

File No. 160527

Committee Item No. \_\_\_\_\_

Board Item No. 38

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_  
Board of Supervisors Meeting

Date: \_\_\_\_\_  
Date: June 7, 2016

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> |                                     | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
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| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appeal Letter - May 2, 2016</u>            |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Project Sponsor Letter - June 2, 2016</u>  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appellant Letter - May 27, 2016</u>        |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notices and Clerical Documents</u> |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____   |

Prepared by: John Carroll  
Prepared by: \_\_\_\_\_

Date: June 3, 2016  
Date: \_\_\_\_\_

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

NOTICE TO BOARD OF SUPERVISORS OF APPEAL  
FROM ACTION OF THE CITY PLANNING COMMISSION

MAY -2 PM 1:24

BY [Signature]

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 313-323 Cumberland St; Block/Lots 3601/043-044

March 31, 2016

Date of City Planning Commission Action  
(Attach a Copy of Planning Commission's Decision)

May 2, 2016

Appeal Filing Date

The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. \_\_\_\_\_

The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. \_\_\_\_\_

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2013.1213CUA

The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. \_\_\_\_\_

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

*see attached*

b) Set forth the reasons in support of your appeal:

*see attached*

Person to Whom  
Notices Shall Be Mailed

Bruce Bowen  
Name

Name and Address of Person Filing Appeal:

Bruce Bowen, member  
Planning & Land Use Committee  
Dolores Heights Improvement Club  
Name

4016 20<sup>th</sup> St, SE CA 94114  
Address

4016 20<sup>th</sup> St, SE CA 94114  
Address

415 533 0586  
Telephone Number

415 533 0586  
Telephone Number

*Bruce Bowen*

Signature of Appellant or  
Authorized Agent

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

The approval of Conditional Use Authorization No. 2013.1213CUA, including, among other things, to demolish a single family home, to merge lots at 313 Cumberland Street and 323 Cumberland Streets (Block 3601, Lots 043 and 044), and to construct a new three-story over garage, two-family dwelling.

b) Set forth the reasons in support of your appeal:

Among other things, the project failed to meet the City's conditional use requirements to find that the proposed project is necessary or desirable for, and compatible with, the neighborhood or the community. The lot merger required by the project is unprecedented and removes a viable buildable lot, thus preventing the separate development of two moderately-sized independent homes with yards; when combined with the characteristics of the approved second unit, the Commission's decision opens the door to more houses in the City that are unaffordable by design. The proposed project is inconsistent with the scale and character of the neighborhood, violates the intent of the Dolores Heights Special Use District (Section 241 of the Planning Code), is inconsistent with the City's Housing Element, and does not comply with the City's Residential Design Guidelines. Denial of the conditional use will not prevent housing development; on the contrary, it would allow the modest development of each lot with a stand-alone single family home of a size and scale consistent with the neighborhood. We incorporate by reference: materials submitted and presented at the Planning Commission Conditional Use Hearing. We will provide further explanation, testimony, and materials in our brief and at the Board of Supervisors Hearing.



30 APR 2016

Planning Department  
1650 Mission Street, Suite 400  
San Francisco  
CA 94103

Re: Conditional Use Appeal: 313-323 Cumberland Street;

Board of Supervisors Appeal Fee Waiver

To Whom it May Concern,

Bruce Bowen is a member of the Dolores Heights Improvement Club and is authorized to file the above-referenced appeal on behalf of our organization.

The Dolores Heights Improvement Club was established in the 1960s and came into being around neighborhood issues including development pressures. The Dolores Heights Improvement Club is a volunteer residential neighborhood association. We come together in the interest of the community to maintain and enhance its appearance, safety, communication, and value. The Dolores Heights neighborhood has a demarcated area within it called the Dolores Heights Special Use District, which was established in 1980 in response to the demolition of housing and the construction of large buildings. San Francisco's Planning Code Section 241 describes the intent of the Special Use District. Given, among other things, that this project is within this Special Use District, and as currently designed does not meet the basic objectives of development in context and scale with established character and landscape, as described in Section 241, and given that the project involves a lot merger and second basement unit which we believe set dangerous precedents for neighborhood and City planning, we previously asked the Planning Commission to deny the request for a Conditional Use permit. We are appealing their decision [Case Number 2013.1213CUA] for this and other reasons as described in our previous two letters to the Commission opposing the project.



John O'Duinn  
Chair, Board of Dolores Heights Improvement Club.



**SAN FRANCISCO  
PLANNING DEPARTMENT**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 MAY -2 PM 1:24

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

1650 Mission St.  
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Planning  
Information:  
415.558.6377

**Planning Commission Motion No. 19604**

HEARING DATE: MARCH 31, 2016

Case No.: 2013.1213CUA  
 Project Address: 313-323 Cumberland Street  
 Permit Application: 2014.0627.9813 and 2014.0627.9820  
 Zoning: RH-1 (Residential - House, One-Family)  
 40-X Height and Bulk District  
 Dolores Heights Special Use District  
 Block/Lot: 3601/043-044  
 Project Sponsor: Tuija Catalano  
 Reuben, Junius & Rose, LLP  
 One Bush Street, Suite 600  
 San Francisco, CA 94104  
 Staff Contact: Erika Jackson - (415) 558-6363  
 erika.jackson@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 207, 209.1, 303, AND 317 OF THE PLANNING CODE TO DEMOLISH A SINGLE-FAMILY STRUCTURE AND CONSTRUCT A NEW TWO-FAMILY STRUCTURE ON A 5,700 SQUARE FOOT LOT WITHIN AN RH-1 (RESIDENTIAL - HOUSE, ONE-FAMILY) ZONING DISTRICT, A 40-X HEIGHT AND BULK DISTRICT, AND THE DOLORES HEIGHTS SPECIAL USE DISTRICT.

**PREAMBLE**

On December 9, 2015 Tuija Catalano (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 207, 209.1, 303 and 317 to demolish a single-family structure and construct a new two-family structure on a 5,700 square foot lot in an RH-1 (Residential - House, One-Family) Zoning District, a 40-X Height and Bulk District, and the Dolores Heights Special Use District.

On March 31, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1213CUA.

On January 21, 2016 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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.

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1213CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

### FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of Cumberland Street, between Noe and Sanchez Streets, Block 3601, Lots 043-044. The property is located within a RH-1 (Residential – House, One-Family) Zoning District and a 40-X Height and Bulk District. The property consists of two lots measuring 25 feet by 114 feet. Lot 043 is developed with a two-story single-family residence and lot 044 is vacant.
3. **Surrounding Properties and Neighborhood.** The Project site is located within an RH-1 (Single-Family Residential) District situated in the Castro/Upper Market Neighborhood. Land uses in the immediate vicinity of the site are typical of an RH-1 District with primarily residential uses. Most of the buildings in the vicinity range from one to three stories over garage. Ground level open space and landscaping at the front and rear are usually abundant. The Project site is located within a cluster of RH-1 (Residential – House, One-Family) zoned lots approximately 5 blocks long by 2 blocks wide surrounded by blocks zoned RH-2 (Residential House, Two-Family) Districts, RH-3, and RM-1. Lots in the area have widths ranging from 25 to 75 feet, although the majority are 25 feet wide. The lot immediately across the street and the lot immediately behind the subject property are 50 feet wide, however, the adjacent lot on Cumberland Street is 25 feet wide.
4. **Project Description.** The Proposed Project is to merge lots 043 and 044, demolish the existing dwelling on lot 043, and construct a new three-story over garage, two-family dwelling. Lot 044 is currently vacant. A small portion of the building would extend 12' towards the rear below grade level. The proposal requires a Conditional Use Authorization for the construction dwelling units at a density of one unit per 3,000 square feet of lot area. The proposed combined lots result in an area of 5,700 square feet.

5. **Project History.** The Proposed Project was initially filed with the Planning Department as the merger of lots 043 and 044 into one 5,700 square foot lot, the demolition of the existing single-family dwelling on lot 043, and construction of a new three-story over garage, single-family dwelling. The dwelling unit demolition was reviewed and approved administratively on February 3, 2015 because the structure has a value greater than 80% of the combined land and structure values of single-family homes in San Francisco. Neighborhood notification for the new construction pursuant to Planning Code Section 311 was mailed on May 7, 2015 and expired on June 8, 2015. The proposal has since been modified to propose the construction of a two-family structure to replace the existing dwelling unit with a comparable unit and preserve the predominant density in the neighborhood of one unit per 25 foot wide lot.
  
6. **Discretionary Review Applications.** Two neighbor initiated Discretionary Review Applications were filed on June 8, 2015. The concerns of the Discretionary Review Requestor are outlined in the Motion. The DR Applications are attached to this packet. The applications were subsequently superseded by this Conditional Use Application. The Discretionary Review Applications were withdrawn and the fees refunded to the applicants.
  
7. **Residential Design Team Review.** The RDT reviewed the DR requestor's concerns related to building scale and massing, neighborhood compatibility, rooflines, and front setback of the new structure. The RDT requested several revisions in order for the proposed new construction to be compatible with the Residential Design Guidelines. The Project Sponsor modified the project to comply with the following comments:
  - In order to improve upon the vertical proportions of the building, and reinforce a more neighborhood-compatible scale and proportion:
    - On first floor, remove the interior storage area located at the NW corner of the building. (RDG, pg. 28-29)
    - Remove the wall to the east of the front entry, or limit it to a minimum railing height. (RDG, pg. 12-13, 28-29)
    - Limit the amount of glazing on the front façade; RDT recommends eliminating the panels of glass along the west side of the façade at the first and second floors, replacing them with a solid material. This will help to reduce the apparent width of the façade, minimize the overall glazing, and improve the solid-to-void ratio to be consistent with the neighborhood pattern. (RDG, pg. 28-29, 43-45)
    - Please provide additional information about the specific material choices for the metal finishes and colors. (RDG, pg. 46-48)
  
8. **Public Comment.** The Department has received 15 letters of support of the project, including letters from property owners of all immediately adjacent lots on Cumberland Street and Sanchez Street. The Department has received 2 neighbor Discretionary Review Applications, and 20 letters in opposition to the proposed project, including a letter from the Dolores Heights Improvement Club. The Department has also received petitions both in support and in opposition of the proposed project.

9. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Front Setback.** Planning Code Section 132 requires front setbacks so that buildings relate to the setbacks provided by adjacent buildings.

*The proposed building is setback 7 feet 10 inches from the front property line, which is the average front setback between the two adjacent buildings.*

- B. **Rear Yard.** Planning Code Section 134 establishes rear yard requirements for all districts. In the RH-1 District, a minimum 25 percent rear yard is required. Planning Code Section 241 states that properties within the Dolores Heights Special Use District must maintain a minimum rear yard of 45 percent of lot depth. The subject lot is required to maintain a 51 foot rear yard.

*The subject building provides a rear yard setback that is 45 percent of lot depth of approximately 51 feet 3 inches.*

- C. **Open Space.** Section 135 requires 300 square feet of private open space for each dwelling unit or 399 square feet of common open space for each dwelling unit.

*The proposed rear yard provides approximately 2,550 square feet of open space and is directly accessible by both units and approximately 950 square feet of private open space that is accessible to one unit.*

- D. **Exposure.** Section 140 requires that every dwelling unit have windows in at least one 120-square-foot-minimum-size room face directly onto an open area, such as a public street, public alley, an open area measuring 25 feet wide by 25 feet deep, or rear yard meeting the requirements of the Code.

*Both dwelling units would face onto Cumberland Street.*

- E. **Street Trees.** Section 143 requires street trees be planted in certain districts, including the RH-1 District. One street tree is required for each 20 feet of lot frontage and for each remaining segment of 10 feet.

*Three street trees are required for the new 50 foot wide lot.*

- F. **Parking.** Planning Code Section 151 establishes off-street parking requirements for all uses. One parking space per dwelling unit is required.

*The project proposes two off-street parking spaces in a garage.*

- G. **Height.** Section 260 establishes height limits in all districts, with height being measured to the highest point on the finished roof in the case of a flat roof and at the mid-point of the roof

pitch in the case of a pitched roof. The Project site is within the 40-X Height and Bulk District, which allows buildings up 40 feet in height. For upsloping lots, the maximum height should be measured from curb level within the first 10 feet of the lot from the front property line; and at every other point should be taken from the average existing grade. Planning Code Section 241 states that properties within the Dolores Heights Special Use District cannot exceed 35 feet above grade.

*For upsloping lots, the height is measured from curb level within the first 10 feet. At all other points on the lot, the height is measured at a cross-section from the average existing grade. The height of the proposed building is approximately 32 feet 10 inches within the first 10 feet of the lot as measured from curb level, and does not exceed 34 feet 9 inches on all other points on the lot as measured from average existing grade.*

10. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The Project will result in two dwelling units on a 5,700 square foot (50 feet by 114 feet) which is compatible with the density in this neighborhood. Although the subject block and immediate vicinity predominantly consists of 25 foot wide lots, there are several other lots that are similarly sized to the subject property, including one immediately across the subject property on Cumberland (Block 3601, Lot 45), another immediately behind the subject property (fronting 20<sup>th</sup> Street) (Block 3601, Lot 15) and one adjacent thereto (Block 3601, Lot 16) and another just few properties from the subject property on Cumberland (Block 3601, Lot 50). The project will be compatible with the surrounding neighborhood density by proposing two units on a double-wide lot.*

*The existing project site consists of a vacant lot (at 313 Cumberland), which is proposed to be merged with the adjacent lot that is currently improved with an approximately 877 square foot one-story over basement building (at 323 Cumberland). By including two units in the proposed project, the project is desirable by avoiding any potential loss or elimination of dwelling units or potential sites for dwelling units. The project will construct two new dwelling units, including one family-sized unit, and replace a vacant and debilitated single-family residence. The new residential units, and in particular the unit suitable for a family, is in dire need in San Francisco, which currently has an unmet need for housing and a decreasing number of families.*

*The Project is further necessary and desirable because it will create a high-quality residential building with two units within an established residential neighborhood, complying with existing zoning control standards, and General Plan policies that encourage quality housing.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project

that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The project has been designed to be compatible with its surroundings, and the project sponsors have worked closely with the neighbors to ensure compatibility and neighborhood support. The project includes a significant front setback, with an additional setback at the top floor. The replacement structure's proposed approximate height of approximately 32 feet 10 inches within the first 10 feet of the lot as measured from curb level, and approximately 34 feet 9 inches on all other points on the lot as measured from average existing grade is below the maximum height permitted in the 40-X Height and Bulk District, and is appropriate for the site location and size. The proposed size, shape, and arrangement of the project will also match that of neighboring structures and the project overall will aesthetically enhance the neighborhood.*

*By demolishing the existing structure and constructing a new replacement structure, the project will increase the structural and seismic safety.*

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*The Planning Code requires two off-street parking spaces for a proposed two-unit project. The project is compliant with the off-street parking requirements by proposing a two-car garage. The project will also result in the elimination of one existing curb cut along Cumberland Street, thus contributing to the increase of street parking.*

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The Project consists of a high-quality single-family residence, and is not expected to generate any noxious or offensive emissions, noise, glare, dust or odors.*

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

*The proposed project is intended to result in a high-quality residential building providing an attractive, safe and comfortable environment. The Project included a number of landscaping and other design features to ensure that the project massing, size and overall design is desirable and compatible with the context.*

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The proposed project is not located within a Neighborhood Commercial District.*

11. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the value of the existing land and structure of the single-family dwelling affordable or financially accessible housing (below the 80% average price of single-family homes in San Francisco, as determined by a credible appraisal within six months).

***Project meets criterion.***

*The Project Sponsor has prepared an appraisal report, dated December 14, 2015, that valued the home at \$1,680,000, which is above the 80% average price of single-family homes (currently set at \$1,630,000).*

- ii. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The *soundness factor* for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.

***Project does not meet criterion.***

*The Project Sponsor has not submitted a soundness report.*

- iii. Whether the property is free of a history of serious, continuing code violations;

***Project meets criterion.***

*A review of the Department of Building Inspection and the Planning Department databases showed no enforcement cases or notices of violation for the subject property.*

- iv. Whether the housing has been maintained in a decent, safe, and sanitary condition;

***Project meets criterion.***

*The structures appear to be in decent condition, although the property is vacant and is not maintained on a daily basis.*

- v. Whether the property is an "historic resource" under CEQA;



*Project meets criterion.*

*Although the existing structures are more than 45 years old, a review of the supplemental information resulted in a determination that the structure is not an historical resource.*

- vi. Whether the removal of the resource will have a substantial adverse impact under CEQA;

*Project meets criterion.*

*Not applicable. The structures are not historical resources.*

- vii. Whether the Project converts rental housing to other forms of tenure or occupancy;

*Project meets criterion.*

*The Project does not convert rental housing to other forms of tenure or occupancy, as existing building is currently vacant. There are no restrictions on whether the two new units will be rental or ownership.*

- viii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

*Project meets criterion.*

*No rent controlled units will be removed.*

- ix. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

*Project meets criterion.*

*Although the Project proposes demolition of a one-bedroom single-family unit, the number of units is maintained at the project site increases by one. The replacement structure will contain two units – a two-bedroom and a three-bedroom unit.*

- x. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

*Project meets criterion.*

*The replacement building conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by appropriately increasing the number of bedrooms from one to five, which provides family-sized housing. The project would result in a net gain of one unit by adding a new two-bedroom unit and provides a net gain of four bedrooms to the City's housing stock.*

- xi. Whether the Project protects the relative affordability of existing housing;

*Project does not meet criterion.*

*The Project does not protect the relative affordability of existing housing, as the project proposes demolition of the existing building and construction of a new building. However, it should be taken into consideration that the existing building is not considered to be affordable or financially accessible housing because it is below the 80% average price of single-family homes in San Francisco. The proposed structure also offers a variety of unit sizes.*

- xii. Whether the Project increases the number of permanently affordable units as governed by Section 415;

*Project meets criterion.*

*The Project is not subject to the provisions of Planning Code Section 415, as the project proposes less than ten units.*

- xiii. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

*Project meets criterion.*

*The Project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.*

- xiv. Whether the Project creates quality, new family housing;

*Project meets criterion.*

*The Project proposes one opportunity for family-sized housing on a lot that previously had none. One three-bedroom unit and one two-bedroom unit is proposed within a two-unit building.*

- xv. Whether the Project creates new supportive housing;

*Project does not meet criterion.*

*The Project does not create supportive housing.*

- xvi. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

*The overall scale, design, and materials of the proposed buildings are consistent with the block-face and compliment the neighborhood character with a contemporary design.*

- xvii. Whether the Project increases the number of on-site dwelling units;

*Project meets criterion.*

*The Project would increase the number of on-site units from one to two.*

- xviii. Whether the Project increases the number of on-site bedrooms.

*Project meets criterion.*

*The project proposes five bedrooms; four bedrooms more than the existing building.*

12. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## **HOUSING**

### **Objectives and Policies**

#### **OBJECTIVE 1**

**IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**

##### **Policy 1.1**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

*The Project site is underused and is near underutilized. The Project site is an ideal infill site that is currently vacant and partially undeveloped. The project site is zoned RH-1. The proposed project will replace a one-bedroom single-family unit with one two-bedroom unit and one three-bedroom within a two-family residence.*

#### **OBJECTIVE 2**

**RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.**

##### **Policy 2.1**

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

*The project proposes demolition of one existing single-family structure and construction of a new two-family structure, thus creating new family housing.*

#### **OBJECTIVE 4**

**FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.**

##### **Policy 4.1**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

#### **OBJECTIVE 11**

**SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**

**Policy 11.1**

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

**Policy 11.4**

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

**Policy 11.5**

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

**Policy 11.6**

Foster a sense of community through architectural design, using features that promote community interaction.

**Policy 11.8**

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

*As described above, the Project would develop a partially empty site that is zoned for single-family residential development. The Project appropriately locates housing units at a site zoned for residential use and increases the supply of housing in conformity with the allowable density limits of the RH-1 zoning district. The Project provides housing that has a range of unit types for residents with different needs.*

*The Project's architectural design is compatible with the existing scale and character of the neighborhood given the unique characteristics and scale of the Project site. The proposed building massing is considerably smaller than the maximum allowable under the Planning Code with 40 foot height and 50 foot width limits. The proposed structure is setback from the front to the average of the two adjacent structures and provides several setbacks along the east side property line. The proposed structure height is stepped to provide a transition between the heights of the adjacent structures. The top floor of the proposed structure is setback to visually reduce the massing of the structure.*

**RECREATION AND OPEN SPACE ELEMENT**

**Objectives and Policies**

**OBJECTIVE 4**

**PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE  
IN EVERY SAN FRANCISCO NEIGHBORHOOD.**

**Policy 4.5**

Require private usable outdoor open space in new residential development.

*The Project will create approximately 2,550 square feet of common open space area and approximately 950 square feet in a new residential development. The project will not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 24**

**IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.**

**Policy 24.2**

Maintain and expand the planting of street trees and the infrastructure to support them.

**Policy 24.4**

Preserve pedestrian-oriented building frontages.

*The Project will install new street trees along Cumberland Street. The Project would improve the appearance of the neighborhood. At present, the Project site comprises of one improved and one unimproved lot. The height of the proposed building is approximately 32 feet 10 inches within the first 10 feet of the lot as measured from curb level, and does not exceed approximately 34 feet 9 inches on all other points on the lot as measured from average existing grade, which is within the legally permissible height range of 40 feet, and is in conformity with the low-scale horizon of neighboring buildings in the area. The landscaping and ample open space would improve the aesthetic appeal of the neighborhood. The building is setback approximately 8 feet from the front property line and the top floor is setback an additional approximately 20 feet from the front building wall to provide a smaller massing at the pedestrian scale.*

**OBJECTIVE 28**

**PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.**

**Policy 28.1**

Provide secure bicycle parking in new governmental, commercial, and residential developments.

**Policy 28.3**

Provide parking facilities which are safe, secure, and convenient.

*The Project includes two Class 1 bicycle parking spaces in the garage area.*

**OBJECTIVE 34**

**RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.**

**Policy 34.1**

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

**Policy 34.3**

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

**Policy 34.5**

Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

*The Planning Code requires two off-street parking spaces for a proposed two-unit project. The project is compliant with the off-street parking requirements by proposing a two-car garage. The project will also result in the elimination of one existing curb cut along Cumberland Street, thus contributing to the increase of street parking.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1**

**EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

**Policy 1.7**

Recognize the natural boundaries of districts, and promote connections between districts.

**OBJECTIVE 2**

**CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.**

**Policy 2.6**

Respect the character of older development nearby in the design of new buildings.

*The Subject Property is located in the Castro/Upper Market neighborhood. The Property is located on a residential block that is predominantly defined by single-family dwellings constructed between the 1900's and 2000's in a mix of architectural styles, ranging from modern to historic constructed with a variety of building materials. Building heights are generally one to three stories over garage, with most buildings having ground floor garage entrances.*

*The replacement building is compatible with the established building scale at the street. The proposed height at the street is approximately 32 feet 10 inches. The top floor is setback approximately 28 feet from the front property line. The neighborhood building scale at the street is mixed with taller three-story over garage buildings and shorter single-story buildings. Although the building is larger than its neighbors, it is compatible in scale to the surrounding smaller buildings because of this mixed character. The height and depth of the building are compatible with the existing mid-block open space. The subject lots are located adjacent to lots that front on Sanchez Street; and therefore, the subject lots are near the corner of the mid-block open space. The proposed building has been designed at a depth less than the adjacent building to the east and has incorporated setbacks along the eastern side property line that abuts rear yards. The building's form, façade width, proportions, and roofline are compatible with the mixed neighborhood context. The proposed side setbacks along the eastern side property line give the proposed building a width that is less than the full 50 foot lot width by stepping back 3 feet on the first, 4 feet on the second, and 14 feet on the third. The roof deck is located entirely within the buildable area of the property and does not directly face any adjacent windows. The roofline on the proposed building, which reads as 40 feet wide on the third floor, is compatible with other longer rooflines in the immediate vicinity ranging up to 50 feet wide.*

**OBJECTIVE 4**

**IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.**

**Policy 4.5**

Design walkways and parking facilities to minimize danger to pedestrians.

**Policy 4.13**

Improve pedestrian areas by providing human scale and interest.

*The Project will improve the neighborhood environment by providing a high quality residential development. The new building will be compatible in use and design with other buildings in the neighborhood. The Project will result in an improvement to the neighborhood by eliminating the existing empty and un-landscaped lot that exists on the Project site.*

13. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*No neighborhood-serving retail use would be displaced by the Project.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The replacement building conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by appropriately increasing the number of bedrooms from one to five, which provides family-sized housing. The project would result in a net gain of one unit by adding a new two-bedroom unit and provides a net gain of four bedrooms to the City's housing stock.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*No affordable housing is removed for this Project.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*Due to the nature of the Project there are no anticipated adverse effects upon MUNI service or on neighborhood parking.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*



14. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
15. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

**DECISION**

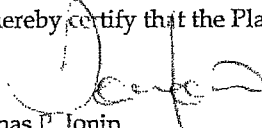
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1213CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 10, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19604. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

**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 **ADOPTED** the foregoing Motion on March 31, 2016.

  
Jonas P. Ionin  
Commission Secretary

**AYES:** Commissioners Fong, Antonini, Hillis, Johnson

**NAYS:** Commissioners Richards, Moore

**ABSENT:** Commissioner Wu

**ADOPTED:** March 31, 2016

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow a two-family residence located at 313-323 Cumberland Street, Block 3601, Lots 043-044 pursuant to Planning Code Section(s) 207, 209.1, 303, and 317 within a RH-1 Zoning District, a 40-X Height and Bulk District, and the Dolores Heights Special Use District; in general conformance with plans, dated December 10, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2013.1213CUA and subject to conditions of approval reviewed and approved by the Commission on March 31, 2016 under Motion No 19604. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on March 31, 2016 under Motion No 19604.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19604 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
  
7. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
  
8. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
  
9. **Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and species of plant materials shall be as approved by the Department of Public Works. Landscaping shall be maintained and replaced as necessary.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

10. Project Sponsor will 1) work with Staff on improved exposure for the second unit; 2) provide a 1:1 parking ratio, without compromising the second unit; and 3) record an NSR identifying the property as a two-unit building.

## PARKING AND TRAFFIC

11. **Bicycle Parking.** The Project shall provide no fewer than two Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
12. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide two (2) independently accessible off-street parking spaces.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
13. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

14. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

15. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*
16. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business

address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2013-1213CUA, a conditional use authorization regarding (address) 323-323 Cumberland St, District 8. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

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(Attach copy of Planning Commission's Decision)



Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors  
believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No.  
13-1213CUB, a conditional use authorization regarding (address) 313-323 Cumberland St  
, District B. The undersigned members respectfully request the Clerk  
of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

Paul Camp

4-25-16

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(Attach copy of Planning Commission's Decision)

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2013-1213 CUA, a conditional use authorization regarding (address) 313-323 Cumberland, District 8. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

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(Attach copy of Planning Commission's Decision)

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 13.1213CUA, a conditional use authorization regarding (address) 313-323 Cumberland St, District 8. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

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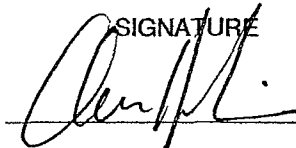
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(Attach copy of Planning Commission's Decision)

Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. 2013.1213CUA, a conditional use authorization regarding (address) 11323 CUMBERLAND, District 8. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

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City Planning Commission  
Case No. 2013-1213-CAA

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The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>3917-19th. St.</u>	<u>3601/001</u>	<u>KARL W. LEICHTM</u>	<u>[Signature]</u>
2. <u>3917-19th. St.</u>	<u>3601/001</u>	<u>LILLEMOR ELEICHTM</u>	<u>[Signature]</u>
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City Planning Commission  
Case No. 2013-1213CUA MAY -2 PM 1:25

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. 3911 19 <sup>th</sup> ST	3601/1B	SCOTT A. HERBST SWA LIVING TRUST / HERBST	Scott Herbst, Trustee
2. _____	_____	_____	_____
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City Planning Commission  
Case No. 2013-12430UA -2 PM 1:25

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>3992-20th Street</u>	<u>3600/026</u>	<u>Christine T. Mahoney</u> <i>as Trust</i>	<u>Christ T. Mahoney</u> <i>as Trust</i>
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City Planning Commission

Case No. 2013.1213C4A *JP*

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>614-616 SANCHEZ STREET</u>	<u>3601-084</u>	<u>ROBERT B. HIGGINBOTHAM</u>	<u><i>Robert B. Higginbotham</i></u>
2.	<u>377 Cumberland</u>	<u>3601-032</u>	<u>Catherine Kellison</u>	<u><i>Catherine Kellison</i></u>
3.	<u>377 Cumberland</u>	<u>3601-032</u>	<u>LINDY JOFFE</u>	<u><i>Lindy Joffe</i></u>
4.	<u>360 CUMBERLAND</u>	<u>3601-100</u>	<u>M. THOMAS</u>	<u><i>M. Thomas</i></u>
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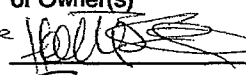
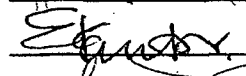
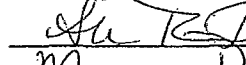
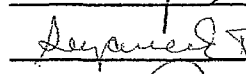

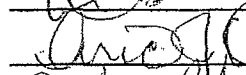
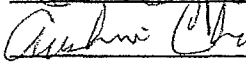
*4/17*



City Planning Commission  
Case No. 2013.1213 CWA MAY -2 PM 1:25

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	323 CUMBERLAND ST	3601/045	HENRIETTA S. CURTIS, <sup>Trustee</sup> AS	 as trustee
2.	348 Cumberland	3601/050	Elizabeth KANTON Tte.	 as trustee
3.	289 CUMBERLAND	3600/031	SIX ST N BRILLANT	
4.	279 Cumberland <sup>3600</sup>	032	M M	Mary DeVuel <sup>8</sup>
5.	608 SANCHEZ ST	3601/101	SUZANNE E. THURLEY, AS TRUSTEE	 (as Trustee)
6.				
7.	606 SANCHEZ ST	3601/100	Michael THOMAS	
8.	606 Sanchez St.	3601/100	ARIC J. OLNES	
9.	360 CUMBERLAND ST	3601/	ANSHIM CHAUDHURI	
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BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission 2016 MAY -2 PM 1:25  
Case No. 2013-1213 CUA

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>300 CUMBERLAND</u>	<u>3601/103</u>	<u>DIANE MORAN AS TRUSTEE</u>	<u>[Signature]</u>
2. <u>322 CUMBERLAND</u>	<u>3601/102</u>	<u>DIANE MORAN AS TRUSTEE</u>	<u>[Signature]</u>
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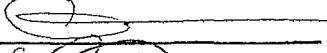
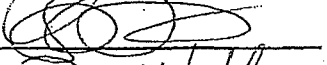
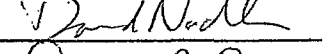

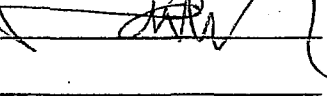
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BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 MAY -2 PM 1:25

City Planning Commission  
Case No. 2013-1213 CUA

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>378 Cumberland St</u>	<u>3601-054</u>	<u>Steven H. Deutsch</u>	
2. <u>378 Cumberland St.</u>	<u>3601-054</u>	<u>Andres T. Seebaum</u>	
3. <u>332 Cumberland</u>	<u>3601-048</u>	<u>Laura B. Nadler</u>	
4. <u>332 Cumberland</u>	<u>3601-048</u>	<u>David Nadler</u>	
5. <u>650 Sandler</u>	<u>3601/007A</u>	<u>Lillian Johnson</u>	
6. <u>300 Cumberland</u>	<u>3601/055</u>	<u>DANIEL ZION</u>	
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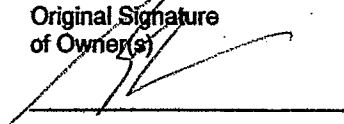
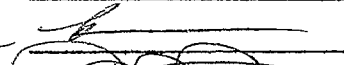
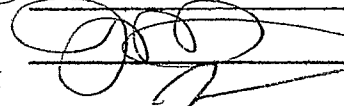
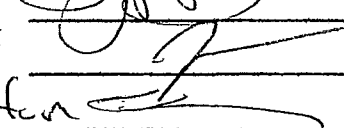
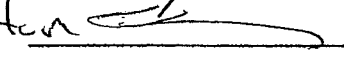
2016 MAY -2 PM 1:25

City Planning Commission

Case No. 2013-1213CVA 

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>286 Cumberland</u>	<u>3600/052</u>	<u>Bruce Engen</u>	
2.	<u><del>286 Cumberland</del></u>		<u><del>Bruce Engen</del></u>	
3.	<u>286 Cumberland</u>	<u>3600/052</u>	<u>Meredith Osborne</u>	
4.	<u>382 Cumberland</u>	<u>3600/051</u>	<u>Julie Holland</u>	
5.	<u>657 Noe St</u>	<u>3601/027</u>	<u>Nicole Diller</u>	
6.	<u>657 Noe St</u>	<u>3601/027</u>	<u>James Telfer</u>	
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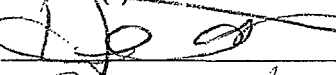

8/17

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission MAY -2 PM 1:25  
Case No. 2013-1213CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	328 CUMBERLAND ST	360/047	Heather Thompson	
2.	328 CUMBERLAND ST	360/047	Brent Horowitz	
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2016 MAY -2 PM 1:25

City Planning Commission

Case No. 2013.121364A

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	4020 20 <sup>th</sup> ST NEET	3601/015	PETER LARSEN	
2.	San Francisco, CA 94114	3601/015	JOAN WULF	
3.	4016-20 <sup>th</sup> ST	3601/014	JUNONA JONAS	
4.	San Francisco CA 94114	3601/014	Bruce R. Bowen	
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2016 MAY -2 PM 1:25

City Planning Commission  
Case No. 2013.1213CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>4072 20th ST</u>	<u>3601/022</u>	<u>SUSAN ROMER - DW 1417</u> <small>U.A.B. 112</small>	
2.	<u>4072 20th ST</u>	<u>3601/022</u>	<u>SUSAN ROMER</u>	
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2016 MAY -2 PM 1:25

City Planning Commission  
Case No. 2013-1213CUA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>462 Liberty St</u>	<u>3604/082</u>	<u>Judith J Payne</u>	<u>Judith J Payne</u>
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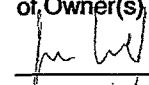
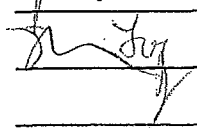
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BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 MAY -2 PM 1:26

City Planning Commission  
Case No. 2013.1213 CWA

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	4080 20 <sup>TH</sup> ST	3601/024	JOHN LANGMEAD	
2.	"	3601/024	SHANNON FOGH	
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BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2013.1218 MAY 12 PM 1:26

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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1.	<u>4045 20<sup>th</sup> St</u>	<u>3604/084</u>	<u>Edward Ada</u>	<u>[Signature]</u>
2.	<u>4045 20th St</u>	<u>3604/084</u>	<u>Michael Griffin</u> ←	<u>MICHAEL GRIFFIN</u>
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BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 MAY -2 PM 1:26

From: [REDACTED]  
Subject:  
Date: April 25, 2016 at 7:05 PM  
To:

BY \_\_\_\_\_  
*[Signature]*

7

City Planning Commission  
Case No. 2013.1213 CUA

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

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Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
710 SANCHEZ ST SF 94114	3604 003	NANCY L KOROWITZ	<i>[Signature]</i>
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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 MAY -2 PM 1:26

City Planning Commission  
Case No. 2013.1213CUM *JD*

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	Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1.	<u>4067 20<sup>th</sup> St</u>	<u>3604/071</u>	<u>GEORGE HOWSEN</u>	<u><i>George Howsen</i></u>
2.	<u>4071 20<sup>th</sup> St</u>	<u>3604/070</u>	<u>ANNA M. CARTER</u>	<u><i>Anna M. Carter</i></u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____
13.	_____	_____	_____	_____
14.	_____	_____	_____	_____
15.	_____	_____	_____	_____
16.	_____	_____	_____	_____
17.	_____	_____	_____	_____
18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____
21.	_____	_____	_____	_____
22.	_____	_____	_____	_____

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

City Planning Commission  
Case No. 2013-1243 CUA 2 PM 1:26

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. <u>424 Liberty</u>	<u>3604/045</u>	<u>SUZANNE S LYON</u>	<u>Suzanne S Lyon</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
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17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____

VACATED  
AC 11



CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF CALIFORNIA )  
 )  
COUNTY OF SAN FRANCISCO )

On SEPT 21, 2011, before me, GUNVANT PATEL,

Notary Public, personally appeared CHRISTINE T. NAHNSEN who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

*[Handwritten Signature]*  
\_\_\_\_\_ *GUNVANT PATEL*

(Seal)



**RECORDING REQUESTED BY:**

Chicago Title Company  
Escrow No.: 07-35405627-BJ  
Locate No.: CACTI7738-7738-2354-0035405627  
Title No.: 07-35405627-RM

**BUYER'S COPY**

**When Recorded Mail Document  
and Tax Statement To:**

Karl W. and Lillemor E. Leichum  
413 Hillsborough Blvd  
Hillsborough, Ca 94010

APN: Lot 001A, Block 3601

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT DEED**

**The undersigned grantor(s) declare(s)**

**Documentary transfer tax is \$15,712.50**

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- Unincorporated Area City of **San Francisco**,

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,** Jac Michael Luna, a single man

**hereby GRANT(S) to** Karl W. Leichum and Lillemor E. Leichum, Trustees of the Karl W. and Lillemor E. Leichum Revocable Trust Dated 05/03/1995,

**the following described real property in the City of San Francisco, County of San Francisco, State of California:**  
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: November 27, 2007

STATE OF CALIFORNIA )  
 COUNTY OF SAN FRANCISCO )  
 ON November 30, 2007 before me,  
M. Jimenez - Notary Public  
 (here insert name and title of the officer), personally  
 appeared Jac Michael Luna

*Jac Michael Luna*  
 \_\_\_\_\_  
 Jac Michael Luna

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature *M. Jimenez* (Seal)



**MAIL TAX STATEMENTS AS DIRECTED ABOVE**



Escrow No.: 07-35405627-BJ  
Locate No.: CACTI7738-7738-2354-0035405627  
Title No.: 07-35405627-RM

## EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF 19TH STREET, DISTANT THEREON 70 FEET WESTERLY FROM THE WESTERLY LINE OF SANCHEZ STREET; RUNNING THENCE WESTERLY ALONG SAID LINE OF 19TH STREET 35 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 57 FEET; THENCE AT A RIGHT ANGLE EASTERLY 35 FEET; AND THENCE AT A RIGHT ANGLE NORTHERLY 57 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF MISSION BLOCK NO. 107.

APN: Lot 001A, Block 3601

## CERTIFICATE OF TRUST

I, Elizabeth Kantor, hereby declare under penalty of perjury under the laws of the State of California and certify that:

1. On March 11, 1993, the undersigned, as Settlor and Trustee, signed a Declaration of Trust, which established a revocable living trust known as the Elizabeth Kantor Trust (the "Original Trust"). Subsequent thereto and on June 21, 2006, the Settlor and Trustee amended and restated the Original Trust in its entirety (the "Amended and Restated Trust"). The Settlor and Trustee executed a First Amendment to the Amended and Restated Trust on September 17, 2012 (the "First Amendment"). The Amended and Restated Trust and the First Amendment thereto are hereinafter referred to as the "Trust".

2. This Certificate of Trust is a true and correct representation of the terms of the trust instrument.

3. Elizabeth Kantor is the currently acting Trustee of the Trust.

4. The Trust is not of record in any court of law and has not been recorded in the public records of any county.

5. The Trust has not been revoked, modified, or amended in any manner, which would cause the representations contained herein to be incorrect.

6. Elizabeth Kantor has reserved the sole right and authority to amend and revoke the Trust as long as she is alive.

7. Elizabeth Kantor is the sole current beneficiary of the Trust.

8. Title to assets of the Trust should be taken in substantially the following form:

Elizabeth Kantor, Trustee, or her successor in trust under the Elizabeth Kantor Trust dated March 11, 1993, and any amendments thereto.

9. The Trust can be identified by the social security number of the Settlor and will be provided upon request.

10. This Certificate of Trust is intended to serve as a "Certification of Trust" under California Probate Code Section 18100.5, as amended. Its purpose is to certify the existence of the Trust, the identity and powers of the Trustee, the manner of taking title to assets, and to summarize some of the more important provisions of the Trust so that the Trustee can deal with third parties, such as financial institutions, stock transfer agents, brokerage houses, title companies, insurance companies, and others, without disclosing the entire Declaration of Trust, which is a private and confidential document.

**FIRST AMENDED AND RESTATED  
TRUST  
DATED JUNE 21, 2006**

Recitals:

A. Elizabeth Kantor ("Elizabeth Kantor"), as settlor and trustee, signed a Declaration of Trust, which established a revocable living trust known as the Elizabeth Kantor Trust (the "Original Trust"), on March 11, 1993.

B. Elizabeth Kantor now desires to amend and restate her trust (the "First Amended and Restated Trust"), so that no reference need be made to the original Trust, as follows:

Operative Provisions:

**ARTICLE I**

**DECLARATIONS**

Section 1.1 **Conveyance to Trustee.** Elizabeth Kantor, (referred to herein as the "settlor" or the "trustee," depending on the context) designates herself as trustee and declares that she has set aside and holds, IN TRUST, the property described in Schedule A attached to this instrument.

Section 1.2 **Name of Trust.** The trust created in this instrument may be referred to as the "Elizabeth Kantor Trust."

Section 1.3 **Trust Estate.** All property subject to this instrument from time to time, including the property listed in Schedule A, is referred to as the trust estate and shall be held, administered and distributed according to this instrument.

Section 1.4 **Definitions.** In general a "settlor" (or trustor) is an individual or entity that creates a trust; a "trustee" is an individual or entity that holds legal title to trust assets and manages such assets for the benefit of trust beneficiaries pursuant to a trust agreement; and a "beneficiary" is an individual or entity with a beneficial interest in the trust assets for whose benefit such assets are managed. The settlor of this trust is also the initial trustee and beneficiary.

**ARTICLE 2**

**DISTRIBUTIONS DURING LIFETIME OF SETTLOR**

Section 2.1 **No Allocation Between Principal and Income.** During the settlor's lifetime, the trustee shall not be required to allocate receipts and disbursements between income and principal. All receipts collected by the trust shall be deemed principal and expenses shall be charged to principal.

## THE HENRIETTA S. CURRIER TRUST

### ARTICLE ONE

#### CREATION OF TRUST

1.1. **Declaration** HENRIETTA S. CURRIER of San Francisco County, California, who is herein referred to as "the Trustor" or "the Trustee," depending on the context, hereby declares that she holds certain property (the "trust estate") in trust, to be held, administered, and distributed according to the terms of this instrument.

1.2. **Names of Trusts**. The trusts created by this instrument shall be known collectively as the HENRIETTA S. CURRIER TRUST, and each separate trust created under this instrument shall be referred to by adding the name or designation of that separate trust as it appears in the appropriate section of this instrument.

1.3. **Effective Date**. This declaration shall be effective immediately on execution by all the parties.

1.4. **Marital Status**. The Trustor is not married.

1.5. **Identification of Living Children**. The Trustor has no living children.

1.6. **No Deceased Children**. The Trustor has no deceased children.

1.7. **Definitions of Child, Children, and Issue**. The terms "child" and "children" shall include natural-born and legally adopted children of the Trustor. The terms "issue" and "descendants" shall include natural-born and legally adopted lineal descendants of the Trustor indefinitely. The terms "issue" and "descendants" shall not include any stepchild of a lineal descendant of the Trustor unless such stepchild is a legally adopted lineal descendant of the Trustor. The words "living" and "surviving" shall include unborn persons in the period of gestation.

### ARTICLE TWO

#### TRUST ESTATE

2.1. **Definition of Trust Estate**. All property subject to this instrument from time to time is referred to as the "trust estate" and shall be held, administered, and distributed as provided in this instrument. The Trustee shall hold, administer, and distribute the property described in any schedules of property (which are attached hereto and made a part of this trust instrument), any

8.9. **Severability Clause.** If any provision of this instrument is invalid, that provision shall be disregarded, and the remainder of this instrument shall be construed as if the invalid provision had not been included.

8.10. **California Law to Apply.** All questions concerning the validity, interpretation, and administration of this instrument, including any trusts created under this instrument, shall be governed by the laws of the State of California, regardless of the domicile of any Trustee or beneficiary.

8.11. **Gifts to "Heirs".** For any gift to heirs of the Trustor that is made in this instrument, those heirs shall be determined as if the Trustor had died intestate at the time for distribution prescribed in this instrument, and the identity and shares of those heirs shall be determined according to the California laws of succession that concern separate property not acquired from a previously deceased spouse and that are in effect at the time the Trustor is deemed to have died.

**ARTICLE NINE**

**SIGNATURE AND EXECUTION**

9.1. **Execution.** I certify that I have read the foregoing declaration of trust and that it correctly states the terms and conditions under which the trust estate is to be held, administered, and distributed. As Trustee of the trusts created by this declaration of trust, I approve this declaration of trust in all particulars, and agree to be bound by its terms and conditions. As Trustor of the trusts created by this declaration of trust, I approve this declaration of trust in all particulars, and agree to be bound by its terms and conditions.

Dated March 29, 2000.

TRUSTOR-TRUSTEE

  
HENRIETTA S. CURRIER

ACKNOWLEDGMENT

State of California )  
County of *Colusa* ) ss

On *March 29, 2008* before me, the undersigned notary public in and for the State of California, personally appeared HENRIETTA S. CURRIER, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature *David Bromley*



# THE JACKSON-TURLEY FAMILY TRUST

## ARTICLE ONE

### CREATION OF TRUST

1.1. **Declaration.** WILLIAM R. JACKSON and SUZANNE E. TURLEY, husband and wife, of San Francisco County, California, who are herein referred to as "the Trustors" or "the Trustees," depending on the context, hereby declare that they hold certain property (the "trust estate") in trust, to be held, administered, and distributed according to the terms of this instrument.

1.2. **Names of Trusts.** The trusts created by this instrument shall be known collectively as the JACKSON-TURLEY FAMILY TRUST, and each separate trust created under this instrument shall be referred to by adding the name or designation of that separate trust as it appears in the appropriate section of this instrument.

1.3. **Effective Date.** This declaration shall be effective immediately on execution by all the parties.

1.4. **Identification of Living Children.** The Trustors have no living children.

1.5. **No Deceased Children.** The Trustors have no deceased children.

1.6. **Definitions of Child, Children, and Issue.** The terms "child" and "children" shall include natural-born and legally adopted children of either Trustor. The terms "issue" and "descendants" shall include natural-born and legally adopted lineal descendants of either Trustor indefinitely. The terms "issue" and "descendants" shall not include any stepchild of a lineal descendant of either Trustor unless such stepchild is a legally adopted lineal descendant of either Trustor. The words "living" and "surviving" shall include unborn persons in the period of gestation. No child born to or adopted by the Surviving Trustor after the death of the Deceased Trustor, or issue of such child, shall be considered a "child", "issue" or "descendant" for the purpose of receiving any share of TRUST B or TRUST C.

## ARTICLE TWO

### TRUST ESTATE

2.1. **Definition of Trust Estate.** All property subject to this instrument from time to time is referred to as the "trust estate" and shall be held, administered, and distributed as provided in this instrument. The Trustee shall hold, administer, and distribute the property





TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE MARKED WITH A (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS.

TO GRANT ONE OR MORE, BUT FEWER THAN ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

INITIAL

- \_\_\_\_\_ (A) Real Property Transactions.
- \_\_\_\_\_ (B) Tangible Personal Property Transactions.
- \_\_\_\_\_ (C) Stock and Bond Transactions
- \_\_\_\_\_ (D) Commodity and Option Transactions.
- \_\_\_\_\_ (E) Banking and other Financial Institution Transactions.
- \_\_\_\_\_ (F) Business Operating Transactions.
- \_\_\_\_\_ (H) Estate, Trust, and other Beneficiary Transactions.
- \_\_\_\_\_ (I) Claims and Litigation.
- \_\_\_\_\_ (J) Personal and Family Maintenance.
- \_\_\_\_\_ (K) Benefits from Social Security, Medicare, Medicaid, or other governmental programs, or civil or military service.
- \_\_\_\_\_ (L) Retirement plan Transactions.
- \_\_\_\_\_ (M) Tax matters.
- NRJ (N) ALL OF THE POWERS LISTED ABOVE.

YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (N).

**SPECIAL INSTRUCTIONS:**

1. This durable power of attorney shall become effective only upon my incapacity. If, after being determined incapacitated, I should regain my capacity, the powers conferred by this instrument shall terminate.

2. I shall conclusively be deemed incapacitated for purposes of this instrument when the agent receives a written and signed opinion from a licensed physician that I am physically or mentally incapable of managing my own finances. Such written opinion when received shall be attached to this instrument. Third parties may rely on the agent's authority without further evidence of incapacity when this instrument is presented with such physician's statement attached. No licensed physician who executes a medical opinion of incapacity shall be subject to liability because of such execution. I hereby waive any privilege that may apply to release of information included in such medical opinion.

3. After a determination of incapacity, I shall be deemed to have regained capacity upon a written and signed opinion from a licensed physician that I am physically or mentally capable of managing my own finances.

4. While I am not incapacitated, I may modify this durable power of attorney at any time by giving written notice to the agent and I may terminate this power of attorney at any time by either myself or by my agent by written notice given by the terminating party to the other party.

5. The Agent shall have the following powers:

A. To execute and deliver revocable living Trust agreements, to make additions to any existing or future living trust of which I am the Trustor, and to amend or terminate such Trusts, all so long as such acts do not substantially alter distribution of my estate during my lifetime or on my death, and so long as all such acts do not cause adverse tax consequences for my estate or my Agent's estate.

B. To prepare and file all income and other federal and state tax returns which the principal is required to file; to sign the principal's name; hire preparers and advisors and pay for their services; and to do whatever is necessary to protect the principal's assets from assessments for income taxes and other taxes. The agent is specifically authorized to receive confidential information; to receive checks in payment of any refund of taxes, penalties, or interest; to execute waivers (including offers of waivers) of restrictions on assessment or collection of tax deficiencies and waivers of notice of disallowance of claims for credit or refund; to execute consents extending the statutory period for assessment or collection of taxes; to execute closing agreements under Internal Revenue Code section 7121, or any successor statute; and to delegate authority or substitute another representative with respect to all above matters.

C. To have access to all safe deposit boxes in the principal's name or to which the principal is an authorized signatory; to contract with financial institutions for the maintenance and continuation of safe deposit boxes in the principal's name; to add to and remove the contents of all such safe deposit boxes; and to terminate contracts for all such safe deposit boxes.

D. To make direct payments to the provider for tuition and medical care for the principal's issue under Internal Revenue Code section 2503(e) or any successor statute, which excludes such payments from gift tax liability.

E. To make gifts to continue any pattern of gift giving established by the principal.

F. To make gifts on my behalf to a class composed of my children, any of their issue, or both to the full extent of the federal annual gift tax exclusion under Internal Revenue Section 2503(b) of any successor statute.

G. To make gifts and other transfers without consideration or with less than full consideration, including forgiveness of loans and completion of charitable pledges made by me; provided, however, that the Agent shall not make gifts to the Agent unless the gifts are for the Agent's health, support and maintenance and do not exceed Five Thousand Dollars (\$5,000) in any calendar year; provided, however, that if a gift is made to any of my children, the Agent shall make a substantially similar concurrent gift to each of my other children.

H. To consent to split gifts made by my spouse to third persons under Internal Revenue Code Section 2513 or any successor statute, and similar provisions of any state or local gift tax laws.

6. On my death, this power shall terminate and the assets of the principal shall be distributed to the duly appointed personal representative of the principal's estate; or, if no estate is being administered, to the persons who lawfully take the assets without the necessity of administration including the Trustee of any Trust which is the beneficiary of the principal's estate when they have supplied the agent with satisfactory documents as provided by law.

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED EVEN THOUGH YOU BECOME INCAPACITATED.

This power of attorney will continue to be effective even though I become incapacitated.

(STRIKE THE PRECEDING SENTENCE IF YOU DO NOT WANT THIS POWER OF ATTORNEY TO CONTINUE IF YOU BECOME INCAPACITATED.)

EXERCISE OF POWER OF ATTORNEY WHERE MORE THAN ONE AGENT DESIGNATED:

If I have designated more than one agent, the agents are to act SEPARATELY.

(IF YOU APPOINTED MORE THAN ONE AGENT AND YOU WANT EACH AGENT TO BE ABLE TO ACT ALONE WITHOUT THE OTHER AGENT JOINING, WRITE THE WORD "SEPARATELY" IN THE BLANK SPACE ABOVE. IF YOU DO NOT INSERT ANY WORD IN THE BLANK SPACE, OR IF YOU WRITE THE WORD "JOINTLY," THEN ALL OF YOUR AGENTS MUST ACT OR SIGN TOGETHER.)

I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effect as to a third party until the third party has actual knowledge of revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

Signed this 2-17, 2006.

William R Jackson  
WILLIAM R. JACKSON

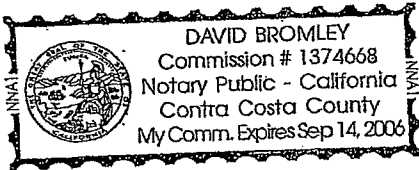
BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

STATE OF CALIFORNIA )  
COUNTY OF CONTRA COSTA )

On Feb 17, 2006, before me, the undersigned, a Notary Public, personally appeared WILLIAM R. JACKSON, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

David Bromley  
Notary Public



DIANE S. MORAN REVOCABLE TRUST

ARTICLE ONE

CREATION OF TRUST

1.1. Declaration. Diane S. Moran of Marin County, California, also known as Dawn Moran, or Diane Susanne Moran who is herein referred to as "the settlor" or "the trustee," depending on the context, hereby declares that she holds certain property (the "trust estate") in trust, to be held, administered, and distributed according to the terms of this instrument.

1.2. Names of Trusts. The trusts created by this instrument shall be known collectively as the Diane S. Moran Revocable Trust, and each separate trust created under this instrument shall be referred to by adding the name or designation of that separate trust as it appears in the appropriate section of this instrument.

1.3. Effective Date. This declaration shall be effective immediately on execution by all the parties.

1.4. Marital Status. The settlor is not currently married.

1.5. Identification of Living Child. The settlor has one living child, Mark A. Moran, born July 20, 1972.

1.6. No Deceased Children. The settlor has no deceased children.

1.7. Definitions of Child, Children, and Issue. As used in this instrument, the terms "child" and "children" refer to natural children and to children who have been legally adopted during minority by the parent or parents from or through whom their right to inherit or to take is determined or derived, and the term "issue" refers to all lineal descendants of all generations, with the relationship of parent and child at each generation being determined by the definitions of "child" and "children" set forth in this

RECORDING REQUESTED BY  
Heather Robertson

AND WHEN RECORDED MAIL TO  
Heather Robertson  
Heather Robertson  
8 Mount Tenaya Court  
San Rafael, California 94903

CONFORMED COPY of document recorded

ON 12/01/2011, 2011J309434  
with document no. \_\_\_\_\_  
This document has not been compared with the original  
SAN FRANCISCO ASSESSOR-RECORDER

APN: 3601-047

Space above line for Recorder's Use  
NO TAX DUE.

**TRUST TRANSFER DEED**

The undersigned Grantors declare under the penalty of perjury that the following is true and correct:

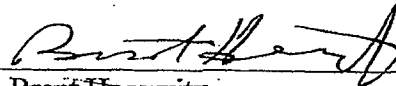
Documentary transfer tax is NONE. Not pursuant to a sale. No consideration. A transfer into a revocable trust. Rev. & Tax Code Section 11930.


       Unincorporated area      X   City of San Francisco

This is a transfer into a revocable trust excludable from reassessment under Rev. & Tax Code Section 62(d).

FOR NO CONSIDERATION, **GRANTORS** Brent Horowitz and Heather Thompson, husband and wife, as Community Property, hereby **GRANT TO** Brent Horowitz and Heather Thompson, Trustees of the Horowitz Family Trust dated September 22, 2011, that real property in the City of San Francisco, County of San Francisco, State of California, described in Exhibit "A" attached hereto and incorporated herein.

Dated: September 22, 2011

  
Brent Horowitz

  
Heather Thompson

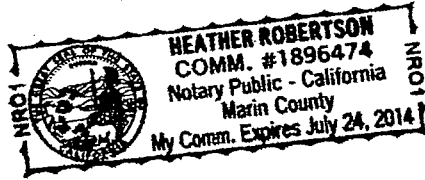
**ACKNOWLEDGMENT**

State of California )  
 )  
County of San Francisco )

On September 22, 2011, before me, Heather Robertson, a notary public, personally appeared Brent Horowitz and Heather Thompson, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



*Heather Robertson*  
\_\_\_\_\_  
Heather Robertson (Seal)

My commission expires on: July 24, 2014

Mail tax statements to: Brent Horowitz and Heather Thompson, 328 Cumberland Street, San Francisco, California 94114

**EXHIBIT "A"**

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:**

Beginning at a point on the northerly line of Cumberland Street, distant thereon 155 feet westerly from the westerly line of Sanchez Street; and running thence westerly along said line of Cumberland Street 25 feet; thence at a right angle northerly 114 feet; thence at a right angle easterly 25 feet; and thence at a right angle southerly 114 feet to the point of beginning.

Being part of Mission Block No. 107.

APN: Lot 047, Block 3601



**THIRD AMENDED AND RESTATED TRUST AGREEMENT**

**OF**

**NANCY L. KOKOLJ TRUST**

**THIS AMENDMENT TO AND RESTATEMENT OF TRUST AGREEMENT** is entered into on JULY 21, 2015, between **NANCY L. KOKOLJ**, referred to hereinafter, as the Settlor, and **NANCY L. KOKOLJ**, as the Trustee. ←

The Settlor and the Trustee have heretofore entered into a Trust Agreement dated August 12, 1997, establishing the **NANCY L. KOKOLJ TRUST**, which was amended and restated in its entirety on August 8, 2000, and was further amended and restated in its entirety on January 15, 2004 (hereinafter for convenience referred to as the "Trust Agreement"). Pursuant to the power reserved to the Settlor it is the desire of the Settlor to further amend the Trust Agreement in its entirety and completely restate the terms thereof as hereinafter set forth.

**ARTICLE I**

**NAME OF TRUST AND TRUST ESTATE**

1.1. Name of Trust. This trust name shall remain as the **NANCY L. KOKOLJ TRUST**.

**ARTICLE II**

**FAMILY DECLARATION**

2.1. Family Information. The Settlor is unmarried and does not have a domestic partner. The Settlor has no children or descendants.

**ARTICLE III**

**DISTRIBUTION**

The Trustee will apply and distribute the trust estate and the income from it in the following manner:

3.1. During Settlor's Lifetime.

**ABSTRACT OF TRUST**

**REVOCABLE TRUST AGREEMENT**

**THE ANNA M. CARTER AND DONALD RAY CARTER REVOCABLE TRUST**

Anna M. Carter and Donald Ray Carter, Trustors and Trustees

August 15, 1996

**ABSTRACT OF TRUST**

**FIRST AMENDMENT TO  
REVOCABLE TRUST AGREEMENT**

**THE ANNA M. CARTER AND DONALD RAY CARTER REVOCABLE TRUST**

Anna M. Carter and Donald Ray Carter, Trustors

and

Anna M. Carter, Trustee

August 29, 2005

as the donor's executor), accrued income so transferred shall be treated as income and shall not be included in "inventory value."

**PART EIGHT**

If any person for any reason or in any manner whatever, directly or indirectly, contests this agreement in whole or in part, on any ground whatever, or opposes or objects to any of the provisions hereof or seeks to invalidate any such provisions, or seeks or endeavors to succeed to the trust property or any part thereof otherwise than through the trust agreement, as amended to date, then such person shall neither take nor receive any of such trust property, and any gift or other interest in the trust property to which such person would otherwise be entitled by virtue of the provisions of the trust agreement, as amended to date, shall be revoked and be canceled and rendered void and of no effect whatever, and such trust property shall instead be given to those persons who would be entitled thereto under the provisions of the trust agreement, as amended to date, had such person predeceased both trustors without issue.

IN WITNESS WHEREOF, the parties hereto have executed this agreement effective the day and year first above written.

Anna M. Carter  
Anna M. Carter, Trustor

Deceased

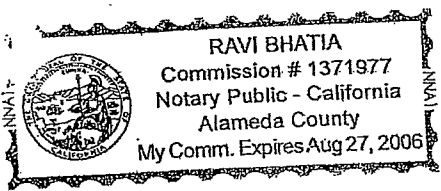
Donald Ray Carter by Anna M. Carter  
Donald Ray Carter, Trustor  
By Anna M. Carter, his attorney-in-fact

Anna M. Carter  
Anna M. Carter, Trustee

STATE OF CALIFORNIA )  
 )  
COUNTY OF Alameda )

On this 29<sup>th</sup> day of August, 2005, before me, the undersigned Notary Public, personally appeared Anna M. Carter, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and she acknowledged to me that she executed the same in her authorized capacities as trustor and as trustee and as attorney-in-fact of Donald Ray Carter (trustor), and that, by her signature on the instrument, the persons or the entity upon behalf of which she acted, executed the instrument.

WITNESS my hand and official seal.



Ravi Bhatia  
Notary Public

My commission expires Aug 27, 2006

THE PETER D. LARSEN AND JOAN L. WULF TRUST,

Dated December 19, 1995

TRUSTEES' CERTIFICATION OF TRUST

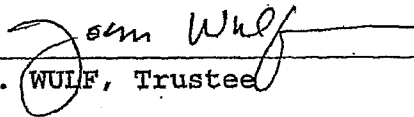
1. Identity of Trustors and Trustees; Date of Trust. We, PETER D. LARSEN and JOAN L. WULF, certify that we are the Trustors and original and presently serving Trustees of "THE PETER D. LARSEN AND JOAN L. WULF TRUST, Dated December 19, 1995," as restated on February 13<sup>th</sup>, 2008.
2. Existence of Trust; Trust is Revocable. Said Trust is a revocable inter vivos grantor trust. The Trust is in full force and effect. The Trustors have the power to revoke the Trust.
3. Signature Authority; Powers of Trustees. The enclosed copy of pages 1, 29-38, and 55 of the Trust are true and correct copies of said pages; list the identity of the Trustees; define the signature authority of the Trustees; and list relevant powers of the Trustees.
4. Taxpayer Identification Number. U.S. Treasury Regulation Sections 1.671-4, 1.6012-3(a)(9) and 301.6109-1(a)(2) provide that either Trustor's Social Security Number (                     for PETER D. LARSEN or                      for JOAN L. WULF) may be used in lieu of a separate taxpayer identification number for the Trust.
5. Title to Trust Assets. Title to Trust assets should be taken as follows: Peter D. Larsen and Joan L. Wulf, Trustees of "The Peter D. Larsen and Joan L. Wulf Trust, Dated December 19, 1995."

6. Certification is Current. The Trust has not been revoked, modified or amended in any manner which would cause the representations in this certification to be incorrect. This certification is being signed by all currently acting Trustees of the Trust.
7. Enforceability; Authority. This certification is made pursuant to California Probate Code Section 18100.5 and California Commercial Code Section 8403(4)-(6), true and correct copies of which are attached hereto. Any transaction entered into by a person acting in reliance upon this certification shall be enforceable against the Trust assets.
8. Liability of Persons Refusing to Accept Certification. Probate Code Section 18100.5(h) provides that any person refusing to accept this certification shall be liable for damages, including attorney's fees, if the court determines that the person acted in bad faith.
9. Certification. We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 2/13, 2008, at San Francisco, California.



PETER D. LARSEN, Trustee



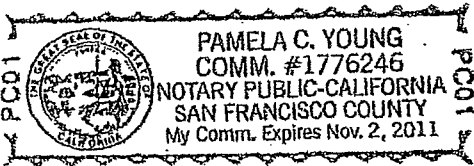
JOAN L. WULF, Trustee

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN FRANCISCO )

On FEBRUARY 13, 2008, before me, PAMELA C. YOUNG, a Notary Public for the State of California, personally appeared PETER D. LARSEN and JOAN L. WULF, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities; and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



Pamela C. Young  
Notary Public



- 1 - 7 1 0 0 0 0

Declaration of Trust

The Lyon 1999 Revocable Trust

March 9, 2012

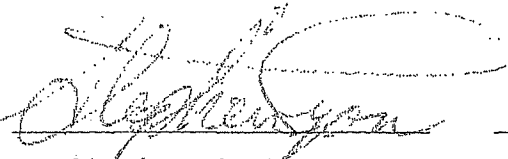
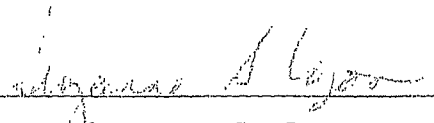
Stephen C. Lyon and Suzanne S. Lyon, husband and wife, sometimes referred to herein as "Settlors" and sometimes as "Trustees", declare that they are setting aside in trust, various assets described in Schedule "A", which is attached hereto, which are to be held subject to the following terms and conditions:

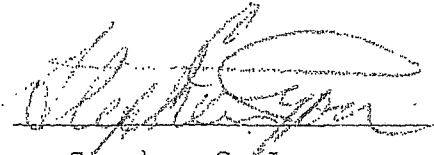
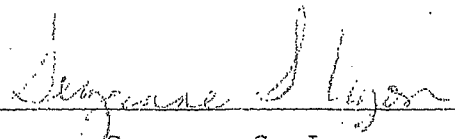
1. **COMMUNITY PROPERTY:** Any community property transferred to the Trust shall remain community property after its transfer. Additionally, Settlers, hereby declare that any separate property contributed to the trust is hereby deemed to be and is converted to community property. It is the Settlers' intention that the Trustees shall have no more extensive power over any community property transferred to the trust estate than either of the Settlers would have had under California Civil Code, concerning community property, had this Trust not been created, and this instrument shall be so interpreted to achieve this intention. This limitation shall terminate on the death of either Settlor should the surviving Settlor so choose.

2. **LIFETIME USE:** The Settlers shall have the right to occupy, without paying rent, the house and real property owned by the trust and to use the furniture and furnishings located therein. Husband and wife have two children, now living, Adam W. Lyon and Chad H. Lyon, both adults and all

1

*Initial sec/SSC*

Settlers:    
Stephen C. Lyon                      Suzanne S. Lyon

Trustees:    
Stephen C. Lyon                      Suzanne S. Lyon

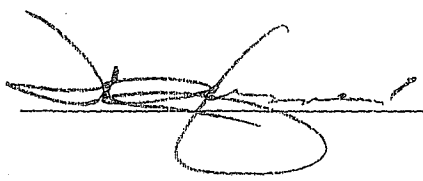
State of California  
County of San Francisco

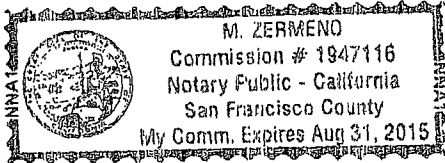
2386

On March 9, 2012 before me, M. Zermeno, Notary Public, personally appeared Stephen C. Lyon and Suzanne S. Lyon who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.





# SAN FRANCISCO

3052013187429

## CERTIFICATE OF DEATH

3201338004393

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT - FIRST (Given) <b>STEPHEN</b>		3. LAST (Family) <b>LYON</b>	
2. MIDDLE <b>CRAIG</b>		4. DATE OF BIRTH mm/dd/yyyy <b>02/13/1942</b>	
5. AGE Yrs. <b>71</b>		6. SEX <b>M</b>	
7. BIRTH STATE/FOREIGN COUNTRY <b>CA</b>		10. SOCIAL SECURITY NUMBER <b>571-52-9643</b>	
11. EVER IN U.S. ARMED FORCES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		12. MARITAL STATUS/SRDP* (at Time of Death) <b>MARRIED</b>	
13. EDUCATION - Highest Level/Dept. (see worksheet on back) <b>SOME COLLEGE</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		16. DECEDENT'S RACE - Up to 3 races may be listed (see worksheet on back) <b>CAUCASIAN</b>	
14/15. WAS DECEDENT HISPANIC/LATINO(A)/SPANISH? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		17. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED <b>SALES</b>	
18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) <b>FLOOR COVERINGS</b>		19. YEARS IN OCCUPATION <b>48</b>	
20. DECEDENT'S RESIDENCE (Street and number, or location): <b>424 LIBERTY STREET</b>			
21. CITY <b>SAN FRANCISCO</b>		22. COUNTY/PROVINCE <b>SAN FRANCISCO</b>	
23. ZIP CODE <b>94114</b>		24. YEARS IN COUNTY <b>48</b>	
25. STATE/FOREIGN COUNTRY <b>CA</b>		26. YEARS IN STATE <b>48</b>	
27. INFORMANT'S NAME, RELATIONSHIP <b>SUZANNE LYON, SPOUSE</b>		28. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip) <b>424 LIBERTY STREET, SAN FRANCISCO, CA 94114</b>	
29. NAME OF SURVIVING SPOUSE/SRDP - FIRST <b>SUZANNE</b>		30. LAST (BIRTH NAME) <b>SMITH</b>	
31. NAME OF FATHER/PARENT - FIRST <b>JAMES</b>		32. LAST <b>LYON</b>	
33. MIDDLE <b>HUDSON</b>		34. BIRTH STATE <b>CO</b>	
35. NAME OF MOTHER/PARENT - FIRST <b>THELMA</b>		36. LAST (BIRTH NAME) <b>RUTT</b>	
37. MIDDLE <b>ARLENE</b>		38. BIRTH STATE <b>CO</b>	
39. DISPOSITION DATE mm/dd/yyyy <b>10/09/2013</b>		40. PLACE OF FINAL DISPOSITION <b>RESIDENCE OF SUZANNE LYON 424 LIBERTY STREET, SAN FRANCISCO, CA 94114</b>	
41. TYPE OF DISPOSITION(S) <b>CR/RES</b>		42. SIGNATURE OF EMBALMER <b>NOT EMBALMED</b>	
43. LICENSE NUMBER <b>FD1306</b>		44. NAME OF FUNERAL ESTABLISHMENT <b>NEPTUNE SOCIETY OF NORTHERN CALIFORNIA</b>	
45. LICENSE NUMBER <b>FD1306</b>		46. SIGNATURE OF LOCAL REGISTRAR <b>TOMÁS ARAGÓN, MD, DR.P.H.</b>	
47. DATE mm/dd/yyyy <b>10/09/2013</b>		48. SIGNATURE OF LOCAL REGISTRAR <b>TOMÁS ARAGÓN, MD, DR.P.H.</b>	
101. PLACE OF DEATH <b>OWN RESIDENCE</b>		102. IF HOSPITAL, SPECIFY ONE <input type="checkbox"/> Hospice <input type="checkbox"/> Home <input type="checkbox"/> Other	
103. CITY <b>SAN FRANCISCO</b>		104. IF OTHER THAN HOSPITAL, SPECIFY ONE <input type="checkbox"/> Hospice <input type="checkbox"/> Home <input checked="" type="checkbox"/> Other	
105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location) <b>424 LIBERTY STREET</b>		106. CITY <b>SAN FRANCISCO</b>	
107. CAUSE OF DEATH Enter the chain of events --- disease, injury, or complication --- that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without describing the etiology. DO NOT abbreviate. <b>MELANOMA</b>		108. DEATH REPORTED TO CORONER Time Interval Estimate - Street and Death (A) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <b>1YR</b>	
109. BICPSY PERFORMED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		110. AUTOPSY PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
111. USED IN DETERMINING CAUSE? <input type="checkbox"/> YES <input type="checkbox"/> NO		112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107 <b>NONE</b>	
113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? If yes, list type of operation and date. <b>SHAVE SKIN BIOPSY 10/30/2012, WIDE EXCISION ON SKIN LESION ON CHEST 11/09/2012</b>		114. IF FEMALE PREGNANT IN LAST YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	
115. SIGNATURE AND TITLE OF CERTIFIER <b>JEFFREY ALAN BEANE M.D.</b>		116. LICENSE NUMBER <b>G49203</b>	
117. DATE mm/dd/yyyy <b>10/10/2006</b>		118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE <b>JEFFREY ALAN BEANE M.D. 4131 GEARY BLVD, SAN FRANCISCO, CA 94118</b>	
119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Poisoning <input type="checkbox"/> Could not be determined		120. INJURED AT WORK? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
121. INJURY DATE mm/dd/yyyy		122. HOUR (24 Hours)	
123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)			
124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)			
125. LOCATION OF INJURY (Street and number, or location, and city, and zip)			
126. SIGNATURE OF CORONER / DEPUTY CORONER		127. DATE mm/dd/yyyy	
128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER		129. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER	
STATE REGISTRAR		FAX AUTH.#	
A B C D E		CENSUS TRACT	

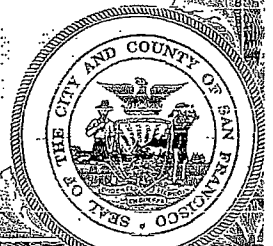
STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO  
This is to certify that the image reproduced hereupon is a true copy of the record on file in the SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH as of the date issued.

DATE ISSUED **00T 11 2013**

This copy is not valid unless prepared on an engraved border, displaying the date, seal and signature of the City and County Health Officer.

\* 0 0 3 3 4 2 1 3 5 \*

*Tomás Aragón*  
**Tomás Aragón, M.D., Dr.P.H.**  
Health Officer and Local Registrar



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

ASSIGNMENT AND DECLARATION OF INTENT

The undersigned, GEORGE HOMSEY, hereby declares that as Trustee of the - GEORGE W. HOMSEY TRUST, he is acquiring and will hold in the name of GEORGE W. HOMSEY TRUST but without further reference to his fiduciary capacity all items listed on the Schedule A of Trust Assets attached hereto and incorporated herein as amended from time to time as well as household furnishings, automobiles, jewelry, bank accounts, securities, bonds, clothing and other personal property of any kind in his name and henceforth such assets shall and will belong to said Trust and not to him individually. Unless specifically included in the Schedule A of the Trust, this Declaration shall not apply to retirement plans including, but not limited to: Individual Retirement Accounts, pension accounts, 401(k) plans, 403(b) plans, 457 plans, profit sharing plans, Keogh plans, SEP IRAs, annuities, insurance policies, pay on death accounts, Totten Trusts, assets titled in joint tenancy and any qualified plans not listed above.

He further declares as Trustee that he accepts all of the above-referenced items as trust property. He further declares that, except to the extent of the interest provided to him under the terms and provisions of said Trust, he has no personal interest in any of the above itemized personal properties, it being intended that this Declaration constitutes an affirmation of trust ownership which shall be binding on his heirs, administrators, executors and assigns.

IN WITNESS WHEREOF, the undersigned has executed this instrument

this 19<sup>th</sup> day of October, 2005.

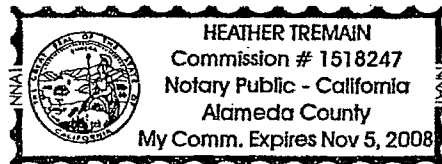
BY: George Homsey Trustee/Settlor  
GEORGE HOMSEY

State of California }  
County of Alameda }

On October 19, 2005, before me, Heather Tremain, a Notary Public in and for said State, personally appeared GEORGE HOMSEY, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Heather Tremain  
Signature and Seal



RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

MAY -2 PM 1:31

BY [Signature]

90-7118-3211 1087

**DOLORES HEIGHTS IMPROVEMENT CLUB**  
AN UNINCORPORATED ASSOCIATION

Date: MAY 1, 2016

Pay to the order of SAN FRANCISCO PLANNING DEPARTMENT \$ \*562.00

\*\*\*\*\* FIVE HUNDRED SIXTY-TWO & 00/100 \*\*\*\*\*  
*dollars*

**citibank**  
CITIBANK, N.A. BR. #961  
444 CASTRO ST.  
SAN FRANCISCO, CA 94114

for RE: DHIC APPEAL  
323 CUMBERLAND PROJECT

Joseph [Signature]

ORIGINABLE COPY

Security Features  
Include  
Details on Back.

MP

# APPLICATION FOR Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

<p>APPLICANT NAME: <b>Bruce Bowen</b></p> <p>APPLICANT ADDRESS: <b>4016 20th St San Francisco CA 94114</b></p> <hr/> <p>NEIGHBORHOOD ORGANIZATION NAME: <b>Dolores Heights Improvement Club</b></p> <p>NEIGHBORHOOD ORGANIZATION ADDRESS: <b>PO Box 14426 San Francisco CA 94114</b></p> <hr/> <p>PROJECT ADDRESS: <b>313-323 Cumberland St</b></p> <p>PLANNING CASE NO.: <b>2013.1213 CUA</b></p>	<p>TELEPHONE: <b>(415) 533 0586</b></p> <p>EMAIL: <b>bruce.r.bowen@gmail.com</b></p> <hr/> <p>TELEPHONE: <b>( ) n/a</b></p> <p>EMAIL: <b>info@doloresheights.org</b></p> <hr/> <p>BUILDING PERMIT APPLICATION NO.: <b>2014.0627.9813 2014.0627.9820</b></p> <p>DATE OF DECISION (IF ANY): <b>March 31, 2016</b></p>
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 SAN FRANCISCO  
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2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
  
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
  
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
  
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

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

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

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION
  
- WAIVER APPROVED                       WAIVER DENIED



SAN FRANCISCO  
PLANNING  
DEPARTMENT

FOR MORE INFORMATION:  
Call or visit the San Francisco Planning Department

**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: 415.558.6378  
FAX: 415.558.6409  
WEB: <http://www.sfplanning.org>

**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: 415.558.6377  
*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*

## Appeal Waiver Attachment

- John O'Duinn, Chair of the Board of the Dolores Heights Improvement Club (DHIC), authorizes Bruce Bowen, member of Dolores Heights Improvement Club and member of its Planning and Land Use Committee, to file an appeal of the 313-323 Cumberland Street Conditional Use Authorization Case No. 2013.1213CUA on behalf of DHIC.
- DHIC is a neighborhood organization registered with the Planning Department as referenced by the Planning Department on the spreadsheet available here: <http://sf-planning.org/neighborhood-groups-map>, and as shown in the attached list of neighborhood organizations
- DHIC encompasses 313 and 323 Cumberland Street. The boundaries of the DHIC encompass homes within the area approximately bounded by the following four streets: Castro, 18th Street, Dolores Street and 22nd Street.
- DHIC was established in the 1940s and was directly involved in the establishment of the Dolores Heights Special Use District (Planning Code Section 241) as referenced in the San Francisco Planning Commission Resolution No. 8472 (January 10, 1980). See also <http://doloresheights.org/> and <http://www.sfgate.com/bayarea/place/article/Dolores-Heights-architecture-is-like-a-tapestry-4766006.php>. See also attached Meeting Notice from September 25, 1990, and front pages of the Dolores Heights Residential Design Guidelines, issued by DHIC in March 1998.
- DHIC is an organization that is affected by the project. Among other things, the project affects the goals of the Dolores Heights Special Use District, the provisions of the Dolores Heights Residential Design Guidelines, and unique character of the neighborhood.



30 APR 2016

Planning Department  
1650 Mission Street, Suite 400  
San Francisco  
CA 94103

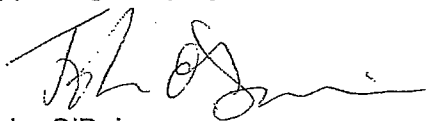
Re: Conditional Use Appeal: 313-323 Cumberland Street;

Board of Supervisors Appeal Fee Waiver

To Whom it May Concern,

Bruce Bowen is a member of the Dolores Heights Improvement Club and is authorized to file the above-referenced appeal on behalf of our organization.

The Dolores Heights Improvement Club was established in the 1960s and came into being around neighborhood issues including development pressures. The Dolores Heights Improvement Club is a volunteer residential neighborhood association. We come together in the interest of the community to maintain and enhance its appearance, safety, communication, and value. The Dolores Heights neighborhood has a demarcated area within it called the Dolores Heights Special Use District, which was established in 1980 in response to the demolition of housing and the construction of large buildings. San Francisco's Planning Code Section 241 describes the intent of the Special Use District. Given, among other things, that this project is within this Special Use District, and as currently designed does not meet the basic objectives of development in context and scale with established character and landscape, as described in Section 241, and given that the project involves a lot merger and second basement unit which we believe set dangerous precedents for neighborhood and City planning, we previously asked the Planning Commission to deny the request for a Conditional Use permit. We are appealing their decision [Case Number 2013.1213CUA] for this and other reasons as described in our previous two letters to the Commission opposing the project.



John O'Duinn  
Chair, Board of Dolores Heights Improvement Club.

## Upper Market

P37

Alan Beach-Nelson  
President  
Castro/Eureka Valley Neighborhood  
Association  
P.O. Box 14137  
San Francisco, CA 94114-2827

Bruce Murphy  
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Eureka Heights Neighborhood Association  
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Sean Quigley  
President  
Valencia Corridor Merchant Association  
1038 Valencia Street  
San Francisco, CA 94110



**DOLORS HEIGHTS  
IMPROVEMENT CLUB**

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***Meeting Notice***

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September 25, 1990

Dear Dolores Heights Neighbor:

Dolores Heights Improvement Club will be holding our next meeting:

**Time and Place**

Wednesday, October 3, 1990, at 6:30 pm at the Noe Valley Ministry, 1021 Sanchez Street (at 23rd Street).

**Agenda**

1. Dolores Park Crime
2. Rezoning and the Dolores Heights Special Use District
3. Utility undergrounding

**Speaker**

Captain Michael Hebel, San Francisco Police Mission Station

Captain Hebel will discuss the current status of the measures recently taken by the Police Department against drug dealing and crimes around Dolores Park and the Dolores Heights area.

I urge everyone take this opportunity to voice your opinions and concerns on two important issues for our neighborhood. This is an excellent time to meet and have a dialogue with Captain Hebel of Mission Station, who has been working very hard on our behalf.

We hope to see you there!

Sincerely,

Bruce Muncil  
Chairperson

## About the DOLORES HEIGHTS IMPROVEMENT CLUB

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### History and Purpose

Established in 1940's, the Club was formed to preserve and enhance the quality of the special neighborhood on Dolores Heights hill. Throughout it's history, the Club has been active in neighborhood and city issues such as zoning, safety, traffic regulation, beautification, garden projects, etc.

The Club was responsible for the drafting and implementation of the Dolores Height Special Use District legislation in 1980 and implementation of the undergrounding of utilities of several blocks on the Dolores Heights hill.

### Membership

The Club is open to membership by residents of the area generally bounded by Church, 19th Street, Noe Street and 22nd Street. Residents of adjoining blocks are also welcome to join.

If you are interested in becoming a member, we invite you to attend a meeting of your neighbors of our special area of the City. Membership dues are \$10.00 per year. Send dues to:

Dave Evers, Treasurer  
Dolores Heights Improvement Club  
345 Liberty Street  
San Francisco, CA 94114

Information can also be obtained by calling:  
Tom Holder, Club Secretary, at 285-9530.

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### Board of Directors

Jean Burbank 760 Church	Dave Evers 345 Liberty	Tom Holder 3680 21st	Bob Killian 3640 22nd	Rick Lobshure 3676 21st	David Meyer 346 Liberty
Bruce Muncil 336 Cumberland	Ron Rice 10 Rayburn	Henry Shapiro 361 Hill			

*dues Pd 10-6-90*

DOLORRES HEIGHTS  
RESIDENTIAL DESIGN GUIDELINES

March 1998

**PREPARED BY THE DESIGN REVIEW COMMITTEE  
OF THE DOLORES HEIGHTS IMPROVEMENT CLUB**

**Donald E. Earlenbaugh  
Stephen Lomika  
Philip Mathews, Architect  
Stephen O'Connell, Urban Planner  
Jerry Pike, Architect**

**DHIC**  
**3732 21<sup>st</sup> Street, San Francisco, CA 94114**  
**E-mail: [doloresheights@hotmail.com](mailto:doloresheights@hotmail.com)**  
**Telephone: 647-4228**

## Carroll, John (BOS)

---

**From:** BOS Legislation, (BOS)  
**Sent:** Thursday, June 02, 2016 2:46 PM  
**To:** 'bruce.r.bowen@gmail.com'; 'info@doloresheights.org'; 'Tara N. Sullivan'; 'tcatalano@reubenlaw.com'; 'shaughey@reubenlaw.com'; 'James Reuben'; 'Gary Weiss'  
**Cc:** Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlana (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS); Jackson, Erika; Lew, Lisa (BOS); Jalipa, Brent (BOS)  
**Subject:** Appeal Response - Conditional Use Authorization Appeal - 313-323 Cumberland Street - Appeal Hearing on June 7, 2016  
**Categories:** 160527

Good afternoon,

Please find linked below an appeal response received by the Office of the Clerk of the Board from Tuija I. Catalano, representing the Project Sponsor, concerning the Conditional Use Authorization Appeal for the proposed project at 313-323 Cumberland Street.

[Project Sponsor Letter - June 2, 2016](#)


**The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on June 7, 2016.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 160527](#)

Thank you,

**John Carroll**  
Legislative Clerk  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

## **Carroll, John (BOS)**

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**From:** Tuija Catalano <tcatalano@reubenlaw.com>  
**Sent:** Thursday, June 02, 2016 1:35 PM  
**To:** BOS Legislation, (BOS)  
**Cc:** Carroll, John (BOS)  
**Subject:** Appeal of CU on 313-323 Cumberland - Project Sponsor Brief  
**Attachments:** BOS Project Sponsor Brief w. exhibits (6-2-2016).pdf

**Categories:** 160527

Mr. Carroll,

Attached please find a copy of the project sponsor's brief in opposition to the CU appeal on 313-323 Cumberland for inclusion in the BOS packages. Two (2) hard copies are on their way to the Clerk's Office, however; if you need any additional hard copies, we would be happy to produce them.

A copy can also be downloaded from the following link:

<https://www.dropbox.com/s/3s2hiseo0fkaa3b/BOS%20Project%20Sponsor%20Brief%20w.%20exhibits%20%286-2-2016%29.pdf?dl=0>

Please let me know if you have any questions.

Thank you,

## **REUBEN, JUNIUS & ROSE, LLP**

Tuija Catalano, Partner  
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# REUBEN, JUNIUS & ROSE, LLP

June 2, 2016

President London Breed  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

**Re: 313-323 Cumberland Street (3601/043 and 044)**  
**Brief in Opposition to Appeal of Conditional Use Authorization**  
**Planning Department Case No.: 2013.1213CUA**  
**Hearing Date: June 7, 2016**  
**Our File No.: 8920.01**

Dear President Breed and Supervisors:

Our office represents RSAA, LLC, owner of the properties at 313 and 323 Cumberland Street (the “**Property**”). The Property consists of two 25-foot by 114-foot lots, one of which is improved with a one-story over basement single-family residence (323 Cumberland) and the other is a vacant lot (313 Cumberland). The project will result in the demolition of the existing 877-sf structure, merger of the two lots, and construction of a building that will contain one family-sized unit for the personal use of the Property owners and a second, smaller unit (the “**Project**”).

On February 4, 2016, a conditional use authorization was approved for the Project by the Planning Commission for the construction of two units on the combined lot at the RH-1 zoned Property. Although the Project opponents, including Mr. Bruce Bowen who signed the appeal on behalf of the Appellant, pushed for the addition of a second unit to the Project, they now appeal the Planning Commission’s decision to approve that second unit and the Project (“**CU Appeal**”). Despite the limited basis of appeal for the Project that required a conditional use approval only for the purpose of allowing the construction of two units instead of one (i.e. the addition of the second unit), the Appellant raises a number of unrelated issues that should not be considered on the CU Appeal for a fully Code compliant Project.

The Project is compatible with the neighborhood in design, scale and massing, supported by many neighbors including at least five (5) of the immediately adjacent six (6) neighbors, and appropriate and compliant with the applicable Planning Code and other criteria as described more fully below. If, despite this, the Board finds that the Planning Commission improperly granted the conditional use authorization, it should exercise its jurisdiction and address that limited decision by approving the Project and requiring the removal of the second dwelling unit.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin  
Tuija I. Catalano | Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben<sup>1</sup> | Thomas Tunny  
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey  
Chloe V. Angellis | Louis J. Sarmiento | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

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**A. Project Description**

The proposed merger of the existing lots will result in an approximately 5,700-sf, 50-foot by 114-foot lot. The Project proposes to demolish the existing structure and construct a new building with approx. 7,100 sf of residential uses, within an almost 33-foot tall three-story over basement building that will include two (2) units. The two (2) new units will include an approximately 5,550-sf family-sized unit for the project sponsor's family, a second approximately 1,550-sf unit, and an approximately 900-sf garage.

*The Project includes a second unit as requested by the Appellant.* The existing Property contains only one (1) unit. However, due to the proposed merger of the lot with the adjacent vacant lot, the Project was revised to include two (2) units thereby avoiding any potential loss or elimination of a dwelling unit on the vacant portion of the Property. The Planning Code does not impose a minimum unit count or a minimum density for any property or for the merger of two or more parcels. The change and the addition of the second unit was made in response to the Planning Department's request, and in order to address the objections, including those by Mr. Bowen, during the planning process about "loss of affordability and the loss of an in-fill housing opportunity site." Despite that, Appellant challenges the approval of the second dwelling unit.

*One building with two units is preferred by the Property's neighbors.* Construction of a single building on the merged Property is preferred by several neighbors and will result in a smaller building than would likely be constructed if the existing two (2) parcels were constructed with two (2) separate structures without a merger. The benefits of the Project as compared to constructing two (2) buildings on two (2) separate lots include the following:

- A 2-unit/2-lot project would not require any side yard setbacks, as compared to the Project, which is required to provide a 3-foot side setback on one side due to the width of the merged property. Exceeding the side yard setback requirements, the Project proposes significantly larger setbacks along with eastern property boundary starting with a 3-foot setback at the front and increasing to over 13 feet towards the back of the Property, none of which are realistic for a project either of the current 25-foot wide lots alone;
- By constructing a single building on two lots, the Project does not need to, and does not, utilize the maximum height or building envelope permitted by the zoning. The proposed Project also provides for a larger front setback than is required by the Code, which was incorporated pursuant to the adjacent neighbor's request (Mr. Lynch at 327 Cumberland), and in order to minimize to the Project's overall size and massing and the appearance thereof. A 2-unit/2-building/2-lot project would quite likely result in Code compliant buildings that would be larger than the single building proposed by the Project; and
- A 2-unit/2-lot project would result in two (2) curb cuts along the 50 foot street frontage for the required vehicular access. In contrast, the Project proposed only one (1) ten-foot wide curb cut, thereby increasing the amount of available street parking for the neighborhood and decreasing conflicts between pedestrians and vehicles.

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**B. CU Appeal by the Appellant**

The Appellant asserts that the CU Appeal is necessary to correct policy errors made by the Planning Commission and to avoid establishment of a precedent or creation of a new housing policy by the Project. Contrary to the Appellant's arguments, this Project and this CU Appeal do not create any new housing policies for the City. The CU Appeal is about the Project at the Property, and cannot be extended to anything else beyond that. New housing policies can, and do, get created, but not in the context of individual projects or appeals.

The Appellant argues that by allowing the Project and the proposed merger, the City would thereafter be inundated with projects proposing mergers of individual lots followed by demolition of existing housing units and construction of large single-family residences. The Appellant suggests that the approval of the Project would create a policy in favor of such proposals with Citywide impacts. The notion that any single project, such as this Project, would create a Citywide housing policy or establish an irreversible, or for that matter, any kind, of a policy is simply absurd. First and foremost, the Project involves a unique set of circumstances that are highly unlikely to exist anywhere else, thus making it improbable that another project similar to the Project would even be proposed. The Property consists of a vacant lot that was sold concurrently and together with the adjacent lot. There simply are not many, if any, similar situations where an existing single-family lot would be immediately adjacent to a vacant lot under common ownership, and subject to concurrent sale, which was the case when the project sponsor purchased the Property over three (3) years ago. It is also impossible for one to create such a situation by first demolishing an existing building in order to create a vacant property next to an improved lot since Section 317 of the Planning code requires a replacement structure to be approved prior to the approval of a demolition of an existing structure. In sum, the circumstance involving the Project (i.e. the merger of a vacant lot with an adjacent improved lot) is rare, and thus it is simply inaccurate to believe that the Project would or could result in any precedent.

Contrary to the Project, a proposal to merge two adjacent properties, neither of which is vacant, and both of which are improved with an existing unit, would involve an entirely different set of requirements and regulations. Specifically, Section 317 of the Planning Code regulates the loss of residential units as a result of a merger of two or more units, demolition and/or conversion. If a project were to propose a merger of two (2) lots containing two (2) units, which is not the case here, such project would require a conditional use authorization by the Planning Commission, subject to specific findings per Section 317 of the Planning Code relative to the type and size of the existing units vs. the proposed unit (or units). Simply stated, the Planning Code already governs such project proposals and this CU Appeal and/or Project will have no impact on such projects, and certainly will not create any new policies in that regard.

To the extent that any existing regulations and zoning controls are deemed not to be adequate, the Planning Code provides for processes for the amendment of the Planning Code that can be utilized to change existing zoning controls. The Board of Supervisors has the ultimate authority to approve such policies and universal amendments that impact how and where housing

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or any other development can be built. The Project complies with all existing policies, zoning requirements and development standards and limitations. To the extent that the Appellant is not satisfied with the existing controls, the remedy is to pursue amendment of such controls however, any such "amendment" or creation of a new policy is not done in the context of an individual project or appeal, such as this Project or this CU Appeal.

The Appellant's arguments for the CU Appeal are in many ways circular. On one hand, the Appellant argues for the preservation of the existing two lots 'as is' and for the construction of two separate buildings, which realistically would result in larger overall massing and would effectively ignore the extensive revisions that have been made to the Project over a period of more than two (2) years in cooperation with the immediate neighbors in order to ensure that those neighbors who could be most impacted by the Project are supportive. At the same time, the Appellant argues for the reduction in the Project's currently proposed massing and scale claiming that the neighbors' have not been heard and that the proposed approx. 1,550-sf second unit is inadequate and contrary to the City's housing policies in a neighborhood, which the Appellant describes as predominantly a "street of 2,000 sf homes."

A summary of the Appellant's key arguments is included and analyzed below:

	Appellant's Argument	Project Sponsor's Response
0	The Project sets a "dangerous precedent" affecting all RH-1 and RH-2 neighborhoods in the City, creating a "new housing policy"	<u>Not true.</u> The CU Appeal and the Planning Commission decision affect the Project at the Property and do not create any new housing policies. Housing policies are created by new legislation and/or by the amendment of existing zoning controls, and <u>not</u> by decisions on individual projects. See <b>Part B</b> above for more detailed response.
1	The proposed "lot merger removes the potential of two normal single-family homes from the site," which is contrary to City's policies regarding preservation and promotion of housing.	<u>No.</u> The Project will result in two (2) units in place of an existing one (1) dilapidated unit, and the construction of a second unit which is approx. 1,550 sf in size. The Project is consistent with City's housing policies by creating one larger unit appropriate for family housing and a second, relatively more affordable, yet appropriately sized 2-bedroom unit.
2	The second unit is a "sham" unit, deprived of natural light, failing to comply by housing policies, General Plan and Section 317 criteria.	<u>Not true.</u> With 2 bedrooms, approx. 1,550 sf, a separate entrance, extensive light wells and windows, separate entrance to the parking garage and other features, the second unit is a true unit that complies with all applicable Planning Code requirements as well as the housing policies. The Appellant is accurate in that the second unit is smaller than the main unit, however, there is nothing negative about creating a smaller, relatively more affordable second unit.

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	Appellant's Argument	Project Sponsor's Response
3	Project does not meet the conditional use requirements.	<u>Incorrect.</u> The Project has been extensively evaluated by the City's Planning Department staff who regularly review and analyze projects and their compliance, who recommended approval of the Project, and furthermore was approved by the Planning Commission, in its Motion No. 19604, which included detailed findings regarding the Project's compliance with the CU criteria. Please see <u>Part D</u> below for a more detailed analysis of the Project's compliance with the CU criteria.
4	Demolition of the existing house at the Property removes "relatively affordable housing" and is contrary to a host of requirements, policies and criteria.	<u>Incorrect.</u> Valued at approx. \$1.68 million, the existing approx. 980-sf house is not affordable by any standard or definition. In fact, based on the City's criteria, the value of the existing house is above the 80% average price of single-family residences in the City, thus characterizing the existing housing as "not affordable or financially accessible housing." Notwithstanding the value of the existing house, the Project is creating a second unit that is smaller at approx. 1,550 sf, thus arguably creating relatively more affordable housing than two equally sized units at the Property would provide.
5	The Project is out of scale and out of character, being both taller and wider than others, failing to conform with Residential Design Guidelines, CU findings, General Plan and the SUD controls.	<u>Not true.</u> The neighborhood is varied in lot size, character and overall design. There are many other double-wide lots on the subject block and beyond, including Mr. Bowen's own lot (which is occupied by a 3,436-sf home), the lot to the rear of the Property and the one directly across the street from the Property, see Part D below for more details. There are also many other "large" or "larger" homes nearby, as noted in a sample listing in Exhibit C, as well as other larger lots within the project proximity, as noted in the map attached to Exhibit D. As determined by the Planning Department, including the Residential Design Team, and the Planning Commission, the Project complies with all applicable requirements and design guidelines. In fact, the Project does <u>not</u> maximize the height or building envelope that would be permitted by the Planning Code, but instead provides more generous front and side setbacks and other features exceeding the minimum Code requirements.
6	The Project's entitlement process was suspect and subject to political interference and inadequate due diligence by Planning.	<u>Not true.</u> The Project was initiated over two (2) years ago, and been extensively reviewed by the Planning Department, including various teams therein, such as the Residential Design Team, and all required notices and processes have been followed as required.
7	Neighborhood opposition to the Project was "not given sufficient weight in the decision-making process."	<u>Incorrect.</u> Project opponents were given the opportunity to present their position both in writing and verbally, which they fully utilized, and there were no deviances from standard procedures with respect to neighbors' ability to voice their opinions. Just because the Appellant does not like the decision by the Planning Commission does not mean that the decision-makers did not hear or take into consideration their testimony.

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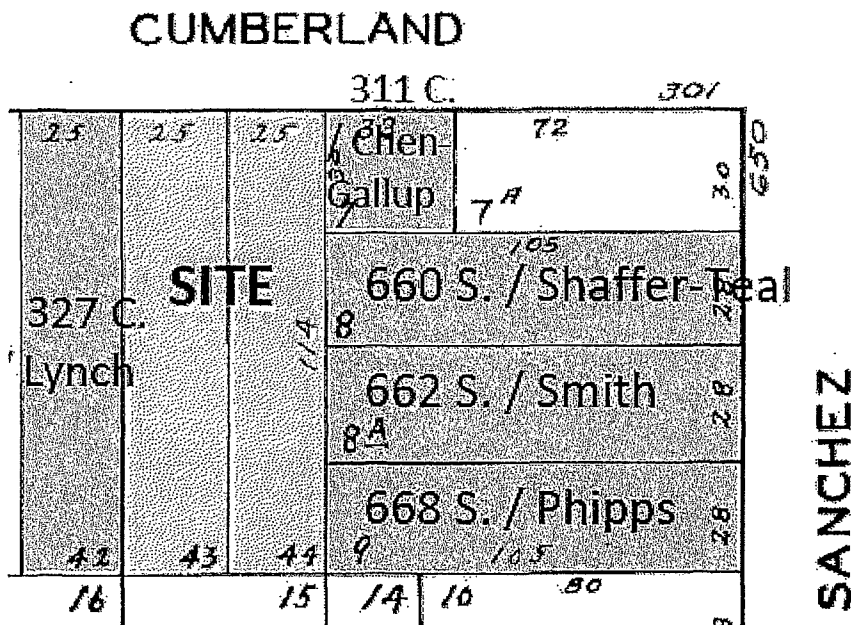
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**C. The Project Has Extensive Neighborhood Support**

The Project has been carefully designed to be compliant with all Planning Code requirements and, equally importantly, the Project's massing and design has been revised multiple times in order to ensure compatibility with the existing neighborhood and to address requests by immediate neighbors. The Appellant is asking the Board to ignore a lengthy cooperative process with the Project's immediate neighbors, which resulted in numerous revisions to the Project for the benefit of existing neighbors.

The Project sponsor worked very closely with neighbors, holding three (3) separate neighborhood meetings and many individual meetings with different neighbors, in addition to being available and responsive to many more emails and phone calls. A timeline with some of the key meetings, events and Project revisions is included in Exhibit A. The original Project was larger and quite different from the Project that is before the Board now. The current Project is the product of collaboration with the neighbors and the Project sponsor's willingness and interest in creating a project that the neighbors can and will support. As a result, at the Planning Commission the Project sponsor submitted support letters from twelve (12) neighbors along with a petition with a total of 64 signatures, of which 55 were additional signatures in support of the Project. See Exhibit B for the inclusion of the support letters and petition signatures.

The owners have worked particularly closely with the neighbors who share common property boundaries with the Property. The support from the immediate neighbors is shown in green color in the block map below. It is quite common for immediate neighbors to oppose a project. The support of five surrounding neighbors shows that the Project actually benefits the neighborhood.



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**D. The CU, and Project as a Whole, Was Properly Granted**

The Project was granted a conditional use authorization in order to allow two (2) units at the Property consistent with Section 209.1 of the Planning Code. The Project as originally proposed included only one (1) unit. However, the Project was revised to include two (2) units in order to account for the potential (albeit not actual) loss of a unit that could result if a second unit were constructed on the currently vacant portion of the Property in the absence of the proposed lot merger.

*The Project is necessary and desirable, adding two well-designed units, including a relatively affordable unit.* The Project will create a high-quality residential building with two (2) units within an established residential neighborhood, complying with existing zoning controls and General Plan policies that encourage provision of quality housing. The Project includes one family-sized unit, replacing a vacant and debilitated building, and a second, smaller and relatively more affordable unit (also consistent with requests made by the Appellant).

*There is no violation of an existing lot pattern.* The Project will result in two (2) dwelling units on a 5,700-sf, 50-foot by 114-foot lot, which is compatible with the density in the neighborhood. There are several other lots that are similarly sized, including three lots across from the Property on Cumberland (Block 3601, Lots 45, 102 and 103), two lots adjacent to the Property fronting 20th Street (Block 3601, lots 15 and 16), and other lots nearby on the same block of Cumberland (Block 3601, lots 50, 38). Therefore, the existing pattern provides for a mix of lot widths and sizes with which the Project is consistent. More importantly, the Project has been carefully designed to be compatible with the existing context (e.g. via use of setbacks and materials) and consistent with the pedestrian scale and residential character of the neighborhood.

*The Project is consistent with neighborhood character.* The existing neighborhood lacks "defined visual character" that is recognized in the Residential Design Guidelines ("RDG") due to the mix of both modern and historic/older homes, including a varied mix of building materials, as is illustrated in the block photo montage below. For example, with respect to the roofline, there are a variety of different types of rooflines, including horizontal rooflines like that proposed by the Project.



Source: Google Streetview, not in scale

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REUBEN, JUNIUS & ROSE, LLP



The Project incorporates a sizeable front setback at the ground level, consistent with the front setbacks for the adjacent buildings, and provides an appropriate transition between the street and the building, with a more than 10-foot front setback for primary building façade/wall. An additional front setback is provided at the third story of the building, which is set back approximately 15 feet from the front property line. The Property is located in the 40-X height and bulk district, yet the proposed total building height is only approximately 33 feet. Last but not least, the primary rear yard mass is significantly offset from the eastern property line, protecting mid-block open space for the keylot properties on Sanchez Street.

It is also important to note that, contrary to the Appellant's (incorrect) assumption, the merger of the two (2) lots and the construction of one building is more compatible and sensitive than the construction of two (2) separate homes on two (2) separate lots. With a single lot, the Project is able to provide the significant side yard setback noted above and eliminate one of the existing curb cuts, thereby increasing the availability of on-street parking in the neighborhood. Appellant's belief that a two-building scenario would provide the neighboring houses similar access to light, air and open area is simply not true - it is not feasible to assume that a building on a 25-foot wide lot would provide side setbacks up to approx. 13 feet in width when none are required by the Code.

*The Project creates added housing, not a loss of housing.* Appellant argues that denial of the Project would result in “modest development of each lot with a stand-alone single family home of a size and scale consistent with the neighborhood.” However, the likely outcome of denial of the Project would be two homes with a cumulatively greater impact on the surrounding properties, which is precisely why the Project has the support of the surround neighbors (Appellant lives on another block). The Project as proposed provides two dwelling units while being responsive to the scale of the neighborhood and the concerns of surrounding neighbors, and should be upheld as supported by the Planning Department and approved by the Planning Commission.

**E. If the Board Finds that the CU was Improperly Granted, the Appropriate Relief is to Eliminate the Second Dwelling Unit**

The only decision made by the Planning Commission and ripe for appeal is conditional use approval of a second dwelling unit. The remainder of the Project is Code-compliant. Appellant argues that: “the project failed to meet the City’s conditional use requirement to find that the proposed project is necessary or desirable for, and compatible with, the neighborhood or the community.” However, it is not the residential use that must be found to be desirable and compatible, but the construction of two dwelling units. In setting the zoning regulations for the RH-1 District, the City has already decided what uses and building envelopes are appropriate, and this Project meets these requirements. On the other hand, if the Board finds that the second unit is not desirable and compatible, the appropriate relief is to remove that unit, leaving a completely Code-compliant Project.

One Bush Street, Suite 600  
San Francisco, CA 94104

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www.reubenlaw.com

REUBEN, JUNIUS & ROSE, LLP

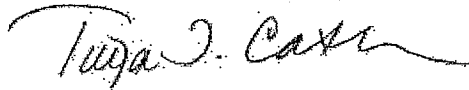


**F. Conclusion**

The Project creates two dwelling units within a building envelope and design that is sensitive to the neighbors and compatible with the existing neighborhood, without the need for modifications from Planning Code requirements other than for addition of the second unit. Therefore, the CU Appeal should be denied. If the CU Appeal is granted, it should be limited to the question of whether the second unit was properly approved, and the Project should be upheld with the second dwelling unit removed. Thank you for your consideration.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



Tuija I. Catalano

Enclosures:

- Exhibit A – General Timeline for project
- Exhibit B – Support letters and Petition
  - Exh. B1 - Richard Lynch at 327 Cumberland (Block 3601, Lot 42)
  - Exh. B2 - Allen Chen-Cecily Gallup at 311 Cumberland (Block 3601, Lot 7)
  - Exh. B3 - Annabel Teal-Justin Shaffer at 660 Sanchez (Block 3601, Lot 8)
  - Exh. B4 - Ken Smith at 662 Sanchez (Block 3601, Lot 8A)
  - Exh. B5 - Bill Phipps at 668 Sanchez (Block 3601, Lot 9)
  - Exh. B6 - Michael Jahr-Wei Wang at 339 Cumberland (Block 3601, Lot 40)
  - Exh. B7 - Viskin Vadakan-Patrick Amihood at 352 Cumberland (Block 3601, Lot 51)
  - Exh. B8 - Sarah and Lee Clancy at 369 Cumberland (Block 3601, Lot 34)
  - Exh. B9 - Nina Khosla at 391-393 Cumbeland (Block 3601, Lots 30 and 31)
  - Exh. B10 - John Bokelman at 655 Sanchez (Block 3600, Lot 29)
  - Exh. B11 - Paul and Myle Saab at 677 Sanchez (Blok 3600, Lot 28)
  - Exh. B12 - Jessica Lessin at 41 Cumberland (Block 3598, Lot 40)
  - Exh. B13 – Petition in support of the Project, with 55 unique signatures beyond those supporters who provided a letter
- Exhibit C - Listing and map of nearby "larger" homes
- Exhibit D – Map of nearby larger lots

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**REUBEN, JUNIUS & ROSE, LLP**

cc: Supervisor Eric Mar  
Supervisor Mark Farrell  
Supervisor Aaron Peskin  
Supervisor Katy Tang  
Supervisor Jane Kim  
Supervisor Norman Yee  
Supervisor Scott Weiner  
Supervisor David Campos  
Supervisor Malia Cohen  
Supervisor John Avalos  
John Carroll, Board of Supervisors Clerk's Office  
John Rahaim, Planning Director  
Erika Jackson, Project Planner  
John Maniscalco, Project Architect  
Jim Reuben, Reuben, Junius & Rose, LLP

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**REUBEN, JUNIUS & ROSE, LLP**

**(HISTORICAL SUMMARY OF KEY NEIGHBORHOOD MEETINGS AND PROJECT REVISIONS)****313-323 CUMBERLAND STREET**

- 3/24/14 Pre-application Meeting 1
- 4/25/14 Met with adjacent neighbors (Alan and Cecily – 311 Cumberland, Richard – 327 Cumberland) - heard concerns
- 5/2/14 Met with adjacent neighbors (Alan and Cecily, Richard) - presented proposed revision
- 6/19/14 Submitted initial scheme to Planning Department (reflecting neighbor modifications)
- Revisions included:*  
 - increased entire front/street setback by 3' (removing 107 sf) to address eastern neighbor concerns about light/air/view  
 - increased west setback by 5' (removing 64 sf) at level 2 to address western neighbor concerns about light/air/view
- 8/27/14 Received Comments from Planning (Notice of Planning Department Requirements #1)
- 9/24/14 Categorical Exemption from CEQA signed and completed
- 10/16/14 Revised project is taken before the RDT and found to have addressed the Department's concerns
- 10/27/14 Met with Ken Smith (662 Sanchez) and discussed fencing and property line issues
- 11/7/14 Submitted revision 1 to Planning Department
- Revisions included:*  
 - removed 5' x 3' - 10" from NW corner of level 1 (removing 19 sf) to address Planning Department request
- 12/1/14 R and A request that we revisit the design to find a more cohesive design solution
- 2/3/15 ZA issues approval of demo permit
- 2/4/15 Redesigned scheme informally presented to Planner for review
- 2/6/15 Met with adjacent neighbors (Alan and Cecily, Richard) - presented proposed revision
- 2/25/15 Redesigned scheme is taken before the RDT - slight modifications requested
- 3/9/15 Modified scheme is taken before the RDT and found to have addressed the Department's concerns

**(HISTORICAL SUMMARY OF KEY NEIGHBORHOOD MEETINGS AND PROJECT REVISIONS)**

- 3/13/15 Submitted revision 2 to Planning Department
- Revisions included:*
- increased front/street setback by 2'-8" of level 1 (removing 82 sf) to benefit both east and west neighbors
  - increased setback at NE corner by 3'-4" of level 2 (removing 34 sf) to benefit east neighbor
  - increased front/street setback of level 3 by 4'-1" (removing 146 sf) to reduce concerns about street presence and massing
  - lowered west volume at first floor by 2'-6" to benefit west neighbor
- 4/5/15 Letter sent to neighbors to present the revised proposal
- 4/21/15 Pre-application meeting 2
- 4/27/15 John/Ruchi met with Richard to discuss his concerns
- 5/25/15 Aditya/Ruchi met with Richard over dinner
- 5/28/15 Invite sent to neighbors to meet with Frank Rollo to answer their geo tech questions
- 6/8/15 DRs filed by Rhett Currier and Bruce Bowen
- 8/19/15 Met with Rhett, Junona, Bruce to see if we could reach a compromise
- 8/3/15 Jim/Aditya met with Rob Levy
- 9/10/15 Met with Rob Levy to show him plans and see if he could broker compromise
- 9/10/15 RDT meets to review project again following DR request
- 10/1/15 Met with Erika Jackson and David Winslow of SF Planning to review new post-DR RDT comments
- 11/13/15 Requested RDT revisions submitted to Planning
- Revisions included:*
- eliminated western first floor volume to benefit western neighbor
  - eliminated western window on front facade at both first and second floor, reducing glazing at front facade by 20%
  - eliminated solid wall at eastern side of entry porch
- 12/XX/15 Planning requests addition of second unit
- 12/10/15 Revised plans submitted including second studio unit
- Revisions included:*
- reconfigured interior to add a 680 sf second unit at ground level
- 3/7/16 Met with Comm. Antonini who requested a larger family-sized second unit

(HISTORICAL SUMMARY OF KEY NEIGHBORHOOD MEETINGS AND PROJECT REVISIONS)

- 3/9/16 Met with Comm. Richards who requested a larger family-sized second unit
- 3/18/16 Revised plans submitted including enlarged second studio unit
- Revisions included:*  
*- reconfigured interior to increase the size of the second unit to a 1546 sf 2 bedroom/2 bath unit*
- 3/31/16 CU Hearing
- 4/13/16 Revised plans per DR hearing comments and requests submitted
- Revisions included:*  
*- light-well increased in size and stepped planters to yard introduced to increase light into lower unit*
- 5/31/16 Revised plans per DR hearing comments and requests submitted
- Revisions included:*  
*- light-well increased further in size and increased south facing glazing introduced to increase light into lower unit*

December 12<sup>th</sup>, 2015

Planning Commission and Department  
c/o Erika Jackson  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Planning Department Case no. 2013.1213  
Building permit no. 2014.06.27.9820  
313-323 Cumberland Street

Dear Ms. Erica Jackson,

My wife and I are the owners of the residential property at 327 Cumberland Street which is directly adjacent (to the west) of the above mentioned project.

The owners have met with me on a number of occasions to walk me through their proposed plans and have incorporated various changes that I have asked for. Some particular changes that have been important to me are:

- Maintaining light and views from my deck
- Having a large front setback on their project
- The setback (on the West) between our properties

The owners Aditya and Ruchi and their architect John have been very accommodating and I am very appreciative of their thoughtfulness towards addressing my concerns.

My wife has been very ill and we appreciate the owners' sensitivity to our needs. With the new changes she can continue to enjoy the views and sunshine from our deck.

Ruchi and Aditya have also promised to construct the building with minimum disruption to accommodate my wife's needs. We are very fond of them and urge planning to approve their project.

Very Truly Yours,



Name: Richard Lynch  
Address: 327 Cumberland Street, San Francisco

Date: 12/14, 2015

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

RE: Planning Department Case no. 2013.1213  
Building permit no. 2014.06.27.9820  
313-323 Cumberland Street

Dear Ms. Jackson,

We are the owners of 311 Cumberland Street, which is directly adjacent to the east of 313- 323 Cumberland Street. We had previously written a letter of support to Michael Smith who we understand is no longer at the planning commission.

Ruchi and Aditya have met with us several times over the last year in addition to organizing several neighborhood meetings. Early on, they even visited our house with their architect so they could more deeply see and understand our concerns with respect to views, privacy and light from our deck. Their designs have evolved over time and we believe they've satisfactorily addressed our concerns. They even organized a meeting with the geo-tech surveyors so they could answer all neighbors' concerns about excavations.

We appreciate the additional setback on the east and the front which has both resulted in good separation between our properties and protected our light, privacy and views from our deck.

We believe the construction of one residence across the two lots is better than two separate buildings. Two buildings would inevitably result in a larger footprint than the current design. With a single house, they've also managed to include a 3 feet setback on the western side which would not be required in a two-lot, two-building scenario.

We would like to express our support for the project and we hope the planning department approves the project as proposed by Ruchi and Aditya. We look forward to having them as neighbors.

Thank you for taking the time to read this letter.  
Sincerely,

Allen Chen

Address: 311 Cumberland St  
SF, CA 94114

Cecily Gallup

12.4.15

Dear Members of the Planning Commission,

I'm writing in support of Ruchi Sanghvi and Aditya Agarwal's proposed project at 13-323 Cumberland Street.

My husband and I live at 660 Sanchez, which is around the corner, but is adjacent to the east of the proposed site via our backyard. I've attached a photo from our kitchen to show you. As you can see, the view from our kitchen (and family room) is a lovely one, and it happens to look right at the spot where Ruchi and Aditya would like to build their house. As you can imagine, we have some very strong feelings regarding their proposal and hope you will take some of them into consideration when making your decision.

They happen to be our friends (though we ~~we~~ didn't realize our properties touched when we bought our house), and we're of course excited by the prospect of living next to them, & more than that, we really do support what they're trying to do, and would support the plan even if we didn't know them.

Here's why: out of all of the neighbors, we're pretty sure we are the most impacted by what happens on the two lots they wish to subdivide and build on. We completely appreciate that whatever gets built on the empty lot is going to feel jarring for the people who live across the street simply because there's never been anything there before. It's an overgrown open space, but it likely won't stay that way no matter what happens. If the two



to get built on separately, what they'll be doing at has the potential to be a lot bigger than what Ruchi and Aditya are proposing because those individual lots will likely be built to the max.

And here's where we really get scared. If two individual homes get built, that one that will potentially sit on the empty lot can come right up to our back fence, and we'll have a huge wall looming over us the same way we do on the north side of our yard. If that happens we'll be totally boxed in on two sides, and could lose a good dose of privacy if that house has ~~four~~ five windows along the property line. Ruchi and Aditya are proposing to have more than a thirteen-foot setback from our shared fence, which is amazing. We'll still see their house, of course, but it won't be right against the fence. This is beyond huge for us.

For myself, I'm a writer and a filmmaker, and the work I do is mainly from home. Nearly every day, every time I go into the kitchen or family room (where I work from) I'll be looking at whatever is built on their empty lot. I've seen enough spec houses thrown up in this city to know that just one of those would be a travesty. What Ruchi and Aditya are proposing is beautiful, with natural materials, and again, not right up against our fence. I can't stress enough how much this means to us, and to me in particular.

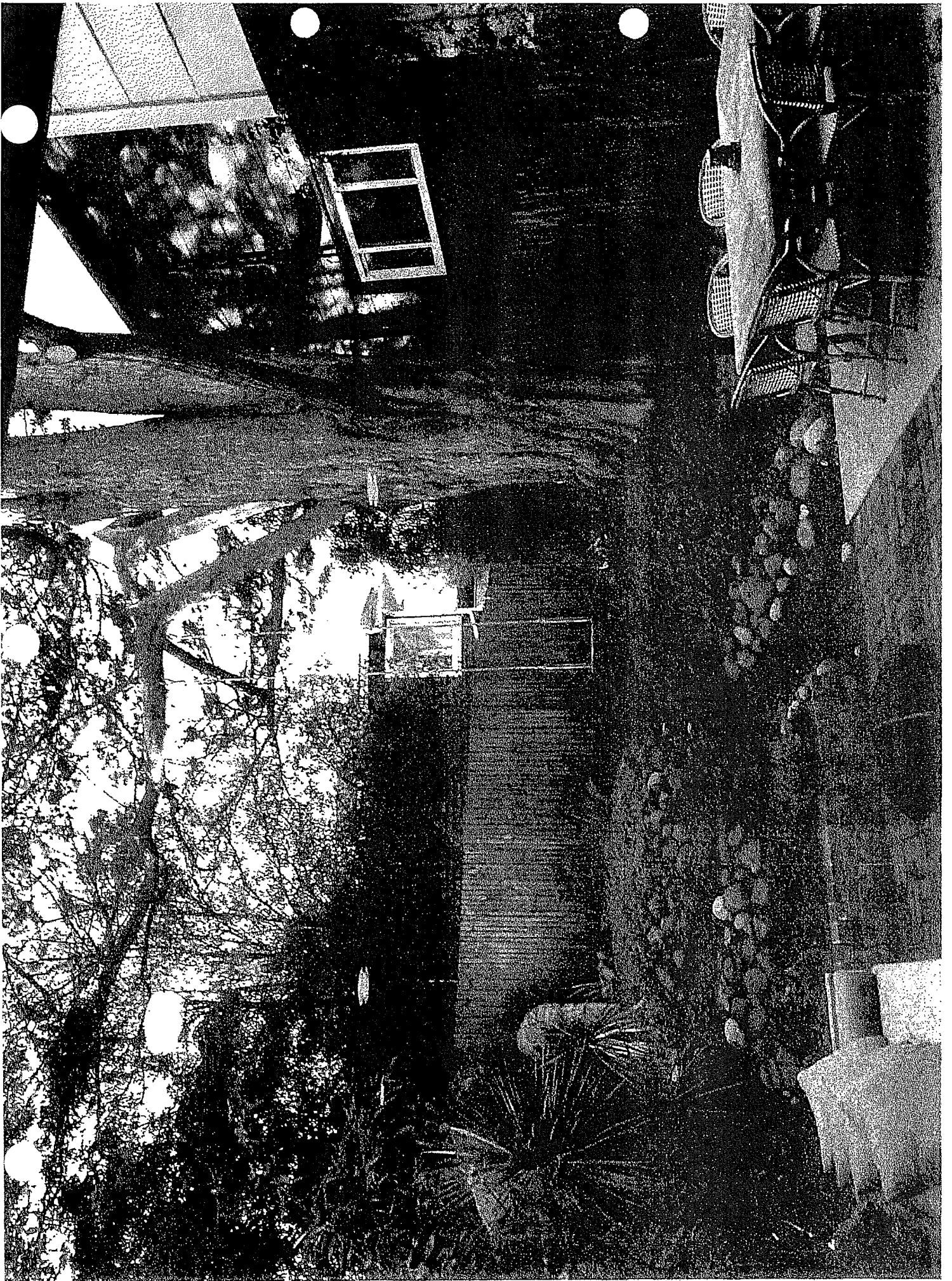
In a slightly separate note, we do completely appreciate that some of our

Neighbors don't want their neighborhood to change even a little bit, but we think that preserving the character of a place is about much more than keeping old houses intact (though that can be important too, at times, depending on the house). Here's where we think it's even more of a shame that a couple of neighbors are opposing their plans. You would be hard-pressed to find better people than Ruchi and Aditya. They're the kind who bring character to a place, and they take it away. They care deeply about their friends, about their city, and about making the world a better place. There's a gate between our lots right now and we plan to keep it there because when we all have kids we want them to be free to go back and forth. To us that's as good as it gets.

Cities are living, breathing things which change and grow. We have so much respect for preserving the past, but also believe that each generation should be allowed to make its mark in a thoughtful way. So many things are crafted without much care, but Ruchi and Aditya are trying to build something very thoughtful that feels fresh and beautiful in a neighborhood that already has a wide array of homes. For us, we couldn't imagine a better neighbor for the lots next door, and we truly hope you will approve their plans.

Sincerely,

Annabel Teal and  
Justin Shaffer



Date: December 8, 2015

Planning Commission and Department  
c/o Erika Jackson  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

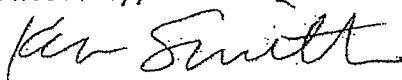
RE: Planning Department Case no. 2013.1213  
Building permit no. 2014.06.27.9820  
313-323 Cumberland Street

Dear Ms. Jackson:

I'm writing to indicate my support for Ruchi and Aditya's plans for the construction of a single family home at 313-323 Cumberland Street.

My property at 662 Sanchez Street is directly adjacent to the east of Ruchi and Aditya's property. I have met with Ruchi, Aditya and their architect to review the plans for the proposed project. I appreciate that they were sensitive to the four neighbors bordering their property on the east and selected a design with a 14-foot set back from that property line, resulting in a house with a smaller footprint. They've been iterating on the project in response to feedback for the last two years, and I also appreciate the design improvements with regards to the facade. I have no objection to these plans and support the project's application.

Sincerely,



Ken Smith  
662 Sanchez Street  
San Francisco

Planning Commission and Department  
c/o Erika Jackson  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Planning Department Case no. 2013.1213  
Building permit no. 2014.06.27.9820  
313-323 Cumberland Street

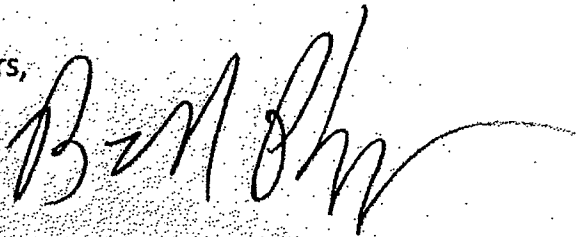
Dear Ms. Erica Jackson,

We are residents at the residential property at 668 Cumberland Street which is directly adjacent (to east) of the above mentioned project.

We have the plans for the proposed project and very much appreciate their willingness to adjust those plans to accommodate additional set-backs and other design changes. We believe the proposed design is elegant and beautiful and will enhance our neighborhood.

would officially like to state that I support their project.

Very Truly Yours,



Name: Bill Phipps

Address: 668 Sanchez St, San Francisco, CA 94114

**Michael Jahr**  
**339 Cumberland St, SF, CA 94114**

Date: December 3, 2015

Planning Commission and Department  
c/o Erika Jackson  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Planning Department Case no. 2013.1213  
Building permit no. 2014.06.27.9820  
313-323 Cumberland Street

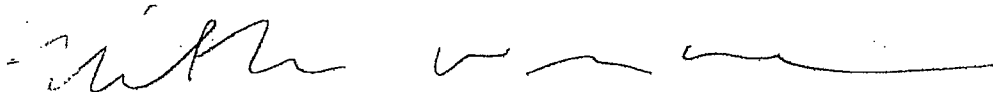
Dear Ms. Jackson,

We are the owners of 339 Cumberland Street, a few doors down from the proposed construction of the single-family residence at 313-323 Cumberland. We are strongly in favor of allowing the project to proceed without any further delay.

Ruchi and Aditya have organized multiple meetings with the neighborhood, and we've seen their plans for the new construction of a 3-story over basement dwelling. We think the project is a positive addition to the neighborhood and the house above ground fits in quite nicely with the rest of the neighborhood. The project is well designed without being too intrusive or overwhelming. We very much appreciate the single construction across the two lots versus two buildings on two lots, which would result in a larger footprint.

We would like to express our strong support for the project and to urge the Planning Commission to approve the project as proposed by the project sponsor. We look forward to welcoming Ruchi and Aditya to the neighborhood.

Regards,



Michael Jahr and Wei Wang

Date: Dec 6, 2015

Planning Commission and Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Planning Department Case no. 2013.1213  
Building permit no. 2014.06.27.9820

Dear Ms. Jackson:

We own 352 Cumberland Street, which is a few houses down from 313-323 Cumberland Street. We are happy to see the project site improved. The project is able to take the vacant lot and build a more sensitive design for single family home that is compatible with the neighborhood. The neighborhood has many different types of homes from Modern to Victorian and we feel their project fits in nicely with the varied character of the neighborhood. We especially appreciate that they chose to build a smaller home across the two lots than they otherwise would have been allowed that is in scale with the neighborhood and sensitive to the neighbors.

We've known Ruchi and Aditya for a few years now and believe they've engaged the neighbors numerous times and have provided an opportunity for an open dialogue. We have been saddened by the number of hoops they've had to jump through to get their project approved. We would like to express our support for the project and urge the Planning Commission to approve the project without delay.

Sincerely,



Visrin Vichit Vadakan



Patrick Amihood

Address: 352 Cumberland Street, San Francisco, CA 94114



Sarah and Lee Clancy  
369 Cumberland Street  
San Francisco, CA 94114

Date: December 9th, 2015

Planning Commission and Department  
c/o Erika Jackson  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

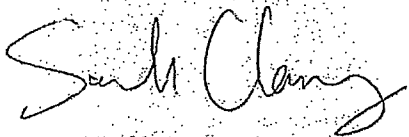
RE: Planning Department Case no. 2013.1213  
Building permit no. 2014.06.27.9820  
313-323 Cumberland Street

To Whom It May Concern:

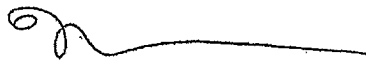
I'm writing to indicate my support for the proposed construction of a single family home at 313-323 Cumberland. I reside at 369 Cumberland Street, which is in close proximity to the proposed project. The project sponsors Ruchi, Aditya and their architect have been available to meet with the neighbors and have been iterating on the design to address everyone's concerns for a while now. We believe the house is well designed and is a great addition to the neighborhood. We like their use of wood and the use of setbacks on the front which is sensitive to the neighbors. We prefer the construction of a single home across two lots because of which the project sponsors have been able to include the generous setbacks. Having recently renovated our house, we appreciate that the project sponsors have designed a code compliant project and are not seeking any exceptions from Planning Code requirements.

I appreciate Ruchi and Aditya's sensitivity to the neighbors and hope the planning commission approves their project as proposed.

Regards,



Sarah Clancy



Lee Clancy



Date: December 9th, 2015

Planning Commission and Department  
c/o Erika Jackson  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**RE: Planning Department Case no. 2013.1213; Building permit no. 2014.06.27.9820  
313-323 Cumberland Street**

Dear Ms. Jackson,

I'm writing to express my strong support for the project at 313-323 Cumberland Street. I own a house on the same block a few houses west of Ruchi and Aditya's property. My address is 391-393 Cumberland Street. Ruchi and Aditya have hosted two neighborhood meetings and also organized a meeting with their geo-tech surveyors to answer any questions we the neighbors might have.

There are many single-family homes across double lots in the neighborhood (including my own home) and Ruchi and Aditya's project across the double lots fits right in. I really like the plans because they worked hard to design a home that was appropriate in scale with the rest of the neighborhood. I appreciate the setback in the front and the additional setback on the third floor because of which the house simply looks like single family home with 2 floors. I was surprised to learn of all the additional setbacks in the sideyard which seemed very generous to their adjacent neighbors. I also like the façade and aesthetics which adds to the varied character of the neighborhood.

I hope the Planning Commission approves their project as proposed.

Sincerely,



Name: Nina Khosla

Address: 391-393 Cumberland Street.  
San Francisco, CA 94114

December 15, 2015

Planning Commission and Department  
c/o Erika Jackson  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Planning Department Case no. 2013.1213  
Building permit no. 2014.06.27.9820  
313-323 Cumberland Street

To Whom It May Concern:

I reside in close proximity to the proposed project, and have seen the plans for the new construction 3-story over basement single-family residence at 313-323 Cumberland.

I think the exterior design will be a positive addition to the neighborhood and see no reason to oppose. I would like to express my support for the project and I urge the Planning Commission to approve the project as proposed by the project sponsor.

Sincerely,



John Bokelman  
655 Sanchez St  
San Francisco, CA 94114

Dec 13<sup>th</sup>, 2015

To:  
Planning Commission and Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Subject:  
Planning Department Case no. 2013.1213  
Building permit no. 2014.06.27.9820

Dear Ms. Jackson:

We are the owners of 677 Sanchez which is located a few houses away from Ruchi and Aditya's project.

We are writing to you in support of their project. We believe that their house will be a significant improvement both over the existing structure as well as to the neighborhood at large.

My wife and I find the design of the house to be great and we are excited to have such a building on the same block as us.

Their project is within the planning code and we appreciate that they have not asked for a single exception or variance. Given that the project is within code, we are very supportive of the construction. We believe that it is very important that the city approves such projects without delay because it will also help with the housing crisis.

Ruchi and Aditya have been incredibly welcoming of feedback through the course of their project (which has now been under design for 18 months). They have held multiple neighborhood meetings, commissioned multiple geo-tech reports. We have been very impressed with how approachable and open they have been throughout the whole process.

We strongly urge the Planning department to approve Ruchi and Aditya's project given all the positive aspects that it will bring to the neighborhood.

Paul Saab



Myle Saab

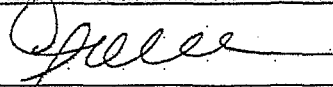
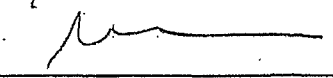


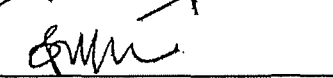
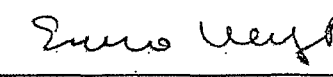


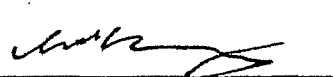
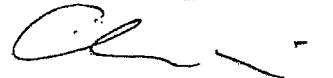


Address: 677 Sanchez, San Francisco, CA 94114



## Petition in Support of the project at 313-323 Cumberland Street

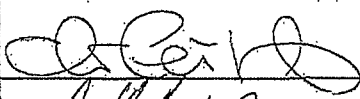
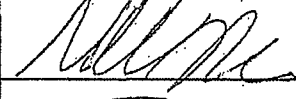

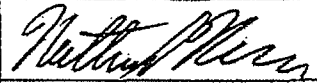
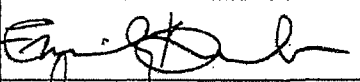


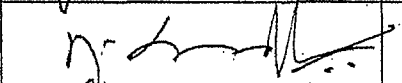

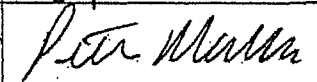
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Action petitioned for	We, the undersigned, hereby express our support for the project at 313-323 Cumberland, and <b>we urge the Planning Department and Planning Commission to not take Discretionary Review (DR) and to approve the project as proposed by the project sponsors.</b>

Printed Name	Signature	Address	Comment, if any	Date
AYYA ANDEESSA		4072 CESAR CUMBER SF CA 94131	Aditya + Ruchi are a wonderful, Neighbourly family	12/2/15
RYAN KUFT		4072 CESAR CUMBER SF CA 94131		12/2/15
LEAH CUMBER		3804 20th St Apt 201 SF CA 94114		12/3/15
Simi Sohi		325 Fillmore St SF 94117	I trust that	12/3/15
Michelle Lee		43-B Vicksburg St. SF CA 94114	Aditya and Ruchi will be respectful neighbors.	12/3/15
EMMA KUFT		4072 CESAR CUMBER SF CA 94131		12/3/15
Emma Dawson		4235 23rd St SF CA 94114		12/3/15
Terrance Vohra		4436 23rd St, SF CA 94114		12/3/15
Michael Petrov		179 Collingwood St, SF CA 94114	Ruchi and Aditya are kind people that will make any neighbourhood better!	12/7/15
Alon Levi		275 Diamond St SF CA 94114		12/8/15

2429

## Petition in Support of the project at 313-323 Cumberland Street

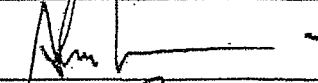
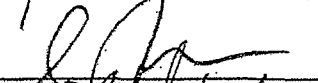
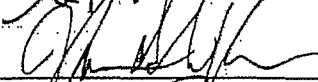
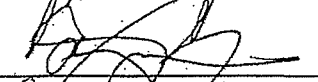

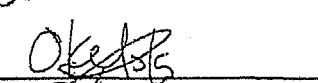
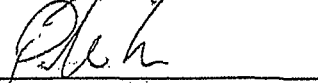
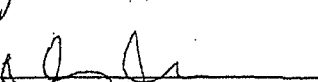
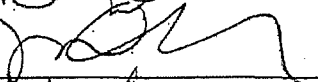

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Printed Name	Signature	Address	Comment, if any	Date
Chiapei Huang		577 Alvarado Se. SF 94114	I've seen the plan, and all are within the code, so I'm supporting the project.	12-12-15
Noelle Salvi		400 Hill St. SF 94114	We think this house will be a beautiful addition to the neighborhood.	12-12-15
Mika Soh		400 Hill St SF 94114	This property deserves a better home.	12-12-15
Nathaniel Roman		174 Hartford St 94114	An improvement for the neighborhood.	12/13/15
Emily Barlow		174 Hartford St 94114		12/13/15
Myle Saab		677 Sanchez St.		12/13/15
Paul Saab		677 Sanchez St		12/13/15
Srinivas Narayanan		3601 21 <sup>st</sup> St		12/13/15
Ari Doman		3601 21st Street.		12/13/15
Peter Martinuzzi		608 NOE ST		12/13/15

2430

## Petition in Support of the project at 313-323 Cumberland Street


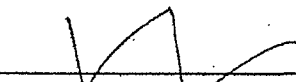
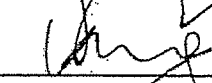
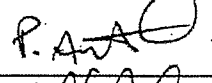
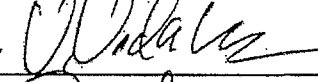
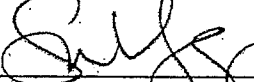


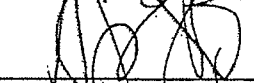

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Printed Name	Signature	Address	Comment, if any	Date
ADAM MASSERI		137 FAIR OAKS ST		
Monica Masseri		137 Fair Oaks St	we're incredibly supportive as they are a wonderful addition to community	
JUSTIN SHAFER		660 Sanchez Street	We know the project and respect Aditya well. We are immediate neighbors and are very supportive	
Sage Blannen		446 Eur. Lea St	Best neighbors!	12/6/15
Annabel Teal		660 Sanchez Street	We live right next door and completely support this!	
Olaoluwa Okelola		530 Sanchez Street	Aditya is a catch! very supportive!	12/8/15
Peter Russell-Carl		4001 20th St.	THIS BUILDING NEEDS TO BE BUILT BY THIS COUPLE	12/10/15
NINA KHOSLA		391-393 CUMBERLAND	REALLY BEAUTIFUL BUILDING PLAN I WOULD LOVE TO LIVE NEAR!	12/9/15
MICHAEL NOWATI		530 SANCHEZ ST #1		12/11/15
Stevens Grimm		577 Alvarado St	This fits in with other modern designs in the neighborhood.	12/12/15

2431

## Petition in Support of the project at 313-323 Cumberland Street

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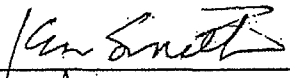
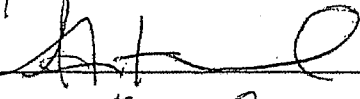

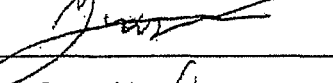

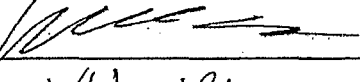
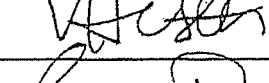
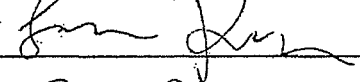
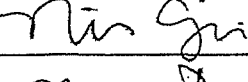
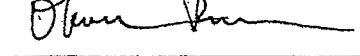
Printed Name	Signature	Address	Comment, if any	Date
Charles Cox		4231 20th St.	Very supportive	12/6/15
JESS FORTN		824 Douglass St	supportive	12/6/15
Laurie Young		265 Darland St.	supportive	12/6/15
PATRICK AMIHOOD		352 CUMBERLAND ST	SUPPORTIVE	12/6/15
Visra Vicnit Vadakam		352 Cumberland St.	SUPPORTIVE	12/6/15
Sue Young		3620 19th St. #34	SUPPORTIVE	12/6/15
Aaron Schwartz		3620 19th St #34	Very Supportive! Great neighbors	12/6/15
Visra Vicnit Vadakam		3669 1st St.	Very supportive	12/6/15
Alejandra Young		824 DOUGLASS ST.	YES!	12/6/15
Tyrone Anderson		265 Darland St.	Supportive!	12/6/15

2432



## Petition in Support of the project at 313-323 Cumberland Street



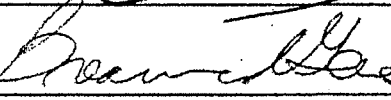
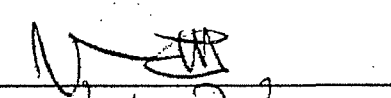
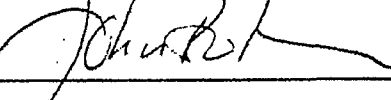
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Printed Name	Signature	Address	Comment, if any	Date
Ken Smith		662 Sanchez St., SF		12/8/15
Aditya Koolwal		70 Hancock St #1, SF	I support the plans	12/8/15
Priyanka Agarwal		70 Hancock St. #1 SF	the plans are great	12/8/15
Jared Margenstern		3835 20th St	beautiful plans, will benefit the neighborhood	12/11/15
Ben Blumfeld		836 Alvarado St	I support this	12/12/15
Jocelyn Ross		836 Alvarado St	I support the plans	12/12/15
Vaughn Hester		73A Lapidge St.	LOVE THE PLAN	12/12/15
Sarah Pollet		808 Guerrero St. Apt 4	I support this	12/12/15
Nisina Glati		3010 18th Street, SF	I support the plans	12/12/15
Oliver M. Puryear		73a Lapidge Street		12/12/15

2433

# Petition in Support of the project at 313-323 Cumberland Street

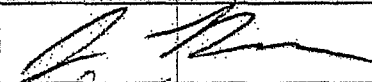


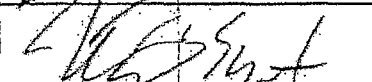
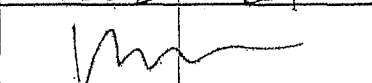
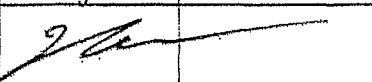
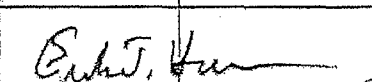
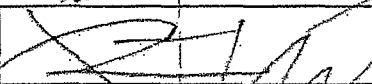
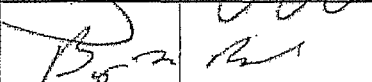
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Printed Name	Signature	Address	Comment, if any	Date
Noelle Moseley		Elizabeth Street resident 4104 24th St #511, SF, CA 94114	Full support of this project - consolidate neighbors trying to do the right thing. And a critical opportunity for our gov. to protect our freedoms	12/13/15
BELAN SINGELMAN		4104 24th St #511 SF	Provided this is within the law, I will support it	12/13/15
Breanna deGeare		418 Liberty St. SF, CA 94114	Project is to code. Should be approved.	12/14/15
Wayne de Geare		418 Liberty SF CA 94114	Fully support this project	12/14/15
John Beckelman		655 Sanchez St SF CA 94114	Project within code Full Support	12/14/15

2434

## Petition in Support of the project at 313-323 Cumberland Street

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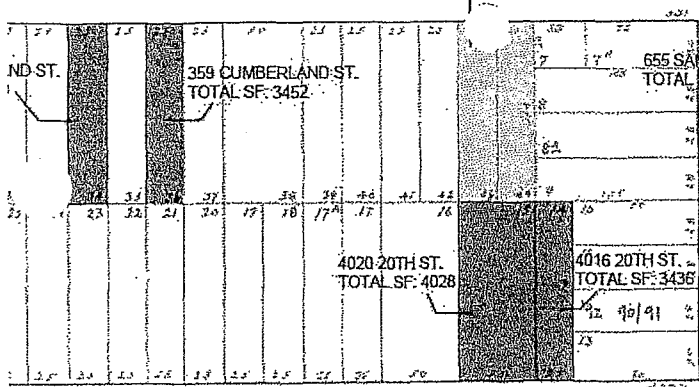
Printed Name	Signature	Address	Comment, if any	Date
Jerry Brooner		4417 20th Street	Great neighbors, project improves neighborhood	12/3/15
Amber Hamilton		4417 20th Street		12/3/15
Todd Jackson		1039 Noe St.	Ruchi + Aditya are good people and good neighbors, positive for the community.	12/5/15
Nipun Keerapthi		524 Guerrero Street		12/5/15
Vikram Adulkra		2319-15th St		12/9/2015
Neeraj Wahi		8428A 16th St		12/9/2015
Erik Hope		1402 Church St		12/14/15
JONATHAN YING		721 GUERRERO		12/14/15
BRYAN REED		127 27th St		12/15/15

2435

EXHIBIT C - LARGER HOMES IN DOLORES HEIGHTS

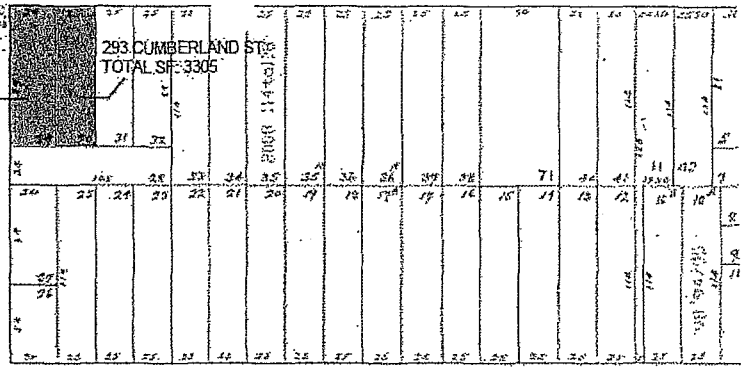
DOLORES HEIGHTS - AN INCOMPLETE SURVEY OF SOME NEARBY LARGER HOMES

ADDRESS	Conditioned Space - SF	Garage - SF	Total SF
			(assumed when (Per Assessor) unknown)
360 Cumberland Street	3129	670	3799
362 Cumberland Street	3135	503	3638
369 Cumberland Street	3560	579	4139
359 Cumberland Street- subject to verification	2952	500	3452
293 Cumberland Street	2430	875	3305
366 Liberty Street	3267	400	3667
4016 20th Street ( <b>Bruce Bowen's house</b> )	2986	450	3436
4020 20th Street (direct rear neighbor)	3578	450	4028
615 Sanchez Street	3345	450	3795
655 Sanchez Street	3040	400	3440
706 Sanchez Street	3600	375	3975
765 Sanchez Street	3720	1616	5336
775 Sanchez Street	3742	500	4242
400 Hill Street	5668	615	6283
801 Sanchez Street	4733	-	4733
806 Sanchez Street	4294	400	4694
3701 21st Street	4294	400	4694
3707 21st Street	4295	400	4695
3717 21st Street	4215	400	4615
3721 21st Street	3253	486	3739
3745 21st Street	3800	400	4200
3677 21st Street	4343	-	4343

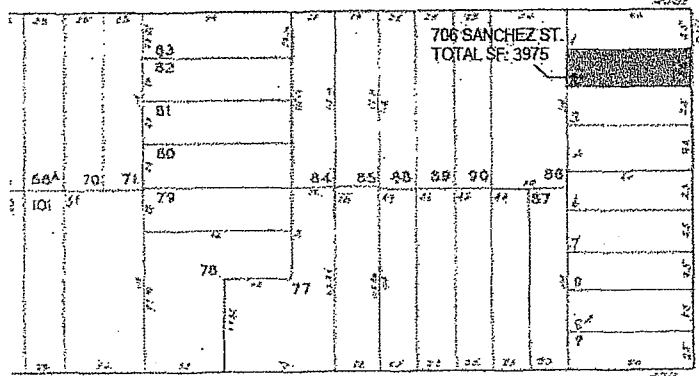


20 TH

SA

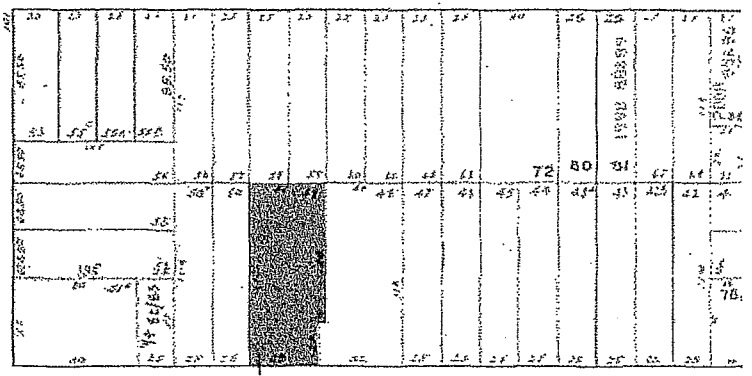


20 TH

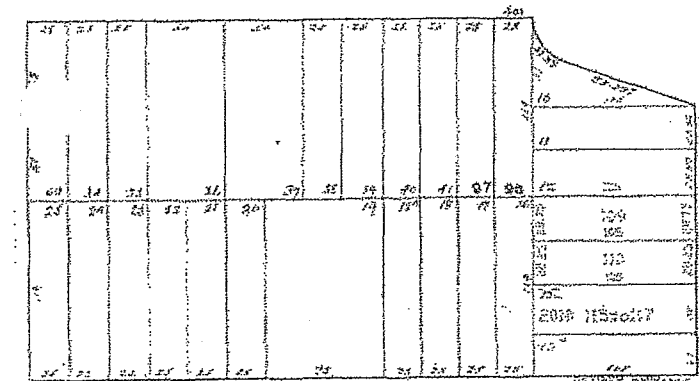


LIBERTY

SANCHEZ

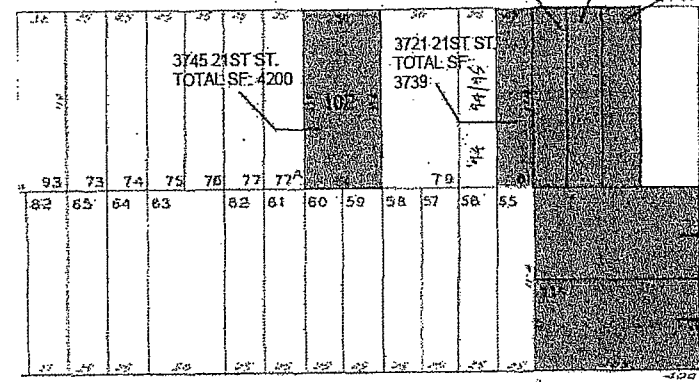


LIBERTY



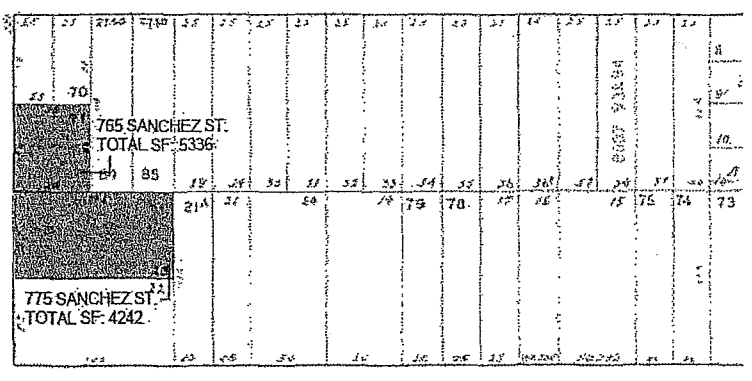
21 ST

21 ST

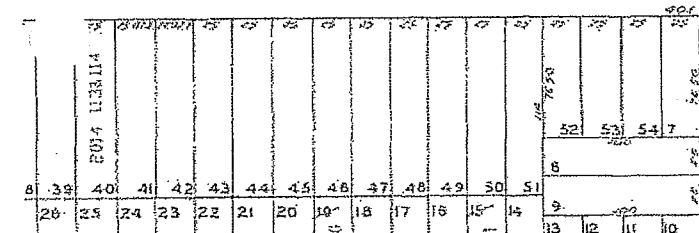


HILL

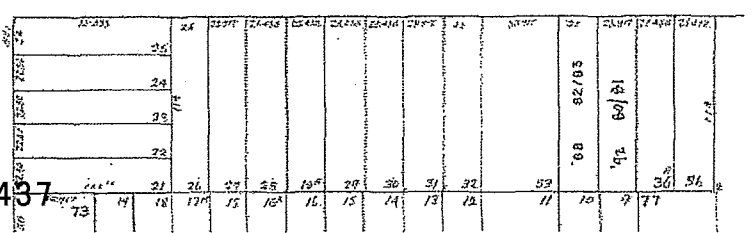
SANCHEZ

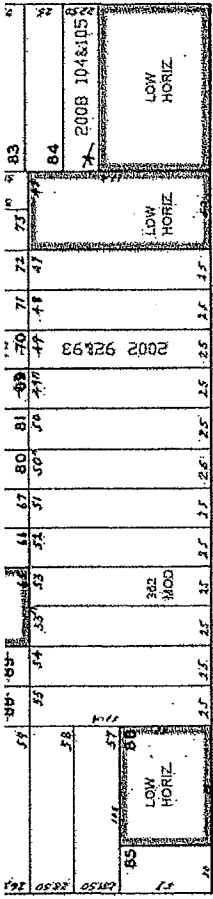


HILL



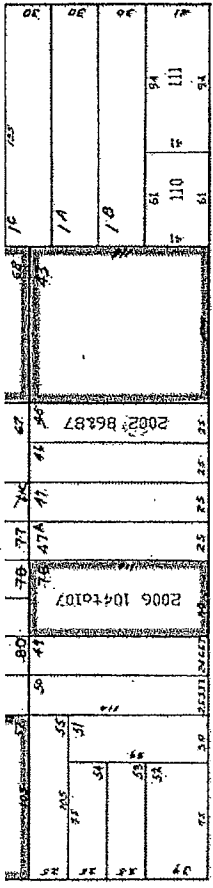
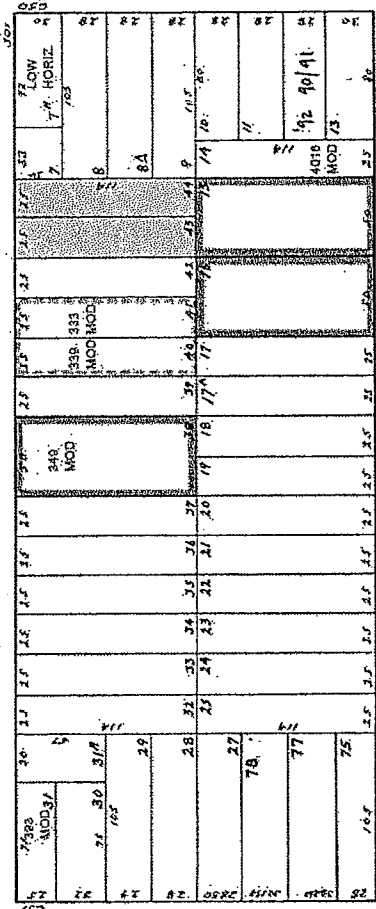
2437





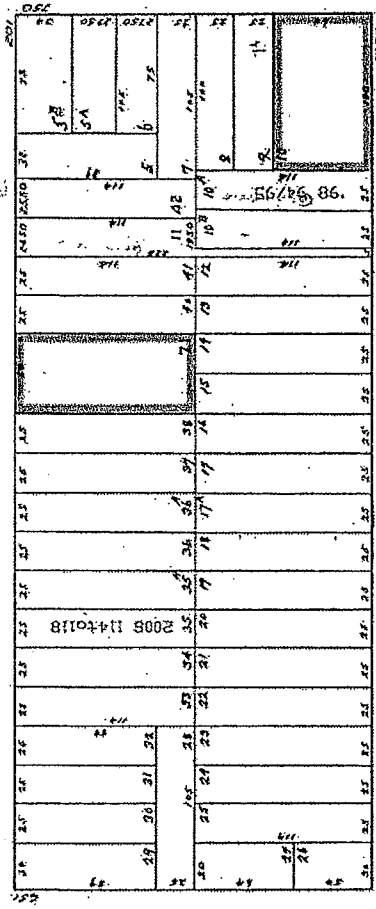
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CUMBERLAND

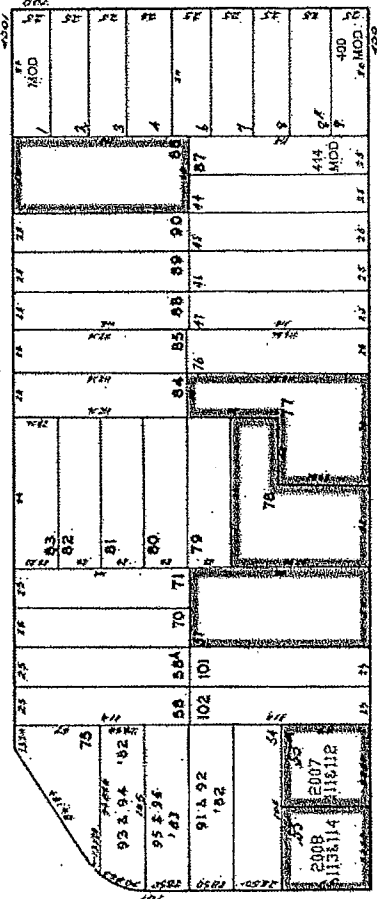


CHURCH

CUMBERLAND



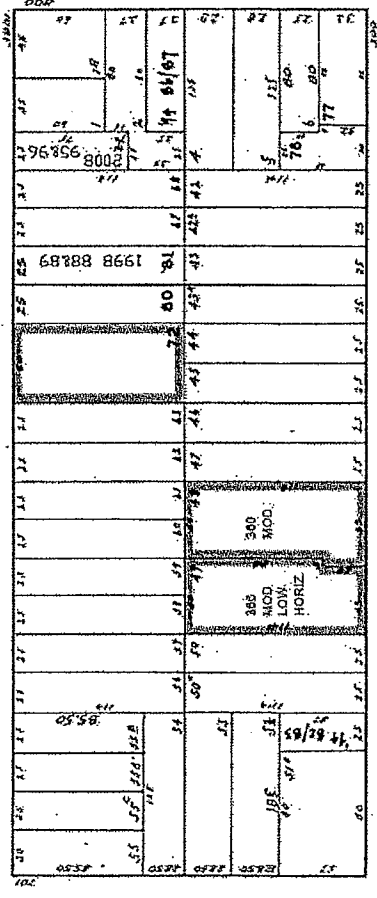
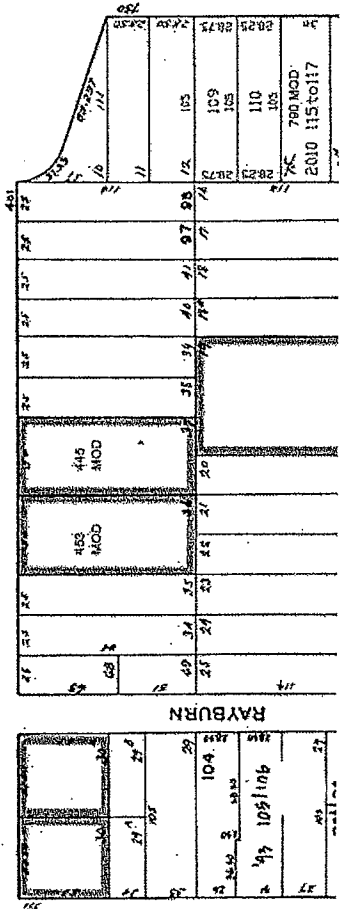
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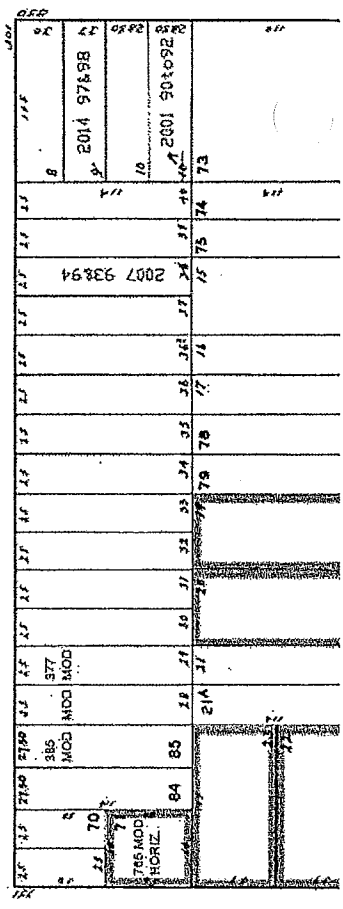
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LIBERTY



CHURCH

LIBERTY



NOE

## Carroll, John (BOS)

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**From:** BOS Legislation, (BOS)  
**Sent:** Friday, May 27, 2016 12:10 PM  
**To:** bruce.r.bowen@gmail.com; info@doloresheights.org; Tara.N. Sullivan; tcatalano@reubenlaw.com; shaughey@reubenlaw.com; James Reuben; Gary Weiss  
**Cc:** Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS); Jackson, Erika; Lew, Lisa (BOS); Jalipa, Brent (BOS)  
**Subject:** Appeal Response - Conditional Use Authorization Appeal - 313-323 Cumberland Street - Appeal Hearing on June 7, 2016  
**Categories:** 160527

Good afternoon,

Please find linked below an appeal response received by the Office of the Clerk of the Board from the Appellant, concerning the Conditional Use Authorization Appeal for the proposed project at 313-323 Cumberland Street.

[Appellant Letter - May 27, 2016](#)

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on June 7, 2016. Please note that I will be sending another message to you later this afternoon forwarding the hearing notice for the matter.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 160527](#)

Thank you,

**John Carroll**  
Legislative Clerk  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation and archived matters since August 1998.

*Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

**Carroll, John (BOS)**

---

**From:** Bruce Bowen <bruce.r.bowen@gmail.com>  
**Sent:** Friday, May 27, 2016 8:49 AM  
**To:** BOS Legislation, (BOS)  
**Cc:** Carroll, John (BOS)  
**Subject:** Appeal of Conditional Use Authorization - 313-323 Cumberland Street  
**Attachments:** 323 Cumberland Appeal May 27.pdf

**Categories:** 160527

**Subject: Appeal of Conditional Use Authorization - 313-323 Cumberland Street**

Please find attached the file "323 Cumberland Appeal May 27.pdf", our submittal of documentation to be shared with members of the Board prior to the hearing of this item on June 7, submitted in response to the Clerk's May 11, 2016 letter.

I will deliver 2 copies of this submittal to your office this morning.

Thank you

Bruce Bowen



London Breed, President  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, Ca. 94102-4689

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 MAY 27 AM 10:16

BY \_\_\_\_\_

May 27, 2016

**RE: Appeal of 313-323 Cumberland Street Conditional Use Authorization  
Planning Case No. 2013.1213CUA  
Board of Supervisors Appeal Scheduled for June 7, 2016  
Zoning: RH-1 and Dolores Heights Special Use District**

Dear President Breed and Members of the Board:

On behalf of the Dolores Heights Improvement Club (DHIC), I am appealing the Planning Commission's 4 to 2 vote (Wu absent) to approve the Conditional Use for 313-323 Cumberland Street ("323 Cumberland") because of the important policy errors in the Planning Commission's decision and the dangerous precedents it sets. The Commission's decision opens the door to more houses that are "Unaffordable by Design". It reduces housing stock and continues the trend of flipping the City's neighborhoods toward the top 0.1%. This decision affects all RH-1 and RH-2 neighborhoods in the City - not just Dolores Heights. The Commission is either unwilling to stop this trend or doesn't have the tools, so we in DHIC are looking to the Board of Supervisors to help us.

**Project and Appeal Summary**

The project consists of (1) the merger of two large RH-1 lots into one, (2) the demolition of an existing relatively affordable home and (3) the new construction of a roughly 8,000 square foot building that accommodates one show-place residence and one small secondary unit. The project requires Conditional Use because of the second unit in an RH-1 zoning district. The property is located in the Dolores Height Special Use District ("SUD") (Planning Code Section 241).

This appeal is based on the following errors in the Commission's decision which, if allowed to stand, will create new housing policy for the City and undo efforts to moderate the trend toward ever more unaffordable houses for the few:

- (1) the lot merger removes the potential of two normal single-family homes from the site, contrary to all City policies that seek to preserve and promote housing;
- (2) the proposed sham second unit is so much smaller than the main unit, so awkwardly designed, so poorly located within the building, and so deprived of natural light, it is obvious it

will never be used by a separate family, thereby failing in execution to comply with housing policies in the General Plan and Section 317 criteria;

(3) the Conditional Use requirements were not met by the project;

(4) the demolition of the existing small home removes relatively affordable housing, contrary to Section 317 criteria, General Plan policies, Conditional Use finding requirements, Proposition M and the intent of the Dolores Heights Special Use District;

(5) the new construction of an 8,000 sf building, out of scale and out of character with the neighborhood, both taller and wider than neighboring structures, in an area characterized by 2,000 sf units and buildings, does not conform to the Residential Design Guidelines, Conditional Use finding requirements, General Plan policies and the intent of the Dolores Heights Special Use District;

(6) the entitlement process for this project was suspect due to political interference and inadequate due diligence by the Planning Department; and

(7) neighborhood opposition to the project was not given sufficient weight in the decision-making process.

A lot merger to create a double-wide interior lot, in an area where the sponsor-acknowledged pattern of development is of standard lots, is not compatible with the neighborhood. A lot merger which forever removes the potential for two stand-alone single family homes with their own yards is neither necessary nor desirable. A development which creates a fake second unit to get around the loss of housing is not only not necessary or desirable, but is directly contrary to the intent of the City's housing policies. Demolishing a relatively affordable smaller home to be replaced by a structure far larger than any in the neighborhood is not necessary, desirable or compatible.

The following provides substantial documentation on these and other issues for your consideration. I ask that as you read through this material you keep in mind the overarching Conditional Use requirement: that the project be "*necessary or desirable for, and compatible with, the neighborhood or the community,*" a standard that has not been even remotely approached, much less met.

### **(1) The Lot Merger: A Citywide Issue**

The merger of two residential *units* requires Conditional Use. The merger of two standard-sized RH-1 *lots*, even though such a merger can have the same effect as a unit merger, is currently unregulated. Because of density rules having to do with "rounding," and Conditional Use provisions based on lot size, there are some circumstances in which a lot merger could increase density. Although regulating lot mergers may be challenging, it is possible and indeed necessary. It is therefore incumbent

upon planning staff, during their careful analysis of every proposed lot merger, to ask the question, "Will this merger result in an undesirable loss of density?" No such analysis -- careful or otherwise -- occurred in this case.

The project site consists of two RH-1 lots, each 25 feet by 114 feet. One lot has an existing single-family home of about 900 sf plus garage/crawl space; one lot is vacant. The original proposal was to tear down the existing home, merge the lots, and construct one 8,600 sf single-family house. The lot merger effectively and permanently would remove one potential new housing site from the City. This vacant lot was identified as an infill housing site and counted as a potential residential unit in the City's recent update of the Housing Element (pp. D2-D9 and background tables).

We neighbors, concerned about this project and its impacts called, we wrote, we questioned. Why would the Planning Department remove one buildable lot -- a lot that was identified in the General Plan as a potential new housing site? The staff demurred for a year as we mounted a campaign to enforce the City's housing policies.

The staff has never really addressed the lot merger issue except to say now that the 8,000 sf building as currently proposed has a small second unit the issue is moot. We disagree. (See Section (2) *Upstairs/Downstairs* below). A small second unit in the basement of a mansion does not replace two stand-alone homes, each home having several bedrooms and yards of its own, especially when the small second unit is unlikely to ever house anyone other than the sponsors and their guests.

As we demonstrated in the Planning Commission hearing, not a single interior lot in our immediate neighborhood has been merged in over 50 years. On the block face and block face across the street *there are only two double lots* (Exhibit A). In a larger area -- the entire subject block and facing block -- out of a total of 79 interior lots only five are double lots. This is well under 10% and, more importantly, all of those five double interior lots were already in existence *before 1965* (Exhibit B). Even the sponsor's own attorney acknowledged this in their Conditional Use filing: "the subject block and immediate vicinity predominantly consists of 25-foot wide lots" (sponsor's CU application, p.1 of attachment). If there was any historical trend it was to split lots between 1935 and 1946 when two double lots were split into single lots -- a trend that strengthens what the developer admits is the predominate lot pattern and creates more modest sized homes consistent with the predominant neighborhood pattern.

The sponsor also states in the application that the project is supportable because it adds one net housing unit to the site, as if the disapproval of the project would prevent a second unit. On the contrary, a disapproval of the Conditional Use could result in a new stand-alone home on the vacant lot and the existing relatively affordable home on the other lot. The sponsors could build a new home of up to 5

bedrooms (only three are proposed in the main unit) in a 3,000 sf home. A couple seeking a starter home could purchase the home and add on as their family and income grows over time.

At the Planning Commission hearing, we also demonstrated that no interior lot mergers such as the one proposed for this project have occurred in the City since at least 2008<sup>1</sup>. Objective 2 of the City's housing element reads "Retain existing housing units and promote safety and maintenance standards, without jeopardizing affordability". In the case of 323 Cumberland we are asking that the City protect something even more fundamental than existing housing: we are asking for the preservation of the underlying standard sized lot, a building block for retaining relatively affordable housing.

By allowing the merger of two lots to accommodate the construction of one massive building, we are saying to that small segment of the population for whom money is no object, "if you can afford it, your personal desires are more important than long-established City policy." If we allow a lot merger in Dolores Heights, the precedent will be cited to support lot mergers – and associated demolitions – in every neighborhood. And once the lot merger is approved, the new overly-large lot will then be the justification to build mansions many times larger than the long-established homes around it.

## **(2) Upstairs/Downstairs: The So-Called Second Unit**

As noted above, we protested the lot merger and resulting loss of a potential housing unit on the site. Only after neighbors filed an application requesting that the Planning Commission take Discretionary Review on the project, highlighting this issue with extensive policy documentation and the support of dozens of neighbors, did the staff finally relent – although not on the lot merger. They asked the sponsors to include a second unit in the 8,000 sf building to make up for their merging the lots.

The initially proposed second unit was 600 sf in walled-off space in the basement. The second unit has grown in size because of well-founded concerns that it was not a real unit. Even as recently as the Planning Commission hearing, however, its two bedrooms were each about comparable in size to the master *bathroom* in the real unit upstairs. The second unit was listed at 1,500 sf on the plans but this appears to include a large and uninhabitable pit dug into the ground to expose minimal light and air to the unit. Size, however, is only one of the second unit's deficits. It is located adjacent to the 900 sf garage and a laundry, both associated with the larger unit. The only natural light in the rear bedrooms comes from pits dug out beneath grade. All of the Planning Commissioners agreed the light and air exposure was not acceptable and imposed a condition of approval to improve it (Exhibit C). The lower unit's only front window is surrounded above and to the sides by the grand exterior entry to the real unit and by front yard landscaping (Exhibit D). This unit is not only small; it is invisible to the outside world. It is clear

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<sup>1</sup> Analysis based on Planning Department Staff report on Affordable Housing report from January 28, 2016. The Staff's analysis is based on data beginning in 2008; in fact, we don't know when the last comparable lot merger might have occurred. It may have been many years before.

by the second unit's subordinate status, subterranean location, location adjacent to garage door and laundry, and frightening lack of natural light that it will never be used by a separate family.

Our concerns about this second unit are heightened by the trend we see occurring throughout our neighborhood and others - the loss of housing through conversion of multi-family buildings, including flats, into massive oversized single-family homes with perhaps an au pair or other sham second unit. For example, 50-52 Oakwood, 1242-1244 19th Street, 376 San Carlos, 250 Fair Oaks, 891 Noe, and others that we know of all are examples of effective loss of units (examples in Exhibit E). This trend of removal of relatively affordable units through conversion to huge units with subordinate second units, which we believe makes a mockery of the recent Avalos/Kim ordinance to tighten regulation of unit removals, will only worsen when combined with unregulated lot mergers.

We have no doubt the sponsors will produce another version of the second unit for your packets at the eleventh hour, not wanting to be embarrassed by the currently configured plan. But we also have no doubt that whatever they will propose will not be a second unit on equal footing -- in size, in building location, or in natural light exposure -- to the "real" unit the owners propose. If we want two real units at this site, there is a simple way to get them -- deny the Conditional Use. The owners will be able to return to the current circumstance -- two separate lots that can each accommodate moderate-scaled, stand-alone homes. They can build a new home on the vacant lot and add on to the existing home.

### **(3) Conditional Use Consideration is Not Limited to Just the Second Unit**

The sponsor argues this is a "code-complying project," with the only aspect needing review being the second unit because this is in an RH-1 district. When a Conditional Use is required, *for any reason*, the required findings must be made of the entire development. This is clear from the language in Section 303(c)1:

*"The proposed use or feature, at the size and intensity contemplated and at the proposed location, **will provide a development** that is necessary or desirable for, and compatible with, the neighborhood or the community" (emphasis added).*

A lot merger to create a double-wide interior lot, in an area where the sponsor-acknowledged pattern of development is of standard lots, is not compatible with the neighborhood. A lot merger which forever removes the potential for two stand-alone single family homes with their own yards is neither necessary nor desirable. A development which creates a fake second unit to get around the loss of housing is not only not necessary or desirable, but is directly contrary to the intent of the City's housing policies. Demolishing a relatively affordable smaller home to be replaced by what we expect will be an \$8 million, 8,000 sf home is not necessary, desirable or compatible in a neighborhood of homes under 2,000 sf with valuations one-quarter of the home proposed. The construction of a home which towers above

its immediately adjacent neighboring buildings (Exhibit F) and is four times the size of most other homes on the block is not necessary, desirable or compatible.

#### **(4) The Demolition**

When a Conditional Use is required of new construction and a demolition is a part of the project, Section 317(d)(2) requires the consideration of Section 317's sixteen demolition criteria (Exhibit G) as part of the Conditional Use<sup>2</sup>. We do not believe the demolition meets ten of the sixteen criteria (those highlighted in yellow on Exhibit G). Clearly the project does not conserve existing housing (criteria 7). With replacement of an 8,000 sf building on a street of 2,000 sf homes, it does not conserve neighborhood character (criteria 8). As it replaces a home valued by the Zoning Administrator in his administrative review (Exhibit H) at \$1.6 million with a home anticipated to be valued at \$8 million, the project does not protect the relative affordability of existing housing (criteria 9). The project does not increase the number of permanently affordable units (criteria 10). Because it removes a vacant lot previously identified in the Housing Element as an infill-housing site, it does not locate in-fill housing on appropriate sites in established neighborhoods (criteria 11). While the new house may be said to add one family-sized unit, this would also be true of any home built on the vacant lot. Were the home proposed for demolition to be preserved, a modest addition to that home would also render it ideal for family housing. Thus, in net, the project does not increase the number of family-sized units on-site as effectively as one that would not require demolition and Conditional Use (criteria 12). The project does not create supportive housing (criteria 13). As explained below, we do not believe the project is of superb design or otherwise enhances the existing neighborhood character (criteria 14). While the proposal pretends to increase the number of on-site dwelling units, it is obvious the downstairs unit is never going to house a separate family, whereas retention of the existing home and construction of a new home on the vacant lot will add a real second unit for a real family (criteria 15). Finally, while the proposed building contains 5 bedrooms, the retention of the existing home (even without any addition) and the new construction of a 3,000 sf home on the vacant lot would increase the number of bedrooms (perhaps to more than 5) while also providing for true family housing on each of two lots (criteria 16).

All projects changing use or proposing new buildings are also subject to Proposition M (Planning Code Section 101.1(b)) and General Plan policies. The General Plan policies most relevant to the demolition are Objectives 2 and 3 of the City's Housing Element. These are, perhaps, two of the most important of all City policies in the context of a City facing unprecedented levels of homelessness, evictions and well-documented inadequacy of affordable housing.

*Housing Element: Objective 2: Retain Existing Housing Units, and Promote Safety and Maintenance Standards, without Jeopardizing Affordability. Also General Plan Housing*

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<sup>2</sup> 317(d)(2): "If Conditional Use authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use application."

Element: Objective 3: Protect the Affordability of the Existing Housing Stock, Especially Rental Units.

The sponsor highlights the Zoning Administrator's finding that the existing home is not affordable. Its value surpassed the then-in-effect threshold of affordability by a hair. But more importantly, it is *relatively* affordable in this neighborhood and in this City; and its removal will mean one more family that could struggle to get a foot in the door of a starter home will now be priced out of the market. The subterranean second unit in the proposed building will never be made available for sale and even if it were, no family in its right mind would buy it.

**(5) The New Building: Out of Scale and Character**

The new building is too large for this neighborhood. It is too large in area; it is too tall for its location; and it is too wide. The average area of buildings on the block and the block across the street is just over 2,000 sf (Exhibit I). The sponsor states that much of the square footage is subterranean. It is true the second unit is principally buried underground -- which is why it has no light and will never be used as a separate unit. But the top of that unit and the garage is above grade in front, raising the rest of the house far above its neighbors (Exhibit F). And so the square footage results in a building that not only *is* massively larger than those around it but also *appears* massively larger than those around it.

The City's Residential Design Guidelines are organized with 6 key Design Principles. The very first Principle, which was in fact one of the reasons these guidelines were developed in the 1980s, is to "*ENSURE THAT THE BUILDING'S SCALE IS COMPATIBLE WITH SURROUNDING BUILDINGS.*"

The guidelines direct us to look at the existing block pattern, lot pattern and visual character to help determine scale. By none of these standards does this building blend into this block. The sponsor points to the only two other properties on this block face and across the street that also have double lots to justify not only the lot merger but also the proposed building scale. These two buildings stand on lots that have been unchanged in size for over 50 years; indeed, these lots are to the best of our knowledge simply remnants of the original lot layouts. On these lots the homes have habitable areas under 2,300 sf each and are broken into discrete vertical elements to mirror separate neighboring homes on narrower lots (Exhibit J). The proposed building is the opposite -- it is one massive width and appears as one massive unit. Nowhere on this block face or across the street is there any street-facing facade that so diverges from the size and width pattern.

The Planning Commission Resolution that established the Dolores Heights Special Use District (Exhibit K) identified our neighborhood as an example of one of five then-designated "examples of outstanding and unique areas which contribute to San Francisco's visual form and character and in which

*neighborhood associations should be encouraged to participate in a cooperative effort to maintain the established character."*

Finally, Planning Code Section 241 states that the Dolores Heights SUD was established in order to, among other things, "encourage development in context and scale with established character and landscape" and "preserve and provide for an established area with a unique character and balance". The house is demonstrably out of context and scale; the lot merger rends, not preserves, the unique character and balance.

**(6) The Entitlement Process was flawed**

From the beginning, the entitlement process for this project has not felt right to us.

- As noted above, planning staff refused to acknowledge the obvious conflict between their recommending against *unit* mergers on other projects while at the same time recommending approval of a *lot* merger and the originally proposed one-unit home despite the result being the same – the loss of a unit. That both the sponsor and staff now say it was "the Planning Department" that caused the addition of the second unit is absurd; the Department was confronted with our making this a public issue, making it impossible for them to continue to sidestep this important and potentially embarrassing issue.
- When we asked for a hearing date after we and staff could read – and analyze – the Conditional Use application and plans, the planner explained the dates she had previously offered (between late February and mid-March) were being taken off the table without debate because, "the Department was contacted by the Mayor's Office yesterday and they have instructed us to reschedule this project to the Planning Commission calendar for February 4" (Exhibit L).
- The summary of our Commission hearing presentation from one Planning Commissioner – a Mayoral appointee – so inaccurately portrayed our testimony we walked away with the impression the Mayor's involvement in this project, like his office's published involvement with the Airbnb vote, extended beyond scheduling.
- The sponsors threw a fundraiser for our Supervisor.
- The sponsor's attorney exchanged emails with our Supervisor's aide about potentially rescheduling the appeal, and changing the briefing schedule for the appeal, which we were never informed about until we asked.
- Our Supervisor's aide wrote the Board clerk that we had agreed to a rescheduling when we had never even been consulted.

**(7) Neighborhood Support was not given adequate attention in the Planning Commission's Decision**



Our appeal was signed by almost 30% of property owners in the project vicinity and was also subscribed to by five Supervisors. Our own Supervisor did not subscribe to the appeal.

More than 125 neighbors have signed petitions aimed at changing the project (Exhibit M). The 23 neighbors who spoke in opposition to the Conditional Use at the Planning Commission did so on specific policy grounds summarized by category (and explained at length in this brief) in the hearing minutes (Exhibit C). This compares to the 10 supporters of the project, 8 of whom were colleagues or employees of the sponsors, or their partners/spouses/friends, who primarily spoke about the positive personal traits of the sponsors. We want to make clear we do not disagree with their kind characterizations of the sponsors. Rather, we point out that this is not about personal traits; it's about neighborhood character and housing policy. Nice people removing relatively affordable housing and replacing it with wholly unaffordable housing in a massive structure three or four times the size of adjacent homes have the same effects as less nice developers doing the same thing.

The sponsor notes the immediate neighbors on Cumberland and Sanchez support the project. Those neighbors believe the side setbacks and rear building walls in the project would provide them with more adjacent open area than an alternative with two stand-alone homes. We believe a two-building alternative could provide adjacent neighbors with a similar situation. More importantly, we believe that to trade away a buildable lot that could house an additional family for a massive building spanning two lots is a quid pro quo that harms us all. This rationale would support the merging of every set of adjacent lots and even the demolition of two adjacent homes to merge lots and build a single massive building and would result in a newly emerging pattern of 5,700 sf lots in every neighborhood -- a pattern more typical of Pacific Heights or peninsula suburbs than Dolores Heights.

The precedent-setting nature of the lot merger has also caused other Neighborhood Associations to join us in opposing this project. In addition to the Dolores Heights Improvement Club, we have to date received letters of opposition to this project from four other organizations: the Eureka Valley Neighborhood Association, the Liberty Hill Neighborhood Association, the Duboce Triangle Neighborhood Association, and Protect Noe's Charm, representing families throughout San Francisco who see that if two RH-1 lots can be merged in Dolores Heights they will next be merged all over the City (Exhibit O).

Of important note is another phrase in the Dolores Heights SUD resolution: "*neighborhood associations should be encouraged to participate in a cooperative effort....*" We wanted such a cooperative effort with Planning Department, but that is not what happened. We felt very shut out of the review process, although Planners Michael Smith and Erika Jackson answered all of our questions politely and we take no issue with them. Now that we have passed the Planning review stage, we have offered to meet with the sponsors, neighbor to neighbor and absent attorneys, in search of a mutually acceptable resolution.

## Summary

The Dolores Heights Improvement Club is a neighborhood organization that has been in existence since the 1960s, today representing 450 families. We are a volunteer neighborhood organization whose purpose is to maintain and enhance our community's appearance, safety, communication, and value, and are the drafters of the Special Use District legislation that applies to these lots and the surrounding neighborhood. The Planning Commission's resolution adopting the Dolores Heights SUD specifically encourages our association to "maintain the established character" of our neighborhood. We have repeatedly welcomed new neighbors and houses, both new construction and remodels, and strive to accommodate both when they respect the very neighborhood character and context that has drawn them here.

The policy implications of this application are so clear. Approval of the CU will mean anyone who can afford to buy two lots will be able to buy them, merge them, demolish what's left of the City's starter homes, and build a single family mansion many times the size of everything around it.

If left unchanged, the effect of this CU will undermine not only the provisions of the Dolores Heights Special Use District and Section 241, but more importantly it will set in motion a powerful trend that will continue to erode the City's housing stock.

We ask that you deny the Conditional Use so that we can work with the sponsors on a modest addition to the existing home or a new home on the vacant lot, leaving the City with two homes for two families -- homes of a size and character that work in Dolores Heights.

Sincerely,

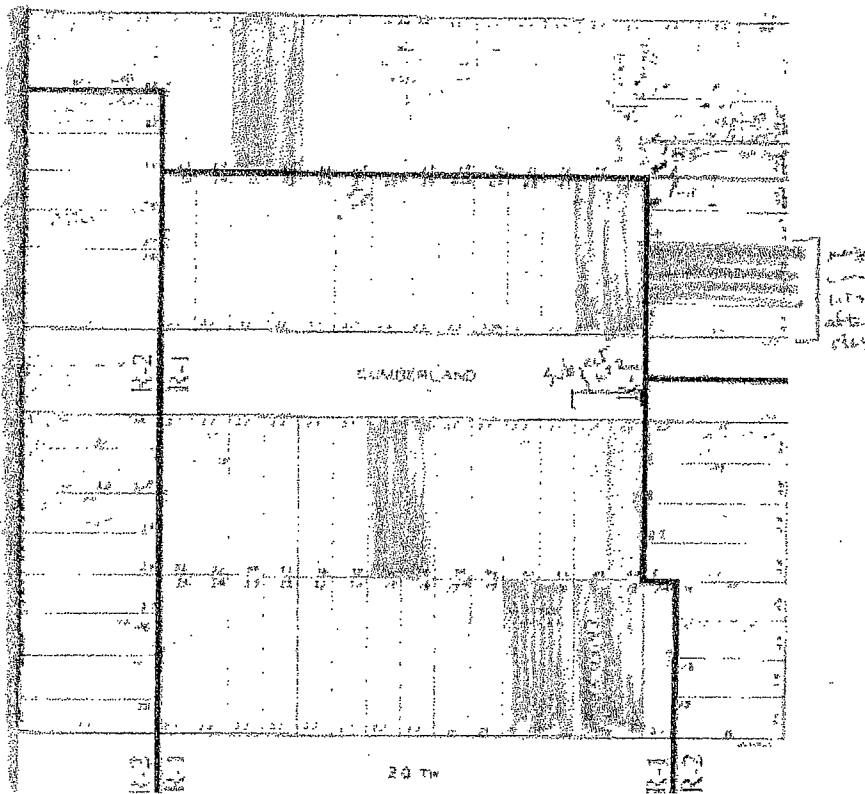


Bruce R. Bowen

EXHIBIT A



EXHIBIT B

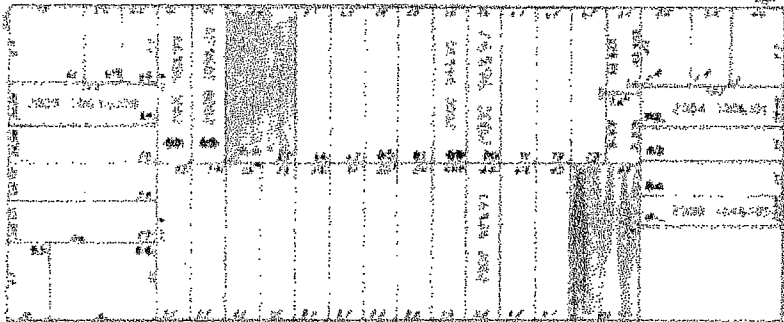


1965 LOT/BLOCK MAP:

SIX DOUBLE INTERIOR LOTS  
OUT OF 79 INTERIOR LOTS

8% OF DOUBLE INTERIOR  
LOTS

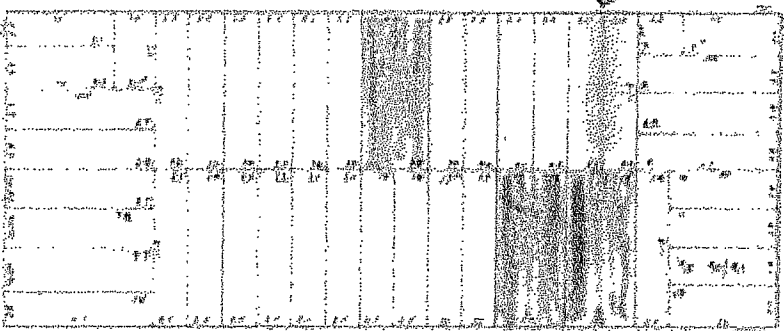
CURRENT TAX ASSESSOR MAP  
19 TH



CURRENT TAX ASSESSOR MAP:

A REDUCTION IN INTERIOR  
DOUBLE LOTS  
BY ONE (because it became a  
corner lot)

ALL OF THE CURRENTLY  
EXISTING INTERIOR DOUBLE  
LOTS DATE FROM BEFORE 1965



**NO INTRODUCTION OF INTERIOR  
DOUBLE LOTS ON THESE  
BLOCKS IN  
OVER 50 YEARS.**

EXHIBIT C

Planning Commission Project Minutes (prepared by Planning Commission Secretary Jonas Ionin)

8. 2013.1213CUA

(E. JACKSON: (415) 558-6363)

313-323 CUMBERLAND STREET - south side between Noe and Sanchez Streets; Lot 043-044 of Assessor's Block 3601 (District 7) - Request for **Conditional Use Authorization**, pursuant to Planning Code Sections 207, 209.1, 303, and 317 to demolish a single-family structure and construct a new two-family structure on a 5,700 square foot lot in a RH-1 (Residential - House, One-Family) Zoning District, 40-X Height and Bulk District, and the Dolores Heights Special Use District. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.

*Preliminary Recommendation: Approve with Conditions*

- SPEAKERS: = Erika Jackson - Staff presentation  
 + Jim Reuben - Project presentation  
 + John Maniskelko - Design presentation-  
 Heather Thompson - Precedent, lot merger-  
 Mellisa Kennedy - Scale, FAR-  
 John Odin - Dolores Heights SUP-  
 Greg Roberts - Opposition-  
 (F) Speaker Liveability-  
 Bruce Bowen - Lot mergers-  
 David PEnnybaker --  
 Sam Fleschman - Does not meet CU findings-  
 Carolyn Kennedy - Section 317-  
 Ozzie Roam - Opposition-  
 Hett Courrier - Opposition-  
 (M) Speaker - Precedence-  
 Liz Clarke - No ski resort on Cumberland-  
 Joanne King - Opposition-  
 Karl Leachman - Opposition-  
 Matt McAbe - Opposition-  
 Renee de Cossio - Opposition-  
 Edward Mason - 50' wide lots-  
 (F) Speaker - Opposition-  
 Elizabeth Kantor - Character of the neighborhood-  
 (F) Speaker - Opposition

- + (M) Speaker - Support
- + Justin Schafer - Support
- + Annabel Teal - Support
- + Vicera Vitchekatanan - Family housing
- + Will Stockwell - Support
- + Adam Osceri - Support
- + (M) Speaker - Support
- + (M) Speaker - Support
- + (M) Speaker - Support
- + (F) Speaker - Support
- + Nina Kosla - Support-

- Francesca Prada - Opposition-
- Georgia Schuttish - Homeownership precedents

**ACTION:** Approved with Conditions as amended to include:

1. ~~Work with staff on improved exposure for the second unit;~~
2. ~~Provide a 1:1 parking ratio without compromising the second unit, and~~
3. ~~Record an NSR identifying the property as a two-unit building.~~

**AYES:** Fong, Antonini, Hillis, Johnson  
**NAYES:** Richards, Moore, Wu  
**MOTION:** 19604



EXHIBIT D

**The only front window of the so-called second unit.**

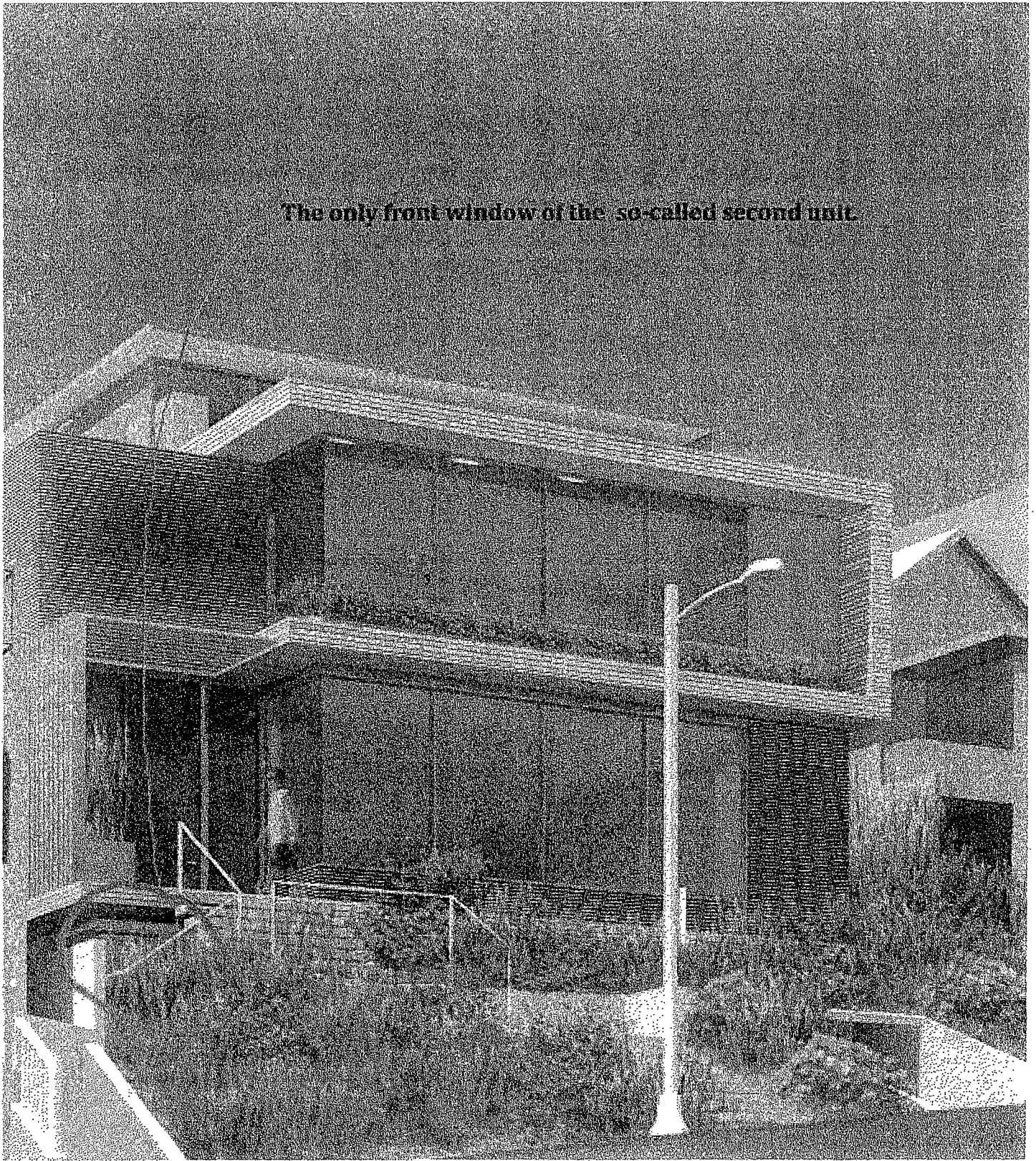
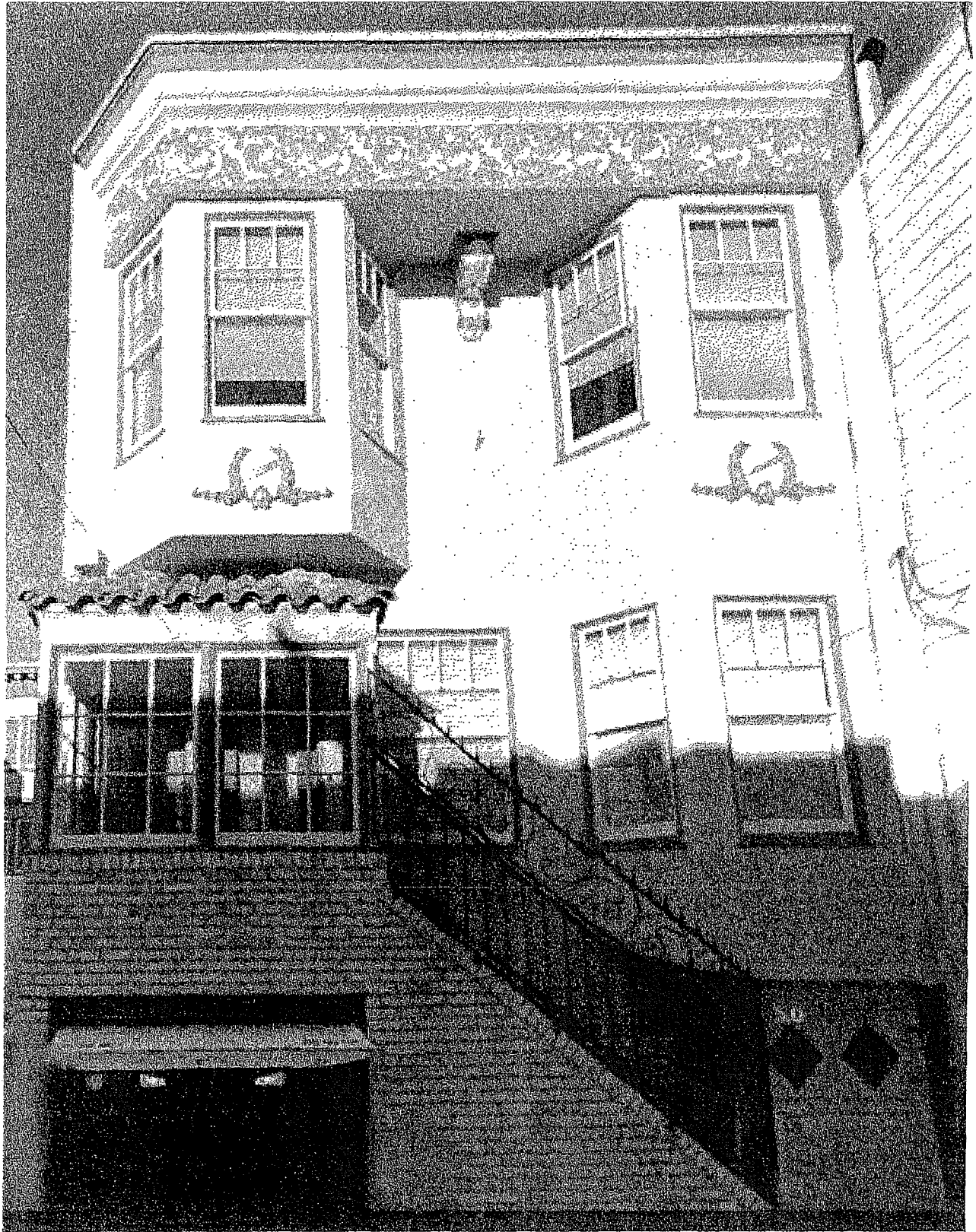
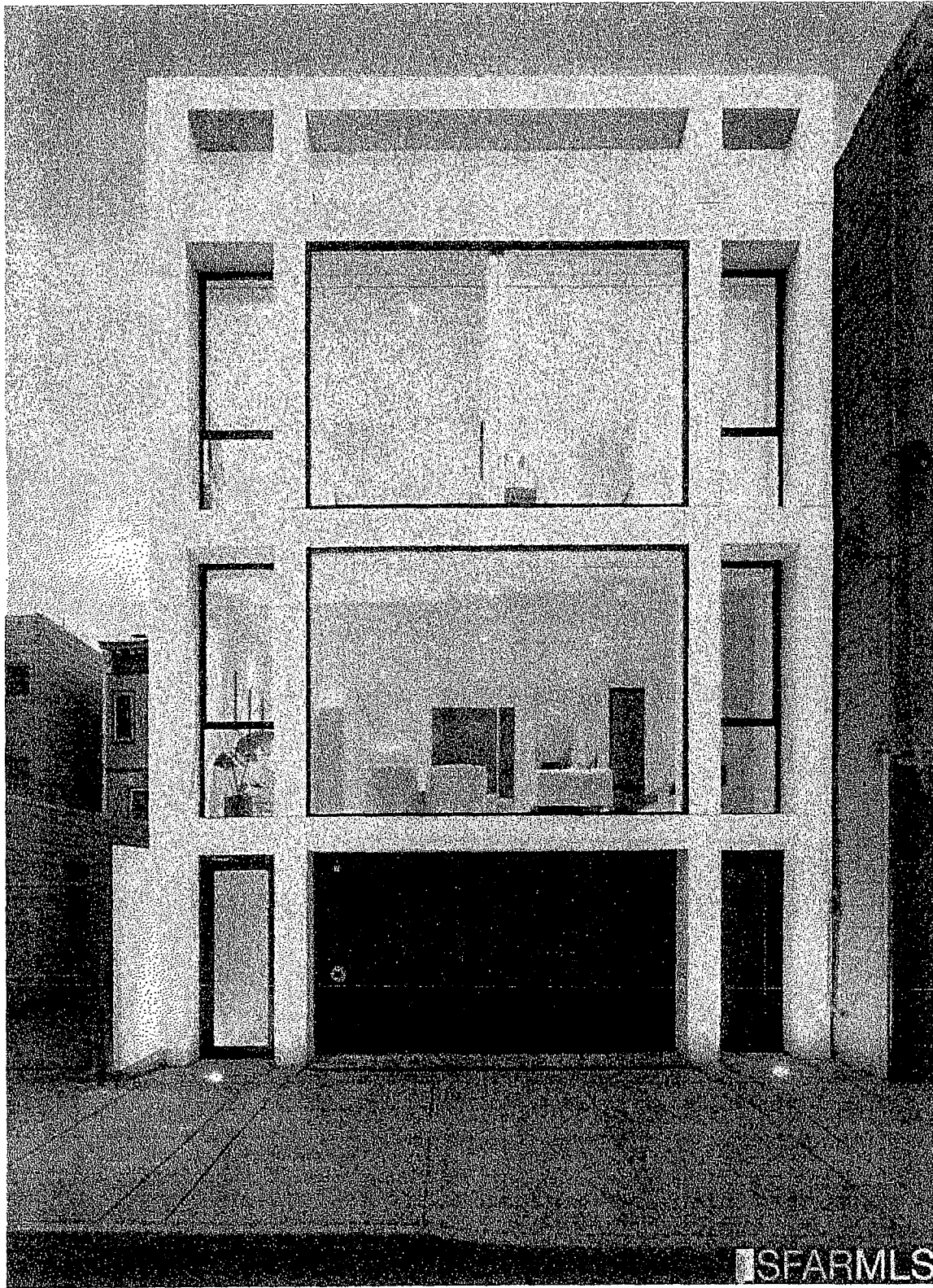


EXHIBIT E



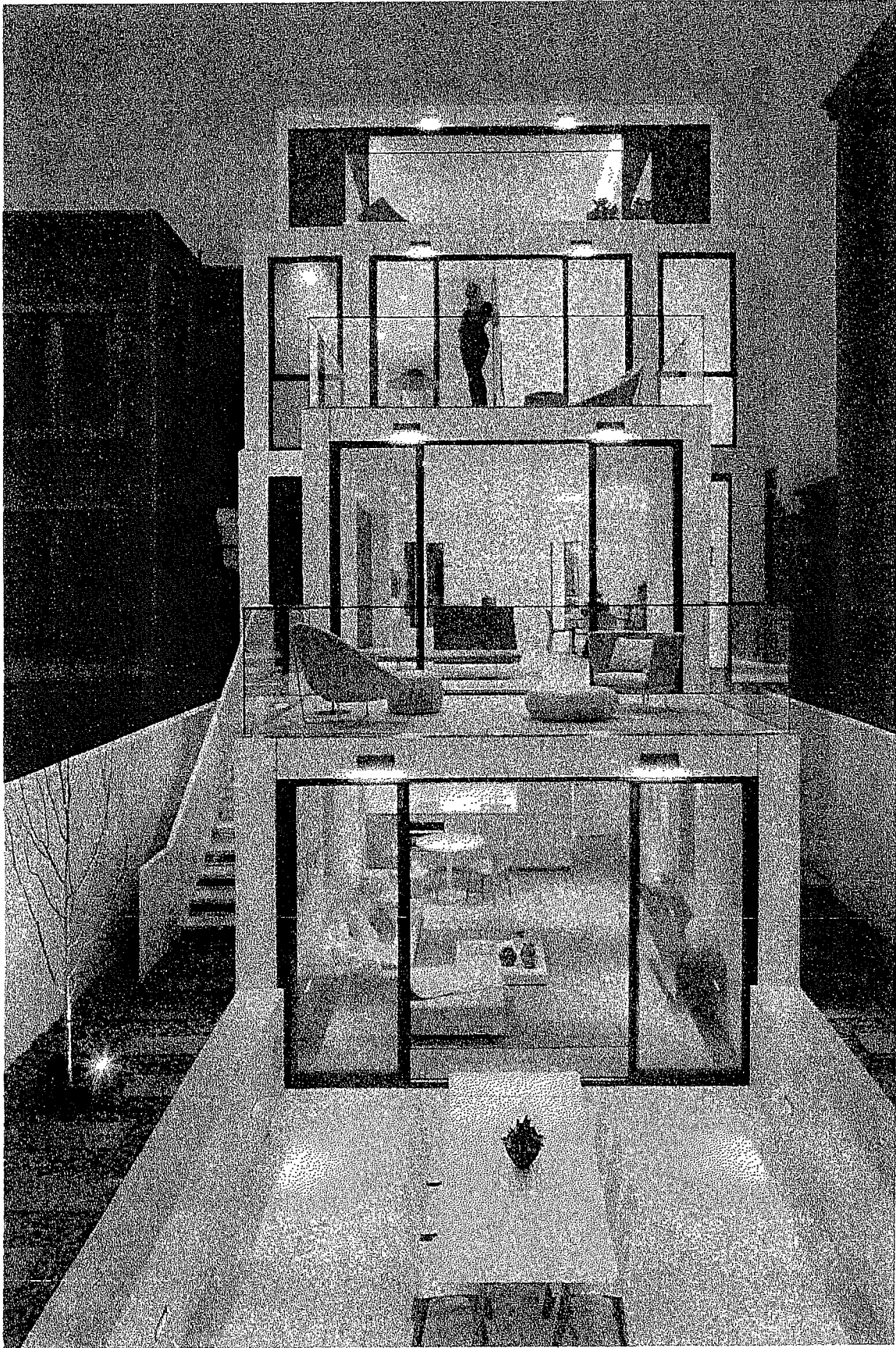
50-52 oakwood  
Before





50 Oakwood  
after  
Marketed as SFR

2461



← The  
"Au Pair"

50 Oakwood  
2462  
at  
(1000-)

2463

000 1845 Laguna Sun 2-4



Renovated Victorian with high ceilings and a gourmet kitchen. WalkScore 981. [guna.com](http://www.guna.com)  
Peter Fiesler 415.606.6621

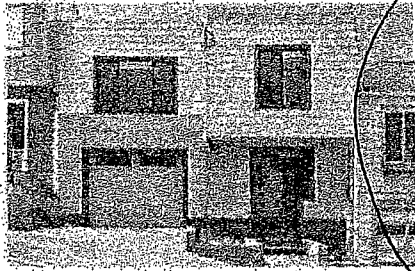
Ave Sat/Sun 2-4pm. 3bd/1ba  
this room, expansion potential.  
Near shops, park, muni.  
m'l Riky, P. Warrin 415-407-8019

Favorite content

GREAT APP

[realtor.com/app](http://www.realtor.com/app)

**Potrero Hill** \$998,000 844 Dartmouth St., Sat 2-4, Sun 1:30-3:30.



Attention Dog Owners! Now is your chance to live next to McLaren Park. Views of the SF Skyline to Baybridge. Turnkey 3 Bedroom, 2 Bath home in sunny Potrero district.  
Agent Arthur Bedikian 415-902-7996

**Potrero Hill** \$549,000. 888 7th #104. Open Sun 2-4.  
Cameron Bamberger, PACIFIC UNION, 415-269-3825

**Potrero Hill** \$1,050,000. 845 Vermont St. #2 Open Sat & Sun 2-4. Top floor, 3BR/2.5BA-condo w/views & garage. Large deck w/city & park views. Located on a coveted block directly across from McKinley Park this condo has it all! Wendy Soderborg, PACIFIC UNION, 415.939.0175

**Potrero Hill** \$1,950,000 837 Wisconsin St. Sun 2-4:30  
Spectacular View Home with approved plans. Build your dream home! 4+1/4. Jeffrey Neideman, Pacific Union 510-435-0325

ON SALE AT  
YOUR BAY AREA  
NOB HILL

**Potrero Hill** \$2,500,000 1242-1244 Nineteenth St Sun 1-4pm.



VIEWS! VIEWS! VIEWS! 2 Units w/Potential for Big SFR w/Small Apt in Prime Location! [www.1242-1244NineteenthStreet.com](http://www.1242-1244NineteenthStreet.com)  
Melinda Lee CB 415.336.0754

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If not, you just missed more than 1 million visitors.

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CALL (415) 777-7167

SFGATE San Francisco Chronicle

**Potrero Hill** \$2,950,000 779 Wisconsin/20th St. Sun 2-5



Spectacular Modern View Residence  
4bd/3.5ba/3lvl + fam rm, mdrn rmtn, dsjn fnshs,  
amaz viewst MajesticViewsOnPotrero.com  
Greg Fulford 415-321-7002 Vanguard

**Potrero Hill** \$3,495,000. 838 Rhode Island Sun 2-4.  
New 3 level spacious 4BR/4.5BA home. Downtown/Bay views. South garden/deck. Soaring ceilings, open floor plan. Separate legal studio. Radiant heat/Solar electric. 838RhodeIsland.com. CB Dona Crowder. 415-310-5933

**Presidio Heights** \$1,395,000. 421 Spruce St @Sacramento. Sunday 2-4, 2+BR/2A Condo w/Bonus Rm. Direct Access to Garden. Robert Landsness, PUI, 421Spruce.com 415-713-4314

**Presidio Heights** \$5,300,000 3959-61 Washington Sun 2-4  
VACANT 2-unit bldg in premier neighborhood. Potential for renovation to a single family home! McGuire. Neal Ward [www.3959Washington.com](http://www.3959Washington.com)

El Cerrillo \$585,000, 906 Richmond St. Sun 2-4:30

Upper Rockridge \$2,100,000 16 Emery Lane Sun 2-4:30

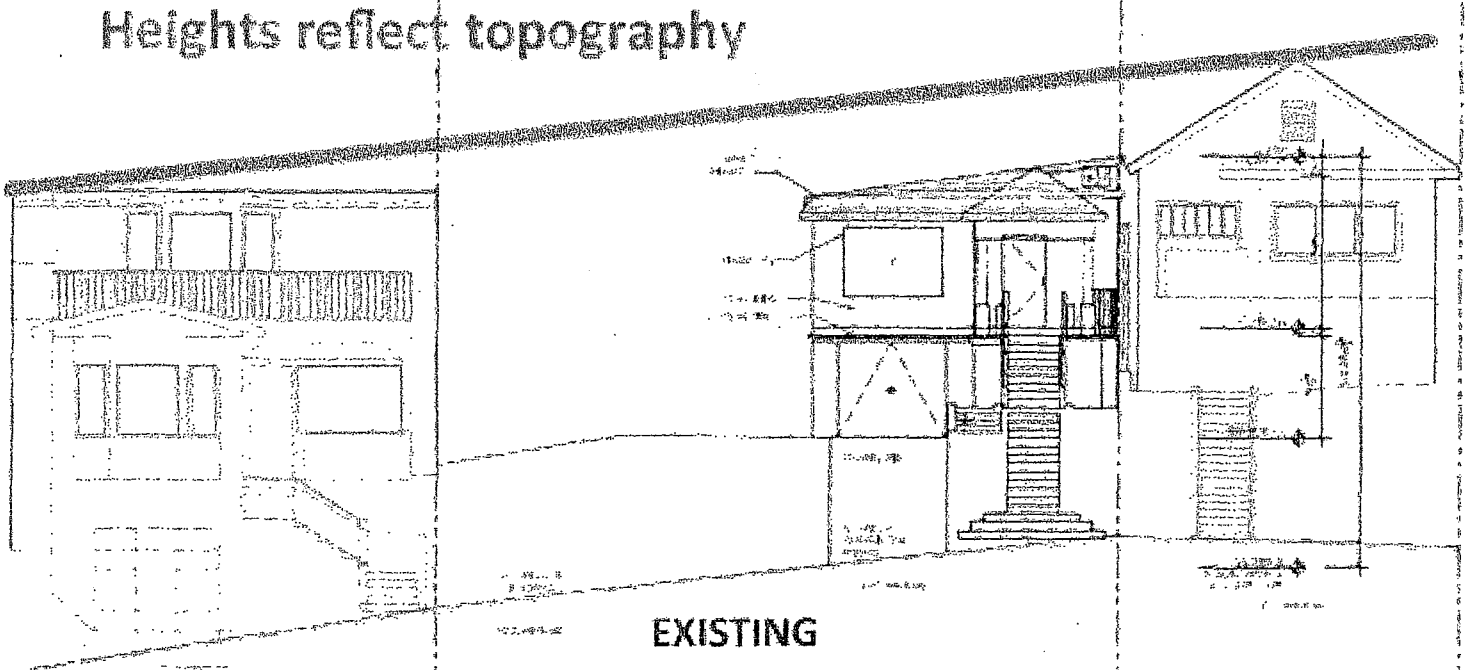
Sequoyah Hills \$769,000 7668 SURREY LANE Sun 2-4:30.

view  
w/so  
thru  
Piedic  
3BR/2

**EXHIBIT F**

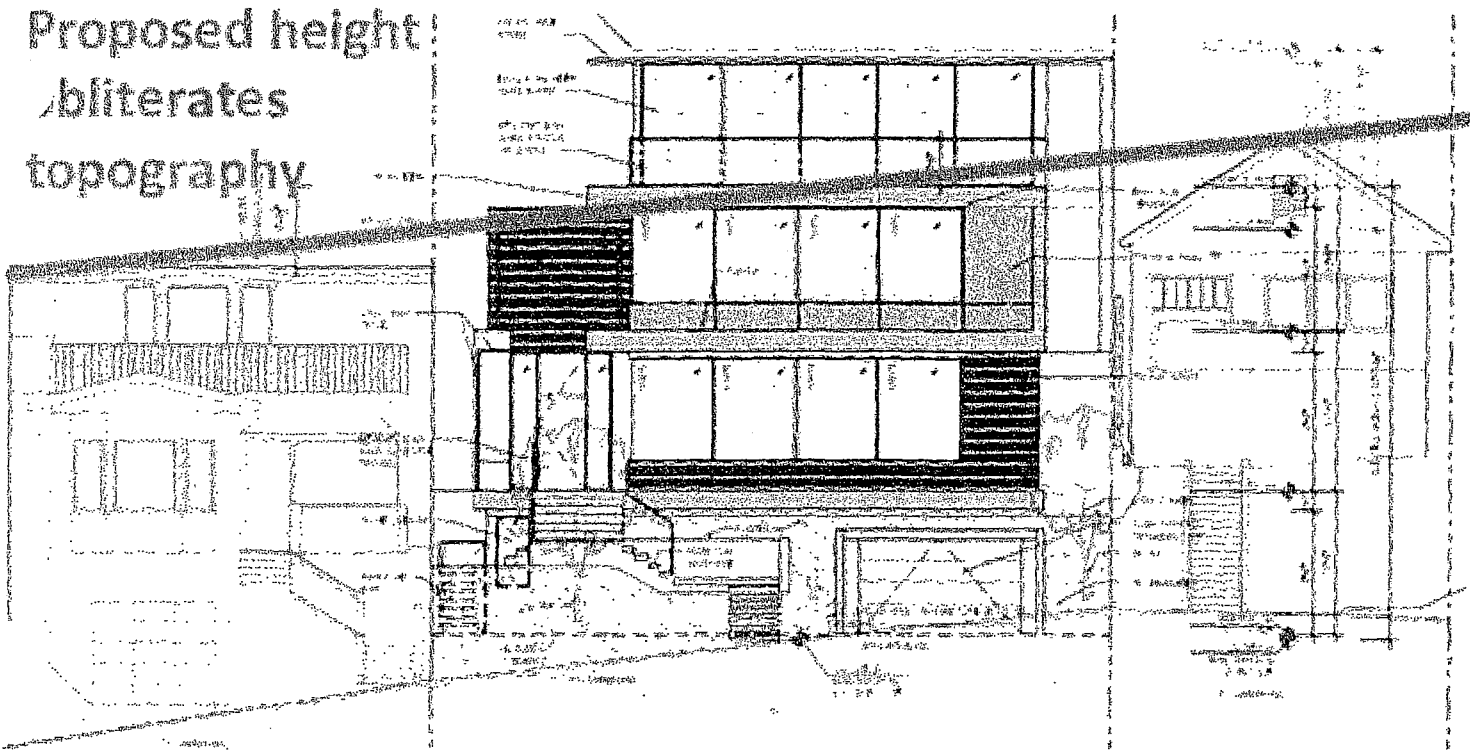


Heights reflect topography



EXISTING

Proposed height  
obliterates  
topography



PROPOSED

EXHIBIT G

(C) The Planning Commission shall consider the following additional criteria in the review of applications for Residential Demolition:

- (i) whether the property is free of a history of serious, continuing Code violations;
- (ii) whether the housing has been maintained in a decent, safe, and sanitary condition;
- (iii) whether the property is an "historical resource" under CEQA;
- (iv) whether the removal of the resource will have a substantial adverse impact under CEQA;
- (v) whether the project converts rental housing to other forms of tenure or occupancy;
- (vi) whether the project removes rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing;
- (vii) whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;
- (viii) whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;
- (ix) whether the project protects the relative affordability of existing housing;
- (x) whether the project increases the number of permanently affordable units as governed by Section 415;
- (xi) whether the project locates in-fill housing on appropriate sites in established neighborhoods;
- (xii) whether the project increases the number of family-sized units on-site;
- (xiii) whether the project creates new supportive housing;
- (xiv) whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;
- (xv) whether the project increases the number of on-site dwelling units;
- (xvi) whether the project increases the number of on-site bedrooms.

EXHIBIT H

*single-family dwelling which was reviewed by the Department in conjunction with the demolition permit. The new construction permit proposes a replacement building that has five bedrooms and five full baths and two half baths in approximately 7,181 square-feet. The proposed building has been reviewed by Department staff and been determined to comply with the Residential Design Guidelines.*

2. If Conditional Use authorization is required for approval of the permit to demolish a Residential Building by other sections of this Code, the Commission shall consider the replacement structure as part of its decision on the Conditional Use application. If Conditional Use authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use application. If neither permit application is subject to Conditional Use authorization, then separate Mandatory Discretionary Review cases shall be heard to consider the permit applications for the demolition and the replacement structure.

*Conditional Use authorization is not required by any other part of the Planning Code for this proposal. The applicant filed a Mandatory Discretionary Review application for demolition of the subject building.*

3. Single-Family Residential Buildings on sites in RH-1 Districts that are demonstrably not affordable or financially accessible, that is, housing that has a value greater than at least 80% of the combined land and structure values of single-family homes in San Francisco as determined by a credible appraisal, made within six months of the application to demolish, are not subject to a Mandatory Discretionary Review hearing.

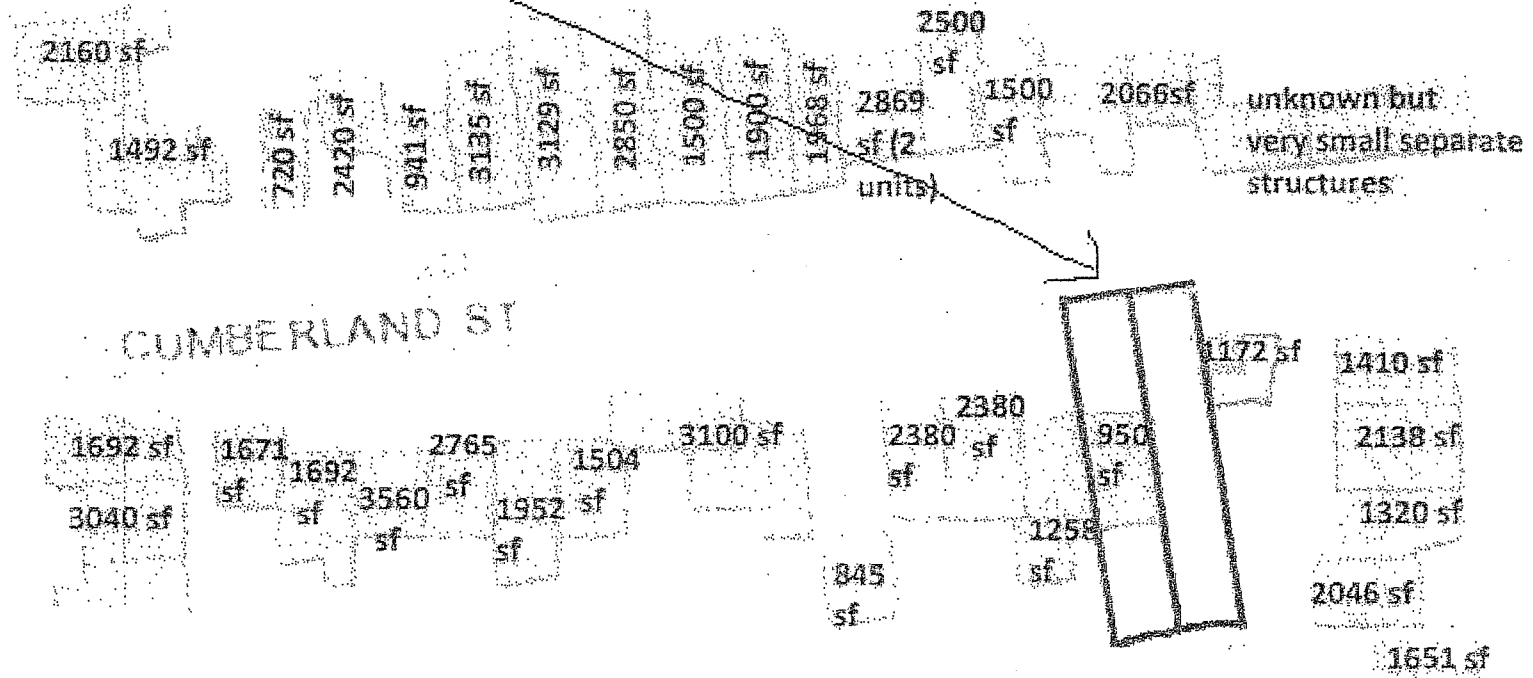
*The subject building is a single-family house within a RH-1 District and is therefore eligible to be exempted from a Mandatory Discretionary Review hearing under this provision of the Planning Code. The project sponsor submitted a credible appraisal report dated 7/14/2014 that was prepared Blakely Appraisals in accordance with the Planning Code, which was verified by the Department to demonstrate that the value of the subject property at \$1,600,000 is greater than at least 80% of the combined land and structure values of single-family homes in San Francisco. Therefore, the approval of the demolition permit does not require a Mandatory Discretionary Review hearing before the Planning Commission and can be approved administratively. A copy of the referenced appraisal report can be found in the project file.*

4. Residential Buildings of two units or fewer that are found to be unsound housing are exempt from Mandatory Discretionary Review hearings and may be approved administratively. "Soundness" is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The "soundness factor" for a structure shall be the ratio of a construction upgrade cost to the replacement cost expressed as a percent. A building is unsound if its soundness factor exceeds 50%.

*The subject building is a single-family house and has not been found to be unsound. Therefore, it is ineligible to be exempted from a Mandatory Discretionary Review hearing under this provision of the Planning Code.*

EXHIBIT I

**SUBJECT PROPERTY:** Proposed demolition of a 950 sf home, merger with vacant, buildable lot for replacement with a single 5855 sf home (8100 sf w/garage and storage)



2471

Numbers in blue are from tax assessment records, modified upwardly from MLS records. Proposed building would be approximately 5855 sf by tax assessor plus 2256 sf garage and storage. (Tax Assessor's records exclude garage and non-habitable space.)

AVERAGE HOME SIZE ON THIS BLOCK IS 2027 SF. PROPOSED HOME IS ALMOST 300 PERCENT LARGER. SQUARE FOOTAGE, WHILE NOT REGULATED, IS A DIRECT REFLECTION OF MASSING AND ENVELOPE.

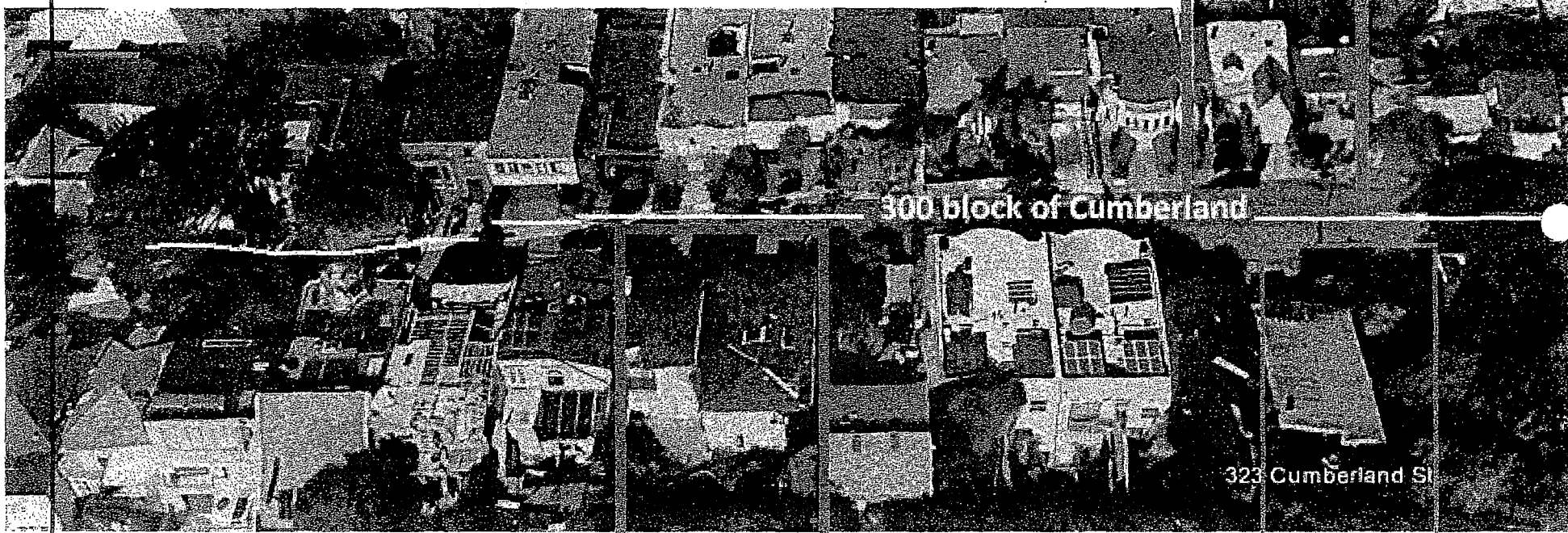
**THE PROPOSED PROJECT WILL NOT ONLY DEMOLISH A HOME THAT IS REALTIVELY MUCH MORE AFFORDABLE THAN ITS REPLACEMENT BUILDING BUT WILL ALSO REMOVE A BUILDABLE VACANT LOT, RESULTING IN THE EFFECTIVE LOSS OF 2 STAND-ALONE FAMILY HOMES FOR THE REPLACEMENT WITH ONE MANSION WITH A SUBTERRANEAN 2ND UNIT THAT WILL NEVER BE USED BY A SEPARATE FAMILY.**

EXHIBIT J



2473

Lot 45



300 block of Cumberland

323 Cumberland St

Lot 38

subject property

There are only two lots on this block that are 50 feet wide -- lot 38 and lot 45. Homes on both these lots are under 2300 sf each and are broken up into two discrete frontages to read like two separate buildings.



Home on lot 45 -- also broken into parts



Lot 38 home broken into two parts

EXHIBIT K

SAN FRANCISCO  
CITY PLANNING COMMISSION

RESOLUTION NO. 8472

WHEREAS, The City Planning Commission on November 8, 1979 and January 10, 1980 heard Application No. ZM79.24 under Section 302 of the City Planning Code to reclassify property from an RH-1 district to an RH-1 district with additional regulations as the DOLORES HEIGHTS SPECIAL USE DISTRICT, and on January 10, 1980 heard Application No. ZM79.6 under Section 302 of the City Planning Code to amend the text of that Code by adding a new Section 241 thereto and amending other Sections as appropriate for the purpose of implementing the DOLORES HEIGHTS SPECIAL USE DISTRICT with both the map and the text amendments to apply to the property described as follows:

All property currently in an RH-1 (House, One-Family) district in the Blocks bounded by 19TH, 22ND, NOE AND CHURCH STREETS and the block bounded by 19TH, 20TH, NOE AND HARTFORD STREETS, Lots 15-17, 18-34, 49-57 in Assessor's Block 3600, Lots 5-7, 7A, 8, 8A, 9-17, 17A, 18-25, 27-31, 31A, 32-45, 47-49, 49A, 50, 50A, 51-53, 53A, 54-55, 57-58, 85-86 in Assessor's Block 3601, Lots 3-29 in Assessor's Block 3602, Lots 1-4, 6-8, 8A, 9-13, 15, 15A, 16-18, 18A, 19-26, 34-42, 44-47, 51-52, 58, 58A, 68-71, 76-90 in Assessor's Block 3604, Lots 15-17, 19-21, 21A, 22-23, 27-36, 36A, 37-40, 42, 42A, 43, 43A, 44-50, 50A, 51, 51A, 52-55, 55A, 55B, 55C, 56-60 in Assessor's Block 3605, Lots 13-16, 16A, 17, 17A, 18-19, 21-28, 28A, 29-31, 37-40, 43, 46-48, 48A, 49, 49A, 50-63, 63A, 64-65, and 1A, 67-68, 71-75, 78-79 in Assessor's Block 3620, Lots 1-4, 7-9, 41-65, 70, 73-77, 77A, 78, 78A, 79-83, 87-90, 92-93 in Assessor's Block 3621;

and

WHEREAS, Except for fifteen lots on Caselli Avenue, Nineteenth and Danvers Streets, the subject property comprises all of the RH-1 zoned property north of Clipper Street, south and east of Market Street and west of Mission Street; and

WHEREAS, Dolores Heights is listed in the Urban Design Element of the Comprehensive Plan as one of five examples of outstanding and unique areas which contribute to San Francisco's visual form and character and in which neighborhood associations should be encouraged to participate in a cooperative effort to maintain the established character; and

WHEREAS, Dolores Heights has a strong and active neighborhood association which has for many years used voluntary efforts to provide a positive influence on the development of this neighborhood and which has been instrumental in the initiation of this proposed special use district; and

WHEREAS, The proposed special use district would impose a rear yard requirement equal to 45% of the depth of the lot, would limit the height of buildings to 35 feet measured to a plane which slopes with the slope of the lot and located 35 feet above the lot and would encourage the participation of the neighborhood association in the consideration of any variances that might be granted from the proposed limits; and

WHEREAS, Designating Dolores Heights as a special use district with more restrictive controls than now exist will preserve and protect existing views from public and private vantage points and will encourage further participation by neighborhood groups in the continued maintenance and improvement of this neighborhood; and

WHEREAS, The original proposal as modified to simplify review of building permits is within the capability of the Department of City Planning to administer; and

WHEREAS, Modification of the original proposal to simplify review of building permits would reduce the strain upon the Department's resources that establishment of this Special Use District would otherwise entail; and

WHEREAS, Adjustments to provisions of this Special Use District to reflect exceptional or extraordinary circumstances, practical difficulties and unnecessary hardships, and preservation and enjoyment of substantial property rights, can be made through the variance procedures of the City Planning Code, which contains criteria that protect the right of everyone concerned; and

WHEREAS, A final negative declaration was adopted and issued for this project on November 8, 1979 under file No. EE79.378;

THEREFORE BE IT RESOLVED, That the City Planning Commission, before acting on the project itself under Applications Numbered ZM79.24 and ZM79.6 hereby declares that it has reviewed and considered the information contained in the negative declaration; and

BE IT FURTHER RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare require that applications numbered ZM79.24 and ZM79.6 be APPROVED.

I hereby certify that the foregoing Resolution was ADOPTED by the City Planning Commission at its regular meeting of January 10, 1980.

Lee Woods, Jr.  
Secretary

AYES: Commissioners Bierman, Dearman, Kelleher, Mignola,  
Nakashima, Rosenblatt, Starbuck.

NOES: None.

ABSENT: None.

PASSED: January 10, 1980.

EXHIBIT L



Bruce Bowen <bruce.r.bowen@gmail.com>

## Cumberland Hearing Reschedule

Jackson, Erika <erika.jackson@sfgov.org>  
To: Bruce Bowen <bruce.r.bowen@gmail.com>

Tue, Dec 22, 2015 at 7:02 AM

Hi Bruce,

The Department was contacted by the Mayor's Office yesterday and they have instructed us to reschedule this project to the Planning Commission calendar for February 4.

I will need all final documents from you by Tuesday, January 19 for inclusion in the Planning Commission packet.

Thanks,

Erika

EXHIBIT M

**Petition dated as of March 2015, regarding  
Proposed new construction at 323 Cumberland Street and  
Dolores Heights Improvement Club review of building permits and  
variances, and new regulations for Monster Homes in Dolores Heights**

We, the undersigned, as residents of Dolores Heights and/or members of the local Neighborhood Association, the Dolores Heights Improvement Club (DHIC), are alarmed by a recent trend of the Planning Department failing to encourage the Sponsors of numerous construction projects in our neighborhood to observe the Residential Design Guidelines, including the goals of Section 241 of the City Planning Code, which created the Dolores Heights Special Use District. Section 241 provides in part: "In order to ...encourage development in context and scale with established character and landscape, there shall be a Dolores Heights Special Use District."

We specifically disagree with the Zoning Administrator's Action Memo of February 3, 2015 (Case No. 2013.1213D, Building Permits 2014.06.27.9813 and 2014.06.27.9820), which states "The proposed building has been reviewed by Department staff and been determined to comply with the Residential Design Guidelines." We can identify several specific elements of the proposed building which we find clearly do not comply with the Guidelines.

Any new project that, like the one at 323 Cumberland St., proposes replacing a house of 877 gross square feet with a house of 7,181 gross square feet (data according to the project sponsor's Application, dated October 1, 2014) is not in compliance with the principles and intent of either the Residential Design Guidelines or Section 241.

A few further examples among the many such instances in the Dolores Heights SUD include projects at ~~400 Hill St.~~, 3721 21st St., 3660 Hill St., and 359 Cumberland St.

We believe, in addition, that the Planning Department's pattern of approving building permits and granting variances for projects that so dramatically violate the Guidelines' and Code's requirements regarding development in "context and scale" with our neighborhood only creates precedents to grant similar variances more easily, creating a "slippery slope" effect and destroying the integrity of Section 241 and the Residential Design Guidelines.

Therefore, we hereby request that:

- 1) The Planning Department protect the Dolores Heights Special Use District (SUD) by enforcing the intent as well as the specific provisions of Section 241 of the City Planning Code, demanding the observance of the Residential Design Guidelines, and encouraging the participation of the DHIC in the consideration of any projects and variances in the boundaries of the Dolores Heights SUD, all as contemplated by the preamble of the San Francisco City Planning Commission Resolution No. 8472; and
- 2) Our representative to the San Francisco Board of Supervisors, the Hon. Scott ~~Winer~~, draft a bill similar to Board of Supervisors Resolution 150192 (applying controls to development in Corona Heights that alters the character of the neighborhood) and/or take whatever other measure that he deems appropriate to protect the Dolores Heights SUD and to avoid the destruction of an "outstanding and unique area which contributes to San Francisco's visual form and character" as provided in Resolution No. 8472.

Name	Address	Signature
Lillian Johnson	650 Sanchez St	Lillian Johnson



**Petition dated as of March 2015, regarding  
Proposed new construction at 323 Cumberland Street and  
Dolores Heights Improvement Club review of building permits and  
variances, and new regulations for Monster Homes in Dolores Heights**

Name	Address	Signature
Judith Hedgpeth	650 Sanchez St.	JUDITH HEDGPETH
Karl Leichen	3917 19 <sup>th</sup> Street	Karl Leichen
Susi Harbutt	343 Cumberland St.	Susi Harbutt
Chris Harbutt	343 Cumberland St	Chris Harbutt
LINDY JOFFE	377 CUMBERLAND ST	Lindy Joffe
Cate Kellison	377 Cumberland	Cate Kellison
Santan	385 Cumberland	Santan
Frank Nolan / <sup>Tom</sup> Barry	373 CUMBERLAND	Frank Nolan
Bruce Muhlert	336 Cumberland	Bruce Muhlert
DAN WATSON	340 Cumberland	Dan Watson
Erik Abegon	380 Cumberland	Erik Abegon
Lorin Bender	366 Cumberland	Lorin Bender
Chicki Chaulin	360 Cumberland St	Chicki Chaulin
Cyril Mewillan	357 Cumberland	Cyril Mewillan
ANGELIKA JOAST	357 CUMBERLAND	Angelika Joast
SUZANNE TURLEY	678 SANCHEZ	Suzanne Turley
Michael LANZ	674 Sanchez	Michael Lanz
Frank Hantz	706 Sanchez	Frank Hantz
David Ligon	725 Sanchez	David Ligon
Casey Nelson	725 Sanchez	Casey Nelson
STEPHEN LONICKA	386 CUMBERLAND ST.	Stephen Lonicka
HARRY LONICKA	338 CUMBERLAND ST	Harry Lonicka
HANS KOLBE	3722-21 <sup>st</sup> ST 94114	Hans Kolbe
ANDREA SEBASTIAN	378 CUMBERLAND ST	Andrea Sebastian
STEVEN DEUTSCH	378 CUMBERLAND ST	Steven Deutsch
allen sanchit chen	311 CUMBERLAND ST	Allen Sanchit Chen
CECILY GALLUP	311 CUMBERLAND ST	Cecily Gallup
RICHARD V. LYNCH III	727 CUMBERLAND ST	Richard V. Lynch III



**Petition dated as of March 2015, regarding  
Proposed new construction at 323 Cumberland Street and  
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A few further examples among the many such instances in the Dolores Heights SUD include projects at ~~400 Hill St.~~, 3721 21st St., 3660 Hill St., and 359 Cumberland St.

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2) Our representative to the San Francisco Board of Supervisors, the Hon. Scott ~~Wahner~~, draft a bill similar to Board of Supervisors Resolution 150192 (applying controls to development in Corona Heights that alters the character of the neighborhood) and/or take whatever other measure that he deems appropriate to protect the Dolores Heights SUD and to avoid the destruction of an "outstanding and unique area which contributes to San Francisco's visual form and character" as provided in Resolution No. 8472.

Name	Address	Signature
Gregory R. Robert	322 Cumberland St	Gregory R. Robert
GARY PATTERSON	322 CUMBERLAND ST.	
Laura Nadler	332 Cumberland St	



**Petition dated as of March 2015, regarding  
Proposed new construction at 323 Cumberland Street and  
Dolores Heights Improvement Club review of building permits and  
variances, and new regulations for Monster Homes in Dolores Heights**

and surrounding neighborhoods

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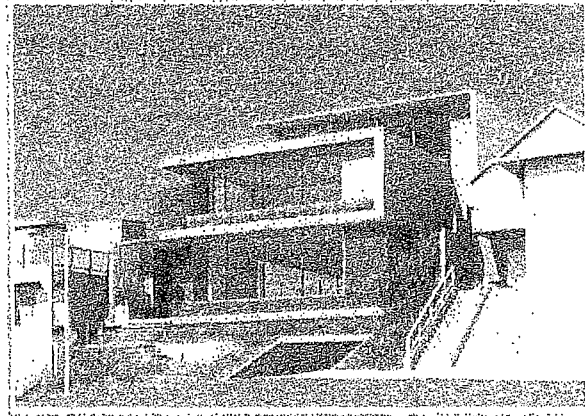
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Name	Address	Signature
ROY PETROKOSKY	424 25th St 94114	Roy Petrokosky
OZZIE ROHM	471 Clapper 94114	Ozzie Rohm



# Wrong Home in th Wrong Place



2487

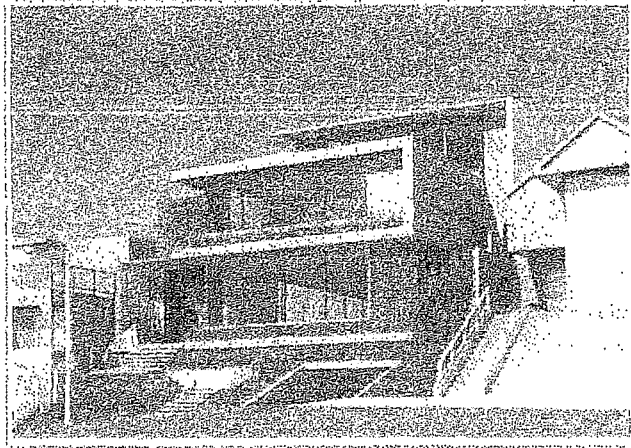
<p><b>As members of our neighborhood community, we who have signed this petition, oppose the project at 313-323 Cumberland because it will:</b></p> <ul style="list-style-type: none"> <li>• merge two lots into one, thereby eliminating a potential unit of family housing.</li> <li>• demolish an affordable home.</li> <li>• build one single new building almost <b>3x larger</b> than the average-sized home in our neighborhood.</li> </ul>	<p><b>We express our opposition to this project and urge our SF Planning Commission to reject the Conditional Use (CU) and instead:</b></p> <ul style="list-style-type: none"> <li>• retain the existing home with appropriate updating and a reasonable addition so that the house fits within our neighborhood's character and scale</li> <li>• retain the two normal-sized lots</li> <li>• construction of a new house on the vacant lot that fits in our neighborhood in character and size.</li> </ul>
--	---

Printed name	Signature	Address	Date	Comments, optional
Sidney Hollar	<i>[Signature]</i>	1619 Sanchez	3/23/16	
GEORGIASCHULTZ	<i>[Signature]</i>	460 DUNCAN	3/23/16	much too big

# Wrong Home in the Wrong Place

Printed name	Signature	Address	Date	Comments, optional
Carol Britschgi	Carol Britschgi	119 Vicksburg	3/23/2016	Too High
Debra Dine	Debra Dine	430 24th St.	3/23/2016	Not appropriate scale or character
Philippa Carter	Philippa Carter	430 24th St.	3/23/16	Breaks up street that <del>appears</del> <sup>is</sup> out of scale destroys community
Rachel Gonzalez	Rachel Gonzalez	4047 Cesar Chavez	3-23-16	TOO BIG!!!
Alice West	Alice West	4047 Cesar Chavez	3-23-16	MUCH TOO LARGE FOR STREET
NATHAN PARSON	Nathan Parson	449 CLIPPER ST	3/25/16	OUT OF SCALE & BAD FIT
STEVE BOEDDREFFER	Steve Boeddreffer	449 CLIPPER ST	3/25/16	way to big and incompatible <sup>with</sup> neighbors
Rosa Moss	Rosa Moss	359 Jersey	3/25/16	out of scale - too large
NINA SALMANS	Nina Salmans	4227 26th St.	3/27/16	OUT OF CHARACTER & SCALE!
JIM MORRELL	Jim Morrell	308 CLIBBETH	3/27/16	OUT OF CHARACTER & SCALE!
Carol Broderick	Carol Broderick	367 Jersey	3/28/16	Out of Character + Scale
Tom Broderick	Tom Broderick	367 Jersey ST	3/28/16	TOO LARGE FOR AREA
DAVID SANCHEZ	David Sanchez	4330 25th St	3/28/15	OUT OF SCALE
MARLA PAEDALS	Marla Paedals	4330 25th St.	3/28/16	OUT OF SCALE + CHARACTER
MATHEW T. MCCLARE	Matthew T. McClare	1101 DIAMOND ST	3/28/16	WASTING 2 CITY LOTS ON A TROPHY HOUSE!
OZZIE ROHM	Ozzie Rohm	471 CLIPPER ST.	3/29/16	MASSIVE, OUT OF SCALE & WASTFUL OF PRECIOUS SPACE IN THE CITY








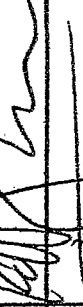





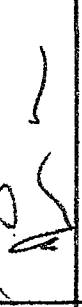


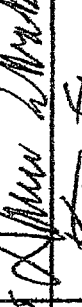



**As members of our neighborhood community, we who have signed this petition, oppose the project at 313-323 Cumberland because it will:**

- merge two lots into one, thereby eliminating a potential unit of family housing.
- demolish an affordable home.
- build one single new building almost **3x larger** than the average-sized home in our neighborhood.

**We express our opposition to this project and urge our SF Planning Commission to reject the Conditional Use (CU) and instead:**

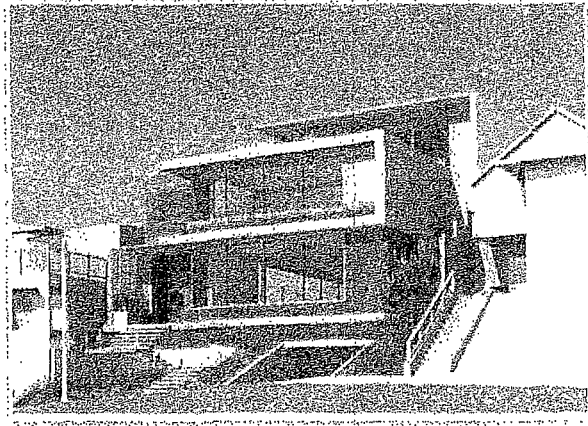
- retain the existing home with appropriate updating and a reasonable addition so that the house fits within our neighborhood's character and scale
- retain the two normal-sized lots
- construction of a new house on the vacant lot that fits in our neighborhood in character and size.

Printed name	Signature	Address	Date	Comments, optional
S Dion Smith		347 Noe St	03/23/16	
Melissa Eaton		563 Teresita Blvd	3/23/16	

Printed name	Signature	Address	Date	Comments, optional
Tim Thompson		785 Brennan St	3/23/16	Good Luck!
Michael		2190 15th St	3/23/16	
Desiree Thompson		3950 18th St	3/23/16	
Michael		1920 HT St	3/23/16	
JOHN M FORNATI		508 Maed Hare	3/23/16	Keep it up
FRANK LESNER		439 Corbett Ave	3/23/16	
ROBERT CASTELLANO		1520 CHURCH ST	3/23	
Dawn DelRosar		235 Collingwood	3/23	Good Luck
David Lynd				
2490 GARY SOCAS		195 Handlyn	3/23	
Tosha Duffney		2300 Market	3/23	
James Boyd		2710 Market #6	3/23	
Greg		88 Vulcan St.	3/23	
DONNA EDWARDS		2470 5th St	3/23	GOOD Luck!
Kathryn Estro		1456 Grove St	3/23	
Wendy Estro		5 - 1 - 10 - 10 - 10 - 10	3/23/16	

Printed name	Signature	Address	e	Comments, optional
James McLain	James McLain	753 Webster St	3-27-16	
Scamba Guise	<i>[Signature]</i>	7786 93 Ave	3-27-16	
Sandra J. J. J.	<i>[Signature]</i>	8475 33263	3-27-16	
Billie Dillon	Billie Dillon	516 Visitation	3-27-16	
Nina Maez	Nina Maez	516 Visitation	3-27-16	
Willa Crowell	Willa Crowell	2065 Valley	3-27-16	
Cody Hobbs	<i>[Signature]</i>	1527 Grand Ave #31	3-27-16	
Andy Mullen	<i>[Signature]</i>	1472 Filson	3-27-16	
JAMES PATTE	<i>[Signature]</i>	1165 Besmont HSF	3-27-16	
BRYAN J. SIMON	<i>[Signature]</i>	891 Post #406	3-27-16	
ARTURO NORIEGA	Arturo Noriega	1190 Mission 49	3-27-16	
ANDREW LU	Andrew Lu	421 ARKANSAS ST	3-27-16	
Larys Crisafulli	<i>[Signature]</i>	763 1/2 Kansas	3-27-16	
Marcia A. Kimmel	Marcia A. Kimmel	1695 18th St #313 SF	3/27/16	

*wrong Home In the wrong Place*



2492

<p><b>As members of our neighborhood community, we who have signed this petition, oppose the project at 313-323 Cumberland because it will:</b></p> <ul style="list-style-type: none"> <li>• merge two lots into one, thereby eliminating a potential unit of family housing.</li> <li>• demolish an affordable home.</li> <li>• build one single new building almost <b>3x larger</b> than the average-sized home in our neighborhood.</li> </ul>	<p><b>We express our opposition to this project and urge our SF Planning Commission to reject the Conditional Use (CU) and instead:</b></p> <ul style="list-style-type: none"> <li>• retain the existing home with appropriate updating and a reasonable addition so that the house fits within our neighborhood's character and scale</li> <li>• retain the two normal-sized lots</li> <li>• construction of a new house on the vacant lot that fits in our neighborhood in character and size.</li> </ul>
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Printed name	Signature	Address	Date	Comments, optional
JOE KORB			4/26	
Jan Steiner		Diamond	5/26	
Elizabeth Crane		Eureka St	3/26	You must be joking

wrong home in the wrong place

Printed name	Signature	Address	Date	Comments, optional
Tomaszki, Alexander		5 Moffitt St.	3/26/16	
Salvatore, Bragagnolo		3835 23rd St.	3/26/16	
Garry Bennett		45 Worth St.	3-26-16	
Stephen Ondrey		204 Hoffman	3-26-16	
Ryan Bredt		605 G. View Ave	3/26/16	
Yann Schmalzer		409 22nd St	3/26/16	
Colleen Cortez		3145 24th St.	3/26/16	
BETH TOWARD		4807 22nd St	3/26/16	
Nancy Catena		333 Congest	"	
MARK ROLLER		316 HIGHLAND AVE	"	
CATHERINE LOWLER		1086 Grandview Ave, Ft	"	
Peter Cahil		386 E 12th St	"	
		960 E 130th St	3/26/16	
Rebecca Quinn		3729 26th St	3/26/16	
Sebastian		1179 Dolores St	3-26-16	
R. Richard Anderson		568 E. 26th St	3/26/16	

Printed name	Signature	Address	Date	Comments, optional
I. Spoc Crescent Cody Turner		1258 Noe Street	3/26/16	
Chris Cohady		1255 NGE ST	3/26/16	
Richard Gross		263 Cheney St	3/26/16	
Donna Fazel		267 Fair Oaks St	3/26/16	
DOUGLAS HARRIS		4377 26th A.	3/26/16	
DIANE MARIAM		331 CLIPPER ST #1	3/26/16	
Lillian Johnson		300+322 Cumberland	3/26/16	
Elizabeth Kenter		650 Sanchez St	3/31/16	
RANCISSA TRADA		1348 Cumberland	3/31/16	
Greg Roberts		372 Cumberland St	3/31/16	
Justin H. Hedger		650 Sanchez St	3/31/16	
STEPHEN HUDNUT		396 CUMBERLAND	3/31/16	

**EXHIBIT O**



**Duboce Triangle Neighborhood Association**  
PMB # 301, 2261 Market Street, San Francisco, CA 94114  
(415) 295-1530 / [www.dtna.org](http://www.dtna.org)

May 20, 2016

San Francisco Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

**RE: 313-323 Cumberland Street, Planning Case 2013.1213CUA, Permit Application Nos. 2014.0627.9813 and 2014.0627.9820**

President Breed and Members of the Board of Supervisors:

On behalf of the Duboce Triangle Neighborhood Association ("DTNA"), I am writing to support the Motion to disapprove the decision of the Planning Commission by its Motion No. 19604, approving a Conditional Use Authorization identified in Permit Application Nos. 2014.0627.9813 and 2014.0627.9820 for a proposed project located at 313-323 Cumberland Street.

DTNA fully supports the appeal of the Dolores Heights Improvement Club and its authorized agent, the appellant Bruce Bowen in this matter.

We ask the Board of Supervisors to overturn the Conditional Use Authorization granted by the Planning Commission on March 31, 2016, for 313-323 Cumberland Street. Among other things, the project failed to meet the City's conditional use requirements to find that the proposed project is necessary or desirable for, and compatible with, the neighborhood or the community. The lot merger required by the project is unprecedented and removes a viable buildable lot, thus preventing the separate development of two moderately-sized independent homes with yards; when combined with the characteristics of the second unit (mostly underground, mostly behind the garage; a trend that is increasingly common in the City), the Commission's decision opens the door to more houses in the City that are unaffordable by design. Denial of the conditional use will not prevent housing development; on the contrary, it would allow the modest development of each lot with a stand-alone single family home of a size and scale consistent with the neighborhood.



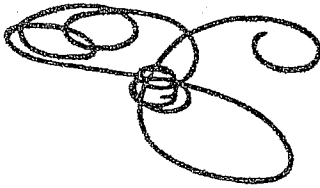
We believe the project's lot merger and sham second unit set dangerous precedents for neighborhood and City planning.

We join other District 8 Neighborhood Associations:

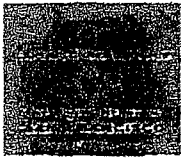
- The Dolores Heights Improvement Club;
- The Castro/Eureka Valley Neighborhood Association;
- The Liberty Hill Neighborhood Association and
- Protect Noe's Charm,

and ask that this project be denied its Conditional Use Authorization.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a final flourish on the right side.

Gary Weiss, Land Use Chair,  
Duboce Triangle Neighborhood Association



# CASTRO/EUREKA VALLEY NEIGHBORHOOD ASSOCIATION

The neighborhood association for the Castro, Upper Market and all of Eureka Valley since 1878

EVNA  
PO Box 14137  
San Francisco, CA 94114  
www.evna.org  
EVNA, a 501 (C)(4) Non-profit,  
Tax ID: 51-0141022  
Eureka Valley Foundation,  
a 501(C)(3) Non-profit,  
Tax ID: 26-0831195

EXECUTIVE COMMITTEE  
Crispin Hollings  
President  
Castro Street  
Scott Johnson  
Secretary  
19th Street  
James Moore  
Treasurer  
16th Street

COMMITTEE CHAIRS  
James Kelm  
Newsletter & Social Media  
Castro Village Wine Co.  
Jack Keating (Ex-Officio)  
Planning & Land Use  
17th Street  
Shelah Barr  
Quality of Life  
17th Street  
Mark McHale  
Social  
Vanguard Properties  
Orie Zaklad  
Technology & Marketing  
Collingwood Street

DIRECTORS:  
Patrick Crogan  
Market Street  
Tim Eicher  
Q Bar  
Mary Edna Harrell  
Castro Street  
Alan Beach-Nelson  
Castro Street  
Loic Olchon  
18th Street

EX OFFICIO DIRECTORS:  
Steve Clark Hall  
Webmaster  
19th Street  
Judith Hoyem  
Emeritus  
17th Street

March 17, 2016

San Francisco Planning Commissioners  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Conditional Use Permit: 323 Cumberland Street

Dear Commissioners,

The Planning and Land Use Committee of the Castro/Eureka Valley Neighborhood Association (EVNA) has reviewed the topic of a Conditional Use permit application for the property at 323 Cumberland Street.

The Dolores Heights Special Use District (DHSUD) code (<http://planning.sanfranciscocode.org/2/241/>) states:

*"to encourage development in context and scale with established character and landscape, there shall be a Dolores Heights Special Use District..."*

Added to the planning code by Ord. 286-80, App. 6/17/80.

The proposed project was within the guidelines of the DHSUD when the project sponsors bought the property and the adjacent vacant lot. This project, by its size of more than 8,600 square feet, does not meet the intent of the DHSUD.

Those two lots are zoned RH-1 and should get, at least, two single-family homes. The City needs more housing, not less. EVNA does not support the Conditional Use permit for this project on lot merger. Also, we ask that the Planning Commission deny this request for a Conditional Use permit.

Very truly yours,

Crispin Hollings  
President

**About Castro/Eureka Valley Neighborhood Association:**

Castro/ Eureka Valley Neighborhood Association (EVNA) is the oldest continuously operating Neighborhood Association in San Francisco established as Eureka Valley Promotion Association in 1878. For 135 years, our members have been working to make this neighborhood a great place to live, work and play. Today, we strive to preserve the unique character of our diverse neighborhood while maintaining a balance between prospering businesses and residential livability.

# Protect Noe's Charm

The neighborhood organization committed to fair planning for Noe Valley

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March 22, 2016

San Francisco Planning Commissioners  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: Conditional Use Authorization Hearing for 323 Cumberland Street

Members of the Planning Commission,

On behalf of Protect Noe's Charm (PNC) neighborhood organization, I am writing to you to express our deepest concerns regarding the proposed project at 313 and 323 Cumberland Street. Specifically, our concerns are as follows:

1. Given the radical changes recently proposed for this project, the 311 neighborhood notification should have been resent. The neighbors within the 150 foot radius of this project deserve to know that the Project Sponsor is now proposing to build two units on a property in RH-1 zoning district. This implies a change of the zoning district for the two subject properties from RH-1 to RH-2, which requires 311 neighborhood notification per Planning Department's own processes and procedures. The case report that will be presented at the Conditional Use authorization hearing on March 31, 2016 will be incomplete as it will NOT have potential new objections that could have come from the neighbors within the 150 foot radius of the 311 notification. This is a grave oversight on the part of the Planning Department.
2. Merging the two subject properties that are located in RH-1 zoning district to construct a supersized structure of 8000+ square feet does nothing to address the need for more affordable housing in San Francisco. If anything, it will contribute to the lack of available affordable homes in the City.
3. If the intent is to create more housing units, why not develop each subject property separately and in scale with established character of the block instead of merging the two? This is a dubious and disingenuous attempt to pass a supersized and out of scale house of well over 5500 square feet that will be only affordable to a tiny percentage of our population. At 933 square feet, the size of the garage alone is what routinely gets passed for new apartments in multi-unit complexes being developed all over the City.

# Protect Noe's Charm

The neighborhood organization committed to fair planning for Noe Valley

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4. The proposed structure, which is completely out of scale and out of character with the neighborhood will serve as a precedent for lot mergers citywide and in effect, will contribute to the loss of housing stock in the City.

That is why we urge you to deny the request for a Conditional Use permit.

Sincerely,

Ozzie Rohm

On behalf of the 200+ members of Protect Noe's Charm



Bruce Bowen <bruce.r.bowen@gmail.com>

---

## LHNA opposition to CU app for 323 Cumberland St.

---

Elizabeth Fromer <efromer3@gmail.com>

Mon, Mar 28, 2016 at 9:40 PM

To: planning@rodneymong.com, dennis Richards <dennis.richards@sfgov.org>, wordweaver21@aol.com, richhillissf@yahoo.com, "christine.d.johnson@sfgov.org" <christine.d.johnson@sfgov.org>, mooreurban@aol.com, cwu.planning@gmail.com

Dear President Fong and Members of The Planning Commission:

The Liberty Hill Neighborhood Association strenuously opposes the Conditional Use Application for 323 Cumberland Street which is on your upcoming agenda this coming Thursday, March 31, 2016.

We firmly support the well-reasoned positions taken by the Dolores Heights Improvement Club (DHIC - e-mail from Caroline Kenady dated February 1, 2016), the Castro/Eureka Valley Neighborhood Association (EVNA) (letter to the Planning Commission dated March 17, 2016) and the most recent letter from Protect Noe's Charm (from Ozzie Rohm, dated March 22, 2016).

We find no need to repeat the many well-researched reasons put forward in the above statements. But we join with these neighborhoods in requesting that you deny the Conditional Use application for this project and lot merger.

Liberty Hill is both a neighborhood and an Historic Preservation District. We've experienced first-hand the unfortunate consequences when neighbors are ignored at multiple hearings and buildings are approved that are way too big and completely out of character with the rest of the neighborhood. Every inappropriate structure chips away at our communities by adding to the social and economic inequality we now experience. Similarly, every such approval destroys the wonderful aesthetic and attention to detail that has given so many San Francisco neighborhoods worldwide respect for their architectural interest and design.

Once again, we emphatically oppose this project and request that you deny the Conditional Use Authorization for the 323 Cumberland project.

Dr. Elizabeth Fromer  
President  
Liberty Hill Neighborhood Association (LHNA)  
efromer3@gmail.com  
(415) 826-5334

Carolyn Kenady <carolynkenady@gmail.com> Tue, Mar 29, 2016 at 8:20 PM

To: planning@rodneymong.com, Dennis Richards <dennis.richards@sfgov.org>, wordweaver21@aol.com, richhillissf@yahoo.com, christine.d.johnson@sfgov.org, mooreurban@aol.com, cwu.planning@gmail.com

Dear President Fong and Planning Commissioners,

The Dolores Heights Improvement Club (DHIC) sent you the email below on the February 1 to state our opposition to the 8000+ sf proposal at 323 Cumberland Street. Because the proposal has been slightly modified, we are writing to clarify that we are still opposed to this project. The new expanded second unit is no more usable or authentic than the previous 600 sf studio. It is in the basement- up against the real unit's laundry room and appliances and the garage and garage door. Most of the unit is completely subterranean and will not get any direct sunlight (indirect light is limited via two trenches).

The building still contains over 8,000 sf, which is many times the size of not just the average size of homes in this neighborhood but of every building in this neighborhood. Even homes on the very few existing wide lots are in the 2000- to 3000- sf range.

Dolores Heights is one of five areas named as an "outstanding and unique area" in the San Francisco General Plan. Policy 2.2 recommends that the City "[r]ecognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character." It describes what makes Dolores Heights so unique: "a uniform scale of buildings, mixed with abundant landscaping in yards and steep street areas. Rows of houses built from nearly identical plans that form complete or partial block frontages, arranged on hillside streets as a stepped-down series of flat or gabled roofs. Building setbacks with gardens set before Victorian facades and interesting entryways." In 1980 the Board of Supervisors created a Special Use District (Section 241 of the City Planning Code) to protect the unique character and scale of Dolores Heights.

This is not a Discretionary Review case, in which the neighborhood has to prove extraordinary circumstances. It is a conditional use in which the sponsor must prove that the lot merger and 8000+sf building is necessary or desirable and compatible with the neighborhood. These standards cannot be met by any objective measure.

The existing two-lot configuration provides for two single-family, standalone homes, which is what the RH-1 zoning district is intended to promote.

DHIC joins with Castro/Eureka Valley Neighbors Association (letter also attached), Protect Noe Valley's Charm, Liberty Hill Neighborhood Association, and many families in the neighborhood, who were involved in the special designation of the Dolores Heights Special Use District, to oppose this project. We ask you to vote an intent to disapprove on Thursday and bring the disapproval motion back in two weeks so that the action is settled before the appeal period expires.

Sincerely,

Carolyn Kenady  
Chair, Planning & Land Use Committee  
Dolores Heights Improvement Club

3632 21st Street  
San Francisco, CA 94114

carolynkenady@gmail.com

From: **Carolyn Kenady** <carolynkenady@gmail.com>

Date: Mon, Feb 1, 2016 at 6:39 PM

Subject: Dolores Heights Improvement Club (DHIC): opposition to Conditional Use application for 323 Cumberland Street

To: planning@rodneymong.com, Dennis Richards <dennis.richards@sfgov.org>, wordweaver21@aol.com, richhillissf@yahoo.com, christine.d.johnson@sfgov.org, mooreurban@aol.com, cwu.planning@gmail.com

Dear President Fong and Planning Commissioners:

I am writing on behalf of the Board of Directors of the Dolores Heights Improvement Club, which represents the residents of the Dolores Heights area from Church Street to Castro Streets and 19<sup>th</sup> to 22<sup>d</sup> Streets. We respectfully ask you to disapprove the conditional use application at 323 Cumberland Street on your agenda this Thursday, February 4th.

The proposed project seeks to demolish one existing 890 square foot small home, merge that lot with a vacant, buildable lot, and construct one huge house – listed as 8373 square feet in the sponsors' Conditional Use application. Originally, the project proposed to build a single housing unit. Then two years after the project was proposed, the sponsors added a small and awkwardly-situated basement studio. This unit, which clearly will never be purchased or rented, was added in late 2015 to address one of the many issues we and a host of neighbors have raised.

We oppose the project for the following reasons:

- 1) The **demolition** of the existing home violates General Plan Objective 2 of the Housing Element: "Retain Existing Housing Units." Every time the Commission approves the demolition of sound and affordable housing it pushes home affordability further out of the reach of existing San Francisco families and changes the visual character of the neighborhood. What is the point of having this policy in the General Plan if it is routinely ignored?
- 2) The **merging** of two standard-sized RH-1 lots ensures that two stand-alone homes for families – homes with yards and which will each be available for purchase – will never be possible for this site again.
- 3) The **scale** of the proposed home is out of place in this neighborhood. At over 8,000 sf, including garage, it would be almost three times the size of the average home on the block, and significantly larger than any home in Dolores Heights. The SF Planning Department's Residential Guidelines state "design the scale of the building to be compatible with the height and depth of surrounding buildings." At four floors (one partially below grade), the building will loom over the two neighboring homes. The Dolores Heights Residential Design Guidelines also recommend that new buildings on double lots be limited to 3,847.5 square feet of interior living area. The proposed building greatly exceeds this guideline.
- 4) The **size** of the new home will render it unaffordable to 99.9% of all families currently residing in San Francisco. The modification a few weeks ago to add a tiny second unit in the basement of the proposed home does not create a viable second dwelling unit for a family.

As a conditional use, this project must be proven to necessary or desirable AND compatible with the neighborhood AND in compliance with General Plan policies. This project meets none of these required findings.

Conditional use applications for a second unit in an RH-1 zoning district are appropriate for long-extant large lots that because of street frontage width do not qualify for



subdivision into two standard-sized lots. We ask that you not support a proposal that misuses this code section to justify the loss of a buildable lot and construction of a monster house that so violates the context and character of this narrow street and of Dolores Heights.

The proposed project will have an extraordinary impact on our neighborhood, "an outstanding and unique area" with a steep topography and irregular pattern of streets, stairways, and buildings. The Dolores Heights neighborhood provides San Franciscans and visitors with access to stunning public views of the City and the Bay at every street and corner. The sponsors have told neighbors that they purchased the property because they love Dolores Heights. Yet they propose a structure that is wholly incompatible with the neighborhood and would be more fitting in a neighborhood with large residential buildings such as Pacific Heights.

Disapproval of the conditional use by the Commissioners can result in a code-compliant project that does not require conditional use. We propose that the sponsors create a modest addition to the existing single-family home and, on the vacant adjacent lot, construct a new home in a scale and style compatible with the neighborhood which could provide rental income and/or more importantly viable housing for an additional family.

Sincerely,

Carolyn Kenady  
Chair, Planning & Land Use Committee  
Dolores Heights Improvement Club

3632 21st Street  
San Francisco, CA 94114

[carolynkenady@gmail.com](mailto:carolynkenady@gmail.com)

## Carroll, John (BOS)

---

**From:** SF Docs (LIB)  
**Sent:** Tuesday, May 31, 2016 7:59 AM  
**To:** Carroll, John (BOS)  
**Subject:** RE: Please Post Hearing Notice

**Categories:** 160527

Hi John,

I have posted the hearing notices.

Thank you,

Michael

**From:** Carroll, John (BOS)  
**Sent:** Friday, May 27, 2016 4:20 PM  
**To:** SF Docs (LIB)  
**Cc:** BOS Legislation, (BOS)  
**Subject:** Please Post Hearing Notice

Good afternoon,

Please post the attached hearing notices for public review.

160527 - Hearing - Appeal of Conditional Use Authorization - 313-323 Cumberland Street

Thanks so much,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)



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## Carroll, John (BOS)

---

**From:** BOS Legislation, (BOS)  
**Sent:** Friday, May 27, 2016 4:42 PM  
**To:** 'bruce.r.bowen@gmail.com'; 'info@doloresheights.org'; 'Tara N. Sullivan'; 'tcatalano@reubenlaw.com'; 'shaughey@reubenlaw.com'; 'James Reuben'; 'Gary Weiss'  
**Cc:** Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlana (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS); Jackson, Erika; Lew, Lisa (BOS); Jalipa, Brent (BOS)  
**Subject:** Hearing Notice - Conditional Use Appeal - 313-323 Cumberland Street - Appeal Hearing on June 7, 2016  
**Categories:** 160527

Good afternoon,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order on **June 7, 2016, at 3:00 p.m.**, to hear an appeal of the Certification of a Conditional Use Authorization for the proposed project at 313-323 Cumberland Street, filed by Bruce Bowen, on behalf of the Dolores Heights Improvement Club.

**Please find the following link to the hearing notices for the matter:**


[June 7, 2016 - Board of Supervisors - 313-323 Cumberland Street Appeal](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 160527](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

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BOARD of SUPERVISORS



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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2016 MAY 27 AM 11:26

BY

PROOF OF MAILING

Legislative File No. 160527 - Hearing - Appeal of Conditional Use Authorization -  
313-323 Cumberland Street  
Hearing Notices - English - Spanish - Chinese - 207 Copies

Description of Items: Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 207, 209.1, 303, and 317, for a proposed project at 313-323 Cumberland Street, Assessor's Parcel Block No. 3601, Lot Nos. 043 and 044, identified in Permit Application Nos. 2014.0627.9813 and 2014.0627.9820, issued by the Planning Commission by Motion No. 19604 dated March 31, 2016, to demolish a single-family structure and construct a new two-family structure on a 5,700 square-foot lot within an RH-1 (residential house, one-family) Zoning District, a 40-X Height and Bulk District, and the Dolores Heights Special Use District. (District 8) (Appellant: Bruce Bowen, on behalf of the Dolores Heights Improvement Club) (Filed May 2, 2016).

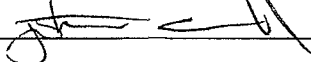
I, John Carroll, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: May 27, 2016

Time: 11:25 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

BOARD of SUPERVISORS



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

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

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

**Date:** Tuesday, June 7, 2016

**Time:** 3:00 p.m.

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

**Subject:** **File No. 160527.** Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 207, 209.1, 303, and 317, for a proposed project at 313-323 Cumberland Street, Assessor's Parcel Block No. 3601, Lot Nos. 043 and 044, identified in Permit Application Nos. 2014.0627.9813 and 2014.0627.9820, issued by the Planning Commission by Motion No. 19604 dated March 31, 2016, to demolish a single-family structure and construct a new two-family structure on a 5,700 square-foot lot within an RH-1 (residential house, one-family) Zoning District, a 40-X Height and Bulk District, and the Dolores Heights Special Use District. (District 8) (Appellant: Bruce Bowen, on behalf of the Dolores Heights Improvement Club) (Filed May 2, 2016).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, June 3, 2016.

*Reggie Nevins*  
for Angela Calvillo  
Clerk of the Board

BOARD of SUPERVISORS



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

## NOTIFICACIÓN DE AUDIENCIA PÚBLICA

### JUNTA DE SUPERVISORES DE LA CIUDAD Y CONDADO DE SAN FRANCISCO

SE NOTIFICA POR LA PRESENTE que la Junta de Supervisores de la Ciudad y Condado de San Francisco celebrará una audiencia pública para considerar la siguiente apelación y dicha audiencia pública se celebrará de la siguiente manera, en tal momento que todos los interesados podrán asistir y ser escuchados:

**Fecha:** Martes, 7 de junio de 2016

**Hora:** 3:00 p. m.

**Lugar:** Cámara Legislativa, Sala 250 del Ayuntamiento  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Asunto:** Expediente Núm. 160527. Audiencia para personas interesadas en o que se oponen a la certificación de una Autorización de Uso Condicional según las Secciones 207, 209.1, 303, y 317 del Código de Planificación, para un proyecto propuesto situado entre 313-323 de la Calle Cumberland, Parcela de Manzana Núm. 3601, Lote Núm. 043 y 044, identificado en la Solicitud de Permiso Núm. 2014.0627.9813 y 2014.0627.9820, emitido en la Moción Núm. 19604 de la Comisión de Planificación, fechado el 31 de marzo de 2016, para demoler una estructura unifamiliar y construir una nueva estructura familiar de dos unidades en un lote de 5,700 pies cuadrados dentro de un Distrito de Zonificación RH-1 (casa residencial, unifamiliar); un Distrito de Altura y Tamaño 40-X y el Distrito de Uso Especial Dolores Heights. (Distrito 8) (Apelante: Bruce Bowen, en nombre de Dolores Heights Improvement Club) (Presentado el 2 de mayo de 2016).

*Reggy Nevin*  
for Angela Calvillo  
Secretaria de la Junta

FECHADO/ENVIADO/PUBLICADO: 27 de mayo de 2016



公聽會通知

三藩市市及縣市參事委員會

- 日期: 2016年6月7日星期二
- 時間: 下午3時
- 地點: 市政廳, 立法會議廳 250 室, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102
- 議題: 檔案號碼 160527。聆訊感興趣或反對人士, 對依據規劃法規第 201、209.1、303及317條, 作出條件性使用授權 (Conditional Use Authorization) 核證這一議題的意見, 即對許可證申請編號 2014.0627.9813與2014.0627.9820上所標明的位於Cumberland街313-323號, 評估批地街區編號3601、地段編號043和044上的建議工程進行相關核證, 於2016年3月31日, 由規劃委員會通過動議No. 19604簽發該許可證, 擬在RH-1 (單戶型住宅) 劃分區及40-X高度與地積比率區及Dolores Height特別用途區內面積為5,700平方英尺的地段上拆卸一個單戶型構築物並建造一個新的雙戶型構築物。(第8選區)(上訴人: Bruce Bowen, 代表Dolores Heights改進群益會)(於2016年5月2日已提交)。

*Reggy Nevins*  
for Angela Calvillo  
市參事委員會書記

日期/郵寄/張貼: May 27, 2016

## **Carroll, John (BOS)**

---

**From:** Carroll, John (BOS)  
**Sent:** Wednesday, May 11, 2016 10:45 AM  
**To:** bruce.r.bowen@gmail.com; info@doloresheights.org; Tara N. Sullivan; tcatalano@reubenlaw.com  
**Cc:** Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Rahaim, John (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Ionin, Jonas (CPC); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS); Carroll, John (BOS); Jackson, Erika; Lew, Lisa (BOS); Jalipa, Brent (BOS)  
**Subject:** Conditional Use Appeal - 313-323 Cumberland Street - Appeal Hearing on June 7, 2016  
**Categories:** 160527

Good morning,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **June 7, 2016, at 3:00 p.m.** Please find linked below a letter of appeal filed against the proposed project at 313-323 Cumberland Street, as well as direct links to the City Surveyor's determination of the sufficiency of the filing signatures for the appeal, and an informational letter from the Clerk of the Board.

[Clerk of the Board Letter - May 11, 2016](#)

[City Surveyor Memo - May 10, 2016](#)

[Conditional Use Appeal Letter - May 2, 2016](#)

I invite you to review the entirety the matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 160527 - Conditional Use Appeal Hearing](#)

Thank you,

**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

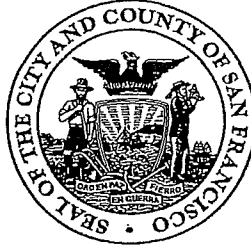
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BOARD of SUPERVISORS



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

May 11, 2016

Bruce Bowen  
Dolores Heights Improvement Club  
4016 20th Street  
San Francisco, CA 94114

**Subject: Appeal of Conditional Use Authorization - 313-323 Cumberland Street**

Dear Mr. Bowen:

The appeal filing period for the Conditional Use approval for the proposed project at 313-323 Cumberland Street closed on Monday, May 2, 2016. As you know, the Conditional Use appeal was filed with the subscription of five members of the Board of Supervisors, and therefore meets the filing requirements of Planning Code, Section 308.1.

The City and County Surveyor has informed the Board of Supervisors in a letter received May 10, 2016, (copy attached), that the signatures represented with your appeal of May 2, 2016, have been checked pursuant to the Planning Code, and represent owners of more than 20% of the property involved and would be sufficient for an appeal.

Pursuant to Planning Code, Section 308.1, a hearing date has been scheduled for **Tuesday, June 7, 2016, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by noon:

**20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

**11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.


For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and two copies of the documentation for distribution.

Continues on next page

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact John Carroll, Legislative Clerk, at (415) 554-4445.

Very truly yours,

  
Angela Calvillo  
Clerk of the Board

- c: Tuija Catalano, Reuben, Junius & Rose, LLP, Project Sponsor
- Jon Givner, Deputy City Attorney
- Kate Stacy, Deputy City Attorney
- Marlena Byrne, Deputy City Attorney
- John Rahaim, Planning Director
- Scott Sanchez, Zoning Administrator, Planning Department
- Sarah Jones, Planning Department
- Aaron Starr, Planning Department
- AnMarie Rodgers, Planning Department
- Erika Jackson, Planning Department
- Jonas Ionin, Planning Commission Secretary



Edwin M. Lee  
Mayor

Mohammed Nuru  
Director

Fuad Sweiss  
Deputy Director and City Engineer

Jerry Sanguinetti  
Bureau of Street Use & Mapping  
Manager

Bruce R. Storrs P.L.S.  
City and County Surveyor

Bureau of Street Use & Mapping  
1155 Market St., 3<sup>rd</sup> floor  
San Francisco, CA 94103  
tel: (415) 554-5827  
[subdivision\\_mapping@sfdpw.org](mailto:subdivision_mapping@sfdpw.org)

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://www.facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

May 09, 2016

Ms. Angela Calvillo  
Clerk of the Board  
1 Dr. Carlton B. Goodlet Place  
City Hall – Room 244  
San Francisco, CA 94102

RE: 313-323 Cumberland Street  
Lots 043-044 of Assessor's Block 3601  
Appealing Planning Commissions Approval of  
Conditional Use Application No. 2013.1213CUA

Dear Ms. Calvillo:

This letter is in response to your May 6, 2016 request for our Department to check the sufficiency of the signatures with respect to the above referenced appeal.

Please be advised that per our calculations the appellants' signatures represent 27.77% of the area within the 300 foot radius of the property of interest; which is more than the minimum required 20% of the area involved and is therefore sufficient for appeal.

If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce R. Storrs".

Bruce R. Storrs  
City & County Surveyor

## **Carroll, John (BOS)**

---

**From:** Mapping, Subdivision (DPW)  
**Sent:** Tuesday, May 10, 2016 1:48 PM  
**To:** Carroll, John (BOS)  
**Cc:** Rivera, Javier (DPW); Somera, Alisa (BOS); Storrs, Bruce (DPW); Calvillo, Angela (BOS); Mapping, Subdivision (DPW)  
**Subject:** RE: Conditional Use Appeal - 313-323 Cumberland Street - Verification of Signatures  
**Attachments:** Response to Board.pdf  
  
**Categories:** 160527

Hello John,

Please see the attached file regarding with the outcome of the above-mentioned subject matter. Thank you.

Sincerely,



Michael L. Abella, P.E.  
Survey Assistant I

Bureau of Street Use and Mapping | San Francisco Public Works | City and County of San Francisco  
1155 Market Street, 3rd Floor | San Francisco, CA 94103 | (415) 554-5794 | [sfpublicworks.org](http://sfpublicworks.org) · [twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

**From:** Carroll, John (BOS)  
**Sent:** Friday, May 06, 2016 3:00 PM  
**To:** Storrs, Bruce (DPW) <bruce.storrs@sfdpw.org>  
**Cc:** Sanguinetti, Jerry (DPW) <jerry.sanguinetti@sfdpw.org>; Rivera, Javier (DPW) <javier.rivera@sfdpw.org>; Bergin, Steven (DPW) <steven.bergin@sfdpw.org>; Givner, Jon (CAT) <jon.givner@sfgov.org>; Stacy, Kate (CAT) <kate.stacy@sfgov.org>; Jones, Sarah (CPC) <sarah.b.jones@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Byrne, Marlina (CAT) <marlena.byrne@sfgov.org>; Jackson, Erika <erika.jackson@sfgov.org>; Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>; Lew, Lisa (BOS) <lisa.lew@sfgov.org>  
**Subject:** Conditional Use Appeal - 313-323 Cumberland Street - Verification of Signatures

Good afternoon, Mr. Storrs,


The Office of the Clerk of the Board has tentatively scheduled an appeal hearing for a Special Order before the Board on June 7, 2016, at 3:00 p.m. The appeal was filed by Bruce Bowen on behalf of the Dolores Heights Improvement Club, concerning the Conditional Use Authorization for 313-323 Cumberland Street.

Attached please find the appeal filing packet, and a letter requesting verification of signatures submitted with the appeal filing.

Thank you,

John Carroll  
Legislative Clerk

Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[ann.carroll@sfgov.org](mailto:ann.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

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Mayor

Mohammed Nuru  
Director

Fuad Sweiss  
Deputy Director and City Engineer

Jerry Sanguinetti  
Bureau of Street Use & Mapping  
Manager

Bruce R. Storrs P.L.S.  
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[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://www.facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

May 09, 2016

Ms. Angela Calvillo  
Clerk of the Board  
1 Dr. Carlton B. Goodlet Place  
City Hall – Room 244  
San Francisco, CA 94102

RE: 313-323 Cumberland Street  
Lots 043-044 of Assessor's Block 3601  
Appealing Planning Commissions Approval of  
Conditional Use Application No. 2013.1213CUA

Dear Ms. Calvillo:

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If you have any questions concerning this matter, please contact Mr. Javier Rivera of my staff at 554-5864.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce R. Storrs".

Bruce R. Storrs  
City & County Surveyor

## Carroll, John (BOS)

---

**From:** Carroll, John (BOS)  
**Sent:** Friday, May 06, 2016 3:00 PM  
**To:** Storrs, Bruce (DPW)  
**Cc:** Sanguinetti, Jerry (DPW); Rivera, Javier (DPW); Bergin, Steven (DPW); Givner, Jon (CAT); Stacy, Kate (CAT); Jones, Sarah (CPC); Sanchez, Scott (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Calvillo, Angela (BOS); BOS Legislation, (BOS); Carroll, John (BOS); Somera, Alisa (BOS); BOS-Supervisors; BOS-Legislative Aides; Byrne, Marlana (CAT); Jackson, Erika; Jalipa, Brent (BOS); Lew, Lisa (BOS)  
**Subject:** Conditional Use Appeal - 313-323 Cumberland Street - Verification of Signatures  
**Attachments:** Appeal Ltr 050216.pdf; COB Ltr 050616.pdf

Good afternoon, Mr. Storrs,

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Attached please find the appeal filing packet, and a letter requesting verification of signatures submitted with the appeal filing.

Thank you,

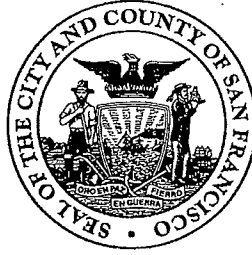
**John Carroll**  
**Legislative Clerk**  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

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San Francisco 94102-4689  
Tel. No. 554-5184  
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TDD/TTY No. 544-5227

May 6, 2016

Bruce R. Storrs  
City and County Surveyor, Public Works  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

**Planning Case No. 2013.1213CUA  
313-323 Cumberland Street - Conditional Use Authorization Appeal**


Dear Mr. Storrs:

The Office of the Clerk of the Board is in receipt of an appeal filed by Bruce Bowen, on behalf of the Dolores Heights Improvement Club, of the decision of the Planning Commission by its Motion No. 19604 dated March 31, 2016, relating to the approval of a Conditional Use Authorization (Case No. 2013.1213CUA) pursuant to Planning Code, Sections 207, 209.1, 303 and 317, for a proposed project located at:

313-323 Cumberland Street, Assessor's Block No. 3601, Lot Nos. 043-044

By copy of this letter, the City and County Surveyor is requested to determine the sufficiency of the signatures in regard to the percentage of the area represented by the appellant. Please submit a report not later than 5:00 p.m., on Monday, May 9, 2016, to give us time to prepare and mail out the hearing notices, as the Board of Supervisors has tentatively scheduled the appeal to be heard on June 7, 2016, at 3:00 p.m.

Sincerely,

  
Angela Calvillo  
Clerk of the Board

c:  
Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping  
Javier Rivera, Public Works  
Steve Bergin, Public Works  
Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Marlena Byrne, Deputy City Attorney  
Sarah Jones, Planning Department  
Scott Sanchez, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Erika Jackson, Planning Department



# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

use check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Clerk of the Board

**Subject:**

Hearing - Appeal of Conditional Use Authorization - 313-323 Cumberland Street

**The text is listed below or attached:**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 207, 209.1, 303, and 317, for a proposed project at 313-323 Cumberland Street, Assessor's Parcel Block No. 3601, Lot Nos. 043 and 044, identified in Permit Application Nos. 2014.0627.9813 and 2014.0627.9820, issued by the Planning Commission by Motion No. 19604 dated March 31, 2016, to demolish a single-family structure and construct a new two-family structure on a 5,700 square-foot lot within an RH-1 (residential house, one-family) Zoning District, a 40-X Height and Bulk District, and the Dolores Heights Special Use District. (District 8) (Appellant: Bruce Bowen, on behalf of the Dolores Heights Improvement Club) (Filed May 16).

Signature of Sponsoring Supervisor:

*Ally Jomea*

For Clerk's Use Only:

*for*