

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

May 27, 2016

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

Dear President Breed and Members of the Board:

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

Project and Appeal Summary

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

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

(1) the lot merger removes the potential of two normal single-family homes from the site, contrary to all City policies that seek to preserve and promote housing;

(2) the proposed sham second unit is so much smaller than the main unit, so awkwardly designed, so poorly located within the building, and so deprived of natural light, it is obvious it

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

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

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

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

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

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

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

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

(1) The Lot Merger: A Citywide Issue

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

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

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

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

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

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

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

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

At the Planning Commission hearing, we also demonstrated that no interior lot mergers such as the one proposed for this project have occurred in the City since at least 2008¹. Objective 2 of the City's housing element reads "Retain existing housing units and promote safety and maintenance standards, without jeopardizing affordability". In the case of 323 Cumberland we are asking that the City protect something even more fundamental than existing housing: we are asking for the preservation of the underlying standard sized lot, a building block for retaining relatively affordable housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The Demolition

When a Conditional Use is required of new construction and a demolition is a part of the project, Section 317(d)(2) requires the consideration of Section 317's sixteen demolition criteria (Exhibit G) as part of the Conditional Use². We do not believe the demolition meets ten of the sixteen criteria (those highlighted in yellow on Exhibit G). Clearly the project does not conserve existing housing (criteria 7). With replacement of an 8,000 sf building on a street of 2,000 sf homes, it does not conserve neighborhood character (criteria 8). As it replaces a home valued by the Zoning Administrator in his administrative review (Exhibit H) at \$1.6 million with a home anticipated to be valued at \$8 million, the project does not protect the relative affordability of existing housing (criteria 9). The project does not increase the number of permanently affordable units (criteria 10). Because it removes a vacant lot previously identified in the Housing Element as an infill-housing site, it does not locate in-fill housing on appropriate sites in established neighborhoods (criteria 11). While the new house may be said to add one family-sized unit, this would also be true of any home built on the vacant lot. Were the home proposed for demolition to be preserved, a modest addition to that home would also render it ideal for family housing. Thus, in net, the project does not increase the number of family-sized units on-site as effectively as one that would not require demolition and Conditional Use (criteria 12). The project does not create supportive housing (criteria 13). As explained below, we do not believe the project is of superb design or otherwise enhances the existing neighborhood character (criteria 14). While the proposal pretends to increase the number of on-site dwelling units, it is obvious the downstairs unit is never going to house a separate family, whereas retention of the existing home and construction of a new home on the vacant lot will add a real second unit for a real family (criteria 15). Finally, while the proposed building contains 5 bedrooms, the retention of the existing home (even without any addition) and the new construction of a 3,000 sf home on the vacant lot would increase the number of bedrooms (perhaps to more than 5) while also providing for true family housing on each of two lots (criteria 16).

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

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

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

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

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

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

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

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

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

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

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

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

(6) The Entitlement Process was flawed

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

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

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

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

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

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

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

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

Summary

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

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

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

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

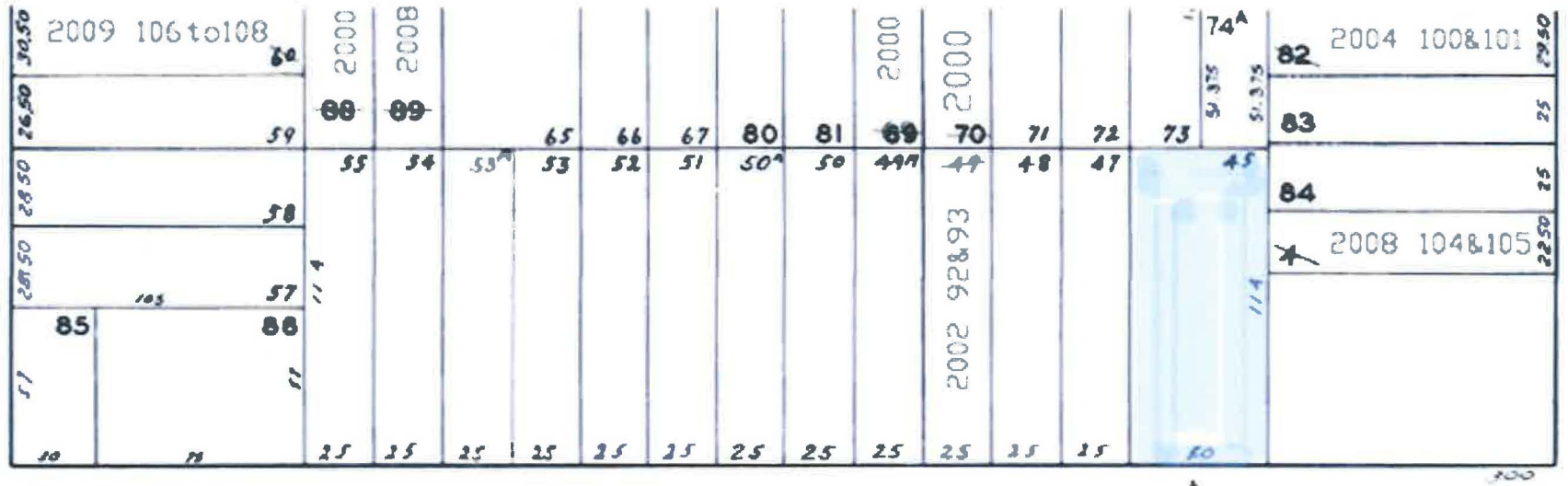
Sincerely,

A handwritten signature in cursive script that reads "Bruce R. Bowen".

Bruce R. Bowen

EXHIBIT A

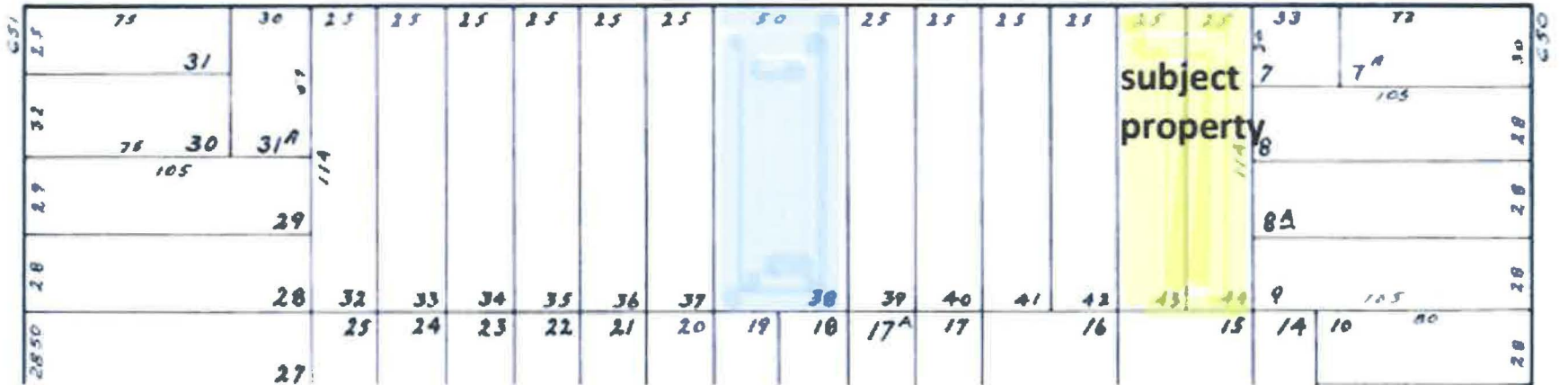
Speaker 1, Graphic 2



NOE

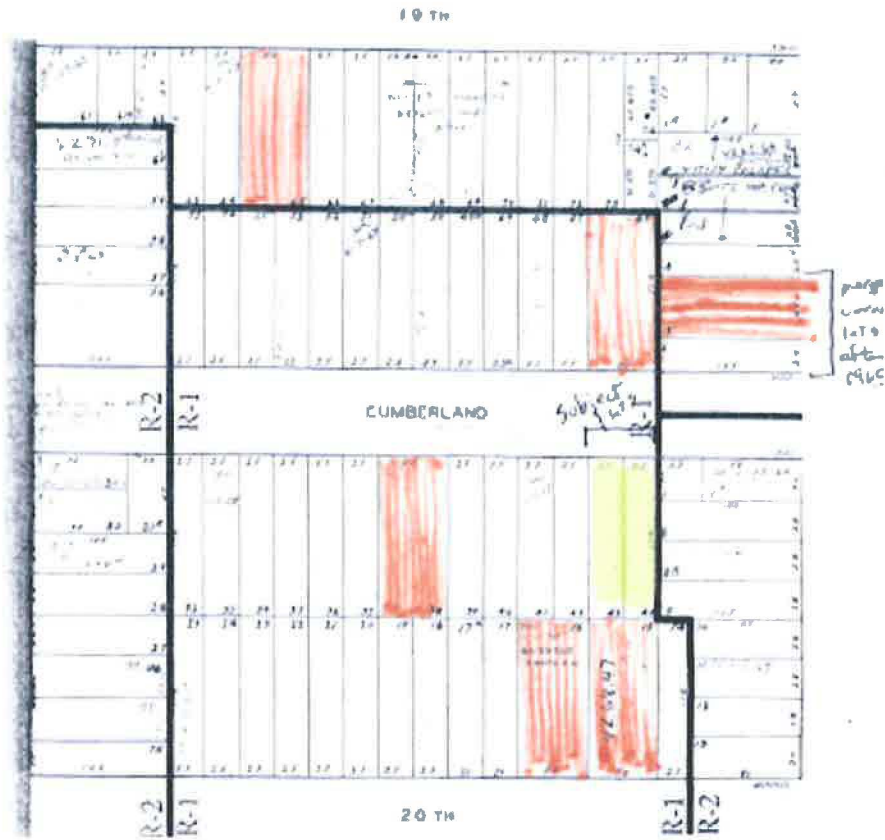
CUMBERLAND

there are only two double interior lots now



SANCHEZ

EXHIBIT B

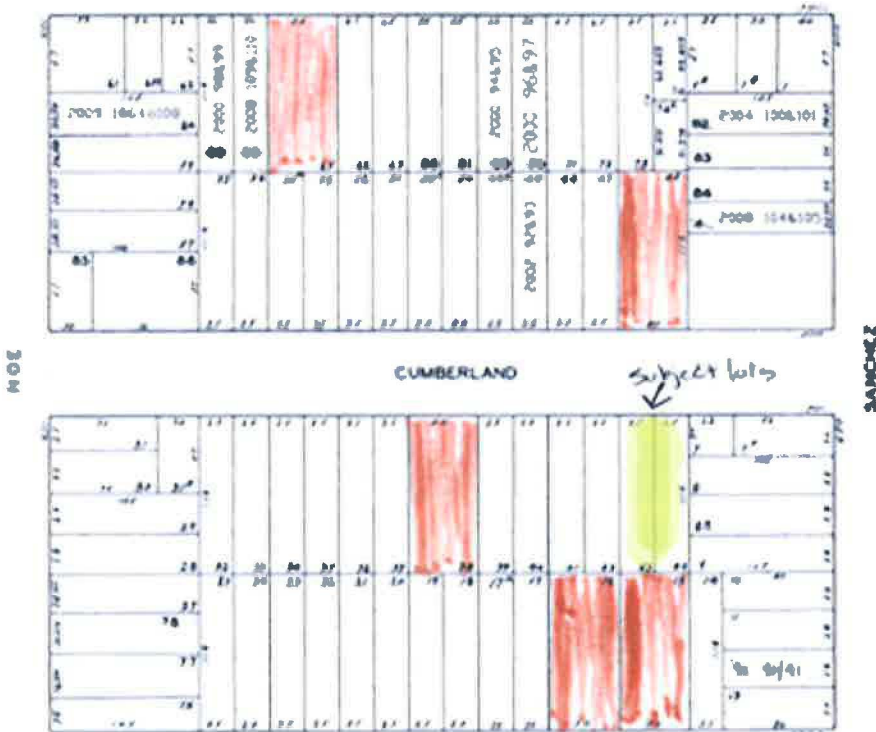


1965 LOT/BLOCK MAP:

**SIX DOUBLE INTERIOR LOTS
OUT OF 79 INTERIOR LOTS**

**8% OF DOUBLE INTERIOR
LOTS**

CURRENT TAX ASSESSOR MAP



CURRENT TAX ASSESSOR MAP:

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

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

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

EXHIBIT C

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

8. [2013.1213CUA](#)

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

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

Preliminary Recommendation: Approve with Conditions

SPEAKERS: = Erika Jackson – Staff presentation

+ Jim Reuben – Project presentation

+ John Maniskelko – Design presentation-

Heather Thompson – Precedent, lot merger-

Mellisa Kennedy – Scale, FAR-

John Odin – Dolores Heights SUP-

Greg Roberts – Opposition-

(F) Speaker Liveability-

Bruce Bowen – Lot mergers-

David PEnnybaker --

Sam Fleschman – Does not meet CU findings-

Carolyn Kennedy – Section 317-

Ozzie Roam – Oppostion-

Hett Courier – Opposition-

(M) Speaker – Precedence-

Liz Clarke – No ski resort on Cumberland-

Joanne King – Opposition-

Karl Leachman – Opposition-

Matt McAbe – Opposition-

Renee de Cossio – Opposition-

Edward Mason – 50' wide lots-

(F) Speaker – Opposition-

Elizabeth Kantor – Character of the neighborhood-

(F) Speaker – Opposition

+ (M) Speaker – Support

+ Justin Schafer – Support

+ Annabel Teal – Support

+ Vicera Vitchekatanasan – Family housing

+ Will Stockwell – Support

+ Adam Oseri – Support

+ (M) Speaker – Support

+ (M) Speaker – Support

+ (M) Speaker – Support

+ (F) Speaker – Support

+ Nina Kosla – Support-

Franchesca Prada – Opposition-

Georgia Schuttish – Homeownership precedents

ACTION: Approved with Conditions as amended to include:

1. Work with staff on improved exposure for the second unit;

2. Provide a 1:1 parking ratio, without compromising the second unit; and

3. Record an NSR identifying the property as a two-unit building.

AYES: Fong, Antonini, Hillis, Johnson

NAYES: Richards, Moore, Wu

MOTION: [19604](#)

EXHIBIT D

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

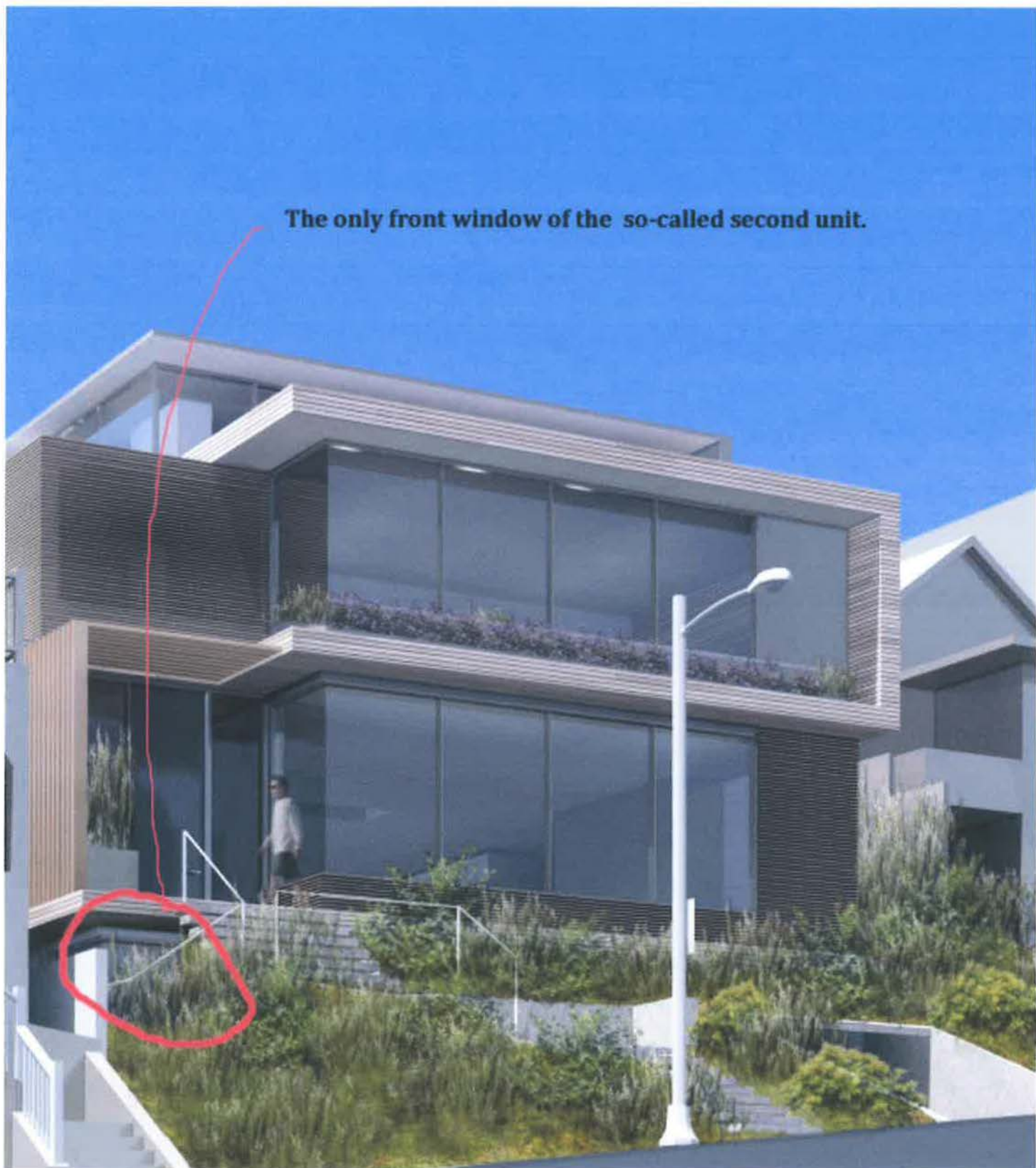
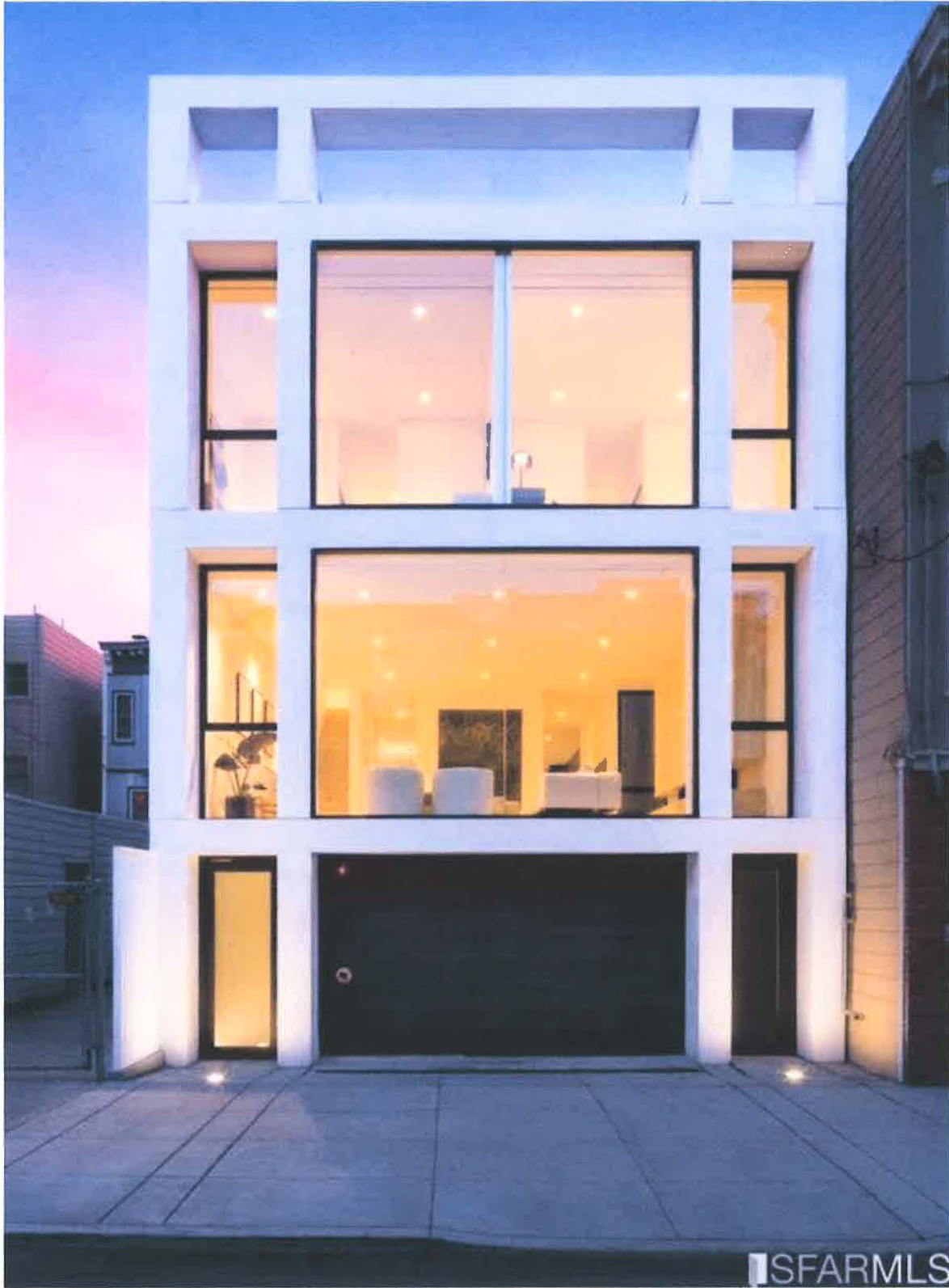


EXHIBIT E



50-52 oakwood
Before



50 oakwood
after
Marketed as SFR



← The
"Au Pair"

50 Oakwood
after
(year)

SAN FRANCISCO

1000 1845 Laguna Sun 2-4



renovated Victorian with
ng ceilings and a gourmet
ore Street. WalkScore 98!
guna.com
eter Fislser 415.606.6621

Ave Sat/Sun 2-4pm. 3bd/1ba
us room, expansion potential.
c near shops, park, muni.
nT Rity, P. Warrin 415-407-8019

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SAN FRANCISCO

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



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

Potrero Hill. \$549,000. 888 7th #L04. Open Sun 2-4.
Cameron Bamberger, PACIFIC UNION, 415-269-3825

Potrero Hill. \$1,850,000. 845 Vermont St. #2 Open Sat & Sun
2-4. Top floor, 3BR/2.5BA condo w/views & garage. Large deck
w/city & park views. Located on a coveted block directly across
from McKinley Park this condo has it all! Wendy Soderborg,
PACIFIC UNION, 415.939.0175

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

ON SALE AT
YOUR BAY AREA
NOB HILL

SAN FRANCISCO

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



VIEWS! VIEWS! VIEWS! 2 Units w/Potential for Big SFR w/Small
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Melinda Lee CB 415.336.0754

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SFGATE San Francisco Chronicle

SAN FRANCISCO

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



Spectacular Modern View Residence
4bd/3.5ba/3lvl + fam rm, mdrn rrvtn, dsgrn frshs,
amaz views! MajesticViewsOnPotrero.com
Greg Fulford 415-321-7002 Vanguard

Potrero Hill \$3,495,000. 838 Rhode Island Sun 2-4.
New 3 level spacious 4BR/4.5BA home. Downtown Bay
views. South garden/deck. Soaring ceilings, open floor
plan. Separate legal studio. Radiant heat/Solar electric.
838RhodeIsland.com. CB Dona Crowder. 415-310-5935

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

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

CONTRA COSTA COUNTY

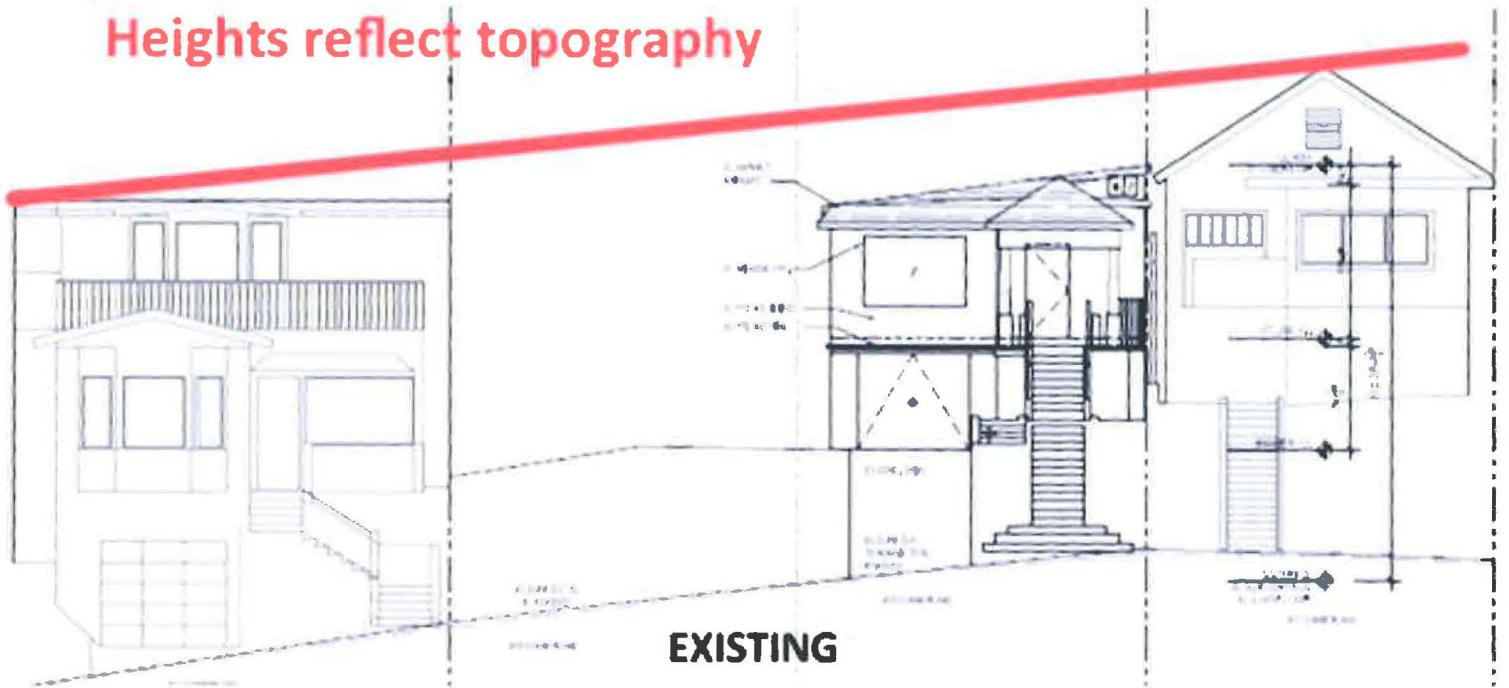
Upper Rockridge \$2,100,000 16 Emery Lane Sun 2-4:30

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

3BR/2
Pied
thru
w/50
view

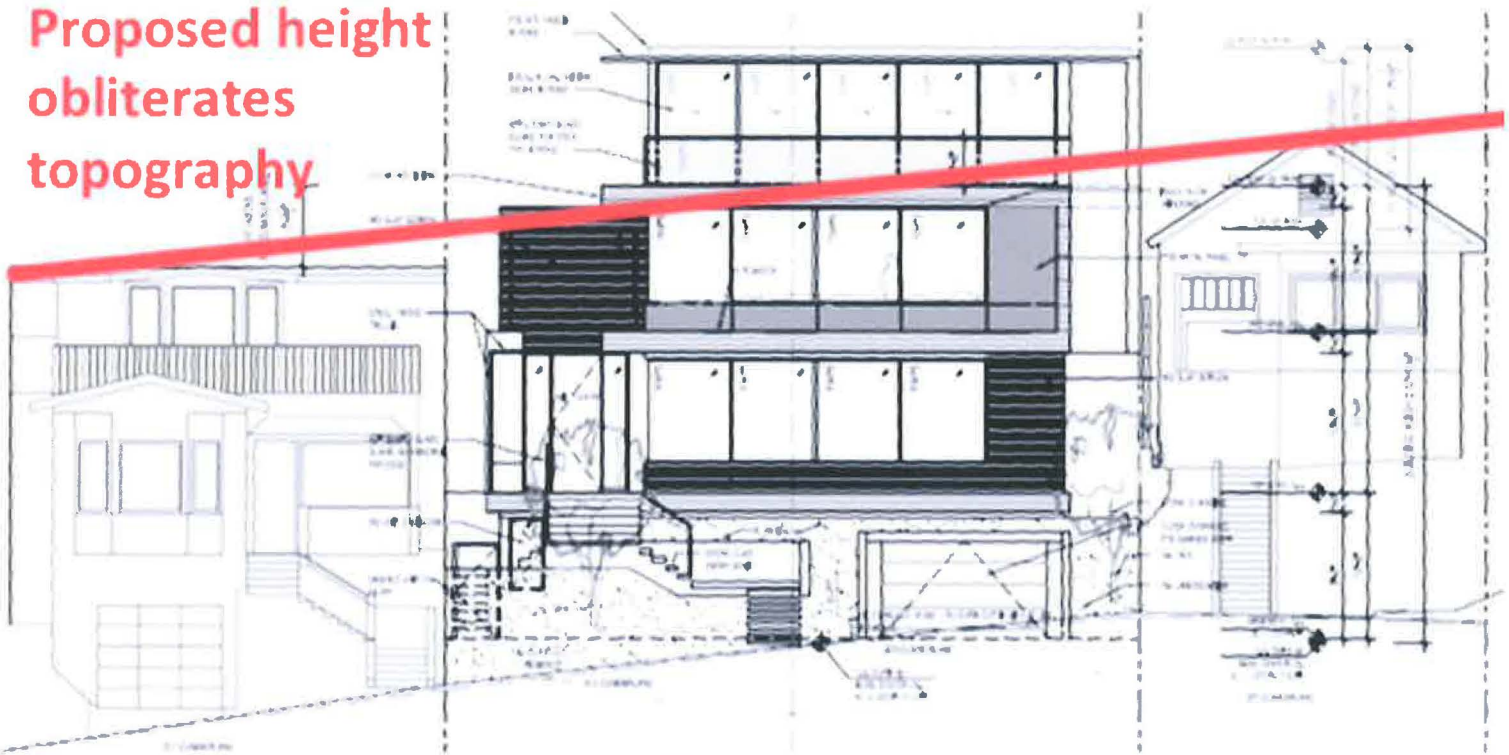
EXHIBIT F

Heights reflect topography



EXISTING

Proposed height
obliterates
topography



PROPOSED

EXHIBIT G

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

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

EXHIBIT H

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

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

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

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

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

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

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

EXHIBIT I

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



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

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

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

EXHIBIT J



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



Home on lot 45 -- also broken into parts



Lot 38 home broken into two parts

EXHIBIT K

SAN FRANCISCO
CITY PLANNING COMMISSION
RESOLUTION NO. 8472

WHEREAS, The City Planning Commission on November 8, 1979 and January 10, 1980 heard Application No. ZM79.24 under Section 302 of the City Planning Code to reclassify property from an RH-1 district to an RH-1 district with additional regulations as the DOLORES HEIGHTS SPECIAL USE DISTRICT, and on January 10, 1980 heard Application No. ZT79.6 under Section 302 of the City Planning Code to amend the text of that Code by adding a new Section 241 thereto and amending other Sections as appropriate for the purpose of implementing the DOLORES HEIGHTS SPECIAL USE DISTRICT with both the map and the text amendments to apply to the property described as follows:

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

and

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

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

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

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

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

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

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

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

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

THEREFORE BE IT RESOLVED, That the City Planning Commission, before acting on the project itself under Applications Numbered ZM79.24 and ZT79.6 hereby declares that it has reviewed and considered the information contained in the negative declaration; and

BE IT FURTHER RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare require that applications numbered ZM79.24 and ZT79.6 be APPROVED.

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

Lee Woods, Jr.
Secretary

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

NOES: None.

ABSENT: None.

PASSED: January 10, 1980.

EXHIBIT L



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

Cumberland Hearing Reschedule

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

Tue, Dec 22, 2015 at 7:02 AM

Hi Bruce,

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

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

Thanks,

Erika

EXHIBIT M

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

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

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

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

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

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

Therefore, we hereby request that:

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

Name	Address	Signature
Lillian Johnson	650 Sanchez St	Lillian Johnson

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

Name	Address	Signature
Judith Hedgpeth	650 Sanchez St.	JUDITH HEDGPETH
Karl Leichum	3917 19 th Street	Karl Leichum
Susi Harbitt	343 Cumberland St	Susi Harbitt
Chris Harbitt	343 Cumberland St	Chris Harbitt
LINDY JOFFE	377 CUMBERLAND ST	Lindy Joffe
Cate Kellison	377 Cumberland	Cate Kellison
San Tran	385 Cumberland	San Tran
Frank Nolan / ^{TGM} Berry	373 CUMBERLAND	Frank Nolan
Bruce Murchil	336 Cumberland	Bruce Murchil
DAN OATLEY	380 Cumberland	Dan Oatley
Erik Abegglen	380 Cumberland	Erik Abegglen
Lorin Bender	366 Cumberland	Lorin Bender
Andrew Chaulhse	360 Cumberland St	Andrew Chaulhse
Cyril Merrillan	357 Cumberland	Cyril Merrillan
ANGEZIKA JOAST	357 CUMBERLAND	Angerika Joast
SUZANNE TURLEY	678 SANCHEZ	Suzanne Turley
Michael LANZ	674 Sanchez	Michael Lanz
Frank Hantz	706 Sanchez	Frank Hantz
David Ligon	725 Sanchez	David Ligon
Casey Nelson	725 Sanchez	Casey Nelson
STEPHEN LOMICKA	386 CUMBERLAND ST.	Stephen Lomicka
MATTHEW LOMICKA	338 CUMBERLAND ST	Matthew Lomicka
HANS KOLBE	3722-21 st ST 94114	Hans Kolbe
ANDREA SEIBAU	378 CUMBERLAND ST	Andrea Seibau
STEVEN DEUTSCH	378 CUMBERLAND ST	Steven Deutsch
allen sinclair chen	311 CUMBERLAND ST	Allen Sinclair Chen
Cecily Gallup	311 CUMBERLAND ST	Cecily Gallup
RICHARD V. LYNCH III	329 CUMBERLAND ST	Richard V. Lynch III

**Petition dated as of March 2015, regarding
Proposed new construction at 323 Cumberland Street and
Dolores Heights Improvement Club review of building permits and
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Any new project that, like the one at 323 Cumberland St., proposes replacing a house of 877 gross square feet with a house of 7,181 gross square feet (data according to the project sponsor's Application, dated October 1, 2014) is not in compliance with the principles and intent of either the Residential Design Guidelines or Section 241.

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

**Petition dated as of March 2015, regarding
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and surrounding neighborhoods

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Name	Address	Signature
ROY PETERKOWSKY	4245 25th St 94114	Roy Peterkowsky
Ozzie Rohm	471 Clapper 94114	Ozzie Rohm

Wrong Home in the Wrong Place



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

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

Wrong Home in the Wrong Place

Printed name	Signature	Address	Date	Comments, optional
Carol Britschgi	Carol Britschgi	119 Vicksburg	3/23/2016	Too High !!
Debra Dale	Debra Dale	430 29th St.	3/23/2016	Not appropriate scale or character
Phil Carter	Phil Carter	430 29th St.	3/23/16	Breaks up the view that you see
Ralph Guterman	Ralph Guterman	4047 Cesar Chavez	3-23-16	OUT OF SCALE DESTROYS community
Alice West	Alice West	4047 Cesar Chavez	3-23-16	TOO BIG!!!
MARY TARYN	Mary Taryn	449 CLIPPER ST	3/25/16	MUCH TOO LARGE FOR STREET
STEVE BOEDDEKER	Steve Boeddeker	449 CLIPPERS	3/25/16	OUT OF SCALE & BAD FIT
Rosa Moss	Rosa Moss	359 Jersey	3/25/16	Way to big and incompatible ^{with} neighbors
NINA SALVANO	Nina Salvano	4227 26th St.	3/27/16	out of scale - too large
JIM MORRELL	Jim Morrell	308 ELIZABETH	3/27/16	OUT of CHARACTER & SCALE!
Carol Broderick	Carol Broderick	367 Jersey	3/28/16	Out of Character + Scale
Tom Broderick	Tom Broderick	367 Jersey St	3/28/16	Too LARGE for Area
DAVID SANCHEZ	David Sanchez	4330 25th St	3/28/16	OUT OF SCALE
MARIA PARDAL	Maria Pardal	4330 25th St.	3/28/16	OUT OF SCALE + CHARACTER
MATTHEW T. McLAUGHLIN	Matthew T. McLaughlin	1101 DIAMOND ST	3/28/16	WASTING 2 CITY LOTS ON A
OZZIE ROHM	Ozzie Rohm	471 CLIPPER ST.	3/29/16	TRAPNY HOUSE! MASSEIVE, OUT OF SCALE & WASTFULLY OF PRECIOUS SPACE IN THE CITY





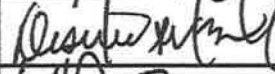



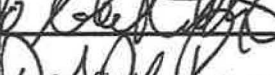
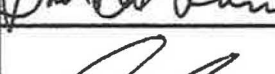


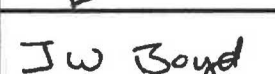

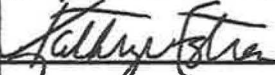
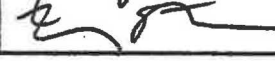
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- demolish an affordable home.
- build one single new building almost **3x larger** than the average-sized home in our neighborhood.

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

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

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

Printed name	Signature	Address	Date	Comments, optional
Tim Thompson		785 Brannan St	3/23/16	Good Luck!
Michael		2190 15th St	3/23/16	
Desiree Thompson		3950 18th St	3/23/16	
Michael Pappas		1427 15th St	3/23/16	
JOHN W. FOXFITS		549 Macd + late	3/23/16	Keep it up
FRANK LESTER		439 Corbett Ave	3/23/16	
ROBERT CASTELLANO		1520 CHURCH ST 31		
David DelRosari		235 Collingwood	3/23	Good Luck
David Lynd				
GARY SOUAS		195 Stanford	3/23	
Joshua Duffney		2306 Market	3/23	
James W Boyd	JW Boyd	2710 Market #6	3/23	
Eugene	E.F.	88 Vulcan St.	3/23	
DONNA EDWARDS		2470 15th St	3/23	GOOD Luck!
Kathryn Estera		1456 Grove St	3/23	
Wendy Esmeralda		5 - ...	3/23/16	

Printed name	Signature	Address	Date	Comments, optional
James McGain	James McGain	753 Webster St	3-27-16	
Samba Guisfe	Samba Guisfe	2736 93 Ave	3-27-16	
Cassandra Inglesby	Cassandra Inglesby	8475 33rd St	3-27-16	
Billie Dillon	Billie Dillon	516 Visitacion	3-27-16	
Nina Maez	Nina Maez	516 Visitacion	3-27-16	
Willa Crowell	Willa Crowell	2065 Vallejo	3-27-16	
Cody Hobbs	Cody Hobbs	1527 Corn Ave #21	3-27-16	
Andy Mullen	Andy Mullen	1472 E. 11th	3-27-16	
JAMES PATTE	James Patten	1165 Besuath St	3-27-16	
PATRICK SIMMER	Patrick Simmer	891 Post #406	3-27-16	
ARTURO NORIEGA	Arturo Noriega	1190 MISSION 4th	3-27-16	
ANDREW LUI	Andrew Lui	421 ARKANSAS ST	3-27-16	
Lorys Crisafulli	Lorys Crisafulli	76 1/2 Kansas	3-27-16	
Marcia A. Kimmell	Marcia A. Kimmell	1695 18th St #313 SF	3/27/16	

Wrong Home in the Wrong Place



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




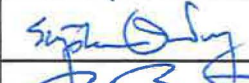





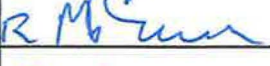






- merge two lots into one, thereby eliminating a potential unit of family housing.
- demolish an affordable home.
- build one single new building almost **3x larger** than the average-sized home in our neighborhood.

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

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

Printed name	Signature	Address	Date	Comments, optional
JOE KALL			3/26	
Jan Sternat		Diamond	3/26	
Elizabeth Crane		Eureka St	3/26	You must be joking.

Wrong Home in the Wrong Place

Printed name	Signature	Address	Date	Comments, optional
Tonantzi Alcantara		5 Moffitt St.	3/26/15	
Susan Bragagnolo		3835 23rd St.	3/26/15	
Cary Barrett		45 Worth St.	3-26-16	
Stephen Orby		204 Hoffman	3-26-16	
Ryan Reed		645 G. VIEW AVE	3/26/16	
Yann Schwelher		4029 22nd St	3/26/16	
Colleen Cooked		3145 24th St.	3/26/16	
BETH TOWNS		4007 22nd St	3/26/16	
Nancy Catena		3833 Conroy St	"	
MARK ROLLER		316 HIGHLAND AV	"	
CATHERINE VOWLES		108 GRANDVIEW AVE, #1	"	
Peter Gabriel		386 Elizabeth St	"	
	Laura Lechner	960 Elizabeth St	3/26/16	
Bethia Quinn		3729 26th St	3/26/16	
Sarah Brasen		1179 Dolores St	3-26-16	
Richard Anderson		568 Elizabeth St	3/26/16	

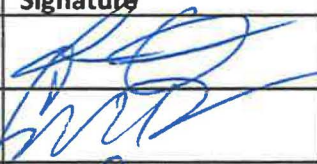



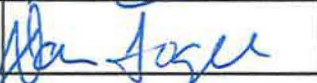
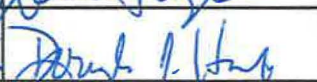
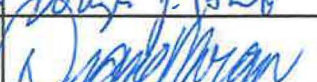

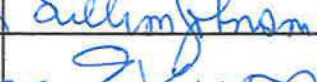


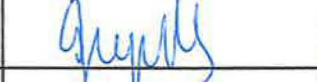
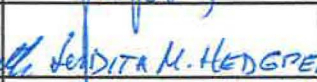
Printed name	Signature	Address	Date	Comments, optional
Isaac Constantine Cobden Turner		1258 Noel Street	3/26/16	
		1255 N 4th St	3/26/16	
Chris Cohade		263 Cheney St	3/26/16	
Richard Gross		267 Fair Oaks St	3/26/16	
Donna Fogel		4377 26th St.	3/26/16	
DOUGLAS HARRIS		331 CLIPPER ST #1	3/26/16	
DIANE MORAN		300+322 CUMBERLAND	3/26/16	
Lillian Johnson		650 SAOCHER ST	3/31/16	
Elizabeth Kenton		1348 Cumberland	3/31/16	
FRANCESCA PRADA		367 A ST S.A. 910	3/31/16	
Greg Roberts		322 Cumberland St	3/31/16	
Judith M. Hedgren		650 Sanchez St	3/31/16	
STEPHEN HUDNER		396 CUMBERLAND	3/31/16	

EXHIBIT 0



Duboce Triangle Neighborhood Association

PMB # 301, 2261 Market Street, San Francisco, CA 94114

(415) 295-1530 / www.dtna.org

May 20, 2016

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

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

President Breed and Members of the Board of Supervisors:

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

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

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

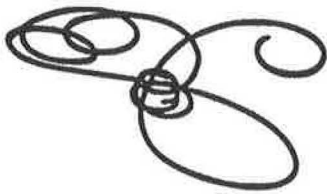
We believe the project's lot merger and sham second unit set dangerous precedents for neighborhood and City planning.

We join other District 8 Neighborhood Associations:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Weiss". The signature is fluid and cursive, with several loops and a long horizontal stroke extending to the left.

Gary Weiss, Land Use Chair,
Duboce Triangle Neighborhood Association



CASTRO/EUREKA VALLEY NEIGHBORHOOD ASSOCIATION

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

EVNA
PO Box 14137
San Francisco, CA 94114
www.evna.org

EVNA, a 501 (C)(4) Non-profit,
Tax ID: 51-0141022

Eureka Valley Foundation,
a 501(C)(3) Non-profit,
Tax ID: 26-0831195

EXECUTIVE COMMITTEE

Crispin Hollings
President
Castro Street

Scott Johnson
Secretary
19th Street

James Moore
Treasurer
18th Street

COMMITTEE CHAIRS

James Keim
Newsletter & Social Media
Castro Village Wine Co.

Jack Keating (Ex-Officio)
Planning & Land Use
17th Street

Shelah Barr
Quality of Life
17th Street

Mark McHale
Social
Vanguard Properties

Orie Zaklad
Technology & Marketing
Collingwood Street

DIRECTORS:

Patrick Crogan
Market Street

Tim Eicher
Q Bar

Mary Edna Harrell
Castro Street

Alan Beach-Nelson
Castro Street

Loïc Olichon
18th Street

EX OFFICIO DIRECTORS:

Steve Clark Hall
Webmaster
19th Street

Judith Hoyem
Emeritus
17th Street

March 17, 2016

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

Re: Conditional Use Permit: 323 Cumberland Street

Dear Commissioners,

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

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

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

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

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

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

Very truly yours,

Crispin Hollings
President

About Castro/Eureka Valley Neighborhood Association:

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

Protect Noe's Charm

The neighborhood organization committed to fair planning for Noe Valley



March 22, 2016

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

Re: Conditional Use Authorization Hearing for 323 Cumberland Street

Members of the Planning Commission,

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

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

Protect Noe's Charm

The neighborhood organization committed to fair planning for Noe Valley

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

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

Sincerely,

Ozzie Rohm

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

LHNA opposition to CU app for 323 Cumberland St.

Elizabeth Fromer <efromer3@gmail.com>

Mon, Mar 28, 2016 at 9:40 PM

To: planning@rodneyfong.com, [dennis Richards <dennis.richards@sfgov.org>](mailto:dennis.richards@sfgov.org), wordweaver21@aol.com, richhillssf@yahoo.com, "christine.d.johnson@sfgov.org" <christine.d.johnson@sfgov.org>, mooreurban@aol.com, cwu.planning@gmail.com

Dear President Fong and Members of The Planning Commission:

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

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

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

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

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

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

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

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

Dear President Fong and Planning Commissioners,

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

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

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

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

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

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

Sincerely,

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

3632 21st Street
San Francisco, CA 94114

carolynkenady@gmail.com

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

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

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

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

Dear President Fong and Planning Commissioners:

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

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

We oppose the project for the following reasons:

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

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

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

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

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

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

Sincerely,

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

3632 21st Street
San Francisco, CA 94114

carolynkenady@gmail.com