BRIEF SUBMITTED BY THE APPELLANT(S) FOR THE HEARING ON FEBRUARY 22, 2023

245 MARINA BLVD SOLAR BUTTERFLY VILLA _ APPEALS BOARD BRIEF

DR. P.S. SABHARWAL

- PLEASE SEE ALL LINKS IN BLUE AND UNDERLINED FOR EXHIBITS-

A)- CANCELLATION LETTER

B)- STATEMENTS FROM COREY TEAGUE ZONING ADMINISTRATOR

C)- (RDG) FROM PLANNER CHRISTOPHER MAY FOR THE MOST RECENT 12/4/22 SUBMITTAL RECEIVED 1/20/22

1. Please provide drawings that depict the existing adjacent buildings on all plans and elevations. The existing adjacent buildings WERE depicted and pointed out with revision clouds on all plans and elevations in this 12/4/22 submittal. Please see Sheets (A1.0, A2.0 - A2.4, A4.1 - A4.4, revision # 1)

2. Maintain side setback along the east property line at the front to reciprocate with the neighbor's side setback/building entrance. (SAME REQUEST AS THE LAST RDG SEE LINK)- RESPONSE: Between 2013-15, "THE WAVE DESIGN" for 245 Marina Blvd with the same side setback along the east property line was brought to near completion by local architect David Bushnell before his death, and there were no objections made to an east side setback on the east property line: **1_23_13-** permission was granted in the office of Mark Farrell for a proposed 2' sunken garden extending to the east property line (how can we have a 5' eastside setback if the sunken garden extends to the east property line), a permit and variance were then obtained with the guidance of planning (please see the preceding link for details). **2_6_14-** ONLY COMMENTS FROM PLANNING DEPARTMENT (see RDTR). **2_7_14-** Planner Glenn Cabreros told us, "The only comments are more detail-oriented, so we should be able to proceed with the **OVERALL MASSING."(which includes side setbacks)** – (SEE EMAIL) -THE OVERALL MASSING OF "THE WAVE DESIGN" THAT WAS APPROVED CONSISTED OF A EAST SIDE SETBACK ON THE PROPERTY LINE, ALMOST IDENTICAL TO THE OVERALL MASSING OF THE PROJECT SUBMITTED 12/4/22 (SEE EXHIBIT).

3. Minimize roof appurtenances. Minimize height of stair and elevator penthouses and windscreens, trellis, pergolas, etc. relocate mechanical equipment to ground level. CONT…

Roof appurtenances have been minimized, per interpretation of sec. 260, we are attempting to make an innovative building-integrated "solar energy system" in the most innovative city in the world that combines the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, and water heating into one structural rooftop design feature. Please see (Neighborhood context rooftop glass). The height of the stair and elevator penthouses has been minimized per sec 260. (b)1(B) they are under the 10' height allowed; windscreens, trellis, pergolas, etc., were reduced in height from 8' to 6' (WE ARE HAPPY TO REDUCE WINDSCREENS TO 5'11" BY 4' TO BE LESS THAN 24 SQ FT PER SEC 139). At the beginning of this year, there was severe flooding in the Marina district, and the ground floors across the neighborhood were connected underwater; it is an electrical hazard for all residents to have electrical and mechanical equipment on the ground floor.

4. Simplify roof termination – eliminate glass guardrails and provide solid parapets at front façade - detailed to be compatible with the historic district-(SAME REQUEST AS THE LAST RDG)-(Neighborhood context rooftop glass)-The roof termination has been simplified, glass guardrails have been eliminated, and solid parapets have been provided at the front façade, detailed to be compatible with the historic district. Please see (link). We received comments from planning on 1/20/22 and will be happy to remove the remaining two windscreens over the cylindrical bay elements from the front façade to help save the BUTTERFLIES/POLLINATORS.

5. Design pitched roof forms: consider clay tile roof over cylindrical bay elements and sloped tile roof elsewhere. (SAME REQUEST AS THE LAST RDG)- Pitched clay tile roof forms have been added at the front façade. Please see (link)

6. Revise and simplify the central bay feature (golden gate bridge tower icon element). (SAME REQUEST AS THE LAST RDG)- The central bay feature has been revised and simplified. It is no longer a bay window (no occupiable area); it has been moved to the south and decreased in size and depth, becoming a part of the main entry and the north façade. Please see (link).

7. Simplify and provide detailing and materials compatible with the predominate features of the district; (stucco, clay tile roof, recessed wood windows) (SAME REQUEST AS THE LAST RDG)-(neighborhood window context) Detailing and materials compatible with the predominate features of the district; (stucco, clay tile roof, recessed wood windows) were already incorporated in the12/4/22 submittal. Please see Sheets (A4.0 – A4.4, revision # 21) – (8-31-22 submittal compared to the12/4/22 submittal)

8. design windows to be compatible with those found in the district recess minimum 2" from finish exterior material. (SAME REQUEST AS THE LAST RDG). The windows have been designed to be compatible with those in the district and recessed a 2" minimum from the finish exterior material. Please see Sheet (A4.0, revision # 21) (Neighborhood window context).

D)- CODE APPENDIX_A_PLANNER CHRISTOPHER MAY

Sec. 132 FRONT SETBACK- Comment/Answer

Sec. 136 PERMITTED OBSTRUCTIONS- Comment/Answer

Sec. 139 BIRD SAFETY- Comment/Answer

Sec. 260(b) EXEMPTIONS FROM HEIGHT- Comment/Answer

I WANT TO THANK THE LATE MAYOR LEE, MAYOR FARRELL, ASSISTANT TO THE DIRECTOR OF CURRENT PLANNING / SENIOR PRESERVATION PLANNER TINA TAM, ZONING ADMINISTRATOR COREY TEAGUE, PLANNER CHRISTOPHER MAY, PRESIDENT RICK SWIG, VICE PRESIDENT JOSE LOPEZ, COMMISSIONER ALEX LEMBERG, COMMISSIONER J.R. EPPLER, COMMISSIONER JOHN TRASVINA, EXECUTIVE DIRECTOR JULIE ROSENBERG, LEGAL ASSISTANT ALEC LONGAWAY FOR THEIR CONTRIBUTIONS TO THIS INNOVATIVE PUBLIC ENVIRONMENTAL PROJECT.

BRIEF SUBMITTED BY THE RESPONDENT DEPARTMENT FOR THE HEARING ON FEBRUARY 22, 2023

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

BOARD OF APPEALS BRIEF

HEARING DATE: February 22, 2023

February 16, 2023

Appeal Nos.:	21-116
Project Address:	245 Marina Blvd.
Block/Lot:	0436C/022
Zoning District:	RH-1 (Residential, House, One-Family)
Height District:	40-X
Staff Contact:	Tina Tam, Deputy Zoning Administrator – (628) 652-7385 tina.tam@sfgov.org

Introduction

This brief is intended to provide an overview and timeline of review for the project at 245 Marina Boulevard. This brief also serves as a response to the issues raised in the appeal brief submitted by the project sponsor (Dr. Sabharwal) dated Feb. 6, 2023.

Timeline

The following is a timeline of relevant events related to this appeal:

- Nov. 2011, a site permit application (BPA No. 2011.11.01.8065) was filed with DBI.
- On Aug. 13, 2012, Nov. 21, 2012, Jun. 26, 2017, and Oct. 31, 2017, the Department sent four (4) Plan Check Letters to Dr. Sabharwal and/or his representative.
- On Feb. 11, 2019, a demolition permit was filed. However, no new construction permit was filed.
- On Apr. 11, 2019, the Planning Department send their 5th Plan Check Letter, reiterating the need for the owner to respond fully to specific Code and design comments.
- On Dec. 7, 2021, the Planning Department initiated cancellation of the demolition and alteration permits

due to no response from the owner in two years.

- On Dec. 30, 2021, the owner filed an appeal to the cancellation and the appeal was calendared for a Feb. 9, 2022 hearing.
- On Jan. 31, 2022, the owner requested a rescheduling, and the appeal was moved to April 13, 2022.
- On Apr. 1, 2022, the owner requested a 2nd rescheduling, and the appeal was moved to June 1, 2022.
- On May 19, 2022, the owner requested a 3rd rescheduling, and the appeal was moved to August 24, 2022.
- On Aug. 17, 2022, the owner requested a 4th rescheduling, and the appeal was moved to Oct. 19, 2022.
- On Sept. 20, 2022, the owner submitted revised plans to the Planning Department.
- On Oct. 13, 2022, the owner requested a 5th rescheduling, and the appeal was moved to Dec. 7, 2022.
- On Oct. 19, 2022, the Planning Department sent the owner the 6th Plan Check Letter outlining Code and design issues for the project.
- On Dec. 5, 2022 (two days before the hearing), the owner submitted another set of revised plans (See Exhibit A).
- On Dec. 7, 2022, the Board of Appeals held a public hearing and voted to continue the appeal to Feb. 22, 2023. The Board also requested a three-page brief from the owner and Planning Department.
- On Jan. 20, 2023, the Planning Department sent the owner the 7th Plan Check Letter (See Exhibit B).
- On Feb. 6, 2023, the owner submitted an appeal brief asserting that the plans submitted complied with Department's code and design comments.

Key Points

For the past 12 years, the Planning Department has worked with the property owner and/or his representatives. Despite numerous plan check letters, emails, phone calls, and meetings, site visits, and etc.,

the owner failed to make substantial changes to the project in response to Planning Code and Residential Design Guidelines comments and requirements. The project continues to not comply with the Planning Code and Design Guidelines.

As outlined in the December 20, 2022 Plan Check Letter, the Department is (again) asking the owner to 1) Reduce the amount of features on the roof and minimize the height and sizes of the stairs and elevator penthouses to the bare minimal sizes required by the Building Code in order to meet the Planning Code; 2) reduce the size of the front balconies to comply with the Planning Code; 3) Design the front façade to be compatible with the character-defining features of the Marina Historic District by simplifying the windows and architectural features; and 4) Provide a side setback at the front to match the neighboring side setback to the east.

Conclusion

To conclude, the Department has exhausted their efforts in working with the owner in proposing a project that meets the Planning Code and is compatible with the neighborhood. The owner has not responded fully nor timely to the Department's Code and design comments. The rooftop penthouses and other features are still oversized and do not comply with the Planning Code or Design Guidelines. There are still too much glass parapets and too many competing bay features at the front façade. There is also no side setback along the east property line as repeatedly requested in the comment letters sent to the owner. Therefore, the Department recommends that the permits be cancelled.

cc: Dr. Sabharwal (Property Owner and Appellant)

Enclosure: Exhibit A – Plans submitted December 5, 2022
Exhibit B – Planning Department's 7th Comment Letter dated January 20, 2022

Exhibit A:

Plans submitted December 5, 2022

SCOPE OF WORK

DEMOLISH EXISTING 3-STORY, SINGLE FAMILY DWELLING. NEW CONSTRUCTION OF 4-STORY SINGLE FAMILY DWELLING.

SUBMITTALS

#	ISSUE	DATE
1	SITE PERMIT	11/01/11
2	RESUBMITTAL	10/10/14
3	RESUBMITTAL	3/06/17
4	RESUBMITTAL	10/06/17
5	RESUBMITTAL	5/24/18

PROJECT INFORMATION

BLOCK/LOT:	0436C/ 022
ZONING:	RH-1
HEIGHTLIMIT:	40-X
CONSTRUCTION:	TYPE V-B
OCCUPANCY:	R-3
EXISTING HEIGHT:	35'
PROPOSED HEIGHT:	35'
LOT AREA:	3,397 SF
LOT DIMENSION:	N. PROPERTY LINE, L=42.96,R=206.19 S. PROPERTY LINE, L=22'1" E. PROPERTY LINE, L=100' W. PROPERTY LINE, L=100'
FAR:	1.8 3,397SF X 1.8 = 6,114 ALLOWABLE SF

REAR YARD REQUIREMENT: 25% OF 100' = 25'

* BUILDING AREA (E)	• BUILDING AREA (N)
LEVEL 1 - 0 (STORAGE)	LEVEL 1 - 754 SF
LEVEL 2 - 1,255 SF	LEVEL 2 - 1,815 SF
LEVEL 3 - 1,255 SF	LEVEL 3 - 1,837 SF
	LEVEL 4 - 1,572 SF
TOTAL 2,510 SF	TOTAL 5,978 SF
*OCCUPIED AREA	• OCCUPIED AREA

APPLICABLE CODES

California Code of Regulations, Title 24, 2013 edition.

2016 CALIFORNIA GREEN BUILDING STANDARDS CODE

2016 CALIFORNIA BUILDING CODE, Title 24, Part 2, 2009 International Building Code w/ California amendments

2016 CALIFORNIA RESIDENTIAL CODE, Title 24, Part 2.5

2016 CALIFORNIA ELECTRICAL CODE, Title 24, Part 3, 2008 National Electrical Code w/ California amendments

2016 CALIFORNIA MECHANICAL CODE, Title 24, Part 4, 2009 Uniform Mechanical Code w/ California amendments

2016 CALIFORNIA FIRE CODE, Title 24, Part 9, 2009 International Fire Code w/ California amendments

2010 CALIFORNIA ENERGY CODE, Title 24, Part 6

2016 CALIFORNIA ADMINISTRATIVE CODE, Title 24, Part 1

2016 CALIFORNIA REFERENCED STANDARDS CODE, Title 24, Part 12

Title 19, C.C.R., Public Safety, Division 1: State Fire Marshal Regulations

NFPA 72, National Fire Alarm Code, 2016 Edition (as amended by SFM)

Building Code Requirements for Structural Concrete & Commentary, ACI 318-08 & ACI 318R-08.

American Institute of Steel Construction, Construction Manual - 13th Addition, AISC 360-05

SYMBOLS

GRAPHIC SYMBOLS

- EXTERIOR ELEVATION / ELEVATION SERIES
- INTERIOR ELEVATION / ELEVATION SERIES
- BUILDING SECTION
- DETAIL SECTION
- DETAIL CALLOUT
- VERTICAL DATUM DIMENSION
- REVISION CLOUD
- NORTH ARROW
- CEILING TAG
- ROOM TAG: Room Name and Room Number
- DOOR TAG
- WINDOW TAG
- WALL TAG
- ALIGN

LINETYPES

- OVERHEAD
- EXISTING
- CENTERLINE
- HIDDEN
- PROPERTY LINE

LIST OF DRAWINGS

GENERAL NOTES

0. PERSPECTIVES IN THIS DRAWING SET ARE DIAGRAMMATIC ONLY AND ARE NOT TO BE CONSTRUED AS DETAILED CONSTRUCTION DRAWINGS

1. DO NOT SCALE DRAWINGS. CONTRACTOR TO VERIFY ALL DIMENSION IF DISCREPANCIES ARE FOUND, THE OWNER SHALL BE NOTIFIED IMMEDIATELY.

UON, THESE DRAWINGS USE THE FOLLOWING DIMENSIONING CONVENTIONS:

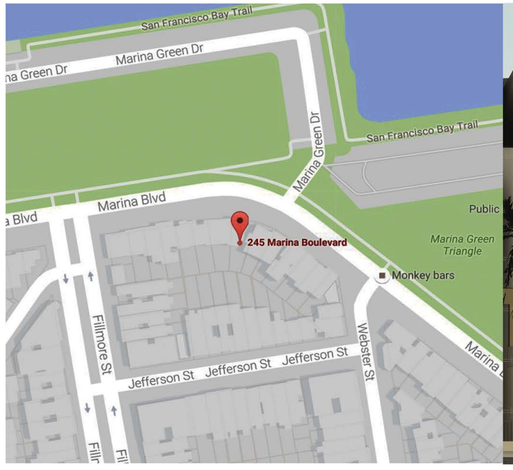
- EXISTING WD WALLS: FROM FACE OF FINISH
- NEW CONDITIONS: FROM FACE OF STUD
- DOOR AND WINDOW OPENINGS: RO
- CEILING HEIGHTS: FINISH FLOOR TO FACE OF FINISH CEILING
- CONCRETE: FACE OF CONCRETE
- DOORS: TO CENTERLINE OF OPENING

2. ALL (E) DIMENSIONS TO BE VERIFIED IN FIELD. BEFORE STARTING WOK, THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS, LOCATIONS, ELEVATIONS, SIZES, CLEARANCES, ETC. REQUIRED TO COMPLETE THE WORK.

3. UNLESS NOTED (E), ALL ITEMS SHALL BE (N)

4. THE NOTES AND DRAWINGS ARE AN AID TO THE CONTRACTOR IN UNDERSTANDING THE WORK, AND SHOULD NOT BE CONSTRUED AS BEING COMPLETE IN EVERY DETAIL. IT IS THE EXPLICIT AND SPECIFIC RESPONSIBILITY OF THE CONTRACTOR TO VISIT THE SITE, VERIFY THE EXISTING CONDITIONS, FAMILIARIZE HIM/HERSELF THOROUGHLY WITH THE SCOPE OF WORK, AND BRING ANY DISCREPANCIES BETWEEN THE DRAWINGS AND THE ASSUMED OR ACTUAL CONDITIONS TO THE ATTENTION OF THE ARCHITECT.

LOCATION MAP



No.	Description	Date

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

245 MARINA BLVD. S.F.

COVERSHEET

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A0.0

Scale

Project: Sabharwal Residence
Address: 245 Marina Boulevard, San Francisco
Scope of work: Construction of new residence
Attendees: Yan Yan Chew (SFDBI), Rodrigo Santos (S&U), Lok Chan (S&U)

Item 1: Seeking a variance to allow the proposed bay window at the second floor level as an encroachment within the right-of-way along Marina Boulevard. The portion of the proposed bay window with headroom of 10' and over is a permitted obstruction by the SF Planning Code and the SF Amendments to the CBC. We seek a Variance that would allow a bay window with headroom of 5'-6".

We believe a Variance is supported by the following:

1) The intent for the minimum headroom below obstructions within the right-of-way is for public safety over pedestrian sidewalks. The right-of-way along Marina Boulevard is over 20' wide with broad landscape areas at the building frontage. The landscape areas along the property line is on average over 10' wide along Marina Boulevard (the sidewalk is an average of 10'-10" from the property line at 245 Marina Boulevard). Obstructions in these consistently heavily landscaped areas will not pose a hazard to public safety as no pedestrians will occupy these areas.
2) The intent for the minimum headroom below obstructions within the right-of-way is also to allow for potential street widening and clearance for maintenance vehicles and equipment. Marina Boulevard is at the gateway to San Francisco and the landscape areas within the ROW along the property line are filled with trees, bushes, planters and other landscape features noted for their beauty that will not give way to street widening. If anything, Marina Boulevard is more likely to be reduced to a smaller street for local access only.
3) Recent amendments to the SF building Code increased the minimum head room.
4) There are many precedents for bay windows and other encroachments within the Marina Boulevard ROW.

Item 2: Seeking a variance to Building Code Section 3202.2.1 to allow a step encroachment beyond 12 inches into the public right-of-way.

We believe a Variance is supported by the following:

1) There are many precedents for step encroachment and other encroachments within the Marina Boulevard ROW.

Response by SFDBI representative Yan Yan Chew:
SFDBI will accept the proposed variance provided that the building complies with the latest building codes and that the encroachment is approved by both SFDPW and SF Planning department.

Shall Long for Yan Yan Chew subject to DPW APPROVAL

Submitted by Rodrigo Santos _____ **Date:** 7/12/13

Date: 7/12/13

[illegible] Street San Francisco CA 94110 Phone 415-649-7222 Fax 415-649-2690 www.santosurtula.com

---

Address: 450 Clementina St San Francisco, CA 94103
Contact: David Bushnell **Phone:** (415) 990-2388

Property Owner (Permittee)

Property Owner: 245 MARINA BLVD LLC
Mail Address: 255 MARINA BLVD
SAN FRANCISCO CA 94123

Conditions	Step encroachments approved by Building Department at its pre-application meeting dated June 18, 2013.
Occupy, construct and maintain encroachment(s)	A new warped driveway with landscaping as diverter, non-standard cross slope, retaining wall and steps encroaching 10'-11" onto the sidewalk right of way per neighborhood pattern.
Square Feet	261
Type/Description	Warped Driveway, Planters, Building (Door, etc)
Permit Landscape Type	Property Side
Landscape Dimensions	213
Inspection	This permit is invalid until the permittee contacts DPW at 554-7149 to activate the permit and schedule an inspection at least 72 hours prior to work. Failure to comply with the stated conditions will render this permit null and void.

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

Approved Date : 09/19/2013

Applicant/Permittee 9/19/13 Date

Approved Director of Public Works By: John Kalong

Printed : 9/19/2013 10:53:15 AM Plan Checker

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community. Customer Service Teamwork Continuous Improvement

Page 1 of 8

Historic Resource Evaluation Response
March 12, 2012

CASE NO. 2012.0015E
245 Marina Boulevard

construction types when involving the built environment. The subject property is not an example of a rare construction type.

Step B: Integrity
To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register of Historical Resources criteria, but it also must have integrity. Integrity is defined as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's period of significance." Historic integrity enables a property to illustrate significant aspects of its past. All seven qualities do not need to be present as long the overall sense of past time and place is evident.

Since 245 Marina Boulevard was determined not to meet any of the criteria that would identify it as eligible for the California Register of Historical Resources, analysis of integrity was not conducted.

Step C: Character Defining Features
If the subject property has been determined to have significance and retains integrity, please list the character-defining features of the building(s) and/or property. A property must retain the essential physical features that enable it to convey its historic identity in order to avoid significant adverse impacts to the resource. These essential features are those that define both why a property is significant and when it was significant, and without which a property can no longer be identified as being associated with its significance.

Since 245 Marina Boulevard was determined not to meet any of the criteria that would identify it as eligible for the California Register of Historical Resources, this analysis was not conducted.

CEQA Historic Resource Determination

☐ Historical Resource Present
- ☐ Individually-eligible Resource
- ☐ Contributor to an eligible Historic District
- ☐ Non-contributor to an eligible Historic District

☒ No Historical Resource Present

PART I: SENIOR PRESERVATION PLANNER REVIEW

Signature: _____ Date: 3/12/2012
Tina Tam, *Senior Preservation Planner*

cc: Glenn Cabreros, Current Planning
Virnaliza Byrd, Environmental Planning

SC: G:\DOCUMENTS\Cases\CEQA\HRER\2012.0015E_245 Marina_HRER.doc

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PART 4 – PROJECT SUMMARY TABLE
If you are not sure of the eventual size of the project, provide the maximum estimates.

Gross Square Footage (GSF)	Existing Uses	Existing Uses to be Retained	Net New Construction and/or Addition	Project Totals
Residential	2,500			
Retail	n/a			
Office	n/a			
Industrial	n/a			
Parking	2			2
Other (specify use)				
Total GSF				
Dwelling units	1			1
Hotel rooms	n/a			
Parking spaces	2			2
Loading spaces	n/a			
Number of buildings	1			1
Height of building(s)				
Number of stories				
Please describe any additional project features that are not included in this table:				

Additional Information: Project drawings in 11x17 format should include existing and proposed site plans, floor plans, elevations, and sections, as well as all applicable dimensions and calculations for existing and proposed floor area and height. The plans should clearly show existing and proposed off-street parking and loading spaces; driveways and trash loading areas; vehicular and pedestrian access to the site, including access to off-street parking and parking configuration; and bus stops and curbside loading zones within 150 feet of the site. A transportation study may be required, depending on existing traffic conditions in the project area and the potential traffic generation of the proposed project, as determined by the Department's transportation planners. Neighborhood notification may also be required as part of the environmental review processes.

CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW Section 15301 (l)(1) and Section 15303 (a)
Demolition of one single-family residence. New construction of one single-family residence.

Approved Shelley Caltagirone 3/12/12

No.	Description	Date

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

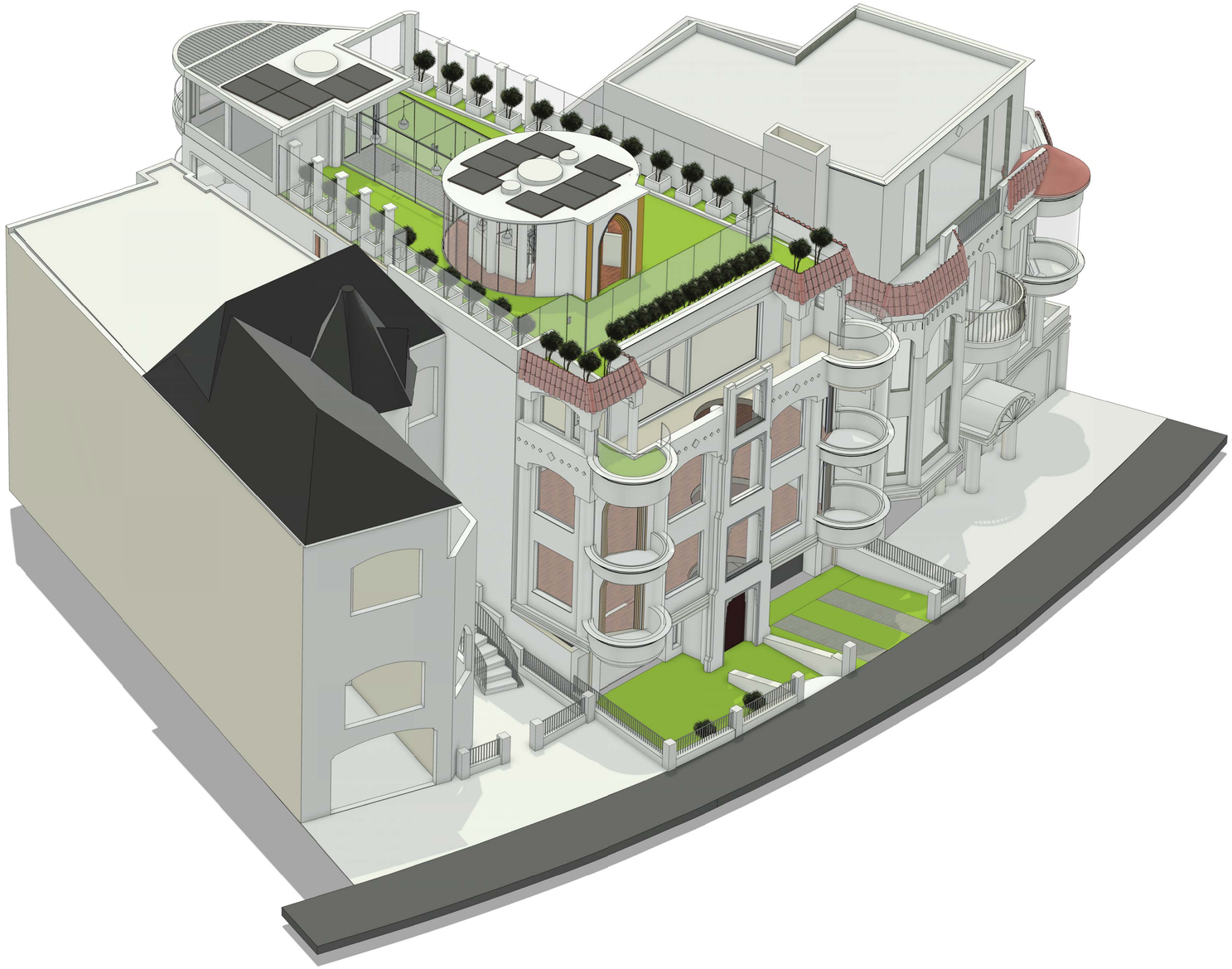
245 MARINA BLVD. S.F.

VARIENCE AND MINOR SIDEWALK ENCROACHMENT

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A0.1

Scale



No.	Description

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

245 MARINA BLVD. S.F.

NORTH EAST AERIAL VIEW

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A0.2

Scale

No.	Description

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

245 MARINA BLVD. S.F.

NORTH EAST STREET VIEW

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A0.3

Scale

No.	Description

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

245 MARINA BLVD. S.F.

NORTH WEST STREET VIEW

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

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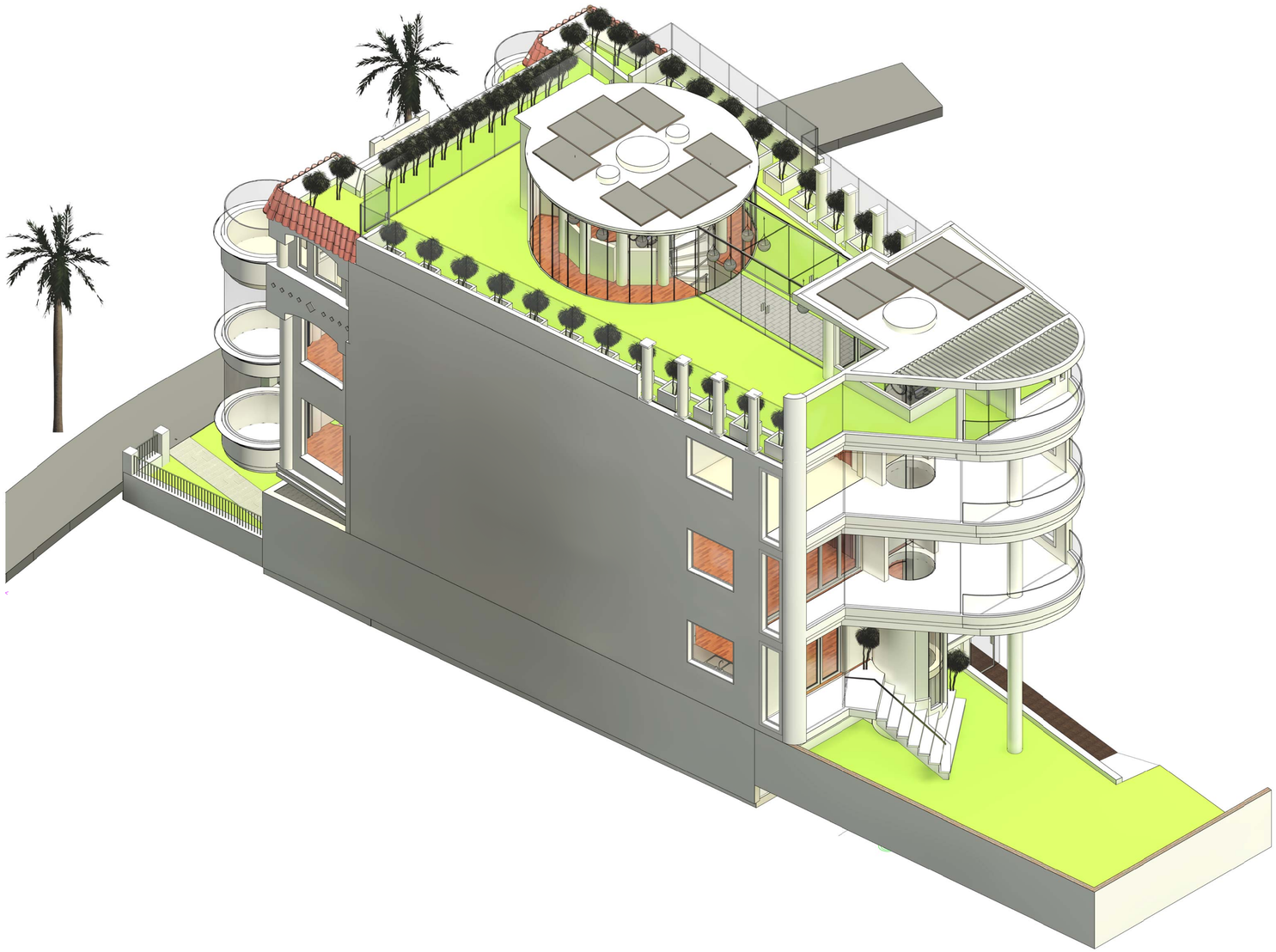
Scale



No.	Description

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

245 MARINA BLVD. S.F.

SOUTH WEST AERIAL VIEW

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A0.5

Scale

No.	Description

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

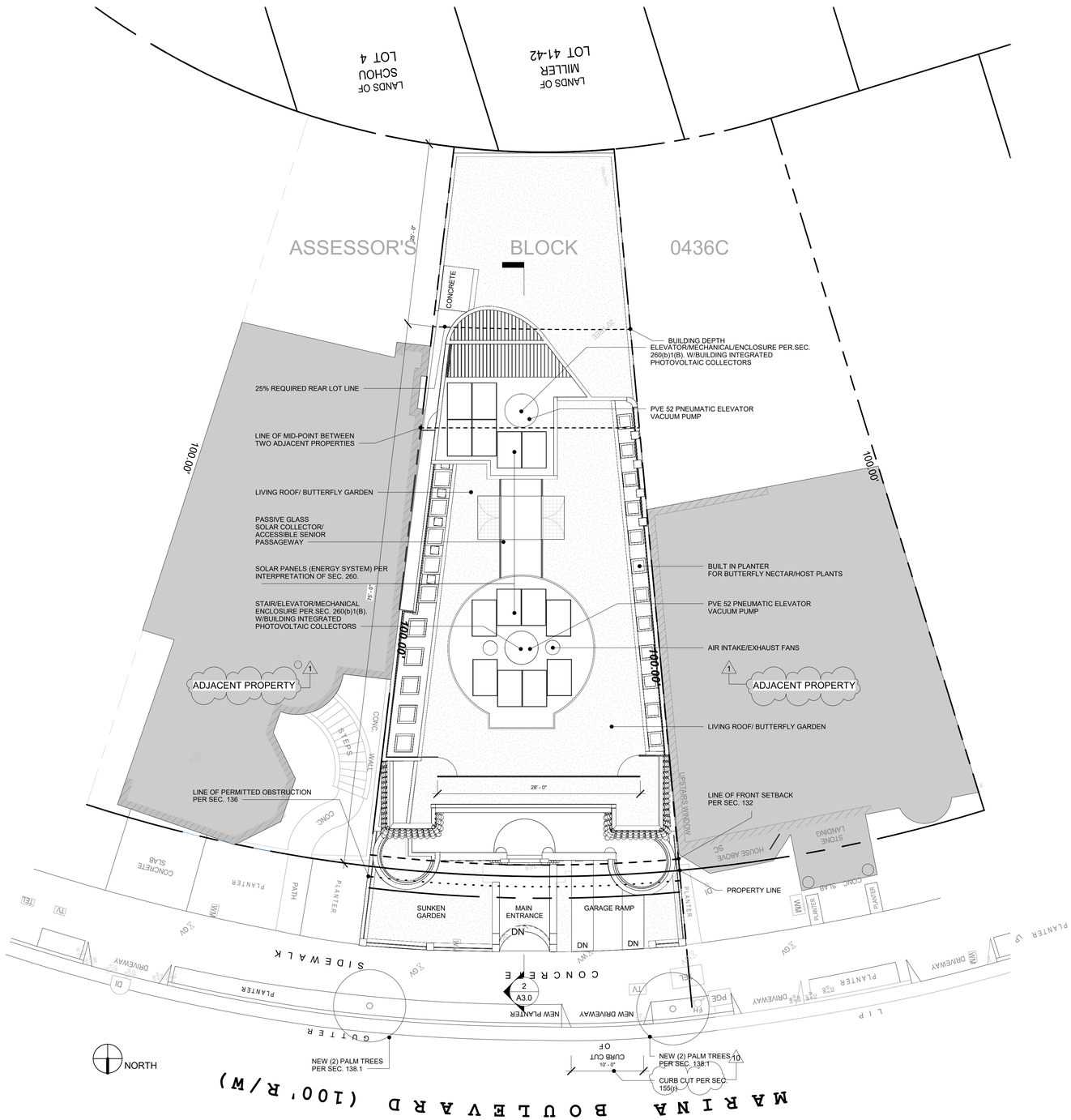
245 MARINA BLVD. S.F.

NORTH STREET VIEW

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A0.6

Scale



No.	Description
1	Revision 1
10	Revision 10

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

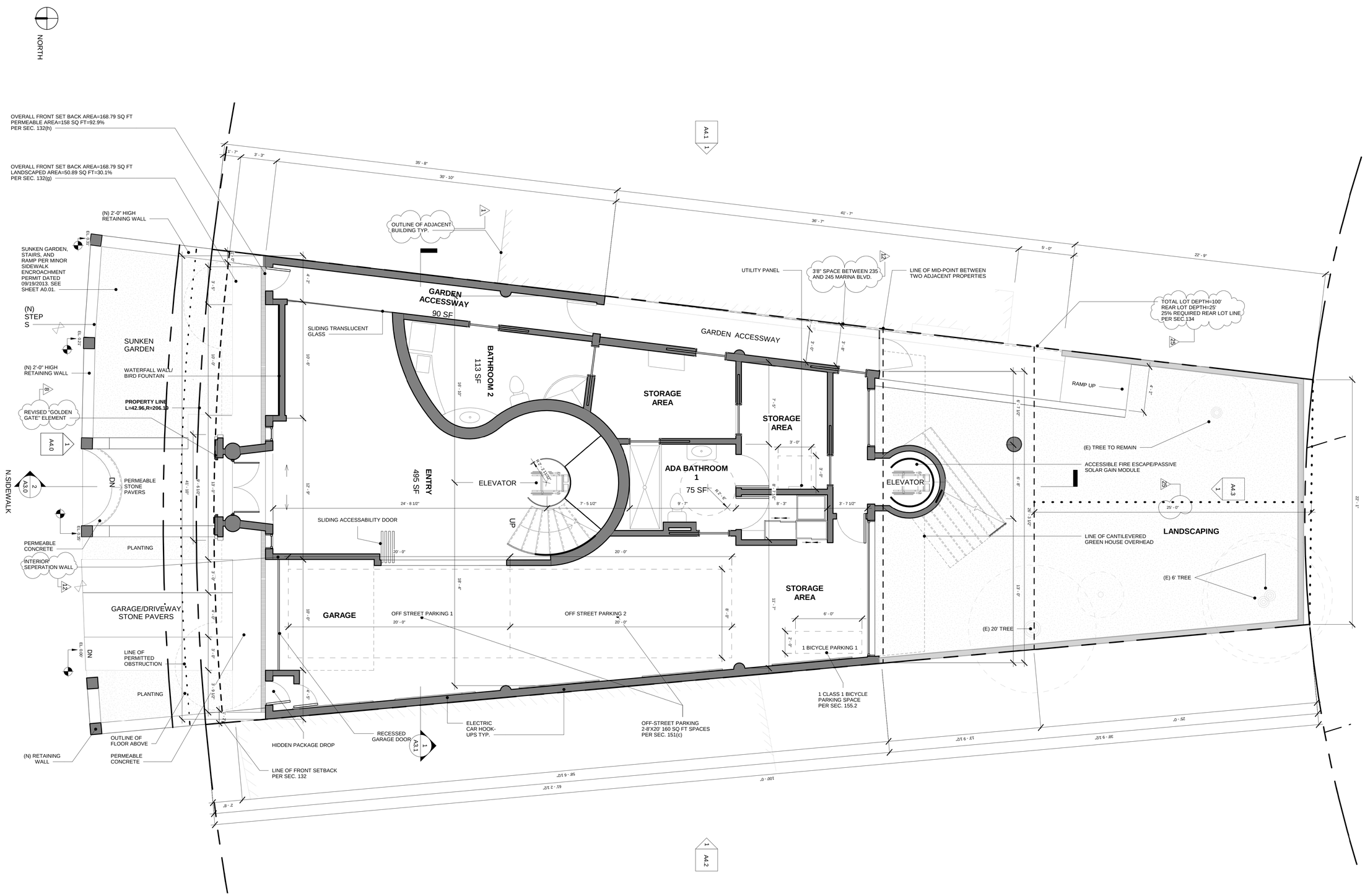
245 MARINA BLVD. S.F.

SITE PLAN

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A1.0

Scale	1/8" = 1'-0"



No.	Description
1	Revision 1
8	Revision 8
12	Revision 12
25	Revision 25

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

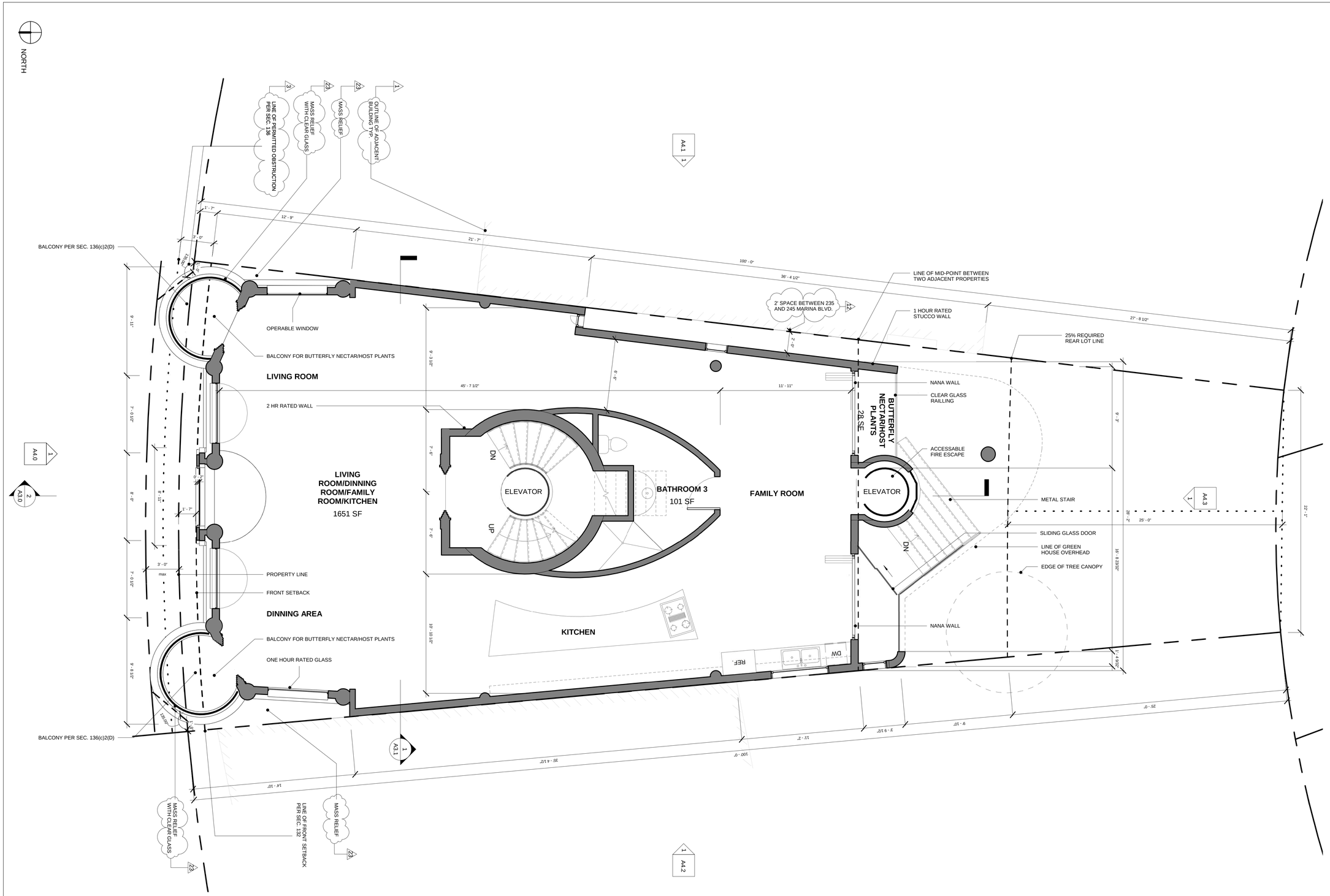
245 MARINA BLVD. S.F.

FIRST FLOOR PLAN

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A2.0

Scale 1/4" = 1'-0"



No.	Description
1	Revision 1
3	Revision 3
12	Revision 12
23	Revision 23

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

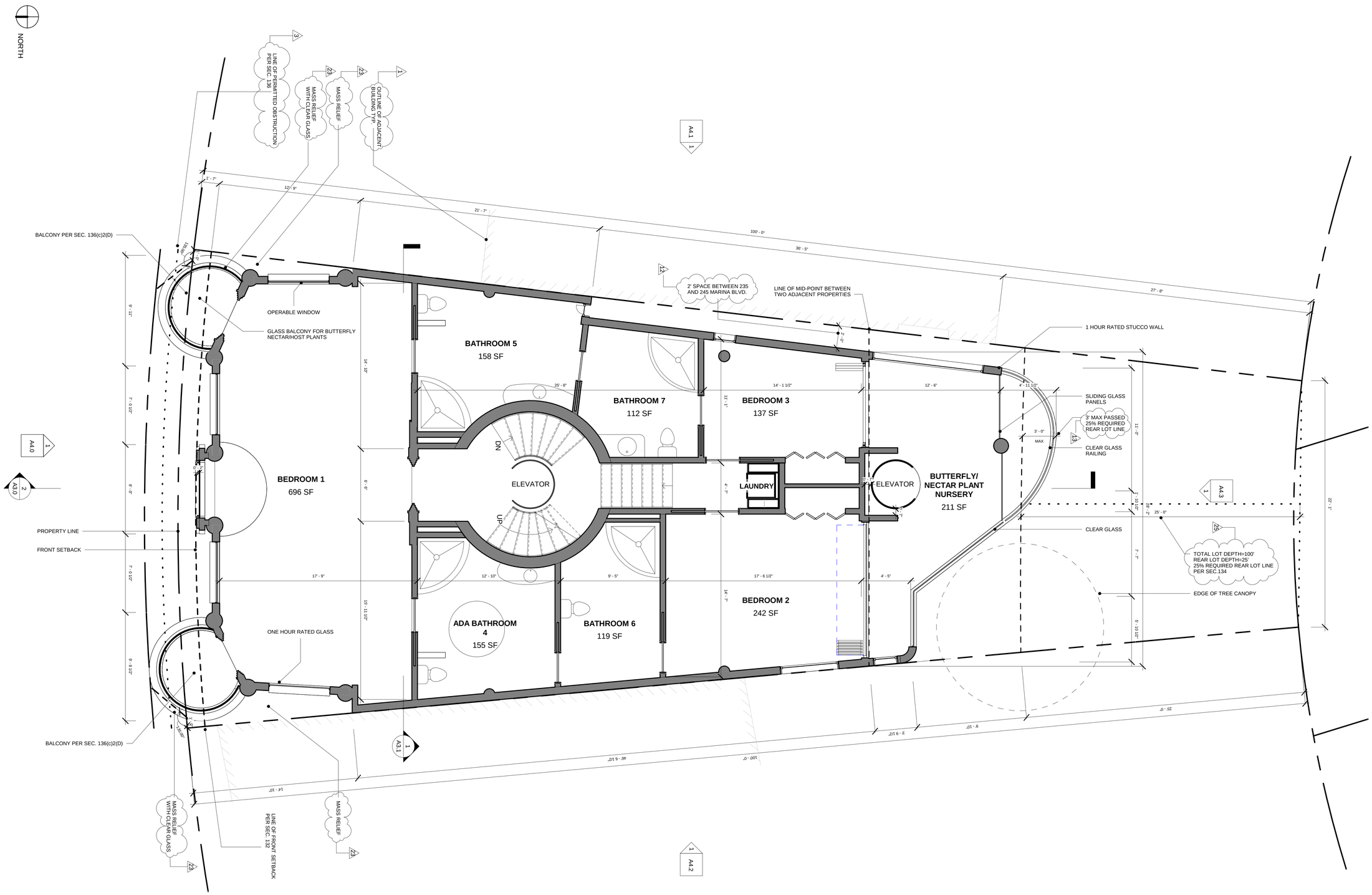
245 MARINA BLVD. S.F.

SECOND FLOOR PLAN

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A2.1

Scale 1/4" = 1'-0"



No.	Description
1	Revision 1
3	Revision 3
12	Revision 12
13	Revision 13
23	Revision 23
25	Revision 25

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

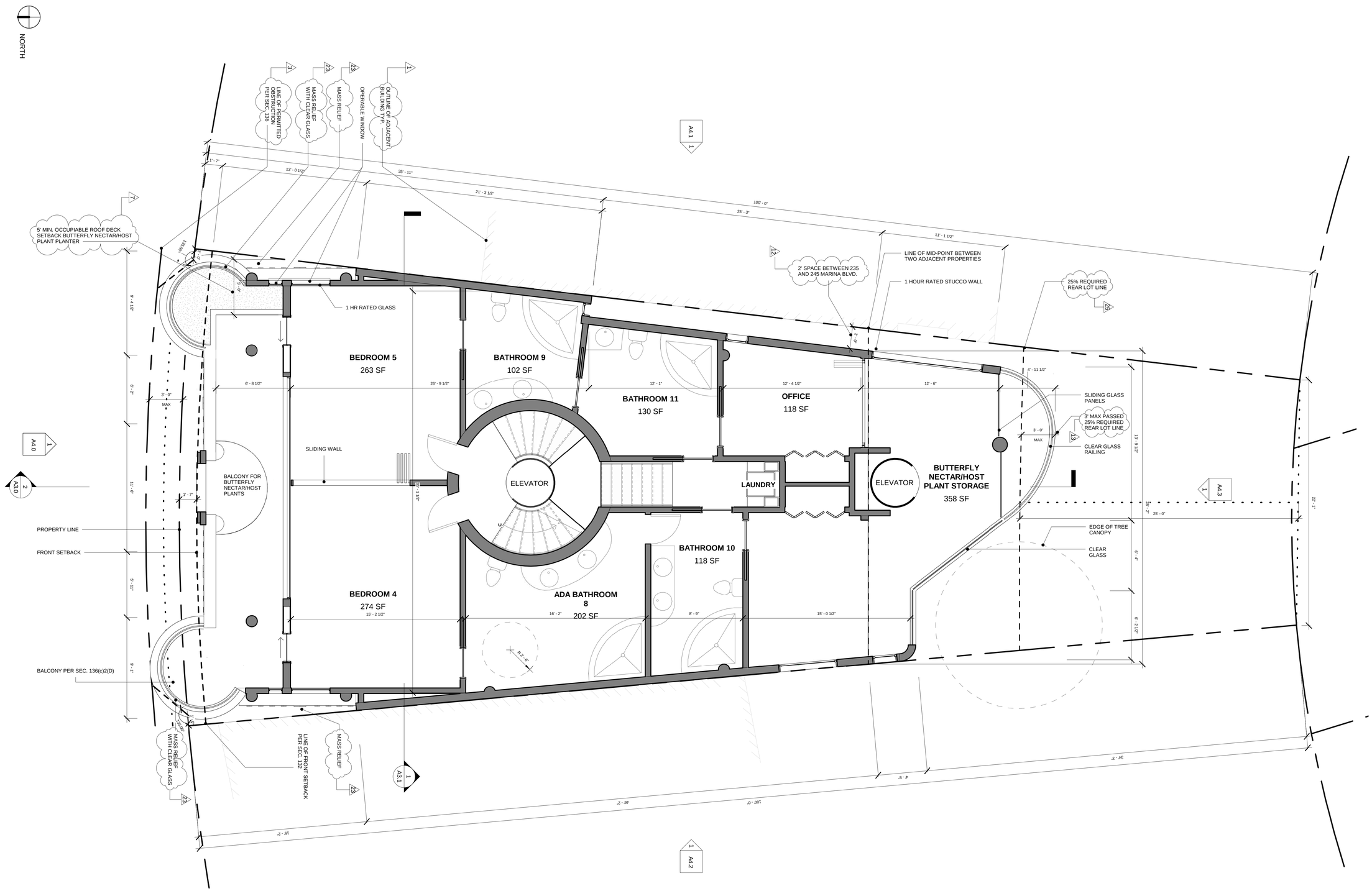
245 MARINA BLVD. S.F.

THIRD FLOOR PLAN

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A2.2

Scale 1/4" = 1'-0"



No.	Description
1	Revision 1
3	Revision 3
7	Revision 7
12	Revision 12
13	Revision 13
23	Revision 23
25	Revision 25

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

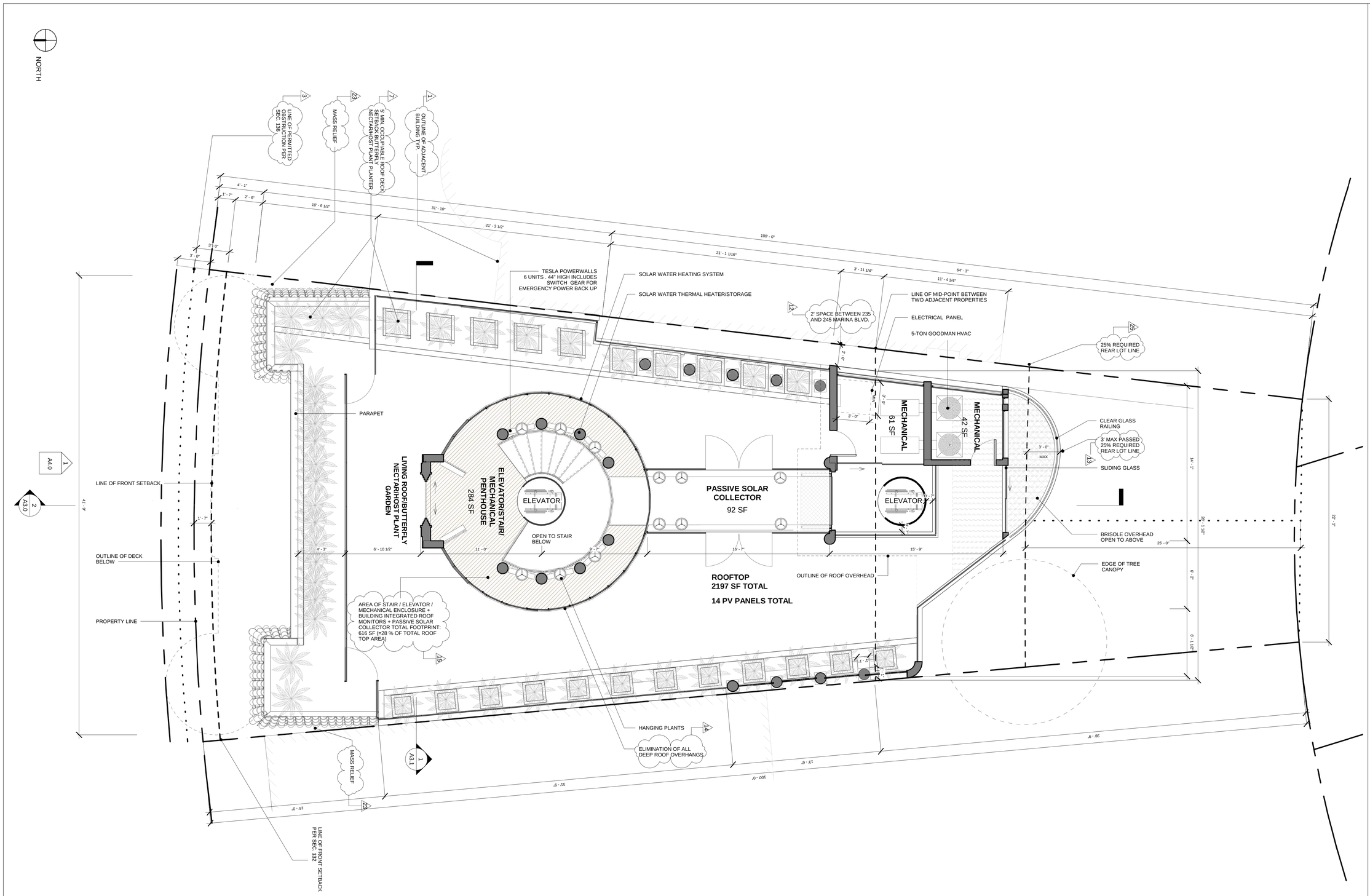
245 MARINA BLVD. S.F.

FOURTH FLOOR PLAN

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A2.3

Scale	1/4" = 1'-0"



No.	Description
1	Revision 1
3	Revision 3
7	Revision 7
12	Revision 12
13	Revision 13
14	Revision 14
15	Revision 15
23	Revision 23
25	Revision 25

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

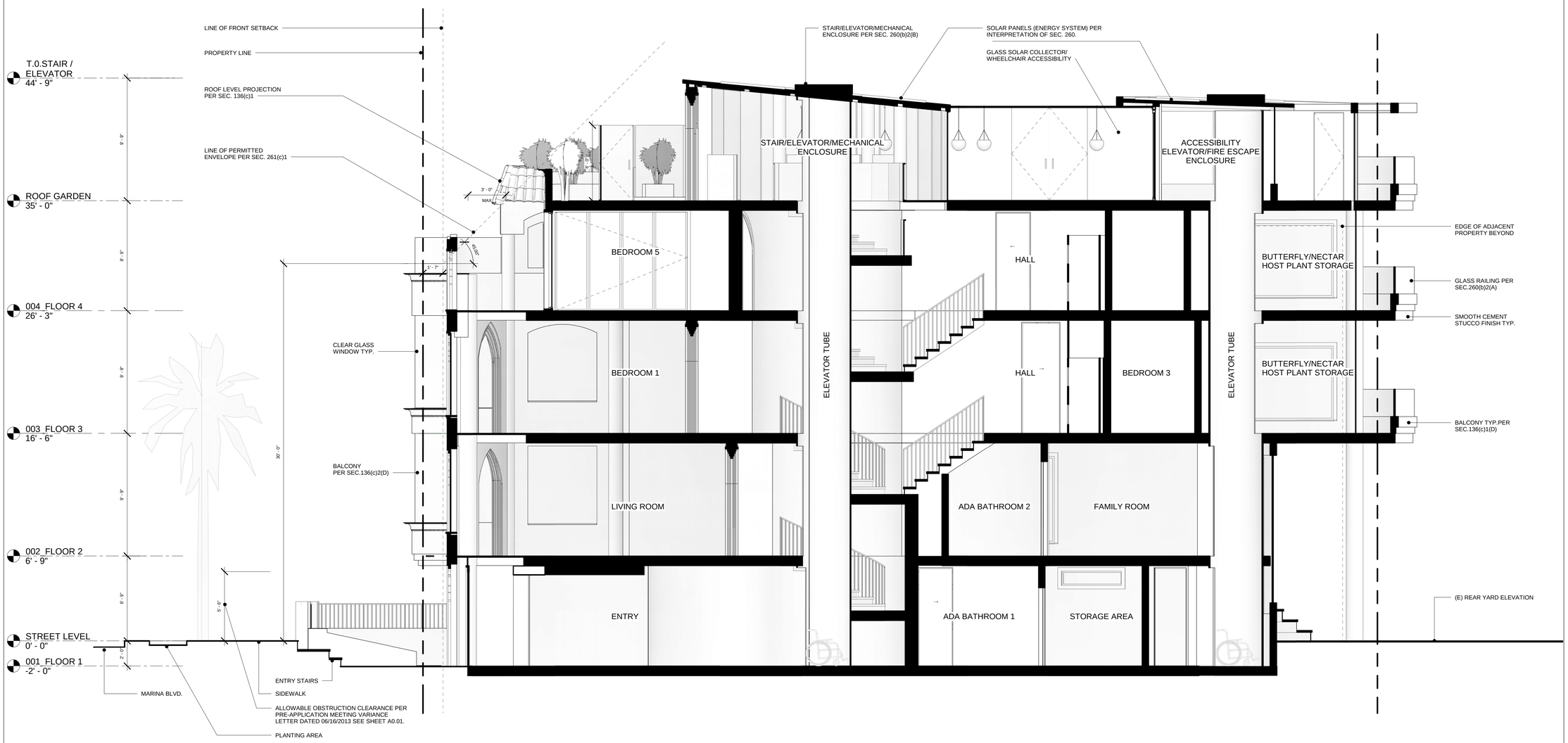
245 MARINA BLVD. S.F.

LIVING SOLAR ROOF PLAN

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A2.4

Scale 1/4" = 1'-0"



No.	Description

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

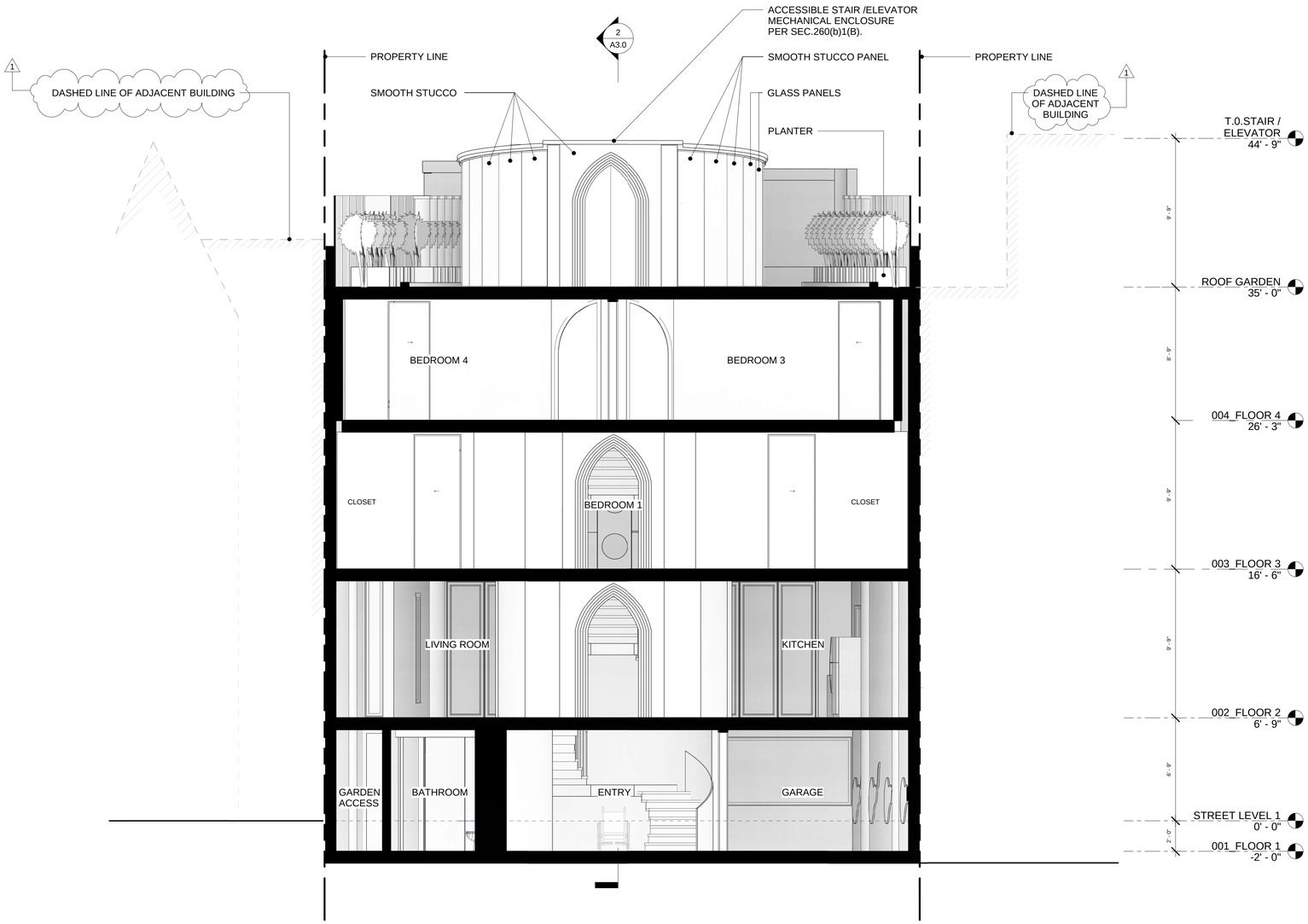
245 MARINA BLVD. S.F.

NORTH SOUTH SECTION

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A3.0

Scale	1/4" = 1'-0"



No.	Description
1	Revision 1

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

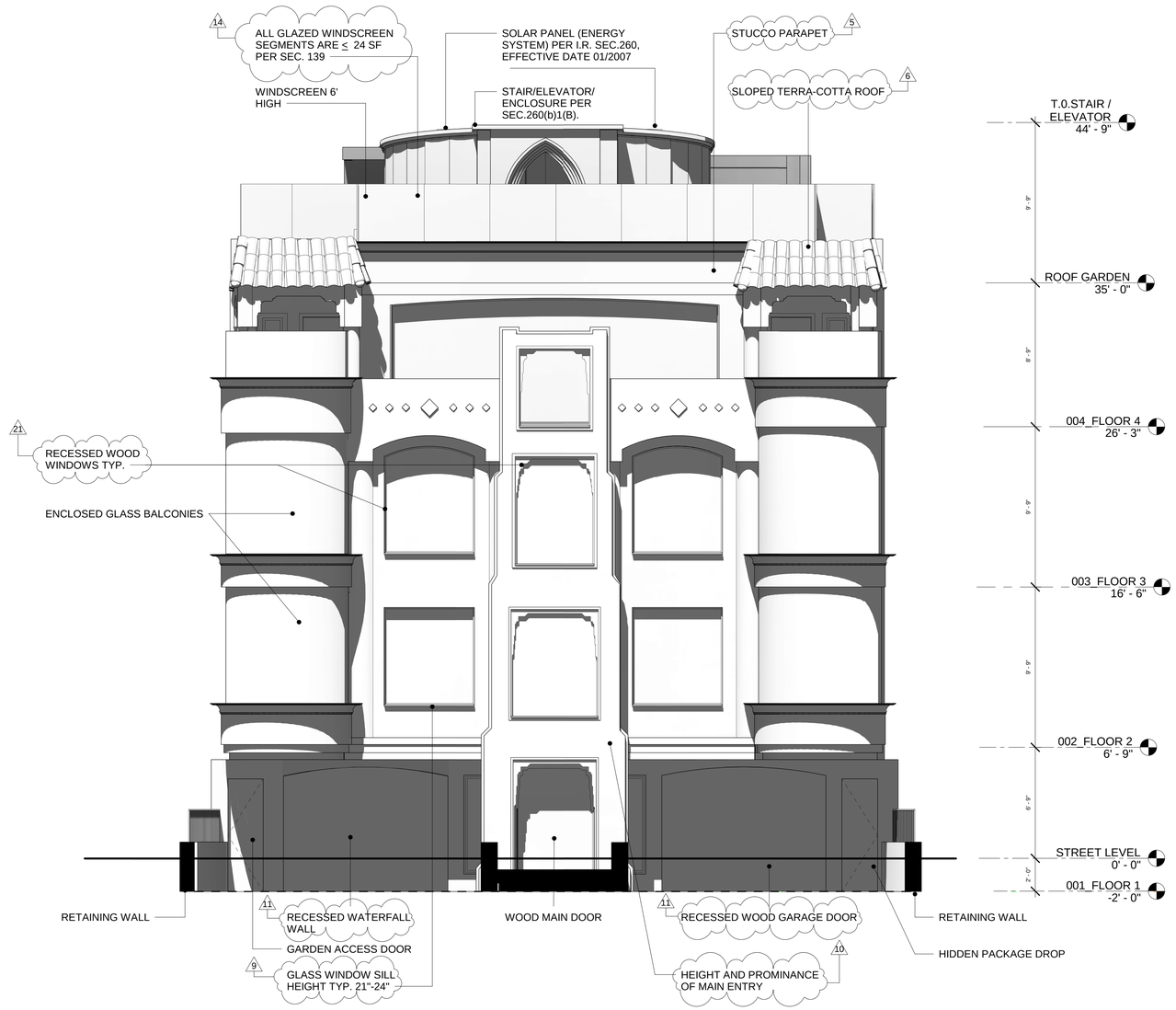
245 MARINA BLVD. S.F.

EAST WEST SECTION

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A3.1

Scale	1/4" = 1'-0"



No.	Description
5	Revision 5
6	Revision 6
9	Revision 9
10	Revision 10
11	Revision 11
14	Revision 14
21	Revision 21

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

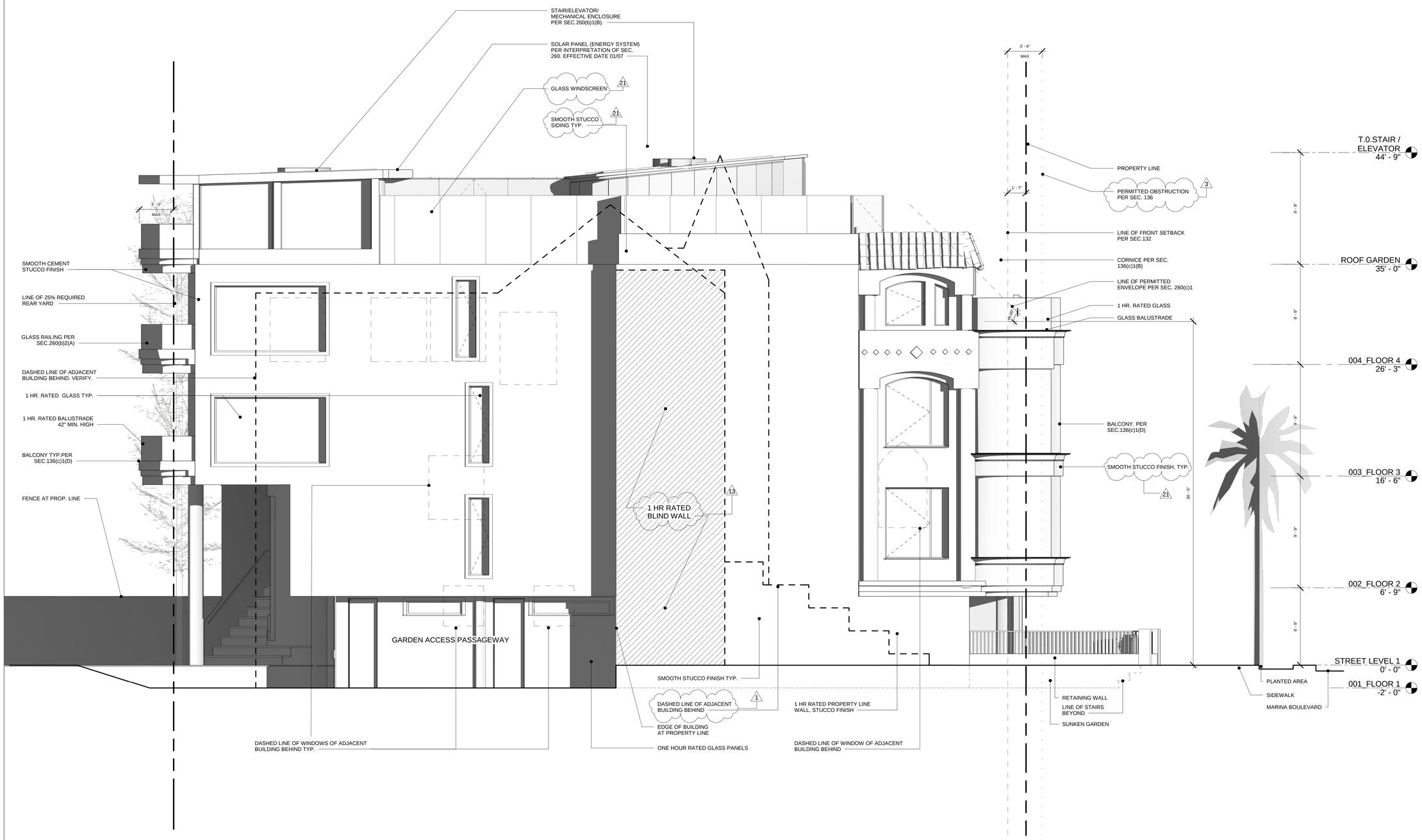
245 MARINA BLVD. S.F.

NORTH ELEVATION

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A4.0

Scale	1/4" = 1'-0"



No.	Description
1	Revision 1
3	Revision 3
13	Revision 13
21	Revision 21

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

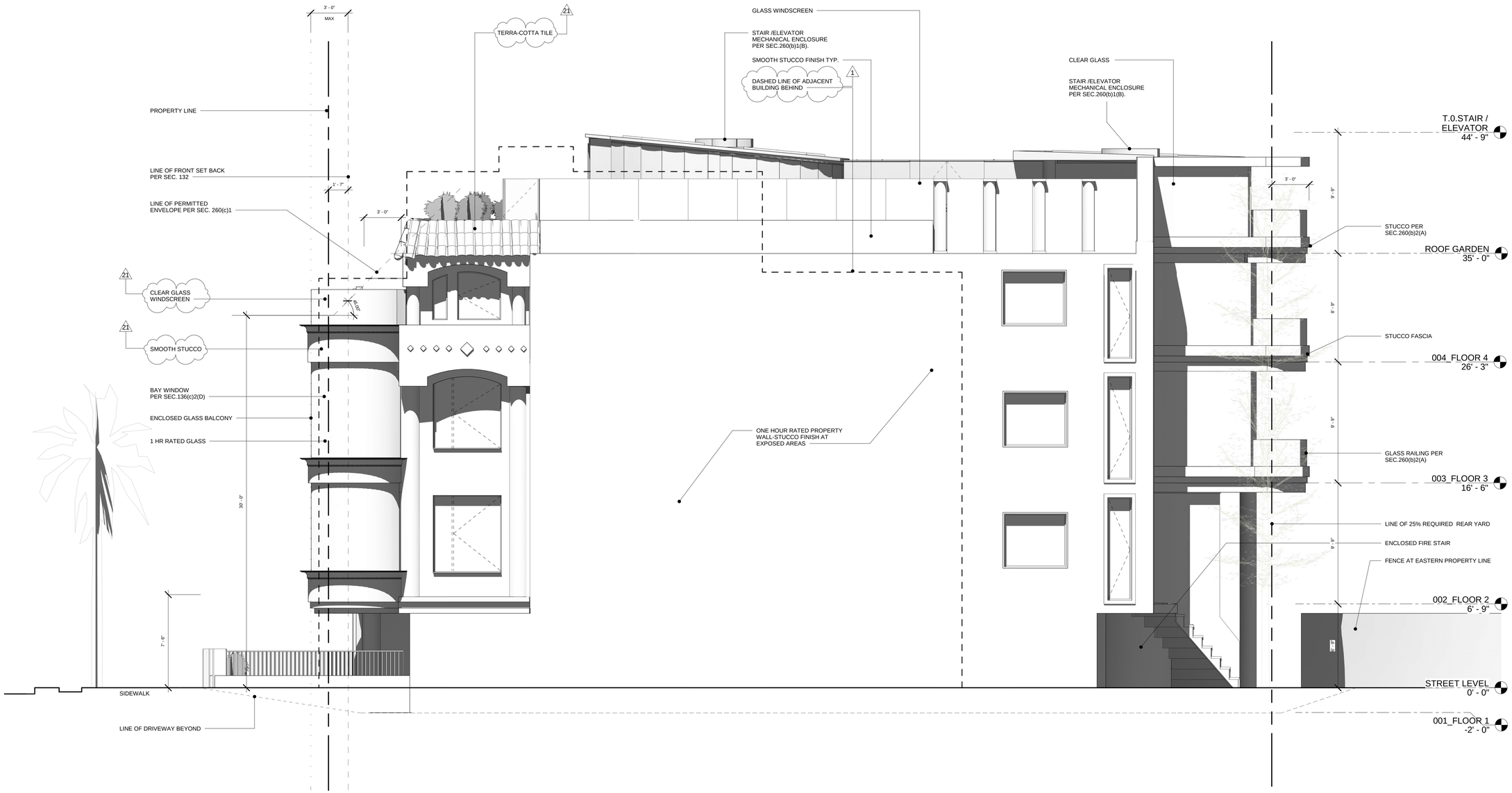
245 MARINA BLVD. S.F.

EAST ELEVATION

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A4.1

Scale	1/4" = 1'-0"



No.	Description
1	Revision 1
21	Revision 21

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

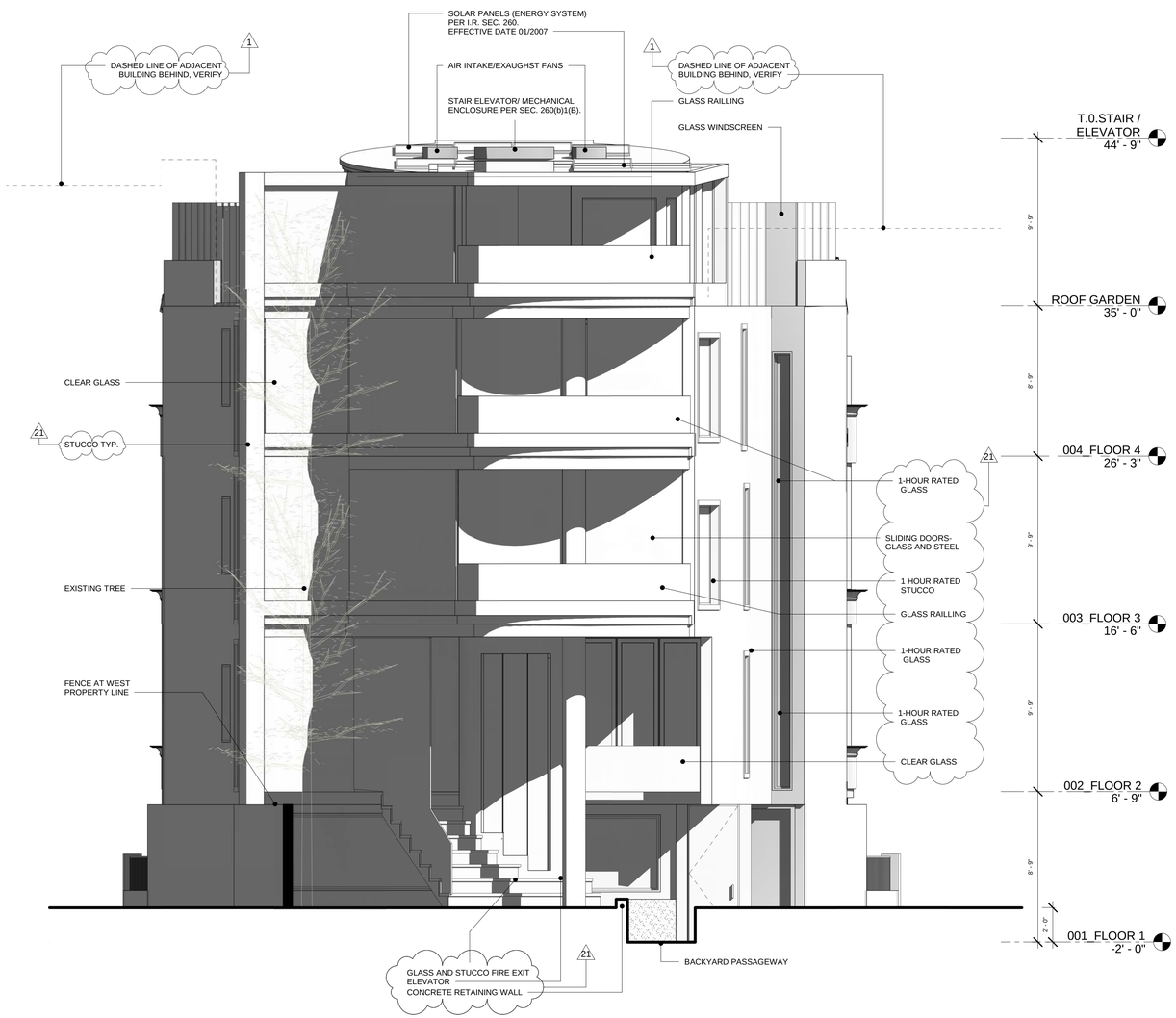
245 MARINA BLVD. S.F.

WEST ELEVATION

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A4.2

Scale 1/4" = 1'-0"



No.	Description
1	Revision 1
21	Revision 21
25	Revision 25

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

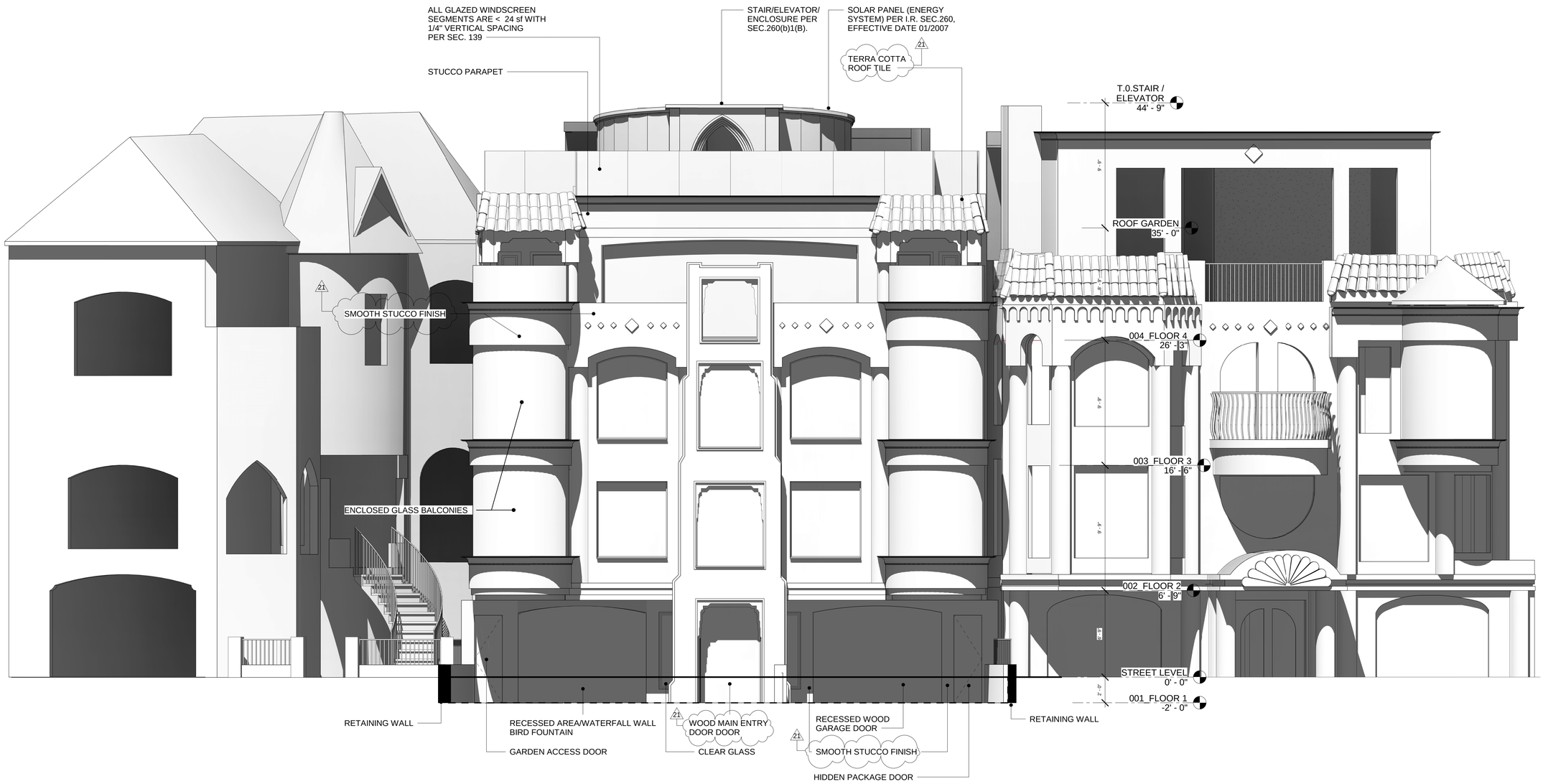
245 MARINA BLVD. S.F.

SOUTH ELEVATION

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A4.3

Scale	1/4" = 1'-0"



No.	Description
21	Revision 21

CONTACT:
DR. P.S. SABHARWAL
415-999-5311

245 MARINA BLVD. S.F.

NORTH ELEVATION WITH CONTEXT

Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

A4.4

Scale	1/4" = 1'-0"

Exhibit B:

Planning Department's 7th Comment Letter dated January 20, 2022

From: May, Christopher (CPC) <christopher.may@sfgov.org>
Sent: Friday, January 20, 2023 9:42 AM
To: Pritam Sabharwal <pss2009@gmail.com>
Cc: Teague, Corey (CPC) <corey.teague@sfgov.org>; Tam, Tina (CPC) <tina.tam@sfgov.org>; Gordon-Jonckheer, Elizabeth (CPC) <elizabeth.gordon-jonckheer@sfgov.org>; Winslow, David (CPC) <david.winslow@sfgov.org>
Subject: 245 Marina Blvd

Dr. Sabharwal,

In response to the plans you submitted shortly before the Board of Appeals hearing in December, I have prepared a Plan Check Letter (attached) which outlines the outstanding Planning Code deficiencies with your proposed project.

In addition, I have consulted with David and Elizabeth, and it was determined that the following comments relating to the project's adherence to the Residential Design Guidelines and its compatibility with the surrounding historic district remain unaddressed:

1. Please provide drawings that depict the existing adjacent buildings on all plans and elevations.
2. Maintain side setback along the east property line at the front to reciprocate with the neighbor's side setback /building entrance.
3. Minimize roof appurtenances. Minimize height of stair and elevator penthouses and windscreens, trellis, pergolas, etc. relocate mechanical equipment to ground level.
4. Simplify roof termination – eliminate glass guardrails and provide solid parapets at front façade - detailed to be compatible with historic district.
5. Design pitched roof forms: consider clay tile roof over cylindrical bay elements, and sloped tile roof elsewhere.
6. Revise and simplify central bay feature (golden gate bridge tower icon element).

7. Simplify and provide detailing and materials compatible with the predominate features of the district; (stucco, clay tile roof, recessed wood windows)
8. design windows to be compatible with those found in district recess minimum 2" from finish exterior material.

Please note that this time we are **not** requesting revised plans to address these comments; rather, they have been provided to you as a courtesy in advance of the upcoming Board of Appeals hearing. I would suggest that you focus on preparing the brief that the Board of Appeals has requested of you, so that it can be determined whether the cancelled permit should be reinstated.

Regards,

Christopher May, Senior Planner
District 3, Current Planning Division

San Francisco Planning Department

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: 628.652.7359 | www.sfplanning.org

San Francisco Property Information Map

APPENDIX A: PLANNING CODE REVIEW

Record No. 2012.0015

Contact: Christopher May | Christopher.may@sfgov.org | (628) 652-7359

245 Marina Blvd

PLAN SUBMITTAL GUIDELINES:

Provided	Not Provided	Not Required	Description & Comment	
☒	☐	☐	General Information	
☒	☐	☐	Title Sheet & Details	
☐	☒	☐	Site Survey	
☒	☐	☐	Site Plan	
☒	☐	☐	Floor & Roof Plans	
☒	☐	☐	Elevations	
☒	☐	☐	Sections	
☐	☐	☒	Landscaping Plan	
☐	☐	☒	Streetscape Plan	
☒	☐	☐	Material Specifications	
☒	☐	☐	Photographs	
☒	☐	☐	Renderings	

LAND USE:

Permitted Use	Conditional Use	Planning Code Section & Comment		
☒	☐	209.1	RH-1	
Comments:				

OTHER REQUIRED APPROVALS:

Required	Planning Code Section	
☒		Environmental Review
☒	311	Neighborhood Notification
Comments: The Categorical Exemption issued for the subject property on March 12, 2012 is no longer valid, as the property is located in an area now designated as an eligible historic district. As such, a new Environmental Evaluation application is required. Please complete the Project Application form to initiate a new Environmental Evaluation application.		

ADDITIONAL PLANNING CODE REQUIREMENTS:

Complies	Does Not Comply	Needs Info	Planning Code Section		Comments
☐	☐	☒	132	Front Setback	Previous plans complied, but current plan set does not show front setback dimension.
☒	☐	☐	132(g)	Green Landscaping	
☐	☐	☐	132(h)	Permeability	
☒	☐	☐	134	Rear Yard	
☒	☐	☐	135	Open Space	
☐	☒	☒	136	Permitted Obstructions	Front bays do not appear to comply - show permitted envelope per S.136. Cornices/eaves may project up to 4 feet, but occupiable area of bay

Complies	Does Not Comply	Needs Info	Planning Code Section		Comments
					windows/balconies limited to 3 feet MEASURED FROM REQUIRED FRONT SETBACK LINE and must be separated from side lot lines by 1 foot at main building wall MEASURED AT REQUIRED FRONT SETBACK LINE, plus 135-degree angle. The proposed rear decks on 3rd, 4th & 5th floors and "brisole overhead" feature cannot project into last 25% of lot depth.
☒	☐	☐	138.1	Streetscape Plan	
☐	☒	☐	139	Bird Safety	Glass wind screen on roof deck must be bird safe.
☒	☐	☐	140	Dwelling Unit Exposure	
☒	☐	☐	144	Street Frontage	
☒	☐	☐	151	Off-Street Parking	
☒	☐	☐	155.2	Bicycle Parking	
☒	☐	☐	155(r)	Curb Cuts	
☒	☐	☐	260(a)	Height	
☐	☒	☐	260(b)	Exemptions from Height	Zoning Administrator interpretation 10/89 states that stair and elevator penthouses exempted from the height limit shall not include any usable floor area. To be exempt, it can include only the stairs or elevator equipment. Please revise the roof plan to show a minimally-sized stair/elevator penthouse that includes ONLY THE MINIMUM REQUIRED BY BUILDING CODE, a minimally-sized mechanical penthouse that includes only the minimum floor area required to accommodate the proposed rooftop solar equipment, and eliminate all unnecessarily deep roof overhangs.
☒	☐	☐	261	Height Limits	

DEVELOPMENT IMPACT FEES:

Required	Planning Code Section	
☒	414A	Child-Care for Residential Projects

OTHER REQUIREMENTS:

Provided	N/A	Needs Info	Description	Comments
☐	☐	☒	Pre-Application Meeting	Please provide pre-application materials for recent pre-app meeting (originals referenced different scope of work and are more than 10 years old).

DOCUMENTS SUBMITTED FOR THE HEARING ON DECEMBER 7, 2022

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
PRITAM SUBHARWAL,)
Appellant(s))
)
vs.)
)
PLANNING DEPARTMENT,)
Respondent

Appeal No. **21-116**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on December 30, 2021, 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 December 15, 2021, of a Notice of Cancellation of a Demolition and Site Permit (The Demolition and Site permits have been cancelled by DBI at the request of the Planning Department due to the failure to submit requested or required revisions. Description of permits: Demolition Permit: Demolish three-story Type V construction single family dwelling; Site Permit: First Floor: enlarge existing garage, new front entry, new playroom; Second Floor: enlarge existing living, dining, and kitchen; Third Floor: enlarge existing bedrooms & bathrooms; 4th Floor: new passive collector area) at 245 Marina Blvd.

APPLICATION NOS. 2011/11/01/8065 (Site permit) and 2019/02/11/2585 (Demolition permit)

FOR HEARING ON December 7, 2022

Address of Appellant(s):	Address of Other Parties:
Pritam Subharwal, Appellant(s) 255 Marina Boulevard San Francisco, CA 94123	N/A

Date Filed: December 30, 2021

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT FOR APPEAL NO. 21-116

I / We, **Pritam Subharwal**, hereby appeal the following departmental action: **DENIAL of Demolition and Site Permit Nos. 2019/02/11/2585** and **2011/11/01/8065** by the **Planning Department** which was issued or became effective on: **December 15, 2021**, for the property located at: **245 Marina Blvd**.

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: 4:30 p.m. on **January 20, 2022**, **(no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, corey.teague@sfgov.org and tina.tam@sfgov,org.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **February 3, 2022**, **(no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org and pss2009@gmail.com.

Hard copies of the briefs do NOT need to be submitted.

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

Hearing Date: **Wednesday, February 9, 2022, 5:00 p.m.,** via Zoom. Information for access to the hearing will be provided before the hearing date.

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 email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. 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 on the Board's website at www.sfgov.org/boaYou 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.

The reasons for this appeal are as follows:

Not Submitted.

Appellant:

Signature: Via Email

Print Name: Pritam Subharwal, appellant

City and County of San Francisco
Department of Building Inspection

London N. Breed, Mayor
Patrick O'Riordan, Interim Director

December 15, 2021

NOTICE OF CANCELLATION
Building Permit Application No: 201111018065s & 201902112585
Job Address: 245 Marina Blvd.
Cancel Date: February 15, 2022

Pritam Subharwal
255 Marina Blvd.
San Francisco, CA 94123

Dear Applicant(s):

The above referenced application has been cancelled by the San Francisco Planning Department for the following reason(s):

- Failure to submit requested or required revisions

If you have questions regarding this matter, please contact Elizabeth Gordon-Jonckheer from Planning at (628) 652-7365 within 60 days of this letter or else your permit application will be cancelled per 2019 SFBC 106A.3.8 on **February 15, 2022**.

You may appeal the cancellation of this building permit application to the Board of Appeals within fifteen (15) days of the date of this letter. To file an appeal, bring a copy of this letter to the Board of Appeals, Suite 1475 of 49 South Van Ness, San Francisco. If you have questions regarding the appeals process, please call the Board of Appeals at (628) 652-1150.

If you have further questions, please call the Department of Building Inspection, Permit Processing Center at (628) 652-3785.

Sincerely,

Sok-Im Taing
Permit Processing Center

CC: Michael Hanah
5111 Solano Ave.
Richmond, CA 94805

Permit Processing Center (PPC)
49 South Van Ness Avenue – San Francisco CA 94103
Office (628) 628-3200 – www.sfdbi.org

Permit Details Report

Report Date:	**12/30/2021 9:16:32 AM**
Application Number:	201111018065
Form Number:	2
Address(es):	0436C / 022 / 0 245 MARINA BL
Description:	1ST FL: ENLARGE (E) GARAGE, (N) FRONT ENTRY, (N) PLAYROOM. 2ND FL: ENLARGE (E) LIVING, (E) DINING, (E) KITCHEN. 3RD FL: ENLARGE (E) BEDROOMS & (E) BATHS. 4TH FL: (N) PASSIVE COLLECTOR AREA
Cost:	$110,000.00
Occupancy Code:	R-3
Building Use:	27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
11/1/2011	TRIAGE	
11/1/2011	FILING	
11/1/2011	FILED	

Contact Details:

Contractor Details:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	11/1/11	11/1/11			11/1/11	SHEK KATHY	628-652-3240	
2	CP-ZOC	11/1/11	5/5/14			1/18/18	MAY CHRISTOPHER	628-652-7300	case 2012.0015D 5/5/14 - project reassigned from Glenn Cabreros to Sara Vellve CEQA clearance issued 2012 projec reassigned from Sara Vellve to Brittany Bendix in 2015 5/11/17 - project reassigned from Brittany Bendix back to Sara Vellve 1/18/2018 - project cancelled due as sponsor has not responded to NOPDRs and numerous meetings with department staff. Alteration permit is inappropriate for this demo/new construction project. 12/7/21 BPA cancellation memo sent to DBI - no response from project sponsor in 2 years. christopher.may@sfgov.org
3	CP-ZOC	2/12/19	4/13/20			12/7/21	MAY CHRISTOPHER	628-652-7300	
4	BLDG	12/8/21	12/15/21			12/15/21		628-652-3780	
5	SFFD							628-652-3472	
6	DPW-BSM						CHOY CLINTON	628-271-2000	11/17/17: 13IE-0416 is on hold per Planning. For more information, please call (415) 558-6378 and speak to the planner. (REF: 13MSE-0244) -CC
7	SFPUC							628-652-6040	
8	DFCU								
9	PPC	12/15/21	12/15/21				TAING SOK-IM	628-652-3780	12/15/21: Sent cancellation letter; ST
10	CPB							628-652-3240	2/11/19: SHARE PLAN W/ 20190211258 DEMO BLDG. WF 2/26/18, CHANGE FROM FORM 3 TO FORM 2 PER APPROVAL BY DIRECTOR'S FFICE, NEED NEW REVISION PLANS. WF

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

Online Permit and Complaint Tracking home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Permit Details Report

Report Date: **12/30/2021 9:17:07 AM**

Application Number: 201902112585
Form Number: 6
Address(es): 0436C / 022 / 0 245 MARINA BL
Description: DEMO THREE STORY TYPE V CONSTRUCTION SINGLE FAMILY DWELLING.
Cost: $25,000.00
Occupancy Code:
Building Use: -

Disposition / Stage:

Action Date	Stage	Comments
2/11/2019	TRIAGE	
2/11/2019	FILING	
2/11/2019	FILED	

Contact Details:

Contractor Details:

Addenda Details:

Description:

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Phone	Hold Description
1	CPB	2/12/19	2/12/19			2/12/19	CHEUNG WAI FONG	628-652-3240	
2	CP-ZOC	2/12/19	6/6/21	6/6/21	12/7/21	12/7/21	MAY CHRISTOPHER	628-652-7300	in hold pending revisions 12/7/21 BPA cancellation memo sent to DBI - no response from project sponsor in 2 years. christopher.may@sfgov.org
3	BLDG	12/8/21	12/15/21			12/15/21		628-652-3780	
4	DPW-BSM							628-271-2000	
5	PPC	12/15/21	12/15/21				TAING SOK-IM	628-652-3780	12/15/21: Sent cancellation letter; ST
6	CPB							628-652-3240	2/11/19: SHARE PLAN W/ 20111018065 NEW BLDG. WF

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description	Time Slots

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

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APPELLANT DID NOT SUBMIT A BRIEF