

File No. 140355

Committee Item No. _____

Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date _____

Board of Supervisors Meeting

Date June 3, 2014

Cmte Board

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| <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 |
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Response 04/29/2014</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Application for parcel map</u> |
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Completed by: John Carroll Date May 29, 2014

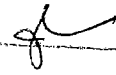
Completed by: _____ Date _____

Jeremy Herzog
653 Fell St.
San Francisco, CA 94102

Tel: 206-303-8842
email: herzog.jer@
gmail.com

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2014 APR -9 PM 4:56



Board President David Chiu and Board of Supervisors
Clerk of the Board of Supervisors
City of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Notice of Appeal of Dept. of Public Works approval of
Subdivision Map For Block 0829 Lot 024 Address of
653-655 Fell St.

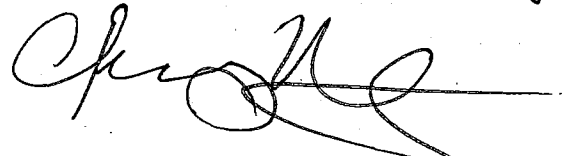
Dear President Chiu and Supervisors:

I, Jeremy D. Herzog, tenant of 653 Fell St
in San Francisco, CA, hereby appeal this DPW
approval.

Plans for this sub-division have not been shared with
me and I would like further time to research the matter.
Thank you for your attention to this matter.

Sincerely,

Jeremy D. Herzog


9th April 2014



Edwin M. Lee, Mayor
Mohammed Nuru, Director
Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering



Phone: (415) 554-5827
Fax: (415) 554-5324
www.sfdpw.org
E mail: Subdivision.Mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor
1155 Market Street, 3rd Floor
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: April 8, 2014

THIS IS NOT A BILL.

The City and County Surveyor has approved a tentative map for a proposed subdivision located at:

Address	Block	Lot
653 – 655 Fell Street	0829	024

This subdivision will result in:

2 Lot Subdivision

This notification letter is to inform you of your right to appeal this tentative approval.

IF YOU WOULD LIKE TO FILE AN APPEAL OF THE TENTATIVE APPROVAL:

You must do so in writing with the Clerk of the Board of Supervisors within ten (10) days of the date of this letter along with a check in the amount of \$290.00, payable to the Department of Public Works.

The Clerk of the Board is located at: City Hall of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184

If you have any questions on this matter, please call us at (415) 554 – 5827 or email:
Subdivision.Mapping@sfdpw.org.

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor
City and County of San Francisco

Dear Honorable Members of the Board of Supervisors,

Thank you for hearing my appeal regarding the unjust and ill-conceived proposed subdivision of 653-655 Fell Street, which would quite literally mean approving the destruction of six feet off the back of my home, the loss of my backyard and so much more. I sincerely appreciate you continuing this matter so that I can more clearly inform you of the issues at hand, and how they are not in the interest of the neighborhood, City or myself, as a tenant and contract holder for real property.

Briefly, I do wish to convey my regret that I did not know to offer information earlier to the Board. I have never appealed a municipal action before, much less contemplated appearing before the Board of Supervisors, nor what information the Board would have or not have in such a hearing situation. I hope this document will be concise, out of respect for your valuable time, as well as fully informative on this matter. In the event that you have any questions at all, I would be grateful to be allowed the opportunity to discuss further with you, or your staff. My contact information follows:

Jeremy Herzog
653 Fell Street
San Francisco, CA 94102
(206) 303 - 8842 (mobile)

Thank you in advance for your time and that of your staff in considering this matter.

Very Truly Yours,

Jeremy Herzog

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
JUL 19 20 11 4: 55
h

Executive Summary:

- The proposed subdivision will not just subdivide land; it will cause the removal of six feet of my home. I do not wish to lose this area nor do I wish any modifications to my home or the area I lease. By approving this sub-division, the City of San Francisco would be approving the removal of part of my home and cause me injury.
- The lease I hold, as well as physical evidence, gives me exclusive use of the back room, as well as the backyard. RWW misunderstands or misstates the lease to which I am a party, which they assumed. I pay utilities for the back room; whereas if it were a common space RWW would pay the utilities.
- RWW also misstates the nature of the space- it is not a shed, not even close. It is plumbed, has electric and gas, carpeting and permanent fixtures. It is a finished room that I actively use (see photos in Appendix B).
- The proposed subdivision will reduce the space I have leased for a private backyard. I do not wish my backyard to be reduced.
- The proposed subdivision would essentially draw a line through the area that I have leased.
- Sunlight will be reduced to my unit and south-facing windows will be removed.
- The subdivision is not in the spirit of the General Plan and conflicts with Policy 11.1.
- The city of San Francisco, as a third party, will change the definition of the premises I have leased and cause me real damage if it approves this subdivision.
- DPW has failed to establish effective justification for the granting of variances in five of its findings concerning this lot subdivision. I dispute their findings in detail in this document.
- The injury caused by the project outweighs any benefits.
- RWW misled me as to the true nature of their project. I seek relief in this appeal.

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Background Information:

I have been a resident of 653 Fell Street for 4 years, since 2011. I have lived in the city since 2006, where I have worked at both UCSF Children's Hospital and Oakland Children's Hospital as a medical technician. I came to this city first on a travel contract, and after only a few weeks, I had fallen in love with San Francisco, and have never left. My home on Fell Street is the ground floor unit of a 2-unit building; the second unit (655 Fell) is on the second floor of the building. My unit is a two bedroom, one bath unit.

When I moved in, the original private owner, Erma Encinas, owned the building. In 2012, I received a notice that the building had been foreclosed upon and sold at auction. I was very surprised (a theme that may prove to be recurring in this document). The building was purchased by an LLC based in Oakland, CA: RWW Properties, LLC. A representative of RWW contacted me a few weeks after the property was acquired. Very professional, very routine; they told me this was one of their first properties in San Francisco and we seemed to start a friendly relationship, much like I enjoyed with Erma.

In the late summer of 2013, a representative of RWW contacted me to request access to my apartment to place a "permit" in my window (which was actually a "notice"). I asked what it was about and was told they wanted to "split" the lot, so that they could build a small house where the standalone three-car garage (a completely separate structure from the house, and on the other side of the backyard). Building a new building where there was already a building standing, seemed non-invasive to me, in the way it was presented.

Instead, as I have learned this year, the sub-division was not really a permit to build another building, but actually a request for the City of San Francisco to approve plans to tear off the back of my house and remove most of my developed and contractually leased backyard. To be clear, I was given a white-washed, misleading story about the nature of the notice, which very specifically focused on convincing me that the development/subdivision would be on the other side of the lot, when, in fact, it will intrude and tear off part of my home. In this document, I will illustrate, the neighborhood and City will not benefit from this sub-division, it is, in fact, in conflict with priorities of the City, and furthermore, the rationale used by the SF DPW to approve *extraordinary* variances is, at best, flawed and not in harmony with our City's General Plan.

After the posted notice was removed last year, I heard nothing about the matter until April 9th, 2014. On that day, I received a letter dated April 8th, from Bruce Storrs. In this letter, Mr. Storrs advised me that a tentative sub-division had

been approved and I had 10 days to appeal. I filed an appeal on the very same day I received the letter. And, while not actually germane to the appeal, since RWW has cast some question as to why I didn't contact them first, I appealed as soon as I got the letter because on April 9 (day after the letter was received) I would take a red eye to Europe for a wedding and would be gone two weeks: I had to get the appeal filed or miss the appeal window.

CAUSES FOR APPEAL OF SUBDIVISION

If the Board will kindly take notice of File #140355, for Planning Case No. 2013.07128, the case file for this appeal, the Board will see the details of the request for the subdivision they are asked to approve.

Reduction of My Home by SIX FEET

In filings, RWW Properties swore the following the following to the City (emphasis in bold):

Said Restrictions consist of conditions attached to a variance granted by the Zoning Administrator of the City and County of San Francisco on January 6, 2014 (Case No. 2013.0712V, to subdivide a through lot containing a two-unit building fronting on Fell Street and a garage fronting on Hickory Street. **The existing structure fronting on Fell Street will be reduced by approximately six feet in depth at the rear.**

As the Board will take note, RWW's filing for subdivision is not just subdivision of raw land. In practice, the city does consider subdivision requests, but those subdivision requests, so far as I can determine, typically involve the subdivision of lots by affecting raw land contained within them. However, in this case, RWW has proposed to go **far** beyond dividing the raw land on the lot, such that the subdivision would require the **demolition** of six feet of depth of my home. They literally will chop off the back of my house if this is approved. By approving this subdivision, the City of San Francisco would be approving the removal of part of my home. Furthermore, as evidenced in Appendix A, a letter from my upstairs neighbors in 655 Fell, the proposed area to be demolished is area to which my lease allowed exclusive use. Action by the City to approve this subdivision would irreversibly alter my contract for lease of real property that I entered into with the landlord, and which RWW has legally assumed. Please, please do not approve this subdivision, and, in doing so, remove part of my home.

Reduction of Private Open Usable Space

Similar to the back of my house being removed, the proposed subdivision

will also remove a substantial portion of my backyard, which is private open, usable space. A key reason for my interest in this home was to have a nice backyard. Because I have acted upon reliance of the terms of my rent-controlled lease— which will allow me to remain a resident for many years to come— I developed the backyard with the approval of the original owner. While recognizing that tenant improvements may be at the risk of the tenant, a tenant can reasonably rely upon rent control allowing one to remain at a certain premises for a length of time. A tenant may similarly rely on a contract granting exclusive use to a private open, usable space to feel confident in making an investment in that space. Upon reliance on both of the above, I entered into my lease and have developed the open space. However, RWW, through their proposed subdivision filing, wishes to:

- Terminate my right to exclusive use of my backyard;
- Divide the backyard currently afforded by my lease across two lots, the newer of which would not be defined in my lease (further discussion in next section);
- Diminish the backyard afforded to my residence to be less than that required by *Planning Code Section 135*
- Create a backyard for the new lot that would be **80% LESS** (to be 3 feet, required is at least 15 feet) than that which the planning code requires. This almost certainly suggests that the private open, usable space to which I am currently entitled would be encroached upon by any user of development on the new lot;
- Receive a variance from DPW to deviate from the *Planning Code Section 134* to have these extraordinary open spaces with such shallow depths.

In fact, RWW wishes to make my backyard smaller, then use a piece of it to create a FAR too small backyard for a new lot/home, which would ultimately lead to conflict and not enough open space for all residents. Please do not approve this subdivision and remove my contractually guaranteed open space. Please do not approve this subdivision and create a drastic shortage of open space on the newly proposed lot.

Proposed Subdivision Substantively Alters Lease Contract

I entered into a contract to lease real property at 653 Fell Street. The premises I contracted to lease include the 2-bedroom, 1-bath unit and the private backyard adjacent to the unit, as well as the back room that RWW proposes to demolish.

The proposed subdivision would essentially draw a line through the area which I have leased. Even if RWW were to “respect” my lease rights, the subdivision would cause an irrevocable ambiguity upon the contract because the contract defines the premises to be lease as 653 Fell Street. The subdivision will create a new address for part of these premises, that will not be addressed as 653 Fell Street. Therefore, approval of this subdivision will mean that the City, as a third party, will

change the definition of the premises I have leased and cause me real damages. **The City may incur some level of liability for any approval of this plan**, which would knowingly alter a contract.

Finding 1 of DPW is Defective

In the first finding, DPW found (emphasis added in bold):

That there are **exceptional or extraordinary circumstances applying to the property** involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

DPW justified this finding by the following:

The subject block is bifurcated by Hickory Street with lots on its north and south sides. The subject property is located on the north side of Hickory Street. Many lots on the south side of Hickory Street, directly across from the subject property, as well as the property immediately adjacent and to the west at 663 Fell Street, were subdivided and developed with buildings fronting on the front and rear of their respective lots.

In this justification (A), DPW has failed to establish anything extraordinary or exceptional. Not only do those very words fail to appear here, leaving us in clear doubt as to how they wish to establish the requirement, but the description provides absolutely no differentiation nor examples of similar class lots.

In a later justification (B) DPW established that this property has a greater depth than the typical lot depth. However, DPW has not established or provided any evidence that this typical depth is for homes in the same class as the subject property. Further, DPW has not established that 120 feet would in any way be exceptional or irregular. In fact, upon review of the entire document, it seems that 120 feet is **not** exceptional because it will still require multiple variances and the **back of my house to be cut off** to create two lots. Any lot that requires the back of a house to be cut off to create a subdivision hardly seems extraordinary or exceptional; instead, granting the variance would be extraordinary and exceptional.

Finding 2 of DPW is Defective on its Face

DPW is required to find the following to grant variances necessary

for subdivision:

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

In its finding, DPW essentially found that because 8 other lots in the neighborhood were subdivided, it would create a difficulty or unnecessary hardship for the current owner by not approving the subdivision.

RWW had the freedom to propose any subdivision plan that they wished, and therefore it is by definition established that RWW's proposal is by their own creation. **RWW wishes to cut off the back of my house** and remove my backyard. They wish to remove parking from the neighborhood (addressed in detail in a later section). They are not asking for little things to be overlooked, which is the spirit of this test; they are asking for huge exceptions and exceptions that will have an irrevocable material impact on others. RWW creates their own practical difficulties and hardship in this instance, and does not meet the test required.

DPW offers no review of the circumstances of the subdivision of the other properties cited. That other properties converted becomes moot unless other properties that converted **also** created identical problems for residents **and** variances were of a similar impact. This finding is defective on its face.

Finding 3 of DPW Lacks Sufficient Data to Establish a Conclusive Finding

DPW was required to make a finding relative to the following requirement to grant a variance:

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

DPW in Finding Three writes:

Other properties on the block have enjoyed the ability to split lots and create development on Hickory Street, a substantial property right possessed by other properties in the same class of district. Variances were granted to other similar projects on the subject block.

Specifically, nearby projects include the properties at 663 Fell Street, located immediately adjacent to the subject property, which was granted lot size, rear yard, open space and off-street parking variances on March 20, 2008 (Case No. 2007.1044V) and 513 and 519 Hickory Street, located directly across Hickory Street, which were granted lot size, rear yard, open space and off-street parking variances on November 8, 1990 (Case No. 1990.094V).

In this finding DPW has claimed that two properties nearby have been allowed to subdivide. DPW has **not** shown that **this** property is entitled to receive the property right to subdivide, given its unique circumstances as a property. Rather, demolition of six feet of the housing structure at 655 Fell Street is a substantial encumbrance of others' rights.

Demonstration of other subdivisions- in general, without significant detail- does not establish a substantial right of the subject property to subdivide. The subject property may have other factors pertaining to it which would encumber such a right; similarly, nearby properties may have had factors that may have emboldened their right to subdivide. This is not contemplated in the finding, rendering it so inconclusive as to be defective.

Furthermore, I request that the Board take notice of the basic premise on which this finding is based. The premise is akin to: "If others are doing it, it is okay for me to do it too." It recalls memories, which perhaps we all may share, of our parents or teachers admonishing us, "If yours friends jumped off a bridge should you do it too?" And knowing the obvious danger, we would say, "Of course not!"

Accordingly, this premise is a gross generalization and questionable public policy. Honorable Members, please take note of the dates of the two **most recent** subdivisions cited: one is 6 years old, and the most recent preceding that is **25 years old**. We are being implicitly asked to accept that current public policy towards subdivision should follow the example set by previous policy in subdivision dating back **25 years or greater**.

Our City has changed drastically in the last five years, and again in the last ten; I can only imagine the changes before that compared to now, and how the City's Master Plan and other policy agendas have changed. I call to your attention the prudence of allowing the decisions of 25 years ago to dictate the planning and housing related decisions of modern San Francisco, and its radically different challenges and priorities.

Finding 4 of DPW is Defective on its Face

DPW was required to make a finding relative to the following requirement to grant a variance:

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

DPW failed to create a compelling finding meeting the required test. DPW essentially found that the neighborhood wouldn't be injured since nothing would expand beyond the property. However, DPW in their finding failed to contemplate that the modifications of removing six feet of the structure on the property would be considered injurious. A rationale citizen would reasonably conclude that alteration of an existing structure is injurious to the property. All DPW concluded was that it would not be injurious to improvements in the vicinity.

DPW failed to meet **both** prongs of the required test, and therefore their finding is defective on its face.

Finding 5 of DPW is Not in the Spirit of SF General Plan

The most relevant section of the SF General Plan to the proposed subdivision is Policy 11.1.

POLICY 11.1

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

San Francisco has a long standing history of beautiful and innovative architecture that builds on appreciation for beauty and innovative design. Residents of San Francisco should be able to live in well-designed housing suited to their specific needs. The City should ensure that housing provides quality living environments and complements the character of the surrounding neighborhood, while striving to achieve beautiful and innovative design that provides a flexible living environment for the variety of San Francisco's household needs.

The City should continue to improve design review to ensure that the review process results in good design that complements existing character. The City should also seek out creative ways to promote design excellence. Possibilities include design competitions that foster innovative thinking, and encouraging designers to meet with other local architects to provide peer review. New York City recently implemented a similar initiative that awards public projects, including affordable housing, based on talent and experience rather than to the lowest bidder, which has resulted in several buildings with lauded design.

The plan put forward by the development company and tentatively approved by The Department of Planning is not consistent with one of the core points of the San Francisco General Plan. Specifically, Policy 11.1, in which it is, described that construction and rehabilitation of housing should carry specific emphasis on beauty, innovative design, and flexibility while respecting existing neighborhood characteristics.

The removal of well developed private open usable space and existing leased living area without a well conceived alternative does not constitute an improvement inline with the General Plan. Removing a functional portion of habitable living space in order to squeeze enough square footage into a proposed lot for an unimagined project does not promote **forward thinking** of design or respect for neighborhood character. On the contrary, moving boundaries, shuffling amenities, and whitewashing intentions for development in the name of making the most profit from a foreclosure sale are in direct contrast to the initiative set forth in Policy 11.1 of the San Francisco General Plan. First of all, the subdivision, as currently set forth, does not provide added flexibility to the current living environment, but rather, through variances granted by the Department of Planning, creates compressed open private space less than 30% of what is required by SF Planning Code (Section 134). Secondly, the lack of a definitive plan for new construction does not give assurance that innovative design will follow the proposed division of this specific lot. It seems that a well thought out plan for development should be a requiem for granting multiple variances of city planning codes. Finally, upholding of the Department of Planning's decision to sub-divide the lot in question does not lend to the notion set forth by the General Plan (Policy 11.1) that residents of the city should be able to live in well-designed housing suited to specific needs, as this subdivision would remove a well designed area for gardening, entertaining, and personal enjoyment. In other words, simply because there is the potential for new development it does not automatically qualify the project as an improvement.

Rebuttal of RWW's Response

RWW Properties, LLC submitted a response to the appeal hearing to the City of San Francisco and its Board of Supervisors on May 19, 2014. This section contains rebuttal of certain points of RWW's response.

Of special note: I call *special* attention to the Board of the Respondent's terminology, across multiple pages of their response, referring to my back room (that is clearly part of my unit) as a "garden tool shed." As the following sections show, it is not a shed and is in fact a completely finished room that is part of my unit.

Structure to Be Removed is Not a Common Area and is Leased Property

In their response, Page 3, 2nd Bullet, RWW states to the City:

The 2-units share a common laundry shed located at the rear of the 1st Floor Unit. Although the First Floor Tenant has direct access to the laundry room, this room is not part of his lease.

Later, RWW states on Page 8:

The loss of 86 sqft in question is a common laundry area. This area is not part of the tenant's lease.

RWW misunderstands or misstates the lease to which I am a party, which they assumed. The lease I hold, as well as physical evidence, includes the space in question as part of my unit with exclusive use of this back room, as well as the backyard.

RWW makes reference to a "laundry shed" and then, a "laundry room." In fact, the area to which they refer is a back room. It happens to have a washer and dryer in it, but those appliances take up approximately no more than 15% of the square footage of the room (please see attached photographs in Appendix B). Laundry is not even the primary use of the room; I use it for extra guests to sleep in, storage, and as a workspace. It is simply a back room, which is part of the unit I have contracted to lease. The following are *irrefutable* reasons that define this space as part of my unit:

1. I pay the utilities for the back room. If it were a common area then the owner would be required to pay the utilities. If it is a common area, then the owner

should be able to produce the utility bills for this area, which the City would *require* them to pay for any common area utilities.

2. The room is part of the house. It is not a separate structure. It is *not* a shed. It is plumbed with hot and cold water. It has electricity, with outlets in the drywall, like any other normal room in a house. It has carpet. It has windows. It has two doors, one to the outside and one into my apartment.
3. The doors are **very** telling: the exterior door is literally an exterior door, as defined by the **SF Building Code**. It even has a chain on it (see photographs in Appendix B). Nobody places an interior locking chain on a common area. However, the interior door (see Appendix B) is an interior door, as defined by the building code. The code would require a completely different type of door if that door were really a boundary of my unit. The fact that it does not meet the City's standards for being an entrance of a unit is extremely telling that the intent and use of the back room is that it is actually a back room that was and is intended to be part of the unit. The construction and fittings are not consistent with the claim of it being either a "shed" or a "common area."

Parking Spaces

In their response, RWW stated on Page 8, Item 3, that I raised:

That his (sic) was losing parking spaces – section 159 of the planning code

While a minor misunderstanding, I wish to briefly clarify that I did not state I was losing parking spaces. Instead I stated that the neighborhood was losing parking spaces – which it appears to be. I have a hard time finding parking on the street now, and removing 3 off-street parking spaces from this area will only make it more difficult.

Illusion of Collaboration

Through their response, RWW attempts to create an illusion of collaboration. While RWW has not been adversarial, they have certainly not been transparent nor collaborative as they suggest.

RWW writes:

Rather, [RWW] tried to reach out to him via mail to arrange for a meeting to discuss the project. No response was received. See attached copy of Letter dated 4/24/14.

It is important to clarify the timeline here to understand this in context:

- 10/3/13 – Notice posted on Herzog’s home
- 10/5, 6 or 7/13 – Sergio, representative of RWW spoke in person to Herzog and gave white-washed story of what the “permit” was all about (as described in background section).
- 4/8/14 – Notice of Tentative Subdivision Mailed by City to Herzog
- 4/9/14 – Herzog Received Notice, Researches & is STUNNED by findings. Herzog files appeal within hours.
- 4/10/14 – Herzog flies to Europe at 7am for wedding
- 4/24/14 – RWW writes Herzog. Letter states they will not change plans but can explain anything I don’t understand. (Page 9, RWW Response)
- 5/6/14 – Appeal hearing is heard before Supervisors, and continued.

For the sake of clarity, I wish to make it clear that RWW spoke to me and obfuscated what was happening days after the notice was posted. In fact, the man that took the photos in their response, Sergio, gave me the story when he came to take those photographs.

Later, I received a letter from the city about a 10-day period to appeal, became concerned about why I might want to appeal something, did some research and realized what was happening, and immediately filed an appeal before embarking on international travel.

RWW contacted me less than 10 days before the appeal hearing with a letter that offered no negotiation, only to help me understand things I ostensibly was not understanding, and specifically stating they would not change course on **tearing off part of my home and violating our lease**. Unfortunately, at this point I did understand all their horrible intentions all too well, and we were only days from the hearing. **I wish they had just been forthcoming earlier.**

Removal of South Facing Window Will Remove Sunlight

RWW states in their response that I will not face a reduction of sunlight. They state:

Loss of open space – Although the lot subdivision will reduce the rear yard, the tenant’s access to sunlight will not be impacted.

That is not factual. The RWW proposed subdivision plan, because it **removes part of my structure**, will also remove the **second largest** window in my home, which is south facing. Pictures of this window may be seen in Appendix B.

Lack of Supporting Evidence

RWW concludes their case on page 12 of their response with:

In conclusion, we believe the request for the lot subdivision is in keeping with the guidelines of the San Francisco General Plan and similar lot subdivisions granted on the subject block.

A common thread throughout this entire appeal: claims have been made that this subdivision is in keeping with past practice, while never establishing how or why. And, even when pressed to answer "when" as DPW did, it turned out to be 25 years or greater in every unfamiliar case (with one minor exception).

The truth here is that nobody has looked into previous subdivisions or their details. This therefore makes it, as a rationale, unstable. Even if it were stable, with a rapidly changing City of San Francisco, and a regularly updated General Plan, we must all ask ourselves, as rational individuals, if this can truly be a valid measuring stick when both the home and a contract for real property are being altered in the approval of such a subdivision.

I believe that the City would not only make decisions inconsistent with rules and policy, but also considerable overreach in approving this plan.

I humbly request the Board of Supervisors to **REJECT** this proposed subdivision plan for all of the reasons stated herein.

Thank you for your time, that of your staff and that of our city departments,

Jeremy Herzog
Appellant for Fell 653-655

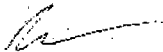
Appendix A

May 14, 2014

To Whom It May Concern:

When my husband (Charles R. Staley, Jr.) and I (Kirsten D. Staley) chose to move into 655 Fell St. on February 20, 2010, one of the primary factors for us in this decision was the proximity of laundry facilities. These facilities are in a storage room attached to, and part of, the 653 Fell St. unit, and the costs of all utilities required to run the washer and drier are incurred exclusively by the tenant(s) of the 653 Fell St. unit. It is due to the generosity of the tenant(s) of this unit (now Jeremy) that we have had consistent, free access to these facilities. In exchange, we pay entirely for garbage services through Recology SF for both the 655 and 653 units.

Sincerely,



Kirsten D. Staley



Charles R. Staley, Jr.

Appendix B

Figure 1.

Looking from kitchen to back room
kitchen
with bathroom door on the left

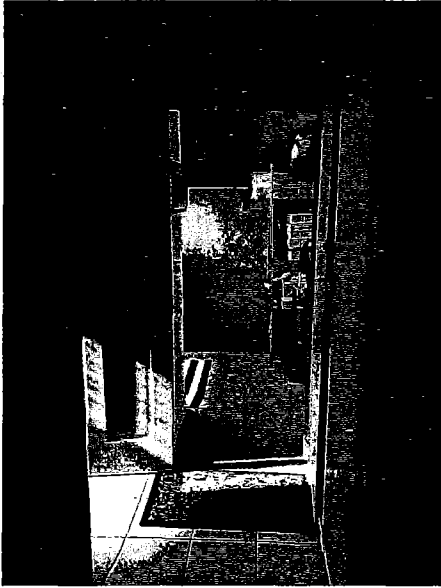


Figure 2.

Looking from back room into
kitchen
with bathroom on the right



Figure 3.

Back room door to the outside,
with deadbolt and chain

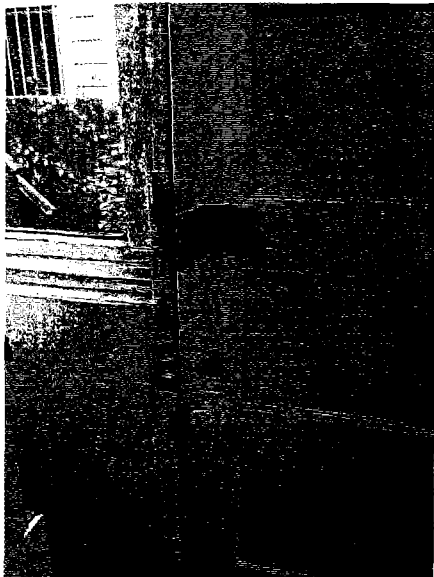


Figure 4.

View from in back room through
windows to back yard



Figure 5.

Figure 6.
Back room - Storage shelf



Back room - Laundry units



Figure 7.
Back room - Plants and artwork



Figure 8.
Back room - Windows, Outside door





Figure 9.
Back yard - view from stairs looking at Hickory St.



Figure 10. Back
yard - Patio and
Garage

Figure 11. Back
yard - Patio and



looking at back room of 653 Fell St .

Figures 12 & 13. Backyard - Planters, Patio, and Spring Beets

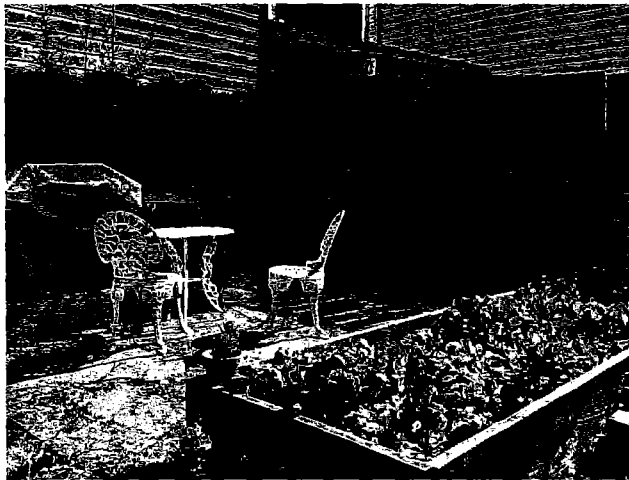
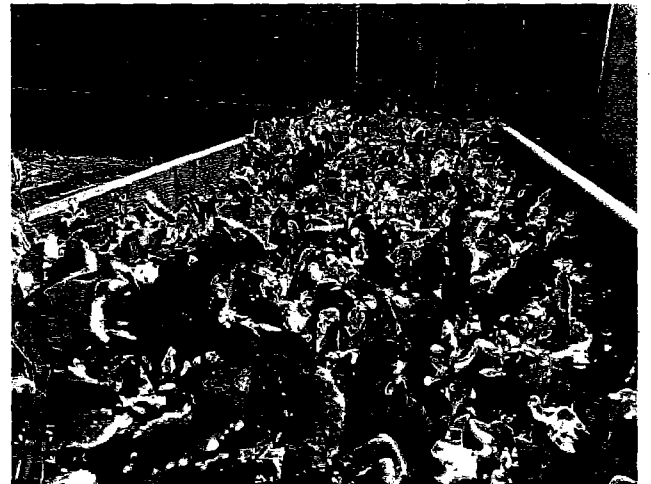


Figure 14.





Henry loves our home and back yard. As a LARGE dog, he needs a lot of space to run and stay healthy.

Carroll, John (BOS)

From: Lamug, Joy
Sent: Tuesday, May 20, 2014 1:46 PM
To: herzog.jer@gmail.com; Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Malamut, John (CAT); Nuru, Mohammed (DPW); Sanguinetti, Jerry (DPW); Sweiss, Fuad (DPW); Starr, Aaron (CPC); Rodgers, AnMarie (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Navarrete, Joy (CPC); Tam, Tina (CPC); Frye, Tim (CPC); BOS-Supervisors; BOS-Legislative Aides; Ionin, Jonas (CPC); Storrs, Bruce (DPW); Chan, Cheryl (DPW); memo@rww-llc.com; LangfordLs@sbcglobal.net; eric@rww-llc.com; wayne@rww-llc.com; vin@eagstudio.com; gray.owl@sbcglobal.net; reid@rww-llc.com
Cc: Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS)
Subject: FW: 653-655 Fell Street
Attachments: 653 -655 FELL STREET_Rev01.pdf
Categories: 140355

Good Afternoon,

Attached please find a **revised** document received from Virginie Manichon, Project Representative in relation to the June 3rd hearing on the Appeal of the 653-655 Fell Street Tentative Parcel Map.

Thank you.

Joy Lamug
Legislative Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Direct: (415) 554-7712 | Fax: (415) 554-5163
Email: joy.lamug@sfgov.org
Web: www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

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.

From: Virginie Manichon [<mailto:virginie@eagstudio.com>]
Sent: Tuesday, May 20, 2014 11:03 AM
To: Lamug, Joy
Cc: eric@rww-llc.com; Vincent Leger
Subject: 653-655 Fell Street

Hi Joy,

We have a revised package that we would like to re-submit to the board, If it is not too inconvenient.
Please see attached.

Regards,

Virginie Manichon

EAG STUDIO

ARCHITECTURE + INTERIOR DESIGN + INTERIORS

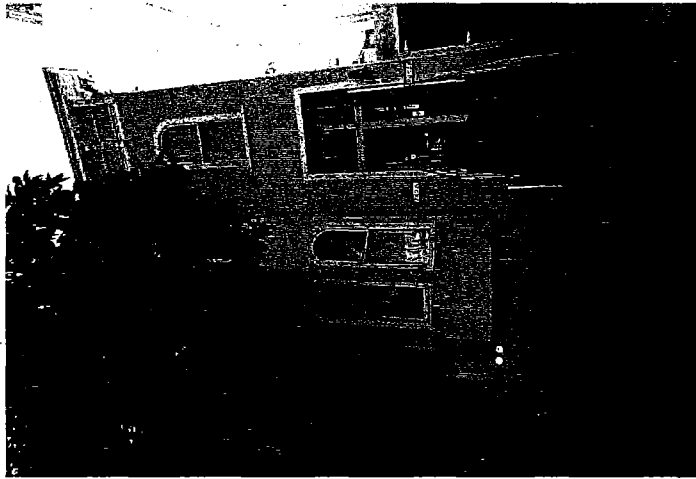
415.205.4994 MOBILE

415.300.0585 OFFICE

[VIEW OUR WEBSITE](#)

653 -655 FELL STREET
LOT SUBDIVISION HEARING

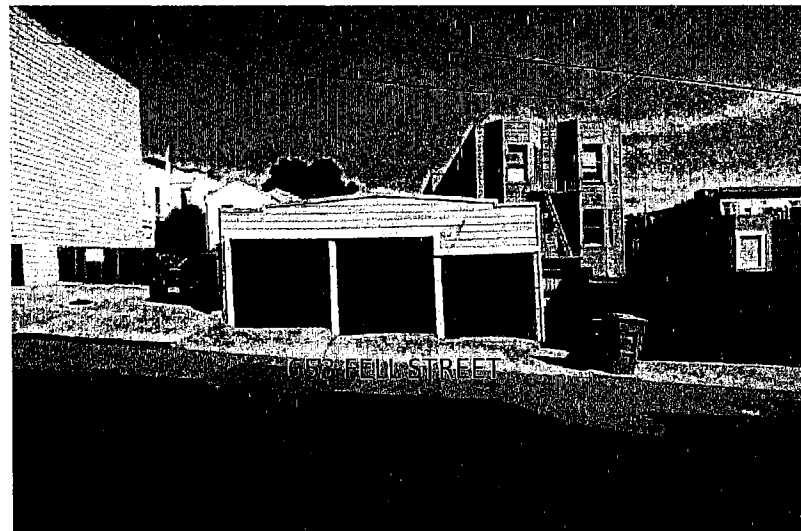
June 3rd, 2014





653 FELL STREET

SUBJECT PROPERTY – VIEW FROM FELL STREET



653 FELL STREET

SUBJECT PROPERTY – VIEW FROM HICKORY STREET

653-655 FELL STREET

PROJECT SUMMARY

Existing Condition:

- Subject Property is a 2-unit building fronting on Fell Street and a garage fronting on Hickory Street.
- The 2-units share a common laundry shed located at the rear of the 1st Floor Unit. Although the First Floor Tenant has direct access to the laundry room, this room is not part of his lease.
- The garage structure fronting on Hickory Street is one story – 3 car garage. The parking spaces are rented to other tenants. The garage is not part of the 2-unit leases.

Proposed Scope of Work:

- A lot subdivision was filed on 4/30/2013.
- At this time, there is no proposed development for the subdivided lot. Per code, A single family residence will be permitted.
- Plans for the lot subdivision were favorably reviewed by planning.
- Notification letters were sent to neighbors within a 300' radius.
- A notice of Public Hearing was posted on the garage door and on the window of First Floor tenant, Mr. Jeremy Herzog, on October 3rd for a hearing date on October 23rd.
- The Public Hearing went well with no objections. Mr Herzog was not present at the Public Hearing.
- The variance was granted on January 6th 2014, subject to recording a Notice of Restrictions and Conditions. The NSR# J853350 was recorded on 3/21/14. The variance approval was made 3/26/14 and the recommendation for Tentative Map Approval was done March 25th 2014 and the Tentative Map Approval was obtained on April 7th 2014.
- The conditional approval of the lot split on 6/ was issued on 6/3/13 by Vivian Hwang. "subject to the completion of the demolition work of the garage structure and part of the main building at the rear as shown on the tentative parcel map." "Note that a separate building permit is required for any work to the buildings which this review is not a part of"



**SAN FRANCISCO
PLANNING DEPARTMENT**

1650 Mission Street, Suite 400 - San Francisco, CA 94103 • Fax (415) 558-8409

NOTICE OF PUBLIC HEARING

Hearing Date: **Wednesday, October 23, 2013**
 Time: **9:30 AM**
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408**
 Case Type: **Variance (Lot Size, Rear Yard, Open Space & Parking)**
 Hearing Body: **Zoning Administrator**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: 653-655 Fell Street	Case No.: 2013.0712V
Cross Street(s): Webster Street	Building Permit: TBD
Block / Lot No.: 0829/024	Applicant/Agent: Guillermo Loyola
Zoning District(s): RH-3 / 40-X	Telephone: 510-339-9905
Area Plan: n/a	E-Mail: momo@rww-llc.com
PROJECT DESCRIPTION	
<p>The proposal is to subdivide a through lot containing a two-unit building fronting on Fell Street and a garage fronting on Hickory Street. The structure fronting on Fell Street will be reduced by approximately six feet in depth at the rear.</p> <p>SECTION 121 OF THE PLANNING CODE requires the size of the proposed lots to be a minimum of 2,500 square feet each. The proposed lot subdivision would create an approximately 1,750 square foot lot for the property fronting on Fell Street and an approximately 1,250 square foot lot for the property fronting Hickory Street.</p> <p>SECTION 134 OF THE PLANNING CODE requires a rear yard equal to 25 percent of the lot depth or 15 feet, whichever is greater. The required rear yard for the structure fronting on Fell Street would be approximately 17 feet while the proposed rear yard would be approximately three feet.</p> <p>SECTION 135 OF THE PLANNING CODE requires 100 square feet of private open space for each dwelling unit, 266 square feet of common open space, or a sufficient combination of private and common open space. The proposed lot fronting on Fell Street containing two units would provide approximately 86 square feet of private open space and 146 square feet of common open space where 266 square feet are required.</p> <p>SECTION 159 OF THE PLANNING CODE requires that required parking spaces for one-family and two-family dwellings be located on the same lot as the dwellings served. The proposed subdivision would result in the required parking spaces being located on a separate lot; therefore, a variance is required.</p>	
ADDITIONAL INFORMATION	
<p>FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF: Planner: Christine Lamorena Telephone: 415-575-9085 Mail: christine.lamorena@sfgov.org</p>	
<p>ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at http://sf-planning.org/files/notices/2013.0712V.pdf</p>	

中文詢問請電: 558.6378
 Para información en Español llamar al: 558.6378

1468

City and County of San Francisco



Edwin M. Lee, Mayor
Mohammed Nuru, Director
Fred S. Swales, PE, PLB,
City Engineer & Deputy Director of Engineering

PAID: \$12,000
PAID: 276

RECEIVED
MAY 23 2013
DEPT OF BUILDING INSPECTION
FOR SUBDIVISION
REFERENCE REVIEW ONLY



Phone: (415) 554-8827
Fax: (415) 554-5324

<http://www.sfdpw.com>
subdivision_mapping@sfdpw.org

Department of Public Works
Office of the City and County Surveyor

1155 Market Street, 3rd Floor
San Francisco, CA 94103

Bruce R. Storm, City and County Surveyor

Date: May 20, 2013

Department of Building Inspection
1880 Mission Street, Room 2019
San Francisco, CA 94103

Project ID: 7534			
Project Type: 2 Lot Subdivision			
Address	Street Name	Block	Lot
653 - 655	FELL ST	DE29	324
Tentative Map Referral			

To Whom It May Concern:

Pursuant to Section 1325 of the City and County of San Francisco Subdivision Code and Section 4.105 of the 1996 City Charter, a print of the above referenced Tentative Map is submitted for your review and consideration. Under the provisions of the Subdivision Map Act and the Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the date of this letter. Failure to do so constitutes automatic approval from your department. Thank you for your timely review of this Tentative Map.

Sincerely,

Bruce R. Storm
Bruce R. Storm, P.L.C.
City and County Surveyor

BRSt

Enclosures:

Tentative Map
DBI Requirements Form
Application Fee

This Tentative Map has been:

Approved by DBI

Conditionally Approved by DBI, Subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Department of Building Inspection at the above address):

SUBJECT TO THE COMPLETION OF DEMOLITION WORK OF THE GARAGE STRUCTURE AND PART OF THE MAIN BUILDING AT REAR AS SHOWN ON THE TENTATIVE PARCEL MAP.

Date: NOTE THAT A SEPARATE BUILDING PERMIT IS REQUIRED FOR ANY WORK TO THE BUILDINGS WHICH THIS REVIEW IS NOT A PART OF.

Vivian Hunter 6/3/13

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to excellent customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement

1469

1470

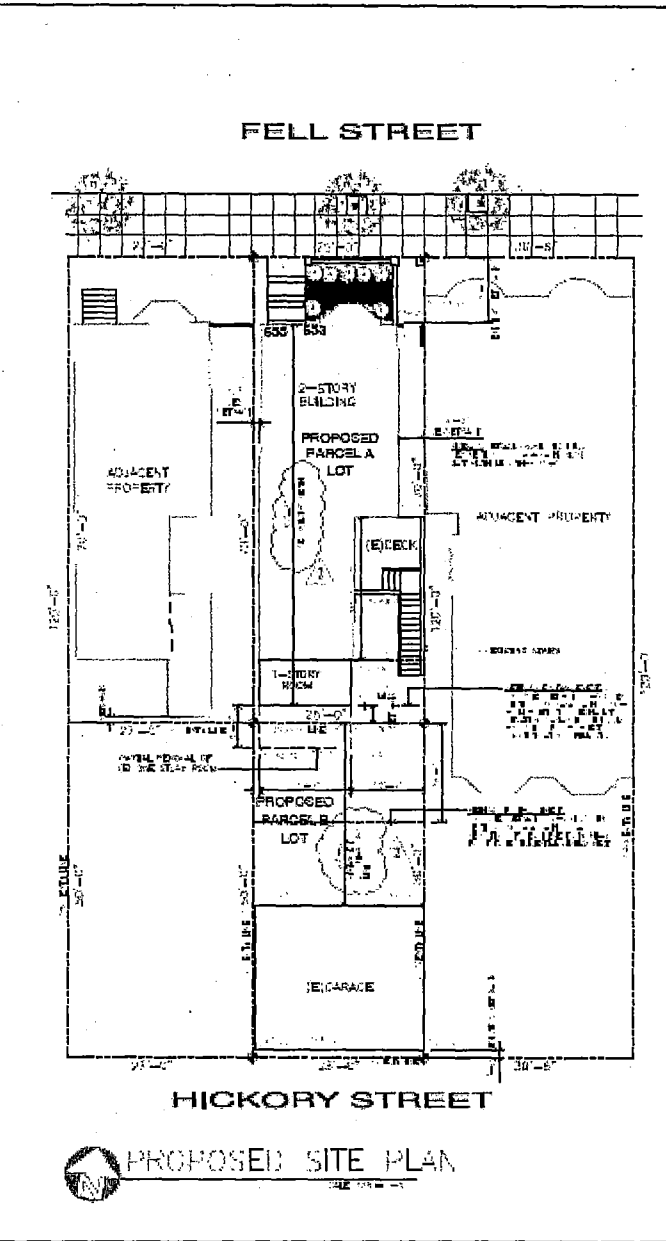
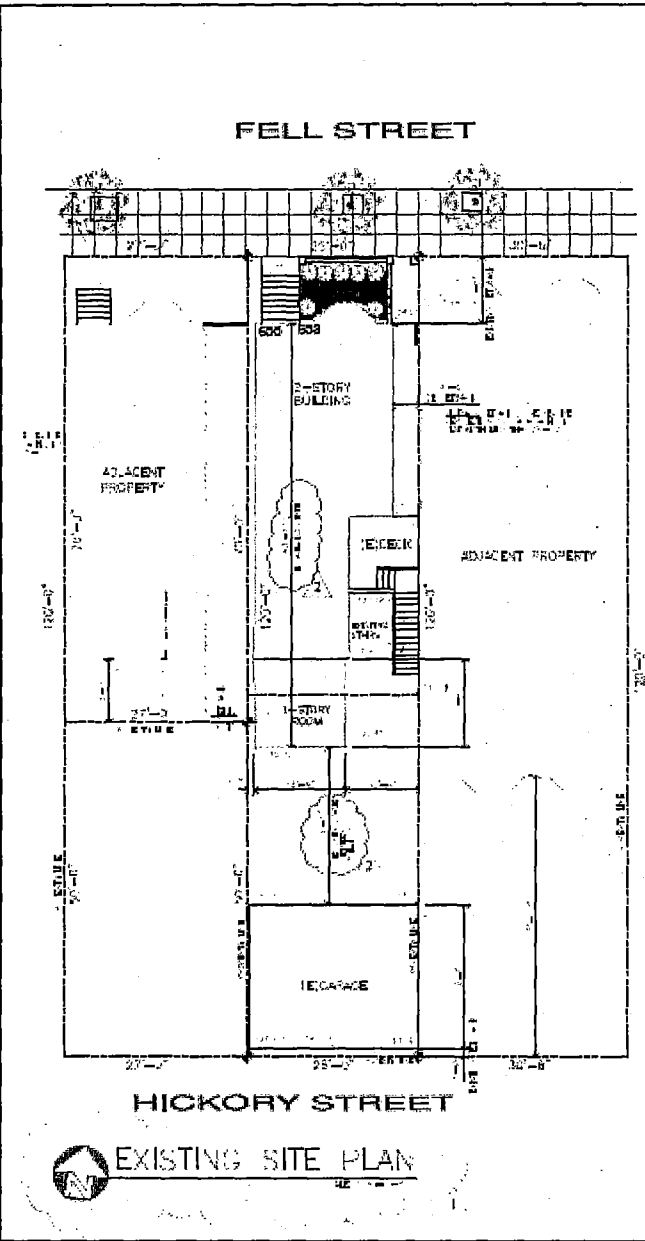


POSTING ON GARAGE DOOR FROM OCTOBER 3RD TO
OCTOBER 23RD



POSTING ON WINDOW OF Mr. HERZOG FROM OCTOBER 3RD TO
OCTOBER 23RD
POSTING WAS INSTALLED FROM INSIDE Mr. HERZOG'S WINDOW

LOCATION MAP	
APPLICABLE CODES	
1. 2010 CALIFORNIA RESIDENTIAL CODE (CRC) 2. 2010 CALIFORNIA FIRE CODE (FC)	
PROJECT DATA	
PROJECT NAME: BUILDING ALTERATION FOR LOT SPLIT OWNER: [Redacted] ADDRESS: 653-655 FELL STREET, SAN FRANCISCO, CA DATE: [Redacted] SCALE: 1/8" = 1'-0"	
SCOPE OF WORK	
REMOVE 1-STORY PORCH TO ALLOW FOR LOT SPLIT AND PORCH FOR REMAINING LOT SIZE	
SYMBOLS	
● NORTH	○ CURB
○ EXISTING LOT LINE	○ EXISTING WALL
○ EXISTING WINDOW	○ EXISTING DOOR
○ EXISTING PORCH	○ EXISTING STAIR
○ EXISTING DECK	○ EXISTING DRIVE
○ EXISTING DRIVE	○ EXISTING DRIVE
○ EXISTING DRIVE	○ EXISTING DRIVE
○ EXISTING DRIVE	○ EXISTING DRIVE
○ EXISTING DRIVE	○ EXISTING DRIVE
○ EXISTING DRIVE	○ EXISTING DRIVE



RUBIO BOWDEN design	
653-655 FELL STREET, SAN FRANCISCO, CA	
BUILDING ALTERATION FOR LOT SPLIT	
653-655 FELL STREET, SAN FRANCISCO, CA	
DATE: [Redacted]	
SCALE: 1/8" = 1'-0"	
SITE PLAN	
A.1	

RUBIO
BOWDEN
Architects
655 FELL STREET, SAN FRANCISCO, CA 94102
415.774.7300

655 FELL STREET, SAN FRANCISCO, CA
**BUILDING ALTERATION
FOR LOT SPLIT**

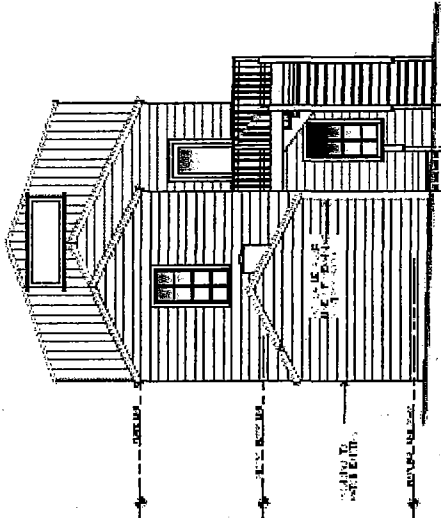
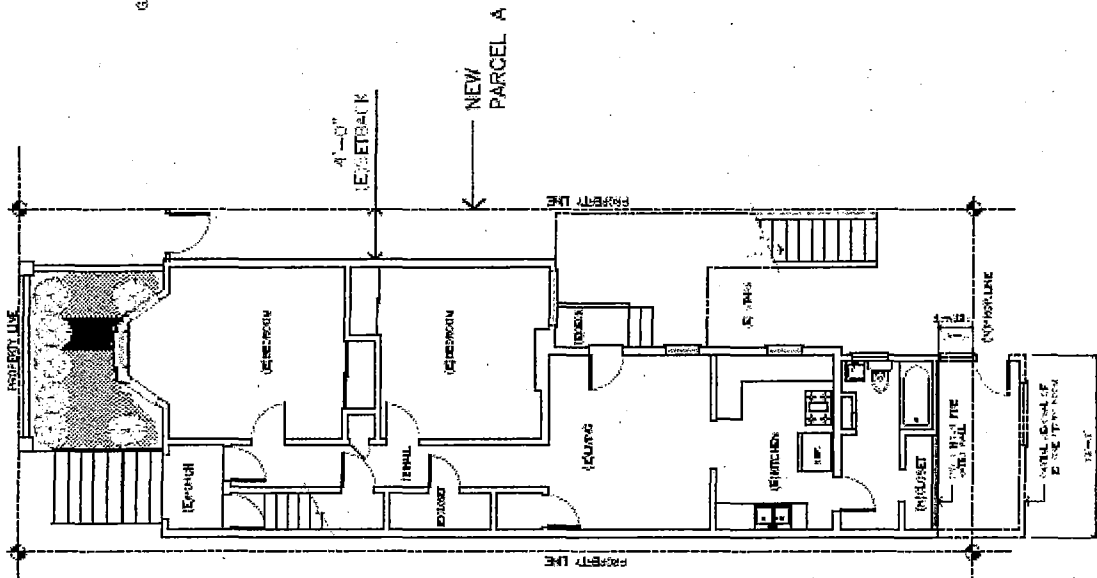
DATE	DESCRIPTION
12/15/12	REVISED
12/15/12	REVISED
12/15/12	REVISED
12/15/12	REVISED
12/15/12	REVISED
12/15/12	REVISED
12/15/12	REVISED
12/15/12	REVISED
12/15/12	REVISED
12/15/12	REVISED

**FIRST FLOOR PLAN
ELEVATION**

SCALE: 1/8" = 1'-0"
A.2



(E) ONE STORY GARDEN TOOL ROOM TO BE PARTIALLY REMOVED



ELEVATION
SCALE: 1/8" = 1'-0"

PROPOSED FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

PLANS SUBMITTED TO THE PLANNING DEPARTMENT ON 04/30/2013

Mr. Herzog filed an appeal on April 9th 2014.

A hearing was held on May 6th during which Mr. Herzog raised the following concerns:

1. That he was not notified of the project, that he didn't understand what it meant at the time. That he didn't know who the owner is and that he only spoke to a secretary.
2. That his unit was being reduced by 86 sqft.
3. That his was losing parking spaces – section 159 of the planning code
4. That he was losing his open space – section 135 of the planning code

In Response to the tenant's concerns, the owner would like to point out that it is not their intent to be adversary to Mr. Herzog. Rather, they tried to reach out to him via mail to arrange for a meeting to discuss the project. No response was received. See attached copy of Letter dated 4/24/14.

There is also a property manager, Eric Wayne (RWW Properties), with whom Mr. Herzog has been in contact with regarding some maintenance issues, and to accounting regarding the rent.

The loss of 86 sqft in question is a common laundry area. This area is not part of the tenant's lease. However, the owner realizes the inconvenience of losing access to this amenity and is proposing to relocate the washer and dryer to an area that will be accessible to both tenants.

Parking spaces are not lost- The 3-car garage fronting hickory remains unchanged. The garage was never a part of the tenant's lease.

Loss of open space – Although the lot subdivision will reduce the rear yard, the tenant's access to sunlight will not be impacted.



614 La Salle Avenue Ac: 510.339.9905
Suite 535 Fax: 510.339.9906
Oakland, CA 94611

April 24, 2014

Mr. Jeremy D. Herzog
653 Fell Street
San Francisco, CA 94102

Subject: 653 Fell Street Appsal

Dear Mr. Herzog,

We recently received notice of your appeal dated April 9, 2014, of the tentative approval of a lot subdivision by the City and County of San Francisco Department of Public Works by notice dated April 8, 2014. We are surprised that you have chosen to appeal the tentative decision rather than coming forward during the variance application process. Notice of our application for the variance was given by mail in compliance with local ordinance and the law to all persons residing within a 300 foot radius of the application site. In addition, notices were prominently posted on the garage door and in your window. Pictures of the postings are provided to you with this letter. We would have preferred to deal with any of your concerns during that application process.

We are committed to proceeding with the application and believe it will be granted, however, we want to insure that you understand the purpose and nature of the variance before the hearing. To this end, we would like to meet with you at a convenient time in the next 10 days to go over our application and explain the next steps in the process. We are confident that once we have had the chance to lay out the proposal to you that you will no longer object to the variance.

Please contact Eric Wayne at 510-318-4201 as soon as possible to arrange the meeting.

We look forward to meeting with you.

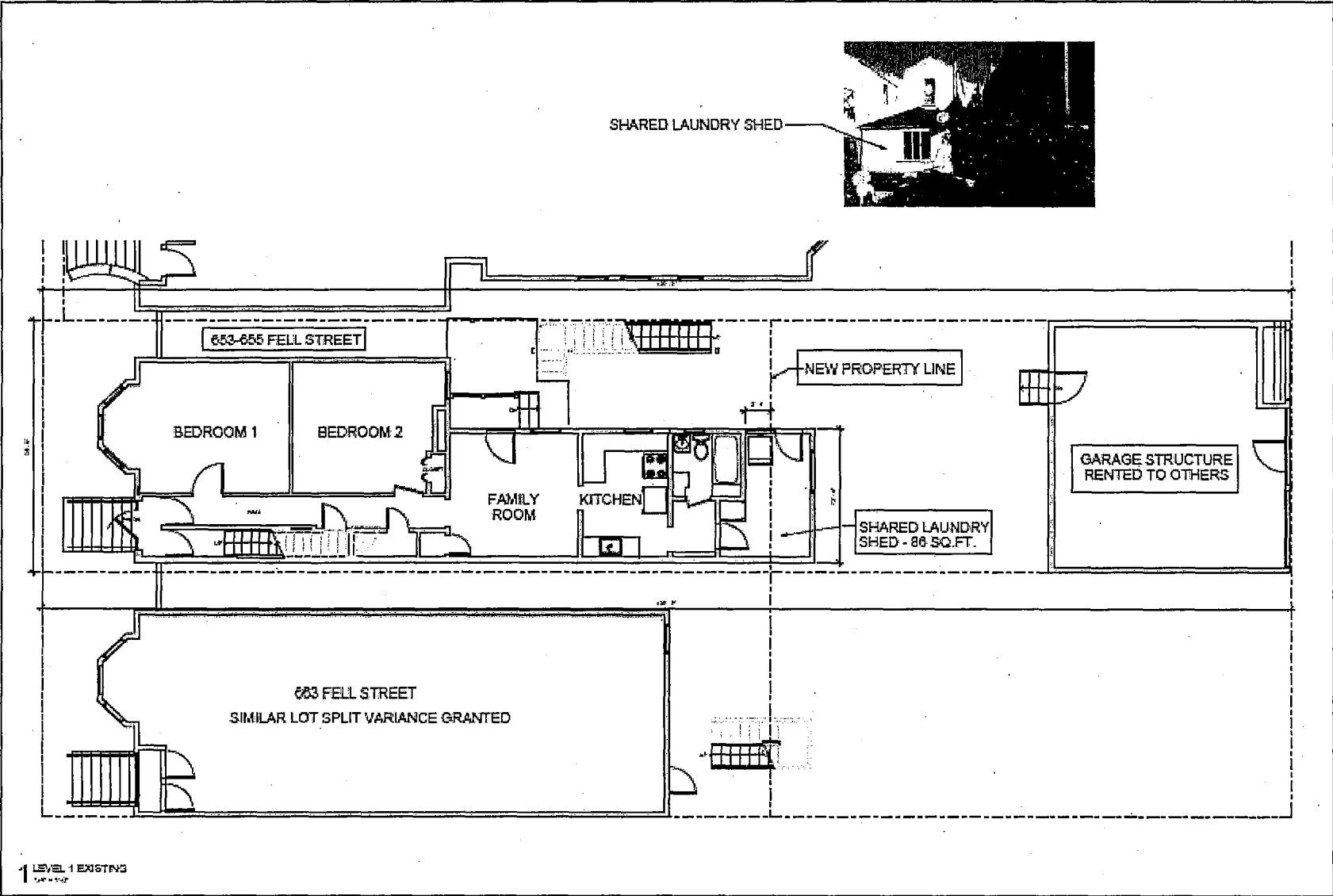
Sincerely,

Reid Settlemier
RWW Properties LLC

Attachments: Email from Sergio Giannoni dated 10/13/13 containing postings on property

1474

1475



SHARED LAUNDRY SHED



653-655 FELL STREET

NEW PROPERTY LINE

BEDROOM 1

BEDROOM 2

FAMILY ROOM

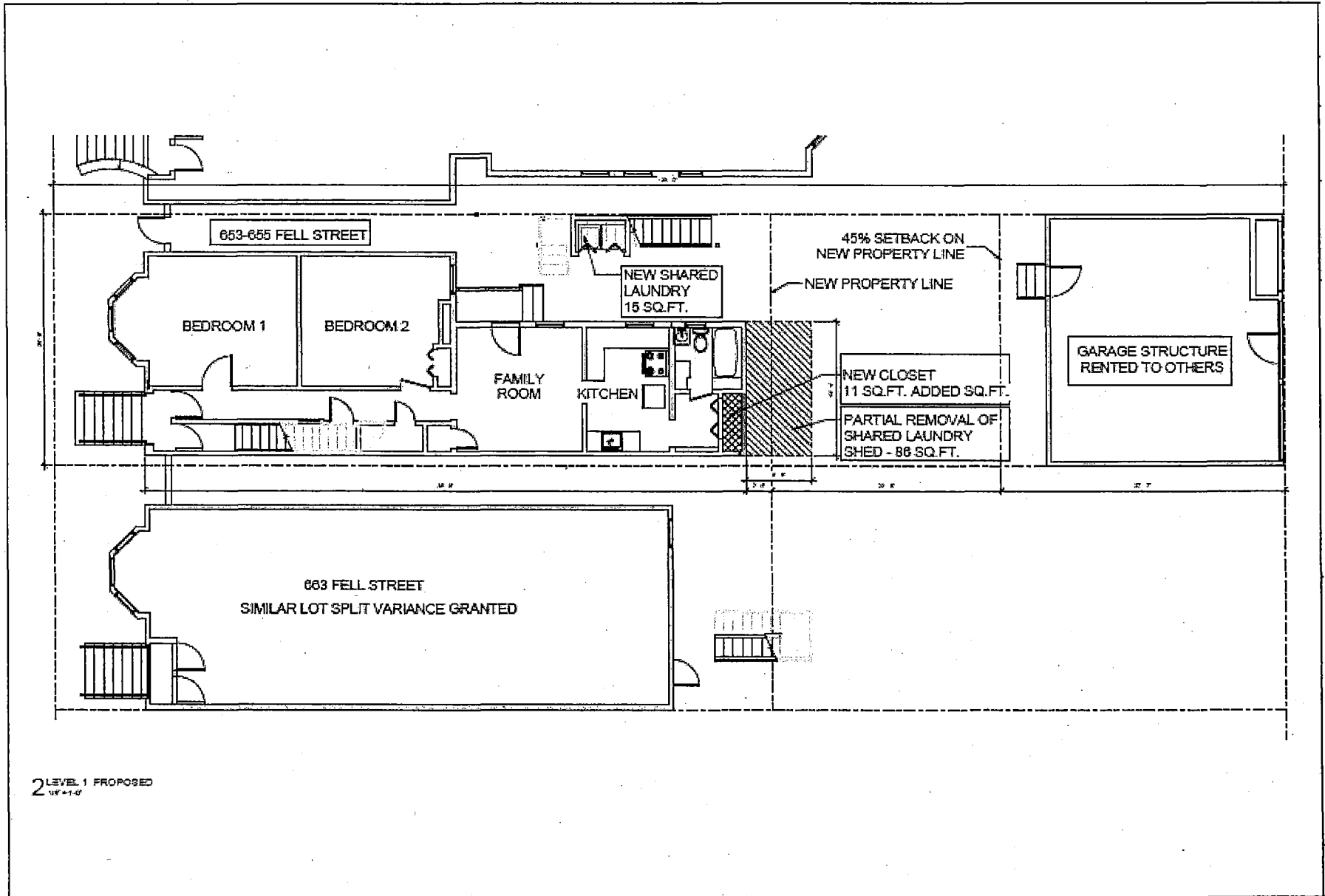
KITCHEN

SHARED LAUNDRY SHED - 88 SQ.FT.

GARAGE STRUCTURE RENTED TO OTHERS

683 FELL STREET
SIMILAR LOT SPLIT VARIANCE GRANTED

1 LEVEL 1 EXISTING



In conclusion, we believe the request for the lot subdivision is in keeping with the guidelines of the San Francisco General Plan and similar lot subdivisions granted on the subject block.

1. The addition of another lot will complement the retail aspect of the neighborhood. The potential addition of housing for renters or homeowners will bring additional spending power to the community and enhance business growth.

2 It is the project intent to respect and preserve the character, cultural and economic diversity of the neighborhood. The existing character of the neighborhood is comprised of a wonderful mix of newer and older buildings. There are all kinds of cultural and economic diversity in and around the Fell Street corridor. The potential for additional housing will complement the existing mix and maintain the cultural balance.

3 The duplex 653-655 Fell Street will remain with the 2 current rent controlled tenants in place. Should the lot be develop on Hickory street, it will provide additional new housing while preserving low cost housing on Fell Street.

4 It is not the project intent to overburden the streets or neighborhood parking. In addition, Mass transit and car share programs are very successful in the Hayes Valley neighborhood.

5 The project has no affect on the Industrial and service sectors. The Subject neighborhood is for the most part residential.

6 Should the lot be developed on Hickory, The building will meet new city codes and enhance the safety of the neighborhood, thereby benefitting the community as a whole.

7 There is a fair of mix of newer and older construction in the immediate neighborhood. About half the buildings on Hickory Street are newer construction and complement the existing older buildings. We are not aware of any landmark historic buildings on the immediate block.

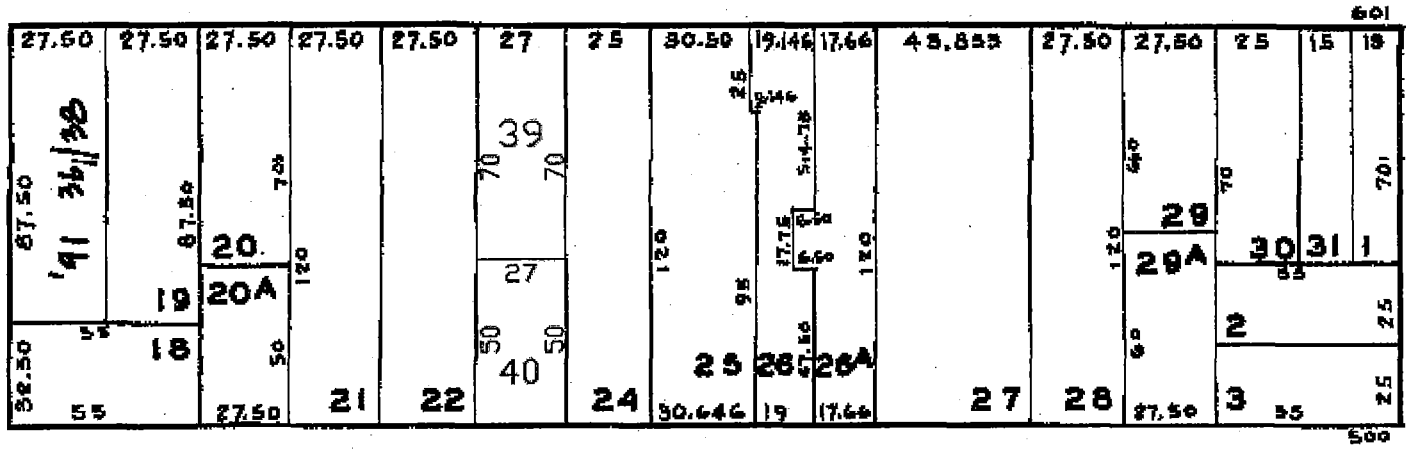
8 No parks will be affected by the lot split or development. The property is south facing in the back and access to sunlight will not be affected. At least 8 lots on the subject block have been subdivided, included 663 Fell street, located next to subject property.

9 The proposed project is in conformance with article 10 of the planning code and the secretary of the interior's standards.

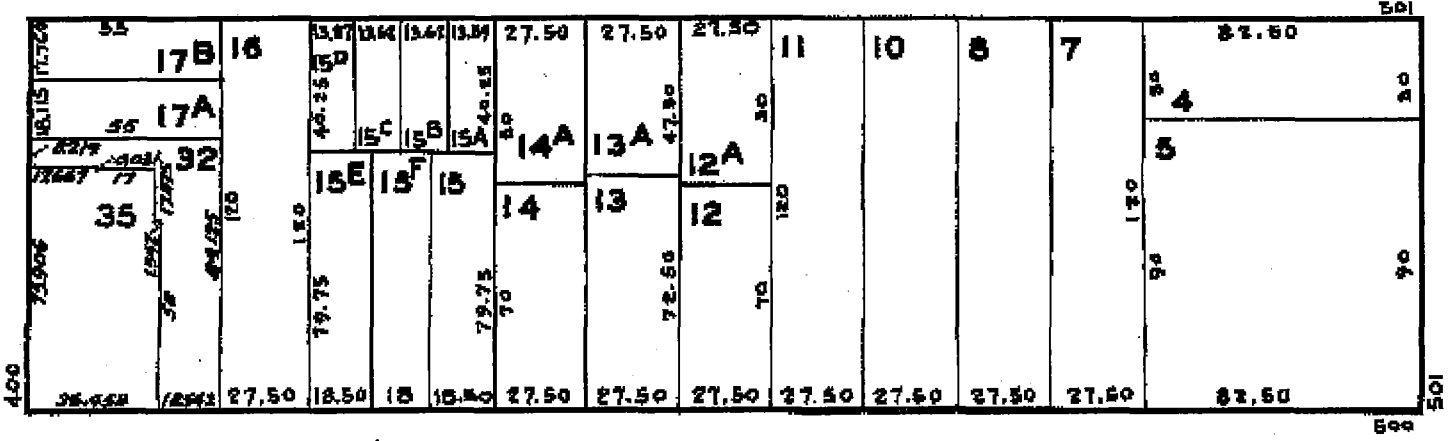
1479

WEBSTER

FELL



HICKORY



OAK

PATTERN OF LOT SUBDIVISIONS ON SUBJECT BLOCK

BUCHANAN



653 FELL STREET

SUBJECT PROPERTY – VIEW FROM FELL STREET

663 FELL STREET
SIMILAR LOT
SUBDIVISION
GRANTED ON
3/8/08



653 FELL STREET

SUBJECT PROPERTY – VIEW FROM HICKORY STREET

663 FELL STREET
SIMILAR LOT SUBDIVISION
GRANTED ON 3/8/08

Carroll, John (BOS)

From: Caldeira, Rick (BOS)
Sent: Monday, May 19, 2014 8:07 AM
To: BOS Legislation (BOS)
Subject: FW: 653-655 Fell Street
Attachments: 653 -655 FELL_HEARING_051714.pdf

For distribution and file.

From: Calvillo, Angela (BOS)
Sent: Friday, May 16, 2014 6:29 PM
To: Virginie Manichon
Cc: eric@rww-llc.com; Caldeira, Rick (BOS)
Subject: FW: 653-655 Fell Street

Hello Ms. Manichon

We have received your submittal and it will be appropriately referred.

Your email states you would like to set up a meeting with Supervisor Breed, please contact her office directly to speak with her aides to get on her calendar at 554-7630.

Thank you kindly,
Angela

Angela Calvillo
Clerk of the Board
City and County of San Francisco

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

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From: Virginie Manichon [<mailto:virginie@eagstudio.com>]
Sent: Friday, May 16, 2014 5:25 PM
To: Calvillo, Angela (BOS)
Cc: eric@rww-llc.com; Vincent Leger
Subject: 653-655 Fell Street

Re: 653-655 Fell Street
Lob Subdivision Hearing schedule for June 3rd 2014 at 3:00PM

Hi Angela,

I am submitting the attached documents in preparation for the hearing scheduled on June 3rd with the board of Supervisors.

Also, I would like to schedule a meeting with London Breed, in advance of the meeting to discuss this project. Let me know if there is a time that would be convenient to her schedule.

I look forward to your prompt response.

Regards,

Virginie Manichon

EAG STUDIO

ARCHITECTURE + INTERIOR DESIGN + INTERIORS

415.205.4994 MOBILE

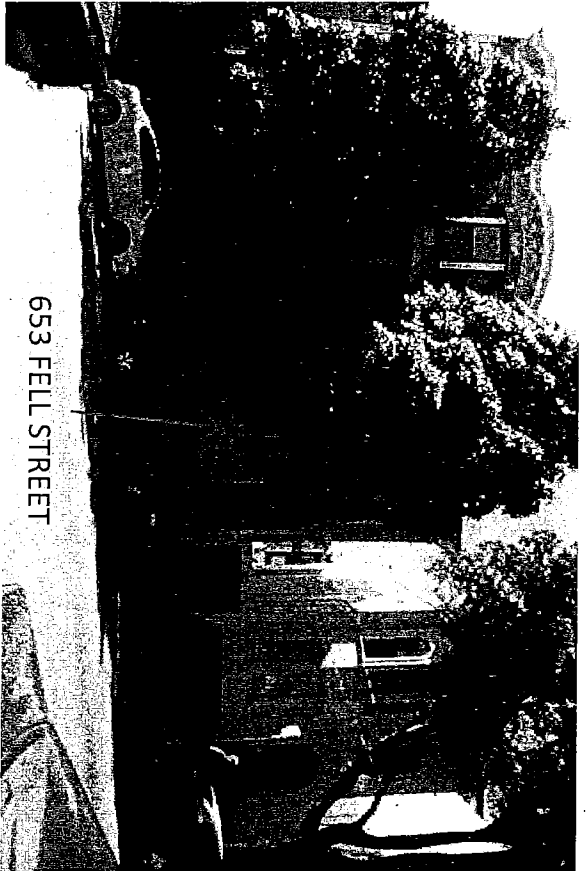
415.300.0585 OFFICE

[VIEW OUR WEBSITE](#)

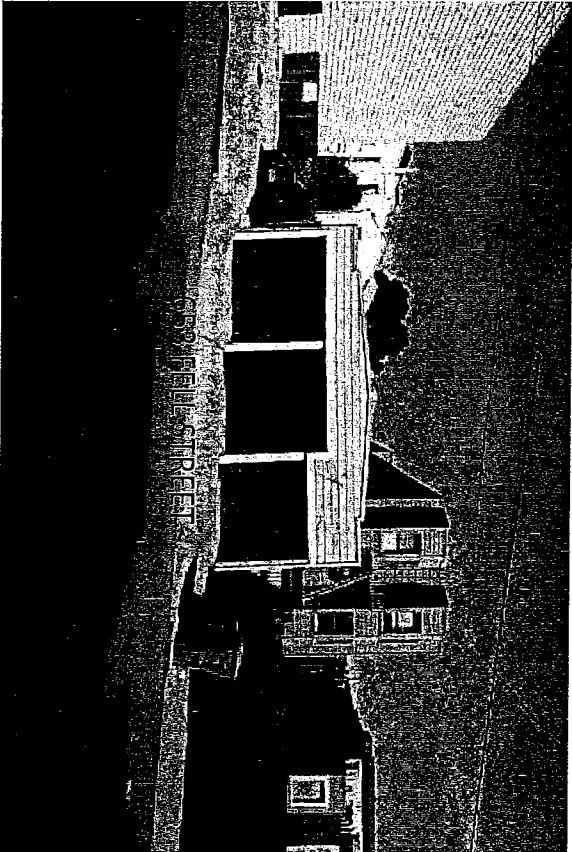
653 -655 FELL STREET
LOT SUBDIVISION HEARING

June 3rd, 2014





SUBJECT PROPERTY – VIEW FROM FELL STREET



SUBJECT PROPERTY – VIEW FROM HICKORY STREET

653-655 FELL STREET

PROJECT SUMMARY

Existing Condition:

- Subject Property is a 2-unit building fronting on Fell Street and a garage fronting on Hickory Street.
- The 2-units share a common laundry shed located at the rear of the 1st Floor Unit.
Although the First Floor Tenant has direct access to the laundry room, this room is not part of his lease.
- The garage structure fronting on Hickory Street is one story – 3 car garage.
The parking spaces are rented to other tenants. The garage is not part of the 2-unit leases.

Proposed Scope of Work:

- A lot subdivision was filed on 9/11/2013.
- At this time, there is no proposed development for the subdivided lot. Per code, A single family residence will be permitted.
- Plans for the lot subdivision were favorably reviewed by planning.
- Notification letters were sent to neighbors within a 300' radius.
- A notice of Public Hearing was posted on the garage door and on the window of First Floor tenant, Mr. Jeremy Herzog, on October 3rd for a hearing date on October 23rd.
- The Public Hearing went well with no objections. Mr Herzog was not present at the Public Hearing.
- The variance was granted on January 6th 2014, subject to recording a Notice of Restrictions and Conditions. The NSR# J853350 was recorded on 3/21/14. The variance approval was made 3/26/14 and the recommendation for Tentative Map Approval was done March 25th 2014 and the Tentative Map Approval was obtained on April 7th 2014.



**SAN FRANCISCO
PLANNING DEPARTMENT**

1850 Mission Street, Suite 420 - San Francisco, CA 94103 • Fax (415) 558-6409

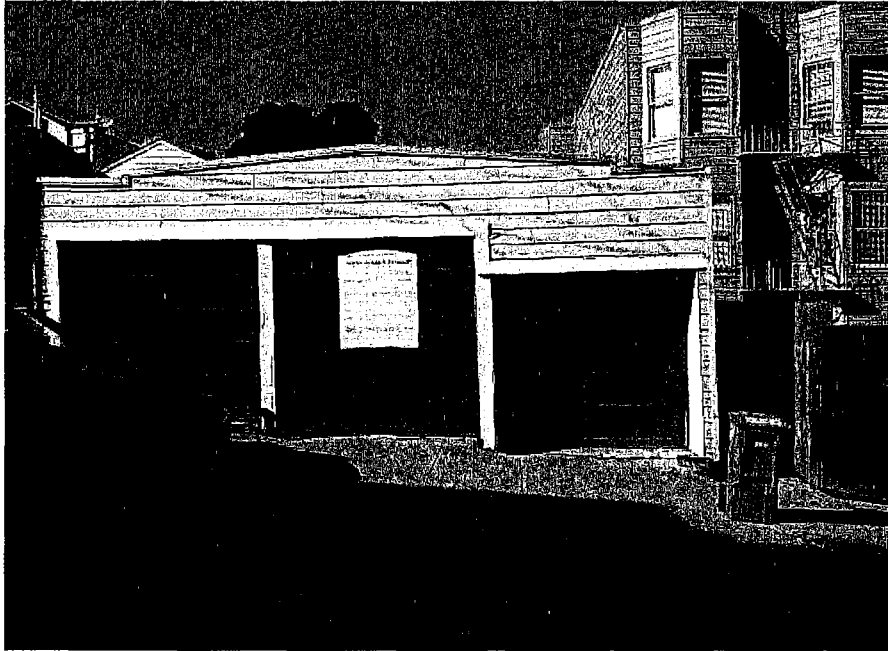
NOTICE OF PUBLIC HEARING

Hearing Date: **Wednesday, October 23, 2013**
 Time: **9:30 AM**
 Location: **City Hall, 1 Dr. Carlton B. Goodlett Place, Room 408**
 Case Type: **Varlance (Lot Size, Rear Yard, Open Space & Parkir**
 Hearing Body: **Zoning Administrator**

PROPERTY INFORMATION	APPLICATION INFORMATION
Project Address: 853-855 Fell Street	Case No.: 2013.0712V
Cross Street(s): Webster Street	Building Permit: TBD
Block / Lot No.: 0829/024	Applicant/Agent: Gulliermo Loyola
Zoning District(s): RH-3 / 40-X	Telephone: 510-339-9905
Area Plan: n/a	E-Mail: momo@rww-llc.com
PROJECT DESCRIPTION	
<p>The proposal is to subdivide a through lot containing a two-unit building fronting on Fell Street and a garage fronting on Hickory Street. The structure fronting on Fell Street will be reduced by approximately six feet in depth at the rear.</p> <p>SECTION 121 OF THE PLANNING CODE requires the size of the proposed lots to be a minimum of 2,500 square feet each. The proposed lot subdivision would create an approximately 1,750 square foot lot for the property fronting on Fell Street and an approximately 1,250 square foot lot for the property fronting Hickory Street.</p> <p>SECTION 134 OF THE PLANNING CODE requires a rear yard equal to 25 percent of the lot depth or 15 feet, whichever is greater. The required rear yard for the structure fronting on Fell Street would be approximately 17 feet while the proposed rear yard would be approximately three feet.</p> <p>SECTION 136 OF THE PLANNING CODE requires 100 square feet of private open space for each dwelling unit, 266 square feet of common open space, or a sufficient combination of private and common open space. The proposed lot fronting on Fell Street containing two units would provide approximately 80 square feet of private open space and 140 square feet of common open space where 266 square feet are required.</p> <p>SECTION 159 OF THE PLANNING CODE requires that required parking spaces for one family and two-family dwellings be located on the same lot as the dwellings served. The proposed subdivision would result in the required parking spaces being located on a separate lot; therefore, a varlance is required.</p>	
ADDITIONAL INFORMATION	
<p>FOR MORE INFORMATION, PLEASE CONTACT PLANNING DEPARTMENT STAFF: Planner: Christine Lamorena Telephone: 415-675-9085 Mail: christine.lamorena@sfgov.org</p>	
<p>ARCHITECTURAL PLANS: The site plan and elevations of the proposed project are available on the Planning Department's website at: http://sf-planning.org/files/notice/2013_0712V.pdf</p>	

中文詢問請電 558.6378
 Para información en Español llamar al: 558.6378

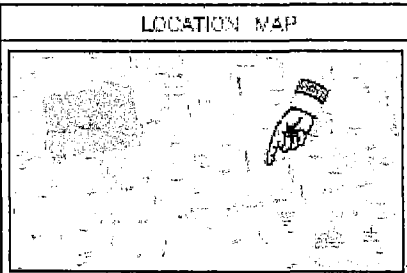
1486



POSTING ON GARAGE DOOR FROM OCTOBER 3RD TO
OCTOBER 23RD



POSTING ON WINDOW OF Mr. HERZOG FROM OCTOBER 3RD TO
OCTOBER 23RD
POSTING WAS INSTALLED FROM INSIDE Mr. HERZOG'S WINDOW



APPLICABLE CODES

1. 2010 CALIFORNIA RESIDENTIAL CODE (CRC)
 2. 2010 CALIFORNIA FIRE CODE (CFC)

PROJECT DATA

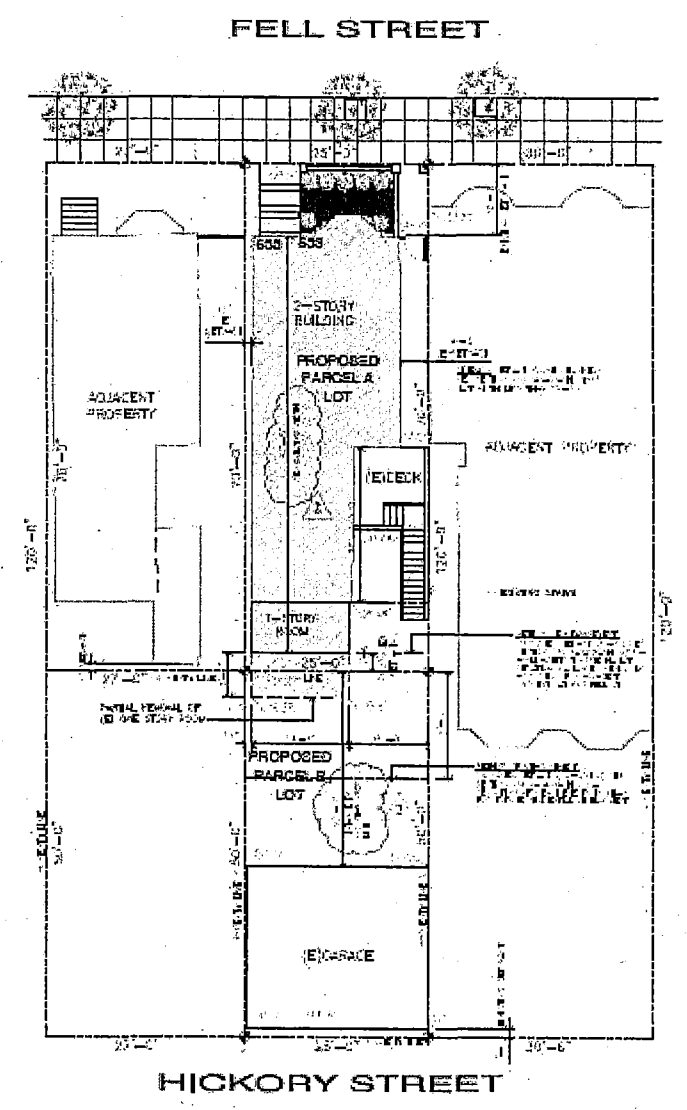
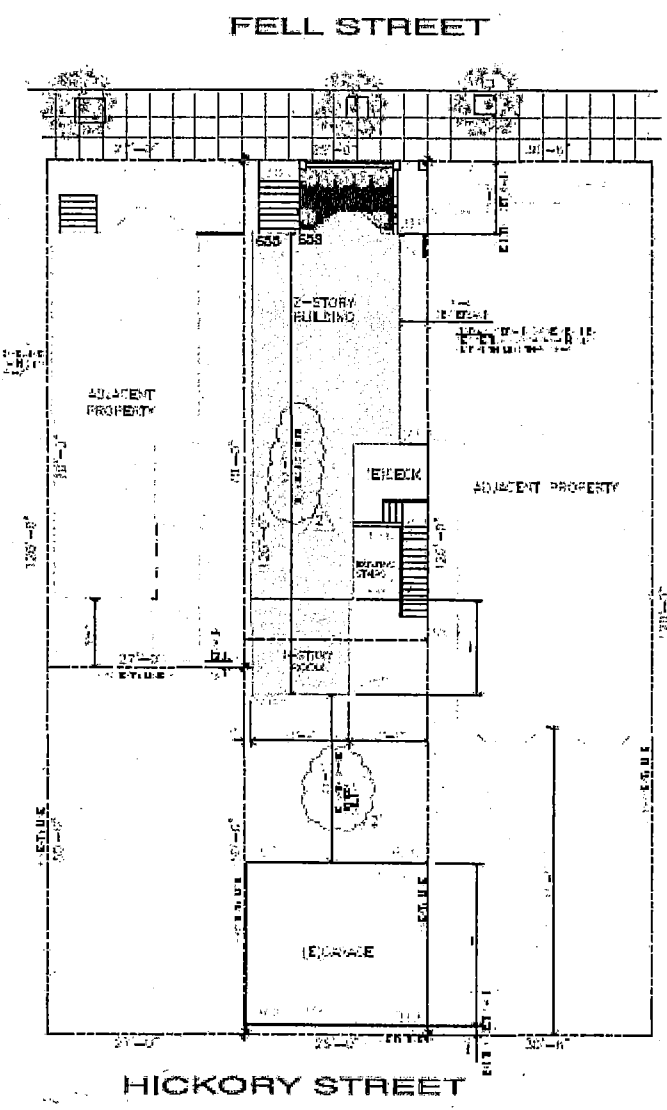
OWNER: [Blank]
 ARCHITECT: [Blank]
 DATE: [Blank]
 SCALE: [Blank]

SCOPE OF WORK

REMOVE 1 STORY BATHY TOOL ROOM FOR LOT SPLIT AND CHANGE FOR PROPOSED LOT SPLIT

SYMBOLS

	EXISTING WALL		EXISTING DOOR
	EXISTING WINDOW		EXISTING STAIR
	EXISTING PORCH		EXISTING DRIVE
	EXISTING FENCE		EXISTING UTILITY
	EXISTING EAVES		EXISTING ROOF
	EXISTING DRIVE		EXISTING DRIVE
	EXISTING DRIVE		EXISTING DRIVE



RUBIO BOWDEN Design

1010 Broadway, Suite 400
 San Francisco, CA 94109
 Phone: 415.774.8888
 Fax: 415.774.8889
 Email: info@rubiodesign.com

BUILDING ALTERATION FOR LOT SPLIT

1488

1488 FELL STREET, SAN FRANCISCO, CA

NO	DATE	REVISION

SITE PLAN

A.1

Mr. Herzog filed an appeal on April 9th 2014.

A hearing was held on May 6th during which Mr. Herzog raised the following concerns:

1. That he was not notified of the project, that he didn't understand what it meant at the time. That he didn't know who the owner is and that he only spoke to a secretary.
2. That his unit was being reduced by 86 sqft.
3. That his was losing parking spaces – section 159 of the planning code
4. That he was losing his open space – section 135 of the planning code

In Response to the tenant's concerns, the owner would like to point out that it is not their intent to be adversary to Mr. Herzog. Rather, they tried to reach out to him via mail to arrange for a meeting to discuss the project. No response was received. See attached copy of Letter dated 4/24/14.

There is also a property manager, Eric Wayne (RWW Properties), with whom Mr. Herzog has been in contact with regarding some maintenance issues, and to accounting regarding the rent.

The loss of 86 sqft in question is a common laundry area. This area is not part of the tenant's lease. However, the owner realizes the inconvenience of losing access to this amenity and is proposing to relocate the washer and dryer to an area that will be accessible to both tenants.

Parking spaces are not lost- The 3-car garage fronting hickory remains unchanged. The garage was never a part of the tenant's lease.

Loss of open space – Although the lot subdivision will reduce the rear yard, the tenant's access to sunlight will not be impacted.



614 La Salle Avenue Tel: 510.330.9905
Suite 535 Fax: 510.330.9906
Oakland, CA 94611

April 24, 2014

Mr. Jeremy D. Herzog
853 Fell Street
San Francisco, CA 94102

Subject: 653 Fell Street Appeal

Dear Mr. Herzog,

We recently received notice of your appeal dated April 9, 2014, of the tentative approval of a lot subdivision by the City and County of San Francisco Department of Public Works by notice dated April 8, 2014. We are surprised that you have chosen to appeal the tentative decision rather than coming forward during the variance application process. Notice of our application for the variance was given by mail in compliance with local ordinance and the law to all persons residing within a 300 foot radius of the application site. In addition, notices were prominently posted on the garage door and in your window. Pictures of the postings are provided to you with this letter. We would have preferred to deal with any of your concerns during that application process.

We are committed to proceeding with the application and believe it will be granted, however, we want to insure that you understand the purpose and nature of the variance before the hearing. To this end, we would like to meet with you at a convenient time in the next 10 days to go over our application and explain the next steps in the process. We are confident that once we have had the chance to lay out the proposal to you that you will no longer object to the variance.

Please contact Eric Wayne at 510-318-4201 as soon as possible to arrange the meeting.

We look forward to meeting with you.

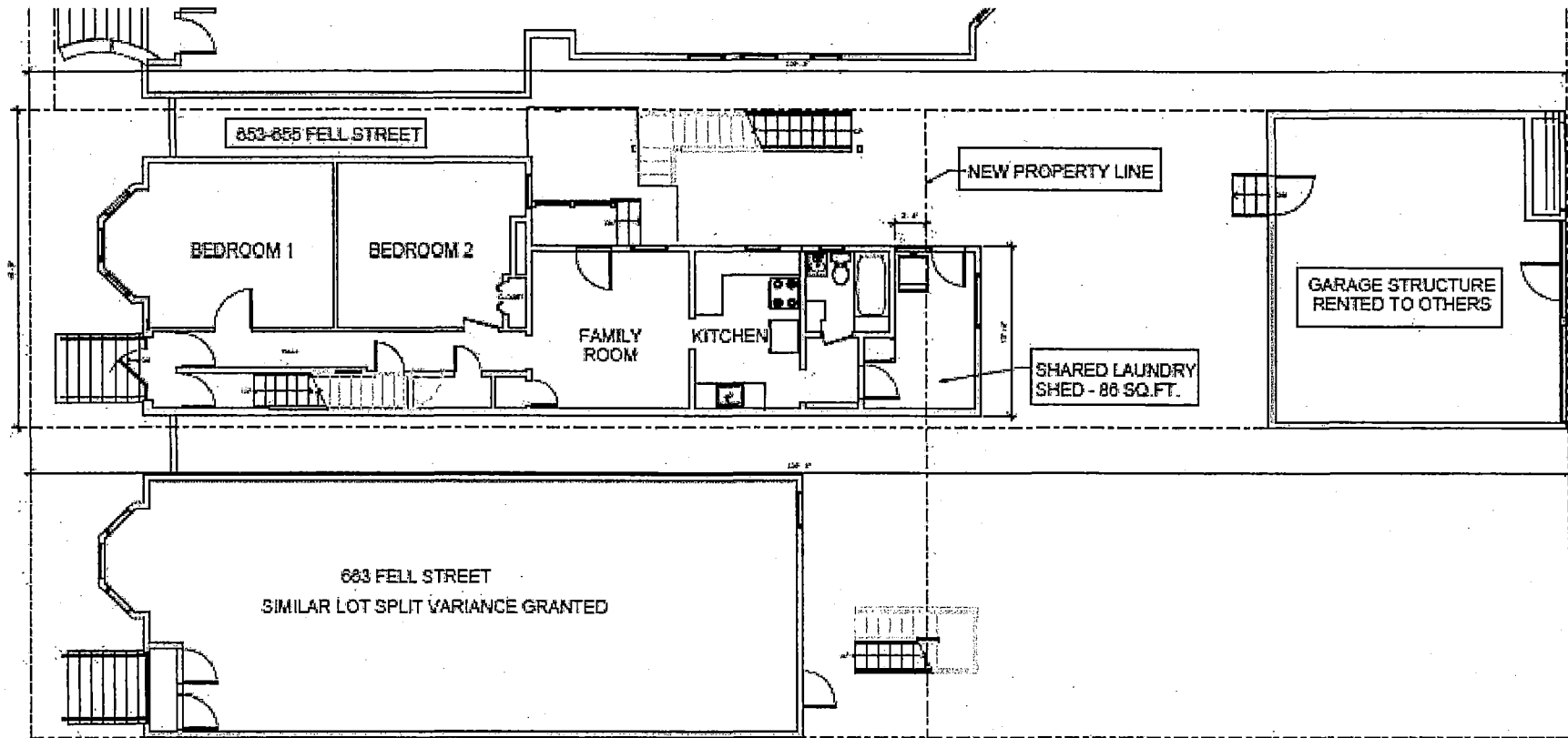
Sincerely,

Reid Saffier
RWW Properties LLC

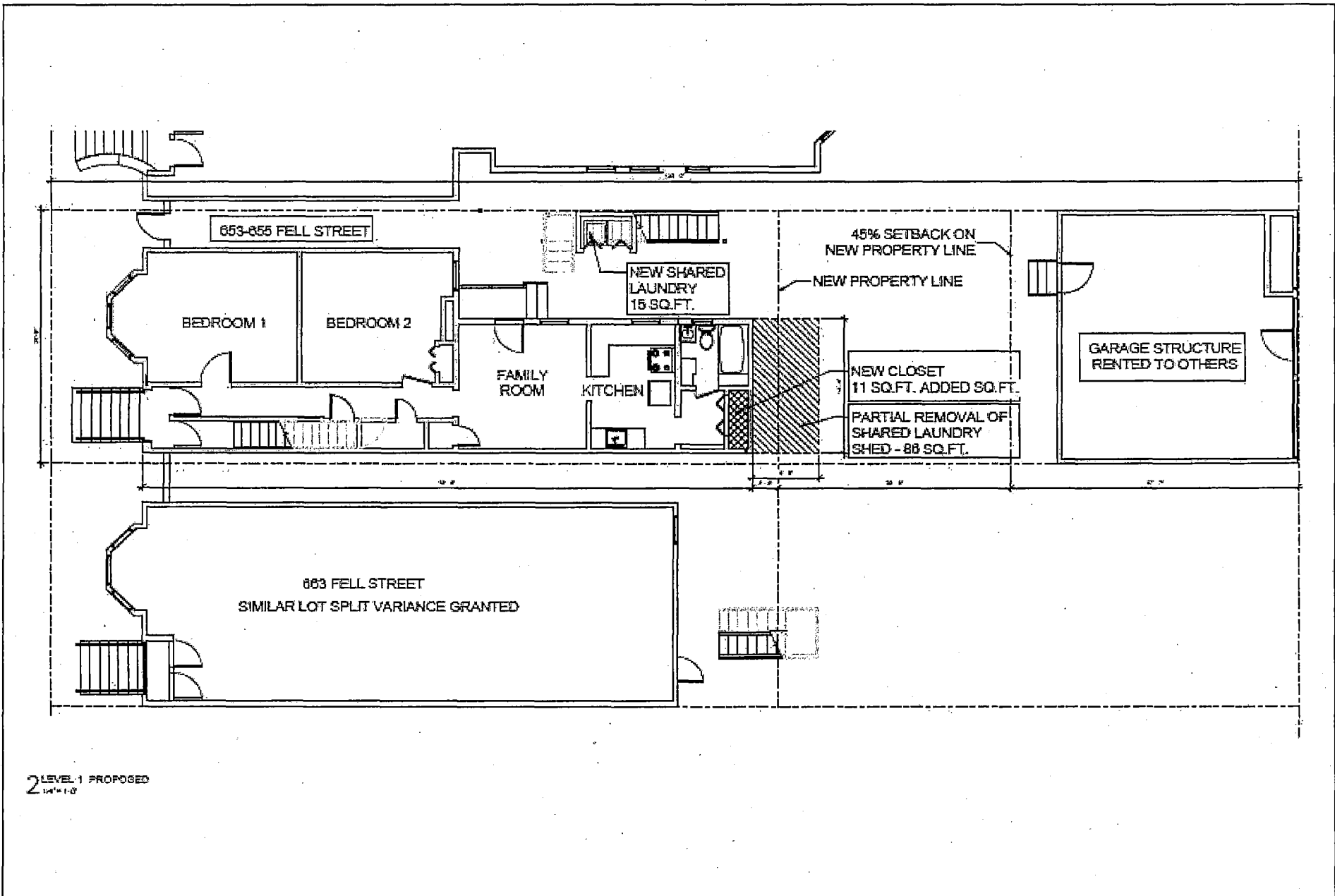
Attachments: Email from Sergio Giannoni dated 10/13/13 containing postings on property



SHARED LAUNDRY SHED



1 LEVEL 1 EXISTING
1/8" = 1'-0"



In conclusion, we believe the request for the lot subdivision is in keeping with the guidelines of the San Francisco General Plan and similar lot subdivisions granted on the subject block.

It is the project intent to respect and preserve the character, cultural and economic diversity of the neighborhood.

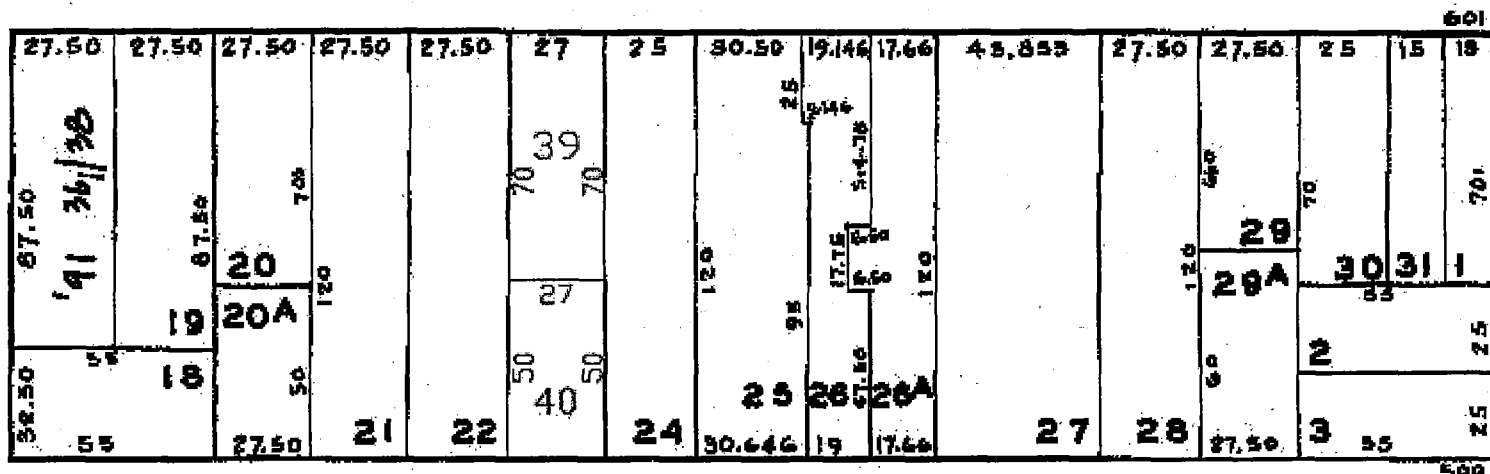
The proposed lot subdivision has no impact on the city's supply of affordable housing.

The proposed lot subdivision will not result in overburdening the streets or neighborhood parking.

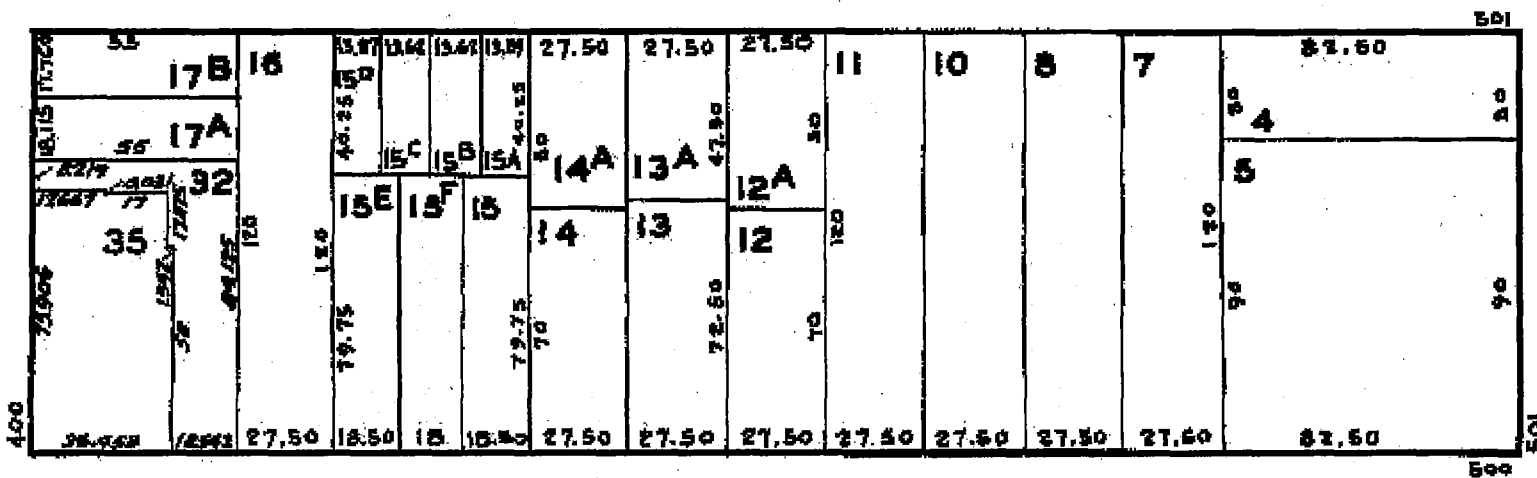
A similar lot subdivision was granted at 663 Fell Street, next to subject property.

The proposed project is in conformance with article 10 of the planning code and the secretary of the interior's standards.

FELL



HICKORY



OAK

PATTERN OF LOT SUBDIVISIONS ON SUBJECT BLOCK

WEBSTER

BUCHANAN



653 FELL STREET

SUBJECT PROPERTY – VIEW FROM FELL STREET

663 FELL STREET
SIMILAR LOT
SUBDIVISION
GRANTED ON
3/8/08



663 FELL STREET

SUBJECT PROPERTY – VIEW FROM HICKORY STREET

663 FELL STREET
SIMILAR LOT SUBDIVISION
GRANTED ON 3/8/08



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Tentative Parcel Map Appeal 653-655 Fell Street

DATE: April 29, 2014

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: John Rahaim, Planning Director – Planning Department (415) 558-6411
Christine Lamorena, Case Planner – Planning Department (415) 575-9085

RE: File No. 140355 Planning Case No. 2013.0712S – Appeal of approval of a Tentative Parcel Map for 653-655 Fell Street

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

2014 APR 29 PM 3:32
 ALK

HEARING DATE: May 6, 2014

ATTACHMENTS: A. Planning Department Referral Letter (dated May 25, 2014)
B. Variance Decision Letter (dated January 6, 2014)

PROJECT SPONSOR: RWW Properties, LLC, 6114 La Salle Avenue #535, Oakland, CA 94551

APPELLANT: Jeremy D. Herzog, 653 Fell Street, San Francisco, CA 94102

INTRODUCTION:

This memorandum and the attached documents are in response to the letter of appeal (“Appeal Letter”) to the Board of Supervisors (the “Board”) regarding the Department of Public Works (“DPW”) April 7, 2014 approval of a Tentative Parcel Map for a two lot subdivision at 653-655 Fell Street. The application was filed with DPW on April 30, 2013 and referred to the Planning Department (the “Department”) for review on May 20, 2013. Related variances for lot size, rear yard, open space, and parking were heard at a public hearing before the Zoning Administrator on October 23, 2013 and granted on January 6, 2014 (Case No. 2013.0712V). Recommendation for approval by the Department was made on March 25, 2014 and issued by DPW on April 7, 2014. The Appeal Letter to the Board was filed on April 9, 2014 by Jeremy D. Herzog and referenced the proposed project in Case No. 2013.0712S. The Appellant states that he was unaware of the proposed subdivision and requests further time to research the issues. The Appeal Letter does not include any specific concerns.

The decision before the Board is whether to uphold or overturn the Tentative Parcel Map approval for the two lot subdivision.

SITE DESCRIPTION & PRESENT USE:

The subject property is a through lot located on the south side of Fell Street between Webster and Buchanan Streets. The subject lot is 25 feet wide by 120 feet deep and is developed with a three-story, two-unit building constructed circa 1900. A garage at the rear of the property fronts on Hickory Street.

Memo



**Department of Public Works
Office of the City and County Surveyor**

1155 Market Street, 3rd Floor
San Francisco, CA 94103

Edwin M. Lee, Mayor
Mohammed Nuru, Director

Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

Bruce R. Storrs, City and County Surveyor

Date: May 20, 2013

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

Project ID: 7534			
Project Type: 2 Lot Subdivision			
Address#	StreetName	Block	Lot
653 - 655	FELL ST	0829	024
Tentative Map Referral			

Attention: Mr. Scott F. Sanchez

Pursuant to Section 1325 of the City and County of San Francisco Subdivision Code and Section 4.105 of the 1996 City Charter, a print of the above referenced Map is submitted for your review, CEQA and General Plan conformity determination. Under the provisions of the Subdivision Map Act and the City and County of San Francisco Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the receipt of the application or CEQA Determination per SMA 664521(c). Under these same state and local codes, DPW is required to approve, conditionally approve, or disapprove the above referenced map within 50 days of the receipt of the application or CEQA Determination per SMA 664521(c). Failure to do so constitutes automatic approval. Thank you for your timely review of this Map.

Enclosures :

- Print of Parcel Map
- List "B"
- Proposition "M" Findings
- Photos

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor

_____ The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address): **SEE ATTACHED NSR**

_____ The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

PLANNING DEPARTMENT

DATE 03.25.14

C. LAMORENA
FOR Mr. Scott F. Sanchez, Zoning Administrator

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

Customer Service

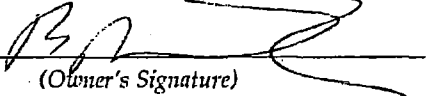
Teamwork

Continuous Improvement

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The newly created lot fronting on Hickory Street will be limited to one dwelling unit.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

Dated: MARCH 20, 2014 at San Francisco, California
RWW Properties, LLC

(Owner's Signature)

*This signature(s) must be acknowledged by a notary public before recordation;
add Notary Public Certification and Official Notarial Seal Below.*

CL/jms/653-655 Fell Street/NSR

ACKNOWLEDGMENT

State of California
County of Alameda

On March 20, 2014 before me, Carmela Gonzales Pena
(insert name and title of the officer)

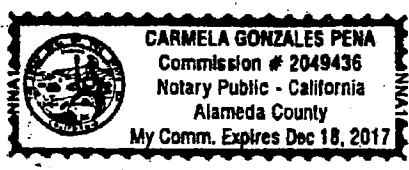
personally appeared B Reid Settlement
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) 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]

(Seal)



PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.
2. The Zoning Administrator held a public hearing on Variance Application No. 2013.0712V on October 23, 2013.
3. Planning Code Section 311 notification is not required for the proposal.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to subdivide a through lot containing a two-unit building fronting on Fell Street and a garage fronting on Hickory Street, subject to the following conditions:

1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The newly created lot fronting on Hickory Street will be limited to one dwelling unit.
5. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
6. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

expand the structures and the lot subdivision would occur on a block with similar conditions. Previously approved lot size, rear yard, open space, and parking variances in the nearby area include 663 Fell Street. (Case No. 2007.1044V) and 513 and 519 Hickory Street (Case No.1990.094V).

- B. The Planning Department received no opposition to the proposed project.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
1. Existing neighborhood retail uses will not be adversely affected by the proposed project.
 2. The proposed project will be in keeping with the existing housing and neighborhood character. The proposal will preserve the existing two dwelling units on the property.
 3. The proposed project will have no effect on the City's supply of affordable housing.
 4. The proposed project does not adversely affect neighborhood parking or public transit.
 5. The project will have no effect on the City's industrial and service sectors.
 6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
 7. The project will have no effect on the City's landmarks or historic buildings.
 8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for

D. APPLICATION FOR PARCEL MAP / FINAL MAP SUBDIVISION

Property Address: 693-655 Fell St. SF CA 94102

Assessor's Block: 0829 Lot Number(s): 024

For DPW-BSM use only
ID No.: 7534

Owner:	
Name:	<u>RWW PROPERTIES, LLC</u>
Address:	<u>6114 LA SALLE AVE #535, OAKLAND CA 94611</u>
Phone:	<u>510-339-9905</u> E-mail: <u>office@rww-llc.com</u>
Person to be contacted concerning this project (if different from owner):	
Name:	<u>RWW PROPERTIES, LLC c/o GUILLERMO LOYOLA</u>
Address:	<u>6114 LA SALLE AVE #535, OAKLAND CA 94611</u>
Phone:	<u>(510) 339-9905</u> E-mail: <u>memo@rww-llc.com</u>
Firm or agent preparing the subdivision map:	
Name:	<u>Langford Land Surveying</u>
Address:	<u>424 Preston Court, Livermore CA 94551</u>
Phone:	<u>(510) 530-5200</u> E-mail: <u>langfordls@sbcglobal.net</u>
Subdivider: (if different from owner)	
Name:	
Address:	

**

Existing number of lots: 1 Proposed number of lots: 2

This subdivision results in an airspace: No Yes (shown on Tentative Map)

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

I (We) B. REID SETTLEMIER
(Print Subdivider's Name in full)

declare, under penalty of perjury, that I am (we are) the owner(s) [authorized agent of the owner(s)] of the property that is the subject of this application, that the statements herein and in the attached exhibits present the information required for this application, and the information presented is true and correct to the best of my (our) knowledge and belief.

Date: 5/14/13 Signed: 

Date: _____ Signed: _____

RWW PROPERTIES, LLC

GUILLERMO LOYOLA

RECEIVED
13 MAY 16 PM 4:08

D. APPLICATION FOR PARCEL MAP / FINAL MAP SUBDIVISION

Property Address: 693-655 Fell St, SF CA 94102

Assessor's Block: 0829 Lot Number(s): 024

For DPW-BSM use only
ID No.: 7534

Owner:	
Name:	<u>RWW PROPERTIES, LLC</u>
Address:	<u>614 LA SALLE AVE #535, OAKLAND CA 94611</u>
Phone:	<u>510-339-9905</u> E-mail: <u>office@rww-llc.com</u>
Person to be contacted concerning this project (if different from owner)	
Name:	<u>RWW PROPERTIES, LLC C/O GUILLERMO LOYOLA</u>
Address:	<u>614 LA SALLE AVE #535, OAKLAND CA 94611</u>
Phone:	<u>(510) 339-9905</u> E-mail: <u>memo@rww-llc.com</u>
Firm or agent preparing the subdivision map:	
Name:	<u>Langford Land Surveying</u>
Address:	<u>424 Preston Court, Livermore CA 94551</u>
Phone:	<u>(510) 530-5200</u> E-mail: <u>LangfordLS@sbcglobal.net</u>
Subdivider: (if different from owner)	
Name:	
Address:	

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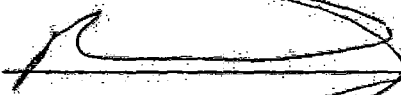
Existing number of lots: 1 Proposed number of lots: 2

This subdivision results in an airspace: No Yes (shown on Tentative Map)

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

I (We) B. REID SETTLEMIER
(Print Subdivider's Name in full)

declare, under penalty of perjury, that I am (we are) the owner(s) [authorized agent of the owner(s)] of the property that is the subject of this application, that the statements herein and in the attached exhibits present the information required for this application, and the information presented is true and correct to the best of my (our) knowledge and belief.

Date: 5/14/13 Signed: 

Date: _____ Signed: _____

RECEIVED
13 MAY 16 PM 4:08

RWW PROPERTIES, LLC

GUILLERMO LOYOLA

114 LA SALLE AVENUE, #535
OAKLAND, CA 94611
MEMO@RWW-LLC.COM

C: 510-695-0016
O: 510-379-7655
F: 510-339-9906



NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

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

Date: Tuesday, May 6, 2014

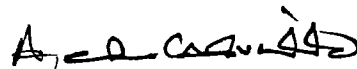
Time: 3:00 p.m.

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

Subject: File No. 140355. Hearing of persons interested in or objecting to the decision of the Department of Public Works dated April 8, 2014, approving a Tentative Parcel Map for a 2-lot subdivision located at 653-655 Fell Street, Assessor's Block No. 0829, Lot No. 024. (District 5) (Appellant: Jeremy D. Herzog) (Filed April 9, 2014).

Pursuant to Government Code, Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Administrative Code, Section 67.7-1; persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on May 2, 2014.


Angela Calvillo
Clerk of the Board

LEGAL NOTICES legalnotice.org/pl/sfgate

PUBLIC NOTICES

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
NOTICE OF PUBLIC HEARING ON IMPLEMENTING AN ACTION PLAN FOR IMPROVING PARKING FOR THE SOUTH HAYWARD STATION
MAY 14, 2014

PUBLIC NOTICES

REDEVELOPMENT AGENCY OF SAN FRANCISCO
COMMISSION ON THE CITY AND COUNTY OF SAN FRANCISCO
On April 1, 2014, the Commission of the Redevelopment Agency...

PUBLIC NOTICES

REDEVELOPMENT AGENCY OF SAN FRANCISCO
COMMISSION ON THE CITY AND COUNTY OF SAN FRANCISCO
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COMMISSION ON THE CITY AND COUNTY OF SAN FRANCISCO
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COMMISSION ON THE CITY AND COUNTY OF SAN FRANCISCO
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REDEVELOPMENT AGENCY OF SAN FRANCISCO
COMMISSION ON THE CITY AND COUNTY OF SAN FRANCISCO
On April 1, 2014, the Commission of the Redevelopment Agency...

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
In re: TRONOX INCORPORATED, et al. Reorganized Debtors.

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
Chapter 11 Case No. 09-10156 (AIG) Jointly Administered.

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
NOTICE OF PUBLIC HEARING REGARDING TO RESOLUTION OF THE DEBTS OF THE DEBTORS.

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
any claims or causes of action of the Debtors related to the Adversary Proceeding...

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
one duplicative of Trust Derivative Claims, whether or not held or controlled by the Litigation Trust...

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
PLEASE TAKE NOTICE that, on April 9, 2014, the Anadarko litigation trust ("the Litigation Trust")...

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
FOR FILING OBJECTIONS TO TRONOX/KERR-MCGEE SETTLEMENT AGREEMENT

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
PLEASE TAKE NOTICE that, on April 9, 2014, the Anadarko litigation trust ("the Litigation Trust")...

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
PLEASE TAKE NOTICE that, on April 9, 2014, the Anadarko litigation trust ("the Litigation Trust")...

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
PLEASE TAKE FURTHER NOTICE that objections to the Motion, if any, shall be in writing, shall conform to the Federal Rules of Bankruptcy Procedure...

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PLEASE TAKE FURTHER NOTICE that objections to the Motion, if any, shall be in writing, shall conform to the Federal Rules of Bankruptcy Procedure...

PUBLIC NOTICES

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PLEASE TAKE FURTHER NOTICE that objections to the Motion, if any, shall be in writing, shall conform to the Federal Rules of Bankruptcy Procedure...

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
There are two complaints against Anadarko currently being jointly litigated in Tronox Inc., et al. v. Kerr-McGee Corporation, et al.

PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
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PUBLIC NOTICES

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK
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1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

CNS 2615055

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description: Hearing Notice - Ten Map - 653-655 Fell St

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

04/25/2014

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRAN- CISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:
Date: Tuesday, May 6, 2014 Time: 3:00 p.m. Location: Legislative Chamber, Room 250 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

Subject: File No. 140355. Hearing of persons interested in or objecting to the decision of the Department of Public Works dated April 8, 2014, approving a Tentative Parcel Map for a 2-lot subdivision located at 653-655 Fell Street, Assessor's Block No. 0829, Lot No. 024, (District 5) (Appellant: Jeremy D. Herzog) (Filed April 9, 2014).

Pursuant to Government Code, Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on May 2, 2014.
Angela Calvillo, Clerk of the Board

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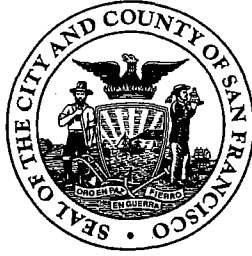
NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: **Date: Tuesday, May 6, 2014 Time: 3:00 p.m. Location: Legislative Chamber, Room 250 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102**

Subject: File No. 140355. Hearing of persons interested in or objecting to the decision of the Department of Public Works dated April 8, 2014, approving a Tentative Parcel Map for a 2-lot subdivision located at 653-655 Fell Street, Assessor's Block No. 0829, Lot No. 024. (District 5) (Appellant: Jeremy D. Herzog) (Filed April 9, 2014).

Pursuant to Government Code, Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

PROOF OF MAILING

Legislative File No. 140355

Description of Items: Two hundred and ninety-seven hearing notices for public hearing on May 6 regarding appeal of tentative map for 653-655 Fell Street.

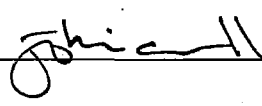
I, John Carroll, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: April 25, 2014

Time: 2:00 p.m.

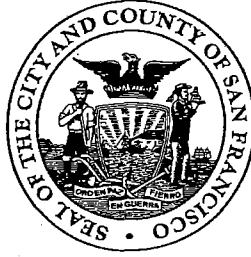
USPS Location: Bos COS OFFICE USPS PICKUP BOX

Mailbox/Mailslot Pick-Up Times (if applicable): 3:00 p.m.

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. 544-5227

April 14, 2014

Jeremy D. Herzog
653 Fell Street
San Francisco, CA 94102

File No. 140355
Appeal of Tentative Parcel Map - 653-655 Fell Street
Assessor's Block No. 0829, Lot No. 024
2 Lot Subdivision

Dear Mr. Herzog:

This is in reference to the appeal you submitted concerning approval of the subject Tentative Parcel Map for property located at:

653-655 Fell Street, Assessor's Block No. 0829, Lot No. 024

A hearing date has been scheduled on **Tuesday, May 6, 2014, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, Legislative Chamber, Room 250, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Please provide to the Clerk's Office by:

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

15 days prior to the hearing: names and addresses of interested parties to be notified of the hearing in label format.

For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and one hard copy of the documentation for distribution, and, if possible, names and addresses of interested parties to be notified in label format. NOTE: If an electronic version of the documentation is not available, please submit 18 hard copies of the documentation to the Clerk's Office for distribution. Please note, if documents are received after the deadlines prescribed above, it is your responsibility to ensure that all parties have been given copies of such materials.

If you have any questions, please feel free to contact Legislative Deputy Director, Rick Caldeira at (415) 554-7711, or Legislative Clerks, Joy Lamug at (415) 554-7712, or John Carroll at (415) 554-4445.

Sincerely,



Angela Calvillo
Clerk of the Board

c:

Project Sponsor, RWW Properties, LLC, c/o Guillermo Loyola, 6114 LaSalle Avenue, #535, Oakland, CA 94611
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
John Malamut, Deputy City Attorney
Mohammed Nuru, Director, Department of Public Works
Jerry Sanguinetti, Manager, Department of Public Works-Bureau of Street Use and Mapping
Fuad Sweiss, City Engineer, Department of Public Works
Aaron Starr, Planning Department
AnMarie Rodgers, Planning Department
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Environmental Review Officer, Planning Department
Joy Navarrete, Planning Department
Tina Tam, Planning Department
Tim Frye, Planning Department

**** WinMetro Label Set ****

Date : 4/24/2014
Report : Avery 5160 Laser Label Option A
Sort : SITEADDR
Count : 301

For : san francisco co
of : 653 fell
By : Cindy Cost
2 sets labels

Recs Processed : 336
Dups Screened : 24
CRs Screened : 0
Bad Addresses : 0
Labels Produced : 301

Zachary Alinder & Amy Keating
268 Lombard St #4
San Francisco, CA 94133-2480

Paul Olsen
420 Buchanan St
San Francisco, CA 94102-5528

Patrice Phillips
21 Tamalpais Rd
Fairfax, CA 94930-1518

Kumar Dandapani
429 Buchanan St
San Francisco, CA 94102-5529

Joseph Ross Swimmer & Swimmer Jos
431 Buchanan St
San Francisco, CA 94102-5529

M Victor & Victor & Le Sabbah
798 Ranger Cir
Foster City, CA 94404-1727

Christopher Briley
436 Buchanan St
San Francisco, CA 94102-5528

Thomas Mills Jr.
438 Buchanan St
San Francisco, CA 94102-5528

Tunde Munz-Abraham
531 Buchanan St
San Francisco, CA 94102-5527

Tieu Holman
534 Buchanan St
San Francisco, CA 94102-5526

Timothy Parker
5032 Diamond Heights Blvd
San Francisco, CA 94131-1651

Victoria Yelensky
7723 Claremont Ave
Berkeley, CA 94705-1436

Michael Giangrave & Stenly Song
1833 Channing Way
Berkeley, CA 94703-1760

Alicia Padilla
14233 E Shaver St
La Puente, CA 91746-1729

Glenn Krumbholz
610 1/2 Buchanan St
San Francisco, CA 94102-5015

Karl Gooden
612 Buchanan St
San Francisco, CA 94102-5015

Eileen Gordon
614 Buchanan St
San Francisco, CA 94102-5015

Kevin & Rati Levesque
616 Buchanan St
San Francisco, CA 94102-5015

Lisa Michele Wist
618 Buchanan St
San Francisco, CA 94102-5015

Alberta Samuels
8090 Coach Dr
Oakland, CA 94605-4203

Wymiarzewicz Slawomir
1817 California St #108
San Francisco, CA 94109-4535

Rodrigo & Gloria Villacruz
408 Fell St
San Francisco, CA 94102-5017

Nicolas & Victoria Kenery
2830 Conifer Dr
Fairfield, CA 94533-8104

Yen Youie
420 Fell St
San Francisco, CA 94102-5017

E Simmons Michael & Michael Simm
425 Fell St
San Francisco, CA 94102-5016

Cecilia Thwaite Gregor Tarrant
165 W 66th St #7A
New York, NY 10023-6506

Gina Lee Ran Satomi
430 Fell St
San Francisco, CA 94102-5017

Sybil Bourges
588 Wyanpote
Daly City, CA 94014

Bolbolan Shahla
442B Fell St
San Francisco, CA 94102-5017

G Lehtola Michael
163 Divisadero St
San Francisco, CA 94117-3212

Lucille Ngai-Saul & Zachary Saul
7327 Geary Blvd
San Francisco, CA 94121-1602

John Lvg Wai
PO Box 641045
San Francisco, CA 94164-1045

Mitchell Walker Jr.
506 Fell St #A
San Francisco, CA 94102-5010

Aline Godbout
506 Fell St #B
San Francisco, CA 94102-5010

Kunal Modi & Anita Gupta
506 Fell St #C
San Francisco, CA 94102-5010

Madeline Moran & Patterson Daniel
517-519 Fell St
San Francisco, CA 94102-5018

Thieu Tran Giang Phan
525 Fell St
San Francisco, CA 94102-5018

Betty Robinson
529 Fell St
San Francisco, CA 94102-5018

Helen Linder
535 Fell St
San Francisco, CA 94102-5018

Mark Wilson
4324 Fran Way
Richmond, CA 94803-1926

Irwin & Tanja Schulte Jonathan
542 Fell St
San Francisco, CA 94102-5019

Richard Couch
559 Fell St
San Francisco, CA 94102-5018

Richard Couch
559 Fell St
San Francisco, CA 94102-5018

Golden Properties LLC & Sergio Iantor
2170 Sutter St
San Francisco, CA 94115-3120

Nimer Massis
593 Ofarrell St
San Francisco, CA 94102-1931

Christine Wood Gonzalez
419 Central Ave
San Francisco, CA 94117-2022

Matthew Lever
580 Fell St
San Francisco, CA 94102-5019

Jonathan Rowe
76-6204 Alii Dr #3
Kailua Kona, HI 96740-2329

Gary & Katherine Murphy
482 Hickory St
San Francisco, CA 94102-5607

Kam Inson Yuen & Inson David
591 Fell St
San Francisco, CA 94102-5018

Rosemary Glavin
601 Fell St
San Francisco, CA 94102-5020

John Lambert
601A Fell St
San Francisco, CA 94102-5020

Dennis Heinke
603 Fell St
San Francisco, CA 94102-5020

Michael & Cla Hyland Goldman
2261 Market St #428A
San Francisco, CA 94114-1600

Peterson Robert & Robert Peterson
2180 N Denair Ave
Turlock, CA 95382-1822

Terence Choy
791 Lakeview Ave
San Francisco, CA 94112-2203

Robert & Jessica Lawson
1521 Willow Ave
Burlingame, CA 94010-5011

Rosario Billingsley
2929 Summit St #207
Oakland, CA 94609-3423

Marion Buchenau
627 Fell St
San Francisco, CA 94102-5020

Reco Investors LLC
6114 La Salle Ave #535
Oakland, CA 94611-2802

Stenkamp Kilby
PO Box 460298
San Francisco, CA 94146-0298

Whelan Family
223 Lisbon St
San Francisco, CA 94112-2018

Rishi Verma & Arvantely Peter
679 Fell St
San Francisco, CA 94102-5020

John Wong
20 Lansdale Ave
San Francisco, CA 94127-1609

William & Patricia Mandel
112 Lyon St
San Francisco, CA 94117-2113

Laguna Hayes Ptnrs LLC
136 Parnassus Ave #1
San Francisco, CA 94117-4213

Sung Luke & Ng Kitty Lian
73 Almaden Ct
San Francisco, CA 94118-4203

Campbell Family
615 Hayes St
San Francisco, CA 94102-4129

Parhizgar Dardula
619 Hayes St
San Francisco, CA 94102-4129

Steet Elizabeth
623 Hayes St
San Francisco, CA 94102-4129

Richard Fraige
704 Terrace St
Carson City, NV 89703-4831

Richard Fraige
PO Box 475730
San Francisco, CA 94147-5730

George Puffett
260 Banks St
San Francisco, CA 94110-5625

Mary Wallace
2215 Market St #414
San Francisco, CA 94114-1612

Kenneth Shroyer
1016 Harrison Ave
Venice, CA 90291-5023

David & Jennifer Pak
464 Hickory St
San Francisco, CA 94102-5607

Ralph Carlson
470 Hickory St
San Francisco, CA 94102-5607

Andrew Price
471 Hickory St
San Francisco, CA 94102-5606

Jueyan Zhang & Sandra Feng
476 Hickory St
San Francisco, CA 94102-5607

Keith Potter
477 Hickory St
San Francisco, CA 94102-5606

502-504 Hickory Street LLC
237 Kearny St #273
San Francisco, CA 94108-4502

Robert & William Connell
513 Hickory St
San Francisco, CA 94102-5518

Fox Louise
2759 Woodley Pl NW
Washington, DC 20008-1518

Fred Hamden
519 Hickory St
San Francisco, CA 94102-5518

John Scott Adams
523 Hickory St
San Francisco, CA 94102-5518

Stoddard Lambertson David
728 S Grant St
San Mateo, CA 94402-1412

Jerome Guillen
527 Hickory St
San Francisco, CA 94102-5518

Joshua Clayton
579 Hickory St
San Francisco, CA 94102

William & An Pamela McGee Jr.
415 Laguna St
San Francisco, CA 94102-5654

Michael Ellis
417 Laguna St
San Francisco, CA 94102-5654

Kenneth Gendemann
419 Laguna St #1
San Francisco, CA 94102-5654

Ronald & Summ Ingrid Hartman
419 Laguna St #2
San Francisco, CA 94102-5654

J Stacy Tr James & James Stacy
1446 Waller St
San Francisco, CA 94117-2925

William L K & Kelly Young
517 Laguna St
San Francisco, CA 94102-5051

Richard Fraige
123 W Second St
Carson City, NV 89703-4225

M Dattani Credit & Dattani Kaushi Mui
3232 22nd St
San Francisco, CA 94110-3007

Randall Lucas
300 Lily St
San Francisco, CA 94102-5608

Angela Maria Oliva
33 Seward St
San Francisco, CA 94114-2336

Edward Smith
306 Lily St #A
San Francisco, CA 94102-5681

Richard Stevens
306 Lily St #B
San Francisco, CA 94102-5681

Laurie Macdougall
306 Lily St #C
San Francisco, CA 94102-5681

John Wimberly & Zoe Cummings
308 Lily St
San Francisco, CA 94102-5682

Susan Macy
4446 Finch Ct
Napa, CA 94558-1703

Bui Connell & Tien Bu
524 10th Ave
San Francisco, CA 94118-3638

Kenneth Thomas Castellano
314 Lily St
San Francisco, CA 94102-5608

Michael Mertens
454 W 54th St #40
New York, NY 10019-4594

Bo Sook Han
368 Lily St
San Francisco, CA 94102-5608

Donald Bell Bruce & Bruce Donald Be
4052 23rd St
San Francisco, CA 94114-3214

Michael Willemsen
PO Box 2183
Arnold, CA 95223-2183

David & Elaine Sauers Jr.
413 Lily St #4
San Francisco, CA 94102-5560

Robert Tully
436 Diamond St
San Francisco, CA 94114-2823

Mission Housing Dev Corp
474 Valencia St #280
San Francisco, CA 94103-5928

Anne Pincus
452-454 Lily St
San Francisco, CA 94102-5521

Kate Ryan-Garrison
412 Linden St
San Francisco, CA 94102-5023

Arne Boudewyn
21850 Monte Vista Ter
Monte Rio, CA 95462

Mika & Lisa Newton
417 Linden St #1
San Francisco, CA 94102-5022

Bradley Maring
419 Linden St #2
San Francisco, CA 94102-5022

Ross Ronald
612 Howard St #390
San Francisco, CA 94105-3969

Nelson Montgomery
5 Seymour St
San Francisco, CA 94115-4525

Peter Holden
427 Linden St
San Francisco, CA 94102-5048

Casey & Victoria Stein Denis
743 Green St
San Francisco, CA 94133-3705

Audrey Donnelly & Roberts Gloria
442 Linden St
San Francisco, CA 94108-5442

Michael & Kathleen Klestoff
1812 Noriega St
San Francisco, CA 94122-4324

Mark Price
10916 Adare Dr
Fairfax, VA 22032-3103

Thomas Holt
1661 Oak St
San Francisco, CA 94117-2064

Anthony & Lidia Brown Nguyen
PO Box 2064
Santa Clara, CA 95055-2064

Stephen Sirota
491 Linden St
San Francisco, CA 94102-5022

Julie & Xavier Majic
508 Linden St #2
San Francisco, CA 94102-5025

Robert Katyal
508 Linden St #3
San Francisco, CA 94102-5025

Kevin Webb
3298 Pierce St
San Francisco, CA 94123-2700

Richard Johnson II
511 Linden St #B
San Francisco, CA 94102-5024

Cabot Kelly & Rossella Florio
511 Linden St #C
San Francisco, CA 94102-5024

Charles & Ruby Smith
334 Harriet St
San Francisco, CA 94103-4716

Janice Paniagua
533 Linden St
San Francisco, CA 94102-5024

Gregory Kellisky
1297 Dolores St
San Francisco, CA 94110-3614

Cheryl Bass
555-557 Linden St
San Francisco, CA 94102-5024

Roy Capps
921 Windeler Ave
Tracy, CA 95376-3849

Eric Fairfax
63 Elsie St
San Francisco, CA 94110-5106

Jasper Charles
508 Linden St #1
San Francisco, CA 94102-5025

Mary Lopez & Victor Yanasho
420 Oak St
San Francisco, CA 94102-5610

421-423 Oak Street LLC
2010 Ocean Ave #E
San Francisco, CA 94127-2755

Daniel Nosal
422 Oak St
San Francisco, CA 94102-5610

Belen Delrosario & Sabino Monica
821 Quintara St
San Francisco, CA 94116-1264

Silk Family & John Johnson
139 Downey St
San Francisco, CA 94117-4419

Lynne Creighton
437 Oak St
San Francisco, CA 94102-5609

Vai Family & C & M Colin
436 Oak St
San Francisco, CA 94102-5610

Bennett Family
441 Oak St
San Francisco, CA 94102-5609

Le-Carlson & Matthew Minou
444 Oak St #A
San Francisco, CA 94102-5684

Ronald & Summer Ingrid Hartman
444 Oak St #B
San Francisco, CA 94102-5684

David Alan & Al Jon Shuttleworth
467 Oak St
San Francisco, CA 94102-5609

Dorothy Cook
466 Oak St
San Francisco, CA 94102-5610

Edmund Bagaman
59 Forest St
Oakland, CA 94618

Gina Casagrande
472 Oak St
San Francisco, CA 94102-5610

Alison Kristen Lum
473 Oak St
San Francisco, CA 94102-5609

Jennifer Carrico
474 Oak St
San Francisco, CA 94102-5610

Hoang Tan Michael
477 Oak St
San Francisco, CA 94102-5609

Bradley Bombola
483 Oak St
San Francisco, CA 94102-5609

Baker Places Inc
1000 Brannan St #401
San Francisco, CA 94103-4888

Helen Veronica Gekakis
504-506 Oak St
San Francisco, CA 94102-5523

Nelson Banks
547 Oak St
San Francisco, CA 94102-5507

Jarrod & Taryn Shappell
510 Oak St
San Francisco, CA 94102-5523

Demonsant Benoit
512 Oak St
San Francisco, CA 94102-5523

Robert & Collee Woolsey Devney
13001 42nd Ave NE
Seattle, WA 98125-4624

Droese Family & Droese Douglas
15760 Adams Rdg
Los Gatos, CA 95033-8036

William McMorrow
520 Oak St
San Francisco, CA 94102-5523

Ashley Allen
522 Oak St
San Francisco, CA 94102-5523

Paul Tauger
524 Oak St
San Francisco, CA 94102-5523

Marco Vergara & Christophe Kohlmei
526 Oak St
San Francisco, CA 94102-5523

William Wilson III
527 Oak St
San Francisco, CA 94102-5522

Tracy & Dan Bowermaster Cheung
529 Oak St
San Francisco, CA 94102-5522

Tara Panattoni
PO Box 709
Pebble Beach, CA 93953-0709

Loretta Mak
536 Oak St
San Francisco, CA 94102-5523

Zanice Muckler
12 Lullwater Est NE
Atlanta, GA 30307-1281

San Francisco Zen Center
300 Page St
San Francisco, CA 94102-5649

Mack Dudley Jr.
384 Page St
San Francisco, CA 94102-5612

Pohl Hendrik
434 Page St
San Francisco, CA 94102-5525

John Mueller
436 Page St
San Francisco, CA 94102-5525

Stephanie Adraktas
5906 Colby St
Oakland, CA 94618-1227

Sharon Borden
325A Haight St
San Francisco, CA 94102-6128

Roger & Marlene Schaffner
1328 Las Pulgas Rd
Pacific Palisades, CA 90272-2449

Christopher Maliwat
700 Fell St #2
San Francisco, CA 94117-2630

Sergio Novoa
700 Fell St #3
San Francisco, CA 94117-2630

Robert McKinley
700 Fell St #4
San Francisco, CA 94117-2630

Jennifer & Andrew Newell
700 Fell St #6
San Francisco, CA 94117-2630

June Wood
PO Box 232134
Encinitas, CA 92023-2134

Kim Ann Pham
700 Fell St #8
San Francisco, CA 94117-2630

Gary Richards
720 Fell St #1
San Francisco, CA 94117-2636

William Tanzer
720 Fell St #2
San Francisco, CA 94117-2636

William Pisaruck
720 Fell St #3
San Francisco, CA 94117-2636

Fereidoun Razavi & Razavi Eric
600 E Magnolia Blvd #305
Burbank, CA 91501-3604

Joanne Body
720 Fell St #6
San Francisco, CA 94117-2636

Daniel & Liza Suh Monin
2910 L1 Jacket Rd
Encinitas, CA 92024

Sivakumar Family & Nandi & Chand R
650 Santa Ray Ave
Oakland, CA 94610-1758

Mary Kavanagh 06 Lvg Veronica
2003 Britannia Ln
San Leandro, CA 94579-1987

Raina & Kalinda Ashish
2378 Pheasant Run Cir #CIV
Stockton, CA 95207-5246

David McMillan
725 Fell St #4
San Francisco, CA 94117-2629

Linda Cook
725 Fell St #5
San Francisco, CA 94117-2629

Wan Yih
725 Fell St #6
San Francisco, CA 94117-2629

Stephen Todd
725 Fell St #7
San Francisco, CA 94117-2629

Youssef Tuma
43 W 16th St #12A
New York, NY 10011-6360

Scott Broccoli
61 Roselyn Ter
San Francisco, CA 94118-4320

McKeever Properties
PO Box 320367
San Francisco, CA 94132-0367

Fridge Family & Susan & Fri Kalian
736 Fell St #736
San Francisco, CA 94117-2609

Barry Hutton & Amand Hutton-Parrott
738 Fell St
San Francisco, CA 94117-2609

Sonnenblick Family
744 Fell St
San Francisco, CA 94117-2609

Joshua Williams & Nami Kim
742 Fell St #742
San Francisco, CA 94117-2609

Siri Margerin
766 Fell St
San Francisco, CA 94117-2609

Bruce Rueppel Sr.
780 Fell St
San Francisco, CA 94117-2609

Mark Steven & Elizabeth Hall
1820 Linnet Ln
Petaluma, CA 94954-3906

Aaron Lifshin
809 Fell St
San Francisco, CA 94117-2511

Zemlin & Robert James Sheela
818 Fell St
San Francisco, CA 94117-2512

Jacqueline Tom
1318 Hayes St
San Francisco, CA 94117-1424

Christine & Grze Slezak Fabi
819-821 Fell St
San Francisco, CA 94117-2511

Stephen Matchett
824 Fell St
San Francisco, CA 94117-2512

Willowmoss LLC
1829 Market St #206
San Francisco, CA 94103-7414

Richard Hsu
840 Fell St
San Francisco, CA 94117-2512

Mikhail-Marr Family & G & PA Peter
842 Fell St
San Francisco, CA 94117-2512

Peliks Family & Gerald & Susa Peliks
111 Sutro Heights Ave
San Francisco, CA 94121-2418

Howard Cooper
4 Wray Ave
Sausalito, CA 94965-1831

Leslie Warrington
1015 2nd St #4
Lafayette, CA 94549-3935

Thomas McInerney
1350 Utah St
San Francisco, CA 94110-3535

Deidre Bradford
93 Warfield Dr
Moraga, CA 94556-1340

Patrick & Madeleine Kelliher
180 Urbano Dr
San Francisco, CA 94127-2823

Bettina Glenning
888 Fell St
San Francisco, CA 94117-2512

Eugenia Kalinovich
910 Fell St
San Francisco, CA 94117-2405

Gloria Jean Survivors Wash
919 Fell St
San Francisco, CA 94117-2404

Steven Richardson Robert
8 N Vista De La Luna
Laguna Beach, CA 92651-6752

Vernon & Bennette Nulph
415 Fillmore St
San Francisco, CA 94117-3404

Deborah Rosenthal
3726 Kirkham St
San Francisco, CA 94122-3048

Gary Cohn
426 Fillmore St #B
San Francisco, CA 94117-3405

Todd Brabec & Nancy Goldsen
5484 Parkmor Rd
Calabasas, CA 91302-1028

Sun Shen & Shen Anthony
665 Darrell Rd
Hillsborough, CA 94010-6509

Allyn Jay & Lori Beltran
430 Fillmore St #B
San Francisco, CA 94117-3465

Nicholas
665 Darrell Rd
Hillsborough, CA 94010-6509

Russell John
450 Fillmore St #1
San Francisco, CA 94117-3405

Joe & Joseph Imbriani Salmon
450 Fillmore St #2
San Francisco, CA 94117-3405

Jane Chun
450 Fillmore St #3
San Francisco, CA 94117-3405

Ann Claire Coulter
455-459 Fillmore St
San Francisco, CA 941 17-3404

Larry Saxxon & John Wagner
460 Fillmore St #1
San Francisco, CA 94117-3405

Damian Andrei
460 Fillmore St #2
San Francisco, CA 94117-3405

V Wilder
460 Fillmore St #3
San Francisco, CA 941 17-3405

Zelte & Cubie Crawford Jr.
851 W Idaho
San Mateo, CA 94401

Larry Stiffler
470 Fillmore St #1
San Francisco, CA 94117-3405

Randall Gzebb
470 Fillmore St #2
San Francisco, CA 941 17-3405

Smith-Taylor Family & Steven Smith
470 Fillmore St #3
San Francisco, CA 94117-3405

William & Kathleen Henderson
525 27th St #1
San Francisco, CA 94131-1909

Charles Joseph Englert
480 Fillmore St #2
San Francisco, CA 941 17-3405

Pajarillo-Wang Family & Y & Kar Cle
1940 Webster St
San Francisco, CA 94115-2816

Jacquelynn Davis-Martin
4094 25th St
San Francisco, CA 94114-3815

Edmund Frey
490 Fillmore St #2
San Francisco, CA 941 17-3405

Hoa Hoang
490 Fillmore St #3
San Francisco, CA 94117-3405

Gregory Joseph Schoepp
3619 Balboa St
San Francisco, CA 95403-0918

Alexander McMath
522 Fillmore St
San Francisco, CA 941 17-2620

525 Fillmore St
166 Ripley St
San Francisco, CA 94110-5227

Wilson Hu & Agnes Toan
531 Fillmore St
San Francisco, CA 94117-2619

Pope James D & Pope Properties L
540 Fillmore St
San Francisco, CA 94117-2620

William & Kristin Arietta
7115 Loomis Hills Rd
Loomis, CA 95650-8917

Parnell & William Eagle
612 Fillmore St
San Francisco, CA 94117-2611

Jackson & Char Shaffer Craig
618 Fillmore St #1
San Francisco, CA 941 17-2611

Christine Bulling
618 Fillmore St #3
San Francisco, CA 94117-2611

Kirchman Family & Kirchman T Sheld
160 Prentiss St
San Francisco, CA 94110-5730

Kent & Beverly Greg
PO Box 236
Alamo, CA 94507-0236

Thomas Cubeta
624 Fillmore St #2
San Francisco, CA 94117-2611

James Painter
624 Fillmore St #3
San Francisco, CA 94117-2611

Nagle Family
714 Van Ness Ave
San Francisco, CA 94102-3218

Mark & Shirley Vandewiel
1407 Lyon St
San Francisco, CA 94115-2914

Yolaida Duran & Magie Crystal
646 Fillmore St
San Francisco, CA 94117-2611

Hamilton Family & Mark & Paul Hami
648 Fillmore St
San Francisco, CA 94117-2611

Peter Moran
649 Fillmore St
San Francisco, CA 94117-2610

Arketha Munir
3450 Sacramento St #129
San Francisco, CA 94118-1914

Robert Alonso
1448 6th Ave
San Francisco, CA 94122-3811

Owald Cousins
837 Hayes St
San Francisco, CA 94117-2614

Michael Katz
839 Hayes St
San Francisco, CA 94117-2614

Christopher Anton & H Kerscher
843- A Hayes St
San Francisco, CA 94117

Noel Eckert
5348 La Jolla Blvd
La Jolla, CA 92037-7916

Manawy Nadim El
1661 Turk St
San Francisco, CA 94115-4527

Castaneda Daniel
1923 Fillmore St #A
San Francisco, CA 94115-2744

Carmelinas Limited A Bvi Co
853 Hayes St
San Francisco, CA 94117-2614

Joakim Peter Silvanderson
855 Hayes St
San Francisco, CA 94117-2614

Jeffrey Mihalic
857 Hayes St
San Francisco, CA 94117-2614

James Meyers
877 Hayes St
San Francisco, CA 94117-2614

Kawano Peterson Teiko & Eric Peterso
879 Hayes St
San Francisco, CA 94117-2614

A Buell
3772 Miller Way
Sacramento, CA 95817-1327

Jonathan & Daria Saraf Hom
887 Hayes St
San Francisco, CA 94117-2614

Andrew Peter Bosco
889 Hayes St
San Francisco, CA 94117-2614

Rosalynn Roberson
893 Hayes St
San Francisco, CA 94117-2614

Christian Leroy
895 Hayes St
San Francisco, CA 94117-2614

Louis & Kataya Cornejo
650 Fillmore St
San Francisco, CA 94117-2611

Angelique Brunner & Rachel Robasciot
929 Hayes St
San Francisco, CA 94117-2514

James & Halli Childers Propp
933-935 Hayes St
San Francisco, CA 94117-2514

Sst Investments LLC
1318 Bel Aire Rd
San Mateo, CA 94402-3617

Aida Jones
963 Hayes St
San Francisco, CA 94117-2514

Bruce Chu
965 Hayes St
San Francisco, CA 94117-2514

Andrew & Susanne Keller
967 Hayes St
San Francisco, CA 94117-2514

Shew Darling & Kath Rudolph-Darli
909 Hayes St #1
San Francisco, CA 94117-2503

Megan Morris
969 Hayes St #2
San Francisco, CA 94117-2503

Paul Supawanich
969 Hayes St #3
San Francisco, CA 94117-2503

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 []

Please 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:

Public Hearing - Appeal of Tentative Parcel Map - 653-655 Fell Street

The text is listed below or attached:

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated April 8, 2014, approving a Tentative Parcel Map for a 2-lot subdivision located at 653-655 Fell Street, Assessor's Block No. 0829, Lot No. 024. (District 5) (Appellant: Jeremy D. Herzog) (Filed April 9, 2014).

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: