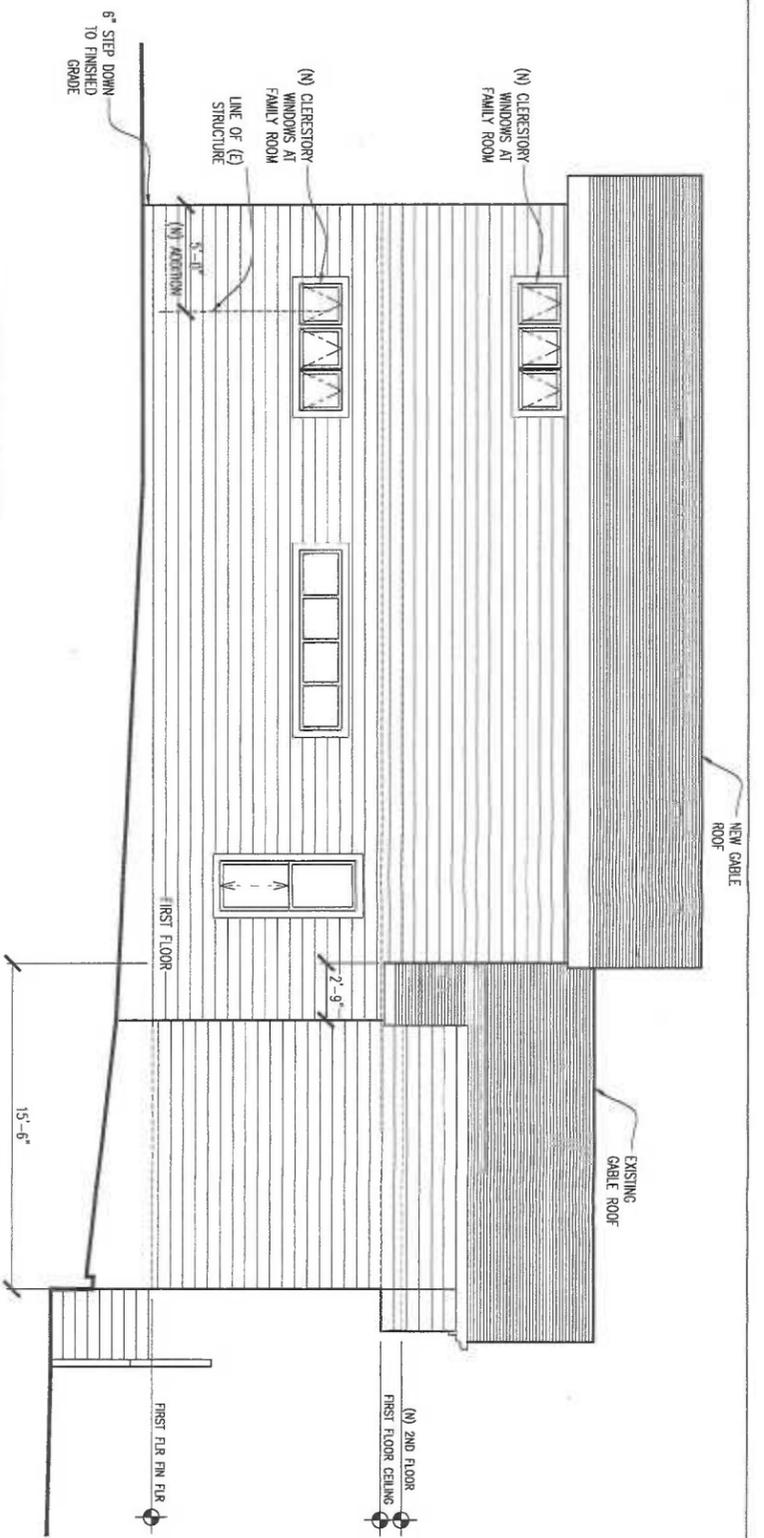


ALTERATIONS TO:
1784 SANCHEZ STREET
SAN FRANCISCO, CALIFORNIA
DRAWERS: ANASTASIA MICHEALS & JAMES MONSCHKE

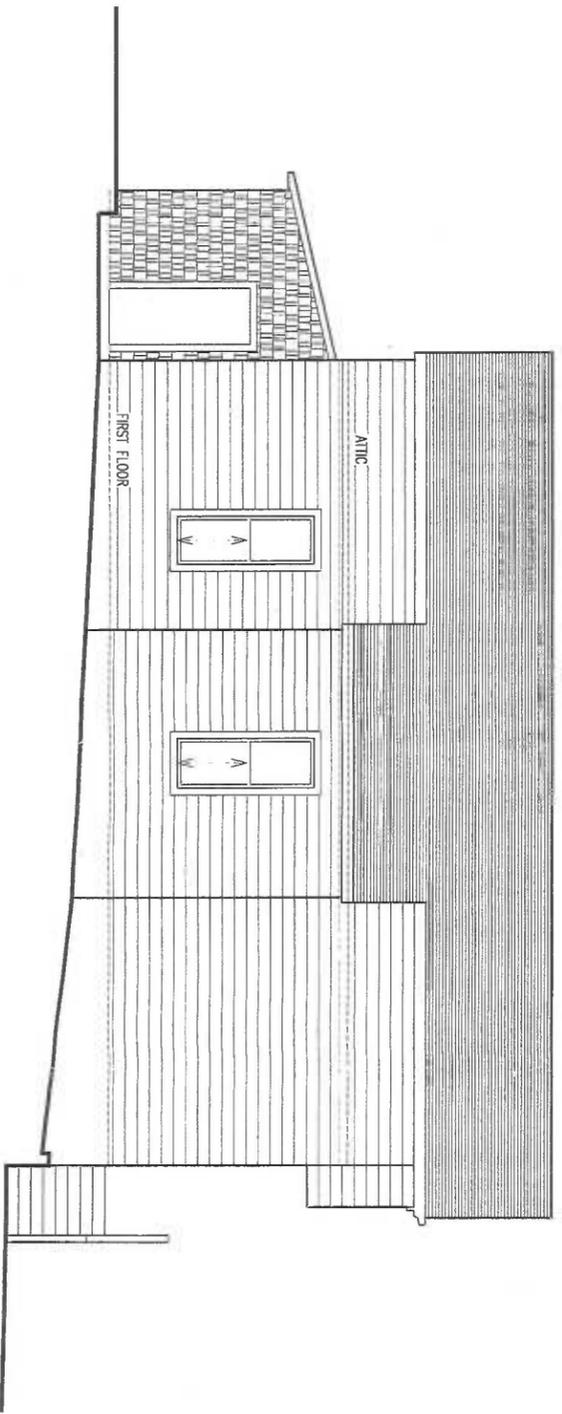
PROGRESS

ELEVATIONS

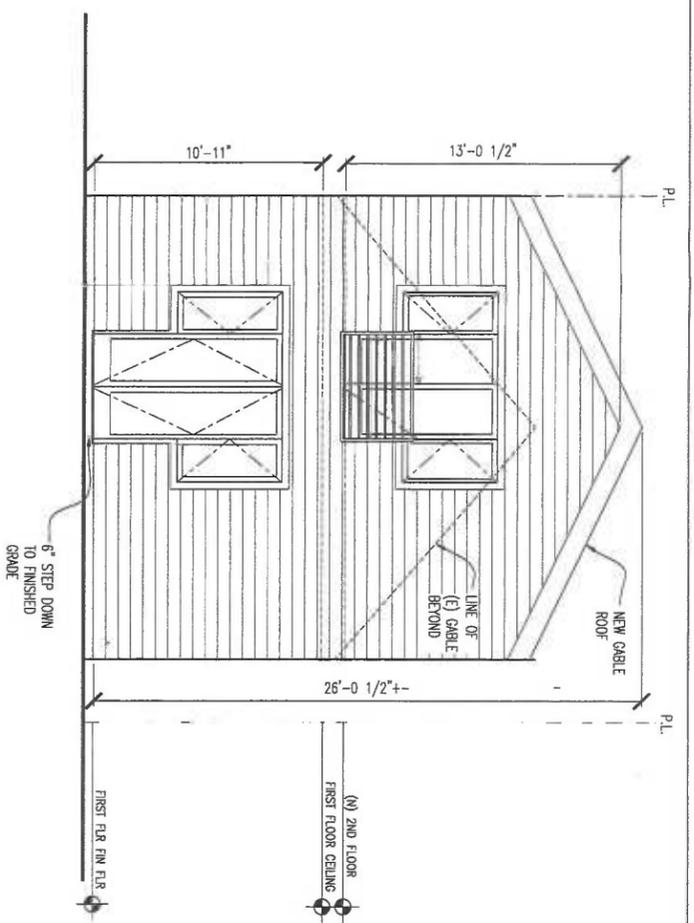
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OF SHEETS



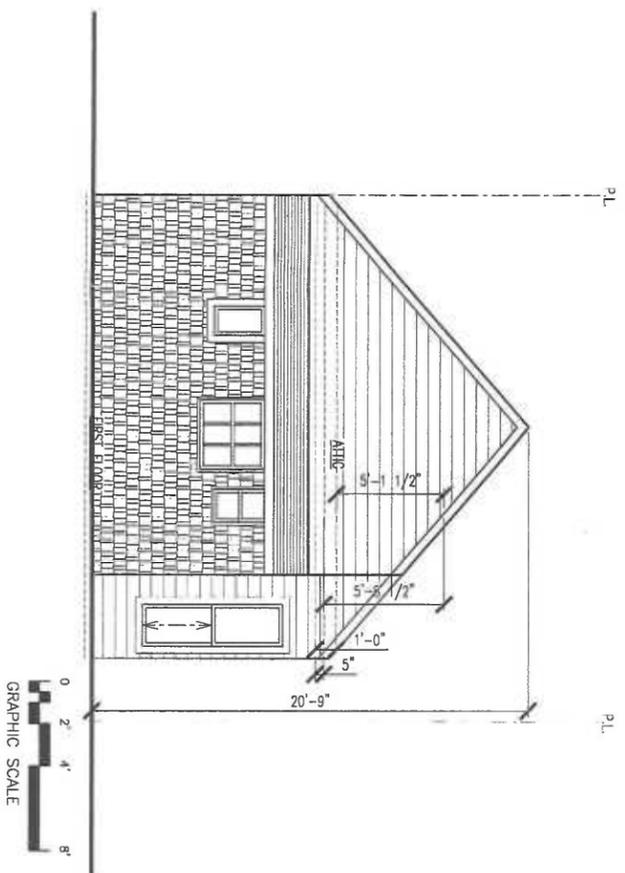
4 PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



3 EXISTING SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



2 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"



1 EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"

REVISIONS

rodgers
architettura

415 309 9612



ALTERATIONS TO:
1784 SANCHEZ STREET
SAN FRANCISCO, CALIFORNIA
OWNERS: ANASTASIA MICHEALS & JAMES MONSCHKE

PROGRESS

ELEVATIONS

DATE: MAY 14, 2014

SCALE: AS NOTED

DRAWN: JS/AR

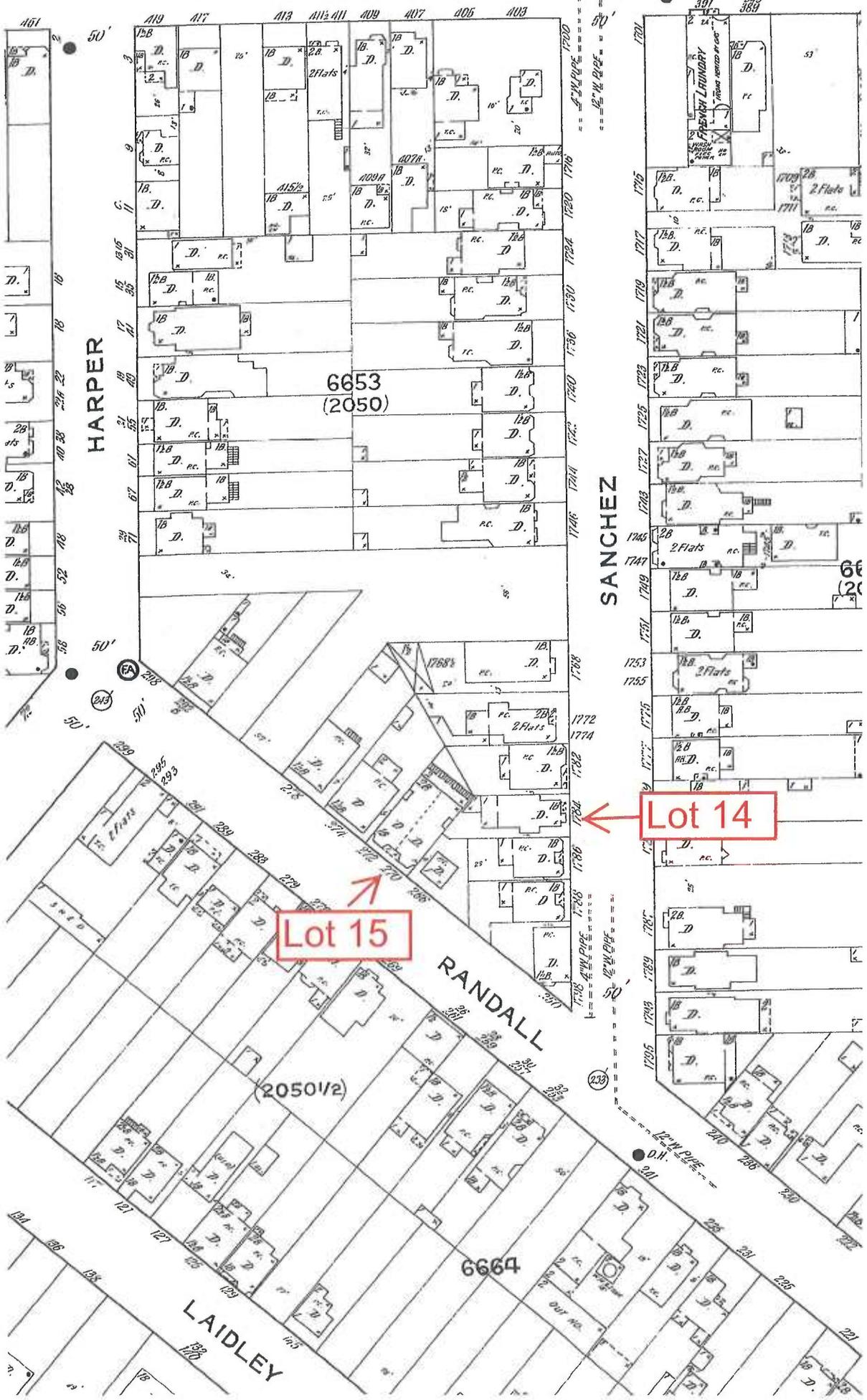
JOB

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OF SHEETS

F



Lot 14

Lot 15

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2050 1/2

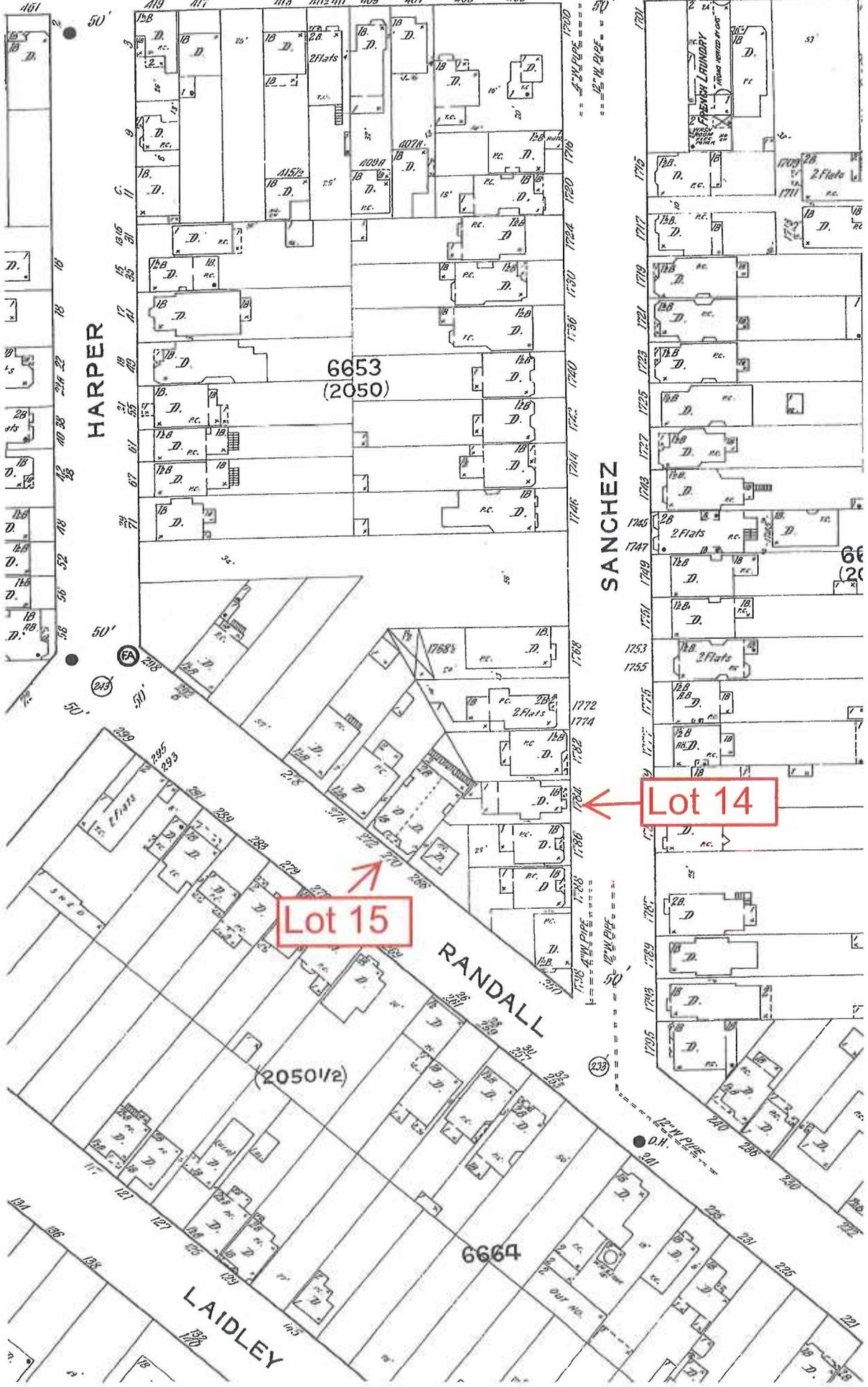
HARPER

SANCHEZ

RANDALL

LAIDLEY

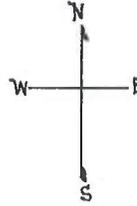
FRENCH LAUNDRY



G

FAIRMOUNT TR BLK 25 &
FAIRMOUNT LAND ASSN BLK 25 &
MISSION & 30TH ST HD UN BLK 25

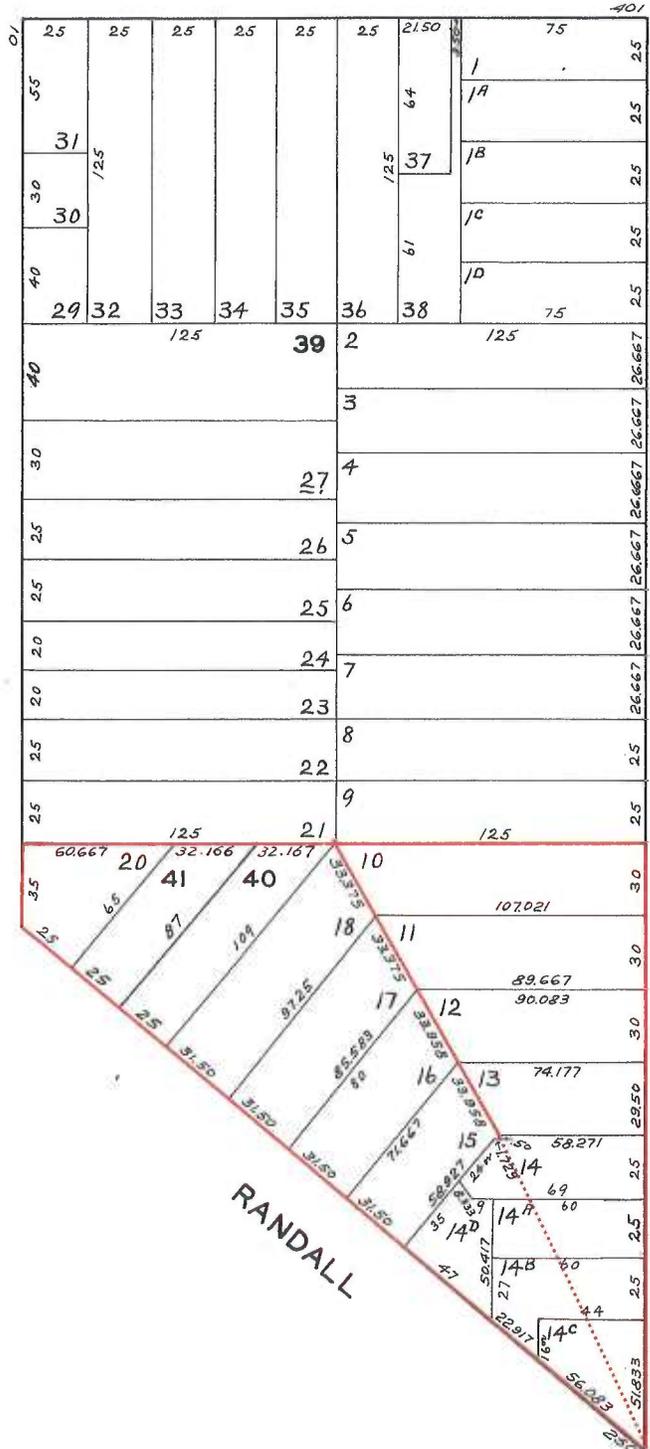
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SANCHEZ



Narrowback Construction Co., Inc.

License 579655

Estimate

Based on Andy Rodger Plan

Client:
C/o Andy Rodger

Project
1784 Sanchez Street
San Francisco

Date:
5/19/2014

Description - Option A

General Conditions	\$	10,500
Demo / Debris Removal	\$	8,500
Concrete	\$	35,000
Framing	\$	51,000
Drywall / Insulation	\$	10,000
Plumbing	\$	7,500
Electrical	\$	12,000
HVAC	\$	6,500
Windows / Doors	\$	25,000
Finish Carpentry - Baseboards, Exterior Siding	\$	15,250
Hardwood Floors	\$	10,000
Paint - Interior / Exterior New Work Only	\$	5,500
Roof	\$	3,500
Tool and Equipment	\$	6,500
	Subtotal	\$ 206,750
	Overhead and Profit-10%	\$ 20,675
	Grand Total	\$ 227,425

Excludes - plans, permits, special inspections, asbestos, dry rot repairs, hidden conditions

Narrowback Construction Co., Inc.

License 579655

Estimate

Based on Andy Rodger Plan

Client:
C/o Andy Rodger

Project
1784 Sanchez Street
San Francisco

Date:
5/19/2014

Description - Option B

General Conditions	\$	25,000
Demo / Debris Removal	\$	28,000
Concrete	\$	85,000
Framing	\$	125,000
Drywall / Insulation	\$	25,000
Plumbing	\$	18,000
Electrical	\$	35,000
HVAC	\$	15,000
Windows / Doors	\$	35,000
Finish Carpentry - Baseboards, Closet Work, Exterior Siding	\$	35,000
Hardwood Floors	\$	16,000
Tile	\$	5,500
Paint - Interior / Exterior New Work Only	\$	12,500
Roof	\$	8,500
Tool and Equipment	\$	15,000
	Subtotal	\$ 483,500
	Overhead and Profit-10%	\$ 48,350
	Grand Total	\$ 531,850

Excludes - plans, permits, special inspections, asbestos, dry rot repairs, hidden conditions





BRETT GLADSTONE
PARTNER
DIRECT DIAL (415) 995-5065
DIRECT FAX (415) 995-3517
E-MAIL BGLadstone@hansonbridgett.com

June 19, 2014

VIA EMAIL & U.S. MAIL

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

Re: Variance Application for 1784 Sanchez Street; Planners Casey Delvin Washington and Michael Smith
Our File No. 32377.1

Dear Scott:

I am representing James Monschke and Anastasia Michaels who live with their daughter in a one bedroom home of 847 square feet, built in or prior to the year 1893 and it is the home that Anastasia grew up in. I urge you to refer this letter to the City Attorney's Office to review the legal matters referred to in this letter.

They received a Variance for the same addition they are planning today (with one exception -- an outdoor staircase on the side of the building has been enclosed in the new plan, but that does not trigger the need for a variance.). They started work pursuant to the earlier variance, but Planning Staff has denied them the right to continue, on the basis that work did not complete during a certain number of years. My clients then submitted a variance application for the same new addition, under protest. However, this time, after asking my clients to submit an entirely new Variance application and fees, your Staff has decided to oppose the Variance and require a Staff Initiated Discretionary Review. This has greatly disappointed my clients, who have asked me to challenge the need to have another Variance at all.

In short, it is our position that new Variance is not needed because a Variance has been vested based on the following: (1) they took out permits to do the first phase of the work; (2) the work was completed; and (3) there was an inspection and the Job Card noted completion of the work according to the plans. Thus, the earlier Variance "vested" and cannot be taken away now.

The Variance required Anastasia and James to obtain a permit for the project by January 2006. As shown on Building Permit Numbers 200309154793, 200312162410, and 200409234925 attached as Exhibit A, Anastasia and James did in fact start construction by January 2006, and as a result, the Variance should be considered "vested" and not voidable due to lack of continued construction of the second phase.

For many decades in California, courts have developed a clear definition of "vested rights" to continue construction. We believe that all the criteria in the following definition have been satisfied by James and Anastasia:

The rule is if a property owner performed substantial work and incurred substantial liabilities in reliance on a permit, the property owner acquires a vested right to complete construction of the work under the permit. Once a vested right has been secured, a government agency may not prohibit completion of the construction.

The fact that the build out of a two-story addition at the rear has not commenced merely means that the second phase has not begun. It is obvious that the completed work was a first phase, as the rear one-story room had to have removal of a kitchen and other improvements (with permits) prior to the commencement of phase II. For logistical reasons, the project had two phases and the first phase's scope was placed on a separate phase I permit.

That permit included a tear down of the rear room that was required before phase II could start, as that rear room was not structurally sound enough to be added onto. It is obvious why they destroyed only the inside of the rear room, and not its exterior structure --- otherwise, the home's rear at the first story would have been exposed to the elements should there be any delay in getting phase II approved. From reading the permits, it is clear that the permits obtained removed all items within the first story at the rear that would have left nothing but a shell to tear down during phase II. The remaining shell at least protected the interior until phase II began.

To contain costs, Anastasia and James did much of the work themselves. The total cost of the work was about \$13,500 paid to contractors. When one adds in building materials, fixtures and tools that were purchased after they listed \$13,500 on their alteration permit, the total was closer to \$20,000. This amount was sufficient expense to establish a "Vested Right" to continue construction. We would be happy to provide examples of Court cases stating that these levels of expenditures are sufficient to meet the test of incurrence of "substantial work". These expenditures, in light of the minimum construction costs of adding two stories at the rear, could easily be deemed substantial using percentage of total construction tests articulated by the courts. And of course, since much of the internal work was done by their own hands, a value to that in terms of the cost of their time would be included.

When Anastasia and James were in a position to proceed with the next phase of construction, several things occurred: (1) Anastasia's health declined, which necessitated numerous medical procedures on her neck and back, and eventually a neck surgery and two abdominal surgeries, which left her unable to continue working full time as a researcher at NASA; and (2) as a result of the recession, James' contract position at HP was terminated and he was subsequently underemployed, with an early stage startup that was frequently unable to make payroll. These financial and physical difficulties prevented them from going forward. However, as of a year ago, they recovered from their setbacks, and started filing a new variance application, although they did file under protest since they do not feel they need one. The filing was supplemented by a Supplement to Variance Application that was submitted this week. Anastasia and James sent you a copy as well.¹

¹ Even before this Supplement to Variance Application was submitted, the Department already announced to Anastasia and James that the Department would be filing a Staff Initiated DR and would likely not issue the variance. I then protested that the Department had reached these (footnote continued)

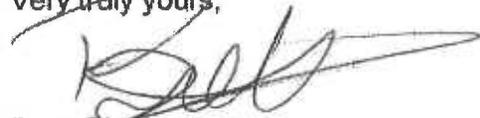
The following work was done pursuant to Building Permit Numbers 200309154793, 200312162410, and 200409234925:

- Moved the existing bathroom, the only one in the house, from the rear north room to the middle of the house, so that they would have a bathroom during the rear addition construction.
- Reconfigured the kitchen space to accommodate the new addition: moved the west side kitchen door, and remodeled the kitchen to accommodate moving the bathroom. This involved closing off one door, closing off an (interior) window, and adding a doorway.
- Relocated kitchen and bathroom storage from the rear room to the remodeled kitchen and new bathroom.
- Moved the washing machine and its electrical outlet from the rear room to the basement; removed the sink in the rear room; capped supply and waste lines.
- Removed the bathtub in the rear space's old bathroom, and capped the supply and waste lines, rendering the old bathroom unusable. Removed siding and added plywood to the interior wall of the rear south room, in preparation for further work on the addition.
- A window facing onto the rear south room was removed; a window facing onto the rear north room was covered over; a door entering the rear south room was removed, and a new door entering the rear south room was created approximately 10 feet away.

The Planning Commission has a policy to allow large downtown development projects to continue beyond the permitted time to start when there are downturns in the market and then complete construction. In fact, their permits are only taken back after a public hearing and a chance to explain at a hearing whether there are extenuating circumstances which should cause the permits to remain in force.

This family rightly believes it is unfair to allow the largest of downtown property owners to extend their entitlements and not do the same for a couple who also have suffered during the recession, particularly, since this couple has obtained a vested right to continue due to work performed pursuant to the Variance.

Very truly yours,



Brett Gladstone

cc: Planner Delvin Washington
Planner Michael Smith

conclusions before submittal of this Supplemental Variance Application. The Department acted without seeing the final application, and only reviewed a very barebones one.

Exhibit A

APPROVED
Dept. of Building Insp.

SEP 15 2003

DIRECTOR
DEPT. OF BUILDING INSPECTION

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE-COUNTER ISSUANCE

NUMBER OF PLAN SETS

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 9-15-03	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 1784 Sanchez St.	BLOCK & LOT 6653, 14
PERMIT NO. 1005360	ISSUED SEP 15 2003	(2A) ESTIMATED COST OF JOB 7,500.00	(2B) REVISED COST 7,500.00

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(A) TYPE OF EXISTING BUILDING WOOD	(B) NO. OF STORIES OF OCCUPANCY 2	(C) NO. OF BASEMENTS AND CELLARS 0	(D) PRESENT USE HOME + RESIDENCE	(E) OCCUP. CLASS R-3	(F) NO. OF DWELLING UNITS 1
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(A) TYPE OF EXISTING BUILDING WOOD	(B) NO. OF STORIES OF OCCUPANCY 2	(C) NO. OF BASEMENTS AND CELLARS 0	(D) PROPOSED USE (LEGAL USE) HOME + RESIDENCE	(E) OCCUP. CLASS R-3	(F) NO. OF DWELLING UNITS 1
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(10) IS AUTO HIGHWAY 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 checked="" type="checkbox"/> NO <input type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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(14) GENERAL CONTRACTOR ORIGINAL Const Co	ADDRESS 13 DEER CREEK CT 94730	PHONE 499-7713	CALIF. LIC. NO. 330450	EXPIRATION DATE 2-29-04
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(15) OWNER / LESSEE (CROSS OUT ONE) Anastacia Michaels	ADDRESS 1784 Sanchez St., S.F.	CITY S.F.	PHONE FOR CONTACT BY DEPT. 648-0407
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(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

A BATHROOM REMOVAL - REMOVE PLASTER OFF WALLS -
UPDATED ELECTRICAL TO CURRENT CODES - NEW TOILET, SINK,
TUB, TUR. NEW VINYL FLOOR. NEW TILE AT TUB/SHOWER.
WINDOWS ARE EXISTING. NO MOVEMENT OF WALLS OR
STRUCTURAL WORK. WORK IS EXISTING.

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF PROPERTY FL	(19) DOES THIS ALTERATION CREATE BACK OR HOIST CONDITIONS OR BALDING? NO	(20) IF (19) IS YES, STATE NEW HOIST FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER-SIDEWALK SURFACE BE REPAIRED OR ALTERED? NO	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? NO	(23) ARE OVER-SIDEWALKS OR LOWLY TREES, BUSHES OR PLANTINGS? NO	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? NO

(25) ARCHITECT OR ENGINEER (DESIGN) CONSTRUCTION
NO ARCHITECT OR ENGINEER

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

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 remodeling used during construction, to be closer than 60' to city street containing more than 750 Volts (480/208V, California Panel Code).

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

Check area all items on drawing accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cut and fill together with complete details of retaining walls and wall footings required must be submitted to the department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In drawings all bracketed materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

OWNER
 LESSEE
 CONTRACTOR

ARCHITECT
 AGENT
 ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

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

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have coverage under (1), or (2) designated below or shall indicate how (3), or (4), or (5), whichever is applicable, if however item (1) is checked item (5) must be checked in addition. Item the appropriate method of compliance below.

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

(1) I have and will maintain a certificate of consent to commence for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

(2) I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued, by workers' compensation insurance issued and policy number and carrier:
STATE FUND
Policy Number: 4081979-02 GAVIL 315

(3) The cost of the work to be done is \$100 or less.

(4) I certify that as the performance of the work for which this permit is issued, I will not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply therewith, with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

(5) I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent: Charles T. Harvick
Date: 9-15-03

BLDG. FORM 3/8
2003 EDITION
APPROVAL NUMBER
OSHA APPROVAL RECORD

APPROVED
DEPARTMENT OF BUILDING INSPECTION

DEC 16 2003

5010192 *[Signature]*

FRANK Y. CHIU, DIRECTOR

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE-COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

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 12-15-03	PLUMBING FEE RECEIPT NO.	STREET ADDRESS OF JOB 1784 SOMERSET ST.	BLOCK & LOT 6653 14
PERMIT NO. 1010192	ISSUED 12/16/03	ESTIMATED COST OF JOB \$5,000	DATE 5/20/03

BLDG. FORM 3/8
APPLICATION NUMBER 200312151192
APPROVAL NUMBER

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(A) TYPE OF CONSTRUCTION REPAIR	(SA) NO. OF STORES OF OCCUPANCY 2	(SB) NO. OF BASEMENTS AND CELLARS 0	(CA) PROPOSED USE HOME & RESIDENCE	(BA) OCCUP. CLASS R-3	(DA) NO. OF DWELLING UNITS 1
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(A) TYPE OF CONSTRUCTION REPAIR	(SA) NO. OF STORES OF OCCUPANCY 2	(SB) NO. OF BASEMENTS AND CELLARS 0	(CA) PROPOSED USE HOME & RESIDENCE	(BA) OCCUP. CLASS R-3	(DA) NO. OF DWELLING UNITS 1
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(1) IS AUTO HIGHWAY TO BE CONSTRUCTED OR ALTERED? NO	(2) WILL STREET SPACE BE USED DURING CONSTRUCTION? NO	(3) ELECTRICAL WORK TO BE PERFORMED? NO	(4) PLUMBING WORK TO BE PERFORMED? NO
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(14) GENERAL CONTRACTOR: ORIGINAL CONST. CO. 13 DEER CREEK RD. FAIRFAX, CA 94130
 (15) OWNER / LESSEE (GROSS OUT ONE): ANASTASIA MALKOVA 1784 SOMERSET ST. SAN FRANCISCO, CA 94115
 (16) PHONE (FOR CONTACT BY DEPT.): 415-460-7

(18) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
KITCHEN REPAIR - 15 GABRIELI, KITCHEN, ADD NEW SPACE, NEW SINK & COUNTER, PAINTING & WOOD TRIM.
NO STRUCTURAL WORK.
REVISION TO 2003/09/15/10-100

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? NO	(18) IF YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR PORCH EXTERIOR TO BUILDING? NO	(20) IF YES, STATE NEW EXTERIOR FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER OR DISBURSEMENT BE REPAIRED OR IMPROVED? NO	(22) WILL BUILDING EXCEED BEYOND PROPERTY LINE? NO	(23) DOES THIS ALTERATION CONSTITUTE A CHANGE IN OCCUPANCY? NO	(24) IF YES, STATE NEW OCCUPANCY CLASSIFICATION CLASS.

(25) ARCHITECT OR ENGINEER (DESIGN OR CONSTRUCTION): NO ARCHITECT OR ENGINEER
 (26) CONSTRUCTION LEADER (GIVEN NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER ENTER "UNKNOWN")
UNKNOWN

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 100' to any fire-hydrant more than 750 volts fire facilities, 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 job.

Once fees are known or drawings accompanying this application are returned to be correct, a notice shall be placed on the same. All shown notices showing correct plans, fees, and the fee system. With complete details of existing work and work shown required must be submitted to the department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODES MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings all framing materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX
 OWNER ARCHITECT
 LESSEE AGENT
 CONTRACTOR ENGINEER

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE (The permittee) by acceptance of the permit, agrees to indemnify and hold harmless the City and County of San Francisco, its officers, agents, employees and others for damages resulting from negligence under the permit, independent of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.

In conformity with the provisions of Section 2600 of the Labor Code of the State of California, the applicant shall have coverage under (a), (b) (c) designated, (d) or (e) indicated item (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) (gk) (gl) (gm) (gn) (go) (gp) (gq) (gr) (gs) (gt) (gu) (gv) (gw) (gx) (gy) (gz) (ha) (hb) (hc) (hd) (he) (hf) (hg) (hh) (hi) (hj) (hk) (hl) (hm) (hn) (ho) (hp) (hq) (hr) (hs) (ht) (hu) (hv) (hw) (hx) (hy) (hz) (ia) (ib) (ic) (id) (ie) (if) (ig) (ih) (ii) (ij) (ik) (il) (im) (in) (io) (ip) (iq) (ir) (is) (it) (iu) (iv) (iw) (ix) (iy) (iz) (ja) (jb) (jc) (jd) (je) (jf) (jg) (jh) (ji) (jj) (jk) (jl) (jm) (jn) (jo) (jp) (jq) (jr) (js) (jt) (ju) (jv) (jw) (jx) (jy) (jz) (ka) (kb) (kc) (kd) (ke) (kf) (kg) (kh) (ki) (kj) (kk) (kl) (km) (kn) (ko) (kp) (kq) (kr) (ks) (kt) (ku) (kv) (kw) (kx) (ky) (kz) (la) (lb) (lc) (ld) (le) (lf) (lg) (lh) (li) (lj) (lk) (ll) (lm) (ln) (lo) (lp) (lq) (lr) (ls) (lt) (lu) (lv) (lw) (lx) (ly) (lz) (ma) (mb) (mc) (md) (me) (mf) (mg) (mh) (mi) (mj) (mk) (ml) (mm) (mn) (mo) (mp) (mq) (mr) (ms) (mt) (mu) (mv) (mw) (mx) (my) (mz) (na) (nb) (nc) (nd) (ne) (nf) (ng) (nh) (ni) (nj) (nk) (nl) (nm) (nn) (no) (np) (nq) (nr) (ns) (nt) (nu) (nv) (nw) (nx) (ny) (nz) (oa) (ob) (oc) (od) (oe) (of) (og) (oh) (oi) (oj) (ok) (ol) (om) (on) (oo) (op) (oq) (or) (os) (ot) (ou) (ov) (ow) (ox) (oy) (oz) (pa) (pb) (pc) (pd) (pe) (pf) (pg) (ph) (pi) (pj) (pk) (pl) (pm) (pn) (po) (pp) (pq) (pr) (ps) (pt) (pu) (pv) (pw) (px) (py) (pz) (qa) (qb) (qc) (qd) (qe) (qf) (qg) (qh) (qi) (qj) (qk) (ql) (qm) (qn) (qo) (qp) (qq) (qr) (qs) (qt) (qu) (qv) (qw) (qx) (qy) (qz) (ra) (rb) (rc) (rd) (re) (rf) (rg) (rh) (ri) (rj) (rk) (rl) (rm) (rn) (ro) (rp) (rq) (rr) (rs) (rt) (ru) (rv) (rw) (rx) (ry) (rz) (sa) (sb) (sc) (sd) (se) (sf) (sg) (sh) (si) (sj) (sk) (sl) (sm) (sn) (so) (sp) (sq) (sr) (ss) (st) (su) (sv) (sw) (sx) (sy) (sz) (ta) (tb) (tc) (td) (te) (tf) (tg) (th) (ti) (tj) (tk) (tl) (tm) (tn) (to) (tp) (tq) (tr) (ts) (tt) (tu) (tv) (tw) (tx) (ty) (tz) (ua) (ub) (uc) (ud) (ue) (uf) (ug) (uh) (ui) (uj) (uk) (ul) (um) (un) (uo) (up) (uq) (ur) (us) (ut) (uu) (uv) (uw) (ux) (uy) (uz) (va) (vb) (vc) (vd) (ve) (vf) (vg) (vh) (vi) (vj) (vk) (vl) (vm) (vn) (vo) (vp) (vq) (vr) (vs) (vt) (vu) (vv) (vw) (vx) (vy) (vz) (wa) (wb) (wc) (wd) (we) (wf) (wg) (wh) (wi) (wj) (wk) (wl) (wm) (wn) (wo) (wp) (wq) (wr) (ws) (wt) (wu) (wv) (ww) (wx) (wy) (wz) (xa) (xb) (xc) (xd) (xe) (xf) (xg) (xh) (xi) (xj) (xk) (xl) (xm) (xn) (xo) (xp) (xq) (xr) (xs) (xt) (xu) (xv) (xw) (xx) (xy) (xz) (ya) (yb) (yc) (yd) (ye) (yf) (yg) (yh) (yi) (yj) (yk) (yl) (ym) (yn) (yo) (yp) (yq) (yr) (ys) (yt) (yu) (yv) (yw) (yx) (yz) (za) (zb) (zc) (zd) (ze) (zf) (zg) (zh) (zi) (zj) (zk) (zl) (zm) (zn) (zo) (zp) (zq) (zr) (zs) (zt) (zu) (zv) (zw) (zx) (zy) (zz)

I hereby agree under penalty of perjury to the following declaration:
 (1) I will and will maintain a coverage of workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
 (2) I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
 Carrier: STATE FUND
 Policy Number: 2-0610 79-07-61042-51
 (3) The cost of the work to be done is \$100 or less.
 (4) I certify that in the performance of the work for which this permit is issued, I will not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
 (5) I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Charles T. Handberg 12-15-03
 Signature of Applicant or Agent Date

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERE TO WILL BE COMPLIED WITH.

APPROVED FOR ISSUANCE
SEP 23 2004

APPLICATION NUMBER
2003/12/16 2410

OSHA APPROVAL REC'D
APPROVAL NUMBER:

TO RENEW PERMIT APPLICATION NOS. 2003/12/16 2410

VALUE OF REMAINING WORK \$ 100

DESCRIPTION OF REMAINING WORK will be for KUNAS
INSPECT. only

APPROVED
Lect. of Building Insp.
SEP 23 2004

NOTE: INCORRECT DESCRIPTION OF THE REMAINING WORK OR INCORRECT VALUATION MAY RESULT IN THE REQUIREMENT TO PAY ADDITIONAL FEES OR FILE AN ADDITIONAL PERMIT APPLICATION TO ACCURATELY DESCRIBE THE WORK.

**APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS**

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION**

FORM 3 OTHER AGENCIES REVIEW REQUIRED
FORM 8 OVER-THE COUNTER ISSUANCE
10/1/04
NUMBER OF PLAN SETS

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>9/22/04</u>	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB <u>1784 Sanclay St</u>	BLOCK & LOT <u>6653/14</u>
PERMIT NO. <u>1036868</u>	ISSUED <u>9/22/04</u>	(2A) ESTIMATED COST OF JOB <u>\$1-</u>	(2B) REVISED COST: <u>\$1-</u> DATE: <u>10/23/01</u>

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. <u>house</u>	(5A) NO. OF STORIES OF OCCUPANCY: <u>1</u>	(6A) NO. OF BASEMENTS AND CELLARS: <u>1</u>	(7A) PRESENT USE: <u>single family</u>	(8A) OCCUP. CLASS <u>R-3</u>	(9A) NO. OF DWELLING UNITS: <u>1</u>
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. <u>IN</u>	(5) NO. OF STORIES OF OCCUPANCY: <u>1</u>	(6) NO. OF BASEMENTS AND CELLARS: <u>1</u>	(7) PROPOSED USE (LEGAL USE) <u>same</u>	(8) OCCUP. CLASS <u>R3</u>	(9) NO. OF DWELLING UNITS: <u>1</u>
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(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"/>
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(14) GENERAL CONTRACTOR <u>Original Construction</u>	ADDRESS <u>(499-7713)</u>	ZIP <u>13</u>	PHONE <u>Doer Creek of Fairfax CA 94703</u>	CALIF. LIC. NO. <u>94703</u>	EXPIRATION DATE
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(15) OWNER - RESIDENCE (CROSS OUT ONE) <u>Anastasia Michaels</u>	ADDRESS <u>1784 Sanclay St</u>	ZIP <u>415-648-0607</u>	BTRC# <u>330458</u>	PHONE (FOR CONTACT BY DEPT.) <u>X 3/31/04</u>
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(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)
renov job fund for final bldg insp
ref: job card 2003/12/16 2410

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.	(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.
(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"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> ADDRESS		CALIF. CERTIFICATE NO.	
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LENDER, 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.
Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claim, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.
In conformity with the provisions of Section 3600 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 (v), 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:

**APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS**

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION**

FORM 3 OTHER AGENCIES REVIEW REQUIRED

FORM 8 OVER-THE COUNTER ISSUANCE *K.T.P.*

10/1/04
 NUMBER OF PLAN SETS

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.

NUMBER
 APPROVAL NUMBER:
 OSHA APPROVAL REC'D

DATE FILED <i>9/22/04</i>	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB <i>1781 Sanchez St</i>	BLOCK & LOT <i>6653/14</i>
PERMIT NO. <i>1036868</i>	ISSUED <i>9/22/04</i>	(2A) ESTIMATED COST OF JOB <i>\$1-</i>	(2B) REVISED COST: <i>DATE: 9/23/01</i>

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

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(4A) TYPE OF CONSTR. <i>house</i>	(5A) NO. OF STORIES OF OCCUPANCY: <i>1</i>	(6A) NO. OF BASEMENTS AND CELLARS: <i>1</i>	(7A) PRESENT USE: <i>single family</i>	(8A) OCCUP. CLASS <i>R3</i>	(9A) NO. OF DWELLING UNITS: <i>1</i>
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

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(14) GENERAL CONTRACTOR <i>Original Construction (499-7713)</i>	ADDRESS <i>13 Deer Creek Ct Fairfax CA 94908</i>	ZIP <i>94908</i>	PHONE <i>415-608-0607</i>	CALIF. LIC. NO. <i>330458</i>	EXPIRATION DATE <i>3/31/04</i>
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(15) OWNER - RESSEE (CROSS OUT ONE) <i>Anastasia Michaels</i>	ADDRESS <i>1784 Sanchez St</i>	ZIP <i>94116</i>	BTRC#	PHONE (FOR CONTACT BY DEPT.) <i>415-608-0607</i>
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(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

renov job card for final bldg insp

ref: job card 20031216 2410

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. <i>53</i>	(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.
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(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> ADDRESS	CALIF. CERTIFICATE NO.		
(26) CONSTRUCTION LENDER (ENTER NAME AND BRANCH DESIGNATION IF ANY. IF THERE IS NO KNOWN CONSTRUCTION LENDER, 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 60" 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.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

OWNER ARCHITECT

RESSEE AGENT

CONTRACTOR ENGINEER

APPLICANT'S CERTIFICATION

NOTICE TO APPLICANT

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

In conformity with the provisions of Section 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 (V), 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. I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- () II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier *State Ind*
Policy Number *1079-2002*
- () III. The cost of the work to be done is \$100 or less.
- () IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Parole Bureau.

Exhibit B



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER (415) 558-6378	DIRECTOR'S OFFICE PHONE: 558-6411 4TH FLOOR FAX: 558-6426	ZONING ADMINISTRATOR PHONE: 558-6350 5TH FLOOR FAX: 558-6409	PLANNING INFORMATION PHONE: 558-6377 MAJOR ENVIRONMENTAL FAX: 558-5991	COMMISSION CALENDAR INFO: 558-6422 INTERNET WEB SITE www.sfgov.org
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January 22, 2003

VARIANCE DECISION

UNDER THE CITY PLANNING CODE
CASE NO. 2002.1040V

APPLICANT: Philip Matthews
398 Eureka Street
San Francisco CA 94114

PROPERTY IDENTIFICATION: 1784 Sanchez Street - west side between Randall and 30th Streets; Lot 014 in Assessor's Block 6653 in an RH-2 (House, Two Family) District and 40-X Height/Bulk District.

DESCRIPTION OF VARIANCE SOUGHT:

REAR YARD VARIANCE SOUGHT: A request to expand the existing, non-complying single-family dwelling further into the required rear yard of the lot. The proposed extension would increase the depth of the structure by approximately 5 feet.

Section 134(C)(2) of the Planning Code requires a minimum rear yard depth between 28 and 33 feet for the subject property, measured from the rear property line. The existing building already encroaches into the rear yard and is therefore a noncomplying structure. The subject lot is triangular at the rear with varying depth, which accounts for the atypical rear yard requirement and encroachment.

Section 188 of the Planning Code prohibits the expansion of a noncomplying structure. Because the existing building already encroaches into the required rear yard, it is considered a legal noncomplying structure. Therefore, the expansion as proposed would be contrary to Section 188.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review.
2. The Zoning Administrator held a public hearing on **Variance Application No. 2002.1040V** on **Wednesday, December 11, 2002.**

3. 311-neighborhood notification was not conducted in conjunction with the variance notification and will be required in the future.

DECISION: GRANTED, to construct a 5-foot rear horizontal addition to the existing non-complying single-family dwelling.

1. This variance is to allow building expansion into an area that would not normally be permitted under the Planning Code. Therefore, any further physical expansion, even within the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale, and that there is no significant impact upon the light or air or an extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new variance application be sought and justified.
2. The owners of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
3. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls shall apply.
4. The proposal associated with this variance shall be constructed in accordance with the plans identified as Exhibit A in the case docket.

Section 305(c) of the City Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDINGS:

FINDING 1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district.

REQUIREMENT MET.

A. The subject property is located near the apex of a triangularly shaped block. As a result, the rear lot line of the subject property is triangular in shape consisting of two sides from side property line to side property line while adjoining rear lot lines, irregular themselves, are one continuous line from side property line to side property line.

FINDINGS 2. That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical

difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

REQUIREMENT MET.

- A. If the literal enforcement of the buildable area were enforced the building would be required to be angled at the rear, which would be inconsistent with the neighborhood character and standard building practices.

FINDING 3. That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

REQUIREMENT MET.

- A. Granting the rear yard variance is necessary for the subject property to expand in a manner consistent and permitted on other properties in the neighborhood.

FINDING 4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

REQUIREMENT MET.

- A. The proposed building expansion will not impede development or the enjoyment of surrounding properties.
- B. The height of the addition was reduced to accommodate concerns of the neighbors located at 1782 Sanchez Street.

FINDING 5. The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

REQUIREMENT MET.

- A. The proposal is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. The proposal is in harmony with the Residence Element of the General Plan to encourage residential development when it preserves or improves the quality of life for residents of the City.
- B. Code Section 101.1 establishes eight priority planning policies and requires review of variance applications for consistency with said policies. Review of the relevant priority planning policies yielded the following determinations:

- (1). That the proposed project will be in keeping with the existing housing and neighborhood character.
- (2). That the proposed project will have no effect on the City's supply of affordable housing, public transit or neighborhood parking, preparedness to protect against injury and loss of life in an earthquake, commercial activity, business or employment, landmarks and historic buildings, or public parks and open space.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1660 Mission Street, (Room 3036) or call 575-6880.

Very truly yours,

Lawrence B. Badiner
Zoning Administrator

=====

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

BRETT GLADSTONE
PARTNER
DIRECT DIAL (415) 995-5065
DIRECT FAX (415) 995-3517
E-MAIL: B.Gladstone@hansonbridgett.com

September 5, 2014

VIA E-MAIL AND HAND DELIVERY

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

Re: Variance Application - 1784 Sanchez Street
Our File No. 32377.1

Dear Scott:

I am attaching a previous letter to you on this matter. I am responding to your email of June 19, 2014 asking me:

1. "Can you please provide me with (1) issued permit/plans for an extension into the rear yard and (2) evidence (i.e. photographs) that this work commenced?" We cannot provide those.
2. "You indicate that the permit for work that was done was not approved by Planning."

Please review the attached permit which refers to it being a "Phase I" permit on the plans attached.

It is the remodel plan for the rear of the first floor, work that was completed. *The relevant questions for applying the law of "vested rights" includes the following:* (1) was there documentation that the work done was part of a two phase process (which the attached shows)? (2) was the work performed the kind of work that would be necessary to do the work that was approved by a variance? Yes. (3) was there a reason the property owners would have done the work regardless of whether they ever intended to perform later work as part of a second phase. No.

In this instance, the work resulted in a rear area with removal of plumbing, electrical, bathroom; and washer dryers and other items that make up a usable space. The uses relocated in the rest of the building (such as laundry room and bathroom) only made the already small home more cramped. (Since that time, the client may have put storage in that real space, but that is temporary).

The designation "Phase I" shows that intent clearly enough to meet the test for vested rights. And the City stamp on the permit indicates that the City saw that designation.

It is true that this permit was not signed by Planning. However, I do not believe that the fact that the Planning Department did not sign has any meaning here. Internal renovations never get signed by Planning. The key is that the City was on notice that this was Phase I of a two Phase project. Phase II would have needed a Planning Department approval as it was for work outside the building envelope. Phase I did not. Phase II could not have been done without completion of Phase I.

Property owners and developers do not lose rights to build when they build in phases, and when a second phase is delayed. For example, on a large development, there may be a grading permit. To my knowledge grading permits which precede site permits do not go to the Planning Department for approval. And yet when a grading permit is obtained (as it often is for a downtown office project well before a site permit is obtained), the Planning Department has always recognized it as enough of a construction oriented permit that it does in fact vest a right to build according to a variance or C.U.P. approval that says that "construction must begin within three years of the approval date".

The City was aware of the full extent of the project when it approved the building permit marked Phase I. Work and expense resulted from reliance upon the issuance of this permit (which was to be the first part of a construction project). This vested right did not expire based on our client's failure to complete the development. What's more, a change in interpretation of the Residential Design Guidelines over the past five years (without change in the Guidelines), which we understand to be one of the main reasons the current RDT has objected to what the previous RDT approved, is not sufficient grounds with which to deny a constitutionally protected property right. The "happenstances of municipal administration" cannot be conclusive on the constitutional law issue involved in loss of a vested right. *Pardee Construction Co. v. California Coastal Com.*, 95 Cal. App. 3d 471, 481 (1979) (citing *Sierra Club v. California Coastal Zone Conservation Com.*, 58 Cal.App.3d 149, 157-158)

The law of estoppel also governs. *Anderson v. La Mesa*, 118 Cal. App. 3d 657, 661 (1981). A government entity may be estopped where "the injustice which would result from a failure to uphold an estoppel is of sufficient dimension to justify any effect upon public interest or policy which would result from the raising of an estoppel." (*City of Long Beach v. Mansell* (1970) 3 Cal.3d [***5] 462, 496-497 [91 Cal.Rptr. 23, 476 P.2d 423].) Anderson built her house according to the permit the City issued and did not violate the City's standard zoning ordinances. The California Supreme Court ruled that denying the variance would substantially harm Anderson, costing her more than \$6,000. My clients have certainly spent a lot more than \$6,000 in reliance on the Phase I permit.

The fact is, there was no reason for the owners to undertake this Phase I except for it to be part of a Phase II. The renovation itself did not gain the clients any additional space. In fact, it caused more plumbing, more fixtures, more appliances, etc. to be part of the same space that was already deficient for a family of three. The result was to push things that were in the rear room into the main (two story) portion of the small building.

As with our previous letter to you, my clients request that you send this to the City Attorney.

Zoning Administrator Scott Sanchez
September 5, 2014
Page 3

Very truly yours,



Brett Gladstone

Enclosures

cc: Clients

APPROVED
Dept. of Building Insp.

SEP 15 2003

[Signature]
DIRECTOR

DEPT. OF BUILDING INSPECTION

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

FORM 3 OTHER AGENCIES REVIEW REQUIRED

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

FORM 8 OVER-THE COUNTER ISSUANCE

0 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

DATE FILED 9-15-03	FILING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 1784 Sanchez St.	BLOCK & LOT 6653 14
PERMIT NO. 1005360	ISSUED SEP 15 2003	(2A) ESTIMATED COST OF JOB 7,500.00	(2B) REVISED COST: \$ 7,500.00
		BY:	DATE: 9-15-03

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTRUCTION WOOD	(5A) NO. OF STORIES OF OCCUPANCY 2	(6A) NO. OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE: Home + Residence	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS 1
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTRUCTION WOOD	(5) NO. OF STORIES OF OCCUPANCY 2	(6) NO. OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) Home + Residence	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS 1
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(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 checked="" type="checkbox"/> NO <input type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
--	--	--	--

(14) GENERAL CONTRACTOR ORIGINAL Const Co.	ADDRESS FAIRFAX, CA. 13 DEER CREEK CT.	PHONE 94936 / 499-7713	CALIF. LIC. NO. 330458	EXPIRATION DATE 2-29-04
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(15) OWNER - LESSEE (CROSS OUT ONE) ANASTASIA MICHAELS	ADDRESS 1784 Sanchez St., S.F.	BTRC #	PHONE (FOR CONTACT BY DEPT.) 648-0607
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(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)

A BATH ROOM Remodel - Remove plaster off walls -
UPDATED Electrical to current codes - New toilet, sink,
faucet, tub. New vinyl floor. New tile at tub/shower.
WINDOWS ARE EXISTING. NO MOVEMENT OF WALLS OR
STRUCTURAL WORK. DOOR IS EXISTING.

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.	(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.
---	--	---	---

(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 OR PLOT PLAN?	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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(25) ARCHITECT OR ENGINEER (DESIGN <input type="checkbox"/> CONSTRUCTION <input checked="" type="checkbox"/> NO Architect or Engineer	ADDRESS	CALIF. CERTIFICATE NO.
--	---------	------------------------

(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN") 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 60" 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.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.
BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX

<input type="checkbox"/> OWNER	<input type="checkbox"/> ARCHITECT
<input type="checkbox"/> LESSEE	<input type="checkbox"/> AGENT
<input checked="" type="checkbox"/> CONTRACTOR	<input type="checkbox"/> ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERETO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

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

In conformity with the provisions of Section 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 (v), 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. I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier: STATE FURD
Policy Number: #001079-02 Group 315
- () III. The cost of the work to be done is \$100 or less.
- () IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply forthwith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

Charles T. Henshlin 9-15-03
Signature of Applicant or Agent Date

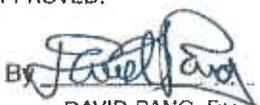
BLDG. FORM 3/8

2005 12/11/11
APPLICATION NUMBER

OSHA APPROVAL REQ.
APPROVAL NUMBER:

APPROVED FOR ISSUANCE

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED: By  DAVID PANG, Dist SEP 15 2003	Contact the district building inspector at the start of work on 558-6096. For plumbing inspection scheduling call 578-6054. For electrical inspection scheduling call 578-6054. This application is approved without site inspection, details plumbing or electrical plan review and does not constitute an approval of the building. Work authorized must be done in strict accordance with all applicable codes. Any electrical building work shall require separate permits.	DATE: _____ REASON: _____ NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: 	DEPARTMENT OF CITY PLANNING	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	CIVIL ENGINEER DEPT. OF BLDG INSPECTION	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	BUREAU OF ENGINEERING	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	DEPARTMENT OF PUBLIC HEALTH	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	REDEVELOPMENT AGENCY	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:		NOTIFIED MR. _____ DATE: _____ REASON: _____

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

APPROVED
DEPARTMENT OF BUILDING INSPECTION

DEC 16 2003

2012/15/1
[Signature]
FRANK Y. CHIU, DIRECTOR

APPROVED FOR ISSUANCE

BLDG. FORM 3/8

2003/09/15/474
APPLICATION NUMBER
2003/12/16/104110
APPROVAL NUMBER:
CASH APPROVAL RECEIVED

**APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS**

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION**

FORM 3 OTHER AGENCIES REVIEW REQUIRED
FORM 8 OVER-THE COUNTER ISSUANCE
2 NUMBER OF PLAN SETS

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 12-15-03	FILED FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB 1784 SANCHEZ ST.	BLOCK & LOT 6653 14
PERMIT NO. 1013192	ISSUED 12/16/03	(2A) ESTIMATED COST OF JOB \$5,000	(2B) REVISED COST BY: <i>[Signature]</i> 5,000 DATE:

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING					
(4A) TYPE OF CONSTRUCTION REPAIR	(5A) NO. OF STORIES OF OCCUPANCY 2	(6A) NO. OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE HOME + RESIDENCE	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS 1
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION					
(4) TYPE OF CONSTRUCTION REPAIR	(5) NO. OF STORIES OF OCCUPANCY 2	(6) NO. OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) HOME + RESIDENCE	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS 1
(10) IS AUTO RAINWAY 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) IS ELECTRICAL WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	(13) PLUMBING WORK TO BE PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
(14) GENERAL CONTRACTOR ORIGINAL CONST. CO. 13 DEER CREEK	ADDRESS FAIRFAX, CA	PHONE 94930	CALIF. LIC. NO. 499-7713/330458	EXPIRATION DATE 2-29-04	
(15) OWNER - LESSEE (CROSS OUT ONE) ANASTACIA MICHELLE	ADDRESS 1784 SANCHEZ ST., SF.	BTRC #	PHONE (FOR CONTACT BY DEPT.) 648-0607		
(16) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT) KITCHEN REPAIR - SINK, STOVE, FRAMING - ADD 909 STOVE, NEW SINK + CABINETS, PAINTING + WOOD TRIM. NO STRUCTURAL WORK.					
REVISION TO 2003/09/15/474					
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	(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.		
(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) NO	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
(25) ARCHITECT <input checked="" type="checkbox"/> ENGINEER (DESIGN) <input type="checkbox"/> CONSTRUCTION <input type="checkbox"/> NO ARCHITECT OR ENGINEER	ADDRESS				
(26) CONSTRUCTION LEADER (ENTER NAME AND BRANCH DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LEADER, ENTER "UNKNOWN") 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 60" to any wire containing more than 750 volts See Sec 365, 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.

Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.

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THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.

In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.

CHECK APPROPRIATE BOX
 OWNER ARCHITECT
 LESSEE AGENT
 CONTRACTOR ENGINEER

APPLICANT'S CERTIFICATION

I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERE TO WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

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

In conformity with the provisions of Section 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 (V), 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. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

(X) II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: STATE FUND
Policy Number: # 001079-02 Group 313

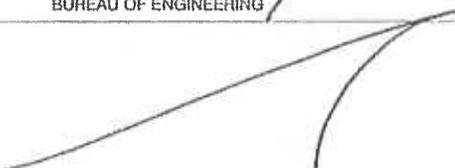
() III. The cost of the work to be done is \$100 or less.

() IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.

() V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, in the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.

[Signature] 12-15-03
Signature of Applicant or Agent Date

CONDITIONS AND STIPULATIONS

REFER TO:	APPROVED:	DATE: _____ REASON: _____
	 12/16/03 BUILDING INSPECTOR, DEPT. OF BLDG INSP	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	NOTIFIED MR. _____ DATE: _____ REASON: _____
	 DEPARTMENT OF CITY PLANNING	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	NOTIFIED MR. _____ DATE: _____ REASON: _____
	 BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	NOTIFIED MR. _____ DATE: _____ REASON: _____
	 MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	NOTIFIED MR. _____ DATE: _____ REASON: _____
	 12/16/03 CIVIL ENGINEER, DEPT OF BLDG INSPECTION	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	NOTIFIED MR. _____ DATE: _____ REASON: _____
	 BUREAU OF ENGINEERING	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	NOTIFIED MR. _____ DATE: _____ REASON: _____
	 DEPARTMENT OF PUBLIC HEALTH	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	NOTIFIED MR. _____ DATE: _____ REASON: _____
	 REDEVELOPMENT AGENCY	NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED:	NOTIFIED MR. _____ DATE: _____ REASON: _____

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

TO RENEW PERMIT APPLICATION NOS. 2003/12/16/2410
 VALUE OF REMAINING WORK \$ 100
 DESCRIPTION OF REMAINING WORK REPAIRS TO FINISH WALLS
REPAIRS TO ROOF

APPROVED
 Dept. of Building Insp.
 SEP 23 2004

APPROVED FOR ISSUANCE
 SEP 23 2004
 APPLICATION NUMBER
 APPROVAL NUMBER:

NOTE: INCORRECT DESCRIPTION OF THE REMAINING WORK OR INCORRECT VALUATION MAY RESULT IN THE REQUIREMENT TO PAY ADDITIONAL FEE OR FILE AN ADDITIONAL PERMIT APPLICATION TO ACCURATELY DESCRIBE THE WORK.

**APPLICATION FOR BUILDING PERMIT
 ADDITIONS, ALTERATIONS OR REPAIRS**

CITY AND COUNTY OF SAN FRANCISCO
 DEPARTMENT OF BUILDING INSPECTION

FORM 3 OTHER AGENCIES REVIEW REQUIRED
 FORM 8 OVER-THE-COUNTER ISSUANCE
 NUMBER OF PLAN SETS 10/1/04

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

DATE FILED <u>9/22/04</u>	PLUMBING FEE RECEIPT NO.	(1) STREET ADDRESS OF JOB <u>1784 San Jose St</u>	BLOCK & LOT <u>6653/14</u>
PERMIT NO. <u>1036868</u>	ISSUED <u>9/22/04</u>	(2A) ESTIMATED COST OF JOB <u>\$1-</u>	(2B) REVIEW COST <u>10/23/01</u>

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

(4A) TYPE OF CONSTR. <u>house</u>	(5A) NO. OF STORES OF OCCUPANCY <u>1</u>	(6A) NO. OF BASEMENTS AND CELLARS <u>1</u>	(7A) PRESENT USE <u>single family</u>	(8A) OCCUP. CLASS <u>R3</u>	(9A) NO. OF DWELLING UNITS <u>1</u>
--------------------------------------	---	---	--	--------------------------------	--

(4) TYPE OF CONSTR. <u>UP</u>	(5) NO. OF STORES OF OCCUPANCY <u>1</u>	(6) NO. OF BASEMENTS AND CELLARS <u>1</u>	(7) PROPOSED USE (LEGAL USE) <u>same</u>	(8) OCCUP. CLASS <u>R3</u>	(9) NO. OF DWELLING UNITS <u>1</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"/>
--	--	--	--

(14) GENERAL CONTRACTOR: Original Construction ADDRESS: (499-7713) PHONE: 13 EXPIRATION DATE: Bees Creek of Fairfax CA 94702

(15) OWNER: Anastasia Michaels ADDRESS: 1784 San Jose St BTRC#: 615-648-0607 PHONE (FOR CONTACT BY DEPT): Lic 330458 X 3/31/04

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

renew job card for final bldg insp
ref: job card 2003/12/16/2410

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.	(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.
(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"/>	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

(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 60" 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.
 Grade lines as shown on drawings accompanying this application are assumed to be correct. If actual grade lines are not the same as shown revised drawings showing correct grade lines, cuts and fills together with complete details of retaining walls and wall footings required must be submitted to this department for approval.
 ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.
 BUILDING NOT TO BE OCCUPIED UNTIL CERTIFICATE OF FINAL COMPLETION IS POSTED ON THE BUILDING OR PERMIT OF OCCUPANCY GRANTED, WHEN REQUIRED.
 APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (10) (11) (12) (13) (22) OR (24).
 THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A BUILDING PERMIT IS ISSUED.
 In dwellings all insulating materials must have a clearance of not less than two inches from all electrical wires or equipment.
 CHECK APPROPRIATE BOX
 OWNER ARCHITECT
 LESSEE AGENT
 CONTRACTOR ENGINEER

NOTICE TO APPLICANT
 HOLD HARMLESS CLAUSE. The permittee(s) by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claim, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of the City and County of San Francisco against all such claims, demands or actions.
 In conformity with the provisions of Section 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 (v), 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. I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
 () II. I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
 Carrier: Statefund
 Policy Number: 1079-2002
 () III. The cost of the work to be done is \$100 or less.
 () IV. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the workers' compensation provisions of the Labor Code of California and fail to comply therewith with the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
 () V. I certify as the owner (or the agent for the owner) that in the performance of the work for which this permit is issued, I will employ a contractor who complies with the workers' compensation laws of California and who, prior to the commencement of any work, will file a completed copy of this form with the Central Permit Bureau.
 Signature of Applicant or Agent: [Signature] Date: 9/22/04

APPLICANT'S CERTIFICATION
 I HEREBY CERTIFY AND AGREE THAT IF A PERMIT IS ISSUED FOR THE CONSTRUCTION DESCRIBED IN THIS APPLICATION, ALL THE PROVISIONS OF THE PERMIT AND ALL LAWS AND ORDINANCES THERE TO WILL BE COMPLIED WITH.
 9003-03 (REV. 1/02)

CONDITIONS AND STIPULATIONS

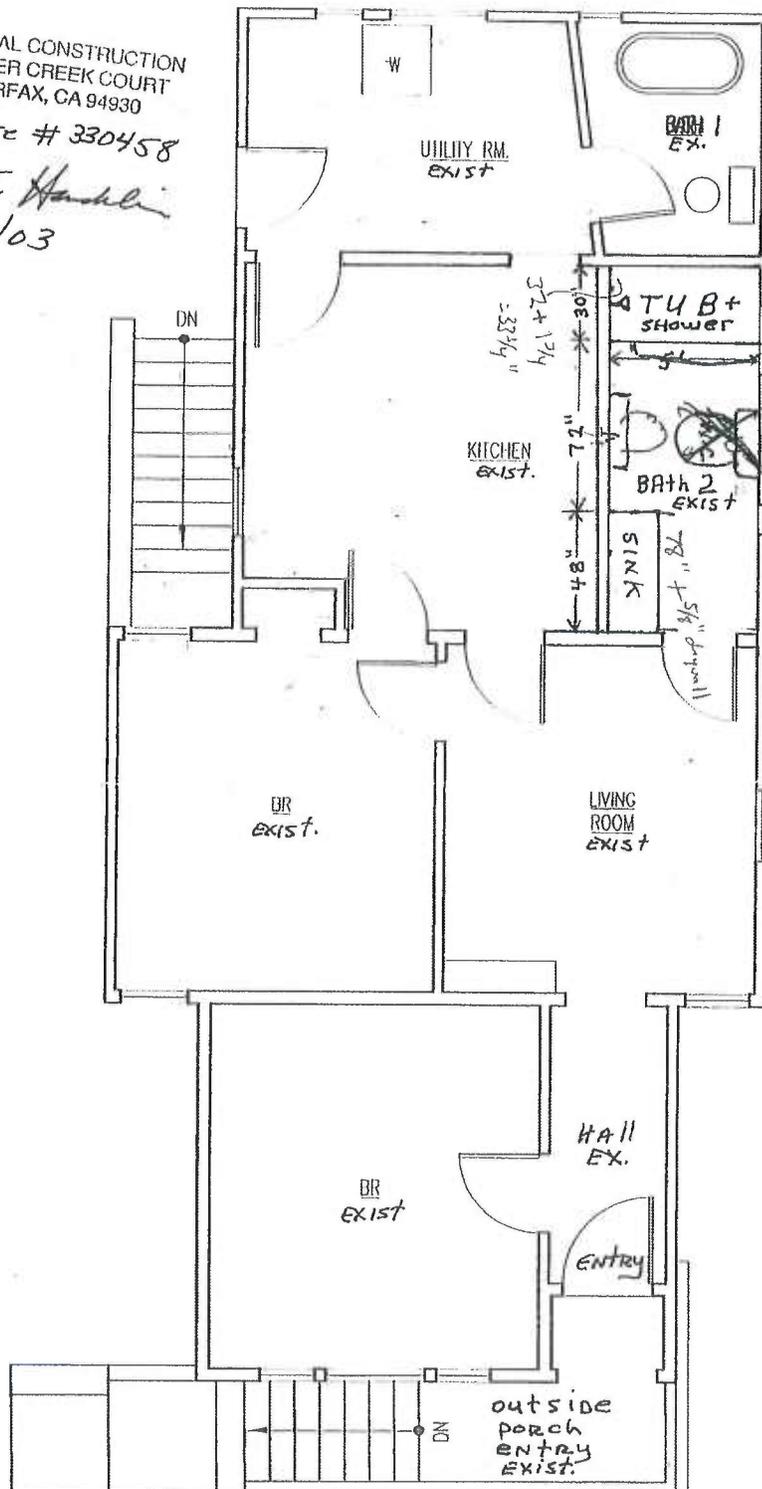
REFER TO:	APPROVED: _____ size of the plan review and approval of the building work authority must be done in strict accordance with all applicable codes. Any electrical or plumbing work shall require appropriate separate permits. _____ BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: <u>9/23/04</u> REASON: <u>P.K. to process</u> _____ NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ _____ DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____ NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ _____ BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ _____ MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ _____ CIVIL ENGINEER, DEPT. OF BLDG INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ _____ BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ _____ DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ _____ REDEVELOPMENT AGENCY	DATE: _____ REASON: _____ NOTIFIED MR. _____ DATE: _____ REASON: _____
<input type="checkbox"/>	APPROVED: _____ _____	DATE: _____ REASON: _____ NOTIFIED MR. _____ DATE: _____ REASON: _____

HOLD SECTION - NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING

Robert J. Power
 ROBERT POWER, DBI
 SEP 23 2004

ORIGINAL CONSTRUCTION
13 DEER CREEK COURT
FAIRFAX, CA 94930

License # 330458
Charles T. Hanklin
7/15/03



(Remodel Bath 2)
ONLY - EXISTING
EXISTING WINDOWS
GUT BATHROOM
NEW TUB + TOILET
NEW VANITY + SINK
NEW TILE AT TUB
NEW VINYL FLOOR
NEW ELECTRICAL
NEW COPPER PIPE
INSULATE
NEW SHEET ROCK
EXISTING DOOR
NEW WOOD CASINGS
REPAIR ANY DAYROT.
PATCH + REPAIR
KITCHEN IF NEEDED.

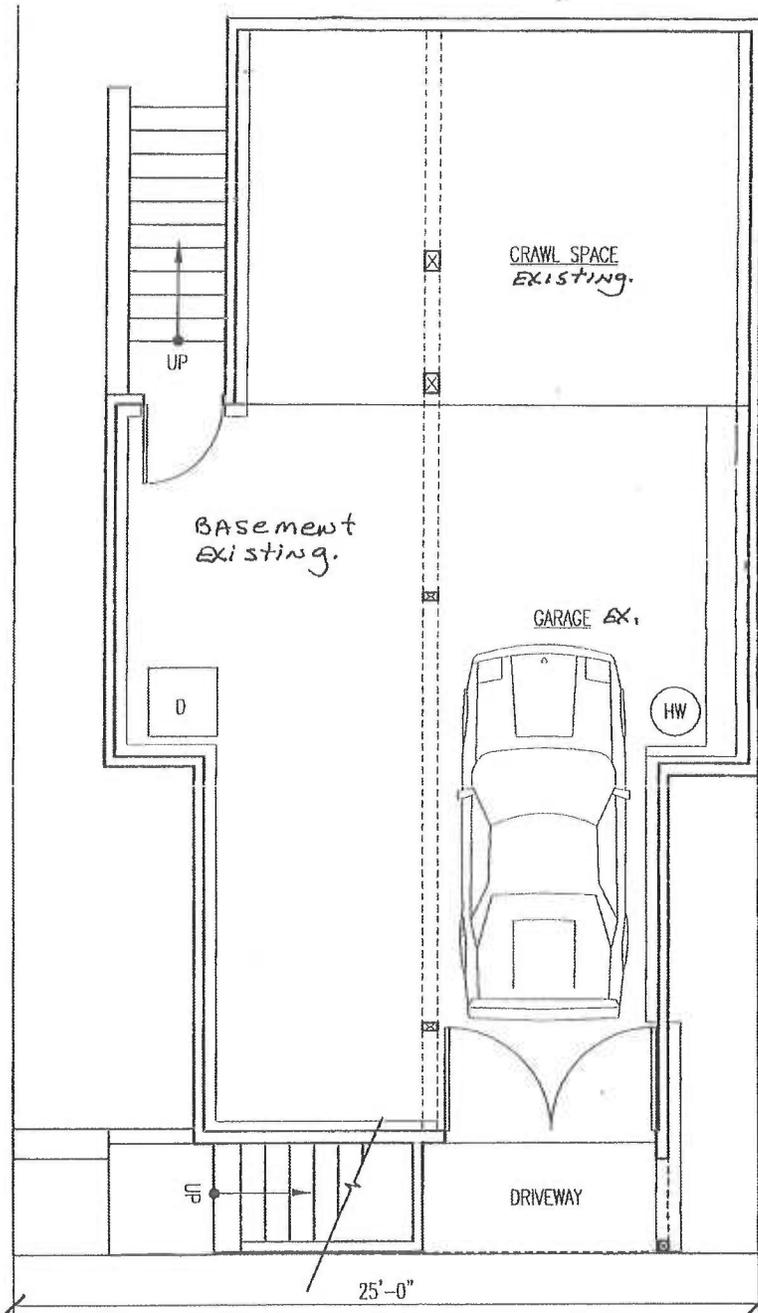
*



MICHAELS RESIDENCE
1784 SANCHEZ ST. S.F.
PHASE I - BATH REMODEL (BATH 2 ONLY)
1ST FLOOR PLAN
EXISTING 7-15-03

ORIGINAL CONSTRUCTION
13 LITTLE CREEK COURT
FAIRFAX, CA 94930
License # 330458

Charles T. Handeli
7/15/03



Michaels Residence
1784 Sanchez St. SF.
Existing Garage + Basement.

7-15-03

K

Caution

As of: July 13, 2014 10:46 PM EDT

Pardee Construction Co. v. California Coastal Com.

Court of Appeal of California, Fourth Appellate District, Division One

July 26, 1979

Civ. No. 18209

Reporter: 95 Cal. App. 3d 471; 157 Cal. Rptr. 184; 1979 Cal. App. LEXIS 1979

PARDEE CONSTRUCTION COMPANY, Plaintiff and Respondent, v. CALIFORNIA COASTAL COMMISSION, Defendant and Appellant

Subsequent History: [***1] Appellant's Petition for a Hearing by the Supreme Court was Denied September 20, 1979.

Prior History: Superior Court of San Diego County, No. 408210, Alfred Lord, Judge.

Disposition: Judgment affirmed.

Core Terms

vested right, Coastal, exemption, building permit, regulation, permit requirement, substantial change, expired, provisions, regional commission, abandonment, condominium, Developers, approvals, municipal

Case Summary

Procedural Posture

Appellant California Coastal Commission sought review of an order of the Superior Court of San Diego County (California), which granted a peremptory writ of mandate commanding appellant to recognize respondent construction company's claim of vested right to exemption to the permit requirements of the California Coastal Zone Conservation Act of 1972.

Overview

Respondent construction company had received exemption to the permit requirements pursuant to Cal. Pub. Res. Code § 27404 after it had begun construction on a 231-unit condominium complex. It slowed down construction, and the city's building permits expired. Respondent wanted to complete construction on the remaining units and sought another exemption to the permits requirement because the city's permits had expired. The regional commission granted it, but it was denied by appellant California Coastal Commission. Respondent sought a writ of mandate to command appellant's recognition of its exemption, which the trial

court granted. Upon review, the court affirmed, finding that respondent had a vested right in its development, and as there was no substantial change in its development since construction began, it retained its exemption, which could not be destroyed retroactively as a matter of law. The court found that appellant's regulations, Cal. Code Regs. tit 14, §§ 13207 and 13210, conflicted with Cal. Pub. Res. Code § 30608, were thus unenforceable, and there was no evidence respondent abandoned or waived its right to complete its development during its construction slowdown.

Outcome

The court affirmed the writ of mandate commanding appellant California Coastal Commission to recognize respondent construction company's exemption to the permits requirement under the statute because respondent's right to complete its development was vested, appellant's regulations conflicted with the statute and were unenforceable, and respondent had not abandoned its right during a construction slowdown.

LexisNexis® Headnotes

Environmental Law > Natural Resources & Public Lands > Coastal Zone Management > General Overview

HN1 See Cal. Pub. Res. Code § 30608.

Governments > Legislation > Interpretation

HN2 Where the Legislature has specifically made an exception to the general provisions of a statute, the courts are without power to imply a broader or more general exception. If a statute enumerates the persons or things to be affected by its provisions, there is an implied exclusion of others, and if a statute specifies one exception to a general rule, other exceptions or effects are excluded; in other words, as has been frequently held, a general provision of a statute is controlled by a specific and express exception. It is an elementary rule of construction that the expression of one excludes the other. And it is equally well settled that the court is without power to supply an omission.

Administrative Law > Agency Rulemaking > General Overview

Administrative Law > Agency Rulemaking > Informal Rulemaking
 Administrative Law > Separation of Powers > Constitutional
 Controls > General Overview

HN3 In the absence of valid statutory authority, an administrative agency may not, under the guise of a regulation, substitute its judgment for that of the Legislature. It may not exercise its sublegislative powers to modify, alter or enlarge the provisions of the legislative act which is being administered. These principles apply even though its rule-making authority derives directly from the Constitution. Administrative regulations in conflict with the Constitution or statutes are generally declared to be null and void.

Governments > Legislation > Effect & Operation > General Overview
 Governments > Legislation > Effect & Operation > Retrospective
 Operation
 Governments > Legislation > Interpretation

HN4 The Legislature is without power to impair or destroy the obligations of contractual or vested rights, and any statute which affects a vested right cannot be given retrospective operation. The statute here could not operate to terminate a right which existed under the law prior to its passage.

Headnotes/Syllabus

Summary

CALIFORNIA OFFICIAL REPORTS SUMMARY

A contractor was issued a building permit for the construction of a condominium project and had performed substantial work and incurred substantial liabilities in reliance on the permit prior to the enactment of the California Coastal Zone Conservation Act of 1972, acquired a vested right to an exemption from the permit requirements of the act under *Pub. Resources Code, § 27404*. During the period of postponed construction, the building permits lapsed, and the contractor sought new permits and another exemption from the newly enacted 1976 coastal act. The regional coastal commission granted the request, but the claim was denied on appeal by the state coastal commission. In mandate proceedings, the trial court directed the state commission to recognize the contractor's claim of exemption. (Superior Court of San Diego County, No. 408210, Alfred Lord, Judge.)

The Court of Appeal affirmed. The court held there was only one statutory exception to the blanket exemption of a possessor of a vested right or permit holder from the approval requirements of the 1976 coastal act, namely, that no substantial change be made in the development without prior approval. Accordingly, the court held regulations of the commission (Cal. Admin. Code, tit. 14, §§ 13207 and

13210) conditioning the exemption on the continued viability of the original permit, were unenforceable as to the contractor and its vested right to an exemption could not be retroactively destroyed. The court further held there was substantial evidence supporting the trial court's finding the contractor did not abandon or relinquish its vested right. (Opinion by Staniforth, J., with Brown (Gerald), P. J., and Cologne, J., concurring.)

Headnotes

CALIFORNIA OFFICIAL REPORTS HEADNOTES
 Classified to California Digest of Official Reports, 3d
 Series

CA(1a) (1a) CA(1b) (1b) CA(1c) (1c)

Building Regulations § 6 > Environmental Regulations > Coastal
 Act > Exemptions.

--A contractor who was issued a building permit for the construction of a condominium project, who performed substantial work and incurred substantial liabilities in reliance on it prior to the enactment of the California Coastal Zone Conservation Act of 1972, and thus acquired a vested right to an exemption from the permit requirements of the act (*Pub. Resources Code, § 27404*), did not lose that vested right under the 1976 coastal act when the building permits lapsed during a period of postponed construction, where the contractor did not abandon or relinquish its vested right. The only statutory condition to the vested right exemption was that any substantial change in the development must be made in accordance with the provisions of the coastal act. Accordingly, regulations of the coastal commission (Cal. Admin. Code, tit. 14, §§ 13207 and 13210) requiring maintenance of local government approvals in order to qualify for an exemption from coastal permit requirements, were unenforceable as to the contractor.

CA(2) (2)

Statutes § 25 > Construction > Exceptions and Provisos.

--Where the Legislature has specifically made an exception to the general provisions of a statute, courts are without power to imply a broader or more general exception.

CA(3) (3)

Building Regulations § 6 > Environmental Regulations > Coastal
 Act > Exemptions.

--Under the California Coastal Zone Conservation Act of 1976 (*Pub. Resources Code, § 30608, subd. (a)*), no distinction is made between a person who has obtained a vested right in a development and is therefore exempt from permit requirements, and a person who obtained a permit under the 1972 act.

CA(4a) (4a) (4b)

95 Cal. App. 3d 471, *471; 157 Cal. Rptr. 184, **184; 1979 Cal. App. LEXIS 1979, ***1

Administrative Law § 30 > Administrative Actions > Legislation or Rule Making > Effect and Validity of Rules and Regulations > Necessity for Compliance With Enabling Statute.

--A grant by the Legislature to a regulatory body to make such reasonable rules as may be necessary or proper does not carry with it a grant of authority to exceed the powers expressly granted by statute. In the absence of valid statutory authority, an administrative agency may not, under the guise of regulation, substitute its judgment for that of the Legislature. It may not exercise its sublegislative powers to modify, alter or enlarge the provisions of the legislative act which is being administered, even though its rule-making authority derives directly from the Constitution. Administrative regulations in conflict with the Constitution or statutes are generally declared to be null and void.

CA(5) (5)

Building Regulations § 6 > Environmental Regulations > Coastal Act > Exemptions > Vested Right.

--A contractor who was issued a building permit for the construction of a condominium project, had performed substantial work and incurred substantial liabilities in reliance on it prior to the enactment of the California Coastal Zone Conservation Act of 1972, and thus acquired a vested right to an exemption from the permit requirements of the act, possessed a right in the nature of a property right, which was rooted in the Constitution. The contractor's failure to exercise that vested right to its fullest extent by completing the condominium project before the enactment of the 1976 coastal act did not affect its vested character. Thus, the 1976 coastal act could not operate to terminate the vested right which existed under the law prior to its passage.

Counsel: Evelle J. Younger, Attorney General, R. H. Connett, Assistant Attorney General, and Anthony M. Summers, Deputy Attorney General, for Defendant and Appellant.

Sandler & Rosen, Charles L. Birke and John D. Butler for Plaintiff and Respondent.

Judges: Opinion by Staniforth, J., with Brown (Gerald), P. J., and Cologne, J., concurring.

Opinion by: STANIFORTH

Opinion

[*473] [**185] The California Coastal Commission (State Commission) appeals from a judgment granting a peremptory writ of mandate [*474] commanding the State Commission to recognize Pardee Construction Company's (Pardee's) claim of vested right to exemption

from the permit requirements of the California Coastal Zone Conservation Act of 1972 (1972 Coastal Act).

CA(1a) (1a) The fundamental question posed is whether Pardee, having been granted an exemption from the permit requirement of the 1972 Coastal Act based upon vested rights accruing under issued building permits, could retain that vested right after Pardee allowed [***2] its building permits to lapse. We conclude Pardee's vested rights were not lost or impaired and affirm the judgment.

Facts

In October 1972, Pardee commenced construction of "Sea Point," a 231-unit condominium, authorized by building permits issued by the City of San Diego. By November 8, 1972, Pardee had completed its rough grading, desilting basin, drainage system and foundations for all 231 units. Pardee had in fact made substantial investments, improvements in reliance upon the permits issued. On that date -- November 8, 1972 -- the 1972 Coastal Act took effect (*San Diego Coast Regional Com. v. See The Sea, Limited*, 9 Cal.3d 888-893, fn. 5 [109 Cal.Rptr. 377, 513 P.2d 129D], and required a permit [**186] from a state body for construction in the area in which Pardee's 231 condominiums were being built. Pardee in 1973 applied for and received from the San Diego Coast Regional Commission an exemption from the permit requirement. This exemption was granted pursuant to the 1972 Coastal Act, *Public Resources Code section 27404*, which provided: "If, prior to November 8, 1972, any city or county has issued a building permit, [***3] no person who has obtained a vested right thereunder shall be required to secure a permit from the regional commission; providing that no substantial changes may be made in any such development, except in accordance with the provisions of this division. Any such person shall be deemed to have such vested rights if, prior to November 8, 1972, he has in good faith and in reliance upon the building permit diligently commenced construction and performed substantial work on the development and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance in relation to the particular development or the issuance of a permit shall not be deemed liabilities for work or material." (Repealed Jan. 1, 1977; *Pub. Resources Code, § 27650*.)

[*475] Pardee's exemption was granted on the basis that before the date of the 1972 Coastal Act, the company had performed substantial work and incurred substantial liabilities in reliance upon the city permits authorizing construction of its entire condominium project. The exemption was granted by the regional commission to the entire Sea Point project [***4] and not just to individual buildings within that project. The only condition expressed

95 Cal. App. 3d 471, *475; 157 Cal. Rptr. 184, **186; 1979 Cal. App. LEXIS 1979, ***4

in Pardee's vested right exemption approval was that any substantial change in the development must be made in accordance with the provisions of division 18 of the Public Resources Code, which comprised the 1972 Coastal Act. This condition simply restated the statutory provisions of *Public Resources Code section 27404, supra*.

After obtaining exemption from the 1972 Coastal Act, and before January 1, 1977, Pardee continued and did construct 152 of the units but did not proceed with 79 of the units which remained in a state of having foundations; lumber had been delivered for the 79 units and framing had commenced when the decision to postpone construction was made. During the period of postponed construction, the building permits issued by the city expired. No new permits were issued. In a letter from the city to Pardee, it was stated: "This letter is to inform you that the above-referenced Building Permit has expired by abandonment for failure to actively pursue and perform authorized work on the subject project during the 120-day period preceding the expiration [***5] date as prescribed by Section 302(d) of the Uniform Building Code as adopted by the City of San Diego."

This delay in construction of the last 79 units and allowing of the building permits to expire was a conscious decision by Pardee based upon the marketing considerations. An economic downturn had caused a severe slowing of sales.

Mr. Pardee stated: "The project was designed as a whole to consist of 231 units. It was the intention of the builder to construct all 231 units in a series as quickly as they could be built. After construction was underway and the buildings were completed, the recession hit and sales stopped. At this time it was decided to postpone construction of the 79 units until sales warranted their construction."

In January 1977, when Pardee was ready to complete construction on the remaining 79 units, the city required a new building permit. Again Pardee filed for an exemption from the State Commission permit [*476] requirements based upon the newly enacted 1976 Coastal Act. After a contested hearing, the regional commission granted Pardee's request but on appeal to the State Commission, the claim of exemption was denied (Nov. 2, 1977).

Pardee then [***6] sought judicial succor -- a writ of mandate. After hearing, the superior [**187] court issued its peremptory writ commanding the State Commission to recognize Pardee's claim of exemption. The State Commission appeals, contending that Pardee's "vested right" could not outlive the governmental approvals -- the city building permits -- upon which it was based. The State Commission points to regulations promulgated under the 1976 coastal act requiring maintenance of local

government approvals (permits) in order to qualify for an exemption from the State Commission permit requirements.

Discussion

I

HNI Public Resources Code section 30608, subdivision (a), of the California Coastal Act of 1976 states: "No person who has obtained a vested right in a development prior to the effective date of this division or who has obtained a permit from the California Coastal Zone Conservation Commission pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with section 27000) shall be required to secure approval for the development pursuant to this division; provided, however, that no substantial change may be made in any such development without [***7] prior approval having been obtained under this division."

Thus, the blanket exemption of a possessor of a vested right or permit holder from the requirement of securing approval of a project under the 1976 coastal act admits of but one statutory exception, to-wit: "that no substantial change may be made in any such development without prior approval having been obtained under this division." It is uncontroverted that Pardee made no change in the Sea Point condominium project.

The State Commission, however, cites its regulation 13210 (tit. 14, Cal. Admin. Code) which provides: "Regardless of the other provisions of this Subchapter, a claimant who has a claim of vested rights granted by the commission or a regional commission under the California Coastal Zone Conservation Act of 1972, need obtain no further approval under the [*477] California Coastal Act of 1976 or these regulations, *provided that no substantial change is made in the development plans previously exempted and all necessary governmental approvals are still in effect. . . .*" (Italics added.) And the State Commission calls our attention to this further regulation adopted by it: "Effect of Vested Right. A final [***8] determination of the regional commission or the commission on appeal recognizing a claim of vested rights shall constitute acknowledgment that the development does not require a coastal development permit under *Public Resources Code, Section 30600 or 30601* provided that no substantial change may be made in the development, except in accordance with the permit requirements of the California Coastal Act of 1976. *If the approvals upon which the acknowledgment is based lapse either by their own terms or pursuant to any provision of law, the acknowledgment made under this subchapter shall no longer be in effect and the development shall become subject to the permit requirements of the California Coastal Act of 1976.*" (Tit. 14, Cal. Admin. Code, § 13207; italics added.)

95 Cal. App. 3d 471, *477; 157 Cal. Rptr. 184, **187; 1979 Cal. App. LEXIS 1979, ***8

It is the State Commission's contention that Pardee's vested right could not outlive the government's approval on which it was based; therefore it is argued since the building permits, which were a necessary basis for the original exemption had expired, so also has Pardee's "right of exemption" expired. The State Commission also argues a vested right may be [***9] lost through waiver, abandonment, etc.; that a vested right does not continue indefinitely (*Avco Community Developers Inc. v. South Coast Regional Com.*, 17 Cal.3d 785, 791 [132 Cal.Rptr. 386, 553 P.2d 546]); and that a vested right may be limited in scope to the project authorization (*Oceanic California Inc. v. North Central Coast Regional Com.*, 63 Cal.App.3d 57, 67 [133 Cal.Rptr. 664]). Without authority, the State Commission concludes "the vested right could not be greater than that granted by the building [**188] permit" and offers this truism: "a vested right once possessed may be lost."

The State Commission admits the regulation is not "explicitly required" by the statute (§ 30608, *subd. (a)*) but that "this is a requirement of the law of vested rights" and "merely restates existing law."

The difficulty with the State Commission arguments and cited authority is their lack of relevance here. We are called upon to construe a statute containing one explicit condition to an otherwise blanket continuation of the exemption from permit requirement for the two specific classes of [*478] persons. These regulations of the State [***10] Commission would amend the statute to add a condition not enacted by the Legislature. This argument flies in the face of accepted rules of statutory construction.

CA(2) (2) HN2 Where the Legislature has specifically made an exception to the general provisions of a statute, the courts are without power to imply a broader or more general exception. As stated by the court in *Estate of Pardue*, 22 Cal.App.2d 178, 180-181 [70 P.2d 678]; "If a statute enumerates the persons or things to be affected by its provisions, there is an implied exclusion of others, and if a statute specifies one exception to a general rule, other exceptions or effects are excluded; in other words, as has been frequently held, a general provision of a statute is controlled by a specific and express exception. It is an elementary rule of construction that the expression of one excludes the other. And it is equally well settled that the court is without power to supply an omission." (See also *In re De Neef*, 42 Cal.App.2d 691, 694 [109 Cal.Rptr. 741].)

II

CA(3) (3) Furthermore, a close examination of the precise words of *section 30608, subdivision (a)*, compels the conclusion [***11] that maintenance of a municipal building permit was not directed as a condition of holding

a vested right. No distinction is made in the statute between a person who has obtained a vested right and is therefore exempt and a person who obtained a permit under the 1972 act. Thus, the Legislature intended to treat persons with vested rights in the same manner as persons who obtained a permit from the 1972 coastal commission. If we would follow the logic of the State Commission, the permit holder would not lose but a vested right holder would lose its exemption from the 1976 act because of expiration of a building permit. Since the Legislature chose to make no distinction between these two classes of persons, neither should the regulations of the State Commission. Neither class should lose their exemption, unless a substantial change was made in the project.

As noted, the State Commission concedes its regulation (§ 13210) added the requirement that the holder of a previously recognized vested right must maintain all governmental approvals in effect; that such condition is not to be found in the underlying statute. CA(4a) (4a) A grant by the Legislature to a regulatory [***12] body, to make "such reasonable rules as may be necessary or proper" does not carry with it a grant of authority to [*479] exceed the powers expressly granted by statute. (*Schenley Industries, Inc. v. Munro*, 237 Cal.App.2d 106, 111-114 [46 Cal.Rptr. 678].)

CA(1b) (1b) The State Commission may not, by enacting administrative regulation section 13210, expand its powers beyond the statutory grant. As was stated in *Harris v. Alcoholic Bev. etc. Appeals Bd.*, 228 Cal.App.2d 1, 6 [39 Cal.Rptr. 192]; HN3 "In the absence of valid statutory authority, an administrative agency may not, under the guise of a regulation, substitute its judgment for that of the Legislature. It may not exercise its sublegislative powers to modify, alter or enlarge the provisions of the legislative act which is being administered. . . . These principles apply even though its rule-making authority derives directly from the Constitution. [Citation.]" (Italics added.) Administrative regulations in conflict with the Constitution or statutes are generally declared to be null and void. (*Hodge v. McCall*, 185 Cal. 330, 334 [**189] [197 P. [***13] 86]; *California State Restaurant Assn. v. Whitlow*, 58 Cal.App.3d 340, 347 [129 Cal.Rptr. 824]; *City of Coronado v. California Coastal Zone Conservation Com.*, 69 Cal.App.3d 570, 577 [138 Cal.Rptr. 241]; *Morris v. Williams*, 67 Cal.2d 733, 737 [63 Cal.Rptr. 689, 433 P.2d 697].)

III

A further body of law militates against acceptance of the State Commission's contention. In effect, the commission urges that a regulation promulgated pursuant to the 1976 coastal act be applied to destroy a conceded vested right Pardee had to proceed with construction of the 231 condominiums.

CA(5) (5) The right possessed by Pardee was in the nature of a property right. Such a right is rooted in the Constitution. (*Miller v. McKenna*, 23 Cal.2d 774, 783 [147 P.2d 531].) Pardee's failure to exercise that vested right to its fullest extent before the enactment of the 1976 coastal act does not affect its vested character. (16 Am.Jur.2d, *Constitutional Law*, § 422, p. 762.)

As was said in *Estate of Thramm*, 80 Cal.App.2d 756, 765 [183 P.2d 97]; HN4 "[The] Legislature is without power to impair [***14] or destroy the obligations of contractual or vested rights, and any statute which affects a vested right cannot be given retrospective operation." The statute here could not operate to terminate a right which existed under the law prior to its [***480] passage. (*McKinney v. Ruderman*, 203 Cal.App.2d 109, 117 [21 Cal.Rptr. 263].)

If the Legislature is without authority to retroactively deprive Pardee of a vested right, a fortiori the State Commission, by its regulation, was without authority to do so.

IV

And this further point needs airing: Although the State Commission, by law, was the administrative tribunal charged with making the initial determination of the vested rights claim under the coastal act, such procedural authority in no way changes the constitutional character of the vested right. (*South Coast Regional Com. v. Gordon*, 18 Cal.3d 832, 836 [135 Cal.Rptr. 781, 558 P.2d 867].) Neither statutory nor constitutional authority exists authorizing the State Commission to limit or deny a once recognized vested right basis for exemption.

Cases relied upon by State Commission do not grapple with this precise issue nesting at the [***15] heart of their assertion. For example, *Avco Community Developers, Inc., v. South Coast Regional Com.*, *supra*, 17 Cal.3d 785, and *Oceanic California, Inc., v. North Central Coast Regional Com.*, *supra*, 63 Cal.App.3d 57, held a building permit was necessary to acquire a vested right. Both cases dealt with developers who never obtained a vested right to even start construction on their projects because they never obtained building permits. In *Avco Community Developers, Inc., supra*, at page 791, the court said: "Evaluation of this claim requires a determination of the point in the development process at which a landowner can be said to have acquired a vested right to construct building on his land." (Italics added.) Thus, the entire discussion of the *Avco* case is directed toward the issue of acquisition of a vested right, and not to events which may lead to loss of a vested right.

CA(1c) (1c) Pardee has an adjudicated, approved, found to be valid, vested right. The question is whether that right

can be lost by delay in working on part of the project with resultant lapse of the building permits. Clearly, [***16] merely by the promulgation of an administrative regulation -- in blatant excess of statutory authority -- cannot negate a conceded vested right. As a matter of statutory construction, we would conclude the State Commission regulation, insofar as it is in conflict with the statutes, is null and void and unenforceable.

[***481] V

As above noted, the *Avco* and *Oceanic* cases hold the obtaining of a valid building permit is a precondition to the acquisition by the builder of a vested right to continue [***190] a project. Yet neither case holds a municipality's practice in issuing and maintaining building permits governs the scope of the vested right once obtained. These are two distinct issues; one deals with the point at which the vested right is obtained and that point of beginning is the acquisition of the building permit. The second concerns the extent of the vested rights exemption once it is obtained. The latter is a state matter controlled by constitutional principles; it is not governed by municipal ordinance or policies.

Thus there is a total lack of logical relationship between the constitutional doctrines related to vested rights and municipal policies [***17] treating with time for, conditions of expiration of building permits.

Here the statute clearly, explicitly attaches one condition only to continuance of that vested right status, to-wit: "no substantial change may be made in such development. . . ." The happenstances of municipal administration cannot be conclusive on the constitutional law issue involved in loss of a vested right. (*Sierra Club v. California Coastal Zone Conservation Com.*, 58 Cal.App.3d 149, 157-158 [129 Cal.Rptr. 743].)

VI

Finally, the trial court has found as a matter of fact Pardee relied to its detriment on *section 27404* of the 1972 Coastal Act which made no mention of a requirement to maintain in effect at all times the building permits. There is a similar void in the 1976 act. Only the regulations in 1977 set forth such a requirement for loss of vested right. Thus, the principles of equitable estoppel, which lie at the base of this vested rights concept, offer further refutation to the State Commission's argument against the continued validity of Pardee's exemption.

The trial court found as a matter of fact no abandonment or relinquishment by Pardee of its vested right. Where [***18] a developer allows a permit to lapse for lack of activity, such fact is but some evidence bearing on the

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issue of abandonment or waiver of a vested right. (See *Oceanic California, Inc. v. North Central Coast Regional Com., supra*, 63 Cal.App.3d 57, 75-76.) It at best could create a conflict resolved by the [*482] trial court's finding. Here substantial evidence supports the trial court finding on each of these factual issues. Therefore, we conclude (1) the State Commission regulations (Cal. Admin. Code, tit. 14, §§ 13207 and 13210) are

unenforceable as to Pardee; (2) the vested right possessed by Pardee here could not be retroactively destroyed as a matter of law, and (3) there exists no factual basis to hold that Pardee as a matter of fact abandoned or waived that right to complete the remaining 79 units.

Judgment affirmed.

L

EXHIBIT L.

The Proposal Met The Criteria For A Rear Yard Variance When Such Variance Was Granted In 2003, And Still Meets The Criteria Today

Each of the five required variance criteria were met in 2003, and this has not changed through today. Planning has not advised that they no longer accept any of the Findings of their 2003 Variance Decision. Specifically, they found that:

1. The irregular shape of the property is sufficient to meet the requirement of an exceptional or extraordinary circumstance.
2. The building would need to be angled at the rear if built according to the Planning Code, which is sufficient to meet the requirement of an unnecessary hardship.
3. The proposal meets the requirement that the rear yard variance is necessary for the subject property to expand in a manner consistent and permitted on other properties in the neighborhood.
4. The proposal meets the requirement that it will not impede development or the enjoyment of the surrounding properties.
5. The proposal meets the requirement of being consistent with the Planning Code and the General Plan.

1. *Exceptional Circumstance One. The lot is not part of and is separate from the mid-block open space that the Residential Design Team seeks to protect. This circumstance is discussed in detail above.*
2. *Exceptional Circumstance Two. The lot has a highly irregular shape and size. The Sanborn Map (Exhibit F) show the Property was originally located at the north end of Lot 14, a triangular lot tapering towards Randall (formerly Palmer) Street, which included all the land from the Property to Randall Street. The lot's triangular shape was likely a result of reconciling the angle at which the two streets Sanchez and Randall meet. Later subdivisions of the large triangular lot 14 into five separate lots left odd-shaped rear yards that are significantly shallower and smaller than the average lot on this block.*

The Property's irregular shape at the rear is an exceptional and extraordinary circumstance. The Property has an unusual diagonal termination at the rear. While 11 other properties on the block also have a triangular shaped rear line, the Property is unusual because this diagonal gives it five corners. The result is the Property has a shallower lot depth than properties along Randall and along portions of Sanchez that are downhill from the subject property.

3. *Exceptional Circumstance Three. The lot is narrower than typical for this block. The Property is narrower than the lot immediately north and most of the other lots on the block, making the ability to create enough living space quite difficult. 1782 Sanchez has a width of 29' 6", and the next three northern lots have a width of 30' each, allowing more square footage inside their buildings; yet the subject Property is only 25' wide.*
4. *Exceptional Circumstance Four. The existing legal non-confirming structure already encroaches into the rear yard. Even the changes the RDT prefers would require a variance because it allows a vertical expansion above the existing legal non-confirming structure.*

However without additional rear expansion there is just not enough room to make stairs to the second floor and a useable ground floor room next to them feasible.

5. *Exceptional Circumstance Five. A greater level of review, up to and including an EIR, would likely be required if the RDT preferred addition were adopted.* Designing two new rooms at the middle of the building and not the rear would, according to Planning Staff, generate a much higher level and longer environmental review process since, according to preservation staff, the public could easily see the added height to the middle of the building at least one half story or more at a level above the historic front façade. Staff has implied that this would be expected to lead to an EIR. The HRE report by the client's preservation consultant (see Exhibit Q, HRE) reasonably makes one believe an EIR would be triggered, since his review of drawing of what the RDT Preferred Addition would look like (Exhibit D), indicates that it is not compatible with the Secretary of Interior Guidelines (and thus likely to trigger an EIR). Not meeting the Secretary of Interior Guidelines, the RDT Preferred Addition is likely to ultimately be rejected as well, invalidating it as a viable alternative.

6. *Exceptional Circumstance Six. The existing building footprint constrains expansion to the sides.* The house is atypical for the block in that it does not occupy the full width of its already narrow lot, as it has side setbacks at the front and a long 3' alley along the entire southern side of the home. The side yards in the first 12' 9" of the house, and the 3' alley result in an open area of about 205 sf together; these areas cannot be altered through adding square footage at those locations, as it would be inconsistent with the Secretary of Interior's Guidelines.

7. *Exceptional Circumstance Seven. The attic is too low and narrow to be converted to livable space.* The newer adjacent houses, built around 1907 to 1911, were originally constructed with second stories. James and Anastasia's house has a low unfinished attic, with no stair access, no floor, and a steeply sloped gable roof. To occupy the attic space, floor joists of a size adequate to meet current code would need to be installed, along with flooring. The interior height would be 8' 3", measured at the center from floor to peak. This is less than the second stories of the adjacent, originally two story, properties. The attic does not have either the necessary floor-to-ceiling height or the width to convert to livable space, for example by adding dormers. Instead a new story at the front would need to be added, completely ruining the historic facade of the building, something that would not be in compliance with the Secretary of Interior's Guidelines.

8. *Exceptional Circumstance Eight. The Secretary of Interior's Guidelines would not allow adding a full second story at this time.* This house was built as a single story house, whereas the "typical" houses on the block constructed later were all originally constructed as 2 stories. A second story anywhere near the front would not conform to the Guidelines.

9. *Exceptional Circumstance Nine. The high ceilings necessitate a long staircase run to a second floor, which is difficult to place and takes up precious floor space.* The building currently has no interior stair, and a new one must be built to reach any second floor area. Unlike the adjacent houses built later, with lower ceilings and when building codes allowed more narrow and steeper stairs, this building's high ceiling height of 10' 10" will require a 16' staircase run to reach the second floor. This long stair also requires two 3' x 3' landings to effectively conform to the available dimensions and building code requirements, causing a large floor area loss on both floors to this already small house. The high ceiling height, small

rooms, main floor configuration and small building footprint, make it difficult to place a stairway that makes sense for the flow of traffic. A stairway located in the existing 8' 1" deep, 150 sf rear room the RDT Preferred Addition requires means that space would be primarily occupied by the staircase, and the rest of the room could only be a hallway to reach the end of the staircase.

10. Exceptional Circumstance Ten. The 8' 1" deep rear utility area is too shallow to use as living space. At only 8' 1" deep, the existing rear utility room does not have sufficient depth for either the second bedroom or the dining area. The basement laundry area and the back yard are accessed through this room. When additionally occupied by a staircase, if the room is constrained to its current depth then it must remain as a utility or storage area, rather than contributing to much-needed living space.

M

Exhibit M.

A Previous Structure Extended To The Rear Lot Line of 1784 Sanchez

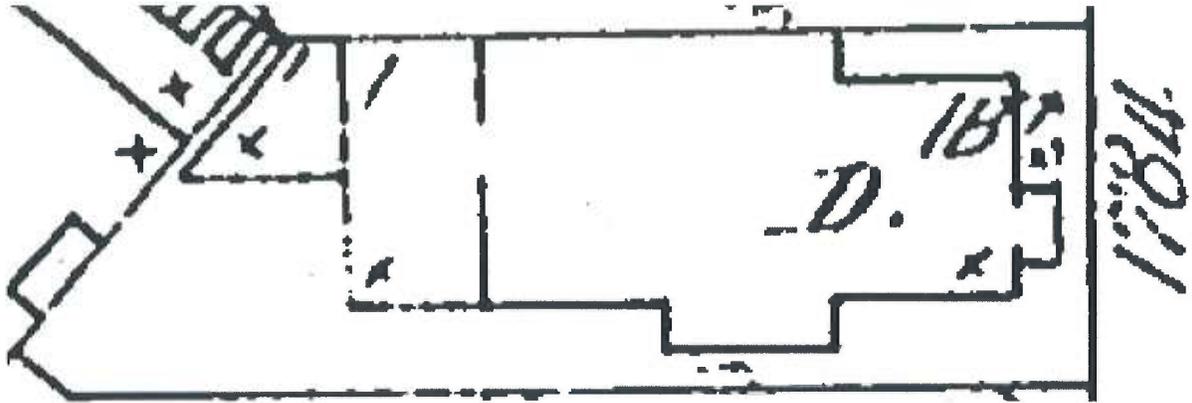


Figure M1. Subject property, 1913-1915 Sanborn map, detail. Except at side setback on east end, the entire north side of the lot is occupied by the house and additions from street to rear corner of lot.



Figure M2. 1938 Aerial photograph by Harrison Ryker, San Francisco Public Library shows that the lot is still occupied by the house and additions from street to rear corner of lot.



North and west exterior walls of previous addition



Retaining walls and north and west exterior wall



North exterior wall. Note the level floor line at the bottom of the original framing studs.



Retaining walls and old water supply pipe

Figure M3. The remains of the previously addition, including its northern and western exterior walls, which still exist and serve as property line fences.

N

Exhibit N.

Listing, Summaries, And First Page Of Variance Decisions Of Neighboring Expansions Where A Variance From The Required Rear Yard Setback Was Granted.

Table 1. Granted Variances in the Neighborhood of 1784 Sanchez Street

Block	Lot	Address	Case No.	Distance from 1784 Sanchez (feet)
6653	14	1784 Sanchez	2002.1040V	0
6654	53B	1715 Sanchez	1997.294V	360
6654	64	397 30 th	2000.163V	483
6654	67	200 Randall	2007.0390V	451
6651	8	1768 Noe	2002.0959V	553
6654	12	197 Laidley	2008.1342V	678
7538	24	30 Harry	2001.0978V	721
6685	12	268 Chenery	2001.1073V	1163

1715 Sanchez Street

The variance allowing a two story addition within the required rear setback was granted based on findings including:

- The property is shorter than the other adjacent properties.
- The addition was a minimal intrusion into the mid-block open space.
- Other development options would cause a more intrusive addition that would destroy the character of the front building facades and break the pattern of adjacent dwellings.
- Other options would be less cost-effective.
- Many properties in the neighborhood have similar additions.
- The project will be in keeping with the existing neighborhood character.

Like 1784 Sanchez, lot 53B, 26.5 feet wide by 75 feet deep, was created from a subdivision of a previously existing larger lot into four separate properties.

397 30th Street

The variance allowing creation of a garage within the required rear setback was granted based on findings including:

- The property already exists within the required rear setback.
- The area occupied by the addition does not contribute to the mid-block open space.
- The addition would not change the existing character of the neighborhood.
- The neighborhood contains buildings that extend within the rear setback, so this addition is not out of character with the neighborhood.

This addition was allowed even though it resulted in the filling of the entire open space of the lot.

200 Randall Street

The variance allowing a second-story deck within the required rear setback was granted based on findings including:

- The property is an unusually small and irregularly shaped corner lot.
- Other properties on the block have larger lots.

1768 Noe Street

The variance allowing a garage at the rear property line of a through lot was granted based on findings including:

- The lot is irregularly shaped due to the acute angle of convergence of Noe and Laidley Streets.
- The lot has a rear property line that is not parallel to the rear building wall.
- The property previously had an existing structure at that same location.
- Other options would affect the existing housing and neighborhood character.

The garage was allowed even though it filled all the existing open space along the length of the lot.

197 Laidley Street

The variance allowing both a horizontal and vertical expansion within both the front and rear setback was granted based on findings including:

- The lot has a substandard size and atypical lot depth.
- The existing building is a non-complying structure partially located within the front setback and required rear yard.
- The substandard lot size results in a required rear yard that is much less than other legal lots in the same zoning district.

The expansion was allowed even though it filled all the open space on the lot.

30 Harry Street

The variance allowing both a horizontal and a vertical expansion of an existing non-complying structure within the rear setback was granted based on findings including:

- The lot has a substandard size.
- The building is already within the rear setback and expansion will not significantly impact the existing lot coverage.
- The expansion will not significantly change the existing character of the neighborhood.

267 Chenery Street

The variance allowed construction of a two-story horizontal rear addition. Following a request for records, the Planning Department was unable to provide the variance decision.



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street San Francisco, CA 94103-2414

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ADMINISTRATION
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CURRENT PLANNING/ZONING
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LONG RANGE PLANNING
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May 28, 1997

VARIANCE DECISION

UNDER THE CITY PLANNING CODE CASE NO. 97.294V

APPLICANT: Leslie Arnold
534 Joost Avenue
San Francisco, CA 94127

PROPERTY IDENTIFICATION:

1715 SANCHEZ STREET; east side between 30th Street and Randall Street; Lot 053B in Assessor's Block 8654 in an RH-2 (Residential, House, Two-Family) District.

DESCRIPTION OF VARIANCE SOUGHT:

REAR YARD VARIANCE SOUGHT: The proposal is to allow the construction of a two-story addition at the rear of the two-story-over-garage single-family dwelling.

Section 134 of the Planning Code requires a minimum rear yard depth of approximately 33 feet nine inches, measured from the rear property line. The proposed addition would extend to within approximately 25 feet of the rear property line.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review.
2. The Zoning Administrator held a public hearing on Variance Application No. 97.294V on May 28, 1997.

DECISION:

GRANTED, to construct a two-story addition at the rear of the existing two-story-over-garage single-family dwelling in general conformity with plans on file with this application, shown as Exhibit A and dated May 7, 1997; subject to the following conditions:



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

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ZONING ADMINISTRATOR
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MAJOR ENVIRONMENTAL
FAX: 558-5991

COMMISSION CALENDAR
INFO: 558-6422

INTERNET WEB SITE
WWW.SFGOV.ORG/PLANNING

January 24, 2003

VARIANCE DECISION

UNDER THE CITY PLANNING CODE
CASE NO. 2002.0959V

APPLICANT: **BRUCE TOMB**
 1240 VALENCIA STREET
 SAN FRANCISCO, CA 94110

PROPERTY IDENTIFICATION: **1768 NOE STREET**, west side of the street between 30th and Laidley Streets; Lot 008 in Assessor's Block 6651 in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.

DESCRIPTION OF VARIANCE **REAR YARD VARIANCE SOUGHT:** The proposal is to construct a detached one-car garage with a basement at the rear property line on Laidley Street of a through lot with frontages on both Noe and Laidley Streets. The garage would have a centerline depth of 20-feet, a width of 12'-10" and measure 10-feet in height above curb level.

Section 134 of the Planning Code requires a minimum rear yard depth of (25%) approximately 24'-2" for the subject property, measured from the rear property line. The proposed garage addition would extend to the rear property line encroaching 24'-2" into the required rear yard.

PROCEDURAL BACKGROUND:

1. This proposal was determined to be categorically exempt from Environmental Review.
2. The Zoning Administrator held a public hearing on Variance Application No. **2002.0959V** on **December 11, 2002**.
3. Any building permit filed for the scope of work described above is subject to Section 311 notification.



PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378 PLANNING COMMISSION ADMINISTRATION CURRENT PLANNING/ZONING LONG RANGE PLANNING
FAX: 558-6409 FAX: 558-6426 FAX: 558-6409 FAX: 558-6426

November 30, 2001

VARIANCE DECISION

DOCKET COPY

UNDER THE CITY PLANNING CODE CASE NO. 2001.0978V

APPLICANT: **DANIEL OPPENHEIM**
 30 HARRY STREET
 SAN FRANCISCO, CA, 94131

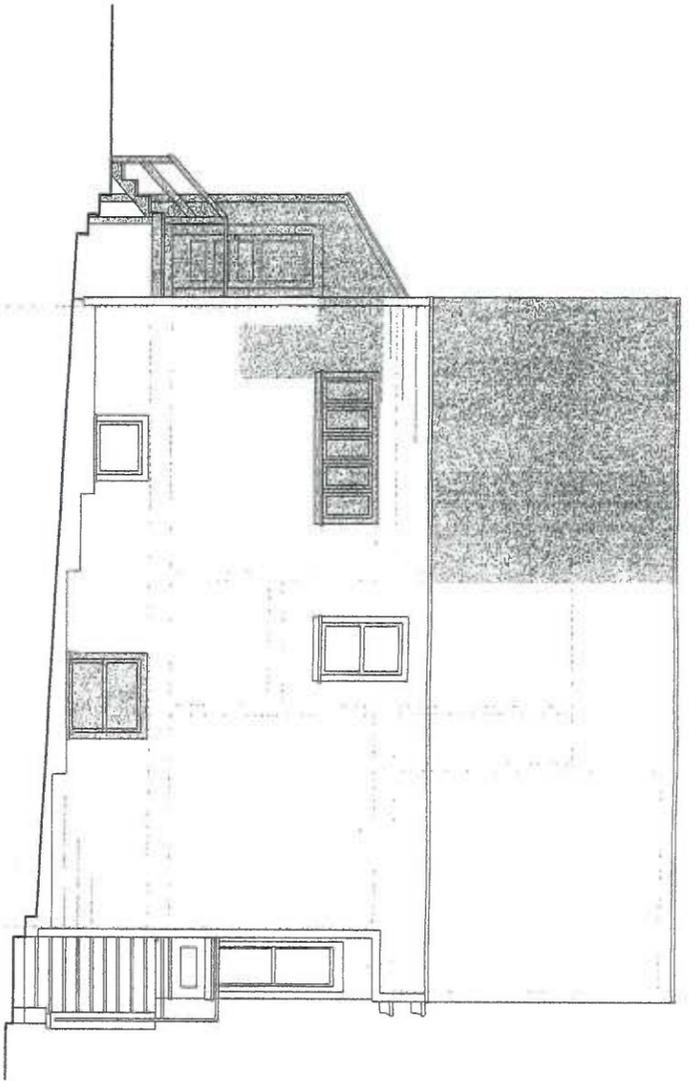
PROPERTY IDENTIFICATION: **30 HARRY STREET**, north side of Harry Street between Laidley and Beacon Streets; Lot 024 in Assessor's Block 7538 in a RH-1 (Residential, House, Single-Family) District and a 40-X Height and Bulk.

DESCRIPTION OF VARIANCE **REAR YARD VARIANCE SOUGHT:** The proposal is for the expansion of an existing legal non-complying structure at the rear of the subject property. The proposal will raise the roof 2 feet 8 inches as well as horizontally expand it a maximum of 5 feet 6 inches.

Section 134 of the Planning Code requires a minimum rear yard of 15 feet for the subject property, measured from the rear property line. A portion of the expanded attic floor would encroach 8 feet 6 inches into the required rear yard.

Section 188 of the Planning Code does not permit the reconstruction or expansion of a non-complying structure. The subject attic level is considered a legal non-complying structure because the existing structure already encroaches into the required rear yard. Therefore, the proposed expansion of the subject non-complying attic level would be contrary to Section 188 and would require a variance.

- PROCEDURAL BACKGROUND:
1. This proposal was determined to be categorically exempt from Environmental Review.
 2. The Zoning Administrator held a public hearing on Variance Application No. **2001.0978V** on **November 14, 2001**.
 3. The Section 311 for Building Permit Application 2001/09/14/8353, was sent out separately from the Variance Notification. The Building Permit Notification



1 SOUTH ELEVATION - EXISTING CONDITION

EXISTING CONSTRUCTION TO REMAIN
EXISTING CONSTRUCTION TO BE REMOVED

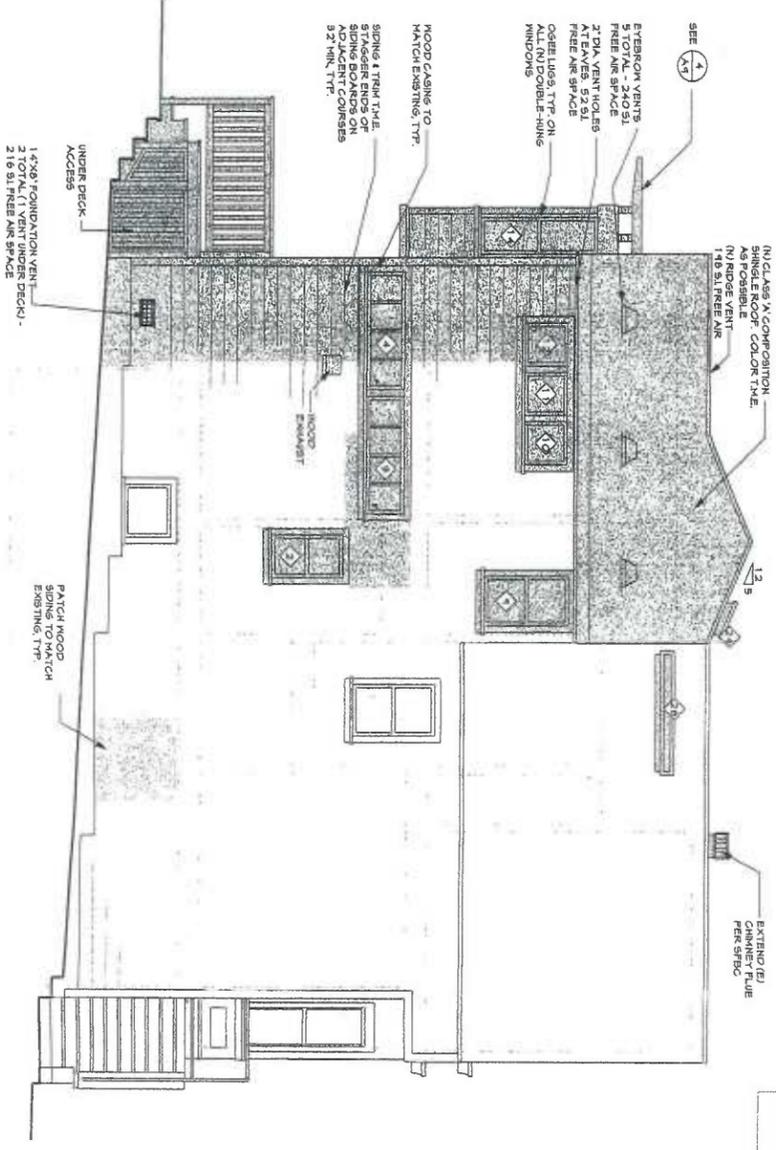
1/4" = 1'-0"



2 EAST ELEVATION - EXISTING CONDITION

EXISTING CONSTRUCTION TO REMAIN
EXISTING CONSTRUCTION TO BE REMOVED

1/4" = 1'-0"



3 SOUTH ELEVATION - PROPOSED CONDITION

EXISTING CONSTRUCTION TO REMAIN

1/4" = 1'-0"

ATTIC VENTILATION CALCULATION TABLE

ATTIC AREA	REQ'D (1/150)	PROVIDED
362 SF	241 SF / (348 SJ)	340 SF / (410 SJ/SHU)

CRAWLSPACE VENTILATION CALCULATION TABLE

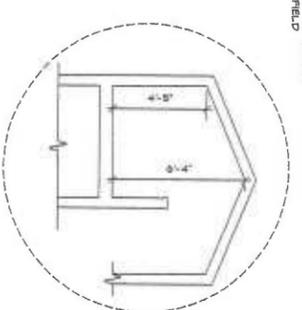
CRAWL AREA	REQ'D (1/150)	PROVIDED
134 SF	089 SF / (119 SJ)	135 SF / (216 SJ/SHU)



4 EAST ELEVATION - PROPOSED CONDITION

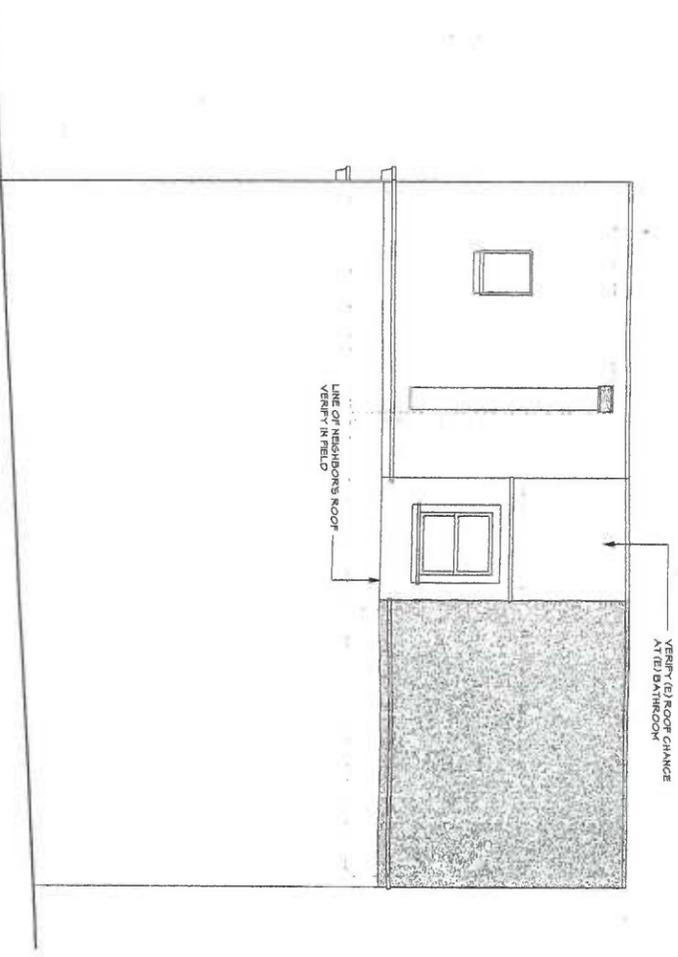
EXISTING CONSTRUCTION TO REMAIN

1/4" = 1'-0"



5 LOFT SECTION

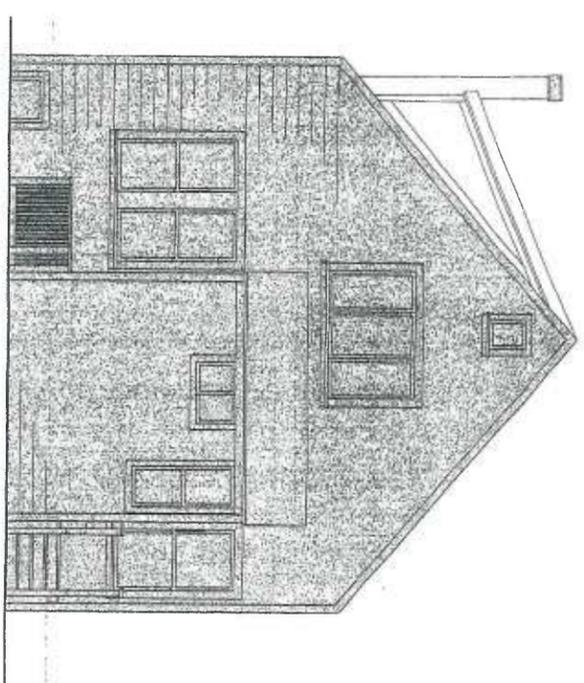
1/4" = 1'-0"



1 NORTH ELEVATION - EXISTING CONDITION

EXISTING CONSTRUCTION TO REMAIN
EXISTING CONSTRUCTION TO BE REMOVED

1/4" = 1'-0"



2 WEST ELEVATION - EXISTING CONDITION

EXISTING CONSTRUCTION TO REMAIN
EXISTING CONSTRUCTION TO BE REMOVED

1/4" = 1'-0"

PARAMETS SHALL NOT BE PROVIDED PER 104.4.1 EXCEPTION 5 - ONE-HOUR FIRE-RESISTIVE WALLS MAY TERMINATE AT THE UNDERSIDE OF THE ROOF SHEATHING, DECK OR SLAB.

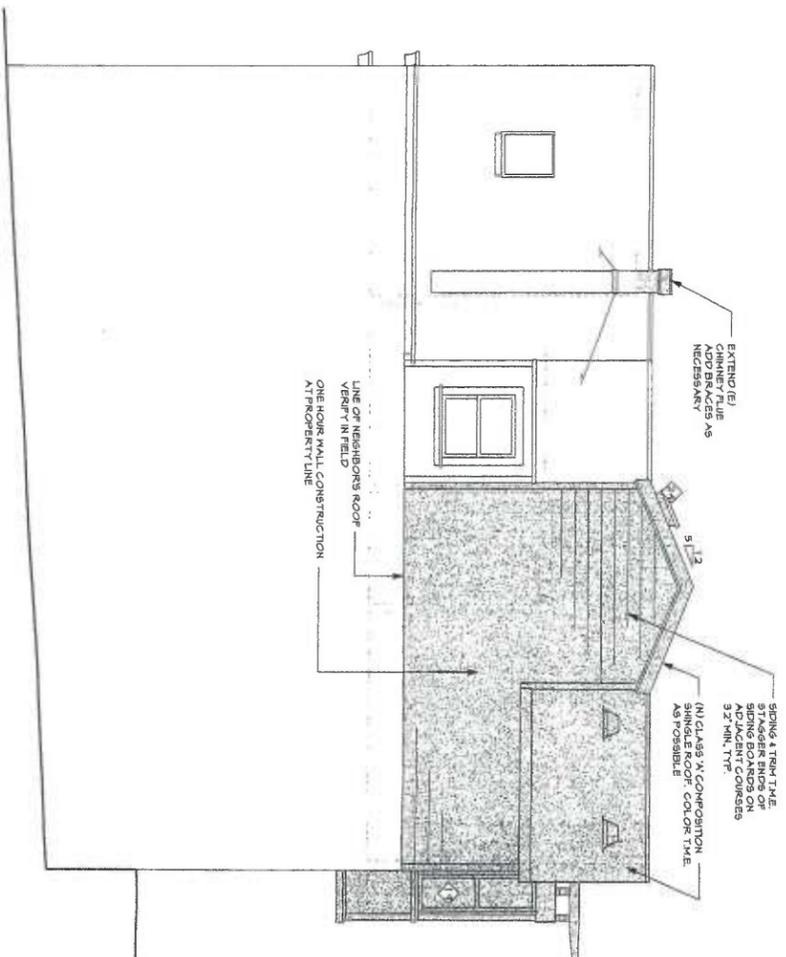
5.1 WHERE THE ROOF-CEILING FRAMING ELEMENTS ARE PARALLEL TO THE WALLS, SUCH FRAMING AND ELEMENTS SUPPORTING SUCH FRAMING SHALL NOT BE OF LESS THAN ONE-HOUR FIRE-RESISTIVE CONSTRUCTION FOR THE ENTIRE SPAN OF SUCH FRAMING AND ELEMENTS FOR ALL OTHER OCCUPANCIES. WHERE ELEMENTS ARE NOT PARALLEL TO THE WALL, THE ENTIRE SPAN OF SUCH FRAMING AND ELEMENTS SUPPORTING SUCH FRAMING SHALL NOT BE OF LESS THAN ONE-HOUR FIRE-RESISTIVE CONSTRUCTION.

5.2 THE ROOF SHALL NOT BE LOCATED WITHIN 5' OF FIRE-RESISTIVE EXTERIOR WALL FOR GROUPS R AND U.

5.4 THE ENTIRE BUILDING SHALL BE PROVIDED WITH NOT LESS THAN A CLASS B ROOFING ASSEMBLY.

ROOF-CEILING SYSTEM:

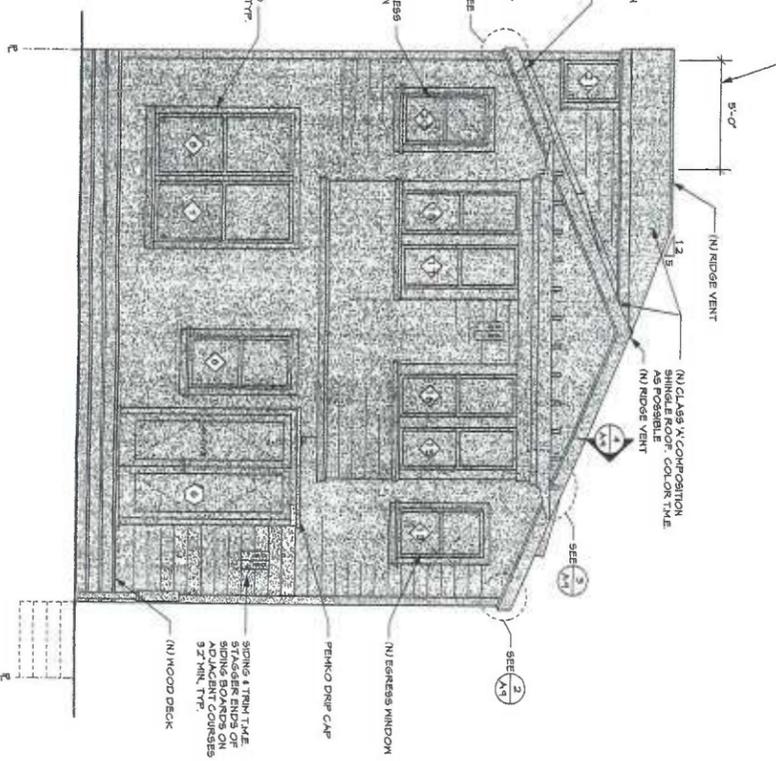
INTERIOR BASE LAYER: 5/8" TYPE X GYPSUM WALLBOARD APPLIED AT RIGHT ANGLES TO 2x8 & 1x6 O.C. W/ TYPE W OR S INTERIOR FACE LAYER: 5/8" TYPE X GYPSUM WALLBOARD AT RIGHT ANGLES TO RAFTERS W/ 1/2" TYPE S DRYWALL SCREENS FROM BASE LAYER JOINTS OF END RAFTERS, JOINTS OFFSET 24" EXTERIOR: 1/2" PLYWOOD WITH EXTERIOR GLEB APPLIED AT RIGHT ANGLES TO RAFTERS W/ 8d NAILS. CLASS A ROOF COVERING.



3 NORTH ELEVATION - PROPOSED CONDITION

EXISTING CONSTRUCTION TO REMAIN
NEW CONSTRUCTION

1/4" = 1'-0"



4 WEST ELEVATION - PROPOSED CONDITION

EXISTING CONSTRUCTION TO REMAIN
NEW CONSTRUCTION

1/4" = 1'-0"

EXHIBIT P.

Out of Character Alterations



Historic Resource Evaluation



1784 Sanchez Street

June 2014



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Historic Resource Evaluation

1. Executive Summary

This report presents historical data about the subject property, 1784 Sanchez Street, along with an evaluation of its eligibility to the California Register of Historical Resources. It includes a description of the existing property, and the proposed project to remodel and expand the building, along with alternate design options. The design schemes are evaluated to examine whether they would conform to the Secretary of the Interior's Standards for Rehabilitation. A discussion of potential effects the proposed design and alternate designs would have on historical resources is also included.

On the basis of the available information about 1784 Sanchez Street, it appears the property is part of a historical district eligible to the California Register. This district, consisting of the subject property and four adjoining lots which were subdivided in the second decade of the 20th Century, is significant under California Register Criterion 1 for its association with the infill development of the Fairmount Tract during the period of rebuilding after the 1906 earthquake and fire.

The small house which occupies the subject property is a simple, vernacular dwelling typical of the "workman's cottage" building type found in many neighborhoods on the south side of San Francisco in the early 20th century. It has one floor of living space and one bedroom. The Owners propose to expand the house by adding a second floor. This could be done by building a second floor covering much of the footprint of the house, but by so doing, the appearance of the house from the street would change markedly. An alternative would be to push the addition to the rear, but this would require a variance from the rear yard requirement of the San Francisco Planning Code. The Secretary's Standards recommend adding to existing buildings in the way that causes the least impact on the most historically important characteristics of the building. From the point of view of the Secretary's Standards, the alternate design which places the addition at the rear of the house would be "recommended," while the rooftop addition which would cover most of the existing building footprint would be "not recommended."

2. Introduction

The wood-frame dwelling at 1784 Sanchez Street was apparently built in 1893 and has been little modified since. Sited on a narrow and relatively shallow lot, it is located in an area densely developed in the early decades of the 20th century. The one-bedroom house occupies much of the depth of the lot, which slopes up from the street to the rear property line. The Owners, a growing family, want to enlarge the house to have two bedrooms and other living spaces. They are proposing a second floor vertical addition, and this report evaluates two options for it: building the addition above much of the existing footprint in order to follow rear yard requirements in the Planning Code, or expanding the house to the rear with the second floor addition pushed back in order to minimize its visibility from the street.

3. Methodology

This report includes information from the following sources:

- San Francisco Department of Building Inspection (permit records)
- San Francisco Assessor-Recorder (Sales Ledgers, Block Books, Building Card)
- San Francisco History Center, Main Public Library (Sanborn Maps, Block Books, card catalog)
- Ancestry.com (U.S. Census records 1920-1940, city directories)
- San Francisco Public Utilities Commission (Spring Valley Water Co. records)
- San Francisco Heritage (building files)
- Ancestry.com (U.S. Census records 1920-1940, city directories,)California Historical Society (BlockBooks, card catalog)

The information located at these sources was evaluated using the California Register Criteria to determine whether the subject property appears eligible for listing. The National Register Criteria were also consulted, as they provide more detail and are the template on which the California Register Criteria are based. The proposed project was evaluated under the Secretary of the Interior's Standards for Rehabilitation and the Illustrated Guidelines for Rehabilitating Historic Buildings (current, online and previous printed versions). Also referred to were documents prepared by the National Park Service for case studies of applying the Secretary's Standards in projects applying for federal preservation tax credits. In keeping with CEQA review for houses, this report does not describe the interior in detail or assess the proposed changes to it for conformance with the Secretary's Standards and potential historical impacts.

4. Current Historic Status

Federal, state, and local records and references were searched to determine if 1784 Sanchez Street has been identified in any official register of historical resources. The specific registers included are listed below.

A. Here Today

Here Today: San Francisco's Architectural Heritage is one of San Francisco's first architectural surveys. Undertaken by the Junior League of San Francisco and published in 1968, the survey did not assign ratings to buildings. However, the survey does provide brief historical and biographical information for what the authors believed to be significant buildings. The San Francisco Board of Supervisors adopted the survey in 1970. The survey files, on file at the San Francisco Public Library's San Francisco History Room, contain information on approximately 2,500 properties.

The building at 1784 Sanchez Street is not included in either the published book or the survey files.

B. Department of City Planning Architectural Quality Survey

The Department of City Planning's Architectural Quality Survey, or 1976 Survey, was a reconnaissance survey that examined the entire City and County of San Francisco to identify and rate – on a scale of "0" (contextual) to "5" (extraordinary) – architecturally significant buildings and structures. No historic research was performed and the potential historical significance of a resource was not considered when assigning ratings. According to the authors, the 10,000 rated buildings comprise only around 10 percent of the city's building stock. Due to its age and its lack of historical documentation, the 1976 Survey has not been officially recognized by the San Francisco Planning Department as a valid local register of historic resources for CEQA purposes, although it is still used on a consultative basis. The building at 1784 Sanchez Street is not listed in the 1976 Survey. (There are no properties in Assessor's Block 6653 in the 1976 Survey.)

C. San Francisco Architectural Heritage Surveys

San Francisco Architectural Heritage (Heritage) is the city's oldest not-for-profit organization dedicated to increasing awareness of and advocating for the preservation of San Francisco's unique architectural heritage. Heritage has completed several major architectural surveys in San Francisco, including Downtown, the South of Market Area, the Richmond District, Chinatown, the Van Ness Corridor, the Northeast Waterfront, and Dogpatch. Heritage ratings range from "A" (highest importance) to "D" (minor or no importance) and are based on both architectural and historical significance.

The building at 1784 Sanchez Street does not have a survey file and has therefore apparently not been surveyed by Heritage. Heritage does not have a building file on 1784 Sanchez Street.

D. California Historical Resource Status Code

Properties listed in the California Historic Resources Information System's (CHRIS) Historic Resource Inventory (HRI) or under review by the California Office of Historic Preservation (OHP) are assigned status codes of "1" to "7," establishing a baseline record of historical significance. Properties with a status code of "1" are listed in the California or National Register. Properties with a status code of "2" have been formally determined eligible for listing in the California or National Register. Properties with a status code of "3" or "4" appear to be eligible for listing in either register through survey evaluation. Properties with a status code of "5" are typically locally significant or of contextual importance. Status codes of "6" indicate that the property has been found ineligible for listing in any register and a status code of "7" indicates that the property has not yet been evaluated.

There is no listing for 1784 Sanchez Street in the CHRIS historic data file for San Francisco County.

E. San Francisco Planning Code, Articles 10 and 11

The subject property is not listed in the Planning Code as a city landmark, nor is it in the Article 11 commercial district. It is not located in a district previously documented or recognized by the Planning Department.

5. Description

A. Vicinity

The property is located relatively near to the geographical center of San Francisco, on the north slope of the hill which separates Noe Valley and Glen Park. The south end of Diamond Heights rises to the west; Glen Park lies on the other side of the hill to the south, San Jose Avenue circumscribes the neighborhood to the southeast and the east, and Noe Valley lies across 30th Street to the north.

The subject property, Assessor's Block 6653, lot 014, is located on the west side of Sanchez Street between 30th Street and Randall Street, in a block that slopes moderately steeply up from north to south. The subject block of Sanchez Street is not collinear with the main portion of Sanchez Street, but is slightly further west. Sanchez Street is one of the primary north-south streets on the grid of the Noe Valley and Mission-Castro neighborhoods; it runs from 30th Street to Duboce Street. The subject block does run north-south like the parallel streets (Harper and Noe to the west and Whitney, Church, and Chenery to the east), but they terminate to the south into a network of irregularly laid out streets that follow the topography of the hill.

The subject block is composed entirely of individual houses. The neighborhood consists almost exclusively of single-family houses and small apartment buildings. Almost all the buildings are one to three stories high and are wood-framed. Most have gable roofs and wood siding, though

there are some with stucco and more contemporary building materials. Despite the irregular street layout, lot sizes are fairly uniform.

B. *Site-Landscape*

The subject parcel is a roughly trapezoidal shape, with its long axis running east-west. The street frontage at its east end is 25 feet wide; the north length of the lot is 58'-3-3/8"; there is a notch of about one foot at the northwest corner of the lot where the neighboring parcel (Block 6653, Lot 015) protrudes into the subject lot; from the northwest corner the lot line runs to the southwest 24 feet, where it turns at a right angle running 8'-4" to the southeast; and from the southwest corner the southern lot line (parallel to the north lot line and perpendicular to Sanchez Street) runs 69 feet back to Sanchez Street. The lot slopes up about 11 feet from the lowest point on its street frontage on the east to the highest point at the rear of the lot on the west.



Subject property at center, with 1786 Sanchez Street at left and 1782 Sanchez Street at right. Photograph by property owner, 2014.

There is a continuous concrete sidewalk and curb in front of the house, with no street trees. The concrete extends onto the subject property to the front façade of the house and around it on both sides. The front façade is narrower than the lot, leaving a narrow walkway on each side of the house, paved in concrete with risers at the front property line. The rear yard has only a gentle slope. It has a mixture of planting areas, paved walkways, and turf.

C. *Exterior*

The house is a one-story-over-basement, front-gable, wood-frame building. It has horizontal wood drop siding and wood and vinyl windows, mostly double-hung. About one-third of the way from the front property line to the rear wall of the house, the building widens on each side, with the roof planes extended to cover the additional building width. The roof is covered with composition shingles. The building extends to the north property line, but there is a narrow walkway the full length of the south property line. At the rear, there is a one-story addition with a shed roof that slopes down to the west.

The street façade consists of a wood entry stair on the north side leading from grade to a porch on the right side at the front property line; below the porch there is a garage door at the basement level. The door consists of twin wood leaves hinged at the sides; each leaf has a six-light window at the top and three vertical panels below. The area below the stair is enclosed in horizontal wood siding; wood posts and balusters line the perimeter of the stair. The front wall of the first floor is slightly recessed under the projecting soffit and gable of the roof. A large window panel, divided into a center fixed window flanked by double-hung units and topped by a four-light transom occupies most of the façade at the first floor; the recessed main entry door is on the north side. The wood door leaf has an opaque panel where there was apparently a large glass light.

The primary architectural feature of the front façade is the pedimented gable front. The base of the gable is a projecting cornice over the porch, which consists of a series of moldings below a horizontal panel that stretches the width of the front façade, topped by a denticulated molding below the gable pediment. The gable pediment is made up of a wide base molding, on top of which the gable rises with two wide moldings. Recessed inside the gable, the pediment has

profiled and beaded moldings on its sloped side, with the recessed pediment panel filled with three shapes of decorative horizontal wood siding boards: five short courses with a saw-tooth profile at the top, then three courses of boards with chamfered edges, then three courses of fish-scale boards, and finally two more courses of chamfered boards.

The side elevations, which are partially visible from the street at an oblique angle, have limited fenestration, laid out according to interior spaces and not an exterior façade composition. The front faces of the two extensions have double-hung windows with arch-top upper sash. The rear shed has an exterior door on its south side, from which the first floor is accessible.

The front porch was rebuilt in December 2013 because of extensive wood decay. The new work, in redwood and cedar, includes turned balusters and siding that matches the house. The house was stripped and repainted in 2014, using a color palette intended to recall colors typical of the era in which it was built.

D. Interior

The first floor consists of a hallway, living room, study, kitchen, bedroom, bathroom, and rear storage room. Walls and ceilings are plaster and the flooring is wood except in the kitchen and bathroom, which have gypsum board walls and ceilings and laminate flooring. The living area, all on the main floor, is 847 square feet. There is no interior stair. The attic, which is not occupiable, is unfinished. The unfinished basement consists of storage space and a parking area at the garage door; part of the basement is a crawl space.

6. Historical Context

A. City and Neighborhood

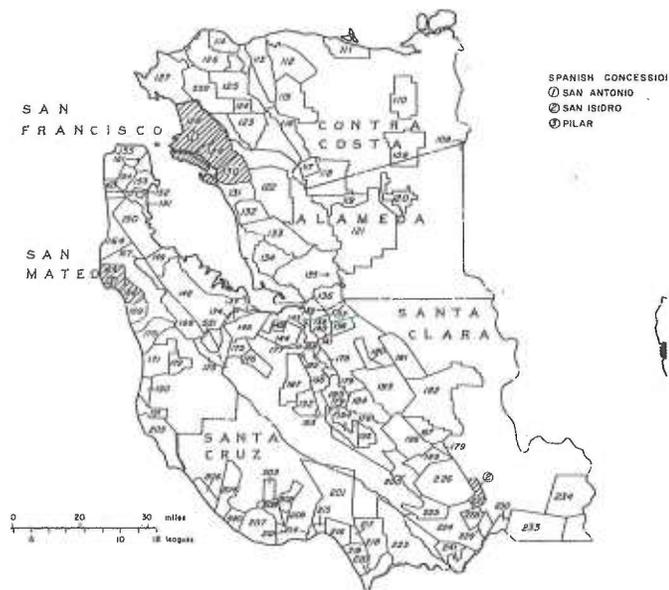
Before Spanish explorers, evangelists, soldiers, and colonists arrived in what is now called California, the descendants of much earlier immigrants from Asia had established stable societies over a period occupying nearly all the land in the state, including present-day San Francisco. From its base in Latin America, Spain sent explorers, then armies and priests, and a number of colonists who mostly affected native populations living near the 21 missions the Spanish government and Roman Catholic Church established. In 1776, Fr. Francisco Palou founded Mission Dolores under the direction of Fr. Junipero Serra; the same year, Spain established a military outpost that became the Presidio of San Francisco. With the founding of the village of Yerba Buena nearby in 1835, secular colonization complemented the military and mission initiatives, and after the discovery of gold at Sutter's Mill in 1848 these beginnings quickly evolved into San Francisco, which grew explosively, drawing newcomers from the Americas, Europe, and Asia.



Oblique view of south elevation from Sanchez Street; the house is set back from the side property lines on the north and south, but neighboring houses limit views of its side elevations. Photograph by property owner, 2014.

On 23 December 1845, Jose Jesus de Noe received from Mexican governor Pio Pico a grant of 4,443 acres, one of several land holdings he accumulated.¹ Noe, the last Mexican alcalde of Yerba Buena, was a native of Puebla, Mexico, and held several administrative posts in Yerba Buena before becoming alcalde and owned land in the main Yerba Buena settlement itself before receiving the grant from Gov. Pico which amounts to about one-sixth the land area of the City.² Noe reportedly amassed a ranch operation with 2,000 cattle and 200 horses and asked the governor to grant him land bordered by the ranches already granted to de Haro, Ridley, and Bernal so that he would have space for this operation.³ After the Mexican-American War, Noe experienced the pressures that drove many Mexican owners from their large land holdings: squatters who disputed their ownership and the American legal system which required them to prove they met the standard specified in the Treaty of Guadalupe Hidalgo. Though Noe ultimately received a federal patent for his land in 1857, ownership was already slipping through his fingers by then.⁴ The land ownership controversies survived Noe; well after his death, his children unsuccessfully tried to regain ownership on the theory that under Spanish law that would have applied during Mexican rule, Noe's wife actually owned half of the Rancho San Miguel grant and was the only person legally authorized to sell it.⁵

Noe's largest land holding, straddling the peaks between the east and west sides of the city, known as Rancho San Miguel, gradually was developed in many different stages. The subject property was part of one of them. In 1854, Noe sold 600 acres near the Mission to John Horner who platted it as Horner's Addition; this tract which forms the south part of Noe Valley is immediately north of the subject parcel. Noe also contracted to sell the rest of Rancho San Miguel to Horner that year, but Horner defaulted and in 1858 Noe sold it to Richard Roman, Isaac Thorne, and Tully Wise, who in turn transferred it in 1860-61 to Pioche, Bayerque & Co.



Mexican land grants in the Bay Area. Beck, Warren A. and Haase, Ynez D. Historical atlas of California. University of Oklahoma Press. Norman, OK, 1974.

¹ Wheeler, Alfred. *Land Titles in San Francisco, and the Laws Affecting the Same, With a Synopsis of all Grants and Sales of Land within the Limits Claimed by the City*. Alta California Steam Printing Establishment. San Francisco, 1852.

² Silver, Mae. *Rancho San Miguel: A San Francisco Neighborhood History*. Ord Street Press. San Francisco, 2001. P 26.

³ Ibid. P 31.

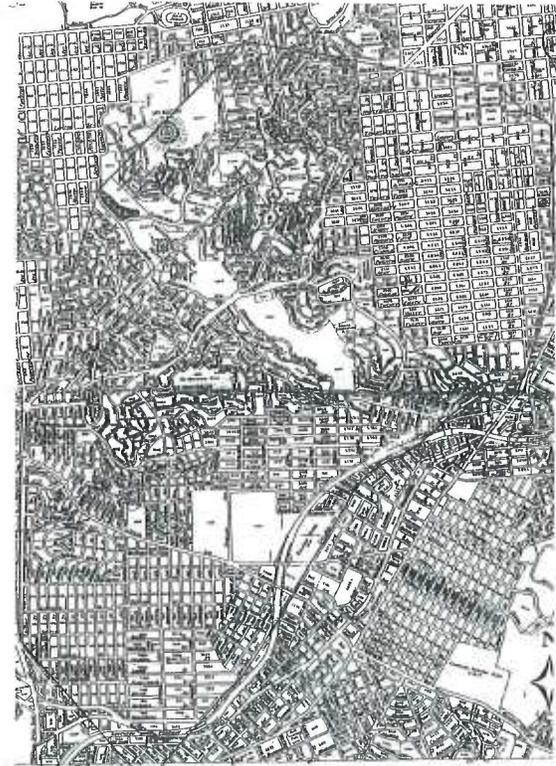
⁴ Ibid. P 40.

⁵ San Miguel Defense Association. *Decision in the Noe Suit, as Rendered by A. A. Sanderson, Judge*.

and Levi Parsons.⁶ The surviving records do not provide definitive descriptions of the extent each sale entailed; Noe's will at the time of his death in 1862 bequeathed one holding of 200 varas square and one double that size to his daughter and two sons.⁷

B. Fairmount Tract

As Horner's Addition developed to its north, the Fairmount Tract began filling in during the last third of the 19th century. In the 1870s, the first schools, "small wooden shacks" were built at Randall and Chenery Streets and at 30th and Noe Streets.⁸ In the 1880s, the Fairmount Tract remained part of "a dairy and vegetable-farming area...where many dairies went when the Board of Health made them get out of Cow Hollow. There were a few scattered houses, a few tanneries, a lot of grazing land...the dairy ranches ranged in area from about 10 to 25 acres."⁹ Businesses and churches were established in the south end of Horner's Addition (upper Noe Valley) and in 1892, Joost's electric railway provided easy access from the center of San Francisco to Glen Park,¹⁰ bracketing the Fairmount Tract with increasing development on its south side. This development stimulus was increased with the 1917 completion of the J-Church streetcar line which provided access to the Market Street lines at 30th Street.¹¹



Rancho San Miguel, boundaries mapped onto San Francisco street map. From *Rancho San Miguel: A San Francisco Neighborhood History*.

Block books indicate that the area around the subject parcel was subdivided gradually and in overlapping stages. While the 1894 block book for San Francisco, and the 1901 and 1906 block books that include Horner's Addition, do not show the area south of 30th Street, other block books illustrate the subdivision of the neighborhood as the Fairmount Tract under several homestead associations: The Fairmount Homestead Association, the Fairmount Land Association, and the Mission and 30th Street Homestead Union. Two maps filed in 1871 show the creation of two different groups of lots in block 25 of the Fairmount Tract. The first map was filed by the Mission and 30th Streets

⁶ Kortum, Jean. *San Francisco's San Miguel Rancho: From Mexican Land Grant to Residential Parks, 1845-1911*. Unpublished manuscript, 1993. San Francisco History Center, Main Public Library.

⁷ Silver, P 42.

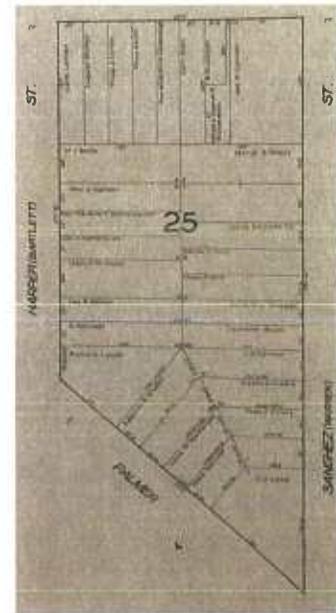
⁸ Silver, P 61.

⁹ O'Brien, Robert. "Riptides: A Glen Park Boy Looks Back---Part 1." 17 November 1947. *San Francisco Chronicle*.

¹⁰ Ibid. P 101.

¹¹ Yenne, Bill. *Images of America: San Francisco's Noe Valley*. Arcadia Publishing. Charleston, SC, 2004. P 48.

Homestead Union, surveyed by Julius Smith, and recorded by County Recorder William Higgins on 26 July 1871. It lays out lots 96-103, corresponding respectively to the present lots 11-8, 17, 18, 21, and 22 in the same order. (This map appears not to include the current lots 20, 41, and 40, although it plats the lots that surround them.) The second map, also surveyed by Julius Smith, was filed with the county recorder by the Fairmount Land Association 5 August 1871. It shows eight lots, numbered 5-12, which occupy the land currently encompassed by lots 2-7, 23-27, and 39, but only lot 9 on that map corresponds to a lot as currently platted, lot 39. A 1907 publication shows Assessor's Block 6653 (still called Block 25 and labeled Fairmount Tract with the three homestead associations named) divided into the same lots as today, except that Lot 14, owned by C. J. Love, encompassed the current lots 14 and 14A-D.¹² The oldest block book available at the Assessor's Office for the subject block, dated 1913, includes a map showing further subdivision of Block 6653 (Fairmount Tract Block 25). One shows the layout and ownership of the portion of the block covered by current lots 29-38 on 30th Street, lots 20, 41, and 40 at the intersection of Randall and Harper Streets, and lots 12-16 with lot 14 a single parcel (corresponding to the current 14, 14A, 14B, 14C, and 14D) belonging to Edward Love. Although this sheet is not dated, others in this book for blocks in the Fairmount Tract say it was filed with the City and County Assessor 12 March 1864.¹³



Block 25, Fairmount Tract. From 1907 *San Francisco Block Book, Vol. II Homesteads*.

C. Subject Parcel: Sanborn Maps

Sanborn maps show development of buildings in the subject block followed a progression similar to the subdivision of parcels, though subsequent to it. The 1886 Sanborn map shows buildings on seven lots on 30th Street in the subject block, with only one lot unbuilt. (The large parcel at the southwest corner of Sanchez and 30th Streets that comprises what is now Lots 1 and 1A-D.) The rest of the block is shown as a single parcel, with no buildings.

The 1899-1900 Sanborn Map shows the block subdivided into individual lots, including the current Lot 14 at almost its final dimensions, except that Lots 20, 41, and 40 were still a single lot and Lot 1 had not been subdivided. Though this map shows no lots built out on 30th Street since the 1886 map, buildings appear for the first time on two lots on Harper Street, one on Randall (then Palmer) Street, and three on Sanchez Street including the subject property. The footprint of the subject dwelling matches the existing; there is also an outbuilding at the northwest corner of the lot.

The 1913-1915 Sanborn map shows some additional lots splits and extensive build-out of the lots on Harper, Randall, and Sanchez Streets: only two lots on Harper Street remain unbuilt, two on Randall Street, and one (which was later split into two lots) on Sanchez Street. Interestingly, Lot 14D which is now vacant, is occupied by small structure, noted as a one-story



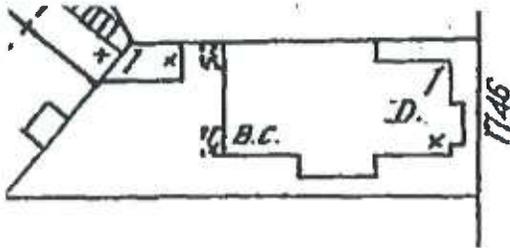
Portion of 1913 Block Book, showing current Lots 14 and 14A-D as one. San Francisco Assessor's office.

¹² *The San Francisco Block Book Vol. II Homesteads*. The Hicks-Judd Company. San Francisco, 1907.

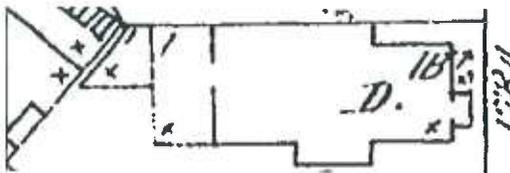
¹³ San Francisco Assessor Recorder, microfilm tape for 1913 Homestead block books, Vol. 48.

dwelling. That building does not appear on the updated 1915 Sanborn maps in the San Francisco History Center in the Main Public Library.

The 1913-1915 Sanborn map shows what appears to be the existing rear shed of 1784 Sanchez Street, which extends in the map to be continuous with, and contiguous to, the outbuilding in the northwest corner of the lot shown on the 1899-1900 map. These maps indicate that the subdivision of the original lot in five, creating Lots 14 and 14A-D, resulted in tight lots which were densely built out; in the case of Lot 14 this meant the entire north side of the lot from the street to the rear corner was covered by the building footprint, so that there was no rear yard in the sense of an open space the full width of the lot.



Subject property, 1899-1900 Sanborn map, detail. Note two sheds on rear wall



Subject property, 1913-1915 Sanborn map, detail. Except at side setback on east end, the entire north side of the lot is occupied by the house and additions from street to rear corner of lot.

Still extant at the rear of the property are concrete walls and slabs and a fence on the north property line that appear to be remnants of the construction at the rear of the lot shown on the Sanborn maps.

These include low walls which follow the lines of the footprint of the rear rooms or additions that no longer exist. The voids in the concrete are of the earlier, smaller board and batten shed that this structure replaced, overlapping or adjoining concrete slabs, and the fence on the north property line has studs beginning at a consistent height well above grade at the level of an elevated floor and showing regularly spaced nail holes on the inner face, "sistered" to the main studs. From these physical elements, the Sanborn maps, the Assessor's Building card which indicates a floor area of 950 square feet (about 103 square feet larger than what actually exists), and census records showing as many as seven people lived at 1784 Sanchez Street, it is clear there were rooms or sheds at the back of the house which no longer exist

and that the occupants would have had an obvious need for the space.

D. Subject Parcel and Its Divisions: Sales Ledgers

Sales ledgers at the San Francisco Assessor-Recorder's office indicate the following transactions for the subject parcel (starting from the earliest records on file):

Date	Lot#	From	To	Note
10/6/1914	14	Edward & C.J. Love	Patrick J. & Nellie Noonan	
11/12/1914	14A & 14B	Edward H. & Cecilia Love	Patrick & Ellen Byrom	
6/25/1915	14 (faint print: 14A)	Cecilia J. or C.J. Love	Edward or Edward H. Love	

Date	Lot#	From	To	Note
11/23/1916	14A	Ed. H. & Cecilia Love	Wm. & Catherine L. Hemmings	
5/3/1917	Ptn. 14	Wm. & Catherine L. Hemmings	Patrick & Nellie Moran	Marked "Cut" May be Lot 14A
5/3/1917	Ptn. 14	Edw. H. & Cecilia J. Love	Patrick & Ellen Byrom	Marked "Cut" May be Lot 14B
5/3/1917	Ptn. 14	Patrick & Ellen Byrom	Wm. & Catherine L. Hemmings	Marked "Cut" May be Lot 14C
12/23/1919	14C	Edward H. Love	Cecilia J. Love	
12/23/1919	14D	Edward H. Love	Cecilia J. Love	
6/18/1924	14	P. J. & Nellie Moran	Alonzo & Mary Taylor	
3/19/1925	14A	Wm. & C. L. Hemmings	John E. Ahearn	
10/15/1926	see note	Cecilia J. Love	Peter & Erina Braccini	"Cut 14B/14C" part illegible
5/28/1927	14D	Cecilia Love	J. H. Harris	
3/20/1929	14C	P. and Erma Braccini	Philip F. & Georgia M. Ducharme	grant deed
10/19/1932	14C	P. & Erina Braccini	J. and Anna Pettiford	grant deed
10/19/1932	14C	J. and Anna Pettiford	Bruno & Elise Pennington	"same"
10/19/1932	14C	Philip F. & Georgia M. Ducharme	P. & Erina Braccini	
4/8/1937	14	Alonzo & Mary J. Taylor		grant deed
9/29/1937	14B	Est. & Gdn. Ellen Byrom Incompt.	John Heinzer	
10/4/1937	14B	Est. P. Byrom	Ellen Byrom	"order setting aside estate to widow 1/2"
10/7/1937	14B	J. Boyle Gdn. Est. Ellen Byrom, Incompt.	John Heinzer	

Date	Lot#	From	To	Note
10/7/1937	14B	John Heinzer	John & Line Heinzer, John L. & Madeline R. Heinzer, Ernest A. Heinzer	

E. Subject Parcel and Its Divisions: Building Permits

The permit records at the Department of Building Inspection do not include the original construction permit for the subject building. The Assessor's Building Card indicates a construction date of 1908, which conflicts with Sanborn map information and likely reflects the loss of records in 1906. (See Appendices B and C for permits.) The 1893 Water Tap record of the Spring Valley Water Company and the indication on the 1899-1900 Sanborn Map of the existing dwelling indicate it was likely built in 1893. No records were located indicating the architect or builder; while the earliest block books indicate the undivided Lot 14 was owned by Andrew and Cecilia Love, there is no record that definitively identifies the original owner. Other permits on file for the subject property are:

- 3/15/1928 to A. Taylor (owner): "excavate basement and install garage/ extend brick foundations to garage floor level"
- 9/12/1985 to Martha Mihalopoulos Dubois (owner): "repair front stairs leading into entrance of residence (one landing) approx. 14 stairs no structural changes." Contractor: Frank Owens, Inc.
- 7/9/1996 to Martha Mihalopoulos Dubois (owner): reroofing

Building department records do include original construction permits for houses on the lots into which the original Lot 14 was subdivided:

- 1/5/1907 to C. J. Love (owner): "One story frame" building, described on second page of permit as "frame cottage," apparently 1786 Sanchez Street. Concrete foundation, 24 by 29 feet, "channel redwood rustic No 2" siding, steep shingle roof, patent chimney. Architect and builder: O. E. Dalby (permit is marginally legible).
- 3/4/1907 to "J. C. Love" (owner): diagram on cover sheet of permit appears to show subject dwelling, marked "old house No. 1784" and marks out three parcels that appear to correspond to current parcels: "new 1" (14A), "new 2" (14B), and "new 3" (14D). The second page of the permit provides similar information to the 1/5/1907 permit. Because 1786 and 1788 Sanchez Street are similar, it appears this permit may be for 1788 Sanchez Street, while also indicating Mrs. Love's intent -- or actual project -- to build the no longer extant cottage at 260 Randall Street (Lot 14D) shown on the 1913-1915 Sanborn map.
- 2/6/1908 to E. C. Love (owner): 1-1/2 story frame cottage, 22 feet by 32 feet. Lot is described as 50 wide in the front, 30 feet wide at the rear, and 66 feet deep. The dwelling is to have concrete foundations, a steep shingle roof, and redwood rustic siding. There is no listing for a chimney. O. E. Dalby is listed as the builder. The owner's address is listed as "1887 Sanchez."
- 10/3/1911 to A. Maillard (owner, listed as living at 1782 Sanchez Street): "1 story and half frame building" located "westerly line of Sanchez Street 127 feet north Randall" Street on what could be Lot 14 but may be the adjoining lot to the north (they share a corner that is roughly 127 feet north of Randall Street). The cover page includes a simple diagram with a rectangle, apparently the lot. The second page describes the lot as 30 feet wide at the front and rear and 100 feet deep; this suggests the address on the application is misleading.

F. Residents of Subject Property and Its Divisions, Census - City Directories

The information on Ancestry.com from the U.S. Census and city directories provides the following account of residents at 1784 Sanchez Street (see Appendix E for information from the 1900-1940 U.S. Census; note that Ancestry.com digitized records sometimes appear to reflect anomalies of optical character recognition and these variations have been corrected in the text in the body of this report):

1900 Census: This survey uses the old street numbers, with the subject property being designated 1746 Sanchez Street. Thomas J. (49) and Anna D. (48) Curry are listed as residents in the subject property, along with their children Blanch E (22), Eugene C., (19) , Forrest R. (17), Chester C. (14) and Clifford C. (13). The parents were born in Kentucky and Iowa, respectively, to American-born parents; the children were all born in California.

1910 Census

The survey form notes the occupants of 1786 and 1788 Sanchez Street and 27 Palmer Street (now listed as 250 Randall Street). At 1786 Sanchez Street it lists William (40) and Katharine (37) Hemmings and the sister (Ella M., 29) and brother (James J., 21) of Mrs. Hemmings. William Hemmings was born in England to parents who were natives of that country, while Katharine Hemmings and her siblings were born in Ireland to natives of that country. Patrick (27) and Ellen (31) Byrom are listed at 1788 Sanchez Street with their son John (3). The parents were born in Ireland to parents who were natives of that country, while their son was born in California. At 27 Palmer Street, the form lists Edward (69) and Cecilia (50) Byrom living with their children Anna (22), Bessie (19) and Harry (11). Edward Love was born in Maryland to parents from England and Ireland, while Celia was born in Pennsylvania to natives of that state and their children were born in Montana.

1920 Census: Patrick (49) and Ellen (38) Byrom are listed at 1788 Sanchez Street with their son John (13). The parents immigrated from their native Ireland in 1904 and their son was born in California. Celia Love (60) is head of household at 250 Randall Street; living with her are son Harry (21) and daughter Bessie (28). Celia Love was born in Pennsylvania to natives of that state and her children were born in Montana. There are no listings for 1784 and 1786 Sanchez Street.

1930 Census: Alonzo (58) and Mary (51) Taylor are listed at 1784 Sanchez Street with a roomer, Henry Tyrrell (57). All three are California natives. John E. (58) and Margaret (48) Ahearn are listed at 1786 Sanchez Street with their four children, John H. (25), Robert L. (21), Alice E. (18), and Fred G. (16) Ahearn. The parents were born in England and Ireland, respectively, to natives of those countries; all four children were born in California. At 1788 Sanchez Street Patrick (60) and Ellen (48) Byrom are listed along with their son John (24). The parents are natives of Ireland, like their parents; the son was born in California.

1940 Census: The Taylor household at 1784 Sanchez Street has not changed since 1930; Henry Tyrrell is listed as a widowed brother-in-law. At 1786 Sanchez Street, Isabelle Salet (45), a widower, is listed living with his mother, Estella Diedrich (76), his daughter Stella (23), and his sons George (24), Frank (22), Valentine (19), and Thomas (16). The grandmother, an old age pensioner, is a native of Massachusetts; the rest of the household was born in California. The father has no listed job; the daughter is a sales lady and two of her brothers are laborers while one is a clerk. The house is rented, apparently for \$22.50 per month. Two households are listed at 250 Randall Street: Harry (41), a maintenance worker, and Verona (38) Hill and their daughter, Diane (8). The father is a Pennsylvania native while the mother and daughter were born in California. The second unit is occupied by Lawrence (28), an operator, and Anne (27) Ventura, both California natives. Each unit rents for \$25 per month.

Among the commonalities of the residents noted in the census forms are:

- Race: every listed resident is white
- Household composition: all households are married couples or families with children (including a substantial portion of adult children living at home)
- Age: the heads of household are 20-60 years old
- Education (1940 census) typically is grade school or high school; all have some education but no college.
- Occupation: few wives work outside the home; men typically have blue-collar jobs.

City directory listings at Ancestry.com for the subject property and Lots 14A-D indicate that the heads of households were generally blue collar workers, holding jobs requiring some skill or experience in many cases but not highly paid jobs typical of the upper levels of middle class Americans of the time. Over a period of years, the men often moved from lesser-paid positions to ones requiring more skill or holding more authority. City directory listings also indicate that some residents were fairly mobile, moving from one address to another in a limited number of years. Examples include the following:

Name	Address	Occupation	Year
Peter Braccini	2085 Ellis Street	Framemaker	1918
Peter Braccini	1764 9th Avenue	Framemaker	1922
Peter Braccini	633 Funston Avenue	Framemaker	1925
Peter Braccini	250 Randall	Wood carver	1929
Patrick J. Byrom	1788 Sanchez	Laborer	1915
Patrick J. Byrom	1788 Sanchez	Foreman	1919
Patrick J. Byrom	1788 Sanchez		1928
Edward H. Love	912 Michigan	Laborer	1904
Edward H. Love	27 Randall	Carpenter	1910
Edward H. Love	250 Randall		1919
Alonzo Taylor	433 Utah	Teamster	1896
Alonzo Taylor	1784 Sanchez	Driver	1929

7. Evaluation of Historical Significance

A. *California Register of Historical Resources*

The subject property was evaluated to determine if it was individually eligible for listing in the California Register of Historical Resources. The California Register is an authoritative guide to significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-eligible properties (both listed and formal determinations of eligibility) are automatically listed. Properties can also be nominated to the California Register by local governments, private organizations, or citizens. This includes

properties identified in historical resource surveys with Status Codes of 1 to 5 and resources designated as local landmarks or listed by city or county ordinance. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register of Historic Places (National Register). In order to be eligible for listing in the California Register a property must be demonstrated to be significant under one or more of the following criteria:

Criterion 1 (Event): Resources that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

Criterion 2 (Person): Resources that are associated with the lives of persons important to local, California, or national history.

Criterion 3 (Design/Construction): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master, or possess high artistic values.

Criterion 4 (Information Potential): Resources or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California or the nation.

B. Evaluation: Subject Property Only

The house at 1784 Sanchez Street does not appear to be individually eligible to the California Register.

i. Criterion 1

Although as explained below, the subject property and the other houses on Lots 14A-C illustrate an important historic trend in San Francisco, 1784 Sanchez Street alone does not have significance as an individual property. While it is typical for a small dwelling of the 1890s, this in itself is not important enough to local, state, or national history to meet Criterion 1.

ii. Criterion 2

None of the owners or residents of the house appear to be important figures in local, state, or national history. They are broadly representative of the contemporary residents of the Fairmount Tract and Horner's Addition, but this would not make 1784 Sanchez Street individually significant for its association with them.

iii. Criterion 3

The small wood-frame dwelling at 1784 Sanchez Street embodies some characteristics of vernacular architecture and others of classical revival design. But it is not an unusual example of either type. While it employs construction materials and techniques typical for its building type and era, it is not a notable example or archetype. Because the original builder (and architect, if any) has not been identified, the building cannot be understood in detail for any role it might have in design and construction.

iv. Criterion 4

This report does not address archaeology. The project site has already been disturbed and massive excavation is not proposed.

C. Evaluation: Lots 14 and 14A-D

Because they were originally one parcel, and were owned and developed by the same people (Edward and Catherine J. Love), the five parcels 14 and 14A-D may be evaluated together to assess whether they are eligible to the California Register as a potential historic district.

i. Criterion 1

As shown in the block books, Sanborn maps, and sales ledgers, Lot 14 remained one of only two large lots in Assessor's Block 6653 (Fairmount Tract Block 25) not yet subdivided as of the 1906 earthquake. The subject building had been constructed, tight to the north lot line of the large Lot 14, but the rest of the parcel was unbuilt. In the 15 years following the 1906 earthquake, four additional houses were built, the lot was split into five parcels, and separate owners acquired the individual properties while Catherine Love remained a resident of one house on the parcel she and her deceased husband had developed. While most of Block 6653 had already been divided into individual lots and sold to separate owners by the 1906 earthquake, and the south end of Block 6653 had begun to fill in with buildings by 1900 as seen on the Sanborn map, Lot 14 lagged in development--but in a very short period after the earthquake, it was subdivided and built out.

By 1900, San Francisco was the largest US city west of St. Louis, with an established base of wealth and a major port.¹⁴ The April 18, 1906 earthquake itself did much damage but did not devastate the city; the quake-induced fire that burned for the next three days accomplished that historic event. The fire stopped at about 20th Street in the Mission,¹⁵ sparing the Fairmount Tract and neighboring Horner's Addition. The fire destroyed 80 percent of the buildings in San Francisco and left more than half its resident homeless.¹⁶ In the short term, the Army mass-produced "refugee shacks" and arrayed them in parks, and the next phase saw development radiate from the fire area at the same time that reconstruction began within the devastated zone. The new wave of development caused historic growth in areas like Oakland and Berkeley, and it was also intense in areas like the Fairmount Tract close to the fire area:

"The outlying residential neighborhoods that survived the disaster developed intensely, as many uprooted refugees abandoned their destroyed properties, either by choice or by circumstance. Most former South of Market residents were forced to relocate as stricter building codes for South of Market were debated at length (and eventually rejected) and that area was rebuilt as primarily commercial/industrial. Many of the displaced South of Market folks, typically working class immigrants, moved to the nearest intact area that suited their means and characters, the Mission. "In the undestroyed area of the Mission district a fever pitch of activity prevailed" (Scott 1959). New communities also sprang up on the urban fringe. Still, many chose to rebuild on their original properties.¹⁷

The rebuilding took many forms, matching different economic and physical conditions where post-1906 development flourished. Though some residential areas rebuilt with larger and more expensive buildings than what had been lost, the nearby southern Mission saw a different development:

"In the southern part of the Mission, which was solidly detached single-family dwellings before Reconstruction, the character also changed. Lots that were empty before the 1906 disaster were developed with multi-family flats, and previously developed lots added back-lot cottages. Whereas earlier residential buildings employed setbacks,

¹⁴ San Francisco Planning Department. *City within A City: Historic Context Statement for San Francisco's Mission District*. San Francisco Planning Department. San Francisco, November 2007. P 55.

¹⁵ Ibid. P 58.

¹⁶ Ibid. P 60.

¹⁷ Ibid. P 63.

newer construction was usually built to the lot lines. Wider lots such as old mansion estates were subdivided for further development, as the last of the Howard Street elite fled the rebuilding to their newer enclaves on the Peninsula and elsewhere. Existing buildings were moved on lots, demolished, partitioned for multi-family, or expanded to create more developable area. Rural outbuildings such as barns, coops, wells, and windmills, still evident at the turn of the century, were gone. The Reconstruction put an end to the quasi-rural conditions that still existed in parts of the Mission at the turn of the century.¹⁸

The grouping comprised of Assessor's Block 6653, Lots 14 and 14A-D are a good example of this important development. The lot was divided and additional houses were built and sold to individual owners in quick succession after 1906. The lots thus created are smaller than the norm for Block 6653, and the houses are simple in detail and materials and modest in size. The residents were typical of the blue collar families who populated the area. Although 260 Randall Street (Lot 14D) originally contributed to this significance, it no longer does because the cottage shown on the 1915 Sanborn map has been lost.

For these reasons, 1784, 1786, and 1788 Sanchez Street and 250 Randall Street (Block 6653, Lots 14 and 14A-C) are significant under California Register Criterion 1 for their association with the rebuilding of San Francisco after the 1906 earthquake and fire. In particular, 1784 Sanchez Street shows how a pre-earthquake house was sited in anticipation of future development, while the other three buildings tell the story of the quick subdivision and build-out that followed the quake. The four properties are significant at the local level. The period of significance is 1906 (the earthquake and fire) to 1920 (build-out and individual sale of the five properties).

ii. Criterion 2

None of the owners, builders, or occupants of the four properties in the potential district appears to be important to local, state, or national history. While they are good representatives of the people who owned, built, and occupied houses constructed in the period after the quake, they do not have individual importance, nor were they organized as a cohesive group, as would be required under Criterion 2.

iii. Criterion 3

While the four houses in the potential district are representative of the design and contemporary construction techniques of modest houses, they do not have unusual design, materials, or associations with specific builders as would be necessary to qualify under Criterion 3.

iv. Criterion 4

This report does not cover archaeology. The association with post-1906 rebuilding described under Criterion 1 is not particularly likely to entail significant information potential under Criterion 4.



Four buildings (from left for right) at 250 Randall Street (Lot 14C), 1788 Sanchez Street (Lot 14B), 1786 Sanchez Street (Lot 14A), and the subject property, 1784 Sanchez Street, looking west-southwest. Photo by property owner 2014.

¹⁸ Ibid. P 70.

D. Integrity

In addition to being determined eligible under at least one of the four California Register criteria, a property must also retain sufficient historical integrity. The concept of integrity is essential to identifying the important physical characteristics of historical resources and hence, evaluating adverse change. For the purposes of the California Register, integrity is defined as “the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance” (California Code of Regulations Title 14, Chapter 11.5). A property is examined for seven variables or aspects that together comprise integrity. These aspects, which are based closely on the National Register, are location, design, setting, materials, workmanship, feeling and association. National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation defines these seven characteristics:

- Location is the place where the historic property was constructed.
- Design is the combination of elements that create the form, plans, space, structure and style of the property.
- Setting addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building/s.
- Materials refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.
- Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history.
- Feeling is the property’s expression of the aesthetic or historic sense of a particular period of time.
- Association is the direct link between an important historic event or person and a historic property.

The potential historic district comprising Lots 14 and 14A-C appear to have the following aspects of integrity:

Location

The four properties are in their original location.

Setting

The setting has not changed greatly since the period of significance.

Association and Feeling

The four buildings and their physical context are largely intact, and the use of the area has not changed at all. While it is no longer a blue-collar district, the modest houses continue to recall the social group who built and originally occupied it.

Materials, Design, and Workmanship

The four buildings in the potential district retain most of their original design. While some materials have changed, the buildings are readily identifiable as middle class housing from the early 20th century.

Overall, the potential district retains a high degree of historical integrity. It therefore appears eligible for listing in the California Register, which would require more research and evaluation than is customarily included in an HRE.

8. Evaluation under the Secretary of the Interior's Standards

A. Additions

The Secretary's Standards allow additions, but they require that they be built so that they do not change the character of a building. For a contributory building in a historic district, the exterior is usually far more important than the interior, and it is the exterior features that contribute to the significance of the district and are readily visible from public vantage points in the district that are of paramount concern.

The Illustrated Guidelines state that:

"New additions should be designed and constructed so that the character-defining features of the historic building are not radically changed, obscured, damaged, or destroyed in the process of rehabilitation."¹⁹

The Guidelines recommend:

"Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged or destroyed...Locating the attached exterior addition at the rear or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building."²⁰

They also recommend:

"Designing additional stories, when required for the new use, that are set back from the wall plan and are as inconspicuous as possible when viewed from the street."²¹

In the case studies the National Park Service has published as guidance for applying the Standards, a publication on Rooftop Additions states, "Rooftop additions are almost never appropriate for buildings that are less than four stories high." A case study shows a one-story addition to a four-story building of which the side walls are blank like those of the historic building, and the front wall is almost entirely obscured by the original building even when viewed obliquely.²²

B. Character-Defining Features

To evaluate a project under the Secretary's Standards, one must first identify the character-defining features of the property. These are the physical characteristics essential to the ability of the property to convey its historical significance. Evaluation under the Secretary's Standards focuses on whether character-defining features would be lost, altered, or visually disrupted by inappropriate adjacent construction.

In the case of 1784 Sanchez Street, these characteristics are:

- Siting in relation to the street
- Siting in relation to neighboring houses (buildings are detached at side lot lines)

¹⁹ Morton, W. Brown III, Hume, Gary L., Weeks, Kay D. and Jandl H. Ward. *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings*. Washington, DC, U.S. Department of the Interior, National Park Service, Heritage Preservation Services. 1997. P. 90

²⁰ Ibid. P 91.

²¹ Ibid. P 93.

²² U.S. Department of the Interior, National Park Service, Technical Preservation Services. *Interpreting the Secretary of the Interior's Standards for Rehabilitation. ITS Number 36. Rooftop Additions*. Washington, DC, U.S. Department of the Interior, National Park Service, Technical Preservation Services. 2006. P 1.

- Orientation (main facade faces street)
- Size and simple form
- Use of simple classical details to articulate the main feature of the building form, the gable
- Above-grade basement and raised first floor
- Modest size and restrained character of house

C. Project Description: Options A and B

The proposed project would not alter the main (east) facade or the eastern part of the house. It would add a horizontal/vertical addition at the rear of the house to provide additional living space and internal vertical circulation.

Option A would replace the existing one-story, shed-roofed rear storage room with a new, two-story addition that would extend five feet beyond the existing rear wall, 21'-9" in width. The width at the rear of the house would be increased from the existing 17'-3" to enclose the notch in the southwestern corner of the building footprint, and thus allow the existing exterior staircase to the basement to be enclosed. The new addition would have a shed roof, gently sloped down from east to west. Extending the depth of the house by five feet would create a new space of sufficient depth to be usable on the first floor as a family room, while also accommodating a long staircase (by necessity of the existing 10'-10" first floor ceiling height) to the new second floor.

Option B would add a second story over most of the existing footprint, set back 15'-6" from the front. The first floor would accommodate the stairway to second floor, with the new living spaces located on the second floor. The roof of the addition would be a gable aligned with the existing gable but sloped more gently to create a readily-visible contrast when viewed from the street.

D. Evaluation of Options

The Secretary's Standards recommend siting and designing any addition so that the character-defining features change as little as possible. The interior of the house, the rear portions of its side walls and roof, and the rear elevation could change without greatly diminishing the way the house conveys the resurgent development after 1906 as middle-class housing for stable, blue-collar residents. On the other hand, the front of the house, particularly the main (east) facade, would be very sensitive to change. Also important to the integrity of the property is its appearance as a modest dwelling characteristic of blue-collar San Franciscans' houses in the years just before 1906 and the period of rapid rebuilding immediately after the earthquake and fire.

The Standards and Guidelines do not provide for additions that overwhelm the original building; the addition is to be deferential to the historic building in character and size, so that it appears to be a lesser element dominated by the larger original one. The Standards recommend placing horizontal additions on secondary or tertiary elevations, in order to avoid changing the appearance of the building at all on the primary elevation if possible and to minimize the change on secondary elevations.

The Standards do allow vertical additions, but these must be located to minimize the apparent change in form, size, and massing of a building. All additions must be compatible with historic buildings, while also differentiated from them. But an addition that sharply changes a building's apparent height, scale or massing is "not recommended" under the Secretary's Standards, even if it is perfectly compatible and unquestionably differentiated from the original building.

In other respects, both options would conform to the Standards. The siding and windows of the addition would be similar to or compatible with those of the original part of the house, but the addition would be differentiated enough to make it clearly distinct. In both cases, the massing itself would be an unmistakable visual cue that the original portion of the house and the addition were quite different.

Option A

Option A would conform to the Standards. It would be a rear addition, not a rooftop addition. It would be taller than the original building, but would not overwhelm it because its overall massing would be smaller than that of the historic house and it would be at the back of the house. While it would be visible from some public vantage points, it would be mostly concealed from sight by those walking on the sidewalk on the east side of Sanchez Street because it would be set so far back building that the existing main (east) facade would block it from view. The subject property would continue to convey its original characteristics as a modest, one-story house. It is likely many passersby would not notice the addition at the rear of the house.

Specifically, Option A would conform to Standards 1 (appropriate use), 2 (preserving historic character, avoiding removal of distinctive materials), 3 (avoiding changes that create a false sense of historical development), 4 (retaining changes that have acquired significance, in that the rear shed-roofed storage room which would be demolished is not visible from the street and therefore is not a character-defining feature for the house as a contributory property in a district), 5 (preserving distinctive materials, features, and finishes), 6 (repairing deteriorated features instead of replacing them wholesale), 7 (avoiding harsh treatments), 8 (archaeology is excluded from the scope of this report, but this option does not involve excavating the basement to create greater interior volume at that level), 9 (new additions not destroying historic features, materials, and spatial relationships and being compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment), and 10 (additions being reversible, in that only the existing rear shed-roofed storage room would be missing if the proposed project were executed but the addition were later removed.)

Option B

Option B would be "not recommended" under the Secretary's Standards. It would be a one-story rooftop addition on a 1-1/2 story building. Although a person standing directly in front of the house would not be able to see the addition, someone walking on the opposite side of Sanchez Street would be too likely to see it--and would not experience the house as a modest, turn-of-the-century home to a middle-class family. The house would instead convey the transformation of the neighborhood that is visible in recently constructed houses on the hillside above Randall and Laidley Streets. While the different slope of the roof of the addition would make clear that it is not historic, its greater height and length would make the new roof visually dominant from important public vantage points. This would make the existing roof appear to be secondary visually to the new roof. Overall, the addition would dominate the original part of the house, making it appear to be a smaller appendage on a larger main mass.

Specifically, Option B would conform to Standards 1 (appropriate use), 3 (avoiding changes that create a false sense of historical development), 4 (retaining changes that have acquired significance, in that the rear shed-roofed storage room which would be demolished is not visible from the street and therefore is not a character-defining feature for the house as a contributory property in a district), 6 (repairing deteriorated features instead of replacing them wholesale), 7 (avoiding harsh treatments), and 8 (archaeology is excluded from the scope of this report, but this option does not involve excavating the basement to create greater interior volume at that level). Option B would conform for the most part to Standards 2 (preserving historic character, avoiding removal of distinctive materials) and 5 (preserving distinctive materials, features, and finishes), but demolition of most of the original roof would be problematic under these Standards. Option B would not conform to Standard 9 (new additions not destroying historic features, materials, and spatial relationships and being compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment--as explained above) or Standard 10 (additions being reversible, in that if the

proposed project were executed but the addition were later removed, most of the roof of the original house would be missing.)

E. Nearby Additions

The Fairmount Tract and surrounding neighborhoods, like many residential areas in San Francisco, have seen many additions to houses in recent years, including vertical additions. The following examples may be of interest in evaluating the potential for expanding 1784 Sanchez Street while maintaining its historical character:

1768 and 1793 Sanchez Street

Although these houses differ somewhat from the subject property, the additions that have been executed are similar in important respects to Option B. The additions are readily visible from an oblique angle--and part of the addition to 1768 Sanchez Street is visible from directly across the street.



1768 Sanchez Street. Photo by property owners, 2014.

1782 Sanchez Street

This addition consists of dormers set back from the front of the original house. It does not alter the original ridgeline of the roof. (This approach is not feasible for 1784 Sanchez Street because the existing ridgeline is too low to provide adequate headroom.)

41 Winfield Street

About a dozen blocks east of the subject property, there is a cluster of originally small houses on a sloping street which have been expanded vertically. Like 1784 Sanchez Street, this house appears to have originally been a cottage with a prominent gable. The addition of another gable has transformed its character into a wedding cake composition with the same form repeated in a rising array.



1793 Sanchez Street. Photo by property owners, 2014.

49 and 69 Winfield Street

These buildings appear to have been small houses, but after they were expanded both their scale and form changed significantly.



49 Winfield Street. Photo by Knapp Architects, 2014.



69 Winfield Street. Photo by Knapp Architects, 2014.



1782 Sanchez Street. Photo by property owners, 2014.

73 and 77 Winfield Street

These houses, originally larger than the subject property, were apparently expanded vertically without raising the original ridgeline. But at 73 Winfield Street, the dormer additions are fairly prominent when viewed obliquely from either side, while the addition at 77 Winfield Street is so inconspicuous even from the side that many people might not notice it.

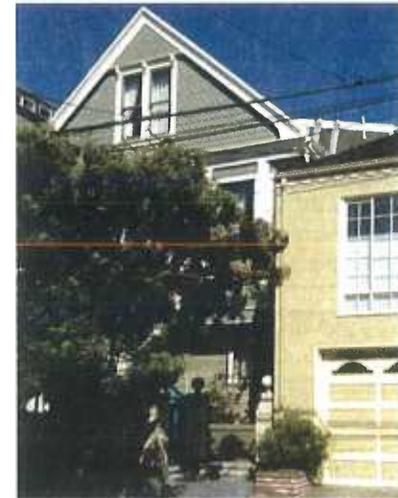
9. Conclusion

The subject property, 1784 Sanchez Street, was built in 1893 (based on water tap records) and is a simple cottage typical of the houses occupied by blue collar San Franciscans of its day. Although it appears to be little altered from its original design, it does not appear individually eligible to the California Register. But the lot on which the property is located was originally part of a lot that comprised present-day lots 14 and 14A-D. Block books and Sanborn maps show that as the Fairmount Tract was subdivided in the last quarter of the 19th century, this large lot remained intact even as almost all the others in Fairmount Tract Block 25 (present-day Assessor's Block 6653) were subdivided and began to be built out. After the 1906 earthquake and fire, the lot was divided into the five current lots and by 1915 each of the five lots was built out. These modest structures were the homes for families who were strongly representative of the working people who populated the subject neighborhood and similar ones in the historically important years when San Francisco rebuilt. Lot 14D is now vacant, but the other four retain the houses which continue to convey the intensive build-out which occurred in areas a short distance beyond the devastating fire which followed the earthquake.

The owners of the house wish to expand the one-bedroom structure for their growing family. They have delineated two options for an addition: one would replace the shed-roofed storage room at the back of the house with a two-story addition, while the other would be limited to the existing building footprint but would add a second story over most of the existing building. The former option would result in very little change to the appearance of the house from the street because it would be set far back, and it would be reversible under Standard 10. Although a person standing directly in front of the house would not be able to see the addition from the front, at a southern or northern offset from the house centerline the addition would be visible; and someone walking on the opposite side of Sanchez Street would be too likely to see it--and would not experience the house as a modest, turn-of-the-century home to a middle-class family. Because it would significantly change the apparent size and massing of the existing house, and would not be reversible because it would require demolition of most of the existing roof, it would not conform to Standards 9 and 10 and would be somewhat problematic under Standards 2 and 5, so that overall it would not conform to the Secretary's Standards.



73 Winfield Street. Photo by Knapp Architects, 2014.



77 Winfield Street. Photo by Knapp Architects, 2014.

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O.O.	T.O.	CAUSE
5750/10/0882 13-199 1-17-20		
10750/59/11788 17-199 2-23-20		
1788/10/1077 17-199 3-1-20		
	3/9-20 48000	
6-9772/10/15937 13-199 3-10-21		
	54013 73-694 5-7-21	

6/1/29 40208
6/2/19

30094
73-694
16717

INCREASED 1/8 DATE 7-15-72
A/C SFWD New Main Contract

179
170
126
129

Kantall

Inspection Report

SPECIAL NOTES

Application for Service Installation

1784 Sanchez STREET San Francisco, CA

TO THE SPRING VALLEY WATER COMPANY:

You are hereby requested and authorized to make service installation for water supply at _____

for account of _____

(Signed) _____ Owner

By _____ Architect-Plumber-Agent

NOTE: This order covers service installation only; a separate order is required for supply.

136 STREET

137 ST.

128

WARREN

ST.

STREET

STREET

2050

2043

BARTLETT

PALMER ST.

0

2050 1/2

STREET

2049

MERCED

STREET

STREET

2048

LAIDLEY ST.

0

DRY

THIRTIETH

2047

WARRANTS OF TITLE

2044

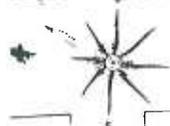
BEACON ST.

ST.

0

STREET

Scale of Feet

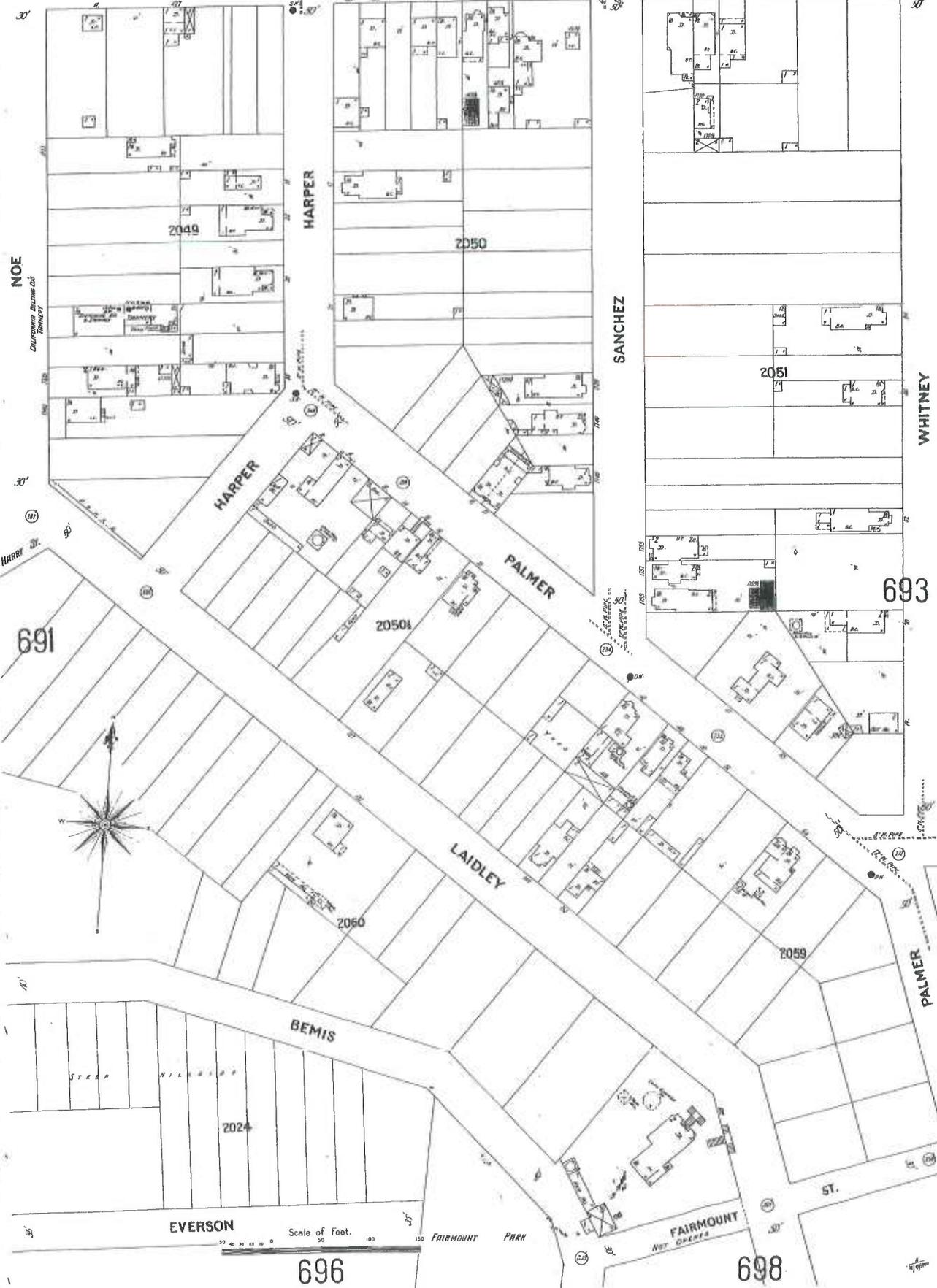


659

30TH ST.

645

692



NOE
DURANDS, BURNING OIL
TANKS

HARPER

SANCHEZ

WHITNEY

HARPER

PALMER

LAYDLEY

BEMIS

PALMER

EVERSON

FAIRMOUNT
NOT OPENED

FAIRMOUNT PARK

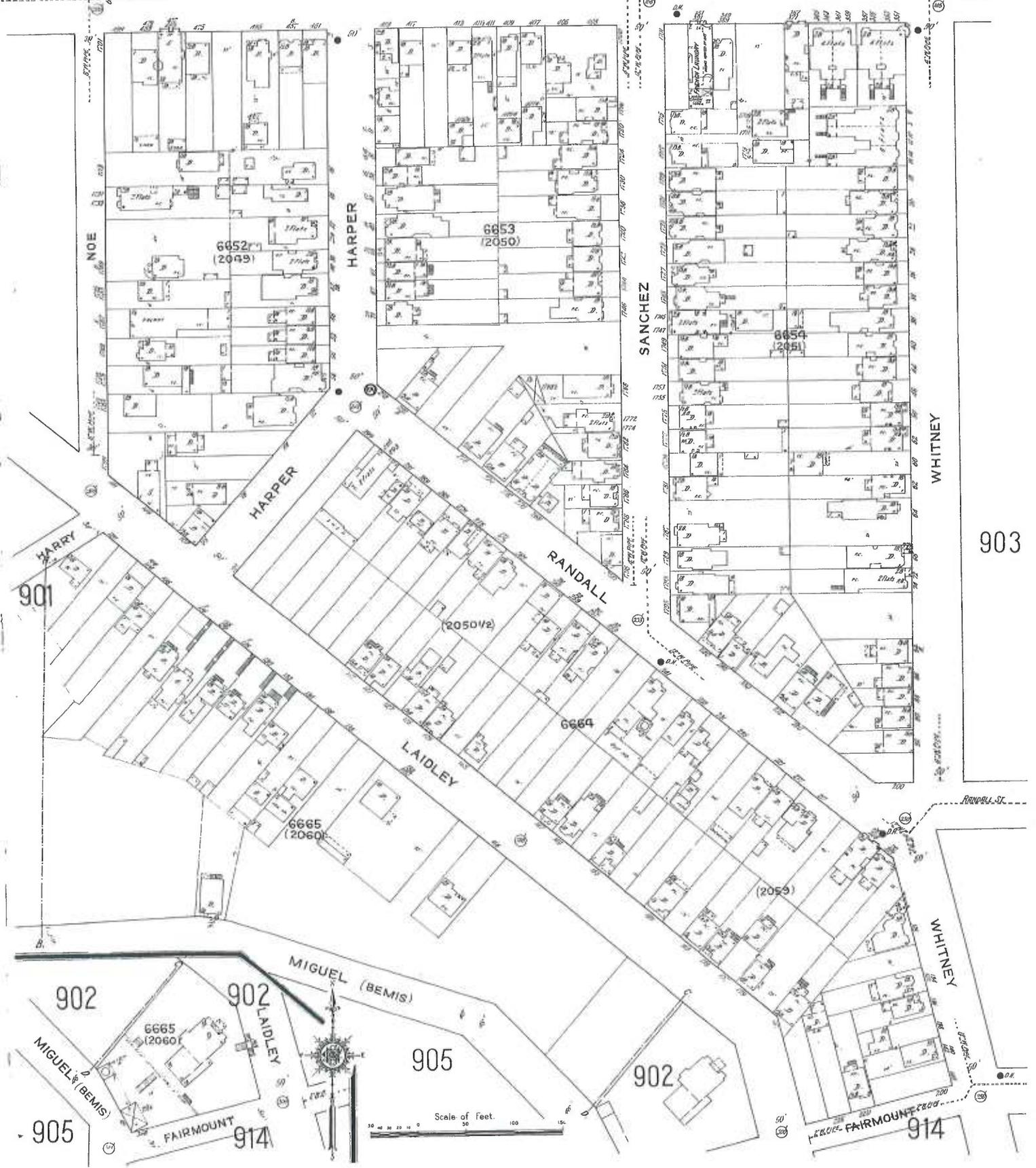
696

698

Scale of feet.
0 50 100

S E B U O I U M E S B U E T

30TH ST.



901

902

902

905

902

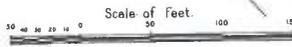
905

FAIRMOUNT

914

914

903



R

8. Evaluation under the Secretary of the Interior's Standards

A. Additions

The Secretary's Standards allow additions, but they require that they be built so that they do not change the character of a building. For a contributory building in a historic district, the exterior is usually far more important than the interior, and it is the exterior features that contribute to the significance of the district and are readily visible from public vantage points in the district that are of paramount concern.

The Illustrated Guidelines state that:

"New additions should be designed and constructed so that the character-defining features of the historic building are not radically changed, obscured, damaged, or destroyed in the process of rehabilitation."¹⁹

The Guidelines recommend:

"Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged or destroyed...Locating the attached exterior addition at the rear or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building."²⁰

They also recommend:

"Designing additional stories, when required for the new use, that are set back from the wall plan and are as inconspicuous as possible when viewed from the street."²¹

In the case studies the National Park Service has published as guidance for applying the Standards, a publication on Rooftop Additions states, "Rooftop additions are almost never appropriate for buildings that are less than four stories high." A case study shows a one-story addition to a four-story building of which the side walls are blank like those of the historic building, and the front wall is almost entirely obscured by the original building even when viewed obliquely.²²

B. Character-Defining Features

To evaluate a project under the Secretary's Standards, one must first identify the character-defining features of the property. These are the physical characteristics essential to the ability of the property to convey its historical significance. Evaluation under the Secretary's Standards focuses on whether character-defining features would be lost, altered, or visually disrupted by inappropriate adjacent construction.

In the case of 1784 Sanchez Street, these characteristics are:

- Siting in relation to the street
- Siting in relation to neighboring houses (buildings are detached at side lot lines)

¹⁹ Morton, W. Brown III, Hume, Gary L., Weeks, Kay D. and Jandl H. Ward. *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings*. Washington, DC, U.S. Department of the Interior, National Park Service, Heritage Preservation Services. 1997. P. 90

²⁰ Ibid. P 91.

²¹ Ibid. P 93.

²² U.S. Department of the Interior, National Park Service, Technical Preservation Services. *Interpreting the Secretary of the Interior's Standards for Rehabilitation. ITS Number 36. Rooftop Additions*. Washington, DC, U.S. Department of the Interior, National Park Service, Technical Preservation Services. 2006. P 1.

- Orientation (main facade faces street)
- Size and simple form
- Use of simple classical details to articulate the main feature of the building form, the gable
- Above-grade basement and raised first floor
- Modest size and restrained character of house

C. Project Description: Options A and B

The proposed project would not alter the main (east) facade or the eastern part of the house. It would add a horizontal/vertical addition at the rear of the house to provide additional living space and internal vertical circulation.

Option A would replace the existing one-story, shed-roofed rear storage room with a new, two-story addition that would extend five feet beyond the existing rear wall, 21'-9" in width. The width at the rear of the house would be increased from the existing 17'-3" to enclose the notch in the southwestern corner of the building footprint, and thus allow the existing exterior staircase to the basement to be enclosed. The new addition would have a shed roof, gently sloped down from east to west. Extending the depth of the house by five feet would create a new space of sufficient depth to be usable on the first floor as a family room, while also accommodating a long staircase (by necessity of the existing 10'-10" first floor ceiling height) to the new second floor.

Option B would add a second story over most of the existing footprint, set back 15'-6" from the front. The first floor would accommodate the stairway to second floor, with the new living spaces located on the second floor. The roof of the addition would be a gable aligned with the existing gable but sloped more gently to create a readily-visible contrast when viewed from the street.

D. Evaluation of Options

The Secretary's Standards recommend siting and designing any addition so that the character-defining features change as little as possible. The interior of the house, the rear portions of its side walls and roof, and the rear elevation could change without greatly diminishing the way the house conveys the resurgent development after 1906 as middle-class housing for stable, blue-collar residents. On the other hand, the front of the house, particularly the main (east) facade, would be very sensitive to change. Also important to the integrity of the property is its appearance as a modest dwelling characteristic of blue-collar San Franciscans' houses in the years just before 1906 and the period of rapid rebuilding immediately after the earthquake and fire.

The Standards and Guidelines do not provide for additions that overwhelm the original building; the addition is to be deferential to the historic building in character and size, so that it appears to be a lesser element dominated by the larger original one. The Standards recommend placing horizontal additions on secondary or tertiary elevations, in order to avoid changing the appearance of the building at all on the primary elevation if possible and to minimize the change on secondary elevations.

The Standards do allow vertical additions, but these must be located to minimize the apparent change in form, size, and massing of a building. All additions must be compatible with historic buildings, while also differentiated from them. But an addition that sharply changes a building's apparent height, scale or massing is "not recommended" under the Secretary's Standards, even if it is perfectly compatible and unquestionably differentiated from the original building.

In other respects, both options would conform to the Standards. The siding and windows of the addition would be similar to or compatible with those of the original part of the house, but the addition would be differentiated enough to make it clearly distinct. In both cases, the massing itself would be an unmistakable visual cue that the original portion of the house and the addition were quite different.

Option A

Option A would conform to the Standards. It would be a rear addition, not a rooftop addition. It would be taller than the original building, but would not overwhelm it because its overall massing would be smaller than that of the historic house and it would be at the back of the house. While it would be visible from some public vantage points, it would be mostly concealed from sight by those walking on the sidewalk on the east side of Sanchez Street because it would be set so far back building that the existing main (east) facade would block it from view. The subject property would continue to convey its original characteristics as a modest, one-story house. It is likely many passersby would not notice the addition at the rear of the house.

Specifically, Option A would conform to Standards 1 (appropriate use), 2 (preserving historic character, avoiding removal of distinctive materials), 3 (avoiding changes that create a false sense of historical development), 4 (retaining changes that have acquired significance, in that the rear shed-roofed storage room which would be demolished is not visible from the street and therefore is not a character-defining feature for the house as a contributory property in a district), 5 (preserving distinctive materials, features, and finishes), 6 (repairing deteriorated features instead of replacing them wholesale), 7 (avoiding harsh treatments), 8 (archaeology is excluded from the scope of this report, but this option does not involve excavating the basement to create greater interior volume at that level), 9 (new additions not destroying historic features, materials, and spatial relationships and being compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment), and 10 (additions being reversible, in that only the existing rear shed-roofed storage room would be missing if the proposed project were executed but the addition were later removed.)

Option B

Option B would be "not recommended" under the Secretary's Standards. It would be a one-story rooftop addition on a 1-1/2 story building. Although a person standing directly in front of the house would not be able to see the addition, someone walking on the opposite side of Sanchez Street would be too likely to see it--and would not experience the house as a modest, turn-of-the-century home to a middle-class family. The house would instead convey the transformation of the neighborhood that is visible in recently constructed houses on the hillside above Randall and Laidley Streets. While the different slope of the roof of the addition would make clear that it is not historic, its greater height and length would make the new roof visually dominant from important public vantage points. This would make the existing roof appear to be secondary visually to the new roof. Overall, the addition would dominate the original part of the house, making it appear to be a smaller appendage on a larger main mass.

Specifically, Option B would conform to Standards 1 (appropriate use), 3 (avoiding changes that create a false sense of historical development), 4 (retaining changes that have acquired significance, in that the rear shed-roofed storage room which would be demolished is not visible from the street and therefore is not a character-defining feature for the house as a contributory property in a district), 6 (repairing deteriorated features instead of replacing them wholesale), 7 (avoiding harsh treatments), and 8 (archaeology is excluded from the scope of this report, but this option does not involve excavating the basement to create greater interior volume at that level). Option B would conform for the most part to Standards 2 (preserving historic character, avoiding removal of distinctive materials) and 5 (preserving distinctive materials, features, and finishes), but demolition of most of the original roof would be problematic under these Standards. Option B would not conform to Standard 9 (new additions not destroying historic features, materials, and spatial relationships and being compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment--as explained above) or Standard 10 (additions being reversible, in that if the

proposed project were executed but the addition were later removed, most of the roof of the original house would be missing.)

E. Nearby Additions

The Fairmount Tract and surrounding neighborhoods, like many residential areas in San Francisco, have seen many additions to houses in recent years, including vertical additions. The following examples may be of interest in evaluating the potential for expanding 1784 Sanchez Street while maintaining its historical character:

1768 and 1793 Sanchez Street

Although these houses differ somewhat from the subject property, the additions that have been executed are similar in important respects to Option B. The additions are readily visible from an oblique angle--and part of the addition to 1768 Sanchez Street is visible from directly across the street.



1768 Sanchez Street. Photo by property owners, 2014.

1782 Sanchez Street

This addition consists of dormers set back from the front of the original house. It does not alter the original ridgeline of the roof. (This approach is not feasible for 1784 Sanchez Street because the existing ridgeline is too low to provide adequate headroom.)



1793 Sanchez Street. Photo by property owners, 2014.

41 Winfield Street

About a dozen blocks east of the subject property, there is a cluster of originally small houses on a sloping street which have been expanded vertically. Like 1784 Sanchez Street, this house appears to have originally been a cottage with a prominent gable. The addition of another gable has transformed its character into a wedding cake composition with the same form repeated in a rising array.

49 and 69 Winfield Street

These buildings appear to have been small houses, but after they were expanded both their scale and form changed significantly.



49 Winfield Street. Photo by Knapp Architects, 2014.



69 Winfield Street. Photo by Knapp Architects, 2014.



1782 Sanchez Street. Photo by property owners, 2014.

73 and 77 Winfield Street

These houses, originally larger than the subject property, were apparently expanded vertically without raising the original ridgeline. But at 73 Winfield Street, the dormer additions are fairly prominent when viewed obliquely from either side, while the addition at 77 Winfield Street is so inconspicuous even from the side that many people might not notice it.

9. Conclusion

The subject property, 1784 Sanchez Street, was built in 1893 (based on water tap records) and is a simple cottage typical of the houses occupied by blue collar San Franciscans of its day. Although it appears to be little altered from its original design, it does not appear individually eligible to the California Register. But the lot on which the property is located was originally part of a lot that comprised present-day lots 14 and 14A-D. Block books and Sanborn maps show that as the Fairmount Tract was subdivided in the last quarter of the 19th century, this large lot remained intact even as almost all the others in Fairmount Tract Block 25 (present-day Assessor's Block 6653) were subdivided and began to be built out. After the 1906 earthquake and fire, the lot was divided into the five current lots and by 1915 each of the five lots was built out. These modest structures were the homes for families who were strongly representative of the working people who populated the subject neighborhood and similar ones in the historically important years when San Francisco rebuilt. Lot 14D is now vacant, but the other four retain the houses which continue to convey the intensive build-out which occurred in areas a short distance beyond the devastating fire which followed the earthquake.

The owners of the house wish to expand the one-bedroom structure for their growing family. They have delineated two options for an addition: one would replace the shed-roofed storage room at the back of the house with a two-story addition, while the other would be limited to the existing building footprint but would add a second story over most of the existing building. The former option would result in very little change to the appearance of the house from the street because it would be set far back, and it would be reversible under Standard 10. Although a person standing directly in front of the house would not be able to see the addition from the front, at a southern or northern offset from the house centerline the addition would be visible; and someone walking on the opposite side of Sanchez Street would be too likely to see it--and would not experience the house as a modest, turn-of-the-century home to a middle-class family. Because it would significantly change the apparent size and massing of the existing house, and would not be reversible because it would require demolition of most of the existing roof, it would not conform to Standards 9 and 10 and would be somewhat problematic under Standards 2 and 5, so that overall it would not conform to the Secretary's Standards.



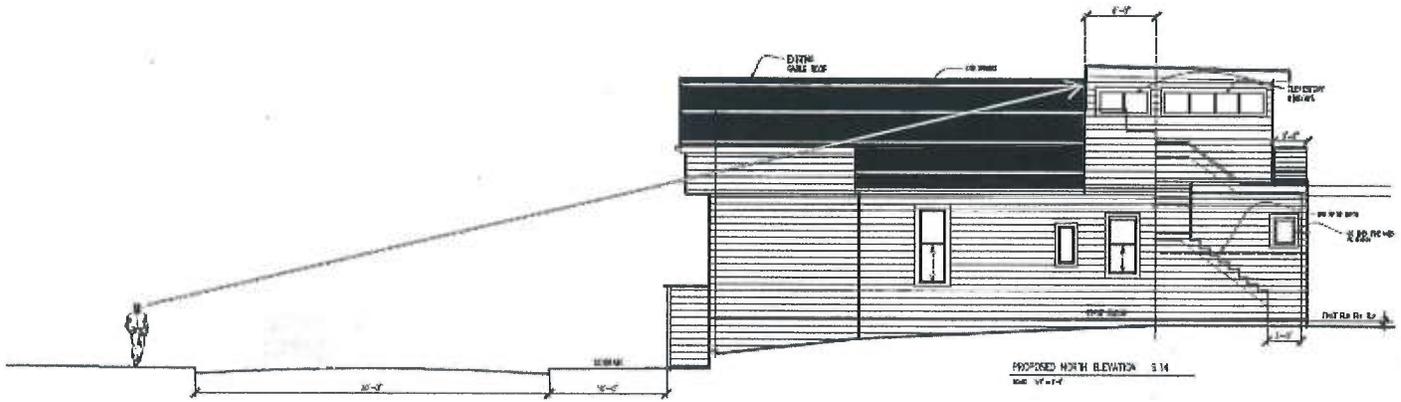
73 Winfield Street. Photo by Knapp Architects, 2014.



77 Winfield Street. Photo by Knapp Architects, 2014.

Exhibit S (continued).

Sightline* Comparison of the Family's Proposal and the RDT Preferred Addition
(North Elevation)



The Family's Proposal



The RDT Preferred Addition

* The sightline is looking from the east, in line with the home's south side setback.

EXHIBIT T

Block 6653 Building Sizes

<u>lot number</u>	<u>building size (sf)</u>		<u>lot number</u>	<u>building size (sf)</u>
1	4015		17	1152
1A	1708		18	2147
1B	1665		20	1764
1C	1665		21	525
1D	2100		22	1408
2	2315		23	1060
3	1575		24	1060
4	1759		25	1180
5	1195		26	1875
6	1844		27	1350
7	2312		29	725
8	1090		30	700
9	2312		31	1125
10	1316		32	1759
11	1300		33	1525
12	1274	*	34	1320
13	1689	*	35	1760
14	847	*	36	1541
14A	1462	*	37	984
14B	1492	*	38	660
14C	1246		39	1772
14D	vacant lot		40	3114
15	1856	*	41	1624
16	1270			

* Building areas for 1784 Sanchez taken from architectural plans;
other building areas are estimated from Planning Department records.

EXHIBIT U

Table of Floor Area Ratios of Nearby Houses

Address	Building area (sf) ¹	Lot size (sf)	FAR
1784 Sanchez (existing)	847	1690	50%
1784 Sanchez (proposed)	1307	1690	77%
1782 Sanchez	1689	1951	86.5%
1786 Sanchez	1462	1498	97.5%
1788 Sanchez	1492	1642	91%
250 Randall	1246	1489	84%

¹ Building areas for 1784 Sanchez taken from architectural plans, other building areas are estimated from Planning Department records.

EXHIBIT V

The Neighbor's Grounds For Objecting To The Addition Are Unfounded.

While not objecting to the 2003 Variance, in 2010 the Objecting Neighbor expressed concerns about a high wall on their property and its impact on their light, to which James and Anastasia made specific concessions (Section 14).

A February 2014 email to my client's architect from the two attorneys next door (the "Objecting Neighbor") listed the following concerns:

1. Negative Impacts on light, privacy, and their own open space
2. The addition would not preserve trees and plants in their backyard
3. The addition would cause seismic, water and structural issues, to their home.

Despite significant additional concessions (Section 14), further communication states they now want no change to the first floor expansion, and only a 3' to 5' deep second floor over it; no expansion at the front of the building, and constraints on the height of both first and second floors.

The Residential Design Guidelines recognize that building expansion is not without effect, and the Proposal includes a number of the RDG-recommended accommodations, which my clients have made.

Light. RDG recognizes that there may be some reduction in light with building expansion. The Proposal includes setbacks and open railings as suggested by the Design Guidelines. We believe that any diminution of light into the rear yards of the adjacent building will be incremental and relatively small, and will not substantially affect nearby rear yards.

Privacy. The Design Guidelines recognizes that there may be some loss of privacy with building expansion. James and Anastasia will utilize high clerestory windows on the north side to protect the privacy of the Objecting Neighbors, as suggested by the RDG.

The building at 270-272 Randall is the primary impingement on available light both for its own small rear yard as well as for nearby neighbors at 1772-1774, 1782 and 1784 Sanchez. 270-272 Randall, including a top-floor addition and rear stairs, occupies over 90% of the lot. At the shared property line with 1784 Sanchez, this buildings structure is 2½ stories tall, and is three stories high relative to 1782 Sanchez.

The neighbors at 1782 Sanchez Street maintain their trees and other plants high around the boundary of their rear yard, even above the existing 6' fence at the property line with 1784 Sanchez Street (Exhibit Y). Extending the first floor to the rear, even at a height of 10', will not significantly impact the light to 1782 Sanchez, as that part of the addition will be mostly hidden behind their own landscaping. The first story will also not be significantly visible to any neighbors further north.

My clients are perplexed by the Objecting Neighbor's concern about privacy since they chose to install a bay window during their 2008 remodel, with side windows that overlook and are prominently visible from James and Anastasia's property.

Seismic and structural issues will be addressed by a licensed structural engineer and it is the Building Department and not Planning Staff that makes sure all seismic and other laws are met. Water drainage will improve since additional roof area will be tied into an underground waste line and additional French drains will be installed outside the perimeter of any new foundation work in the rear (which the neighbors at 1782 Sanchez neglected to do with their addition). Protection of existing plantings will of course be the duty of the builder.

Timeline of Contacts With the Objecting Neighbor Next Door:

8/8 to 8/11/10. Emails with Mr. Grumbach and Ms. Poole to set up meeting

8/12/10. Meeting with Mr. Grumbach

8/13/10 to 8/14/10. Emails with Mr. Grumbach and Ms. Poole

9/1/10. Meeting with Mr. Grumbach.

9/13 to 9/14/10. Emails with Mr. Grumbach to set up meeting

9/15/10. Meeting with Mr. Grumbach

9/16/10. Follow up email to Mr. Grumbach and Ms. Poole about 9/15/10 meeting

6/20/13. Meeting with Mr. Grumbach (only attendee at the pre-submittal meeting)

1/16, 1/21 and 1/22/14. Telephone calls to Ms. Ilene Dick

2/2/14. Meeting with Ms. Poole

2/2 to 2/3/14. Emails with Mr. Grumbach and Ms. Poole to set up meeting

2/3/14. Meeting with Mr. Grumbach

2/17/14. Follow up email to Mr. Grumbach about 2/3/14 meeting

2/18/14. Emails with Mr. Rogers, Jacqui Sweet (Andy Rogers' office) and Mr. Grumbach.

Meeting last night

Subject: Meeting last night

From: Anastasia Micheals <nasagirl@pacbell.net>

Date: 9/16/2010 6:20 PM

To: Anthony Grumbach <agrumbach@fbm.com>

CC: Kate Poole <kpoole@nrdc.org>, James Monschke <james@monschke.com>

Dear Anthony,

Thank you for coming by last night. Based on your verbal approval for the modifications we presented to you on 9/1, we will proceed with interviewing and hiring an architect, and having the new plans prepared for submittal to the Planning Department.

Thanks,
Anastasia and James

Exhibit W.

Map of Neighborhood Supporters for the Family's Proposal
(41 Neighbors Shown Below)



Exhibit W.

**Letters in Support of the Monschke Family's Proposal Have Been Received
from the Following 22 Neighbors**

Name	Address
Eleanor Drey and Rennie Saunders	1712 Sanchez
Tom Brady	1717 Sanchez
Steven and Cynthia Walker	1719 Sanchez
Mary Walsh	1721 Sanchez
Walt and Murni Knoepfel	1723 Sanchez
Rockne Beeman	1727 Sanchez
Tom Peck and Judith Diaso	1740 Sanchez
Joan and Dan Lionberger and Family	1749 Sanchez
Linda and Dan Pucillo	1751 Sanchez
Velma Parness	1754 Sanchez
John Hays and Sally Payson Hays	1775 Sanchez
Angel Garza and Richard Olson	1777 Sanchez
Steven Hyman	1781 Sanchez
Kathy Setian	1783 Sanchez
Fred and Judy Auda	1785 Sanchez
Jason and Roxanna Young	1795 Sanchez
Stephen Major and Elizabeth Arnold	250 Randall
Vaughn Spurlin and Myrna Dayne	253 Randall #1
Lindsay Andrews and Frederic Marangone	253 Randall #2
Julie and Rusty Lerner	391 30th
Barry Milgrom	56 Chenery
Kristen Hansen and Family	652 Duncan

Exhibit W (continued).

**Petitions in Support of the Monschke Family's Proposal Have Been Received
from the Following 22 Neighbors**

Name	Address
Henry and Jennifer Sultan	1696 Sanchez
Kevin and Lee Dwyer	1716 Sanchez
Kyra Baele	1725 Sanchez
Peter Kelsch	1747 Sanchez
Frank Furguson tenant	1753 Sanchez
Bell Moen	1755 Sanchez
Alan Vitolo	1768 Sanchez
Travis Marquette and Owen Alun	1779 Sanchez
Emmajean Meza	1786 Sanchez
Ray Allgood	1788 Sanchez
Douglas and Barbara Konecky	1789 Sanchez
Valerie Flesch	227 Randall
Chris Tiernan	239 Randall
Edsel Musni and Family	240 Randall
Frank Brady	273 Randall
Brian and Ariana Downing	278 Randall
Ryan Malloy	283 Randall
Jamie Trevathan	288 Randall
Carolina O'Daly and Kieran Branch	41 Harper
Linda and Jose Rodriguez	71 Harper
Nancy and Sidney Thompson	93 Harper
Loren Scott	98 Whitney

City of San Francisco

Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

July 27, 2014

To whom it may concern,

We are the owners of 250 Randall St. Our home is located two parcels south of the 1784 Sanchez property.

We have had the opportunity to review the original plans for the addition to 1784 Sanchez as well as the revised plans that have the majority of the addition located in the center of the home.

We are of the opinion that the revised plans will be in contrast with the esthetic of this home specifically as well as the architecture of homes the neighborhood. We feel that the original plans are much more tasteful and in keeping with the surrounding homes.

We also believe that the original plans, including the extension of the home an additional five feet into the yard, are prudent and would prefer that the extension go back into the yard rather than extending upwards.

Anecdotally, we have had conversations with other neighbors who share the same opinions.

Regards,

Stephen Major & Elizabeth Arnold

250 Randall St.

1783 Sanchez Street
San Francisco, CA 94131

July 10, 2014

San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103

Re: Building Permit for 1784 Sanchez St., San Francisco

Dear Reader,

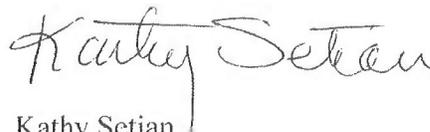
I live across the street from Anastasia Micheals and James Monschke. I recently received plans and drawings for an addition to the rear of my neighbor's house at 1784 Sanchez Street, including the plan submitted by the owners and the alternate plan proposed by the Planning Department. I am writing in support of the plan preferred by the owners. They have been good neighbors for many years, and it would be a tragedy for San Francisco to lose a family such as this due to the unaffordability of the City's alternate proposal.

Their home has a lovely, historic Victorian facade, but the size of the home is too small for a family. I believe the best solution would preserve the home's character by putting the addition in the rear of the building where it will have minimal impact on the view from the street, and from my house.

Although in general I support the preservation of open space in our back yards, in this case the back of the lot is more of a corner lot than a mid-block lot. While the house appears to be mid-block from the front, in the back, due to the sharp angle made by Randall St. with Sanchez St., the lot in question adjoins other odd-shaped lots in proximity to the triangular corner. Therefore, the back yard is isolated from the mid-block open space. In any event, the requested addition only adds five feet to the existing structure.

In summary, I support the addition proposed by Anastasia Micheals and James Monschke. If you have any questions about my opinion on this matter, please feel free to contact me.

Sincerely,



Kathy Setian
Homeowner of 1783 Sanchez St. for 27 years

Steven A. Hyman
Historic Maritime Preservation



Mr. Michael Smith
Planning Department
1650 Mission Street 400
San Francisco, CA 94103

I have been a neighbor of Anastasia and her family since they moved into the neighborhood. My home at 1781 Sanchez Street, where I raised my son, is directly across the street from their house.

I have reviewed their plans for a five foot extension to the rear of their house, with a second story above that. I supported their plan in 2002 when it was previously approved and I still support it today.

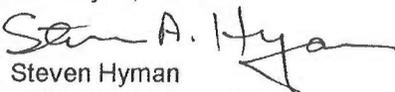
Many of us have extended our houses to the rear at multiple stories, as Anastasia and James want to do. It is the preferred method of expansion on our block. I have seen the existing small room at the rear, and it seems too small to be used as living space. This is a very modest expansion which will make the room livable and allow them to stay in the city. Our addition has enabled us to remain in San Francisco, educate and raise our son here as James and Anastasia would like to do.

I understand that the Planning Department no longer wants to allow them to expand back, but instead wants them to add a second story to their house. A second story addition would be out of character for their house. It would be visible from the street to pedestrians, and highly visible from my house. The roof line of a second story over the middle of the house, as for example at 1782 Sanchez, detracts from the appearance of the house and the block.

It is already expensive to raise a child in the City. Adding a second story is a much more expensive option than what they propose, and I feel that they should be allowed to create a second bedroom for their daughter in a way that is affordable. I would like to keep Anastasia and her family as neighbors, and letting them expand to the rear will give them the room they need for their family at a much lower cost than building a second story as the City seems to prefer.

I am a retiree of the National Park Service, where I worked and retired as the Historic Preservation Officer for the San Francisco Maritime NHP. I appreciate that Anastasia and James have taken great care to beautify it with a new paint job, using historic colors, and replacing their front porch with a well-built, historically appropriate and pleasing design. I urge you to allow them to expand in their preferred fashion.

Thank you,


Steven Hyman
1781 Sanchez Street

1781 Sanchez Street, San Francisco, California 94131-2740

July 25, 2014

Mr. Michael Smith
San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103

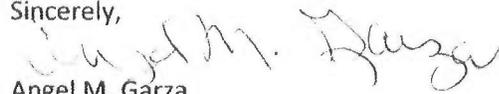
Dear Mr. Smith:

We are writing to support the proposed renovations at 1784 Sanchez Street submitted by Anastasia Michaels and James Monschke. We live directly across the street from them and have known Anastasia since she was very young.

We have seen the proposed and alternate plans drawings submitted by Anastasia and James and favor the plans submitted by them, we see no reason why their plans should not be accepted as we and others agree that their plan are most suitable and will not affect the character of the neighborhood and we feel that it is unreasonable for them to take a more expensive route when this is the best solution for Anastasia and James.

Thank you for the attention to this matter and we hope their permit will be issued so that begin their journey to renovate their home.

Sincerely,



Angel M. Garza



Richard L. Olson

1777 Sanchez Street
San Francisco, CA 94131

1740 Sanchez Street
San Francisco, CA 94131
June 29, 2014

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

RE: Anastasia Michaels and James Monschke,
1784 Sanchez Street request for building permit

Dear Sir or Madam,

We are writing you on behalf of our neighbors, Anastasia and James, to ask you to approve the plans that they have submitted for an addition to their family home, and to ask your office to withdraw your alternative plans which are cost prohibitive and not in keeping with their plans and intentions to meet their family's needs within their budget.

Let me tell you a couple of things about our block and its residents that you probably do not know. One of our neighbors was born in the house she now lives in; families that have lived here for years, working and raising their children, are now retired; there is a recent widower raising his two daughters, a widow, a doctor, a number of active retirees like ourselves, a musician, a house painter, a contractor, an actor, psychologist, teachers, a nurse, a firefighter, and more. Most all of us live in Edwardians built around 1903. We are the relative new-comers, having moved from the first block of Sanchez Street to this, the last block, in 2005. Most of us own our homes, I think. We're friendly, but not nosey.

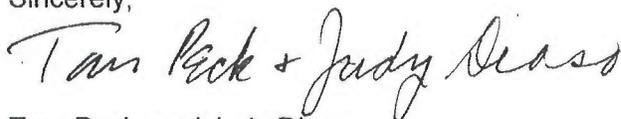
So Anastasia and James and their daughter, Elizabeth, are the youngest family on our block. And as you may know, Anastasia has some history here, growing up at 1784, and now would like to preserve that history by keeping her family home, improving it and raising James' and her child in it. How wonderful it is for us "older folks" to see, and be neighbors with, a young family which has a sense of history! How out of the ordinary that is today.

The 1700 block of Sanchez has two annual events which help define its uniqueness. For many years now, it has hosted one of the outstanding Halloween blocks in the city. Most of us decorate our homes, and we sit outside with our candy to welcome the hundreds-yes hundreds!, of children in costume with their parents, walking up one side and down the other of our block trick-or-treating. Some parents tell us they've been bringing their children here for years, that it's safe and manageable and fun and that their children start talking about it in September of each year.

Of course, 1700 Sanchez has a block party, usually in early October. It's a pot luck; a couple of neighbors pull out their barbeques and fire them up. Station 11 sends a truck and crew; last year, a hook and ladder. A couple of years ago, one of the firefighters pointed out that he'd grown up just down at the corner on 30th and Sanchez. Police officers on patrol stop by to say hello. Our own Board of Supervisors member has come by to visit and chat. We break bread together and visit. It's our block, our neighborhood, in a city we love.

We'd like the San Francisco Planning Department to let Anastasia and James improve their home the way they'd like to and stay within their budget. Please let them.

Sincerely,



Tom Peck and Judy Diao

To Whom It May Concern,

I am writing this letter in support of Anastasia Micheals' and James Monschke's proposed renovation to their home at 1784 Sanchez Street in San Francisco. As a nearby neighbor, a fellow parent, and someone who has undergone the arduous process of renovating a home in order to keep our family in the city, I stand in full support of this family's efforts to modify the envelope of their home as they propose to do.

Anastasia's and James' proposal seems to address several important factors:

- **First**, their proposal shows consideration for current and future neighbors by setting the addition far back from the street and thereby preserving the home's traditional appearance from the street.
- **Second**, their proposed renovation is very modest in terms of incremental square footage, addressing their bare minimum requirements rather than seeking to "max out" the allowable development footprint within their property.
- **Third**, their renovation – by matching their available budget and allowing them to stay within their historic family home – keeps one more family in the city and strengthens the sense of community that every San Francisco neighborhood strives to build and maintain.

It should also be noted that this family was granted a variance **for the same proposal** in 2002; the Planning Department initially saw the merits of this plan. I have immense respect for the work of the Planning Department; the department and all of the individual planners with which we worked were extremely helpful to us throughout our family's own renovation process. I also admit not knowing all of the factors that may weigh into the Planning Department's current, changed position on this project. But I strongly empathize with Anastasia and James, and what they are trying to do.

Eight years ago, shortly after marrying, my husband and I embarked on a similar journey to renovate our small Noe Valley home (652 Duncan Street) into one that could accommodate a family. The permitting process was long and difficult, but we got there in the end. Today, we and our children are thriving as citizens of San Francisco; the city has been a wonderful place to raise our kids.

We wish for the same outcome for Anastasia, James, and their small daughter. Please approve their version of the proposed renovation, since it seems to offer the best alignment of needs among planning, the neighborhood, and the family.

Sincerely,
Kristin Hansen



652 Duncan Street
kjordahl@yahoo.com

City of San Francisco Planning Department
Re: 1784 Sanchez Street
San Francisco, CA
Building application for Anastasia Micheals and James Monschke

July 21, 2014

Dear Sirs or Mesdames,

My name is Barry Milgrom. I live at 56 Chenery Street, a few blocks from the Micheals/Monschke family. But more importantly, I have known the family for over 30 years and I am familiar with the limitations of raising a family in a structure as small and limited as the home at 1784 Sanchez.

I was a close friend and a business colleague of Martha Mihalopoulos. Martha, who passed away a couple of years ago, is the mother of Anastasia Michaels, who lives at the 1784 Sanchez Street property with her husband and daughter. Martha lived at the Sanchez property with her husband and her 2 daughters for many years, until her retirement, when her daughter and son-in-law took title. I am friends with both of Martha's daughters and their families.

Anyone who has ever visited the Sanchez property immediately sees that the house is very small, probably one of the smallest houses in the neighborhood. It is a one bedroom and one bathroom house with under 850 square feet of living space. And even that limited living space includes a small addition on the back of the house that can generously be described as Spartan. The property is a very small space in which to raise a child. Clearly, an addition to the Sanchez house is something that one would expect to see in the near future and something people have probably anticipated for many years.

The Micheals/Monschke family is not a rich family nor are they real estate developers. They are simply seeking a modest addition to their home to make it a two bedroom and two bathroom house in which they can raise their daughter. Even after the addition that they propose, the Sanchez property will still be smaller than the vast majority of the houses in the neighborhood.

While I am not an expert, the addition proposed by the Micheals/Monschke family seems eminently reasonable in size and scope. They propose to add a few feet to the back of the house and to add a second floor to the rear of the house. As I understand it, the addition and second floor would not be visible from the street. This seems to make better sense than the design which appears to be favored by the Planning Department, which doesn't take issue with the proposed addition or its size, but suggests instead that the second floor be placed in the middle of the house. As I understand it, the addition would then be visible from the street. Probably more importantly, that change would substantially increase the construction costs, perhaps doubling them. I am not familiar the thoughts of the Planning Department in preferring that the second floor be in the middle of the house. Undoubtedly, there are some good reasons for taking that position. But I would think that the Planning Department would take reasonable steps to accommodate young families who grew up in the neighborhood and who are making relatively small additions to their homes. This seems to be just such a situation. And an accommodation in this matter absolutely seems appropriate.

Thank you for your consideration.



Barry Milgrom
56 Chenery Street
San Francisco, CA 94131

1784 Sanchez Street
 San Francisco, CA 9413

The undersigned have viewed and are familiar with the plans for a rear addition to the home at 1784 Sanchez Street. We have looked at the property owners' drawings both for a preferred extension of the back of the house of 5 feet with a 2nd story at the back and of an alternative that we understand that the Planning Department seems to favor. We ask for approval of the owners' plans to improve.

Name	Address	email (optional)	phone (optional)
Peter Kelsch Peter Kelsch	1747 Sanchez St.	KELSCH7@OLSON	(415) 821-7770
NANCY THOMPSON Nancy Thompson	93 Harper St		415 426 6533
Lee & Kevin Dwyer	1716 Sanchez		415 874-9398
KYRA BAELE	1725 Sanchez		415 290-2650
RYAN MALLOY	283 RANDALL	RMALLOY@UMICH.EDU	415-269-0299
JAMIE Treuathan	288 RANDALL ST		303 210 6633
FRANK FERGUSON	1753 SANCHEZ	dsifrank@gmail.com	415-205-4665
FRANK BRADY	273 RANDALL ST.		415 420-0319
Val Flesch	227 Randall	valerieflesch@mac.com	415 417-2111
BEATRIZ C. DIDALY KIERAN BLANCH	41 HARPER ST	CAECINA@LIVIDGRAPHIC.COM	415 999 3929

1784 Sanchez Street
 San Francisco, CA 9413

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Name	Address	email (optional)	phone (optional)
Travis Marquette T. Marquette	1779 Sanchez St.	raymar@gsfcil.com	
Alan Ann	1779 SANCHEZ S	ALAN@ME.COM	
Jason + Roxie Young	1795 Sanchez	young.jason@gmail.com	415-250-1202
Arabella Mae	1755 Sanchez		415-282-5450
Linda Rodriguez	71 Harper St.		415 821-9734
Frederic M. Masm	240 Randall St		(415) 246-1985
Edyel A. Musni	240 Randall St	MUSNI@AOL.COM	(415) 246-7496
Chris Tierney	39 RANDALL ST	OWTIERNEY@ASTOUND.NET	415-706-7823
Loren Scott	99 Whitman St	Lorenscott@me.com	415-244-1469

1784 Sanchez Street
San Francisco, CA 9413

The undersigned have viewed and are familiar with the plans for a rear addition to the home at 1784 Sanchez Street. We have looked at the property owners' drawings both for a preferred extension of the back of the house of 5 feet with a 2nd story at the back and of an alternative that we understand that the Planning Department seems to favor. We ask for approval of the owners' plans to improve.

Name	Address	email (optional)	phone (optional)
Mary P Walsh (Home Owner)	1721 Sanchez St, SF,	maryepwalsh @gmail.com	415 830 2330

I would like for this family to be able to continue to live on Sanchez. They and their family before them are a great asset to our community & we need to ensure people like this can remain in our city. Best, Mary P Walsh



September 2, 2014

Members of the San Francisco Planning Commission
1650 Mission St., Suite 400
San Francisco, CA 94103

Re: Request from Anastasia Micheals and James Monschke for a variance at 1784 Sanchez

Dear Commissioners,

I am writing to strongly support the request of Michaels and Monschke for a variance in making an addition to their home at 1784 Sanchez. The personal circumstances of this family are compelling: They are a small family of very modest circumstances with deep roots in the city where they hope to raise their child. They have found an affordable way to make that possible – by adding two small rooms to a home they currently own. They are just the kind of middle income family we do not want to push out of the City. However they will be forced to leave (like so many others) without approval of the variance they seek.

But more important than their particular circumstances is what we are trying to do as a City to keep families like this one from leaving. The child population of San Francisco has been declining for several decades, making San Francisco the city in the country with the lowest percent of children. With the increase in housing costs, the exodus of families is becoming even more extreme. As families vanish from the City, all of our policymakers have recognized that this has a profoundly negative impact on the quality of life for everyone and the future health of the City, and many, including Mayor Lee, have prioritized the goal of keeping families in San Francisco. Yet this goal cannot be achieved unless we find specific ways to achieve it. Here is one specific example of how that can happen.

As a longtime advocate for San Francisco children, the former Director of the Department of Children, Youth and their Families and Coleman Advocates for Children and Youth, I urge you to seize this opportunity, to make very reasonable accommodations to promote a policy that is universally recognized as desirable for our beautiful City.

Thank you so much for your consideration. I am sorry that I am unable to attend the upcoming hearing, but hope that you will understand the importance of keeping families in our City, which so values its diversity, and the role you can play in achieving this goal.

Margaret Brodtkin

Margaret Brodtkin
Former Director, Department of Children, Youth and Their Families
Margaret Brodtkin and Associates



The SPOSF Institute

THE SMALL PROPERTY OWNERS OF SAN FRANCISCO INSTITUTE

P.O. Box 170669 • San Francisco, CA 94117-0669 • (415) 647 2419 • SPOSF@smallprop.org • www.smallprop.org

August 18, 2014

Honorable Cindy Wu, President
San Francisco Planning Commission
City Hall
San Francisco, California

SUBJECT: 1784 Sanchez Street, Monschke

Our organization frequently takes positions that will foster homeownership, particularly for long-time owners who are forced to contemplate moving from San Francisco because of over-zealous restrictions imposed by our own local governmental agencies.

Mrs. Monschke has lived in the subject home all her life; her mother brought her up there. Now, with her husband, she is raising her daughter there, creating a third generation in the same home. They only have one bedroom that is considered a legal bedroom, so their daughter is sleeping in the parents' bedroom..

In 2002 they requested and received a variance to add a small addition to the rear of the house. Serious health problems and job losses occurred and delayed the construction. Now the family has reapplied and has been told to get a brand-new variance since the other had expired, despite the demolition work they'd started. When they re-applied with the exact same project, however, they were told it was now too big to approve. They were told that, while no laws or guidelines changed, the design team at Planning is now interpreting the same rules differently.

This new opinion appears to be ARBITRARY in the extreme. The rear extension is supported by most of the closest neighbors and by a historical architect. We ask that you approve the rear-extension plan and let this family provide a bedroom for their child, and, in doing that, helping us all from losing another family in the city.



San Francisco Apartment Association

August 18, 2014

Honorable Cindy Wu, President
San Francisco Planning Commission
c/o Planner Michael Smith, Fourth Floor
San Francisco Planning Department
San Francisco, California

Subject: 1784 Sanchez Street, Monschke

Dear President Wu,

I am writing you in the hopes of correcting an inequity occurring at 1784 Sanchez Street, where Anastasia Micheals and James Monschke are raising their two year old daughter, Elizabeth Monschke. Anastasia's parents, a deckhand with the Inland Boatman's Union and a violinist/secretary, bought the home decades ago, when Anastasia was just one year old. Anastasia was raised in the home and bought it from her mother when she retired, and is now raising a third generation San Franciscan in the family home.

Elizabeth is a teacher with the public state university system, and James is a computer programmer who has had long periods of underemployment. Both have extenuating circumstances and high medical expenses, for ongoing back and neck injuries and for Type-1 diabetes. The couple are dedicated San Franciscans, have made a commitment to raise their daughter in San Francisco, and simply cannot afford to purchase a new home or to move within the City. Their only choice is to renovate their family home.

The home is situated on a lot that is shallower and narrower than much of Sanchez Street, and in 2002, the family applied for and were granted a variance by the City to extend their existing rear 1-story utility room back 5 feet into the rear yard, and then build a second story above, providing an addition of 300 square feet that could help accommodate a bedroom for their young daughter, who currently sleeps with Ms. Michaels and Mr. Monschke in the only legal bedroom in the home.

The family took out building permits and began work on the first phase of the addition project, relocating their bathroom and washing machine and other fixtures. Before they could begin Phase 2, removing the one-story rear room and building the five-foot deeper, new two story addition, financial difficulties and declining physical health prevented them from carrying out the project.



San Francisco Apartment Association

In June 2013, the family submitted a variance application to the City for the same work, with an additional 95 square feet to enclose an outdoor staircase, which does not require a variance. This was a modest addition without substantially changing the structure or appearance of the building, and would accommodate a growing family and allow them to stay in San Francisco and particularly on Sanchez Street, as their generations before them did.

Unfortunately the Planning Department has now stated that Ms. Michaels and Mr. Monschke should not expand at the rear, and instead advised a costly 2-story addition over the middle of the house. The Planning Department's suggestion, in addition to being much more costly, also would be visible to the street, and would sit atop one of the oldest buildings on the block with an original exterior. 1784 Sanchez was built in 1893 and the family would strongly prefer to preserve the home's historic appearance from the street. A preservation consultant has also reported to the City that the Planning Department's suggestion would not be compliant with the Secretary of Interior's Guidelines for historic properties. Their preferred addition to the rear of the house would NOT significantly change the appearance of the house from the street.

Ms. Michaels and Mr. Monschke and their daughter Elizabeth have very strong neighbor and neighborhood support for their preferred, rear yard addition, and the support of a historical architect. A number of neighbors have written letters of support on their behalf. I am not aware of any objections to the project, other than from the Planning Department itself.

We ask for your support in helping approve the rear extension to 1784 Sanchez Street. In doing so, you will allow this family to provide a bedroom for their child, and will help prevent the bureaucracies of San Francisco from pushing out yet another family from the boundaries of our fair City. Please, help San Franciscans find a way to stay in San Francisco. Your consideration on approving the rear extension at 1784 Sanchez, which had been approved by the Planning department ten years ago is requested and greatly appreciated.

Sincerely,

Janan New
Executive Director
San Francisco Apartment Association
415.255.2288 ext. 12

Hene Kelly

Cindy Wu, Commission President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103
September 8, 2014

Dear Commissioner Wu,

My name is Hene Kelly. I am a retired San Francisco teacher and a present member of the San Francisco Democratic County Central Committee. I am writing to you on behalf of a young family residing at 1784 Sanchez Street in San Francisco. This is the family home of Anastasia Micheals who resides here with her husband, James Monschke, and their two year old daughter. Elizabeth. Anastasia has lived there since she was one.

Anastasia bought the home from her mother. The house is small, 847 square feet of living space, with only one bedroom and one bathroom. As a result, Elizabeth sleeps in our bedroom with her parents. As she is getting older, that is more difficult.

The family wants to live in San Francisco, send their daughter to public school in San Francisco, and spend their hard earned money in San Francisco. They cannot afford to buy another house. San Francisco would benefit from more young families wanting to live and raise their families in our neighborhoods.

In 2002, the family applied and were granted a variance by the City to extend the existing rear 1-story utility room back 5 feet into our rear yard, and then build a 2nd story above, an addition of 300 square feet. They took out building permits and began work on Phase 1 of the addition project. Unfortunately, before they could begin Phase 2 health, and subsequently monetary problems, interfered. In 2013, they submitted a variance application to the City for the same work (with one exception, an additional 95 square feet to enclose an outdoor staircase on the side of the building, but that does not require a variance). This would provide a bedroom for us and let us convert a narrow 8 foot deep utility area to a living room/family room. Elizabeth could then have her own room in the bedroom that she now shares with us.

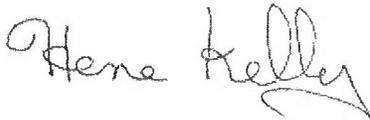
This is a modest rear addition that the family can afford. With only minor demolition at the rear of the building and a new addition there, they would not have to disturb the rest of the building, which would add a lot to the cost.

However, the San Francisco Planning Department has now ruled that it favors a costly 2-story addition over the middle of the house. The house was built in or before 1893. A 2-story addition over the middle of the house would be visible to the street, and would sit atop one of the oldest buildings on the block with an original exterior.

A preservation consultant has reported to the City that the option favored by Planning would not comply with the Secretary of Interior's Guidelines for historic properties, since it would be too easily seen from the street. There is strong neighbors support for the preferred addition, and a number of them have written letters on behalf of Anastasia Micheals and James Monschke.

The preferred addition at the rear of the house would not significantly change the appearance of the house from the street. It would be affordable, and it would allow this family to stay and raise a family in San Francisco. I am adding my support to this project because I believe that San Francisco needs families to survive. Our schools need children to survive. Our small businesses need families to survive. Do not cause another family to leave this city. Instead, please grant Anastasia Micheals and James Monschke the permit they seek.

Sincerely,

A handwritten signature in cursive script that reads "Hene Kelly". The signature is written in black ink and is positioned above the typed name and address.

Hene Kelly
415-533-5244
7040 Geary Boulevard
San Francisco, CA 94121

Michael J. Sullivan
59 Woodland Avenue
San Francisco, CA 94117

July 17, 2014

Michael Smith
Planning Department
1660 Mission Street, Fifth Floor
San Francisco, CA 94103

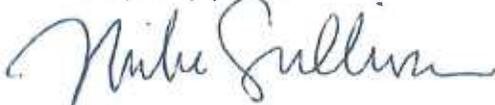
Dear Mr. Smith:

I am a member of the board of directors of SF Moderates (formerly Plan C San Francisco). I am writing in connection with a permit request by Anastasia Michaels and James Monsche. This couple owns a small home in District 8, and they want to add one bedroom and one bath and about 400 square feet, because their two year old daughter sleeps in their own bedroom. My understanding is that the couple obtained a variance over five years ago for a rear yard addition of five to eight feet at two floors. They started work, but did not complete the work because they ran out of money, and Anastasia had to quit work due to health reasons, then he lost his job. Now that their child is born and their finances have improved, they are seeking a permit to restart the work.

The couple has been encountering difficulties getting the permit, notwithstanding that (i) the Planning Department had already approved the variance in the past, and (ii) no neighbors are complaining. Even though no neighbors had requested Discretionary Review during the 30 days to do so, the Planning Department is initiating its own discretionary review by the Planning Commission and will recommend disapproval.

I am not often motivated to write on behalf of parties whom I do not know well and where I have nothing personally at stake, but this seems to me to be an example of where the Planning Department can assist a young San Francisco couple to stay in San Francisco by granting the variance and issuing the permit – and where the failure to do so is unsupportable. I strongly urge you to do so.

Very truly yours,

A handwritten signature in blue ink that reads "Mike Sullivan". The signature is written in a cursive, flowing style.

Michael J. Sullivan



NOE VALLEY PHYSICAL THERAPY
professional care with a personal touch for 25 years

July 2, 2014

San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103

To Whom It May Concern:

I am a thirty plus year resident, home owner, and small business owner in Noe Valley. My husband and I raised our two daughters in our home on Day Street and I built a physical therapy practice a few blocks away on Sanchez Street. I knew Anastasia's mother, Martha, and Anastasia through the years as a client, neighbor, as well as a friend. It has been my distinct pleasure to see her family grow with the addition of James and her daughter Elizabeth.

I strongly support their modest request to change their family home to accommodate their growing family's needs without changing the overall character of the house and also their need to be as economical as possible to accomplish that goal. Cost of the expansion is particularly important to this family, as Anastasia's health problems have affected her ability to work full time. There is the additional financial burden of raising a child in our city that is becoming more costly and prohibitive to families.

I have seen many homes in our neighborhood "remodeled" into two and three story modern style buildings that don't maintain the original character of the home or neighborhood and are clearly being completed at great expense

Allowing Anastasia and her family to add five feet to the existing footprint of the home is a more cost effective answer for them than a second story addition, while maintaining the original character of the house as it was intended.

Please consider this at their planning hearing.

Sincerely,



Karen Shaneyfelt.



**SAN FRANCISCO
STATE UNIVERSITY**

DEPARTMENT OF CHEMISTRY & BIOCHEMISTRY

1600 Holloway Avenue
San Francisco, CA 94132-4163

Tel: 415/338-1288
Fax: 415/338-2384

Planning Department
City of San Francisco

July 21, 2014

Dear Madam or Sir,

I am writing this letter of recommendation and support for Anastasia Micheals who is an instructor and faculty member in our department at San Francisco State University. I have worked directly with Anastasia for several semesters after she took over my class, CHEM 327, Practical GC and HPLC. She is an excellent teacher, dedicated to her job and with a passion for the students. Anastasia is exactly the kind of instructor we need at SFSU for her excellent technical skills and her outstanding rapport with the students; she consistently gets high ratings from her students and the other faculty members.

I know from our conversations that Anastasia is a native San Franciscan still living in the home where she grew up. I have heard her describe their modest plans to expand their small historic home. I understand that the planning process is complex but would appreciate any consideration which can be given to help keep a San Franciscan native and a fine teacher in her home.

Chemistry 327 is a senior level, special topics class in analytical instrumentation covering gas chromatography (GC) and high pressure liquid chromatography (HPLC). I developed the class and offered it to students through the Department of Chemistry and Biochemistry at SFSU from Spring of 2009 until Spring of 2013 when Anastasia took over. We co-taught the class in that semester and I have kept close contact with Anastasia and the class over the last year giving occasional lectures and attending some of the laboratory sessions. Obviously, I have a special interest in the class, and I am very pleased that we have such a competent instructor to continue it.

Sincerely,

Les Partridge, Ph. D.
San Francisco State University
Department of Chemistry and Biochemistry
1600 Holloway Ave.
San Francisco, CA 94132
LGP@sfsu.edu

On 7/28/2014 4:38 PM, Michael Rice wrote:

To Michael Smith, Planning Department:

I urge that the 1784 Sanchez Street plans proceed as now proposed by the applicants. Anastasia Micheals and James Monschke have worked diligently, both in their 2002 variance application and the current plans, to provide more space for their family, respect the character of this Victorian structure, and account for the lot configuration.

Their latest alternative presented to Planning would reduce the rear extension by two feet at the second floor, with a three-foot side setback at the north property line on the second floor. These changes would be a good compromise for the lot configuration.

I understand that Planning Department staff may still be recommending staff-initiated Discretionary Review, with no rear extension, and development of new space as a second story. The applicants note this approach would trigger seismic upgrade and make the project financially infeasible.

I am writing this as a neighbor, but as president of the Glen Park Association, I see every Section 311 notice in the area. The 1784 Sanchez Street plan is well within the range of additions that are proposed and approved in Glen Park. I also understand that the Micheals/Monschke plan has received support from many neighbors. No neighbor has requested Discretionary Review for the project.

Please consider the entire record for this application. The project does not require Discretionary Review by the Planning Commission.

Thank you for your attention.

Michael Rice
400 Sussex Street

August 7, 2014

To whom it may concern,

My name is Jessica Jamie Winkler. I am a former student and employee of Anastasia Micheals and a current family friend. I originally met Anastasia in 2007. She was a part time professor at San Jose State University (SJSU) teaching materials engineering and electron microscopy. Seven years later, we are still great friends but many things have changed. In that time, I worked for her in the materials characterization lab at SJSU, I went through extreme depression, came out to my family and friends, and graduated from SJSU with two degrees. This would not be possible without Anastasia's support, academically and emotionally. Working with Anastasia in her laboratory also gave me the technical and theoretical experience, and, as importantly, the professional contacts, that allowed me to secure a full-time job before my graduation. For her part, Anastasia has changed as well. While she and her husband James remain academics with a library of knowledge in their home, they are now the parents of a two year old girl with wandering feet. During this time, Anastasia has always held a stable teaching job and has provided for her immediate and extended family.

Currently, they reside in a very modest home on Sanchez Street in Noe Valley. Their living space is cramped but they still manage to hold a small Christmas party every year with several friends. They are aiming to upgrade their home to raise their daughter. When Anastasia was small, she slept in the living room. She now wishes to provide a private bedroom for her daughter, something that she did not have growing up. I urge you to allow Anastasia and James to build a cost effective addition which does not include a complete rebuild of the family home, from the foundation, up. It has been my experience that a re-model is extremely stressful. Anything that can be done to decrease the scope, contractor coordination, mess, and time spent is extraordinarily valuable. The backyard addition will be unnoticeable from the street and will not change the character and feel of the neighborhood.

Anastasia and James are wonderful people and have worked hard to reach this point. They deserve this opportunity to expand and provide the best for their daughter, Elizabeth.

Sincerely,

Jessica J. Winkler

Planning Department
1650 Mission Street 400
San Francisco, CA 94103
July 2, 2014

Planning Department Committee

I would like to take a moment to talk about Anastasia Michaels. At San Francisco State University Anastasia Michaels is identified as Professor Michaels and not "just" Anastasia Michaels. Professor Michaels is acknowledged as an essential part of San Francisco State University Department of Chemistry and Biochemistry. Professor Michaels teaches CHEM 327 Gas Chromatography and High Pressure Liquid Chromatography an essential laboratory course that prepares chemistry students for industry. As a Biochemistry Graduate Student, we are very fortunate to have Professor Michaels teach this course. Last fall, the department was going to cancel CHEM 327 since Dr. Partridge, the creator of this course retired. Luckily, Professor Michaels stepped up to the plate. Professor Michaels invested countless hours before lecture in order to carefully prepare for lecture and laboratory. Sometimes the chromatography apparatus were not functioning properly and sure enough Professor Michaels invested her spare time in order to trouble shoot the instruments. She would even spend time on campus on the weekends in order to reassure the apparatus were functioning properly.

Besides taking care of her husband and beautiful daughter, Professor Michaels also takes care of full class of undergraduate and graduate students. During the semester, Professor Michaels invests extra time in carefully grading quizzes, tests and 7+ page lab reports. I'm not sure how much Professor Michaels gets paid but I'm sure it does not reflect the time and devotion that she invests on a daily basis. I consider Professor Michaels not only a valuable part of the Department of Chemistry and Biochemistry but a role model and a mentor. I am honored to have met Professor Michaels last fall, she has truly been an inspiring person in my life. Her educational background and endurance motivated me during my undergraduate career to seek higher education and apply for a masters program. Even though Professor Michaels has a busy schedule during my undergraduate career, she always made time to answer all my questions in person and via email. She even submitted an extensive proposal to the dean in order for me to participate in the creation of new projects involving protein separation.

I can comfortably say, that I can always count on Professor Michaels for any type of help. It is very difficult to find a professor that can help students on a personal level especially in a commuter university. Being a first generation Mexican-American chemistry student, I have made it this far due to inspiring professors like Anastasia Michaels. I truly admire Professor Michaels for pushing me when I wanted to give up. Her time and devotion to her students like myself reflects her warm and caring personality. Professor Michaels' void in the department would be devastating especially if this void is caused by an increased mortgage rate. Professor Michaels has a desire to raise her daughter in the wonderful city of San Francisco and continue to teach at San Francisco State. She has many ideas and projects to bring to the table. I would like for the person reading this letter or group of people in the committee to take the time to fulfill Professor Michaels' desired housing needs. Students in the Department of Chemistry and

Biochemistry would be educationally disadvantage if CHEM 327 is cancelled due to Professor Michaels void in the department . I speak on behalf of the students at San Francisco State University to take the time to consider a better housing option for Professor Michaels.

Thank you,

Jennifer Macias

San Francisco State University
Department of Chemistry and Biochemistry
Graduate Student in Dr. Andrew Ichimura Lab
(650) 218-8895

July 4, 2014

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

Dear San Francisco Planning Department,

My name is Rose Lacy. I am writing on behalf of the family of Anastasia Micheals. I was a student in Anastasia Micheals' Gas Chromatography class at San Francisco State University. I greatly enjoyed her class. Anastasia is an excellent mentor and scientist. It was obvious to us, her students, by the patience she demonstrated that Anastasia cares about our education and success.

I understand she is attempting to obtain your permission for an addition to her house. I respectfully request that you grant her the permit for the rear addition to her house, to help her minimize her construction costs while adding room for her growing family.

Anastasia Micheals is a second generation San Franciscan, and she wants to raise her child as a San Franciscan. As you well know, the cost of living in San Francisco has skyrocketed with the rise of the tech economy. She can neither afford a larger home in San Francisco, nor afford extensive reconstruction. Unfortunately, without a little more space, just enough to give her daughter her own bedroom, Anastasia might have to move her family away from San Francisco.

Please do your part to keep fantastic teachers like Anastasia in San Francisco by helping her home expansion to be affordable. In addition to being more affordable, the expansion for which she is requesting permission has minimal impact on the historic street view of the home.

Thank you for your consideration,

Rose Lacy

2375 25th Avenue
San Francisco, CA 94116
phone: (415) 759-7673

Andrew Dina
3150 Rubino Dr. #218
San Jose, CA 95125

July 11, 2014

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

Re: Anastasia Michaels Request for Building Variance

Dear Sir or Madam,

I understand that Anastasia Michaels and her family are requesting a permit for a rear addition to their home at 1784 Sanchez Street, San Francisco. Ms Michaels has requested I write this letter to share my high regard for her and heartfelt thanks to her wonderful contribution to my success as a recent engineering graduate from San Jose State University.

Ms Michaels is a teacher extraordinaire. Her outstanding ability to ignite her student's passion for science has proved invaluable to my career. Her fine mentoring expanded from the classroom to working under her in the SJSU Metrology Center. I consider her contribution and dedication to the teaching profession to be one of the leading factors in my successful transition from student to professional engineer.

Ms Michaels was very valuable to San Jose State University and I can only assume she is equally valuable to San Francisco State University. It is my opinion that the commission should allow the Michaels family to build an affordable house addition, one suitable to their budget. I feel this is a good way of saying thank you to a fine educator who has lived in San Francisco, contributing to society, since childhood. I have no doubt the third generation of her family to live in this home, Elizabeth Monschke, will continue the family's contributions to society while living in San Francisco. I feel it is important for our society to value our fine educators in such a way. Thank you for your assistance in this matter.

Sincerely yours,

Andrew Dina

Materials Engineer/Failure Analysis Engineer
Nanolab Technologies

EXHIBIT Y.

Photograph of 1784 Sanchez Street Rear Looking West





San Francisco Department of Children, Youth and Their Families

2011 Community Needs Assessment

May 2011

Families with Children

Key Findings

- About one in five households in San Francisco consist of families with children.
- Over the past few decades families have been leaving San Francisco, and data indicate that families with children under five may be the most likely to leave. Estimates indicate African American families are leaving San Francisco at higher rates than families of other race/ethnicities.
- Families with immigrant and undocumented members, LGBTQ parents, families that are living in public or affordable housing, homeless, or under-housed, and systems-involved families face significant challenges. Significant disparities exist in the racial/ethnic demographics of families in public housing, in the child welfare system, and in the special education system.
- Families of many income levels struggle to make ends meet due to San Francisco's high cost of living.
- Parents expressed need for parenting classes and informational workshops, particularly related to managing children's behavior and supporting their child's success in school, in addition to a need for parent support groups.
- Families need information about services and resources in multiple languages and accessible formats, and more accessible and affordable transportation to access services.
- Many families have access to health insurance and healthy foods although some expressed unmet needs. Some families expressed a need for mental health services to help families and family members cope with a variety of challenges and stressors.
- Violence at home and in the community impacts families. Families expressed need for open, safe places for family-centered activities, violence prevention efforts, and safer public transportation.

I. Demographics

According to the 2000 Census, one in five San Francisco households were families with children under age 18. There were 145,186 family households in San Francisco which accounted for 44 percent of all households, which was an increase in the number of family households from 1990, but a decrease in the proportion of households that were families given that the non-family households increased at a more rapid rate.³³⁴ Of those family households, only 43 percent or 62,468 had related children under the age of 18.³³⁵ Most of those families (54,707) had their own children under the age of 18.³³⁶ If subfamilies are

³³⁴ Mayor's Office of Housing, Office of Economic and Workforce Development, Redevelopment Agency, "2010-2014 Five-Year Consolidated Plan," San Francisco, 2010.

³³⁵ Definition: "Related children" in a family include own children and all other people under 18 years of age in the household, who are related to the householder, except the spouse of the householder. Foster children are not included since they are not related to the householder. US Census Bureau, Census 2000.

³³⁶ Definition: A family is a group of two people or more related by birth, marriage, or adoption and residing together (one of whom is the householder - the adult who owns, rents, or otherwise maintains the home). Own children refers to any child under 18 years old who is a son or daughter by birth, marriage (a stepchild), or adoption. Ibid.

included, the number of families and subfamilies that had children under 18 years old in 2000 was 64,469.³³⁷ Since the 2000 Census, estimates predicted that the number of families with related children under age 18 decreased by about 4,000 to 58,287 families, as shown below. This mirrors a trend in the decrease in the number of families with children since the 1960s.

Exhibit 54: Families with Related Children, 2005-2009

	Estimated count	Percent
Married-couple family with related children under 18 years	41,241	71%
Male householder (no wife present) with related children under 18 years	4,215	7%
Female householder (no husband present) with related children under 18 years	12,831	22%
Total	58,287	100%

Source: U. S. Census Bureau, American Community Survey, 2005-2009.

The table below shows that in 2000 among families with their own children, most had children ages six to 17 years old, with less than a third with only children under six years old.

Exhibit 55: Ages of Children in Families with Own Children under 18 years, 2000

	n	%
Under six years only	14,741	27%
Under six and six to 17 years	8,837	16%
Six to 17 years only	31,129	57%
Total	54,707	100%

Source: US Census Bureau, Census 2000.

The majority of families with their own children (74 percent) were married couples, and 21 percent were led by women with no husband present.³³⁸ Estimates indicate there may have been an increase in the proportion of families with children headed by a single mother to 22 percent in 2006-2008, and an increase of families headed by a single father to seven percent in 2006-08.³³⁹ Within households of married couples, single female, and single male-headed households, 2009 estimates indicate about two percent of children under age 18 live with grandparent(s) who are the primary care giver, a slight increase from 2005 and 2007 estimates.³⁴⁰

Based on 2000 Census data, several neighborhoods have both the highest proportions of families or subfamilies with children and the highest number of children: Bayview/Hunter's Point (55 percent of families had children, home to nine percent of the city's children under age 18), Mission/Bernal Heights (51 percent of Mission families had children, 41 percent of Bernal Heights families had children, and 12 percent

³³⁷ A subfamily is a married couple with or without children, or a single parent with one or more own never-married children under 18 years old. A subfamily does not maintain their own household, but lives in the home of someone else. Census variables used: 'Total families and subfamilies with own children' (FFH0D), Ibid. Geolytics software; Census variables used: 'Male-headed families with own children under 18 years old' (MHWKID0), 'Female-headed families with own children under 18 years old' (FHWKID0). Department of Public Health, Environmental Health Section, Summary File 3, Table P12, February 26, 2011, <http://www.thehdm.org/indicators/view/172>.

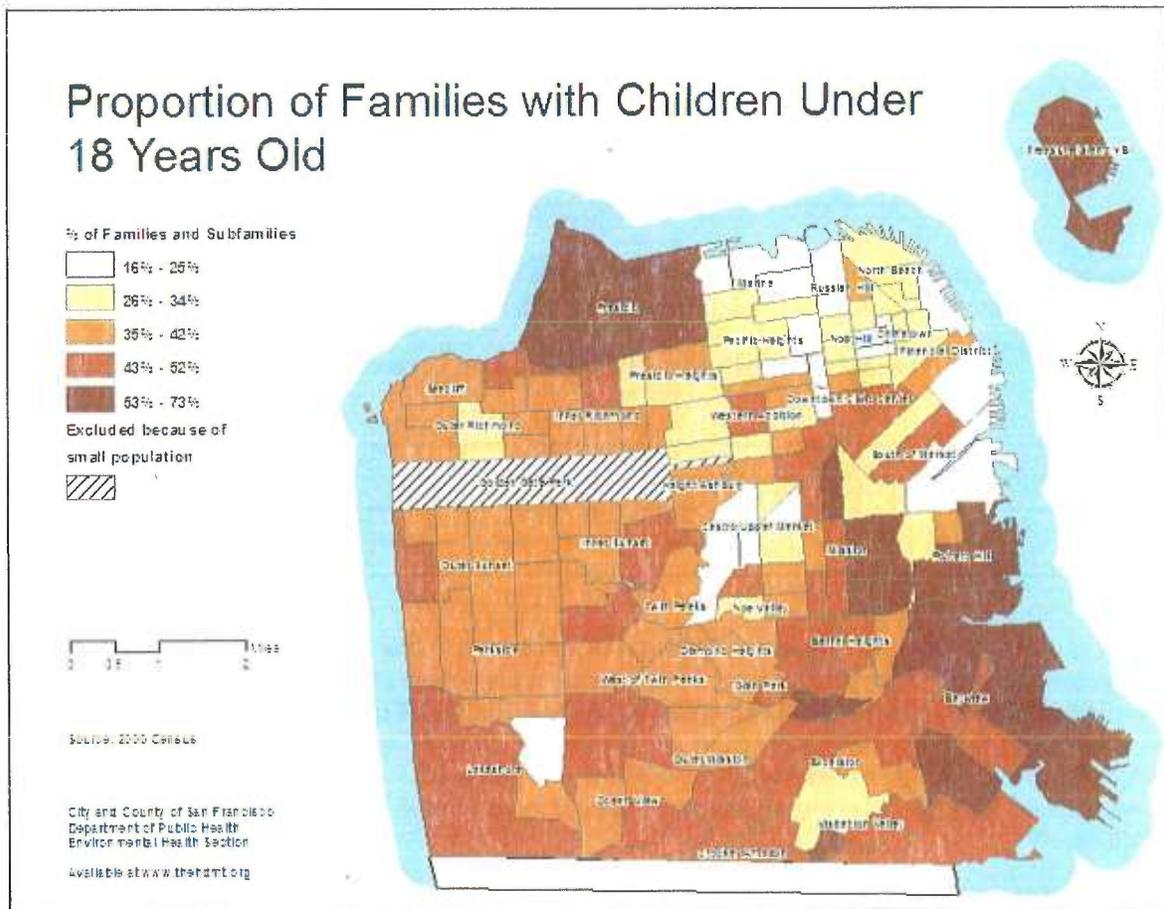
³³⁸ US Census Bureau, Census 2000.

³³⁹ Male-headed or female-headed means no spouse is present in the household. US Census 2000, Geolytics software. Census variables used: 'Total families and subfamilies with own children' (FFH0D), 'Male-headed families with own children under 18 years old' (MHWKID0), 'Female-headed families with own children under 18 years old' (FHWKID0). Department of Public Health, Environmental Health Section, Summary File 3, Table P12, accessed February 26, 2011, <http://www.thehdm.org/indicators/view/172>.

³⁴⁰ Definition: Percentage of children under age 18 living with grandparent(s) who provide primary care for one or more grandchildren in the household. As cited on kidsdata.org, US Census Bureau, American Community Survey, accessed February 26, 2011, http://factfinder.census.gov/home/saff/main.html?_lang=en.

of the city's children under age 18 lived in Inner Mission/Bernal Heights), Visitacion Valley (50 percent of families had children, home to eight percent of the city's children under age 18), Outer Mission/Excelsior/Ingleside (45 percent of Excelsior families and 43 percent of Outer Mission families had children and 14 percent of the city's children under age 18 lived in this area).³⁴¹ The map below indicates the proportion of families with children under 18.

Exhibit 56: Proportion of Families with Children Under 18 Years Old



Source: US Census 2000. Created by San Francisco Department of Public Health, Environmental Health Section.

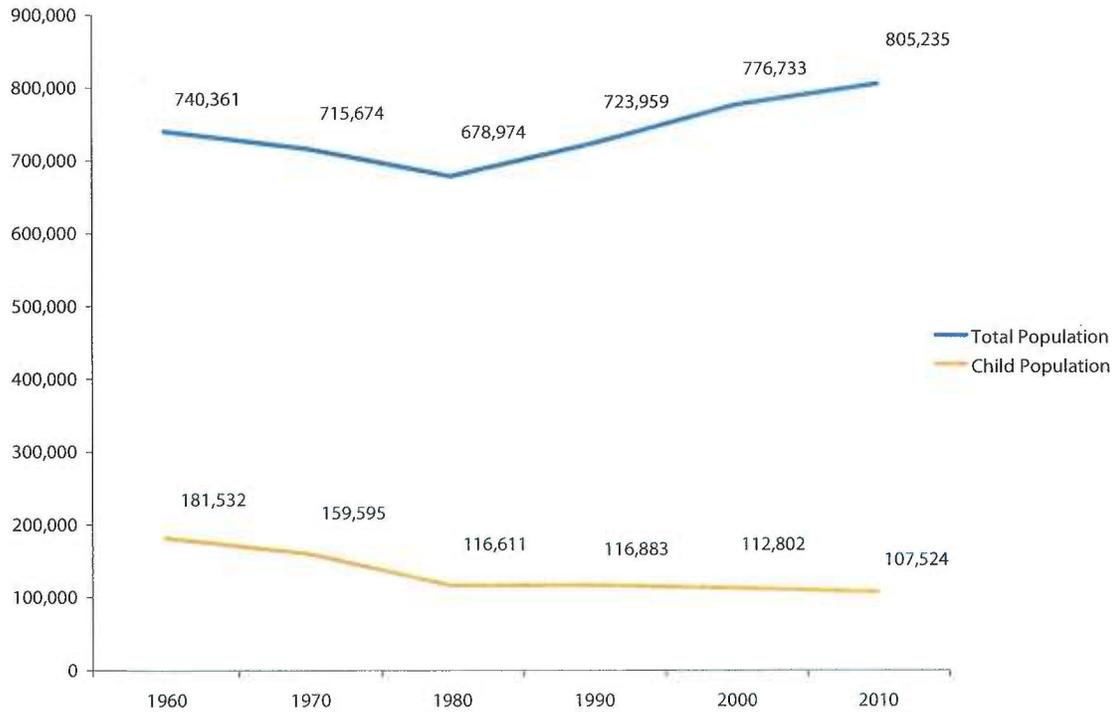
Family Flight

The child population has declined significantly over the past several decades, while the overall city population has increased. In 1960, there were 181,500 children in San Francisco, and by 2010 there were 107,500. The number of children living in the City remained relatively constant between 1980 and 1990,

³⁴¹ Data on proportion of families with children is by planning neighborhood. Planning neighborhoods are larger geographic areas than census tracts. Data on the number of children under age 18 is by zip code. US Census 2000, Geolytics software. Census variables used: 'Total families and subfamilies with own children' (FFH0D), 'Male-headed families with own children under 18 years old' (MHWKID0), 'Female-headed families with own children under 18 years old' (FWWKID0). Summary File 3, Table P12. San Francisco Department of Public Health, Environmental Health Section; <http://www.thedmt.org/indicators/view/172>. US Census Bureau, Census 2000.

with a slight decrease in 2000. The US Census Bureau estimated that the child population increased by about 10,000 youth between 2000 and 2009, but the latest Census data indicated that the child population declined by about 5,278 since 2000.

Exhibit 57: Total Population and Child Population (ages 0-17) in San Francisco, 1960-2010



Source: US Census Bureau, Census Data 1960-2010

This decline in the child population over time has been referred to as “family flight.” Most factors considered to contribute to this trend relate to affordability—many families cannot afford San Francisco’s high cost of living and high housing costs.³⁴² For example, more than one in three households (with or without children) paid more than 30 percent of their income for rent or more than 35 percent for homeownership costs, which is above the recommended amount of income dedicated to housing for long-term fiscal sustainability. In addition, many residents, including families, face challenges to owning a home in San Francisco. The median priced home is \$706,214, which only 23 percent of San Francisco households could afford. Nationally, 60 percent of households can afford to buy a home in their area.³⁴³ Accordingly, forty-four percent of service providers surveyed by DCYF indicated that housing assistance was a frequent request among the families and youth they serve.³⁴⁴ Other issues that factor into families deciding to leave the City include challenges with the public education system and safety concerns.

Current data estimates reveal that family flight continues to be a significant trend among families of color. A citywide task force examining the out-migration of African Americans in San Francisco found that the number of African American families in San Francisco declined at a disproportionately greater rate than

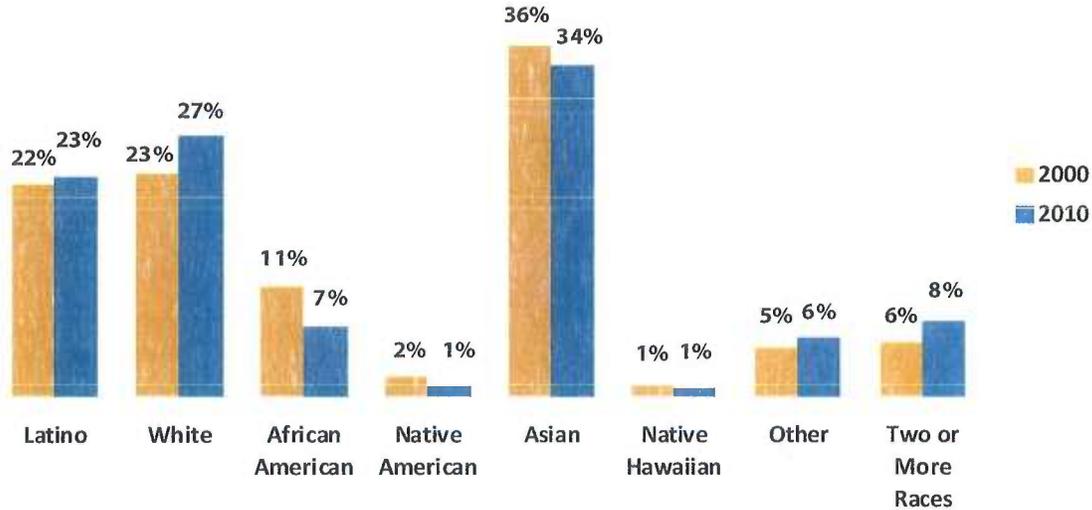
³⁴² Department of Children, Youth, and Their Families, “Tackling Family Flight: Progress Report on the Mayor’s Policy Council for Children, Youth and Families, 2005-2008,” San Francisco, 2008.

³⁴³ San Francisco Mayor’s Office of Housing, Office of Economic and Workforce Development, Redevelopment Agency, “Draft 2010-2014 Five-Year Consolidated Plan,” San Francisco, 2010.

³⁴⁴ Department of Children, Youth, and Their Families, “DCYF Provider Survey, 2010 Initial Results,” San Francisco, 2010.

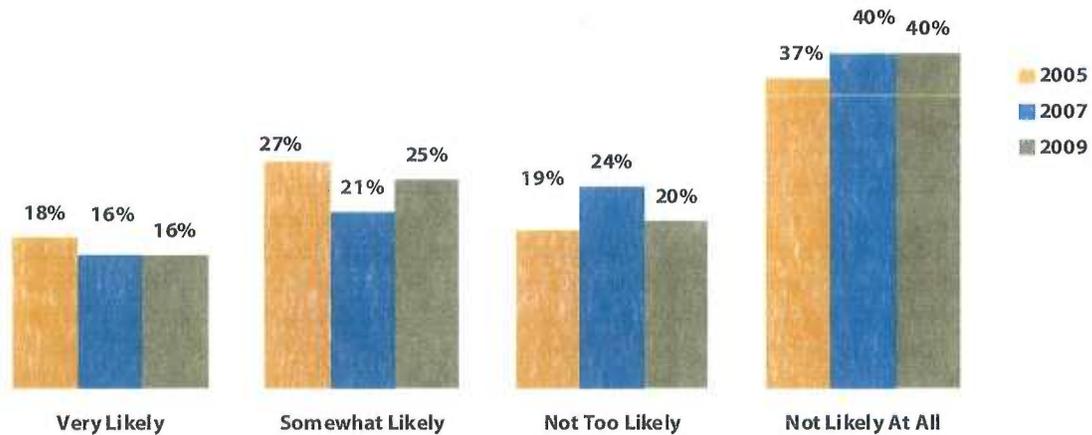
non-family African American households, a troubling trend considering that the number of African American households in general declined by 20 percent between 1990 and 2000.³⁴⁵ Census data shows a significant drop in the proportion of African American youth from 11 percent in 2000 to seven percent in 2010, in addition to declines in Asian, Native Hawaiian and Native American youth.³⁴⁶

Exhibit 58: Child Population (ages 0-17) in San Francisco by Race/Ethnicity, 2000 and 2010



Source: US Census Bureau, Census 2000 and 2010.

Exhibit 59: Likelihood of Leaving San Francisco Among Households with Young Children (under age 6)



Source: Office of the Controller, City Services Auditor, "City Survey 2009," San Francisco, 2009.

Based on a bi-annual citywide survey conducted in 2005, 2007 and 2009, it appears that "families with children no longer stand out as more likely to leave the City" than other residents, except families with children under six years of age who still indicated they are more likely to leave the City than families with children of older ages. The percentage of parents with children under six years of age who are very or

³⁴⁵ Office of the Mayor, "Report of the San Francisco Mayor's Task Force on African American Out-Migration," San Francisco, 2009.

³⁴⁶ US Census Bureau, Census 2000 and 2010.

somewhat likely to leave the City has increased from 36 percent in 2007 to 41 percent in 2009—though this increase remains lower than the 45 percent reported in the 2005 survey. The 2009 survey found that parents with older children say they are more likely to remain in the City than those with younger children.³⁴⁷

Immigrant Families

San Francisco has a long history of being home to immigrants and their families, and has historically had a large and diverse immigrant population. In 1989, elected officials passed the “City and County of Refuge” ordinance which prohibits City employees from helping immigration enforcement officials with investigations or arrests unless required by federal or state law or warrant. This ordinance helps immigrants access city services.³⁴⁸ In 2000, the foreign-born population in the City reported more than 70 countries as their place of birth. Immigrants move to San Francisco for a variety of reasons ranging from pursuing better economic opportunities or reunifying with family members to seeking political asylum after fleeing their home country. Given the diversity among the City’s immigrant population there is no one “immigrant experience” in San Francisco. However, data and community input sessions indicated that some immigrants face similar challenges such as language barriers, legal status, discrimination, employment, and low educational attainment, all of which can impact their ability to help their children succeed.³⁴⁹

According to the 2000 Census, San Francisco was ranked as the fifth in terms of percentage of foreign-born residents among the 68 US cities with a population of at least 250,000. The 2000 Census found that 37 percent of San Francisco’s population was foreign born, compared to 26 percent statewide. San Francisco has an estimated 41,546 undocumented immigrants and 48,937 legal immigrants who are eligible to naturalize.³⁵⁰ As the table below demonstrates, most of San Francisco’s foreign-born population is adult, many of whom are parents. Of the foreign-born population, the largest proportions reported the following countries as their place of birth: 34 percent from China, 11 percent from the Philippines, eight percent from Mexico, and five percent from El Salvador.

Exhibit 60: San Francisco’s Foreign-Born Population by Age Group, 2005-2007 and 2006-2008

	2005-2007	2006-2008
Ages 0-4	4%	3%
Ages 5-17	12%	11%
Ages 18-24	26%	27%
Ages 25-64	39%	38%
Ages 65 and Above	55%	55%

Note: Percentage of the population that is foreign-born, by age group (e.g. in 2006-2008, eight percent of California children ages 5-17 were born outside the US).
Source: US Census Bureau, American Community Survey, accessed online at <http://factfinder.census.gov/home/saff/main.html?lang=en>, as cited on kidsdata.org.

Based on 2000 Census data, some areas in San Francisco have higher proportions of foreign-born individuals than others. While this data is not specific to families with children, it provides perspective on where most foreign-born residents lived in 2000. Some areas with high proportions of foreign-born

³⁴⁷ The demographic of survey respondents considering a move out of San Francisco is not limited to parents with young children. African Americans, respondents under age 30, and those who work less than 35 hours a week or have had less stable employment are also more likely to leave than others. Office of the Controller, City Services Auditor, “City Survey 2009,” San Francisco, 2009.

³⁴⁸ Mayor’s Office of Housing, Office of Economic and Workforce Development, Redevelopment Agency, “2010-2014 Five-Year Consolidated Plan,” San Francisco, 2010.

³⁴⁹ Ibid.

³⁵⁰ Mayor’s Office of Housing, Office of Economic and Workforce Development, Redevelopment Agency, “2010-2014 Five-Year Consolidated Plan,” San Francisco, 2010.

EXHIBIT I.

1784 Sanchez Street Rear

