

File No. 101543

Committee Item No. _____
Board Item No. 4

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date January 11, 2011

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| ☐ | ☐ | Motion |
| ☐ | ☐ | Resolution |
| ☐ | ☐ | Ordinance |
| ☐ | ☐ | Legislative Digest |
| ☐ | ☐ | Budget Analyst Report |
| ☐ | ☐ | Legislative Analyst Report |
| ☐ | ☐ | Introduction Form (for hearings) |
| ☐ | ☒ | Department/Agency Cover Letter and/or Report |
| ☐ | ☐ | MOU |
| ☐ | ☐ | Grant Information Form |
| ☐ | ☐ | Grant Budget |
| ☐ | ☐ | Subcontract Budget |
| ☐ | ☐ | Contract/Agreement |
| ☐ | ☐ | Award Letter |
| ☐ | ☐ | Application |
| ☐ | ☒ | Public Correspondence |

OTHER (Use back side if additional space is needed)

- ☐ ☐ Appeal of Determination of Exemption from Environmental Review
10 Lundys Lane



- ☐ ☐ M. Brett Gladstone's Brief (Exhibits A-E)
- ☐ ☐ _____

Completed by: Joy Lamug

Date January 6, 2011

Completed by: _____

Date _____

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

**John and Catherine de Soto
14 Lundy's Lane
San Francisco, CA 94110**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 DEC -2 PM 2:41

By 

December 2, 2010

Honorable David Chiu, President
San Francisco Board of Supervisors
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94103

RE: Appeal of Exemption/Exclusion from Environmental Review
10 Lundy's Lane
Block 5610, Lot 29A
Permit #201008279763

Dear President Chiu and Members of the Board:

I am writing to appeal the above-referenced Determination of Exemption/Exclusion from Environmental Review. Attached as Exhibit A hereto is a series of correspondence I have exchanged with the Zoning Administrator over the past three weeks confirming that the permit was issued in error without any environmental review. The permit(s) in question are also attached as Exhibit B which demonstrates that the Planning Department signed off on and approved the permit(s) without having issued the necessary exemption stamp. The City may not issue permits until the environmental review process is complete.

Categorical exemptions from CEQA review are generally issued for smaller-scale projects such as this with a stamp at the counter. Categorical exemption may be issued via an exemption stamp at the Planning Information Center Counter or the project sponsor may be asked to submit an Environmental Evaluation Application. This application is used for both environmental exemption and environmental evaluation. In this case the City failed to do either and therefore is in violation of CEQA. As the City's own policies state: "No action to issue permits, allocate funds, or otherwise implement a discretionary project may be taken until environmental review is complete." MEA\Procedures\Environmental Review Process Summary. Revised October 9, 2008, (Page 1)

In addition to the fundamental error of completely "skipping" the mandatory environmental review for the project, further CEQA review is needed because the project involves the near complete demolition of a potential historic resource and the subject building is more than 100 years old. (Photos attached as Exhibit C) The categorical exemption stamp was not placed on the permit or plans. The Zoning Administrator has stated that it "appears" the Planning Department granted a Categorical Exemption (Cat Ex). (The other option is there is no permit.) Categorical exemption is implicit in the planner's signature on the attached permits because Planning is charged with the responsibility to enforce CEQA.

Background. 10 Lundy's Lane is a San Francisco Victorian single family residence built before the 1906 earthquake. It is one of many in the Bernal Heights Special Use District, and

contributes to the historical nature of the district. The Public Resource Code in part defines historic buildings as those that embody the distinctive characteristics of a type (in this case Victorian) Further, San Francisco Preservation Bulletin No. 16 includes as properties requiring further consultation and review: properties more than 50 years old proposed for demolition or major alteration. The official copies of the permits attached hereto, do not display a Cat Ex stamp (Categorical Exemption from CEQA review) but they are signed off by Planning. The attached e-mail exchange with the Zoning Administrator confirms that there is no environmental review of the project and confirms that, in his words "there should have been." It is clear that error was made in not requiring a CEQA review as required by law. The procedures needed for this project are spelled out clearly in the Planning Department's own Policy documents:

"If the proposed project involves the major alteration or demolition of a property more than 50 years old, the project sponsor will need to file a **Supplemental Information Form for Historical Resource Evaluation** with the EE application so that Department staff can evaluate whether the proposed project would result in impacts on historical resources." MEA\Procedures\Environmental Review Process Summary. Revised October 9, 2008, (Page 2)

Project Description. There have been a series of building permits on this property. The original over-the-counter permit was for minor internal alterations. As the attached photos show, the project has "morphed" into a near complete demolition and rebuild of the home. The Section 8 over the counter building construction alterations permit 201003178393 was reviewed and signed off on by planner Susan Exline for the Planning Department and is currently partially suspended by Zoning Administrator Stop Work Order Request (DBI will confirm) and not final. Before signing off on this project, the planner would bring up Planning's property information database on the computer and see the date of the building, 1900 on their system, far beyond the fifty-year-old CEQA parameter. A CEQA counter planner also confirmed that a Cat-Ex was issued for this property de facto by planner signature and also stated that the word "front" under alterations scope of work, and the historic age of the house, under CEQA, Preservation Guideline 16, and standard planning procedures would trigger a full review of the historic resource potential of the house.

Work is visible from outside on main building and extension and both front and back—photos attached. Summarizing, by not requiring historic resource review in accordance with CEQA and Preservation Guideline 16 and standard procedure on this Section 8 over the counter permit and by signing her name, Planner Exline assigned and issued a de facto categorical exemption. Furthermore, the additional form 8 demolition and rebuild revision building construction permit for the extension, 201008279763 —attached as Exhibit B— applied for and issued to clear up some complaints of exceeding scope with the above alterations permit, was appealed and also is not final. Furthermore, when the Department of Building Inspection approved the revision permit, the DBI representative in the Planning section wrote NA and initialed it. This was in spite of the words "extension" and "demolition" on the permit, words that would normally trigger planning review. So DBI then linked the two permits and applied the de facto categorical exemption from the alterations permit to the revision permit.

Extensive work is proposed that may harm the building. Materials may not be conserved. Change to the façade has been proposed. Changes may not comply with CEQA or Preservation Bulletin guidelines. To allow this building to be attacked using an over the counter interior

remodeling permit with a de facto categorical exemption without complying with code or the Secretary of the Interior's guidelines endangers the character of the Bernal Heights Special Use District neighborhood by setting a precedent, which, if repeated on multiple buildings, will inevitably damage our historic architectural heritage.

Conclusion. Thus, we request that the Board of Supervisors order that a proper CEQA review be done and that all work on this building be stopped pending review. The building owners and their representatives have also stated that at some future date they intend to convert this house to two units. This will trigger a Bernal Heights Special Use District requirement that off-street parking be provided. This will further diminish the historical significance of the house.

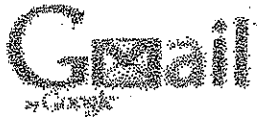
We have resided in Bernal Heights for more than 30 years. In 1978 the City recognized the unique nature of this historic district by enacting the Bernal Heights Special Use District (Planning Code 242). This legislation is meant to preserve the historic nature of neighborhood and housing and is designed to prevent changes that would detract from this heritage. We live in a Victorian house on one of Bernal's unique alleys, Lundy's Lane. The house next door, 10 Lundy's Lane, is another Victorian. These houses are part not just of the overall Victorians but also of the groups of Victorians in special settings that give our neighborhood its distinctive and special character. CEQA defines buildings over 50 years old as potential historic resources. It is the Planning Department's duty to implement CEQA. Planning did not properly apply CEQA to this project and failed to apply it at all, which is mandatory for the issuance of any permit.

We respectfully request that the Board set aside the de facto categorical exemption and mandate CEQA review required by Code and Preservation Bulletin 16 to ensure this property is properly protected as required and to ensure the project meets the Secretary of the Interior's Guidelines.

Sincerely,

 
John de Soto
14 Lundy's Lane

Exhibit A



john de soto <johngdesoto@gmail.com>

Question about the project at 10 Lundy's

john de soto <johngdesoto@gmail.com>
To: scott.sanchez@sfgov.org

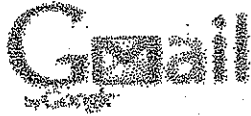
Tue, Nov 16, 2010 at 7:35 AM

Mr. Sanchez:

We are writing to you about the project at 10 Lundy's. We appreciate your past efforts to assist us and the statement you made to the Board of Appeals on our behalf that there are no permits to support the Board's findings on the rear yard extension. We have been consulting with outside experts and have a question about the review given to the project. Two of the consultants we have met with have asked about CEQA findings or review of the project by the Department. We have no idea what that is or if it was done on this project. When the project morphed from an interior remodel to a full demolition/gutting and rebuilding of the structure, should a further review have been done? We have been asked if a categorical exclusion was issued? Was it? Is that needed? Where can we get a copy of that?

Thanks for your assistance.

John and Catherine Soto



john de soto <johngdesoto@gmail.com>

Question about the project at 10 Lundy's

Scott.Sanchez@sfgov.org <Scott.Sanchez@sfgov.org>

Tue, Nov 16, 2010 at 10:53 AM

To: john de soto <johngdesoto@gmail.com>

Hi John,

Thank you for the email. It appears that the Department granted a Categorical Exemption (CatEx) for the original building permit application (201003178393). This decision would have been made with a stamp on the original building permit application or plans (a separate decision document is not issued). While the subsequent revision permits were not routed to the Planning Department for review, they do not appear to contain work that would trigger additional CEQA review (i.e. demolition of building or facade alterations).

Please let me know if you have any other questions.

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

Tel: 415.558.6350

Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org

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

UPN Project: <http://upn.sfplanning.org>

john de soto
<johngdesoto@gmail.com>

To

scott.sanchez@sfgov.org

11/16/2010 07:35

cc

AM

Subject

Question about the project at 10

[Quoted text hidden]

from john de soto <johngdesoto@gmail.com>
to scott.sanchez@sfgov.org
date .Wed, Nov 17, 2010 at 10:35 AM
subject .Thank you for offering as we do have another question.
mailed-by .gmail.com

hide details Nov 17

Thanks Scott, I really don't understand all this, but there is no stamp on any of the plans or on the permit....our friend directed us to look in those places so we have covered that....the stamp (he showed us an example) is definitely not on the plans or original building permit application. Does this mean an error was made and that the permit was issued illegally? That is what our friend told us....By the way, there are extensive façade alterations being done as well that are not reflected on the permit or application. They have removed the lower portion of the building under the bay window and have cut a large new door way on the north side of the façade....again, does this mean that an error was made in this permit?

We would appreciate an quick response.

Thanks for your help Scott, this is just what we have been told, and it is all new to us.

Sincerely,
John and Catherine



john de soto <johngdesoto@gmail.com>

Thank you for offering as we do have another question.

Scott.Sanchez@sfgov.org <Scott.Sanchez@sfgov.org>

Wed, Nov 17, 2010 at 12:01 PM

To: john de soto <johngdesoto@gmail.com>

Hi John,

Thank you for the email. I will look into this and get back to you.

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

Tel: 415.558.6350

Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org

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

UPN Project: <http://upn.sfplanning.org>

john de soto
<johngdesoto@gmail.com>

To

scott.sanchez@sfgov.org

11/17/2010 10:35

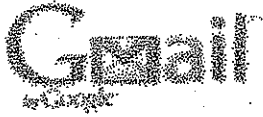
cc

AM

Subject

Thank you for offering as we do
have another question.

[Quoted text hidden]



john de soto <johngdesoto@gmail.com>

please could you

john de soto <johngdesoto@gmail.com>
To: scott.sanchez@sfgov.org

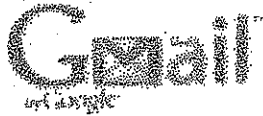
Thu, Nov 18, 2010 at 11:57 AM

Mr. Sanchez:

We hate to keep bothering you, but could we have a response to our inquires regarding 10 Lundy's Lane? Even though the permit is still suspended, they continue to work at the site and are still demolishing the building all the way through. If the permit was not properly reviewed shouldn't these significant alterations be halted so it can be reviewed to see if it is in compliance with CEQA. After our discussions with the consultants, we assume the CEQA review simply "fell through the cracks" because this started out as a simple over the counter interior remodel.

Thank you—

John and Catherine Soto



john de soto <johngdesoto@gmail.com>

please could you

Scott.Sanchez@sfgov.org <Scott.Sanchez@sfgov.org>

Thu, Nov 18, 2010 at 6:06 PM

To: john de soto <johngdesoto@gmail.com>

Mr. Soto,

Thank you for your email. As I stated yesterday, I am reviewing the matter and will respond when I have all the facts. At this point, I have performed a site visit and I did not observe "extensive facade alterations" as you stated. The work that is being performed appears to be reframing a door way and new foundation. This appears to be consistent with the approved permits/plans. I am still waiting to here back from the project sponsor to get their response.

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

Tel: 415.558.6350
Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org
Webpage: <http://www.sfplanning.org>
UPN Project: <http://upn.sfplanning.org>

john de soto
<johngdesoto@gmail
.com>

To

scott.sanchez@sfgov.org

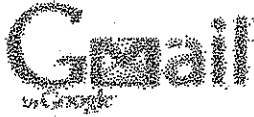
11/18/2010 11:57
AM

cc

Subject

please could you

[Quoted text hidden]



john de soto <johngdesoto@gmail.com>

Thank you for your note.

john de soto <johngdesoto@gmail.com>
To: scott.sanchez@sfgov.org

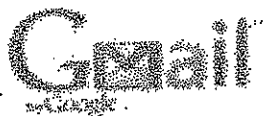
Fri, Nov 19, 2010 at 6:50 AM

Mr. Sanchez:

Thank you for your note. However, you seem to be missing the point. I wasn't trying to argue about whether the façade alterations were "extensive" or not. The issue is that there certainly are façade alterations being made as well as a near full demolition of the building all with an over the counter permit that was issued without any CEQA review. THAT was my question and one that should be easy to answer. Did the department make an error by not giving this project ANY review as required by the code. You seem to be agreeing with me (by continuing to avoid the question) that no CEQA review was done on the project at all and that it has now morphed into a complete tear down and rebuild of a very old home. It seems that this is a very big "loop hole" when a permit starts out as an interior remodel and then continues to grow until only the façade is left standing. By the way, they did far more than "reframe a door way"; they expanded that doorway to create at least two feet more headroom and redesigned its size, shape and location.

At any rate, do you agree that there was no CEQA review done and the project required at least a stamp at the Planning Department counter and that was not done?

Thank you --John and Catherine Soto



john de soto <johngdesoto@gmail.com>

re our phone call and Sunshine request

john de soto <johngdesoto@gmail.com>

Tue, Nov 23, 2010 at 12:44 PM

To: scott.sanchez@sfgov.org

Dear Mr. Sanchez,

We were unable to contact you this AM directly by phone. We left a message requesting you to please respond immediately to our inquiries about a cat-ex 10 Lundys. Since we were unable to reach you, we also submitted a Sunshine request to you about the matter.

Congratulations on your permanent appointment and have a nice Thanksgiving holiday.

Regards,
John and Catherine Soto

IMMEDIATE DISCLOSURE REQUEST (Adm. Code Sec. 67.25(a))

PUBLIC RECORDS REQUEST

TO: Scott Sanchez, Zoning Administrator, San Francisco Planning Dept Sunshine Ordinance
Compliance Officer

FROM: Name: John and Catherine de Soto

Date: November 23, 2010

Address: 12 Lundy's Lane

City: San Francisco

Telephone: 415.517.7288

Information Requested:

(Please provide a reasonable description of records(s). Please be as specific as possible.)

All documents of any kind which refer or relate to any environmental review performed by the Planning Department (or anyone else) as required by the California Environmental Quality Act ("CEQA") for the project at 10 Lundy's Lane, San Francisco. This includes application numbers 201008279763, 201003178393. We want all documents of any kind which evidence that this project received a categorical exemption issued by the Planning Department.

☒ I want to see the file.

☐ I want copies of certain pages in the file(s) that I have marked.

☐ I want the entire file copied.

☐ I will pick up the information on November 24, 2010

☐ I want the information mailed to the address above.

☐ If less than 10 pages, please fax the information to the number shown above.

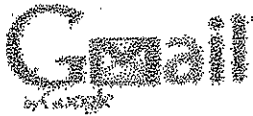
The cost for copies is 10 cents per page plus postage, except for mass-produced documents. Checks should be made payable to "City and County of San Francisco."

FOR OFFICE USE ONLY:

Name: _____

Date: _____

By Name: _____



john de soto <johngdesoto@gmail.com>

re our phone call and Sunshine request

Scott.Sanchez@sfgov.org <Scott.Sanchez@sfgov.org>

Tue, Nov 23, 2010 at 3:59 PM

To: john de soto <johngdesoto@gmail.com>

Dear Mr. Soto,

Thank you for the email. Our office is closed tomorrow (Wednesday, 11/24) due to a City-mandated furlough. The next available day to review the files (from the appeal and enforcement cases) will be on Monday, 11/29. Please let me know if you would like to review the files on Monday.

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

Tel: 415.558.6350

Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org

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

UPN Project: <http://upn.sfplanning.org>

john de soto
<johngdesoto@gmail.com>

To

scott.sanchez@sfgov.org

11/23/2010 12:44

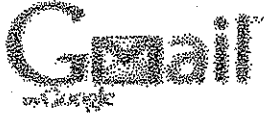
cc

PM

Subject

re our phone call and Sunshine
request

[Quoted text hidden]



john de soto <johngdesoto@gmail.com>

re our phone call and Sunshine request

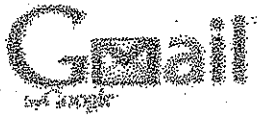
john de soto <johngdesoto@gmail.com>

Tue, Nov 23, 2010 at 5:35 PM

To: Scott.Sanchez@sfgov.org

Thank you for the email. We also received your phone call saying you would be in until at least 6 if not 7 tonight and to call you, and that you think there is nothing in the files we have not already seen. We called back before 5 but got no answer and left a message. We would like to review all documents about CEQA and Cat-ex. Please put the files out for review. We are rushed right now and hope you do not mind our getting back to you more fully a bit later with questions. Thanks.

[Quoted text hidden]



john de soto <johngdesoto@gmail.com>

Sunshine request

john de soto <johngdesoto@gmail.com>

Tue, Nov 23, 2010 at 10:47 PM

To: scott.sanchez@sfgov.org

Mr. Sanchez:

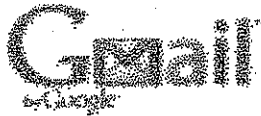
I do not want to "review the files." I served a Sunshine Ordinance request seeking the categorical exemption or any documents that refer or relate to the cat ex. Do you have it or not? I will come Monday if and only if you have a cat ex for me. Do you? It is a violation of the Sunshine Ordinance to "over produce" documents which are not responsive to my specific request.

You have now had more than one week to produce a copy of the categorical exemption which should have been given to the project at 10 Lundy's Lane. You wrote to me on November 17 claiming to be "looking into it." Your failure to produce the cat ex or answer our questions directly can only lead to the assumption that no environmental review was done and now you are compounding the situation by actively covering up for the illegal permit which is out there and under which much work has been done including serious destruction to a historic 100 year old Victorian home on Bernal Hill. I was warned to expect such tactics from the Department, and I intend to pursue other remedies unless you drop what appears to be a shocking cover-up of an illegal permitting process.

Direct response please.

Sincerely,

John and Catherine Soto



john de soto <johngdesoto@gmail.com>

Sunshine request

Scott.Sanchez@sfgov.org <Scott.Sanchez@sfgov.org>

Mon, Nov 29, 2010 at 12:25 PM

To: john de soto <johngdesoto@gmail.com>

Cc: Kimberly.Durand@sfgov.org

Mr. Soto,

Thank you for your email. This email confirms that we do not have any additional documents related to the environmental review.

Regards,

Scott F. Sanchez

Zoning Administrator

San Francisco Planning Department

1650 Mission Street, Suite 400

San Francisco, CA 94103

Tel: 415.558.6350

Fax: 415.558.6409

E-mail: scott.sanchez@sfgov.org

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

UPN Project: <http://upn.sfplanning.org>

john de soto

<johngdesoto@gmail

.com>

To

scott.sanchez@sfgov.org

11/23/2010 10:47

cc

PM

Subject

Sunshine request

[Quoted text hidden]



john de soto <johngdesoto@gmail.com>

Cat Ex

john de soto <johngdesoto@gmail.com>
To: scott.sanchez@sfgov.org

Wed, Dec 1, 2010 at 6:30 PM

Mr. Sanchez:

We requested a copy of the Cat Ex. in this case more than two weeks ago. You failed to respond to our request.

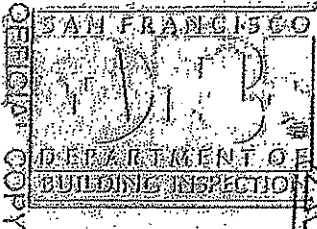
We send to your attention a request under the Sunshine Ordinance requesting immediate production of the categorical exemption for the permit issued for the proposed project at 10 Lundy's Lane. You failed to produce the Categorical Exemption pursuant to that mandatory request.

Accordingly, you have informed us that the Department failed to follow its own procedures and failed to review the project at all under CEQA and failed to issue a Cat Ex. for this project which is itself a violation of CEQA.

Thank you.

J & C

Exhibit B



APPROVED
Dept. of Building Insp.
MAR 22 2010



Capacity Charges
Water: \$0
Wastewater: \$0
Date: 3/17/10

BUILDING
FORM 3/8
APPROVED FOR ISSUANCE
MAR 22 2010

APPLICATION NUMBER
2010-03-17-8598

APPROVAL NUMBER:
OSHA APPROVAL REC'D

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTION

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

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☒ OVER-THE COUNTER ISSUANCE

2 NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

DATE FILED 3/17/10	PLUMBING RECEIPT NO.	(1) STREET ADDRESS OF JOB 10 LUNDYS LANE 5610/029A	BLOCK & LOT
PERMIT NO. 1307201	ISSUED 3-22-10	(2A) ESTIMATED COST OF JOB \$80,000	(2B) REVISED COST \$80,000
		DATE 3/17/10	

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(1A) TYPE OF CONSTR. VB	(2A) NO. OF STORIES OF OCCUPANCY 3	(3A) NO. OF BASEMENTS AND CELLARS 0	(4A) PRESENT USE DWELLING	(5A) OCCUP. CLASS R3	(6A) NO. OF DWELLING UNITS 1
----------------------------	---------------------------------------	--	------------------------------	-------------------------	---------------------------------

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(1) TYPE OF CONSTR. VB	(2) NO. OF STORIES OF OCCUPANCY 3	(3) NO. OF BASEMENTS AND CELLARS 0	(4) PROPOSED USE (LEGAL USE) DWELLING	(5) OCCUP. CLASS R3	(6) NO. OF DWELLING UNITS 1
---------------------------	--------------------------------------	---------------------------------------	--	------------------------	--------------------------------

(11) IS AUTO REINFORCED CONSTRUCTION? YES ☐ NO ☒	(12) ELECTRICAL WORK TO BE PERFORMED? YES ☐ NO ☒	(13) PLUMBING WORK TO BE PERFORMED? YES ☒ NO ☐
--	--	--

(14) GENERAL CONTRACTOR STREIFFER	ADDRESS 2976 23RD ST. 94110	PHONE 415-817-1900	EXPIRATION DATE 8/30/10
--------------------------------------	--------------------------------	-----------------------	----------------------------

(15) OWNER - LESSEE (CHECK ONE) SAM BALL	ADDRESS 10 LUNDYS 94110	PHONE FOR CONTACT BY DEPT. 415-206-1880
---	----------------------------	--

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

REMODEL WITHIN EXISTING ENVELOPE
NEW WINDOWS (PAPER), 2(N) SKYLIGHTS
VOLUNTARY STRENGTHENING, REPLACE (E) FROM NORTH
1 NEW BATH, 1 REMODEL BATH, NEW INTERIOR STAIRS
MODIFY FRONT STAIR FOR HEAD HEIGHT

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES ☐ NO ☒	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT FT.	(19) DOES THIS ALTERATION CREATE DECK OR PORCH, EXTENSION TO BUILDING? YES ☐ NO ☒	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA SQ. FT.
(21) WILL SIDEWALK OVER SUB-SEPARATE SPACE BE REPAIRED OR ALTERED? YES ☐ NO ☒	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES ☐ NO ☒	(23) ANY OTHER EXISTING BLDG. ON LOT? (YES, SHOW ON LOT PLAN) YES ☐ NO ☒	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES ☐ NO ☒

(25) ARCHITECT OR DESIGNER (FIRM OR INDIVIDUAL) BOOR BRIDGES ARCH	ADDRESS 1686 15th. SF CA	CALIF. CERTIFICATE NO. C-29019
--	-----------------------------	-----------------------------------

(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 exhibiting such change. See San Francisco Building Code and San Francisco Housing Code.

No portion of building or structure or scaffolding used in construction, to be closer than 8' to any wire containing more than 750 volts. See Sec. 385.1 of the Building Code.

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

Grades 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 STRUCTURE 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 (11) (12) (13) (22) OR (24).

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

In dwelling all installing 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 THEREOF WILL BE COMPLIED WITH.

NOTICE TO APPLICANT

HOLD HARMLESS CLAUSE. The undersigned, by acceptance of the permit, agree(s) to indemnify and hold harmless the City and County of San Francisco from and against any and all claims, demands and actions for damages, resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to assume the defense of this 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 that indicate item (ii), or (iii), or (iv), whichever is applicable. If however item (iv) is checked item (ii) must be checked as well. Mark the appropriate method of compliance below.

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

- I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- 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 policy number is: State Fund 169 9487. Policy Number: 169 9487.
- The cost of this work to be done is \$100 or less.
- I certify that in the performance of this 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 that I am covered by the provisions of Section 3800 of the Labor Code, that the permit herein applied for shall be deemed revoked.
- I, 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, has a completed copy of this form with the Central Permit Bureau.

Signature of Applicant or Agent: [Signature] Date: 3/17/10

OFFICE COPY

CONDITIONS AND STIPULATIONS

ORIGINAL COPY

REFER TO: DEPARTMENT OF BUILDING INSPECTION	APPROVED: [Signature] Call 311-338-5870, to schedule inspections for building, electrical and plumbing. This application is approved without site inspection, electrical 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 or plumbing work shall require appropriate separate permits. BUILDING INSPECTOR, DEPT. OF BLDG. INSPECTION	By: [Signature] VICTOR YEW, DBI MAR 17 2010	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: [Signature] As per plans Rooms Open DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: [Signature] N/A BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☒	APPROVED: [Signature] By: JAMES ZHAN, DBI MAR 17 2010 MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: [Signature] By: VICTOR YEW, DBI MAR 17 2010 CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	SPECIAL INSPECTIONS AND TESTS ARE REQUIRED AS PER BUILDING CODE SECTION 1701	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: [Signature] BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: [Signature] DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☒	APPROVED: [Signature] SFUC Monica Lee Whitney REDEVELOPMENT AGENCY	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: FOR WORK STATED ONLY TO COMPLY WITH HOUSING INSPECTION DIVISION NOTICE(S) OF VIOLATION ISSUED ON COMPLAINT TRACKING #(S) TO COMPLETE ALL PERMIT WORK REQUIRED BY THE ATTACHED NOTICE. HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____

I agree to comply with all conditions or stipulations of the various bureaus or department noted on this application, and attached supplements of conditions or stipulations, which are hereby made a part of this application.

Number of stakeholders

☐

OWNER/AUTHORIZED AGENT

HOLD SETBACK NOTE DATES AND NAMES OF ALL PERSONS NOTIFIED DURING PROCESSING



AUG 27 2010

Vivian L. Day

VIVIAN L. DAY
DIRECTOR/CHIEF BUILDING OFFICIALAPPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRSFORM 3 ☐ OTHER AGENCIES REVIEW REQUIREDFORM 8 ☒ OVER-THE-COUNTER ISSUANCE

NUMBER OF PLAN SETS

9-10-10
DO NOT WRITE ABOVE THIS LINECITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTIONAPPLICATION 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 8/27/10	PLUMBING PERMIT NO. 1220036	(1) STREET ADDRESS OF JOB 10 LUNDYS LANE 5610/029A	BLOCK & LOT
PERMIT NO.	ISSUED 8/27/10	(2A) ESTIMATED COST OF JOB \$1	(2B) REVISED COST \$1.00

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

1 HR BACKCHECK

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. VB	(5A) NO. OF STORIES OF OCCUPANCY 3	(5B) NO. OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE DWELLING	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS 1
----------------------------	---------------------------------------	--	------------------------------	--------------------------	---------------------------------

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. VB	(5) NO. OF STORIES OF OCCUPANCY 3	(5B) NO. OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) DWELLING	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS 1
---------------------------	--------------------------------------	--	--	-------------------------	--------------------------------

(10) IS AUTO RUNWAY TO BE CONSTRUCTED OR ALTERED?	YES ☐ NO ☒	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES ☐ NO ☒	(12) ELECTRICAL WORK TO BE PERFORMED?	YES ☐ NO ☒	(13) PLUMBING WORK TO BE PERFORMED?	YES ☐ NO ☒
---	---	---	---	---------------------------------------	---	-------------------------------------	---

(14) GENERAL CONTRACTOR STREIFFER BURNHAM	ADDRESS 2976 23RD ST.	PHONE 415.817.1900	EXPIRATION DATE 8/30/10
--	--------------------------	-----------------------	----------------------------

(15) OWNER - LESSEE (CROSS OUT ONE) SAM BALL	ADDRESS 10 LUNDYS	PHONE 415.206-1880
---	----------------------	-----------------------

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

REVISION TO PERMIT 2010-03-17-8393 (COST SAVINGS)
REVISE PLANS TO SHOW REAR WALLS DEMOLISHED
AND REBUILT IN KIND, UPON EXPOSING
STRUCTURE THE WALLS WERE FOUND TO BE
UN-SALVAGEABLE TO COMPLY WITH (Comp# 2010 64467, 2010 64190)

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES ☐ NO ☒	(18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT	(19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING?	YES ☐ NO ☒	(20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA	SO. FT.
--	---	---	--	---	--	---------

(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?	YES ☐ NO ☒	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?	YES ☐ NO ☒	(23) ANY OTHER EXISTING BLOC. OR LOT? IF YES, SHOW ON PLAT PLAN	YES ☐ NO ☒	(24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?	YES ☐ NO ☒
--	---	---	---	---	---	---	---

(25) ARCHITECT OR ENGINEER (DESIGN) BOOR BRIDGES ARCHITECTURE	CONSTRUCTION CO. 1686 15TH	ADDRESS C-29019
--	-------------------------------	--------------------

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

IMPORTANT NOTICES

No change shall be made 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 325, 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 applications 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 correct 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 VIOLATION 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 drawings all knowledge 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 claims, demands and actions for damages resulting from operations under the 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 worker's 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 certificate and policy number are:
Certificate: State Fund
Policy Number: 1686466
- () 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.
- (X) 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

Date

OFFICIAL COPY
BLDG. FORM 38

APPLICATION NUMBER

OSHA APPROVAL REQUIRED ☐

2010-08-27-9762

CONDITIONS AND STIPULATIONS

18-6570, to schedule inspections for electrical and / or plumbing. This is approved without site inspection, mbing or electrical plan review and does not require an approval of the building. Work must be done in strict accordance with all codes. Any electrical or plumbing work requires appropriate separate permits.

By Jaime Valle DBI

AUG 27 2010

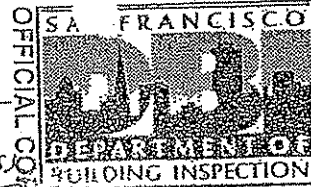
BUILDING INSPECTOR, DEPT. OF BLDG. INSP.

DATE 8/27/10

REASON: OK TO PROCS

Revision

A-6666



NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

DATE:

REASON:

NOTIFIED MR.

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

DEPARTMENT OF CITY PLANNING

BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION

CHECKED

AUG 27 2010

BY: THOMAS LE

CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

BUREAU OF ENGINEERING

DEPARTMENT OF PUBLIC HEALTH

REDEVELOPMENT AGENCY

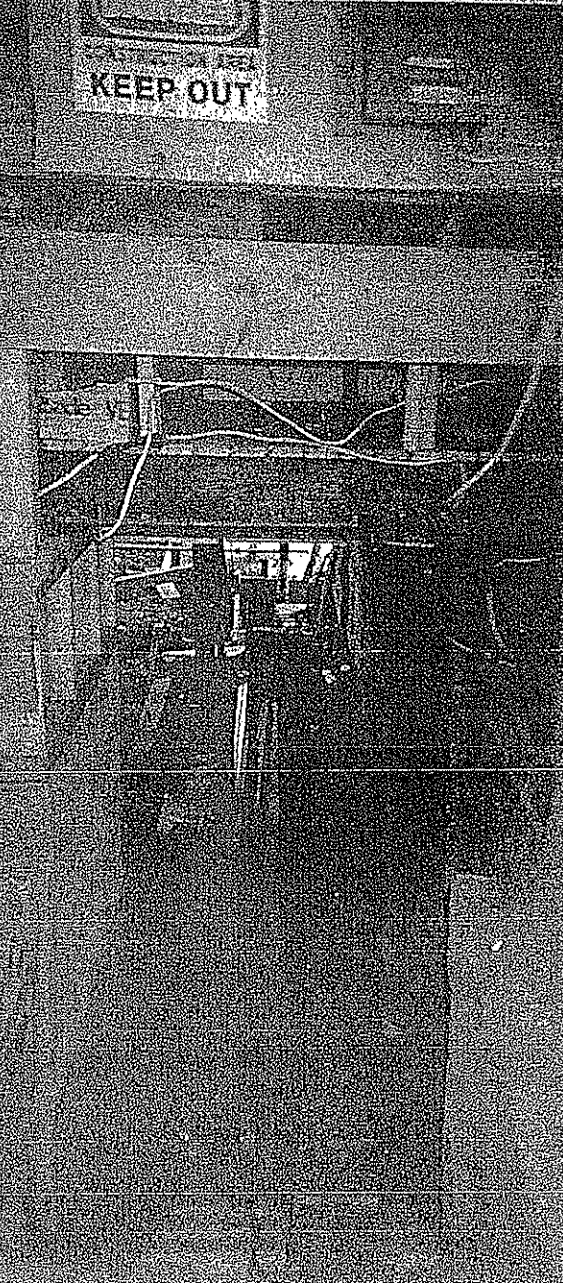
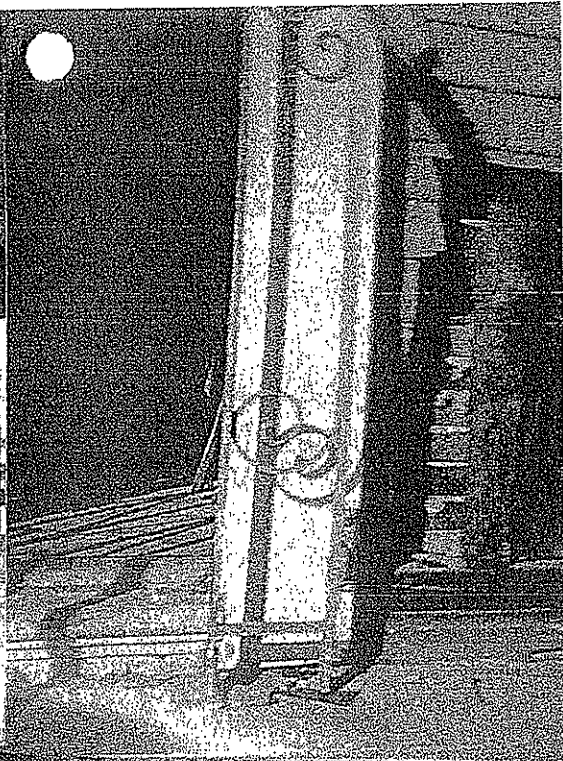
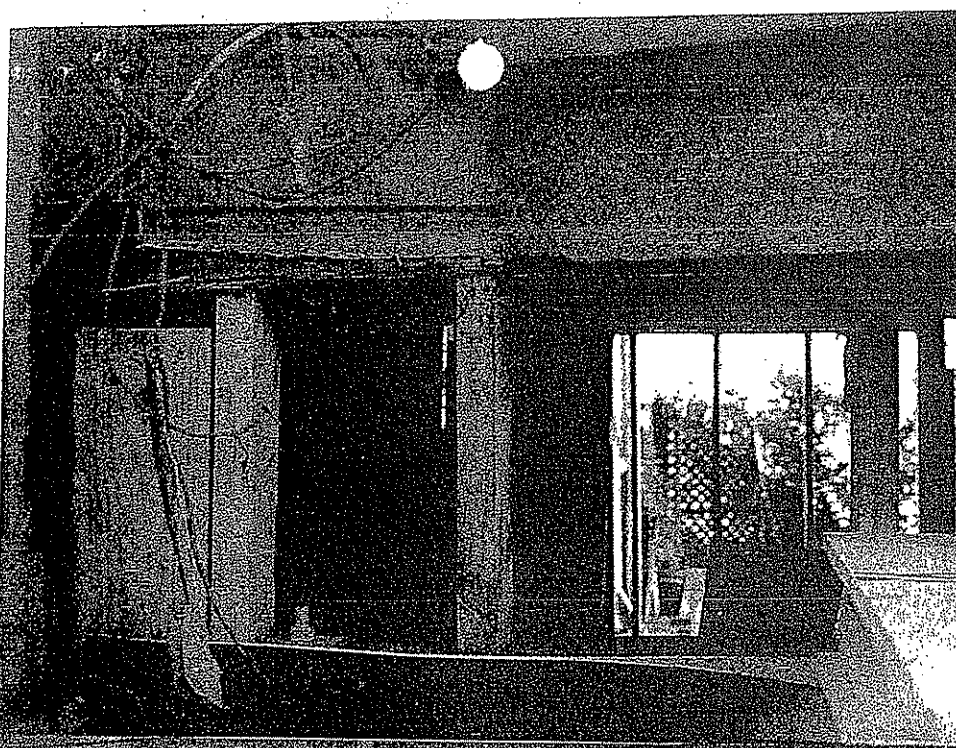
HOUSING INSPECTION DIVISION

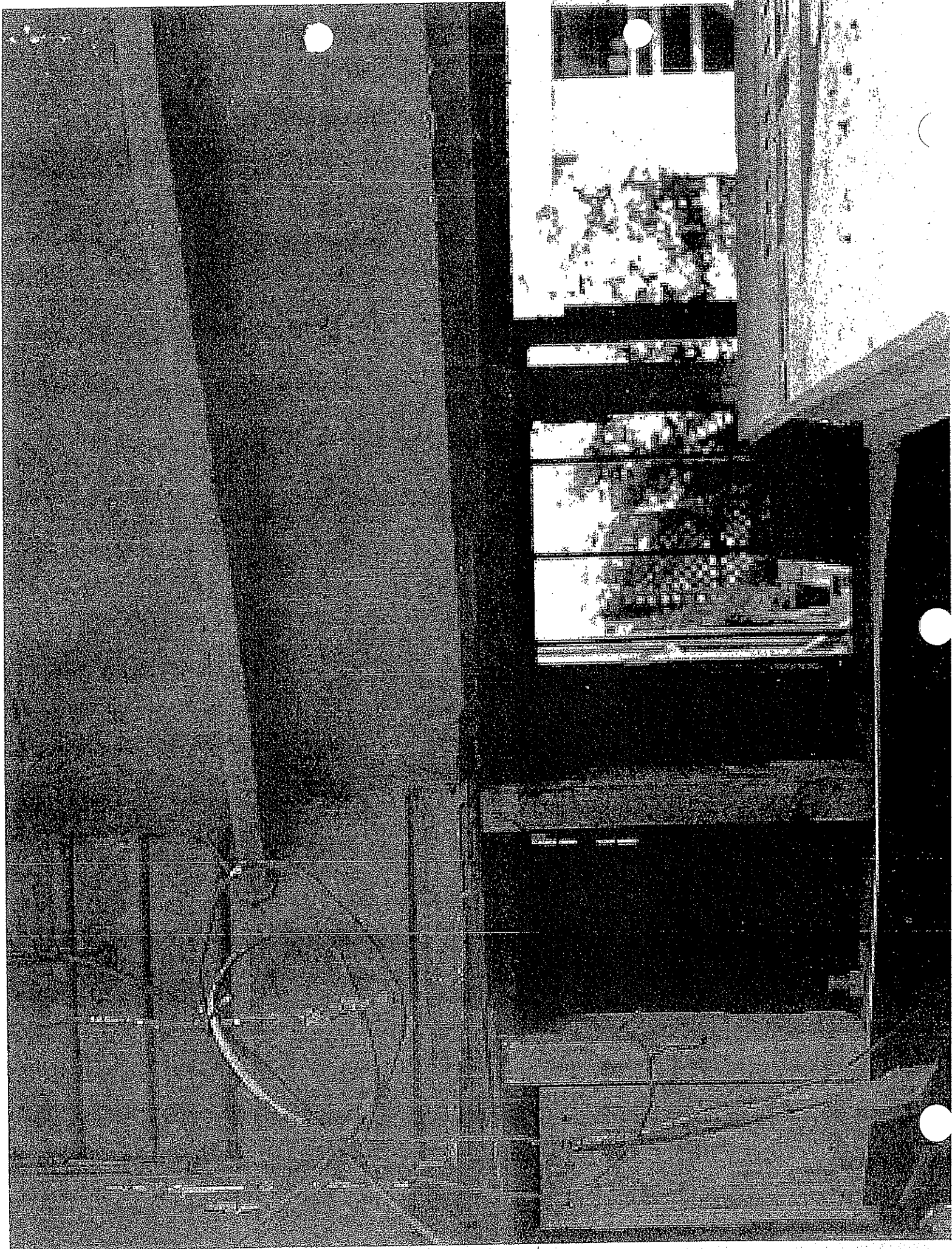
I certify that all conditions or stipulations of the various bureaus or department noted on this application, and attached one or stipulations, which are hereby made a part of this application.

OWNER'S AUTHORIZED AGENT

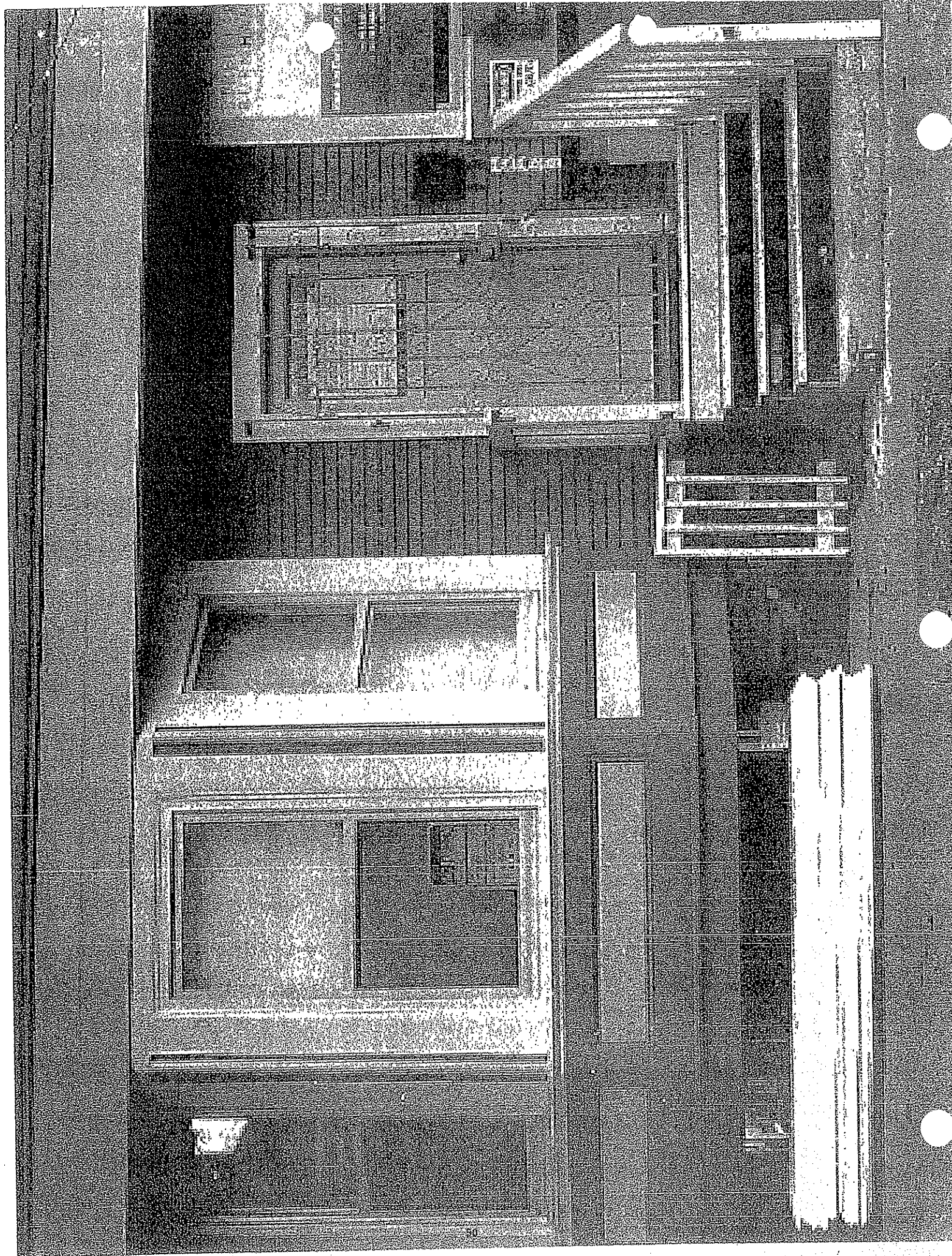
Exhibit C











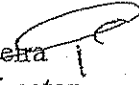
BOARD of SUPERVISORS



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

December 3, 2010

To: Cheryl Adams
Deputy City Attorney

From: Rick Caldera 
Deputy Director

Subject: Appeal of Categorical Exemption from Environmental Review - 10 Lundys Lane

An appeal of categorical exemption from environmental review issued for property located at 10 Lundys Lane was filed with the Office of the Clerk of the Board on December 2, 2010, by John de Soto.

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

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

c: Angela Calvillo, Clerk of the Board
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tara Sullivan, Planning Department
Nannie Turrell, Planning Department
Brett Bollinger, Planning Department
Cynthia Goldstein, Board of Appeals
Victor Pacheco, Board of Appeals

BOARD of SUPERVISORS



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

December 9, 2010

John de Soto
14 Lundys Lane
San Francisco, CA 94110

Subject: Appeal of Determination of Exemption from Environmental Review for a Project Located at 10 Lundys Lane

Dear Mr. de Soto:

The Office of the Clerk of the Board is in receipt of a memorandum dated December 8, 2010, (copy attached) from the City Attorney's office regarding the timely filing of an appeal of the Determination of Exemption from Environmental Review for the property located at 10 Lundys Lane.

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

A hearing date has been scheduled on **Tuesday, January 11, 2011, at 4:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco.

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

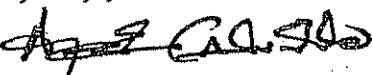
8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing;

11 days prior to the hearing: names of interested parties to be notified of the hearing.

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

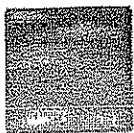
If you have any questions, please feel free to contact Deputy Director, Rick Caldeira at (415) 554-7711 or Legislative Clerk, Joy Lamug at (415) 554-7712.

Very truly yours,


Angela Calvillo
Clerk of the Board

c:
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
Francesca Gessner, Deputy City Attorney
John Rahaim, Director, Planning Department
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department

AnMarie Rodgers, Planning Department
Tara Sullivan, Planning Department
Nannie Turrell, Planning Department
Cynthia Goldstein, Board of Appeals
Victor Pacheco, Board of Appeals
Brett Gladstone, Gladstone and Associates,
177 Post Street, Penthouse, S.F., CA 94108



Appeal of Categorical Exemption for 10 Lundys Lane
Marlena Byrne to: Angela Calvillo

12/08/2010 04:12 PM

Rick Caldeira, Joy Lamug, Cheryl Adams, Kate Stacy, Francesca
Cc: Gessner, John Rahaim, Scott Sanchez, Bill Wycko, AnMarie
Rodgers, Tara Sullivan, Nannie Turrell, Cynthia Goldstein

Please find attached our office's timeliness determination for the appeal of an exemption determination under the California Environmental Quality Act for the property at 10 Lundys Lane. Please let me know if I can be of further assistance with this matter.

Marlena G. Byrne
Deputy City Attorney
Office of City Attorney Dennis J. Herrera
City and County of San Francisco
tel. 415. 554-4620
fax: 415. 554-4757
marlena.byrne@sfgov.org



10LundysLane.PDF

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

MARLENA G. BYRNE
Deputy City Attorney

DIRECT DIAL: (415) 554-4620

E-MAIL: marlena.byrne@sfgov.org

MEMORANDUM

TO: Angela Calvillo
Clerk of the Board of Supervisors

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

DATE: December 8, 2010

RE: Appeal of Determination of Exemption from Environmental Review for Project
Located at 10 Lundys Lane

You have asked for our advice on the timeliness of an appeal to the Board of Supervisors by John de Soto received by the Clerk's Office on December 2, 2010, of the Planning Department's determination that a project located at 10 Lundys Lane is exempt from environmental review under the California Environmental Quality Act ("CEQA"). The proposed work involves interior and exterior renovation of an existing single family home. The Appellant provided a copy of two building permits issued by the Department of Building Inspection, one issued on March 22, 2010 (Building Permit No. 2010-03-17-8393) and a second permit issued on August 27, 2010 (Building Permit No. 2010-08-27-9763). The Appellant also provided a copy of email correspondence with the Planning Department's Zoning Administrator Scott Sanchez concerning the proposed project.

As noted above, the first permit was issued on March 22, 2010, and, according to representations made and photographs provided by the Appellant, substantial work has commenced on the project. Prior to issuance, this permit was reviewed and approved by Planning Department staff. This permit was not appealed to the Board of Appeals within the appeal period. On November 3, 2010, the Board of Appeals heard a request for jurisdiction made by the Appellant, and denied the request for jurisdiction. As such, the March 22, 2010 permit (Building Permit No. 2010-03-17-8393) is final. Accordingly, any appeal of the environmental determination associated with that permit is no longer timely.

The second permit was issued on August 27, 2010, for project revisions. Specifically, the permit states that it is a revision to "revise plans to show rear walls demolished and rebuilt in kind, upon exposing structure the walls were found to be unsalvageable." This permit for revisions was not routed to the Planning Department. It was appealed to the Board of Appeals, which heard the matter on November 3, 2010. The Board of Appeals, in case No 10-101, denied the appeal and upheld the permit. A request for rehearing is calendared to be heard today, December 8, 2010. Accordingly, the August 27, 2010 permit (Building Permit No. 2010-08-27-9763) is not final.

Although it does not appear that any CEQA review was conducted when the August 27, 2010 revision permit was issued, the Planning Department has subsequently reviewed the work associated with that permit and determined that the work remains categorically exempt from CEQA. Specifically, in an email dated November 16, 2010 from Zoning Administrator Scott Sanchez to the Appellant (which has been provided by the Appellant), the Zoning Administrator states, "While the subsequent revision permits were not routed to the Planning Department for

CITY HALL • 1 DR. CARLTON B. GOODLETT PLACE, ROOM 234 • SAN FRANCISCO, CALIFORNIA 94102

RECEPTION: (415) 554-4700 FACSIMILE: (415) 554-4757

n:\landuse\mbyrne\bos ceqa appeals\10 lundys timeliness.doc

Memorandum

TO: Angela Calvillo
Clerk of the Board of Supervisors
DATE: December 8, 2010
PAGE: 2
RE: Appeal of Determination of Exemption from Environmental Review for Project
Located at 10 Lundys Lane

review, they do not appear to contain work that would trigger additional CEQA review[.]” Accordingly, the Planning Department has determined that the second permit (Building Permit No. 2010-08-27-9763) is also exempt from environmental review.

Because the August 27, 2010 permit for revisions (Building Permit No. 2010-08-27-9763) is not yet final, it is our view that the appeal is timely with respect to the environmental determination made for this permit only. Therefore, the appeal should be calendared before the Board of Supervisors. We recommend that you so advise the Appellant.

Please let us know if we may be of further assistance.

MGB

cc: Rick Caldeira, Deputy Director, Clerk of the Board
Joy Lamug, Board Clerk's Office
Cheryl Adams, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Francesca Gessner, Deputy City Attorney
John Rahaim, Director, Planning Department
Scott Sanchez, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
AnMarie Rodgers, Planning Department
Tara Sullivan, Planning Department
Nannie Turrell, Planning Department
Cynthia Goldstein, Board of Appeals



**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

BOS 11
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FK

MEMO

Categorical Exemption Appeal

2010 JAN 4 AM 11:49

10 Lundys Lane

BY: Aik

DATE: January 4, 2011
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Bill Wycko, Environmental Review Officer - (415) 558-9048
Scott Sanchez, Zoning Administrator (415) 558-6326
RE: BOS File No. 101543 [Building Permit Application No. 201008279763]
Appeal of Categorical Exemption for 10 Lundys Lane
HEARING DATE: January 11, 2011
ATTACHMENTS: A. Site photographs and maps
B. Plans

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San Francisco,
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PROJECT SPONSOR: Brett Gladstone on behalf of Sam Ball & Ann Hughes
APPELLANT: John and Catherine de Soto

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Categorical Exemption under the California Environmental Quality Act ("CEQA Determination") for a project at 10 Lundys Lane (the "Project").

The Department, pursuant to Title 14 of the CEQA Guidelines, issued a Categorical Exemption for 10 Lundys Lane on November 16, 2010, finding that the proposed project, as modified by a proposed revision permit, will not have an adverse impact to a historic resource.

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

SITE DESCRIPTION & PRESENT USE

The subject property is located at 10 Lundys Lane (mid-block on the north side of the street near Coso Avenue) in an RH-2 Zoning District, 40-X Height and Bulk District and the Bernal Heights Special Use District. The subject lot is approximately 25 feet wide by 70 feet deep and contains a 2-story single-family dwelling constructed before 1906. The subject property is not listed as a known historic resource nor is it in a designated historic district.

PROJECT DESCRIPTION

The subject building permit application was filed as a revision to a previously issued permit in response to complaints filed with the Department of Building Inspection ("DBI"). The scope of

work for the subject application is to "revise plans to show that rear walls of existing structure are to be rebuilt in-kind rather than repaired in place where indicated."

BACKGROUND

March 22, 2010 - Building Permit Application No. 201003228393

The Project Sponsor received a building permit to remodel within the existing building envelope, install new doors and windows at the rear, strengthen the foundation and walls, remodel existing occupied lower floor, modify the front entry stair for head height and remove exterior stair. Construction pursuant to this building permit application commenced shortly thereafter. This building permit contains the most substantial work and is final. It is no longer appealable and the work proposed under that building permit is not the subject of this CEQA appeal.

July 9, 2010 - Building Permit Application No. 201007096243

The Project Sponsor received a building permit to replace the existing foundation. Construction pursuant to this building permit application commenced shortly thereafter.

August 23-24, 2010 - Complaint Nos. 201064190 & 201064467

Complaints were filed against the subject property alleging work beyond the scope of previously issued permits.

August 27, 2010 - Building Permit Application No. 201008279763: Permit Under Current CEQA Appeal ("subject building permit")

The Project Sponsor received the subject building permit to "revise plans to show that rear walls of existing structure are to be rebuilt in-kind rather than repaired in place where indicated" in response to Complaint Nos. 201064190 & 201064467. This permit is the subject of this appeal and concerns legalization of work beyond the scope of the previous permit. This permit authorizes the rebuilding of rear walls that had been demolished instead of the mere repair of the rear walls as allowed by permit 201003228393.

September 13, 2010 - Appeal No. 10-101

The Appellant filed an appeal of Building Permit Application No. 201008279763, subject building permit, with the Board of Appeals. On September 14, 2010, the subject building permit was suspended as a result of the appeal. The Board of Appeals scheduled the Jurisdiction Request for hearing on November 3, 2010.

September 20, 2010 - Planning Department Suspension

The Zoning Administrator requested suspension of Building Permit Application No. 201008279763, subject building permit, in response to a complaint that the existing horizontal addition of the subject building was not legally authorized.

September 28, 2010 - Revised Planning Department Suspension

The Zoning Administrator amended the September 20, 2010 suspension request to include Building Permit Application No. 201003228393.

October 8, 2010 – Revised Planning Department Suspension

The Zoning Administrator amended the September 28, 2010 suspension request limit the stop work order to the rear portion of the building that is not within the original footprint and allow work to continue at the front of the property.

October 18, 2010 – Jurisdiction Request

The Appellant filed a Jurisdiction Request for Building Permit Application No. 201003228393, subject building permit. The Board of Appeals scheduled the Jurisdiction Request for hearing on November 3, 2010.

November 3, 2010 – Board of Appeals Hearing on Subject Building Permit

The Board of Appeals held public hearings for both the Jurisdiction Request and Appeal No. 10-101. At the hearing for the Jurisdiction Request, the Board of Appeals did not find any procedural errors to justify granting jurisdiction and denied the request. At the hearing for Appeal No. 10-101, the Appellant argued that the rear addition was not original to the building and was constructed without benefit of permit in the required rear yard in violation of the Planning Code. The Department stated that a search of the building permit history did not yield evidence of a building permit to construct the rear addition. It was speculated that the rear addition was constructed in the 1970's, at a time when the addition would have complied with the Planning Code. The Board of Appeals found that the rear addition was a legal non-complying structure, denied the appeal and upheld the building permit.

November 15, 2010 – Rehearing Request on Subject Building Permit

The Appellant filed a Rehearing Request for Appeal No. 10-101. The Board of Appeals scheduled the Rehearing Request for December 8, 2010.

December 2, 2010 – CEQA Appeal Filed

The Appellant filed an Appeal of Determination of Exemption from Environmental Review with the Clerk of the Board of Supervisors for Building Permit Application Nos. 201003228393 & 201008279763.

December 8, 2010 – CEQA Appeal Timely Filed

The Office of the City Attorney advised the Clerk of the Board of Supervisors that the Environmental Review appeal was timely filed for Building Permit Application No. 201008279763 only. The Clerk of the Board of Supervisors scheduled the subject appeal for January 11, 2010 and the Board of Appeals continued the Rehearing Request to January 19, 2011.

CEQA GUIDELINES

Categorical Exemptions

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

In response to that mandate, the State Secretary of Resources found that certain classes of projects, which are listed in CEQA Guidelines Sections 15301 through 15333, do not have a

significant impact on the environment, and therefore are categorically exempt from the requirement for the preparation of further environmental review.

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

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

CEQA and Historic Resources

With regard to historic resource review under CEQA, the first step in the evaluation process is to determine whether there is a historic resource present. Public Resources Code Section 21084.1 (Historical Resources) and CEQA Guidelines Section 15064.5 (Determining the Significance of Impacts on Historical and Unique Archaeological Resources) detail what qualifies as a historic resource under the Act.

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

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

Department CEQA Analysis of 10 Lundys Lane

The subject building permit application was not routed by the Department of Building Inspection to the Planning Department for review. On November 16, 2010, the Zoning Administrator received an email from the Appellant regarding the status of the environmental review for the subject project. The Zoning Administrator reviewed plans submitted with Building Permit Application No. 201008279763 and responded to the Appellant that the plans "do not appear to contain work that would trigger additional CEQA review (i.e. demolition of building or façade alterations)." The scope of the subject building permit application is limited to documenting work at the rear of the building, which involves a horizontal addition that was constructed in the 1970s. As such, the proposed work that is the subject of the subject building permit clearly would not have a significant impact on the environment and is exempt from further environmental review pursuant to CEQA State Guidelines Section 15301(e)(2) (Existing Facilities).

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns related to Building Permit Application No. 201008279763 that are raised in the December 2, 2010 Appeal Letter are cited in a summary below and are followed by the Department's responses.

Issue 1: The subject building permit application was issued in error without a Categorical Exemption stamp or environmental review.

Response 1: While the subject building permit application was not routed to the Planning Department for review and did not receive a "Categorical Exemption" stamp, work proposed under the subject building permit application clearly does not have a significant impact on the environment and is exempt from further environmental review pursuant to CEQA State Guidelines Section 15301(e)(2) (Existing Facilities). As noted above, the scope of the subject building permit application only concerns documenting work already performed at the rear of the building, which involves a horizontal addition that was constructed in the 1970s. The subject building permit is not final, and the work proposed under that permit has appropriately been determined exempt from further environmental review.

Issue 2: "Further CEQA review is needed because the project involves the near complete demolition of a potential historic resource and the subject building is more than 100 years old."

Response 2: The scope of the subject building permit application is limited to documenting work at the rear of the building, which involves a horizontal addition that was constructed in the 1970s. The subject project does not propose "the near complete demolition of a potential historic resource." The proposed work includes in-kind replacement of the rear wall, which has already been removed and which is part of a 1970s-era addition.

CONCLUSION

The Department has found that work proposed under Building Permit Application No. 201008279763 for the property at 10 Lundys Lane (which is limited to documenting work at the rear of the building, involving a horizontal addition that was constructed in the 1970s) does not have a significant impact on the environment and is exempt from further environmental review pursuant to CEQA State Guidelines Section 15301(e)(2) (Existing Facilities). The Appellant has not provided any substantial evidence or expert opinion to refute the conclusions of the Department.

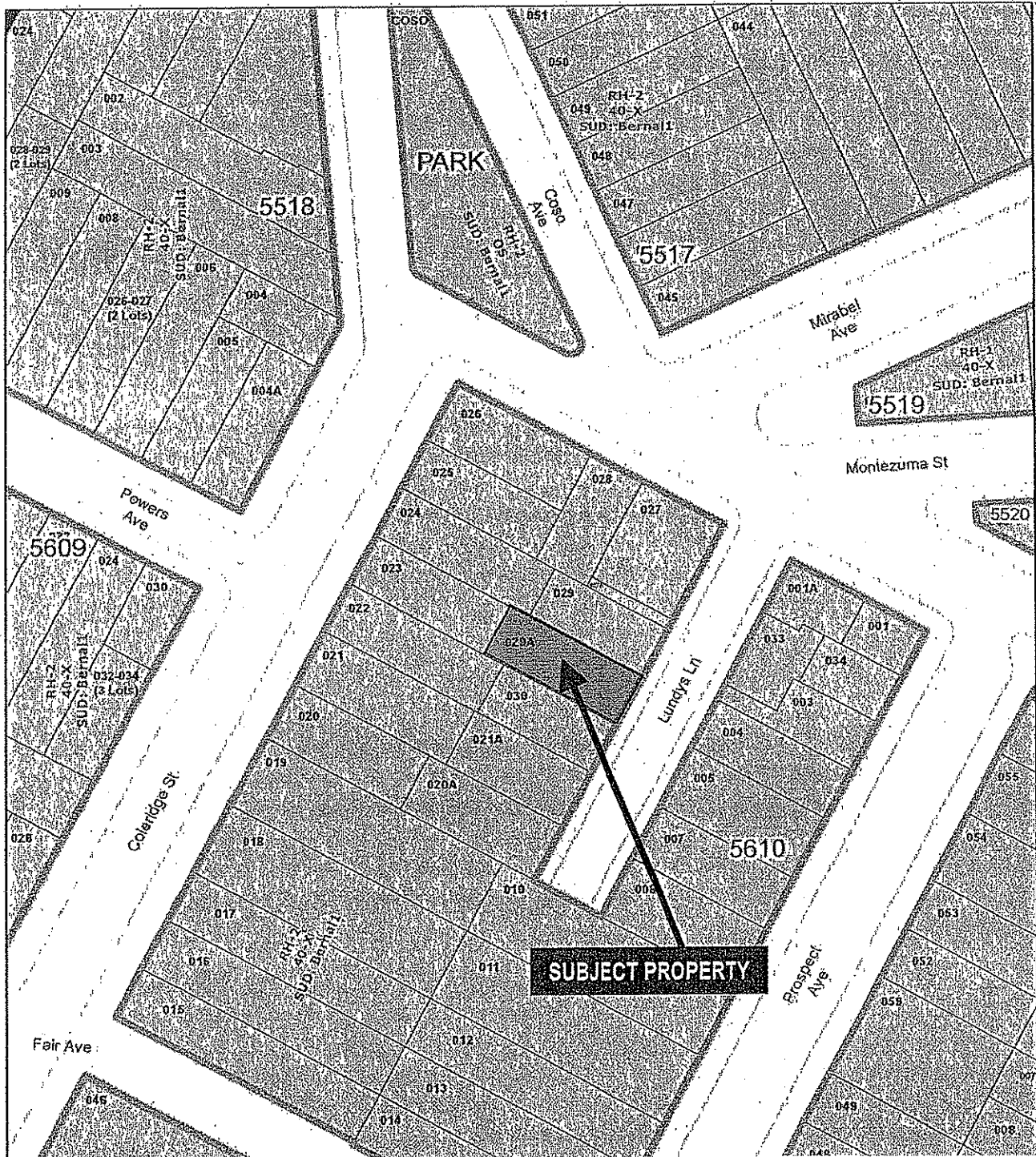
The appellant did not file a CEQA appeal of the first building permit (Building Permit No. 2010-03-17-8393). On November 3, 2010, the Board of Appeals heard a request for jurisdiction made by the Appellant on this earlier permit and denied the request for jurisdiction. In conjunction with this CEQA appeal before the Board of Supervisors, the City Attorney determined in a letter dated December 8, 2010 that "the March 22, 2010 permit (Building Permit No. 2010-03-17-8393) is final" and therefore is not timely for a hearing before the Board of Supervisors.

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

BLOCK 5610

Block Book Map

Printed: 22 December, 2010



CEQA Appeal Hearing January 11, 2011

Board File No. 101543

SUBJECT PROPERTY

777

774

COLERIDGE

© LUNDY'S - LANE

PROSPECT

776

10 Lundys Lane



Aerial Photo



SUBJECT PROPERTY

CEQA Appeal Hearing January 11, 2011

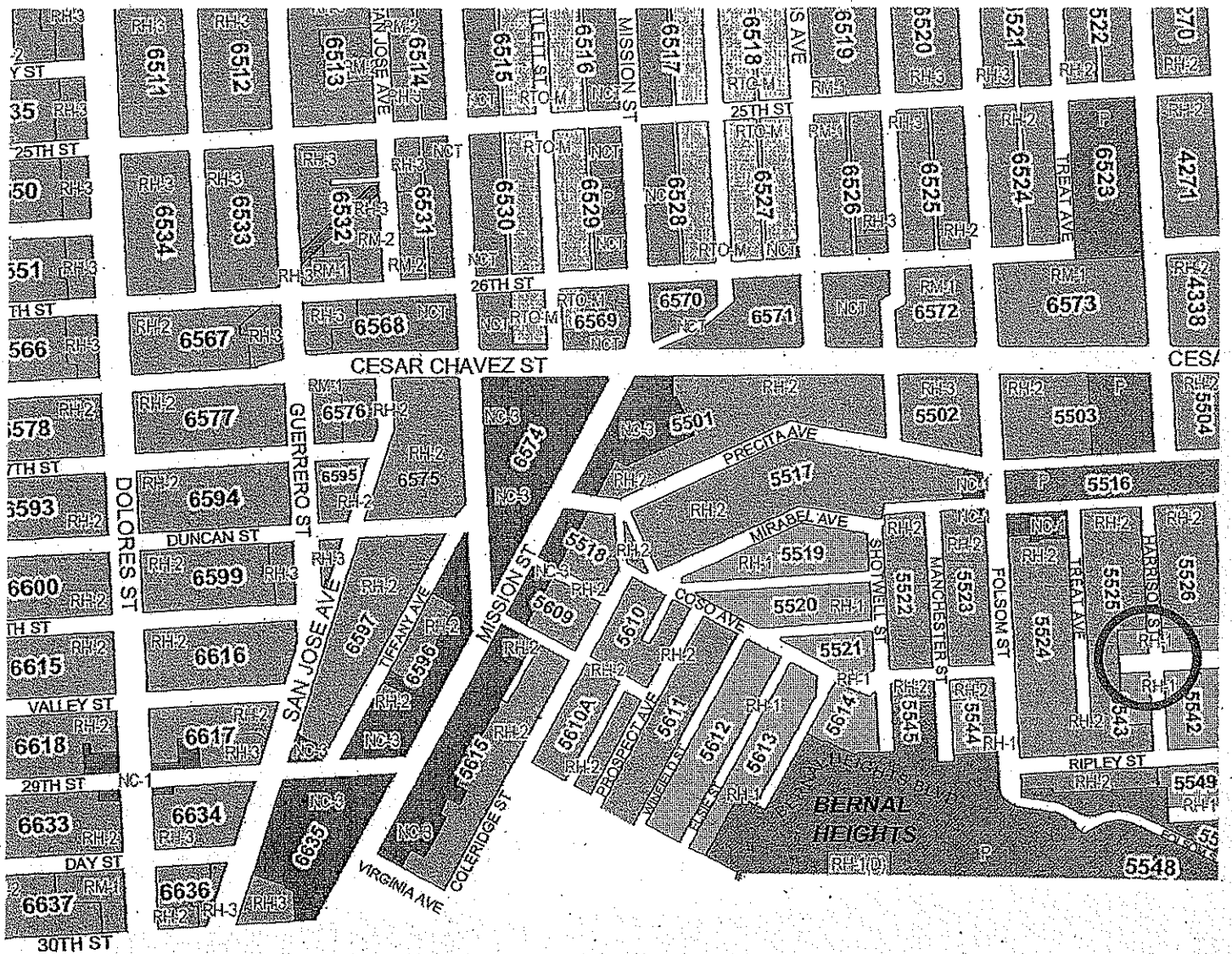
Board File No. 101543

[Building Permit Application No. 201008279763]

10 Lundys Lane



Zoning Map



ZONING USE DISTRICTS

RESIDENTIAL, HOUSE DISTRICTS

RH-1(D) RH-1 RH-1(S) RH-2 RH-3

RESIDENTIAL, MIXED (APARTMENTS & HOUSES) DISTRICTS

RM-1 RM-2 RM-3 RM-4

NEIGHBORHOOD COMMERCIAL DISTRICTS

NC-1 NC-2 NC-3 NCD NC-S

SOUTH OF MARKET MIXED USE DISTRICTS

SPD RED RSD SLR SLI SSO

COMMERCIAL DISTRICTS

C-2 C-3-S C-3-G C-3-R C-3-O C-3-0(SD)

INDUSTRIAL DISTRICTS

C-M M-1 N-2

CHINATOWN MIXED USE DISTRICTS

CRNC CVR CCE

RESIDENTIAL-COMMERCIAL DISTRICTS

RC-3 RC-4

REDEVELOPMENT AGENCY DISTRICTS

MB-RA IP-RA

DOWNTOWN RESIDENTIAL DISTRICTS

RH-DIR TB-DIR

MISSION BAY DISTRICTS

MB-OS MB-O

PUBLIC DISTRICT

P

CEQA Appeal Hearing January 11, 2011

Board File No. 101543

[Building Permit Application No. 201008279763]



Site Photo



SUBJECT PROPERTY

CEQA Appeal Hearing January 11, 2011

Board File No. 101543

[Building Permit Application No. 201008279763]

LICENSE #: 806536 EXP: 04-30-2010

CLIENT
SAM BALL
10 LUNDY'S LANE
SAN FRANCISCO, CA 94110
(415) 206-1880

SHEET NOTE

KEY NOTE

SCOPE OF WORK

REVISION TO PERMIT #: 2010-03-17-8393

- REVISE PLANS TO SHOW THAT REAR WALLS OF EXISTING STRUCTURE ARE TO BE REBUILT IN-KIND RATHER THAN REPAIRED IN PLACE WHERE INDICATED.
- UPON EXPOSING THE STRUCTURE OF THE INDICATED WALL SECTIONS IT BECAME CLEAR THAT IT IS NOT FEASIBLE TO SAVE THEM.

* to respond to complaints re: 290 64467
2010 64190

APPLICABLE CODES

PROJECT SHALL COMPLY WITH 2007 CBC, CMC, CEC, CPC AS AMENDED BY THE CITY OF SAN FRANCISCO

PROJECT SHALL COMPLY WITH 2005 TITLE 24 ENERGY REQUIREMENTS AND ALL MANDATORY MEASURES

PROJECT INFO.

END

WALL TO REMAIN

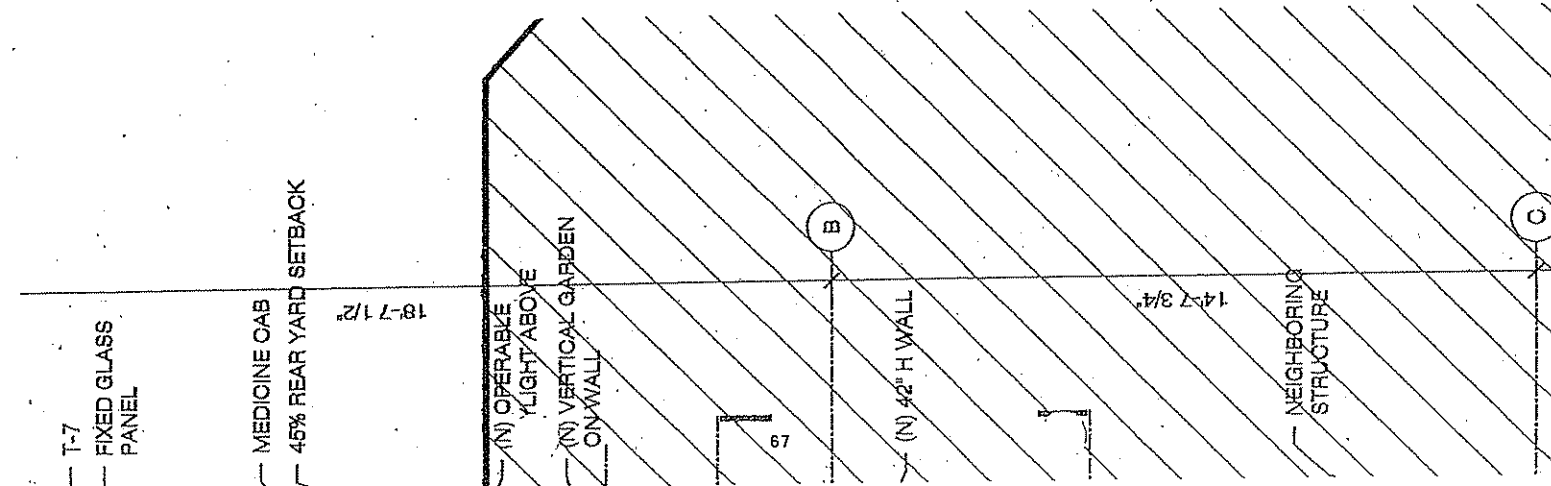
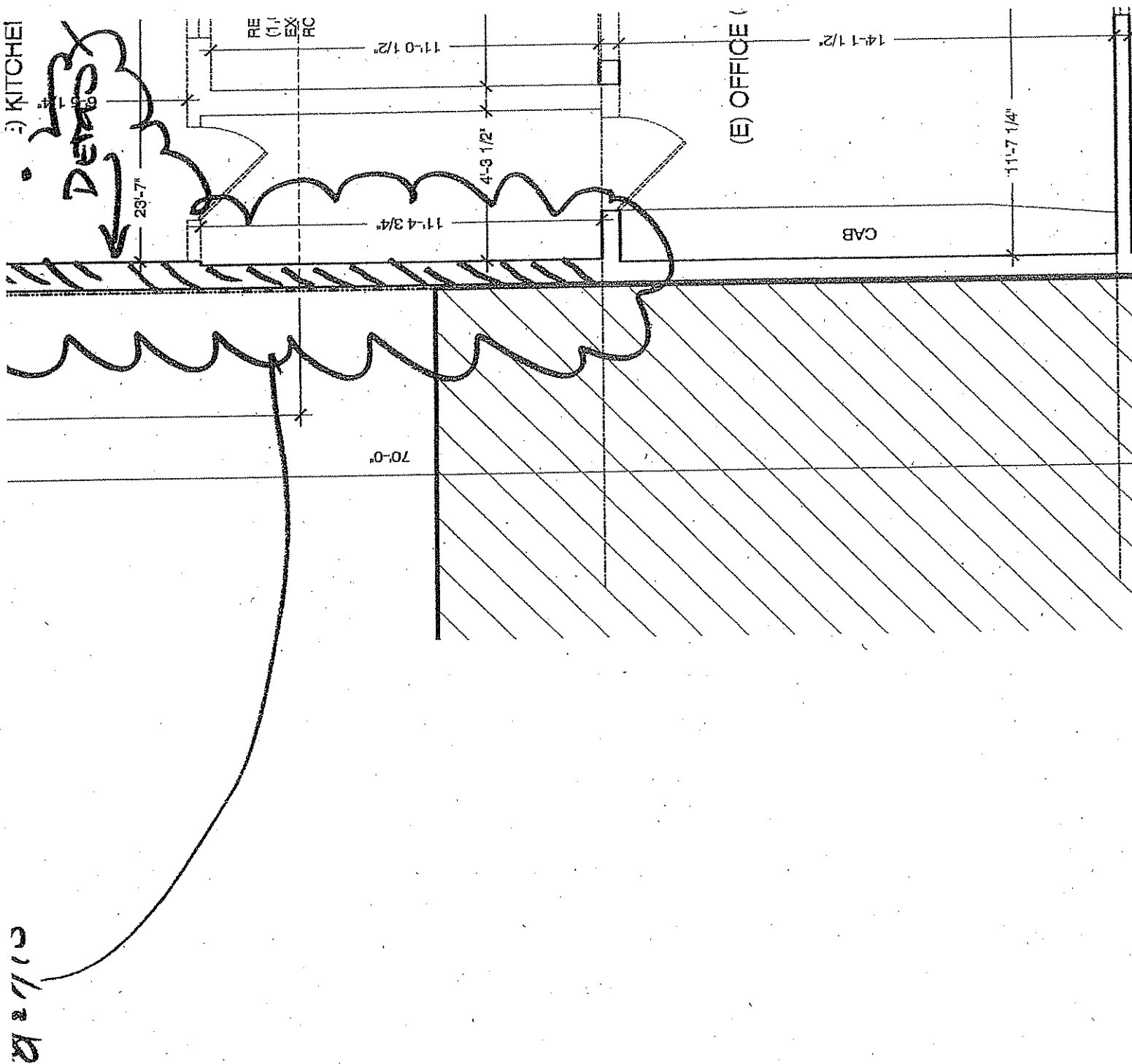
WALL TO BE DEMOLISHED

NEW WALL

DOOR TO REMAIN

DOOR TO BE REMOVED

NEW DOOR OPENING



File 101543

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BY

10 Lundys Lane

Appeal of Categorical Exemption

- The property contains a single family home. Construction is almost half way complete on a renovation under a valid building permit that is not appealable to your Board (according to the City Attorney).
- The issue before the Board is whether a categorical exemption is appropriate for a revision to the building permit, which allows additional wall area to be replaced due to dry rot that the owners previously believed could remain.
- The revision was filed to remove and replace in-kind more wall area than originally shown on the underlying permit to address the dry rot in those walls that was discovered during construction. Specifically, the work involves the removal of an additional 18 linear feet of the south wall, and 4-5 additional linear feet of the west wall.
- The underlying permit is final and not at issue in this Appeal. The only issue is whether a categorical exemption is appropriate for the revision. The revision does not involve expansion of the building envelope, existing building, or building proposed for renovation (under the approved plans).

M. BRETT GLADSTONE

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW
PENTHOUSE, 177 POST STREET
SAN FRANCISCO, CALIFORNIA 94108

TELEPHONE (415) 434-9500
FACSIMILE (415) 394-5188
admin@gladstoneassociates.com

January 3, 2011

David Chiu, President
City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Pl. Room #244
San Francisco, CA 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JAN -3 PM 3:42
BY 

Re: 10 Lundys Lane
Appeal of Categorical Exemption

Dear President Chiu and Supervisors:

We represent Sam Ball and Ann Hughes, who are the owners of 10 Lundys Lane together with Mr. Ball's parents. Mr. Ball and Ms. Hughes have two young children. They purchased 10 Lundys Lane with Mr. Ball's parents, who are retired educators. The home required extensive work to make it livable. Mr. Ball and Ms. Hughes filed a building permit application to remodel the home. When work is complete, they will file a permit to add a second dwelling without expanding the building envelope. Mr. Ball's parents would then live in the new second unit to help care for the children.

PROCEDURAL HISTORY.

The Sotos (the neighbors immediately South of Mr. Ball and Ms. Hughes' home) challenged the project for the first time after construction was well underway and 40% of the hard and soft cost budget of \$325,000 was already paid. (See Exhibit A - Project Budget.) The Sotos appealed a revision ("Revision Permit") to allow for the replacement of in-kind walls that have significant dry rot discovered during construction. The Board of Appeals upheld the revision and denied the Request for Jurisdiction. The Sotos then filed a Request for Rehearing. Shortly before the hearing on this Request, the Sotos appealed the environmental review for both the underlying permit and the revision permit. The City Attorney determined the appeal involving the underlying permit is not timely because the permit had become final; however, it was decided that the appeal of the Revision Permit is timely because the Board had not yet decided the Request for Rehearing.

The Board of Supervisors now must decide whether a categorical exemption for the Revision Permit is appropriate. This Revision Permit would allow our client to repair or replace

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

Board of Supervisors
January 3, 2011
Page Two

deteriorated walls that, prior to construction were not thought to need attention. The issue before you is whether a categorical exemption is appropriate to allow the removal of dry rot and structural deficiencies in certain walls.

BACKGROUND.

Mr. Ball and Ms. Hughes' children are five and seven years old. They live together in a small condo and as a result, are now paying two mortgages, property taxes and insurance. Ms. Hughes is the third generation of her family to live in the neighborhood. She teaches seven minutes away at Hillcrest Public Elementary School and has taught in San Francisco for 20 years. She is founder of Hillcrest's community garden project, which she directs on a volunteer basis. It is important to her to live near her work, and the families she serves.

Mr. Ball is a documentary filmmaker. The documentary film production company he started in 2001 with two other filmmakers is one of the very few documentary companies to employ filmmakers and a full-time staff year-round. Citizen Film specializes in collaborating with cultural and civic organizations to make films that engage audiences in cultural and civic life.¹ (See Exhibit B.)

The family purchased 10 Lundys Lane last year with their life's savings, and with much of the grandparents' life's savings. Only an uninhabitable property of this small size was in their price range and near Ms. Hughes' school. The building they bought had an illegal second unit.

Because Mr. Ball and Ms. Hughes currently are paying two mortgages and survive on only a teacher's salary and a non-profit filmmaker's salary, they are in a hurry to make the home habitable for the first time in at least 18 months.²

¹ The company has received commissions to tell the stories of many community, civic and cultural institutions ranging from the Asian Women's Shelter to the California Nurses Foundation to the SF DA's Back on Track program to the National Yiddish Book Center. Currently, Citizen Film is completing films to mark the SF Symphony's 100th anniversary and working with KQED PRESENTS to complete a film about graphic novels for PBS presentation in 2011.

² As a result of their financial constraints, they needed to prioritize making the home habitable as quickly as possible, and in a way that left them the option of postponing later work if they ran out of funds during construction. So they created a two phase process: Phase I would be to restore the home to a habitable single family home, with wet bar and bath downstairs which could later become the second unit for Mr. Ball's parents. Phase II (interior work only) would convert the wet bar into a full kitchen to create a legal second dwelling unit.

Board of Supervisors
January 3, 2011
Page Three

Since the house was in an uninhabitable state, and had multiple Building Department Notices of Violation and Code violations, they applied for permits to abate the pre-existing violations and to abate the illegal second unit.

No new square footage is proposed, and no new bedrooms or baths are to be added; what was already in place is essentially shifted around and legalized in the case of the lower floor. The units are modest with the lower unit totaling 935 net (1100 gross) square feet, and the proposed upper unit totaling 1615 net (1760 gross) square feet. No exterior expansion is proposed.

During construction, Brian Streiffer, the contractor, suddenly discovered a portion of the rear wall of the home had significantly more dry rot and structural deficiencies than initially realized. Seth Boor, the architect, filed the Revision Permit to show removal of an additional 18 linear feet of the south wall, and 4-5 additional linear feet of the west wall. (See Exhibit C.) The revision was issued by the Building Department without being routed to the Planning Department because the Revision Permit involved a minor change. As standard procedure in cases of minor changes to underlying permits, the Planning Department did not stamp the revision plans as exempt from environmental review. The Sotos now claim the lack of a stamp indicates that no environmental review was performed. The issue before you is whether a categorical exemption without a stamp is appropriate to allow the removal of dry rot and structural deficiencies in certain walls.

A CATEGORICAL EXEMPTION FOR THE REVISION IS APPROPRIATE.

The Appellant wrongly claims the Planning Department failed to conduct environmental review. The Planning Department was not required to conduct an environmental review. In fact, the work shown on the revision was so minor that the Building Department was not required to route the revision to the environmental review section of the Planning Department. The revision would have been routed to this section only if the plans showed a "material change" to the original project. The revision to this original project shows minor changes to remove more wall area than originally noted to address dry rot discovered during construction.

The Appellant also claims the lack of an exemption stamp means CEQA was violated. Public Resources Code Section 21005(a) states "noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5??. Emphasis added.

The failure to issue the exemption stamp does not mean that the Department failed to disclose "relevant information." The stamp itself does not provide "relevant information" about the

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January 3, 2011
Page Four

The failure to issue the exemption stamp does not mean that the Department failed to disclose "relevant information". The stamp itself does not provide "relevant information" about the Revision Permit. It is a technical notation. All of the "relevant information" is clearly shown on the Revision Permit.

Further, the lack of a stamp does not mean the Planning Department failed to comply with the substantive requirements of CEQA. CEQA does not provide for a procedure to document a categorical exemption. CEQA also does not require the Planning Department to issue findings for an exemption. CEQA provides that a local agency may produce its own procedures. The Planning Department's procedure in this case does not necessitate routing the revision to the environmental review section. The Planning Department requires new environmental review for a "material change" to an approved permit, and the Revision Permit involves minor changes to remove more wall area than originally noted to address dry rot discovered during construction.

Even if the Planning Department's policies were violated because the stamp was not issued, the error was harmless. CEQA allows for a harmless error to occur. Public Resources Code Section 21005 (b) states that "there is no presumption that the error is prejudicial." In this case, an exemption stamp could have issued because the work is to the interior, is minor and does not expand the envelope. Further, no new information would have been considered if the revision had been routed to the environmental review section because all of the relevant information was contained in the plans attached to the revision.

A SUPPLEMENTAL INFORMATION FORM FOR HISTORICAL RESOURCE EVALUATION IS NOT REQUIRED BECAUSE THE PROJECT DOES NOT INVOLVE DEMOLITION OR A MAJOR ALTERATION.

Planning Department Preservation Bulletin #16 requires the Planning Department to evaluate any building that is not listed as a historic resource but is more than 50 years old and involves a major alteration or demolition. Since there was no Supplemental Information Form for Historical Resource Evaluation ("HRER"), the Appellant claims the environmental review is flawed. Although the home is more than 50 years old, the Revision Permit and underlying permit do not involve a major alteration or demolition. Therefore, the HRER is not required. (See Exhibit D for analysis of this issue.)

Mostly, importantly, a simple revision causing no façade or envelope change, to a project already under construction, does not trigger new historic review.

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

Board of Supervisors
January 3, 2011
Page Five

CONCLUSION.

Mr. Ball and Ms. Hughes have received considerable support from the neighborhood evidencing their efforts to work with their neighbors and the neighborhood's desire for the project to move forward. They have also reached out to the Soto's to ask for mediation (and for a halt to invasive conduct). (See Exhibit E.) Based on the foregoing, we respectfully request that the Board of Supervisors uphold the revision on the basis that the environmental review is sound.

Very truly yours,

A handwritten signature in cursive script that reads "M. Brett Gladstone" followed by a slanted line.

M. Brett Gladstone

Enclosures

cc: Sam Ball and Ann Hughes
Seth Boor
Scott Sanchez
John and Catherine Soto
Marlene Byrne
Tara Sullivan

January 3, 2011

File 101543

From: Sam Ball and Ann Hughes

To:

David Chiu, President
C/o Angela Calvillo
Clerk of the Board of Supervisors
City Hall
One Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

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2011 JAN - 3 PM 4:43
BY ELC

Encl.

Additional letter of support for our project at 10 Lundys Lane

Re. January 11th hearing of John de Soto appeal of categorical exemption @ 10 Lundys Lane

FILE

#D 11/3/10
File 101543

BOARD OF APPEALS

Support letter for Ms. Ann Hughes
Soto vs. San Francisco Department of Building Inspection

OCT 20 2010

APPEAL # 10-101

Dear Ms. Goldstein,

I was Ann's principal at Hillcrest Elementary School from 2003 to 2007. I still serve in the capacity as administrator in SFUSD.

When I was there, I could see that Ann was a good fourth grade teacher at Hillcrest, valued by the pupils, parents and colleagues alike. She was more than that. Ann was a role model and a guide to many of the children and often to their parents as well. Since Hillcrest is a school with a very diverse and often disadvantaged population, this was particularly important. She also mentored new teachers who entered the profession, some of whom were struggling to cope with the problems in their new environment.

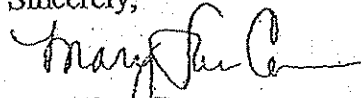
I particularly appreciated that she could come to school early and stayed late. I know this was only possible because she lived nearby. Often she was the host of committee meetings and other staff meetings. It helped bring people together, important for a school like Hillcrest. We worked hard at serving a diverse community of parents and children. Children succeed best when they are supported by parents and educators, all working together. Ann also served on the leadership committee a position she still holds at Hillcrest where she is an extremely well-regarded leader. Teachers look up to her.

Ann's dedication to the children did not end in the classroom. She knew that their families were essential to support their education and so she made the effort to have a connection with them. It usually worked wonders. They knew they could talk to Ann about their children's problems, and about what they wanted for them. They trusted her.

I know Ann wants to stay in the neighborhood and live near Hillcrest, where she wants to teach and serve that community for the rest of her working life. But teachers have a hard time staying in the neighborhood, since housing in San Francisco is so expensive—especially if they have children of their own. I strongly hope she'll be able to do that. Teachers of Ann's quality are rare. It is rarer still that they become part of the larger school community the way Ann did. I understand she is now under extreme financial pressure, which may force her to move away. I look on this as a danger to that community.

It is for these reasons that I write to support, as strongly as I can, Ann Hughes and Sam Ball's permit to renovate their home and live in it.

Sincerely,


Mary Lou Cranna

File 101543

January 3, 2011

To:

David Chiu, President
C/o Angela Calvillo
Clerk of the Board of Supervisors
City Hall
One Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

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Encl.

Additional letters Re. January 11th hearing of John de Soto appeal of categorical exemption @ 10 Lundys Lane

File 1015 '3

RECEIVED
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2010 JAN 13 PM 2:04
BY [signature]

Reference: January 11, 2011 Appeal of SF Planning Dept. Cat. Ex. @ 10 Lundys Ln

To the San Francisco Board of Supervisors:

I have known Ann Hughes for seven years in my work as an Instructional Reform Facilitator, and, for the past four years, as Principal of Hillcrest Elementary School.

Ms. Hughes is more than a valued fourth grade teacher at Hillcrest Elementary School, a community school that serves our neighborhood's extraordinarily diverse population. Ms. Hughes is an exemplary teacher, who is a role model and mentor to many children, as well as to new teachers who enter our system.

Ann is a big part of the school community. We are fortunate that she is able to be at school early and stay late because she lives so near school. She is able to volunteer to run school garden days. This has been her pet project. She started the garden, and has found innovative ways to integrate gardening into our curriculum: a connection to the land and to the local environment. The children love it, and learn from it. What's more, she frequently hosts committee meetings and informal gatherings for our ENTIRE staff at her home. This helps build morale and a sense that our school is part of a community.

Ms. Hughes exemplifies passionate commitment to children and education. She sees education as a holistic approach to the child and the child's family. Therefore, she maintains a close relationship to Hillcrest families.

Having close, neighborly relations with Hillcrest parents helps build people's trust that we really are a community school in the truest sense of the word. Ms Hughes is exceptionally open and friendly and parents know they can approach her to discuss the hopes and concerns they have for their children.

Building trust is especially important in working with this large, diverse community we serve. Many of our families live and work within a few blocks of Ann's new home and because she has been teaching for twenty years, she is friends with generations of families.

It is rare, given San Francisco housing prices that teachers stay in the neighborhood after they have children of their own.

Thank you for your consideration.

Sincerely,



Richard Zapien

December 29, 2010

To Whom It May Concern:

KQED has been collaborating with Citizen Film and its principals for more than 10 years.

Here are just a few of the highlights

In 1996, we aired Sam Ball's film *Zimbabwe Wheel* following its premiere at the Sundance Film Festival. The San Francisco Weekly called *Zimbabwe Wheel* "an inspiring look" at a San Francisco State University class that teaches wheelchair riders to build their own wheelchairs.

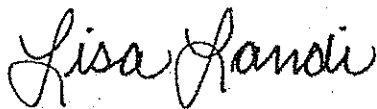
In 2001, we collaborated with Citizen Film director Sophie Constantinou who was director of photography on several of our nationally recognized locally-produced programs, including KQED and its Emmy-Award winning HOME FRONT, about the fight to stop evictions in San Francisco's mission district, and keep the neighborhood's distinctive character alive.

In 2011, we will be working closely with Citizen Film because we are the presenting station for national public broadcast of *Joann Sfar Draws from Memory*, which follows a celebrated graphic novelist through the Algerian and Jewish heritage that inspires his work.

KQED takes on a limited number of San Francisco-based productions for national presentation. KQED has an outstanding track record of effectively and efficiently guiding locally-produced films through the national public television system. That's been due in part to the outstanding quality of Bay Area filmmaking.

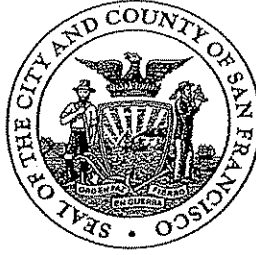
Thank you for your consideration.

Sincerely,



Lisa Landi
KQED PRESENTS

BOARD of SUPERVISORS



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

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

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

Date: Tuesday, January 11, 2011

Time: 4:00 p.m.

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

Subject: File No. 101543. Hearing of persons interested in or objecting to the decision of the Planning Department dated November 16, 2010, that a project located at 10 Lundys Lane (Building Permit Application No. 2010-08-27-9763) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed work involves interior and exterior renovation of an existing single family home, Lot No. 029A in Assessor's Block No. 5610. (District 9) (Appellant: John de Soto)

Pursuant to Government Code Section 65009, notice is hereby given, if you challenge, in court, the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public records in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the

Office of the Clerk of the Board and agenda information will be available for public review on Thursday, January 6, 2011.


Angela Calvillo
Clerk of the Board

DATED: December 30, 2010

December 21, 2010

David Chiu, President,
San Francisco Board of Supervisors
1 Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Appeal of Categorical Exemption/Exclusion from Environmental Review
10 Lundys Lane Block 5610 Lot 029A
Building Permit #201008279763

Dear President Chiu and Members of the Board:

INTRODUCTION

This is an unusual case. A group of neighbors has come to the Board of Supervisors requesting that their voices be heard and that this project be properly reviewed for its environmental impact under California Environmental Quality Act (CEQA), after city agencies have failed to properly discharge their duties.

CEQA review was skipped on the entire permit cluster. Now a retroactively applied categorical exemption (cat-ex) with a cursory review intended to justify skipping CEQA in the first place has apparently been suggested by Planning.

The permit before you is a revision permit required due to exceeding scope on the base alterations permit; these permits, as well as others in the cluster, are linked. (The Board of Appeals previously argued this one and the base permit are redundant.) This permit allows a number of planning code violations without variance hearings to legalize them; it allows an illegal extension, adds an illegal unit, and grossly enlarges legal square footage of a Victorian without adding required parking. Environmental impacts include light, open space, and privacy; density, parking congestion, and overbuilding; and historic resource issues. What you decide for this permit will affect the base alterations permit.

A STARTLING LEVEL OF INCONSISTENCIES

The level of inconsistencies on this project cluster of 4, soon to be 5, over the counter honor system permits/plans is startlingly high, and more inconsistencies have continually come to light, one after another, as the appeal process has unfolded. The general thrust of the inconsistencies appears to work against the neighbors and the public interest by denying community and neighbors the protection of mandated state and city processes, and appears to work to the owner's advantage, granting desired items and skipping both additional process and fees.

- ***CEQA review before permit issue: skipped on all four permits in this cluster.***

As the City's own policies state: "No action to issue permits, allocate funds, or otherwise implement a discretionary project may be taken until environmental review is complete." MEA\Procedures\Environmental Review Process Summary. Revised October 9, 2008, (Page 1) (Planning counter later argued anything in their computer is automatically categorically exempt (cat-ex); this is highly debatable.)

- code mandated 311 community notification within 150 foot radius: skipped

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BY ABC

- code mandated variance hearings to allow non-code items: skipped
- appeal of suspended permits by owner: skipped
- illegal addition: allowed
- permit planner box notes: allow violations of Rooms Down Matrix, illegal unit
- scope of plans: legal storage called "existing occupied"
- plans: illegal NOV'd (Notice of Violation) use shown as current legal
- signatures, written over dates on permits: various inconsistencies, long-range planner
- permit language: not matching plans, for example, ± 80 ft. = 147 ft. (foundation)
- growing number of permits in cluster: currently 4, 5th planned

BACKGROUND



There have been a series of building permits on this property.

The original over-the-counter permit was for limited internal remodel alterations supposedly not visible from outside the building. The overall project "morphed" into a major demolition and rebuild of the home from 1250 sq. ft. 100 year+ Victorian into 2860 sq. ft. including all new foundation, gut level 1 to dirt, demo 20 feet off back, significant demo main house interior and back wall on floor 2, much new support structure overall, plus move location of and enlarge and reshape new front entranceway, —an over the counter project that grew like a weed *and illegally skipped every state and city required CEQA review before issuance.*

Neighbors previously filed complaints about this inconsistent set of permits with Planning's Code Enforcement Division.

After neighbors appealed the issuance of this permit to the Board of Appeals, the City issued Stop Work Orders and suspended both it and its base alterations permit on the grounds the

extension is illegal. Someone, however, citing Zoning Administrator authority, changed the computerized building inspection record of the base permit to read "issue" instead of "suspend."

Owners failed to appeal permit suspensions (confirmed by Ms. Goldstein, Executive Director, Board of Appeals). In their Board of Appeals brief, owners misstated that they appealed the Stop Work Orders issued by the Planning Department and misstated that their appeal was before the Board of Appeals. Time to file appeals had lapsed.

This should have had the effect of finalizing suspension and so revoking permits, and requiring owners to sit down and negotiate environmental impact and plans with several adversely affected neighbors.

But the permits were not revoked in the city records system, and, next, the Board of Appeals, asked to prevent financial outlay for owners, used the neighbor appeal supporting the City's position the permits were illegal to hear this permit, resuscitate the permits, make the illegal extension legal, avoid variance hearings, and cement inconsistencies in place.

To do that, the Board of Appeals also twisted and misinterpreted a Board of Supervisor's, an elected body's, legally enacted planning code definition. (The appeals board has broad discretion to interpret evidence, but may not change code provisions.) The code you passed defines "non-complying" as "existed lawfully."

San Francisco Planning Code Sec. 180 Nonconforming Uses, Noncomplying Structures and Substandard Lots of Record: General. (a) (2):

A "noncomplying structure" is a structure which existed lawfully at the effective date of this Code, or of amendments thereto, and which fails to comply with one or more of the regulations for structures... that then became applicable to the property on which the structure is located.

The appeals board took your code definition of "noncomplying" ("existed lawfully"), modified it with "legal," and used "legal noncomplying" to mean "illegally built without permit" (in the time after codes were established). "Illegal" was proven beyond question, since the family responsible admitted building the extension without permit and no city permit records exist for it.

So the appeals board made a finding the extension was "legal noncomplying," (adding another inconsistency), and directed the Planning Department to retroactively:

- apply this newly minted "legal" status, and so
- rescind its Stop Work Orders, and so
- make suspension and revocation of the permits disappear, and also
- not require code mandated variance hearings for this permit, thereby, along with the absent CEQA review, eliminating any possible environmental review of any sort.

Appeals board members and Deputy City Attorney Gessner seem aware of the inconsistency. Mr. Sanchez also appears to understand.:

<http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=6&clip_id=11042>

VICE PRESIDENT GOH: How could it be a legal non-complying structure if it was built without a permit? ...

MR. SANCHEZ [responding]: Um, that is the question that is before the board, whether or not it is an, a 1-legal non-complying structure. ... Then the board would be the final arbiter of that question at least at the city level... building at the rear was never legal ...

COMMISSIONER GARCIA: ... what I want is for this project to go forward, and for us to make whatever determinations are necessary for, for that to happen and that would be probably that the extension is legal, non-conforming. ...

COMMISSIONER GARCIA: I guess that depending on what the vote is, the planning department could rescind its own stop order, stop work order?

MR. SANCHEZ: [responding] Scott Sanchez, planning department. Yes, if the board finds it is a legal non-complying structure, then the department would rescind the stop work order because we would have nothing to stop work on at that point. But yes, there are many reasons I am sure you can find to justify that, if there was the permit was lost, perhaps. ...

DEPUTY CITY ATTORNEY GESSNER: And perhaps an additional finding that there is evidence on the record that a permit may have existed to do that work prior to 1978, so both the work was conducted prior to 1978 and there's evidence that it's reasonable to believe a permit may have existed but has been lost. ...

VICE PRESIDENT GOH: [responding] Okay, so, um, with the motion stated in that way, I would vote against it because I don't think we've, we heard evidence, or I thought that we heard credible evidence indicating that it was, that the addition was done in the last 10 years

COMMISSIONER FUNG: ... I'm not comfortable with that last finding either

COMMISSIONER GARCIA: ... the problem ... what we need to deal with the fact that there is no permit or else it can't be legal. ...

PRESIDENT PETERSON: What would the findings need to be if it were more of a vested right basis? Madam City attorney?

DEPUTY CITY ATTORNEY GESSNER: [responding] ... Planning Department has said is that you need to make a finding that this is legal non-complying use for them not to get a variance to proceed with this work.

COMMISSIONER GARCIA: [responding] We don't have to find that a permit existed at some time? Because also vested would seem to me that it's based upon a legal permit having been issued. You can't be vested.

DEPUTY CITY ATTORNEY GESSNER: [responding] I would defer to planning and building department as to whether a legal non-complying use requires some evidence of a permit having also been existed.

MR. SANCHEZ: [responding] Scott Sanchez, Planning Department. The key is that it is a legal, legal non-complying structure. So that is the, the key finding that we would need to have the board make in order to rescind our stop work order.

COMMISSIONER GARCIA: [responding] So we need not have to worry about the other part having to do with the permit? We can leave that language out?

COMMISSIONER FUNG: [responding] Well, as far as, as the planning department.

COMMISSIONER GARCIA: [responding] I understand, but that is who is here, and that's whose opinion I am asking.

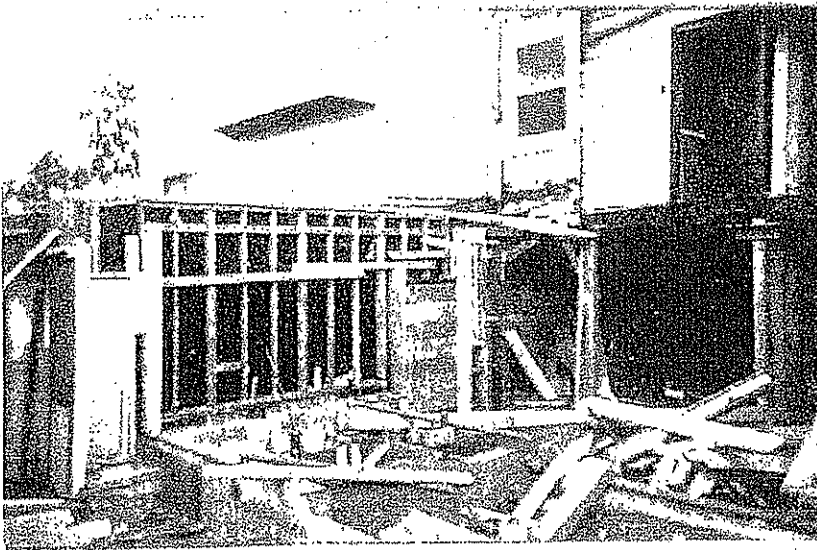
Your code definition of "noncomplying" as "existed lawfully," modified by the adjective "legal," just became a planning department term that means "illegal"?! The Board of Supervisor's appointee to the appeals board (only one of your two was present), Commissioner Goh, voted against this.

THIRTEEN ERRONEOUS CLAIMS BY OWNERS AND RESPONSES

- Claim 1: Neighbors properly notified, even though over the counter permits required no notification. Response: Numerous close neighbors submitted in letter or brief at appeals complaints of false statements or failure by owners about notification. Meers: "stated I received plans ... did not." Myers: "deprived of rights to...notification"; Klatte & Glocka: "we received no notice," Soto: "erroneous"; Zell: "did not deliver... plans...drawings."
- Claim 2: Ad hominem attacks on those not supporting permits/plans: "crazy," "rambling," "incoherent," "racist," "perjury" etc. Response: Incorrect.
- Claim 3: Six neighboring households previously enthusiastically preapproved plans, and then suddenly and unreasonably changed their minds, and now protest. Response: This permit and project received multiple complaints and appeals from the day neighbors first saw the physical location of the just poured back foundation, also by permit #5 being started to add a 2nd unit. All neighbors just request owners build to code as they repeatedly claimed to be doing.
- Claim 4: Owners and architect believed just little bits of severely substandard addition were illegal. Response: Real estate ads and city documents say 1250 ($\pm$ 50) sq ft., not 2200 or 2860. Also, 22 May 09 DBI Complaint 200907001: "construction on rear of property without permits."
- Claim 5: Home was previously uninhabitable. Response: Legal 1250 sq. ft. home was charming and always inhabited until mortgage holders pushed extended family out in hopes of selling it faster. Basement and extension sections were severely substandard and what was legal was just storage.
- Claim 6: 311 notification, code-mandated for this permit, but never done, will be done instead later for the 2nd unit permit, called "phase 2" by owners, and this takes care of neighbors' current environmental concerns. Response: If and when that 311 ever done, since an illegal unit is already being constructed and the permit request was withdrawn, it will be after the entire extended structure in this permit with its serious environmental impact is built, when it will be too late to address any current neighbor issues related to the extension's light, air, privacy, view, overbuilding, historic resource damage, etc. This permit's extension contains the bathroom for the illegal unit down being built with

oversize wet bar and bathroom, in violation of Zoning Administrator Bulletin #1 (Rooms Down Matrix), skipping both variance and permit to add a 2nd unit, in spite of no off-street parking at all on an already congested block with only seven parking places, adding both density and off-street parking to the list of environmental problems.

- Claim 7: Neighbors never mentioned any environmental issues before. Response: Multiple issues were addressed to owners before plans drawn, discussed in multiple meetings since, in appeal and rehearing briefs, though limited time and space bogged down in owner denial of extension illegality, and submitted to Planning. Neighbors were deprived of all proper, usual forums to discuss environmental concerns: light, air, privacy, view, historic resource, mid-block open space, overbuilding, congestion, density, and parking (2nd unit, permit #5, currently withdrawn, should be combined with other permits into an umbrella permit).
- Claim 8: Too far into project to go back and hold hearings or build to code, burdensomely expensive to fix errors. Response: Clearly little done on this back section. It is dirt without walls. Only foundation is in. Costs so far apply mostly to the rest of project— planning has let them keep working in the front at their own risk. If an environmental review or a hearing finds extension has unacceptable impact, only small sections of foundation need removal to alter extension to a shape acceptable to all neighbors protesting; owners can easily add a little more foundation; remaining extra foundation can become property line fence base. Owners appear to have previously reaped savings from project inconsistencies, balancing additional expense now.



- Claim 9: Community supports and has no environmental issues with plans. Response: 3 of 5 immediate properties plus 2 closely located properties oppose plans. Misrepresentations when owners aggressively canvassed for petition signatures right before appeals hearing; those signing mostly live too far away to be affected; previously owners exaggerated community support by packing a hearing with associates to speak in the public section and inappropriately submitted petition and letter on San Francisco Unified School District stationary.

- Claim 10: Neighbors had no environmental objections to substandard illegal prior extension still being built by previous owners in 2009. Response: Neighbors, though deeply concerned, exercised forbearance under the Golden Rule due to the fragile financial condition (leading to bankruptcy and loss of home) of prior long-term owners (since 1940s) plus difficulties that occurred when one neighbor (Zell) tried to discuss problems with them, but DBI March 2009 complaint clearly states "illegal building in rear without permit," plus later 2009 complaint.
- Claim 11: Old pop-out Victorian laundry porch was the same as the new lot-wide and had same environmental impact. Response: No, neighbors would welcome the pop-out back and already proposed it as the compromise. Pop-out versus lot-wide is a clear distinction and trying to blur it should not distract from environmental impact of the lot-wide.
- Claim 12: Owners are reducing the (illegal) envelope and environmental impact. Response: They had to remove the backyard stairs and small outdoor pantry both encroaching 8 inches onto a neighbor's side property, plus an awning they did not want. These were low and not a significant problem. They are adding more height, a parapet, blocking even more light.
- Claim 13: Lot wide extension was built long ago (sometimes misquoting letter fragment referring to different issue entirely to substantiate) so environmental impact is irrelevant. Response: Untrue, as Board of Supervisors appointee to appeals board, Commissioner Goh, noted, and as eyewitness Zell testified at appeals board.

THE TRUE ENVIRONMENTAL EFFECTS OF THE PLAN

Illegally, no CEQA review of any nature was done for this project before issuing any permit in this cluster, in spite of its common sense adverse environmental impacts. These properties are very closely packed on some of the shortest lots in the city on a short dead end alley. Neighbors already lived through problems of loss of light and open space; the illegal extension was torn down; it should stay that way. This illegal back extension space is also heavily involved in density, overbuilding, parking, and historic resource environmental issues. Importantly, the problem area addressed by this permit, the back, is not yet built.

Following are project plans, and 1998 fire insurance Sanborn map showing lots and building footprints presented at appeals hearing by Mr. Sanchez for Planning, where Building Inspection Department representative Mr. Kornfield called Sanborn maps "extremely accurate." 1998 map shows small pop-out extension without environmental impacts on neighboring properties.


 Secretary of the Commonwealth
 EXECUTIVE SECRETARIAT
 100 STATE STREET
 BOSTON, MASSACHUSETTS 02109

Wife. Personal.

JOYCE LUNDY'S LANE
10 LUNDY'S LANE
SAN FRANCISCO, CALIFORNIA

0.04

Architectural site plan of a building. The plan includes the following rooms and areas:

- IN ROOF BELOW**: Located in the upper left section.
- REAR ENTRY BELOW**: Located in the upper middle section.
- IN ROOF**: Located in the upper right section.
- REAR ENTRY**: Located in the middle right section.
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- REAR PORCH**: Located in the lower middle section.
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- REAR PORCH**: Located in the bottom middle section.
- REAR PORCH**: Located in the bottom right section.

Annotations and notes include:

- REAR PORCH**: Located in the upper left corner.
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Scale: 1" = 10' 0"

DATE: 10/1/88

BY: [Signature]

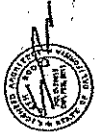
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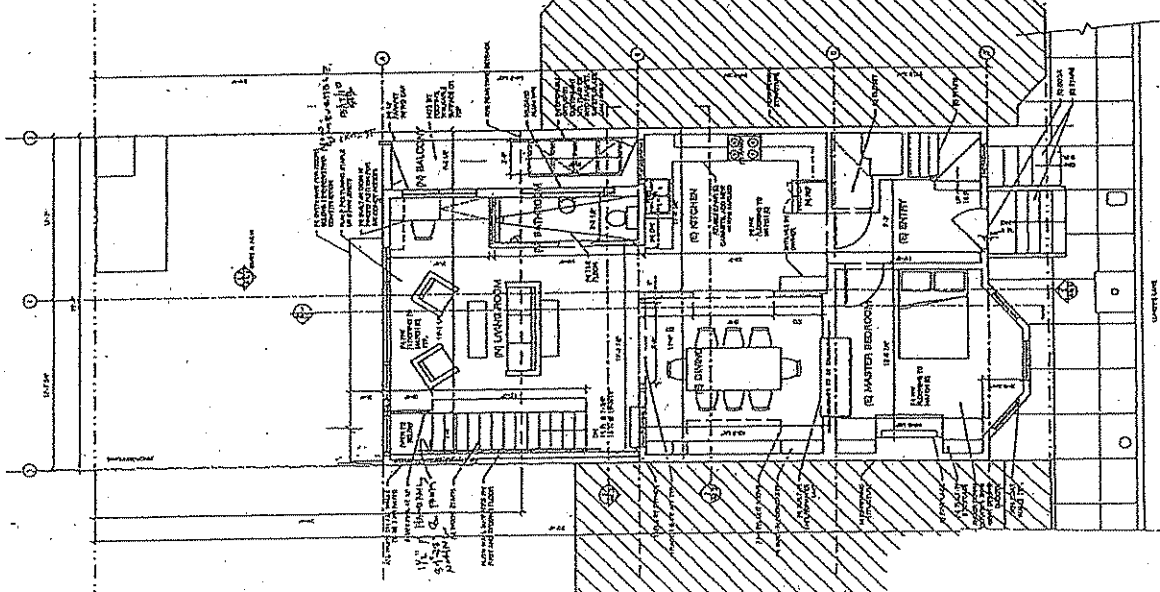
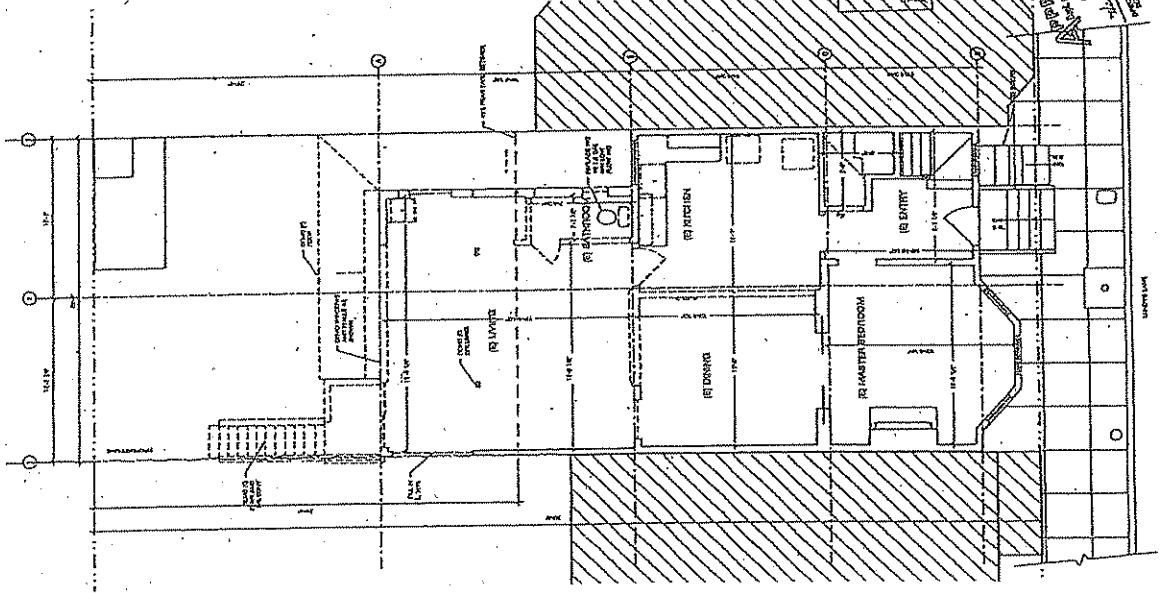
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SAN FRANCISCO
PLANNING DEPARTMENT
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APPROVED
MAR 17 2010
SAN FRANCISCO
PLANNING DEPARTMENT
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**SECOND FLOOR
PLANS**
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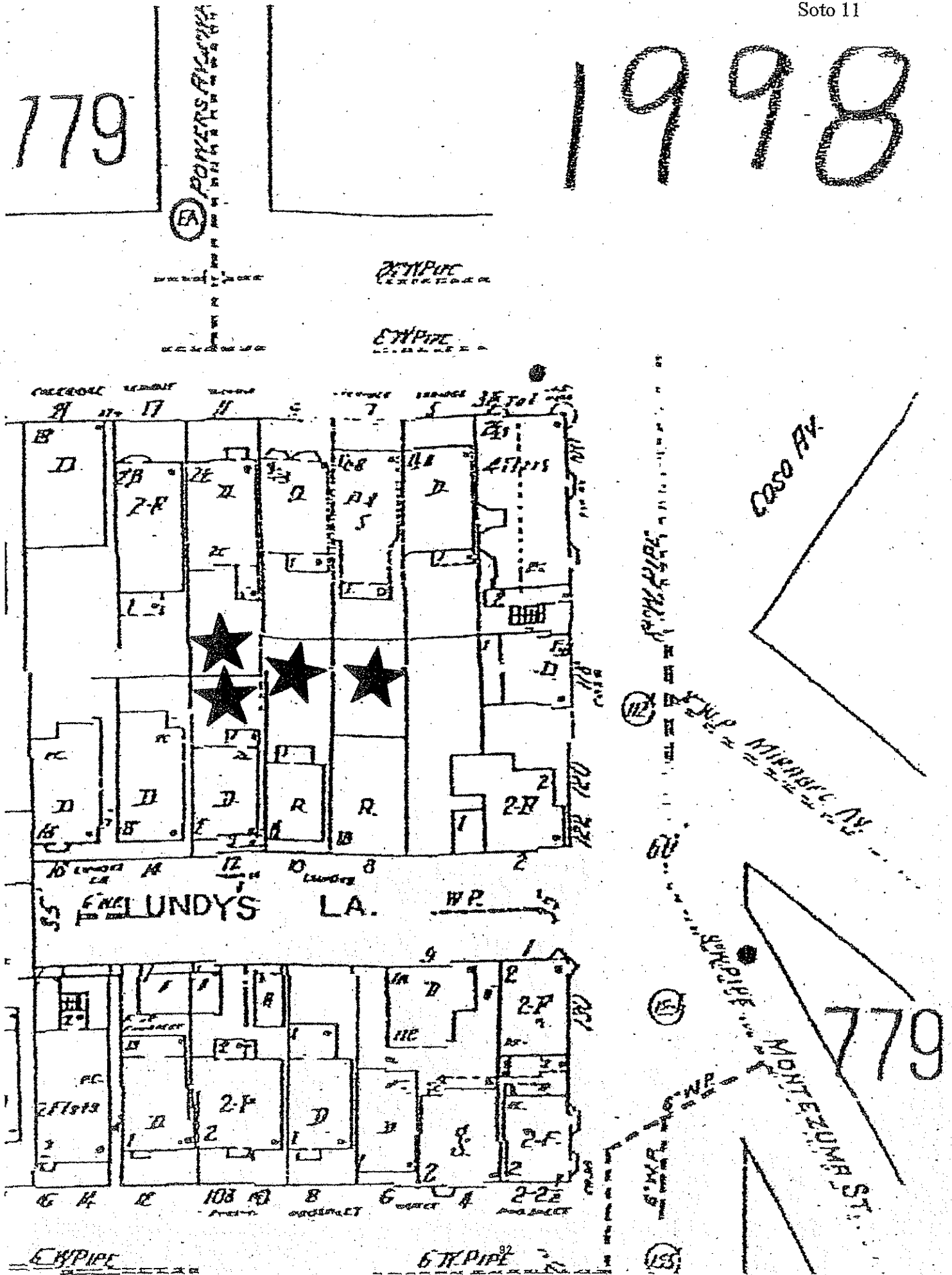
1 EXISTING DEMOLITION PLAN - 2ND FLOOR
MAR 17 2010

2 PROPOSED PLAN 2ND FLOOR
MAR 17 2010

**SAN FRANCISCO
DEPARTMENT OF
BUILDING INSPECTION**
OFFICIAL COPY

779

1998



Environmental impact: loss of light, sun, access to open space, privacy

This permit skips the variances and hearings for an extension encroaching more than 10 feet into the required rear yard open space, not a modest amount on lots of only 60 (#12) to 70 (#10, 8) feet long.

It builds a taller than ever illegal extension, replacing the also illegal now torn down one, and will create an even worse light blockage, with particularly severe effects on three neighboring properties, two adjacent south and north, and one catty corner southwest. It also constricts the mid block open space severely affecting the access of two adjacent properties, as well as adversely affecting privacy and view, and reasonable use and enjoyment.

As described by various neighbors who previously experienced problems and know problems will only worsen due to this project: Klatte and Glocka (letter to Appeals): "significant negative impact on the light, air, and views." Soto: (speaking for all, appeals brief): "courtyard situation. Light, air, privacy, view are at a premium. When one building encroaches into its rear yard, it heavily affects its neighbors." Soto (appeals rehearing request): "depriving us of even reflected light." Zell (letter to Appeals) "blocking my light and air" "losing my...privacy."

Due to two long Victorian buildings and two large trees, a willow and a conifer, to the south, two properties affected already have limited sun. The reflected light from an apartment house and buildings to the north is critical to use and enjoyment of the properties. Photos just before midday and in the afternoon show the sun is blocked from the south with the Soto house remaining in shade and light reflecting instead from large buildings to the north.



The house to the southwest is also affected. This new even taller extension will block this important reflected light permanently; and creates a land use permanently blocking reflected light to both interior and yard. Its 48.5 feet of lot line wall, two-story+ parapet in the rear, as opposed to the previous 25, shuts in the Soto lot's north side except for 11 feet, obstructing access to mid-block open space. It permanently buries the Soto home between two longer buildings. Supplementation with nine special lamps designed to increase daylight was unsatisfactory, and the only cure is returning this extension to a reasonable size as already proposed. Long-term owners have long-term concerns as two young children, still at home, have planned to keep the property and live there. To the southwest (Zell), the extension aggressively, intrusively, and brutally destroys privacy in the catty-corner yard, bedroom, and kitchen with a new wall of large windows, and will dim the light again. To the north (Klatte and Glocka), the extension heavily shades this adjacent home and impacts light, air, and views.

Environmental impact: density increase, off-street parking, overbuilding

This permit's extension also contains the bathroom for an illegal basement unit, which violates Planning's "Rooms Down Matrix" (Zoning Administrator Bulletin #1) in multiple ways by containing oversize wet bar and full bath. This potentially allows the density increase to two units without (already once submitted and withdrawn) 2nd unit variance or permit. (Apparently the unit will also lack an emergency rescue window and have inadequate light and ventilation, violating California Building Code.)

Lundys Lane is a short, narrow, dead end alley with only seven legal parking spaces and severe parking congestion. Zoning is RH-2, which may allow two units, but this property has no off-street parking at all, and so requires variance to allow 2nd unit without adding parking.

This extension (1,000 sq. ft.) plus basement addition (600) more than doubles the legal size of this 1250 sq. ft. Victorian to 2860, overbuilding on the small 1760 sq. ft. lot. This permit also skips a variance for overbuilding (>200 sq. ft.) without adding parking. The lot size would not support two units under current code (1500 per unit).

Environmental effect: historic resource

Previously in good condition like the facade, and over 100 years old, (unlike all demoed vastly substandard modern illegal sections) the 1250 square foot house proper is also being heavily demoed and rebuilt as it is altered to accommodate its growing mass of 2860, again skipping another safeguard, historic resource evaluation. Work on the front where a second doorway has been significantly moved, enlarged, and reshaped, plus foundation, is being covered up before this hearing. Before any further damage, this Victorian house proper in the Bernal Heights Special Use District deserves a proper CEQA review as a historic resource. Extensive work is proposed that may harm the building. Materials may not be conserved. Change to the facade has been proposed. Changes may not comply with CEQA or Preservation Bulletin guidelines. As the Planning Department's own Policy documents state: "If the proposed project involves the major alteration ... of a property more than 50 years old, the project sponsor will need to file a Supplemental Information Form for Historical Resource Evaluation with the EE application so that Department staff can evaluate whether the proposed project would result in impacts on historical resources."

MEA\Procedures\Environmental Review Process Summary. Revised October 9, 2008, (Page 2).

In 1978, you recognized the unique nature of the Bernal Heights Special Use District (Planning Code 242), to preserve the historic nature of neighborhood and housing and prevent changes that would detract from this heritage. This major remodeling without any CEQA at all is only one piece of the extensive problems with this project, but to allow this building to be attacked using an over the counter interior remodeling permit without CEQA as required and without complying with the Secretary of the Interior's guidelines endangers the character of Bernal Heights by setting a precedent, which, if repeated on multiple buildings, will inevitably damage Bernal's historic architectural heritage.

SUMMATION

There are obvious environmental and non-code issues with this permit that should have required variance hearings. Planning admits having no records of doing legally required CEQA review before permit issuance on this whole project. Nevertheless, it now finds that Planning requires no additional CEQA review, of its prior non-existent CEQA review, of a severely inconsistent, now inconvenient, prior non-code permit. Meanwhile, planning is trying to retroactively fix the inconsistency of not having had any variance hearings to legalize this permit and its base permit by assisting a quasi-judicial appeals board to twist your code definition of "noncomplying" and the common terms "legal" plus "lawfully" into a term now meaning "illegal, without permit," and then ignoring other issues.

Whether any categorical exemption exists anywhere on this permit cluster seems up in the air, but it must have a de facto cat-ex somewhere; otherwise the entire group of permits is illegal.

Proper process was skipped on this entire permit cluster. This effectively silenced community's voice within the city system. The following have not been done:

- CEQA review on this project and permit cluster for environmental impact,
- 311 notification of properties within 150 feet plus block book notifications,
- variance hearings, required because the project is not code in numerous ways,
- Discretionary Review hearings; it was not code compliant so DR could not apply.

APPELLANTS' REQUEST

Close neighbors of this project have brought this appeal to you under CEQA after the city system failed to hear our voices or provide fair process. We request you, as our elected representatives, to reject additional cover-ups of the chain of inconsistencies that worked to avoid all notification requirements, normal process, and public review of environmental issues on this project.

We respectfully request that the Board of Supervisors:

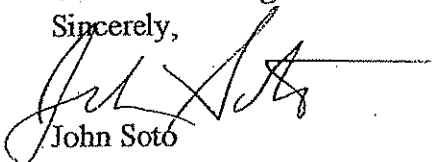
- **set aside the tardy retroactive CEQA categorical exemption (cat-ex) suggested for this permit only after neighbors appealed that no CEQA was done for this whole cluster; and, due to very unusual and unique circumstances here—including a prior pattern of avoiding all normal environmental review procedures—CEQA, 311 notification, variances—require a full CEQA Environmental Impact Review with public input on**

this project severely impacting neighboring properties and more than doubling the legal square footage, **plus a Historic Resource Review** for the house itself;

- **request a City Attorney opinion** for the Board of Supervisors and then make a determination whether you accept your code definition of "noncomplying," "existed lawfully" [San Francisco Planning Code Sec. 180 (a) (2)], by adding "legal" being interpreted by city agencies to mean "illegally built without permit in the modern era of codes";
- **also direct the Planning Department to allow and conduct Discretionary Review if it retroactively changes status** from "illegal" to "legal" using the planning term "legal noncomplying" based on Board of Appeals action— thus additionally placing this extension before the Planning Commission for review, (though their decision will again wind up at the Board of Appeals, problematically)— Discretionary Review only applies to code compliant projects and does not apply when a project is "illegal";
- **and refer this broad matter with its troubling inconsistencies to a Board of Supervisor's committee to conduct a proper investigation.** So far there seems to be no accountability. Neighbors keep being told that inconsistencies in planning processes are just the tip of an iceberg, how the permit system is expeditiously managed to avoid expensive inconveniences for property owners. That results in an unfair planning process where the community you pass codes to protect is abused by the process and deprived of its voice. Also, planning is one of your few revenue generating departments, and at a time when departmental budgets are being slashed, city workers laid off, and the City budget and its system's obligations like health care are billions of dollars in the red, any practices that operate to deprive one of your few revenue generating city departments of appropriate fees deserve your close attention.

Thank you for considering this request.

On behalf of neighbors affected and other interested parties,
Sincerely,


John Soto

attachments: Building Permit 201008279763
Building Permit 201003178393

454.47



AUG 27 2010

Vivian L. Day

VIVIAN L. DAY
DIRECTOR/CHIEF BUILDING OFFICIALOFFICIAL COPY
BLDG. FORM 318

APPLICATION NUMBER

OSHA APPROVAL REC'D

APPROVAL NUMBER

DATE

PERMIT NO.

ISSUED

ESTIMATED COST OF JOB

REVISED COST

DATE

GENERAL CONTRACTOR

OWNER - LESSEE (CROSS OUT ONE)

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

REVISION TO PERMIT

REVISE PLANS TO SHOW REAR WALLS DEMOLISHED

TEST AND RESULT IN KING, UPON EXPOSING

STRUCTURE THE WALLS WERE FOUND TO BE

UN-SALVAGEABLE TO COMPLY WITH (COMP# 2010 64467, 2010 64190)

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION

(18) DOES THIS ALTERATION

(19) DOES THIS ALTERATION

(20) DOES THIS ALTERATION

(21) DOES THIS ALTERATION

(22) DOES THIS ALTERATION

(23) DOES THIS ALTERATION

(24) DOES THIS ALTERATION

(25) DOES THIS ALTERATION

(26) DOES THIS ALTERATION

(27) DOES THIS ALTERATION

(28) DOES THIS ALTERATION

(29) DOES THIS ALTERATION

(30) DOES THIS ALTERATION

(31) DOES THIS ALTERATION

(32) DOES THIS ALTERATION

(33) DOES THIS ALTERATION

(34) DOES THIS ALTERATION

APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRSFORM 3 ☐ OTHER AGENCIES REVIEW REQUIREDFORM 8 ☒ OVER THE COUNTER ISSUANCE

NUMBER OF PLAN SETS

DO NOT WRITE ABOVE THIS LINE

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF BUILDING INSPECTIONAPPLICATION 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 8/27/10	PLUMBING RECEIPT NO.	(1) STREET ADDRESS OF JOB 10 LUNDYS LANE	BLOCK & LOT 5610/029A
PERMIT NO. 1220036	ISSUED 8/27/10	(2A) ESTIMATED COST OF JOB \$1	(2B) REVISED COST \$1.00
		DATE 8/27/10	

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

1 HR BACKCHECK

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. VB	(5A) NO. OF STORIES OF OCCUPANCY 3	(6A) NO. OF BASEMENTS AND CELLARS 0	(7A) PRESENT USE DWELLING	(8A) OCCUP. CLASS R-3	(9A) NO. OF DWELLING UNITS 1
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DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. VB	(5) NO. OF STORIES OF OCCUPANCY 3	(6) NO. OF BASEMENTS AND CELLARS 0	(7) PROPOSED USE (LEGAL USE) DWELLING	(8) OCCUP. CLASS R-3	(9) NO. OF DWELLING UNITS 1
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(10) IS AUTO RUMWAY TO BE CONSTRUCTED OR ALTERED?	YES ☐ NO ☒	(11) WILL STREET SPACE BE USED DURING CONSTRUCTION?	YES ☐ NO ☒	(12) ELECTRICAL WORK TO BE PERFORMED?	YES ☐ NO ☒	(13) PLUMBING WORK TO BE PERFORMED?	YES ☐ NO ☒
---	---	---	---	---------------------------------------	---	-------------------------------------	---

(14) GENERAL CONTRACTOR STREIFFER BURNHAM	ADDRESS 2976 23RD ST.	PHONE 415.817.1900	EXPIRATION DATE 8/27/10
--	--------------------------	-----------------------	----------------------------

(15) OWNER - LESSEE (CROSS OUT ONE) SAM BALL	ADDRESS 10 LUNDYS	PHONE 415.206.1880
---	----------------------	-----------------------

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

REVISION TO PERMIT 2010-03-17-8393 (COST SAVINGS)

REVISE PLANS TO SHOW REAR WALLS DEMOLISHED
--

TEST AND RESULT IN KING, UPON EXPOSING
--

STRUCTURE THE WALLS WERE FOUND TO BE

UN-SALVAGEABLE TO COMPLY WITH (COMP# 2010 64467, 2010 64190)
--

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?	YES ☐ NO ☒	(18) DOES THIS ALTERATION CREATE DECK OR PORCH EXTENSION TO BUILDING?	YES ☐ NO ☒	(19) DOES THIS ALTERATION CREATE ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN)	YES ☐ NO ☒	(20) IF (18) IS YES, STATE NEW GROUND FLOOR AREA	SO. FT.
--	---	---	---	---	---	--	---------

(21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?	YES ☐ NO ☒	(22) WILL BUILDING EXTEND BEYOND PROPERTY LINE?	YES ☐ NO ☒	(23) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?	YES ☐ NO ☒
--	---	---	---	---	---

(24) ARCHITECT OR ENGINEER (DESIGN) CONSTRUCTION	ADDRESS
--	---------

(25) ARCHITECT OR ENGINEER (DESIGN) CONSTRUCTION	ADDRESS
--	---------

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

IMPORTANT NOTICES

No change shall be made 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 305, 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 on 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 drawings, 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 claims, demands and actions for damages resulting from operations under this permit, regardless of negligence of the City and County of San Francisco, and to 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 (II), or (IV), or (V), whichever is applicable. If however item (IV) is checked item (V) must be checked as well. Mark the appropriate method of compliance below.

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

- I have and will maintain a certificate of consent to self-insure for worker's compensation, as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain worker's compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are: State Ind 166448
- The cost of the work to be done is \$100 or less.
- 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 worker's compensation laws of California. I further acknowledge that I understand that in the event that I should become subject to the worker's 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.
- 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 worker's 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

Date 8/27/10

OFFICE COPY

CONDITIONS AND STIPULATIONS



APPROVED: 15-558-6570, to schedule inspections for building, electrical and / or plumbing. This application is approved without site inspection; detailed 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 or plumbing work shall require appropriate separate permits.

By: Jaime Valle
JAIME VALLE, DBI

AUG 27 2010

SUBDIVISION INSPECTOR, DEPT. OF BLDG. INSP.

DATE: 8/27/10
REASON: OK TO PROCEED
Revised A-6649

APPROVED: N/A / 2

DEPARTMENT OF CITY PLANNING

NOTIFIED MR.
DATE:
REASON:

APPROVED: N/A / 2

BUREAU OF FIRE PREVENTION & PUBLIC SAFETY

NOTIFIED MR.
DATE:
REASON:

APPROVED: N/A / 2

MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION

NOTIFIED MR.
DATE:
REASON:

APPROVED: N/A / 2

CHECKED
AUG 27 2010
BY: THOMAS LE
CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION

NOTIFIED MR.
DATE:
REASON:

APPROVED: N/A / 2

BUREAU OF ENGINEERING

NOTIFIED MR.
DATE:
REASON:

APPROVED: N/A / 2

DEPARTMENT OF PUBLIC HEALTH

NOTIFIED MR.
DATE:
REASON:

APPROVED: N/A / 2

REDEVELOPMENT AGENCY

NOTIFIED MR.
DATE:
REASON:

APPROVED: N/A / 2

HOUSING INSPECTION DIVISION

NOTIFIED MR.
DATE:
REASON:

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

I agree to comply with all conditions or stipulations of the various bureaus or department noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of attachments ☐

OWNER'S AUTHORIZED AGENT

APPROVED
Dept. of Building Insp.
MAR 22 2010



Capacity Charges
Water: \$0
Wastewater: \$0
Date: 3/17/10

BLDG. FORM 3/8

APPROVED FOR ISSUANCE

MAR 22 2010

APPLICATION NUMBER
2010-03-17-8898

APPROVAL NUMBER

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

FORM 3 ☐ OTHER AGENCIES REVIEW REQUIRED

FORM 8 ☒ OVER-THE COUNTER ISSUANCE

NUMBER OF PLAN SETS 209/10

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

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

DATE FILED 3/22/10	PLUMBING PERMIT NO. 3-22-10	(1) STREET ADDRESS OF JOB 10 LUNDYS LANE 5610/029A	BLK & LOT
PERMIT NO. 1807501	ISSUED	(2A) ESTIMATED COST OF JOB \$80,000	(2B) REVISED COST \$80,000
		DATE: 3/17/10	

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING							
(1A) TYPE OF CONSTR. VB	(2A) NO. OF STORIES OF OCCUPANCY 3	(3A) NO. OF BASEMENTS AND CELLARS 0	(4A) PRESENT USE DWELLING	(5A) OCCUP. CLASS R3	(6A) NO. OF DWELLING UNITS 1		
DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION							
(1B) TYPE OF CONSTR. VB	(2B) NO. OF STORIES OF OCCUPANCY 3	(3B) NO. OF BASEMENTS AND CELLARS 0	(4B) PROPOSED USE (LEGAL USE) DWELLING	(5B) OCCUP. CLASS R3	(6B) NO. OF DWELLING UNITS 1		
(7) IS AUTO RAMPWAY TO BE CONSTRUCTED OR ALTERED?		(8) WILL STREET SPACE BE USED DURING CONSTRUCTION?		(9) ELECTRIC WORK TO BE PERFORMED?		(10) PLUMBING WORK TO BE PERFORMED?	
YES ☐ NO ☒		YES ☐ NO ☒		YES ☐ NO ☒		YES ☐ NO ☒	
(11) GENERAL CONTRACTOR STREIFER		(12) OWNER - LESSEE (CHECK ONE) OWNER		(13) ADDRESS 2976 23RD ST. 94110		(14) PHONE 415-817-1900	
(15) ADDRESS 10 LUNDYS 94110		(16) PHONE FOR CONTACT BY DEPT. 415-206-1880		(17) EXPIRATION DATE 4/30/10			
(18) WRITE IN DESCRIPTION OF ALL WORK TO BE PERFORMED UNDER THIS APPLICATION (REFERENCE TO PLANS IS NOT SUFFICIENT)							
REMODEL WITHIN EXISTING ENVELOPE							
NEW WINDOWS @ REAR, 2(N) SKYLIGHTS							
VOLUNTARY STRENGTHENING, REPLACE (C) FLOOR JOISTS							
1 NEW BATH, 1 REMODEL BATH, NEW INTERIOR STAIR							
MODIFY FRONT STAIR FOR HAND HEIGHT							
ADDITIONAL INFORMATION							
(19) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING?		(20) IF (19) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT		(21) DOES THIS ALTERATION CREATE DECK OR PORCH, EXTENSION TO BUILDING?		(22) IF (21) IS YES, STATE NEW GROUND FLOOR AREA	
YES ☐ NO ☒		FT.		YES ☐ NO ☒		SQ. FT.	
(23) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED?		(24) WILL BUILDING EXTEND BEYOND PROPERTY LINE?		(25) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN)		(26) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY?	
YES ☐ NO ☒		YES ☐ NO ☒		YES ☐ NO ☒		YES ☐ NO ☒	
(27) ARCHITECT OR LICENSED DESIGNER (SEE CONSTRUCTION)		(28) ADDRESS BOOR BRIDGES ARCH 1686 15TH ST CA		(29) CALIF. CERTIFICATE NO. C-29019			
(30) CONSTRUCTION LENDER (ENTER NAME AND RESIDENT DESIGNATION IF ANY, IF THERE IS NO KNOWN CONSTRUCTION LENDER, ENTER "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 for scaffolding used during construction, no closer than 6' to any lot or building more than 750' above Sea Level, California Penal Code.

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

Grades shown on plans or drawings accompanying this application are assumed to be correct. If actual grades differ, the applicant shall be responsible for obtaining correct grade lines, cuts and the topography with complete details of retaining walls and wall footings required must be submitted to this department for approval.

ANY VIOLATION 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, MECHANICAL OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WORK AND PLUMBING MUST BE OBTAINED. SEPARATE PERMITS ARE REQUIRED IF ANSWER IS "YES" TO ANY OF ABOVE QUESTIONS (19) (21) (23) (25) OR (26).

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

In drawings (a) indicating substantial must have a dimension of not less than two inches from all adjacent walls or equipment.

CHECK APPROPRIATE BOX

☐ OWNER ☒ ARCHITECT

☐ LESSOR ☐ 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 this City and County of San Francisco, and to assume the defense of this City and County of San Francisco against all such claim, 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 (a), or (b) designated below or shall indicate him (a), or (b), or (c), whichever is applicable. If however item (c) is checked item (d) must be checked as well. Mark the appropriate method of compliance below:

- I hereby affirm under penalty of perjury one of the following declarations:
- I have and will maintain a certificate of compliance 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.
 - I have and will maintain worker's compensation insurance as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My worker's compensation insurance carrier and policy number are:
Carrier:
Policy Number: 169 9486
 - This cost of the work to be done is \$100 or less.
 - 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 it is to this intent that I should become subject to the workers' compensation provisions of the Labor Code of California and not to comply therewith with the provisions of Section 3800 of the Labor Code, and the permit herein applied for shall be deemed revoked.
 - 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 Point Bureau.

Signature of Applicant or Agent

DATE: 3/24/10

CONDITIONS AND STIPULATIONS

COPY

REFER TO: DEPARTMENT OF BUILDING INSPECTION	APPROVED: 15-558-5570, to schedule inspections for building, electrical and plumbing. This application is approved without site inspection. Detailed 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 or plumbing work shall require appropriate separate permits. BUILDING INSPECTOR, DEPT. OF BLDG. Insp.	By VICTOR YEW, DBI MAR 17 2010	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: As per photos Roofs Down DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: N/A BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☒	APPROVED: By JAMES ZHAN, DBI MAR 17 2010 MECHANICAL ENGINEER, DEPT OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: By VICTOR YEW, DBI MAR 17 2010 CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	SPECIAL INSPECTIONS AND TESTS ARE REQUIRED AS PER BUILDING CODE SECTION 1701	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: N/A BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: N/A DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☒	APPROVED: EFFUG Monica S. Whitney REDEVELOPMENT AGENCY 3/17/10	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____
☐	APPROVED: FOR WORK STATED ONLY TO COMPLY WITH HOUSING INSPECTION DIVISION NOTICE(S) OF VIOLATION ISSUED ON COMPLAINT TRACKING #(S) TO COMPLETE ALL PERMIT WORK REQUIRED BY THE ATTACHED NOTICE HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____ NOTIFIED MR. _____	DATE: _____ REASON: _____ NOTIFIED MR. _____

I agree to comply with all conditions or requirements of the various licenses or department noted on this application, and attached statements of conditions or stipulations, which are hereby made a part of this application.

Number of permits/units

OWNER'S AUTHORIZED AGENT

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

