



# SAN FRANCISCO PLANNING DEPARTMENT

## Discretionary Review Abbreviated Analysis HEARING DATE: FEBRUARY 21, 2019

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* February 8, 2019  
*Case No.:* 2014-002435DRP  
*Project Address:* 95 Saint Germain Avenue  
*Permit Application:* 2015.00903.6048  
*Zoning:* RH-1(D) [Residential House, One-Family-Detached]  
40-X Height and Bulk District  
*Block/Lot:* 2721/050  
*Project Sponsor:* Mike Garavaglia, Architect  
582 Market Street Suite 1800  
San Francisco, CA 94104  
*Staff Contact:* David Winslow – (415) 575-9159  
[David.Winslow@sfgov.org](mailto:David.Winslow@sfgov.org)  
*Recommendation:* **Do not take DR and approve as proposed**

### PROJECT DESCRIPTION

The project consists of a 3-story horizontal front addition to an existing 3-story one-family house to enlarge the height of the garage to accommodate a car lift for 2 off-street parking spaces, enlargement the second and third floors of the dwelling unit, and removal of half of an existing elevator, for a net addition of 144 square feet.

### SITE DESCRIPTION AND PRESENT USE

The site is a 23'-3" x 100' upsloping lot with an existing 3-story, 2,422 s.f. one-family house built in 1979.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The street front of this block of Saint Germain Avenue has a pattern of three-story residential buildings over garages with large front setbacks.

### BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	December 3, 2018 – January 2, 2019	10.25. 2018	2.21.2019	121 days

## HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	20 days	February 1, 2019	February 1, 2019	20 days
Mailed Notice	20 days	February 1, 2019	February 1, 2019	20 days
Online Notice	20 days	February 1, 2019	February 1, 2019	20 days

## PUBLIC COMMENT

	SUPPORT	OPPOSED	NO POSITION
Adjacent neighbor(s)	0	0	0
Other neighbors on the block or directly across the street	0	0	0
Neighborhood groups	0	0	0

## DR REQUESTORS

Robia Crisp on behalf of Lisa and Patrice Gautier of 99 Saint Germain Ave., adjacent neighbors to the West of the proposed project.

## DR REQUESTORS' CONCERNS AND PROPOSED ALTERNATIVES

1. Lack of proper notification to neighbors
2. Alteration to the building of Historic significance which was not taken into account.
3. Exceptional circumstances with respect to joint ownership
4. Front expansion will detrimentally block light, air, and views.

See attached *Discretionary Review Applications*, dated October 25, 2018.

## PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

The sponsor has complied with the Residential Design Team (RDAT) recommendations enumerated below, in relation to building massing at the rear to address issues related to scale, shading and privacy.

See attached *Response to Discretionary Review*, dated January 18, 2019.

## ENVIRONMENTAL REVIEW

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

## DEPARTMENT REVIEW

1. 311 Notification was duly conducted per Planning Department protocol, as was notification for the Variance hearing.
2. The building, built in 1979, is not a historic resource, nor is it age eligible. Its status is listed as a 'C'.
3. The proposed project was reviewed and approved irrespective of the resolution of the common ownership of the existing elevator.
4. The proposed addition was reviewed with respect to impacts to the light, air and privacy of the adjacent neighbor. Private views are not protected by Planning Department Policy. The modest scale of the horizontal front extension in conjunction with the side separation between the two properties were deemed not pose any exceptional or extraordinary impacts to light, air or privacy.

<b>RECOMMENDATION:</b> <b>Do not take DR and approve project as proposed</b>
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### Attachments:

Block Book Map  
Sanborn Map  
Zoning Map  
Aerial Photographs  
Context Photographs  
Section 311 Notice  
CEQA Determination  
DR Application  
Response to DR Application dated January 18, 2019  
Reduced Plans

# Parcel Map

## LOTS MERGED

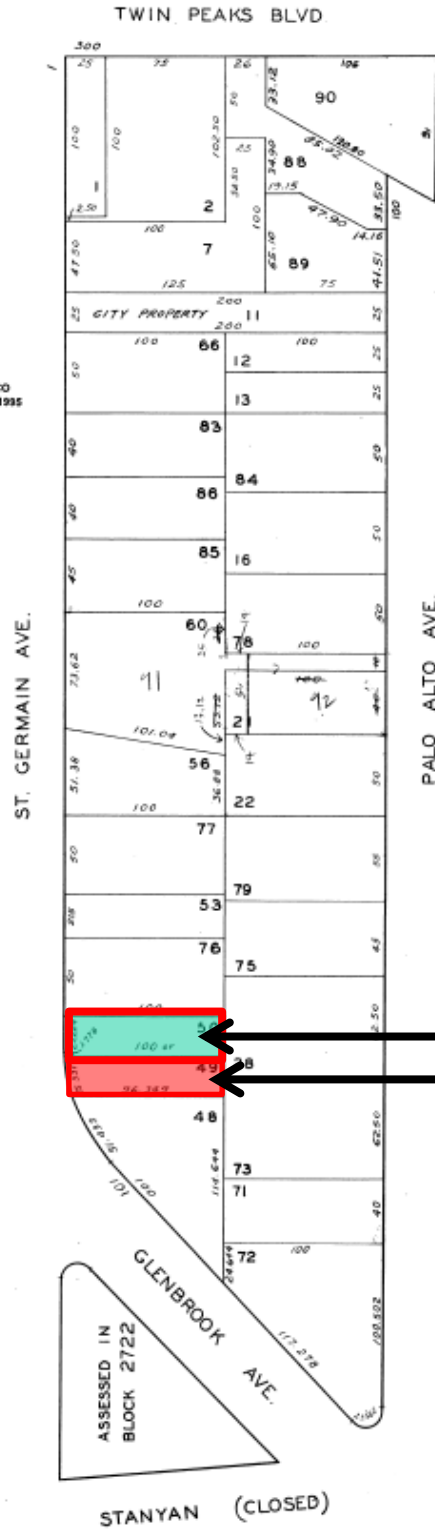
LOTS 39/47 OMITTED - 1952  
 LOT 37 INTO 36 - 1955  
 " 20 " 21 & 60 - 1936  
 " 37 " 56 & 60 - 1936  
 LOTS 58/59 - 60 - 1938  
 LOT 30 " 25 & 31 - 1948  
 LOTS 65 & 67 - 69 - 1948  
 LOT 36 INTO 35 - 1948  
 LOTS 5/10, 69/70 INTO 3/7 - 1950  
 " 3/4 " 2 - 1953  
 LOT 23 " 28 - 1953  
 " 17 " 16 - 1953  
 " 23 " 22 - 1959  
 " 48 " 11 - 1956

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2721

CLARENDON HTS 2  
BLK 16

REVISED '58	REVISED '78
'59	'81
REVISED '60	" '85
" '62	" '86
" '65	" '87
" '76	" '88
" '77	" '89



**SUBJECT PROPERTY-**  
95 St. Germain Ave  
(Owners: Mr./Mrs. Yee)

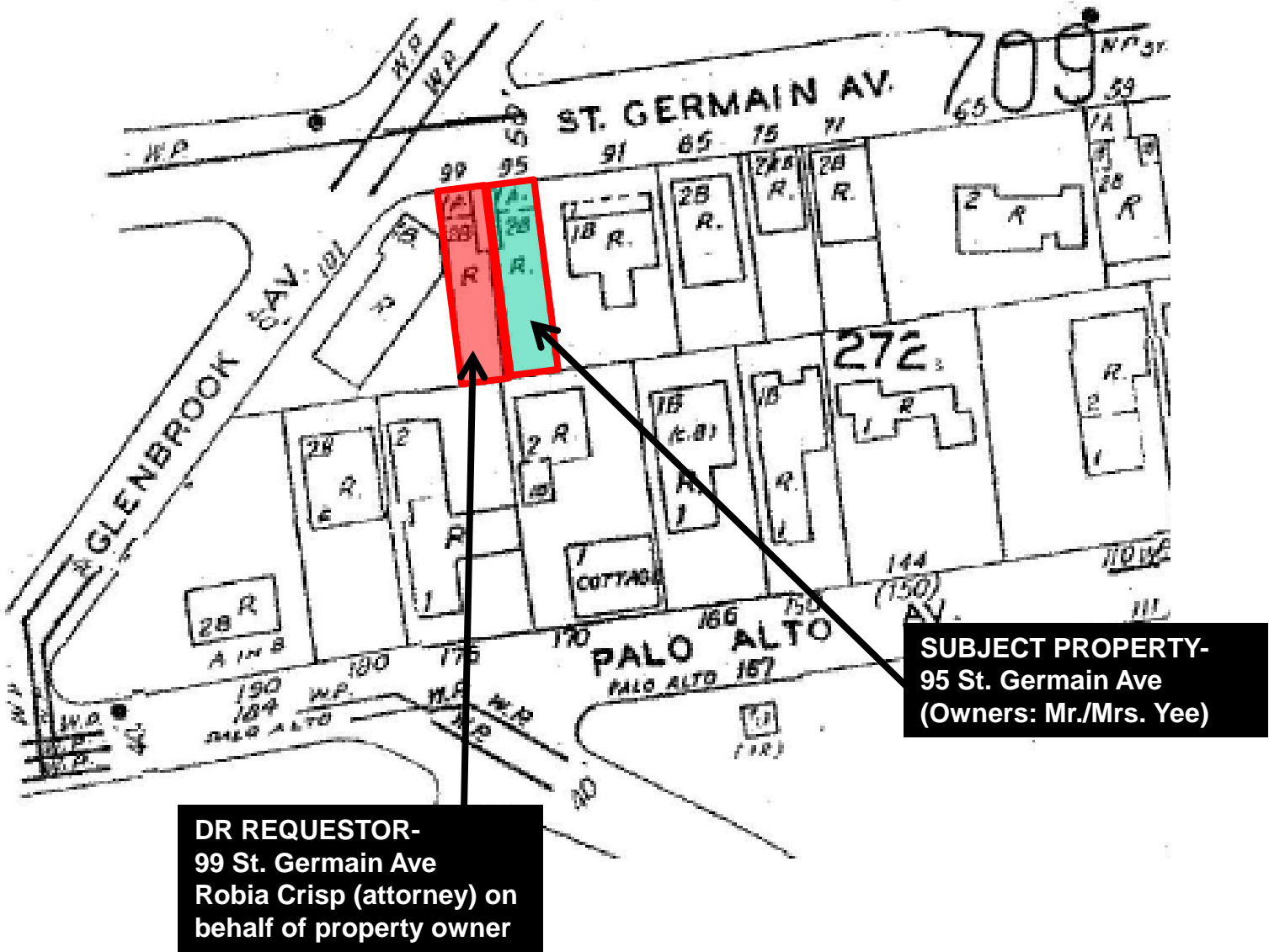
**DR REQUESTOR-**  
99 St. Germain Ave  
Robia Crisp (attorney) on  
behalf of property owner



STANYAN (CLOSED)

Discretionary Review Hearing  
**Case Number 2014-002435DRP**  
 1<sup>st</sup> and 2<sup>nd</sup> story garage expansion, demo existing elevator  
 along shared side property line and construct new  
 elevator entirely within subject lot  
 95 Saint Germain Ave

# Sanborn Map\*



**DR REQUESTOR-**  
99 St. Germain Ave  
Robia Crisp (attorney) on  
behalf of property owner

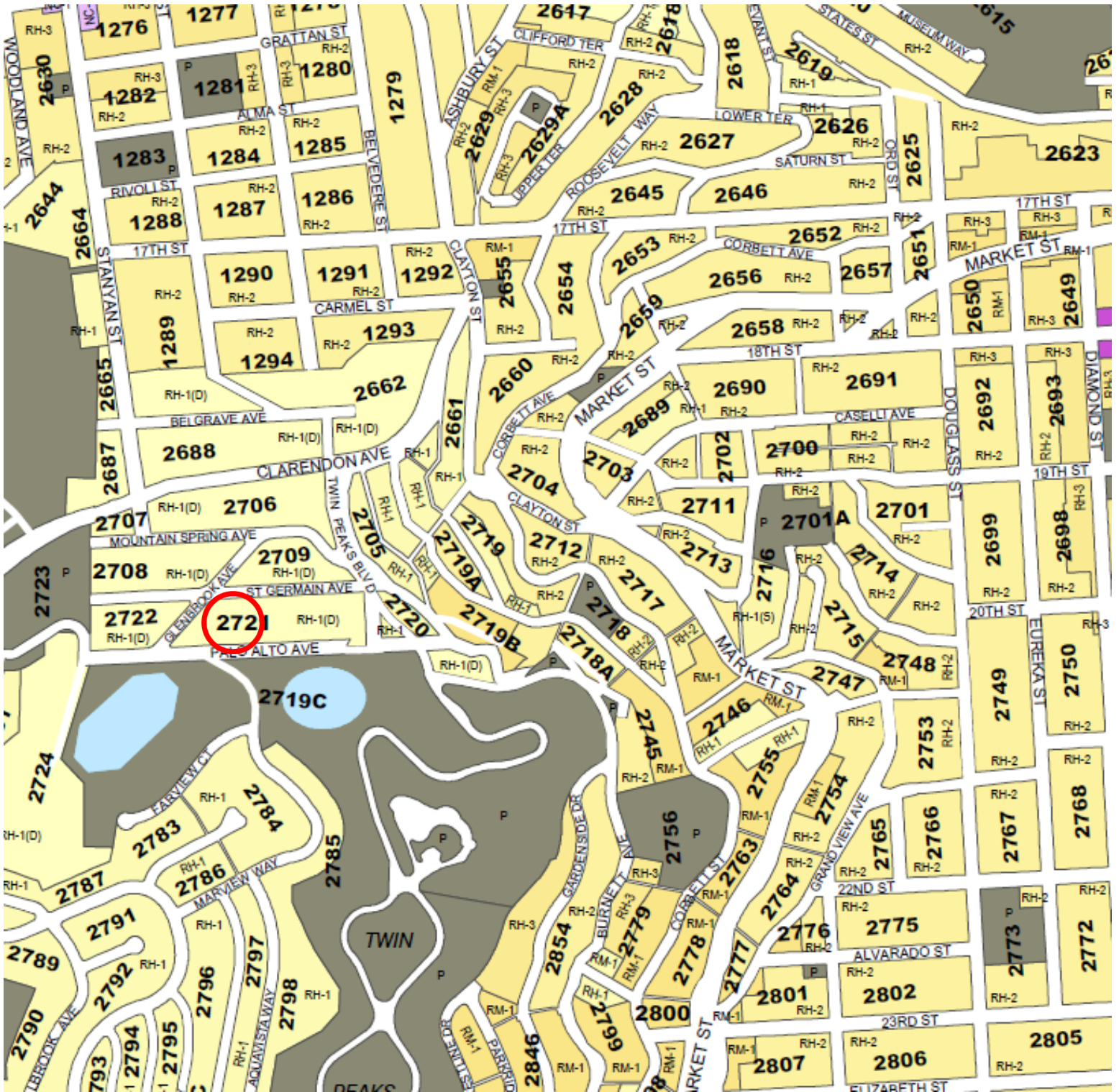
**SUBJECT PROPERTY-**  
95 St. Germain Ave  
(Owners: Mr./Mrs. Yee)



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

Discretionary Review Hearing  
**Case Number 2014-002435DRP**  
1<sup>st</sup> and 2<sup>nd</sup> story garage expansion, demo existing elevator  
along shared side property line and construct new  
elevator entirely within subject lot  
95 Saint Germain Ave

# Zoning Map



## Discretionary Review Hearing Case Number 2014-002435DRP

1<sup>st</sup> and 2<sup>nd</sup> story garage expansion, demo existing elevator along shared side property line and construct new elevator entirely within subject lot  
95 Saint Germain Ave

# Aerial Photo



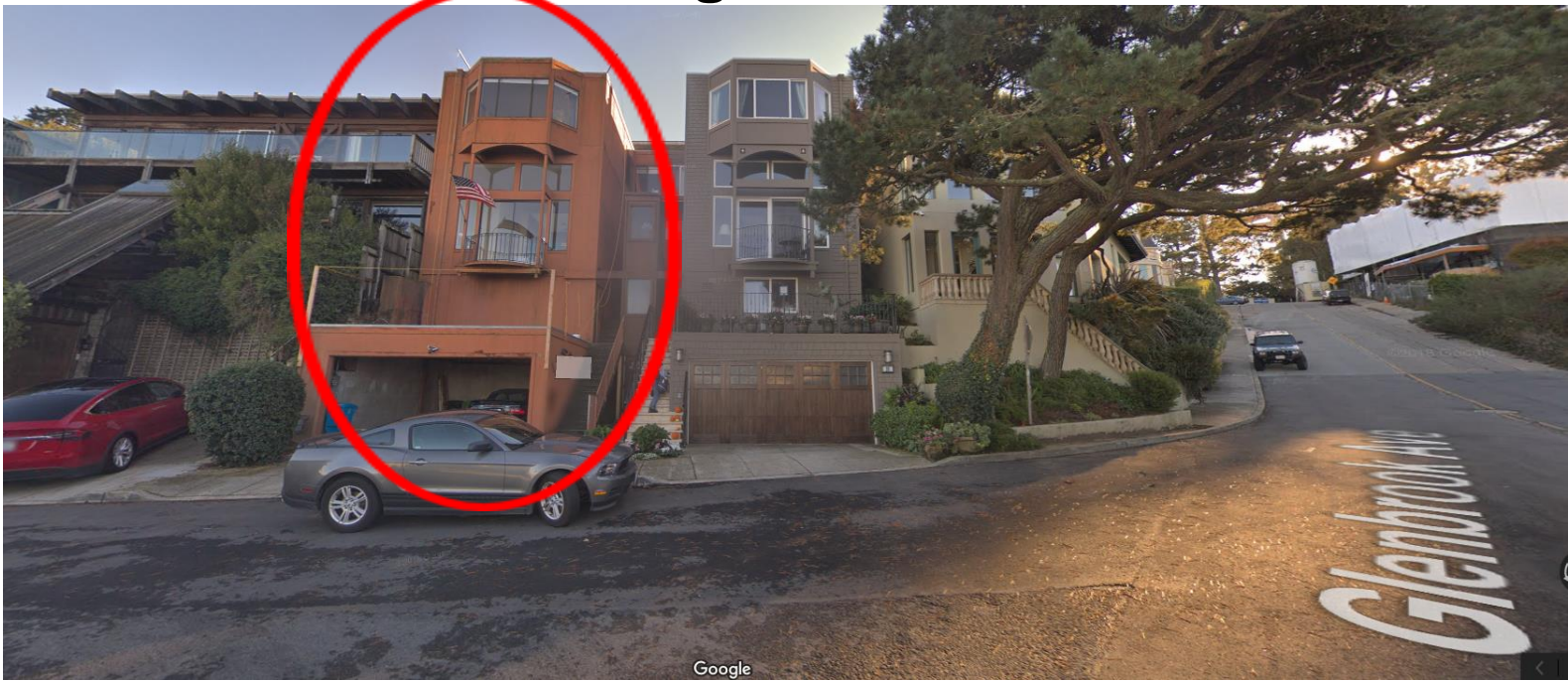
**DR REQUESTOR-**  
99 St. Germain Ave  
Robia Crisp (attorney) on  
behalf of property owner

**SUBJECT PROPERTY-**  
95 St. Germain Ave  
(Owners: Mr./Mrs. Yee)



Discretionary Review Hearing  
**Case Number 2014-002435DRP**  
1<sup>st</sup> and 2<sup>nd</sup> story garage expansion, demo existing elevator  
along shared side property line and construct new  
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95 Saint Germain Ave

# Existing Site Photos



North (Front) Elevation



Looking East along Saint Germain Ave.

Discretionary Review Hearing  
Case Number 2014-002435DRP

1<sup>st</sup> and 2<sup>nd</sup> story garage expansion, demo existing elevator along shared side property line and construct new elevator entirely within subject lot  
95 Saint Germain Ave



# Site Photos



Looking West Along Saint Germain Ave



Looking East along Saint Germain Ave From Corner of St. Germain/Glenbrook Ave.



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **September 3, 2015**, the Applicant named below filed Building Permit Application No. **2015.0903.6048** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	<b>95 Saint Germain Ave</b>	Applicant:	<b>Ambrose Wong, AIA</b>
Cross Street(s):	<b>Glenbrook Ave &amp; Twin Peaks Blvd</b>	Address:	<b>582 Market Street, Suite 1800</b>
Block/Lot No.:	<b>2721/050</b>	City, State:	<b>San Francisco, CA 94104</b>
Zoning District(s):	<b>RH-1(D)/ 40-X</b>	Telephone:	<b>(415) 391-9633</b>
Record No.:	<b>2014-002435PRJ</b>	Email:	<b>ambrose@garavaglia.com</b>

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Façade Alteration(s)	<input checked="" type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential (single family home)	No change
Front Setback	12 feet 6 inches (to face of bay window)	11 feet 3 inches (to face of bay window)
Side Setbacks	Abuts	No change
Building Depth	67 feet 6 inches	74 feet 6 inches
Rear Yard	32 feet 2 inches	25 feet
Building Height	41 feet 4 inches	No change
Number of Stories	2 over ground-level garage w/loft level (4 levels)	No change
Number of Dwelling Units	1	No change
Number of Parking Spaces	2	No change
PROJECT DESCRIPTION		
<p>The proposal is an expansion of the existing garage, first and second stories to an existing 2,906 sf, 41 feet 4 inches tall, two-story over two-level basement, single family residence with two off-street parking spaces. The 144 square foot expansion will increase the habitable area on the first and second stories, add a new elevator, increase the garage height from 9'-4" to 14'-0" to accommodate a parking lift with a roof deck above, and add a rear sunroom. The project would encroach into the required 14'-6" front setback; therefore, a front yard variance was required. On January 28, 2016, the Zoning Administrator (ZA) denied the variance (ref: Case No. 2014-002435VAR); however, on February 5, 2016, the Sponsor filed an appeal of the ZA decision to the Board of Appeals (BOA) on the basis that the Americans with Disabilities Act requires the elevator as a disability accommodation. On November 15, 2017, the BOA granted the appeal (ref: Appeal No. 16-018) and ordered that the variance denial be overruled. See attached plans for detail.</p> <p>The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p>		

**For more information, please contact Planning Department staff:**

Planner: Chris Townes  
 Telephone: (415) 575-9195  
 E-mail: chris.townes@sfgov.org

Notice Date: 12/03/18  
 Expiration Date: 1/02/19

## GENERAL INFORMATION ABOUT PROCEDURES

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

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

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

If, after exhausting the procedures outlined above, you still believe that exceptional and extraordinary circumstances exist, you have the option to request that the Planning Commission exercise its discretionary powers to review the project. These powers are reserved for use in exceptional and extraordinary circumstances for projects which generally conflict with the City's General Plan and the Priority Policies of the Planning Code; therefore the Commission exercises its discretion with utmost restraint. This procedure is called Discretionary Review. If you believe the project warrants Discretionary Review by the Planning Commission, **you must file a Discretionary Review application prior to the Expiration Date shown on the front of this notice.** Discretionary Review applications are available at the Planning Information Center (PIC), 1660 Mission Street, 1st Floor, or online at [www.sfplanning.org](http://www.sfplanning.org). You must submit the application in person at the Planning Information Center (PIC) between 8:00am - 5:00pm Monday-Friday, with all required materials and a check payable to the Planning Department. To determine the fee for a Discretionary Review, please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org). If the project includes multiple building permits, i.e. demolition and new construction, a **separate request for Discretionary Review must be submitted, with all required materials and fee, for each permit that you feel will have an impact on you.** **Incomplete applications will not be accepted.**

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

### BOARD OF APPEALS

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

### ENVIRONMENTAL REVIEW

This project has undergone preliminary review pursuant to California Environmental Quality Act (CEQA). If, as part of this process, the Department's Environmental Review Officer has deemed this project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained through the Exemption Map, on-line, at [www.sfplanning.org](http://www.sfplanning.org). An appeal of the decision **to exempt the proposed project from CEQA may be made to the Board of Supervisors within 30 calendar days** after the project approval action identified on the determination. The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400 • San Francisco, CA 94103 • Fax (415) 558-6409

## NOTICE OF PUBLIC HEARING

Hearing Date: **Thursday, February 21, 2019**

Time: **Not before 1:00 PM**

Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400**

Case Type: **Discretionary Review**

Hearing Body: **Planning Commission**

PROJECT INFORMATION	APPLICANT INFORMATION
Project Address: <b>95 Saint Germain Ave.</b> Cross Street(s): <b>Glenbrook &amp; Twin Peaks</b> Block /Lot No.: <b>2721/050</b> Zoning District(s): <b>RH-1(D)/ 40-X</b> Area Plan: <b>NA</b> Record No.: <b>2014-002435DRP</b>	Applicant: <b>Ambrose Wong</b> Company: Applicant Address: <b>582 Market St. Suite 1800</b> City, State: <b>San Francisco, CA 94104</b> Telephone: <b>(415) 391-9633</b> E-Mail: <a href="mailto:ambrose@garavaglia.com">ambrose@garavaglia.com</a>

### PROJECT DESCRIPTION

The Request is for Discretionary Review of Building Permit Application No. 2015.0903.6048.

For construction of a horizontal front addition to relocate an elevator of an existing 2-story, single family house.

A Planning Commission approval at the public hearing would constitute the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).

### ADDITIONAL INFORMATION

**ARCHITECTURAL PLANS:** If you are interested in viewing the plans for the proposed project please contact the planner listed below. The plans and Department recommendation of the proposed project will be available prior to the hearing through the Planning Commission agenda at: <http://www.sf-planning.org> or by request at the Planning Department office located at 1650 Mission Street, 4<sup>th</sup> Floor.

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

**FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF:**

Planner: **David Winslow** Telephone: **(415) 575-9159** E-Mail: [david.winslow@sfgov.org](mailto:david.winslow@sfgov.org)

# GENERAL INFORMATION ABOUT PROCEDURES

## HEARING INFORMATION

You are receiving this notice because you are either a property owner or resident that is adjacent to the proposed project or are an interested party on record with the Planning Department. **You are not required to take any action. For more information regarding the proposed work, or to express concerns about the project, please contact the Applicant or Planner listed on this notice as soon as possible.** Additionally, you may wish to discuss the project with your neighbors and/or neighborhood association as they may already be aware of the project.

Persons who are unable to attend the public hearing may submit written comments regarding this application to the Planner listed on the front of this notice, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103, by 5:00 pm the day before the hearing. These comments will be made a part of the official public record and will be brought to the attention of the person or persons conducting the public hearing.

Comments that cannot be delivered by 5:00 pm the day before the hearing may be taken directly to the hearing at the location listed on the front of this notice. Comments received at 1650 Mission Street after the deadline will be placed in the project file, but may not be brought to the attention of the Planning Commission at the public hearing.

## APPEAL INFORMATION

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

## ENVIRONMENTAL REVIEW

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

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

Date: **2/1/2019**

The attached notice is provided under the Planning Code. It concerns property located at **95 Saint Germain Ave. (2014-002435DRP)**. A hearing may occur, a right to request review may expire or a development approval may become final by **2/21/2019**.

To obtain information about this notice in Spanish or Chinese, please call **(415) 575-9010**. To obtain information about this notice in Filipino, please call **(415) 575-9121**. Please be advised that the Planning Department will require at least one business day to respond to any call.

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附上的是三藩市城市規劃的法定通告。

此通告是與位於 **95 Saint Germain Ave. (2014-002435DRP)**

的建築計劃有關。如果在 **2/21/2019** 之前無人申請聽證會來檢討這一個建築計劃, 這計劃最終會被核准。

如果你需要用華語獲得關於這通告的細節,請電 **415-575-9010**。

然後,請按“8”及留言。城市規劃局將需要至少一個工作天回應。華語資料提供只是城市規劃局的一項服務,此項服務不會提供額外的權利或延伸任何要求檢討的期限。

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El documento adjunto es requerido por el Código de Planeación (Planning Code) y es referente a la propiedad en la siguiente dirección: **95 Saint Germain Ave. (2014-002435DRP)**. Es posible que ocurra una audiencia pública, que el derecho a solicitar una revisión se venza, o que la aprobación final de proyecto se complete el: **2/21/2019**.

Para obtener más información sobre esta notificación en español, llame al siguiente teléfono **(415) 575-9010**. Por favor tome en cuenta que le contestaremos su llamada en un periodo de 24 horas.

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Ang nakalakip na paunawa ay ibinibigay alinsunod sa Planning Code. Tinatalakay nito ang propyedad na matatagpuan sa **95 Saint Germain Ave. (2014-002435DRP)**. Maaring may paglilitis na mangyayari, may mapapasong paghiling ng isang pagrerepaso (review), o ang na-aprobahang pagpapatayo ay malapit nang ipagtibay sa **2/21/2019**.

Para humiling ng impormasyon tungkol sa paunawang ito sa Tagalog, paki tawagan ang **(415) 575-9121**. Mangyaring tandaan na mangangailangan ang Planning Department ng di-kukulangin sa isang araw ng pangangalakal para makasagot sa anumang tawag.



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
95 SAINT GERMAIN AVE		2721050
<b>Case No.</b>		<b>Permit No.</b>
2014-002435PRJ		201509036048
<input checked="" type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b>            Variance to the front setback requirement to permit the addition to a single family dwelling addition to the front to relocate an existing elevator and increase the height.</p>		

### STEP 1: EXEMPTION CLASS

<b>*Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.*</b>	
<input checked="" type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 - New Construction.</b> Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	<p><b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p><b>FOR ENVIRONMENTAL PLANNING USE ONLY</b></p>
<input type="checkbox"/>	<b>Class _____</b>

**STEP 2: CEQA IMPACTS**  
**TO BE COMPLETED BY PROJECT PLANNER**

<p>If any box is checked below, an <i>Environmental Evaluation Application</i> is required.</p>	
<input type="checkbox"/>	<p><b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Air Pollution Exposure Zone)</p>
<input type="checkbox"/>	<p><b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i></p>
<input type="checkbox"/>	<p><b>Transportation:</b> Does the project create six (6) or more net new parking spaces or residential units? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?</p>
<input type="checkbox"/>	<p><b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area)</p>
<input type="checkbox"/>	<p><b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography)</p>
<input type="checkbox"/>	<p><b>Slope = or &gt; 20%:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography) <b>If box is checked, a geotechnical report is required.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required.</b></p>
<input type="checkbox"/>	<p><b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required.</b></p>
<p><b>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</b></p>	
<p><b>Comments and Planner Signature (optional):</b> Chris Townes</p>	



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

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

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

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

**STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PROJECT PLANNER**

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

<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C a. Per HRER dated    (attach HRER) b. Other (specify):
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</b>	
<input type="checkbox"/>	<b>Further environmental review required.</b> Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. <b>GO TO STEP 6.</b>
<input type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b> Chris Townes	

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

<input type="checkbox"/>	<b>Further environmental review required.</b> Proposed project does not meet scopes of work in either (check all that apply): <input type="checkbox"/> Step 2 - CEQA Impacts <input type="checkbox"/> Step 5 - Advanced Historical Review <b>STOP! Must file an <i>Environmental Evaluation Application</i>.</b>	
<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Building Permit	<b>Signature:</b> Chris Townes
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	02/08/2019
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the first approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	

## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

### TO BE COMPLETED BY PROJECT PLANNER

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

### PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
95 SAINT GERMAIN AVE		2721/050
Case No.	Previous Building Permit No.	New Building Permit No.
2014-002435PRJ	201509036048	
Plans Dated	Previous Approval Action	New Approval Action
	Building Permit	
Modified Project Description:		

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

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

**RESPONSE TO**  
**DISCRETIONARY**  
**REVIEW (DRP)**



**San Francisco**  
**Planning**

**SAN FRANCISCO PLANNING DEPARTMENT**  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

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**Project Information**

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Property Address:

Zip Code:

Building Permit Application(s):

Record Number:

Assigned Planner:

---

**Project Sponsor**

---

Name:

Phone:

Email:

---

**Required Questions**

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

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

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

---

## Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)		
Occupied Stories (all levels with habitable rooms)		
Basement Levels (may include garage or windowless storage rooms)		
Parking Spaces (Off-Street)		
Bedrooms		
Height		
Building Depth		
Rental Value (monthly)		
Property Value		

I attest that the above information is true to the best of my knowledge.

<b>Signature:</b>	<b>Date:</b>
<b>Printed Name:</b>	<input type="checkbox"/> Property Owner <input type="checkbox"/> Authorized Agent

*If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.*



# San Francisco Planning

## DISCRETIONARY REVIEW APPLICATION

PLANNING APPLICATION RECORD NUMBER

2014-002435 DEP

RECEIVED

SEP 25 2018

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
PIC

### Property Owner's Information

Name: Lisa and Patrice Gautier

Address: 99 Saint Germain Avenue, San Francisco, CA

Email Address: lisa@matteroftrust.org

Telephone: (415) 235-2403

### Applicant Information (if applicable)

Name: Robia S. Crisp on behalf of Property Owner

Same as above

Company/Organization: Hanson Bridgett LLP

Address: 425 Market Street, 26th Floor, San Francisco, CA 94105

Email Address: rcrisp@hansonbridgett.com

Telephone: 415-995-5806

### Please Select Billing Contact:

Owner

Applicant

Other (see below for details)

Name: \_\_\_\_\_ Email: \_\_\_\_\_ Phone: \_\_\_\_\_

### Please Select Primary Project Contact:

Owner

Applicant

Billing

### Property Information

Project Address: 95 Saint Germain Avenue

Block/Lot(s): 2721/050

Plan Area: \_\_\_\_\_

### Project Description:

Please provide a narrative project description that summarizes the project and its purpose.

The proposal is an expansion of the existing garage, and first and second stories of an existing 2,906 square foot single family residence. The proposed expansion will increase the habitable area on the first and second stories, demolish half of an existing elevator structure, and add a new elevator, and increase the garage height to accommodate a parking lift with a roof deck above, and add a rear sunroom.

**Project Details:**

- Change of Use     New Construction     Demolition     Facade Alterations     ROW Improvements  
 Additions     Legislative/Zoning Changes     Lot Line Adjustment-Subdivision     Other Partial Demolition

**Estimated Construction Cost:** \_\_\_\_\_

- Residential:**     Special Needs     Senior Housing     100% Affordable     Student Housing     Dwelling Unit Legalization  
 Inclusionary Housing Required     State Density Bonus     Accessory Dwelling Unit

- Non-Residential:**     Formula Retail     Medical Cannabis Dispensary     Tobacco Paraphernalia Establishment  
 Financial Service     Massage Establishment     Other: \_\_\_\_\_

**Related Building Permits Applications**

Building Permit Applications No(s): 201509036048

### ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

In reviewing applications for Certificate of Appropriateness the Historic Preservation Commission, Department staff, Board of Appeals and/or Board of Supervisors, and the Planning Commission shall be governed by *The Secretary of the Interior's Standards for the Treatment of Historic Properties* pursuant to Section 1006.6 of the Planning Code. Please respond to each statement completely (Note: Attach continuation sheets, if necessary). Give reasons as to *how* and *why* the project meets the ten Standards rather than merely concluding that it does so. IF A GIVEN REQUIREMENT DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?	✓	
Did you discuss the project with the Planning Department permit review planner?	✓	
Did you participate in outside mediation on this case? (including Community Boards)	✓	

### CHANGES MADE TO THE PROJECT AS A RESULT OF MEDIATION

If you have discussed the project with the applicant, planning staff or gone through mediation, please attach a summary of the result, including any changes that were made to the proposed project.

We are informed that the plans have been revised, in part, to demolish 1/2 of the existing elevator tower that straddles the property line between 99 Saint Germain Avenue and 95 Saint Germain Avenue.



## DISCRETIONARY REVIEW REQUEST

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and cite specific sections of the Residential Design Guidelines.

Please see the attached.

- 
2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how.

Please see the attached.

- 
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Please see the attached.

# APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Robia S. Crisp  
Signature

Authorized Agent

415-995-5806

Relationship to Project  
(i.e. Owner, Architect, etc.)

Phone

Robia S. Crisp

Name (Printed)

rcrip@hansonbridgett.com

Email

# APPLICANT'S SITE VISIT CONSENT FORM

I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.

Robia S. Crisp  
Signature

10/25/18  
Date

Robia Crisp

Name (Printed)

For Department Use Only

Application received by Planning Department:

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

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

October 24, 2018

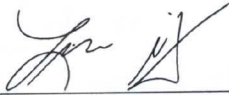
San Francisco Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: Authorization to File Application for Discretionary Review for 95 Saint  
Germain; Building Permit Application No. 2015.0903.6048**

By this letter, we hereby authorize the law firm of Hanson Bridgett LLP to file on our behalf, an Application for Discretionary Review.

Please direct any communications or questions regarding the application to Robia Crisp of Hanson Bridgett at [rcrisp@hansonbridgett.com](mailto:rcrisp@hansonbridgett.com) or by telephone to (415) 995-5806.

Very truly yours,



\_\_\_\_\_  
Lisa Gautier



\_\_\_\_\_  
Patrice Gautier

**ATTACHMENT TO APPLICATION FOR DISCRETIONARY REVIEW  
OF PROPOSED PROJECT AT 95 SAINT GERMAIN**

Our clients, Lisa and Patrice Gautier, own the property at 99 Saint Germain Avenue ("Gautier Property"). The Gautier Property is improved with a single family residence (the "Gautier Home") and a rear yard. The Gautier Property is adjacent to the west of the proposed project property at 95 Saint Germain Avenue ("Project Site"). The Project Site is currently improved with an approximately 2,653 square foot single family residence (the "Existing Home") and rear yard. Notably, a three-story elevator structure intended to serve both the Gautier Property and the Project Site is located on the side property boundary line between them.

The Project applicant seeks approval to (1) expand the garage of the Existing Home to accommodate a car lift to maintain two off-street parking spaces, by extending it into the required front setback, (2) expand the front of the Existing home on the first and second stories above the garage to accommodate additional habitable space and a new elevator, (3) expand to the rear with a sun deck and (4) demolish half of the existing elevator structure that straddles the shared property line (collectively, the "Project"). The Project required a variance, which was originally denied by the Zoning Administrator by Variance Decision (Case No. 2014-002435VAR) (the "Variance") dated January 28, 2016, and after certain Project revisions were made, approved by the Board of Appeals on July 19, 2017 (Appeal No. 16-018).

Subsequent to the Board of Appeals issuing its decision, it is our understanding that an additional revision has been made, to demolish only the half of the existing elevator structure that is located on the Project Site, leaving the remaining, inoperable and irreparable half on the Gautier Property. This would not only violate a deed restriction that creates an easement between the Gautier Property and Project Site and requires a shared obligation to maintain the elevator structure, it violates the Planning Code, Residential Design Guidelines, and conflicts with General Plan Priority Policies. To the extent that the Project Site is also the subject of a pending Code enforcement proceeding, the Project cannot proceed without resolution of the Notice of Violation (NOV 201719941).

The Project applicant's failure to provide existing plans resulted in the City's determination that a new Section 311 Notice must issue, and the City has not made available the revised plans currently under review in connection with the Section 311 Notice despite our making numerous requests. For purposes of this Discretionary Review Application ("DR Application"), we rely on the set of plans for the Project dated February 8, 2017 ("Plan Set") and submitted by the Project sponsor in connection with its appeal of the denial of the Variance and assume the only additional revision is to demolish half of the elevator structure. As of the date of this DR Application, a new notice has not been posted and we reserve the right to supplement this DR Application should the City issue a new Section 311 Notice.

For the reasons described in detail below, we request that the Planning Commission exercise its discretionary review powers over the proposed Project.

**ATTACHMENT TO APPLICATION FOR DISCRETIONARY REVIEW  
OF PROPOSED PROJECT AT 95 SAINT GERMAIN**

1. **What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and cite specific sections of the Residential Design Guidelines.**

- a. The Section 311 Notice Fails to Satisfy Planning Code Requirements and is Inadequate to Inform Neighboring Residents.

Based on the lack of current and accurate plans, the Section 311 Notice clearly does not satisfy the stated purpose of Planning Code Section 311, to provide notice to property owners and residents on the site and neighboring the site of the proposed project so that concerns about a project may be identified and resolved during the review of the permit. (SFPC 311(a).) It is impossible to understand or evaluate the scope of the project without an opportunity to view plans and a new Section 311 Notice must be issued to allow for an adequate review period.

- b. Exceptional and Extraordinary Circumstances Justify Discretionary Review of the Project.

i. The proposed Project diminishes the architectural integrity of the homes on the Gautier Property and Project Site by altering the front façade and demolishing half of the existing elevator structure. The Gautier Home and Existing Home were designed and built in or around 1979 by Eugene ("Jeno") Lorincz. Mr. Lorincz and his development company, Architects Urban Development Corp., are best known for Mid-Century Modern residential designs and for developing various residential buildings in San Francisco's Diamond Heights and Twin Peaks neighborhoods. Mr. Lorincz owned both 95 and 99 Saint Germain Avenue and built the pair of homes largely as mirror images, and featuring the existing elevator structure between them.

In addition to adversely impacting the architectural merits of the properties, the Project will alter the physical characteristics of the existing setback and change the symmetry and visual harmony along the street frontage. The Project proposes significant alterations to the front façade of the Existing Home and will encroach into the 15-foot front setback required under Section 132 of the Planning Code by nearly five feet.

- ii. The required findings for a Variance are not supported by the evidence.

First, there are no exceptional or extraordinary circumstances applying to the Project Site that do not apply generally to other property or uses in the same class or district. Second, even assuming the upslope topography and elevator structure somehow present exceptional and extraordinary circumstances, there is no evidence that owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of the Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.

**ATTACHMENT TO APPLICATION FOR DISCRETIONARY REVIEW  
OF PROPOSED PROJECT AT 95 SAINT GERMAIN**

The elevator structure is accessible from the street level where the existing garage is located and with repair, would ascend to the third story landing (first story above the two-level garage and basement) where the front door to the Existing Home is located. Marginally improved access is not sufficient to satisfy the requirement that the Variance is needed in order to alleviate an unnecessary hardship, particularly where an accommodation for the Project would result in a severe and unnecessary hardship to the Gautiers.

Maintenance costs for the existing elevator structure similarly does not justify or support a finding that the literal enforcement of the Code would result in practical difficulty not created by or attributable to the applicant. In this case, the proposed Project will demolish half of an existing elevator structure and replace it with a new elevator in a different location that presumably will still require maintenance. Moreover, the Project applicant's requested accommodation does not support the need for the expansion of the first and second levels above the garage to increase habitable space.

Third, there is no evidence to support that the Variance is needed for the Project applicant's preservation and enjoyment of a substantial property right possessed by other properties in the same district. In fact, the front expansion deviates from the required front setbacks that are provided by other properties on the block, including the Gautier Property.

Fourth, the Variance to allow the front expansion of three levels of the Existing Home will be materially detrimental and injurious to the Gautier Property and the property to the east of the Project Site, as it will block light, air and views.

Finally, as discussed below, the proposed Project does not conform to the General Plan.

iii. Conflicts With General Plan Priority Policies (Planning Code Section 101.1(1) and Residential Design Guidelines. The proposed Project conflicts with the General Plan Priority Policy set forth in Planning Code Section 101.1(1)(b)(2), to conserve and protect the existing housing and neighborhood character in order to preserve the cultural and economic diversity of our neighborhoods. As discussed above, the proposed Project wholly ignores the impacts of recklessly demolishing half of an existing structure on the neighborhood character.

Section 311 of the Planning Code provides that the alteration of existing residential buildings in R districts shall be consistent with the design policies and guidelines of the General Plan and with the Residential Design Guidelines adopted by the Planning Commission. The Design Principles seek to ensure that a building's scale is compatible with surrounding buildings... [and] maintains light to adjacent properties by providing adequate setbacks... (Residential Design Guidelines, p. 5.) Where, as here, a proposed project will have light impacts on neighboring buildings, the Design Guidelines recommend design modifications to minimize impacts, including modifications to "[p]rovide setbacks on the upper floors of the building." (Residential Design Guidelines, p. 16.) As proposed, the Project results in light, air and privacy impacts on the upper floors of the Gautier Home and the home to the east of the Project Site.

**ATTACHMENT TO APPLICATION FOR DISCRETIONARY REVIEW  
OF PROPOSED PROJECT AT 95 SAINT GERMAIN**

2. **The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how:**

Demolition of half of the elevator structure itself is unreasonable and infeasible (and a violation of an easement that was reserved in Instrument 1981-92112 of Official Records, recorded June 1, 1981 in Book D211, Page 490) and its aesthetic and practical impact—to leave an irreparable partial structure within the side setback of the Gautier Property—is impermissible under any basic design standard. The proposed demolition of half of the elevator structure without the consent of the Gautiers violates a deed restriction requiring that the structure be shared and cooperatively maintained by the owners of the Project Site and the Gautiers, and also threatens the structure's legal nonconforming status.

In addition, the front expansion of the first and second levels above the garage by approximately 5 feet will block views from the Gautier Home, and result in light, air and privacy impacts on the adjacent residential lots.

3. **Alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?**

Again, without the benefit of reviewing the revised plans, it is impossible to meaningfully evaluate the proposed Project. At this time, we believe changes, including those listed below, would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in response to Question No. 1:

- Preserve and repair the shared elevator structure.
- Set the proposed expansion of the first and second levels of the Existing Home back from the west and east side property lines, consistent with applicable design guidelines.

# EXHIBIT A



6  
 RECORDING REQUESTED BY  
 AND WHEN RECORDED MAIL TO  
 NAME Edward Sheewood Yee  
 ADDRESS 248 Conbar Blvd  
 CITY & STATE San Francisco Ca 94131

WESTERN TITLE INS. CO.  
 D 92112  
 1981 JUN -1 PM 1:00  
 SAN FRANCISCO, CALIF  
 RECORDER

BODY D211 PAGE 490

5-21/81

Title Order No. \_\_\_\_\_ Escrow No. 59721

MAIL TAX STATEMENTS TO  
 NAME Same as above  
 ADDRESS \_\_\_\_\_  
 CITY & STATE \_\_\_\_\_

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary transfer tax \$ 875.00  
 Computed on full value of property conveyed, or  
 Computed on full value less liens and encumbrances remaining thereon at time of sale.

Paul D. Anderson, Western Title Ins Co.  
 Signature of declarant or agent determining tax—firm name

50  
 LA 2721

**Corporation Grant Deed**

WESTERN TITLE FORM NO. 102

FOR VALUE RECEIVED, ARCHITECTS URBAN DEVELOPEMENT CORP., a California corporation and LORINCZ, LTD, a California Corporation

GRANTS to EDWARD SHEWOOD YEE and VICTORIA JEAN YEE, his wife, as community property,

all that real property situate in the \_\_\_\_\_ City and \_\_\_\_\_  
 County of San Francisco, State of California, described as follows:

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

IN WITNESS WHEREOF, said corporation has executed these presents by its officers thereunto duly authorized, this 26th day of May 1981, ARCHITECTS URBAN DEVELOPEMENT CORP., LORINCZ, LTD, now known as ARCHITECTS URBAN DEVELOPEMENT CORP. a corporation

By [Signature] PRESIDENT  
 By Ruth Lorincz SECRETARY  
 By [Signature] President  
 By Ruth Lorincz Secretary  
 X [Signature] GRANTEE X  
 X [Signature] GRANTEE X  
 X Victoria J. Yee GRANTEE  
 X Victoria Jean Yee GRANTEE

STATE OF CALIFORNIA  
 City and County of San Francisco  
 On May 27, 1981, before me, the undersigned a Notary Public, in and for said State, personally appeared Jeno Lorincz and Ruth Lorincz

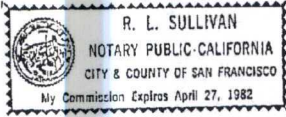
known to me to be the \_\_\_\_\_ President and the \_\_\_\_\_ Secretary of the corporation that executed the within instrument, and also known to me to be the persons who executed it on behalf of such corporation, and acknowledged to me that such corporation executed the same, and further acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.

[Signature]  
 Notary Public

FOR NOTARY SEAL OR STAMP  
 R. L. SULLIVAN  
 NOTARY PUBLIC-CALIFORNIA  
 CITY & COUNTY OF SAN FRANCISCO  
 My Commission Expires April 27, 1982

STATE OF CALIFORNIA  
City and County of San Francisco ss.  
On May 27 1981, before me, Ruth L. Sullivan  
a Notary Public, in and for said State, personally appeared  
Jeno Lorincz and Ruth Lorincz known to me  
to be the President and the Secretary of the corporation that executed  
the within instrument, and also known to me to be the persons who executed it on  
behalf of such corporation, and acknowledged to me that such corporation executed  
the same, and further acknowledged to me that such corporation executed the within  
instrument pursuant to its by-laws or a resolution of its Board of Directors.  
My commission expires 4-27-82  
Notary Public

BOOK D211 PAGE 491



PARCEL ONE:

Lot 15, Block 16, Subdivision No. 2 of Clarendon Heights, filed February 18, 1891, Map Book 1, Page 186 San Francisco County Records. EXCEPTING THEREFROM that portion conveyed to CALIFORNIA PACIFIC TITLE & TRUST COMPANY by deed recorded March 5, 1935, Book 2755 O.R. Page 195, San Francisco County Records.

RESERVING THEREFROM an easement and right of way for pedestrians, maintenance, use and repair of elevator, maintenance room, equipment and incidentals thereto over, under, along and across the westerly 5 feet of the northerly 35.742 feet of said land.

PARCEL TWO:

AN EASEMENT and right of way for pedestrians, maintenance, use and repair of elevator, maintenance room equipment and incidents thereto over, under, along and across the easterly 5 feet of the northerly 35.288 feet of the Lot 14, Block 16, Subdivision No. 2 of Clarendon Heights, filed February 18, 1891, Map Book 1 Page 186, San Francisco County Records.

EXCEPTING THEREFROM that portion conveyed to CALIFORNIA PACIFIC TITLE AND TRUST COMPANY by deed recorded March 5, 1935, Book 2755 O.R. Page 195, San Francisco County Records.

IT IS HEREBY AGREED AND UNDERSTOOD between the grantor and grantee herein that the above described property shall be subject to the following covenants which shall run with the land:

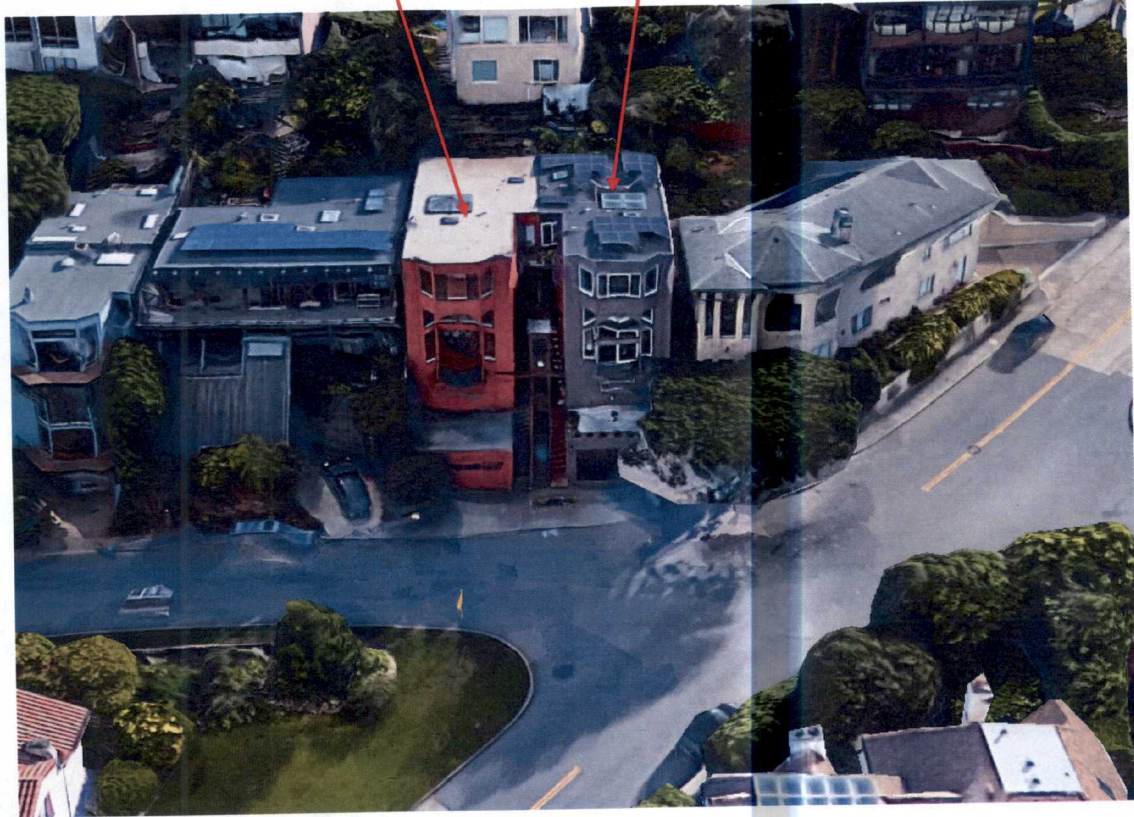
1. Maintenance and repair:  
Cost of maintenance and repair will be shared equally by the two owners.
2. Right of Access:  
Owner of 99 St. Germain Avenue will give free and unlimited access to P.G. & E. to enter into the garage of 99 St. Germain Avenue to read the meter.
3. Machine Room:  
Access to the machine room is through the door located at 99 St. Germain Avenue. Owner of 99 St. Germain Avenue will give unlimited access to the machine room for repair and maintenance. Neither owner will have the right to change the locks or keys to the machine room without the approval and consent of the other owner, and each owner shall cooperate with the other as to the time and use of the elevator. Each shall report to the other any irregularities or breakdowns that may occur and act promptly in joint consultation to obtain timely repair.

# EXHIBIT B

Application for Discretionary Review at 95 Saint Germain Avenue

95 Saint Germain Ave

99 Saint Germain Ave



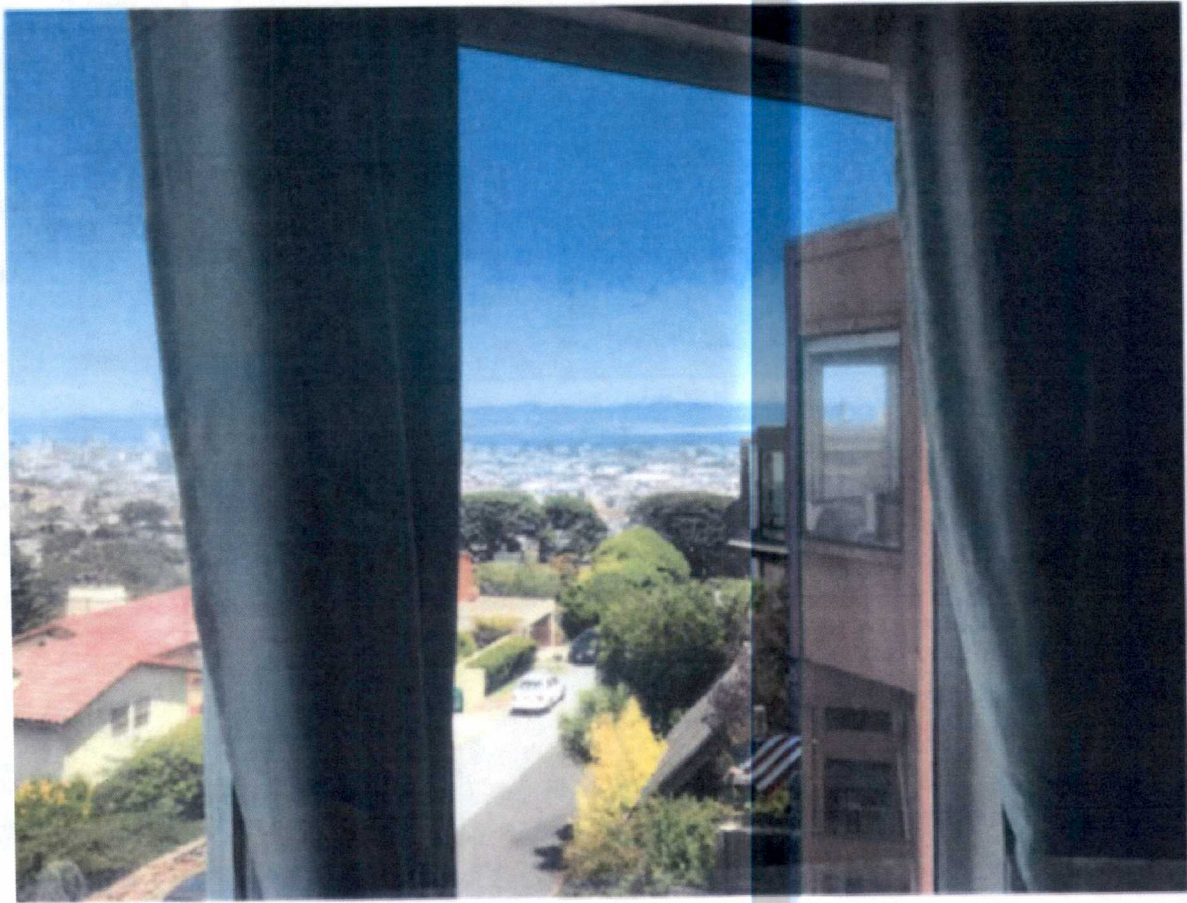
View of 95 and 99 Saint Germain.

Application for Discretionary Review at 95 Saint Germain Avenue



Elevator structure between 95 Saint Germain and 99 Saint Germain

**Application for Discretionary Review at 95 Saint Germain Avenue**



View from master bedroom in Gautier Home. The Existing Home at 95 Saint Germain will be expanded to the front and angled toward the Gautier Home.

ROBIA S. CRISP  
SENIOR COUNSEL  
DIRECT DIAL (415) 995-5806  
DIRECT FAX (415) 995-3455  
E-MAIL rcrisp@hansonbridgett.com

January 2, 2019

**VIA HAND DELIVERY AND EMAIL [chris.townes@sfgov.org](mailto:chris.townes@sfgov.org)**

Chris Townes, Senior Planner  
Planning Department of the City and County  
of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: 95 Saint Germain, San Francisco  
Supplemental Attachment to Application for Discretionary Review  
Building Permit Application No. 201509036048**

Dear Mr. Townes,

As you know, our firm represents Patrice and Lisa Gautier, the owners of 99 Saint Germain. On October 25, 2018, we submitted on their behalf, a Discretionary Review Application (“DR Application”; **Attachment 1**) requesting discretionary review of Building Permit Application No. 2015.0903.6048 (the “Building Permit Application”) for the proposed expansion of the adjacent home located at 95 Saint Germain, the original 311 Notice for which was posted on September 26, 2018 (**Attachment 2**).

On December 3, 2018, a new 311 Notice (**Attachment 3**) was posted to replace the original notice due to the project sponsors' failure to submit adequate plans. The new 311 Notice was accompanied by updated and revised plans which state in a notation: “EAST HALF OF ELEVATOR SHAFT AND PEDESTRIAN BRIDGE TO BE REMOVED.” As indicated in our DR Application, the elevator shaft and pedestrian bridge are structures that are jointly-owned by the Gautiers and the project sponsors. They straddle the property line between 95 Saint Germain and 99 Saint Germain and are subject to a recorded easement agreement that imposes on the Gautiers and the project sponsors a joint obligation to repair and maintain them at all times.

We write to inform you that by Order dated December 7, 2018, the San Francisco Superior Court granted the Gautiers' application for a Temporary Restraining Order against the project sponsors. The Order prohibits the project sponsors from “further destroying, disassembling, weakening or otherwise tampering with any part of the parties' jointly owned elevator structure and system (collectively the ‘Elevator Structure’) located on [99 Saint Germain] and [95 Saint Germain]” (*Gautier v. Yee* (Super. Ct. S.F. City and County, Dec. 7, 2018, Case No. CGC-18-570147; **Attachment 4**).

In light of the Court's issuance of the Order, our clients reiterate their objection to any plans by the owners of 95 Saint Germain to destroy the elevator structure, in part or in its entirety. We request that the City discontinue its processing of the Building Permit Application until a final judicial resolution regarding the easement agreement between the owners has been reached.



Chris Townes, Senior Planner  
San Francisco Planning Department  
January 2, 2019  
Page 2

To the extent that the City elects to continue its processing of the Building Permit Application, we request that the City also continue to process our corresponding DR Application, as the new 311 Notice and associated plans do not address any of the substantive grounds upon which our DR Application was submitted.

Please do not hesitate to contact me should you have any questions.

Very truly yours,



Robia S. Crisp

#### Attachments

cc: Patrice and Lisa Gautier (Via E-Mail)  
Michael F. Donner (Via E-Mail)  
Emily Charley (Via E-Mail)

**ATTACHMENT 1**



## DISCRETIONARY REVIEW APPLICATION

### APPLICATION SUBMITTAL REQUIREMENTS

Pursuant to Planning Code Section 311 (d) and 312 (c), the Planning Commission may exercise its power of Discretionary Review over a building permit application.

Please read the [Discretionary Review Informational Packet](#) carefully before the application form is completed.

#### WHAT TO SUBMIT:

- Two (2) complete applications signed by owner or agent.
- A Letter of Authorization for Agent from the owner giving you permission to communicate with the Planning Department on their behalf.
- Photographs or plans that illustrate your concerns.
- Related covenants or deed restrictions (if any).
- A digital copy (CD or USB drive) of the above materials (optional)
- Payment via Check, Money Order or debit/credit for the required intake fee amount. (See [Fee Schedule and/or Calculator](#))

#### HOW TO SUBMIT:

To file your Mandatory or Staff Initiated Discretionary Review application, please send an email request along with the intake appointment request form to: [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org). Intake request forms are available here: <http://sf-planning.org/permit-forms-applications-and-fees>.

To file your Public Initiated Discretionary Review (Public) application, please submit in person at the Planning Information Center, 1660 Mission Street, first floor, with all required materials including a check payable to the Planning Department.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415.575.9010。請注意, 規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9121. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



# San Francisco Planning

## DISCRETIONARY REVIEW APPLICATION

### Property Owner's Information

Name: Lisa and Patrice Gautier

Address: 99 Saint Germain Avenue, San Francisco, CA

Email Address: lisa@matteroftrust.org

Telephone: (415) 235-2403

### Applicant Information (if applicable)

Name: Robia S. Crisp on behalf of Property Owner

Same as above

Company/Organization: Hanson Bridgett LLP

Address: 425 Market Street, 26th Floor, San Francisco, CA 94105

Email Address: rcrisp@hansonbridgett.com

Telephone: 415-995-5806

### Please Select Billing Contact:

Owner

Applicant

Other (see below for details)

Name: \_\_\_\_\_ Email: \_\_\_\_\_ Phone: \_\_\_\_\_

### Please Select Primary Project Contact:

Owner

Applicant

Billing

### Property Information

Project Address: 95 Saint Germain Avenue

Block/Lot(s): 2721/050

Plan Area: \_\_\_\_\_

### Project Description:

Please provide a narrative project description that summarizes the project and its purpose.

The proposal is an expansion of the existing garage, and first and second stories of an existing 2,906 square foot single family residence. The proposed expansion will increase the habitable area on the first and second stories, demolish half of an existing elevator structure, and add a new elevator, and increase the garage height to accommodate a parking lift with a roof deck above, and add a rear sunroom.

**Project Details:**

- Change of Use     New Construction     Demolition     Facade Alterations     ROW Improvements  
 Additions     Legislative/Zoning Changes     Lot Line Adjustment-Subdivision     Other Partial Demolition

**Estimated Construction Cost:** \_\_\_\_\_

- Residential:**     Special Needs     Senior Housing     100% Affordable     Student Housing     Dwelling Unit Legalization  
 Inclusionary Housing Required     State Density Bonus     Accessory Dwelling Unit

- Non-Residential:**     Formula Retail     Medical Cannabis Dispensary     Tobacco Paraphernalia Establishment  
 Financial Service     Massage Establishment     Other: \_\_\_\_\_

**Related Building Permits Applications**

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Building Permit Applications No(s): 201509036048

## ACTIONS PRIOR TO A DISCRETIONARY REVIEW REQUEST

In reviewing applications for Certificate of Appropriateness the Historic Preservation Commission, Department staff, Board of Appeals and/or Board of Supervisors, and the Planning Commission shall be governed by *The Secretary of the Interior's Standards for the Treatment of Historic Properties* pursuant to Section 1006.6 of the Planning Code. Please respond to each statement completely (Note: Attach continuation sheets, if necessary). Give reasons as to *how* and *why* the project meets the ten Standards rather than merely concluding that it does so. IF A GIVEN REQUIREMENT DOES NOT APPLY TO YOUR PROJECT, EXPLAIN WHY IT DOES NOT.

PRIOR ACTION	YES	NO
Have you discussed this project with the permit applicant?	✓	
Did you discuss the project with the Planning Department permit review planner?	✓	
Did you participate in outside mediation on this case? (including Community Boards)	✓	

## CHANGES MADE TO THE PROJECT AS A RESULT OF MEDIATION

If you have discussed the project with the applicant, planning staff or gone through mediation, please attach a summary of the result, including any changes that were made to the proposed project.

We are informed that the plans have been revised, in part, to demolish 1/2 of the existing elevator tower that straddles the property line between 99 Saint Germain Avenue and 95 Saint Germain Avenue.

## DISCRETIONARY REVIEW REQUEST

In the space below and on separate paper, if necessary, please present facts sufficient to answer each question.

1. What are the reasons for requesting Discretionary Review? The project meets the standards of the Planning Code and the Residential Design Guidelines. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and site specific sections of the Residential Design Guidelines.

Please see the attached.

- 
2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how.

Please see the attached.

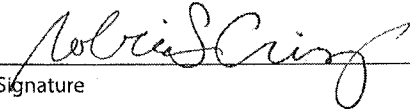
- 
3. What alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?

Please see the attached.

# APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

  
\_\_\_\_\_  
Signature


Robia S. Crisp  
\_\_\_\_\_  
Name (Printed)

Authorized Agent \_\_\_\_\_ 415-995-5806 \_\_\_\_\_  
Relationship to Project \_\_\_\_\_ Phone \_\_\_\_\_  
(i.e. Owner, Architect, etc.)

rcrisp@hansonbridgett.com  
\_\_\_\_\_  
Email

# APPLICANT'S SITE VISIT CONSENT FORM

I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property, making all portions of the interior and exterior accessible.

  
\_\_\_\_\_  
Signature

Robia S. Crisp  
\_\_\_\_\_  
Name (Printed)

10/25/18  
\_\_\_\_\_  
Date

For Department Use Only

Application received by Planning Department:

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

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



October 24, 2018

San Francisco Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: Authorization to File Application for Discretionary Review for 95 Saint  
Germain; Building Permit Application No. 2015.0903.6048**

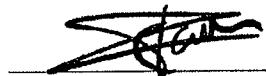
By this letter, we hereby authorize the law firm of Hanson Bridgett LLP to file on our behalf, an  
Application for Discretionary Review.

Please direct any communications or questions regarding the application to Robia Crisp of  
Hanson Bridgett at [rcrisp@hansonbridgett.com](mailto:rcrisp@hansonbridgett.com) or by telephone to (415) 995-5806.

Very truly yours,



\_\_\_\_\_  
Lisa Gautier



\_\_\_\_\_  
Patrice Gautier

**ATTACHMENT TO APPLICATION FOR DISCRETIONARY REVIEW  
OF PROPOSED PROJECT AT 95 SAINT GERMAIN**

Our clients, Lisa and Patrice Gautier, own the property at 99 Saint Germain Avenue ("Gautier Property"). The Gautier Property is improved with a single family residence (the "Gautier Home") and a rear yard. The Gautier Property is adjacent to the west of the proposed project property at 95 Saint Germain Avenue ("Project Site"). The Project Site is currently improved with an approximately 2,653 square foot single family residence (the "Existing Home") and rear yard. Notably, a three-story elevator structure intended to serve both the Gautier Property and the Project Site is located on the side property boundary line between them.

The Project applicant seeks approval to (1) expand the garage of the Existing Home to accommodate a car lift to maintain two off-street parking spaces, by extending it into the required front setback, (2) expand the front of the Existing home on the first and second stories above the garage to accommodate additional habitable space and a new elevator, (3) expand to the rear with a sun deck and (4) demolish half of the existing elevator structure that straddles the shared property line (collectively, the "Project"). The Project required a variance, which was originally denied by the Zoning Administrator by Variance Decision (Case No. 2014-002435VAR) (the "Variance") dated January 28, 2016, and after certain Project revisions were made, approved by the Board of Appeals on July 19, 2017 (Appeal No. 16-018).

Subsequent to the Board of Appeals issuing its decision, it is our understanding that an additional revision has been made, to demolish only the half of the existing elevator structure that is located on the Project Site, leaving the remaining, inoperable and irreparable half on the Gautier Property. This would not only violate a deed restriction that creates an easement between the Gautier Property and Project Site and requires a shared obligation to maintain the elevator structure, it violates the Planning Code, Residential Design Guidelines, and conflicts with General Plan Priority Policies. To the extent that the Project Site is also the subject of a pending Code enforcement proceeding, the Project cannot proceed without resolution of the Notice of Violation (NOV 201719941).

The Project applicant's failure to provide existing plans resulted in the City's determination that a new Section 311 Notice must issue, and the City has not made available the revised plans currently under review in connection with the Section 311 Notice despite our making numerous requests. For purposes of this Discretionary Review Application ("DR Application"), we rely on the set of plans for the Project dated February 8, 2017 ("Plan Set") and submitted by the Project sponsor in connection with its appeal of the denial of the Variance and assume the only additional revision is to demolish half of the elevator structure. As of the date of this DR Application, a new notice has not been posted and we reserve the right to supplement this DR Application should the City issue a new Section 311 Notice.

For the reasons described in detail below, we request that the Planning Commission exercise its discretionary review powers over the proposed Project.

**ATTACHMENT TO APPLICATION FOR DISCRETIONARY REVIEW  
OF PROPOSED PROJECT AT 95 SAINT GERMAIN**

1. **What are the reasons for requesting Discretionary Review? The project meets the minimum standards of the Planning Code. What are the exceptional and extraordinary circumstances that justify Discretionary Review of the project? How does the project conflict with the City's General Plan or the Planning Code's Priority Policies or Residential Design Guidelines? Please be specific and cite specific sections of the Residential Design Guidelines.**

a. The Section 311 Notice Fails to Satisfy Planning Code Requirements and is Inadequate to Inform Neighboring Residents.

Based on the lack of current and accurate plans, the Section 311 Notice clearly does not satisfy the stated purpose of Planning Code Section 311, to provide notice to property owners and residents on the site and neighboring the site of the proposed project so that concerns about a project may be identified and resolved during the review of the permit. (SFPC 311(a).) It is impossible to understand or evaluate the scope of the project without an opportunity to view plans and a new Section 311 Notice must be issued to allow for an adequate review period.

b. Exceptional and Extraordinary Circumstances Justify Discretionary Review of the Project.

i. The proposed Project diminishes the architectural integrity of the homes on the Gautier Property and Project Site by altering the front façade and demolishing half of the existing elevator structure. The Gautier Home and Existing Home were designed and built in or around 1979 by Eugene ("Jeno") Lorincz. Mr. Lorincz and his development company, Architects Urban Development Corp., are best known for Mid-Century Modern residential designs and for developing various residential buildings in San Francisco's Diamond Heights and Twin Peaks neighborhoods. Mr. Lorincz owned both 95 and 99 Saint Germain Avenue and built the pair of homes largely as mirror images, and featuring the existing elevator structure between them.

In addition to adversely impacting the architectural merits of the properties, the Project will alter the physical characteristics of the existing setback and change the symmetry and visual harmony along the street frontage. The Project proposes significant alterations to the front façade of the Existing Home and will encroach into the 15-foot front setback required under Section 132 of the Planning Code by nearly five feet.

ii. The required findings for a Variance are not supported by the evidence.

First, there are no exceptional or extraordinary circumstances applying to the Project Site that do not apply generally to other property or uses in the same class or district. Second, even assuming the upslope topography and elevator structure somehow present exceptional and extraordinary circumstances, there is no evidence that owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of the Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.

**ATTACHMENT TO APPLICATION FOR DISCRETIONARY REVIEW  
OF PROPOSED PROJECT AT 95 SAINT GERMAIN**

The elevator structure is accessible from the street level where the existing garage is located and with repair, would ascend to the third story landing (first story above the two-level garage and basement) where the front door to the Existing Home is located. Marginally improved access is not sufficient to satisfy the requirement that the Variance is needed in order to alleviate an unnecessary hardship, particularly where an accommodation for the Project would result in a severe and unnecessary hardship to the Gautiers.

Maintenance costs for the existing elevator structure similarly does not justify or support a finding that the literal enforcement of the Code would result in practical difficulty not created by or attributable to the applicant. In this case, the proposed Project will demolish half of an existing elevator structure and replace it with a new elevator in a different location that presumably will still require maintenance. Moreover, the Project applicant's requested accommodation does not support the need for the expansion of the first and second levels above the garage to increase habitable space.

Third, there is no evidence to support that the Variance is needed for the Project applicant's preservation and enjoyment of a substantial property right possessed by other properties in the same district. In fact, the front expansion deviates from the required front setbacks that are provided by other properties on the block, including the Gautier Property.

Fourth, the Variance to allow the front expansion of three levels of the Existing Home will be materially detrimental and injurious to the Gautier Property and the property to the east of the Project Site, as it will block light, air and views.

Finally, as discussed below, the proposed Project does not conform to the General Plan.

iii. Conflicts With General Plan Priority Policies (Planning Code Section 101.1(1) and Residential Design Guidelines. The proposed Project conflicts with the General Plan Priority Policy set forth in Planning Code Section 101.1(1)(b)(2), to conserve and protect the existing housing and neighborhood character in order to preserve the cultural and economic diversity of our neighborhoods. As discussed above, the proposed Project wholly ignores the impacts of recklessly demolishing half of an existing structure on the neighborhood character.

Section 311 of the Planning Code provides that the alteration of existing residential buildings in R districts shall be consistent with the design policies and guidelines of the General Plan and with the Residential Design Guidelines adopted by the Planning Commission. The Design Principles seek to ensure that a building's scale is compatible with surrounding buildings...[and] maintains light to adjacent properties by providing adequate setbacks... (Residential Design Guidelines, p. 5.) Where, as here, a proposed project will have light impacts on neighboring buildings, the Design Guidelines recommend design modifications to minimize impacts, including modifications to "[p]rovide setbacks on the upper floors of the building." (Residential Design Guidelines, p. 16.) As proposed, the Project results in light, air and privacy impacts on the upper floors of the Gautier Home and the home to the east of the Project Site.

**ATTACHMENT TO APPLICATION FOR DISCRETIONARY REVIEW  
OF PROPOSED PROJECT AT 95 SAINT GERMAIN**

- 2. The Residential Design Guidelines assume some impacts to be reasonable and expected as part of construction. Please explain how this project would cause unreasonable impacts. If you believe your property, the property of others or the neighborhood would be unreasonably affected, please state who would be affected, and how:**

Demolition of half of the elevator structure itself is unreasonable and infeasible (and a violation of an easement that was reserved in Instrument 1981-92112 of Official Records, recorded June 1, 1981 in Book D211, Page 490) and its aesthetic and practical impact—to leave an irreparable partial structure within the side setback of the Gautier Property—is impermissible under any basic design standard. The proposed demolition of half of the elevator structure without the consent of the Gautiers violates a deed restriction requiring that the structure be shared and cooperatively maintained by the owners of the Project Site and the Gautiers, and also threatens the structure's legal nonconforming status.

In addition, the front expansion of the first and second levels above the garage by approximately 5 feet will block views from the Gautier Home, and result in light, air and privacy impacts on the adjacent residential lots.

- 3. Alternatives or changes to the proposed project, beyond the changes (if any) already made would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in question #1?**

Again, without the benefit of reviewing the revised plans, it is impossible to meaningfully evaluate the proposed Project. At this time, we believe changes, including those listed below, would respond to the exceptional and extraordinary circumstances and reduce the adverse effects noted above in response to Question No. 1:

- Preserve and repair the shared elevator structure.
- Set the proposed expansion of the first and second levels of the Existing Home back from the west and east side property lines, consistent with applicable design guidelines.

# EXHIBIT A

6  
 RECORDING REQUESTED BY  
 AND WHEN RECORDED MAIL TO  
 NAME Edward Sheewood Yee  
 ADDRESS 248 Amber Blvd.  
 CITY & STATE San Francisco Ca 94131

WESTERN TITLE INS. CO.  
 D 92112  
 1981 JUN -1 PM 1:00  
 SAN FRANCISCO, CALIF  
 RECORDED  
 300: D211 PAGE 490  
 5:11 P

Title Order No. \_\_\_\_\_ Escrow No. 597241

MAIL TAX STATEMENTS TO  
 NAME Same as above  
 ADDRESS \_\_\_\_\_  
 CITY & STATE \_\_\_\_\_

SPACE ABOVE THIS LINE FOR RECORDER'S USE  
 Documentary transfer tax \$ 187.50  
 Computed on full value of property conveyed, or  
 Computed on full value less liens and encumbrances remaining thereon at time of sale.  
Paul D. Anderson Western Title Ins. Co.  
 Signature of declarant or agent determining tax - firm name

50  
 LA 262721

**Corporation Grant Deed**  
 WESTERN TITLE FORM NO. 102

FOR VALUE RECEIVED, ARCHITECTS URBAN DEVELOPEMENT CORP., a California corporation and LORINCZ, LTD, a California Corporation

GRANTS to EDWARD SHEWOOD YEE and VICTORIA JEAN YEE, his wife, as community property,

all that real property situate in the \_\_\_\_\_ City and \_\_\_\_\_  
 County of San Francisco, State of California, described as follows:

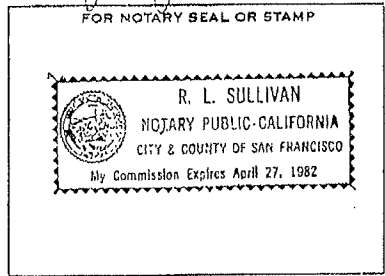
See Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, said corporation has executed these presents by its officers thereunto duly authorized, this 26th day of May 1981 ARCHITECTS URBAN DEVELOPEMENT CORP., a corporation, LORINCZ, LTD, now known as ARCHITECTS URBAN DEVELOPEMENT CORP.

By [Signature] PRESIDENT  
 By Ruth Lorincz SECRETARY  
 By [Signature] GRANTEE X  
 By Victoria J. Yee GRANTEE  
 By Victoria Jean Yee GRANTEE

STATE OF CALIFORNIA  
 City and County of San Francisco  
 On May 27, 1981, before me, the undersigned a Notary Public, in and for said State, personally appeared Jeno Lorincz and Ruth Lorincz

known to me to be the \_\_\_\_\_ President and the \_\_\_\_\_ Secretary of the corporation that executed the within instrument, and also known to me to be the persons who executed it on behalf of such corporation, and acknowledged to me that such corporation executed the same, and further acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its Board of Directors.  
[Signature]  
 Notary Public



STATE OF CALIFORNIA

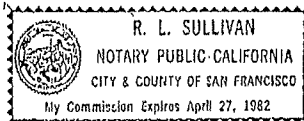
City and County of San Francisco } ss.  
On May 27, 1981, before me, Ruth L. Sullivan

a Notary Public, in and for said State, personally appeared  
Jeno Lorincz and Ruth Lorincz known to me

to be the President and the Secretary of the corporation that executed  
the within instrument, and also known to me to be the persons who executed it on  
behalf of such corporation, and acknowledged to me that such corporation executed the within  
instrument pursuant to its by-laws or a resolution of its Board of Directors.

My commission expires 4-27-82  
*Ruth L. Sullivan*  
Notary Public

BOOK D211 PAGE 491





PARCEL ONE:

Lot 15, Block 16, Subdivision No. 2 of Clarendon Heights, filed February 18, 1891, Map Book 1, Page 186 San Francisco County Records. EXCEPTING THEREFROM that portion conveyed to CALIFORNIA PACIFIC TITLE & TRUST COMPANY by deed recorded March 5, 1935, Book 2755 O.R. Page 195, San Francisco County Records.

RESERVING THEREFROM an easement and right of way for pedestrians, maintenance, use and repair of elevator, maintenance room, equipment and incidentals thereto over, under, along and across the westerly 5 feet of the northerly 35.742 feet of said land.

PARCEL TWO:

AN EASEMENT and right of way for pedestrians, maintenance, use and repair of elevator, maintenance room equipment and incidents thereto over, under, along and across the easterly 5 feet of the northerly 35.288 feet of the Lot 14, Block 16, Subdivision No. 2 of Clarendon Heights, filed February 18, 1891, Map Book 1 Page 186, San Francisco County Records.

EXCEPTING THEREFROM that portion conveyed to CALIFORNIA PACIFIC TITLE AND TRUST COMPANY by deed recorded March 5, 1935, Book 2755 O.R. Page 195, San Francisco County Records.

IT IS HEREBY AGREED AND UNDERSTOOD between the grantor and grantee herein that the above described property shall be subject to the following covenants which shall run with the land:

1. Maintenance and repair:  
Cost of maintenance and repair will be shared equally by the two owners.
2. Right of Access:  
Owner of 99 St. Germain Avenue will give free and unlimited access to P.G. & E. to enter into the garage of 99 St. Germain Avenue to read the meter.
3. Machine Room:  
Access to the machine room is through the door located at 99 St. Germain Avenue. Owner of 99 St. Germain Avenue will give unlimited access to the machine room for repair and maintenance. Neither owner will have the right to change the locks or keys to the machine room without the approval and consent of the other owner, and each owner shall cooperate with the other as to the time and use of the elevator. Each shall report to the other any irregularities or breakdowns that may occur and act promptly in joint consultation to obtain timely repair.

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Lot 15, Block 16, Subdivision No. 2 of Clarendon Heights, filed February 18, 1891, Map Book 1, Page 186 San Francisco County Records. EXCEPTING THEREFROM that portion conveyed to CALIFORNIA PACIFIC TITLE & TRUST COMPANY by deed recorded March 5, 1935, Book 2755 O.R. Page 195, San Francisco County Records.

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1. Maintenance and repair:  
Cost of maintenance and repair will be shared equally by the two owners.
2. Right of Access:  
Owner of 99 St. Germain Avenue will give free and unlimited access to P.G. & E. to enter into the garage of 99 St. Germain Avenue to read the meter.
3. Machine Room:  
Access to the machine room is through the door located at 99 St. Germain Avenue. Owner of 99 St. Germain Avenue will give unlimited access to the machine room for repair and maintenance. Neither owner will have the right to change the locks or keys to the machine room without the approval and consent of the other owner, and each owner shall cooperate with the other as to the time and use of the elevator. Each shall report to the other any irregularities or breakdowns that may occur and act promptly in joint consultation to obtain timely repair.

# EXHIBIT B

Application for Discretionary Review at 95 Saint Germain Avenue

95 Saint Germain Ave      99 Saint Germain Ave



View of 95 and 99 Saint Germain.

Application for Discretionary Review at 95 Saint Germain Avenue



Elevator structure between 95 Saint Germain and 99 Saint Germain

**Application for Discretionary Review at 95 Saint Germain Avenue**



View from master bedroom in Gautier Home. The Existing Home at 95 Saint Germain will be expanded to the front and angled toward the Gautier Home.

**HANSON BRIDGETT LLP**

CHECK NUMBER: 71118  
CHECK DATE: 10-23-18

REF. #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	AMT. PAID
431373	35666.1-102318	10-23-18	617.00	Discretionary Review Application (35666.1)	617.00

**CHECK DATE**  
October 23, 2018

First Republic Bank  
111 Pine Street  
San Francisco, CA 91111

**HANSON BRIDGETT LLP**

425 MARKET STREET, 26TH FLOOR 415-777-3200  
SAN FRANCISCO, CA 94105

CHECK NO. 71118

11-8166/3210

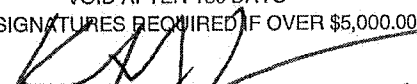
CHECK AMOUNT

**\$ 617.00**

PAY SIX HUNDRED SEVENTEEN AND 00/100 Dollar(s)

TO THE ORDER OF **San Francisco Planning Department**  
**1650 Mission Street, Suite 400**  
**San Francisco, CA 94103**

VOID AFTER 180 DAYS  
TWO SIGNATURES REQUIRED IF OVER \$5,000.00

  
\_\_\_\_\_  
\_\_\_\_\_

⑈071118⑈ ⑆321081669⑆ 80006976288⑈

Security Features. Details on back.

## **ATTACHMENT 2**





**SAN FRANCISCO  
PLANNING DEPARTMENT**

1630 Market Street Suite 400 San Francisco, CA 94103

**NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)**

On September 3, 2015, the Applicant named below filed Building Permit Application No. 2015-0503-0048 with the City and County of San Francisco.

**PROJECT INFORMATION**

Project Address: 65 Bond Street, San Francisco, CA 94102  
 Cross Streets: 6th Street & Third Floor Blvd  
 Block or Lot: 272.000  
 Zoning District: RH-400-40-X  
 Parcel No.: 2014-00323981

**APPLICANT INFORMATION**

Applicant: Andrew Wong, AIA  
 Address: 692 Market Street, Suite 1000  
 City, State: San Francisco, CA 94102  
 Telephone: (415) 381-9433  
 Email: andrew@andrewwong.com

You are receiving this notice as a property owner or tenant within 100 feet of the proposed project. You are not required to have any action. For more information about the proposed project, the applicant's contact information, or the project, please contact the applicant or the Planning Department. If you believe that there are exceptional circumstances that may affect the project, you may request a Planning Commission hearing. A Planning Commission hearing must be held if you request a variance or a special use permit. Applications requiring a discretionary review hearing must be filed with the Planning Department at least 15 business days before the date of the hearing. If you request a discretionary review hearing, you must file a written statement of your reasons for the request with the Planning Department at least 15 business days before the date of the hearing. If you request a discretionary review hearing, you must file a written statement of your reasons for the request with the Planning Department at least 15 business days before the date of the hearing. If you request a discretionary review hearing, you must file a written statement of your reasons for the request with the Planning Department at least 15 business days before the date of the hearing.

Map(s) of the project are not required to provide persons displaying information when they communicate with the Commission. The Department will make a best effort to provide a map of the project to the applicant. The Department's website or in person may be available to the public for a fee. The Department will make a best effort to provide a map of the project to the applicant. The Department's website or in person may be available to the public for a fee.

**PROJECT SCOPE**

- Description:  New Construction  Alteration  Erection
- Change of Use:  Repair/Alteration  Other Addition  Vertical Addition
- Repair/Alteration:  Site Action  Vertical Addition

PROJECT SCOPE	EXISTING	PROPOSED
Building Use	Residential (single family home)	No change
Front Elevation	12 feet 6 inches (to face of bay window)	11 feet 3 inches (to face of bay window)
Side Elevation	None	No change
Building Depth	67 feet 6 inches	74 feet 6 inches
Front Yard	32 feet 3 inches	28 feet
Building Height	4 feet 4 inches	No change
Number of Stories	2 over ground-level garages (total level 4 levels)	No change
Number of Dwelling Units	1	No change
Number of Parking Spaces	2	No change

**PROJECT DESCRIPTION**

The applicant is an expansion of the existing garage, first and second stories to an existing 2,066 sq. ft. 41 foot 4 inches tall building over two-level basement, single family residence with two off-street parking spaces. The 144 square foot expansion will increase the habitable area on the first and second stories and add a new elevator, increase the garage height from 8'-4" to 10' to accommodate a parking lift with a roof deck above, and add a rear sunroom. The project would increase the height of the existing 15'0" height building, therefore, a front yard variance was required. On January 5, 2016, the Planning Commission (PC) denied the variance (see Case No. 2014-002435(VAR)), however, on February 5, 2016, the applicant filed Appeal No. 16-0178) and ordered that the variance denial be overruled. See attached plans for detail. The issuance of the building permit by the Department of Building Inspection of the Planning Commission project approval or a practical review hearing would constitute as the Approval Action for the project for the purposes of CEQA, pursuant to Section 311(d)(1) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:  
 Planner: Chris Young  
 Telephone: (415) 576-6195  
 Email: chris.young@sfgov.org

Notice Date: 09/25/2015  
 Expiration Date: 10/25/2015

**ATTACHMENT 3**



# SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

## NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On September 3, 2015, the Applicant named below filed Building Permit Application No. 2015.0903.6048 with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	95 Saint Germain Ave	Applicant:	Ambrose Wong, AIA
Cross Streets:	Glenbrook Ave & Twin Peaks Blvd	Address:	582 Market Street, Suite 1600
Block of No.:	2721/050	City, State:	San Francisco, CA 94104
Zoning District:	RH-1(D) 40-X	Telephone:	(415) 381-9933
Record No.:	2014-002435PRJ	Email:	ambrose@garavaglia.com

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

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

PROJECT SCOPE		
<input type="checkbox"/> Demolition	<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Alteration
<input type="checkbox"/> Change of Use	<input checked="" type="checkbox"/> Facade Alteration(s)	<input checked="" type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input type="checkbox"/> Vertical Addition

PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential (single family home)	No change
Front Setback	12 feet 6 inches (to face of bay window)	11 feet 3 inches (to face of bay window)
Side Setbacks	As per	No change
Building Depth	67 feet 6 inches	74 feet 6 inches
Rear Yard	32 feet 2 inches	25 feet
Building Height	41 feet 4 inches	No change
Number of Stories	2 over ground-level garage w/att level (4 levels)	No change
Number of Dwelling Units	1	No change
Number of Parking Spaces	2	No change

**PROJECT DESCRIPTION**

The proposal is an expansion of the existing garage, first and second stories to an existing 2,906 sf, 41 feet 4 inches tall, two-story over two-level basement, single family residence with two off-street parking spaces. The 144 square foot expansion will increase the habitable area on the first and second stories, add a new elevator, increase the garage height from 9'-4" to 14'-0" to accommodate a parking lot with a roof deck above, and add a rear sunroom. The project would encroach into the required 14'-6" front setback, therefore, a front yard variance was required. On January 28, 2016, the Zoning Administrator (ZA) denied the variance (ref. Case No. 2014-002435VAR); however, on February 5, 2016, the sponsor filed an appeal of the ZA decision to the Board of Appeals (BOA) on the basis that the Americans with Disabilities Act requires the elevator as a disability accommodation. On November 18, 2017, the BOA granted the appeal (ref. Appeal No. 16-018) and ordered that the variance denial be overruled. See attached plans for details.

The issuance of the building permit by the Department of Building Inspection or the Planning Commission project approval at a discretionary review hearing would constitute an Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(b) of the San Francisco Administrative Code.

For more information, please contact Planning Department staff:

Planner: Chris Townes  
 Telephone: (415) 575-8195  
 E-mail: chris.townes@sfgov.org

Notice Date: 12/3/2018  
 Expiration Date: 1/2/2019

**ATTACHMENT 4**

1 HANSON BRIDGETT LLP  
MICHAEL F. DONNER (SBN 155944)  
2 mdonner@hansonbridgett.com  
EMILY M. CHARLEY (SBN 238542)  
3 echarley@hansonbridgett.com  
425 Market Street, 26th Floor  
4 San Francisco, California 94105  
Telephone: (415) 777-3200  
5 Facsimile: (415) 541-9366

6 Attorneys for Plaintiffs  
LISA and PATRICE GAUTIER,  
7 as Co-Trustees of the Gautier Family Living  
Trust Dated February 3, 2007  
8

9 SUPERIOR COURT OF CALIFORNIA  
10 FOR THE CITY AND COUNTY OF SAN FRANCISCO  
11

12 LISA GAUTIER and PATRICE GAUTIER,  
Co-Trustees of The Gautier Family Living  
13 Trust Dated February 3, 2007,

14 Plaintiffs,

15 v.

16 EDWARD S. YEE, M.D. and VICTORIA J.  
YEE, Co-Trustees Under That Certain  
17 Trust Agreement Dated January 29, 1984,  
and DOES 1 through 100, inclusive,

18 Defendants.  
19  
20

Case No. CGC-18-570147

**ORDER GRANTING PLAINTIFFS' EX  
PARTE APPLICATION FOR  
TEMPORARY RESTRAINING ORDER  
AND OSC RE PRELIMINARY  
INJUNCTION**

**[PROPOSED]**

**Hearing:**

Date: December 7, 2018

Time: 11:00 a.m.

Dept.: 501

Action Filed: September 27, 2018

Trial Date: None Set

21  
22 The *Ex Parte* Application ("Application") of Plaintiffs Lisa Gautier and Patrice  
23 Gautier, Co-Trustees of The Gautier Family Living Trust Dated February 3, 2007  
24 (collectively, "Plaintiffs") for a Temporary Restraining Order and an OSC Re Preliminary  
25 Injunction came on for hearing on December 7, 2018 in Department 501 of the above-  
26 entitled Court, Hon. Ronald Evans Quidachay, presiding. Appearances were stated for  
27 the record.

28 ///

1 For good cause appearing, and based on the evidence and arguments presented  
2 in connection with and at the hearing,

3 **IT IS HEREBY ORDERED** that:

4 1. The Application is granted.

5 2. Defendants Edward S. Yee, M.D. and Victoria J. Yee, Co-Trustees Under  
6 That Certain Trust Agreement Dated January 29, 1984 (collectively, "Defendants") shall  
7 appear for a hearing on Jan 2, 2019 at 9<sup>30</sup> a.m. in Department 501 of this Court  
8 located at 400 McAllister Street, San Francisco, California 94012, to show cause why a  
9 preliminary injunction should not be issued to enjoin Defendants, and all persons acting  
10 for, on behalf of, or in concert with Defendants, from:

11 (a) Further destroying, disassembling, weakening or otherwise  
12 tampering with any part of the parties' jointly-owned elevator structure and system  
13 (collectively the "Elevator Structure") located on Plaintiffs' property and Defendants'  
14 property;

15 ~~(b) Further breaching the covenants of the two reciprocal easements~~  
16 ~~identified in that certain instrument recorded in the Official Records of the San Francisco~~  
17 ~~Recorder's Office as Document No. 1981-92112 (collectively, the "Easements");~~

18 (c) Further interfering with Plaintiffs' efforts (and those of their agents,  
19 employees, representatives, and independent contractors) to repair and maintain the  
20 Elevator Structure ~~and to other comply with the Easements' covenants,~~ *by objecting to Plaintiff's lack of authority*

21 ~~through the City~~ (d) Further interfering with Plaintiffs' efforts (and those of their agents, *property rights*  
22 employees, representatives, and independent contractors) to address and remediate all  
23 Notices of Violation issued by the Department of Building Inspection of the City and  
24 County of San Francisco with respect to the Elevator Structure, and

25 ~~(e) Further trespassing onto Plaintiffs' property.~~

26 3. This Order to Show Cause and Plaintiffs' application for Preliminary  
27 Injunction shall be served on Defendants by personal service or overnight mail no later  
28 than Dec. 10, 2018 *no later than* Proof of such service shall be filed at least 2 *court*

1 days prior to the hearing. Any opposition papers to the Order to Show Cause shall be  
2 filed and served on Plaintiffs by personal service or overnight mail no later than  
3 Dec. 21, 2018. Any reply papers to the opposition shall be filed and served on  
4 Defendants by personal service or overnight mail no later than Dec. 27, 2018.

5 **IT IS FURTHER ORDERED THAT** a Temporary Restraining Order is hereby  
6 entered enjoining Defendants, and all persons acting for, on behalf, or in concert with  
7 Defendants, from engaging in the conduct described above in Paragraph 2,<sup>(a)</sup> and that  
8 pending hearing of the Order to Show Cause and Plaintiffs' application for Preliminary  
9 Injunction, local law enforcement officers are authorized to enforce this Order to the full  
10 extent of the law, pursuant to Penal Code Section 166(a).

11 **IT IS SO ORDERED.**

12  
13 Dated:

12/7/18

  
HON. RONALD EVANS QUIDACHAY

January 30, 2019

## EMAIL

David Winslow  
Principal Architect  
San Francisco Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103  
david.winslow@sfgov.org

Re: Discretionary Review – Building Permit Application No. 2015.0903.6048

Dear Mr. Winslow:

I write on behalf of Edward and Victoria Yee, the project sponsors for Building Permit Application No. 2015.0903.6048 (“Application”), in response to the Supplemental Application for Discretionary Review (“DR Request”), submitted by Lisa and Patrice Gautier to your office on January 2, 2019.

Although Mr. and Mrs. Yee have already submitted written responses to the DR Request, using the Planning Department’s online form, I write separately to address the Gautiers’ cover letter accompanying the DR Request, through which they inform the Planning Department “that by Order dated December 7, 2018, the San Francisco Superior Court granted the Gautiers’ application for a Temporary Restraining Order against the project sponsors” in connection with the Yees’ proposed demolition of a portion of an elevator tower structure as part of their Application. The DR Request asks “that the City discontinue its processing of the . . . Application until a final judicial resolution regarding the easement agreement between [the Yees and the Gautiers] has been reached.”

I wish to clarify that the Superior Court’s Order in no way restricts the Yees from pursuing the Application. Nor does it restrict the City from considering or granting the Application. The temporary Order merely prevents the Yees from executing on a building permit arising out of the Application, to the extent such execution involves physical actions to “destroy[], disassembl[e], weaken[] or otherwise tamper[] with” the elevator tower structure. (*See* DR Request, Attachment 4.) The Gautiers provide no legal authority—and we are aware of none—that would require the City to suspend consideration of the Application due to simultaneous civil easement litigation.



Mr. David Winslow  
January 30, 2019  
Page 2

The Yees' Application has been pending since 2015, and it is of paramount importance that the City continue its review, notwithstanding the Court's Order. This permitting process must continue pursuant to normal City procedures, while the parallel litigation proceeds on a separate track. The animating reason for the Yees' Application—structural upgrades to 95 St. Germain Ave. to assist with age and disability-related issues—is increasingly urgent. Their entitlement to pursue the Application with the City should not be subordinated to the Gautiers' easement lawsuit, which was filed after the Application had already been pending for more than three years.

Please let me know if you have any questions or concerns. I am happy to discuss this matter further, at your convenience.

Very truly yours,

DAVIS WRIGHT TREMAINE LLP

A handwritten signature in blue ink, appearing to read 'J. Freed', is positioned below the typed name.

Jake Freed

cc: [chris.townes@sfgov.org](mailto:chris.townes@sfgov.org)

# RESPONSE TO DISCRETIONARY REVIEW (DRP)



**San Francisco**  
**Planning**

**SAN FRANCISCO PLANNING DEPARTMENT**  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2479  
MAIN: (415) 558-6378 SFPLANNING.ORG

---

## Project Information

---

Property Address:

Zip Code:

Building Permit Application(s):

Record Number:

Assigned Planner:

---

## Project Sponsor

---

Name:

Phone:

Email:

---

## Required Questions

---

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

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

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

---

## Project Features

Please provide the following information about the project for both the existing and proposed features. **Please attach an additional sheet with project features that are not included in this table.**

	EXISTING	PROPOSED
Dwelling Units (only one kitchen per unit - additional kitchens count as additional units)		
Occupied Stories (all levels with habitable rooms)		
Basement Levels (may include garage or windowless storage rooms)		
Parking Spaces (Off-Street)		
Bedrooms		
Height		
Building Depth		
Rental Value (monthly)		
Property Value		

I attest that the above information is true to the best of my knowledge.

<b>Signature:</b>	<b>Date:</b>
<b>Printed Name:</b>	<input type="checkbox"/> Property Owner <input type="checkbox"/> Authorized Agent

*If you have any additional information that is not covered by this application, please feel free to attach additional sheets to this form.*



582 MARKET ST. SUITE 1800  
SAN FRANCISCO, CA 94104

T: 415.391.9633  
F: 415.391.9647

[www.garavaglia.com](http://www.garavaglia.com)

7 February 2019

President Rich Hillis and Planning Commissioners  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 95 St. Germain Avenue  
Brief in Support of the Project and denial of Discretionary Review (DR)  
Building Permit #201509036048

Dear President Hillis and Commissioners:

I have been asked by the Project Sponsors, Ed and Victoria Yee (owner's of 95 St. Germain Avenue) to respond to the issues raised by the DR Requestors - Patrice and Lisa Gautier owners of 99 St Germain Avenue.

Please understand that the elevator and garage roof project is being undertaken to provide for an accommodation of the owner's disability. It needs to be constructed so as to accommodate future wheelchair use in a cost efficient manner. The Board of Permit Appeals issued (along with the Zoning Administrator's concurrence) the variance in a Notice of Decision for Appeal No. 16-018 for this project. In public testimony the owner's physical disability was acknowledged.

To directly quote the Board's Decision Findings and Conclusions #7:

"The Board finds evidence in the record that Property owner Victoria Yee possesses a physical disability, as defined by the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA), which requires the use of an elevator, and that the existing elevator is inoperable and in its present location cannot reach the second story (bedroom level) of the Property."

Specific point-by-point responses to the Requestor's brief follow:

1.a. The project documents have been deemed complete (twice) and were thoroughly circulated by the planning department. The project has been designed in compliance with all applicable codes and standards by the Planning Department. All notification requirements were met and all parties have had ample time to review the proposed project.

1.b.i. The buildings adjacent to 95 and throughout the neighborhood have varied design styles - ranging from traditional to modern, and from small to large (**see Exhibits 1 & 2**).

95's and 99's designer, Eugene Lorincz, is not a recognized Mid-Century Modern designer in San Francisco. He is not mentioned in the list of over 125 designers in "**San Francisco Modern Architecture and Landscape Design, 1935-1970**" (SF Planning's official statement on historic modern architecture). The two buildings were built around 1979, making them only 40 years old. This is not an age eligible building - 50 years is the minimum age to be considered potentially historic. The designer would have to be very exceptional to be considered historically significant in a period of less than 50 years - which he is not. Additionally, my firm is listed in Planning's consultant pool as a qualified architectural historian.

The two buildings are not true mirror images. **See Exhibit 3**. The siding is different and overall the internal layouts vary. A high-level design expression does not exist here. The buildings provide basic shelter and are not of a high design genre.

Of note the proposed design was altered to have a more symmetrical bay window by the Residential Design Team (RDT) and should answer design issues about maintaining a symmetrical expression. Originally we had avoided asking for any more of a variance than was absolutely needed for the elevator installation.

1.b.ii. The variance is not appeal-able in this venue - that time has passed. It was issued with full knowledge of Planning Code Section 305.1 regarding Reasonable Modifications. This elevator is a necessity for a disabled owner to age-in-place- it is not a preference. Being it is a necessity, the expense for reasonable accommodations for the disabled should be minimized - so suggesting that excess costs be incurred for the accommodation creates a hardship. The proposed elevator provides access to primary areas within the home. Also, the DR requestor has not acknowledged a basic right provided under the ADA - which the project's variance approval does.

The existing elevator is completely inadequate for repair or extension (**Exhibit 4**). It only serves two floors of a four-story building- the street and the main level entry, which is mid-level between the living room and kitchen - thus not internally accessible. Unlike what is being suggested by the Requestor, the cab of a properly designed and constructed code compliant elevator cannot be made to accommodate a wheelchair - there is not enough physical space to accomplish it.

1.b.iii. This project adds about 115 s.f. of floor area to the front of the residence (38 s.f. on 3 floors) - 10% of that is an architectural change that was requested by the RDT, thus there is very little effect on the existing building's configuration or its neighbors. (**Exhibit 5**). Light and air blockage is barely perceptible by the Gautiers (99) (and non-existent for the residents at 91). Removal of the existing elevator shaft will improve the light and air to the entry areas of both homes.

Finally there are no privacy issues created by the additions, as there are no changes to existing window configurations that could create a privacy concern.

2. The private easement is not a topic that the Planning Commission can address in a DR hearing. The deteriorated condition, missing cab and electrical service, and resultant danger of the existing elevator and bridge make it irreparable as it currently exists. In November of 2017 individual Notices of Violation (201719941 & 201719942) were issued to both property owners by the SF Building Department. Our structural engineer's report's determination, and normal construction methodologies, precludes this structure from being repaired. It is completely unusable and beyond repair - even the cab had been removed.

The Gautiers (99) repair plans inserted a new dumbwaiter into the existing elevator footprint. We presented an alternate inclined dumbwaiter design concept that fit completely on their side of the property line. It was rejected.

Views are not to be considered in a DR request - although the worst-case scenario for the percentage of loss of a peripheral Eastern view in the North living spaces is less than 3%. **See exhibit 5.**

3. The existing elevator is irreparable and completely inadequate for use by a disabled person in a wheelchair. Consider this - suggesting (as the DR Requestor seems to be) that a disabled person can approach the elevator from the street to access an elevator that is too small to accommodate a wheelchair so she can access her interior landing and then not be able to go further into her home is ridiculous. - and then image that on a stormy day.

In closing the proposed design has been evaluated, and is supported by, Planning staff, and is in compliance with all applicable design guidelines, and has been fully communicated to the neighborhood per mandatory notification procedures.

Due to the minor modifications being proposed as an accommodation of a disability and a desire of the property owners to age in place, we request denial of the request by Patrice and Lisa Gautier for a DR Hearing and approval of the project. Thank you for your time and patience in this review.

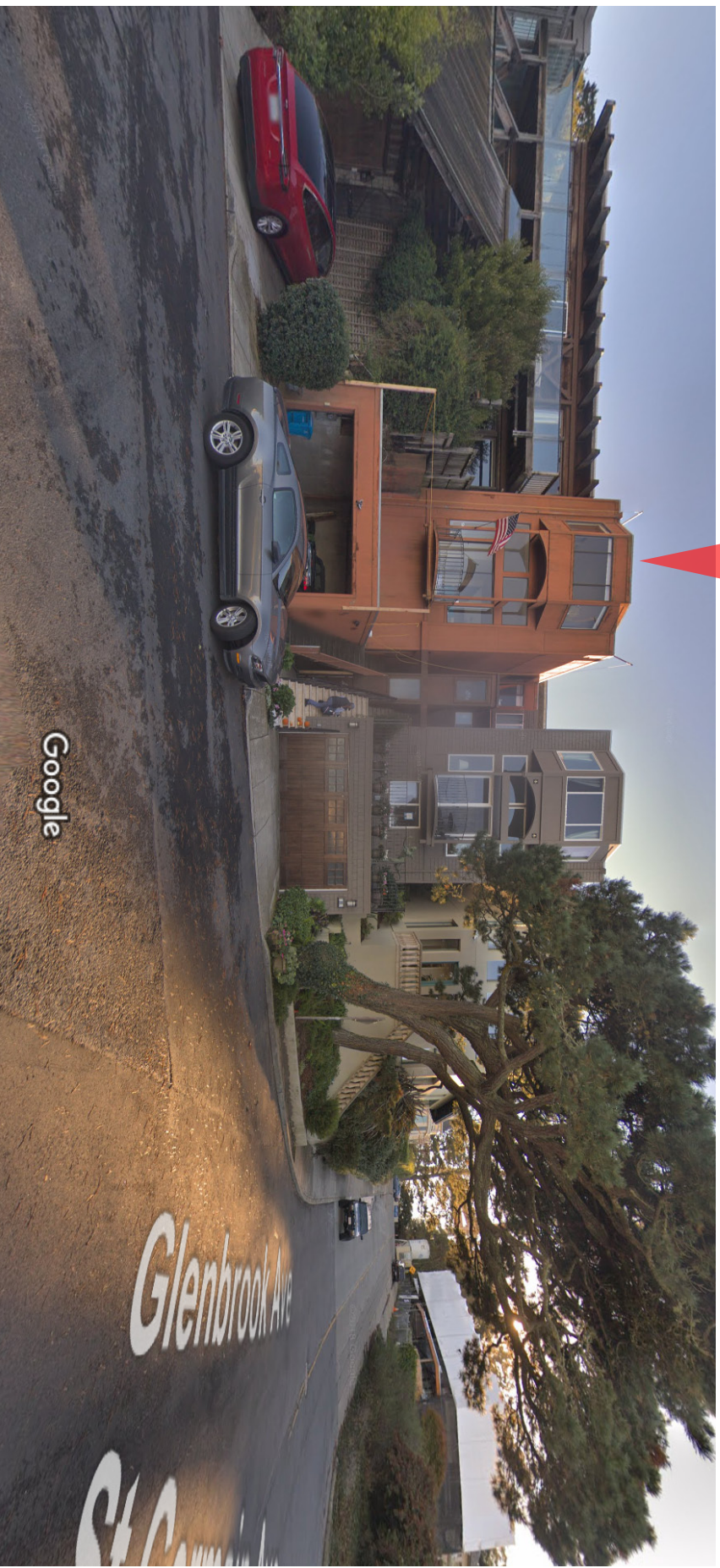
Sincerely,



Michael Garavaglia, A.I.A., LEED AP BD+C  
President, Garavaglia Architecture, Inc.

Attachments

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Google Maps 87 St Germain Ave



Image capture: Nov 2017 © 2019 Google

San Francisco, California

Google

Street View - Nov 2017



Google Maps 65 St Germain Ave

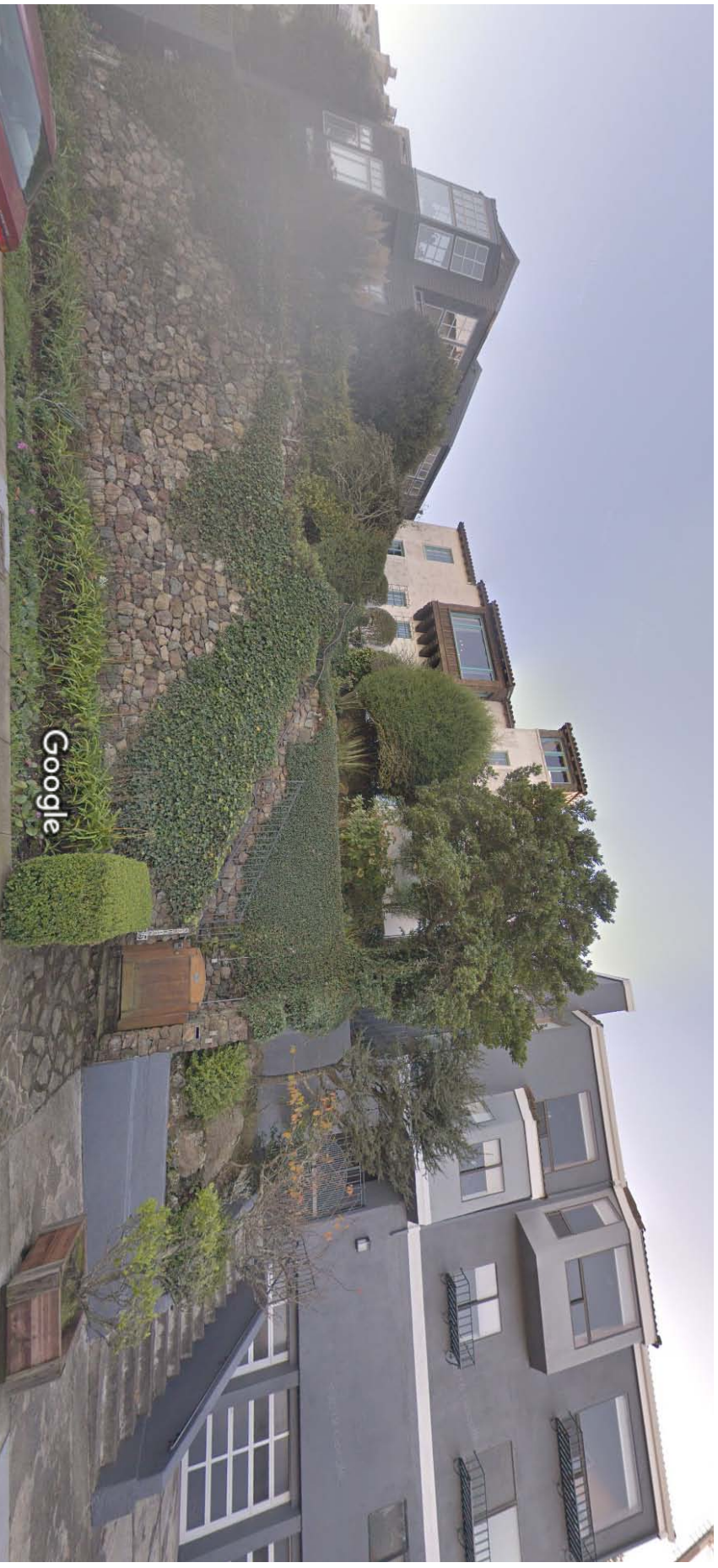


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Google Maps 9 St Germain Ave



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Google

Street View - Nov 2017

Google Maps 95 St Germain Ave



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Street View - Nov 2017

Google Maps 87 St Germain Ave

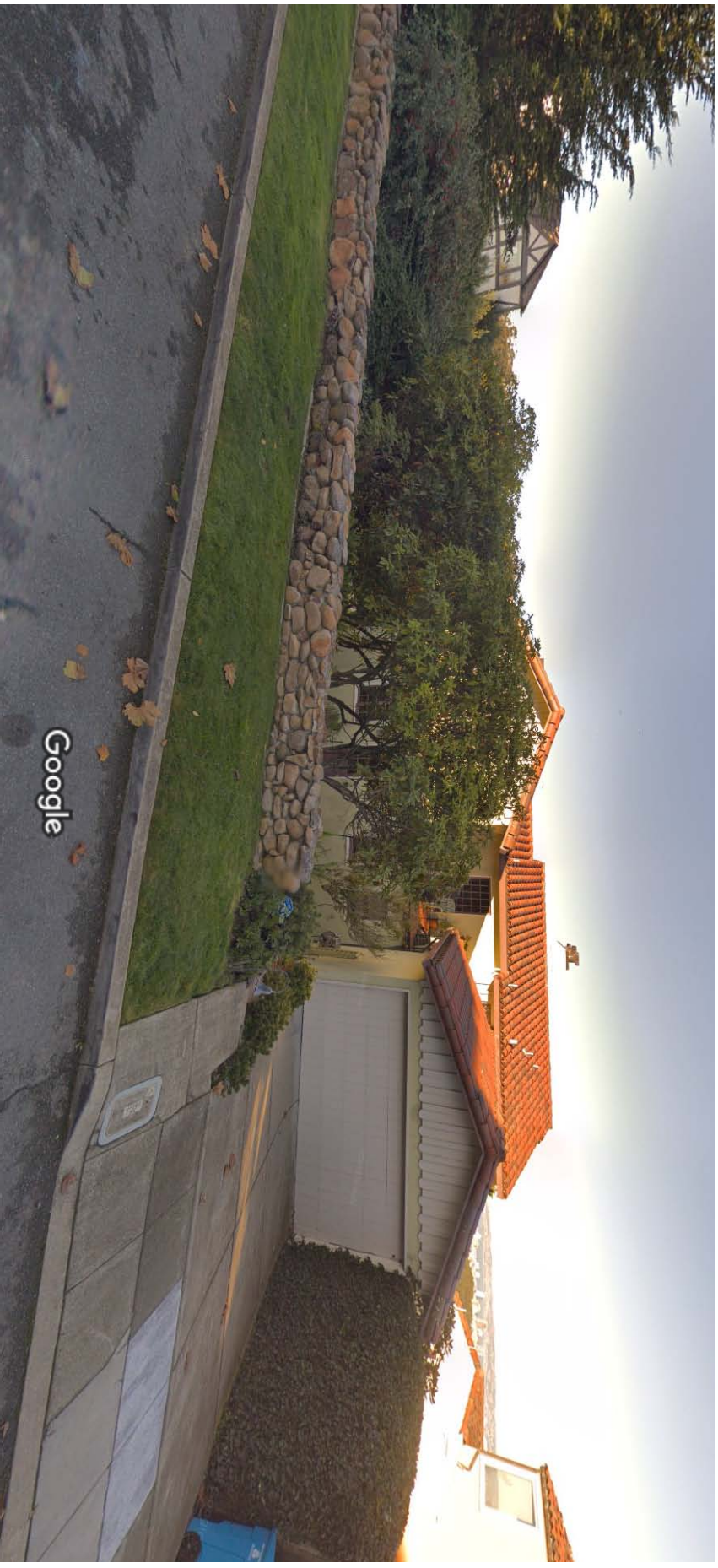


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Google Maps 70 St Germain Ave



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Street View - Nov 2017

Google Maps 65 St Germain Ave



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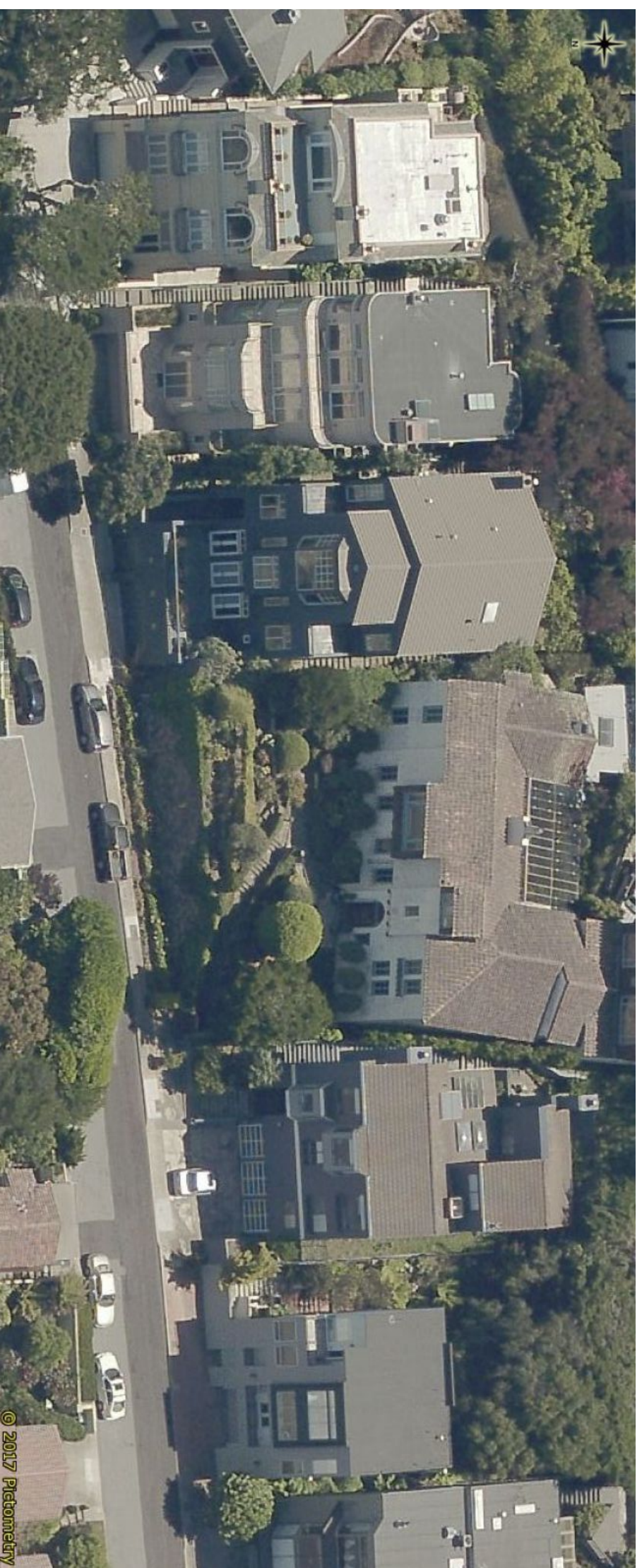
Street View - Nov 2017

# St. Germain South (west)





# St. Germain South (east)



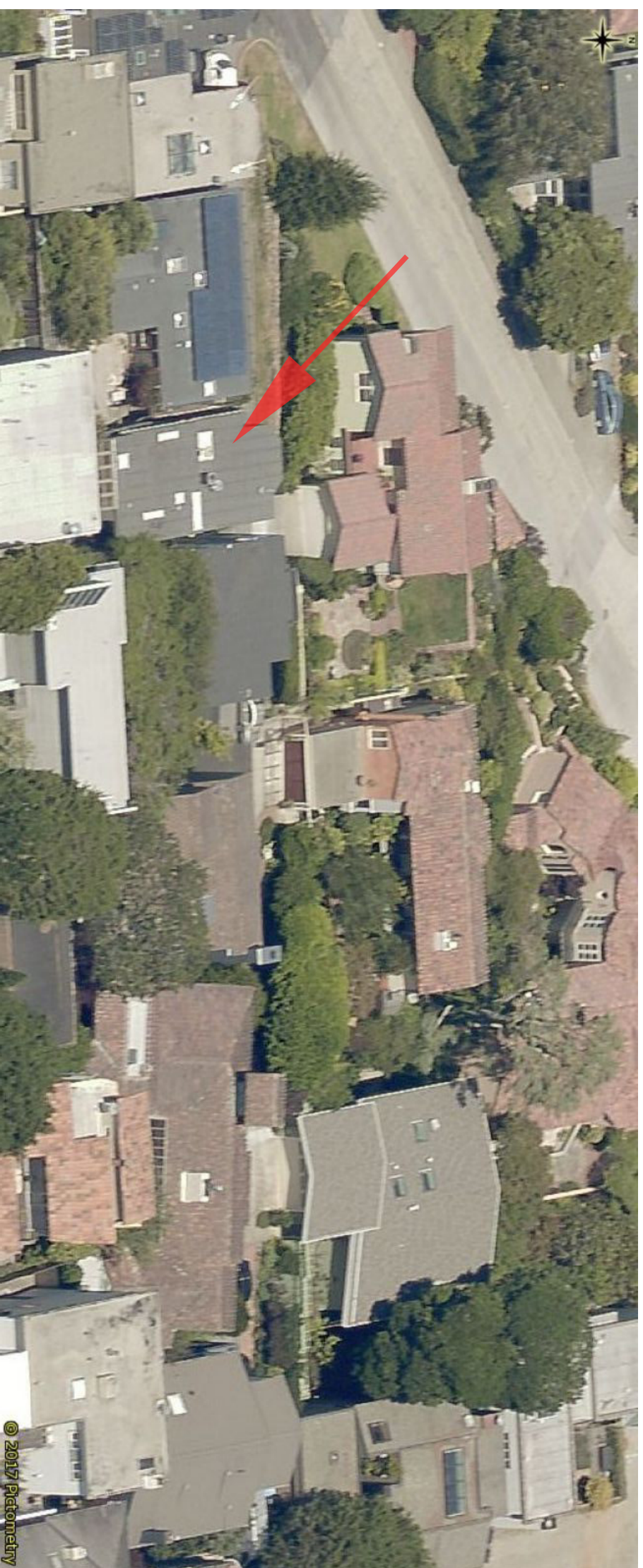
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# St. Germain North (west)



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# St. Germain North (east)



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Google Maps 99 St Germain Ave



Image capture: Aug 2015 © 2017 Google

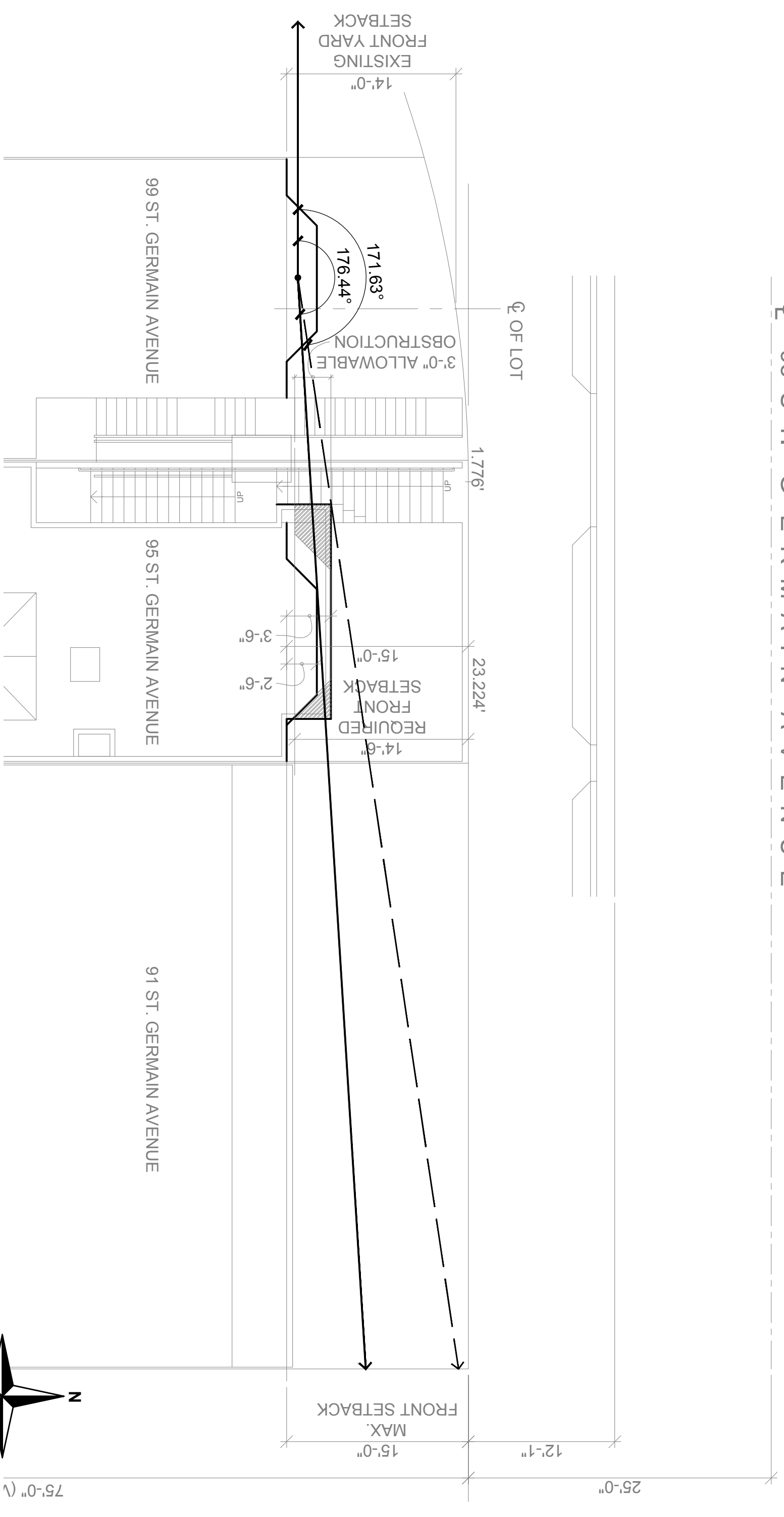
San Francisco, California

Street View - Aug 2015

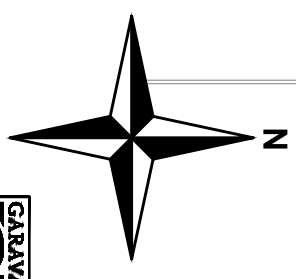
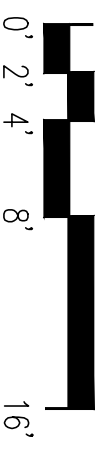


95

95 ST. GERMAIN AVENUE



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



**PROJECT DESCRIPTION:**

THE PROPOSAL IS AN EXPANSION OF THE EXISTING GARAGE, FIRST AND SECOND STORIES TO AN EXISTING 2,906 SF, 41 FEET 4 INCHES TALL, 2-STORY OVER 2-BASEMENT, SINGLE FAMILY RESIDENCE WITH TWO OFF-STREET PARKING SPACES. THE 144 SQUARE FOOT EXPANSION WILL INCREASE THE HABITABLE AREA ON THE FIRST AND SECOND STORIES, ADD A NEW ELEVATOR, INCREASE THE GARAGE HEIGHT FROM 9'-4" TO 14'-0" TO ACCOMMODATE A PARKING LIFT WITH A ROOF DECK ABOVE, AND ADD A REAR SUNROOM. THE PROJECT WOULD ENCR OACH INTO THE REQUIRED 14'-6" FRONT SETBACK; THEREFORE, A FRONT YARD VARIANCE WAS REQUIRED. ON JANUARY 28, 2016, THE ZONING ADMINISTRATOR (ZA) DENIED THE VARIANCE (REF: CASE NO. 2014-002435VAR); HOWEVER, ON FEBRUARY 5, 2016, THE SPONSOR FILED AN APPEAL OF THE ZA DECISION TO THE BOARD OF APPEALS (BOA) ON THE BASIS THAT THE AMERICANS WITH DISABILITIES ACT REQUIRES THE ELEVATOR AS A DISABILITY ACCOMMODATION. ON NOVEMBER 15, 2017, THE BOA GRANTED THE APPEAL (REF: APPEAL NO. 16-018) AND ORDERED THAT THE VARIANCE DENIAL BE OVERRULED.

**PROJECT INFORMATION**

ADDRESS: 95 ST. GERMAIN AVE.  
SAN FRANCISCO, CA 94114

BLOCK/LOT NO: 2721/050

ZONING: GROUP RH-1(D)40-X

OCCUPANCY: GROUP R-3

CONSTRUCTION TYPE: TYPE V-B

**PROJECT DATA SUMMARY:**

EXISTING BUILDING FOOTPRINT AREA: 1,760 SF  
 PROPOSED BUILDING FOOTPRINT AREA: 1,815 SF  
 NET LOT AREA: 25'-0" x 100'-0" = 2,500 SF  
 EXISTING HEIGHT: 41'-4" +/-  
 (MEASURED FROM BoW TO ROOF CURB; UPHILL LOT)  
 EXISTING STORIES: 2 OVER AT-GRADE GARAGE

**GROSS FLOOR AREA (SF):**

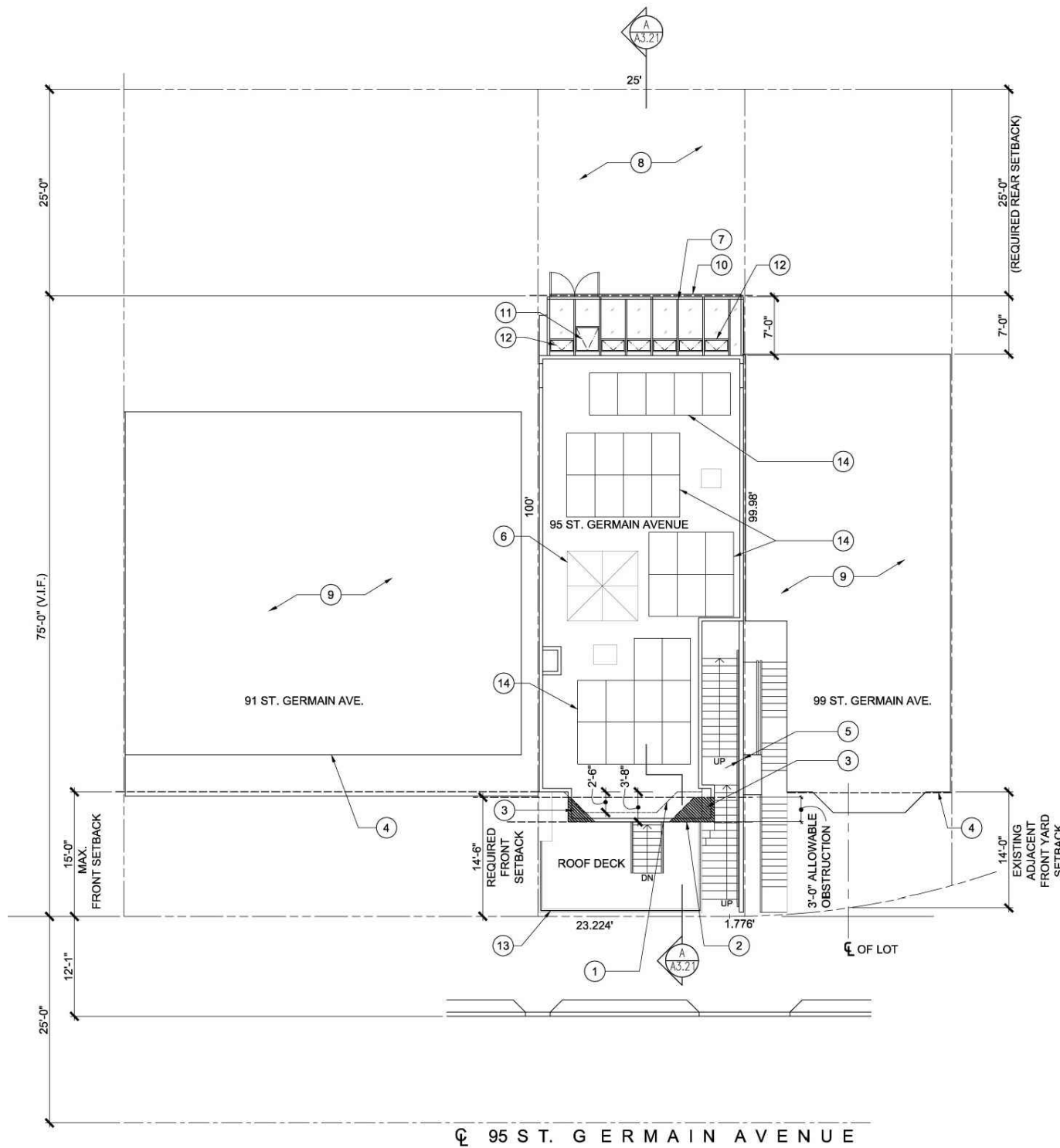
	EXISTING	ADDTL PROPOSED	TOTAL
GARAGE	337	0	337
MECH. LOFT	101	47	148
FIRST FLR.	1,220	63	1,283
SECOND FLR.	1,248	34	1,282
<b>TOTAL</b>	<b>2,906</b>	<b>144</b>	<b>3,050</b>

**SHEET NOTES**

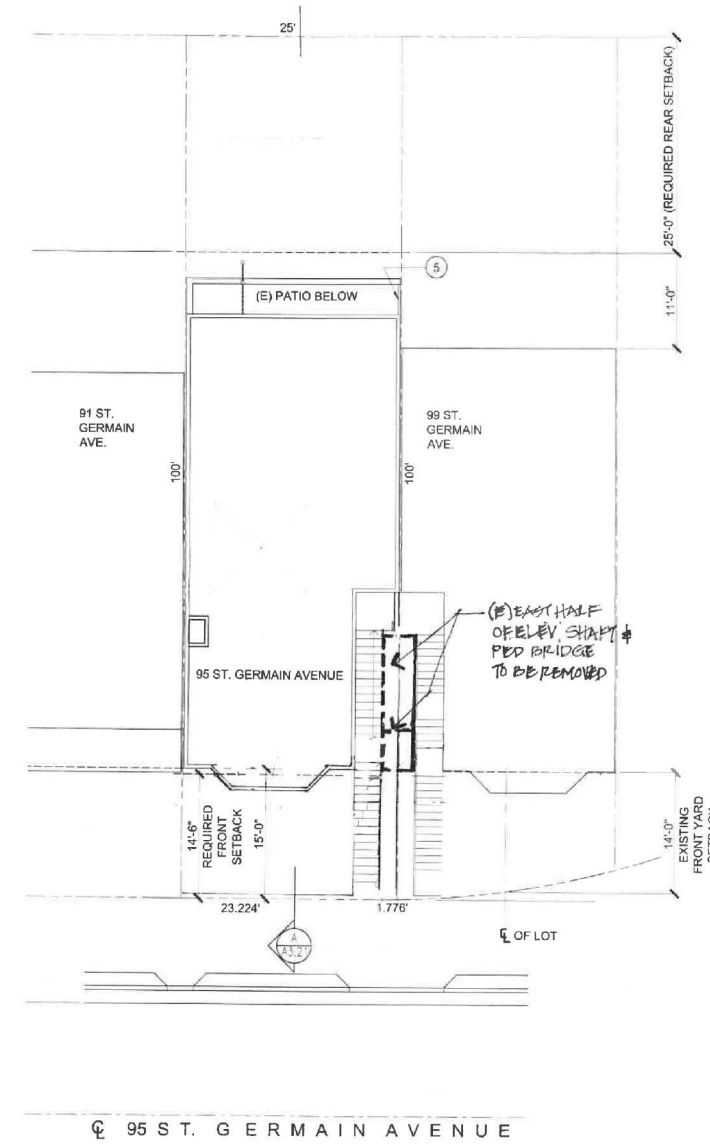
- SETBACKS SHOWN ARE PER ZONING CODE TABLE 209.1 AND SECTION 132 (a), APPLICABLE FOR PROPOSED USE



95 ST. GERMAIN AVE.  
 RENOVATION  
 SAN FRANCISCO, CA 94114



**1 PROPOSED SITE / ROOF PLAN**  
 SCALE: 1/8" = 1'-0"



**2 EXISTING SITE / ROOF**  
 SCALE: 1/8" = 1'-0"

**KEY NOTES**

- OUTLINE OF (E) FRONT BAY
- DASHED LINE SHOWS ALLOWABLE OBSTRUCTION
- CROSS HATCHED AREA IS AREA BEYOND LIMIT OF ALLOWED OBSTRUCTION
- MAIN WALL OF ADJACENT BUILDING
- (N) LOW WALL GUARD W/ HAND RAIL @ STAIR
- (E) SKYLIGHT
- (N) ALUMINUM FRAMED GREENHOUSE
- (E) TERRACE WALLS & STEPS
- (E) ADJACENT BUILDING
- (N) GUTTER
- GLAZED ACCESS HATCH
- (N) TEMPERED GLASS GUARD
- (N) PHOTOVOLTAIC PANELS (N.I.C.)

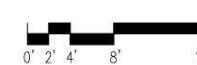
**SITE/ROOF PLAN**  
 PROPOSED / EXISTING

PROJ. NO. 2016 - 080  
 SCALE AS NOTED  
 DATE 8 FEB 2017  
 PHASE CD  
 DRAWN HA  
 CHECKED AW

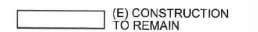
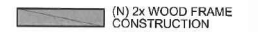
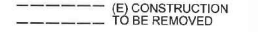
NO. DATE REVISION  
 24 APR 2018 SITE PERMIT

SHEET NO.  
**A-1.11**

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**WALL LEGEND**

-  (E) CONSTRUCTION TO REMAIN
-  (N) 2x WOOD FRAME CONSTRUCTION
-  (E) CONSTRUCTION TO BE REMOVED

**FLOOR PLANS**  
**EXISTING/DEMO**

PROJ. NO. 2016 - 080  
 SCALE AS NOTED  
 DATE 8 FEB 2017  
 PHASE CD  
 DRAWN HA  
 CHECKED AW

NO. DATE REVISION  
 24 APR 2018 SITE PERMIT

SHEET NO.  
**A-2.01**

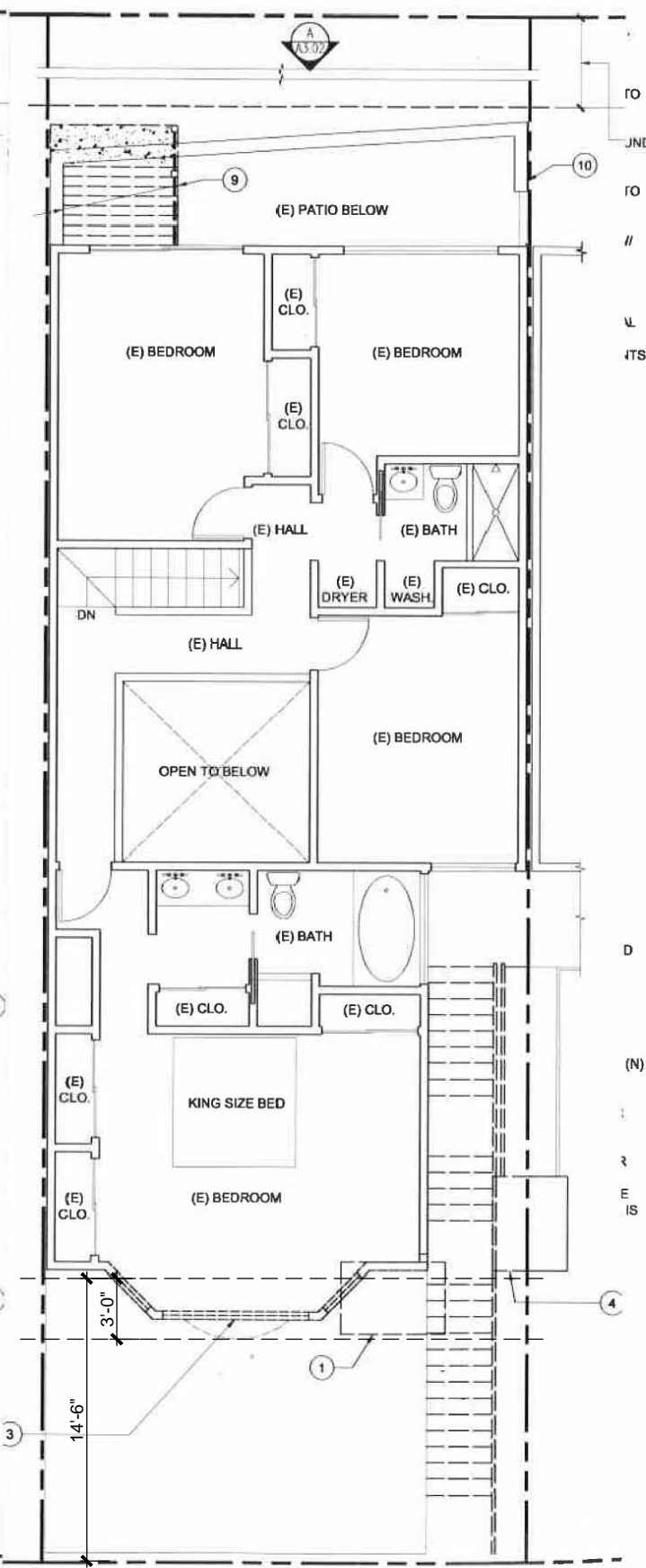
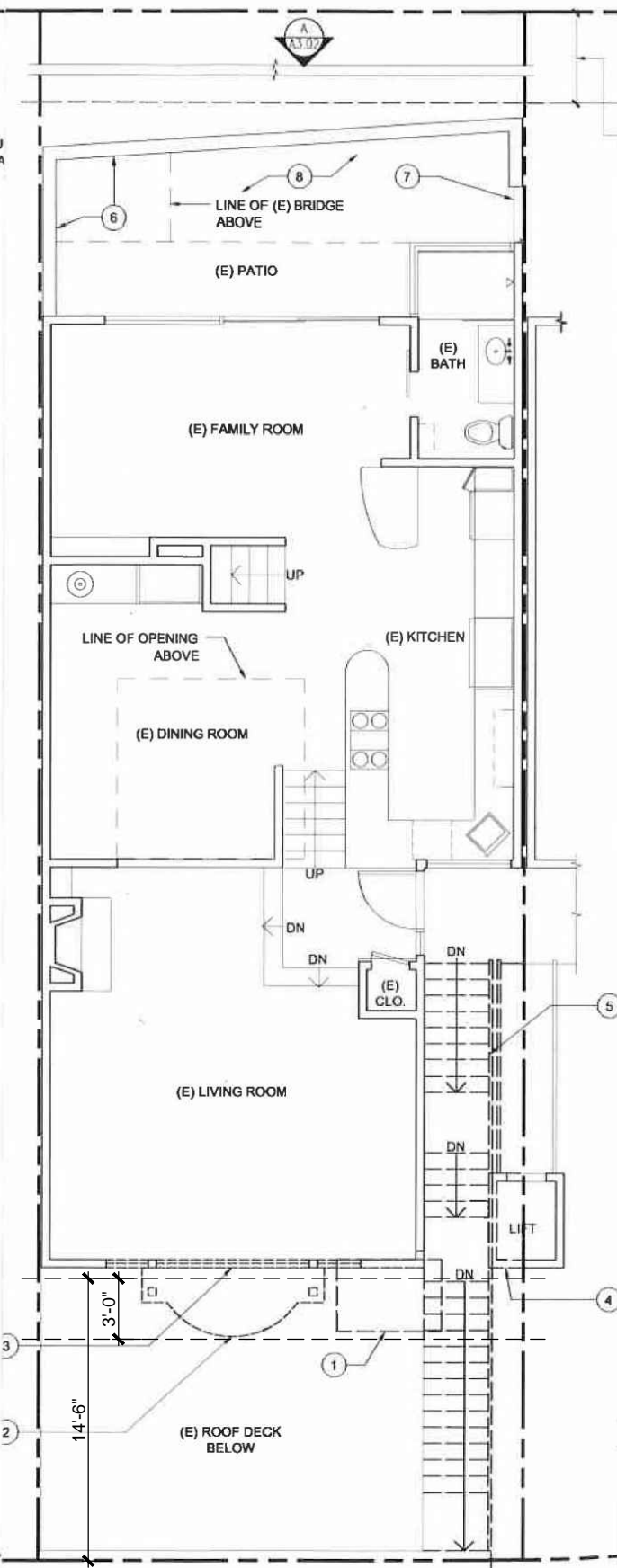
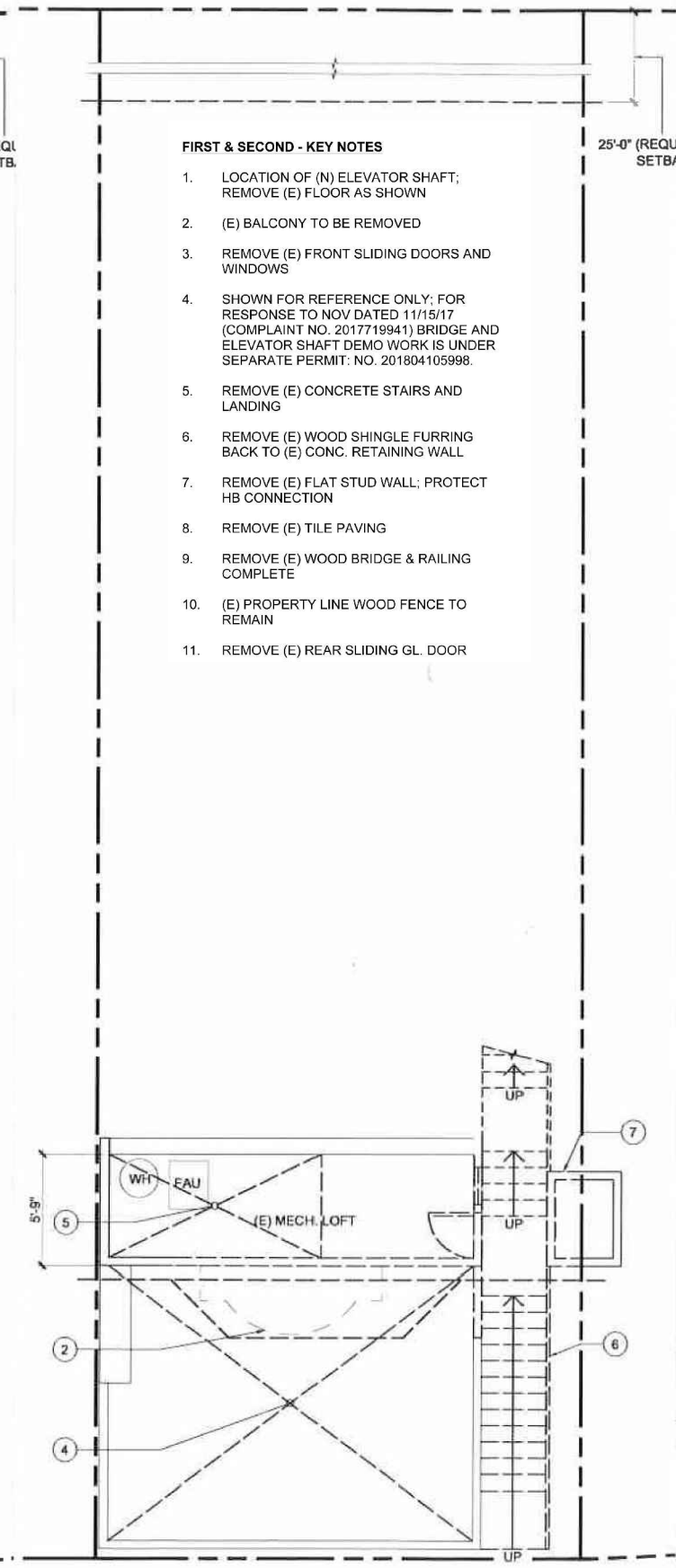
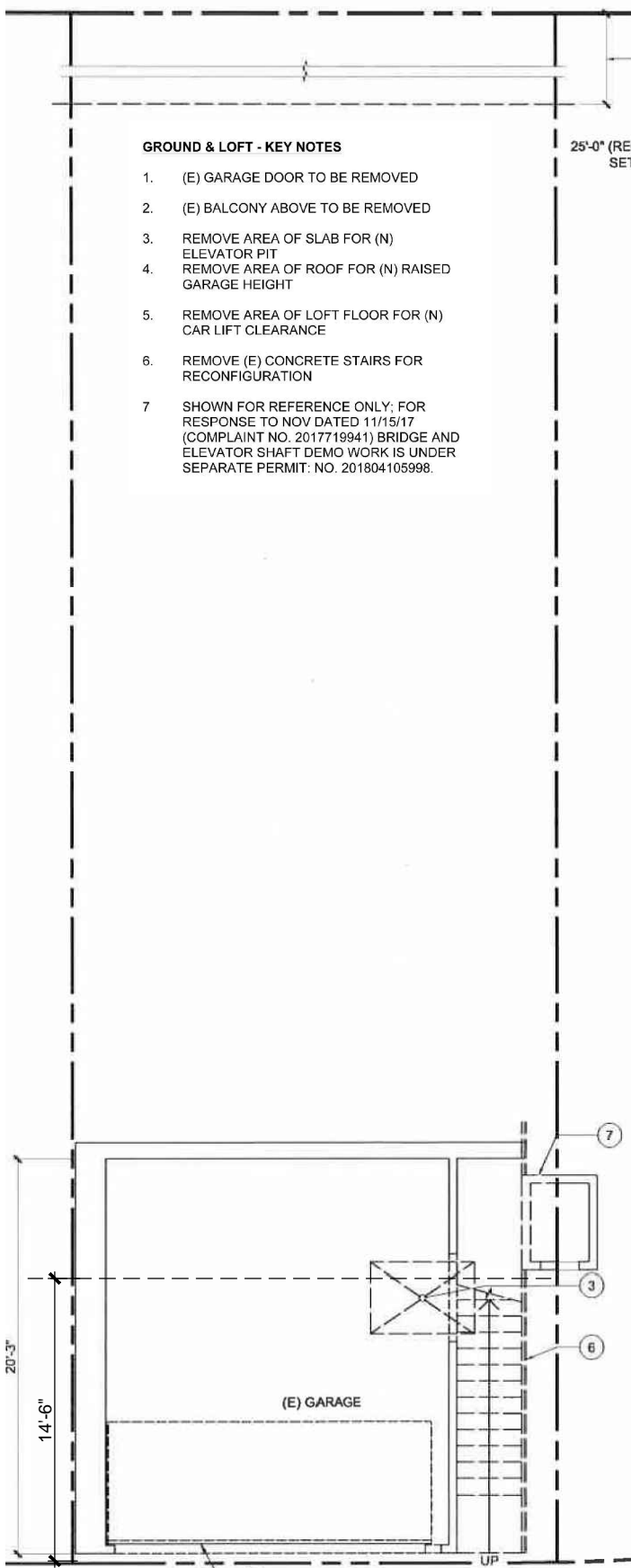
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**GROUND & LOFT - KEY NOTES**

1. (E) GARAGE DOOR TO BE REMOVED
2. (E) BALCONY ABOVE TO BE REMOVED
3. REMOVE AREA OF SLAB FOR (N) ELEVATOR PIT
4. REMOVE AREA OF ROOF FOR (N) RAISED GARAGE HEIGHT
5. REMOVE AREA OF LOFT FLOOR FOR (N) CAR LIFT CLEARANCE
6. REMOVE (E) CONCRETE STAIRS FOR RECONFIGURATION
7. SHOWN FOR REFERENCE ONLY; FOR RESPONSE TO NOV DATED 11/15/17 (COMPLAINT NO. 2017719941) BRIDGE AND ELEVATOR SHAFT DEMO WORK IS UNDER SEPARATE PERMIT: NO. 201804105998.

**FIRST & SECOND - KEY NOTES**

1. LOCATION OF (N) ELEVATOR SHAFT; REMOVE (E) FLOOR AS SHOWN
2. (E) BALCONY TO BE REMOVED
3. REMOVE (E) FRONT SLIDING DOORS AND WINDOWS
4. SHOWN FOR REFERENCE ONLY; FOR RESPONSE TO NOV DATED 11/15/17 (COMPLAINT NO. 2017719941) BRIDGE AND ELEVATOR SHAFT DEMO WORK IS UNDER SEPARATE PERMIT: NO. 201804105998.
5. REMOVE (E) CONCRETE STAIRS AND LANDING
6. REMOVE (E) WOOD SHINGLE FURRING BACK TO (E) CONC. RETAINING WALL
7. REMOVE (E) FLAT STUD WALL; PROTECT HB CONNECTION
8. REMOVE (E) TILE PAVING
9. REMOVE (E) WOOD BRIDGE & RAILING COMPLETE
10. (E) PROPERTY LINE WOOD FENCE TO REMAIN
11. REMOVE (E) REAR SLIDING GL. DOOR

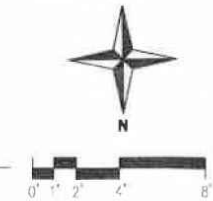


**1 GROUND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

**2 LOFT FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"




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

**SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"





**WALL LEGEND**

-  (E) CONSTRUCTION TO REMAIN
-  (N) 2x WOOD FRAME CONSTRUCTION
-  (E) CONSTRUCTION TO BE REMOVED

**FLOOR PLANS**  
**PROPOSED**

PROJ. NO. 2016 - 080  
 SCALE AS NOTED  
 DATE 8 FEB 2017  
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NO.	DATE	REVISION
24	APR 2018	SITE PERMIT

SHEET NO.  
**A-2.11**

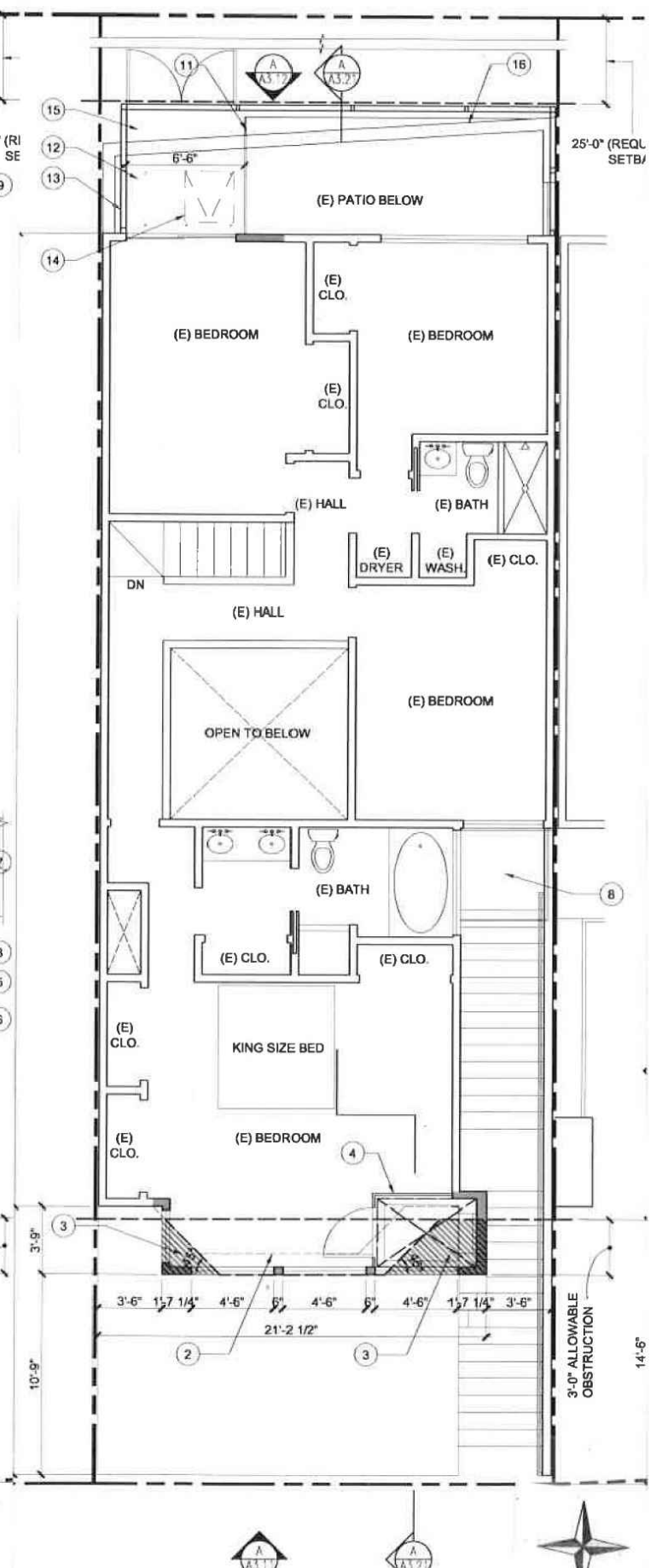
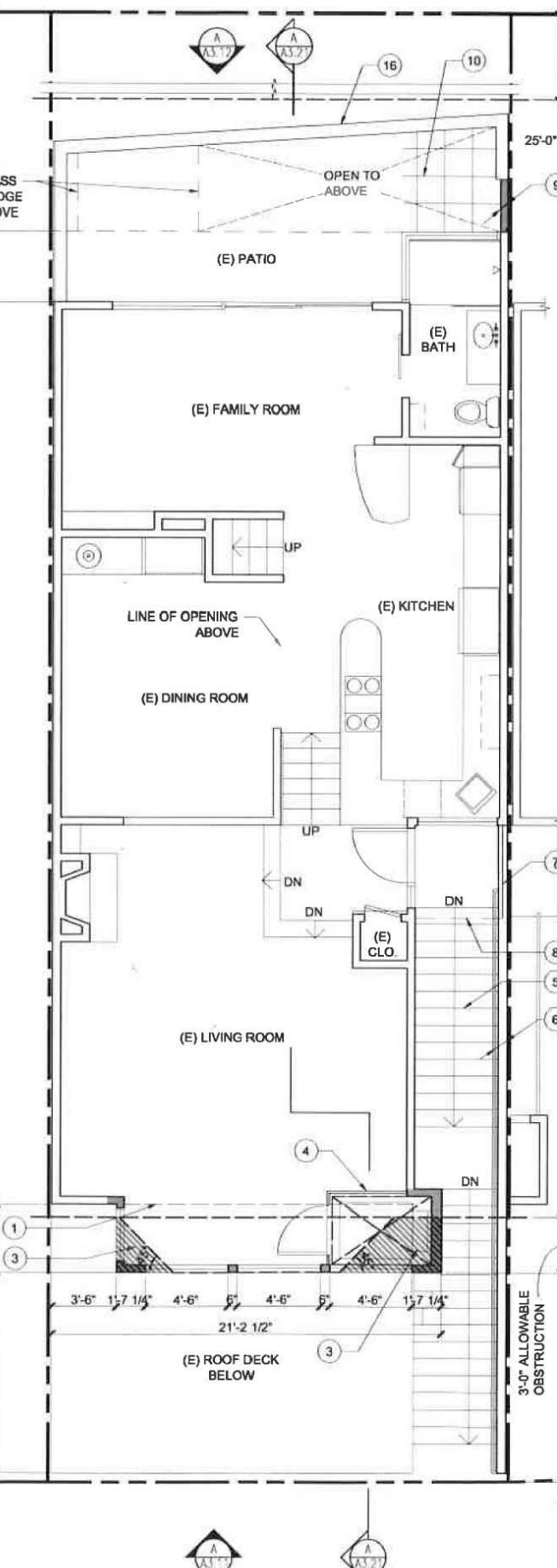
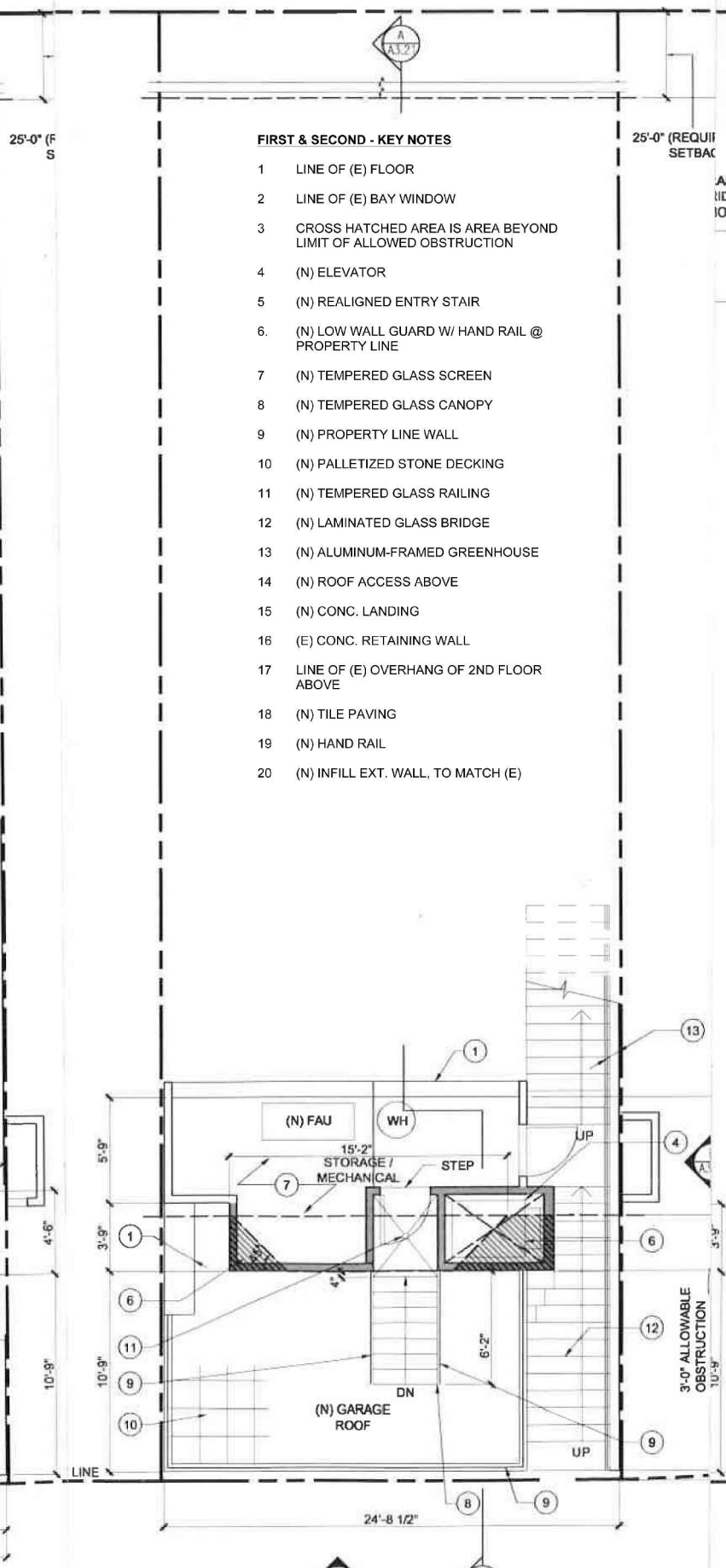
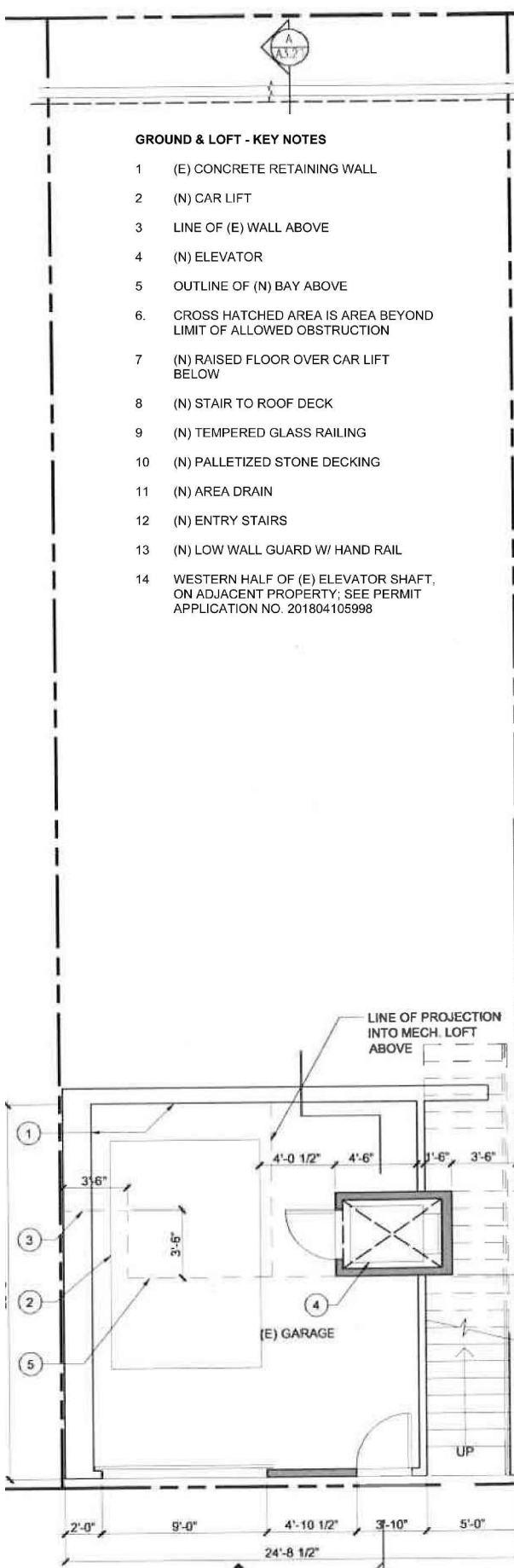
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**GROUND & LOFT - KEY NOTES**

- 1 (E) CONCRETE RETAINING WALL
- 2 (N) CAR LIFT
- 3 LINE OF (E) WALL ABOVE
- 4 (N) ELEVATOR
- 5 OUTLINE OF (N) BAY ABOVE
6. CROSS HATCHED AREA IS AREA BEYOND LIMIT OF ALLOWED OBSTRUCTION
- 7 (N) RAISED FLOOR OVER CAR LIFT BELOW
- 8 (N) STAIR TO ROOF DECK
- 9 (N) TEMPERED GLASS RAILING
- 10 (N) PALLETIZED STONE DECKING
- 11 (N) AREA DRAIN
- 12 (N) ENTRY STAIRS
- 13 (N) LOW WALL GUARD W/ HAND RAIL
- 14 WESTERN HALF OF (E) ELEVATOR SHAFT, ON ADJACENT PROPERTY; SEE PERMIT APPLICATION NO. 201804105998

**FIRST & SECOND - KEY NOTES**

- 1 LINE OF (E) FLOOR
- 2 LINE OF (E) BAY WINDOW
- 3 CROSS HATCHED AREA IS AREA BEYOND LIMIT OF ALLOWED OBSTRUCTION
- 4 (N) ELEVATOR
- 5 (N) REALIGNED ENTRY STAIR
6. (N) LOW WALL GUARD W/ HAND RAIL @ PROPERTY LINE
- 7 (N) TEMPERED GLASS SCREEN
- 8 (N) TEMPERED GLASS CANOPY
- 9 (N) PROPERTY LINE WALL
- 10 (N) PALLETIZED STONE DECKING
- 11 (N) TEMPERED GLASS RAILING
- 12 (N) LAMINATED GLASS BRIDGE
- 13 (N) ALUMINUM-FRAMED GREENHOUSE
- 14 (N) ROOF ACCESS ABOVE
- 15 (N) CONC. LANDING
- 16 (E) CONC. RETAINING WALL
- 17 LINE OF (E) OVERHANG OF 2ND FLOOR ABOVE
- 18 (N) TILE PAVING
- 19 (N) HAND RAIL
- 20 (N) INFILL EXT. WALL, TO MATCH (E)

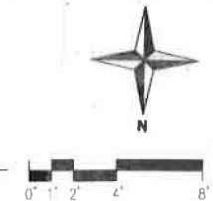


**1 GROUND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

**2 LOFT FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

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

**2 SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"





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 SAN FRANCISCO, CA 94114

**SHEET NOTES**

1. DEMOLISH AND REMOVE COMPLETE, ITEMS SHOWN DASHED AND NOTED FOR DEMOLITION.
2. MOVE ITEMS NOTED FOR SALVAGE TO OWNER'S DESIGNATED STORAGE LOCATION, PROTECTED FROM WEATHER AND RAISED ABOVE GROUND SURFACE, U.O.N.
3. (E) SIDING AT EXPOSED WEST ELEVATION AND AT NORTH WALL ADJACENT TO ENTRY TO BE REMOVED FOR INSTALLATION OF (N) RAINSCREEN SIDING SYSTEM.
4. COORDINATE DEMOLITION SCOPE W/ STRUCTURAL DRAWINGS FOR LOCATIONS OF NEW STRUCTURAL ELEMENTS.
5. REFER TO ARCHITECTURAL GENERAL NOTES FOR ADDITIONAL DEMOLITION-SPECIFIC REQUIREMENTS.

**KEY NOTES**

- 1 SHOWN FOR REFERENCE ONLY; FOR RESPONSE TO NOV DATED 11/15/17 (COMPLAINT NO. 2017719941) BRIDGE AND ELEVATOR SHAFT DEMO WORK IS UNDER SEPARATE PERMIT: NO. 201804105998.
- 2 (E) CONCRETE RETAINING WALL
- 3 (E) CONCRETE STAIR TO BE REMOVED
- 4 (E) FENCE TO REMAIN
- 5 (E) FAÇADE TO BE REMOVED INCLUDING EXISTING BAY WINDOW & BALCONY
- 6 (E) GARAGE ROOF ASSEMBLY TO BE REMOVED
- 7 (E) MECHANICAL LOFT DOOR AND WINDOW TO BE REMOVED

**ELEVATIONS**  
 EXISTING & DEMO

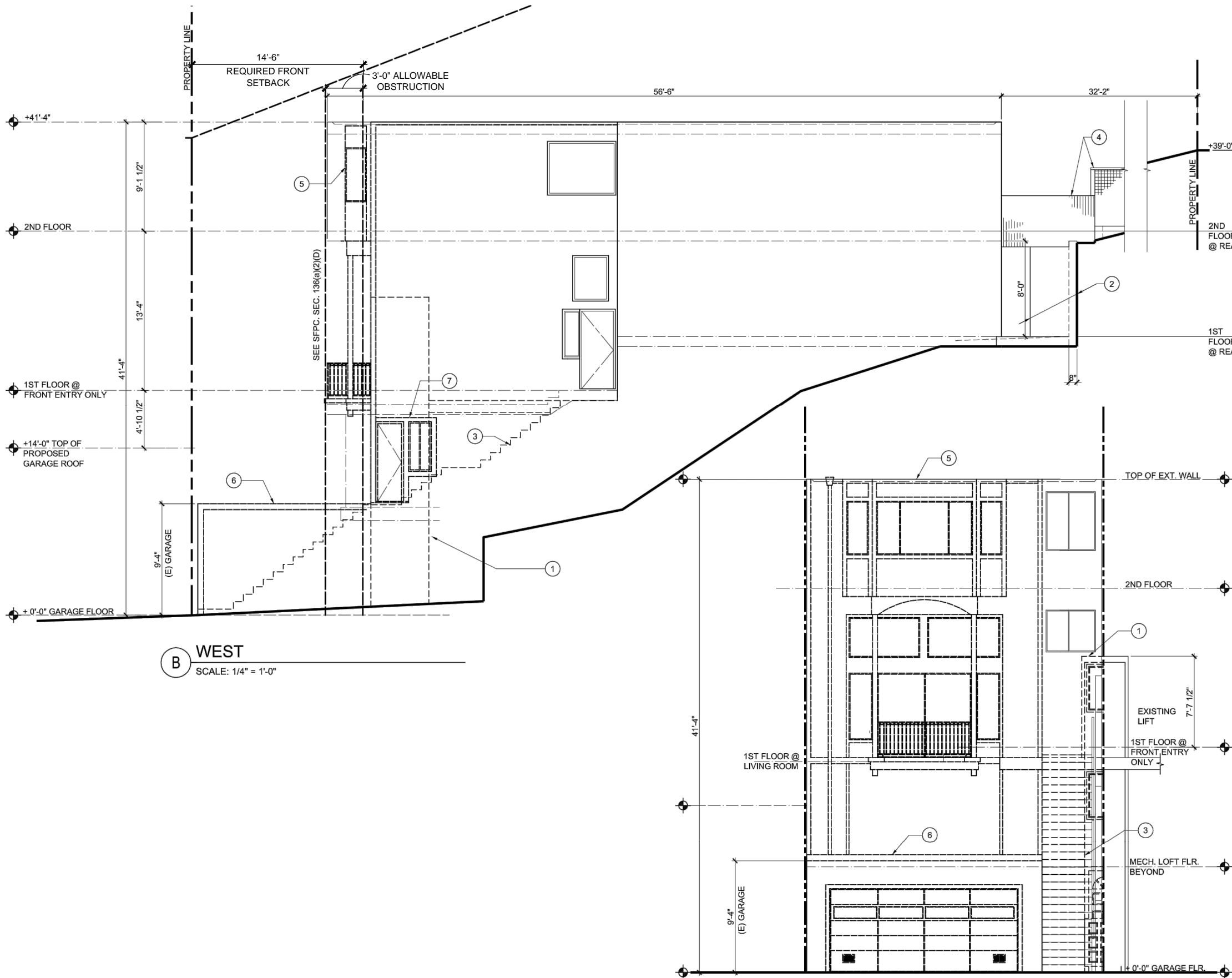
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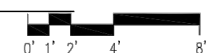
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**B WEST**  
 SCALE: 1/4" = 1'-0"

**A NORTH**  
 SCALE: 1/4" = 1'-0"



**SHEET NOTES**

1. DEMOLISH AND REMOVE COMPLETE, ITEMS SHOWN DASHED AND NOTED FOR DEMOLITION.
2. MOVE ITEMS NOTED FOR SALVAGE TO OWNER'S DESIGNATED STORAGE LOCATION, PROTECTED FROM WEATHER AND RAISED ABOVE GROUND SURFACE, U.O.N.
3. (E) SIDING AT EXPOSED EAST ELEVATION TO BE REMOVED FOR INSTALLATION OF (N) RAINSCREEN SIDING SYSTEM.
4. COORDINATE DEMOLITION SCOPE W/ STRUCTURAL DRAWINGS FOR LOCATIONS OF NEW STRUCTURAL ELEMENTS.
5. REFER TO ARCHITECTURAL GENERAL NOTES FOR ADDITIONAL DEMOLITION-SPECIFIC REQUIREMENTS.

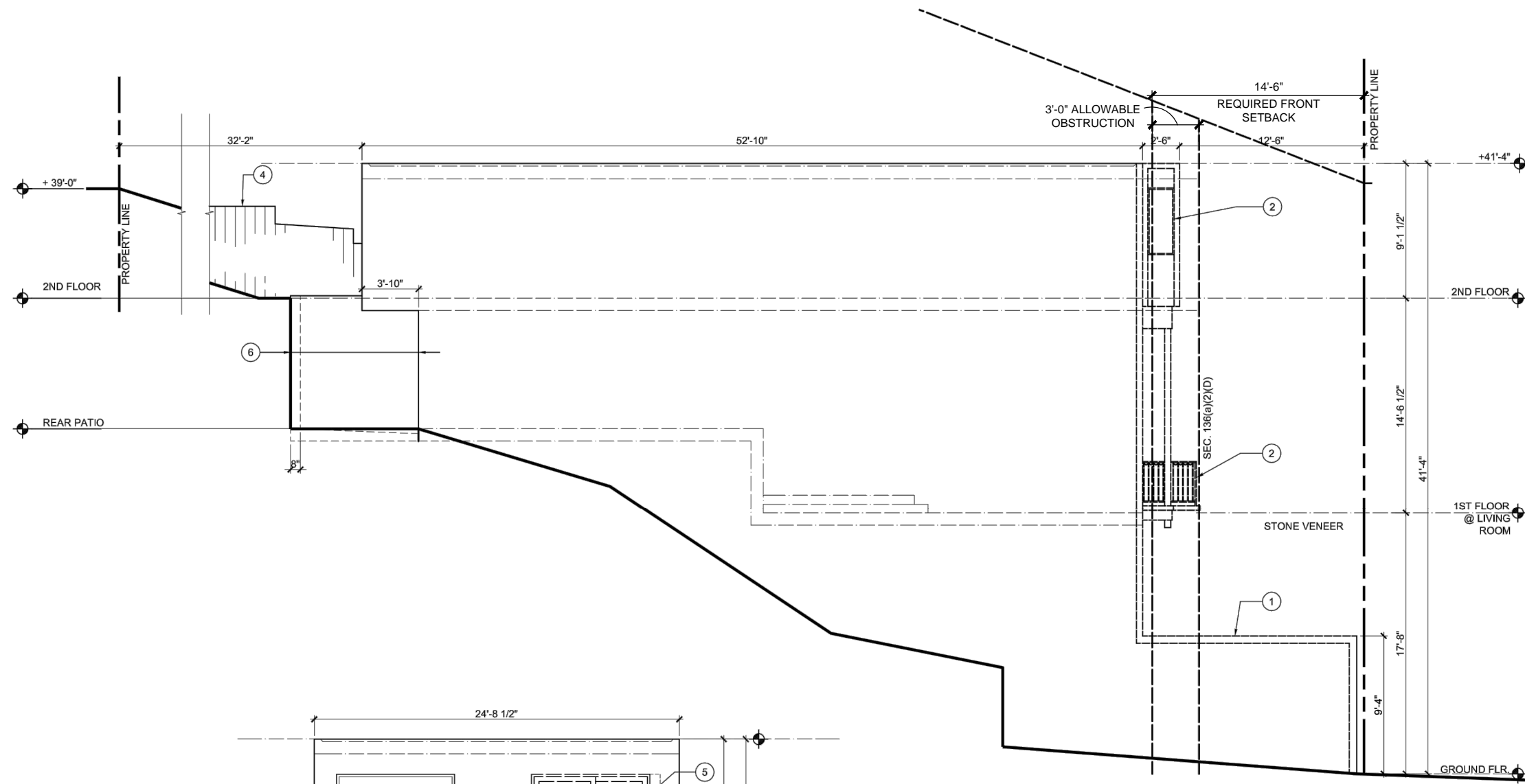
**KEY NOTES**

- 1 (E) ROOF ASSEMBLY TO BE REMOVED
- 2 (E) BALCONY & BAY WINDOW TO BE REMOVED
- 3 (E) BRIDGE AND GUARD TO BE REMOVED
- 4 (E) FENCE TO REMAIN IN PLACE
- 5 REMOVE (E) SLIDING GLASS DOOR FOR INSTALLATION OF SMALLER UNIT
- 6 (E) CONCRETE RETAINING WALL

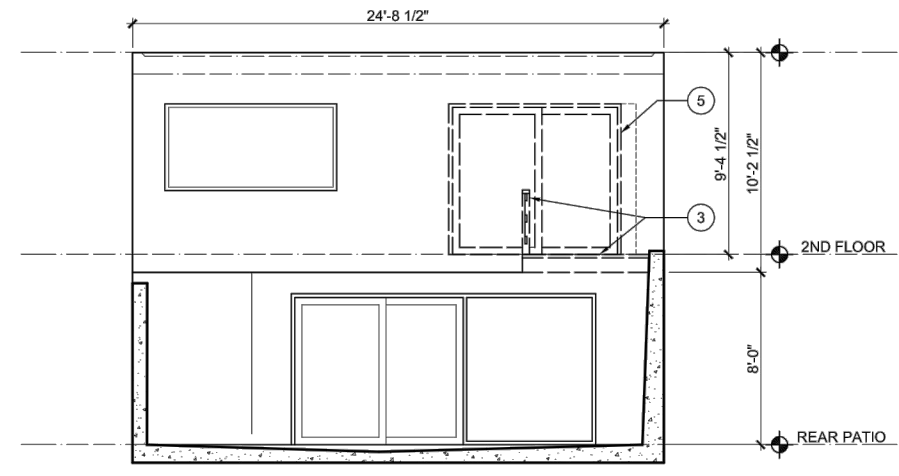
**ELEVATIONS**  
 EXISTING & DEMO

PROJ. NO. 2016 - 080  
 SCALE AS NOTED  
 DATE 8 FEB 2017  
 PHASE CD  
 DRAWN HA  
 CHECKED AW

NO.	DATE	REVISION
24 APR 2018		SITE PERMIT

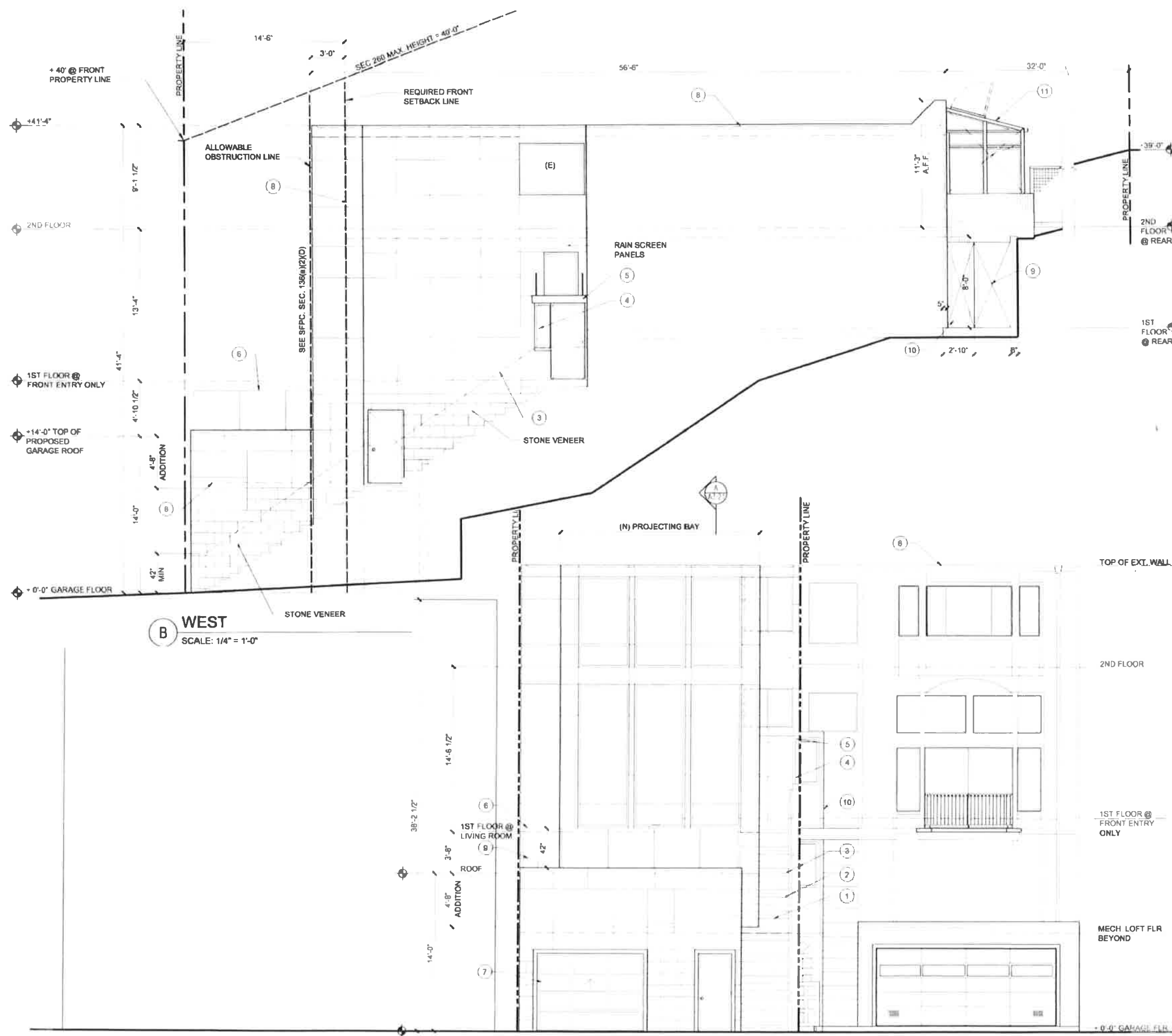


**B EAST**  
 SCALE: 1/4" = 1'-0"



**A SOUTH**  
 SCALE: 1/4" = 1'-0"





**SHEET NOTES**

- 1 PRIOR TO START OF WORK, PROTECT IN PLACE ALL EXISTING (E) ELEMENTS TO REMAIN, TO PREVENT DAMAGE DURING WORK IN ADJACENT AREAS.
- 2 COORDINATE PROPOSED SCOPE OF WORK W/ ENGINEERING DRAWINGS FOR LOCATIONS OF (N) STRUCTURAL & OTHER BUILDING ELEMENTS.
- 3 ALL (E) WINDOWS & DOORS, TRIM & OTHER SIMILAR ELEMENTS THAT ARE TO REMAIN IN PLACE MUST BE PROTECTED FROM DAMAGE FOR THE DURATION OF CONSTRUCTION.
- 4 ALL WOOD SIDING & TRIM TO BE PRIMED AND PAINTED PER FINISH SCHEDULE WITH EXPOSED FOUNDATION TO BE PAINTED ADJACENT BODY COLOR
- 5 FURNISH REQUIRED ATTIC VENTILATION, PER CBC SECTION 1203 IN LOCATIONS NOTED.

**KEY NOTES**

- ① (N) REALIGNED ENTRY STAIR
- ② (N) HANDRAIL
- ③ (N) LOW WALL GUARD W/ HAND RAIL @ PROPERTY LINE
- ④ (N) TEMPERED GLASS SCREEN
- ⑤ (N) TEMPERED GLASS CANOPY
- ⑥ (N) TEMPERED GLASS RAILING
- ⑦ (N) TEMPERED GLASS PANELED OVERHEAD DOOR
- ⑧ OUTLINE OF ADJACENT BUILDING IN FOREGROUND
- ⑨ (E) CONCRETE RETAINING WALL
- ⑩ WESTERN HALF OF (E) ELEVATOR SHAFT, ON ADJACENT PROPERTY, SEE PERMIT APPLICATION NO 201804105998
- ⑪ (N) ALUMINUM FRAMED SUNROOM

**GARAVAGLIA**  
**GA**  
**INC.**  
**ARCHITECTURE**

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**95 ST. GERMAIN AVE.**  
**RENOVATION**  
**SAN FRANCISCO, CA 94114**

**EXTERIOR ELEVATIONS**

PROJ NO 2016 080  
 SCALE AS NOTED  
 DATE 8 FEB 2017  
 PHASE (C)  
 DRAWN HA  
 CHECKED AW

NO DATE REVISION  
 24 APR 2018 5TH: PJ:RMT

SHEET NO  
**A-3.10**  
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**A** NORTH ELEVATION- 95 ST.  
 SCALE: 1/4" = 1'-0"

**B** WEST  
 SCALE: 1/4" = 1'-0"



582 MARKET STREET  
 SUITE 1800  
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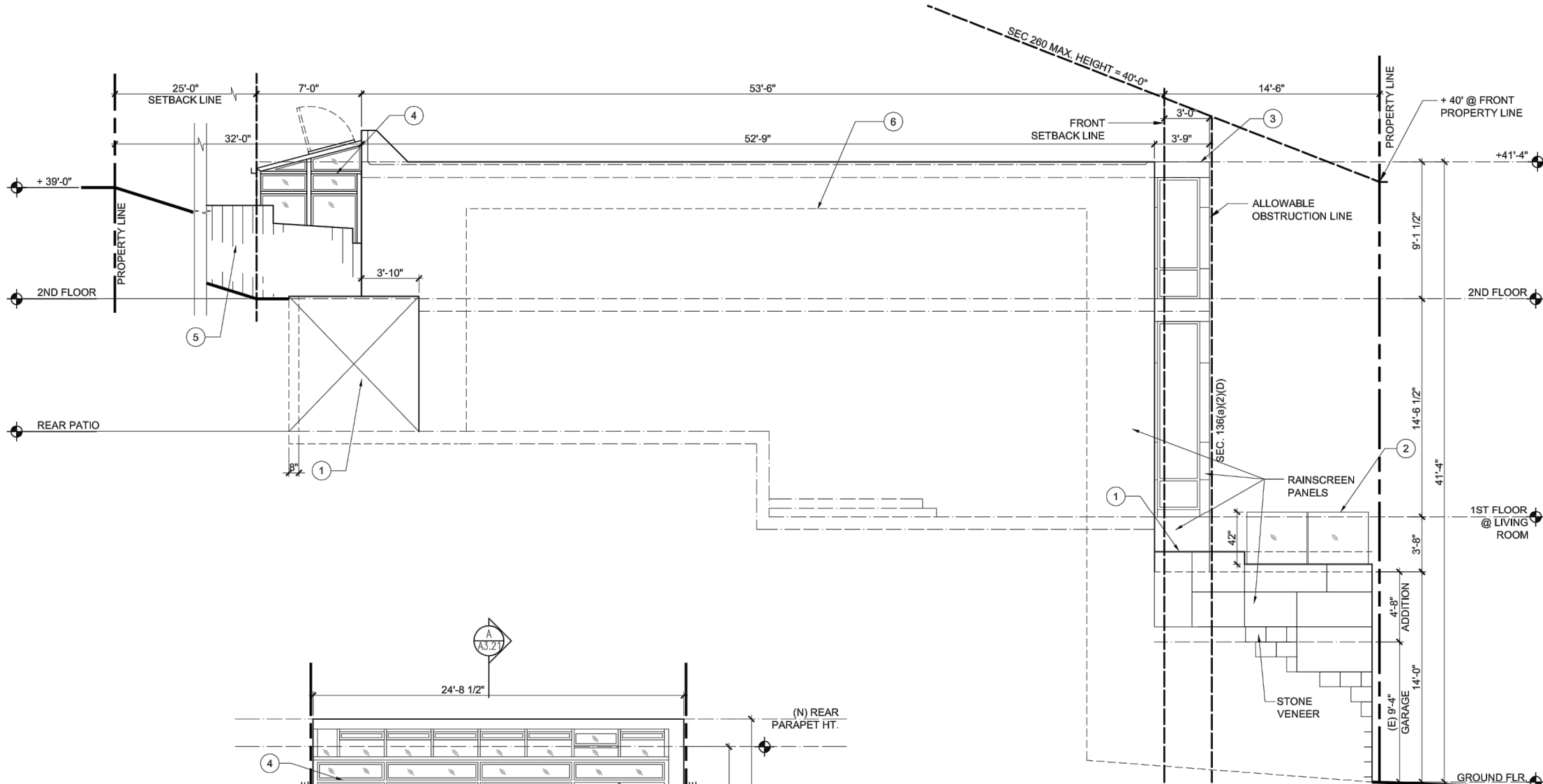
95 ST. GERMAIN AVE.  
 RENOVATION  
 SAN FRANCISCO, CA 94114

**SHEET NOTES**

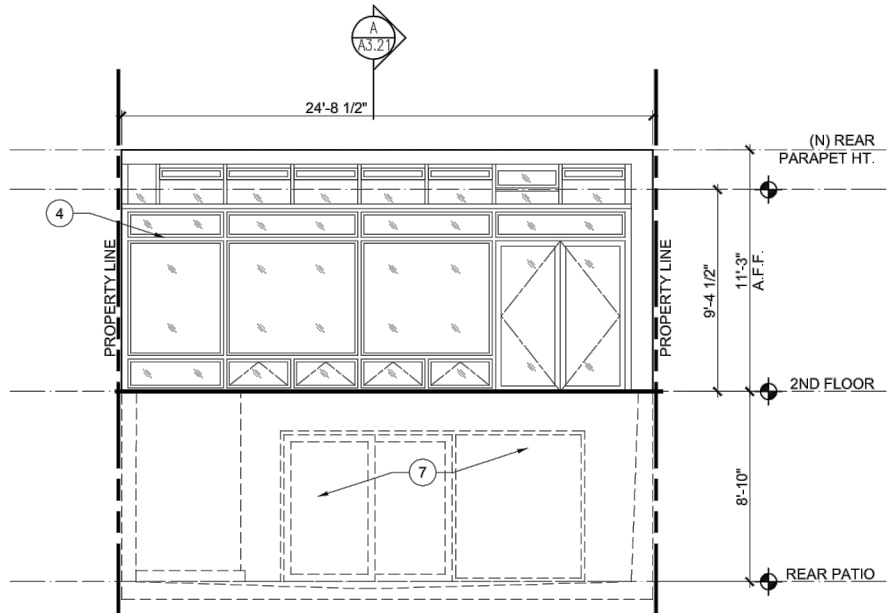
1. PRIOR TO START OF WORK, PROTECT IN PLACE ALL EXISTING (E) ELEMENTS TO REMAIN, TO PREVENT DAMAGE DURING WORK IN ADJACENT AREAS.
2. COORDINATE PROPOSED SCOPE OF WORK W/ ENGINEERING DRAWINGS FOR LOCATIONS OF (N) STRUCTURAL & OTHER BUILDING ELEMENTS.
3. ALL (E) WINDOWS & DOORS, TRIM & OTHER SIMILAR ELEMENTS THAT ARE TO REMAIN IN PLACE MUST BE PROTECTED FROM DAMAGE FOR THE DURATION OF CONSTRUCTION.
4. ALL WOOD SIDING & TRIM TO BE PRIMED AND PAINTED PER FINISH SCHEDULE WITH EXPOSED FOUNDATION TO BE PAINTED ADJACENT BODY COLOR.
5. FURNISH REQUIRED ATTIC VENTILATION, PER CBC SECTION 1203 IN LOCATIONS NOTED

**KEY NOTES**

- ① (E) CONCRETE RETAINING WALL
- ② (N) TEMPERED GLASS RAILING
- ③ (N) SQUARED-OFF BAY
- ④ (N) ALUMINUM-FRAMED GREENHOUSE
- ⑤ (E) ADJACENT FENCE TO REMAIN
- ⑥ OUTLINE OF ADJACENT BUILDING
- ⑦ (E) SL. GL. DOOR W/ SIDE LITE, TO REMAIN



**B EAST**  
 SCALE: 1/4" = 1'-0"



**A SOUTH**  
 SCALE: 1/4" = 1'-0"

**ELEVATIONS**  
 PROPOSED

PROJ. NO. 2016 - 080  
 SCALE AS NOTED  
 DATE 8 FEB 2017  
 PHASE CD  
 DRAWN HA  
 CHECKED AW

NO.	DATE	REVISION
24 APR 2018		SITE PERMIT

SHEET NO.  
**A-3.12**

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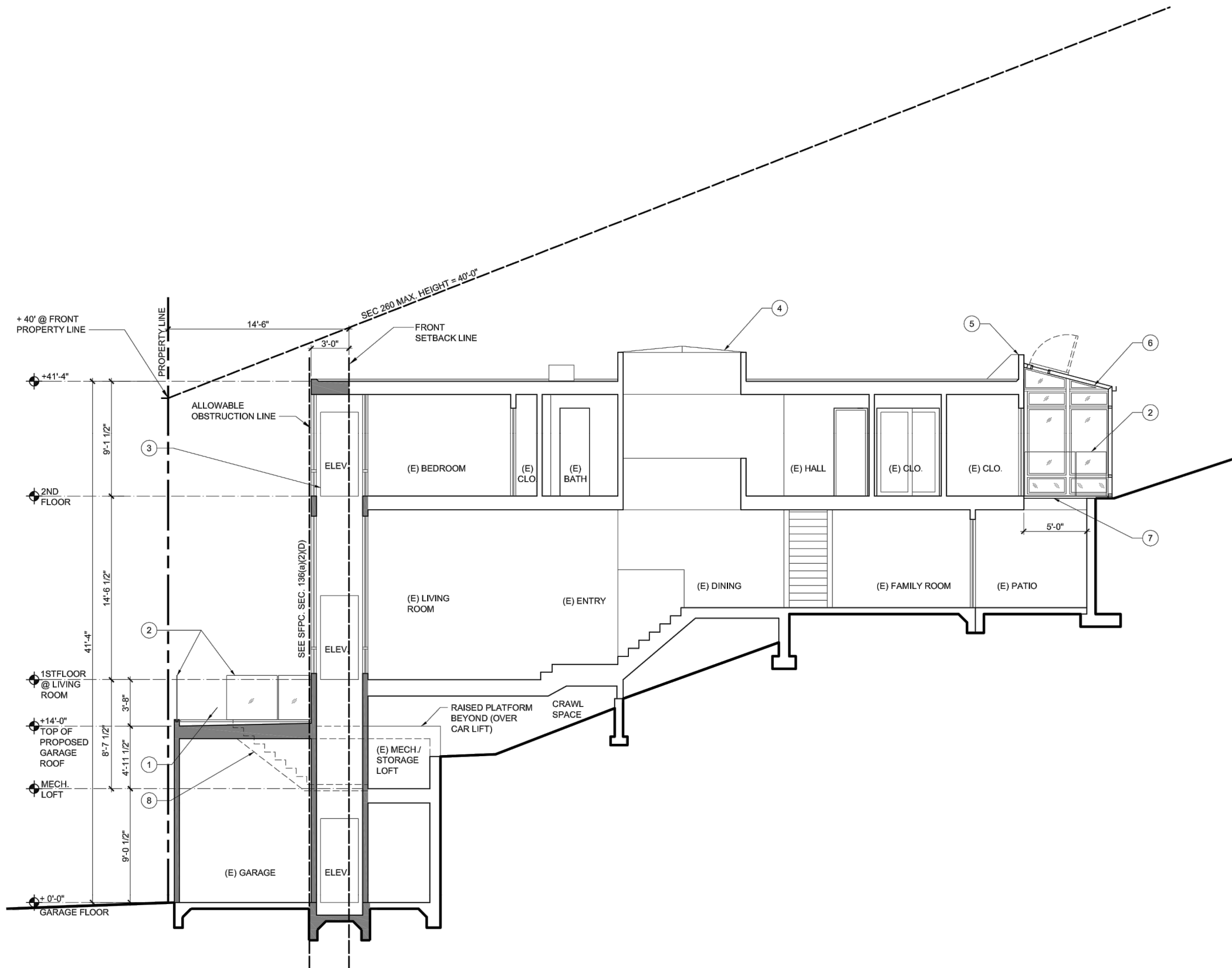
## SHEET NOTES

- FURNISH REQUIRED ATTIC VENTILATION PER CBC SECTION 1203 IN LOCATIONS NOTED. VENT LOCATION: UNDER EAVE & AT RIDGE.
- PROVIDE REQUIRED CRAWLSPACE VENTILATION VENTS AS REQUIRED BY CBC SECTION 1203



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## KEY NOTES

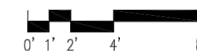
- (N) PALLETIZED STONE DECKING
- (N) 42" HIGH TEMPERED GLASS GUARD
- (N) ELEVATOR & SHAFT
- (E) SKYLIGHT & CURB
- (N) RAISED PARAPET
- (N) ALUMINUM-FRAMED GREENHOUSE
- (N) LAMINATED GLASS BRIDGE
- (N) STAIR

## SECTION PROPOSED / EXISTING

PROJ. NO. 2016 - 080  
SCALE AS NOTED  
DATE 8 FEB 2017  
PHASE CD  
DRAWN HA  
CHECKED AW

NO.	DATE	REVISION
24 APR 2018		SITE PERMIT

## A SECTION SCALE: 1/4" = 1'-0"



## SHEET NO. A-3.21

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