

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MARK BRECKE,)
Appellant(s))
vs.)
DEPARTMENT OF BUILDING INSPECTION,)
PLANNING DEPARTMENT APPROVAL Respondent)

Appeal No. **18-016**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on February 06, 2018, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on January 24, 2018 to Julian Schuchard & Meble Tin, of a Site Permit (partial vertical addition and interior remodel to a two-story single family residence; work includes renovated kitchen and bathroom, new roof deck, altered street level entrance, new windows and new siding) at 100 Gates Street.

APPLICATION NO. 2016/08/05/4359S

FOR HEARING ON April 11, 2018

Address of Appellant(s):

Address of Other Parties:

Mark Brecke, Appellant 103 Ellsworth Street San Francisco, CA 94110	Julian Schuchard & Meble Tin, Permit Holders 100 Gates Street San Francisco, CA 94110
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Date Filed:

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

FEB 06 2018

APPEAL # 18-016

PRELIMINARY STATEMENT OF APPEAL

I / We, **Mark Brecke**, hereby appeal the following departmental action: **ISSUANCE** of **Site Permit No. 2016/08/05/4359S** by the **Department of Building Inspection** which was issued or became effective on: **January 24, 2018**, to: **Julian Schuchard and Meble Tin**, for the property located at: **100 Gates Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **March 29, 2018, (no later than three Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible. MB

Respondent's and Other Parties' Briefs are due on or before: **April 12, 2018, (no later than one Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Only photographs and drawings may be submitted by the parties at hearing.

Hearing Date: **Wednesday, April 18, 2018, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent (Circle One):

Signature: Mark Brecke

Print Name: MARK BRECKE

Mark Brecke
103 Ellsworth street SF CA, 94110
email:studio@markbrecke.com
phone is 650 766 5313

BOARD OF APPEALS

FEB 06 2018

APPEAL # 18-016

- 100 Gates 3rd floor addition would cause loss of natural light into 103 Ellsworth 38 year home permitted art/photo studio. I have had access to that light in my studio for a number of years in the hours that was needed to evaluate my black and white and color prints without any light interruption.
- Partial 3rd floor vertical addition is much higher and affects natural light. Notice was not tech accurate. Height limit is 3'-0" notice stated 31'-10" confusing -re notice required
- Partial 3rd floor cantilever extends 7' -0" towards our property again blocking light into home studio and back living space.
- Commission did not request or require 3D renderings while all other DR cases required 3D renderings. No story poles or orange curtain was ever used, no Arial photos of neighbors back properties

APPROVED
 Dept. of Building Insp.

Capacity Charges
 Water: \$ 674
 Wastewater: \$ 2292
 DC 1/18/18

SITE PERMIT
 AUG 05 2016
 THIS APPLICATION SUBMITTED FOR SITE PERMIT ONLY. NO WORK MAY BE STARTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED.

APPROVED FOR ISSUANCE

31D.G. 3/8
 APPLICATION NUMBER
 APPROVAL NUMBER
 OSHA APPROVAL REQ'D



APPLICATION FOR BUILDING PERMIT
ADDITIONS, ALTERATIONS OR REPAIRS
 FORM 3 OTHER AGENCIES REVIEW REQUIRED
 FORM 8 OVER-THE-COUNTER ISSUANCE
 2 NUMBER OF PLAN SETS

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

DATE FILED 8-30-16	FILING FEE RECEIPT NO. 16084786	(1) STREET ADDRESS OF JOB 100 GATES STREET	BLOCK & LOT 5650 001
PERMIT NO. 1450621	ISSUED JAN 24 2018	(2A) ESTIMATED COST OF JOB \$200,000	(2B) REVISED COST BY: \$259,000 WBAW 12/26/17

INFORMATION TO BE FURNISHED BY ALL APPLICANTS

LEGAL DESCRIPTION OF EXISTING BUILDING

(4A) TYPE OF CONSTR. V-B (5A) NO. OF STORIES OF OCCUPANCY: 2 (6A) NO. OF BASEMENTS AND CELLARS: 0 (7A) PRESENT USE: RESIDENCE (SINGLE FAMILY) (8A) OCCUP. CLASS: R3 (9A) NO. OF DWELLING UNITS: 1

DESCRIPTION OF BUILDING AFTER PROPOSED ALTERATION

(4) TYPE OF CONSTR. V-B (5) NO. OF STORIES OF OCCUPANCY: 3 (6) NO. OF BASEMENTS AND CELLARS: 0 (7) PROPOSED USE (LEGAL USE): RESIDENCE (SINGLE FAMILY) (8) OCCUP. CLASS: R3 (9) NO. OF DWELLING UNITS: 1

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

(14) GENERAL CONTRACTOR ADDRESS ZIP PHONE CALIF. LIC. NO. EXPIRATION DATE

(15) OWNER - LESSEE (CROSS OUT ONE) ADDRESS ZIP BTRC# PHONE (FOR CONTACT BY DEPT.)
 JULIAN SCHWARTZ / MDELEIN 100 GATES ST. 94110 (405) 802 8078

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

PARTIAL VERTICAL ADDITION AND INTERIOR REMODEL TO A 2-STORY SINGLE-FAMILY RESIDENCE. WORK INCLUDES RENOVATED KITCHEN AND BATHROOM, NEW ROOF NECK, ALTERED ST. LEVEL ENTRANCE NEW WINDOWS AND NEW SIDING

ADDITIONAL INFORMATION

(17) DOES THIS ALTERATION CREATE ADDITIONAL HEIGHT OR STORY TO BUILDING? YES NO (18) IF (17) IS YES, STATE NEW HEIGHT AT CENTER LINE OF FRONT 30'-3" (19) DOES THIS ALTERATION CREATE DECK OR HORIZ. EXTENSION TO BUILDING? YES NO (20) IF (19) IS YES, STATE NEW GROUND FLOOR AREA 214 SF (21) WILL SIDEWALK OVER SUB-SIDEWALK SPACE BE REPAIRED OR ALTERED? YES NO (22) WILL BUILDING EXTEND BEYOND PROPERTY LINE? YES NO (23) ANY OTHER EXISTING BLDG. ON LOT? (IF YES, SHOW ON PLOT PLAN) YES NO (24) DOES THIS ALTERATION CONSTITUTE A CHANGE OF OCCUPANCY? YES NO

(25) ARCHITECT OR ENGINEER (DESIGN CONSTRUCTION) ADDRESS CALIF. CERTIFICATE NO.

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

BOARD OF APPEALS
 FEB 06 2018
 APPEAL # 18-016

IMPORTANT NOTICES

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

No portion of building or structure or scaffolding used during construction is to be closer than 6'0" to any wire containing more than 750 volts. See Sec 395, California Penal Code.

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

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

ANY STIPULATION REQUIRED HEREIN OR BY CODE MAY BE APPEALED.

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

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

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

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

CHECK APPROPRIATE BOX
 OWNER ARCHITECT
 LESSEE AGENT
 CONTRACTOR ENGINEER

NOTICE TO APPLICANT

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

In conformity with the provisions of Section 3800 of the Labor Code of the State of California, the applicant shall have worker's compensation coverage under (I) or (II) designated below, or shall indicate item (III), (IV), or (V), whichever is applicable. If however item (V) is checked, item (IV) must be checked as well. Mark the appropriate method of compliance below.

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

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

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

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

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

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

X WBAW
 Signature of Applicant or Agent

AUG 5 2016
 Date

CONDITIONS AND STIPULATIONS



REFER TO:	APPROVED: <u>Matthew Ralls, DBI</u> DEC 26 2017 BUILDING INSPECTOR, DEPT. OF BLDG. INSP.	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: <u>PER PPA-0557 RECOMMEND APPROVAL FOR ADDITION AND HORIZONTAL REAR EXTENSION THAT AT THE PROPOSED THIRD FLOOR OF THE EXISTING DWELLING WITHIN THE AH 12.7.17 NINGBI DISTRICT BEYOND HEIGHTS SUP.</u> DEPARTMENT OF CITY PLANNING	DATE: _____ REASON: <u>REASON: 1 LEAFS SINGLE FAMILY DISTRICT AND THE</u> NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: <u>N/A</u> BUREAU OF FIRE PREVENTION & PUBLIC SAFETY	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ MECHANICAL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ CIVIL ENGINEER, DEPT. OF BLDG. INSPECTION	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input checked="" type="checkbox"/>	APPROVED: SFPW/BSM SIGN OFF ON JOB CARD REQUIRED PRIOR TO DBI FINAL CALL (415) 554-7149 TO SCHEDULE By <u>[Signature]</u> 1/27/2018 SFPW/BSM BUREAU OF ENGINEERING	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: <u>N/A</u> DEPARTMENT OF PUBLIC HEALTH	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input type="checkbox"/>	APPROVED: _____ REDEVELOPMENT AGENCY	DATE: _____ REASON: _____ NOTIFIED MR. _____
<input checked="" type="checkbox"/>	APPROVED: SFPUC Capacity Charges See attached SFPUC Capacity Charge Invoice for total amount due, DBI will collect charges. SFPUC <u>[Signature]</u> Diana Chung 1/18/18 HOUSING INSPECTION DIVISION	DATE: _____ REASON: _____ NOTIFIED MR. _____

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

BOARD OF APPEALS
 FEB 06 2018
 APPEAL # 18-016

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

Number of attachments

OWNER'S AUTHORIZED AGENT

H0 3/21/18

FILE

Board of Appeals Case No.: 18-016
Appeal Title: Brecke vs. DBI, PDA
Subject Property: 100 Gates
Permit Type: Site Permit
Permit No.: 2016/08/05/4359S

BOARD OF APPEALS

FEB 22 2018

APPEAL # 18-016

Julian Schuchard & Meble Tin, Permit Holders
100 Gates Street
San Francisco, CA 94110

Mark Brecke, Appellant
103 Ellsworth, Street
San Francisco, CA 94110

Discretionary Review Case No. 2016-011777DRP-02
Hearing Date, October 19th 2017

I. INTRODUCTION

The exceptional circumstance associated 100 Gates 3rd floor vertical addition, is It will cause substantial loss of natural light into 103 Ellsworth (directly behind 100 Gates) 38-year old home permitted art/photo studio. I have had access to that light for a number of years without any light interruptions in the early morning hours when I work and use the sun coming up to evaluate my black and white and color photos both darkroom prints and digital prints. Direct sunlight and ambient light would be lost in the hours I specifically need to work in my studio. The planning commission did not have an accurate or complete record before it when it approved the permit.

ii. STATEMENT OF FACTS

100 Gates third floor vertical addition is higher than the neighbors beside them, blocking my light as the sun moves (see exhibit Photo 02) in the morning. Proposed building heights were lower on the Application Notice of the building permit and the Architects documents (See exhibit A 3.1) The height on the application notice building permit stated 31'-10"

not tech accurate (see exhibit Notice of Building Permit Application.)

Height limit in Bernal Heights special use district is 30'-0" above grade at all points and not allowed offsets. You count from the "finished roof" not the parapet which the planner Esmeralda Jardine's did. We understand that the roof parapets are exempted from height per planning code section 260.

The cantilever extends 7'-0" towards our property blocking natural light, the computer render does not show accurate representation. (see exhibit A4.3) The cantilever cause unnecessary impacts at 3rd floor by encroaching visually towards/onto 103 Ellsworth's rear garden and living space (see exhibit photo_01)

The light and Shadow study provided to us by the project sponsor Peter Ling didn't show the proposed 3rd floor vertical addition massing of 100 Gates. Not an accurate sun study. (see exhibit_03)

III. PLANNING COMMISSION PLAINLY ERRED BY APPROVING
THE PERMIT WITHOUT AN ACCURATE RECORD OF ITS EFFECT ON
SUNLIGHT

Therefore, Planning Commission Plainly Erred by Approving Applicant's Permit Without Any Reliable Factual Record of its Effect on Objector's Access to Natural Light. Commission did not request or require 3D renderings while all other DR cases required 3D renderings. Our DR was treated differently and looked at differently without the 3D rendering, therefore going into the DR without the requirements as other cases were afforded. No story poles or orange curtain were every used, no Arial photos of neighbors back properties including mine (see exhibit A0.2), were included in the project sponsors blue prints and drafts. Without the above we don't have an accurate representation of the actual height of the vertical 3rd floor and how this project is going to impact our back-living space, garden and photo studio. Just the opposite, the project sponsor did everything possible not to reveal the massing on the

vertical 3rd floor addition and 7'-0' extended cantilever off the third level addition.

IV. Planning Commission Plainly Erred by Approving Applicant's Permit Without Considering a Less-Intrusive Alternative, or Balancing Hardship to the Parties.

We state for the record in our DR to explain "how the residential design team address our concerns about this 3rd floor vertical addition"? We have stated to the project sponsor and the owners of 100 Gates that we support the build out but with functional modifications to save our natural light.

We worked with our architect on those modifications. Cutting 3'-0" from the north side to allow a corridor of sunlight through into my studio and back living space and reducing the cantilever to 3 ½. These modifications we see is a compromise that all parties can work with.

The project sponsor didn't give us any reference (i.e., story poles, orange curtain or 3D renderings) of the actual massing for the 3rd floor addition.

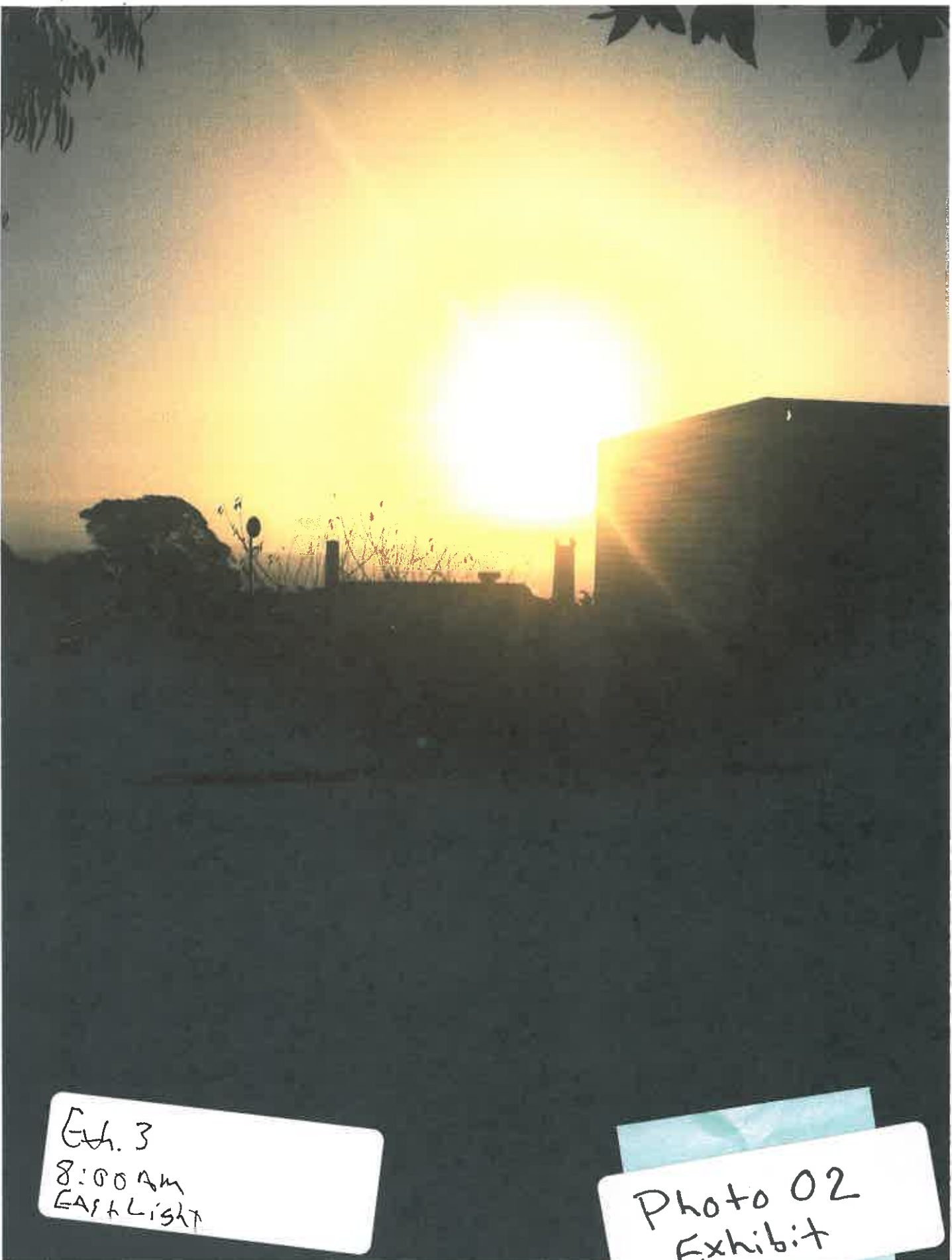
Again, Why? How can the Commissioners make a sound and fair decision

in our DR unless all the information was there, in the case of 100 Gates
new build out, its wasn't.

February 21st 2018

Mark Brecke

A rectangular stamp containing a handwritten signature in black ink. The signature reads "Mark Brecke" in a cursive, slightly slanted script.



Exh. 3
8:00 AM
EAST LIGHT

Photo 02
Exhibit

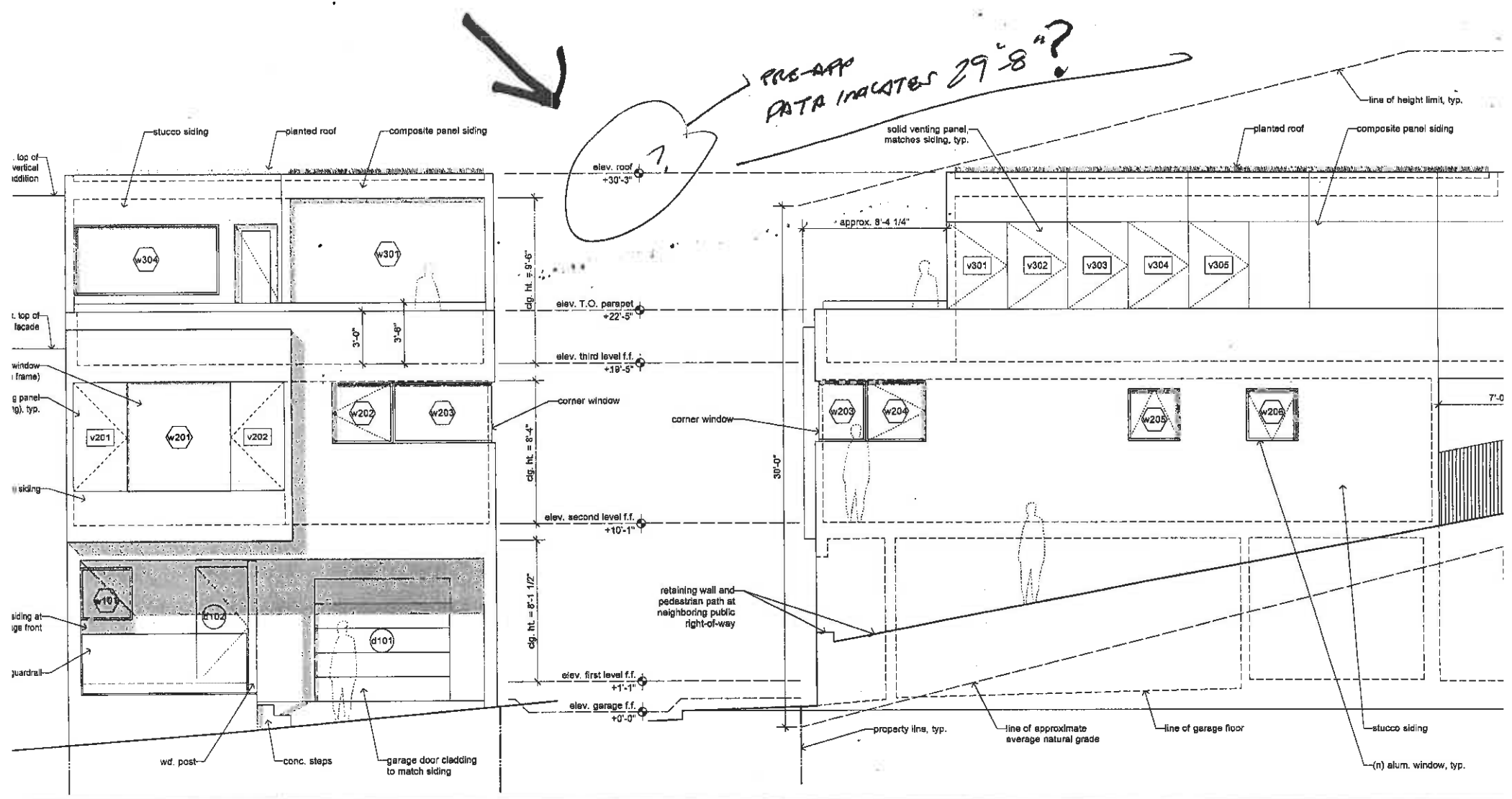


Exhibit A3.1

Alchwell
plans

4th Floor



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On August 5, 2017, the Applicant named below filed Building Permit Application No. 2016.0805.4359 with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	100 Gates Street	Applicant:	Peter Liang
Cross Street(s):	Powhattan and Eugenia Avenue	Address:	1890 Bryant Street #314
Block/Lot No.:	5650/001	City, State:	San Francisco, CA 94110
Zoning District(s):	RH-1 / 40-X	Telephone:	(415) 886-0986
Record No.:	2016-011777PRJ	Email:	peter@bluetruckstudio.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.

SFPD plans

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 type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	11'	No Change
Side Setbacks	None	No Change
Building Depth	36'-2"	43'-2"
Rear Yard	32'-11"	25'-11"
Building Height	23'-4"	31'-10"
Number of Stories	2	3
Number of Dwelling Units	1	No Change
Number of Parking Spaces	1	No Change



PROJECT DESCRIPTION

The proposal is for a vertical addition, rear addition and interior remodel of a two-story single-family residence. The proposed work includes interior alterations as well as exterior alterations: new façade, roof deck, window replacements and new siding.

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.

For more information, please contact Planning Department staff:

Planner: Esmeralda Jardines
 Telephone: (415) 575-9144
 E-mail: esmeralda.jardines@sfgov.org

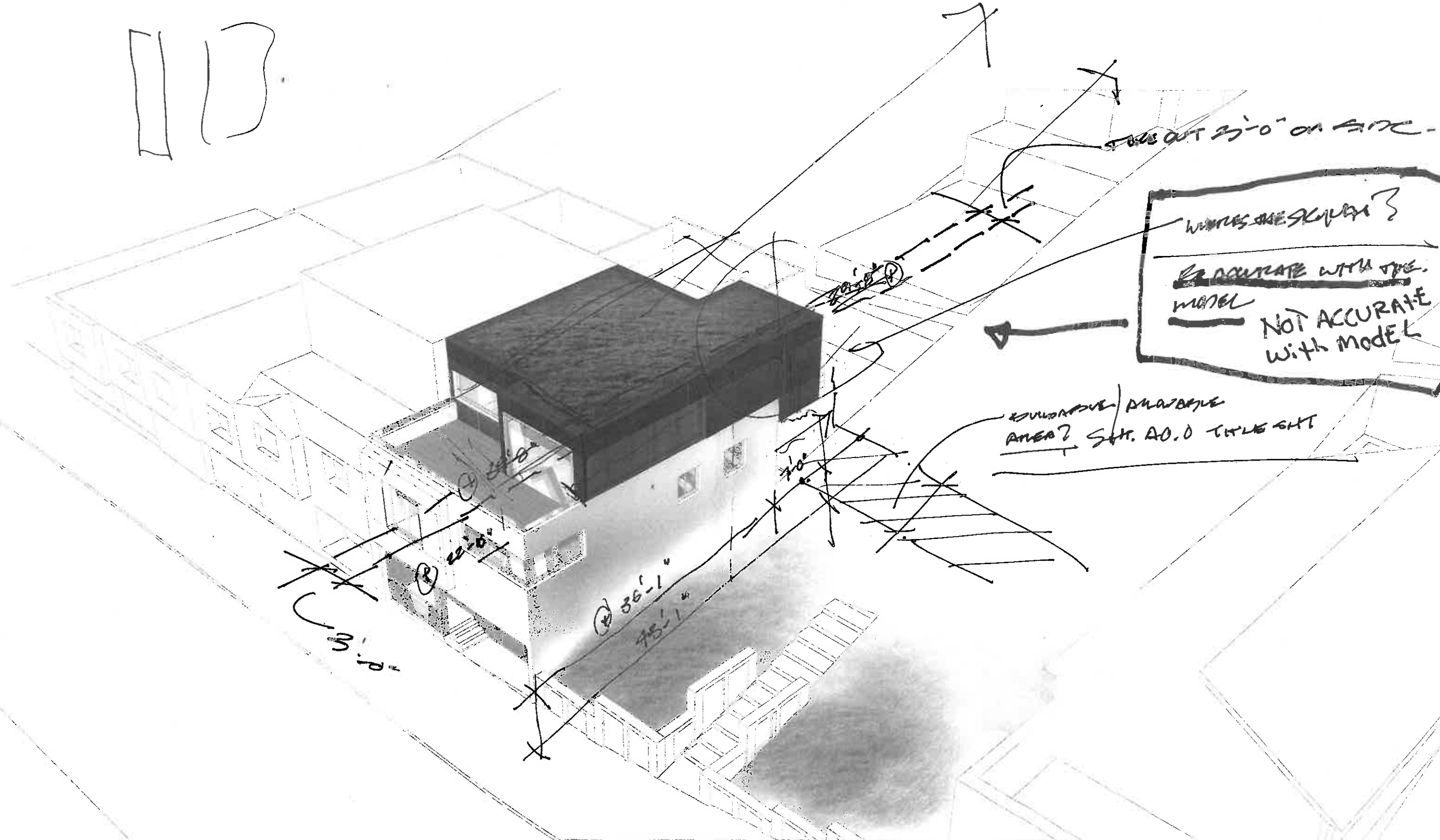
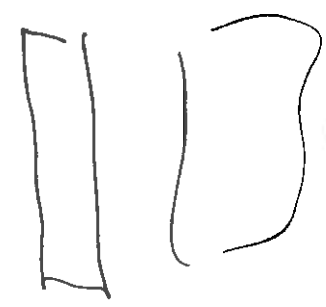
Notice Date: 6/6/17
 Expiration Date: 7/6/17

Close by 5pm

Exhibit A4.3

architect
BLUE TRUCK Inc.
1500 Bryant Street #314
San Francisco, CA 94110
t: 415 638 0980
www.bluetruck.com
eric render
eric@bluetruckstudio.com

architect
JULIAN SCHUCHARD +
HELEN TIN
100 gates street
San Francisco, CA 94110
t: 408 902 8078 (u)



SCHUCHARD+TIN RESIDENCE
100 gates street
san francisco, ca 94110
block, lot: 5650, 001

rendering

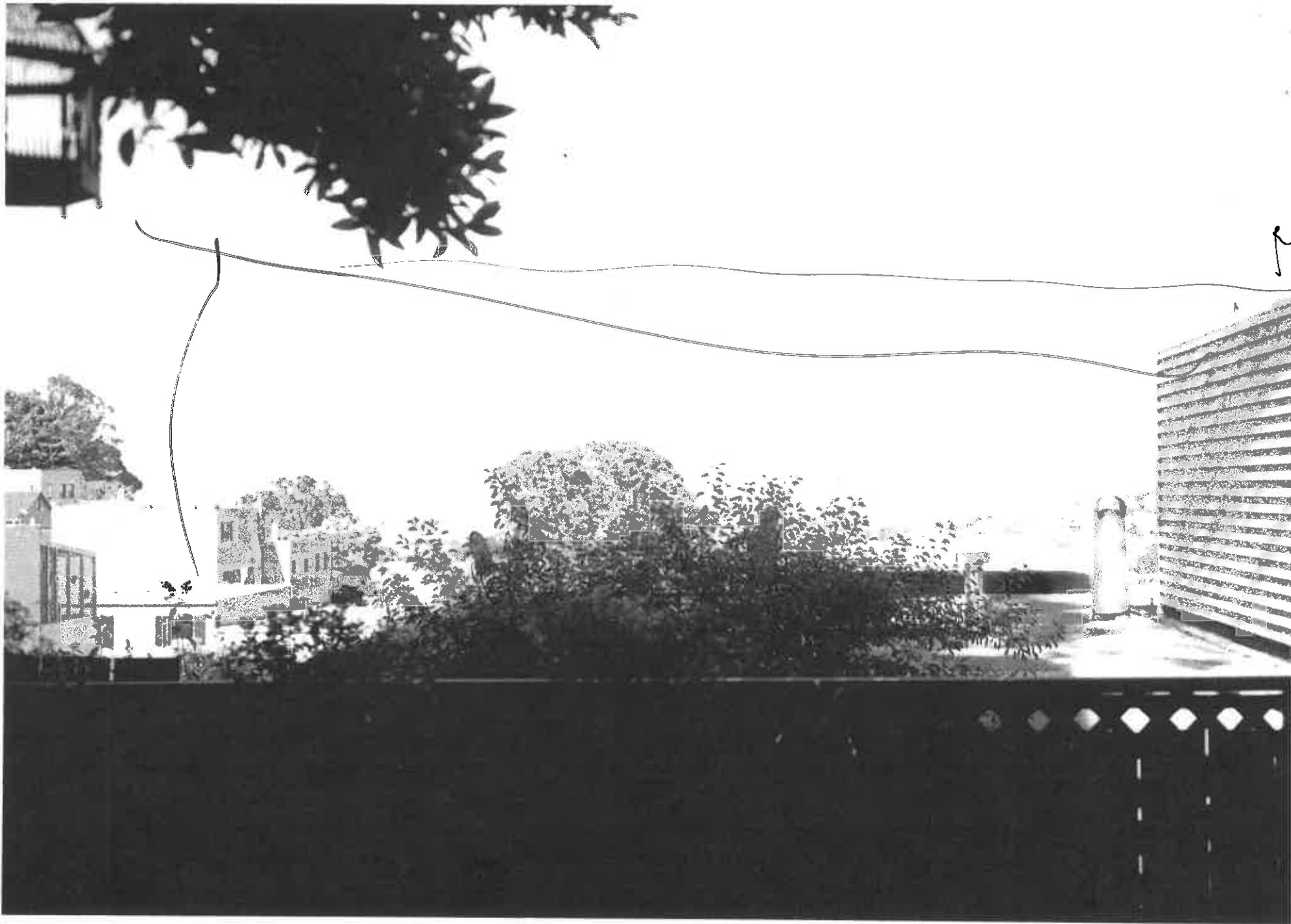


Exhibit Photo 01

Privacy, light & Shadows



Neighbors 3rd floor shadow line

100 Gates Street, San Francisco DR response - Application No. 2016.0805.4359

In summer (early morning), the sun is positioned at the front facade of 100 Gates for one hour before moving to the north facade. Due to the sun's height in sky and steep height difference (approximately 19ft) from 103 Ellsworth position above us, at no time will there be shadow in 103 Ellsworth yard.

There is approximately 19ft height difference from base of our yard to base of 103 Ellsworth garage/ground floor. Due to this height difference, our additional floor will only reach the garage level of 103 Ellsworth St which has no affect on living areas.



100 GATES

Exhibit 03

Exhibit
A0.2

adj. property vertical
extension

100 gates stre



VIEW 1 (front elevation)



VIEW 2 (looking to



VIEW 4 (rear yard looking north)



VIEW 5 (rear of

NO AERIAL PHOTOS OF NEIGHBORHOOD.
PROVIDE AERIALS AS EXPECTING FROM
NEIGHBORING PROPERTIES, INCLUDING
103 ELLSWORTH ST.

(e) light
to

FILE

AD 3/21/18

APPEALS

MAR 08 2018

APPEAL #18-016

CS/

REPONSE TO APPEAL

Thank you for you time, the following pages outline our response to the appeal of our approved site permit.

Board of Appeals Case No. 18-016
Subject Property: 100 Gates St, San Francisco, CA 94110
Permit Type: Site Permit
Permit Number: 2016/08/05/4359S

Julian Schuchard & Meble Tin, Permit Holders
100 Gates St, San Francisco, CA 94110
m: 408 802 8078

Appellant: Mark Brecke
103 Ellsworth St, San Francisco, CA 94110

Discretionary Review Case No. 2016-011777DRP-02
Hearing Date, October 19th, 2017

To the appeals board.

My name is Julian Schuchard. My wife, Meble Tin and I, are the owners of 100 Gates St, San Francisco.

This is a response to the appeal of our approved permit.

BACKGROUND

It has been nearly two years since we originally submitted our permits. We have strictly abided by all the city planning codes, paid nearly \$15,000 in city fees and worked tirelessly with Esmeralda Jardines (San Francisco planner) and the Planning Department team. We have also made recommended changes to achieve Planning approval.

We have met with the appellants numerous times, offered to pay for landscaping solutions including replacing a broken retaining wall and made adjustments to our design.

There was a Discretionary Review hearing on October 19th which we won, unanimously 4-0.

To quote Dennis Richards from the Planning Commission;

"We listen to more DR's than our predecessors, and that is so you felt heard, ... we see very aggressive and contentious projects of which this isn't one."

He went on further to say that this is not the kind of case that should be brought to DR.

Simply put, there are no extraordinary circumstances to appeal this approved permit.

On the following pages we have outlined a response to the appellants' appeal brief in the following sections:

- 1. PROPERTY LOT AND NEIGHBORS**
- 2. LIGHT, SHADOW & PRIVACY**
- 3. APPELLANT BRIEF DETAILS AND FACTUAL REBUTTAL**
- 4. SUMMARY AND CONCLUSION**

1. PROPERTY LOT AND NEIGHBORS

100 Gates St, sits on a lot size of 1750sf.

To the North side lies public access land with 50ft to the next neighbor.

To the West and behind our property is the garden of 103 Ellsworth (the appellant). There is 50ft distance between the two structures. 103 Ellsworth sits on a steep incline above 100 Gates almost 20ft higher from our garden to their first floor studio (View A.)

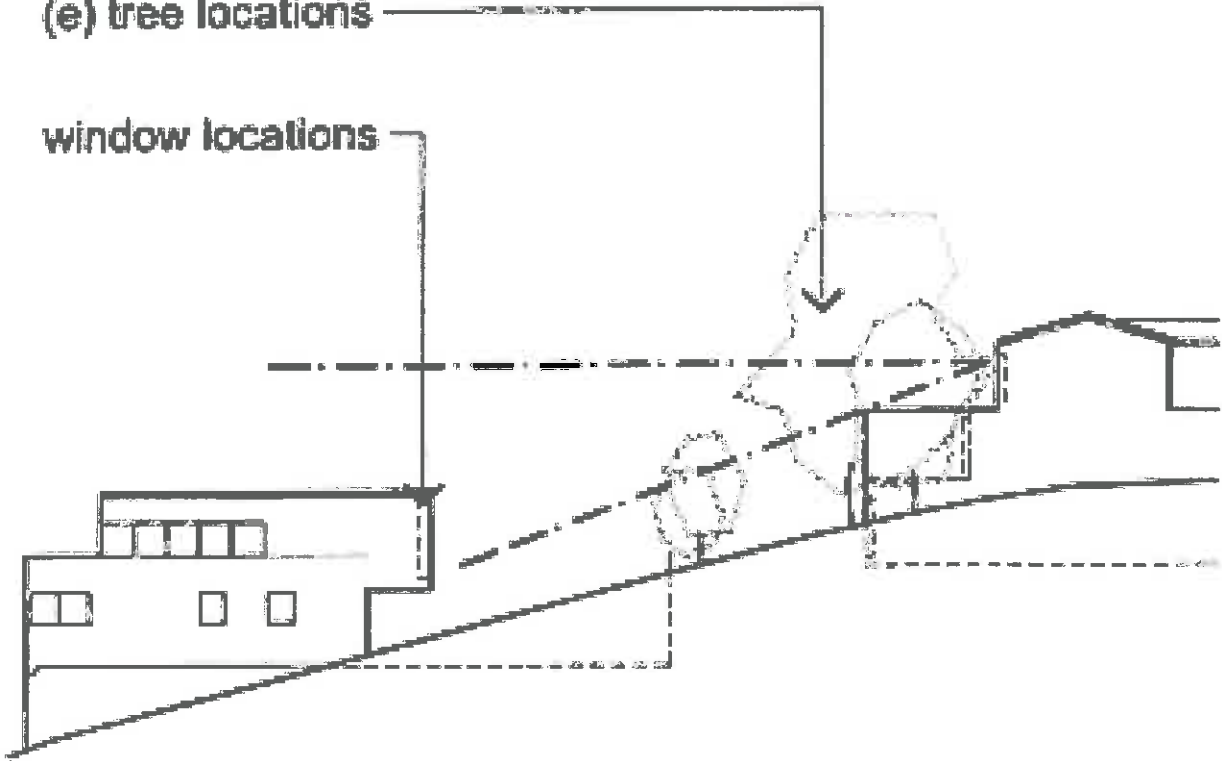
On the South side, our adjoining walled neighbor (who supports the project) has a third floor addition. Our approved permit proposal closely matches the height of this neighboring structure.



View A

(e) tree locations

window locations



103 Ellsworth

100 Gates

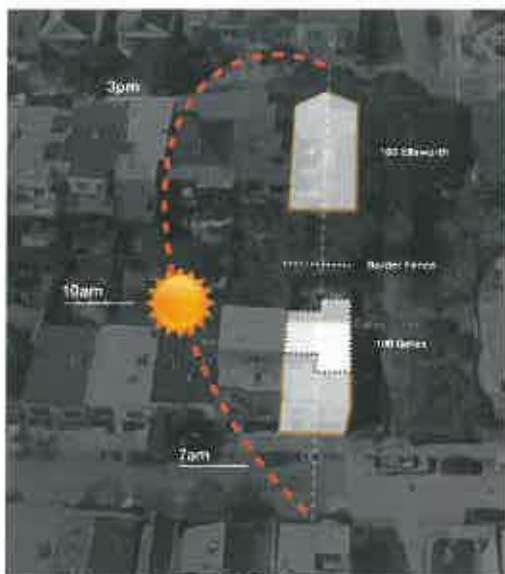
2. LIGHT, SHADOW & PRIVACY

As shown above, 103 Ellsworth is on a steep incline, whose three floors tower 50ft above us. The converted studio/dark room is on their first floor and is still 20ft above our garden. There is no light or shadow issue because of the steep incline and position of the sun's arcs throughout the year. Our proposed additional floor will not cast any shadow onto the windows of their studio/dark room first floor. Our south wall adjoining neighbor has a third floor addition and its shadow line can easily be observed throughout the year. Their shadow line never reaches the top of 103 Ellsworth's border fence. Please see images below, View B and View C.

The appellants' image of sunrise is the approximate 10 minutes in the morning before the sun has risen to create shadow. In fact, when the sun has risen they have direct sunlight all morning.

Privacy is, however, an issue for us. Each of their three floors look down into our yard and our current bedroom windows. They recently built a deck that butts up to the rear property line, at least 12 feet above us, meaning anyone on that deck looks directly into our yard and windows. We want to solve this with landscaping. Regardless of the project we need to replace the broken property line retaining wall and plant hedges, allowing both properties privacy and appealing outlooks.

Lastly, there are no permit records for 103 Ellsworth to convert their garage into a studio thus an illegal habitable space which their entire case is based on.

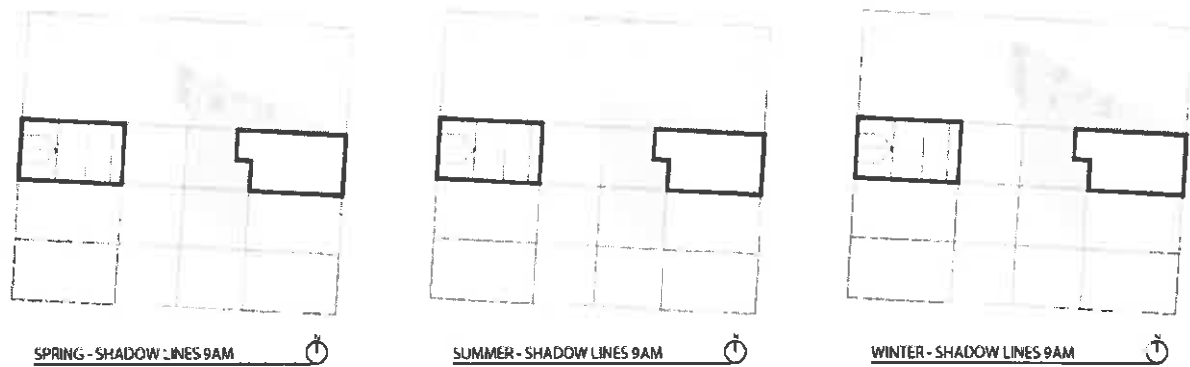


View B



View C

SPRING, SUMMER AND WINTER SHADOW LINES 9AM



3. APPELLANT BRIEF DETAILS AND FACTUAL REBUTTAL

Statement of fact. Our proposal meets the height limits as prescribed by Planning Code, particularly the Bernal Heights Special Use District code. As our side elevations and sections drawings depict, the proposal sits below the height limit line (and, in fact, our proposal was amended during Planning review to provide even more of a margin from the height limit). The 31'-10" height that the appellant has cited is a true dimension... but that is a measurement from the sidewalk curb to the top of the proposed parapet. Per Planning Code Section 260, parapets are exempted from factoring into the height (height is measured to the roof top), and the height limit line is determined not from the curb, but from the line of average natural grade as also depicted on our drawings. The Exhibit that the appellant has referenced is from the initial application and this was amended to depict the true height measurement relative to the height limit (29'-9"). The roof top of our proposal is 4" above the downhill neighbor's roof; the parapet is 8" above the neighbor's roof.

We have supplied multiple 3D renders and shown multiple photos and images of the sun's arc including aerial views from Google Earth. We have done everything the Planning Department has required of us and more. We have followed the code exactly and supplied every possible angle of the remodel. The appellant has been invited to our home, we've had multiple mediated meetings and a Discretionary Review hearing. Peter Liang is an award-winning architect and to suggest he has not supplied

documentation is simply false. Every drawing we have supplied has been logged and recorded including the filming of the DR where all of this was presented.

4. SUMMARY AND CONCLUSION

My wife is pregnant and we intend on growing our family in this home and I also require a home office. Therefore, we don't believe that a 2100 sf, 3br home is unreasonable nor is it out of place in a street with much larger homes, including the appellants'. This protracted process has become a huge financial burden, paying rent and mortgage, and we are desperate to start building. I now have 10 months to get my wife and newborn into a livable house.

The reasons the appellant has in his brief are the exact same reasons that were brought to the DR and unanimously rejected. It's hard not to see this as a further tactic to delay us again. The appellant has been very vocal about delaying us to exhaustion. To that point he has been fairly successful. He has delayed us for six months, costing us thousands of dollars, but still there are no extraordinary circumstances.

Perhaps we were naive, thinking we could transform an abandoned property but we have huge support from the neighborhood. 19+ of our neighbors have all expressed support to see the transformation of an abandoned drug house into an architecturally-designed, sustainable family home. Their signatures are attached on the next page.

There are no new extraordinary circumstances that would reverse the Planning Department and Planning Commission approvals, and there never were.

Please, this has been a punishing experience and we have done everything (and beyond) the city has asked us to do. We ask you to remove the suspension and allow us to convert this abandoned property into a home for my family. Thank you.

Kind regards,

Julian Schuchard
Meble Tin

Julian Schuchard & Meble Tin

100 Gates Street, San Francisco - Building Project

We seek to make a positive impact for the neighborhood by transforming a formally abandoned 2 bedroom property into an architecturally-designed, sustainable 3 bedroom family home.

Upon seeing the plans that we have shared with you, we appreciate your signature below to show your support but maintain this does not commit you to anything formally binding.

This is simply to show you do not oppose the project.

We appreciate your time and consideration.

Thanks,
Julian Schuchard
Meble Tin

NAME	ADDRESS	SIGNATURE
Lily Fung	91 Gates	<i>Lily Fung</i>
MIKE SLATER	250 GATES	<i>Mike Slater</i>
HACK HESPER	60 GATES	<i>Hack Hesper</i>
DAVID MALMAN	196 BOGANA	<i>David Malman</i>
Michael Jones	228 Gates	<i>Michael Jones</i>
Parag Z. P.	252 GATES	<i>Parag Z. P.</i>
Varun Sampath	296 GATES	<i>Varun Sampath</i>
Paul Cantwell	203 Gates	<i>Paul Cantwell</i>
CHRIS COLIN	190 GATES	<i>Chris Colin</i>
DEREK GREENWALD	119 GATES	<i>Derek Greenwald</i>
Virginia Jovanillo	115 Gates	<i>Virginia Jovanillo</i>
M. A. Ibrahim	2590 DIVISadero	<i>M. A. Ibrahim</i>
Arjun Chatterjee	5000 DIVISadero	<i>Arjun Chatterjee</i>
John Chen	91 Gates	<i>John Chen</i>

Our neighbors all wanting to see the transformation of an abandoned drug house into an architecturally-designed, sustainable family home.

100 Gates Street, San Francisco - Building Project

We seek to make a positive impact for the neighborhood by transforming a formally abandoned 2 bedroom property into an architecturally-designed, sustainable 3 bedroom family home.

Upon seeing the plans that we have shared with you, we appreciate your signature below to show your support but maintain this does not commit you to anything formally binding.

This is simply to show you do not oppose the project.

We appreciate your time and consideration.

Thanks,
Julian Schuchard
Meble Tin

NAME	ADDRESS	SIGNATURE
ACHI YAFFE	55 GATES ST	<i>Achi Yaffe</i>
Sarah Victor	55 Gates St	<i>Sarah Victor</i>
SUMI PAIK	132 GATES ST	<i>Sumi Paik</i>
KAREEM KADDAN	105 GATES ST	<i>Kareem Kaddan</i>
PETE LIANG	66 BURNWORTH ST	<i>Pete Liang</i>

4D 3/21/18

FILE

APPEAL # 18-016



SAN FRANCISCO PLANNING DEPARTMENT

Discretionary Review Action DRA-0557

HEARING DATE: OCTOBER 19, 2017

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Case No.: 2016-011777DRP-02
 Project Address: 100 GATES STREET
 Building Permit: 2016.0805.4359
 Zoning: RH-1 (Residential House, One-Family) Zoning District
 Bernal Heights Special Use District
 40-X Height and Bulk District
 Block/Lot: 5650/001
 Project Sponsor: Peter Liang, Blue Truck
 1890 Bryant Street # 314
 San Francisco, CA 94110
 DR Requestors: Mark Brecke
 103 Ellsworth Street
 San Francisco, CA;
 Eddie Posada
 98 Gates Street
 San Francisco, CA
 Staff Contact: Esmeralda Jardines - (415) 575-9144
esmeralda.jardines@sfgov.org

BOARD OF APPEALS

FEB 16 2018 *SP*

APPEAL # 18-016

ADOPTING FINDINGS RELATED TO NOT TAKING DISCRETIONARY REVIEW OF CASE NO. 2016-011777DRP-02 AND THE APPROVAL OF BUILDING PERMIT 2016.0805.4359 PROPOSING CONSTRUCTION OF A VERTICAL ADDITION AND HORIZONTAL REAR EXTENSION THAT CANTILEVERS AT THE PROPOSED THIRD FLOOR OF THE EXISTING SINGLE-FAMILY DWELLING WITHIN THE RH-1 (RESIDENTIAL, HOUSE, ONE-FAMILY) ZONING DISTRICT, 40-X HEIGHT AND BULK DISTRICT, AND THE BERNAL HEIGHTS SPECIAL USE DISTRICT.

PREAMBLE

On August 30, 2016, Peter Liang filed for Building Permit Application No. 2016.08.05.4359 proposing construction of a vertical addition and horizontal rear extension that cantilevers at the proposed third floor of the existing single-family dwelling within the RH-1 (Residential, House, One-Family) District, a 40-X Height and Bulk District, the Bernal Heights Special Use District.

On July 3, 2017 Eddie Posada (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2016-011777DRP-02) of Building Permit Application No. 2016.0805.4359.

On July 11, 2017 Mark Brecke (hereinafter "Discretionary Review (DR) Requestor") filed an application with the Planning Department (hereinafter "Department") for Discretionary Review (2016-011777DRP-02) of Building Permit Application No. 2016.0805.4359.

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).

On October 19, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Discretionary Review Application 2016-011777DRP-02.

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

ACTION

The Commission hereby does not take Discretionary Review requested in Application No. 2016-011777DRP-02 and approves the Building Permit Application 2016.0805.4359 as proposed.

The reasons that the Commission took the action described above include:

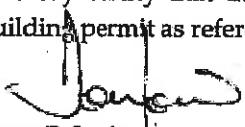
1. There are no extraordinary or exceptional circumstances in the case. The proposal complies with the Planning Code, the General Plan, and conforms to the Residential Design Guidelines.
2. The Commission determined that no modifications to the project were necessary and they instructed staff to approve the project per plans marked Exhibit A on file with the Planning Department.

APPEAL AND EFFECTIVE DATE OF ACTION: Any aggrieved person may appeal this Building Permit Application to the Board of Appeals within fifteen (15) days after the date the permit is issued. For further information, please contact the Board of Appeals at (415) 415-575-6880, 1650 Mission Street # 304, San Francisco, CA, 94103-2481.

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

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

I hereby certify that the Planning Commission did not take Discretionary Review and approved the building permit as reference in this action memo on October 19, 2017.


Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Koppel, and Richards.

NAYS: None

ABSENT: Johnson, Melgar, and Moore.

ADOPTED: October 19, 2017



SAN FRANCISCO PLANNING DEPARTMENT

APPEAL # 18-016

Discretionary Review Abbreviated Analysis

HEARING DATE: OCTOBER 19, 2017

BOARD OF APPEALS

FEB 16 2018

APPEAL # 18-016

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: October 12, 2017
Case No.: 2016-011777DRP-02
Project Address: 100 GATES STREET
Permit Application: 2016.08.05.4359
Zoning: RH-1 (Residential House, One-Family) Zoning District
 Bernal Heights Special Use District
 40-X Height and Bulk District
Block/Lot: 5650/001
Project Sponsor: Peter Liang, Blue Truck
 1890 Bryant Street # 314
 San Francisco, CA 94110
Staff Contact: Esmeralda Jardines -- (415) 575-9144
esmeralda.jardines@sfgov.org
Recommendation: Do not take DR and approve as proposed

PROJECT DESCRIPTION

The existing two-story single-family dwelling is on an upsloping lot with a cross lateral slope along Gates Street and abutting Powhattan Avenue. The proposal is for a vertical and horizontal rear addition to permit an interior remodel with a renovated kitchen, bathrooms, new roof deck and exterior alterations including: new windows and new siding. A rear horizontal cantilevered addition of approximately 7 feet is proposed on the third floor and a new third floor measuring approximately 10 feet 4 inches above the existing second floor. The third floor is setback from the front building wall from 7 feet 8 1/4 inches at the north property line and further back to approximately 16 feet 3 1/4 inches to the south property line.

SITE DESCRIPTION AND PRESENT USE

The project site is located at 100 Gates Street, on the west side of Gates Street between Powhattan Avenue and Eugenia Avenue; Lot 001 in Assessor's Block 5650 in an RH-1 (Residential-House, One-Family) Zoning District and a 40-X Height and Bulk District as well as within the Bernal Heights Special Use District. The subject lot is approximately 1,750 square feet (25 feet wide and 70 feet deep) and is developed with a two-story, single-family dwelling.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located within the Bernal Heights Neighborhood. The surrounding neighborhood consists of a mix of two to three-story single-family dwellings. The surrounding zoning is RH-1 (Residential-House, One-Family), NC-2 (Neighborhood Commercial, Small Scale), and P (Public) Zoning District.

BUILDING PERMIT NOTIFICATION

TYPE	REQUIRED PERIOD	NOTIFICATION DATES	DR FILE DATE	DR HEARING DATE	FILING TO HEARING TIME
311 Notice	30 days	June 6, 2017 – July 6, 2017	July 03, 2017	October 19, 2017	106 days
311 Notice	30 days	June 6, 2017 – July 6, 2017	July 11, 2017	October 19, 2017	99 days

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Posted Notice	10 days	October 9, 2017	October 6, 2017	13 days
Mailed Notice	10 days	October 9, 2017	October 6, 2017	13 days

PUBLIC COMMENT

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

No other neighborhood comments have been received regarding this project.

DR REQUESTOR

The 2016-011777DRP was filed by Eddie Posada of 98 Gates Street, a neighbor directly across the street, Powhattan Avenue. The DR Requestors’ property, constructed in 1909, is a two-story-over-basement, single-family dwelling located on a lot with a width of 25 feet and depth of 70 feet.

The 2016-011777DRP-02 was filed by Mark Brecke of 103 Ellsworth Street, an adjacent neighbor. The DR Requestors’ property, constructed in 1914, is a two-story-over-basement, single-family dwelling located on a lot with a width of 25 feet and depth of 70 feet.

DR REQUESTOR’S CONCERNS AND PROPOSED ALTERNATIVES

See attached *Discretionary Review Application 2016-011777DRP*, dated July 3, 2017.
 See attached *Discretionary Review Application 2016-011777DRP-02*, dated July 11, 2017.

PROJECT SPONSOR'S RESPONSE TO DR APPLICATION

See attached *Responses to Discretionary Review Applications 2016-011777DRP and 2016-011777DRP-02*, received on July 19, 2017.

ENVIRONMENTAL REVIEW

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

RESIDENTIAL DESIGN ADVISORY TEAM REVIEW

The Residential Design Advisory Team deemed the project complies with the Residential Design Guidelines for the Discretionary Review concerns. To further enhance compliance with the guidelines that asks projects to "relate the proportion and size of windows to that of existing building in the neighborhood" (page 45), provide shutters and/or other scale defining features that help articulate the façade and add pedestrian scale.

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

RECOMMENDATION: Do not take DR and approve project as proposed

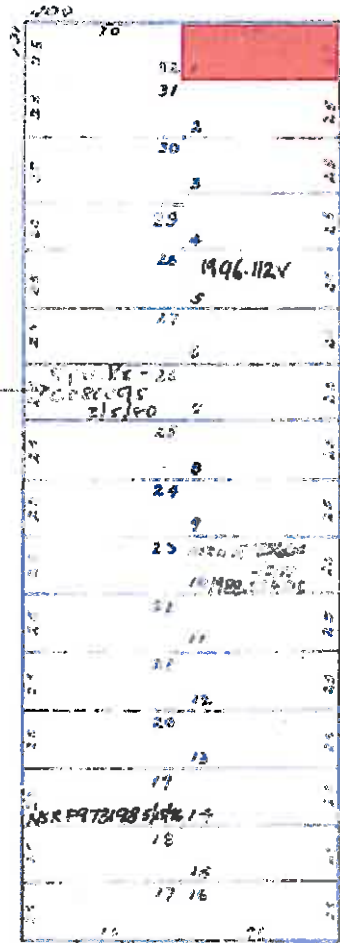
Attachments:

Parcel Map
Sanborn Map
Zoning Map
Height and Bulk Map
Aerial Photographs
Site Photographs
Section 311 Neighborhood Notification
DR Application 2016-011777DRP
DR Application 2016-011777DRP-02
Responses to DR Applications received on July 19, 2017
Reduced 311 Neighborhood Notification Plans
Environmental Evaluation/Historic Resource Evaluation

Parcel Map



POWHATTAN AVE.



SUBJECT PROPERTY

Handwritten note:
 1996.112V
 10/11/82

ELLSWORTH

GATES

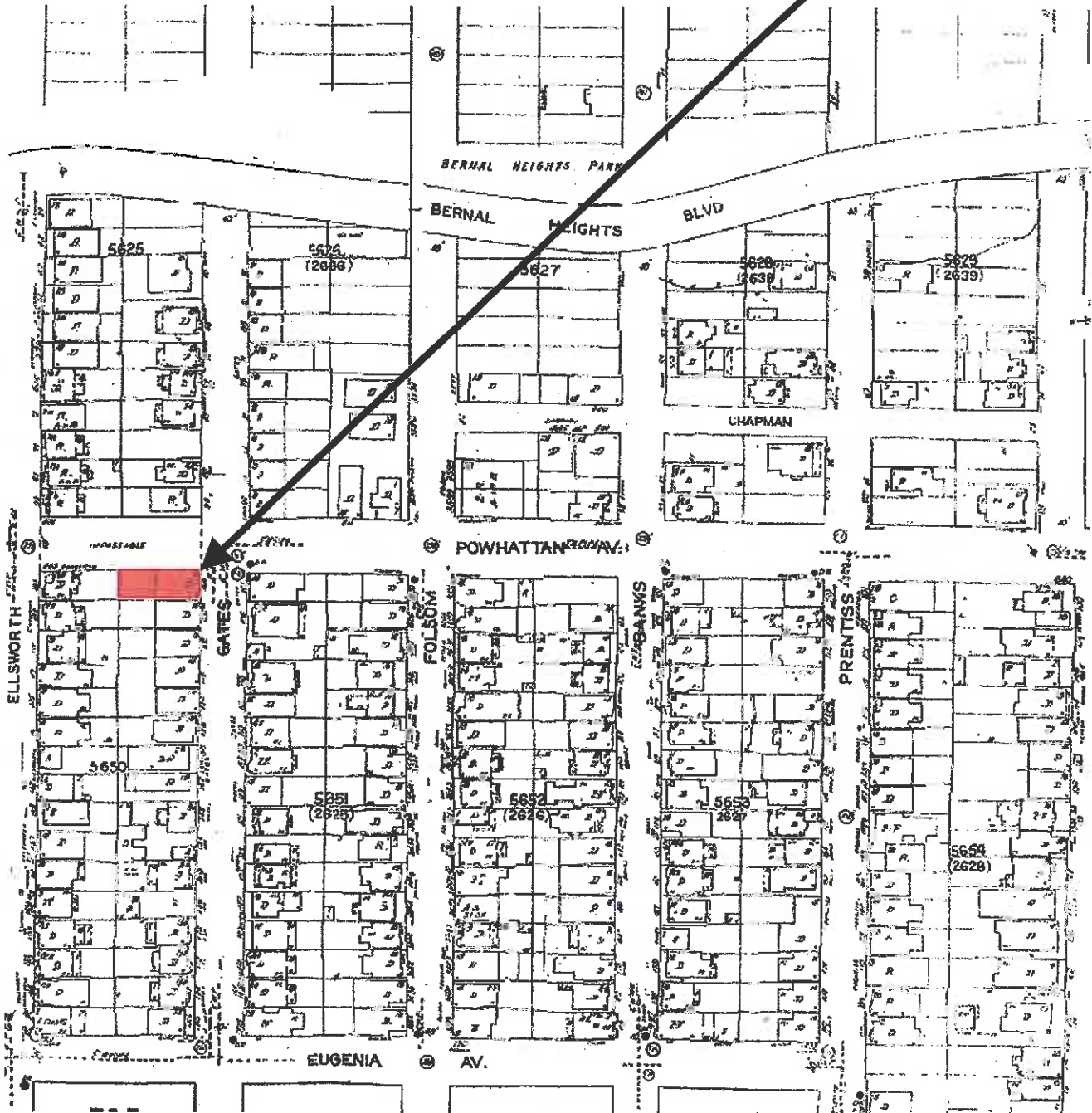
EUGENIA AVE.



Discretionary Review Hearing
 October 19, 2017
 Case Number 2016-011777DRP & DRP-02
 100 Gates Street

Sanborn Map*

SUBJECT PROPERTY

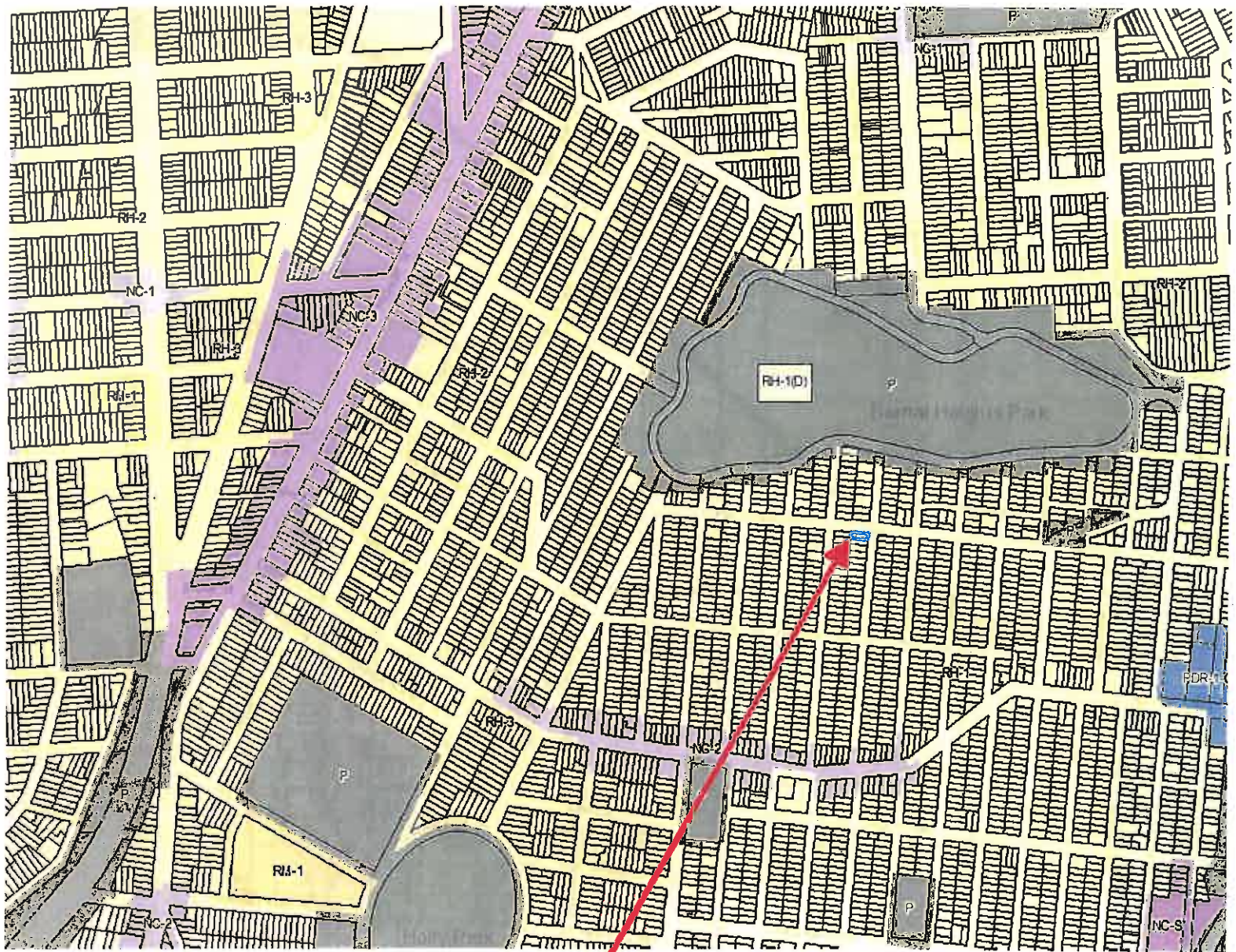


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Discretionary Review Hearing
October 19, 2017
Case Number 2016-011777DRP & DRP-02
100 Gates Street

Zoning Map



SUBJECT PROPERTY



Discretionary Review Hearing
October 19, 2017
Case Number 2016-011777DRP & DRP-02
100 Gates Street

Height and Bulk Map



SUBJECT PROPERTY



Discretionary Review Hearing
October 19, 2017
Case Number 2016-011777DRP & DRP-02
100 Gates Street

Aerial Photographs



SUBJECT PROPERTY

Discretionary Review Hearing
October 19, 2017
Case Number 2016-011777DRP & DRP-02
100 Gates Street

Aerial Photographs



SUBJECT PROPERTY

Discretionary Review Hearing
October 19, 2017
Case Number 2016-011777DRP & DRP-02
100 Gates Street

Site Photographs



SUBJECT PROPERTY

Discretionary Review Hearing
October 19, 2017
Case Number 2016-011777DRP & DRP-02
100 Gates Street

Site Photographs



SUBJECT PROPERTY

311 Neighborhood Notification



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street Suite 400 San Francisco, CA 94103

NOTICE OF BUILDING PERMIT APPLICATION (SECTION 311)

On **August 5, 2017**, the Applicant named below filed Building Permit Application No. **2016.0805.4359** with the City and County of San Francisco.

PROJECT INFORMATION		APPLICANT INFORMATION	
Project Address:	100 Gates Street	Applicant:	Peter Liang
Cross Street(s):	Powhattan and Eugenia Avenue	Address:	1890 Bryant Street #314
Block/Lot No.:	5650/001	City, State:	San Francisco, CA 94110
Zoning District(s):	RH-1 / 40-X	Telephone:	(415) 886-0986
Record No.:	2016-011777PRJ	Email:	peter@bluetruckstudio.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"/> Façade Alteration(s)	<input type="checkbox"/> Front Addition
<input checked="" type="checkbox"/> Rear Addition	<input type="checkbox"/> Side Addition	<input checked="" type="checkbox"/> Vertical Addition
PROJECT FEATURES	EXISTING	PROPOSED
Building Use	Residential	No Change
Front Setback	11"	No Change
Side Setbacks	None	No Change
Building Depth	36'-2"	43'-2"
Rear Yard	32'-11"	25'-11"
Building Height	23'-4"	31'-10"
Number of Stories	2	3
Number of Dwelling Units	1	No Change
Number of Parking Spaces	1	No Change
PROJECT DESCRIPTION		
<p>The proposal is for a vertical addition, rear addition and interior remodel of a two-story single-family residence. The proposed work includes interior alterations as well as exterior alterations: new façade, roof deck, window replacements and new siding.</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: Esmeralda Jardines
 Telephone: (415) 575-9144
 E-mail: esmeralda.jardines@sfgov.org

Notice Date: 6/6/17
 Expiration Date: 7/6/17

GENERAL INFORMATION ABOUT PROCEDURES

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

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

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

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

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

BOARD OF APPEALS

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

ENVIRONMENTAL REVIEW

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

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

Board of Appeals Case No.: 18-016
Appeal Title: Brecke vs. DBI, PDA
Subject Property: 100 Gates
Permit Type: Site Permit
Permit No.: 2016/08/05/4359S

BOARD OF APPEALS
MAR 15 2018
APPEAL # 18-016

Julian Schuchard & Meble Tin, Permit Holders
100 Gates Street
San Francisco, CA 94110

Mark Brecke, Appellant
103 Ellsworth, Street
San Francisco, CA 94110

Discretionary Review Case No. 2016-011777DRP-02
Hearing Date, October 19th 2017

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

Lewis Watts, Professor Emeritus
BASKIN VISUAL ARTS E104
1156 HIGH ST.
SANTA CRUZ, CALIFORNIA 95064
CELL: (510) 484-8462 voicemail
lewatts@ucsc.edu

March 15, 2018

To The Board of Appeals,

I would like to write in support of Mark Brecke's petition to modify his neighbor's application to build an addition that will obscure the natural light that enters Mark's studio at his house. Mark is an internationally recognized photographer and filmmaker and a colleague and former student of mine. As an artist myself, I want to emphasize the importance of having natural light to evaluate visual imagery, especially photo based for tonality and color and emotional impact as well as providing the working atmosphere for inspiration. I know that Mark chose his house because of the presence of ample natural light and it is my understanding that he does not want to kill his neighbor's expansion plans, but rather amend the scale so that he can continue to work under ideal conditions that are integral for his work. Because of San Francisco's changing real estate market that is driving out many of its creative community, I think that it is important that planning conditions prevail, when possible to support the great tradition of artistic endeavor that has been a hall mark of the Bay Area since its beginnings. Please let me know if you have any questions of me and I hope that you will consider Mark's request very seriously.

Sincerely,

Lewis Watts

Gamma Black & White
983 Chenery Street
San Francisco, CA 94131

3/12/18

To whom it may concern:

I have been a photographic printer in San Francisco for over forty years. In that time, I have acquired some expertise in the viewing of photographic prints. I have been Mr. Brecke's personal printer for over several decades and am very familiar with his work.

A thorough evaluation of a photographic print can only be obtained by viewing the print under a variety of light sources. The source of primary importance is, of course, daylight. I can state with some authority that no amount of artificial light can replace daylight in the proper evaluation of a photographic print.

Any reduction in the amount of daylight available to Mr. Brecke's studio will have a significant impact on his ability to properly evaluate his photographic prints and hence his ability to do his work. As Mr. Brecke's work is of some considerable social importance, I strongly urge that nothing be done to compromise his art.

Sincerely,

Peter Fairfield

3/10/18

On behalf of Mark Brecke for the San Francisco Board of Appeals.

My name is Antonio Sindorf. I've been a painter in the bay area for 25 years. I've known mark for 20 years. We were both on Harrison street when it was cobblestone in the early '90s.

I want to first of all speak to the importance of Mark's work. The documentary work that he's done in Darfur. I helped wrap that work with him. I'm good at making packages. That work eventually found its way to the Capitol Building in Washington D.C. where it was on display for months. Mark presented this work at the request of Senator Brownback--and then Senator Obama. In addition to that body of work, he's also documented atrocities in a number of different nations, including, Rwanda, Cambodia, Iraq twice, Kosovo and now he's doing a documentary on Somalia. So, we're talking about his documentary work principally.

Light does matter to the type of print work that Mark does in the following way: there is the actual work itself--in order to make a print, you engage qualities of gray in the subtlest way--you need the combination of different light sources to appreciate its effect on your own vision; if you're always operating under artificial light, you can't actually see the work itself. It's not just about a "palette cleanser," to be able to see additional work. It's fundamental to Mark's work.

I believe that Mark's work matters, not just for those of us who live in San Francisco and have had the privilege of knowing him for many years.

I know that he moved into that edifice, as well, with the understanding the studio had been there for 38 years. He was going to have the opportunity to continue working there.

**NOBODY SHOULD BE FORCED TO HAVE THEIR LIGHT ALTERED IN ONES WORKSPACE/
STUDIO, ESPECIALLY AFTER WORKING FOR YEARS IN THOSE PARTICULAR HOURS
WITH THAT AVAILBE NATURAL LIGHT. THAT Light IS CRUSIAL TO MARKS HUMAN
RIGHTS AND SOCIAL DOCUMENTARY WORK.**

It would be not only make his own work more difficult--but if his work is compromised, it's to the detriment of the Bay Area. We are known for the fine arts in the San Francisco Bay Area, but we are more known for our documentary and journalism work as well.

Mark is outstanding. He deserves light. He is only asking for a small modification of the project, NOT BLOCKING IT. Please find a way to compromise.

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